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SECOND SESSION

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SENATE—*Monday, January 19, 1970*

The 19th day of January being the day prescribed by Public Law 91-182, 91st Congress, first session, for the meeting of the second session of the 91st Congress, the Senate assembled in its Chamber at the Capitol.

The PRESIDENT pro tempore (Mr. Russell). The second session of the 91st Congress will now be in order and will be led in prayer by the Chaplain, the Reverend Edward L. R. Elson, D.D.

The Chaplain offered the following prayer:

Almighty God, in whom we live and move and have our being, to whom all hearts are open, all desires known, and from whom no secrets are hid, attune to Thy divine will and purpose the minds and spirits of all who resume their labors here. By Thy pervasive presence make this room in the year before us not only a legislative chamber but a temple of freedom under God, and a sanctuary of the soul, where the welfare of all the people is the highest concern. Make us to know we work not alone but with Thee.

As we pray for ourselves, so also we pray for the whole Nation. May there come upon this Nation a mighty movement of the Spirit, investing all the people with pure religion and lofty patriotism. Restore us in the ways of moral rectitude and kindle in the people such a love of the spiritual verities and the discipline of prayer as to make us great and good and strong, a bastion of spiritual power for all mankind.

Through Jesus Christ our Lord. Amen.

CALL OF THE ROLL

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

[No. 1 Leg.]

Aiken
Allen
Allott
Anderson
Baker
Bellmon
Bennett
Bible
Boggs
Brooke
Burdick
Byrd, Va.
Byrd, W. Va.
Cannon
Case
Church
Cook
Cooper
Cotton
Cranston
Curtis
Dole
Eagleton
Eastland
Ellender
Ervin
Fannin
Fulbright
Goldwater
Gore
Gravel
Griffin
Gurney
Hansen
Harris
Hart
Hartke
Hatfield
Holland
Hruska
Hughes
Inouye
Jackson
Jordan, N.C.
Jordan, Idaho
Kennedy
Long
Magnuson
Mansfield
Mathias
McClellan
McGee
McGovern
McIntyre
Metcalf
Miller
Mondale
Montoya
Moss
Murphy
Muskie
Nelson
Packwood
Pastore
Pearson
Pell
Percy
Prouty
Proxmire
Randolph
Ribicoff
Russell
Saxbe
Schweiker
Scott
Smith, Maine
Smith, Ill.
Sparkman
Spong
Stennis
Symington
Talmadge
Thurmond
Tydings
Williams, N.J.
Williams, Del.
Yarborough
Young, N. Dak.

Mr. KENNEDY. I announce that the Senator from Connecticut (Mr. Dodd), the Senator from South Carolina (Mr. Hollings), the Senator from Minnesota (Mr. McCarthy), the Senator from Ohio (Mr. Young), and the Senator from Indiana (Mr. Bayh) are necessarily absent.

Mr. GRIFFIN. I announce that the Senator from Colorado (Mr. Dominick), the Senator from Hawaii (Mr. Fong), the Senator from New York (Mr. Goodell), the Senator from Alaska (Mr. Stevens), and the Senator from Texas (Mr. Tower) are necessarily absent.

The Senator from South Dakota (Mr. Mundt) is absent because of illness.

The Senator from New York (Mr. Javits) is absent on official business.

The PRESIDENT pro tempore. A quorum is present.

LIST OF SENATORS BY STATES

Alabama.—John J. Sparkman and James B. Allen.

Alaska.—Ted Stevens and Mike Gravel.

Arizona.—Paul J. Fannin and Barry Goldwater.

Arkansas.—John L. McClellan and J. W. Fulbright.

California.—George Murphy and Alan Cranston.

Colorado.—Gordon Allott and Peter H. Dominick.

Connecticut.—Thomas J. Dodd and Abraham A. Ribicoff.

Delaware.—John J. Williams and J. Caleb Boggs.

Florida.—Spessard L. Holland and Edward J. Gurney.

Georgia.—Richard B. Russell and Herman E. Talmadge.

Hawaii.—Hiram L. Fong and Daniel K. Inouye.

Idaho.—Frank Church and Len B. Jordan.

Illinois.—Charles H. Percy and Ralph T. Smith.

Indiana.—Vance Hartke and Birch E. Bayh.

Iowa.—Jack Miller and Harold E. Hughes.

Kansas.—James B. Pearson and Robert Dole.

Kentucky.—John Sherman Cooper and Marlow W. Cook.

Louisiana.—Allen J. Ellender and Russell B. Long.

Maine.—Margaret Chase Smith and Edmund S. Muskie.

Maryland.—Joseph D. Tydings and Charles McC. Mathias, Jr.

Massachusetts.—Edward M. Kennedy and Edward W. Brooke.

Michigan.—Philip A. Hart and Robert P. Griffin.

Minnesota.—Eugene J. McCarthy and Walter F. Mondale.

Mississippi.—James O. Eastland and John Stennis.

Missouri.—Stuart Symington and Thomas F. Eagleton.

Montana.—Mike Mansfield and Lee Metcalf.

Nebraska.—Roman L. Hruska and Carl T. Curtis.

Nevada.—Alan Bible and Howard W. Cannon.

New Hampshire.—Norris Cotton and Thomas J. McIntyre.

New Jersey.—Clifford P. Case and Harrison A. Williams, Jr.

New Mexico.—Clinton P. Anderson and Joseph M. Montoya.

New York.—Jacob K. Javits and Charles E. Goodel.

North Carolina.—Sam J. Ervin, Jr., and B. Everett Jordan.

North Dakota.—Milton R. Young and Quentin N. Burdick.

Ohio.—Stephen M. Young and William B. Saxbe.

Oklahoma.—Fred R. Harris and Henry Bellmon.

Oregon.—Mark O. Hatfield and Robert W. Packwood.

Pennsylvania.—Hugh Scott and Richard S. Schweiker.

Rhode Island.—John O. Pastore and Claiborne Pell.

South Carolina.—Strom Thurmond and Ernest F. Hollings.

South Dakota.—Karl E. Mundt and George S. McGovern.

Tennessee.—Albert Gore and Howard H. Baker, Jr.

Texas.—Ralph W. Yarborough and John G. Tower.

Utah.—Wallace F. Bennett and Frank E. Moss.

Vermont.—George D. Aiken and Winston L. Prouty.

Virginia.—Harry F. Byrd, Jr., and William B. Spong, Jr.

Washington.—Warren G. Magnuson and Henry M. Jackson.

West Virginia.—Jennings Randolph and Robert C. Byrd.

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Wisconsin.—William Proxmire and Gaylord Nelson.

Wyoming.—Gale W. McGee and Clifford P. Hansen.

NOTIFICATION TO THE PRESIDENT

Mr. MANSFIELD submitted a resolution (S. Res. 304) which was read, considered by unanimous consent, and agreed to, as follows:

S. Res. 304

Resolved, That a committee consisting of two Senators be appointed by the President pro tempore to join such committee as may be appointed by the House of Representatives to wait upon the President of the United States and inform him that a quorum of each House is assembled and that the Congress is ready to receive any communication he may be pleased to make.

The PRESIDENT pro tempore appointed Mr. MANSFIELD and Mr. SCOTT the committee on the part of the Senate.

NOTIFICATION TO THE HOUSE

Mr. SCOTT submitted a resolution (S. Res. 305) which was read, considered by unanimous consent, and agreed to as follows:

S. Res. 305

Resolved, That the Secretary inform the House of Representatives that a quorum of the Senate is assembled and that the Senate is ready to proceed to business.

HOUR OF DAILY MEETING

Mr. KENNEDY submitted a resolution (S. Res. 306) which was read, considered by unanimous consent, and agreed to as follows:

S. Res. 306

Resolved, That the hour of daily meeting of the Senate be 12 o'clock meridian unless otherwise ordered.

DEPARTMENTS OF LABOR AND HEALTH, EDUCATION, AND WELFARE, AND RELATED AGENCIES BILL, 1970—CONFERENCE REPORT

Mr. MANSFIELD. Mr. President, what is the unfinished business?

The ACTING PRESIDENT pro tempore. The unfinished business is the conference report on H.R. 13111, the appropriations bill for the Departments of Labor and Health, Education, and Welfare, and related agencies, 1970.

The Chair states to the Senator from Montana that the conference report does not come down automatically at this time.

Mr. MAGNUSON. Mr. President, I move that the Senate proceed to the consideration of the conference report.

The PRESIDENT pro tempore. The conference report will be stated.

The LEGISLATIVE CLERK. A conference report on H.R. 13111, an act making appropriations for the Departments of Labor and Health, Education, and Welfare, and related agencies, for the fiscal year ending June 30, 1970, and for other purposes.

The PRESIDENT pro tempore. The question is on agreeing to the motion of the Senator from Washington.

The motion was agreed to.

LEGISLATIVE PROGRAM

Mr. MANSFIELD. Mr. President, will the Senator yield?

Mr. MAGNUSON. I yield.

The PRESIDENT pro tempore. The Senate will be in order. The majority leader has an important announcement to make. The Senate will be in order.

Mr. MANSFIELD. Mr. President, for the information of the Senate, it is the leadership's intention to operate on a Monday through Saturday basis as long as there is major legislation on the calendar ready for consideration. There is presently a good deal of proposed major legislation on the Senate Calendar; thus, this week we shall be working a full 6-day week. The proposed schedule for this week and next includes not only the consideration of the pending conference report, but there will be forthcoming sometime soon the conference report on the foreign aid bill.

Following that, there will be the organized crime control bill (S. 30) under the managership of the distinguished Senator from Arkansas (Mr. MCCLELLAN).

Following that—and of course, all of these will be after the Crime Control Act, but will not necessarily be in this order—the Drug Control Act, S. 3246; H.R. 14465, a bill to provide for the expansion and improvement of the Nation's airport and airway system, for the imposition of airport and airway user charges, and for other purposes;

S. 1520, a bill to exempt from the antitrust laws certain combinations and arrangements necessary for the survival of failing newspapers;

S. 3154, a bill to provide long-term financing for expanded urban public transportation programs, and for other purposes.

It is my understanding that the elementary and secondary school education bill will be reported by the Committee on Labor and Public Welfare on Wednesday, January 21. That measure will be considered with the others mentioned as a first priority measure without delay.

So, what we intend to do—and this meets with the approval of the distinguished Republican leader—is to try to keep abreast of the needs of the times as they become apparent, to try to accede to the President's requests for the type of action which he desires, and to try to work out a schedule which would hopefully get us out of here by Labor Day.

I hope that this year any message sent by the President will be followed very shortly thereafter by specific proposals.

Last year, it was difficult for the Senate and the House of Representatives to consider some of the legislation and budget requests, because they did not arrive until November or December.

If we do not finish by Labor Day this year, it is our intention to stay in session until 2 weeks before the election and then come back immediately afterward and stay in session until there is nothing left to be done.

I would hope that the same type of accommodation and cooperation that was so evident last year between the Senate and the House and the President and Congress will continue this year, although, it is unlikely, this being an election year, that politics will be held to a minimum.

Mr. SCOTT. Mr. President, will the Senator yield?

Mr. MAGNUSON. I yield.

Mr. SCOTT. Mr. President, I commend the distinguished majority leader for his obvious determination that we begin working in this session.

It is the first time in my long experience that a session has opened and we have gone to work at once, which is refreshing and a good omen in the interest of getting legislation through, and in accordance with the desires of the President of the United States that his program be fully considered and, hopefully, favorably acted upon.

Many of the measures which the distinguished majority leader refers to as the pending order of business on January 19 were indeed submitted by the President in messages last April or May and have been—I do not know whether it is proper to say—languishing or residing or resting in committee, but certainly they have now come to life, a condition which we all welcome.

I was told last year, and I believe it to be a fact, that in every case when a message came up from the White House, it was followed promptly—and that means immediately or within a few days—by reports from the necessary agencies of the Federal Government.

There hundreds of cases when reports were not sent that promptly because they referred to individual bills such as relief bills or small claim bills and the like. And in those matters which are not submitted by the administration, the reports run through a bureaucratic maze and take a long time.

The President asked for action on the tax bill last April, on the Crime Control Act in May, and on the Drug Control Act some 7 or 8 months ago.

In each of these matters, I have no recollection that he had delayed until November in getting any reports to us. If there was a delay, I would like to know why they were not asked for. It is true that the tax bill did take up most of the year. And it has some relief in it. There are some who would say that it has too much relief and not enough reform. Those that want relief say that it has too much reform, and not enough relief.

In my judgment, it was a pretty good bill.

Mr. CURTIS. Mr. President, will the Senator yield?

Mr. SCOTT. I yield.

Mr. CURTIS. Never in my memory have the appropriation bills been so de-

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layed as in the last session. Is that by any stretch of the imagination the fault of the administration in waiting for bills or reports on what should go into those appropriation bills?

Mr. SCOTT. I would be glad to respond by saying the appropriation bills are not the function of the executive department but they are the function of the legislature; and it is in no sense the fault of the executive branch if appropriation bills are delayed until November or December.

The distinguished majority leader made a public suggestion which I applaud and in which I strongly concur, and that is that the majority leadership in both bodies give most careful and urgent consideration to expediting money bills in this session so they may be considered as promptly as they may be.

We are all aware of the fact that money bills are sometimes delayed by delays in authorization bills, and, therefore, in working out such plans as the majority leadership has in mind, and in which the minority leadership also has concern, getting authorization bills acted upon is obviously of the greatest importance. But I want to assure the majority leader and the majority party that we will cooperate in doing all that is necessary. The members of the Committee on Appropriations on the minority side have been diligent in attending to their job. We will continue to support the majority in getting early action on money bills.

I suggest that if the majority leadership wishes to consult with the minority leadership in these two bodies, perhaps we can all agree on a plan, submit it to the White House, and see if we can have the kind of operation the public would applaud, in spite of the fact that this is an election year and we are all subject to the kinds of temptations which resolutely we should seek to avoid.

Mr. MANSFIELD. I appreciate the tone and the temperateness of the distinguished Republican leader in the remarks he has made. I also express the hope that the cooperation and accommodation which existed between the two parties in this body last year will continue through the present year. I have always operated on the theory that the welfare of the Nation comes first, that the responsibility of the Senate comes second, and that the welfare of the political parties comes third. I think if we acted in that manner, as we tried to do this past year, that we all benefit, and the Nation not least of all.

Again I wish to express the hope that there will be a minimum of politics in this political year. It is a vain hope, perhaps, but I would look forward to an accommodation which would seek to place first not our individual successes but rather the welfare of the Nation, the needs of the people, and the responsibilities we have, the real responsibilities in various parts of the world.

(At this point the Acting President pro tempore (Mr. METCALF) assumed the chair.)

Mr. SCOTT. I think the President established that same thought when he said in one of his messages that we in these two bodies, and our two political parties, and the executive also, should compete not in accusing each other in what we have not done, but in constructively acting on legislation, and that we should compete for public favor on the basis of what we have done.

I would like to add one further thought. I do support what the majority leader said, with the suggestion that perhaps this year we forego the August recess. That is not a popular suggestion in all quarters, I am sure; but that we forego the August recess, as he strongly hinted, in the hope that we can terminate our labors around Labor Day.

Mr. RUSSELL. Mr. President, will the Senator from Washington yield?

Mr. MAGNUSON. I yield.

Mr. RUSSELL. I had not intended to enter into this discussion, but in defense of the Committee on Appropriations I should make perfectly clear that we have not delayed any of the appropriations bills for any unreasonable length of time. As Senators know, the other House claims the right to originate appropriation bills. We expedited them after they reached us. If there has been any committee in this body that has operated completely on a nonpartisan basis, it has been the Committee on Appropriations. The President did not send us some of his messages until rather late. I do not say that in any critical sense, because he had his problems and I am well aware of all of them. But I think the Senator might have been a little critical if we had presumed to pass several appropriation bills without having any statement from the President with respect to his opinion on the amount of the bills or various activities included in them.

There has been delay in appropriations. Where the blame lies, I shall not undertake to debate, but the Committee on Appropriations, on a completely nonpartisan basis, acted very expeditiously when all of these bills reached us from the other body.

Mr. SCOTT. If the Senator from Washington will yield further, I am sure we are all in agreement that no committee is held in higher respect than the Committee on Appropriations; that its nonpartisan approach to measures is greatly helpful to the country and Congress; that much of the delay is due to the fact that there has been delay in authorization bills, and the fact that the other body reserves to itself the assertion that it has the right to submit and to initiate appropriation bills.

Perhaps the majority leadership may be able to persuade the other body that this is an antiquated and archaic process and delays public bills, and that the Senate has a function it is willing to share with the other body. But I am aware of the fact that up to now this body is to a degree inhibited by the contention of the other body that it has the sole right to initiate appropriation bills.

Mr. RUSSELL. Many years ago the Senate did undertake to initiate appropriation bills and it got a little further than the door of the other body. I think they did receive them and they went to a desk there. But since that time the attempts of the Senate have been futile in that regard.

The defense appropriation bill was the largest of all the appropriation bills, involving one-half of the budget. We received that bill on the 9th of December and we passed it about the 15th or 18th of December, so we certainly did not lose any time with that bill.

Mr. MAGNUSON. I would like to suggest to the Senator from Pennsylvania that I hope we will take a good long look at a matter which I presented to the Congress about having a legislative session and a fiscal session. I have always thought we could save a good deal of time if we had joint hearings and, then, if one party would go back and write up the bill on the basis of what they think they heard. The real problem is that the House goes through weeks of hearings on the defense bill and hears witnesses; and then, the House acts, and hardly any of them like what the House did. So we have to give them the courtesy of hearing them all over again.

The Senator from New Hampshire and I heard over 400 witnesses and that takes time. The Senator from Louisiana had to wait for the House before he started hearings. The public works bill never has less than a thousand witnesses. Perhaps there is some way we can do this to at least hear the public witnesses in shorter time. I have often thought it would be better if we heard all of the outside witnesses first with respect to what they think should be done and then call in representatives from the departments and ask them, "What do you have to say about the testimony of so and so?" But surely, as I said, there must be a better way.

Mr. COTTON. Mr. President, with the permission of the Senator from Washington, will the Senator yield to me?

Mr. SCOTT. I yield.

Mr. COTTON. I agree with many of the suggestions that have meen made. It is perfectly true that the Appropriations Committee of the Senate can start hearings without waiting for a bill to come from the House——

Mr. RUSSELL. Mr. President, if the Senator will yield, may I say, as the Senator knows as well as anyone, we do.

Mr. COTTON. We do. It is true we have budget recommendations. The budget is sent up by whoever is President at a reasonably early date. Of course, there are supplemental items that are sent up from time to time. So the Appropriations Committee works under those conditions.

As a Member of the Senate who is a member of the Appropriations Committee, I want to strongly sustain and agree with everything my distinguished chairman, the Senator from Georgia (Mr. RUSSELL) has said. The Appropriations Committee has not been dilatory in its work. But the greatest stumbling block is the authorization problem. Some of us intend to offer in the Senate a bill—a similar one is already on the House Calendar, or in the House; it may not be on the calendar—that there shall be a deadline, whether it be the first of June or the first of July—the first of June preferably—and that after that deadline, the Appropriations Committee need not wait for an authorization. It will proceed, of course, unless the legislative committees get on their horse and move. It may confer on the Appropriations Committee some authority we do not want, and that many of us might not want it to have. But after the first of June, if we have not had an authorization, if the Appropriations Committee can proceed to authorize and appropriate, I think the greatest stumbling block can be overcome. That can be done right in the Senate and the House on a bill, if approved by the President. It would not require reorganization or place a strain on the present procedure, and would take care of perhaps 60, or at least 50, percent of the problem.

Mr. MAGNUSON. That is the so-called Magnuson proposal, which we have discussed here many, many times, and which we ought to be able to pass here, because we have over 65 sponsors, unless some of them run out on it.

Mr. SCOTT. The Senator is right. I think he has a great idea.

Mr. MAGNUSON. It is not new.

Mr. SCOTT. It is not new, but it is good. I think this 3-week recess demonstrates how in the Senate, with a proper amount of rest, we come back with a lot of good resolutions and ideas for reform. That is an argument for recesses from time to time, as well as reform.

Mr. MAGNUSON. I am sure the Senator from Pennsylvania will agree that too often Congress is gaged by some kind of scoreboard on the kind of bills passed. Conceivably, a Congress could have passed very few bills and historians would say it was the best Congress we ever had. Sometimes it takes as much time to kill a bill as to pass it—sometimes much longer. But there is always some kind of a scoreboard. I am sure no administration would want Congress to deal blindly with its requests. Administrations deal with legislative people. Most of the requests are very often a combination of ideas that have been gathered here among legislative people. So it is not something new.

Mr. SCOTT. There is a school of thought that the earlier that Congress adjourns, the greater the service it performs for the American people.

Mr. MAGNUSON. That is right. So perhaps there should be no scoreboard at all; but the money bills have to be passed.

Mr. ELLENDER. Mr. President, will the Senator yield?

Mr. MAGNUSON. I yield.

Mr. ELLENDER. Since we are discussing the relations between the President and Congress, I have prepared a short statement I would like to read. We appropriate a lot of money, but a good deal of it is not spent. Will the Senator yield?

Mr. MAGNUSON. I yield for that purpose.

APPROPRIATIONS, PRIORITIES, AND PUBLIC WORKS

Mr. ELLENDER. Mr. President, on December 20, 1969, I inserted in the RECORD a summary of congressional action in the first session of the 91st Congress. That table was based on the amounts enacted by Congress on each bill except Labor-Health, Education, and Welfare and the foreign assistance appropriations bills. For the latter two bills the conference agreement amounts were used. That tabulation showed that new obligational authority totaling $135.2 billion was made available during the session. That amount was $7.5 billion below the budget estimates submitted to the Senate. The reduction shown on that table included $1.2 billion for fiscal year 1971 for advance funding for Elementary and Secondary Education under title I. The reductions in the budget estimates for fiscal year 1970 amounted to $6.3 billion.

After extensive hearings by both the House and Senate Appropriations Committees and full debate on the floors of both Houses, the Congress approved some estimates, reduced some, and increased others.

Congress has the responsibility of raising public funds through taxes, and authority through the authorization and appropriation procedures to declare how public money is to be spent.

The President has the authority to veto any bill, including an appropriation bill, that he does not like. In fact, he has already advised the Congress that he proposes to veto the Labor-Health, Education, and Welfare appropriation bill.

Under our system of checks and balances the Congress, by a two-thirds vote of each House, can override a Presidential veto.

The President, apparently, is unhappy with congressional actions on other appropriation bills which he signed into law. In these instances he proposes to follow a very different procedure.

With respect to the public works bill for instance, I have received reports that he proposes to place the congressional increases over the budget estimates in reserve. The budget is required to apportion the funds made available in an appropriation bill.

Although the apportionment of the 1970 funds has been made, inquiry to the Bureau of the Budget with respect to 1970 funds placed in budgetary reserve resulted in only the following general statement:

> The general policy is to hold in budgetary reserve all congressional add-ons for construction, planning, and surveys until all bills are signed and the President has reviewed these add-ons in connection with his 1971 budget submission.

I recognize that the budget proposals for fiscal year 1971 are confidential until released; however, I cannot understand the reluctance of the Bureau of the Budget to reveal the fiscal year 1970 funds that have been impounded.

Congress is being charged with fiscal irresponsibility in the handling of the appropriation bills. This charge is not borne out by the facts I presented to the Senate on December 20, 1969. The Congress made substantial cuts in the appropriations requested by the President for fiscal year 1970.

The real problem here is that the Congress and the President have expressed different views with respect to the priority of various programs. The net effect of the President's action in impounding funds appropriated is to deny the Congress the right to exercise its independent judgment as to the priority of needs. I believe that the Congress as the elected representatives of the people are in a better position to evaluate these needs than are the appointed advisers of the President. These appointed advisers are isolated from the grassroots and are therefore less able to judge the relative needs of the various programs.

Mr. President, the Subcommittee on Public Works held extensive hearings on the water resource program. These hearings revealed the inadequacy of the budget estimates to meet the needs of the Nation. On August 26, 1969, I wrote the President and asked that he review his requests for water resource projects, including hurricane protection, flood control, and water pollution control. I also stated that I could not help but feel that our priorities are out of balance. I concluded that letter by offering to meet with him, either alone or with a small bipartisan group of interested Members of Congress.

Mr. President, I ask unanimous consent that my letter to the President, to which I have just referred be printed in the RECORD at this point, with attachments.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

U.S. SENATE, COMMITTEE ON
AGRICULTURE AND FORESTRY,
Washington, D.C. August 26, 1969.

Hon. RICHARD M. NIXON,
The President,
The White House,
Washington, D.C.

DEAR MR. PRESIDENT: During the past several weeks, the nation has witnessed several natural disasters and near-disasters which have worked extreme hardship on our people. For example, note the following:

The brutal hurricane Camille that wrecked the Gulf Coast and resulted in more than 250 known deaths and perhaps half a billion dollars of property damage in Mississippi and Louisiana alone.

The water shortage that threatened our Capitol City in midsummer, followed immediately by severe flooding in the Washington metropolitan area.

The current floods on the James River in Virginia which may result in as many as 200 lives lost and missing and $150 million in property damage.

Although we do not have the means totally to prevent such natural disasters, this great and wealthy nation certainly does possess the means to fortify our most vulnerable areas against these ravages of nature and to minimize their toll of damage and human suffering.

We do have the know-how to minimize the effects of severe drought on our municipal and industrial water supplies. We do have the ability to prevent flooding of our great river valleys. We do know how to minimize the impact of the tidal waves which accompany coastal storms.

The fact is, however, that we are doing far too little either of a preventing or of a de-

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velopmental nature and are in fact annually *decreasing,* rather than increasing, our actual effort in the field of water resources and flood control projects.

This unfortunate situation seems to me to call for a reevaluation of our priorities in the allocation of Federal funds. In effect, the Congress and the Administration must become as generous and as urgently concerned in our efforts to guard against damage resulting from hurricanes and floods as you yourself have been in your recent efforts to bring relief and rehabilitation to those who have suffered so gravely on the Gulf Coast and in Virginia.

Appropriations for water resource development has been a matter of concern to me for a number of years. On April fourteenth of this year, the senior Senator from West Virginia, Senator Randolph, discussed on the floor of the Senate a statement which Budget Director Robert P. Mayo had made before the Senate Committee on Finance, indicating that he was considering a freeze on public works construction. I joined in the colloquy that followed Senator Randolph's statement, at which time I discussed my growing concern over the delays in the completion schedule on most of the going public works projects which had been revealed to our Committee during the hearings on the Public Works appropriation bill. I concluded my remarks by restating my belief that we must do what we can to protect our two most important resources, land and water. If we failed to do that, our country will sustain great losses.

Subsequently, in May, I addressed the National Rivers and Harbors Convention, at which time I pointed out that in 1964 the construction program of the Corps of Engineers and the Bureau of Reclamation was $1,188,428,700, or about 1.09% of the 1964 budget. I noted that for fiscal year 1970, the original budget request for these two agencies was $1,038,920,000, or about .49% of the budget.

The request for the Corps of Engineers and the Bureau of Reclamation was subsequently cut by your Administration by $181 million. The revised budget represents a dollar reduction in the past six years or about 15.39%. When you take into account the rise in the cost of construction, the level of appropriations in the revised budget for these agencies represents a drop in construction capability of about 50% since 1964!

Similarly, the efforts being made by the Federal Government to control air and water pollution are completely inadequate to cope with the severe damage these problems are working on our environment and, in fact, on the very health of our citizens. For instance, in the last few years that the Federal Water Pollution Control program has been under the jurisdiction of the Subcommittee on Public Works, I have noticed an increased disparity between the authorization for construction grants for sewerage treatment facilities and the appropriations requested, as indicated below:

Fiscal year	Authorization	Appropriation requested in the budget	Percent of authorization request in budget
1968	$450,000,000	$200,000,000	44.4
1969	700,000,000	203,000,000	29.0
1970	1,000,000,000	214,000,000	21.4

I have received well over 1,000 letters from individuals and organizations urging the Committee on Appropriations to provide the full amount authorized for construction grants for fiscal year 1970. Most of these letters point out the extent to which the states and their political subdivisions have approved bond issues to finance the non-federal costs, relying on the Federal Government's ability to meet its share of the cost.

In spite of the fact that next to the air we breathe, water is our most precious resource, it seems the Bureau of the Budget first looks to the water resource program for a disproportionate share of any contemplated cuts whenever there is a need to reduce Federal expenditures.

If we are to meet the water needs of the 300 million people that you recently estimated will occupy our land by the year 2000, we must not only support adequate annual appropriations for the orderly development of these resources, but it is also essential that the unrealistic and arbitrary restrictions placed on project evaluations be removed.

For instance, the basis for the benefit-to-cost ratio for water resource projects had its origin in the 1936 Flood Control Act, where the policy was established that the Federal Government should improve or participate in the improvement of rivers and other waterways for flood control purposes in the interest of the general welfare if the benefits to whomsoever they may accrue are in excess of the estimated cost and if the lives and social security of people are otherwise adversely affected.

The terms, "benefits" and "costs", have no meaning in the abstract. They must be related to objectives in order to give these terms meaning. Since the passage of that Act, the technicians have chosen national economic efficiency as the sole criteria for project evaluation and have disregarded the phrases, "in the interest of the general welfare" and "if the lives and social security of the people are otherwise adversely affected".

The result of such an interpretation has been that as far as flood control and hurricane protection projects are concerned, we have become a "cow society". If, for instance, a thousand cows were lost in a flood or hurricane, we could consider the economic loss involved since a cow has an economic value in the market, and the monetary losses sustained can be used in the justification of protective works. On the other hand, if a thousand human lives were lost, it would not add one dollar to the all-important economic evaluation of the project. The loss of life and human suffering associated with the havoc wrecked on the Gulf Coast by Hurricane Camille transcends the imagination.

Fortunately, the Water Resources Council is attempting to find a way to deal with this problem of recognizing loss of life and misery associated with disastrous floods, by setting up four separate accounts which recognize national objectives other than economic efficiency such as regional development, environmental benefits, and the well-being of man. The Council's efforts along these lines are to be commended and they deserve and need your personal encouragement.

Had the center of Camille been 50 miles east, the damage to New Orleans in terms of lives lost and property damaged would have been incalculable. Yet, despite this near miss and in spite of the constant threat of hurricane damage to the New Orleans area, the hurricane protection project for Lake Pontchartrain will continue to drag along with been incalculable. Let, despite this near miss inadequate appropriations, unless the Administration loosens the purse strings and cooperates with the Congress in revamping the national priorities vis-a-vis such projects.

The budget estimate for this project for fiscal year 1967 was $450,000 for planning, at a time when the Corps of Engineers had a capability of $1,600,000, which would have permitted the initiation of construction. Recognizing the potential danger to New Orleans, the Congress provided the full capability of the Corps of Engineers.

For fiscal year 1968, the original budget was $2,300,000, which was subsequently revised to $3,260,000, at a time when the Corps' capability was $4,500,000. Again, recognizing the potential loss of life and property, the Congress approved the $4,500,000.

For fiscal year 1969, the budget estimate was $7,800,000, compared with a Corps capability of $10,800,000. But in view of the expenditure ceiling contained in the Revenue and Expenditure Control Act of 1968, the Committee, although recognizing the risk involved in not moving forward expeditiously on this project, did not increase the budgeted amount for this project or any other project in the bill.

For fiscal year 1970, the budget estimate is only $6 million, compared with the Corps' capability of $8,500,000. Neither New Orleans nor the nation can afford the gamble of procrastination on this project.

Similarly, the hurricane protection project, New Orleans to Venice, proceeds at an alarmingly slow rate. Since 1967, the estimated completion date for this project has slipped from June 1975 to December 1977.

Two years ago, I secured authorization for a study of the Louisiana coastal area, looking toward hurricane protection, the protection of the physical features of the coastline, and reestablishment of the former ecology of the area which contributed so much not only to the wildlife but to the marine resources of the entire Gulf Coast. Naturally, I was disappointed this year to find that the budget provided only $60,000 for the continuation of this study in fiscal year 1970. At least double that amount will be required for satisfactory progress on the study, and I intend to urge my subcommittee and the Congress to expedite the project to this extent, at a minimum.

A few weeks ago, this nation—indeed, the whole world—was thrilled when man first set foot on the moon. In reflecting on this accomplishment, I had occasion to recall the hearings which I had recently completed on the Public Works appropriation bill, where the effect of the budget cuts which your Administration made in an already austere budget submitted by President Johnson were graphically revealed to the Committee.

Among the most serious cuts that I recall were those affecting the Southern Nevada Water District, the Folsom South Canal in Southern California, the Bonneville unit of Central Utah Project, the Chatfield Reservoir in Colorado, the Newark Bay, Hackensack and Passaic Rivers Project in New Jersey, the Wynoochee Reservior in Washington, the New Melones Reservoir in California, the Lake Kemp Reservior in Texas, and many more.

In a number of cases, we are finding that the expenditure ceilings imposed on the Corps will not permit contractors to pursue their work in accordance with the terms of the existing contracts even though in many cases the funds are available or requested. Failure to provide funds and expenditure ceilings adequate to permit accomplishment of existing contracts inevitably will increase costs on all Government contracts and could even result in legal actions being taken by the contractor against the Government. I cannot help but feel that our priorities are out of balance.

These thoughts led me to a review of the requests for research and development appropriations requested by President Johnson for the NASA program, and I found that he had requested $3,051,427,000. Further research revealed that in the review of the 1970 budget, your Administration recommended a reduction of $45 million in this program, of about 1½%. In contrast, the "Construction, General" appropriation request of $769,420,000 for the Corps of Engineers was cut $142,415,000, or about 18½%. I realize that our space program is based on a national objective—but so is our water resource program.

It would require a good deal of imagination to attempt to identify the tangible benefits that will result from man's flight to the moon. Any attempt at a monetary evaluation of those benefits would be almost impossible. If, however, these benefits could be identified and evaluated, the realization of most of the benefits would be projected far into the future.

If we applied the same economic principles to the benefit-cost evaluation of our space program as are required in our water resource program (where future benefits are discounted at a rate of 4⅞ percent) the benefits expected to result from the space program would shrink drastically. For instance, benefits evaluated at $1 million to be realized 25 years from now would be worth only $304,200 in terms of economic justification for a project under today's regulations. A $1 million benefit to be realized 50 years from now would provide justification for the expenditure of only $92,600 today. Such a system would probably kill the space program, just as it is now strangling our vital water resources, flood control and hurricane protection programs.

I am enclosing a list of selected hurricanes and their damages, compiled from information provided by the Office of Emergency Preparedness. It should be recognized that many hurricanes of earlier years are not listed. In fact, during the recorded history of Louisiana alone at least 150 hurricanes or tropical storms have battered or threatened the coast of my state.

I think it is interesting to note that, based only on the partial statistics available to us, the average damage from hurricanes since the turn of the century is over $85 million per year. During the last 30 years, the damage averaged $185 million. During the last 20 years, the damage averaged $200 million and during the 10-year period from 1958 to 1968, the damage averaged about $320 million. If this progression continues, we can expect average damages of $500 million a year (or a total of $5 billion) over the next decade.

Such damage tabulations are always on the conservative side because, by their nature, they tend to exclude many categories of physical and economic loss. As I have already mentioned, the loss of human life is a factor that is incalculable in monetary terms. In addition, there are the inaccuracy of complete inventory estimates, the impossibility of fixing replacement costs, the loss of business and trade to local enterprises and to the local economy in general, the loss of employment income, the loss of earning ability by those who are too old to "get started" again and who instead become public charges. All of these factors and many others add substantially to the damages estimates that are ascribed to various hurricanes.

Yet, even these staggering figures tell only part of the story of the "cost" of hurricanes, for they generally do not include the multimillion dollar rehabilitation expenditures by Federal, State and local governments following the disaster. In the case of Camille, the Army, Navy, Air Force, NASA, SBA, HUD, HEW, GSA, USDA OEP and numerous other federal agencies are spending large sums to assist in the recovery effort. Also in terms of the federal costs, over the next several years both individual and corporate tax payers will be deducting from their income taxes considerable sums to which they are eligible as a result of the hurricane damages suffered.

All things considered, we might properly *double* the so-called "damage estimates." In order that you might see the disparity between these enormous damages and the feeble efforts being made to provide protection, I am also enclosing a status report of the authorized hurricane protection projects for your review.

In view of the magnitude of the floods that this nation has experienced this year, the recent hurricane, and the lack of adequate progress being made in meeting the water resource needs of our expanding population, I expect that our Committee will respond to the needs of the Country. I cannot help but feel that you also will want to take another look at your recommendations for water resource development projects, particularly those relating to health, safety and the protection of human life, prior to the time the Congress acts on the Public Works appropriation requests you have submitted, and I urge that you do so.

I would welcome the opportunity to discuss this matter with you personally, or with a small bipartisan group of concerned members of the Congress.

Respectfully yours,

ALLEN J. ELLENDER,
Chairman, Subcommittee on Public Works.

AUTHORIZED HURRICANE PROTECTION PROJECTS

Project	Year authorized	Total cost estimated	Federal cost	Appropriation to date	1970 budget	Capability of Corps
Freeport, Tex	1962	$19,000,000	$13,300,000	$4,637,000	$2,200,000	$2,200,000
Port Arthur, Tex	1962	59,900,000	41,600,000	8,557,000	5,000,000	5,000,000
Texas City, Tex	1958 and 1968	44,714,000	31,200,000	15,132,000	1,100,000	1,100,000
Lake Pontchartrain, La	1965	166,000,000	113,562,000	12,498,000	6,000,000	8,500,000
Morgan City and vicinity, Louisiana	1965	6,067,000	4,180,000	347,000	150,000	200,000
New Orleans to Venice, La	1962	43,400,000	25,885,000	1,654,000	950,000	1,400,000
Grand Isle and vicinity, Louisiana	1965	11,310,000	3,393,000	408,000		0
Hillsborough Bay, Fla	1968	13,088,200	9,163,200			15,000
North River Dike, North Carolina	1966	500,000	358,000			(1)
Top Sail Beach and Surf City, N.C.	1966	2,500,000	1,430,000			(1)
Brunswick County Beaches, N.C	1966	24,400,000	14,400,000			110,000
Hyde County Dike, North Carolina	1966	3,272,000	2,290,000			60,000
Neuse River Barrier, North Carolina.	1965	15,900,000	11,100,000			100,000
Ocracoke Island, N.C	1965	2,150,000	1,880,000	109,000		500,000
Bodie Island, N.C	1966	16,400,000	8,880,000			(1)
Fire Island Inlet to Montauk Point, N.Y.	1960	68,600,000	33,900,000	3,578,000	500,000	500,000

[1] Awaiting action by local interests.

RECENT HURRICANES AND TROPICAL STORMS

Name	Date	Areas affected	Deaths	Estimated damage (millions)
Carol	August 1954	North Carolina to Maine	60	$461
Edna	September 1954	New Jersey to Maine	21	7
Hazel	October 1954	South Carolina to New York	95	252
Connie	August 1955	North Carolina to New York	25	46
Dianne	August 1955	North Carolina to New England	184	832
Ione	September 1955	North Carolina	7	88
Audrey	June 1957	Texas and Louisiana	390	150
Donna	August 1960	Florida to New England	50	500
Carla	September 1961	Texas and Louisiana	46	408
Great Atlantic coast storm.	March 1962	Florida to New England	33	200
Cleo	August 1964	Florida	3	129
Hilda	October 1964	Louisiana	38	100
Betsy	August 1965	Florida and Louisiana	75	1,420
Alma	June 1966	Florida	7	7
Beulah	September 1967	Texas	15	500
Gladys	September 1968	Florida	5	7
Camille	August 1969	Central gulf coast and Virginia	500	750

Mr. ELLENDER. On August 29, 1969, I received an acknowledgement from Eugene S. Cowen, Special Assistant to the President, stating that he would bring my letter to the attention of the President. I have received no further direct reply to that letter.

On September 4, 1969, the President announced a 75-percent cutback on the award of construction contracts. This was followed by a decision to place all congressional add-ons in budgetary reserve. Perhaps these are the only answers I will receive.

I might point out that about 80 percent of the funds requested by the President in the second supplemental for fiscal year 1970 were the direct result of Hurricane Camille. In spite of this fact, the additional funds provided for hurricane protection projects have been impounded.

Although a good deal of my remarks relate to the public works appropriation bill, I would like to emphasize the fact that the general policy of placing all congressional add-ons in budgetary reserve applies to all appropriation bills.

So I conclude by stating that although the President has signed all of the appropriation bills, he has, through the use of his power to impound funds, in effect exercised the item veto over the appropriations approved by Congress. I hope he will change the method of allocating these funds, and have them budgeted as Congress directs.

Mr. MAGNUSON. I thank the Senator from Louisiana, who is most experienced in these matters.

APPROPRIATIONS FOR THE DEPARTMENTS OF LABOR, AND HEALTH, EDUCATION, AND WELFARE, AND RELATED AGENCIES, 1970—CONFERENCE REPORT

The Senate continued with the consideration of the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 13111) making appropriations for the Departments of Labor, and Health, Education, and Welfare, and related agencies for the fiscal year ending June 30, 1970, and for other purposes.

Mr. MAGNUSON. I move the adoption of the conference report.

The ACTING PRESIDENT pro tem-

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pore. The question is on agreeing to the conference report.

Mr. MAGNUSON. I address myself to that question, as well as to the question of the Senate agreeing to the amendments of the House of Representatives to Senate amendments Nos. 4, 50, 51, 56, and 83.

I do not think that I need to explain the necessity for postponing action until today on this conference report when we left to go home for Christmas. We all know the reasons. They have been well stated today, disappointing as they are. Why it is that the President has chosen this appropriation bill for a confrontation with Congress I, of course, cannot say, although he did address a letter to us about 2 or 3 days before Christmas, suggesting that he would veto the bill.

This, of course, was a great disappointment to many of us, that he would veto a bill that would provide greater health care and better education for the American people and, at the same time, as has been so well pointed out by the Senator from Louisiana, is part of a total national budget which is approximately $5.6 billion-plus below the President's requests, as shown by all the figures that have been sent to the desk by the distinguished Senator from Louisiana.

The fact is, Mr. President, that this bill is not inflationary. On the contrary, it is noninflationary. Improved educational methods and programs of education surely result in a better educated people. Those people then earn more and pay more taxes, and they do not drain the economy by going on welfare. More highly trained and skilled professional medical personnel will not drive up the costs of health care.

Everyone knows, I am sure, that such people in health services are now in short supply in this Nation, and if we do have a crisis in health care, which is a prime target of this bill, the primary reason is that they are in short supply, and that the delivery of health services to the American people is not as good at it can be or should be; and that factor is the primary reason for the rapidly advancing costs of health care. Costs which have almost trebled, and in some cases have increased five or six times over what we might call the normal inflationary rate. You do not cut out essential supplies and the people to deliver supplies and health care services in this field when you are trying to lower costs and curb inflation.

I do not think it is sound economy, either, to close off avenues of medical research which may lead to the discovery of cures for such dread killers, to name only one or two, as cancer and heart disease, and all the other diseases involved in medical research and covered by this bill. Beyond their toll in human misery, those diseases add to the financial burdens, not only of the afflicted families, but of the community, State, and Nation as well.

The White House, however, has apparently informed the Republican leaders in Congress that the President still intends to veto this bill when it reaches his desk. As far as I know, he has cited two principal reasons for his intended veto: First, an attempt to curb inflation; and second, the fact that his legal advisors indicate that he may have to spend the money appropriated in the bill.

So, Mr. President, I wish to remark further on these two areas of concern, but first let me say that I think we all understand that the appropriation and impounding processes have been going on for a long time. No President has reached a decision that all moneys provided by Congress must be spent. However, of course, if President Nixon does conclude that that is necessary, and allows these funds to be spent I for one would respect and applaud that decision.

The House, initially approved H.R. 13111 on July 31 by a vote of 393 to 16, and prior to that action they added over a billion plus for education on a vote of 293 to 120.

Here in the Senate, we approved our version of this bill by a vote of 88 to 4. And then the House, on December 22, approved the conference report by an overwhelming 261 to 110.

When Congress appropriates money and approves action by a majority of its 535 elected Members, it expects the money to be spent. The intended recipients of the funds have the same expectation. Congress is well capable of recognizing the needs and the problems of this Nation.

The extra money added to this bill by Congress for education and health will meet only a small portion of those needs and what must be done.

I am sure that the administration does not think—or perhaps it does—that its budget estimates presented to Congress are always absolutely correct or that any change made by Congress is incorrect. We have made some changes. We do so in all budget estimates. I think our changes in this particular case have improved this measure, both from the viewpoint of meeting national priorities and fighting inflation. We have decreased some items and increased others where we thought a change in priority was essential, and that is our duty.

Congress has considered 14 appropriation bills in fiscal 1970 and has appropriated $129,595,765,115. The total requests for these 14 appropriation bills sent up by the administration was $135,200,040,881. These amounts include the estimates and the action taken by the conference agreements now pending before us.

Congress is, then, close to $6 billion under the Nixon request, which was put in the RECORD by the Senator from Louisiana.

Mr. MILLER. Mr. President, will the Senator yield?

Mr. MAGNUSON. I yield.

Mr. MILLER. The Senator from Iowa, as well as a good many others, I think, is confused about the matter of the $6 billion under the Nixon budget. It is my understanding that we have to be pretty careful about what budget we are discussing. First, the President came along with what might be called a Nixon budget, in April of 1969, and this particular phase of the budget cut President Johnson's budget by $4 billion. The Senator might be referring to that budget. I do not know.

But then, the next in the sequence was that, in July, a revised budget was sent over by the Nation administration which cut an additional $3½ billion from the first Nixon budget. I think that to consider this budget in perspective we should make clear what budget we are talking about.

Mr. MAGNUSON. The Senator from Iowa had better add that subsequent to July, several other budget requests came up—individual budget requests. We had approximately seven in this bill alone. The last one came up in the latter part of November. Here are the figures.

The budget requests that were considered by the House—at that time, the Senator is correct, they had the so-called Johnson budget. But part of the revised budget had not shown up in some of the departments, and that is understandable, because they had a review and they had to make recommendations. That was $132,607,000,000.

Mr. MILLER. What is the date of that?

Mr. MAGNUSON. This was made up this week.

Mr. MILLER. I mean, what is the date of the——

Mr. MAGNUSON. Approval by the House?

Mr. MILLER. No, not the date of approval by the House, but the date of the submission by the Executive.

Mr. MAGNUSON. They are all different dates. Then the House, up to that time, appropriated money, and in some cases they did not have a revised budget, but they had some inkling of the so-called two budgets. The House appropriated $126,213,000,000. After that, the budget that came to the Senate, to be considered by the Senate, contained administration requests of $135,200,000,000.

Mr. MILLER. By what date would that have taken place?

Mr. MAGNUSON. That would have been up to the time these bills were passed. They are all listed. The Senator can get the dates on the back of our calendar.

The Senate finally approved $130,317,000,000. Then the conferences—all the conferences agreed, except foreign aid—and cut that to $129,000,000,000, which makes, for the 14 I talk about here, $5.604 billion over the budget request sent up by the administration to the Senate.

Mr. MILLER. Mr. President, will the Senator yield further?

Mr. MAGNUSON. I yield. We will put all this in the RECORD.

Mr. MILLER. I appreciate that. The only trouble is that it is important for people who look at the record and look at these figures to know exactly what is going on.

Mr. MAGNUSON. I do not know how anyone can be confused about this. The budget requests to the Senate—let us just take the Senate—by the administration in this review total $135 billion.

Mr. MILLER. The Senator says that the budget requests were $135 billion.

Mr. MAGNUSON. Yes. I know it.

Mr. MILLER. Does the Senator say that there were no subsequent revisions to those requests?

Mr. MAGNUSON. No. These are the ones that were sent up to the Senate.

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Mr. MILLER. I understand, but does the Senator say——

Mr. MAGNUSON. Those are all final figures.

Mr. MILLER. There were no subsequent requests from the executive for a lowering of these figures?

Mr. MAGNUSON. No.

Mr. MILLER. If that is so, may I ask why it is that the executive claims that the amount of the President's final budget requests—I am not talking about preliminary ones or middle ones; I am talking about the final budget requests—are $7.5 billion less less than the original Johnson budget requests?

Mr. MAGNUSON. That may be true. I am not talking about last year's Johnson budget. I am talking about this one.

Mr. MILLER. We are talking about the Johnson budget requests for the same year we are talking about now.

Mr. MAGNUSON. Let me answer.

The final budget requests sent up here by the administration were $135 billion, and to the House, by the time they passed on the bills, $132,600,700,000. I have no comparison here with last year's Johnson budget. But we cut the Nixon budget and the requests down to below $130 billion. That should not be confusing.

Mr. MILLER. That is not confusing if that is all there is to it, may I say to my colleague. But I do not want to get a previous year confused in here. When I talk about the Johnson budget requests, I am talking about the budget requests of former President Johnson covering the same year we are discussing.

Mr. MAGNUSON. We were not considering that at all. We are considering the requests sent up by the Nixon administration.

Mr. MILLER. I appreciate my colleague trying to be responsive to me.

I do think it would help for the Record to show what the Johnson budget request was vis-a-vis the $135 billion Nixon administration request to which the Senator just referred and the $130 billion action to which the Senator just referred.

I think one other point may be helpful to all of us.

Mr. MAGNUSON. Mr. Johnson is not down there now, as I understand it, and we are just acting on Nixon requests.

Mr. MILLER. Mr. President, I am not going to dispute the fact that President Johnson is no longer down there.

I should like to bring out this point: Why does there seem to be a concern that what we are about to accomplish here, taking all these appropriations actions, is to put Congress on record as having passed a resolution last spring that there would be a ceiling on Federal expenditures of $192.9 billion, and that it looks as though Congress is going to exceed that, by mandatory spending, by several billions of dollars? Can the Senator provide some light on that point?

Mr. MAGNUSON. I do not think we will exceed it. I will get the figures for the Johnson budget.

Mr. MILLER. I am not talking about the Johnson budget now.

Mr. MAGNUSON. The Senator is trying to make a comparison.

Mr. MILLER. I am not talking about the Johnson budget now.

Mr. MAGNUSON. The Senator was just talking about it.

Mr. MILLER. But we were off that and on this other point.

Last spring, Congress said, "We are going to put a limit on spending. We are going to be very prudent and not allow the expenditure of more than $192.9 billion." It is my understanding that as a result of subsequent appropriation actions by Congress, we are going to exceed that figure, on a mandatory basis.

Mr. MAGNUSON. I do not know. I do not know whether the administration is going to exceed it or not.

Mr. MILLER. It is not the administration. It is Congress.

Mr. MAGNUSON. Let me answer. All I know is that we have cut what the administration wanted to spend by almost $6 billion, and the impact of all of this would reduce expenditures at least by $3 billion.

Mr. MILLER. The Senator is referring to $135 billion, and then he says we come up with $130 billion, but the resolution by Congress talked about $192.9 billion. I am trying to reconcile those figures. I do not believe that the Senator——

Mr. MAGNUSON. That would be up to the administration.

Mr. MILLER. I do not believe that the Senator has showed us how Congress has reconciled the figures. Does not the Senator say that if the Congress by resolution said we will not spend more than $192.9 billion that the appropriations are not going to exceed that amount?

Mr. MAGNUSON. I am sure they will not. The appropriations for this year are going to be around $192.9 billion.

Mr. MILLER. I am afraid that the Senator and I are not talking on the same wavelength because the Senator will remember, I am sure, that we acted in the Senate by resolution of Congress calling for an expenditure ceiling of $192.9 billion for the executive branch of the Federal Government for this year.

Mr. MAGNUSON. That is right.

Mr. MILLER. The Senator is talking about $130 billion and $135 billion. I want to have him talk about the $192.9 billion.

Mr. MAGNUSON. Those are prior commitments which have nothing to do with this appropriation bill.

Mr. MILLER. I am not talking about this appropriation——

Mr. MAGNUSON. But I am only here to talk about this one.

Mr. KENNEDY. Mr. President, will the Senator from Washington yield?

Mr. MAGNUSON. I yield.

Mr. KENNEDY. As I understand the figures being referred to by the distinguished Senator from Washington, they are the funds requested by the administration for $135.2 odd billion, and then the funds which have actually been agreed to, on which the Senate has exercised its judgment, for the $129.59 odd billion—which represents a $5.6 billion cut in actual appropriations. It that not correct?

Mr. MAGNUSON. That is correct. May I add this, that as the present administration sent up the $135 billion, that would be the figure. That would be under what we said. We even cut that.

Mr. KENNEDY. Actually, as I understand it, what the Senator is talking about, are those resources, those funds, those taxpayers' dollars which Congress can exercise some discretion about and some control over in terms of annual appropriations. In this context, he has referred both to those programs which have actually been acted on and signed into law, and also to HEW and foreign aid, which have not yet been finally acted on and signed.

Mr. MAGNUSON. That is right.

Mr. KENNEDY. So that what we are really talking about now is the discretionary figure in terms of how Congress itself can exercise its judgment, and not the mandatory figures. In the discretionary figures, we see that Congress has appropriated some $5.6 billion less.

Mr. MAGNUSON. The administration, when it sent up the $135 billion must have taken into consideration the ceiling the Senator from Iowa is talking about. They must have considered that. We cut those requests, so they have got even more flexibility to get by under the ceiling.

Mr. MILLER. The Senator from Massachusetts, in his colloquy with the Senator from Washington, has put his finger on the difference between——

Mr. MAGNUSON. Mandatory spending.

Mr. MILLER. There is a great amount of confusion on this subject in the press and also, I would venture to say, among Senators and certainly among the general public, when someone comes out and says Congress has cut appropriations by $5 billion over what the Nixon administration requested.

Mr. MAGNUSON. That is right.

Mr. MILLER. Then we find, in the next breath, someone from the Nixon administration saying that Congress has not been doing a very good job because it passed a resolution putting a $192.9 billion Federal expenditure ceiling on the executive branch, and because of their appropriations actions have increased uncontrollable expenditures.

Mr. MAGNUSON. We will be at least $3 billion under that ceiling. They wanted even more.

Mr. MILLER. Sir?

Mr. MAGNUSON. The administration wanted more.

Mr. MILLER. I am not so sure about that.

Mr. MAGNUSON. If the Senator from Iowa will read it, the administration asks for $135 billion.

Mr. MILLER. The Senator from Washington says that they have revised that asking?

Mr. MAGNUSON. No. This is the latest updated figure.

Mr. MILLER. What is the date on the late figure?

Mr. MAGNUSON. Every appropriation has—here is one for the Senator, if he will sit down and read it.

Mr. MILLER. Well, I do not doubt that there is a date on the original asking, but I would guess that some of the people down there at the other end of Pennsylvania Avenue would say that this was the original request and that it was subsequently revised.

Mr. MAGNUSON. No.

Mr. MILLER There was no subsequent revision?

Mr. MAGNUSON. Those figures are the latest revisions of what they requested of the Senate. I am pleased to say that there are no typographical errors in here, because we checked it.

Mr. MILLER. The Senator from Iowa is not worried about typographical errors but we have got to make absolutely certain that we are not talking about two different requests.

I suggest to my distinguished colleague from Washington that while he says—and I am sure he does so in good faith—that this figure of $135 billion is the final and unrevised asking by the executive department——

Mr. MAGNUSON. Yes.

Mr. MILLER (continuing). That he will find that there have been some adjustments during the time since the original request was——

Mr. MAGNUSON. They might have wished that they had made some, but this is the one that we had to consider.

Mr. MILLER. Not wishes, but requests.

Mr. MAGNUSON. This is a request from the administration.

Mr. MILLER. But the administration can request in February, March, or April.

Mr. MAGNUSON. Oh, no. This is right up to date.

Mr. MILLER. I do not see the date. That is the thing that bothers me.

Mr. MAGNUSON. If the Senator will look on the back page of the Senate Calendar, he will find the dates when the bills were passed and approved by the House and Senate. Sometimes the requests will come up after the House has passed a bill. In the case of HEW, they sent up something like seven requests after the House had passed the bill, for additional amounts; one was to the tune of $1.2 billion more.

Mr. MILLER. Then these were for additional amounts——

Mr. MAGNUSON. Yes.

Mr. MILLER (continuing). During the hearings?

Mr. MAGNUSON. Yes. Surely.

Mr. MILLER. Did they also ask for some reductions?

Mr. MAGNUSON. No. They did not ask for any reduction here, except the education add-ons in the House.

(At this point, Mr. GRAVEL took the chair as Presiding Officer.)

Mr. MILLER. The Senator is referring to his own subcommittee?

Mr. MAGNUSON. I think they agreed to some reductions in the defense appropriations——

Mr. MILLER. Oh, yes.

Mr. MAGNUSON (continuing). After they had sent up the appropriation; and then after Mr. Laird had reviewed it he sent a note to the Senate Defense Appropriations Subcommittee that it would be all right if we took some cuts here and there, which we did. That is often done. But it is an informal way of doing it.

Mr. MILLER. The only purpose of this colloquy—and I shall not extend it further—is to put it clearly on record that the position of the Senator from Washington is that there were $135 billion in controllable budget requests—total budget requests—by the Nixon administration——

Mr. MAGNUSON. No. I did not say they were all controllable.

Mr. MILLER. I thought the Senator in colloquy with the Senator from Massachusetts brought that point out.

Mr. MAGNUSON. These are two different things. Some are controllable and some are not. Let us take an item such as impacted aid. That is not really controllable. That is the law. I have some objections to the formula on impacted areas personally. I did not vote for the increase offered here on the floor. But we have to change the law to do that. Probably 90 percent of the Veterans' Administration appropriation is not controllable. Then there are many items in the agricultural appropriation which are not controllable but they have to be sent up here to get the money. We would have to change the law, particularly on price supports, corn supports, for instance.

Mr. MILLER. The Senator from Iowa understands that, but I thought the point made by the Senator from Massachusetts was that the difference between the $135 billion, which the Senator from Washington said were the total budget askings by the Nixon administration, and the $192.9 billion Federal expenditure ceiling, adopted by resolution of Congress, related to the uncontrollable items.

Mr. MAGNUSON. Not wholly. Not wholly. Some of them are not controllable. I just mentioned one, the impacted areas.

Mr. MILLER. I understand.

Mr. MAGNUSON. And the agriculture. I do not know how much is in the agriculture bill. The administration suggested there $7,237,000,000, and the Senate approved $7,600 million, which is one of the pluses in the $250 million. If the Senator will let me finish, I am talking about this appropriation bill in which many items are controllable and some are not.

Mr. MILLER. Mr. President, the Senator suggests that in the responses by the Senator from Washington he was not only talking about the HEW appropriation bill. He was also talking about the fact that the activities of Congress had reduced the Nixon requests by some $5 billion.

And when he talked about that, I thought it was proper to engage in this colloquy to try to get this point clarified. I am sorry to say that I do not think it is yet clear because the Senator from Washington says the difference between the $135 billion and the $192 billion does not represent uncontrollables.

Mr. MAGNUSON. It could not possibly limit controllables. Every appropriation bill has controllable items in it.

Mr. MILLER. With respect to the Nixon budget requests and the actions by Congress, I think that we had better have an analysis made of the difference between the $135 billion and the $192 billion. Until we have that analysis made, I do not think that the Senator can validly say there has been a reduction by Congress in the Nixon budget requests. Perhaps there have been in some areas, but not overall.

Mr. MAGNUSON. Mr. President, I do not know how to explain it better, because Congress appropriates. There can be a much smaller item that is not controllable if Congress does not appropriate the full amount in the appropriation bill. That has happened. As a matter of fact, as a rough figure, when we take out Defense, which is controllable, we have about 40 percent of the other items that go to the veterans, to impacted areas, to agriculture, and things of that nature that are not controllable if we send the money down.

The Bureau of the Budget does not have to ask for this much. They ask for much less sometimes.

Mr. KENNEDY. Mr. President, as I understand the Senator from Washington, he was attempting to talk in terms of a chart that he has referred to and made part of the record. That is a most detailed and most accurate representation of the amounts the administration requested of Congress and the amounts that were actually agreed upon by Congress.

The point that the Senator from Washington has made, which I think is extremely clear to everyone who has a chance to review these figures, is that Congress, as reflected by its conference reports, has appropriated some $5.6 billion less than has been requested of it.

As I understand it, the Senator is not trying to go into any of these other areas—the trust funds or unexpended funds or the ability of the President to withhold funds, which he does have an opportunity to do in terms of such legislation as the Highway Construction Act.

As I understand it, the Senator from Washington is merely saying that in those areas in which Congress has the most direct control and authority, it has reduced by some $5.6 billion the funds which were requested by the administration of Congress.

We can talk about these other peripheral issues which are desperately significant and important in talking about the state of the economy. But I think that what the Senator from Washington has done so well today—as has the distinguished Senator from Wisconsin (Mr. PROXMIRE) on other occasions—is to remind the Senate and the American people that when the President talks about the Senate and the House of Representatives feeding the fires of inflation in terms of the $1 billion extra for the HEW, it is extremely important to point out that even with that increase, which will affect the health, education, and welfare of the people in the most significant ways, we are below the President's request on some figures.

I think that is extremely clear. And I think the Senator has performed a great service.

Mr. MAGNUSON. We have not actually appropriated more than was requested in the HEW bill. We have merely shifted the priorities and propose to use the $1.2 billion for advance funding for ESEA in fiscal 1971 and assign it to other priorities.

So, even though we agree with the

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overall amount, we have shifted priorities. The argument seems to be because we have shifted priorities.

We may have different viewpoints on priorities. As I will point out, we have some unique qualifications with respect to the matter of priorities. And I think we have a responsibility to our constituency in the 50 States.

Most Members have served in Congress for many years and, I think, they have a feeling for the needs and the priorities of the Nation.

Many members of the Appropriations Committee have reviewed many budgets under some distressing circumstances. And they have dealt with budgets presented by a variety of Presidents and administrations.

Making judgments on budget programs and proposals and the fiscal needs of the country is not new work for many of us.

We are just as mindful of inflation as anyone, and as elected Members we are as responsive to our constituencies, if not more responsive, than any Bureau of the Budget or administrative appointees.

Both the Senate and the House of Representatives held extensive hearings on this particular bill. We took volumes of expert testimony. We examined every item in the bill carefully. We had a great deal of discussion about reordering the Nation's priorities, but, within the amount suggested. And I am hopeful that the President will allow Congress to be involved in this process of determining how and why we do certain things with the taxpayers' dollars.

The President has put the blame, in part, on formula grants as a reason to veto the measure now before us.

Mr. President, I ask unanimous consent to have printed in the RECORD a table outlining the HEW formula grant programs that received increases in the House or Senate.

There being no objection, the tabulation was ordered to be printed in the RECORD, as follows:

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE MANDATORY FORMULA GRANT PROGRAMS RECEIVING INCREASES IN HOUSE OR SENATE

[In thousands]

Appropriation/activity	1970 budget	1970 House	1970 Senate	1970 final conference action	Increase over budget
OFFICE OF EDUCATION					
Elementary and secondary education:					
Educationally deprived children	$1,226,000	$1,396,975	$1,396,975	$1,396,975	+$170,975
Supplementary educational centers	116,393	164,876	164,876	164,876	+48,483
Library resources		50,000	50,000	50,000	+50,000
Guidance, counseling, and testing		17,000	17,000	17,000	+17,000
Equipment and minor remodeling		78,740	78,740	78,740	+78,740
School assistance in federally affected areas: Maintenance and operation	187,000	585,000	645,000	585,000	+398,000
Education professions development: Grants to States	15,000	15,000	21,500	18,250	+3,250
Higher education:					
Undergraduate instructional equipment			14,500		
Direct loans	161,900	229,000	229,000	229,000	+67,100
Facilities grants	43,000	76,000	200,000	76,000	+33,000
Vocational education:					
Grants to States	230,336	357,836	352,836	352,836	+122,500
Work-study		10,000	10,000	10,000	+10,000
Programs for students with special needs		40,000	40,000	40,000	+40,000
Research (State portion only)		17,000	17,000	17,000	+17,000
Consumer and homemaking education	15,000	15,000	20,000	20,000	+5,000
Libraries:					
Library services	23,209	40,709	40,709	40,709	+17,500
Construction of public libraries		9,185	9,185	9,185	+9,185
Education for the handicapped: Preschool and school programs	29,250	29,250	34,250	29,190	−60
Total, Office of Education	2,047,088	3,131,571	3,341,571	3,134,761	+1,087,673
Hill-Burton construction grants	150,000	254,400	254,400	254,400	+104,400
Community mental health center construction grants	29,200	30,500	36,200	35,500	+6,300
Health professions student loans	15,000	19,781	27,781	23,781	+8,781
Nursing student loan	9,610	15,110	17,610	16,360	+6,750
Grants to the States for public health services (314d)	90,000	90,000	100,000	100,000	+10,000
Total, health agencies	239,810	409,791	435,991	430,041	+136,231
Development of Programs for the Aging: Grants to States	13,000	(1)	20,000	13,000	
Total, HEW	2,353,898	3,541,562	3,797,562	3,577,802	+1,233,904

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[1] Consideration deferred due to lack of authorizing legislation.

Mr. MAGNUSON. Mr. President, under education, I might mention just a few programs that the President will veto because of increases that have been provided.

Elementary and secondary education, title I programs for educationally deprived children, was increased by $170,975,000.

Library resources, where the President's budget was zero, was increased by $50 million.

School assistance in federally affected areas, Public Law 874, the impacted aid measure, was increased by $398 million.

I might point out that that was done pursuant to an amendment offered by a distinguished Senator on the Republican side.

The impacted aid program is one that is understood by every Member of Congress. It is disliked by the Bureau of the Budget and by the President.

There are parts of the program that I am concerned about.

I do not know whether the formula is correct, but it is there. And there was no suggestion made that the law should be changed. Perhaps it should be. Possibly the President should press for a change in the basic law, instead of arguing about whether to impound or not to impound the funds provided.

He has argued that Public Law 874 helps wealthy school districts, and it does. It was not designed just to help poor school districts. Perhaps it should have been.

My point is just this, that until the basic law is changed, the Congress—and the President—must follow the law in regard to appropriations.

What the President would do would be to repeal by Budget Bureau orders.

To continue with some of the education programs, we increased direct loans to students in colleges, universities, and technical institutes by $67,100,000.

This money, we hope, will come back to the Federal Treasury, many times over—just as the GI bill of rights funds have—and this program follows the President's policy to expand loan programs and cut down on outright grants.

In vocational education we increased grants to States by $122,500,000 to improve this area of grave need. For students with special needs in vocational technical education there is $40,000,000 for this program authorized by the 1968 amendments to the vocational education act, which the Senate passed overwhelmingly.

In health, we added $104,400,000 for the Hill-Burton hospital construction program. We thought the Johnson and Nixon budgets were woefully low and we added $104,400,000. I do not have to stand here today and outline the need for hospital beds in this country.

In loans to health professions students, and nurses, the increase was $15,081,000.

In State grants under the partnership in health programs, the increase was $10,000,000.

The total increases over the budget estimates for so-called mandatory formula grant programs total $1,223,904,000, of which $398,000,000 is for impacted aid. This $1.2 billion includes both health

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and education programs approved by the conference, and the conference report was signed by every member of the conference, Republicans and Democrats, House and Senate.

The President has indicated that the increases in the health programs are keyed to lower priority purposes and are excessive, and also misdirected spending.

This was not the testimony that we received before our committee, nor the opinion of the majority who voted overwhelmingly for these programs in Congress.

In a recent article the Washington Post outlined the struggle the veterans' hospitals are having in meeting the medical care needs of patients who have fought for and served their country.

I would remind my colleagues and others that the health manpower money in this bill has a direct relation to the supply of medical professionals involved not only in caring for people in regular hospitals, but also in veterans' hospitals as well.

When we talk about not doing this, or not spending funds because it has some effect on the fiscal policies of the country, I remind Senators that we have one mandatory program which we discussed briefly for the Veterans' Administration, of which over $1.2 billion was for in-hospital care, because every other bed is for a mental case and a little money for research might do something in this regard. Choking off funds for this purpose is a mistake.

I ask unanimous consent that the article to which I have referred be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

GI MEDICAL CARE COMPLAINTS RISE UNDER BUDGET SQUEEZE

(By Stuart Auerbach)

A doctor who specializes in the care of paraplegics says the Veterans Administration treated patients paralyzed by spinal cord injuries better in 1946 than it does now.

In Miami, young doctors at the VA hospital charge that, veterans suffer a "tragic lack of care" there because the hospital is "grossly understaffed."

Psychiatric services at many VA hospitals, once considered very good, "have been falling steadily behind what is available elsewhere in the community," says Dr. Louis Jolyon West, chairman of the department of psychiatry at the University of California at Los Angeles and a VA consultant.

The statements reflect a growing concern in Congress, veterans' organizations and among doctors that the nation's 166 VA hospitals are so underfinanced that the quality of medical care will begin slipping very shortly—if the slide has not already started.

DOOM FORESEEN

"I don't think we could last over a year," as a top-quality hospital without more money for staff and innovative new medical programs, says Dr. Arthur J. Klippen, director of the VA Hospital in Minneapolis, one of the best in the country.

A long-time doctor at his hospital, Dr. Lesley Zieve, says "we'll be doomed" if the budget squeeze continues next year.

"There is real danger that the Administration and Congress are about to see veterans' hospitals revert to the mediocre status of the 1920s and the 1930s, when tired physicians and political job holders provided the care for the defenders of our country," warns Dr. Stewart Wolf, a professor of medicine at the University of Oklahoma.

While admitting the VA hospitals could use more money, Donald E. Johnson, the Nixon appointee who heads the VA, insists that veterans still receive top quality care—"care second to none."

"They receive good care, compassionate care and good service. The doctors and nurses they have are top flight. We can handle the mission," says Johnson.

Rep. Olin E. Teague (D-Tex.), chairman of the House Veterans' Affairs Committee, disagrees. He accuses the Nixon Administration of reducing the medical care in VA hospitals "to a second class status." He asked for a meeting with President Nixon to discuss the VA hospitals.

Interviews and congressional testimony indicate that there is little wrong with the VA hospitals that more money wouldn't cure. The budget for VA hospitals is currently $1.9 billion.

Dr. Ernest H. J. Bors, who is about to retire as head of the spinal cord injury center at the VA Hospital in Long Beach, Calif., blames lack of people for the deterioration over the past 20 years in the care of paraplegics.

MATTER OF BUDGET

"We don't have the hands to do the job," he says. "It boils down to a matter of the budget."

He calls the 1940s—after World War II—"the honeymoon time" because there were enough trained people to give patients physical therapy two or three times a day if needed. There were enough nurses to spend hours at the bedside providing tender loving care—"a sweetheart or mother image at the bedside."

Now, he says, patients get physical therapy once a day and nurses are too swamped to spend much time talking to patients. He estimates his center needs twice as many therapists and nurses "to get back to the good old days."

Dr. Douglas J. Stewart, a second year resident at Miami's VA hospital, says staff shortages there mean that patients with bleeding ulcers wait hours to get needed blood transfusions.

"It's a risk," he says. "You are walking a thin line."

He also says that expensive sophisticated lifesaving equipment bought for the year-old, $22 million hospital is unused because there are not enough trained staff members available. Only 688 of the 1,020 beds in the hospital are currently open for use.

But Miami isn't in any worse shape than other VA hospitals scattered around the country. It has about 1.56 staff members for each patient—right about at the National average for VA hospitals.

This compares to the average of 2.72 employes for each patient in the Nation's community hospitals and three employes per patient in university and teaching hospitals.

Rep. Teague want to increase the staff-patient ratio to two-to-one. This means adding 28,000 more employes at an annual cost of $240 million.

"If we had a 2-to-1 ratio, I think we could compete in the quality of medical care with any hospital in the area, even though they have three or four employes for every patient," says Dr. R. H. Kaplan, chief of staff at the VA Hospital in Washington.

The VA hospitals have been hit by a triple financial crunch. The yearly increases in their budgets haven't kept up with either the Nation's inflationary trend or the rising cost of medical care—which leads the cost-of-living index.

COSTS SURGE

With 80 per cent of the budget going for salaries, the increases have barely matched four raises that Congress has voted for federal workers, says Oliver E. Meadows, the staff director of the House Veterans Affairs' Committee.

And, with the cost of medical care in the private sector rising so high, more and more veterans are forced to go to VA hospitals because they can't afford to get treatment on the outside.

Added to all that, the Nixon Administration trimmed the budget for hospitals by $70 million this year as part of its fight against inflation.

Congress, however, returned half of that to the VA and indications are that the Bureau of the Budget will allow that money to be spent. VA officials are counting on that money to open $20 million in unused facilities in hospitals across the country.

Surprisingly, the Vietnam war with its 132,000 hospitalized casualties has had little effect on the VA hospitals.

About 5 per cent of the VA's 800,000 patients last year were Vietnam veterans. The number is growing, though; this year the VA expects to treat more than 60,000 Vietnam veterans.

Many of the Vietnam wounded never get to V.A. hospitals. They are treated and discharged directly from military hospitals. When casualties are high, however, the military moves patients out to the V.A. in order to open beds for newly wounded servicemen.

The Vietnam veterans are causing a special problem for the VA. They are young, impatient and demand speedy treatment. Capt. Max Cleland, a Silver Star winner who lost his right arm and both legs in Vietnam, complained that it took him twice as long as it should have to get artificial limbs.

Dr. Bors notes that paraplegics from Vietnam are rehabilitated in about half the time of his other patients.

This is important because as Sen. Alan Cranston (D.-Calif.) points out Vietnam is the most crippling war America has fought.

Testimony before Cranston's Senate veterans affairs subcommittee shows that servicemen are being crippled in Vietnam at twice the rate of the Korean War and three times the rate of World War II.

Started after World War I to care for the war wounds of veterans, the VA hospitals' mission has gradually been increased until today only one-third of their patients suffer from service connected ailments.

MORE TRAINING URGED

Any veteran can be admitted to a VA hospital if he cannot afford medical care elsewhere—with the highest priority going to service connected cases.

The VA hospitals also play a large part in medical research and training. More than 90 of the hospitals are affiliated with medical schools and half the doctors in the country received some part of their training in VA hospitals.

Teague feels that the training element of the VA should be expanded—especially in the field of paramedical personnel who could help ease the nationwide shortage of doctors and nurses.

Drs. Philip Lee and Roger O. Egeberg, the past and present assistant secretaries of Health, Education and Welfare for health and scientific affairs agree. They both told Cranston's committee that the training potential of the VA should be increased.

All this, the experts say, requires money.

Johnson, the VA administrator says that it appears as if the veterans' hospitals will receive a hefty increase in the 1971 budget, currently in preparation.

"If the funds are low, the quality of medical care goes down," says Dr. Kaplan of Washington's VA Hospital. "That affects recruitment. It's a vicious cycle."

Mr. MAGNUSON. Mr. President, finally, I wish to say a few additional words about the alleged inflationary impact this measure may or may not have on our economy.

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It is difficult to understand how improving the availability of better medical facilities and patient care will inflate costs; or how inflationary it is to provide more doctors, dentists, osteopaths, pharmacists, nurses, and paramedical personnel. Just the reverse is true.

One of the reasons that medical costs are so high and rising so rapidly is the critical shortages in these areas. If we had more doctors, dentists, nurses, and health professionals, and the right type of hospital facilities, it would have the opposite effect.

In my considered opinion, nothing contributes more to the escalating costs of medical care than the shortages of health care personnel and the right types of hospital facilities. In our fight against inflation, perhaps we should think these things through a little further.

Sometimes it seems as though the administration's holddown in spending, in certain areas, is accentuating the livability gap and making a bad situation even worse.

This could apply to other areas, as decay in our urban centers rather than just housing, hunger, and malnutrition, pollution, health, and education. The Congress must have a hand in making these determinations.

It is also somewhat difficult to believe that there will be an absolute inflationary effect by increasing the capacity and the capability of our schools to turn out better educated students, and have better vocational-technical programs.

Education most certainly advances the earning capacity of every individual, and making them more responsible citizens, too.

An individual with an education and increased earning capacity is not a welfare recipient—he is a taxpayer.

There is something else about an educated people, which was said a long time ago, and which I believe: "Education makes a people easy to lead, but difficult to drive; easy to govern, but impossible to enslave."

To me, education must be ranked among the top priorities of our Nation, and our responsibility as legislators.

While I certainly respect any effort in the fight against inflation—and I share the hope of many that success is just around the corner—I am not impressed with the scorecard for the last 12 months, where inflationary costs have soared at a greater rate than any year since 1951, and interest rates are at the highest level in the last 100 years.

It is difficult to make the arithmetic match the intended goal. It makes one wonder if we are using false logic, if we still have some distorted priorities, and if we are neglecting fundamental human values.

These last 2 years have shown an increase in State and local expenditures for our schools, at the same time that total support from the Federal level has been dropping.

I suggest the Federal level of support averages about 7 percent of the total costs of schools. It has not even reached 10 percent, but it has been dropping.

However, local districts are having a tougher fight each time a local bond issue or taxing question is placed before the voters. Just to stay even in our efforts to educate 52 million students, the Federal contribution will have to be increased.

The best ways to fight inflation are not easily agreed upon. There is a difference of opinion among us, and between the Congress and the administration. There are differences of opinion within the administration.

However, in our pursuit of anti-inflation measures, we should continue to examine these policies to make certain they do not have the opposite effects, and feed the fires of inflation instead of slowing them down.

In the days that follow the adoption of this conference report, I know that the impact of what we do will be on the collective conscience of all of us. No matter what side of the aisle we sit on.

Mr. President, I ask unanimous consent that a table showing the action taken on H.R. 13111 be printed in the RECORD at this point.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

SUMMARY—DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE—CONGRESSIONAL ACTION ON THE 1970 HEW-LABOR APPROPRIATION BILL

Agency	1969 comparable	1970 revised budget	House action	Department appeal	Senate action	Conference agreement
Consumer Protection and Environmental Health Service	$227,064,000	$229,477,000	$277,177,000	$227,177,000	$250,968,000	$242,522,500
Health Services and Mental Health Administration	1,077,261,000	1,030,441,000	1,103,449,000	1,001,939,000	1,179,037,000	1,154,339,000
National Institutes of Health	1,394,549,500	1,448,610,000	1,449,651,000	1,448,445,000	1,629,384,000	1,546,244,500
Scientific activities overseas	15,000,000	3,455,000	3,455,000	3,455,000	3,455,000	3,455,000
Subtotal	2,713,874,500	2,711,983,000	2,783,732,000	2,681,016,000	3,062,844,000	2,946,561,000
Office of Education	3,647,200,000	[1] 3,197,634,000	[1] 4,222,889,000	[1] 3,160,997,000	[1] 4,540,724,000	[1] 4,276,117,000
Social and Rehabilitation Service	7,338,302,000	8,451,856,000	[2] 8,410,754,000	8,449,856,000	8,397,257,000	8,400,920,500
Social Security Administration	1,690,772,000	2,014,864,000	2,014,564,000	2,014,564,000	2,014,864,000	2,014,564,000
Special Institutions	36,146,000	62,409,000	62,409,000	62,409,000	62,723,000	62,723,000
Departmental Management	30,898,000	35,160,000	34,734,000	34,954,000	34,734,000	34,734,000
Total, Department of Health, Education, and Welfare	15,457,192,500	16,473,906,000	17,529,082,000	16,403,796,000	18,113,146,000	17,735,619,500
Title I advance funding:						
1970 advance (in 1969 bill)	1,010,814,300	−1,010,814,300	−1,010,814,300	−1,010,814,300	−1,010,814,300	−1,010,814,300
1971 advance (in 1970 bill)		1,226,000,000		1,226,000,000	1,117,580,000	
Total, HEW appropriation bill	16,468,006,800	16,689,091,700	16,518,267,700	16,618,981,700	18,219,911,700	16,724,805,200

[1] Includes $1,010,814,300 appropriated in the 1969 bill.

[2] Due to lack of authorizing legislation, the House did not consider $28,360,000 requested for "Development of programs for the aging."

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE—CONGRESSIONAL ACTION ON THE 1970 HEW-LABOR APPROPRIATION BILL

Appropriation activity	1969 comparable	1970 revised budget	House action	Department appeal	Senate action	Conference agreement
CONSUMER PROTECTION AND ENVIRONMENTAL HEALTH SERVICE						
Food and drug control:						
1. Medical evaluation	$18,774,000	$19,674,000	$19,674,000	$19,674,000	$19,674,000	$19,674,000
2. Scientific research and evaluation	16,378,000	16,583,000	16,583,000	16,583,000	16,583,000	16,583,000
3. **Education and voluntary compliance**	1,275,000	1,296,000	1,296,000	1,296,000	1,317,000	1,296,000
4. **Regulatory compliance**	29,205,000	29,647,000	29,647,000	29,647,000	30,304,000	29,992,500
5. Program management	4,812,000	4,807,000	4,807,000	4,807,000	4,820,000	4,807,000
Total	70,444,000	72,007,000	72,007,000	72,007,000	72,698,000	72,352,500
Air pollution control:						
1. **Abatement and control**	32,567,000	35,531,000	35,531,000	35,531,000	35,531,000	34,431,000
2. **Research, development, and demonstration**	47,614,000	52,328,000	50,328,000	50,328,000	73,438,000	66,428,000
3. **Manpower training**	5,279,000	5,405,000	5,405,000	5,405,000	5,405,000	5,405,000
4. **Program management**	2,500,000	2,536,000	2,536,000	2,536,000	2,536,000	2,536,000
Total	87,960,000	95,800,000	93,800,000	93,800,000	116,900,000	108,800,000

XUM

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE—CONGRESSIONAL ACTION ON THE 1970 HEW-LABOR APPROPRIATION BILL—**Continued**

Appropriation/activity	1969 comparable	1970 revised budget	House action	Department appeal	Senate action	Conference agreement
CONSUMER PROTECTION AND ENVIRONMENTAL HEALTH SERVICE—Continued						
Environmental control:						
1. Solid waste management	$16,113,000	$14,872,000	$14,872,000	$14,872,000	$14,872,000	[1] $14,872,000
6. Occupational health	7,466,000	7,774,000	7,774,000	7,774,000	7,774,000	7,774,000
3. Radiological health	16,183,000	16,527,000	16,527,000	16,527,000	16,527,000	16,527,000
4. Community environmental management:						
(a) Aedes aegypti eradication	6,446,000	440,000	440,000	440,000	440,000	440,000
(b) Other community sanitation	11,359,000	9,872,000	9,872,000	9,872,000	9,872,000	9,872,000
Subtotal environmental management	17,805,000	10,312,000	10,312,000	10,312,000	10,312,000	10,312,000
5. Water hygiene	2,184,000	2,593,000	2,593,000	2,593,000	2,593,000	2,593,000
6. Program management	3,080,000	3,130,000	3,130,000	3,130,000	3,130,000	3,130,000
Total	62,831,000	55,208,000	55,208,000	55,208,000	55,208,000	55,208,000
Buildings and facilities		300,000				
Salaries and expenses Office of the Administrator	5,829,000	6,162,000	6,162,000	6,162,000	6,162,000	6,162,000
Total CPEHS	227,064,000	229,477,000	227,177,000	227,177,000	250,968,000	242,566,500
HEALTH SERVICES AND MENTAL HEALTH ADMINISTRATION						
Mental health:						
1. Support and conduct of research:						
(a) Grants:						
(1) Research	81,159,000	82,273,000	82,273,000	82,273,000	82,273,000	79,473,000
(2) Hospital improvement	10,610,000	8,000,000	8,000,000	8,000,000	8,000,000	7,500,000
(3) Early child care demonstrations		1,000,000			1,000,000	
Subtotal, grants	91,769,000	91,273,000	90,273,000	90,273,000	91,273,000	86,973,000
(b) Direct operations:						
(1) Intramural research	17,959,000	18,125,000	18,125,000	18,125,000	18,125,000	18,125,000
(2) Planning, development, and administration	5,070,000	7,006,000	5,104,000	6,404,000	7,006,000	6,404,000
Subtotal, direct operations	23,029,000	25,131,000	23,229,000	24,529,000	25,131,000	24,529,000
Subtotal, research	114,798,000	116,404,000	113,502,000	114,802,000	116,404,000	111,502,000
2. Manpower development:						
(a) Grants:						
(1) Training	109,046,000	107,500,000	107,500,000	107,500,000	112,500,000	107,500,000
(2) Fellowships	10,641,000	10,866,000	10,866,000	10,866,000	[2] 11,366,000	10,866,000
Subtotal, grants	119,687,000	118,366,000	118,366,000	118,366,000	123,866,000	118,366,000
(b) Direct operations	4,530,000	4,583,000	4,583,000	4,583,000	4,583,000	4,583,000
Subtotal, manpower	124,217,000	122,949,000	122,949,000	122,949,000	128,499,000	122,949,000
3. Support of institutions and resources:						
(a) Grants:						
(1) Construction of community mental health centers	15,000,000	29,200,000	30,500,000	29,200,000	36,200,000	35,500,000
(2) Staffing of community mental health centers	49,699,000	51,300,000	51,300,000	51,300,000	[2] 57,896,000	48,300,000
(3) Narcotic addiction and alcoholism community assistance	8,000,000	8,000,000	12,000,000	8,000,000	16,000,000	12,000,000
Subtotal, grants	72,699,000	88,500,000	93,800,000	88,500,000	110,096,000	95,800,000
(b) Direct operations	2,364,000	2,379,000	2,379,000	2,379,000	2,379,000	2,379,000
Subtotal, institutions and resources	75,063,000	90,879,000	96,179,000	90,879,000	112,475,000	98,179,000
4. Service activities:						
(a) Narcotic addiction and drug abuse treatment and research	14,288,000	17,456,000	17,456,000	17,456,000	17,456,000	17,456,000
(b) Regional and field activities	2,346,000	2,346,000	2,346,000	2,346,000	2,346,000	2,346,000
(c) Scientific communication and public education	2,588,000	2,749,000	2,749,000	2,749,000	2,749,000	2,749,000
Subtotal, service activities	19,222,000	22,551,000	22,551,000	22,551,000	22,551,000	22,551,000
5. Program direction and management services	4,871,000	5,121,000	5,121,000	5,121,000	5,121,000	5,121,000
Total, mental health	338,171,000	357,904,000	360,302,000	356,302,000	385,000,000	360,302,000
St. Elizabeths Hospital	13,380,000	10,405,000	10,405,000	10,405,000	10,405,000	10,405,000
Health services research and development	41,907,000	44,975,000	44,975,000	44,975,000	44,975,000	44,975,000
Comprehensive health planning and services:						
1. Partnership for health grants:						
(a) Planning	18,500,000	20,000,000	20,000,000	20,000,000	20,000,000	20,000,000
(b) Formula	66,032,000	90,000,000	90,000,000	90,000,000	100,000,000	100,000,000
(c) Project	86,600,000	80,000,000	80,000,000	80,000,000	80,000,000	80,000,000
Subtotal, grants	171,132,000	190,000,000	190,000,000	190,000,000	200,000,000	200,000,000
2. Migrant health	8,100,000	15,000,000	8,110,000	15,000,000	15,000,000	15,000,000
3. Standard setting and resource development	5,998,000	6,849,000	6,849,000	6,849,000	6,849,000	6,849,000
4. Program management	1,879,000	2,184,000	2,184,000	2,184,000	2,184,000	2,184,000
Total	187,109,000	214,033,000	207,143,000	214,033,000	224,033,000	224,033,000
(Trust fund transfer)	(4,320,000)	(4,320,000)	(4,320,000)	(4,320,000)	(4,320,000)	(4,320,000)
Regional medical programs:						
1. Operational and planning grants	56,200,000	73,500,000	49,500,000	53,500,000	73,500,000	73,500,000
(Obligations)	(72,365,000)	(93,500,000)	(69,500,000)	(73,500,000)	(93,500,000)	(93,500,000)
2. Chronic disease control programs	25,082,000	24,771,000	24,771,000	20,771,000	24,771,000	24,771,000
3. Program management	1,851,000	1,729,000	1,729,000	1,729,000	1,729,000	1,729,000
Total	83,133,000	100,000,000	76,000,000	76,000,000	100,000,000	100,000,000
Communicable diseases	39,084,000	38,638,000	38,638,000	38,638,000	38,638,000	38,638,000
Hospital construction:						
1. Construction	254,487,000	150,000,000	254,400,000	150,000,000	254,400,000	254,400,000
2. Operations and technical services	3,802,000	3,923,000	3,923,000	3,923,000	3,923,000	3,923,000
Total	258,289,000	153,923,000	258,323,000	153,923,000	258,323,000	258,323,000
District of Columbia medical facilities	15,000,000	(3)			10,000,000	10,000,000
Patient care and special health services	71,437,000	72,224,000	72,224,000	72,224,000	72,224,000	72,224,000
National health statistics	8,109,000	9,641,000	8,841,000	8,841,000	8,841,000	8,841,000
Retired pay of commissioned officers	13,041,000	16,700,000	16,700,000	16,700,000	16,700,000	16,700,000
Buildings and facilities		2,100,000				
Salaries and expenses, Office of the Administrator	8,601,000	9,898,000	9,898,000	9,898,000	9,898,000	9,898,000
Total, Health Services and Mental Health Administration	1,077,261,000	1,030,441,000	1,103,449,000	1,001,939,000	1,179,037,000	1,154,339,000

Footnotes at end of table.

XUM

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE—CONGRESSIONAL ACTION ON THE 1970 HEW-LABOR APPROPRIATION BILL—Continued

Appropriation/activity	1969 comparable	1970 revised budget	House action	Department appeal	Senate action	Conference agreement
NATIONAL INSTITUTES OF HEALTH						
Research institutes (analysis by program):						
1. Research grants:						
(a) Regular program:						
(1) Noncompeting	$331,315,000	$331,200,000	$331,200,000	$331,200,000	$331,200,000	$331,200,000
(2) Competing	142,048,000	131,365,000	131,365,000	131,365,000	153,465,000	141,873,000
Subtotal	473,363,000	462,565,000	462,565,000	462,565,000	484,665,000	473,073,000
(b) General research support grants	52,945,000	52,945,000	52,945,000	52,945,000	57,945,000	52,945,000
(Total program including NIMH)	(60,700,000)	(60,700,000)	(60,700,000)	(60,700,000)	(65,700,000)	(60,700,000)
(c) Multidisciplinary centers	27,225,000	27,630,000	27,630,000	27,630,000	33,484,000	30,915,000
(d) Special programs	82,279,000	82,274,000	87,234,000	83,274,000	95,239,000	91,239,000
Subtotal, research grants	635,812,000	626,414,000	630,374,000	626,414,000	671,333,000	648,172,000
2. Manpower development programs	197,727,000	179,000,000	179,000,000	179,000,000	216,913,000	197,852,000
3. Intramural research	84,502,000	87,689,000	87,689,000	87,689,000	90,047,000	89,871,000
4. Collaborative research and development	125,851,000	120,916,000	118,162,000	120,916,000	144,994,000	132,677,000
5. Other Institute direct operations	49,985,000	50,851,000	50,851,000	50,851,000	53,378,000	52,798,500
Total	1,093,877,000	1,064,870,000	1,066,076,000	1,064,870,000	1,176,665,000	1,121,370,500
John E. Fogarty International Center for Advanced Study in the Health Sciences	(3,374,000)	(2,954,000)	(2,954,000)	(2,954,000)	(2,954,000)	(2,954,000)
Research Institutes (analysis by appropriation):						
Biologics standards	8,305,000	8,225,000	8,225,000	8,225,000	8,225,000	8,225,000
National Cancer Institute	183,485,500	180,725,000	180,725,000	180,725,000	200,000,000	190,362,500
National Heart Institute	166,008,500	160,513,000	160,513,000	160,513,000	182,000,000	171,256,500
National Institute of Dental Research	29,697,500	29,289,000	29,289,000	29,289,000	32,000,000	30,644,500
National Institute of Arthritis and Metabolic Diseases	143,402,000	137,668,000	137,668,000	137,668,000	155,000,000	146,334,000
National Institute of Neurological Diseases and Stroke	106,013,500	101,256,000	101,256,000	101,256,000	112,700,000	106,978,000
National Institute of Allergy and Infectious Diseases	106,623,500	102,389,000	102,389,000	102,389,000	105,000,000	103,694,500
National Institute of General Medical Sciences	163,122,500	154,288,000	154,288,000	154,288,000	175,000,000	164,644,000
National Institute of Child Health and Human Development	72,590,500	75,852,000	73,098,000	75,852,000	80,800,000	76,949,000
National Eye Institute	22,240,000	23,685,000	23,685,000	23,685,000	25,000,000	24,342,500
Environmental health sciences	17,785,000	18,328,000	18,328,000	18,328,000	18,328,000	18,328,000
General research and services	71,229,500	69,698,000	73,658,000	69,698,000	79,658,000	76,658,000
John E. Fogarty International Center for Advanced Study in the Health Sciences	3,374,000	2,954,000	2,954,000	2,954,000	2,954,000	2,954,000
Total	1,093,877,000	1,064,870,000	1,066,076,000	1,064,870,000	1,176,665,000	1,121,370,500
Health manpower:						
1. Institutional support:						
(a) Medical, dental, and related	66,000,000	101,400,000	101,400,000	101,400,000	108,598,000	105,000,000
(b) Nursing	7,000,000	7,000,000	7,000,000	7,000,000	10,000,000	8,400,000
(c) Public health	9,471,000	9,471,000	9,471,000	9,471,000	10,671,000	10,071,000
(d) Allied health professions	10,975,000	10,988,000	10,988,000	10,988,000	11,988,000	11,587,000
Subtotal	93,446,000	128,859,000	128,859,000	128,859,000	141,257,000	135,058,000
Health education loan fund:						
1. Loan activity						
(Obligations)	(21,187,000)	(6,817,000)	(6,817,000)	(6,817,000)	(6,817,000)	(6,817,000)
2. Sales insufficiencies and interest differential	200,000	957,000	957,000	957,000	957,000	957,000
Total	200,000	957,000	957,000	957,000	957,000	957,000
2. Student assistance:						
a. Traineeships	20,670,000	20,670,000	20,670,000	20,670,000	20,670,000	20,670,000
b. Direct loans:						
(1) Medical, dental, etc	15,000,000	15,000,000	19,781,000	15,000,000	27,781,000	23,781,000
(Obligations)	(26,429,000)	(16,113,000)	(20,894,000)	(16,113,000)	(28,894,000)	(24,894,000)
(2) Nursing	9,610,000	9,610,000	15,110,000	9,610,000	17,610,000	16,360,000
(Obligations)	(16,910,000)	(12,281,000)	(17,781,000)	(12,281,000)	(20,281,000)	(19,031,000)
Subtotal, direct loans	24,610,000	24,610,000	34,891,000	24,610,000	45,391,000	40,141,000
Scholarships:						
(1) Medical, dental, etc	11,219,000	16,000,000	11,219,000	16,000,000	16,000,000	15,541,000
(2) Nursing	6,500,000	12,000,000	6,500,000	12,000,000	12,000,000	7,178,000
Subtotal, scholarships	17,719,000	28,000,000	17,719,000	28,000,000	28,000,000	22,719,000
Subtotal, student assistance	62,999,000	73,280,000	73,280,000	73,280,000	94,061,000	83,530,000
3. Manpower requirements, utilization and program management	15,641,000	15,882,000	15,882,000	15,882,000	15,882,000	15,882,000
Total, health manpower	172,065,000	218,021,000	218,021,000	218,021,000	251,200,000	234,470,000
Dental health:						
1. Grants	5,259,000	5,845,000	5,739,000	5,739,000	6,845,000	6,739,000
2. Direct operations	4,926,000	5,042,000	4,983,000	4,983,000	5,042,000	4,983,000
Total	10,185,000	10,887,000	10,722,000	10,722,000	11,887,000	11,722,000
Construction of health educational, research and library facilities:						
1. (a) Medical and related	60,000,000	94,480,000	94,500,000	94,500,000	114,500,000	106,500,000
Obligations	(104,157,000)	(112,800,000)	(112,800,000)	(112,800,000)	(126,800,000)	(118,800,000)
(b) Dental	15,000,000	23,620,000	23,600,000	23,600,000	23,600,000	26,600,000
Obligations	(26,039,000)	(28,200,000)	(28,200,000)	(28,200,000)	(28,200,000)	(28,200,000)
2. Nursing	8,000,000	8,000,000	8,000,000	8,000,000	10,000,000	10,000,000
Obligations	(18,781,000)	(8,000,000)	(8,000,000)	(8,000,000)	(10,000,000)	(10,000,000)
3. Allied health professions	1,800,000					
Obligations	(3,008,000)	(..........)	(..........)	(..........)	(..........)	(..........)
4. Medical library construction					1,900,000	950,000
Obligations	(1,250,000)	(..........)	(..........)	(..........)	(1,900,000)	(950,000)
5. Health research facilities	8,400,000				10,000,000	5,000,000
Obligations	(20,640,000)	(..........)	(..........)	(..........)	(10,000,000)	(5,000,000)
Total, construction	93,200,000	126,100,000	126,100,000	126,100,000	160,000,000	149,050,000
Obligations	(173,875,000)	(149,000,000)	(149,000,000)	(149,000,000)	(176,900,000)	(162,950,000)
National Library of Medicine:						
1. Grants	5,788,000	5,792,000	5,792,000	5,792,000	5,792,000	5,792,000
2. Direct operations	12,220,000	13,890,000	13,890,000	13,890,000	13,890,000	13,890,000
Total	18,008.500	19,682,000	19,682,000	19,682,000	19,682,000	19,682,000

XUM

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE—CONGRESSIONAL ACTION ON THE 1970 HEW-LABOR APPROPRIATION BILL—Continued

Appropriation/activity	1969 comparable	1970 revised budget	House action	Department appeal	Senate action	Conference agreement
NATIONAL INSTITUTES OF HEALTH—Continued						
Buildings and facilities		$1,000,000	$1,000,000	$1,000,000	$1,900,000	$1,900,000
Salaries and expenses, Office of the Director	$6,993,000	7,093,000	7,093,000	7,093,000	7,093,000	7,093,000
Total, National Institutes of Health	1,394,549,500	1,448,610,000	1,449,651,000	1,448,445,000	1,629,384,000	1,546,244,500
Scientific activities overseas (special foreign currency program)	15,000,000	3,455,000	3,455,000	3,455,000	3,455,000	3,455,000
OFFICE OF EDUCATION						
Elementary and secondary education:						
1. Educationally deprived children	1,123,127,000	1,226,000,000	[1] 1,396,975,000	[1] 1,226,000,000	[4] 1,396,975,000	[4] 1,396,975,000
2. Dropout prevention	5,000,000	24,000,000	5,000,000	15,000,000	20,000,000	5,000,000
3. Bilingual education	7,500,000	10,000,000	10,000,000	10,000,000	25,000,000	25,000,000
4. Supplementary educational centers	164,876,000	116,393,000	164,876,000	116,393,000	164,876,000	164,876,000
5. Library resources	50,000,000		50,000,000		50,000,000	50,000,000
6. Guidance, counseling, and testing	17,000,000		17,000,000		17,000,000	17,000,000
7. Equipment and minor remodeling	78,740,000		78,740,000		[4] (78,740,000)	30,000,000
8. Strengthening State departments of education	29,750,000	29,750,000	29,750,000	29,750,000	29,750,000	29,750,000
9. Planning and evaluation		9,250,000	9,250,000	9,250,000	9,250,000	9,250,000
Total	1,475,993,000	1,415,393,000	1,761,591,000	1,406,393,000	1,712,851,000	1,727,851,000
Instructional equipment	(93,240,000)		(78,740,000)		93,240,000	48,740,000
School assistance in federally affected areas:						
1. Maintenance and operation	505,900,000	187,000,000	585,000,000	187,000,000	645,000,000	585,000,000
2. Construction	15,153,000	15,167,000	15,167,000	15,167,000	15,167,000	15,167,000
(Obligations)	(74,051,000)	(15,167,000)	(15,167,000)	(15,167,000)	(15,167,000)	(15,167,000)
3. Evaluation	200,000					
Total	521,253,000	202,167,000	600,167,000	202,167,000	660,167,000	600,167,000
Education Professions Development:						
1. Preschool, elementary, and secondary:						
(a) Grants to States	15,000,000	15,000,000	15,000,000	15,000,000	21,500,000	18,250,000
(b) Training programs	80,000,000	80,000,000	80,000,000	80,000,000	98,000,000	88,750,000
2. Recruitment and information (504)					500,000	500,000
Total	95,000,000	95,000,000	95,000,000	95,000,000	120,000,000	107,500,000
Teacher Corps:						
1. Operations and training	20,900,000	31,100,000	21,737,000	24,737,000	31,100,000	21,737,000
Higher education:						
1. Program assistance:						
(a) Strengthening developing institutions	30,000,000	30,000,000	30,000,000	30,000,000	30,000,000	30,000,000
(b) Colleges of agriculture and the mechanic arts	11,950,000	[6] 19,361,000	12,120,000	[6] 19,361,000	[6] 19,361,000	[6] 19,361,000
(c) Undergraduate instructional equipment and other resources	14,500,000				[6] (14,500,000)	
Subtotal, program assistance	56,450,000	49,361,000	42,120,000	49,361,000	49,361,000	49,361,000
2. Construction:						
(a) Public community colleges and technical institutes	50,000,000	43,000,000	43,000,000	43,000,000	125,000,000	43,000,000
(Obligations)	(83,000,000)	(43,000,000)	(43,000,000)	(43,000,000)	(125,000,000)	(43,000,000)
(b) Other undergraduate facilities	33,000,000		33,000,000		75,000,000	33,000,000
(Obligations)	(133,463,924)		(33,000,000)		(75,000,000)	(33,000,000)
(c) Graduate facilities	8,000,000					
(Obligations)	(25,576,994)					
(d) Interest subsidization	3,920,000	11,750,000	11,750,000	11,750,000	11,750,000	11,750,000
Amount of subsidized loans	(145,000,000)	(290,000,000)	(290,000,000)	(290,000,000)	(290,000,000)	(290,000,000)
(e) State administration and planning	7,000,000	6,000,000	6,000,000	6,000,000	6,000,000	6,000,000
(f) Technical services	4,833,000	5,100,000	5,100,000	5,100,000	5,100,000	5,100,000
Subtotal, construction	106,753,000	65,850,000	98,850,000	65,850,000	222,850,000	98,850,000
3. Student aid:						
(a) Educational opportunity grants	124,600,000	175,600,000	159,600,000	175,600,000	175,600,000	164,600,000
(b) Direct loans	193,400,000	161,900,000	229,000,000	161,900,000	229,000,000	229,000,000
(c) Insured loans:						
(1) Advances for reserve funds	12,500,000					
(Obligations)	(4,700,000)	(7,800,000)	(7,800,000)	(7,800,000)	(7,800,000)	(7,800,000)
(2) Interest payments	62,400,000	62,400,000	62,400,000	62,400,000	62,400,000	62,400 000
(Accrued costs)	(65,000,000)	(101,887,000)	(101,887,000)	(101,887,000)	(101,887,000)	(101,887,000)
(3) Computer services	1,500,000	1,500,000	1,500,000	1,500,000	1,500,000	1,500,000
Subtotal, insured loans	76,400,000	63,900,000	63,900,000	63,900,000	63,900,000	63,900,000
(d) Work-study programs	139,900,000	154,000,000	154,000,000	154,000,000	154,000,000	154,000,000
(Obligations)	(146,049,856)	(154,000,000)	(154,000,000)	(154,000,000)	(154,000,000)	(154,000,000)
(e) Cooperative education		(7)	(7)	(7)	(7)	(7)
(f) Special programs for disadvantaged students:						
(1) Talent search	4,000,000	5,000,000	5,000,000	5,000,000	5,000,000	5,000,000
(2) Upward Bound	29,800,000	30,000,000	30,000,000	30,000,000	30,000,000	30,000,000
(3) Special services in college		10,000,000	10,000,000	10,000,000	10,000,000	10,000,000
Subtotal special programs	33,800,000	45,000,000	45,000 000	45,000,000	45,000 000	45,000,000
Subtotal student aid	568,100,000	600,400,000	651,500,000	600,400,000	667,500,000	656,500,000
4. Personnel development:						
(a) College teacher fellowships	70,000,000	61,469,000	56,163,000	56,163,000	56,163,000	56,163,000
(b) Training programs	6,900,000	10,000,000	10,000,000	10,000,000	10,000,000	10,000,000
Subtotal, personnel development	76,900,000	71,469,000	66,163,000	66,163,000	66,163,000	66,163,000
5. Planning and evaluation		1,000,000	1,000,000	1,000,000	1,000,000	1,000,000
Total	808,203,000	788,080,000	859,633,000	782,774,000	1,006,874,000	817,874,000
Vocational education:						
1. Basic grants	234,216,000	234,216,000	359,716,000	234,216,000	354,716,000	354,716,000
2. Consumer and homemaking education	14,000,000	15,000,000	15,000,000	15,000,000	20,000,000	20,000,000
3. Cooperative education		14,000,000	14,000,000	14,000,000	14,000,000	14,000,000
4. Innovation		13,000,000	13,000,000	13,000,000	13,000,000	13,000,000
5. Curriculum development		2,000,000	2,000,000	2,000,000	2,000,000	2,000,000
6. Planning and evaluation		1,000,000	1,000,000	1,000,000	1,000,000	1,000,000
7. Work-study			10,000,000		10,000,000	10,000,000
8. Programs for students with special needs			40,000,000		40,000,000	40,000,000
9. Research			34,000,000		34,000,000	34,000,000
Research	248,216,000	279,216,000	488,716,000	279,216,000	488,716,000	488,716,000

Footnotes at end of table.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE—CONGRESSIONAL ACTION ON THE 1970 HEW-LABOR APPROPRIATION BILL—**Continued**

Appropriation/activity	1969 comparable	1970 revised budget	House action	Department appeal	Senate action	Conference agreement
OFFICE OF EDUCATION—Continued						
Libraries and community services:						
1. Library services	$40,709,000	$23,209,000	$40,709,000	$23,209,000	$40,709,000	$40,709,000
2. Construction of public libraries	9,185,000		9,185,000		9,185,000	9,185,000
(Obligations)	(24,098,743)		(9,185,000)		(9,185,000)	(9,185,000)
3. College library resources	25,000,000	12,500,000	12,500,000	12,500,000	25,000,000	20,834,000
4. Acquisition and cataloging by Library of Congress	5,500,000	4,500,000	5,500,000	4,500,000	7,356,000	6,737,000
5. Librarian training	8,250,000	4,000,000	4,000,000	4,000,000	8,250,000	6,833,000
6. University community services	9,500,000	9,500,000	9,500,000	9,500,000	9,500,000	9,500,000
7. Adult basic education	45,000,000	50,000,000	50,000,000	50,000,000	50,000,000	50,000,000
8. Educational broadcasting facilities	4,000,000	4,000,000	4,000,000	4,000,000	5,625,000	5,083,000
Total	147,144,000	107,709,000	135,394,000	107,709,000	155,625,000	148,881,000
Education for the handicapped:						
1. Preschool and school programs	29,250,000	29,250,000	[8] 29,190,000	29,250,000	34,190,000	[8] 29,190,000
2. Early childhood programs	945,000	3,000,000	4,000,000	3,000,000	4,000,000	4,000,000
3. Teacher education and recruitment:						
(a) Teacher education	29,700,000	29,700,000	35,000,000	29,700,000	35,000,000	35,000,000
(b) Recruitment and information	250,000	500,000	610,000	500,000	610,000	610,000
(c) Physical education and recreation	300,000	300,000	1,000,000	300,000	1,000,000	1,000,000
Subtotal, teachers	30,250,000	30,500,000	36,610,000	30,500,000	36,610,000	36,610,000
4. Research and innovation:						
(a) Research and demonstrations	12,800,000	14,050,000	16,000,000	14,050,000	16,000,000	16,000,000
(b) Regional resource centers	500,000	2,000,000	3,000,000	2,000,000	3,000,000	3,000,000
(c) Innovative programs: (Deaf blind centers)	1,000,000	2,000,000	4,000,000	2,000,000	4,000,000	4,000,000
(d) Physical education and recreation	300,000	300,000	700,000	300,000	700,000	700,000
Subtotal, research	14,600,000	18,350,000	23,700,000	18,350,000	23,700,000	23,700,000
5. Media services and captioned films	4,750,000	4,750,000	6,500,000	4,750,000	6,500,000	6,500,000
Total	79,795,000	85,850,000	100,000,000	85,850,000	105,000,000	100,000,000
Research and training:						
1. Research and development:						
(a) Educational laboratories	23,600,000	25,750,000	25,750,000	25,750,000	25,750,000	25,750,000
(b) Research and development centers	10,800,000	10,000,000	10,000,000	10,000,000	10,0000,00	10,000,000
(c) General education	26,951,000	26,950,000	26,950,000	26,950,000	26,950,000	26,950,000
(d) Vocational education	11,375,000	1,100,000	1,100,000	1,100,000	1,100,000	1,100,000
(e) Evaluations	1,250,000	3,000,000	3,000,000	3,000,000	3,000,000	3,000,000
(f) National achievement study	1,000,000	2,000,000	2,000,000	2,000,000	2,000,000	2,000,000
Subtotal, research and development	74,976,000	68,800,000	68,800,000	68,800,000	68,800,000	68,800,000
2. Major demonstrations	1,000,000	5,250,000	1,000,000	5,000,000	4,000,000	1,000,000
District of Columbia model school	(1,000,000)	(5,000,000)	(1,000,000)	(5,000,000)	(4,000,000)	(1,000,000)
3. Experimental schools		25,000,000		12,500,000	9,500,000	
4. Dissemination	4,226,000	7,200,000	7,200,000	7,200,000	7,200,000	7,200,000
5. Training	6,750,000	6,750,000	6,750,000	6,750,000	6,750,000	6,750,000
6. Construction						
(Obligations)	(29,581,000)	(585,000)	(585,000)	(585,000)	(585,000)	(585,000)
7. Statistical surveys	500,000	2,000,000	2,000,000	2,000,000	2,000,000	2,000,000
Total	87,452,000	115,000,000	85,750,000	102,250,000	98,250,000	85,750,000
Education in foreign languages and world affairs:						
1. Centers, fellowships, and research	15,165,000	15,000,000	15,000,000	15,000,000	7,000,000	15,000,000
2. Fulbright-Hays training grants	3,000,000	3,000,000	3,000,000	3,000,000	3,000,000	3,000,000
3. International Education Act		2,000,000			2,000,000	
Total	18,165,000	20,000,000	18,000,000	18,000,000	12,000,000	18,000,000
Research and training (special foreign currency program)	1,000,000	1,000,000	1,000,000	1,000,000	1,000,000	1,000,000
Salaries and expenses	40,804,000	43,375,000	42,157,000	42,157,000	42,157,000	42,157,000
Student Loan Insurance Fund		10,826,000	10,826,000	10,826,000	10,826,000	10,826,000
(Obligations)	(1,948,000)	(16,388,000)	(16,388,000)	(16,388,000)	(16,388,000)	(16,388,000)
Higher Education Facilities Loan Fund:						
1. Loans to higher education institutions	100,000,000					
(Obligations)	(5,000,000)			(25,000,000)	(25,000,000)	(25,000,000)
2. Participation sales insufficiencies	3,275,000	2,918,000	2,918,000	2,918,000	2,918,000	2,918,000
Total	103,275,000	2,918,000	2,928,000	2,918,000	2,918,000	2,918,000
Total, Office of Education	3,647,200,000	3,197,634,000	4,222,889,000	3,160,997,000	4,540,724,000	4,276,117,000
Title I advance funding:						
1970 advance (in 1969 bill)	1,010,814,300	−1,010,813,300	−1,010,814,300	−1,010,814,300	−1,010,814,300	−1,010,814,300
1971 advance (in 1970 bill)		1,226,000,000		1,226,000,000	1,117,580,000	
Total, Education portion of the HEW appropriation bill	4,658,014,300	3,412,819,700	3,212,074,700	3,376,182,700	4,647,489,700	3,265,302,700
SOCIAL AND REHABILITATION SERVICE						
Grants to States for Public Assistance:						
1. Maintenance payments	3,395,424,000	3,948,340,000	3,948,340,000	3,948,340,000	3,948,340,000	3,948,340,000
2. Medical assistance	2,396,322,000	2,677,969,000	2,677,969,000	2,677,969,000	2,677,969,000	2,677,969,000
3. Social services and administration	624,800,000	725,242,000	725,242,000	725,242,000	725,242,000	725,242,000
Total	6,416,546,000	7,351,551,000	7,351,551,000	7,351,551,000	7,351,551,000	7,351,551,000
Work incentives:						
1. Training and incentives:						
(a) On-the-job training	18,969,000	15,732,000	15,732,000	15,732,000	8,500,000	14,474,000
(b) Institutional and work experience training	67,631,000	48,408,000	48,408,000	48,408,000	40,400,000	45,539,000
(c) Work projects	3,000,000	1,360,000	1,360,000	1,360,000	100,000	210,000
(d) Program direction and evaluation	5,300,000	8,000,000	8,000,000	8,000,000	8,000,000	8,000,000
Subtotal	94,900,000	73,500,000	73,500,000	73,500,000	57,000,000	68,223,000
2. Child care	22,600,000	56,140,000	56,140,000	56,140,000	43,000,000	51,777,000
Total	117,500,000	129,640,000	129,640,000	129,640,000	100,000,000	120,000,000
Assistance to repatriated U.S. nationals	645,000	700,000	700,000	700,000	700,000	700,000

Footnotes at end of table.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE—CONGRESSIONAL ACTION ON THE 1970 HEW-LABOR APPROPRIATION BILL—Continued

Appropriation/activity	1969 comparable	1970 revised budget	House action	Department appeal	Senate action	Conference agreement
SOCIAL AND REHABILITATION SERVICE—Continued						
Rehabilitation services and facilities:						
1. Vocational rehabilitation service:						
(a) Basic services	$345,900,000	$471,000,000	$471,000,000	$471,000,000	$436,000,000	$436,000,000
(b) Innovation	3,200,000	3,200,000	3,200,000	3,200,000	3,200,000	3,200,000
(c) Expansion of services	8,000,000	11,000,000	11,000,000	11,000,000	11,000,000	11,000,000
(d) Migratory agricultural workers		3,500,000		2,000,000	(9)	(10)
Subtotal, services	357,100,000	488,700,000	485,200,000	487,200,000	450,200,000	450,200,000
2. Rehabilitation facilities:						
(a) Planning and construction	1,340,000		3,500,000		3,500,000	3,500,000
(Obligations)	(2,762,785)	(1,340,000)	(4,840,000)	(1,340,000)	(4,840,000)	(4,840,000)
(b) Initial staffing	550,000	550,000	550,000	550,000	550,000	550,000
(Obligations)	(550,000)	(550,000)	(550,000)	(550,000)	(550,000)	(550,000)
(c) Facility improvement:						
(1) Training service projects	6,000,000	6,333,000	6,333,000	6,333,000	6,333,000	6,333,000
(2) Improvement grants	4,000,000	4,200,000	4,200,000	4,200,000	4,200,000	4,200,000
Subtotal, facilities	11,890,000	11,083,000	14,583,000	11,083,000	14,583,000	14,583,000
Total	368,990,000	499,783,000	499,783,000	498,283,000	464,783,000	464,783,000
Mental Retardation:						
1. Research	126,000	126,000	126,000	126,000	126,000	126,000
2. Hospital improvement	8,972,000	8,972,000	8,972,000	8,972,000	8,972,000	8,972,000
3. Rehabilitation service projects		4,500,000	4,500,000	4,500,000	4,500,000	4,500,000
4. Community service facilities:						
(a) Construction	6,000,000	8,031,000	12,031,000	8,031,000	12,031,000	12,031,000
(Obligations)	(18,013,000)	(13,531,000)	(17,531,000)	(13,531,000)	(17,531,000)	(17,531,000)
(b) Initial staffing	8,358,000	12,000,000	11,371,000	12,000,000	11,371,000	11,371,000
(Obligations)	(8,358,000)	(12,000,000)	(11,371,000)	(12,000,000)	(11,371,000)	(11,371,000)
5. Construction of university-affiliated facilities	9,100,000				2,000,000	
(Obligations)	(9,100,000)				(2,000,000)	
Total	32,556,000	33,629,000	37,000,000	33,629,000	39,000,000	37,000,000
Maternal and child health:						
1. Maternal and child health services	50,000,000	50,000,000	50,000,000	50,000,000	50,000,000	50,000,000
2. Crippled children's services	57,000,000	58,000,000	58,000,000	58,000,000	58,000,000	58,000,000
3. Maternity and infant care	48,000,000	61,850,000	61,750,000	61,750,000	61,750,000	61,750,000
4. Health of school and preschool children	39,000,000	40,950,000	40,850,000	40,850,000	40,850,000	40,850,000
5. Dental health of children			200,000	200,000	200,000	200,000
6. Training	9,000,000	9,000,000	11,200,000	9,000,000	11,200,000	15,200,000
7. Research	6,200,000	8,700,000	6,200,000	8,400,000	6,200,000	6,200,000
Total	209,200,000	228,500,000	228,200,000	228,200,000	228,200,000	228,200,000
Child Welfare:						
1. Child welfare services	46,000,000	46,000,000	46,000,000	46,000,000	46,000,000	46,000,000
2. Training	5,800,000	5,800,000	5,800,000	5,800,000	5,800,000	5,800,000
3. Research and demonstration	4,400,000	4,600,000	4,400,000	4,400,000	4,400,000	4,400,000
4. White House Conference on Children and Youth		400,000	400,000	400,000	400,000	400,000
Total	56,200,000	56,800,000	56,600,000	56,600,000	56,600,000	56,600,000
Total, maternal and child health and welfare	265,400,000	285,300,000	284,800,000	284,800,000	284,800,000	284,800,000
Development of programs for the aging:						
1. Grants to States for community planning and services	16,000,000	13,000,000		13,000,000	20,000,000	13,000,000
2. Foster-grandparents program	9,250,000	9,250,000		9,250,000	9,250,000	9,250,000
3. Research and demonstration	4,100,000	3,500,000		3,500,000	3,500,000	3,500,000
4. Training	2,900,000	2,610,000		2,610,000	3,500,000	2,610,000
Total	32,250,000	28,360,000	(11)	28,360,000	36,250,000	28,360,000
Juvenile delinquency prevention and control:						
1. Planning, prevention, and rehabilitation	2,650,000	11,000,000	2,650,000	11,000,000	11,000,000	7,300,000
2. Training	1,300,000	2,600,000	1,300,000	2,600,000	2,600,000	1,700,000
3. Model programs and technical assistance	1,050,000	1,400,000	1,050,000	1,400,000	1,400,000	1,000,000
Total	5,000,000	15,000,000	5,000,000	15,000,000	15,000,000	10,000,000
Rehabilitation research and training:						
1. Research and demonstrations	21,325,000	21,325,000	21,325,000	21,325,000	21,325,000	21,325,000
2. Training	31,700,000	27,700,000	27,700,000	27,700,000	27,700,000	27,700,000
3. Special center program	10,275,000	10,275,000	10,275,000	10,275,000	10,275,000	10,275,000
4. International research (domestic support)	100,000	100,000	100,000	100,000	100,000	100,000
5. Center for deaf-blind youths and adults	600,000	600,000	600,000	600,000	600,000	600,000
Total	64,000,000	60,000,000	60,000,000	60,000,000	60,000,000	60,000,000
Cooperative research or demonstration projects:						
1. Research grants	1,680,000	1,750,000	1,750,000	1,750,000	1,750,000	1,750,000
2. Directed research	1,470,000	9,750,000	9,750,000	9,750,000	9,750,000	9,750,000
Total	3,150,000	11,500,000	11,500,000	11,500,000	11,500,000	11,500,000
Research and training (special foreign currency program)	5,000,000	2,000,000	2,000,000	2,000,000	2,000,000	2,000,000
Salaries and expenses	27,665,000	[12] 34,393,000	28,780,000	[12] 34,393,000	31,673,000	30,266,500
Trust fund transfer	(348,000)	(360,000)	(360,000)	(360,000)	(360,000)	(360,000)
Total social and rehabilitation service	7,338,302,000	8,451,856,000	8,410,754,000	8,449,856,000	8,397,257,000	8,400,920,500
SOCIAL SECURITY ADMINISTRATION						
Limitation on salaries and expenses	(807,492,000)	[13] (921,200,000)	(901,500,000)	[13] (921,200,000)	[13] (921,200,000)	(911,350,000)
Limitation on construction						
Obligations	(24,220,221)	(10,237,661)	(10,237,661)	(10,237,000)	(10,237,000)	(10,237,000)
Payment to trust funds for health insurance for the aged:						
1. Reimbursement for the uninsured	465,227,000	617,262,000	617,262,000	617,262,000	617,262,000	617,262,000
2. Supplementary medical insurance	895,000,000	928,151,000	928,151,000	928,151,000	928,151,000	928,151,000
Subtotal	1,360,227,000	1,545,413,000	1,545,413,000	1,545,413,000	1,545,413,000	1,545,413,000
Payment for military service credits	105,000,000	105,000,000	105,000,000	105,000,000	105,000,000	105,000,000
Payment for special benefits for the aged	225,545,000	364,151,000	364,151,000	364,151,000	364,151,000	364,151,000
Consumer credit training (BFCU)		300,000			300,000	
Total, Social Security Administration	1,690,772,000	2,014,864,000	2,014,564,000	2,014,564,000	2,014,864,000	2,014,564,000

Footnotes at end of table.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE—CONGRESSIONAL ACTION ON THE 1970 HEW-LABOR APPROPRIATION BILL—Continued

Appropriation/activity	1969 comparable	1970 revised budget	House action	Department appeal	Senate action	Conference agreement
SPECIAL INSTITUTIONS						
American Printing House for the Blind	$1,340,000	$1,404,000	$1,404,000	$1,404,000	$1,404,000	$1,404,000
National Technical Institute for the Deaf: Salaries and expenses	800,000	2,851,000	2,851,000	2,851,000	2,851,000	2,851,000
Model Secondary School for the Deaf:						
1. Salaries and expenses	400,000	415,000	415,000	415,000	415,000	415,000
2. Construction	445,000	351,000	351,000	351,000	351,000	351,000
Subtotal	845,000	766,000	766,000	766,000	766,000	766,000
Gallaudet College:						
1. Salaries and expenses	3,691,000	4,257,000	4,257,000	4,257,000	4,332,000	4,332,000
2. Construction		867,000	867,000	867,000	1,106,000	1,106,000
Subtotal	3,691,000	5,124,000	5,124,000	5,124,000	5,438,000	5,433,000
Howard University:						
1. Salaries and expenses	18,231,000	20,455,000	20,445,000	20,445,000	20,445,000	20,445,000
2. Construction	2,209,000	22,710,000	22,710,000	22,710,000	22,710,000	22,710,000
3. Freedmen's Hospital	9,030,000	9,109,000	9,109,000	9,109,000	9,109,000	9,109,000
Subtotal	29,470,000	52,264,000	52,264,000	52,264,000	52,264,000	52,264,000
Total special institutions	36,146,000	62,409,000	62,409,000	62,409,000	62,723,000	62,723,000
DEPARTMENTAL MANAGEMENT						
Office of the Secretary	5,133,000	5,975,000	5,975,000	5,975,000	5,975,000	5,975,000
Trust fund transfers	(389,000)	(398,000)	(398,000)	(398,000)	(398,000)	(398,000)
Office of Community and Field Services	4,189,000	4,730,000	4,510,000	4,730,000	4,510,000	4,510,000
Trust fund transfers	(2,168,000)	(2,486,000)	(2,325,000)	(2,486,000)	(2,325,000)	(2,325,000)
Office for Civil Rights	4,004,000	5,259,000	5,259,000	5,259,000	5,259,000	5,269 000
Trust fund transfers	(804,000)	(856,000)	(856,000)	(856,000)	(856,000)	(856,000)
Office of the Comptroller	9,242,000	10,425,000	10,425,000	10,425,000	10,425,000	10,425,000
Trust fund transfers	(1,255,000)	[14](2,060,000)	(1,808,000)	[14](2,060,000)	[11](2,065,000)	(2,060,000)
Office of Administration	4,926,000	5,234,000	5,066,000	5,066,000	5,066,000	5,066,000
Trust fund transfers	(302,000)	(359,000)	(350,000	(350,000)	(350,000)	(350,000)
Surplus property utilization	1,243,000	1,255,000	1,255,000	1,255,000	1,255,000	1,255,000
Office of the General Counsel	2,161,000	2,282,000	2,244,000	2,244,000	2,244,000	2,244,000
Trust fund transfers	(1,375,000)	(1,416,000	(1,396,000)	(1,396,000)	(1,396,000)	(1,396,000)
Total, departmental management	30,898,000	35,160,000	34,734,000	34,954,000	34,734,000	34,734,000
Trust fund transfers	(6,293,000)	(7,575,000)	(7,133,000)	(7,546,000)	(7,385,000)	(7,385,000)
Total with trust fund transfers	37,191,000	42,735,000	41,867,000	42,500,000	42,119,000	42,119,000

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[1] A reprograming of an additional $1 million for "Solid waste management" is being developed in response to a recommendation in the Senate committee report.

[2] The committee report specifies an additional $7,096,000 to be divided between fellowships and mental health center staffing. Distribution is left to HEW.

[3] 1970 request was enacted as a 1969 supplemental.

[4] Includes $1,010,814,300 appropriated in the 1969 bill.

[5] Included in "Instructional equipment," a new appropriation recommended by the Senate Appropriations Committee.

[6] Includes budget amendment of $7,241,000 for Federal City College; amendment was sent to the Senate after the House acted on the bill.

[7] Up to 1 percent of work-study funds can be used for cooperative education.

[8] Excludes $60,000 for Indian children not yet authorized.

[9] Bill language would allow funds to be spent for this program, but they would have to be provided by a reprograming.

[10] Language authorizing funds to be spent for migrant rehabilitation program was dropped in conference.

[11] Consideration deferred by House, due to lack of authorizing legislation.

[12] Includes budget amendment of $2,893,000; amendment was sent to the Senate after the House acted on the bill.

[13] Includes budget amendment of $19,700,000; amendment was sent to the Senate after the House acted on the bill.

[14] Includes budget amendment of $252,000; amendment was sent to the Senate after the House acted on the bill.

Mr. MAGNUSON. Mr. President, this table shows in greater detail the programs contained in this bill than the one I inserted on December 23, and should be helpful to Members in understanding the effects of various actions taken in the consideration of this bill.

Mr. President, what about the priorities of this Nation?

There are, in the national accounts, budget items which lead to no productive end. There are expenditures without any return, costs without tangible, or even intangible, benefits—unchecked wastes far in excess of the appropriation increases here that President Nixon threatens to veto.

The expenditures in this bill before you are investments in a vigorous society—investments in the education, health and welfare of our people—and they are not inflationary.

Perhaps the programs in this bill should be viewed not so much as an appropriation or an expenditure from the Federal Treasury, but as an investment that will return dividends for the balance of this century, and beyond.

Mr. KENNEDY. Mr. President, will the Senator yield for a few questions?

Mr. MAGNUSON. I yield.

Mr. KENNEDY. As I understand it, if there should be a reduction in these appropriations figures in the conference report, several thousand medical students will lose their opportunity for additional loans. I do not know whether the Senator had a visit from a number of medical students who came to visit me and talked about the plight they were facing with respect to continuing their medical education.

Of course, as the Senator from Washington knows, the opportunity for medical education is already extremely restricted because of the economics involved. Actually, only a very small percentage of students who attend medical schools in this country come from outside families who are in the top quarter of incomes received. Forty-five percent come from families in the top 10 percent income bracket. As a result, many students who are gifted and committed and concerned about the health needs of this country are dependent on student loans.

On the one hand, the President, as the Senator from Washington has reminded us, told us on other occasions that one of the best ways of providing opportunity for young students was not to provide grants, but loans. If we went back to the old figures, several thousand medical students would lose their opportunity to continue in medical schools, at a time when there is a great need for them.

Mr. MAGNUSON. Let me suggest to the Senator from Massachusetts that the most conservative estimates are that there is a shortage of 50,000 doctors in this country. The shortage of dentists is even higher. As I said in December, if anyone does not believe that, I suggest that he try to get an appointment with a good dentist.

There is an even greater need of technicians and a need to deliver the manpower to treat people. The amount provided in the conference report is a split between the Senate and House versions. It would allow for less than 1,800 new medical students coming into such schools in all the United States. This is far short of our need. The figure may be less than 1,500. The experts were not sure. Someone from a middle income or low middle income family cannot afford to attend medical school. I think the costs are about $8,000 to $10,000 a year. We do not have other necessary facilities. Clinics are important. It is important to teach people to get involved with actual patients.

The rise in hospital costs is directly related to the shortage of personnel. In my opinion, that in itself is highly inflationary.

Mr. KENNEDY. The Federal Government has increased expenditures in the whole field of medicine dramatically in the last 8 or 9 years. The amount has increased from some $4 billion to some $14 or $15 billion. That includes medicare, medicaid, NIH, and certain Veterans' Administration expenditures. Yet we have seen an extraordinary rise in the costs of medical services.

As one who has been interested in this problem as a member of the health subcommittee, I have heard medical economists say that one of the key ways to try to hold down inflation in the health field is by providing different kinds of medical personnel. The committee has done that to some extent.

Mr. MAGNUSON. Yes.

Mr. KENNEDY. It is not as much as we should do.

Mr. MAGNUSON. That is right.

Mr. KENNEDY. This is one of the other activities which will have to be reduced unless we have this kind of increase in appropriations.

Mr. MAGNUSON. I am not complaining about the budget or the revised budget. When there is a change of administration, it is typical that it cannot write a clean-cut revised budget until it has had an opportunity to make a thorough study. There was a budget amendment for approximately $28 million. It should have been $36 million. The Budget said it should be $28,360,000. I refer to the Older Americans Act, in which the Senator from New Jersey and the Senator from New Hampshire have been so interested. This is one of our great human needs. But when the administration changed the budget, the recommendations for cuts were in the field of training, scholarships, and fellowships, in some cases 35 to 42 percent. We thought that, with respect to this field, the priorities were just reversed; that we should supply the necessary funds for manpower development.

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The Senator from Massachusetts knows I have been concerned for many years with medical research. When I first came to Congress in 1937 I was privileged to introduce a bill to establish the Cancer Institute. Sometimes these efforts are disappointing.

I am not too disappointed in our medical research. We have many research programs in operation. But in delivering trained manpower to the people who need it, who need care, we are falling short.

Mr. KENNEDY. A host of different activities will have to be reduced if the increased appropriations are slashed and cut. One of the areas which I have noticed in my visits to a number of schools in my own State is libraries, in urban as well as rural areas. In conversations with schoolteachers, we have found that this program, which has been in effect for only about 3 or 4 years, has brought about new interest on the part of students in books and in learning to read. School districts have made available various rooms to provide books and library services. As I understand it, there was absolutely no provision in title II of the ESE Act for that, and if it were not for the committee——

Mr. MAGNUSON. The House did not have a chance to act on it. The Senator is right that there would not have been anything for that purpose under the President's budget. I do not know what the figures in the hearings were, but the lack of any kind of library facilities in many secondary schools in this country, in outlying and rural districts, was amazing.

Mr. KENNEDY. Of course——

Mr. MAGNUSON. Could I mention one other thing that was woefully inadequate in the bill, which we added?

Mr. KENNEDY. Surely.

Mr. MAGNUSON. That is the need for bilingual education. Many thousands of children of Spanish-American and other backgrounds need bilingual education. I was surprised at the number of children involved.

Mr. KENNEDY. And, if I might mention it at this point, not only are there thousands of Mexican-Americans and Spanish-speaking people to take advantage of it, but we have two small programs up in southeastern Massachusetts involving Portuguese-Americans who are able to use these programs to good advantage.

We find also that there is increasing interest on the part of many of the Indians to try to develop this kind of program as well. We find that one of the most critical problems in Indian education is the need for the kind of assistance and training that bilingual education gives—providing an opportunity for learning in reading during those first 2 or 3 years.

By increasing the resources in this area, it is hoped that we can achieve a significant decrease in the dropout rate—which is presently about 60 percent for the Indian people in this country. Most of the educators we have talked to have stressed the importance of bilingual programs. The committee has responded to that need in this bill, and that program would be slashed drastically by any kind of reduction.

Mr. MAGNUSON. That increase of $15 million was added on the Senate floor.

But in all fairness, we have, in some of these areas, in relation to the so-called revised budget, kept some programs going. All we have said is that we should have something to say about national priorities, and certainly this health manpower situation was one of the most glaring deficiencies.

There are some two or three new programs here that we hoped to work out. The Teacher Corps was one. That has been the subject of a great deal of discussion in the Senate for some time. The conference committee did not agree to the entire amount on that, but they agreed to a fairly reasonable amount.

Libraries are a very important item, and we have a small amount also for the dropout prevention program.

Mr. KENNEDY. Mr. President, would the Senator be kind enough to discuss for a moment the importance which he attaches to vocational education? We see more and more educators who believe that this is an area where we really ought to have a higher priority. In many instances, young people are being trained with general kinds of liberal education, which is valuable and worthwhile. But if we are to meet the demands of a changing technological society, we ought to be willing to support the necessary kinds of vocational education. Congress has expanded this program.

Mr. MAGNUSON. I think that the Senator has stated the problem well. In this area the administration made a definite request, the same as last year, for $234 million in basic grants. The House made it $359 million. Action was taken by the House of Representatives practically unanimously in this field, and we in conference made the figure $354 million, the same action as the Senate took. We approved a total of $488.7 million for vocational education.

I think there is nothing more important than vocational-technical education, particularly for disadvantaged people who have no other learning opportunities.

Mr. KENNEDY. One of the other important areas is title VI of ESEA. I understand there are some 6 million handicapped children in the country, of which only a third are receiving educational services. They are the physically handicapped, the retarded, some deaf and blind, and the emotionally disturbed, for which estimates are that, there is a need for some 325,000 specially trained teachers. Only 80,000 are now available. Here again, the Senate and the Congress responded to the need.

Mr. MAGNUSON. We need to provide for some teaching of the mentally retarded at community service centers. This is a small item compared to the total amounts in the bill.

HEW also has some responsibility in the area of air pollution, and we increased that small amount for research and demonstration programs.

All of these are matters that seemed to us to be essential at the moment, and were so agreed upon by both Houses.

Mr. KENNEDY. Mr. President, many centuries ago the Greeks recognized that a sound mind and a sound body are the fundamental needs for individual achievement in society. The point holds equally true today. And it underscores the importance of our action on the HEW appropriations bill now before us. The final outcome will have a profound effect for years to come.

The conference report provides for an increase in health and education programs of $861 million over last year's level, or $1.3 billion over the budget request. Members of this Congress, both in the House and in the Senate, have already voted their strong support. As we enter the decade of the 1970's, we have recognized the need to follow through on our earlier commitment to improvement and equal opportunity in education and health care. Moreover, the specific program increases in the bill will affect the quality of life for millions of Americans—persons for whom the $1.3 billion will translate into higher quality education and better health care in the immediate future.

Citizens in every State would be hurt by appropriation cutbacks to the figures sought by the administration. For the benefit of my colleagues, I ask unanimous consent to have printed in the RECORD at this point tables prepared by HEW of how such cutbacks would affect specific education programs in each State.

There being no objection, the tables were ordered to be printed in the RECORD, as follows:

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Program	1969 actual	1970 budget requests	1970 conference agreement
OBLIGATIONS IN THE STATE OF ALABAMA			
OFFICE OF EDUCATION			
Elementary and Secondary Education:			
Assistance for educationally deprived children (ESEA I):			
Basic grants	$34,986,823	$38,156,305	$44,064,322
State administrative expenses	349,908	381,563	440,643
Grants to States for school library materials (ESEA II)	840,259		826,105
Supplementary educational centers and services (ESEA III)	2,893,354	2,040,343	2,904,233
Strengthening State departments of education (ESEA V):			
Grants to States	531,860	531,860	531,860
Grants for special projects			
Acquisition of equipment and minor remodeling (NDEA III):[1]			
Grants to States	1,888,098		
Loans to non-profit private schools			
State administration	35,243		
Guidance, counseling, and testing (NDEA V)	315,250		311,027
Subtotal, Elementary and Secondary Education	41,840,795	41,110,071	49,078,190
Instructional equipment:			
Equipment and minor remodeling (NDEA III):[1]			
Grants to States			1,860,191
Loans to non-profit private schools			
State administration			34,770
Subtotal, instructional resources			1,894,961
School assistance in federally affected areas:			
Maintenance and operations (Public Law 81–874)	9,241,181	2,362,000	11,075,000
Construction (Public Law 81–815)	372,344	328,000	328,000
Subtotal, SAFA	9,613,525	2,690,000	11,403,000
Education Professions Development:			
Preschool, elementary, and secondary:			
Grants to States (EPDA B–2)	297,401	262,781	313,427
Training programs (EPDA parts C and D)	423,950		
Subtotal, Education Professions Development	721,351	262,781	313,427
Teacher Corps	285,388		
Higher Education:			
Program assistance:			
Strengthening developing institutions (HEA III)	2,032,026		
Colleges of agriculture and the mechanic arts (Bankhead-Jones)	224,435	227,680	227,680
Undergraduate instructional equipment and other resources (HEA VI–A)	240,351		
Construction:			
Public community colleges and technical institutes (HEFA I—Section 103)	679,637	1,037,770	1,037,770
Other undergraduate facilities (HEFA I—Section 104)	3,436,369		510,083
Graduate facilities (HEFA II)			
State administration and planning (HEFA I—Section 105)	102,579	102,859	102,859
Student aid:			
Educational opportunity grants (HEA IV–A)	3,263,130	1,012,802	915,698
Direct loans (NDEA II)	2,673,248	2,195,856	3,146,940
Insured loans:			
Advances for reserve funds			
Interest payments	251,574		
Work-study programs (HEA IV–C)	3,540,009	3,771,234	3,771,234
Special programs for disadvantaged students:			
Talent search	48,471		
Personnel development:			
College teacher fellowships (NDEA IV)	766,100		
Training programs (EPDA Part E)	310,000		
Subtotal, Higher Education	17,567,929	8,348,201	9,712,264
Vocational Education:			
Basic grants	5,755,151	5,493,553	8,327,100
Innovation		248,333	248,333
Work-study			197,686
Cooperative education		267,787	267,787
Consumer and homemaking education		346,640	462,414
Programs for students with special needs			925,913
Research			793,786
Subtotal, Vocational Education	5,755,151	6,356,313	11,223,019
Libraries and Community Services:			
Grants for public library services (LSCA I)	633,492	319,145	633,492
Construction of public libraries (LSCA II)	397,777		168,825
Interlibrary cooperation (LSCA III)	42,892	42,892	42,892
State institutional library services (LSCA IV–A)	39,509	39,509	39,509
Library services for physically handicapped (LSCA IV–B)	25,251	25,251	25,251
College library resources (HEA II–A)	313,682		
Librarian training (HEA II–B)	54,758		
OBLIGATIONS IN THE STATE OF ALABAMA—Continued			
OFFICE OF EDUCATION—Continued			
Libraries and Community Services—Con.			
University community service programs (HEA I)	$175,958	$175,958	$175,958
Adult basic education (Adult Education Act):			
Grants to States	1,072,101	1,199,378	1,199,378
Special projects and teacher education	30,000		
Educational broadcasting facilities			
Subtotal, Libraries and Community Services	2,785,430	1,802,133	2,285,305
Education for the Handicapped:			
Preschool and school programs for the handicapped (ESEA VI)	571,028	571,028	571,028
Teacher education and recruitment	488,478		
Research and innovation	150,250		
Media services and captioned films for the deaf			
Subtotal, Education for the Handicapped	1,209,756	571,028	571,028
Research and Training:			
Research and development:			
Educational laboratories			
Research and development centers			
Vocational education	29,598	17,866	17,866
Subtotal, Research and Training	29,598	17,866	17,866
Colleges for Agriculture and the Mechanic Arts (Second Morrill Act)	50,000	50,000	50,000
Promotion of Vocational Education (Smith-Hughes Act)	143,330	(2)	(2)
Education in Foreign Languages and World Affairs			
Civil Rights Education	561,688		
Total, Office of Education	80,563,941	61,208,393	86,549,060
Total, Office of Education comparable basis[3]	76,639,241	61,208,393	86,549,060
OBLIGATIONS IN THE STATE OF ALASKA			
OFFICE OF EDUCATION			
Elementary and Secondary Education:			
Assistance for educationally deprived children (ESEA I):			
Basic grants	$1,725,848	$1,731,032	$1,943,044
State administrative expenses	150,000	150,000	150,000
Grants to States for school library materials (ESEA II)	66,568		70,860
Supplementary educational centers and services (ESEA III)	547,744	483,700	551,348
Strengthening State departments of education (ESEA V):			
Grants to States	242,131	242,131	242,131
Grants for special projects			
Acquisition of equipment and minor remodeling (NDEA III):[1]			
Grants to States	106,156		
Loans to non-profit private schools			
State administration	13,333		
Guidance, counseling, and testing (NDEA V)	49,999		50,000
Subtotal, Elementary and Secondary Education	2,901,779	2,606,863	3,007,383
Instructional Equipment:			
Equipment and minor remodeling (NDEA III):[1]			
Grants to States			115,746
Loans to non-profit private schools			
State administration			13,333
Subtotal, Instructional Resources			129,079
School Assistance in Federally Affected Areas:			
Maintenance and operations (P.L. 81–874)	14,731,443	13,925,000	15,917,000
Construction (P.L. 81–815)	918,641	1,293,000	1,293,000
Subtotal, SAFA	15,650,084	15,218,000	17,210,000
Education Professions Development:			
Preschool, elementary, and secondary:			
Grants to States (EPDA B–2)	112,896	112,896	118,307
Training programs (EPDA Parts C and D)	423,950		
Subtotal, Education Professions Development	536,846	112,896	118,307
Teacher Corps	1,500		
Higher education:			
Program assistance:			
Strengthening developing institutions (HEA III)	70,000		
Colleges of agriculture and the mechanic arts (Bankhead-Jones)	152,468	155,378	155,378
Undergraduate instructional equipment and other resources (HEA VI–A)	8,119		

Footnotes at end of table.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE—Continued

Program	1969 actual	1970 budget requests	1970 conference agreement
OBLIGATIONS IN THE STATE OF ALASKA—Continued			
OFFICE OF EDUCATION—Continued			
Higher education—Continued			
Construction:			
Public community colleges and technical institutes (HEFA I—Section 103)		$50,000	$50,000
Other undergraduate facilities (HEFA I—Section 104)	$190,628		50,000
Graduate facilities (HEFA II)			
State administration and planning (HEFA I—Section 105)	28,901	35,400	35,400
Student aid:			
Educational opportunity grants (HEA IV-A)	61,078	30,508	30,246
Direct loans (NDEA II)	67,329	66,145	94,794
Insured loans:			
Advances for reserve funds			
Interest payments	6,941		
Work-study programs (HEA IV-C)	164,593	130,963	130,963
Special programs for disadvantaged students:			
Talent search	40,000		
Personnel development:			
College teacher fellowships (NDEA IV)	45,800		
Training programs (EPDA Part E)			
Subtotal, Higher Education	835,857	468,394	546,781
Vocational Education:			
Basic grants	508,238	293,153	444,360
Innovation		203,530	203,530
Work-study			15,873
Cooperative education		204,951	204,951
Consumer and homemaking education		18,498	24,676
Programs for students with special needs			49,371
Research			28,312
Subtotal, Vocational Education	508,238	720,132	971,073
Libraries and Community Services:			
Grants for public library services (LSCA I)	136,935	115,172	136,935
Construction of public libraries (LSCA II)	21,765		86,150
Interlibrary cooperation (LSCA III)	40,200	40,200	40,200
State institutional library services (LSCA IV-A)	6,939	39,509	39,509
Library services for physically handicapped (LSCA IV-B)	3,221	25,017	25,017
College library resources (HEA II-A)	41,398		
Librarian training (HEA II-B)			
University community service programs (HEA I)	105,733	105,733	105,733
Adult basic education (Adult Education Act):			
Grants to States	131,891	136,550	136,550
Special projects and teacher education			
Educational broadcasting facilities			
Subtotal, Libraries and Community Services	488,082	462,181	570,094
Education for the Handicapped:			
Preschool and school programs for the handicapped (ESEA VI)	100,000	100,000	100,000
Teacher education and recruitment	73,390		
Research and innovation			
Media services and capitoned films for the deaf			
Subtotal, Education for the Handicapped	173,390	100,000	100,000
Research and Training:			
Research and development:			
Educational laboratories			
Research and development centers			
Vocational education		15,000	15,000
Subtotal, Research and Training		15,000	15,000
Colleges for Agriculture and the Mechanic Arts (Second Morrill Act)	50,000	50,000	50,000
Promotion of Vocational Education (Smith-Hughes Act)	30,000	(2)	(2)
Education in Foreign Languages and World Affairs			
Civil Rights Education			
Total, Office of Education	21,175,776	19,753,466	22,717,717
Total, Office of Education comparable basis [3]	20,534,678	19,753,466	22,717,717
OBLIGATIONS IN THE STATE OF ARIZONA			
OFFICE OF EDUCATION			
Elementary and Secondary Education:			
Assistance for educationally deprived children (ESEA I):			
Basic grants	$9,384,173	$9,528,554	$9,732,769
State administrative expenses	150,000	150,000	150,000
Grants to States for school library materials (ESEA II)	422,604		425,551
Supplementary educational centers and services (ESEA III)	1,514,678	1,143,854	1,526,861
OBLIGATIONS IN THE STATE OF ARIZONA—Continued			
OFFICE OF EDUCATION—Continued			
Elementary and Secondary Education—Con.			
Strengthening State departments of education (ESEA V):			
Grants to States	$368,490	$368,490	$368,490
Grants for special projects			
Acquisition of equipment and minor remodeling (NDEA III): [1]			
Grants to States	784,359		
Loans to non-profit private schools			
State administration	16,488		
Guidance, counseling, and testing (NDEA V)	147,487		148,584
Subtotal, Elementary and Secondary Education	12,788,279	11,190,898	12,352,255
Instructional Equipment:			
Equipment and minor remodeling (NDEA III): [1]			
Grants to States			800,812
Loans to non-profit private schools			
State administration			16,612
Subtotal, Instructional Resources			817,420
School Assistance in Federally Affected Areas:			
Maintenance and operations (P.L. 81-874)	9,187,169	6,526,000	10,825,000
Construction (P.L. 81-815)	1,095,682	175,000	175,000
Subtotal, SAFA	10,282,851	6,701,000	11,000,000
Education Professions Development:			
Preschool, elementary, and secondary:			
Grants to States (EPDA B-2)	181,870	181,870	209,943
Training programs (EPDA Parts C and D)	1,363,104		
Subtotal, Education Professions Development	1,544,974	181,870	209,943
Teacher Corps	268,764		
Higher Education:			
Program assistance:			
Strengthening developing institutions (HEA III)			
Colleges of agriculture and the mechanic arts (Bankhead-Jones)	177,936	180,964	180,964
Undergraduate instructional equipment and other resources (HEA VI-A)	163,854		
Construction:			
Public community colleges and technical institutes (HEFA I—Section 103)	807,119	415,830	415,830
Other undergraduate facilities (HEFA I—Section 104)	1,228,671		323,980
Graduate facilities (HEFA II)			
State administration and planning (HEFA I—Section 105)	58,386	72,487	72,487
Student aid:			
Educational opportunity grants (HEA IV-A)	1,350,664	804,143	639,937
Direct loans (NDEA II)	2,169,754	1,743,464	2,498,605
Insured loans:			
Advances for reserve funds			
Interest payments	245,961		
Work-study programs (HEA IV-C)	1,384,360	1,417,892	1,417,892
Special programs for disadvantaged students:			
Talent search	138,751		
Personnel development:			
College teacher fellowships (NDEA IV)	171,200		
Training programs (EPDA Part E)	59,733		
Subtotal, Higher Education	7,956,389	4,634,780	5,549,695
Vocational Education:			
Basic grants	2,133,895	2,237,119	3,391,015
Innovation		220,501	220,501
Work-study			83,692
Cooperative education		228,752	228,752
Consumer and homemaking education		141,161	188,306
Programs for students with special needs			376,764
Research			315,526
Subtotal, Vocational Education	2,133,895	2,827,533	4,804,556
Libraries and Community Services:			
Grants for public library services (LSCA I)	312,656	187,354	312,656
Construction of public libraries (LSCA II)	215,407		115,407
Interlibrary cooperation (LSCA III)	41,153	41,153	41,153
State institutional library services (LSCA IV-A)	39,509	39,509	39,509
Library services for physically handicapped (LSCA IV-B)	25,100	25,100	25,100
College library resources (HEA II-A)	202,552		
Librarian training (HEA II-B)			
University community service programs (HEA I)	134,680	134,680	134,680
Adult basic education (Adult Education Act):			
Grants to States	346,188	379,898	379,898
Special projects and teacher education	200,000		
Educational broadcasting facilities			
Subtotal, Libraries and Community Services	1,517,245	807,694	1,048,403

Footnotes at end of table.

XUM

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE—Continued

OBLIGATIONS IN THE STATE OF ARIZONA—Continued

OFFICE OF EDUCATION—Continued

Program	1969 actual	1970 budget requests	1970 conference agreement
Education for the Handicapped:			
Preschool and school programs for the handicapped (ESEA VI)	$224,757	$224,757	$224,757
Teacher education and recruitment	547,590		
Research and innovation	47,119		
Media services and captioned films for the deaf			
Subtotal, Education for the Handicapped	819,466	224,757	224,757
Research and Training:			
Research and development:			
Educational laboratories			
Research and development centers			
Vocational education	58,332	15,000	15,000
Subtotal, Research and Training	58,332	15,000	15,000
Colleges for Agriculture and the Mechanic Arts (Second Morrill Act)	50,000	50,000	50,000
Promotion of Vocational Education (Smith-Hughes Act)	51,789	(4)	(4)
Education in Foreign Languages and World Affairs	133,600		
Civil Rights Education			
Total, Office of Education	37,605,584	26,633,532	36,072,031
Total Office of Education Comparable basis [3]	34,063,356	26,633,532	36,072,031

OBLIGATIONS IN THE STATE OF ARKANSAS

OFFICE OF EDUCATION

Program	1969 actual	1970 budget requests	1970 conference agreement
Elementary and Secondary Education:			
Assistance for educationally deprived children (ESEA I):			
Basic grants	$21,811,725	$23,499,049	$27,137,579
State administrative expenses	218,117	234,991	271,376
Grants to States for school library materials (ESEA II)	453,532		447,401
Supplementary educational centers and services (ESEA III)	1,713,497	1 266,286	1,707,779
Strengthening State departments of education (ESEA V):			
Grants to States	388,193	388,193	388,193
Grants for special projects			
Acquisition of equipment and minor remodeling (NDEA III):[1]			
Grants to States	886,740		
Loans to non-profit private schools			
State administration	18,499		
Guidance, counseling, and testing (NDEA V)	165,473		164,377
Subtotal, Elementary and Secondary Education	25,655,776	25,388,519	30,116,705
Instructional Equipment:			
Equipment and minor remodeling (NDEA III):[1]			
Grants to States			978,829
Loans to non-profit private schools			
State administration			18,376
Subtotal, Instructional Resources			997,205
School Assistance in Federally Affected Areas:			
Maintenance and operations (P.L. 81-874)	2,842,356	958,000	3,079,000
Construction (P.L. 81-815)	1,245,726		
Subtotal, SAFA	4,088,082	958,000	3,079,000
Education Professions Development:			
Preschool, elementary, and secondary:			
Grants to States (EPDA B-2)	187,861	187,861	215,588
Training programs (EPDA Parts C and D)	665,111		
Subtotal, Education Professions Development	852,972	187,861	215,588
Teacher Corps	268,545		
Higher Education:			
Program assistance:			
Strengthening developing institutions (HEA III)	648,560		
Colleges of agriculture and the mechanic arts (Bankhead-Jones)	189,394	192,476	192,476
Strengthening developing institutions (HEA III)	648,560		
Colleges of agriculture and the mechanic arts (Bankhead-Jones)	189,394	192,476	192,476
Undergraduate instructional equipment and other resources (HEA VI–A)	136,490		
Construction:			
Public community colleges and technical institutes (HEFA I—Section 103)		557,980	557,980
Other undergraduate facilities (HEFA I—Section 104)	2,248,903		283,138
Graduate facilities (HEFA II)			
State administration and planning (HEFA I—Section 105)	74,074	77,911	77,911
Higher Education—Continued			
Student aid:			
Educational opportunity grants (HEA IV-A)	$1,656,935	$677,466	$519,808
Direct loans (NDEA II)	1,830,266	1,468,814	2,104,996
Insured loans:			
Advances for reserve funds			
Interest payments	64,487		
Work-study programs (HEA IV-C)	2,505,616	2,265,627	2,265,627
Special programs for disadvantaged students:			
Talent search	42,000		
Personnel development:			
College teacher fellowships (NDEA IV)	171,200		
Training programs (EPDA Part E)	59,733		
Subtotal, Higher Education	9,627,658	5,240,274	6,001,936
Vocational Education:			
Basic grants	3,319,461	2,963,572	4,492,168
Innovation		225,660	225,660
Work-study			105,337
Cooperative education		235,988	235,988
Consumer and homemaking education		187,000	249,456
Programs for Students with Special Needs			499,103
Research			422,857
Subtotal, Vocational Education	3,319,461	3,612,220	6,230,574
Libraries and Community Services:			
Grants for public library services (LSCA I)	391,716	219,830	391,716
Construction of public libraries (LSCA II)	346,970		128,570
Interlibrary cooperation (LSCA III)	41,581	41,581	41,581
State institutional library services (LSCA IV-A)	39,509	39,509	39,509
Library services for physically handicapped (LSCA IV-B)	25,138	25,138	25,138
College library resources (HEA II-A)	196,374		
Librarian training (HEA-II-B)			
University community service programs (HEA I)	142,316	142,316	142,316
Adult basic education (Adult Education Act):			
Grants to States	631,826	701,583	701,583
Special projects and teacher education	150,000		
Educational broadcasting facilities			
Subtotal, Libraries and Community Services	1,965,430	1,169,957	1,470,413
Education for the Handicapped:			
Preschool and school programs for the handicapped (ESEA VI)	297,836	297,836	297,836
Teacher education and recruitment	298,587		
Research and innovation			
Media services and captioned films for the deaf			
Subtotal, Education for the Handicapped	596,423	297,836	297,836
Research and Training:			
Research and development:			
Educational laboratories	20,067		
Research and development centers			
Vocational education	41,607	15,000	15,000
Subtotal, Research and Training	61,674	15,000	15,000
Colleges for Agriculture and the Mechanic Arts (Second Morrill Act)	50,000	50,000	50,000
Promotion of Vocational Education (Smith-Hughes Act)	85,107	(4)	(4)
Education in Foreign Languages and World Affairs			
Civil Rights Education	441,183		
Total, Office of Education	47,012,311	36,919,667	48,474,257
Total, Office of Education Comparable Basis [3]	43,849,974	36,919,667	48,474,257

OBLIGATIONS IN THE STATE OF CALIFORNIA

OFFICE OF EDUCATION

Program	1969 actual	1970 budget requests	1970 conference agreement
Elementary and Secondary Education:			
Assistance for educationally deprived children (ESEA I):			
Basic grants	$80,232,375	$83,959,819	$96,959,920
State administrative expenses	802,900	839,598	969,599
Grants to States for school library materials (ESEA II)	4,786,011		4,801,557
Supplementary educational centers and services (ESEA III)	14,180,196	9,681,939	14,208,380
Strengthening State departments of education (ESEA V):			
Grants to States	1,908,448	1,908,448	1,908,448
Grants for special projects			
Acquisition of equipment and minor remodeling (NDEA III):[1]			
Grants to States	5,335,635		
Loans to non-profit private schools			
State administration	174,462		

Footnotes at end of table.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE—Continued

Program	1969 actual	1970 budget requests	1970 conference agreement
OBLIGATIONS IN THE STATE OF CALIFORNIA—Continued			
OFFICE OF EDUCATION—Continued			
Guidance, counseling, and testing (NDEA V)	$1,560,552		1,566,092
Subtotal, Elementary and Secondary Education	108,980,579	$96,389,804	$120,413,996
Instructional Equipment:			
Equipment and minor remodeling (NDEA III):[1]			
Grants to States			5,635,068
Loans to non-profit private schools			
State administration			175,073
Subtotal, Instructional Resources			5,810,141
School Assistance in Federally Affected Areas:			
Maintenance and operations (P.L. 81-874)	76,264,658	25,225,000	88,431,000
Construction (P.L. 81-815)	10,880,448	460,000	460,000
Subtotal, SAFA	87,145,106	25,685,000	88,891,000
Education Professions Development:			
Preschool, elementary, and secondary:			
Grants to States (EPDA B-2)	977,178	1,027,178	1,340,500
Training programs (EPDA Parts C and D)	6,201,146		
Subtotal, Education Professions Development	7,178,324	1,027,178	1,340,500
Teacher Corps	2,546,153		
Higher Education:			
Program assistance:			
Strengthening developing institutions (HEA III)	322,300		
Colleges of agriculture and the mechanic arts (Bankhead-Jones)	519,125	523,740	523,740
Undergraduate instructional equipment and other resources (HEA VI-A)	1,577,046		
Construction:			
Public community colleges and technical institutes (HEFA I—Section 103	6,699,777	3,453,412	3,453,412
Other undergraduate facilities (HEFA I—Section 104)	15,422,360		3,663,040
Graduate facilities (HEFA II)	2,700,000		
State administration and planning (HEFA I—Section 105)	534,541	399,679	399,679
Student aid:			
Educational opportunity grants (HEA IV-A)	11,127,949	7,170,901	6,548,209
Direct loans (NDEA II)	17,825,858	15,547,238	22,281,155
Insured loans:			
Advances for reserve funds			
Interest payments	2,567,470		
Work-study programs (HEA IV-C)	13,636,446	12,567,739	12,567,739
Special programs for disadvantaged students:			
Talent search	406,087		
Personnel development:			
College teacher fellowships (NDEA IV)	2,262,900		
Training programs (EPDA Part E)	834,000		
Subtotal, Higher Education	80,435,859	39,662,709	49,436,974
Vocational Education:			
Basic grants	17,471,789	18,153,766	27,517,384
Innovation		422,522	422,522
Work-study			919,170
Cooperative education		512,086	512,086
Consumer and homemaking education		1,145,491	1,528,071
Programs for students with special needs			3,057,356
Research			2,623,115
Subtotal, Vocational Education	17,471,789	20,233,865	36,579,704
Libraries and Community Services:			
Grants for public library services (LSCA I)	2,666,778	1,154,367	2,666,778
Construction of public libraries (LSCA II)	1,313,062		507,365
Interlibrary cooperation (LSCA III)	53,915	53,915	53,915
State institutional library services (LSCA IV-A)	39,509	39,509	39,509
Library services for physically handicapped (LSCA IV-B)	26,210	26,210	26,210
College library resources (HEA II-A)	2,161,076		
Librarian training (HEA II-B)	703,007		
University community service programs (HEA I)	506,766	506,766	506,766
Adult basic education (Adult Education Act):			
Grants to States	1,908,201	2,137,446	2,137,446
Special projects and teacher education	224,914		
Educational broadcasting facilities	168,766		
Subtotal, Libraries and Community Services	9,772,204	3,918,213	5,937,990
Education for the Handicapped:			
Preschool and school programs for the handicapped (ESEA VI)	2,397,629	2,397,629	2,397,629
Teacher education and recruitment	1,920,604		
Research and innovation	1,554,439		
Media services and captioned films for the deaf	656,261		
Subtotal, Education for the Handicapped	6,528,933	2,397,629	2,397,629
Research and Training:			
Research and development:			
Educational laboratories	$4,171,896		
Research and development centers	3,242,638		
Vocational education	1,468,244	$59,037	$59,037
Subtotal, Research and Training	8,882,778	59,037	59,037
Colleges for Agriculture and the Mechanic Arts (Second Morrill Act)	50,000	50,000	50,000
Promotion of Vocational Education (Smith-Hughes Act)	534,067	(2)	(2)
Education in Foreign Languages and World Affairs	2,275,532		
Civil Rights Education	487,177		
Total, Office of Education	332,288,501	189,423,435	310,916,970
Total, Office of Education Comparable basis[3]	291,627,389	189,423,435	310,916,970
OBLIGATIONS IN THE STATE OF COLORADO			
OFFICE OF EDUCATION			
Elementary and Secondary Education:			
Assistance for educationally deprived children (ESEA I):			
Basic grants	$8,914,233	$9,135,370	$10,505,367
State administrative expenses	150,000	150,000	150,000
Grants to States for school library materials (ESEA II)	541,044		543,947
Supplementary educational centers and services (ESEA III)	1,767,120	1,307,980	1,769,391
Strengthening State departments of education (ESEA V):			
Grants to States	430,472	410,474	410,474
Grants for special projects			
Acquisition of equipment and minor remodeling (NDEA III):[1]			
Grants to States	802,055		
Loans to non-profit schools	3,900		
State administration	19,340		
Guidance, counseling, and testing (NDEA V)	259,627		175,980
Subtotal, Elementary and Secondary Education	12,887,791	11,003,824	13,555,159
Instructional Equipment:			
Equipment and minor remodeling (NDEA III):[1]			
Grants to States			837,012
Loans to non-profit schools			
State administration			19,673
Subtotal, instructional resources			856,685
School Assistance in Federally Affected Areas:			
Maintenance and operations (Public Law 81-874)	12,924,352	3,109,000	15,399,000
Construction (Public Law 81-815)	2,655,971		
Subtotal, SAFA	15,580,323	3,109,000	15,399,000
Education Professions Development:			
Preschool, elementary, and secondary:			
Grants to States (EPDA B-2)	231,798	204,815	240,531
Training programs (EPDA Parts C and D)	1,597,409		
Subtotal, Education Professions Development	1,829,207	204,815	240,531
Teacher Corps	63,615		
Higher Education:			
Program assistance:			
Strengthening developing institutions (HEA III)	150,000		
Colleges of agriculture and the mechanic arts (Bankhead-Jones)	188,629	191,707	191,707
Undergraduate instructional equipment (HEA VI-A)	212,102		
Construction:			
Public community colleges and technical institutes (HEFA I—Section 103)	940,502	483,869	483,869
Other undergraduate facilities (HEFA I—Section 104)	1,917,682		414,543
Graduate facilities (HEFA II)	200,000		
State administration and planning (HEFA I—Section 105)	173,128	83,988	83,988
Student aid:			
Educational opportunity grants (HEA IV-A)	2,061,131	1,042,836	880,449
Direct loans (NDEA II)	2,814,663	2,260,975	3,240,262
Insured loans:			
Advances for reserve funds			
Interest payments	363,089		
Work-study programs (HEA IV-C)	1,823,059	1,697,619	1,697,619
Special programs for disadvantaged students:			
Talent search	71,586		

Footnotes at end of table.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE—Continued

Program	1969 actual	1970 budget requests	1970 conference agreement
OBLIGATIONS IN THE STATE OF COLORADO—Continued			
OFFICE OF EDUCATION—Continued			
Higher Education—(Continued):			
Personnel development:			
College teacher fellowships (NDEA IV)	$1,523,000		
Training programs (EPDA Part E)	35,200		
Subtotal, Higher Education	12,473,771	$5,760,994	$6,992,437
Vocational Education:			
Basic grants	2,452,139	2,410,681	3,654,099
Innovation		224,710	224,710
Work-study			101,008
Cooperative education		234,655	234,655
Consumer and homemaking education		152,113	202,915
Programs for Students with Special Needs			405,995
Research			341,169
Subtotal, Vocational Education	2,452,139	3,022,159	5,164,551
Libraries and Community Services:			
Grants for public library services (LSCA I)	386,437	217,661	386,437
Construction of public libraries (LSCA II)	232,842		127,691
Interlibrary cooperation (LSCA III)	41,553	41,553	41,553
State institutional library services (LSCA IV-A)	39,509	39,509	39,509
Library services for physically handicapped (LSCA IV-B)	25,135	25,135	25,135
College library resources (HEA II-A)	354,370		
Librarian training (HEA II-B)	102,866		
University community service programs (HEA I)	142,295	142,295	142,295
Adult basic education (Adult Education Act):			
Grants to States	255,893	275,835	275,835
Special projects and teacher education			
Educational broadcasting facilities	338,685		
Subtotal, Libraries and Community Services	1,919,585	741,988	1,038,455
Education for the Handicapped:			
Preschool and school programs for the handicapped (ESEA VI)	285,258	285,258	285,258
Teacher education and recruitment	696,367		
Research and innovation	498,738		
Media services and captioned films for the deaf			
Subtotal, Education for the Handicapped	1,480,363	285,258	285,258
Research and Training:			
Research and development:			
Educational laboratories	346,000		
Research and development centers			
Vocational education	76,218	15,000	15,000
Subtotal, Research and Training	422,218	15,000	15,000
Colleges for Agriculture and the Mechanic Arts (Second Morrill Act)	50,000	50,000	50,000
Promotion of Vocational Education (Smith-Hughes Act)	66,744	([2])	([2])
Education in Foreign Languages and World Affairs	175,765		
Civil Rights Education			
Total, Office of Education	49,401,521	24,193,038	43,597,076
Total, Office of Education Comparable Basis [3]	42,672,729	24,193,038	43,597,076
OBLIGATIONS IN THE STATE OF CONNECTICUT			
OFFICE OF EDUCATION			
Elementary and Secondary Education:			
Assistance for educationally deprived children (ESEA I):			
Basic grants	$8,699,833	$9,924,014	$11,425,229
State administrative expenses	150,000	150,000	150,000
Grants to States for school library materials (ESEA II)	717,392		718,570
Supplementary educational centers and services (ESEA III)	2,331,546	1,687,122	2,343,122
Strengthening State departments of education (ESEA V):			
Grants to States	449,925	449,925	449,925
Grants for special projects			
Acquisition of equipment and minor remodeling (NDEA III): [1]			
Grants to States	724,973		
Loans to non-profit private schools			
State administration	26,250		
Guidance, counseling, and testing (NDEA V)	234,802		235,929
Subtotal, Elementary and Secondary Education	13,334,721	12,211,061	15,322,775
OBLIGATIONS IN THE STATE OF CONNECTICUT—Continued			
OFFICE OF EDUCATION—Continued			
Instructional Equipment: [1]			
Equipment and minor remodeling (NDEA III):			
Grants to States			$734,201
Loans to non-profit private schools			
State administration			26,375
Subtotal, Instructional Resources			760,576
School Assistance in Federally Affected Areas:			
Maintenance and operations (P.L. 81-874)	$3,265,208	$1,503,000	3,974,000
Construction (P.L. 81-815)			
Subtotal, SAFA	3,265,208	1,503,000	3,974,000
Education Professions Development:			
Preschool, elementary, and secondary:			
Grants to States (EPDA B-2)	270,462	238,978	285,645
Training programs (EPDA Parts C and D)	523,202		
Subtotal, Education Professions Development	793,664	238,978	285,645
Teacher Corps	171,534		
Higher Education:			
Program assistance:			
Strengthening developing institutions (HEA III)			
Colleges of agriculture and the mechanic arts (Bankhead-Jones)	257,121	210,285	210,285
Undergraduate instructional equipment and other resources (HEA VI-A)	163,167		
Construction:			
Public community colleges and technical institutes (HEFA I—Section 103)	707,988	452,481	452,481
Other undergraduate facilities (HEFA I—Section 104)	2,461,717		454,530
Graduate facilities (HEFA II)			
State administration and planning (HEFA I—Section 105)	91,915	96,574	96,574
Student aid:			
Educational opportunity grants (HEA IV-A)	1,668,912	889,184	801,634
Direct loans (NDEA II)	2,360,435	1,927,841	2,762,840
Insured loans:			
Advances for reserve funds			
Interest payments	1,796,129		
Work-study programs (HEA IV-C)	1,597,398	1,593,508	1,593,508
Special programs for disadvantaged students:			
Talent search	70,500		
Personnel development:			
College teacher fellowships (NDEA IV)	1,538,600		
Training programs (EPDA Part E)	45,000		
Subtotal, Higher Education	12,758,882	5,169,873	6,371,852
Vocational Education:			
Basic grants	2,634,697	2,613,726	3,961,873
Innovation		232,448	232,448
Work-study			132,753
Cooperative education		245,509	245,509
Consumer and homemaking education		164,925	220,007
Programs for students with special needs			440,189
Research			371,168
Subtotal, Vocational Education	2,634,697	3,256,608	5,603,947
Libraries and Community Services:			
Grants for public library services (LSCA I)	514,029	270,073	514,029
Construction of public libraries (LSCA II)	270,118		148,935
Interlibrary cooperation (LSCA III)	42,244	42,244	42,244
State institutional library services (LSCA IV-A)	39,509	39,509	39,509
Library services for physically handicapped (LSCA IV-B)	25,195	25,195	25,195
College library resources (HEA II-A)	418,350		
Librarian training (HEA II-B)			
University community service programs (HEA I)	162,263	162,263	162,263
Adult basic education (Adult Education Act):			
Grants to States	457,836	503,143	503,143
Special projects and teacher education	225,000		
Educational broadcasting facilities			
Subtotal, Libraries and Community Services	2,154,544	1,042,427	1,435,318
Education for the Handicapped:			
Preschool and school programs for the handicapped (ESEA VI)	369,463	369,463	369,463
Teacher education and recruitment	534,275		
Research and innovation	143,986		
Media services and captioned films for the deaf	26,499		
Subtotal, Education for the Handicapped	1,074,223	369,463	369,463

Footnotes at end of table.

XUM

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE—Continued

Program	1969 actual	1970 budget requests	1970 conference agreement
OBLIGATIONS IN THE STATE OF CONNECTICUT—Continued			
OFFICE OF EDUCATION—Continued			
Research and Training:			
Research and development:			
Educational laboratories			
Research and development centers			
Vocational education	$95,930	$15,000	$15 000
Subtotal, Research and Training	95,930	15,000	15,000
Colleges for Agriculture and the Mechanic Arts (Second Morrill Act)	50,000	50,000	50,000
Promotion of Vocational Education (Smith-Hughes Act)	92,547	(2)	(2)
Education in Foreign Languages and World Affairs	644,664		
Civil Rights Education			
Total, Office of Education	37,070,614	23,856,410	34,188,576
Total, Office of Education Comparable Basis [3]	30,769,708	23,856,410	34,188,576
OBLIGATIONS IN THE STATE OF DELAWARE			
OFFICE OF EDUCATION			
Elementary and Secondary Education:			
Assistance for educationally deprived children (ESEA I):			
Basic grants	$2,520,995	$2,571,260	$2,974,538
State administrative expenses	150,000	150,000	150,000
Grants to States for school library materials (ESEA II)	134,057		133,044
Supplementary educational centers and services (ESEA III)	714,568	597,711	719,823
Strengthening State departments of education (ESEA V):			
Grants to States	261,718	261,718	261,718
Grants for special projects			
Acquisition of equipment and minor remodeling (NDEA III): [4]			
Grants to States	164,547		
Loans to nonprofit private schools			
State administration	13,333		
Guidance, counseling, and testing (NDEA V)	50,000		50,000
Subtotal, Elementary and Secondary Education	4,009,218	3,580,689	4,289,123
Instructional Equipment:			
Equipment and minor remodeling (NDEA III): [1]			
Grants to States			180,310
Loans to nonprofit private schools			
State administration			13,333
Subtotal, Instructional Resources			193,643
School Assistance in Federally Affected Areas:			
Maintenance and operations (P.L. 81-874)	2,000,165	1,388,000	2,205,000
Construction (P.L. 81-815)		801,000	801,000
Subtotal, SAFA	2,000,165	2,189,000	3,006,000
Education professions development:			
Preschool, elementary, and secondary:			
Grants to States (EPDA B-2)	125,971	125,971	135,664
Training programs (EPDA parts C and D)			
Subtotal, education professions development	125,971	125,971	135,664
Teacher Corps	6,744		
Higher education:			
Program assistance:			
Strengthening developing institutions (HEA III)	117,925		
Colleges of agriculture and the mechanic arts (Bankhead-Jones)	157,678	160,612	160,612
Undergraduate instructional equipment and other resources (HEA VI-A)	26,175		
Construction:			
Public community colleges and technical institutes (HEFA I—Section 103)	75,582	84,324	84,324
Other undergraduate facilities (HEFAI—Section 104)	403,675		85,158
Graduate facilities (HEFA II)	200,000		
State administration and planning (HEFA I—Section 105)	53,749	49,416	49,416
Student aid:			
Educational opportunity grants (HEA IV-A)	234,892	135,912	140,312
Direct loans (NDEA II)	358,429	294,671	422,301
Insured loans:			
Advances for reserve funds			
Interest payments	28,837		
Work-study programs (HEA IV-C)	206,977	310,950	310,950
Special programs for disadvantaged students:			
Talent search	85,000		
Personnel development:			
College teacher fellowships (NDEA IV)	148,400		
Teacher programs (EPDA Part E)			
Subtotal, Higher Education	2,097,319	1,035,885	1,253,073
OBLIGATIONS IN THE STATE OF DELAWARE—Continued			
OFFICE OF EDUCATION—Continued			
Vocational Education:			
Basic grants	$623,244	$478,774	$725,723
Innovation		206,110	206,100
Work-study			25,011
Cooperative education		208,568	208,568
Consumer and homemaking education		30,210	40,301
Program for Students with Special Needs			80,633
Research			55,737
Subtotal, Vocational Education	623,244	923,662	1,342,083
Libraries and Community Services:			
Grants for public library services (LSCA I)	172,884	129,939	172,884
Construction of public libraries (LSCA II)	133,812		92,135
Interlibrary cooperation (LSCA III)	40,395	40,395	40,395
State institutional library services (LSCA IV-A)	39,059	39,509	39,509
Library services for physically handicapped (LSCA IV-B)	25,034	25,034	25,034
College library resources (HEA II-A)	51,166		
Librarian training (HEA II-B)			
University community service programs (HEA I)	111,098	111,098	111,098
Adult basic education (Adult Education Act):			
Grants to States	155,845	162,892	162,892
Special projects and teacher education			
Educational broadcasting facilities			
Subtotal, Libraries and Community Services	730,043	508,867	643,947
Education for the Handicapped:			
Preschool and school programs for the handicapped (ESEA VI)	100,000	100,000	100,000
Teacher education and recruitment	116,735		
Research and innovation			
Media services and captioned films for the deaf			
Subtotal, Education for the Handicapped	216,735	100,000	100,000
Research and Training:			
Research and development:			
Educational laboratories			
Research and development centers			
Vocational education	34,638	15,000	15,000
Subtotal, Research and Training	34,638	15,000	15,000
Colleges for Agriculture and the Mechanic Arts (Second Morrill Act)	50,000	50,000	50,000
Promotion of Vocational Education (Smith-Hughes Act)	30,000	(2)	(2)
Education in Foreign Languages and World Affairs			
Civil Rights Education	137,618		
Total, Office of Education	10,061,695	8,529,074	11,028,533
Total, Office of Education comparable basis [3]	9,142,795	8,529,074	11,028,533
OBLIGATIONS IN THE STATE OF FLORIDA			
OFFICE OF EDUCATION			
Elementary and Secondary Education:			
Assistance for educationally deprived children (ESEA I):			
Basic grants	$32,030,278	$32,717,727	$32,717,727
Basic administrative expenses	320,928	327,177	327,177
Grants to States for school library materials (ESEA II)	1,358,173		1,385,908
Supplementary educational centers and services (ESEA III)	4,389,257	3,182,146	4,603,634
Strengthening State departments of education (ESEA V):			
Grants to States	709,479	709,479	709,479
Grants for special projects			
Acquisition of equipment and minor remodeling (NDEA III): [1]			
Grants to States	2,268,779		
Loans to nonprofit private schools	1,200		
State administration	53,121		
Guidance, counseling, and testing (NDEA V)	475,164		484,750
Subtotal, Elementary and Secondary Education	41,606,379	36,936,529	40,228,675
Instructional Equipment:			
Equipment and minor remodeling (NDEA III): [1]			
Grants to States			2,313,878
Loans to nonprofit private schools			
State administration			54,190
Subtotal, Instructional Resources			3,368,068

Footnotes at end of table.

XUM

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE—Continued

Program	1969 actual	1970 budget requests	1970 conference agreement
OBLIGATIONS IN THE STATE OF FLORIDA—Continued			
OFFICE OF EDUCATION—Continued			
School Assistance in Federally Affected Areas:			
Maintenance and operation (Public Law 81-874)	$17,547,731	$5,013,000	$19,941,000
Construction (Public Law 81-815)	2,694,363	17,000	17,000
Subtotal, SAFA	20,242,094	5,030,000	19,958,000
Education Professions Development:			
Preschool, elementary, and secondary:			
Grants to States (EPDA B-2)	410,952	363,114	458,054
Training programs (EPDA parts C and D)	1,512,124		
Subtotal, Education Professions Development	1,923,076	363,114	458,054
Teacher Corps	685,906		
Higher Education:			
Program assistance:			
Strengthening developing institutions (HEA III)	851,904		
Colleges of agriculture and the mechanic arts (Bankhead-Jones)	264,313	267,743	267,743
Undergraduate instructional equipment and other resources (HEA VI-A)	398,154		
Construction:			
Public community colleges and technical institutes (HEFA I-Section 103)	2,312,667	1,193,372	1,193,372
Other undergraduate facilities (UEFA I-Section 104)	3,661,823		902,586
Graduate facilities (HEFA II)	250,000		
State administration and planning (HEFA I-Section 105)	168,491	132,528	132,528
Student aid:			
Educational opportunity grants (HEA IV-A)	3,249,260	1,692,052	1,664,938
Direct loans (NDEA II)	4,509,571	3,668,541	5,257,482
Insured loans:			
Advances for reserve funds			
Interest payments	180,238		
Work-study programs (HEA IV-C)	3,993,543	4,139,255	4,139,255
Special programs for disadvantaged students:			
Talent search	50,000		
Personnel development:			
College teacher fellowships (NDEA IV)	1,882,300		
Training programs (EPDA Part E)	233,113		
Subtotal, Higher Education	22,005,377	11,093,491	13,557,904
Vocational Education:			
Basic grants	7,143,929	7,393,929	11,207,681
Innovation		266,390	266,390
Work-study			272,721
Cooperative education		293,111	293,111
Consumer and homemaking education		466,553	622,375
Program for Students with Special Needs			1,245,245
Research			1,068,380
Subtotal, Vocational Education	7,143,929	8,419,983	14,975,903
Libraries and Community Services:			
Grants for public library services (LSCA I)	908,640	432,168	908,640
Construction of public libraries (LSCA II)	398,742		214,637
Interlibrary cooperation (LSCA III)	44,384	44,384	44,384
State institutional library services (LSCA IV-A)	39,509	39,509	39,509
Library services for physically handicapped (LSCA IV-B)	25,381	25,381	25,381
College library resources (HEA II-A)	553,565		
Librarian training (HEA II-B)	110,327		
University community service programs (HEA I)	227,490	227,490	227,490
Adult basic education (Adult Education Act):			
Grants to States	1,040,045	1,159,832	1,159,832
Special projects and teacher education	79,950		
Educational broadcasting facilities			
Subtotal, Libraries and Community Services	3,428,033	1,928,764	2,619,873
Education for the Handicapped:			
Preschool and school programs for the handicapped (ESEA VI)	736,246	736,246	736,246
Teacher education and recruitment	839,519		
Research and innovation	287,657		
Media services and captioned films for the deaf	36,696		
Subtotal, Education for the Handicapped	1,900,118	736,246	726,246
Research and Training:			
Research and development:			
Educational laboratories			
Research and development centers			
Vocational education	83,400	24,046	24,046
Subtotal, Research and Training	83,400	24,046	24,046
Colleges for Agriculture and the Mechanic Arts (Second Morrill Act)	50,000	50,000	50,000
Promotion of Vocational Education (Smith-Hughes Act)	187,558	(2)	(2)
Education in Foreign Languages and World Affairs	235,182		

Footnotes at end of table.

Program	1969 actual	1970 budget requests	1970 conference agreement
OBLIGATIONS IN THE STATE OF FLORIDA—Continued			
OFFICE OF EDUCATION—Continued			
Civil Rights Education	$518,550		
Total, Office of Education	100,009,602	$64,582,173	$94,976,769
Total, Office of Education Comparable Basis [3]	91,304,417	64,582,173	94,976,769
OBLIGATIONS IN THE STATE OF GEORGIA			
OFFICE OF EDUCATION			
Elementary and Secondary Education:			
Assistance for educationally deprived children (ESEA I):			
Basic grants	$34,745,771	$37,758,167	$43,604,537
State administrative expenses	347,488	377,582	436,045
Grants to States for school library materials (ESEA II)	1,089,383		1,086,360
Supplementary educational centers and services (ESEA III)	3,623,910	2,519,142	3,663,910
Strengthening State departments of education (ESEA V):			
Grants to States	628,796	628,796	628,796
Grants for special projects			
Acquisition of equipment and minor remodeling (NDEA III): [1]			
Grants to States	2,266,363		
Loans to non-profit private schools			
State administration	44,018		
Guidance counseling and testing (NDEA V)	393,735		393,215
Subtotal Elementary and Secondary Education	43,099,464	41,283,687	49,772,863
Instructional Equipment:			
Equipment and minor remodeling (NDEA III): [1]			
Grants to States			2,182,778
Loans to non-profit private schools			
State administration			43,958
Subtotal Instructional Resources			2,226,736
School Assistance in Federally Affected Areas:			
Maintenance and operations (P.L. 81-874)	16,133,291	5,749,000	18,902,000
Construction (P.L. 85-815)	2,309,974	1,598,000	1,598,000
Subtotal SAFA	18,443,265	7,347,000	20,500,000
Education Professions Development:			
Preschool, elementary, and secondary:			
Grants to States (EPDA B-2)	311,043	311,043	380,665
Training programs (EPDA Parts C and D)	750,849		
Subtotal, Education Professions Development	1,061,892	311,043	380,665
Teacher Corps	397,473		
Higher Education:			
Program assistance:			
Strengthening developing institutions (HEA III)	2,550,985		
Colleges of agriculture and the mechanic arts (Bankhead-Jones)	240,444	243,763	243,763
Undergraduate instructional equipment and other resources (HEA VI-A)	274,568		
Construction:			
Public community colleges and technical institutes (HEFA I—Section 103)	2,044,455	1,063,460	1,063,460
Other undergraduate facilities (HEFA I—Section 104)	2,587,633		615,620
Graduate facilities (HEFA II)	200,000		
State administration and planning (HEFA I—Section 105)	77,383	120,015	120,015
Student aid:			
Educational opportunity grants (HEA IV-A)	2,670,339	1,205,195	1,040,494
Direct loans (NDEA II)	3,242,368	2,612,985	3,744,737
Insured loans:			
Advances for reserve funds			
Interest payments	538,465		
Work-study programs (HEA IV-C)	2,700,025	4,209,230	4,209,230
Special programs for disadvantaged students:			
Talent search	40,000		
Personnel development:			
College teacher fellowships (NDEA IV)	1,453,800		
Training programs (EDPA Part E)	82,509		
Subtotal, Higher Education	18,702,974	9,454,648	11,037,319
Vocational Education:			
Basic grants	7,105,908	6,961,237	10,551,808
Innovation		260,009	260,009
Work-study			247,709
Cooperative education		284,162	284,162
Consumer and homemaking education		439,251	585,953
Program for Students with Special Needs			1,172,372
Research			1,005,858
Subtotal, Vocational Education	7,105,980	7,944,659	14,107,871

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE—Continued

OBLIGATIONS IN THE STATE OF GEORGIA—Continued

OFFICE OF EDUCATION—Continued

Program	1969 actual	1970 budget requests	1970 conference agreement
Libraries and Community Services:			
Grants for public library services (LSCA I)	$743, 951	$364, 518	$743, 951
Construction of public libraries (LSCA II)	357, 471		187, 217
Interlibrary cooperation (LSCA III)	43, 491	43, 491	43, 491
State institutional library services (LSCA IV-A)	39, 509	39, 509	39, 509
Library services for physically handicapped (LSCA IV-B)	25, 304	25, 304	25, 304
College library resources (HEA II-A)	427, 931		
Librarian training (HEA II-B)	218, 930		
University community service programs (HEA I)	196, 164	196, 164	196, 164
Adult basic education (Adult Education Act):			
Grants to States	1, 352, 356	1, 515, 610	1, 515, 610
Special projects and teacher education	700, 000		
Educational broadcasting facilities			
Subtotal, Libraries and Community Services	4, 105, 107	2, 184, 596	2, 751, 246
Education for the Handicapped:			
Preschool and school programs for the handicapped (ESEA VI)	682, 477	682, 477	682, 477
Teacher education and recruitment	729, 543		
Research and innovation	9, 549		
Media services and captions films for the deaf	124, 561		
Subtotal, Education for the Handicapped	1, 546, 130	682, 477	682, 477
Research and Training:			
Research and development:			
Educational laboratories	670, 000		
Research and development centers	789, 680		
Vocational education	95, 576	22, 639	22, 639
Subtotal, Research and Training	1, 555, 256	22, 639	22, 639
Colleges for Agriculture and the Mechanic Arts (Second Morrill Act)	50, 000	50, 000	50, 000
Promotion of Vocational Education (Smith-Hughes Act)	172, 456	(2)	(2)
Education in Foreign Languages and World Affairs			
Civil Rights Education	481, 623		
Total, Office of Education	96, 721, 548	69, 280, 749	101, 531, 816
Total, Office of Education comparable basis [3]	86, 281, 082	69, 280, 749	101, 531, 816

OBLIGATIONS IN THE STATE OF HAWAII

OFFICE OF EDUCATION

Program	1969 actual	1970 budget requests	1970 conference agreement
Elementary and Secondary Education:			
Assistance for educationally deprived children (ESEA I):			
Basic grants	$2, 215, 107	$2, 753, 137	$3, 061, 221
State administrative expenses	150, 000	550, 000	150, 000
Grants to States for school library materials (ESEA II)	193, 833		192, 394
Supplementary educational centers and services (ESEA III)	556, 489	716, 722	895, 686
Strengthening State departments of education (ESEA V):			
Grants to States	281, 390	281, 390	281, 390
Grants for special projects			
Acquisition of equipment and minor remodeling (MDEA III): [1]			
Grants to States	299, 306		
Loans to non-profit private schools			
State administration	13, 333		
Guidance counseling and testing (NDEA V)	66, 059		68, 974
Subtotal, Elementary and Secondary Education	3, 775, 557	3, 901, 249	4, 649, 665
Instructional Equipment:			
Equipment and minor remodeling (NDEA III): [1]			
Grants to States			325, 337
Loans to non-profit private schools			
State administration			13, 333
Subtotal, Instructional Resources			338, 670
School Assistance in Federally Affected Areas:			
Maintenance and operations (P.L. 81-874)	9, 520, 455	5, 741, 000	10, 650, 000
Construction (P.L. 81-815)	1, 728, 671		
Subtotal SAFA	11, 249, 566	5, 741, 000	10, 650, 000
Education Professions Development:			
Preschool, elementary, and secondary:			
Grants to States (EPDA B-2)	137, 551	137, 551	149, 706
Training programs (EPDA Parts C and D)	104, 613		
Subtotal, Education Professions Development	242, 164	137, 551	149, 706

Footnotes at end of table.

OBLIGATIONS IN THE STATE OF HAWAII

OFFICE OF EDUCATION—Continued

Program	1969 actual	1970 budget requests	1970 conference agreement
Teacher Corps	$282, 716		
Higher Education:			
Program assistance:			
Strengthening developing institutions (HEA III)	185, 300		
Colleges of agriculture and the mechanic arts (Bankhead-Jones)	162, 092	$165, 047	$165, 047
Undergraduate instructional equipment and other resources (HEA VI-A)	58, 366		
Construction:			
Public community colleges and technical institutes (HEFA I—Section 103)	327, 314	169, 240	169, 240
Other undergraduate facilities (HEFA I—Section 104)	547, 034		127, 380
Graduate facilities (HEFA II)	600, 000		
State administration and planning HEFA I—Section 105	30, 490	53, 635	53, 635
Student aid:			
Educational opportunity grants (HEA IV—A	275, 170	251, 661	240, 466
Direct loans (NDEA II)	319, 050	545, 627	781, 953
Insured loans:			
Advances for reserve funds			
Interest payments	82, 795		
Work-study programs (HEA IV-C)	563, 188	509, 439	509, 439
Special programs for disadvantaged Talent search	66, 286		
Personnel development:			
College teacher fellowships (NDEA IV)	342, 200		
Training programs (EPDA Part E)	111, 539		
Subtotal, Higher Education	3, 670, 824	1, 694, 649	2, 047, 160
Vocational Education:			
Basic grants	1, 000, 869	943, 321	1, 429, 882
Innovation		210, 047	210, 047
Work-study			43, 289
Cooperative education		214, 090	214, 090
Consumer and homemaking education		59, 563	79, 402
Program for Students with Special Needs			158, 869
Research			124, 373
Subtotal, Vocational Education	1, 000, 869	1, 426, 981	2, 259, 952
Libraries and Community Services:			
Grants for public library services (LSCA I)	603, 338	142, 449	203, 338
Construction of public libraries (LSCA II)	71, 358		97, 206
Interlibrary cooperation (LSCA III)	40, 560	40, 560	40, 560
State institutional library services (LSCA IV-A)	39, 509	39, 509	39, 509
Library services for physically handicapped (LSCA IV-B)	25, 049	25, 049	25, 049
College library resources (HEA II-A)	112, 262		
Librarian training (HEA II-B)	49, 920		
University community service programs (HEA I)	115, 728	115, 728	115, 728
Adult basic education (Adult Education Act):			
Grants to States	235, 281	251, 540	251, 540
Special projects and teacher education	520, 986		
Educational broadcasting facilities			
Subtotal, Libraries and Community Services	1, 013, 991	614, 835	772, 930
Education for the Handicapped:			
Preschool and school programs for the handicapped (ESEA VI)	113, 023	113, 023	113, 023
Teacher education and recruitment			
Research and innovation			
Media services and captioned films for the deaf	131, 534		
Subtotal, Education for the Handicapped	244, 557	113, 023	113, 023
Research and Training:			
Research and development:			
Educational laboratories			
Research and development centers			
Vocational education	25, 334	15, 000	15, 000
Subtotal, Research and Training	25, 334	15, 000	15, 000
Colleges for Agriculture and the Mechanic Arts (Second Morrill Act)	50, 000	50, 000	50, 000
Promotion of Vocational Education (Smith-Hughes Act)	31, 661	(2)	(2)
Education in Foreign Languages and World Affairs	167, 132		
Civil Rights Education			
Total, Office of Education	21, 753, 891	13, 694, 288	21, 046, 106
Total, Office of Education Comparable basis [3]	19, 338, 242	13, 694, 288	21, 046, 106

OBLIGATIONS IN THE STATE OF IDAHO

OFFICE OF EDUCATION

Program	1969 actual	1970 budget requests	1970 conference agreement
Elementary and Secondary Education:			
Assistance for educationally deprived children (ESEA I):			
Basic grants	$2, 947, 216	$3, 006, 605	$3, 338, 547
State administrative expenses	150, 000	150, 000	150, 000

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE—Continued

Program	1969 actual	1970 budget requests	1970 conference agreement
OBLIGATIONS IN THE STATE OF IDAHO—Continued			
OFFICE OF EDUCATION—Continued			
Elementary and Secondary Education—Con.			
Grants to States for school library materials (ESEA II)	$180,728		$180,068
Supplementary educational centers and services (ESEA III)	857,190	$689,438	855,370
Strengthening State departments of education (ESEA V):			
Grants to States	283,917	283,917	383,917
Grants for special projects			
Acquisition of equipment and minor remodeling (NDEA III):[1]			
Grants to States	358,140		
Loans to non-profit private schools			
State administration	13,333		
Guidance counseling, and testing (NDEA V)	64,750		64,139
Subtotal Elementary and Secondary Education	4,855,274	4,129,960	4,872,041
Instructional Equipment:			
Equipment and minor remodeling (NDEA III):[1]			
Grants to States			356,734
Loans to non-profit private schools			
State administration			13,333
Subtotal, Instructional Resources			370,067
School Assistance in Federally Affected Areas:			
Maintenance and operations (P.L. 81-874)	2,707,913	1,044,000	3,225,000
Construction (P.L. 81-815)	80,850		
Subtotal, SAFA	2,788,763	1,044,000	3,225,000
Education Professions Development:			
Preschool, elementary, and secondary:			
Grants to States (EPDA B-2)	152,799	135,012	146,521
Training programs (EPDA Parts C and D)	488,709		
Subtotal, Education Professions Development	651,508	135,012	146,521
Teacher Corps			
Higher Education:			
Program assistance:			
Strengthening developing institutions (HEA III)	50,000		
Colleges of agriculture and the mechanic arts (Bankhead-Jones)	162,907	165,865	165,865
Undergraduate instructional equipment and other resources (HEA VI-A)	65,137		
Construction:			
Public community colleges and technical institutes (HEFA I—Section 103)	400,064	206,857	206,857
Other undergraduate facilities (HEFA I—Section 104)	546,443		132,503
Graduate facilities (HEFA II)	800,000		
State administration and planning (HEFA I—Section 105)	89,308	57,748	57,748
Student aid:			
Educational opportunity grants (HEA IV-A)	558,213	296,613	258,188
Direct loans (NDEA II)	806,240	643,087	921,626
Insured loans:			
Advances for reserve funds			
Interest payments	74,845		
Work-study programs (HEA IV-C)	639,633	581,865	581,865
Special programs for disadvantaged students:			
Talent search	40,000		
Personnel development:			
College teacher fellowships (NDEA IV)	154,800		
Training programs (EPDA Part E)			
Subtotal, Higher Education	4,387,590	1,952,035	2,324,652
Vocational Education:			
Basic grants	1,202,766	1,032,903	1,565,670
Innovation		209,639	209,639
Work-study			38,960
Cooperative education		213,519	213,519
Consumer and homemaking education		65,176	86,943
Programs for students with special needs			173,955
Research			137,608
Subtotal, Vocational Education	1,202,766	1,521,237	2,426,294
Libraries and Community Services:			
Grants for public library services (LSCA I)	208,959	144,758	208,959
Construction of public libraries (LSCA II)	131,159		98,141
Interlibrary cooperation (LSCA III)	40,591	40,591	40,591
State institutional library services (LSCA IV-A)	39,509	39,509	39,509
Library services for physically handicapped (LSCA IV-B)	25,051	25,051	25,051
College library resources (HEA II-A)	73,906		
Librarian training (HEA II-B)			
University community service programs (HEA I)	115,079	115,079	115,079
Adult basic education (Adult Education Act):			
Grants to States	$146,680	$153,041	$153,041
Special projects and teacher education			
Educational broadcasting facilities	334,605		
Subtotal, Libraries and Community Services	1,115,539	518,029	680,371
Education for the Handicapped:			
Preschool and school programs for the handicapped (ESEA VI)	116,982	116,982	116,982
Teacher education and recruitment	134,140		
Research and innovation			
Media services and captioned films for the deaf			
Subtotal, Education for the Handicapped	251,122	116,982	116,982
Research and Training:			
Research and development:			
Educational laboratories			
Research and development centers			
Vocational education	44,465	15,000	15,000
Subtotal, Research and Training	44,465	15,000	15,000
Colleges for Agriculture and the Mechanic Arts (Second Morrill Act)	50,000	50,000	50,000
Promotion of Vocational Education (Smith-Hughes Act)	39,430	(2)	(2)
Education in Foreign Languages and World Affairs			
Civil Rights Education			
Total, Office of Education	15,376,457	9,482,255	14,226,928
Total, Office of Education Comparable Basis[3]	13,210,315	9,482,255	14,226,928
OBLIGATIONS IN THE STATE OF ILLINOIS			
OFFICE OF EDUCATION			
Elementary and Secondary Education:			
Assistance for educationally deprived children (ESEA I):			
Basic grants	$44,413,015	$46,736,723	$53,973,306
State administrative expenses	444,130	467,367	539,733
Grants to States for school library materials (ESEA II)	2,681,475		2,672,463
Supplementary educational centers and services (ESEA III)	8,235,338	5,650,541	8,251,199
Strengthening State departments of education (ESEA V):			
Grants to States	1,056,099	1,056,099	1,056,099
Grants for special projects			
Acquisition of equipment and minor remodeling (NDEA III):[1]			
Grants to States	3,085,357		
Loans to non-profit private schools	2,460		
State administration	99,990		
Guidance, counseling, and testing (NDEA V)	894,406		901,171
Subtotal, Elementary and Secondary Education	60,912,270	53,910,730	67,393,971
Instructional Equipment:			
Equipment and minor remodeling (NDEA III):[1]			
Grants to States			3,157,687
Loans to non-profit private schools			
State administration			100,742
Subtotal, Instructional Resources			3,258,429
School Assistance in Federally Affected Areas:			
Maintenance and operations (P.L. 81-874)	12,924,988	4,280,000	14,805,000
Construction (P.L. 81-815)	907,187		
Subtotal, SAFA	13,832,175	4,280,000	14,805,000
Education Professions Development:			
Preschool, elementary, and secondary:			
Grants to States (EPDA B-2)	701,085	619,473	790,440
Training Programs (EPDA Parts C and D)	2,187,500		
Subtotal, Education Professions Development	2,888,585	619,473	790,440
Teacher Corps	1,238,523		
Higher Education:			
Program assistance:			
Strengthening developing institutions (HEA III)	380,000		
Colleges of agriculture and the mechanic arts (Bankhead-Jones)	385,726	389,721	389,721
Undergraduate instructional equipment and other resources (HEA VI-A)	627,907		

Footnotes at end of table.

XUM

DEPARTMENT OF HELATH, EDUCATION, AND WELFARE—Continued

Program	1969 actual	1970 budget requests	1970 conference agreement
OBLIGATIONS IN THE STATE OF ILLINOIS—Continued			
OFFICE OF EDUCATION—Continued			
Higher Education—Continued			
Construction:			
Public community colleges and technical institutes (HEFA I—Section 103)	$3,311,412	$1,706,263	$1,706,263
Other undergraduate facilities (HEFA I—Section 104)	7,145,802		1,688,339
Graduate facilities (HEFA II)	1,150,000		
State administration and planning (HEFA I—Section 105)	268,425	227,574	227,574
Student aid:			
Educational opportunity grants (HEA IV-A)	6,957,766	3,518,305	3,016,661
Direct loans (NDEA II)	9,003,578	7,628,040	10,931,945
Insured loans:			
Advances for reserve funds			
Interest payments	1,224,052		
Work-study programs (HEA IV-C)	6,674,449	6,690,989	6,624,079
Special programs for disadvantaged students:			
Talent search	146,000		
Personnel development:			
College teacher fellowships (NEDA IV)	3,749,500		
Training programs (EPDA Part E)	300,800		
Subtotal, Higher Education	41,325,417	20,160,892	24,584,582
Vocational Education:			
Basic grants	10,300,874	9,870,472	14,961,613
Innovation		324,227	324,227
Work-study			503,114
Cooperative education		374,227	374,227
Consumer and homemaking education		622,822	830,834
Programs for students with special needs			1,662,330
Research			1,426,227
Subtotal, Vocational Education	10,300,874	11,191,748	20,082,572
Libraries and Community Services:			
Grants for public library services (LSCA I)	1,746,355	776,280	1,746,355
Construction of public libraries (LSCA II)	1,653,747		354,115
Interlibrary cooperation (LSCA III)	48,925	48,925	48,925
State institutional library services (LSCA IV-A)	39,509	39,509	39,509
Library services for physically handicapped (LSCA IV-B)	25,776	25,776	25,776
College library resources (HEA II-A)	1,001,350		
Librarian training (HEA II-B)	503,663		
University community service programs (HEA I)	333,347	333,347	333,347
Adult basic education (Adult Education Act):			
Grants to States	1,460,494	1,633,780	1,633,780
Special projects and teacher education	500,000		
Educational broadcasting facilities			
Subtotal, Libraries and Community Services	7,313,166	2,857,617	4,181,807
Education for the Handicapped:			
Preschool and school programs for the handicapped (ESEA VI)	1,488,885	1,488,885	1,488,885
Teacher education and recruitment	1,499,900		
Research and innovation	687,514		
Media services and captioned films for the deaf	231,059		
Subtotal, Education for the Handicapped	3,907,358	1,488,885	1,488,885
Research and Training:			
Research and development:			
Educational laboratories	240,489		
Research and development centers	1,707,213		
Vocational education	397,728	32,100	32,100
Subtotal, Research and Training	2,345,430	32,100	32,100
Colleges for Agriculture and the Mechanic Arts (Second Morrill Act)	50,000	50,000	50,000
Promotion of Vocational Education (Smith-Hughes Act)	360,319	(2)	(2)
Education in Foreign Languages and World Affairs	1,311,609		
Civil Rights Education			
Total, Office of Education	145,785,726	94,591,445	136,667,786
Total, Office of Education Comparable Basis [3]	127,478,647	94,591,445	136,667,786
OBLIGATIONS IN THE STATE OF INDIANA			
OFFICE OF EDUCATION			
Elementary and Secondary Education:			
Assistance for educationally deprived children (ESEA I):			
Basic grants	$15,015,004	$16,001,678	$18,479,336
State administrative expenses	150,191	160,017	184,793
Grants to States for school library materials (ESEA II)	1,286,642		1,282,958
Supplementary educational centers and services (ESEA III)	3,974,139	2,766,361	3,989,229
Strengthening State departments of education (ESEA V):			
Grants to States	630,850	664,602	664,602
Grants for special projects			
OBLIGATIONS IN THE STATE OF INDIANA—Continued			
OFFICE OF EDUCATION—Continued			
Elementary and Secondary Education—Con.			
Acquisition of equipment and minor remodeling (NDEA III):[1]			
Grants to States	$1,950,699		
Loans to non-profit private schools			
State administration	48,185		
Guidance, counseling, and testing (NDEA V)	431,016		431,892
Subtotal, Elementary and Secondary Education	23,486,726	$19,592,658	$25,032,810
Instructional Equipment:			
Equipment and minor remodeling (NDEA III):[1]			
Grants to States			1,941,848
Loans to nonprofit private schools			
State administration			48,281
Subtotal, Instructional Resources			1,990,129
School Assistance in Federally Affected Areas:			
Maintenance and operations (P.L. 81-874)	4,159,363	982,000	4,974,000
Construction (P.L. 81-815)	157,850		
Subtotal, SAFA	4,317,231	982,000	4,974,000
Education Professions Development:			
Preschool, elementary, and secondary:			
Grants to States (EPDA B-2)	349,257	349,257	431,457
Training programs (EPDA Parts C and D)	1,077,531		
Subtotal, Education Professions Development	1,426,788	349,257	431,457
Teacher Corps	303,628		
Higher Education:			
Program assistance:			
Strengthening developing institutions (HEA III)	286,887		
Colleges of agriculture and the mechanic arts (Bankhead-Jones)	257,471	260,870	260,870
Undergraduate instructional equipment and other resources (HEA VI-A)	360,578		
Construction:			
Public community colleges and technical institutes (HEFA I—Section 103)	2,044,962	1,050,631	1,050,631
Other undergraduate facilities (HEFA I—Section 104)	3,483,714		844,564
Graduate facilities (HEFA II)			
State administration and planning (HEFA I—Section 105)	170,805	129,751	129,751
Student aid:			
Educational opportunity grants (HEA IV-A)	3,980,453	1,981,089	1,585,291
Direct loans (NDEA II)	5,348,259	4,295,200	6,155,565
Insured loans:			
Advances for reserve funds			
Interest payments	483,347		
Work-study programs (HEA IV-C)	2,626,683	3,548,133	3,548,133
Special programs for disadvantaged students:			
Talent search	48,000		
Personnel development:			
College teacher fellowships (NDEA IV)	2,291,000		
Training programs (EPDA Part E)	434,227		
Subtotal, Higher Education	21,816,486	11,265,674	13,574,805
Vocational Education:			
Basic grants	6,170,769	5,660,581	8,580,280
Innovation		261,231	261,231
Work-study			246,747
Cooperative education		285,876	285,876
Consumer and homemaking education		357,180	476,471
Programs for students with special needs			953,323
Research			817,921
Subtotal, Vocational Educational	6,170,769	6,564,868	11,621,849
Libraries and Community Services:			
Grants for public library services (LSCA I)	861,433	412,777	861,443
Construction of public libraries (LSCA II)	206,881		206,777
Interlibrary cooperation (LSCA III)	44,128	44,128	44,128
State institutional library services (LSCA IV-A)	39,509	39,509	39,509
Library services for physically handicapped (LSCA IV-B)	25,359	25,359	25,359
College library resources (HEA II-A)	527,165		
Librarian training (HEA II-B)	574,301		
University community service programs (HEA I)	207,111	207,111	207,111
Adult basic education (Adult Education Act):			
Grants to States	568,749	630,936	630,936
Special projects and teacher education	120,000		
Educational broadcasting facilities	468,770		
Subtotal, Libraries and Community Services	3,643,406	1,359,820	2,015,263

Footnotes at end of table.

XUM

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE—Continued

Program	1969 actual	1970 budget requests	1970 conference agreement
OBLIGATIONS IN THE STATE OF INDIANA—Continued			
OFFICE OF EDUCATION—Continued			
Education for the Handicapped:			
Preschool and school programs for the handicapped (ESEA VI)	$745,215	$745,215	$745,215
Teacher education and recruitment	615,356		
Research and innovation	824,671		
Media services and captioned films for the deaf	638		
Subtotal, Education for the Handicapped	2,185,880	745,215	745,215
Research and Training:			
Research and development:			
Education laboratories			
Research and development centers			
Vocational education	172,804	18,409	18,409
Subtotal, Research and Training	172,804	18,409	18,409
Colleges for Agriculture and the Mechanic Arts (Second Morrill Act)	50,000	50,000	50,000
Promotion of Vocational Education (Smith-Hughes Act)	193,488	(2)	(2)
Education in Foreign Languages and World Affairs	780,439		
Civil Rights Education	65,184		
Total, Office of Education	64,612,811	40,927,901	60,453,937
Total, Office of Education comparable basis [3]	55,637,876	40,927,901	60,453,937
OBLIGATIONS IN THE STATE OF IOWA			
OFFICE OF EDUCATION			
Elementary and Secondary Education:			
Assistance for educationally deprived children (ESEA I):			
Basic grants	$14,591,865	$14,644,700	$16,505,967
State administrative expenses	150,000	150,000	165,060
Grants to States for school library materials (ESEA II)	722,942		720,857
Supplementary educational centers and services (ESEA III)	2,292,488	1,648,450	2,281,698
Strengthening State departments of education (ESEA V):			
Grants to States	461,077	461,077	461,077
Grants for special projects			
Acquisition of equipment and minor remodeling (NDEA III): [1]			
Grants to States	1,119,359		
Loans to nonprofit schools			
State administration	26,323		
Guidance, counseling, and testing (NDEA V)	235,455		234,317
Subtotal, Elementary and Secondary Education	19,599,509	16,904,227	20,368,976
Instructional Equipment:			
Equipment and minor remodeling (NDEA III): [1]			
Grants to States			1,062,143
Loans to non-profit private schools			
State administration			26,194
Subtotal, Instructional Resources			1,088,337
School Assistance in Federally Affected Areas:			
Maintenance and operations (P.L. 81–874)	2,653,905	310,000	3,033,000
Construction (P.L. 81–815)	670,028		
Subtotal, SAFA	3,323,933	310,000	3,033,000
Education Professions Development:			
Preschool, elementary, and secondary:			
Grants to States (EPDA B–2)	180,053	240,053	286,236
Training programs (EPDA Parts C and D)	535,761		
Subtotal, Education Professions Development	715,814	240,053	286,236
Teacher Corps	369,241		
Higher Education:			
Program assistance:			
Strengthening developing institutions (HEA III)	795,105		
Colleges of agriculture and the mechanic arts (Bankhead-Jones)	212,383	215,572	215,572
Undergraduate instructional equipment and other resources (HEA VI–A)	244,835		
Construction:			
Public community colleges and technical institutes (HEFA I—Section 103)	1,383,909	712,803	712,803
Other undergraduate facilities (HEFA I—Section 104)	2,136,021		515,496
Graduate facilities (HEFA II)	675,000		
State administration and planning (HEFA I—Section 105)	99,713	109,775	109,775
OBLIGATIONS IN THE STATE OF IOWA—Continued			
OFFICE OF EDUCATION—Continued			
Higher Education—Continued			
Student aid:			
Educational opportunity grants (HEA IV–A)	$3,185,784	$1,384,620	$1,073,409
Direct loans (NDEA II)	3,611,023	3,001,996	4,302,240
Insured loans:			
Advances for reserve funds			
Interest payments	286,147		
Work-study programs (HEA IV–C)	2,146,018	2,567,000	2,567,000
Special programs for disadvantaged students:			
Talent search	40,000		
Personnel development:			
College teacher fellowships (NDEA IV)	1,240,600		
Training programs (EPDA Part E)	72,475		
Subtotal, Higher Education	16,129,013	7,991,766	9,496,295
Vocational Education:			
Basic grants	4,106,252	3,309,767	5,016,928
Innovation		234,892	234,892
Work-study			139,968
Cooperative education		248,936	248,936
Consumer and homemaking education		208,844	278,595
Programs for students with special needs			557,412
Research			474,006
Subtotal, Vocational Education	4,106,252	4,002,439	6,950,737
Libraries and Community Services:			
Grants for public library services (LSCA I)	550,334	284,986	550,334
Construction of public libraries (LSCA II)	506,923		154,980
Interlibrary cooperation (LSCA III)	42,441	42,441	42,441
State institutional library services (LSCA IV–A)	39,509	39,509	39,509
Library services for physically handicapped (LSCA IV–B)	25,212	25,212	25,212
College library resources (HEA II–A)	422,878		
Librarian training (HEA II–B)	40,024		
University community service programs (HEA I)	159,710	159,710	159,710
Adult basic education (Adult Education Act):			
Grants to States	284,335	309,838	309,838
Special projects and teacher education			
Educational broadcasting facilities	316,617		
Subtotal, Libraries and Community Services	2,387,983	861,696	1,282,024
Education for the Handicapped:			
Preschool and school programs for the handicapped (ESEA VI)	432,885	432,885	432,885
Teacher education and recruitment	391,785		
Research and innovation	356,003		
Media services and captioned films for the deaf			
Subtotal, Education for the Handicapped	1,180,673	432,885	432,885
Research and Training:			
Research and development:			
Educational laboratories			
Research and development centers			
Vocational education	24,615	15,000	15,000
Subtotal, Research and Training	24,615	15,000	15,000
Colleges for Agriculture and the Mechanic Arts (Second Morrill Act)	50,000	50,000	50,000
Promotion of Vocational Education (Smith-Hughes Act)	122,556	(2)	(2)
Education in Foreign Languages and World Affairs	65,312		
Civil Rights Education			
Total, Office of Education	48,074,901	30,808,066	43,003,490
Total, Office of Education Comparable Basis [3]	43,018,223	30,808,066	43,003,490
OBLIGATIONS IN THE STATE OF KANSAS			
OFFICE OF EDUCATION			
Elementary and Secondary Education:			
Assistance for educationally deprived children (ESEA I):			
Basic grants	$9,784,956	$9,864,608	$10,844,247
State administrative expenses	150,000	150,000	150,000
Grants to States for school library materials (ESEA II)	556,782		547,184
Supplementary educational centers and services (ESEA III)	1,942,094	1,422,144	1,938,094
Strengthening State departments of education (ESEA V):			
Grants to States	414,425	414,425	414,425
Grants for special projects			
Acquisition of equipment and minor remodeling (NDEA III): [1]			
Grants to States	893,721		
Loans to nonprofit private schools			
State administration	21,680		

Footnotes at end of table.

XUM

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE—Continued

Program	1969 actual	1970 budget requests	1970 conference agreement
OBLIGATIONS IN THE STATE OF KANSAS—Continued			
OFFICE OF EDUCATION—Continued			
Elementary and Secondary Education—Con.			
Guidance, counseling, and testing (NDEA V)	$291,036		$194,351
Subtotal, Elementary and Secondary Education	14,054,694	$11,851,177	14,088,301
Instructional Equipment:			
Equipment and minor remodeling (NDEA III):[1]			
Grants to States			906,782
Loans to nonprofit private schools			
State administration			21,727
Subtotal, Instructional Resources			928,509
School Assistance in Federally Affected Areas:			
Maintenance and operations (P.L. 81-874)	8,664,572	3,302,000	9,985,000
Construction (P.L. 81-815)	573,750	63,000	63,000
Subtotal, SAFA	9,238,322	3,365,000	10,048,000
Education Professions Development:			
Preschool, elementary, and secondary:			
Grants to States (EPDA B-2)	207,864	207,864	241,367
Training programs (EPDA parts C and D)	336,778		
Subtotal, Education Professions Development	544,642	207,864	241,367
Teacher Corps			
Higher Education:			
Program assistance:			
Strengthening developing institutions (HEA III)	743,747		
Colleges of agriculture and the mechanic arts (Bankhead-Jones)	198,680	201,805	201,805
Undergraduate instructional equipment and other resources (HEA VI-A)	208,085		
Construction:			
Public community colleges and technical institutes (HEFA I—Section 103)	1,051,377	531,076	531,076
Other undergraduate facilities (HEFA I—Section 104)	1,723,010		412,235
Graduate facilities (HEFA II)	150,000		
State administration and planning (HEFA I—Section 105)	89,473	99,770	99,770
Student aid:			
Educational opportunity grants (HEA IV-A)	3,070,461	1,211,224	872,547
Direct loans (NDEA II)	3,249,036	2,626,056	3,763,470
Insured loans:			
Advances for reserve funds			
Interest payments	98,308		
Work-study programs (HEA IV-C)	2,015,111	1,948,114	1,948,114
Special programs for disadvantaged students:			
Talent search	39,000		
Personnel development:			
College teacher fellowships (NDEA IV)	1,086,700		
Training programs (EPDA Part E)	311,800		
Subtotal, Higher Education	14,034,788	6,618,045	7,829,017
Vocational Education:			
Basic grants	3,089,082	2,789,750	4,228,688
Innovation		228,104	228,104
Work-study			114,475
Cooperative education		239,415	239,415
Consumer and homemaking education		176,032	234,823
Program for Students with Special Needs			469,833
Research			397,175
Subtotal, Vocational Education	3,089,082	3,433,301	5,912,513
Libraries and Community Services:			
Grants for public library services (LSCA I)	455,789	246,149	455,789
Construction of public libraries (LSCA II)	201,413		139,238
Interlibrary cooperation (LSCA III)	41,929	41,929	41,929
State institutional library services (LSCA IV-A)	39,509	39,509	39,509
Library services for physically handicapped (LSCA IV-B)	25,168	25,168	25,168
College library resources (HEA II-A)	414,277		
Librarian training (HEA II-B)	146,541		
University community service programs (HEA I)	149,218	149,218	149,218
Adult basic education (Adult Education Act):			
Grants to States	260,619	282,224	282,224
Special projects and teacher education			
Educational braoadcasting facilities	268,809		
Subtotal, Libraries and Community Services	2,003,272	784,197	1,133,075
Education for the Handicapped:			
Preschool and school programs for the handicapped (ESEA VI)	$338,673	$338,673	$338,673
Teacher education and recruitment	780,110		
Research and innovation	299,868		
Media services and captioned films for the deaf			
Subtotal, Education for the Handicapped	1,418,651	338,673	338,673
Research and Training:			
Research and development:			
Educational laboratories			
Research and development centers			
Vocational education	49,833	15,000	15,000
Subtotal, Research and Training	49,833	15,000	15,000
Colleges for Agriculture and the Mechanic Arts (Second Morrill Act)	50,000	50,000	50,000
Promotion of Vocational Education (Smith-Hughes Act)	91,385	(3)	(2)
Education in Foreign Languages and World Affairs	218,743		
Civil Rights Education			
Total, Office of Education	44,793,412	26,663,257	40,584,455
Total, Office of Education Comparable basis[3]	39,690,646	26,663,257	40,584,435
OBLIGATIONS IN THE STATE OF KENTUCKY			
OFFICE OF EDUCATION			
Elementary and Secondary Education:			
Assistance for educationally deprived children (ESEA I):			
Basic grants	$30,207,987	$33,739,322	$38,963,425
State administrative expenses	302,084	337,393	389,634
Grants to States for school library materials (ESEA II)	759,127		754,260
Supplementary educational centers and services (ESEA III)	2,622,860	1,849,465	2,601,011
Strengthening State departments of education (ESEA V):			
Grants to States	477,508	477,508	477,508
Grants for special projects			
Acquisition of equipment and minor remodeling (NDEA III):[1]			
Grants to States	1,581,651		
Loans to nonprofit private schools			
State administration	30,673		
Guidance counseling and testing (NDEA V)	274,372		270,416
Subtotal, Elementary and Secondary Education	36,256,262	36,403,688	43,456,254
Instructional Equipment:			
Equipment and minor remodeling (NDEA III):[1]			
Grants to States			1,524,396
Loans to nonprofit private schools			
State administration			30,230
Subtotal Instructional Resources			1,554,626
School Assistance in Federally Affected Areas:			
Maintenance and operations (P.L. 81-874)	8,407,184	5,604,000	9,801,000
Construction (P.L. 81-815)	230,278	127,000	127,000
Subtotal SAFA	8,637,462	5,731,000	9,928,000
Education Professions Development:			
Preschool, elementary, and secondary:			
Grants to States (EPDA B-2)	247,063	247,063	294,866
Training programs (EPDA Parts C and D)	452,063		
Subtotal, Education Professions Development	699,126	247,063	294,866
Teacher Corps	671,384		
Higher Education:			
Program assistance:			
Strengthening developing institutions (HEA III)	864,600		
Colleges of agriculture and the mechanic arts (Bankhead-Jones)	219,025	222,244	222,244
Undergraduate instructional equipment and other resources (HEA VI-A)	233,537		

Footnotes at end of table.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE—Continued

Program	1969 actual	1970 budget requests	1970 conference agreement
OBLIGATIONS IN THE STATE OF KENTUCKY—Continued			
OFFICE OF EDUCATION—Continued			
Higher Education—Continued			
Construction:			
Public community colleges and technical institutes (HEFA I-Section 103)	$1, 338, 963	$927, 912	$927, 912
Other undergraduate facilities (HEFA I—Section 104)	3, 034, 025		474, 383
Graduate facilities (HEFA II)			
State administration and planning (HEFA I—Section 105)	84, 070	103, 380	103, 380
Student aid:			
Educational opportunity grants (HEA IV-A)	2, 828, 376	1, 110, 483	870, 849
Direct loans (NDEA II)	3, 014, 967	2, 407, 639	3, 450, 451
Insured loans:			
Advances for reserve funds			
Interest payments	148, 217		
Work-study programs (HEA IV-C)	3, 124, 716	3, 312, 872	3, 312, 872
Special programs for disadvantaged students: Talent search	117, 000		
Personnel development:			
College teacher fellowships (NDEA IV)	610, 600		
Training programs (EPDA Part E)	58, 000		
Subtotal, Higher Education	15, 676, 096	8, 084, 530	9, 362, 091
Vocational Education:			
Basic grants	5, 459, 534	4, 894, 998	7, 419, 813
Innovation		242, 902	242, 902
Work-study			175, 561
Cooperative education		260, 170	260, 170
Consumer and homemaking education		308, 872	412, 031
Programs for students with special needs			824, 388
Research			707, 299
Subtotal, Vocational Education	5, 459, 534	5, 706, 942	10, 042, 164
Libraries and Community Services:			
Grants for public library services (LSCA I)	596, 161	303, 810	596, 161
Construction of public libraries (LSCA II)	158, 205		162, 610
Interlibrary cooperation (LSCA III)	4, 235	42, 690	42, 690
State institutional library services (LSCA IV-A)	39, 509	39, 509	39, 509
Library services for physically handicapped (LSCA IV-B)	25, 234	25, 234	25, 234
College library resources (HEA II-A)	309, 262		
Librarian training (HEA II-B)	183, 946		
University community service programs (HEA I)	168, 818	159, 710	159, 710
Adult basic education (Adult Education Act):			
Grants to States	910, 457	1, 019, 688	1, 019, 688
Special proiects and teacher education	477, 989		
Educational broadcasting facilities			
Subtotal, Libraries and Community Services	2, 873, 816	1, 590, 641	2, 045, 602
Education for the Handicapped:			
Preschool and school programs for the handicapped (ESEA VI)	509, 972	509, 972	509, 972
Teacher education and recruitment	387, 755		
Research and innovation	343, 102		
Media services and captioned films for the deaf			
Subtotal, Education for the Handicapped	1, 240, 829	509, 972	509, 972
Research and Training:			
Research and development:			
Educational laboratories			
Research and development centers			
Vocational education	43, 070	15, 919	15, 919
Subtotal, Research and Training	43, 070	15, 919	15, 919
Colleges for Agriculture and the Mechanic Arts (Second Morrill Act)		50, 000	50, 000
Promotion of Vocational Education (Smith-Hughes Act)	143, 135	(2)	(2)
Education in Foreign Languages and World Affairs	13, 415		
Civil Rights Education	5, 912		
Total, Office of Education	71, 720, 041	58, 339, 755	77, 259, 494
Total, Office of Education Comparable Basis[3]	67, 707, 859	58, 339, 755	77, 259, 494
OBLIGATIONS IN THE STATE OF LOUISIANA			
OFFICE OF EDUCATION			
Elementary and Secondary Education:			
Assistance for educationally deprived children (ESEA I):			
Basic grants	$30, 428, 619	$32, 483, 644	$37, 513, 321
State administrative expenses	304, 314	324, 836	375, 133
Grants to States for school library materials (ESEA II)	954, 621		957, 137
Supplementary educational centers and services (ESEA III)	3, 074, 668	2, 150, 754	3, 079, 542
OBLIGATIONS IN THE STATE OF LOUISIANA—Continued			
OFFICE OF EDUCATION—Continued			
Elementary and Secondary Education—Con.			
Strengthening State departments of education (ESEA V):			
Grants to States	$535, 430	$535, 430	$535, 430
Grants for special projects			
Acquisition of equipment and minor remodeling (NDEA III):[1]			
Grants to States	1, 806, 533		
Loans to nonprofit private schools			
State administration	37, 949		
Guidance, counseling, and testing (NDEA V)	339, 449		339, 712
Subtotal, Elementary and Secondary Education	37, 481, 583	35, 494, 664	42, 800, 275
Instructional Equipment:			
Equipment and minor remodeling (NDEA III):[1]			
Grants to States			1, 992, 135
Loans to nonprofit private schools			
State administration			37, 976
Subtotal, Instructional Resources			2, 030, 111
School Assistance in Federally Affected Areas:			
Maintenance and operations (P.L. 81-874)	3, 447, 717	770, 000	3, 930, 000
Construction (P.L. 81-815)	351, 676	666, 000	666, 000
Subtotal, SAFA	3, 799, 393	1, 436, 000	4, 596, 000
Education Professions Development:			
Preschool, elementary, and secondary:			
Grants to States (EPDA B-2)	322, 474	283, 936	347, 280
Training programs (EPDA Parts C and D)	611, 791		
Subtotal, Education Professions Development	934, 265	284, 936	347, 280
Teacher Corps	168, 072		
Higher Education:			
Program assistance:			
Strengthening developing institutions (HEA III)	1, 089, 051		
Colleges of agriculture and the mechanic arts (Bankhead-Jones)	224, 205	227, 449	227, 449
Undergraduate instructional equipment and other resources (HEA VI-A)	272, 955		
Construction:			
Public community colleges and technical institutes (HEFA I—Section 103)	306, 071	939, 932	939, 932
Other undergraduate facilities (HEFA I—Section 104)	5, 111, 837		564, 669
Graduate facilities (HEFA II)	250, 000		
State administration and planning (HSFA I—Section 105)	160, 233	101, 494	101, 494
Student aid:			
Educational opportunity grants (HEA IV-A)	2, 533, 113	1, 333, 386	1, 028, 548
Direct loans (NDEA II)	3, 345, 928	2, 893, 084	4, 146, 155
Insured loans:			
Advances for reserve funds			
Interest payments	182, 628		
Work-study programs (HEA IV-C)	3, 081, 348	3, 778, 457	3, 778, 457
Special programs for disadvantaged students:			
Talent search	56, 000		
Personnel development:			
College teacher fellowships (NDEA IV)	1, 244, 900		
Training programs (EPDA Part E)	86, 008		
Subtotal, Higher Education	17, 944, 277	9, 274, 802	10, 786, 704
Vocational Education:			
Basic grants	5, 453, 039	5, 488, 273	8, 319, 096
Innovation		248, 065	248, 605
Work-study			198, 167
Cooperative education		268, 167	268, 167
Consumer and homemaking education		346, 307	461, 969
Program for Students with Special Needs			924, 305
Research			793, 024
Subtotal, Vocational Education	5, 453, 039	6, 351, 352	11, 213, 333
Libraries and Community Services:			
Grants for public library services (LSCA I)	631, 904	318, 493	631, 904
Construction of public libraries (LSCA II)	229, 744		168, 561
Interlibrary cooperation (LSCA III)	42, 883	42, 883	42, 883
State institutional library services (LSCA IV-A)	39, 509	39, 509	39, 509
Library services for physically handicapped (LSCA IV-B)	25, 251	25, 251	25, 251
College library resources (HEA II-A)	308, 819		
Librarian training (HEA II-B)	182, 226		
University community service programs (HEA I)	178, 251	178, 251	178, 251
Adult basic education (Adult Education Act):			
Grants to States	1, 266, 373	1, 414, 980	1, 414, 980
Special projects and teacher education			

Footnotes at end of table.

XUM

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE—Continued

Program	1969 actual	1970 budget requests	1970 conference agreement
OBLIGATIONS IN THE STATE OF LOUSIIANA—Continued			
OFFICE OF EDUCATION—Continued			
Libraries and Community Services—Continued			
Educational broadcasting facilities			
Subtotal, Libraries and Community Services	$2,904,960	$2,019,367	$2,501,339
Education for the Handicapped:			
Preschool and school programs for the handicapped (ESEA VI)	570,824	570,824	570,824
Teacher education and recruitment	346,923		
Research and innovation	8,270		
Media services and captioned films for the deaf			
Subtotal, Education for the Handicapped	926,017	570,824	570,824
Research and Training:			
Research and development:			
Educational laboratories			
Research and development centers			
Vocational education	5,430	17,848	17,848
Subtotal, Research and Training	5,430	17,848	17,848
Colleges for Agriculture and the Mechanic Arts (Second Morrill Act)	50,000	50,000	50,000
Promotion of Vocational Education (Smith-Hughes Act)	134,293	(2)	(2)
Education in Foreign Languages and World Affairs	203,255		
Civil Rights Education	281,793		
Total, Office of Education	70,286,377	55,499,793	74,913,714
Total, Office of Education Comparable Basis [3]	64,993,686	55,499,793	74,913,714
OBLIGATIONS IN THE STATE OF MAINE			
OFFICE OF EDUCATION			
Elementary and Secondary Education:			
Assistance for educationally deprived children (ESEA I):			
Basic grants	$3,351,971	$3,663,453	$4,123,001
State administrative expenses	150,000	150,000	150,000
Grants to States for school library materials (ESEA II)	253,111		251,204
Supplementary educational centers and services (ESEA III)	964,066	804,617	1,025,569
Strengthening State departments of education (ESEA V):			
Grants to States	303,881	303,881	303,881
Grants for special projects			
Acquisition of equipment and minor remodeling (NDEA III): [1]			
Grants to States	436,944		
Loans to nonprofit private schools			
State administration	13,333		
Guidance, counseling, and testing (NEDA V)	82,737		81,866
Subtotal, Elementary and Secondary Education	5,556,043	4,921,951	5,935,521
Instructional Equipment:			
Equipment and minor remodeling (NDEA III): [1]			
Grants to States			425,881
Loans to nonprofit private schools			
State administration			13,333
Subtotal, Instructional Resources			439,214
School Assistance in Federally Affected Areas:			
Maintenance and operations (P.L. 81-875)	2,594,464	2,213,000	3,564,000
Construction (P.L. 81-815)		22,000	22,000
Subtotal, SAFA	2,594,464	2,235,000	3,586,000
Education Professions Development:			
Preschool, elementary, and secondary:			
Grants to States (EPDA B-2)	149,034	149,034	164,900
Training programs (EPDA Parts C and D)	60,991		
Subtotal, Education Professions Development	210,025	149,034	164,900
Teacher Corps			
Higher Education:			
Program Assistance:			
Strengthening developing institutions (HEA III)	120,300		
Colleges of agriculture and the mechanic arts (Bankhead-Jones)	170,056	173,048	173,048
Undergraduate instructional equipment and other resources (HEA VA-A)	53,126		
OBLIGATIONS IN THE STATE OF MAINE—Continued			
OFFICE OF EDUCATION—Continued			
Higher Education—Continued			
Construction:			
Public community colleges and technical institutes (HEFA I—section 103)	$548,214	$283,459	$283,459
Other undergraduate facilities (HEFA I—section 104)	620,484		152,426
Graduate facilities (HEFA II)			
State administration and planning (HEFA I—section 105)	85,786	65,833	65,833
Student aid:			
Educational opportunity grants (HEA IV-A)	666,632	287,069	248,553
Direct loans (NDEA II)	780,846	622,395	891,971
Insured loans:			
Advances for reserve funds			
Interest payments	147,253		
Work-study programs (HEA IV-C)	797,691	744,348	744,348
Special programs for disadvantaged students:			
Talent search			
Personnel development:			
College teacher fellowships (NDEA IV)	148,400		
Training programs (EPDA part E)	33,219		
Subtotal, higher education	4,172,007	2,176,152	2,559,638
Vocational Education:			
Basic grants	1,490,962	1,387,705	2,103,477
Innovation		212,626	212,626
Work-study			50,985
Cooperative education		217,708	217,708
Consumer and homemaking education		87,564	116,808
Program for students with special needs			233,709
Research			190,029
Subtotal, Vocational Education	1,490,962	1,905,603	3,125,342
Libraries and community services:			
Grants for public library services (LSCA I)	258,291	165,022	258,291
Construction of public libraries (LSCA II)	106,355		106,355
Interlibrary cooperation (LSCA III)	40,858	40,858	40,858
State institutional library services (LSCA IV-A)	39,509	39,509	39,509
Library services for physically handicapped (LSCA IV-B)	25,075	25,075	25,075
College library resources (HEA II-A)	143,115		
Librarian training (HEA II-B)			
University community service programs (HEA I)	121,158	121,158	121,158
Adult basic education (Adult Education Act):			
Grants to States	192,097	204,502	204,502
Special projects and teacher education			
Educational broadcasting facilities	72,216		
Subtotal, libraries and community services	998,674	596,124	795,748
Education for the Handicapped:			
Preschool and school programs for the handicapped (ESEA VI)	153,967	153,967	153,967
Teacher education and recruitment	155,543		
Research and innovation			
Media services and captioned films for the deaf			
Subtotal, Education for the Handicapped	309,510	153,967	153,967
Research and Training:			
Research and development:			
Educational laboratories			
Research and development centers			
Vocational education		15,000	15,000
Subtotal, Research and Training		15,000	15,000
Colleges for Agriculture and the Mechanic Arts (Second Morrill Act)	50,000	50,000	50,000
Promotion of Vocational Education (Smith-Hughes Act)	48,182	(2)	(2)
Education in Foreign Languages and World Affairs			
Civil Rights Education			
Total, Office of Education	15,429,867	12,202,831	16,825,330
Total, Office of Education Comparable Basis [3]	14,495,704	12,202,831	16,825,330
OBLIGATIONS IN THE STATE OF MARYLAND			
OFFICE OF EDUCATION			
Elementary and Secondary Education:			
Assistance for educationally deprived children (ESEA I):			
Basic grants	$14,445,834	$17,445,114	$20,146,268
State administrative expense	150,000	174,451	201,463

Footnotes at end of table.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE—Continued

Program	1969 actual	1970 budget requests	1970 conference agreement
OBLIGATIONS IN THE STATE OF MARYLAND—Continued			
OFFICE OF EDUCATION—Continued			
Elementary and Secondary Education—Continued			
Grants to States for school library materials (ESEA II)	$936,620		$947,722
Supplemental educational centers and services (ESEA III)	2,887,002	$2,088,229	2,980,295
Strengthening State departments of education (ESEA V):			
Grants to States	529,969	529,969	529,969
Grants for special projects			
Acquisition of equipment and minor remodeling (NDEA III): [1]			
Grants to States	1,312,943		
Loans to non-profit private schools	12,890		
State administration	34,987		
Guidance, counseling, and testing (NDEA V)	312,960		315,861
Subtotal, Elementary and Secondary Education	20,623,205	20,237,763	25,121,578
Instructional Equipment:			
Equipment and minor remodeling (NDEA III): [1]			
Grants to States			1,326,935
Loans to non-profit schools			
State administration			35,310
Subtotal, Instructional Resources			1,362,245
School Assistance in Federally Affected Areas:			
Maintenance and operations (P.L. 81-874)	25,867,892	3,387,000	29,362,000
Construction (P.L. 81-815)	494,236	23,000	23,000
Subtotal, SAFA	26,362,128	3,410,000	29,385,000
Education Professions Development:			
Preschool, elementary, and secondary:			
Grants to States (EPDA B-2)	318,527	281,448	344,847
Training programs (EPDA Parts C and D)	622,171		
Subtotal, Education Professions Development	940,698	281,448	344,847
Teacher Corps	156,293		
Higher Education:			
Program assistance:			
Strengthening developing institutions (HEA III)	706,694		
Colleges of agriculture and the mechanic arts (Bankhead-Jones)	220,505	223,731	223,731
Undergraduate instructional equipment and other resources (HEA VI-A)	213,395		
Construction:			
Public community colleges and technical institutes (HEFA I—Section 103)	1,346,890	693,653	693,653
Other undergraduate facilities (HEFA I—Section 104)	2,241,212		565,382
Graduate facilities (HEFA II)	300,000		
State administration and planning (HEFA I—Section 105)	69,208	107,349	107,349
Student aid:			
Educational opportunity grants (HEA IV-A)	1,670,392	1,054,785	941,773
Direct loans (NDEA II)	2,346,063	2,286,880	3,277,378
Insured loans:			
Advances for reserve funds			
Interest payments	234,680		
Work-study programs (HEA IV-C)	1,547,538	2,293,450	2,293,450
Special programs for disadvantaged students:			
Talent search			
Personnel development:			
College teacher fellowships (NDEA IV)	1,544,300		
Training programs (EPDA Part E)	80,027		
Subtotal, Higher Education	12,520,904	6,659,848	8,102,726
Vocational Education:			
Basic grants	3,966,192	4,025,023	6,101,112
Innovation		244,939	244,939
Work-study			185,181
Cooperative education		263,026	263,026
Consumer and homemaking education		253,976	338,802
Programs for students with special needs			677,872
Research			579,683
Subtotal, Vocational Education	3,966,192	4,786,964	8,390,615
Libraries and Community Services:			
Grants for public library services (LSCA I)	606,374	308,005	606,374
Construction of public libraries (LSCA II)	393,560		164,310
Interlibrary cooperation (LSCA III)	42,745	42,745	42,754
State institutional library services (LSCA IV-A)	39,509	39,509	39,509
Library services for physically handicapped (LSCA IV-B)	25,239	25,239	25,239
College library resources (HEA II-A)	298,449		
Librarian training (HEA II-B)	102,510		
University community service programs (HEA I)	178,121	178,121	178,121
OBLIGATIONS IN THE STATE OF MARYLAND—Continued			
OFFICE OF EDUCATION—Continued			
Libraries and Community Services—Continued			
Adult basic education (Adult Education Act):			
Grants to States	$615,676	$682,321	$682,321
Special projects and teacher education	53,331		
Educational broadcasting facilities			
Subtotal, Libraries and Community Services	2,455,514	1,275,940	1,738,619
Education for the Handicapped:			
Preschool and school programs for the handicapped (ESEA VI)	493,874	493,874	493,874
Teacher education and recruitment	376,451		
Research and innovation	323,800		
Media services and captioned films for the deaf	102,895		
Subtotal, Education for the Handicapped	1,297,020	493,874	493,874
Research and Training:			
Research and development:			
Educational laboratories			
Research and development centers	613,880		
Vocational education	128,787	15,000	15,000
Subtotal, Research and Training	742,667	15,000	15 000
Colleges for Agriculture and the Mechanic Arts (Second Morrill Act)	50,000	50,000	50,000
Promotion of Vocational Education (Smith-Hughes Act)	118,672	(2)	(2)
Education in Foreign Languages and World Affairs	13,131		
Civil Rights Education	225,529		
Total, Office of Education	69,471,953	37,210,837	75,004,504
Total, Office of Education Comparable Basis [3]	64,111,111	37,210,837	75,004,504
OBLIGATIONS IN THE STATE OF MASSACHUSETTS			
OFFICE OF EDUCATION			
Elementary and Secondary Education:			
Assistance for educationally deprived children (ESEA I):			
Basic grants	$16,794,736	$18,817,388	$21,731,022
State administrative expenses	167,965	188,174	217,301
Grants to States for school library materials (ESEA II)	1,296,227		1,297,768
Supplementary educational centers and services (ESEA III)	4,108,964	2,867,743	4,139,035
Strengthening State departments of education (ESEA V):			
Grants to States	626,114	626,114	626,114
Grants for special projects			
Acquisition of equipment and minor remodeling (NDEA III):			
Grants to States	1,557,326		
Loans to non-profit private schools			
State administration	48,222		
Guidance, counseling, and testing (NDEA V)	431,343		430,280
Subtotal, Elementary and Secondary Education	25,030,897	22,499,419	28,441,529
Instructional Equipment:			
Equipment and minor remodeling (NDEA III): [1]			
Grants to States			1,577,173
Loans to non-profit private schools			
State administration			48,101
Subtotal, Instructional Resources			1,625,274
School Assistance in Federally Affected Areas:			
Maintenance and operations (P.L. 81-874)	13,710,871	5,971,000	18,514,000
Construction (P.L. 81-815)	116,046	465,000	465,000
Subtotal, SAFA	13,826,917	6,436,000	18,979,000
Education Professions Development:			
Preschool, elementary and secondary:			
Grants to States (EPDA B-2)	301,000	351,113	435,283
Training programs (EPDA parts C and D)	2,099,039		
Subtotal, Education Professions Development	2,400,039	351,113	435,283
Teacher Corps	829,390		
Higher Education:			
Program assistance:			
Strengthening developing institutions (HEA III)	50,000		
Colleges of agriculture and the mechanic arts (Bankhead-Jones)	268,977	272,428	272,428
Undergraduate instructional equipment and other resources (HEA VI-A)	507,779		

Footnotes at end of table.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE—Continued

Program	1969 actual	1970 budget requests	1970 conference agreement
OBLIGATIONS IN THE STATE OF MASSACHUSETTS—Continued			
OFFICE OF EDUCATION—Continued			
Higher Education—Continued			
Construction:			
Public community colleges and technical institutes (HEFA I—Section 103)	$2, 157, 438	$1, 114, 870	$1, 114, 870
Other undergraduate facilities (HEFA I—Section 104)	4, 330, 783		1, 038, 447
Graduate facilities (HEFA II)	1, 800, 000		
State administration and planning (HEFA I—Section 105)	208, 175	173, 339	173, 339
Student aid:			
Educational opportunity grants (HEA IV-A)	5, 488, 242	2, 629, 074	2, 222, 744
Direct loans (NDEA II)	7, 070, 873	5, 700, 121	8, 168, 993
Insured loans:			
Advances for reserve funds			
Interest payments	1, 206, 506		
Work-study programs (HEA IV-C)	6, 495, 739	3, 949, 122	3, 949, 122
Special programs for disadvantaged students:			
Talent search	127, 000		
Personnel development:			
College teacher fellowships (NDEA IV)	3, 865, 200		
Training programs (EPDA Part E)	118, 943		
Subtotal, Higher Education	33, 695, 655	13, 838, 964	16, 939, 943
Vocational Education:			
Basic grants	5, 383, 109	5, 409, 065	8, 199, 032
Innovation		261, 910	261, 910
Work-study			251, 557
Cooperative education		286, 828	286, 828
Consumer and homemaking education		341, 308	455, 301
Programs for students with special needs			910, 964
Research			781, 578
Subtotal, Vocational Education	5, 383, 109	6, 299, 111	11, 147, 170
Libraries and Community Services:			
Grants for public library services (LSCA I)	940, 815	445, 385	940, 815
Construction of public libraries (LSCA II)	633, 065		219, 994
Interlibrary cooperation (LSCA III)	44, 558	44, 558	44, 558
State institutional library services LSCA IV-A)	39, 509	39, 509	39, 509
Library services for physically handicapped (LSCA IV-B)	25, 396	25, 396	25, 396
College library resources (HEA II-A)	919, 725		
Librarian training (HEA II-B)	293, 465		
University community service programs (HEA I)	216, 889	216, 889	216, 889
Adult basic education (Adult Education Act):			
Grants to States	750, 102	835, 242	835, 242
Special projects and teacher education	278, 000		
Educational broadcasting facilities			
Subtotal, Libraries and Community Services	4, 141, 524	1, 606, 979	2, 322, 403
Education for the Handicapped:			
Preschool and school programs for the handicapped (ESEA VI)	750, 780	750, 780	750, 789
Teacher education and recruitment	1, 258, 348		
Research and innovation	675, 184		
Media services and captioned films for the deaf	138, 741		
Subtotal, Education for the Handicapped	2, 823, 053	750, 780	750, 780
Research and Training:			
Research and development:			
Educational laboratories	959, 655		
Research and development centers			
Vocational education	437, 153	17, 591	17, 591
Subtotal, Research and Training	1, 396, 808	17, 591	17, 591
Colleges for Agriculture and the Mechanic Arts (Second Morrill Act)	50, 000	50, 000	50, 000
Promotion of Vocational Education (Smith-Hughes Act)	179, 461	(2)	(2)
Education in Foreign Languages and World Affairs	898, 381		
Civil Rights Education	91, 670		
Total, Office of Education	90, 746, 904	51, 849, 957	80, 708, 973
Total, Office of Education Comparable Basis [3]	74, 679, 878	51, 849, 957	80, 708, 973
OBLIGATIONS IN THE STATE OF MICHIGAN			
OFFICE OF EDUCATION			
Elementary and Secondary Education:			
Assistance for educationally deprived children (ESEA I):			
Basic grants	$32, 395, 258	$36, 375, 056	$42, 007, 267
State administrative expenses	324, 175	363, 751	420, 073
Grants to States for school library materials (ESEA II)	2, 326, 201		2, 353, 365
Supplementary educational centers and services (ESEA III)	6, 790, 000	4, 691, 787	6, 834, 442
OBLIGATIONS IN THE STATE OF MICHIGAN			
OFFICE OF EDUCATION—Continued			
Elementary and Secondary Education—Con.			
Strengthening State departments of education (ESEA V):			
Grants to States	$990, 466	$990, 446	$990, 466
Grants for special projects			
Acquisition of equipment and minor remodeling (NDEA III):[1]			
Grants to States	3, 421, 788		
Loans to non-profit private schools	5, 900		
State administration	86, 061		
Guidance, counseling, and testing (NDEA V)	769, 811		772, 571
Subtotal, Elementary and Secondary Education	47, 109, 660	42, 421, 060	53, 378, 184
Instructional Equipment:			
Equipment and minor remodeling (NDEA III):[1]			
Grants to States			3, 392, 504
Loans to non-profit private schools			
State administration			86, 366
Subtotal, Instructional Resources			3, 478, 870
School Assistance in Federally Affected Areas:			
Maintenance and operations (P.L. 81-874)	4, 550, 314	2, 852, 000	5, 211, 000
Construction (P.L. 81-815)	194, 618	3, 000	3, 000
Subtotal, SAFA	4, 744, 932	2, 855, 000	5, 214, 000
Education Professions Development:			
Preschool, elementary, and secondary:			
Grants to States (EPDA B-2)	550, 647	550, 647	708, 000
Training programs (EPDA Parts C and D)	2, 279, 616		
Subtotal, Education Professions Development	2, 830, 263	550, 647	708, 000
Teacher Corps	849, 241		
Higher Education:			
Program assistance:			
Strengthening developing institutions (HEA III)	90, 000		
Colleges of agriculture and the mechanic arts (Bankhead-Jones)	332, 282	336, 028	336, 028
Undergraduate instructional equipment and other resources (HEA VI-A)	612, 301		
Construction:			
Public community colleges and technical institutes (HEFA I—Section 103)	3, 315, 772	1, 701, 935	1, 701, 935
Other undergraduate facilities (HEFA I—Section 104)	6, 385, 324		1, 469, 623
Graduate facilities (HEFA II)	300, 000		
State administration and planning (HEFA I—Section 105)	178, 974	197, 259	197, 259
Student aid:			
Educational opportunity grants (HEA IV-A)	6, 080, 085	3, 232, 073	2, 690, 991
Direct loans (NDEA II)	8, 650, 342	7, 007, 462	10, 042, 578
Insured loans:			
Advances for reserve funds			
Interest payments	435, 727		
Work-study programs (HEA IV-C)	5, 006, 293	5, 922, 710	5, 922, 710
Special programs for disadvantaged students:			
Talent search	85, 000		
Personnel development:			
College teacher fellowhsips (NDEA IV)	2, 323, 500		
Training programs (EPDA part E)	368, 106		
Subtotal, higher education	34, 163, 706	18, 397, 467	22, 361, 124
Vocational education:			
Basic grants	9, 284, 246	9, 105, 044	13, 801, 380
Innovation		306, 305	306, 305
Work-study			427, 599
Cooperative education		349, 093	349, 093
Consumer and homemaking education		574, 525	766, 406
Programs for students with special needs			1, 533, 420
Research			1, 315, 626
Subtotal, vocational education	9, 284, 246	10, 334, 967	18, 499, 829
Libraries and community services:			
Grants for public library services (LSCA I)	1, 377, 606	624, 808	1, 377, 606
Construction of public libraries (LSCA II)	925, 674		292, 719
Interlibrary cooperation (LSCA III)	46, 926	46, 926	46, 926
State institutional library services (LSCA IV-A)	39, 509	39, 509	39, 509
Library services for physically handicapped (LSCA IV-B)	25, 602	25, 602	25, 602
College library resources (HEA II-A)	802, 205		
Librarian training (HEA II-B)	522, 737		
University community service programs (HEA I)	283, 198	283, 198	283, 198
Adult basic education (Adult Education Act):			
Grants to States	991, 837	1, 106, 931	1, 106, 931
Special projects and teacher education	500, 000		
Educational broadcasting facilities			
Subtotal, libraries and community services	5, 515, 294	2, 126, 974	3, 172, 491

Footnotes at end of table.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE—Continued

Program	1969 actual	1970 budget requests	1970 conference agreement
OBLIGATIONS IN THE STATE OF MICHIGAN			
OFFICE OF EDUCATION—Continued			
Education for the Handicapped:			
Preschool and school programs for the handicapped (ESEA VI)	$1,268,699	$1,268,699	$1,268,699
Teacher education and recruitment	1,576,186		
Research and innovation	762,333		
Media services and captioned films for the deaf	78,735		
Subtotal, Education for the Handicapped	3,685,953	1,268,699	1,268,699
Research and Training:			
Research and development:			
Educational laboratories	384,500		
Research and development centers			
Vocational education	449,550	29,611	29,611
Subtotal, Research and Training	834,050	29,611	29,611
Colleges for Agriculture and the Mechanic Arts (Second Morrill Act)	50,000	50,000	50,000
Promotion of Vocational Education (Smith-Hughes Act)	297,765	(2)	(2)
Education in Foreign Languages and World Affairs	1,159,039		
Civil Rights Education	163,569		
Total, Office of Education	110,687,718	78,034,425	108,160,808
Total, Office of Education Comparable Basis [3]	97,484,923	78,034,425	108,160,808
OBLIGATIONS IN THE STATE OF MINNESOTA			
OFFICE OF EDUCATION			
Elementary and Secondary Education:			
Assistance for educationally deprived children (ESEA I):			
Basic grants	$18,633,931	$19,279,742	$22,264,965
State administrative expenses	186,360	192,797	222,650
Grants to States for school library materials (ESEA II)	996,022		1,004,025
Supplementary educational centers and services (ESEA III)	2,976,699	2,097,802	2,995,509
Strengthening State departments of education (ESEA V):			
Grants to States	544,184	544,185	544,185
Grants for special projects			
Acquisition of equipment and minor remodeling (NDEA III): [1]			
Grants to States	1,563,031		
Loans to non-profit private schools	11,500		
State administration	35,901		
Guidance, counseling, and testing (NDEA V)	321,136		323,919
Subtotal, Elementary and Secondary Education	25,268,764	22,114,526	27,355,253
Instructional Equipment:			
Equipment and minor remodeling (NDEA III): [1]			
Grants to States			1,571,167
Loans to non-profit private schools			
State administration			36,211
Subtotal, Instructional Resources			1,607,378
School Assistance in Federally Affected Areas:			
Maintenance and operations (P.L. 81-874)	3,381,658	846,000	3,367,000
Construction (P.L. 81-815)			
Subtotal, SAFA	3,381,658	846,000	3,367,000
Education Professions Development:			
Preschool, elementary, and secondary:			
Grants to States (EPDA B-2)	331,551	292,956	359,393
Training programs (EPDA Parts C and D)	1,166,053		
Subtotal, Education Professions Development	1,497,604	292,956	359,393
Teacher Corps	443,834		
Higher Education:			
Program assistance:			
Strengthening developing institutions (HEA III)	292,135		
Colleges of agriculture and the mechanic arts (Bankhead-Jones)	227,918	231,178	231,178
Undergraduate instructional equipment and other resources (HEA VI-A)	318,722		
Construction:			
Public community colleges and technical institutes (HEFA I-Section 103)	1,824,346	951,515	951,515
Other undergraduate facilities (HEFA I-Section 104)	2,864,880		699,726
Graduate facilities (HEFA II)	1,000,000		
State administration and planning HEFA I-Section 105)	180,132	122,169	122,169

Footnotes at end of table.

Program	1969 actual	1970 budget requests	1970 conference agreement
OBLIGATIONS IN THE STATE OF MINNESOTA—Continued			
OFFICE OF EDUCATION—Continued			
Higher Education—Continued			
Student aid:			
Educational opportunity grants (HEA IV-A)	$4,093,988	$1,691,761	$1,340,828
Direct loans (NDEA II)	4,516,471	3,667,909	5,256,576
Insured loans:			
Advances for reserve funds			
Interest payments	416,615		
Work-study programs (HEA IV-C)	3,074,487	3,107,129	3,107,129
Special programs for disadvantaged students:			
Talent search	99,000		
Personnel development:			
College teacher fellowships (NDEA IV)	962,200		
Training programs (EPDA part E)	31,900		
Subtotal, Higher Education	19,902,794	9,771,661	11,709,121
Vocational Education:			
Basic grants	4,942,203	4,346,673	6,588,669
Innovation		245,075	245,075
Work-study			180,852
Cooperative education		263,217	263,217
Consumer and homemaking education		274,274	365,875
Programs for students with special needs			732,042
Research			627,025
Subtotal, Vocational Education	4,942,203	5,129,239	9,002,935
Libraries and Community Services:			
Grants for public library services (LSCA I)	657,518	329,014	657,518
Construction of public libraries (LSCA II)	177,371		172,826
Interlibrary cooperation (LSCA III)	43,022	43,022	43,022
State institutional library services (LSCA IV-A)	39,509	39,509	39,509
Library services for physically handicapped (LSCA IV-B)	25,263	25,263	25,263
College library resources (HEA II-A)	469,205		
Librarian training (HEA II-B)	280,541		
University community service programs (HEA I)	177,277	177,277	177,277
Adult basic education (Adult Education Act):			
Grants to States	360,302	393,947	393,947
Special projects and teacher education	200,000		
Educational broadcasting facilities			
Subtotal, Libraries and Community Services	2,430,008	1,008,032	1,509,362
Education for the Handicapped:			
Preschool and school programs for the handicapped (ESEA VI)	552,663	552,663	552,633
Teacher education and recruitment	702,609		
Research and innovation	634,739		
Media services and captioned films for the deaf			
Subtotal, Education for the Handicapped	1,889,981	552,633	552,633
Research and Training:			
Research and development:			
Educational laboratories	800,000		
Research and development centers			
Vocational education	472,021	15,000	15,000
Subtotal, Research and Training	1,272,021	15,000	15,000
Colleges for Agriculture and the Mechanic Arts (Second Morrill Act)	50,000	50,000	50,000
Promotion of Vocational Education (Smith-Hughes Act)	141,929	(2)	(2)
Education in Foreign Languages and World Affairs	260,387		
Civil Rights Education	78,967		
Total, Office of Education	61,560,150	39,780,047	55,528,075
Total, Office of Education Comparable Basis [3]	53,695,378	39,780,047	55,528,075
OBLIGATIONS IN THE STATE OF MISSISSIPPI			
OFFICE OF EDUCATION			
Elementary and Secondary Education:			
Assistance for educationally deprived children (ESEA I):			
Basic grants	$32,395,258	$39,797,685	$45,959,848
State administrative expenses	366,015	397,977	459,598
Grants to States for school library materials (ESEA II)	589,397		578,180
Supplementary educational centers and services (ESEA III)	2,101,942	1,502,449	2,056,766
Strengthening State departments of education (ESEA V):			
Grants to States	437,838	437,838	437,838
Grants for special projects			
Acquisition of equipment and minor remodeling (NDEA III): [1]			
Grants to States	1,312,466		
Loans to non-profit private schools			
State administration	24,641		

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE—Continued

Program	1969 actual	1970 budget requests	1970 conference agreement
OBLIGATIONS IN THE STATE OF MISSISSIPPI—Continued			
OFFICE OF EDUCATION—Continued			
Elementary and Secondary Education—Con.			
Guidance, counseling, and testing (NDEA V)	$220,413		$217,880
Subtotal, Elementary and Secondary Education	37,447,970	$42,135,949	49,710,109
Instructional Equipment:			
Equipment and minor remodeling (NDEA III):[1]			
Grants to States			1,303,096
Loans to non-profit private schools			
State administration			24,357
Subtotal, Instructional Resources			1,327,453
School Assistance in Federally Affected Areas:			
Maintenance and operations (P.L. 81-874)	2,593,395	1,115,000	3,037,000
Construction (P.L. 81-815)	117,158		
Subtotal, SAFA	2,710,553	1,115,000	3,037,000
Education Professions Development:			
Preschool, elementary, and secondary:			
Grants to States (EPDA B-2)	214,182	214,182	249,375
Training programs (EPDA Parts C and D)	145,925		
Subtotal, Education Professions Development	360,107	214,182	249,375
Teacher Corps	468,815		
Higher Education:			
Program assistance:			
Strengthening developing institutions (HEA III)	1,929,260		
Colleges of agriculture and the mechanic arts (Bankhead-Jones)	198,669	201,794	201,794
Undergraduate instructional equipment and other resources (HEA VI-A)	180,563		
Construction:			
Public community colleges and technical institutes (HEFA I—Section 103)	1,197,927	640,997	640,997
Other undergraduate facilities (HEFA I—Section 104)	1,640,792		358,037
Graduate facilities (HEFA II)			
State administration and planning (HEFA I—Section 105)	89,151	93,741	93,741
Student aid:			
Educational opportunity grants (HEA IV-A)	2,470,096	854,632	696,224
Direct loans (NDEA II)	2,304,564	1,852,929	2,655,482
Insured loans:			
Advances for reserve funds	128,300		
Interest payments			
Work-study programs (HEA IV-C)	3,159,065	3,188,960	3,188,960
Special programs for disadvantaged students:			
Talent search			
Personnel development:			
College teacher fellowships (NDEA IV)	370,800		
Training programs (EPDA Part E)	200,926		
Subtotal, Higher Education	13,870,113	6,833,053	7,835,235
Vocational Education:			
Basic grants	4,298,675	3,755,696	5,692,865
Innovation		233,534	233,534
Work-study			137,563
Cooperative education		247,032	247,032
Consumer and homemaking education		236,982	316,130
Program for Students with Special Needs			632,514
Research			539,890
Subtotal, Vocational Education	4,298,675	4,473,244	7,799,528
Libraries and Community Services:			
Grants for public library services (LSCA I)	455,712	246,118	455,712
Construction of public libraries (LSCA II)	139,226		139,226
Interlibrary cooperation (LSCA III)	41,938	41,928	41,928
State institutional library services (LSCA IV-A)	39,509	39,509	39,509
Library services for physically handicapped (LSCA IV-B)	25,168	25,168	25,168
College library resources (HEA II-A)	298,915		
Librarian training (HEA II-B)	339,973		
University community service programs (HEA I)	150,559	150,559	150,559
Adult basic education (Adult Education Act):			
Grants to States	831,474	936,895	936,895
Special projects and teacher education	320,000		
Educational broadcasting facilities			
Subtotal, Libraries and Community Services	2,642,464	1,440,177	1,788,997
Education for the Handicapped:			
Preschool and school programs for the handicapped (ESEA VI)	$399,693	$399,693	$399,693
Teacher education and recruitment	229,137		
Research and innovation			
Media services and captioned films for the deaf			
Subtotal, Education for the Handicapped	628,830	399,693	399,693
Research and Training:			
Research and development:			
Educational laboratories			
Research and development centers			
Vocational education	45,826	15,000	15,000
Subtotal, Research and Training	45,826	15,000	15,000
Colleges for Agriculture and the Mechanic Arts (Second Morrill Act)	50,000	50,000	50,000
Promotion of Vocational Education (Smith-Hughes Act)	107,308	(2)	(2)
Education in Foreign Languages and World Affairs			
Civil Rights Education	289,604		
Total, Office of Education	62,920,265	56,676,298	72,212,390
Total, Office of Education Comparable Basis[3]	58,018,047	56,676,298	72,212,390
OBLIGATIONS IN THE STATE OF MISSOURI			
OFFICE OF EDUCATION			
Elementary and Secondary Education:			
Assistance for educationally deprived children (ESEA I):			
Basic grants	$22,898,224	$23,390,495	$27,012,216
State administrative expenses	228,982	233,905	270,122
Grants to States for school library materials (ESEA II)	1,670,831		1,170,511
Supplementary educational centers and services (ESEA III)	3,556,732	2,481,771	3,568,682
Strengthening State departments of education (ESEA V):			
Grants to States	596,859	596,859	596,859
Grants for special projects			
Acquisition of equipment and minor remodeling (NDEA III):[1]			
Grants to States	1,655,991		
Loans to non-profit private schools			
State administration	41,641		
Guidance, counseling, and testing (NDEA V)	372,479		372,587
Subtotal, Elementary and Secondary Education	31,021,739	26,703,030	32,990,997
Instructional equipment:			
Equipment and minor remodeling (NDEA III):[1]			
Grants to States			1,688,243
Loans to nonprofit private schools			
State administration			41,652
Subtotal, Instructional Resources			1,729,895
School Assistance in Federally Affected Areas:			
Maintenance and operations (Public Law 81-874)	8,398,571	2,176,000	9,617,000
Construction (Public Law 81-815)	1,485,317		
Subtotal, SAFA	9,883,888	2,176,000	9,617,000
Education Professions Development:			
Preschool, elementary, and secondary:			
Grants to States (EPDA B-2)	346,701	321,701	402,406
Training programs (EPDA Parts C and D)	470,198		
Subtotal, Education Professions Development	816,899	321,701	402,406
Teacher Corps	524,256		
Higher Education:			
Program assistance:			
Strengthening developing institutions HEA III)	1,127,530		
Colleges of agriculture and the mechanic arts (Bankhead-Jones)	249,360	252,721	252,721
Under graduate instructional equipment and other resources (HEA VI-A)	343,879		

Footnotes at end of table.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE—Continued

Program	1969 actual	1970 budget requests	1970 conference agreement
OBLIGATIONS IN THE STATE OF MISSOURI—Continued			
OFFICE OF EDUCATION—Continued			
Higher Education—Continued			
Construction:			
Public community colleges and technical institutes (HEFA I—Section 103)	$1,972,556	$1,017,094	$1,017,094
Other undergraduate facilities (HEFA I—Section 104)	2,987,407		728,823
Graduate facilities (HEFA II)	700,000		
State administration and planning (HEFA I—Section 105)	143,722	134,033	134,033
Student aid:			
Educational opportunity grants (HEA IV-A)	3,586,582	1,823,047	1,414,063
Direct loans (NDEA II)	4,823,178	3,952,550	5,664,502
Insured loans:			
Advances for reserve funds			
Interest payments	130,362		
Work-study programs (HEA IV-C)	3,295,787	3,733,029	3,733,029
Special programs for disadvantaged students:			
Talent search	123,000		
Personnel development:			
College teacher fellowships (NDEA IV)	2,013,200		
Training programs (EPDA Part E)	383,000		
Subtotal, Higher Education	21,879,563	10,912,474	12,944,265
Vocational Education:			
Basic grants	5,909,451	5,453,944	8,267,062
Innovation		253,221	253,221
Work-study			216,445
Cooperative education		274,641	274,641
Consumer and homemaking education		344,142	459,078
Programs for students with special needs			918,523
Research			788,063
Subtotal, Vocational Education	5,909,451	6,325,948	11,177,033
Libraries and Community Services:			
Grants for public library services (LSCA I)	805,469	389,789	805,469
Construction of public libraries (LSCA II)	512,392		197,459
Interlibrary cooperation (LSCA III)	43,824	43,824	43,824
State institutional library services (LSCA IV-A)	39,509	39,509	39,509
Library services for physically handicapped (LSCA IV-B)	25,333	25,333	25,333
College library resources (HEA II-A)	522,912		
Librarian training (HEA II-B)	61,748		
University community service programs (HEA I)	198,738	198,738	198,738
Adult basic education (Adult Education Act):			
Grants to States	742,562	824,641	824,641
Special projects and teacher education	127,000		
Educational broadcasting facilities	340,000		
Subtotal, Libraries and Community Services	3,419,487	1,521,834	2,134,973
Education for the Handicapped:			
Preschool and school programs for the handicapped (ESEA VI)	641,800	641,800	641,800
Teacher education and recruitment	724,146		
Research and innovation	9,600		
Media services and captioned films for the deaf			
Subtotal, Education for the Handicapped	1,375,546	641,800	641,800
Research and Training:			
Research and development:			
Educational laboratories	2,683,838		
Research and development centers			
Vocational education	20,573	17,737	17,737
Subtotal, Research and Training	2,704,411	17,737	17,737
Colleges for Agriculture and the Mechanic Arts (Second Morrill Act)	50,000	50,000	50,000
Promotion of Vocational Education (Smith-Hughes Act)	173,605	(2)	(2)
Education in Foreign Languages and World Affairs	239,679		
Civil Rights Education	60,067		
Total, Office of Education	78,058,591	48,670,524	71,706,086
Total, Office of Education Comparable Basis [3]	68,601,706	48,670,524	71,706,086
OBLIGATIONS IN THE STATE OF MONTANA			
OFFICE OF EDUCATION			
Elementary and Secondary Education:			
Assistance for educationally deprived children (ESEA I):			
Basic grants	$3,460,422	$3,521,648	$3,560,421
State administrative expenses	150,000	150,000	150,000
Grants to States for school library materials (ESEA II)	185,736		182,895
Supplementary educational centers and services (ESEA III)	888,162	686,277	850,697

Footnotes at end of table.

Program	1969 actual	1970 budget requests	1970 conference agreement
OBLIGATIONS IN THE STATE OF MONTANA—Continued			
OFFICE OF EDUCATION—Continued			
Elementary and Secondary Education—Con.			
Strengthening State departments of education (ESEA V):			
Grants to States	$282,290	$282,290	$282,290
Grants for special projects			
Acquisition of equipment and minor remodeling (NDEA III):[1]			
Grants to States	333,751		
Loans to nonprofit private schools			
State administration	13,333		
Guidance, counseling, and testing (NDEA V)	96,194		63,172
Subtotal, Elementary and Secondary Education	5,409,888	4,640,215	5,089,475
Instructional equipment:			
Equipment and minor remodeling (NDEA III):[1]			
Grants to States			333,279
Loans to nonprofit private schools			
State administration			13,333
Subtotal, Instructional Resources			346,612
School Assistance in Federally Affected Areas:			
Maintenance and operations (P.L. 81-874)	4,204,578	3,960,000	5,410,000
Construction (P.L. 81-815)	844,364		
Subtotal, SAFA	5,048,942	3,960,000	5,410,000
Education Professions Development:			
Preschool, elementary, and secondary:			
Grants to States (EPDA B-2)	135,982	135,982	147,252
Training programs (EPDA Parts C and D)	270,762		
Subtotal, Education Professions Development	406,744	135,982	147,252
Teacher Corps			
Higher Education:			
Program assistance:			
Strenghtening developing institutions (HEA III)	21,300		
Colleges of agriculture and the mechanic arts (Bankhead-Jones)	163,086	166,045	166,045
Undergraduate instructional equipment and other resources (HEA VI-A)	59,639		
Construction:			
Public community colleges and technical institutes (HEFA I—Section 103)	234,428	189,170	189,170
Other undergraduate facilities (HEFA I—Section 104)	662,620		129,444
Graduate facilities (HEFA II)			
State administration and planning (HEFA I—Section 105)	68,765	57,831	57,831
Student aid:			
Educational opportunity grants (HEA IV-A)	729,768	321,421	260,776
Direct loans (NDEA II)	877,702	696,872	998,706
Insured loans:			
Advances for reserve funds			
Interest payments	71,730		
Work-study programs (HEA IV-C)	2,529,733	597,086	597,086
Special programs for disadvantaged students:			
Talent search	50,394		
Personnel development:			
College teacher fellowships (NDEA IV)	229,200		
Training programs (EPDA Part E)	24,000		
Subtotal, Higher Education	5,722,365	2,028,425	2,399,058
Vocational Education:			
Basic grants	1,116,404	917,393	1,472,432
Innovation		209,368	209,368
Work-study			37,998
Cooperative education		213,138	213,138
Consumer and homemaking education		61,295	81,765
Program for Students with Special Needs			163,597
Research			128,520
Subtotal, Vocational Education	1,116,404	1,455,194	2,306,818
Libraries and Community Services:			
Grants for public library services (LSCA I)	210,196	145,266	210,196
Construction of public libraries (LSCA II)	88,347		98,347
Interlibrary cooperation (LSCA III)	40,597	40,597	40,597
State institutional library services (LSCA IV-A)	39,509	39,509	39,509
Library services for physically handicapped (LSCA IV-B)	25,052	25,052	25,052
College library resources (HEA II-A)	108,233		
Librarian training (HEA II-B)	33,737		
University community service programs (HEA I)	115,187	115,187	115,187

XUM

DEPARTMENT OF HELATH, EDUCATION, AND WELFARE—Continued

Program	1969 actual	1970 budget requests	1970 conference agreement
OBLIGATIONS IN THE STATE OF MONTANA—Continued			
OFFICE OF EDUCATION—Continued			
Libraries and Community Services—Con.			
Adult basic education (Adult Education Act):			
Grants to States	$156, 723	$164, 109	$164, 109
Special projects and teacher education	138, 000		
Educational broadcasting facilities			
Subtotal, Libraries and Community Services	955, 581	529, 720	692, 997
Education for the Handicapped:			
Preschool and school programs for the handicapped (ESEA VI)	112, 296	112, 296	112, 296
Teacher education and recruitment	143, 729		
Research and innovation	7, 710		
Media services and captioned films for the deaf	24, 365		
Subtotal, Education for the Handicapped	288, 100	112, 296	112, 296
Research and Training:			
Research and development:			
Educational laboratories			
Research and development centers			
Vocational education	32, 571	15, 000	15, 000
Subtotal, Research and Training	32, 571	15, 000	15, 000
Colleges for Agriculture and the Mechanic Arts (Second Morrill Act)	50, 000	50, 000	50, 000
Promotion of Vocational Education (Smith-Hughes Act)	38, 665	(2)	(2)
Education in Foreign Languages and World Affairs	12, 951		
Civil Rights Education			
Total, Office of Education	19, 082, 211	12, 926, 832	16, 569, 508
Total, Office of Education Comparable Basis [3]	17, 886, 461	12, 926, 832	16, 569, 508
OBLIGATIONS IN THE STATE OF NEBRASKA			
OFFICE OF EDUCATION			
Elementary and Secondary Education:			
Assistance for educationally deprived children (ESEA I):			
Basic grants	$5, 668, 814	$7, 066, 340	$8, 092, 079
State administrative expenses	150, 000	150, 000	150, 000
Grants to States for school library materials (ESEA II)	374, 367		368, 323
Supplementary educational centers and services (ESEA III)	1, 353, 663	1, 024, 798	1, 350, 932
Strengthening State departments of education (ESEA V):			
Grants to States	340, 817	340, 817	340, 817
Grants for special projects			
Acquisition of equipment and minor remodeling (NDEA III): [1]			
Grants to States	576, 770		
Loans to non-profit private schools			
State administration	13, 673		
Guidance, counseling, and testing (NDEA V)	183, 554		122, 154
Subtotal, Elementary and Secondary Education	8, 661, 658	8, 581, 955	10, 424, 305
Instructional Equipment:			
Equipment and minor remodeling (NDEA III): [1]			
Grants to States			564, 126
Loans to non-profit private schools			
State administration			13, 656
Subtotal, Instructional Resources			577, 782
School Assistance in Federally Affected Areas:			
Maintenance and operations (P.L. 81-874)	4, 624, 472	2, 286, 000	5, 262, 000
Construction (P.L. 81-815)	457, 928		
Subtotal, SAFA	5, 082, 400	2, 286, 000	5, 262, 000
Education Professions Development:			
Preschool, elementary, and secondary:			
Grants to States (EPDA B-2)	172, 525	172, 525	195, 158
Training programs (EPDA parts C and D)	848, 726		
Subtotal, Education Professions Development	1, 021, 251	172, 525	195, 158
Teacher Corps	541, 734		
Higher Education:			
Program assistance:			
Strengthening developing institutions (HEA III)	280, 000		
Colleges of agriculture and the mechanic arts (Bankhead-Jones)	180, 520	183, 560	183, 560
Undergraduate instructional equipment and other resources (HEA VI-A)	125, 481		
OBLIGATIONS IN THE STATE OF NEBRASKA—Continued			
OFFICE OF EDUCATION—Continued			
Higher Education—Continued			
Construction:			
Public community colleges and technical institutes (HEFA I—Section 103)	$726, 890	$359, 064	$359, 064
Other undergraduate facilities (HEFA I—Section 104)	1, 136, 397		273, 714
Graduate facilities (HEFA II)	300, 000		
State administration and planning (HEFA I—Section 105)	75, 908	74, 549	74, 549
Student aid:			
Educational opportunity grants (HEA IV-A)	1, 362, 622	686, 791	575, 136
Direct loans (NDEA II)	1, 786, 869	1, 489, 033	2, 133, 972
Insured loans:			
Advances for reserve funds			
Interest payments	64, 019		
Work-study programs (HEA IV-C)	1, 232, 909	1, 309, 717	1, 309, 717
Special programs for disadvantaged students:			
Talent search	60, 000		
Personnel development:			
College teacher fellowships (NDEA IV)	398, 900		
Training programs (EDPA part E)	113, 000		
Subtotal, Higher Education	7, 843, 515	4, 102, 714	4, 909, 712
Vocational Education:			
Basic grants	2, 135, 034	1, 742, 754	2, 641, 568
Innovation		217, 650	217, 650
Work-study			71, 186
Cooperative education		224, 754	224, 754
Consumer and homemaking education		109, 967	146, 694
Program for students with special needs			293, 505
Research			242, 485
Subtotal, Vocational Education	2, 135, 304	2, 295, 125	3, 837, 932
Library and Community Services:			
Grants for public library services (LSCA I)	330, 484	194, 677	330, 484
Construction of public libraries (LSCA II)	356, 938		118, 375
Interlibrary cooperation (LSCA III)	41, 249	41, 249	41, 249
State institutional library services (LSCA IV-A)	39, 509	39, 509	39, 509
Library services for physically handicapped (LSCA IV-B)	25, 109	25, 109	25, 109
College library resources (HEA II-A)	204, 610		
Librarian training (HEA II-B)			
University community service programs (HEA I)	131, 132	131, 132	131, 132
Adult basic education (Adult Education Act):			
Grants to States	207, 912	221, 891	221, 891
Special projects and teacher education			
Educational broadcasting facilities			
Subtotal, Libraries and Community Services	1, 263, 943	653, 567	907, 749
Education for the Handicapped:			
Preschool and school programs for the handicapped (ESEA VI)	217, 458	217, 458	217, 458
Teacher education and recruitment	176, 671		
Research and innovation	13, 048		
Media services and captioned films for the deaf	261, 337		
Subtotal, Education for the Handicapped	668, 514	217, 458	217, 458
Research and Training:			
Research and development:			
Educational laboratories			
Research and development centers			
Vocational education	82, 022	15, 000	15, 000
Subtotal, Research and Training	82, 022	15, 000	15, 000
Colleges for Agriculture and the Mechanic Arts (Second Morrill Act)	50, 000	50, 000	50, 000
Promotion of Vocational Education (Smith-Hughes Act)	64, 271	(2)	(2)
Education of Foreign Languages and World Affairs	34, 980		
Civil Rights Education			
Total, Office of Education	27, 422, 592	18, 374, 344	26, 397, 096
Total, Office of Education Comparable Basis [3]	24, 000, 086	18, 374, 344	26, 397, 096
OBLIGATIONS IN THE STATE OF NEVADA			
OFFICE OF EDUCATION			
Elementary and Secondary Education:			
Assistance for educationally deprived children (ESEA I):			
Basic grants	$886, 124	$893, 858	$1, 024, 544
State administrative expenses	150, 000	150, 000	150, 000

Footnotes at end of table.

XUM

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE—Continued

Program	1969 actual	1970 budget requests	1970 conference agreement
OBLIGATIONS IN THE STATE OF NEVADA—Continued			
OFFICE OF EDUCATION—Continued			
Elementary and Secondary Education—Con.			
Grants to States for school library materials (ESEA II)	$113,689		$117,828
Supplementary educational centers and services (ESEA III)	646,767	$551,066	650,895
Strengthening State departments of education (ESEA V):			
Grants to States	257,521	259,550	259,550
Grants for special projects			
Acquisition of equipment and minor remodeling (NDEA III): [1]			
Grants to States	113,732		
Loans to non-profit private schools			
State administration	13,333		
Guidance, counseling, and testing (NDEA V)	50,000		50,000
Subtotal, Elementary and Secondary Education	2,231,166	1,854,474	2,252,817
Instructional Equipment:			
Equipment and minor remodeling (NDEA III): [1]			
Grants to States			134,580
Loans to non-profit private schools			
State administration			13,333
Subtotal, Instructional Resources			147,913
School Assistance in Federally Affected Areas:			
Maintenance and operations (P.L. 81-874)	3,554,294	1,426,000	4,097,000
Construction (P.L. 81-815)	221,351	14,000	14,000
Subtotal, SAFA	3,775,645	1,440,000	4,111,000
Education Professions Development:			
Preschool, elementary, and secondary:			
Grants to States (EPDA-B-2)	3,661	122,025	130,441
Training programs (EPDA Parts C and D)	46,706		
Subtotal, Education Professions Development	50,367	122,025	130,441
Teacher Corps			
Higher Education:			
Program assistance:			
Strengthening developing institutions (HEA III)			
Colleges of agriculture and the mechanic arts (Bankhead-Jones)	153,867	156,784	156,784
Undergraduate instructional equipment and other resources (HEA VI-A)	14,561		
Construction:			
Public community colleges and technical institutes (HEFA I–Section 103)		61,219	61,219
Other undergraduate facilities (HEFA I–Section 104)	334,962		60,539
Graduate facilities (HEFA II)			
State administration and planning (HEFA I–Section 105)	43,460	38,960	38,960
Student aid:			
Educational opportunity grants (HEA IV-A)	14,788	83,274	93,823
Direct loans (NDEA II)	22,484	180,546	258,746
Insured loans			
Advances for reserve funds			
Interest payments	31,014		
Work-study programs (HEA IV–C)	343,532	193,116	193,116
Special programs for disadvantaged students:			
Talent search	44,000		
Personnel development:			
College teacher fellowships (NDEA IV)	91,600		
Training programs (EPDA Part E)	26,200		
Subtotal, Higher Education	1,447,468	713,899	863,187
Vocational Education:			
Basic grants	566,052	390,324	591,652
Innovation		204,616	204,616
Work-study			19,240
Cooperative education		206,474	206,474
Consumer and homemaking education		24,630	32,855
Programs for Students with Special Needs			65,736
Research			42,669
Subtotal, Vocational Education	566,052	826,044	1,163,242
OBLIGATIONS IN THE STATE OF NEVADA—Continued			
OFFICE OF EDUCATION—Continued			
Libraries and Community Services:			
Grants for public library services (LSCA I)	$146,589	$119,137	$146,589
Construction of public libraries (LSCA II)	62,523		87,757
Interlibrary cooperation (LSCA III)	40,253	40,253	40,253
State institutional library services (LSCA IV-A)	20,753	39,509	39,509
Library services for physically handicapped (LSCA IV-B)	5,299	25,022	25,022
College library resources (HEA II-A)	57,175		
Librarian training (HEA II-B)			
University community service programs (HEA I)	109,324	109,324	109,324
Adult basic education (Adult Education Act):			
Grants to States	121,076	123,829	123,829
Special projects and teacher education	160,000		
Educational broadcasting facilities			
Subtotal, Libraries and Community Services	722,992	457,074	572,283
Education for the Handicapped:			
Preschool and school programs for the handicapped (ESEA VI)	100,000	100,000	100,000
Teacher education and recruitment	90,967		
Research and innovation			
Media services and captioned films for the deaf			
Subtotal, Education for the Handicapped	190,967	100,000	100,000
Research and Training:			
Research and development:			
Educational laboratories			
Research and development centers			
Vocational education	140,627	15,000	15,000
Subtotal, Research and Training	140,627	15,000	15,000
Colleges for Agriculture and the Mechanic Arts (Second Morrill Act)	50,000	50,000	50,000
Promotion of Vocational Education (Smith-Hughes Act)	30,000	(2)	(2)
Education in Foreign Languages and World Affairs			
Civil Rights Education	62,931		
Total, Office of Education	9,268,215	5,578,516	9,405,883
Total, Office of Education Comparable Basis [3]	8,643,061	5,578,516	9,405,883
OBLIGATIONS IN THE STATE OF NEW HAMPSHIRE			
OFFICE OF EDUCATION			
Elementary and Secondary Education:			
Assistance for educationally deprived children (ESEA I):			
Basic grants	$1,431,723	$1,610,227	$1,728,148
State administrative expenses	150,000	150,000	150,000
Grants to States for school library materials services (ESEA II)	168,878		171,826
Supplementary educational centers and (ESEA III)	815,216	665,545	820,062
Strengthening State departments of education (ESEA V):			
Grants to States	269,677	269,677	269,677
Grants for special projects			
Acquisition of equipment and minor remodeling (NDEA III): [1]			
Grants to States	257,968		
Loans to non-profit private schools	2,970		
State administration	13,333		
Guidance, counseling, and testing (NDEA V)	55,921		56,404
Subtotal, Elementary and Secondary Education	3,165,686	2,695,449	3,196,117
Instructional Equipment:			
Equipment and minor remodeling (NDEA III): [1]			
Grants to States			259,521
Loans to non-profit private schools			
State administration			13,333
Subtotal, Instructional Resources			272,854
School Assistance in Federally Affected Areas:			
Maintenance and operations (P.L. 81-874)	2,065,756	904,000	2,454,000
Construction (P.L. 81-815)	–9,245	6,000	6,000
Subtotal, SAFA	2,056,511	910,000	2,460,000

Footnotes at end of table.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE—Continued

Program	1969 actual	1970 budget requests	1970 conference agreement
OBLIGATIONS IN THE STATE OF NEW HAMPSHIRE—Continued			
OFFICE OF EDUCATION—Continued			
Education Professions Development:			
Preschool, elementary, and secondary:			
Grants to States (EPDA B-2)	$147,716	$132,716	$144,392
Training programs (EPDA Parts C and D)	281,745		
Subtotal, Education Professions Development	429,461	132,716	144,392
Teacher Corps			
Higher Education:			
Program assistance:			
Strengthening developing institutions (HEA III)	215,000		
Colleges of agriculture and the mechanic arts (Bankhead-Jones)	161,480	164,432	164,432
Undergraduate instructional equipment and other resources (HEA VI-A)	61,584		
Construction:			
Public community colleges and technical institutes (HEFA I-Section 103)		168,618	168,618
Other undergraduate facilities (HEFA I-Section 104)	835,235		124,761
Graduate facilities (HEFA II)			
State administration and planning (HEFA I-Section 105)	44,491	61,000	61,000
Student aid:			
Educational opportunity grants (HEA IV-A)	656,280	297,415	259,748
Direct loans (NDEA II)	804,338	644,825	924,115
Insured loans:			
Advances for reserve funds			
Interest payments	35,014		
Work-study programs (HEA IV-C)	766,819	484,432	484,432
Special programs for disadvantaged students:			
Talent search			
Personnel development:			
College teacher fellowships (NDEA IV)	326,300		
Training programs (EPDA Part E)	40,000		
Subtotal, Higher Education	3,946,541	1,820,722	2,187,106
Vocational Education:			
Basic grants	941,303	834,902	1,265,540
Innovation		208,146	208,146
Work-study			32,707
Cooperative education		211,425	211,425
Consumer and homemaking education		52,683	70,278
Programs for Students with Special Needs			140,610
Research			108,354
Subtotal, Vocational Education	941,303	1,307,156	2,037,060
Libraries and Community Services:			
Grants for public library services (LSCA I)	199,116	140,714	199,116
Construction of public libraries (LSCA II)	152,108		96,503
Interlibrary cooperation (LSCA III)	40,537	40,537	40,437
State institutional library services (LSCA IV-A)	39,509	39,509	39,509
Library services for physically handicapped (LSCA IV-B)	25,047	25,047	25,047
College library resources (HEA II-A)	117,974		
Library training (HEA II-B)			
University community service programs (HEA I)	114,625	114,625	114,625
Adult basic education (Adult Education Act):			
Grants to States	153,033	160,283	160,283
Special projects and teacher education			
Educational broadcasting facilities			
Subtotal, Libraries and Community Services	841,946	520,715	675,620
Education for the Handicapped:			
Preschool and school programs for the handicapped (ESEA VI)	100,000	100,000	100,000
Teacher education and recruitment	73,850		
Research and innovation			
Media services and captioned films for the deaf			
Subtotal, Education for the Handicapped	173,850	100,000	100,000
Research and Training:			
Research and development:			
Educational laboratories			
Research and development centers			
Vocational education	26,550	15,000	15,000
Subtotal, Research and Training	26,550	15,000	15,000
Colleges for Agriculture and the Mechanic Arts (second Morrill Act)	50,000	50,000	50,000
Promotion of Vocational Education (Smith-Hughes Act)	34,050	(2)	(2)
Education in Foreign Languages and World Affairs	$50,731		
Civil Rights Education			
Total, Office of Education	11,716,629	$7,551,758	$11,138,149
Total, Office of Education Comparable Basis [1]	10,514,434	7,551,758	11,138,149
OBLIGATIONS IN THE STATE OF NEW JERSEY			
OFFICE OF EDUCATION			
Elementary and Secondary Education:			
Assistance for educationally deprived children (ESEA I):			
Basic grants	$24,487,811	$27,524,859	$31,786,733
State administrative expenses	245,001	275,249	317,867
Grants to States for school library materials (ESEA II)	1,652,599		1,655,018
Supplementary educational centers and services (ESEA III)	5,233,177	3,626,822	5,260,743
Strengthening State departments of education (ESEA V):			
Grants to States	738,898	738,898	738,898
Grants for special projects			
Acquisition of equipment and minor remodeling (NDEA III): [1]			
Grants to States	1,796,586		
Loans to non-profit private schools			
State administration	2,432		
Guidance, counseling, and testing (NDEA V)	552,014		553,724
Subtotal, Elementary and Secondary Education	34,708,518	32,165,828	40,312,983
Instructional Equipment:			
Equipment and minor remodeling (NDEA III): [1]			
Grants to States			1,886,094
Loans to non-profit private schools			
State administration			61,901
Subtotal, Instructional Resources			1,947,995
School Assistance in Federally Affected Areas:			
Maintenance and operations (P.L. 81-874)	10,321,861	4,251,000	13,729,000
Construction (P.L. 81-815)	774,195	27,000	27,000
Subtotal, SAFA	11,096,056	4,278,000	13,756,000
Education Professions Development:			
Preschool, elementary, and secondary:			
Grants to States (EPDA B-2)	420,452	420,152	257,580
Training programs (EPDA Parts C and D)	705,047		
Subtotal, Education Professions Development	1,215,499	420,152	527,580
Teacher Corps	264,859		
Higher Education:			
Program assistance:			
Strengthening developing institutions (HEA III)	50,000		
Colleges of agriculture and the mechanic arts (Bankhead-Jones)	290,710	294,262	294,262
Undergraduate instructional equipment and other resources (HEA VI-A)	255,201		
Construction:			
Pubic community colleges and technical institutes (HEFA-I—Section 103)	2,260,985	1,162,358	1,162,358
Other undergraduate facilities (HEFA I—Section 104)	3,452,283		854,566
Graduate facilities (HEFA II)	1,600,000		
State administration and planning (HEFA I—Section 105)	175,863	129,991	129,991
Student aid:			
Educational opportunity grants (HEA IV-A)	2,636,170	1,261,348	1,065,148
Direct loans (NDEA II)	3,281,169	2,734,731	3,919,215
Insured loans:			
Advances for reserve funds			
Interest payments	2,023,322		
Work-study programs (HEA IV-C)	2,751,188	3,272,107	3,272,107
Special programs for disadvantaged students:			
Talent search	139,875		
Personnel development:			
College teacher fellowships (NDEA IV)	1,756,800		
Training programs (EPDA part E)	118,600		
Subtotal, Higher Education	20,792,166	8,854,797	10,697,647

Footnotes at end of table.

XUM

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE—Continued

Program	1969 actual	1970 budget requests	1970 conference agreement
OBLIGATIONS IN THE STATE OF NEW JERSEY—Continued			
OFFICE OF EDUCATION—Continued			
Vocational Education:			
Basic grants	$6,246,915	$6,497,533	$9,848,926
Innovation		278,202	278,202
Work-study			320,820
Cooperative education		309,677	309,677
Consumer and homemaking education		409,991	546,921
Programs for students with special needs			1,094,278
Research			938,855
Subtotal, Vocational Education	6,246,915	7,495,403	13,337,679
Libraries and Community Services:			
Grants for public library services (LSCA I)	1,090,767	506,982	1,090,767
Construction of public libraries (LSCA II)	545,193		244,961
Interlibrary cooperation (LSCA III)	45,371	45,371	45,371
State institutional library services (LSCA (IV-A)	39,509	39,509	39,509
Library services for physically handicapped (LSCA IV-B)	25,467	25,467	25,467
College library resources (HEA II-A)	487,854		
Librarian training (HEA II-B)	248,366		
University community service programs (HEA I)	249,254	249,254	249,254
Adult basic education (Adult Education Act):			
Grants to States	1,057,036	1,177,851	1,177,851
Special projects and teacher education	417,000		
Educational broadcasting facilities			
Subtotal, Libraries and Community Services	4,205,817	2,044,434	2,873,180
Education for the Handicapped:			
Preschool and school programs for the handicapped (ESEA VI)	866,823	866,823	866,823
Teacher education and recruitment	503,629		
Research and innovation			
Media services and captioned films for the deaf	9,336		
Subtotal, Education for the Handicapped	1,379,788	866,823	866,823
Research and Training:			
Research and development:			
Educational laboratories			
Research and development centers			
Vocational education	338,844	21,131	21,131
Subtotal, Research and Training	338,844	21,131	21,131
Colleges for Agriculture and the Mechanic Arts (Second Morrill Act)	50,000	50,000	50,000
Promotion of Vocational Education (Smith-Hughes Act)	201,903	(2)	(2)
Education in Foreign Languages and World Affairs	423,131		
Civil Rights Education	92,322		
Total, Office of Education	80,925,818	56,196,568	84,391,018
Total, Office of Education Comparable basis [3]	71,830,476	56,196,568	84,391,018

OBLIGATIONS IN THE STATE OF NEW MEXICO

Program	1969 actual	1970 budget requests	1970 conference agreement
OFFICE OF EDUCATION			
Elementary and Secondary Education:			
Assistance for educationally deprived children (ESEA I):			
Basic grants	$9,794,395	$9,875,844	$9,875,844
State administrative expenses	150,000	150,000	150,000
Grants to States for school library materials (ESEA II)	288,109		283,617
Supplementary educational centers and services (ESEA III)	1,112,240	860,486	1,108,128
Strengthening State departments of education (ESEA V):			
Grants to States	319,982	319,982	319,982
Grants for special projects			
Acquisition of equipment and minor remodeling (NDEA III): [1]			
Grants to States	525,835		
Loans to non-profit private schools			
State administration	13,333		
Guidance, counseling, and testing (NDEA V)	100,396		100,238
Subtotal, Elementary and Secondary Education	12,304,290	11,206,312	11,837,809
Instructional Equipment:			
Equipment and minor remodeling (NDEA III): [1]			
Grants to States			596,353
Loans to non-profit private schools			
State administration			13,333
Subtotal, Instructional Resources			609,686

Footnotes at end of table.

Program	1969 actual	1970 budget requests	1970 conference agreement
OBLIGATIONS IN THE STATE OF NEW MEXICO—Continued			
OFFICE OF EDUCATION—Continued			
School Assistance in Federally Affected Areas:			
Maintenance and operations (P.L. 81-874)	$10,219,522	$6,147,000	$11,209,000
Construction (P.L. 81-815)	229,219		
Subtotal, SAFA	10,448,741	6,147,000	11,209,000
Education Professions Development:			
Preschool, elementary, and secondary:			
Grants to States (EPDA B-2)	142,814	155,814	173,273
Training programs (EPDA parts C and D)	183,920		
Subtotal, Education Professions Development	326,734	155,814	173,273
Teacher Corps	456,756		
Higher Education:			
Program assistance:			
Strengthening developing institutions (HEA III)	159,660		
Colleges of agriculture and the mechanic arts (Bankhead-Jones)	169,625	172,614	172,614
Undergraduate instructional equipment and other resources (HEA VI-A)	73,684		
Construction:			
Public community colleges and technical institutes (HEFA I—Section 103)		307,654	307,654
Other undergraduate facilities (HEFA I—Section 104)	1,361,848		184,264
Graduate facilities (HEFA II)	300,000		
State administration and planning (HEFA I—Section 105)	80,506	62,013	62,013
Student aid:			
Educational opportunity grants (HEA IV-A)	954,594	381,399	332,197
Direct loans (NDEA II)	1,040,703	826,911	1,185,068
Insured loans:			
Advances for reserve funds			
Interest payments	59,250		
Work-study programs (HEA IV-C)	1,288,791	972,393	972,393
Special programs for disadvantaged students:			
Talent search	113,000		
Personnel development:			
College teacher fellowships (NDEA IV)	509,300		
Training programs (EPDA Part E)	59,000		
Subtotal, Higher Education	6,169,961	2,722,984	3,216,203
Vocational Education:			
Basic grants	1,547,049	1,524,933	2,311,486
Innovation		214,256	214,256
Work-study			57,719
Cooperative education		219,993	219,993
Consumer and homemaking education		6,,223	128,358
Programs for Students with Special Needs			256,821
Research			210,303
Subtotal, Vocational Education	1,547,049	2,055,405	3,398,936
Libraries and Community Services:			
Grants for public library services (LSCA I)	255,312	163,798	255,312
Construction of public libraries (LSCA II)	132,985		105,859
Interlibrary cooperation (LSCA III)	40,842	40,842	40,842
State institutional library services LSCA IV-A)	39,509	39,509	39,509
Library services for physically handicapped (LSCA IV-B)	25,073	25,073	25,073
College library resources (HEA II-A)	196,710		
Librarian training (HEA II-B)	8,380		
University community service programs (HEA I)	121,677	121,677	121,677
Adult basic education (Adult Education Act):			
Grants to States	289,178	314,106	314,106
Special projects and teacher education	933,162		
Educational broadcasting facilities			
Subtotal, Libraries and Community Services	2,042,828	705,005	902,378
Education for the Handicapped:			
Preschool and school programs for the handicapped (ESEA VI)	175,883	175,883	175,883
Teacher education and recruitment	291,082		
Research and innovation	132,876		
Media services and captioned films for the deaf	352,753		
Subtotal, Education for the Handicapped	952,594	175,883	175,883
Research and Training:			
Research and development:			
Educational laboratories	862,244		
Research and development centers			
Vocational education	50,000	15,000	15,000
Subtotal, Research and Training	912,244	15,000	15,000

XUM

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE—Continued

Program	1969 actual	1970 budget requests	1970 conference agreement
OBLIGATIONS IN THE STATE OF NEW MEXICO—Continued			
OFFICE OF EDUCATION—Continued			
Colleges for Agriculture and the Mechanic Arts (Second Morrill Act)	$50,000	$50,000	$50,000
Promotion of Vocational Education (Smith-Hughes Act)	43,107	(2)	(2)
Education in Foreign Language and World Affairs	99,838		
Civil Rights Education	367,646		
Total, Office of Education	35,721,788	23,233,403	31,588,168
Total, Office of Education Comparable Basis[3]	30,637,560	23,233,403	31,588,168
OBLIGATIONS IN THE STATE OF NEW YORK			
OFFICE OF EDUCATION			
Elementary and Secondary Education:			
Assistance for educationally deprived childred (ESEA I):			
Basic grants	$120,389,680	$150,579,865	$173,895,222
State administrative expenses	1,204,063	1,505,799	1,738,952
Grants to States for school library materials (ESEA II)	4,090,893		4,076,563
Supplementary educational centers and services (ESEA III)	13,221,927	8,869,461	13,007,779
Strengthening State departments of education (ESEA V):			
Grants to States	1,474,535	1,474,815	1,474,815
Grants for special projects			
Acquisition of equipment and minor remodeling (NDEA III):[1]			
Grants to States	4,198,623		
Loans to non-profit private schools	151,200		
State administration	156,767		
Guidance counseling, and testing (NDEA V)	1,402,273		1,376,253
Subtotal, Elementary and Secondary Education	146,289,961	162,469,940	195,569,584
Instructional Equipment:			
Equipment and minor remodeling (NDEA III):[1]			
Grants to States			4,211,231
Loans to non-profit private schools			
State administration			153,851
Subtotal, Instructional Resources			4,365,082
School Assistance in Federally Affected Areas:			
Maintenance and operations (P.L. 81-874)	16,738,842	6,027,000	20,504,000
Construction (P.L. 81-815)	98,325	1,688,000	1,688,000
Subtotal, SAFA	16,837,167	7,715,000	22,192,000
Education Professions Development:			
Preschool, elementary, and secondary:			
Grants to States (EPDA B-2)	892,515	892,515	1,153,195
Training programs (EPDA Parts C and D)	4,332,101		
Subtotal, Education Professions Development	5,224,616	892,515	1,153,195
Teacher Corps	1,174,556		
Higher Education:			
Program assistance:			
Strengthening developing institutions (HEA-III)	135,000		
Colleges of agriculture and the mechanic arts (Bankhead-Jones)	544,335	549,067	549,067
Undergraduate instructional equipment and other resources (HEA VI-A)	1,170,283		
Construction:			
Public community colleges and technical institutes (HEFA I-Section 103)	5,110,882	2,623,120	2,623,120
Other undergraduate facilities (HEFA I-Section 104)	9,896,878		2,780,466
Graduate facilities (HEFA II)	2,700,000		
State administration and planning (HEFA I Section 105)	497,178	347,369	347,369
Student aid:			
Educational opportunity grants (HEA IV-A)	12,047,255	5,624,578	5,023,882
Direct loans (NDEA II)	14,717,179	12,194,653	17,476,477
Insured loans:			
Advances for reserve funds			
Interest payments	9,779,625		
Work-study programs (HEA IV-C)	9,537,189	10,320,156	10,320,156
Special programs for disadvantaged students:			
Talent search	312,236		
Personnel development:			
College teacher fellowships (NDEA IV)	7,677,000		
Training programs (EPDA Part E)	331,950		
Subtotal, Higher Education	74,456,990	31,658,943	39,120,537
OBLIGATIONS IN THE STATE OF NEW YORK—Continued			
OFFICE OF EDUCATION—Continued			
Vocational Education:			
Basic grants	$16,447,902	$16,331,918	$24,755,838
Innovation		401,206	401,206
Work-study			819,125
Cooperative education		482,191	482,191
Consumer and homemaking education		1,030,532	1,374,719
Programs for students with special needs			2,750,531
Research			2,359,869
Subtotal, Vocational Education	16,447,902	18,245,847	32,943,479
Libraries and Community Services:			
Grants for public library services (LSCA I)	2,840,719	1,225,816	2,840,719
Construction of public libraries (LSCA II)	2,521,607		536,326
Interlibrary cooperation (LSCA III)	54,858	54,858	54,858
State institutional library services (LSCA IV-A)	39,509	39,509	39,509
Library services for physically handicapped (LSCA IV-B)	26,292	26,292	26,292
College library resources (HEA II-A)	2,018,364		
Librarian training (HEA II-B)	656,562		
University community service programs (HEA I)	493,850	493,850	493,850
Adult basic education (Adult Education Act):			
Grants to States	2,946,251	3,299,893	3,299,893
Special projects and teacher education	536,318		
Educational broadcasting facilities			
Subtotal, Libraries and Community Services	12,134,330	5,140,218	7,291,447
Education for the Handicapped:			
Preschool and school programs for the handicapped (ESEA VI)	2,331,331	2,331,331	2,331,331
Teacher education and recruitment	2,533,652		
Research and innovation	1,604,051		
Media services and captioned films for the deaf	934,881		
Subtotal Education for the Handicapped	7,403,875	2,331,335	2,331,331
Research and Training:			
Research and development:			
Educational laboratories	3,644,494		
Research and development centers	495,973		
Vocational education	872,939	53,113	53,113
Subtotal Research and Training	5,013,406	53,513	53,113
Colleges for Agriculture and the Mechanic Arts (Second Morrill Act)	50,000	50,000	50,000
Promotion of Vocational Education (Smith-Hughes Act)	575,316	(2)	(2)
Education in Foreign Languages and World Affairs	2,357,698		
Civil Rights Education	213,880		
Total Office of Education	288,179,697	228,516,907	305,069,768
Total Office of Education Comparable Basis[3]	245,706,513	228,516,097	305,069,768
OBLIGATIONS IN THE STATE OF NORTH CAROLINA			
OFFICE OF EDUCATION			
Elementary and Secondary Education:			
Assistance for educationally deprived children (ESEA I):			
Basic grants	$49,388,344	$53,422,821	$61,694,660
State administrative expenses	493,970	534,228	616,947
Grants to States for school library materials (ESEA II)	1,186,993		1,168,551
Supplementary educational centers and services (ESEA III)	4,019,265	2,787,844	4,020,973
Strengthening State departments of education (ESEA V):			
Grants to States	1,110,464	669,081	669,081
Grants for special projects			
Acquisition of equipment and minor remodeling (NDEA III):[1]			
Grants to States	2,543,076		
Loans to non-profit private schools			
State administration	48,734		
Guidance, counseling, and testing (NDEA V)	1,402,472		435,115
Subtotal, Elementary and Secondary Education	60,193,119	57,413,974	68,605,327
Instructional Equipment:			
Equipment and minor remodeling (NDEA III):[1]			
Grants to States			2,469,235
Loans to non-profit private schools			
State administration			48,642
Subtotal, Instructional Resources			2,517,877

Footnotes at end of table.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE—Continued

Program	1969 actual	1970 budget requests	1970 conference agreement
OBLIGATIONS IN THE STATE OF NORTH CAROLINA—Continued			
OFFICE OF EDUCATION—Continued			
School Assistance in Federally Affected Areas:			
Maintenance and operations (P.L. 81-784)	$11,886,349	$5,864,000	$12,621,000
Construction (P.L. 81-815)	1,391,665	60,000	60,000
Subtotal, SAFA	13,278,014	6,924,000	12,681,000
Education Professions Development:			
Preschool, elementary, and secondary:			
Grants to States (EPDA B-2)	337,952	329,952	401,899
Training programs (EPDA Parts C and D)	809,378		
Subtotal, Education Professions Development	1,147,330	329,952	401,899
Teacher Corps	665,659		
Higher Education:			
Program assistance:			
Strengthening developing institutions (HEA III)	2,854,457		
Colleges of agriculture and the mechanic arts (Bankhead-Jones)	254,954	258,341	258,341
Undergraduate instructional equipment and other resources (HEA VI-A)	364,447		
Construction:			
Public community colleges and technical institutes (HEFA I—Section 103)	2,664,358	1,368,374	1,368,374
Other undergraduate facilities (HEFA I—Section 104)	3,212,504		765,470
Graduate facilities (HEFA II)	400,000		
State administration and planning (HEFA I—Section 105)	217,104	139,376	139,376
Student aid:			
Educational opportunity grants (HEA IV-A)	4,329,263	1,691,105	1,437,343
Direct loans (NDEA II)	4,519,639	3,666,487	5,254,540
Insured loans:			
Advances for reserve funds			
Interest payments	164,526		
Work-study programs (HEA IV-C)	4,815,571	5,388,943	5,388,943
Special programs for disadvantaged students:			
Talent search	50,000		
Personnel development:			
College teacher fellowships (NDEA IV)	2,064,200		
Training programs (EPDA Part E)	227,006		
Subtotal, Higher Education	26,138,029	12,512,626	14,612,387
Vocational Education:			
Basic grants	8,749,892	7,956,680	12,060,695
Innovation		268,562	268,562
Work-study			283,302
Cooperative education		296,158	296,158
Consumer and homemaking education		502,062	669,743
Programs for students with special needs			1,340,020
Research			1,149,694
Subtotal, Vocational Education	8,749,892	9,023,462	16,068,174
Libraries and Community Services:			
Grants for public library services (LSCA I)	844,066	405,643	844,066
Construction of public libraries (LSCA II)	388,584		203,886
Interlibrary cooperation (LSCA III)	44,033	44,033	44,033
State institutional library services (LSCA IV-A)	39,509	39,509	39,509
Library services for physically handicapped (LSCA IV-B)	25,351	25,351	25,351
College library resources (HEA II-A)	678,984		
Librarian training (HEA II-B)	301,099		
University community service programs (HEA I)	207,608	207,608	207,608
Adult basic education (Adult Education Act):			
Grants to States	1,495,891	1,677,851	1,677,851
Special projects and teacher education	415,000		
Educational broadcasting facilities			
Subtotal, Libraries and Community Services	4,440,125	2,399,995	3,042,304
Education for the Handicapped:			
Preschool and school programs for the handicapped (ESEA VI)	805,195	805,195	805,195
Teacher education and recruitment	456,656		
Research and innovation	135,136		
Media services and captioned films for the deaf	795		
Subtotal, Education for the Handicapped	1,397,782	805,195	805,195
Research and Training:			
Research and development:			
Educational laboratories	820,000		
Research and development centers			
Vocational education	457,975	25,876	25,876
Subtotal, Research and Training	1,277,975	25,876	25,876
Colleges for Agriculture and the Mechanic Arts (Second Morrill Act)	50,000	50,000	50,000
Promotion of Vocational Education (Smith-Hughes Act)	221,793	(2)	(2)
Education in Foreign Languages and World Affairs	$127,573		
Civil Rights Education	731,116		
Total, Office of Education	118,418,407	$89,485,080	$118,810,039
Total, Office of Education Comparable Basis[3]	110,006,832	89,485,080	118,810,039
OBLIGATIONS IN THE STATE OF NORTH DAKOTA			
OFFICE OF EDUCATION			
Elementary and Secondary Education:			
Assistance for educationally deprived children (ESEA I):			
Basic grants	$4,033,993	$4,453,821	$5,044,875
State administrative expenses	150,000	150,000	150,000
Grants to States for school library materials (ESEA I)	162,589		160,353
Supplementary educational centers and services (ESEA II)	815,806	653,528	802,305
Strengthening State departments of education (ESEA V):			
Grants to States	273,216	273,216	273,216
Grants for special projects			
Acquisition of equipment and minor remodeling (NDEA III):[1]			
Grants to States	329,954		
Loans to non-profit private schools			
State administration	13,333		
Guidance counseling, and testing (NDEA V)	88,341		57,048
Subtotal, Elementary and Secondary Education	5,867,232	5,530,565	6,487,797
Instructional Equipment:			
Equipment and minor remodeling (NDEA II-):[1]			
Grants to States			318,932
Loans to non-profit private schools			
State administration			1,333
Subtotal, Instructional Resources			332,265
School Assistance in Federally Affected Areas:			
Maintenance and operations (P.L. 81-874)	2,664,431	2,664,000	2,863,000
Construction (P.L. 81-815)		1,000	1,000
Subtotal SAFA	2,664,431	2,665,000	2,864,000
Education Professions Development:			
Preschool, elementary, and secondary:			
Grants to States (EPDA B-2)	131,498	131,498	141,428
Training programs (EPDA Parts C and D)			
Subtotal, Education Professions Development	131,498	131,498	141,428
Teacher Corps	29,604		
Higher Education:			
Program assistance:			
Strengthening developing institutions (HEA III)	405,000		
Colleges of agriculture and the mechanic arts (Bankhead-Jones)	162,084	165,039	165,039
Undergraduate instructional equipment and other resources (HEA VI-A)	71,130		
Construction:			
Public community colleges and technical institutes (HEFA I—Section 103)	77,204	200,784	200,784
Other undergraduate facilities (HEFA I—Section 104)	919,319		129,049
Graduate facilities (HEFA II)	253,165		
State administration and planning (HEFA I—Section 105)	72,802	58,948	58,948
Student aid:			
Educational opportunity grants (HEA IV-A)	893,715	350,872	283,305
Direct loans (NDEA II)	946,751	760,727	1,090,218
Insured loans:			
Advances for reserve funds			
Interest payments	175,900		
Work-study programs (HEA IV-C)	753,069	700,121	700,121
Special programs for disadvantaged students:			
Talent search	48,000		
Personnel development:			
College teacher fellowships (NDEA IV)	269,200		
Training programs EPDA Part E)			
Subtotal, Higher Education	5,047,339	2,236,491	2,627,464
Vocational Education:			
Basic grants	1,270,281	975,062	1,477,994
Innovation		208,689	208,689
Work-study			35,593

Footnotes at end of table.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE—Continued

OBLIGATIONS IN THE STATE OF NORTH DAKOTA—Continued

OFFICE OF EDUCATION—Continued

Program	1969 actual	1970 budget requests	1970 conference agreement
Cooperative education		$212,186	$212,186
Consumer and homemaking education		61,526	82,074
Programs for Students with Special Needs			164,214
Research			129,062
Subtotal, Vocational Education	$1,270,281	1,457,463	2,309,812
Libraries and Community Services:			
Grants for public library services (LSCA I)	203,285	142,427	203,285
Construction of public libraries (LSCA II)	256,991		97,197
Interlibrary cooperation (LSCA III)	40,560	40,560	40,560
State institutional library services (LSCA (LSCA IV-A)	39,509	39,509	39,509
Library services for physically handicapped (LSCA IV-B)	25,049	25,049	25,049
College library resources (HEA II-A)	133,911		
Librarian training (HEA II-B)			
University community service programs (HEA I)	113,911	113,911	113,911
Adult basic education (Adult Education Act):			
Grants to States	168,753	177,469	177,469
Special projects and teacher education			
Educational broadcasting facilities			
Subtotal, Libraries and Community Services	981,969	538,925	696,980
Education for the Handicapped:			
Preschool and school programs for the handicapped (ESEA VI)	109,151	109,151	109,151
Teacher education and recruitment	177,879		
Research and innovation			
Media services and captioned films for the deaf			
Subtotal, Education for the Handicapped	287,030	109,151	109,151
Research and Training:			
Research and development:			
Educational laboratories			
Research and development centers			
Vocational education	45,834	15,000	15,000
Subtotal, Research and Training	45,834	15,000	15,000
Colleges for Agriculture and the Mechanic Arts (Second Morrill Act)	50,000	50,000	50,000
Promotion of Vocational Education (Smith-Hughes Act)	42,740	(2)	(2)
Education in Foreign Languages and World Affairs			
Civil Rights Education			
Total, Office of Education	16,417,958	12,734,093	15,633,897
Total, Office of Education Comparable basis [3]	14,854,169	12,734,093	15,633,897

OBLIGATIONS IN THE STATE OF OHIO

OFFICE OF EDUCATION

Program	1969 actual	1970 budget requests	1970 conference agreement
Elementary and Secondary Education:			
Assistance for educationally deprived children (ESEA I):			
Basic grants	$33,370,827	$37,655,907	$43,486,444
State administrative expenses	333,804	376,559	434,864
Grants to States for school library materials (ESEA II)	2,661,889		2,628,457
Supplementary educational centers and services (ESEA III)	8,124,232	5,570,394	8,132,773
Strengthening State departments of education (ESEA V):			
Grants to States	669,081	1,110,464	1,110,464
Grants for special projects			
Acquisition of equipment and minor remodeling (NDEA III): [1]			
Grants to States	4,089,849		
Loans to non-profit private schools			
State administration	101,489		
Guidance, counseling, and testing (NDEA V)	905,668		907,940
Subtotal, Elementary and Secondary Education	50,256,839	44,713,324	56,700,942
Instructional equipment:			
Equipment and minor remodeling (NDEA III): [1]			
Grants to States			4,086,302
Loans to non-profit private schools			
State administration			101,499
Subtotal, Instructional Resources			4,187,801
School Assistance in Federally Affected Areas:			
Maintenance and operations (P.L. 81-874)	10,796,237	1,182,000	12,384,000
Construction (P.L. 81-815)	601,890		
Subtotal, SAFA	11,398,127	1,182,000	12,384,000

Footnotes at end of table.

OBLIGATIONS IN THE STATE OF OHIO—Continued

OFFICE OF EDUCATION—Continued

Program	1969 actual	1970 budget requests	1970 conference agreement
Education Professions Development:			
Preschool elementary and secondary:			
Grants to States (EPDA B-2)	$615,679	$615,679	$779,071
Training programs (EPDA Parts C and D)	1,529,997		
Subtotal Education Professions Development	2,145,676	615,679	779,071
Teacher Corps	729,250		
Higher Education:			
Program assistance:			
Strengthening developing institutions (HEA III)	928,455		
Colleges of agriculture and the mechanic arts (Bankhead-Jones)	376,856	380,809	380,809
Undergraduate instructional equipment and other resources (HEA VI-A)	681,179		
Construction:			
Public community colleges and technical institutes (HEFA I—Section 103)	5,062,019	2,208,535	2,208,535
Other undergraduate facilities (HEFA I—Section 104)	7,474,954		1,642,921
Graduate facilities (HEFA II)	1,200,000		
State administration and planning (HEFA I—Section 105)	130,405	216,768	216,768
Student aid:			
Educational opportunity grants (HEA IV-A)	6,825,477	3,464,719	2,875,956
Direct loans (NDEA II)	9,263,289	7,511,862	10,765,447
Insured loans:			
Advances for reserve funds			
Interest payments	353,134		
Work-study programs (HEA IV-C)	4,369,310	6,842,259	6,842,259
Special programs for disadvantaged students:			
Talent search	139,000		
Personnel development:			
College teacher fellowships (NDEA IV)	2,734,500		
Training programs (EPDA Part E)	80,200		
Subtotal, Higher Education	39,618,778	20,624,952	24,932,695
Vocational Education:			
Basic grants	12,007,320	11,817,532	17,912,956
Innovation		328,571	328,571
Work-study			516,101
Cooperative education		380,320	380,320
Consumer and homemaking education		368,691	994,727
Programs for students with special needs			1,990,243
Research			1,707,566
Subtotal, Vocational Education	12,007,320	12,895,114	23,830,484
Libraries and Community Services:			
Grants for public library services (LSCA I)	1,685,152	751,140	1,685,152
Construction of public libraries (LSCA II)	1,080,285		343,925
Interlibrary cooperation (LSCA III)	48,593	48,593	48,593
State institutional library services (LSCA IV-A)	39,509	39,509	39,509
Library services for physically handicapped (LSCA IV-B)	25,747	25,747	25,747
College library resources (HEA II-A)	1,016,270		
Librarian training (HEA II-B)	302,349		
University community service programs (HEA I)	324,216	324,216	324,216
Adult basic education (Adult Education Act):			
Grants to States	1,208,203	1,351,381	1,351,381
Special projects and teacher education	100,000		
Educational broadcasting facilities	131,687		
Subtotal, Libraries and Community Services	5,962,011	2,540,586	3,818,523
Education for the Handicapped:			
Preschool and school programs for the handicapped (ESEA VI)	1,519,923	1,519,923	1,519,923
Teacher education and recruitment	902,441		
Research and innovation	110,492		
Media services and captioned films for the deaf			
Subtotal, Education for the Handicapped	2,532,856	1,519,923	1,519,923
Research and Training:			
Research and development:			
Educational laboratories			
Research and development centers			
Vocational education	2,239,722	38,432	38,432
Subtotal, Research and Training	2,239,722	38,432	38,432
Colleges for Agriculture and the Mechanic Arts (Second Morrill Act)	50,000	50,000	50,000
Promotion of Vocational Education (Smith-Hughes Act)	369,365	(2)	(2)
Education in Foreign Languages and World Affairs	228,989		

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE—Continued

Program	1969 actual	1970 budget requests	1970 conference agreement
OBLIGATIONS IN THE STATE OF OHIO—Continued			
OFFICE OF EDUCATION—Continued			
Civil Rights Education	$156,630		
Total, Office of Education	127,695,563	$84,180,010	$128,241,871
Total, Office of Education comparable basis [3]	118,618,064	84,180,010	128,241,871
OBLIGATIONS IN THE STATE OF OKLAHOMA			
OFFICE OF EDUCATION			
Elementary and Secondary Education:			
Assistance for educationally deprived children (ESEA I):			
Basic grants	$16,791,317	$18,162,341	$20,974,549
State administrative expenses	167,913	181,623	209,746
Grants to States for school library materials (ESEA II)	596,823		596,784
Supplementary educational centers and services (ESEA III)	2,108,726	1,496,021	2,047,264
Strengthening State departments of education (ESEA V):			
Grants to States	441,825	441,825	441,825
Grants for special projects			
Acquisition of equipment and minor remodeling (NDEA III): [1]			
Grants to States	1,034,408		
Loans to non-profit private schools			
State administration	22,411		
Guidance, counseling, and testing (NDEA V)	200,465		201,120
Subtotal, Elementary and Secondary Education	21,363,888	20,281,810	24,471,288
Instructional Equipment:			
Equipment and minor remodeling (NDEA III): [1]			
Grants to States			1,019,010
Loans to non-profit private schools			
State administration			22,483
Subtotal, Instructional Resources			1,041,493
School Assistance in Federally Affected Areas:			
Maintenance and operations (P.L. 81-874)	12,601,770	3,695,000	13,952,000
Construction (P.L. 81-815)	194,246	11,000	11,000
Subtotal, SAFA	12,796,016	3,706,000	13,963,000
Education Professions Development:			
Preschool, elementary, and secondary:			
Grants to States (EPDA B-2)	140,917	215,621	254,181
Training programs (EPDA Parts C and D)	552,463		
Subtotal, Education Professions Development	693,380	215,621	254,181
Teacher Corps	134,527		
Higher Education:			
Program assistance:			
Strengthening developing institutions (HEA III)	906,400		
Colleges of agriculture and the mechanic arts (Bankhead-Jones)	202,223	205,364	205,364
Undergraduate instructional equipment and other resources (HEA VI-A)	243,359		
Construction:			
Public community colleges and technical institutes (HEFA I—Section 103)	1,278,671	652,830	652,830
Other undergraduate facilities (HEFA I—Section 104)	1,937,759		453,759
Graduate facilities (HEFA II)			
State administration and planning (HEFA I—Section 105)	163,842	97,138	97,138
Student aid:			
Educational opportunity grants (HEA IV-A)	2,349,126	1,218,254	949,548
Direct loans (NDEA II)	3,259,838	2,641,299	3,785,314
Insured loans:			
Advances for reserve funds			
Interest payments	81,295		
Work-study programs (HEA IV-C)	2,264,220	2,396,494	2,396,494
Special programs for disadvantaged students:			
Talent search	91,808		
Personnel development:			
College teacher fellowships (NDEA IV)	732,200		
Training programs (EPDA Part E)	45,263		
Subtotal, Higher Education	13,556,004	7,211,379	8,540,447
Vocational Education:			
Basic grants	3,699,294	3,531,214	5,352,598
Innovation		230,683	230,683
Work-study		0	126,019
Cooperative education		243,033	243,033
Consumer and homemaking education		222,817	297,236
Programs for students with special needs			594,706
Research			506,724
Subtotal, Vocational Education	3,699,294	4,227,747	7,350,999
OBLIGATIONS IN THE STATE OF OKLAHOMA—Continued			
OFFICE OF EDUCATION—Continued			
Libraries and Community Services:			
Grants for public library services (LSCA I)	$480,232	$256,190	$480,232
Construction of public libraries (LSCA II)	485,060		143,308
Interlibrary cooperation (LSCA III)	42,061	42,061	42,061
State institutional library services (LSCA IV-A)	39,509	39,509	39,509
Library services for physically handicapped (LSCA IV-B)	25,179	25,179	25,179
College library resources (HEA II-A)	395,613		
Librarian training (HEA II-B)	181,146		
University community service programs (HEA I)	153,588	153,588	153,588
Adult basic education (Adult Education Act):			
Grants to States	482,882	531,447	531,447
Special projects and teacher education	145,000		
Educational broadcasting facilities			
Subtotal, Libraries and Community Services	2,430,270	1,047,974	1,415,324
Education for the Handicapped:			
Preschool and school programs for the handicapped (ESEA VI)	366,917	366,917	366,917
Teacher education and recruitment	380,135		
Research and innovation			
Media services and captioned films for the deaf	100,000		
Subtotal, Education for the Handicapped	847,052	366,917	366,917
Research and Training:			
Research and development:			
Educational laboratories			
Research and development centers			
Vocational education	253,116	15,000	15,000
Subtotal, Research and Training	253,116	15,000	15,000
Colleges for Agriculture and the Mechanic Arts (Second Morrill Act)	50,000	50,000	50,000
Promotion of Vocational Education (Smith-Hughes Act)	96,258	(2)	(2)
Education in Foreign Languages and World Affairs			
Civil Rights Education			
Total, Office of Education	55,919,805	37,122,448	57,468,649
Total, Office of Education Comparable Basis [3]	52,836,996	37,122,448	57,468,649
OBLIGATIONS IN THE STATE OF OREGON			
OFFICE OF EDUCATION			
Elementary and Secondary Education:			
Assistance for educationally deprived children (ESEA I):			
Basic grants	$8,093,651	$8,243,687	$8,983,814
State administrative expenses	150,000	150,000	150,000
Grants to States for school library materials (ESEA II)	485,416		501,940
Supplementary educational centers and services (ESEA III)	1,723,019	1,267,496	1,709,568
Strengthening State departments of education (ESEA V):			
Grants to States	392,527	392,527	392,527
Grants for special projects			
Acquisition of equipment and minor remodeling (NDEA III): [1]			
Grants to States	745,867		
Loans to nonprofit private schools			
State administration	18,609		
Guidance, counseling, and testing (NDEA V)	166,454		164,054
Subtotal, Elementary and Secondary Education	11,775,543	10,053,710	11,901,903
Instructional Equipment:			
Equipment and minor remodeling (NDEA III): [1]			
Grants to States			739,672
Loans to nonprofit private schools			
State administration			18,340
Subtotal, Instructional Resources			758,012
School Assistance in Federally Affected Areas:			
Maintenance and operations (P.L. 81-874)	3,282,405	791,000	3,076,000
Construction (P.L. 81-815)			
Subtotal, SAFA	3,282,405	791,000	3,076,000
Education Professions Development:			
Preschool, elementary, and secondary:			
Grants to States (EPDA B-2)	203,938	636,109	229,678
Training programs (EPDA Parts C and D)	1,309,266		
Subtotal, Education Professions Development	1,513,204	636,109	229,678
Teacher Corps	386,867		

Footnotes at end of table.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE—Continued

Program	1969 actual	1970 budget requests	1970 conference agreement
OBLIGATIONS IN THE STATE OF OREGON—Continued			
OFFICE OF EDUCATION—Continued			
Higher Education:			
Program assistance:			
Strengthening developing institutions (HEA III)	$106,950		
Colleges of agriculture and the mechanic arts (Bankhead-Jones)	188,978	$192,058	$192,058
Undergraduate instructional equipment and other resources (HEA VI–A)	198,461		
Construction:			
Public community colleges and technical institutes (HEFA I—Section 103)	978,887	502,615	502,615
Other undergraduate facilities (HEFA I—Section 104)	1,651,456		403,333
Graduate facilities (HEFA II)	500,000		
State administration and planning (HEFA I—Section 105)	86,876	89,263	89,263
Student aid:			
Educational opportunity grants (HEA IV–A)	1,901,186	941,640	834,098
Direct loans (NDEA II)	2,539,560	2,041,571	2,925,829
Insured loans:			
Advances for reserve funds			
Interest payments	348,206		
Work-study programs (HEA IV–C)	3,422,079	1,536,246	1,536,247
Special programs for disadvantaged students:			
Talent search	68,620		
Personnel development:			
College teacher fellowships (NDEA IV)	1,225,500		
Training programs (EPDA Part E)	96,422		
Subtotal, Higher Education	13,313,181	5,303,393	6,483,442
Vocational Education:			
Basic grants	2,503,962	2,410,600	3,653,978
Innovation		224,845	224,845
Work-study			100,527
Cooperative education		234,845	234,845
Consumer and homemaking education		152,108	202,909
Programs for students with special needs			405,980
Research			341,157
Subtotal, Vocational Education	2,503,962	3,022,398	5,164,241
Libraries and Community Services:			
Grants for public library services (LSCA I)	375,683	218,650	388,844
Construction of public libraries (LSCA II)	387,922		128,092
Interlibrary cooperation (LSCA III)	41,566	41,566	41,566
State institutional library services (LSCA IV–A)	39,509	39,509	39,509
Library services for physically handicapped (LSCA IV–B)	25,136	25,136	25,136
College library resources (HEA II–A)	323,389		
Librarian training (HEA II–B)	228,958		
University community service programs (HEA I)	142,684	142,684	142,684
Adult basic education (Adult Education Act):			
Grants to States	225,639	241,935	241,935
Special projects and teacher education	43,472		
Educational broadcasting facilities			
Subtotal, Libraries and Community Services	1,833,958	709,480	1,007,766
Education for for the handicapped;			
Preschool and school programs for the handicapped (ESEA VI)	279,058	279,058	279,058
Teacher education and recruitment	994,455		
Research and innovation	613,213		
Media services and captioned films for the deaf			
Subtotal, Education for the Handicapped	1,886,726	279,058	279,058
Research and Training:			
Research and development:			
Educational laboratories	1,763,473		
Research and development centers	518,759		
Vocational education	253,116	15,000	15,000
Subtotal, Research and Training	2,535,348	15,000	15,000
Colleges for Agriculture and the Mechanic Arts (Second Morrill Act)	50,000	50,000	50,000
Promotion of Vocational Education (Smith-Hughes Act)	73,613	(2)	
Education in Foreign Languages and World Affairs	120,593		(2)
Civil Rights Education	207,597		
Total, Office of Education	39,482,997	20,860,148	28,965,100
Total, Office of Education Comparable Basis [3]	30,535,746	20,860,148	28,965,100

Program	1969 actual	1970 budget requests	1970 conference agreement
OBLIGATIONS IN THE STATE OF PENNSYLVANIA			
OFFICE OF EDUCATION			
Elementary and Secondary Education:			
Assistance for educationally deprived children (ESEA I):			
Basic grants	$46,085,501	$48,837,387	$56,399,232
State administrative expenses	460,885	488,374	563,992
Grants to States for school library materials (ESEA II)	2,767,349		2,751,699
Supplementary educational centers and services (ESEA III)	8,692,138	5,928,233	8,661,553
Strengthening State departments of education (ESEA V):			
Grants to States	1,071,500	1,071,500	1,071,500
Grants for special projects			
Acquisition of equipment and minor remodeling (NDEA III): [1]			
Grants to States	3,992,360		
Loans to nonprofit private schools			
State administration	104,487		
Guidance, counseling, and testing (NDEA V)	934,630		927,923
Subtotal, Elementary and Secondary Education	64,108,850	56,325,494	70,375,899
Instructional Equipment:			
Equipment and minor remodeling (NDEA III): [1]			
Grants to States			3,923,184
Loans to nonprofit private schools			
State administration			103,732
Subtotal, Instructional Resources			4,026,916
School Assistance in Federally Affected Areas:			
Maintenance and operations (P.L. 81–874)	9,290,582	856,000	10,184,000
Construction (P.L. 81–815)			
Subtotal, SAFA	9,290,582	856,000	10,184,000
Education Professions Development:			
Preschool, elementary, and secondary:			
Grants to States (EPDA B–2)	719,912	194,038	810,912
Training programs (EPDA Parts C and D)	2,324,878		
Subtotal, Education Professions Development	3,044,790	194,038	810,912
Teacher Corps	1,208,432		
Higher Education:			
Program assistance:			
Strengthening developing institutions (HEA III)	636,445		
Colleges of agriculture and the mechanic arts (Bankhead-Jones)	415,033	419,164	419,164
Undergraduate instructional equipment and other resources (HEA VI–A)	738,408		
Construction:			
Public community colleges and technical institutes (HEFA I—Section 103)	5,381,842	2,754,310	2,754,310
Other undergraduate facilities (HEFA I—Section 104)	7,313,779		1,787,686
Graduate facilities (HEFA II)	1,648,829		
State administration and planning (HEFA I—Section 105)	443,361	256,687	256,687
Student aid:			
Educational opportunity grants (HEA IV–A)	6,920,537	3,586,899	3,022,911
Direct loans (NDEA II)	9,314,508	7,776,759	11,145,077
Insured loans:			
Advances for reserve funds			
Interest payments	1,819,562		
Work-study programs (HEA IV–C)	5,302,145	7,898,003	7,898,003
Special programs for disadvantaged students:			
Talent search	90,000		
Personnel development:			
College teacher fellowships (NDEA IV)	3,604,700		
Training programs (EPDA Part E)	96,300		
Subtotal, Higher Education	43,725,449	22,691,822	27,283,838
Vocational Education:			
Basic grants	13,607,721	13,347,672	20,232,333
Innovation		337,124	337,124
Work-study			552,175
Cooperative education		392,317	392,317
Consumer and homemaking education		842,231	1,123,522
Programs for students with special needs			2,247,941
Research			1,928,662
Subtotal, Vocational Education	13,607,721	14,919,344	26,814,074

Footnotes at end of table.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE—Continued

Program	1969 actual	1970 budget requests	1970 conference agreement
OBLIGATIONS IN THE STATE OF PENNSYLVANIA—Continued			
OFFICE OF EDUCATION—Continued			
Libraries and Community Services:			
Grants for public library services (LSCA I)	$1,948,566	$859,344	$1,948,566
Construction of public libraries (LSCA II)	1,274,143		387,784
Interlibrary cooperation (LSCA III)	50,021	50,021	50,021
State institutional library services (LSCA IV-A)	39,509	39,509	39,509
Library services for physically handicapped (LSCA IV-B)	25,872	25,872	25,872
College library resources (HEA II-A)	1,322,250		
Librarian training (HEA II-B)	245,608		
University community service programs (HEA I)	350,978	350,978	350,978
Adult basic education (Adult Education Act):			
Grants to States	1,758,365	1,967,553	1,967,553
Special projects and teacher education	445,000		
Educational broadcasting facilities			
Subtotal, Libraries and Community Services	7,460,312	3,293,277	4,770,283
Education for the Handicapped:			
Preschool and school programs for the handicapped (ESEA VI)	1,672,090	1,672,090	1,672,090
Teacher education and recruitment	1,387,240		
Research and innovation	520,065		
Media services and captioned films for the deaf	72,690		
Subtotal, Education for the Handicapped	3,652,085	1,672,090	1,672,090
Research and Training:			
Research and development:			
Educational laboratories	2,700,000		
Research and development centers	1,454,332		
Vocational education	753,769	43,408	43,408
Subtotal, Research and Training	4,908,101	43,408	43,408
Colleges for Agriculture and the Mechanic Arts (Second Morrill Act)	50,000	50,000	50,000
Promotion of Vocational Education (Smith-Hughes Act)	437,176	(2)	(2)
Education in Foreign Languages and World Affairs	927,017		
Civil Rights Education	30,538		
Total, Office of Education	152,451,053	100,045,473	146,031,420
Total, Office of Education Comparable basis [3]	131,815,204	100,045,473	146,031,420
OBLIGATIONS IN THE STATE OF RHODE ISLAND			
OFFICE OF EDUCATION			
Elementary and Secondary Education:			
Assistance for educationally deprived children (ESEA I):			
Basic grants	$3,427,736	$3,798,750	$4,280,811
State administrative expenses	150,000	150,000	150,000
Grants to States for school library materials (ESEA II)	210,946		211,557
Supplementary educational centers and services (ESEA III)	950,666	751,529	947,120
Strengthening State departments of education (ESEA V):			
Grants to States	280,536	280,536	280,536
Grants for special projects			
Acquisition of equipment and minor remodeling (NDEA III): [1]			
Grants to States	281,708		
Loans to non-profit private schools	43,800		
State administration	13,333		
Guidance, counseling, and testing (NDEA V)	69,988		69,618
Subtotal, Elementary and Secondary Education	5,428,713	4,980,815	5,939,642
Instructional Equipment:			
Equipment and minor remodeling (NDEA III): [1]			
Grants to States			273,607
Loans to non-profit private schools			
State administration			13,333
Subtotal, Instructional Resources			286,940
School Assistance in Federally Affected Areas:			
Maintenance and operations (P.L. 81-874)	3,453,728	1,585,000	4,052,000
Construction (P.L. 81-815)	125,400		
Subtotal, SAFA	3,579,128	1,585,000	4,052,000
Education Professions Development:			
Preschool, elementary, and secondary:			
Grants to States (EPDA B-2)	140,866	140,866	154,656
Training program (EPDA Parts C and D)			
Subtotal, Education Professions Development	140,866	140,866	154,656
OBLIGATIONS IN THE STATE OF RHODE ISLAND—Continued			
OFFICE OF EDUCATION—Continued			
Teacher Corps			
Higher Education:			
Program assistance:			
Strengthening developing institutions (HEA III)	$37,000		
Colleges of agriculture and the mechanic arts (Bankhead-Jones)	167,458	$170,438	$170,438
Undergraduate instructional equipment and other resources (HEA VI-A)	75,611		
Construction:			
Public community colleges and technical institutes (HEFA I—Section 103)	366,701	189,606	189,606
Other undergraduate facilities (HEFA I—Section 104)	643,900		158,643
Graduate facilities (HEFA II)	600,000		
State administration and planning (HEFA I—Section 105)	64,566	61,106	61,106
Student aid:			
Educational opportunity grants (HEA IV-A)	820,489	404,658	317,502
Direct loans (NDEA II)	1,074,064	877,340	1,257,338
Insured loans:			
Advances for reserve funds			
Interest payments	351,741		
Work-study programs (HEA IV-C)	548,835	669,589	669,589
Special programs for disadvantaged students:			
Talent search	42,000		
Personnel development:			
College teacher fellowships (NDEA IV)	898,700		
Training programs (EPDA pt. E)	32,589		
Subtotal, higher education	5,723,654	2,372,737	2,824,222
Vocational education:			
Basic grants	1,087,186	1,031,291	1,563,225
Innovation		210,590	210,590
Work-study			43,770
Cooperative education		214,852	214,852
Consumer and homemaking education		65,074	86,807
Programs for students with special needs			173,685
Research			137,369
Subtotal, vocational education	1,087,186	1,521,807	2,430,298
Libraries and community services:			
Grants for public library services (LSCA I)	240,363	157,658	240,363
Construction of public libraries (LSCA II)	122,211		103,370
Interlibrary cooperation (LSCA III)	40,761	40,761	40,761
State institutional library services (LSCA IV-A)	39,509	39,509	39,509
Library services for physically handicapped (LSCA IV-B)	25,066	25,066	25,066
College library resources (HEA II-A)	130,256		
Librarian training (HEA II-B)			
University community service programs (HEA I)	119,427	119,427	119,427
Adult basic education (Adult Education Act):			
Grants to States	228,181	244,389	244,389
Special projects and teacher education			
Educational broadcasting facilities			
Subtotal, libraries and community services	945,774	626,810	812,885
Education for the Handicapped:			
Preschool and school programs for the handicapped (ESEA VI)	127,696	127,696	127,696
Teacher education and recruitment	160,366		
Research and innovation			
Media services and captioned films for the deaf			
Subtotal, Education for the Handicapped	288,062	127,696	127,696
Research and Training:			
Research and development:			
Educational laboratories			
Research and development centers			
Vocational education	124,574	15,000	15,000
Subtotal, Research and Training	124,574	15,000	15,000
Colleges for Agriculture and the Mechanic Arts (Second Morrill Act)	50,000	50,000	50,000
Promotion of Vocational Education (Smith-Hughes Act)	37,901	(2)	(2)
Education in Foreign Languages and World Affairs	46,837		
Civil Rights Education	75,073		
Total, Office of Education	17,527,768	11,420,731	16,693,339
Total, Office of Education Comparable Basis [3]	15,077,595	11,420,731	16,693,339
OBLIGATIONS IN THE STATE OF SOUTH CAROLINA			
OFFICE OF EDUCATION			
Elementary and Secondary Education:			
Assistance for educationally deprived children (ESEA I):			
Basic grants	$29,997,874	$32,519,726	$37,554,991
State administrative expenses	300,015	325,197	375,550

Footnotes at end of table.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE—Continued

Program	1969 actual	1970 budget requests	1970 conference agreement
OBLIGATIONS IN THE STATE OF SOUTH CAROLINA			
OFFICE OF EDUCATION—Continued			
Elementary and Secondary Education—Continued			
Grants to States for school library materials (ESEA II)	$647, 442		$637, 976
Supplementary educational centers and services (ESEA III)	2, 876, 411	$1, 634, 142	2, 258, 962
Strengthening State departments of education (ESEA V):			
Grants to States	462, 194	462, 194	462, 194
Grants for special projects			
Acquisition of equipment and minor remodeling (NDEA III):[3]			
Grants to States	1, 435, 659		
Loans to nonprofit private schools			
State administration	26, 798		
Guidance, counseling, and testing (NDEA V)	239, 707		240, 441
Subtotal, Elementary and Secondary Education	35, 986, 100	34, 941, 259	41, 530, 114
Instructional Equipment:			
Equipment and minor remodeling (NDEA III):[1]			
Grants to States			1, 438, 032
Loans to nonprofit private schools			
State administration			26, 879
Subtotal, Instructional Resources			1, 464, 911
School Assistance in Federally Affected Areas:			
Maintenance and operations (P.L. 81 874)	8, 148, 582	3, 589, 000	9, 872, 000
Construction (P.L. 81 815)	1, 090, 261	559, 000	559, 000
Subtotal, SAFA	9, 238, 843	4, 148, 000	10, 431, 000
Education Professions Development:			
Preschool, elementary, and secondary:			
Grants to States (EPDA B-2)	225, 427	225, 427	264, 823
Training programs (EPDA Parts C and D)	204, 116		
Subtotal, Education Professions Development	429, 543	225, 427	264, 823
Teacher Corps	389, 168		
Higher Education:			
Program assistance:			
Strengthening developing institutions (HEA III)	1, 322, 163		
Colleges of agriculture and the mechanic arts (Bankhead-Jones)	203, 508	206, 656	206, 656
Undergraduate instructional equipment and other resources (HEA VI-A)	145, 939		
Construction:			
Public community colleges and technical institutes (HEFA I—Section 103)	1, 352, 252	758, 609	758, 609
Other undergraduate facilities (HEFA I—Section 104)	1, 552, 012		346, 685
Graduate facilities (HEFA II)			
State administration and planning (HEFA I—Section 105)	89, 260	88, 808	88, 808
Student aid:			
Educational opportunity grants (HEA IV-A)	1, 318, 847	676, 045	556, 431
Direct loans (NDEA II)	1, 755, 247	1, 465, 734	2, 100, 582
Insured loans:			
Advances for reserve funds			
Interest payments	58, 412		
Work-study programs (HEA IV-C)	1, 318, 936	2, 923, 329	2, 923, 329
Special programs for disadvantaged students:			
Talent search	29, 000		
Personnel development:			
College teacher fellowships (NDEA IV)	484, 600		
Training programs (EPDA Part E)	51, 000		
Subtotal, Higher Education	9, 681, 176	6, 119, 181	6, 981, 100
Vocational Education:			
Basic grants	4, 590, 788	4, 356, 478	6, 603, 527
Innovation		238, 015	238, 015
Work-study			158, 245
Cooperative education		253, 315	253, 315
Consumer and homemaking education		274, 891	366, 701
Programs for students with special needs			733, 693
Research			628, 654
Subtotal, Vocational Education	4, 590, 788	5, 122, 699	8, 982, 150
Libraries and Community Services:			
Grants for public library services (LSCA I)	489, 102	259, 833	489, 102
Construction of public libraries (LSCA II)	191, 554		144, 785
Interlibrary cooperation (LSCA III)	42, 109	42, 109	42, 109
State institutional library services (LSCA IV-A)	39, 509	39, 509	39, 509
Library services for physically handicapped (LSCA IV-B)	25, 183	25, 183	25, 183
College library resources (HEA II-A)	330, 491		
Librarian training (HEA II-B)	68, 841		
University community service programs (HEA-I)	156, 011	156, 011	156, 011
Adult basic education (Adult Education Act):			
Grants to States	938, 021	1, 056, 859	1, 056, 859
Special projects and teacher education	120, 000		
OBLIGATIONS IN THE STATE OF SOUTH CAROLINA			
OFFICE OF EDUCATION—Continued			
Libraries and Community Services—Con.			
Educational broadcasting facilities			
Subtotal, Libraries and Community Services	$2, 400, 821	$1, 579, 504	$1, 953, 558
Education for the Handicapped:			
Preschool and school programs for the handicapped (ESEA VI)	448, 822	448, 822	448, 822
Teacher education and recruitment	183, 963		
Research and innovation			
Media services and captioned films for the deaf			
Subtotal, Education for the Handicapped	632, 785	448, 822	448, 822
Research and Training:			
Research and development:			
Educational laboratories			
Research and development centers			
Vocational education	41, 942	15, 000	15, 000
Subtotal, Research and Training	41, 942	15, 000	15, 000
Colleges for Agriculture and the Mechanic Arts (Second Morrill Act)	50, 000	50, 000	50, 000
Promotion of Vocational Education (Smith-Hughes Act)	114, 757	(2)	(2)
Education in Foreign Languages and World Affairs			
Civil Rights Education	363, 946		
Total, Office of Education	63, 919, 869	52, 649, 892	72, 121, 478
Total, Office of Education Comparable Basis [3]	61, 490, 393	52, 649, 892	72, 121, 478
OBLIGATIONS IN THE STATE OF SOUTH DAKOTA			
OFFICE OF EDUCATION			
Elementary and Secondary Education:			
Assistance for educationally deprived children (ESEA I):			
Basic grants	$5, 384, 852	$5, 932, 095	$6, 769, 112
State administrative expenses	150, 000	150, 000	150, 000
Grants to States for school library materials (ESEA II)	181, 001		177, 119
Supplementary educational centers and services (ESEA III)	209, 789	670, 038	826, 702
Strengthening State departments of education (ESEA V):			
Grants to States	280, 643	280, 643	280, 643
Grants for special projects			
Acquisition of equipment and minor remodeling (NDEA III):[1]			
Grants to States	351, 316		
Loans to non-profit private schools			
State administration	13, 333		
Guidance, counseling, and testing (NDEA V)	92, 268		59, 949
Subtotal, Elementary and Secondary Education	6, 663, 202	7, 032, 776	8, 263, 525
Instructional Equipment:			
Equipment and minor remodeling (NDEA III):[1]			
Grants to States			331, 117
Loans to non-profit private schools			
State administration			13, 333
Subtotal, Instructional Resources			344, 450
School Assistance in Federally Affected Areas:			
Maintenance and operations (P.L. 81-874)	3, 425, 076	2, 697, 000	4, 239, 000
Construction (P.L. 81-815)	192, 626	24, 000	24, 000
Subtotal, SAFA	3, 617, 702	2, 721, 000	4, 263, 000
Education Professions Development:			
Preschool, elementary, and secondary:			
Grants to States (EPDA B-2)	152, 859	135, 065	145, 759
Training programs (EPDA Parts C and D)	184, 482		
Subtotal, Education Professions Development	337, 341	135, 065	145, 759
Teacher Corps	33, 037		
Higher Education:			
Program assistance:			
Strengthening developing institutions (HEA III)	109, 300		
Colleges of agriculture and the mechanic arts (Bankhead-Jones)	163, 222	166, 182	166, 182
Undergraduate instructional equipment and other resources (HEA VI-A)	70, 545		
Construction:			
Public community colleges and technical institutes (HEFA I-Section 103)		219, 374	219, 374
Other undergraduate facilities (HEFA I-Section 104)	978, 247		133, 587
Graduate facilities (HEFA II)			

Footnotes at end of table.

XUM

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE—Continued

Program	1969 actual	1970 budget requests	1970 conference agreement
OBLIGATIONS IN THE STATE OF SOUTH DAKOTA—Continued			
OFFICE OF EDUCATION—Continued			
Higher Education—Continued			
Construction—Con.			
State administration and planning (HEFA I-Section 105)	$81,037	$61,447	$61,447
Student aid:			
Educational opportunity grants (HEA IV-A)	931,287	342,968	279,677
Direct loans (NDEA II)	929,478	743,588	1,065,656
Insured loans:			
Advances for reserve funds			
Interest payments	68,059		
Work-study programs (HEA IV-C)	835,548	764,132	764,132
Special programs for disadvantaged students:			
Talent search	42,000		
Personnel development:			
College teacher fellowships (NDEA IV)	202,400		
Training programs (EPDA Part E)	20,000		
Subtotal, Higher Education	4,431,123	2,297,691	2,690,055
Vocational Education:			
Basic grants	1,271,620	978,137	1,482,655
Innovation		208,961	208,961
Work-study			36,074
Cooperative education		212,567	212,567
Consumer and homemaking education		61,720	82,334
Programs for students with special needs			164,734
Research			129,516
Subtotal, Vocational Education	1,271,620	1,461,385	2,316,841
Libraries and Community Services:			
Grants for public library services (LSCA I)	211,135	145,651	211,135
Construction of public libraries (LSCA II)	264,000		98,504
Interlibrary cooperation (LSCA III)	40,602	40,602	40,602
State institutional library services (LSCA IV-A)	39,509	39,509	39,509
Library services for physically handicapped (LSCA IV-B)	25,052	25,052	25,052
College library resources (HEA II-A)	122,741		
Librarian training (HEA II-B)	36,290		
University community service programs (HEA I)	114,690	114,690	114,690
Adult basic education (Adult Education Act):			
Grants to States	157,733	165,279	165,279
Education projects and teacher education	50,000		
Educational broadcasting facilities			
Subtotal, Libraries and Community Services	1,061,752	530,783	694,771
Education for the Handicapped:			
Preschool and school programs for the handicapped (ESEA VI)	113,577	113,577	113,577
Teacher education and recruitment	156,012		
Research and innovation	7,853		
Media services and captioned films for the deaf			
Subtotal, Education for the Handicapped	277,442	113,577	113,577
Research and Training:			
Research and development:			
Educational laboratories			
Research and development centers			
Vocational education	105,000	15,000	15,000
Subtotal, Research and Training	105,000	15,000	15,000
Colleges for Agriculture and the Mechanic Arts (Second Morrill Act)	50,000	50,000	50,000
Promotion of Vocational Education (Smith-Hughes Act)	42,950	(2)	(2)
Education in Foreign Languages and World Affairs	6,477		
Civil Rights Education			
Total, Office of Education	17,897,636	14,357,277	18,896,978
Total, Office of Education Comparable Basis [3]	16,788,440	14,357,277	18,896,978
OBLIGATIONS IN THE STATE OF TENNESSEE			
OFFICE OF EDUCATION			
Elementary and Secondary Education:			
Assistance for educationally deprived children (ESEA I):			
Basic grants	$32,040,454	$34,783,877	$40,169,717
State administrative expenses	320,413	347,839	401,697
Grants to States for school library materials (ESEA II)	887,491		880,651
Supplementary educational centers and services (ESEA III)	3,110,281	2,179,882	3,122,578
Strengthening State departments of education (ESEA V):			
Grants to States	548,312	548,312	548,312
Grants for special projects			
OBLIGATIONS IN THE STATE OF TENNESSEE—Continued			
OFFICE OF EDUCATION—Continued			
Acquisition of equipment and minor remodeling (NDEA III): [1]			
Grants to States	$1,880,219		
Loans to non-profit private schools			
State administration	36,486		
Guidance, counseling, and testing (NDEA V)	326,367		$326,497
Subtotal, Elementary and Secondary Education	39,150,023	$37,859,910	45,449,452
Instructional Equipment:			
Equipment and minor remodeling (NDEA III): [1]			
Grants to States			1,829,702
Loans to non-profit private schools			
State administration			36,499
Subtotal, Instructional Resources			1,866,201
School Assistance in Federally Affected Areas:			
Maintenance and operations (P.L. 81-874)	6,763,256	856,000	10,184,000
Construction (P.L. 81-815)	53,590		
Subtotal, SAFA	6,816,846	856,000	10,184,000
Education Professions Development:			
Preschool, elementary, and secondary:			
Grants to States (EPDA B-2)	271,931	271,931	327,519
Training programs (EPDA Parts C and D	808,592		
Subtotal, Education Professions Development	1,080,523	271,931	327,519
Teacher Corps	892,463		
Higher Education:			
Program assistance:			
Strengthening developing institutions (HEA III)	1,690,064		
Colleges of agriculture and the mechanic arts (Bankhead-Jones)	231,544	234,822	234,822
Undergraduate instructional equipment and other resources (HEA VI-A)	293,417		
Construction:			
Public community colleges and technical institutes (HEFA I—Section 103)	1,972,230	991,560	991,560
Other undergraduate facilities (HEFA I—Section 104)	2,385,730		580,969
Graduate facilities (HEFA II)	200,000		
State administration and planning (HEFA I—Section 105)	139,223	116,041	116,041
Student aid:			
Educational opportunity grants (HEA IV-A)	3,802,933	1,459,224	1,127,246
Direct loans (NDEA II)	3,915,617	3,163,746	4,534,047
Insured loans:			
Advances for reserve funds			
Interest payments	203,720		
Work-study programs (HEA IV-C)	3,740,853	3,977,080	3,977,080
Special programs for disadvantaged students:			
Talent search	95,774		
Personnel development:			
College teacher fellowships (NDEA IV)	1,434,700		
Training programs (EPDA Part E)	350,087		
Subtotal, Higher Education	20,455,892	9,942,473	11,561,765
Vocational Education:			
Basic grants	6,385,518	5,843,004	8,856,765
Innovation		250,098	250,098
Work-study			240,420
Cooperative education		270,262	270,262
Consumer and homemaking education		745,678	491,828
Programs for students with special needs			984,045
Research			628,654
Subtotal, Vocational Education	6,385,518	7,109,042	11,686,102
Libraries and Community Services:			
Grants for public library services (LSCA I)	682,542	339,293	682,542
Construction of public libraries (LSCA II)	225,972		176,992
Interlibrary cooperation (LSCA III)	43,158	43,158	43,158
State institutional library services (LSCA IV-A)	39,509	39,509	39,509
Library services for physically handicapped (LSCA IV-B)	25,275	25,275	25,275
College library resources (HEA II-A)	408,431		
Librarian training (HEA II-B)	280,418		
University community service programs (HEA I)	183,638	183,638	183,638
Adult basic education (Adult Education Act):			
Grants to States	1,111,779	1,243,389	1,243,389
Special projects and teacher education			
Educational broadcasting facilities			
Subtotal, Libraries and Community Services	3,000,722	1,874,262	2,394,503

Footnotes at end of table.

XUM

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE—Continued

Program	1969 actual	1970 budget requests	1970 conference agreement
OBLIGATIONS IN THE STATE OF TENNESSEE—Continued			
OFFICE OF EDUCATION—Continued			
Education for the Handicapped:			
Preschool and school programs for the handicapped (ESEA VI)	$592,555	$592,555	$592,555
Teacher education and recruitment	755,063		
Research and innovation	294,094		
Media services and captioned films for the deaf	83,259		
Subtotal, Education for the Handicapped	1,724,961	592,555	592,555
Research and Training:			
Research and development:			
Educational laboratories			
Research and development centers			
Vocational education		19,002	19,002
Subtotal, Research and Training		19,002	19,002
Colleges for Agriculture and the Mechanic Arts (Second Morrill Act)	50,000	50,000	50,000
Promotion of Vocational Education (Smith-Hughes Act)	159,386	(2)	(2)
Education in Foreign Languages and World Affairs	103,774		
Civil Rights Education	376,697		
Total, Office of Education	80,196,878	58,575,175	84,131,099
Total, Office of Education Comparable Basis [3]	73,616,389	58,575,175	84,131,099
OBLIGATIONS IN THE STATE OF TEXAS			
OFFICE OF EDUCATION			
Elementary and Secondary Education:			
Assistance for educationally deprived children (ESEA I):			
Basic grants	$73,314,190	$74,534,785	$80,269,393
State administrative expenses	734,549	745,348	802,694
Grants to States for school library materials (ESEA II)	2,723,308		2,739,956
Supplementary educational centers and services (ESEA III)	8,478,686	5,817,974	8,498,616
Strengthening State departments of education (ESEA V):			
Grants to States	1,214,477	1,214,477	1,214,477
Grants for special projects			
Acquisition of equipment and minor remodeling (NDEA III): [1]			
Grants to States	4,554,006		
Loans to non-profit private schools	4,800		
State administration	106,791		
Guidance, counseling, and testing (NDEA V)	955,233		959,509
Subtotal, Elementary and Secondary Education	92,086,040	82,312,584	94,484,645
Instructional Equipment:			
Equipment and minor remodeling (NDEA III): [1]			
Grants to States			5,081,022
Loans to non-profit private schools			
State administration			107,263
Subtotal, Instructional Resources			5,188,285
School Assistance in Federally Affected Areas:			
Maintenance and operations (P. L. 81-874)	30,311,176	7,709,000	34,386,000
Construction (P. L. 81-815)	4,876,004	309,000	309,000
Subtotal, SAFA	35,187,180	8,018,000	34,695,000
Education Professions Development:			
Preschool, elementary, and secondary:			
Grants to States (EPDA B-2)	627,577	627,577	807,877
Training programs (EPDA Parts C and D)	1,632,485		
Subtotal, Education Professions Development	2,260,062	627,577	807,877
Teacher Corps	1,121,647		
Higher Education:			
Program assistance:			
Strengthening developing institutions (HEA III)	1,850,462		
Colleges of agriculture and the mechanic arts (Bankhead-Jones)	373,876	377,795	377,795
Undergraduate instructional equipment and other resources (HEA VI-A)	818,531		
Construction:			
Public community colleges and technical institutes (HEFA I—Section 103)	4,437,818	2,284,545	2,284,545
Other undergraduate facilities (HEFA I—Section 104)	7,246,734		1,752,795
Graduate facilities (HEFA II)	2,800,000		
State administration and planning (HEFA I—Section 105)	252,014	229,549	229,549
OBLIGATIONS IN THE STATE OF TEXAS—Continued			
OFFICE OF EDUCATION—Continued			
Higher Education—Continued			
Student aid:			
Educational opportunity grants (HEA IV-A)	$7,466,566	$3,928,154	$3,254,435
Direct loans (NDEA II)	7,524,662	8,516,635	12,205,414
Insured loans:			
Advances for reserve funds			
Interest payments	1,107,488		
Work-study programs (HEA IV-C)	8,341,028	9,160,666	9,160,666
Special programs for disadvantaged students:			
Talent search	189,200		
Personnel development:			
College teacher fellowships (NDEA IV)	2,360,000		
Training programs (EPDA Part E)	127,200		
Subtotal, Higher Education	44,895,579	24,497,344	29,265,199
Vocational Education:			
Basic grants	14,936,466	15,170,533	22,995,449
Innovation		337,125	337,125
Work-study			563,239
Cooperative education		392,317	392,317
Consumer and homemaking education		957,253	1,276,963
Programs for Students with Special Needs			2,554,941
Research			2,192,058
Subtotal, Vocational Education	14,936,466	16,857,248	30,312,092
Libraries and Community Services:			
Grants for public library services (LSCA I)	1,664,458	742,639	1,664,458
Construction of public libraries (LSCA II)	1,622,353		340,480
Interlibrary cooperation (LSCA III)	48,481	48,481	48,481
State institutional library services (LSCA IV-A)	39,509	39,509	39,509
Library services for physically handicapped (LSCA IV-B)	25,737	25,737	25,737
College library resources (HEA II-A)	971,864		
Librarian training (HEA II-B)	374,104		
University community service programs (HEA I)	332,502	332,502	332,502
Adult basic education (Adult Education Act):			
Grants to States	2,505,509	2,823,537	2,823,537
Special projects and teacher education	283,905		
Educational broadcasting facilities	200,000		
Subtotal, Libraries and Community Services	8,068,422	4,012,405	5,274,704
Education for the Handicapped:			
Preschool and school programs for the handicapped (ESEA VI)	1,598,917	1,598,917	1,598,917
Teacher education and recruitment	1,448,263		
Research and innovation	358,824		
Media services and captioned films for the deaf	171,114		
Subtotal, Education for the Handicapped	3,577,118	1,598,917	1,598,917
Research and Training:			
Research and development:			
Educational laboratories	1,709,715		
Research and development centers	820,000		
Vocational education	425,455	49,336	49,336
Subtotal, Research and Training	2,955,170	49,336	49,336
Colleges for Agriculture and the Mechanic Arts (Second Morrill Act)	50,000	50,000	50,000
Promotion of Vocational Education (Smith-Hughes Act)	359,602	(2)	(2)
Education in Foreign Languages and World Affairs	425,414		
Civil Rights Education	809,808		
Total, Office of Education	206,732,508	138,023,411	201,726,055
Total, Office of Education Comparable Basis [3]	187,152,484	138,023,411	201,726,055
OBLIGATIONS IN THE STATE OF UTAH			
OFFICE OF EDUCATION			
Elementary and Secondary Education:			
Assistance for educationally deprived children (ESEA I):			
Basic grants	$3,013,832	$3,467,494	$3,894,438
State administrative expenses	150,000	150,000	150,000
Grants to States for school library materials (ESEA II)	296,752	0	294,968
Supplementary educational centers and services (ESEA III)	1,088,519	866,965	1,117,701
Strengthening State departments of education (ESEA V):			
Grants to States	329,967	329,967	329,967
Grants for special projects	0	0	0

Footnotes at end of table.

XUM

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE—Continued

Program	1969 actual	1970 budget requests	1970 conference agreement
OBLIGATIONS IN THE STATE OF UTAH—Continued			
OFFICE OF EDUCATION—Continued			
Elementary and Secondary Education—Con.			
Acquisition of equipment and minor remodeling (NDEA III):[1]			
Grants to States	$562,511	0	$581,548
Loans to non-profit private schools	0	0	0
State administration	13,333	0	13,333
Guidance, counseling, and testing (NDEA V)	100,396	0	100,882
Subtotal, Elementary and Secondary Education	5,555,310	$4,814,426	6,482,837
Instructional Equipment:			
Equipment and minor remodeling (NDEA III):[1]			
Grants to States	0	0	581,548
Loans to non-profit private schools	0	0	0
State administration	0	0	13,333
Subtotal, Instructional Resources	0	0	594,881
School Assistance in Federally Affected Areas:			
Maintenance and operations (P.L. 81-874)	7,069,317	1,055,000	8,067,000
Construction (P.L. 81-815)	1,235,518	773,000	773,000
Subtotal, SAFA	8,304,835	1,828,000	8,840,000
Education Professions Development:			
Preschool, elementary, and secondary:			
Grants to States (EPDA B-2)	178,237	157,489	176,206
Training programs (EPDA Parts C and D)	513,069	0	0
Subtotal, Education Professions Development	691,306	157,489	176,206
Teacher Corps	0	0	0
Higher Education:			
Program assistance:			
Strengthening developing institutions (HEA III)	117,600	0	0
Colleges of agriculture and the mechanic arts (Bankhead-Jones)	168,195	171,178	171,178
Undergraduate instructional equipment and other resources (HEA VI-A)	189,561	0	0
Construction:			
Public community colleges and technical institutes (HEFA I—Section 103)	0	313,134	313,134
Other undergraduate facilities (HEFA I—Section 104)	1,830,753	0	264,246
Graduate facilities (HEFA II)	0	0	0
State administration and planning (HEFA I—Section 105)	54,045	67,778	67,778
Student aid:			
Educational opportunity grants (HEA IV-A)	1,253,811	859,058	629,481
Direct loans (NDEA II)	1,047,412	1,862,525	2,669,234
Insured loans:			
Advances for reserve funds	0	0	0
Interest payments	178,722	0	0
Work-study programs (HEA IV-C)	1,102,791	1,081,711	1,081,711
Special programs for disadvantaged students:			
Talent search	50,000	0	0
Personnel development:			
College teacher fellowships (NDEA IV)	958,800	0	0
Training programs (EPDA Part E)	27,975	0	0
Subtotal, Higher Education	6,976,665	4,355,384	5,196,762
Vocational Education:			
Basic grants	1,439,960	1,445,921	2,191,721
Innovation	0	213,577	213,577
Work-study	0	0	54,833
Cooperative education	0	219,041	219,041
Consumer and homemaking education	0	91,238	121,709
Programs for students with special needs	0	0	243,513
Research	0	0	198,630
Subtotal, Vocational Education	1,439,960	1,969,777	3,243,024
Libraries and Community Services:			
Grants for public library services (LSCA I)	245,448	159,746	245,448
Construction of public libraries (LSCA II)	243,914	0	104,217
Interlibrary cooperation (LSCA III)	40,788	40,788	40,788
State institutional library services (LSCA IV-A)	39,509	39,509	39,509
Library services for physically handicapped (LSCA IV-B)	25,069	25,069	25,069
College library resources (HEA II-A)	227,431	0	0
Librarian training (HEA II-B)	16,303	0	0
University community service programs HEA I)	121,786	121,786	121,786
Adult basic education (Adult Education Act):			
Grants to States	146,169	152,742	152,742
Special projects and teacher education	0	0	0
Educational broadcasting facilities	59,310	0	0
Subtotal, Libraries and Community Services	**1,165,727**	**530,640**	**729,550**
OBLIGATIONS IN THE STATE OF UTAH—Continued			
OFFICE OF EDUCATION—Continued			
Education for the Handicapped:			
Preschool and school programs for the handicapped (ESEA VI)	$165,654	$165,614	$165,614
Teacher education and recruitment	443,578	0	0
Research and innovation	3,537	0	0
Media services and captioned films for the deaf	0	0	0
Subtotal, Education for the Handicapped	612,729	165,614	165,614
Research and Training:			
Research and development:			
Educational laboratories	0	0	0
Research and development centers	0	0	0
Vocational education	0	15,000	15,000
Subtotal, Research and Training	0	15,000	15,000
Colleges for Agriculture and the Mechanic Arts (Second Morrill Act)	50,000	50,000	50,000
Promotion of Vocational Education (Smith-Hughes Act)	38,478	(2)	(2)
Education in Foreign Languages and World Affairs	94,501	0	0
Total, Office of Education	24,929,551	13,895,330	25,493,883
Total, Office of Education Comparable Basis[3]	22,052,124	13,895,330	25,493,883
OBLIGATIONS IN THE STATE OF VERMONT			
OFFICE OF EDUCATION			
Elementary and Secondary Education:			
Assistance for educationally deprived children (ESEA I):			
Basic grants	1,632,466	1,878,396	2,040,937
State administrative expenses	150,000	150,000	150,000
Grants to States for school library materials (ESEA II)	104,377		111,049
Supplementary educational centers and services (ESEA III)	637,800	534,728	640,052
Strengthening State departments of education (ESEA V):			
Grants to States	251,499	251,499	251,499
Grants for special projects			
Acquisition of equipment and minor remodeling (NEDA III):[1]			
Grants to States	187,862		
Loans to nonprofit private schools			
State administration	13,333		
Guidance, counseling, and testing (NDEA V)	50,000		50,000
Subtotal, Elementary and Secondary Education	3,027,337	2,823,623	3,243,537
Instructional Equipment:			
Equipment and minor remodeling (NDEA III):[1]			
Grants to States			179,379
Loans to nonprofit private schools			
State administration			13,333
Subtotal, Instructional Resources			192,712
School Assistance in Federally Affected Areas:			
Maintenance and operations (P.L. 81-874)	136,062	4,000	138,000
Construction (P.L. 81-815)			
Subtotal, SAFA	136,062	4,000	138,000
Education Professions Development:			
Preschool, elementary, and secondary:			
Grants to States (EPDA B-2)	120,221	120,221	128,690
Training programs (EPDA Parts C and D)	144,578		
Subtotal, Education Professions Development	264,779	120,221	128,690
Teacher Corps			
Higher Education:			
Program assistance:			
Strengthening developing institutions (HEA III)			
Colleges of agriculture and the mechanic arts (Bankhead-Jones)	156,343	159,271	159,271
Undergraduate instructional equipment and other resources (HEA VI-A)	43,846		
Construction:			
Public community colleges and technical institutes (HEFA I-Section 103)	208,229	112,256	112,256
Other undergraduate facilities (HEFA I-Section 104)	351,138		89,927
Graduate facilities (HEFA II)	800,000		
State administration and planning (HEFA I-Section 105)	58,174	56,723	56,723

Footnotes at end of table.

DEPARTMENT OF HELATH, EDUCATION, AND WELFARE—Continued

Program	1969 actual	1970 budget requests	1970 conference agreement
OBLIGATIONS IN THE STATE OF VERMONT—Continued			
OFFICE OF EDUCATION—Continued			
Higher Education—Continued			
Student aid:			
Educational opportunity grants (HEA IV-A)	$572,834	$226,362	$190,591
Direct loans (NDEA II)	589,299	490,776	703,344
Insured loans:			
Advances for reserve funds			
Interest payments	84,397		
Work-study programs (HEA IV-C)	419,455	377,681	377,681
Special programs for disadvantaged students: Talent search	15,700		
Personnel development:			
College teacher fellowships (NDEA IV)	148,400		
Training programs (EPDA Part E)			
Subtotal, Higher Education	3,447,815	1,423,069	1,689,793
Vocational Education:			
Basic grants	704,708	563,453	854,079
Innovation		205,159	205,159
Work-study			20,683
Cooperative education		207,235	207,235
Consumer and homemaking education		35,554	47,428
Programs for students with special needs			94,893
Research			68,248
Subtotal, Vocational Education	704,708	1,011,401	1,497,725
Libraries and Community Services:			
Grants for public library services (LSCA I)	163,671	126,155	163,671
Construction of public libraries (LSCA II)	22,344		90,601
Interlibrary cooperation (LSCA III)	40,345	40,345	40,345
State institutional library services (LSCA IV-A)	39,509	39,509	39,509
Library services for physically handicapped (LSCA IV-B)	25,030	25,030	25,030
College library resources (HEA II-A)	112,087		
Librarian training (HEA II-B)	24,510		
University community service programs (HEA I)	108,892	108,892	108,892
Adult basic education (Adult Education Act):			
Grants to States	131,267	135,709	135,709
Special projects and teacher education	30,680		
Educational broadcasting facilities			
Subtotal, Libraries and Community Services	698,335	475,640	603,757
Education for the handicapped:			
Preschool and school programs for the handicapped (ESEA VI)	100,000	448,822	448,822
Teacher education and recruitment	72,260		
Research and innovation	43,867		
Media services and captioned films for the deaf			
Subtotal, education for the handicapped	216,127	448,822	448,822
Research and training:			
Research and development:			
Educational laboratories			
Research and development centers			
Vocational education		15,000	15,000
Subtotal, research and training		15,000	15,000
Colleges for agriculture and the mechanic arts (Second Morrill Act)	50,000	50,000	50,000
Promotion of vocational education (Smith-Hughes Act)	33,318	(2)	(2)
Education in foreign languages and world affairs	72,165		
Civil rights education			
Total, Office of Education	8,650,666	6,371,776	8,008,036
Total, Office of Education Comparable Basis[3]	7,058,176	6,371,776	8,008,036
OBLIGATIONS IN THE STATE OF VIRGINIA			
OFFICE OF EDUCATION			
Elementary and Secondary Education:			
Assistance for educationally deprived children (ESEA I):			
Basic grants	$26,959,114	$29,583,055	$34,163,614
State administrative expenses	270,742	295,831	341,636
Grants to States for school library materials (ESEA II)	1,057,993		1,070,540
Supplementary educational centers and services (ESEA III)	3,568,334	2,498,188	3,592,947
Strengthening State departments of education (ESEA V):			
Grants to States	604,339	604,339	604,339
Grants for special projects			
Acquisition of equipment and minor remodeling (NDEA III):[1]			
Grants to States	1,960,992		
Loans to non-profit private schools			
State administration	42,701		
OBLIGATIONS IN THE STATE OF VIRGINIA—Continued			
OFFICE OF EDUCATION—Continued			
Elementary and Secondary Education—Con.			
Guidance, counseling, and testing (NDEA V)	$381,959		$381,934
Subtotal, Elementary and Secondary Education	34,846,174	$32,981,413	40,155,010
Instructional Equipment:			
Equipment and minor remodeling (NDEA III):[1]			
Grants to States			1,927,258
Loans to non-profit private schools			
State administration			42,696
Subtotal, Instructional Resources			1,969,954
School Assistance in Federally Affected Areas:			
Maintenance and operations (P.L. 81-874)	35,704,596	7,442,000	39,552,000
Construction (P.L. 81-815)	3,589,739	635,000	635,000
Subtotal, SAFA	39,294,335	8,077,000	40,187,000
Education Professions Development:			
Preschool, elementary, and secondary:			
Grants to States (EPDA B-2)	319,962	304,962	376,578
Training programs (EPDA Parts C and D)	581,689		
Subtotal, Education Professions Development	901,651	304,962	376,578
Teacher Corps	341,530		
Higher Education:			
Program assistance:			
Strengthening developing institutions (HEA III)	1,006,475		
Colleges of agriculture and the mechanic arts (Bankhead-Jones)	241,008	244,330	244,330
Undergraduate instructional equipment and other resources (HEA VI-A)	267,588		
Construction:			
Public community colleges and technical institutes (HEFA I—Section 103)	1,908,903	987,014	987,014
Other undergraduate facilities (HEFA I—Section 104)	2,551,185		626,507
Graduate facilities (HEFA II)			
State administration and planning (HEFA I—Section 105)	104,159	115,965	115,965
Student aid:			
Educational opportunity grants (HEA IV-A)	2,335,930	1,159,806	1,042,262
Direct loans (NDEA II)	2,951,774	2,514,577	3,603,706
Insured loans:			
Advances for reserve funds			
Interest payments	459,026		
Work-study programs (HEA IV-C)	2,032,353	3,570,372	3,570,372
Special programs for disadvantaged students:			
Talent search	40,000		
Personnel development:			
College teacher fellowships (NDEA IV)	1,188,300		
Training programs (EDPA Part E)	191,400		
Subtotal, higher education	15,278,101	8,592,064	10,190,156
Vocational education:			
Basic grants	6,700,866	6,456,132	9,786,173
Innovation		258,244	258,244
Work-study			242,899
Cooperative education		281,687	281,687
Consumer and homemaking education		407,378	543,436
Programs for students with special needs			1,087,306
Research			932,874
Subtotal, vocational education	6,700,866	7,403,441	13,132,619
Libraries and community services:			
Grants for public library services LSCA I)	747,843	366,117	747,843
Construction of public libraries (LSCA II)	168,885		187,865
Interlibrary cooperation (LSCA III)	43,512	43,512	43,512
State institutional library services (LSCA IV-A)	39,509	39,509	39,509
Library services for physically handicapped IV-B)	25,305	25,305	25,305
College library resources (HEA II-A)	420,852		
Librarian training (HEA II-B)			
University community service programs (HEA I)	196,597	196,597	196,597
Adult basic education (Adult Education Act):			
Grants to States	1,132,973	1,272,206	1,272,206
Special projects and teacher education			
Educational broadcasting facilities			
Subtotal, libraries and community services	2,775,476	1,943,246	2,512,837
Education for the Handicapped:			
Preschool and school programs for the handicapped (ESEA VI)	660,289	660,289	660,289
Teacher education and recruitment	689,322		

Footnotes at end of table.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE—Continued

Program	1969 actual	1970 budget requests	1970 conference agreement
OBLIGATIONS IN THE STATE OF VIRGINIA—Continued			
OFFICE OF EDUCATION—Continued			
Elementary and Secondary Education—Con.			
Research and innovation	$9,683		
Media services and captioned films for the deaf	17,634		
Subtotal, Education for the Handicapped	1,376,928	$660,289	$660,289
Research and Training:			
Research and development:			
Educational laboratories			
Research and development centers			
Vocational education	23,272	20,996	20,996
Subtotal, Research and Training	23,272	20,996	20,996
Colleges for Agriculture and the Mechanic Arts (Second Morrill Act)	50,000	50,000	50,000
Promotion of Vocational Education (Smith-Hughes Act)	173,136	(2)	(2)
Education in Foreign Languages and World Affairs	96,045		
Civil Rights Education	542,682		
Total, Office of Education	102,400,196	60,033,411	109,255,439
Total, Office of Education Comparable Basis [3]	97,554,445	60,033,411	109,255,439
OBLIGATIONS IN THE STATE OF WASHINGTON			
OFFICE OF EDUCATION			
Elementary and Secondary Education:			
Assistance for educationally deprived children (ESEA I):			
Basic grants	$11,517,854	$11,728,452	$13,440,808
State administrative expenses	150,000	150,000	150,000
Grants to States for school library materials (ESEA II)	819,428		825,273
Supplementary educational centers and services (ESEA III)	2,503,083	1,854,696	2,609,323
Strengthening State departments of education (ESEA V):			
Grants to States	513,297	513,297	513,297
Grants for special projects			
Acquisition of equipment and minor remodeling (NDEA III): [1]			
Grants to States	1,105,278		
Loans to nonprofit private schools			
State administration	29,065		
Guidance, counseling, and testing (NDEA V)	259,983		271,705
Subtotal, Elementary and Secondary Education	16,897,988	14,246,445	17,810,406
Instructional Equipment:			
Equipment and minor remodeling (NDEA III): [1]			
Grants to States			1,137,535
Loans to nonprofit private schools			
State administration			30,374
Subtotal, Instructional Resources			1,167,909
School Assistance in Federally Affected Areas:			
Maintenance and operations (P.L. 81-874)	12,296,924	4,852,000	14,977,000
Construction (P.L. 81-815)	530,390	425,000	425,000
Subtotal, SAFA	12,827,314	5,277,000	15,402,000
Education Professions Development:			
Preschool, elementary, and secondary:			
Grants to States (EPDA B-2)	292,833	258,745	313,212
Training programs (EPDA Parts C and D)	1,284,423		
Subtotal, Education Professions Development	1,577,256	258,745	313,212
Teacher Corps	369,943		
Higher Education:			
Program assistance:			
Strengthening developing institutions (HEA III)	220,000		
Colleges of agriculture and the mechanic arts (Bankhead-Jones)	212,648	217,847	217,847
Undergraduate instructional equipment and other resources (HEA VI-A)	312,641		
Construction:			
Public community colleges and technical institutes (HEFA I—Section 103)	1,372,312	709,565	709,565
Other undergraduate facilities (HEFA I—Section 104)	2,618,385		618,724
Graduate facilities (HEFA II)	100,000		
State administration and planning (HEFA I—Section 105)	178,004	106,142	106,412
OBLIGATIONS IN THE STATE OF WASHINGTON—Continued			
OFFICE OF EDUCATION—Continued			
Higher Education—Continued			
Student aid:			
Educational opportunity grants (HEA IV-A)	$2,518,068	$1,486,035	$1,229,052
Direct loans (NDEA II)	3,908,034	3,221,874	4,617,352
Insured loans:			
Advances for reserve funds			
Interest payments	250,413		
Work-study programs (HEA IV-C)	2,745,963	2,375,723	2,375,723
Special programs for disadvantaged students:			
Talent search	53,156		
Personnel development:			
College teacher fellowships (NDEA IV)	1,293,600		
Training programs (EPDA Part E)	224,013		
Subtotal, Higher Education	16,007,237	8,117,456	9,874,675
Vocational Education:			
Basic grants	3,610,797	3,519,602	5,334,993
Innovation		239,372	239,372
Work-study			161,131
Cooperative education		255,219	255,219
Consumer and homemaking education		222,085	296,258
Program for Students with Special Needs			592,751
Research			505,008
Subtotal, Vocational Education	3,610,797	4,236,278	7,384,732
Libraries and Community Services:			
Grants for public library services (LSCA I)	565,959	291,404	565,959
Construction of public libraries (LSCA II)	323,350		157,581
Interlibrary cooperation (LSCA III)	42,526	42,526	42,526
State institutional library services (LSCA IV-A)	39,509	39,509	39,509
Library services for physically handicapped (LSCA IV-B)	25,220	25,220	25,220
College library resources (HEA II-A)	376,750		
Librarian training (HEA II-B)	357,552		
University community service programs (HEA I)	165,768	165,768	165,768
Adult basic education (Adult Education Act):			
Grants to States	305,985	333,131	333,131
Special projects and teacher education			
Educational broadcasting facilities			
Subtotal, Libraries and Community Services	2,202,619	897,558	1,329,694
Education for the Handicapped:			
Preschool and school programs for the handicapped (ESEA VI)	451,985	451,985	451,985
Teacher education and recruitment	433,170		
Research and innovation	256,576		
Media services and captioned films for the deaf	28,008		
Subtotal, Education for the Handicapped	1,169,739	451,985	451,985
Research and Training:			
Research and development:			
Educational laboratories			
Research and development centers			
Vocational education	47,383	15,000	15,000
Subtotal, Research and Training	47,383	15,000	15,000
Colleges for Agriculture and the Mechanic Arts (Second Morrill Act)	50,000	50,000	50,000
Promotion of Vocational Education (Smith-Hughes Act)	113,306	(2)	(2)
Education in Foreign Languages and World Affairs	453,264		
Civil Rights Education	142,010		
Total, Office of Education	55,468,856	33,550,467	53,799,613
Total, Office of Education Comparable Basis [3]	49,313,337	33,550,467	35,799,613
OBLIGATIONS IN THE STATE OF WEST VIRGINIA			
OFFICE OF EDUCATION			
Elementary and Secondary Education:			
Assistance for educationally deprived children (ESEA I):			
Basic grants	$16,156,287	$18,798,318	$21,708,999
State administrative expenses	161,563	187,983	217,090
Grants to States for school library materials (ESEA II)	420,151		406,702
Supplementary educational centers and services (ESEA III)	1,615,010	1,186,348	1,589,655
Strengthening State departments of education (ESEA V):			
Grants to States	374,730	374,730	374,730
Grants for special projects			

Footnotes at end of table.

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DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE—Continued

Program	1969 actual	1970 budget requests	1970 conference agreement
OBLIGATIONS IN THE STATE OF WEST VIRGINIA			
OFFICE OF EDUCATION—Continued			
Elementary and Secondary Education—Con.			
Acquisition of equipment and minor remodeling (NDEA III): [1]			
Grants to States	$892, 132		
Loans to nonprofit private schools			
State administration	17, 219		
Guidance, couseling, and testing (NDEA V)	154, 028		$149, 551
Subtotal, Elementary and Secondary Education	19, 791, 120	$20, 547, 379	24, 446, 727
Instructional Equipment:			
Equipment and minor remodeling (NDEA III): [1]			
Grants to States			851, 102
Loans to nonprofit private schools			
State administration			16, 718
Subtotal, Instructional Resources			867, 820
School Assistance in Federally Affected Areas:			
Maintenance and operations (P.L. 81-874)	520, 634	18, 000	486, 000
Construction (P.L. 81-815)	−8, 575		
Subtotal, SAFA	512, 059	18, 000	486, 000
Education Professions Development:			
Preschool, elementary, and secondary:			
Grants to States (EPDA B-2)	85, 395	181, 395	205, 073
Training programs (EPDA Parts C and D)	552, 878		
Subtotal, Education Professions Development	638, 273	181, 395	205, 073
Teacher Corps	287, 331		
Higher Education:			
Program assistance:			
Strengthening developing institutions (HEA III)	655, 786		
Colleges of agriculture and the mechanic arts (Bankhead-Jones)	191, 149	194, 239	194, 239
Undergraduate instructional equipment and other resources (HEA VI–A)	135, 930		
Construction:			
Public community colleges and technical institutes (HEFA I—Section 103)		608, 986	608, 986
Other undergraduate facilities (HEFA I—Section 104)	2, 373, 604		288, 927
Graduate facilities (HEFA II)			
State administration and planning (HEFA I—Section 105)	78, 080	79, 459	79, 459
Student aid:			
Educational opportunity grants (HEA IV–A)	1, 434, 297	677, 010	570, 018
Direct loans (NDEA II)	1, 783, 385	1, 467, 827	2, 103, 582
Insured loans:			
Advances for reserve funds			
Interest payments	119, 460		
Work-study programs (HEA IV–C)	1, 854, 608	1, 938, 617	1, 938, 617
Special programs for disadvantaged students:			
Talent search	33, 850		
Personnel development:			
College teacher fellowships (NDEA IV)	171, 200		
Training programs (EPDA Part E)	10, 000		
Subtotal, Higher Education	8, 841, 349	4, 966, 138	5, 783, 828
Vocational Education:			
Basic grants	3, 010, 158	2, 836, 702	4, 299, 858
Innovation		225, 796	225, 796
Work-study			103, 413
Cooperative education		236, 178	236, 178
Consumer and homemaking education		178, 995	238, 776
Programs for students with special needs			477, 741
Research			404, 112
Subtotal, Vocational Education	3, 010, 158	3, 477, 671	5, 985, 874
Libraries and Community Services:			
Grants for public library services (LSCA I)	403, 825	224, 804	403, 825
Construction of public libraries (LSCA II)	308, 680		130, 586
Interlibrary cooperation (LSCA III)	41, 647	41, 647	41, 647
State institutional library services (LSCA IV–A)	39, 509	39, 509	39, 509
Library services for physically handicapped (LSCA IV–B)	25, 143	25, 143	25, 143
College library resources (HEA II–A)	199, 360		
Librarian training (HEA II–B)			
University community service programs (HEA I)	139, 136	139, 316	139, 316
Adult basic education (Adult Education Act):			
Grants to States	497, 755	550, 582	550, 582
Special projects and teacher education			
Educational broadcasting facilities	283, 826		
Subtotal, Libraries and Community Services	1, 938, 881	1, 021, 001	1, 330, 608
OBLIGATIONS IN THE STATE OF WEST VIRGINIA—Continued			
OFFICE OF EDUCATION—Continued			
Education for the Handicapped:			
Preschool and school programs for the handicapped (ESEA VI)	$314, 074	$314, 074	$314, 074
Teacher education and recruitment	235, 097		
Research and innovation	58, 498		
Media services and captioned films for the deaf			
Subtotal, Education for the Handicapped	607, 669	314, 074	314, 074
Research and Training:			
Research and development:			
Educational laboratories	895, 478		
Research and development centers			
Vocational education	57, 903	15, 000	15, 000
Subtotal, Research and Training	953, 381	15, 000	15, 000
Colleges for Agriculture and the Mechanic Arts (Second Morrill Act)	50, 000	50, 000	50, 000
Promotion of Vocational Education (Smith-Hughes Act)	91, 340	(2)	(2)
Education in Foreign Languages and World Affairs			
Civil Rights Education	65, 429		
Total, Office of Education	36, 786, 990	30, 590, 658	39, 485, 004
Total, Office of Education Comparable Basis [3]	33, 082, 867	30, 590, 658	39, 485, 004
OBLIGATIONS IN THE STATE OF WISCONSIN			
OFFICE OF EDUCATION			
Elementary and secondary education:			
Assistance for educationally deprived childred (ESEA I):			
Basic grants	$14, 388, 760	$15, 278, 409	$17, 644, 076
State administrative expenses	150, 000	152, 784	176, 441
Grants to States for school library materials (ESEA II)	1, 153, 770		1, 155, 828
Supplementary educational centers and services (ESEA III)	3, 403, 351	2, 364, 521	3, 395, 425
Strengthening State departments of education (ESEA V):			
Grants to States	565, 995	565, 995	565, 995
Grants for special projects			
Acquisition of equipment and minor remodeling (NDEA III): [1]			
Grants to States	1, 720, 045		
Loans to nonprofit private schools	111, 630		
State administration	41, 056		
Guidance, counseling, and testing (NDEA V)	367, 246		366, 463
Subtotal, Elementary and Secondary education	21, 901, 853	18, 361, 709	23, 304, 228
Instructional equipment:			
Equipment and minor remodeling (NDEA III): [1]			
Grants to States			1, 707, 176
Loans to nonprofit private schools			
State administration			40, 967
Subtotal, instructional resources			1, 748, 143
School assistance in federally affected areas:			
Maintenance and operations (Public Law 81-874)	2, 095, 973	571, 000	2, 639, 000
Construction (Public Law 81-815)	99, 715		
Subtotal, SAFA	2, 195, 688	571, 000	2, 639, 000
Education Professions Development:			
Preschool, elementary, and secondary:			
Grants to States (EPDA B-2)	282, 828	323, 516	398, 612
Training programs (EPDA Parts C and D)	1, 014, 790		
Subtotal, Education Professions Development	1, 297, 618	323, 516	398, 612
Teacher Corps	313, 757		
Higher Education:			
Program assistance:			
Strengthening developing institutions (HEA III)	113, 300		
Colleges of agriculture and the mechanic arts (Bankhead-Jones)	240, 649	243, 969	243, 969
Undergraduate instructional equipment and other resources (HEA VI–A)	353, 677		
Construction:			
Public community colleges and technical institutes (HEFA I—Section 103)	2, 005, 041	1, 032, 197	1, 032, 197
Other undergraduate facilities (HEFA I—Section 104)	3, 404, 584		793, 453
Graduate facilities (HEFA II)	500, 000		
State administration and planning (HEFA I—Section 105)	189, 230	134, 944	134, 944

Footnotes at end of table.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE—Continued

Program	1969 actual	1970 budget requests	1970 conference agreement
OBLIGATIONS IN THE STATE OF WISCONSIN—Continued			
OFFICE OF EDUCATION—Continued			
Higher Education—Continued			
Student aid:			
Educational opportunity grants (HEA IV-A)	$4,329,791	$1,787,985	$1,544,035
Direct loans (NDEA II)	4,831,288	2,876,532	5,555,560
Insured loans:			
Advances for reserve funds			
Interest payments	596,580		
Work-study programs (HEA IV-C)	3,056,446	3,168,640	3,168,640
Special programs for disadvantaged students:			
Talent search	73,884		
Personnel development:			
College teacher fellowships (NDEA IV)	1,271,000		
Training programs (EPDA Part E)	86,300		
Subtotal, Higher Education	21,051,770	10,244,267	12,472,798
Vocational Education:			
Basic grants	5,447,744	4,890,133	7,412,439
Innovation		251,591	251,591
Work-study			207,787
Cooperative education		272,356	272,356
Consumer and homemaking education		308,566	411,620
Program for students with special needs			823,569
Research			706,596
Subtotal, Vocational Education	5,447,743	5,722,646	10,085,958
Libraries and Community Services:			
Grants for public library services (LSCA I)	745,365	365,099	745,365
Construction of public libraries (LSCA II)	732,551		187,452
Interlibrary cooperation (LSCA III)	43,498	43,498	43,498
State institutional library services (LSCA IV-A)	39,509	39,509	39,509
Library services for physically handicapped (LSCA IV-B)	25,304	25,304	25,304
College library resources (HEA II-A)	518,630		
Librarian training (HEA II-B)	276,081		
University community service programs (HEA I)	190,150	190,150	190,150
Adult basic education (Adult Education Act):			
Grants to States	543,151	600,765	600,765
Special projects and teacher education	260,000		
Educational broadcasting facilities			
Subtotal, Libraries and Community Services	3,374,239	1,264,325	1,832,043
Education for the Handicapped:			
Preschool and school programs for the handicapped (ESEA VI)	625,438	625,438	625,438
Teacher education and recruitment	767,180		
Research and innovation	370,651		
Media services and captioned films for the deaf	49,733		
Subtotal, Education for the Handicapped	1,813,002	625,438	625,438
Research and Training:			
Research and development:			
Educational laboratories			
Research and development centers	1,200,000		
Vocational education	128,533	15,903	15,903
Subtotal, Research and Training	1,328,533	15,903	15,903
Colleges for Agriculture and the Mechanic Arts (Second Morrill Act)	50,000	50,000	50,000
Promotion of Vocational Education (Smith-Hughes Act)	162,247	(2)	(2)
Education in Foreign Languages and World Affairs	822,013		
Civil Rights Education			
Total, Office of Education	59,758,463	37,178,804	53,172,123
Total, Office of Education Comparable Basis [3]	51,170,887	37,178,804	53,172,123
OBLIGATIONS IN THE STATE OF WYOMING			
OFFICE OF EDUCATION			
Elementary and Secondary Education:			
Assistance for educationally deprived children (ESEA I):			
Basic grants	$1,364,174	$1,383,315	$1,447,595
State administrative expenses	150,000	150,000	150,000
Grants to States for school library materials (ESEA II)	87,394		86,211
Supplementary educational centers and services (ESEA III)	580,075	501,223	577,243
Strengthening State departments of education (ESEA V):			
Grants to States	249,634	249,634	249,634
Grants for spocal projects			

Footnotes at end of table.

Program	1969 actual	1970 budget requests	1970 conference agreement
OBLIGATIONS IN THE STATE OF WYOMING—Continued			
OFFICE OF EDUCATION—Continued			
Elementary and Secondary Education—Con.			
Acquisition of equipment and minor remodeling (NDEA III):[1]			
Grants to States	$144,298		
Loans to non-profit private schools			
State administration	13,333		
Guidance, counseling, and testing (NDEA V)	50,000		$50,000
Subtotal, Elementary and Secondary Education	2,638,908	$2,284,172	2,560,683
Instructional Equipment:			
Equipment and minor remodeling (NDEA III):[1]			
Grants to States			145,029
Loans to non-profit private schools			
State administration			13,333
Subtotal, Instructional Resources			158,362
School Assistance in Federally Affected Areas:			
Maintenance and operations (P.L. 81-874)	1,696,509	1,275,000	1,895,000
Construction (P.L. 81-815)			
Subtotal, SAFA	1,696,509	1,275,000	1,895,000
Education Professions Development:			
Preschool, elementary, and secondary:			
Grants to States (EPDA B-2)	116,931	116,931	122,273
Training programs (EPDA Parts C and D)	56,147		
Subtotal, Education Professions Development	173,078	116,931	122,273
Teacher Corps			
Higher Education:			
Program assistance:			
Strengthening developing institutions (HEA III)	118,900		
Colleges of agriculture and the mechanic arts (Bankhead-Jones)	154,927	157,849	157,849
Undergraduate instructional equipment and other resources (HEA VI-A)	28,359		
Construction:			
Public community colleges and technical institutes (HEFA I—Section 103)	169,890	87,843	87,813
Other undergraduate facilities (HEFA I—Section 104)	247,470		62,265
Graduate facilities (HEFA II)			
State administration and planning (HEFA I—Section 105)	71,006	47,216	47,216
Student aid:			
Education opportunity grants (HEA IV-A)	365,050	152,432	122,359
Direct loans (NDEA II)	411,098	330,488	473,632
Insured loans:			
Advances for reserve funds			
Interest payments	23,343		
Work-study programs (HEA IV-C)	516,201	273,002	273,002
Special programs for disadvantaged students:			
Talent search			
Personnel development:			
College teacher fellowships (NDEA IV)	195,100		
Training programs (EPDA part E)	45,481		
Subtotal, Higher Education	2,346,825	1,048,830	1,224,166
Vocational Education:			
Basic grants	590,814	416,792	631,773
Innovation		204,345	204,245
Work-study			17,316
Cooperative education		206,093	206,093
Consumer and homemaking education		26,299	35,083
Program for students with special needs			70,193
Research			46,580
Subtotal, Vocational Education	590,814	853,529	1,211,383
Libraries and Community Services:			
Grants for public library services (LSCA I)	153,093	122,142	153,903
Construction of public libraries (LSCA II)	105,309		88,975
Interlibrary cooperation (LSCA III)	40,292	40,292	40,292
State institutional library services (LSCA IV-A)	39,509	39,509	39,509
Library services for physically handicapped (LSCA IV-B)	25,025	25,025	25,025
College library resources (HEA II-A)	49,573		
Librarian training (HEA II-B)			
University community service programs (HEA I)	106,901	106,901	106,901
Adult basic education (Adult Education Act):			
Grants to States	124,625	127,831	127,831
Special projects and teacher education			

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE—Continued

Program	1969 actual	1970 budget requests	1970 conference agreement
OBLIGATIONS IN THE STATE OF WYOMING—Continued			
OFFICE OF EDUCATION—Continued			
Libraries and Community Services—Con.			
Educational broadcasting facilities			
Subtotal, Libraries and Community Services	$645,137	$461,700	$582,436
Education for the Handicapped:			
Preschool and school programs for the handicapped (ESEA VI)	100,000	100,000	100,000
Teacher education and recruitment	79,389		
Research and innovation			
Media services and captioned films for the deaf			
Subtotal, Education for the Handicapped	179,389	100,000	100,000
Research and Training:			
Research and development:			
Educational laboratories			
Research and development centers			
Vocational education	$87,014	$15,000	$15,000
Subtotal, Research and Training	87,014	15,000	15,000
Colleges for Agriculture and the Mechanic Arts (Second Morrill Act)	50,000	50,000	50,000
Promotion of Vocational Education (Smith-Hughes Act)	30,000	(2)	(2)
Education in Foreign Languages and World Affairs			
Civil Rights Education			
Total, Office of Education	8,437,674	6,205,162	7,919,303
Total, Office of Education Comparable Basis[3]	7,841,382	6,205,162	7,919,303

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[1] This program is funded from both the Elementary and Secondary appropriation and the new Instructional Equipment appropriation in 1970.

[2] Included under Basic Grants—Vocational Education.

[3] The 1969 actual column shows obligations for project type programs where the State by State distribution cannot be predicted in advance, and therefore, is not shown in the 1970 column. For this reason the 1969 comprable figure excludes obligations for project type programs.

Mr. KENNEDY. The issue of whether or not to cut $1.3 billion from the bill comes down to a basic matter of priorities. Are we as a nation going to respond to our staggering needs in the delivery of health care, in the search to cure cancer and other dread diseases, in training more doctors and medical personnel? Will we meet the great demand for qualified schoolteachers, for improved facilities, for special help to disadvantaged and exceptional and handicapped students, for assistance to give every deserving youth an opportunity to pursue a higher education? I say the Federal Government should not abdicate responsibility. We can and must meet the challenge.

To strike down the higher expenditures for health and education would be disastrous:

Several thousand potential medical students will lose the opportunity for loans;

Many thousand patients will die unnecessarily for lack of trained workers or adequate facilities;

Some 115,000 college students will be denied loans;

Over 50,000 schoolchildren will struggle and fall behind because they receive no bilingual assistance;

Close to 10,000 persons will be turned away from teacher training under the Education Professions Development Act;

Over 200,000 children will be cut off from vocational education programs;

Three million fewer books will be available in community libraries.

The list goes on. Without the expected Federal aid, many communities will again be forced to raise local property taxes in order to finance their school budget. Some schools may have to close several weeks early. Children will suffer today; society will suffer tomorrow.

Mr. President, I have discussed my views on specific programs in testimony before the Appropriations Subcommittee on December 4. I ask unanimous consent that my testimony be reprinted at the conclusion of my remarks today.

The **PRESIDING OFFICER.** Without objection, it is so ordered.

(See exhibit 1.)

Mr. KENNEDY. Schools need the money now, and they can use it constructively. I have a letter, for example, from one school superintendent in Massachusetts who says:

> Almost without exception, local school districts across this nation started school in September in full expectation of program support from the federal government.

He goes on to say that it is "utter nonsense" to contend that the money cannot be usefully spent at this point in the school year. Other educators in my State, and throughout the country, confirm this view.

Even at a level of $4.27 billion for education, we will be spending at only 46 percent of authorization—a far lower percentage than in almost all other appropriation areas. And this comes at a time when the administration's own task force on urban education is calling for "massive" increases in appropriations—up to $14.5 billion more a year by 1975. The task force concludes:

> Without adequate funding, there is no hope for effective education in the cities. The current need for funds is as desperate as it is massive.

Mr. President, this Nation and this Federal Government should put greater emphasis on ABC's, not ABM's. Investment in medical research, vocational education, mental retardation programs, air pollution control, libraries, compensatory education, and training nurses, doctors and teachers—all of this is far more important than running up billions of dollars in cost overruns on military projects. Our children at home should not be the victims of a dubious war abroad. An increase of less than 6 percent over administration requests for the Department of Health, Education, and Welfare is modest, responsible, and urgently needed.

There has been much talk about possible inflationary effects of this appropriations bill. I share the general concern about inflation. But HEW expenditures cannot and should not be singled out for blame. The situation goes far beyond spending $1.3 billion more than the administration wants for urgent health and education needs.

Congress has already acted with great responsibility and care on the administration's budget. We have made cuts elsewhere which more than offset the increase in health and education, and thereby help in the fight against inflation. Even with the HEW increase, the net effect of congressional action on all appropriation bills is an actual reduction of $5.6 billion.

It is incongruous indeed for the administration to insist on spending at its own request levels for HEW. For consistent application of that policy would have resulted in total spending of $5.6 billion more. And it is inappropriate to single out and attack the HEW appropriation bill, which happens to come last. I might add that I certainly hope we have not reached the point where Congress is expected to simply "rubber stamp" administration requests. We are elected representatives with an obligation—and a constitutional mandate—to evaluate programs and express priorities through the appropriations process.

The Labor-HEW-OEO budget is still less than one-third of the Defense budget. And the sum of $1.3 billion is small indeed in the context of a gross national product of almost $1 trillion.

One of the President's own economic advisers has stressed that inflation cannot be blamed on budget shifts of a few billion dollars, or on whether or not we have a budget surplus. I quote from a speech by Herbert Stein, a member of the Council of Economic Advisers, delivered last November:

> I have the impression that many people now see a magical significance in a shift of a few billion dollars in the budget position, especially if the shift crosses a line between surplus and deficit. In a trillion dollar economy this is hard to understand, especially after our recent experience with the limited significance of the budget shift between a $25 billion deficit in fiscal 1968 and a $3 billion surplus in fiscal 1969. Preoccupation with small changes in the budget position leads to bad forecasts by the private economy and bad policy by the Government.

Mr. Stein also called it "astonishing" that a "prospective shift in the budget position should be assigned as much weight as it commonly is in appraising the outlook for inflation."

Many items in the HEW bill are actually anti-inflationary. Student assistance programs for doctors and nurses will help meet the shortage of health personnel which has driven medical costs so high. Learning more about disease, discovering inexpensive treatments, improving the delivery of health and medical services—these also will meet the overwhelming demand and drive down prices. A more educated, better trained population increases productivity and our ability to supply goods and services. The ultimate result is lower prices.

As a supplement to the $5.6 billion budget cut by Congress, there are other avenues open to the President for combating inflation—avenues which to date he has not followed. For example, he has failed to bring any real pressure on big business to keep prices down—an anti-inflationary measure followed by his predecessors. He could also briefly defer highway expenditures, as was done twice by President Johnson. A cutback of 50,000 in military personnel would save half a million dollars annually.

And so, Mr. President, health and education expenditures should not be made the scapegoat for the failure to control inflation. They are solid investments in our Nation's future. They are a conscientious response to the immediate health and education needs of millions and millions of citizens.

If we fail to meet our obligation today, the damage in human terms will be irreparable, and the harm to society compounded many times over.

I support the conference report, and urge the Congress to continue to stand by our commitment to health and education.

EXHIBIT 1

TESTIMONY BY SENATOR EDWARD M. KENNEDY, BEFORE SENATE APPROPRIATIONS SUBCOMMITTEE, ON HEALTH AND EDUCATION PROGRAMS, DECEMBER 4, 1969

This Subcommittee is working on one of the most important bills in Congress this year. Substantial appropriations for health, education, welfare, labor and the anti-poverty effort are essential for the strength and well-being of our nation.

It was Aristotle, more than 2,000 years ago, who said: "The neglect of education ruins the constitution of the country." The point is equally true today.

I come from a state which has a proud record for quality in education. We have the oldest private university in the nation. We have a state university which has tripled in enrollment and achieved national stature in the last decade. We have school systems in Newton and other areas which are models throughout the United States.

In the last few weeks, I have visited several schools and talked with dozens of educators in Massachusetts. I have met with our fine Commissioner of Education, Neil Sullivan, and several of the top state leaders. I have called together groups of superintendents to discuss their problems and needs. I have talked with principals and teachers and students.

These visits and meetings have been extremely helpful and productive. I have seen the great contributions of many of our federal programs. I have been exposed again to the enthusiasm and dedication of so many educators in my state.

But my visits to Massachusetts have also confirmed what this committee so well knows: our schools today face an unprecedented financial crisis—a crisis which threatens to undo the progress of the '60's and deny equal opportunity in the '70's.

Commissioner Sullivan informs me that school costs in Massachusetts will exceed one billion dollars for the first time this year. Burdensome property taxes have already soared so high that local residents in Massachusetts pay 70 percent of school costs, compared to 52 percent nationally. Per pupil expenditure varies from a few hundred dollars in some districts to over $1,000 in others.

We have 1.4 million students in our elementary and secondary schools. But we do not have the financial resources to provide all of them with a first-rate education. The problems in Massachusetts reflect the situation in every state of the nation. And they underscore the tremendous importance of the appropriations bill before this committee. Only with greater funding of federal programs can we achieve the goals which Congress set forth with the landmark education bills of the 1960's.

Nine billion dollars is authorized for federal education programs. But the budget request was only $3.2 billion—or a mere 36 percent of authorizations. And Congress itself has generally funded education at a far lower percentage level than most other programs. Military appropriations, for example, were 93 percent of authorizations last year.

The time has come to rearrange priorities. We must recognize that billions of dollars more must be spent each year if we are going to achieve quality of result and equality of opportunity in education. We must not shy away from the prospect. We must start to meet the demands.

As John Adams of Massachusetts wrote many years ago: "The whole people must take upon themselves the education of the whole people and must be willing to bear the expense of it."

I applaud the House action in adding over one billion dollars to education appropriations. But we in the Senate have our own responsibility—to revise upward where necessary, and downward where necessary. In the end, I think that the educational needs of this nation certainly justify a final appropriation figure of greater than 50 percent of authorizations.

I would like to mention briefly some areas of particular importance.

ELEMENTARY AND SECONDARY EDUCATION

ESEA title I

Title I of the Elementary and Secondary Education Act has brought great advances in compensatory education. I have seen remedial reading programs in Massachusetts schools, where there were no such programs five years ago. Across the nation, educators have placed a new priority on helping the educationally disadvantaged. Nine million young children, primarily from low-income families, have been helped each year.

There are two fundamental problems with Title I. First, annual appropriations of just over one billion dollars have been inadequate—with funds spread too thin to really concentrate on needy children. I urge the committee to appropriate full funds which can still be used this year to serve children from families earning less than $3,000 a year.

Second, as documented in the recent report by the Washington Research Project and the NAACP Legal Defense Fund, many states and school districts have grossly misused Title I money. I hope that the committee will consider language, in the bill or in the report, directing the Commissioner to sue promptly for restitution or take other legal action on such abuses. I also hope that the committee will recommend in its report that the Office of Education devote more personnel and effort to monitoring Title I programs.

ESEA title II

In recent visits to schools in Sommerville, Arlington and Lexington, I saw attractive and well-stocked libraries—where before there had been dull and outdated collections. On the average, each student was checking out four and five times as many books as before Title II. Throughout the nation, the whole atmosphere in school libraries—and the whole attitude of students towards books—has changed.

I am disturbed that the Administration requested no funds at all for Title II. I recommend at least $75 million.

ESEA title III

Again, Massachusetts has developed over 70 innovative projects under Title III. In Arlington's exciting "Operation Male" program, young men from graduate schools in the area serve as teaching aides for first, second and third grade pupils. Studies have shown that male teachers have a favorable impact on learning attitudes of young boys in their formative years. Other Title III projects have helped to develop new approaches.

I recommend a $10 million increase over last year's level of $164.8 million.

ESEA title VI

Of the six million handicapped children in the nation, only one third are receiving educational services. These are the physically handicapped, mentally retarded, deaf, blind, emotionally disturbed and speech impaired. We need over 325,000 specially trained teachers, but only 83,000 are now available.

Of $224 million authorized, I hope that the committee recommends an appropriation of at least $50 million—a 40 percent increase over the House. I would also like to call special attention to Title V of P.L. 88–164. This law provides for training physical educators and recreation personnel for mentally retarded and other handicapped children.

As the sponsor of this program, I am pleased at the positive effects of "Special Olympics" and other sport and recreation activities on mentally retarded and handicapped youngsters. Of the $4.5 million authorized, I hope that the Subcommittee will recommend funding of at least $3 million.

ESEA title VII

The House appropriated $10 million for bilingual education, out of $30 million authorized. I suggest that the House figure be doubled—to serve more American Indians and Mexican Americans, as well as children in deprived areas.

ESEA title VIII

Every school dropout is a potential tragedy—for the individual, and for the society which failed him. As the dropout rate goes up, so should our federal effort to meet the problem. I am distressed that the House cut $19 million from the Administration's request of $24 million. I urge this committee to restore those funds.

VOCATIONAL EDUCATION

Vocational schools can provide a balanced education and career opportunities for many of our nation's young people. Just recently, for example, I met with citizens from Haverhill, Massachusetts, who hope to build an exciting new regional school—with broad vocational and other services to develop the full potential of every individual.

For too long, we have ignored this aspect of education. But last year, we authorized landmark programs to improve the concept and the quality of vocational schools. This year, I recommend $500 million to fund those

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programs. And I urge the Administration to utilize whatever amount Congress finally appropriates.

HIGHER EDUCATION: TEACHER CORPS

As an original sponsor of the Teacher Corps, I am delighted at its success—both in attracting young college graduates to teach in poverty schools, and in improving the educational opportunities for children in those schools.

At the present funding level of slightly over $20 million, only 1500 of the 9000 applicants each year can be accepted. We cannot waste this resource. We cannot pass up the opportunity to develop dedicated and skilled teachers in poverty schools. I strongly recommend full funding of $56 million.

STUDENT ASSISTANCE

We are a long way indeed from achieving equal opportunity in higher education. Seventy-six percent of our college students come from families in the top half of the income bracket. Only seven percent come from families in the lowest income quartile.

In the highest socioeconomic quartile, only 1 out of 20 top-ranking students—measured as the highest 20 percent in ability—fails to go to college. A staggering 10 times as many top-ranking students in the lowest quartile are denied a college education.

When Congress passed the guaranteed student loan bill earlier this year, I sponsored an amendment to increase authorizations for Educational Opportunity Grants, National Defense Student Loans and the College Work-Study Program. The new levels, which were approved in that bill, were based on actual requests by colleges and universities to the Office of Education.

According to latest statistics from the Office, over half a million needy students will be denied assistance if we fail to appropriate full funds.

I do not think that the Senate can or will tolerate that inequity. I do not think that any individual should be denied a higher education simply because he is poor. I strongly urge this committee to fund these programs in accordance with requests, as reflected in the new authorization figures.

The Office of Education initially asked for *more* than the authorized $56.6 million for the highly successful Talent Search and Upward Bound programs, and the program for special services in college. The full amount should be appropriated.

GENERAL EVALUATION

Comprehensive planning and evaluation should be a top priority at all levels of education—local, state and federal. Administrators should more carefully analyze the conduct and benefits of federal programs. But State agencies and local schools should also take a more general and comprehensive approach—evaluating the overall program mix, rather than just specific projects.

The Education Subcommittee recently accepted my amendment to authorize such long-range, overall planning and evaluation. I am hopeful that it will be adopted by Congress.

Meanwhile, there is limited authority under Section 402 of P.L. 90–247, although it is restricted to short-term evaluations of federal programs only. In a bill appropriating over $4 billion for education, I recommend an increase to $15 million for planning and evaluation. I also hope that you might indicate in the committee report the importance of cooperative efforts between and among local educational agencies, state educational agencies, and the Federal Government.

FORWARD FUNDING

Forward funding is essential if we are to end the confusion, hardship and inefficiency which beleaguered superintendents and principals suffer under the present system. This is the major complaint of educators in Massachusetts and elsewhere. I urge the committee to take the lead and act for forward funding. Perhaps if this bill simply appropriated for fiscal 1971 the same amounts as for fiscal 1970, this would serve as a base and would give administrators and teachers at least a minimum expectation and guarantee on which to plan. Revised appropriations could be added next year.

CAMPUS DISORDERS

I oppose section 407 of the House-passed bill. The existing law is already harsh—requiring a cutoff of federal funds to students convicted of participating in serious campus disruptions. They should not be further penalized, without a trial. And colleges should not completely lose their federal funds just because one student manages to get around the present law.

DESEGREGATION

Sections 408 and 409 of the House-passed bill would compel the Department of Health, Education and Welfare to approve so-called "freedom of choice" plans, even if they are ineffective in ending discrimination. The Senate has rejected such provisions in the past, for they run directly counter to our position against segregation and in favor of high quality education for all. I urge the committee to strike the section.

This Nation has over 59 million students—6 million in college, and 53 million in elementary and secondary schools. Over 30 percent of our population are teachers or students. Enrollments continue to rise. Increasingly, a solid education is necessary for a good job and other benefits in society.

Two weeks ago, we spent $375 million for a single space shot to put two men on the moon. Surely we can spend the funds necessary to put every child in a decent educational program. It will be a tragedy—for the children and for the Nation—if we fail in this commitment.

HEALTH APPROPRIATIONS

Mr. Chairman, I turn now to the area of health appropriations. In general, I support the position, advocated by a number of the leading medical and other health authorities in the nation, that the health programs of the Department of Health, Education, and Welfare should be funded to full authorization and that the open-end authorizations should be funded at a level at least 10 percent above last year. Within the general increases, special priority should be given to health manpower. For it is becoming increasingly obvious to many of us concerned with the quality of health care in America that manpower is the key to improved services and more reasonable costs. We who favor increased opportunities for all our people to have good health recognize that our health manpower pool is already strained because of the increased purchasing power of our citizens under Medicare and Medicaid. We must act now to assure an adequate supply of health manpower.

Where do we stand today? When the Health Manpower Act of 1968 was passed, the committee reports indicated that we need 52,000 doctors now, but that we are producing only 9,000 a year. We need 141,000 more nurses right now. We still need 18,000 more dentists by 1973. And, of course, given the advent of new medical technology, the need for allied health personnel is almost overwhelming.

Our medical schools are in deep financial trouble. Our schools of nursing urged by Congress to become more efficient and produce more nurses, have begun to do so, only to see Federal funds cut, rather than increased to meet the need. Aid for allied health professions is almost non-existent.

Unfortunately, the Administration's budget requests for 1970 are simply insufficient to meet our needs in health manpower. Congress authorized $55 million for student loans, but the budget requests only $34 million. We authorized $192 million for operating funds for medical schools, but the budget request is only $128 million. Of $35 million authorized for improvement of nursing schools, only $7 million is requested. $40 million is authorized for allied health personnel, but only $12 million is requested. These are only a few examples of how underfunded our health manpower programs are.

Unless we provide more student assistance, the medical profession in this country will be reserved for the rich. For tuitions are rising. The average number of years of study has gone up. Availability of aid has gone down.

Already, a staggering 45 percent of medical students today come from families in the upper 10 percent income bracket. Opportunities for black Americans and other disadvantaged students are rare. Tufts University School of Medicine estimates that $3,500 in financial aid is needed each year for a disadvantaged student. The figures are similar in other schools. As a result, of the 200 black physicians graduated last year, more than three-quarters came from two medical schools—Howard in Washington and Meharry in Nashville.

The regular Guaranteed Loan Program is of little help. By the time students get to medical school, many have already taken out guaranteed loans and are in debt. Moreover, the maximums under the Guaranteed Student Loan Program are $1500 per year and $6000 totally. The Health Professions Student Loan provides for $2,500 per year and $10,000 totally.

$41 million would be necessary to fund all requests for Health Professions Student Loans—primarily for medical and dental students. The authorized maximum of $35 million is not sufficient. But it certainly is necessary.

The Regional Medical Program was established in 1965 to achieve through research, continuing education and training a marked improvement in the care of patient with heart disease, cancer, stroke, and related diseases. Fifty-five Regional Medical Programs covering the entire nation have been established. An unprecedented number of participating physicians, medical schools, medical centers, hospitals, state and city agencies and voluntary health organizations have become involved. Yet, just at the time when the program is getting well underway, it is having serious funding difficulties.

In my own area, the Tri-State Regional Medical Program of the States of New Hampshire, Massachusetts, and Rhode Island may well be "devastated," according to Dr. Robert P. Lawton, the Deputy Director:

"What will be the effect of the low House appropriation on regions? Suffice to say that if this number is all that it is appropriated, the effect on Tri-State will be devastating.

"It is my personal judgement, if RMP were to have no more appropriation for 1970 than the House approved for grants, that it would be necessary to shut down some regions in order to keep the others alive. This is my national view. New England is potentially too important as an example of interstate cooperation, including effective coordination of RMP and CHP, not to warrant every possible regionalization dollar."

I strongly urge that we appropriate full funds for the Regional Medical Program.

Mr. Chairman, I have prepared a detailed statement with a number of attachments indicating the need for full funding of health manpower and other programs. I would like to submit these for the record.

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> Mr. Chairman, it would be a disastrous misallocation of resources for this Congress to vote tens of billions of dollars for military spending and then turn around and restrict our support for education and health. If we cannot or will not marshall the resources to move forward quickly and fully on these fronts, we certainly must fail as a Nation.
>
> I strongly urge the committee to approve the substantial appropriation increases which are necessary to meet our responsibility in the fields of education and health.

Mr. HATFIELD. Mr. President, I regret that circumstances do not permit me to rise in the Senate today and declare my support for the President of the United States in his intent to veto the appropriations bill for the Departments of Health, Education, and Welfare. He has been badly advised. He should be cutting more deeply into military budgets before he vetoes a bill containing $1.3 billion more for education and health programs for the American people.

In a society where the scientific establishment has actually reached the moon and is probing outer space, less than one-half the adults in our country who are over 25 years of age have completed a high school education.

In a society where there are persistent unfilled demands for highly skilled employees, about 4 million unemployed individuals are unable to match their work skills to meaningful employment.

In a society that is or shortly will be reaching an annual productivity of $1 trillion, over one-third of its people live in or on the margin of poverty.

In a society where there are persistent unfilled demands for highly skilled employees—and leaders of industry are telling us that post high school training is now mandatory for the increasingly complex technological economy—about one-half the student population does not enroll in post high school education. Less than 18 percent of its students are currently being enrolled in secondary programs of vocational education of a gainful employment type.

This must change. And the Vocational Education Act, which was raised $200 million by this Congress to $488 million, will be an excellent instrument for bringing about these needed changes, if the administration will but spend the money.

The administration in its budget request, asked for only $279 million for this vital program for 1970—about the same cost as the rehabilitative Job Corps. This is also about the same as the cost overruns for the initial stages of the ABM—anti-ballistic-missile system.

In a society where education is increasing the basic link between youth and the world of work, some 20 percent of its young people become high school dropouts, and emotional dropouts begin in the elementary grades, but the physical dropouts begin in junior high school.

In a society where preparation for work is required for virtually all people in all jobs, the prevailing educational structure is primarily designed to serve the 20 percent who will eventually complete a 4-year college degree.

Figures vary on the number each year of dropouts, but it is close to 1 million each year. And the stark fact that the high schools, even in the face of this fact, are still gearing their educational programs to the elite 20 percent who will obtain college degrees, rather than to the 80 percent who will not, indicates what is seriously wrong with American education and what the new focus should be and where additional funds should be spent.

This is precisely what the Vocational Education Act was written to do—regear vocational education for the space age. I am happy to say that Oregon is in the forefront of the movement to develop comprehensive high schools and to provide "cluster" occupational studies for its students so that they will have an opportunity to learn a skill before high school graduation—in job-related programs. We are, however, underfunded.

The local property taxpayers have taxed themselves to the limit. They bear 73 percent of the burden of the costs of education, the State pays 20 percent, and the Federal Government pays 7 percent—too small a share, in my thinking.

We spend entirely too much money in this country for rehabilitative programs—manpower training, custodial care, welfare—which are vastly more costly in dollars, to say nothing of the waste in human life, lost time, and opportunity.

We find ourselves in the position of pulling up the flower by the roots and saying it is not growing very well; let us study the flower more—to paraphrase the Secretary of Health, Education, and Welfare—rather than nourishing the plant with money enough to guarantee success.

For example, the Elementary and Secondary Education Act in my principal city of Portland is funded at a level which reaches only a small fraction of the children in need—because of decisions to concentrate the money on a fraction of a percent of the needy children. Meanwhile, the other children suffer.

We are also going to have to double our vocational education teaching force over the next 5 years, and this is why I supported raising the appropriations in the Education Professions Development Act from $95 million to $107 million. We are assured that the EPDA would spend this for vocational teacher training.

It seems to me that there is not the degree of urgency at the executive level which I believe is necessary to save the inner city schools. I contend that a budget request for $5.75 million for the training and retraining of vocational education personnel is inadequate, in light of the demands being placed by the revamped Vocational Education Act to upgrade vocational education to meet space age needs, not only in the high schools and vocational schools but the community colleges as well.

Let me read an excerpt from the first annual report of the National Advisory Council on Vocational Education:

> The violence that wracks our cities has its roots in unemployment and unequal opportunity. Those who have no jobs in an affluent community lash out in anger and frustration. Young men and women who cannot qualify for decent jobs distrust the society which reared them. Dissidents speak with the voice of rebellion; campus and inner-city revolt reaches into our schools. Our Nation seethes.
>
> Racial unrest, violence and the unemployment of youth have their roots in inadequate education. Each year the ranks of the school drop-outs increase by three-quarters of a million young men and women. They enter the job market without the skills and attitudes employers require. They and the millions of others who are underemployed—among these the students who are graduates of our high schools but who are inadequately prepared for anything—are tragic evidence of the present inadequacy of our educational system.
>
> The costs, the blighted lives, the discontent, the violence, and the threat of revolution, are needless. Schools can prepare young people to realize their potential. Each city in the country succeeds every year with some of its students, in even the most depressed parts of the city. Why is success not universal? Why is the failure rate so high.?
>
> The reasons are attitude, program and money.
>
> At the very heart of our problem is a national attitude that says vocational education is designed for somebody else's children. This attitude is shared by businessmen, labor leaders, administrators, teachers, parents, students. We are all guilty. We have promoted the idea that the only good education is an education capped by four years of college. This idea, transmitted by our values, our aspirations and our silent support, is snobbish, undemocratic, and a revelation of why schools fail so many students.
>
> This attitude infects the Federal government, which invests $14 in the Nation's universities for every $1 it invests in the Nation's vocational education programs. It infects State governments which invest far more in universities and colleges than they do for support of skill training for those whose initial preparation for the world of work precedes high school graduation.
>
> It infects school districts, which concentrate on college preparatory and general programs in reckless disregard of the fact that for 60 percent of our young people, high school is still the only transition to the world of work. It infects students, who make inappropriate choices because they are victims of the national yearning for educational prestige.
>
> This attitude must change. The number of jobs which the unskilled can fill is declining rapidly. The number requiring a liberal arts college education, while growing, is increasing far less rapidly than the number demanding a technical skill.
>
> In the 1980s it will still be true that fewer than 20% of our job opportunities will require a four-year college degree. In America every child must be educated to his highest potential, and the height of the potential is not measured by the color of the collar. Plumbers, carpenters and electricians make more than many school superintendents and college presidents. Only the arrogant will allow themselves to feel that one is more worthy than the other.
>
> We recommend (says the Advisory Commission) that the Federal Government immediately exercise its leadership and allocate more of its funds to cure our country of our national sin of intellectual snobbery.

Mr. President, I might inject here that I hope it never comes to pass in this country that we have riots in the streets by college graduates because they cannot find jobs—such as happens in India because they turn out too many degree holders for the number of jobs.

I noted with interest that two conventions of job seeking college teachers this year were having difficulty in placement—because, for example, the colleges are turning out too many candidates trained to teach English. For the first time, jobs were short.

I agree with the Advisory Commission when it says:

> We recommend that substantial federal funds be allocated to support curriculum development, teacher training and pilot programs in vocational education. No federal investment will bring a higher return . . . We believe that the reform of American schools the Nation so desperately needs will not come about if the Federal government continues to invest nearly $4 in remedial manpower training programs for each $1 it invests in vocational programs. If the federal government will substantially support the additional initial cost of educating youth for employment, we believe that the financial, personal and social costs of unemployment can be dramatically reduced.

Mr. President, the States have requested funds in excess of $34 million for teacher training programs, for 23,000 participants.

The $5.75 million requested in the President's budget would permit funding for one-sixth of the projects submitted.

If the President's veto prevails and the amounts are reduced to the President's budget request, vocational education will be funded at only $279 million, $200 million less than Congress voted. My State's share is only $2 million, and at least $10 million is needed for vocational education programs this year to go forward with needed reform.

The real problem is money and personnel, and the Federal Government is not meeting its responsibility in either area.

Over a 3-year period my State needs at least $30 million from the Federal Government to carry out its plans for skills centers, for revamping vocational education in the high schools, and for postsecondary education in its community colleges.

Mr. President, I want to close my remarks as I began, with the wish that I could support the President on this matter. However, I cannot. I do not believe this to be inflationary—not when we have cut the foreign aid bill—in the House—by $1 billion, not when we have cut the budget by upwards of $5 billion. The C5-A has cost $5 billion, and has been grounded; that is inflationary. The F-111 is grounded, countless inflationary millions have been spent—more inflationary than costs for education, which is investment in the real security of this country—its young men and women, and in an educated, responsible citizenry.

Spending $80 billion on the military, even cutting it down to $70 billion, as we may do this year, is too great a price to pay for national defense.

If I may paraphrase T. S. Eliot, who wrote in "The Rock" about our civilization's values, "And the wind shall say, these were a decent people. Their only monument the asphalt road and a thousand lost golf balls" to read: And the wind shall say, these were a decent people. Their only monument the asphalt road and a thousand rusting tanks and airplanes.

Mr. ELLENDER. Mr. President, will the Senator from Oregon yield for a question?

Mr. HATFIELD. I yield.

Mr. ELLENDER. In listening to the Senator, he has emphasized the cuts recommended by the President deal primarily with education, wherein he is mandatorily directed to provide funds approved by the Congress. Is that right?

Mr. HATFIELD. Yes.

Mr. ELLENDER. I should like to place a table in the RECORD.

Mr. HATFIELD. Would the Senator kindly restate his question? I do not believe that I heard it all.

Mr. ELLENDER. The thrust of the Senator's statement was that, in most cases, the objections of the President to the bill deal with education—vocational educational training, and a variety of education grants to the States.

Mr. HATFIELD. The point I was making, Senator, was that if the veto is applied to this appropriation bill, I was raising the point of vocational education which would suffer as a result of the reduced figure from what the President had requested and from what we had voted.

Mr. ELLENDER. The point I was trying to make was that the cuts recommended by the President deal primarily with the grants that he would be bound to make under the law. These deal with education.

Mr. HATFIELD. Yes.

Mr. ELLENDER. I have had prepared a table indicating that.

Mr. HATFIELD. Great.

Mr. ELLENDER. The amount over and above the President's request for education and health is **$1,223,904,000**. I ask unanimous consent to have this table printed in the RECORD, as I believe it is applicable to this discussion.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

MANDATORY FORMULA GRANT PROGRAMS RECEIVING INCREASES IN HOUSE OR SENATE

[In thousands]

Appropriation/activity	1970 budget	1970 House	1970 Senate	1970 final conference action	Increase over budget
OFFICE OF EDUCATION					
Elementary and secondary education:					
Educationally deprived children	$1,226,000	$1,396,975	$1 396 975	$1,396,975	+$170,975
Supplementary educational centers	116,393	164,876	164,876	164,876	+48,483
Library resources		50,000	50,000	50,000	+50,000
Guidance, counseling, and testing		17,000	17,000	17,000	+17,000
Equipment and minor remodeling		78,740	78,740	78,740	+78,740
School assistance in federally affected areas: Maintenance and operation	187,000	585,000	645,000	585,000	+398,000
Education professions development: Grants to States	15,000	15,000	21,500	18,250	+3,250
Higher education:					
Undergraduate instructional equipment			14,500		
Direct loans	161,900	229,000	229,000	229,000	+67,100
Facilities grants	43,000	76,000	200,000	76,000	+33,000
Vocational education:					
Grants to States	230,336	357,836	352,836	352,836	+122,500
Work-study		10,000	10,000	10,000	+10,000
Programs for students with special needs		40,000	40,000	40,000	+40,000
Research (State portion only)		17,000	17,000	17,000	+17,000
Consumer and homemaking education	15,000	15,000	20,000	20,000	+5,000
Libraries:					
Library services	23,209	40,709	40,709	40,709	+17,500
Construction of public libraries		9,185	9,185	9,185	+9,185
Education for the handicapped: Preschool and school programs	29,250	29,250	34,250	29,190	−60
Total, Office of Education	2,047,088	3,131,571	3,341,571	3,134,761	+1,087,673
HEALTH AGENCIES					
Hill-Burton construction grants	150,000	254,400	254,400	254,400	+104,400
Community Mental Health Center construction grants	29,200	30,500	36,200	35,500	+[illegible] 300
Health professions student loans	15,000	19,781	27,781	23,781	+8,781
Nursing student loan	9,610	15,110	17,610	16,360	+6,750
Grants to the States for public health services (314(d))	90,000	90,000	100,000	100,000	+10,000
Total, health agencies	239,810	409,791	435,991	430,041	+136,231
SOCIAL AND REHABILITATION SERVICE					
Development of programs for the aging: Grants to States	13,000	(1)	20,000	13,000	
Total, HEW	2,353,898	3,541,562	3,797,562	3,577,802	+1,223,904

[1] Consideration deferred due to lack of authorizing legislation.

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Mr. ELLENDER. The thrust of this conflict between the Congress and President Nixon, as I should like to point out once again, is that the President does not have sole responsibility for governing this Nation under the Constitution. The Congress also has a responsibility, and coequal authority. As a matter of fact, when it comes to the raising and disbursement of Federal revenues, the views of the Congress should be given greater weight over the ideas of the "faceless bureaucrats" whose task it is supposedly to advise the President as to what should be done. The Congress is the institution closest to the people, and the one most in tune with the people's needs.

It seems to me that if we were to fail to insist that this appropriations bill be enacted into law to fulfill the priorities established after lengthy investigation, the Congress would be derelict in its duty to the people. A "government by bureaucrat" would replace a government of "elected representation."

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Hackney, one of its reading clerks, informed the Senate that a quorum of the House is present and that the House is ready to proceed with business.

The message announced that the Speaker had appointed Mr. ALBERT, Mr. BOGGS, and Mr. ARENDS as members of the committee, on the part of the House, to join a committee, on the part of the Senate, to notify the President of the United States that a quorum of each House had been assembled, and that Congress is ready to receive any communication that he may be pleased to make.

The message also announced that the House had agreed to a concurrent resolution (H. Con. Res. 477) providing for a joint session of Congress on Thursday, January 22, 1970, in which it requested the concurrence of the Senate.

APPROPRIATIONS FOR THE DEPARTMENTS OF LABOR, AND HEALTH, EDUCATION, AND WELFARE, AND RELATED AGENCIES, 1970—CONFERENCE REPORT

The Senate continued with the consideration of the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 13111) making appropriations for the Departments of Labor, and Health, Education, and Welfare, and related agencies for the fiscal year ending June 30, 1970, and for other purposes.

(At this point Mr. CRANSTON took the chair as Presiding Officer.)

LABOR-HEW CONFERENCE REPORT, DESPITE GLARING WEAKNESS, SHOULD BE APPPROVED

Mr. PROXMIRE. Mr. President, it is with some reluctance that I cast my vote today in support of the conference report on the Labor-Health, Education, and Welfare appropriations bill for fiscal 1970. As my colleagues will recall I introduced an amendment when this legislation was first considered on the floor of the Senate to strike funds added to the bill above and beyond the amount the President included in his budget for impacted area aid. My amendment failed. Consequently the bill we are considering today contains almost $400 million more than President Nixon requested for aid to school districts teaching children of federally employed parents.

This means that Fairfax County, Va., to take an example, will receive Federal funds because my press assistant has children in the Fairfax County school system. Arlington County will get some extra Federal support because my administrative assistant has children attending public schools there. These are funds that could be spent on educating the underprivileged, both urban and rural. Or, in the alternative, the money could simply not be appropriated at all—thus reducing the amount by which the Labor-HEW bill exceeds the President's budget requests and increasing the chances for presidential acceptance of the bill.

I might say that the principle the Nixon administration is applying on the impacted area fund is precisely the same principle applied by the previous Johnson administration. Thus, it is not a partisan position they are taking here. The position, as I understand it, is that we should not provide impacted area funds unless the families of the children involved both work and live on the Federal installation.

There are, however, persuasive reasons to support this legislation. For legislative decisions are seldom made because of complete agreement or disagreement. Usually the pros and cons have to be carefully weighed and a judicious decision reached. Nowhere is this more the case than in the consideration of a complex appropriations bill which contains literally dozens of funding items.

Let me mention just a few of the pluses in this legislative package.

First, it should be recognized that, although the funding for the Office of Education included in this bill exceeds the President's budget request in a number of particulars, this is an investment that in many instances can produce an immense return. For instance, the Congress has added $209.5 million to the budget for vocational education. Both Houses agreed on this figure, which was not disputed in conference. And how better could we spend our tax dollars? By giving our young men and women marketable skills we are making them producers in an economy that needs not only the fruits of their production to fill excess demand, but also needs the tax dollars that these wage earners pay into the federal system. Inadequate support for vocational education may be pennywise. It most certainly is pound foolish. And consider Mr. President, what this Presidential-congressional fight over this appropriation bill is all about? Why does President Nixon threaten to veto the bill?

Why? Because he says it is inflationary. But Mr. President, vocational education is deflationary. Vocational education converts unskilled, untrained, often unemployed or unproductive workers into skilled producers. It increases our supply of skilled workers and nothing but nothing is more inflationary than our shortage of skilled workers and what that is doing to skyrocket wages and prices in the skilled trades. In this case more congressional spending on vocational education is deflationary because it will reduce the most inflationary element in our economy, the shortage of skilled workers. Or let us take the health manpower item. Although a part of our health budget, it could also be considered as an integral portion of our educational expenditures, for these funds prepare young men and women to provide health services as doctors, dentists, nurses, and technicians. The modest $16.5 million included in the bill for this activity beyond the budgeted amount is nothing more nor less than an investment in the future health of our citizens—especially those citizens who live in urban ghettos and rural poverty pockets—areas that presently are confronted by a serious shortage of health personnel.

Mr. President, the most inflationary phase of the economy is in health services. Whereas we had an inflation of close to 6 percent overall last year, in the health services, inflation was between 12 and 15 percent.

Why?

Because we have a shortage of nurses, we have a shortage of doctors, and we have a shortage of technicians.

What this bill would do, and what Congress would like to do, is to provide more funds to train them. This is the only effective way that we, in the long run, can fight that kind of inflation.

When the Senate first considered this bill on the floor we added a substantial amount for research and development into new and improved methods for preventing and controlling air pollution resulting from fuel combustion. This amendment was introduced by our distinguished colleague from West Virginia (Mr. BYRD). The conferees approved most of the additional amount, and with good reason. Concern over the pollution of our environment runs deep.

I am sure that my colleague, Mr. NELSON, will make what I believe will be a historic speech this afternoon concerning this problem, and how Congress must commit itself to solving the problem if we are to have a country in which its people can literally survive.

Few would gainsay a mere $13 million addition to the President's budget for air pollution control research. Yet this is another drop in the budget overrun bucket that so concerns the President.

I hope these examples illustrate why we cannot simply look at a budget for a particular department, say that it exceeds the President's request, and vote it down. We must look at the quality of the spending. We must set our own priorities here in the Congress if we are to contribute to responsible decisionmaking by the Federal Government. This is why I have worked just as hard as I can to cut wasteful defense and space spending below the budgeted amount, while at the same time advocating a higher priority or education and social services. That is why I feel that it is unfair, if not irresponsible, for the President to

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criticize the Congress for increasing this budget without recognizing that we cut five times as much from the Nixon defense budget without damaging in any way the Nation's defenses. In fact, we have been better budget cutters here in the Congress than the President.

Frankly, I would like to see this bill recommitted to conference so that the impacted areas assistance I so oppose could be deleted. However, I know that my chances of gaining support for a recommital motion with instructions to delete impacted areas increases are nonexistent. Thus, I will support this package in the belief that the good outweighs the bad.

Mr. President, the debate over the HEW appropriation bill must be placed in perspective. The propaganda from the White House, from the Budget Bureau, and from the minority party in the House and Senate—and it has been propaganda that has dominated the television and newspapers—would have the public believe that Congress has acted like a bunch of drunken sailors out on a spending spree. But the facts are very much different than that notion which has been widely publicized.

Far from increasing the President's budget, we cut it drastically.

Congress cut $5.6 billion from President Nixon's revised budget requests. The figures are slightly different, depending on the fiscal year one is talking about.

Let me repeat, Congress made an overall cut of $5.6 billion from President Nixon's revised budget request.

If we had been a rubberstamp Congress and had given him every penny he asked for, we would have voted $5.6 billion more than we did.

In achieving this net result, Congress cut 10 of the 14 fiscal year 1970 appropriation bills.

Congress cut a total of $7.6 billion from the 10 appropriation bills where cuts were made. This cut included $6 billion from the Department of Defense and the military construction bill. Congress added $2 billion to four appropriation bills.

For the sake of the record, let us be specific about the cuts and increases.

Congress cut $38.5 million below the President's request from the Treasury-Post Office and executive office appropriation.

It cut $226 million below the President's request from independent offices and HUD.

It cut $10 million below President Nixon's request from Interior and related agencies.

It cut $111 million below the President's request from State, Justice, Commerce, and Judiciary.

It cut $28 million from the executive branch budget.

It cut $356.8 million below the President's request for military construction, or over one-third billion dollars.

It cut $60 million below the President's request from the District of Columbia appropriations.

Congress cut $5.6 billion below the President's request for the Defense Department.

Congress cut $1.1 billion from the President's request for foreign aid.

Congress cut $36 million from the President's request for supplemental appropriations.

That is a whooping cut of $7.6 billion.

On four bills, Congress increased the President's request. This included $251 million for Agriculture, $1.1 billion for Labor-HEW, $552 million for public works, and $89 million for transportation, or a total of just over $2 billion.

But the net result is a $5.6 billion overall cut for fiscal year 1970. That net result includes the additional funds in the Labor-HEW appropriation bill.

What we did here in Congress was to begin to reorder this Nation's priorities. We cut the military budget and many other areas. But we took a part of this overall savings and raised the amounts for health and education. But, at the same time, we reduced the overall fiscal 1970 appropriations by $5.6 billion.

If there is a big spender, it is the administration and the White House. Contrary to the vast propaganda, compared with the administration, Congress cannot rightly be charged with profligacy.

What effect does this action have on spending itself? According to the Joint Committee on the Reduction of Federal Expenditures, these appropriation bill cuts will reduce actual "outlays" by almost $3 billion.

I ask unanimous consent that a table from page 4 of the committee's staff report No. 14, giving the results of the action of Congress on both budget authority and outlays, be printed in the RECORD at this point.

There being no objection, the tabulation was ordered to be printed in the RECORD, as follows:

SUPPORTING TABLES

SUPPORTING TABLE NO. 1.—EFFECT OF CONGRESSIONAL ACTIONS AND INACTIONS ON BUDGET AUTHORITY AND OUTLAYS (EXPENDITURES) DURING THE 91ST CONG., 1ST SESS. (AS OF DEC. 23, 1969)

Items acted upon	Congressional actions on budget authority (changes from the revised budget)			Congressional actions on budget outlays (changes from the revised budget)		
	House (1)	Senate (2)	Enacted (3)	House (4)	Senate (5)	Enacted (6)
Fiscal year 1970: Actions on individual bills affecting budget authority and outlays:						
Appropriation bills (changes from the revised budget):						
Treasury, post office, and Executive Office (H.R. 11582, Public Law 91-74)	−42,382	−34,519	−38,482	−37,000	−30,600	−34,000
Agriculture and related agencies (H.R. 11612, P.L. 91-127)	−160,907	+405,236	+251,341	+53,000	+294,000	+166,000
Second supplemental, 1969 (H.R. 11400, P.L. 91-47)				−92,700	−64,700	−75,000
Section 401 outlay ceiling					(−1,900,000)	(−1,000,000)
Independent Offices and Department of Housing and Urban development (H.R. 12307, P.L. 91-126)	−471,325	−177,521	−226,099	−61,000	−25,900	−40,000
Interior and related agencies (H.R. 12781, P.L. 91-98)	−15,810	−8,090	−10,481	−15,300	−11,800	−7,800
State, Justice, Commerce, the Judiciary and related agencies (H.R. 12964, P.L. 91-153)	−130,070	−83,350	−111,272	−71,000	−40,600	−60,000
Labor and Health, Education, and Welfare and related agencies (H.R. 13111)	+1,078,365	+1,637,686	+1,139,028	+521,000	+653,000	+565,000
Legislative Branch (H.R. 13763, P.L. 91-145)	−26,850	−29,842	−27,826	−7,900	−8,800	−8,700
Public Works (H.R. 14159, P.L. 91-144)	+301,469	+789,451	+552,030	+10,500	+67,400	+50,000
Military Construction (H.R. 14751, P.L. 91-170)	−466,741	−313,854	−356,844	−37,000	−26,500	−29,000
Transportation (H.R. 14794, P.L. 91-168)	+34,546	+106,679	+89,265	−172,000	−43,200	−133,000
District of Columbia (H.R. 14916, P.L. 91-155)	−40,151	−55,295	−60,332	−14,000	−13,800	−12,500
Department of Defense (H.R. 15090, P.L. 91-171)	−5,318,152	−5,955,544	−5,637,632	−3,000,000	−3,250,000	−3,200,000
Foreign Aid (H.R. 15149)	−1,071,544	−960,779	−1,120,654	−167,000	−146,000	−120,000
Supplemental, 1970 (H.R. 15209, P.L. 91-166)	−63,490	−17,721	−36,317	−5,670	+30,000	+19,000
Subtotal, appropriation bills	−6,393,042	−4,697,463	−5,594,275	−3,096,070	−2,617,500	−2,920,000

Source: Joint Committee on Reduction of Federal Expenditures, "1970 Budget Scorekeeping Report" (staff report No. 14), Dec. 23, 1969, p. 4.

Mr. PROXMIRE. Let me make one further point. The President of the United States has control over outlays which the Congress does not have. He can slow down or speed up expenditures. He can determine their timing in a way in which Congress cannot. As a matter of fact, he can refuse to spend the money at all. And past Presidents have done so. Thus, the President can improve on the almost $3 billion cut in outlays Congress provided under the President's request. We cut outlays almost $3 billion below President Nixon's request. He can cut them even further, if he is willing to act.

Let me make some further points. It is my personal view that the President should have taken a much stronger stand against wasteful spending.

Congress was the one who cut military spending. The President and the Secretary of Defense were adamant against it. Finally, when Congress cut the defense budget, they tried to claim it was their idea all along. But if we had had real help from the White House and the Pentagon, we could have cut wasteful and unneeded military spending even more.

Some of us remember the charges that the critics of military spending were merely "new isolationists," and the words of the Secretary of Defense that the cuts would harm our security. It is amazing how, after the fact, they are now trying to claim credit for what Congress did. And some of the newspapers and some of the best reporters in the country have accepted that impression. Apparently they believe that the President is fighting to hold down spending, when it is the Congress that is doing it.

The President should have moved against excessive space spending for fiscal 1970. But that was not done by the White House.

He could have opposed the SST, as virtually every one of his advisers and departments proposed. But that billion dollar plane for the convenience of the jet set was approved.

And what about slowing down highways and other public works under the control of the Budget Bureau and the White House? That was done by President Johnson, and it was very successful in combating inflation in fiscal year 1966–67. That has not been done by the present President.

Those are the low priorities. They should be cut.

Instead we face a veto over funds for health and education and jobs. And we face such a veto even though this Congress had cut the President's own budget requests by a net amount of $5.6 billion.

Mr. MAGNUSON. Mr. President, we talk about reordering the priorities. That is exactly what the two committees did, and exactly what was done on the floor.

It is hard for me to realize that we did reestablish the priorities. We took almost exactly the same amount from foreign aid that we put in the HEW bill.

Mr. PROXMIRE. The Senator is correct.

Mr. MAGNUSON. Mr. President, it seems to me that there is a pretty sensible way for the American people to reorder priorities.

Mr. PROXMIRE. Mr. President, we did exactly that. And in addition, we cut $5.6 billion overall below the amount the President asked for.

Mr. MAGNUSON. When we talk about reestablishing priorities, it is hard for me to understand that we have done it. The administration did not like it. However, the $1 billion, almost to the dollar, is what has been included in this bill.

Mr. PROXMIRE. Mr. President, the Senator makes an excellent point. I have made this argument before, and I have yet to hear a single Republican Senator refute the figures.

We did cut obligational authority by $5.6 billion, and we did cut outlays by almost $3 billion.

There is not disagreement except in the minds of the general public. No newspaper reporters have refuted this statement, but some have published stories that seemed to be aimed at this objective.

The Republicans agree on the floor that the figures are correct.

Somehow, we must get to the American people the fact that it is the Congress that has reduced spending and not the President.

I commend the Senator from Washington. I think he has done a superlative job.

I intend to support the bill. And I think we have every right to reorder our priorities and invest the small amount that we have saved overall in health.

Mr. MAGNUSON. Of course, the Senator from Wisconsin deals with fiscal problems every day in the joint committee. I am not an economist, but we are talking about $1.2 billion in this instance. The gross national product will be $1 trillion. I do not think it is going to shake any fiscal foundations in the country when the testimony was unanimous with respect to need.

Mr. PROXMIRE. It is about one-tenth of 1 percent of the gross national product.

Mr. MAGNUSON. The Senator is correct.

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. PROXMIRE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded..

The PRESIDING OFFICER. Without objection, it is so ordered.

TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that there be a period now for the transaction of routine morning business, and that remarks therein be limited to 3 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMUNICATIONS FROM EXECUTIVE DEPARTMENTS, ETC.

The President pro tempore laid before the Senate the following letters, which were referred as indicated:

Report on Section 401 of Second Supplemental Appropriations Act, 1969 (H. Doc. No. 91–208)

A communication from the President of the United States, transmitting, pursuant to law, a report of the Director of the Budget on the operation of section 401 of the act limiting fiscal year 1970 budget outlays through November, 1969 (with an accompanying report); to the Committee on Appropriations.

Postsecondary Education to All Young Americans Who Qualify and Seek It

A communication from the President of the United States relating to postsecondary education to all young Americans who qualify and seek it; to the Committee on Labor and Public Welfare.

Report of National Aeronautics and Space Administration

A letter from the Administrator, National Aeronautics and Space Administration, transmitting, pursuant to law, a report of the Agency setting forth certain information on grants (with an accompanying report); to the Committee on Aeronautical and Space Sciences.

Report of Agreements Signed for Foreign Currencies Under Public Law 480

A letter from the General Sales Manager, Export Marketing Service, U.S. Department of Agriculture, transmitting, pursuant to law, a report of agreements signed for foreign currencies under Public Law 480 for November and December 1969 (with an accompanying report); to the Committee on Agriculture and Forestry.

Report of the National Forest Reservation Commission

A letter from the Secretary of the Army, President, National Forest Reservation Commission, transmitting, pursuant to law, a report of the Commission for the fiscal year ended June 30, 1969 (with an accompanying report); to the Committee on Agriculture and Forestry.

Report on Status of Research Facilities Funds, Department of Agriculture

A letter from the Director of Science and Education, Office of the Secretary, Department of Agriculture, transmitting, pursuant to law, a report on the status of research facilities funds as of June 30, 1969 (with an accompanying report); to the Committee on Agriculture and Forestry.

Report of the Deputy Secretary of Defense

A letter from the Deputy Secretary of Defense, reporting on disbursements of appropriations under "Contingencies Defense" for the first quarter of fiscal year 1970; to the Committee on Appropriations.

Proposed Flag Officers of the Naval Reserve in the Judge Advocate General's Corps of the Navy

A letter from the Secretary of the Navy, transmitting a draft of proposed legislation to amend title 10, United States Code, to establish the authorized strength of the Naval Reserve in officers in the Judge Advocate General's Corps in the grade of rear admiral, and for other purposes (with an accompanying paper); to the Committee on Armed Services.

Report on Proposed Facilities Projects, Army National Guard

A letter from the Deputy Assistant Secretary of Defense (Installations and Housing) reporting, pursuant to law, the location, nature, and estimated cost of facilities projects proposed to be undertaken for the Army National Guard; to the Committee on Armed Services.

Report on Proposed Facilities Project, Marine Corps Reserve

A letter from the Deputy Assistant Secretary of Defense (Installations and Housing), reporting, pursuant to law, the location, nature, and estimated cost of a facilities project proposed to be undertaken for the Marine Corps Reserve; to the Committee on Armed Services.

Report on Proposed Facilities Projects, Army Reserve

A letter from the Deputy Assistant Secretary of Defense (Installations and Housing), reporting, pursuant to law, the location, nature, and estimated cost of facilities projects proposed to be undertaken for the Army Reserve; to the Committee on Armed Services.

Report on Officer Army Aviators Entitled to Flight Pay

A letter from the Secretary of the Army, transmitting, pursuant to law, a report on officer Army aviators entitled to flight pay for the period July 1 throught December 31, 1969 (with an accompanying report); to the Committee on Armed Services.

REPORT ON ADDITIONAL LEGISLATION ENACTED BY THE RYUKYUAN LEGISLATURE DURING 1969

A letter from the Deputy Under Secretary of the Army (International Affairs), transmitting, pursuant to law, a report on additional legislation enacted by the Ryukyuan Legislature during 1969 (with an accompanying report); to the Committee on Armed Services.

REPORT OF SECRETARY OF HOUSING AND URBAN DEVELOPMENT

A letter from the Secretary of Housing and Urban Development, reporting, pursuant to law, on the fees and charges which the Department of Housing and Urban Development proposes to collect to guarantee the land acquisition and development costs for new communities under the act; to the Committee on Banking and Currency.

REPORT OF THE ATTORNEY GENERAL

A letter from the Attorney General of the United States, transmitting, pursuant to law, a report on the activities of the Department of Justice in the environment of title I of the Consumer Protection Act of 1968, for the calendar year 1969 (with an accompanying report); to the Committee on Banking and Currency.

REPORT OF BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM ON TRUTH IN LENDING

A letter from the Vice Chairman, Board of Governors of the Federal Reserve System, transmitting, pursuant to law, the report of the Board on truth in lending, for the year 1969 (with an accompanying report); to the Committee on Banking and Currency.

REPORT ON DEPARTMENT OF DEFENSE PROCUREMENT FROM SMALL AND OTHER BUSINESS FIRMS

A letter from the Assistant Secretary of Defense (Installations and Logistics), transmitting, pursuant to law, a report on Department of Defense procurement from small and other business firms for July–September 1969 (with an accompanying report); to the Committee on Banking and Currency.

REPORT OF FEDERAL POWER COMMISSION

A letter from the Chairman, Federal Power Commission, transmitting, pursuant to law, a report showing information on the permits and licenses for hydroelectric projects issued by the Commission during the fiscal year ended June 30, 1969 (with an accompanying report); to the Committee on Commerce.

REPORT OF INTERSTATE COMMERCE COMMISSION

A letter from the Chairman, Interstate Commerce Commission, transmitting, pursuant to law, the 83d annual report of the Commission, for fiscal year 1969 (with an accompanying report); to the Committee on Commerce.

REPORT ON ALL ELECTRIC HOMES IN THE UNITED STATES

A letter from the Chairman, Federal Power Commission, transmitting, for the information of the Senate, a copy of a publication entitled "All Electric Homes in the United States," January 1, 1969 (with an accompanying report); to the Committee on Commerce.

REPORT OF THE MIGRATORY BIRD CONSERVATION COMMISSION

A letter from the Chairman, Migratory Bird Conservation Commission, transmitting, pursuant to law, a report of the Commission for the fiscal year ended June 30, 1969 (with an accompanying report); to the Committee on Commerce.

REPORT OF CIVIL AERONAUTICS BOARD

A letter from the Acting Chairman, Civil Aeronautics Board, transmitting, pursuant to law, the annual report of the Board for fiscal year 1969 (with an accompanying report); to the Committee on Commerce.

REPORT OF THE CHESAPEAKE AND POTOMAC TELEPHONE CO.

A letter from the vice president, the Chesapeake and Potomac Telephone Co., transmitting, pursuant to law, a report of the company for the year 1969 (with an accompanying report); to the Committee on the District of Columbia.

REPORT OF THE SECRETARY OF THE TREASURY

A letter from the Secretary of the Treasury, transmitting, pursuant to law, a report of liabilities and other financial commitments of the U.S. Government as of June 30, 1969 (with an accompanying report); to the Committee on Finance.

REPORT OF THE RENEGOTIATION BOARD

A letter from the Chairman, the Renegotiation Board, transmitting, pursuant to law, a report of the Board for fiscal year 1969 (with an accompanying report)· to the Committee on Finance.

REPORT ON RECEIPTS, EXPENDITURES, AND BALANCES OF THE U.S. GOVERNMENT

A letter from the Secretary of the Treasury, transmitting, pursuant to law, a report on the receipts, expenditures and balances of the U.S. Government for the fiscal year ended June 30, 1969 (with an accompanying report); to the Committee on Finance.

REPORT OF BALANCES OF FOREIGN CURRENCIES ACQUIRED WITHOUT PAYMENT OF DOLLARS

A letter from the Secretary of the Treasury, transmitting, pursuant to law, a report of balances of foreign currencies acquired without payment of dollars, as of June 30, 1969 (with an accompanying report); to the Committee on Foreign Relations.

PROPOSED LEGISLATION TO COMPLEMENT THE VIENNA CONVENTION ON DIPLOMATIC RELATIONS

A letter from the Secretary of State, transmitting a draft of proposed legislation to complement the Vienna Convention on Diplomatic Relations (with accompanying papers); to the Committee on Foreign Relations.

REPORTS OF COMPTROLLER GENERAL

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a secret report on Hawk missile systems provided to Far East countries (with an accompanying report); to the Committee on Government Operations.

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a confidential report on improvements needed in selecting military personnel for formal school training by U.S. Army, Europe, Department of the Army (with an accompanying report); to the Committee on Government Operations.

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on the activities of the U.S. General Accounting Office during the fiscal year ended June 30, 1969 (with an accompanying report); to the Committee on Government Operations.

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on the need to improve performance standards for more efficient use of civilian production personnel in the Department of Defense, dated December 29, 1969 (with an accompanying report); to the Committee on Government Operations.

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report that management of civilian hiring limitations and recruiting by the Department of Defense is costly, dated December 30, 1969 (with an accompanying report); to the Committee on Government Operations.

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on the need for better coordination among, and guidance of, management evaluation groups in the Department of Defense, dated January 2, 1970 (with an accompanying report); to the Committee on Government Operations.

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on improved procedures needed for obtaining facilities for U.S. naval support activity, Naples, Italy, by lease-construction method, Department of the Navy, dated January 6, 1970 (with an accompanying report); to the Committee on Government Operations.

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on the readiness of selected units of the Reserve components of the Army, dated January 7, 1970 (with an accompanying report); to the Committee on Government Operations.

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on prices negotiated for rock-crushing plants for use in the Republic of Vietnam, Department of the Army, dated January 9, 1970 (with an accompanying report); to the Committee on Government Operations.

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on the examination of financial statements of Federal Prison Industries, Inc., fiscal year 1969, Department of Justice, dated January 12, 1970 (with an accompanying report); to the Committee on Government Operations.

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on the audit of financial statements of the Veterans' Canteen Service for fiscal year 1969, Veterans' Administration, dated January 13, 1970 (with an accompanying report); to the Committee on Government Operations.

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on a change proposed in interest rate criteria for determining financing costs of Federal power program, Department of the Interior, dated January 13, 1970 (with an accompanying report); to the Committee on Government Operations.

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on improvements needed in the management of aircraft modifications, Department of the Army, dated January 14, 1970 (with an accompanying report); to the Committee on Government Operations.

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report showing financial management of Bureau of the Mint operations needs improvement, Department of the Treasury, dated January 16, 1970 (with an accompanying report); to the Committee on Government Operations.

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on economies obtainable by increasing days at sea of oceanographic research and survey ships, Environmental Science Services Administration, Department of Commerce, dated January 16, 1970 (with an accompanying report); to the Committee on Government Operations.

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Report of General Services Administration

A letter from Administrator, General Services Administration, transmitting, pursuant to law, the annual report of the Administration, for 1969 (with an accompanying report); to the Committee on Government Operations.

Report of Disposals of Foreign Excess Property

A letter from the Secretary of Agriculture, transmitting, pursuant to law, a report on the disposal of foreign excess property, for the fiscal year ending June 30, 1969 (with an accompanying report); to the Committee on Government Operations.

Report on Status of the Colorado River Storage Project and Participating Projects

A letter from the Assistant Secretary of the Interior, transmitting, pursuant to law, the 13th annual report on the status of the Colorado River storage project and participating projects, for the fiscal year 1969 (with an accompanying report); to the Committee on Interior and Insular Affairs.

Report on Matters Contained in the Helium Act

A letter from the Secretary of the Interior, transmitting pursuant to law, a report on matters contained in the Helium Act, dated December 1969 (with an accompanying report); to the Committee on Interior and Insular Affairs.

Report on Donations Received and Expenditures Made From the Funds Contributed for Advancement of Indian Race

A letter from the Secretary of the Interior, reporting pursuant to law on donations received and expenditures made from the fund "14X8563 Funds Contributed for Advancement of Indian Race, Bureau of Indian Affairs" during the fiscal year ended June 30, 1969; to the Committee on Interior and Insular Affairs.

Proposed Concession Contract, Yellowstone National Park, Wyo.

A letter from the Assistant Secretary of the Interior, transmitting, pursuant to law, a proposed concession contract for Yellowstone National Park, Wyo. (with accompanying papers); to the Committee on Interior and Insular Affairs.

Reports of the Attorney General

A letter from the Attorney General of the United States, transmitting, pursuant to law, a report with respect to proceedings instituted before the Subversive Activities Control Board during the period January 1, 1969, through December 31, 1969 (with an accompanying report); to the Committee on the Judiciary.

A letter from the Attorney General of the United States, transmitting, pursuant to law, a report on identical bidding in advertised public procurement, during the calendar year 1968 (with an accompanying report); to the Committee on the Judiciary.

Report of U.S. Court of Claims

A letter from the Clerk, U.S. Court of Claims, transmitting, pursuant to law, a report setting forth all judgments rendered by the U.S. Court of Claims for the year ended September 30, 1969 (with an accompanying report); to the Committee on the Judiciary.

Reports of the Subversive Activities Control Board

A letter from the Chairman, Subversive Activities Control Board, transmitting, pursuant to law, the 19th annual report of the Subversive Activities Control Board for the fiscal year ended June 30, 1969 (with an accompanying report); to the Committee on the Judiciary.

A letter from the Chairman, Subversive Activities Control Board, transmitting, pursuant to law, a report of the Board for the year ended December 31, 1969 (with an accompanying report); to the Committee on the Judiciary.

Report of the Golden Spike Centennial Celebration Commission

A letter from the President, Golden Spike Centennial Celebration Commission, reporting that it will complete its assignment and cease its function on December 31, 1969, and that a final report will be filed with the Congress thereafter; to the Committee on the Judiciary.

Report on Audit of Accounts of the Future Farmers of America

A letter from the chairman, board of directors, Future Farmers of America, transmitting, pursuant to law, a report on the audit of the accounts of the Future Farmers of American for the fiscal year ended June 30, 1969 (with an accompanying report); to the Committee on the Judiciary.

Temporary Admission Into the United States of Certain Aliens

A letter from the Commissioner, Immigration and Naturalization Service, Department of Justice, transmitting, pursuant to law, copies of orders entered granting temporary admission into the United States of certain aliens (with accompanying papers); to the Committee on the Judiciary.

Admission Into the United States of Certain Defector Aliens

A letter from the Commissioner, Immigration and Naturalization Service, Department of Justice, transmitting, pursuant to law, copies of orders entered granting admission into the United States of certain defector aliens (with accompanying papers); to the Committee on the Judiciary.

Report on Seasonal Unemployment in the Construction Industry

A letter from the Acting Secretary of Commerce and the Secretary of Labor, Joint Labor-Commerce Study of Construction Seasonality, transmitting, pursuant to law, a report on seasonal unemployment in the construction industry (with an accompanying report); to the Committee on Labor and Public Welfare.

Report of National Aeronautics and Space Administration

A letter from the Administrator, National Aeronautics and Space Administration, transmitting, pursuant to law, a report of the Administration with respect to certain civilian position established during the calendar year 1969 (with an accompanying report); to the Committee on Post Office and Civil Service.

Report of Scientific and Professional Positions, Department of Commerce

A letter from the Director of Personnel, Office of the Secretary, Department of Commerce, transmitting, pursuant to law, a report of scientific and professional positions established in the Department under the authority contained in section 3104(a)(4), title 5, United States Code (with an accompanying report); to the Committee on Post Office and Civil Service.

Report on Scientific or Professional Positions, U.S. Arms Control and Disarmament Agency

A letter from the Acting Director, U.S. Arms Control and Disarmament Agency, transmitting, pursuant to law, a report on the scientific or professional positions authorized for establishment in the Agency for the calendar year 1969 (with an accompanying report); to the Committee on Post Office and Civil Service.

A Report on Positions in Grades: GS–18, GS–17, and GS–16, U.S. Civil Service Commission

A letter from the Chairman, U.S. Civil Service Commission, transmitting, pursuant to law, a report covering a Commission position in grade GS–18 which has been established (with an accompanying report); to the Committee on Post Office and Civil Service.

Report on Positions in Grades GS–16, 17, 18, Commissioner of Immigration and Naturalization

A letter from the Commissioner, Immigration and Naturalization Service, U.S. Department of Justice, transmitting, pursuant to law, a report covering positions in grades GS–16, 17, and 18 which are under the jurisdiction of the Commissioner (with an accompanying report); to the Committee on Post Office and Civil Service.

Report on Positions in Grades GS–16, 17, 18, Railroad Retirement Board

A letter from the Chairman, Railroad Retirement Board, transmitting, pursuant to law, a report on positions in grades GS–16, 17, and 18, for the calendar year 1969 (with an accompanying report); to the Committee on Post Office and Civil Service.

Report Concerning Scientific or Professional Positions in the Department of the Interior

A letter from the Assistant Secretary for Administration, U.S. Department of the Interior, reporting, pursuant to law, on scientific or professional positions in the Department; to the Committee on Post Office and Civil Service.

Report on GS–17 Positions, Administrative Office of the U.S. Courts

A letter from the Director, Administrative Office of the U.S. Courts, reporting, pursuant to law, on the four GS–17 positions allocated to this agency; to the Committee on Post Office and Civil Service.

Rental Agreements for Quarters at Fourth-Class Post Offices

A letter from the Postmaster General of the United States, transmitting, a draft of proposed legislation to authorize the Postmaster General to negotiate and enter into rental agreements with postmasters for quarters at fourth-class offices (with an accompanying paper); to the Committee on Post Office and Civil Service.

Report of the Economic Development Administration

A letter from the Assistant Secretary of Commerce for Economic Development, informing the Senate that the report of the Economic Development Administration would not be completed until the end of January; to the Committee on Public Works.

Report of the Tennessee Valley Authority

A letter from the Board of Directors, Tennessee Valley Authority, transmitting, pursuant to law, a report covering the activities of the TVA for the fiscal year ended June 30, 1969 (with an accompanying report); to the Committee on Public Works.

Report of New England Regional Commission

A letter from the Federal Cochairman, New England Regional Commission, transmitting, pursuant to law, a report on the activities of the New England Regional Commission during fiscal year 1969 (with an accompanying report); to the Committee on Public Works.

Report on Territorial Highway Study—Guam, American Samoa, Virgin Islands

A letter from the Secretary of Transportation, transmitting, pursuant to law, a report entitled "Territorial Highway Study—Guam, American Samoa, Virgin Islands" (with an accompanying report); to the Committee on Public Works.

PETITIONS AND MEMORIALS

Petitions, etc., were laid before the Senate, or presented, and referred as indicated:

By the PRESIDENT pro tempore:

A concurrent resolution of the Legislature of the State of Michigan; to the Committee on Labor and Public Welfare:

"STATE OF MICHIGAN, MICHIGAN LEGISLATURE

"HOUSE CONCURRENT RESOLUTION NO. 275

("Offered by Representatives Hampton, Loren D. Anderson, James F. Smith and Brennan)

"A concurrent resolution memorializing Congress and the Department of Health, Education, and Welfare to use the Marine Hospital in Detroit for the treatment of youthful drug offenders

"Whereas, Marine Hospital, now called the Public Service Hospital, in Detroit was built in 1930 for $600,000.00 with a 130-bed capacity and was expanded three years later for improved outpatient services at a cost of $235,000.00; and

"Whereas, The hospital fronts on the Detroit River, has high fences on three sides and includes a two-wing hospital, nurses quarters and has a 146-bed capacity; and

"Whereas, The federal government closed the hospital as of June 30 of this year and deliberations are presently being held to determine the disposition of the Marine Hospital; and

"Whereas, There is a dire need for adequate treatment facilities for youthful drug offenders in Michigan, a problem of great magnitude; and the facilities of the Marine Hospital are particularly well suited for use as a rehabilitation and treatment center for youthful drug offenders; now therefore be it

"*Resolved by the House of Representatives* (*the Senate concurring*), That the Department of Health, Education, and Welfare and the United States Congress are urged to take the necessary action to transfer the Marine Hospital in Detroit to the State of Michigan to be used as facility for the rehabilitation and treatment of youthful drug offenders; and be it further

"*Resolved,* That copies of this resolution be forwarded to the President of the United States, the director of the Department of Health, Education, and Welfare, the presiding officers of the United States Senate and House of Representatives and to each member of the Michigan delegation to the United States Congress.

"Adopted by the House December 11, 1969.

"Adopted by the Senate December 16, 1969.

"BERYL I. KENYON,
"*Secretary of the Senate.*
"T. THOS. THATCHER,
"*Clerk of the House of Representatives.*"

A. resolution adopted by the Board of County Commissioners, Pinellas County, Fla., praying for the enactment of legislation to appropriate sufficient sums for cancer research; to the Committee on Appropriations.

A resolution adopted by Lions International, Chicago, Ill., supporting the President and Armed Forces of the United States; to the Committee on Armed Services.

A resolution adopted by the Church Women United, at Beaumont, Tex., demonstrating against exploitation of women by the theater, motion pictures, newspapers, books, magazines, and advertising; to the Committee on Commerce.

A resolution adopted by the Council of Educational Facility Planners, Columbus, Ohio, praying for the adoption of a Federal bond interest study program which will guarantee the saleability of bonds for educational facilities construction; to the Committee on Finance.

A resolution adopted by the Audubon Society of Missouri, St. Louis, Mo., praying for the appointment of a commission to study the resources of the United States; to the Committee on Interior and Insular Affairs.

A resolution adopted by the Common Council of the city of Plymouth, State of Wisconsin, praying for the enactment of legislation to prohibit the taxation by the United States of interest on the obligations of a state or any political subdivision or public instrumentality thereof; to the Committee on the Judiciary.

A resolution adopted by the St. Stans Holy Name Society, Cleveland, Ohio, praying for the enactment of Senate bill 1077, relating to obscenity; to the Committee on the Judiciary.

A petition from the Neighborhood Legal Assistance Program, Inc., Charleston, S.C., praying for a redress of grievances; to the Committee on the Judiciary.

BILLS AND A JOINT RESOLUTION INTRODUCED

Bills and a joint resolution were introduced, read the first time and, by unanimous consent, the second time, and referred as follows:

By Mr. McINTYRE:

S. 3305. A bill to alleviate the trend toward concentration in the newspaper and broadcast media in the United States; to the Committee on the Judiciary.

(The remarks of Mr. McINTYRE when he introduced the bill appear later in the RECORD under the appropriate heading.)

By Mr. CRANSTON:

S. 3306. A bill for the relief of Fermin Marquez; to the Committee on the Judiciary.

By Mr. MONDALE:

S. 3307. A bill to prevent further increases in the monthly premium payable for supplementary medical insurance under part B of the medicare program established by title XVIII of the Social Security Act, and for other purposes; to the Committee on Finance.

(The remarks of Mr. MONDALE when he introduced the bill appear later in the RECORD under the appropriate heading.)

By Mr. NELSON (for himself, Mr. CRANSTON, and Mr. PELL):

S.J. Res. 169. Joint resolution proposing an amendment to the Constitution of the United States declaring that every person has an inalienable right to a decent environment; to the Committee on the Judiciary.

(The remarks of Mr. NELSON when he introduced the joint resolution appear later in the RECORD under the appropriate heading.)

S. 3305 AND AMENDMENT NO. 442—INTRODUCTION OF A BILL AND AMENDMENT RELATING TO NEWSPAPER AND BROADCAST MEDIA IN THE UNITED STATES

Mr. McINTYRE. Mr. President, I introduce for appropriate reference an amendment to S. 1520, the Newspaper Preservation Act, and also a separate bill entitled the "Independent Media Preservation Act."

I ask unanimous consent that a statement and a press release I have issued on the proposed legislation be printed in the RECORD together with the amendment and bill.

There being no objection, the statement, press release, bill, and amendment were ordered to be printed in the RECORD, as follows:

STATEMENT OF SENATOR TOM McINTYRE

"A small group of men, numbering perhaps no more than a dozen anchor men, commentators, and executive producers, settle upon the film and commentary that is to reach the public. They decide what 40 to 50 million Americans will learn of the day's events in the nation and the world."

With these words, delivered to the Mid-Western Regional Republican Conference in Des Moines, Iowa, and in a subsequent attack on the multiple interests of such representatives of the print media as the Washington Post and the New York Times, Vice President Agnew drew our attention recently to one of the gravest dangers faced by a democracy—the prospect that a small and irresponsible elite might one day be able to gather in its hands complete control of the mass communications media.

Like many who heard and read the Vice President's words, I was troubled, for it would indeed be tragic if the media ever came to speak with a single monolithic voice.

The communications media do, after all, set the agenda of public issues and, indeed, provide the forum necessary to elect men to public office. What people think most important at a given time is often what the media have told them is important.

But what particularly troubled me about the Vice President's words was his seeming ignorance of the *real* dangers such media concentration could present.

Mr. Agnew seemed far less anxious to preserve a multiplicity of media voices than he was to shape the content of the single voice through which he fears the media now speaks.

In short, he appeared to advocate a "majoritarian" approach to news analysis. In his suggestion that the networks be "more responsive to the people they serve," he seemed to call for consensus reporting, for newscasters to reflect a collective point of view generally shared by the American public instead of a viewpoint at least in theory developed perceptive and professional journalistic techniques.

Under other circumstances, I would have been tempted to dismiss Mr. Agnew's remarks as just another political blast at some irritating press criticism. I can sympathize with such irritation. I think all men in public life must frequently feel as Dr. Johnson did when he said "the liberty of the press is a blessing when we are inclined to write against others and a calamity when we find ourselves overborne by the multitude of our assailants.

And in so dismissing the matter, I would have been tempted to twit Mr. Agnew about his obsession with the so-called "liberal Eastern establishment press," since any casual student of the subject knows that with the solitary exception of 1964 the Presidential ticket of Mr. Agnew's party has had the endorsement of the overwhelming majority of American newspapers for many, many decades.

What made it impossible for me to so dismiss the Vice President's remarks, however, was the office from which he spoke and the clear threat of intimidation implicit in his remarks.

Mr. Agnew said, of course, that he was "not asking for Government censorship or any other kind of censorship." But the thrust

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of this disclaimer was diminished by his only slightly veiled reference to the Government's power to license television stations and by his suggestion that the networks be "made"—not "make themselves"—more responsive to popular views.

Under these circumstances, I was deeply troubled by the philosophy of news analysis implicit in Mr. Agnew's remarks. For the purpose of news analysis is not to convey an "official" line, nor to capture the popular mood of the moment. It is to provide information, stimulate thought, and enable individuals to make their own judgments intelligently.

As the late Edward R. Murrow once put it:

"It is a truism that democracy is a means of dealing with the human imperfections of society. It recognizes that no form of government is perfect, no administration can be faultless, no legal system beyond improvement, no economic order as good as it might be.

"Where there is imperfection there must be change. And to produce change, unless it is imposed by tyranny, there must be difference of opinion: there must be opposition . . . there must be freedom to criticize; there must be the unremitting conflict and testing of ideas. This undoubtedly involves a great deal of confusion. But the liveliness of a democracy can be measured by the activity of the minds of its citizens. Security and serenity in a democracy are not at all the same things. They may even be opposites."

Thomas Jefferson summed it up more simply when he said that a democracy can tolerate error of opinion only so long as truth may freely combat it.

Mr. Agnew's failure to deal responsibly with the issue of media concentration was the more distressing to me because I feel that we may now be heading in just that direction. If we examine the facts, the trends seem clear. Slowly, almost imperceptibly, our mass communications media are falling into fewer hands.

Consider the startling growth of newspaper chains. In 1960, 560 of the daily newspapers in the country were under chain control. As of 1967, the number of chain dailies was 871, an increase of 56% in only 7 years.

These 871 chain dailies represented 49.3 per cent of all the dailies in the country. They had amassed 61.8% of all dailies' circulation, and 19 of the 25 largest dailies were included in their number.

During the 1960's an average of 40 single newspaper ownerships have been bought out by chains each and every year. At the present rate of expansion, all of the daily newspapers in the country will be owned by chains in less than 20 years.

It was at the San Diego-based Copley chain, now with 26 newspapers and growing quickly, that the Administration found its Director of Communications Herb Klein and several other top officials.

This growth of large newspaper combines has been accompanied by a trend toward monopoly situations within individual cities. As of 1967, only 64 of the 1,547 cities in which daily newspapers were published had two competing papers. In all others a single owner controlled either the only newspaper in town or a morning-afternoon combination.

In 1910, 57.1% of our daily newspaper towns were served by more than one newspaper ownership. In 1930, the figure was still 21.5%. Now only 4.13% enjoy competing dailies.

The problem of press concentration, however, extends well beyond the newspaper field. Many newspaper publishers have found it profitable to acquire broadcast facilities. Already fully 25% of the television stations in the country are newspaper owned. In the 25 largest television markets, it is 35%. And the figures are even higher for VHF stations alone.

Let's look for a moment at just a few of our multi-media baronies. Mr. Agnew, in his speech at Montgomery, Alabama, himself referred to the multiple interests of The Washington Post and The New York Times, two occasionally rather waspish critics of Administration policy.

But he could have referred instead to The Chicago Tribune Company, an unyielding bulwark of American conservatism. In Chicago itself the Company controls two newspapers as well as television and radio interests. In New York its ownership of additional broadcast interests is accompanied by ownership of The New York Daily News, the largest circulation newspaper in the Country. Broadcast interests in Minnesota, Colorado, and Connecticut, CATV systems in Michigan and California, and newspapers in Florida constitute the Company's outer barricades.

Time, Inc., Cowles Communications, Gannett, Newhouse, Hearst, and Scripps-Howard —these are but a few of our other media baronies, and each has interests comparable in scope to those of The Tribune Company.

Such multi-media companies are having a distinct impact on many local communities. While few communities as yet have absolute monopolies, there are today 76 communities in the country where the one newspaper and one radio station are under common control. And 23 more communities put up with joint ownership of their only television station and only newspaper.

It is developments like these which lead me to believe that we well may be embarked on a trek toward monopoly in the most precious commodity known to man.

It would be ironic if this were to occur at a time when government itself were moving in the direction of more public participation. Yet such may prove the case. While our legislative bodies have been redistricted and we are on the verge of abolishing the electoral college, the fourth estate continues closing in upon itself.

Before assuming this is due to any inevitable trend toward bigness in the business world, we would do well to examine one more set of statistics. It is simply not true that only a giant metropolis can afford the benefits of competing daily newspapers. Of the 64 presently competitive cities, slightly less than half (29) are under 100,000 in population and almost a third (20) have less than 50,000 people.

Present trends within the media are due, no doubt, to a number of different causes. One of the most important, however, has been the attraction presented to businessmen by a local monopoly's profits.

The advantages of local monopolies can at times be startling. William Randolph Hearst, Jr. has been quoted as saying that two competing dailies making $100,000, each can increase their profits to $500,000 by agreeing to a merger.

One need not look far to see why this is so. Mergers produce savings on many staff, printing, and circulation expenditures. Equally important, they end all competition for advertising and circulation. It has been reported that a Brookings Institution study now in preparation will show newspaper advertising rates in monopoly towns to be 15% higher than in those where competition exists.

Some monopolies have come about through mergers, when permitted by the antitrust laws. Others have been achieved by driving competitors out of business. Selling advertising or subscriptions below cost and refusing to accept advertising from those who patronize competing papers are but two of the tactics which have been used upon occasion.

Newspaper chains and multi-media baronies have had distinct advantages over single unit competitors when engaging in such practices. They have been able to subsidize any losses thus incurred with profits earned from other operations.

They have also had open to them some tactics not available to single unit predators, such as the selling of advertising for two entities in combination at rates much lower than for each separately, or the refusal to accept advertising except in combination packages. These tactics have proved successful in drawing the funds of advertisers with limited resources and a need to reach certain essential parts of a local market away from smaller competitors.

It is not really clear how many publishers have engaged in predatory practices, either legal or illegal. A great many, however, have evinced a clear preference for the profits of monopoly over the rigors of competition.

One such group of publishers is now lobbying Congress for passage of a bill. It is known as "The Newspaper Preservation Act," and the exemption it would establish from our antitrust laws could significantly accelerate the growth of newspaper monopolies.

Under the bill's terms competing newspaper in a community would be allowed to enter into "joint operating agreements" with one another. They would be authorized to act jointly in setting advertising and circulation rates and also to engage in profit splitting, whereby their profits could be pooled and then divided between them according to an agreed ratio.

Support for the bill comes from 44 newspapers in 22 cities currently party to joint operating agreements such as would be legitimized if the bill were passed. Many of these agreements may be challenged in the courts by virtue of a recent Supreme Court decision.

The premise underlying the bill is that the newspaper industry is in serious financial straits and that joint operating agreements are essential if the independent editorial voices of many papers are to be saved. The only alternative, supporters of the bill argue, is the death of many papers or their complete merger with competitors.

This argument does not withstand analysis.

To begin with, the newspaper industry is now experiencing unprecedented prosperity. This may not be true in a handful of large cities, where the middle class readers sought by advertisers have deserted to the suburbs and where unions have been successful in resisting modernization. But by and large, it is true elsewhere.

As Forbes magazine concluded after a recent check on the industry's condition: "The fact is that, on the whole, the newspaper industry has never been healthier, not even in the heyday of Joseph Pulitzer and William Randolph Hearst."

It is also questionable whether the anti-competitive effects of joint operating agreements involving price fixing and profit splitting are really any less than those of an outright merger.

Both end all advertising competition in equally effective ways. According to the Brookings Institution study to which I referred earlier, the ad rates of newspapers with joint operating agreements are not significantly different from the rates of papers in monopoly towns.

It seems unlikely also that joint operating agreements will actually preserve independent editorial voices. Few publishers are likely to act jointly in all economic matters without occasionally conferring on editorial matters as well.

In fact, in at least one respect joint operating agreements might have a worse effect than would an outright merger. A new com-

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petitor is more likely to enter a one newspaper market than he would a market with separate and ostensibly independent papers.

But these considerations are just the beginning.

It should be noted also that more limited forms of joint operation, such as the use of joint printing and distribution facilities, are already permitted under the antitrust laws. These activities already make possible considerable cost savings without adverse effects on competition.

Moreover, enactment of the bill would result in the establishment of a dangerous precedent. It would, without doubt, invite pleas for similar special treatment from others, such as book and magazine publishers, the broadcast industry, and motion picture producers. If newspapers are entitled to antitrust exemptions because engaged in the expression and dissemination of ideas essential to the national welfare, then why not these others who are similarly situated?

Yet the truth of the matter is that newspapers' role as disseminators of information in our society is the most important reason why they should not be granted an exemption in the first place. Other industries granted antitrust immunity, such as the transportation and insurance industries, have subsequently been subjected to detailed government regulation. Such regulation of newspapers, however, might well interfere with values protected by the First Amendment.

That such values are not of major importance to supporters of the bill is clear from two of its more technical provisions. Joint operating agreements would be permitted regardless of a newspaper's ownership of affiliation. The only prerequisite would be a determination that one of the two papers "appears unlikely to remain or become a financially sound publication." If it were really the purpose of the bill's supporters to act only when necessary to save dying editorial voices, surely tighter standards could easily be found.

This is not a newspaper preservation act; it is a publishers enrichment act.

That it should be seriously considered by Congress is a sad commentary of our failure to perceive what is happening to our media.

Its backing by the Administration is further proof of its own myopic vision. I call upon Mr. Agnew, if he truly fears a concentration of the media, to join with me now in opposition to this bill.

Unless we face up soon to the dangers such concentration entails, we may soon lose the diverse and antagonistic voices on which the welfare of our nation depends.

I call upon Mr. Agnew to join with me also in steps to preserve a multitude of such voices.

While I am unalterably opposed to the enactment of a publishers' enrichment act, I will, when the Congress returns, introduce an amendment to it. Its introduction will ensure that the issue of media concentration is debated by the Senate when the bill is brought to the floor.

My amendment will provide that the bill's exemption shall not be available to any paper owned by a newspaper chain or in any way affiliated with broadcast entities.

Chain newspapers and multi-media baronies are themselves responsible for the present concentration within the media. They are almost invariably highly profitable enterprises. I have discussed earlier the competitive advantages they enjoy in a community over their single unit competitors. If the bill's exemption were made available to them, they would have an incentive to use these advantages to so injure their competitors as to induce them into entering joint operating agreements. Once such agreements had been entered into, they would normally be the dominant party. And their competitive advantages over any remaining competitors would be even further enhanced.

To grant to such companies an exemption unlikely in any situation to preserve independent editorial voices would be an open invitation to greater media concentration.

I will also introduce when the Congress returns another bill separate from the Newspaper Preservation Act. It will be titled the Independent Media Preservation Act, and it will be designed to deal more broadly with media concentration and the role played in causing it by newspaper chains and multi-media companies.

The bill will have two main provisions:

1. It will prohibit any owner of five or more daily newspapers from henceforth acquiring any additional such papers. If enacted into law, this prohibition would bring to a halt the startling growth of large newspaper chains throughout the country. As I remarked earlier, this growth of large chains must be halted or all of the daily newspapers in the country will be chain owned in less than 20 years.

This proposal is not by any means a totally new departure. The FCC has already established analogous requirements in the field of broadcasting. Its existing Multiple Ownership rules already limit to five the number of VHF television licenses which any single party may hold. The FCC has also imposed similar limits on the number of UHF, AM, and FM licenses which may be gathered into a single corporate hand.

Newspaper publishing is a communications media in many respects analogous to broadvasting and in clear competition with it. Indeed, as more and more of our communities become monopoly newspaper towns, the remaining paper becomes for editorial purposes just one additional broadcaster. These considerations may well require that maximum limitations on ownership be established in the newspaper field.

2. My bill will complement its restrictions on the size of national communications empires with a provision dealing directly with local concentration. It will provide that no daily newspaper owner may henceforth own or control any radio or television station situated in the same standard metropolitan statistical area in which any such paper is published.

This proposal is also but an extension of existing rules. The FCC presently has under active consideration an amendment to its Multiple Ownership Rules which would prohibit the common ownership of any two broadcast interests within a given market. My proposal is nothing more than a logical extension of this prohibition across the media spectrum.

Some such extension has been called for by the Justice Department in its comments on the proposed amendment to the FCC's rules. As the Justice Department recognized, the same considerations which militate against the common ownership of two broadcasting media in a single market militate also against any newspaper-broadcast combinations in such a market.

The Justice Department also favored in its comments some kind of divestiture requirements such as are required by this second of my proposals. Under its terms, any existing newspaper-broadcast combination in a given market will be given three years in which to sell off one of its properties. This is the period for which broadcast licenses have long been granted, and it should give existing combinations ample time to bring themselves into compliance with the law.

Any sales of broadcast interests necessitated by the enactment of my amendment would be permitted to take place under Section 310 (b) of the Communications Act of 1934. I sincerely doubt that any such sales would work financial hardship on the sellers involved. I would, however, welcome comments directed to this point, and am willing to consider proposals designed to alleviate such hardships.

These are the two main provisions of my bill. Any violations of them will constitute violations of the antitrust laws and will be subject to prosecution as such.

Perhaps there are better ways to deal with the problem of media concentration. My bill will no doubt be referred for hearings to the Antitrust and Monopoly Subcommittee, whose distinguished Chairman, Senator Philip Hart of Michigan, has demonstrated by his hearings on the Newspaper Preservation Act his firm grasp of media concentration issues. Modifications of my proposals might be made during the course of these hearings and alternative approaches developed. I am sure that any bill reported out by Senator Hart's Subcommittee will be subject first to a painstaking thorough analysis.

In conclusion, I would like to make two final points.

First, I want to make very clear the high regard I have for the performance in recent years of the great majority of our professional journalists in both the print and broadcast fields. Outstanding achievements have been recorded by entities large and small. It was the Dispatch News Agency, a new independent service, which first broke the story of the My Lai massacre to the world. Yet a great many Pulitizer prizes and other major awards have ben won by representatives of chains and multi-media companies.

Without the perception *and the persuasion* of the media I wonder how long it would have taken before all of us woke up to the widespread disenchantment over Vietnam, the tragically widening rift between black and white, the irony of want amidst affluence, the consequences of the generation gap, and the convictions and aspirations not only of the young American, but of the middle-aged Middle American as well.

I fully recognize the commitment to the public interest shared by many powerful media executives. If we could rest assured that men of their caliber would always occupy their positions of great power, I would be far less concerned with the dangers of concentration. But this cannot be assured and our long term hopes must therefore rest on a multitude of competing voices.

Second, I would like to anticipate one of the arguments sure to be raised in opposition to my proposals. They are, it will be said by some, in contravention of the First Amendment. But the intended beneficiaries of press freedom are the news consumers, not purveyors. As the Supreme Court has declared:

"It would be strange indeed . . . if the grave concern for freedom of the press which promoted adoption of the first amendment should be read as a command that the Government was without power to protect that freedom. The first amendment, far from providing an argument against the application of (antitrust concepts), provides powerful reasons to the contrary. That amendment rests on the assumption that the widest possible dissemination of information from diverse and antagonistic sources is essential to the welfare of the public and that a free press is a condition of a free society. Surely a command that the Government itself shall not impede the free flow of ideas does not afford nongovermental combinations a refuge if they impose restraints upon that constitutionally guaranteed freedom."

Let us determine, then, the extent of cur-

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rent restraints and what it would be best for us to do about them.

PRESS RELEASE OF U.S. SENATOR THOMAS J. MCINTYRE

WASHINGTON, D.C.—Senator Thomas J. McIntyre (D-N.H.) today called upon Vice President Spiro T. Agnew to prove the sincerity of his alleged concern over media concentration by joining McIntyre in support of an anti-concentration bill the New Hampsire Democrat intends to introduce and in opposition to the Newspaper Preservation Act now pending before Congress with Nixon Administration support. (Full text of statement attached).

Mr. Agnew's recent forays against the media, McIntyre charged, have been conducted "in seeming ignorance the real dangers such concentration could present. He has seemed far less anxious to preseve a multiplicity of media voices than to shape the content of the one voice through which he fears the media now speaks."

Yet media concentration, McIntyre said, is a very real threat at the present time. Citing the growth of large newspaper chains and equally imposing newspaper-broadcast combinations, he declared that "slowly, almost imperceptibly, our mass communication media are falling into fewer hands."

McIntyre's bill contains two provisions designed to arrest this trend toward concentration. It would:

1. Prohibit any owner of five or more daily newspapers from henceforth acquiring any addditional such papers; and

2. Prohibit any owner of a daily newspaper from henceforth owning or controlling any radio or television station situated in the same standard metropolitan statistical area in which his paper is published.

Under the terms of McIntyre's proposals, existing newspaper chains would not be required to divest themselves of any newspaper properties and further growth would still be possible except by acquisitions.

Existing newspaper-broadcast combinations in specific markets would be given three years in which to sell off one of their properties. Sales of broadcast interests would be permitted to take place under Section 310(b) of the Communications Act of 1934 which permits license transfers without comparative hearings before the Federal Communications Commission.

Violations of the Senator's bill would constitute violations of the antitrust laws and would be subject to prosecution as such.

McIntyre took pains to emphasize the tentative nature of his specific proposals, noting that his bill would be referred for hearings to Senator Philip Hart's (D-Mich.) Antitrust and Monopoly Subcommittee. "Modifications of my proposals might be made during the course of these hearings," he said, "and alternative approaches developed."

He also stressed his belief in the constitutionality of his proposals as presently framed. "The intended beneficiaries of press freedom," he declared, "are the news consumers, not news purveyors.

"As the Supreme Court has declared on more than one occasion: The first amendment, far from providing an argument against the application of (antitrust concepts), provides powerful reasons to the contrary. . . . Surely a command that the Government itself shall not impede the free flow of ideas does not afford nongovernmental combinations a refuge if they impose restraints upon that constitutionally guaranteed freedom."

Such restraints now exist, McIntyre said, as the result of two developments during recent decades.

As of 1967, he noted, daily newspaper chains "had amassed 61.8% of all dailies' circulation, and 19 of the 25 largest dailies were included in their number. At the present rate of expansion, all of the daily newspapers in the country will be owned by chains in less than 20 years."

He also pointed out that many newspaper publishers have found it profitable to acquire broadcast facilities. "Already fully 25% of the television stations in the country are newspaper owned, and in the 25 largest television markets it is 35%."

McIntyre indicated that while these developments have not greatly affected media competition on the national level, they have had real impact on many local communities. As of 1967, he stressed, only 64 of the 1,547 cities with daily newspapers had two competing papers, and in many communities the great bulk of the communications media were concentrated in a single hand.

However great the number of national media voices, he declared, they cannot offset the effects of this concentration where local issues are concerned.

The present trend toward media concentration would be accelerated, McIntyre said, if the Newspaper Preservation Act now pending before Congress were passed. He noted that the bill contains an exemption from the antitrust laws which would permit two ostensibly competing newspapers in a community to enter into price fixing and profit splitting agreements with one another.

McIntyre took issue with the suggestion that such an exemption was either needed or would in fact operate to save independent editorial voices.

"This is not a newspaper preservation act," he declared. "It is a publisher's enrichment act. That it should be seriously considered by Congress is a sad commentary on our failure to perceive what is happening to our media.

"Its backing by the Nixon Administration is further proof of its own myopic vision. I call upon Mr. Agnew, if he truly fears a concentration of the media, to join with me now in opposition to this bill."

While he expressed the hope that the bill would be defeated outright, McIntyre said he would introduce an amendment to it to ensure that the issue of media concentration is debated when the bill comes to the Senate floor. Under the terms of McIntyre's amendment, the bill's exemption would not be available to any paper owned by a newspaper chain or in any way affiliated with broadcast entities.

"I fully recognize," McIntyre declared, "the commitment to the public interest shared by many powerful media executives. If we could rest assured that men of their caliber would always occupy their positions of great power, I would be far less concerned with the dangers of concentration. But this cannot be assured and our long term hopes must therefore rest on a multitude of competing voices."

A bill to alleviate the trend toward concentration in the newspaper and broadcast media in the United States

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. This Act may be cited as the "Independent Media Preservation Act."

DECLARATION OF POLICY

SEC. 2. In the public interest of maintaining the widest possible dissemination of news and editorial opinion from diverse and antagonistic sources, it is hereby declared to be the policy of the United States to prevent the growth of private combinations which threaten to impede the free flow of information.

DEFINITIONS

SEC. 3. As used in this Act—

(1) The term "newspaper chain owner" means any person who exercises or participates in control over the business or editorial policies of five or more daily newspaper publications through either or both of the following means:

(A) the ownership or control of one or more such newspaper publications directly or indirectly through separate or subsidiary corporations; or

(B) participation in any joint venture the parties to which own or control directly, or indirectly through one or more separate or subsidiary corporations, one or more such newspaper publications.

(2) The term "person" means any individual, and any partnership, corporation, association, or other legal entity existing under or authorized by the law of the United States, any State or possession of the United States, the District of Columbia, the Commonwealth of Puerto Rico, or any foreign country.

(3) The term "daily newspaper publication" means a publication produced on newsprint paper which is published in three or more issues weekly, and in which a substantial portion of the content is devoted to the dissemination of news and editorial opinion.

CONTROL OF COMPETING INFORMATION MEDIA

SEC. 4. (a) No person who owns or controls directly, or indirectly through separate or subsidiary corporations, any daily newspaper publication published or distributed within any geographical area which constitutes a standard metropolitan statistical area or standard consolidated area (as defined by the Bureau of the Budget) may hereafter own or control directly, or indirectly through separate or subsidiary corporations, any radio station or television station situated within the same geographical area which holds a commercial station license granted by the Federal Communications Commission.

(b) This section shall take effect on the date of enactment of this Act, except that in the case of any radio or television station which on that date is engaged in radio communication pursuant to a station license duly issued theretofore by the Federal Communications Commission to any person, this section shall take effect three years after the date of enactment of this Act.

(c) The prohibition contained in subsection (a) of this section shall not apply to any person with respect to any radio or television station if, prior to the effective date of this Act, such person transfers or has transferred in compliance with the provisions of section 310 (b) of the Communications Act of 1934 (47 U.S.C. 310 (b)) the license under which that station is or has been operated to any person who is not prohibited by subsection (a) of this section from owning or controlling that station.

CONCENTRATION OF CONTROL OF NEWSPAPERS

SEC. 5. It shall be unlawful for any newspaper chain owner hereafter to acquire directly, or indirectly by any means control over or any financial interest in—

(1) any business enterprise which is engaged in the publication or distribution of any daily newspaper publication; or

(2) any property or facilities which, within one year before the date of acquisition by such newspaper chain owner, have been used in whole or in part for the publication or distribution of any such newspaper publication.

ENFORCEMENT AND REMEDIES

SEC. 6. The provisions of law which provide for the enforcement of the prohibitions contained in the Act of July 2, 1890 (26 Stat.

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209, as amended; 15 U.S.C. 1), commonly known as the Sherman Act, and which provide remedies for violations thereof and for injuries sustained by reason of such violations, shall apply with respect to this Act in the same manner and to the same extent as if this Act were contained in that Act.

SEPARABILITY

Sec. 7. If any provision of this Act is declared unconstitutional, or the applicability thereof to any person or circumstance is held invalid, the validity of the remainder of this Act, and the applicability of such provision to any other person or circumstances, shall not be affected thereby.

Amendment No. 442

On page 2, beginning with line 24, strike all up to and including page 3, line 2, and insert in lieu thereof the following:

The term "newspaper owner" means a person who owns or controls a single newspaper publication, but who—

(A) does not own or control directly, or indirectly through separate or subsidiary corporations, any other newspaper publication or any radio or television station engaged in radio communication within the meaning of section 3 of the Communications Act of 1934 (47 U.S.C. 153), and

(B) is not a party to or a participant in any joint venture with any other person who owns or controls directly, or indirectly through one or more separate or subsidiary corporations, any other newspaper publication or any such radio or television station.

On page 3, line 9, strike "regardless of its ownership or affiliations,".

On page 4, line 2, strike the word "person" and insert in lieu thereof the words "newspaper owner."

On page 4, line 9, strike the word "person" and insert in lieu thereof the words "newspaper owner."

On page 4, line 18, strike the word "person" and insert in lieu thereof the words "newspaper owner."

Mr. HART. Mr. President, I congratulate the junior Senator from New Hampshire (Mr. McINTYRE) for dramatizing the real illness threatening our Nation's press.

Obviously this approach is far more likely to guarantee a free and fair press than passing the Newspaper Preservation Act—or continuing threats from the Vice President.

My feeling about the Newspaper Preservation Act has been no secret. I opposed it in the past—I oppose it today—and I plan on voting against it when the roll is called in the Senate.

It is a bad bill—despite its attractive name—because it would allow an increasingly fewer number to decide what news the public would be told and would limit the diverse interpretations offered.

In short, it would encourage exactly what the Vice President claims is happening today—"the filtering of news through only a few hands."

Without endorsing each and every paragraph of Senator McINTYRE's bill, I would suggest that if the administration shares the Vice President's concern it would be better advised to put its efforts behind the McIntyre approach to limit the concentration of media ownership rather than to support the Newspaper Preservation Act.

In my book, Mr. Nixon's Justice Department was right in opposing the bill.

Unfortunately, the President has chosen to let the Commerce Department speak for his administration. Not too surprisingly, that Department echoes the views of publishers who favor the bill.

The McIntyre proposal, on the other hand, encourages the multitude of voices the drafters had in mind when they made the guarantee of a free press the first amendment in the Bill of Rights.

All Members of Congress have felt the sting when the press decides—often rightly—to take a slap at us. It is not a pleasant experience, whether earned or unearned.

But I would rather take my chances on more criticism from more directions than be a part of any attempt to restrict freedom of the press—be it managed by big publishers or big government.

Either puts the Nation in real danger.

The antitrust and monopoly hearing record on the Newspaper Preservation Act—about 4,000 pages in all—spells out just how real that danger is. Senator McINTYRE is to be applauded for recognizing that the time for talking is finished, and the time to act is upon us.

I applaud him and hope that his proposal will start Senators thinking of how to increase the number of voices represented in our free press.

S. 3307—INTRODUCTION OF A BILL RELATING TO MEDICARE PREMIUMS

Mr. MONDALE. Mr. President, inflation is one of the greatest burdens borne by our senior citizens. Not only are their fixed incomes hurt the most by rising prices, but they pay a disproportionate share of some of the fastest rising costs in our economy.

Nowhere is this problem more severe than in the squeeze between meager and declining incomes of senior citizens, and the escalating costs of their medical care.

And in no way has this problem been more dramatically revealed than in the recent announcement by the administration of a 33-percent increase in premium costs to participants in medicare's supplementary medical insurance program. The Secretary of Health, Education, and Welfare has directed that costs, originally $3 per month and now $4, be raised to $5.30 a month, for a new annual increase of $15.30 per participant.

For the great majority of the 20 million medicare beneficiaries, such an increase would be intolerable. For most of the remaining participants, it would be a substantial burden. Most of our older citizens are now receiving shockingly inadequate incomes and almost all of them are bearing extremely heavy medical expenses.

Persons over age 65 constitute only about 10 percent of our population. But 20 percent of the poor people in the United States are over 65. Older persons pay 20 percent of all prescription drug costs in America. Approximately 3.8 million elderly persons spend more than $100 a year on prescription drugs alone, and if they must go to the hospital, they have to pay a $52 deductible and substantial additional sums if their stay is an extended one. They also must pay a significant portion of their physicians' fees.

Since medicare went into effect in 1966, there have been very substantial increases in the deductible portions of hospital and extended care charges which participants must pay. For example, the hospital deductible was initially set at $40, the payment per day after the 60th day at $10, the individual's share of the lifetime reserve days was $20, and the payment per day for extended care facility charges after the 20th day was $5. The Department of Health, Education, and Welfare has just increased these charges, effective January 1, to $52, $13, $26, and $6.50, respectively.

In short, the administration is seeking to lay the full burden of inflationary medical costs upon those who have the greatest need for medical care and the least capacity to meet these added burdens.

For, while the administration now plans to increase costs by 33 percent in part B premiums and has already increased costs by 18 percent in deductible and per diem payments, they sought to hold increases in social security payments to a grossly inadequate 10 percent. Congress did manage to enact a 15-percent increase, but it is clear that social security payments have barely managed to keep up with overall inflation, and cannot begin to keep up with inflation in the medical sector.

Perhaps, if social security beneficiaries had a good deal of additional outside income, as some fortunately do, these increased burdens under the medicare program would be tolerable. However, only about 17 percent of social security recipients have any outside resources. Millions of social security beneficiaries are paid only the minimum monthly payment which was just raised from $55 to $64.

Including the social security increases just enacted, the minimum benefit for a man and his wife is $1,152 a year. This is less than one-half the $2,671 per year estimated by the U.S. Bureau of Labor Statistics as necessary to permit existence at the poverty line for a retired couple.

The significant increase in deductibles and per-day payments will constitute a nearly crushing burden on many of those beneficiaries who receive benefits at or near the minimum, if they must be hospitalized. For those who have attempted to protect themselves against this risk by private health insurance to supplement the hospital and medical coverage under medicare, the picture is no better. For example, premiums for the medicare supplementary insurance offered by Blue Shield in Minneapolis have recently been increased from $7.95 a month only a year ago to $14.90 a month today. Thus, these costs have increased by 87 percent in the past year.

Seven million people age 65 and over

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are living in poverty or near poverty, many of them receiving no income except social security benefits. We have recently succeeded in amending our tax laws so that those living in poverty can be freed of Federal income taxes. It makes no sense to levy an increase of $15.60 a year on a person living in poverty just because it is calculated as some kind of "share" of the medical insurance program. This has the effect of saddling those already in poverty with the cruel costs of inflation. We must find a better way.

Indeed, the average social security benefit meets only about one-third of the needs spelled out in the Bureau of Labor Statistics "retired couples budget." So it is not just a question of protecting a small minority of aged persons from a heavy increase in medicare premiums. What we have to do is protect literally millions of aged social security annuitants from having an already inadequate standard of living further impaired in order to finance this program.

I think there is a better way. When this program was established, it was decided that half of the cost would be borne out of general revenues of the Federal Government. The other half was to be borne by the participants. Had the cost of living remained reasonably stable, this would have been tolerable. But, in the face of recent and continuing inflationary developments, we cannot ask these poor, aged beneficiaries to pay even one-half of the increased physicians' charges that have been experienced since medicare went into effect.

Furthermore, the administrative costs under this program appear to be inordinately high. I do not think it is fair to ask the elderly to pay these administrative costs of the Government.

I am introducing legislation which will freeze the present $4 per month premium through June 1971. The additional cost to the Government to prevent the $1.30 per month increase which the Secretary of Health, Education, and Welfare has announced, will be approximately $301 million. Effective July 1, 1971, my bill will return the monthly premium for part B to $3 a month, as it was in 1966 when the program was initiated. This additional cost of about $230 million will also be paid out of the general fund.

As I have indicated, the medicare part B premiums are only one aspect of the increasing burden of medical care costs for the poor and the elderly. But we can deal with this problem immediately and directly.

The Government cannot deal so readily with the rapidly increasing medical care costs which are reflected in the increasing premiums for private insurance programs which supplement medicare. However, it can reduce these costs indirectly by avoiding increases in the deductible and per day costs to be borne by the participants.

I will be developing further legislation to roll back the increased deductibles and to make other badly needed improvements in the medicare program. I believe the program should be expanded to cover those on disability retirement under the social security program, even though they are under age 65.

I think it is vital that we eliminate the requirement that medicare participants provide, at their own expense, the first three pints of blood which they may require. Similarly, I think it is essential that we provide for coverage of a substantial portion of out-of-hospital prescription drugs for those under medicare. Finally, I think we should consider alternative methods of financing the entire participants' share of medicare part B. We should strive to eliminate the monthly premiums charged to the participants entirely. Through general fund financing, or increased payroll taxes, or some combination, it should be possible to eliminate these significant deductions from the monthly social security benefits checks.

Mr. President, I feel that the fight against inflation is our paramount task today. We must seek economy in Government. We must act to resist unjustified price increases. We must seek fiscal restraint, while protecting against unemployment or unfair burdens on particular sectors of the economy.

But we canont simply shift the problem of inflation over to that sector of our population least able to stand the burden.

The announced increases are "responsible neither to our economy nor to our people."

They are, rather, discriminatory and unfair.

I hope that this measure will be acted on promptly by the committee. I do not think we can afford to wait for comprehensive social security amendments. Action is required before the July 1 effective date for the new premium rates. I will welcome the cosponsorship of my colleagues of this important measure.

I ask unanimous consent that the text of the bill be printed in the Record.

The PRESIDING OFFICER. The bill will be received and appropriately referred; and, without objection, the bill will be printed in the Record.

The bill (S. 3307) to prevent further increases in the monthly premium payable for supplementary medical insurance under part B of the medicare program established by title XVIII of the Social Security Act, and for other purposes, introduced by Mr. Mondale, was received, read twice by its title, referred to the Committee on Finance, and ordered to be printed in the Record, as follows:

S. 3307

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) subsections (a) and (b) of section 1839 of the Social Security Act are amended to read as follows:

"(a) The monthly premium of each individual enrolled under this part shall be $4, in the case of any month after June 1970 and prior to July 1971, and shall be $3, in the case of any month after June 1971.

"(b) The Secretary shall, during December 1970 and of each year thereafter, estimate the dollar amount necessary to defray the total costs (including administrative costs) of providing benefits payable under this part for the 12-month period commencing July 1 of the succeeding year and the aggregate amount of the premium payments which will be paid into the Medical Insurance Trust Fund during or with respect to such period. In estimating such total costs for any period, the Secretary shall include an appropriate amount for a contingency margin. Whenever the Secretary, pursuant to the preceding sentence, makes an estimate of such costs for any 12-month period he shall make a public statement setting forth the amount of the costs so estimated by him, together with the actuarial assumptions and bases employed by him in arriving at such estimate."

(b) Subsection (a)(1) of section 1844 of such Act is amended to read as follows:

"(1) a Government contribution equal to the amount by which the total costs (including administrative costs) of providing benefits payable under this part for any period exceeds the aggregate amount of the premium payments which will be paid into the Medical Insurance Trust Fund during or with respect to such period, and".

(c) The amendments made by the preceding subsections of this section shall take effect July 1, 1970.

Sec. 2. In addition to sums authorized under other provisions of law to be appropriated to the Federal Supplementary Medical Insurance Trust Fund, there are hereby authorized to be appropriated to such fund for the fiscal year ending June 30, 1971, such sums as may be necessary to place such Trust Fund, at the end of such year, in the same position in which it would have been at the end of such year if the first section of this Act had not been enacted.

ADDITIONAL COSPONSOR OF A BILL

S. 3181

Mr. PROXMIRE. Mr. President, I ask unanimous consent that, at the next printing, the name of the Senator from New Hampshire (Mr. McIntyre) be added as a cosponsor of S. 3181, the Regional Water Quality Act of 1970.

The PRESIDING OFFICER. Without objection, it is so ordered.

SENATE RESOLUTION 304—RESOLUTION SUBMITTED AND AGREED TO INFORMING THE PRESIDENT OF THE UNITED STATES THAT A QUORUM OF EACH HOUSE IS ASSEMBLED

Mr. MANSFIELD submitted a resolution (S. Res. 304) informing the President of the United States that a quorum of each House is assembled, which was considered and agreed to.

(The remarks of Mr. Mansfield when he submitted the resolution appear earlier in the Record under the appropriate heading.)

SENATE RESOLUTION 305—RESOLUTION SUBMITTED AND AGREED TO INFORMING THE HOUSE OF REPRESENTATIVES THAT A QUORUM OF THE SENATE IS ASSEMBLED

Mr. SCOTT submitted a resolution (S. Res. 305) informing the House of Representatives that a quorum of the Senate is assembled, which was considered and agreed to.

XUM

(The remarks of Mr. Scott when he submitted the resolution appear earlier in the Record under the appropriate heading.)

SENATE RESOLUTION 306—RESOLUTION SUBMITTED AND AGREED TO FIXING THE HOUR OF DAILY MEETING OF THE SENATE

Mr. KENNEDY submitted a resolution (S. Res. 306) fixing the hour of daily meeting of the Senate, which was considered and agreed to.

(The remarks of Mr. Kennedy when he submitted the resolution appear earlier in the Record under the appropriate heading.)

SENATE RESOLUTION 307—RESOLUTION SUBMITTED RELATING TO FUNDS FOR SUBCOMMITTEE ON PRIVILEGES AND ELECTIONS OF THE COMMITTEE ON RULES AND ADMINISTRATION

Mr. CANNON. Mr. President, I submit for appropriate reference an original resolution requesting an appropriation of funds for the use of the subcommittee on privileges and elections of the Committee on Rules and Administration.

The appropriation, in the total sum of $150,000, is for the fiscal year beginning February 1, 1970, and ending on January 31, 1971.

The PRESIDING OFFICER. The resolution will be received and appropriately referred.

The resolution (S. Res. 307), which reads as follows, was referred to the Committee on Rules and Administration:

S. Res. 307

Resolved, That the Committee on Rules and Administration, or any duly authorized subcommittee thereof, is authorized under sections 134(a) and 136 of the Legislative Reorganization Act of 1946, as amended, and in accordance with its jurisdictions specified by rule XXV of the Standing Rules of the Senate, to examine, investigate, and make a complete study of any and all matters pertaining to—

(1) the election of the President, Vice President, or Members of Congress;

(2) corrupt practices;

(3) contested elections;

(4) credentials and qualifications;

(5) Federal elections generally; and

(6) presidential succession.

Sec. 2. For the purpose of this resolution, the committee, from February 1, 1970, to January 31, 1971, inclusive, is authorized (1) to make such expenditures as it deems advisable; (2) to employ, upon a temporary basis, technical, clerical, and other assistants and consultants: *Provided*, That the minority is authorized to select one person for appointment, and the person so selected shall be appointed and his compensation shall be so fixed that his gross rate shall not be less by more than $2,700 than the highest gross rate paid to any other employee; and (3) with the prior consent of the heads of the departments or agencies concerned, and the Committee on Rules and Administration, to utilize the reimbursable services, information, facilities, and the personnel of any of the departments or agencies of the Government.

Sec. 3. The committee shall report its findings, together with its recommendations for legislation as it deems advisable, to the Senate at the earliest practicable date, but not later than January 31, 1969.

Sec. 4. Expenses of the committee, under this resolution, which shall not exceed $150,000, shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee.

XUM

EXEMPTION FROM THE ANTITRUST LAWS CERTAIN COMBINATIONS AND ARRANGEMENTS NECESSARY FOR THE SURVIVAL OF FAILING NEWSPAPERS—AMENDMENTS

AMENDMENT NO. 442

Mr. McINTYRE submitted amendments, intended to be proposed by him, to the bill (S. 1520) to exempt from the antitrust laws certain combinations and arrangements necessary for the survival of failing newspapers, which were ordered to lie in the table and to be printed.

(The remarks of Mr. McIntyre when he submitted the amendments appear later in the Record under the appropriate heading.)

NOTICE OF HEARING ON NOMINATION OF GEORGE HARROLD CARSWELL

Mr. EASTLAND. Mr. President, on behalf of the Committee on the Judiciary, I desire to give notice that a public hearing has been scheduled for Tuesday, January 27, 1970, at 10:30 a.m., in room 2228, New Senate Office Building, on the following nomination:

George Harrold Carswell, of Florida, to be an Associate Justice of the Supreme Court of the United States, vice Abe Fortas, resigned.

Any persons desiring to offer testimony in regard to this nomination shall, not later than 24 hours prior to such hearing, file in writing with the committee a request to be heard and a statement of their proposed testimony.

SGT. KENT LAWTON SUGGESTS BETTER SOLUTIONS FOR WOUNDED VETERANS

Mr. PROXMIRE. Mr. President, last Friday morning, January 16, 1970, I had the moving experience of visiting one of my constituents from West Allis, Wis., Sgt. E5 Kent Lawton, a patient at Walter Reed Hospital. Sergeant Lawton has been hospitalized since May of 1968, when he was in a tank in Vietnam which was hit by a Vietcong rocket. He was very seriously wounded, and much of his face was destroyed. It was almost miraculous that he survived, in view of his wounds, but he is at Walter Reed now and he has been there for 18 months. He has another 12 months and perhaps 2 years before he can be released completely. He has a remarkable attitude. He is not bitter. He is deeply concerned with what he can do to make life better for other veterans. He gave me a statement, which is most interesting, moving, and thoughtful, about the attitude of the public toward veterans and how he thought it could be improved.

He gave me suggestions, which we worked out later, on how those veterans who are hospitalized for a long time could be motivated to take advantage of educational opportunities. They receive one promotion and that is all they can get after being hospitalized. It seemed to Sergeant Lawton and me that if a veteran took advantage of educational opportunities, if he met certain standards, and passed certain tests, he could be promoted again and become a more productive citizen. This proposal would be confined strictly to veterans wounded in action. It seemed to us they would be motivated as to make better use of the time they have available. The wounded veteran in this position has the opportunity to work and make progress and he must feel that there is real hope for him when he gets out, and a tangible solid available reward like a promotion.

On the basis of my visit I wrote a letter to the Secretary of the Army suggesting that he give consideration to legislation or regulations along this line.

I ask unanimous concent that there may be printed in the Record the statement by this young 23-year-old man who has given so much for this country.

There being no objection, the statement was ordered to be printed in the Record, as follows:

I, Kent Lawton, entered the army January 10, 1967 as a draftee for two years. In April 1968 I volunteered to go to Vietnam to fight for something I believed in. I was injured in May of 1968 and have been hospitalized ever since. It is my intention to record some of my feelings and experiences in those 20 months.

I find the general public has several misconceptions about hospitalization. Many people say "well at least you are getting good free medical care. I don't think that is a good way to look at the situation.

My feelings are that this is the very least that can be done. I am the one who must go through all the reconstructive surgery. For my efforts I get my basic army pay. Now right away this doesn't sound too bad because all I have to do is lay in bed and collect it. But when you consider the problem is with me (and others) 24 hours a day. It can't be left at 5 p.m. It is also such a slow process.

Then there is the fact that soldier status can not be changed while hospitalized. Promotions are slow due to specific rules. As far as compensation for a combat wound you receive 3 months "combat pay" while hospitalized. This $65 times 3 sounds good but doesn't amount to much compensation when hospitalized over a long period.

Many badly injured soldiers *who have worked under Social Security* receive disability compensation. This is entirely unrelated to the Army compensation. Some men do not receive Social Security because they do not meet the requirements.

All these disabled soldiers are operated on and then sent home to recover and heal. Often even if they are ready for the next step they must wait in line for an opening on the schedule. This naturally lengthens the time they are on hospital status. As a matter of fact the schedule is so busy that many little things are passed over by doctors, who, though very dedicated, are just too busy to worry about them.

What else besides 3 months pay does the Army do? Through the education office they consult patients ready to leave regarding educational matters. These patients are different than the average soldiers leaving the Army. The handicapped amputees are given therapy. People who ask for psychological help get it. The others are released.

When released if they are judged to have a disability they will receive compensation. However, as long as you have all your features in the approximate place and *no scars* the disability is not compensatable. You do not have to look like you did before; only have all the appropriate features.

I would like very much to see the army do more for rehabilitating the disabled soldier in every way possible. This means mentally as well as physically. They must be made back into a productive member of society. I know of several bitter disabled GI's who feel the world owes them a living and sit back and collect disability. What has the army done to make them this way? They have a good program as far as education. But is that enough, to get a soldier who has been out of touch for 2 and 3 years back into circulation. Now the world is moving so fast. I feel the army owes it to these boys to help them adjust in any way it can.

The guys I knew care little about education and so forth. I agree with the idea that if a guy is going to study he is going to study; nothing will stop him. Yet even so the Army hospital atmosphere doesn't lend itself very well to study. 90% of the men just want to get out and get home. They care about nothing else. They are somewhat grateful for mistakes but actually nothing really affects that desire to get out.

If only this drive could be channeled to use the facilities available to their advantage. Maybe if more people came around to keep the men interested. Many need to be pressed to stay and finish their operations. The disabled soldier is in such a hurry to get out due to pressures from back home for him to get on with life and start earning a living again.

I think the people that go back to school will get back into the swing of things fast because this is the melting pot of all classes. They learn fast here what has been happening while they were gone. But what about the many guys that the Army does not encourage to go back to school? They have a lot of hangups, they think many strange things about their disability They get little help. Many are self-conscious. Others hide what happened. They don't want pity and are also sick of nosy people. Many want to be left alone and avoid people.

I also think the Army owes it to society to prepare the public for the hundreds of injured they release. The public needs to better understand these soldiers.

THE NATIONAL ENVIRONMENTAL POLICY ACT

Mr. BYRD of West Virginia. Mr. President, one of the most significant bills passed by the Congress last year was the National Environmental Policy Act sponsored by the junior Senator from Washington (Mr. Jackson).

This act sets forth for the first time a congressional policy toward the environment and establishes a Council on Environmental Quality in the Executive Office of the President. The President emphasized its importance when he signed the bill into law on New Year's Day in his first official act of the new decade.

Mr. President, in the past several weeks there have appeared a number of articles and editorials discussing the National Environmental Policy Act and the problems involved in protecting our environment. I ask unanimous consent that a selection of these articles be printed in the Record at this point.

There being no objection, the articles were ordered to be printed in the Record, as follows:

[From the Chicago Tribune, Jan. 4, 1970]

Turn Pollution Around

In his first official act of 1970, President Nixon signed the national environmental policy act, creating a three-man council of environmental advisers to the President parallel to the council of economic advisers. This council and, for that matter, the whole act are probably less significant than Nixon's assertion that "the 1970s absolutely must be the years when America pays its debt to the past by reclaiming the purity of its air, its waters, and our living environment. It is literally now or never." A determination by the President of the United States to exert the powers of his office to resist the progressive deterioration of our physical environment is more important than any single statute.

Similarly, the fact that Congress—in this instance led primarily by Sen. Henry M. Jackson of Washington—took the initiative of passing the national environmental policy act is more hopeful than the act itself. Acts and councils seldom have much impact unless there is a sincere and persistent implementation of their intent in later executive and legislative decisions.

The idea of arresting the continual degradation of the human habitat is an idea whose time has come. The air and water in so many congested areas has become so fouled that the man in the street can confirm what until recently were largely disregarded warnings from a few scientists. Both the general public and powerful officials have got the message: "It is literally now or never."

Effective action against polluters requires national—indeed, international—action. But it is not the kind of action that governments have been in the habit of taking. Until very recently it was generally assumed that nature could absorb any amount of punishment. On the premise that what they did on their own property was their business, polluters large and small have been allowed to dump noxious stuff into air and water. Indeed, the polluters have included many an agency of government.

As is inevitable in undertaking new tasks, government's first efforts at coping with pollution have been inefficient. President Nixon alluded to some of the difficulties when he said, "To compound the levels of review and advice seldom brings earlier or better results."

Polluters accustomed to paying attention to nobody pounce on bewilderingly numerous directives as a good excuse for delaying remedial action. The assignment of fighting pollution needs to be accepted by and directed from the highest levels of the federal government, the President's office and Congress. The job is too big for cities, counties, or states to undertake alone, tho all have their essential roles. It is too essential to be consigned to federal burocrats, whether few or many. Turning pollution around so that it decreases instead of further increasing requires firm policy at the top, firmly implemented in day-to-day decisions.

President Nixon evidently has been impressed by what he learned in the "many hours" he has spent with his cabinet-level Environmental Quality council, appointed last May, considering "the pressing problems of pollution control, airport location, wilderness preservation, highway construction, and population trends." Meanwhile, Congress, wanting to express independently its recognition of a popular issue, brought to passage the new national environmental policy act. Both executive and legislative levels of the federal government are now as clearly on record against permitting further environmental deterioration as words can make them.

Let deeds follow.

[From the Christian Science Monitor, Jan. 5, 1970]

"Now or Never"

President Nixon couldn't have picked a better subject for a New Year's and new decade's resolution that the quality of the environment. As he signed the National Environmental Policy Act at his San Clemente retreat, he said: "The 1970's absolutely must be the years when America pays its debt to the past by reclaiming the purity of its air, its waters and our living environment. It is literally now or never."

It is now or never. With each year's delay the problems of pollution, overcrowding, urban blight, uglification of the landscape set their noxious roots deeper.

The President's science adviser Dr. Lee DuBridge said in Boston a week ago that the technology to arrest environmental decay is ready. Two things were still needed: organization and resolve.

The bill signed by the President on New Year's Day will help provide the rudiments of the organizational delivery system the nation will need to reverse pollution trends. It gives the President a Council on Environmental Quality, similar to the Council of Economic Advisers. The council will be backed up by a technical staff. Likewise, the timing and tone of the President's statement suggest the kind of resolve the nation needs to make real headway.

The sincerity of the President's resolve was quickly questioned by Sen. Henry M. Jackson of Washington, who wrote the new bill, and by Sen. Edmund S. Muskie of Maine. Sen. Jackson wondered whether Mr. Nixon would spend enough. Sen. Muskie objected to the President's remarks about keeping his environment protection staff "compact," an allusion to the more ambitious executive staff the Maine Senator has been proposing.

Both Senators agreed, however, that for the nation to make the needed turnaround, the President had to lead the way. Mr. Nixon will not find the going easy. One of the biggest obstacles is the general feeling that the problem is too complex to be masterminded by the government, that slovenliness and the hunger for material things are too entrenched.

But the restoration of a companionable life between man and his environment must be possible. One thinks of the Marshall Plan, and the tremendous restorative effect it had on Western Europe. Environmental decay is a subtler but no more pernicious ravager than war. If a new Europe could rise out of an enemy-caused rubble, so can a modern society save itself from its self-toxicated land, air, and water.

[From the New York Times, Jan. 4, 1970]

Fight for Survival

President Nixon's characterization of the battle against the pollution of the environment as a "now-or-never" fight offers new hope that this survival issue will be given top priority, not in discussion panels but in action.

With poisons pouring into the air at a rate of 130 million tons a year and great bodies of water turning into cesspools, the question is no longer one of comfort or esthetics but of life and death. The President's warning that huge areas may become unlivable by 1980 must be underscored with the observation that many urban regions already fit this description.

XUM

Creation of the Council on Environmental Qualities and the President's emphatic endorsement of the Democratic-sponsored National Environmental Policy Act should be the first step in a bipartisan partnership to avert the disastrous prospects so dramatically set forth by Mr. Nixon.

The question still to be answered—and gravely posed anew by Senators Jackson and Muskie at the very moment of the Administration's appeal—is whether the country and its leaders truly comprehend both the nature and the price of the task. This is not a clean-up job or a beautification project. It is not a patch-up effort to muzzle a few smokestacks and incinerators or to improve the existing sewage system. It is not a series of skirmishes against easily identifiable despoilers of air, water, land or forests.

Nothing short of a new understanding of the total pattern of man's use of the environment and its resources can keep the nation from drowning in the wastes of its own affluence. It would be fatal self-deception to welcome the new concern with the environment, in all branches of society and at all age levels, as a painless diversion from radical pressures for basic social reform. In many ways, the strategies required to check the destruction of the environment involve a more fundamental assault on all our normal modes of conducting industry, moving about for business or pleasure and establishing a balance between public and private interests than any involved in race relations or other phases of the urban crisis.

Private gain and public expenditures, deeply involved in polluting the environment, cannot remain untouched by realistic policies to stop that pollution. Nor can there be a coherent plan to deal with man's future environment without concern for the population pattern itself.

Sacrifice will be required and so will large-scale expenditure of governmental funds. Inflation and the drain of the Vietnam war will provide handy excuses for inaction. But the price of evasion will be self-annihilation, a stake bigger than any war.

XUM

[From the New York Times, Jan. 4, 1970]

WASHINGTON: "IT IS LITERALLY NOW OR NEVER"

(By James Reston)

WASHINGTON, January 3.—A great deal is being made by the Democrats in Washington these days about the difference between President Nixon's soaring rhetoric on pollution control and his comparatively low budget requests to deal with the problem.

On the face of it, the opposition party can argue that he is talking big and spending very little. He requested $214 million to help clean up the nation's waters in the current budget; the Congress finally appropriated $800 million; and it is not yet clear that the Administration will spend the extra money.

Nevertheless, Mr. Nixon declared the other day that "the nineteen-seventies absolutely must be the years when America pays its debt to the past by reclaiming the purity of its air, its waters and our living environment. It is literally now or never."

THE NEW CONVERT

Despite this difference between language and cash, however, it would probably be a mistake to put the contrast down to political hypocrisy. It is only in the last year that Mr. Nixon, like many other Americans, has come to realize that a population increasing by over two million a year and an indifferent industry expanding even faster are poisoning the atmosphere of the nation and raising vast new political as well as social problems.

Accordingly, he is said to be devoting a major part of his forthcoming State of the Union message to the pollution problem and to the reorganization of local, state and Federal Governments to deal effectively with the larger appropriations he intends to request in the next budget.

Mr. Nixon is not a fisherman like Herbert Hoover, or a hunter or conservationist like Teddy Roosevelt, but he is from California, where pollution has been a lively political controversy for years, and Ed Muskie, who could be his opponent for the Presidency in 1972, is one of the real experts in the Senate on this vast and complicated subject.

THE WHITE HOUSE COUNCIL

In signing the bill to create an Environmental Council to advise the President in this field—as the Council of Economic Advisers assists him in the economic field—Mr. Nixon has at least assured that experts will be watching all executive and legislative actions for their potential influence on the environment.

Lord Ritchie-Calder, writing in the current issue of Foreign Affairs, defines pollution as "a crime compounded of ignorance and avarice," and he notes that the ignorance often exists at the very top of civilized governments simply because all the implications of government decisions are not clear to the men at the top.

For example, Prime Minister Clement Attlee, who concurred in President Truman's decision to drop the atomic bomb on Hiroshima, wrote in "Twilight of Empires" sixteen years later:

THE FORGOTTEN FACTOR

"We knew nothing whatever at that time about the genetic effects of an atomic explosion. I knew nothing about fallout and all the rest of what emerged after Hiroshima. As far as I know, President Truman and Winston Churchill knew nothing of these things either. . . . Whether the scientists directly concerned knew or guessed, I do not know. But if they did, then so far as I am aware, they said nothing of it to those who had to make the decision."

This may, as Lord Ritchie-Calder observes, sound absurd, since H. J. Muller had won the Nobel Price in 1927 for his evidence of the genetic effects of radiation, but it is merely one dramatic illustration of a fact well known to anybody who has been around Washington or Westminster in the last thirty years, namely that governments are constantly making decisions without any serious study of the side effects of their actions.

Now, at least, there will be an early-warning post in the White House, and some expert advice on how money can be spent effectively in attacking the total problem rather than, as has happened often in the past, wasting it on piecemeal projects.

Besides, the new Environmental Council will serve, as the Economic Council does, as an educational agency, not only for the Administration, but for the Congress and the public as a whole.

THE BASIC CONFLICT

The real conflict will come between a conservative Administration's natural instinct to conserve and the opposition to expensive decontamination projects among the Republican party's supporters in American industry.

If Mr. Nixon sticks to his now-or-never battle against pollution, however, he will find a very large and powerful constituency in the public and the press at his side. This is one of those projects which, if well organized and financed, can be a major goal for the bicentennial celebrations of 1976, but it will have to be coordinated and pushed hard in the next few months, and the indications here are that the President intends to do just that.

[From the Washington Evening Star, Jan. 8, 1970]

EVERYONE'S GETTING INTO THE ENVIRONMENTAL ACT

(By James J. Kilpatrick)

President Nixon went out of his way a few days ago, in signing the National Environmental Policy Act, to plump hard for conservation. It is "now or never," he said, for Americans to take steps toward clearing up the mess they have made of their country. From across the land, in one editorial voice, came the sound of a great Amen.

Forgive me if I maintain, for a while, a discreet and skeptical silence. The act just signed by Mr. Nixon may indeed be landmark legislation. It surely is a monument to one of the Senate most able men, Henry M. Jackson of Washington. It is entirely possible that the new three-member Council of Environmental Quality Advisers will add fresh clout to the anti-pollution cause.

But an uneasy feeling is beginning to grow that what is needed is not fresh clout, but better coordination. Everyone's getting into the act. Preservation of a livable environment has become the hottest cause on Capitol Hill since civil rights and Appalachia. It is hotter than hunger, poverty, food stamps and housing. There was a time, and not so long ago, when half the House would have been stumped by talk of "ecology." Now there's an ecologist in every cloakroom, and the end is not in sight.

In many ways, of course, this intense interest is wonderfully welcome. Those of us who were born after 1900, or even after 1920, inherited a land that was generally pleasant, livable, and lovely to look at. To be sure, there were slums and tenements and soft coal soot, and quite a lot of mud mixed with the horse manure, but the quality of life, as measured in clean air, clean water, and verdant hills, was something to remember with wonder—and with dismay.

For the generations of this century have squandered that inheritance. Never was so great a trust so grossly violated. We turned our valleys into dust bowls and our rivers into sewers, killed the lakes, fouled the air, choked the cities. With the brute efficiency of systematic vandals, we combined stupidity and greed. Now we measure the quality of our life by the tons of litter we leave behind. The hallmark of our society is stamped on 10 million roadside bottles: No deposit, no return.

All this has been said repeatedly. Teddy Roosevelt said it at the top of his lusty lungs. Editors of a thousand newspapers appealed for conservation of vanishing resources. Garden clubs, sportsmen's organizations, such governors as Pinchot of Pennsylvania, pleaded and warned and remonstrated. Nothing slowed the rapacious tide. Red-eyed, coughing, half-deafened, we staggered into the '60s.

And behold: If there is one good thing that can be said for the decade just ended, it is that perhaps—perhaps—it marked the beginning of a new awareness, and a new determination, in terms of a livable world. Now congressmen are leaping to the cause like so many spawning salmon.

As a result, we may wind up with too much of a muchness. The old-line agencies—the National Park Service, Forest Service, Soil Conservation Service—suddenly have acquired a flock of young friends. In a torrent of reorganization and creation, recent years have brought a Bureau of Sports Fisheries and Wildlife, a Bureau of Outdoor Recreation, a Federal Water Pollution Control Administration, a National Air Pollution Control Administration, an Environmental Science Services Administration, a Consumer Protection and Environmental Health Service, and Environmental Control Administration, an assistant secretary for Model Cities, a Water Resources Council, and a small army of state and regional commissions.

The Jackson Act will create a Council of Environmental Quality Advisers. The council soon will be joined by an entirely new Office of Environmental Quality, to be created under a bill sponsored by Sen. Muskie of Maine. The Congress has got religion, all right; it could now use a firm ecumenical movement.

Nixon can provide the coordinating leadership, if Congress will let him. But my skeptical eyes inform me that private interests, jealous committees, and full-time bureaucrats will not yield their fiefdoms without a struggle. The best advise is to hang on to your eye drops and cough syrup, for another 10 years at least.

[From the New York Times, January 4, 1970]

THE NATION: IT'S "NOW OR NEVER" SAYS NIXON ABOUT POLLUTION

WASHINGTON.—The halting of environmental degradation was not one of Richard M. Nixon's campaign priorities in 1968. In fact, he rarely mentioned it. In mid-October, two weeks before the election, however, he did issue a statement on pollution.

"We have developed legal procedures to prevent people from dumping garbage in the streets," he said. "We must now develop procedures—appropriate to the last third of the 20th century—which prevent people from using more sophisticated ways of garbage disposal to poison our air and foul our waters."

In the closing days of the last session, after extensive hearings and floor debate in both Houses, Congress sent to the President a bill empowering him to do just that—and a great deal more. It was called "The National Environmental Policy Act of 1969."

The act declares that it is the policy of the United States Government "to create and maintain conditions under which man and nature can exist in productive harmony." It requires all Federal agencies to take into account the environmental impact of all actions they propose.

Finally, it creates in the office of the President a permanent Council on Environmental Quality of three members, modeled on the Council of Economic Advisers, and authorizes an annual appropriation of $1-million to pay the salaries of the members and a small professional staff. The principal function of the council is to recommend environmental policies to the President.

DECADE'S FIRST ACT

On New Year's Day in San Clemente, Mr. Nixon signed the bill, saying it was a "particularly fitting" first act of the new decade. Over the past year, he said, he had become convinced "that the nineteen-seventies absolutely must be the years when America pays its debt to the past by reclaiming the purity of its air, its waters and our living environment. It is literally now or never."

Senator Henry Jackson, Democrat of Washington and chairman of the Interior Committee, who was the principal author of the bill, and Representative John D. Dingell, Democrat of Michigan, its chief sponsor in the House, welcomed this statement, as did such other leading Congressional environmentalists as Senators Edmund S. Muskie, Democrat of Maine, Gaylord Nelson, Democrat of Wisconsin, and Allen J. Ellender, Democrat of Louisiana.

Yet there was apparent among them, a suspension of complete belief until the President manifested in action how far he was prepared to go to carry out the purposes of Congress. Was he, they wanted to know, prepared to reorder national priorities? Would he, in his budget requests, put his money where his rhetoric was?

There was some history behind this Missouri attitude.

First, although the Clean Water Restoration Act of 1966 authorized an appropriation of $1-billion in this fiscal year for grants to states for waste treatment works, Mr. Nixon's budget request merely reiterated President Johnson's for $214-million. The House appropriated only $600-million, but the Senate granted Mr. Ellender's plea for the whole $1-billion. The two Houses finally settled on $800-million. There is considerable doubt on Capital Hill that Mr. Nixon intends to spend the $586-million above his request.

A second doubt derived from the Administration's original opposition last spring to the creation of a White House Council on Environment. The reasons given were the diffusion of responsibility and the fact that the President had already named a Cabinet level Environmental Quality Council with Dr. Lee DuBridge, Presidential science adviser as executive director.

However, Mr. Jackson, Mr. Muskie and Mr. Dingell regarded this Cabinet committee as window dressing, designed to forestall the Jackson-Dingell bill. They were convinced Dr. DuBridge's office already had too much on its plate to give much attention to environmental problems.

WATER QUALITY

Finally, there was the back of the hand which the President gave last Thursday to a provision in the Water Quality Improvement Act of 1969, which is still in conference committee of both Houses. This provision, sponsored by Mr. Muskie, would create, also in the White House, an Office of Environmental Quality, to provide daily operating staff for the policy-making council.

Mr. Nixon said such a staff organization would be "a mistake" and merely "compound the levels of review." Mr. Muskie sharply retorted that the council and the staff office represented "an integrated approach to environmental problems."

Mr. Nixon, it is agreed, could dissipate these Congressional reservations by moving quickly to appoint men of outstanding qualifications to the new council, by giving the council its own professional advisory staff as large as the 29-member staff of the Council of Economic Advisers (which also has a $1-million annual budget), and by withdrawing his opposition to the larger support staff proposed by Mr. Muskie.

Furthermore, it is agreed, he could win large credit on the Hill by announcing his intention to spend the whole $800-million for waste treatment works that local communities are unable to finance alone. Mr. Ellender agrees it is "literally now or never."

SMOTHER IN WASTE

"Unless we take positive action now," he said in urging Senate approval of the full $1-billion authorized "our great country will smother in its own waste matter. Even dumb animals have enough sense to avoid that ignominious end."

Some observers here believe Mr. Nixon may do much more than he ever intended to a year ago. He is well aware that, as Senator Jackson remarked last week, there is a very large constituency forming behind environmental quality, particularly among the young.

In his recent Reith Lectures on BBC in England, Frank Fraser Darling, head of the Conservation Foundation, said: "Government and local authorities have the legislation enabling them to tackle dereliction [of the environment], but in fact most are log-rolling, acting fragmentarily with a maximum of show, rather like funeral horses trained to trot magnificently at a pace slower than a walk."

Mr. Nixon now has the legislation, and Congress will be watching whether his progress is that of a funeral horse or a pacemaker.

[From the Portland (Oreg.) Oregonian, Dec. 21, 1969]

SENATOR JACKSON SCORES ON ENVIRONMENT BILL

(By A. Robert Smith)

WASHINGTON.—The year's most significant development here in the mounting struggle to protect, preserve and enhance America's natural environment may turn out to be a rather modest appearing bill just passed by Congress.

It could be a "milestone," as its proud author, Sen. Henry M. Jackson, D-Wash., claims, but only if President Nixon makes good use of it. And that prospect appears favorable, for White House aides report that Nixon plans to emphasize environmental protection in his first state of the Union report in January.

Entitled the National Environmental Policy Act of 1969, the bill is a compromise worked out after weeks of backstage meetings among key members of the Senate and House.

It would create a Council on Environmental Quality within the executive office of the president.

STATURE SOUGHT

Jackson hopes this three-man agency will gain the stature and influence of the president's Council on Economic Advisers, the three appointees who assist the president in determining policy on inflation, interest rates and national economic growth. Because the federal government plays such a critical role in national fiscal affairs, the views of these three economists are eagerly sought by the business community.

The Council on Environmental Quality will gain whatever prestige and power the president chooses to give it. If it does become comparable to the Council of Economic Advisers, it could pack a wallop. On the other hand, if it is a passing fancy, such as the president's Council on Physical Fitness, created back when we thought our worst problem was domestic flabbiness, the environment will get scant attention.

Nixon created an interdepartmental council on the environment last spring, made up of various cabinet officers with relevant concerns. Reportedly it has met only twice. This lack of attention to a grave national problem bears out the impression of Sen. Robert Packwood, R-Ore., who several months ago, during a dinner-cruise on the presidential yacht, tried to arouse Nixon's interest in a major effort to cope with pollution and other environmental threats. It just didn't grab him, Packwood found.

Then there was Interior Secretary Walter Hickel, marking time for many months with his scheme for undertaking a monumental anti-pollution campaign. It got moved to the back burner; other problems were more pressing.

CHANGE INDICATED

The word now is that all this has changed at the White House, that Nixon will embrace Hickel's anti-pollution program and urge Congress to enact it, that the administration will place environmental protection right on the front burner.

Assuming Nixon appoints three outstanding persons to the new council and gives them the latitude intended by Jackson's bill, they would systematically examine all new federal programs and projects—dams, highways, mining and logging operations on federal lands—to determine their impact on the natural environment. The council would not have any veto over such programs or projects, but its influence could be felt through the White House when their sponsoring agencies sought presidential clearance.

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In a word, the council would try to make all federal agencies more sensitive to the common responsibility for environmental protection. And it would be available to help any state or local agency, or even private business, with information that might serve to enhance the environment. Annually the council would issue a report on the status of various aspects of the environment—air, marine, fresh water and the land, including forests, ranges, wetlands and the urban, suburban and rural areas in which people live.

The new act also directs all federal agencies to provide a detailed report on the environmental impact of each new proposed action. One of the compromises required to get the bill enacted exempts the AEC from passing on the environmental impact of private nuclear power plants that it licenses.

RESPONSIBILITY SPLIT

The AEC will continue to consider possible radiation hazards and to clear each power plant from a safety standpoint. But a question of environmental concern, such as thermal pollution caused by hot water discharged into rivers or bays, would be left up to the states to regulate. If a state rules that a nuclear power plant will not jeopardize the minimum water quality standards established by the state, the AEC would accept this.

Jackson lost one of his primary objectives in the final version. His original bill stated: "Congress recognizes that each person has a fundamental and inalienable right to a healthful environment and that each person has a responsibility to contribute to the preservation and enhancement of the environment."

The Senate passed this language, but House members objected on grounds it would give every citizen the legal authority to bring suit against the government if his "inalienable right to a healthful environment" has been violated.

JACKSON AGREES

Jackson couldn't deny their contention, for he agreed. In the House-Senate conference that drafted the compromise, the majority turned thumbs down on allowing anyone to seek judicial redress of grievances against pollution. That was much too radical an idea.

The compromise language, stripped of citizen power but clothed in the verbal garments of hope, says, "Congress recognizes that each person should enjoy a healthful environment and that each person has a responsibility to contribute to the preservation and enhancement of the environment."

The senator, however, hasn't given up on his original idea. Losing this round, he put his staff to work drafting an environmental "bill of rights" designed to assure that one's right of life, liberty and the pursuit of happiness is not rendered meaningless by another's practice of polluting the air, and water and the land around us.

[From Science, Jan. 2, 1970]

ENVIRONMENTAL POLICY ACT: CONGRESS PASSES A LANDMARK MEASURE—MAYBE

Congress completed action just before Christmas on the National Environmental Policy Act of 1969, described by Senator Henry M. Jackson, chairman of the Senate Interior Committee, as "the most important and far-reaching conservation measure ever enacted." In part, the act amounts to no more than a statement of good intentions and whether it actually lives up to Senator Jackson's words will depend on how seriously it is taken by the Administration and the Congress itself. Its usefulness will depend also on the efforts of conservationists and others to make the issue of environmental quality weigh heavily enough politically to influence the day-to-day decisions of government administrators and practical politicians.

The act, which had strong backing in both the House and Senate and no significant opposition (final passage in each body was by voice vote), has two major features. The first consists of a declaration of policy that is made more meaningful by an "action-forcing" provision prescribing specific procedures to be followed by federal agencies as they develop policies and plans which would affect the environment. The second requires the President to submit to Congress an annual environmental quality report and to establish, as part of the Executive Office of the President, a high-level Council on Environmental Quality. Congress would hold hearings on the President's report, which the new council would have the task of preparing.

The Environmental Policy Act is loosely analogous to the Employment Act of 1946. That act prescribed full employment as a national goal and established the three-member Council of Economic Advisers, which, although virtually ignored during some periods, has been highly influential in the shaping of government economic policy during the 1960's.

The Environmental Policy Act calls on the government to seek environmental enhancement by "all practicable means, consistent with other essential considerations of national policy. The policy goals include having an environment supporting diversity and individual choice; attaining, to the maximum extent possible, the recycling of depletable resources; and—achieving a "balance between population and resource use which will permit high standards of living and a wide sharing of life's amenities."

According to the act, each person "should enjoy a healthful environment" and has a "responsibility to contribute to the preservation and enhancement of the environment." As the Environmental Policy Act was first passed by the Senate, this provision had the ring of an environmental bill of rights—saying that "each person has a fundamental and inalienable right to a healthful environment." However, this language was deleted in conference at the insistence of the House conferees.

The act's action-forcing provision contains several specific directives to federal agencies. Among them are requirements that these agencies shall (i) "utilize a systematic interdisciplinary approach which will insure the integrated use of the natural and social sciences and the environmental design arts in planning and in decision-making which may have an impact on man's environment"; (ii) develop methods whereby "presently unquantified environmental amenities and values may be given appropriate consideration in decision-making along with economic and technical considerations"; (iii) include in every recommendation or report on proposals for legislation or administrative actions affecting the environment, a detailed statement setting forth such considerations as the environmental effects expected and the available alternatives to the proposed course of action; and (iv) shall make the aforementioned statement public, together with the comments of other agencies.

These directives are not meant to override any provisions of existing law. But, if any agency not already operating under more specific or demanding requirements for environmental protection finds that it cannot legally follow the above procedures, it must propose to Congress, by 1 July 1971, such changes in its governing statutes as may be necessary to allow it to conform to the Environmental Policy Act.

Conservationists have reason to be elated at the act's insistence on rigorous analysis of the environmental consequences of government decisions regarding such things as the construction of dams and highways and the regulation of power companies, pipeline firms, and other utilities. In cases where significant environmental values are put in jeopardy by a project and feasible alternatives have not been pursued or identified, the act should make it easier for citizens groups, members of Congress, and strategically placed administration officials (such as those in the Bureau of the Budget and on the new environmental council itself) to stop the project before harm is done.

Members of the Council on Environmental Quality shall be selected by the President (subject to Senate confirmation) from among persons qualified by training and experience to interpret and analyze environmental trends, but not necessarily from among ecologists or other persons trained in a scientific discipline. They will serve full time, and Senator Jackson and other sponsors of the Environmental Policy Act are hopeful that the council members will soon attain the visibility and prominence in government circles now enjoyed by members of the Council of Economic Advisers. The council is authorized to spend eventually up to $1 million a year on staff and other expenses. However, its staff support may be provided by a new Office of Environmental Quality which Senator Edmund S. Muskie of Maine has proposed be set up in the Executive Office of the President. The Muskie proposal, which Jackson has endorsed, has been approved by the Senate as part of a water quality bill which is now in House-Senate conference.

The Nixon Administration, while never flatly opposing the environmental policy bill, has taken the position that no new council was needed in view of the fact that the President has established a cabinet-level council on the environment. However, in the view of the bill's sponsors, the President's group could serve best in resolving interagency conflicts, while the new council functioned more broadly as a trend-spotting and policy review body.

The analogy drawn between the Environmental Policy Act and the Employment Act of 1946 is an imperfect one. For one thing, while the Employment Act created Congress's Joint Committee on Economics (which has played a valuable educational role within the Congress), the Environmental Policy Act does nothing to coordinate Congress's handling of environmental issues. At the moment, there is no assurance that these issues will not continue to be dealt with by numerous individual legislative committees, which are often jealous of their jurisdiction.

Yet, even here, there is a possibility of improvement. Senator Jackson, in obtaining Senator Muskie's support for the environmental policy bill, has promised to back Muskie's proposal to establish a joint congressional committee on the environment. This body would not handle legislation, but it would allow influential members of the legislative committees that are concerned with environmental issues to meet regularly and consider their responsibilities jointly in a broad, long-term perspective.

[From the Economist, Jan. 10, 1970]

THE WORLD: POLLUTION—THE NEW ENEMY

WASHINGTON, D.C.—Only yesterday it was safe for busy practical men to treat conservationists with the same blend of indulgence and irritation which they extend to vegetarians, esperantists and other estimable eccentrics. "Those butterfly chasers" is the phrase of an officer of the United States Corps of Engineers, the mighty builder of dams, digger of canals, drainer of marshes, filler of land and tamer of rivers. There is a

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change. Not only has conservation of the human environment come to be taken seriously as an idea: it has actually acquired political weight. President Nixon was performing an act of political prudence last week when, in his first formal statement of the year, he declared the purity of the air, the waters and "our living environment" a prime subject of governmental concern in the 1970s.

To be fair, as a presidential candidate Mr. Nixon did devote a lengthy broadcast to the subject of natural resources, but his main emphasis on that occasion was on the open spaces as a source of refreshment for urban man and he paid a marked deference to the needs of industrial development and the demands of the extractive industries. The initiative in focusing the attention of government on the whole range of environmental problems came mainly from Congress. The Nixon Administration did not react favourably last spring when a number of Senators and Congressmen, reviving an idea some years old, pressed for the creation of a Council of Environmental Advisers. The President announced the formation of a cabinet committee, together with a citizens' advisory committee, on environmental quality and questioners were told be satisfied with that.

President Nixon, like President Johnson before him, also took a narrower view of the amount of federal money that could usefully be spent on curing water pollution than did Congress. The Clean Waters Restoration Act of 1967 provided for grants from the federal government to be matched by local authorities, for new or improved sewage works. But a good deal of the money authorized for the five-year period has not been asked for in the annual appropriation bills; last year Mr. Nixon asked for $214 million and Congress insisted on granting $800 million. The General Accounting Office got a rather sceptical reception in November when, on the basis of a sampling of various rivers across the country, it reported adversely on the effectiveness of the clean water programme. Town governments were already angry at being done out of the federal assistance that they believed that they had been promised and, when the accountants started to pronounce judgment on water treatment, they concluded that the Nixon Administration did not like the existing scheme and wanted to get rid of it.

Senator Henry Jackson of the State of Washington, Senator Edmund Muskie of Maine and their allies in both houses refused to be satisfied with Mr. Nixon's cabinet committee. They suspected it to be merely a sop and argued that the White House science adviser had too many things to think about to be able to devote enough attention to ecology. So far they have scored one major point with the passage of Senator Jackson's National Environmental Policy Act, which President Nixon signed on New Year's Day. This Act prescribes for environmental policy much the same treatment as was laid down for economic policy by the Employment Act of 1946, which gave the President his Council of Economic Advisers and required him to send Congress an economic report once a year. Now he will have a similar council of three full-time advisers, with a staff, on the environment and he is required to report annually on environmental quality.

At least this should ensure that the subject gets regular public attention. What more it will do must depend on the amount of earnestness that the Administration and Congress can sustain and this, no doubt, will depend on the efforts of the conservationists to give their subject a political weight that will make it unsafe for the politicians to disregard it. Like full employment, a "balance between population and resource use" has now been adopted as a national goal: but neither the one nor the other comes of itself. The Act places some procedural requirements on the executive departments which, when they are reporting on a proposed Bill or preparing an administrative decision, will now be obliged to explain the consequences for the environment if there are thought to be any. But the critics in Congress are not satisfied. Not far behind Senator Jackson's Bill in the parliamentary process is Senator Muskie's water quality improvement Bill, which the President, in signing the Jackson Bill, plainly indicated that he did not like. The chances that he will veto it when it is finally passed are fairly high.

The Muskie Bill would extend in a far-reaching way the water standards now imposed on the federal government: for example, any undertaking coming forward with a project—say, a power plant—that required a federal license would have to show that its project complied with the water standards (which, as is perfectly obvious, many now do not). It would come down hard on oil companies by imposing on them absolute liability for pollution of sea or fresh water caused by their tankers, offshore drilling rigs, or land installations. Mr. Nixon did not criticise the Muskie Bill on these grounds, but on the ground that the new office which it would set up would mean too much staff and too much organisation.

On the contrary, says Mr. Muskie, without his office the President's new environmental advisers will not be able to do their job properly. He wants the White House to command the staff which will enable it to overrule the executive departments when environmental policy requires it. He also wants Congress to organise itself for a period of acute ecological danger by setting up a new joint committee on the lines of the Congressional Joint Economic Committee, which has indeed proved itself most useful. Finally, in a speech last week he went beyond his own Bill to propose a new agency with executive powers which would concentrate under one roof the various functions affecting the environment that various departments now exercise without much relation to each other.

People are more aware than they were of the threats to their comfort and safety that are piling up, they are more prepared to listen to warnings and are becoming more explicit themselves. Like the politicians, the press and television are echoing this awareness more than they are creating it, but the frequency and persistence of the echoes have become striking. *Life* magazine describes the preparations now going on to mine molybdenum on the unspoilt publicly-owned lands of the White Mountains in Idaho, the strong position enjoyed by the extractive industries under the mining laws and the forlorn outlook for the conservationists seeking to oppose them. The *New Yorker* prints a report from eastern Kentucky of the devastation done by strip-mining for coal there, the effect on the lives of the impoverished mountaineers and their powerlessness to defend themselves.

Dr. Fraser Darling's Reith lectures in London, with their warning of the dangers to man of his "exclusion from the hierarchy of nature," get a column and a half in the *Washington Post. Science Weekly* prints two articles on developments in conservation law, explaining that, while the law in America tends historically to put the interest of commercial exploitation before the comfort and even the health or livelihood of private persons, some recent judgments give ground for hoping that a change may be creeping into the philosophy of the courts. "Lawyers and school professors," it reports, "are becoming aware of conservation law as a potentially important field."

A degree of response to the change of feeling has begun to appear in some of the institutions which hold power in various ways to act upon the environment. An example is the reform policy on pesticides—which first found expression in the decision to restrict the use of DDT. Probably no institution has ever been able to spend so much money on interfering, for good or ill, with the hydrology of the earth's surface as the Army Corps of Engineers, which has enjoyed this privilege since 1824. So long beloved of politicians for the money that it could spend in their districts, the corps has been disconcerted to find its popularity ebbing away as more and more voices have been raised against the reshaping of landscapes and rivers which it has wrought so diligently. The policy has always been to mould the earth to the uses of man; but it begins to appear that something more sophisticated is required. More and more the corps finds itself involved in lawsuits brought by people who resist having their neighborhoods changed. In self-defense it has lately begun to recruit biologists, ecologists and other specialists in environmental science whom, previously, it had ignored.

For the moment, something like an alliance appears to exist between the old-fashioned nature lovers, the new style environmental and behavioral scientists, the political radicals who like to make private enterprise skip and the young who need cause. One has to wonder how durable the alliance is. The young people's movements which have fastened on pollution as the enemy were preoccupied a very short time ago with the war in Vietnam and not long before that with white racism in the South. Other causes espoused by the radicals require more money for welfare, more money for education, reconstructed towns and better medical service for all: in short, they depend on rapid economic growth, which so far, in America at least, has always gone hand in hand with spoliation of the land and pollution of the air and the waters. When a choice has been made it is not certain that the environment will come off best: if it does, it will be for the first time.

PROMISE TO SPEAK DAILY FOR SENATE RATIFICATION OF HUMAN RIGHTS CONVENTIONS

Mr. PROXMIRE. Mr. President, at the beginning of the 90th Congress 3 years ago, I pledged to speak out daily in support of Senate ratification of the Human Rights Conventions on Political Rights for Women, on Genocide, and on the Abolition of Forced Labor. For more than 535 legislative days, I have spoken out on this subject. On this the first day of the second session of the 91st Congress, I pledge to continue this effort.

The importance of these three Human Rights Conventions cannot be overestimated. A brief review of the three conventions will substantiate this statement.

First, the Convention on Genocide confirms that genocide is a crime under international law, whether committed in time of peace or war. Of greater importance, the convention states that all persons committing genocide shall be punished, be they constitutionally responsible officials, or private individuals.

Though genocidal crimes are not to be confused with political crimes, those guilty will be subject to the rulings of their competent national court, or, if possible, an international penal tribunal.

This is the proposal which President

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Truman made at the United Nations more than 20 years ago. It has been pending in the Committee on Foreign Relations for 20 years, and we have failed to act on it. It is entirely up to the Senate. All Presidents since then have asked us to proceed in this regard, and they have all favored it without exception.

It is a measure which, of course, involves no action by the House of Representatives. It is entirely up to the U.S. Senate.

Second, the Convention on the Abolition of Forced Labor prohibits any forced or compulsory labor for the purpose of, first, political coercion or punishment; second, mobilizing labor for economic development; third, labor discipline; fourth, punishing participation in strikes, or fifth, racial, social, national, or religious discrimination.

Here is another convention which was sent to us by President Kennedy in 1963. It is entirely within the province of the Senate to act. It is long overdue. It should have acted.

Third, the Convention on Political Rights for Women provides that women shall be entitled to vote in all elections on equal terms with men. It also provides that women shall be eligible for election to all publicly elected bodies, to hold public office, and to exercise public functions established by national law, all on equal terms with men.

Once again, this was sent to us by President Kennedy 7 years ago, and we have yet to act on it.

The validity and justification for these conventions is acknowledged by a majority of nations throughout the world. We are one of the very few nations that has acted on none of these treaties. This Nation, however, which affirms these rights through its laws and traditions for its own people has not seen fit to affirm these rights for peoples throughout the world. The gap between national and international commitment must be bridged. And, the bridge in this case should be ratification of the Human Rights Conventions on Genocide, Political Rights for Women, and Abolition of Forced Labor.

It is my hope that when this Congress completes its business some time late this year one of its finest accomplishments will be the Senate ratification of the human rights conventions. Through daily speeches that will further inform and educate my colleagues in the need for ratification, I pledge my efforts to seeing that the goal of Senate ratification will become reality.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. NELSON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD of West Virginia. Mr. President, will the Senator yield to me for a unanimous-consent request?

Mr. NELSON. I yield.

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ORDER FOR RECESS

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that, when the Senate completes its business today, it stand in recess until 12 o'clock noon tomorrow.

The PRESIDING OFFICER. Without objection, it is so ordered.

SENATE JOINT RESOLUTION 169—INTRODUCTION OF A JOINT RESOLUTION RELATING TO AN ENVIRONMENTAL AGENDA FOR THE 1970'S

Mr. NELSON. Mr. President, in the nearly 40 years since Franklin D. Roosevelt said in his first inaugural address that "this great Nation will endure as it has endured, will revive and will prosper," our economy has soared to levels that no one in the 1930's could have imagined. In these past four decades we have become the wealthiest nation on earth by almost any measure of production and consumption.

As the economic boom and the postwar population explosion continued to break all records, a national legend developed: With science and technology as its tools, the private enterprise system could accomplish anything.

We assumed that, if private enterprise could turn out more automobiles, airplanes, and TV sets than all the rest of the world combined, somehow it could create a transportation system that would work. If we were the greatest builders in the world, we need not worry about our poor and about the planning and building of our cities. Private enterprise with enough technology and enough profit would manage that just fine.

In short, we assumed that, if private enterprise could be such a spectacular success in the production of goods and services, it could do our social planning for us, too, set our national priorities, shape our social system, and even establish our individual aspirations.

In fact, I am sure most can recall the famous words of Charles Wilson back in the mid-1950's, when he said, "What's good for the country is good for General Motors, and vice versa."

In the 1960's the era of fantastic achievement marched on to levels unprecedented in the history of man. It was the decade when man walked on the moon—when medical magic transplanted the human heart—when the computer's mechanical wizardry became a part of daily life—and when, instead of "a chicken in every pot," the national aim seemed to be two cars in every garage, a summer home, a color television set, and a vacation in Europe.

From the small farmers and small merchants of the last century, we had become the "consumer society," with science and technology as the New Testament and the gross national product as the Holy Grail.

One might have thought we would have emerged triumphantly from the 1960's with a shout: "Bring on the next decade."

We have not. For, in addition to the other traumatic national and international events, the 1960's have produced another kind of "top of the decade" list. It has been a decade when the darkening cloud of pollution seriously began degrading the thin envelope of air surrounding the globe; when pesticides and unrestricted waste disposal threatened the productivity of all the oceans of the world; when virtually every lake, river, and watershed in America began to show the distressing symptoms of being overloaded with polluting materials.

These pivotal events have begun to warn the Nation of a disturbing new paradox: The mindless pursuit of quantity is destroying—not enhancing—the opportunity to achieve quality in our lives. In the words of the American balladeer, Pete Seeger, we have found ourselves "standing knee deep in garbage, throwing rockets at the moon."

Cumulatively, "progress—American style" adds up each year to 200 million tons of smoke and fumes, 7 million junked cars, 20 million tons of paper, 48 billion cans, and 28 billion bottles.

It also means bulldozers gnawing away at the landscape to make room for more unplanned expansion, more leisure time but less open space in which to spend it, and so much reckless progress that we face even now a hostile environment.

As one measure of the rate of consumption that demands our resources and creates our vast wastes, it has been estimated that all the American children born in just one year will use up 200 million pounds of steel, 9.1 billion gallons of gasoline, and 25 billion pounds of beef during their lifetimes.

To provide the electricity for our air conditioners, a Kentucky hillside is strip-mined. To provide the gasoline for our automobiles, the ocean floor is drilled for oil. To provide the sites for our second homes, the shore of a pristine lake is subdivided.

The unforeseen—or ignored—consequences of an urbanizing, affluent, mobile, more populous society have poisoned, scarred, and polluted what once was a beautiful land "from sea to shining sea."

It is the laboring man, living in the shadows of the spewing smokestacks of industry, who feels the bite of the "disposable society." Or the commuter inching in spurts along an expressway. Or the housewife paying to much for products that begin to fall apart too soon. Or the student watching the university building program destroy a community. Or the black man living alongside the noisy, polluted truck routes through the central city ghetto.

There is not merely irritation now with the environmental problems of daily life—there is a growing fear that what the scientists have been saying is all too true, that man is on the way to defining the terms of his own extinction.

Today it can be said that there is no clear air left in the United States. The last vestige of pure air was near Flagstaff, Ariz., but it disappeared 6 years ago.

Today it can also be said that there is no river or lake in the country that has not been affected by the pervasive wastes of our society. On Lake Superior, the last clean Great Lake, a mining company is dumping 60,000 tons of iron ore process wastes a day directly into the lake.

Tomorrow? Responsible scientists have predicted that accelerating rates of air pollution could become so serious by the 1980's that many people may be forced on the worst days to wear breathing helmets to survive outdoors.

It has also been predicted that in 20 years man will live in domed cities.

Dr. S. Dillon Ripley, Secretary of the Smithsonian Institution, believes that in 25 years somewhere between 75 and 80 percent of all the species of living animals will be extinct.

Dr. Paul Ehrlich, eminent California ecologist, and many other scientists predict the end of the oceans as a productive resource within the next 50 years unless pollution is stopped. The United States provides an estimated one-third to one-half of the industrial pollution of the sea. It is especially ironic that, even as we pollute the sea, there is hope that its resources can be used to feed tens of millions of hungry people.

As in the great depression, America is again faced with a crisis that has to do with material things—but it is an entirely different sort of dilemma. In effect, America has bought environmental disaster on a national installment plan: Buy affluence now and let future generations pay the price. Trading away the future is a high price to pay for an electric swizzle stick—or a car with greater horsepower. But then, the environmental consequences have never been included on the label.

It is a situation we have gotten into, not by design, but by default. Somehow, the environmental problems have mushroomed upon us from the blind side—although, again, the scientists knew decades ago that they were coming.

What has been missing is the unity of purpose, forged out of a threat to our national health or security or prestige, that we so often seem to have found only during world war.

But there is now, I think, a great awakening underway. We have begun to recognize that our security is again threatened—not from the outside, but from the inside—not by our enemies, but by ourselves. As Pago quaintly put it, "We have met the enemy and they is us."

A Gallup poll taken for the National Wildlife Federation last year revealed that 51 percent of all persons interviewed were deeply disturbed about the grim tide of pollution.

Growing student environmental concern is a striking new development. A freshman college student attitude poll, conducted last fall by the American Council on Education, found that 89.9 percent of all male freshmen believed the Federal Government should be more involved in the control of pollution. And a Gallup poll published in late December found that the control of air and water pollution is fast becoming a new student cause, with students placing this issue sixth on a list of areas where they felt changes must be made.

Other national and local polls, the rising citizen attendance at public hearings on polluters, the letters that are pouring into congressional offices—all indicate a vast new concern.

As a dramatic indication of the degree the new citizen concern has reached Congress, a daily average of 150 constituent requests on environmental questions is coming into the Legislative Reference Service, the research arm of Congress, from Members of Congress. This is a request rate second only to that for crime.

In the CONGRESSIONAL RECORD, the amount of environmental material inserted in the first 6 months of last year by Senators and Congressmen was exceeded only by material on the issue of Vietnam.

Congress last year took the major initiative of appropriating $800 million in Federal water pollution control funds—nearly four times the request of the present and previous administrations.

And environmentalists across the country have been heartened by the reports that the President will devote major attention to the environmental crisis in his state of the Union message later this week. All conservationists applaud the President's interest and commitment.

In short, I believe that today we are at a watershed in the history of the struggle in this country to save the quality of our environment.

With the massive new coalition of interests that is now forming, which is including the urbanite and the student, it is possible to wage war on our environmental problems and win. In any such effort the continued commitment of millions of people is the most essential resource of all.

But, lest anyone be misled or caught unaware, this war will be lost before it is begun if we do not bring other massive resources to it as well. A victory will take decades and tens of billions of dollars. Just to control pollution, it will take $275 billion by the year 2000. Although that sounds like a lot of money, it will be spent over the next 30 years and is equivalent to the Defense expenditure for the next 4 years.

More than money, restoring our environment and establishing quality on a par with quantity as a goal of American life will require a reshaping of our values, sweeping changes in the performance and goals of our institutions, national standards of quality for the goods we produce, a humanizing and redirection of our technology, and greatly increased attention to the problem of our expanding population.

Perhaps, most of all, it will require on the part of the people a new assertion of environmental rights and the evolution of an ecological ethic of understanding and respect for the bonds that unite the species man with the natural systems of the planet.

The ecological ethic must be debated and evolved by individuals and institutions on the terms of man's interdependence with nature. Institutions such as our churches and universities could be of important assistance in providing increased understanding of these ethical considerations.

Such an ethic, in recognizing the common heritage and concern of men of all nations, is the surest road to removing the mistrust and mutual suspicions that have always seemed to stand in the way of world peace.

American acceptance of the ecological ethic will involve nothing less than achieving a transition from the consumer society to a society of "new citizenship"—a society that concerns itself as much with the well-being of present and future generations as it does with bigness and abundance. It is an ethic whose yardstick for progress should be: Is it good for people?

American college students—thousands of whom are now actively planning a teach-in on the crisis of the environment April 22 on hundreds of campuses—are in the forefront in expressing the terms on which we will need to meet this critical challenge.

Students, scientists, and many others are saying that we must reject any notion that progress means destroying Everglades National Park with massive airport development—or that it is progress to use the American public as an experimental laboratory for artificial sweeteners, food additives, or other products without understanding the "technological backlash" that may come from their unmeasured dangers—or that it is progress to fill hundreds of square miles of our bays and coastal wetlands, destroying natural habitat for thousands of species of fish and wildlife, polluting our waters, and in many other ways wreaking havoc with this fragile ecological system in the name of providing new space for industry, commerce, and subdivisions.

There is a great need, and growing support, for the introduction of new values in our society—where bigger is not necessarily better—where slower can be faster—and where less can be more.

This attitude must be at the heart of a nationwide effort—an agenda for the 1970's—whereby this country puts gross national quality above gross national product.

AN ENVIRONMENTAL AGENDA FOR THE 1970'S

CONSTITUTIONAL AMENDMENT

The first item I suggest for this agenda will be the introduction of an amendment to the U.S. Constitution which will recognize and protect the inalienable right of every person to a decent environment.

In its degradation of the quality of American life—in its danger to the future of man himself—I believe the environmental crisis is the greatest single threat to our pursuit of those inalienable rights—life, liberty, and the pursuit of happiness—which we have recognized as a society.

The amendment will be brief. It will state:

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> Every person has the inalienable right to a decent environment. The United States and every State shall guarantee this right.

Now, the tragedy is that the citizen has little clear, legal, or explicit constitutional avenue to protect the sensitivities and well-being of himself, his family, or his community from environmental assault.

Far too frequently, the citizen finds himself left with no remedy, in the face of the pollution of a lake which belongs to the public, or the poisoning of the air which he must breathe, or the shattering din which is imposed upon him with no choice.

This is because, in the development of our Anglo-Saxon common law, our protections have traditionally focused on economic or personal injury, with the subordination of other damages that we are finding are just as much a threat to the quality of life.

Although I believe we must explicitly establish environmental right and protection as a fundamental doctrine of our society, it is clear that any such right, and the terms of its protection, must be enumerated in statutes at the Federal and State level and further defined in the courts.

I will introduce this constitutional amendment today.

As the second item for an agenda, I propose immediate action to rid America in the 1970's of the massive pollution from five of the most heavily used products of our affluent age. For each of these products, I am convinced that it can be done—with firm Federal action to assure it.

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The five areas are: Internal combustion engine, hard pesticides, detergent pollution, aircraft pollution, and nonreturnable containers.

INTERNAL COMBUSTION ENGINE

Phase out the internal combustion automobile engine by January 1, 1978, unless it can meet national emission standards by that time.

I have already introduced this legislation—the Low Emission Vehicle Act. It is imperative that a near pollution-free automobile be developed and put into use as quickly as possible. Present exhausts are causing up to 90 percent of the air pollution problem in some areas of the Nation.

This proposal would also initiate a Federal research and subsidy program to find an alternative to the internal combustion engine or improve the performance of existing alternatives.

ELIMINATE HARD PESTICIDES

Eliminate persistent, toxic pesticides—the "chlorinated hydrocarbons"—by 1972.

Because of the grave, worldwide environmental dangers from these long-lasting, poisonous compounds, this step was proposed as a national goal 7 years ago by the President's Science Advisory Committee. There is growing agreement that the persistent pesticides are expendable, because of less persistent substitutes and the development of other means of pest control.

A recent decision by the U.S. Department of Agriculture to eliminate all nonessential uses of DDT by the end of this year was a step forward. Yet the pesticide industry's continued unwillingness to initiate or accept reform, coupled with the Agriculture Department's historic hesitancy to improve pesticide regulation, makes it mandatory that Congress set a deadline on banning the persistent pesticides.

REDUCE DETERGENT POLLUTION

Set strict antipollution standards on detergents, including a ban on their phosphorous "builders" that have contributed so much to the pollution of our lakes all across the Nation.

Detergents are one of the major pollution problems in the country today. Six years ago I sponsored legislation which prompted an industry changeover to a new ingredient which cut the massive mountains of foam detergents were causing on our waters. Now, another important step is needed: elimination of the detergent's polyphosphate "builders" that pass through sewage treatment systems into our lakes and rivers, stimulating the growth of algae.

Most recently at House committee hearings, scientists testified that nonpolluting substitutes for these detergents are now within reach. Industry, however, continues to resist such a move. Congress must act to require the substitution and, in addition, to set national standards on the water eutrophication ability, biodegradability, toxicity, and health effects of detergents.

JET AIRCRAFT POLLUTION

To dramatically reduce pollution from jet aircraft, establish a deadline of December 1972 for the installation of smokeless combustors on their engines.

Industry has produced a combustor that makes jet engines smokeless and significantly cuts their other pollution. At the rate the airlines have agreed to install these devices, it would take until the middle of the decade to make the changeover. It will soon be possible to install the combustors at the rate of 200 a month, which would accomplish the changeover in 2 years, but the industry is refusing to do so.

With jets in the country pouring 78 million pounds of pollutants into the atmosphere each year, there is every reason for the combustors to be installed as quickly as possible. Congress should act to require this and to provide Federal assistance for research to make the combustors even more effective and easier to install.

Aircraft noise is another area which is in need of urgent action. As just one example, the supersonic transport plane, when flying at a height of 65,000 feet, will lay down a path of sonic booms 40 to 50 miles wide. This is a massive intrusion into human life which we cannot tolerate.

ELIMINATE NONRETURNABLE CONTAINERS

Eliminate bottles, jars, and cans from the American landscape through a combination of effluent charges, development of reusable or degradable containers, and packaging standards.

In the comprehensive solid waste management legislation that has already been introduced in this Congress, provision should be made for standards which will require reusable or degradable consumer product containers, as soon as it is proven technically feasible. In addition, our solid waste control program should be financed in part by effluent charges paid by industry or packaging that will not degrade or cannot be reused.

It is my conviction that the long run answer to our solid waste problem must be a massive effort to turn our wastes into valuable new products that can be recycled into the economy.

With these five actions, we would be taking great strides toward establishing the principle that industry's responsibilities for the human and environmental effects of its products do not stop at the end of the production line. The only way to assure this is through national laws that establish performance standards, so that products will be tested and environmental and health protections built in before, not after, they reach the marketplace.

FAMILY PLANNING

The third item on an agenda for quality of American life should be establishing and protecting the right of every citizen to plan his family. The funds and coordination must be made available for conducting necessary research into population problems and providing family planning services.

The statistics are deeply disturbing. It took until 1850 for the world population to reach 1 billion. By 1930, 80 years later, that figure had doubled, and by the year 2000, the world population is expected to reach 6 to 8 billion. Some ecologists see that population level as the "crash point," beyond which the natural environment will not be able to cleanse and restore itself from the massive pressure of exploitation and pollution.

At the December meeting of the American Association for the Advancement of Science, in Boston, there was general agreement that the world's optimum population limit has already been passed. Measured in terms of our past performance in protecting our environment, the United States is already overpopulated. If we cannot manage the wastes produced by 200 million people, it will be a catastrophe when we reach 300 million, as predicted within the next 30 years.

ENVIRONMENTAL ADVOCATE AGENCY

The fourth item on an agenda for the 1970's must be involving the citizen in environmental decisionmaking through new mechanisms, including establishment of new channels and forums for public participation, creation of a citizen environmental advocate agency, and creation of an environmental overview committee in Congress.

As a start, industry must consult with the community on the pollution controls needed to protect and enhance the environment. It must make a full disclosure of facts before, not after, the decisions are made that affect the consumer and his environment.

Although it is ironic that it needs to be said, public participation in environmental decisionmaking must also be extended to our Government. The sorry history is that, through rhetoric, inaction, and compromise with special interests, our public institutions have been accomplices in frittering away the quality of American life.

The infusion of a spirit of advocacy and environmental ombudsmanship is urgently needed at every level of government, and I will propose a citizen environmental advocate agency at the Federal level. This independent office would represent the public interest in matters before every Federal department and in the courts.

With strong support, the National Environmental Policy Act recently signed into law and a complementary proposal now pending in Senate-House conference that would provide staff support should be major steps forward in achieving in the White House an independent overview of Federal activities as they affect the American environment. Hopefully, one of the most frequently used provisions of the National Environmental Policy Act will be the one which makes available to the public the agency reports required where a Federal program or project would significantly affect the environment.

Finally, Congress itself could profit greatly by the establishment of a nonlegislative environmental committee that would provide all committees with a continuing assessment of the state of the environment and of Federal environmental activities.

MORATORIUM ON UNDERSEA OIL PRODUCTION

A fifth item on an environmental agenda for the 1970's should be the launching of a broad-scale effort to halt the pollution of our sea. Municipalities and industries must be required to halt their wholesale dumping of wastes into the ocean environment. And we should declare a moratorium on new leases or permits for oil production and other activities on the undersea Outer Continental Shelf until criteria are established for its protection.

The oceans, man's greatest asset, are being degraded at an alarming rate, hurling us toward worldwide catastrophe. In addition to dramatic oil pollution incidents, there are the less visible forms of pollution—from pesticides that are accumulating in the sea and from raw industrial wastes and sewage. In the United States, some 27 million tons of wastes were dumped at sea from barges and ships in 1968 alone.

These activities have their most immediate effect on our very limited continental shelves, the most productive area of the sea. If this sensitive environment is destroyed, sea life will rapidly diminish and a major source of food protein will be lost in a world that is searching for resources to feed its exploding population.

In a glimpse into the future, the recent report of the President's Panel on Oil Spills predicts we can expect a Santa Barbara-scale pollution incident once a year by 1980, if offshore oil development continues at the present rate.

To meet this problem, Congress should declare a moratorium on further Outer Continental Shelf development until the ground rules are established. Recreation, esthetics, fishery resources, and natural ecology must not be sacrificed in the interest of mineral and other development.

A high-level commission should be established and given the 2-year task of conducting an inventory of our offshore resources and recommending criteria by which we can achieve a harmonious relationship with the ocean environment. Upon the establishment of such criteria, the moratorium would be lifted.

ENVIRONMENTAL EDUCATION

The sixth item on the agenda should be the establishment of an environmental education program which will make the environment and man's relationship to it a major interdisciplinary subject at every level of public education.

No country can maintain its vigilance in protecting its environment without a broad education for understanding of man's relationship to his land, air, water, and to other living creatures.

To help achieve this, I introduced the Environmental Quality Education Act in November. A companion bill was introduced in the House. The legislation would provide support for the development of new environmental education curriculums from preschool through college, adult education, and community programs.

TRANSPORTATION FOR PEOPLE

As a seventh item for an environmental agenda, we must utilize the billions of dollars a year that could be made available on completion of the Interstate Highway System to provide new transportation alternatives, including mass transit, in our polluted, congested, highway-choked urban areas.

This year, about $3.3 billion of the $4.4 billion administered by the highway trust fund will be spent on the Federal Interstate System, which is scheduled for completion in the mid-1970's. Instead of being used to lay new blankets of asphalt and concrete from coast to coast in another round of massive highway building, as has already been suggested, the Interstate Highway portion of the fund that could be made available in 1975 must be put to work alleviating the gargantuan transportation problems of our American cities. A major emphasis of those funds should be the provision of adequate mass transit systems, as well as developing and refining other tranportation alternatives.

NATIONAL LAND USE POLICY

As an eighth item, a national policy on land use must be delineated and implemented that will halt the chaotic, unplanned combination of urban sprawl, industrial expansion, and air, water, land, and visual pollution that is seriously threatening the quality of life of major regions of the Nation.

The nationwide land use policy must comprise and effectively use all the tools available to Federal, State, and local governments to establish rational planning, management, and controls.

Such a policy must deal with the massive strip mining operations that are ravaging and polluting vast acreages; the reckless draining and filling of wetlands that are destroying wildlife habitat and polluting vital coastal and inland areas; the helter-skelter development of our coastal and inland lakes shoreline that is eliminating a vital national asset from any future public use; the widespread land erosion in urbanizing areas that is silting and polluting our rivers and lakes; and the disruption of communities and destruction of marshlands and other scenic and naturally valuable areas that are brought about by our gigantic highway program where building in the fastest, cheapest "point to point" fashion has invariably been the rule, despite the consequences.

I should add that an integral part of our land resource and environmental heritage is the national park, lakeshore, and seashore system that we have established over the past decades. In this area, we have fallen tragically short of carrying out the congressional intention of providing $200 million a year for the land and water conservation fund through 1973. Land purchase for our national parks and other Federal wildlife and recreation areas is critically dependent on this fund. Yet for last year, only $124 million was sought and appropriated. Meanwhile, Outer Continental Shelf oil revenues intended to bring the fund to a $200 million a year level have been accumulating in trust year after underfunded year, unappropriated and unspent.

It is urgent that this year we provide not only the annually authorized $200 million, but the additional $164.5 million in Outer Continental Shelf funds now sitting in trust.

A NATIONAL MINERALS AND RESOURCES POLICY

A ninth item must be the establishment of a national minerals and resources policy.

Vital resources are already being exhausted because of our fantastic rate of consumption and our indiscriminate national waste. In addition, the extraction of our natural resources for our raw material has more often than not been done in such a way as to wreak violent and lasting environmental destruction.

A part of this national policy must be replacing the U.S. mining law of 1872 with a modern system of mineral leasing. As it is now, the 1872 law is a major obstacle to wise and effective land management in a world where the best kind of multiple use management is imperative. The present policy, based on that antiquated law, gives blind priority to mineral resources and makes any consideration of wildlife, recreation, esthetic or urban land values impossible. I have introduced legislation to establish a modern mineral leasing system, and a companion bill has been introduced in the House.

NATIONAL AIR AND WATER QUALITY POLICY

As a 10th and highly important item, America must establish a national air and water quality policy and commit-

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ment which will restore and enhance the quality of these critical natural resources. Our dirtied rivers and poisoned air are dramatic evidence of the desperate need to take action on a national unprecedented scale.

The fuel funding of present pollution control programs—closing the environmental money gap—is a fundamental and urgent requirement of a national policy. Despite the congressional initiative last year in Federal water pollution control aid, our national water quality program still faces the danger of total collapse. While the Federal aid has been trickling to the critical municipal sewage treatment program in the millions of dollars, applications for aid from cities and towns across the country are in the billions.

In this perilous situation, it is essential that we appropriate the full authorization of $1.2 billion in the Federal water pollution control grant program for sewage treatment plants for fiscal 1971. Other means of long-range financing are being considered, but we cannot afford a delay in already authorized water quality funding while the alternatives are being debated.

A national air and water quality policy must also dramatically expand our present program of research and development of ways to neutralize, dispose of, and recycle all wastes, and require all governmental units and all industries and municipalities to comply with the highest state of the art in treating their wastes. We must also require that, as new, more effective pollution control equipment is developed, it be installed as a matter of course.

ENVIRONMENTAL POLITICAL ACTION

The 11th item on an agenda for the 1970's must be the creation of a nonpartisan national environmental political action organization, with State and local organizations providing the foundation.

The organization will give the public the day to day involvement that is essential to achieving environmental solutions.

CONCLUSION

Our efforts to meet a broad-gaged agenda such as I have outlined above will require a vast increase in spending for environmental programs. At least $20 to $25 billion per year over present expenditures is essential. A major portion of this could come from existing sources of revenues by reordering national priorities and diverting funds to environmental programs. New resources must also be tapped.

A radical reduction in the level of our Vietnam involvement and an elimination of unnecessary defense expeditures will result in substantial savings which could be tapped for environmental programs, among other dramatic needs. Normal economic growth will also produce more revenue which can be earmarked for improving our surroundings.

A casual look at the deterioration that has come about over the past 30 years is a frightening prolog to a disaster of inestimable dimensions if the accelerating rate of the environmental crisis continues.

It is not, however, a trend that cannot be reversed. If we have the will, the environmental challenge can be met. But in doing so, it will take significant modifications in our way of life. It will mark the beginning of a period when all of the institutions of our society—social, political, and economic—must readjust their philosophical attitudes toward man's relationship to his environment and all other living creatures.

Our environmental problems are man made. The solutions must be man made as well.

Mr. President, at this time I introduce, for appropriate reference, a constitutional amendment to guarantee every person the right to a decent environment and ask unanimous consent that the text of the amendment be printed in the RECORD, at the conclusion of my remarks.

The PRESIDING OFFICER. The joint resolution will be received and appropriately referred; and, without objection, the joint resolution will be printed in the RECORD.

The joint resolution (S.J. Res. 169) proposing an amendment to the Constitution of the United States declaring that every person has an inalienable right to a decent environment, introduced by Mr. NELSON (for himself and other Senators), was received, read twice by its title, referred to the Committee on the Judiciary, and ordered to be printed in the RECORD, as follows:

S.J. RES. 169

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), That the following article is proposed as an amendment to the Constitution of the United States which shall be valid to all intents and purposes as part of the Constitution if ratified by the legislatures of three-fourths of the several States within seven years from the date of its submission by the Congress:

"ARTICLE ——

"Every person has the inalienable right to a decent environment. The United States and every State shall guarantee this right."

Mr. PROXMIRE. Mr. President, will the Senator yield?

Mr. NELSON. I yield.

Mr. PROXMIRE. I commend the Senator on what I think—and I mean every word of this—is a rare and historic Senate speech. In the 12 years I have been in the Senate, I have not heard or read a more important speech.

I say this because the Senator is dealing with a problem that until recently was neglected. It is a problem with which the Senator was well aware when he was Governor of Wisconsin, where he contributed greatly to a beginning, in our State, in a big way. He has made very significant contributions in this area in the 7 years he has been in the Senate. But today he has done something which I think the Members of the Senate should be well aware of. He has proposed a constitutional amendment which would write into our Constitution a recognition and protection of the inalienable right of every person to a decent environment.

As I understand it, if we had this provision in the Constitution, it would mean that citizens would have a solid constitutional base for protection against the destruction of the air they breathe, the water they drink, the sound pollution—all the things which are absent now. Am I correct?

Mr. NELSON. The Senator is correct.

I think the great tragedy has been that historically the environment, which belongs to all people—air, water, soil, oceans, lakes, rivers, and streams—the assets which belong to all of us, has been progressively degraded by other individuals or industries or municipalities. The individual, who has a right to use that water, since the water is public property, who has a right to see it protected from degradation by the actions of some other individual, really has not had remedy in the past to do anything about it. When he relied upon the Federal Government, the State government, or the local government, they failed him.

If we have a right that is more important than any other right, it is the right to live in a clean and decent environment, and that people and industries not be permitted to so foul the air that it affects the very health as well as the quality of living for individuals in the area.

Mr. PROXMIRE. I cannot think of any more important action that Congress can take in the next 8 or 9 months—however long we are in session—than to approve the amendment that has been proposed by the Senator.

I think this is something that is being called for by people all over America. The overwhelming majority of Americans are now awake to this problem. This is an instance in which Congress is behind the people.

The Senator from Wisconsin is proposing a whole series of very helpful recommendations. They are comprehensive and cover many areas. I thank him and commend him for it.

Mr. NELSON. I thank my senior colleague for his gracious remarks.

Mr. TYDINGS. Mr. President, will the Senator yield?

Mr. NELSON. I yield.

Mr. TYDINGS. I should like to take this opportunity to reiterate what the distinguished senior Senator from Wisconsin (Mr. PROXMIRE) has said, and also to commend the junior Senator from Wisconsin (Mr. NELSON) for his point No. 4—namely, that, no matter how you look at the problem of the befouling of our environment, there is no way it can be viewed apart from the failure of the United States to establish a national population policy. There is no way our failure to preserve the environment can be viewed apart from the failure of the United States to consider the consequences of overpopulation, our failure to provide enough money for biomedical and contraceptive research, and our failure to offer the same opportunity for the poor mother to plan a family that we provide for the affluent.

As the Senator well knows, the statistics overwhemingly confirm the conclusion in his statement. His explanation of the inherent link between overpopulation and the destruction of our environment constitutes a tremendously important message to the American people. I am delighted that he is delivering that message today, and I hope he delivers many more like it.

Mr. **NELSON**. I thank the distinguished Senator from Maryland. As many of us know, he is a leading spokesman with respect to the very serious problem of overpopulation and has introduced an excellent bill which would move a long way in the direction of averting the disaster that is sure to come from overpopulation unless we do something about it in the next handful of years.

Mr. **MAGNUSON**. Mr. President, will the Senator yield?

Mr. **NELSON**. I yield.

Mr. **MAGNUSON**. This is apropos of what the Senator is talking about. What little we are doing with respect to family planning is in the pending bill, which is threatened with a veto. What little we are doing is in this bill, particularly for the disadvantaged.

Mr. **NELSON**. I thank the Senator for making that point.

Mr. **MOSS**. Mr. President, will the Senator yield?

Mr. **NELSON**. I yield.

Mr. **MOSS**. I congratulate the Senator from Wisconsin for his very eloquent and striking speech on the question of environment and the control of our environment. It is long overdue. I congratulate the Senator for his continued leadership in this area. This is an area in which we have had continued leadership from the Senator from Wisconsin.

The most impelling of arguments are now marshaled here as to why we must take the steps that the Senator is advocating.

I would ask the Senator if he is aware of the bill now pending before the Senate to create a Department of National Resources and Environment, on which hearings were held in the last session of Congress but none have been held in this session of Congress.

Mr. **NELSON**. Yes. I am aware of the bill and I am aware of the Senator's continuing interest as author of the bill and as one who has advocated for several years now that we bring some units into this whole business of our dealings with the executive and legislative branches on the environmental question. The problem is being divided and apportioned among so many agencies that in fact one agency frequently is not aware of what the other agency is doing. Many times their actions are in conflict. This is a very thoughtful measure and the Senator should be commended for his persistence in pursuing a piece of legislation which I think, over the long pull, will give us unity.

Mr. **MOSS**. I appreciate the comments of the Senator from Wisconsin. It seemed to me that what the Senator here calls for, as to a nonlegislative environmental committee, would be a useful organization to have in Congress. I think of even greater impact would be the organization of a Department of Natural Resources and Environment because this would be the action agency of the Federal Government, as the Senator describes it. Oftentimes, our action efforts in Government are so fragmented and unrelated that they overlap and sometimes conflict, whereas if they were brought together in one charge, one goal, we could expect governmental policies at least to be consistent.

We have the practice, and I guess it is inevitable, of creating a new department or a new agency, when we have a particularly critical problem, and then it sits there and later on we have a problem that is perhaps somewhat related but we create something else and that is how we get them fragmented. We should stop and step back every once in awhile and look at where we are going to check on the goal of the Department and its functions, to see that they are related and are going in the same direction. Then we will get the kind of information we need.

As the Senator so eloquently pointed out in his speech, we have been so headlong in developing our resources industry and providing programs and all the other things, that for too long we have neglected even thinking about the environment. We had to balance the wastes developed and the burdens that came with all the good efforts we made in other areas, and now we find ourselves on the brink of disaster, unless we can find some way to eliminate the great wastes that are flowing down into our environment and take positive steps to preserve, improve, and restore the environment that gives us life on this globe.

The photographs that the astronauts have sent us back from the moon show this earth of ours all in one picture, so that we get the idea of how small and confined is the environment in which we live. When we destroy it or degrade it to the point where it no longer is compatible with life, then we have taken the first step toward the final elimination of the human race.

We must recognize that and turn back while there is still time.

Let me again express my appreciation to and admiration for the Senator in the great cause that he is advocating here, and to assure him that I will be as helpful as I can in this endeavor.

Mr. **NELSON**. I thank the Senator from Utah. I agree with him about his observations on fragmentation of these issues and the need for the legislative proposals which he has been advocating for many years.

Mr. **PELL**. Mr. President, I congratulate the Senator from Wisconsin on a truly grand speech. It is really a Magna Carta on the environmental rights to which our fellow citizens feel themselves entitled.

The thought runs through our minds that we are not really a rational and organized people, but are really a disorganized and an emotional people.

I wonder if we will be able to bestir ourselves and follow along the lines of action suggested by the Senator, or whether we will have to wait until a real disaster strikes one of our megalopolitan centers some day and find that some thousands of people have died. I wonder if it will be only then that action will be taken.

I hope that this will not be the case, but that we will follow the suggestions of the distinguished Senator from Wisconsin.

As chairman of the Subcommittee on Education, I express my full support and gratitude to the Senator from Washington (Mr. MAGNUSON) for his work in pressing the HEW appropriations. I hope that the pending measure is voted on soon; and that if it is vetoed, I hope we will have an opportunity to override the veto. I cannot for the life of me understand why the public press harps on the fact that we want to spend an additional $1 billion on that sector of Government spending from which the cost-benefit gives us the greatest advantage.

They lose sight of the fact that this Congress has also cut the President's budget by more than $7 billion. There is a blanketing of the airwaves and of the public media that mystifies those who look at the figures.

It is up to the public media to translate these facts accurately until the public realizes that we have cut the President's budget by more than five times the amount that the Senator from Washington is defending as an addition.

Mr. **MAGNUSON**. Mr. President, I thank the Senator.

As the Senator was speaking, I was reminiscing a little. I am not proud of this. In fact, I was somewhat embarrassed.

When I was a Member of the House of Representatives, we were talking about stream pollution. We had a public works bill up for consideration. I thought, "Why don't I send up a little amendment that would make everyone using the navigable waters, which is pretty nearly everyone, deposit all solid waste upstream." I did not get anywhere.

Think what that would have done if we had done that 30 years ago. I am embarrassed about that. I am sure that it would have passed.

As the Senator points out, we let these things pass, and a war has intervened, and it will now take billions of dollars to do what has to be done.

I could not help but reminisce about that. It would have been a simple amendment and it would have taken care of most of this matter.

(At this point Mr. CANNON assumed the chair.)

Mr. **CRANSTON**. Mr. President, I would like to say that it was a great and special privilege to preside over the Senate during the remarkable address by the Senator from Wisconsin. I believe that his speech will be looked back upon as the keynote address for the 1970's. It spelled out what must be the agenda for mankind in the matter of the survival of the human race.

I congratulate the Senator on the thought and effort that went into that leadership address.

I would ask to be included as a cosponsor of the constitutional amendment when it is offered.

Mr. **NELSON**. It has been offered.

Mr. President, I ask unanimous consent that the name of the Senator from California (Mr. CRANSTON) be added as a cosponsor of the constitutional amendment.

The **PRESIDING OFFICER**. Without objection, it is so ordered.

Mr. **CRANSTON**. I thank the Senator.

With regard to the aspect of his ad-

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dress dealing with the environmental agency, I concur wholeheartedly in the need for a greater opportunity for the public to be represented, and for the Government to provide that opportunity, so that pollution and the poisonous aspects of proposed business and industrial activities are fully considered before and not after the fact.

We had an experience in my State in Santa Barbara where the Federal Government proceeded to lease for underwater oil drilling portions of the Outer Continental Shelf. The Department of the Interior has a responsibility to hold public hearings, but a memorandum in the Department of the Interior stated, in effect, "We do not want public hearings because it might stir up the natives," meaning they did not want the people of Santa Barbara to be aware of what was occurring until after it occurred. It turned out to be one of the worst disasters we have had there. The seepage still has not been halted. In a new development, the Army Corps of Engineers has abandoned its responsibility for holding public hearings on the erection of oil drilling towers without seeing to it that some other agency moved in to fill the vacuum.

We must see to it that the vacuum is filled. We must see to it that the public is informed on something that is about to happen in its area before it happens.

There are many other aspects of the Senator's fine address which are of great significance. I wish to add one footnote. I believe industry and business, responding to the obvious desires of the American public, and led, where necessary, by Government action, can and will do great things in controlling pollution and poison in the decade of the 1970's if we lead them in that direction.

Mr. WILLIAMS of New Jersey. Mr. President, I wish to address myself to the speech of the Senator from Wisconsin. I wish to join Senators who have applauded the Senator from Wisconsin for his more than significant speech this afternoon on life itself, this planet, and the problems we face with all the pollution that is taking over life on this planet. The Senator's address has been described as the "Magna Carta." It could be said that that phrase expresses the gratitude of Senators to the leadership the Senator from Wisconsin has taken in this long-term vital matter before us.

We have read that the state of the Union address on Thursday of this week will deal with the environment. I believe the leadership the Senator has taken and the work he has done over the months prior to this are registering from the White House throughout the Nation; and as I understand, it will be the focus of discussion of young people in the month of April. I do not know if that was discussed in the speech.

Gratitude is the word with which I would like to end—gratitude to the Senator from Wisconsin.

Mr. PELL. Mr. President, will the Senator yield?

Mr. NELSON. I yield.

Mr. PELL. Mr. President, I ask that my name be added as a cosponsor of the constitutional amendment proposed by the Senator from Wisconsin.

The **PRESIDING OFFICER.** (Mr. CRANSTON in the chair). Without objection, it is so ordered.

Mr. PELL. I do this because as one who has followed the oceans with particular care, I realize the time is arriving when the degree of pollution in the oceans can pass a point of no return and turn them into a polluted area.

Mr. HART. Mr. President. The Senator from Wisconsin is to be highly commended for his resourceful program for environmental control and his dedication to the task at hand. His agenda for the 1970's includes many items which I endorse wholeheartedly. On several occasions the Senator from Wisconsin and I have worked together on environmental questions.

During the recess, I was delighted to hear that one effort in which we and others joined apparently produced favorable results. Last Thursday the administration announced an agreement with State and local authorities in Florida forbidding the construction of a major international jetport near the Everglades National Park. Under the agreement, it was announced, State and local authorities may use the already constructed single runway jet training facility for flight training, but only under strict Federal supervision. According to the announcement, the agreement further specifies that the training runway will be closed as soon as a new site for the jetport is found.

Assuming the controls on the operation of the training facility are sufficiently strict, the agreement appears to be a great victory for the forces of conservation in this country. It is a goal which several of us in the Congress have pursued for some time.

The administration is to be congratulated for averting what many had feared was an impending disaster to one of the Nation's most wondrous resources.

Mr. President, I would like to further commend Senator NELSON for signaling out several threats to our environment which require immediate action, including the environmental impact of hard pesticides, the internal combustion engine, and the jet aircraft. These problems, among others are being considered by the Senate Commerce Committee, and more particularly by the Energy, Natural Resources, and the Environment Subcommittee. We on the Commerce Committee recognize our responsibility for moving forward in these areas with all dispatch and look forward to working with Senator NELSON and others.

AN ENLIGHTENED BUSINESSMAN'S APPROACH TO POLLUTION CONTROL

Mr. PERCY. Mr. President, the president of International Harvester, Mr. Brooks McCormick, presented a most interesting and informative address before the First Government-Industry Water Pollution Conference last fall. His words should be of significant interest to all of us as an example of what enlightened businessmen can do to safeguard our environment.

Many talk about environmental protection, but too often that is all we do. That has not been the case, fortunately, with International Harvester, as Mr. McCormick's words point out. While others slept, International Harvester recognized years ago the need to conserve our natural resources and make them work for man. Today, men like Brooks McCormick continue to lead the way by recognizing that we must possess a total concern for our environment and must recognize the social and moral justifications in such an endeavor as well as the economic benefits.

I ask unanimous consent that Mr. McCormick's statement be printed in the RECORD immediately following my remarks.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

ONE COMPANY'S ATTACK ON WATER POLLUTION

I welcome the undersecretary's invitation to participate in this first government-industry water pollution conference. Indeed, I am honored, along with my employer, International Harvester Company, for the privilege of kick-off position in this two-day symposium on water pollution abatement. It may well be true this nation and the world face no graver problems than those of environment. Almost everywhere we look we see signs of environmental deterioration.

The history of man has been the history of his efforts to take command of his environment, to control those elements around him upon which he depends for his very life. His method throughout most of that period has been extremely primitive and shortsighted. He has been concerned only with the immediate effects of his actions, with solutions for imminent problems and answers to current questions.

He has been so impressed that his environment, out of control, could destroy *him* that he has been oblivious of the possibility that he might destroy *it*—and himself in the process. And he has become aware of that possibility only in the most recent history. It may be one of the most important lessons mankind can ever learn.

This year, we have been privileged and thrilled to witness the first landing of human beings on the moon. Many people have attempted to assess the significance of that feat, and it will probably be years before we will appreciate its full meaning. But if it does no more than offer us the experience of a completely hostile environment, it can be worth its enormous cost. If it helps only to awaken our appreciation of this life-supporting planet and quicken our resolve to preserve it, the money this nation has spent and will spend on lunar exploration will prove to have been a bargain.

So while water is the subject of our deliberations today, I believe we need to be aware that it is concern for *total* environment that has brought us together. There can be no question that we must end the pollution of water. But neither should we doubt for a moment that the measures we take for abatement must be made in context with improving the quality of our total environment. We will be treating one element of something that, in essence, is indivisible. This, it seems to me, must be the underlying qualification of everything we say today.

I will, of course, be speaking for International Harvester Company and, therefore, in a sense, I will be representing the farm equipment industry as some of the advance literature for the conference has suggested.

At the same time, I must point out that my Company is also a maker of trucks and construction equipment as well as internal combustion and gas turbine engines, aerospace components, and steel.

In short, I do not represent my assigned category in the same exclusive way some of my colleagues on this program represent theirs. A more pertinent category for us would be "automotive metalworking" because the majority of International Harvester products move on wheels or tracks and are self-propelled and because the bulk of our manufacturing operations are classified as metalworking.

Still, the attitude of my Company toward water pollution in particular, and human environment in general, gets its essential character from our origin as a farm equipment company and our long alliance with agriculture.

It takes little imagination to associate farm equipment companies with a consuming interest in the conservation of water and soil resources. You can go back as far as you like in the history of the industry and find documented evidence of efforts and accomplishments in promoting and teaching conservation.

And incidentally, this was not "conservation for conservation's sake" which, Time magazine says, has been "freely scorned" by Secretary Hickel. It was conservation to enhance the life support elements for growing plants—conservation to maintain and improve the quality of the agricultural environment.

Now I'm not going to tell you it was sheer altruism that originally motivated farm equipment companies. Nor was it any clairvoyant vision of the day man would begin to realize he was seriously in danger of destroying his environment. It was just plain, good business. Water and soil conservation for the farmer was also market conservation for the Company.

But precisely for that reason, a highly favorable attitude toward the conservation of environmental resources became ingrained very early in the structure of our Company—and, I am sure, in that of other farm equipment firms. A natural feeling of responsibility for our corporate economic wellbeing became interchangeable with a feeling of responsibility for the quality of the agricultural environment. The relationship between them was as compelling as it was obvious.

Another strong influence on the present attitude of my Company toward environmental problems was the change that occurred nearly thirty years ago in our basic concept of the business. Like many other firms, ours had grown up with the belief that the affairs of our enterprise were largely private, that our major obligation to the public was to be law-abiding, ethical and constructive in our decisions and actions.

Then a former president of our Company introduced the concept that when a corporation reaches a certain size, it ceases to be a purely private business organization and becomes, in a sense, a social institution. He felt this was true because such size made the Company a tremendous influence, for good or bad, on the lives of thousands and thousands of people.

From this change of thinking evolved the concept of an enterprise operated not only in the interests of its owners but equally in those of its customers, its employes and the communities in which its people live and conduct business.

The implications of this point of view are many and varied. But essentially it stands as a formalized statement of social responsibility, a statement made at least a quarter of a century before it became fashionable to charge business and industry with an utter lack of social consciousness.

The significance of this statement in the context of today's conference is readily apparent. For when we talk about water pollution specifically or about environment generally, we're actually talking about society—about people and the effects of environment upon them.

Then there is a third reason for International Harvester's sincere concern about environmental problems. It grows out of the first two, and it is shared by the entire farm equipment industry.

We are justifiably proud of the contribution our Company and this industry have made in lifting the burden of drudgery from the farmer and thereby helping to unlock the door to the highest standard of living in this nation that the world has ever known.

Had it not been for agricultural mechanization, 70 or 80 percent of our population would still be farming—and farming laboriously. The industries represented here today would be vastly different if they existed at all. The professions would have few practitioners. And the Department of the Interior's jurisdiction might still be limited to the general land office, the patent office, the bureau of Indian affairs and the pension office—as it was in 1849. This would still be an agrarian nation.

But we might also not have a water pollution problem or an air pollution problem, or a traffic safety problem, or an urban problem.

As a developing nation, ours needed food and fiber more than it needed almost anything else. We were not unlike many of the struggling new nations of the world today. The farm equipment industry provided the tools to meet the needs of development. As a result, farming eventually ceased to be the inevitable vocation of our people, and for first time, they were free to choose among a myriad vocations essential to the country's continuing development.

They were also free to choose where they would live, to concentrate themselves in cities where the increasing sophisticated problems of their advancing civilization could be solved more easily. And essentially it has been this concentration of lives and living that has revealed the problem of environment to which we address ourselves today.

Our industry, as a result of its heritage, is in a unique position to understand its responsibility and that of industry generally, to take the lead in ending pollution where we are directly responsible for it. And I believe the positive, cooperative action of industry and government can set an example that will motivate the kind of total action our very grave situation now demands.

The stated policy of International Harvester in the matter of industrial pollution has evolved from this kind of background. It very simply says in twenty-one words: Within the limits of technical and economic feasibility our Company intends to prevent pollution of water and air by its facilities.

I want to make it clear this is fully as much a description of past practices as a declaration of intentions. For example, we have—I almost said always, but at least for a very long time—collected our spent materials—such as soluble oils and cutting oils and disposed of them through scavenger services. And as long as 16 years ago, before the present level of concern about water pollution was even imagined, we installed a waste treatment plant at our largest truck manufacturing operation to remove oils from storm sewers. At that time, we even had to establish our own standards for water quality. I think it is significant that we still believe that system is capable of performing within standards that will eventually be set by pollution control authorities.

As of the end of our 1968 fiscal year, we had spent more than $14 million for installation of water and air pollution controls in the present decade.

A few moments ago, I used the generic terms "metalworking" and "automotive" to define the essential nature of our manufacturing activities. Compared with many of those represented here today and with some others not represented, these activities do not involve a very large use of water. Therefore, I would be the first to admit that the water pollution problem we face in most of our plants is considerably smaller than that of some of our other speakers.

We do operate a small steel mill in Chicago, however, which does consume water in significant quantities. There was a time when this plant—which has a capacity of about one million tons of steel a year—probably used as much process water as all our metalworking operations combined.

I say "there was a time" this was true. It is not true today, because we have been making dramatic reductions in our requirement for input water in steel making. Perhaps a word about our accomplishment at this plant—IH Wisconsin Steel Works—is in order. For it does represent a type of industrial operation in which water pollution control is particularly difficult.

By the way, this mill is located some ten miles south of the Loop, and the origin of its name is now growing somewhat obscure.

We began earnestly to combat water pollution at Wisconsin Steel 25 years ago when we installed our first thickener for separating blast furnace flue dust from water. At that time we were drawing perhaps 120 million gallons of water per day from the Calumet River and were discharging virtually all of it directly into the river through thirteen outfalls.

Today, through the processes of cooling, cleaning, and recirculation, we have cut our demand for input water by one-half and have completely eliminated all but three outfalls.

This has cost our Company, along with air pollution control devices, $11.5 million at this one installation. Our remaining plans call for expenditures of several millions more. When this program is completed it is contemplated that we will be drawing only five million gallons of water from the river and that there will be no outfalls to it.

Of course, in the process of accomplishing this, we have spent considerably larger sums literally to replace our traditional production method with an entirely new one. We switched from open hearth to basic oxygen steel making, built a new rolling mill, installed continuous casting, vacuum degassing and a new battery of coke ovens, to list just the major changes.

It is clear, I am sure, that the first cost of solving our pollution problem at Wisconsin Steel would have been considerably larger had we attempted it without making these alterations in our facilities. The economic advantage we achieved in modernizing the steelmaking process helped to partially offset the cost of pollution control and certainly hasten our accomplishment of it.

No longer can there be any question that such measures as water pollution abatement must occupy the highest levels of priority in industry and government. But it is equally clear that only a profitable enterprise can afford the cost of what must be done. Just as government can spend nothing it does not first collect in taxes, industry can spend nothing it does not first earn in profit.

Any management today that does not understand its responsibility to society for the preservation of a living environment is derelict in its duty. But an even greater dereliction would be its failure to perceive and adopt a strategy of action that will provide income for maintaining the profitability of the enterprise as well as for meeting its pressing social obligations. Bankrupt businesses don't pollute streams. But they don't meet payrolls either. Neither do they

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pay taxes, manufacture products, patronize suppliers or contribute to education.

The principal industries my Company represents have not been high profit industries. Essentially, we make machine tools for the most cost-conscious professionals you'll find anywhere—the farmer, the truck operator and the construction contractor. In the present decade, our net income has averaged about 3.6 percent on the dollar of sales. We'd like it to be higher and we're doing everything we can think of to make it higher. Still we are not likely, in the near term, to achieve the income levels enjoyed by some other types of U.S. business firms.

On the other side of the picture, first costs of abatement equipment are high—particularly if it must be installed in operating plants not otherwise involved in sales- or income-producing physical changes. In addition, there is the cost (which some people tend to forget) of operating, maintaining and updating abatement systems. The finest equipment available is only as good as the care it receives in use.

Our particular plan of attack on both water and air pollution takes two forms. One is *correction*, the other, *avoidance*. Corrective action involves the installation of physical facilities and normally is most practical when an operation is undergoing some extensive physical change or when we are undertaking new construction. Today in my Company, pollution abatement is a primary consideration in every plan for facility rearrangement and a part of every new construction contract.

For example, at our Louisville, Kentucky tractor factory we have just announced a $3.5 million program to install wet scrubbers and two electric furnaces for air pollution abatement in our foundry there. While the wet scrubbers will clean the air, they in effect merely solves an air pollution problem by creating a water pollution problem. So our plans for Louisville also include a complete water filtration and recirculation system. In the case of the new electric furnaces, which will replace a pair of the old cupolas, they will virtually avoid pollution at the very outset.

This then leads to that other arm of our plan of attack—avoidance—which is equally important but somewhat less dramatic. It is required in our Company today that, before a new process or new material may be employed by any operation, prior approval must be secured from our Manufacturing Research department. The physical welfare of our employes and avoidance of pollution are principal considerations of this procedure. If water pollution proves to be the potential result of adopting a new process or material, our people seek alternatives that will avoid it. The success of this program has been impressive in many instances, and we have been able not only to avoid pollution but also the cost of abatement.

These two approaches to water pollution abatement, in my opinion, make it possible for business management to meet its responsibilities to society as well as to the enterprise, its owners, employes and customers. Management has no alternative but to meet *both* obligations to the best of its ability.

Such considerations as these simply have to be factors in setting the timetables of abatement. They have to be taken into account along with such other practical matters as adequate time for planning and engineering, the ability of suppliers to deliver necessary hardware, contractor's schedules, and the adoption of definitive codes by control authorities.

In my view, there is no substitute for the dedicated desire of industry and government to understand the gravity of the total environmental problem and their earnest resolve to respond to it. There also is no substitute for a thorough understanding of the economic needs of business if we are to succeed in solving these problems of natural environment. Nothing could motivate industry to positive action like real improvement in the quality of our economic environment. The two are directly related, and it is not likely we will have one without the other.

What we have to do can be stated simply enough—as Professor Odum of the University of Georgia has expressed it: "We have got to stop thinking of ourselves as being in the growth stage of civilization and realize that we are in the mature stage. Up to now, we have been a consumptive, destructive civilization. We must learn to re-cycle and re-use."

Thank you indeed for your courteous attention. I look forward with keen interest to the views and remarks of others on what appears to be a most interesting panel.

ENVIRONMENTAL QUALITY

Mr. MOSS. Mr. President, it is truly amazing to see the growing evidence that the American public has become aware of the problems facing our very existence in the area of environmental quality. This public awareness is especially gratifying to those of us in this body who have for many years been trying to get the message across.

On January 6, 1970, the Los Angeles Times carried an excellent editorial entitled "Deadline for Man's Survival." That is exactly what is facing us if we do not solve this problem and solve it soon.

I ask that the editorial be reprinted in the RECORD at this point.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From the Los Angeles Times, Jan. 6, 1970]

DEADLINE FOR MAN'S SURVIVAL

As he signed the legislation setting up the three-member Council on Environmental Quality the other day, President Nixon remarked that the 1970s will be now-or-never years for reclaiming our living environment. The imperative deadline was no exaggeration.

We have already passed the point where our technology, greed and stupidity have resulted in fundamental alterations of the planet's life-support systems. We are now able to see that if this reckless tinkering is not halted and then reversed, the continuation of life on earth will become problematical.

Everyone is against pollution of the environment but few grasp how far the corruption of our air, water and land have progressed. The visible and esthetically disturbing signs—the air made filthy and noxious by photo-chemical smog, the streams and rivers discolored by wastes—hardly begin to tell the story.

Similarly, most of the solutions this far prospered have been shaped by political expediency and special-interest lobbying. They can scarcely begin to match the problem.

Our basic resources are being assaulted and strained beyond nature's ability to cope. The six billion tons of fossil fuels we burn each year are slowly raising the temperature at the earth's surface. North polar ice is thinning, life in the seas is being affected, the oxygen balance is changing.

Our lakes, rivers and now even the oceans have been polluted with pesticides. Wildlife not only is endangered by pesticides but in some cases—the American bald eagle is one example—faces extinction. The finality of that word must be stressed. We are beginning to see the end for all time of species that millions of years of evolution created.

Man himself may suffocate in his own garbage. In California alone in the next 35 years, according to one estimate, 2.3 billion tons of solid wastes will be produced, enough to cover a 1,500-square-mile area to a depth of 10 feet.

Wastes which find their way into our lakes are speeding up the aging cycle and so overwhelming the natural processes that the lakes are literally dying. We level forests and hills and sand dunes with little thought for the complex interrelationship of living things and natural forces. Agricultural acreage with its irreplaceable topsoil is given over to commercial or residential use. Where will the food of the future be grown?

Population growth and consumption demands are a basic part of the environmental crisis. Right now 80% of Americans live on 3% of the land. Almost daily, scientists voice new warnings about the effects on our health of this squeeze. The threat comes not only from the dirty water we drink and the foul air we breathe. Evidence mounts that overcrowding, noise and all the other byproducts of too many people in too little space are responsible for physiological as well as psychological damage to humans.

The decade ahead is indeed—perhaps literally—the do or die era for reclaiming our environment, for saving ourselves. We know what must be done; the scientists and technologists must now show us the way, and political leadership must provide us the means, for doing it.

That requires first of all an unequivocal dedication at all levels of government to halting the pollution of the biosphere and the depredation of our resources. It means planning for our future, and implementing those plans in the development of new towns, in the control of population. It means a continuing outcry from the people, demanding that the job be done.

We have run out of time for wishy-washy compromises, for permissiveness toward special interest groups, for political doubletalk. The issue, in a word, is one of survival. That is not something we can compromise with.

DR. JOZEF LETTRICH

Mr. PELL. Mr. President, a particularly fine, brave, decent, and excellent Eastern European leader, Dr. Jozef Lettrich recently died in New York.

I first came to know and admire Dr. Lettrich, when he served as head of the Slovak State of Czechoslovakia at the time I established our American Consulate General in Bratislava. I was always impressed by the fairness, intelligence, and objectivity of Dr. Lettrich, and all our relations were conducted in the most agreeable and correct manner.

During the Nazi occupation of his native land, Dr. Lettrich was an organizer of the resistance movement, persevering despite imprisonment and police surveillance. In 1944, he was a leader of an uprising of the Slovaks against the Nazis and had to live in hiding when the revolt was suppressed, and he was condemned to death. He resumed his political career at the end of the war, but was forced to flee his country when the Communists took over in 1948.

Since that time, he has lived in Washington, becoming chairman of the Central Committee of the Committee for a Free Czechoslovakia and chairman of the Czechoslovakia delegation to the Assembly of Captive European Nations. Last

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year he was elected chairman of this assembly.

I was particularly sad not to be at Dr. Lettrich's funeral in New York, but because of duties here in the Senate, I could not be there. However, my wife who also shares my extremely high regard for Dr. Lettrich, attended in my place.

CLEAN AIR AND WATER

Mr. SCOTT. Mr. President, President Nixon has already begun to make good on his New Year's resolution to "restore the cleanliness of the air and water." On Tuesday, Health, Education, and Welfare Secretary Finch and Transportation Secretary Volpe will meet with representatives of the 43 commercial airlines to draft a program for ending the pollution of the skies by 1972.

One does not have to be a scientist to know that jet airplanes are major air polluters. The heavy black exhaust trails seen daily on the approach paths to our major airports are ample proof of our airways pollution problem. Who is to blame for this problem? Probably, we must all share the blame.

The development of "clean" jet engines requires money and time. In the fifties and early sixties we were more concerned with cutting flight time than reducing the level of pollution. Federal regulatory agencies had no pollution control standards and no enforcement power. Since there was little governmental initiative and less public concern, major airlines and airplane manufacturers were unwilling to invest in more costly clean engine designs. Fortunately, governmental initiative and a widespread awareness of the need for better environmental quality have created a business climate which encourages increased clean engine investment. The cooperation of Government, private industry, and a concerned citizenry can point the way to better environmental quality. The fight for environmental quality is not a cops and robbers game. No one group or element in our country is solely responsible for our problems. We must all recognize that we share the blame and then join together in a spirit of cooperation to lick pollution.

Mr. President, I ask unanimous consent to have printed in the RECORD an article published in today's Washington Post and the Air Transport Association's summary of progress.

There being no objection, the items were ordered to the printed in the RECORD, as follows:

[From the Washington Post, Jan. 19, 1970]

END POLLUTION BY 1972, UNITED STATES TO WARN AIRLINES

The government will tell the nation's 43 commercial airlines Tuesday that they must end pollution of the skies with jet engine smoke by 1972 or face punitive legislation.

Airline executives are scheduled to get the blunt message at a meeting called by Robert H. Finch, Secretary of Health, Education, and Welfare, and Secretary of Transportation John A. Volpe.

The executives will be told of the Nixon administration's intention to push tough legislation already nearing passage unless they seize this final opportunity of doing the job themselves, HEW pollution fighters said.

Mainly at issue is the installation of a redesigned combuster—or burner can—on 3,000 existing commercial jet engines of one maker that reportedly account for 70 per cent of all smoke pollution from airlines.

The government estimates that all existing Boeing 727, Boeing 737 and Douglas DC9 jetliners with the Pratt and Whitney JT-8B engines can be converted to smoke-free operation by the end of 1972 at a cost of $13.5 million.

The airline industry has told the Federal Aviation Administration it can do the job by the end of 1974, but only at a cost of $30 million.

"Even using the industry's figures, that would add only 20 cents to a $100 airline fare," said one HEW official. "And it's peanuts in any event."

The smoke that pours from jet engines is caused by incomplete fuel burning in the standard combuster. The redesigned combuster eliminates the smoke almost completely, federal specialists say.

Jet smoke accounts for no more than one per cent of air pollution in metropolitan areas, government pollution officials concede. "But that one per cent in a very concentrated area can create one heck of a nuisance," said one.

The government is limited to persuasion about jet pollution at present because it lacks specific congressional authorization to attack the problem.

California already has laid down a Jan. 1, 1971 deadline for ending jet pollution in that state. Illinois and New Jersey have filed suits to force a quick cleanup in those states.

WHAT IS THE AVIATION INDUSTRY DOING?

(Statement of General Clifton F. von Kann, vice president, Operations and Engineering Air Transport Association)

FUTURE AIRCRAFT

As a result of study, testing, experimentation and evaluation to date, the future holds great promise for decided improvements in the next generation of aircraft such as the Boeing 747, the Lockheed 1011, and the DC-10. The newer engines which were designed and developed by engine manufacturers for these aircraft have combustion systems of more advanced design. The technical experience gained in the past as to the design feature which reduced smoke were incorporated in the engines. The elimination of exhaust smoke has become a routine development goal and is included in our technical specifications. As a result the airlines will be operating these new airplanes with engines which are essentially smokeless.

TODAY'S JET AIRCRAFT

Research by engine manufacturers is currently probing smoke reduction possibilities for several of the engines which now power the jet transports flying today.

Principal attention has been focused on the smoke plume emitted by the JT8D jet aircraft engine. This engine powers the Boeing 727, the Boeing 737, and the DC-9. The manufacturer of this engine, Pratt & Whitney, has been attacking the smoke problem for well over 4 years. Primary emphasis has been on eliminating the particulate emissions which cause the smoke from jet engines. The main offender is unburned tiny carbon particles caused by localized incomplete combustion in the burner cans.

The burner can is the heart of the jet engine. It is where fuel is mixed with compressed air and transformed by ignition into burned gas to form the propulsive thrust of the engine. Pinpointing the localized rich pockets in the burner cans was the first step toward smoke reduction. Once identified and adjusted, over 500 test rigs were run-in to confirm results. Then, more than 200 full-scale engines were run with different burner can configurations before a suitable design was selected for FAA certification.

FAA certification followed a 200 hour testing program by the manufacturer. A little over a year ago 37 engine sets of these newly fabricated and improved burner cans were delivered to 4 of the larger member airlines of the ATA for in-service operational evaluation on 727, 737, and DC-9 powered aircraft. The prime purpose was to determine how these new cans would operate during prolonged periods in the airline environments and to find the service life of these components under day-to-day airline operations.

A run out of at least 5,000 hours on all engines furnished the careers will take up to 2½ years. At present, ATA participating airlines have accumulated more than 3,000 hours on one engine set of cans being evaluated and as low as 200 hours on another. Most of this operation has been at the lower engine power rating. In short the airlines are more than half-way through the operational evaluation which should be completed in the fall of 1970.

It should be noted that this is not an excessively long period of evaluation. Unless the service life of these new cans is firmly determined when they are introduced into general airline service, engine life could be drastically reduced which would disrupt maintenance cycles and present the industry with virtually impossible problems in maintenance scheduling. Further, a short period of evaluation would fail to give the manufacturer the information he will require to eliminate the "bugs" from the new type burner cans.

With respect to the jet engines which power aircraft such as the DC-8, the 707, and Convair 880 (in other words, the JT3 and GE C805 engines), as soon as the manufacturers of these engines can provide the airlines FAA certified engine "fixes", operational evaluation of these items on airline aircraft will begin.

SUMMARY

The airlines' views can be summarized as follows:

1. New generations of airplanes such as B-747, DC-10 and Lockheed 1011 will be delivered with essentially smoke-free engines by the mid-1970's. They will amount to over 10 per cent of the U.S. airline fleet.

2. Regarding the JT8D engine, over a year ago the airlines voluntarily started an in-service evaluation of new burner cans provided by the manufacturer. Until at least 5,000 hours of service evaluation on each of the 37 engines is completed, the airlines determine their specific program of retrofitting this type of burner can in their fleets.

3. When the manufacturers of such engines at JT3 and the GE CJ805 have completed an appropriate smoke emission "fix" on their engines, the airlines will undoubtedly evaluate them operationally as well.

4. While it is impossible to make firm forecasts at this point in time, I believe it is safe to say that these actions will result in the majority of airline engines being smokeless by the mid-seventies.

WYOMING: ENVIRONMENT PATTERN FOR THE NATION

Mr. HANSEN. Mr. President, the Senate has become much concerned about the problems of pollution of the environment which face most of the Nation. This concern will continue and I hope it will grow.

One of the several areas virtually unaffected by this problem is the State of Wyoming. A comprehensive article published in the Denver Post of January 11, 1970, provides some analysis of why

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Wyoming has avoided pollution and considers Wyoming's fabulous potential for growth and development, profiting from the mistakes other areas have made in industry growth which resulted in a polluted environment.

The article, entitled "Is Wyoming a 'Lonesome Land?'" refers to the clear skies and clean, dry air, and to Wyoming's excellent overall climate. It recognizes the helpful cooperation among all its people and the pleasant fact that it takes less than 10 minutes for anyone in Wyoming to get from his home to his job.

The article notes, too, that Wyoming has more unmined, but accessible, coal than any other State, and is a leader in the petroleum industry, while extremely rich in uranium, gypsum, sodium carbonate, and iron ore. The State is growing economically in agriculture and is undergoing a fantastic recreational development.

According to the article, a recent survey of big city labor forces nationwide shows that the cream of skilled labor is ready to relocate their families to Wyoming should industry provide them jobs in that State.

I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

IS WYOMING A "LONESOME LAND"?

(EDITOR'S NOTE.—The following article was researched, written and edited in an advanced reporting course at the University of Wyoming under the direction of Prof. John A. Lent. Written by William R. Eastman III, contributors were Ralph Berg, John Dunsworth, Kevin McKinney, Linda Howard, Monica Miller, Patrick Schmidt, and Sandra Snider.)

The grandeur is spectacular, the dimensions are tectonic and yet there is a strange desolation that spreads over the land to disguise the sparse outcropping of modern man.

This is Wyoming today; virtually unchanged physically by the movements of progress and industry that have engulfed the rest of the country.

The Wall Street Journal, on Oct. 3, published an article by Dennis Farney entitled, "The Lonesome Land." The state was compared to an underdeveloped nation; a "colonial region dominated economically and culturally by the outer world." Wyoming people are termed as solitary, rugged individualists.

"Wyoming people have been conditioned by heredity and their environment to be sort of individualistic," according to Dr. T. A. Larson, Wyoming historian and professor of American studies. Larson feels that the old frontier image of stoic individualism is not totally accurate.

"There has always been cooperation among the people in this state to help one another," he says. Today, whether or not Wyoming is a lonesome land, this cohesion principle still applies. "The people in this state will come together more than in other states because they are sensitive to outside criticism," said Larson.

Recently, 14 black athletes were suspended from the University of Wyoming football team. While a controversy over civil rights, academic freedom and athletic privilege spread nationwide, Wyoming people drew together to support the decision of Cowboy Football Coach Lloyd Eaton.

UNIFY STATE

Perhaps the most justifiable explanation for this unanimous support of the dismissal comes from a former university president, Dr. G. D. Humphrey.

"Wyoming's athletics have unified the state. People were fighting over junior colleges and what not, and football and other sports at the university served as a unification."

Statistics justify this claim. They show that Wyoming has the greatest out-of-state football following per capita in the nation. Over 10 per cent of Wyoming's 320,000 citizens become involved yearly in what Wyoming calls "Cowboy Football."

The University of Wyoming, located at Laramie, is this state's only four-year institution of higher learning.

Dr. James Hook, who was hired by the state to set up a special education system for retarded children, feels that this "one university system" has both advantages and disadvantages.

"One university in the state makes it possible to coordinate the whole higher education system," said Hook. With the small population of Wyoming, Hook feels that this is appropriate.

LACK COMPETITION

But there is also a lack of competition which, according to Hook, "may lead to stereotyping in the educational process." He observed that one university limited the student, as "he must either go to the University of Wyoming or else pay the higher tuition for an out-of-state education.

"Wyoming offers very little to the college graduate," said Hook. "I hate to see them leave the state, but we do very little to attract industry."

"Wyoming has never been thought of as a place to live and educate your kids," claims university sociologist, Dr. Marshall E. Jones. "It's considered better to go out-of-state for almost everything, including education. The services that make life worth living simply have not been developed here."

Another view was expressed by Dr. Ival R. Willey, dean of the College of Education. "It's hard to compare one university with another," he said. "As far as our goals and purposes, we are properly progressing in reaching them as are most institutions in the country." Willey said that the College of Education is comparable with any in the country. "Our graduate students have certainly made a name for themselves all over the country. In fact, about half of the states in the Union come here to recruit our teachers, and many of these people have told me that the teachers they get from Wyoming are among the best they find."

In education, transportation, and other intrastate endeavors, distance plays one of the unique and singular roles. Townships, hamlets and cities are not interconnected by suburbias as is common in other states. There is a lot of country between living areas in Wyoming.

"The average distance from one town to another in this state is not as unique as it may appear," reports Larson. "Whereas in big cities, a worker may spend as much as three or four hours getting to and from work, in Wyoming I'd say 90 per cent of the people are no more than 10 minutes away from their employment."

DISTANCE FACTOR

Even if distance doesn't inhibit working patterns, it does have an effect on Wyoming.

Hook is concerned over the distance factor in the primary and secondary education of the state. "It leads to problems of adjustment," explains Hook. Since Wyoming is a rural state, the student has very few opportunities to experience the problems of larger cities. "He doesn't get first-hand knowledge on housing, race, industry, etc., and when we consider that most of the students leave Wyoming for the cities and the jobs there, then we have the problem of the 'naive' rural man faced with the contemporary problems of the urban system."

"Thousands of our kids have never been to a town the size of Cheyenne (approximately 60,000 population)," points out Jones. "And there is a lack of contact with the outside world and the changes going on there."

"The Lonesome Land" referred to Wyoming people as having "a deepseated suspicion of 'outsiders' and a seemingly ingrained tendency to think small." Contrary to these remarks, Edwin G. Flittie, University of Wyoming sociologist, feels that people here are generally very open—"more so than people in most parts of the country. There is no doubt, however," he said, "that many people do think small. But this is largely because, except for natural resource development, there is virtually nothing in the state that would condition them to think big."

Willey disagrees.

"People of Wyoming have a deep concern for the problems of the world, especially for the nation, and I don't think that generally people of Wyoming feel they can isolate themselves from the problems of the world," he said.

"This is one of the hardest places in the country for new people to establish friendships," said Jones. "But again, it is the occupational structure of the state that has caused this problem. The geographic isolation here has made it necessary for some people to protect themselves. But," Jones continued, "the people here aren't different; they just live in a different environment."

AWED BY DESOLATION

The environment Jones speaks of is indeed different. Travelers emerge into southern Wyoming along Interstate 80, or in a compartment of a westbound train. As they converge onto the uncompromising vastness of the great American plains, they are awed by the odd desolation.

"How can people live there?" they sometimes ask.

Larson explains, "People don't live there; they can't, but they do live by a stream or in a productive region."

Today, Wyoming is losing population. The state's youth are leaving because of decreasing job opportunities and better pay in the nation's industrial centers. Older people are also leaving. The climate is harsh and they would rather live in warmer regions.

Many who do come to Wyoming to work at places such as the university are only using this state to improve their skills before attempting to find a better job in the urban centers of America, one native Wyomingite guessed.

Sometimes they stay.

"I came here in 1941 intending to make this a stepping stone to the West Coast," recalls Jones, "and I've never left. This university has the potential to become a first rate intellectual center—without all the problems of a metropolitan university."

"I certainly don't think the state is doomed," said Flittie. "I don't think we're facing extinction, nor do I think there will be any major population boom in Wyoming's immediate future. Except for developments resulting from the extraction and processing of uranium, oil, natural gas, trona and iron ore, it is doubtful that there is to be much industrial development that will result in substantial industrial payrolls."

INDUSTRY DESIRED

The development of new industries concerns most progressive people in Wyoming.

According to Larson, governors and other politicians who have tried to bring manufacturing into the state have failed because they have tried to please businessmen socially rather than as prospective clients to a growing Wyoming.

"What would you rather see if you were an industrialist,"asks Dr. James Pikl, head of

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the Economics Department at the university, "glossy folders telling about the wonderful hunting and fishing, or definite facts about the size of the city, availability of labor, gas and utility rates, the tax structure, etc.?"

Pikl said that instead of wining and dining companies at "wild game dinners" and having hordes of files saying, "representative from such and such company sounds interested in making a move to Wyoming in the future and plans on being in Yellowstone Park for two weeks next summer. No definite plans as yet. Luncheon bill—$25," the company should be presented with pertinent facts about Wyoming.

"Under the circumstances," claims Pikl, " 'The Lonesome Land' as the Journal titled it, is an asset. The wide open spaces, the untapped natural resources and all the raw products are all points in Wyoming's favor."

Ray Iiams, manager of the Wyoming State Employment Service in Rawlins, agrees. "We took a survey of labor forces in the large cities of the nation," recalls Iiams. "The skilled labor there would be ready to move in a moment to relocate their families away from the cities and the smog. Any large corporation could pick the cream of the crop from any of the major cities."

10 YEARS BEHIND

"We're about 10 years behind other states in development," observes Humphrey. "In the past, there were a lot of people who didn't really care if we developed and attracted people into the state or not. Most of those old-timers are dying off. I think we do want to develop now and Governor (Stan) Hathaway is really helping. Hathaway is a dynamic governor."

"We need to attract more industry," said Hook. "But we don't want big manufacturing developments; rather smaller industries based on intellectual challenges."

Most Wyomingites feel the same. They would like to see the inclusion of "capital intensive" industries such as electronics and aerospace, rather than smoke-producing factories with masses of low-wage employes.

"Losing population is not necessarily bad," said Pikl, "as long as the wages of those who remain increase."

Unfortunately, wages do not increase, and while good labor could be enticed into Wyoming from the nation's cities, a survey of 25 Illinois manufacturers showed that 24 were not willing to locate in Wyoming because of the climate.

"The trouble is," exclaims Larson, "we have a good climate, even better than others, but when we do have a blizzard or when we're the coldest spot in the nation, we get national publicity."

There are probably many reasons for Wyoming's cited "arctic conditions," but the most responsible is the states' mean elevation of 6,700.

"WAIT FIVE MINUTES"

"Wyoming weather may be cold," points out Larson, "but it isn't cold all the time. We have an extreme of temperatures. At night it may drop as low as −10 but it will warm to 40 or 50 degrees by noon the next day." Larson says, "If you don't like the weather right now, wait five minutes."

Wyoming is renowned for its clear skies and clean, dry air. There is a lack of large water bodies and, hence, a dominance of aridity. Many will swear that 20 degrees below zero in Wyoming is warmer than 20 above in more humid areas.

Dr. George C. Frison, head of the University Anthropology Department, has lived in both Wyoming and Michigan. "It's a harsh climate," he admits, "but I'd rather spend a winter in Laramie than Ann Arbor where I went to graduate school."

As for industry and the state's disinterest in pollution-bearing commerce, weather may play a limiting role but there have been industries that have adapted to the climate.

One such industry which has made this adaptation with great economic success is that of mineral extraction.

Last year there was a total mineral production of $576.2 million. Of that figure, 75 per cent was attributed to petroleum.

"Wyoming is enjoying a real spotlight in the country right now," said Dan Miller, head of the Wyoming Geological Survey. Miller feels that the oil activity in the state is very high and that Wyoming is presently leading the field, "even more so than Canada, Alaska and Texas (excluding offshore oil)."

WYOMING UNIQUE

"Wyoming is unique because it is one of the last states to try to develop natural resources," said Miller. "All the other states have previously been ransacked and exploited. Today we are more aware of the problems involved in exploitation than they were 20 years ago."

Miller explains that as well as petroleum, "we have more unmined coal than any other state." Miller said that because of its big hydrocarbon content, this resource has barely been developed. The coal was thought of little use in the past because it had no value for coking processes. But, today, with the rising importance of the petrochemical industry, for which this particular grade of coal is exceptionally useful, Wyoming coal is enjoying a rising demand.

Miller said that the uniqueness of Wyoming coal deposits made the resource even more valuable. "Coal deposits are located much nearer the surface than normal. This makes the extraction much easier and more economical."

But while Wyoming is rich in such minerals as coal, oil, uranium, gypsum, sodium carbonate and iron ore, it has a deficiency of the resource most necessary for growth—water.

Although the state is considered arid, its mountains and plains collect more than enough water to supply the animal consumption. Yet, the deficiency of this supply is one of the greatest limiting factors for Wyoming.

"Water is the secret of getting money into the state," asserts Humphrey. "Without water there is little you can do. We are beginning some projects now, and we are going to keep fighting for the state's right to use its own water rather than let it go to other states."

The siphoning of water to Utah, Nebraska, Colorado, Arizona and California is the cause of Wyoming's insufficient supply.

WATER VITAL

Hardest hit by this shortage of water are the farmers and ranchers. But with the assistance of reclamation laws, these groups have been able to meet the competitive markets of the nation.

"Irrigation practices in farming are making the difference in most of the state," reflects Dr. Delwin M. Stevens, professor of agricultural economics at the University of Wyoming. "Without irrigation, there would be no diversified production, because of insufficient rainfall."

In the past, sheep were raised in the southern region of the state while most of the cattle came from the central, eastern and northern areas. With the advent of railroads, the livestock industry was given an added boom as transportation to marketing centers became available.

Today, agriculture contributes roughly 15 per cent to Wyoming's basic income.

Economically, some consider Wyoming's agriculture to be lagging. Others, such as Dr. Conrad Kercher, animal nutritionist, feel that the state is in one of its most prosperous periods.

"The future of Wyoming agriculture isn't going to set the world on fire," cites Stevens, "but Wyoming is growing economically in agriculture. Cattle and sheep prices are higher this year than in the past."

"Efficiency in farming and ranching as well as improved management practices are making the difference in Wyoming agriculture today," said Kercher. "By grazing both cattle and sheep together many ranchers are finding their range is better utilized and more profitable." The retirement of horses for more efficient jeeps and airplanes has also added to time-saving and greater productivity.

MARKET CENTERS SCARCE

A major problem which affects agriculture is the lack of close market centers to process Wyoming food products. Wyoming has no distribution centers in the state and must look to Colorado, Montana and other surrounding states for processing.

Twenty per cent of Wyoming agriculture is made up of crops and food products, according to Stevens.

"Sugar beets and dry-land wheat take up the large percentage of this figure with dry beans and hay following close behind." Other agricultural products include potatoes, field corn, oats, barley and other small grain crops.

With the limitation of agriculture because of lack of water and climate conditions, with Wyoming's population declining and industry shying away, a third source of revenue and growth is necessary for a productive future.

Randy Wagner of the state recreation commission's planning division feels that Wyoming's potential in recreation may fill this demand.

"The state has a great wealth in sites and areas for recreational development," explains Wagner. "All it takes is just grabbing the bull by the horns."

According to Wagner, "nonresident visitors, vacationers and travelers spend somewhere in the neighborhood of $117 million a year." (Hunters and fishermen from other states spend about $65 million yearly.)

Wagner believes that Wyoming's tremendous potential for winter attractions is being recognized. "We have several fine ski areas, and more are being planned in western Wyoming and the Saratoga area."

He is ready to dispel the common belief that tourists visit only Yellowstone and Grand Teton National Parks (located in the northwest corner of the state). "Yellowstone, although still overflowing with tourists, dropped 2 per cent in its attendance while the rest of the state increased this past season. This means that people are heading for other attractions in the state."

"But the fact remains," continues Wagner, "that there just aren't any more campgrounds and places to accommodate tourists in Yellowstone. We have to develop surrounding areas to lighten the load at the parks.

"Here is where a good deal of the state's future in recreation lies. We must go outside the two national parks and develop new areas. Wyoming has many historic sites that either haven't been developed fully, or not at all. But the state must face up to the fact that it has to aid in the funding of these projects."

According to Frank Norris of the Wyoming Travel Commission, one of the the major objectives of the commission is to stretch the traveler's time in Wyoming as well as to bring more people to the state.

"If the 8 million visitors to Wyoming each year would stay but a half day longer," asserts Norris, "the travel tab to Wyoming would be $30 million more for the year."

But there are complaints.

DON'T NEED TOURISTS

"What Wyoming doesn't need is more tourists," says Pikl. "A problem we have is people coming in from other areas and using our recreational facilities and other resources without contributing much to the economy." Pikl said that he would rather add 7,000 permanent residents, each earning $10,000 a year, than have 7 million tourists passing through and spending $10 each.

Others have criticized recreation and tourism because of the short two-month season.

The short season is falling by the wayside, according to Wagner. "The Grand Teton National Park, for example, is way ahead of its attendance marks for this time of the year (fall, 1969). It seems more people are traveling earlier and later in the season to get away from the crowds."

In recreation, agriculture, industry, and education, Wyoming may be behind, but its potential is here and it is being recognized. Wyoming people claim they are learning from the mistakes of other states. In the future, they feel that they can grow faster by avoiding these mistakes. Perhaps they will move ahead. If so, Farney's "Lonesome Land" may lose its wilderness to progress and prosperity.

THE 90TH BIRTHDAY ANNIVERSARY OF JOHN D. RHODES, FORMER OFFICIAL REPORTER OF DEBATES OF THE SENATE

Mrs. SMITH of Maine. Mr. President, today, January 19, 1970, John D. Rhodes celebrates his 90th birthday anniversary.

Many Senators will remember Mr. Rhodes, who retired as chief official reporter of debates of the Senate on July 31, 1963. His retirement at that time marked the end of a long and distinguished career of service to the Senate. John Rhodes came to the Senate in 1919, 14 years before any of the present Members had reached the Senate. During the 44 years of his service to the Senate, he participated in the reporting of the major political discussions of those decades, beginning with the debate over the approval of the Treaty of Versailles, which involved the question of the U.S. participation in the League of Nations. He has also reported many sessions of the Senate of special, historical interest when heads of state of foreign governments were invited to address the Senate, including Winston Churchill, Madame Chiang Kai-shek, Konrad Adenauer, and many other major foreign officials.

John Rhodes is remembered by his many friends here as a man of wide literary interests. He had a vivid recollections of a meeting once with Mark Twain at the Governor's mansion in Annapolis. Only since his retirement has Mr. Rhodes found the time to transcribe his personal notes covering Mark Twain's remarks to the group present on that occasion. He is a scholar in his pursuit of the accuracy of the recorded fact and correctness of grammar and style. Most of all, John Rhodes is remembered by all of us who know him as the witty but gentle and kindly friend.

I know that Senators will wish to join me in sending affectionate good wishes for a very happy birthday on the occasion of this major milestone in his life.

Mr. YOUNG of North Dakota. Mr. President, I want to add my own warm congratulations to John D. Rhodes on the occasion of his 90th birthday anniversary today. I am delighted to learn that he is enjoying good health and a good life.

John Rhodes established a most outstanding record of service to this body during the 44 years when he was an Official Reporter of Debates. This is one of the most difficult jobs I know of. It requires great professional responsibility because of the need for speed, accuracy, and oftentimes patience and understanding.

Mr. President, John Rhodes, in his duties to the Senate for all those years, not only witnessed but had a hand in the shaping of a lot of the history of the United States. In recording so much of the work of the Senate, I am sure he takes well-deserved pride in the many contributions he made to all of us during his remarkable career.

ROCKY MOUNTAIN OIL SHALE DEPOSITS

Mr. McGEE. Mr. President, while the debate rages over the future of this country's petroleum policies, there is a tendency to pay slight attention to the vast reserves of oil contained in the shale deposits of Wyoming, Utah, and Colorado. But they are there, and thankfully, there are those paying great attention to their usefulness to America.

Primary among the people devoting their energies to the development of shale deposits are the scientists of the Petroleum Research Center of the U.S. Bureau of Mines at Laramie, Wyo.

Next month they will begin a series of experiments designed to stimulate burning of oil shale and recovery of oil from underground formations shattered by a nuclear explosive. Already, their work has demonstrated that oil can be extracted from underground shale and brought to the surface by wells. And there are encouraging results from their continuing experiments.

Reporter Dick Prouty, of the Denver Post, recently chronicled the work of the Laramie scientists—work of tremendous importance to all Americans. He quotes Research Director Gerald U. Dinnen as saying he does not doubt that commercial production will ensue. The question is, When? So far, the date is not known, but these men of the U.S. Bureau of Mines are doing much to advance the goal.

I ask unanimous consent that the Denver Post article be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

[From the Denver (Colo.) Post, Jan. 11, 1970]

Wyoming Test: Oil Shale Cooker Erected

(By Dick Prouty)

Laramie, Wyo.—On the wind-scoured prairie where settlers surged westward a century ago, nuclear age pioneers have erected a "trail marker."

The rusty-red marker looms 92 feet into the sky in stark contrast to its purpose of simulating the extraction of oil from shale deep in the earth.

The ugly steel monument has an aura of beauty about it because it offers prospects of using nuclear explosives to obtain oil from the vast deposits of shale in Colorado, Wyoming and Utah without blighting the environment.

Scientists from the Petroleum Research Center of the U.S. Bureau of Mines at Laramie recently completed a test run on the Denver-designed research tool and termed it a "real success."

SERIES OF EXPERIMENTS

Next month the first in a series of experiments designed to simulate burning of oil shale and recovering its oil from underground formations shattered by a nuclear explosive will begin, Gerald U. Dinneen, research director at the center, said.

The experiments are a bright part of a forecast of a 100,000-barrel-a-day production of oil from shale in Wyoming by 1980 made by Cameron Engineers of Denver for the Wyoming Natural Resource Board.

Half that forecast amount is to come from "in-situ," in place, retorting of shale from the underground formations. The other half is from an open pit mine and surface retorting operation.

The Bureau of Mines is core-drilling in southern Wyoming in search of the richest ore beds and Dinneen supervises laboratory retorting of the samples as well as the large-scale operation a mile north of town.

The "trail marker's" steel framework supports a 45-foot-high retort—a giant pot in which the shale is "cooked."

Pieces of oil shale ranging in size from a coffee mug to 8,000-pound chunks the size of a small car are brought from the agency's Anvil Points Mine near Rifle, Colo., and packed into the retort in a 10-day loading operation. The retort has an inside diameter of 11½ feet.

Harold Sohns, coordinator of oil shale-related projects at the center, and Arnold Harak, engineer in charge of the retort operation, said the retort is closed and the shale ignited by burning natural gas at the top of the column of shale for about 90 minutes.

On the test run to see if the retort worked, 175 tons of shale was loaded and after being ignited, burned at temperatures of up to 1,600 degrees for 24 days. Sohns explained that once ignited, the shale burns on its own as long as air is pumped into the retort.

Sensors inside the retort record the temperatures and pressures electronically on an instrument panel. This way, Sohns explained, the researchers know where the shale is burning, and at what temperatures and pressures.

The oil-containing kerogen in the shale melts and is collected in a self-weighing container. The experiment collected about 2,700 gallons, Harak said.

During the burning—retorting—gas released was recycled with the air to stimulate underground conditions. In future work different amounts of the gas will be blended with air to see which combinations are most efficient.

ASH COOLED

After the column of shale was burned, the ash was allowed to cool for 18 days—down to a temperature of 240 degrees—before the grate at the bottom was opened and the hot ash spilled out.

"Analysis of the ash showed there was very little oil left in it," Dinneen said.

Dinneen said the significant things learned in the test run were tremendously encouraging. They included:

The retort and its instrumentation worked.

The shale ash doesn't collapse and compact, preventing air from passing through the broken shale.

Oil can be extracted from big blocks of shale—crushing isn't necessary.

"This indicates" Dinneen said, "that the big blocks of shale we're told result from a detonation of a nuclear explosive can be retorted in a closed system such as the broken shale formation."

SOME PROBLEMS REMAIN

The scientist—a 1934 graduate of the University of Denver—said the experiments won't mean all the problems related to underground shale retorting are being solved.

"Still, we're most encouraged because by learning what happens here under known conditions, we hope to tell later what's going on underground."

Experiments under Sohn's direction earlier near Rock Springs, Wyo., showed that oil can be extracted from shale underground by a different method and the oil brought to the surface via wells. Similar work is continuing there, Sohns said.

"This isn't a new process—it's similar to known ones," Dinneen said, "but it's the first time we've learned you can extract oil from large blocks of shale. It's the engineering we're interested in."

If that engineering will be used soon isn't known. The Atomic Energy Commission's (AEC) "Project Bronco" slated for the shale beds of Piceance Creek area of northwest Colorado has been shelved indefinitely.

The AEC helped start the Wyoming experiments in 1965 with a 10-ton retort on the University of Wyoming campus. The work is related to a peaceful use of the atom program by the AEC known as Plowshare.

RECOVERY 60 PERCENT

Assays of the oil from the retort showed 60 percent recovery from the 25 gallon-per-ton shales being used, Harak said. He hopes to boost that figure substantially when the actual experiments begin.

"What we found out was a lot more encouraging than what we wanted to know—if the pipes were hooked up right," he said.

Dinneen and Sohns are optimistic about oil shale's future. They don't doubt commercial production will ensue—but when, they don't know.

"Personally, we'll be highly disappointed if it doesn't become commercially feasible," Dinneen said. "We've spent more than 25 years each on making oil from shale cheaper and easier . . . that's a long time."

He first believed shale was set back by the huge discoveries of oil on Alaska's North Slope, and work on extracting oil from coal. But he feels shale soon will become competitive, particularly if the underground retorting is perfected. High North Slope development costs may make oil shale competitive economically, he feels.

"When you explode a nuclear device, such as in Project Rulison (a 40 kiloton explosion last September near Rifle) you get a very large amount of broken shale, I'm told," Dinneen said.

Retorting it underground avoids high mining costs from open pit or gallery mines, minimizes capital investment and the major problems of surface retorting—what to do with the contaminated water and great volumes of burned shale ash—that result from the extraction of the oil, he explained.

"We can keep a lot of garbage—ash, polluted water—underground where it doesn't contaminate the environment," Harak said.

"The water stinks to high heaven from phenols, ammonia sulfates and other components of the burned shale—40 per cent of the liquids extracted from shale are water—the rest is oil," he said.

At the sophisticated laboratories of the research center the character of the oil shale and of the undesirable water is being examined.

"We're trying to find out how good it (the oil) it, what its components are and what can be done with it," Dinneen said.

Work on the water is to determine if there are recoverable materials in it, he said.

EVERETT McKINLEY DIRKSEN

Mr. BAKER. Mr. President, every year about this time F. F. McNaughton, editor of the Pekin, Ill., Daily Times, and his wife, Ceil, send out a New Year's greeting to friends and subscribers. Those of us who are fortunate enough to receive this annual greeting always look forward to their warm friendliness and their thoughtful observations about the year just past.

Pekin was the home of Everett McKinley Dirksen. He always took a special pride in the fact that his roots were there, and he returned as often as he could. He delighted in talking about the many people he knew and admired in Pekin, and there were none for whom he had a greater affection and regard than Mac and Ceil McNaughton.

Mr. President, I ask unanimous consent that the first three paragraphs of the McNaughton's New Year greetings be printed in the RECORD.

There being no objection, the paragraphs were ordered to be printed in the RECORD, as follows:

NEW YEAR GREETINGS

JANUARY 1, 1970.

DEAR FRIENDS: It won't seem right for this New Year Greeting to go without one being sent to Everett McKinley Dirksen. The likes of him will never again brighten our day. For Pekin the loss of Senator Dirksen is beyond repair; and to many it has seemed that the loss to the nation was equally irreparable. Under consecutive Presidents (two Republicans and two Democrats) Dirksen had grown to be a sort of shadowy "prime minister"; if not the most powerful, surely the second most powerful man in the land. Since the sad September day of his death, we in Illinois have felt the government was floundering.

To youths here at home, Everett was living proof of what a poor boy (fatherless at five) could do in this America. He did it by hard work. He studied and mastered the art of telling a story, and he mastered the intricacies of a great nation's finances.

As age dimmed Everett's dreams of becoming President, he became the greater patriot. We were hoping that some October day the sage Senator would deliver a "Farewell Address" as part of the John and Sally McNaughton Memorial at DePauw University. Now our regret is deep.

CYRUS EATON CONTINUES HIS PATIENT SEARCH FOR PEACE FOR A WAR-PLAGUED WORLD

Mr. RANDOLPH. Mr. President, the supreme cause of all mankind is the achievement of just and lasting peace among the nations and peoples of the world. We have no higher calling. There would be no greater dream come true than the realization of this coveted goal. The concept of peace is the leaven which binds together the masses of the world. In these terms, there are not several races of men, but in reality only one race of man—for it is mankind as a whole who will solve this problem—or mankind as a whole who will suffer the fate of continued hostilities and conflicts and the terrifying prospect of nuclear holocaust. Men make war. Certainly, men can make peace. As we enter a new decade, it is our cherished hope that our heads and our hands and our hearts will be joined in a mighty crusade for peace.

During this time when persons envision renewed efforts to bring peace among nations, I call attention to a man who is dedicating his energies to this great cause. This man is Cyrus S. Eaton, chairman of the Chesapeake & Ohio Railway Co.—an outstanding industrialist and a persevering crusader for peace. Cyrus Eaton is 86 years old. He recently completed a trip to Paris, Moscow, and Hanoi as a part of his continuing quest for better understanding among peoples. There are those who disagree with Mr. Eaton's philosophy. There are others who agree. That is our privilege in a free society and each of us must justify his own convictions. But I hope such differences do not preclude the recognition of Mr. Eaton's unselfish and persistent efforts for peace.

Mr. President, on Sunday, December 21, 1969, the Akron Beacon Journal, in its "Editor's Notebook" contained comment by John S. Knight, owner of Knight Newspapers, on Cyrus Eaton's peace efforts. I ask unanimous consent that the editorial be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

EATON'S HANOI TRIP HELPS PEACE CAUSE

At this season of the year, as we pray for peace and the safety of loved ones in Vietnam, it seems appropriate to talk of a man who has dedicated his wintry years to ending a cruel and senseless war.

I speak of Cyrus S. Eaton, the 86-year-old Ohio industrialist, who in recent weeks has visited Paris, Moscow and Hanoi in the quest for a solution to the impasse between the United States and North Vietnam.

But first, as a noted editor is fond of saying, "Let me give you the background."

Cyrus Eaton is an atypical capitalist. Though he presides as chairman of the Chesapeake & Ohio Railway and has served on dozens of corporate boards, his interests range from cattle breeding to membership in the Academy of Political and Social Sciences.

He is the founder of the famed Pugwash seminars where world leaders of government, science, education and philosophy gather each Summer in Nova Scotia to exchange views and explore common problems.

What distinguishes Eaton from his fellow tycoons of the business world is his long held conviction that Russia and the United States must reach accommodations on trade and other questions at issue if we hope to have a peaceful world.

He was largely responsible for arranging the visits to this country of Nikita Khrushchev, Alexei Kosygin and Anastas Mikoyan. It all began some 15 years ago when a group of Russian journalists wanted to see the home of an American industrialist. The State Department requested Cyrus Eaton to undertake this responsibility because of his contacts with the Russians during World War I.

Eaton's advocacy of the need for better relations with Russia has not contributed to his popularity. He has been called a Communist and worse by the business establishment. The general public has shown but little sympathy for his views.

To such criticism, Eaton replies: "I am a dedicated capitalist, both in theory and practice. The Soviet Union exists, so let's meet them halfway—let's know the top people and work with them. As long as we carry on warfare, we just make them fanatics—they go to extremes. So let's see if we cannot compromise with them."

In an interview with Merriman Smith of United Press International, Eaton added: "We need to export our food products in great quantities and extend credit. We also ought to supply backward countries with machinery and equipment. At a profit, of course. This is better than sending military missions to police them."

Eaton observes that "it used to be fashionable to be anti-Communist and denounce anything of that kind. Now, half of the world is Communist—that's a hell of a lot."

He thinks, too, that the United States was wrong in placing an embargo on Cuba. "We thought an embargo would bring an end to the Castro regime, but the things Cuba needs of American origin can be obtained from our allies—Canada, Great Britain, France—and, of course, from the Communist countries."

As Merriman Smith has written, "Cyrus Eaton is not only a capitalist, he is a highly pragmatic capitalist."

There are overtones of Eaton's pragmatism in his just concluded eight day discussions with the leaders of North Vietnam in Hanoi. For he feels that to prolong the war is to invite serious economic consequences in our own country.

The main obstacle to peace, as Eaton sees it, is Hanoi's conviction that President Nixon's peace gestures are not sincere and that he really wants to continue the war.

In a Hong Kong talk to foreign correspondents, Eaton expressed the view that he thought he had made "some progress" in convincing North Vietnamese leaders to the contrary.

Another hang-up is the refusal of Premier Pham Van Dong and Foreign Minister Nguyen Duy Trinh to have any dealings with the present Saigon government. They are still demanding the complete withdrawal of American troops and formation of a provisional government to replace President Thieu and Vice President Ky.

Even so, Eaton said he has "discovered enough give and enough good will in Hanoi to indicate that compromises are possible to end the war." In this connection, he mentioned assurances from the North Vietnamese that American prisoners would henceforth receive better treatment including mail from home and dispatching of letters to the United States.

None of the above is intended to have you believe that Mr. Eaton will succeed where two Presidents have failed.

As the old saying goes, it is easier to get involved in wars than to get out of them.

Yet, Mr. Eaton has performed a useful mission. As he told me, "I wanted the Communist world to see an American capitalist who is opposed to the war. North Vietnam has the notion that our industrialists are interested only in profiting from the war."

This vigorous man of 86, the object of derision in the past, may have made an invaluable contribution to the cause of peace by providing a better understanding of the barriers of peace.

Cyrus Eaton will hear that he has been brainwashed, and be scorned as a Russian lover by those whose hatred of the Soviet Union paralyzes the ability to reason.

But never mind. Cyrus Eaton has in his way and with remarkable courage obeyed the Biblical injunction to live peaceably with all men.

THE 75TH BIRTHDAY ANNIVERSARY OF J. EDGAR HOOVER

Mr. **TALMADGE**. Mr. President, January 1 marked the 75th birthday anniversary of one of this country's truly dedicated public servants—Mr. J. Edgar Hoover, Director of the Federal Bureau of Investigation. I want to join the great host of Mr. Hoover's friends and admirers in wishing him continued good health and success. He has served the Nation long and well, and I hope he can continue to do so.

My good friend Mr. Louis C. Harris, executive editor of the Augusta, Ga., Chronicle and Augusta Herald, wrote an editorial published in the Chronicle of January 1, 1970, which, I think, expresses the feelings of many Americans about Mr. Hoover. Mr. President, I ask unanimous consent that the editorial be printed in the Record.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

[From the Augusta Chronicle, Jan. 1, 1970]

MISTER AMERICA

If there is one individual who, in the eyes of those who treasure America's heritage, can best typify the United States and all the values it stands for, we suggest that that man is J. Edgar Hoover, director of the Federal Bureau of Investigation.

Extremists who resent strict law enforcement, and feel they have a vested right to put themeslves and their causes above the Constitution and the statutes, have for years chisled away at the image of J. Edgar Hoover. Today, though, as he reaches his 75th birthday, his reputation stands secure and undiminished.

Mr. Hoover's accomplishments as the director and leading spirit of the FBI are well known. In view of the fact, however, that there are those who would like to have him regarded as a "controversial" figure, it is worth taking a look from the vantage point of this milestone to see just what he has done to arouse their ire. Let us quote the impartial Congressional Quarterly service, which serves as advocate for no one, and comment on its remarks:

He "spoke out often and bluntly on what he saw as dangers." But if all citizens had spoken out as determinedly would we now be bogged down in the permissiveness which has brought us to a low point in morality?

He "attacked complacency among the citizens." Doesn't a complacency which is willing to tolerate destruction of individual liberty deserve attack?

He criticizes "abuses in the parole system." But, while liberal elements who are soft on crime shut their eyes to that abuse, the rate of major offenses by repeaters goes up, and up, and up.

"Opponents have called Hoover's law enforcement stand 'hard line.'" The trouble with such critics is that they want two kinds of enforcement: hard line for their opponents, and permissive for transgressors they favor.

"Some have sought to ridicule his persistent reports of Communist or other subversion." What makes it particularly irksome to Leftists is that the reports are documented, with names, places and dates.

Some "have said the FBI was too independent and too far removed from political control." But Mr. Hoover's independence was the independence of dedication to law and principle, and any people who want law enforcement shaped by politics deserve what they get.

We believe that the people through their elected representatives, reject such scurrilous attacks. An example is a resolution in the House of Representatives adopted unanimously May 8, 1964, which said Mr. Hoover had "compiled one of the most remarkable records of service to God and country in our Nation's history."

We have no fear that the Federal Bureau of Investigation could grow into a Gestapo, as Mr. Hoover's enemies charge, as long as it adheres to the ideals which he has followed. Such a calamity could happen only if political control, urged by those who would warp law to their ideological advantage, laid its corrupt hand on Bureau operations.

Recurring rumors that Mr. Hoover would retire have again been dispelled by his recent assertion that he desires to continue in public service. Such an announcement should be welcome news, as his health is excellent, and his dedication undiminished.

On this day, he deserves thanks for keeping this a far better country than it might have been, as well as best wishes for many more birthdays.

OIL IMPORT QUOTAS

Mr. **McGEE**. Mr. President, like most Senators, I have just returned from a fairly extensive home visit. In Wyoming, at present, a major concern is over the impending recommendations of the Cabinet Task Force on Oil Imports. This concern is largely based on local economics. But it runs deeper, for there is genuine belief that a major change in the oil import program, as seems to be likely, would make the United States seriously dependent upon foreign petroleum sources in the future.

This concern over the future oil import policy of our Government, which I happen to share, is particularly acute in Casper, Wyo., a city known in the Rocky Mountain West as the oil capital. It is well expressed in a news article and an editorial from the Casper Star-Tribune, which I would share with the Senate. Unfortunately, it is impossible in the pages of the Record to share the cartoon which accompanied the Star-Tribune editorial of January 8. Suffice it to say that the cartoon portrayed Wyoming being ignored. Nor is Wyoming alone. Other States will share Wyoming's problems if, indeed, the oil import quota system is scrapped.

I ask unanimous consent that the news report and editorial be printed in the Record.

There being no objection, the items were ordered to be printed in the Record, as follows:

[From the Casper Tribune, Jan. 13, 1970]

FOREIGN PETROLEUM WOULD PUT DOMESTIC PRICES IN JEOPARDY

(By Phil McAuley)

"Believe me, it is serious," Casper oilman H. A. (Dave) True told Casper landmen at a luncheon Monday.

Speaking of the consequences if the recommendations of the Cabinet Task Force on Oil Control are carried out, True said that it would result in higher, not lower, prices for petroleum products, that the United States national security would be in jeopardy, and the economy of many states would be irreparably damaged.

"If the oil import program is scrapped, the United States would be dangerously dependent upon foreign oil and the sheiks and sultans that control foreign oil will charge what the traffic will bear," True warned. "Domestic oil prices will remain down as long as we are not dependent upon foreign oil," he said.

True said the Cabinet Task Force is in error in its assumption that world oil prices will remain low, and actually it will result in monopolistic control by a few large companies and ultimately, nationalization of the American oil industry.

He told of the economic impact of the oil and gas industry in Wyoming, noting:

—There are 10 refineries in the state with 2,000 employed "and we're talking about seven going out of business."

—Thirty-seven per cent of the 1969 valuation was contributed by the oil and gas industry in 1969.

—Wyoming received $25 million in property taxes and $4 million in severance taxes last year.

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—And 22 of Wyoming's 23 counties have oil or gas production.

True said that the United States must, between now and 1980, find more oil than has been located in all the past years and that a shortage of natural gas exists.

"Everyone recognizes that there is going to be a natural gas shortage," True said, "but there are not sufficient incentives for oilmen to do what is necessary."

True stated that there are many inadequacies and faulty assumptions in the Cabinet Task Force's report, which has been leaked to the press. Among these he listed the assumption that oil prices will decline if the present oil import quota system is done away with. It will result in vastly increased balance of payment deficit, he said. The natural gas shortage, he said, "was not even mentioned," in the report.

"The report completely ignores effects on payrolls, taxes, local and state economies, supply industries, and national security," True asserted, "not to speak of domestic oil exploration" and "It's apt," he said, "to halt development of Alaskan reserves."

He scored the study group resulting from the Cabinet Task Force, which he says is academically oriented.

"Secretary of Labor George Shultz picked a Harvard professor to head the study group," True said. "He in turn picked other professors and even students to work on the report. To the best of my knowledge not one of the members has any experience in the oil industry or even business experience," True said.

"We're in real trouble," he told the landmen. "It is late but maybe it isn't hopeless." (True was in Washington 14 times during the year as a spokesman for the oil industry).

He said the report of the group is completed but has not been released. It may, he said, be released shortly by the President but it could be studied by him for several months before release.

"The only way to apply the pressure and stop this screwball approach is contact with the President and legislators from both political parties."

He urged that personal contact and telephone calls be made and letters be written. The effective letter writers, he said, are anyone—individuals, businessmen, state and county officials, and particularly teachers.

[From the Star-Tribune, Jan. 8, 1970]

Concern About Task Force Plan

The cartoon which accompanies this column today was created by S. Stuart Johnson of Sheridan and contributed as his "letter to the editor." Mr. Johnson's work constitutes a very good "letter," and if a picture is worth a thousand words, the readers may be spared considerable redundancy.

Yet we do not pass it by with so slight a treatment, because it represents the thinking of many Wyoming residents—particularly the 10,000 employed directly in the oil sector—concerning the proposal to scrap the mandatory import quota system in favor of a tariff policy.

The opposition which this has aroused in Wyoming and other oil states should give President Nixon reason to exercise caution in considering the recommendation of the Cabinet Task Force Committee. The damage which such a change would do to Wyoming interests has been apparent in analyses such as that made recently by H. A. (Dave) True of Casper, who is nationally prominent on matters of oil policy. Dave True's logic needs no defense in Wyoming, because people here are not yet willing to kill the goose that lays the golden egg. Nationally it needs endorsement, and this position has been supported by all members of Wyoming's delegation in Congress. Sens. Gale McGee, Cliff Hansen and Rep. John Wold have expressed their serious concern.

A majority of the Task Force Committee wants to make the change because the present policy seems to offend some counties which are not getting the quotas they desire. They ought not to be deluded, because the tariffs also would not be uniform. An article in the New York Times, which is not known for its conservatism, notes that the tariff would be "fixed at different levels for oil from Canada, from Latin America and from the Middle East."

There are so many phases of this issue that the discussion could be almost interminable. Wyoming's major interest is in the effect which scrapping of quotas would have on refinery operations, exploration and development and business.

Mr. Nixon may have to displease some people, such as those in New England, who also want protection for their industries. Senator Hansen mentioned that the other day. We might be willing to grant Senator Muskie his foreign trade zone so that a refinery could be built at Machiasport, Me., but if this is to open up a whole new policy we are not for it, for we are not ready to throw the baby out with the bath water.

DEATH OF LENOIR CHAMBERS

Mr. SPONG. Mr. President, earlier this month Lenoir Chambers, distinguished former editor of the Virginian-Pilot, passed away. Mr. Chambers, in addition to a mastery of the craftsmanship and precision necessary in a great writer, possessed the courage, integrity, and vision necessary in a great editor.

Lenior Chambers received the Pulitzer Prize for editorials written during Virginia's turbulent period of massive resistance and school closings. At that time he wrote:

> This is not a policy which Virginia can continue. It is so patently self-defeating that calmer judgment would find ways of getting rid of it even if it was not probable—as governmental leaders acknowledge—that the statutes for closing schools will be declared unconstitutional.
>
> The punishment of innocent children is too severe.

Lenoir Chambers, a southerner who understood the problems of his native region, also wrote a splendid biography of Stonewall Jackson, now regarded as the definitive work on the life of Lee's most famous lieutenant.

Mr. President, I ask unanimous consent that an editorial entitled "Lenoir Chambers," published in the Virginian-Pilot of January 12, 1970, be printed in the Record.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

[From the Virginian-Pilot, Jan. 12, 1970]

Lenoir Chambers

Lenoir Chambers sustained the traditions of *The Virginian-Pilot* during the 12 years of his editorship. But that is not nearly enough to say of him and his career with this newspaper, which began as an associate editor in 1929. He contributed his own learning and convictions and style and personality, which ran deep and were strong. Today, eight years and twelve days after his retirement, his influence remains vigorous in the *Pilot*; it will live on now that he is dead.

In 1960 Mr. Chambers received the Pulitzer Prize for distinguished editorial writing in recognition of *The Virginian-Pilot's* lonely stand against the Massive-Resistance policy that resulted in 1958 in school closings in Norfolk, Charlottesville, and Warren County. The Pulitzer Prize being journalism's highest award, it seemed that the Chambers record had come spectacularly to a peak. That was an illusion. For Mr. Chambers in the school issue defended law and justice and enlightenment and dignity, and these were things he insisted upon year in and year out, consistently.

If Mr. Chambers in that period was out of sympathy with the Southern mood, or with those who by their positions undertook to define and project it, he was not in conflict with what has been excellent in this region and its leaders. Born a Southerner, he remained a Southerner by choice. When he chided the South it was out of an understanding of what it has been and how it should progress. And he drew constantly as an editorialist upon the virtues it has lent the national democracy and civilization and which its great men have practiced. Those were his own virtues. His mind was forever free and lively. But his standards, indeed his character, were of an old order. At the time he was protesting the South's reliance upon the extreme and politically mischievous, he also was cherishing its past; he was completing a Civil War history in his definitive *Stonewall Jackson*, a product of his Southerner's affection for home and kind and of his insights into the Southern experience (and, in a sense, his own experiences—he was an infantry officer in World War I) as well as his devotion to exactitudes.

He had the historian's knack and the scholar's discipline and the wise man's willingness to accept hard lessons. A second book of his authorship, *Salt Water & Printer's Ink*, is permanent evidence that he also had an abiding love for his City and his region and his neighbors and his newspaper; here he enlarged a review of *The Virginian-Pilot's* first century into a social history of Tidewater Virginia.

Those two books were, for all their worth, but an excursion in Lenoir Chambers' 50-year association with the printed word. He was first and last a newspaperman. The business of collecting and writing news and commenting on it absorbed and fascinated him. It challenged and inspired him.

His readers must have discerned a little of this. They could not, unfortunately, not all of them, have come to know him as his associates did—as a generous, tolerant, and warm friend, as an energetic companion of splendid humor and fine wit, as a cultivated aristocrat of infallible taste, as a highly conscientious editor who wouldn't scare.

But they must have recognized his absolute integrity and his soaring spirit and his commitment to the truth, to the rentless and enduring truth, in the writing that throughout the Chambers years distinguished this page and sustained its traditions.

DEATH OF DAVID O. McKAY, PRESIDENT OF THE CHURCH OF JESUS CHRIST OF LATTER-DAY SAINTS

Mr. MOSS. Mr. President, I announce with deep sadness the passing of President David O. McKay in Salt Lake City yesterday, January 18, 1970, at 6 a.m. He was 96.

Since 1951, David O. McKay had served as president of the Church of Jesus Christ of Latter-Day Saints. No man in my State of Utah was more beloved or respected, regardless of religious affiliation.

I ask unanimous consent that my comment to the press yesterday and the newspaper accounts published in the Washington Post and the New York Times of Monday, January 19, 1970, concerning this event be printed in the Record.

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There being no objection, the items were ordered to be printed in the RECORD, as follows:

Statement of Senator Moss

Word of the passing of President David O. McKay, comes as a saddening blow to me. I hasten to extend my deepest sympathy and offer my prayers for his wife and for his family, whom I have known so well since school days. The separation will be especially hard for Sister McKay after a lifetime of love and closeness unsurpassed in our time or perhaps ever. President McKay's deep and overwhelming love of his wife and his family was returned in kind by them all. Their loss and grief I share.

Our Church is now deprived of one of its most beloved and revered leaders. President McKay's lifetime of devoted service and leadership has left its mark on the Church, on our State, *indeed* on our Country, and even the whole world. Under his guidance, the LDS Church has grown and has spread its influence world-wide. President McKay will be sorely missed. In his place will come other leaders, but the devotion, admiration and reverence that we felt for him cannot be transferred immediately.

I treasure my personal relationship and deep friendship which we shared. President McKay and my father were classmates in college, which the President loved to recall nearly every time we met. So President McKay was to me like a respected and loved father—always interested, kind, wise and helpful. As his health declined, I saw him less and felt the loss.

This is a time for faith and a time for gratitude that we had so long a leader and friend such as President McKay.

[From the Washington Post, Jan. 19, 1970]

Mormon President David O. McKay Dies at 96, Led Church Since 1951

(By William L. Claiborne)

David O. McKay, president of the Church of Jesus Christ of the Latter-Day Saints and venerated by nearly 3 million Mormons as one of the greatest of the nine men who has headed the church since its founding in 1830, is dead at the age of 96.

Death came to Mr. McKay at 6 a.m. yesterday in his Salt Lake City apartment shortly after he lapsed into a coma from acute congestion of the heart. He had been in failing health for several months.

As president and "prophet, seer and revelator" of the church since 1951, Mr. McKay's leadership was synonymous with growth and progress of the sect that, since its founding by Joseph Smith in upstate New York 140 years ago, had risen above persecution and hatred to achieve a membership of 2.8 million persons.

During Mr. McKay's presidency, church membership more than doubled and during his lifetime it multiplied 20 times. To aid the growth, Mr. McKay traveled more than a million miles, leaving behind new chapels, seminaries and institute buildings.

He visited all the Latter Day Saints missions in Europe and was the first Mormon president to visit missions in a long list of African, South American and Asian countries.

His odyssey began in the small farm community of Huntsville in northern Utah.

As a 14-year-old one summer day in 1888, he dismounted from his horse, knelt beside a creek and asked God for a revelation that would guide his spiritual thoughts.

Ten years later, he related, while serving as a missionary in Scotland, a church official told him, "If you are faithful, you will yet stand in the leading councils of the church."

Fifty-three years later, he was president of the church and head of a vast business empire valued at more than $500 million. In discussing the church's holdings, Mr. McKay once emphasized, "In my mind, these material things come second. The greatest need in the world is spirituality."

In both senses, the church's growth during Mr. McKay's years of leadership was impressive.

Only six persons took part in the founding of the Mormon church seven years after Joseph Smith averred that he was visited by the Angel Moroni, who directed him to a hillside in rural Palmyra, N.Y., where he was to find engraved tablets of gold containing the history of the aboriginal peoples of the western continent.

Through divine inspiration, according to the history of the church, Joseph Smith translated the inscriptions and published "The Book of Mormon," becoming the first leader of the new church.

By the early 1830s, the church had shifted its center to Jackson County, Mo., and, following persecution under the cover of a charge that they were abolitionists, the Mormons founded the city of Nauvoo in Illinois, from where they were again driven away.

After Joseph Smith was jailed and then shot to death by a mob, the second president, Brigham Young, finally led the Mormons to the valley of the Great Salt Lake, which then was declared to be the land of promise to the Saints.

It was this unsettled background that characterized the Latter-Day Saints church when Mr. McKay, the son of a Mormon convert and missionary, became an active young member in Utah. The church at the time had a membership of 125,000.

He received his early education in Huntsville, and in 1894 entered the University of Utah, in Salt Lake City, from which he graduated as valedictorian of his class.

The church called him to serve as a missionary in Great Britain and two years later he returned to Utah to teach at Weber Academy. In 1902, he was named superintendent of that institution.

He was sustained as a member of the church's Council of the Twelve on April 8, 1906, and in 1918 became general superintendent of Sunday schools. The following year, he was appointed church commissioner of education.

On Sept. 8, 1934, he was chosen as second counselor to then-president Heber J. Grant and 11 years later was named to the same post under President George Albert Smith. He rose to the presidency five days after the death of Smith, by virtue of his senior position on the Council of the Twelve.

An imposing six-footer with piercing blue eyes, Mr. McKay was a tireless worker, arriving often at his desk at 6:30 a.m. His travels to establish new congregations and missions far exceeded those of his predecessors and he was generally regarded as a man who both supported the cause of individual freedom and kept pace with the changing world.

However, in the waning days of his life, he saw the church come under increasing attack for its doctrine barring Negroes from the priesthood—a rank most Mormon youths attain at the age of 12.

Despite the protests, the church hierarchy a month ago reaffirmed its doctrine on Negroes, holding that it was a matter of religion. Mr. McKay and his counselors at the same time reaffirmed their belief in the constitutionally guaranteed civil rights of all races.

In a statement from the White House, President Nixon said, "Today the Mormon church has been deprived of a distinguished and great leader. And America has lost a foremost citizen and human being. We grieve the death of David O. McKay in the comforting knowledge that his life will continue to bring strength and inspiration to his three million followers and to the nation he loved and served so well."

Former President Johnson stated, "Mrs. Johnson and I were saddened to learn of the death of that great religious leader and our friend. To the Mormon church and to the people, his life's work will be a sustaining force for long years beyond this day . . ."

"Christendom has lost one of its greatest spiritual leaders," he added.

Mr. McKay and his wife, the former Emma Ray Riggs, were married in 1901. She and five of their six surviving children were at his bedside when he died.

[From the New York Times, Jan. 19, 1970]

David O. McKay, Mormon Leader, Is Dead at 96

SALT LAKE CITY, January 18.—David O. McKay, president of the Church of Jesus Christ of Latter-day Saints, died today at the age of 96. Physicians said the Mormon leader died of acute congestion of the heart at 6 a.m. after having been in a coma for six hours.

All members of his family, except a daughter, Mrs. Lou Jean Blood, were present at his residence in the Hotel Utah, to which he had been increasingly confined during the last two years. Until stricken by severe heart and kidney failure in the last week, however, he had received official guests and conducted church affairs in his hotel apartment overlooking the park-like area in which Mormon structures are centered.

A funeral service will be held at noon Thursday in the Mormon Tabernacle, Buildings on the 10-acre Temple Square are being draped in black and church institutions will close for the occasion.

President Nixon issued today the following statement on the death of Mr. McKay.

"Today the Mormon Church has been deprived of a distinguished and great leader. And America has lost a foremost citizen and human being.

"We grieve the death of David O. McKay in the comforting knowledge that his life will continue to bring strength and inspiration to his 3 million followers and to the nation he loved and served so well."

Until a successor has been chosen, the Council of Twelve Apostles will be in charge of church affairs. It is expected that, following long-standing precedent, Joseph Fielding Smith, president of the Council of Twelve, who is 93, will then be chosen to succeed Mr. McKay as president of the church.

The death of its long-time President is not expected to bring any significant changes in the policies or activities of the Latter-day Saints.

"MISSIONARY PRESIDENT"

(By Alden Whitman)

As Prophet, Seer and Revelator of the Church of Jesus Christ of Latter-day Saints, David Oman McKay was the supreme spiritual leader of almost three million Mormons around the world. He was the ninth head of a church organized by Joseph Smith and five other men at Fayette (now Waterloo), N.Y., on April 6, 1830.

During Mr. McKay's administration, which began April 9, 1951, when he was 77 years old, the Mormon church experienced its greatest growth both in membership and in influence. Much of this was attributable to the ceaseless exertions of Mr. McKay, the warmth and humanity of his personality and the breadth of his approach to religion. He captured the esteem and affection not only of his own people, but also of people of other faiths. In the opinion of many discerning Mormons he had more genuine charisma than any of their leaders but Joseph Smith.

A man of simple eloquence, quite in contrast to the thundering of Brigham Young or the dryness of his immediate predecessors, Mr. McKay personified missionary suasion. He appealed to the heart, offering hope

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and salvation to those who sought the solace of his faith. Indeed, many Mormons, asked to characterize Mr. McKay's chief contribution to the church, called him "the missionary president."

Before he became president, Mr. McKay was active in the mission field; and from 1951 until he was nearly 95, he traveled the world in support of missions. The doubling of the church membership in this period reflected his zeal. Much of this astonishing growth was outside the United States—in Europe, Latin America, New Zealand and the South Seas. The expansion tended to universalize the Mormon church, changing it from a small, Utah-centered group to a large and respected global institution.

GREATEST ACCOMPLISHMENT

In an interview for this article in the fall of 1968, Mr. McKay himself ranked as his greatest accomplishment "the making of the church a worldwide organization."

This had been brought about, he said, by, among other things, "visits to every foreign mission; meeting leaders of nations, ambassadors and other government officials; personally greeting all members of the church and investigators; holding meetings in every mission; and stimulating the work of local members and missionaries."

Mr. McKay met the church's growth by providing temples for its new members. Five were built in his presidency—in Britain, Switzerland, New Zealand, Los Angeles and Oakland—bringing the total to 13. Previously there had been eight temples—four in Utah, including the spired granite structure in Salt Lake City, and one each in Arizona, Idaho, Canada and Hawaii.

These temples, not to be confused with the thousands of houses of worship, are of central importance in the Mormon religion, for in them must be performed such sacred ordinances as endowment (a pledging of oneself to the church) and sealing in marriage. At the endowment rites, Mormons receive special toga-like undergarments, which they wear for life.

The temples built under Mr. McKay's direction served further to extrovert the church, since it was no longer necessary for Mormons to travel to the United States or Canada to participate in the highest rites of their faith. The church headquarters remained anchored in Salt Lake City, of course; but the outlook from Temple Square was no longer so completely parochial.

FRICTIONS DIMINISHED

In the process of universalizing and humanizing his church, Mr. McKay managed to mute many of its past frictions with the Roman Catholic and Protestant communities. His approach was personal rather than theological, broad rather than sectarian. Reflecting this was his reply to a question about the most important moment of his life. It was:

"The feeling of such peace and satisfaction and love for all God's children, which comes late in life after more than 80 years of work in the church and travels among people of all lands. My one great desire for them is that they may have peace and happiness in this world and the world to come."

Apart from having a personality that radiated confidence and goodwill, Mr. McKay was able to exercise his leadership through his unusual position in the church, at whose apex he stood. His authority derived, according to church doctrine, from a revelation to Joseph Smith in 1843, in which God pronounced that "there is never but one on earth at a time" on whom the full power of the Holy Spirit is conferred, and that one is the head of the Mormon church.

Faithful Mormons believed that Mr. McKay was a prophet of God, a man whose words and actions were divinely inspired and a man, moreover, capable of receiving revelations. At least one prophecy was credited to Mr. McKay. As related by Alvin R. Dyer, one of his Counselors, Mr. McKay said in 1960, "The time has come for many thousands of people in Europe to accept the teachings of the church."

"And," Mr. Dyer reported in an interview in 1968, "in two years 50,000 persons joined the church. This was in direct fulfillment of Mr. McKay's prophecy."

Although no written revelations such as those produced by Joseph Smith and Brigham Young were attributed to Mr. McKay, church leaders said that revelations took place every day. "The direction of God's people is dependent on revelation," Mr. Dyer asserted. He ascribed to revelation decisions to build temples, to revise the church welfare plan and to reinstitute a program to strengthen family bonds. Other revelations, said Joseph Fielding Smith, another Counselor, had to do with church assignments "according to the will of the Lord."

Mr. Dyer expressed the view that revelations through Mr. McKay, although not reduced to writing, were perfectly valid. Divine inspiration, he remarked, could take many forms. He recalled several temple meetings on church matters in which Mr. McKay had buttressed his presentations by adding, "Thus sayeth the Lord."

Mr. McKay's patriarchal authority, which was reinforced by tradition, extended from the spiritual into the temporal realm. In both areas he was accounted by many Mormons a liberal, at least in the first years of his administration. One instance of his liberalism was a positive attitude toward Negroes, according to Dr. Sterling G. McMurrin, a Mormon and head of the graduate school at the University of Utah.

Basing its position on an obscure passage in the Book of Abraham, written by Joseph Smith, the Mormon church, while accepting Negroes as communicants, bars them from the priesthood, to which all other Mormon men are eligible. This discrimination has disturbed many Mormons, especially in the intellectual community, who have sought to accommodate the church to the 20th century.

Dr. McMurrin was among those who discussed the problem with Mr. McKay in 1954. Recalling the conversation in 1968, the educator quoted the Mormon leader as declaring that "there is no doctrine that holds Negroes under a divine curse," but that rather it was a matter of practice, "which we expect to change."

NO CHANGE MADE

The change did not materialize. Dr. McMurrin explained this by saying that Mr. McKay, for all his humaneness, did not think in terms of laying out rules for the Mormon institution. "He was not sophisticated about social forces," Dr. McMurrin said. He added that as Mr. McKay aged he was more and more surrounded by conventional and conservative advisers.

Again, early last week, in the midst of the current dispute over this Mormon policy toward Negroes, Dr. McMurrin recalled the interview he had in the spring of 1954 with Mr. McKay.

In his robust years Mr. McKay was a firm, even stubborn, executive who sometimes ignored his Counselors, albeit after patiently listening to their advice. Six-feet, one-inch tall and weighing 200 well-proportioned pounds, he was an imposing figure. His eyes were hazel, and they seemed to many to be extraordinarily penetrating. "He could look right through you," it was said.

He gave off an air of command that called implicitly for obedience. "Never give an order that's not obeyed, or cannot be obeyed," he once told his children. "And if you give an order, be certain that it's followed through."

His general manner, however, was more genial than stern, his smile more ready than his frown. He was prepared to overlook some of the rigidities of church practice. New converts, for example, were not required absolutely to give up smoking; he tolerated coffee-drinking in Mormons who felt they needed the stimulant; he encouraged freedom of speech and opinion in church circles; and he was accessible to almost anyone who wanted to talk with him.

Mr. McKay put in a formidable working day. Rising usually at 4 A.M., he was in his sparsely furnished office on the first floor of the gray granite church headquarters building at 5.30. He sat in a plain leather swivel chair, and his desk was an oblong, glass-covered table, at which he received visitors With an interruption for lunch (his preference was a beefsteak, rare) and a short nap, he dispatched religious and temporal business until early evening. He dined with his wife and some church official or a member of his family and retired early.

WIDE RANGE OF BUSINESS

The range of business that passed through his hands was enormous—from the selection and assignment of church personnel to the location of a Federal office building in Salt Lake City; from decisions church investments to religious education; from the affairs of the church-owned Beneficial Life Insurance Company to those of the church-operated Hotel Utah; from bills before the Utah Legislature to a speech at a church conference.

Miss Clare Middlemiss, his secretary for more than 30 years, kept a daily diary that ultimately filled a large bookcase. One entry from Jan. 25, 1957, related Mr. McKay's concern lest Mormons not take polio vaccine. "I have learned," he wrote, "that some of our church officials are advising member not to take the polio vaccine and to rely wholly on faith. I made it clear that the Lord expects us to do everything we can to take advantage of all the improvements and discoveries (of medicine) and only when we have done all we can do we go to the Lord and rely upon His help."

Other diary entries recorded conversations with legislators over public policy and requests of Mr. McKay "to pass the word" on the church's stand on various proposals. In Utah, with 70 per cent of the population Mormon, the church position carried preponderant weight. Although Mr. McKay was not a heavy-handed theocrat, he did flex the church's muscle on such issues as opposition to liberal liquor statutes and support so-called right-to-work laws.

A plan to sell whisky by the drink was easily defeated in a Utah referendum after Mr. McKay had inveighed against it. Utah also banned the union shop. This was an extension of Morman belief in the doctrine of free agency, by which man is considered to have a choice whether to accept God's teachings. Applied in the temporal sphere, the belief militates against compulsory union membership, an ingredient of the union shop.

Critics of Morman policy in this area have said that the union shop ban reflects the church's close alliance with conservative business interests. Critics have also charged that the ban is responsible in part for low wages in the state. Utah, they point out, is 36th in the Union in per capita income. Its figure of $2,604 (in 1968) compares with $3,969 for Connecticut, which ranks first, and with $1,896 for Mississippi, which ranks 50th.

Mr. McKay's church was itself enormously wealthy. Its income was, however, a closely guarded secret, although some estimates put it at $1-million a day. Some of the money came from investments as diverse as a cattle ranch in Florida and an equity in The Los Angeles Times. Some came from its members, who gave 10 per cent of their gross income to the church. Not all Mormons tithed, but for most it was a sacred obligation, the fulfillment to which was essential for admission to a temple.

If church income was high, so was its outgo, for Mr. McKay and his colleagues spent generously on missions, on education and on buildings, while taking nothing for themselves in salary. Mr. McKay received, for example, his expenses and that was all. The tradition of selfless sacrifice for the church was one into which Mr. McKay was born.

His ancestry was Scottish-Welsh, and his paternal grandparents, William and Ellen Oman McKay, were among the first in the British Isles to be converted to Mormonism by missionaries dispatched from Salt Lake City. In 1849, and for almost a century thereafter, the church sought to strengthen itself in the United States by encouraging converts to immigrate to Utah and its vicinity. Converts were obtained then by "tracting" (a more sophisticated system was instituted by Mr. McKay), which involved knocking on doors and proselytizing anybody who seemed willing.

William McKay and his wife and their four children came to the United States in 1856, selling all their possessions to pay for the trip. After reaching the Mormon settlement in Iowa, they walked a thousand miles across the plains and mountains to Ogden, Utah.

Also converts, David O. McKay's maternal grandparents, Thomas and Margaret Evans, came from South Wales and settled in Ogden. William's son David married Thomas's daughter Jeanette, and their first son was David Oman McKay, born on a farm in Huntsville, near Ogden, on Sept. 8, 1873. This was four years before the death of Brigham Young.

The farm, which Mr. McKay maintained until his death, shaped his early years, gave him a lasting interest in horsemanship (he was an excellent rider) and outdoor life, and was the place he retired to meditate from time to time. The rural values of enterprise and hard work and cooperation were those he prized.

"The individual is the most important element in our society," he said often, adding:

"There can be no progress without individual leadership. Too many say, 'Let the Government help us.' but that's not the way mankind has progressed.

"Rather we progress by having leaders who start on new courses that men follow. We must strike out and be individuals. Everyone must be a free agent—to be able to think and choose for himself."

David had his first introduction to responsibility and leadership as a boy of 8, when his father spent two years as a missionary in Britain and left the farm nominally in his eldest child's charge. (In Mormon households the father is the patriarch and in his absence the oldest male child carries the burden.) This habit of authority, learned young, persisted in Mr. McKay when it came to his own family.

FOND OF THE CLASSICS

While herding cattle and performing other farm chores, David found time to read the English classics, for which he developed a lifelong fondness and from which he could quote, even in old age, long swatches. Robert Burns was a favorite, as was Shakespeare.

The boy attended public schools in Huntsville and then Weber State Academy (later Weber College), of which his father was a founder. He began a career as a teacher at the age of 20 as principal of the Huntsville grade school. A year later, to qualify for a state teaching certificate, he enrolled for three years at the University of Utah, where he played on its first football team and was president of his class and its valedictorian when he graduated in 1897.

This period of Mr. McKay's life coincided with Federal persecution of the Mormon church, which was begun with the Edmunds Act in 1882. The persecution was aimed both at the Mormon practice of plural marriage and at the economic and political theocracy that the church had built in Utah. Under the Edmunds Act and the Edmunds-Taylor Act of 1887, Mormon leaders were jailed and church property was seized.

John Taylor, the immediate successor to Brigham Young, spent most of his 10-year administration in hiding. Wilford Woodruff, the next Prophet, acting in the face of virtual dispersal and breakup of the church, decided to submit to Federal power in 1890. Gradually, some church property was returned, but by the time Utah was admitted to the Union in 1896 the church was at an ebb (its membership was about 200,000) and it was searching out likely young men as missionaries and leaders.

At about the same time, Mr. McKay once recalled, he sought divine help for his own future by kneeling and asking God for a revelation that would guide his spiritual thoughts. His answer, he said, came while he was serving as a missionary in Scotland, a call he undertook upon graduation from the university. The answer was given by a Mormon official who assured him:

"If you are faithful, you will yet stand in the leading councils of the church."

The missionary call was an event he still remembered at 95, when he thought of it as an opportunity "to follow in my father's footsteps and go to Scotland to teach the beliefs and principles of the Gospel." Missionary work in those days was arduous and often perilous. Joseph Fielding Smith, who also served in the British Isles, recalled in a conversation in 1968, when he was 93, that he had been stoned at least once on his tour of duty. And finding likely converts was a matter of chance.

Mr. McKay returned exhilarated to Utah in 1899 after having been president of the Glasgow district of the British mission. He immediately began to teach English at Weber, becoming superintendent of the college in 1902. His experience as a teacher made him a stickler for grammatical exactitude in himself and others. It also helped him forge a bond with young people, in whose eductional welfare he was profoundly interested.

In April, 1906, while still head of Weber, he was called to membership in the Council of Twelve Apostles, the church's governing body. At 32 he was its youngest member. In Mormon practice, a call, or an appointment, is regarded as a divine summons, which has priority over any temporal business in which the Mormon may be engaged.

STEADY RISE IN CHURCH

Once an Apostle, Mr. McKay rose steadily in the church organization. A member of the Deseret Sunday School Board, he was appointed second assistant general superintendent of the churchwide Sunday School and then a member of the church's Board of Education. Increasing responsibilities obliged him to resign his job at Weber in 1908 to devote his energies to religious affairs. For 15 years his chief task was in the field of church education, but he also took part in the Ogden Betterment League and the Red Cross.

Mr. McKay's career took a dramatic turn in late 1920, when he set off on a 13-month tour of all the church's foreign missions, except that in South Africa. The 62,500-mile trip, the most extensive of any Mormon leader up to that time, opened his eyes to the world outside Utah and laid the groundwork for his global religious outlook.

Almost immediately on his return to Salt Lake City he was dispatched to Liverpool for two years to head the church's European missions. Once back in Salt Lake City, he was given general responsibility for the worldwide missions, a post in which he traveled extensively. Then, in 1934, he was named Second Counselor in the First Presidency, the highest executive body in the church. The church leader was then Heber J. Grant, and when he died in 1945 Mr. McKay was continued as a Counselor by George Albert Smith, Mr. Grant's successor.

At various times during his membership in the First Presidency Mr. McKay filled civic posts—he was chairman of the Utah State Centennial Commission and the Utah Council of Child Health and Protection; he served as regent of the University of Utah, trustee of the State Agricultural College and trustee of Brigham Young University, a church-operated institution.

The serenity of Mr. McKay's tenure as a Counselor was broken in 1945, when his favorite niece, Fawn McKay Brodie, published "No Man Knows My History," a biography of Joseph Smith. The Mormon leadership considered that the book, by the daughter of an Assistant Apostle, cast some reflections on the founder of their religion; and Mrs. Brodie was ordered to show cause why she should not be excommunicated. She ignored the request. Her relations with her uncle, already strained because she had married out of the faith, were virtually broken.

How much Mr. McKay was involved in Mrs. Brodie's disfellowship was never made clear. Observers noted, however, that in his administration no such penalty was imposed on Mrs. Juanita Brooks, a Mormon historian, who wrote a book that rattled some church skeletons. Moreover, when there was a move to excommunicate Dr. McMurrin a few years ago, Mr. McKay had it quashed.

Mr. McKay came to the church presidency on the death of George Albert Smith in April, 1951. As the eldest Apostle in point of service, he was "sustained," or accepted, as the Mormon Prophet by a church conference then in progress. In referring to him, even among themselves, Mormons customarily used his title and full name—President David O. McKay.

The first years of his administration were marked by a strong surge in missionary work. In a decade the number of missionaries was quadrupled to about 12,000, and the number of annual converts rose from 12,000 to 180,000. Apart from Europe, a traditional source, conversions were accelerated in Latin America and the South Seas. Wherever converts were made the church provided schools and recreation facilities. Mr. McKay's active guidance in these projects was apparent, for he traveled everywhere in an effort to stimulate church growth—a total of 300,000 miles, he calculated.

At the same time Mr. McKay impressed his personality on the church by a nondogmatic approach to religious and civic affairs. On occasion he overrode his more conservative Counselors in taking the church out of some political disputes. He seemed to want to play down the church as an obvious arbiter at the ballot box.

In the early nineteen-sixties the church leadership was troubled by the John Birch Society, whose ultraconservative views appealed to many Mormons, among them Erza Taft Benson, an Apostle and Secretary of Agriculture in the Eisenhower Cabinet. When in 1963 Mr. Benson outspokenly endorsed the aims of the society, he was sent to Europe for two years to head the church missionary effort. "David O. McKay sent him out of the country," according to Wallace Turner in "The Mormon Establishment."

If Mr. Benson harbored any indignation over his "exile," he did not show it publicly. In fact, in an interview in 1968, he praised Mr. McKay as "a true man of God."

HEARTFELT LIBERALISM

Mr. McKay's liberalism, according to many observers, was a heartfelt feeling and it was against the grain of many of the aged church leaders, for whom authoritarianism was a righteous practice. In his later years, perhaps from 1965 onward, these observers said, Mr. McKay tended more toward tradition than he formerly had.

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Until illness enfeebled him, Mr. McKay was a familiar figure in Salt Lake City. He greeted friends on the streets; he mingled with church members at conferences; he seemed never too busy for a brief chat. He was, according to one Mormon who did not always agree with him, "the loving father of his people."

In addition to his role in opening the church to the world and in liberalizing some of its practices, Mr. McKay played a strong part in a program to fortify family bonds. He sought to have families gather one night each week, with the father in charge, for a discussion of spiritual problems, for it was his conviction that the family was the basic unit of society and of the church.

His own family life was close. His wife was Emma Ray Riggs, whom he married in 1901 and who was living at his death. They had seven children, of whom six survive: David Lawrence McKay, Dr. Llewelynn R. McKay, Mrs. Lou Jean Blood, Mrs. Emma Rae Ashton, Dr. Edward R. McKay and Robert McKay.

DEATH OF DAVID O. McKAY, MORMON LEADER

Mr. CANNON. Mr. President, the Mormon Church and its people have suffered a sad loss this weekend. David O. McKay, president of the Church of Jesus Christ of Latter-day Saints, is dead, and Americans of all faiths are poorer as a result.

A man of simple eloquence, his warmth and humanity captured the esteem and affection not only of his own people, but also of people of other faiths.

He once ranked as his greatest accomplishment "the making of the church a worldwide organization." His success in expanding the church's membership and influence is in great part due to his vibrant personality that radiated confidence and goodwill.

He was a warm, personal man who knew the value of close family ties, and he lived his personal life with the conviction that the family was the basic unit of society and of the church.

David McKay had great influence on many families in my State of Nevada, and I think our State is the better for it.

His desire, that God's children may have peace and happiness in this world and the world to come, is the quest of good men in all ages. It is my hope that we can find a way to fulfill this quest. All those who honor him must certainly try.

Mrs. Cannon and our children join me in paying respects to the memory of this great leader and offering sympathy to his family.

David McKay's devotion to individualism and the rural values of enterprise, hard work and cooperation were instilled in him from his birth, in Utah. Of Scottish-Welsh ancestry, he was born on a farm near Ogden, Utah, on September 8, 1873, just 4 years before the death of Brigham Young.

As a young man of 20, he became the principal of the Huntsville grade school. His keen interest in the education of young people never left him. He attended the University of Utah to qualify for a State teaching certificate, and was president of his class and its valedictorian when he graduated in 1897.

The missionary call was an event he remembered as an opportunity to follow in his father's footsteps and go to Scotland to teach the beliefs and principles of the Gospel.

In April 1906, while superintendent at Weber College in Utah, he was called to membership in the council of 12 apostles, the church's governing body. At 32 he was its youngest member.

His worldwide tour of the church's foreign missions in 1920 laid the groundwork for his global religious outlook and upon ascending to the church presidency in 1951 the first years of his administration were marked by a strong surge in missionary work.

The doubling of the church membership since 1951 reflected his zeal. Aside from his dedication and selfless sacrifice for the church, David McKay will best be remembered in his role in opening the Mormon Church to the world.

PEACE IN THE MIDDLE EAST—ADDRESS BY SENATOR TALMADGE

Mr. TALMADGE. Mr. President, strife and violence in the Middle East continue to threaten world peace and security. It is an explosive situation that can at any time erupt into open and widespread warfare.

No one wants this to happen. We all desire peace and stability for the Middle East, and a settlement of differences in the best interests of everyone concerned—Israeli and Arab alike.

In my judgment, there is going to have to be direct, face-to-face negotiations between the principal parties concerned. Neither we nor any other nation can impose a peace on the nations of the Middle East. That peace must come from these nations themselves.

I spoke in Augusta, Ga., on January 4, on the subject of the Middle East. I ask unanimous consent that my remarks be printed in the Record.

There being no objection, the address was ordered to be printed in the Record, as follows:

Remarks of U.S. Senator Herman E. Talmadge at a Testimonial Dinner of the Adas Yeshuron Synagogue, Augusta, January 4, 1970

I am honored indeed to share this important occasion with you.

I know all of you are very proud of this moment, as you have every right to be. I congratulate you on your outstanding record of service and on the splendid work you are doing in this community.

And I join you tonight in paying tribute to two of your most outstanding members—Abe Fogel and Hill Silver—who have distinguished themselves by a combined total of some 75 years of service and leadership.

Abe Fogel and Hill Silver have been in the forefront of all your endeavors. They have provided inspiration, hard work, and energy and have given of themselves above and beyond the call of duty. They have served not only this community, but the city of Augusta and the entire State of Georgia.

It is a pleasure tonight to offer them my heartfelt congratulations for a job well done.

Three years ago, at this time of year, Israel and Syria were about to begin a series of meetings to discuss intrusions into Israeli territory by Syrian-based commandos.

The meetings accomplished little, if anything. The Syrian delegation persisted in using the talks for verbal attacks against the Israelis.

The situation got worse. A few months after the meetings ended early in 1967, Syria increased its support of the commando aggressions against Israel and the Israelis were forced to defend themselves in major air battles in April of that year.

The events of April were an ominous prelude to what took place in the Middle East in May and June of 1967.

I need not recount the details of the war of June 1967. All of us, indeed the whole world lived through those trying days in anxiety and consternation. We all know the results. It was perhaps one of the shortest conflicts in the grim history of warfare. But it was probably one of history's most significant and dramatic wars.

When the last of the Arab armies capitulated and accepted the United Nations cease-fire, we received this news with joy and relief. We believed the crisis had passed. The war was over and a time of peace could began.

How wrong we were!

Instead of a time of peace and order, we saw the beginning of another stalemate of intransigence. There came more talking, more threats, and finally even more violence. Following the war in 1949, after the war of 1956 and again after the war of 1967, the instigators still were not satisfied to end hostilities. Instead, they preferred to continue the confrontation on other battlegrounds. They prosecuted a battle of words and a war of terror.

Arabs have rejected the peace conference in favor of verbal sabre rattling. They spurn negotiations in favor of terrorism and ambush.

So, the war of 1967 has not ended. The battle goes on in the daily exchanges and the incidents that have come to characterize the Arab-Israeli conflict.

The Secretary General of the United Nations has suggested that the war has entered a new phase—that of limited war. He has also said that the cease-fire along the Suez Canal has been so continually violated that it is no longer a cease-fire. . . . It is in fact a condition of hostility.

Virtually every day, there are incidents along the Jordan River, in the Jordan valley, and the Bait Shan Valley . . . that maim and kill, not just the soldiers who are trained and prepared for war, but innocent civilians as well.

On the Golan Heights, an area that was a Syrian shooting gallery for 20 years that is now under Israeli control, there are an increasing number of raids and incidents perpetrated against the Israelis by commandos and their tutors, the Syrian army. Moreover, the war has extended to the Lebanese-Israeli border . . . an area that had known relative peace for 20 years.

Within Israel, the people are plagued by the so-called Freedom Fighters, or the Resistance, or the Army of Liberation—whatever name they wish to call themselves. But the name that best seems to fit is the one used by Israel. They are Terrorists, and they are a threat to every citizen of Israel. You are all painfully familiar with incidents of the past three years.

A bomb in the Hebrew University cafeteria.

Several bombs in the main bus depot of Tel Aviv.

A car rigged like a mammoth time bomb in the market of Jerusalem.

Hand grenades thrown into the tomb of Abraham.

All these and more designed and executed with the simple but direct purpose of killing Israeli citizens.

These Terrorists have even taken their brand of warfare outside the Middle East and gone into international airports of the world . . . Athens, Zurich, Rome, and the hijackings of Damascus and Algiers.

Terrorists have attacked Israeli establish-

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ments in Europe. They have attempted to intercept Israeli statesmen in South America. They have tried to intimidate Israelis and other people of the world in major cities all across the globe, including some in the United States.

These acts, and the open threats of future acts of the same nature are not warfare. They are savage and barbaric gangsterism of the lowest kind.

It is only natural that Israel has not remained silent or inactive through these attacks. If the nation and the people of Israel did nothing to answer aggressions against their homes and their lives, I would have serious doubts about their good sense and their fortitude. I have never had to entertain such doubts, for Israel strikes back. The retaliatory raids against the commando bases and against the training camps and staging areas of the Arab countries are the only form of preventive warfare open to Israel. Out of necessity, Israel has demonstrated to the Egyptians that they are as vulnerable as the Israelis to hit-and-run warfare.

A major factor in the continuing hostilities of the Middle East is the replacement of arms. The Soviet Union apparently has no qualms against furnishing arms to the Arab states and the Terrorists, and in providing an unlimited number of technicians and military advisers for training Arab armies and guerillas.

In my judgment, at some day in the future, the Soviets will call in those I.O.U.'s. The next obvious step is for the Soviet Union to furnish economic and political advisers as well . . . and the Arabs may wake up some morning to find they are no longer in control of their own national destiny.

United States interest in the Middle East . . . expressed both verbally and through the presence of the Sixth Fleet in the Mediterranean . . . acts as a constant reminder to the Communists that the Free World is not willing to allow the Middle East to fall under the influence of the Soviet Bloc.

As for American involvement in the so-called arms race, our course should be extremely clear to everyone. We must continue to insure a balance in the arms situation. That means that the United States is obliged to furnish whatever weaponry is necessary for the defense of Israel, if such weaponry is not available through any other source.

Inasmuch as the French have apparently decided to cast their lot with the Arab nations, the United States should provide the jet aircraft needed by Israel for its defense.

But we are going to have to go further than just reaffirming United States interest in the Middle East through the availability of arms for Israel. The United States must make it clear in every possible way that this nation will not tolerate . . . . will not abide . . . will not condone . . . and will not allow the death of the State of Israel.

We cannot straddle the international fence on this issue. In the interest of democracy and decency, we have to be committed to the continued life and prosperity of Israel as a free and sovereign nation.

This brings us to what the United States is prepared to do and what it should do to find a peaceful settlement and to insure that it will not be violated and brushed aside at the whim of the Arab countries.

The first step is to insist upon a direct, face-to-face negotiation of a peace settlement. Neither we, nor any other nation, can impose a peace on the nations of the Middle East. That peace must come from the nations themselves.

All the talks and conferences between the various powers, and through the United Nations, cannot act as a substitute for an Arab-Israeli peace conference. All the many suggestions of guidelines and recommendations, formulas or international mediators cannot replace the absolute necessity of a peace treaty, signed by the Arabs on the one hand, and the Israelis on the other.

I also question the validity of beginning a search for compromises or territorial concessions even before the primary parties in the conflict . . . all the Arab governments . . . have agreed to negotiate. Such an effort is, in fact, counter-productive. As long as there are all these suggested "peace plans" floating around, the Arabs can use their rejection of one clause or another to delay the inevitable fact that sooner or later they are going to have to sit across the table from the Israelis and settle their own problems.

This is why I disagree with the recent statement by the Secretary of State that a line should be drawn in the Sinai region prior to any meeting between the State of Israel and Arab leaders.

It had the effect of serving notice to the Arab governments that the United States was committed to that line . . . and therefore undercut any negotiating that might have emerged at a peace conference.

If the Israelis offered anything less than the American line in the Sinai, the Arabs have only to point to the statement by Mr. Rogers and say, "We will start negotiating with that line." And that line only. In effect, we disarm Israel statesmen in any diplomatic exchange they may have attempted.

It has also become apparent who makes the policies for the Arab nations. Within days after the Secretary's speech in Washington in December, a delegation was on its way from Cairo to Moscow. This was supposed to be a hasty trip to discuss trade and more arms shipments. No doubt arms were discussed. But it seems to me that the Egyptian delegation was running to Moscow to ask what to do next in light of the change in American policy.

The idea that Israel would be able to find secure borders in the Sinai area is as uncertain as the wind that sweeps that barren desert.

A quick review of the history of 1948, 1956, and 1967 would demonstrate the insecurity of the boundary line in the Sinai which Mr. Rogers stated was the most appropriate border between the Egyptians and the Israelis.

I also find it difficult to accept the reasoning behind the several proposals that have been advanced on the unified city of Jerusalem. It is bewildering to me how the city can remain in its present status, that is under Israeli administration, and still be jointly controlled by Israel and another government. Either it will remain an Israeli city or it will not.

I do agree that free access for all religious pilgrims, no matter what their nationality or what their confession, is a necessity. But thus far, I am not convinced that such a condition does not already exist. Jews, Christians, and Muslims, regardless of their denominational differences or disagreements, are going to Jerusalem, to all the holy places, to pray and to worship as their consciences dictate. Until one faith or one sect cannot enjoy that freedom, I see no reason to change the status of the city of Jerusalem.

It is ironic indeed that the city of peace and the land of peace should not have peace. But we are involved in a time of the unreasonable and the illogical.

One day, Arab terrorist organizations say that their future aim for what they call Palestine is to create a federation of Arabs and Israelis, of Christians, Muslims and Jews. The next day, they say that their aim is to rid the land of all Jews. The Arabs meet at Cairo and other capitals to reaffirm that they will seek a political solution to the Middle East tangle. And then, leaders of the Arab states make speeches calling for total war and a military solution.

In one breath, the Arabs state that the real enemy is imperialism . . . a foreign power controlling their land and their lives. And the next moment, they run to the Communists for guidance . . . surrendering their independence to a political force which they claim is contradictory to their religion.

They see only what they want to see. And they cannot see the Soviet imperialism that threatens their nation and the freedom of every man, woman, and child on earth.

Arabs say that the Jew is his brother, and then they sneak into the home of their brother and plant a bomb that leaves him crippled or dead. It is a tragic situation. Israel faces two enemies . . . Arab soldiers and the vacuum of reason in the Arab mind.

On three occasions in the past two decades, the Israelis have proven that they are a match and more for the Arab soldier. Heavily armed and mobilized Arab armies have fallen before the brilliance and the determination of the Israeli defense forces.

During those same 20 years, the Israelis have remained steadfast in their quest for a reasonable peace . . . in spite of the worst kind of adversity, continuous harassment, and almost unbearable pressure from the outside.

It is incumbent upon all of us, as citizens of the United States and as citizens of the Free World, to give the Israeli people all the moral, intellectual, and material support they need in this quest.

Israel does not want war. She desires peace. She wants only to be left to live and grow in freedom.

I hope that we—as a nation which pursues the same course of freedom and democratic government—will continue to do everything possible to help her attain this goal.

SENATOR SYMINGTON CITES UNIVERSITY OF MISSOURI ARCHEOLOGICAL LEADERSHIP

Mr. SYMINGTON. Mr. President, recent accomplishments by an outstanding Missouri educator, Dr. Carl Chapman, once again demonstrate the leadership of the University of Missouri in public affairs. Dr. Chapman's accomplishments are not only indicative of the overall faculty excellence at the University, but serve as a reminder of the great contribution to society made by our land-grant institutions of higher learning.

Dr. Chapman, director of archeology research activities at the University of Missouri, and Dr. Charles R. McGimsey III, director of archeological survey, University of Arkansas Museum, came to Washington some months ago to talk to legislators on a matter of great concern to America's archeologists: the destruction of our historic and prehistoric heritage by Federal programs and activities that involve changes in the land surface.

In a recent archeological handbook Dr. Chapman tells of the growing difficulties of preservation:

> The principal source of information about prehistoric and most early historic settlement in this century is the ground. Whenever there are no written sources, or when these sources are inadequate, we must rely on objects which remain in the ground, and knowledge of their exact location—their relationship to a house floor, to a storage pit, to a cemetery—to provide an adequate record. The objects themselves are important only because of what they can tell us of the activities of the people that made and used them. Almost any activity of man in the past that has disturbed the soil can be detected in the earth now by careful ob-

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servation of the changes in color, by chemical analysis, by differences in density and compactness of the soil, and by special photography. If these past soil changes are disturbed before they have been investigated, this evidence is lost.

Plowing, leveling, construction, or other modification of the land has always been capable of destroying information about the past; but it was not until recently, when machinery increased in size and capacity to dig deeper and faster, that the rate of destruction of archaeological objects and information became of really serious concern. A mule-drawn plow, or a dirt road built for horse and buggy travel did not disturb the earth to any great extent or to any great depth. Since the end of World War II, however, the rate of destruction of (archaeological) sites has increased manyfold.

Determined to do something about this destruction, the two professors recommended that funds be included for archeological recovery of all data at any site affected by Federal programs. This proposal has been incorporated into a bill, S. 2893, introduced by the Senator from Utah (Mr. Moss) and 22 cosponsors. I would urge the Committee on Interior and Insular Affairs, to which the bill has been referred, to consider the merits of this proposal during this session.

Mr. President, I applaud Dr. Chapman and the other members of the Mississippi alluvial valley archeological program for their energy and initiative in bringing this problem to light and their determination to see corrective legislation passed.

At a time when many citizens consider their Government unresponsive, Dr. Chapman's efforts illustrate that a private citizen can bring a problem to Congress and be heard.

THE FALL OF BIAFRA

Mr. McGEE. Mr. President, Biafra has fallen and I think we can be sure that, whatever the true situation in that beleaguered part of Africa, it is not good. The world has been touched, even horrified, by the picture of starving men, women, and especially children caught in the snare of an essentially tribal war. Through the long months of Biafra's fight against the federal forces of Nigeria, our Government has remained neutral—not unconcerned, but neutral. The essential reason for such a policy was well stated by the Washington Sunday Star's lead editorial entitled "Biafra and Africa's Explosive Tribalism." I ask unanimous consent that it be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

BIAFRA AND AFRICA'S EXPLOSIVE TRIBALISM

Beleaguered Biafra, its rebel government virtually friendless, its leader in hiding abroad and its people starving, surrendered unconditionally on Thursday, ending its 2½-year secession from Nigeria.

But the concept for which an estimated two million Ibos died lives on ominously in the hearts of other millions of Africans. That notion is the belief that only within the context of the tribe can the African find an effective and just framework for his personal and political life.

Most Americans—white *and* black—tend to lump together all Africans. That is no more valid that the supposition that Pakistanis and Japanese think and act alike because both are Asian peoples. Or the hypothesis that Italians and Norwegians, being Europeans, have everything in common.

Even those prepared to admit that there just might be a significant difference between a Kenyan and a Nigerian find it just too complicated to face the fact that *within* these nations live millions of people who *think of themselves*—and that is the important point—not as Kenyans or Nigerians but as Efiks or Ibibios, Kipsigis or Nande.

The plain fact is that the political frontiers so neatly drawn on the map of Africa are mythical, bearing little or no relationship to anything but the administrative convenience and imperial ambitions of the former colonial powers, whose burdensome legacy to the continent these boundaries are. The real changes in dress, mood, custom and language which one associates with nationality come not when the traveler crosses Africa's international frontiers but when he leaves one tribal homeland and enters another.

The basic reason that only four (Gabon, Ivory Coast, Tanzania and Zambia) out of Africa's 40 nations extended diplomatic recognition to Biafra is that, had General Odumegwu Ojukwu succeeded in establishing an independent Ibo republic, the continent's leaders feared that literally dozens of other restive tribes might be tempted to follow his example. A series of secessions and civil wars could only result in generalized chaos. Hence the political leaders of Africa are right in their determination to preserve their present frontiers, no matter how illogical these borders may be, if only because they have no other rational choice.

But while these leaders are correct in recognizing tribalism's dangers, they are wrong in regarding the notion as somehow shameful. And most have failed miserably to channel the thrust of tribalism into creative forms.

There can be no precise definition of a tribe. Usually its members speak a distinctive language. Always they share a common heritage of beliefs which may manifest itself in terms of religion, traditions, customs and manner of dress. Without exception they regard themselves as distinct and different from—and usually superior to—their neighbors.

Tribalism is not confined to Africa, Asia, Latin America or the Indian reservations of this country. The nation-states of Europe stem directly from tribal beginnings. And tribal separatism—although it seldom is called that—continues to plague those nations. In Spain, Basque and Catalan nationalists intrigue for autonomy. Extremists among the Gaelic peoples of Britain—the Scots, Irish and Welsh—rail against their English overlords. Breton separatists fly their black and white flag in preference to the tricolor of France. In Belgium, Walloons and Flemings never cease from bickering. And if Yugoslavia should fly apart when Marshal Tito goes—as could happen—it will be because even Marxism cannot flatten the old rivalries which characterize that nation's Serbs, Slovenes, Croats, Montenegrins, Macedonians and Bosnians.

The reasons that tribalism remains a powerful and often pernicious force in Africa are as manifold as that continent's various peoples. Among these are the physical difficulties of travel and communication, the absence of an urban industrial society, and the policies of the former colonial powers.

Colonial administrators often were forced into a policy of divide-and-rule. Frequently a single white man found himself having to enforce the King's peace over an area the size of Scotland. His principal trumps in such a situation were his own force of character and tribal rivalries which could be played off against one another. For this very reason, the South African policy of apartheid is dedicated as much to emphasizing the difference between Xhosa and Zulu as it is to segregating black from white.

There are few African nations based fundamentally on a single tribe. One is Somalia. Others are Basutoland, Swaziland and Barotseland, which are historic outgrowths of South Africa. While life in such countries may be less complicated and more emotionally secure for their citizens, it also is less rich and varied.

Tribalism seems to be a less dangerous force in countries such as Gabon, where one tribe holds undisputed dominance, or in those such as Tanzania where none of more than 200 is strong enough to pretend to national leadership.

The danger of explosion is sharpest in countries where two or three tribes relatively equal in strength contend for power. This danger increases geometrically where religious and/or racial differences exacerbate tribal rivalries.

Two of these conditions existed in Nigeria, which has three principal tribes, the Moslem Hausas in the north, the Christian Ibos in the east, and the largely Islamized Yorubas in the west. Given such a situation, the abortive secession of Biafra had about it a tragic inevitability.

Just as the Nigerian civil war essentially was tribal conflict writ large, so, too, was the political rationale of the unsuccessful secession in the early 1960s of Katanga from the Congo founded at least partially on Balunda separatism. While the bloody failure of these rebellions may discourage other secessionists—and that is the one good thing which may emerge from the Ibo ordeal—Africa has a dozen potential Biafras, a score of incipient Katangas.

The most ill-starred of Africa's new nations may prove to be Kenya. In its seven years of independence, Kenya already has had to crush the secessionist hopes of its Somali minority. But a far more serious crises may arise when the more numerous Luo people of murdered Tom Mboya confront Kenya's two other large tribes, the Kikuyus and the Wakambas. The Luos were numerous enough to dream of national leadership, but too few to achieve it. Under President Jomo Kenyatta, a Kikuyu, a disproportionate share of the political, commercial and civil service plums has gone to his fellow tribesmen, to the anger of the thrusting, intelligent Luos. Kenya easily could come apart at the seams.

The tribal time bomb is one which the Africans—and only the Africans—can defuse. Thus, despite the horrors of the Nigerian and Congolese civil wars, the Kennedy, Johnson and Nixon administrations probably were correct in their policy of neutralism, which in both cases meant support of the status quo. Where the White House may be faulted is in its failure to bring all the pressure at its disposal to bear on Kinshasa and Lagos to fight these civil wars with precision and humanity and to deal effectively with their aftermaths. Admittedly, however, Nigeria and the Congo lacked both the capacity and the will to respond to such pressure.

As for the American people, they can help both by supporting the African governments in their attempts to create national identities and by showing through their understanding of tribal realities that there is nothing shameful in the fact of tribalism.

Old concepts are a long time a-dying, and the notion of tribal exclusiveness is as ancient as man. In the passage of time, it will become more important to be a Nigerian or a Kenyan than an Ibo or a Luo. But that time has not yet come. And the price of its purchase is likely to be more corpses, more starving children, more Biafras.

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AMERICAN POLICY IN THE MIDDLE EAST

Mr. CASE. Mr. President, my basic position on American policy in the Middle East remains—and will continue to remain—as stated a year ago. At that time, in conjunction with Senators GOODELL, HART, JAVITS, MURPHY, and SCOTT, among others, I said I believed that the policy of the United States should be to establish a policy of permanent peace in the Middle East through implementation of the U.N. resolution of November 22, 1967, in which each provision is related to the others so that Israel's withdrawal from occupied territories will not be in return only for paper promises from the Arab States. A key point in this U.N. resolution, I pointed out, is "respect for and acknowledgment of the sovereignty, territorial integrity and political independence of every state in the area and their right to live in peace within secure and recognized boundaries free from threats or acts of force."

I also said that the United States should make every effort toward helping to maintain the strategic arms balance between the radical Arab States and Israel, lest these Arab States be tempted into renewing full-scale warfare. And I called for the most urgent consideration of the settlement of the Arab refugees, a problem which continues to be critical.

I continue to support the free and secure existence of Israel. In my view a just and lasting peace can only be brought about by negotiations between the Arabs and Israel. There can be no "imposed" settlement. In this connection, I note that Secretary Rogers has said that American policy has been made in the realization "that nations not directly involved could not make a durable peace for the peoples and governments involved." "Peace," he said, "rests with the parties to the conflict."

Secretary Rogers further said in his speech that U.S. policy was "to urge the Israelis to withdraw from occupied territory when their territorial integrity is assured as envisaged by the Security Council resolution." In response to my question specifically on this subject, the State Department has written me as follows:

> As President Nixon told the UN General Assembly on September 18, 1969, peace cannot be achieved on the basis of substantial alteration in the map of the Middle East. We continue, however, to stand firmly on the position that Israel should not be expected to withdraw its forces from any occupied territory except in the context of peace and security based on mutually binding commitments agreed upon between it and its neighbors.

In my view, these statements bind the administration to behavior that protects the free and secure existence of Israel. I shall do all that I can to insure that the administration abides by these pronouncements and that the actual implementation of enunciated policy in fact protects Israel's legitimate interests and security.

SUPER CHIEFS

Mr. DOLE. Mr. President, the Kansas City Chiefs are the champions of professional football—the undisputed champions. Their resounding defeat of the Minnesota Vikings was especially meaningful to the Chiefs, their organization, and fans; it was also a fitting end to the American Football League.

This year's championship game was a matter of pride and integrity for the Chiefs. They played in the first Super Bowl, and the memory of that afternoon has lingered. The last 3 years have been spent with one goal in mind: another opportunity to represent the AFL in the championship. This year was the last chance and the Chiefs earned their place the hard way by winning the playoff game over the Oakland Raiders.

As if the pressures of meeting the the Vikings as 13-point underdogs were not enough, the Chiefs and their courageous quarterback, Len Dawson, spent the week preceding the Super Bowl under the cloud of careless and unsubstantiated publicity. The victory under such circumstances was a testimony to the team's and Len Dawson's dedication to purpose and belief in their abilities, as well as Coach Hank Stram's confidence in his players and strategies.

Congratulations are also due to the Chiefs' organization, and especially Lamar Hunt, who more than anyone else was responsible for the birth and growth of the AFL. The entire membership of this fine organization can take justifiable pride in having been present at the beginning of the league and in being the best of both leagues at the end of the AFL.

Whether the Chief fans are a reflection of their team or the other way around is not clear, but one thing is certain they are the greatest. I had the unsurpassed pleasure of riding to and from New Orleans with them, and can certify to their spirit, their devotion, and their enthusiasm. They come from all over the Midwest, from Missouri, Kansas, Iowa, Nebraska, Oklahoma, and many other States. But their common devotion to and delight in the Chiefs is unsurpassed and unending.

It was a great day in New Orleans—for the Chiefs, the fans, and for football. We all look forward to another great year for the Chiefs in 1970 and to a great era for the new National Football League.

THE BIG THICKET: "WILDERNESS ON A DEATHBED"

Mr. YARBOROUGH. Mr. President, the December issue of the Petal Paper contains a penetrating and timely article written by Prof. Pete Gunter, of North Texas State University, on the plight of one of America's last natural wilderness areas—the Big Thicket of southeast Texas.

As Professor Gunter points out, the Big Thicket once extended over 3 million acres. However, as a result of activities of special interests, this beautiful area has been reduced to less than 300,000 acres. With every day that passes, more than 50 acres of the Big Thicket are destroyed.

The Big Thicket has many features which make it truly a natural wonderland. Of particular interest is the large number of the world's record-size trees. In or near the Big Thicket can be found the world's largest eastern red cedar, largest black hickory, largest holly, largest yaupon, largest redbay, largest planertree, largest of common sweet leaf and largest two-wind silverbell.

In addition to the rich plantlife for which the area is famous, the Big Thicket also provides a home for many varieties of rare birds, including the red-cockaded woodpecker, Bachman's sparrow, the golden eagle, the bald eagle, and perhaps the legendary ivory-billed woodpecker, long thought to be extinct.

If the Big Thicket is to be saved, action must be taken immediately. This is why I have introduced S. 4, a bill which would establish a 100,000 acre Big Thicket National Park. If enacted, S. 4 would preserve at least a portion of the Big Thicket for future generations.

Mr. President, I ask unanimous consent that the article by Prof. Pete Gunter, entitled "The Big Thicket: 'Wilderness on a Deathbed,'" be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

THE BIG THICKET: WILDERNESS ON A DEATH-BED

(By Dr. Pete Gunter)

Indians called it the Big Woods; they travelled there from as far away as Oklahoma and New Mexico to hunt its abundant game. Pioneers, striking out from Louisiana in the 1820's, turned back from its jungle-like growth to find more tractable routes west; they called it the Big Thicket, and the name stuck. For well over a century the Big Thicket was to remain wild and remote, a last sanctuary for bears, panthers, rare birds and plants. Within its three million acres draft evaders hid during the Civil War, easily evading Confederate troops sent in to capture them. (During the first and even the second world wars descendents of these men successfully escaped there for the duration of the conflict.) In its secluded clearings Thicket settlers lived a simple life little changed from that which the first pioneers knew. Escapees from state prisons headed for its deep swamps and interminable brush tangles. As late as 1938 naturalists could claim that the Big Thicket contained over a million acres "as yet untouched" by lumbering and farming. Within that million acres roamed east Texas' last bears and panthers; alligators foraged in its sluggish bayous; in its recesses stood vast stands of pines and hardwoods that had never echoed the sound of an axe. Almost within sight of the rising skyscrapers of Houston and Beaumont stretched a primordial wilderness; dense, lush, and all but forgotten.

All but forgotten, that is, except for the lumber and oil interests which regarded it as a resource to be exploited. In his recent Farewell to Texas supreme court justice William O. Douglas recounts the manner in which these interests have overseen the Big Thicket's needless destruction. Today, Justice Douglas laments, the original Thicket is reduced to three hundred thousand acres, and is disappearing at a rate of fifty acres or more per day. Only immediate action, he insists, can prevent the final demolition of the once-mighty wilderness.

There are those, to be sure, who greet all plaintive cries on behalf of the Big Thicket with derision or a shrug. They are often the same persons to whom the cutting of redwood trees or the damming of the Grand Canyon are simple signs of Progress. In the case of the Big Thicket, however, a shrug may at first seem appropriate. The region has no lofty mountains, no broad lakes or valleys. It is related to no great historical event. Its climate is less than ideal. What is there about the shaggy, sprawling Thicket that makes it worth saving?

There are many possible answers to this question. Probably the most convincing of these is the richness, variety, and size of the area's plant life. Unusually large trees in the Big Thicket are called "champions". Some of the "champions" in the Thicket are distinctly minor-league: that is, they are the largest in their species, but only for the state of Texas. I have never seen a precise account of the Texas "champions" in the area, but there are many, and their number continually increases. Two were found last year on the Alabama-Coushatta Indiana reservation (Texas' only Indian reservation, on the northwest border of the Thicket) while others doubtless remain to be discovered. There are, moreover, many international champions in the area. In or near the Big Thicket grow the world's largest eastern redcedar, black hickory, holly, yaupon, redbay, planertree, common sweet leaf and two-wing silverbell. Not long ago what has since been certified as the world's tallest cypress tree was discovered in a swamp along the Trinity River. A still larger cypress, I am told, stands further back in the swamps. No one has made the effort to trek in and measure it, however; oilwell overflow killed it years ago. More recently, the treasurer of the Big Thicket Association, noticing that the Chinese tallow tree in her back yard was unusually large, called in the Forest Service to make measurements. Not unpredictably, the Forest Service pronounced it the world's largest Chinese tallow tree.

If the size of Thicket trees is striking, the variety of life-forms in the area is really unparalleled. There, within a space no more than thirty miles across, wild orchids (twenty-two varieties in all) and moss-bearded cypress flourish cheek by jowl with western mesquite, yucca and cactus, while plant growth patterns identical with those found in the temperate Appalachian highlands persist alongside subtropical forests of wild jasmine, and jungle-like growth so thick that it can be penetrated only by hacking a trail with a knife. Visitors to the area can hike through open beech forests, meadows thick with wildflowers, or deep piney woods; they can explore sluggish bayous overgrown with giant palmetto palms, where turtles sun on mossy logs and alligators submerge, suddenly, in murky water; or they can fish for trout in swift, chill creeks in the Thicket's northern reaches. The Big Thicket Association terms the Thicket "The Biological Crossroads of North America". The slogan is no exaggeration. Nowhere else in North America does there exist such a mixture of botanical life: temperate and tropical, western and eastern.

Even were there no giant trees and biological diversity in the region, its function as a natural bird sanctuary would by itself constitute a sufficient reason for setting aside large portions of the Big Thicket as "off limits" for poachers and hunters. The rare red-cockaded woodpecker and Bachman's sparrow frequent the Thicket, as do the golden eagle and the bald eagle (both of which area sportsmen shoot on sight). The dense woods provide one of the major resting places along the Gulf Coast for migratory birds, while the area's ponds, marshes, creeks and bayous house an unsurpassed variety of water birds: little blue heron, black-crowned night heron, yellow-crowned night heron, roseate spoonbill, snowy heron, kingfisher, wood duck, American egret, green heron, water turkey, and a recent immigrant, the African cattle egret.

Most important of all, however, is the claim that the rare ivory-billed woodpecker inhabits the deep woods of the Big Thicket. Bigger than a crow, gaudily plumed, the ivory-bills require vast stands of virgin timber as a habitat, and are unmistakable targets for hunters. The last official sighting of an ivory-bill was in Northern Florida, in the 1950's. Until recent sightings in the Big Thicket, it was assumed that the ivory-billed woodpecker was extinct. Should the Thicket become extinct, it is hardly necessary to point out, it is certain that the last ivory-bills would disappear also.

There is much more in the Thicket that one could catalogue in its defense, from extensive stands of insect-eating plants and rare (but not "champion") trees to the remnants of a disappearing folk culture, from unique "fern valleys" and "baygalls" to plants of interest to medical science. All this, however, would be simply a lengthened catalogue, and like any catalogue, abstract. To really understand the beauty of the Big Thicket, one would have to ride horseback through its palmetto thickets, float down its cool trout streams, or immerse himself in the deep hush that broods over its swamps and cabin clearings.

The value and the beauty of Texas' "last wilderness" has long been appreciated by those familiar with it. Unfortunately, the dawning awareness by conservationists, naturalists and the public generally of the existence and importance of the Big Thicket has been paralleled by an increased rate of destruction of its wilderness features. Efforts by Senator Ralph Yarborough (D-Tex.) to create a Big Thicket National Park have, in fact, sparked apparent efforts to dismantle what remains of the area's natural beauty. "The Big Thicket?" snapped one local lumber executive, "Give us five years and there won't be any Big Thicket." Cutting schedules have been accelerated, as hitherto untouched areas disappear. In particular, efforts have been made to cut out slow-growing magnolia trees—though they are worth almost nothing on the lumber market. In an article in the August, 1968 New Yorker, Berton Rouche describes the killing of what was judged to be the oldest magnolia in the United States. The giant tree, which stood at the intersection of three counties in the densest part of the Thicket, was drilled in nine places and poisoned with arsenate of lead. Executives of the lumber company on whose land the tree stood claimed that they had never heard of the tree: though the "judging tree" was famous, and though the company keeps a record of every sizable tree in its possession.

Calculated destruction has not been limited to plant life, however. Similar efforts have been made on behalf of area bird populations as well. Not long after the poisoning of the old magnolia tree an entire heron rookery was found dead, poisoned from the air with tree defoliant. Lance Rosier, a self-taught naturalist whose persistent appeals for conservation have earned him the Title Mr. Big Thicket, commented with characteristic bluntness: "This wasn't just any boys playing pranks. These people know what they are doing." Other evidences of international destruction of bird life, Rosier insists, are plentiful. In support of his claim he points to piles of spent shotgun cartridges heaped up along swamps and marshes where—and when—ducks and geese are not to be found.

Conservationists were, of course, not ignorant of these developments. It was chiefly through their insistence that the Department of the Interior, in the summer of 1966, released plans for a Big Thicket National Park of "thirty-five thousand contiguous acres". Among the proposed park units were Texas' last extensive stand of virgin pine, an untouched beech forest, a savannah with a perennial crop of insect-eating plants, a cypress swamp, and a ten mile long strip containing cross-sections of every type of terrain in the area. If conservationists breathed easily on hearing of the plans for a park, however, their relief was premature. Almost immediately, the untouched beech forest was cut down, and the "Beech Creek Unit" thus destroyed. Similar plans, moreover, were revealed for the "Loblolly Pine Unit"; the last segment of the original pine forest left standing. A year later the "Menard Creek Unit" was bulldozed to make room for a vacation subdivision whose billboards advertised the glory of life in a "real wilderness"—air conditioning and central heat, extra.

There is no need, I hope, to end this tale of destruction with a moral tag. The moral is altogether too obvious. (And besides, Victorianism is dead.) I would only like to point out what perhaps is obvious also; namely, that the problem of the Big Thicket is not merely a local problem. It is part of the stained fabric of our national attitudes towards nature generally. It is part of a pioneer legacy which, quite simply, costs too much to sustain any further. Somewhere and somehow we are going to have to learn to treat nature kindly, before it begins (as it already has) to treat us harshly in return. The Big Thicket is only one of many places where a reversal of attitudes must be made. But, conversely, it is as good a place as any to begin.

ISSUANCE OF "OLD DRUM" STAMP

Mr. SYMINGTON. Mr. President, this year marks the 100th anniversary of the delivery of the famous "Old Drum" address by Senator George Graham Vest, who represented Missouri in the U.S. Senate from 1879 to 1903. It was at Warrensburg, Mo., on September 23, 1870, that Senator Vest made his memorable "Tribute to a Dog" in summing up to a jury the loss of "Old Drum."

Many Missourians, including citizens of Warrensburg and Johnson County, have recommended that a stamp be issued at Warrensburg, Mo., to commemorate this significant moment in American history.

The tribute and Old Drum, the dog which it immortalized, have become classics among the countless millions who have owned and loved a faithful dog. The issuance of a commemorative stamp would mean a great deal not only to the people of Missouri but also to dog lovers throughout the country.

An article, entitled "Old Drum," published in the St. Louis Globe-Democrat of December 14, 1969, recounts the story and contains the text of the tribute. I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

OLD DRUM—HE IS THE EVERLASTING HERO OF THE ANIMAL WORLD

(By Shirley Althoff)

The canine population of Warrensburg, Mo., can scoff at the human statuary around town because they have their very own hero to worship.

The handsome larger-than-life bronze statue is of Old Drum, the black and tan hound who inspired the famed Eulogy to the Dog by Senator George Graham Vest back in 1870. And ever since, other pooches like this little fellow named Gus, who belongs to the Carl Foster family of Warrensburg, have been reaping the benefits of this dramatic tribute.

Old Drum belonged to a Johnson County farmer named Charles Burden. He was known around his part of the country as the "the dog that never lied" because he never gave a false alarm when on the trail of raccoons, deer or wolves.

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However, one of Burden's neighbors, Leonidas Hornsby, was not a dog lover. Complaining that he was losing sheep in night raids by dogs, he made it known that he would shoot any dog prowling on his property. One fall day in 1869, a member of his family told him there was a strange dog in the yard. "Shoot him," Hornsby ordered and the man did.

The next day Old Drum was found dead near the Hornsby home.

Not a man to stand idly by after having his best coon hound killed, Burden filed suit against Hornsby in a Justice of the Peace court, asking for $50 damages. The first jury failed to agree; the second awarded Burden $25. Hornsby then appealed to the Johnson County Court of Common Pleas and won. But Burden wasn't beaten yet. He went to nearby Sedalia and came back with the best legal talent he could find, John F. Phillips and George Vest.

A motion for a new trial was sustained but some of Burden's friends who thought almost as much of the hound as he did squashed it by threatening to horsewhip one of Hornsby's witnesses if he repeated his story. However, a fourth trial was finally scheduled.

The rest of the arguments that day in 1870 have been lost in history but not George Graham Vest's.

After he recalled from history, legends and literature instances where dogs had displayed fidelity to mankind; cited the Biblical reference to dogs soothing Lazarus and quoted Byron's verses in "Don Juan," Vest began his dramatic summation.

"Gentlemen of the Jury. The best friend a man has in the world may turn against him and become his enemy. His son and daughter that he has reared with loving care may become ungrateful. Those who are nearest and dearest to us, those whom we trust with our happiness and our good name, may become traitors to their faith. The money that a man has he may lose. It flies away from him when he may need it most. Man's reputation may be sacrificed in a moment of ill-considered action. The people who are prone to fall on their knees and do us honor when success is with us may be the first to throw the stone of malice when failure settles its cloud upon our heads. The one absolutely unselfish friend a man may have in this selfish world, the one that never deserts him, the one that never proves ungrateful or treacherous, is the dog.

"Gentleman of the jury, a man's dog stands by him in prosperity and poverty, in health and in sickness. He will sleep on the cold ground when the wintry winds blow and the snow drives fiercely, if only he may be near his master's side. He will kiss the hand that has no food to offer, he will lick the wounds and sores that come in encounter with the roughness of the world. He guards the sleep of his pauper master as if he were a prince.

"When all other friends desert, he remains. When riches take wings and reputation falls to pieces, he is as constant in his love as the sun in its journey through the heavens. If fortune drives the master forth an outcast into the world, friendless and homeless, the faithful dog asks no higher privilege than that of accompanying him, to guard him against danger, to fight against his enemies, and when the last scene of all comes, and death takes his master in its embrace and his body is laid in the cold ground, no matter if all other friends pursue their way, there by his graveside will the noble dog be found, his head between his paws and his eyes sad, but open, in alert watchfulness and true, even unto death."

When Vest finished, jurors and spectators were in tears and one of Hornsby's lawyers whispered to another:

"Old Drum's dead, but he's won. We'd better get out of this courtroom before all of us are hanged."

One account of the settlement in the case says Burden was awarded $25 but other stories claim the amount was $500, far more than he asked for.

For his stirring oratory—later reprinted all over the world—which won the verdict, Vest received a $10 fee. In 1879, he was elected to the U.S. Senate and served there until 1903. During much of that time his fellow Senator from Missouri was Francis M. Cockrell, one of his opponents in the Old Drum case.

In 1955, the Warrensburg Chamber of Commerce launched a drive to collect $2500 for a memorial to Old Drum and Reno Gastaldi, a St. Louis sculptor was commissioned to do the work. Money poured in from dog lovers throughout the country, including $500 from former President Harry Truman.

And in September 1958, the statue was formally dedicated, a permanent tribute to man's best friend and also to the dog's best friend—George Graham Vest.

ADDITIONAL DEATHS OF CALIFORNIANS IN VIETNAM

Mr. **CRANSTON**. Mr. President, between Friday, December 12, 1969, and last Thursday, January 15, 1970, the Pentagon has notified 22 more California families of the death of a loved one in Vietnam.

Those killed were:

Pfc. Reynaldo L. Barragan, Jr., son of Mr. and Mrs. Reynaldo L. Barragan, Sr., of San Diego.

Pfc. Billie M. Bedsworth, husband of Mrs. Laura E. Bedsworth, of Mountain View.

Pfc. Tanner M. Brown, Jr., son of Mrs. Marjorie A. Brown, of Van Nuys.

Sfc. Monte R. De Vere, father of Mrs. Beatrice M. Fields, of Carlsbad.

S. Sgt. John T. Gage, husband of Mrs. John T. Gage, of Oceanside.

Pfc. Arthur T. Gallagher, son of Mrs. Pauline I. Gallagher, of Blythe.

Pfc. Neil E. Harvey, husband of Mrs. Peggy L. Harvey, of Downey.

Sp4c. Thomas M. Hires, son of Mrs. Naoma L. Hires, of Redwood City.

Pfc. David W. Jero, husband of Mrs. Susan J. Jero, of San Bernardino.

Aviation Mechanic Larry R. Johnson, husband of Mrs. Joyce A. Johnson, of Imperial Beach.

Pfc. Terry L. Joslin, husband of Mrs. Jacqua Joslin, of Sacramento.

Lance Cpl. James E. Lowry, son of Mrs. Juanita F. Lowry, of Mantega.

S. Sgt. Raymond L. McCaslin, husband of Mrs. Irene D. McCaslin, of Oceanside.

Lt. Paul C. Medlin, son of Mr. and Mrs. Lorin C. Medlin, of San Francisco.

Sp4c. Joseph L. Mendoza, son of Mrs. Florentina M. Mendoza, of San Jose.

Sgt. Beryl G. Peters, husband of Mrs. Maria R. Peters, of Duarte.

Maj. Larry W. Robinson, husband of Mrs. Virginia R. Robinson, of Oceanside.

Sgt. Richard A. Thomas, husband of Mrs. Barbara J. Thomas, of Carmel.

Sp4c. Roger L. Venters, husband of Mrs. Patricia L. Venters, of Chula Vista.

Sp4c. Lawrence R. Warf, son of Mrs. Wilma L. Warf, of Bakersfield.

Pfc. Jimmy A. Whitson, son of Mr. Charles E. Whitson, of San Bernardino.

Lance Cpl. Robert A. Yates, son of Mr. William B. Yates, of Los Angeles.

They bring to 3,923 the total number of Californians killed in the Vietnam war.

THE RUNAWAY ECONOMY

Mr. **TYDINGS**. Mr. President, on January 7, I had the opportunity to appear before the Exchange Club of Highlandtown, in Baltimore, Md. I used that opportunity to discuss what has clearly become our No. 1 domestic problem: Inflation.

I ask unanimous consent that my remarks at the Exchange Club be printed in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

ADDRESS BY SENATOR JOSEPH D. TYDINGS BEFORE THE EXCHANGE CLUB OF HIGHLANDTOWN, BALTIMORE, MD., JANUARY 7, 1970

We are currently in the grips of one of the worst inflations in this Nation's history. To date, the government has failed to bring it under control. What I want to explore with you this afternoon is the various proposals and counterproposals that have been offered as a care for our ailing economy. For effective action is sorely needed.

As you know, the U.S. enjoyed great price stability in the first half of the "sixties." It was not until Vietnam war costs began to accumulate in 1966 that prices began to rise.

However, it was during the past year that inflation finally raced out of control. The statistics are frightening.

Over the past year consumer prices rose nearly 6 percent—the largest increase since Korea.

Over the past year interest rates on short-term commercial loans shot up from 6 percent to more than 9 percent—their highest level in one hundred years.

Over the past year FHA mortgages climbed from 6 and three-quarters percent to 8 and one-half percent. Realtors in the Greater Baltimore area report houses selling for $20,000 one year ago that cannot be bought today for less than $25,000.

Over the past year the prices of basic materials skyrocketed, increasing costs to small producers and consumers. The price of copper, for example, rose a whopping 24 percent in 1969. During the first seven months of 1969, steel rates rose at an annual rate of 7.1 percent—roughly equal to the percentage increase for the entire 8 year period from 1961 through 1968.

Over the past year the price of basic consumer goods and services increased faster than at any time during the last two decades. The cost of medical care is up 8 and one-half percent. The price of eggs in some areas has nearly doubled; in Baltimore eggs now sell for 93 cents a dozen. Blue Cross-Blue Shield premiums for the average family in the Baltimore-Washington area have gone from $31.82 a month to $40.95 a month. New automobiles are up $125 or more over last year. Indeed, inflation is so rampant in this country that the rates being paid on savings deposits do not even equal the loss in purchasing power resulting from rising prices.

To make matters even worse, the Administration's faltering efforts to curb inflation have confronted us with the strong possibility of a recession in the coming year. As a result of the Administration's tight-money policies, we face the real risk of suffering an economic tragedy for the average taxpayer in the form of an inflationary recession, a two-headed monster combining runaway prices with declining business activity and profits.

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The recessionary danger signs are all there. The Dow-Jones Industrial Averages dropped 19 percent from May to December. New housing starts are down nearly a third, from 1.8 million in 1968 to 1.2 million in 1969—the lowest level since the end of World War II. Economists are predicting a drop in corporate profits of as much as 15–20 percent in the coming year. And unemployment rates have begun to creep upwards.

The Administration has created this dangerous situation because of its unwillingness to confront the cost-push aspects of inflation. And it is cost-push inflation which created the recessionary inflation of 1958–1959.

As I indicated earlier, prices of basic commodities, particularly in concentrated industries, have skyrocketed since last January. These price increases have driven up production costs of goods and thus the costs to retailers and consumers. As prices have risen, labor unions have sought to protect their members against the rising cost of living by demanding wage increases. This in turn has increased costs in basic industries which have ultimately been passed on to small businesses and consumers in the form of higher prices.

It's a vicious circle in which no one really benefits.

Union members don't benefit. Their average 6 percent increase in wages in 1969 was completely wiped out by a 6 percent increase in the cost of living.

Small businessmen don't benefit. They are trapped by rising costs in highly competitive markets which do not permit these cost increases to be fully passed on; the result is shrinking profits.

And the biggest loser of all is the average American consumer, particularly the elderly or retired on fixed incomes.

What most disturbs me is that through all of this nary a sound of protest has been heard from the Administration. Indeed, seven days after his inauguration, Mr. Nixon announced that the government would not intervene in price and wage decisions; that the battle against inflation would rest on fiscal and monetary policy without "extorting labor and management" to exercise restraint.

The experience of the post-war years has clearly demonstrated that the White House alone is in a position to curb this kind of cost-push inflation. The President has asked Congress not to enact wage-price controls. Yet, as *The Wall Street Journal* and many economists have pointed out, he has failed to employ the only other weapons that can be effective in this fight—the enormous moral power of the Presidency to set voluntary price and wage guidelines and to mobilize public opinion in support of them.

Only the office of the Presidency possesses the authority and prestige to persuade the giant corporations and labor organizations of the nation to keep price and wage increases within limits consistent with the economic well-being of the country. I shall certainly support firm action by the President to moderate inflationary trends in these basic industries.

Certain members of the Administration have sought to cover up their failures by attempting to shift the blame onto Congress. But the facts simply do not support them.

The President contends that Congress added fuel to the inflation by authorizing more government spending than he requested. The fact is Congress reduced 10 of the 14 appropriations bills that came before it this year with a net overall *cut* in President Nixon's budget of $5.6 billion. If we had given President Nixon what he requested, the fiscal year 1970 budget would be $5.6 billion *more* than it actually is.

The President contends that Congress enacted an inflationary tax reform bill. The fact is the tax bill will produce a surplus of roughly $7 billion in federal revenue over the next two years; that is, it will be anti-inflationary, not inflationary. Indeed, if the tax bill had been written along the lines suggested by Secretary of the Treasury Kennedy in the testimony before the Senate Finance Committee, the bill would have cost the Treasury nearly $3 billion *more* in federal revenue between 1970 and 1972 than the legislation Congress enacted.

Finally, the President contends Congress acted irresponsibly by raising Social Security benefits 15 percent rather than the 10 percent he requested. The fact is the overall cost of the legislation Congress passed is slightly *less* than the Social Security package requested by the President. The action by Congress is slightly more expensive this year than the President's proposal only because Congress put the new Social Security rates into effect in January rather than waiting until May.

So a careful review of the record shows clearly that Congress took a more prudent and responsive fiscal position than the President. At the same time we significantly reordered national budgetary priorities.

We cut billions in waste out of the military budget—though much fat remains.

We used some of these savings for improved health and education programs.

We raised Social Security benefits for the old and the sick in a fiscally responsible fashion.

And at the same time we managed to cut $5.6 billion from the budget the Administration requested.

These are the facts.

It was the Administration that was the big spender this year, not the Congress.

What then should be done to halt this inflation and prevent a possible recession?

The most direct and controlled way to get money out of the economy is to cut government spending. Elimination of waste and duplication from the Pentagon's budget would permit major reductions in federal expenditures of at least 10 to 15 billion. Inefficiency also exists in many domestic programs which would permit further cuts.

Another effective means of pulling money out of an overheated economy is to close more tax loopholes. We did not go far enough in the Tax Reform Bill of 1969. But to restore real equity to our tax system and increase federal tax revenues, we will need the Administration's active support.

I offered an amendment to the tax bill that would have brought $20 billion that currently escapes taxation each year back into the tax system. But I could not get Administration support and the measure was narrowly defeated in the Senate. I plan to offer the Amendment again this year.

Inflationary oil-import quotas which cost gasoline consumers at least $4 billion a year should be reduced or scrapped.

Measures such as these—further cuts in government spending and the elimination of remaining tax loopholes—ought to take care of the demand-pull aspects of inflation. And, I might add, they would do so in a more equitable manner than the Administration's tight-money policies and the imposition of a surtax which do greatest damage to the small businessman and the consumer.

As for the cost-push inflationary pressures, as I indicated earlier, the President will have to begin exercising the influence and prestige of his office. We will need some resolute moral leadership from the White House to successfully inhibit inflationary price and wage increases in our major industries.

Gentlemen, in all candor I am extremely concerned about the prospect for the economy in the coming year. Sacrifices are going to be demanded of all of us if the economy is going to be restored on a sound footing. I shall do all I can in the Congress to bring about the changes I indicated above. And I stand ready to cooperate fully with the President on any Administration effort to bring this runaway inflation under control.

This is too big a problem to be tossed around as a political football. The best from all of us will be required if we are to succeed.

WHY HAVE HOUSING COSTS SKYROCKETED?

Mr. PROXMIRE. Mr. President, on January 16, Daniel Poole, the real estate editor of the Washington Star, wrote a perceptive article entitled "Who Gets the Most of Housing's Pie?" Mr. Poole points out that the two largest components of total housing costs are the price of the land and the cost of financing.

Since more than one-half of a homeowner's mortgage payments goes for interest charges, it is obvious that escalating interest rates are the principal factor in the high cost of housing. On the other hand, only 10 percent of the average homeowner's monthly payments can be attributed to the cost of labor.

Another way of looking at the problem is to consider the monthly payments a returning Korean war veteran would have paid in the mid-1950's. If he bought a $10,000 home with a 4-percent mortgage, his monthly payments would have been approximately $50 per month for principal and interest.

Today he would be extremely lucky if he could purchase the same quality house for $20,000 with a mortgage of 8 percent. This would involve monthly payments of approximately $150 per month.

The cost of the house has doubled, the interest has doubled, but the monthly payments have tripled.

It is the rising cost of money which is causing a squeeze upon the average homeowner and making it virtually impossible for many moderate-income families to buy their own homes.

Mr. President, I ask unanimous consent that the article be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Who Gets the Most of Housing's Pie?

(By Daniel Poole)

Everybody knows that the prices of new houses have spiraled—more than doubling in the last two decades. What one may wonder, however, is: Who is getting the biggest piece of the pie?

One frequent answer is labor—the carpenters, bricklayers, plumbers, electricians and painters who build the house. But on-site labor costs actually have decreased, from 33 percent of the cost of a house in 1949 to only 18 percent in 1969.

This indicates a considerable shift to prefabricated homes and manufactured housing components, permitting a sharp rise in on-site productivity. It also indicates major increases in other costs.

Another answer is materials—the lumber, bricks, pipes, paint and plaster that go into the house. And they have increased slightly, but only from 36 percent of a 1949 house to 38 percent of a 1959 house.

Thus while the actual structure represented a whopping 70 percent of the total cost in 1949, it represented only 56 percent in 1969.

Then it must be the builders who are getting rich, you say. But during the last 20 years, his overhead and profit have decreased

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from 15 percent of the house cost to 13 percent.

So what's the answer?

It's land and financing that are taking bigger bites out of the pie, according to Michael Sumichrast, chief economist of the National Association of Home Builders.

Land nearly doubled, jumping from 11 percent of a 1949 house to 21 percent of a 1969 house. And financing did double over the 20-year period—from 5 percent to 10 percent.

The President's Committee on Urban Housing, headed by industrialist Edgar Kaiser, reports that all of these costs, however, account for only about half of a homeowner's total monthly costs after he has made his down payment and moved in.

"According to the Kaiser Committee's report, debt retirement—on principal and interest—is only 53 percent of the monthly occupancy cost of a single-family home," says Nathaniel Goldfinger, research director for the AFL–CIO. "Other costs include such factors as taxes (26 percent), utilities (16 percent) and maintenance (5 percent)."

The on-site labor cost of a house, therefore, represents approximately one-fifth of the mortgage payments, but only about one-tenth of the total monthly costs paid by the homeowner, Goldfinger writes in the American Federationist, the AFL–CIO magazine.

But since more than half of a homeowner's mortgage payment goes for interest charges at today's high interest rates, payments on the principal account for only about 25 percent of the total monthly costs, says Goldfinger.

And since on-site labor represents about one-fifth of the sale price, the actual on-site cost—excluding interest payments on the labor cost—comes to only about 5 percent of a homeowner's total monthly costs, he says.

"All of this adds up to some very clear facts: The major part of housing costs to the renter or homeowner is interest charges—the price of borrowed money to the developer, builder, landlord and homeowner," Goldfinger says. "The on-site labor cost accounts for only a small part of the price of the property and a much smaller portion of monthly occupancy costs to the owner."

The point of the argument made by the research director of the AFL–CIO is that to solve the nation's housing shortage, breakthroughs are needed far more urgently in land and financing costs than in labor costs.

As the Kaiser Committee admits: "All on-site labor costs represent such a small percentage of monthly rents that a general reduction of 20 percent for all workmen would mean only a reduction in rent from $100 a month to $98 in a typical unit."

And that includes the share of the mortgage payments covering the labor costs, notes Goldfinger. When all interest charges are excluded, a 20 percent change in either wages or productivity of on-site labor involves only about $1 of each $100 in monthly rent or occupancy cost of a single-family home.

"If the costs of housing are to be reduced—or if such rising costs to the consumer are to be slowed down—interest rates and land prices, as well as labor and materials costs, have to be reduced or curbed and managerial efficiency has to be improved," Goldfinger says, adding:

"Anyone who focuses sole or major attention on the labor-cost component of housing costs—whether it be an administration spokesman or college professor—is dodging the key issues of financing costs and land prices. Unless these costs are cut or curbed, it will be impossible to bring the consumer's housing costs under some manageable control."

This is true, he says, regardless of what technological breakthroughs are made in such worthwhile areas as pre-fabrication and the manufacture of housing components.

"CRIB" DEATH—THE MYSTERIOUS KILLER

Mr. TYDINGS. Mr. President, on December 2, 1969, Mr. Saul Goldberg, president of the International Guild for Infant Survival, Inc., of Baltimore, Md., presented some very important testimony before the Senate Appropriations Subcommittee on Labor, Health, Education, and Welfare. The guild, which I have the privilege of serving as a member of the honorary advisory board, is a nonprofit charitable and educational organization comprised of citizens across America who are deeply concerned with the tragedy of thousands of infants who died each year soon after birth.

In his presentation before the Appropriations Committee, Mr. Goldberg discussed a little known and little understood form of infant mortality called "crib" death. It takes the lives of 15,000 to 25,000 infants a year; yet, we understand nothing of its cause or its prevention. In a Nation that prides itself on its medical advancement and scientific sophistication, this situation is nothing short of criminal. As Mr. Goldberg so eloquently points out, it is clearly time we began devoting the attention and the research resources to this mysterious killer that it demands.

To all who are interested in this critical problem, I strongly recommend Mr. Goldberg's excellent statement. Therefore, I ask unanimous consent that his remarks be printed in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT BY SAUL GOLDBERG

I have been asked to be brief in my testimony. I wish I were not here at all for the purpose I must be. I come before this distinguished subcommittee as president of The International Guild for Infant Survival, Inc., a non-profit charitable and educational organization of parents and other citizens throughout the United States tragically bereaved or deeply concerned by the horrible loss of helpless infants who are not here to speak for themselves. I speak to you now in their name: the tens and hundreds of thousands—perhaps millions—of innocent babies who have died suddenly and unexpectedly in years past. I speak to you also in the name of the 15,000–25,000 normal, healthy babies in our 50 states who are dying in this same bizarre manner this year of 1969. More importantly, I speak for the untold thousands and hundreds of thousands of the babies in future generations who face this same terrible fate at the very beginning of life.

These precious babies of ours are with us no longer. There is no "poster child" for us to bring here to remind you of this tragic problem. There is no handicapped youngster to accompany me to evoke your sympathy and help. Their passing comes so quickly and silently, these infants have little time to become known outside their own family and the general public is thus unaware that this dilemma even exists. Yet, for every victim, death is final. And all that remain are an empty crib . . . a tiny grave . . . and broken hearts.

Who will speak for these departed children? Who will come forward to plead for the lives of future generations? A group of stricken parents and some who have been spared but feel a deep compassion, a deep empathy, have banded together as The International Guild for Infant Survival to serve as the voice of all these dear children, to provide comfort and information to bereaved families, to give encouragement and support to scientific research activities in this field, and to bring the seriousness and scope of this major health problem to the widest public attention.

We cannot keep silent and watch more children die in vain without lifting a finger. We cannot ignore what is happening before our very eyes, seeing these loveable babies slip through our hearts and homes. We cannot stick our heads in the sand in the mistaken belief that somehow all this tragedy will disappear. And America can no longer afford to sit idly by while millions of hours of manpower and talent which could be put to peaceful and productive purposes are buried forever.

Our growing group of Americans represents an important point of view in many parts of this great country which I would like to respectfully bring to your attention at this time.

1. I would like to inform you, first of all, of the actual existence of this mysterious phenomenon which concerns our most precious asset—our babies and their very lives. It is known only as sudden infant death, or sudden death syndrome, or "crib death." So little is known about it, there is not even a medical or scientific name to describe it.

2. Sudden infant death kills infants from 10 days to 2 years old, most being between 2–3 weeks and 6 months of age, without any warning and for no apparent reason.

3. From all reports given by parents, pediatricians, and medical examiners, these babies were perfectly normal and healthy. Some had been given a medical examination a few days before. Some had fathers who were physicians themselves—at home at the time—and they could do nothing. Yet the same set of circumstances is repeated over and over again. A mother put her young child to sleep or to nap and when she goes to check on the child later on, the baby is found dead.

4. This distressing mystery is all the more puzzling because it persists in an era when babies have been made more safe from fatal diseases today than ever before. Years ago, families were purposely large because it was expected that one or two babies would die in infancy. The old scourges like diphtheria, whooping cough, typhoid fever, polio, and others now have all but been eliminated. Yet our infant mortality rate remains too high. It is the very success of modern medicine today that has ironically exposed this serious sudden infant death problem—for which there is still no known cause, no prevention, no treatment, no cure.

5. Sudden infant death provokes serious feelings of guilt, self-recrimination, and inadequacy. After the first few moments of stunned disbelief, the stricken parents usually start blaming themselves and wondering what they did wrong. How else can you explain the loss of such a beautiful little baby? The emotional impact of such a traumatic experience can have lasting effects: disrupting families, unbalancing other children, wrecking marriages, and fostering personal chaos to such an extent that some will dare not think or speak about it for years. Others think this tragedy is something of a personal stigma to hide from and forget. Some place the guilt on an innocent third party, such as the doctor, the baby-sitter, or a housekeeper.

6. Yet there is no foundation in fact for these feelings of guilt, frustration, and failure. Upon medical investigation and detailed autopsy, the vast majority of reports in these cases reveal no explanation to account for death. Sometimes there may be some evidence of a slight infection or a cold in the family, but nothing to medically cause death

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itself. Frequently, there is no clue at all. Everything is negative and normal.

7. Experts and investigators cannot tell us how extensive this problem actually is. The most conservative estimates start at 10,000 deaths each year in the United States alone. More realistic estimates range between 15,000–25,000 deaths a year, while some refer to incidences as high as 35,000 annually. This then represents from 10% to 25% of *all* infant mortality after the first few days following birth. One reason it is not known how many sudden infant deaths there are is because most states do not permit the frank term, "death unexplained" or "sudden unexplained infant death", to officially appear on certificates as the cause of death, even though most high medical authorities recognize this dilemma for the tragedies they are. To place these figures in better perspective, this frequency of sudden infant death is almost as high *each year* as the total number of Americans killed in Vietnam over *several* years!

8. Sudden infant death can strike any home, any time, any place. It is no respecter of race, color, religion, creed, nationality, national origin, geography or socio-economic status. It does strike all kinds of families from every background—from the poor ghetto family to that of your colleague from Connecticut, Senator Ribicoff.

9. How significant is this sudden infant death problem? The National Institute of Child Health and Human Development, specifically involved with this problem, helped to support only the Second International Conference on sudden infant death, bringing together over 40 medical experts and concerned scientists in infant mortality earlier this year. From this important meeting came the news that sudden infant death is the leading cause of death among all health problems of young children. In some communities, it was mentioned, sudden infant death even surpassed accidents as the number one cause of death among all children.

10. So challenging and disturbing is this mystery that some medical men have taken it upon themselves to do some investigation on their own without significant progress thus far. Several theories have been offered, but none as yet withstand the test of careful scrutiny. However, it now appears certain that suffocation and neglect are not the answers, nor did anyone with the baby at the time do anything to contribute to his death. More recognized experts have become concerned in recent months and have spoken of their theories and research ideas, hoping for the financial resources to pursue their interest in saving these young lives. Regrettably, the National Institute of Child Health and Human Development specifically, and the Department of Health, Education, and Welfare generally, have such comprehensive responsibilities and such limited budgets that up until now there has been too little incentive to encourage these efforts, interests, and plans.

11. In summary, therefore, sudden infant death is a leading killer of our most precious asset—our children. Yet so little is known about it, there is no scientific name, no exact accounting of the number of these deaths, no known cause or prevention, let alone a cure, and this tragedy contributes significantly to our high infant mortality rate. Knowledgeable medical men and health officials recognize these losses of young life as one of the most distressing and puzzling problems in the entire field of medical practice—and want to devote their time and effort to this kind of research in the face of a limited research budget for this specific dilemma.

12. It seems apparent to us that there is a definite need for this distinguished panel to seriously consider an increased research budget to find out all we can about what sudden infant death really is once and for all. It seems vital to us that larger research appropriations are required through the National Institute of Child Health and Human Development and the Department of Health, Education, and Welfare commensurate with the magnitude and scope of these deaths in today's infant mortality picture and the extent of medical ignorance to this day. This is a major health problem which is concerning a growing number of citizens and professional men—that we respectfully suggest deserves your fullest attention and consideration.

The President has stated that one of this Administration's major concerns is the first 5 years of life. His predecessor was equally concerned with our high infant mortality rate. The Vice President has generously given us and the lives of our dear babies his personal support, as has our own Maryland Congressional delegation led by Senator Tydings. Senator Ribicoff's family knows of this tragic experience first-hand.

No one can say who will be touched in the weeks and months ahead. We do know there will unfortunately be many, far too many. How much longer will our babies die so tragically and so unnecessarily? How much do we really value life itself? Today, you have a golden opportunity given to very few . . . the opportunity to save thousands of lives every year! Speaking for all our children, you hold in your hands and minds the power to speed the day when no more happy, healthy, precious babies—so full of life—face this terrible fate of sudden death.

For those who may question personal involvement, permit me to quote from John Donne's famous paragraph (Devotions, XVII): "No man is an island, entire of itself. Every man is a piece of the Continent, a part of the main. . . . Any man's death diminishes me, because I am involved in Mankind. And therefore never send to know for whom the bell tolls, it tolls for thee."

For those who see the task too difficult, allow me to recall the words of Senator Robert Kennedy: "Some men see things as they are and say, Why? I dream things that never were and say, Why not?"

Our dear babies can be given *life*. For as another of our great Presidents once said: ". . . here on earth, God's work must surely be our own."

OCCUPATIONAL HEALTH AND SAFETY

Mr. WILLIAMS of New Jersey. Mr. President, throughout the hearings which the Subcommittee on Labor has been holding on proposed occupational health and safety legislation, it has been unmistakably clear that a strong program for dealing effectively with hazards of the workplace is most urgently needed. The annual toll taken by occupational accidents and illnesses is of frightening proportions, and existing efforts to meet this problem are plainly insufficient. Unfortunately, the public seems to be all too unaware of the health and safety dangers which arise in the workplace. However, I am glad to note that the matter seems to be getting increased attention from the press. Examples are a series of articles written by Morton Mintz and Thomas O'Toole and published in the Washington Post on December 28, 29, and 30, 1969; an article written by Walter Rugaber, and published in the New York Times of January 2, 1970; and one written by Miles Benson and published in the Jersey Journal of January 3, 1970. I am hopeful that such articles will have an impact in focusing public attention on this most important subject. I ask unanimous consent that they be printed in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the Washingfon Post, Dec. 28, 1969]

INDUSTRIAL HAZARDS EXACT A RISING TOLL

(By Morton Mintz and Thomas O'Toole)

"When are we going to start placing the priority where it belongs—on the value of human life?"—Rep. Ken Hechler (D-W. Va.), Oct. 27, 1969

The debate on coal mine safety had peaked that afternoon, when Congressman Hechler rose to recall the disaster in Farmington, W. Va., where 78 miners were killed just before Thanksgiving last year.

His voice rising with emotion, Hechler told the House of Representatives that twice as many miners had been killed in mine accidents in the year since Farmington, that one out of every 300 men who went down into the West Virginia mines lost his life and that one out of ten suffered a lost-time injury in the mines in the same year.

"Did you hear that figure?" Hechler asked a hushed House. "One out of ten injured."

Unsafe as coal mining is, there are jobs in the United States that are not as safe.

The Metropolitan Life Insurance Co. points out that electrical construction workers have an accidental death rate twice as high as coal miners and that tunnel construction workers die from mishaps three times as fast as coal miners.

Just as unsafe is the job of lumberman. Metropolitan Life says lumbermen have a death rate four times that of standard insurance risks, and are disabled by injuries of the spinal cord, bones and joints at a "disproportionate rate."

While Metropolitan Life calls the dangers in these jobs "uncontrollable," a growing number of safety experts wonder how it might describe the dangers through the rest of U.S. industry.

DEATH AND DISABLEMENT

In 1969, occupational accidents killed at least 55 people every work day or about 14,000 for the year. At the same time, 8,500 people were disabled on the job every work day, which adds up to 2.2 million for the year. Of the total, 90,000 were permenently disabled, meaning they could not go back to the jobs they held when they were hurt.

"Maimed and broken bodies . . . workers burned, blinded or gravely injured. This is the regular daily fare of hospitals in every part of the country," Dr. Roger O. Egeberg, Assistant Secretary for Health, Education, and Welfare, told a Senate Subcommittee investigating on-the-job safety. "We are experiencing a continued national tragedy of occupational injury, disease and death."

Incredibly, the statistics used to dramatize the tragedy are misleadingly low.

In testifying before the Senate last year, Ralph Nader said that each year between 200,000 and 400,000 industrial accidents go uncounted by federal and state tallies. A partial explanation for this, Nader said, is that there are few incentives for reporting injuries and fewer penalties for not reporting them.

REPORTING INJURIES

A study made in 1965 for the U.S. Chamber of Commerce showed that 19 "jurisdictions" (the 50 states, the District of Columbia and Puerto Rico) did not require employers to keep accident records, 16 did not insist that all injuries (only some) be reported and seven provided no penalty for a failure to report injuries.

Another source of misleading injury information, Nader said, is the narrow official definitions of "injury" and "industrial fatality."

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Third-party deaths are exempt. When a sporting arms plant in Richmond, Ind., exploded not long ago, the official "industrial fatality" count did not include victims in nearby factories. A fire in a Manhattan garment works three years ago did not list the 18 people burned to death by the same fire on the floor above.

Leeway is often given company doctors in defining work injuries, and the practice of reassigning injured men to soft jobs or nonjobs to avoid reporting lost-time injuries is said to be common across the country.

"We have more reliable and possibly more accurate information," said Jerome B. Gordon, a labor consultant and onetime Columbia University labor lawyer, "on battlefield casualties on both sides in Vietnam."

If anything, the overall trend of death and injury on the job has grown worse in the last ten years.

This is at least partly due to the stepped-up pace of the nine-year business boom, which by 1967 had pushed the factory accident rate to a 13-year high.

"This is the way the workers feel," the United Mine Workers' Dr. Lorin Kerr told the annual meeting of the American Public Health Association in November. "They attribute it to the generalized speed-up that's occurred throughout all industries."

Studies by public health officials seem to bear Kerr out. Inspectors from the U.S. Bureau of Occupational Health and Safety recently restudied one state's lead and zinc smelters and found that controls put in 20 years ago were no longer any better than the controls they'd replaced.

A similar survey was made of the manufacturing plants in and around a large U.S. city, after which the plant managers were asked to evaluate their safety standards.

"HE FOUND HAZARDS"

"Three out of four considered their plant to be free of hazard," the Public Health Service's Chris A. Hansen told a House subcommittee investigating job safety. "But the industrial hygienist making the survey found a reverse proportion. He found hazards in three of four plants."

Job safety began to slip back in 1958, when the factory accident rate had fallen to a record low of 11.4 disabling injuries per million man-hours worked.

But by 1967, the accident rate had climbed close to 14.0 and by 1968 it reached 14.0 disabling injuries per million man-hours, an increase of more than 20 per cent in 10 years.

The worst since 1952, this rate of injury was called "unacceptably high" by Labor Secretary George P. Shultz.

Bureau of Labor Statistics figures show that 12 manufacturing industries had higher rates of disabling injuries in 1968 than in 1967, while only five had lower ones.

The highest injury rates were in lumber and wood products, where 36.1 disabling injuries occurred for each million man-hours. The trucking industry was next, with a rate of 31.6. Three categories of construction followed, with rates between 28.3 and 26.1.

The rate of injury tells nothing of the severity, which is better measured by the number of days of disability for million man-hours worked.

By this standard, coal mining led the pack, with 10,071. Wood and lumber came second with 2,965, heavy construction had 2,926 and trucking and warehousing 1,832.

Some public officials use the Vietnam war as a yardstick. In the first half of 1967, noted Sen. Ralph Yarborough (D-Tex.), chairman of the Senate Committee on Labor, more than 30 times as many men were disabled on the job here than were wounded or injured in Vietnam.

In the last four years, Labor Secretary Shultz points out, "more Americans have been killed where they work than in Vietnam."

WIRTZ TESTIMONY

Former Labor Secretary Willard Wirtz went even further than his successor. In testifying about job safety in 1968, he told Yarborough that "to rely in this area on statistics is to demean our humanity."

"If this kind of tragedy touched the family of any one of us," Wirtz went on, "we would become at that point committed crusaders. It cheapens us as individuals to let ourselves, especially if we carry public responsibility, find refuge in our personal good fortune."

Wirtz read aloud from a letter from a woman in Florida who'd been hurt by falling boxes where she worked.

"I still to this day walk on a cane," the woman wrote. "Why do I have to go without everything and live a life of pain? Why must I do this because the company had a man put a wooden leg under a conveyor instead of calling a welder in and doing it right? I lie awake at night and ask myself. There must be an answer somewhere."

Wirtz did not try to hide his own anguish. "All I can do is write back to these people and say, 'See somebody else,' " he said, "and I hate the hypocrisy of it."

Besides the agony of pain and personal loss that come from work injuries, public officials also cite the economic loss to the country.

In 1966, on-the-job accidents cost the country 255 million man-days of productivity, more than $600 million in medical expenses, $1.5 billion in wages and $1.8 billion in workmen's compensation payments.

"The direct and indirect effect of these accidents on the gross national product," said Wirtz, "was a loss of $6.8 billion."

Labor Secretary Shultz sees the problem in the same light. "Five times as many man-days are lost from job-related disabilities as from strikes," he said. "If present losses could be cut back only 20 per cent the result would be the equivalent of a new work force of 300,000 people."

The key question is whether all the bloodshed and broken bones in the work place is necessary, and to hear many health and safety experts tell it the answer is that it is not.

FIRST REAL REGULATIONS

A prime example is the 1958 Maritime Safety Amendments to the Longshoremen's and Harbor Workers' Compensation Act, which brought the first real safety regulations to a highly hazardous occupation.

By 1968, the disabling injury rate in shipyards had fallen 52 per cent, to 18.6 per million man-hours.

"It is a guarded estimate," Shultz said, "That in that period over 37,800 injuries were prevented in the nation's shipyards and docks." Shultz estimated the nation had saved $56.7 million in the name of safety.

Shultz also emphasized that not all employers are accident-prone.

In 1967, he pointed out, the manufacturer members of the National Safety Council had an accident rate of 5.1, while non-members had a rate of 18.4—more than three times as much.

SURVEY OF FOUNDRIES

Over the last decade, National Safety Council members who had an accident rate of 4.6, almost one fourth the 15.6 of non-members. A Bureau of Labor Statistics survey of foundries disclosed that the accident rate for Safety Council members was 11.2, one third of the 30.0 for non-member foundries.

Overall, the safety record of smaller firms is poorer than larger ones. The National Safety Council calls these companies the safest on its list: Du Pont Co., Western Electric Co., Chemstrand and Boeing, all giant corporations. But the large firms employ only a fraction of the work force; two-thirds of the nation's work force is in firms with fewer than 100 employees.

Put another way, the Public Health Service figures only 15 million out of 30 million workers are protected by health and preventive services.

The blame lies with more than the employer, however.

It starts with the states, where on-the-job safety records are as ragged as the lines separating the states.

In the states spending an average of $1.1 million a year on safety, the death rate from work accidents is 19 per 100,000 workers. In the ten states spending an average of $240,000 on safety, the death is 110 per 100,000.

Idaho and Wyoming employ three safety inspectors each, Illinois has 62, New Jersey 69, Pennsylvania 90 and New York has a high of 174. A tally made by the AFL–CIO last year showed that 23 states had more fish-and-game wardens than safety inspectors.

[From the Washington Post, Dec. 29, 1969]

POLLUTION AND NOISE: DANGERS—INDUSTRIAL HAZARDS FOSTER "SILENT KIND OF VIOLENCE"

(By Thomas O'Toole and Morton Mintz)

They work near furnaces and ovens, mixing vats and high speed spinning and grinding machines, inside foundries and shipyards, coal mines and cotton mills.

Some have cancer, others have lifelong skin troubles. A few have diseased blood, many have chronic headaches. A vast majority have trouble breathing. Their ailments have names like asbestosis, byssinosis, suberosis and talicosis and they are the victims of what Ralph Nader calls a "silent kind of violence."

Nobody knows how many Americans suffer from diseases they have picked up from their work, but estimates range from one to two million.

California is one of the few states even attempting to find out how many of its residents get sick on the job, and if their findings are any national sign then occupational diseases strike as many as half a million American workers every year.

"Our national record in occupational disease is not a good one," says Charles C. Johnson Jr., administrator of the Consumers Protection and Environmental Health Services division of HEW. "We have allowed too many people to become disabled and to die prematurely, because we have not paid attention to controlling the dust, fumes and vapors to which they are exposed."

On-the-job diseases are nothing new to the United States. Fifty nine years ago, President William Howard Taft sent a message to the 61st Congress, protesting the conditions under which match workers labored. Hundreds and hundreds of match makers, he told Congress, were coming down with phosphonecrosis (destruction of the jawbone) from inhaling the fumes of the white phosphorus they used to make matches.

But far more destructive occupational diseases are on the national scene today.

DUST THREATENS

The worst are the "dusty" diseases, so called because they come from a buildup of mineral dusts and fibers in the lungs and chest cavities of workers.

"The dust-caused diseases," says Dr. Philip Lee, assistant secretary for Health under the Johnson Administration, "are the greatest single group of occupational diseases in the U.S., both in terms of disability and compensation costs."

The Social Security Administration receives more than 35,000 claims a year for emphysema, one-fifth of them originating from people who claim they caught the lung disease from exposure to on-the-job dust. Social Security also gets as many as 8,000 claims a year for disability due to tuberculosis and pneumoconiosis of on-the-job origin.

By far the best known of all the dusty diseases is the pneumoconiosis or the "black lung" disease of the soft coal miner, whose lungs stand a one-out-of-four chance of being immobilized by coal dust before he retires from the mines.

The United Mine Workers estimates that 100,000 American coal miners have X-ray evidence of black lung disease.

"These men are respiratory cripples," says the UMW's Dr. Lorin Kerr. "They cannot work because they cannot breathe."

Most diseases caused by dusts and fumes don't get the attention black lung gets, but that doesn't make them less dangerous.

One out of five insulation workers in New York City, says Dr. Irving J. Selikoff of New York's Mt. Sinai Hospital, dies of lung cancer from inhaling tiny asbestos fibers on the job. A rare cancer of the chest cavity called mesothelioma also strikes asbestos workers, causing as many as 75 deaths in the asbestos trades in the past five years.

GAS FROM OVENS

A study of men working the coke ovens in the steel industry showed they suffered a lung cancer mortality rate 62 per cent higher than the average steel worker, who does not breathe the sulfide gases exhausted by the coke ovens.

More than 125 underground uranium miners have died of lung cancer in the past 10 years, and the U.S. Department of Labor concedes the death toll might run upwards of 1,000.

Not all of today's occupational diseases rest in the lung or are caused by dusts and fumes. A growing complaint is loss of hearing, due to excessive on-the-job noise. In the five years ending in 1966, Wisconsin alone settled 102 cases of on-the-job hearing loss.

One of the most nagging occupational health problems is the skin disease of the chemical industry, best illustrated by the worker who caught a chronic rash from contact with epoxy resins, was forced to quit work but kept irritating the rash by having to drive by the epoxy plant on the way to his new job each day.

"Our best estimates," former Surgeon General William Stewart said last year, "are that there are 800,000 people who suffer some form of occupationally caused dermatitis every year."

There is a growing feeling among health experts that the number of on-the-job diseases is increasing in both size and scope.

"Technology has created a whole new kind of work environment," is the way HEW's C. C. Johnson puts it—"with a whole new set of hazards and potential hazards."

COTTON HAZARD

Illustrating Johnson's concern was the recent trip of five doctors from Yale University School of Medicine to two North Carolina cotton mills.

The doctors found the mills clean and largely free of the airborne dust that marks most textile mills, but on examining 158 workers at the two mills, they found one out of five suffering from byssinosis, a lung ailment caused by cotton dust that leaves its victims chronically short of breath.

Digging further, the doctors discovered the disease was being caused by progress—high speed, modern machines that churn up very fine dust particles for the mill hands to inhale without even realizing it.

'Our results were obtained in mills with good hygienic conditions," the Yale team wrote in November's Archives of Environmental Health. "In the face of low dust levels . . . (it) thus seems that technological changes account for the byssinosis."

While it must take part of the blame, technology is the cause of less than half of the on-the-job disease today.

Part of it is due to carelessness, or worse. Eight years ago, Pennsylvania health authorities found bladder cancer among dye workers to be 30 times higher than normal. They traced it to a chemical called betanaphthylamine and banned its use in the state.

In quick order, a large chemical company stopped making it and the Manufacturing Chemists Association put out a bulletin describing its dangers. But today, Pennsylvania is the only state that bans betenaphthylamine, and a small plant in Georgia (employing 31 persons) is still making it.

The first cases of bladder cancer cropped up 12 years after betanaphthylamine came into use, which spotlights still another reason for the rise in occupational disease—that many of the serious ailments are only recognized to be diseases years after on-the-job contact is made.

A typically progressive ailment is berylliosis, a lung disease caused by the inhalation of dust or fumes from the space-age metal beryllium.

While some workers exposed to beryllium during World War II quickly came down with berylliosis, many are only now contracting it. A woman living near Boston had her ailment diagnosed as beryllium poisoning last year, though it was 23 years since she'd worked with it. Another woman was admitted to a rural Pennsylvania hospital with berylliosis three months ago, 27 years after she last handled the toxic metal.

Little is known about job-caused diseases, which explains still another part of the problem.

"Many occupational diseases baffle us," says Labor Secretary George P. Schultz. "While considerably more may be known about industrial safety, job-related illness represents a less explored frontier."

Take the question of on-the-job exposure to carbon monoxide, an issue industries have wrestled with four years.

A team of doctors studying workers in New York's Holland Tunnel 20 years ago concluded there were no special hazards in breathing the carbon monoxide fumes of automobiles, so long as the tunnel workers took time out to breathe cleaner air.

The study led other health experts to set a carbon monoxide safety standard. If a man worked near carbon monoxide fumes, the standard said, he'd be safe as long as the carbon monoxide concentration did not rise above 50 parts per million parts of air.

NEW INFORMATION

But in the past year, two new studies have been done on carbon monoxide.

The first was done by the National Academy of Sciences, which came to the tentative conclusion that carbon monoxide can damage a person's health at concentrations of 10 parts per million.

The second study revisited tunnel workers and came to some striking conclusions about their safety.

Even accepting 50 parts per million as a safety limit, researchers found workers in the Brooklyn Battery Tunnel and the Queens Midtown Tunnel breathing air with more than 100 parts of carbon monoxide per million in times of normal traffic—and more than 200 parts during rush hours.

In one month's time, the union representing the tunnel workers reported that five men "blacked out" from a lack of oxygen in their brains.

Still another part of the problem with on-the-job disease is money—or the unwillingness to spend it.

Silicosis is a chest disease caused by the inhalation of silica dust, to which an estimated four million American workers are exposed. The disease has been known for almost 50 years and was at its peak during the hard days of the thirties.

HIGH COST OF ILLNESS

But in the 10 years ending in 1962, industry compensated more than 34,000 workers for silicosis, at a cost to itself of almost $200 million.

When a follow-up study was done a few years ago, it was found that industry could have prevented almost all its silicosis cases by spending $19 million, one tenth of what it paid out compensating for the disease.

Whatever they do to prevent disease, industrial managers often complain that nothing helps, that workers are so inherently careless they undo everything done for them.

This matter was discussed somewhat by the British Medical Journal, in a November article about cancer among machine workers exposed to lubricating mineral oils.

The article told about a widow who was awarded $28,000 because her tool-setter husband had died from cancer of the scrotum, attributed to exposure to mineral oil. It went on to note that the man had worked "one of the bigger and cleaner factories" and that his case had given rise to a whole new awareness of how long-term exposure to mineral cutting oils can cause cancer.

"Despite these efforts," the article went on, "a visit to some engineering factories would probably still show men not wearing aprons, men wearing oil-soaked overalls and putting oily rags in their trouser pockets."

Should the workers be taxed for their carelessness? "It is an unwritten basic human right," the British Medical Journal reluctantly said, "that a man cannot be forced to keep himself clean."

The Journal urged that safer cutting oils be developed and that employers give workers mandatory medical exams every six months.

"At least a beginning could be made," the Journal said, "with those occupations in which there is an established risk."

[From the Washington Post, Dec. 30, 1969]

VIRTUAL INDIFFERENCE TO JOB SAFETY ACCOMPANIES RISE IN CASUALTIES

(By Thomas O'Toole and Morton Mintz)

World War II cost the nation 300,000 dead and 700,000 wounded. Since then, more Americans have been killed and permanently disabled where they work than in the five years of history's most devastating war.

In the last 25 years, more than 400,000 Americans were killed by industrial accidents and disease, which is more than were killed on the battlefields of both world wars. The same time span has seen almost 50 million Americans suffer disabling injuries on the job, which is 30 times as many as the number wounded in all the wars in American history.

Despite statistics like these, there seems to be almost an indifference to on-the-job safety in the United States. Politics provides the best example.

President Nixon said yesterday he would sign the Coal Mine Safety Act, but its benefits are confined to that industry. It has been more than 30 years since the nation passed a broader law to protect workers on the job. But the advance of knowledge and technology quickly made the 1936 Walsh-Healey Public Contract Act obsolete. Today, on-the-job safety has become one of modern society's most pressing problems.

"This situation is getting worse," former Secretary of Labor Willard Wirtz said not long ago. "Every minute we talk about it, 18 to 20 people will be hurt severely enough to have to leave their jobs, some of them never to work again."

When he was elected to the Senate in 1948, Hubert Humphrey asked for legislation to set up a Bureau of Accident Prevention in the Department of Labor.

No chief executive called the problem to public attention until President Johnson proposed the first Occupational Safety and

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Health Act in January of 1968. Telling Congress that "this loss of life and limb and sight must end," he called for quick passage of the milestone bill.

But like Humphrey's and Murray's before it, Mr. Johnson's bill died in the dusty hearing rooms of congressional labor committees.

NO CHANCE

"All the classic ways of beating a bill were used on this one," said Esther Peterson, the Johnson administration's Assistant Secretary of Labor. "It never had a chance."

President Nixon has also introduced an Occupational Safety and Health Act into Congress, where it is now being debated by the Labor subcommittees of the House and Senate.

The chances of its passage are said to be less than 50-50, though some Democrats in Congress think that tougher bills brought forth by subcommittee members stand a better chance than Mr. Nixon's bill.

"The atmosphere is different than it was two years ago," said one lobbyist for a safety bill. "People are more aware of what the problems are."

If they are, it marks a major shift in official thought processes.

For years, AFL-CIO economist George Taylor has said, occupational health and safety in the United States has been treated "like an illegitimate child at a family reunion." Senate Labor Committee Chairman Ralph Yarborough (D.-Tex.) has called on-the-job safety efforts "like a sneeze in a hurricane."

LITTLE KNOWN

One of the biggest complaints about job safety is that so little is known about it. But research spending to uncover the riddles has totaled less than $20 million in the last 10 years. In stark contrast, spending on heart research was $1.3 billion in the last decade and on cancer research $1.5 billion.

In 1969, the Department of Health, Education and Welfare spent between $6 million and $7 million for job safety and health activities. The Labor Department chipped in another $2 million, most of it to check safety procedures in connection with federal contracts.

The states, counties and cities spent as much as $50 million and industry (mostly insurance) spent $36 million, which adds up to $95 million for the year. While it might sound like enough, it amounts to $1.35 for each of the 80 million workers in the United States, or as one labor consultant put it, "about the price of a good cafeteria lunch."

"It's like treating measles," Commissioner Chris A. Hansen of the Environmental Health Administration told the American Public Health Association recently, "by painting every spot."

SPEAK DIFFERENTLY

The federal agencies responsible for job health and safety insist they give it the highest priority, but the facts speak differently.

Up to 1967, the occupational health activities of HEW was performed by its Division of Occupational Health, which had two levels of bureaucracy (The Bureau of State Services and the Public Health Service) between it and the Secretary of Health, Education and Welfare.

In January of 1967, Occupational Health was amalgamated (with the Divisions of Solid Wastes, Shellfish Control and Arctic Health) into the National Center for Urban and Industrial Health, moved into an ancient brick building in a rundown part of Cincinnati and moved back three levels of bureaucracy from the HEW Secretary.

Last year, Occupational Health was shuffled back out of Cincinnati to Washington and renamed the Bureau of Occupational Safety and Health. While it sounded like a good move, it was another step down. The "bureau" now has four levels of bureaucracy to climb to get to the HEW Secretary.

OTHER WAYS

There are other ways HEW shows its regard for job safety and health. Only last year, the Bureau of Occupational Health was forced to kill a joint experiment it wanted to undertake with the Bureau of Labor Statistics to collect new satistical data on occupational disease. The reason: it could not get the $100,000 it needed to fund the study.

The year before last, Congress authorized a $1 million boost in job health spending, but HEW decided to "tap" this money along with another $250,000 from the Bureau of Occupational Health to finance the unfunded National Center for Urban and Industrial Health. Last year, the same thing happened. Congress voted another boost in occupational health funds, only to have HEW "tap" it for more than $1.5 million to finance what it felt were more urgent activities.

"By whatever measures is used," said Bill B. Benton Jr., former program officer of the Bureau of Occupational Health, in testimony to Congress last October, "occupational health ranks at the bottom of the federal establishment."

The Labor Department bears its share of the shame for the indifference to job safety and health.

The only law on the federal books that deals with industrial safety is the 1936 Walsh-Healey Public Contract Act, which provides for the reporting of work injuries and inspection of establishments working with federal contracts. This is no small burden. An estimated 27 million workers are theoretically covered by this act.

But the Wage and Labor Standards Administration has only seven men to operate the inspection program. There is more than a three-year backlog of reports on work injuries in Wage and Labor Standards' office, and even more of a logjam on inspections to be done. The Bureau of Labor Statistics cut back its reporting on injuries to once a year from four times, because of lack of funds.

One of the worst examples of non-use of the Walsh-Healey Act involved the 5,700 men who mine uranium below ground in the United States. For 17 years, the federal government (which buys almost all the uranium mined in the United States) failed to set up Walsh-Healey safety standards to protect the uranium miners from on-the-job hazards.

1,000 MEN

"From all we can find out," former Secretary of Labor Wirtz told Congress two years ago, "there are 1,000 men walking around in this country who have cancer in their lungs they picked up from radiation in the mines."

Wirtz went on, "There isn't anything we can do about it now. It's too late. But we can stop a repetition of it."

With a few exceptions, the states have little to be proud of in the field of job safety and health.

In 1965, the last year of record, the states spent $23 million for industrial safety, about 30 cents per worker. Washington spent $1.67 per worker, Oregon $2.11 for each resident on a payroll. Oklahoma and Texas spent two cents for each of its workers.

The 50 states, Puerto Rico and the District of Columbia employ about 1,800 occupational safety inspectors. New York, California and Pennsylvania account for more than 700. Massachusetts, Mississippi, Nevada, New Hampshire, New Mexico and North Dakota have none.

While all 50 states have workmen's compensation laws, they cover less than 62 per cent of the nation's labor force. No fewer than 23 states have "elective provisions"—employers may accept or reject the compensation laws.

More than half the states exempt employers with fewer than 15 employees, which takes in almost 70 per cent of the manufacturers in the United States. Less than one-fourth of the state laws cover the nation's 3.3 million farm workers.

Eleven states do not provide full medical coverage for accidental injury, while more than 40 per cent of the states give limited or no medical coverage at all for occupational disease. Almost 60 per cent of the states pay benefits amounting to less than half an injured worker's earnings. In Louisiana, maximum benefits for permanent disability are $35 a week, with a ceiling of $14,000 regardless of the injury or the accident that caused it.

In their attempts to analyze why job safety and health lag so far behind the social norms of our times, health and labor experts attribute part of the blame to indifference and part of it to the "special interests."

At no time were both forces more evident than in 1968, when Congress conducted months of hearings on President Johnson's Occupational Safety and Health Act.

CURIOUSLY MISSING

The unions were curiously missing from many hearings, and those that testified often did so with little enthusiasm and even less expertise. The AFL–CIO's George Meany testified only once, and United Auto Workers' President Walter Reuther never spoke for the bill at all.

The attitude of the one million-member International Association of Machinists was typical of the biggest unions. When members voted to rank the "issues" of the '70s, they placed on-the-job safety ninth, behind pensions, cleaner air and water for recreation and law and order.

"It is extremely difficult to understand the reasoning of the (union) leaders," remarked Dr. Isidore Buff, a Charlestown, W. Va., physician campaigning for job safety, "except possibly that they are more interested in staying in power than in doing a good job for their members."

HARD AT WORK

The "special interests" that Senate Labor Committee Chairman Yarborough warned against were hard at work against the bill, too.

At one point in the hearings, somebody suggested drawing safety inspectors from the hard-core unemployed. At once, the U.S. Chamber of Commerce attacked the suggestion in a three-page article in its magazine, Nation's Business.

"Imagine yourself sitting in your office a few months from today," the article read. "A young man barges in. You reognize him as a man you once refused to hire. He had no education and no potential talent you could use. His main experience consisted of cashing welfare checks . . . and he threatens to padlock your gates and fine you $1,000 a day if you don't do as he says."

When he introduced news clippings on accidents into his testimony, Wirtz inadvertently backed them up with photographs that were 20 years older than the news clips.

The following conservation then took place between a member of the Senate Labor Committee antagonistic to the bill and a vice president of the National Association of Manufacturers.

"Are you saying that the photograph . . . is something out of yesteryear?" the senator asked. "Which you say could happen today, but happens with a lesser incidence?"

"OLD FILES"

"We do not know where these photographs come from," replied the NAM man. "But they have been selected obviously from very old files, giving the impression that it is intended to give as a reason for this required federal legislation."

It was exchanges like these that kept the 1968 bill in committee, where it finally lan-

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guished and died long before the end of the 90th Congress.

But even now, hearings are being held by the 91st Congress on Mr. Nixon's Occupational Safety and Health Act, and while job safety adherents are not optomistic about its chances neither are they pessimistic.

Social critic Ralph Nadar does not like the Nixon administration's safety bill, calling it weak and a "sham not worthy of consideration." The Nixon bill calls for safety standards to be set up by an outside board of experts, a provision that Nader feels would give industry control over health and safety standards.

Without fanfare, Sen. Harrison Williams (D-N.J.), chairman of the Select Labor Subcommittee, has already introduced his own bill on job safety. On the House side, Rep. Dominick V. Daniels (D-N.J.) is drawing up a bill and expects to submit it to the subcommittee he chairs in the early months of 1970.

Both bills are tougher than the Nixon bill, calling for more frequent and widespread reporting of injuries, authorizing no exemptions from standards, providing criminal penalties for willful violations and a board to set the standards inside the Department of Labor.

[From the New York Times, Jan. 2, 1970]

RECORDS SHOW THAT LAX GOVERNMENT REGULATIONS ALLOW OCCUPATIONAL HAZARDS TO GROW

(By Walter Rugaber)

WASHINGTON, January 1—Thousands of American industrial concerns violate the Federal Government's occupational safety and health requirements every year, but the available penalties are almost never invoked against corporate offenders.

While inspectors discover hazards in more than 90 per cent of the factories they enter, only about 1 percent of the companies responsible are ever called to formal account, and barely one in a thousand is ever punished.

Records at the Department of Labor show that during the six-year period from 1963 through 1968 the authorities filed safety and health complaints against only 154 companies and imposed sanctions against only 15 of them.

The Government's long-standing distaste for a stronger, more aggressive enforcement policy is an important issue even though safety and health requirements now cover only about 25 million workers in plants with Federal contracts.

The Government's preference for a coaxing "educational" approach is important because an attempt is underway to work out new legislation aimed at providing better protection for about twice as many men and women.

NEW PROCEDURES SOUGHT

New procedures proposed by the Nixon Administration, now before Congress, would in many ways resemble the existing system. A five-member board, instead of a single examiner, would hear the selected cases and set the penalties, if any.

The Nixon Administration's proposal would use many of the existing methods. But neither it nor other industrial safety measures now before Congress is regarded as having a strong chance for passage soon. Meanwhile, the present limited system remains.

The hazards of an industrial job, however the Government approaches them, are quite real. The chances of mangling a hand or breaking a leg on the job have grown steadily better since 1958 and are now the best since Korean War days.

The most recent available surveys by the Bureau of Labor Statistics show that the number of disabling injuries per million man-hours worked in the nation's manufacturing industries has climbed from 11.4 in 1958 to 14.0 in 1968.

More than 14,000 workers are killed each year, Federal surveys show, and there are more than two million disabling injuries. The loss from accidents is said to be 10 times the loss from strikes.

A 30-YEAR-OLD LAW

The everyday realities bound up in attempts to control this array of hazards by Federal regulations are shown in detail in Washington's experiences with a rather obscure 30-year-old law called the Walsh-Healey Public Contracts Act.

It was designed during the Depression to keep the Government from doing business with companies that sought to squeeze profits not only from unsafe plants but also from substandard wages, child labor and long hours.

Both President Nixon and former President Lyndon B. Johnson have found the safety and health provisions lacking, but leading industry spokesmen have turned their criticisms around and cited them in arguing against Washington's intervention.

For example, business forces have contended that safety standards can be most successfully administered on the state level, while Mr. Nixon has faulted this approach for spotty qualities that "appear to be increasing."

Also, industry has traditionally asserted that Americans are safer on the job than anywhere else, while the President has remarked that "the quality of the workplace" is still "a critical factor for Government attention."

SAFETY DRIVES NOTED

The manufacturers have pointed to a number of highly successful safety drives within their own factories, while a Federal official has pointed out that "the vast majority" of plants have no meaningful safety and health programs.

Industry's feeling about Federal regulation has colored practically every important phase of the Government's present safety and health efforts, but Washington has also frequently contributed to the gradual shaping of the program.

Business lobbyists have worked regularly to hold down appropriations for enforcement of the Walsh-Healey Act, and several sources in the Labor Department suggested that the pressures have been effective.

An official said the department now receives $530,000 a year to police some 75,000 Government contractors. This is enough to inspect between 2 per cent and 3 per cent of all the plants covered by the law.

When the department exercised its option to enforce the requirements in areas where is thought the state laws had gone soft, Congress reacted by refusing to increase the program's appropriation unless state authority was restored.

FUNDING SQUEEZE RELAXED

It took three years to persuade the lawmakers that many of the states had become sheep in wolves' clothing. The funding squeeze was relaxed after 1966, but the department still can deploy only 27 safety engineers and five hygienists.

Federal inspectors walk through plants and point out hazards on the spot. They also list the problems and send the company managements written bills of particulars. The companies bid for time to make the corrections.

They can almost always win a month, or two months, or three months. And in three out of four instances the Government never follows up to make sure the changes actually occur. Corporate assurances usually are enough.

Manufacturers that skip even a pretense of compliance can win more substantial delays. A really recalcitrant enterprise can be pushed into line eventually, but only after a persistent and determined campaign.

The only penalty provided by Congress is the blacklist: The Secretary of Labor can declare a company that violates the safety and health standards ineligible to deal with the Government for three years.

There seem to be many reasons for the Government's reluctance to use this power, but not all of them are entirely clear. Some sort of accommodation is generally worked out sooner or later.

FIFTEEN PENALIZED FROM SIXTY-THREE TO SIXTY-EIGHT

There is evidence that many of the more safety-minded concerns will eliminate the hazards quickly, and there is evidence that while large but indifferent contractors go to the brink of blacklisting they will not step over.

It is clear from the records that are available only that the most powerful concerns, for whatever reasons, do not go on the blacklist. None of the 15 penalized from 1963 through 1968 was well known.

Those punished included, for example, the Vaughn Lumber Company of Forsyth, Ga., Fort Wayne Truck Parts and Equipment, Inc., of Fort Wayne, Ind., and the Clark Limestone Company of Logan, Iowa.

Many observers have attributed the Labor Department's rare use of the sanction to the feeling that it is too inflexible to impose in some instances, too drastic in others and hence impractical in any.

"It sure would help if we had some less serious penalties," one official said recently. "I'm not saying that we ought to do away with the blacklist, but we ought to have a fine or a court injunction or something more."

One example of the way these difficulties typically work out on the assembly lines can be found in the Federal response to extensive hazards found in a West Virginia plant first in 1963, again in 1965, and still again in 1967.

The earlier visits had brought some "temporary" action, a Government spokesman said, but investigators returned later only to find "that there [had] been relapse and additional contraventions of minimum . . . standards."

The Government finally filed a formal complaint against the company and, when the first in a series of hearings was held four months later, the main unresolved issues included the absence of a lunch room and a change room.

After another month the company announced that it had "definite plans" for a lunch room and a change room. This raised the prospect of a settlement, and the hearing examiner named by the Labor Department jumped at it.

The examiner had made it clear from the outset that he regarded all the proceedings "more or less as an educational process" and that he would be "most reluctant to make a special case" of the company if it should ever agree to comply.

"Conditions at the . . . plant have been horrible at times," the examiner said in September. "A lot of education was necessary, [but] I think the Government's interest at this point should be that education [takes] hold."

The examiner then broke off the proceedings to allow time for compliance. The first postponement was to Feb. 1, 1968. The second was to May 1. The third was indefinite. Some officials in the Labor Department began to grumble.

On Nov. 18, 1968, all was in readiness. The final hearing was conducted. It was brief and sanguine. The company, the examiner said, had altered its thinking and was "now interested in the safety and welfare of [its employees]."

"I think we do have an enlightened employer here," the examiner announced, "and I believe that this case could be used as an example to other employers."

The company eventually complied.

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[From the Jersey Journal, Jan. 3, 1970]

CONGRESS SET TO ACT ON SAFETY LAWS

(By Miles Benson)

WASHINGTON.—After standing by for 30 years while the American work force suffered more fatalities on the job than American fighting forces suffered on the battlefield in three wars, Congress finally is getting ready to do something about it.

Inching through an ooze of apathy in both Senate and House are bills which would deal massively with the health and safety of industrial workers who are dying of work-related injuries and diseases at the rate of 14,000 a year, with another two million disabled annually.

The bills should reach the floor of both chambers early in the coming session.

Leading the way was the coal mine Safety Act signed this past week by President Nixon. This act, limited to one industry, sets federal safety standards for mines, and will compensate victims of "black lung" disease caused by a build-up of coaldust in the lungs.

The broader bills to follow would replace or bolster spotty state regulations governing industrial safety by establishing federal standards for all industries from farming to foundries, but contain no compensation provisions.

Among the worst man-killers, according to Sen. Harrison Williams, D-N.J., chairman of the Senate labor subcommittee studying the problem, are textile mills.

Just as coal-miners suffer from inhaling coal-dust, workers in textile mills develop a lethal affliction from breathing cotton-dust. "White lung" disease, Williams calls it. The dust is created during the "carding" process when des-sized bales of raw cotton are broken apart.

Williams, who several months ago led subcommittee members into a Pennsylvania coal mine to view conditions first hand, now is planning a cotton-mill tour, chemical plant tours, and steel-coking plant visits for a look at these high-risk environments.

Until recently, Williams often has been the only member of the subcommittee present at hearings on comprehensive occupational safety and health legislation.

But success of the coal mine act may have provided the precedent needed to change the climate of Congress. Previously it displayed no more ability to cope with industrial casualties than it has with highway carnage.

There seems to be agreement in Congress that some form of bill will be approved in the coming session. The hitch is over who will formulate federal safety standards for industry—government agencies or experts from the industries themselves.

A Nixon Administration bill, introduced in both houses, would create a new National Occupational Safety and Health Board (NOSHB) composed of nongovernment experts appointed by the president, to formulate national standards. The board, however, would be required to consult with industry officals, and in some cases adopt standards set by industries themselves, if they already exist.

Some critics have attacked this approach. They argue that industry can see no profit in worker-safety, and therefore standards set by them would be designed to minimize cash outlay, rather than maximum protection of personnel.

Enforcement under the Nixon Administration bill, would be left to NOSHB. Penalties could run up to $10,000 but only for "willful" violation of standards, falsification or misrepresentation. Small manufacturers and farms would be exempted.

At a recent Senate hearing, consumer crusader Ralph Nader condemned the Administration bill as "a giant loophole, a sham, and not worthy of consideration." Sen. Jacob K. Javits, R-N.Y., who introduced the Administration's bill indicated he wants it strengthened.

CHRONIC KIDNEY DISEASE

Mr. JACKSON. Mr. President, former U.S. Senator Harry Cain, now of Miami, Fla., recently sent to me an article written by Rev. Lester Kinsolving and published in the Miami News. It deals pointedly with the problems related to chronic kidney disease. It points up the moral dilemma of such activities as the Seattle Kidney Center's committees which determine the people who are to have access to the limited supply of dialyses machines.

My bill, S. 2482, the National Kidney Disease Act of 1969, attempts to deal directly with this problem and provides aid to those sufferers of kidney disease who face certain death despite the technical and medical availability to keep them alive. Only dollars and shortages of people and equipment stand between these people and life. I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

FUNERAL SERVICE INSTEAD OF MEMORIAL SERVICE

(By Rev. Lester Kinsolving)

A growing trend towards the elimination of caskets and funeral services in favor of memorial services was officially endorsed recently by the Convocation of Canterbury, representing half the Church of England.

The resolution endorsing memorial services also encourage clergy to ask their parishioners to donate organs for transplant.

Massachusetts' famed moral theologian, Rev. Joseph Fletcher, in an article in the book "Religious Situation 1969" entitled "Our Shameful Waste of Human Tissue" affirms:

"We are being prodigally wasteful in our funeral practices . . . in complete and selfish disregard of the health and even survival needs of the living."

Dr. Adrian Kantrowitz of Brooklyn's Maimonides Hospital contends that "it is not right to bury 17 other good organs when a man dies. They should be considered as a part of the nation's resources and used for the living."

Dr. Fletcher notes that:

In New York City each day there are 50 to 100 victims of kidney disease waiting for a new kidney—but in 1967 there were only 700 renal transfers, because donors were so hard to find.

In 1963, 4,000 livers were needed, but nearly all available were either buried or burned.

In 1964, some 7,400 cadavers were needed for optimum instruction in U.S. medical schools. But the schools were obliged to double up students because, other than 2,000 unclaimed bodies from morgues, only 600 bodies were bequested for medical research.

Dr. Fletcher also points to the moral dilemmas of a committee set up recently in Washington State to determine which people are to have access to a limited supply of dialyses machines in cases of acute kidney disease. Should the decision be based upon wealth, or education, or position, or the most dependents, or the degree of sickness, or the degree of hope for recovery, or first-come-first-served, or "women and children first," or the casting of lots?

"If we abhor such decisions," he writes, "why not shout for donors? A refusal or failure to be a donor in one way or another amounts to choosing death for somebody else."

Dr. Fletcher recognizes that there is resistance to such use of the bodies of the recently deceased, even by those who would not hesitate to donate their own blood or one of their kidneys "out of respect for the dead."

He notes that such an attitude is strenuously cultivated by many morticians, one of whom he quotes as saying: "With no body there is no funeral. If there are no funerals, there are no funeral directors."

There is an added problem of some conservative ecclesiastical reluctance, such as 350 of Israel's Orthodox Jewish leaders. In 1967, they demonstrated against the Knesset (Parliament) demanding repeal of a 1953 law allowing autopsies—and added to their Yom Kippur liturgy:

"Our Father, Our King; repeal the evil of autopsies."

Marion C. Collins, a retired surgeon, is director of Medic Alert Foundation, 1000 North Palm Drive, Turlock, California 95380. This non-profit foundation has contact with the leading medical centers and medical schools where organ transplants and bodies are needed.

The foundation issues to all potential donors a wristband noting such desire, as well as such information as name and next-of-kin, whose consent is required for such donations by law of some states.

The foundation's 24-member staff maintains a 24-hour answering service, in order to expedite such donations, upon the death of any of the more than 300,000 people who are presently wearing these wrist bands. (Sole cost of this service is $7.) At the death of any of these 300,000 people, no matter where it takes place, the foundation accepts collect calls from the local authorities, who may need to secure immediate consent of next-of-kin as well as information as to the nearest medical facilities where such donations are needed.

FAMILY PLANNING

Mr. TYDINGS. Mr. President, on December 9, 1969, the Senator from California (Mr. CRANSTON) presented an excellent statement on our growing population problem before the Subcommittee on Health of the Senate Committee on Labor and Public Welfare. It is one of the most knowledgeable and insightful discussions of the need for a national family planning policy it has been my privilege to hear since I entered the U.S. Senate.

Senator CRANSTON's remarks revealed an extraordinary grasp of the relationship of population to the deterioration of our environment. It is refreshing to have a U.S. Senator who really sees the population problem and is willing to speak out on it.

Mr. President, as those who are interested in the U.S. population problem will want to read Senator CRANSTON's statement, I ask unanimous consent that it be printed in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT OF SENATOR ALAN CRANSTON, DECEMBER 9, 1969

Mr. Chairman, I am very pleased to appear before you this morning to speak on behalf of S. 2108, of which I am a co-sponsor. The bill would improve and expand family planning services and population research activities of the federal government. As a member of the Health Subcommittee, I have a deep interest in the issue of population planning.

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It is possibly the most central concern for all of us today.

Senator Tydings has rendered a great service in introducing this important bill to provide the means needed to improve and coordinate the federal government's current activities and future planning in this area. His bill has provided this committee with an excellent focal point for a thorough examination of the entire population planning question.

S. 2108 would provide for two major improvements in our present federal family planning effort: better coordination among government programs; and expanded authority for grants for research, training, construction and provision of family planning services.

The pattern of population growth in the United States is an as yet little understood phenomenon. We have been accustomed to thinking of the "population explosion" as something which is happening only in the developing nations. Our own rate of population increase—the excess of births over deaths—has been decreasing. But there are increasing signs that the unique conditions we now face make our present growth rate undesirable and potentially highly dangerous.

There are three important areas of need in the United States today in the population field: (1) research into the nature and components of population growth, in order to provide the necessary information for defining and choosing among long-range policy alternatives by which we can ensure the attainment of national population goals; (2) improved availability of voluntary family planning services to all Americans, and especially to those now denied access to effective, safe family planning services because of financial need; and (3) a concerted effort to develop contraceptives which will be more effective and safer than those now available.

The need for the second and third efforts is generally recognized, although our response has been far from adequate. Of a total research budget of over $1 billion, the National Institutes of Health are spending only about $10 million a year for population-related research. As Robert McNamara put it: "Hundreds of millions of dollars for death control. Scarcely 1% of that amount for fertility control."

Awareness of the first area of need—for a national population policy for the United States—is far less widespread. I would like to discuss each of these three points in brief.

POPULATION TRENDS AND GOALS

We live in a world, and a nation, of finite resources. There are limits to the number of people who can be supported at any particular level of living. Today, the quality of life as we have known it is threatened by the sheer numbers and the degree of affluence of people who inhabit the United States. Our present population of 200 million will become 300 million by the end of this century if present trends continue.

We know the problems we have today in providing adequate education, housing, health services and meaningful job opportunities to all our people, even those who are not seen as poor or disadvantaged. Imagine the dimensions of the education, housing, health, and employment problems we will face in forty or fifty years if we continue to have children at our present rate.

As with every generation, we live in such a way as to determine the demographic and environmental world which our children and grandchildren will inherit. What is new about this generation is the enormous extent to which the decisions we take today will affect our total environment now and tomorrow.

Dr. Lincoln Day, associate professor of public health and sociology at Yale University, has said that because the attitudes and values of the young were shaped at a time when there were fewer Americans to share in the nation's resources, we are not sufficiently aware of the high ecological and social costs which we are exacting from our environment and which we will pass on to our children.

Population size, of course, is not the only factor determining the quality of life or the relationship between man and environment. But the interplay between demographic factors—the size of a population, its rate of growth or decline, etc.—and the surrounding social, economic and cultural conditions is still imperfectly understood. We need extensive research into the relationship of population trends to these other factors. We need to examine the effect on population growth of family size ideals, marriage rates, tax policies, rate of participation of women in the labor force, and overall job and housing opportunities.

This should enable us to determine what the optimum population is for the United States while there is still time to stabilize our population at something near that level. Some suspect that we have now reached, or even surpassed, our optimum population size. According to Dr. Day:

"There is no chance whatever of keeping our population at its present size. In fact, another surge of growth threatens just ahead as girls born during the 'baby boom' of 1945–50 begin coming of age, increasing the population of potential mothers by some 75 percent in the 30 years between 1960 and 1990."

Population growth cannot be turned off like water from a tap when the desired level has been reached. Dr. Day has pointed out that virtually all the world's mothers for approximately the next 20 years have already been born. Though our overall rate of growth is low (1.1 percent in 1967), the absolute numbers are very large. We are currently adding population at the rate of about 2.2 million per year.

Dr. J. George Harrar, president of the Rockefeller Foundation, said in testimony last September before a House Government Operations subcommittee:

"We should work toward a zero population increase to bring our numbers into a reasonable balance . . . . We are in danger of bequeathing chaos to those who come after us if we do not take action now."

What are the reasons for our population growth? According to a National Academy of Sciencies 1967 report, the major cause is "the preference for larger families among those who consciously choose the number of children they have, . . ."

Dr. Day has written:

"It may come as a surprise to learn that very large families play only a minor role in this country's family patterns, and that family size is clustered within such a narrow range as two to four children. . . . The present situation in this country thus illustrates a new and tremendously significant fact: no longer is the large family a requisite of population increase. The low mortality rates of today permit rapid, sustained population growth when family size is of only moderate dimensions."

This fact is of enormous significance, for according to many respected experts in this field it demonstrates the necessity of changing our concept of the ideal family size from three children to two.

There is general agreement that a redefinition of the role of women in American society—including far more higher education for women, longer professional careers, and postponement of the age of marriage—would be an important factor in arriving at a smaller family-size norm. It is hypothesized by some that we should seek to alter the usual age at which women marry and begin bearing children. It is further suggested that enlargement of the proportion of the populace which does not marry at all would be desirable.

There are those, too, who believe that only legalization of abortion, in cases where contraception fails, will ensure against overpopulation and ensure that family size can be limited when desired.

The availability of improved contraceptive methods alone cannot halt population growth. Professor Kingsley Davis, director of International Population and Urban Research at the University of California at Berkeley, has cited evidence that population stability in Japan has been achieved not only as a result of the widespread availability of contraceptive devices, but also because of changes in family motivations due to crowded living conditions. In some Eastern European countries important causes of population stability have been the fact that women have had to work and that housing and consumer goods are scarce.

Few changes in social norms can be brought about by coercion in a democratic society, and certainly no change in motivation should be brought about by coercion. I cannot, Mr. Chairman, overemphasize the vigilance that must be exercised in protecting basic human rights when discussing population control. We are, after all, concerned with the quality of human life in this field and the abridgement of the freedom of any individual or group would mock our goal. Voluntary action and voluntary acceptance must be the key words in all information and service programs.

A massive educational effort has to be mounted at all levels of society, so that Americans will understand the implications of each alternative now available to them. We must be sure, too, that the government's effort in this area is to educate, not to indoctrinate. I only hope that we will not have to face conditions of terrible overcrowding or scarce consumer goods—as other countries have done—before we realize the urgency of this challenge.

Dr. Jean Mayer, now special consultant to the President, has explained the relationship of population size to existing resources as follows:

"The rich are as much or more of a problem as the poor . . . (since) the rich in effect create very much more pollution, use up much more natural resources, much more social resources, than the poor . . . if we take the country as a whole, as a rich country, we may have in many ways a population problem which is as acute as the population problem of the poor countries, although for very different reasons."

The need for population control is certainly very great among the non-poor. Studies of family size expectations show little variation between different income and education levels in this country. The great majority of couples at all levels now want and expect to have at least three children. Our rapid population increase derives only slightly from what many have considered excessive childbearing among the poor.

IMPROVE DELIVERY OF FAMILY PLANNING SERVICES

Our present delivery system has failed, meanwhile, to provide necessary family planning services to at least five million women.

Mr. Chairman, other witnesses before this subcommittee have presented ample statistics to demonstrate the relationship between family size and poverty.

We must ensure that any family planning program we establish is equally available to the 5.3 million women in the United States who cannot now obtain these services.

Estimates of the economic benefits, direct and indirect, to society of extending family planning services range from 26 to 100 times the cost of preventing an unwanted birth.

These are not newly revealed facts, Mr. Chairman, and it is amazing that with this knowledge the federal government has been so timid in entering this field. What is even more amazing, and at this point, terribly frustrating is that Congress has tried to be-

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gin to meet this need only to have bad administration hamstring program operation.

There have been some successes, however. The Economic Opportunity Act was amended to include family planning as a national emphasis program, and to authorize grants to establish family planning projects. Although funding has never really been adequate, this program has been very successful. There are now 230 family planning projects in 42 states, the District of Columbia and Puerto Rico which will reach over 350,000 women this year. Seventeen of these projects are in California and the largest, recently begun in Los Angeles, is designed to reach 10,000 women.

Most family planning programs, however, are located under the aegis of the Department of Health, Education and Welfare and there the record is nothing less than shameful. Titles IV and V of the Social Security Amendments of 1967 established a congressional mandate for action in the birth control field. Title V required that at least six per cent of all maternal and infant care grants each year should be used for family planning projects. The 90th Congress then reinforced this mandate by raising that minimum to 10 percent for family planning in fiscal year 1969. Twelve million dollars was available for this purpose in that fiscal year. A large number of communities and institutions began applying for the grants even before the law became effective in July 1968. Eight different applications came from California ranging from Sacramento to San Diego. Not one project was funded until so late in that fiscal year that only now are they beginning to serve women in need.

Until very recently, the Department was so totally lacking in personnel trained for this rather specialized field, its policies have been so confusing, its granting process so slow, its family planning responsibilities dropped into such unreceptive laps, that the program was stalled for over a year.

Family planning programs under Title V were, until recently, administered by the Children's Bureau of the Social and Rehabilitation Service.

This Bureau has been drastically understaffed and did not have one full-time family planning staff member either in Washington or in any regional office. Last month a new National Center for Family Planning Services was established in the Health Services and Mental Health Administration and given responsibility for the Title V program. The reorganization will provide for some full-time staff in Washington and the regions.

Two years ago an office of Deputy Assistant Secretary for Population and Family Planning was established in HEW to formulate family planning policy, communicate that policy to the public to the Congress and to prrofessional groups, and to serve as a center within the Department for planning, coordination and evaluation of programs. The office is very close to useless. It has three staff members, almost no funds and no meaningful relationship to the administration of family planning programs. The office has been allowed to remain vacant since last May.

The Medical Services Administration and the Assistance Payments Administration also have some responsibilities in the family planning field, but have not been allotted full-time staff in Washington or the regions to carry out their responsibilities. Recent social security amendments require that welfare departments offer family planning services to recipients of aid to dependent children. Medicaid programs are also a source of funds for family planning services. However, neither of these sources have or can meet more than a small proportion of the need.

If these programs are important, and I believe they are vitally so, it is obvious that their administration must be improved. The establishment of the National Center for Family Planning Services is not sufficient in itself. Its director has no clearly defined responsibility for coordinating or evaluating other family planning services in HEW. The Center is still cut off from population research activities, and most important, no new money for research or services has been provided.

S. 2108 would remedy these weaknesses. It would provide more funds for both research and services. Funds ranging from $89 million to $306 million a year would be authorized for the fiscal years 1971-75. It would combine the research and services functions in a proposed National Center for Population and Family Planning, thereby speeding up the process by which new developments move into the services field.

The Center would be authorized to carry out, at a minimum, the following functions: public information, program planning and development, manpower development and training, supervision of field services, reproductive physiology research, contraceptive development, operational and evaluation research, behavioral research and grants management.

In addition, the Secretary of HEW would, through the Center, be provided with the authority to coordinate, administer and evaluate all family planning activities for the Department and would provide liaison with the activities of other federal agencies such as the Office of Economic Opportunity. The Secretary would be required to make a yearly progress report to the Congress on how all federal programs contributed to national population and family planning goals and the steps to be taken during the coming year.

POPULATION RESEARCH

There is no completely safe and effective means of contraception available to any woman, rich or poor. Eight million American women are presently taking contraceptive pills, and yet we know that these pills are not yet absolutely safe—although they may be less dangerous to the woman who takes them than childbirth itself. We must have an expanded program of research to discover improved methods of contraception which are safe, effective and simple to use.

A Center for Population Research was established almost two years ago as part of the National Institute of Child Health and Human Development. These activities should, however, be more closely related to the service programs, and a separate authorization should be made for population research activities. Both of these needs would be met by S. 2108.

In regard to the technical area of contraceptive research, I wish to emphasize the absolute necessity of progress in this area in order to develop the improved contraceptive methods which will contribute to accomplishing a significant turndown in the birth rate.

Mr. Chairman, if we are to begin to meet the challenge of continued population growth at home and abroad, we must as a first and indispensable step drastically increase our knowledge of population trends, needs and implications. We must have increased research into improved methods of family planning. We must have a more effective system for delivering these services to all segments of our society. We must also ensure that the knowledge gained from increased research is fully and widely disseminated. An educated public opinion is the crucial factor in deciding upon and maintaining our ultimate course of action.

Population increases occur without any definite warnings of alarm to call us to attention and to action. It is clear that we are sitting on a time bomb, with a slow but devastating fuse.

I strongly hope that we will see the early passage of S. 2108, for the time left to us to make a viable and realistic choice is steadily diminishing.

We need a strong national commitment to expanded population research, to improved services, and to the task of reaching national population goals.

I believe that S. 2108 is a significant first step toward achieving that commitment and toward defining and achieving that goal.

NIGERIA

Mr. BROOKE. Mr. President, today I wish to comment on a matter which is close to the consciousness of us all—the situation in west Africa in the aftermath of Nigeria's tragic civil war.

The fighting has been over for a week. The surrender documents have been signed. The question now uppermost in every mind is how to speed relief to those who need it.

The prevention of reprisals and the control of the troops is the first essential condition for an effective relief effort. Without order, there simply can be no relief. The Federal Military Government of Nigeria has gone far toward maintaining order and discipline in the field, thereby providing the essential framework within which supplies can be distributed, and within which they can be accepted.

The FMG has also promised amnesty to all of the rebels. This promise appears to be well on the way to fulfillment. It has been accepted as made in good faith by the head of the Biafran Association of the Americas and by His Holiness, the Pope. The former Biafran commander, Lt. Col. Philip Effiong, has already returned to the region, and even now he and his fellow officers are moving into the bush with Nigerian patrols, bringing the word of reconciliation to those who are still in hiding.

The Nigerian Government has rejected the assistance of those nations and organizations which previously aided Biafra. The people of Nigeria believe, with some justification, that this support was instrumental in prolonging the bitter war, and that the food and weapons brought in from these varied sources—whatever the motives of the donors—in fact contributed to the death of countless thousands of people. Included in the ban are the Governments of France, Portugal, Rhodesia, and South Africa, and the organization known as Joint Church Aid, which has already disbanded itself and is in the process of turning its supplies over to the Red Cross.

However, the fact that these organizations can no longer operate in the area does not, as some have suggested, mean that no food is getting in.

The Nigerian Red Cross has been preparing for months to assume the task of operating a major relief effort. In Lagos, it has been ably assisted by an international advisory council composed of representatives of the ICRC, religious groups, and a number of friendly governments, including representatives of the United States. At the time that the war ended, the Nigerians had 17,000 tons of food ready to be distributed. This food was not, as has also been suggested, lying on the docks in Lagos. It had already

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been stored at key distribution points close to the borders of Biafra, ready to be transported in as soon as the fighting ceased. 13,000 more tons of food were located in neighboring countries, ready to be fed into the pipeline. And forming the bulk of these stockpiles are the staple foods of the people—rice, beans, manioc, cassava, and dried milk. In addition, as conditions settle and normal means of communication are reopened, local foods will also become available for distribution.

Obviously, the Nigerian Red Cross has not been able to reach all of the people who are in need. But it is doing a commendable job. The teams which have moved in are, wisely, not solely Nigerian. Red Cross representatives and doctors from other countries are working side by side with Nigerian officials, and the head of the Biafran Red Cross has resumed his former position as deputy director of the Nigerian operation. Wherever possible these teams are using the familiar distribution points which were manned, until a few days ago, by the dedicated missionaries and relief workers who formed the vanguard of Joint Church Aid and Caritas. In cases where these workers stayed on the job, many of them are now helping the Nigerians to get food to the people.

Reports from the town of Aba, recaptured in the fighting only a few days ago, may be indicative of the way the situation is developing. There, a small west African village which was deserted during the fighting is already a thriving market town with over 100,000 inhabitants. These people and those who will join them in the days ahead are at a central and easily reached location; they are relatively easy to feed. Likewise, the photo on the front page of a Washington newspaper over the weekend showed three young boys preparing a meal in the streets of Owerri, the last major town to be retaken. They, too, will be relatively easy to reach and to feed.

There is still danger, though it is receding, of unanticipated outbreaks of violence which will set back the relief effort. There is danger of epidemic. And there are people hiding in the dense forest whom the best of relief efforts and the most conscientious of military patrols may yet be unable to reach. But word spreads fast in west Africa, and the need for special efforts to reach the more remote areas will decline substantially as order is maintained and food is provided in increasing quantities to all distribution points.

Nigeria's efforts to date have indeed been commendable. The Red Cross and the Ministry for Economic Development are, from all accounts, moving supplies in swiftly. Where facilities have been lacking, such as trucks and certain medical supplies, the Nigerians have not hesitated to ask the Governments of Britain and the United States to pick up the slack, and the necessary equipment has been forthcoming without delay.

It has been suggested in some quarters that the United States has not done enough. We have given $80 million to the relief effort over the last 2 years. We have provided planes, paid for sea transport of supplies, and made available medicines and doctors. More is certainly available when it is needed. But there are still those who believe that the Western governments should launch a massive airlift of supplies to eastern Nigeria.

Viewed in the context both of the planning and the operation of the relief effort to date, such suggestions are both unnecessary and unfortunately misguided. Suggestions of direct intervention are unnecessary because the Nigerians are making every effort to meet the needs of these people themselves, and because they are wise enough to ask for the equipment and supplies which they lack. And suggestions of direct intervention are misguided because such efforts could imperil the process of reconciliation.

Mr. President, I believe that the best service we can perform is to support rather than to attempt circumvention of the present efforts of the Nigerian Government. Despite all attempts at mediation, the war was finally brought to an end by the parties to the struggle, in direct contact. The same must now be true of the reconstruction.

With the conclusion of the war, the Ibo people will now find their security and their future within the Federal Government of Nigeria. And that security must be based on trust.

The many peoples of Nigeria must learn, once again, to work together. The process will be vastly facilitated if, indeed, it is Nigerians who provide aid to Nigerians, rather than Europeans or Amercans who provide aid to Ibos. Western observers certainly have a role to play. European and American participants are even now working side by side with Nigerians, and their presence in the war-torn areas is a great help in restoring confidence among the Ibos.

But Americans and Europeans cannot come between the former combatants. For if they do, the people of what was Biafra will look to outsiders for sustenance and security. They will not see the efforts of the Nigerian Government to help them. And, old differences far from being mitigated, will unfortunately be perpetuated, with possible dire consequences for the future.

This is what I refer to when I speak of the choice which confronts us. The easy, the politic, in some ways the most personally satisfying course of action would be to provide direct relief, with or without the consent of the Nigerian Government. But in terms of the long-range welfare of the people, in terms of the stability of the country, in terms even of saving the largest number of lives both now and in the future, this would be the worst choice we could possibly make. The harder choice, but the wiser one, is to support the government of Nigeria in its best efforts to reunite the country and to restore the badly shattered confidence of a large segment of its people.

General Gowon and those who work with him have conducted affairs in a manner which merits our confidence and support. They are the leaders of a sovereign state which in difficult times is seriously trying to provide for the welfare of its people. In this effort they have the support of the leaders of the former rebellious territory. We can best serve the interests of all concerned if we recognize Nigeria's sovereignty in this matter, if we assist the Government's efforts in the way which they deem most helpful, and if we refrain from any overt acts or suggestions which might serve to impede this constructive process.

I highly commend these efforts, and pray that the day may soon be at hand when there will be truly one Nigeria, with equal rights and full opportunity for its people.

FAIRNESS IN FRANCHISING

Mr. HART. Mr. President, the combination of the desire of a man to own an independent business and the "good business sense" of hundreds of corporations today is producing a restructuring of the system of distribution of products and services.

Franchising is growing so fast that last week's figures are unreliable today.

But we do know that the number of such businesses now is approximately 670,000. And the forecast is that by 1975, 70 percent of all retail sales will be through franchising.

So far, this growth has occurred without a rule book adopted to assure fair play for all participants.

Hearings before the Subcommittee on Antitrust and Monopoly demonstrated for me that such ground rules were necessary. Therefore, I have introduced the Fairness in Franchising Act—S. 1967—upon which I hope the subcommittee will vote in the next few weeks.

In a letter in support of that bill, Robert M. Dias, president of the National Association of Franchised Businessmen, spells out the problems facing the franchise in business "for himself."

Because he sums up the problems so well, I ask unanimous consent that Mr. Dias' letter be printed in the Record.

There being no objection, the letter was ordered to be printed in the Record, as follows:

National Association of
Franchised Businessmen,
Washington, D.C., November 25, 1969.

Hon. Philip A. Hart,
U.S. Senate,
Washington, D.C.

Dear Senator Hart: Our newly formed organization, the National Association of Franchised Businessmen, was formed to fill some serious voids in today's business environment. Namely, the lack of franchise representation and the absence of a source of unbiased public information on a major industry which is rapidly growing everyday. This growth has been due, in a large degree, to man's desire to work for "himself" and to improve his financial status.

Unlike other industries, the growth of franchising is extremely visable to the average man. For all, on a daily basis, in one way or another use one of the wide variety of goods and services offered by companies that use the franchise method of distribution. As a result, more and more individuals are investing in franchising every year, with the result that today there are over 670,000 franchised businesses, with annual sales of $100 billion.

However, the astoundingly rapid growth, together with a lack of definite legal standards to govern the anti-competitive and unfair practices of franchisors, and the grossly unequal status and bargaining power of the

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franchisee has caused serious problems for the franchised businessmen. Among them are:

Fear of loss of investment through cancellation or termination for minor contract infringements.

Limited or no rights to transfer franchises.

Exhorbitant fees and royalty payments that are vastly out of proportion to sales volume.

Directed company purchases of merchandise, supplies, and equipment that could be obtained elsewhere for less.

Restrictions on selling price and product offerings—regardless of local competitive situations.

Constant pressure and control by the company to impose mandatory working hours, and high sales quotas.

These are only some of the problems, and unhappily they are not isolated instances. At the root of all these situations is the franchise agreement itself, which may be totally one-sided and unfair and specifically the termination provisions which encourage intimidation and coercion of franchises to accomplish anti-competitive and unfair ends.

When an individual signs a franchise agreement he regards himself as an independent businessman. Yet all too often he has absolutely no indication of the unfair practices persisting in certain aspects of franchising. At best, most franchised businessmen today, because of the provisions contained in their contracts, can only consider themselves quasi-independent.

This imbalance of contractual power is also being used by franchisers that are not only destroying the "American Dream" of "owning your own business," but they are "squeezing out" established franchises by ruthless exercise of their termination, and other one-sided contractual provisions. This latter practice threatens the very existence of the franchise method of distribution and seriously reduces competition in the "market place" and ultimately affects the consumer where it hurts most, "in the pocketbook."

The National Association of Franchised Businessmen strongly support your effort and the effort of your colleagues to curb the unethical practices and inequities which exist in franchising today. You can also be sure that every franchised businessman and every potential investor who has knowledge of the facts appreciate the work of your committee in proposing legislation which has been needed for so long.

Sincerely yours,

ROBERT M. DIAS,
President.

FIGHTING CRIME IN THE CITIES

Mr. HARTKE. Mr President, I read with interest Attorney General Mitchell's recent announcement that $236 million would soon be distributed to the States under title I of the Omnibus Crime Control Act to help fight crime. If properly used, I am confident these funds would be most helpful in the war against crime. At present, however, I have little confidence that these funds will be well spent.

Title I declares it to be the policy of Congress to "assist State and local governments in strengthening and improving law enforcement at every level by national assistance." Such assistance was to be in the form of planning and action grants to be distributed to the States by LEAA. Congress assumed when it passed title I that these planning and action grants would be used in those areas of a State that have the highest incidence of crime: that is, its urban areas. Yet the implementation of title I during its first year of existence has demonstrated that an appropriate percentage of the Federal funds received by the States is oftentimes not being expended in the cities. Rather, these crime fighting funds are frequently being wasted on projects which in no way meet the crime problems or our cities. For example, a disproportionate amount of the money distributed by LEAA last year was used by rural police forces to purchase two-way radio equipment. While appreciative of the desire of these nonurban law enforcement offices to have the most up-to-date equipment available, I do not think their needs should take precedence over the much more obvious and pressing requirements of our crime-plagued cities.

If it is admitted, as I think it surely must be, that crime is essentially, and most seriously, a problem of our cities, then there should be some better guarantee that these crime fighting funds will go where the problem is. To that end, I recently introduced legislation—S. 3171—which seeks to achieve that goal. Presently, Title I gives absolute control over the distribution of these block grant funds to the States themselves. My legislation would alter this approach by requiring the Justice Department to reduce the amount of money available to States which do not adequately deal with the special problems and particular needs of their major urban areas and other areas with high crime rates.

It also calls for the expenditure of $3 billion in the next 3 years to meet the crime problem. I firmly believe that if the war against crime is to be fought successfully, Congress cannot afford to authorize less. Clearly, the size of our commitment is, in large measure, determined by the amount of funds which we set aside for the objective.

I view this legislation as a responsible attempt to make State governments more responsive to the obvious needs of their cities. I am pleased that 11 Senators saw fit to join me as cosponsors of the bill. I am equally pleased that the National League of Cities organization, which has had a long interest in the implementation of title I, has felt strongly enough to pledge its support to S. 3171. I ask unanimous consent that a letter from Mr. Patrick Healy, the executive director of the National League of Cities, expressing his organization's agreement with the objectives of S. 3171, be printed in the RECORD immediately following my remarks.

If the war against crime is to be won, we must have every assurance that the limited funds available will be well spent. Currently, no such assurance exists.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

NATIONAL LEAGUE OF CITIES,
Washington, D.C., December 9, 1969.

Hon. VANCE HARTKE,
Old Senate Office Building,
Washington, D.C.

DEAR SENATOR HARTKE: The National League of Cities strongly supports S. 3171 which you have introduced to amend the Omnibus Crime Control and Safe Streets Act of 1968. We believe that this bill, if enacted, would substantially reduce the problems in the program which have caused concern for many of the nation's mayors and which were highlighted in your excellent statement introducing the bill.

Under the program as presently constituted, many cities with major crime problems are not receiving their fair share of the crime funds or having their particular crime control problems recognized properly in state crime plans. Your bill would substantially improve the position of cities with high crime problems to receive adequate funding under this program. At the same time it gives states an inducement to deal responsibly with the crime problems of their major urban areas by allowing those states which adequately recognize urban crime problems and commit resources to aiding the crime cotnrol effort an even greater share of funds than they are presently entitled to. In doing so, S. 3171 encourages important new concepts in federal-state-local relations, allowing a greater state role in local programs for states which demonstrate a commitment and concern for solving local problems while assuring that local governments in those states which do not make a sincere commitment to solving urban problems will still receive their fair share of federal funds.

We also strongly support the $1 billion level of authorizations which you have proposed. Such substantial federal support will stimulate meaningful state and local programs making necessary changes and improvements in a criminal justice system to assure more effective crime control efforts.

We hope that efforts to secure enactment of S. 3171 will be successful and pledge you the full support of the National League of Cities to this end.

Sincerely,

PATRICK HEALY,
Executive Director.

A PEACEFUL MISSION FOR FORT DETRICK

Mr. MATHIAS. Mr. President, President Nixon's historic announcement of November 25, when he renounced the development and first use of weapons of chemical and biological warfare, has given us a great opportunity to redirect the resources employed in CBW research to the service of mankind.

The Nation's leading facility for research in defensive biological warfare is Fort Detrick, in Frederick, Md. Fort Detrick has a large corps of highly trained, highly skilled civilian scientists and a research plant unparalleled in the entire country. The talent and facilities gathered at Detrick have already made significant contributions in fields such as biology, agriculture, and public health as byproducts of defense work. It is now imperative that the full energies of this vital installation be focused on our most pressing environmental and health problems.

Accordingly, I have initiated discussions with Dr. Lee A. DuBridge, Science Advisor to the President, and with Detrick officials, DOD personnel, and officers in the National Institutes of Health. They have begun to explore a number of possibilities for new missions for Fort Detrick. But the reductions-in-force recently announced by DOD have underlined the need to move rapidly in order to hold together the unique research team now at Detrick, and to realize the full potential of this installation for peacetime research.

The conversion of Fort Detrick to unclassified research would be fully consistent with the President's statement of

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November 25. It would be an effective step toward a full national return on the great investment we have made in this important installation. It could lead to historic breakthroughs in health research.

I intend to pursue this matter, in cooperation with Representative J. Glenn Beall. I ask unanimous consent to have printed in the Record the text of my letter of January 9 to Dr. DuBridge, and editorials on the subject published by the Frederick Post and the Washington Post.

There being no objection, the letter and editorials were ordered to be printed in the Record, as follows:

January 9, 1970.

Dr. Lee A. DuBridge,
Science Advisor to the President,
The White House
Washington, D.C.

Dear Dr. DuBridge: Although the reduction-in-force at Fort Detrick, Maryland, announced today is primarily budgetary in character and also reflects a change in its historical mission, I am confident that you are reviewing carefully the need to find at Detrick, with its unique facilities, a new goal shaped to peacetime realities.

If ever the biblical entreaty that man beat his swords into plowshares had a latter-day meaning, it is in the historic decision of the President on November 25 that the United States would renounce the use of lethal biological and chemical warfare. But the instruments devoted to such warfare are also particularly fitted to contribute to the solution of the nation's primary environmental and public health problems.

To this end, I have been in touch with the National Institutes of Health. With the Public Health Service, NIH has had a continuing scientific relationship with Detrick, its laboratory facilities and its contaminated material disposal facilities over a period of years.

Fort Detrick has a research plant unparalleled anywhere, with an acquisition cost of nearly one-quarter billion dollars and a replacement cost far higher. With such an investment, it is simply essential that the facilities and the scientific personnel which have been using those facilities are given a national mission commensurate with their potential. We must not render this installation useless because the teams of scientists and technicians have scattered to the four winds. I do not have to tell you how difficult it is to regroup a team of scientific experts once circumstances have appeared to dictate to them the need to move on.

It is wholly consistent with the President's policy statement that we move promptly and urgently to find a permanent new theme—a permanent new role and mission—for Fort Detrick.

To be sure, Detrick officials, the Department of Defense, the National Institutes of Health, and the Surgeon General have begun preliminary explorations to find this new theme. But I believe that prompt and effective coordination must be achieved at an early date if we are to hold together the unique team that presently serves the nation at Detrick.

I need not tell you of the relationships between peace-time research in biological and chemical fields and the defense-related work of this type of facility. Fort Detrick's research has already resulted in many advances, as byproducts of its defense work, in the peace-time fields of agriculture, biology, and public health, among others.

Further, there can be a new purpose served, conceivably, in pursuit of a breakthrough in cancer research. There is a direct relationship between the excellent environmental quality control available at Detrick and the requirements of this type of cancer research. I understand, for example, that the laboratory space at Detrick itself presents an unparalled advantage. The Government has already invested $90 per cubic foot in these facilities, as against the $60 per cubic foot of space found in the finest college laboratories in the nation.

These are only a few suggestions on the road to finding a new purpose there. I look forward to discussing them with you personally. If joint use of Detrick's facilities by civilian scientific agencies proves feasible and desirable, we will indeed be able to add another advance to mankind's quest for peace.

With best wishes.

Sincerely,

Charles McC. Mathias, Jr.,
U.S. Senator.

[From the Frederick (Md.) Post, Jan. 10, 1970]

Detrick Cutback

While rumors had been circulating for many weeks regarding the impending cut of personnel at Fort Detrick, the announcement of a cutback of 219 positions comes as a shock to the community.

And if one wants to believe the rumor mill, there will be even more in the works.

The cutback was due, according to the announcement, to economy reasons. What makes Fredericktonians and Fort Detrick personnel wonder is how will the post be affected by President Nixon's announcement of late 1969 that this country will no longer be involved in production and stockpiling of biological weapons which could be used offensively.

While the cutback is about 10 per cent of the civilian personnel at Detrick, an earlier cut announced in November and early retirements taken in October have heightened the impact of the announced economy move.

Efforts of both Sen. Mac Mathias and Congressman Glenn Beall at arranging a White House conference to discuss the status of Detrick are to be applauded. The physical facilities as well as the trained, highly skilled teams of scientists and scientific investigators represent too great an investment to be dumped without thorough study.

An announced plan to study the possibility of transfering fuctions of Detrick from the Defense Department to another Federal Department where the research machinery and personnel can be used is also a proper one, which will be greeted with much interest by Detrick and Frederick residents.

Fort Detrick for almost 27 years has been an integral part of Frederick. From the earliest years of Detrick, the integration of personnel into the framework and fibre of Frederick and its social institutions has been the hallmark of the interassociation between the two communities.

We firmly hope that a resolution of the Detrick "problem" will be made and will be beneficial, not only for Detrick and Frederick, but for the nation as a whole.

[From the Washington Post, Jan. 19, 1970]

Swords Into Plowshares

> . . . and they shall beat their swords into plowshares, and their spears into pruning hooks: nation shall not lift up sword against nation, neither shall they learn war anymore.
>
> —Isaiah 2:4

It is an unfolding paradox that the secrecy-enshrouded biological warfare laboratories at Fort Detrick, Md., could be used for important research in problems of the environment and public health. President Nixon's decision to take the country out of the biological warfare business has left the future of the installation's fantastic laboratories and superb research staff in doubt. Persons familiar with Fort Detrick insist that civilian research agencies will be clamoring for pieces of the $250 million facility near Frederick, Md., once they learn more about its capability. Already, the National Institutes of Health has indicated interest in Detrick for possible cancer virus research. It has robot-like devices which would permit such research to be conducted without exposing the researchers to the hazard of cancer virus infection. Similarly, the Surgeon General is said to be interested in the facilities for the safe disposal of contaminated research materials.

Senator Mathias has asked the President's science adviser, Dr. Lee A. DuBridge, to consider developing a new national civilian mission for the laboratories before its "teams of scientists and technicians have scattered to the four winds." Clearly, without such a mission, they will soon leave for more challenging assignments. There is also the question of continuing defensive biological research in immunization and safety in accordance with the President's decision. But surely ways can be found to marry these two objectives. To do so would be to carry out the spirit of the President's historic decision to end biological warfare.

THE UNITED STATES AND THE MIDDLE EAST

Mr. TYDINGS. Mr. President, I have watched recent developments in the U.S. Middle East policy with growing concern and on January 18 had an opportunity to address the Beth Jacob Congregation of Baltimore on this subject.

I ask unanimous consent that my remarks to the Beth Jacob Congregation and a letter which I wrote to the President, urging him to reaffirm U.S. support for direct negotiations between Israel and the Arab governments to determine all substantive elements to a peace settlement, be printed in the Record.

There being no objection, the items were ordered to be printed in the Record, as follows:

Remarks by Senator Tydings

As you are well aware, the press has reported some serious developments in recent months regarding America's Middle East policy. This morning I would like to share with you some thoughts on these developments and their possible implications for the achievement of a meaningful peace settlement between Israel and the Arab States.

Following the 6-day war of June, 1967, the official U.S. position on a Mideast peace settlement was based on the principle that a lasting settlement could only be achieved through direct negotiations between Israel and the Arab governments on all matters of substance. As President Johnson stated on June 19, 1967, "The parties to the conflict must be the parties to the peace. . . . It is hard to see how it is possible for nations to live together in peace if they cannot learn to reason together."

President Nixon reaffirmed American support for the principle of direct negotiation as the only avenue to a durable peace as recently as last September.

Then, as you know, last month the newspapers reported two U.S. proposals to the Soviet Union suggesting possible terms for an Israeli-Egyptian and an Israeli-Jordanian settlement. Secretary of State Rogers confirmed the existence of these proposals.

Immediately, several of us in the Senate asked the State Department for an explanation of the significance of the U.S. settlement proposals. For these proposals appeared to indicate a dangerous departure from the official U.S. position: A step in the direction of substituting a settlement imposed by the Big Four Powers for one reached through direct negotiations between Israel and the Arabs.

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The State Department emphatically denied that its proposals signified any shift in U.S. policy. I hope this is the case. But their denials to date have been less than convincing.

The State Department claims that its proposals merely represent a framework within which Arab-Israeli negotiations can take place. However, a framework on which all parties have agreed already exists: The United Nations Resolution of November 22, 1967.

Our proposals to the Soviets appear to be an attempt to go beyond that framework; an attempt to define the substantive terms of an eventual settlement such as permanent boundaries, the status of Jerusalem, and the resettlement of refugees.

The State Department further claims that the U.S. proposals are merely "suggested" settlement terms and cannot reasonably be viewed as "imposed." But this, too, is unconvincing.

In a recent briefing for my office, State Department Officials conceded that it would be very difficult for Israel to reject the terms of a settlement agreed to in advance by both the U.S. and the Soviet Union.

Therefore—and I hope I am wrong—I fear a dangerous retrogression in U.S. mideast policy is occurring. I say retrogression because it appears the administration is sliding back to the distastrous middle east policy of John Foster Dulles.

As you recall, after the 1956 Suez campaign the U.S. and the Soviet Union imposed settlement terms on Israel and Egypt instead of requiring direct negotiations. The result was an unstable peace which Egypt had no intention or interest in maintaining; A false peace that was shattered by renewed hostilities a decade later.

The present State Department actions appear to ignore this and similar lessons of history. They presume a real interest on the part of the Soviet Union in a Middle East settlement now.

But the facts are that the Soviet Union continues to be the main source of support for Arab acts of aggression against Israel and Arab hostility towards the United States. There is no evidence that the Soviet Union's present leaders wish to abandon tension in the Middle East as a principle part of her own national interest.

The lessons of 1956 ought to be clear. Much as we might desire it, there is no short-cut to a durable peace in the Middle East. Our own national interests dictate that we stand firm behind the principle of direct negotiation. Negotiations between Israel and the Arab Governments in which all major substantive questions are decided.

For there can be no lasting peace in the area until all of the parties to the conflict truly want peace. And as the Israelis have properly pointed out, willingness to negotiate directly is certainly a reasonable test of a sincere commitment to a peaceful resolution of differences.

Therefore, I have just written the President urging him to reaffirm American support for the principle of direct negotiation. And I intend to speak out on his matter on the Senate floor in the coming weeks.

In the meantime, until a permanent peace is possible, it is essential that the U.S. provide Israel with the economic and military assistance she needs to survive. I believe we must to do so for two principal reasons.

First, the U.S. is morally committed to the preservation of Israel as a Jewish homeland. History has made tragically clear the necessity for a place to which Jews may turn in the face of the persecution which has continued to infect western history. The spectacle of Jews vainly seeking a haven from Hitler's death camps must never be repeated. No man of conscience can believe otherwise.

Second, until a meaningful peace settlement is possible, the best deterrent to open conflict in the Middle East is an Israel strong enough to maintain a regional balance of power vis-a-vis her Arab neighbors. I shall certainly support adequate assistance to insure Israel the means to defend herself successfully.

I wish I could predict an imminent settlement of all outstanding issues in the Middle East and the onset of a just and permanent peace. Unfortunately, I cannot. The hates and hostilities still run too deeply.

The best we can hope for in the coming decade is a policy which prevents the outbreak of a fourth round in the Arab-Israeli war and which buys more time. Time to heal the bitterness and salve hurt pride. Time for dialogue and communication. Time for the mutual trust and understanding to take root which are the foundations of lasting peace.

JANUARY 16, 1970.

The PRESIDENT,
The White House,
Washington, D.C.

DEAR MR. PRESIDENT: I write out of a great sense of urgency created by what I perceive to be a dangerous retrogression in U.S. Middle East policy. Those who authored this policy change are no doubt sincere in their desire for a just peace in the Middle East and a balanced U.S. position. Nonetheless the effects of this policy shift deeply concern me and many other Americans.

It has been my understanding that from the conclusion of the Six Day War between Israel and her Arab neighbors in June of 1967 until the fall of 1969, the official U.S. position on a Mideast peace settlement had been based on the principle of direct negotiations between the governments of Israel and the Arab States on all matters of substance. This was made clear by President Johnson on June 19, 1967, when he stated, "the parties to the conflict must be the parties to the peace . . . It is hard to see how it is possible for nations to live together in peace if they cannot learn to reason together." You reaffirmed our commitment to direct negotiations as the only way to secure a true and lasting peace in the area, as recently as last September in your address before the U.N. General Assembly.

It was not until last month, with the publication of reports of U.S. proposals to the Soviet Union outlining possible terms of an Israeli-Egyptian settlement and an Israeli-Jordanian settlement, that evidence of a significant departure from the official U.S. position appeared. For the existence of these U.S. proposals, confirmed by Secretary Rogers in his speech of December 9, 1969, and his press conference of December 23, 1969, constitutes a major step towards the substituting of a settlement imposed by the Big Four powers for a settlement reached through negotiation between Israel and the Arabs.

The claim that these U.S. proposals merely represent a framework within which Arab-Israeli negotiations can take place is not a convincing one. A framework on which all parties have agreed already exists: the U.N. Resolution of November 22, 1967. The U.S. proposals of October 28 and December 18, 1969, represent an attempt to go beyond that framework and to define the substantive terms of a settlement, including such specific matters as permanent boundaries, the status of Jerusalem and the settlement of refugees.

The further claim that these U.S. proposals are merely suggested settlement terms and cannot reasonably be viewed as "imposed" terms is equally unconvincing. In a briefing for my office, State Department officials conceded that it would be very difficult for Israel to reject the terms of a settlement agreed to in advance by both the U.S. and the Soviet Union.

The substantive terms of the U.S. proposals aside—and I regard some of them as highly debatable—the real question before us is whether it is consistent with the national interests of the U.S. to abandon the principle of insisting on direct negotiations as the only means of achieving a lasting Middle East settlement. As you recall, the U.S. and the Soviet Union sought to settle the 1957 Middle East conflict by imposing settlement terms on both sides instead of requiring the parties to the conflict to sit down and negotiate their differences. The result was an unstable peace which neither side had a vested interest in maintaining; a fragile settlement that was shattered by renewed hostilities a decade later.

The present State Department actions appear to ignore this and similar lessons of history. They presume a real interest on the part of the Soviet Union in a Middle East settlement now. But the facts are that the Soviet Union continues to be the main source of support for Arab acts of aggression against Israel and Arab hostility towards the United States. There is no evidence that the Soviet Union's present leaders consider the reduction of tension in the Middle East consistent with their own national interest.

Thus in my view, the reports of U.S. proposals of October and December, 1969, indicate the ominous beginnings of a return to the disastrous policy of an imposed settlement that failed in 1957. Our failure to support the only meaningful approach to a durable peace settlement can only lead to a fourth round of hostilities in the area and the renewed possibility of a U.S.-Soviet confrontation in the Middle East.

Therefore, in the name of U.S. national interests, our commitment to the survival of Israel, and our desire for a lasting peace in the Middle East consistent with the just demands of Arab and Israeli alike, I urge you to reaffirm U.S. support for direct negotiations between Israel and the Arab governments to determine all substantive elements of a peace settlement. Nothing could better serve the interests of peace at this time.

OIL IMPORT POLICY

Mr. HANSEN. Mr. President, during the continuing controversy over oil import policy, a Washington correspondent for the Houston, Tex., Chronicle has made a most timely and pertinent assessment of the inconsistency of the arguments being used for doing away with the oil import quota system.

I have pointed out before that some of the staunchest advocates of import control legislation are from New England States. They favor the protection of their shoe and textile industries from cheaply produced imports, but, at the same time, they urge the President to do away with oil import quotas.

Mr. Jack Cleland, of the Chronicle's Washington Bureau, wrote an article entitled "Shoe Now on Other Foot—Pinches PROXMIRE."

Senator WILLIAM PROXMIRE has long been a battler for the dairy industry which is of such importance to his State of Wisconsin and has fought the threat of cheaply produced dairy imports. At the same time he has led the fight by nonproducing oil-State representatives for reducing the oil depletion allowance and doing away with oil import quotas.

As dairy imports again threaten a basic industry in Senator PROXMIRE's State, Mr.

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Cleland compliments the Wisconsin Senator for fighting for his constituents, the dairy interests. I only wish the Senator and some of his colleagues from New England would recognize that the same principles or ground rules also apply to oil imports as they affect the economics of the oil-producing States.

It is a mystery to me why Senators Proxmire, McIntyre, and Muskie, and other Senators, have singled out oil prices to be pushed down by imports, while at the same time advocating quota limitations on imported dairy products, shoes, and textiles to protect those industries in their States. Obviously, the shoe does pinch when it is on the other foot.

I ask unanimous consent that the article be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Shoe Now on the Other Foot—Pinches Proxmire

(By Jack Cleland)

Washington.—While the petroleum industry is waiting for the other shoe to drop—new import regulations on top of the cut in depletion—it should take heart that it isn't the only segment of commerce having its troubles.

According to Sen. William Proxmire, D-Wis., the dairy industry, which is very important in the state he represents, is having trouble with cheap foreign milk product imports.

Proxmire wrote the Agriculture Department last month expressing concern over daily import control recommendations made by a departmental review panel.

Apparently Proxmire spotted some possible loopholes in the proposed new regulations involving chocolate crumb and Monterey cheese imports. He received assurances from the department these items would be studied.

Proxmire is an old hand at spotting loopholes in import regulations. About a year ago he blew the whistle on Standard Oil Co. of Indiana for using its petrochemical import quota to bring in products which could be earmarked for gasoline.

FOES OF PROGRAM

This isn't to say the senator is a champion of the oil import program and wants to see it run by the book. In fact, he's one of the most persistent foes of the program and wants to see it drastically revised to allow easier flow of crude and product imports.

It's Proxmire's contention the present program is costing the consumers billions in added fuel costs. In his latest press release on dairy imports he makes no mention what tariff regulations mean in added costs to consumers of ice cream, cheese and chocolate products.

A critic of state proration laws, Proxmire also makes no mention of the fact that milk in this country comes under federal marketing orders which "stabilize" prices in designated market areas.

Of course, it's unfair to accuse Proxmire, or any politician for that matter, of inconsistency or parochialism. That's the name of the game on Capitol Hill.

Proxmire would be derelict in his duty to his constituents if he didn't fight for the dairy interests which are vital to Wisconsin.

Conversely, because there's no oil and gas production in that state, he's free to blast the petroleum industry.

CRITICIZE GOVERNOR SMITH

Some people might think it unfair of Proxmire to criticize Gov. Preston Smith of Texas for visiting Labor Secretary George Shultz while his task force was preparing its recommendations for changes in the oil import program.

In all fairness to the senator, he conceded Smith and other oil-producing state governors have every right to protect the interests of their respective states. It was the timing that bothered him because the visitation occurred after all views had been filed.

Proxmire is watching with keen interest what comes from the supposely secret recommendations sent the White House from the cabinet committee task force. It is doubtful that what President Nixon does short of abandoning all import controls, will satisfy him.

A Proxmire aide has indicated the Senator and other industry critics on Capitol Hill will keep pressure in the weeks ahead to insure the recommendations are not filed away and forgotten.

WHAT'S THE MATTER WITH THE U.S.A.?

Mr. FANNIN. Mr. President, an extraordinary citizen of my State, Mr. Eugene C. Pulliam, has written an editorial, published January 1 in the Arizona Republic, which should be circulated far and wide across our land.

"Gene" Pulliam is one of the most respected journalists in America today. He has been named the recipient of the William Allen White Award for journalistic merit to be presented to him on February 10. He is a founder of the journalistic fraternity Sigma Delta Chi and a member of its executive council.

During his newspaper career, he has owned and operated 47 newspapers, as many as 23 at one time, in eight different States.

Although he has been professionally associated with journalism since working as a reporter for the Kansas City Star, he is also well known for his work in humanitarian and civic endeavors. He is also active in the Citizens Committee on Postal Reorganization.

In a front-page editorial on January 1, Gene Pulliam said what many Americans were thinking, yet which few of us possess his deft ability to express. He spoke from his mind as well as his heart. He said that ours is a great Nation—the greatest in history. This is the Nation in whose hands rests the fate of the world. I believe the magic of his message lay in the fact that he cut straight through to the heart of the matter. While acknowledging the unsolved problems, the setbacks, disappointments, and frustrations, he resoundingly affirmed his belief that America is still America—America on the move—and I agree. Gene Pulliam expressed my sentiments when he said we will succeed only if we try. We must try. We must pull together.

Mr. President, I ask unanimous consent that the editorial, in which Mr. Pulliam—as he so often has in his distinguished career—has touched the heart of our national problem, be printed in the Record.

I also ask unanimous consent that an Associated Press dispatch telling of Mr. Pulliam's award from the William Allen White Foundation be printed following the editorial.

There being no objection, the items were ordered to be printed in the Record, as follows:

[From the Arizona Republic, Jan. 7, 1970]

What's the Matter With the U.S.A.?

What is the matter with us in America?

Here we stand, on the threshold of the '70s—the strongest, freest, most compassionate and humane nation on earth; yet from all sides we daily hear intemperate assaults on our way of life, our cherished values, our inspired traditions and our national character. And millions of us in the "silent majority" tolerate those assaults.

For more than ten years a hodgepodge of downgraders of America has tried to persuade us that everything we believe in, everything we have done in the past and everything we plan to do in the future is wrong. Their violent actions on college campuses, their desecreation of public buildings, their despoliation in our cities—mostly unhindered and unchecked—are paraded before us in newspapers and magazines and on TV as though these people were the harbingers of some glorious future instead of destroyers of both necessary public institutions and private property. These downgraders are willing to shout out against everything that is wrong with America but they are unwilling or unable to see anything that is right with America.

The so-called "American establishment" is accused of permitting poverty to continue in this country. Don't the accusers know that even an American living on welfare or unemployment insurance in the United States has a higher income than almost any Chinese, almost any Italian, almost any citizen of Africa or Latin America?

We are told by the downgraders of America that our system is oppressive of freedoom. Can they name a country that permits more personal freedom, willingly extends more private charity (over $6 billion per year), guarantees more civil rights, has more democratic institutions, more free speech, more freedom to travel, more of every quality that makes life good, rewarding and promising?

We are told we should feel guilty for helping our allies in Korea and Vietnam maintain their independence from communism. We may have made mistakes in the way we have conducted these wars; but assuredly we should not feel guilt for honoring our promises, for helping others to resist aggression, and for fighting—with no hope of material reward—for the right of these people to live in peace and freedom.

What is the matter with us?

Don't we know it is not fear that brings progress and achievement? It is faith—faith in God, faith in our country, faith in ourselves.

Don't we know that cowardice will not provide security and preserve peace? It is courage and confidence in the rightness of our course and the honor of our cause.

In 1837 Abraham Lincoln warned us "never to violate the laws of the country and never to tolerate their violence by others . . . let reverence for the law . . . be taught in the schools, seminaries and colleges, let it be written in primers, spelling books and almanacs, let it be preached from the pulpit and proclaimed in the legislative halls, and enforced in the courts of justice . . . In short, let it become the political religion of the nation."

If we object to the law, let us amend it, modify it, repeal it—but while it is the law, let us obey it. The law is a protector of all citizens, white and black, dissenters and supporters. Violence in expressing opposition to the law cannot be tolerated. A permissive attitude toward such violence is one of the real evils in American life today.

What is the matter with the U.S.A.? Nothing is the matter that cannot be corrected and cured if the great "silent majority" will throw off its apathy and become involved in restoring support for the government and

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respect for the law. The "silent majority" must speak out, stand up, and be counted—and demand action that will put an end to the destructive blackmail by the hodgepodge of America's downgraders who would destroy the democratic foundations on which this country was founded.

PUBLISHER OF REPUBLIC WINS AWARD

LAWRENCE, KANS.—Eugene C. Pulliam, publisher of The Arizona Republic and The Phoenix Gazette, will receive the William Allen White Award for journalistic merit here on Feb. 10.

Pulliam, a native of Kansas, also will deliver the William Allen White Lecture at the University of Kansas that day.

The honor, given annually for the past 20 years by the university's William Allen White Foundation, goes to the American journalist who exemplifies White's "ideals in service to his profession and his country."

The citation is presented annually on the birthday of White, renowned editor of the Emporia, Kan., Gazette, who died in 1944. The foundation which bears his name was founded shortly after his death in order to prepetuate his memory and the principles for which he stood.

Other foundation goals are service to the profession and to the William Allen White School of Journalism at the university.

Pullian's other newspapers include the Indianapolis Star, the Indianapolis News, the Muncie, Ind., Star, the Muncie Press, and the Vincennes, Ind., Sun-Commercial.

He is a member of the Associated Press board of directors and first vice president of that organization.

The publisher began his newspaper associations at the age of 6, delivering the Iola, Kans., Register, owned a newspaper at Atchison, Kans., shortly after graduation from De Pauw University, and early in his professional life worked as a reporter for the Kansas City Star.

During his newspaper career he has owned and operated 47 newspapers, as many as 23 at one time, in eight states.

Former winners of the White award are:

Walter Cronkite, managing editor, CBS News; Mark Ethridge, editor emeritus, Louisville Courier-Journal; Wes Gallagher, general manager, the Associated Press; Gardner Cowles, publisher, Des Moines Register and Tribune and Look Magazine; Earl J. Johnson, former editor, United Press International; Clark Mollenhoff, former Washington Bureau chief, Des Moines Register and Tribune and now a White House aide; Paul Miller, president, Associated Press and an executive of Gannett Newspapers; Bernard Kilgore (deceased), former publisher, Wall Street Journal.

Also, Hodding Carter, publisher, Greenville, Miss., Delta Democrat-Times; Jules Dubois (deceased), Latin America correspondent, Chicago Tribune; Ben Hibbs, former editor, Saturday Evening Post; Jenkin Lloyd Jones, editor, Tulsa Tribune; Irving Dilliard, former managing editor, St. Louis Post-Dispatch; Roy Roberts (deceased), former editor and publisher, Kansas City Star; Norman Isaacs, executive editor, Louisville Courier-Journal and Louisville Times; Grove Patterson (deceased), former editor, Toledo Blade; E. Palmer Hoyt, publisher, Denver Post; Erwin Canham, editor-in-chief, Christian Science Monitor; Ernest K. Lindley, former editor, Newsweek; and James Reston, executive editor, New York Times.

LAW ENFORCEMENT ASSISTANCE ADMINISTRATION

Mr. SCOTT. Mr. President, one of the major weapons in President Nixon's fight against crime is the Law Enforcement Assistance Administration. LEAA was created by Congress in the Omnibus Crime Control and Safe Streets Act of 1968 to assist State and local governments in combating crime and improving criminal justice in this Nation through a system of direct grants to States and units of local government. This measure recognizes that while crime is a problem of national magnitude, it must in the first instance be dealt with at the local level. Under the LEAA, an effective working relationship has been established between the Federal Government and the States and cities and counties of this Nation to encourage and assist action at the local level. U.S. Attorney General John Mitchell has announced that the Law Enforcement Assistance Administration will allocate $236 million in direct grants to States and cities and counties for planning and action programs to combat crime. This is more than a 400 percent increase over last year's expenditures for this program. This will be money well spent. I am particularly delighted that my own Commonwealth of Pennsylvania will receive $998,000 for planning grants and $10,591,000 for action grants.

As a member of the Judiciary Subcommittee on Criminal Laws and Procedures that helped to draft this measure, I am familiar with the many steps already taken by LEAA to combat crime and improve criminal justice in this Nation, as well as the great promise that this program holds for the future. President Nixon is to be commended for making this significant commitment to a safer and more just society.

LAW ENFORCEMENT ASSISTANCE

Mr. FANNIN. Mr. President, I was pleased to learn today that Attorney General Mitchell has again expressed his support of the program administered by the Law Enforcement Assistance Administration. In announcing the allocation of the block grants going to the several States in fiscal year 1970, Attorney Gentral Mitchell said:

> The allocations we are announcing today represent a promising beginning for the federal-state partnership to defeat crime in the streets. The first prerequisite for any effective anticrime program is sufficient funding, not expansive rhetoric. We hope that the states will submit imaginative and well-conceived plans for the use of these funds.

Mr. President, the programs administered by the Law Enforcement Assistance Administration are the Nation's first comprehensive anticrime programs and are authorized by title I of the Omnibus Crime Control and Safe Streets Act of 1968. LEAA gives both planning and action block grants to all 50 States and four territories in order that these jurisdictions may develop programs aimed at strengthening and improving the criminal justice system in our Nation. These funds can be used to make improvements in all elements of the criminal justice system—police, courts, and corrections.

With only a small budget of $63 million of fiscal year 1969, LEAA directed the development of comprehensive plans for the improvement of law enforcement in every jurisdiction authorized to participate in the program. In fiscal year 1969 the Arizona State Justice Planning Agency received $410,541 in block grant funds and participated with other States in two discretionary grants of $600,000 to develop the prototype of a criminal justice information and statistics system and $80,000 to plan criminal justice improvement programs for the Four Corners Indian area. In addition to these amounts, four Arizona colleges received a total of $69,100 to enable them to make grants and loans to in-service and pre-service law enforcement students.

In fiscal year 1970 the Arizona State Justice Planning Agency will receive $228,000 planning funds and $1,503,000 action funds to continue their crime program designed to make improvements in our State criminal justice system. Mr. President, I have been pleased with the first year operations of the Law Enforcement Assistance Administration. Its programs have been beneficial and promise to bring about many innovative and helpful changes in the areas of crime prevention and the administration of criminal justice.

There is an excellent overview of the program of the Law Enforcement Assistance Administration contained in the first six pages of the LEAA first annual report. I ask unanimous consent that these pages be printed in the RECORD.

There being no objection, the pages were ordered to be printed in the RECORD, as follows:

A SUMMARY OF THE LAW ENFORCEMENT ASSISTANCE ADMINISTRATION PROGRAM

GRANTS

The first comprehensive national crime control program enacted by Congress formally began operations on October 21, 1968. By June 30, 1969, plans for criminal justice reforms had been submitted by 50 states, Washington, D.C., Puerto Rico, the Virgin Islands, and Guam—and they had received action grants totaling more than $25 million to carry out the plans.

The plans varied, since states set their own priorities for use of the federal funds, but all included programs to improve police, corrections, and courts. Here are examples of the diversity of state projects supported by action funds:

Alabama will modernize police departments and conduct juvenile delinquency prevention projects.

Alaska will create a state-wide criminal justice teletype network.

Arizona is using one-third of its funds for police training.

Arkansas will expand police research, begin public education in crime control, and purchase new police equipment.

California is allocating more than $800,000 to improve prevention and control of civil disorders.

Colorado will obtain new communications equipment to serve a number of police jurisdictions.

Connecticut will create crime prevention programs and community homes for delinquents.

Delaware will develop community relations units and conduct corrections research.

Florida is using $312,000 of its $867,100 grant to build a criminal justice information system.

Georgia will begin a pilot program of work release for inmates of correctional institutions.

Hawaii will support crime laboratory facilities.

Idaho will conduct training seminars for judges and develop a procedures manual for magistrates.

Illinois will study approaches to controlling organized crime and conduct drug abuse education.

Indiana will work to reduce racial tensions, strengthen narcotics control, and support defense of indigents.

Iowa's largest budget item is for prevention and control of juvenile delinquency.

Kansas will strengthen corrections programs.

Kentucky is stressing crime prevention and police research and training.

Louisiana will develop a uniform court records system.

Maine will use half of its funds to improve police selection and training.

Maryland will work to reduce recidivism by former inmates.

Massachusetts will improve management and operations of criminal justice agencies.

Michigan will spend one-tenth of its $1 million grant to train juvenile court staffs and probation aides.

Minnesota will enhance police education and training and create a riot-readiness program.

Mississippi will improve training standards for police and corrections personnel and develop a uniform crime reports program.

Missouri will strengthen prosecutors' offices and create a criminal justice information system.

Montana is developing a program of public education, crime prevention, and community involvement.

Nebraska will improve law enforcement communications systems.

New Hampshire will expand rehabilitation programs for adult offenders and combat drug abuse.

Nevada will improve police communications and equipment.

New Jersey will strengthen crime prevention and control through a project to reduce police response time.

New Mexico is spending 20 percent of its funds to improve corrections.

New York will improve police patrol, and combat organized crime.

North Carolina will revise its criminal code and improve case preparation, court sentencing and scheduling, and rehabilitation of offenders.

North Dakota will work to control alcoholism and crime.

Ohio will enhance police training and equipment and develop a criminal justice information system.

Oklahoma is expanding both its probation-parole services and police-community relations programs.

Oregon will create ways to improve apprehension and prosecution of offenders.

Pennsylvania is expanding juvenile delinquency and courts-prosecution-defense programs.

Rhode Island is consolidating police support services in the Western part of the state and improving the police communications system in Providence.

South Carolina will expand police training and re-codify its criminal code.

South Dakota will create a juvenile court center and strengthen narcotics control.

Tennessee will intensify training for corrections and police personnel and unify the court system.

Texas projects will improve communications and information systems for police and community relations programs.

Utah will enlarge police operations and revise the criminal code.

Vermont will improve police training and communications and develop a law enforcement manual.

Virginia will create regional crime laboratories and study its court system.

Washington State is beginning a variety of delinquency and youth projects.

West Virginia will improve prosecution programs, conduct anti-burglary projects, and survey organized crime.

Wisconsin is giving priority to improved police training, purchase of emergency communications equipment, and strengthening community relations.

Wyoming will develop a police communications system covering all counties in the State.

PROGRAM BACKGROUND

The Omnibus Crime Control and Safe Streets Act was signed into law on June 19, 1968 after being approved by the Senate on May 23 and the House of Representatives on June 6. Title I, creating the Law Enforcement Assistance Administration (LEAA), began with this statement:

Congress finds that the high incidence of crime in the United States threatens the peace, security, and general welfare of the Nation and its citizens. To prevent crime and to insure the greater safety of the people, law enforcement efforts must be better coordinated, intensified, and made more effective at all levels of government.

Congress finds further that crime is essentially a local problem that must be dealt with by State and local governments if it is to be controlled effectively.

It is therefore the declared policy of the Congress to assist State and local governments in strengthening and improving law enforcement at every level by national assistance. It is the purpose of this title to (1) encourage States and units of general local government to prepare and adopt comprehensive plans based upon their evaluation of State and local problems of law enforcement; (2) authorize grants to States and units of local government in order to improve and strengthen law enforcement; and (3) encourage research and development directed toward the improvement of law enforcement and the development of new methods for the prevention and reduction of crime and the detection and apprehension of criminals.

This first annual report by LEAA to the President and to Congress contains details of the program and describes how the general objectives of Title I have been met. The report is for fiscal 1969—July 1, 1968 to June 30, 1969—though LEAA operations were compressed into a shorter time period, as these dates indicate: August 9, when Congress approved a $63 million budget; and October 21, when LEAA's first administrators took office. With the exception of riot prevention and control funds awarded in August and selective continuation awards for projects approved under the Law Enforcement Assistance Act of 1965, grants could be made only by the Administrators.

The preface to Title I said one program objective was to encourage state and local governments to prepare plans for comprehensive law enforcement improvements, and this was accomplished. Each state created a planning agency and drafted plans for criminal justice system improvements, as did Washington, D.C., Puerto Rico, the Virgin Islands, and Guam.

Another objective called for award of grants to state and local governments for improvement programs, and this also was done. Planning grants to the states totaled almost $19 million. Action grants totaling more than $25 million were given later to carry out the plans. LEAA also awarded $4.35 million under its discretionary authority to aid cities and states and to finance numerous criminal justice projects.

The Act stressed research in crime control and prevention, and this, too, began. The National Institute of Law Enforcement and Criminal Justice, the research body of LEAA, awarded grants for a variety of programs and began studying development of new police equipment.

Prior to the Act, no comprehensive national program existed to improve the criminal justice systems of the states, but every state during the year became deeply involved, with city and county governments, in intensive planning. Each state then took the critical second step—initiation of action programs to improve law enforcement.

The federal partnership role recognized the important components of the criminal justice system:

Police departments need more manpower, more equipment, better training, greater public support if they are to apprehend more criminals and prevent more crime;

Courts need assistance to help eliminate large backlogs of cases that exist in many parts of the country;

Corrections systems need more resources to reduce the high rate of recidivism, since rehabilitation is crime prevention.

Those are the major areas of concern of LEAA. Though approaches often vary since states set their own priorities, every important aspect of the nation's crime problem is being reviewed, whether it ranges from civil disorders to organized crime, street attacks to burglaries, juvenile delinquency to drug control.

THE GRANT PROCESS

Aid given by LEAA is reflected in a breakdown of its $63 million budget: $19 million for planning grants, $29 million for action grants, $3 million for research and development, $6.5 million for academic assistance, $2.5 million for administration, $3 million for FBI programs—which the FBI administers itself.

For planning grants, each state received a basic $100,000 and an additional amount based upon population. Totals ranged from $118,225 for Alaska to $1,387,900 for California. All planning funds went to the states in block grants, and they proceeded to make at least 40 percent available to local governments.

Action grants first were allocated solely on population, ranging from $33,278 for Alaska to $2,351,610 for California, but an additional $350,000 in discretionary funds later was awarded to provide 11 low population states and Washington, D.C. with a minimum of $100,000. Eighty-five percent of the total action funds were given to states in block grants—$25 million of $29 million—and the states will make at least 75 percent available to local governments. LEAA used $4 million for discretionary awards.

Since most states had no planning agencies when the program began, 20 percent advances on planning funds—totaling $3.2 million—were made to 48 states in the fall of 1968 to begin Title I operations. Full planning awards were made in January.

The states then began preparing comprehensive law enforcement improvement programs, and the procedures involved large numbers of persons, including professional staff planners and supervisory boards of public officials and private citizens. To help states meet the deadline for submitting action plans, LEAA in March simplified first-year application requirements. The states originally were required to submit detailed 5-year plans, plus detailed descriptions of administrative procedures. The new process required only the first-year program in detail.

The first action plan submitted was from California on April 10, containing 5,896 pages in 26 volumes. The planning had a broad base—with some 1,500 persons participating. Other plans soon arrived and were studied closely by the LEAA staff to make certain they were as comprehensive as possible and otherwise met statutory requirements. Some states broadened and expanded portions of their plans after consultation with LEAA. The first action grant was to California on May 22. Awards to other states followed quickly, and every plan was approved by June 30. Not all improvement funds are federal. For most action projects, the federal share is 60 percent, the state-local share 40 percent. The federal share is 75 percent for

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organized crime and civil disorders programs. For construction projects, the federal share is 50 percent, the state-local share 50 percent. The federal share is 90 percent for planning programs.

Distribution of $63 million—LEAA Funds, Fiscal 1969

[In millions]

Administration	$2.5
Expansion of FBI training	3
National Institute of Law Enforcement and Criminal Justice	3
Discretionary action grant funds	4.35
Academic assistance	6.5
Planning grants to States with 40 per cent to local governments	9
Action grants to States with 75 per cent to local governments	24.65

(The first LEAA awards were special grants, to states applying by August 31, 1968, for riot prevention, detection, and control. A total of $3.9 million was given to 40 states, Washington, D.C., and Puerto Rico—all that applied.)

DISCRETIONARY GRANTS

Planning and action grants to the states comprised the bulk of LEAA financial assistance, but there also were other important grants. Part of the $4 million in action funds available for award at the agency's discretion was used to help meet urgent needs of a number of cities and states.

In May, LEAA made available $1.1 million to the nation's 11 largest cities—up to $100,000 each—for special crime prevention and control projects: New York, Chicago, Los Angeles, Philadelphia, Detroit, Houston, Baltimore, Dallas, Cleveland, San Francisco, and Milwaukee. All received funds by June 30. Projects were varied: Philadelphia a program to prevent violence by youth gangs; New York, a high-speed system to transmit fingerprints; Chicago and Houston, rehabilitation of chronic alcoholics; Baltimore, anti-crime patrols by helicopter.

A $600,000 discretionary grant was awarded in June to Arizona, California, Maryland, Michigan, Minnesota, and New York to help develop the prototype of a computerized criminal justice statistics system. The project will develop standardized offender records, and may serve as a forerunner for a national system to collect statistics for every important aspect of criminal justice.

Since no minimum was set for action grants, 11 states and Washington, D.C. would have received less than $100,000 each. To make up for this, $350,000 in discretionary funds was awarded in April to all 12. Though the amounts varied—Alaska got $72,000 more, Hawaii $10,000—in most cases they were enough to provide a more meaningful start on programs.

An $80,717 grant to the International Association of Chiefs of Police (IACP) financed conferences on such problems as civil and campus disorders for police chiefs of 150 major cities. A $230,000 grant to 64 state and local law enforcement agencies helped finance participation in the FBI's National Crime Information Center.

Other grants included:

$150,000 to help develop a computerized intelligence system for organized crime that could serve as a prototype for the states.

Some $1.3 million to continue projects begun by the old Office of Law Enforcement Assistance, including research and demonstration programs of general application.

Nearly $100,000 each to the American Correctional Association for state conferences on how to improve corrections systems and to WGBH Educational Foundation in Boston for police training programs televised throughout New England.

OTHER ASSISTANCE

The LEAA Division with basic responsibility for processing state block grants and discretionary funds is the Office of Law Enforcement Programs (OLEP), the biggest section of the agency. Its four regional desks gave assistance to states in drafting their programs, and their personnel made hundreds of trips through the 50 states. Other planning aid included a detailed *Guide for State Planning Agency Grants*, containing step-by-step instructions on the grant application process, guidelines on state planning agencies, makeup of supervisory boards. LEAA also sponsored a number of meetings for state planners.

OLEP contains the agency's program divisions, and two—organized crime and corrections—began operations to assist the states in planning preparation, serve as consultants for specific action programs, and conduct personnel training. The Organized Crime Division designed a series of regional conferences, to begin early in fiscal 1970, for selected policemen and prosecutors on how to create more effective enforcement programs. The Division also was involved in development of a computerized intelligence system and began writing manuals for police and prosecutors.

The Corrections Division's assistance ranged from consultation on the corrections components of state plans to advising states on specific improvements in education and vocational training programs and design and renovation of institutions. It also helped process discretionary grants, supported preparation of a handbook on prevention and control of prison disturbances, and gave grants for personnel training. Program divisions for police, courts, and riots and civil disorders began.

RESEARCH

Criminal justice research is the responsibility of the National Institute of Law Enforcement and Criminal Justice, and its centers cover Crime Prevention and Rehabilitation, Criminal Justice Operations and Management, Law and Justice, and Demonstrations and Professional Services. The Institute conducts research with its staff members and awards grants to scientists, universities, research groups, and other government agencies.

The Institute began work on development of two items of equipment a national survey indicated are most needed by police. One is a personalized miniature radio transceiver that would enable a foot patrolman to keep in touch with headquarters. The other is a night vision device for police patrols in dimly-lighted sections of urban areas. The Institute is working with the Department of Defense to adapt a similar military device for police use.

The Institute began development of a study on ways to measure conditions indicating when riots are about to erupt, and worked with the Federal Communications Commission to initiate a system for police to use military radio frequencies during riots. Another project involved study of the causes of a variety of violent crimes—and ways to prevent them. A $150,000 grant went to the National Commission on the Causes and Prevention of Violence. Another grant was for a study of the penetration of legitimate business by organized crime. Police programs included ways to: speed arrival time of officers at a crime scene, enhance personnel selection and training, prevent more crime through better antiburglary and theft devices, predict where robberies are most likely to occur, and better utilize police patrols.

ACADEMIC ASSISTANCE

The third major part of LEAA, the Office of Academic Assistance, provides funds for college degree studies by law enforcement and corrections personnel and promising students preparing for careers in those fields. A total of $6.5 million was given to 485 colleges and universities, which administer all grants and loans, in time for use in the second half of the 1968–69 academic year. Approved courses included those offering degrees or certificates in police science, criminology, criminalistics, police administration; law enforcement technology, criminal justice, public safety administration, corrections, penology, and correctional administration. Work also could be done in such related fields as psychology, sociology, and computer technology. Loans of up to $1,800 per academic year were available for full-time study. Grants of up to $200 per quarter or $300 per semester could be used for full- or part-time study. More than 23,000 students received financial aid in the second half of the 1968–69 academic year and in the following summer session.

STAFF SIZE

At the end of the fiscal year, the LEAA staff totaled 121 persons. Slightly less than half were professionals, the rest clerical. When the LEAA program began, there were 15 professional and 10 clerical employees.

This opening chapter has been designed to give a general view of the program. Following chapters will discuss it in greater detail. The appendices contain grant lists and related material.

ORGANIZED CRIME—TITLE I OF S. 30

Mr. McCLELLAN. Mr. President, on December 9, 1969, the junior Senator from New York (Mr. GOODELL) announced that he was seriously considering opposing title I of S. 30 when that title comes up for debate. On December 18, 1969, I discussed Senator GOODELL's tentative position to title I and included in my remarks a history of grand jury reports in New York so that this body might have the benefit of the New York experience. I also had reprinted in the RECORD a well-written and scholarly article written by Mr. Richard H. Kuh that was published in the Columbia Law Review. Mr. Kuh's article more than satisfactorily replies to the charges against grand jury reports commonly made by those in opposition to them.

Nevertheless, Mr. President, I do not believe that this body should be satisfied with a theoretical and abstract debate largely focusing on a speculative possibility of abuse when more factual information is available. For this reason, on December 5, 1969, I had printed in the RECORD a grand jury report from New Jersey, which authorized grand jury reports on common law grounds. I should now like to make available a similar report from New York, which only became public this year. I emphasize particularly the New York report, since title I of S. 30 is modeled on the New York law that governed the issuance of this report. Upon request, Mr. Burton Roberts, district attorney of Bronx County, N.Y., furnished me a copy of the report, which is, of course, now a public document under New York law.

Mr. President, on December 5, I noted that the New Jersey grand jury report probably contained some information which could not have been published under title I. The report prepared in Mr. Roberts' district probably represents the maximum of the "fancied evils" alleged to exist under title I. With these reports in the RECORD, therefore, this body will have the benefit of two actual examples, which fully illustrate the outer limits of title I to aid its deliberations on this title. One of these reports deals with organized crime; one does not. There

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should not be any doubt in this body now as to what we are voting for or against.

Mr. President, I ask each Member of this body to ask himself whether the corruption of legitimate endeavors by organized crime in New Jersey should be reported to the public. In light of the allegations of governmental corruption in some States, I believe that there must be dual jurisdiction to publish these reports. Each Senator must ask himself whether he believes that voting fraud, such as apparently exists in the Bronx, should be reported to the public. Each Senator should ask himself whether those responsible for such occurrences should be made known to the public.

Mr. President, I ask unanimous consent that the report of the Bronx County grand jury appear in the Record at the conclusion of these remarks.

The **PRESIDING OFFICER**. Without objection, it is so ordered.

(See exhibit 1.)

Mr. **McCLELLAN**. Mr. President, I have also obtained a copy of a 1967 grand jury report from Northampton County, Pa. I also commend this document to this body. Although the report shows that there was evidence of an organized gambling ring, it would have been difficult, apparently, to show by a preponderance of the evidence that a national syndicate was involved. Nevertheless, I believe that this sort of report showing the public the extent of illegal activity should be allowed, even though on one reading of the meaning of the phase, it might be possible to suggest that organized crime was not involved.

I note, too, that we should compare this report with the newspaper accounts set out in the report. Each Member of the Senate should then compare this well-written and cautious report with newspaper accounts within his own knowledge. I ask this body, Is not the public, and the cause of justice better served by this type of report than by often sloppy, biased and inadequately researched articles in the public media?

I ask unanimous consent that this report appear in the Record at the conclusion of these remarks.

The **PRESIDING OFFICER**. Without objection, it is so ordered.

(See exhibit 2.)

EXHIBIT 1

REPORT OF THE NOVEMBER 1968 "A" TERM OF THE BRONX COUNTY GRAND JURY

Supreme Court of the state of New York, County of Bronx: Trial term: Part XII, In the Matter of the Board of Elections of the City of New York.

To: Justice Presiding, Part XII, November 1969 Term.

Pursuant to its statutory mandate to inquire into all crimes committed or triable in Bronx County (Code Crim. Proc. § 245), the November 1968 "A" Term of the Bronx County Grand Jury conducted an investigation of possible violations of the New York State Election and Penal Law which occurred in Bronx County during and subsequent to the presidential election of November 5, 1968. The impetus for this inquest was provided by a complaint which alleged that some time during the period from November 5, 1968 to November 19, 1968, three voting machines—used in the 14th, 15th and 45th Election Districts of the 86th Assembly District respectively—had been tampered with and intentionally damaged in an apparent effort to change the results of the election for the position of State Assemblyman of the 86th Assembly District.

Beginning November 25, 1968, and in the course of four sessions, thirty-five witnesses testified before the Grand Jury. They included a Commissioner of the New York City Board of Elections, the two candidates for the office of Assemblyman of the 86th Assembly District, the police officers present when the machines in question were canvassed, and some twenty-eight employees of the Bronx County Office of the Board of Elections. In addition, the physical operation of the voting machine used in this election was demonstrated and explained by its inventor and manufacturer.

The evidence before the Grand Jury demonstrated that at some time between the first canvass of votes, taken on the night of November 5, 1968, and the recanvass, which took place from November 13th to November 19, 1968, the three machines in question had been opened without authorization and the counters reflecting the votes cast for the candidates running for Assemblyman in the 86th Assembly District had been manipulated in an apparent effort to reverse the election results as recorded on the night of November 5, 1968. While the proof conclusively established that criminal acts did occur, it was impossible to charge any one individual with specific culpability.

The evidence, however, did reveal to this Grand Jury certain irregularities in the operations of the Bronx County Office of the Board of Elections during the time in question which fell far short of the standards imposed by law and which seriously compromised the integrity of that office as it existed and as it presently exists. Moreover, one man—Mr. Michael Squitieri, the Deputy Chief Clerk of the office—was repeatedly criticized in the Grand Jury by both superiors and subordinates for certain abuses and incompetence prior to and during the election.

Since no specific instance of criminality could be established, Grand Jury action is limited by law to the issuance of a report concerning non-criminal misconduct, nonfeasance or neglect in office by a public officer or employee as the basis for a recommendation of removal or disciplinary action and which also may propose recommendations for legislative, executive or administrative action in the public interest (Code Crim. Proc. § 253–a (a), (c)). This Grand Jury would normally be loathe to criticize any one individual on the basis of its proceedings in the absence of an indictment; and we regret that such action is warranted in this situation. However, in our view, it is essential that the voting process itself take place in a wholly impartial setting, for, as Mr. Justice Black stated:

"No right is more precious in a free country than that of having a voice in the election of those who make the laws under which, as good citizens, we must live. Other rights, even the most basic, are illusory if the right to vote is undermined." *Wesberry* v. *Sanders,* 376 U.S. 1, 17 (1964).

Accordingly, this report tangibly manifests the Grand Jury's desire to discharge both its legal obligation and moral responsibility, by urging that steps be taken to safeguard the integrity of the election process and to ensure that it be kept free from any possible taint.

SPECIFIC FINDINGS CONCERNING THE TAMPERING WITH THE MACHINES

On November 5, 1968 citizens of the 86th Assembly District were called upon to cast their vote for thirty-two candidates running for various national, state and local offices. On Line 32, the bottom line of the ballot, Joseph Fusco and Anthony Stella were listed as the candidates for the position of Assemblyman. Candidate Fusco was the Republican (Line A) and Conservative (Line C) nominee, while Candidate Stella was the nominee of the Democratic (Line B) and Liberal (Line D) parties.

When the polls closed on election night all concerned believed that Mr. Stella had won the election. Public media declared him to be the winner with a plurality of between 500 and 800 of the total votes cast in the entire Assembly District (31–32).[1] The candidates themselves had formed similar opinions. Mr. Stella believed himself to be the victor though he did not receive any message of concession from his opponent (60). Similarly, Mr. Fusco's supporters informed him that he had lost by 506 votes (442) and he did not ask for a recount or for an impounding of the machine at that time (94). And Mr. Stella's margin of victory was also reflected by the totals on the three machines in question. The results of the official canvass of these three machines alone—which was recorded by police officers and election inspectors—indicated that Mr. Stella had a total of 733 votes while 314 votes were cast for Mr. Fusco (33–39).

The recanvass of votes, as required by law, was started by personnel of the Board of Elections in their offices in Bronx County at 1780 Grand Concourse on or about November 13, 1968 (248, 281). Until then the machines, which were brought over by truck, had been at their respective polling places (73, 425).

During the recanvass, it was discovered that the three machines in question had been opened in violation of law. When the votes on these machines were tallied in the recanvass, a sharp change from the totals recorded on election night was noted. Mr. Fusco now had 633 votes to Mr. Stella's total of 299. Significantly, though the recanvass included an examination of the totals for every candidate on the ballot, the only discrepancy was with regard to Line 32. No other office was affected (39–44)[2]

A physical examination of the machines in question also indicated the criminal tampering. Mr. Ransom Shoup, the machine's inventor, explained the operation of three devices which were designed to detect such activity. He explained that every machine has a protective and a public counter, both of which record the total number of votes cast in a given election. These counters differ in that the public counter is reset at zero at the start of every election while the protective counter, much like an odometer in a car, cannot be reset and thus shows the total number of votes cast on the machine since it was first used. Instead, the total showing on the protective counter at the start of an election is recorded and then at the end of an election is subtracted from the new total on the protective counter. Finally, he stated that any effort to change the totals shown for any candidate would have to be made by using a device known as the reset screw (148–49). If such an effort were made, however, it would be reflected by the protective counter which, in addition to counting the number of votes cast on the machine, is designed to increase by the number of times the reset screw is turned. Thus, since all the votes cast in a given election register on both the public and protective counters, their totals when the polls close should be the same after the prerecorded number on the protective counter is subtracted. Any discrepancy would indicate the number of times the reset screw had been operated in the interim.

In each of the three machines in question, the totals of the protective counter were from one to three digits higher than had been recorded during the canvass on November 5, 1968 (154–56), which indicated beyond any doubt that the machines had been tampered with after the polls had closed.

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[1] Parenthetical references are to the numbered pages of the stenographic Grand Jury minutes.

[2] The totals for each candidate on each machine, both before and after the tampering was discovered, are shown in the appendix attached hereto.

In addition, the Grand Jury learned that although each machine can be opened by the use of its assigned key, seals are placed on the front apron of the machines before election. These seals are only to be opened after a recanvass to get the official vote tallies from the machines. On each of the three machines in question, these seals were broken at some time before the recanvass started and the lock to the door on one machine was also broken and a hinge was sprung (136–44).

FINDINGS, INCIDENT TO THE INVESTIGATION OF CRIMINAL TAMPERING

The Board of Elections of the City of New York is designed, by statute, to have a bipartisan membership. Four commissioners—two Republicans and two Democrats—head the organization. They are appointed to a four-year term by the City Council upon the recommendation of their respective county committees (8, Election Law § 30).

The method of selecting subordinate personal in the Bronx County Office is quite similar and appointees do not have to meet competitive Civil Service standards. Republican and Democratic county leaders indicate their choices to the Chief Clerk of the county office, who, in turn, forwards the names to the Commissioners who ultimately make the official appointments (14–15, 434). Only Mr. T. Vincent Stapleton, the Chief Clerk, qualified by Civil Service examination when he first came to the job (435).

Salaries range from approximately $4500 for a clerical worker to a top of $12,500 earned by Mr. Stapleton, the Chief Clerk with 39 years service (379, 418). Virtually all witnesses, particularly those in supervisory capacities, conceded that the low salary scale made it difficult to hire qualified personnel (498). As a result, individuals appointed were often those whose private business ventures failed in the past (389, 509); or who were retired (497); or who were housewives seeking to supplement their family's income (513).

Of the 28 employees of the Board who testified before this Grand Jury, 15 were appointed upon the recommendation of the Republican Party, while nine secured their appointments with the recommendation of the Democratic Party. Other than party affiliation, no further credentials were apparently required and no training was given. However, custodians who were responsible for the maintenance of the voting machines had to attend some courses in that connection (162–63, 375–79).

With their political affiliation as the only requisite for employment with the Board, several witnesses actively supported their political organization either by working on the district level or by financial contribution. Of these 28 witnesses, seven were politically active in their local clubs (233, 242, 259, 370, 391, 512, 530) and seven stated that they went to their party's county-wide dinner on a regular basis (200, 250, 273, 387, 487, 500, 532).

While such political activity normally would not be criticized, there were several indications, that it was inspired by something other than a genuine party loyalty. Three witnesses acknowledged that they bought more tickets to the county dinners after either being promoted or appointed to the Board than they did before (392, 402, 488). Two other witnesses stated that they believed some form of retribution, whether it be a lack of advancement or an admonition, would await those who refused to attend the dinners as asked (266–67, 533). Finally, one witness testified that he was asked to resign from his position with the Board of Elections because he had not been participating actively enough in his local political club (260).

And it is in this regard that the members of this Grand Jury note the conduct of Mr. Michael Squitieri—who allegedly demanded the resignation mentioned above.

Mr. Squitieri was the Republican Party District Leader in the 76th Assembly District and was appointed Deputy Chief Clerk of the Bronx Office of the Board of Elections in 1966. As a district leader he acknowledged that he had exhorted his club members to work actively in the Republican campaign but stated that this was only up until Election Day (252). He further stated that according to "county regulation", each Republican employee of the Board of Elections in Bronx County was required to buy at least one and "maybe two" tickets to the yearly county dinner. He denied, however, that a failure to honor this "assessment"—at a cost of $50 per plate—would compromise the job standing of an employee who refused to attend (249–50). Also, as district leader, Mr. Squitieri was personally responsible for the appointment of one of his club members as an employee in the Bronx Office of the Board of Elections, while two other members of his club had obtained their jobs before he came to power (242).

As Deputy Chief Clerk, however, Mr. Squitieri's efforts were clearly less productive—and his abuse of authority was not at all infrequent. Two employees of the Board testified that on several occasions Mr. Squiteri solicited personal favors from them which often consisted of their providing him with automotive transportation during working hours (261, 349). Yet another witness, similarly employed, testified that at least one errand he performed for Mr. Squitieri consisted of picking up campaign literature from Republican County Headquarters for distribution to the local clubs (532).

In addition, no fewer than ten of Mr. Squitieri's subordinates were critical of his effectiveness as Deputy Chief Clerk, often stating that they rarely saw him do any work or had no idea what his function was (174, 199, 264, 289, 312, 335, 345, 352, 522, 545). And his immediate superior, Mr. Stapleton, stated that his interest, performance and knowledge of his duties were not adequate (420–23).

Perhaps the most significant example of his ineptitude was his unwillingness or inability to assume the responsibilities that were properly his during the instant election.

Shortly before the election was held, Mr. Stapleton as Chief Clerk and head of the Bronx County office, took an unplanned leave of absence due to the death of his wife. He did not return to work until November 23, 1968 (418–19). In his absence Mr. Squitieri, as Deputy Chief Clerk, became responsible for the operation of the entire office—which authority was emphasized by the fact that Mr. Squitieri was one of the first few people to be given official notification by Commissioner O'Rourke when the damage to the machines was discovered (419, 420, 444). Accordingly, as the acting head of the county office, it was properly his duty to designate the custodians and clerks needed to perform the recanvass of the voting machines—at least this was the understanding of Mr. Stapleton (423–24). Yet, notwithstanding this delegation of authority, Mr. Squitieri claimed that two of the administrative assistants had the responsibility and he denied having made any assignments (243–44). Of these two assistants, one claimed that she asked Mr. Squitieri to make the assignments (180) and one of the workers actually assigned to the machines in question stated that yet a third administrative assistant had actually made the designation (272). In brief, this breakdown in the chain of command made it all but impossible for the members of this Grand Jury to determine just who was responsible for the assignment of the workers to the various machines—a focal point of the investigation which was not resolved.

And we would be remiss if we failed to note two practices of the Bronx Office which, considering the sensitivity of the office during an election, would seem to reflect a complete disregard for the concomitant need for security. First, according to the testimony of one supervisor, there was no regulation that prevented a worker from performing the recanvass of a machine that was used in the same Assembly District in which the worker resided (181). Second, the statutory requirement that the keys for voting machines be kept securely locked was, for all practical purposes, overlooked (Election Law § 264).

Three sets of keys were available for use with the machines. One of these sets was made up of master keys which were designed to fit groups of 25 machines. A second set designed to fit one machine each, was kept in a file cabinet. A third set, consisting of a duplicate key for each machine, was kept in a stockroom which was heavily trafficked during the day and to which all personnel had ready access though perhaps not the need to enter. The stockroom was locked only at night and the key to this room, in turn, was kept in the Chief Clerk's desk. Finally, with regard to the third set of keys, several witnesses stated that the whereabouts of these keys and the method of securing them was common knowledge shared by all employees (161, 188, 208, 432–44).

CONCLUSION

We repeat now what we said at the outset, namely, that it is the belief of this Grand Jury that the right to vote is among the most precious of those inherent to citizenship. As such, it is our further belief, that this privilege must be exercised in an atmosphere that is free from even the faintest shadow of suspicion. This report, therefore, manifests our hope to initiate reformation—particularly in our county but on a state-wide scale if necessary—which will promote the integrity of that environment.

Our efforts to evaluate the evidence presented, fairly and objectively, have led this body to conclude that the intense political partisanship that is native to the structure of the Board of Elections must be eliminated if our citizenry is to have faith in the electoral process; especially where there is only two party representation in that agency.

At present the Commissioners of Election are appointed by the City Council. Subordinate personnel in the Bronx County Office are appointed by the Commissioners. All depend upon the recommendation of political leaders for their jobs and many are quite active in political clubs during their tenure. The result is that those individuals who are duty-bound to regulate and supervise any election taking place in this county are those who have an avowed interest in the outcome. At best, this procedure makes it all but impossible to pinpoint the responsibility for an individual's appointment. Worse yet, such an environment is rife with potential conflicts of interest and abuse of office.

Mr. Squitieri's conduct is illustrative. In our view, his failure to take up the reins of responsibility, his manifest lack of interest and effort in his job, and, fundamentally, his abuses of requesting clearly personal and partisan favors from his subordinates during working hours, when taken together, have had a decidedly damaging effect on the Bronx County Office of the Board. We are compelled, therefore, to call for his immediate dismissal.

To be sure, we do not mean to condemn

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political activity itself. Nor do we doubt that most employees of the Board of Elections are sincere and conscientious in the performance of their duties. But even the resignation of all employees—let alone that of one man—would not be the panacea. In the Grand Jury's view, it is not enough that the operation of the Board of Elections only be fair and impartial—its appearance as such should never be subject to question. And as we see it, so long as the present method of selecting personnel continues, incidents such as those we have already noted are sure to recur and the cloud of suspicion that arises will never be dispelled.

Accordingly, one recommendation is paramount: that the concept of political patronage—which all too often requires years of abject personal fealty and menial service to a partisan cause to obtain the favor of a local leader—be divorced completely and irrevocably from any role in the selection or advancement of employees of the Board of Elections.

Instead we suggest that individuals appointed in the future come from the ranks of wholly independent, civic-minded citizens who qualify for the job by meeting competitive Civil Service standards. Responsibility for appointments, as well as for all other operations, should be clearly defined. Toward that end, the Grand Jury recommends that the Board of Elections, somewhat like other city departments should be headed by one Commissioner, chosen by the Mayor for a term longer than his own so as to insure the Commissioner's independence. As a further safeguard, the Grand Jury recommends that subordinate personnel appointed to local offices be precluded by law from participating in partisan political activities in the county or district wherein they are employed.

We are not unmindful that to attract such men and women salaries will have to be raised, and to call for an increase in public expenditure may be criticized as an unrealistic approach. But with the right to vote as one of the great purposes of our scheme of government, and with groups of our citizens alienated by discrimination, poverty and age, the integrity of the environment in which that freedom is exercised can not be compromised and the remedial measures needed to correct its present state of deterioration in this country can not be ignored.

Dated, Bronx, New York, October 23, 1969.

APPENDIX

The following analysis shows the totals for both candidates on each of the three machines in question. The votes cast for Mr. Fusco, as the Republican and Conservative candidates, are shown on Columns A and C; while Columns B and D show the votes cast for Mr. Stella as the Democratic and Liberal nominee. The totals "Before" the tampering, as recorded on election night, may be found at pages 37 and 38 of the minutes while the totals "After" the tampering, noted during the recanvass, appear at pages 40-43 of the record. Thus, for example, it is readily apparent that as a result of the tampering with the machine used in the 45th Election District of the 86th Assembly District, 100 votes were taken from Mr. Stella as the Democratic candidate under Column B and 100 votes were added to Mr. Fusco's total under Column A.

TOTALS ON MACHINE USED IN 15TH ELECTION DISTRICT, 86TH ASSEMBLY DISTRICT

	Columns			
	A	B	C	D
Before	100	219	30	17
After	271	96	79	7

TOTALS ON MACHINE USED IN 14TH ELECTION DISTRICT, 86TH ASSEMBLY DISTRICT

	Columns			
	A	B	C	D
Before	90	307	19	21
After	189	106	19	21

TOTALS ON MACHINE USED IN 45TH ELECTION DISTRICT, 86TH ASSEMBLY DISTRICT

	Columns			
	A	B	C	D
Before	58	153	17	16
After	158	53	17	16

GRAND TOTAL

	Mr. Fusco (cols. A and C)	Mr. Stella (Cols. B and D)
Before	314	733
After	633	299
Net gain or loss	+319	−434

SUPREME COURT OF THE STATE OF NEW YORK, COUNTY OF BRONX: TRIAL TERM PART XII, IN THE MATTER OF THE BOARD OF ELECTIONS OF THE CITY OF NEW YORK, REPORT OF THE NOVEMBER 1968 "A" TERM OF THE BRONX COUNTY GRAND JURY

Michael Squitieri, in response to the presentment of the Grand Jury herein, wishes to submit the following answer:

1. The facts presented to the Grand Jury does not show any acts of noncriminal misconduct, non-feasance or neglect of duties on part of myself.

2. That I am in agreement with the criticism by the Grand Jury as to the method of operation of the Board of Election and the selection of personnel but such facts presented before the Grand Jury, although sufficient for valid criticism, does not substantiate findings of misconduct, non-feasance or neglect of duties on my part.

3. The operation, management and control of the Board of Election were in the hands of the Chief Clerk, who personally would delegate authority to myself and other members of the Board as he saw fit.

4. That at the time in question considered by the Grand Jury, the Chief Clerk, prior to his taking a leave of absence, informed me that Mrs. Berger would operate and control the Board of Elections, and that she in fact did so and provided for security measures and ran the Board and made many decisions without the knowledge and/or consent of myself.

5. The inept system has been in operation at the Board of Elections prior to my appointment, has been continued under the management and control of the chief clerk, that many decisions were made and carried out without the chief clerk consulting me.

6. To single out myself for the ills and evils of an antiquated system is unfair in view of the facts and evidence that I was not allowed to manage, operate and control the Board during the absence of the Chief Clerk.

7. Said presentment is an accusation which affords me no opportunity to defer myself and prove my innocence of the accusations.

WHEREFORE, I respectfully request the Court to expunge that part of the report criticising me or sealing said report to prevent serious personal damage to my career and reputation, or for whatever relief that may be just.

MICHAEL SQUITIERI.

Dated: Bronx, New York, November 22, 1969.

STATE OF NEW YORK
County of Bronx SS:

On the 22 day of December 1969 before me personally came MICHAEL SQUITIERI to me known and known to me to be the individual described in and who executed the foregoing instrument and who acknowledged to me that he executed the same.

DOMINICK A. FUSCO,
Notary Public, State of New York.

EXHIBIT 2

(In the Court of Quarter Sessions of Northampton County, Pennsylvania In re: Investigating Grand Jury, No. 138, February Term, 1967)

FINAL REPORT OF INVESTIGATING GRAND JURY

We are happy to report to your Honorable Court that we have completed the task assigned to us within the time alloted under the direction of Order of April 5, 1967.

Our task has been long and arduous, as expected, and, unexpectedly, beset with difficulties in its performance which should not have been encountered from the responsible agencies by which they were caused.

Nonetheless, we must assure this Court that for the most part the Jury was impressed with the cooperation extended to it by the majority of agencies and individuals to whom application was made for assistance.

Accordingly, we now make final report of our proceedings which we feel to have been fruitful and worthwhile and will result in some measure in the improvement of county law enforcement.

I. REASON FOR THE INVESTIGATION

It will be recalled that in January, 1967, the Federal Bureau of Investigation conducted a gambling raid in the City of Easton and its environs which allegedly resulted from evidence elicited in a Federal Grand Jury Investigation into organized crime.

Prior to the raid, the Federal authorities had secured Federal indictments charging certain Northampton County residents with Federal gambling violations. Among these was one Joseph Migliazza. When arrested, a slip of paper was taken from his person which, among other things, bore the notation, "$200.00—Ice."

An Assistant U.S. District Attorney, J. Shane Creamer, described this notation to mean the payment of graft to a public official.

Morning Call, February 28, 1967—"Creamer Defined 'Ice' as Graft."

Bethlehem Globe-Times, February 25, 1967—"J. Shane Creamer . . . contended that papers seized on one of the arrested Easton gambling suspects showed what appeared to be a graft payment to someone in local government."

These comments, among others, on the part of a highly placed Federal official resulted in great local unrest. In addition, local responsible pronouncements relating to possible widespread corruption unsettled public confidence in law enforcement and local government. Only one such pronouncement need be recalled to illustrate:

"It is highly probable that some policemen and municipal government leaders were being 'iced' by the racketeers."

Editorial, Easton Express, March 2, 1967—"It is the responsibility of . . . government officials and prosecuting authorities to use every resource at their command in clearing up this question. If certain policemen and government officials have been part of this wretched system their crime is even more offensive than that for which such pay-offs are made."

In addition to the Federally inspired suspicions concerning the payment of graft to local public officials, the Federal authorities

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described the Easton gambling operation to be an arm of the infamous Cosa Nostra:

Morning Call, February 28, 1967—"The Assistant U.S. Attorney said two branches of the Cosa Nostra enforced protection on gambling centers in the Easton area."

It was also common knowledge that gambling activities were being carried on in the County. For years reports had been received by the police and other law enforcement agencies about such activities. Particularly was this true about areas such as the Naturalized Citizens Americanization League, Bank and Pine Streets, Easton, Pennsylvania, Center Square in Easton and the Fourth and New Streets area of Bethlehem. Reports had also been received of such activities being carried on in a large scale in large plants and places of employment.

Sporadic raids made on these places and others by police agencies in some instances resulted in convictions of persons occupying minor positions in the gambling fraternity. On the majority of such instances, however, the raids were unsuccessful either because no evidence was found in such raids, or because such evidence was suppressed for legal reasons.

In one area, on two separate occasions within the past four years, undercover State Police agents were brought in from outside of the area in an effort to effect infiltration of the guilty circles and in that fashion to garner evidence sufficient to sustain convictions.

These efforts proved unsuccessful because of the identities of the undercover agents becoming known to the gambling elements.

It was apparent finally that the usual law enforcement procedures were not effective in dealing with the problem. This fact and the suspicions aroused relative to graft and pay-offs indicated the necessity of a Grand Jury investigation.

By virtue, in large part, of the foregoing, the Court was petitioned to authorize a Grand Jury investigation "into the nature and extent to gambling activities" in the County and into "the nature and extent of police efforts which have been undertaken to curtail and to suppress said activities" and "to make inquiry into the possibility of any public official being corruptly involved in the carrying on of any such activities."

On April 5, 1967, your Honorable Court granted the Petition and directed this Jury to conduct such an investigation.

II. METHODS EMPLOYED

The Grand Jury utilized a team of investigators under the very capable leadership of Detective Joseph Ritsick of the Pennsylvania State Police.

Working under his direction were county detectives and six Pennsylvania State Policemen specially assigned to the investigation, and five of whom were permanently stationed at localities outside of the Northampton County area. The services of local police officers were also utilized when occasions arose making this feasible.

It was at once apparent to the Jury that it would be a useless undertaking to immediately summon persons suspected or known to be active professionally in gambling circles—for the obvious prospect of receiving either perjured testimony or being met with the silence sanctioned by the Fifth Amendment.

The investigative team was therefore directed to initially compile lists of persons who, although not professionally connected with gambling operations, could reasonably be expected to have knowledge of such operations either through participation as players or bettors or for other reasons.

It was felt that it would be reasonable to expect truthful testimony from such witnesses and that such testimony would of necessity lead to and criminally involve the professionals. Such testimony would further subserve one of the Jury's paramount tasks—to inquire into the nature and extent of gambling in the County.

However, since "corruption" is by its very nature and of necessity a secret crime involving a "corrupter" and "the corrupted", its proof in most cases must depend on either of its participants admitting that it has occurred. This is especially true where no circumstantial evidence of corruption exists—such as great disparity between assets and income on the part of the one "corrupted".

Because of this realization the Jury stood ready to grant immunity in exchange for reliable evidence relating to corruption.

The investigators were nonetheless directed to investigate certain leads provided by informers, to investigate financial records, and, in some instances, to conduct surveillance in those cases where the Jury felt this was indicated.

Application was made to the Federal authorities through the office of the United States Attorney to furnish the jury with any information, evidence or testimony available to them bearing on the possibility of corruption.

A request to the Federal authorities to furnish a copy of the paper slip relative to the "ice" payment was not honored, nor was a request that they arrange for the appearance before the Grand Jury of the Federal agent who conducted the Easton investigation.

The Jury is at a loss to understand this reluctance on the part of the Federal authorities to furnish the Jury with information about local affairs under investigation by the Jury, especially since the local investigation was to a large extent triggered by the public disclosure of the Federal authorities of the existence of evidence relating to "ice". Since this was publicly described by the Federal authorities to mean graft, it is the opinion of the Jury that they should have made full disclosure of any other evidence in their possession on this subject, or, if they possess none, to have made admission to that effect.

Every police department in the County was notified that an intensive investigation was under way and request was made for providing any information they deemed pertinent to the investigation.

Countless interviews were held with police officers, public officials, informers and other persons whom it was felt could possibly supply information or leads relative to corruption.

As the result of these efforts the names of hundreds of prospective witnesses were secured by the Grand Jury. Résumés were prepared of what each of these witnesses could be expected to establish. Record was also kept relative to each witness concerning the person responsible for compiling the information concerning the witness and the person responsible for suggesting the issuance of a subpoena to him.

Ultimately testimony was taken by the Grand Jury from three hundred and ninety persons from all walks of life—police officers, politicians, executives, laborers, professional persons, professional gamblers and public officials.

Since the majority of those summoned were persons innocent of any legal wrongdoing an attempt was made to protect them from publicity by requesting the news media to refrain from publishing their identities. This attempt proved unsuccessful and the names were publicized by the news media.

It is felt that this publicity militated against the work of the Grand Jury in deterring citizens from volunteering information to the Grand Jury because of the fear of embarrassing publicity.

In addition to what the Jury feels was undue publicity given to its proceedings, its work was further hampered by descriptions of the proceedings as political in nature. These charges were leveled by both the press and persons in political life.

It is a matter of public record that the composition of the Grand Jury was bipartisan. Political considerations were of no concern to the Jury, nor were any of its actions influenced by politics.

Decisions made by the Jury were arrived at privately and solely by the Grand Jury. Neither the District Attorney nor any member of his staff at any time attempted to suggest or influence the Jury's actions.

All arrests made and the timing of the arrests were the result of Grand Jury recommendations, not the recommendation of the District Attorney or any member of his staff.

The District Attorney was not in control of, nor did he attempt to control the Grand Jury. Decisions concerning arrests and their timing was the decision of the Grand Jury alone.

III. EXTENT OF GAMBLING—DIFFICULTIES IN SUPPRESSING

The Grand Jury finds as a fact that gambling on horses, numbers and sporting events is widespread throughout the County, particularly in the Cities of Easton and Bethlehem, and the Borough of Northampton. We find as a further fact that the paramount reason for this condition is the apathy of the public—general acceptance of the belief that it works no harm—a feeling that if people wish to gamble they should be permitted to do so. Much of this apathy was evident from the attitude of many of the witnesses who appeared before the Jury who, if not downright hostile, were anything but frank in their testimony and saw fit to withhold information from the Jury which the Jury had reason to believe they were in a position to impart.

In those instances where perjury in material testimony was detected and its proof fully supported by the evidence, arrests for perjury were recommended.

These recommendations were not made lightly nor for any ulterior purpose, but were made because of the seriousness of the offense of willful violation of the judicial oath.

Since these proceedings are secret the Jury cannot understand the refusal of some witnesses to testify to the truth, causing the Jury to harbor suspicion concerning their motives or purposes in withholding the truth.

The fact that some of these recommendations related to police officers emphasizes the seriousness of the problem. For such witnesses to testify to anything less than the truth in this type of proceeding leads to substantial doubt about all of their activities.

Proper law enforcement also suffers from lack of public cooperation caused by fear of reprisal. Whether such fears are well-founded or not, they exist and significantly impede police efforts to curtail gambling.

The Jury had also found that large proportion of the gambling emanates from large places of employment which are beyond the reach of municipal police supervision.

The Jury is convinced from the testimony that it has heard that "leaks" from police agencies frequently occur. Such "leaks" do not necessarily imply corruption and can result equally as well through improper security, or by way of two unrelated police agencies conducting investigations simultaneously on the same subject, or by way of relationship or friendship.

Another paramount obstacle to effective enforcement is the fact that all of our communities are relatively small. Since the task of investigating rackets is primarily limited to those persons who comprise the detective divisions or vice squads of our municipal police forces, the identity of these persons becomes widely known, especially to those engaged in illicit undertakings. They are useless, therefore, for undercover work and must rely primarily on informers for information concerning illegal ventures. Such information can be, of course, valuable, but in many instances its value is lost because of the unreliable source from which it emanates.

Simultaneous widespread raids on suspected gambling establishments also pose serious problems of security because of the necessity to employ large parties of police in their staging and in their deployment after the raids commence.

Possibilities of corruption are of course always present in the staging of a raid and these possibilities can emanate from many different sources.

Thus, in the ordinary investigation of a gambling case, one or two detectives gather the preliminary information often employing an informer or informers for the purpose. They render periodic reports to their superior and he, in turn, reports to his superior. When the decision is made to stage the raid, a search warrant must be obtained. This usually involves contact with the office of the District Attorney where he or one of his assistants assist in advising the officers on the legal aspects of the raid and assist in the preparation of the affidavit to support the search warrant. When this is done the warrant must then be obtained from a Justice of the Peace or Alderman.

It can readily be seen that the possibility of intentional or unintentional leaks increases at each stage, until the possible sources of a leak can emanate from:

(a) The detective or detectives.

(b) Their superior or superiors.

(c) The informer or informers.

(d) The District Attorney or any of his assistants.

(e) The Alderman or Justice of the Peace.

(f) Any police officials ultimately called to assist in the raid.

The same possibilities also exist with respect to corruption. If one or any of those sources has been corrupted, the chances of a successful raid are almost non-existent.

NATURE OF GAMBLING

The Jury has already indicated that gambling on horses, numbers and sporting events is widespread.

Peculiarly, horse betting and bets on sporting events is predominant in the Easton area whereas numbers betting predominates in the Bethlehem area.

It was established in this investigation that there is a definite link-up of the gambling fraternity in Northampton and Lehigh Counties. The testimony established beyond doubt that the ultimate destination of a substantial amount of the Bethlehem gambling proceeds is our neighboring county. The chief beneficiaries of this operation are syndicate in proportion and they are governed, managed and working for one man.

The evidence also disclosed ties between Allentown and Northampton and Allentown and Easton. The existence of New Jersey and New York influences was also evident.

There is also some betting on treasury balance tickets in the Bethlehem area and the supply of these emanated from Mount Pocono and the coal regions.

"Football tickets" and "basketball tickets" are widespread in all areas. The evidence indicates these in large part originated in the area of the Borough of Northampton.

Most of the bets are collected by "runners" who, for a percentage, pick up the bets at bars, clubs, places of employment, homes and on the street. The betting information is in most instances relayed to the bookmaker or poolseller by telephone. In those instances where a number of bookmakers are affiliated with a "bank" periodic reports and adjustments of accounts are made. Some bookmakers, who are otherwise independent, "lay-off" large money bets to "banks" or other bookmakers. That is, they will accept the bet but transfer it to someone else, not wishing to themselves risk the loss.

All of the foregoing, being as extensive and widespread as the Jury had found it to be, cannot be attributed to recent Supreme Court decisions. This activity was as extensive and widespread before those decisions were handed down.

We find that to properly combat the condition, if the methods now employed are to continue, will require substantial increases in the personnel of our police departments so as to provide constant, unbroken surveillance of the places and persons involved in these activities and yet maintain all other usual and required police services.

As the matter now stands our municipalities are without the equipment, namely the personnel, to effectively and continuously combat this condition.

As an instance, the detective division of the City of Easton is composed of four police officers. To expect these four men to investigate every burglary, larceny, morals offense, offense of violence, major traffic violation, to investigate drug and prostitution cases and other misdemeanors in the City of Easton *and* to maintain constant, continual surveillance of every known gambler in the City is completely unrealistic.

Under these conditions, in all of our communities, gambling must continue to flourish, especially since a large segment of the population is inclined to engage in it as players.

If the public expects these conditions to be curtailed they must be prepared to pay for substantial increases in our police forces and to pay for substantial increases in the remuneration paid to police to insure qualified, competent personnel.

CORRUPTION

Because the discovery of a slip of paper bearing the notation "$200.00—ice" was found on the person of Joseph Migliazza in the F.B.I. raids which was described to mean "graft", the possible presence of corruption was at all times paramount in the consideration of the jury.

In its investigation the Jury originally turned to Easton where the raids occurred. Interviews and testimony caused the Jury to pause in a number of instances, and these, coupled with rumors which ran rampant, caused the Jury to take a long hard look at conditions in the City from the standpoint of its police department and its city administration.

Rumors were investigated. Police officers beyond any pall of suspicion were privately and secretly interviewed concerning corruption. City records were investigated. City officials were interviewed. City merchants were interviewed and their records examined. Police dockets were examined. The assets and liabilities of those involved in rumors were examined. Federal authorities were solicited and interviewed to obtain any evidence in their possession relating to corruption. Informers were contacted and interviewed.

On the basis of all of the evidence the Jury is of the opinion that corruption was present in the Easton Police Department, although limited to a small group. Unfortunately, however, the evidence is not sufficient to support prosecution, but is sufficient to justify those in charge of Easton affairs to take remedial steps.

There was also found to exist disturbing outside interference with the operation of the City of Easton Police Department in the manner in which promotions were at one time made.

On the question of corruption, the Jury examined closely the contents of a tape made by Joseph Migliazza to the Easton Express.

The circumstances under which this tape was made are of significance in evaluating it.

Joseph Migliazza was arrested by the Federal Bureau of Investigation on January 25, 1967. He was arrested on County charges on the Grand Jury's recommendation on May 10, 1967.

On May 13th, 1967, he met with Donald Keith of the Easton Express for the purpose of recording a statement which he wished to make and which he described would "blow the top off the whole stinking mess."

It is to be noted that this tape was made on the eve of the May 16th Primary Election.

He indicated that the statement was given "to destroy completely the Democratic Party of this County."

In the course of his statement he averred that on three occasions over a period of at least four years he had made contributions for political campaigns of sums of money, that on one occasion in 1963 he made five World Series tickets available to a politician, and that he customarily donated from three to five thousand dollars per year to campaigns "always to the Democrats. The Republicans have never asked for five cents for a campaign in this community."

This tape was turned over to the District Attorney by the Easton Express, and the District Attorney immediately made it available to the Grand Jury.

Copies of the tape were also furnished to the Federal Bureau of Investigation and to the Attorney General of the Commonwealth of Pennsylvania.

Migliazza was invited to voluntarily appear before the Grand Jury to be questioned about the tape under oath but never did so.

He was not subpoenaed to appear because such a course, under our law, would have rendered him immune from prosecution on the State and Federal charges against him.

All persons whom he named as having received money or other considerations appeared before the Grand Jury, and under oath, vehemently denied his statement.

Because of Migliazza's past record, because he is presently facing pending charges, because of the timing of his statement and because of his averred purpose of destroying the Democratic Party, and because of his failure to voluntarily appear before the Grand Jury, the Jury considers the statement to be totally unreliable.

The tape is however, part of the record of this investigation and available for whatever use can be made of it by the proper authorities.

Copies of it are also in the hands of the Federal Bureau of Investigation and the Attorney General.

The Jury also wishes to note that the statement contained no explanation, nor was any explanation asked for by Mr. Keith, of the meaning of the notation "$200.00—ice" which has been found on his person in the F.B.I. raid.

With respect to Bethlehem the investigators again were beset with "hearsay" type accusation of corruption against a limited number of police officers. However, no evidence which would support charges of corruption evolved.

The Jury is much disturbed, however, by certain events which evolved in the course of the Bethlehem investigation.

One of the events occurred when a Bethlehem police official turned over the names of a considerable number of persons whom he described as horse players likely to have information for the Grand Jury. The names were largely of prominent people of the highest reputation, filling responsible positions throughout the city.

These people, upon being interviewed, denied any contact with gambling circles. The police officer, when requested for his source of information, produced nothing which would satisfactorily answer that description.

The Jury feels this list of names was supplied to mislead and embarrass the investigation.

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In the course of the Bethlehem investigation, it became apparent to the Jury that illegal wire-tapping had been employed by them. Numerous interviews were made in an effort to determine whether the illegal wire-tapping gave rise to any corrupt practices on the part of those employing it.

Since the evidence of wire-tapping related to incidents within the past four, but not within the past two years, prosecutions for these offenses were barred by the statute of limitations. Any corrupt use of same, however, would not be barred. The Jury was therefore interested in further investigation relating to the use put to information obtained by wire-tapping.

This caused accusations to be made that the Bethlehem Police were being singled out in the investigation solely to cause them embarrassment.

Suffice it to say that the Jury felt that definite evidence of illegal activity on the part of some Bethlehem officers required further investigation as to the extent and purpose of their illegal acts.

The Jury condemns the use of any illegal method by our police regardless of their motive. A high percentage of gambling arrests compared to other communities does not justify the use of illegal wire-tapping to obtain them.

The use of wire-tapping is too fraught with dangers of blackmail, corruption and oppression to be tolerated.

Other than the foregoing disturbing incidents the evidence did not establish any corruption in the City of Bethlehem Police Department.

RESULTS OF INVESTIGATION

In addition to the foregoing conclusions and findings made possible by this investigation it has resulted in the arrests on our recommendation of the following persons for the following gambling offenses:

1. Joseph Migliazza, Establishing a Gambling Place; Enticing Persons to Gamble; Conspiracy.
2. Marvin Joseph, Establishing a Gambling Place; Enticing Persons to Gamble.
3. Nicholas Calli, Establishing a Gambling Place; Enticing Persons to Gamble.
4. Louis Stampone, Bookmaking; Conspiracy.
5. Stephen Todaro, Bookmaking.
6. Naif Bader, Bookmaking.
7. Arthur Carmen, Bookmaking.
8. Andrew Patti, Bookmaking.
9. Joseph Thomas, Traffic in Lotteries.
10. Joseph Piperata, Bookmaking.
11. Caleen Bader, Bookmaking.
12. Michael Hajdu, Bookmaking.
13. Mary Fields, Pool-Selling.
14. John Trembler, Bookmaking; Perjury.
15. Stephen Gecsek, Bookmaking.
16. Louis Vinkovics, Pool-Selling; Perjury.
17. John W. Diehl, Bookmaking; Pool-Selling.
18. Joseph Gilliard, Pool-Selling.
19. Clinton Leibensperger, Conspiracy.
20. Michael Talaber, Bookmaking.
21. Pasquale Sinatore, Bookmaking.
22. John Yurasits, Bookmaking.

The investigation also resulted in evidence which resulted directly in the arrests of the following:

23. John Parenti, Conspiracy.
24. Rudolph Feichtel, Conspiracy.
25. Anthony Reginelli, Conspiracy; Bookmaking.
26. Theryn Snyder, Conspiracy.

Thus, twenty-six arrests resulted from 39 days of hearings. The arrests were made of persons who occupy high positions in the gambling fraternity.

We do not pretend to have exhausted the field. However, the success which was achieved in effecting these arrests justifies the approach to the investigation which was used and which has been described.

More important, the record of this proceeding will provide invaluable information for those authorities who will have access to it. It contains a complete description of the system of gambling rackets which exists in Northampton County and its relationship and ties with other jurisdictions. Such knowledge will provide a sure and sound foundation from which to launch future efforts to curtail these practices.

RECOMMENDATIONS—CONCLUSION

1. Because of public apathy and widespread public participation, it is highly unlikely that gambling as it is presently carried on in the County can be effectively curbed for other than short sporadic periods of time by means of the methods presently employed to do so.
2. Municipal police agencies do not have the necessary personnel to diligently and continously pursue gamblers and gambling activities and can at best, only conduct periodic drives against it.
3. Other than a limited number of State Police personnel available for that purpose, our municipal police forces are without any available undercover personnel to gather gambling intelligence.
4. Periodic concerted efforts should be made through the use of public programs and all of the news media available to impress upon the public the part they play in making what is mistakenly thought to be an innocent bet, but which is in truth a contribution to vice in all its forms.
5. Composition of municipal detective divisions of vice squads should be materially increased in both size and quality to make possible vigorous and *continuous* efforts to curtail organized gambling.
6. Uniformed personnel should be utilized to the fullest extent in observing and reporting the daily activities of those known to engage in gambling, either as players or professionally.
7. Special attention should be paid to efforts to obtain information from players concerning the persons with whom they deal and the customary methods employed.
8. Study should be given to the creation, from the ranks of all county law enforcement agencies, a group or pool of undercover agents to serve temporarily in communities where their identities are unknown.
9. Municipal law enforcement agencies should be divorced *entirely* from politics, including the appointment of Chiefs of Police by Mayors.
10. Further Grand Juries should be instructed to make private report to the Court of any information any of its members may have concerning organized gambling or corruption.
11. At the expense of losing experienced and capable personnel, the composition of vice squads should be impermanent. Periodic changes should be made in personnel.
12. Maximum imprisonment should be imposed on those who are in the future convicted of gambling offenses.
13. Finally, unless the attitude of a large percentage of the public changes concerning the evils of organized gambling, any efforts to curb it will be hollow.

We respectfully render this, our final reports, to your Honorable Court.

Ellwood R. Morris, Foreman; Guy Cump, Earl Schoeneberger, J. Edgar Kellow, Truman Searfoss, William Guddey, Leroy Semmel, Reta M. Petrocko, Doris L. Scott, Thad Salber, Jean Goldowitz, Helen Dasidore, Helen Hersh, Margaret E. Bond and Martha D. Evans.

DISCLOSURE OF CONFIDENTIAL FILES AND TITLE VII OF S. 30

Mr. McCLELLAN. Mr. President, last May 29 I took the floor to warn the Senate and the public of the serious adverse consequences I feared would flow from the Supreme Court's decision on March 10, 1969, in *Alderman* v. *United States,* 394 U.S. 165. (CONGRESSIONAL RECORD, page 14338.)

In that case, the Court had held that a Federal criminal defendant with standing to object to evidence derived from an unlawful Government electronic surveillance must always be allowed to examine confidential Government files on the surveillance, in his effort to show that the evidence presently being used against him is "tainted." The Court had refused to let trial courts screen obviously irrelevant files in camera to keep them secret, and its opinion had failed to discuss the need for an exception preventing disclosure of logs of a surveillance conducted so many years before the defendant's crime that they are clearly unrelated.

In addition, the opinion expressed no requirement that a trial judge ordering disclosure on motion of a defendant limit his order so that it compels public disclosure only when that is in the interest of justice. The failure of the Court to have placed such limitations on the rule it had announced in Alderman seemd to me gravely to threaten the public interest in effective prosecution of organized crime, the reputations and privacy of individuals, and the rights of defendants.

I gave voice to my concern and, joined by Senator HRUSKA, I introduced S. 2292, entitled "Litigation Concerning Sources of Evidence." That bill was designed to correct the defects in the Alderman rule, and to prevent it from causing great harm through application in cases involving electronic surveillance or other allegedly unlawful means of obtaining evidence. Enactment of the bill is within the constitutional power of Congress, since Alderman was decided in exercise of the Supreme Court's supervisory jurisdiction. Since then, the Judiciary Committee has inserted the provisions of S. 2292, with modifications, as title VII of S. 30, the Organized Crime Control Act of 1970, and has reported S. 30 favorably to the Senate.

While those bills were pending before the Judiciary Committee, the American public was stunned by a series of revelations of logs of conversations by identified members of La Cosa Nostra, overheard and recorded by the FBI between 1961 and 1965. The first material published was excerpts from "bugged" conversations in Chicago and Miami, which Life magazine obtained and printed in its May 30 issue. I discussed the significance of that disclosure, and had the material placed in the RECORD, on June 9—CONGRESSIONAL RECORD, pages 15086–15090.

The second major relevation occurred on June 10, when 13 volumes of transcripts of wiretaps and "bugs" on alleged New Jersey Mafia leader Simone "Sam the Plumber" De Cavalcante were placed in the public files of the Federal district court in Newark, after a defense attorney who had requested their disclosure had neglected to ask that disclosure be limited to himself and his client. See New York Times, June 15, 1969, page 52,

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columns 1 and 2, and June 14, 1969, page 16, columns 4 to 8.

The third and most recent revelation came on January 6 of this year, when New Jersey Federal Judge Robert Shaw entered an order making public 1,200 pages of electronically recorded conversations involving defendant Angelo "Gyp" De Carlo, another alleged New Jersey Mafia chief, despite his insistence that the files be disclosed only to himself. See New York Times, January 7, 1970, page 28, columns 1 to 6.

All of the logs and transcripts which have come to light have been replete with bone-chilling accounts of murder, bribery, extortion, and nearly every other crime of cruelty or greed. They have added valuable public evidence of the Mafia's power, ruthlessness, and contempt for our laws, institutions and values. In those ways, the disclosures have spotlighted the urgent and compelling necessity for enactment of comprehensive legislation against organized crime. In addition, the manner in which those confidential files entered the public domain bears scrutiny, since it confirms my apprehension of the dangers caused by the existing disclosure rule of the Alderman case, and demonstrates anew the need for enactment of the remedial provisions found in S. 30's title VII.

The difficulties arise, in a typical example, when a defendant in a criminal case considers filing a motion for disclosure of any unlawful Government electronic surveillance as to which he has standing, and a motion to suppress any evidence obtained directly or indirectly through such surveillance. If, as a matter of fact, such a surveillance was conducted at some time, then both the prosecutor and the defendant find themselves torn between conflicting and complex goals which, under the inflexible Alderman rule, cannot be reconciled or accommodated by a compromise on disclosure.

The prosecutor's primary goal, of course, is to obtain a speedy, economical and accurate court determination of whether the defendant is guilty of the charge against him, in a proceeding which is free of error so can be sustained on appeal. Achievement of that goal cannot be taken for granted, and has been greatly impeded by the increased resort, especially by organized criminals, to pretrial hearings and postconviction appeals which can postpone a defendant's imprisonment for years while he continues, free on bail, to prey upon society. The flat rule of the Alderman case, which can give a defendant access to volumes of factual material to be used as the basis for complex objections, is a major factor preventing speedy justice.

Effective processing of the case against the defendant is not, however, the prosecutor's only goal. As the executive official charged with protecting the public interest, he should seek to prevent undue harm to the reputations and privacy of persons identified in surveillance logs, especially where such persons were merely referred to, and not themselves overheard. As New Jersey Gov. Richard J. Hughes is reported to have stated in this connection:

> There is a difference between rigid law enforcement and the dissemination of gossip and character assassination by braggarts and name droppers. (N.Y. *Times*, January 9, 1970, p. 1, col. 7.)

Each revelation of overheard Mafia conversations has included passages imputing corruption and other crime and immorality to numbers of identified publice officials and private citizens. Each of them has, as a result, been judged without judicial process by a substantial segment of the public, and doubtless many have been found guilty by the newspaper readership. I suppose that some are innocent, maligned by boastful hoods fencing for status and power, and that others are guilty tenfold of what was said of them in the transcripts. However, innocent and guilty alike lack any wholly effective means of cleansing their reputations. Civil lawsuits for defamation, such as that brought by a New Jersey county prosecutor based on allegations against him in the De Carlo logs—New York Times, January 12, 1970, page 48, column 3—are very difficult to maintain and at best offer only partial redress. Punishing a defendant to whom disclosure of logs has been made for further disseminating them in violation of a protective order is seldom possible, since it requires proof beyond a reasonable doubt and the other incidents of a criminal trial, and it can never rectify the harm done to an individual whose privacy or reputation already has been harmed by the further disclosure. A denial or restriction of disclosure to the defendant, not permissible under Alderman, is the ounce of prevention which uniquely can protect privacy and reputations, and it is one of the goals which the Government must consider seeking.

The Government must also think beyond the pending litigation to future cases and the likely effects of disclosure upon them. The prosecutor wishes to prevent disclosure to the defendant or others of facts which might assist criminals in identifying confidential informants and witnesses, apprise likely defendants of the Government's possession of key information, or otherwise compromise the status of pending investigations. He wants to prevent publicity which will make selection of impartial juries in Federal and State cases impossible. He would like to avoid dissemination of unlawfully obtained evidence so widely as to complicate the task of Federal or State prosecutors of proving that the evidence in later cases is not "tainted" by the dissemination. If States adopt rules like Alderman, their application will, in the same way, threaten future Federal prosecutions. And, in an era when Federal-State cooperation in law enforcement is encouraged, a prosecutor must try to avoid unnecessary disclosures of unlawful Federal surveillance which would impede State enforcement efforts by casting groundless doubt upon related but lawful State investigations.

While the prosecutive goals I have mentioned so far all would lead the prosecutor to seek denial or restriction of disclosure, they are only one side of the coin. Government officials also are well aware of the vital contribution which the recent disclosures have made to the public's awareness of the gravity of the organized crime problem, and to the national determination to deal effectively with the Mafia's threat to our society. For that reason, there are some cases, depending on all the circumstances, in which public disclosure would be desirable, perhaps even more important than completion of a given prosecution.

While secrecy and publicity both have their virtues in certain cases, the worst solution ordinarily is disclosure only to the defendant, since in reality that means selective further disclosure at the defendant's option. The defendant can leak information which embarrasses the Government to the newspapers. Leaks from one source or another often have occurred, as when Drew Pearson revealed in 1966 that national security surveillance had been conducted on the Dominican Embassy and that Bobby Baker had been overheard, after the court hearing the case against him gave Baker logs of the surveillance under a protective order forbidding him to make them public.

See CONGRESSIONAL RECORD, June 9, 1969, page 15087.

While it is not possible, in the Baker case or many others, to identify the persons responsible for the leaks, they have led the Department of Justice to conclude that "protective orders have not been effective" to eliminate public dissemination of logs disclosed only to defendants.

Like the prosecutor, the defendant has conflicting purposes in a situation now covered by the invariable rule of Alderman. One, of course, is to examine the logs for indications that the case against him is "tainted," and thereby to obtain suppression of the Government's evidence and often acquittal or dismissal of the case for insufficient evidence. While that is the only defense interest to which the Supreme Court adverted in deciding Alderman, however, it often is not even primary among the defendant's aims.

As I have just pointed out, the defendant also would like to obtain disclosure under a protective order which gives him the ability, provided he is careful, to control further disclosure. Leaks to the public can so embarrass the Government, and leaks to the defendant's criminal friends can so hinder the Government's legitimate activities, that it will dismiss its case against the defendant rather than make disclosure and risk such leaks. Where that is the case, the Alderman rule gives the defendant what in effect is immunity from prosecution for all crimes, even those he then can feel free to commit in the future, regardless of how clearly unrelated they are to the past surveillance. How much more valuable that prize is to the defendant than mere dismissal of the pending case against him.

Where the Government makes disclosure, but the defendant cannot establish a connection between the surveillance and the evidence against him, as the Justice Department has found to be nearly always the case the defendant still has much to gain from the process. See Senate Report No. 91–617, 91st Congress, first session at 66, 1969. He can learn where the "bugs" and "taps" were, and, according to both the Justice Department and Mr. Justice Harlan of the Supreme Court, the defendant sometimes can use the disclosed information to identify informants and witnesses against him. See Senate Report No. 91–617 at 65 to 67. Bitter experience has documented the willingness of organized crime figures to make drastic use of such information: The Department of Justice has lost scores of organized crime informants through violence and hundreds through fear for their lives. See Senate Report No. 91–617 at 59. The defendant also is able often to examine logs of conversations held by his mob associates while he was absent. Since murders and financial doublecrosses, such as the one in which Joe Valachi claims that Vito Genovese cheated him of tens of thousands of dollars on a single heroin transaction—P. Maas, "The Valachi Papers," 247–52; Bantam, 1969—are common enough even within the Mafia fraternity to be a constant source of concern to its members, the right to read logs and to decide how much of them to show his confederates may be worth a great deal to a Mafioso.

Finally, a motion for disclosure and suppression offers a racketeer defendant, under the unlimited Alderman rule, unparalleled opportunities to delay his trial, introduce confusion and distracting collateral issues into the proceedings against him, and pursue nearly endless appeals and habeas corpus reviews. Since the issues raised when an Alderman disclosure is made are largely factual, they can be reopened repeatedly by tenuous or perjured allegations of newly discovered evidence showing relevance of overheard conversations. Since some of the legal principles involved are of constitutional dimension, ample avenues of collateral review are available to Federal and State defendants. And since it is easy to present a colorable claim for review, it can be expected that defendants release from custody pending appeal will often be granted. Time is most valuable to a defendant facing the possibility of a prison sentence, and the leaders of La Cosa Nostra simply buy time with expensive lawyers and complex motions and appeals.

While the defendant has the reasons I have mentioned so far for seeking disclosure and suppression, there is again another side of the coin: He prefers that the general public not learn the violent and seamy details of his and his friends' illegal activities, nor the extent of their power and influence. It is not so much that he wants to avoid the unlikely possibility of prejudice to a jury which someday may try him—on the contrary, he welcomes a theoretical basis for appealing any conviction—but he wants to prevent arousal of the public concern that brings strict legislation and strenuous prosecution. Under the Alderman rule, the defendant really must weigh his fear of such publicity when deciding whether to file his motions. On January 9 of this year the New York Times reported that a substantial body of qualified legal opinion holds that there is at present no legal limitation on the power of a Federal judge to order public disclosure of transcripts of illegal electronic surveillance which are being revealed to a defendant in a criminal case. New York Times, January 9, 1970, page 19, column 1. Apparently, New Jersey Federal Judge Shaw agrees, for his order publishing the De Carlo logs was made in spite of the objections of De Carlo, who had moved for disclosure only to himself.

Among a defendant's reasons for seeking disclosure of surveillance logs, only the one the Supreme Court recognized—the desire for suppression and acquittal in the pending case—requires that the logs disclosed be relevant to the pending case; yet the Supreme Court permitted no judicial screening of logs for possible relevancy. The other, and often more important, goals of a defendant seeking disclosure are all achieved as well or better, and the proper goals of the Government in such a case are more completely frustrated, where the materials disclosed to the defendant include reams of utterly irrelevant conversations, as typically occurs under the flat rule of Alderman. However, the freedom of a judge to condition the defendant's access to the logs upon the public's, places the defendant in a dilemma similar to the Government's, and the more irrelevant, scandalous, and prejudical material is included in any disclosure order, the more excruciating are the choices of the defendant and prosecutor. That is why Alderman's requirement for disclosure—made without respect to the likelihood of relevancy, without even minimal judicial screening, and without the necessity of protective limitations on the disclosure order—frustrates the legitimate interests of both the defendant and the public. That has been massively demonstrated by the publications of the De Cavalcante and De Carlo logs, both ordered by Federal judges in compliance with Alderman. It is for the courts, not for me, to say whether among the 3,200 pages of conversations, there are any which were used to obtain evidence to be used in the pending prosecutions—but I can say, at the very least, that there are thousands of pages of material which is utterly irrelevant to those prosecutions and the disclosure of which has destroyed the privacy and good reputations of many citizens, and has served every purpose of the criminals and thwarted every purpose of the Government except that it has bared the Mafia's fangs for the world to see.

I do not mean to criticize the judges who have ordered those disclosures. Irrelevant and scandalous material may come to light for various reasons, as when the judge trying Cassius Clay for a draft violation made and then dissolved a protective order limiting publication of a log imputing immoral conduct to a relative of the defendant, since in the circumstances the judge found dissolution necessary to conduct the hearing on relevancy. See Senate Report No. 91–617 at 69. Indeed, the courts should give recognition to the public's need to know, and there will be circumstances in which all or part of logs ordered given to a defendant should be filed as public records in the interest of justice. This is for the court to decide. However, there is no question that the existing law, which requires needless disclosure to defendants and permits promiscuous disclosure to the public, protects neither individual privacy nor public safety.

If the Alderman rule is changed, the time soon will come when the Federal Government's use of electronic surveillance without court order ceases to plague defendants or the Government. That is true since the Department of Justice put a stop to the practice in 1965, and the Congress placed strict prohibitions and sanctions against wiretapping and "bugging" in title III of the 1968 Safe Streets Act. Since pre-1965 surveillance could not have led to evidence of crimes being committed today, soon virtually the only substantial claims that evidence is "tainted" will concern the occasional isolation violation of title III by a defective warrant or an inadequate showing of probable cause. That small volume of cases will present no problem of judicial administration, no major threat to privacy, and no bar to effective law enforcement, if disclosure procedures are devised to take account of the various interests at stake.

However, if the Alderman rule remains unqualified, or if judges are left completely free to order public disclosure, then for the next 50 years, until all the mobsters overheard before 1965 have met divine judgment, our courts will be occupied in rehashing masses of stale gossip and recriminations, and the public will be exposed by dribs and drabs to hearsay accusing persons truly or falsely of misdeeds from decades past. Our society ought not be so masochistic and to submit to that, when simple legislative measures can limit disclosure to that which circumstances warrant.

Three statutory provisions are necessary, and they are found in title VII of S. 30. The first recognizes what logic and the Justice Department's experience have shown—hearings at 551—that it is virtually impossible to use a wiretap or "bug" to obtain indirectly evidence of a crime which will not even be committed until at least 5 years later. By barring inquiry into such frivolous allegations that evidence is "tainted," title VII will conserve judicial and executive time and resources and prevent unnecessary disclosure of confidential files.

The second measure in the title provides that logs of a surveillance conducted less than 5 years prior to the defendant's crime may be ordered disclosed to the defendant only after the court finds that they "may be relevant" to the defendant's motion to suppress and that such disclosure is "in the interest of justice." The standard for weeding through the logs is a minimal one, presenting no threat to a defendant's desire to exclude evidence which really is inadmissible, yet it will be sufficient to prevent wholesale divulgence of utterly irrelevant material.

Third, title VII prevents a judge ordering disclosure to a defendant from automatically or unjustifiably ordering public disclosure as well. Disclosure of all or portions of confidential material to persons other than the defendant may be ordered only if it is in the interest of justice, and the order must specify that material to be disclosed and the persons

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or classes who may see it. While protective orders in organized crime cases are often ineffective, sometimes a sieve is more useful than a funnel, and explicit limitations on a disclosure order may often be desirable where valued interests of privacy, reputation, and fair trial are involved.

The only sound resolution of the conflicting interests of defendants, other individuals, and the public is to require protective orders where public disclosure is not in the interest of justice, yet to acknowledge that the impossibility of fully enforcing protective orders requires that we avoid needless disclosure to defendants. Only the Congress has the power to enact such requirements and restrictions. It is essential that we pass title VII and do it promptly, not only for the aid which it promises to give to law enforcement authorities, but for the protection which it will furnish to individual citizens.

Mr. President, I ask unanimous consent that there be printed at this point in the RECORD the New York Times articles reporting the manner in which the De Cavalcante logs were disclosed, June 15, 1969, page 52, columns 1 and 2; setting forth exemplary excerpts from the De Cavalcante, June 14, 1969, page 16, columns 4 to 8; and De Carlo, January 7, 1970, page 28, columns 1 to 6 logs; containing the statement of Governor Hughes which I quoted, January 9, 1970, page 1, columns 7 and 8; and discussing the legality of ordering public disclosure January 9, 1970, page 19, columns 1 to 7.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the New York Times, Jan. 9, 1970]

LAWYERS DIFFER ON THE PROPRIETY OF MAKING PUBLIC FBI'S BUGGING TRANSCRIPTS IN JERSEY

(By Lesley Oelsner)

NEWARK, January 7.—By opening to public inspection 1,200 pages of conversations among alleged Mafiosi, recorded illegally by agents of the Federal Bureau of Investigation, Federal Judge Robert Shaw has provided another tantalizing chapter in the annals of organized crime. But he has also provided a host of legal questions that have lawyers here and elsewhere shaking their heads in confusion and disbelief and even a bit of horror. According to many of the lawyers, Judge Shaw may have prejudiced the rights of Angelo De Carlo, whose case he is now hearing; he may have made impossible a New Jersey trial for scores of other men, and he almost certainly has established a precedent that, if followed, will allow a new dimension in the ability of the Government to expose the private actions of any of its citizens.

"The greatest evil here is not simply the loss of privacy," Arthur R. Miller, professor of law at the University of Michigan and one of the country's leading experts on the right to privacy, said in a telephone interview. "It's the massive reaction of the individual's concept of what his government is willing to do to him—'Today the Mafia, tomorrow me.' "

Yet other lawyers and prosecutors justify Judge Shaw's ruling, saying that unless such tapes are released to the public, the strength of the Mafia will remain hidden from view. There is no other way, they say, of convincing the American people that the Mafia lives, and lives in nearly every area of the country's life.

The confusion in the legal community comes from the fact that never before has a judge made such a ruling. There have, of course, been other cases in which the prosecution had illegally obtained information and in which the defense sought access to the information, but it was always the Government's lawyers who asked that the information be kept from the public.

And it was not until a few months ago that the United States Supreme Court ruled that counsel for the defense was entitled—under carefully prescribed orders—to see this information.

There was another case involving similar tapes—the case of Simone Rizzo (Sam the Plumber) DeCavalcante, also an alleged Mafioso, last year—but in that case the judge ruled only that the defense could see the Government tapes. There the defense counsel did not ask that the tapes be kept from the public and the prosecutor made them public.

De Carlo's lawyers had asked to see the F.B.I. tapes several months ago, but they also asked for a protective order under which the tapes could be kept from the public. Judge Shaw, while granting the first request, denied the second—so the question is whether or not he was legally entitled to make such a ruling.

This question is the one lawyers find most difficult. The law on the subject is virtually non-existent.

For in the 1969 Supreme Court case, the Government had contended that the defense should not be given the material because it might leak it to the public. As a result, the Court's ruling that defendant was entitled to the information did not mention a case in which the Government was entitled to the information revealed to the public.

The Government's acquiescence to Judge Shaw's order to release the De Carlo transcripts to the public, many lawyers feel, subverts the right of discovery, which the Supreme Court granted last year to defense attorneys.

"They're putting someone to a Hobson's choice," said Norman Dorsen, professor at New York Law School. "Either have no discovery, or have discovery and have the newspapers get the information."

Yet most lawyers, though they said that Judge Shaw acted unwisely—"I would say that the judge was not judicious," commented an official of the American Civil Liberties Union—said there is no specific legal prohibition to such a ruling.

It is precisely this apparent legality of Judge Shaw's ruling that many other lawyers—particularly those in district attorney's offices—point to bolster their view that the judge was right.

"The Mafia is into everything, and very deep," said one lawyer. "But the public doesn't believe it. They think we just exaggerate. Well now they can read these tapes and they can see for themselves."

Observers here say that the Shaw ruling fits in with a policy that the United States Department of Justice initiated about a year and a half ago: a massive publicity campaign waged by releasing transcripts or other records, and aimed at convincing the American public of the seriousness of the Mafia's infiltration.

They say, and many prosecutors here and in New York agree, that there is no other way to give the public a believable and complete picture of the problem.

Last summer, shortly after the DeCavalcante tapes were made public, a Federal agent explained the Justice Department policy this way: The information on the tapes "is authentic stuff. Some of it really stands your hair on end.

"Organized crime is deeper than almost anyone realizes. But we are convinced what is going on—and the bugs say it in words [the Mafia] uses—we need so that we can get in there will be public reaction there and clean the situation up."

A SURMOUNTABLE PROBLEM

The lawyers and prosecutors who take this point of view, recognize the prejudicial possibilities, but, unlike the lawyers who criticized Judge Shaw's ruling, they think that the problem is surmountable.

According to the latter group of lawyers, the transcripts released Wednesday have already gained such notoriety that a subsequent trial of De Carlo (on another indictment) or of any of the others mentioned in the tapes, could not be held in New Jersey or even in the Northeast.

Additionally, the men mentioned in the tapes can claim that their indictments were developed from leads in the tapes—a claim they might not have made if the tapes had not been made public, because they probably would not have learned of the existence of the tapes.

Professor Miller suggested still another possible consequence. He said that judges issued warrants permitting electronic eavesdropping on the assumption that the evidence gained by such eavesdropping would not be broadcast to the general public. Now they may be less willing to issue warrants—and, conceivably, more illegal eavesdropping could take place.

[From the New York Times, Jan. 9, 1970]

HUGHES CONDEMNS RELEASE OF TAPES—CHARGES FBI TRANSCRIPTS VICTIMIZE THE INNOCENT AND ENDANGER FREEDOM

(By Ronald Sullivan)

TRENTON, January 8.—Gov. Richard J. Hughes denounced today the public release of the Federal Bureau of Investigation's transcripts of recorded Mafia conversations.

The governors' charge that their "sensational treatment in the press" endangered American concepts of personal freedom, indiscriminately victimized innocent persons and did not "put a single hood in jail."

The Democratic Governor, who has just 12 days left in office, said: "There is a difference between rigid law enforcement and the dissemination of gossip and character assassination by braggarts and name droppers."

In his first major response to the release of the 1,200 pages of electronically recorded conversations involving Angelo (Gyp) De Carlo, a reputed Mafia chief in New Jersey, the Governor did not attack by name Federal Judge Robert Shaw, who ordered the release on Tuesday, or Frederick B. Lacey, the United States Attorney for New Jersey who sought their release and who is directing the Federal investigation of organized crime and official corruption in the state.

In Newark, the Federal trial of De Carlo and three others for allegedly conspiring to make extortionate loans to the late Louis B. Saperstein continued despite requests by defense attorneys that Judge Shaw disqualify himself. They argued in vain, that the judge had shown malice against the defendants by releasing the tapes of De Carlo's conversations.

The American Civil Liberties Union of New Jersey in Newark sided with Mr. Hughes and called on Mr. Lacey to seek criminal indictments against the F.B.I. agents who bugged De Carlo's headquarters in Union County as well as the officials who ordered the eavesdropping between 1961 and 1965.

Mr. Lacey said he had not read the A.C.L.U. demand and thus refused to make any comment.

The electronic bugs were illegal at the time and are inadmissable as evidence in trials.

The A.C.L.U. said also it would seek to help individuals named in the transcripts to instigate libel suits against the Mafia figures who mentioned them.

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KEUPER AND AIDE TO SUE

However, two Monmouth County officials did not wait for the A.C.L.U. Vincent P. Keuper, the Monmouth County Prosecutor, and Capt. Andrew Manning, who is on Mr. Keuper's detective staff, announced that they would sue De Carlo and Anthony (Little Pussy) Russo, a reputed top Mafia racketeer in Monmouth, for $10-million in damages for alleging that they had taken bribes to allow gambling in the county.

Mr. Keuper said that the transcripts could be used in libel action.

Governor Hughes, who has served two terms and who turns his office over on Jan. 20 to Representative William T. Cahill, a Republican, was mentioned several times in the transcripts. Once was by a reputed Mafia figure who boasted that he had met him in 1962 and another time as reputed Mafiosi were speculating in 1961 on how they would do under a Hughes administration.

Mr. Hughes attacked the release of the transcripts in a two-page statement issued by his office here this afternoon. His aides said he would have no further comment. Although the Governor issued a statement on the transcripts, his aides said he would maintain his silence on the bribery indictment against Ralph DeVita, a Union County District Judge who was appointed by Mr. Hughes in 1966.

The aides said that Mr. DeVita, whose alleged Mafia associations were reportedly made known to the Governor prior to his appointment, was under indictment in a case involving organized crime, whereas the De Carlo releases were public knowledge.

SAYS HE ALONE NAMED KELLY

In his statement, the Governor said he was particularly incensed by the charge of De Carlo that he had got John V. Kenny, the powerful Hudson County Democratic boss, to get Mr. Hughes to appoint David B. Kelly as superintendent of the state police in 1965.

"No political leader or anyone else dictated or even suggested this appointment," the Governor said.

"It was my choice alone due to my knowledge of his outstanding record and unimpeachable reputation, and my decision was fully approved by the Attorney General of New Jersey. Colonel Kelly is one of the nation's finest law enforcement officials. That is why Federal authorities respect him so highly and why I appointed him and why Governor-elect Cahill has re-appointed him."

The Governor said that the allegations in the transcripts were "foreign to American fair play."

"We must think most carefully about our personal liberties," he said, "and cherish them most dearly against the threat of innuendo, slander and character assassination. We must begin to think hard about what is happening to our American way of life and to our system of justice."

According to the incoming Secretary of State, Paul Sherwin, Mr. Cahill discussed Colonel Kelly's reappointment with Attorney General John N. Mitchell and with Mr. Lacey and said that it was received with "great enthusiasm by both officials."

ATTACKS POVERINO'S BOAST

Mr. Hughes also said that another boast in the transcripts by Joseph (Indian Joe) Poverino, a co-defendant of De Carlo in a Federal conspiracy-extortion trial in Newark, that he had met with him in 1962 was absolutely untrue.

Poverino, according to the F.B.I. transcripts, said that he had told the Governor at the alleged meeting that he had raised $12,000 in his behalf in the 1961 gubernatorial campaign.

But the Governor said today, "Why should I have to dignify such a suggestion by pointing out that I know no Poverino and that no such meeting ever took place?'"

"Men in public life," he said, "should never be surprised to hear the curses of the disgruntled, or to be the victims of boastful gossip, or to be mentioned by persons whose purposes may be enhanced by name-dropping or alleged connections with public figures who know nothing of them and have never had anything to do with them."

The Governor continued: "It is the duty of law enforcement officials to seek indictments and prosecution of those who break the law. I am familiar with rigid law enforcement, as a former assistant United States Attorney, as a Superior Court judge for many years, and as Governor."

However, the Governor added:

"The fulfillment of this duty is not served by excitement which results from public preoccupation with the alleged gossip of braggarts which can affect the reputation of honest men, whether public officials, or journalists, or clergymen or citizens of any degree. Nor does this course put a single hood in jail.

"The further tragedy of such indiscriminate and idle gossip is the harm done to hard-earned good reputations."

RIGHTS SEEN VIOLATED

In a letter to Mr. Lacey, the A.C.L.U. charged that the F.B.I. bugging violated the constitutional rights of those persons who were identified by the Mafia figures. The A.C.L.U. also said that the eavesdrops also deprived those named in them of their civil rights.

The A.C.L.U. told Mr. Lacey that he should have asked Judge Shaw to impound the transcripts rather than make them public.

"So gross are the violations of the civil rights stemming from electronic eavesdropping that further measures seem to be called for," the A.C.L.U. told Mr. Lacey.

"If as you say, you are interested in prosecuting official violations of Federal law, your course must be clear: you must seek the indictment of the agents, who conducted the eavesdropping as well as the official who ordered that the eavesdropping be undertaken."

In Monmouth, Mr. Keuper characterized the allegations in the transcript by Russo that he was getting $10,000 a year as fables."

"This suit," Mr. Keuper said, 'is the only way for county law enforcement officials to get our day in court so as to clear ourselves of this false and defamatory statement. I want to bring Russo into a courtroom where I can hear his ridiculous fables and have an opportunity to cross-examine him in person."

Mr. Keuper also said he planned to attend a meeting here Monday with Arthur J. Sills, the state Attorney General, and his successor on Jan. 20, George F. Kugler Jr., and a number of county prosecutors to discuss what action can be taken to protect law enforcement officials from unsubstantiated attacks.

[From the New York Times, June 15, 1969]

BUGGING RELEASE AMAZES LAWYER—MAFIA COUNSEL THOUGHT UNITED STATES WOULD NOT COMPLY WITH BID FOR TRANSCRIPT

The lawyer for the underworld figure most prominently mentioned in the 2,000 pages of recorded Mafia conversations released by the Federal Government in New Jersey last week went into seclusion this weekend.

It was the lawyer, Sidney M. Franzblau, who originally moved in court to require the disclosures, thinking the Government would never agree to make them public.

But Federal prosecutors last Tuesday did agree—and the result was a sensational exposure of Mafia machinations and keen discomfort for the lawyer. He told a reporter on Friday he was going into seclusion over the weekend.

The first move toward airing the transcripts—recorded by Federal Bureau of Investigation agents between 1961 and 1965—was made by Mr. Franzblau in Federal District Court in Newark. This was a few days after his client, Simone Rizzo (Sam the Plumber) DeCavalcante, head of a New Jersey Mafia family, was indicted on March 21, 1968, on charges of interstate conspiracy to aid racketeering.

Mr. Franzblau evidently acted in the belief the Government would dismiss the charges rather than release sensitive information out of fear that other pending cases might be prejudiced.

There were many precedents to support such a belief.

POLICY IS CHANGED

Moreover, he knew that it was Justice Department policy at the time to oppose eavesdropping disclosures and that, in any case, the materials would not be admissible as evidence.

However, between the time of Mr. Franzblau's motion and last Tuesday, the Supreme Court handed down several eavesdropping decisions, one of which obliged prosecutors to turn over wiretap or bugging evidence to defense attorneys.

In addition, the Justice Department sharply modified its old policy so that it was not automatically opposed to wiretap or bugging disclosures, and two cases that might have been prejudiced by information in recorded conversations had been completed.

Thus, while the original motion had seemed routine, the situation had changed significantly by last Tuesday when United States Attorney David M. Satz, Jr., filed the 13 volumes of transcripts with the court, where they became public property.

ONE-HUNDRED PERCENT CONFIDENCE

The transcripts, which cannot be used to obtain indictments, detail Mafia intrigue and treachery, executions and morals, labor racketeering and extortion and attempts to take over legitimate businesses.

The release of the documents astonished Mr. Franzblau.

"I've never heard of the Government ever releasing such information before," he said.

The lawyer, a former assistant United States Attorney in Newark, was asked whether the release of the transcripts—which he might have blocked by asking for a so-called restrictive order—had damaged his relations with DeCavalcante.

"My client has 100 per cent confidence in me," he insisted.

Mr. Franzblau added that he was "seriously considering" asking for a dismissal of the indictments against DeCavalcante because of the widespread publicity generated by the release of the transcripts.

Asked how he could seek dismissal on such grounds when the Government had released the transcripts in response to his own motion, Mr. Franzblau said he had asked Mr. Satz to make the material available to him, not to the press and public. However, he did not move formally to restrict the disclosures.

Mr. Franzblau, known to friends as "Chris," is 38 years old and lives at 33 Edgemont Road, West Orange, N.J. He shares a law partnership with David M. Beckerman in Newark.

Mr. Franzblau attended Muhlenberg College in Allentown, Pa., and received his bachelor of laws degree from Duke University. He was admitted to the New Jersey bar in 1955.

In the late nineteen-fifties, during the final years of the Eisenhower Administration, he was appointed an assistant United States Attorney in Newark, a post he held until October, 1961.

TOO MANY VIOLENT PEOPLE

Associates say it was about a year later that Mr. Franzblau first began representing underworld figures.

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In one segment of the conversations recorded by the Federal Bureau of Investigation on May 27, 1965, Mr. Franzblau was quoted as having told a DeCavalcante business partner that he was pulling out of a case in which he was defending Carmine Lombardozzi, a Mafia leader.

Asked why he was withdrawing, Mr. Franzblau said: "To many violent people in it."

He added: "I don't want to be a criminal lawyer. I don't take any gambling cases any more unless as a favor."

The incident that led to the indictment of DeCavalcante last year was a dice game holdup in 1966 and an alleged extortion plot against the gamblers.

[From the New York Times, June 14, 1969]

EXCERPTS OF FBI RECORDINGS OF MAFIA MEETINGS

Following are excerpts from transcripts of electronic recordings made by the Federal Bureau of Investigation from 1961 to 1965.

They were made at places frequented by Simone Rizzo (Sam the Plumber) DeCavalcante and two co-defendants, Gaetano Dominick (Corky) Vastola and Daniel Annunziata, in a conspiracy-extortion case awaiting trial.

The transcripts, filed in Federal Court in Newark, consist of direct transcriptions and F. B. I. summaries of such conversations.

LAWYER FOR MAFIA CHIEF DECIDES HE'S "PULLING OUT"

NK 2461-C, an informer for the F. B. I. reports the following verbatim conversation between Lawrence Wolfson, DeCavalcante's business partner, and a former assistant United States attorney, Sidney M. Franzblau (also known as Chris) DeCavalcante's lawyer, on May 27, 1965:*

C. I hope everything will be all right with that Bonanno [disappearance] grand jury.

L. Who are you representing?

C. Jerry [Catena].

L. Was he called before this grand jury?

C. Yeah.

L. This Joe Bananas—Sam thinks he's still around.

C. I do, too.

L. I don't think Joe Bananas will ever turn up again. It's been a year since he went [disappeared].

C. I don't think he'll turn up while this much heat is around.

L. This guy has been in trouble before. I remember Nick told me he was too aggressive.

L. One thing about these guys [Bonanno et al.] they never hesitated to pull the trigger.

C. I'm getting away from all this, Larry. I'm pulling out of the case tomorrow.

L. Who were you handling in that one?

C. Milton Parness. Lombardozzi.

L. He's in the can, isn't he?

C. Right.

L. How come you're pulling out of that?

C. Too many violent people in it.

L. They ain't gonna bother you.

C. Yeah, but the trial will take months and there's not enough money in it. Besides, I don't want to be a criminal lawyer. I don't take any gambling cases anymore unless as a favor.

YOUNG JERSEY SINGER GETS A MAFIA CONTRACT

On April 7, 1965, NK 2461–C furnished the following information to the F.B.I.:*

Sam was visited by Sal Caternicchio and his nephew, a singer, whose professional name is Nino Rossano. His true name is Giacobbe. He is 24 years old and lives with his parents at 437 Spencer Street, Elizabeth, N.J. Also present was Sidney M. Franzblau, or Chris.

Franzblau's function was to gather information for the drawing of a contract between DeCavalcante and the singer. Nino has been taking voice lessons from Carlo Menotti at the Carnegie Hall Studios, 831 58th Street, New York City. He has never made a personal appearance, although Sal assured Sam that Nino could sing better than Robert Goulet.

The terms of the contract will provide that Sam is to pay for Nino's singing lessons, certain expenses, plus $40 a week, in return for 55 per cent of all of Nino's earnings, if any. Sam plans to meet with Maestro Minotti (not to be confused with the composer, Gian Carlo Menotti) who works out the fees. He cautioned Nino that henceforth he was not to take a job without advising Sal and/or Sam.

Two months later, on June 3, 1955, James J. Verdino, an F.B.I. agent, filed the following summary:

Sam on location with unidentified person. Unidentified person is probably the singer Sam is trying to push. Sam tells unidentified person that a Mr. Bill Foster at N.B.C. wants to interview him and also audition him with a band. Unidentified person seems to be either Spanish or Italian.

Sam asks singer how are you getting along with Carl (Gambino). Singer is identified as Nino. Sam is telling Nino he needs polish. He sang at the orphanage racket and at the wedding but if he gets on the "Tonight" show with a connection by Sam there will be some critics that could hurt him. Nino is scheduled for the Ted Mack show, also.

Mr. Giacobbe's mother said yesterday that her son was now working at a nightspot—she did not know which one—in New Jersey and that he was living in Elizabeth with his wife. Mr. Giacobbe could not be reached for comment immediately.

FEAR OF WAR WITH BLACKS SAVES A MAN'S LIFE

NK 2461C, in an advisory dated May 24, 1965, gives the F.B.I. the following information:*

Rosario Cocchiaro, on 5/24/64, was assaulted with a shovel by Matthew Shumate, a Newark N.O.I. [Nation of Islam] subject [the Black Muslims consider themselves a sect of the Nation of Islam] and suffered broken ribs and a collapsed lung. Rosario was hospitalized until 5/26/66. Rosario and Shumate had a fight at a construction job in the Elizabeth, N.J., area.

The DeCavalcante "family" was initially infuriated by Shumate's action due to Rosario's father, Frank Cocchiaro, being a DeCavalcante "family" member. Frank asked for "satisfaction" and meetings were held to determine the family's retaliation measures. It was decided at first that Shumate would be physically beaten. Then it was decided that Shumate was to be murdered with a knife to make it look like a "nigger job."

It was also considered to murder Shumate by using a pistol, due to Malcolm X being murdered by this method. In back of all this murderous intent was the specter of the N.O.I. learning that Shumate would have been murdered by the DeCavalcante family and the possibility that the N.O.I. might retaliate in vengeance and cause an all-out war in the Elizabeth, N.J., area.

DeCavalcante finally decided to let this incident "cool off" for a month's time and persuaded the interested DeCavalcante family's members to wait for this period of time.

DeCavalcante met with Frank Majuri, his underboss, on 6/1/65, and at this time DeCavalcante said he had met with Carlo Gambino that day and had told Carlo of this matter. Gambino told DeCavalcante that a La Cosa Nostra member can ask for satisfaction in such an instance, but he doesn't have to get it if there is a risk of destroying the borgata [family]. Based on what DeCavalcante told him, Gambino recommended that any retaliation be held up for two to three months.

DeCavalcante and Majuri, from their conversation, now appear to be quite ready to hold retaliation in this matter in abeyance or forgetting about it altogether. From what was said, they believe Rosario might have avoided this trouble as he started the fight, and Majuri said Rosario wasn't injured that severely.

Furthermore, they said Shumate, being a Negro, wouldn't know about showing respect to DeCavalcante family members or their children. Majuri asked DeCavalcante if he had told Frank Cocchiaro of Gambino's suggestion in this matter. DeCavalcante said he hadn't.

DeCavalcante probably would have permitted almost instantaneous retaliation against Shumate if he wasn't a Muslim member. Frank Cocchiaro, not immediately known if this is the Frank Cocchiaro known to be a capo in the DeCavalcante family or some relative of his, had met with DeCavalcante family members on 5/7/65, and told DeCavalcante that he and/or Rosario are quite willing to retaliate against Shumate on their own. Frank Cocchiaro said that he didn't want to bring trouble on any other DeCavalcante family member as he considered this matter to be a personal threat.

DeCavalcante told him that he wouldn't permit Cocchiaro to handle any retaliation measure alone.

The following was logged by an F.B.I. employe on May 27, 1965:

Sam asks Frank [Majuri] "What do you think?" "Do you think we should go all the way?" They are still concerned with the fact that he [Shumate] is a Black Muslim. They are thinking about possibly using Corky to pose as a cop and bring the guy out on suspicion of narcotics because he is a narcotics addict.

Frank suggests that they wait a little while to see how the compensation case [Rosario's] works out and the stories that come out. In case the guy is knocked off it might look like a case of vengence if anyone told the real story about the beating.

On June 3, 1965, NK 2461-C reported the following outcome to the Rosario-Shumate incident:*

Concerning the Shumate affair, Larry [Wolfson, DeCavalcante's business partner] asked DeCavalcante what would be done in retribution for his [Shumate] having hit "that kid" [Rosario] with a shovel. Sam replied, "You can't do nothing to him."

PROMINENT NAMES DROP IN MAFIA CONVERSATIONS

The following information was furnished to the F.B.I. by NK 2461-C on April 12, 1965:*

Louis Larasso contacted Sam and they discussed the Carlie Majuri arrest. Sam said that Union County Prosecutor Leo Kaplowitz thinks there should have been a motion to suppress the evidence. Kaplowitz suggested that a lawyer named Isaacs (phonetic spelling) be retained.

Larasso referred to an offer in this matter and said he'd be willing to see thing settled for $3,000, even if it is a shakedown, rather than see the thing up to the county local, where there might be pressure from the F.B.I. to prosecute.

DeCavalcante indicated a willingness to expend $1,000—$500 to the judge and $500 to (Elizabeth Mayor) Tom Dunn—providing it could be handled in court.

[Mayor Dunn has said that he once received a campaign contribution from DeCavalcante before he became aware of DeCavalcante's reputation. But the Mayor said he could recall no other dealings with DeCavalcante.]

In a portion of the transcript, about 12 lines of which were apparently censored by the F.B.I. or the Justice Department, DeCavalcante and his cousin, Robert Basile, converse about a robbery in Newburgh, N.Y. and discuss a fellow Mafioso's unsuccessful shakedown attempts. The following dialogue was reported by NK 2461–C on Feb. 22, 1965:*

BOB. Censored.

XUM

Sam. Censored.

Bob. Lieutenant Jacobson (phonetic spelling) got in touch with the boys. Rudy said, "You know I'm getting a little sick of this, too. I'm going to wind up getting in a lot of trouble. And I don't know the first things about it." They went over to see him—Lieutenant Jacobson. He said, "We know the whole story—just give us back—or throw some of the stuff in the street. Like the sables and the chinchillas—then the whole thing will be closed." So Rudy said, "I don't know what the hell you're talking about." So he said, "Look, if you got any doubts about me—go see Toddomarino (phonetic spelling). He'll vouch for me."

Sam. The Lieutenant said that?

Bob. Yeah. So he asked me. I said, "Rudy, stay out of it. Don't ask nobody nothing." This Lieutenant Jacobs is the same guy involved with Johnny Rizzo, was involved with Frankie Dapper (Frank Robert Dapolito) and everything else. I think this guy is looking to make a score for himself. . . . I spent about an hour and a half with the kids yesterday—Dom Prado (phonetic spelling) Rudy—nice conversation. They're very sensible boys.

Sam. You ought to tell them, "Sam is doing everything to make you guys respected and see you make a living. He don't want nobody to use you guys.

Bob. So Corky (Vastola) came over yesterday and registered a beef.

Sam. Against Frank (Cocchiaro) again?

Bob. Not against Frank. It's against everything. He said, "You know, I was on that score. I didn't see no lousy money yet. Everybody's grabbing—fighting. But I didn't see no money. . . ." Sam, let me tell you something—let them go shift for themselves for a while. Let them fight it out amongst themselves—and when they're finished—then we'll see. Nobody's getting a fair shake. I told Corky yesterday, "You complaining—you've started 4,000 things. What happened to the Four Seasons? Where's the money?" He said, "Well, I didn't get. . . ." I said, "It's the same old story, Corky. You start all these things—everybody gets enthusiastic—runs around—and where's the results? Did you put those cans aside like you were told, Corky?" (He said) "No, not yet." I said, "You better put them aside."

(John Riggi entered and conversation shifted to construction business.)

The Newark Bureau of the F.B.I. then asked the New York Bureau to "suggest identities for Rudy (last name unknown), Larry (last name unknown), Lieut. (first name unknown) Jacobson, Toddomarino (phonetic spelling) and Dom Pradoo (phonetic spelling), all of whom are unknown in Newark; it appears that Rudy and Dom may be among those being proposed for membership in La Cosa Nostra."

On Feb. 5, 1965, NK 2461–C advised that Joseph (Bayonne Joe) Arthur Zicarelli, the alleged Mafia chieftain for Hudson County, N.J., visited DeCavalcante. When he arrived, according to NK 2461–C*, Emmanuel Riggi and his son John Riggi were also present, and DeCavalcante introduced them as "amico nos" [our friends.] NK 2461–C* filed the following summary:*

Riggi had been in the process of telling DeCavalcante of the progress of his deportation case. He mentioned that one Olivetti (phonetic spelling) formerly with a Government agency, had advised him to contact Representative Florence Dwyer, Republican, New Jersey, and Senator Harrison Williams, Democrat, New Jersey, in an effort to interest them in the case. Olivetti gave Riggi permission to use his name.

Zicarelli was aware of Riggi's troubles, having heard of them previously from DeCavalcante. In fact, he was able to report that, at DeCavalcante's request, he had spoken on Riggi's behalf to "my friend the Congressman" (Representative Cornelius Gallagher, Democrat, New Jersey). Zicarelli said he has not heard from his friend since because of "all the commotion." (Reference is probably to the SDNY [Southern District, New York] grand jury hearings.) Zicarelli indicated that he would follow the matter and said he was sure Gallagher could help if all else failed.

On Feb. 3, 1965, NK 2461–C reported to the F. B. I. a verbatim conversation between DeCavalcante and Zicarelli about three young New Yorkers who were arrested in Elizabeth, N.J., on Jan. 14, 1965, on suspicion of burglary. Zicarelli asked DeCavalcante to use his influence to have the charges dismissed. That request led to the following dialogue:*

Sam. These three guys—after I spoke to you they showed up and they were thrown out.

Joe. Yeah, I know. I tried to get you back and couldn't.

Sam. Well, what happened then. These guys are nuts.

Joe. They were there! We called right away and they said they were dismissed so they left.

Sam. You know when I called you—it was in the afternoon. I even called this guy back because he called the clerk and told him to postpone it for a week. They were there at 11:30 instead of 9:30.

Joe. What do we have to give this guy?

Sam. Nothing. Forget about it.

Joe. Why should I forget about it? These aren't three of my guys. They want to pay. Let them pay. What'd you give this guy?

Sam. I'm supposed to see him next week. Joe, if it's you . . .

Joe. It's not me! I don't know these kids, Sam.

Sam. Well, you sent them down.

Joe. You know Frankie Dee. These kids belong to Frankie Dee and Mike. Let them pay. Why should you pay anything?

Sam. Over here I'm supposed to see the judge and the police commissioner.

Joe. All right—whatever you go for let me know.

Sam. No. They're not your guys? Well let them go. I thought it was your guys. You asked for the favor.

Joe. You know who's my guys? Sure they're the same as I am. It's Mike and Frankie Dee. And these kids are around them. Mike came in to see me. . . .

Sam. Now . . . with one understanding. These kids are supposed to come around Elizabeth.

Joe. They know that.

Sam. And they're not supposed to sue for false arrest. I guaranteed that myself. I knew they wouldn't do that anyhow.

Joe. These are good kids. They've done plenty of work and they're around any time you want them.

[From the New York Times, Jan. 7, 1970]

EXCERPTS FROM FBI TRANSCRIPTS OF TAPES RELEASED AT THE DE CARLO TRIAL

(Following are excerpts of transcripts of electronic recordings made by the Federal Bureau of Investigation from 1961 to 1965. They were made at places frequented by Angelo (Gyp) De Carlo—identified as Ray—who is a defendant with three others in a conspiracy-extortion trial now in progress in Federal Court in Newark.

(The transcripts were made public late yesterday afternoon and the excerpts are based on a preliminary reading. The transcripts consist of seven volumes of recorded conversations and F.B.I. summaries of such conversations.)

PARTICIPANTS IN RECORD

Following are descriptions of some of the persons whose conversations were recorded by the Federal Bureau of Investigation in an investigation of the underworld in New Jersey and of some of the persons mentioned in the conversations:

Angelo (Gyp) De Carlo—Said to be a capo, or leader, in the camp headed by Gerardo (Jerry) Catena.

David Wilentz—Democratic national committeeman from New Jersey, former Democratic chairman of Middlesex County, former Attorney General of New Jersey, and who was said to have engineered Richard J. Hughes's nomination for Governor.

John V. Kenny—Former Mayor of Jersey City and the Democratic boss of Hudson County.

Leo P. Carlin—Mayor of Newark from 1954 to 1962; later served as special assistant for migrant affairs in the Department of Labor.

James (Jimmy Nap) Napoli—A convicted bookmaker and close associate of Mafia boss Thomas (Tommy Ryan) Eboli. Napoli was indicted last month in New York County on charges of criminal contempt in connection with an inquiry in the fixing of fights at Madison Square Garden.

Dominick R. Capello—Former Superintendent of the New Jersey State Police who retired in 1965 after more than 26 years of service. He served as Superintendent for two years with the rank of colonel.

Michael A. Bontempo, former president of the Newark City Council and an unsuccessful candidate for Mayor in 1966.

Harold (Kayo) Konigsberg, a convicted extortionist and reputed king of the loansharks, who is now completing a 10-year term in Federal penitentiary in Springfield, Mo., for possession of stolen merchandise.

Dennis F. Carey—The Essex County Democratic chairman since 1954.

Anthony (Jack Panels) Santoli—A Newark racketeer who allegedly ran a dice game in New York City.

Anthony (Little Pussy) Russo—Alleged protégé of reputed Mafia stalwart Anthony (Tony Boy) Boiardo, said to be running the rackets in Monmouth County and also investing in legitimate business in Miami.

Dominick A. Spina—Newark's Director of Police, who was indicted in 1968 and then acquitted of charges of "willful failure" to enforce antigaming laws.

Joseph (Joe Bayonne) Zicarelli—Reputed to be a key figure in organized racketeering in Hudson County.

Thomas Gangemi—Former Mayor of Jersey City, who resigned in 1963 after it became known that he was not a United States citizen.

Thomas (Taddo) Marino, an ex-convict and alleged Brooklyn Mafia member, who was involved in an official investigation of illegal gambling.

Joseph Columbo—Reputed head of the Brooklyn Mafia family.

Thomas Finn—Former administrator of the Jersey City Medical Center.

Frank Celano—A senior member of the Genovese Mafia family, the largest and most powerful underworld group in the nation.

Carmine Persico, Jr.—A member of the Brooklyn Mafia family headed by Joseph Columbo.

LOANSHARKING

Informant reported the following conversation between Angela De Carlo and Harold Konigsberg on March 31, 1961:

De Carlo. Listen now, I got some people, some millionaires, but these people seem to know something about Jamaica. They would invest a million if there would be any gambling and they could have a piece of it.

Konigsberg. (Much of Konigsberg's statements at this point are inaudible, however, he mentions a $750,000 loan at 30 per cent apparently in connection with the hotel in Jamaica).

De Carlo. How can he meet the payments at 20 per cent per week?

Konigsberg. That's 20 per cent for a year, not a week.

XUM

De Carlo. Oh, 20 per cent for a whole year.

Konigsberg. Yeah, it's a one-year loan. I don't want to destroy the joint.

De Carlo. Shylocks get 50 per cent or 100 per cent. Do you have a phone number where I can reach you?

Konigsberg. Yeah, sure, it's my office. Konigsberg did not repeat a phone number, but apparently gave De Carlo a card or wrote down a number for him). . . .

Konigsberg. It's the trucking office. I'm there Monday and Friday. It's in South Kearny.

De Carlo. You're there?

Konigsberg. Let me explain. I'm there when I ain't working. I'm making up my own shylock operation. I've been working day and night for four weeks now. I even had pneumonia.

De Carlo. I want you to sit down with these people. One guy went to Europe who was here the other night. He said sure, if I thought there was any possibility of getting gambling, we would put the money up.

Konigsberg. Do you know who I'll get it from? Frank Sinatra.

De Carlo. I'm going down there next week. I'll see Sinatra and have a talk with him.

Konigsberg. Is he going to be in Florida next week?

De Carlo. He'll be there until the 12th or 13th. I'm going down there Friday so I'll see him before he leaves. As soon as I get there, I'll call up and leave where I'm at in case you need to get in touch with me. . . . What do you do? What kind of work?

Konigsberg. Shylocking, that's how we make a living.

De Carlo. Use a little common sense. Go and book horses. All that stealing and all. . . .

At one point, De Carlo was said to be upset because Frank Sinatra refused to accept a telephone call from one of his aides, who "had made it clear he was calling for De Carlo," said another F.B.I. report. Purpose of the call was not made clear and Mr. Sinatra's name was not used again.

ONE INMATE DISCUSSED

The two individuals then discussed Charles Workman's efforts to get out of prison.

ADDONIZIO CITATION

Konigsberg. Will you tell me why everybody loves you so much?

De Carlo. Well, because I'm a hoodlum. I don't want to be a legitimate guy. All those other racket guys who get a few bucks want to become legitimate.

(*There then followed a conversation mostly concerning the shylocking racket which was inaudible until the following conversation was heard*).

Konigsberg. If we loan a guy $5,000, we get $250 a week.

De Carlo. $250 a week? We get $100 a week for $5,000.

Konigsberg. You're scabs. You'll have to organize you guys.

* * * * *

Konigsberg. What's coming in?

De Carlo. Betting numbers, booking horses, sports. Sports is big, but so many crooked games. Basketball games are all crooked, and now and then you get a crooked football game. You get killed. You can't get anyone to take over a $300 bet on a fight except Demus, and he might take a thousand. He might.

(*Demus is believed to be Joseph Covello*).

* * * * *

An F.B.I. informant (N.K. 2251–C) tells of a conversation between De Carlo, Little Joe De Benedictis and Si Rega.

Joe. You know, Si it's going to take three weeks but we'll own this Hughie [Addonizio]. This guy here. I'll guarantee, we'll own him. I'll use that term—in three or four weeks. He wants to get rid of some crums around him.

Ray. Well, when you see him today, tell him that if he ever does business with more than one guy he won't last.

Conversation on Sept. 7, 1962, between Angelo (Ray) De Carlo and someone believed to be Joseph (Little Joe) DeBenedictis, in regard to setting up a company.

Joe. So that's the way it stand now. They got Someret County all tied up. They tied that up last night. Now how the hell are we gonna get to Kenny [John V. Kenny?]

Ray. You gotta make an appointment with him. Tell him I sent you. Tell him you and I is in with this it's a company we formed and were in with it. Hughie (Addonizio) helped us along. He give us the city. We'd like to get these towns and . . .

Joe. [Later in the same conversation]. I'll tell him I ain't even got my name down . . . Now this guy Bontempo, listen to what I say (inaudible).

Joe. This is a serious situation, Ray. We gave him a raw deal. We got him in a hole.

An F.B.I. informant (NK. 92–379) tells of a meeting at which De Carlo discussed the 1962 mayoralty race in Newark:

"Concerning the forthcoming political campaign for Addonizio, De Carlo again outlines his views on securing funds. He said only about five people would be invited to give and the $10-bookmakers' would have to make their own connections. De Carlo feels confident that his money will be well spent since gambling arrests will be made only by the gambling squad.

"De Carlo related that he had scheduled the meeting with Tony Boy (Anthony Boairdo) and Addonizio the following day for the purpose of having Tony Boy tell Hughie that he can control Oscar Girard's (a Democratic ward leader) support of Addonizio."

GAMBLING

Informant reported that Lou Martone met with Angelo De Carlo on Jan. 16, 1963: Martone reported, "I didn't get the check, but I called in yesterday and it's in the mail I'll bring you in at least $12,000. Don't worry, you've got it all coming," Pete Landusco met with De Carlo. Jack Panels reported to De Carlo that Joe Zicarelli had called him to report that he [Zicarelli] had determined that Louis Caporaso was in Brooklyn attempting to get money from relatives.

Jack. Jimmy Napp [Napoli] got a hold of me last night and he told me that this Smitty remember Smitty from Brooklyn, we went in with him years ago? Him, Joe Columbo, and another guy have got a crap game in Brooklyn. They've got a $500 limit and they're stuck $40,000. Jimmy says they've got a terrific game and Smitty told him they're looking for a partner. Jimmy said the only way he would take a piece of the game is if you would be interested.

Jack. Joe [Zicarelli] called up this morning and I called him back. He said: "Tell all your friends that the Treasury men are in town and they're going to be here today and tomorrow."

Conversation between persons believed to be Frank Toddo Marino, later joined by Louis Percello and Lucky Carl Silesia, Leash and Joe (the Indian) Polverino.

Ray. What's Babe last name?

Lucky. Maraglia.

Ray. That's it. Tokyo [Joe Casamassa] said they're ready to grab him. They're looking for two Jews, too.

Lucky. There's a Jew working in the office.

Ray. Do you know what this Cappy [N.J. State Police Superintendent Dominick Capello] wants?"

Lucky. No. How much?

Ray. He wants $1,000 for Long Branch and $1,000 for Ashbury.

Si. For each town?

Ray. Yeah. Each town. And for the whole country, he wants to make another different price.

Lucky. Tell him——

Summer rates higher

Si. Do you want to hear the rest of the story? June, July, August and September he wants double.

Ray. Here's what I figure. Let's move all the offices into Long Branch and we'll just pay him for Long Branch.

Lucky. That's a good idea.

Ray. One setup. Move your office in there and Nicky [Allen, true name Nick Aldarelli] and everybody get a spot in Long Branch. When is Pussy [Anthony Russo] coming back?

Lucky. The 8th or 9th.

Ray. Tip everybody off in Asbury, tell them be very careful, you're on your own.

Lucky. We'll give him a G note for one town and get all the number guys in one town. If I had my way, I'd give him nothing.

Ray. Maybe we should have left him alone. They [State Troopers] couldn't stay there all the time.

Lucky. They got a couple of Negroes working for them. We must have 20 license plate numbers. What would this guy want from a city like Newark if he wants that much from down there?

Ray. We used to pay him $1,500 for a crap game. $1,500 a month.

Si. In Bayonne, we paid him $2,500.

Ray. He's no good. He knows every racket guy in the state. We would have been better off with a dumb guy in there. There's only one way to handle this guy. Did you say you've got the town of Asbury?

Lucky. I ain't got Asbury.

Ray. Well, what have you got? Have you got Neptune? [May be either Neptune City of Neptune Township.]

Lucky. Yeah. We've got the chief, but we ain't got the judge.

[*Re: Chief Edward A. Schumacher, Neptune City, previous information alleged he was being paid off*.]

Ray. Pussy must have the judge in Long Branch.

Lucky. Albino [phonetic spelling] yeah, he's all right.

Ray. He's Poagy's [Alfred Torriello] brother-in-law.

It should be noted that De Carlo has been anxious to contact Dominick Capello, who was recently confirmed as Superintendent of the New Jersey State Police, to have Capello stop the State Troopers from harassing his numbers operations in the shore area. Capello had been reluctant to meet him because of the newness of his appointment. De Carlo eventually arranged to have Tokyo Joe Casamassa contact Capello. Newark has opened a case on Casamassa to obtain full background and his activities inasmuch as he appears to be the intermediary between the subjects and Capello.

CONCERNING A MURDER

De Carlo, William Rega [Si] and Silesia discussed the recent killing at the Essex County Hunting and Fishing Club on March 13, 1963.

Ray. He's in a predicament with a bad prosecutor like Lynch [phonetic spelling]. I don't see how he [possibly Tony-Boy Boiardo] even let him give himself up.

Leash. I couldn't understand that.

Ray. Tony Boy talked it over with Dick [Newark Police Director Dominick A Spina] and Dick said let him come in—we'll make it self-defense.

Leash. Yeah, but if it was only them, but like you said before . . .

Ray. It was good the way the broad put it in—she said this boy began fooling around—he had an argument with her and the guy throwed the bottle—he grabbed a knife from the kitchen and stabbed the guy with it. While he's stabbing him, she's hitting him on the head with a bottle . . . According to [Dr.] Albano, he was killed from being hit on the head.

XUM

Si. Well, that's what they'll go by. Whatever she gets convicted of, he'll be an accessory.

10:20 P.M. The informant advised that Peter La Barbiera and possibly one other person joined the group.

Si. [Referring to La Barbiera's case which was recently dismissed] Congratulations!

Pete. They cleared everybody. Cleared the rat.

Leash. Cleared the rat, too?

Pete. Yeah, and they cleared the guy who pled guilty.

Ray. I think Kenny [John V.] must have put . . .

Pete. Under five thousand Ray.

Ray. Huh?

Pete. Under that . . .

Ray. On, Federal can't come in them.

Ray. Who was the judge?

Pete. This guy from Camden. Madden.

Ray. Oh, Madden's a good man. He's a hell of a man! He was the guy that gave Rozzen [Phonetic spelling] that year only.

POLITICS

On Aug. 13, 1964, an F.B.I. informant in Newark said that Angelo De Carlo had told a switchboard operator at the Democratic convention in Atlantic City that year to write down all numbers called by the late Senator Robert F. Kennedy and to furnish them to him. The operator agreed to do it.

Excerpt from F.B.I. report: Sept. 7, 1962:

Source reported that Mickey Bontempo was given $5,000 to drop out of the Newark mayoralty race and promised a job. Bontempo is angry because a State Water Commission job was given to his brother, Salvatore, and not him on the recommendation of Mayor Addonzio.

Following is an F.B.I. summary of a meeting between De Carlo and two other men.

"De Carlo expressed annoyance at Tony Boy (Anthony Boiardo) for having contacted Hugh Addonzio direct and offering him $5,000. Ray interpreted this as an expression of distrust and feels that Tony Boy was trying to pave the way for continuous personal contact with Addonizio. Ray would not blame Addonzio for taking the money [it was not clear whether he did or not] but feels that Hughie should tell Tony Boy that all money should come through De Carlo."

Here is a summary of information furnished on April 20, 1962: Source reported Bugsy [Last name unknown, might be Pescatore] contacted Dipsy Doodle [Lt. Frank Daniello, Bureau of Investigation, Hoboken Police Department] and asked him for the "Long Branch Number." It is reported that De Carlo was "expecting some information to be relayed through Dipsy relative to a Long Branch number having been called in connection with a bookmaking operation." It was further reported that "arrangements were made between Bugsy and Dipsy for De Carlo to call an unidentified male at City Hall the following day."

That same information says that De Carlo said to Bugsy: "They ain't gonna mess with you. You get hold of 'the Little Guy' anytime." Joseph Zicarelli is sometimes referred to as the "little guy," according to the information].

The report said that from De Carlo's remarks "it was apparent that he and an unidentified man were anxious to get something going in the county (probably Hudson) and when it gets going good they can 'sell it to the others'."

Elsewhere in the report it says that John V. Kenny, Democratic leader of Hudson County, is also known as "The Little Guy."

In a report dated Aug. 8, 1962, De Carlo called Mr. Kenny. Says the report:

"From De Carlo's portion of the conversation, the informant determined that Kenny requested to contact Newark Mayor Hugh Addonizio in an effort to have Kenny's man appointed as hospital administrator of Martland Medical Center. [It appears that Kenny's man is Thomas Finn], who was fired from a similar position recently by Jersey City Mayor Gangemi."

The report continues:

"De Carlo stated: 'What will I do with my man, make him call you or make him call Tom (Gangemi).—I don't know if I can locate Hughie tonight, but if you see him down there, you tell him you was talking to me tonight and I go along with this a million per cent. He knows I go along with anything you want. You can talk to him the way you talk to me.' "

An F.B.I. report dated Jan. 15, 1963, suggests that an associate of Mr. Kenny called De Carlo to tell him that he had some information regarding a job for Neil Duffy, former Essex County Sheriff.

The associate, Jim Corrado, was asked "if he could contact Cappy [Domenick Capello, Superintendent of New Jersey State Police] and ask him to stop bothering the operation in Long Branch and Asbury Park until they could get together with him."

De Carlo also mentioned to Corrado that a new Long Branch city manager was to be named on Feb. 15 [1963].

"He [De Carlo] said Corrado should ask his boss for the name of someone who is 'a million per cent' to whom they can give the job. He noted the city manager has charge of the Police Department."

On Nov. 20, 1963, De Carlo "contacted the Pollack Hospital in Jersey City, where he spoke with an individual, believed to be John V. Kenny," an F.B.I. memo said.

De Carlo's call was "to remind Kenny that he had recommended Steve Capiello, Hoboken Councilman and a sergeant at the Hoboken Police Department, to Jimmy Corrado [Mr. Kenny's aide-de camp]."

Mr. Kenny was said to have acknowledged having received the information and indicated he would make an appointment with Capiello.

At the same time, DeCarlo indicated that Dennis F. Carey, then the Essex County Democratic chairman, had met with Little Joe (Joseph DeBenedictis) and offered to put him on the payroll of Essex County.

On Nov. 11, 1963, said another F.B.I. memo, DeCarlo called Corrado, who was then assistant administrator of Pollack Hospital in Jersey City. The two men discussed "the recent success of C. Robert Sarcone in being elected Essex County Senator."

DISCUSSION OF METHODS

March 7, 1963—De Carlo, Boiardo, Larusso, Simone (Sam the Plumber):

The conversation drifted to a discussion of the recent killing of "Cadillac Charlie" in Youngstown, Ohio. All were critical of the method used and of the fact that his 4-year-old son was also killed.

DeCarlo said that as a result the word had been passed that no "hand grenades" will be used in the future. De Carlo further suggested that the best way to dispose of someone was to give the individual a fatal shot of dope and put him behind the wheel of his automobile where he will be found.

Ray. That's what they should have done with Willie (Moretti).

Boiardo. Oh, yeah.

Ray. You got five guys there, you talk to the guy. Tell him this is the lie-detector stuff. You tell him "you say you didn't this__."

Boiardo. How many guys are you going to con?

Roy. Well, if you don't con him, then tell him. Now like you got four or five guys in the room. You know they're going to kill you. They say, "Tony Boy wants to shoot you in the head and leave you in the street or would you rather take this, we put you behind your wheel, we don't have to embarass your family or nothing." That's what they should have done to Willie.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Is there further morning business? If not, morning business is closed.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States submitting a nomination was communicated to the Senate by Mr. Leonard, one of his secretaries.

APPROPRIATIONS FOR THE DEPARTMENTS OF LABOR, AND HEALTH, EDUCATION, AND WELFARE, AND RELATED AGENCIES, 1970—CONFERENCE REPORT

The Senate resumed the consideration of the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 13111) making appropriations for the Departments of Labor, and Health, Education, and Welfare, and related agencies for the fiscal year ending June 30, 1970, and for other purposes.

The PRESIDING OFFICER. The Senator from Texas is recognized.

HEW APPROPRIATION BILL MEETS NATIONAL NEEDS

Mr. YARBOROUGH. Mr. President, we begin the second session of this Congress with a vote that will draw the major public issue for the remainder of the year. That issue will be the nature and direction of national public investment. It will be the issue of whether we are going to get down to the business of providing for the needs of the American people.

The administration has, I submit, drawn a false issue in its opposition to this bill. It claims the bill is inflationary. This is a false issue because Congress has appropriated less money for fiscal year 1970 than the administration itself requested. Figures from the House and Senate Appropriations Committees show we have appropriated $5.6 billion less than the President asked for. The greatest blows against budgetary inflation were struck by the Congress when it cut $5.6 billion from the President's military and another $1.1 billion from his request for foreign assistance.

The total budget submitted by the President called for appropriations totaling over $135 billion. Congress voted a total appropriation of $129.5 billion or $5.6 billion less than the administration asked for.

Now the country is being told that for Congress to add money where the President does not want it spent is inflationary. The country is being told it is inflationary for the Congress to spend a modest amount of money that the President does not want spent, but that it is not inflationary to spend billions of dollars more, if the President requests it.

In other words, the country is being told that it is inflationary for Congress to add $1.125 billion in education, but nothing is said about $6.75 billion that Congress cut out of the budget for military expenditures and foreign aid. Con-

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gress cut $6.75 billion out of the total budget for military expenditures and foreign aid and added $1.125 billion for health and education for the American people, thereby leaving a net saving to the people of more than $5.6 billion.

What the people have not been told by the news media is that Congress added $1.125 billion for education and cut the budget by more than $5.6 billion.

All this boils down to is that President wanted to spend more money in fiscal 1970 than the Congress allowed, and there is a difference of opinion between the White House and Congress as to what some of the money appropriated should be spent for.

In my travels in my State, I have learned that the people do not know that Congress made substantial cuts in the administration's budget. They think that these funds are being added on top of the President's budget. They need to be informed as to what the real situation is.

Under the Constitution of the United States, it is the duty of the Congress to levy taxes and decide where the money shall be spent. It is the duty of the executive department to take those appropriations and spend them as Congress has directed. Instead, this administration freezes money appropriated for education and for health of the people, and spends three-quarters of a billion dollars on the system and other wasteful programs that many of our greatest scientists say are pure folly.

What we have here is a question of whether Congress is to fulfill its constitutional duty and vote the appropriations needed, or meekly submit to Presidential pressure to vote only those appropriations that he believes are proper. Under the division of powers, it is our right to appropriate money, just as it is our unpleasant duty to levy taxes. In voting to uphold our own appropriations, we vote to uphold the Constitution of the United States.

IMPACTED SCHOOL AID DRAWS WHITE HOUSE FIRE

In H.R. 13111, Congress is taking only some very modest steps toward financing a few of the country's most urgent domestic needs. One step that has come under greatest attack from the White House is the money added for federally impacted school districts. It is stressed again and again that one wealthy county receives $5.8 million, and that only $3.2 million goes to the 100 poorest counties. The test is where the schoolchildren are, but the administration sidesteps this.

This argument is never made by the administration, for some reason, about the multitude of other Federal programs that provide money to counties, States, or cities without any regard whatever for their income. Should we cut out Federal aid for highways in counties wealthy enough to pay for their own roads? Should we stop financing airports in communities where ample resources exist to do the job without Federal help? Should we withhold public assistance and old age and blind benefits from counties and cities above the national average income?

Should we cut out that aid for cities such as New York, Chicago, Los Angeles, San Francisco, or other rich cities? There is no suggestion of that kind. It is only when we talk about education that the administration says that we should cut out impacted aid to certain counties, but not limit Federal highway aid or other Federal programs in the same counties.

I am not suggesting that we cut welfare or highway funds. I merely cite these examples to show the specious and fallacious argument of the administration.

Under title I of the Elementary Secondary Education Act, which provides for the education of children from poverty level families, Westchester County, N.Y., gets money. It was not suggested that this money be withheld, but only money under the impacted area program, which involves children of Federal employees.

I think we have to say that the answer is "no" to this question. And the same answer applies to aid to federally impacted areas. This program has never been designed or intended to be compensatory in proportion to local income.

The Elementary-Secondary Education Act does make the right to payments depend on the percentage of poverty level families in the school district; however, this is not the case with respect to impacted aid. It is an entitlement derived from the fact that Federal property is not taxable and that Federal activities contribute to the number of schoolchildren that the local school district must educate. Therefore, the local school district must tax itself more heavily to educate children of Federal employees. That is the basis of the impacted aid law. It is not based on the number of children from poverty level families, as is title I of the Elementary Education Act; rather it is based on the location of the tax-exempt property and the Federal activities in the area.

Yet the White House statements have virtually hung the forthcoming veto on the $398 million the conference report added to the budget request to make good on this entitlement.

From the President's hang-up on federally impacted school aid one might infer that what he wants is more Federal money spent in school districts with meager resources. But no, this does not turn out to be the case, either.

The President plans to veto the $171 million added for school districts having many children from poor families. This is title I of the Elementary and Secondary School Act. It is designed to be compensatory in terms of local financial resources. But it turns out the White House does not want money added to its budget there, either.

What other education funds does the President plan to veto? Fifteen million dollars additional for bilingual education. He asked for $10 million and the conference believed $25 million should be devoted to this program, which is just getting started. It is the most effective means yet found to educate children of non-English-speaking families, children who have such high rates of dropout even in elementary school, through no lack of intelligence or fault of their own.

Mr. President, as the distinguished occupant of the chair (Mr. CRANSTON) knows, being from the State in which 40 percent of all the Mexican American children in the country live, as I represent the State where 37.9 percent of all the children of Mexican American families live, making a total of 77.9 percent of all the children from Spanish-speaking families in the United States, and if we provide $25 million for the 3 million children from non-English-speaking families, whether it be Spanish or another language, we have then an appropriation of approximately $8⅓ per child per year; however, the President would veto this, saying it is inflationary to try to give those children a chance in life.

Another wise congressional action that the President plans to veto, is the $50 million Congress added for school libraries. He also objects to $30 million being spent for equipment and minor remodeling for schools because his budget provided nothing for either program.

A modest $33 million for construction of 4-year undergraduate college facilities is another item Congress added, upon appeals from our State institutions of higher education. They have construction backlogs of $582 million in State-approved buildings that cannot be built. The budget provides nothing for that program. It is a mere token; it is so low that I regret it was not four times that amount, to meet this backlog of $582 million in needed college building construction.

Then we added $67 million more in this bill for student loans than the President requested, and $120 million more for vocational education. The latter funds were added in order to carry out the improvements in the Vocational Education Act of 1968, most of which were left unfunded by the Bureau of the Budget and the White House. Yet these items are among those that the President plans to veto.

HEALTH INCREASES BY CONGRESS

A major area where we have increased the President's budget is in consumer protection and environmental health services. For this grouping of activities, the budget called for $227 million, and the bill provides $242.5 million. Congress proposes to add $16 million for research, development, and demonstration for air pollution control. Will the President veto this bill because it tries to do something about the pollution of the air we breathe? Air pollution has already reached such a danger point in certain great cities that on certain days of high pollution, the city health authorities warn mothers, not to allow their children to play in the yards or on the streets because the air is too dangerous for them to breathe.

Is this modest $16 million we have added for research, development, and demonstration for air pollution control something for the President to veto simply because we are trying to make the air safe enough for children to play in their yards without being poisoned?

The bill provides $8 million more than the budget for control of narcotics addiction and alcoholism. When weighed against the staggering economic cost of these social afflictions, this increase can only be called anti-inflationary. It is just a dollar apiece for all the people afflicted

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with alcoholism and narcotics addiction. It is a mere, modest token that we used as a beginning point, in hopes it might be increased to a reasonable amount.

There is $10 million more in the bill for formula grants in partnership for health; $20 million more for operation and planning grants for the regional medical program; $4 million more for control of chronic diseases; and $104 million more for hospital construction.

Let me point out, Mr. President, that this year the President's budget struck out every penny for construction of hospitals, additions to hospitals, and remodeling of old hospitals. It struck out all the money for the Hill-Burton Act grants. It struck out every cent for this needed construction despite the fact that there are now in the Health, Education, and Welfare Department, requests from the health officers of the 50 States for $5 billion to build new hospitals, and $10.5 billion to remodel old hospitals and add wings and new rooms. Why? Because the authorities estimate that within 2 years it will cost $100 a day for an individual hospital bed in the American hospitals, because we are so short of facilities. Yet, this administration strikes out these funds. We put in a modest $104 million, with all the States asking for $115.5 billion now, and the President says that is inflationary.

For the basic research into certain diseases, Congress increased the budget request for several of the institutes of health. We added $10 million for the Cancer Institute; $11 million for the Heart and Lung Institute; $9 million for the Institute of Arthritis and Metabolic Diseases; $5 million for the Institute of Neurological Diseases and Stroke; and $10 million for the Institute of General Medical Sciences.

In this bill, we have a total of $98 million more for the Institutes of Health than the President wants spent on research into these diseases. These increases in the basic research of different diseases and for the Institutes of Health are absolutely necessary in this country because 60 cents out of every dollar spent on medical education in the medical schools of America comes from the Federal Government. The cutback in the budget of the National Institutes of Health and for the different Institutes mentioned is a cutback on medical education. Two dental colleges in America have closed their doors in America in the last 12 months, while the dental profession itself is begging for more dental schools, despite the great shortage of dentists, this country having a shortage of 9,000 dentists at this time. While we should be expanding medical education, the President's budget cuts it back. The Congress has added money for medical education to try to stop the threatened closing of medical schools and stop the cutback on medical education required by the President's budget.

If the President vetoes this bill, if his veto should be upheld, this will be disastrous to the education of dentists, doctors, and medical personnel in America. It will be disastrous for the health of the people of America.

CONGRESS ADDED FUNDS FOR LIBRARIES

Mr. President, I mentioned libraries earlier, but I wish to mention this area again. The bill carries over from the budgeted items an area of increases for library construction and services. We have added, in this bill, $17 million for public library services and $9 million for construction. The $9 million is needed because there was no budget request for any library construction whatsoever in cities, towns, or counties—or for any public libraries. Every red cent was cut out by the administration. Every red cent was also cut out for library construction in grade and high schools. The only library construction left by the administration was a modest amount for colleges.

Mr. President, when we passed the elementary and secondary education library bill, of the more than 100,000 elementary and high schools in America, 66⅔ percent had no semblance of a library, and 80 percent no real library. Now we have built libraries, under that act, so that a majority of the public schools in America have libraries; however, there are still 46,000 schools in this country, elementary and secondary, grade and high schools, without a library. Yet the President's budget contains no money for libraries for grade schools, high schools, or for public libraries in cities, towns, counties, and villages in America.

The Under Secretary of Health, Education, and Welfare, when asked about this last year, stated:

> This Administration does not place a high priority on libraries.

My construction of this statement is that this administration does not put a high priority on reading; it is the first administration in history which has discouraged reading by the citizenry of this country. It seems to be the first administration in history that is afraid for the people to read books.

We have also added $8 million to the $12.5 million budgeted for college library resources. This is a very modest increase.

NATION NEEDS H.R. 13111

Mr. President, it is certain that the President will veto this bill because of the items I have described that he does not support, for the education and health of the American people. I think it tragic that he has selected education, especially aid to federally impacted districts, and hospital construction as the test case of his administration. He has selected aid to the children of the men fighting in Vietnam as one of his main complaints as to why he will have to veto this bill as inflationary.

Beleaguered school officials, hospital administrators, medical researchers, local school boards, all are served notice by the White House that if the veto stands, they will have to obtain more local taxes to continue their services, or curtail, cut back, or close down education and health services to their people.

We began 1969 by debating the budget request for the anti-ballistic-missile system. The administration raised no question then of inflation, though the products of defense expenditures make no addition to our economic capacity. These programs add nothing to the health or the education of the people. Expenditures for education do add to our economic capacity, as do expenditures for control of illness and disease. They make a nation more capable of producing the things its needs.

Contrary to what the administration has charged, Congress has acted in a responsible manner in dealing with the problem of inflation. We cut over $5.6 billion, or 4.2 percent from the President's requested budget. These reductions are reflected in a table which I have included in my statement.

I ask unanimous consent that this table, "Appropriations Bills for Fiscal 1970," be printed at this point in the RECORD.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

APPROPRIATIONS BILLS FOR FISCAL 1970

[In millions]

	Fiscal 1969	Administration Request	Fiscal 1970	Final vs. request
Treasury-Post Office (H.R. 11582)	$1,780.7	$2,780.7	$2,276.2	$−38.5
Agriculture (H.R. 11612)	5,531.3	7,237.6	7,488.9	+251.3
Independent offices-HUD (H.R. 12307)	14,570.4	15,338.0	15,111.9	−266.1
Interior (H.R. 12781)	1,285.0	1,390.9	1,380.4	−10.5
State, Justice, Commerce, and Judiciary (H.R. 12964)	1,986.7	2,475.7	[1] 2,354.4	−121.2
Labor-HEW (H.R. 13111)	18,566.6	18,608.1	19,747.2	+1,139.0
Legislative (H.R. 13763)	298.2	372.2	344.3	−27.8
Public Works (and AEC) (H.R. 14159)	4,608.4	4,204.0	4,756.0	+552.0
Military construction (H.R. 14751)	$1,758.4	$1,917.3	$1,560.5	−$356.8
Transportation (H.R. 14794)	1,634.3	1,840.5	1,929.7	+89.3
District of Columbia (H.R. 14916)	148.8	228.8	+ 168.5	−60.3
Defense (H.R. 15090)	71,869.8	75,278.2	69,640.6	−5,637.6
Foreign assistance (H.R. 15149)	2,479.5	3,679.6	[1] 2,558.9	−1,120.7
Supplementals	5,846.7	314.6	278.3	−36.3
Total	132,364.6	135,200.0	129,595.8	−5,604.3

[1] Conference agreement.

Note: Figures may not add because of rounding.

Source: House Appropriations Committee, Congressional Record, p. 11026, Dec. 29, 1969.

Mr. YARBOROUGH. Mr. President, this bill is needed by the American people. It is an essential part of a total appropriation action by Congress that reduces the total of budget requests and redirects only a small part of the emphasis of total Federal spending into some of the most critical areas of shortage, need, want, and necessity in this country.

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Mr. President, this bill deserves to be enacted. It is a constitutional duty to appropriate these funds. We have said what we will do about it. The administration should not invade the jurisdiction of Congress by trying to dictate the amount of appropriations as well as how they should be spent.

I yield the floor.

(At this point Mr. DOLE assumed the chair.)

ORDER OF BUSINESS

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HART. Mr. President, we have been asked to vote against H.R. 13111, the appropriations bill for the Department of Health, Education, and Welfare, on the grounds that the addition of $1.1 billion to the budget request is inflationary.

Most of the increases are for education and health programs.

It also has been argued that because the money is being made available so late in the fiscal year it will be impossible for school districts to spend the funds wisely.

The bill is further criticized for adding money for a program which allocates funds to school districts whose enrollments are affected by Federal employment. The complaint in this case is that this aid goes to rich and poor school districts alike.

And finally, Congress will be charged with fiscal irresponsibility if it passes this allegedly inflationary bill.

Let me deal with each of those points, taking them in reverse order.

Mr. President, the figures show that even with the increase in education and health funds, Congress will have reduced substantially the budget requests submitted by the administration.

The figures go this way:

Of 14 appropriations bills, Congress cut the administration request on 10.

If we approve the administration's figure for HEW, we will have reduced the President's budget by more than $6.7 billion.

If we approve the HEW bill, even with the extra $1.1 billion for education and health, Congress still will have reduced the administration's requests by $5.6 billion.

In short, if one feels that trimming several billion dollars in Federal spending will affect inflationary pressures in an almost trillion dollar economy, then Congress has been more responsible than the administration in reducing the budget.

Turning to the argument that the entire increase in education funds should be junked because of dissatisfaction with one program, let me point out that the impacted aid program has been on the books for a good number of years.

While I share some of the misgivings about this program, the fact is that school officials have drawn up budgets based on entitlements from this program. If we are to eliminate or change impacted aid, let us do so in an orderly way. Then school officials will know what to expect. To cut this program in mid-fiscal year is to create budgetary chaos in many school districts.

Equally important, the program does provide a funnel to get money to school districts which need Federal aid.

For example, under the administration budget request and distribution formula, Detroit public schools would qualify for zero dollars. If full entitlement were available the district would receive $856,000 not an inconsiderable amount of money.

Other school districts in Michigan also would be affected by a cutback in this program.

Mr. President, it seems to me that the complaint that the appropriation is being made too late in the fiscal year misses two points.

If not all the money can be spent by the end of the fiscal year, then the bill, if it is indeed inflationary, will be less so than pictured by the administration.

More importantly, if Congress is to make clear to the administration that it wants budget cuts in areas other than health and education, Congress should pass this appropriations bill.

Congress has taken the lead in cutting budget requests and now wants to redirect less than 20 percent of those cuts into domestic programs.

That is a proper way to reorder national priorities. That is a responsible way for Congress to exercise its role in setting those priorities. This is what the debate over reordering priorities is all about.

And to make one final point, I for one do not accept that spending on education and health is necessarily inflationary. In fact, in the long run a cut in education programs might well have an inflationary impact.

Mr. President, if we are to defeat inflation on a long-term basis we will need the trained, educated manpower to make an automated society produce the goods demanded by our economy. A cutback in education now will undercut the capability tomorrow.

Mr. President, it is often argued that we can not cut back a particular Pentagon project because the layoff will mean a loss of momentum which will take longer than a year to regain.

If I may make a comparative out of truth, the same is even more true for education and medical research programs. A cutback in our research efforts today will be felt many times over in the decade ahead.

For example, a vote against H.R. 13111 is a vote to close 19 clinical research centers, to junk a 1-year old arthritis control program in Michigan and to reduce funds to build new hospitals.

If we must cut the Federal budget let us do it by limiting the amount of funds we pay people not to farm their land, by delaying deployment of an ABM system, and by holding up development of a supersonic transport plane, which can only add to pollution problems if we can ever find a place to land it.

For all of these reasons, I will vote for the $1.1 billion increase in funds for education and health programs. And I am glad that the issue drawn by the veto threat gives us the chance to clarify which branch—the Executive or the Congress—would seek to be the "big spender." If the Senate had rubber-stamped the President's budget requests, $6.7 billion more would have been authorized than will have been authorized. That saving was made by the action of the Congress.

THE PRESIDENT'S VETO OF THE EDUCATION AND HEALTH BILL: A TRAGEDY

Mr. McGOVERN. Mr. President, we have before us two duties. The one is to accept the conference report on H.R. 13111, appropriating funds for the Departments of Labor and Health, Education, and Welfare and related agencies. The other is to accept it so overwhelmingly that we shall make our intentions unmistakably clear to the President.

Normally, our task would be a simple one—ratifying the efforts of our conferees who have done an excellent job of working out the differences in the House and Senate versions of this bill, but recent pronouncements by the President have complicated our responsibilities. For some reason, the President has selected this bill for a political football. Traditionally, the money for our health and education programs has been voted with substantial support from both parties, but the President has sought to make the health of our people and the education of our children a partisan matter. He has taken the almost unprecedented step of announcing his intention to veto an appropriation bill for education and health, and we must ask ourselves why. Also, we have seen repeated efforts by the administration to muster support for this threatened veto among the Republican Members of Congress, and again we wonder why. Clearly, the President has determined that this will be a major, partisan issue. But what possible advantage could there be in withdrawing funds to heal our sick and educate our children? The answer lies in the less than successful administration's economic policy which has brought production to a standstill, but left prices rising steadily. By vetoing this bill, he somehow feels that he can dramatically demonstrate his dedication to sound fiscal policy and lay the blame for inflation at the feet of Congress. But we in Congress must unite, Democrats and Republicans alike, to show this Nation that we will not permit the health of our people and the education of our children to become but new pawns in the game of political image-building. We must do this for two very good reasons. First, the bill as it now stands presents no threat to sound fiscal policy, so the rhetoric on this point is sheer fabrication. Second, the moneys appropriated in this bill represent some of the most vital programs in our Nation and to reduce them any further would have far-reaching detrimental effects upon the whole structure of our society, not to mention the indirect effect of undermining the confidence of our people in their leaders' dedication to those things which should have first priority. We must make our understanding of these facts and our dedication to the principles which first led to the passage of this bill unmistakably clear and perhaps the President will reconsider his ill-advised threat.

That this bill presents no danger to sound fiscal policy should be almost self-evident. President Nixon apparently objects to a little over $1 billion which we have included in this bill beyond what he requested. But let us not forget that we have also cut about $5.9 billion from military requests and $1.1 billion on foreign aid. The consequent net result of appropriations passed by this Congress relative to Presidential requests is a decrease of Government spending by $7.5 billion. In short, the Congress has shown greater spending restraint than the administration's budget. Now how can the administration honestly tell us that to spend an extra billion dollars on education and health is inflationary, but an additional $5.9 billion on defense is not? This is sheer double talk.

They have told us that we cannot just shift funds around like this, as though it were not the duty of Congress to help set national priorities. They have further claimed that not all expenditures are alike in their inflationary impact. There is a dangerous half-truth hidden here, for there does appear to be a difference in inflationary impacts among different sorts of expenditures, but this difference points in the opposite direction from that implied by the administration.

The money spent on armaments tends to be highly inflationary—creating excessive profits and leaving consumer demands completely unsatisfied. Money spent on education and health, on the other hand, satisfies some consumer demands and is, thus, not as inflationary. In fact, in the long run money spent on health and education is anti-inflationary. By increasing the health and training of people we are increasing the value and amount of their production. In simple terms, inflation is often described as too many dollars chasing too few goods and causing their prices to consequently rise. By better health and education we can produce more and better goods and thereby reduce inflationary pressures.

What we in Congress have done, then, is to make a careful, anti-inflationary reordering of priorities. This is the vital question that the people of our Nation are asking us—how have we spent their money. If the President vetoes this bill he will be saying that the health and education of all the people are not as important as a supersonic transport which will benefit only a very tiny minority. After all, it is the lives of people we are talking about—the lives of the people we represent. In this abstract debate we must not lose sight of the 200 million individual human beings whose interests and needs lie with their health and the education of their children—not with some mythical tally of Presidential support.

Consider for a moment the people of this country and how our actions may affect them—after all government is for the people, not for popularity or for graphs and charts of the economy. If we were to accept what is the apparent wish of the President we would actually have to take a step backward in the support of education. The President asked $3.2 billion for education, one-half billion dollars less than last year, and when we realize that the enrollment has increased and prices gone up, the net result is a 20 percent decrease in the quality and coverage of these programs. Let me cite just a few examples, from thousands of possibilities, to show the need to sustain this quite minimal increase of $1.3 billion.

If the President vetoes this bill and that veto is upheld, then there will be more than $170 million cut from title I of the Elementary and Secondary Education Act, about 12 percent of the funds. These are funds that were meant to assist those children who normally enter school with severe deprivation in their background and cannot participate fully in the benefits of education without programs such as those funded under this title. This is not only a denial of the right of education for these children, but it is also bad economy, because the money otherwise spent on their education will not be as effective.

Again if there is a veto, there will be absolutely no funds for guidance and counseling programs under title V–A of the National Defense Education Act. This has been one of the most important and effective education programs. In an age with increasing occupational complexity, it is tragic that there are whole counties without a single guidance person to assist the children in working out their study and occupational plans. We are leaving these children adrift if we do not have money for this program. And again to eliminate this program not only hurts the children, but it is poor economy since they will not be assisted in making the best use of that which has been offered them in school.

Let me take an example from higher education to illustrate how meager this budget is. In the bugdet there is a slight increase in the funds for the work-study program, but because of increasing participation and costs, this January South Dakota State University has been forced to eliminate approximately 50 students from its work-study program because of a reduction of about $35,000 in the money allocated it. The students assisted by this program are those hard-working individuals who do not have the money to attend college but work their way through, so their elimination from the program may mean that they will be eliminated from college. For want of less money than the salary of an engineer on the SST project, 50 future engineers, teachers, doctors, and scientists may not ever reach their goal.

Finally, let me call to your attention again a short article which I inserted in the RECORD last year that tells of a young girl dying of leukemia who wrote the President asking why there could not be more funds for health and medical research. She received the cold reply that matters of economy dictated these cuts. She was to die a few days later, perhaps not the result of misplaced emphasis in the budget, but a symbol of that distortion all the same.

It is the people of this Nation and their children who need these funds. Let us not forget them.

GOALS UNMET

Mr. PERCY. Mr. President, the goal of a quality education, comprehensive health care, and a decent standard of living for all of our citizens—a goal to which I fully subscribe—remains unmet.

And for all too many Americans, particularly those who live in our rural areas and in the ghettos of our cities, education, health care, and living standards do not even approach these goals. They are manifestly inadequate.

Yet the dream of creating a just society—a society in which all of our citizens are afforded an opportunity to employ their skills and reap a fair reward from their labor—cannot be achieved so long as spiraling prices threaten to undermine the fundamental integrity of the dollar and to wreak havoc upon our economic system.

The danger today is all the more acute since interest rates, having been raised to their highest levels in a century in an effort to combat inflation, now threaten to choke off further economic growth, thus triggering a recession.

Interest rates can be brought down, tight money eased, the stagnant housing market revived, prices stabilized, and inflation curbed—but only through the most vigilant constraints on Federal spending.

The President and his advisers fully understand the nature of this threat. All the evidence indicates they fully intend to meet it. The Federal Reserve Board can relax its severely tight monetary policy when it is convinced that the President and Congress really intend to cut Federal spending and control the rampant inflation.

Spiraling prices sap the wallets and pocketbooks of all Americans. But they exact the cruelest penalty from the very Americans who are the special concern of the Department of Health, Education, and Welfare, whose 1970 appropriation is now pending before the Senate in the form of a $19.8 billion conference report.

I refer to the 25 million Americans new receiving social security checks; the 9 million persons, mostly very young or very old or disabled, who are on public assistance; the aged and the poor, whose benefits under medicare and medicaid are imperiled by an annual 13 percent increase in medical costs—double the average rate for the general economy.

In the education field, school spending has reached record heights in the 1968–69 academic year but inflation has wiped out virtually the entire spending increase. As School Management magazine has pointed out:

> Inflation is roaring through education's fiscal forest like a fire blazing out of control. Dollars spent for books, building, salaries and services are going up in smoke . . . Until inflation cools down, school districts that increase spending will, in effect, simply be spinning their wheels.

To arrest this trend, it is vital that Congress do its part to insure a budget that at the very least will not stimulate inflation through deficit spending. The net result of congressional budget cuts in 1969 is a decrease in fiscal 1970 expenditures of only $400 million. But increases in fixed-cost items will claim at least $4 billion more than the official estimates made last April. Together, these items are enough to put the budget surplus originally forecast—and urgently needed for stabilizing the economy—in serious jeopardy.

Now that the President has analyzed the situation and made his stand clear, I would like to see the Senate recommit the HEW appropriation to the conference with instructions to make reasonable cuts in lower-priority programs, thus bringing the appropriation closer into line with the HEW budget request and putting the Congress on record in support of the administration's anti-inflationary drive. The parliamentary situation requires me to vote against the conference report in order to have the bill recommitted.

At the same time that programs of lesser priority are reduced, I would like to see the conferees restore the modest $25 million requested by the President to develop innovations in elementary and secondary schools and $9.3 million for the Teacher Corps. Health, Education, and Welfare Secretary Robert Finch informs me that such innovative programs are a key to reversing the dangerous decline of our public school systems.

In supporting recommittal of the HEW appropriation, I am mindful of the fact that the President has pledged to veto the bill as it now stands on anti-inflationary grounds. Should such a veto be overridden by the Congress, the President has indicated that he would be obliged for anti-inflationary reasons to delete funds from those sectors of the HEW budget where he retains the discretion to do so.

I am informed that such an offset would prevent the Department from making any further discretionary loans or grants for the remainder of the fiscal year, no matter how urgent they might be. And even having taken that extreme action, only a half of the inflationary increase now under challenge would actually be offset. The consequences to high-priority programs, such as medical research, health services, air pollution, rehabilitation services and other vital HEW-supported activities are simply unacceptable to our Nation.

The task that now lies ahead for the Congress and the administration presents us with a high challenge. We must find the means of achieving our unmet social goals while preserving the basic integrity of our economy.

This means that outworn programs will have to be phased out, that the most stringent economies will have to be practiced to insure full value for the Federal dollar and that the basis of earlier strategic concepts that govern military outlays will have to be closely re-examined in the light of current national defense requirements. Only through these hard choices can we finally succeed in providing a better life for our people.

SUPREME COURT NOMINATION—EXECUTIVE MESSAGE REFERRED

As in executive session, the Presiding Officer laid before the Senate a message from the President of the United States submitting the nomination of George Harrold Carswell, of Florida, to be an Associate Justice of the Supreme Court of the United States, which was referred to the Committee on the Judiciary.

NOMINATION OF JUDGE CARSWELL TO BE AN ASSOCIATE JUSTICE OF THE SUPREME COURT

Mr. GURNEY. Mr. President, I understand that the Senate has just received from the President the nomination of Judge Harrold Carswell, of the Fifth Circuit Court of Appeals, to fill the vacancy existing on the Supreme Court.

I point out that Judge Carswell is a resident of the State of Florida. As a matter of fact, it was at my suggestion that the President last year nominated Judge Carswell for his present post on the Fifth Circuit Court of Appeals.

I cannot think of anyone that the President of the United States could have nominated that would be a more distinguished jurist or would make a better Supreme Court Justice than would Judge Carswell.

Judge Carswell has spent almost his entire career in the Federal judicial system. He was a U.S. attorney, having been appointed in 1953 by President Eisenhower. He held that post for 5 years. He was the youngest U.S. attorney.

In 1958 he was appointed to be a Federal judge in Florida. At that time he was the youngest Federal judge in the United States. He served in that post with distinction for more than 11 years.

I understand, from checking with lawyers and jurists recently, that in the 7 months he has served on the Fifth Circuit Court of Appeals he has continued to add to his distinction as a Federal jurist.

The President has made an excellent nomination. I believe that when the Judiciary Committee and the Senate examine the record of Judge Carswell, they will agree that he will make an eminent jurist and will be a credit to the Supreme Court of the United States.

APPROPRIATIONS FOR THE DEPARTMENTS OF LABOR, AND HEALTH, EDUCATION, AND WELFARE, AND RELATED AGENCIES, 1970—CONFERENCE REPORT

The Senate continued with the consideration of the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 13111) making appropriations for the Departments of Labor, and Health, Education, and Welfare, and related agencies for the fiscal year ending June 30, 1970, and for other purposes.

Mr. MILLER. Mr. President, earlier this afternoon I had a colloquy with the manager of the pending conference report, the distinguished Senator from Washington. I attempted to shed some light on certain aspects of the problem relating to the budget which I am sure have troubled not only me but also a good many other Members of the Senate, members of the press, and members of the public.

My friend, the distinguished Senator from Washington, provided for the RECORD a tabulation entitled, "Actions on Budget Estimates of the 91st Congress, first session, as of December 20, 1969," which shows that the budget requests considered by the Senate totaled $135.2 billion and that the amounts approved by the Senate were reduced to $130.3 billion.

The amounts agreed to in conference were reduced further to $129.6 billion, leaving a savings of $5.6 billion.

That did not ring true with what I had understood to be the budget picture. I attempted to point out that when we compare the action by the Nixon administration on the original Johnson budget, as President Johnson was leaving office early last year, a subsequent action by the Nixon administration, and a further subsequent action by the Nixon administration, all calculated to reduce the budget, it appears that the Nixon administration had cut spending considerably.

Then to come along and suggest that Congress had cut that amount by another $5.6 billion just did not make sense to me.

My friend, the Senator from Washington, assured us—and as I said earlier, I am sure he was quite sincere—that the figures which appear on the table which he provided for the RECORD represent a final figure on budget askings by the Nixon administration.

With all due deference, I must say that I do not believe the people have a complete picture. It is true, I am advised, that these do represent the final budget askings by the Nixon administration, or by the agencies of the Nixon administration. However, there are two points to be made. First, the Nixon administration, or at least some agencies of the Nixon administration, and especially the Department of Defense, without formal action on the budget requests, initiated action to cut spending by a good many billions of dollars.

So, the budget actually, as far as spending action was concerned, had already been cut by the time action was taken on the formal budget requests by the Appropriations Committee.

So, if we look only at the formal budget requests and forget about the initiatives taken by the Defense Department to cut $5 to $6 billion, we will not get a correct picture.

Mr. TYDINGS. Mr. President, will the Senator yield?

Mr. MILLER. Mr. President, I will be happy to yield to the distinguished Senator from Maryland. However, I want to complete the picture first.

The people would not obtain a correct impression as far as the true action by the Nixon administration is concerned. We have to differentiate between formal budget requests on the one hand, which are represented by the table, and the actual budget actions by the Nixon administration, which is really what counts.

Second, I have here the 1970 Budget Scorekeeping Report, Staff Report No.

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14, of the Joint Committee on Reduction of Federal Expenditures of the Congress of the United States, as of the end of the first session of the 91st Congress, December 23, 1969.

I invite the attention of my colleagues to the fact that the Joint Committee on Reduction of Federal Expenditures is headed by the distinguished chairman of the House Appropriations Committee, Representative GEORGE MAHON. Also, among others on the committee, are the Senator from Louisiana (Mr. ELLENDER), the Senator from Florida (Mr. HOLLAND), the Senator from Louisiana (Mr. LONG), the Senator from New Mexico (Mr. ANDERSON), the Senator from Delaware (Mr. WILLIAMS), and the Senator from Nebraska (Mr. HRUSKA).

Mr. President, recognizing the makeup of this distinguished committee consisting of leading Members of the Senate and the House on both sides of the aisle, it seems to me that this report should carry great weight not only with Members of the Senate but also with members of the press and the public. On pages 4 and 5 of this report appears the analysis which I think the people should have.

Mr. President, I ask unanimous consent that pages 4 and 5 from the report be printed in the RECORD at this point in my remarks.

There being no objection, the excerpts were ordered to be printed in the RECORD, as follows:

SUPPORTING TABLE NO. 1.—EFFECT OF CONGRESSIONAL ACTIONS AND INACTIONS ON BUDGET AUTHORITY AND OUTLAYS (EXPENDITURES) DURING THE 91ST CONGRESS 1ST SESSION AS OF DECEMBER 23, 1969

[In thousands of dollars]

Items acted upon	Congressional actions on budget authority (changes from the revised budget)			Congressional actions on budget outlays (changes from the revised budget)		
	House (1)	Senate (2)	Enacted (3)	House (4)	Senate (5)	Enacted (6)
Fiscal year 1970 actions on individual bills affecting budget authority and outlays:						
Appropriation bills—changes from the revised budget:						
Treasury, Post Office, and Executive Office (H.R. 11582, Public Law 91-74)	−42,382	−34,519	−38,482	−37,000	−30,600	−34,000
Agriculture and related agencies (H.R. 11612, P.L. 91-127)	−160,907	+405,236	+251,341	+53,000	+294,000	+166,000
Second supplemental, 1969 (H.R. 11400 P.L. 91-47)				−92,700	−64,700	−75,000
Section 401 outlay ceiling					(−1,900,000)	(−1,000,000)
Independent offices and Department of Housing and Urban Development (H.R. 12307; P.L. 91-126)	−471,325	−177,521	−226,099	−61,000	−25,900	−40,000
Interior and related agencies (H.R. 12781, P.L. 91-98)	−15,810	−8,090	−10,481	−15,300	−11,800	−7,800
State, Justice, Commerce, the Judiciary and related agencies (H.R. 12964, P.L. 91-153)	−130,070	−83,350	−111,272	−71,000	−40,600	−60,000
Labor and Health, Education, and Welfare and related agencies (H.R. 13111)	+1,078,365	+1,637,686	[4] +1,139,028	+521,000	+653,000	+565,000
Legislative Branch (H.R. 13763, P.L. 91-145)	−26,850	−29,842	−27,826	−7,900	−8,800	−8,700
Public Works (H.R. 14159, P.L. 91-144)	+301,469	+789,451	+552,030	+10,500	+67,400	+50,000
Military Construction (H.R. 14751, P.L. 91-170)	−466,741	−313,854	−356,844	−37,000	−26,500	−29,000
Transportation (H.R. 14794, P.L. 91-168)	+34,546	+106,679	+89,265	−172,000	−43,200	−133,000
District of Columbia (H.R. 14916, P.L. 91-155)	−40,151	−55,295	−60,332	−14,000	−13,800	−12,500
Department of Defense (H.R. 15090, P.L. 91-171)	−5,318,152	−5,955,544	−5,637,632	−3,000,000	−3,250,000	−3,200,000
Foreign Aid (H.R. 15149)	−1,071,544	−960,779	[4] −1,120,654	−167,000	−146,000	−120,000
Supplemental, 1970 (H.R. 15209, P.L. 91-166)	−63,490	−17,721	−36,317	−5,670	+30,000	+19,000
Subtotal, appropriation bills	−6,393,042	−4,697,463	−5,594,275	−3,096,070	−2,617,500	−2,920,000
Legislative bills with spending authorizations—changes from the revised budget:						
Civil service retirement benefits (Public Law 91-93)	N.A.	N.A.	+145,000	+86,100	+94,700	+65,000
Defense: overseas mailing privileges (H.R. 8434)	+8,090			+8,900		
Veterans readjustment benefits (Public Law 91-22)	+1,362	+1,362	+1,362	+3,952	+3,952	+2,300
Veterans hospital care for 70-year-olds (H.R. 693)	+16,225	+16,225	(6)	+16,225	+16,225	(6)
Veterans care in State homes (P.L. 91-178)	+2,803	+2,803	+2,803	+2,803	+2,803	+2,803
Veterans care in community nursing homes (H.R. 692)	+5,954			+5,954		
Veterans outpatient care (Public Law 91-102)	+8,000	+8,000	+4,000	+8,000	+8,000	+4,000
Veterans nursing home care (service-connected) (Public Law 91-101)	+1,500	+1,500	[5]+750	+1,500	+1,500	[5]+750
Veterans non-service-connected benefits (H.R. 372)	+8,538			+8,538		
Additional district judges (S. 952)		+1,473			+1,473	
Additional clerks for House Members (H. Res. 357)	+3,600		+3,600	+3,600		+3,600
Appalachian highways (P.L. 91-123)	+20,000					
Food for needy children (H.R. 11651)				+100,000		
Veterans education assistance (H.R. 11959)	+206,500	+383,000	(6)	+206,500	+380,000	(6)
Veterans Vietnam insurance (S. 2003)		+1,700			+1,700	
Veterans additional $5,000 insurance (S. 1479)		+45,000			+45,000	
Veterans double indemnity insurance (S. 1650)		+100,000			+100,000	
Veterans dismemberment insurance (S. 2186)		+10,000			+10,000	
Veterans increased dependency and indemnity compensation (P.L. 91-96)	+61,565	+52,840	+31,300	+61,565	+52,840	+31,300
Navajo Indian road (S. 404)		+5,000				
Travel per diem (P.L. 91-114)		+13,000	+13,000		+13,000	+13,000
Federal salary comparability (H.R. 13000)	+750,000	+696,000	(6)	+750,000	+696,000	(6)
Public Health Service retirement (S. 2452)		+110			+110	
Prisoner-of-war medical care (S. 1279)		+1,017			+1,017	
Military lawyers retention (H.R. 4296)	+7,000			+7,000		
Judges' 20-year retirement (S. 1508)		+636			+636	
Housing and Urban Development Act (P.L. 91-152)	+1,500,000		+1,500,000	N.A.		N.A.
Outdoor advertising controls (S. 1442)		+15,000				
Expanding mortgage market (P.L. 91-151)	N.A.	+3,000,000	+3,000,000	+123,000	N.A.	+123,000
Adjustment of military retired pay (P.L. 91-179)	+14,000	+14,000	+14,000	+14,000	+14,000	+14,000
Unemployment trust fund (H.R. 14705)	+14,000					
Family separation allowance—residence (H.R. 110)	+9,000			+9,000		
Per diem allowance (P.L. 91-183)	+41,000	+41,000	+41,000	+41,000	+41,000	+41,000
Air evacuation subsistence (H.R. 9654)	+25			+25		
Federal-aid highways (H.R. 14741)	+26,000					
Additional super grade positions (P.L. 91-187)		+93			+93	
Legislative and judicial salaries (P.L. 91-67)		−38	−38		−38	−38
Social security benefits (P.L. 91-172)				+1,000,000	+1,900,000	+1,050,000
NSLI trust fund for veterans home loans (H.R. 9476)				+1,000,000		
Urban mass transportation (S. 3154)		+2,800,000				
Subtotal, legislative bills	+2,705,972	+7,209,721	+4,756,777	+3,457,662	+3,384,011	+1,350,715
Total, actions on individual bills	−3,687,070	+2,512,258	−837,498	+361,592	+766,511	−1,569,285
Inactions on legislative proposals to reduce budget authority and outlays, see Part I of supporting table No. 4, page 11	+1,313,513	+1,313,513	+1,313,513	+1,231,913	+1,231,913	+1,231,913
Total, fiscal year 1970	−2,373,557	+3,825,771	+476,015	+1,593,505	+1,998,424	−337,372

Mr. MILLER. Mr. President, we can reconcile these tables with the table that the distinguished Senator from Washington placed in the RECORD earlier today.

Mr. MAGNUSON. Mr. President, will the Senator yield for just a moment? I have to leave the Chamber.

Mr. MILLER. I yield.

Mr. MAGNUSON. The Senator has referred to the Senator from Washington. These are not my figures. They are fig-

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ures from the Committee on Appropriations which I used in my speech and which the Senator from Louisiana used in his speech. They are figures on appropriations.

Is it not true that what the Senator is reading from—and I have it before me—is a supporting table on the expenditures? Is that correct?

Mr. MILLER. The Senator read the title of the table which the Senator from Washington gave me earlier today. It is an estimate of new budgetary authority as of December 20, 1969. I want to make clear, and I emphasized this earlier today and again just a few moments ago, that as far as it goes it is correct.

Mr. MAGNUSON. Yes. These are expenditures. The table the Senator put in is a supporting table.

Mr. TYDINGS. That is correct. It says so.

Mr. MILLER. The one the Senator from Iowa had printed in the RECORD from the joint committee is entitled "Supporting table."

Mr. MAGNUSON. That is correct. Maybe I misunderstood the Senator from Iowa. I was talking about appropriations and he was suggesting that the expenditure tables are different, which they are. They are here. That is a minus $3 billion.

Mr. MILLER. I do want to say, as I mentioned earlier this afternoon, I did not believe we were on the same wavelength. This has been the difficulty that has caused the confusion not only among Members of the Senate but also among members of the press and of the public.

Mr. MAGNUSON. There are two wavelengths to begin with and you cannot be on the same wavelength.

Mr. MILLER. So that one, without the other, will leave a misrepresentation. The wavelength my friend from Washington was on——

Mr. TYDINGS. Was the entire fiscal year.

Mr. MILLER (continuing). Was that Congress cut the Nixon budget by $5.6 billion and the inference one could draw from that statement would be, since we already saved $5.6 billion over the Nixon budget, why are we arguing about a little old $1.3 billion increase in the HEW appropriation bill.

As a matter of fact, that is not the case. The case is, as set forth in the two pages from the Joint Committee on Reductions of Federal Expenditures, which I insert in the RECORD, that insofar as the appropriations actions are concerned to which the distinguished Senator from Washington referred, there has, indeed, been a reduction of $5.6 billion in the formal Nixon budget requests.

Mr. TYDINGS. For fiscal year 1970.

Mr. MILLER. But that is not the whole case. One can find, following this $5.6 billion in the supporting tables from the Joint Committee on Reductions of Federal Expenditures, an amount of $4.7 billion covering various legislative bills, which entail expenditures, and another amount of $1.3 billion representing what are called "inactions on legislative proposals to reduce budget authority," so the net result is that, instead of Congress reducing the Federal budget outlays, by $5.6 billion which the taxpayers have to pay for, Congress has run up a deficit of merely a half billion dollars.

Mr. TYDINGS. Mr. President, will the Senator yield?

Mr. MILLER. If it were not for that picture, I do not think we would be arguing too much about the $1.3 billion HEW excess that has resulted in the threatened veto.

I hope this explanation will show that there are, indeed, two wavelengths and that the one I have given is the full wavelength, because it reveals the total picture as far as taxpayers are concerned and as far as inflation is concerned: how much money is going to be spent versus receipts.

This excellent report from the Joint Committee on the Reduction of Expenditures gives that picture.

I might add that I will reluctantly vote against the conference report, because, I understand, according to the parliamentary rules that the only way this bill can be referred back to conference with instructions is, first of all, to defeat the conference report. It would be my hope, if the conference report is defeated, that appropriate instructions would be given to preserve most of the impacted aid portion of this bill. We are rather late in the year already. Many school districts have budgeted on the assumption that pretty much the same amount of money that was appropriated for fiscal 1969 would be appropriated for fiscal 1970. However, there are some which are receiving windfalls which should be avoided.

There is a very able article printed in the National Observer of January 19, entitled "Impacted Aid and What It's All About," which indicates some of the defects in the present impacted aid program and what President Nixon would like to do about it.

Mr. President, I ask unanimous consent to have printed in the RECORD the article from the National Observer of January 19.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

Impacted Aid: What It's All About

Since 1951, the Federal Government has been paying subsidies to local school districts that educate a significant number of children of Federal employes. It has done so because Congress decided that it was unfair for local taxpayers to put up all the money for educating children whose parents worked or lived on Federal property that is not subject to local school taxes.

Congress worked out a complicated formula for calculating these subsidies. The formula determines the average amount that local taxpayers spend on each pupil in their school system. Then it roughly matches this sum for each student who lives on Federal property. It pays half as much for each child of a Federal employe who lives on property that is subject to local school taxes. The law describes the fully subsidized students from Government reservations as "Category A" students, and those who are halfway subsidized as "Category B" students.

The program cost $30,000,000 in its first year. It has multiplied many times since because of growing Government employment, rising costs of education, and the discovery by additional school administrators that they were entitled to some of this Federal money.

The program accelerated three years ago when the payments formula was altered to allow any district with 400 "A" or "B" pupils to apply for funds, no matter how tiny a proportion this might be of the total student body. This brought in major metropolitan school systems like that of Chicago, which in fiscal 1968, its first participating year, received $3,000,000 in "impact" funds. However, children of either category must make up 3 per cent of the student body in school systems where they number less than 400; districts with less than 10 such children are not entitled to any money under the rules.

About 4,600 of the nation's 20,000 school districts took advantage of the program last year, on behalf of 400,000 "A" students and 2,400,000 "B" pupils. Congress appropriated $506,000,000 for the program last year, but it had grown so large that each district received only 90 per cent of what it was entitled to under the official formula. The U.S. Office of Education estimates that districts will be entitled to $725,000,000 next year if the same formula is used.

President Nixon wants to change the formula by dropping Category B students, and subsidizing only those children whose families live and work on Government property, mostly military bases. The $187,000,000 that he has requested would pay the entire subsidy to which their school districts are entitled, instead of the 90 per cent they received last year.

This change would sharply reduce subsidies to communities housing large numbers of Government workers, especially the suburbs of Washington, D.C. Officials of one suburban district, Fairfax County, Virginia, say that only 600 of their 110,000 students are in the "A" category, but 50,000 are subsidized as "Bs." Elimination of the subsidy for the "B" students, they figure, would cost the county $14,000,000 in Federal aid next year.

A few school districts would benefit from Mr. Nixon's version of the law if they contain many children who live on military bases. Alaska, for example, could gain more than $500,000 per year.

Mr. MILLER. Mr. President, it would be my hope that the Senate would reject the conference report and then prepare appropriate instructions to the conference with the idea of preserving most of the impacted aid for the current fiscal year, perhaps dropping off some of the windfall aspects from it and trying to approach the President's budget on the HEW appropriations. We could go then before the public and show that we have the resolve to do something about inflation.

I think it has been well pointed out that some of the aid that might be lost to education or to health programs because of some cuts proposed in the HEW budget is far, far overshadowed by the results of inflation on our schools, school districts, hospitals, and other health centers, so that we simply must do something about inflation. That should be and is, as far as President Nixon is concerned, the No. 1 target on the domestic scene for our country. Unless we do something about this inflation, things are going to get worse. We are faced with more inflation and high interest rates, so we must draw the line. I think it is time for us to draw the line. Congress has collectively made a decison on priorities when it passed the tax bill. As I said, when I voted for it, I regretted what I regarded as excess tax relief in that bill, but a majority of Congress made the decision. The No. 1 priority was to be excessive tax relief and the No. 2 priority was to meet the needs of health, education, and social welfare.

What Congress should have done was to collectively decide that the No. 1 priority would be modest tax relief with enough revenue left over to meet the needs of education, health, and social welfare, but I regret that a majority of my brothers did not see it that way. They made the decision and now they have to live with it. If they are not willing to live with it, it means we are going to have more inflation and high interest rates. They cannot make a different choice. They cannot have their cake and eat it.

I hope my colleagues will see fit to vote against the conference report and join with me in instructions to the conferees to change the HEW bill generally along the lines requested by the President, but with the present level of impacted aid largely preserved.

My colleague from Maryland (Mr. TYDINGS) has been patiently waiting. I hope he does not mind that I have completed my statement, but if he has questions, I shall be glad to yield.

If my colleague does not have questions, I am glad my statement has been so clear.

I yield the floor.

Mr. TYDINGS. Mr. President, I am rather saddened and chagrined to learn that my colleague from the State of Iowa is going to turn his back on the schoolchildren of America; is going to turn his back on air pollution demonstration programs, mental retardation, hospital construction, health manpower, construction of medical training and research facilities, elementary and secondary education, instructional equipment, education professions development, student aid for higher education, vocational education, libraries and library services, and is going to respond to the directions of the White House.

I have listened with interest to the Senator's use of the supporting tables on pages 4 and 5 of the Joint Committee on Reduction of Federal Expenditures of the Congress of the United States, but wish to point out to the Senator from Iowa that the label at the top of those pages is mostly on action and inaction on congressional outlays or expenditures during the first session of the 91st Congress, as of December 23, 1969.

The budget for fiscal year 1970, as submitted by the President, runs from July 1, 1969, to June 30, 1970. No matter how the Senator from Iowa and no matter how the distinguished minority leader, the Senator from Pennsylvania, view it, the budget requests of the President of the United States for fiscal year 1970 were cut by over $5½ billion after we inserted the items which the Senator is going to vote against, the aid to education, mental health, and health facilities in this Nation.

I would like to know how the Senator from Iowa can justify to his constituents why when the President asks for $1.1 billion more in foreign assistance, that is not inflationary—and he asked $1.1 billion more than we gave him—but when the Congress appropriates $1 billion more, for health and education, after we have already cut over $6 billion from the President's request, that is inflationary.

I would like the Senator from Iowa and the Senator from Pennsylvania to explain to the American people why the President's request for $5.6 billion more in military expenditures—and we all know the extravagances and wastes in the Defense Budget which have been brought out by the congressional committees, the requests which the Senate and the House cut—was not inflationary, and yet $1 billion for health, for hospital construction, for vocational training, for aid to elementary and secondary education, for classrooms across the country, is inflationary.

I would like to know how the Senator from Iowa is going to justify to his constituents the position that $400 million more in independent offices appropriation bill—which we cut off the President's appropriation request—was not inflationary.

Why was the additional $38 million we cut off the Post Office-Treasury request not inflationary?

Why was the $10 million we cut from the Interior bill not inflationary?

Why was the $121 million we cut from State, Justice, Commerce, and Judiciary appropriation not inflationary?

I would especially like to hear from the Senator from Iowa why the $1.1 billion which we cut from the foreign aid request was not inflationary. When the President requests to spend foreign aid money which, in many countries, is just poured down the drain, why is that not inflationary? It is fine when the President requests it. It seems it is not a bit inflationary when the President requests $5.6 billion more than we gave him. Yet when we cut the overall fiscal appropriation by $5.6 billion, and yet within that cut we provide a little extra, $13 million extra, for air pollution research and demonstration programs, that is inflationary.

When we request $2 million for mental health, manpower development, that is inflationary. But $1.1 billion extra for foreign aid, when requested by the President, is just fine; that is not a bit inflationary.

When we request $10 million for comprehensive health planning and services, that is inflationary.

When we request $104 million for hospital construction under the Hill-Burton program, that is just terrible. We cannot do that. Call the Republicans; crack the whip. Get the leader out and roll everybody in line. We cannot have that $104 million extra for hospital construction under the Hill-Burton Act.

It is all right for the President to ask for $5 billion more for the military, it is all right for him to ask $1.1 billion more for foreign aid. That is not inflationary. But, my goodness, we cannot have $60 million for research in cancer, heart, arthritis-metabolic diseases, stroke, allergy, and other diseases. That, according to the Republican economics, is inflationary.

My goodness, the very idea of $312 million for elementary and secondary education for American schoolchildren.

Mr. MILLER. Mr. President, will the Senator yield on that point?

Mr. TYDINGS. I am sorry. I gave the Senator his turn. Now I am going to speak.

Mr. MILLER. I thought the Senator was asking me a question.

Mr. TYDINGS. That aid to elementary and secondary education seems to be inflationary. The very idea of $312 million going for title I, supplementary educational centers, library resources, and dropout prevention programs. My goodness, that is going to disrupt the national economy. The administration thought it was all right to have $1.1 billion extra for foreign assistance, but Congress cut that. We thought it was inflationary, and we cut it. We cut $5.6 billion out of military spending. We cut 10 of the 14 budgetary requests submitted by the President. In that total we still allowed enough for extra money to go for education and health. And now the Senator is going to turn around and say to the schoolchildren of the United States that he is going to support the President's veto because it is inflationary.

I do not know how anyone is going to juggle the figures—and figures can be juggled—but there is no way to confuse the budgetary requests of the President for fiscal 1970, and there is no way to juggle the figures that Congress finally approved. There is no way to contradict the differences between the President's requests and the budget passed by Congress.

Let us look at some of these other items. Here is another inflationary item. I call the attention of the Senator from Iowa to the item of $14,150,000 for education for the handicapped. That just should not be there. It is tremendously inflationary. It is quite all right to have the C-5A. That is fine. That has had an overrun of only $2 billion, but the very idea of having only $14 million for the handicapped, is just too much.

Here is another one: $12 million for education professions development. The idea of throwing away $12 million on teachers. The very idea. We could very well provide what the President wanted—another $1,100 million for foreign aid and assistance, for example. That is fine. That is not inflationary. That is just dandy.

Then look at this: Libraries, library resources, community services, $41 million. That would be a tragic expenditure. Much better, let us see if we cannot come up with something in military construction. Aha: Like the extra $356 million in military construction. That is not inflationary; that is just fine. But Congress thought it was. Congress cut it out. But it is not inflationary when the President requests it.

Aha, look at this: Instructional equipment, National Defense Education Act, $48 million. We cannot let that go through. We cannot have that inflationary item. We have got to support that veto.

Now, I should like to make one or two more comments about the actions by the 91st Congress on the budget requests of

XUM

the President of the United States. I do not know what sort of communications there are between the White House and the media in this country, but I know that the major media in this country, the newspapers and television, are apparently completely and abysmally ignorant of what Congress did to the President's appropriation requests this year.

Every time I have been interviewed by a newspaper reporter, a television reporter, or a radio reporter, they have had the idea that Congress was being wasteful, that Congress was increasing the expenditures, and that the White House was reducing them. I know Mr. AGNEW has good communication with the media, evidently, since he has castigated them a bit, but I would suggest to them that they get the message across to the American people that after the President had finished and reviewed the Johnson budget and made his additions and reductions—and he made some—then Congress came through and cut $5.5 billion from his requests and at the same time, we still provided sufficient funds for matters which we thought were vitally necessary in the fields of education and health.

Now we receive the word that the President of the United States feels that these are inflationary. His additional $5.6 billion in requests of the total budget were not, but this little addition to the health of our Nation and for the schoolchildren of America is inflationary, and he is going to veto it. He calls on all members of his party to stand by his veto and to turn their backs on the schoolchildren of America, the old people of America, the sick, the diseased, and the unhealthy. I certainly hope Congress stands on its own feet, and I certainly hope that if the President goes through with the veto of the HEW appropriations that Congress will act on the merits, and not at the behest of the party whip.

I am now prepared to yield the floor, though I shall be happy to respond to questions of the Senator from Iowa, if he wishes.

Mr. MILLER. I prefer to speak on my own time.

Mr. President, I regret that the Senator from Maryland did not see fit to yield earlier, because I understood that he was asking me some questions. Perhaps they were just rhetorical questions. I am sorry if the Senator from Iowa stepped on some tender toes on the other side of the aisle.

Mr. TYDINGS. No problem.

Mr. MILLER. But we are quite used to observing people who are Members of Congress—I do not question their sincerity, though I question their judgment very much—who, any time there is a reduction in the purchasing power of the people's money as a result of inflation, which, of course, is based upon the operations of Congress in voting to spend billions of dollars more than we take in—are very sympathetic with the hardship that inflation has brought upon some people; but when it comes to trying to cut the spending, so that revenue and spending will be matched and there will not be inflation, then one can literally hear the crocodile tears starting to fall. Someone suggests that there be a cut in certain types of education programs—not that they be eliminated, just that they be reduced because there has been some waste found in them—and some Senator will immediately be heard to say, "Oh, you are turning your backs on the little schoolchildren of this country."

Anyone who would say that about the Senator from Iowa has not been doing his homework. The Senator from Iowa, in his 9 years here, has supported every major education bill passed by Congress. So I suggest to my colleague from Maryland that his point that I might be turning my back on little schoolchildren or upon people who are sick is not very well taken, and indicates a failure on his part to do his homework. I think that is too bad, because I would not accuse the Senator from Maryland of such a thing. I could very well turn it around and say that the Senator from Maryland has been voting for these multibillion-dollar deficits ever since he has been a Member of the Senate, which is the reason why we have inflation in this country, and he is going to have to face the music and bear his share of the responsibility when he goes before the voters this fall. I am sure he will be happy to do that, but I just want people to know who is responsible for the inflation and the high interest rates in this country, and that it ill behooves someone who has been talking about all the spending we are going to do for people to wring his hands and say, "Oh, we cannot charge these high interest rates, which are literally killing the little people in this country."

Mr. President, I think we need to put a little perspective into what is said around here, and I think the proper perspective is this: The Senator read a list of items from the HEW bill, but he forgot to mention those items for which the President himself had asked for an increase. He asked for increases in those programs which are needed, such as teacher training and programs to provide better opportunities for poor students to get an education. He requested increases in those. But he asked for some reductions in certain parts of the budget, and I can understand why the Senator from Maryland would be a little touchy on one of them. That one happens to be impacted aid. One of the biggest areas of abuse in this country is in one of the wealthiest counties in this country, and it happens to be in my friend's State. One of the wealthiest counties in this country receives one of the largest amounts of impacted aid—far more, as I understand it, than 100 of the poorest counties in this country. So no wonder he is a little concerned when the President suggests that impacted aid and the abuses therein be reduced or eliminated.

It is going to impinge upon some of his constituents. And it should, Mr. President. I will support the Senator from Maryland where he needs support, but do not let him come around and start to talk about the President, the Senator from Iowa, or anybody from this side of the aisle turning their back on little schoolchildren, because the record will not support it.

Mr. TYDINGS. Mr. President, will the Senator yield for a question?

Mr. MILLER. I yield.

Mr. TYDINGS. What is the Senator going to tell school superintendents of Iowa when he votes against the items involved in the HEW welfare appropriations, which include, in the area of education alone, elementary and secondary education, $312 million? That is completely apart from impacted aid. What is the Senator going to tell them? Is he going to tell them it was quite all right for $1.1 billion on foreign aid, that that is not inflationary, but $312 million for education is terrible?

Mr. MILLER. The Senator asked to yield for a question, and the Senator from Iowa will be happy to answer the question. It is not necessary for the Senator from Maryland to try to put words in the mouth of the Senator from Iowa.

Mr. TYDINGS. What is the Senator going to tell the schoolchildren of Iowa?

Mr. MILLER. Mr. President, I have the floor, and I will answer the question.

The answer is, Mr. President, that I already have told them, and I have told them this: that until we got this inflation under control, they would have to be content with the same level of spending that they had last year.

I am pleased to say to the Senator from Maryland that the response was favorable, because those school people, when you get right down to it, understand very well what inflation has been doing to their budgets and to their school costs and to the costs of construction—and it has hurt them terribly. The same is true about higher education.

The Senator from Iowa is not talking about turning backs on anybody. He is not talking about taking these items that the Senator from Maryland read and eliminating them. He is talking about holding them at current levels until we can get this inflation mess straightened out, and then we will have an opportunity either to enlarge them or to replace them by more efficient programs.

That is the answer the Senator from Iowa gave about 2 months ago in his State.

Mr. TYDINGS. Mr. President, will the Senator yield?

Mr. MILLER. I am happy to yield.

Mr. TYDINGS. I should like to ask the Senator from Iowa why the $5.6 billion that the President requested for additional military expenditures and the $1.1 billion for additional foreign aid expenditures were not inflationary but the additional money, in millions of dollars, for education and health is inflationary.

Mr. MILLER. I think the answer is that one can say that anything in the budget by way of spending is inflationary. It is like saying if you go $1 over the income of the Treasury, that is inflationary. A technical, theoretical argument can be made about it. The Senator is not going to argue about foreign aid. He supported the committee on the reduction in foreign aid. It is not a matter of what is inflationary, so much as a matter of what is the current level of spending. I never worry too much about sticking with the current level when I am trying to reach a balanced budget. But I do worry about increases.

XUM

The Senator from Maryland has been around here long enough to know that the increases in the HEW budget and the HEW appropriations have probably been greater than in any other agency of the Federal Government, including the Defense Department. This does not mean that they should not have been greater. But it does indicate that rapid expansion and tremendous expenditures running into 20 billions of dollars give an opportunity for waste, and we have found waste.

He talks about waste in the Defense Department. There is waste in every department around here, and there has been for a long time. This is one reason why we had a change of administrations. There was too much waste in the previous administration, and we hope the present administration will continue its prudent policies which will enable this waste to be minimized.

But when it is asked, "Isn't it terrible to have such an inflationary item as a billion dollars of foreign aid?" I point out that this is the lowest foreign aid amount we have had since I have been in the Senate. We are reducing it and perhaps we should. That is why I supported the cut.

But, Mr. President, any time you have one of the wealthiest counties in the United States receiving impacted aid equivalent to what 100 poor counties are getting, I do not think you have a prudent expenditure of the taxpayers' money. The Senator from Maryland well knows that this happens in his State, and I think he should take the lead in trying to do something about this type of waste. That, indeed, is inflationary.

XUM

Mr. TYDINGS. Mr. President, will the Senator yield?

Mr. MILLER. I yield.

Mr. TYDINGS. Mr. President, I am interested to know just how the Senator from Iowa explains to his constituents in Iowa the fact that there is no more difference between $1.1 billion in foreign aid than $1.1 billion in aid to education and health right here in the United States, and that it is not more inflationary to spend money on foreign aid than it is to spend the money at home on our own schoolchildren and our own people. I would be very interested in that. I would be very interested to know how he is going to state that when we cut $5.6 billion from the President's request and still include a small increase in aid to education and health, that our action here is more fiscally responsible than the action of the President, who comes to Congress; and if we had rubberstamped his program, item for item, it would have cost the taxpayers of the United States $5.6 billion more.

I would be interested in the Senator's response.

Mr. MILLER. Mr. President, the Senator has asked two questions.

The first question has to do with the inflationary aspects of foreign aid. He knows the answer as well as I do. He has studied his economics. He knows that probably the most inflationary type of spending is for national defense, because it does not turn into productive type of resources. It is a wasting type of expenditure. But we have to have national security and live up to certain of our foreign commitments if we want to have an orderly and peaceful world. That is our No. 1 objective in this country—an orderly and peaceful world. I hope the Senator from Maryland is not going to say we will stop foreign aid because it is inflationary, because it is not particularly productive, and let the orderly and peaceful world go by.

Mr. TYDINGS. We ought to cut an extra $500 million from it.

Mr. MILLER. He is not going to do that at all, because he is for an orderly and peaceful world.

That is why we have some inflationary-type spending, for the sake of an orderly and peaceful world.

So far as the matter of education costs is concerned, nothing I know of is more productive than proper spending for education. But do not try to link that into the same ball park with paying millions of dollars to one of the wealthiest counties in this country for impacted aid. Impacted aid was conceived by Congress for the purpose of relieving taxpayers when people from military reservations sent their schoolchildren off the reservations into public schools in those school districts. The Senator from Maryland knows that. Then, a few years ago, before the Senator from Iowa and the Senator from Maryland came to the Senate, Congress changed that. At least, they added to it, by saying that even though Federal employees are not living on a reservation, when they have children going to public schools, those areas will get impacted aid according to the population of that type of student.

That is why the Senator from Maryland has in his State a county, one of the wealthiest in the country, which has one of the highest impacted aid payments of any county in the United States. I do not think it is fair. I hope he does not think it is fair. I wonder whether he does think it is fair. Perhaps he would tell the Senator from Iowa whether he thinks that is fair and whether he thinks that is inflationary.

Mr. TYDINGS. Would the Senator be willing to let the counties involved tax the Federal installations located there at their value?

Mr. MILLER. The Senator has not responded as to whether he thinks that is inflationary.

Mr. TYDINGS. If the counties involved in Maryland and elsewhere would be permitted to levy taxes on the great military and Federal installations which take up the land and which deprive the counties of an opportunity to raise revenue, if those installations were permitted to be taxed, then there would be a reasonable substitute for impacted aid to federally impacted areas.

However, as the Senator knows, that is only a small part. The entire school assistance in Federal impacted areas is only $600 million. We are talking about over 1 billion 100 million dollars for aid to education and aid to health.

This is going to be an interesting debate, and is not going to end today.

Mr. MILLER. Mr. President, I yield the floor.

UNANIMOUS-CONSENT AGREEMENT

Mr. BYRD of West Virginia. Mr. President, at the request of the majority leader, I make the following unanimous-consent request so that Senators may be on notice as to when we will vote on the pending conference report.

I am authorized by the able majority leader to propose the following unanimous-consent request.

I ask unanimous consent that, immediately upon the further consideration of the pending conference report on tomorrow, debate be limited to 2½ hours, the time to be equally divided and controlled by the chairman of the Appropriations Subcommitee, the Senator from Washington (Mr. MAGNUSON), and the distinguished minority leader or whomsoever he may designate, and provided further that the vote on the conference report or any eligible motion related thereto occur not later than 2:30 p.m. tomorrow.

Mr. ALLOTT. Mr. President, reserving the right to object—and I shall not object—has there been a previous order as to the time when the Senate will go into session on tomorrow and will there be a morning hour?

Mr. BYRD of West Virginia. Mr. President, the previous order is that we recess at the close of business today until 12 o'clock tomorrow. So, there would be no morning business prior to the adoption of the conference report.

Mr. GRIFFIN. Mr. President, I have consulted with the minority leader and also with the ranking Republican member of the Appropriations Committee and the ranking Republican member on the subcommittee. This arrangement is satisfactory as far as they are concerned. And I have no objection.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

The unanimous-consent agreement, subsequently reduced to writing, is as follows:

Ordered, that during the further consideration of the Conference Report on H.R. 13111 (the Labor-HEW appropriations bill) on January 20, 1970, debate be limited to 2½ hours to be equally divided and controlled by the Senator from Washington (Mr. MAGNUSON) and the Senator from Pennsylvania (Mr. SCOTT), or his designee.

Ordered further, that the vote on the conference report or any motion related thereto, occur not later than 2:30 p.m.

JOINT SESSION OF CONGRESS ON THURSDAY, JANUARY 22, 1970

Mr. BYRD of West Virginia. I ask that the Chair lay before the Senate a message from the House of Representatives on House Concurrent Resolution No. 477.

The PRESIDING OFFICER laid before the Senate the message from the House of Representatives (H. Con. Res. 477), which was read by the bill clerk as follows:

H. CON. RES. 477

Resolved by the House of Representatives (the Senate concurring), That the two Houses of Congress assemble in the Hall of the House of Representatives on Thursday, January 22, 1970, at 12:30 p.m., for the purpose of receiving such communications as the President of the United States shall be pleased to make to them.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of the concurrent resolution.

The PRESIDING OFFICER. Is there objection?

There being no objection, the concurrent resolution was considered and agreed to.

ORDER OF BUSINESS

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS

Mr. BYRD of West Virginia. Mr. President, if there is no further business to come before the Senate, I move, in accordance with the order previously entered, that the Senate stand in recess until 12 o'clock noon tomorrow.

The motion was agreed to; and (at 5 o'clock p.m.) the Senate recessed until tomorrow, Tuesday, January 20, 1970, at 12 o'clock meridian.

NOMINATIONS

Executive nominations received by the Senate January 19, 1970:

ASSOCIATE JUSTICE OF THE SUPREME COURT

George Harrold Carswell, of Florida, to be an Associate Justice of the Supreme Court of the United States, vice Abe Fortas, resigned.

HOUSE OF REPRESENTATIVES—*Monday, January 19, 1970*

This being the day fixed by Public Law 91-182, 91st Congress, enacted pursuant to the 20th amendment of the Constitution, for the meeting of the second session of the 91st Congress, the Members of the House of Representatives of the 91st Congress met in their Hall, and at 12 o'clock noon were called to order by the Speaker, the Honorable JOHN W. MCCORMACK, a Representative from the State of Massachusetts.

The Chaplain, Rev. Edward G. Latch, D.D., L.H.D., offered the following prayer:

Be strong in the Lord and in the power of His might.—Ephesians 6: 10.

O God and Father of us all, may we follow the leading of Thy spirit as we face another year and enter another decade. Bless us with Thy presence and help us always to be receptive to Thee and responsive to the needs of our fellow men.

At this high altar of prayer, the center of the spiritual life of our Nation, we pray for our President, our Speaker, Members of Congress, and all who labor with them, that they may be strengthened to meet confidently the searching demands of this stirring day.

Keep ever before us the goal of a better world with justice alive in our world, with peace between nations, and with good will in the hearts of men.

Hear us as we unite in offering unto Thee the Prayer of our Lord, *Our Father, who art in Heaven, hallowed be Thy name. Thy kingdom come, Thy will be done on earth as it is in heaven. Give us this day our daily bread. Forgive us our trespasses as we forgive those who trespass against us. And lead us not into temptation, but deliver us from evil. For Thine is the kingdom, and the power, and the glory forever.*

Amen.

CALL OF THE HOUSE

The SPEAKER. The Clerk will call the roll to ascertain the presence of a quorum.

The Clerk called the roll, and the following Members answered to their names:

[Roll No. 1]

Abbitt
Abernethy
Adair
Adams
Addabbo
Albert
Alexander
Anderson, Calif.
Anderson, Ill.
Andrews, Ala.
Arends
Ashbrook
Ashley
Aspinall
Ayres
Baring
Beall, Md.
Belcher
Bennett
Berry
Biaggi
Biester
Blackburn
Blanton
Blatnik
Boggs
Bolling
Bow
Brasco
Brinkley
Brock
Brooks
Broomfield
Brotzman
Brown, Mich.
Broyhill, Va.
Burke, Mass.
Burleson, Tex.
Burlison, Mo.
Bush
Byrnes, Wis.
Cabell
Caffery
Carter
Casey
Cederberg
Chamberlain
Chappell
Chisholm
Clausen, Don H.
Clawson, Del
Cleveland
Cohelan
Collier
Collins
Colmer
Conable
Conte
Corbett
Cramer
Crane
Cunningham
Daddario
Daniel, Va.
Daniels, N.J.
Davis, Ga.
Davis, Wis.
Dellenback
Denney
Dennis
Dent
Devine
Dickinson
Dingell
Dowdy
Downing
Duncan
Eckhardt
Edmondson
Edwards, Ala.
Edwards, La.
Eshleman
Evans, Colo.
Evins, Tenn.
Fallon
Fascell
Findley
Fish
Flood
Flynt
Foreman
Fraser
Frey
Friedel
Fuqua
Galifianakis
Gaydos
Gettys
Gibbons
Gilbert
Gonzalez
Goodling
Gray
Griffiths
Gross
Gubser
Gude
Haley
Hall
Hamilton
Hammerschmidt
Hanley
Harsha
Harvey
Hastings
Hathaway
Hays
Hechler, W. Va.
Heckler, Mass.
Henderson
Hicks
Hogan
Horton
Howard
Hull
Hungate
Hunt
Hutchinson
Jarman
Johnson, Calif.
Johnson, Pa.
Jonas
Jones, Ala.
Karth
Kastenmeier
Kazen
Kee
King
Kleppe
Kluczynski
Koch
Kyl
Kyros
Landrum
Langen
Latta
Leggett
Lennon
Long, Md.
Lowenstein
Lujan
McCarthy
McClory
McCloskey
McClure
McCulloch
McDade
McDonald, Mich.
McEwen
McKneally
McMillan
Madden
Mahon
Mann
Marsh
Mathias
Matsunaga
May
Melcher
Meskill
Michel
Mikva
Miller, Ohio
Mills
Mink
Mize
Mizell
Mollohan
Montgomery
Moorhead
Morse
Morton
Moss
Murphy, Ill.
Natcher
Nedzi
Nelsen
Nichols
Obey
O'Hara
Olsen
O'Neill, Mass.
Passman
Patman
Patten
Pelly
Pepper
Perkins
Pettis
Pike
Pirnie
Poage
Poff
Pollock
Powell
Preyer, N.C.
Price, Tex.
Pryor, Ark.
Purcell
Quie
Quillen
Railsback
Randall
Rarick
Rees
Reid, Ill.
Reid, N.Y.
Reifel
Reuss
Riegle
Rivers
Roe
Rogers, Colo.
Rogers, Fla.
Rooney, N.Y.
Rooney, Pa.
Rosenthal
Roth
Roudebush
Ruppe
Ruth
Ryan
Saylor
Schadeberg
Scherle
Schneebeli
Schwengel
Scott
Sebelius
Shipley
Sikes
Sisk
Slack
Smith, Calif.
Springer
Stanton
Steed
Steiger, Ariz.
Steiger, Wis.
Stephens
Stokes
Stratton
Stuckey
Symington
Taft
Talcott
Taylor
Teague, Tex.
Thompson, Ga.
Thompson, N.J.
Tiernan
Ullman
Utt
Van Deerlin
Vander Jagt
Vanik
Vigorito
Waldie
Watts
Weicker
Whalen
Whitten
Williams
Wilson, Bob
Wold
Wright
Wyatt
Wylie
Wyman
Yatron
Young
Zablocki
Zion

The SPEAKER. On this rollcall 283 Members have answered to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

COMMITTEE TO NOTIFY THE PRESIDENT

Mr. ALBERT. Mr. Speaker, I offer a resolution (H. Res. 775) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 775

Resolved, That a committee of three Members be appointed by the Speaker on the part of the House of Representatives to join with a committee on the part of the Senate to notify the President of the United States that a quorum of each House has assembled and Congress is ready to receive any communication that he may be pleased to make.

The resolution was agreed to.

A motion to reconsider was laid on the table.

The SPEAKER. The Chair appoints as members of the committee on the part of the House to join a committee on the part of the Senate to notify the President of the United States that a quorum of each House has been assembled, and that Congress is ready to receive any communication that he may be pleased to make, the gentleman from Oklahoma, Mr. ALBERT, the gentleman from Louisiana, Mr. BOGGS, and the gentleman from Illinois, Mr. ARENDS.

NOTIFICATION TO SENATE

Mr. MAHON. Mr. Speaker, I offer a resolution (H. Res. 776) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. Res. 776

Resolved, That the Clerk of the House inform the Senate that a quorum of the House is present and that the House is ready to proceed with business.

The resolution was agreed to.

A motion to reconsider was laid on the table.

DAILY HOUR OF MEETING

Mr. **COLMER**. Mr. Speaker, I offer a resolution (H. Res. 777) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. Res. 777

Resolved, That until otherwise ordered, the daily hour of meeting of the House of Representatives shall be at 12 o'clock meridian.

The resolution was agreed to.

A motion to reconsider was laid on the table.

RESIGNATION AS A MEMBER OF THE HOUSE OF REPRESENTATIVES

The **SPEAKER** laid before the House the following communication, which was read:

December 17, 1969.

Hon. John W. McCormack,
The Speaker, House of Representatives,
Washington, D.C.

Dear Mr. Speaker: Due to my election as the Governor of New Jersey, I hereby resign my office as Representative in the Congress of the United States from the Sixth District of New Jersey, effective January 19, 1970, midnight.

Respectfully yours,
William T. Cahill.

NIXON ADMINISTRATION SHOULD REVEAL DETAILS OF ITS MIDDLE EAST PROPOSALS

(Mr. **RYAN** asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. **RYAN**. Mr. Speaker, I have called upon Secretary of State Rogers to release immediately the texts of the proposals which this administration has made concerning the settlement of the Mideast conflict. Since last spring, the representatives of the United States have been proposing Mideast settlement plans, chiefly to the Soviet Union. None of these plans has yet been made fully known to the public or to the Congress.

For example, in his December 9, 1969, speech Secretary of State Rogers partially revealed a proposal made to the Soviet Union 6 weeks earlier, on October 28, which included a call for Israel's withdrawal from Egypt to the pre-6-day-war lines.

Another example of this underground diplomacy is the proposed Israel-Jordan settlement plan, reported in the New York Times on December 20, 1969, which apparently presented a detailed plan for repatriation or resettlement of Arab refugees.

Mr. Speaker, peace in the Mideast—achieved through direct negotiations—is crucial to the interests of this country and to the nations of the Mideast. The apparent specificity of the administration's proposals is unfortunate. They leave little for the parties themselves to negotiate and, thereby, undermine the likelihood of direct negotiations.

I also find it totally inadequate and unacceptable for us to have to rely upon "leaks" from foreign governments, reported in American newspapers, as the basis for assessing what the administration is doing.

The text of the Soviet response to the administration's proposal for an Israel-Egypt settlement has now been made public—not by the State Department but by unidentified foreign diplomats in London. However, the original proposal is still a secret.

Such a situation is not just absurd. It is dangerous. The administration is leaving Congress in the dark, while it shifts away from support for Israel. This shift is undermining the possibility of direct negotiations, whch are essential for lasting peace in the Mideast. Thereby, the administration is departing from the previous 20 years of firm support and commitment by the United States to insure a viable Israel.

JAYCEE WEEK

(Mr. **POAGE** asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. **POAGE**. Mr. Speaker, the week of January 18 has been designated as Jaycee Week across the Nation. This year the U.S. Jaycees are celebrating the 50th anniversary of the founding of their outstanding service organization. Certainly our country has benefited a great deal from the unselfish and dedicated work of the thousands of local Jaycee organizations across our land.

I was honored to be a member of the Waco Jaycees, which organization has rendered a great service throughout the years to the folks in my hometown of Waco, Tex.

I want to take this opportunity to commend the efforts of the U.S. Jaycees and to congratulate them on their great progress and success in serving their fellow man.

THE KANSAS CITY CHIEFS ARE NO. 1

(Mr. **RANDALL** asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. **RANDALL**. Mr. Speaker, the magnificent Kansas City Chiefs football team 1 week ago yesterday earned the right for everyone in the heart of America to proudly raise his right index finger and to say, "we're No. 1." As winner in the Super Bowl the Chiefs became the No. 1 team in all pro-football.

The 23-to-7 victory of the Chiefs over the Minnesota Vikings was a David and Goliath event because the Chiefs entered the game a 14-point underdog. We had heard the Vikings were a devastating machine. Undisturbed, our ingenious coach, Hank "Wham Bam" Stram called on the great quarterback, Len Dawson, who with his teammates outhit, outmaneuvered, and in the end destroyed the Vikings. The team from up north because of the color of their uniforms had been called "Purple People Eaters." Not frightened by such descriptions the Kansas City Chiefs gave these so-called "Eaters" a bad case of indigestion, leaving the Vikings bothered, bewildered, and at the end beginning to panic.

The 1970 super bowl was geographically unique. One team came from northern mid-America. The winner came from a prairie cow town, now grown big, located right in the very heart of America—metropolitan Kansas City. The site of the game was New Orleans. There was no glitter of New York or glamour of Los Angeles in the game this year. Neither the east coast nor the west coast could claim any of the spotlight. Both teams and the scene of the game were in the very middle of this great country of ours. It was central time zone all the way. This year in the super bowl irrespective of the score, mid-America was the winner.

FULL-SCALE INVESTIGATION NEEDED

(Mr. **HECHLER** of West Virginia asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. **HECHLER** of West Virginia. Mr. Speaker, most of us were spending the Christmas recess with our families as the turbulent decade of the 1960's was drawing to a close.

There was a Christmas wreath on the door, and Christmas cards and lights in the window of a stone house in the little coal mining community of Clarksville, Pa., the home of Joseph A. Yablonski. The very meaning of Christmas and the basic teachings of the Prince of Peace were suddenly, brutally, violently and fiendishly shattered by the cold-blooded, calculated, and premeditated triple murder of Joseph Yablonski, his wife, and his daughter.

I knew Jock Yablonski as a close friend. Every weekend, as soon as Congress finished its business, I went out to campaign with and for Jock Yablonski in his efforts to clean up the union. He confided in me. I knew his life was being threatened. His life was in danger because his charges of union corruption, embezzlement, and violation of the law were striking too close to home. And I know that Jock Yablonski did not have an enemy in the world except those created by his efforts to clean up the union.

This is more than a battle of personalities. This is more than an internal union struggle. The issues highlighted by the Yablonski murders involve the very fabric of law and order in this Nation.

Personally, I am frightened. I admit that I want to live, but I am also frightened about the future of this Nation if this violence and intimidation continues. Nobody can frighten or intimidate the entire Congress, and that is why I trust

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that Congress will go ahead and investigate not only the violence growing out of the election but the whole train of corruption, embezzlement, and gross violations of the law by the United Mine Workers of America. No organization or individual in this Nation is above the law, and I urge the House of Representatives to press forward with a full-scale investigation of the widespread violations of the law which have repeatedly been cited in the public record.

INCREASE IN STEEL PRICES

(Mr. VANIK asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. VANIK. Mr. Speaker, last Saturday, the Bethlehem Steel Corp.—generally the frontrunner in the announcement of price increases for the steel industry—announced a $7 per ton increase in the price of steel plate and a $10 per ton increase in the price of steel piling.

The company stated that the price increase resulted from increased costs of raw material, increased State and local taxes, increased costs of pollution control, and the termination of the investment tax credit.

It is incredible that this company should endeavor to justify this arbitrary and exorbitant price increase—which will be industrywide by weekend—on either its pollution control effort or the repeal of the investment credit.

First of all, the steel industry has accumulated the largest investment credit backlog of any other industry in the Nation. Hundreds of millions of dollars of the investment credit were "grandfathered in" under last year's tax reform bill. The steel industry will have all of the 7-percent investment credit it can use in projects currently underway. Furthermore, the tax reform bill provided the steel industry with additional relief for its expenditures in pollution control by allowing for the first time accelerated depreciation credits for pollution control expenditures. These tax credits are soon expected to cost the Treasury over $120 million per year.

The cruel fact is that the steel industry is taking advantage of current market conditions—raising prices in a period of high demand and irresponsibly firing up an inflationary impact which will raise the price of everything made of steel.

Mr. Speaker, the steel price increase is a selfish, irresponsible act of greed which will propel inflation to new and more painful levels.

YOU CAN HELP YOUR POLICE AND COURTS REDUCE CRIME BY ESTABLISHING A "CITIZENS CRIME CHECK" PROGRAM IN YOUR COMMUNITY

(Mr. DONOHUE asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. DONOHUE. Mr. Speaker, like every American citizen I am very deeply disturbed by the continuing increase in crime throughout our country and within our communities. In my own home community the local authorities recently reported an overall crime increase of 15 percent in 1969 over 1968.

As a national legislator I am, of course, very deeply concerned that the Congress of the United States should fully meet its responsibility to assist our various States and cities and towns in strengthening and improving their crime detection and law enforcement resources. That is why I have joined with the great majority of my colleagues here in consistently urging approval of adequate Federal funds to help local officials provide modern training for police personnel and more efficient functioning of our courts, particularly in the juvenile system.

However, as was so clearly pointed out recently in a very timely article by a very able journalist, Mr. Paul V. Craigue, of the Worcester, Mass., Telegram staff, even the most skilled and diligent police personnel imperatively need the aid and cooperation of the local citizenry if we hope or expect to get the job done right, speedily, and economically.

In a very interesting and instructive article, in the January 17, 1970, issue of the Telegram, Mr. Craigue, a special representative of the newspaper in the Framingham, Mass., area, reports that the local police credited a "citizens crime check" with the solution of more than 20 burglaries of homes and automobiles in the past 3 months.

"Citizens Crime Check" is a program of the Massachusetts Council on Crime and Correction under which all citizens are urged to cooperate with the police by reporting any suspicious activities they happen to see. Its slogan is, "If you see it, report it."

In his enlightening story, Mr. Craigue reveals how two very alert women observed some youths acting suspiciously in their neighborhoods and reported their actions, with descriptions, to the police who were promptly able to apprehend the youths and clear up the investigation of some 20 cases of theft and illegal entry.

In a comparatively short article Mr. Craigue has, I think, contributed a great public service by reminding each of us that we can and we should help our police departments decrease the crime rate in our community by being sensibly alert to neighborhood activities, particularly of strangers, and promptly reporting any obviously suspicious activities to the local police. I would like to compliment Mr. Craigue for his good work and earnestly hope that all the readers of this RECORD will heed the moral of his story by pledging their full cooperation to the police and the courts in their own community. Such cooperation might very well save your own life and property as well as your neighbor's but in any case it will undoubtedly save you money.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate had passed a resolution as follows:

S. RES 304

Resolved, That a committee consisting of two Senators be appointed by the President pro tempore to join such committee as may be appointed by the House of Representatives to wait upon the President of the United States and inform him that a quorum of each House is assembled and that the Congress is ready to receive any communication he may be pleased to make.

The message also announced that the President pro tempore, pursuant to Senate Resolution 304, appointed Mr. MANSFIELD and Mr. SCOTT to join the committee appointed on the part of the House of Representatives to wait upon the President of the United States and inform him that a quorum of each House is assembled and that the Congress is ready to receive any communication he may be pleased to make.

The message also announced that the Senate had passed a resolution, as follows:

S. RES. 305

Resolved, That the Secretary inform the House of Representatives that a quorum of the Senate is assembled and that the Senate is ready to proceed to business.

CONSENT CALENDAR

The SPEAKER. This is Consent Calendar day. The Clerk will call the first bill on the Consent Calendar.

PROVIDING FOR ADMISSION TO UNITED STATES OF INHABITANTS OF BONIN ISLANDS

The Clerk called the bill (H.R. 4574) to provide for the admission to the United States of certain inhabitants of the Bonin Islands.

Mr. SAYLOR. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

CONSTRUCTION OF CUSTOM AND IMMIGRATION FACILITIES

The Clerk called the bill (H.R. 12795) to amend the act entitled "An act to provide better facilities for the enforcement of the customs and immigration laws," to increase the amount authorized to be expended, and for other purposes.

There being no objection, the Clerk read the bill, as follows:

H.R. 12795

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Act of June 26, 1930, as amended (19 U.S.C. 68), is further amended—

(a) by striking out "$100,000" and inserting in lieu thereof "$200,000"; and

(b) by adding at the end of such Act the following new paragraph:

"Notwithstanding any other provision of law, the Secretary of the Treasury may, when necessary for the protection of the revenue, expend public funds in accordance with the preceding paragraph prior to the issuance of a written opinion of the Attorney General in favor of the validity of the title to such land: *Provided,* That the Secretary of the

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Treasury shall secure such written opinion as soon after such expenditure as is reasonably possible."

With the following committee amendment:

Strike out all after the enacting clause and insert in lieu thereof the following:

"That the Act entitled 'An Act To provide better facilities for the enforcement of the customs and immigration laws', approved June 26, 1930, as amended (19 U.S.C. 68), is amended by striking out '$100,000' and inserting in lieu thereof '$200,000'."

The committee amendment was agreed to.

Mr. GRAY. Mr. Speaker, the Bureau of Customs and the Immigration services are outstanding Government agencies that protect our borders from undesirable outside elements and prevent the importation of narcotics and other things that would be detrimental to the welfare of the American people.

Our border stations along the Mexican and Canadian borders are substandard and inadequate. Many of the personnel are traveling great distances to work because on-site facilities are not available. This weakens our enforcement efforts and is costing us in lost revenues much more than the facilities authorized by this bill will cost.

Mr. Speaker, during hearings before the Subcommittee on Public Buildings and Grounds that I have the honor of chairing, we were honored by having as a witness the Assistant Commissioner, Office of Administration, Bureau of Customs, U.S. Treasury Department, the Honorable Frank B. Gatchell, Jr. So that every Member will know of the reasons for requesting their support for passage of H.R. 12795, I am inserting in the RECORD Mr. Gatchell's testimony which will give a complete justification for the legislation. His testimony follows:

STATEMENT OF HON. FRANK B. GATCHELL, JR.

Mr. Chairman and members of the subcommittee. As the chairman has indicated, my name is Frank B. Gatchell. I am Acting Assistant Commissioner of the Office of Administration, Bureau of Customs. I very much appreciate the opportunity to appear before this subcommittee on behalf of the Treasury Department and its Bureau of Customs in support of H.R. 12795, which is an act "To amend the act entitled 'an act to provide better facilities for the enforcement of the customs and immigration laws,' to increase the amount authorized to be expended, and for other purposes."

This proposed legislation was prepared by the Treasury Department and we urge your committee to give it favorable consideration. Effective performance of the mission of the Bureau of customs and the Immigration and Naturalization Service along the Canadian and Mexican borders requires adequate physical facilities. These facilities often must be erected in remote places and at a premium cost for both labor and materials.

Under existing law, the maximum amount that may be expended for any one project by Customs or Immigration, or both, to acquire land and erect buildings, including inspection stations and residences, is $100,000.

This special authority may be exercised only where no other federally owned or leased facilities are available at remote border locations or in the Virgin Islands. When this special border facilities legislation was first enacted in 1930, the ceiling was $3,000 each for Customs and Immigration or $6,000 per project. In 1962, the $100,000 figure was reached. In the past 7 years, building costs have increased to such an extent that there is scarcely a site in the country where a typical project consisting of a border station and two residences (one for Customs and one for Immigration) can now be built within the $100,000 ceiling presently imposed.

In recent years, traffic crossing into the United States at Mexican and Canadian border points has increased by almost 30 percent. This trend is expected to continue. The additional traffic has exceeded the capacity of existing facilities in many instances and has created a need for new and expanded facilities. There are more than 15 projects now planned for adequate border facilities in the Customs-Immigration construction program. These are to be located in various sites across the entire range of our borders with Canada and Mexico.

Treasury's proposal to provide a means for resolving the problem of inadequate border facilities is set forth in H.R. 12795, the bill we are discussing this morning.

The bill would do two things:

(1) Increase the amount which may be spent by the Attorney General or the Secretary of the Treasury or both jointly on a single project from current level of $100,000 which was established in 1962, to $200,000.

(2) Authorize the Secretary of the Treasury to acquire sites and commence the construction of facilities on those sites prior to the receipt of a written opinion from the Attorney General authenticating the validity of the vendor title where such action is deemed by the Secretary to be essential for the protection of the revenue. This provision would not waive the requirement of a written opinion, only permit the agency to acquire land before the title validation was obtained in cases where it appears that unusual delay in clearing title would be encountered.

Mr. Chairman, this completes my formal statement in support of H.R. 12795 and I will be glad to try to answer any questions which the committee may have concerning this proposed legislation.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

ASSISTANCE FOR DESERTLAND ENTRYMEN

The Clerk called the bill (H.R. 6244) to enable the Secretary of Agriculture to extend financial assistance to desertland entrymen to the same extent as such assistance is available to homestead entrymen.

There being no objection, the Clerk read the bill, as follows:

H.R. 6244

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) the first sentence of the Act entitled "An Act to enable the Secretary of Agriculture to extend financial assistance to homestead entrymen, and for other purposes", approved October 19, 1949 (63 Stat. 883; 7 U.S.C. 1006a), is amended by striking out "homestead entry" and inserting in lieu thereof "homestead or desertland entry".

(b) The last sentence of the first section of such Act is amended by striking out "reclamation project" and inserting in lieu thereof "reclamation project or to an entryman under the desertland laws".

Mr. McCLURE. Mr. Speaker, I rise in support of H.R. 6244, a bill which has received the approval of the Committee on Agriculture. I want to thank the chairman of that committee, Mr. POAGE, for his courtesy and assistance in this matter.

The development of the United States from the Jamestown Colony and the landing of the Pilgrims has depended on the courage, the faith, and the industry of the American farmer. I am not overlooking the romance of the trapper and fur trader, but they operated pretty largely beyond the frontier—and, indeed, could not operate except in the undeveloped vastness of our continent. I am not unmindful of the contributions of the miners who led thousands westward across the land in search of instant riches 120 years ago. But it was the tiller of the soil who cleared and planted and built upon which the solid progress of this Nation was founded.

You all know the complex social evolution which prompted the enactment of the Homestead Act over a hundred years ago and the profound changes across our land which followed. I assume you are all aware of the needs which prompted the passage of the Desert Land Act in March 1877, and I will not burden you with any lengthy repetition of the rationale behind these landmark laws. They are just as desirable today as they were then, but the problems of implementing them are different now. A hundred years ago, land lay waiting and all it required was labor to develop it—and a law which would permit it. As the most easily developed lands were taken up, the emphasis shifted to those lands which required irrigation to make them productive and the Desert Land Act provided the incentive. The lands which were easily irrigated and inexpensively developed were taken early. There remain good lands and adequate water, but they must be brought together. No longer is it possible for a sturdy, self-reliant man to simply move on open land and put it to the plow. No longer is it possible simply to divert a stream to the lands along its banks—that has long since been done. And just as farming has now become big business, so, also, does it require investment of large sums of money to provide the irrigation works and equipment to reclaim the desert lands of the West.

I will not burden you with a repetition of all the statistics of the population explosion which dictate the need for expanded food supply in the not too distant future. This committee is leading our Nation to an awareness of this problem. I would, however, like to point to the time which is required to make a productive farm out of raw land and urge that we cannot wait until a food shortage develops and then expect to put new lands into full production overnight.

In Idaho we have at least 12 million acres of good land that are irrigable—and as productive as any in the country. We have enough water to irrigate those acres, but we must bring them together—and I should remind the thirsty Southwest that the Snake River alone cannot provide all the needed water for all those acres. There are several courses of action for us to follow, such as reclamation projects, water and land conservation practices, and other Federal programs under existing laws. I want to emphasize, however, the tremendous strides being taken in Idaho in recent years in the development of lands by individual initiative.

Since 1950, we have averaged 50,000 acres of newly irrigated land each year. This is the equivalent of a Columbia Basin Project each 10 years. The tremendous growth of the potato industry in Idaho has relied heavily on these new lands—and we need more.

The original Desert Land Act of 1877 provided that individuals could obtain patent to 640 acres of land, but this was reduced in 1891 to 320 acres. Under this provision, a husband and wife together could develop 640 acres, and this has been the law since then. Since its passage over 10,000,000 acres of land have been patented under the Act, and about 1,400,000 acres of this has been in Idaho. Since 1955, an average of 17,000 acres has been patented annually under the Desert Land Act.

In the United States in 1962, there were 153 desert land entry patents issued on 36,322 acres. Of these, 61 patents covering 15,131 acres were in Idaho. Of those lands classified as suitable for desert land entry in 1968, all but one of the 193 entries were in Idaho. As of September 24, 1969, there were 770 pending desert land entry applications in Idaho. I think these figures indicate the importance of the pending legislation to us in Idaho.

The Farmers Home Administration has long been authorized to lend money for the development of a homestead entry. Although an entry under the Desert Land Act may be more land and is most certainly more expensive, this source of development capital has not been available to the desert land entryman. Until the land is cleared, a functional water distribution system installed, and the land brought into production, the entryman has no title. Without title, the land cannot be used as security. Unless the entryman has substantial resources outside the land, he is attempting to reclaim, it is almost impossible to obtain the needed financing. A recent check indicates that almost 20 percent of the original entryman—those who first go on the land to clear it and cultivate it—almost 20 percent fail. Of course, these are the ones with the least financial resources. Even worse, many young and capable people have no hope of obtaining the financing necessary to even start—they are frozen out in the beginning.

Because of these financial obstacles, and because of the high cost of developing the extensive irrigation works which are necessary today, we are now witnessing the growing reliance upon group applications.

The object and purpose of H.R. 6244 is to allow desert entrymen to receive credit from the Farmers Home Administration to the same extent as such assistance is available to homestead entrymen. The legislation would fill the existing void since the entryman has no security sufficient for the granting of a loan to develop the land. Without developing the land he cannot get title which can provide the security upon which he can obtain development capital. Our bill would break this vicious circle and extend aid to many worthy individuals who are ready to open these new lands.

I urge your favorable consideration of this legislation.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

PROVIDING FOR THE DISPOSITION OF JUDGMENT FUNDS OF THE SIOUX TRIBE OF THE FORT PECK INDIAN RESERVATION, MONT.

The Clerk called the bill (H.R. 10184) to provide for the disposition of judgment funds of the Sioux Tribe of the Fort Peck Indian Reservation, Mont.

There being no objection, the Clerk read the bill, as follows:

H.R. 10184

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the funds appropriated by the Act of October 21, 1968 (82 Stat. 1190, 1198), to pay a judgment to the Sioux Tribe of the Fort Peck Reservation, Montana, in Indian Claims Commission Docket Numbered 279A and the interest thereon, after payment of attorney's fees and all appropriate expenses, shall be distributed per capita to each person born on or before, and living on, the date of this Act who is a citizen of the United States and duly enrolled, on a roll approved by the Secretary of the Interior, as a member of the Sioux Tribe of the Fort Peck Reservation, in accordance with eligibility requirements and procedures agreed upon by the Secretary of the Interior and the tribe, or its authorized representatives.

SEC. 2. The distribution of funds shall be made per capita in accordance with criteria and procedures agreed upon by the Secretary of the Interior and the tribe, or its authorized representatives. The per capita shares shall be determined on the basis of the number of persons eligible for per capitas and the number of persons rejected for per capitas who have taken a timely appeal. The shares of those persons whose appeals are denied shall revert to the Sioux Tribe of the Fort Peck Reservation, Montana, to be expended for any purpose designated by the tribe and approved by the Secretary.

SEC. 3. The funds distributed under the provisions of this Act shall not be subject to Federal or State income taxes or to any lien, debt, or claim of any nature whatsoever against the individual Sioux entitled to a share of such funds.

With the following committee amendments:

Page 1, line 8, after "expenses" insert "and after deducting $50,000 to be used as provided in section 5 of this act, and after deducting the estimated costs of distribution,"

Page 2, lines 5 to 8, strike out "The distribution of funds shall be made per capita in accordance with criteria and procedures agreed upon by the Secretary of the Interior and the tribe, or its authorized representatives."

Page 2, after line 15, insert a new section 3 as follows:

"SEC. 3. Sums payable to enrollees or their heirs or legatees who are less than 21 years of age or who are under a legal disability shall be paid in accordance with such procedures, including the establishment of trusts, as the Secretary of the Interior determines appropriate to protect the best interests of such person."

Page 2, line 16, renumber section 3 as section 4.

Page 2, lines 18 and 19, delete "or to any lien, debt, or claim of any nature whatsoever against the individual Sioux entitled to share in such funds.".

Page 2, after line 19, insert a new section 5 as follows:

"SEC. 5. Upon agreement by the Fort Peck Sioux Tribe and the Fort Peck Assiniboine Tribe on the amount each agrees to contribute from any award to each tribe in Indian Claims Commission Docket Numbered 279A, the agreed contribution of the Fort Peck Sioux Tribe shall be withdrawn from the $50,000, and interest thereon, withheld from per capita distribution pursuant to section 1 of this Act, and credited to the joint account for expenditure pursuant to the Act of June 29, 1954 (68 Stat. 329): *Provided,* That upon request of the Fort Peck Sioux Tribe the Secretary of the Interior in his discretion may distribute all or part of the aforesaid $50,000 and interest thereon per capita to each person eligible under section 1 of this Act."

The committee amendments were agreed to.

(Mr. ASPINALL asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. ASPINALL. Mr. Speaker, the purpose of this bill is to authorize the use of a judgment against the United States for $1,161,354 recovered by the Sioux Tribe of the Fort Peck Indian Reservation. The judgment has already been appropriated, but cannot be distributed or used without specific legislative authorization.

The bill provides that all except $50,000 of the judgment will be distributed in equal shares to the members of the tribe. This is in accordance with the wishes of the tribe and the recommendation of the Department of the Interior.

The $50,000 will be retained and used for reservation purposes if the Assiniboine Tribe, which occupies the same reservation contributes an equal amount.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

TO AUTHORIZE THE PARTITION OR SALE OF INHERITED INTERESTS IN ALLOTTED LANDS IN THE TULALIP RESERVATION, WASH.

The Clerk called the bill (H.R. 11372) to amend the act entitled "An act to authorize the partition or sale of inherited interests in allotted lands in the Tulalip Reservation, Washington, and for other purposes," approved June 18, 1956 (70 Stat. 290).

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. ASPINALL. Mr. Speaker, the purpose of this bill is to give the Tulalip Tribes of Washington additional authority to acquire, manage, and dispose of their tribal property.

The bill was requested by the tribes

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and recommended by the Department of the Interior.

The tribes live in an urban area close to Seattle, and they need additional authority in order to take advantage of the increasing opportunities to develop their lands.

The principal authorities granted by the bill are the authority to mortgage tribal land in order to raise capital, and the authority to enter into long term leases when necessary to attract development capital. Both of these authorities are needed in order to take advantage of the strategic location of the lands, which are well suited to development for high-quality residential, industrial, and recreational purposes.

Mr. JOHNSON of Pennsylvania. Mr. Speaker, reserving the right to object, may I interrogate the chief sponsor of the bill, the gentleman from Colorado? I notice that the purpose of this bill is to vest title in fee in the Indian tribe and, among other things, give the tribe the right to mortgage the property.

My first question is this: Will the officials of this Indian tribe be permitted to put, let us say, a $1 million mortgage on this property without a vote of the tribesmen themselves? I think in order for the protection of the individual Indians, this should be made clear.

Mr. ASPINALL. Mr. Speaker, if the gentleman from Pennsylvania will yield to me. We have three different kinds of ownership in this particular matter. We have the ownership by the Indian tribe itself, we have the ownership by the Indians and the ownership by the non-Indians. Now, this legislation does represent a departure by giving the tribe some new authority that they do not now have and one of the new authorities is the one to which the gentleman from Pennsylvania has called attention. This will have to be done under the rules and regulations governing the tribe. It will be done, of course, directly with the full tribe voting on the matter or it will be done indirectly through the tribe sanctioning the loans and so forth as provided by their duly constituted authority.

Mr. JOHNSON of Pennsylvania. Mr. Speaker, further reserving the right to object, I was thinking in view of the fact that apparently there are millions of dollars involved in this land which is worth $1,500 an acre and there being 22,000 acres, it seems that the bill ought to have a provision in it to the effect that they cannot mortgage the land without getting the permission of the tribe.

Mr. ASPINALL. Mr. Speaker, if the gentleman will yield further, there are about 1,000 members of this tribe and about 370 live on the reservation.

All we are trying to do is to take care of the economic progress of this entire tribe. However, we have to pay attention to the members on the reservation. They have to be given the first consideration because they are the ones who are immediately involved in this transaction. I would not think that any provision which would call for a vote by the tribal members would be appropriate in this instance. I think it should be left within the framework of the constitution under which they operate.

Mr. JOHNSON of Pennsylvania. Another question, Mr. Speaker: I suppose in case of a conveyance of let us say $1 million in value, could the tribal council make this conveyance without a vote of the individual rights of the members of the tribe?

Mr. ASPINALL. Mr. Speaker, if the gentleman will yield further, the tribal council would have the authority to take care of the business activities of the tribe.

Mr. JOHNSON of Pennsylvania. I notice that this bill very cleverly permits them to put the property back in trust to the Federal Government if it appears that the State of Washington is going to place a real estate tax on it. Suppose they reinvest the title back to the Federal Government? Who, then, would make conveyance? Would the Secretary of the Department of the Interior have to make conveyance?

Mr. ASPINALL. If the gentleman will yield further, the Secretary of Interior would have to make the conveyance because he would still hold his position as the administrator of the trust under the laws governing the tribe.

May I state further, the Secretary of the Interior would have the necessary responsibility.

Mr. JOHNSON of Pennsylvania. One final question regarding these 22,000 acres valued up to $1,500 per acre: Supposing a sale is made involving huge sums of money, would the profit from that sale be subject to the Federal income tax the same as if I were to make the same type of sale for that amount of money?

Mr. ASPINALL. No. The Federal income tax would not apply in this particular instance, nor does it apply in most instances having to do with the Indians.

The distinguished gentleman from Pennsylvania (Mr. JOHNSON) has been using the figure of 22,000 acres, and that takes care of, as I remember it, all of the total acreage in the whole reservation, and here we are not talking about the total acreage; we are talking about a portion of the total acreage.

Mr. JOHNSON of Pennsylvania. The report says 22,000 acres valued from $25 to $1,500 per acre.

Mr. ASPINALL. Of course, the gentleman is correct. There are presently 4,571 acres of individually owned Indian trust land, and 5,170 acres are held in trust for the tribe.

Mr. JOHNSON of Pennsylvania. Mr. Speaker, the gentleman from Colorado (Mr. ASPINALL) has answered my questions, and I therefore withdraw my reservation of objection.

The SPEAKER. Is there objection to the present consideration of the bill?

There being no objection, the Clerk read the bill, as follows:

H.R. 11372

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 2 of the Act entitled "An Act to authorize the partition or sale of inherited interests in allotted lands in the Tulalip Reservation, Washington, and for other purposes", approved June 18, 1956 (70 Stat. 290), is amended to read as follows:

"SEC. 2. (a) Notwithstanding the provisions of the constitution and charter of the Tulalip Tribes of the Tulalip Reservation, any lands that are held by the United States in trust for the Tulalip Tribes, or that are subject to a restriction against alienation or taxation imposed by the United States, or that are on and after June 18, 1956, acquired by the Tulalip Tribes, may be sold by the Tulalip Tribes, with the consent of the Secretary of the Interior, on such terms and conditions as the Tulalip board of directors may prescribe, and such sale shall terminate the Federal trust or restrictions against alienation or taxation of the land; except that the trust or restricted status of said lands may be retained at the option of the board of directors upon sale thereof to any member of the Tulalip Tribes.

"(b) The Secretary of the Interior is authorized to purchase with any funds made available by the Tulalip Tribes any land or interest in land within, adjoining, or adjoining other land of the Tulalip Tribes which adjoins, the boundaries of the Tulalip Indian Reservation, and to take title to such land in the name of the United States in trust for the Tulalip Tribes.

"(c) The Secretary of the Interior shall accept any transfer of title from the Tulalip Tribes for any land or fractional interest in land within, adjoining, or adjoining other land of the Tulalip Tribes which adjoins, the boundaries of the Tulalip Reservation, and to take title to such land in the name of the United States in trust for the Tulalip Tribes.

"(d) Any general statute which prohibits the use of tribal funds to acquire land in the State of Washington if the acquisition would exempt the land from local taxation shall not apply to land acquisition by, or transfers of title to, the United States in trust for the Tulalip Tribes made pursuant to this Act, unless such statute is specifically made applicable to the Tulalip Tribes.

"(e) Any land or interest in land now owned by or held in trust for the Tulalip Tribes may be exchanged for any other land or interest in land within, adjoining, or adjoining other land of the Tulalip Tribes which adjoins, the boundaries of the Tulalip Reservation provided the lands so exchanged are of equal value or the values are equalized by the payment of money.

"(f) The Tulalip Tribes may, with the approval of the Secretary of the Interior, execute mortgages or deeds of trust to land, the title to which is held by the Tulalip Tribes or by the United States in trust for the Tulalip Tribes. Such land shall be subject to foreclosure and sale pursuant to the terms of such mortgage or deed of trust in accordance with the laws of the State of Washington. The United States shall be an indispensable party to, and may be joined in, any such proceeding involving trust land with the right to remove the action to the United States district court for the district in which the land is situated, according to the procedures in section 1446 of title 28, United States Code, and the United States shall have the right to appeal from any order to remand entered in such action.

"(g) Any moneys or credits received or credited to the Tulalip Tribes from the sales, exchange, mortgage, or granting of any security interest in any tribal land may be used for any tribal purpose.

"(h) Notwithstanding any other provision of law, the Tulalip Tribes may lease any tribal lands for any and all purposes as set forth in the Act of August 9, 1955 (69 Stat. 539), as amended (25 U.S.C. 415), for a period not exceeding twenty-five years without the approval of the Secretary of the Interior, and for a period not exceeding fifty

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years pursuant to rules and regulations adopted by the Tulalip Tribes: *Provided*, That such rules and regulations shall have received the prior approval of the Secretary of the Interior. Nothing in this section shall be deemed to authorize such leases for the exploitation of any natural resources, or for the leasing of land for grazing purposes for a term exceeding ten years."

Sec. 2. The first section of the Act of August 9, 1956 (69 Stat. 539, as amended; 25 U.S.C. 415), is amended by inserting after "the Gila River Reservation," the following: "the Tulalip Indian Reservation,".

With the following committee amendment:

Strike out all after the enacting clause and insert the following:

"That section 2 of the Act entitled 'An Act to authorize the partition or sale of inherited interests in allotted lands in the Tulalip Reservation, Washington, and for other purposes,' approved June 18, 1956 (70 Stat. 290, 25 U.S.C. 403-2), is amended to read as follows:

" 'Sec. 2. (a) Notwithstanding the provisions of the constitution and charter of the Tulalip Tribes of the Tulalip Reservation, any lands that are held by the United States in trust for the Tulalip Tribes, or that are subject to a restriction against alienation or taxation imposed by the United States, or that are on and after June 18, 1956, acquired by the Tulalip Tribes, may be sold by the Tulalip Tribes, with the consent of the Secretary of the Interior, on such terms and conditions as the Tulalip board of directors may prescribe, and such sale shall terminate the Federal trust or restrictions against alienation or taxation of the land: except that the trust or restricted status of said lands may be retained, upon approval of the Secretary of the Interior, in any sale thereof to any member of the Tulalip Tribes.

" '(b) The Secretary of the Interior may accept any transfer of title from the Tulalip Tribes for any land or fractional interest in land within adjoining, or adjoining other land of the Tulalip Tribes which adjoins, the boundaries of the Tulalip Reservation, and take title to such land in the name of the United States in trust for the Tulalip Tribes, and such lands shall not be subject to taxation.

" '(c) The Tulalip Tribes may, with the approval of the Secretary of the Interior, execute mortgages or deeds of trust to land, the title to which is held by the Tulalip Tribes or by the United States in trust for the Tulalip Tribes. Such land shall be subject to foreclosure and sale pursuant to the terms of such mortgage or deed of trust in accordance with the laws of the State of Washington. For the purpose of any foreclosure or sale proceeding, the Tulalip Tribes shall be regarded as vested with an unrestricted fee simple title to the land, the United States shall not be a necessary party to the foreclosure or sale proceeding, and any conveyance of the land pursuant to the foreclosure or sale proceeding shall divest the United States of title to the land. Title to any land redeemed or acquired by the Tulalip Tribes at such foreclosure or sale proceeding shall be taken in the name of the United States in trust for the tribes. Title to any land purchased by an individual Indian member of the Tulalip Tribes at such foreclosure sale or proceeding may, with the consent of the Secretary of the Interior, be taken in the name of the United States for the individual Indian purchaser.

" '(d) Any moneys or credits received or credited to the Tulalip Tribes from the sale, exchange, mortgage, or granting of any security interest in any tribal land may be used for any tribal purpose.'

"Sec. 2. The first section of the Act of August 9, 1955 (69 Stat. 539), as amended, (25 U.S.C. 415), is amended by inserting after 'the Gila River Reservation,' the following: 'the Tulalip Indian Reservation and adjacent areas'.

"Sec. 3. Section 1 of the Act of August 9, 1955 (69 Stat. 539), as amended (25 U.S.C. 415), is redesignated as subsection 1(a) and a new subsection 1(b) is added as follows:

" '(b) Any lease by the Tulalip Tribes under subsection (a) of this section, except a lease for the exploitation of any natural resource, shall not require the approval of the Secretary of the Interior (1) if the term of the lease does not exceed 15 years, with no option to renew, or (2) if the term of the lease does not exceed 30 years, with no option to renew, and the lease is executed pursuant to tribal regulations previously approved by the Secretary of the Interior.' "

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

REPORT OF COMMITTEE TO NOTIFY THE PRESIDENT

Mr. ALBERT. Mr. Speaker, your committee on the part of the House to join a like committee on the part of the Senate to notify the President of the United States that a quorum of each House has been assembled and is ready to receive any communication that he may be pleased to make has performed that duty. The President asked us to report that he will be pleased to deliver his message at 12:30 p.m. Thursday, January 22, 1970, to a joint session of the two Houses.

JOINT SESSION OF THE TWO HOUSES, THURSDAY, JANUARY 22, 1970

Mr. ALBERT. Mr. Speaker, I offer a concurrent resolution (H. Con. Res. 477) and ask for its immediate consideration.

The Clerk read the concurrent resolution, as follows:

H. Con. Res. 477

Resolved by the House of Representatives (the Senate concurring), That the two Houses of Congress assemble in the Hall of the House of Representatives on Thursday, January 22, 1970, at 12:30 p.m., for the purpose of receiving such communications as the President of the United States shall be pleased to make to them.

The concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

PRIVILEGES OF THE FLOOR DURING JOINT SESSION

The SPEAKER. The Chair desires to make an announcement.

After consultation with the majority and minority leaders, and with their consent and approval, the Chair announces that on Thursday, January 22, 1970, the date set for the joint session to hear an address by the President of the United States, only the doors immediately opposite the Speaker and those on his left and right will be open. No one will be allowed on the floor of the House who does not have the privileges of the floor of the House.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule may be dispensed with on Wednesday of this week.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

AUTHORIZING SPEAKER TO DECLARE A RECESS ON THURSDAY, JANUARY 22

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that on Thursday, January 22, 1970, it may be in order for the Speaker to declare a recess at any time subject to the call of the Chair.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

Mr. HALL. Mr. Speaker, reserving the right to object, would the intent of this request be simply for the leadership of the House to recess anent the joint meeting of the two bodies to hear the message from the President of the United States?

Mr. ALBERT. The gentleman is correct.

Mr. HALL. I thank the gentleman.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma (Mr. Albert)?

There was no objection.

PRESIDENT NIXON SHOULD NOT PLAY POLITICS WITH APPROPRIATION BILL FOR LABOR-HEW FOR FISCAL YEAR 1970

(Mr. ALBERT asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. ALBERT. Mr. Speaker, there will come a time shortly when the Members of this body will be called upon to cast their votes for or against education. Through his top spokesmen for education, his press secretary, Mr. Ziegler, and his counselor, Mr. Harlow, Mr. Nixon has made it known that he will veto H.R. 13111, the appropriations bill for Labor-HEW for fiscal year 1970.

As a result of extensive hearings and intensive debate, the House and the Senate has agreed that the budget for education submitted by Mr. Nixon was approximately $1.1 billion short of what this Nation realistically could and should afford for its young people. In the name of fighting inflation, the President has attacked the judgment of Congress as wrong. Taking the President's budget across the board, including the education increases, Congress has exercised decreases of $5.6 billion. Thus, to at-

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tack congressional action as spelling "long-term grief for the American people" is either to ignore the facts or to distort them for some other end.

Even if the President's assertions concerning inflation were true, and they most certainly are not, the simple facts are that there are certain investments in this Nation which are held by the people of America to be fundamental to our hopes for the future, and therefore of paramount importance. Education is one of these investments. In reordering national priorities by reworking the Nixon budget, the Congress has done no more than reflect the will of the American people. And should Mr. Nixon hold sway that will would remain unchanged and the result would only be that citizens at the local level, faced with the reality of having to decrease the quantity and quality of instruction, would tax themselves to make up for the deficit. Thus, money would be spent on education and would, to the degree it does, contribute to inflation anyway; and the only difference would be that the American taxpayer would have to pay twice for that education which he could get by paying only once, through taxes to the Federal Government.

In short, Mr. Nixon cannot have his cake and eat it too; rather, if he has his cake, the American taxpayers will go hungry twice.

The Congress is about to participate in, and the American people are about to witness, a classic struggle between two branches of our Government. The veto was established in our constitutional system as a check upon precipitate congressional action. Exercised wisely and with discretion it is a healthy and necessary weapon in the hands of the President. But, like any weapon, placed in the wrong hands, or used at the wrong time, it is dangerous: destructive of the best interests of the public and erosive of the traditional respect with which the Congress and the President view each other. Such now, I think, is the situation.

The classic and difficult struggle we are about to engage in will be one of form only, not of substance. Substance will not be at issue because everyone, the President included, is for education—just as they are for apple pie, motherhood, and football. So being "pro" or "anti" education is not a factor in this vote. And, as we have already seen, the Congress has underscored the President's justified concern with inflation by paring his overall budget in the amount of $5.6 billion. Well, if education is not the issue, and inflation is not the issue, what then is the issue?

The issue, I think, is "the issue." The President has got himself boxed in by his advisers and by circumstance and has decided the only way he can save face is to come on strong with a power play.

Last August, just after the House had acted on H.R. 13111, increasing it by somewhat more than $1 billion, Mr. Nixon could not anticipate that his overall budget would later be reduced by nearly $6 billion. Two weeks after the House action he attacked the Congress and said that congressional action made no difference, that he would refuse to spend the money appropriated in excess of his budget. Over the ensuing months the lines of battle were drawn. Other issues came to bear. The President talked of vetoing the veterans' benefits bill and there were threats of a veto of the tax bill, and murmurs wafted up from Pennsylvania Avenue that the coal mine safety bill would be vetoed.

Threats are dangerous weapons in any battle because they become effective only to the degree they are exercised. Mr. Nixon signed the GI bill and the tax bill and he signed the coal mine safety bill. His threats were going unheeded, like the calls of the boy who cried wolf. Still it would be possible, he evidently was counseled, to maintain face by refusing to spend the education funds. And then on the eve of the conference on H.R. 13111, the President was informed that he could not impound a large part of the education increases. A split-second decision was made—an unfortunate one—to veto the bill. Congress, it had been decided, must be taught a lesson.

Soon we shall see who is the teacher and who is the taught. But I can only regard it as unfortunate that in his desperate clutching for the straws of power, the President is trying to draw down with him so many of my colleagues on the other side of the aisle. Between the vote on the Joelson amendment and the acceptance of the conference report of H.R. 13111, 110 different Republicans voted for increased aid to education. These votes were bipartisan and rightly so. But now the raw politics of "are you with me or against me?" has entered the picture.

In order to sustain his veto, the President must coerce a substantial number of Republicans who previously have voted for education to switch—to abandon their positions and aline themselves with the White House. Such demands are usually met with limited success because they force a Member of Congress to abdicate principle in exchange for power. In this election year, however, support may count for more than consistency and I am confident the White House will be successful in forcing a number of Republicans to desert education.

I predict that these trade-offs of conscience for consanguinity will be of only transitory value; for the educators and parents of this Nation are watching this vote; and they will not forget; and they will not be mollified by lame explanations of a partial effort.

The President has chosen to play politics with education, and that—win or lose on his veto—will prove to be a fatal political mistake for the Republican Party.

LEGISLATIVE PROGRAM

(Mr. ARENDS asked and was given permission to address the House for 1 minute.)

Mr. ARENDS. Mr. Speaker, now that the majority leader has made his usual nonpartisan Democratic speech, I would like to ask him a question. Could the gentleman from Oklahoma inform us whether or not there are any legislative matters to be brought up this week that he knows of at the present time?

Mr. ALBERT. Mr. Speaker, will the gentleman yield?

Mr. ARENDS. I yield to the majority leader.

Mr. ALBERT. Of course, today we have considered the Consent Calendar, and tomorrow we will consider the Private Calendar. We may have to act on a conference report.

If the other body adopts the conference report on the HEW appropriation bill, and if a Presidential veto comes to the Congress this week, we will, of course, have to take some action on that.

We will, as the earlier proceedings of today have indicated, be honored with the state of the Union message of the President on Thursday.

Beyond that we have no legislative program as of now for this week.

Mr. ARENDS. The gentleman will inform us if we are to consider conference reports that he does not at this moment anticipate coming before us?

Mr. ALBERT. We shall keep the gentleman informed, and likewise the House.

Mr. ARENDS. I thank the gentleman.

PUBLIC CONFIDENCE IN C-5 PROGRAM IS SEVERELY SHAKENED

(Mr. MOORHEAD asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. MOORHEAD. Mr. Speaker, on Wednesday, December 17 the first C-5A Aircraft was delivered to the Air Force at Altus Air Force Base, Okla., for crew transition training.

Before that delivery I made the charge that these airplanes were admittedly structurely deficient and specifically that the wings were structurely deficient.

My charges were hotly denied by Lockheed and the Air Force.

There must have been something to my charge because today's Washington Post contains an article which reports:

> Lockheed said all 10 of the C-5's which have been completed were called back to the plant for wing modification.

During this wing modification a crack 8 to 10 inches long was discovered in the wing of one of the aircraft.

As a result last Friday all 10 completed C-5's were grounded and two are still grounded.

This brings immediately to mind the fiasco of the ill-fated F-111—all 223 of which have been grounded after experiencing their 15th crash in which the plane shed a wing, and killed both pilots.

Mr. Speaker, public confidence in the C-5 program has been severely shaken. There have been repeated demonstrations since last summer that all is not well technically with this aircraft.

Considering the enormous investment in the C-5 I am sending a letter to Secretary of Defense Laird proposing that a panel of aerodynamic and design experts, from outside the Air Force and Lockheed, be set up. I propose that these experts examine such questions as the extent to which the primary and sec-

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ondary flight characteristics have been degraded; the impact of the degradations on the ability of the aircraft to perform its original specified mission; how does this impact on the safety of the aircraft?; has the price been adjusted accordingly; and will a flimsier aircraft mean substantially increased maintenance costs?

I propose that the panel report to the Secretary of the Defense and the Congress in 2 months—a reasonable period of time under the circumstances.

Mr. Speaker, the public is entitled to know with some confidence whether additional taxpayers' money should be spent for the procurement of more of these controversial airplanes.

This objective could be accomplished by the appointment of a blue ribbon Commission and, incidentally Mr. Speaker, it might add to the public confidence in the findings of this commission if Mr. A. E. Fitzgerald, former Deputy Assistant Secretary of the Air Force, who first exposed the C-5A scandal, were named a member of the Commission.

REPORT ON URBAN EDUCATION

(Mr. **COHELAN** asked and was given permission to address the House for 1 minute, to revise and extend his remarks, and to include extraneous matter.)

Mr. **COHELAN**. Mr. Speaker, on January 5, 1970, a massive report on urban education was transmitted to the Office of Education. This report, compiled by the Urban Education Task Force, has not yet been released to Members of Congress.

I am astounded. This task force, commissioned by President Nixon and chaired by Dr. Wilson Riles, deputy superintendent of public instruction for the State of California, has given us not only a blueprint of the extraordinary deficiencies in our urban school systems, but also a clear guide to follow in correcting these deficiencies.

In this letter of transmittal Dr. Riles recommended that this report be made a "public document for use by interested parties." The administration, however, has refused even to let Congress see the study. And no wonder, for while the President is reported to be considering a veto of the HEW appropriations bill on the grounds that $1 billion was added to his budget request, this report by the President's own task force recommends at least $1 to $2 billion more than we have appropriated this year and a target of $7 to $14 billion per year by 1974.

We in Congress are pikers by comparison to the needs of our educational system, yet the President is ready to veto less than half a loaf when in fact his own study shows that a whole basket of education funds are immediately needed for our starving school systems.

This report is shocking. It states without equivocation that substantial support for urban schools must become the "major priority" of the administration's domestic program. It goes on to say:

> Without adequate funding, there is no hope for effective education in the cities.

Among the specific recommendations are an extra $500 per year per pupil, a sharp reduction in class size by an average of four to 10 students and a small group remedial program.

Despite its importance, this report has been officially buried by HEW.

I do have a copy however, and because of its importance to every member of both Houses of Congress and the public at large I am inserting it in the CONGRESSIONAL RECORD in its entirety at the conclusion of my remarks.

I hope every Member of Congress will take this opportunity to read it for a full understanding of the critical problems in urban education—a problem we must face in the next few weeks if the possible veto by the President of the HEW appropriation bill becomes a reality.

The report follows:

FINAL REPORT OF THE TASK FORCE ON URBAN EDUCATION OF THE DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE OFFICE OF EDUCATION, WASHINGTON, D.C.

Wilson C. Riles, Chairman; John F. Hughes, Cochairman, January 1970.

ACKNOWLEDGMENTS

The Chairman and Co-Chairman of the Urban Education Task Force wish especially to express their sincere appreciation to the five subcommittee chairmen and their cochairmen as well as the support staff listed by name in Appendix I.

They also wish to express their sincere thanks to those individuals and organizations which contributed data and material for the chapters in Part One, State of Urban Education, Part Two, The Federal Responsibility. Specifically, they wish to thank Dr. Alan K. Campbell, Dean, Maxwell Graduate School, Syracuse University; Mr. Joel Berke, Special Assistant to the Chairman of the Policy Institute of the Syracuse Research Corporation; Dr. Seymour Sacks, Professor of Economics, Maxwell Graduate School (their services were invaluable), Dr. David Cohen, Executive Director, Center for Educational Policy Research, Graduate School of Education, Harvard University, for his special contribution to Part Two, The Federal Responsibility; and Dr. Robert A. Dentler, Director of the Center for Urban Education in New York City, and his staff for producing a comprehensive data base under nearly impossible time constraints.

Lastly, they wish to express their gratitude to the final team who largely wrote the Report, Dr. and Anne O. Hughes and Miss Barbara H. Desind, Division of Compensatory Education, BESE, U.S. Office of Education—as well as to the secretarial support who tirelessly supported them.

W. C. R.
J. F. H.

SUMMARY

Chapter 1: Introduction

Perspective for the Report.—These points should be borne in mind with regard to the Urban Education Task Force Report. First, the problems confronting urban education and its environment are *not* of sudden origin. Such problems as inadequate financing, increased enrollments, insufficient staffing, malnutrition, and discrimination have all existed for a long time. However, there are some differences, specifying, the surfacing of these problems nationally, increased awareness of their seriousness, and their interrelatedness to poverty.

Second, the picture presented of urban education and its environment is far from pleasant. However, the presentation in the documentation section is not to be construed as criticism for criticism's sake. Instead, our intent is to underscore the urgency of dealing with urban education's needs as a major national priority and to lay the foundation for our ensuing recommendations.

Third, the Task Force deliberately chosen to reflect diversity in viewpoints, inevitably found unanimity impossible on all of the recommendations made by its committees. Hence, both majority and minority points of view are presented in the Report with the intent of demonstrating alternative views on and recommendations for resolving the issues and problems which are identified. The Report also reflects many of the suggestions for modifications made by members of the Task Force.

Worthy of mentioning is the fact that every member of the Task Force recognizes that education in this country has never been assigned an adequate priority in terms of financial, human, and material resources.

Overview of the Urban Education Problem.—Urban education systems are facing a major challenge to provide appropriate learning experiences for the various life styles of vast numbers of students. The indicators of this challenge are extremely diverse in their intensity and scope: student unrest on university campuses and in the high schools, local community groups seeking control of their neighborhood schools, clashes with law enforcement agencies, complaints being filed with regard to use of Federal funds, teacher strikes, voter rejection of large city school bond issues, the proliferation of alternative plan for education students, lack of priority for education in State and local governments. The greatest number of such indicators—intensifying each other—are taking place in our cities.

This challenge is, in turn, part of yet a broader and more complex one. Major changes have occurred in the perceptions of large numbers of American citizens, specifically, the minority racial and ethnic groups, who now express their feelings of exclusion from meaningful participation in the social, economic, political, and educational institutions of our nation. The steady accumulation of evidence across a wide spectrum of human needs and rights signals that these perceptions are largely supported.

Vastly increased amounts of money are now imperative. In general, the amount of Federal money thus far added has been insufficient for the magnitude of the task confronted. Furthermore, the sustained flow of money is another problem. Complicating these problems are contradictions in terms of legislation and budget priorities at the Federal, State, and local levels which often work against urban areas and their school systems. As the cities become poorer and education becomes costlier, the probabilities increase for the inner city student to participate in only a substandard education. And it is he who should be able to secure a superior education since it constitutes his passport to economic self-sufficiency and self-realization.

However, solving the monetary problems alone is not the complete answer. Major changes must take place in the educational system as well. Compensatory education programs which are producing positive results with impoverished students usually reflect *combinations* of modified curriculum, staff development, enlightened staff attitudes, supportive services, parent support, and adequate funding. Too few of these programs are currently operating.

Education holds the promise of a one-generation up and out process. That is, the poverty child does not have to repeat the poverty pattern of his parents if he receives a valid and saleable education.

It is within this context that we strongly urge that the problem of urban areas should

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be considered as the major priority of the Administration's domestic programs. Within this priority, education—broadly conceived and with new constituencies involved—should become a first consideration. The overwhelming majority of the Task Force adopted all of the below-noted positions.

1. *Money.*—Significantly increased levels of funding are needed for urban education far exceeding what current appropriations—even authorizations—now make possible. However, the criteria for securing funds must be based upon such factors as poverty indices, community determination, demonstrated capability to carry out such a program, levels of State and local efforts, the recognition of the fact that education is more expensive in the cities than elsewhere, and a clear focus on both the *inner* city areas and the suburban poverty pockets.

2. *Concept of Urban Education.*—Education as we have typically defined it is too narrow for the impoverished constituencies with whom we are concerned. The educative process must be truly expanded in its focus to the whole individual at all educational levels. It must be conceived of as taking place anytime and anywhere; focused on the whole community with genuine respect for its various needs, aspirations, and strengths; and aimed at preparing students for all the complexities of urban living.

3. *Master Plan for Urban Education.*—The only viable approach to resolving the complex problems of education in urban areas is through the development and implementation of a master plan for urban education . . . from early childhood through higher and adult education tailored to the specific needs of a particular urban area.

4. *Institutional Changes.*—There must be a deliberate sequence of steps planned and implemented which will lead to institutional change within educational systems. Such a sequence should be based on a changed and expanded perspective concerning the role(s) and function(s) of the schools and their staffing, including institutions of higher education. While the fundamental changes must be made *within* the system rather than occurring outside of it, alternative educational approaches can also contribute positively to accelerating the rate of institutional change.

5. *Community Determination.*—Community residents and students must have an active role in the critical decision-making concerning urban education problems. The definition of this role will need to be worked out locally within a broad and flexible set of guidelines. Regardless of the form that the community determination takes, it should contain policy-making contributions in the areas of: priorities for spending the available monies; the educational program offered; and hiring of key personnel. (Definitions which are evolved will have to be conditioned by the legal constraints of existing State and Federal legislation.)

6. *Performance Standards.*—Clearly stated performance standards or criteria should be established for an urban education program. These criteria should constitute a clear statement of the specific knowledges, attitudes, and skills which the students themselves are expected to demonstrate. In effect, they should describe the kinds of students the educative process intends to produce in terms of overt behaviors. Furthermore, performance criteria should be established for *all* educational staff involved in program.

7. *Assessment.*—Assessment should be an *integral* part or component of the urban education program beginning with the planning phase. Moreover, this assessment component should be designed to assure rapid and continuing feedback on the program's strengths and weaknesses and should allow for rapid modifications and adjustments to be made in the program based on student performance. Furthermore, Federal funding should be conditioned on the attainment of measurable standards of this performance by urban school agencies.

8. *Racial and Ethnic Integration.*—Racial and ethnic integration should be a major element in all the planning and implementation phases of the urban education program and should be clearly stated as a major criterion for receiving funds. Recognizing that there is no single or simple way of achieving real integration, a community applying for funds should demonstrate how its educational plan contributes to overcoming racial and ethnic isolation. We suggest that the current thrust composed of separatism, local community control, and the demand for a recognized identity is not over the long term antithetical to the aims of integration. Rather, it constitutes an attempt to achieve through other channels what these earlier thrusts have only partially fulfilled. Still another thrust seems to be emerging which reflects neither primary reliance on public-spirited members of the white majority nor the "we'll go it alone" stance of some groups within the minorities. Instead, it reflects the effort to achieve legitimate power bases from which to negotiate as equals with the majority. This emergent thrust is potentially very promising since it concomitantly recognizes common goals and proposes a cooperative approach in achieving them. Therefore, we strongly support a broadened view of racial and ethnic integration which includes within it those actions which superficially and over the short term may seem militant.

The purposes of the Report are, as follows:

1. To describe and document the critical problems and needs confronting urban education.

2. To examine the extent to which the Federal Government can and should extend solutions to the problems facing urban education.

3. To recommend long-term programmatic and legislative approaches needed to resolve the problems and needs identified; and also to recommend the short-term actions that can be taken under existing legislation.

Part I—The state of urban education

Part one of the Report considers the four major dimensions of the problem confronting urban education in Chapters II through V. Specifically, they deal with the financial crisis of the urban schools; the urban environment of the students; the urban education system; and the impoverished urban student.

Two points should be borne in mind with regard to the chapters of Part One. First, rarely—if ever—has there been an attempt to show the problems of urban education in the light of their surrounding contest. Instead, education and its setting are often treated as separate entities with separate problems. Since children and youth spend more time in school than they do in any other social agency, the school and its setting inevitably interact on one another. Thus they should be interrelated when studied. Second, although difficult to secure data for the documentation of urban education's needs, sufficient evidence has been arrayed to delineate the major dimensions of the problem facing urban education.

Chapter II—The financial crisis of the urban schools

To provide the basis for the recommendation that the Federal Government must assume a policy of top priority for urban areas demonstrated by massive appropriations to meet the need of educationally and economically disadvantaged families, the extent and nature of the current financial crisis is demonstrated through a documentation of the following factors:

1. *Financial deterioration due to population migration.*—Generally, the high tax producers are leaving the cities while ever increasing numbers of high tax consumers—the disadvantaged—are entering the city. The obvious result is less money available to meet greater needs.

2. *The higher cost of urban education.*—It is more costly to meet the needs of the educationally deprived than those of the affluent suburban student. Compounding this problem are the higher maintenance costs and vandalism rates in the inner-city.

3. *Inequitable State aid formulas.*—Such formulas not only fail to recognize the disproportionate educational expenses of the cities, but compound the problem by providing central cities with less State aid per capita than is made available to the outlying areas.

4. *Dwindling popular support and confidence in education.*—Adverse votes on tax measures and bond references have left many cities with drastically inadequate budgets.

5. *Financial difficulties of non-public schools.*—Non-public schools have felt many of the same financial pressures as public schools. As the former are forced to close their doors, the latter have been faced with serving whole new school populations with inadequate budgets and facilities.

6. *Minimal level and minimal effect of Federal funds.*—Federal aid is less than 8 percent of the average local education dollar. In addition, cities do not receive their fair share under most Federal education programs.

Without adequate funding, there is no hope for effective education in the cities. The current need for funds is as desperate as it is massive.

Chapter III—The urban environment of the students

The urban environment of the student—as characterized by divergent values, overcrowding, under-housing, high cost of living, low levels of income, too much discrimination, too little food, and too much noise—also constitutes a major dimension of the problem confronting the schools. The environment is not static—it is a dynamic. As such, the environment is potentially and continuously involved in the process of educating its residents, among them its children and youth. The educative process in the schools cannot—and should not—be separated from that in the environment. In this chapter, the major elements of this environment are identified and analyzed with respect to their influence on the student. These elements are below-noted.

Health and Nutrition.—The urban student often suffers from malnutrition which results in inadequate health and energy levels minimizing his efforts on demanding school tasks. He lives in a world in which the mortality rates of women and babies in birth are higher and the life expectancies of men are lower than for other Americans.

Economic Status and Unemployment.—Unemployment, underemployment and inadequate welfare are facts of life for many urban students. Education brings some upward mobility, but more often racial discrimination acts as an obstacle to securing education, employment, and advancement.

Housing and Living Conditions.—The inner-city student lives in poor, overcrowded housing for which a family is likely to have to overpay.

The Family.—Although there are many stable families residing in such areas, the divorce, separation and desertion rates are comparatively high in the inner cities. If not within his immediate family, then with-

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in his neighborhood, the inner-city student will gain an early knowledge of problems associated with drug addiction, prostitution, and theft. He will probably develop a tough self-reliance, a spirit of cooperation, a tolerance for a high degree of noise and a casualness in terms of daily routine. The concepts, language, and problem solving techniques he acquires will be primarily geared to his survival in the neighborhood and the necessary interactions in and demands of his family.

Chapter IV—The urban education system

Although the argument is often offered that financial inadequacies and the conditions of the student's urban environment are the only important contributors to the urban education problem, the education system itself must bear some share of the responsibility. These problems are summarized below.

Obstacles Faced by Urban Education Systems.—In addition to the great obstacle of inadequate funding, the flow of racial and ethnic minorities has created obstacles for the schools in terms of the numbers, poverty, social isolation, and lack of education of these urban immigrants. Yet while the system has generally acknowledged the problems of its numbers, it has in many cases failed to respond adequately to the needs of these individuals. The size and nature of the immigration has in turn imposed difficulties in achieving the goal of integration, increased the inadequacy of school facilities, and made the existing teacher shortage more acute. The problems of recruiting fully accredited teachers, keeping accredited experienced teachers for any length of time, and achieving a racial and ethnic balance are more sharply felt in the cities than in the suburbs.

The Problems of the Education System in Perceiving Its Students—In many instances, educational systems are unable to cope with a pluralistic culture. A serious problem with many urban systems today is their lack of awareness of the effects of their own biases on their students. Possessing essentially the same general goals as previous waves of immigrants (e.g., economic security, self-respect, personal safety), the minorities today nevertheless manifest some differences in values, needs, and problems. These often unrecognized biases and unchanging expectations have often limited the system's capacity to teach effectively children who do not have the same expectations, such as being oriented to middle classes values and expectations, being "ready" for reading, and having the structural orientation that facilitates shifting from subject matter to subject matter as dictated by time blocs rather than by interest and substance. The failure of many teachers to perceive their students as they are stems from complex origins relating to the status assigned by society to teaching the disadvantaged and the levels of competency and experience of the teachers.

The Problems with the System as a Perception of Its Students, Its Faculty, Its Community.—The system has major problems if significant elements of its consistency believe it is failing. Three such elements (i.e., the students, the teachers, and the general community) are identified and their perceptions discussed. The student's perception of the system's failure is reinforced through the documentation of achievement levels, dropout rates, and instances of violence. The teacher's perception is articulated by strikes, disagreements, and a growing body of dissent literature. The community's perception of this failure is expressed by the defeat of bond issues, or general lack of support and confidence, and a growing trend toward demands for decentralization and separatism.

Chapter V—The impoverished urban student

A brief analysis of the impoverished urban student is presented in terms of behaviors which often go largely unutilized in present educational programs. Proceeding from a combination of direct experience, anecdotal report, and analogical reasoning, the evidence cited is focused on three categories of behaviors of major importance to academic learning: (1) his capacity for realistic problem-solving at many levels; (2) his excellent communication capabilities which encompass the kinds of verbal abilities required by the school; and (3) his generosity, cooperation, and candor.

Appropriate programs and staff capitalize on these and other behaviors of this student with achievement as one major result. However, such programs, staff, and results occur all too infrequently.

PART TWO—THE FEDERAL RESPONSIBILITY

In this section, there are two points to bear in mind. One is that the Federal government is beginning to shift its focus from comparatively specific efforts in education to broad social action thrusts which encompass more than education per se. Problems in evaluating such programs have arisen as a result of their new thrusts. The other point is that the Federal role is not easily defined with regard to these broad educational programs. It is in the process of emerging and its development must take place in the midst of constitutional precedents and political realities.

Chapter VI—Problems in evaluating the impact of current Federal programs for impoverished populations

The major change in the Federal focus on education from the previous relatively small and specific programs affecting limited groups (e.g., NDEA) to the newer broadly conceived large social action programs (e.g., NSEA, Title I) affecting improverished populations has not been accompanied correspondingly by a major change in the approaches being used in the evaluation of these programs.

More fundamental than the methodological problems in the evaluation of the current programs are the conceptual and political problems.

Conceptual.—The central conceptual problem arises from the fact that while the new programs are essentially political and social in nature, evaluators tend to approach them as though they were standard efforts at educational change.

Political.—Three major problems are identified: (1) the current operating programs (e.g., ESEA, Title I) were not envisaged as vehicles for research and development in their legislative mandates; (2) the existing distribution of political power in education; and (3) the basic lack of resources—both fiscal and human.

Chapter VII—The Federal role in urban education: Limits and obligations

The dimensions of the newly developing Federal role in education are described within the context of: (1) political and financial limitations; and (2) the obligation—and precedent—for the Federal Government to intervene specifically where it is in the national interest to solve a particular problem. Urban education now poses such a problem.

The dimensions of the new Federal role are seen as: (1) fostering institutional change for the improvement of economic, social, health, and educational conditions of impoverished groups; (2) providing increased monies for such educational and education-related programs; and (3) becoming an advocate on behalf of impoverished groups as a result of (1) and (2).

A major question is raised concerning whether or not the Federal Government has the skill and determination to redesign its education programs in ways which will solve urgent national problems of social progress and human survival. Moreover, the point is made that massive amounts of money are necessary—and only the Federal Government has the resources to solve these problems.

PART THREE.—A PLAN FOR URBAN EDUCATION

This final part of the Report presents the long-range recommendations on which the Urban Education Task Force place its major emphasis. In addition to the long-range recommendations, short-range recommendations are made relating to existing legislation. The latter are meant only to serve as a holding action until such time as the long-term recommendations are operative.

The Report submits as its major recommendation the development of the Office of Education of special landmark legislation, such as an Urban Education Act, which will be designed to fund the planning development and implementation of a comprehensive master plan to meet the long-range educational education-related needs of inner-city areas. To accomplish this, the Task Force recommends that the Office of Education immediately establish an Office of Programs Serving the Disadvantaged under an Associate Commissioner, to become the Bureau of Urban Education with broader mandates upon the passage of an Urban Education Act.

Part Three of the Report discusses the long-term recommendations relevant to the Urban Education Act in Chapters VIII through XI, governing the educational program, the authority structure, funding principles and the cost respectively. The short-term recommendations are presented in Chapter 12.

Minority viewpoints are presented for those recommendations on which more than one alternative was offered. However, the recommendations stated first represent the large majority of the Task Force members.

Chapter VIII—An urban education act—the educational program

Authorized by an Urban Education Act, urban areas should plan and develop comprehensive master plan proposals for the redesign of educational programs and supportive services which would set forth specific educational and social goals, educational services and performance standards for the improvement of education at all levels within the area to be served, with special emphasis for inner-city students.

Scope of the Master Plan.—In order to provide the inner-city student with an equal opportunity to function successfully in the mainstream, his education must not merely equal, but be superior to that in the suburbs. The master plan must accordingly reflect the most enriched definition of education and relate that education to current urban problem areas including integration, housing, employment, recreation, and health.

To ensure this superior education, general criteria should be established—preferably in the legislation itself but could be done administratively—which would be concerned with: a broadened definition of the education; the use of existing and heretofore largely unutilized instructional resources; the use of financial resources at all levels of public and private sources; a clearly articulated needs statement indicating a knowledge of the target area and its problems on a need priority basis; a general set of objectives for a total program which will consider those problems of the city which have direct bearing on the process of education; a specific set of educational objectives to be met by the educational program of the master plan; a full description of the program; plans for continuous assessment of the program in terms of student performance; and plans for an evaluation of the overall institutional performance.

Levels of the Education Program.—The

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master plan should encompass all educational levels from early childhood through adult. While all levels should be fully and equally treated in the plan, certain long-range considerations might be afforded the early childhood level, while short-term considerations might affect secondary and higher education.

Educational Program Components.—The educational program of the master plan should include at a minimum the following program and program-related components:

1. *Planning.*—This component should be continuous with various phases, such as initial design, preliminary implementation feedback, modification, etc.

The planning framework should assume *integration* as a vital aspect of education and should take all feasible steps toward this goal. The planning framework must also assume *institutional change* as a necessity, not for the sake of change, but as the implementation of new aspects which have been proven more effective than those in use. Plans should consider gains, not only for students, but for the *total community* through a wide use of resources. *Pre-grant performance* should be indicated and planners should be required to use existing funds to demonstrate performance prior to receiving developmental and operational funds.

2. *Personnel Development.*—All educational personnel at all professional and nonprofessional levels should be provided continuous preservice and inservice programs at the local, city, State, and Federal levels. Programs should stress: acquisition of appropriate attitudes for working with target populations; preparation for process centered learning; utilization of life experiences of students; techniques for involving community residents; cooperative work with supportive services staffing; and flexible use of traditional and traditional educational settings. Basic reform in personnel development must occur in three areas: recruitment, training programs, and staff development.

3. *Curriculum.*—Curriculum is defined as a clearly articulated master plan for the educative process which includes student-oriented performance objectives; sequenced sets of experiences organized from task analyses; basic strategies for acquiring the knowledge skills and attitudes in these sequences; and evaluation based on the objectives. In addition to traditional academic areas must be curriculum designed to teach the urban child how to cope with specific urban problems. Special emphasis should be given to the communication processes; and within these, reading should be stressed because of its significance to educational achievement and employment.

4. *Supportive Services.*—Such services, adequately staffed, which make effective learning possible, e.g., medical, dental, nutritional, clothing, shelter, social and psychological, counseling and guidance, occupational and educational placement, dropout prevention, personnel recruitment, and recreational, must be provided the students and their communities.

5. *Community Determination.*—The master plan should provide mechanisms to include the target community with all its human and institutional components, all of which can profit education locally. Such components are the innercity residents, colleges, universities, vocational and technical training institutions, and local private industries and foundations. Of special importance is the contributions which inner-city residents can—and should—make.

6. *Experimentation.*—This component will serve to try out new concepts, techniques, personnel training, staffing patterns, class organization, etc. Related are those alternative education programs which may be piloted or demonstrated as "sub-programs" in the overall master plan.

7. *Assessment.*—This component is defined as the planning and implementation of a design which will determine the extent to which the students in the educational program are manifesting those behaviors stated in its objectives at various educational levels so that necessary modifications and/or redesign of operating programs can occur at a national thrust.

8. *Facilities.*—Facilities should be created to use space imaginatively in a manner which integrates them with the local program. Where possible they should afford multipurpose usage and have favorable impact upon local economy and community use.

A minority view held that the Federal Government had no appropriate role in the area of recommending criteria and program components.

The Need for Alternatives to the Master Plan.—Alternative programs outside of or in competition with the master plan should be funded to meet specific needs and problems not taken into account by the more comprehensive master plan. Among alternatives discussed here are educational parks, publicly funded private schools, city-as-classroom structures, etc., as well as the controversial voucher system. Minority viewpoints are also presented.

Chapter IX: An urban education act—the authority structure

The Task Force recommends that the Office of Education, in its development of an Urban Education Act, consider the restructuring of authority on Federal, State, municipal, and community levels—as it applies both to grantor and grantee. New roles must be conceived at each level and are reflected in the four sections of the chapter dealing with the community, the metropolitan area, the State, and the Office of Education.

A Rationale for an Expanded Community Role.—The Task Force supports the principle that heretofore excluded parents and local community residents must be included in the process of decision-making for the schools if effective changes in urban education are to be achieved. Any new legislation should insure that the community can develop its own mechanism for significant inclusion; make provision for the training of administrators to accommodate themselves to that mechanism; provide funds for such development and training; and provide for Federal evaluation of institutional change and local evaluation of the mechanism's effectiveness in achieving its objective of increased institutional accountability.

The role of the community must be expanded in part because of the relative failures of school boards, school administrators and teacher organizations to meet local educational needs. In addition, the community has a legitimate role in educational decision-making on the basis of American tradition and their ability to make valid contributions.

The Report describes some of the efforts of urban systems to link decision-making authority to the community. Decentralization is discussed in its gradations of the delegation of certain kinds of authority and responsibility by a duly constituted legal school board to a subdivision or unit within its purview. Community determination is discussed in terms of degree: participation in the system; partnership with the system; and control over some school or subsystem within the system.

A majority of the Task Force recommends that decentralization and community determination must be considered as major avenues to institutional change while a minority held that Federal policy in this area was unnecessary.

Relationships Among Communities in Urban Areas.—While the main thrust of new legislation should be directed at the inner-city with authority for such programs vested in school districts and local communities, the Task Force recommends that an alternative thrust be considered which will involve the larger metropolitan population as participants in an urban education program. Comprehensive metropolitan planning should be encouraged where it will result in: a realignment of present school systems; mutual benefit among education and related agencies; a capitalization on the strengths of an entire metropolitan area in order to meet its needs; a trend toward decentralization of programmatic and administrative matters to individual schools.

This recommendation is based on: the existence of non-localized educational and related problems; the presence of disadvantaged populations outside the central city; a broader potential of pool resources; potential advantages for students through enriched programs; the need for comprehensive educational planning; the existence of scattered successful examples of metropolitan planning, and the compatibility of metropolitan and decentralization.

The Role of the States.—An Urban Education Act should clearly define the role of the States, considering both their present practices which often do not favor urban education and their significance for future urban education. The Task Force recommends that the requirements for recognition and correction of inequities in State aid formulas which discriminate against urban areas must be defined. Moreover the Task Force recommends that the Act provide incentive grants to States which require State matching and State maintenance of effort for the new and improved education programs for the urban impoverished groups.

In addition, incentive funds should be used for: providing for a reform of State school finance programs; establishing urban education units in State departments; revising requirements for certification to permit new sources of personnel; examining and setting standards for physical facilities; and creating State and local units for disseminating information about urban educational needs; and creating approval mechanisms for urban education proposals.

The Need for Federal Reorganization and the Establishment of an OE Bureau of Urban Education.—The Task Force recommends the following OE reorganization steps:

1. An interim measure, prior to the passage of an Urban Education Act, the consolidation within OE of those special programs which serve the needs of disadvantaged children under an Associate Commissioner for Programs Serving the Disadvantaged. An appropriate bureau or office title may be designed in keeping with the current OE reorganization.

2. As the development of new program authorization permits, the creation of a new Bureau for Urban Education with a clear mandate to operate programs and establish Office-wide priorities to meet effectively and rapidly urban education needs in all OE programs.

Such an office described in step 1 above, should be afforded priority commensurate with the vital functions it will perform. It should have immediate operating responsibility for programs for the disadvantaged including Title I ESEA, Follow Through, Bilingual and Dropout Prevention Programs, and the Demonstration Project in Anacostia (D.C.). The unit should have its own program, salaries, and expense budget. Staff should be recruited from both Federal and non-Federal sources to reflect a wide range of competencies pertinent to urban programs, legislation, and the like.

The need for such an office is validated by the unsatisfactory efforts of smaller units and special assistant positions to fulfill those functions in the past.

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The functions of the new office should include: implementation of the short-term reommendations in this report; coordination of OE efforts to supply materials to Congress pertinent to the passage of the Act; coordination of existing programs which focus on urban areas; administration of those operating programs now authorized by ESEA (Title I, VII and Section 807), administration of demonstration programs; development and operation of an information center; provision of assistance to local agencies; coordination with other Federal agencies in the development of urban programs; sponsoring programs to keep Federal personnel informed in these areas; assisting the Commissioner in articulating his concerns over urban schools to the public and to Congress.

With the passage of the Act, a Bureau of Urban Education should be created, as described in step 2 above, to continue the functions of the office described above, and to implement the new approach to Federal and to urban schools embodied in the Act. Such a Bureau should be headed by an Associate Commissioner who reports directly to the Commissioner. Its budget should be submitted to the Congress as an entirely distinct line item.

Chapter X—An urban education act—the funding process

A set of principles was developed as guidelines for establishing priorities, eligibility and facilitating mechanisms for the funding process related to an Urban Education Act. These principles stem from the basic premise that a more than equal educational opportunity is necessary for the inner-city student. They are designed to focus Federal effort on a priority basis to those places where equal educational opportunity is farthest from reality. The principles summarized are, as follows:

1. Education districts representing the largest eligible urban areas should receive priority in Federal funding.

2. Determination of eligibility of urban areas should be based on economic and performance criteria.

3. Each qualifying area should receive full funds for its program and where sufficient funds are unavailable for full funding of every qualifying urban area in its particular size group, a system of competition for a fully funded grant should be developed.

4. Federal aid should be awarded on a basis that enables maximum feasible eligibility for participation among groups, agencies, and institutions within designated urban areas. (The Task Force recommends that a percentage (5–15 percent) of the funds of the Act be set aside for use by the Commissioner to fund groups other than the regular school authorities which design viable specific experiments for use in the inner city and the other depressed areas in the metropolitan area.)

5. Funding procedures should include a system of regulating recurrent eligibility, with grants renewed on the basis of evidence of quality student performance.

6. The legislation should permit a by-pass of State educational agencies where necessary to achieve urban priority. (Such cases might occur where State educational agencies fail to provide sufficient guarantees of their efficiency and willingness to perform in the capacity of advocates for approval and renewal of urban education programs.)

7. The legislation should permit the participation of non-public school children in the program in ways to introduce a new child services concept of the disadvantaged.

8. Advance funding should be provided for the urban education grants.

9. There should be provision for the phasing in of existing categorical grant programs in the sense of incorporating them into the new urban education mandate.

Chapter XI—An urban education—The cost

The Task Force has developed a suggested financial mechanism through which to channel critically needed increased educational resources into the cities. The mechanism which best meets urban educational needs is a formula that will provide an addition of at least a third in educational *resources:* equipment, teachers, counselors, curriculum planning, etc. It is estimated that in terms of an increment to current local educational *expenditures,* a one-third addition to resources will require at least a fifty percent addition to current local educational expenditures.

For the 10,500,000 school children in cities with populations over 100,000 the cost would be $5 billion. If the program were extended to reach children in all cities over 50,000, an additional 4 million students would be included, adding $2 billion more to the cost, totalling 7 billion additional dollars. Such figures assume a necessary increase of $500.00 per student.

For 1971–72, the Task Force recommends a total expenditure for cities over 100,000 population of $470,200,000 for planning, developmental and operational grants, including facilities and educational training. By 1975, the expenditure should reach $7,566,000,000.

The cost for including cities of populations over 50,000 in 1971–72 would be an additional $182,100,000 and by 1975, an additional $3,627,000,000. If all three categories of cities are included beginning in FY 1971–72, the initial cost would be $706,900,000 which would rise to $14,541,800,000 in FY 1975.

A minority viewpoint recommends supplemental Federal funding of all school districts at the annual level of $30,000,000 on a formula basis to improve education for all children.

Chapter XII—Short-term recommendations

While action on the long-term recommendations above should begin immediately, their full implementation may not be realized for several years. In the interim, there is a critical need for immediate action in the field of urban education. Thus, the Task Force recommends the following short-term measures, based largely on existing legislation and programs noted below, which should be implemented within the next fiscal year or two.

Title I, Elementary and Secondary Education Act

1. Title I must be funded at or near full authorization.

2. States should be encouraged to concentrate funds in areas with high concentrations of disadvantaged populations.

3. Appropriations must be made in advance.

4. A by-pass amendment should be included to directly aid non-public schools when States fail to do so.

5. HEW audits of local and State administration of Title I funds and other related programs should be made available to the public.

Vocational Education

1. Congress should adequately fund all parts of the Vocational Education Amendments of 1968.

2. The Commissioner should concentrate funds under the discretionary parts of the VEA on the urban disadvantaged.

Research and Demonstration

1. Top priority should be given to the needs of the urban disadvantaged child.

2. Emphasis should be on developing models which could be used in inner-city classrooms across the country.

3. Educational laboratories and Research and Development Centers should focus on urban problems.

4. There should be an effort to involve a broader range of people in the research effort.

Training

1. There should be more of an effort to bring new kinds of people into the field of education, and to establish early recruitment of such people.

2. The Teacher Corps and the Urban Teacher Corps should be expanded.

3. Challenges in certification laws should be encouraged.

Higher Education

1. There should be fuller funding of existing programs designed to aid the disadvantaged, such as Upward Bound, Special Services, Talent Search, Equal Opportunity Grants, work-study, and National Defense Education Act loans.

2. Funds should be made available for one-year federally-funded college preparatory programs for the disadvantaged.

Discretionary Funds of the Commissioner

1. Discretionary programs should focus on urban education.

2. New monies should be set aside for planning and instituting urban education programs.

Data on Urban Education Funds

1. Data on the flow of Federal funds to the central city school districts in each Standard Metropolitan Statistical Area should be published annually.

National Commission

1. A National Commission on the Future Financing of American Education should be established.

National Advisory Council

1. Greater weight should be given to the inclusion of poor people on the Council.

2. The Council should be given a clear mandate to review all Federal programs which affect the lives of the disadvantaged.

Rural Areas

While the Task Force feels that urban needs deserve priority consideration and separate treatment, the needs of rural areas deserve comparable study and consideration.

Chapter I. Introduction

Perspective for the Report

Three points should be borne in mind with regard to the Urban Education Task Force Report. One is that the problems confronting urban education and its environment are *not* of sudden origin. Such problems as inadequate financing, increased enrollments, insufficient staffing, and discrimination in housing and jobs have *all* existed for a considerable period of time. However, there are some differences. One consists of the surfacing of these problems at the national level. Another is the increased awareness of both their gravity and complexities. Outstanding among them are: the steadily dwindling financial resources of education; the persistence of racism; the rising expectations of impoverished urban residents; and the interrelatedness of *all* the problems to poverty.

The second point concerns the picture we present of urban education and its environment. By and large, it is far from pleasant. However, the presentation in the documentation section is not to be construed as criticism for criticism's sake. Rather, our intent is to underscore the urgency of urban education's needs and to lay the foundation for our ensuing recommendations. To make constructive recommendations for urban education's improvement—and the inner city and suburban poverty pockets in particular, it is necessary to examine its current state of affairs.

The third point concerns the viewpoints of the Task Force members themselves. Every member of the Task Force fully recognizes that education in this country has never been assigned an adequate priority in terms of financial, human, and material resources. Moreover, every member has a deep commitment to improving the quality of American education. However, difference arose among members as to the best ways and means for achieving this improvement. It was inevitable that the Task Force, deliberately chosen to reflect diversity in viewpoints, would find unanimity impossible on all of the recommendations made by its committees. Hence, both majority and minority points of view are presented in the Report with the intent of demonstrating alternative recommendations for resolving the issues and problems which are identified. One formal minority report was filed by Mr. Francis P. Murnaghan, Jr., President, Board of School Commissioners, Baltimore Public Schools. This report was circulated to all Task Force members asking for their comments on it as well as for their comments on the draft majority report. This final revision of the Task Force Report reflects a conscientious and systematic effort to incorporate the suggestions for modifications made by Task Force members and to present the views and recommendations expressed in the formal minority report as an alternative to those of the majority report.

This Report is therefore focused both on documenting the needs of urban education and on presenting recommendations to meet them—both those of the majority and of the minority.

Overview of the Urban Education Problem

Urban education systems are facing a major challenge to provide appropriate learning experiences for the various life styles of their vast numbers of students. The indicators of this challenge are extremely diverse in their intensity and scope: student unrest on university campuses and in the high schools, local community groups seeking control of their neighborhood schools, clashes with law enforcement agencies, complaints being filled with regard to use of Federal funds, teacher strikes, voter rejection of large city school bond issues, the proliferation of alternative plans for educating students, lack of priority for education in State and local governments. By far, the greatest number of such indicators—interacting on and intensifying each other—are taking place in our cities.

This challenge is, in turn, part of yet a broader and more complex one. A major change has occurred in the perceptions of large numbers of American citizens, specifically, the minority racial and ethnic groups. They are convinced that they have been short-changed by their fellow American citizens—the white majority—who largely control the social, economic, political, and educational instiutions of our nation. The steady accumulation of evidence across a wide spectrum of human needs and rights signals that this perception is largely supported. It is within this context of challenge that urban education must be reconceived, revitalized, and adequately financed.

Simplistic and partial solutions which have been and may still be offered to resolve complex educational problems of increasing magnitudes are untenable. To accomplish this task, vastly increased amounts of money are imperative. In general, the amount of Federal money thus far added has been insufficient for the magnitude of the task confronted. Furthermore, the sustained flow of money is another problem. Specifically, this porblem consists of assuring the continuing supply of money.

Systems are faced with fluctuations in levels of Federal, State, and local appropriations and budgets for special programs; failures in passage of local school bond issues; reductions in assessed property values and the other taxing bases within the cities. Complicating the issue are contradictions in terms of legislation and budget priorities at Federal, State, and local levels which all too often work against the urban areas—and their educational systems. As if these problems were not enough, the cost of providing educational services and programs in large urban areas is increasing every year. Thus, as the cities become poorer and education becomes costlier, the probabilities inevitably increase for the inner city student to participate in only a substandard education. And it is he who should be able to secure a superior education since it constitutes his passport to economic self-sufficiency and self-realization.

However, solving the monetary problems alone is not the complete answer. There must be changes in the educational system as well. Here and there, appropriate—and, therefore, effective—compensatory education programs are flourishing with evidence of increased learning by impoverished children. Such programs usually reflect a *combination* of modified curriculum, enlightened staff attitudes, and adequate funding. But all too often, special programs to meet special needs have turned out to be "more of the same" programs. Offered such programs, the students involved have wastefully and tragically proved again and again that these programs do not—and cannot—meet *their* needs. No urban educational system has yet succeeded in meeting the educational needs of all of its poor children.

Pilot or demonstration projects have typically lacked the magnitude to provide adequate answers. In such efforts, a usually small-scale intensive program is mounted which presumably takes the students' special needs—*and assets*—into consideration. Assuming that the program is appropriate and the staff is adequately trained, the problems are often the involvement of too few students, prohibitive costs per student, and experimental and instructional techniques which are not readily transferable to large-scale operations. Another problem is that such projects usually have key people in leadership positions whose personal styles of working are not easily replicated for the expanded operations.

While educational research has played a part in some of these projects, the general pattern has been to avoid the kind of research which deals with major learning problems. Researchers have usually singled out only limited aspects of such problems for largely financial or methodological reasons. First-rate comprehensive studies of inner city children and youth are rare phenomena indeed. Thus, research with its current conceptualization and methodology does not generally provide a clear sense of the broad directions to be taken.

Another problem has been that most of the programs have been conceived from a perspective which implicitly compares the inner city student from a minority group with his white middle class, age, and grade-level suburban counterpart. The results and applications of such comparisons are inevitably negative—the inner city student winds up being described as deficient in . . . verbal ability, reading achievement, marketable economic skills, and social skills.

The strengths or positive characteristics of this student are almost never considered e.g., his pride, his tough pragmatic problem-solving, his resiliency in the face of daily economic uncertainties, his personal loyalty to his group, his sense of humor, his candor—or lack of hypocrisy. Consequently, most of the programs are designed from a negative standpoint, namely, overcoming deficiencies, and are almost never designed from the positive view of capitalizing on strengths. Such programs, however, well-intentioned, often reflect the implicit assumption that the white middle class student is the standard or model. This assumption leads the educator and the community-at-large into perceiving the inner city sudent through a mediating stereotype instead of as an individual in his own right who may be thoroughly alienated by programs designed to remake him in an image which is neither his own nor necessarily appropriate for him to adopt. Rarely, have inner city community residents and students had the opportunity either to make significant decisions about the kinds of programs to be implemented or to make a significant contribution in their implementation. Yet, these residents and students have the most direct knowledge and experience of all.

Positions of the Task Force

The Administration has announced new and far-reaching plans in the areas of welfare and employment. There is no doubt whatsoever that these areas are critically in need of immediate assistance. However, we firmly believe that only through the educative process can *long term* effective solutions to welfare and employment finally be devised. Education holds the promise of a one-generation up and out of poverty process. That is, the poverty child of a welfare mother, of an underemployed father, or of a seasonally underemployed parent does *not* have to repeat the poverty cycle of his parents if he receives his passport out. That passport is valid and salable education.

It is within this context that we strongly urge that the problem of urban areas should be considered as the major priority of the Administration's domestic program in the 1970's. Within this priority, education—broadly conceived and with new constituencies involved—should become a first consideration. Human talent—regardless of color, environment, social level or anything else—is our most valuable national resource. The education process—appropriately designed and directed—is our most potent means for developing the rich diversity of all of this talent.

Our major thrust is, therefore, a long-term one involving planning and implementation of comprehensive urban education programs with a combined focus on the students' real needs and effective institutional change. However, we further recognize that there is an urgent and immediate NOW with which we must be concerned. Hence, we have developed short-term or interim plans and recommendations for urban education which provide for some immediate steps to be taken. The overwhelming majority adopted all of the below-noted positions.

Money

1. Significantly increased levels of funding are needed for urban education far exceeding what current appropriations—even authorizations—now make possible. *Money is a major requirement*. However, the criteria for securing funds for urban education programs must be based upon such factors as poverty indices, community determination, demonstrated capability to carry out such a program, levels of State and local efforts, the recognition of the fact that education is more expensive in the cities than elsewhere, and a clear focus on *both* the inner city areas and the suburban poverty pockets. The amounts that will ultimately be required to resolve the urban education problem, should we either continue at the level of our present efforts or only engage in tokenism will be literally "out of sight." Taking major action now is the economy of foresight; postponement can only demand the excessive price of hindsight.

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Concept of Urban Education

2. Education as we have typically defined it is too narrow for the impoverished constituencies with whom we are concerned. The educative process must be truly expanded in its focus to the whole individual at all educational levels . . . as he is . . . as he can be . . . as he wants to be. Accordingly, his health, his emotional well-being, his intellectual capacities, his future employment, his self-realization are all involved and there must be adequate provisions made for these key aspects in this process.

Additionally, the educative process must no longer be conceived as only that which occurs within the physical boundaries of the school building as a result of formally planned lessons by the teaching staff. Instead, this process must be conceived of as taking place anytime and anywhere.

The learning which is acquired outside the school is just as valuable as that learning which is acquired within it. Moreover, this type of "outside" learning is definitely highly personal, meaningful, and direct ways which the "in-class" learning activities should not only be related to but could well seek to emulate. With regard to curriculum, the usual academic areas (e.g., reading and mathematics) must be appropriately reconceived and implemented. New areas must be included and interwoven with the other which are of special significance for the urban student, such as problems of narcotics additions, noise, overcrowding, and maintenance of individuality. Above all, the educative process should be focused on including the whole community with genuine sensitivity to and respect for its various needs, aspirations, and strengths.

Master Plan for Urban Education

3. The only viable approach to resolving the complex problems of education in urban areas is through the development and implementation of a master plan for urban education tailored to the specific needs of a particular urban area. Such a plan must concomitantly deal with causes and symptoms, must be conceived within a framework of over-all urban problem-solving rather than education per se, and must encompass all educational levels, i.e., from early childhood through higher and adult education. Moreover, this plan must reflect a considerable expansion and enrichment of what constitutes "education." Within the educational plan, there must be stress placed on developing and implementing appropriate curricular designs, consumer participation, staff development programs for *all* concerned, supportive services, and evaluation. Finally, it must be interrelated with other facets of the larger urban problems, such as housing, employment, recreation, and health. We recognize that the development and implementation of a master plan for urban education will not take place over night; it will take time, work, and the changing of attitudes.

Institutional Changes

4. There must be a deliberate sequence of steps planned and implemented which will lead to institutional change within educational systems. Such a sequence should be based on a changed and expanded perspective concerning the role(s) and function(s) of their schools and their staffing, including institutions of higher education. As Poga aptly stated, "I have met the enemy and he is us."

Among the areas of concern for such a sequence should be the: (1) involvement of the local neighborhood constituencies in the educative process and thus to work for common goals; (2) design and implementation of curriculum and the instructional programs which are highly appropriate to the perceived needs of these constituencies; (3) involvement of other social agencies in the educative process; and (4) education of the staff to perceive and teach the students as they themselves are and not as seen through the filters of mediating stereotypes—no matter how well-intentioned the program generated from such stereotypes may be. We believe that basically this change must come in the education system itself. Only the "educational establishment" is big enough to deal with the educational crisis on the grand scale. While we feel that alternatives (e.g., street academies, community-operated early childhood centers) to existing educational agencies should receive encouragement and financial support, the fundamental changes must be made within the system rather than occurring outside of it if education is to be a vital experience for the vast numbers of students to be served. Nevertheless, alternative educational approaches can also contribute positively to accelerating the rate of institutional change. Through the alternatives exerting pressure from *without* and the educational system working to revitalize itself from *within*, the key directions and techniques for implementing change can be identified.

Community Determination

5. The community residents and students who are to be the direct participants in urban education programs *must* have an active role in the critical decision-making concerning such programs. Whether this role should include full control by the community residents or a partnership arrangement with whatever educational agency is affected will be a matter which each urban area will need to work out on its own within a broad and flexible set of guidelines which will allow for various forms. Regardless of the particular form which community involvement takes, this role must include policymaking in the areas of: (1) priorities for spending the available monies; (2) design of curriculum and implementation of program components; and (3) employment and evaluation of key personnel.

Performance Standards

6. Clearly stated performance standards or criteria should be established for an urban education program. These criteria should constitute a clear statement of specific knowledges, attitudes, and skills which the students themselves are expected to demonstrate. In effect, they should describe the kinds of students the educative process intends to produce in terms of measurable overt behaviors.

Furthermore, performance criteria should be established for *all* educational staff involved in program (e.g., administrators, teachers, aides) based directly on the student-oriented objectives. As with the student objectives, these criteria should form the primary basis for evaluation of the educational staff. Finally, both the student and staff criteria should be stated in terms of overt, measurable behaviors.

Assessment

7. Assessment should be an integral part or component of the urban education program beginning with the planning phase. Moreover, this assessment component should be designed to assure rapid and continuing feedback on the program's strengths and weaknesses and should allow for rapid modifications and adjustments to be made in the program. Furthermore, the assessment component should be interwoven into all other components of the operating program and therefore would encompass much more than the measurement of the academic achievement areas, e.g., reading and mathematics. Federal funding should be conditioned on the attainment of measurable standards of performance by urban school agencies.

Racial and Ethnic Integration

8. Racial and ethnic integration should be a major element or recurring theme in *all* the planning and implementational phases of the urban education program and therefore should be clearly stated as a major criterion for receiving funds. Recognizing that there is no single or simple way of achieving real integration, a community applying for funds should demonstrate how its educational plan contributes to overcoming racial and ethnic isolation. We also believe that the current thrust composed of separatism, local community control of schools, and insistence on the recognition of minority identities (e.g., black history, La Raza) by various groups is the all-too-logical result of the basis lack of commitment and the slowness of action to achieve integration. The quality, recognition, and acceptance which were to have occurred with earlier thrusts on integration, such as equal employment opportunity, fair housing, and school desegregation, have not really materialized. We suggest that the composite thrust of separatism, local community control, and the demand for a recognized identity are not over the long term antithetical to the aims of integration. Rather, it constitutes an attempt to achieve through *other channels* what earlier thrusts have only partially fulfilled. In fact, as this current thrust is unfolding yet another thrust seems to be emerging. Some of its characteristics can be pointed out.

Specifically, it reflects neither the primary reliance of the minorities on public-spirited members of the white majority to do something for them nor the "we'll go it alone" stance of certain groups within the minorities. Instead, other groups within these minorities are actively seeking legitimate power bases or positions of strength from which they can negotiate as equals with the majority. In striving to achieve this negotiating capability, the minorities are developing a new thrust in the continuing struggle for genuine integration which could be termed *interdependency*. As emerging here, it is saying, "you need us every bit as much as we need you—so we better find ways to cooperate as equal partners in our mutual concerns. It is only by working together that we are going to solve our society's problems." This emergent—and newest—thrust seems to hold potentially the greatest promise for achieving genuine integration since it concomitantly recognizes common goals (e.g., economic self-sufficiency, a healthful environment, improved educational programs) and proposes to work cooperatively on the ways to achieve them.

Purposes and Organization

Having presented the general overview and specific positions of the Task Force, the purposes of the Report are, as follows:

1. To describe and document the critical problems and needs confronting urban education in terms of their uniqueness and complexity as a justification for their urgency.

2. To examine the extent to which the Federal government can and should extend solutions to the problems facing urban education.

3. To recommend long-term programmatic and legislative approaches needed to resolve the problems and needs identified, including the framework for the educational program, the authority structure, the funding process, and the cost of the program; and also to recommend the short-term actions that can be taken under existing legislation.

The organization of the Report parallels its purposes, and is accordingly divided into three major sections. They are: (1) State of Urban Education; (2) The Federal Responsibility; and (3) A Plan for Urban Education—An Urban Education Act. Within each section, there are chapters which deal with the key elements of each section; and, where appropriate, stating the majority and minority viewpoints.

PART I—THE STATE OF URBAN EDUCATION

Overview

In Part One of the Report, the State of Urban Education, we consider the four major dimensions of the problem confronting urban education and devote one chapter to each. Specifically, these chapters are concerned with: (1) the financial crisis of the urban schools; (2) the urban environment of the students; (3) the urban education system; and (4) the impoverished urban student. Within the time constraints which have been imposed, we have attempted to document the pressing needs of urban education and to describe the context in which the urban education system must function.

There are two points to be borne in mind with regard to the chapters of Part One. The first is that rarely—if ever—has there been an attempt to show the problems of urban education in the light of their surrounding context. All too often, education and its setting are treated as separate entities with separate problems. Such is not the case. The operating units of the educational system—the schools—are based in neighborhood settings. And the problems, values, and needs of the residents of the neighborhood are inevitably carried by its children into the school. Moreover, the school is the most visible or tangible public social agency in the neighborhood. Since the children and youth spend more time in the school than they do in any other social agency, the school—in one form or another—exerts a tremendous social force. Hence, the presentation in this part is attempting to focus on the context in which the urban education system must function as well as on the system itself.

The second point arising from the first is that it proved extremely difficult to secure data for the documentation of the urban education system's needs and its context in a comprehensive and systematic manner. In some cases, data were not available in the form needed; and, in others, they were fragmentary or lacking in comparability. Nevertheless, sufficient evidence has been arrayed which clearly delineates the major dimensions of the problem confronting urban education.

It must again be underscored that the presentation in these chapters—and particularly Chapter IV, "The Urban Education System"—is to document the increasing necessity for making urban education's needs a major national priority.

Chapter II. The financial crisis of the urban schools

The schools of our cities are again opening their doors to a vast number of students with increasingly more complex educational needs. These students hold fewer expectations of having those needs met than ever before. For many urban educational systems the first priority this year will be that of keeping their doors open beyond the months of March or April. There is simply not enough money. Our urban schools are in a state of financial crisis.

This chapter will demonstrate the extent and nature of the financial crisis facing urban education through an explanation of the set of unique factors affecting the cities today. Implicit in the discussion of each factor is the recommendation that the Federal Government must assume a policy of top priority for urban areas demonstrated by massive appropriations to meet the needs of educationally and economically deprived families. The factors to be discussed are summarized as follows:

1. *Financial deterioration due to population migration.*—The money now is insufficient to meet greater needs in the city. The evidence of the financial deterioration of the central city is ever deepening because of patterns of population migration detrimental to the city coffers. High tax producers—members of business and high-salaried populations—are moving to the suburbs and are being replaced by an ever-increasing number of high tax consumers—disadvantaged persons—who are concentrating in the central cities.

2. *The higher cost of urban education.*—Education in the cities simply costs more than education in the surburbs. Several factors are responsible for this. There are more disadvantaged students in the cities than in the suburbs. It is a costlier job to effectively educate students whose poverty and low levels of family education are obstacles to that education, as opposed to the children of more highly educated and motivated suburban families who have the funds provide compensatory education through tutoring where required. In addition, maintenance and security costs are higher and the need for maintenance is compounded by the higher vandalism rates in cities.

3. *Inequitable State aid formulas.*—State aid formulas not only fail to recognize the disproportionate educational expenses of the cities but also compound the problem by providing central cities with less state aid per capita than is made available to the outyling areas.

4. *Dwindling popular support and confidence in education.*—Locally raised revenue is the major share of most public school budgets in large cities. In a number of large cities, adverse votes on tax measures and bond referenda for capital outlay have recently occurred. While the suburbs have often been hard-pressed by such cutbacks, the squeeze has been felt particularly sharply in the cities where the higher costs of non-educational needs has used up a greater percentage of local revenue, leaving a smaller percentage of the budget for education in the city than in the suburbs.

5. *Financial difficulties of non-public schools.*—Just as public school systems have in recent years experienced higher costs and lower budgets, many parochial and other non-public schools have felt financial pressures. Raised tuitions have caused numbers of students to enroll in public schools, particularly in the inner city. In many cases, religious orders have had no recourse but to close some of their schools for lack of funds for operating expenses. In such cases public schools have suddenly been confronted with serving whole new school populations with no increase in budget and no new facilities to ease the unexpected increase.

6. *Minimal level and minimal effect of Federal funds.*—Federal funds provide the smallest share of the local educational dollar. Even since the passage of legislation such as the Elementary and Secondary Education Act, which provides substantial educational aid to school areas serving the disadvantaged, the total public school expenditures borne by Federal aid has been less than 8 percent nationally. In fact, in the 1969 fiscal year, estimates show a slight decrease to 7.3 percent.[1] And, in addition, the cities suffer from distribution procedures of Federal aid which do not take into account their special needs, just as they suffer from suburban-oriented state aid.

The financial situation in the cities is bleak indeed.

Financial Deterioration Due to Population Migration

The most serious threat to local support for urban education stems from general trends in American metropolitanism, not from educational finance per se. The average metropolitan area is undergoing a process which is decentralizing population and employment from the central city to the outlying areas while at the same time concentrating growing numbers of economically disadvantaged persons within the central city itself.

1. Population changes that affect differential family incomes

It is estimated that between 1950 and 1960 central cities grew at a rate of only 1.5 percent while the suburban areas of the nation's metropolises mushroomed at a rate of 61.7 percent if annexations are disregarded. More recent estimates show a slowing of metropolitan growth, with cities growing at 1.0 percent and OCCs at 25.4 percent for the 1960–68 period.[2] Such suburban growth, moreover, was common among all sizes of metropolitan areas (See Table 1).

While a lack of growth in population of the central city may in itself have serious financial impact, suburban and commuter population growth imposes the greater costs on central cities. Suburbanization undermines the cities' revenue base and the daily inflow of commuters into the city poses costs that must be financed by the cities. Police and fire protection, health services, parking facilities, and other services must be provided by central cities to suburban residents who spend their days in city employment but who return in the evening—and more importantly—pay their taxes to outlying jurisdictions.

TABLE 1.—POPULATION GROWTH IN METROPOLITAN AREAS WITH AND WITHOUT CENTRAL CITY ANNEXATIONS, 1950–60[1]

	Total change (percent)	Change without annexations (percent)
All SMA's:		
Central cities	+10.8	+1.5
Outside central cities	+48.5	+61.7
Total	+26.4	+26.4
SMSA's, population of:		
3,000,000 or more:		
Central cities	+1.0	+.6
Outside central cities	+71.3	+72.2
Total	+23.2	+23.2
1,000,000 to 3,000,000:		
Central cities	+5.6	−2.2
Outside central cities	+44.8	+52.7
Total	+25.0	+25.0
500,000 to 1,000,000:		
Central cities	+21.4	+4.8
Outside central cities	+57.4	+81.1
Total	+36.0	+36.0
250,000 to 500,000:		
Central cities	+16.2	+2.2
Outside central cities	+36.2	+51.9
Total	+25.6	+25.6
100,000 to 250,000:		
Central cities	+24.4	+4.6
Outside central cities	+27.6	+54.5
Total	+25.8	+25.8
Under 100,000:		
Central cities	+29.2	+8.6
Outside central cities	+10.9	+69.9
Total	+24.4	+24.4

[1] Recent data indicates a slowing in rates of growth for both central cities and suburbs as follows:

	1960–68 total change (percent)
Central cities	+1.0
Outside central cities	+25.4
Total	+12.9

Source: U.S. Bureau of the Census, U.S. Census of Population: 1960. Vol. 1, Characteristics of the Population. Pt. A: Number of Inhabitants. Current Population Reports, Population Characteristics Series, p. 20, No. 181, Apr. 21, 1969, Bureau of the Census, Table A.

Furthermore, the economic and ethnic composition of the population change has aggravated the fiscal situation of the central city. Racially, central cities have been increasing in the percentage of their population that is Negro, estimated in 1968 to be 20.4 percent of total central city population.

Footnotes at end of article.

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Suburbs have shown declining proportions of Negro population since 1900, with Negroes numbering approximately 4.7 percent of residents of OCC areas according to 1968 estimates.[3] The generally lower income and educational levels of non-white populations inevitably provide the cities with fewer tax dollars and higher educational costs. (Campbell, *Metropolitanism,* 1969, pp. 25–27).

Estimates of income levels for the year 1967 are that central city areas had a median family income of $7,813 while for the outlying area the figure was $9,367 (Census, P–23, No. 27, 2/7/69, p. 36). Another way of demonstrating this income differential is to compare the percentage of families under $4000 in both central city and outside central city areas and the percentage of families with incomes over $10,000 in both areas. A consistent pattern of central city disadvantage emerges.

Higher proportions of central city families have incomes under $4000 than do those in the suburbs (19 percent vs. 12 percent) in 1967;[4] lower proportions of central city families have incomes over $10,000 than do those in the suburbs (33 percent vs. 45 percent).[5] Differences in income between central city and suburb are accentuated in the larger SMSA's (See Table 2 for detail in 1959 census figures). A study, published by the Committee for Economic Development, found that twice the proportion of central city population lived in poverty (16.2 percent) than did those in surburbs (8.6 percent) in 1966 (See Table 3).

2. Economic change

Along with these population changes, there has been a continuing exodus of all types of employment from cities to suburbs. In a 1967 report of the Chamber of Commerce of the United States, *The Metropolitan Enigma,* the cities were found to have been losing employment in manufacturing, wholesale, and retail sectors at about one-half of one percent per year, while suburban areas have been gaining such employment areas at a rate of two and a half percent a year.

TABLE 2.—PERCENT OF FAMILIES WITH INCOMES UNDER $3,000 AND OVER $10,000 BY SIZE OF STANDARD METROPOLITAN STATISTICAL AREA, 1959

Population of SMSA	Number of SMSA	Percent of families with incomes: Under $3,000: Entire SMSA	Under $3,000: Central city	Under $3,000: Outside central city	Over $10,000: Entire SMSA	Over $10,000: Central city	Over $10,000: Outside central city
United States average	212	15.1	17.6	12.5	18.8	16.5	21.2
Over 3,000,000	5	12.6	15.4	8.9	23.0	19.5	27.6
1,000,000 to 3,000,000	19	13.0	17.1	10.0	20.8	16.6	23.9
500,000 to 1,000,000	29	17.2	19.8	14.2	16.4	14.6	18.4
250,000 to 500,000	48	17.6	18.7	16.6	14.6	14.7	14.5
100,000 to 250,000	89	19.5	19.6	19.3	13.7	14.3	12.9
Less than 100,000	22	20.7	18.8	27.2	13.6	14.4	12.0

THE RATIO OF NUMBER OF FAMILIES WITH INCOMES OVER $10,000 TO THOSE FAMILIES UNDER $3,000 PER 100 FAMILIES, BY SMSA SIZE, 1959

Population of SMSA	Entire SMSA	Central city(CC)	Outside central city (OCC)	Difference in ratio (OCC-CC)
United States	124.2	93.9	169.4	75.5
Over 3 000,000	183.0	126.7	311.5	184.8
1,000,000 to 3,000,000	160.5	97.3	233.0	141.6
500,000 to 1,000,000	95.6	73.8	129.3	55.5
250,000 to 500,000	82.8	78.6	87.4	8.8
100,000 to 240,000	70.3	73.1	88.6	−6.5
Less than 100,000	67.0	76.3	44.0	−32.3

Note: Table from Alan K. Campbell and Seymour Sacks, Metropolitan America: Fiscal Patterns and Governmental Systems, New York Free Press, 1967, pp. 22, 23.

Source: U.S. Bureau of the Census, U.S. Census of Population, 1960. Selected area reports: Standard Metropolitan Statistical Areas. Final report PC(3)–1D.

TABLE 3.—INCIDENCE OF POVERTY BY AREA, 1966

Area	Percentage of total population in that area in poverty	Number of poor persons in that area (in millions)
United States	15.4	29.7
Metropolitan areas	12.1	15.2
Central cities	16.2	9.5
Suburbs	8.6	5.7
Nonmetropolitan areas	21.4	14.6
Rural nonfarm	23.1	7.4
Farm	22.5	2.4
Urban	18.7	4.8

Source: Downs, Anthony. Who are the Urban Poor? New York: Committee for Economic Development, 1968, p. 14.

The disadvantageous position of the central city is similarly demonstrated by examining the changed location of retail activity. Between 1958 and 1963 the largest 37 SMSA areas showed an average increase for central city retail activity of 4.8 percent as compared to a 45.5 percent increase in retail activity for the outlying areas (See Table 4). The magnitude of the changes is indicated by the fact that in 1958, 27.1 percent of all retail transactions were in these large central cities and 17.7 percent in their outside areas. As a result of the differential growth rates, the central cities in 1963 carried out 24.1 percent of the retail sales and the suburbs 21.2 percent, almost eradicating the previous enormous balance in favor of the central cities. The greatest decreases in retailing occurred in the central business districts, crucially lowering the city tax base. And it was the rare large city central district which recorded anything above a nominal increase in retail activity. In most of them the decrease was greater than that of the city as a whole, and in all cases, even if it did record an increase, it was far less than the SMSA taken in its entirety (Sacks, 1970).

A similar discouraging pattern existed in relation to manufacturing activity. In the aggregate, manufacturing employment in the central cities declined 6.0 percent, while outside the central cities employment increased by 15.6 percent (See Table 5).

3. Tax base change

The various forces thus far noted have a common effect on the local property tax base. Not only has the income base of the central cities been depressed relative to the suburbs but, in addition, the city property tax base has generally grown at a much slower rate than has the property tax base of metropolitan areas as a whole, with the exception of a very limited number of peculiarly circumstanced cities as shown in Table 6. In sum, the increase in gross assessed valuation in the suburbs far outstrips that of central cities.

TABLE 4.—RETAIL SALES, INSIDE (CC) AND OUTSIDE CENTRAL CITY (OCC) AREAS, 37 LARGEST STANDARD METROPOLITAN STATISTICAL AREAS, 1958 AND 1963

Area	1958 (in millions): SMSA	1958: CC	1958: OCC	1963 (in millions): SMSA	1963: CC	1963: OCC	1963 as a percent of 1958: CC	1963 as a percent of 1958: OCC
Los Angeles-Long Beach, Calif	$9,040	$4,413	$4,627	$12,149	$5,022	$7,127	113.8	154.0
San Bernardino-Riverside-Ontario, Calif	953	410	503	1,300	547	753	133.4	149.7
San Diego, Calif	1,132	725	407	1,408	794	614	109.5	150.9
San Francisco-Oakland, Calif	3,440	1,875	1,565	4,511	2,165	2,346	115.5	149.9
Denver, Colo	1,182	833	349	1,533	857	676	102.9	193.7
Washington, D.C	2,502	1,304	1,198	3,367	1,418	1,949	108.7	162.7
Miami, Fla	1,369	752	617	1,618	655	963	87.1	156.1
Tampa-St. Petersburg, Fla	919	693	226	1,152	767	385	110.7	170.4
Atlanta, Ga	1,230	879	351	1,619	1,016	603	115.6	171.8
Chicago, Ill	8,398	5,486	2,912	9,889	5,630	4,259	102.6	146.3
Indianapolis, Ind	1,127	866	261	1,401	917	484	105.9	185.4
Louisville, Ky.-Ind	820	578	242	977	625	322	108.1	145.5
New Orleans, La	968	765	203	1,123	801	326	104.7	158.6
Baltimore, Md	1,956	1,396	560	2,266	1,317	949	94.3	169.5
Boston, Mass	3,443	1,341	2,102	3,973	1,240	2,733	92.4	130.0

Footnotes at end of article.

TABLE 4.—RETAIL SALES, INSIDE (CC) AND OUTSIDE CENTRAL CITY (OCC) AREAS, 37 LARGEST STANDARD METROPOLITAN STATISTICAL AREAS, 1958 AND 1963—Continued

Area	1958 (in millions)			1963 (in millions)			1963 as a percent of 1958	
	SMSA	CC	OCC	SMSA	CC	OCC	CC	OCC
Detroit, Mich	$4,448	$2,274	$2,174	$5,393	$2,303	3,090	101.3	142.1
Minneapolis-St. Paul, Minn	1,871	1,373	498	2,194	1,350	844	98.3	169.5
Kansas City, Mo.-Kans	1,486	890	596	1,683	1,066	617	119.8	103.5
St. Louis, Mo.-Ill	2,427	1,168	1,259	2,847	1,068	1,779	91.4	141.3
Newark, N.J	2,243	674	1,569	2,582	665	1,917	98.7	122.2
Paterson-Clifton-Passaic, N.J	1,451	523	928	1,871	447	1,424	85.5	153.4
Buffalo, N.Y	1,521	794	727	1,675	671	1,004	84.5	138.1
New York, N.Y	13,582	9,898	3,684	15,646	10,493	5,153	106.0	139.9
Rochester, N.Y	913	551	362	1,138	602	536	109.3	148.1
Cincinnati, Ohio-Ky.-Ind	1,279	815	454	1,404	800	604	98.2	133.0
Cleveland, Ohio	1,909	1,413	496	2,331	1,278	1,053	90.4	212.3
Columbus, Ohio	915	734	181	1,145	790	355	107.6	196.1
Dayton, Ohio	792	479	313	994	471	523	98.3	167.1
Portland, Oreg.-Wash	903	689	214	1,279	752	527	109.1	246.3
Philadelphia, Pa.-New Jersey	4,943	2,528	2,415	5,737	2,490	3,247	98.5	134.5
Pittsburgh, Pa	2,638	990	1,648	2,878	980	1,898	99.0	115.2
Providence, R.I	903	503	400	1,100	554	546	110.1	136.5
Dallas, Tex	1,473	1,144	329	1,809	1,288	521	112.6	158.4
Houston, Tex	1,717	1,299	418	1,962	1,616	346	124.4	82.8
San Antonio, Tex	703	646	57	807	726	81	112.4	142.1
Seattle-Everett, Wash	1,444	1,036	408	1,748	1,110	638	107.1	156.4
Milwaukee, Wis	1,459	1,067	392	1,706	1,076	630	100.8	160.7
37 SMSA total	89,449	53,804	35,645	108,215	56,367	51,848	104.8	145.5

Source: U.S. Bureau of the Census, "U.S. Census of Business, 1958," vol. II; and U.S. Census of Business, 1963," vo.. II.

Table from Advisory Commission on Intergovernmental Relations, "Fiscal Balance in the American Federal System," vol. 2, Metropolitan Fiscal Disparities, Washington, D.C. October 1967, A–31.

TABLE 5.—MANUFACTURING EMPLOYMENT, INSIDE (CC) AND OUTSIDE CENTRAL CITY (OCC), 37 LARGEST STANDARD METROPOLITAN STATISTICAL AREAS, 1958 AND 1963

[Figures other than percentages are in thousands]

Area	1958			1963			1963 as a percent of 1958	
	SMSA	CC	OCC	SMSA	CC	OCC	OC	OCC
Los Angeles-Long Beach, Calif	729.0	327.2	401.8	842.9	304.0	538.9	92.9	134.1
San Bernardino-Riverside-Ontario, Calif	29.2	11.7	17.5	37.5	14.0	23.5	119.7	134.3
San Diego, Calif	71.4	56.8	14.6	60.3	48.7	11.6	85.7	79.5
San Francisco-Oakland, Calif	190.3	58.4	131.9	196.1	51.7	144.4	88.5	109.5
Denver, Colo	53.7	37.9	15.8	69.5	36.1	33.4	95.3	211.4
Washington, D.C	34.7	21.3	13.4	50.1	22.1	28.0	103.8	209.0
Miami, Fla	36.9	19.4	17.5	43.2	19.2	24.0	99.0	137.1
Tampa-St. Petersburg, Fla	32.2	23.7	8.5	36.7	23.8	12.9	100.4	151.8
Atlanta, Ga	83.5	49.6	33.9	95.7	52.4	43.3	105.6	127.7
Chicago, Ill	857.2	569.4	287.8	860.6	508.4	352.2	89.3	122.4
Indianapolis, Ind	5.6	70.1	35.5	115.8	70.2	45.6	100.1	128.5
Louisville, Ky.-Indiana	86.7	55.7	31.0	87.6	58.0	29.6	104.1	95.5
New Orleans, La	46.9	30.1	16.8	49.1	31.1	18.0	103.3	107.1
Baltimore, Md	197.8	113.4	84.4	190.5	103.9	86.6	91.6	102.6
Boston, Mass	301.0	90.2	210.8	293.4	82.5	210.9	91.5	100.0
Detroit, Mich	467.4	213.5	253.9	493.9	200.6	293.3	94.0	115.5
Minneapolis-St. Paul, Minn	146.0	113.5	32.5	163.8	110.3	53.5	97.2	164.6
Kansas City, Mo.-Kans	103.1	64.9	38.2	111.1	62.1	49.0	95.7	128.3
St. Louis, Mo.-Illinois	262.5	146.8	115.7	259.7	129.1	130.6	87.9	112.9
Newark, N.J	245.6	78.8	166.8	250.2	73.7	176.5	93.5	105.8
Paterson-Clifton-Passaic, N.J	158.5	62.9	95.6	176.5	62.8	113.7	99.8	118.9
Buffalo, N.Y	173.9	68.0	105.9	162.9	57.0	105.9	83.8	100.0
New York, N.Y	1,184.0	998.6	185.4	1,147.2	927.4	219.8	92.9	118.6
Rochester, N.Y	116.7	96.5	20.2	121.3	97.3	24.0	100.8	118.8
Cincinnati, Ohio-Kentucky-Indiana	156.5	76.4	80.1	153.9	76.6	77.3	100.3	96.5
Cleveland, Ohio	273.7	180.8	92.9	280.3	168.9	111.4	93.4	119.9
Columbus, Ohio	73.0	55.4	17.6	80.2	65.9	14.3	119.0	81.3
Dayton, Ohio	97.2	78.2	19.0	104.2	81.2	23.0	103.8	121.1
Portland, Oreg.-Washington	58.3	35.2	23.1	65.3	35.6	29.7	101.1	128.6
Philadelphia, Pa.-N.J	536.9	298.5	238.4	535.8	264.9	270.9	88.7	113.6
Pittsburgh, Pa	305.7	99.3	206.4	272.2	81.7	190.5	82.3	92.3
Providence, R.I	567.2	62.6	64.6	165.9	65.0	60.9	103.8	94.3
Dallas, Tex	95.2	79.7	15.5	109.5	86.3	23.2	108.3	149.7
Houston, Tex	104.5	68.8	35.7	108.6	77.3	31.3	112.4	87.7
San Antonio, Tex	20.9	19.3	1.6	23.6	21.4	2.2	110.9	137.5
Seattle-Everett, Wash	114.9	86.5	28.4	121.6	84.1	37.5	97.2	132.0
Milwaukee, Wis	189.5	126.6	63.9	193.8	119.3	74.5	94.2	118.4
37 SMSA total	7,867.3	4,651.5	3,215.8	8,090.5	4,374.6	3,715.9	94.0	115.0

Source: 1963 Census of Manufacturing. Table from ACIR, "Fiscal Balance in the American Federal System," vol. 2, Metropolitan Fiscal Disparities, Washington, D.C., October 1967, A-31, p. 54.

TABLE 6.—ASSESSED VALUATIONS, SELECTED LARGE CITIES AND THEIR ENVIRONS, 1961 AND 1966

[Dollars in thousands]

City and county	Gross assessed value including State-assessed property			Locally assessed real property		
	Amount		Percent increase or decreases (—)	Amount		Percent increase or decrease (—)
	1966	1961		1966	1961	
Los Angeles (Los Angeles County)	$6,602,518	$5,133,469	28.6	$5,493,997	$3,842,755	43.0
Remainder of county	9,305,428	7,628,555	22.0	7,296,636	5,504,740	32.6
San Diego (San Diego County)	1,132,097	959,617	18.0	896,312	710,294	26.2
Remainder of county	963,864	769,006	25.3	755,154	592,281	27.5
San Francisco (city-county)	1,785,052	1,509,095	18.3	1,225,167	1,041,073	17.7
Alameda County	1,953,958	1,594,987	26.1	1,409,571	1,067,938	32.0
Denver (city-county)	1,190,546	1,132,313	5.1	894,913	805,252	11.1
Jefferson County	370,183	248,236	49.1	310,170	202,201	53.4
Washington, D.C	3,538,066	2,735,578	29.3	3,027,939	2,324,612	30.3
Montgomery and Prince Georges Counties, Md. and Arlington County, Va	4,875,381	2,735,322	78.2	4,073,511	2,267,394	79.7

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TABLE 6.—ASSESSED VALUATIONS, SELECTED LARGE CITIES AND THEIR ENVIRONS, 1961 AND 1966 —Continued

[Dollars in thousands]

City and county	Gross assessed value including State-assessed property: Amount 1966	Amount 1961	Percent increase or decreases (−)	Locally assessed real property: Amount 1966	Amount 1961	Percent increase or decrease (−)
Atlanta (De Kalb and Fulton Counties)	$2,206,439	$880,950	36.9	$667,286	$502,975	24.7
Remainder of counties	1,074,584	732,978	46.6	803,205	508,009	58.1
Chicago (Cook County)	11,253,002	10,456,136	7.2	8,426,107	8,065,128	4.5
Remainder of county	6,985,946	5,718,397	22.2	6,209,218	4,862,052	27.7
Indianapolis (Marion County)	964,833	885,657	8.9	633,656	556,208	13.9
Remainder of county	658,469	448,257	46.9	451,254	279,524	61.4
Louisville (Jefferson County)	2,099,577	678,654	209.4	1,596,739	488,016	227.2
Remainder of county	2,116,328	556,040	280.6	1,526,994	387,205	294.4
Baltimore City	2,902,421	2,787,318	4.1	2,060,059	1,975,041	4.3
Baltimore County	2,277,957	1,743,854	30.6	1,819,785	1,416,464	28.5
Boston (Suffolk County)	1,507,495	1,467,907	2.7	1,368,025	1,337,254	2.3
Remainder of County	207,577	147,789	40.5	196,302	137,392	42.9
Detroit (Wayne County)	4,991,122	4,778,022	4.5	−2,941	3,341,301	13.5
Remainder of county	4,208,820	2,750,705	53.0	−0,459	1,842,737	66.6
Minneapolis (Hennepin County)	403,518	(1)	(1)	325,008	318,574	2.0
Remainder of county	329,013	(1)	(1)	290,956	182,127	59.8
St. Paul (Ramsey County)	240,656	(1)	(1)	184,670	182,048	1.4
Remainder of county	98,417	(1)	(1)	82,948	57,948	43.1
Kansas City, Mo.[2] (Clay and Jackson Counties)	1,127,177	1,000,085	12.7	719,479	631,345	14.0
Remainder of counties	395,076	334,098	18.3	312,857	252,220	24.0
St. Louis City	1,796,987	1,669,461	7.6	1,297,009	1,226,740	5.7
St. Louis County	2,151,191	1,662,272	29.4	1,674,184	1,298,345	28.9
Newark (Essex County)	1,403,838	750,505	87.1	1,248,045	596,598	109.2
Remainder of county	3,164,647	1,208,872	161.8	3,046,296	1,091,317	179.1
New York City	33,283,403	28,036,640	18.7	31,886,954	26,948,094	18.3
Nassau and Westchester Counties	6,658,595	5,995,761	11.1	6,405,660	5,773,641	10.9
Buffalo (Erie County)	1,121,422	1,129,087	−0.7	1,075,723	1,086,733	−1.0
Remainder of county	1,000,611	906,819	10.3	966,174	876,391	10.2
Rochester (Monroe County)	718,258	727,049	−1.2	684,288	695,667	−1.6
Remainder of county	708,924	524,167	35.2	687,841	508,141	35.4
Cincinnati (Hamilton county)	1,630,813	1,605,985	1.5	1,086,580	1,078,093	0.8
Remainder of county	1,748,127	1,408,024	24.3	1,237,908	983,217	25.9
Cleveland (Cuyahoga County)	2,851,240	2,917,808	−2.3	1,685,817	1,774,596	−5.0
Remainder of county	3,327,474	2,736,223	21.6	2,577,276	2,117,539	21.7
Columbus (Franklin County)	1,497,959	1,219,387	22.8	1,014,636	832,441	21.9
Remainder of county	865,979	639,758	35.4	646,922	478,397	35.2
Portland, Oreg.,[3] (Multnomah County)	660,877	874,956	−24.5	477,461	624,230	−23.5
Remainder of county	251,379	273,026	−7.9	195,030	208,242	−6.3
Pittsburgh (Allegheny County)	1,228,615	1,201,638	2.2	1,228,615	1,201,638	2.2
Remainder of county	2,350,539	2,039,511	15.3	2,350,539	2,039,511	15.3
Seattle (King County)	959,032	799,981	19.9	714,807	590,413	41.1
Remainder of county	876,351	467,364	79.8	626,322	358,338	74.8
Milwaukee (Milwaukee County)	2,251,917	1,985,697	13.4	1,820,657	1,659,985	9.7
Remainder of county	1,176,825	956,656	23.0	962,528	805,192	19.5

[1] Not available.

[2] Excluding the minor portion of Kansas City, Mo. located in Platte County.

[3] Excluding the minor portion of Portland, Oreg., located in Clackamas County.

Source: Bureau of the Census, "Taxable Property Values" (1962 Census of Governments, vol. II), and "Assessed Valuations for General Property Taxation" (1967 Census of Governments, preliminary report, February 1968, CG-P4).

Table from ACIR, Fiscal Balance in the American Federal System, vol. 2, Metropolitan Fiscal Disparities, Washington, D.C. October 1967, A-O, p. 83.

This shift in the property tax base is further indicated by statistics showing the average household value in central city and suburban areas of the 37 largest metropolitan areas. With the exception of some Southern and some Western metropolitan areas, central city household values are significantly lower than those of their suburbs. Furthermore, this condition of lower average household valuation has persisted between 1961 and 1966, another indication that the tax base of the country's large cities is in a relatively static condition compared to that of the outlying areas which are continually attracting higher valued property to their jurisdictions (See Table 7).

Not only are residential values depressed in central cities, but total per capita market values of property are higher in suburban areas than in central cities. Again with the exception of some Southern and Western metropolitan areas, per capita property tax bases are higher in suburban than in central city areas. Thus, given the higher proportions of nonresidential property within the central city, there is clearcut indication that this decline in the nonresidential amount of property tax base is intensifying the fiscal disparity between central city and suburb (See Table 8).

TABLE 7.—AVERAGE HOUSEHOLD VALUE, CENTRAL CITY AND OUTSIDE CENTRAL CITY, SELECTED LARGE SMSAS, 1961-66

	CC	1961 OCC	Ratio, OCC to CC: 1961	1966	1966 CC	OCC
Northeast:						
Washington, D.C	$18,900	$19,851	1.05	1.15	$22,300	$25,589
Baltimore, Md	9,200	14,400	1.57	1.92	8,900	17,096
Boston, Mass	13,200	(1)			14,900	(1)
Newark, N.J	12,200	20,483	1.68	1.46	16,000	23,429
Paterson-Clifton-Passaic, N.J	(1)	(1)		1.33	19,000	25,359
Buffalo, N.Y	(1)	(1)		1.92	9,500	18,252
New York, N.Y	20,200	20,711	1.03	1.14	21,700	24,811
Rochester, N.Y	11,900	18,728	1.57	1.91	11,000	20,958
Philadelphia, Pa	8,500	13,880	1.63	1.84	8,800	16,226
Pittsburgh, Pa	13,200	13,772	1.04	1.09	11,600	12,673
Providence, R.I	12,600	(1)			16,600	(1)
Midwest:						
Chicago, Ill	18,000	19,693	1.09	1.10	17,300	18,965
Indianapolis, Ind	11,900	16,289	1.37	1.55	10,400	16,134
Detroit, Mich	11,400	(1)			10,600	(1)
Minneapolis-St. Paul, Minn	14,107	17,683	1.25	1.07	15,807	16,930
Kansas City, Mo	11,368	13,054	1.15	.75	12,169	9,128
St. Louis, Mo	12,300	14,571	1.18	1.38	12,100	16,272
Cincinnati, Ohio	15,900	19,039	1.19	1.15	15,800	18,190
Cleveland, Ohio	14,500	23,124	1.59	1.61	14,800	23,785
Columbus, Ohio	13,900	18,446	1.33	1.28	15,100	19,276
Dayton, Ohio	(1)	(1)		1.25	13,300	16,578
Milwaukee, Wis	14,700	(1)			15,900	(1)

Footnotes at end of table.

TABLE 7.—AVERAGE HOUSEHOLD VALUE, CENTRAL CITY AND OUTSIDE CENTRAL CITY, SELECTED LARGE SMSAS, 1961–66—Continued

	CC	1961 OCC	Ratio, OCC to CC		1966 CC	OCC
			1961	1966		
South:						
Miami, Fla	(1)	(1)		0.92	$17.500	$16,093
Tampa-St. Petersburg, Fla	(1)	(1)			(1)	(1)
Atlanta, Ga	$15,000	$13,027	0.87	.79	15,761	12,478
Louisville, Ky	10,300	13,180	1.28	1.40	11,900	16,612
New Orleans, La	17,300	14,200	.82	.91	19,500	17,700
Dallas, Tex	(1)	(1)			(1)	(1)
Houston, Tex	(1)	(1)			(1)	(1)
San Antonio, Tex	8,900	17,305	1.94		(1)	(1)
West:						
Los Angeles-Long Beach, Calif	20,435	20,665	1.01	.84	28,958	24,234
San Bernadino-Riverside-Ontario, Calif	(1)	(1)			(1)	(1)
San Diego, Calif	(1)	(1)		.88	19,000	16,734
San Francisco-Oakland, Calif	21,416	20,639	.96	.84	30,286	26,000
Denver, Colo	15,200	15,674	1.03	.96	16,200	15,523
Portland, Oreg	10,200	11,833	1.16	1.29	12,200	15,681
Seattle, Wash	15,200	15,585	1.03	.92	17,400	15,946

[1] Not available.

Source: 1962Census of Governments, Taxable Property Values; 1967 Census of Governments, Taxable Property Values.

TABLE 8.—PER CAPITA MARKET VALUE OF PROPERTY, CENTRAL CITY AND OUTSIDE CENTRAL CITY AREAS SELECTED LARGE SMSAS, 1966

	Central cities [1]	Outside central cities [1]	Percent	Central cities [2]	Outside central cities [2]	Percent
Northeast:						
Washington, D.C	$10,166	$8,627	0.85	$10,285	$8,627	0.84
Baltimore, Md	4,684	5,803	1.24	4,602	5,803	1.26
Boston, Mass	6,929	(3)	(3)	5,811	(3)	(3)
Newark, N.J	5,066	7,306	1.44	4,819	7,306	1.52
Paterson, N.J	4,877	8,219	1.69	4,994	8,219	1.65
Buffalo, N.Y	3,446	8,449	2.45	3,081	8,449	2.74
New York, N.Y	8,994	8,088	.90	8,043	8,088	1.01
Rochester, N.Y	5,726	8,457	1.48	5,971	8,457	1.42
Philadelphia, Pa	3,669	4,959	1.35	5,694	4,959	1.34
Pittsburgh, Pa	4,916	5,036	1.02	4,622	5.036	1.09
Providence, R.I	(3)	(3)	(3)	(3)	(3)	(3)
Midwest:						
Chicago, Ill	8,776	9,292	1.06	7,789	9,292	1.19
Indianapolis, Ind	5,762	9,046	1.57	5,492	9,046	1.65
Detroit, Mich	6,260	(3)	(3)	6,459	(3)	(3)
Minneapolis - St. Paul, Minn.	9,088	7,366	.81	8,502	7,366	.87
Kansas City, Mo	10,313	6,262	.61	10,313	6,262	.61
St. Louis, Mo	7,172	7,528	1.05	6,332	7,528	1.19
Cincinnatti, Ohio	7,379	8,527	1.16	7,464	8,527	1.15
Cleveland, Ohio	10,047	10,167	1.01	9,453	10,167	1.08
Columbus, Ohio	6,832	10,970	1.61	6,888	10,970	1.59
Dayton, Ohio	9,507	7,316	.77	9,380	7,316	.78
Milwaukee, Wis	5,963	(3)	(3)	5,761	(3)	(3)
South:						
Miami, Fla	$5,746	$6,071	1.06	$6,727	$6,071	0.90
Tampa-St. Pete., Fla	(3)	(3)	(3)	(3)	(3)	(3)
Atlanta, Ga	7,482	4,145	.55	8,289	4,145	.50
Louisville, Ky	5,784	7,151	1.24	5,728	7,151	1.25
New Orleans, La	6,221	6,497	1.04	1,966	6,497	3.30
Dallas, Tex	(3)	(3)	(3)	(3)	(3)	(3)
Houston, Tex	7,264	19,303	2.66	(3)	19,303	(3)
San Antonio, Tex	(3)	(3)	(3)	(3)	(3)	(3)
West:						
Los Angeles-Long Beach, Calif	11,811	11,941	1.01	10,481	11.941	1.14
San Bernadino, Calif	(3)	(3)	(3)	(3)	(3)	(3)
San Diego, Calif	7,031	8,529	1.61	7,952	8,529	1.08
San Francisco-Oakland Calif	22,435	12,424	.55	20,790	20,290	.61
Denver, Colo	8,423	6,466	.77	8,311	6,466	.76
Portland, Oreg	7,852	7,733	.98	8,195	7,733	.94
Seattle, Wash	14,685	8,899	.61	14,058	8,899	.63

[1] Based on residential assessment ratios in central cities-outside central cities.

[2] Based on total assessment ratios in central cities, residential assessment ratios in outside central cities. Source: 1967 Census of Governments, Taxable Property Values, tables 19 and 20.

[3] Not available.

The implications for educational expenditures of changes in the urban tax base are direct and important. Eighty-four percent of locally raised educational funds and 98 percent of tax revenues in fiscally independent school districts are raised through taxation.[6] It is significant to note that between 1930 and 1960, per pupil education costs across the country rose at a rate more than three times as fast as the average per capita value of taxable property in large cities (See Table 9).

4. General service needs

Accompanying these financial problems related to the changing population, commercial, and tax base factors, is the additional strain on city revenues caused by its high public service expenditure needs. Density and deterioration, poverty and the central business district are all factors which require a high service level relative to suburban and rural jurisdictions. Table 10 shows the startling picture. In the 37 largest SMSA's, central cities spent 175 percent of suburban expenditures per capita for noneducational local governmental purposes in fiscal 1965. Relating this to the ability to finance education, the 37 largest SMSA's central cities were able to devote only 30 percent of their total budgets to educational purposes, whereas the suburbs, with their much lower general municipal overburden were able to devote 53 percent of their local government expenditures to education (See Table 11).

The lower proportion of city expenditures devoted to education has often raised questions about the extent to which cities are trying to support education. Much of the question comes about because of the analyses which treat educational expenditures in isolation rather than seeing them as part of the total service and tax package which cities must bear. When educational expenditures are added to general government spending, the disparity between central cities and outlying regions is reduced because of the much greater proportion of spending which suburbs devote to schools, but cities still lead the way in per capita governmental costs. Table 12 shows the relationship, with cities spending in 1965 approximately 120 percent of suburban levels.

TABLE 9.—*Percentage changes in property values per capita in large cities and expenditures per pupil 1930 and 1960* [1]

	Percent
Expenditures per pupil—	
United States	331
Average for cities shown	97
Baltimore	92
Boston	15
Buffalo	37
Chicago	70
Cleveland	151
Detroit	152
Houston	201
Los Angeles	159
Milwaukee	82
New York	15
Philadelphia	6
Pittsburgh	25
San Francisco	117
St. Louis	167

[1] Full market values of property obtained by applying assessment ratios to assessed values; and the ratios for 1930 were obtained from Natioal Municipal Review (December, 1931), pp. 707–17, and ratios for 1960 were obtained by questionnaire from the school districts. Population data were drawn from U.S. Census reports.

Source: *Determinants* of *Educational Expenditures in Large Cities of the United States*, by H. Thomas James, James A. Kelly, and Walter Garms.

Footnotes at end of article.

TABLE 10.—PER CAPITA NONEDUCATIONAL LOCAL GENERAL EXPENDITURE, CENTRAL CITY (CC) AND OUTSIDE CENTRAL CITY (OCC) AREAS, 37 LARGEST STANDARD METROPOLITAN STATISTICAL AREAS, 1957 AND 1964-65

Area	1957			1964 to 1965		
	SMSA	CC	OCC	SMSA	CC	OCC
Los Angeles-Long Beach, Calif	$159	$169	$110	$214	$257	$185
San Bernardino-Riverside-Ontario, Calif	122	149	112	208	234	197
San Diego, Calif	110	120	99	191	196	184
San Francisco-Oakland, Calif	135	158	118	240	269	222
Denver, Colo	111	141	73	135	195	84
Washington, D.C	127	189	47	202	373	114
Miami, Fla	118	156	98	157	201	138
Tampa-St. Petersburg, Fla	85	111	43	147	201	71
Atlanta, Ga	79	103	45	165	227	114
Chicago, Ill	115	154	56	145	191	91
Indianapolis, Ind	91	116	32	107	121	68
Louisville, Ky.-Ind	75	100	43	90	123	61
New Orleans, La	108	117	81	152	151	154
Baltimore, Md	111	140	71	150	202	95
Boston, Mass	140	221	114	182	310	135
Detroit, Mich	112	140	86	155	185	133
Minneapolis-St. Paul, Minn	114	130	92	185	216	144
Kansas City, Mo.-Kans	87	123	56	118	134	105
St. Louis, Mo.-Ill	72	103	53	128	192	69
Newark, N.J	$112	$167	$93	$179	$299	$145
Paterson-Clifton-Passaic, N.J	82	99	76	118	152	108
Buffalo, N.Y	125	141	111	186	219	166
New York, N.Y	175	193	119	284	330	172
Rochester, N.Y	130	147	104	195	234	160
Cincinnati, Ohio-Ky.-Ind	113	165	62	140	227	87
Cleveland, Ohio	119	133	108	164	188	145
Columbus, Ohio	99	114	62	137	150	94
Dayton, Ohio	78	120	51	124	187	91
Portland, Oreg.-Wash	89	128	51	119	166	83
Philadelphia, Pa.-N.J	90	116	66	121	167	84
Pittsburgh, Pa	88	147	64	111	202	84
Providence, R.I	69	114	49	106	188	78
Dallas, Tex	91	119	44	116	133	90
Houston, Tex	84	91	61	113	124	76
San Antonio, Tex	59	65	17	76	(1)	(1)
Seattle-Everett, Wash	88	117	54	187	(1)	(1)
Milwaukee, Wis	157	178	121	220	237	187
Unweighted average	106	137	76	165	205	124
Weighted average	120	153	84	179	232	132

[1] Data not available.

Note: See app III for ACIR methodology concerning the problem of [illegible] between school districts and other political jurisdictions.

Source: Compiled from various reports of the Governments Division, U.S. Bureau of the Census. Table from ACIR, Fiscal Balance in the American Federal System, vol. 2, Metropolitan Fiscal Disparities, Washington D.C. October 1967, A-31, p. 105.

TABLE 11.—EDUCATIONAL EXPENDITURE AS A PERCENTAGE OF TOTAL GENERAL EXPENDITURES INSIDE (CC) AND OUTSIDE CENTRAL CITY (OCC), 37 LARGEST STANDARD METROPOLITAN STATISTICAL AREAS, 1957 AND 1964-65

Area	1957		1964-65	
	CC	OCC	CC	OCC
Los Angeles-Long Beach, Calif	36.7	45.8	34.1	47.6
San Bernardino-Riverside-Ontario, Calif	49.7	41.7	47.5	46.5
San Diego, Calif	37.7	47.6	36.2	46.4
San Francisco-Oakland, Calif	29.1	48.7	26.3	47.8
Denver, Colo	34.1	50.3	34.8	64.7
Washington, D.C	20.9	64.1	21.8	58.1
Miami, Fla	31.0	41.4	36.8	45.9
Tampa-St. Petersburg, Fla	30.2	56.2	32.6	57.8
Atlanta, Ga	34.8	53.0	24.8	51.9
Chicago, Ill	23.8	60.6	28.7	59.9
Indianapolis, Ind	34.8	70.1	43.5	76.0
Louisville, Ky-Ind	38.3	62.3	43.6	62.6
New Orleans, La	28.2	32.5	28.8	33.9
Baltimore, Md	29.6	50.0	30.8	55.6
Boston, Mass	18.7	37.4	19.8	41.7
Detroit, Mich	30.1	57.0	34.3	53.3
Minneapolis-St. Paul, Minn	29.7	51.1	23.0	57.5
Kansas City, Mo-Kans	33.9	49.1	33.0	57.3
St. Louis, Mo-Ill	30.9	57.3	29.9	60.8
Newark, N.J	31.3	48.6	27.6	48.2
Paterson-Clifton-Passaic, N.J	36.1	51.6	37.7	52.2
Buffalo, N.Y	26.9	47.1	28.4	51.3
New York, N.Y	24.5	53.8	25.3	55.2
Rochester, N.Y	26.5	46.9	35.5	56.4
Cincinnati, Ohio-Ky-Ind	32.9	47.0	42.1	47.9
Cleveland, Ohio	27.3	44.0	33.3	49.8
Columbia, Ohio	31.3	60.3	33.6	62.7
Dayton, Ohio	28.1	60.5	36.2	57.3
Portland, Oreg-Wash	36.9	61.1	42.8	62.9
Philadelphia, Pa-N.J	29.7	52.2	30.7	60.7
Pittsburgh, Pa	21.8	50.0	27.9	55.6
Providence, RI	37.9	60.0	39.2	59.9
Dallas, Tex	35.3	59.3	36.7	56.3
Houston, Tex	41.9	67.4	39.5	73.1
San Antonio, Tex	42.5	83.7	(1)	(1)
Seattle, Wash	32.8	61.3	35.2	35.5
Milwaukee, Wis	22.3	40.5	23.4	39.6
Unweighted average	31.0	51.3	32.6	53.2
Weighted average	(1)	(1)	29.9	52.5

[1] Data not available.

Note: See app. III.

Source: Compiled from various reports of the Governments Division, U.S. Bureau of the Census. Table from ACIR, "Fiscal Balance in the American Federal System," volume 2, Metropolitan Fiscal Disparities, Washington, D.C., October 1967, A-31, p. 75.

5. Tax effort

But spending unrelated to tax base tells us nothing about the effort which communities are making to provide public services. Table 13 expresses this factor and in the aggregate demonstrates that city efforts in terms of per capita tax revenues as a percent of per capita income run considerably in advance of their suburbs. In aggregate terms, the cities tax themselves 33 percent more heavily than do the suburbs (see Table 14).

TABLE 12.—PER CAPITA TOTAL LOCAL GENERAL EXPENDITURE, CENTRAL CITY (CC) AND OUTSIDE CENTRAL CITY (OCC) AREAS 37 LARGEST STANDARD METROPOLITAN STATISTICAL AREAS, 1957 AND 1964-65

SMSA	1957			1964-65		
	SMSA	CC	OCC	SMSA	CC	OCC
Los Angeles-Long Beach, Calif	$254	$267	$203	$368	$390	$353
San Bernardino-Riverside-Ontario, Calif	221	296	192	391	446	368
San Diego, Calif	190	191	189	323	307	343
San Francisco-Oakland, Calif	227	223	230	402	373	410
Denver, Colo	185	214	147	266	299	238
Washington, D.C	196	239	131	342	477	272
Miami, Fla	188	226	169	274	318	255
Tampa-St. Petersburg Fla	132	159	89	244	298	168
Atlanta, Ga	133	158	100	267	302	237
Chicago, Ill	178	202	142	249	268	227
Indianapolis, Ind	157	178	107	233	214	283
Louisville, Ky.-Ind	141	162	114	189	218	163
New Orleans, La	152	163	120	219	212	233
Baltimore, Md	175	199	142	254	292	214
Boston, Mass	203	273	181	279	427	239
Detroit, Mich	201	202	200	283	280	285
Minneapolis-St. Paul, Minn	186	185	188	320	300	339
Kansas City, Mo.-Kans	146	186	112	226	201	246
St. Louis, Mo.-Ill	134	149	124	207	274	176
Newark, N.J	$197	$243	$181	$309	$413	$280
Paterson-Clifton-Passaic, N.J	156	155	157	230	244	226
Buffalo, N.Y	203	193	210	327	300	351
New York, N.Y	257	257	260	425	442	384
Rochester, N.Y	199	200	196	364	362	367
Cincinnati, Ohio-Ky.-Ind	181	246	117	252	392	167
Cleveland, Ohio	186	183	193	286	282	289
Columbus, Ohio	163	166	156	236	226	252
Dayton, Ohio	144	167	129	240	292	213
Portland, Oreg.-Wash	165	203	131	253	290	224
Philadelphia, Pa.-N.J	151	165	138	226	241	214
Pittsburgh, Pa	147	188	128	211	280	189
Providence, R.I	118	160	99	188	255	163
Dallas, Tex	155	184	108	208	210	205
Houston, Tex	162	155	187	224	205	286
San Antonio, Tex	112	113	104	162	(1)	(1)
Seattle-Everett, Wash	159	174	142	325	270	335
Milwaukee, Wis	222	229	210	338	345	326
Unweighted average	175	198	156	277	304	265
Weighted average	193	214	171	303	332	278

[1] Data not available.

Note: CC as percent of OCC, 1957, 125 percent; 1965, 120 percent. (Averages computed for task force report.)

Source: Compiled from various reports of the Governments Division, U.S. Bureau of the Census. Table from ACIR, "Fiscal Balance in the American Federal System," vol. 2, Metropolitan Fiscal Disparities, Washington, D.C. Oct. 1967, A-31, p. 103.

TABLE 13.—MEASURES OF TAX EFFORT IN CENTRAL CITIES AND SUBURBS IN 22 LARGEST STANDARD METROPOLITAN STATISTICAL AREAS (SMSA), 1962 [1]

[Per capita tax revenue, 1962, as percent of per capita income, 1960]

SMSA	Actual tax revenue		Adjusted tax revenue [2]		Adjusted tax revenue [3]	
	Cities	Suburbs	Cities	Suburbs	Cities	Suburbs
(1)	(2)	(3)	(4)	(5)	(6)	(7)
New York	9.5	7.5	7.8	7.0	7.3	6.8
Chicago	7.4	6.1	6.6	5.8	6.2	5.6
Los Angeles	8.4	7.0	7.3	6.0	6.8	5.6
Philadelphia	7.4	4.9	6.6	4.6	6.1	4.4
Detroit	7.5	5.7	6.2	4.9	5.5	4.6
Baltimore	6.9	4.4	6.0	4.3	5.3	3.9
Houston	5.9	5.6	5.4	5.4	4.7	4.9
Cleveland	7.4	5.2	6.1	4.4	5.5	4.2
St. Louis	7.6	5.1	5.9	4.8	5.2	4.4
Milwaukee	8.4	6.5	6.8	5.4	6.3	5.2
San Francisco	7.4	7.2	6.1	6.0	5.6	5.6
Boston	11.2	7.4	8.9	6.8	8.3	6.4
Dallas	5.7	3.7	5.2	3.1	4.8	2.7
Pittsburgh	7.2	4.9	6.8	4.7	6.3	4.5
San Diego	6.3	6.7	5.3	5.6	4.7	4.9
Seattle	5.0	3.6	4.5	3.2	4.2	2.9
Buffalo	7.5	7.0	6.2	6.2	5.7	5.9
Cincinnati	8.2	4.5	6.5	4.2	5.7	3.8
Atlanta	6.2	3.7	5.1	2.8	4.5	2.4
Minneapolis	7.0	6.5	5.3	5.6	4.8	5.3
Kansas City	6.0	5.4	5.1	5.0	4.5	4.6
Newark	12.3	7.0	9.5	6.5	8.9	6.2
Mean	7.6	5.7	6.3	5.1	5.8	4.8

[1] Data computed by and presented in: Woo Sik Kee. City-Suburban Differentials in Local Government Fiscal Effort. Morgantown: Regional Research Institute, West Virginia University, October 1967.

[2] Total tax revenue minus the estimated locally financed portion of expenditure for public welfare, health, and hospitals.

[3] Total tax revenue minus the estimated locally financed portion of expenditure for public welfare, health, hospitals, and education of children in families with incomes of less than $3,000.

Source: Reprinted in: Netzer, Dick. Impact of the Property Tax: Effect on Housing, Urban Land Use, Local Government Finance. Research Report No. 1. Prepared for the consideration of the National Commission on Urban Problems. Washington, D.C.: Government Printing Office. 1968. P. 52. Table from Financial Status of the Public Schools, Committee on Educational Finance, NEA, 1969.

TABLE 14.—PER CAPITA TOTAL LOCAL TAXES, CENTRAL CITY (CC) AND OUTSIDE CENTRAL CITY (OCC) AREAS, 37 LARGEST STANDARD METROPOLITAN STATISTICAL AREAS, 1957 AND 1964-65

Area	1957			1964-65		
	Standard metropolitan statistical areas	Central city	Outside central city	Standard metropolitan statistical areas	Central city	Outside central city
Los Angeles-Long Beach, Calif	$126	$155	$102	$207	$227	$194
San Bernardino-Riverside-Ontario, Calif	98	141	81	188	203	181
San Diego, Calif	86	93	76	149	151	146
San Francisco-Oakland Calif	124	140	111	224	248	217
Denver, Colo	104	131	68	166	192	143
Washington D.C	124	185	75	184	291	129
Miami, Fla	107	132	94	143	169	131
Tampa-St. Petersburg, Fla	66	78	47	111	131	84
Atlanta, Ga	68	98	44	107	128	89
Chicago, Ill	123	138	99	166	203	123
Indianapolis, Ind	97	106	68	158	155	168
Louisville, Ky.-Ind	78	92	59	97	113	79
New Orleans, La	56	62	38	71	84	47
Baltimore, Md	87	105	62	123	143	102
Boston, Mass	127	161	116	179	223	16
Detroit, Mich	111	127	95	154	171	141
Minneapolis-St. Paul, Minn	98	115	75	162	172	152
Kansas City, Mo.-Kans	85	105	69	132	135	131
St. Louis, Mo.-Ill	84	98	75	128	167	110
Newark, N.J	146	178	139	220	273	205
Paterson-Clifton-Passaic, N.J	116	118	116	183	177	185
Buffalo, N.Y	114	116	112	176	170	179
New York, N.Y	164	167	153	262	279	221
Rochester, N.Y	121	122	119	181	179	180
Cincinnati, Ohio-Ky.-Ind	101	137	65	139	190	108
Cleveland, Ohio	103	106	98	161	151	169
Columbus, Ohio	78	80	72	120	113	138
Dayton, Ohio	81	126	52	138	180	116
Portland, Oreg.-Wash	99	135	66	149	189	119
Philadelphia, Pa.-N.J	94	115	74	135	147	126
Pittsburgh, Pa	82	113	68	123	164	110
Providence, R.I	84	109	73	118	160	103
Dallas, Tex	78	101	43	105	122	77
Houston, Tex	84	85	70	118	114	132
San Antonio, Tex	51	54	26	63	([1])	([1])
Seattle-Everett, Wash	66	81	48	122	128	116
Milwaukee, Wis	118	126	104	167	193	122
Unweighted average	99	119	81	152	173	137
Weighted average	113	132	94	174	200	152

[1] Data not available.

Source: Compiled from various reports of the Governments Division, U.S. Bureau of the Census.

6. Summary

Dollars for government purposes are hard to come by in central cities because of (1) shifts in population and business activity, (2) deterioration of the property tax base, and (3) high service requirements. But educational dollars are hardest of all to find because general government (non-educational) service needs place such a heavy burden on city taxpayers.

The Higher Costs of Urban Education

Besides the general fiscal problems affecting cities, urban systems are also beset by higher costs for education than exist in outlying areas. It therefore takes proportionately higher city expenditures to purchase the same educational services than it does in the suburbs. Cities, however, are generally able to spend less per pupil than are their suburban areas and urban education accordingly suffers in comparison with the "better" school systems in the environs.

1. *Disparities between city and suburban educational spending.*—Accurate current figures on the disparity between central city and OCC educational expenditures are, unfortunately, difficult to obtain. A recent cursory survey of several selected large city school systems and a satellite suburban system indicates through approximate per pupil expenditures that the gap between a city and certain of its suburbs was a startling (see Table 15).[7] Far more money is being spent on the suburban child who generally enjoys the advantages of educational motivation, educated parents, resources to provide additional tutoring, etc. than on the inner city child whose educational needs are greater and whose extra school resources to meet them are fewer.

TABLE 15.—*Approximate per pupil expenditures for 1968–69*

New York City	$1,031
Scarsdale, N.Y	1,626
Los Angeles, Calif	636
Beverly Hills, Calif	1,131
Cleveland, Ohio	630
Shaker Heights, Ohio	968
Newark, N.J	637
Tenafly, N.J	922
Detroit, Mich	575
Grosse Point, Mich	875
Boston, Mass	655
Newton, Mass	842

Considerable analysis remains to be done before current fiscal reporting systems (which now tend to include a range of expenditures not formerly considered as educational programs) can be made comparable to studies of the pre-1966 period. Analysis underway at the Policy Institute of the Syracuse University Research Corporation is designed to elicit such information, but it is our judgment that for the present the most reliable data may be found in statistics like those noted in Tables 16 and 17 and 18. Though they cover only the period through 1965, our preliminary research indicates that these patterns are probably continuing.

Table 16 shows the picture in 1962. At that time, the mean difference in total expenditures per student in 38 large SMSA's showed that OCC areas were outspending central city areas by nearly $150 per student. The same comparison for "current," as opposed to "total," expenditures per student showed a difference of more than $65 per student. In only two of these SMSA's in the case of total expenditures, and in only five in the case of current expenditures, did the central cities spend more per pupil than their outlying areas.

Footnotes at end of article.

TABLE 16.—TOTAL AND CURRENT EXPENDITURES PER PUPIL FOR CENTRAL CITIES (CC) AND OUTSIDE CENTRAL CITY (OCC) AREAS 1961-62

Cities	Total expenditures per student—(CC)	Total expenditures per student—(OCC)	Difference	Current expenditures per student—(CC)	Current expenditures per student—(OCC)	Difference
New York	$603.95	$869.32	−$265.37	$586.88	$684.34	−$147.35
Chicago	479.78	567.24	−87.46	408.51	473.09	−65.18
Los Angeles	482.62	802.88	−320.26	437.14	554.54	−117.40
Philadelphia	438.20	577.32	−139.12	397.75	492.90	−95.15
Detroit	543.81	523.50	+15.31	461.67	434.10	+27.57
Baltimore	431.95	577.28	−145.33	366.07	427.61	−55.54
Houston	290.62	555.25	−264.63	290.09	450.35	−160.25
Cleveland	412.70	585.21	−177.51	370.59	459.50	−88.91
St. Louis	391.33	527.68	−136.35	386.58	423.73	−37.15
Milwaukee	451.54	570.85	−119.31	377.96	469.38	−91.42
San Francisco	550.50	701.69	−151.19	466.77	546.29	−79.62
Boston	385.46	545.80	−160.34	385.46	465.36	−79.90
Dallas	383.36	445.60	−62.34	301.96	325.40	−23.44
New Orleans	278.89	341.66	−62.77	271.87	233.05	+38.82
Pittsburgh	417.85	511.78	−93.93	363.00	450.98	−82.98
San Diego	547.65	697.98	−150.33	414.63	538.95	−124.32
Seattle	492.97	505.79	−12.82	409.89	415.72	−5.83
Buffalo	451.27	660.16	−208.89	447.03	561.20	−114.17
Cincinnati	411.16	745.91	−334.75	376.11	577.74	−204.63
Memphis	$235.17	$356.00	$−120.83	$227.88	$245.71	−$18.13
Denver	426.67	579.97	−103.30	418.30	390.74	+37.56
Atlanta	276.86	352.63	−75.77	272.52	287.80	−15.23
Minneapolis	417.86	626.35	−182.98	414.31	441.45	−27.14
Indianapolis	365.29	650.24	−284.95	352.87	467.92	−115.05
Kansas City	468.23	460.94	+7.29	409.19	350.67	+58.52
Columbus	331.31	398.08	−66.77	327.40	332.66	−4.06
Newark	575.65	612.41	−36.76	496.21	522.23	−26.02
Louisville	301.46	656.04	−356.58	301.44	477.73	−176.29
Portland, Oreg	431.30	602.31	−171.01	421.59	480.14	−58.55
Long Beach	460.58	802.88	−342.30	426.33	554.44	−128.21
Birmingham	239.83	247.64	−7.81	194.43	223.84	−79.46
Oklahoma	279.33	367.88	−88.55	269.23	291.67	−22.44
Rochester	602.71	732.76	−130.05	580.05	573.07	+6.98
Toledo	489.71	676.09	−186.38	377.71	511.85	−134.14
St. Paul	427.91	626.36	−198.45	415.51	441.45	−25.94
Norfolk	271.17	363.30	−92.13	265.43	283.65	−23.22
Omaha	293.08	522.74	−229.66	282.58	304.90	−112.32
Mean	414.46	559.42	−144.96	376.33	441.99	−85.86

Source: Seymour Sacks and David Ranney, "Suburban Education: A Fiscal Analysis," Urban Affairs Quarterly (Sept. 1966). (Revised.)

Table from Alan K. Campbell and Seymour Sacks, "Metropolitan America: Fiscal Patterns and Governmental Systems" N.Y. Free Press 1967.

TABLE 17.—PER CAPITA TOTAL LOCAL EDUCATIONAL EXPENDITURE INCLUDING HIGHER EDUCATION, CENTRAL CITY (CC) AND OUTSIDE CENTRAL CITY (OCC) AREAS, 37 LARGEST STANDARD METROPOLITAN STATISTICAL AREAS, 1957 AND 1964-65

Area	1957			1964-65		
	SMSA	CC	OCC	SMSA	CC	OCC
Los Angeles-Long Beach, Calif	$95	$98	$93	$154	$133	$163
San Bernardino-Riverside-Ontario, Calif	99	147	80	183	212	171
San Diego, Calif	80	72	90	132	111	159
San Francisco-Oakland, Calif	92	65	112	162	88	192
Denver, Colo	74	73	74	131	104	154
Washington, D.C	69	50	84	140	104	158
Miami, Fla	70	70	70	117	117	117
Tampa-St. Petersburg, Fla	47	47	47	97	97	97
Atlanta, Ga	54	55	53	101	75	123
Chicago, Ill	63	48	86	104	77	136
Indianapolis, Ind	66	62	75	126	93	215
Louisville, Kentucky-Indiana	66	62	71	98	95	102
New Orleans, La	44	46	39	67	61	79
Baltimore, Md	64	59	71	104	90	119
Boston, Mass	63	49	68	97	72	104
Detroit, Mich	89	62	114	128	96	152
Minneapolis-St. Paul, Minn	72	55	96	135	84	195
Kansas City, Missouri-Kansas	59	63	55	108	67	141
St. Louis, Missouri-Illinois	61	46	71	99	82	107
Newark, N.J	85	76	88	130	114	135
Paterson-Clifton-Passaic, N.J	75	56	81	112	92	118
Buffalo, N.Y	78	52	99	141	87	175
New York, N.Y	82	63	140	141	112	212
Rochester, N.Y	70	53	92	168	128	207
Cincinnati, Ohio-Kentucky-Indiana	68	81	55	112	165	80
Cleveland, Ohio	67	50	85	122	94	144
Columbus, Ohio	64	52	94	99	76	158
Dayton, Ohio	66	47	78	116	106	122
Portland, Oregon-Washington	77	75	80	134	124	141
Philadelphia, Pennsylvania-New Jersey	61	49	72	105	74	130
Pittsburgh, Pa	59	41	64	100	78	105
Providence, R.I	49	46	50	82	70	87
Dallas, Tex	64	65	64	92	77	116
Houston, Tex	78	65	126	111	81	207
San Antonio, Tex	53	48	87	86	(1)	(1)
Seattle-Everett, Wash	71	57	87	138	(1)	(1)
Milwaukee Wis	65	51	85	108	98	129
Unweighted average	70	61	80	119	99	141
Weighted average	73	61	86	124	99	146

[1] Data not available.

OCC as percent of CC, 1957—141; 1965, 147.—Averages computed for Task Force report.

Source: Compiled from various reports of the Governments Division, U.S. Bureau of the Census.

TABLE 18.—PER CAPITA AND PER PUPIL CURRENT EXPENDITURE FOR LOCAL SCHOOLS, CENTRAL CITY (CC) AND OUTSIDE CENTRAL CITY (OCC) AREAS, 37 LARGEST STANDARD METROPOLITAN STATISTICAL AREAS, 1964-65

Area	Per Capita			Per Pupil		
	SMSA	CC	OCC	SMSA	CC	OCC
Los Angeles-Long Beach, Calif	$118	$94	$134	$558	$424	$654
San Bernardino-Riverside-Ontario, Calif	123	142	115	578	498	631
San Diego, Calif	107	89	129	549	485	621
San Francisco-Oakland, Calif	127	79	158	701	565	758
Denver, Colo	111	95	124	471	493	457
Washington, D.C	107	90	117	545	508	562
Miami, Fla	94	94	94	503	503	503
Tampa-St. Petersburg, Fla	67	67	67	362	362	362
Atlanta, Ga	86	69	100	378	342	403
Chicago, Ill	86	67	109	503	433	578
Indianapolis, Ind	106	79	176	471	407	579
Louisville, Kentucky-Indiana	71	45	97	416	350	455
New Orleans, La	57	50	71	333	310	369
Baltimore, Md	85	81	90	429	407	452
Boston, Mass	84	68	88	493	490	499
Detroit, Mich	108	81	129	509	454	539

Footnotes at end of table.

Area	Per Capita			Per Pupil		
	SMSA	CC	OCC	SMSA	CC	OCC
Minneapolis-St. Paul, Minn	$108	$80	$135	$564	$527	$587
Kansas City, Mo.-Kans	91	59	117	494	425	531
St. Louis, Mo.-Ill	82	68	88	542	411	594
Newark, N. J	106	96	109	595	515	619
Paterson-Clifton-Passaic, N. J	95	76	101	557	477	579
Buffalo, N. Y	125	74	157	694	507	777
New York, N. Y	121	96	181	790	728	889
Rochester, N. Y	138	104	172	807	700	885
Cincinnati, Ohio-Kentucky-Indiana	79	78	79	472	439	494
Cleveland, Ohio	94	81	105	528	433	609
Columbus, Ohio	82	70	115	410	368	500
Dayton, Ohio	101	100	102	481	431	432
Portland, Oregon-Washington	115	92	133	543	444	616
Philadelphia, Pennsylvania-New Jersey	88	63	108	586	447	656
Pittsburgh, Pa	90	58	100	521	419	544
Providence, R.I	70	64	72	430	436	427
Dallas, Tex	73	60	93	422	334	597
Houston, Tex	86	62	164	430	311	794
San Antonio, Tex	65	(1)	(1)	310	(1)	(1)
Seattle-Everett, Wash	119	74	196	527	476	556
Milwaukee ,Wis	85	66	116	485	421	568
Unweighted average	97	82	113	514	449	573

[1] Data not available.

CC as percent of OCC: Per capita, 138; per pupil, 128.—Averages computed for Task Force.

Source: Compiled from various reports of the Governments Division, U.S. Bureau of the Census and from the Office of Education, Department of Health, Education, and Welfare.

Table from ACIR, "Fiscal Balance in the American Federal System," vol. 2, Metropolitan Fiscal Disparities, Washington, D.C., October 1967, A-31, p. 66.

Table 17 shows the trend between 1957 and 1965 in per capita total educational expenditures comparing central cities and outlying areas. OCC expenditures increased as a percentage of central city expenditures from 141 percent to 147 percent in those eight years.

Table 18 develops the relationship for 1965 in current expenditures per capita and per pupil for the 1964–65 school year, and shows that by either measure, outside-central-city areas devoted more resources to education than did the central cities by considerable margins. It is important to recall at this point in the analysis the two conditioning factors which shape this pattern, namely (1) the high non-educational service responsibilities to which cities must devote 70 percent of their budgets, whereas suburban governments with lesser service requirements devote only 47 percent of their expenditures to non-educational purposes, (see Table 10), and (2) the higher level of total tax effort in the central cities (see Table 13).

2. *The need for additional money in the cities.*—When one combines the picture of higher educational expenditures in the suburbs with the fact that urban education actually costs more per unit than does education in the suburbs, the degree of central city disadvantage is substantially magnified. There are two general reasons why urban education is more expensive than suburban education. First, many items in the school budget are more expensive in cities than they are outside of cities, and second, the socio-economic characteristics of the urban student population make for additional expenditures.

2.1 *Higher cost of wages, services.*—To illustrate the first of these two reasons, Professor Charles Benson, in an unpublished study conducted for the U.S. Civil Rights Commission, isolated one such urban high cost factor. "City costs are characterized by a general expenditure-raising phenomenon, namely, the age of their teachers. Central city school populations are not growing as rapidly as urban ones. Also, for institutional reasons, cities tend to make promotions internally. On both counts, central cities tend to have school systems that are staffed primarily by teachers of substantial seniority. Again for institutional reasons, teachers are paid largely on the basis of seniority. It follows that central cities must pay high salaries per teacher, even though their salary schedules are not as attractive as those to be found in the suburbs" (Benson, 1966, p. 8).

Other examples of higher cost items are those of site acquisition for school construction. Urban land values are generally higher than in outlying areas. In a city like Baltimore, for example, it is not uncommon to pay $300,000 an acre for an inner city elementary school site (Murnaghen & Mandel, 1969, pp. 32–34). Comparisons, of course, are not simple because the urban model for school construction is not the suburban 10 acre school plot. Yet despite the *caveat*, it would seem reasonable to conclude that higher urban land costs affect the city school budget to some extent.

Similarly, the Bureau of Labor Statistics indices consistently show higher urban standards of living, and city wages and salaries for ancillary services to schools therefore tend to be higher. According to national school finance specialist, Dr. Eugene McLoone, Assistant Director of Research, National Education Association, and professor of economics at the University of Maryland janitorial and security expenses are widely reported to be higher in city school systems, a function of a variety of causes related to such diverse factors as unionization and higher rates of student vandalism.

2.2 *Higher requirements for special educational attention for the disadvantaged.*—But the most important reason why urban education is inherently more expensive than education in other areas derives from the educational and socio-economic characteristics of city student populations. The poor, the black, the immigrant, the handicapped make up a large proportion of the city student body, and such students have high requirements for special educational attention. Programs for the culturally disadvantaged, programs for non-English speaking adults and children, programs for children to whom standard English is virtually a foreign language, adult education in general, summer schools, programs for the physically and emotionally handicapped (where costs per pupil are greater than normal child costs by a factor of four or five to one) and vocational (characterized by average costs of 1.35 times those of academic secondary schools)—these are all prominent aspects of urban education because of the ethnic and socio-economic make-up of the city. (Benson, 1966.)

More importantly, however, if improvement and change in curriculum, educational personnel, supplementary services, facilities and attitudes are to take place to educate effectively the inner city population, it will cost more—more per disadvantaged child, more per black child, more per deprived child.

3. Summary

To summarize, in addition to the general fiscal problems facing central cities, the education function itself is subject to higher costs than it is in outlying areas. The higher costs are attributable to items of expenditure that cost more in cities and to the more "expensive" school population that the cities must educate.

Biased State Aid Formulas

Thus far our discussion of educational finance has focused on local revenues and expenditures. But education, like most other functions of government in the American Federal system, is characterized by the involvement of all three levels of government in its operation. In fiscal 1969 in the field of elementary and secondary schooling, the national division of fiscal responsibility is 52.0 percent local, 40.7 percent State and 7.3 percent Federal. The question to be examined now is, To what extent do the substantial State revenues offset or increase disparities between central city and outside central city educational finance?

1. *State impact on educational spending—excluding State aid to education.*—At the outset it is important to recognize that State aid for education is but one aspect of State impact on educational spending. State statutory and constitutional provisions regarding the organization of school districts, permissible tax and debt limits, and responsibility for retirement funds are but a few of the factors playing important parts in shaping patterns of educational finance.

For example, Seymour Sacks, one of the nation's leading experts in educational finance, has noted that in many cases the only schol districts in a State which must bear the responsibility for financing employee retirement systems are the large school districts of the State. And in some cases even where small local school districts are given this responsibility, a heavier assignment may be charged to the large city school district or its overlying government. In all such cases, these costs must be financed almost entirely from local taxes.[5]

To take another example, State policy determines the extent to which taxes may be levied, and complex limits are a common feature of tax law throughout the nation. Many of these provisions came into being in the 1930's and have resulted in a set of rules and regulations which Professor Sacks finds are "*operative* only in so far as they affect the large cities . . . The effect of the tax limits on large cities has been thoroughly inhibiting on large city school finances, which depend almost exclusively on the real property tax base."

Effects of this problem are described in a report prepared for the 1967 New York State

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Constitutional Convention. At that time, ten of the State's 62 cities were found to be operating at 90 percent or more of their statutory tax limit. Included in the group were all of the States' cities with more than 125,000 population. Four of these large cities (New York, Rochester, Syracuse and Yonkers) were operating at 99 percent of their limit. For all the six large cities, the fiscal problems were particularly grave. Besides the pressures for more varied services than less populous places, the large cities have the additional burden of having to finance their school systems within the city's tax limit, whereas smaller cities have independent school systems with a separate tax limit unrelated to general service requirements. Another problem relates to the differing treatment of school districts depending on their location. School districts wholly or partly within a city with fewer than 125,000 total population for example, are subject to constitutional tax limit. School districts wholly outside cities are not, and they often oppose annexation to existing cities or inclusion in new ones, whether desirable or not on other grounds, because it would subject them to constitutional tax and debt limits (Local Finance, 1/27/1967, pp. 53–55). While the discussion at this point is addressed directly to New York State, the problems are not at all unlike those existing across the nation.

2. *Effects of State aid to education—disparities in distribution to cities.*—But our concern is primarily with the effect of State aid to education, and here there are also clear differences between the central city and outside central city areas in the amount of aid per pupil and per capita. The history of such aid is an interesting one. State aid systems continue to bear the marks of their origins—the attempt to compensate for the inequalities between what were then the rich cities and the poorer outlying and rural regions. The 1962 published figures show that of the 37 large city areas, the central cities received larger educational aid per pupil in only eight cases (See Table 19). The outside areas received greater aid in the preponderant 29 cases. When examined in per capita terms, only three of the 37 central city areas have greater aid than their outlying areas. And of these three, Oklahoma City represents a very special case because of its extensive nature, and Milwaukee represents a difference of but $1 and neglects the imbalance in noneducational aid. On the average, per capita State education aid in the large city areas was $20.72 while in their outlying area it was almost twice as great, $37.66.

There is also the question of aid as a proportion of expenditures. In this case it is quite evident that both the large central cities and their outlying areas receive a much smaller proportion of their current expenditures in the form of aid than does the nation as a whole. For if the aid figure for the nation is computed on a current expenditure basis, it amounts to some 44.5 percent of the total. Only five of the large city areas in the entire country receive more than that proportion of aid (See Table 20).

TABLE 19.—TOTAL EDUCATION AID PER PUPIL, CENTRAL CITY (CC) AND OUTSIDE CENTRAL CITY (OCC) AREAS AND SELECTED LARGE METROPOLITAN AREAS, 1962

Metropolitan area	CC	OCC
New York	$234.00	$296.50
Chicago	111.00	103.00
Los Angeles	172.90	463.50
Philadelphia	139.80	132.10
Detroit	137.00	163.00
Baltimore	106.40	161.80
Houston	143.80	200.70
Cleveland	49.90	96.30
St. Louis	128.80	140.80
Milwaukee	93.00	54.50
San Francisco	$188.70	$310.40
Boston	50.10	42.10
Dallas	139.80	172.00
New Orleans	194.20	200.20
Pittsburgh	93.30	184.10
San Diego	195.00	281.60
Seattle	234.20	288.50
Buffalo	193.80	287.60
Cincinnati	51.20	145.43
Memphis	107.40	119.20
Denver	73.90	121.80
Atlanta	102.50	152.10
Minneapolis	132.80	367.20
Indianapolis	97.00	125.80
Kansas City	129.80	89.00
Columbus	50.20	114.90
Newark	95.00	65.80
Louisville	123.40	137.30
Portland (Oregon)	114.70	216.20
Long Beach	187.00	401.50
Birmingham	154.40	152.40
Oklahoma City	96.40	58.90
Rochester	186.50	309.80
Toledo	51.60	200.10
St. Paul	129.80	386.20
Norfolk	101.00	117.40
Omaha	33.20	40.00

Source: U.S. Bureau of Census, Census of Governments, 1962.

TABLE 20.—EDUCATION AID PER CAPITA, CENTRAL CITY CITY (CC) AND OUTSIDE CENTRAL CITY (OCC) AREAS AND SELECTED LARGE METROPOLITAN AREAS, 1962

Metropolitan area	CC	OCC	Exhibit—Total education aid as a percent, total education expenditures central city areas (CC)
New York	$30.19	$66.17	38.7
Chicago	15.31	20.45	23.2
Los Angeles	36.19	102.30	35.8
Philadelphia	17.45	24.17	31.9
Detroit	23.62	39.49	25.2
Baltimore	19.83	31.61	24.6
Houston	31.33	51.98	49.1
Cleveland	6.76	12.76	10.4
St. Louis	18.20	24.83	32.9
Milwaukee	13.43	11.91	20.6
San Francisco	23.72	98.34	34.3
Boston	6.54	7.78	13.0
Dallas	27.13	38.74	36.5
New Orleans	29.06	39.01	69.6
Pittsburgh	11.43	34.53	22.3
San Diego	37.43	63.87	35.6
Seattle	42.46	80.03	47.5
Buffalo	25.45	59.80	42.9
Cincinnati	7.73	32.34	12.4
Memphis	22.20	32.34	45.7
Denver	14.06	34.70	17.3
Atlanta	21.25	39.02	37.7
Minneapolis	19.51	93.73	31.0
Indianapolis	18.53	27.89	26.5
Kansas City	20.69	30.21	27.6
Columbus	9.28	28.31	15.1
Newark	15.48	12.04	16.5
Louisville	17.53	28.02	40.9
Portland (Oregon)	21.05	53.52	26.6
Long Beach	34.91	90.06	40.6
Birmingham	31.70	37.85	78.3
Oklahoma City	23.19	13.39	34.5
Rochester	24.56	67.05	30.9
Toledo	8.54	47.51	10.5
St. Paul	17.78	102.03	30.5
Norfolk	17.89	28.28	37.3
Omaha	5.60	10.46	11.3

Source: Compiled from various reports of the Governments Division, U.S. Bureau of Census.

Another way of analyzing the central city-suburban State aid differential may also be found in the Sacks' study (*Educational Finance in Large Cities*). Looking at the broad concept of the New York Metropolitan Region as developed by the Regional Planning Association, we can see the working of three different systems of State aid and their effects on the central cities of their component areas. There are clearly striking differences between the amounts of aid received per pupil in these three States. Using the 1959 average income of $2,306 New York received almost the same amount of aid as Westchester County (less Yonkers) with an average income of $3,427, almost 50 percent higher. The New Jersey levels in 1964 were much lower than these in New York, but the aid per pupil in Newark with an income of $1,792 was slightly lower than the aid received by the rest of the Newark SMSA with an income of $2,746. Similar results occurred in the other parts of the New Jersey area analyzed. An almost identical situation may be found in Connecticut, where Bridgeport, with an average income of $1,955, received almost exactly the same State aid per pupil as did the suburban portion of surrounding Fairfield County, with an average income of $3,208.

Educational aid formulas frequently overstate the fiscal capacity of central cities because their measure of fiscal capacity is almost universally tax base per pupil rather than tax base per capita. This seemingly insignificant factor is in reality of major consequence. For by focusing only upon the per pupil relationship with the tax base, the formulas assume that the fiscal resources of different kinds of school districts, for instance central city and suburban, are equally available for educational purposes. As this chapter has noted at several points already, this is in fact untrue, and central cities have a much heavier general service load than do other kinds of jurisdictions.

3. Summary

In short, for a variety of reasons, it would appear that State governments in general are failing to compensate for the crisis of educational finance facing the large central cities of the nation.[9]

Dwindling Popular Support for and Confidence in Education

Underlying the financial problems of education in large cities is a growing popular unwillingness to raise additional revenues for school purposes at the State and local level. Increasngly, this disposition is running head on into (1) the heightened determination of teachers' organizations to force raises in instructional salaries, and (2) a general rise in prices schools have to pay for facilities, materials, and non-instructional services. In a number of States, Governors and State legislatures have been presented with the spectre of state-wide teachers' strikes or resignations if State aid levels were not raised. At the same time, a mood widely characterized as a taxpayer revolt has caused a more conservative approach in State aid programs. And reapportioned legislatures, whose increased representation has gone primarily to suburban districts, have taken few effective steps to revise State formulas to meet the educational needs of central cities. Even where, as in New York, an urban aid program was pasted onto the pre-existing aid system, the minimal financial amount ($27,000,000 for the entire State) has made its effect barely perceptible.

1. *The heightened impact of lack of public support on the cities.*—In the large cities, the gap between necessary revenues (as seen by the educational system and related organizations) and available revenues (as seen by city governments and large portions of the tax conscious public) threaten an unparalleled crisis for urban education.

Examples of the fiscal crisis may be taken from any section of the nation. This spring in Houston, Texas, voters rejected by a 2 to 1 margin a proposed $5,000,000 tax measure and a $20,000,000 bond issue. While the public debate included a tangle of issues related to the desirability of kindergarten and special education, as well as a general opposi-

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tion to higher taxes, the net result of the two defeats will be the denial of services to 20,000 pupils from the Houston Independent School District as a means of saving $2.3 million in 1969–70.

The case of Youngstown, Ohio, is another example. Amid a complex political environment, rejection of a school levy in last fall's general election forced the city to shut down its public school system for five weeks. Opposition to increases in the property tax had led to four defeats of school tax proposals in just a twenty-two month period in Youngstown.

In Sacramento, California, a school budget adopted in August was the largest in the city's history, yet required cuts in services and in the number of employees due to pressures from inflation. While increased State aid may permit some small restorations, the new school aid provision approved by the State legislature in August underlined the problems of that city and of others in California: Sacramento's neighboring suburban school district, San Juan, with nearly identical enrollment, received $2,200,000 in new aid; Sacramento received $900,000. San Juan's proportion of minority group students is 3 percent; Sacramento's 33.8 percent.

The largest cities of the nation are also feeling the effects of adverse tax and bond votes. Los Angeles and Philadelphia both had voter rejections of such measures last year, and education officials expect serious impact on the school program in both cities. In the former, three educational bond and tax measures were defeated. In the latter, the defeat of its school bond referendum was the first suffered in the city's modern history. Detroit and New York are other cities whose educational systems are in severe financial difficulty, although adverse public referenda were not involved. In the former, the 1968–69 school budget ran an $8,000,000 deficit, and the 1969–70 projection is for a possible deficit of more than $30,000,000. Local school officials, seeing little chance of increased State or local support, are reported to be considering extended school closing as a mean of coping with their fiscal problems. Other drastic measures under consideration include the increase of class size, and termination of innovative educational programs.

An extensive national survey conducted by the Gallup organization for the Kettering Foundation asked whether repsondents would be willing to approve new measures for higher school funds. Forty-nine percent answered no, another 5 percent indicated they were not sure, and only forty-five percent were willing to indicate their support of further revenue measures. In other respects respondents indicated satisfaction with many aspects of the educational system, including the regard in which they held teachers and the quality of education, according to a front page story in the New York Times of August 17, 1969.

3. Summary

State and local taxation is notoriously regressive and highly visible as compared with the Federal income tax. State sales taxes, which are noted as "pennies for the Governor" with every purchase, and local property taxes, which have little relationship to ability to pay, are widely resented and are in some places reaching the limits of expansion. If needed new support is to be made available for the support of city schools, the share carried by Federal revenues will have to be vastly increased. For the signals, as noted in the examples and trends discussed above, point to a rapidly growing public unwillingness to approve marked increases in State and local revenues.

Financial difficulties of non-public schools

Many of the factors discussed which affect the cities, and in turn the financial situation of the public schools, are also relevant in their effects on parochial and other nonpublic schools.

Population shifts bringing the poorer, more educationally disadvantaged into the inner city, lowered land values, lack of State and Federal aid have had profound effects on non-public schools which are reverberating to the public schools.

For example, one official for the parochial school system in Detroit informed the Task Force that financial pressures have forced raises in tuition from $50 to $100–$150 per family for elementary school students and from $75 to $150–$200 per student for high school students. As a result, the Catholic schools expect to lose over 5,000 students this year, most of whom will enter the city's public schools. In a further attempt to economize, the parochial system consolidated six of its elementary schools into two schools, thus turning five hundred additional students into the public schools.

Three largely Spanish-speaking schools, totally subsidized by the Church last year, are being forced to close down this year. The kindergartens in these schools, the only ones in the systems, have already been dropped. An inner city high school, which formerly enrolled 700 students, raised its tuition to $250, and now enrolls 350. The parochial school system projects that if it does not receive assistance, it will have to close 75 percent of its schools next year. Last year the parochial schools enrolled 65,000 children.

Such an example is far from atypical. The process is an insidious one which is being replicated in cities across the nation. Nonpublic schools located in areas of increased populations of disadvantaged families receive increased enrollments. Since tuitions pay for only a portion of per student expenses, the system raises tuitions in order to decrease its budget deficit. In the inner city, lower income families cannot afford these raises in tuition, and remove their children to the public schools. As a result of enrollment losses and continuing financial difficulties parochial schools may consolidate or even close down, and in so doing cause even more students to enroll in public schools whose facilities and budgets are already overtaxed.

The problems of the non-public schools are in a very real sense the problems of the public schools. The problems of the city are the problems of both.

Minimal Level and Minimal Effect of Federal Funds

Simply stated, the funding of Federal programs has not assisted hard-pressed urban areas to meet the educational challenges which confront them.

1. *Small impact of Federal funds on public elementary and secondary schools.*—We first to the aggregate level of Federal money for public elementary and secondary schools. Table 21 illustrates the growth in the absolute amount contributed by the Federal Government over the last twelve years. From 1958 to 1964, Federal funds almost doubled from $486,000,000 to $897,000,000. In 1965–66, with the passage of ESEA, a quantum jump occurred in a single year, with Federal funds more than doubling from $897,000,000 to $1,997,000,000. During the last three years, however, the growth has slowed, and in the last fiscal year it even declined slightly.

Table 22 puts those figures in a somewhat different perspective. By expressing Federal, State, and local funds for education in proportions of total public elementary and secondary education expenditures, we see that the Federal share, after growing from 4.4 percent to 7.9 percent after the passage of ESEA, leveled and then declined over the ensuing three years to 7.3 percent of total expenditures. If the purpose of Federal aid is to encourage local efforts to move in directions consonant with national objectives, such a growth pattern provides small incentive indeed. For not only is the overall proportion of aid relatively marginal (less than 8 percent), but in addition it does not appear to offer a dynamic potential. As noted in the fourth annual report of the National Advisory Council on the Education of Disadvantaged Children, "Doubt about the continuing availability of funds inevitably results in a lower-grade staff for Title I projects (some administrators have declared they would not assign their best teachers to a program that may go bust any time!), a preponderance of single purpose programs not integrated with the regular school curriculum, and a minimum of basic changes or improvements in the total curriculum for disadvantaged children." [10] What applies to Title I, applies to many other programs as well.

Footnotes at end of article.

TABLE 21.—REVENUES FOR PUBLIC ELEMENTARY AND SECONDARY SCHOOLS
[In thousands]

School year (1)	Total (2)	Federal (3)	State (4)	Local (5)
1957–58	$12, 181, 513	$486, 484	$4, 800, 368	$6, 894, 661
1959–60	14, 746, 618	651, 639	5, 768, 047	8, 326, 932
1961–62	17, 527, 707	760, 975	6, 789, 190	9, 977, 542
1963–64	20, 544, 182	896, 956	8, 078, 014	11, 569, 213
1965–66	25, 356, 858	1, 996, 954	9, 920, 219	13, 439, 686
1966–67*	27, 256, 043	[1] 2, 162, 892	10, 661, 582	14, 431, 569
1967–68*	31, 092, 400	2, 472, 464	12, 231, 954	16, 387, 982
1968–69*	33, 743, 748	2, 455, 547	13, 729, 344	17, 558, 857
Increase, 1957–58 to 1968–69:				
Amount	21, 562, 235	1, 969, 063	8, 928, 976	10, 664, 196
Percent	177. 0	404. 8	186. 0	154. 7
Annual rate (percent)	9. 7	15. 8	10. 0	8. 9

*NEA research division estimates.

[1] NEA research division estimates of Federal revenue may be lower than those which will be published later by the U.S. Office of Education because of partial omission of money value of food distribution for the school lunch program.

Table from Committee on Education Finance, NEA. "Financial Status of the Public Schools," 1969, Washington, D.C. NEA, 1969 p. 59.

Sources: U.S. Department of Health, Education, and Welfare, Office of Education. "Statistics of State School Systems, 1965-66," Washington, D.C., Government Printing Office, 1968, p. 11.

National Education Association, research division. "Estimates of School Statistics, 1966–67 and 1968–69." Research reports 1966–R20 and 1968–R16. Washington, D.C., the Association, 1966 and 1968.

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TABLE 22.—PERCENT OF REVENUE RECEIVED FROM FEDERAL, STATE, AND LOCAL SOURCES FOR PUBLIC, ELEMENTARY, AND SECONDARY SCHOOLS

[In percent]

School year (1)	Federal sources (2)	State sources (3)	Local sources (4)
1957-58	4.0	39.4	56.6
1959-60	4.4	39.1	56.5
1961-62	4.3	38.7	56.9
1963-64	4.4	39.3	56.4
1965-66[1]	7.9	39.1	53.0
1966-67[1]	7.9	39.1	53.0
1967-68[1]	8.0	39.3	52.7
1968-69[1]	7.3	40.7	52.0

[1] NEA Research Division estimates. NEA "Financial Status," op. cit., p. 60.

Sources: U.S. Department of Health, Education, and Welfare, Office of Education. "Statistics of State School Systems, 1965-66." Washington, D.C.: Government Printing Office, 1968. p. 11.

National Education Association, Research Division. "Estimates of School Statistics, 1968-69." Research Report 1968-R16. Washington, D.C.: the Association, 1968. p. 18.

1.1 *Minimal level of Title I, ESEA poverty designated funds.*—Title I, however, is of particular interest in itself because its funds are allocated on the basis of a poverty formula, thus providing substantial assistance to central cities. The effects of the leveling and decline of Federal educational aid is exemplified by its operation on Title I. Between the 1967–68 and 1968–69 school years, cutbacks of $68 million combined with the growing costs of education resulted in $400 million less for disadvantaged pupils in the local schools this year than was available in the first year of the program (Title I—ESEA, 1969, p. 11). In addition, the growth in the number of eligible pupils—both because of changes in the Federal eligibility formulas and because many cities have experienced marked increases in the number of pupils from families receiving AFDC payments (which increases the number of Title I eligibles)—has made for a sharp decline in funds available per Title I pupil. Testimony presented before the House Education and Labor Committee this Spring showed that in New York State, Title I funds per poverty eligible pupil had declined to little more than half, from $365.64 to $200.10 in the four years of Title I operation (see Table 23).

TABLE 23.—STATEMENT PRESENTED BY IRVING RATCHICK, COORDINATOR OF TITLE I, ESEA, NEW YORK STATE EDUCATION DEPARTMENT

Fiscal year	Comparative basic data on Title I, ESEA allocations in New York State fiscal years 1966–69					Total number of poverty eligibles
	Maximum basic grant	State allocation	Proration factor	Average net current expense	Prorated per pupil	
1966	$109,666,770	$109,666,770	1.00	$365.64	$365.64	299,962
1967	159,451,294	111,091,007	0.70	393.14	273.95	405,584
1968	195,277,704	115,770,356	.59	416.70	247.05	468,629
1969	265,610,797	113,600,524	.43	467.88	200.01	567,706

1.2. *Arbitrary administration of Federal funds resulting in non-target distribution.*—Dilution of the effects of aid to overcome educational disadvantage has occurred not only because of total funding levels but also because of administrative procedures of many State and local education agencies. Since the poverty factor which is used to allocate funds to the county levels is not used in determining the particular children who will benefit from Title I programs (poor educational performance is the criteria), school officials have considerable leadway in determining the particular recipients of Federal funds. By failing to concentrate funds to provide total educational effort directed toward students most in need of compensatory education, many school systems have spread Title I allocations thinly in order to include as many students as possible. The result is a superficial veneer of fragmented programs or new equipment rather than an integrated, high impact intervention to achieve major educational change. In statistical terms this tendency may be seen in the average national expenditure per Title I pupil: $95.00. With the average per pupil expenditure from all sources running just below $700 per pupil nationally, this level of Title I spending is highly unlikely to achieve marked change in the quality of education afforded the educationally disadvantaged.

TABLE 24.—REVENUE SOURCES PER PUPIL—1967

	ESEA I	Federal Elementary and Secondary education aid	Additional Federal aid for education	Total Federal education aid from all sources	State aid	Total revenue	Enrollment
Schenectady	$28	$22	$10	$60	$454	$1,060	12,480
Niskayuna	6	46	22	84	471	1,173	4,708

Source: The University of the State of New York. The State Education Department Bureau of Educational Research, Albany, N.Y. Prepared by U.S. Office of Education.

1.3. *Lack of time for program planning for use of Federal dollars.*—There are other reasons why Title I of ESEA has failed to bring the degree of aid for urban education problems that was originally expected. Because of the uncertainty and late availability of funds, a circumstance which has prevented educators from being able to plan for Title I as they develop their program months in advance of the start of the school year,[11] ESEA money has largely gone for a variety of special and ancillary programs and has not been utilized to relieve the pressures that bear upon the central portion of the educational curriculum presented to disadvantaged children. Thus, while Title I funds have been of importance to central city school districts and have helped to offset the imbalance of financing described in earlier sections of this paper, the effect has not been even as helpful as the gross figures might suggest.

But Title I represents about 40 percent of Federal aid to public schools. While the formula for the allocation of Title I funds insures substantial equity for central cities, the pattern of distribution of other Federal education programs does not. The point may be illustrated by a specific example, an individual State study, and by a sample of the largest cities in the nation.

2. *Lack of fair-share Federal fund distribution to the cities.*—A specific example of how a very wealthy suburb, by the exercise of the fine art of grantsmanship, can garner substantially more Federal aid than a neighboring deteriorating central city may be seen in the case of Schenectady and Niskayuna, New York.

Schenectady, a central city whose relative financial situation to that of Niskayuna can be seen most readily in the fact that it qualifies for three times the Title I aid per pupil, receives $60 per pupil from all Federal programs. Niskayuna, probably the wealthiest suburb in the area, is able to take advantage of a sufficient range of programs to receive $84 per pupil, 140 percent the amount of its proportionately poorer neighbor. (See Table 24).

A recently completed study of Michigan by James W. Guthrie and associates investigated the association between (1) assessed property value per pupil (2) a comprehensive measure of the socio-economic characteristics of school districts, and (3) the flow of Federal aid. The study reported: "In general Federal funds flow in a fashion which permits high SES (socio-economic status) and wealthy districts (high AV/PP) to receive more or as much Federal money per pupil than low SES and poor (low AV/PP) districts." (Guthrie, July 1, 1969, p. 31.)

One study examined entitlements under five Federal programs to compare the share of State allocations going to large cities with the share of the student population in those large cities. Except for Title I of ESEA, the study found that large cities were receiving less than their proportionate share based on their populations. In other words, not only were Federal aid programs not compensating for the special fiscal problems of cities discussed in earlier sections of this paper: Federal aid programs weren't even giving cities their fair share (See Tables 24, 25, and 26). In the fifty largest cities in the nation, with 21.3 percent of the pupil enrollment in their combined 28 States and with 26.4 percent of the disadvantaged by Title I count, their receipts by program were 15.9 percent of Vocational Education funds, 16.2 percent of NDEA Title III (instructional equipment), 18.1 percent of ESEA II (textbooks and library resources), and 20.5 percent of ESEA Title

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Footnotes at end of article.

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III (supplemental services and centers). Only in ESEA I did the fifty cities receive funds proportional to their percentage of State student population.

TABLE 24.—FEDERAL REVENUE SOURCES FOR FISCAL YEAR 1967

Federal program	Schenectady[1] Amount	Schenectady[1] Per pupil[3]	Niskayuna[2] Amount	Niskayuna[2] Per pupil[3]
ESEA I	$348,800	$27.94	$26,300	$5.58
ESEA II	24,400	1.95	35,100	7.48
ESEA III			134,500	28.57
Total, ESEA	373,200	29.90	195,900	41.61
NDEA III	19,600	1.57	21,700	4.60
NDEA V-A	5,500	0.44	5,200	1.10
Vocational education	50,800	4.07	26,900	5.71

TABLE 24.—FEDERAL REVENUE SOURCES FOR FISCAL YEAR 1967—Continued

Federal program	Schenectady[1] Amount	Schenectady[1] Per pupil[3]	Niskayuna[2] Amount	Niskayuna[2] Per pupil[3]
Public Law 874	$143,300	$11.48	$103,100	$21.89
School milk and lunch	27,500	2.20	28,100	5.96
Other Federal	129,100	10.34	16,005	3.40
Total, Federal	749,000	60.01	396,905	84.30

[1] Schenectady enrollment (1967) 12,480.

[2] Niskayuna enrollment (1967) 4,708.

[3] Does not add to total due to rounding.

Source: The University of the State of New York. The State Education Department. Bureau of Educational Research. Albany, New York. Prepared by U.S. Office of Education.

TABLE 25.—25 LARGEST CITIES

[City as percent of State]

State and city	Public school enrollment 1966-67	Title I, ESEA, 5-17 (count established fiscal year 1967)	Fiscal year 1967 obligations for— Vocational education	NDEA III	ESEA I	ESEA II	ESEA II
California:							
Los Angeles	14.59	20.60	14.35	0.21	20.03	7.58	5.67
San Francisco	2.49	4.53	3.53	.84	4.38	1.87	3.17
San Diego	2.78	3.09	2.70	2.44	3.03	0.82	2.55
Colorado: Denver	19.38	29.10	12.74	7.81	26.02	17.02	28.65
Georgia: Atlanta	10.53	6.92	5.88	12.10	5.74	22.84	7.95
Illinois: Chicago	26.51	50.89	24.24	29.89	53.87	32.99	17.50
Louisiana: New Orleans	13.02	11.65	9.46	12.53	15.01	20.78	23.38
Maryland: Baltimore	24.31	50.81	7.90	19.62	49.67	10.51	2.65
Massachusetts: Boston	8.68	26.10	3.93	6.17	24.63	6.42	0
Michigan: Detroit	14.79	33.25	25.24	28.47	34.97	14.56	0.50
Minnesota: Minneapolis	8.52	12.61	8.63	15.19	11.20	9.33	8.05
Missouri: St. Louis	13.94	18 90	9.35	3.69	19.44	18.43	21.06
New York:							
New York	33.31	63.80	10.74	34.30	61.39	29.58	28.18
Buffalo	2.26	4.46	3.18	1.62	4.34	2.56	5.02
Ohio:							
Cleveland	8.21	14.31	11.52	4.72	14.70	6.47	5.07
Cincinnati	3.84	8.48	1.46	3.67	8.60	3.09	13.00
Pennsylvania:							
Philadelphia	12.65	25.37	10.88	17.79	24.60	8.51	17.28
Pittsburgh	7.58	6.93	22.83	7.04	6.62	1.84	11.31
Tennessee: Memphis	14.74	9.33	0	0	9.25	13.94	1.16
Texas:							
Houston	10.93	5.23	4.04	5.20	5.13	8.24	12.20
Dallas	5.93	3.76	3.31	4.08	3.69	5.42	.80
San Antonio	5.27	4.39	3.77	1.60	4.30	3.29	7.00
Washington: Seattle	18.46	15.67	18.99	12.55	14.79	12.09	44.36
Wisconsin:							
Milwaukee	13.34	18.37	10.09	11.92	17.84	10.26	15.72
District of Columbia	100.00	100.00	100.00	100.00	100.00	100.00	100.00

Source: U.S. Office of Education National Center for Educational Statistics Reference, Estimates, and Projections Branch.

The distribution of Federal funds: The 50 largest cities of the Nation have 21.3% of the total school enrollments and 26.4% of the disadvantaged Title I–ESEA children in their combined 28 states.

Yet, in 1967 these 50 cities received only: 15.9% of their States' *Vocational Education* funds; 16.2% of their States' NDEA Title III funds for purchase of instructional equipment; 18.1% of their States' ESEA Title II funds for purchase of textbooks and school library resources; and 20.5% of their States' ESEA Title III funds for supplemental centers and services.

Only in the ESEA Title I program did these cities receive funds proportional to their educational burdens—29.9% of their States' funds.

Some specific examples:

TABLE 26.—DISTRIBUTION OF FEDERAL FUNDS

[In percent]

	Total enrollment	Title I count	Vocational education	NDEA title III	ESEA title II	ESEA title I
Birmingham	15.56	5.40	4.27	2.34	5.06	4.92
Los Angeles	14.59	20.60	14.35	.21	7.58	20.03
Denver	19.38	29.10	12.74	7.81	17.02	26.02
Baltimore	24.31	50.81	7.90	19.62	10.51	49.67
Louisville	18.88	4.64	7.55	3.11	6.73	4.79
St. Louis	13.94	18.90	9.35	3.69	18.43	19.44
Kansas City	10.39	7.78	5.41	4.33	14.56	7.58
New York City	33.31	63.80	10.74	34.30	29.58	61.39
Rochester	1.43	1.60	0	1.52	1.84	1.59
Columbus, Ohio	4.57	6.09	1.04	3.84	4.04	6.25
Oklahoma City	12.55	10.49	0	15.38	11.67	9.96
Philadelphia	12.65	25.37	10.88	17.79	8.51	24.60
Pittsburgh	7.58	6.93	22.83	7.04	1.84	6.62
Memphis	14.74	9.33	0	0	13.94	9.25
Houston	10.93	5.23	4.04	5.20	8.24	5.13
Milwaukee	13.34	18.37	10.09	11.92	10.26	17.84

Source: U.S. Office of Education National Center for Educational Statistics, Reference, Estimates, and Projections Branch.

3. Lack of Federal awareness of patterns of allocations

One of the greatest problems in analyzing the impact of Federal educational aid is the immense information gap that exists between what we *should* know about the pattern of allocation of funds and what we actually do know. In its draft report, the Committee on Finance and Governmental Relations of the Urban Education Task Force gave particular emphasis to this problem: " . . the Federal Government does not now have a systematic way of measuring its own overall resource allocation priorities in education. The difficulties encountered by the Committee and others in focusing attention on the aggregate impact of Federal aid on a particular type of local district, say, urban districts, underscores the presently fragmented patterns of thinking about federal aid to education. Federal policy toward a particular district is primarily a function of the relative distribution of Federal dollars; today, we discuss future policy without really knowing what present policy is" (Draft Report, Task Force on Urban Education, 5/28/69, pp. 5 & 6).

This is not to say that USOE efforts are not being directed toward studying the allocation of its funds. However, it is our judgment that such efforts are still in their initial stages, and need considerable refinement before they can be relied upon for an accurate picture of fiscal flows in relationship to community characteristics important for educational policy making (J. Froomkin & D. J. Dugan, June 1969).

4. Summary

Despite the paucity of reliable data, some general conclusions can probably be drawn about the impact of Federal aid to education in coping with the problems of the cities. Title I of ESEA, despite the problems discussed above has been an important and welcome source of funds for cities. Its size in comparison with other education programs (40 percent of current Federal aid to public schools) has made for an aggregate impact under which cities appear to get a share of overall Federal funds in an amount proportionate to their population. However, when we examine the other Federal aid programs individually, we find that many of them, even programs such as Vocational Education, are of far more assistance to more favored suburban areas than they are to the central cities. Many wealthy suburban communities, wise in the ways of submitting program applications, have been able to fare better in securing Federal funds than have neighboring cities with problems of property seriously affecting their educational program. Thus, although Federal aid funds taken as a whole may provide the cities as a whole with a share proportionate to their percentage of the population, there is a serious lack of even distribution of funds given for particular individual programs to individual metropolitan areas. Relative allocations distributed by individual programs seldom reflect size or extent of need of the target population. In no sense can one discover in present distribution patterns a focused recognition that the nation has a serious urban education problem.

Summary of Chapter

Cities are facing unique problems which become more complex as the population size increases. Schools and their budgets are affected by a myriad of such problems peculiar to the cities as well as by problems originated by the educational establishment per se.

1. A set of general problems are being suffered by the cities and their results affect education.

a. Cities face financial deterioration as a result of patterns of population migration.

b. Patterns of migration include exit from cities or business and professional populations and entrance by lower income and economically disadvantaged populations.

c. Disadvantaged populations pay fewer taxes and require costlier services than do suburban populations, including an education which is inevitably more expensive than that adequate and appropriate for suburban populations.

d. Loss of business, lowered employment rates, lowering land values are among factors which make the cities' economies too weak to deal adequately with education for the disadvantaged.

e. Problems accompanying cities' density and deterioration demand expensive solutions in areas additional to education. Education receives a smaller share in proportion to the city's total budget than in proportion to the total budget in its suburbs—in spite of the fact that cities tax themselves more heavily than do the suburbs.

f. Cities simply cannot afford as much money for education per pupil as can the suburbs.

2. Education in the cities costs more than education in the suburbs.

a. Higher service costs in the city result in higher costs of educational personnel, maintenance, construction and services.

b. The high poor, black, handicapped, and immigrant proportions of the student body have high requirements for special educational attention.

3. State aid formulas do not offset the disparities between central city and suburban educational costs and spending.

a. Statutory and constitutional provisions of the States which influence patterns of educational finance in such areas as the organization of school districts, tax and debt limits, and responsibility for retirement funds, have often placed unfair burdens and restrictions on the cities.

b. State aid formulas, still operating on the historic assumption that cities were rich and rural areas poor, continue to favor suburban and rural areas to the point where cities seldom currently receive even their fair share.

4. Lack of public confidence toward education has been manifested in a number of ways.

a. As teachers demand higher salaries and as costs for educational materials rise, taxpayers have objected to increased spending on education.

b. Even when school programs are obviously suffering from lack of funds, the public has turned its back as further program cuts are forced. Voters have defeated local school tax and bond issues across the nation.

5. Financial difficulties experienced by non-public schools have created additional difficulties for the public schools.

a. Students who cannot afford non-public schools' raised tuitions enroll in public schools.

b. Financial failures of non-public schools cause whole school populations to enroll in public schools whose budgets and facilities do not increase proportionately.

6. Federal aid has not assisted urban areas to any great degree.

a. The levels of Federal aid are low in proportion to the total cost of education.

b. Actual dollar amounts are low with regard to increase in per pupil expenditures.

c. Administrative procedures of many State and local educational agencies have diluted the effects of aid through poverty formulas.

d. Uncertainty levels and availability of funds have minimized effective planning efforts.

e. Federal funds are distributed in a fashion which permits wealthy districts to receive more than or at least as much Federal money per pupil as poor districts.

f. Funds of many Federal programs are not distributed to the cities in shares which are proportionate to cities' percentages of State student population.

g. The Federal Government does not have a systematic way of measuring its own overall resource allocation priorities in education.

The composite result of the above factors is leading to a disastrous educational situation for many cities across the nation. It is true that several large city systems will find concentration on program improvement impossible as they struggle merely to stay open. A few examples of this are cited below.

In Philadelphia, the 1968-69 educational outlay of $280 million is a "bare bones" budget when compared to that of 1967–68. Only emergency funds provided by the State of Pennsylvania prevented the school system from closing down May 1, several weeks before the normal closing date. The prospects are not improving. Failure of a school capital improvement bond precludes construction of sixty proposed school buildings.

In Detroit, the 1968–69 school year ended with the school system five million dollars in the red. This deficit would have been increased many times over if severe cuts had not been effected in several areas—all of them detrimental to program effectiveness—such as the filling of vacancies, textbook purchase, maintenance program, capital outlay, hiring substitute teachers, etc. The year also ended with 325 fewer teachers than the previous year.

Prospects for this year are indeed bleak. $30–$35 million are needed and the State may be able to provide a maximum of $10 million. With such a deficit, the system must choose the least "evil" from the following choices: (1) keep schools closed until needed funds are guaranteed; (2) open schools as scheduled and operate them until the money runs out; or (3) further curtail an already "subsistence" budget.

In Los Angeles, defeat of tax and bond issues have left a shortage of $32 million in the current years' budget. This deficit will mean the cutting of crucial elements of the school program, a freeze on the hiring of needed additional staff, and the possibility of being forced to close down in April of 1970.

The few examples above are far from unique. Such statements will be reflected to varying degrees in all of the large cities of the nation. Specifically, too many are faced with: (1) deficits from last year; (2) defeat of bond issues; (3) impossible alternatives of substandard programs or early closing dates; (4) continuing deterioration of facilities for which there is no money to maintain or rebuild; (5) inability to keep good teachers for lack of salary incentives; and (6) inability to hire urgently needed additional staff members.

Current budgets are barely providing the subsistence for operational expenses. And while it is true that money alone cannot guarantee educational program effectiveness, it is equally true that without first providing "survival" operational funds and second, massive additional funds to plan, develop staff and program, and implement the type of education which produces useful urban citizens, there is no chance for success.

Program failures *do* occur through lack of commitment, lack of expertise, and/or attitudes which anticipate failure. Program failures *must* occur when there is a desperate lack of sufficient funds to pay for what is needed. This chapter has documented this desperate lack.

Chapter III. The urban environment of the students

In the preceding chapter, both the causes and the extent of the massive financial crisis confronting large urban areas and their schools were clearly documented. However, the financial crisis in urban education is not the whole of the problem. The urban environment of the student—its impact, its offerings, its differences—is a major part of this problem, as characterized by divergent value systems, overcrowding, under-housing, high cost of living, low levels of income, too much discrimination, too little food, and too much noise. While the charge of this particular Task Force was focused on urban education—the students and the system, it is completely unrealistic to consider urban education apart from its context. For it is the elements interacting—often explosively—within this context which directly contribute to urban education's unique and monumental problems.

In considering these elements and their interactions, it is an extremely difficult task to rank many of the identified elements, including their effects and interactions, in terms of their significance for the urban student and his learning. Some, of course, are clearly more significant than others, such as health and food, but beyond the basic survival level, the ordering by significance becomes increasingly less clear. Moreover, cause and effect relationships are difficult to determine because of interactions among the elements. In effect, everything relates to everything else. Nevertheless, this truism is the key point to bear in mind throughout this chapter. For it is the combination of these environmental elements and their interactions in various configurations which impacts on the student's potential and largely influences the extent to which this potential will be—or can be—realized, the directions it will take, and the number of feasible options it will have.

We contend that the combination of elements in the urban environment which is bombarding on this impoverished student has created a set of special needs above and beyond those of other impoverished students. Therefore, this chapter is focused on: (1) analyzing what we have identified as the major sets of elements, including their effects and interactions, which are continuously influencing the urban student; and (2) establishing the special nature of their influence upon him. While we recognize that the educational system is an integral part of the urban student's environment, it is treated separately in the ensuing chapter because of the special focus of the Task Force. Within each section, clusters of major elements are presented with considerable attention given to those concerned with basic physical survival. For some elements, the data are definitive while, for others, the available evidence is limited. And there are some for which little "hard" evidence was found to be available other than experience and anecdotal report. In no case, are the data exhaustive. However, they are intended to present a firm foundation on which to establish the magnitude and major features of the urban education problem. Only on this kind of foundation can the urgency of our recommendations—and our credibility—be established.

The specific sections are: (1) health and nutrition: (2) economic status and employment; (3) housing and living conditions; and (4) the family of the inner city student. In the summary section we present the major conclusions and implications derived from the preceding sections as they relate to education.

Health and Nutrition

Most basic of all the clusters of elements in terms of physical survival are those associated with health and nutrition. In this section, we are concerned with: (1) documenting the incidence of health and nutritional problems among the impoverished urban groups; and (2) describing the effects of these problems on the quality and length of their lives with the major focus on education.

Malnutrition, Its Extent and Effects

Malnutrition, a major corollary of poverty, is a basic fact of life in America. Of the ap-

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proximately ***10.5 million children*** living in poverty throughout our nation, it is estimated that for many of them, food is either unavailable or insufficient to meet even the minimum standards required to sustain a healthy child (U.S. Senate, Hearings, 1/1969, p. 344). In the urban areas where the majority of these children live, malnutrition exists almost exclusively among the racial and ethnic minority groups of the inner city (U.S. Senate, Hearings, 1/1969).

In a major study involving ten States, the National Nutritional Survey (Schaefer & Johnson, 1969, p. 10), a major attempt was made to define the nutritional status of America. Five approaches were used in securing the data: clinical, biochemical, dietary, dental, and socioeconomic.

The study's sample, studied in depth and carefully selected, is well worth mentioning. Fifty-five percent of the sample examined was Negro. Twenty-five percent of the families were Spanish-American. Forty-one percent of this group spoke Spanish as the principal—and most frequently the only—language. An age distribution of the groups particularly vulnerable to nutritional stress shows: Children 0–6 years constituted 19 percent of the total group. Children 10–16 years constituted 25 percent of the total group. Adults 60 years and older constituted 13 percent of the total group. Only 50 percent of the male respondents reported working full-time in the month and year preceding their examination at the local cooperating clinic where the survey was conducted.

Some of the clinical findings are of major significance. Approximately 4 percent of the babies and children up to six years of age showed evidence of Vitamin D deficiency; 18 cases of rickets were diagnosed. Four to 5 percent of the subjects exhibited winged scapula and potbelly, systematic of protein/calorie malnutrition. Goiter is endemic; 5 percent of all people examined have an enlarged thyroid gland. Eight cases of Bitot's spots related to Vitamin A deficiency were noted and confirmed. Four percent of all surveyed exhibited scorbutic gum lesions. Changes in hair, skin, and lips, which may be indicative of poor general nutrition, were also found.

The children studied between one and three years of age were considerably below the average height of children in the U.S.A. Three times the expected number of children fell below the sixteenth percentile on the Iowa Growth Chart. A number of this group were more than 10 percent below the average height for their age.

Lastly, the survey revealed seven cases exhibiting severe general malnutrition of kwashiorkor (severe protein and multiple nutrient deficiency) and marasmus (primarily a caloric deficiency). Wrist bone X-ray data is presently being analyzed for further evidence of growth retardation. Analysis of the first 120 x-rays of preschool children indicates that growth in about 3.5 percent is retarded.

Biochemical laboratory findings were also characteristic of poorly nourished populations. From 9 to 19 percent of those tested had blood and urine levels less than adequate for good health. Some of these findings are:

1. One-third of the children under six had hemoglobin levels diagnosed as anemia and requiring medical attention. While fewer of the older people had anemia, many had hemoglobin levels indicative of poor nutritional health.

2. The findings for Vitamin A present a somewhat similar picture. One-third of the children under six had less than adequate serum levels of Vitamin A.

3. Urinary riboflavin and thiamine levels were also low in a substantial portion of the total studied. Analysis of the first 2,400 urine samples revealed 19 percent of the people had low levels of urinary riboflavin. Nine percent had low levels of urinary thiamine. Here again, the pattern of widespread malnourishment was reaffirmed.

4. Serium Vitamin C levels were less than adequate in 12 to 16 percent of all age groups. These findings suggest the intake of food supplying Vitamin C is less than it should be among these people. This deficiency of Vitamin C occurred primarily in children under six.

5. Sixteen and three-tenths percent of all surveyed showed less than adequate serum protein levels. Seventeen and one-tenth percent of the serum albumin levels were similarly depressed. These values are *below* those observed in foreign populations.

The dietary inadequacies vary between the age groups. Iron intake is low in more than 60 percent of the young children. Adolescents and older individuals have inadequate intake of Vitamin A. Almost 40 percent of both groups consume less than half the amount considered adequate. However, early trends in certain dietary and biochemical values appear to support each other. For example, one-third of the children less than six years old were anemic. In the same group, the food eaten contained considerably less than adequate amounts of iron, an important nutrient in maintaining adequate hemoglobin levels.

In general, this study concludes that malnutrition and the ill health largely engendered by it may negatively and directly affect the development of the central nervous system. Such an effect on the nervous system will eventuate either in patterns of clinically definable malfunctioning or in sub-clinical conditions (Schaefer & Johnson, Spring, 1969). As any psychologist or educator knows, such patterns have negative functional consequences for normal development and the capacity to learn. When we consider the vast number of children living in poverty who are all probably experiencing at least some degree of malnutrition, the findings and the major conclusion from this study alone are of the gravest concern.

The work of Densen (1967), Haynes (1967), and Baumgartner (1965) all indicate that we have yet to learn the full magnitude of the nutritional problems of blacks, Puerto Ricans, and Mexican-Americans. However, with the information which is available, it is clear that widespread malnutrition is definitely a characteristic of impoverished urban groups.

Our primary concern here, however, is not with an exhaustive documentation of malnutrition and ill or marginal health among urban minority groups in and of itself. Such documentation is the concern of other studies. Rather, we are pointing out that the impoverished urban resident—regardless of his age—is not only prey to malnutrition and its attendant health problems but to their effects as well. These effects have significant complications for the whole quality of his life, of which education is a crucial part.

The relationships among poverty, malnutrition, and education have been explored in considerable detail. Findings from studies present a discouraging picture of the impoverished urban student with regard to the likelihood of his achieving successfully in the educative process as it is currently conceived and implemented in the schools. As the following reports show, this student has little of the "background readiness" which the schools have typically assumed—and required—when he enters the kindergarten or the first grade; and, in all probability, he will be unable to make up this "readiness" just through receiving successive years of schooling.

According to one report (Cracioto, et al., 1966), there are at least three ways in which malnutrition indirectly affects the learning of the child. One is his lack of responsiveness to his environment, which results in a lessened amount of time being spent in learning from it. Over a period of time, the result is the loss of months of needed experience. This factor alone can produce developmental and learning lags.

A second factor is below noted.

"Interference with the learning process at specific times during its course may result in disturbances in function that are both profound and of long term significance. . . . (There is a) relationship between the age at which malnutrition develops and learning. . . . As contrasted with older patients, infants under six months recovering from kwashiorkor did not recoup their mental age deficit during the recovery period. . . . (There is evidence that) indicated a strong association between the persistence of later effects on mental performance and the age at onset of malnutrition and its duration." (Cravioto, et al, 1966 p. 399).

A third factor has to do with parent-child interactions, i.e., parental response to a child is in part a function of the child's reactivity. Malnutrition reduces responsiveness resulting in various levels of apathy. A lack of responsiveness on the part of the child can have negative effect on the amount of responsiveness (e.g., affection, verbalization) given to the child by his parent(s). Apathy begets apathy which produces a cumulative pattern of reduced adult-child interaction. This pattern has major consequences in terms of the child's general capabilities for stimulation, learning, and social interaction. For the school, with its demands for verbal capabilities a rapid rate of performing tasks, and group operations, this pattern of apathy creates serious problems. Virtually the same factors were reported in a later study by Birch. Specifically, he found that:

"Children who are ill-nourished are reduced in their responsiveness to the environment, distracted by their visceral state, and reduced in their ability to progress and endure in learning conditions." (Birch, 1968, p. 598.)

Furthermore, as was reported in another study, the apathy, factor can often be confused with mental retardation by teachers which, in turn, leads to a lower set of expectations for impoverished children (Stemmler, 1966).

Concerning mental retardation and other disabilities, Sarasan (1959) reported that the incidence of mental retardation is *not* randomly spread throughout the population. Beyond the level of chance, mental retardation is most prevalent in the impoverished groups. Moreover, his studies reveal its linkage to malnutrition and ill health. In the same vein, Kessler (1958) reported that neurological and physical disabilities were also more prevalent among impoverished groups than among higher income groups. As with mental retardation, linkages of these kinds of disabilities to malnutrtion and ill health were noted. Figures reported in both these studies were based on predominently urban groups.

Infant and Childbirth Mortality Rates

Another element in the health and nutrition area is infant mortality. According to Dr. Charles Upton Lowe, Chairman, Committee on Nutrition, Academic of Pediatrics, the rate of infant mortality "may be the hallmark of poverty in the U.S.A." (Lowe in U.S. Senate, Hearings, 1/1969, p. 1091).

As he further stated in an appearance before the Select Committee on Nutrition and Human Need, the rate of premature births is also from two to three times higher among poverty families than among the well-to-do (Lowe, in U.S. Senate, Hearings, 1/1969, p. 1091). Additional evidence concerning the rates of infant mortality among impoverished urban minority groups compared with white groups is presented for twelve major cities in Table 1 on the following page (Infant and Perinatal Mortality in the U.S., 10/1965, p. 12). Although there is considerable variation shown in the comparison of white and non-white groups in the three

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categories, the striking fact which emerges is that for each category in every city, the non-white mortality rate exceeds the white. A companion table using the same source presents data on white and non-white infant mortality in terms of causes (See Table 2). Among the most striking figures in this table are those given for pneumonia, unqualified neonatal disorders, effects due to mother's disease during pregnancy, and diseases in early infancy. In these instances, the rate for the non-white group is usually twice—and, sometimes, more—as great as that for the white groups. Thus, it can be seen that there is a far higher rate of infant mortality among families in poverty than for those not in poverty. Moreover, the infant mortality rate within urban areas is much higher for the racial and ethnic minorities than for the white majority.

TABLE 1.—AVERAGE ANNUAL INFANT MORTALITY RATES BY AGE AT DEATH AND COLOR [1]

Area	Rates per 1,000 live births					
	Under 1 year,		Under 28 days,		28 days-11 months,	
	1960-61		1960-61		1960-61	
	White	Nonwhite	White	Nonwhite	White	Nonwhite
New York, NY	21.5	41.3	16.2	30.5	5.3	10.8
Chicago, Ill	23.1	37.9	16.9	25.2	6.3	12.7
Los Angeles, Calif	22.1	29.9	16.9	22.4	5.2	7.5
Philadelphia, Pa	24.8	41.2	19.5	30.3	5.3	11.0
Detroit, Mich	24.7	37.0	19.3	28.1	5.5	8.8
Baltimore, Md	25.3	40.3	19.3	29.6	6.0	10.8
Houston, Tex	22.9	36.9	17.8	21.6	5.1	15.2
Cleveland, Ohio	24.8	38.0	19.5	30.6	5.3	7.4
Washington, D.C	28.3	39.4	22.4	29.5	5.9	9.9
St. Louis, Mo	24.5	43.9	18.6	31.8	5.9	12.0
Milwaukee, Wis	23.2	34.0	18.4	25.2	4.8	8.9
San Francisco, Calif	22.8	26.3	17.0	19.6	5.8	6.7

[1] Infant and perinatal mortality in the United States. Public Health Service Publication, Washington, D.C., 1965, p. 72.

TABLE 2.—AVERAGE ANNUAL INFANT MORTALITY RATES FOR SELECTED CAUSES OF DEATH, BY AGE AT DEATH, AND COLOR, 1959-61

[Rates per 10,000 live births in specified color group]

Cause of death (7th revision—International Classification of Diseases)	Under 1 year	Under 28 days	Under 1 day	1 to 6 days	7 to 27 days	28 days to 11 months
WHITE						
All causes	228.5	172.2	95.6	60.0	16.6	56.3
Infective and parasitic diseases (001-138)	2.6	0.3	0.0	0.1	0.2	2.3
Influenza and pneumonia, including pneumonia of newborn (480-493,763)	22.9	6.6	0.8	2.8	3.0	16.3
All other diseases of respiratory system (470-475,500-527)	5.3	0.6	0.2	0.2	0.3	4.6
Gastritis and duodenitis, etc. (543, 571, 572, 764)	4.0	0.6	0.0	0.1	0.5	3.4
All other diseases of digestive system (530-542, 544-570, 573-587)	3.6	2.4	0.9	0.9	0.6	1.2
Congenital malformations (750-759)	37.5	25.0	10.1	9.3	5.6	12.5
Birth injuries (760, 761)	23.4	23.3	15.7	7.1	0.5	0.0
Intracranial and spinal injury at birth (760)	6.9	6.9	2.7	3.7	0.4	0.0
Other birth injury (761)	16.5	16.5	12.9	3.4	0.1	0.0
Postnatal asphyxia and atelectasis (762)	42.2	41.6	24.9	15.8	1.0	0.5
Hemolytic disease of newborn (770)	5.6	5.5	3.8	1.6	0.2	0.0
Immaturity unqualified (776)	39.4	39.2	27.5	10.6	1.1	0.2
Neonatal disorders arising from certain diseases of mother during pregnancy, etc. (765-769, 771-774)	24.0	22.6	10.6	10.2	1.8	1.4
Symptoms and ill-defined conditions (780-793, 795)	2.8	1.1	0.5	0.4	0.3	1.6
Accidents (E800-E962)	7.3	1.1	0.1	0.4	0.6	6.2
Residual (140-468, 590-749, E963-E985)	8.1	2.3	0.7	0.8	0.8	5.8
Certain diseases of early infancy (760-776)	141.7	139.5	83.2	48.2	8.1	2.2
NONWHITE						
All causes	425.3	268.6	143.3	85.3	40.1	156.7
Infective and parasitic diseases (001-138)	7.9	1.5	0.1	0.3	1.1	6.4
Influenza and pneumonia, including pneumonia of newborn (480-493, 763)	75.3	19.2	2.2	6.5	10.4	56.1
All other diseases of respiratory system (470-475, 500-527)	11.3	1.2	0.3	0.3	0.6	10.1
Gastritis and duodenitis, etc. (543, 571, 572, 764)	23.0	3.9	0.0	0.3	3.6	19.1
All other diseases of digestive system (530-542, 544-570, 573-587)	4.7	2.3	0.4	1.1	0.8	2.5
Congenital malformations (750-759)	30.4	17.8	6.4	6.8	4.6	12.6
Birth injuries (760, 761)	26.9	26.8	16.9	8.9	1.0	0.1
Intracranial and spinal injury at birth	11.2	11.2	4.8	5.6	0.8	0.0
Other birth injury (761)	15.7	15.6	12.0	3.4	0.2	0.1
Postnatal asphyxia and atelectasia (762)	64.8	63.5	41.2	20.0	2.3	1.3
Hemolytic disease of newborn (770)	2.2	2.2	0.9	1.0	0.3	0.1
Immaturity unqualified (776)	77.8	76.9	51.6	21.0	4.3	0.9
Neonatal disorders arising from certain diseases of mother during pregnancy, etc. (765-769, 771-774)	46.7	38.0	18.2	14.0	5.8	8.8
Symptoms and ill-defined conditions (780-793, 795)	22.2	9.2	3.8	3.2	2.2	13.1
Accidents (E800-E962)	17.0	3.0	0.4	1.1	1.5	14.0
Residual (140-468, 590-749, E963-E985)	15.0	3.6	1.0	1.1	1.5	11.4
Certain diseases of early infancy (760-776)	241.1	230.0	130.9	71.5	27.5	11.2

SOURCE: "Infant and Perinatal Mortality in the United States," Public Health Service, October 1965, Washington, D.C. table 9 p. 76.

With regard to mortality rates of mothers in childbirth, the non-white rate well exceeds that of the white rate. For example, in 1930, twice as many non-white mothers died in childbirth as did white mothers. In 1960, four non-white mothers died in childbirth for every white mother who died. The overall trend is toward the reduction of deaths in childbirth in the 1960s. However, when the figures for white and non-white mothers are examined separately, the non-white rate is well in excess of the white (Baumgartner, 4/1965, p. 495).

In addition to the kind of care received, the linkage to health and nutrition are again manifested.

Life Expectancy

Numerous factors enter into computing the life expectancies of individuals and groups. However, without the fundamental elements of adequate nutrition and health, the life expectancy of an individual is likely to be shortened. For this reason, the information on this element is presented here.

While gradually increasing for Americans generally, life expectancy for the black man has not increased. In fact, it has dropped slightly. What is even more striking is that the decrease is higher among black men in their prime working years, as can be seen from Table 3. An inference which can be drawn from this table is the probability of an increase in widowhood among the blacks. Extrapolating further, such figures suggest that an increasing number of families will be without a male head during the critical years of the children's development.

Indeed, as Douglass reported in an article, "The Urban Negro Family," there were proportionately more widows among non-white women than white. Twenty percent of non-white women were widows in 1960 as compared with under 7 percent for white women. Another finding reported was that non-white women become widows earlier than white women (Douglass in *The American Negro Reference Book*, 1966, p. 340).

From such information, it is compartively easy to infer the kinds of effects the lack of a male head of household could have on a family's economic and emotional stability—and, particularly, on the family's children. We shall return to considering these and other effects in the fourth section of this chapter.

ECONOMIC STATUS AND EMPLOYMENT

A basic pair of elements in terms of physical survival are those of economic status and employment. Certainly, no other elements are more directly connected to poverty than these. In this section, we present their main dimensions for the inner city residents, and note their relationships to education.

Economic Status: For Americans as a whole, income levels are rising, resulting in a general improvement in economic status. Our concern here is to what extent this general improvement is reflected in the economic status of those Americans living either in poverty or in near poverty.

Between 1959 and 1967, there was a major increase in the proportion of Negro families with higher incomes in metropolitan areas. In 1967, approximately one-fifth had incomes over $10,000, double the proportion in 1959. While this increase was taking place, it was only one-half the percentage of white families in the same income bracket (U.S. Bureau of Census, Feb., 1969, p. 42). Table 4, on the following page, indicates that the median family income for the Negro has substantially increased, but it is still only 68 percent of the white family income (Bureau Census,

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1969 (a)). Table 4 also shows income comparisons between white and black workers for two time periods in the central cities in terms of female and male, part-time and full-time. In every instance, the white workers fare much better than their black counterparts.

Another comparison is afforded by examining income in terms of the number of earners in white and black families. Again, using 1959 and 1967 as the baselines, we find that in 1967 the median income for the Negro family with one earner in the inner metropolitan areas was $4,199. For the white inner city family with one earner, it was $7,285. If there were two earners in the black family, then the median income figure rose to $7,225. The median income for black families with two earners was still less than that for white families with only one earner (U.S. Bureau of Census, Feb., 1969, p. 44). Figures quoted here in terms of blacks are equally relevant to Spanish-speaking minorities as well.

From these comparisons, we find that there is an increase in income over the last eight years for both white and non-white families in the central cities. However, we still find that the median income of the non-white family is still well below that of the white family in the inner city. Moreover, to approximate the median income earned by one white earner per family there must apparently be two black earners per family.

TABLE 3.—LIFE EXPECTANCY[1] IN PRIME WORKING YEARS, 1960 AND 1966

	1960			1966		
	Nonwhite (years)	White (years)	Difference	Nonwhite (years)	White (years)	Difference
At age:						
25	43.1	48.3	−5.2	43.1	48.6	−5.5
35	34.3	38.8	−4.5	34.4	39.1	−4.7
45	26.2	29.7	−3.5	26.4	30.0	−3.6
55	19.3	21.5	−2.2	19.4	21.8	−2.4

[1] Additional years of life expected.

Source: Center for Urban Education.

TABLE 4.—MEDIAN EARNINGS OF WHITE AND NEGRO WORKERS IN CENTRAL CITIES (1967 DOLLARS)

	Male			Female		
	1967	1959	Percent change, 1959-67	1967	1959	Percent change, 1959-67
White:						
All workers	$6,465	$5,430	19	$3,063	$2,616	17
Year-round workers	7,264	6,132	18	4,144	3,896	6
Proportion of workers with year-round work	74	67	(¹)	57	48	(¹)
Negro:						
All workers	4,380	3,435	28	2,197	1 421	55
Year-round workers	5,179	4,271	21	3,020	2,295	32
Proportion of workers with year-round work	68	57	(¹)	55	42	(¹)
Negro median earnings as a percent of white:						
All workers	68	63	(¹)	72	52	(¹)
Year round workers	71	70	(¹)	73	59	(¹)

[1] Not applicable.

Source: U.S. Department of Commerce; Bureau of Census, "Trends in Social and Economic Conditions in Metropolitan Areas." Current Population Reports, Series P-23, No. 27, Washington, D.C., U.S. Government Printing Office, February 1969, p. 47.

With only one earner according to these figures, the black family is still on the brink of poverty—if not "over the cliff" in it.[12]

Support for this conclusion is to be found in Table 5 on the next page. In comparing the numbers and percent of black and white Americans classified as being in poverty in 1959 compared with 1967, there is an overall decrease in the actual numbers so classified for both the black and white groups. However, we find a staggering number of Americans designated as being below poverty level for whom the affluent society simply does not exist. However, in examining the percents reported in Table 5, we find that in the metropolitan areas, the incidence of poverty is three times as great for black Americans as it is for white (Bur. Census, Feb. 1969, p. 52).

Tables 6, 7, and 8, on three successive pages, supplement the information presented in Tables 4 and 5. Table 6 presents the total number of families residing in six large metropolitan areas in 1960 categorized by: (1) residents of central city versus those outside the central city; and (2) percent of those who are classified as having incomes below poverty level. Clearly apparent from this table is the factor of poverty density. That is, the heavy concentration of families classified in the economic status of poverty is found in the cities. San Antonio, with its heavy concentration of Spanish-surname Americans, shows the greatest density in terms of percents (Louria & Stokes, 1968, p. 3).

TABLE 5.—INCIDENCE OF POVERTY[1] AMONG PERSONS

	Number of persons below poverty level (millions)		Percent below poverty level	
	1967	1959	1967	1959
United States	26.1	39.4	13	22
Metropolitan areas	13.2	18.3	10	17
Central cities	8.3	11.3	14	20
White	4.7	7.1	10	15
Negro	3.5	4.1	30	43
In metropolitan areas of 1,000,000 or more	4.5	5.1	15	17
White	2.3	3.1	10	13
Negro	2.1	2.0	28	36
In metropolitan areas under 1,000,000	3.8	6.1	14	23
White	2.4	4.0	10	17
Negro	1.4	2.1	33	54

[1] The poverty definition (as developed by the Social Security Administration) is based on the minimum food and other needs of families, taking account of family size, number of children, and farm-nonfarm residence. The poverty threshold for a nonfarm family of 4 was $3,335 in 1967 and $3,060 in 1959.

[2] An error was found in the original processing of the income data from the March 1968 CPS. Consequently, the revised 1967 poverty data shown here differ slightly from those published in "Current Population Reports," Series P-60, No. 55.

Source: Bureau of the Census, Trends in Social and Economic Condition in Metropolitan Areas, U.S. Department of Commerce February 1969, p. 52.

Table 7 presents the percent for non-white families living in the central city, in the poverty area, in the classification of poverty. Again, the density factor appears (Louria & Stokes, 1968, p. 4). The combination of the in-migration of the non-whites to the central city and the out-migration of the whites to the suburbs which has occurred since 1960 suggest that the numbers and percents of impoverished Americans concentrated in the central city will show a marked increase when the 1970 census data are compiled.[13] It must also be pointed out that the number and percent of families living right on the brink of poverty in the central city were not reported in these tables. Such information on marginal poverty families would considerably alter the picture of the central city by increasing both the number and percentage distributions.

Table 8, based on 1966 data, presents information on poor and non-poor families in terms of residence, race, age of head of household, and economic status. Several striking relationships can be seen in this table. One is the high concentration of poor non-white families in the inner city, regardless of age of head of household. Another clearly indicates the exodus to the suburbs on the part of the non-poor whites. In comparing percents in terms of the poor within the SMSA[11] and the poor outside of it, it is apparent that there is a much greater percent—and number—of poor families living within the SMSA (Jackson & Welten, June 1969, p. 7).

TABLE 6.—FAMILIES RESIDING IN POVERTY AREAS HAVING INCOME BELOW THE POVERTY LEVEL IN 6 METROPOLITAN AREAS—1960 CENSUS[1]

Metropolitan area	Total number of families	Percent in poverty area	Percent below poverty level
New Orleans:			
Central city	152,518	67.1	25.6
Outside central city	58,643	37.0	16.0
San Antonio:			
Central city	137,758	50.8	28.6
Outside central city	18,872	41.0	21.0
St. Louis:			
Central city	191,873	47.4	19.1
Outside central city	339,039	7.1	9.6
Pittsburgh:			
Central city	151,874	44.7	16.0
Outside central city	470,401	15.1	11.4

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TABLE 6.—FAMILIES RESIDING IN POVERTY AREAS HAVING INCOME BELOW THE POVERTY LEVEL IN 6 METROPOLITAN AREAS—1960 CENSUS[1]—**Continued**

Metropolitan area	Total number of families	Percent in poverty area	Percent below poverty level
Washington, D.C.:			
Central city	173, 695	42. 8	16. 7
Outside central city	305, 212	3. 8	6. 0
Baltimore:			
Central city	229, 069	41. 0	17. 9
Outside central city	194, 411	10. 7	8. 6

[1] Poverty level has been defined by the Social Secuirty Administration. It takes into account family size, composition and farm-nonfarm residence with the ceiling in 1959 set at $5,448 for a nonfarm family headed by male with 7 or more members having 1 related child under 18 years of age. Poverty area is based on a poverty index using 5 socioeconomic characteristics: (1) percent of families with money incomes under $3,000 in 1959, (2) percent of children under 18 not living with both parents, (3) percent of persons 25 years and over with less than 8 years of school completed, (4) percent of unskilled males (laborers and service workers) in the employed civilian labor force, (5) percent of housing units dilapidated or lacking some or all plumbing facilities. Although poverty area and poverty level are mutually exclusive terms, there is a natural overlap, i.e., people below poverty level tend to live in poverty areas. For a precise analysis, see "Poverty Areas in the 100 Largest Metropolitan Areas," PC (S1)-54, supplementary reports, 1960 Census of Population, Bureau of the Census, Nov. 13, 1967.

Source: Louria & Stokes, POD/OE/HEW 1968, "Profiles of Twenty American Cities," p. 3.

FIGURE 9.—NONWHITE FAMILIES IN 11 METROPOLITAN AREAS ACCORDING TO RESIDENCE, POVERTY AREA, AND POVERTY LEVEL

Metropolitan area	Percent in central city	Percent in poverty area	Percent below poverty level
Milwaukee	99. 0	83. 3	30. 4
Chicago	93. 3	75. 7	29. 3
New York	90. 6	71. 1	25. 8
Cleveland	97. 5	73. 2	27. 8
Washington	86. 3	61. 3	26. 0
St. Louis	72. 6	86. 9	42. 1
Buffalo	84. 2	78. 7	34. 3
Baltimore	87. 8	77. 1	35. 3
New Orleans	88. 1	92. 6	51. 1
Boston	80. 0	69. 2	28. 4
Philadelphia	79. 8	71. 5	30. 7

Source: Louria & Stokes, OPD/OE/HEW, "Profiles of Twenty Major American Cities," p. 4.

TABLE 8.—FIGURE 7

Race and age of head	Number of families (in thousands)	Percentage distribution							
		Inside SMSA					Outside SMSA (rural)		
		Total	Central city	Fringe	Total	Urban	Total	Nonfarm	Farm
POOR									
White[1]	4, 375	49. 1	24. 4	24. 7	51. 0	15. 2	35. 8	27. 8	8. 0
22 to 54	2, 371	50. 7	24. 8	25. 9	49. 3	15. 6	33. 7	25. 6	8. 1
55 to 64	558	42. 0	23. 7	18. 3	58. 0	10. 9	47. 1	33. 5	13. 6
65 and over	1. 277	48. 0	23. 6	24. 4	51. 9	15. 8	36. 1	30. 2	5. 9
Nonwhite[1]	1, 711	53. 9	44. 0	9. 9	46. 0	16. 7	29. 3	21. 3	8. 1
22 to 54	1, 511	58. 6	48. 5	10. 2	41. 3	16. 5	24. 8	18. 3	6. 5
55 to 64	243	37. 9	29. 2	8. 2	62. 2	29. 6	41. 6	27. 2	14. 4
65 and over	261	42. 5	33. 3	9. 6	57. 5	16. 8	41. 0	31. 4	9. 6
NONPOOR									
White[1]	39, 641	65. 7	27. 4	38. 3	34. 3	13. 4	20. 9	15. 5	5. 4
22 to 54	27, 586	66. 9	25. 6	41. 3	33. 1	12. 8	20. 3	15. 9	4. 4
55 to 64	6, 393	64. 7	31. 1	33. 6	35. 3	13. 7	21. 6	13. 9	7. 7
65 and over	5, 094	61. 4	32. 5	28. 9	38. 7	15. 3	23. 4	15. 2	8. 2
Nonwhite[1]	3, 195	79. 8	62. 7	17. 1	20. 3	8. 1	12. 2	10. 1	2. 1
22 to 54	2, 336	82. 4	64. 6	17. 9	17. 6	7. 2	10. 4	8. 9	1. 6
55 to 64	497	74. 2	56. 9	17. 3	25. 8	8. 5	17. 3	14. 9	2. 4
65 and over	296	66. 2	55. 4	10. 8	33. 8	14. 9	18. 9	12. 8	6. 1

[1] Includes families with a head under 22, not shown separately.

Source: Jackson, Carolyn and Welten, Terri, "Residence, Race, and Age of Poor Families in 1966." Social Security Bulletin, U.S. Department of Health, Education, and Welfare, June 1969, p. 7.

For the residents of the cities, the actual number of families involved are probably even greater than these figures on poverty would indicate. The poverty definition is based upon a national norm in relation to the minimum needs of families' food, clothing, shelter, etc. The costs for these items are far higher in the cities, especially the larger ones. In March 1969, the Bureau of Labor Statistics published data concerning the minimum amount of money required for a family of four to live on with any degree of security in urban centers if it wanted to have a "sense of self-respect and social participation." These figures presented in Table 9 are well in excess of the national poverty threshold (Bureau of Labor Statistics, March 1969, pp. 1–92).

It should be remembered that these figures are conservative since they are computed in the spring of 1967 and that there has been an increase in consumer prices since that time. In 1967, the median earning of professional and managerial black workers was $6,208. White collar Negro median salaries were $5,515, and black service workers had a median salary of $4,159. Comparing these figures with those in Table 9 indicates that better than 50 percent of all professional blacks would be below the self-respect level required for living in Los Angeles and San Francisco. All other blacks would be below the "self-respect" level in any of the twelve major cities across this nation. In central cities the plight of the Negro is even worse. In 1967, the median income of year-round Negro workers was $4,380. The figure means that somewhat less than three-fourths and more than one-half of all black families in inner cities across this nation are unable to live at a level of "self-respect and social participation" (New York Times, March 16, 1969, p. 1).

TABLE 9.—*Low living financial requirement for urban family of 4*

New York City	$6, 021
Chicago	6, 104
Los Angeles	6, 305
San Francisco	6, 571
Milwaukee	6, 104
Cleveland	5, 915

TABLE 9.—*Low living financial requirement for urban family of 4*—Continued

Washington, D.C	$6, 133
St. Louis	6, 002
Philadelphia	5, 898
Detroit	5, 873
Baltimore	5, 820
Houston	5, 542

Source: Bureau of Labor Statistics, Washington, D.C., *Three Standards of Living for an Urban Family of Four Persons*, March 1969, p. 16.

It seems apparent that the national standard for poverty, at least in terms of family income, is much too low. These figures clearly indicate that the cost of living in the city—and particularly in the central city—is actually forcing more families into poverty than is generally realized.

In considering the generally lower income of the ethnic and racial minorities in the cities when compared with the median income ($7,264) of his white fellow worker (U.S. Bur. Census, Feb. 1969, p. 47), an easy

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and less emotionally loaded explanation than the one of discrimination comes to mind: the educational achievement levels *must* be different when the minority groups are compared with the whites. That this explanation simply will not suffice is demonstrated by Tables 10 and 11.

Table 10 presents the median years of schooling for persons by age, sex, and race. With only one exception, the striking fact which emerges from this table is that there is very little difference in any of the categories for comparison. The median years of schooling completed for Negroes increased by about one year during the period of 1960–68. During this same period there was little change in the educational level of whites in the inner cities. The median differences between black and white central city males is but 4 months in years of schooling.

TABLE 10.—MEDIAN YEARS OF SCHOOL COMPLETED FOR PERSONS 25 TO 29 YEARS OLD, BY SEX

	Metropolitan areas, total		Central cities		Suburban rings	
	1968	1960	1968	1960	1968	1960
Both sexes	12.6	12.4	12.5	12.4	12.6	12.4
White	12.6	12.4	12.6	12.5	12.7	12.4
Negro	12.3	11.4	12.2	11.4	12.3	10.0
Male	12.7	12.4	12.6	12.4	12.7	12.5
White	12.7	12.5	12.7	12.6	12.7	12.5
Negro	12.3	11.3	12.3	11.3	12.4	11.1
Female	12.5	12.3	12.5	12.3	12.6	12.4
White	12.6	12.4	12.5	12.4	12.6	12.4
Negro	12.2	11.4	12.2	11.5	12.3	9.9

Source: U.S. Department of Commerce; Bureau of Census, "Trends in Social and Economic Conditions in Metropolitan Areas," 1969, p. 22.

TABLE 11.—MEDIAN INCOME FOR WHITE AND NEGRO MALES 25 TO 52 YEARS OF AGE BY YEARS OF SCHOOL COMPLETED

		Central cities			Suburban rings		
		Median income		Percent increase 1959–67	Median income		Percent increase 1959–67
		1967	1959		1967	1959	
WHITE							
Elementary:	8 years of less	$5,658	$5,137	10	$6,454	$5,507	17
High School:	1 to 3 years	6,748	5,788	17	7,495	6,342	18
	4 years	7,543	6,265	20	8,188	6,774	21
College:	1 year or more	9,222	7,686	20	10,499	8,726	20
	4 years or more	10,261	8,486	21	11,536	9,536	21
NEGRO							
Elementary:	8 years or less	4,215	4,215	23	4,021	2,750	46
High School:	1 to 3 years	5,086	4,059	25	4,631	4,050	14
	4 years	5,642	4,323	31	5,980	4,333	38
College:	1 year or more	7,025	5,022	40	7,320	5,167	42
NEGRO MEDIAN INCOME AS A PERCENT OF WHITE							
Elementary:	8 years or less	75	67	(1)	62	50	(1)
High School:	1 to 3 years	75	70	(1)	62	64	(1)
	4 years	75	69	(1)	73	64	(1)
College:	1 year or more	76	65	(1)	70	59	(1)
	4 years or more	74	(1)	(1)	(1)	(1)	(1)

[1] Not applicable.

Source: Bureau of the Census, "Trends in Social and Economic Condition; in Metropolitan Areas," U.S. Department of Commerce; 1969, p. 26.

Table 11, again, arrays the educational data for white and non-white males living in the central cities and suburban rings and compares them for median income. However, the really depressing—and equally striking—fact which emerges here is that the income level of the black male is markedly less than for his white counterpart—regardless of his education or area of residence. This table also makes it very clear that in both cities and suburbs the 1967 median income of male Negro high school graduates was about the same as that of white males who had only attended elementary school. A Negro college graduate was barely making more annual income than a white high school graduate.

While these figures give no indication of the quality of the education which the white and non-white groups received, it is apparent that differences in educational achievement level, translated here as number of years in school, afford no real explanation. Other factors are obviously involved. The immediate explanation which comes to mind—quite apart from the educational quality of the schooling received—is racial and ethnic discrimination on a grand scale. Moreover, it takes little effort for any member of any of the racial and ethnic groups to arrive at the same explanation. The typical admonishment to a high school student from the minority groups to stay in school now so he will have an opportunity for a better income later receives only partial support from the figures presented in Tables 10 and 11. He may have an opportunity for a better income in comparison with those from the minority groups if he does stay in school, but in all probability, he won't have an equal opportunity when compared with his counterpart from the white majority group.

In this section, the economic status of impoverished urban citizens has been largely treated in terms of two indices, income level and the below-poverty classification. However, there is a third index which should be mentioned, namely, welfare support. As would be expected for those Americans struggling in poverty, a large percentage of them receive some degree of welfare support. In 1961, Negro children constituted 46 percent of all children receiving AFDC in the country. In inner cities, 75 percent of the children aided were non-white. Although in 1961, the median number of monthly payments received was 20.8 for Negroes as compared to 11.5 for whites, nearly 50 percent of all Negro families on AFDC had monthly incomes of $120 or less as compared to 39 percent of all white families. In fact, one of every five blacks on AFDC had a monthly income of $80 or less, which equals $960 a year (Polski & Brown, 1967, Table 33).

Employment

A comfortable and cherished myth has been: the "better" the education an individual secures, the greater will be his opportunity to secure a "better" job—including the impoverished individual. We have already provided some evidence which sharply contradicts this belief—at least for the racial and ethnic minorities living in urban areas. In this section, we provide additional evidence in further contradiction of this myth. For it is within the central city that educational attainment is most dramatically linked to unemployment and underemployment.

As general background information, it should be noted that big city economies have changed from a past dependence upon craft skills and job flexibility to abilities correlated with literacy and formal education. Furthermore, as Chapter 4 explains in detail, the in-migration of groups from rural and non-urban areas has flooded the cities with Americans whose skills and knowledges are often of little saleable value in terms of employment. These Americans, without either adequate financial resources or adequate urban capabilities, gravitate to the already overcrowded inner city and its poverty. By far, the greatest number of these immigrants are from the racial and ethnic minorities. The net effect of the non-saleable skills can be seen in the following kinds of information.

In a survey of eight large cities conducted by the Department of Labor in 1966, the rate of unemployment in slums was three times the national average (Manpower Report, 4/1967, pp. 74–75). The survey found that a disproportionately large number of slum dwellers were neither working nor looking for work. This "nonparticipation rate" was 11 percent among men aged 20 to 64 living in slum neighborhoods. The sample survey reported that the average rate of "subemployment" for the ten slums was 34 percent. Lack of formal education and vocational training was reported to be the principal reasons for unemployment and sub-employment among slum residents. In these neighborhoods, a third of all unemployed adults had never attended high school, and two-thirds had not graduated from high school.

Approximately a year later, another survey of 100 cities reported on the worst poverty sections of these cities. For the last quarter of 1967, adult blacks had an average city-wide unemployment rate of nearly 7 percent as compared with 3.2 percent in other sections. For whites, the rates were 3 percent and 5 percent respectively in non-poverty and poverty sections. For blacks, the rates were 9 percent[15] in the poverty areas and 5 percent outside of them (U.S. Bur. Labor Stat., January 16, 1969).

In 1968, the average unemployment rate decreased from 5.2 percent in poverty sections and to slightly less than 3 percent in non-poverty sections. For blacks, the rate was 6.4 percent in poverty sections and 2.5 percent outside of them (U.S. Bur. Labor Stat., January 16, 1969). While these figures show reductions over a period of time in the unemployment rates for blacks, they also show that the blacks are trailing well behind the employment rate of the general population of the central city.

Table 12, shows the unemployment rates in percents for non-whites and whites over a twenty-year time period (1948–1968), including the ratio of non-white to white. Since 1961, the unemployment rate for both white and non-white has been decreasing, but the unemployment rate for blacks continues to be twice that of whites.

However, the really striking figures with regard to unemployment emerge when we examine the unemployment rate among teenagers. In *One Year Later* (1969), the following information was reported:

"Black teenagers, in the final quarter of 1967, had an unemployment rate of a staggering 34 percent, worse, than even the (Kerner) Commission had estimated. By 1968 it had been reduced to 27.3 percent. The gain was highly significant but did not remove the problem of idle youth from the streets of the slums and ghettos." (*One Year Later*, 1969, pp. 10–11).

Footnotes at end of article.

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TABLE 12.—UNEMPLOYMENT RATES,[1] 1948-67, AND 1968 (1ST 6 MONTHS)

	Nonwhite	White	Ratio, nonwhite to white
1948	5.2	3.2	1.6
1949	8.9	5.6	1.6
1950	9.0	4.9	1.8
1951	5.3	3.1	1.7
1952	5.4	2.8	1.9
1953	4.5	2.7	1.7
1954	9.9	5.0	2.0
1955	8.7	3.9	2.2
1956	8.3	3.6	2.3
1957	7.9	3.8	2.1
1958	12.6	6.1	2.1
1959	10.7	4.8	2.2
1960	10.2	4.9	2.1
1961	12.4	6.0	2.1
1962	10.9	4.9	2.2
1963	10.8	5.0	2.2
1964	9.6	4.6	2.1
1965	8.1	4.1	2.0
1966	7.3	3.3	2.2
1967	7.4	3.4	2.2
1968 (1st 6 months, seasonally adjusted)	6.8	3.2	2.1

[1] The unemployment rate is the percent unemployed in the civilian labor force.

Source: U.S. Department of Labor, Bureau of Labor Statistics, Recent Trends in Social and Economic Conditions of Negroes in the United States, July 1968, p. 11.

Tables 13 and 14 show the comparisons between adults and teenagers in terms of unemployment rates. While employment rates are higher for both white and non-white teenagers than for adults the figures shown for non-white teenagers are as striking as those reported by the preceding source.[16] Table 14 also makes it clear that this high teenage unemployment situation has existed for quite some time—without any real evidence of remediation.

The implications of these figures on the teenagers alone are, indeed, staggering when we consider the wastage of human resources—not to mention the costs which may be incurred in such areas as welfare, crime, and perhaps rehabilitation.

There is one additional pattern to the employment picture of impoverished groups within urban areas which must be mentioned. The black woman—and, to a lesser extent, the Spanish-surname woman, has more consistently been able to secure employment in comparison to the black male.[17] What is apparently happening now is that she is beginning to climb up the economic ladder at a more rapid rate than he is. A trend is developing which indicates that the woman will not only be a more consistent earner in the household but, in relation to the male head of household, she will also be the major earner.

TABLE 13.—UNEMPLOYMENT RATES BY SEX AND AGE, 1967 AND 1968 (1ST 6 MONTHS)[1]

	Nonwhite		White	
	1967	1968	1967	1968
Total	7.3	6.8	3.3	3.2
Adult men	4.5	4.0	2.1	2.0
Adult women	6.9	6.4	3.7	3.4
Teenagers[2]	26.4	24.7	10.2	10.9

[1] Average, seasonally adjusted.

[2] "Teenagers" include those 16 to 19 years old.

Source: U.S. Department of Labor, Bureau of Labor Statistics, 1969. Recent Trends, July 1968, p. 13.

TABLE 14.—WHITE AND NEGRO UNEMPLOYMENT RATES IN CENTRAL CITIES FOR SELECTED GROUPS

	White	Negro	Ratio: Negro to white
1968			
Both sexes:			
16 years and over	3.5	7.8	2.2
16 to 19 years	12.3	30.4	2.5
Male:			
20 years and over	2.5	6.0	2.4
Married, wife present	1.8	4.5	2.5
Female, 20 years and over	3.5	5.9	1.7
1960			
Both sexes:			
16 years and over	4.9	10.7	2.2
16 to 19 years	9.8	22.7	2.3
Male:			
20 years and over	4.8	9.9	2.1
Married, wife present	3.4	7.5	2.2
Female, 20 years and over	4.3	10.1	2.2

Source: U.S. Labor Statistics, Trends in Social and Economic Conditions in Metropolitan Areas, February 1969, p. 31

The implications of this pattern are of particular significance in terms of the development of the male child's masculine roles and responsibilities or, in other words, his self-concept. When this situation of female dominance at home is coupled with the "petticoat rule" of the classroom—particularly, at the elementary level, the implications for the male child's development are, indeed, serious.

However, the employment patterns and unemployment rates do not tell the whole story. There is another element involved of equal seriousness, specifically, underemployment or subemployment.

In *One Year Later*, the kinds of jobs available to blacks were summarized from the Kerner Commission Report, as follows:

"It found that Negro men are three times as likely as whites to be in unskilled or service jobs (based on 1960 Census Bureau figures). The concentration of male Negro employment at the lowest end of the occupational scale, the Commission said, is 'the single most important source of poverty among Negroes'." (*One Year Later*, 1969, pp. 4–5).

Based on a later compilation of information, Table 15, on the following page, shows that almost one half of the white males employed in central cities worked as white collar workers whereas only one-fifth of the Negro males were so employed. There has been little change in the occupational distribution of either white or Negro men since 1960.

TABLE 15.—DISTRIBUTION OF PERSONS IN CENTRAL CITIES EMPLOYED IN NONAGRICULTURAL OCCUPATIONS

	White		Negro	
	1968	1960	1968	1960
MALE				
Total (millions)	11.2	12.1	2.3	1.9
Total, percent	100	100	100	100
Professional and managerial workers	30	26	9	6
Clerical and sales workers	17	19	12	12
Craftsmen	21	21	13	11
Operatives	19	21	32	31
Laborers	5	5	17	22
Service workers	8	7	17	17
FEMALE				
Total (millions)	7.1	6.8	1.8	1.3
Total, percent	100	100	100	100
Professional and managerial workers	20	19	11	8
Clerical and sales workers	48	49	23	13
Private household workers	3	3	20	34
All other service workers	12	11	27	26
Craftsmen, operatives, and laborers	16	18	19	18

Source: U.S. Department of Commerce, Bureau of the Census, Trends in Social and Economic Conditions in Metropolitan Areas, February 1969, p. 33.

In contrast to this is the marked increase of white collar jobs for black women from 1960 to 1968. The rise is from one-fifth in 1960 to one-third in 1968. The increase is accounted for among clerical and sales workers. Black domestic workers were far fewer in 1968 than 1960.

The "Kerner Commission" reported that in addition to the 2 million unemployed, about 10 million people are underemployed, 6.5 million of whom work full-time and earn less than the annual poverty wage (Kerner, 1968, p. 231). Many of the rioters, the Commission pointed out, were employed, but worked in intermittent, low status, unskilled jobs—jobs which they regarded as below their level of education and ability (*Nat. Adv. Com. on Civil Disorders*, 1968, p. 232).

The *Manpower Report of the President*, April, 1968, published a new national subemployment measure reflecting the judgment that workers with low earnings may have problems which are as persistent and grievous as those of many workers with substantial unemployment. The measure is a conservative one which focuses on the most serious elements of unemployment and low earnings. It includes two distinct groups: (1) workers who were unemployed 15 or more weeks during the year; and (2) those who made less than $3,000 for year-round, full-time work (*Manpower Report of the Pres.*, 1968, p. 34). Table 16, over page, is based on the new measure and indicates that in 1966 there were three times as many nonwhites as white men who were subemployed.

Footnotes at end of article.

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TABLE 16.—SUBEMPLOYMENT INDICATORS FOR MEN, 1966

	Nonwhite	White
Subemployment rate, 1966	21.6	7.6
Indicators of subemployment: Number of low earners, 1966 (in thousands)	635	1,417
Monthly average number unemployed 15 weeks or more, 1966 (in thousands)	69	255

Source: Bureau of Labor Statistics, Bureau of the Census, "Recent Trends in Social and Economic Conditions of Negroes in the United States," Washington, D.C., July 1968, p. 17.

A new Labor Department study of the Washington labor force reported in *The Washington Post* (5/18/1969) broadens the subemployment measure to more accurately describe the extent of joblessness and underemployment in a large urban center. In the new study, the subemployment rate for Washington is 23.1 percent. The following categories were used to arrive at the above figure: (1) the unemployed; (2) workers who hold full-time jobs receiving incomes below poverty level (as defined by the Labor Department in 1968; (3) part-time workers who would like to work full-time; and (4) people who need work but are not actively searching for jobs (normally called non-participants in the labor market who are not counted in monthly unemployment statistics).

Comparisons of "under-utilization" rates—as the study calls subemployment, show Negroes consistently in an inferior position as Table 17 indicates. When intermittent employment, low-wage work, and other factors are also included as a measure of deprivation, conditions in slum areas are seen to be especially acute. According to Department of Labor statistics, the subemployment rate in nine selected slum areas in 1966 was 32.7 percent. Table 18 indicates the rates for each of the nine areas.

TABLE 17.—UNDERUTILIZATION RATE, WASHINGTON, D.C.' DECEMBER 1968

Age group	White male	Negro male	White female	Negro female
14 to 21	11.4	31.9	9.5	40.7
22 to 44	3.0	12.0	5.5	13.6
45 to 64	5.1	10.0	4.9	10.4
65 and over	5.1	11.0	4.4	10.5

Source: Robert J. Samuelson, the Washington Post, May 18, 1969.

TABLE 18.—EMPLOYMENT CONDITIONS IN 9 SERIOUSLY DISADVANTAGED SLUM AREAS, NOVEMBER 1966

Unemployment rate in United States	3.5
Unemployment rate in 9 slum areas (estimated average)	9.5
Subemployment rate (unemployment and estimated underemployment):[1]	
Total, 9 slum areas	32.7
Boston: Roxbury area	24
New Orleans: Several contiguous areas	45
New York City:	
Central Harlem	29
East Harlem	33
Bedford-Stuyvesant	28
Philadelphia, North Philadelphia	34
Phoenix: Salt River bed area	42
St. Louis: North side	39
San Francisco: Mission-Fillmore	25

[1] Subemployment includes: (1) the unemployed as usually defined (those unemployed and actively looking for work); (2) part-time workers wanting full-time employment; (3) full-time workers with weekly earnings as follows: heads of households under 65 years old earning less than $60 per week working full time and individuals under 65 who are not heads of households and earn less than $56 per week in a full-time job; (4) half the adult males not in the labor force; and (5) half the adult males estimated to have been missed in the survey.

Source: Bureau of Labor Statistics, Bureau of the Census, "Social and Economic Conditions of Negroes in the United States," Washington, D.C., October 1967, p. 97.

Housing and Living Conditions

Resulting largely from the problems associated with low levels of employment and economic status is another whole set of problems associated with the elements of housing and living conditions. Basically, these elements can be considered from two vantage points. The first is to view them strictly in terms of their measurable physical characteristics, e.g., condition of dwellings, kinds of facilities per unit, number of poor people in the cities, and overcrowding. The second is to view these elements of housing and living conditions in terms of the quality or style of living which they engender. In this section, we outline some of the key features from the first vantage point and consider their significance for education. In the next section on the family, we consider the second vantage point.

Substandard Housing

While there was a sharp decline in the proportion of substandard[18] houses among non-whites between 1950 and 1960, the National Advisory Commission on Civil Disorders nevertheless made the following statement:

"Nationwide, 25 percent of all non-whites living in the central cities occupied substandard units in 1960, compared to 8 percent of all whites. Preliminary Census data indicate that by 1966, the figures had dropped to 16 and 5 percent respectively. However, if "deteriorating" units, and units with serious housing code violations are added, the percentage of non-whites living in inadequate housing in 1966 becomes much greater." (*Rep. Nat. Adv. Com. on Civil Disorders*, 1968, p. 257).

Table 19, on the following page, cites the proportions of all non-white housing units designated as deteriorating, dilapidated, or lacking full plumbing for 14 of the largest cities of the U.S. in 1960 (*Rep. Nat. Adv. Com. on Civil Disorders*, 1968, p. 257).

TABLE 19.—SUBSTANDARD HOUSING IN 14 OF THE LARGEST U.S. CITIES—1960

City	Percentage of nonwhite occupied housing units classified deteriorating, or dilapidated, 1960	Percentage of nonwhite occupied housing units classified deteriorating, dilapidated, or sound, but without full plumbing, 1960
New York	33.8	42.4
Chicago	32.1	42.8
Los Angeles	14.7	18.1
Philadelphia	28.6	32.0
Detroit	27.9	30.1
Baltimore	30.5	31.7
Houston	30.1	36.7
Cleveland	29.9	33.9
Washington, D.C	15.2	20.8
St. Louis	40.3	51.6
San Francisco	21.3	34.0
Dallas	41.3	45.9
New Orleans	44.3	56.9
Pittsburgh	49.1	58.9

Source: Report of The National Advisory Commission on Civic Disorders, Washington, D.C., March, 1968, p. 257.

As can be seen, these percents are generally much greater than the 25 percent cited above for substandard housing in the nation. It was also reported that blacks, on the average, occupy much older housing than whites.

Precise information on overcrowding (e.g., number of people in housing units over and above the number for which such units were designed) and the problems with dilapidated housing has been difficult to gather in statistical form for the general inner city areas. The following account, however, reflects only too faithfully what most people who have ever lived in or worked in ghetto areas have experienced. It was made by the principal of a school in New York's inner city.

"'As for housing,' Shapiro continued, 'our *middle-income* housing is the low-income St. Nicholas housing project. They send us about three hundred and fifty children. The housing conditions for many others are very bad. Across the street a house built for eight families has forty-five. Next door there are two houses with serious heating problems. Two winters ago, I spent hours trying to track down the owner, and finally I told the man who said he was only the agent that if heat wasn't provided, there'd be a picket line of teachers and me. There was heat for the rest of the winter. The next year there was no heat again and we couldn't even find the agent. Finally the city took it over as a public nuisance. Another time for another building, we found someone in the Mayor's office who was vulnerable to picketing and he arranged for the city to take that one over. Nonetheless, the furnace remained broken, and it took us fifteen days of constant pressure to get it fixed." (Hentoff, 1966, p. 6).

The findings from the "Kerner Commission" concerning the housing and living conditions in 1967 are applicable in 1969. Specifically, in the large cities surveyed, the findings were:

1. Blacks either pay the same rent and receive less for their money than do whites or they pay more rent for the same accommodations.

2. Blacks are discriminated against in terms of the enforcement of building codes by both landlords and municipal authorities.

3. The housing conditions in which non-whites (24 percent of all units) live are overcrowded and the physical facilities are inadequate (Forty-seven percent of the units occupied by non-whites in the disturbance areas were classified as non-standard.)

4. Poverty is the foremost reason for the black to live in substandard housing.

5. Discrimination in the housing market is the second major reason which forces non-whites into ghetto housing.

6. Inadequate Federal building programs have done comparatively little to alleviate the housing problems for improverished inner city residents (*Nat. Adv. Com. on Civil Disorders*, 1967, p. 258–259).

Taken together these findings provide meaning for the bleak term racial and ethnic isolation. In *One Year Later* (1969), it was noted that while some improvements had been made, the major problems remained. The general conclusion drawn is below-noted:

"Progress in dealing with the conditions of slum-ghetto life has been nowhere near in scale with the problems, nor has the past year seen even a serious start toward changes in national priorities, programs, and institutions advocated by the Commission. The sense of urgency in the Commission report has not been reflected in the nation's response." (*One Year Later*, 1969, p. 62).

Related Factors: New Homes, Poverty Families, Birth Rates, and Population Projections.—That the situation is not likely to improve just through the filtering down of "prosperity" is well illustrated by the following information on the housing market, the number of impoverished families in the nation, birth rates, and the population projections. With regard to the purchase of new homes, the following statement is made in *Housing America's Low- and Moderate-Income*[19] *Families:*

Families.—"For families just above the poverty level, it is clear that opportunities to purchase new homes at prevailing prices and at market interest rates are generally unavailable. In 1966, only 0.7 percent of the purchasers of FHA-insured new homes under the conventional FHA Section 230 program had effective annual incomes of less than $4,000; only 2.9 percent of the purchasers had incomes between $4,000 and $4,999; and only 8.3 percent had incomes between $5,000 and $5,999." (Keith, 1968, p. 1).

When these percents are considered in relation to the numbers of families which are

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represented, the problem of moving out of substandard housing into adequate housing becomes one of massive proportions. Table 20 presents the figures for these for poor households in 1959 and 1966 classified by age, sex, category of farm or non-farm, and race.[30]

TABLE 20.—NUMBER OF POOR HOUSEHOLDS AND INCIDENCE OF POVERTY, 1959 AND 1966

Characteristics of head of household	Number of poor households (millions)[1]		Incidence of poverty (percent)[2]	
	1959	1966	1959	1966
Nonfarm	11.6	10.3	22.5	17.6
White	9.0	7.9	19.6	15.3
Male head	5.0	3.9	13.4	9.4
Under 65 years	3.3	2.4	10.2	6.8
Aged (65 years and over)	1.7	1.5	34.0	24.7
Female head	4.0	4.0	45.2	37.7
Under 65 years	2.2	2.0	37.8	30.5
Aged (65 years and over)	1.8	2.0	59.3	48.9
Nonwhite	2.6	2.4	48.9	37.5
Male head	1.4	1.2	39.7	92.6
Under 65 years	1.2	.9	36.7	23.3
Aged (65 years and over)	.2	.3	64.4	51.4
Female head	1.1	1.2	69.4	60.8
Under 65 years	.9	.9	68.1	58.8
Aged (65 years and over)	.2	.2	76.3	69.9
Farm	1.8	.6	40.9	20.8
White	1.3	.5	34.7	16.9
Nonwhite	.4	.2	85.0	69.7

[1] Households are defined here as the total of families and unrelated individuals.

[2] Poor households as a percent of the total number of households in the category.

Note: Poverty is defined by the Social Security Administration poverty-income standard.

Source: N. Keith, "Housing America's Low- and Moderate-Income Families," 1968, Research Report No. 7, Washington, D.C.: U.S. Government Printing Office, p. 2.

Taking the comparative birth rates for blacks and whites into account provides yet other information concerning the increasing gravity of the situation. Table 21, which follows, shows the ratios for white and nonwhite births for three time periods. Again, citing from the *Report of the National Advisory Commission on Civil Disorders:*

"The . . . Negro population is now growing significantly faster than (the) white population. From 1940 to 1960, the white population rose 34.0 percent, but the Negro population rose 46.6 percent. From 1960 to 1966, the white population grew 7.6 percent, whereas (the) Negro population rose 14.4 percent, almost twice as much.

* * * * *

"(A) Consequence of higher birth rates among Negroes is that the Negro population is considerably younger than the white population. . . . About 35 percent of the white population was under 18 years of age, compared with 45 percent for Negroes." *About one of every six children under five and one of every six new babies are Negro* (Emphasis supplied) (Nat. Adv. Com. on Civil Disorders, 1968, p. 116).

Just the increased number of children involved—even without considering other enviroment-originated problems which they may have—is cause for serious concern on the part of school systems with their already overtaxed facilities and pared-down budgets.

Footnotes at end of article.

If the problems are already massive in terms of the sheer numbers and percents involved using the information available in this decade, the problems become almost unimaginable when the population movements and growth are projected to 1985. Population growth and density more than any other factor, projects a picture of the inner city in the not-too-distant future which is as disturbing as it is startling. In regard to changes in central city and suburban residence, projections indicate great differences between whites and non-whites.

TABLE 21.—LIVE BIRTHS PER 1,000 WOMEN AGED 14-44

Year	White	Nonwhite	Ratio of nonwhite to white
1940	77.1	102.4	1.33
1957	117.4	163.4	1.39
1965	91.4	133.9	1.46

Source: Report of the National Advisory Commission on Civil Disorders, March 1968, p. 116.

According to Table 22, the white metropolitan population would increase by 51.5 million, or 52 percent, between 1960 and 1985. However the white population residing within central cities would experience a decline of 2.4 million or 5.0 percent. White population residing within suburbia, on the other hand, would increase by 53.9 million, or a gain of 104 percent. Non-whites population would double in metropolitan areas, growing by 13.8 million or 104 percent. Within central cities non-whites would almost double, growing from 10.4 million in 1960 to 20.1 million by 1985, a gain of 94 percent.

In consequence, the dramatic rate of suburban growth not withstanding, 75 percent of non-whites residing in SMSA's in 1985 would be living in the central cities, a decline of only 3.8 percentage points over the 1960 total of 78 percent. In dramatic contrast, only 30 percent of white metropolitan residents would live in central cities by 1985, a decline of 18 points from the 1960 level of 48 percent. Thus, more than two-thirds or 70 percent of white persons living in SMSA's would reside in suburbs compared to 25 percent of non-white metropolitan residents (Hodge & Hauser, 1968, p. 25).

The problems created by the increasing numbers of children, by the inevitable deepening of the bitterness and frustration which racial and ethnic isolation and discrimination have bred, and by the never-ending cycle of poverty, are also increasing the magnitude of the problem confronting urban education. Specifically, the schools will face more children with more needs and parents with less tolerance for unsaleable and invalid education and less acceptance of the schools' current brands of expertise.

TABLE 22.—PROJECTED GROWTH 1960 TO 1985 WITHIN COMPONENT PARTS OF METROPOLITAN AREAS[1] BY COLOR BY REGION

Region, color, and residence	1985 (in thousands)	1960 (in thousands)	Increase 1960 to 1985		Percent by residence within SMSA's		Change (percent)
			Number (in thousands)	Percent	1985	1960	
United States:							
White	151,164	99,692	51,472	51.6	100.0	100.0	
Central city	45,435	47,852	−2,417	−5.0	30.1	48.0	−17.9
Ring	105,730	51,840	53,890	104.0	69.9	52.0	+17.9
Nonwhite	26,974	13,192	13,782	104.5	100.0	100.0	
Central city	20,146	10,356	9,790	94.5	74.7	78.5	−3.8
Ring	6,827	2,836	3,991	140.7	25.3	21.5	+3.8
Northeast:							
White	41,423	32,388	9,035	27.9	100.0	100.0	
Central city	13,485	14,925	−1,440	−9.6	32.6	46.1	−13.5
Ring	27,938	17,463	10,475	60.0	67.4	53.9	+13.5
Nonwhite	5,905	2,962	2,943	99.4	100.0	100.0	
Central city	4,833	2,398	2,435	101.5	81.8	81.0	+.8
Ring	1,072	564	508	90.1	18.2	19.0	−.8
North Central:							
White	38,698	27,718	10,980	39.6	100.0	100.0	
Central city	11,326	13,793	−2,467	−17.9	29.3	49.8	−20.5
Ring	27,372	13,925	13,447	96.6	70.7	50.2	+20.5
Nonwhite	5,944	3,245	2,699	83.2	100.0	100.0	
Central city	5,318	2,849	2,469	86.7	89.5	87.8	+1.7
Ring	627	396	231	58.3	10.5	12.2	−1.7
South:							
White	35,362	21,183	14,179	66.9	100.0	100.0	
Central city	11,236	11,144	92	0.8	31.8	52.6	−20.8
Ring	24,126	10,039	14,087	140.3	68.2	47.4	+20.8
Nonwhite	10,794	5,253	5,541	105.5	100.0	100.0	
Central city	7,137	3,918	3,219	82.2	66.1	74.6	−8.5
Ring	3,658	1,335	2,323	174.0	33.9	25.4	+8.5
West:							
White	35,682	18,403	17,279	93.9	100.0	100.0	
Central city	9,388	7,990	1,398	17.5	26.3	43.4	−17.1
Ring	26,294	10,413	15,881	152.5	73.7	56.6	+17.1
Nonwhite	4,330	1,732	2,598	150.0	100.0	100.0	
Central city	2,859	1,190	1,669	140.3	66.0	68.7	−2.7
Ring	1,470	542	928	171.2	34.0	31.3	+2.7

[1] 1960 boundaries of SMSA's used for 1960; 1967 boundaries used for 1985.

Source: P. L. Hodge and P. M. Hauser; "The Challenge of America's Metropolitan Population Outlook—1960 to 1985," 1968, Research Report No. 3, U.S. Government Printing Office: Washington, D.C., p. 26.

The Family

As a Task Force, we are primarily concerned with the impoverished urban child in his role as a student. However, we fully recognize that unless the education system serving him has a clear grasp of the world in which he must live and survive and can accept this world without condescension, any educational programs which are designed and implemented can only be of limited effectiveness. We further recognize that, perhaps, no element has more direct and continuing emotional-social impact on any child than that of his family. Through its members, its values and needs, and its interactions, the family concomitantly constitutes and lays down the immediate dimensions of the impoverished urban child's world. In this section, we describe what some of the major ones are and consider their significance for the urban education system. Therefore, the first part of this section deals with some general statistics on the family; the second, with the character of inner city family living. Much of what we say in both parts is admittedly negative, but we stress that the "negatives" are the results of a perricious and insidious combination of economic poverty, discrimination, isolation, and sheer physical hardships. And we further stress that such negatives are *not* to be considered as intrinsic to the impoverished urban family.

The Family in General

It is important to point out at the beginning that within the Negro family structure as within the white family, there is great diversity and variation. And it is the similarities and differences so well documented in Andrew Billingsley's *Black Families in White America* that make it almost impossible to generalize about the structure of the Negro family.

In 1965, Moynihan made a report on the structure of Negro families. Using sources which included the U.S. Census of Population, 1960; Nonwhite Population by Race; and Vital Statistics of the U.S., he found that nearly one-fourth of urban Negro births are not illegitimate; nearly one-fourth of all Negro families are headed by a female. What is amazing, however, is that despite the economic and other pressures which the Negro family must face, 75 percent of urban Negro marriages remained intact, 75 percent of Negro births were legitimate, and 75 percent of all Negro families were headed by a male.

The situation as Moynihan found it in 1965 is not improving as illustrated by the following figures. The proportion of husband-wife families among blacks declined from 73 percent to 66 percent between 1960 and 1968. Table 23 shows the comparison of types of families by percent for race and location, i.e., central cities, suburban rings, and the metropolitan areas in general. As table 24 shows, a higher percentage of unrelated (not blood-related) males reside with black families (47 percent) than do white males with white families (36 percent) in the inner cities. One-fifth of all male unrelated individuals in the central cities are black. Approximately, the same percent exists for the suburban rings.

TABLE 23.—TYPES OF WHITE AND NONWHITE FAMILIES IN URBAN AREAS—TYPE OF FAMILY

	Metropolitan areas, total			Central cities			Suburban rings		
	1968	1960	Percent change	1968	1960	Percent change	1968	1960	Percen change
TOTAL									
Number (millions)	32.2	28.6		14.6	14.7		17.6	13.9	
Percent	100	100		100	100		100	100	
Husband-wife	86	88	−2	82	84	−2	90	91	−1
Other male head	3	3	(1)	3	3	(1)	2	2	(1)
Female head	11	10	+1	15	12	+3	8	7	+1
WHITE									
Number (millions)	28.6	25.8		11.8	12.4		16.8	13.3	
Percent	100	100		100	100		100	100	
Husband-wife	88	89	−1	85	86	−1	90	92	−2
Other male head	2	3	−1	3	3	(1)	2	2	(1)
Female head	10	8	+2	12	10	+2	8	6	+2
NEGRO									
Number (millions)	3.3	2.6		2.6	2.1		.7	.5	
Percent	100	100		100	100		100	100	
Husband-wife	67	74	−7	66	73	−7	72	79	−7
Other male head	4	4	(1)	4	4	(1)	6	3	+3
Female head	29	22	+7	30	23	+7	22	18	+4

[1] No change.

Source: Bureau of the Census, "Trends in Social and Economic Conditions in Metropolitan Areas," 1969, p. 12.

TABLE 24.—UNRELATED INDIVIDUALS BY SEX, 1968

[Numbers in millions]

	Total	Male	Female	Male as a percent of total
Metropolitan areas (total)	9.2	3.4	5.8	37
White	7.9	2.8	5.1	35
Negro	1.2	.6	.7	47
Percent of total	13	17	11	(1)
Central cities (total)	5.7	2.2	3.6	38
White	4.7	1.7	3.0	36
Negro	1.0	.5	.5	47
Percent of total	17	21	15	(1)
Suburban rings (total)	3.5	1.3	2.2	36
White	3.2	1.1	2.1	35
Negro	.3	.1	.1	46
Percent of total	7	9	6	(1)

[1] Not applicable.

Source: Bureau of the Census, "Trends in Social and Economic Conditions in Metropolitan Areas," 1969, p. 19.

TABLE 25.—ILLEGITIMATE BIRTHS,[1] 1940–66

	Number (thousands)			Percent illegitimate of all live births		
	Nonwhite	White	Difference	Nonwhite	White	Difference
1940	49	40	9	16.8	2.0	14.8
1945	61	56	5	17.9	2.4	15.5
1950	88	54	34	18.0	1.8	16.2
1955	119	64	55	20.2	1.9	18.3
1960	142	83	59	21.6	2.3	19.3
1965	168	124	44	26.3	4.0	22.3
1966	170	133	37	27.7	4.4	23.3

[1] As stated in the source cited: "No estimates are included for misstatements on the birth record or for failure to register births. The decision to conceal the illegitimacy of births is likely conditioned by attitudes in the mother's social group toward her and toward children born out of wedlock. Also, the ability (economic or otherwise) to leave a community before the birth of the child is an important consideration. These factors probably result in proportionately greater understatement of illegitimacy in the white group than in the nonwhite."

Note: 34 States and the District of Columbia report legitimacy status on birth certificates. For the remaining States the illegitimacy ratio is estimated from the reporting States in each of the 9 geographic divisions. The following States do not report legitimacy: Arizona, Arkansas, California, Colorado, Connecticut, Idaho, Maryland, Massachusetts, Nebraska, New Hampshire, New Mexico, New York, Oklahoma, Vermont, Georgia, and Montana. The last 2 States reported before 1957.

Source: U.S. Department of Health, Education, and Welfare.

Already documented in the first and third sections of this chapter are, the higher mortality rates for non-white fathers, mothers, and children and the fact that the birth rate for non-white children is increasing. A fact not previously mentioned is that the number of illegitimate children born to black mothers has also increased. The latest data indicate that illegitimate births have been increasing for both black and white mothers. No reliable comparison of the difference between the rates for black and white mothers can be made for reasons stated in Table 25 which follows.

Non-whites have a substantially higher divorce rate than white inner city dwellers. The non-white male divorce rate is five times that of his white counterpart. The non-white female has a divorce rate six times that of her white counterpart (Douglass, 1966, p. 340). Moreover, there has been an increase in the non-white suicide rate. Although white suicide rates definitely exceed those of non-whites, the difference in recent years is decreasing (*U.S. Bureau of Labor Statistics*, 1966, p. 225).

Already mentioned as an index of economic status, welfare support for impoverished urban families is often a fact of life. Concerning marital status, 37 percent of all Negro AFDC recipients were married; 54 percent of white recipients were married. Three times as many black were single, compared to whites. Approximately the same proportion of blacks as white recipients were characterized by home broken by marital discord (divorce, legally separated, and deserted) in 1961 (Polski and Brown, 1967, Tables 31–33b).

Previously mentioned have been the elements of health, nutrition, economic status, employment, and housing and living conditions—all of which add up to a massive constellation of elements and interactions working against the continuation of the impoverished urban family as a unit—let alone against its roles of providing stability and protection for its children. The truly remarkable fact is that in spite of all the problems for which these families must almost daily find resolutions, the majority of them still manage to function as intact and vital units in the inner city.

Character of Inner City Living

The character and quality of inner city living is difficult to fathom from sets of statistics which are highly abstracted statements of the effects of such living on the residents. Yet, it is with the character of life in the inner city that both its residents and the urban school must deal.

We have yet to develop an adequate quantitative measure for life style. Accordingly, this second part on the family is largely descriptive and anecdotal in its sampling of the evidence.

Minuchin, et al (1967), in an intensive study of six families of children at the Wiltwyck School, a private residential treatment center in New York, describes the families of the children with whom they worked:

"Their families are impoverished, disadvantaged, unstable, 'hard-core' families. They are mostly from minority ethnic backgrounds (Negro and Puerto Rican), and they dwell in the congested, rat-infested ghettos and slums of New York City. Such children and their families can be found in the big cities throughout our nation. We do not know how 'representative' the families we worked with are. But we do know that all such families have in common a difficult struggle for survival in our society. They are often 'multi-agency' families. In varying degrees they are known to the police, courts, welfare facilities, shelter agencies, clinics, hospitals, social agencies, visiting nurse associations, truant officers, parole officers, and other private, city, and state institutions. And yet they are anonymous. For although they are in constant contact with the institutional representatives of society, they remain shadowy;

they feel left out of the main stream, as indeed they are."

With regard to one of the six families studied, the following account of the quality of the world this family lives in is given:

"Strangers, neighbors, 'cops,' schoolmates, friends, and relatives move through this world, and so do the shadowy, transient lovers of some of these people. There are money and adventures to be taken and victims to be 'took.' There is action: the excitement or the chase of the being chased. There are risks. The world is peopled by adults who can be counted on and adults whom you cannot trust." (Minuchin, et al, 1967, p. 127).

In one of a collection of papers, pertaining to the disadvantaged child (Frost and Hawkes 1966), Jules Henry noted the below-noted qualities and characteristics:

"'Among the children of the very poor, survival must take precedence over every other consideration.' Where the fight for survival involves the full energies of the child, how can he find the time and the strength to develop the values espoused by his society, such as pride in work, reward for effort, consideration of other people, and courage in meeting life's problems?" (page 377)

* * * * *

"Where no father is present during the evening, there is usually no organized meal, no organized opportunity for language exchange, no real interaction. A common result is cumulative deficit in the language component of a child's development. Since this deficit is qualitative and quantitative, it is erroneous to believe these children are characteristically nonverbal." (Henry in Frost and Hawkes, 1966, pp. 377, 380).

Reissman (1962) also presents information on the character of inner city living.

"The key to much of the family life is security and protection. The large extended family[21] provides a small world in which one is accepted and same. If help is needed, the family is the court of first resort and will provide it, at least to some extent. Time and energy, rather than money, are the chief resources provided.

* * * * *

"The home is a crowded, busy, active, noisy place where no one child is focused upon. There are too many children for this, and the parents have too little time. Consequently, the children spend much more time in each other's company and with the relatives. Individualism and self-concern on the part of the children is much less likely to emerge and is, in fact, discouraged in this more family-centered home.

"Intense parent-child relationships are infrequent, and while the danger of parental rejection is present, overprotection is out of the question.

"The atmosphere is much more communal and, to some extent, cooperative." (Reissman, 1962, pp. 36–37).

A characteristic of much concern to educators and psychologists has been the considerable use of punishment or discipline. As the following statements bring out, it is likely that school personnel are not placing most forms of punishment (excepting extreme forms, of course) in their proper perspective for these families.

"Since physical punishment is part of the everyday pattern among the disadvantaged, there is probably considerable adaptation to it and it is not perceived as a major threat to the ego; as physical punishment and aggression generally are expressed rather easily and directly, it is unlikely that they have the sadistic overtones that often produce the negative correlates of punishment.

* * * * *

"Why do underprivileged parents use punishment so freely? This practice is frequently intepreted as restrictive and unloving. However, with the peculiar problems that plague their lives, with large families often crowded into small apartments, and with both working, the problem of discipline becomes a difficult one. Popularly held notions of permissiveness cannot easily be applied. Respect and obedience without a lot of arguing and 'reasoning' is probably much more convenient when the parents come home tired from a hard day's work. They are in no mood to cajole the children and they resort much more quickly to physical punishment—not sadistic beatings, but a quick slap and a strong tone.

"Underprivileged people do not see discipline as inconsistent with love; that is, they do not feel when they punish a child that this might indicate a lack of love for him." (Reissman, 1962, pp. 39–40).

There are several additional qualities which make up the character of inner city living which are all-too-often lost in the enumeration of negative characteristics. It is fitting that this section end with a statement of these qualities. On the "positive" side are:

"The cooperativeness and mutual aid that mark the extended family; avoidance of the strain accompanying competitiveness and individualism: equalitarianism, informality, and warm humor; freedom of self-blame and parental over-protection; the children's enjoyment of each other's company, and lessened sibling rivalry; the security found in the extended family and in a traditional outlook." (Reissman, 1962, p. 48).

Summary of the Chapter

In this chapter, we have considered the environment of the impoverished urban student in terms of its impact, its offerings, and its differences. Although not exhaustively, we have presented information concerning a set of elements which we consider are basic in this student's world, and which, in combination have a major influence on how he will both perceive and perform in the school.

Most of the conclusions which we draw from the evidence presented are extremely disturbing. If there is such a thing as the American dream, it is far from being realized for the impoverished urban student. It is no wonder that Martin Luther King, Jr., said, "I have a dream." For this student in the fall of 1969, it could hardly be otherwise . . .

Our specific conclusions concerning the urban student and his environment are, as follows:

1. He and his family are apt to live on a diet which is less than adequate—if not insufficient. And he is less likely to manifest adequate health and energy levels for a sustained effort on demanding tasks, e.g., reading as taught by the school. He may not appear as able as other students his age due in part to this prolonged malnourishment.

2. He lives in a world in which the mortality rates of women and babies in birth are higher and the life expectancies of men are lower than for other Americans.

3. Economically, he lives in a world in which unemployment, underemployment, and the inadequate welfare check are common facts of life. He learns, too, as his family already has, that his family's economic status is all too often a direct offshoot of racial discrimination. For even if he does finish high school or college, he will earn less than his white counterpart with the same years of schooling.

4. He lives in housing which is apt to be in poor condition—if it isn't classified as substandard, and it may very likely be overcrowded.

5. His family will probably pay more for this housing than it's worth simply because there is really nowhere else to go. A new home or a better apartment would be out of the question on his family's income—quite apart from the discrimination barrier.

6. Within his immediate experience, if not directly within his family, there may be problems resulting from divorce, separation, or desertion by one or the other of his parents. And, although only touched upon peripherally or implied, he will probably gain a knowledge of the problems associated with drug addiction, prostitution, and theft within his neighborhood—if not within his immediate family.

7. Within this family—and particularly if it is an extended family—he will develop a tough self-reliance, learn to cooperate, probably receive a prompt reaction in terms of physical discipline for stepping out of line, tolerate a high degree of noise, and experience considerable casualness in terms of daily routine.

8. The concepts, language, and problem solving techniques he acquires will be primarily geared to his survival in the neighborhood and the necessary interactions in and demands of his family.

It is our contention that all of these elements and their interactions which characterize the impoverished urban environment and which are inevitably reflected to various degrees in any one student from it are directly contributing to making the task of urban education a unique one. Moreover, when we consider the increasing rise in the urban population of young children and teenagers, the task now facing urban education becomes not only unique but monumental as well. Finally, we do not find that many changes for the better have occurred in this environment since the National Advisory Commission on Civil Disorders sounded its lucid and comprehensive warnings to the nation at large. Although our data are much more limited, they clearly suggest that we have precious little time in which to make needed—and orderly—changes in the urban environment.

Chapter IV takes up a major element in this environment, the urban education system.

Chapter IV. The urban education system

The preceding two chapters have documented the financial and environmental sets of factors contributing to the urban educational problem. Such financial deficiencies and conditions dominating the urban student's world are prime contributors, along with legislative obstacles at all governmental levels, to the urban education problem. Without such a complex of debilitating conditions, perhaps most urban education systems could achieve success where relatively few now do despite such hurdles. Yet, in the face of so many obstacles, all too few systems attempt to or know how to wage a battle geared to effectively overcome them. And in too many systems, there are aspects of that system (which are themselves an important contributor to the problem) such as remoteness of its administration from its constituencies; patronizing attitudes; inexperienced, unimaginative, and inappropriately trained teachers.

In this chapter, we shall discuss the indicators of the extent to which the system itself has a responsibility for the general lack of success in urban education. Although it is impossible to isolate the effects upon the system of all the obstacles facing urban education today, this chapter will: (1) identify those obstacles extrinsic to the system beyond those of finance (Chapter II) and environment (Chapter III), such as the in- and out-migration patterns; (2) proceed to identify those areas in which the system it-

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Footnotes at end of article.

self is failing in full or partial degree, such as in the accuracy and sensitivity of its perceptions of the students; and (3) discuss those indicators of the system's lack of success as manifested in the perceptions and expressions of its constituents, i.e., the students, the teachers, and the community. Accordingly, the chapter is organized into three major sections, followed by a summary.

It should be noted that this presentation is not just intended to blame urban education systems, but rather to analyze those indicators of a failure for which the system has considerable responsibility. We recognize that as difficulties in school systems have been given wider and wider coverage, targets of blame become fashionable for a period of time which are to some extent discarded only when a new target undergoes scrutiny. In recent years, such targets are many. Initially, the family of the child—or the child himself—was charged with his lack of achievement. The second target was the superintendent, followed by the school board, the principal, and the teacher. As such overly simplified attacks have been made, little attention has been given to the conflicting Federal, State, and local laws and the discrepancies between authorizations and appropriations which serve as the backdrop against which school people must work out their programs—and their frustrations. With a backdrop of these obstacles in mind, this chapter will analyze the role of the system in an attempt to document those failures which are specifically its own responsibility.[22]

Obstacles faced by urban education systems

The movement of high tax-paying business and salaried professional populations out of the cities, compounded by the entrance of large numbers of disadvantaged, have, as we have noted in Chapter 2, caused significant economic problems for the cities and for the education systems of the cities. This section will define and document the extent of this in- and out-migration and discuss the impact of such migration on areas of vital concern to the education system particularly those of facilities and personnel.

Extent of In- and Out-Migration

As racial and ethnic minorities flow into the cities, their numbers, their poverty, their social isolation, their lack of education, and their needs and problems which are dissimilar to their predecessors', are of direct concern to the educational system. While the system has been able to count their numbers and to measure the indicators of their poverty, social isolation and lack of education, it has, in many cases failed to respond to—or even to recognize—their needs and problems. The impact and extent of the migration is as follows:

Numbers.—During the post-World War II period, millions of blacks left the rural South to seek better conditions in urban centers. The greatest Southern exodus occurred during the 1940's and 1950's, but even in 1968 the average annual non-white migration from the South was 80,000 (See Table 1). As shown in Table 2, in 1960, Negroes comprised 11 percent of the population of all metropolitan areas and in 1968, 12 percent. In the inner city, the concentration is greater in density. Today, blacks comprise about 20 percent of the total inner city population as compared with 12 percent in 1950. In cities with 1,000,000 or more inhabitants, blacks make up an inner city population today of 25 percent as compared to 13 percent in 1950. From 1960 to 1965, the Negro population in the central cities was up by 2,100,000 and the white population was down by 270,000. In the suburbs the figures are strikingly different. From 1960 to 1965, the suburban Negro population increased by 400,000 while the white population increased by 7,000,000 (*U.S. News and World Report,* 3/19/67, p. 61). The Spanish-speaking population has also become urbanized. Representing approximately 5 percent of the general population, 82 percent of the Spanish-speaking population resides in an urban environment (Moore & Mittelbach, 1966, pp. vi-vii).

TABLE 1.—NEGRO POPULATION AND ESTIMATED NET OUTMIGRATION OF NONWHITES FROM THE SOUTH,[1] 1940-68

[In thousands]

	1940	1950	1960	1965	1968
Negro population in the South	9,905	10,222	11,312	[2] 11,233	[2] 11,573
	1940-50	1950-60	1960-65		1965-68
Nonwhite, average annual net outmigration from the South	195.7	145.7	94.6		80.3

[1] The South includes the States of the Old Confederacy as well as Delaware, the District of Columbia, Kentucky, Maryland, Oklahoma, and West Virginia.

[2] Excludes Armed Forces living in barracks.

Source: U.S. Department of Commerce, Bureau of the Census, Recent Trends in Social and Economic Conditions of Negroes in the United State, July 1968, p. 2.

TABLE 2.—POPULATION CHANGE BY LOCATION, INSIDE AND OUTSIDE METROPOLITAN AREAS, 1950-68

[Numbers in millions]

	Total population						Population change 1950-68					
	Negro			White			Negro			White		
	1960	1966	1968	1960	1966	1968	1950-60	1960-66	1966-68	1950-60	1960-66	1966-68
United States	18.8	21.5	21.9	158.1	170.9	173.7	+3.8	+2.6	+.4	+23.7	+12.8	+2.8
Metropolitan areas	12.2	14.8	15.0	99.2	109.3	110.7	+3.8	+2.6	+.2	+19.3	+10.2	+1.3
Central areas	9.7	12.1	11.8	47.5	46.6	45.8	+3.2	+2.4	−.2	+2.2	−.8	−.8
Suburbs [1]	2.5	2.7	3.2	51.7	62.7	64.9	+.6	+.2	+.4	+17.2	+11.0	+2.2
Smaller cities, towns and rural	6.7	6.7	7.0	58.9	61.6	63.0	(2)	(2)	+.2	+4.3	+2.7	+1.5

[1] Comprises the part of metropolitan area outside central cities.

[2] Less than 50,000.

Source: U.S. Department of Commerce, Bureau of the Census, "Recent Trends in Social and Economic Conditions of Negroes in the United States," July 1968, p. 4.

In the inner city, the non-whites who are moving in and those who are already there are younger and have a higher birth rate than those whites remaining. In 1960, 35 percent of the black population was under 18 years of age and 65 percent was over 18 years of age. In 1967, 44.7 percent was under 18; and 55.3 percent was over 18 years of age.

The number of non-white teenagers has increased over 50 percent from 1960 to 1966. This figure is almost double the national teenage growth rate. Non-whites under 14 years of age increased at an average annual rate three times that of white children. Ninety-five percent of this increase is in the inner cities (Louria & Stokes, 1968, p. 1) where schools are now confronted with the urgent problems of low reading and arithmetic achievement and poor social interaction.

Poverty.—As shown in Chapter 2, "Financial Crisis," more families with incomes under $3,000 live in the city than in the suburbs—and the number is ever increasing. Chapter 3 provides further documentation.

Social isolation.—As the Commission on Civil Disorders cautioned, we are moving closer and closer "toward two societies; one black, one white—separate and unequal" (Kerner, et al. National Advisory Commission on Civil Disorders, 1969, p. 1). The poor, maleducated non-white remains in the city while the affluent white rushes to the suburbs. The black and Spanish-speaking groups comprise a far higher percent of the inner cities' population than they do of the country's total population. In the public schools of such cities, the pupil enrollment is largely black and Spanish-speaking while the nonpublic schools are largely white. At the same time the educational systems are attempting to deal with the *de facto* school segregation inherent in a residential segregated setting. Thirteen of the nation's 20 largest cities with populations in excess of 500,000 approach the Tauber Index of 100, signifying total residential segregation (See Table 3). Unless there are some major governmental policy changes, these 20 cities, which account for approximately half of the black population of the country, will be uniformly characterized by extreme residential, and therefore extreme *de facto* segregation. All evidence indicates that the trend is continuing, albeit slowing down.

The most recent data suggest that 70 percent of all black pupils attend schools that are composed of 90 to 100 percent black pupils. By 1975, probably 80 percent of all black students in the above 20 cities will be attending 90 to 100 percent black schools. Except for Washington, D.C., the cities showing the least segregation are located in the West. The rate of Negro in-migration, however, is likely soon to move West into the same orbit as the South and Northeast. What is more, Houston and Dallas are only now moving from *de jure* to *de facto* school segregation.[23]

The lack of education.—While the inner city is becoming more non-white than white, it is also becoming increasingly less educated.

Footnotes at end of article.

TABLE 3.—POPULATION CHARACTERISTICS, MIGRATION, AND SEGREGATION PATTERNS IN 20 LARGE CITIES [1]

City	1960 SMSA population	1960 city population	1960 city nonwhite population	1960 city nonwhite percent	1964 estimate SMSA population	1960-64 estimate change in migration	1960 city residential segregation index [2]	1950-60 change in segregation pattern	1960 suburban residential segregation index [2]
New York	10,695,000	7,781,984	1,141,322	14.7	11,260,000	115,000	79.3	−8.0	[3] 77.5
Chicago	6,221,000	3,550,404	837,656	23.6	6,591,000	3,000	92.6	.5	88.7
Los Angeles	6,039,000	2,479,015	417,207	16.8	6,674,000	286,000	81.8	−2.8	[3] 83.7
Philadelphia	4,343,000	2,002,512	535,033	26.7	4,617,000	56,000	87.1	−1.9	[3] 82.0
Detroit	3,762,000	1,670,144	487,174	29.2	3,914,000	−80,000	84.5	−4.3	[3] 87.6
Baltimore	1,727,000	939,024	328,416	35.0	1,829,000	(4)	89.6	−1.7	80.9
Houston	1,418,000	938,219	217,672	23.2	1,640,000	108,000	93.7	2.2	
Cleveland	1,909,000	876,050	253,108	28.9	1,958,000	−51,000	91.3	−.2	
Washington	2,002,000	763,956	418,693	54.8	2,323,000	173,000	79.7	−.4	87.8
St. Louis	2,105,000	750,026	216,022	28.8	2,203,000	−24,000	90.5	−2.4	90.3
Milwaukee	1,233,000	741,324	65,752	8.9	1,262,000	−50,000	88.1	−3.5	
San Francisco	2,649,000	740,316	135,913	18.4	2,894,000	107,000	69.3	−10.5	[3] 79.7
Boston	2,595,000	697,197	68,493	9.8	3,177,000	−81,000	83.9	−2.6	65.5
Dallas	1,084,000	679,684	131,211	19.3	1,256,000	89,000	94.6	6.2	
New Orleans	907,000	627,525	234,931	37.4	1,001,000	32,000	86.3	1.4	
Pittsburgh	2,405,000	604,332	101,739	16.8	2,368,000	−132,000	84.6	.6	
San Antonio	716,000	587,718	43,221	7.4	787,000	8,000	90.1	1.8	
San Diego	1,033,000	573,224	44,712	7.8	1,131,000	19,000	81.3	−2.3	
Seattle	1,107,000	557,087	46,528	8.4	1,178,000	9,000	79.7	−3.6	
Buffalo	1,307,000	532,759	73,388	13.8	1,319,000	−54,000	86.5	−3.0	82.3

[1] This table was constructed for a paper prepared by Robert A. Dentler and James W. Elsbery for the U.S. Commission on Civil Rights, November 1967.

[2] Adapted from the Tauber's Racial Segregation Index, Negroes in Cities, tables 1 and 12, pp. 32-33, 59.

[3] Where more than 1 suburb is clustered about a city an average segregation index is calculated.

[4] Less than 500 or 0.05.

The inner city's Negro median number of years of completed schooling was 9 in 1967, compared to 12.1 for whites (Census, 1968, Table 156).[24]

Impact of In- and Out-Migration on the System.—As a result of the above factors, schools are facing a near paralysis in both dealing with the sheer numbers and in attempting to integrate the isolated groups. With the 40 percent non-white population, the higher non-white birthrate, and with many whites sending their children to parochial and private schools, the majority of students in the public schools would necessarily become increasingly non-white—thus creating additional problems in efforts to integrate. The growing population has only increased the inadequacy of school facilities. It has made the existing teacher shortage more acute. The following two sections will discuss these obstacles faced by overpopulated urban school systems.

Increased Inadequacy of Facilities

The Kerner Commission (1968) pointed out that because of the rapid expansion of the Negro population which "has been concentrated in segregated neighborhoods, ghetto schools have experienced acute overcrowding. Shortages of textbooks and supplies have developed. Double shifts are common; hallways and other non-classroom space have been adapted for class instruction, and mobile classroom units are used. Even programs for passive construction of new schools in Negro neighborhoods cannot always keep up with increased overcrowding." (Kerner, et al. National Advisory Commission on Civil Disorders, 1968, p. 432).

Difficulties with facilities result not only from increased population but are also combined with the age of such facilities This combination presents a bleak picture in the inner cities when compared to the suburbs. Core schools generally have more impoverished or makeshift instruction rooms per building than do fringe schools. A greater percentage of core students than suburban students attend school buildings which are older and larger, with more students in the school, more students per teacher, and more students per room. For instance, in the Northeast, 43 percent of the elementary core schools are over 40 years old, while in the fringe schools, only 18 percent are over age 40. Figures are comparable for secondary schools. In secondary education, there are seven more students per classroom in the core than in the fringe in the Northeast. In the Midwest, there are 21 more students per classroom (Coleman, 1966, pp. 68, 69, 71). In addition, there are fewer librarians attending to the core schools with a centralized library, fewer volumes in the core school library, and fewer volumes per core school student (Coleman, 1966, p. 74). Further, there is definite advantage in the suburban schools in facilities for preparing hot meals and for providing health services (Coleman, 1966, p. 71).

Increased Personnel Problems [25]

In its study of the problems and priorities of urban education, the Study Group on Urban Education of the Republican Coordinating Committee draws the following conclusion about the quality of teaching in our urban areas:

"The teacher is a fundamental and crucial link between the education system and the child. A child is under the influence of his teacher for a continuous period of five hours or more per day, 180 days or more per year. . . . It is apparent that success or failure of an education system will depend most vitally upon the quality of teaching. Yet in urban areas today, because of numerous difficulties, the quality of teaching and the pupil-teacher relationship frequently do not meet the needs of the disadvantaged child." (Republican Coordinating Committee, Study Group on Urban Education as cited by the Center for Urban Education).

These difficulties become abundantly clear from the following data.

Teacher shortages.—Significant numbers of large city school systems reported that they were encountering extreme difficulty in filling teaching positions for 1968–69. The most frequently identified assignments these school systems report having extreme difficulty in filling and the number of unfilled positions in early August are shown in Table 4. Supporting these reports of shortages are the relatively large numbers of these school systems which report they have had to employ persons with substandard qualifications in these assignment areas for 1968–69: 21, industrial arts; 27, special education; 15, mathematics; 11, trade-industrial-vocational-technical courses; 17, regular instruction in elementary grades; 7 natural and physical science; and 6, women teachers of physical and health education.

It is interesting to note the relatively small number of teachers for the educationally disadvantaged citied in these figures. It would seem that the shortages referred to above are those in special programs for the disadvantaged, but the need for more qualified teachers for inner-city schools exists in virtually all of the shortage areas cited.

TABLE 4.—SURVEY OF DIFFICULT-TO-FILL POSITIONS IN LARGE SCHOOL SYSTEMS

Assignment	Number of school systems reporting having extreme difficulty in filling position	Number of positions not filled in August in the large school systems
Industrial arts	45	284
Special education	32	867
Mathematics	27	382
Trade, industrial, vocational	20	89
School psychologists	15	91
Physical education (women)	13	180
Remedial reading speech, etc	13	153
Librarians	11	124
Elementary, regular instruction	10	2,123
Natural and physical sciences	10	193
Instruction of educationally disadvantaged	10	148

Source: Center for Urban Education.

Looking to the staffing problems of the cities selected for study in connection with this report, it can be noted that in Washington, D.C. over the period of 1966-1968 pupil population increased from 145,951 to 148,719, a gain of 1.9 percent. During the same period the teacher population decreased from 6,391 to 5,958, a loss of 6.3 percent. The pupil teacher ratio was thus raised from 23 : 1 to 25 : 1. A similar inverse relationship was observable in Los Angeles. Pupil population for the same period increased 2.8 percent while teacher population decreased by almost 1 percent. This change increased the pupil-teacher ratio from already high 29:1 to 30:1 (pupil-teacher ratio average for all schools in the United States is 23 : 1). Milwaukee showed a pupil population increase of 2.1 percent and a teacher population decrease of 1.9 percent, with a rise in pupil-teacher ratio from 26:1 to 27:1. While not displaying inverse pupil-teacher population development, the cities of Chicago and Philadelphia both reveal a significantly greater rate of increase in pupil population than teacher population growth could keep pace with. Pupil population in Chicago showed an increase of 4.1 percent and an increase in teacher population of only 2.7 percent. Philadelphia's pupil body expanded by 5.3 percent, compared to its teaching staff growth of 4.4 per-

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cent. Pupil-teacher ratio was then observed to increase in Chicago from 24.5 : 1 to 26.2 : 1 and in Philadelphia from 23.8 : 1 to 24.0 : 1.

High pupil-teacher ratio.—Taking pupil-teacher ratio as an index of instructional staff supply problems in urban areas, a fall 1968 survey revealed that eight of the twelve cities under study in this document exceeded the national average pupil-teacher ratio of 23.1 by as much as 5.1 more pupils per teacher. The range of excess was from .5 to 5.1 (See Table 5).

Lack of fully accredited teachers.—Among the many staffing difficulties experienced by big city school systems, the short supply of fully accredited or licensed teachers remains a vexing problem. This is clear from the following comparison. The total number of full time teachers with less than standard certificates in the United States reported in a fall 1968 survey was 108,000, this figure representing 5.6 percent of all employed full time teachers. At the same time, cities such as Chicago, Baltimore, and Washington, D.C. reported much higher percentages of classroom teachers with less than standard certificates, i.e., Chicago 33.9 percent, Baltimore 23.8 percent and Washington, D.C. 26.0 percent.

TABLE 5.—PUPIL-TEACHER RATIOS IN 8 LARGE CITIES

	Pupil-teacher ratio	No. of pupils over national average
City:		
Baltimore	23.6	0.5
Chicago	24.5	1.4
Cleveland	27.0	3.8
Houston	26.9	3.8
Los Angeles	26.5	3.4
Milwaukee	27.5	4.4
Philadelphia	24.7	1.6
St. Louis	28.2	5.1

Source: Center for Urban Education.

Comparison between cities and suburbs.—The straits of big cities regarding the supply of educational personnel is further illustrated by comparisons drawn between several of the cities under consideration and their surrounding suburbs and towns. Striking differences favoring the suburbs are evidenced regarding the supply of school nurses, school librarians, and school psychologists. For example, Washington, D.C. reveals a ratio of 1,377 pupils per school librarian, in sharp contrast to that of neighboring Arlington County, Virginia which presents a ratio of only 459 pupils per librarian. Similar contrasts are to be found when comparisons are made between Baltimore and Baltimore County (2,317:1 and 787:1 respectively); Cleveland and Cleveland Heights (1,365:1 and 802:1 respectively); Philadelphia and Bristol Township (6,287:1 and 1,446:1 respectively); Milwaukee and Racine (10,508:1 and 1,432:1 respectively); San Francisco and Berkeley (1,958:1 and 750:1 respectively); Los Angeles and Long Beach (26,354:1 and 1,138:1 respectively). A comparison of some of the same cities and nearby suburbs regarding school nurses and school psychologists reveals yet another staffing disadvantage of big city school systems. In Washington, D.C., there is a ratio of 3,105 pupils per school nurse, while in Arlington County, Virginia, one finds a ratio of 1,540 per school nurse. Again, similar contrasts are to be found when comparisons are made between Philadelphia and Bristol Township (1,172:1 and 732:1 respectively); and between Chicago and Rockford (4,034:1 and 1,589:1 respectively). Likewise, in the matter of school psychologist, striking contrasts are found between Washington, D.C. and Arlington County, Virginia (6,346:1 and 3,273:1 respectively); and between San Francisco and Haywood (9,400:1 and 4,308:1 respectively).

Racial distribution of teaching staffs.—The problems of big city schools will not be completely solved if more minority group teachers and administrators are recruited and promoted, but unless they are, all other reforms seem hypocritical. Unless prejudice and racism are overcome, all other programs will fall short of their goals. Moreover, quite apart from moral exhortations, it is clear that minority group teachers represent an under-utilized manpower pool which might substantially contribute to the reduction of the shortage mentioned above. The results of generations of discriminatory hiring and promotion practices are revealed in one of the findings of the Coleman Report: "Compared to the teachers of the average white pupil, the teacher of the average Negro pupil is . . . much more likely to be Negro in every region." A 1963 study of Cleveland's East Side, for example, showed that 81 percent of the teachers assigned to nearly-all Negro schools were Negro, 91 percent of the teachers in majority-Negro schools were Negro, and 3 percent of the teachers in nearly-all white schools were Negro. That the process of changing these racial patterns is far from complete may be exemplified by illustrations from a number of school systems. In Los Angeles (Fall 1967), for example, where 21.4 percent of the pupils are black, only 6.1 percent of the administrators, 12.8 percent of the counselors, and 14.7 percent of the teachers are black. Even more striking 20.3 percent of the pupils have Spanish surnames, but only 1.3 percent of the administrators and 3.0 percent of the teachers have Spanish surnames. In Chicago, where approximately 54 percent (1966) of the student body is black, 33.9 percent of the teaching staff is black and approximately 21.9 percent of the administrative supervisory staff and specially assigned teachers are black. The situation in New York City schools is even more acute. Only 6,000 (11 percent) of a 55,000 teaching force is black. The proportion of black administrators is even lower.

Teacher drop-out.—The perennial and increasing problem of staffing big city schools is aggravated by a phenomenon identified by B. Othanel Smith and his associates as the "Teacher Dropout." And this attrition problem among new teachers and teachers at all levels of experience seems greater in the inner-city regions of big cities. It has been noted for example that the rate of exit from Chicago inner-city schools is ten times that of less poverty-stricken areas. Citing Haubrich and others, Smith offers a useful summary of current information concerning the high rate of teacher exit from inner city schools.

In the borough of Manhattan, according to Haubrich, one third of the teachers appointed to positions do not accept their assignments. Moreover, in a study of teacher attitudes in 15 major American cities, it was reported that 17 percent of the teachers had been in their ghetto school for one year and 63 percent in their present position for five years or less. The proportion of teachers remaining after five years dropped off radically. At the same time, some 88 percent of the teachers indicated that they were satisfied with their positions. But the rate of dropouts from the ghetto schools would seem to indicate that the teachers tend to move on even though they may express satisfaction with the school in general.

The teachers in the above-mentioned study were least satisfied with the working conditions, their teaching loads, and the community. About 63 percent were satisfied with their working conditions and approximately 62 percent with their teaching loads. But only 58 percent expressed satisfaction with the community, with 48 percent of these being only somewhat satisfied. A large proportion of the teachers were satisfied with their colleagues, supervisors, the pupils, and with their salaries and the flexibility permitted them in the classroom. These findings seem to indicate that the dissatisfaction of within the school itself. Since teachers seem not to prefer neighborhoods where working conditions are unfavorable, young and inexperienced teachers, who must accept positions wherever they find them, are often located in the disadvantaged areas. With the highest rate of turnover among beginning teachers, it is not surprising that schools in deprived communities suffer a high rate of attrition among their teachers.

The Problems of the Education System in Perceiving Its Students

This section argues the inability, in many cases, of the system to cope with a pluralistic culture, and cites some of the reasons for the problems which many teachers have in perceiving their students as they are—and as they can be—and to respond to their needs.

Perhaps one of the most serious problems with many urban systems today is their lack of awareness of the effects of their own biases on their students. The racial and ethnic minorities, the urban immigrants of today, possess essentially the same general goals as those of the nationality immigrants of yesterday. Among these goals are the attainment of self-respect, personal safety, economic security, and acceptance in the mainstream without loss of individual self-identity. Despite the similarity in goals, today's minorities are separated from previous groups by more than years alone. The school systems which expected middle class performance from those earlier immigrants were fulfilled in their expectations for they were similar to those of the students.

The populations have changed; their strengths and weaknesses have changed; their problems have changed; their needs have changed; their values have changed. Most systems have not. Many systems' unconscious biases and static expectations have limited its capacity to teach children who enter the schools without certain attributes held by previous constituencies of the system. Such attributes relate to being oriented to middle class values and expectations, being reading-ready, and having the structural orientation that facilitates sifting from subject matter to subject matter as dictated by time blocs rather than by interest and substance. Because of the widespread use of systems' equating a student's capacity to meet their expectations with his possession of such middle class attributes, the concept of the self-fulfilling prophecy has all too often been demonstrated. "Children who are treated as if they are uneducable invariably become uneducable" (Clark, 1965, p. 128).

Studies indicate that a student entering the school doors has a significantly better chance if he is neither black nor nonwhite.[26] However, scattered throughout urban education systems are a growing number of activities which reflect efforts to overcome these biases—and, are, indeed, hopeful indicators. These efforts reflect a very considerable variety and scope. Among them are: decentralization and *de facto* community involvement in real decision-making, sensitivity training for school personnel; addition of courses in institutions of higher education on impoverished children and youth at the request of local educational systems; early childhood programs which are aimed at parents as well as their children; bilingual programs with emphasis on the cultural as well as the linguistic aspects of language; job training in the high schools; and the like.

The Problem of the Teacher in Perceiving His Students

The teacher's problem in perceiving his students when those students represent backgrounds and values different from his own has complex origins. In addition to personal difficulties on the part of the teacher to accept and respect differences, there is the

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education system's—and indeed society's—lack of interest in so doing. Until quite recently, society generally, and teacher education institutions specifically, have attached little status to working with disadvantaged. One of the rewards of education has been presented as increased status in the eyes of society for those who have successfully negotiated the educational system from the primary years through graduate school. For the teacher, this status comes as a result of successful achievement at an institution of teacher training. His continued status often rests on his "ability" to teach only those students who are already successfully negotiating the system.

Graduate schools of education, with very few exceptions, have sent their brightest interns to wealthy suburban areas as their "reward," further reinforcing the notion that "good teachers deserve to teach in the suburbs, while less capable teachers are left to teach in the city." Implicit in this pattern of assignments is the corollary that suburban schools are "good" while city schools are "bad." The trend has been that graduates and younger, brighter graduate students have started their careers in suburban systems. Moreover, the most effective experienced teachers have generally selected suburban teaching settings. Thus, the least experienced teachers have been relegated to the cities, further reinforcing the view of the ghetto schools as inferior (Kerner, et al. National Advisory Commission on Civil Disorders, 1968, pp. 428–429).

The average Negro student is more likely than the suburban student to be taught by a teacher who: (1) scored slightly lower on a verbal examination voluntarily taken for the Coleman Report; and (2) attended a college which gives less than a regular teaching certificate (Coleman, et al., 1966, pp. 134, 137, 140).

"The schools attended by disadvantaged Negro children commonly are staffed by teachers with less experience and lower qualifications than those attended by middle-class whites. For example, a 1963 study ranking Chicago's public high schools by the socioeconomic status of surrounding neighborhoods found that in the ten lowest-ranking schools only 63.2 percent of all teachers were fully certified and the median level of all teaching experience was 3.9 years. In three of these schools the median level was one year. Four of these lowest ranking schools were 100 percent Negro enrollment and three were over 90 percent Negro. By contrast, eight of the ten highest ranking schools had nearly total white enrollments, and the other two were more than 75 percent white. In these schools, 99.3 percent of the teachers were fully certified and the median level of teaching experience was 12.3 years." (Kerner, et al., 1968, p. 428).

Thus, all too often those teachers who are either less successful in their own educations or who are least experienced face students with deep-seated differences, problems and needs which they little understand.

Where the teacher is far from his students in terms of their background and culture, and is conscious of his own lack of status as awarded by society for teaching the disadvantaged, the teacher is inclined to develop a set of defenses which distort his perceptions of his students. Such cultural pluralism compounded by the great size and density of population produces a growing schism based on mutual misperception and mistrust between many of the service professions, including teaching, and the urban impoverished groups. As sociologist, Dan Dodson was quoted:

"As schools now perform the status ordering, those who come out ahead have little sense of responsibility for those who are of less status. This is amply illustrated by the alienation which accompanies professional training. By the time a man is trained to be a doctor, he cannot treat the poor, except as they conform to his rituals. He has been tuned out of humanity's main wave lengths. By the time a man has become a lawyer, he has little concern with the poor, except to defend those with privilege against them. On the lower East Side, it was found that of 100 cases where people had been denied public welfare, 80 would have been eligible had they been represented with legal counsel. What strange value is this in American education which makes it impossible for those who are party to its blessings, to relate to the common stream of humanity? The doctors can't treat the poor. The lawyers can't serve them . . . the teachers can't teach them—they too have to be siphoned off into a special class. . . . Education has become a stairway to status rather than a gateway to service." (Dodson, 1969, p. 19).

In too many cases, teachers cannot descend this stairway to more clearly and humanly see their students. We are fortunate in that there are always some teachers who do, indeed, see education as a "gateway to service." Despite often inappropriate materials, overcrowded classrooms, inadequate special services, and little special equipment, these teachers somehow still manage to carry on a classroom learning program which is appropriate for and effective with their students. And such teachers stay enthusiastic about what they and their students are achieving. But such teachers are in short supply.

The Problems With the System as a Perception of Its Students, Its Faculty, Its Community

Apart from and transcending that which can be measured, the system has major problems if its constituency thinks it is failing. To what extent and with what intensity that constituency believes the system has failed is impossible to measure with full accuracy, but there are certain indices by which the manifestations of that belief may be measured and, as a result, validated.

This section reinforces the student's perception of the system's failure through the documentation of achievement levels, drop-out rates, and instances of violence; the teacher's perception as articulated through strikes, disagreements, and a growing body of dissent literature; the community's perception as expressed by the defeat of bond issues, general lack of support and confidence, and a growing trend toward decentralization and separatism.

The System as Perceived by the Student

For the student, his belief that the system has failed is manifested by his lack of opportunity to achieve success within its framework by this judgment that something outside the system holds more relevance for him than anything within, or by his hostility toward it. The validity of these attitudes may be documented through the indices of student achievement, drop-out rates, and acts of vandalism or other forms of hostility toward the system.

Academic achievement of the inner-city student.—The system has failed—not only in the eyes of the student, but in fact—to provide the inner city student with the necessary level of achievement in academic skills. It has failed the disadvantaged student and the student of a racial or ethnic minority. In a detailed examination of urban education led by Congressman Alphonzo Bell and released by ten other members of the House of Representatives, one conclusion was:

"Each student in America should be given the opportunity to acquire the basic tools of speech, writing, reading, and math, without which he can neither learn further nor compete effectively. The core city youth, especially the ghetto Negro is not now acquiring these skills and we believe that urban education is inadequate to provide him the opportunity to acquire them." (*Congressional Record,* 8/19/68).

The evidence backs up such a conclusion. It is true, as mentioned above, that a student entering school has a significantly better chance if he is neither black nor non-white to achieve success in academic terms. Achievement scores on standardized examinations demonstrate conclusively that metropolitan Negro students score consistently lower than metropolitan white students—at every grade level and in relation to all basic skills. Data from the Coleman Report show for example, that in the Northeast the average score student in grades one through twelve scores 8 points less on a nonverbal exam, 9 points less on a verbal exam, 8 points less on a reading exam and 10 points less on a math exam (Coleman, 1966, pp. 252, 253, 256).

Not only are such scores lower, but the gap seems to accelerate over a period of time. The urban Negro student tends to fall further behind his white counterpart as they complete successive grades in school. The average Negro core student in the Northeast is 5.2 grade levels behind his white suburban counterpart in math by the twelfth grade, 2.0 grade levels behind in reading, and 3.3 grade levels behind in verbal ability. Figures are similar in the Midwest and worse in the far West (Coleman, 1966, pp. 274, 275).

Table 6 (not printed in RECORD) was compiled by the Center for Urban Education from data gathered from an intensive analysis of over 200 studies on the subject of academic progress. It dramatically describes the progress for black and disadvantaged children following almost identical patterns, in contrast with normal progress. These children score slightly below their more advantaged counterparts when first tested in either grades one or two, and thereafter progress at steady rates which are lower than normal. The gap increases as the child proceeds through school until at the end of the ninth grade, he is generally two and a half years behind. Summarizing these conclusions in numerical terms, the figures in Table 7 represent the mean percent of normal expectation actually achieved at the appropriate grade level. For the disadvantaged group, the mean proportion drops from a high of 80.1 percent in the second grade to a low of 68.0 percent by the end of the eighth grade. For the black group, the mean starts at 94.7 percent and then remains in the area of the low 70's. These data might lead one to the spurious conclusion that minority and disadvantaged groups begin school with lower intelligence and/or academic capabilities and that their abilities diminish over time. In many cases, school programs manifest content which reinforces such a conclusion. What these data really point out is that the complex of disadvantages during pre-school years serve as obstacles to the student's early learning which his more advantaged counterpart does not face. For the Spanish-speaking student, these obstacles are compounded. Not only does he contend with the problems of poverty but he must also contend with a language barrier as well. As the student progresses through school, he continues to face those environmental obstacles (described in Chapter III). But now he meets an educational program which is worlds apart from that environment, generally indifferent to the growing toll which that environment exacts of him, and geared neither to capitalize on his strengths nor respond to his needs.

TABLE 7.—MEAN PROPORTION OF ACHIEVEMENT

Grade	Disadvantaged	Black
1		94.7
2	80.1	84.5
3	75.9	78.6
4	72.5	71.0
5	76.0	69.7
6	74.6	73.5
7	68.2	
8	68.0	71.8

Source: Fox, memorandum No. 1, the Center for Urban Education, pp. 21, 23.

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TABLE 8.—STATUS IN RELATIONSHIP TO NORMS BY GRADE, VARIABLE, AND CITY, 1967-69; READING AND ARITHMETIC [1]

Grade	Variable	Detroit, September 1969	Los Angeles January 1968	Los Angeles May 1968	Milwaukee, September, October 1967	Philadelphia, April, May 1968	St. Louis, April, May 1968	New York, April 1968
2	Reading		−.8	−.6		−.6		(2)
	Arithmetic concepts					−.4		
3	Reading		−.9	−.7		−.6		
	Arithmetic					−.5		
4	Reading	−.9			−.5	−1.1		(2)
	Arithmetic	−.6			−.3	−1.0		
5	Reading					−1.2		
	Arithmetic					−1.0		
6	Reading				−.6	−1.2		−.8
	Arithmetic				−.6	−1.1		
7	Reading					−1.5		−.4
	Arithmetic					−1.6		
8	Reading	−1.2			−.6	−1.4	−1.0	
	Arithmetic	−1.5			−.8	−1.7	−1.0	

[1] Where a vocabulary and reading comprehension score were both available, the reading comprehension score was used here. Similarly arithmetic concepts was used when it and arithmetic problem solving were both available.

[2] At norm.

Source: Fox memorandum No. 1 "The Center for Urban Education" p. 8.

Visits by staff of the Center for Urban Education to major cities revealed that in each city and in each grade for which data were available, there was city-wide retardation in achievement. Table 8 indicates the steadily worsening achievement levels of city students.

A telephone survey by OE staff to superintendents of several large cities and their suburbs indicated a reading level gap between city and suburban students of approximately two years at the sixth grade level. Results of this survey are partially indicated in Table 9.

We can only conclude from these data that the core city youngster has little basis on which to count on the education system with its present programs and levels of funding to provide him with the opportunity to achieve academically. The cycle of expectation of failure is a difficult one to break. As teachers expect low academic achievement from minority and disadvantaged students, they provide programs that are notably lacking in motivational techniques and substance that are the key elements in programs more often presented to the more advantaged students with high success expectations. As programs have been analyzed a progression of various concerns and debunking of various methods have been expressed, just as pointed out in this chapter's introduction, various people and institutions have been blamed. Teacher expectation is by no means the only problem. Over a period of time, the catalog of "what is wrong in urban education" has included earlier starting dates for children cultural enrichment, more urban and relevant materials, more minority group role models, ego—identification, individualism of instruction, parent involvement, the right to read, and so on. Yet, tragically coupled with all else that is wrong, teachers' expectations of failure, are, as anticipated, met by the students. And more dangerously, they begin to project the system's failures onto themselves and cease to hold their own capabilities in high regard. With little faith in their own abilities and in the system's abilty to convey an opportunity for success, school becomes a meaningless use of their time. Possibilities of earning money, or simply doing nothing, become more attractive to them.

TABLE 9.—AVERAGE READING ACHIEVEMENT GRADE LEVELS OF STUDENTS IN THE 6th GRADE

	Reading achievement level	Difference
Detroit	5.1	
Grosse Point, Mich	8.0	2.9
Atlanta	4.3	
Fulton County, Ga	6.9	2.6
New York	5.0	
Scarsdale, N.Y	7.5	2.5
Cleveland, Ohio	5.4	
Shaker Heights, Ohio	7.8	2.4
Los Angeles	5.0	
Beverly Hills, Calif	7.0	2
Philadelphia	5.6	
Lower Marion, Pa	7.5	1.9
Newark, N.J	6.2	
Tenafly, N.J	7.3	1.1

Source: Data received over the phone by members of Urban Education Task Force from selected school districts using 1963 achievement data.

Dropout rates.—Students whom the system has failed reject that system in disturbingly high numbers. Urban school systems fail to hold approximately one in four of their students through the full term of high school. The rate increases with the size of the city.

Both percentages and/or actual numbers of dropouts have been on the rise during the past decade. Table 10 indicates that during the period from 1960 through 1963, twelve major cities experienced an average student loss of approximately 30 percent, or 74,249 dropouts.

TABLE 10.—LOSS IN NUMBER OF PUPILS, BY GRADES, FROM GRADE 10 THROUGH HIGH SCHOOL GRADUATION (SEPTEMBER 1960 THROUGH JUNE 1963)

Cities	Loss in number of pupils by grades: Grade 10, 1960–61	Grade 11, 1961–62	Grade 12, 1962–63	Total loss, grades 10 to 12	Percent not graduating from reporting systems
New York, N.Y	8,843	15,281	5,125	29,249	37.05
Chicago, Ill	4,345	3,532	858	8,735	33.95
Los Angeles, Calif	3,275	3,423	704	7,402	22.83
Philadelphia, Pa	4,255	4,219	+54	8,402	46.60
Detroit, Mich	4,138	2,008	480	6,626	37.84
Baltimore, Md	1,494	1,248	733	3,475	34.98
Houston, Tex	1,337	855	+268	1,924	21.39
Cleveland, Ohio	1,349	789	24	2,162	31.37
Washington, D.C	779	679	4	1,462	29.61
St. Louis, Mo	945	108	67	1,120	24.70
Milwaukee, Wis	387	940	330	1,657	26.19
San Francisco, Calif	910	1,003	122	2,035	33.15

Source: "A study of the holding power rates of school systems in 128 large cities, population over 90,000, based on the graduating classes of 1960-63, inclusive," by Daniel Schrieber project; School Dropouts National Education Association, 1201 16th St. NW., Washington, D.C. App. A, table A, p. 56.

Warnings of the educational system's limited holding power went unheeded during the early years of this decade. As the years passed, the dropout rate became larger. For example, in 1963, Los Angeles had a total dropout figure of 7,402; but in 1967 that figure had risen to 12,086. The percentage of 22.83 percent in 1963 had risen to 27.00 percent in 1967. In 1968 the dropout percentage was the same as in 1967 but the number of dropouts had risen to 12,137. Within one year from 1963 to 1964 the Milwaukee dropout rate increased from the tabulated 26.19 to 27.6 percent.[27]

In 1965, former President Johnson told Congress: "In our fifteen largest cities, 60 percent of the tenth grade students from poverty neighborhoods "drop out before finishing high school" (*State of the Union Message*, 1965). Since roughly 10 percent never get to the tenth grade, the proportion is even larger. In 1967 approximately 65 percent of all black and Puerto Rican New York City students left school before graduation (*Carnegie Quarterly*, Fall 1968, p. 1).

Among Mexican Americans, the problem during the earlier years is even more acute. According to the Texas Education Agency, as many as 60 percent of the approximately 100,000 non-English speaking first graders entering the system each year will have dropped out of school permanently before elementary school graduation (Stemmler, 1966, p. 43).

The educational system's ability to hold students showed a continued slackening grip by 1968. Daniel Schreiber, in June of that year, published an article in *American Education* in which he indicated that the year 1967 had witnessed a total of 734,000 dropouts, 580,000 of whom were white with the remaining 154,000 nonwhite (Schreiber, 6/1968, p. 6). The rate of dropout among minority students compared to that of white students is startling. Negro students in the metropolitan North and West are more than three times as likely as whites to dropout of school by ages 16 and 17 (*One year Later*, 1969, p. 29). An average of 48 percent of the non-white population over 25 lacks a high school diploma as opposed to 27.5 percent of whites (*Digest of Educational Statistics*). A higher percentage of the black population, as compared to the white, may be dropping out of school but the figures clearly indicate that there is much dissatisfaction with the existing school system on the part of both white and nonwhite American youth.

Work-study programs, street academies, storefront schools, public and private manpower training programs, Upward Bound, and the Job Corps are all involved in working with dropouts and potential dropouts. These programs are promising evidence of the effort to salvage the wastage of our youth. But, as the above figures show, these efforts are far from accomplishing the salvage job on the scale that is needed.

Growth of hostility toward the system.—That the student is perceiving the education system with increasing hostility is being demonstrated all too painfully. The dropout, who, as we saw in ever increasing numbers in the preceding section, does not merely release his hostility in the act of breaking his

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Footnotes at end of article.

association with the educational system. The National Commission on Civil Disorders showed a significant and prophetic relationship between education and rioting. In its survey of riot cities, it became evident that the typical riot participant was a high school dropout. Conversely, "the counter-rioters were clearly the best educated. . . . Apparently high levels of education and income not only prevented rioting but are more likely to lead active, responsible opposition to rioting . . ." (Kerner, et al., 1968, p. 132).

"Drop-out-ism" and rioting are two of many expressions of today's students' hostility toward society in general and toward the education system in particular. Violence directed at the school and its symbols is being exhibited at a cost that far exceeds the monetary damage. And violence may be viewed in varying degrees of intensity which grow from vandalism against property to assault and even murder of individuals associated with the system. Students who begin their overt resentment of the system through vandalism against school property may be telling us that the system will not listen to them when they speak softly and peacefully. As Bruno Bettleheim has pointed out:

"Violence is, of course, a short cut toward gaining an objective. . . . Whether or not it will be used or avoided depends entirely on what alternative solutions are known to a person facing a problem." (Bettleheim, 1966, p. 72).

Perhaps the most serious aspect of vandalism is the set of messages it conveys—that many students look upon the school as alien territory, hostile to their ambitions and hopes—that the education which the system is attempting to provide lacks meaningfulness, and that they feel no pride in the edifices in which they spend most of their days.

The usual reaction of the school system and of the general public to acts of vandalism has been one of anger, not only because of the damage caused and the hostilities expressed, but because of the seeming senselessness of the acts. However, studies of youth violence have indicated—without absolving the perpetrators of responsibility for their acts—that vandalism is not as pointless or aimless as it appears.

John M. Martin of Fordham University has said that every incident of vandalism is "both meaningful to the participants and understandable in terms of the situation in which it occurs" (New York Times, July 14, 1969, p. 37). Stanley Cohen of the University of Durham, England, confirms Martin's earlier findings.

"The usual terms used to describe various forms of vandalism obscure and discredit what may be the real explanations: if a boy breaks into his school and smashes up the classrooms because he has a grievance against the teachers, it is no help to call his behavior 'wanton' and 'pointless.' . . . Most research into school vandalism indicates, in fact, that there *is* something wrong with the school that is damaged. *The highest rates of school vandalism tend to occur in schools with obsolete facilities and equipment, low staff morale and high dissatisfaction and boredom among the pupils.*" (Cohen, November 11, 1968, pp. 497–500.)

The lesson of these studies is that though the public and the system may be justifiably angry at the destructiveness and maliciousness of acts of vandalism, they "hide their heads in the sand" if they dismiss the acts as being senseless, pointless, or aimless. Cohen's research reveals that the schools are seen as deficient, frustrating, hopeless places by the vandals.

Systems generally are failing to heed this message. By so doing, they face two inevitable effects: (1) rising financial losses; and (2) increased frustration levels among students which lead to more serious forms of violence. These effects are discussed below.

(1) The financial burden the system must bear through vandalism is overwhelming. It is estimated that the public school systems in the Nation's 193 largest urban areas have suffered at least $70 million from school vandalism each year since 1960, and costs have increased at a faster rate as the frequency of vandalic acts has multiplied.

In the 1967–68 school year, New York City public schools recorded $2,716,757 in damages. Costs in Chicago in 1968 reached $992,542, not including $800,000 for broken glass replacement. In the same year, the costs of school vandalism per pupil reached a high of $6.84 per pupil in Tampa, and a mean for the Nation's twelve largest school systems exceeded $1.50 per pupil. Table 11 conveys a devastating message.

(2) The systems' response to the message left by the vandals only serves to cause further frustration among students, which is expressed by more serious forms of violence. School administrators express their growing alarm at the rising tide of damage to school property by installing expensive electronic detection devices, changing building design, employing armed guards accompanied by dogs, training themselves in police methods, and even by flying helicopters at low altitudes with powerful searchlights each night—in short doing those things which will further reduce pupil, parent and teacher morale, and further destroy any feelings of mutual respect and openness so essential to good learning.

Following simple vandalism directed at school property, there develops a frightening shift toward assault on people who are seen as extensions of the system.

Acts of vandalism are a reflection of student and community attitude towards the schools of the major cities in the Nation. Data that more reliably permit us to view student attitude towards the schools and their teaching personnel are the figures related to cases of violence committed by students upon school personnel. In Philadelphia, for example, there was a 500 percent increase in the number of reported assaults on or threats to school personnel in the period 1962–63 to 1967–68.

TABLE 11.—VANDALISM BY TYPE, NUMBER AND COST FOR SELECTED GREAT CITIES, 1966–67

City school system	Types of offenses										Cost per number of offense
	Total		Windows		Larceny		Arson		Miscellaneous vandalism		
	Number	Cost	Number	Cost	Number	Cost	Number	Cost	Number	Cost	
New York City	207,775	$1,952,795	205,218	$1,026,900	2,358	$787,301	199	$139,404	(1)	(1)	$9.39
Los Angeles	3,515	555,491	2,000	19,793	274	373,270	41	116,147	1,200	$46,281	158.03
Detroit	2,123	515,319	666	249,296	1,434	183,000	23	83,023	(1)	(1)	242.73
Cincinnati	7,195	444,500	4,535	123,125	824	106,096	130	115,316	1,706	104,963	62.47
Baltimore	67,176	267,458	66,632	191,345	477	47,897	19	19,863	48	8,353	3.98
Newark	29,384	251,459	28,690	69,926	489	29,368	40	125,894	165	26,171	8.55
Washington, D.C	36,748	251,123	36,525	180,202	223	70,921	(1)	(1)	(1)	(1)	6.83
Philadelphia	110,125	250,000	109,500	250,000	369	(1)	80	(1)	176	(1)	2.27
Cincinnati	9,639	226,757	9,307	72,408	166	9,123	(1)	(1)	166	145,226	26.25
Milwaukee	2,056	215,063	1,531	98,738	244	69,253	28	6,676	253	40,396	104.85
Boston	1,135	213,700	840	128,000	153	58,600	38	18,800	104	8,300	188.28
Kansas City, Mo	11,075	114,672	10,860	74,866	71	31,151	(1)	(1)	144	8,655	10.35
Memphis	9,563	101,897	9,220	64,497	(1)	21,500	(1)	(1)	343	15,900	10.65
Minneapolis	389	67,220	300	76,200	42	720	3	7,200	44	3,100	224.22
St. Paul	4,366	73,675	4,154	43,248	166	23,945	6	100	40	1,382	16.87
Pittsburgh	7,544	72,398	7,125	47,780	126	6,154	(1)	(1)	293	18,464	9.60
Tampa	6,575	62,297	5,955	17,793	425	40,483	(1)	(1)	195	9,021	10.23
Tulsa	1,768	65,000	1,560	23,400	208	41,600	(1)	(1)	(1)	(1)	36.76
Wichita	2,059	55,430	(1)	41,492	(1)	10,770	(1)	(1)	(1)	3,168	27.92
Oakland	1,112	54,344	465	9,292	165	11,160	135	26,973	347	6,919	48.87
Syracuse	3,500	48,871	3,500	48,871	(1)	(1)	(1)	(1)	(1)	(1)	13.96
Dayton	265	45,461	195	34,101	65	7,360	5	4,000	(1)	(1)	171.55
Jefferson County	806	42,823	714	12,846	67	24,671	----	----	25	5,288	53.13
Corpus Christi	(1)	40,778	(1)	12,599	(1)	8,924	(1)	11,887	(1)	7,368	(1)
Portland	2,285	40,764	1,000	18,662	290	14,296	37	486	958	7,320	17.83
Richmond	154	40,414	(1)	27,188	76	2,843	1	8,875	77	1,508	262.43
San Antonio	(1)	40,000	(1)	26,000	(1)	(1)	(1)	(1)	(1)	14,000	(1)
New Orleans	2,837	36,986	2,272	12,000	235	24,886	3	100	327	(1)	13.03
Louisville	333	33,254	333	26,560	(1)	(1)	(1)	(1)	(1)	6,694	99.86
Denver	9,182	29,189	8,964	18,371	218	10,818	NR	(1)	(1)	(1)	3.17
Norfolk	1,592	25,490	1,365	8,191	155	10,500	----	----	72	6,799	16.01
Birmingham	92	20,944	(1)	(1)	91	15,994	1	5,000	(1)	(1)	228.19
El Paso	181	14,304	79	(1)	63	7,242	2	994	37	6,064	79.02
Beaumont	515	5,500	400	2,000	80	300	----	----	35	3,200	10.68
St. Louis	1,108	(1)	1,108	(1)	(1)	(1)	(1)	(1)	(1)	(1)	(1)
Indianapolis	1,100	(1)	1,100	(1)	(1)	(1)	(1)	(1)	(1)	(1)	(1)

[1] Not reported.

Source: Vandalism Study of Selected Great Cities for 1966–67, prepared by Baltimore City Public Schools, Division of Research and Development, Bureau of Records and Statistics, June 1968.

Table 12 includes only reported incidents. The number of actual incidents is probably higher than reported. Other cities have reported similar incidents which are related to student-teacher interaction rather than to black-white tensions, inflamed by activist movements. The assaults upon teachers has sharply risen within the last two years. In Chicago, for .instance, the assaults upon teachers during the first six months of the September 1968 term were up to 30 percent over the same period in 1967. The plight of East St. Louis where three out of four of the city's 900 teachers are carrying guns is indeed a frightening one.

The move from attacks on school property to attacks on school personnel was slow in coming. This is partially because in the beginning there was no support in the home for an attack upon the school system in any overt manner. In part the slowness was due to the student realizing that he was attacking an authority figure who represented his parent. In the beginning, the child sees the teacher as the agent of the parent, a parent surrogate. Psychologically, to attack such a 'figure was to attack not just authority but one's parent.

TABLE 12.—ASSAULTS ON OR THREATS TO SCHOOL PERSONNEL IN THE PHILADELPHIA SCHOOL SYSTEM

	Number reported		
	Total	Assaults	Threats
School year:			
1967 to 1968	121	107	14
1966 to 1967	107	104	3
1965 to 1966	109	92	17
1964 to 1965	68	47	21
1963 to 1964	62	48	14
1962 to 1963	20	16	14

Source: The School District of Philadelphia, Office of Research, analysis of incidents reported by the Philadelphia senior high schools, 1962-3 through October 1968, p. 3.

However, the attack did in fact come against the school's personnel. The system was perceived as the child's enemy, especially the black child's. The black child had now reached the stage where he was attacking the values of his own previous generation, the values of his own parents as well as the white society surrounding him. The attack on the parent made it possible to attack physically the agent of the parent. The black youth began to attack the existing black leadership as being emasculated by white school systems and centuries of oppression. The youth-oriented and youth led SNCC attacked the established adult civil rights groups such as the NAACP and the Urban League. Others began attacking the term "Negro" as no longer appropriate, since it was given to blacks by the white man. Black youth looked upon their fathers as failures as guides in the struggle for emancipation (Feuer, 1969, pp. 394–396).

But more was happening to the youths of the cities. As indicated previously, there was also a growing frustration, hostility and restiveness on the part of adults due to increased awareness of the second class status of the black man. This sense of hostility towards the system was felt by the non-white child. His growing dissatisfaction with the educational system moved from dropping out of school and mischievous vandalism to destruction of the buildings, and finally to the attack upon the person, the ultimate confrontation with the system. In his own eyes he now could believe that his action would have the sanction of parental authority. Another factor that made this combination of tangible and psychological factors result in violent outburst at the educational system and those who run it was the system's inability to teach the non-white children whose numbers were constantly growing. Along with the growing number comes growing sense of power.

Although the civil rights movement has roots prior to 1964, it is in the mid 1960's that its major impetus is most noted. The public school student did not move into action as fast as the civil rights movement. His dissatisfaction with the educational system initially took the form already documented. It was not until the last two years that significant change occurred. Its delay was due to the fact that the child's mind is not a *tabula rasa*. The non-white child was a product of the previous generation and had been socialized in the home and elementary school to perform and respond in adult-determined ways and to accept the ways of the school as correct. He had to overthrow these internalized values he held concerning the educational system. He had to modify, if not eliminate, certain beliefs that he would be allowed to achieve equally, according to his ability with his white peer. He had to convey these new realizations. Too, often he conveyed them violently. But he had a message.

If vandalism was a matter of a few isolated incidents, the message could be set down as the voice of a few disgruntled misfits. But it is occurring on a massive scale everywhere in the Nation and in the large urban school systems in particular. The message is inescapable—it is a large vote of no confidence in the schools by a growing number of pupils.

The System's Problems as Perceived By Its Faculty

On Wednesday, September 3, 1969, *The Education Daily* (Vol. 2, No. 165) reported that about 75,000 teachers in at least 13 states were involved in disputes with their school systems. Cited specifically were:

Los Angeles, where 30,000 teachers are demanding a 14 percent increase in starting pay, and where 1,000 teaching slots are unfilled as the season starts.

New York, where 70 locals were without contract including 10,000 teachers in districts where the situation was critical.

Michigan, where 170 local education associations with 31,000 teachers were not under contract.

Tennessee, Indiana, New Hampshire, Ohio, Pennsylvania, Utah, and *Wisconsin*, where teacher strikes were in effect.

The problems which the system faces in the area of personnel are discussed in detail earlier in the chapter. What we wish to note here are the teachers' ever increasing grievances with the system. And while the teachers are an integral part of the system, their strikes which are occurring with increasing frequency hold a message for the system as much as that expressed by the students and while many of the strikes involve financial grievances, there is an implicit plea on the part of teachers for society's respect and valuation of their role. Underpaid and afforded little status in hierarchy of professions, many teachers feel that students will hardly respect them if their place in the larger society is rewarded no more significantly than the sanitation workers.

Perhaps certain teachers deserve no higher reward, but it is significant in recent literature to note the increasing number of volumes in which teachers are highly critical of those of their profession who are indifferent to or failing at their jobs and are just as critical of the system which shields such failures. A whole new genre has crept into the educational literature—the expression of the "angry young teachers" who view other teachers and the system as the failures in the educative process. A few such noteworthy examples would include:

Death at an Early Age: The Destruction of the Heart and Minds of Negro Children in the Boston Public Schools, by Jonathan Kozol, 1967.

36 Children, by Herbert Kohl, 1967.

The Way It Spozed To Be, by James Herndon, 1968.

How Children Fail, by John Holt, 1964.

Our Children Are Dying, by Nat Hentoff, 1966.

Education for Alienation, by Nathaniel Hickerson, 1966.

Village School Downtown: Politics and Education, A Boston Report, by Peter Schrag, 1967.

This brief catalog is only set out as examples of a few voices out of many that are beginning to be heard. Related to such voices is one recent film entitled "High School" produced by Frederick Wiseman which revealed the shortcomings and shortsightedness of one urban system in regarding its own schools. The system gave Wiseman free access to what it judged to be one of its most highly rated schools. The messages of the lack of communication between administration, teacher and student; the stifling of student individuality and the words of the students themselves, quickly ended the system's expectation of a film to justify its pride in that school. The film is not shown in that city.

The system is failing the needs of its good teachers and its good teachers are realizing with increasing frustration that even they, while a part of their system, are failing the needs of the students.

The System's Problems as Perceived by the Community

Neither the white nor the minority communities have expressed indications that they are satisfied with the schools as they now are serving their children. Both have expressed the deep conviction that the schools must belong to their particular communities—although the forms of expressing the conviction may markedly vary.

In the suburbs, as well as in the cities, majorities of white populations have expressed their alienation from the schools at the polls in many recent votes on bond issues and tax support. Chapter II discussed this lack of confidence in detail.

Minority populations with more cause to judge the schools as failures, have less financial "clout" over the schools, and thus have had generally less decision-making powers over them. It has been this exclusion from the decision-making of the system that has led to the recent upsurge of feeling in the inner-city community that the community has the right to control the schools. The failure of the system to meet impoverished children's needs, in particular, has led such communities to believe that they could certainly do no worse a job educating their children than the present system is doing. Moreover, they believe they could probably do a better job—because of their more direct and personal comprehension of the needs and problems of their children.

The highly vocal demands for decentralization and community control on the part of minority communities, particularly the black communities, have been, in many cases, coupled with the move toward racial and cultural separatism. What is happening in the black communities' attitudes toward education is being paralleled in their militant attitudes expressed in local and national politics. Generally stated, the attitude is: if the white establishment fails to provide equal opportunity, the blacks will do it themselves—by themselves—for themselves.

The movement in most large cities toward alternative forms of education is clearly indicative of further community dissatisfaction. Such alternatives range from large subsystem projects, such as Ocean Hill-Brownsville (New York) to smaller community-operated schools—like Adams-Morgan in Washington, D.C., and intermittent demands for a voucher system.

The ineffective use of Federal funds in the schools has become a major community con-

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cern. In States, such as Mississippi, which represent an extreme, protests have been declared by black communities as to the misdirection of funds under Title I, ESEA which are supposed to aid the disadvantaged student. What is happening in Mississippi is by no means an isolated event. Urban communities in states across the Nation have become increasingly aware of the uneven distribution of funds which have favored suburban and rural areas. Moreover, these urban school systems have done comparatively little with those funds they have received to improve the educational level of the inner city student. It has now occurred to the groups representing target populations to begin claiming title to those new Federal funds as belonging to them—and their demands are becoming more vocal as well as more perceptive as to the intent of the funds.

It becomes increasingly apparent that the urban education system has raised the dissatisfaction level of the parents and urban communities of any racial or ethnic group—impoverished and affluent alike. The emerging interdependency thrust mentioned in Chapter I has yet to be fully articulated and demonstrated. However, some examples of it are to be found although not labeled as such. The Community Schools of Flint, Michigan, and the Anacostia Community School Project (D.C.) could probably be considered as manifesting this thrust. Certainly, successful Head Start and Follow Through projects manifest varying degrees of it as well. Programs and projects genuinely reflecting this thrust are promising signs in urban education systems.

Summary of Chapter

The Task Force members agree that the education system is generally failing to provide the inner-city economically and educationally disadvantaged student an educational experience which will afford him an equal opportunity to enter the occupational and cultural mainstream. Although the members vary in their judgment as to the extent of the system's responsibility for its failure, all agreed that major changes were needed with significant increases in funding levels to effect such changes. The minority report expressed the view that only with very significantly increased Federal funds would the school systems ever be able to provide the educational programs needed. The point was stressed that there has never been enough money for education and that this approach ought to be tried.

This chapter continued to examine the overwhelming obstacles faced by the system, in addition to those of finance (Chapter II) and environment of the student (Chapter III). Such obstacles relate to the extensive migration of poor uneducated members of racial and ethnic minority groups into the inner city where they have settled in isolated pockets.

Not only are educational programs and staff attitudes which were successful with previous urban populations ineffective with these groups, but facilities and personnel are inadequate to meet their needs and numbers. Unmet, these problems become increasingly complex and increasingly significant for their part in the system's failure to educate the student.

Beyond the system's problems in coping with the increased numbers, lack of facilities and lack of personnel, it has demonstrated a blindness in perception of the student of today's inner city. By and large, the system has expected that student to be a failure, and unaware of its failure, has succeeded in creating the student in its own image. The teachers of the urban system are generally less educated, less able, and less experienced than those of the suburbs. They are too often of different backgrounds from their students. They gain little status for teaching the disadvantaged. For these reasons, and others, urban teachers are generally unsuccessful in relating to and perceiving their students.

In turn, the students, certain teachers, and the community develop their own perception of the system. They have perceived the system as not meeting their needs.

The students have reason for such a perception. They are not being given the opportunity to achieve academically. The inner city students of a racial minority score lower than their more affluent white counterparts on achievement tests when they enter the system and tend to fall further behind as they complete successive grades in school. The system has not met their needs nor recognized their strengths and aspirations. The students have recently begun to articulate the frustrations that underlie their perceptions. They have done so first by dropping out of school and then through acts of vandalism against school property followed by acts of violence against the personnel of the school. Significantly their violence has occurred more frequently in situations where something *is* wrong with the school, such as its facilities or its personnel. The system has all too often not heeded the messages conveyed by these students and has generally responded with repressive measures that only tend to increase student hostility.

A growing number of teachers are coming into conflict with the system. Strikes, disagreements, unsigned contracts, etc., are becoming commonplace headlines. And teachers are courageously speaking out against ineffective fellow teachers and repressive, unimaginative systems in a new brand of angry literature.

Communities both black and white have expressed their judgment of the system's responsibility for its own failure through defeat of local bond issues, demands for decentralized, community controlled schools, and alternative systems. Their judgment has probably lent in some cases at least tacit approval to their children's dropping out or expressing disapproval in less peaceful ways. The communities have grown increasingly aware of the presence and purpose of Federal funds in local systems and have expressed their dissatisfaction with the system's relatively ineffectual use of such funds.

There are, throughout the urban education system, indications of change which offer real promise for the future—and some example of these have been cited. However, the decade of the 1970's must bring with it, a rapid acceleration and expansion of changes in urban education systems if we are to have schools which will effectively educate all of our impoverished urban children and youth. No urban education system has succeeded in achieving this goal in the 1960's. It must be accomplished in the 1970's.

Chapter V

The Impoverished Urban Student

In the three preceding chapters, we have presented evidence to show the three major aspects of the massive urban education problem: the financial crisis, the urban environment, and the education system itself. In this chapter, we focus on the student—not in terms of listing his so-called deficiencies," (e.g., low verbal skills, "wrong" language—speaking Spanish instead of English) but, instead, concentrating on what he has to offer the school which provides the basis for planning the educational program.

What we are arguing for—indeed, pleading for—in this chapter is the discarding of the practice of comparing this student with his suburban counterpart. In effect, we are trying to dispel—and discredit—the mediating stereotype mentioned in Chapter I which has largely resulted in viewing the impoverished urban student as deficient in all the really important behaviors associated with academic success. We say "trying" because the new voluminous literature on the disadvantaged student abounds with accounts of his deficiencies. The accounts of the strengths and assets of this student are comparatively sparse, and usually appear in the form of anecdotal reports. Occasionally, they are manifested through a process of analogical reasoning, e.g., if he is smart enough to plan ways for systematically disrupting instruction in the classroom from the teacher's point of view, then he must be smart enough to deal with cause and effect relationships in printed material.

Often his particular forms manifesting the behaviors which underlie academic success are misinterpreted because their significance for school learning is not recognized, are overlooked because too much else is happening at the same time in the classroom, or are disregarded because he has already been judged as incapable of or indifferent to the school's program. Whatever the reason(s) involved, his manifestations of the critical behaviors very often do not surface on the typical standardized achievement tests, intelligence tests, or on teacher ratings of "desired" classroom behaviors.

The previous—and current—pattern has been to make careful frequency counts of the instances of such behaviors as acts of vandalism, low reading achievement scores, number of days absent, and the like. But how many times have we taken the same care to count the instances of such behaviors as protecting a younger brother or sister from harm; facing down his own fatigue, hunger, or emotions to struggle through a dull reading lesson; refusing a heroin pop at a party; deciding to go to school on a day when all his friends are cutting out; or teaching himself or a younger child a sport? Such displays of personal courage, resiliency and stamina, problem-solving, concern for others, and choices among options occur every day in and out of school—as everyone who has ever worked or lived in the inner city well knows. However, it proved to be a fruitless effort to find the evidences of these latter kinds of behaviors arrayed in general statistical summaries in the "disadvantage" literature—the mediating stereotype was everywhere. Therefore, the evidence concerning these behaviors in this chapter is of necessity a combination of direct experience, anecdotal report, and analogical reasoning.

The impoverished urban student has an excellent capacity for problem-solving. Daily, he contends with problems of the value systems of at least two worlds: the home or neighborhood and the school. Daily, he must thread his way through the set of values which the school espouses and the set which he lives with and has learned from his family and neighborhood. He must develop and carry out strategies which permit him to survive in both worlds without being overwhelmed by the conflict diverse value systems can produce. The extent to which he survives as a whole human being with a strong and stable self-concept and a sense of worth will be dependent on the quality and reality orientation of the strategies he employs.

An example of this conflict of values between neighborhood and school is afforded by fighting. In the impoverished inner city, prowess in fighting is usually an important aspect of the masculine self-concept and is often an important attribute for maintaining the leadership of a gang or group. The following quotation from *Manchild in the Promised Land* exemplifies this value.

"As I saw it in my childhood, most of the cats I swung around with were more afraid of not fighting than they were of fighting. This was how it was supposed to be, because this was what we had come up under. The adults in the neighborhood practiced this. They lived by the concept that a man was supposed to fight. When two little boys got into a fight in the neighborhood, the men around would enhance them and egg them on. They'd never think about stopping the fight." (Brown, 1965, p. 263).

In the school, however, fighting—efficient or otherwise—is not admired, is not condoned, and is often viewed as the sign of a trouble-maker or potential delinquent. The old bromide, "When in Rome, do as the Romans do," does not really apply here. He has *not* left his hometown far behind, it's right there in the classroom in the form of the kids on the block and the values he brings with him through the school door. No matter which way he moves with regard to fighting, he is in line for some form of reprisal. If he goes along with the school, he may catch it when he leaves the school premises and endanger his standing in the neighborhood—not to mention the blow to his own self-esteem. If he opposes the school position, he will most assuredly buy trouble. He can opt for either one of these "extremes." Or, he can work out a compromise somewhere in the middle. Talking it over with a teacher—or a guidance counselor—is a highly unlikely solution. Talking it over at home is also unlikely—there are usually too many other children, too many other problems to be dealt with, and the adults may not really have a clear sense of the best choice to make either. An illustration of this last point is below noted.

"They were trying to guide us and make us do right and be good, and they didn't even know what being good was. When I was a little boy, Mama and Dad would beat me and tell me, "You better be good," but I didn't know what being good was. To me, it meant that they just wanted me to sit down and fold my hands, or something crazy like that. Stay in front of the house, don't go any place, don't get into trouble. I didn't know what it meant and I don't think they knew what it meant, because they couldn't ever tell me what they really wanted. The way I saw it everything I was doing was good." (Brown, 1965, p. 289).

By and large, the inner city youngster must work out his own compromises and test them against the daily realities of his environment—all of which constitutes a very sophisticated form of problem solving anchored sharply to the real world. And what is remarkable is that he usually emerges from this process as a self-reliant human being. There is no task which the school can give him which requires such a high degree of problem solving. And yet the staff of a school will rarely register the conflict which this student experiences and resolves—let alone, capitalize upon his very real capability here.

Implied in the kind of problem-solving we have just described for the inner-city student are very considerable manifestations of intelligence, information, and persistence. A further example of such reality-oriented problem-solving is the case of the gang leader. Here is the bright individual who, in the course of evolving and working out his strategies for survival in his world, has relegated the offerings of the school to the background. The compromises and strategies which he evolved in his childhood to survive in school and in the neighborhood have been replaced by decisions and strategies which now afford more tangible and immediate graifications and recognition than anything else *either the neighborhood or the school could offer*. While his initial take-over of his group may have been partially accounted for by his skill with a switchblade or his fists, it is more likely that he succeeded largely through both his ideas and administrative or leadership ability. That is, he manifests the capacity to plan and implement a successful operation to provide needed gratification and recognition to the members, and to create an authority structure in which his role and the members' roles are clearly defined.

Accorded the leadership of the group, he must also be prepared to deal with challengers. Thus he must be a particularly good judge of character as well as a shrewd judge of how best to utilize the talents of his followers. As such, he is manifesting a set of capabilities that somehow the school was never able to capitalize upon in its programs. The options which the school potentially offered were discarded in favor of another option. And with his choice, society-at-large has lost a potential leader on a larger stage than the one he has chosen to be on. It is interesting to note that among those recruited for Upward Bound, the gang leader was sought after—clear testimony to his intelligence and his resourcefulness, and initiative as a leader.

An additional example of the problem-solving of the impoverished urban student is afforded by how he is dealing with the gap between his aspirations and the realities of his daily life. Research related to the aspirations of blacks indicates a shift occurring between the 1950's to the present. In both the fifties and the early sixties, the research generally indicates that blacks had higher aspirations than whites (Boyd, 1959; Rosen, 1959; Reiss and Rhodes, 1959; Sprey, 1962). Such aspirations are clearly contradictory to the reality surrounding him. Whatever the conscious reasons the child or youth may have given for having such aspirations or thinking he could achieve them, the basic reason has to be fantasying in support of some ego need, and is a form of withdrawal from reality. Although such fantasies and the resulting withdrawal would produce a temporary respite from his environment, this pattern of problem-solving goes ultimately nowhere unless the fantasies are preliminary to subsequent action. Nevertheless, the pattern shows imagination and intelligence; it also shows a mechanism—albeit fragile—of protecting one's self-esteem.

In the later sixties, however, the research suggests a lessening of the gap between reality and aspiration. It is likely that with the concepts of black identity and "soul," the urban teenager now has a firmer basis on which his self-concept and aspiration can develop. He no longer needs to emulate the whites (Caro and Philbold, 1965; Antonovsky, 1967). The following statements by James Farmer in *Urban Schooling* are indicative of this change.

"When I was a lad of about ten in Austin, Texas, my pal and I would go downtown every Saturday afternoon to watch the Tarzan picture at the movie theater. It was a half-hour serial. The missionary was put in the pot; soon his tongue was hanging out and the sweat was dripping down his forehead as the heat built up underneath the pot. We all waited, chewing our popcorn in anticipation of Tarzan's arrival. But Tarzan was slow in coming, and the Africans danced faster and faster around the pot. Now and then a close-up of the face of one of the Africans flashed onto the screen, and I would elbow my friend and say, 'Erving, that's you.' Erving's response would be predictable. He would say, 'Naw, man, that ain't me. I didn't come from no Africa.' Erving represented the Negro people in his self-rejection and self-repudiation. A people was rejecting itself—denying it had roots. It was as if all the Negroes in the United States had suddenly sprung alive, full-grown, from the loins of the Deep South. It was as if the Negroes were without a heritage.

* * * * *

"But the Negro's concept of himself has been changing in these past ten years—and rapidly. A contributing factor, as I have said, has been the new image of Africa. As new nations emerge, the black man of this country saw proud black people from Africa representing their nations, arguing on the floor of the United Nations, appearing on radio and television, and speaking eloquently in English or in French. And the black man of this country witnessed the rise of these nations and asked himself, "Now, is that the boiling pot or is that the real Africa?" As the new image assumed greater proportions and dimensions, it started to eclipse the old image. The American Negro began to say, "That's Africa! That's me! That man is my brother. If he can do it, so can I!"

* * * * *

"Another long step in the development of a new self-image is being taken by the Negro living in America today. He is beginning to speak of himself as a black man and of his people as black people. Twenty years ago, if you walked through Harlem or Watts or Detroit and called a man a black man, he would have wanted to hit you" (Rudman & Featherstone, 1968, pp. 141–142).

As he becomes more secure in and of himself and watches his parents and other adults of the community challenge the lack of opportunity provided by and the discrimination of authorities in the community (e.g., real estate commission, mayor's office, school board), he—like the adults—begins to realize that such authorities are not out of reach. He is mounting protests with other students—and he is beginning to be recognized. His problem-solving strategies here with regard to the school often reflect violence, but they are certainly more reality-oriented than the fantasying and withdrawal which he previously engaged in. That he will continue to use such strategies until there is a reality-oriented payoff in line with his aspirations is indicated by the following statement.

"The victories that have been won have brought about changes in the life condition of the Negro middle class, but the poorer classes in the Negro Community have not yet been helped. The conditions of their existence remain the same. The black child in Watts and in Harlem still senses that in the nation's eyes he is nothing—a nobody—and that he is shut out." (Rudman & Featherstone, 1968, p. 143).

The impoverished urban student does have an excellent communication capability for the neighborhood world in which he lives. He is insightful, sensitive, and perceptive—and he knows that other worlds exist outside the one he lives in. But the schools rarely tap this source.

In his pamphlet, "Teaching the Unteachable," Kohl wrote:

"Children will not write if they are afraid to talk. Initially, they suspect teachers and are reluctant to be honest with them. They have had too many school experiences where the loyalty of the staff and the institutional obligations of teachers have taken precedence over honesty. They have seen too much effort to maintain face, and too little respect for justifiable defiance in their school lives. I think children believe that there is a conscious collusion between all of the adults in a school to maintain the impression that the authority is always right, and that life is always pleasant and orderly. Unfortunately, the collusion is unconscious or at least unspoken. This is dramatically true in slum schools where the pressures of teaching are increased by understaffing and a vague uneasiness about race which is always in the air."

* * * * *

"So we spoke. At first the children were suspicious and ashamed of what they'd written. But as I listened and allowed them to talk they became bolder and angrier, then finally quieter and relieved. I asked them to write down what they would do to change things, and they responded immediately."

* * * * *

"For several weeks after that the children wrote and wrote—what their homes were like, whom they liked, where they came from. I

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discovered that everything I'd been told about the children's language was irrelevant. Yes, they were hip when they spoke, inarticulate and concrete. But their writing was something else, and they felt that no white man was judging their words, threatening their confidence and pride. They faced a blank page and wrote directly and honestly. Recently I have mentioned this to teachers who have accepted the current analyses of 'the language' of the 'disadvantaged.' They asked the obvious fact that 'disadvantaged' children will not speak in class because they cannot trust their audience." (Kohl, 1967, pp. 13, 16, 17).

As examples of this communication ability in verbal printed form consider the following writing which Kohl's students produced, ages 11 to 16.

"If I could change my block, I would stand on Madison Avenue and throw nothing but teargas in it. I would have all the people I like to get out of the block and then I would become very tall and have big hands and with my big hands I would take all of the narcotic people and pick them up with my hand and throw them in the nearest river and oceans. I would go to some of those old smart alic cops and throw them in the Oceans and Rivers too. I would let the people I like move into the projects so they could tell their friends that they live in a decent block. If I could do this you would never see 117 St. again." (pp. 16–17, Grace, age 11).

"Things

"Tears—
"what are they?
"who needs them?
"Emotions—
"I despise them!
"Happiness—
"I'll never have it!
"Why should I see it!
"These things—

"Please, I don't want any of them—so somebody take them away (I don't deserve them.)

"Help—please somebody! (but I suppose I don't deserve that either) (p. 30)."

"We can teach each other

"Inside I feel like I am a nice person; but I have to act like one too. I have to know what kind of person I am. Sometimes, I forget that other people have feelings. Teachers for example; sometimes I hurt them without knowing it. I can say or do something that is so hurtful that they can't say anything but 'Get up and get out.' They say this so they can go on and teach the rest of us a lesson. But teachers can hurt you too and they do it just to teach you a lesson.

"You are a child of learning in some ways, but in other ways children teach teachers. I don't know what a teacher is like or how she feels, just like a teachr doesn't really know what I'm like or how I feel. So I can teach her what and how I think and feel. Teachers have been children before, but they seem to forget what it's like because the time changes in the way that the weather changes. So they can't say, well it's like when I was a child.

"No it's not like that, because people are changing and our minds are changing too. So children teach teachers a new lesson, about children today." (Patricia Williams).

From such examples as the above—and many more could be cited, it is difficult to consider the impoverished urban student as deficient in verbal skills. What is also apparent from these examples is his responsiveness and creativity when he—like anyone else—is permitted to learn in a valid way for him. Further evidence of his communication capabilities and creativity is afforded by the outpouring of graphic art, music, poetry, and skill in the performing arts, which the impoverished students in Upward Bound produced when worked with in an effective program. What is equally apparent from the information cited in Chapters III and IV is that this student's communication capabilities, sensitivity, insight, and creativity are simply not being released and nurtured in the schools. And, again, society is losing a vast amount of talent.

The impoverished urban student is also noteworthy for his generosity, cooperation, and lack of hypocrisy. The realities of his neighborhood world require its residents to develop cooperative and generous patterns because survival is the first order of business. When the ever-present need to survive is coupled with the overcrowding, people really know basic and intimate facts about one another—thus, making pretense virtually impossible. Everybody knows who everybody else is—and what everybody else is doing. Hentoff (1966) comments on the generosity and cooperation in the following statement:

"That's one thing about ghetto communities. One way or another, people who have nowhere to go get taken care of. Last week a little girl in my class was looking out the window as the fire engines came screaming up. I rushed to see the fire, which was across the street. The girl said matter-of-factly, 'That's my house that's burning.' It was like she'd had so much happen to her that it was hard to get excited about just a fire. Anyway, by late afternoon, she, her three brothers, and her parents had places to stay." (Hentoff, 1966, p. 20).

In the schools, one sees evidence of the students cooperating and sharing with one another—behaviors which are often discouraged because everybody is to do *his own learning by himself*—an almost impossible demand for young children. For example, a young child who is having difficulty with identifying words in his (all-to-often inappropriate) reader will usually have immediate assistance from the others around him. In testing situations, the same behavior prevails. What we have here is a carry-over of the survival pattern of cooperation and sharing. Anyone who has worked in the inner city is well aware of the sharing of an insufficient food supply with someone else when it is apparent that his situation is really critical.

The inner city student's candor and honesty are reflected in the examples of writing cited above. However, an additional example is cited which particularly exemplifies the starkness and awareness within his honesty and candor. In this case, the student is Juan Gonzales, age 17.

"Man, I hate where I live, the projects. I've been living in a project for the past few years and I can't stand it. First of all, no pets. I've been offered so many times dogs and cats and I can't have them because of the Housing. Then there's a watch out for the walls. Don't staple anything to the walls because then you have to pay for it. Don't hang a picture. There's a fine. And they come and they check to make sure.

"Don't make too much noise. The people upstairs and the people downstairs and the people on the side of you can hear every word and they've got to get some sleep. In the project grounds you can't play ball. In the project grounds you can't stay out late. About ten o'clock they tell you to go in or get out. Then . . . there's trouble because they don't want you to hang around in the lobby. . . .

"I guess in some ways the projects are better. Like when we used to live here before the projects, there was rats and holes and the building was falling apart. It was condemned so many times, and so many times the landlords fought and won. The building wasn't torn down until finally it was the last building standing. And you know what that is, the last building. . . . There's no place for those rates to go, or those bugs, or no place for the bums to sleep at night except in one building still standing. It was terrible. The junkies and the drunks would all sleep in the halls at night and my mother was real scared. That was the same time she was out of work and it didn't look to us like anything was ever going to get better." (Mayerson, 1965, pp. 39–40).

In this chapter, we have only briefly described and illustrated some of the capabilities and characteristics which the impoverished urban student reveals when he is looked at as *he* is—and not through a mediating stereotype which compares him unfavorably with his suburban counterpart of the same age. He has many more capabilities and strength than we have cited here, but these descriptions hopefully serve to illustrate how badly major changes in urban education systems are needed for this student. His strengths have only rarely been capitalized upon by the schools. When they have been, it has been by sensitive—and realistic—teachers and administrators using programs which are valid for this student—and thus for society as well.

What is most remarkable about this student is that when the program and the people implementing it are appropriate, he learns at a rapid rate—and he does so in spite of malnourishment, economic insecurity, emotional-social problems, and all the other elements which are interacting on and within him. That he can learn at such a rate is evidence not only of his courage, tenacity, and learning potential but of the high value he places in trying to receive an education as well.

PART II—THE FEDERAL RESPONSIBILITY

Overview

In Part Two, the Federal Responsibility, we continue with two additional aspects of the urban education situation from the standpoint of the Federal government. The two chapters included in this Part are specifically concerned with: (1) the problems in evaluating the impact of new Federal programs for impoverished populations; and (2) the Federal role as it relates to urban education in terms of its limits and obligations.

In this section, there are two points to bear in mind. One is that the Federal government is beginning to shift its focus from comparatively specific efforts in education to broad social action thrusts which encompass more than education per se. For example, the Economic Opportunity Act (1964) and the Elementary and Secondary Education Act (1965) reach far beyond such legislation as that of the National Defense Education Act (1957). Problems in evaluating such programs have arisen as a result of their new thrusts. Of greatest importance are those of a conceptual and political nature rather than of a methodological one.

The other point is that the Federal role is not easily defined with regard to these broad educational programs. It is in the process of emerging and its development must take place in the midst of constitutional precedents and political realities.

With the problems in the areas of evaluation and the Federal role, we have attempted to analyze briefly their major dimensions as the groundwork for the recommendations in both areas which are made in Part Three.

Chapter VI.—Problems in evaluating the impact of current Federal programs for impoverished populations

An assessment of recent Federal efforts to upgrade education for impoverished populations calls for a look at the process whereby such efforts are evaluated. Although program evaluation is no novelty in education, the objects of this art have changed a great deal in recent years. The recent Federal thrust against poverty and discrimination has introduced a new phenomenon for evaluation: the impact of large-scale programs of social action in education. In addition to generating much activity in city schools, they have produced considerable confusion whenever efforts have been made to find out

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whether they were "working." The sources of the confusion are fairly complex. Prior to 1964, the objects of evaluation in education consisted almost exclusively of small programs concerned with such matters as curriculum development or teacher training. They generally occurred in a single school or school district, and typically involved modest budgets and small research staffs. The research literature which grew up around these efforts naturally focused on familiar problems of design, instrumentation, and validity.

The Change in Federal Focus

This small-scale effort began to change, however, when the Federal government established national educational improvement programs in the mid-1960's. These programs—including Project Headstart, Title I of the 1965 ESEA, and Project Follow-Through—are programs of social action; unlike earlier efforts they are not focused narrowly on such things as teachers' in-service training or the content of a science curriculum, but broadly on such things as "improving education for the disadvantaged." Also, the Federal programs are neither aimed at a school nor a school district, but at millions of children, in thousands of schools, in hundreds of school jurisdictions, in scores of states. Further, they are not conceived and executed by a teacher, a principal, a superintendent, or for that matter, a researcher. The new programs were conceived by the Congress, and are administered by bureaucracies, which are at great remove from the schools and school districts which actually execute them.

Simply to recite these differences is to suggest major new problems in program evaluation in education. These have been compounded by efforts to apply the inherited stock-in-trade of evaluation techniques to the new phenomena. The collision of new programs and old intellectual technologies is at the root of recent controversies over the programs' efficacy.

There is a persistent tendency in evaluation research to resolve all problems into methodological issues, but we do not regard the present difficulties in evaluating social action programs as really methodological. Most issues of this sort center around making satisfactory comparisons between "treated" subjects and some other criterion presumed to measure an otherwise comparable condition of non-treatment. These issues are formally the same regardless of the size, age, aim, or outcome of the program in question, and they have been extensively explored in the evaluation literature. Although these problems are serious, *the main difficulties in evaluating social action programs are political and conceptual*. The conceptual barriers arise from misunderstanding the nature of the programs; the political problems are little different from those which impede the effective development of social action programs in the first place.

Conceptual Problems

The central conceptual problem arises from the fact that while the new programs are essentially political and social in nature, evaluators tend to approach them as though they were standard efforts at educational change. This results in part from the fact that the programs themselves are ambiguous—since they are political endeavors in education, much of the surrounding rhetoric is educational. But it also results from the fact that evaluation researchers identify professionally and intellectually with their disciplines of origin (mostly education and psychology), and thus would rather not study politics.

Whatever the sources of this incongruence, it produces an inappropriate approach to evaluating the programs. The experience with Title I of ESEA is a good case in point. It has been in existence for about four years, and during that period the several national evaluations have been reported and these all have concentrated on one question: "Has the program as a whole improved achievement over what otherwise might have been expected?" The answer in each case has been negative, and not surprisingly this has led many to conclude that Title I the program is not "working?" Yet such a conclusion is possible only if two crucial assumptions about the program are accepted.

They are:

(a) Children's achievement test scores are a suitable criterion of the programs desired by school men and intended by Congress;

(b) The program exists in such a form that any such a summary over-all criterion of success is applicable.

Although each assumption can be tested empirically, there is no evidence that such tests have ever been made a pre-condition of any evaluation. In some respects, of course, this is understandable. Empirical tests of the first assumption for example, would involve a research program of unprecedented proportions. While educators regard achievement test scores as a suitable criterion of program success—on the theory that higher achievement leads to academic persistance, prolonged education, increased ability to perform complex occupational tasks, and better jobs and more money—there is little evidence one way or the other on this proposition. Of course, the same educators who subscribe to this view also argue that compensatory programs will have other beneficial effects; reducing vandalism; improving deportment; bettering citizenship; lowering truancy; and improving school-community relations. Some of these are doubtless valuable ends in themselves—less broken glass, for instance—but like achievement, most are included chiefly for the consequences they are presumed to have in adult life. There is, however, no more evidence on this than there is for achievement. The main long-range aims of compensatory education then, are impossible to directly measure by short-term program evaluation, for it has never been shown that the two have any actual connection.

But even if we disregard this scientific embarrassment, there is another major difficulty with the first assumption. Schoolmen must be expected to assume that the greater application of their efforts will improve students' lives, but there is no evidence that the Congress subscribed to that view by virtue of passing Title I of the 1965 ESEA.

Although the purposes of the Congress may be too complicated to be summarized in a national study of test scores, they are not by that token mysterious. The relevant Committee hearings and debates suggest that the legislative intent included several elements besides those already mentioned. One involved the rising political conflict over city schools in the early 1960's; no doubt many legislators felt that spreading money on troubled waters might bring peace. Another concerned an older liberal effort to provide Federal financial assistance for public education: the motives for this were mainly political and ideological, and were not intimately tied to achievement scores. A third involved the larger cities which were increasingly hard-pressed to maintain educational services which were competitive with other districts in their areas. Educators and other municipal officials were among the warmest friends of the new aid scheme because it would relieve some of the pressure on their revenues.

Thus the legislative intent concerning Title I embraced other elements besides achievement, i.e., improving educational services in school districts with many poor children; providing the central cities with some fiscal relief; reducing the discontent and conflict associated with race and poverty; and establishing the principle that the Federal government has some responsibility for local educational problems. The fact that these elements were embodied in a single piece of legislation probably contributed heavily to its passage, but they do not imply that the resulting program was single-purpose and homogeneous. Indeed, if any supposition was in order, it was precisely the opposite. The bill was typical of what we should expect of reform legislation in a large and diverse society with a Federal political system: it reflected various interests, and (for that reason) a variety of programmatic priorities.

It is one thing to identify the assumptions on which social action programs rest, and quite another to test them. In testing such assumptions, the methodological problems must be considered and concomitantly with the conceptual ones. For example, in order to determine whether Title I resulted in programs "which might reasonably be expected to improve achievement," one must first know what it is about schools that affect achievement; only then would it be possible to inspect Title I programs and determine if in fact they were doing the right things. The only difficulty is that when ESEA was passed almost nothing was known on this point: not a single proven strategy for raising achievement was extant. Prior efforts had been few, far between, and mostly failures. Title I, after all, was not the fruit of a systematic program of educational experimentation, but the expression of a paroxysm of concern. As a result, it is impossible to tell whether a given Title I program is likely to improve achievement, simply by inspecting the program; the only way to tell is by finding out whether in point of fact it *did* improve achievement.

Similarly, little is known about the process by which educational institutions change. This has been highlighted by the ability of many big-city school systems to absorb large amounts of activity and money designed to change them, and emerge apparently unchanged. If any question about the efficacy of social action programs is crucial, it is *how* such efforts at change succeed or fail. *The requirement here is not quantitative research, but sensitive political and social analysis, following the political and administrative history of social change programs.* It may be possible to learn as much about the sources of programs' success from studying the politics of their intent and execution as from analyzing the quantitative relationships between program components and some summary measure of target group performance.

These examples could be multiplied for other programs, but by this time the main point ought to be reasonably clear. Studies of *program realization* are an essential element in the evaluation of large-scale social action programs, because unlike neat treatments in small experiments, the aims of these large programs are diverse and often unclear. In fact, the notion of realization studies is based on the observation that reform legislation in a more or less pluralistic and open society will reflect diverse and sometimes conflicting purposes. Under such conditions, the first task of program evaluation is essentially political: it is to identify those purposes and determine the various ways in which they have been realized. The results of this process will yield evidence on the basis of which it is possible to determine the appropriateness of and conditions for further evaluation.

Once social action programs in education are seen for what they are—not experimental "treatments," but complex and often contradictory political undertakings—the rest follows. There are three broad areas at which evaluation should be directed:

(a) Definition of program aims and measurement of their implementation;

(b) Analytic studies of the dynamics of program implementation;

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(c) Comparative studies of program efficiency.

The first of these categories includes investigations of whether a program improves achievement, as well as all the other criteria of realization which the diverse purposes of social action programs require. Despite its mainly quantitative character, such research is essentially comparative and historical: it seeks to determine whether a target population has changed its situation on particular educational indicators, where change is measured relative both to the same population before the program began, and to other, non-target populations. The issue here is not efficiency, but simply how much change occurred. Since the programs are large scale efforts in social action, evaluation must be large and diverse; it must cover and represent the available variation in the two populations, and monitor several program aims.

The second category includes those studies of the politics of program realization discussed just above. The focus of such research would be measures of program delivery, rather than some internal criterion of efficiency, and their purpose is to illuminate the political and administrative causes of variation in program realization. Although such studies would be inapplicable in traditional educational evaluation, they are crucial in the evaluation of social action programs; since these programs represent an effort to rearrange political relationships, the sources of variation in their realization are bound to be external (related to political and administrative matters), as well as internal (related to relative efficiency in the relationship between program inputs and outcomes).

The third category of studies, on the other hand, is focused on internal measures of program efficiency. In some cases—when it is appropriate to frame the issues in fiscal terms—these would take the form of benefit-cost analysis. There are, however, other measures of program efficiency in education—related both to program input and outcomes—to which comparative analyses are applicable. Benefit-cost analysis for example, might be concerned with the relative efficiency of several programs in producing achievement, but it is easy to imagine reasons for comparative studies of efficiency, say, in changing teachers' attitudes. In the first case the criterion of efficiency would be monetary, whereas in the second it might be other measures of educational effort, such as time or stress.

Political Problems

The evaluation of large-scale social action programs has been marked by a too-narrow definition of program aims, and an almost complete absence of program realization studies. As a result, evaluation has been almost uninterpretable. The real issue, however, is whether the resolution of these difficulties would provide an adequate basis for evaluation.

From the abstract perspective of evaluation schemes, one might be inclined to an affirmative answer. Given a more differentiated view of program aims, and careful program realization studies, Title I, for example, could be imagined as a satisfactory vehicle for research and development in compensatory education.

The only drawback with this idea is that the legislation did not envisage Title I in such a role. It is a major operating program, and several of its purposes have nothing to do with achievement. Therefore, activities in Washington designed to carry out systematic research and development would generate considerable opposition among recipient state and local educational agencies, and in the Congress. Research and development, after all, require that particular educational strategies be identified and carried out, and that their consequences be satisfactorily measured. Measurement is technically and politically the easiest of the two requirements, but even that has a dubious prospect. To date, the Office of Education has not tried to require that achievement tests be used in all Title I projects, a decision which program personnel feel is based on an accurate reading of political realities. Under these circumstances, it would be even more difficult to execute a particular set of educational strategies under Federal supervision in Title I districts.

This element in Title I, coupled with the existing distribution of political power in education, probably will deter effective national research and development work with Title I for some time. Such work is likely to occur—if at all—only in those States which for reasons of their own are committed to using the Federal funds for such purposes. The fact that selected States are currently collaborating in a new management data system offers some encouragement, but this project covers information, and has nothing to do with planning, executing, and monitoring educational strategies. The latter requires a much higher degree of commitment, partly because it costs more, but mostly because it produces much greater political opposition. There is, after all, more reason for State and district officials to oppose Federal involvement in planning local educational programs than there is for them to oppose Federal measurement of Federal programs.

The prospects for research and development with Title I can best be indicated by the fact that at the moment there isn't a single State which operates an R&D program in compensatory education. Thus, while the new information system may produce information on the characteristics of successful programs, it seems unlikely that even within States it will offer an opportunity for systematic research on and development of successful strategies.

The underlying reason for this is political. Research and development work involves elements of the experimental approach, and effective use of that approach requires a degree of control over the main variables which seems incompatible with the other purposes of Title I. The question, then, is whether other programs offer a better prospect for research and development in compensatory education.

Our effort to develop educational strategies based on "planned variation" of different program approaches has evolved in the Follow-Through Program of the Office of Education. Following a 1968 report on Child Development (produced by a White House Task Force) OE in the early spring of 1968 converted its new Follow-Through on Head Start to an R&D effort aimed at the determination of which early childhood programs in the K–3 complex would have greatest success working with disadvantaged children in various community settings throughout the nation. Underlying this strategy is the assumption that useful experience was most likely to result from more systematic efforts to try out several strategies at once, under a variety of school and community conditions. In this way answers to the standard evaluation questions could be gotten at the same time as answer to the comparative (benefit-cost) questions.

Since this approach has been in effect only one school year it would be unwise to essay any judgments about the strategies or their impact upon achievement. The Follow-Through program is designed to provide answers to two questions:

(a) Which of the strategies improves achievement over what might otherwise be expected?

(b) What is the relative efficiency of the several strategies in improving achievement?

Answers to these questions await the results of national evaluation studies now underway—the largest of these being under the direction of the Stanford Research Institute.

The experience thus far suggests that as things presently stand, there are three major obstacles to a national experimental approach to evaluation and comparative studies:

(a) Fiscal—lack of money to produce adequate sample sizes;

(b) Political—lack of authority to assign schools and/or districts to treatment or control groups;

(c) Administrative—lack of staff required to deal effectively with the logistics of a large program.

Experimental approaches are subject to two primitive political problems: one is that the educational system is almost completely decentralized (at least from a national perspective), and Federal experimentation must conform to this pattern; the other is that the resources allocated to programs designed to eliminate educational disadvantaged are small when compared to other Federal priorities. This is a token of the relatively low political investment in such efforts which the government currently is willing to make. The consequence of the first problem is that Federal efforts to experiment begin with a grave deficit in the political and fiscal power required to mount them, and the implication of the second is that there is scant evidence of much new money or more power with which to redress this imbalance.

Chapter VII.—The Federal role in urban education: limits and obligations

In Chapter VI, we dealt with the several facets of the evaluation problem which have resulted from the more recent Federal programs with their broad social-action thrusts. In dealing with this problem, we have already, by implication, begun describing what some of the newly developing dimensions of the Federal role are. Specifically, they are: (1) to foster institutional change for the improvement of economic, social, health, and educational conditions of large numbers of our impoverished fellow citizens; (2) to provide increased monies for such programs; and (3) as a result of (1) and (2), to provide de facto advocacy on behalf of impoverished children and adults. Now, beginning to evolve on a larger scale than ever before, are the Federal efforts with regard to educating impoverished children.

These dimensions of the Federal role have not been effortlessly evolved. Rather, they have been hammered out on the anvil of the political realities of pressure groups, regional and local interests and needs, social ferment, prejudice, and general resistance to change. And, as the growing activism of the Federal role emerges in education, concern is expressed over the changes which may be—or are—taking place in traditional Federal, State, and local roles.

With these considerations in mind, this chapter considers first, the limits of the Federal role in education; and, second, the obligations which the Federal government has to impoverished citizens in urban areas with regard to education

The Limits of the Federal Role

Federal financial and substantive participation in education programs has increased markedly over the past five years. The legislative breakthroughs of the Higher Education Act of 1965, the Elementary and Secondary Education Act of 1965, the Vocational Education Amendments of 1968 and the Education Professions Development Act of 1967, combined with various programs of the Economic Opportunities Act of 1964 and the Civil Rights Act of 1964, have resulted in a new posture in education for the Federal Government. It has been described as a new "Junior Partnership" with State and local governments by a former U.S. Commissioner of Education. These acts and their potential for educational progress have caused a ferment of expectation on the ultimate scope and direction of the new Federal role in education. Arising from this ferment is a recent manifestation of public disappointment that the new laws have not wrought the educational miracles which are needed to achieve educational quality and equality for our disadvantaged groups. One source of resentment concerns the Federal failures to fulfill the dollar authorizations of the new Acts with appropriations which match the amounts authorized. As the hastily formed Emergency Committee for Full Funding of Educational Programs stated for the debate on the House floor in July 1969 the Federal Government authorized (i.e., promised) 9 billions of dollars with its laws but delivered only 3 billions with its budget (see page 7–12).

A major surprise was achieved when the pressures mounted behind this Committee's campaign produced an unprecedented reversal not only of the Administration budgetary forces, but of the all-powerful House Committee on Appropriations, by adding close to $1 billion to the fiscal year 1969–70 appropriation bill for educational programs as it rode through the House. Thus a new chapter has been added to that mentioned earlier. First Administration and Congressional forces placed on the statute books a legislative mandate calling for Federal funds to be placed on the doorstep of every school and college in America for the delivery of improved services to youth. Next the allied groups representing educational interests delivered a telling message that they had the power to push the Congress into a funding action that would have previously been considered impossible. The net effect is an assumption (at least a political assumption) that the Federal role will continue to grow and that the Federal programs are sufficiently important to create across-the-board political action to achieve more adequate funding of them.

While a Federal role is emerging in law, more sharply than might have been earlier predicted, a growing realization persists that local problems are not yielding to the legislative solutions designed by the Congress. Public despair with educational progress for poor and minority group populations has led to questions of the magnitude of Federal leverage that will be required to bring about institutional change in the educational system. As programs multiply on the local scene, the continuing decline of achievement scores in the inner city causes public concern and doubt. As the Federal slice of the education budget grows the question arises "how much difference is the Federal dollar making?" The answers are difficult to come by. The principal political concern centers on the issue of "categorical" aid vs. "block grants" or "general aid." The principal public concern is whether Federal dollars can bring about needed improvements in pupil achievement. Economists argue that we should not invest heavily in educational programs until we find out "what works" and can be assured of commensurate return for the Federal investment. Educators argue that we have never really given them a chance to prove their ability to deliver educational success because we have limited their resources and forced them into diluted programs.

The impasse that emerges from this conundrum is that the character of program leadership from Washington may shift in either of two directions. One choice is for greater Federal concern for producing tangible educational outcomes for those pupils who are being rejected by the system. The other choice lies in the direction of calculated funding of "the system" to provide the essential public finance, and to allow the local schools to worry about producing needed results. Whether a middle course can be charted is another question.

For the urban areas, the stakes are very high since they are at the mercy of unsympathetic State legislatures. Also, they are caught in the undertow of the growing disabling confluence of immigrant poor pupils and an exodus of middle class taxpayers. They are also striving for political recognition by the Federal Government in the face of a growing Federal apathy toward "solving" urban problems.

However, the Federal Government can only drift—it cannot retreat. It is politically impossible as well as humanly unthinkable for the Federal Government to turn its back on the millions of children it has offered to help through its new programs serving the disadvantaged. What the Federal Government really must decide is not whether to withdraw, or even whether to enlarge its role in the educational system—the real question is whether the Federal Government has the skill and determination to remake its programs in ways that will solve urgent national problems of social progress and human survival. For our inner cities the question is more simple and stark—life or death for its children.

Urban Education—A National Problem

As was stated in chapter I, the salvation of urban education is a problem of national dimensions. All our cities suffer from the same complex of social, political, and economical forces which impinge on the ability of our schools and colleges to produce an acceptable educational product. Since our great cities are the economic and social mainspring of modern living, their educational salvation becomes a problem that transcends State boundaries and political traditions.

The problem of an inadequate education which faces an inner city child and his parents is the problem of the Nation. We believe that the Federal Government must assume a role in solving that problem. The inequities of the education of impoverished urban students exact a disastrous toll. They cripple the individual youngster's chance for success, happiness, and usefulness. In their wake, his family, community, city and nation are denied his potential contribution. We must now face our unmet obligation. This urgent obligation must be met not only in moral and human terms, but also in financial terms.

An education which produces the effects described above is worthless, and ultimately disastrously expensive. Not only is the money which financed it wasted, but we shall continue to pay for its results. If the dropouts of the present system become delinquents or criminals, they become financial liabilities. If they have a family—but no job—they become welfare liabilities.

It is patently obvious to any student of government that the Federal Government has responded to specific crises in various sectors of the economy. The best example is the agriculture industry which supports a small number of farmers with higher consumer prices and revenue collected from nationwide income taxes. No less supported are the builders of the merchant marine fleet. Where it is in the national interest to solve a particular problem, the national Government has previously sought to solve that problem. Further, the solution of that problem benefits not only the nonwhite and the city but the entire country as well.

From a completely practical standpoint—idealism aside, Federal investment in education can be an extremely profitable venture, in that money that was formerly spent for programs, such as welfare, stronger police forces, and other preventive or stop-gap measures could be freed for spending in other areas, since educational programs create revenue and jobs. The costs of *not* educating people to take responsible positions in society are striking.

TABLE 1.—MUNICIPAL EXPENDITURES FOR PUBLIC ASSISTANCE AND POLICE PROTECTION, 1967

[In millions of dollars]

City	Welfare expenditure	Police protection
New York	558.4	292.1
Chicago	10.2	93.1
Los Angeles	.2	70.6
Philadelphia	11.3	47.7
Detroit	19.8	41.0
Baltimore	50.8	25.9
Houston		12.5
Cleveland	1.9	17.6
Washington, D.C.	35.1	30.8
St. Louis	1.1	22.5
San Francisco	61.1	20.3
Milwaukee		17.4
Boston	61.7	22.1

Source: Statistical Abstracts, 1968, Table 602, City Government Expenditures.

The Municipal Expenditures cited in Table 1, overpage, are actually only a small portion of the money that is spent for such purposes. In 1967, the Federal Government paid out a total of $9,868,217,000 to the states for public assistance alone. This figure is equivalent to more than twice what the government spent in *all* education programs in that same fiscal year. (The total government spending in education in 1967 was $4,047,000,000.)

In terms of welfare payments, the Federal Government will provide a yearly average of $515 per recipient. As of January 1969, there were 6.1 million people on welfare,[28] with a resulting average Federal welfare bill of 3.1 billion dollars. An individual on welfare for the period of his working life will cost the country approximately $25,000.

These substantial welfare expenditures by the Federal Government offer little if any return on the investment. Welfare cannot be regarded as more than stopgap measure to solve the problems of poverty. Expenditures in education could have the direct effect of lowering welfare costs, by educating people, getting them off the welfare rolls and into the occupational structure. Aside from the financial benefits of such action, it is impossible to measure the saving in terms of the effects on the individual lives involved and the ultimate reduction in human conflict. And in the end, this prosperity that is created by the introduction of such programs can also be shared by the local citizen; for, as spending and employment increase, so will the GNP, and tax revenue and Federal grants will be available for use on other essential programs.

Education is an investment in the future of the individual and in the future of the country. He will, in all probability, be adequately employed, and thus a financial asset through his payment of income taxes. In terms of job training programs, the majority of which are designed for high school dropouts, the government will spend another 3.5 billion dollars in 1970 (*Federal Manpower Programs*, 1969, p. 135). In terms of prison costs and rehabilitation, the government pays $3,760 a year per adult in a reformatory and another $1,200 to train him.[29] A high school graduate may be expected to earn an average of $7,494 a year; a college graduate, $11,135 (U.S. Office of Education, 1968, p. 15). Together they will pay back to the government in Federal taxes approximately $90,000 during their working lives.[30] Education is the key to the chance for an individual to become a $25,000 welfare liability, or to become a $90,000 taxpaying asset. We cannot afford the cost of failing to meet our obligation.

Another factor which points to the Federal government assuming a role in solving the problem of urban education is that the local and state governments simply cannot do the job alone. Education must compete with all of the other urban problems, like housing,

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Footnotes at end of article.

health, traffic congestion, air pollution, for attention from city governments which face crises in meeting their operating budgets.

No one knows how to meet any of these problems without spending massive sums of money. The property and sales taxes on which states and localities rely so heavily are pitifully insufficient. The hope, then, must come from Washington. The Federal income tax with all its faults does keep pace with the growth of the economy much better than the sales or property taxes.

The Nixon Administration has made a move toward helping state and local governments with its revenue sharing plan. However, if enacted, it would not help the big cities or urban education significantly. The proposal contains no satisfactory pass-through mechanism to get the money to the cities, and there are assurances for educational support from whatever does come through their pipelines. If urban education deserves priority attention, and we strongly believe that it does, it must come in the form of direct aid from Washington to the cities.

President Nixon's Task Force on Education urged such Federal effort on behalf of urban education in its report:

"We believe that . . . this (urban education) is one of the areas of education where the Federal Government has a special responsibility for direct intervention and one to which the new administration must devote a substantial portion of its attention." (President Nixon's Task Force on Urban Education, 1969, H 1661).

A Federal effort in urban education would be in keeping with such past efforts such as the Morrill Act, which 100 years ago responded to the need for a system of higher education in this country, and the National Defense Education Act, passed after the Soviet launching of Sputnik and designed to compensate for deficiencies in science, math, and language programs in American schools.

The crisis in urban education must be confronted. It is obvious that we cannot afford the financial and social burden that presently exists. We cannot afford the growing animosities and tension between blacks and whites in our cities and across the land. If it is agreed that the foremost socializing agency in the nation is the school system, then that is where an attack upon the problem must begin and the solution, at least in part, must reside.

PART III—A PLAN FOR URBAN EDUCATION

Overview

The Task Force submits as its major recommendation that the Office of Education develop special landmark legislation, such as an Urban Education Act, which will be designed to fund the planning, development, and implementation of a comprehensive master plan to meet the specific, long-range, broadly conceived educational needs of inner-city areas. As an interim measure, the Task Force further recommends that the Office of Education immediately consolidate programs for impoverished groups under an Associate Commissioner for Programs serving the Disadvantaged. This Office or Bureau should: supervise the implementation of the short-term recommendations of this Task Force Report; conduct a critical examination of current programs dealing with education in the cities; modify and administer these programs; provide technical assistance to them; design such long-range landmark legislation as the Task Force recommends; and prepare to administer such legislation upon its passage. As the development of new program authorization permits (e.g., an urban education act or new categorical programs), a new Bureau of Urban Education should be created with a clear mandate to operate programs and to establish Officewide priorities for efficiently meeting urban educational needs in all OE programs.

Accordingly, Part Three of this report discusses the long-term recommendation for the development of an Urban Education Act in four successive chapters and the short-term recommendations are presented in the last chapter. The chapters are as follows:

Chapter VIII—An Urban Education Act—The Educational Program.—This chapter deals with the type of education program which would be the major focus of a comprehensive urban master plan. The Task Force would hope to see the components of such an educational program specified in the legislation or contained in administrative guidelines.

Chapter IX—An Urban Education Act—The Authority Structure.—The question of authority is discussed on all levels: local, city, metropolitan, State and Federal. Federal reorganization designed to establish a Bureau of Urban Education is discussed in this chapter.

Chapter X—An Urban Education Act—The Funding Process.—This chapter discusses the funding process, including the determination of grantees, e.g., cities, local education agencies, non-public schools, and competitive alternative agencies. Funding to States, as well as a potential funding by-pass to cities is also covered here.

Chapter XI—An Urban Education Act—The Cost.—This chapter delineates the cost of the recommended programs.

Chapter XII—Short-term Recommendations.—This chapter will discuss measures which either relate to existing legislation or which may be taken without introduction to new legislation.

The Task Force wishes to underscore its conviction as to the urgency for immediacy in implementing both its recommendation for landmark legislation with long-range impact and its short-term recommendations. (The short-term recommendations are regarded by the Task Force as crucial and minimal to hold current educational systems together.)

Chapter VIII. An urban education act—The education program

The Task Force recommends that special legislation be developed, to be called the Urban Education Act. As a major section of the Act, the Task Force recommends the inclusion of a comprehensive master plan concept for urban education. This section should make provision for duly constituted agencies and groups (detailed in Chapter IX) to develop comprehensive master plan proposals for the redesign of educational programs and supportive services with special emphasis on inner city and suburban students who are impoverished. Also included in this section of the Act should be both the kinds of characteristics and the sequencing which any master plan submitted by a potential urban grantee should possess. Finally, this section should include provision for grantees other than those eligible under the master plan and the characteristics of programs funded as alternatives.

Accordingly, this chapter describes the scope and orientation or philosophy of the master plan, the levels which this plan should encompass, and the components which should be included at all its levels. Also described is the rationale and characteristics of an alternative plan to the master plan.

The Scope and Orientation of the Master Plan

The master plan must reflect the broadest and most enriched concept of education and relate its projected educational program to other special urban concerns, such as integration, housing, health, and employment. To isolate the urban education program from its environment or context would be setting the stage for irrelevance in the neighborhood school program and for inadequate responses to special needs of impoverished students at the policy and senior administrative levels.

Furthermore, merely equalizing the educational resources between city and suburb will not accomplish the goal of providing impoverished students with the quality education they need. To prepare this student for full participation in the life of our nation, he must be provided with an education that is dramatically superior to that in the suburbs. This education must prepare him to enter the economic and social mainstream of American life without losing his individuality and concomitantly prepare those already in the mainstream to accept his individuality and diversity as positive contributions to it.

To achieve this superior education for the impoverished urban student:

"The educative process must be truly expanded in its focus to the whole individual at all educational levels. . . . His health, his emotional well-being, his intellectual capacities, his future employment, his self-realization are thus all involved in the process. . . . New areas must be included which are of special significance for the urban student, such as problems of narcotics addiction, noise, overcrowding, and maintenance of individuality." (UETF Report, Ch. I, p. 1–7).

In order to insure that a master plan submitted by a potential grantee reflects a broadened concept of education and an enriched supporting program, general criteria should be established. These criteria should either be contained within the legislation itself or specifically assigned in it to the Commissioner of Education to develop in concert with representatives from other urban and urban-related agencies. Placing such criteria within the legislation itself in general terms would presumably give more weight to subsequent and more detailed regulations and administrative statements dealing with possible future problems of compliance than might be available if administratively developed. Moreover, if generally stated in the legislation, there should be sufficient flexibility to make adjustments administratively as needed after urban education programs have come into existence. To be avoided for either alternative is the creation of a monolithic set of criteria which only consider the common characteristics of urban areas and fail to take into account their unique characteristics.

Bearing in mind the above caveat, the majority of the Task Force recommends the establishment of a set of general programmatic criteria both to be followed by the potential grantees in developing their master plans for urban education and to be applied by the grantor in: (1) assisting potential grantees in developing their proposals; (2) in judging the quality of these proposals; and (3) in working with the grantees in implementing these proposals. These general criteria should include the following features:

1. A clear and broadly conceived *definition* of what education in the urban setting should accomplish is imperative. This definition should overarch and thus link together all of the specific phases and components of the urban education program. Parents and youth of the neighborhood communities participating in the program should also contribute to formulating this definition since they will be experiencing its effects in various ways over extended periods of time. Moreover, this definition should avoid the pejorative distinction often made between education and training. The educative process must encompass both so that the participating students will acquire a valid *and* saleable education in the sense of becoming fully self-respecting, rationale, and economically sufficient human beings and citizens. Specifically, the majority positions of the Task Force as detailed in Chapter I lead to a definition of education which

embodies the concept that all of the individuals participating in the program at any level and in any role are active and continuous partners in the educative process which can—and does—take place anytime and anywhere. This concept implies that heretofore largely unrecognized partners—parents, local community residents, and students—must be involved in the decision-making about what is to be learned, and why it should be learned. The extent of student decision-making would, of course, vary with age, but it should nevertheless begin with the earliest age of entry into the program. With such involvement in the decision-making process comes both the need and the responsibility for knowing the options and the probable consequences of these options, the joint setting of goals which are understood by all participants, and the identification of the best strategies to reach these goals. Moreover, this decision-making requires clear statements of goals to be accomplished and the sequencing of behaviors required for their accomplishment.

2. A clearly articulated statement of need which includes: (a) a description of the community environment(s) in which the program will be based; (b) descriptions of target populations to be served; (c) the development of the priorities or needs which identifies the relative degree of urgency of the problems facing the urban area which relate directly and indirectly to education; (d) inadequacies within the presently existing educational programs in the urban area; (e) a description of how the proposed new plan will met the priority needs of the target population and effect necessary educational system and related institutional changes; and (f) the difference between financial resources presently available at the State and local levels and those needed from the Federal level to successfully implement the plan.

3. The plans for utilizing financial resources from all available sources, including Federal, State, local and private sources. These plans should detail the sources and amounts of funds as well as their anticipated use in the program.

4. The plans for utilizing existing and heretofore largely unutilized instructional and human resources, e.g., private business and industrial facilities and services, cultural institutions, governmental agencies at various levels, (Federal, State, and local), the diverse human potential within both the city-at-large and a particular community. The use of these resources can take a wide variety of patterns ranging from voluntary contributions in the form of services, equipment, and space to subcontracting out whole aspects or levels of the educational program. The following example are briefly illustrative.

In the voluntary area, there are such possibilities as teaching an art program in a nearby gallery with local artists doing the teaching or supplementing the school instructors; of teaching measurement in a factory making precision instruments, in a bakery, in a dress-making or interior decorating shop; teaching reading to functionally illiterate adults with qualified personnel drawn from the school system or local universities using want ads, driving manuals, bus schedules, labels on food products, and credit contracts; etc. In the subcontracting area, there are such possibilities as computer programming and keypunching, automobile mechanics training, carpentry; and early childhood education program being operated in leased commercial space; para-professional training program; street academy for dropouts and other young adults; work-study programs run by local universities at the secondary level to prepare teenagers for successful undergraduate performance; etc.

5. A general set of objectives or aims to be pursued to solve those problems which have direct bearing on the process of education, e.g., housing, employment, health, integration, etc. Such objectives should strive to be met by phases of the funded master plan and by utilization of and coordination with other Federal, State, and local authorities. The local educational agency will need to develop these broad objectives in conjunction with these other agencies as well as within whatever legal contraints are involved. A consolidated set of general objectives with a timetable and a commitment for mutually accomplishing them should hopefully afford a coordinated approach to these education-related problems.

6. A specific set of educational objectives to be met by the educational program of the master plan clearly stated in terms of what the student in each educational developmental level is expected to learn, acquire, and/or manifest as a result of the comprehensive program provided. Such objectives should be oriented to student performance which can be measured in some form of overt behavior.

7. A full description of the program which will be developed and implemented to accomplish the objectives in points 4 and 5 above. The education program description should include the following components at a minimum: a) planning, b) personnel or staff development at all levels, c) curriculum, d) supportive services, e) community involvement, f) experimentation, g) assessment, and h) facilities. These components are described in detail in a subsequent section of this chapter.

8. The plan for adequately evaluating the master plan program in each community with respect to the performance of institutions in general and specific key roleholders within them in bringing about change and improvement. Such evaluation plans should include the utilization of the assessment component of the education program in relation to all other components of the education program beginning with the first stages of the planning and including estimates of student performance and the general educational performance in each community.

Levels of the Educational Program

As stated above, the Task Force recommends that the master plan be developed to encompass all educational levels from early childhood through adult. In determining priorities in terms of developmental levels, the Task Force suggests the following level designations and their definitions:

1. Early childhood—from prenatal to nine years of age (preschool through 4th grades).

2. Middle childhood—from ten to thirteen years of age (5th through 8th grades, including some "occupational readiness").

3. Secondary—from fourteen through eighteen (9th through 12th grades, and including "occupational readiness" and training).

4. Higher education—eighteen and up (while in college or other form of post-secondary education, including occupational readiness).

5. Adult (training taken after a lapse of time from secondary or higher education, often requiring occupational readiness and training).

The Task Force felt that a rationale could be developed to give first priority to the consideration of any one of the above-noted levels. Therefore, we recommend that through the development of a comprehensive program which if articulated at each level to the next, then all levels will be considered as having an equal priority. This position represented the sense of the Task Force members present although a considerable number of the members felt that the early childhood should receive the greatest emphasis.

The Task Force suggests that priorities can be imposed only when considered from long- or short-range perspectives. To illustrate: If viewed from the perspective of long-range results, early childhood education would receive priority emphasis in order that a child from birth could be educated to his fullest potential and in order that his education might progressively equip him to most effectively negotiate the society for which he is being prepared. This reasoning proceeds from the up-and-out in one generation perspective. If viewed from the perspective of short-term results, secondary level would receive priority in order that the current high school students of the cities emerge motivated and prepared to acquire higher education or vocational training to become sorely needed educated members of society. We can afford no gap of educated inner city students in leadership positions while we await the emergence into society of those students now in early childhood phases. Also, higher education is an important immediate priority since program modifications and/or new programs must have appropriately trained personnel to operate them.

Educational Program Components

As mentioned above in the section, *The Scope of the Master Plan*, the Task Force recommends that the educational program of the master plan should include at a minimum the following program and program-related components defined below. The order of listing does *not* imply a statement of priority, except with regard to planning.

Planning

Crucial to the successful implementation of any educational program component is a deliberate and comprehensive plan which has been developed with sufficient lead time and which at various stages in its development has involved appropriate persons representing the community, the public and private educational agencies at State and local levels, USOE, private industry within the urban area and the State and local governments. The planning component itself should not phase out as the program components become operational. Rather this component, in conjunction with that of assessment, should become the cutting edge of the master program, i.e., it should be out "in front" of program in anticipating its needs, personnel, training, and the like. Its operations should specifically include continuous planning, modifications, and/or redesign as feedback becomes available from the operating components. Hence, the planning component should have phases to it (e.g., initial design, preliminary implementation, feedback, modification, and the like), but the phases will as the program becomes fully operational take on a cyclical character.

During the initial design phases, the development of framework for the master program becomes critical, and should include such aspects as: the setting of priorities based on a wide range of inputs from such sources as parents, community leaders, teachers, administrators, etc.; a clear set of performance objectives stated in terms of overt student behaviors; funding requirements and anticipated costs; preparation of a plan for in-service training in critical areas; designation of schools to be involved; joint planning with other social agencies; etc. While we feel that the specific objectives should be defined locally, we recommend that specific objectives be conceived within a framework that considers the following concerns.

Integration

The planning framework should assume integration as a vital aspect of and means to a full education. The Task Force agrees with and fully endorses Commissioner Allen's goal "to provide an equal educational opportunity for all in a racially and socially integrated society." (To achieve this equal educational opportunity, urban education financially and programmatically must be superior.) We further recommend that systematic integration plans must be a part of the master plan. Studies have shown that when children from low-income minority families are integrated with middle or upper class white children, achievement does improve. Even more important is the finding that when children of different backgrounds with different values associate with one another attitudes and outlooks are bound to modify and broaden.

However, for significant integration to occur there must be a substantial, genuine voluntary mix of students and staff. Unfortunately, this prerequisite makes it impossible for integration to work on a large scale in most urban areas. There are simply not enough whites in the inner city to go around. Nor have whites been particularly willing to give up their advantages to do something about inner city education. We recognize the seeming paradox of attempting to achieve integration with the current thrust of decentralization and community control which in some instances seem to perpetuate existing patterns of racial isolation.

However, this thrust by no means precludes integration. Integration is, in fact, a natural byproduct of many smaller experiments in community control of schools. Washington's Adams-Morgan Community School, for example, began as an effort to bring an economically and racially diverse neighborhood together so that programs could be developed to meet the root causes of its social problems. Its students, faculty, and governing board are integrated. At Ocean Hill-Brownsville over 70% of the teaching staff happens to be white. The Store Front Learning Center, also located in the heart of Roxbury, reflects the surrounding community and is primarily a mix of Spanish-speaking black and white children and teachers.

The emerging interdependency thrust has the potential for developing new patterns of integration. For example, the Anacostia Community School Project is making efforts to draw in the larger community as well as the resource of the Public Schools of D.C. The new Federal City College, also located in D.C., manifests the same thrust although reflected in somewhat different ways.

Integration is feasible through other approaches as well. Schools in smaller cities which have a majority white population should be reorganized along racial lines. All schools in the district may be used and qualified educational personnel redistributed among the schools. In recent years several cities with population ranging from 100,000 to 300,000 have desegregated their school systems. Examples of desegregation efforts in such cities as Berkeley, with 125,000 people with a school population 41 percent black, and Evanston, with a total population of 88,000 of which 22 percent is black, should be studied by cities of like size and composition. Educational parks, great high schools, which involve the concept of metropolitan planning in education are a logical next step for those areas which have successfully tried an integrated approach on a small scale.

In short, we recommend that: 1) in addition to holding the objective of integration in the long run, any immediate steps toward this goal which are feasible should be taken; 2) regardless of what form integration in the inner city takes—and it may not be immediately feasible—we must provide for the disadvantaged urban student an education which is dramatically superior to that in the suburbs in order to recompense that student for an education which to date has failed him. We must provide an education which will prepare him to negotiate the mainstream, and which will in time attract all races and all social strata to share in a process superior to the one they are currently experiencing.

Institutional Change

Also, within the planning component, specific program and student performance-oriented objectives should be conceived within a framework that assumes *institutional change* as an urgent necessity—not change for the sake of change—but the implementation of new educational structures, roles, materials, training programs, and the like, which have been proven more effective toward the successful education of students than those currently in practice or use. Plans should indicate what conditions or areas call for institutional changes, what kinds of institutional changes are anticipated, how they will be achieved, the nature of opposition to and/or support for these changes, the schedule by which they will be accomplished, and the criteria for measuring the extent and magnitude of the anticipated changes.

Gains for total community through wide use of resources.—The framework should take into account not only educational gains for the student but also for the community as a whole. A set of performance objectives for students if well conceived and successfully met will yield byproducts for the entire urban community in such areas as employment, cultural enrichmant, and dollar impact. The planning framework itself must be a dynamic and expanding one. In order to meet student performance objectives, new authorities must be developed and new resources tapped which will contribute to future planning and implementation of programs.

Pre-grant performance.—Plans should include a report of those components which have been developed, implemented and tested since they are the ones on which the success of the master plan is predicated. Without prohibiting newly created organizations from receiving funds under an urban education act, planners should generally be required to use existing funds to demonstrate performance prior to receiving developmental and operational funds.

Personnel Development

One of the most crucial elements of any comprehensive plan to make the schools in our cities more responsive to their students and to better prepare them to deal with our complex society is a basic and far-reaching reform in the approach to educational personnel development. By *personnel* is meant administrators, teachers, paraprofessionals, non-professionals and community volunteers. By *development* is meant continuous preservice and inservice programs at the local, city, State and Federal levels for all persons involved in educational activities. Specifically, these programs should be designed for and carried out in inner-city educational settings. Included in such programs should be:

1. The acquisition of appropriate attitudes and strategies for working with inner-city students.
2. Preparation for process-centered learning rather than textbook-centered learning.
3. The full utilization of the life experiences of the students as significant content for process learning.
4. The techniques for involving community residents and other resources in the educative process.
5. Cooperative work with supportive services staffing, e.g., nutritionist, psychologist.
6. The flexible and maximal use of educational settings—both traditional (e.g., the regular school) and a traditional (e.g., streets, businesses) within the community for the educative process.

A good teacher is usually the major key to a successful educational program. Yet in our inner-city schools we all too often find new and inexperienced teachers, or substitute teachers. We also find teachers who have received their teacher training in middle-class oriented institutions and who, as a result, have developed negative attitudes toward the potential of the disadvantaged child of the urban ghetto. When we do find dedicated teachers, they are often hampered by inadequate educational material, by an inflexible curriculum, by inappropriate preservice education, or by a lack of any salary incentive to remain in an urban school rather than move to the suburbs or drop out of teaching altogether. Actually, if we take into account all of these factors—low salaries, inadequate preparation, low status, inappropriate curriculum, and the inadequate tools given to teachers to accomplish the monumental task expected of them by society—educational personnel are probably performing better than the society has a right to expect.

Yet this is small consolation in the face of the urgent demand for more effective schools and for a more effective educative process which is linked to the real lives of students. A basic reform is required. Students in our cities have a right to: (1) expect teachers who understand and appreciate their cultural heritage, their socio-economic problems, and their individual life styles; (2) expect teachers who possess a positive attitude toward their learning ability, who are able to make use of the students' varying values, even though they differ from the teachers' values; (3) be taught by teachers who can function as team leaders and who can draw experiences into the learning situations that will make it community-centered learning; (4) find in their teachers a sensitivity to individuals which is reflected when they encourage each student according to his ability and interest; and (5) have teachers competently knowledgeable in their respective subject-matter areas.

We see this basic reform occurring in three major areas: (1) recruitment; (2) training programs; and (3) staff development. The main responsibility for beginning to develop new approaches to recruitment and staff development rests with the school systems. These new approaches should be spelled out in the plan. Renewal of teacher training programs must be a cooperative venture between colleges and the schools.

Recruitment.—School systems should initiate programs which will provide incentives and inducements for attracting capable and competent persons to enter urban school systems, especially those from poor and ethnic minority backgrounds.

One type of program would be an arrangement whereby the school system would hire a beginning teacher and in cooperation with a college or university develop a special graduate training program tailored to his needs, and would also pay for the teacher's graduate training. Another program would be the recruitment of returned Peace Corps and VISTA workers, accompanied by special orientation and training programs. There could be programs established which focus on hiring and preparing persons who have college degrees and have been employed in other fields but who now want to enter the teaching profession. Another obvious approach would be to send young, attractive articulate teachers from the school system to recruit additional staff members from colleges and universities.

Another essential part of the recruitment program should be the effort to attract residents of the communities served by the schools, especially the poor, into new careers in the education profession. The involvement of community residents in school programs has already been shown to have a positive effect on the learning of the students and has assisted, in many instances, in overcoming the students' alienation from teachers and administrators. In addition these new career opportunities will help to meet the manpower crisis in the teaching profession and will allow for greater flexibility and differentiation in staff organization.

The new career opportunities offered to community residents should be more than simply secretarial or clerical. There should be an adequate orientation program to enable these paraprofessionals to function effectively in the classroom as part of the instructional team. In addition, training and education should be built into their work situation to enable them to advance into a permanent position in the professional teaching ranks.

Training programs.—If a comprehensive education plan directed to the needs of the disadvantaged child is to be effective, teacher training programs must concentrate on changing the attitudes of teachers and preparing them to effectively employ new ideas and educational materials quite different from those methods and materials which might be employed in a typical suburban school.

We recommend, therefore, that a separate title of the Urban Education Act be written which would fund specific types of teacher training programs to accomplish the above objectives. These programs would have to be operated in colleges or universities located in or adjacent to the urban areas which receive funds under the terms of the Urban Education Act.

The programs approved for funding by the Assistant Secretary/Commissioner of Education would have to be based on a reconnection between the teacher training institutions and the communities which the teachers will serve. The institutions will need to ask the urban communities what their goals are in terms of the kinds of teachers they feel are needed in their schools. And they will need to design special student teaching experiences approved by the community and which take place in the city. In addition, university professors must come to understand, experientially, the actual problems that school teachers face daily in the classroom in order to help them arrive at better approaches to teaching.

Necessary elements of any program must be courses such as urban sociology, cultural anthropology, and the psychology of the disadvantaged, experience in working with highly aggressive students, and a working knowledge of behavior therapy in preparation for conflict situations likely to occur between the values of staff personnel and students from urban areas. In addition, pertinent faculties outside the school or department of education must also contribute to the work of effectively preparing teachers for our urban schools.

Finally, this teacher training title of the Act should provide funds for experimental approaches in the area of teacher preparation apart from colleges and universities. These approaches could take the form of new training centers either publicly operated by a school system, or privately operated by a profit or nonprofit organization. The centers would be located in the ghetto as autonomous units and should be accredited by the State.

Such experimental approaches should be operated on two basic premises: (1) that training should take place in the local community rather than on college campuses; and (2) that the community (including community service agencies and other local groups) should have a major part in the planning and implementation of the training programs and in the policy decisions.

Staff development.—Urban school systems have a prime responsibility for constantly improving the quality of teaching in their system through staff development programs which aim at increasing the subject matter competence of teachers and their skill in teaching children. Such programs must be an integral component of any comprehensive plan to meet the educational needs of the cities.

We believe that if this in-service phase of teacher training is to have a significant impact on the urban school system, then programs must be implemented which orient themselves to the individual schools within that school system. In-service training which attempts to reorganize the teaching methods of the entire school system can become either quite overwhelming or just procrustean.

We, therefore, recommend a staff development approach (similar to that proposed by the Training Task Force) which takes place at the local school level and involves the whole staff of the school. In this approach the principal of the individual school would play a special role in his ability to coordinate and relate new educational methods and materials in a curriculum design appropriate for particular character of the students and teachers of his school.

More importantly, teachers themselves would be involved and would share a major responsibility for the process of school's development. Obviously, adequate time would have to be provided in the school day for the teachers to carry out this in-service program; it is not an extra to be tacked on at the end of the day in the classroom. This approach to staff development would be seen as a part of their professional life on the job.

Teachers and the para professionals in the schools would carry out an analysis and evaluation of the unique characteristics and strengths of their students, as well as the learning problems peculiar to these students. Then they would decide on the types of teaching approaches, sequences of learning tasks, and instructional materials that would most effectively meet these learning needs. In this process, they would be actively aided by their own students, as well as by parents, citizens, university specialists, central staff personnel and other community resources.

We believe that by decentralizing in-service teacher development, new approaches to education can more effectively and more rapidly reach the classrooms of the urban schools and begin positively to influence the learning process of the impoverished urban student.

Also, any adequate staff development program for an entire school system must be aimed at administrators and school board members as well. Principals and other administrative officers in the school systems who often were promoted to these positions because they were good teachers, should receive training in efficient management techniques. Present and potential school board members, at both the city and the community levels, should also be given the kind of orientation which will enable them to function in their role as educational decision-makers.

Curriculum

Curriculum is defined here as a clearly articulated master plan for the educative process which includes student-oriented performance objectives; sequenced sets of experiences organized from task analyses; basic strategies for acquiring the knowledge, skills, and attitudes in these sequences; and evaluation based on the objectives. Thus, we are concerned with creating curricular designs for living, learning, and working which will result in superior urban education.

These designs must successfully combine the life experiences, needs, and environment of the particular inner-city students in relation to the demands and needs of an increasingly technological and value-conflicted society—and one which is only reluctantly facing up to its racism. The traditional content—or textbook—centered curricular designs on which tweaking and tinkering has been done (e.g., broad fields) will no longer suffice. Rather, we must have curricular designs which are centered on the acquisition of realistic problem-solving processes, the steady development of stable and constructive self-images, and the merit of diversity within the mainstream. Such designs must also reach up into the higher education level and encompass all its fields and aspects.

For example, any curricular design would need to be concerned with key communication processes (i.e., listening, speaking, reading, and writing) utilizing students' life experiences and relevant subject-matter contributions which will be applicable to a career ladder for occupations and professions. Moreover, within the communication processes there must be a strong emphasis on reading. Reading is the major gateway not only to school achievement at all levels but also to acquiring the competencies necessary for employment in the skilled and professional occupations and for an enlightened citizenry.

Improved approaches to developing readiness for reading at all educational levels and the teaching of reading itself, must be rapidly identified and implemented. These approaches must also be sharply anchored to the lives of the students involved and the other communication processes (i.e., listening, speaking, and writing)—and, at the same time, they must truly prepare students for the subject-matter demands of the curriculum, e.g., reading an equation. A general performance objective in reading would be: Each student should read at a level commensurate with an accurate estimate of his learning potential.

In addition to curriculum containing the more traditional academic areas, there must also be the inclusion of areas designed to teach the urban child how to deal with such specific urban problems as health—both mental and physical, and including sex education; combating noise and congestion; controlling the environment in order to maintain clean air and water supplies, etc.; understanding and helping to fight the problems of crime, alcoholism, drug addiction, and child abuse. Universities and social agencies must be involved in the development of the curriculum as well as parents, teachers, and students. All have contributions to make to it which are valid and needed.

Supportive Services

Included in this component are all those services—adequately staffed—which make effective learning possible, namely, medical and dental assistance, nutritional services, adequate clothing and shelter provisions, social and psychological assistance, counseling and guidance, occupational and educational placement, drop-out prevention, and recruitment of new personnel. If the students and their families cannot afford such services, then these must be provided. Ill, malnourished, inadequately clothed and sheltered, and/or emotionally upset students—regardless of either their *potential* learning capacities or age levels—do not function as effectively as students who are comparatively free of such problems and stresses. No matter how effective the curriculum is or how dedicated the staff in its implementation, these components can never effect the superior learning program desired if adequate supportive services are not available. Such services are costly but they must receive a high priority in the overall program since they are foundational to it. It is here that cooperative planning with State and local government officials, local social agencies, and Federal programs will become particularly critical in order to maximize the use of existing resources and gain commitments for new ones.

Specifically, these services should encompass the following areas:

1. To provide parents and young adults (e.g., teenagers) with additional information about the various aspects of growth and development of children, e.g., nutrition, the role and significance of language development and ways of enhancing it, constructive ways of dealing with young children's emotions, techniques for problem-solving and the like.

2. To provide parents and young adults with volunteer or special or special paraprofessional training if desired in the various growth and development aspects of children.

3. To insure that services are made available to potential vocational education students and families.

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4. To provide at least the minimum daily nutritional requirements of children.

5. To provide adequate health services to children, including examination and follow-up treatments as needed, as well as health education—both mental and physical including sex education.

6. To provide adequate recreational services for children at various age and interest levels.

7. To insure maximum health for infants and expectant mothers.

Community Determination

Although community determination is discussed in detail in Chapter IX, The Authority Structure, it is mentioned here as one of the vital components of a successful urban education program.

Community, in this connection, is broadly defined to include its human and institutional components, all of which can profit and be profited by education locally. In order for that education to be effective, and truly relevant to the child's own frame of reference and environment, all components of the community need to be meaningfully involved in the educational process. Specifically those components are: the inner-city residents themselves; the colleges, junior colleges, universities, vocational and technical training institutions in the area; and local private industries and foundations.

Inner-city residents.—The inner-city residents must be actively involved in all aspects and at each developmental level of the urban educational program. This involvement could take one of several patterns: (1) *control* (i.e., full fiscal, programmatic, and hiring authority); (2) *partnership* (i.e., division of authority with representation from other groups within the urban area); or (3) *participation* (i.e., a combination of advisory and policy-making functions with preferential hiring of community residents). Whatever community involvement pattern is decided upon by the planners, it must have the sanction of the inner-city residents affected as being the most workable pattern for them. Contingent upon the particular pattern chosen would be the degree to which decentralization would come into being. With full community control comes the requirement for full decentralization. With community participation—as defined here, a very limited administrative decentralization might be the only requirement. Whichever pattern is chosen, parents and other inner-city residents should have ready access to the educational staff on a daily basis to enable the staff and the community to solve problems of mutual concern so as to permit continuous feedback, evaluation and rapid modification of the ongoing educational program as well as to train parents as effective educational interventionalists. Programs should be developed which would facilitate teachers visiting the homes of all students. Such components have been highly successful in existing vocational programs and might be utilized wisely at all educational levels, greatly enhancing communication and cooperation between staff and community—and, also, help assure final accountability. Where community and school share responsibility, the patterns of shared accountability must be developed.

Institutions of higher education.—Although colleges have tended to relate to local needs and clientele, other private and public institutions of post secondary and higher education have all too often functioned independent of and segregated from the local community. We have recently witnessed many outbursts directed at the symptoms of such segregation. The times are dictating a radical shift in the colleges' and universities' institutional images, from the medievally-originated concept of the secluded scholarly retreat to that of an active and responsible community member. Many students and some faculty members and administrators, sensitive and receptive to the university's emerging role as community citizen, are already engaged in active participation and partnership with the community. It is necessary that these efforts be expanded so that the expertise of the university is combined with that of the neighborhood communities in preparing children and youth to be members of the society at large. Colleges and universities must alter their all-too-prevalent attitudes that they are functioning responsibly in "maintaining standards" by shutting their doors to those students of disadvantaged backgrounds who do not score comparably to their middle class counterparts for whose culture the measurement tests have been designed. If colleges find that the preparations in skills of the few disadvantaged students currently admitted are obstacles to the full learning potential of these students, they must not merely condemn that preparation. Such colleges owe it not only to those students but also to their own validity as institutions, to involve themselves in the improvement of that preparation during the early years of education. They must realize the importance of expanding their roles and attitudes to include: (1) early involvement with and recruitment of the inner-city student; (2) motivational and skill-oriented pre-college programs; (3) development of curriculum designs appropriate to inner-city students and the education of those who will work with and teach them; (4) re-examination of faculty attitudes toward inner city students whose backgrounds and values are divergent from their own and from a majority of their student peers; and (5) redesigning of teacher training programs and patterns of certification.

Private industries.—Local private industries and foundations, both profit and non-profit, should also be actively engaged in the education of their communities. Such agencies constitute a major resource for needed professional and vocational skills. Moreover, their participation in the educational programs should be mutually beneficial in terms of immediate service to and subsequent employment of community residents.

Experimentation

At all educational developmental levels, the urban education program with its various interlocking components is to be viewed as experimental. Experimentation is therefore to be viewed as an integral part of the general operating program. The dichotomy which has grown between costly research-experimental programs involving small numbers of children and operating programs with large numbers of children (e.g., Title I) must be avoided. Experimentation as conceived here, is for trying out new concepts, techniques, personnel training, staffing patterns, class organizations and the like, *within* the realities of the operating program. This type of experimentation precludes neat independent-dependent variable designs, but, at the same time, permits new approaches to be tried out with immediate feedback results in a realistic way.

Related to this experimental component, are those alternative education programs and approaches which many be piloted or demonstrated as "sub-programs" in the overall master education plan. Such alternatives sponsored within one grantee's master plan are to be distinguished from alternative programs which may be funded and operated outside of or in competition with that particular grantee. Alternatives outside a master plan are discussed in a later section. In this part, we are concerned with alternative programs conducted as experiments within a master plan of a local educational agency. Such experiments can presumably accelerate the rate of effecting institutional change within a system and may take one of the following forms:

Community Schools.—Community schools offer servics and leadership in response to joint planning by the school and the community to improve communication and to better meet the community's needs. To truly serve its community, the school should be placed where all members of the community, old and young would have the opportunity to learn. It may also function as a community center where health and legal services, counseling and employment are offered. A successful example of this type of school is the Mott Program in Dearborn, Michigan.

Model subsystems.—Model subsystems such as those now operating in the District of Columbia, New York and Boston are used as testing-and-demonstration-grounds for new programs. Governed by a community board they have the freedom to experiment widely in curriculum and other recruitment and utilization of teachers and the management of the system itself. Basic to the subsystem approach is the premise that model schools have a close and direct tie to the rest of the school system in order to influence that system's practices.

Street academies.—Street academies may operate either as an experiment or a demonstration within a master plan, or as an alternative to a master plan. An example of this genre is the system of Street Academies sponsored by the Urban League in Harlem which caters to students who have dropped out of the public schools. The Academies, usually abandoned storefronts, are manned by teachers and streetworkers, often alumni of an Academy who live in the area where they work and are therefore more able to communicate with prospective students. The educational process is three-tiered. First, a student attends the Street Academy, then the Academy of Transition. After he has achieved 8th or 9th grade levels of performance, he goes to one of the college preparatory schools, either Newark or Harlem Prep (so far 90 percent of Academy students have gone on.) The success of the academies is due primarily to the fact that they are truly decentralized units. They work from the street up and adapt the institution to fit the relationship between streetworkers and teachers and students. Recently the entire Academy program has been moving towards greater involvement with the public schools. For example Benjamin Franklin High School in Harlem farms out truants and dropouts to the Street Academies.

Experimental classrooms.—Such examples would include the Duhl School which proposes a new K-4 school for lower-class communities. It assumes that what are needed are four years of preliminary work to get the underprivileged child ready to meet the demands of school. In each urban neighborhood, a classroom would be built in the community, in the living environment of the child utilizing especially built rooms in new housing or space modified for classroom use in older housing. A collection of these rooms joined by electronic devices would comprise a school. The parents and community would be part of the classroom—the "urban agents" which tie the child to the community.

Assessment

As with experimentation, assessment is to be considered as an integral part of the general operating educational program. Assessment is defined here as the extent to which the students in the educational program are manifesting those behaviors stated in its objectives at various educational levels. Implicit in this definition is the requirement that the educational objectives are synonymous with the assessment objectives and that they are measurable in the form of overt behaviors of some sort. Moreover, an assessment design for the type of master plan proposed would encompass far more than the mere use of

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standardized academic achievement measures. Rather, it would involve a multi-faceted approach to the educative process (e.g. the physical, social, emotional, and academic performances of students at various levels.) Results obtained from the assessment component should be fed into the planning and other components so that necessary modifications and adjustments can be made as rapidly as possible. These results should also yield information—albeit indirectly—on the effectiveness of institutional change as reflected in teaching style(s) in the classroom, in middle- and upper-level administration, utilization of resources, and ultimately the impact of the program. The main focus of these designs must be upon the behaviors of students—and not upon such issues as management efficiency and cost effectiveness. When these kinds of issues become the focus, the learning of students becomes either subordinated or completely lost. Finally, the assessment should have a national thrust so that information on target groups can be secured, analyzed, summarized, and disseminated in comparable ways.

Facilities

The need for additional school facilities is critical in most urban areas. Urban school populations continue to mushroom while available space and monies for construction grow increasingly scarce. The master need for and possible use of new school facilities and an account of the ways in which the community intends to obtain maximum use of existing facilities. Specifically, plans should include the below-noted considerations.

The creation of new ways to use space and facilities more effectively and creatively.—This might include extensive use of the natural and physical resources of the city including museums, art galleries, aquariums, parks, newspaper and government offices and so on as an integral part of the educational program. Classes may also be located in libraries, department stores, college labs, abandoned storefronts. If a different or unusual kind of environment improves student performance it should be utilized.

A premium should be placed on the construction of new educational facilities within all low and middle income housing constructed with the assistance of public funds.

Likewise, educational facilities should be included in public assisted commercial constructon, shopping centers, etc. and other office space. Such facilities may provide a significant avenue for racially integrated early school programs. These last two suggestions could also provide a major financial saving if planned at the time original architectural designs are drawn up.

Integration of facilities with the local educational program.—For example, if early childhood education is to be a goal, the possibility of constructing facilities in schools for demonstration centers should be considered. Such centers could act as models for teacher training, and materials research and development. Day care/educational centers could also be established in vocational and high schools for the benefit of children, students, and teachers. Additional programs could be developed to provide high school students and other members of the community with special training in child care, family planning, home economcs, etc. Hospitals and other health facilities built with public funds, are also a prime target place. Early childhood programs should be open to all hospital personnel including health manpower trainees who are among the most marginally employed of all institutional employees at the present time.

Multipurpose use.—Where possible, facilities should be designed for recreational, vocational, research and demonstration, and administrative uses. Facilities should be geared to meeting the needs of the entire community; infants; youth out of school; adults; the elderly; as well as those of the children in school.

Impact.—Facilities and programs should be analyzed in terms of cost, design, site location, future use, etc., to determine potentially favorable impacts upon the local economy and community use.

In summary, the large majority of the Task Force feels that major institutional changes are needed in urban education, and that the Federal government should play an active role in recommending the components and processes of programs which will bring about desired change. A minority view held by a few members was that the Federal Government should not be involved with the setting of criteria and the recommending of program components. Instead, these members suggested that the only proper functions of the Federal level were funding and subsequently, the auditing and monitoring of these funds.

The Need for Alternatives to the Master Plan

The large majority of the Task Force recommends that the existing educational institutions and/or new combinations of existing institutions constitute the best initial mechanisms for developing the master urban education plan. It is to be stressed again that only the educational system is large enough to make the major changes for the improvement of the education of urban students. However, this majority recommends the funding of alternative programs outside of or in competition with the master plan to meet specific needs and problems not taken into account by the more comprehensive master plan. Such alternatives might fall into the following categories.

Educational parks.—Such parks offer more than just a parallel public school system. They could, hopefully, in the not-too-distant future supplant the entire concept of the traditional public school system because they would be of sufficient size and comprehensive enough in nature. Parks are in various stages of planning in Syracuse, East Orange, Boston, Rochester, Philadelphia and Washington, D.C. The parks represent a totally planned system, an all-encompassing social community plaza with education and participation of the total community as its focal point. Not only education but related services, such as public health and counseling services would be offered with a constant interplay between service institutions and the educational area. Its participants would be racially economically and ethnically integrated. The major problem seems to be the one of finances. The park concept would involve a large commitment from the total resources of the region to be served in addition to a substantial commitment of State and Federal resources.

Publicly-funded private schools for children of the inner city.—The Highland Park Free School, is by far the most ambitious and most comprehensive project of this type. These schools, free from the bureaucratic inertia and rigid architectural structures of the public schools, can provide a setting responsive to the kind of experiment and innovation needed in urban education, and provides some healthy competition for the public schools. Also, they can demonstrate their program with high visibility.

City-as-classroom structures.—This school-without-walls in Philadelphia, the Parkway Project, is one of the more unusual experiments in education. There is no single school building as such. Non-graded classes take place in two dozen different places such as the zoo, art museum, YMCA. The lack of physical and instructional structure give the students the opportunity to study independently or in small groups and to design their own curricula. Students, black and white, are chosen at random from 2000 applications from public and parochial schools.

Regional State schools.—These schools would be financed by the States and would cut across urban-suburban lines.

Federal regional schools.—Such schools would be financed by the Federal Government out of present State aid funds or with additional Federal funds. These schools would be able to cut through State boundaries and could make provisions for residential students.

College- and university-related open schools.—These schools, financed by colleges and universities would be part of their laboratories in education. They would be open to the public and not restricted to professors' children. Parents, students, and community leaders ought to be given significant representation in the policy-making process so that the university does not play an exclusive role.

Industrial demonstration schools.—These schools, financed by industrial business and commercial firms in the same way churches support parochial schools, would serve their employees and selected members of the public. They wouold *not* be vocational schools but standard elementary and high schools.

Labor union sponsored schools.—These schools would be largely but not exclusively for children of union members.

Army schools.—The Defense Department has been effectively educating the casualties of our present public schools. It is hereby suggested that they greatly expand their program. Schools for dropouts and educational rejects could be set up adjacent to camps, but not necessarily as an integral part of the military.

Learning center projects and advancement schools.—The Philadelphia School Board project consists of discovery oriented classrooms, located in nine schools which comprise a network of innovative classroom structures. In the fall of 1968, a group of teachers opened a separate laboratory school for further experimentation. The Pennsylvania Advancement School (formerly the North Carolina Advancement School) is a semi-autonomous corporation with its own board. It has complete freedom to try new ideas and methods. It draws from the city's public and parochial schools and offers staff development programs for teachers during the summer.

Voucher system.—The voucher system is one of the more controversial alternatives which has been proopsed to the present system of public education. A voucher, valued at the national average of public expenditures per pupil would be given to students whose family income lies below the middle income level so that he could choose the school, public or private, he wished to attend. The value of this system is that it would introduce the element of competition which could provide the external stimulus to reform within the public schools. Competition makes for a strong incentive to incorporate new programs in order to provide what their customers, the students and their parents want.

The Task Force, as a whole, favored considering the voucher system as *one* of the alternatives as a means of both accelerating institutional change and providing an appropriate education for urban students. However, it was the sense of the Task Force generally that it did not favor the voucher system as the only educational alternative to the master plan since there are a number of other alternatives which are worthy of being tried out as well. Some of these other alternatives have been briefly described in this section.

Chapter IX. An Urban Education Act—the Authority Structure

The Task Force recommends that the Office of Education, in its development of an Urban Education Act, give careful consideration to the question of the need for restructuring of authority on all levels, Federal, State, municipal and community—both

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for the grantor and grantee of funds. The Task Force therefore presents its rationale for new roles at each level and defines the general dimensions of each of these roles.

Accordingly, this chapter is presented in four major sections: 1) A Rationale for an Expanded Community Role; 2) Relationships among Communities in Urban Areas; 3) The Role of the State; and 4) The Need for Federal Reorganization and the Establishment of an OE Bureau of Urban Education.

A Rationale for an Expanded Community Role

The Task Force supports the principle that no significant or effective changes in urban education can be achieved without the involvement and support of those parents and local community residents who have heretofore been excluded from the process of decision-making concerning the goals and priorities of the schools. To this end, we recommend that an Urban Education Act:

1. Require a mechanism for community determination that provides for substantive community impact on policy development and implementation. Such a mechanism should be designed at the local level.
2. Make provisions for the training of school administrators and school board members in accommodating themselves to the above mechanism.
3. Provide funds to a planning group for staff which must create the mechanism for community determination.
4. Provide for evaluation by the Federal government to obtain information to analyze the process of change in the educational system in order to insure that there is substantive decision-making by the community.
5. Provide for evaluation at the local level to insure that the mechanism achieves its objective in making the system more accountable to its clients.

The Problems With Present Local Agents of Authority

In Chapter IV of this report, several aspects of the problem with the urban school system were documented. In that chapter, we stated that the authority figures, the policy-makers and administrators, are often "either too remote from or too indifferent to all of the constituencies they are supposed to serve." In this section, the failure of these current local agents of authority is discussed as one aspect of the rationale for increased community determination. The three agents which currently have a role in the governance of urban school systems are: (1) school boards; (2) school administrators; and (3) teacher organizations. None of these groups have succeeded in bringing about the necessary changes in the school system—although by vestiture of authority, all have had the potential. The reasons for these failures are myriad.

School boards.—School boards in our urban centers are not representative of the people they serve. Members are generally of upper and middle class cultures with attitudes that reflect such cultures. In many cities where a large majority of the school children are Negro or Spanish-speaking, the boards are composed of nearly all whites or Anglos. Where school boards do have minority group members, the latter are generally middle class men and women who have escaped from the slums and often have as little in common with the ghetto dweller as the rest of the board. As a result, the boards are infrequently responsive to the needs of the ghetto schools.

Not only are the boards unrepresentative of the people in terms of socioeconomic factors, buy they are also unrepresentative in terms of the size of the population being represented. Table 1 illustrates the point by indicating the comparative populations and school board sizes in four urban areas and nearby suburbs.

School Administrators.—Much of what has been previously stated about the dissimilarities between the members of school boards and their constituents holds true for school administrators and those same parents, community residents and students. Few school administrators are truly representative of the community being served.

Further, these same administrators are separated from that community even more by the insularity imposed on them by the nature of their function within a large bureaucracy.

Generally, involved with problems of budget and administrative detail, even those administrators—few in numbers—who are program-trained and oriented, have little direct contact with those they serve. As an all too frequent result, the administrator comes to hold the attitude that his service to his school board holds a prior commitment to that of service to the child. Also the administrator's inevitable bureaucracy creates a hierarchy, somewhere at the bottom of which is the child. Too often the bureacracy serves its needs—not the child's.

The factors of the size and complexity of many school bureaucracies limits the facilitation of change. There are always rules to be quoted to prevent action—and often little incentive to create it.

Insulated from their students, senior administrators are at the same time insulated from the very human resources who might make them more effective in their roles. Few administrators take advantage of the trained personnel of their own staff or those of local colleges and universities, or of businesses and private industries nearby. As potential liaisons to many varied community echelons for mutually beneficial services, school administrators have generally overlooked this vital function.

The very autonomy of the local school systems serves to insulate administrators yet a step further. Systems free of the forces of change from without perpetuate unresponsiveness within.

A hopeful sign in the generally bleak scene of top city school administration is the emergence of a "new breed" of superintendent—one who perceives of his role, and functions in it, as an agent of change in the relations between the school and the community, e.g. the establishment of community schools in Philadelphia and other places.

TABLE 1.—RELATION OF SIZE OF SCHOOL BOARD TO POPULATION IN EIGHT SELECTED CITIES

	Population (1960)	Current size of school board
City:		
Los Angeles	2,479,015	7
Santa Monica	83,249	7
Baltimore	939,024	9
Hagerstown, Md	36,660	6
Detroit	1,670,144	7
Ann Arbor	67,340	9
New York City	7,781,984	9
Mount Vernon, N.Y	76,010	9

Source: (Statistical Abstract of the U.S., U.S. Bureau of Census, 1969, pp. 21-22; County and City Data Book, U.S. Bureau of Census, 1967, pp. 464-573). Survey of public education in the member cities of the council of big city boards of education, National Schools Boards Association, Washington, D.C., 1968 pp. 9-14.

Failure of the Teachers' Organizations

Neither the large teachers unions nor groups of non-union teachers have been effective in catalyzing the kinds of institutional changes needed to provide a successful education for inner-city students.

The teachers individually.—Although as we saw in Chapter IV, teachers in isolated instances have been highly critical of the role they have been assigned and of the system which perpetuates such roles, many teachers are generally resistant to change. They are after all, a part of the system which employs them and over a period of time develop loyalties which may tend to cloud objectivity.

Concurrently, over the years, teachers in a sense "invest themselves" in a classroom developing their own personal concept of themselves as teachers. Such a concept involves acquiring attitudes toward the students and formulating their personal teaching methods, techniques, and materials. Understandably, they react defensively when this concept is challenged as irrelevant, inappropriate, and/or discriminatory. Whether the challenge is valid or not for a particular teacher, it reflects a change on the part of the students. What was once accepted is no longer. Teachers individually are facing a re-examination of their attitudes, roles and methods. The need for flexibility and continuous self-assessment is one of their greatest challenges, if they as individuals are to be responsive to current needs and problems.

The teacher unions and organizations.—Instead of serving as a strong advocate for changes in urban education programs or in the role of the teacher in urban schools, teacher organizations generally have been reluctant to depart from their traditional concerns over the status of the teacher.

These organizations have been and still are important crusaders for teachers' rights and privileges, and have led a crucial battle to raise the status of the teachers in their own perceptions as well as in the perceptions of their administrations and community. Unions have led the fight for contracts which reflect the impact of such criteria as length of time in service, level of education, working conditions, and grievance procedures. Such unions performed a vital function historically and continue to provide teachers with valuable protection.

However, the times are demanding more of the teachers and accordingly more of their unions and organizations. If contracts should in fact reflect the criterion of effective performance of teachers in the classroom with their students, then the unions have not as yet prepared themselves to negotiate on such terms.

With the unions' past and present primary thrust on salary, tenure and related administrative concerns, little attempt has been made to examine the teacher in terms of his effectiveness with his students. The unions would need to alter those thrusts in order to deal with this need and to accomplish significant change in current urban education.

Legitimacy of the Community's Role in Education

The educator, **Goodwin Watson**, provides a succinct analysis of why change cannot be brought about by those who currently operate the urban education system:

"[The school system] is managed by a school board drawn largely from upper-class circles; it is taught by teachers who came largely from middle-class backgrounds; and it is attended by children from working-class homes. These three groups do not talk the same language. They differ in their manners, power and values." (Keach, Fulton and Gardner, 1967, pp. 6–7).

Watson points out that no meaningful change can occur without the support of the inner-city parents and community. It is this group which can provide the greatest stake in bringing about change; it is this group which neither has a voice nor has it been mobilized in support of the schools.

Why the community should have an active role.—The education system owes accountability to the parents of the children whom it purports to be educating, and rightly so. For it is the parents who have a deeply *personal* concern in what the long-term outcomes will be for their children when their

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children are not learning to read or are unable to find jobs. Giving parents and local community residents legitimate responsibility and thus decision-making power for effectively modifying the urban schools would allow them to make their contributions in the form of a more highly constructive and sensitive input than is currently possible. The inner-city community has potential power, energy, and enthusiasm for effecting positive and needed changes which have never really been tapped.

It is traditional in American society for the people to have the major voice in the decisions that govern our society and to demand that its institutions be responsive to and representative of the will of the people. If school boards as presently constituted in our urban areas do not achieve such responsiveness and representativeness, they should not—and they cannot—stand as viable and legitimate democratic institutions.

What the community can contribute.—Only members of the alienated and disaffected minority groups can accurately represent the deep-seated frustration, anger, and hostility directed toward the school system. That input simply cannot emanate from the white middle-class school board member, administrator, or teacher, or even from a black in one of those roles. Without an understanding of the causes and extent of this disaffection, changes in urban school systems will fall short of what is needed.

The parents and community can provide a reality base for the educators. It is the parents who can best articulate the goals and values of the inner-city population. It is they who can suggest techniques or approaches to make the program of the schools personally valid and economically useful to the student from the ghetto.

Parents can provide the system with a new link to the child. Academic and social outcomes of the schools are often related to the degree to which parents understand and reenforce the goals of the schools. The parents can provide an atmosphere in the home which either thwarts or fosters learning. Such parental positivism is in direct proportion to the opportunity those parents have to participate in the schools.

Models for Community Reponsibility for Change

It is not the role of the Federal government to prescribe the kinds of or degree of changes which ought to take place at the local level. It is possible, however, to describe some of the efforts of urban systems which have linked decision-making authority to the community.

Most of these efforts for effecting change manifest two major features in some form. One is decentralization; the other, community involvement in the schools. While there are many variations in and degrees of decentralization and community involvement in the schools in such efforts, some general patterns for both can be identified.

Decentralization.—The term, in education, generally refers to a delegation of certain kinds of authority and responsibility by a duly constituted legal school board to a subdivision or unit within its purview. As we have analyzed the situation, there seem to be four basic variations of decentralization currently in existence, which can be distinguished from one another in terms of the degree of authority and responsibility which are delegated. They are, as follows:

1. Decentralization which assigns certain types of administrative matters (e.g., placement of teachers, use of specially trained personnel, processing of requests for materials and equipments) to a geographical subdivision of the school district. In this variation, all of the major policy- and decision-making power resides in the central board and administration.

2. Decentralization in which the geographical subdivisions have area or district superintendents who handle all of the above types of matters and also have major authority and responsibility for programmatic and personnel affairs. In this variation, the area superintendent usually has very considerable decision-making power and can deploy the personnel or alter the program as he deems necessary under the authority of the school board and the superintendent. In both of these variations, the shifting of authority is within the educational system.

3. Decentralization which permits a *de facto* community involvement in the decisionmaking process in the form of an advisory board or a planning council for a school or subsystem. Such an arrangement is usually a somewhat informal one in that there is no formal legal contract and the delegation of authority and responsibility are informally worked out between the educational system and the community groups in terms of the scope. Such an arrangement may vary in its scope from decision-making on program, priority-setting for expenditure of monies, and hiring practices to merely a glorified complaint department. In this form, the final authority and responsibility are still retained by the central school board and administration—although, in point of fact, the local council or "board" may have considerable policy-making authority.

4. Decentralization which involves full delegation of authority and responsibility, including the financial area, to a duly constituted legal entity, such as a non-profit corporation or another school board within the geographical limits of a school district. In this variation, the State authority and/or local central board and the other legal entity enter into a contract in which the authority and responsibility are specifically designated for a particular period of time or until otherwise rescinded by a still higher authority, e.g., State educational agency or the State legislature.

Community involvement in the schools.—Although difficult to characterize in a general way, the phrase, community involvement in the schools, generally means a higher degree of participation by neighborhood residents in the operations of a school or a subsystem than is typically accorded to neighborhood parents and leaders. As was previously noted in Chapter VIII, we have identified three basic patterns within the many variations which currently exist: *participation* in the system; *partnership* with the system; and *control* over some school or subsystem within the system. In this chapter, we consider each one of them in relation to the degree and extent of decision-making authority it would be likely to have in effecting changes in the urban education system. The analyses of the three patterns of involvement in terms of authority are below-noted.

1. As participation is conceived here, with its possible combination of advisory and policy-making functions, there is no guarantee that community parents and residents would really have an effective role in the governance of or programs in their local schools. Where a particular school or an area administrator was genuinely concerned with the contribution which the community could make in terms of needed changes or modifications in curriculum, supportive services, and staff, this pattern might be effective. We say might be effective advisedly because there would be no assurance that the central administration or the school board would be willing to go along with the changes which the local community and a particular school administrator wished to make. The history of local advisory boards with ESEA, Title I and parent advisory committees with Head Start and Follow Through has been quite uneven. Policy level decision-making is not often realized; and the advisory capacity can often be ignored. The opportunities for major institutional change being effected through this pattern on a scale required by the magnitude of the urban education problem seem very unlikely.

2. With partnership, described here as a division of authority, there is a sharing of the decision-making power—either in an informal arrangement (e.g., a set of understandings worked out with the local school board and administration) or a formal agreement, e.g., a legal contract stipulating the precise division of authority and responsibility. The opportunities for major institutional change occurring through this pattern on either an informal or a formal basis are very considerable. An advantage of this pattern is that the technical assistance which a large school system has can be deployed to facilitate the "partnership" school or subsystem unit in planning and making necessary changes since support for these changes has already been secured. Moreover, the continuing financial and material resources of the larger unit are still available to the partnership unit in addition to securing resources from other agencies. However, the division of *de facto* authority is very critical here. That is, how are the partners in actuality? If the community's role is very junior, then this pattern cannot be effective. If its role is at least equal or perhaps, senior in the key decision-making areas, this pattern has real potential for effecting institutional change at a reasonably rapid pace.

3. With control, conceived here as full authority in fiscal, programmatic, and hiring matters the community board or authority legally replaces the central school board. Within the limits of State laws and municipal regulations including any other agencies with which it must deal (e.g. the teachers' union) the community can operate its school or subsystem making such changes as it deems necessary and can afford. Four factors are critical here: (a) assuring and maintaining adequate monies to operate the eductional unit; (b) training of community members in the operation of the unit; (c) securing the appropriate personnel for the key positions; and (d) utilizing appropriate technical assistance. The opportunity for creating institutional changes rapidly is undoubtedly the greatest with this pattern. However the effectiveness of this institutional change will be contingent on how well the community in this situation can deal with the above-noted factors.

The large majority of the Task Force recommends that decentralization and community involvement must be considered as major avenues to institutional change. And we further recommend that the third and fourth patterns described for decentralization and the second and third patterns described for community involvement are the ones *most* likely to effect the institutional changes so badly needed in urban education from the standpoint of authority. A minority viewpoint within the Task Force maintains that local needs and conditions are too diverse to permit making recommendations in the areas of decentralization and community control.

Relationships Among Communities in Urban Areas

While the main thrust of an Urban Education Act will be directed at the inner-city with authority for such programs vested in school districts and local communities the Task Force majority recommends an alternative thrust which will involve the larger metropolitan population as participants in an urban education program.

For reasons that are stated in following paragraphs of this chapter, the Task Force recommends that comprehensive metropolitan planning be encouraged where it will result in:

1. A realignment of present school systems.
2. Mutual benefit among all education agencies and related resource agencies.
3. An effort to capitalize on the strengths of the entire metropolitan area in order to meet its needs.
4. A trend toward decentralization of many educational matters of program and administration to individual schools.

Rationale for Alternative Metropolitan Thrust

The above recommendations were developed for the following reasons.

The existence of non-localized educational problems.—The problems which confront urban educational institutions are not contained within particular political, geographical boundaries. Cities as well as their suburbs face educational problems, the roots of which spread across city lines.

The existence of non-localized problems related to education.—The problems which confront urban educational institutions are by no means exclusively educational by nature. They may be related to corollary problems of housing, employment, racial isolation, nutrition, health, all of which hold implications for city and suburb alike.

The presence of disadvantaged populations outside the central city.—That minority portion of the suburban population with poverty level incomes and greatest education needs should not be overlooked.

Availability of financial and human resources.—Those problems common to city and suburban systems could draw solutions from a wider pool of financial and human resources.

Advantages for students through enriched programs.—Continuing planning and development of programs and special projects could take place which would involve city and suburban students, staffs, communities of all racial, cultural and socioeconomic backgrounds. Such programs might serve to:

1. Expand the students' concept of himself and his role in the larger community.
2. Allow both students and staff to become aware of different and similar aspects of cultures and values beyond one's immediate background and/or neighborhood.
3. Allow suburban students to benefit from the physical, cultural, educational, human resources of the inner-city and vice-versa.
4. Encourage and build in mechanisms for racial and ethnic interdependence and integration.
5. Allow a cross-fertilization of experimental program findings which could be replicated.
6. Generally make available the resources of the larger community to a small community or to a particular school or student whose needs may not be met within the immediate area.

The need for comprehensive planning in education.—There is need for comprehensive planning in education. Not until relatively recent years have metropolitan agencies joined together to consider mutual areas of interest such as transportation and land use. Education has rarely been on such agendas.

Existence of scattered successful examples of metropolitan planning.—There are indications that planning on a metropolitan scale is a growing, albeit a currently scattered, concern. No significant models of total metropolitan planning have been developed to date, yet on limited bases, several projects are making inroads to comprehensive planning and cooperation between districts within cities and between city and suburban areas.

For example, the Educational Research and Development Council of the Twin Cities Metropolitan Areas, Inc.—an organization of superintendents and university professors—has produced basic research on school organization, school output measures, and surveys on financing and taxation programs for its 35 member districts (Havighurst, 1967, pp. 393–409).

Dade County, Florida, is an example of a larger area which has assumed responsibility for transportation, schools, fires and police protection, housing and urban renewal, and zoning. Under this arrangement, functions which are not specifically designated to the County remain with the local municipalities.

The Nashville-Davidson County consolidation is another good example of the union of several local governments into a single metropolitan form of government and the simultaneous union of school districts into a single metropolitan school authority which has the responsibility of taxing the entire area and distributing tax money equitably. The new school authority has other responsibilities including the choice of sites for new school buildings. The separate school districts retain their authority for the administration of their local school systems.

The compatibility of metropolitanism and decentralization.—It is possible to centralize some functions while decentralizing others. Any plan for the broadening of school boundaries should be accompanied by a plan to decentralize many purely local educational decisions and to involve the community which is directly served.

Theodore Sizer in *Schools in the City*, writes:

"Thus we need to move in two different directions at once: to centralize some functions and to decentralize others. The former alone will lead to a deadening bureaucracy, as many of our present large systems already demonstrate. The latter alone will lead to missed opportunities and parochialism.

"Metropolitan allocation of children is a necessity if we are to have in communities any sort of racial or socio-economic balance: this is obvious. But there are other virtues, ones of possibly even greater long-term importance. New kinds of programs for children and adults may be possible. Certain economies may result from the elimination of small, duplicated offices. The wide area could easily support strong schools for special purposes. . . . The region might also be able to support, perhaps in conjunction with the state, systems of collegiate and technical education which could be functionally related to lower schools. Of great importance is the possibility of far more diverse sources of local tax revenues, sufficient, perhaps, in many areas to maintain an independence of overwhelming state and federal aid." (Sizer, 1967, pp. 293–294.)

The Task Force is cognizant of the several real and imagined reservations toward a metropolitan thrust. Some of the real obstacles that would need to be overcome if a metropolitan thrust were to be made are:

1. A potential perpetuation of the present imbalance of financial resources favoring the suburbs.
2. Lack of conviction of the part of suburbs that they can benefit from partnership with the cities.
3. Establishment on a clear authority with effective mechanisms for interagency coordination.
4. Insuring such vital resources as interest, models, time, money, staff, etc.
5. Rejection by inner city residents of individuals who live elsewhere participating in decisions concerning it.

Some of the stated reservations are the fears that metropolitanism: spells the end to local control and to schools which are responsive to people; encourages bureaucracies more vast and impersonal ones than the present ones; leads to Federal control over education. Such fears are misplaced in the judgment of the Task Force majority. A minority viewpoint held that the reservations are sufficient to outweigh th. potential advantages of metropolitanisms.

The Task Force majority holds that each city must weigh the obstacles of metropolitan against the advantages as they relate to local strengths and problems, but urges that such a thrust be at least considered as an alternative.

The Role of the States

The Task Force recommends that an Urban Education Act should clearly define the role of the States, considering both their present practices which often do not favor urban education and their significance for future urban education. The Task Force also recommends that the requirements for recognition and correction of inequities in State aid formulas which discriminate against urban areas must be defined. Moreover, the Task Force recommends that the Act provide incentive grants to States which require State matching and State maintenance of effort for the new and improved education programs for the urban impoverished groups.

Present State Biases Against Urban Education

For a number of reasons, among them, inadequate staff, and a definite suburban or rural bias, States have failed to adequately respond to the complex problems of urban education. Allocation formulas of both State and Federal funds to school districts remain outmoded and continue to favor suburban and rural systems. State legislatures have done little, if anything, to deal with the racial imbalance in schools. Outmoded teacher certification requirments continue to plague the understaffed urban schools.

Need for Incentives Which Will Expand the States' Role With Regard to the Urban Disadvantaged

At least part of the problem in past efforts to aid the disadvantaged has been the poorly defined roles and expectations of Federal, State, and local education agencies. A new concept of shared responsibility for urban education, involving a Federal-State-local partnership is imperative. Above all, there is a need for new forms of communication, joint review of proposals and revenue sharing.

State legislatures and departments of education have a critical role to play in the urban education crisis. Because of their constitutional responsibility for education via their taxing and distribution powers, they have a tremendous influence on the direction urban education will take. With this in mind, the Task Force urges that an Urban Education Act provide, on a matching basis, incentive grants to the States. Where needed, such grants should provide for a reform of State school finance programs and encourage State governments to build State aid plans which: (1) recognize the differences in relative needs and costs between urban, rural and suburban localities in given areas of school services; (2) not only measure difference in local property values per pupil, but also take into account the total fiscal effort of the locality; and (3) consider measurements reflecting differences in pupil characteristics which correlate closely with low achievement. Use of these two sets of factors by States would almost surely increase the State aid flowing to urban districts and would tend to decrease the possibility that States might balance any Federal increase in urban aid by increases in State aid to suburbs.

In addition, the Task Force recommends that incentive funds be used to promote the following types of activities:

1. The establishment of urban education units in State departments of education which would provide the following services: technical assistance for facilitating restructuring of urban districts within the State and the drafting of necessary legislation; evaluation of urban education programs,

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trends, benchmarks, etc., assistance in the area of development and use of new testing measures for the disadvantaged and the use of new indicators of achievement such as parental involvement, attendance, rate of vandalism, and so on.

2. The examination and revision of requirements for certification to permit new sources of personnel both for leadership and teaching purposes.

3. The examination and setting of standards for physical facilities (e.g., special needs for early childhood centers).

4. The creation of State and local units which can fulfill the role of providing information about, and advocacy of urban educational needs.

5. The creation of planning and approval mechanisms for urban education program proposals within the State.

The Need for Federal Reorganization and the Establishment of an OE Bureau of Urban Education

The Task Force majority recommends the following steps be taken in the realm of OE organization:

(1) As an interim measure, prior to the passage of an Urban Education Act, the consolidation within OE of those special programs which serve the needs of disadvantaged children under an Associate Commissioner for Programs Serving the Disadvantaged. An appropriate bureau or office title may be designed in keeping with the current OE reorganization.

(2) As the development of new program authorization permits, the creation of a new Bureau for Urban Education with a clear mandate to operate programs and establish Office-wide priorities for effectively and rapidly meeting urban educational needs in all OE programs.

***Structure and special characteristics.*—The Commissioner should afford the establishment and structure of such an office priority commensurate with the vital functions it will perform. Accordingly, he should demonstrate the priority he assigns to urban education by locating such a unit within his immediate office. As an interim move, this office should be given immediate operating responsibility for programs which have a focus on the disadvantaged such as Title I ESEA, Follow Through, Bilingual and Dropout Prevention programs and the demonstration project in Anacostia (D.C.). The unit should be directed by an Associate Commissioner and be afforded its own program, salaries and expense budget. Its staff should be recruited from both Federal and non-Federal sources. Those with Federal experience should possess special skills and expertise in urban education and problems, in congressional liaison and in coordinating Federal programs within and between agencies and departments. Other staff should be drawn from among urban planners, community organizers, staff from mayors' and governors' offices, human resources administrators, members of health and welfare councils, as well as teachers and administrators with experience in city school systems.**

Rationale for the structure and special characteristics.—The Task Force recommends the establishment of an office with the dimensions, directorship and staffing described above because of the weight and importance of its functions and because attempts to fulfill those functions through a smaller unit have been unsatisfactory in the past.

Late in 1968, the position of a Special Assistant to the Commissioner of Education for Urban Education was created. In so doing, the Commissioner did acknowledge the special nature of urban school problems by placing the Special Assistant in a significant position in the bureaucracy. The creation of this position was an attempt to focus OE attention on urban problems through an effort to affect program guidelines and sharpen their impact on urban areas. However, the impact of the position of Special Assistant has thus far been limited, primarily because the position lacks real power in dealing with the line Bureaus and Divisions within the Office. The Task Force concludes that the functions of the Special Assistant be incorporated into the expanded Office of Urban Education structure.

The history of the special staff unit created in 1965 to serve the disadvantaged (Office of Programs for the Disadvantaged) is likewise one of ineffectual policy implementation. Creation of this unit has served merely to accentuate the requirement for more forceful recognition of the program needs of disadvantaged populations. In the U.S. Office of Education, the point has been clearly established that staff units have no powers to match those units who operate programs, and typically they cease to function at all.

Finally, the Commissioner and the Secretary must recognize that a new operating environment for programs serving disadvantaged populations must be created if the Federal Office is to achieve the purpose of advocacy for educational change in favor of these groups. The existing bureau environment for such programs as title I of ESEA strongly suggests that operating priority to special programs for the poor will not be realized within a structure that is committed to the educational *status quo*.

Functions.—The new office should at a minimum perform the following functions:

1. Provide the Commissioner the arm to implement the short-term recommendations in Chapter XII of this report.

2. Coordinate the efforts of the U.S. Office of Education in preparing and supplying back-up materials for the passage of an Urban Education Act in Congress.

3. Coordinate existing OE programs to focus adequate attention on urban areas. To accomplish this, the Office should initiate action and have final authority in:

The review of existing program guidelines to assess their impact on urban areas to make necessary changes to sharpen the focus on urban programs.

The development of clear program objectives for OE programs in urban areas.

The development of review and evaluation procedures to measure the success of OE programs in urban areas against the stated objectives.

The supervision and training of the staff of those arms of the Office of Education which will perform the review and evaluations (NCES, OPPE).

The review of all research projects sponsored by OE and by OE funded programs to more sharply focus their attention on urban education problems.

4. Administer those operating programs now authorized by the ESEA (titles I, VII and section 807) which have special mandates for serving disadvantaged populations in urban and rural areas.

5. Administer demonstration programs to foster experimentation in urban schools.

Such projects might include the Anacostia School Project, the Fort Lincoln New Town Project, and a model school sponsored and administered by the USOE in Washington.

Funds for such demonstration projects could come from existing pieces of legislation (e.g., title IV, ESEA, the additional $180 million appropriated under title I, ESEA, or the Vocational Education Amendments).

6. Direct the development and operation of an information center to:

Collect from LEAs and SEAs and other appropriate sources and disseminate basic data on urban school systems.

Collect and disseminate information on research and implementation of successful urban program designs and urban educational policies from public and private sources.

Collect data and maintain records on all OE programs on a city-to-city basis which indicate specific program allocations as well as aggregate Federal funding levels in order to better determine OE's policy on and priority for the problems of urban education.

7. Provide professional and expert assistance form the Office of Urban Education and from public and private agencies to local educational agencies from consultation services.

8. Coordinate with other Federal agencies in the development of their program in urban areas, e.g., Model Cities.

9. Act as an advocate/ombudsman for citizens groups concerned with the operation of Federal programs in cities, e.g., title I local advisory committees.

10. Sponsor retraining programs for Federal personnel to keep them abreast of issues and developments in urban education.

11. Assist the Commissioner in articulating his concerns, policies and plans for mobilizing Federal resources to meet the problem of urban schools, to the OE, HEW staffs, as well as to the public and to Congress.

***Rationale for the functions.*—Beyond the rationale provided throughout the report for its long- and short-term recommendations, we would like to emphasize at this point the tremendous need to learn more about and coordinate Federal programs—their levels of funding and patterns of money distribution—which affect education in urban areas.**

During the course of preparing this report, we have reached three stark conclusions that more than provide a rationale for the above functions to be performed by an Office of Urban Education. These conclusions are:

1. *The plight of urban education is largely undocumented.* The country is in the midst of a revolution in education. City school systems are under attack by the consumers of education who are poor and black and who see education as the means by which they may enter the mainstream of American life. Their expectations have been raised by national movements which promised much but delivered little. Integration, educational reform movements have failed. Educators are seeking means to deal with problems in cities' schools.

The Federal Government is not isolated from these events. Its programs affect and are affected by the turmoil. *These programs cannot be responsive to the currents in American education without a means of identifying them.* Further, the Commissioner of Education serves as the spokesman in the Federal Government on issues in education. He must interpret these issues for the White House, the Congress and the Nation. He cannot operate without information. Such information is not available at the USOE. This Task Force report represents an heroic effort to collect information about the state of education in cities. This store of information will reman nadequate unless the Office begns to collect and publish such information on a regular basis.

2. *The impact of Federal dollars in cities cannot be documented—not to mention the amount.* To determine the impact of Federal efforts in urban areas, the Task Force sought data which would show the amount of money from all USOE programs being distributed to major cities. We learned that no records are maintained on this basis. The various OE programs allocate funds on a school district, county or project basis. The only common form in which the fiscal data is compiled is by congressional district. Thus OE cannot judge its policy toward urban education as reflected by the money it spends on the cities. This situation was discussed in Chapter II.

3. *The current organization of the U.S. Office of Education does not permit the function of coordinating those programs*

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which affect urban areas at either the local or Federal levels. An attempt was made to coordinate OE programs at the local level through the Central Cities Project. Under the auspices of title III, ESEA, the Project attempted to impact Federal programs on inner city populations. It represented the first major attempt by local school administrators to concentrate a variety of funds in specific neighborhoods. It also brought together representatives of all the power bases in the community—parents, teachers, social service agencies, business industry—to assess needs, assign priorities, develop program strategies and evaluate results. However, its impact was limited because the Federal objectives were not clear; the feedback and data flow to OE was inadequate; Federal monitoring and technical assistance were inadequate.

Transition Into a Bureau of Urban Education

With the passage of an Urban Education Act, there should be created within the Office of Education, a Bureau of Urban Education to implement the new approach to Federal aid to urban schools embodied in the Act.

Such a Bureau should be headed by an Associate or Deputy Commissioner who reports directly to the Commissioner of Education. The budget of the Bureau of Urban Education should be submitted to the Congress as an entirely distinct line item for the scrutiny of the appropriate committees of Congress.

Functions.—The Bureau of Urban Education should perform the following functions:

Assume operating responsibility for urban-oriented programs of ESEA.

Review and determine the acceptance of State approved local plans according to specified criteria including the implementation of standards of academic performance.

Submit to Congress an annual report and recommendations on programs in effect and on functions of the Bureau.

Administer funds under the Urban Education Act. In its administration of this Act, the Bureau would be responsible for: appraising the quality and need of an urban area's education proposal for funding and assistance under priorities established either by law or administrative regulations; providing active technical assistance to the planning and implementation of urban education programs; establishing clear fiscal and programmatic review objectives and procedures of the urban education program; developing the master evaluation plan guidelines for the urban education programs and assuring that these guidelines are carried out; developing a research area within the center which develops and checks research operation *within* the overall planning and operation of the program; and enforcing the grant performance conditions through a successive series of actions when deficiencies are manifested.

Monitor other OE funds now directed to urban areas and assist in their phasing into the Master Plan for Urban Education provided by the new Act.

A minority viewpoint within the Task Force held that the group did not have sufficient information and insight on the affairs of the Office of Education to make recommendations affecting internal Office organization.

Chapter X—An Urban Education Act—The funding process

The Task Force recommends the below-listed principles as guidelines for establishing priorities, eligibility and facilitating mechanisms for the funding process related to an Urban Education Act. These principles, just as all of the Task Force's recommendations stem from the basic premise that we attempt to provide for the inner-city student a more than equal educational opportunity. These principles are designed to focus Federal effort on a priority basis to those places where equal educational opportunity is farthest from reality. This chapter summarizes these principles below and follows with a section containing explanation and discussion of each.

Summary of Principles

1. Education districts representing the largest eligible urban areas should receive priority in Federal funding.
2. Determination of eligibility of urban areas should be based on economic and performance criteria.
3. Each qualifying area should receive full-funds for its program and where sufficient funds are unavailable for full funding of every qualifying urban area in its particular size group, a system of competition for a fully funded grant should be developed.
4. Federal aid should be awarded on a basis that enables *maximum feasible* eligibility for participation among groups, agencies and institutions within designated urban areas.
5. Funding procedures should include a system of regulating recurrent eligibility, with grants renewed on the basis of evidence of quality student performance.
6. The legislation should permit a by-pass of State educational agencies where necessary to achieve urban priority.
7. The legislation should permit the participation of nonpublic school children in the program in ways to introduce a new child services concept for the disadvantaged.
8. Advance funding should be provided for the urban education grants.
9. There should be provision for the phasing in of existing categorical grant programs.

Explanation and Discussion of Principles

Principle: Education Districts Representing the Largest Eligible Urban Areas Should Receive Priority in Federal Funding

Consistent with its charge, the Task Force believes that the largest urban areas as a group should receive the most immediate attention and that the crisis in their schools should be attacked before we expand the Federal program to smaller, although burdened, areas.

There are a number of important reasons for this conclusion:

1. The crisis in education must not be separated from the crisis of our cities generally, and as suggested in Chapter VIII, the master plan must consider education along with those circumstances which affect education. What exists through education is an opportunity to break the cycle of poverty and separation now overcoming our major metropolitan areas. The problems of crime, welfare, unemployment and underemployment, shrinking city tax base and mass violence will not be overcome through the improvement of urban education alone, but neither will they be overcome without that improvement. If we are to work toward settling the urban crisis, we must begin to settle the urban education crisis.

2. The education systems of the cities of our nation are not now getting the attention they deserve from their respective States. As described in the chapter on the financial crisis, States are systematically favoring suburbs and rural areas over urban school systems. Federal assistance should require States to amend this practice, and should, on its own, begin to compensate the over-strained cities.

3. The entire thrust of Part One of this paper, particularly Chapter II on the Financial Crisis, demonstrated conclusively that it costs more to educate a child in the city. If we are to aim toward real equal educational opportunity, we must begin to redress the inequities of the major cities receiving not only less than their neighbors, but much less than they need to educate their children properly.

4. Nowhere is it more true than in the cities that we are becoming a nation of "two societies—one black, one white." The continuing debate of compensatory education versus integration has simmered, but not died. But as a matter of real fact, if present migration trends continue and if the practice of majority black and majority white schools continues, aggrevated by the fact that white city parents are continuing to place their children in private schools, integration will not be possible in the city. Projections by anyone's count are dismal. For instance, the study done by the National Center for Educational Statistics shows that by 1975, 31 of the 48 largest cities will have black school populations of over 33 percent, and 19 will have more blacks than whites in the schools. Integration in terms of racial balance within schools of the cities is probably not achievable in the context of these figures. Consequently, educational excellence within the cities must receive an immediate priority over integration with suburbia. To the degree that such excellence stops the flow of white school children into private schools or into the suburbs, something has been gained. To the degree that it reverses the trend (and scattered instances have succeeded in some areas of the country), much has been done toward integrating the schools.

5. As demonstrated elsewhere in this paper, the relationship of education to unemployment and underemployment is clear. To repeat briefly, an employer in the city need not even resort to discrimination to refuse to hire the blacks of our major cities, for in too many instances, the black is so ill prepared, he cannot qualify for our jobs—jobs becoming more white collar every day. And nowhere is unemployment higher but in the central cities. It is here where training is particularly important; it is here where a basic skill education must be effectively learned and learned fast if we are to reduce unemployment, reduce underemployment, reduce the welfare rolls, and the need for massive job training programs. It is here where all these are the most numerous, the most concentrated, the most costly.

6. The city in contrast to the smaller rural or suburban area has been the first to feel the pains of having alienated the parents, of having lost the confidence of the citizens and of having been helpless with the growing fear of the teachers. Federal attention must do more than bolster education programs; it must be the prod for change in a system which needs change and it must be the impetus in seeing that the big city school systems regain their lost responsiveness.

7. In Southern school districts, it has in the past been the policy to distribute funds within the system on an unequal basis—more to white schools than to the black schools. In other rural and suburban districts, this practice is minor, if it appears at all. But in the major cities, for whatever reasons—deliberate unequal distribution, or the inevitable practice of permitting teachers to teach where they wish, the cities suffer from poor internal distribution formulas. Dramatic cases have been published in Washington, D.C. and Boston. Conveniently, most school systems will not permit an intensive analysis of their internal distribution policies. But let us not delude ourselves—it exists and will persist unless direct action is taken against the practice.

8. Finally, although negative in its demeanor, one cannot ignore the argument that it is the major cities where the future of our education system is most in question. Chapters III and IV portray a dismal picture of alienation of parents, students, and teachers, as well as a frightening picture of increasing violence in our schools. Society is fearful of rewarding rioters. We should be at least as fearful of allowing the causes of rioting to persist.

Some have criticized the major city approach because of the difficulties in coterminality of school district and city lines. However, this problem does not gainsay our basic principle which states that it is the school district serving the major city which should receive priority in Federal funding.[31]

10. Some have criticized the major city approach because of their confusion with the decentralization issue. Decentralized districts under the major city approach qualify, where they might not if student enrollment is used as a measure. In fact, this approach not only insures that decentralized major city school systems qualify, but promotes such a concept.

The Task Force recommends that the following plan be used to determine initial eligibility by size:

Cities with a population of over 100,000 people will be eligible to begin the program the first year (FY 71) if they meet defined criteria of educational need (as discussed in the next section). If insufficient funds are available for the entire group of qualifying cities, programs will be full funded on a competitive basis (as discussed in a subsequent section).

As the first group of qualifying cities is fully funded, the second group of cities can enter the process of qualifying for funds. This second group would include all cities with a population of over 50,000 people. The desired schedule is one which would allow this second group to enter the process the second year of the program.

As the earlier groups have been full funded, subsequent groups become eligible to qualify, by lowering the populaton levels, first to 25,000 and then as funds become available, by strata to be determined.

This schedule does not insist on funds for *only* the major cities. It does insist on funds for the major cities *first*.

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A strongly held minority viewpoint within the Task Force is that the formula for eligibility should not identify cities *per se* for participation but rather employ school population of local districts and numbers of poor children within them as the eligibility factor—a procedure which would include a large number of rural Southern counties.

Principle: Determination of eligibility of urban areas should be based on economic and performance criteria

Careful understanding of this principle is essential. As recommended here, economic criteria (i.e., the evidence of poverty) is the primary qualifying factor for a city of sufficent size to qualify under the above-mentioned principle. The addition of performance criteria is designed to include those possible instances where a city does not suffer from an overburden of poverty individuals, but for some reason whose students are performing significantly lower than the norm. Such a system does not exclude those few urban areas whose educators are doing comparatively well in their efforts to learn how to teach.

Although there is a high correlation between family income and school achievement ($r = .57$ to .85 level), including performance criteria is also advantageous in that it provides the mechanism whereby success with the goal which all of our recommendations embody—student performance—can be measured and the needed tool to implement the fifth principle.

Other suggested criteria that contain ambiguities or tend to disable the efforts of Federal program administrators to identify program results:

1. *Concentrations of unemployed and underemployed youths and adults including dropouts.*—This standard varies greatly in accord with changes in the national and regional economies. It reflects effectiveness in employment, especially recruitment and placement practices more than it informs us of anything about educational needs. Dropouts statistics are as unreliable as reported crime statistics. In addition, non white urban dropout rates are *negatively* correlated with certain aspects of employment opportunity.

2. *Concentrations of AFDC mothers.*—This criterion would entail the use of an unrealiably variable indicator of one type of household poverty. State and local laws—and local interpretations of eligibility apart from what laws say—affect this index substantially, as do temporary shifts in employment and definitions of time periods. The index would add nothing of value to a household poverty criterion.

3. *Narcotics addiction rate.*—This rate is a function of the distributional economics of the drug trade. Transport practices, wholesale networks, and local police practices, all affect one's ability to infer anything of interest to a Federal administrator of educational aid to urban areas from this rate.

4. *Educational attainment of adults.*—This criterion is a statistic artifact of the occupational mix and level of economic growth of regional and local economies.

5. *Volatility, e.g., disturbances, number of minor and major arrests.*—The Kerner Commission report, the report of the National Commission on Violence, studies of student unrest, and studies of arrest rates, all indicate how unreliable and invalid are any assertions of prediction based upon these events.

6. *Evidence of efforts within the target area to begin construction problem-solving.*—Such evidence would be important only to decisions affecting *continuation* of Federal aid. As a basis for judging eligibility, it would invoke case-making, special pleading, and lobbying.

Principle: Each Qualifying Area Should Receive Full-Funds for its Program and Where Funds are Unavailable for Full-Fundings of Every Qualifying Urban Area in its Particular Size Group a System of Competition for a Full Funded Grant Should be Developed

This concept has political hazards but nevertheless is essential to achieving effective results.

1. The lessons described in Chapters VI and VII on the precedents for Federal involvement are clear. The money has done little but stimulate some "laboratory" research. Money spread too thin has little or no effect. The question simply comes down to this: If we want to solve the crisis of education in our cities we must commit to that endeavor enough funds in those chosen areas to do so. To spread even an enormous amount of funds to all the education agencies in the country will do little to solve the problem anywhere. It is futile to only reduce class size or to only increase lunch programs or to only build more buildings or to provide enough books and tools. It is a waste to do any *one* of these. What must be done is *all* of these and more as this report amply points out—and that costs money. The price tag cannot be eliminated if comprehensive planning is to be effective. For every time we don't provide enough funds *everyone* will suffer. And if cities begin with a "revised" system in one part of town and not another the trouble asked for is well deserved.

2. The Federal effort, as has been pointed out, is roughly 7 percent of the total budget of a school system. Even if we were to double that percent overnight, 86 percent of the funds would still be State and local. The significance of that percentage lies in the role of the Federal funds—impetus for change; not change itself. This paper outlines the need for major overhaul of current educational structures. The Federal government cannot do it alone, but by full funding, offering the local government a chance to succeed in its efforts of change, the Federal government can bring about the changes desired. Less than full funding will do little to shake the fortress.

3. Surprisingly to some, this concept is not without Federal precedent. The Consumer Credit Corporation insures price stability for farmers at a full funding vessel. What is necessary to insure stable prices is available and without annual national debts. The mechanism is technical; the result is not.

The defense budget is fully funded. It was not until this year, after a long historical draught, that Congress thought to question the requests of the military. And even if Congress refuses to appropriate funds for certain programs, they will not be refusing to provide the full amounts of funds necessary to keep our military manpower strength and its strategic forces up to the level necessary for a secure nation. The proposal made in this chapter provides such a mechanism for refusing a "program" while fully funding the effort. Recurrent eligibility based on student performance will provide a mechanism to prevent waste and misuse of funds in one place or another, while not in any way jeopardizing the full funding of programs elsewhere.

The highway program has been fully funded.

Principle: Federal Aid Should Be Awarded on a Basis That Enables Maximum Feasible Eligibility for Participation Among Groups, Agencies, and Institutions Within Designated Urban Areas

While the local agencies will be thoroughly involved in the process of experimenting with new educational systems and learning techniques, it would be a mistake to shift all the initiative for designing research and experimental projects to the traditional local educational agencies. A national research effort in urban education is desperately needed and centrally-stimulated initiative is vital to this process.

The Task Force therefore recommends that a percentage (5–5%) of the funds under the new urban education act be set aside for use by the Commissioner to fund groups other than the regular school authorities which design viable specific experiments for use in the inner city or other depressed areas in the metropolitan area.

In particular, urban education funds for design and experimentation should aim at having at least one major project in each city. This could include the use of "vouchers" in low income areas for parental choices of public or other schools; experiments for "parallel or alternative" schools run by nonpublic agencies, university run demonstration schools, regional schools, and the like. Urban education funds should also be used to develop models based on successful projects like the Parkway School in Philadelphia or New York's Street Academies for possible adaptation in other cities.

Principle: Funding Procedures Should Include a System of Regulating Recurrent Eligibility With Grants Renewed on the Basis of Evidence of Quality Student Performance

By way of illustrations, Title I of ESEA operates on the condition of closed eligibility. Only local education agencies (and State education agencies as the mediating bodies) may apply for Title I funds and, in turn, agree to performance evaluation, but these do not affect Federal decisions about subsequent funding. Title I establishes the essential precedent for performance evaluation. The addition of the feature of open eligibility would require the establishment of decision review.

A grant recipient should demonstrate quality performance in affecting positively the academic achievement of urban students; or the effective, health, or social development of urban students; or one of all of those areas

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Footnotes at end of article.

identified as a special need of urban minority children and youth. Lack of evidence of impact, evidence of poor impact, or evidence of performance failure, should result in elimination from the roster of eligible agencies and groups or provide guarantee of intended change in procedures for the purposes of obtaining the above.

Where support is aimed at the strengthening of staff or facilities, the same performance criterion should pertain. Grant recipients should be obligated to demonstrate *how* the use of Federal funds for institutional purposes had positive effects upon one of the priority areas.

Indirect approaches may be more strategic than direct approaches. Therefore, evaluation should not be limited to twelve month periods. Instead, even the most indirect approach—e.g., the capitalization of new plant or equipment—must be linked systematically with the programmatic objective of the applicant, and this objective should fall within the broad areas of priority.

For example, three years of evaluation research on the More Effective Schools Program in New York City have indicated, *not* that MES is a failure but that it constitutes an incomplete program. It helps create working conditions that facilitate good teaching and helps to improve school-community relations, for instance, but it does not add its resources directly at the modification of teacher behavior and the strengthening of student learning.

The regulatory principle embodies the concept of accountability for outcomes. *It must not be applied rigidly, in the language of legislation or in the process of administration, however.* When the cost-benefit model is applied too narrowly to educational programming, a sensible sequence of operations is undermined; a system already fraught with uncertainties is damaged further. A mechanical approach to insuring accountability; within local education agencies often generates bad teaching practices in an emphasis upon mean reading scores, cramming for test-taking, and rituals of drill toward rote learning.

In spite of this grave danger, continuing eligibility should rest on evidence of performance in the areas cited and *not* on evidence of efforts at "institutional" change where unrelated to increased performance. The discontinuity between teacher preparation and learning outcomes is firmly enough documented to confirm this point.

The agencies and groups that *remain* eligible for Federal support under an urban aid act should be those that provide independently assessed, objective evidence of *incremental* gains in pupil achievement, social growth, or the enhancement of pupil interests and aspirations. This "hard line" regulatory criterion should be applied on a patient, long-term basis in order to prevent shallow programming.

Principle: The legislation should permit a by-pass of State educational agencies, where necessary

Because of the urgency of meeting critical educational needs in urban areas it is essential that the legislation contain provisions that will permit the Federal Government to deal directly with major urban areas, in the event State educational agencies are unable to provide sufficient guarantees to the Federal Government that they will perform effectively in this role. Such a provision in the law in all probability would be sufficient in itself to compel State educational agencies to meet such tests as might be established by the Federal office in requiring adequate priorities to urban educational needs and full cooperation of State educational agencies in the process of approving applications and funding projects. Therefore, in order to give the U.S. Commissioner of Education maximum negotiating powers with State educational agencies, it is recommended that the legislation permit the Commissioner to by-pass State educational agencies which fail to provide sufficient guarantees of their efficiency and willingness to perform in the capacity of advocates for renewal of urban education programs. States which have both strong departments of education, and large urban populations, should be capable of giving final approval to the content of local plans (e.g. the treatment of priorities, the quality of program, the standards of performance) as meeting Federal program and fiscal requirements. However, the Commissioner of Education should have the discretion of deciding when States have provided and demonstrated guarantees of conformance with these requirements.

Principle: The Legislation Should Permit the Participation of Non-Public School Children in the Program Designed in Ways To Introduce a New Child Services Concept for the Disadvantaged

Non-public school participation should be designed to permit benefits to children in terms of direct services, programs, equipment, and necessary staff increments to such schools. It should be possible to directly fund non-public school agencies for carrying out educational services which do not infringe on the church-State prohibitions of the first amendment. Such agencies could be made eligible for participation in the program on the basis of their guarantees to represent in their student body the ethnic and socioeconomic composition of the inner-city population.

Principle: Advance Funding Should Be Provided for the Urban Education Grants

By far the most negative provision in current education funding legislation is that of current fiscal year funding arrangements which deny adequate time to plan and implement programs. Advance funding authority for the education grants is imperative and, if possible, the appropriation authority should include provision for two-year availability for the education grants as opposed to the traditional one-year availability of other educational grant funds.

Principle: There Should Be Provision for the Phasing In of Existing Categorical Grant Programs

As a funding principle the Task Force recommends that the existing programs (ESEA, VE, NDEA, EPDA) be phased into the new existing urban educational grants on a planned basis. Initially, these should be regarded as integral components of the basic urban educational master plan. After a transition period (of perhaps two years) these categorical grant programs should be phased out of the urban educational plan as specific and legal categorical components and their funds and authority merged into the new urban concept. This will permit flexibility in the administration of funds and avoid other administrative trivia in the process of adequately funding urban educational needs. It should also facilitate stronger programming and evaluation and permit new concepts to take hold more rapidly. The phasing out period could cover a one- or two-year period depending on the acceleration of urban education funding provisions.

Chapter XI—An Urban Education Act—The cost

As Chapter II of this report demonstrated, the large cities of the nation are in desperate need of financial help to compensate for the special educational problems and the heavy non-educational costs they must bear. They are unable to meet these costs as well as unable to provide a quality education to urban youngsters with the resources currently available.

The Task Force has developed a suggested financial mechanism through which to channel increased educational resources into the cities, utilizing criteria that are described in this chapter. To explain this mechanism, the chapter is presented in the following sections: 1) the mechanism for providing aid; 2) the criteria utilized in developing the mechanism; 3) rationale for massive funding to the cities; 4) the need for guidelines; 5) summary of recommendations.

The Mechanism for Providing Aid

The Task Force submits that the mechanism that best meets urban educational needs is a formula that will provide an addition of at least a third in educational *resources:* equipment, teachers, counselors, curriculum planning, etc. We estimate that in terms of an increment to current local educational *expenditures,* a one-third addition to resources will require at least a *fifty percent addition to current local educational expenditures* due to the operation of supply and demand. We believe that such an increment in city school resources would make possible an educational program approaching that available in the best of the surrounding suburban districts. Such a program will not be cheap. We estimate that for the 10,500 school children in cities over 100,000 population the operational cost alone would fall between $5–6 billion.

The Criteria Utilized in Developing the Mechanism

In developing the financial mechanism to channel more educational resources into the cities stated above, the following criteria were utilized:

1. Urban educational aid must be additive. It should not permit reduction of state-local effort nor should it simply function to bid up educational costs.

2. Urban education aid should reflect the degree of state-local effort.

It must recognize communities that are taxing themselves the most.

3. Urban education aid systems should provide opportunity for local innovation. Imaginative and varied approaches to education should be encouraged.

4. Urban education aid should be designed to improve total city school systems. Emphasis should be placed on the special educational problem of the city: the education of the socially, economically, and educationally disadvantaged; but this emphasis should not exclude improvements in education for the entire range of students represented in large city school districts.

Rationale for Massive Funding to the Cities

It is our view, that expenditures of at least the above-described magnitude are essential if significant improvements are to be made in urban education. Marginal changes are not enough as one noted study recently concluded.

"An incremental reduction in class size from 32 to 30 does not produce measurably significant gains in output, even as an increase in materials and supplies per pupil from $7.00 to $9.00 will produce no measurably significant gains in output. But these findings tell us nothing about outcomes over a larger range of variation. A reduction in class size from 30 to 10 may produce extremely significant gains. We will never know until we try." (Burkhead, et al., 1967.)

A look at the disparity between selected central cities and their most favored suburbs gives an indication of the current range of disparity (See Table 1). The new urban education aid program we are proposing would permit, we believe, a reduction in class size by an average of 4 to 10 students per class, a number equal to the difference in most metropolitan areas between the best suburban systems and their central cities.

While reduction of class size across a whole system is a useful measure of comparative educational resources, the aid system is not intended to bring about that reduction as an end in itself. Because the sys-

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tem must provide full scope for the operation of educational innovation, school systems would be permitted to use the funds to provide for concentrated remedial work in small groups of perhaps only three or four students where that seemed most appropriate, and to provide television or other technologically advanced instructional mechanisms to groups of 150 or 200 students where they were educationally more appropriate. But the use of class size as an overall measure provides a criterion that is readily available, responsive to change, and indicative of a wide range of educational benefits.

TABLE 1.—COMPARISON OF SELECTED CENTRAL CITIES AND SUBURBS, 1967

City and suburb	Fall 1967 enrollment	Pupil-teacher ratio	Per pupil (ADM) expenditures
Los Angeles	645, 059	27	$601
Beverly Hills		17	1, 192
San Francisco	95, 014	26	693
Palo Alto		21	984
Chicago	572, 026	28	571
Evanston		18	757
Detroit	296, 089	31	530
Grosse Pointe		22	713
St. Louis City	116, 789	30	525
University City		22	747
New York City	1, 106, 664	20	854
Great Neck		16	1, 391
Cleveland	153, 350	28	559
Cleveland Heights		22	703
Philadelphia	288, 055	27	617
Lower Merion		20	733

Source: Kahn, Gerald and Hughes, Warren A., Statistics of Local Public School Systems, 1967, National Center for Educational Statistics, USOE.

The Need for Guidelines

In order to assure that the new aid system accomplishes better education and not simply more expensive education, guidelines must be developed and enforced to assure that improvements take place. The use of the criteria already mentioned, a reduction in overall class size, is one available measure. Others may be developed in terms of (1) new equipment that the system has acquired, (2) the provision of remedial or specialized personnel in greater numbers than were previously available in the schools, and (3) by measure of student academic and social performance. But the guidelines that are developed, while assuring that aid results in improved educational resources, must avoid the pitfalls of overall rigid categories which stifle experimentation and change. Particularly in the areas of urban education, new and imaginative approaches to education are essential. The proposed urban aid system would also reflect state-local effort in supporting education by being calculated as a proportion of current educational expenditures, less current Federal aid. Thus the more a school district raises through local taxation and state aid, the higher is its Federal allocation. This is an important aspect of the proposed system, because it assures that new Federal funds cannot become an excuse for lessened state-local efforts.

The purposes for which the new urban aid can be used should impact upon the total city educational system. Emphasis should be placed on the education of the disadvantaged, but that emphasis should not be made to the exclusion of the full range of city educational efforts. If cities are to stem the movement to the suburbs and the flight to private education of middle income residents urban education must do more than equal education in the suburbs.

Summary of Recommendations

We are proposing, then, that a new aid to urban education program be developed to increase urban educational resources by approximately one third. To offset higher costs that would accrue through the bidding up of scarce resources, the formula for aid distribution would provide cities with an amount equal to one half of their total instructional costs, less the amount of their current Federal aid from existing programs. The decision to focus on cities is not meant to suggest that certain relatively poor and urbanized suburbs do not need similar assistance. Our recommendation is, however, that at a time when funds for domestic programs are limited, first priority be given to central cities, the areas where the needs are most pressing.

Costs of the program would depend upon the number of cities included in the program, and the scope of the assistance (e.g., whether facilities and training costs would be added to operational costs). The following summary of first year (1971–72) and full year (1974–75) costs is presented in the following:

[In millions of dollars]

	Fiscal years 1971–72	Fiscal year 1975
Group I, 100,000+:		
(a) Planning grants	62. 8	
(b) Development grants	407. 4	
(c) Operational grants		5, 820. 0
(d) Facilities (25 percent of (c))		1, 455. 0
(e) Training (5 percent of (c))		291. 0
Total	470. 2	7, 566. 0
Group II, 50,000+:		
(a) Planning grants	16. 7	
(b) Development grants	165. 4	
(c) Operational grants		2, 790. 0
(d) Facilities		697. 5
(e) Training		139. 5
Total	182. 1	3, 627. 0
Group III, 25,000+:		
(a) Planning grants	18. 2	
(b) Development grants	36. 4	36. 4
(c) Operational grants		2, 548. 0
(d) Facilities		637. 0
(e) Training		127. 4
Total	54. 6	3, 348. 8
Grand total	706. 9	14, 541. 8

PROJECTION OF APPROPRIATION REQUIREMENTS UNDER PROPOSED URBAN EDUCATION ACT (OPERATIONAL GRANTS BASED ON $500 AND $300 PER CHILD)

[Dollar amounts in millions]

	Medium		High		High 20 percent		Task force		
	Amount	Number of cities	Amount	Number of cities	Amount	Number of cities		Amount	Number of cities
1971–72									
Group I, cities over 100,000:									
Planning grants	$48. 9		$62. 8		$62. 8			$62. 8	
Development grants	311. 1		407. 4		407. 4			407. 4	
Operational grants									
Facilities at 25 percent									
Educational training at 5 percent									
Total	360. 0	98	470. 2	129	470. 2	129		470. 2	129
Group II, cities 50,000 to 100,000:									
Planning grants	0		2. 9		11. 7			16. 7	
Development grants	0		26. 9		118. 1			165. 4	
Operational grants	0								
Facilities	0								
Educational training	0								
Total			29. 8	30	129. 8	133		182. 1	186
Group III, cities 25,000 to 50,000:									
Planning grants	0		0		0			18. 2	
Development grants	0		0		0			36. 4	
Operational grants	0		0		0				
Facilities	0		0		0				
Educational training	0		0		0				
Total								54. 6	364
Total	360. 0		500. 0		600. 0			706. 9	
1975							At $500	At $300	
Group I, cities over 100,000:									
Planning grants									
Development grants									
Operational grants	1, 164. 6		1, 764. 0		2, 123. 0		5, 820. 0	3, 492. 0	
Facilities at 25 percent	285. 0		444. 0		533. 0		1, 455. 0	873. 0	
Educational training at 5 percent	50. 4		92. 0		104. 0		291. 0	174. 6	
Total	1, 500. 0	26	2, 300. 0	39	2, 760. 0	47	7, 566. 0	4, 539. 6	129

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PROJECTION OF APPROPRIATION REQUIREMENTS UNDER PROPOSED URBAN EDUCATION ACT (OPERATIONAL GRANTS BASED ON $500 AND $300 PER CHILD)—Continued

[Dollar amounts in millions]

	Medium		High		High 20 percent		Task force		
	Amount	Number of cities	Amount	Number of cities	Amount	Number of cities	Amount		Number of cities
							AT $500	AT $300	
Group II, cities 50,000 to 100,000:									
Planning grants	0		0		0				
Development grants	0		0		0				
Operational grants	0		0		0		$2,790.0	$1,674.0	
Facilities	0		0		0		697.5	418.5	
Educational training	0		0		0		139.5	83.7	
Total							3,627.0	2,176.2	186
Group III, cities 25,000 to 50,000:									
Planning grants	0		0		0				
Development grants	0		0		0		36.4		
Operational grants	0		0		0		2,548.0	1,528.8	
Facilities	0		0		0		637.0	382.2	
Educational training	0		0		0		127.4	76.4	
Total							3,348.8	1,987.4	364
Total	$1,500.0		$2,300.0		$2,760.0		14,541.8	8,703.2	

The Task Force recognizes that the proposed program must be implemented in stages. Therefore, it is recommended that eligible areas receive first, planning grants to formulate specific program proposals and components and second development grants with which to initiate the program on a limited scale (e.g., a sub-system as a demonstration project) prior to full implementation of the program.

Also, in recognition of the additional and special costs of facilities needed to carry on expanded activity, the Task Force proposes an add-on cost estimated at 20 percent of operational costs as the sum needed to cover the acquisition of space. Likewise, the additional cost of training professional and nonprofessional staff in new roles is acknowledged with a 5 percent increment to the operational cost estimate. These incremental cost factors may be regarded as optional costs to be included or excluded based on the fiscal resources which may be assigned to the priority of urban education.

There is an irony in expressing educational improvement in dollar terms alone. Surely no product could be more intangible, more a matter of the mind and the spirit, qualities not easily translated into money values. Yet as one distinguished educator has said:

"It may be argued that simply more resources will not solve the education problems. . . . There is much uncertainy about how educational disadvantage can be overcome. One thing, however, is clear. It cannot be done cheaply. . . . To substitute educational experimentation and innovation for increased resources is to sentence those experiments and innovations to failure" (Campbell, 1968, p. 13).

The proposed program for urban education aid is designed to provide the resources to make education in the cities of the nation at least equal and hopefully, superior to education anywhere in the land.

Minority Viewpoint

A minority viewpoint presented by one member of the Task Force recommends that supplemental Federal funding of all elementary and secondary education, in all classes of school districts at the annual level of $30 billion on a formula basis which recognizes a new Federal obligation to serve the general needs of the schools to improve education for all children.

Backup Statement to the Budget Plans

1. The schedule for budget outlays follows the concept: That funds for planning and development be allocated for a two year period to implement a phasing-in of the developmental stage as soon as possible without the necessity of an additional Congressional appropriation. The two-year figure shown does *not* include funds to be allocated for operation of the programs for those LEAs ready to implement the program in the second year.

2. The column entitled Task Force figures represents those current estimates of the Task Force of what is needed to attack the urban education program in a way which promises some level of success. The Task Force felt that any less than the demonstrated figures would be wasteful and ineffectual.

3. In the column to the right of the amounts shown on the budget chart is a figure for the number of cities which should be able to qualify as we move from one level to the next. The point simply: The more money; the more cities. (A mathematical average was used for the number of cities within each size group which would receive funds, although in reality, different size cities will be receiving different amounts of money. The number of cities in each group, therefore, represents an estimate.)

4. Operational grants have been computed on both a $300 and a $500 per child basis. The $300 figure is modeled on the California standard and represents our estimation of the absolute minimum allotment for an adequate program. The Task Force recommends $500 as the figure which will begin to make a major impact on meeting the needs of the impoverished urban student.

Chapter XII. Short term recommendations for urban education

Our major recommendations are long term in nature which, if adopted, will entail the drafting of new legislation and the setting up of new administrative structures. It is expected that the recommendations will call for a several-year period of planning and development if they are to be effectively implemented.

However, we believe that there is a need for *immediate action* in the field of urban education. Therefore, we recommend that the following short term measures, based on existing legislation and programs, be implemented during the next fiscal year or two to help resolve the crisis in urban education. Many of the short term recommendations do not require Congressional action, but rather, could be initiated immediately through administrative decisions.

ESEA, Title I

1. We stand firmly behind ESEA Title I as the only Federal aid program currently providing any sizeable number of dollars for the education of disadvantaged children. We believe that ESEA, Title I must be funded at or near full authorization before any reasonable test can be made of the efficacy of compensatory education.

2. In addition to increased funding, we offer the following proposals for the improvement of ESEA, Title I:

(a) Provide states with more flexibility in making allocations within states and counties in order to concentrate Title I funds in areas with high proportions of seriously disadvantaged pupils. OE should support the Murphy amendment of S. *2218* which provides extra funds for districts, both urban and rural, with large numbers of poor children. Other steps should be taken to concentrate Title I funds, more effectively, such as, (1) increase the minimum number and percent of disadvantaged children required for LEA eligibility; (2) propose an amendment (or a change in regulation) which gives fund priority to schools based on proportion of low income population; (3) strengthen Federal guidelines requiring concentration of funds within local school districts (based on subsystems, etc.) and *monitor* their administration by the states. In addition, states, could use various indices for the disadvantaged population—poverty level, density, etc.—as the basis for special concentrated programs in central cities, allowing State governments the power to withhold some of their Title I funds for this purpose might encourage some states to act in this way.

(b) We note the persistent complaints of local and State officials about the uncertainties of Federal program funding and the loss in program quality that arises from "stop and go" programming signals. Localities object to required annual proposals and evaluations which are unrealistic in time horizon and ritualistic process. Multi-year objectives, proposals, grants and evaluations within categorical aid programs might make more sense. Advance appropriations are a prerequisite for intelligent use of the money.

(c) The legislation (ESEA, Title I) should be altered to include a by-pass for the Federal government to directly aid nonpublic schools should States fail to meet their responsibility in this area, and to make non-LEA's eligible for funds where districts fail to accept Federal requirements for racial desegregation.

(d) The HEW Audit Agency conducts regular assesments on a sampling basis of local and State administration of ESEA, Title 1. These audits should be placed on a current basis and should become public documents for local consumption as a means of policing the integrity of local officials.

Vocational Education

1. The administration and the Congress should adequately fund all parts of P.L. 90-576, "The Vocational Education Amendments of 1968," to increase opportunities for occupational training in urban areas.

2. The Commissioner should use his discretionary powers under Part C—Research and Training, Part D—Exemplary Programs, and Part I—Curriculum Development to concentrate funds on programs to aid the

urban disadvantaged. The Task Force recommends that such programs try new approaches to vocational and technical training such as "new careers," which train people who do not necessarily have a high school diploma for human service and public services occupations; open admissions policy at post secondary schools which would allow young people without a high school diploma to begin vocational training; imaginative programs for the disadvantaged run cooperatively by industry and the public schools; strengthened vocational guidance and placement; and the articulation of vocational and technical education into the general curriculum.

Expanded Research and Demonstration

1. We support the recommendation of the HEW Research Subcommittee that top priority be given to educational needs of disadvantaged elementary and secondary students, particularly in the areas of reading and math. We would expand this by recommending that Congress set aside additional funds for basic educational research, laboratory testing, and controlled experiments in the field of the disadvantaged. We also recommend that the Office of Planning and Evaluation and the Bureau of Research adopt as their chief responsibility the development of more effective research, experimentation, and program evaluation in the field of education of the disadvantaged. This would include the testing of such new approaches and decentralization and community control; new careers at the high school level, whereby youngsters of high school age are employed as teacher aides, welfare aides, police assistants, etc.; and the effect of ethnic studies on student performance.

2. The results of research must be developed and disseminated in a useful way; for example, in the form of models which might be tried in classrooms across the nation. We urge that the new R&D office in OE disseminate more information on research and evaluation of programs for the disadvantaged and that other services and models for disseminating information about the disadvantaged be developed and tried.

3. The regional education laboratories and the research and development centers should be given a much clearer mandate to serve the needs of disadvantaged students in their areas of program or geographic concern. Where possible, the labs should be linked to supplementary education centers under ESEA, Title III, to programs under Title I, and most importantly to teacher training institutes and local training programs.

4. There should be more of an effort to involve a wider range of people and abilities in the entire research program including particularly school administrators, principals, teachers, parents and specialists in the field of education of the disadvantaged. A new participating role for the consumer of educational services should be a special concern of research administrators.

Training Opportunities

1. There should be more of an effort to bring new people into the field of education including low-income persons from ethnic minorities, returning veterans, and young people from ghetto neighborhoods. In order to promote this concept, institutes for national leadership development related to the education of the disadvantaged should be established and given wide visibility. These institutes would train low-income people and veterans who have shown evidence of leadership for positions such as community liaison workers in the school system. The Head Start Supplementary Training Programs might serve as models for the leadership institutes.

2. The Teacher Corps currently enrolls approximately 2200 interns and 453 team leaders in an effort to recruit new personnel in poverty area schools and institutions. Two-thirds of Corps members are participating to increase the number of interns in inner city schools in urban poverty programs. The Task Force urges that the Teacher Corps and its newest model—the Urban Teacher Corps—be expanded. The Urban Teacher Corps is currently operating in several large cities including Washington, Chicago, and Pittsburgh. Under the Urban Program, the LEA assumes more of the cost of training new interns, thereby increasing their numbers and the number of schools which have interns. The Urban Teacher Corps could have a real impact on schools in large city school districts.

3. The Commissioner should use all the power at his discretion to urge States to change their certification and civil service standards to help facilitate the above proposals.

Higher Education

1. The Task Force supports fuller funding and expansion of current programs which provide assistance to qualified but needy young people who want to pursue a college education. These include Upward Bound, Special Services, Talent Search, and the financial aid programs—Equal Opportunity grants, work-study, NDEA loans, all of which are presently funded far below present level of need.

2. We support the recommendations of the National Advisory Commission on Civil Disorders that, in order to compensate for the poor level of secondary education received by ghetto youth, funds be made available for a one-year college preparatory programs for disadvantaged youth. Such programs would be operated by community colleges or LEAs.

Discretionary Funds

The Commissioner should use his discretionary powers under the various Office of Education programs to aid the disadvantaged in urban areas. Programs such as Impacted Aid and others (higher education construction, libraries, and traditional vocational programs) should be reoriented to more directly affect the lives of the disadvantaged. New monies which may be allocated for these programs should be set aside for seed capital for planning and instituting urban education programs. New programs such as the Bilingual and Dropout Prevention titles should be assigned specific mandates for program quality development.

Financial Aid to Urban Districts

One of the key statistics upon which Federal policy is built is the aggregate Federal aid to each local educational agency. To date, there is no one source which could tell us the total amount and the breakdown of Federal funds going to urban school districts. We therefore urge that the Secretary of Health, Education, and Welfare and the Commissioner of Education annually collect, prepare, and publish data on the flow of Federal funds to the central city school districts in each of the Standard Metropolitan Statistical Areas.

National Commission

We firmly recommend that the administration propose that the Congress establish a "National Commission on the Future Financing of American Education," which would have a broad charter to look at every conceivable type of revenue-producing device from traditional Treasury grants-in-aid to the exotic and the visionary. For example, the Commission and its professional staff should look at the experience of other countries and some of our States which have obtained educational funds through lotteries and other types of voluntary public service contributions. Such a Commission should also have a charter broad enough to study and recommend changes in State and local taxation policy.

National Advisory Council

In appointing the new members of the National Advisory Council on the Education of Disadvantaged Children we strongly recommend that the administration give greater weight to the inclusion of poor people directly on the Council and that the Council be given a clear mandate to look at *all* Federal programs in this area . . . not Title I alone.

Rural Areas

The Task Force assignment was to examine the needs and recommend programs designed to serve the priority of urban areas. We believe those needs to be different from and to deserve consideration over the needs of rural areas in view of population migration and other pressures affecting urban areas. However, it is abundantly clear that rural poverty is a significant problem which deserves comparable examination to urban areas. It is also our conclusion that the needs of the two areas contain important differences that deserve distinctive treatment.

FOOTNOTES

[1] National Education Association, Research Division. *Estimates of School Statistics, 1968–69*. Research Report 1968–R16. Washington, D.C. The Association, 1968.

[2] Note on Terminology: The terms *Standard Metropolitan Statistical Areas, Metropolitan Areas*, and *SMSA's* are used interchangeably to refer to areas defined by the Census Bureau as having (1) at least one city of 50,000 inhabitants and (2) the contiguous counties that are socially and economically integrated with the central cities. *Central cities* refers, of course, to the core cities of SMSA's. The *OCC, outlying areas*, and *suburbs* are used to refer to the areas outside the central cities but within SMSA's. For a more precise and detailed explanation, see 1960 Census of Population definitions.

[3] See Alan K. Campbell "Socioeconomic and Governmental Characteristics related to Education." In R. J. Havighurst-*Metropolitanism: Its Challenge to Education*. 67th Yearbook of the NSSE. Chicago: University of Chicago Press 1968 pp. 25–27. See also *Current Population Reports, Population Characteristics Series* p. 20, No. 181 April 21, 1969, Bureau of the Census USGPO. A recent projection of the racial composition of central cities and their suburban rings anticipates that non-white population will reach 30.7% in central cities and 6.1% in the suburbs by 1985. See *The Challenge of American's Metropolitan Population Outlook*—1960 to 1985. Prepared for the National Commission on Urban Problems by P. L. Hodge and P. M. Hauser, Washington: USGPO, 1968 pp. 25–31, esp. Table III–7 p. 31. Despite these figures, the increase in absolute numbers of non-whites in OCC areas will probably bring about a greater concern with the relationship of race and disadvantage to education there, particularly in those suburbs which are having a much higher black growth rate than the national norm.

[4] Bureau of the Census, *Trends in Social and Economic Conditions in Metropolitan Areas*, p–23, No. 27, Feb. 7, 1969, p. 39.

[5] Ibid. p. 42.

[6] U.S. Department of Commerce. *1967 Census of Governments*, Vol. 4. *Finances of School Districts*, Table I, p. 9.

[7] OE staff telephoned superintendents' offices of ten large city school systems and those of outlying suburbs and requested approximate per pupil expenditures. Figures for six were conveyed by telephone.

[8] See Sacks, *Educational Finance in Large Cities*, forthcoming from Syracuse University Press, 1970, volume in the Education in Large Cities.

[9] For full dress discussions of the economic and legal aspects of inequity in State and local expenditure for education, see, for the former Charles S. Benson, *The Cheerful Prospect: A Statement on the Future of American Education*, Boston, Houghton & Mifflin, 1965; and for the legal questions, see Arthur Wise, *Rich Schools, Poor Schools*.

[10] Title I—ESEA: A Review and A Forward Look—1969. Fourth Annual Report. The National Advisory Council on the Education

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of Disadvantaged Children, Washington, D.C., 1969, p. 12.

[11] For a full discussion of many of these problems, see Stephen K. Bailey and Edith K. Mosher *ESEA: The Office of Education Administers a Law*, Syracuse: Syracuse University Press, 1968, Chapters IV and V.

[12] A standard definition of poverty is given in conjunction with the data presented in Table 5.

[13] Chapter IV considers the problems of in- and out-migration in detail.

[14] SMSA refers to Standard Metropolitan Statistical Area which is defined as a county or group of contiguous counties which include one central city or more, or "twin cities" with a combined population of at least 50,000. The title of a SMSA identifies the central city; outside central city is the balance of the SMSA. In New England, SMSA's consist of towns and cities instead of counties. *Central cities* refers, of course, to the core cities of SMSA's. The term *OCC, outlying areas,* and *suburbs* are used to refer to the areas outside the central cities but within SMSA's. For a more precise and detailed explanation, see 1960 Census of Population definitions.

[15] An unemployment rate of 6 percent for the nation is considered to be at the recession level, according to the Department of Labor.

[16] Discrepancies among figures are undoubtedly due to differences in sampling procedures, e.g., One Year Later (1969) is concerned primarily with inner city youth in the cities. These figures are concerned with the labor force in general.

[17] Material concerning the black woman's employment in relation to that of the black male was provided by the Center for Urban Education in New York City.

[18] The Department of Housing and Urban Development classifies substandard housing as that housing reported by the U.S. Bureau of Census: (1) sound but lacking full plumbing; (2) deteriorating and lacking full plumbing; or (3) dilapidated.

[19] "Moderate" incomes are above "low" incomes but are lower than "middle" incomes; as of this time, moderate incomes would be considered as ranging between $4,000 and $8,000.

[20] This table also clearly shows a point previously made concerning the numbers and percents of white and non-white women who are heads of poverty households.

[21] The extended family is one which usually includes three generations living together or it can also include aunts and uncles. Thus, the children may have more "parents" than their middle class counterparts have.

[22] Supporting data in this chapter are selective, due largely to limited preparation time. Because of such selectivity, some of the studies reported undoubtedly can be contradicted by others. Several composite studies in chart or tabular form are included which were prepared by the Center for Urban Education in New York.

[23] Data and projections in this paragraph were provided by the Center for Urban Education.

[24] These figures do not necessarily contradict those on Table 10 in Chapter 3. The latter dealt with a more specific age group and may have employed different sampling procedures, probably drawing its sample from the labor force and not from a population containing significant numbers of dropouts.

[25] All data in the following section on personnel were provided by the Center for Urban Education unless otherwise noted.

[26] Robert Rosenthal and Lenore Jacobson, *Pygmalion in the Classroom, Teacher Expectations and Pupil Intellectual Development* (New York: Holt Rinehart & Winston, 1968); Joe Louis Rempson, *An Exploratory Study to Help Increase the Number of Parents Who Make In-School Contacts in Low-Urban Area Public Elementary Schools,* Doctor's, Teacher's College, Columbia University, 1969; Charles Edward Flowers, *Effects of Arbitrary Accelerated Group Placement on the Tested Academic Achievement of Educationally Disadvantaged Students,* Doctor's Columbia University, 1966.

[27] Data supplied by Executive Director of Pupil Personnel, Milwaukee School System.

[28] Figures supplied over the telephone by personnel from the National Center for Social Studies, Social and Rehabilitation Service, Department of Health, Education, and Welfare.

[29] Figures supplied over the telephone by personnel from the Bureau of Prisons, U.S. Department of Justice and the District of Columbia Department of Corrections.

[30] Figures based on Individual Tax Returns for 1967, Internal Revenue Service, U.S. Treasury Department.

[31] In 40 of the 100 largest cities, the school district and the city are exactly coterminous. In the remaining cases, there is deviation from coterminality. Often the boundary differences are small, but sometimes they are sizeable. However, problems from these differences are those of management not of principle. As such they can be handled by administrative policy.

Appendix I. Membership of the Urban Education Task Force of the Department of Health, Education, and Welfare

Chairman: Wilson C. Riles, Director, Division of Compensatory Education, State of California.

Cochairman: John F. Hughes, Director, Division of Compensatory Education, U.S. Office of Education.

COMMITTEE

I. Organization and Authority; Parent-Community Involvement: Chairman, Mr. David Seeley, Director, Public Education Association, New York, New York; Cochairman, Mrs. Elinor Wolf, Coordinator for Citizen Participation, U.S. Office of Education.

II. Education Program Components; National Assessment: Chairman, Mrs. Josie Bain, Area Superintendent, Los Angeles Public Schools; Cochairman, Dr. Anne O. Hughes, Education Program Specialist, U.S. Office of Education.

III. Financial Resources, Governmental Relations: Chairman, Mr. James A. Kelly, Executive Associate, National Urban Coalition, Washington, D.C.; Cochairman, Jerome T. Murphy, Formerly Associate Director, National Advisory Council on the Education of Disadvantaged Children, Washington, D.C.

IV. Racial and Ethnic Isolation, Facilities, Metropolitan Planning: Chairman, Mr. Harland Randolph, Vice President for Planning and Development, Federal City College, Washington, D.C.; Cochairman, Mr. Oscar Mims, Chief Education Advisor, Model Cities Administration, Department of Housing and Urban Development, Washington, D.C.

V. Educational Alternatives: Chairman, Mrs. Gwyn Jones-Davis, The Way School, Minneapolis; Cochairman, Mr. Richard Carlson, Budget Examiner, Bureau of the Budget.

MEMBERS OF THE URBAN EDUCATION TASK FORCE

Milton E. Akers, Executive Director, National Association for the Education of Young Children.

Robert Aptekar, Assistant Director, Program Development Division, Community Action Program, Office of Economic Opportunity, Washington, D.C.

Edward A. Bantel, Professor of Education and Psychology, Oakland University, Rochester, Michigan.

Thomas J. Burns, Assistant to the Deputy, Office of the Associate Commissioner for Elementary and Secondary Education, Office of Education.

Alan K. Campbell, Dean, Maxwell Graduate School, Syracuse University, Syracuse, New York.

John Cantwell, Program Coordinator, Bureau of Research, Division of Educational Laboratories, Office of Education.

John Cheston, Deputy Assistant Secretary for Program Planning and Evaluation, Department of Labor.

John Cicco, Deputy Superintendent, Diocese of Pittsburgh, Pittsburgh, Pennsylvania.

Ronald Cox, Staff Assistant to the State Senate, State Capitol, Sacramento, California.

George Dawson, Special Assistant to the Associate Commissioner for Higher Education, Bureau of Higher Education, Office of Education.

Robert A. Dentler, Director, Center for Urban Education, New York, New York.

Alva R. Dittrick, Executive Vice President, Research Council of the Great Cities Program for School Improvement, Washington, D.C.

Anthony Downs, Senior Vice President, Real Estate Research Corporation, Chicago, Illinois.

Norman Drachler, Superintendent, Detroit Public Schools, Detroit, Michigan.

Bessie Draper, Parent Program Specialist, Office of Economic Opportunity—Head Start, Washington, D.C.

Mr. Chester Finn, Staff Assistant, The White House, Washington, D.C.

Dorothy Gilford, Assistant Commissioner, National Center for Education Statistics, Office of Education.

Herman R. Goldberg, Superintendent of Schools, Board of Education, Rochester, New York.

Martin Gula, Specialist on Group Care, Children's Bureau, Department of Health, Education, and Welfare.

Samuel Halperin, Director, Educational Staff Seminar, Washington, D.C.

Kenneth Haskins, Principal, Morgan Community School, Washington, D.C.

Richard Hays, Program Analyst, Office of the Secretary, Department of Health, Education, and Welfare.

Ermon O. Hogan, Education Specialist, National Urban League, Inc., New York, New York.

H. T. James, Dean, School of Education, Stanford University, Stanford, California.

Christopher S. Jencks, Co-Director, Cambridge Institute, Cambridge, Massachusetts.

George W. Jones, Director, Task Force on Urban Education, NEA, Washington, D.C.

Bernard Kaplan, Director, Office of Planning, State Department of Education, Trenton, New Jersey.

Otto P. Legg, Senior Program Officer, Program, Planning and Evaluation Staff, Division of Vocational Education, Office of Education.

John P. Mallan, Senior Staff Member, The Urban Institute, Washington, D.C.

Carl L. Marburger, Commissioner of Education, State Department of Education, Trenton, New Jersey.

James Mauch, Director, Office of Research and Field Services, University of Pittsburgh, School of Education, Pittsburgh, Pennsylvania.

Richard McCann, Division of Educational Laboratories, Bureau of Research, Office of Education.

Francis Murnaghan, President, Baltimore School Board, Baltimore, Maryland.

Joseph C. Paige, Director, Urban Adult Education Institute, Detroit, Michigan.

Suzanne Price, Division of Equal Educational Opportunities, Bureau of Elementary and Secondary Education, Office of Education.

Malcolm Provus, Director of Research, Board of Public Education, Pittsburgh, Pennsylvania.

Irving Ratchick, Coordinator of Title I, ESEA, State Education Department, Albany, New York.

J. William Rioux, President, Merrill-Palmer Institute, Detroit, Michigan.

Armando Rodriguez, Mexican-American Affairs Unit, Office of Education.

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Michael Russo, Chief, Planning and Evaluation, Division of Vocational Education, U.S. Office of Education.

Flora B. Seefeldt, Milwaukee, Wisconsin.

David Selden, President, American Federation of Teachers, Washington, D.C.

Charles H. Smith, Associate Director, Rockefeller Foundation, New York, New York.

Howard Vincent, Office of Program Planning and Evaluation, Office of Education.

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Corinne Slattery, Education Program Assistant, Bureau of Elementary and Secondary Education, Division of Compensatory Education.

APPENDIX II. URBAN EDUCATION TASK FORCE, HISTORY AND ORGANIZATION

On March 11, 1969, Robert H. Finch, Secretary of the Department of Health, Education, and Welfare, announced the formation of a number of task forces to assist him in the Department's long-range planning, budgeting and legislative process. Eleven of these new task forces were in the field of education.

The Urban Education Task Force was a part of this newly-initiated planning process within the Department. Dr. Wilson C. Riles, Director of the Division of Compensatory Education for the California State Department of Education, agreed to serve as Chairman of the Task Force. His Cochairman was designated as John F. Hughes, Director of the Division of Compensatory Education, Bureau of Elementary and Secondary Education, in the Office of Education.

This particular Task Force took on special importance because of the high priority assigned by Dr. James E. Allen, Jr., then Assistant Secretary/Commissioner of Education-designate, to finding solutions for the educational crisis in the urban areas of our Nation. By September, 1969, the Task Force was to formulate recommendations for steps that could be taken by the Administration to deal effectively with this crisis. The recommendations were to be supported by a detailed program memorandum or report, detailed budget plans, and any policy studies which the Task Force felt necessary.

To accomplish this mission, the Chairman and Co-chairman issued a call to educational leaders across the country—parents, public and private school administrators, university professors, representatives of the Federal Government, school board members and officials of concerned private organizations—to serve on the Task Force in this major undertaking. There was a very generous response from these people, as is evidenced by the membership list of the Task Force and their contributions to the work of the Task Force. At the same time, a small supportive staff of staff members from the Division of Compensatory Education and private consultants was assembled.

April 29, 1969, marked the first meeting of the Task Force membership. Held in Washington, its major initial concern was an identification of the critical problems confronting urban education and an exploration of possible solutions. The Task Force was divided into five separate committees in order to more easily deal with certain aspects of the total urban education problem. These committees and their respective chairmen were as follows:

1. Organization and Authority, Parent-Community Involvement: David Seeley, Chairman, Elinor Wolf, Co-Chairman.
2. Educational Program Components, National Assessment: Josie Bain, Chairman; Anne O. Stemmler, Co-Chairman.
3. Financial Resources; Government Relations: James A. Kelly, Chairman; Jerome T. Murphy, Co-Chairman.
4. Racial and Ethnic Isolation, Facilities, Metropolitan Planning: Harland Randolph, Chairman; Oscar Mims, Co-Chairman.
5. Educational Alternatives: Gwyn Jones-Davis, Chairman; Richard Carlson, Co-Chairman.

As a result of this April Meeting, each of the above chairmen drafted a report which was circulated within the membership of the separate committees. At the same time, the Task Force staff was developing a Legislative Proposal for Urban Education Programs in response to certain legislative demands on the Secretary and Commissioner Allen which necessitated the immediate development of some tentative recommendations concerning urban education.

The five individual committee reports and the legislative proposal were the subject of discussion at the next Task Force Meeting in Washington on June 6–7. Out of this meeting, there developed five short-term legislative recommendations concerning full-funding of Title I and additions to the Title I guidelines. These were submitted to Commissioner Allen on June 9. In addition the Task Force indicated at the meeting certain directions which an urban education legislative proposal should follow. These directions are reflected in the final Task Force report.

Subsequent to the June meeting, the staff was involved in preparing the first draft of the Report. This draft was submitted as part of a July 15 interim report to the over-all Education Task Force. It was also sent to the members of the Urban Education Task Force for preliminary review prior to the last full meeting of the group which was held on July 25.

The focus of this meeting was a somewhat detailed discussion of needed additions to and revisions of the first draft. The staff was given more specific directions about some of the issues which had not as yet been settled, including the funding of educational alternatives, the involvement of nonpublic schools and the most effective role for the States to play in assisting the city schools.

A revised draft was mailed to Task Force members in September, 1969. Comments on this draft were in turn incorporated into a third draft which was then sent out for review in October, 1969. Following a survey to determine reactions of Task Force members to the report, Dr. Riles and Mr. Hughes called a meeting of Task Force Chairmen on November 21, 1969, for the purpose of discussing minority viewpoints, suggested modifications and incorporating them into the final Report. The past weeks have been spent in the final editing of the Report. Through the cooperative efforts of many people, the completed report of the Urban Education Task Force is now ready for submission to Secretary Finch and Commissioner Allen for their consideration and future action.

APPENDIX III. NOTE ON METHODOLOGY FOR CHAPTER II[1]

The methodology used in this study follows the techniques developed by Brazer[2] and Campbell and Sacks[3] in making central city/outside central city comparisons. Where cities are coterminous with county boundaries or they have no overlying governments the allocation is purely mechanical; the central city and outside central city are handled as independent units. This procedure applies where the central city provides all—or nearly all—local government services (e.g., New York City, Baltimore, Boston, and Washington, D.C.), and also where there are overlying, but exactly coterminous, governments (e.g., San Francisco, Philadelphia, Denver, New Orleans and St. Louis).

Except for San Francisco, the fiscal data for the cities noted above and for their outlying areas are based entirely on published data in the *Local Government Finances in Selected Metropolitan Areas* volume and in *City Government Finances in 1964–65*, and on the comparable data for 1957.

Where there is more than one central city in a SMSA they are considered as a single unit in the central city comparisons. Thus, San Francisco is consolidated with Oakland. Oakland is not a city-county and hence calls for an allocation of county fiscal data between Oakland and the remainder of Alameda County.

In order to attribute to each central city the relevant financial items of the county in which it is located and of any other overlying local governments (mainly school districts and special districts) it was necessary to secure underlying Census survey forms and worksheet data for 1964–65. These were made available to the Commission by the Governments Division, Bureau of the Census. For 1957, such information was published in the *1957 Census of Governments*.

For those jurisdictions that are coterminous with the central city, the full financial amounts were attributed to the central city area. In the case of an overlying, but noncoterminous jurisdiction (e.g., a county) its fiscal behavior was allocated on the basis of the fraction of the total population of the overlying population residing in the central city or central cities. The residual amount was allocated to the outside central city areas. As a result the weighted averages of the central city and outside central areas are equal to the SMSA per capita figures as published for 1964–65 and as directly implied by the county area aggregates for 1957.

Generally, but not always, the allocation of fiscal responsibility involves noneducational expenditures. Occasionally there are noncoterminous school districts and/or districts providing higher education. The principal problems involve the allocation of county activities between the central city and outside central city areas. A comparison of tax behavior derived indirectly by this population allocation method, and directly from an analysis of tax rates indicates that our procedure does not introduce any systematic distortion into the data.

The allocation procedure may be illustrated by an example, that of San Diego. Based on published reports, the city of San Diego had general expenditures of $59,053,000

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[1] Excerpt from Appendix B, Statistical Methodology. Advisory Commission on Intergovernmental Relations, *Fiscal Balance in the American Federal System*, Vol. 2, Metropolitan Fiscal Disparities, Washington, D.C., October 1967. Pages 111–112.

[2] Harvey E. Brazer, *City Expenditures in the United States* (New York: National Bureau of Economic Research, Inc., 1959).

[3] Alan K. Campbell and Seymour Sacks, *Metropolitan America: Fiscal Patterns and Governmental Systems* (New York: The Free Press, 1967).

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in 1964–65. It reported no expenditures for education and a nominal amount for public welfare. Education is provided by the San Diego Unified School District which reported expenditures of $70,449,000 for fiscal 1965. This amount was credited entirely to the central city area of San Diego. It was estimated that the city comprised 56.2 percent of San Diego County population; the central city area was therefore credited with $67,442,000 of the $120,003,000 of the county's general expenditure. This added up to $194,943,000, or $307 (as reported in Table A–10) for each of the 636,000 persons estimated as residing in the city of San Diego in 1964. The remaining $170,001,000 was allocated to the outside central city area of the San Diego SMSA. With an estimated population of 495,000 this equalled $343 per capita.

This was the general approach followed in the case not only of total direct general expenditures, but of educational expenditures, non-educational expenditures, taxes, and the sum of State and Federal aid.

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SAFE STREETS ACT HEARINGS

(Mr. ROGERS of Colorado asked and was given permission to address the House for 1 minute and to include extraneous matter.)

Mr. ROGERS of Colorado. Mr. Speaker, Subcommittee No. 5 of the Committee on the Judiciary, will commence public hearings on H.R. 14341 and related measures, designed to provide funding authority for the law enforcement assistance program established under the Omnibus Crime Control and Safe Streets Act of 1968.

Hearings are scheduled to begin on Wednesday, February 18, 1970, at 10 a.m., in room 2141, Rayburn House Office Building.

Interested persons and organizations wishing to submit testimony at these hearings should contact the committee, room 2137, Rayburn House Office Building.

A news release from the office of the gentleman from New York (Mr. CELLER) follows:

CELLER ANNOUNCES HEARINGS ON CRIME IN THE STREETS

On Wednesday, February 18, Subcommittee No. 5, chaired by Representative Emanuel Celler who is also Chairman of the parent committee, will begin hearings on the operation and effectiveness of the Omnibus Crime Control and Safe Streets Act of 1968. The hearings will include testimony on Mr. Celler's bill, H.R. 14341, to amend the Omnibus Crime Control and Safe Streets Act of 1968 to authorize appropriations for fiscal year 1971 and succeeding fiscal years. In announcing the hearings, Chairman Celler stated:

"The understandable fear of crime in the streets is compounded by the lack of information on the operation, effectiveness as well as deficiencies of the Safe Streets Program enacted in 1968. The general impression seems to be that crime is like weather, something everyone talks about and nobody does anything about. Is this fact or emotion? This attitude contributes to a feeling of helplessness. It is my purpose, keeping firmly in mind the limitations of federal responsibility concerning local and state law, to place the facts before the public. Are the cities where crime is heavily concentrated getting their fair share of federal assistance which now goes to the states in the form of block grants? Recently, the Director of Law Enforcement Assistance Programs in the Department of Justice acknowledged that 'The states remain to demonstrate a clear commitment to the problems of the large cities which account for the bulk of crime. . . .' Have the State Planning Boards, set up under the provisions of the 1968 Act, effectively distributed the funds? What innovative programs for curbing crime in the streets have been put into motion? Do these Boards adequately serve the interests of the large metropolitan centers? What conditions, if any, has the Federal Government placed upon grants to the states in order to achieve public safety on the streets and raise the quality of criminal justice?

"While my bill calls for additional monies to be distributed, the question must be asked whether more money, in and of itself, will curb the increasing crime rate. Since the Federal Government does not write criminal law for the fifty states, what other means can the Federal Government employ other than money to assist the states and cities? We must explore whether the Governors and Mayors have discharged the responsibility, without fear or favor, placed upon them by federal block grants.

"The hearings will focus on measures now being taken to bring under control such 'street crimes' as muggings, armed robberies, rapes, and forcible assaults, which are the immediate and terrifying concern of our citizens. What programs have been taken or are being planned by the states and local governments to meet this crisis? What direction can the Federal Government, through Law Enforcement Assistance, give the states in restoring tranquility to our streets and safety to our citizens? What conditions, if any, are needed to assure that the cities will receive adequate support in their law enforcement efforts?

"I am sure these hearings will produce some of the answers. It is not enough for those in high office continually to cry 'fire' without knowing what the 'fire fighters' are doing. This Committee wants to know."

U.S. POSITION IN ARAB-ISRAEL NEGOTIATIONS

(Mr. PEPPER asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. PEPPER. Mr. Speaker, on January 8 I addressed a letter to the Secretary of State pointing out the deep concern which had been aroused by his statement of December 9, which put the United States in the position of being willing to negotiate Israel-held territory with the Soviet Union and the Arab States in exchange for some vague promise of peace in the Middle East.

Mr. Speaker, I urge this ill-conceived formula be withdrawn and the effort of the United States be devoted instead to arranging direct talks among the principals involved, the Arab States and Israel, and I propose at an early date—I hope with many of my colleagues in concurrence—to introduce a resolution in this House carrying out and expressing those sentiments.

Mr. Speaker, I include here the letter addressed to the Secretary of State:

HOUSE OF REPRESENTATIVES,
Washington, D.C., January 8, 1970.

HON. WILLIAM P. ROGERS,
Secretary of State,
Washington, D.C.

DEAR MR. SECRETARY: You know, I am sure, of the deep concern which has been aroused by your statement of December 9 which put the United States in the position of being willing to negotiate Israeli-held territory with the Soviet Union and the Arab States in exchange for some vague promise of peace in the Middle East.

The State Department proposal of one month ago has been widely regarded as an offer of significant concessions to the Arab States. I hope that this is not so. It is already the cause of much concern to the American people and our friends in Israel.

To my knowledge, Israel has not lent its proxy to any power in the negotiation of a settlement in the Middle East. To attempt to impose an outside settlement of terms on Israel would be totally inconsistent with our past policies of support and assistance.

I therefore urge that the ill-conceived formula that was publicly disclosed a month ago be withdrawn and the effort of the United States be devoted instead to the arranging of direct talks among the principals involved—Israel and the Arab States.

The policy of our country, I submit, should not be to try to dictate the terms of agreement between the parties—that would probably provoke more disagreement.

Our supreme efforts, I respectfully submit, should be to get the parties face to face across the bargaining table. That, I believe, would be the best course for our country to follow in achieving peace in the Middle East.

This is the sentiment previously expressed by two-thirds of the U.S. Senate and U.S. House of Representatives. This too is the sentiment of the country.

With kindest regards, and
Believe me,
Always sincerely,
CLAUDE PEPPER,
Member of Congress.

RAIL-PASSENGER SERVICE IN THE UNITED STATES

(Mr. ADAMS asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. ADAMS. Mr. Speaker, some time ago a number of us cosponsored legislation in this House to do something about rail-passenger service in the United States. There are more than 100 Members who now have brought in bills to help improve the quality of service and extend some type of minimum rail service before it disappears.

I was very pleased this morning to see in the Washington Post that the Nixon administration will send to the Congress a proposal for the management of an entire nationwide rail system.

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Mr. Speaker, the bills are pending. The Subcommittee on Transportation and Aeronautics of the Committee on Interstate and Foreign Commerce of the House has now completed hearings. We will be mailing out to Members copies of these hearings, and we will be going into executive session during the middle of this month to bring out a bill to the floor so that we can do something about the rail-passenger service. I hope all Members will support it who are interested in doing something, because, if we do not, we have been told by the presidents of the American rail lines that within 5 years there will be no more intercity-intracontinental passenger service.

Mr. Speaker, I include at this point the article from the Washington Post which sets forth in detail what the President is proposing.

COMSAT-TYPE SETUP SOUGHT TO RESCUE PASSENGER TRAINS

(By William H. Jones)

The Nixon administration will propose to Congress today the creation of a Comsat-type public corporation to operate—and try to save—what is left of the nation's railroad passenger service.

Administration officials, meeting here over the weekend reached final agreement on a program that would:

Establish a corporation called "Railpax" to provide passenger service in 11 major intercity corridors, plus "some" long-distance trains for such runs as New York to Chicago, and Chicago to Los Angeles.

Commit the federal government to a $100-million, three-year "experimental" role in the corporation, after which time control would rest fully with the owners of the corporation, mostly railroads.

Authorize the Secretary of Transportation to designate a national network of necessary passenger service. Congress would have to authorize major changes in this network.

Trains operated by Railpax would not be subject to regulation by the Interstate Commerce Commission. Fares and train discontinuances would be determined by the corporation.

Under the proposal, $40 million in federal funds would be used by the corporation to buy new rolling stock and to pay administrative costs. The remaining $60 million would be used to guarantee loans for Railpax operations.

In contrast to a draft bill now before the Senate Commerce Committee, the administration plan rules out any operating subsidies for rail service. Administration spokesmen feel a subsidy plan, originally proposed by the railroad industry, would face a shaky future in terms of appropriations.

Rail industry officials said last night that they would study the proposal before commenting officially. However, several sources said they expect the railroads to support the bill.

The number of rail passengers has declined steadily since World War II. Many of the routes that were profitable then have since become financial handicaps for the railroads, forcing them to discontinue the service.

The railroads would not be required to join Railpax, but Secretary of Transportation John Volpe, a big booster of the proposal, expects that many of the carriers would join in order to get out from under passenger service and concentrate on the more profitable freight service.

Railpax would be patterned after Comsat, which operates telecommunications satellites. Comsat pays the government to launch its satellites and then operates the communications relays. Stock in the firm is sold on the open market.

ASSESSING THE FIRST SESSION OF THE 91ST CONGRESS

(Mr. HANLEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. HANLEY. Mr. Speaker, many have critically assessed the first session of the 91st Congress as generally unprogressive in content. Earmarking this past session as such is unjust, although the actual volume of legislation was slight in comparison to previous sessions. However, the quantity of acts passed into law is by no means grounds for a comprehensive assessment of Congress.

As I have stated in the past, what the public sees, the debate and congressional voting on legislation, is the final act in turning a bill into law. By the time a bill reaches the floor a major proportion of the work has already been accomplished in lengthy hearings held in the committees.

Mr. Speaker, we have accomplished much but we have a lot of work ahead of us yet. Let us look at the record and the projections for 1970.

Certainly our action in reforming the Selective Service Act was not insignificant. Nor could one deny the need for meaningful reform of our Internal Revenue Code and neither did the first session, seeing fit to change several provisions making the code more equitable for the average income taxpayer. Adjournment saw the reality of increased social security payments. Differences in tax reform proposals in the House and the Senate gave way to a comprehensive tax reform act having great importance in altering previous precedents. Military authorizations were never before so tightly scrutinized as in this past session. Not only was each section of the bill closely examined, but also the Senate demanded and was acknowledged a full review of the military budget. Another archaic precedent dutifully remodeled. In further legislation the hopes of our depressed coal miners were realized by Congress in the form of a forceful Mine Safety Act. A major accomplishment of this session was the passage in both the House and Senate of a major water pollution program.

In supporting the quality of work done this past year by no means do I attempt to ignore the amount of legislation still pending before us. Much work has yet to be accomplished.

URBAN DEVELOPMENT

In the area of urban development a major omnibus housing program was enacted, providing long-sought modern homes for the needy and the elderly. As compared to previous legislation, specifically, the 1968 Housing Act, a major step has been taken, but in no way is it a final solution. Inadequate funding of new housing production has obstructed the 1968 goals. Let us not find ourselves facing the same old dilemmas when the seeds for constructive advancement in the field of urban housing have finally been sown.

Under the Housing and Development Act of 1969, Congress will appropriate $4.8 billion, well above prior commitments. Cost ceilings for low-to-moderate housing units have been relaxed, allowing for more money to be spent in constructing each unit. Contained within this act are several provisions aimed at increasing the number of new homes being made available for the low-income families. Unfortunately, a majority of the provisions simply extend existing programs. No doubt such an act will hardly get off the ground without proper funding. However, as concerned Americans, in our quest for extensive financial assistance for our programs, we should not lose sight of those at whom such a program is directed. Simply destroying present urban communities and constructing concrete complexes in their place will not solve the problems. The benefits of large urban units will be realized when they incorporate already existing communities into the modern housing developments. Research must continue to provide the answers to these and other questions before we, as legislators, can create a program that is satisfactory to all. At current housing costs many families are cut off from housing programs simply because they cannot afford to pay the rent required for new apartments. The Omnibus Housing Act of 1969 has by far been the most comprehensive in these areas, but certainly not the ultimate step.

CRIME

One has only to observe the fear in our streets and the unrest in our neighborhoods to witness the critical situation of current law enforcement. This past session has been relatively unimpressive on paper in establishing actual crime controls. Yet at the same time roots have been established as to what direction such controls will take. While it is true that the administration has sent a number of urgent, but vague messages to Congress on this problem, we are still awaiting hard-core proposals. This delay on the part of the administration, together with the failure of the Attorney General to testify on the matter, has certainly not helped alleviate the problem.

In general, through the Law Enforcement Assistance Administration, programs must be reinforced to aid local authorities in obtaining and applying modern law enforcement technics, and exchanging their own knowledge of criminal activities with other municipalities. Specifically, what are needed are expanded efforts in the fight against the syndicates and increased law enforcement activities aimed at the ultimate apprehension of those who break our laws. Mr. Nixon has suggested a general witness immunity law preventing a witness from being prosecuted for what he says while testifying. However, refusal to testify would result in a prison sentence for contempt. Also proposed are new laws preventing infiltration of organized criminal syndicates into legitimate business activities.

A bill currently in the Senate, the Crime Control Act of 1969, encompasses a majority of these proposals and pro-

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vides for many of the anticrime provisions called for in the past session.

ELEMENTARY AND SECONDARY EDUCATION

Nothing is more important to us all than the livelihood of our children. The future of our Nation rests upon the kind of education we grant them. Several laws were enacted in the past few months increasing guaranteed student loan funds, appropriating $67 million above the $155 million set forth last year. However, still pending is a measure of great importance calling for substantial Federal aid to local school districts. It is my hope that our elementary and secondary schools will not be neglected by Congress and to this end I shall work for the passage of this bill. Still awaiting final action is another important proposal providing for Federal assistance for educational facilities for those children with learning disabilities.

The first session of the 91st Congress certainly has not drifted aimlessly along. Appropriations alone for the 1970 fiscal year in the field of student loans are far higher than in previous years. I expect that congressional consideration of our primary and secondary educational institutions will be equally as generous.

U.S. POSTAL SYSTEM

Many promises and eventually some proposals were made concerning the long-awaited overhaul of the U.S. postal system. It is the general feeling of Congress that ultimate reform will see the revamping of the postal system into a federally controlled enterprise. I have been a stanch proponent of meaningful postal reform since coming to Congress and I shall continue my efforts this year. Months of hearings and markup of reform legislation have convinced me of the need for an independent or quasi-independent agency, with its own capital construction and personnel program, whose decisions can properly be reviewed by the representatives of the people. I am hopeful such a reform will see the light of day this year.

WATER AND AIR POLLUTION

Finally, in considering what must be done within the next year one cannot ignore the pressing problems of pollution of our air and water. We must magnify those laws already in effect and find new solutions to these age-old problems. The time has come for us all to be more than upset over the filth that surrounds us daily, and act to construct measures that will curtail further increases in pollution.

The search for effective pollution controls has never been ignored in the last two decades. As early as 1955 the Federal Government became involved in authorizing the Public Health Service to conduct air pollution research. Known as the Air Pollution Control Act, this provision provided for $5 million for fiscal year 1956. In 1962, the Surgeon General was authorized to study the health effects of automobile exhaust. In response, the Clean Air Act of 1963 granted $95 million for developing new pollution prevention and control programs and to extend those already in existence. This act also provided for legal action culminating in interstate and intrastate air pollution curtailment. The Motor Vehicle Air Pollution Control Act was added in 1965 empowering the Secretary of Health, Education, and Welfare, to establish standards limiting the polluting effects of new automobiles. The Air Quality Act of 1967 was the last comprehensive piece of pollution legislation up until this past session. It was generally an extension of past provisions, calling for $428.3 million in air quality control funds. In 1970, the Air Quality Act expires. Let us hope that past commitments are not only renewed but greatly broadened to incorporate the vast complexities of the present problem.

The history of water pollution control has been no less impressive. Funds for research and sewage treatment plants were appropriated as early as 1948. Through the years this early provision has been extended to include water purity standards and funds for offsetting local costs in constructing sewage treatment plants. The Water Quality Improvement Act, passed during the last session, puts teeth into already existing antipollution measures. Provisions have been included to enforce protection of our public waters and to control thermal pollution resulting from our modern atomic powerplants. As of this moment much has been done to curtail the depositing of wastes in our streams and rivers. However, a great deal more is needed to insure against future violations of new standards. No one likes to see our national resources destroyed by pollution, nor do I. In the past I have ardently supported all antipollution legislation, and I intend to encourage future enactment of stronger legislation in these areas.

I have praised our past year's achievements in Congress for the great value each new act will have throughout American society. Much has yet to be considered in bringing constructive legislation out of committee and onto the floors for final voting and debate. We have spent our first session preparing meaningful bills to institute badly needed reform and to enact into law provisions that are equivocal to all. In Washington we must continue in the second session to realize the goals which we have established and to work toward the fulfillment of promises made to you during the past year. The omnibus measure soon to be reported out of conference, a bill which, incidentally, contains the first comprehensive tools to combat pollution of our destroyed lakes, is a good place to start.

This is by no means a complete laundry list of legislative "musts," Mr. Speaker. These issues I have joined here, rather point out some of the key areas of concern. As I said in my opening remarks, we have a great deal of work ahead of us.

THE ANTICRIME PROGRAM OF THE LAW ENFORCEMENT ASSISTANCE ADMINISTRATION

(Mr. McCULLOCH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. McCULLOCH. Mr. Speaker, I was pleased to note this morning that the Attorney General has again expressed strong support for the anticrime program administered by the Law Enforcement Assistance Administration.

The LEAA program, authorized by title I of the Omnibus Crime Control and Safe Streets Act of 1968, is the Nation's first comprehensive effort to fight crime. Although the program is only in its second year, it has been a catalyst for thorough study of the criminal justice systems in every State. There is at least an awareness about the problems of what the President's Commission on the Causes and Prevention of Violence called our "nonsystem of criminal justice."

This new effort does not come too early. From 1960 through 1968, the crime rate has doubled. This year, one person out of every 50 can expect to become the victim of a serious crime.

In announcing the allocation of funds to the States, the Attorney General said:

> The allocations we announce today represent a promising beginning for the Federal-State partnership to defeat crime in the streets. The first prerequisite for any effective anticrime program is sufficient funding, not expansive rhetoric.

I agree.

It is only a beginning. It is promising.

The master key to success is sufficient funding.

For the fiscal year 1970 the Congress appropriated $268 million for the LEAA program. I believe we can—and must—do better. On October 9 of last year, I introduced H.R. 14296, a bill which would authorize an appropriation 2½ times as large. It is going to take money to reduce crime. I ask your support.

I believe that increased funding for LEAA is part of the answer. There are many sides to the crime problem. Our response must likewise be on several fronts. We must make a stronger attack upon organized crime. We must also make the streets safe after dangerous defendants have been apprehended—by enacting the administration's preventive detention bill, H.R. 12806, which I have cosponsored.

These proposals are not alternative choices, but rather complementary weapons necessary for a comprehensive war on crime. I urge your support.

LAW ENFORCEMENT ASSISTANCE ADMINISTRATION

(Mr. POFF asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. POFF. Mr. Speaker, the programs administered by the Law Enforcement Assistance Administration have been of considerable benefit to the State of Virginia. Under the block grant program, Virginia received $405,100 in planning funds and $567,090 in action funds for fiscal 1969. Virginia universities received a total of $56,700 for the purpose of awarding loans and grants to college students pursuing a law enforcement course of study. In addition, $47,000 in funds from the National Institute of Law Enforcement and Criminal Justice, the research arm of LEAA, was allocated to Virginia.

In fiscal year 1970 the Virginia State Law Enforcement Planning Council, which administers the LEAA block grant program in our State, will receive additional funds for both planning and action programs. This will be a very substantial increase over the amount of action funds which were available last year. And in fiscal year 1970, 15 Virginia colleges have already received a total of $223,427 for the law enforcement education program; this amount will be awarded in direct grants and loans to college students taking courses of study directly related to law enforcement.

I believe the first year of operation of the Law Enforcement Assistance Administration has definitely been a successful year. It has witnessed the advent of a very ambitious program designed to combat crime in our Nation and to bring about improvements in the entire criminal justice system. It has been unfortunate that a few groups, while alleging that they were attempting to improve the program, have spent most of their time criticizing it from the very date it was enacted. The anticrime program authorized by the Omnibus Crime Control and Safe Streets Act of 1968 was a small beginning but it was an excellent beginning.

Many critics suggest that there was not enough money for the cities in the first year of the LEAA program. The fact is that there was not enough money for any important aspect of the first-year program because the appropriation was very small. Out of a total first-year appropriation of $63 million, $19 million was awarded for planning and $29 million for action programs. A budget so small could not be stretched to meet all the needs of police, courts, and corrections.

The Department of Justice realizes the need to give priority in fund allocations to urban areas with pressing crime proglems. This priority is reflected in the State plans. At least one-third of the States have given local governments more than 75 percent of the block grants required by the act. Here are some examples: New Jersey, 88 percent; Louisiana, 92 percent; Arizona, 96 percent; Maine, 83 percent; Florida, 80 percent; Illinois, 87 percent; Colorado, 79 percent; Ohio, 82 percent; Michigan, 82 percent. A further breakdown of subgrants to date shows that New York City is receiving 43.4 percent of New York State's 1969 action grant. Here are city shares in other States: Dallas, 16.1 percent; Philadelphia, 11 percent; Detroit, 33.1 percent; Houston, 9.5 percent; Denver, 44.1 percent; Portland, Oreg., about 50 percent.

Moreover, LEAA fully realized that many cities need special help—so it awarded one-fourth of its 1969 discretionary funds to the Nation's 11 largest cities. The awards totaled $1.1 million—or about $100,000 each. All are financing high-priority anticrime or crime prevention programs.

In summary, available resources have been wisely used, and I salute and commend the administrators.

FEUD BETWEEN THE NCAA AND THE AAU

(Mr. MICHEL asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. MICHEL. Mr. Speaker, last week the long-standing feud between the NCAA and the AAU surfaced again with the completely unreasonable, arbitrary and outrageous sanctions imposed upon Yale University's entire athletic program.

The controversy centers around the AAU's giving official sanction to the Maccabiah Games held this past summer in Israel, and the NCAA singling out basketball as the one sport in those games in which no U.S. athlete could participate without endangering his eligibility to compete in any NCAA-sponsored games and tournaments in this country during regular season play.

The inconsistency of the NCAA is beyond comprehension. Mind you, they make no contest of the young men participating in the Maccabiah Games in every other sport but basketball.

This opens up the subject of just how inconsistent the NCAA has been for years in their enforcement of recruiting rules and regulations, for example, and the degree of sanctions and punishment doled out to the athletes and the universities involved. We are really talking about big business in college sports when one considers the power to approve or deny television rights and all the benefits that go with them.

Very little is publicly known about the NCAA, its makeup, how it is run, how it is financed, and from whom it derives its power. I think the Congress has a legitimate right to inquire, just as we have shown our interest in times past with respect to professional sports.

And finally, Mr. Speaker, I think it should be noted that if ever there was a fine collection of strictly amateur athletes it is in the Ivy League, where there are no such things as athletic scholarships. I would like to enlist the support of as many of my colleagues as possible in this venture, and to also build up as much pressure as we can around the country from those who have a vital interest in amateur sports and particularly our young men and women participating in them. If I might make one other plea, it would be to the university and college administrations to take a more careful look and a more active interest in what goes on in an organization that represents them nationally in the field of athletics.

PEACE IN THE MIDDLE EAST

(Mr. CRANE asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. CRANE. Mr. Speaker I rise today to introduce a resolution to express the sense of the House with regard to peace in the Middle East. I am pleased to have the support of 60 of my colleagues in cosponsoring this resolution. A few weeks ago Secretary Rogers expressed views regarding the Middle East crisis that appeared to be a departure from the previously-stated position of the President and the previous administration. While it has not been made clear whether the views expressed by Secretary Rogers were his own or, in fact, represented a change of policy by the administration, we believe it is in the interests of peace in the Middle East to join in restating the traditional position of the United States. Thus, the resolution affirms "face to face negotiations between the governments of the nations involved as the only path to an effective, long-term peace in the Middle East."

My colleagues who have joined me in sponsoring this resolution are:

Messrs. ANDERSON of Illinois, ASHBROOK, BELCHER, BLACKBURN, BROWN of Ohio, BROYHILL of Virginia, BJCHANAN, BURKE of Florida, BURTON of Utah.

Messrs, BUSH, CEDERBERG, CLANCY, DON H. CLAUSEN, DEL CLAWSON, COLLIER, COUGHLIN, DERWINSKI, DEVINE, DICKINSON.

Messrs. EDWARDS of Alabama, FISH, FREY, GOODLING, HASTINGS, HARVEY, HOSMER, HUTCHINSON, HORTON, JOHNSON of Pennsylvania, JONAS, KING, KUYKENDALL.

Messrs. KLEPPE, LLOYD, LUJAN, LUKENS, MCCLORY, MCCLOSKEY, MCKNEALLY, MICHEL, PRICE of Texas, RAILSBACK, and Mrs. REID.

Messrs. ROTH, SCHNEEBELI, SCOTT, SHRIVER, STEIGER of Arizona, STEIGER of Wisconsin, TAFT, TEAGUE of California, UTT, WATKINS, WEICKER, WHITEHURST, WYATT, WYLIE, WYMAN, WILLIAMS, ZION

The resolution is as follows:

> Whereas the continuing crisis in the Middle East is one of the greatest threats to world peace; and
>
> Whereas the involvement of the Soviet Union in this area of the world has heightened tensions, and increased the possibility of a major outbreak of hostilities; and
>
> Whereas the consistent policy of the United States has been to support the principle of self-determination for all of the peoples of the Middle East so that they may live in peace, justice and freedom: Now, therefore, be it
>
> *Resolved*, That the House of Representatives affirms the long-standing United States policy calling for direct, face-to-face negotiations between the governments of the nations involved as the only path to an effective, long-term peace in the Middle East.

MASSACRE OF U.S. PRISONERS

(Mr. RARICK asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. RARICK. Mr. Speaker, last December 4—see page 36910 of the RECORD—I directed attention to the partial list of our captive fighting men which was made public by Hanoi's "dear American friends."

At that time I pointed out that the list of POW's contained only the names of Air Force and Navy officers. I demanded that Hanoi, whose agents were monitoring my remarks, tell us what had been done with our enlisted men and our Army officers—because failure to do so could only be regarded as a showing of positive intent to mistreat and murder these men.

We now learn what Hanoi and its agents have done with two of our Army personnel who were taken captive. They were barbarically tortured and then murdered.

An Army captain and an Army master sergeant, were held captive 49 days, paraded on public exhibition by the Communists, and then callously murdered in front of a church—their bodies secreted in a shallow unmarked grave.

Every American should try to feel the mental anguish, the degradation, the personal suffering that these men endured before they had served their purpose as propaganda specimens at the hands of their barbaric captors. Are we naive enough to suppose that these are the only missing Americans who have suffered such a fate?

All military men understand that the hope of ultimate victory as well as a secure sanctuary are essential to any guerrilla operation. Defeated in the field on every hand, Hanoi terrorists are granted their essential sanctuary by the shortsighted policies of our own Government and are brazenly encouraged to believe in their ultimate victory by the repeated foolish pronouncements of our leaders.

Such expressions as "withdrawal," "Vietnamization," and "redeployment of troops" may be valuable in offsetting some of Hanoi propaganda on the homefront, but as to our men in the field, including our prisoners of war, it leaves our men fighting a war from a position of weakness and at the same time strengthens the enemy's resolve.

The American people are sick and tired of being told "we cannot win," "limited objectives," "sanctuaries," and "international treaties." American veterans of four wars understand that none of this gobbledygook will recover their captured men or prevent any further mistreatment and murder of those in the enemy's hands.

Today the American airwaves are filled with recorded messages originating with Radio Moscow and Radio Havana reporting to be the voices of captured U.S. fighting men held prisoners in Hanoi. Obviously, the buildup is intended as a ploy to persuade gullible Americans of the decency and humanity of the Communist world.

The plain truth is that Americans are held captive, subjected to mistreatment, and exploited in plain violation of the Geneva Convention. These men are not prisoners of war but are kidnap victims. The Soviets, both of the Moscow and Havana variety, have not shown their complicity in this violation of international law—their complicity in this continued commission of war crimes. What the latest Soviet demonstration should mean to every American is that Moscow has now shown what most informed people already know, that the Soviet Union is the hand manipulating the puppet Red government of North Vietnam.

"The voice is Jacob's voice, but the hands are the hands of Esau". Genesis 27: 22.

Mr. Speaker, I insert several related news clippings following my remarks:

[From the Washington, (D.C.) Evening Star, Jan. 18, 1970]

REDS EXECUTE TWO U.S. PRISONERS

SAIGON.—The Viet Cong hauled two American captives from one village to another, placed them on exhibit, then shot them to death, the U.S. Command announced yesterday.

The ordeal of Capt. David R. Devers of Mount Holly, N.C., and M. Sgt. John H. O'Neill of Providence, R.I., occurred 41 months ago, but it wasn't until last Christmas Eve that U.S. Marines found their bodies. They lay in a shallow grave in a coastal area of Thua Thien Province, in the northern most 1st Corps area of South Vietnam, the announcement said. They were executed in front of a village church north of Hue, the announcement said.

Devers and O'Neill served on a U.S. advisory team attached to the South Vietnamese 1st Infantry Division.

NOTIFICATION OF FAMILIES

The command held up the announcement until the two victims were identified through dental records and next of kin were notified last week.

"Reports from residents in the area stated the Viet Cong put the U.S. prisoners on display in several villages before executing them," said the statement. "They had been captured after an action Aug. 13, 1966, and later shot to death by their Viet Cong captors."

The bodies of three South Vietnamese soldiers, also apparently executed, were found in the same grave.

A U.S. spokesman said Devers and O'Neill were not the first American prisoners executed by the Viet Cong. He said there had been reports of others, but he did not know how many.

CAPTIVE 49 DAYS

Devers' former wife, Mrs. Terry Cannon, said in Mount Holly that the Army had notified her that Devers had been "executed on the legal date of Sept. 30, 1966," 49 days after his capture.

Mrs. Cannon said she was told that Devers "was taken with another American, presumably O'Neill, in front of the church in the village and executed."

"The villagers did not report the execution until Christmas Eve of 1969," she said. "The Army said the villagers decided three years later to tell what had happened. A U.S. Marine civic action team, acting on information supplied by residents in the area, found the bodies.

Mrs. Cannon said that Army records incorrectly listed Devers' home town as Mount Holly, that it actually was Paulding, Ohio.

[From the Washington (D.C.) Daily News, Jan. 19, 1970]

REDS LIST POW WHO'LL BROADCAST

Moscow, January 19.—Moscow Radio today released the names of 13 U.S. servicemen imprisoned by North Vietnam and said taped messages from the men will broadcast to the United States tonight.

A Moscow Radio spokesman said the messages will be broadcast in two half-hour programs on its English-language shortwave service beamed to North America.

He said the programs can be heard at 7 p.m. and 9:30 p.m. EST on the 25, 31 and 41 meter bands.

The names listed by the spokesman were:

Michael S. Kerr, whose wife is Jerry Kerr of 1037 W. Port Angeles, Wash.

Norman McDanile, wife Jean Carol McDaniel, of 1409 Kinsley Road, Greensboro, N.C.

James Quincy Collins, 77 Marcidos Lane, Atherton, Calif.

Paul Brown, wife Carol Brown, 4 Christian-av, Cranston, N.J.

Roger Ingvelson, Lebannonst, Sanford, Maine.

Joseph Scott Neably, 1900 Pacific-av, Manhattan Beach, Calif.

Giles Roderick Newton, wife Barbara, 1833 Owens-st, Albany, Ga.

William John Mayhew, father Stewart Mayhew, New Manchester, W. Va. (U.S. Postal guide does not list a New Manchester, W. Va.)

Malcolm Garley, Greenville, Maine.

Gordon Albert Larson, 2515 Clear Lane, Apt. 127, San Antonio, Tex.

Hugh Allen Stafford, 104 Belvedere-av, Cambridge, Md.

Harold Ed Johnson, 9338 Bluejacket, Hutchinson (or possibly Shawnee Mission), Kan.

John David Lunar, 5414 South 2000 W, Apt. C, Roy, Utah.

[From the Washington (D.C.) Evening Star, Jan. 18, 1970]

NOTHING HEARD FROM 60 PERCENT OF AMERICAN POW's

The families of 60 percent of the Americans known to be imprisoned by North Vietnam and the Viet Cong have never received letters from their prisoner sons and husbands, the Defense Department says.

The Pentagon said Friday that "about 430" U.S. servicemen have been confirmed as prisoners out of 1,478 listed as missing or captured.

Only 175 have been allowed to send letters—a total of 900—to their families, Col. Milton K. Kegley of the department's office of public affairs told newsmen.

Kegley said 90 Americans are known to be held by the Viet Cong and 340 by North Vietnam, although some may have died since being identified as prisoners.

[From the Washington (D.C.) Evening Star, Jan. 18, 1970]

DELLINGER OPENS OFFICE TO FACILITATE POW MAIL

NEW YORK.—An office to arrange and facilitate exchange of mail between American servicemen imprisoned in North Vietnam and their families is opening here today, a group opposed to the war announced yesterday.

The office carries the name of the Committee of Liaison with Families of Servicemen Detained in North Vietnam, and its organizers are Cora Weiss and David Dellinger.

Mrs. Weiss said the organization has had numerous contacts with families of prisoners it hopes to aid. She said 69 letters from 64 servicemen, brought by hand to Hong Kong, were flown to Philadelphia Saturday, then mailed to the families.

She said the North Vietnamese had approved mail arrangements by which families could send one letter and one package of no more than six pounds each month to relatives held in the north.

Mrs. Weiss, national head of the Women's Strike for Peace and co-chairman of the New Mobilization to End the War in Vietnam, returned recently from a trip to Hanoi.

Dellinger is one of the seven defendants being tried in Chicago on charges growing out of the disorders during the 1968 Democratic Convention.

Mrs. Weiss said North Vietnamese officials have agreed to "reply to the extent possible," to inquiries from families seeking to determine whether their servicemen relatives were prisoners.

THE MASSIVE DISRUPTION OF THE SCHOOL SYSTEMS

(Mr. EDWARDS of Alabama asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

XUM

Mr. EDWARDS of Alabama. Mr. Speaker, many of the Nation's school districts are in grave danger of being destroyed.

Last week, during a trip to the First District of Alabama, which I have the honor to represent here in Congress, I discussed the problem of the schools with numerous parents and school personnel, both black and white. The situation is very grave. The displacement of large numbers of students and faculty members is causing massive disruption of the school system. The administration of the school systems is almost impossible in view of recent Supreme Court imposed deadlines.

So that you may be better informed of just what is happening in the school districts in the South, let me mention a few of the problems we are facing:

First. Under Court orders, students are being forced to travel long distances—sometimes for an hour or more—to attend schools halfway across the cities or counties.

Second. Parents who depended on public transportation or had made special transportation arrangements are stymied. Where they may have previously sent their grade-school-age children to one school, many now find, under Court orders, that each child is going to a different school. Many parents just cannot get their children to the newly assigned school.

Third. Teachers who purchased homes or established residences near their assigned schools are now forced, under Court order, to travel great distances to teach in their new assignments.

Now, many argue that this is a small price to pay to obtain total desegregation of our public school system. But the fact is that this will not bring about total desegregation of our public school system as long as school systems in the North continue to maintain "de facto" segregation of schools based on neighborhood housing patterns.

The simple fact is the Court has lost sight of the goal of desegregation. It was argued in the 1954 Supreme Court decision that students should have the right to a quality education equal with all other students, regardless of race, creed, or color. But the courts have abandoned the goal of quality education for our children regardless of color. Now they are pursuing a deadly numbers game. The prize is a fine set of statistics matching black-white general population ratios with school population ratios. The losers are our school children—both black and white—who are suffering disruption of their formal education.

In my opinion, Mr. Speaker, the responsibility for the desperate plight of the public school system in the South rests squarely on the shoulders of the Supreme Court of the United States. In its haste it has run rough-shod over school districts that are really struggling mightily to meet deadlines previously set. The most recent order calling for all plans to be implemented by February 1, 1970, has left school administrators in a state of shock.

The people in my district were working out a reasonable plan to please the courts, but such a wholesale displacement in the midst of a school year is certainly not reasonable. The result of such irresponsible action by the Supreme Court is utter chaos.

Many parents have turned to private schools in which their children could be educated without mass disruption, extensive travel or constant harassment. But now the Court has ruled that tax exemptions are no longer available to these private institutions. There is no wonder that our people feel a great sense of frustration.

Millions of dollars are being spent to obtain a nice set of statistics on integration. These millions of dollars could have been better spent to assure quality education for all children regardless of race, creed, color, or place of attendance. Our goal is to build a better America, not destroy its foundations. A nation is only as great as the quality of the people in it. The efforts of the Supreme Court these days seem more bent on destruction of education rather than its improvement.

IS PATRIOTISM DEAD?

(Mr. DON H. CLAUSEN asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. DON H. CLAUSEN. Mr. Speaker, we hear a lot these days about whether or not patriotism is dead in this country. Very recently I had an opportunity to read an award-winning essay on this subject written by a young junior high school student in my congressional district in California.

Miss Sue Grant, who attends Rincon Valley Junior High School in Santa Rosa, Calif., has expressed most eloquently what is on the hearts and minds of a good many young people in this country, and I believe her words and her thoughts may have special meaning for my colleagues in the Congress.

Therefore, I am requesting that her winning essay, "Is Patriotism Dead?" be reprinted in the CONGRESSIONAL RECORD, so that all may share this brilliant and dedicated young American's views and beliefs. This young lady has, by her actions and well chosen words, proven that youth in America has a very strong sense of pride and purpose—constantly seeking ways of alerting all Americans to the fact that patriotism and love of country are very important ingredients in sustaining our free institutions.

There being no objection, the essay was ordered to be printed in the RECORD:

[From the Santa Rosa (Calif.) Press-Democrat, Dec. 21, 1969]

IS PATRIOTISM DEAD?

(By Sue Grant)

What is it that brings tears to a citizen's eyes when the national anthem is sung? What makes chills run up and down one's spine at the sight of the Stars and Stripes against a clear blue sky? What is it that inspires great poets and writers to set down on paper the spirit of America? What creates the feeling of awe and pride in an American's heart when a mounted or military color guard passes by, and every head is bare? Could it be a dead cause? No! It is alive, very much alive, and that cause is patriotism!

Simply because American citizens are not dashing through the streets waving flags and shouting at the top of their voices, there is no ground for the supposition that patriotism is dead.

Concern for the welfare of our nation is far from dead. Some people see the matter in that light because the World War I and World War II proto-type of patriotism is undergoing a transformation. If a statue of patriotism, as it was, could be made, it would probably be a proud eagle bearing "Old Glory", perched on the shoulder of a saluting, bravely smiling soldier who is singing "God Bless America." But now this statue is only a chunk of metal, having been reduced to such by friction, heat of anger, and possibly a bit of neglect. Nevertheless, the basic concept of patriotism is still there, as it will always be no matter how much it is beat upon and attacked by radicalism. Who knows what form the statue will be given next by the chisels of the American people.

Perhaps when this statue is again complete it will be partially unrecognizable to us. Right now, however, there seems to be something missing. Some element of emotion has disappeared.

It may be that when the words "my country" are spoken by an American citizen, a full realization of the true meaning is lacking. After all, we are citizens of this nation, not simply inhabitants! But somehow there does not seem to be the same manner of pride and strength in the way the phrase is uttered.

In my opinion, the Vietnam confrontation is in a large part responsible for this. During the two World Wars, the United States armed forces were protecting both our country and our ideals; whereas, in this Asian "policing action", it is questionable whether our country is on the offensive or defensive. I strongly suspect the former. The question has been asked countless times by men and boys who have been inducted, "What cause am I fighting for? Why should I fight in a political war that hasn't ever been declared?"

Some of today's young people would answer this question with a simple "you shouldn't." The younger generation, so magnified by today's social gap, appears to have quite a different opinion of patriotism than their older fellow Americans. They seem to feel that true patriotism consists of acting in the way that will benefit their country most. This can mean standing up and stating one's feelings as to what is right or wrong. Unfortunately some thoughtless radicals have carried this concept to an extreme. Those people who burn the American flag, and resort to violence are little more than spoiled children who are not capable of behaving in a civilized manner which would be fruitful for all concerned. In these individuals, patriotism is indeed dead, or possibly it never lived. Worst of all, these people have created a bad reputation for those young people who are conscientious in their protest.

Are the citizens whose sincere concern about national affairs leads them to speak out, to be considered less patriotic, than those who follow and concur with whatever pattern of existence their country offers? Again I say, no.

This difference of opinion is a reaction to the changing form of patriotism.

In conclusion, I can only say again that the fire of patriotism still burns, and that as long as there are sparks of life in American hearts, such a fire will never die. For it is these sparks which feed the flame, and the act of giving of one's self which provides the fuel. If we all do our part in tending the flame, when patriotism emerges from the present metamorphic stage, America, and each of us, will be better for it.

PLUGGING DEATH AND GIFT TAX LOOPHOLES CAN HELP MEET 1970'S REVENUE SHORTAGE

The SPEAKER. Under a previous order of the House, the gentleman from

XUM

Wisconsin (Mr. Reuss), is recognized for 60 minutes.

Mr. REUSS. Mr. Speaker, when President Nixon signed the Tax Reform Act of 1969 on December 30 he expressed regret over the revenue loss from the act's tax relief provisions. The President said:

> The effect on the budget and on the cost of living is bad, I am also concerned about the constraints this act imposes on Government revenues in future years, limiting our ability to meet tomorrow's pressing needs.

Treasury estimates of the Tax Reform Act's revenue impact support the President's fears. Assuming no growth in the economy and excluding the effects of the 15-percent social security benefit increase also included in the act, the revenue impact looks like this through fiscal year 1975.

[In billions]

Fiscal year 1970	+$3.7
Fiscal year 1971	+2.7
Fiscal year 1972	−0.6
Fiscal year 1973	−2.8
Fiscal year 1974	−3.9
Fiscal year 1975	−3.6

On the more realistic assumption of growth in the economy, the picture is even worse:

[In billions]

Fiscal year 1970	+$3.7
Fiscal year 1971	+2.7
Fiscal year 1972	−1.6
Fiscal year 1973	−4.7
Fiscal year 1974	−6.8
Fiscal year 1975	−7.5

Some economists have argued that these Treasury figures underestimate the revenue loss from the tax bill, especially in the 1970–71 time period. The argument revolves around how you measure the revenue impact of the 10-percent surtax, which goes down to 5 percent at the beginning of 1970 and expires at midyear. Whatever the merits of this argument, it is clear that the tax bill is going to cause some serious budgetary problems for the Government, both now and in the future.

The administration reportedly has considered various expedients for dealing with this revenue shortfall, ranging from a value-added tax to increased excise taxes and a speedup in tax collections.

This resourcefulness is commendable. What is surprising, however, is that the administration seems to have overlooked a revenue source which stands ready at hand—reform of our loophole-ridden death and gift tax laws. Estimates of the extra revenue obtainable from closing off the worst of these loopholes range up to $4 to $5 billion a year.

The administration's oversight is even more remarkable in that this is an area of reform which House Ways and Means Committee Chairman Wilbur Mills has specifically set for consideration this year. In the report on the House version of the 1969 Tax Reform Act, the committee says:

> Your committee found that the time available did not permit the inclusion of reform measures relating to revision of the estate and gift tax laws or the related problem of the tax treatment of property passing at death. Estate and gift taxes are an area of the tax laws your committee will undertake to study as soon as possible, with the expectation of reporting out a bill on this subject in this Congress.

Strong support from the administration would speed the movement of revenue-raising death and gift tax reforms through the Congress. Indeed, prompt submission of administration reform proposals could make passage of a reform bill possible by June 30, 1970. Additional revenue from the reforms would then be available to assist in balancing the fiscal year 1971 budget, with which the administration is reportedly having such difficulty.

Getting this revenue from death and gift tax reform would be much fairer than raising excise taxes on telephones, automobiles, gasoline, tires, cigarettes, and liquor. Excise taxes put a serious burden on the average taxpayer, whose purchases of these goods take a much larger percentage of his income than do similar purchases by the wealthy. Death and gift taxes, on the other hand, are collected almost exclusively from families with annual incomes in excess of $20,000.

Death and gift tax reforms have been studied in the Treasury for a number of years, culminating in December 1968 with a comprehensive multivolume set of tax reform studies and proposals. Much of the groundwork, therefore, has already been done.

At a minimum, death and gift tax loophole plugging should include the following reforms:

First. Taxation of capital gains on property transferred at death—revenue gain—$2.5 to $3.1 billion.

Second. Unification of gift and estate taxes into a single transfer tax—revenue gain—$200 million.

Third. Elimination of payment of estate taxes by redemption of Government bonds at par—revenue gain—$100 million.

Other matters, such as taxation of generation-skipping transfers, should also be considered.

A more detailed description of the minimum reforms I propose follows:

Taxation of Capital Gains on Property Transferred at Death—Revenue Gain—$2.5 to $3.1 Billion

When real estate, shares of stock, and other forms of property increase in value, the increase is subject to tax as a capital gain. However, the capital gains tax rate on property held for more than 6 months is only half of that for ordinary income. (Prior to 1969, the maximum capital gains tax rate in all cases was only 25 percent. However, the 1969 Tax Reform Act raises the maximum rate for corporations to 30 percent at once, and for individuals the maximum rate on gains of over $50,000 goes up in stages to 35 percent in 1972.) In addition, the tax on capital gains is not assessed until the property is sold and the increase in value realized.

But some capital gains—those on property transferred at death—are never taxed at all. Here is how it works. Suppose a taxpayer bought some stock in a small electronics company for $5000 back in 1960. The company has flourished and the stock is now worth $15,000. If he sells it now he will have to pay a capital gains tax on the $10,000 increase in value. For the high bracket taxpayer who pays the maximum 25 percent capital gains rates, this means a tax of $2500. But if he never sells the stock and it passes on to his heirs, neither he nor his heirs will ever have to pay income tax on the increase in value. The heirs will have to pay capital gains taxes on any increase in value beyond $15,000 if they later sell the stock, but that is all.

This loophole is obviously a great benefit to those with large amounts of accumulated wealth to pass on to the next generation.

The Treasury in its December, 1968, Tax Reform Proposals, called for an end to this loophole, recommending that the increase in value of assets be taxed at death.

The present system of not taxing appreciation on assets transferred at death, the Treasury said, "is grossly inequitable and substantially impairs the progressivity of the tax structure."

In addition, the Treasury estimated, it allows at least $15 billion in capital gains to fall completely outside the income tax system each year.

Finally, it has "undesirable economic effects, particularly in cases of older people":

"Assets become immobilized; investors become 'locked in' by the prospect of avoiding income tax completely if they hold appreciated assets until death rather than selling them. This freezing of investment positions deprives the economy of the fruits of an unencumbered flow of capital toward areas of enterprise promising larger rewards."

Closing this loophole by simply taxing these capital gains at death would increase Federal revenues by $3.1 billion a year.

Unification of Gift and Estate Taxes Into a Single Transfer Tax—Revenue Gain—$200 Million

Existing gift and estate tax laws greatly favor those who can afford to give away large amounts of property during their lifetime. As the Treasury said in its December, 1968, Tax Reform Proposals:

"[T]he present disparity between the tax treatment of lifetime gifts and deathtime transfers confers a very substantial advantage on the wealthy, because the tax advantages of making lifetime gifts become increasingly greater as the size of wealth accumulations increase. The preferential gift treatment thus serves to confer enormous benefits on those whose situation permits utilizing lifetime gifts—generally those who are so prosperous that they do not depend on this wealth and the income it yields for living expenses and security."

The main features of the law favoring lifetime gifts are:

(1) Gift tax rates are approximately 25 percent lower than estate tax rates;

(2) $3000 can be given away each year to any number of individuals without paying any gift tax;

(3) Over and above the yearly $3000 gifts, $30,000 can be given away by a person during his lifetime without paying a gift tax;

In addition, the Treasury in its 1968 Report called attention to certain structural problems in the dual estate and gift tax system:

(1) The estate and gift tax rate structures are wholly separate, with property transferred during life being excluded from consideration in determining the estate tax bracket for property transferred at death.

This dual tax system thus permits two separate starts at the bottom of two separate progressive rate schedules for persons who transfer a portion of their estate during their lifetime.

(2) There are two separate sets of exemptions—$30,000 for lifetime gifts and $60,000 for property transferred at death. Those who can afford to give away property during their lifetime benefit from both of them, but those

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who cannot are restricted to the $60,000 estate tax exemption.

Finally, said the Treasury, the present system leads to unnecessary complexity as people try to make arrangements for transfers at death look like lifetime gifts. The system also artificially distorts gift-giving within families by generating pressures for transfers which might not be desirable except for the tax advantages.

As a solution to these various problems, the Treasury recommended unifying the estate and gift taxes into a single transfer tax. Instead of the present separate gift and estate taxes, a single cumulative tax rate schedule would be applied to all transfers of property whether made during life or at death. There would be a single $60,000 exemption for all transfers during life and at death, and the present $3000 annual exclusion for lifetime gifts would be retained.

The revenue gain from this reform would be about $200 million per year.

Elimination of Payment of Estate Taxes by Redemption of Government Bonds at Par—Revenue Gain—$100 Million

If upon death a person faces a probable $100,000 estate tax bill and has a smart lawyer, the lawyer will advise his client to buy $100,000 worth of long-term U.S. Government bonds. Why? Because the U.S. Treasury will redeem its bonds at their par (face) value in payment of estate taxes, no matter what his client paid for them. If his client, for example, buys the Government bonds for $80,000 and his estate later turns them in in payment of estate taxes, the Treasury must accept them at the full $100,000 face value and the decedent's estate tax bill is effectively reduced by 20 percent.

The total face value of outstanding bonds redeemable in payment of estate taxes is more than $45 billion, and their current market value is around $33 billion. The result is a gaping $12 billion tax loophole.

As a specific example of estate tax bargains available using this loophole, consider the 3½ percent Treasury bonds issued in October, 1960, and payable in November, 1998. If you bought some of these bonds with a par value of $100,000, it would cost you only about $65,000. That represents a potential 35 percent saving on your estate taxes. There is about $4.2 billion worth of these bonds outstanding.

The 1968 Treasury Proposals recommended that this loophole be closed. When the loophole first entered the tax law, during World War I, it was thought that the estate tax redemption privileges would make it possible to market securities more easily and at lower interest rates. However, the Treasury says, "experience has shown that the tax losses sustained when such securities are redeemed at par prior to maturity considerably outweigh any possible benefits realized at the time when such securities are issued."

In addition, the Treasury continues, "the benefits of these securities are conferred in a very haphazard fashion from one year to another and from one taxpayer to another." The benefits go mainly to those who have the cash or other liquid assets needed to buy the securities and who die when interest rates are high. "There does not appear to be any reason for preferring such taxpayers over those whose estates are illiquid, or those who die when interest rates are low," the Treasury concludes.

Closing this loophole would bring in upwards of $100 million in extra revenue each year.

PANAMA GIVEAWAY: TIME FOR ACTION HAS COME

The **SPEAKER**. Under a previous order of the House, the gentleman from Pennsylvania (Mr. Flood) is recognized for 15 minutes.

Mr. FLOOD. Mr. Speaker, many Members of the Congress who have studied important subjects in depth and made addresses on them, have long noted the apparent failure of their best efforts to make an impact. Too frequently, it is like throwing rocks into a fresh snow bank. Thus it was gratifying to read in the Christmas 1969 issue of the Evening Star of Washington an unusually thoughtful letter to the editor by Capt. Franz O. Willenbucher, U.S. Navy, retired, summarizing the present canal situation.

In this connection, it is interesting to note that Captain Willenbucher, a graduate of the Naval Academy, received his doctorate in law in 1937 at Georgetown University, and that, while on duty in the Navy Department during the time when the 1936 treaty with Panama was being formulated, he had defended the indispensable rights, power, and authority of the United States in the control and ownership of the canal enterprise. Thus, he writes with the background of experience at a most opportune time.

Apropos his point about the reopening of canal treaty negotiations with Panama, I would invite the attention of the Congress and the Nation at large to the fact that starting on October 27, 1969—Theodore Roosevelt's birthday—more than 100 Members of the House introduced House resolutions strongly opposing any surrender of U.S. sovereign rights or jurisdiction over the Canal Zone and Panama Canal to any other nation or to any international organization.

Mr. Speaker, those resolutions were referred to the House Committee on Foreign Affairs but so far there have been no indications as to when hearings will be held. In 1967, after hearings on similar resolutions, sponsored by some 150 Members of the Congress, were held, that testimony was never published and the committee, for some strange reason, never made a report.

As mentioned by Captain Willenbucher, in addition to the indicated House resolution, bills in both House and Senate providing for the major modernization of the existing Panama Canal have been introduced. Certainly the time has come for action on the canal question in the Congress, which agency of our Government bears the ultimate responsibility in the premises.

As the indicated letter is an excellent summary of the existing canal situation and should be of interest to all Members of the Congress concerned with canal questions and our citizens throughout the Nation, I quote it as part of my remarks along with the texts of House Resolution 593 and House Resolution 3792:

[From the Washington Evening Star, Dec. 25, 1969]

Panama Giveaway

Sir: Recent press reports in the Spanish language press of Panama indicate that the United States may be on the verge of reopening treaty negotiations concerning the U.S.-owned Canal Zone and Panama Canal, territory and property, respectively, of the United States, in which, since 1904, including defense, the taxpayers of our country have made a net total investment of more than $5 billion.

In 1967 negotiations for three proposed new Panama Canal treaties were completed. These treaties provided for (1) surrender of U.S. sovereignty over the Canal Zone to Panama, (2) making that weak and unstable country a partner in the management and defense of the canal, (3) giving the United States an option on a site for a canal of so-called sea-level design and (4) eventually, giving both the existing canal and any new canal that may be constructed to replace it to Panama, all without any compensation whatsoever.

This projected betrayal of United States vital interests at Panama caused an uproar in the United States with the result that the treaties were never signed and some 150 members of the Congress introduced resolutions opposing the surrender. Extensive hearings were held by the Latin American Subcommittee of the House Committee on Foreign Affairs, which disclosed facts that had not been published in Panama. They were of such shocking nature that the printing and distribution of the House hearings were never accomplished as is customary in such cases.

Panama does not even now possess a constitutional government but is, instead, governed by a military junta which overthrew the last constitutionally elected President after he had been in office only eleven days. Now another coup has been attempted and thwarted.

Aside from the fact that no new canal treaty is required for the major modernization of the existing Panama Canal according to the well-conceived and time-tested Terminal Lake-Third Locks Plan as provided in bills now before the Congress, the very idea of giving this strategic waterway to Panama is unthinkable.

Certainly, with the world in the gravest type of crisis, this is no time to trifle with our basic rights, power and authority concerning the Panama Canal, which is of crucial importance in hemispheric defense. Instead we should take steps to strengthen our position by acquiring the entire watershed of the Chagres River valley as was once recommended by General Clarence Edwards when he was in command of the U.S. Army on the Isthmus.

Franz O. Willenbucher,
Captain, U.S. Navy (Retired).
Bethesda, Md.

H. Res. 593

RESOLUTION

Whereas it is the policy of the House of Representatives and the desire of the people of the United States that the United States maintain its sovereignty and jurisdiction over the Panama Canal Zone; and

Whereas under the Hay-Pauncefote Treaty of 1901 between Great Britain and the United States, the United States adopted the principles of the Convention of Constantinople of 1888 as the rules for the operation, regulation, and management of said canal; and

Whereas by the terms of the Hay-Bunau-Varilla Treaty of 1903, between the Republic of Panama and the United States, under the authority of the perpetuity of use, occupation, control, construction, maintenance, operation, sanitation, and protection for said canal was granted to the United States; and

Whereas the United States has paid the Republic of Panama almost $50,000,000 in the form of a gratuity; and

Whereas the United States has made an aggregate investment in said canal in an amount of over $5,000,000,000; and

Whereas said investment or any part thereof could never be recovered in the

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event of Panamanian seizure or United States abandonment; and

Whereas under article IV, section 3, clause 2 of the United States Constitution, the power to dispose of territory or other property of the United States is specifically vested in the Congress; and

Whereas 70 per centum of the Canal Zone traffic either originates or terminates in United States ports; and

Whereas said canal is of vital strategic importance and imperative to the hemispheric defense and to the security of the United States; and

Whereas, during the preceding administration, the United States conducted negotiations with the Republic of Panama which resulted in a proposed treaty under the terms of which the United States would shortly relinquish its control over the Canal; and

Whereas there is reason to believe that the present dictatorship in control of the Government of Panama seeks to renew negotiations with the United States looking toward a similar treaty; and

Whereas the present study being conducted by the Atlantic-Pacific Interoceanic Canal Study Commission may result in a decision to utilize the present canal as a part of a new sea level canal; and

Whereas any action looking toward an agreement with the Government of Panama which would affect the interest of the United States in the Canal would be premature prior to the submission of the report of the Commission in any event: Now, therefore, be it

Resolved by the House of Representatives, That it is the sense of the House of Representatives that the Government of the United States maintain and protect its sovereign rights and jurisdiction over said canal and that the United States Government in no way forfeit, code, negotiate, or transfer any of these sovereign rights or jurisdiction to any other sovereign nation or to any international organization.

H.R. 3792

A bill to provide for the increase of capacity and the improvement of operations of the Panama Canal, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Panama Canal Modernization Act".

Sec. 2. (a) The Governor of the Canal Zone, under the supervision of the Secretary of the Army, is authorized and directed to prosecute the work necessary to increase the capacity and improve the operations of the Panama Canal through the adaptation of the Third Locks project set forth in the report of the Governor of the Panama Canal, dated February 24, 1939 (House Document Number 210, Seventy-sixth Congress), and authorized to be undertaken by the Act of August 11, 1939 (53 Stat. 1409; Public Numbered 391, Seventy-sixth Congress), with usable lock dimensions of not less than one hundred and forty feet by not less than one thousand two hundred feet by not less than forty-five feet, and including the following: elimination of the Pedro Miguel Locks, and consolidation of all Pacific locks near Miraflores in new lock structures to correspond with the locks capacity at Gatun, raise the summit water level to its optimum height of approximately ninety-two feet, and provide a summit-level lake anchorage at the Pacific end of the canal, together with such appurtenant structures, works, and facilities, and enlargements or improvements of existing channels, structures, works, and facilities, as may be deemed necessary, at an estimated total cost not to exceed $850,000,000, which is hereby authorized to be appropriated for this purpose.

(b) The provisions of the second sentence and the second paragraph of the Act of August 11, 1939 (53 Stat. 1409; Public Numbered 391, Seventy-sixth Congress), shall apply with respect to the work authorized by subsection (a) of this section. As used in such Act, the terms "Governor of the Panama Canal", "Secretary of War", and "Panama Railroad Company" shall be held and considered to refer to the "Governor of the Canal Zone", "Secretary of the Army", and "Panama Canal Company", respectively, for the purposes of this Act.

(c) In carrying out the purposes of this Act, the Governor of the Canal Zone may act and exercise his authority as President of the Panama Canal Company and may utilize the services and facilities of that company.

Sec. 3. (a) There is hereby established a board, to be known as the "Panama Canal Advisory and Inspection Board" (hereinafter referred to as the "Board").

(b) The Board shall be composed of five members who are citizens of the United States of America. Members of the Board shall be appointed by the President, by and with the advice and consent of the Senate, as follows:

(1) one member from private life, experienced and skilled in private business (including engineering);

(2) two members from private life, experienced and skilled in the science of engineering;

(3) one member who is a commissioned officer of the Corps of Engineers, United States Army (retired); and

(4) one member who is a commissioned officer of the line, United States Navy (retired).

(c) The President shall designate as Chairman of the Board one of the members experienced and skilled in the science of engineering.

(d) The President shall fill each vacancy on the Board in the same manner as the original appointment.

(e) The Board shall cease to exist on that date designated by the President as the date on which its work under this Act is completed.

(f) The Chairman of the Board shall be paid basic pay at the rate provided for level II of the Executive Schedule in section 5313 of title 5, United States Code. The other members of the Board appointed from private life shall be paid basic pay at a per annum rate which is $500 less than the rate of basic pay of the Chairman. The members of the Board who are retired officers of the United States Army and the United States Navy each shall be paid at a rate of basic pay which, when added to his pay as a retired officer, will establish his total rate of pay from the United States at a per annum rate which is $500 less than the rate of basic pay of the Chairman.

(g) The Board shall appoint, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, a Secretary and such other personnel as may be necessary to carry out its functions and activities and shall fix their rates of basic pay in accordance with chapter 51 and subchapter III of chapter 53 of such title, relating to classification and General Schedule pay rates. The Secretary and other personnel of the Board shall serve at the pleasure of the Board.

Sec. 4. (a) The Board is authorized and directed to study and review all plans and designs for the Third Locks project referred to in section 2(a) of this Act, to make on-the-site studies and inspections of the Third Locks project, and to obtain current information on all phases of planning and construction with respect to such project. The Governor of the Canal Zone shall furnish and make available to the Board at all times current information with respect to such plans, designs, and construction. No construction work shall be commenced at any stage of the Third Locks project unless the plans and designs for such work, and all changes and modifications of such plans and designs, have been submitted by the Governor of the Canal Zone to, and have had the prior approval of, the Board. The Board shall report promptly to the Governor of the Canal Zone the results of its studies and reviews of all plans and designs, including changes and modifications thereof, which have been submitted to the Board by the Governor of the Canal Zone, together with its approval or disapproval thereof, or its recommendations for changes or modifications thereof, and its reasons therefor.

(b) The Board shall submit to the President and to the Congress an annual report covering its activities and functions under this Act and the progress of the work on the Third Locks project and may submit, in its direction, interim reports to the President and to the Congress with respect to these matters.

Sec. 5. For the purpose of conducting all studies, reviews, inquiries, and investigations deemed necessary by the Board in carrying out its functions and activities under this Act, the Board is authorized to utilize any official reports, documents, data, and papers in the possession of the United States Government and its officials; and the Board is given power to designate and authorize any member, or other personnel, of the Board, to administer oaths and affirmations, subpena witnesses, take evidence, procure information and data, and require the production of any books, papers, or other documents and records which the Board may deem relevant or material to the performance of the functions and activities of the Board. Such attendance of witnesses, and the production of documentary evidence, may be required from any place in the United States, or any territory, or any other area under the control or jurisdiction of the United States, including the Canal Zone.

Sec. 6. In carrying out its functions and activities under this Act, the Board is authorized to obtain the services of experts and consultants or organizations there in accordance with section 3109 of title 5, United States Code, at rates not in excess of $200 per diem.

Sec. 7. Upon request of the Board, the head of any department, agency, or establishment in the executive branch of the Federal Government is authorized to detail, on a reimbursable or nonreimbursable basis, for such period or periods as may be agreed upon by the Board and the head of the department, agency, or establishment concerned, any of the personnel of such department, agency, or establishment to assist the Board in carrying out its functions and activities under this Act.

Sec. 8. The Board may use the United States mails in the same manner and upon the same conditions as other departments and agencies of the United States.

Sec. 9. The Administrator of General Services or the President of the Panama Canal Company, or both, shall provide, on a reimbursable basis, such administrative support services for the Board as the Board may request.

Sec. 10. The Board may make expenditures for travel and subsistence expenses of members and personnel of the Board in accordance with chapter 57 of title 5, United States Code, for rent of quarters at the seat of government and in the Canal Zone, and for such printing and binding as the Board deems necessary to carry out effectively its functions and activities under this Act.

Sec. 11. All expenses of the Board shall be allowed and paid upon the presentation of itemized vouchers therefor approved by the Chairman of the Board or by such other

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member or employee of the Board as the Chairman may designate.

SEC. 12. There are hereby authorized to be appropriated to the Board each fiscal year such sums as may be necessary to carry out its functions and activities under this Act.

SEC. 13. Any provision of the Act of August 11, 1939 (54 Stat. 1409; Public Numbered 391, Seventy-sixth Congress), or of any other statute, inconsistent with any provision of this Act is superseded, for the purposes of this Act, to the extent of such inconsistency.

SENSITIVITY INTERNATIONAL—NETWORK FOR WORLD CONTROL

The SPEAKER. Under a previous order of the House, the gentleman from Louisiana (Mr. RARICK) is recognized for 10 minutes.

Mr. RARICK. Mr. Speaker, the Members of this body, as well as our people at home, are constantly subjected to organized thought control and behavior programing through sensitivity training.

One of the finest explanations and clearest analysis of sensitivity training as a vehicle to brainwash people into submission, is a paper prepared by Ed Dieckmann, Jr., which originally appeared in the winter 1969 edition of American Mercury and has been reprinted by the network of Patriotic Letter Writers, Post Office Box 2003D, Pasadena, Calif. 91105.

Mr. Dieckmann's report follows my remarks:

SENSITIVITY INTERNATIONAL—NETWORK FOR WORLD CONTROL

(By Ed Dieckmann, Jr.)

Early in May of this year, a courageous mother, Mrs. Lois Godfrey of Garden Grove, California, succeeded in getting sensitivity training outlawed, at least temporarily, in the Garden Grove Unified School District. Mrs. Godfrey withdrew two of her children from a class in which the process was being used, then appeared before the school board where she was challenged to give a definition of sensitivity training, which she gave, having received it from me through State Senator John G. Schmitz.

The definition:

"Sensitivity training is defined as group meetings, large or small, to discuss publicly intimate and personal matters, and opinions, values or beliefs; and/or, to act out emotions and feelings toward one another in the group, using the techniques of self-confession and mutual criticism.

"It is also, 'coercive persuasion in the form of thought reform or brain-washing.' "

The second paragraph, admitting that sensitivity (human relations) training is *brainwashing*, is from page 47 of *Issue In Training*, a manual for group leaders published in 1962 by the National Training Laboratories (NTL) of the National Education Association (NEA). That is, from the *main source* of sensitivity training, from the "horse's mouth!"

Many people tell that, in saying this comes from the horse's mouth, I miss the target by the length of exactly one horse.

I'm forced to agree with them.

For what we are talking about is community group criticism, a destructive process that is used in every communist country every day to control the people, to force their thinking into the "correct" patterns; and to make sure that each person acts as the fearful and submissive member of a group, a "collective."

Edward Hunter, in his book *Brainwashing—From Pavlov to Powers* (Bookmailer: 1965), calls group criticism "The greatest threat against our society—the calculated creation of a national neurosis." Then he goes on: "The only Red defense has been to hush up the subject, because even to deny it would bring attention to it."

PRESSURE HAS INCREASED

Realizing this makes it easy to understand why, since my expose in "Communism In Our Midst," AMERICAN MERCURY, Summer 1967: followed by "Hate Therapy," by Gary Allen, *American Opinion*, January 1968; the pressure and pace of the sensitivity assault have increased—with "voluntary" participation increasingly replaced by the frankly brutal insistence that sensitivity training be mandatory.

The outlawing of sensitivity training at Garden Grove has given added force to that reaction. For it was at Garden Grove on February 26, 1969, that 2,000 teachers were forced to attend a seminar where psychologist Jack Frymer, of Ohio State University, told them that "They should go to sensitivity training sessions in order to know how to use ST on their pupils." Already an attempt is being made to sneak the process back again under the name "Evaluation," or another program called "Social Sciences Framework." School Superintendent David Paynter has suddenly decided that "sensitivity training cannot be defined."! and the battle rages on.

Carl Rogers, Ph. D., of the Western Behavioral Sciences Lab, and one of the chief pushers of ST, was so shaken that, when he spoke at Cerritos College near Long Beach on May 6, *he refused to answer questions*, stating, "I do not know the audience."

MAIN ATTACK

But the main attack comes on a much broader front:

1—Recently California Senate Bill (SB) 1414 set a pattern for repressive legislation in every state, providing, in its "Poverty" provisions, Section I, for inservice sensitivity training for all teachers under threat of losing tenure (their jobs) if they do not submit.

2—In June, Robert Finch, of Health, Education, & Welfare, announced plans for a national network (note word "network"), of "experimental and demonstration schools dedicated to the innovative process." Translation: *Sensitivity training for planned change.*

3—Again in California, that testing lab for "social engineering", SB 474 was introduced in June by Senator Beilenson (D), the same legislator who originated a bill in favor of abortion. No. 474 would allow group leaders in ST or Human Relations training to be licensed by the State, "to make sure they are qualified." This completely ignores the fact that, whether the group leaders are qualified or not, no one has any business forcing healthy people to take sensitivity training, "a perversion of group therapy that makes healthy minds sick!"

4—To increase the pressure even more. The California Elementary School Administrators Association (CESAA), now promotes *legal contracts* with organizations teaching ST, such as the Far West Laboratory. These contracts are made with school boards not alert to what they are signing. "To evaluate curriculum, stressing *human potential* and development of the child." Again *sensitivity training.*

But the deadliest thrust is nationwide:

5—The American Association of Colleges for Teacher Education (AACTE), a department of the NEA, now reaches into *every State* to force both teachers and teacher-candidates to accept ST for *national accreditization*. That is, an interstate teaching compact is being set up to enforce nation-wide standards of "teacher understanding" plus *disciplinary moves against teachers or candidates who protest!*

NATIONAL EDUCATION ASSOCIATION

On September 23, 1968, the then President of the NEA, Elizabeth D. Koontz, got into the AACTE at a meeting of the association in New York. Said she:

"The NEA has a multi-faceted program already directed toward the urban school problem, embracing every phase, from the Headstart Program to sensitivity training for adults—both teachers and parents."

Thus she revealed the real goal: involvement of the entire community in one gigantic laboratory of groups, exactly as in North Vietnam, Russia and Red China.

It is enlightening to know that the same Elizabeth Koontz, the first Negro president of the NEA and a known member of the board of SIECUS, the infamous "Sex information & Education Council of the U.S.," was appointed by President Nixon, earlier this year, Director of the Women's Bureau of the Department of Labor!

Synchronized with the attack by what, we must remember is "coercive persuasion or brainwashing," was the announcement last February by New York University that it now offers a master's degree in sensitivity training; followed by Redland's University in California with its trumpet blast in May that it, too, starts ST this summer—and that it will be mandatory!

Thus a class of group trainers or "social facilitators" is coming into existence to "facilitate" the understanding and "correct thinking of you and your children. For the same thing is happening sparked by AACTE of the NEA, at nearly every college and university in the United States, including any private or parochial school that is foolish enough to accept either Federal funds or a Ford grant.

NIXON INVITED

It is somehow fitting and just, in view of President Nixon's appointment of Mrs. Koontz, that in *Look* magazine, June 10, 1969, Nixon himself, along with his entire staff, was invited to attend sensitivity training "in a series of interracial confrontations."! Who invited him? None other than Ralph D. Abernathy, of the Communist Southern "Christian" Leadership Conference, left hand man of the late Martin Luther King.

Although this information tells us very much, it is still necessary to ask where the force comes from that can react to the gradual awakening of the American people, to the dangers of sensitivity training, with such coordination and power. What is the source, the origin, the Eye of the Octopus?

STATE ADVISORY COMMITTEE

A special advisory committee to the State Board of Education in California hinted strongly at this source on May 9, 1969. Staffed by such courageous conservatives as Dr. Edward Klotz, former Special Assistant to the Board of Education, and Professor Harden B. Jones, of Berkeley (who made an extensive study of the Nazi use of ST in Hitler's Germany), the committee concluded that:

"Sensitivity training is being used by those who are in fact aligned with revoluntionary groups acting contrary to public policy; that is, they intend to use the schools to destroy American culture and traditions."

The path to the Eye of the Octopus, where the destruction originates, extends much further than I at first supposed in 1967. But complicated though the path may seem, and cancerous in its meanderings, it is actually simple, in the way that an avalanche or a raging forest fire may be said to be simple.

Before we take that path it is essential to understand two things:

1—The "far-out" methods of sensitivity training that have received so much publicity, such as the nude marathons, the body awareness, the intimate contacts and sexual permissiveness, are *not allowed* in communist countries. These types are only used on countries targeted to be softened and undermined for subversion and conquest.

2—Sensitivity training, according to Mel-

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vin Anchell, M.D. of Los Angeles, is clinically desensitization and should be called *"Insensitivity training."*

With that as a foundation we can proceed without illusion, seeing our subject steady and clear, knowing it not only for what it is—but what it is not.

The Great Deceit (Veritas Foundation Staff Study: 1964), referring to the American socialist and one-worlder, E. A. Ross and his book *Social Control* (1901), points out that:

"The main interest of leftist socialists is to construct processes which are now lumped together under the popular term 'brainwashing' as a means of conditioning and indoctrinating the mind of man."

And further:

"The left-wingers have as their aim the seizing of all society. This includes not only all the wealth and political power, but also control, through conditioning and manipulation, of the mind and spirit of all mankind."

It should therefore come as no shock, to those who study the One-World Movement, to learn that the earliest One-World organization, *The Order of the Illuminati*, used sensitivity training.*

THE ILLUMINATI

Founded in Bavaria on May 1, 1776, by the brillant but degenerate Adam Weishaupt, the *Illuminati* (Enlightened Ones) played a major role in the French Revolution, before going underground in 1795 and emerging, partially, in 1848 as the League of the Just, which hired Karl Marx to write the *Communist Manifesto*.

Sensitivity training, as it turns out, is the most poisonous legacy the *Illuminati* let us—and the main evidence we have that the *Illuminati*, as a part of the overall conspiracy, are very much with us today, not only in the United States, but throughout the world.

Before we probe further for the Eye of the Octopus, a brief recap is necessary. We already know the following:

That the self-criticism of the *Illuminati* was revived in 1929 by the Soviet Secret Police for use on Russian citizens; while under the name of "sensitivity training" it was started in the U.S. with the founding of the National Training Laboratories of the NLA in 1946.

That in October, 1945, a Leftist Canadian psychiatrist, G. Brock Chisholm, gave three lectures in Washington, D.C. which laid the foundations for both the "sex education" that is causing so much trouble today and sensitivity training.

Now Chisholm was invited to give these lectures by Alger Hiss and was warmly applauded by a Washington lawyer, Abe Fortas. It is easy to see why Fortas liked the lectures.

Not only did Chisholm advocate doing away with the "ways of the elders," by force if need be, but also insisted we must do away with the "concept of right and wrong;" start sex education in the 4th, 5th, and 6th grades; fumigate "Mom and Dad" psychologically with self analysis, ST, that is; all with one race, one common humanity, as the goal in a One-World Government.

This, of course, but scratches the surface of the Chisholm world improvements; but we now know that a member of Chisholm's staff when Chisholm was Director of the World Health Organization (WHO), was Dr. Frank Calderone, husband of Mary Calderone of SIECUS fame. We are consequently not surprised again to learn that the "sex ed" of the kind now being pushed *is* sensitivity training and that's what is wrong with it! All the ingredients are there: self-confession, the lack of right and wrong, group consensus, the "New Morality," and the only loyalty that toward One-World, as condensed in the ***World Citizenship Credo*** of the United Nations:

"World Citizenship and Mental Health."

Get it? If you are so blind as not to perceive the blessings of One-World, you are less than healthy and ready for shock treatments.

In 1951 UNESCO, "United Nations Educational, Social and Cultural Organization," brought the chain of power behind sensitivity training to a focus by imposing the UNESCO doctrine of "Social Health" on the United States. This was done through the U.N. Joint Commission of Mental Health, of which "our" National Educational Association, with its National Training Laboratories, is a member.

What is the UNESCO doctrine of social health?

Belief in One-World Government.

In that year 1951 the National Association for Mental Health, part of Health, Education & Welfare, and subordinate to UNESCO and WHO, announced:

"The principles of mental health cannot be successfully furthered unless there is acceptance of the concept of world government."

And then:

"Our chief problem is . . . how individual and group resistance to change can be overcome."

Or do you prefer, "We shall overcome?"

As the late Congressman Usher L. Burdick put it:

"To bring this country into line to accept world government, many things must be done by the U.N. and her agencies, such as UNESCO. First of all, love of country is found by these conspirators to be very deep and hard to destroy. Here UNESCO comes into play, to teach these children, with specially trained teachers, that love of country interferes with loyalty to a world organization, that they must transfer their loyalty to a world organization."

The "specially trained teachers" now come, in a steady stream, from the many teachers' colleges where sensitivity training is mandatory.

The American Legion, Department of California, declared, July 1, 1962:

"The international cartelist structure, through which the collateral descendants of 18th Century Illuminists control the U.S. Government and its people today, is represented by the subversive Council on Foreign Relations."

Of course.

Anyone who has read Gary Allen's article on the C.F.R.* is aware of the interlocking directorates, memberships and influences that make the world conspiracy what Hilaire du Berrier has aptly called, "A Basket of Eels."

The Eye of this particular Octopus, then, is UNESCO.

But something is missing.

The other eye.

For the trail to that one we go to The Esalen Institute between the Pacific and the pines of Big Sur. The only note of optimism I have is that Esalen is named after an extinct Indian tribe.

From now on, hold tight.

Abraham M. Maslow, Ph. D., President of the leftist American Psychological Association, on the staffs of both Brandeis University and Esalen, has called Esalen, "Potentially the most important educational institution *in the world*."

He ought to know.

For although this strange collective of huts, halls, and swimming pool has only been active since 1964, it has "serviced" more than 150,000 of the curious, the weak, and the sinister, in search of their "human potential," including teachers from the C.T.A.: California Teachers Association.

The chief characteristic of Esalen, once you get past the first shock of the obvious degeneracy, is the unmistakable evidence of widespread overlapping and cross-fertilization. The National Training Labs are very much involved in Esalen; and Carl Rogers, advisor to Esalen and member of the Western Behavioral Sciences Institute at La Jolla, California, admits that, "all groups start from the NTL.

Not only does Esalen have a weekly program over San Francisco station KQED, but the staff and advisors includes psychiatrist Frederick Perls, developer of gestalt therapy, "a hostile personality," according to a woman who questioned him once about the value of sensitivity training.

Then, of course, there is S. I. Hayakawa, now permanent president of San Francisco State College, a staunch advocate of sensitivity training and advisor to Esalen.

There is also William Schutz, Ph. D., who, when I debated him on the Joe Dolan Show in Oakland last February, gave me the opportunity to point out to the audience, not only that the Nazis used sensitivity training in their "Strength Through Joy" movement, but that Schutz, by the sheerest coincidence, is the author of a book on ST whose title is *JOY*.

But I grow lyrical and, while that's easy to do with Esalen, it's not proper when dealing with an octopus.

We have seen that all groups start with the NTL and that the NTL–NEA combine is prominent at Esalen.

EUROPEAN NETWORK

Now let's shift our focus from Esalen to the NTL and its double headquarters at Bethel, Maine; and Washington, D.C. (1201 16th St., N.W.). We find that a web of NTL programs is being conducted in Puerto Rico, Mexico, Nigeria, Austria, Belgium, Denmark, England, France, Norway, Sweden, the Netherlands, Japan, West Germany, Australia and New Zealand!

This European network extends from England and the Tavistock Institute, University of Leicester, to the Institute of Social Research, University of Vienna, Austria; The Technological Institute in Denmark; and the Netherlands Pedagogical Institute at Zeist.

In Germany, The German Productivity Center; in Sweden, the State Technological Institute; and from there, always under NTL control, the network spreads to six centers in France, foremost of which is the Social Psychology Laboratory of the Sorbonne (scene of Leftist riots, May, 1968), and the National Association for the Development of Humane Sciences, at the Universities of Bordeaux and Strasbourg.

It is instructive to know that, in September, 1969, sex "Family Life" education started in the schools of West Germany.

INDIA AND PAKISTAN

Tempting as it is to take a closer look at this subnetwork in Europe, the NTL programs on the other side of the world, in Pakistan and Socialist India, demand our attention.

For several years Pakistan, split into East and West by Northern India, was "beneficiary" of sensitivity training from the NTL trained School of Public Administration, UCLA, before the communist-led riots tore that divided country even more apart last year. The smug report of liberal Associate Professor Robert Abramson: ***Techniques of Sensitivity (Human Relations) Training and Their Application in Pakistan*** (UCLA: 1967), makes it only too clear what an impact ST had on that unhappy land.

India and Pakistan. Have we hit on something?

**Seventeen Eighty-Nine*, American Opinion Review Series: 1968 PP. 85–86.

More Stately Mansions, Robert Welch: 1964 P. 16. Item No. 8.

* "The C.F.R. Conspiracy to rule the World." *American Opinion:* April 1969.

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Consider this. Michael Murphy, owner of Esalen, is an unusual character. Just being the brother of Dennis Murphy, author of *The Sergeant,* now a movie about a homosexual sergeant in, of course, the U.S. Army, makes him unique enough.

But in 1948–'49 Michael Murphy studied in India at a place called Auroville. Auroville is on the east Coromandel coast of the Bay of Bengal, just outside the former French city of Pondicherry.

As coincidence would have it, young Mike studied collectivist doctrine under a "guru" who in reality was an old Marxist revolutionary named Sri Aurobindo. The gentle Aurobindo was a Cambridge graduate born in 1872 and had once in 1908, been jailed by the British for a very ungentle bomb plot.

He died in 1950, but not before indoctrinating Murphy in what he must do, as well as laying plans for a much larger Auroville and *Ashram* or Growth Center." Aurobindo's wife, now 92 and known as "The Mother," became the remains titular head of Auroville, "the Planetary City."

Murphy returned to the U.S. and, almost literally, went into a cocoon, while the world changed and Western civilization, as we know it, became hell-bent for suicide. Then, in 1964, Esalen sprang into being on Murphy's land in Big Sur, midway between Hearst Castle and Monterey. Miraculously, it was revealed that the Growth Center of Auroville in India was also ready to grow. Just as miraculously, or so it seemed, the Growth Center of Esalen was joined by other "*Ashrams* for human potential" throughout the U.S. and Canada:

Adanta, Inc.—Atlanta, Georgia
Amare—Bowling Green, Ohio
Berkeley Center for Human Interaction—Berkeley, Calif.
Boston Tea Party House—Boston, Mass.
Bucks County Seminar House—Erwinna, Pa.
Cambridge House—Milwaukee, Wisconsin
Casaelya—San Francisco, Calif.
Evergreen Institute—Littleton, Colorado
Gestalt Therapy Institute—Cleveland Heights, Ohio
Human Resources Development—Hidden Springs, New Hampshire
Kopavi, Inc.—St. Paul, Minn.
Laos House—Austin, Texas
Oasis (Midwest Center for Human Potential)—Chicago, Ill.
Ontos—West Chicago, Ill.
Orizon—Washington, D.C.
Plainfield—Plainfield, New Jersey
Shalal—Vancouver, Canada
Synergia—Montreal, Canada
Sky Farm Institute—Calais, Vermont
San Francisco Gestalt Therapy Institute—San Francisco, Calif.
Shadybrook House—Mentor, Ohio
Tarry Town House—Tarryton, New York
Wainwright House—Rye, New York

And miracle of miracles, the growth of the "awareness" centers multiplied, as though from the splitting of an amoeba, into something called "Intentional Communities," 69 of them, all the way from The Children of Light Commune in Gila Bend, Arizona, to Magic Mountain (Spartacist), Seattle, Washington; and many others in Canada, Japan, Central America, France, New Zealand, even Israel.

Do you suppose we should take another look at Auroville?

The first thing we notice is that the Auroville center has indeed had a tremendous growth since the death of its founder 19 years ago, and that it is now a small city with an expected population for the near future of 50,000 from all walks of life and all countries, all believers in one-world, one race, one government.

The second thing to notice is that Auroville receives, and has received for years, the hard financial support of that **first Eye of** the Octopus, UNESCO. It is this hard cash that has encouraged French architect, Roger Anger, to develop "concrete plans for Auroville to be a model city for the whole planet."

EQUALS ONE

But even before you digest *that,* be advised that Auroville publishes a magazine with the strange, but revealing title of *Equals One.* The "magazine" is actually an esoteric pink package of arty booklets, obviously to appeal to the idealistic novice worker for One-World Brotherhood, each booklet taking him from "service to mankind" to the higher mysteries, until finally the highest mystery or "illumination" of all is revealed: the real goal of the organization, world dictatorship—the exact methods and goal of the 18th Century: *Order of the Illuminati.*

Coincidence?

Where do you suppose you apply for a year's subscription to Equals One? Well, you could write to:

Navajata, General Secretary, The Auroville Office and the Sri Aurobindo Society, Pondicherry 2, India.

But why bother?

It's much easier, and faster, to send your $6.00 to:

The Lucis Publishing Company, 866 United Nations Plaza, New York, N.Y. 10017.

Address your letter to Jack H. T. Albert.

And as you do, be also advised that the Lucis Publishing Company is the former "Lucifer" Publishing Co. (something about that name bothered people), and the publishing outlet for *Lucis Magazine,* the official, self-admitted magazine of today's *Order of the Illuminati.*

LUCIS MAGAZINE

Owned by the Lucis Trust, *Lucis Magazine* is published by the Pre-Nicene Publishing House, B.C.M. Consortium, W.C.I., London, England, and edited by a mysterious Italo-Englishman Richard Duc de Palatine.

A researcher on the West Coast, who I dare not name because sources of information would dry up, tells me that *The Illuminati* use several fronts, one of which is *The Order of Pleroma,* in Los Angeles. Headed by one Stephen Heller (as fitting a name as Lucifer), it is connected with The Anderson Institute, a sensitivity training organization advertised in *The Free Press,* and other underground papers.

All this is just wild coincidence—and if you don't think so just ask any member of the Staff of Esalen.

But still something is missing. There must be a center; that is, a control for the direction and coordination of the other centers. We find it deep in what we suddenly realize is another front:

The Center Letter, Deerfield Foundation, Editor: Mrs. Earl Hubbard, Lakeview, Conn. 06039.

This magazine, which advertises itself as "A *network* of communication for those forming a coalition of concern for man's future," was started in 1967 and is stabilized on a line running from Auroville in India to the Temple of Understanding in Washington, D.C. Incredibly, the Center Letter, if Letter No. 8, 1968, is to be believed, "is being sent to libraries and schools throughout the world, *as a public service?!*

THE EUPSYCHIAN NETWORK

There, in this publication devoted "to helping all peoples become one world and one species," we find the other Eye of the Octopus: The Eupsychian network.

Meaning "United minds," it was Abraham Maslow of Esalen, on honoring Marxist revolutionary Sri Aurobindo in Center Letter No. 5, 1968, who produced a list of the directing "self evolvers of one-world in a planetary community," made up of what Maslow calls the "Good Person," or, shades of Adam Welshaupt! "the fully-illuminated man."[*]

Naturally, this list to which members on all other network lists are subordinate, includes Esalen, second only to Auroville.

This Network for total control has extensions and a reach of such power and magnitude that only another article, starting where this one leaves off, can do justice to it. Two examples will give you some idea:

JOURNEY INTO SELF

Those of us who are aware of the power behind ST were amazed when a documentary film on sensitivity training, starring Carl Rogers,[**] did not win the Oscar at the Academy Awards last March. Finally, early in May, this film, *Journey Into Self,* did win! For the first time in the 28-year history of the Awards a winner, *The Young Americans,* was disqualified on a technicality, and the ST documentary got the Oscar.

Which means that *Journey Into Self* will soon saturate our entire society.

I felt almost as enlightened as member of the *Illuminati* when I discovered that the producer of the film, Ross Hunter, Universal-International, was praised in Center Letter No. 7, 1968, as an "enlightened media representative." It seems that Hunter spoke at the Center's Communications Forum for the Center of American Living, September 16 and 17, 1968, along with many others, including Robert Doyle, Chief of the TV Division of the National Geographic Society; and John M. Allen, Senior Editor, *The Reader's Digest.*

Thereby hangs example number two.

As a freelance writer I queried the *Digest* three times in the last year and a half about an article on sensitivity training, even going so far as to suggest a pro-and-con arrangement where Carl Rogers could write an article in the same issue in *favor* of ST. Each time the answer was a soft but unyielding No; and that sensitivity training was "too esoteric" a subject for their readers, "too little known to be of interest."

This puzzled me, especially since Allen answered each time, though I had not addressed the original query to him. In his letter of April 25, 1969, he says: "The problem is that not enough of our readers would ever be involved in sensitivity training."!

Since I had explained to Allen that the plan is to involve every man, woman, and child *in the world* in sensitivity training, this puzzled me most of all.

Not until last May did I understand Allen's strange reasoning, having been "illuminated" by the *Center Honor List* of people whose. "work and ideas have been reported in the Center Letter, 1967–'68." John M. Allen, of *Reader's Digest,* heads the list of 58 names, for reasons other than the alphabetical. Just below his name is that of the "Sri Aurobindo Ashram, Planners & Developers of Auroville, an experimental 'planetary city for global man.'"

And below that, such names as Ross Hunter, Julian Huxley, Lewis Mumford, Erich Fromm, and Judith Hollister, founder of the Temple of Understanding.

Based on the evidence, what must any reasonable person conclude? Simply that an organization which *says* it is the *Order of the Illuminati* (whether actually it is we do not know for certain yet), *is* at the very center of the worldwide plan of sensitivity training for world government. Of this last there is no doubt whatever. And that organization, whether the *Illiumnati* or *The Eupsychian*

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[*] "A Manhattan Project Attack Upon the Big Problems," Abraham H. Maslow. *Center Letter* No. 6, 1968.

[**] Rogers, along with co-star of the film, Richard Farson, is a member of the *California Council for Public Responsibility,* "to combat extremists," such as The John Birch Society.

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Network, is but a part, like the Communist Party itself, of one gigantic plan.

In 1964 one Roderick Seidenberg predicted, in his chilling books, *Anatomy of the Future*, (University of North Carolina Press) his vision of a One-World "Socialist" state. In this prediction the obviously internationalist author shows, with relish, how the master race of "administrators" has reduced the mass of human beings, "by the ever increasing techniques and refined arts of mental coercion," to the level of mindless insects.

The vision of the sensitivity training planners is precisely that. We must never let this happen.

How far these diabolical plans have advanced may be seen from the fact that the Department of Housing and Urban Development is proposing the financing of sensitivity training as part of the Model Cities Program. For example, under the government social planners' proposals, the city of Wichita, Kansas, is to get sensitivity training workshop leaders such as those certified by the National Training Laboratory to "handle the job of changing values and attitudes of that city's residents."

According to one Washington correspondent, the Wichita Model Cities plan places part of the blame for many of the city's ills on the conservatism of its residents and this is one of the city's "hang-ups" that sensitivity training sessions are designed to change.

WHAT CAN YOU DO

What can you do to stop it?

Resist. Do not fight alone but resist as a group.

The importance of resisting as a group is shown by the story of the Turkish prisoners in Korea, as told by Dr. William E. Mayer: There were 229 Turks and the communist commandant started to tell them what to do. The Turkish Major stepped forward, saying, "It is not necessary to tell them, I'm in command, tell me!"

The communist put the major in Camp #2, an isolation camp for "reactionary individualists." The same thing happened on down through the lieutenants and every one of the noncommissioned officers, until there were nothing but privates left. Again the communist gave his instructions and a little private, older than the others, stepped forward and said, "I'm the senior private. It is not necessary to tell them, tell me!"

So it went, until finally all 229 men were back together again in Camp #2! And they all made it home.

So learn to recognize sensitivity training, using the definition at the beginning of this article; realize that you cannot depend on any legislative committee, however exalted, to do your fighting for you because the good men, the men who pay attention to your letters, like Senator John Schmitz, are in the minority.

Only one other state legislator has taken a firm stand against sensitivity training, Assemblyman Floyd Wakefield (R); and on the national level, to my knowledge, one Congressman, the Honorable John R. Rarick (D), Louisiana, in the *Congressional Record*, March 11, 1969.

Therefore, it's up to you to resist, to absolutely refuse to take sensitivity training in any form, under any name. And to band together with others who resist.

Remember the heroic mother in Garden Grove.

Remember the Turkish prisoners.

Do not *ever* submit—and you and your children will survive.

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CHAMPION OF THE PEOPLE

(Mr. HECHLER of West Virginia asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. HECHLER of West Virginia. Mr. Speaker, on behalf of those consumers who have frequently felt a sense of helplessness due to the insensitivity of large organizations and institutions, Ralph Nader has fought and won many signal victories. He has given new hope and inspiration to young people yearning for the expression of nonmaterial ideals. Through hardheaded and constructive legislative work, he has pioneered in the passage of several landmark Federal laws. With a passion for facts, a strict adherence to truth, dedication to the public interest, a fierce devotion to the cause of the underprivileged or exploited, Ralph Nader has emerged as a champion of the people who has won battle after battle for the people.

There are those who have expressed resentment at the insistence of Mr. Nader that wrongs must be righted, and public institutions as well as public officials must serve the cause of humanity instead of serving only themselves. It always comes as a surprise to Mr. Nader's critics to learn that he has a genuine sense of humor which contrasts with the image which his critics attempt to portray. In fact, some individuals and organizations have been so shaken up by Mr. Nader's prods to action that they have spent huge sums trying to discredit him instead of correcting the evils he has exposed. The most famous case in point is the General Motors Corp., and the final chapter in that story has yet to be written in the courts.

Time magazine's December 12, 1969, issue devoted its cover story to Ralph Nader, which I commend to the attention of my colleagues:

THE UNITED STATES TOUGHEST CUSTOMER

Midway through lunch at a fashionable Washington restaurant not long ago, a young man named Ralph Nader stopped suddenly and gazed down in disgust at his chef's salad. There, nestled among the lettuce leaves, lay a dead fly. Nader spun in his chair and jabbed both arms into the air to summon a waiter. Pointing accusingly at the intruder on his plate, he ordered: "Take it away!" The waiter apologized and rushed to produce a fresh salad, but Nader's anger only rose. While his luncheon companions watched the turmoil that had erupted around him, Nader launched into a detailed indictment of sanitation in restaurants. He pointed out that flies killed by insect spray often fall into food, thereby providing customers not only with an unappetizing bonus but also with a dose of DDT—or something even stronger.

Restaurant owners had better take heed. Nader is by now an almost legendary crusader who would—and could—use a fly to instigate a congressional investigation. As the self-appointed and unpaid guardian of the interests of 204 million U.S. consumers, he has championed dozens of causes, prompted much of U.S. industry to reappraise its responsibilities and, against considerable odds, created a new climate of concern for the consumer among both politicians and businessmen. Nader's influence is greater now than ever before. That is partly because the consumer, who has suffered the steady ravishes of inflation upon his income, is less willing to tolerate substandard, unsafe or misadvertised goods. It is also because Nader's ideas have won acceptance in some surprising places. Last week, for example, Henry Ford II went farther than any other automobile executive ever has in acknowledging the industry's responsibility for polluting the air and asked—indeed, prodded—the Government to help correct the situation. The auto companies must develop, said Ford, "a virtually emission-free" car, and soon. Ford did not mention Ralph Nader, but it was not really necessary. Nader is widely known as a strong critic of the auto industry for, among other things, its pollution of the atmosphere.

Nader was able to force off the market General Motors' Corvair, which was withdrawn from production this year. Corvair's sales had plunged by 93% after Nader condemned the car as a safety hazard in his bestseller, *Unsafe at Any Speed*. That influential book, and Nader's later speeches, articles and congressional appearances, also forced the Department of Transportation to impose stricter safety standards on automobile and tire manufacturers.

Advocate, muckraker and crusader, Nader has also been almost solely responsible for the passage of five major federal laws. They are the National Traffic and Motor Vehicle Safety Act of 1966, the Wholesome Meat Act of 1967, the Natural Gas Pipeline Safety Act, the Radiation Control for Health and Safety Act and the Wholesale Poultry Products Act, all of 1968. This week Congress will almost certainly pass the Federal Coal Mine Health and Safety Act, which Nader and a group of insurgent mine workers supported against the wishes of complacent union leadership. The act contains stiff preventive measures against working conditions that can cause black lung.

Nader was the first to accuse babyfood manufacturers of imperiling the health of infants by using monosodium glutamate, a taste enhancer that medical research shows can cause brain damage in some animals. The three largest producers of baby food have since stopped using it. In addition, Nader's repeated warnings about the dangers of cyclamates and DDT helped to nudge the Department of Health, Education and Welfare to press research that led to recent federal restrictions on their use. From witness chairs and podiums, he has also taken aim at excessively fatty hot dogs, unclean fish, tractors that tip over and kill farmers, and the dangerous misuse of medical X rays. He has revealed that some color-television sets were recalled for leaking excessive amounts of radiation. (The Federal Trade Commission has publicly warned viewers to sit at least six feet away from color tubes.)

THE EROSION OF LIFE

To many Americans, Nader at 35, has become something of a folk hero, a symbol of constructive protest against the status quo. When this peaceful revolutionary does battle against modern bureaucracies, he uses only the weapons available to any citizen—the law and public opinion. He has never picketed, let alone occupied, a corporate office or public agency. Yet Nader has managed to cut through all the protective layers and achieve results. He has shown that in an increasingly computerized, complex and impersonal society, one persistent man can actually do something about the forces that often seem to badger him—that he can indeed even shake and change big business, big labor and even bigger Government.

"My job is to bring issues out in the open where they cannot be ignored," says Nader, chopping his hands, as he often does when he speaks. "There is a revolt against the aristocratic uses of technology and a demand for democratic uses. We have got to know what we are doing to ourselves. Life can be—and is being—eroded." To prevent that erosion, he unmercifully nags consumer-minded U.S. Senators, pushing them to pass new bills. When their committees stall, he phones them by day, by night, and often on Sundays. "This is Ralph," he announces, and nobody has to ask, "Ralph *who?*"

Nader today is widening his sights. A lawyer by training, he is investigating the affairs of Covington & Burling, the Washington law firm headed by former Secretary of State Dean Acheson. At one time or another, Covington & Burling has numbered among its clients 200 of the nation's 500 biggest corporations, and Nader wants to determine just how much influence the firm has inside the Government. Most of all, he is probing into the affairs of ossified federal bureaucracies. "We hear a lot about law and order on the streets," he says, with a mischievous twinkle in his eyes. "I thought we ought to find out how law and order operates in the regulatory agencies." How does it? "It doesn't."

MOST OUTSTANDING MAN

He issued a report (now in hardcover) that scaldingly criticized the FTC and called for its reorganization: recently several FTC officials have agreed with him. He is examining laxity within agencies as diverse as the National Air Pollution Control Administration and the Federal Railroad Administration, which he says shares the blame for the fact that U.S. railways have 100 accidents a day, accounting for 2,400 deaths a year. "Regulatory agencies have failed by the most modest of standards," Nader contends, in great part because their top men are too cozy with the industries that they oversee and often use their Government jobs as steppingstones to lucrative private careers in the same field. By his count, 75% of former commissioners of the Federal Communications Commission are employed or retained by the communications industry. This, he charges, amounts to a "deferred bribe." Agency officials who resign their jobs, Nader contends, should be barred from accepting immediate employment in the industry that they were supposedly policing.

To multiply the manpower for his campaigns, Nader has enlisted the help of vacationing students for the past two summers. Their Zola-like zeal for investigating bureaucracies has earned them the name "Nader's Raiders." Last year there were only seven Raiders, but this year the number grew to 102 law, engineering and medical students. The Raiders, who were paid a meager living allowance ($500 to $1,000 for ten weeks), delved energetically into the Department of Agriculture, the Food and Drug Administration, the National Water Pollution Control Administration, occupational health agencies, the Interstate Commerce Commission and several other fiefdoms.

In anticipation of their findings, which are due to be released beginning early next year, at least one ICC official has already resigned. Meanwhile, Nader and his Raiders have accused Government authorities in general of "systematically and routinely" violating the 2½-year-old Freedom of Information Act, which is supposed to entitle public access to much federal information. "If Government officials displayed as much imagination and initiative in administering their programs as they do in denying information about them," he says, "many national problems now in the grip of bureaucratic blight might become vulnerable to resolution." In line with that philosophy, one group of Raiders last month filed a suit in federal court to force the Civil Aeronautics Board to release findings on passenger complaints. Nader expects similar suits to be filed soon against the Departments of Labor and Agriculture.

Over the long run, the inspiration that Ralph Nader is providing for young Americans may prove as important to the country as his own lone battle. The Harvard Law School newspaper has somewhat generously called him "the most outstanding man ever to receive a degree from this institution," which has counted among its graduates Oliver Wendell Holmes and Felix Frankfurter. Nader is a major hero in most law schools. Two of last summer's Raiders canvassed Texas colleges and returned with 700 applications for next summer.

CRITICS AND CHAMPIONS

Nader is not universally loved for his efforts. New Left revolutionaries condemn him because he wants to improve the economic system rather than tear it down. Businessmen complain that he is a publicity-seeking gadfly and that he can be self-righteous to the point of arrogance. His most obvious weakness is that he sometimes exaggerates for effect, as when he said that frankfurters are "among the most dangerous missiles this country produces." But many businessmen, whatever their feelings about Nader's methods, applaud his accomplishments and concede that he is an important and often valuable critic. Last month a study committee of the U.S. Chamber of Commerce deplored "the tardiness of business in responding constructively" to consumers' criticism. The committee called on sellers to "expand information regarding safety, performance and durability of products." Nader insists that he is not "anti-business" but simply "pro-people." He often jokes that he is as much a foe of the funeral industry as Jessica Mitford but that while she only wrote a book, "I'm trying to reduce the number of their customers."

Occasionally the people whom Nader is trying to help seem more resentful of his efforts than do his corporate targets. On his taxi rides through Washington, cabbies regularly berate him because they must now pay for seat belts and 28 other pieces of mandatory safety equipment. Nader sympathizes with them but argues that the automakers could reduce prices by at least $700 per car if they would do away with costly annual style changes. Even Lyndon Johnson, who signed the 1966 auto-safety bill into law, has found some Nader innovations irritating. On a drive across his Texas ranch, L.B.J. noticed a spot on the windshield of his new Chrysler and groped for the washer and wiper knobs. Still unfamiliar with the Nader-inspired safety feature of non-protruding knobs, Johnson pawed at the dashboard in vain while he continued to drive. Utterly frustrated, he turned to a passenger and muttered: "That goddamned Nader."

THE ORIGINS OF DISCONTENT

Paradoxically, many U.S. consumers are discontented even while they are the envy of contemporary civilization—the best-fed, best-clothed, most pampered people in history. Most companies have a self-interest in promoting product safety and performance, if only to induce customers to buy and buy again. Since the large majority of consumers do exactly that, businessmen understandably believe that they are producing the kind of merchandise that the nation wants. The average buyer probably gets more value for $1,000 spent in a current mail-order-house catalogue than in an edition of 50 years ago.

Nevertheless, many low-quality and hazardous goods find their way into the marketplace: too much is overpriced, and too little works right. Consumer protest groups, often led by women, have been organized in many states. Longtime consumer activists profess amazement that the public has waited so long to fight back. Until lately, amateur, part-time buyers have felt unequal to challenging professional, full-time sellers. Says Peter Drucker, author of *The Age of Discontinuity:* "We have been a very patient people by and large. Now people are fed up, and I do not blame them."

The movement that Nader fostered goes by the awkward name of "consumerism." It belongs to an age of discontent that has roiled campuses and ghettos, subjected old certitudes to new doubts and stimulated individual assertiveness. Economist Walter Heller says: "People are much more questioning of authority, including the authority of the marketplace."

Today's consumer is better educated than his forebears and thus less willing to accept the exaggerated salesmanship, misleading advertising, shoddy goods and even bits of deceit that buyers once considered natural hazards of commerce. He is justifiably confused by product guarantees written in incomprehensible legalese, by conflicting claims for chemical additives in gasoline and toothpaste, by food and soap that are packaged to defy easy comparison with the prices of competitive products. Though the poor and the uneducated are more systematically bilked than other groups, the current upwelling of consumer protest comes primarily from the comfortable middle class. The anger rises from the irritation of the telephone caller who cannot get a dial tone, the commuter whose dilapidated train runs 45 minutes late, or anyone at all who tries to get his auto, dishwasher or TV set properly repaired.

THE MOST SERIOUS THEFT

It is almost impossible to estimate the dollar loss to consumers through unscrupulous practices. The chairman of the Senate Commerce Committee, Washington's Warren Magnuson, argues that deceptive selling is the nation's "most serious form of theft," accounting for more dollars lost each year than robbery, larceny, auto thefts, embezzlement and forgery combined. An idea of its scope comes from the case of some major drug manufacturers, which have admitted entering into a long-term price-fixing scheme that netted them at least $100 million before they were caught. Three large plumbing-fixture manufacturers were convicted not long ago, and twelve others pleaded "no contest" to a similar conspiracy involving $1 billion worth of sinks, tubs and toilets.

The human costs of unsafe products and practices are even harder to measure, though Nader can almost endlessly cite alarming statistics. "Do you realize that there are 2,000,000 needless cases of salmonella food poisoning a year?" he says. "Just think of it. And that's only one aspect. Do you realize that more Americans died on the highways by mid-October of this year than have been killed in all of the Viet Nam War? Consumers are being manipulated, defrauded and injured, not just by marginal businesses or fly-by-night hucksters but by blue-chip business firms."

The bulk of complaints against business falls into four broad categories:

Deceptive promotion. The U.S. Food and Drug Administration has reported that commercial mouthwashes—a $212-million-a-year business—are useless for curing "bad breath," and that more than 300 other patent drug items are useless for the purposes for which they are advertised. Chicago officials recently fined 121 service-station operators who had put out curbside signs advertising gasoline at one price but charged more at the pump. Another advertising abuse involves the "bait and switch," routine. Salesmen lure customers by advertising an extremely low-priced product; but when the time comes to buy, the product is "not available" and the customer is induced or coerced to accept a costlier one. In California, the attorney general's office has found this practice used by swimming-pool contractors, home-freezer-and-meat-supply operations and by a dealer who specialized in collecting advance payments from G.I.s serving in Viet Nam.

Hidden charges. A subtler method of parting consumers from their dollars is to tack on additional, often vaguely named charges. Lenders, for example, collect "service charges" and "points" that add substantially to borrowing costs. Often such charges would amount to usury under state laws if they were labeled as interest, which they simply supplement. Some retailers who mail out unsolicited credit cards try passing on the high costs of collection and theft loss to their customers. Until protests from three states prompted revisions in the plan, Montgomery

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Ward billed charge-account customers for credit life insurance on themselves to avoid the expense of settling with the estates of deceased buyers. Unless customers specifically requested not to be enrolled in the plan, they were billed 10c a month on each $100 owed. Although the charge amounted to pocket change for most persons, it was designed to pass on a major expense of Montgomery Ward's to the customers.

Sloppy service. Consumers Union, a nonprofit, private testing organization of which Nader is a board member, distributed 20 deliberately broken TV sets to New York City homes and asked neighborhood repairmen to fix them; only three of the 20 were properly serviced. Television, air-conditioners and many other repairmen commonly refuse even to look at a cantankerous appliance until they collect a substantial "estimate fee." Texas authorities have forced finance companies to return $1,900,000 to victims of unscrupulous and outrageously sloppy home-improvement firms. Automobile repairing has broken down so badly that automakers have instituted training programs for mechanics and are developing new gadgetry for electronic diagnosis of engine trouble.

Unsafe or impure products. Consumers can get information about the nutritive value and ingredients of dog food more easily than about some forms of canned meat; the chairman of the Senate Consumer Subcommittee, Utah's Frank Moss, likes to point out this discrepancy by reading the can labels to his audiences. When Consumers Union analyzed federally inspected pork sausage, inspectors found that one-eighth of the samples contained "insect fragments, insect larvae, rodent hairs and other kinds of filth." Investigators for the National Commission on Product Safety have found many potentially lethal toys on the market. Eleven Philadelphia children recently had to have tiny toy darts, which they accidently inhaled from a plastic blowgun, removed from their lungs. Other hazards include a child's electric stove that produced temperatures of 600° and a baby's rattle that was held together with spike-like wires. Under a law signed last month, the Government can ban the sale of toys that present electrical, mechanical or heat hazards. But the law does not become effective until after the Christmas buying season, and Congress disregarded a commission recommendation that the Department of Health, Education and Welfare pretest some kinds of toys for safety. By the estimate of the Product Safety Commission, about 100,000 persons each year are injured when they walk through safety glass; yet builders have repeatedly refused to make it stand out better by marking it clearly. Nader has charged over nationwide TV that complex electronic medical equipment causes large numbers of unreported electrocutions in hospitals; doctors have estimated, he said, that anywhere from 1,200 to 12,000 patients per year are electrocuted. Official safety regulations, where they do exist, are often loosely enforced. Last month the Department of Transportation announced that one-quarter of the tires that it has tested this year failed to meet a significant test: standards originally devised by tire manufacturers themselves.

Politicians at every level of government recognize that consumerism has become a vote-catching issue. There has been a surge of activity to protect the consumer from fraud in the marketplace, and sometimes from his own bad judgment. Under a new law in Massachusetts, people who are fast-talked by door-to-door salesmen into signing contracts for unwanted goods can now cancel the deal within ten days. California's Department of Professional and Vocational Standards has instituted a television-repair inspection system that has trimmed $15 million a year from fraudulent fix-it bills. The department tests the honesty of any suspicious repair outfit by planting deliberately broken sets in private homes; if the repairman makes unnecessary charges, his license is lifted.

THE BELATED PROTECTORS

Nearly all major cities and about 22 states have created offices of consumer affairs, many of them headed by attractive and energetic women with whom housewives identify easily. The national prototype is Mrs. Virginia Knauer, 54, a Philadelphia grandmother who served as Pennsylvania's consumer adviser and last April was chosen by President Nixon to head the federal consumer program. Bess Myerson Grant, the 1945 Miss America who is now New York City's commissioner of consumer affairs, recently sent inspectors out to test restaurant hamburgers. When nearly one-third of the burgers failed to meet the city's all-beef standards, Mrs. Grant complained loudly about "shamburgers," 156 people were subpoenaed, and those found guilty were fined. During her first year as Chicago's commissioner of consumer sales, Jane Byrne issued 1,144 tickets and collected $58,000 in fines. Some supermarkets were caught placing "cents off" labels on items that were selling at the regular price or even higher.

All too few consumer watchdogs, however, are effective. The limp performance results partly from austerity budgets and from the reluctance of many juries to convict businessmen under criminal codes. The appointees to consumer-affairs jobs frequently have little experience in government. California's Kay Valory, consumer counsel to Governor Ronald Reagan, has not testified in three years before any committee considering consumer legislation. She recently made the extraordinary recommendation that buyers shun the "very narrow" testing reports of Consumers Union in favor of the handbook of the National Association of Manufacturers.

WINNING IN WASHINGTON

It has been left to the Federal Government to provide most of the protection for U.S. consumers. Congress has already enacted at least 20 major pieces of consumer legislation despite strenuous efforts by most industry lobbyists to defeat them. The lobbyists have been considerably more successful in keeping enforcement of the new rules to a minimum. The favorite lobbyist tactic is to persuade Congress to provide only token funds to administer new laws. Enforcement of the 1966 Fair Packaging and Labeling Act, adopted over vigorous objections from the food industry, has been all but abandoned by the FDA: it has funds to pay only two employees to do the job. The FTC initially received enough money to inform retailers of the new truth-in-lending law, effective last July 1, but not enough to enforce it.

Six weeks ago, President Nixon called on Congress to enact a "buyers' bill of rights." The President declared: "Consumerism is a healthy development that is here to stay." Among other things, he proposed the establishment of a new consumer division in the Justice Department and expanded powers that would enable the FTC to seek injunctions against unfair business practices. As Nader and other consumer activists have long been demanding, the President also asked Congress to allow consumers to join together in "class action" damage suits in federal courts against errant manufacturers or merchants. If found guilty of deceptive trade practices, manufacturers would have to bear all legal fees and pay damages to all who sue. Nixon disappointed consumer advocates, however, by proposing that suits be limited to eleven specified offenses, including worthless warranties and false claims for a product. Moreover, consumers would be unable to go to court until the Justice Department had first established fraud through a lawsuit. Even Mrs. Knauer, the Administration's own adviser, wanted much broader measures. "Timid tiptoeing," complains Nader. "Politics turned the message into Swiss cheese."

Still, U.S. consumers stand an increasing chance of winning in Washington. The Veterans Administration recently agreed to make public its comprehensive test data on hearing-aid performance. Nader wants the General Services Administration, the principal federal purchasing agent, to release its vast store of product information, which includes test results on goods as varied as bed sheets and flatbed trucks. Legislation is now in preparation to 1) require producers of household poisons to render their containers "childproof" by making bottles and packages harder to open, 2) set up more stringent health rules in fish-processing plants, and 3) force manufacturers to guarantee the adequate performance of their products and live up to all claims that they make for them. A farther-reaching piece of legislation, being drafted by Senator Moss's Consumer Subcommittee, would set up an independent "consumer council" to act as the buying public's ombudsman. Nader has advocated the idea of a Cabinet-level consumer post for years.

What makes Nader so effective today? Much of the answer lies in his lawyer's dedication to hard facts. He makes accusations almost daily that would be libelous if untrue; yet no one has ever sued him on his charges against companies or products. He collects facts everywhere—from his audiences on campus speaking tours, from obscure trade journals and Government publications, from interviews with high officials, from secret informers in public office and private industry, from thousands of letters addressed simply to "Ralph Nader, Washington, D.C." Nader receives more mail than the majority of U.S. Senators and Congressmen, reads all the letters—but can answer few.

His first inkling that all was not well with the Corvair's suspension system came from a disgruntled General Motors auto worker who wrote him a letter. In *Unsafe at Any Speed*, Nader went on to single out the sporty car's rear-suspension system as an example of hazardous compromise between engineering and styling. At certain speeds and tire pressures, or in certain types of turns, he charged, the rear wheels could "tuck under," causing a driver to lose control. G.M., which eventually redesigned the system, at first did not even recall the model for checking. But executives were disturbed enough by Nader's charges to hire a Washington law firm to look into the matter. The lawyer, in turn, engaged the Vincent Gillen private detective agency to trail Nader. Purely on a fishing expedition that was to find nothing, the agency's head urged his men to uncover what they could about Nader's "women, boys, etc." Tipped by friends that investigators were looking into his private life, Nader charged publicly that he was being harassed. G.M.'s use of grade-B spy-movie tactics was fully exposed when its president, James Roche (now chairman), was summoned before a Senate subcommittee and twice apologized to Nader for the company's investigation.

In his battle for pipeline-safety legislation, Nader secured important technical data from an engineer who was fighting the installation of a gas main near his home. He first learned of the damage that pipeline explosions could cause from a professor whom he met at an M.I.T. conference. "Sometimes the things these professors casually drop at conferences send me up the wall," says Nader.

INFLUENCE ON THE LAW

Typical of Nader's battle style was his campaign for more stringent federal meat inspection at packing plants. While speed-reading the small print of a House report on Agriculture Department appropriations, Nader noticed that it urged "further studies" of the U.S. meat-inspection program. Did that mean that there had been earlier studies showing that the U.S. had a meat problem? Indeed it did, as Nader found out when he requested a copy of the little-known study at the Agriculture Department. "Nobody ever asked for this before," said the employee who handed it to him. The study gave graphic descriptions of conditions in some meat plants.

Now Nader had his ammunition. He sent a summary of the study to the House Agriculture Committee, which was about to hold "clean meat" hearings for the first time in eight years. He quickly wrote an article for *The New Republic* titled "We're Back in the Jungle"—a title that echoed Upton Sinclair's classic indictment of the meat industry 60 years ago, *The Jungle*. He sent press releases to newspapers located near the worst plants. As a result, Nader was deluged by letters from meat handlers, meat buyers and anonymous Agriculture Department officials. He gave tips and new evidence to the Senate sponsor of the meat bill, Minnesota's Walter Mondale. What Nader's activity produced was the Wholesome Meat Act, which brings small, intrastate meat-packing plants under federal interstate jurisdiction.

One campaign leads to another. Many doctors who wrote Nader about meat urged him to investigate the steadily rising fat content of the venerable hot dog, which they said was contributing to heart disease. Nader found that average frank fat had increased in 15 years from 17% to 33% of the total content. The "fatfurter" campaign was on, and he now emphasizes it frequently in his speeches. Nader cultivates mutually helpful friendships among Congressmen, offering to let them take credit for his digging and even drafting legislative proposals for them. His chief contacts in the Senate are Magnuson, Moss, Teddy Kennedy, Wisconsin's Gaylord Nelson and William Proxmire, Texas' Ralph Yarborough, Connecticut's Abraham Ribicoff and Indiana's Vance Hartke.

As a result of Nader's indictments, the Government is making many changes. "When Nader issued his report on the Federal Trade Commission, my first feeling was irritation," says an FTC commissioner, Mary Gardiner Jones. "But I feel now that the commission has pulled itself together more, and faster, than if it had not come out." Though the FTC still has a long way to go, it has lately begun to take more vigorous actions. Sample: after nearly a decade of indecision, the commission in August ordered gasoline stations and food stores that use giveaway games for promotion to inform customers as to just how infinitesimal are their chances of winning.

Though Nader has rarely done his fighting in the courtroom, he has exerted a profound influence on the law. Before his auto-safety crusade, accident injuries were blamed on faulty drivers—not faulty cars. In order to collect damages, an accident victim was usually required to prove negligence on the part of a manufacturer. But Nader contended that automakers should build "crashworthy" cars that would not cause bodily injury in a "second collision" after the accident itself. The second-collision concept is now recognized by many courts. A 22-year-old Pennsylvania college student, who suffered permanent injury when the roof of a car buckled in an accident, recently won the right to use the "second-collision" principle in a damage suit against General Motors. U.S. District Judge John A. Fullam ruled that the roof should have been built to withstand the car's roll-over and that automakers are required "to provide more than merely a movable platform capable of transporting passengers from one point to another." Since the second-collision principle could be applicable to other products as well, manufacturers may become more safety-conscious and design their products to avoid injury in case of mishap.

THE NEW CITIZENSHIP

The entire legal profession must be reformed, Nader maintains, if society is to alleviate its ailments. "The best lawyers should be spending their time on the great problems—on water and air pollution, on racial justice, on poverty and juvenile delinquency, on the joke that ordinary rights have become," he says. "But they are not. They are spending their time defending Geritol, Rice Krispies and the oil-import quota."

That is changing, in no small part because of Nader. Of the 39 *Harvard Law Review* editors who will be graduated next June, not one intends to join a high-paying Wall Street law firm. Instead, most plan to enter neighborhood agencies or government service—and represent the individual against the institutions. Nader believes that the rise of the youthful protester, which began in the '60s, will accelerate into the '70s. "You watch," he predicts. "General Motors will be picketed by young activists against air pollution."

Student demonstrators, he believes, will increasingly choose to become student investigators. Many of them will move to Washington and, like Nader, spend their early careers prowling among the Government filing cabinets, searching for examples of abuse and seeking means of reform in the existing system. "This is a new form of citizenship," Nader says. At heart, he is teaching the oldest form of citizenship: that one man, simply by determined complaining, can still accomplish a great deal in a free society.

THE LONELY HERO: NEVER KOWTOW

His suits are shiny, his shoe heels generally worn. The nation's No. 1 consumer guardian is a conspicuous nonconsumer. Ralph Nader does not care much about goods or appearances, and his income rules out luxury. He earns nothing from most of his work and supports himself by writing magazine articles and making public speeches for fees of $50 to $2,500. He refuses to divulge how much he earns, lest corporations find out how many investigators, if any, he can afford to hire. He turns down occasional six-figure offers from law firms and regularly shuns pleas for product endorsements. Partly because he knows that his personal purchases might be interpreted as a stamp of approval, Nader owns no major appliances, no television set, no car. Yet he refuses to acknowledge sacrifice or unusual achievement. At a recent award ceremony in his honor, Nader gently scolded sponsors in his speech: "I should not be given an award for doing what I should be doing."

Like a man possessed, Nader has forsworn any semblance of a normal life. His workdays last 16 to 20 hours, often seven days a week. He has no secretaries, no ghostwriters, no personal aides other than his summer volunteers. Nader operates from two little-known Washington addresses and two unlisted telephones—one in the hallway outside the $80-a-month furnished room that has been his home for the past five years, the other in his one-room office in the National Press Building. He rarely answers knocks on the door and sometimes lets the telephone ring; the surest way to reach him is to send a telegram.

Nader's feeling for duty and constant study grew out of his family upbringing in Winsted, Conn., a gracious town of 8,000. His mother Rose used to ask friends all about films showing at the local movie house and would send her four children only to the few that had useful messages. Nightly dinner was more a course in forensics than food: it often lasted four or five hours, and everyone was expected to contribute his opinions to the topic of the evening. Nadra Nader, now 77, a Lebanese immigrant who built up a moderately prosperous restaurant business, presided over these Kennedy-like sessions, and he urged the children to stand up for their rights. "Never kowtow," he taught—and they learned the lesson.

As a student at Princeton, Ralph settled into his lone, irregular life-style. Always a late-night worker, he was given a key to Woodrow Wilson Hall so that he could study after hours. He righteously refused to lend that key to envious friends who wished to visit the dark, vacant study hall with their dates. On weekends, Nader hitchhiked out of town—just to see the U.S.—and learned, among many other things, that trucks were not built the way he and truck drivers thought they should be. For instance, a coat hanger in some truck cabs could puncture a driver's skull in case of an accident. He graduated *magna cum laude* and won a Phi Beta Kappa key.

Later, at Harvard Law School, Nader was passed over for the staff of the prestigious *Law Review*, but became editor of the school's issue-oriented newspaper. One of his articles was "American Cars: Designed for Death." After graduation, he pursued his growing interest in highway safety while working as an aide to Daniel Patrick Moynihan, then an Assistant Secretary of Labor, and he later expanded his law-school article into *Unsafe at Any Speed*. The book, published in 1965, was dedicated to a friend who had been crippled in an auto accident. It is a shocking indictment of the auto industry, engineering groups, governmental agencies and traffic-safety organizations for failing to make automobiles more "crash-worthy." Written by an unknown 31-year-old, the book did not make much of an impression at first. But G.M.'s investigation into Nader's life—and the public apology to him by the president of the company—made Nader famous overnight.

A lanky six-footer who is constantly behind schedule and late for appointments, Nader can be painfully shy among strangers. When asked to give his name in hotels and on planes, he often tries to avoid recognition and replies, "Nader, initial R." He even keeps his birthday secret lest admirers send him cakes or other gifts. His driving intensity about work can sometimes trap him into hasty accusations. When economists in the Johnson Administration once met with auto industry leaders in an effort to win voluntary price restraint, Nader was too quick to accuse the Administration of "acquiescing" to Detroit. In fact, L.B.J.'s emissaries had stood their ground.

Intimates relish his flashes of dinner-table wit, which are nearly always aimed at one of the establishments he is bucking. "The people at regulatory agencies are utterly confounded when we come to investigate them," he says. "They have forgotten what citizens look like." On rare evenings out at a party, he usually leaves early to get in a couple more hours of reading, writing or phoning at his office. Though Bachelor Nader has no antipathy to girls, he rarely has the time or inclination for dates. Says his father: "We're very proud of Ralph. But we wish he would get married soon."

MORE ON POLITICS IN THE ARMY

(Mr. KOCH asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. KOCH. Mr. Speaker, on December 4, 1969, I placed in the Record correspondence which I had with Secretary of Defense Melvin Laird concerning the actions of Maj. Gen. Winston P. Wilson, Chief of the National Guard Bureau. I brought to his attention the fact that Major General Wilson had introduced

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politics into the National Guard. That he had clearly done so was established beyond doubt from a reading of the directive which the general had sent to all members of the National Guard. The only possible interpretation of that directive was that it encouraged a counter demonstration to the moratorium activities scheduled for November 1969. It goes without saying that everyone acting in an individual capacity has the right to support or oppose the activities of the moratorium but no general acting in his official capacity has the right to direct or encourage such activity pro or con. Unfortunately, it would appear from the response which I received from Col. B. M. Ettenson acting on behalf of Secretary of Defense Melvin Laird that the Secretary of Defense is not as concerned as I hoped he would be in preventing the politicization of our Armed Forces. Because I consider this a very important matter I am setting forth the entire correspondence to date:

NEW YORK, N.Y.,
November 4, 1969.

Mr. EDWARD I. KOCH,
House of Representatives,
U.S. Congress,
Washington, D.C.

DEAR ED: Major General Winston Wilson, Chief of the National Guard Bureau, asked National Guardsmen to counterdemonstrate against our planned war protest later this month.

Did he send out this appeal as a private citizen? Did he use his personal stationery? Did he pay for reproduction, secretarial and mailing costs out of his personal funds?

If, as one would assume from the AP story, this was done as an official act, using government facilities and at government expense, then he must be asked to retract the statement and personally reimburse the government for expenses thus incurred and given at least a slap on the wrist that future acts of this nature will not be tolerated and will call for disciplinary action.

In New York, as you well know, we are scrounging money for printing, distribution and bus fares for protesters for the demonstration. It is not tolerable to have men like General Wilson using official channels and our tax money to oppose our efforts to bring peace to our poor war-divided country.

It was an extreme pleasure to watch you on several recent TV appearances. While we miss you in Chelsea, we must applaud your growing stature and leadership in Washington. Carry on, please.

Sincerely,

IRENE DAVALL.

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, D.C.

Maj. Gen. WINSTON P. WILSON,
Chief, National Guard Bureau,
Washington, D.C.

DEAR GENERAL WILSON: I am writing to you about a matter brought to my attention by Ms. Irene Davall, 311 West 24th Street, New York, New York.

I am enclosing a letter received from Ms. Davall concerning your position on the Vietnam antiwar moratorium. I would like you to know that I consider your introduction of partisan politics into the National Guard as very destructive to our democratic system. Other countries have suffered grave damage to their democratic processes when they permitted the military to enter the political arena. I join with my constituent in asking whether any government funds were used by you in your appeal to our nation's 500 National Guardsmen to engage in a political demonstration.

Sincerely,

EDWARD I. KOCH.

DEPARTMENTS OF THE ARMY AND
THE AIR FORCE, NATIONAL GUARD
BUREAU,
Washington, D.C., November 24, 1969.

Hon. EDWARD I. KOCH,
House of Representatives.

DEAR MR. KOCH: This is in reply to your inquiry in behalf of Irene Davall regarding my recent message that I sent to the Adjutants General of the several States.

The National Guard Bureau is an administrative agency which oversees the maintenance of the Army and Air National Guard in the 50 States, the District of Columbia, and the Commonwealth of Puerto Rico. My message to the Adjutants General was sent out in my official capacity as Chief of the National Guard Bureau. This was a routine type of message providing information to the States. As a part of this message, I suggested that our National Guardsmen be encouraged to exhibit their patriotism by flying the American flag at their homes, by burning their porch lights, and by driving with their car lights on from November 11–16, 1969. A copy of this message is inclosed for your information.

It is regretted that my message was interpreted as a counterdemonstration against the anti-war protestors.

Sincerely,

FRANCIS S. GREENLIEF,
Major General, Deputy Chief,
National Guard Bureau.

(For and in the absence of Winston P. Wilson, Major General, Chief, National Guard Bureau).

NOVEMBER 3, 1969.

From: NG Departments of the Army and Air Force, Washington, D.C.
To: All groups, 50 States and Puerto Rico
Copies to: White House (Mr. Butterfield), Secretary of Defense, Secretary of the Army, Secretary of the Air Force.

On November 11, our nation will once again pay tribute to those who have made the supreme sacrifice in the defense of their country. This year's ceremony, as for the past number of years, will take place while our armed forces are still locked in battle in Vietnam.

In that war, at least 75 National Guardsmen from the four mobilized Air Guard and eight Army Guard units which were deployed to the combat zone *or who volunteered to serve in Vietnam*, have given their lives. One of our mobilized Army Guard units is still fighting there. Many former Air Guardsmen who became active Air Force pilots have been shot down over North Vietname and are now prisoners of war suffering indignities and torture at the hands of a cruel, inhumane enemy.

I find unfortunate the fact that just a few days following the day of national tribute to Americans who have fallen in battle, many other Americans will demonstrate in many of our cities to demand a course of action that not only would betray those Americans who already have suffered and died in Vietnam, but also would mean abandonment of our allies and a revocation of our pledged word.

Certainly, every American wants to end the war. Every American wants peace. However, the desire for a speedy conclusion of the conflict should not be so great that we become blind to the realities of such a shortsighted course. We do not, through emotional confusion, want to pursue an impetuous action at the price of capitulation and surrender. We should move ahead cooly, methodically and orderly—as I believe we are doing—in a manner which will give us the greatest guarantee of lasting results.

I am concerned that those Americans who seek a capitulatory solution are creating a feeling of comfort in Hanoi and are leaving the enemy with the impression that their vocal and active groups represent the majority opinion within the United States.

As a result, I think the time has come for all of us to awaken to the difficulties these misguided activities create for our nation's efforts to bring about an honorable peace in Vietnam, how disruptive they must be to negotiations in Paris. It's time for Americans to get behind a move that will demonstrate the true majority opinion in this country. I believe as a matter of national honor, the will of the American people will be to show Hanoi that America's overwhelming public opinion is *not* represented by those who carry the enemy flag in our streets.

Undoubtedly, many Guardsmen may be called upon to protect the rights of these citizens to protest. To act with restraint in the face of what many of the Guardsmen, I know, believe to be a dishonor to our country requires a patience and understanding that are above and beyond what most Americans are ever asked to perform. Yet, I know Guardsmen will act with the restraint and orderliness that has marked their past efforts to maintain peace in our cities and on our campuses.

Because of my grave concern that the moratorium activities might be misunderstood in North Vietnam, however, I suggest that we ask even more of our Guardsmen. Therefore, I urge that we encourage all National Guardsmen, as citizens, to join in a national effort that will underscore the nation's determination to follow a prudent course in Vietnam. To do this, I urge that from 11 November through 16 November 1969, National Guardsmen: 1. Fly the American flag at their homes and businesses. 2. Drive their automobiles with the headlights turned on and turn their porch lights on at home.

I hope, too, that Guardsmen will encourage others in their families and in their communities to do the same.

WINSTON P. WILSON,
Major General,
Chief, National Guard Bureau.

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, D.C., December 4, 1969.

Hon. MELVIN LAIRD,
Secretary, Department of Defense,
Washington, D.C.

DEAR MR. SECRETARY: I would like to place a matter before you which I believe deserves your very closest scrutiny.

As the result of a newspaper article commenting on the alleged action of Major General Winston P. Wilson to the effect that he had sent an appeal to the members of his command requesting that they undertake actions which could only be interpreted as constituting a political demonstration, I wrote to General Wilson inquiring whether any government funds had been used in connection with this matter.

I received his reply, a copy of which is enclosed with the entire correspondence. He states without reservation that his message was sent "in my official capacity as Chief of the National Guard Bureau." He went on to say, "As a part of this messtage, I suggested that our National Guardsmen be encouraged to exhibit their patriotism by flying the American flag at their homes, by burning their porch lights, and by driving with their car lights on from November 11–16, 1969."

I would very much appreciate your advising me as to whether these acts of the General constitute violations of the Army regulations and the United States Code. If they do, I trust that appropriate measures will be taken in this case. I would appreciate being informed of the disposition that you do make in this matter.

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Any attempts to politicize the Army by Generals using their official position to encourage and influence political demonstrations, pose a serious threat to the traditional supremacy of civilian control over military command authority and have the potential of subverting our democratic process.

I would appreciate your views on this matter.

Sincerely,

EDWARD I. KOCH.

DEPARTMENT OF THE AIR FORCE,
Washington, D.C., December 31, 1969.

DEAR MR. KOCH: This is in reply to your letter to the Secretary of Defense regarding the message of Major General Winston P. Wilson, Chief, National Guard Bureau, to the Adjutants General of the several States.

The National Guard Bureau is the channel of communication between the Department of the Air Force and the National Guard on all matters pertaining to the National Guard, the Army National Guard of the United States, and the Air National Guard of the United States. It was, therefore, basically proper and appropriate for the Chief, National Guard Bureau, to address an inspirational and patriotic message to the organizations of the National Guard concerning the observance of a military holiday, Veterans Day. It was certainly not General Wilson's intention to invade the political arena. It is regretted that the message may have been interpreted as such.

General Wilson has been made aware of your letter to the Secretary and he, as well as the Air Force, appreciates your concern in this matter, and the need for careful draftsmanship of statements.

Sincerely,

B. M. ETTENSON,
Colonel, USAF, Chief, Congressional Inquiry Division, Office of Legislative Liaison.

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, D.C., January 2, 1970.

Col. B. M. ETTENSON,
Chief, Congressional Inquiry Division, Office of Legislative Liaison, Department of the Air Force, Washington, D.C.

DEAR COL. ETTENSON: Veterans Day!? You believe that General Wilson's directive was in response to Veterans Day while General Wilson himself clearly stated in his directive that because of his "grave concern that the moratorium activities might be misunderstood in North Vietnam," he was suggesting that the National Guardsmen be encouraged "to join in a national effort that will underscore the nation's determination to follow a prudent course in Vietnam." To do this he urged that National Guardsmen fly their flags and burn their lights from 11 November through 16 November (Veterans Day just barely falling in this six day period).

I have the feeling that this is but another example that the military rarely admits error.

Sincerely,

EDWARD I. KOCH.

MORE ON GERALD L. K. SMITH

(Mr. KOCH asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. KOCH. Mr. Speaker, I should like to keep our colleagues posted on the current situation relating to the Federal grant of $182,000 for a highway project, the net effect of which will be to assist Gerald L. K. Smith, a well known anti-Semite. The proposed Federal grant was brought to my attention by an article in the Washington Post on November 25, 1969, bylined by Jack Anderson.

With the thought it would be of interest to our colleagues, I am setting forth a record of the correspondence which I have had with the Department of Commerce.

I urge my colleagues to communicate with Secretary of Commerce Maurice Stans and request that he overrule the decision of E. L. Stewart, Federal cochairman of the Ozarks Regional Commission which authorizes the grant of funds.

The article and correspondence follows:

U.S. FUNDS WILL AID BIGOT'S PROJECT

(By Jack Anderson)

A $182,000 federal grant has been quietly authorized for a project promoted by Gerald L. K. Smith, the hoary rabble-rouser, who for decades has been one of America's most virulent and enduring prophets of hate. Carroll County, Ark., where the old bigot's name is well known, is putting up another $45,000 in matching funds.

This astonishing gift of the taxpayers' money will be laid out by the Commerce and Transportation Departments for sleek new roads to improve the access to the "Christ of the Ozarks" statue and the "Passion Play" near Eureka Springs, Ark.

Both projects must be a mockery to the Saviour in whose name they were promoted. For they are the work of the Elna M. Smith Foundation, organized by the hate peddler, named after his wife and boosted in his hate sheet, "The Cross and the Flag."

Instead of the love-thy-neighbor rule taught by Christ, Smith preaches racial and religious bigotry of the most ugly brand. Even the late Sen. Joseph McCarthy, who gave his name to irresponsible hate mongering, backed away when Smith tried to embrace him.

It is inconceivable that the federal government didn't know who was behind the Eureka Springs project. The literature on the seven-story-high "Christ of the Ozarks" states plainly that the million-pound statue was "originated and instigated by Gerald L. K. Smith, husband of Elna M. Smith." Smith's hate-spouting editor, Charles Robertson, is listed as "coordinator."

The initial financing came from the Elna M. Smith Foundation and from such bigot backers as Countess Rosalind Wood Guardabassi, a notorious contributor to hate causes.

Yet without a trace of shame, the Commerce Department announced that the $182,000 in federal funds "will help stimulate growth in tourism and create new jobs." The government officials who approved this inappropriate appropriation are E. L. Stewart Jr., federal co-chairman of the Ozarks Regional Commission, and Ralph Bartelsmeyer, director of the Bureau of Public Roads.

Gerald L. K. Smith, in his vicious publications, the delight of every anti-semite in the land, tells how a $1,000 gift can get the donor's name on the "great bronze plaque" at his Eureka Springs "tourism complex." This list of bigots is poor company for Uncle Sam to join.

Note: A lone voice against the racist's projects has been raised by a gray-haired widow, who served in the Peace Corps in India before she settled down in Eureka Springs to run her own dress and gift shop. She is Mrs. Georgia Stratton Ziffzer, 57, who quit as treasurer of the local Chamber of Commerce because, in their greed for the tourist dollar, they endorsed Smith's projects.

DECEMBER 3, 1969.

Hon. MAURICE H. STANS,
Secretary,
Department of Commerce,
Washington, D.C.

DEAR SECRETARY STANS: I read with interest a statement contained in the Washington Post on November 25 in an article signed by Jack Anderson that $182,000 federal grant for a project by Gerald L. K. Smith.

Please advise me as to the status of that authorization and be advised that I oppose it and request that the grant not be made.

Sincerely,

EDWARD I. KOCH.

THE OZARKS REGIONAL COMMISSION,
Washington, D.C., January 6, 1970.

Hon. EDWARD I. KOCH,
House of Representatives,
Washington, D.C.

DEAR MR. KOCH: This is in further response to your letter of December 3, 1969, to Secretary Stans concerning the assistance of the Commission toward the improvement of a public road in Carroll County, Arkansas.

Immediately upon learning that Gerald L. K. Smith was connected with the Elna M. Smith Foundation, we launched an inquiry into the facts and circumstances. The enclosed report is a result of that inquiry.

I personally abhor and condemn beliefs expressed by Gerald L. K. Smith and others of his ilk. The report points out that irrespective of the deplorable record of Smith, this record in and of itself cannot legally constitute the basis for rejection of this public project.

Should you have further questions concerning this matter, I would be happy to discuss them with you.

Sincerely,

E. L. STEWART, Jr.,
Federal Cochairman.

FACTS AND CONCLUSIONS, CARROLL COUNTY, ARK., PUBLIC ROAD PROJECT

The joint federal-state-local road project at Eureka Springs, Arkansas, has been the subject of several newspaper articles questioning the propriety of the federal expenditures involved. The controversy first arose in an article published by the Washington Post on November 25. According to the allegations of the columnist who wrote the article, "a $182,000 federal grant has been quietly authorized for a project promoted by Gerald L. K. Smith," in order to provide "sleek new roads to improve the access" to the Christ of the Ozarks statue and the Passion Play operated by the Elna M. Smith Foundation near Eureka Springs, Arkansas. Pending a complete review of these charges, the Ozarks Regional Commission froze all funds allocated to this project. Our investigation has revealed the following:

(1) The project in question involves the repaving and regrading of an existing county road. Route 1226, which already serves as a schoolbus and mail route.

(2) The roadway is part of the federal aid secondary system and links U.S. Highway 62 with Arkansas Highway 23 (North).

(3) Funding for the project is being supplied by the U.S. Bureau of Public Roads (50%), the Ozarks Regional Commission (30%), and Carroll County, Arkansas (20%).

(4) The need for repaving is occasioned by the fact that the road is heavily traveled by visitors desiring to see the statue and play operated by the Elna M. Smith Foundation.

(5) The road is an entirely public thoroughfare and does not enter private property at any point along the right of way.

(6) None of the federal money in question will go to the Foundation, nor will it be used to improve property owned by the Foundation.

(7) The Foundation expends all of its revenues for maintenance and operation of the projects. No monies are diverted to any outside activities.

(8) The road repaving is a response to an already high volume of traffic on a presently unsafe and dangerous public road.

BACKGROUND

Eureka Springs is in a depressed area and desperately needs a sustaining industry. As of 1967, per capita income for Carroll County was $1,548 and unemployment exceeded six percent. The entire Beaver Lakes area relies on tourism and the Elna M. Smith Foundation projects form one of the central tourist attractions for the area. The project employs 20 fulltime and 200 part-time employees in addition to stimulating a good deal of local commerce in the tourist trade.

The only other industry in Eureka Springs was a hardwood flooring factory employing 40 workers. The plant was partially destroyed by fire recently and the company has decided to relocate out of the region. This only served to heighten the need to promote tourism in the area.

The thoroughfare in question, designated county Route 1226, is an entirely public, 2.5 mile connecting roadway linking U.S. Highway 62 with Arkansas State Highway 23 (North).

In November of 1968, County Judge Arthur Carter, Administrator of Carroll County, filed an application with the Ozarks Regional Commission for assistance in repaving and upgrading 2.5 miles of Route 1226. The project had been approved by the Bureau of Public Roads for 50% federal assistance and the County sought Commission aid in helping to meet the balance of the costs.

The justification offered for this project was that the road is a heavily traveled tourist route for visitors desiring to see the statue "Christ of the Ozarks" and to attend the Passion Play. Tourism is the major, indeed the only, industry of Eureka Springs; one million persons visited the project area in 1968 alone, two million visitors are expected in 1970 with the number swelling to five million by 1975. The vast majority of these visitors will travel on Route 1226. At present, the road is only partly paved and very poorly constructed. Nighttime travel on the road is extremely dangerous.

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The repaving project was proposed by the County Judge and was endorsed by the Governor of the State. Carroll County, despite its poor financial condition, considered the road project of such importance that it contributed $45,000. The project was certified by the Governor of the State as contributing to the development of the region.

RELIGIOUS ACTIVITIES OF GERALD L. K. SMITH

The application from the County and the certification and recommendation from the State of Arkansas in no way revealed that Mr. Gerald L. K. Smith was connected with the project nor that he was, in fact, the husband of Elna M. Smith. No mention of this fact was made during the meetings with the Federal Cochairman for the Ozarks Regional Commission and the federal staff had no reason to inquire into the background of the Foundation since the public road to be improved did not enter the property of that Foundation. Furthermore, any investigation of the Foundation or its members would only have been in connection with construction details of the road project since we are advised that the First Amendment to the Constitution prohibits a federal agency from weighing the religious affiliation of any person in deciding whether to grant federal funds.

The Commission has received numerous requests to withdraw the funds for this project in view of the now known relationship of Mr. Gerald L. K. Smith to the Foundation. Concern has been expressed that proceeds from the Foundation will be used to promote other activities of Mr. Smith. Our investigation indicates that the Foundation in question uses all of its income for maintenance and operation of the projects and makes no contributions to the publications or activities of Mr. Smith. Donations solicited by the Foundation are used only for maintenance or improvement of the Eureka Springs projects and to help reduce outstanding deficits. There appears to be no factual basis, therefore, to a contention that proceeds from the statue or play are in any way diverted to the personal activities of Gerald L. K. Smith.

In addition, Carroll County has executed a written assurance of compliance with Title VI of the Civil Rights Act which guarantees that "no person in the United States shall on the ground of race, color or national origin be excluded from participation in, be denied the benefits of, or be otherwise subject to discrimination under any program or activity for which the Recipient receives Federal financial assistance."

The overriding consideration, however, in declining to withdraw funds from this project on the grounds that Mr. Smith will enjoy some collateral benefit is the Commission's belief that such a withdrawal is contrary to the principles of the First Amendment. It was made clear that there was a pressing public need for the public improvements contemplated by this project. It is now equally clear that the only basis for revoking approval of this project would be the well-known beliefs of Mr. Gerald L. K. Smith. Thus, the Commission is being asked to halt the distribution of federal funds because of the religious intolerance of a citizen who could indirectly benefit from a public improvement project. Although the Commission strongly condemns the intolerant views publicly espoused by Mr. Smith, it does not feel that the objectionable nature of these beliefs can serve as a basis for rejecting a needed public project.

In view of the above considerations, the Commission has directed the release of funds for the completion of this project. The Commission would be happy to provide additional background information on this project should anyone so desire it.

JANUARY 19, 1970.

E. L. STEWART, Jr.
Federal Co-chairman,
The Ozarks Regional Commission,
Washington, D.C.

DEAR MR. STEWART: Thank you for your letter of January 6, with the enclosure.

Point 4 set forth in your report is reason enough to deny federal funds since, as you candidly state, "The need for repaving is occasioned by the fact that the road is heavily traveled by visitors desiring to see the statue and play operated by the Elna M. Smith Foundation." The play to which access is made easier is anti-Semitic. Surely there are enough highways in this country needing federal money for repaving so as not to permit the use of federal monies in this case.

I urge you to reconsider your decision.

Sincerely,

EDWARD I. KOCH.

JANUARY 19, 1970.

Hon. MAURICE H. STANS,
Secretary,
Department of Commerce,
Washington, D.C.

DEAR SECRETARY STANS: I have received a letter dated January 6 from E. L. Stewart, Jr., Federal Co-chairman of the Ozarks Regional Commission.

I enclose a copy of my response to him and I urge you to exercise your authority to see to it that federal funds are not used to assist this highway project.

Sincerely,

EDWARD I. KOCH.

MORE ON THE DECEMBER INDUCTIONS

(Mr. KOCH asked and was given permission to extend his remarks at this point in the RECORD and to include extaneous matter.)

Mr. KOCH. Mr. Speaker, on November 20, 1969, 37 of my colleagues and I sent a letter to President Nixon requesting that the lottery just passed by both the House and Senate be applied to those draftees scheduled under the October quota but not yet inducted.

Since that letter, there has been additional correspondence with William E. Timmons of the White House which may be of interest to our colleagues. Unfortunately, the matter was not resolved so as to give the benefits of the lottery system to those who entered the service in late November and December, after the lottery was enacted. I do believe that the White House could and should have exercised greater understanding and compassion for these men.

The correspondence follows:

THE WHITE HOUSE,
Washington, December 22, 1969.

Hon. EDWARD I. KOCH,
House of Representatives,
Washington, D.C.

DEAR MR. KOCH: Thank you very much for your letter of December 16. The Administration has considered your request to cancel the induction notices for those men scheduled for the draft in October who have not yet actually entered the service. As you know, the Congress did not pass the lottery until November, and the common understanding was that the Administration would put it into effect as soon after passage as possible. With extraordinary effort the Administration will succeed in instituting the lottery on January 1. In anticipation of hoped-for Congressional passage of the legislation, as well as the somewhat reduced manpower needs of the Armed Forces resulting from Vietnam troop withdrawals, the President was able to cancel the draft calls scheduled for November and December.

As I explained in my earlier letter, the purpose of stretching out the period of induction of those scheduled to be drafted in October was merely to permit the adequate utilization of Armed Forces training facilities. Those scheduled for the draft in October were subject to the old system and were drafted under the old system and had no basis nor reasonable expectation of being subject to the new draft system, because Congress had not yet acted upon the implementing legislation. These men were scheduled for the draft under the old law and we do not believe have been dealt with unfairly. Indeed, we believe that it would be more unfair for those who have already entered the service under the October call to permit the cancellation of induction notices for the remaining people in the October call merely because of the happenstance that these remaining people have not yet entered active duty.

I hope the foregoing is responsive to the question raised by your letter.

With cordial regard,

Sincerely,

WILLIAM E. TIMMONS,
Deputy Assistant to the President.

THE WELL IS ABOUT TO GO DRY

(Mr. OLSEN asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. OLSEN. Mr. Speaker, I would like to take this opportunity to discuss the forestry methods employed by the U.S. Forest Service, specifically the practice of clear cutting.

I agree with the concept of multiple use for our national forests, whereby the rights and interests of the general public and the timber industry are served. But I do not consider the present policy to be one of multiple use. On the contrary, it appears that the present forest cutting methods are dominated by a single interest: the needs of the timber industry.

Certainly I recognize the increased needs of our Nation for housing materials but we cannot allow our national forests to become "tree farms" of dubious value to the general public and a possible threat to the environmental balance of our timberlands and adjacent areas.

I believe that we can only meet the future needs of our Nation for forestry products by providing for the best possible management of our forests, based upon the principle of sustained yield.

I have requested the Forest Service to reconsider carefully its policies and halt any forestry method which is not according to the original charge to the Forest Service—to preserve and protect our national forests for future generations.

The following editorial, which I fully endorse, analyzes the present danger in western Montana:

[From the Western News, Dec. 31, 1969]

Single Use Is Not Multiple Use, the Well Is About To Go Dry

The contemporary management of the peoples' forests by the US Forest Service in the Montana area, fails to achieve the greatest good for the greatest number of the American people by any standard of evaluation of the multiple use concept.

When the Forest Reserve and later the National Forests were established by Presidents Cleveland and Roosevelt the action was taken as a desperate attempt by those in authority to preserve a natural resource which the plunderbund lumber industry of those days was ruthlessly razing in order to garner big and quick profits. Cleveland, Theodore Roosevelt, Pinchot, and others of those early decades in conservation efforts, sought to establish a forest resource from the remnants salvaged by executive orders which would be preserved in perpetuity and be managed through selective cutting over the years in the interest of the American people.

They endeavored to establish ethics and common sense in management of the peoples' forests. For a long time it appeared the effort would be successful as the Forest Service functioned to guard the heritage. Meantime the privately owned forests were largely out off and disappeared. While this was in process the industry was content to permit the government to own and manage the national forests, thus escaping the responsibilities, including taxation, involved in private ownership of the resource. In recent years, however, as the supply of private timber disappeared, the lumber industry began to seek in ever increasing quantities the timber of the national forests. This demand has multiplied until now the industry is even hungrily looking for ways and means to secure timber of the national parks, the wilderness and primitive areas, which had been heretofore thought inviolate!

The selective cutting method of management would mean an annual cut of timber which would be commensurate with the annual growth. The cut and growth should go arm in arm, and failing in that, the cut exceeding the growth, sustained yield becomes a mockery. In order to achieve this purpose the Congress enacted a sustained yield statute which requires the Forest Service to assure a continuous supply of timber. Acceleration of the sustained yield cut, through artificial devices such as "allowable cut" is a neat bit of chicanery whereby the marrow of the statute is drained off.

The first principle in considering the National Forests should be recognition that the forests and forested areas are the property of the whole American citizenry, not of the Forest Service officialdom, not of the timber industry and its owners and workers, not of those who are privileged to use its range for their livestock, of the people who use it for recreation, for hunting and fishing, camping and similar pursuits, not of the prospector, or even the miner who benefits from the prospecting, or for any other similar special purpose; it is for one and all of those purposes, and when one is provided the use to the exclusion of all or any of the others, multiple use is extinguished—the law is violated—the future of the resource is endangered.

The forests are indeed a multiple use area. So long as all of these pursuits, or normally most of them, can be carried out, with as little friction as possible between them, and the areas are not damaged for all by any of them for the future success is achieved. Whenever one or some of these pursuits become the exclusive use of the forested areas, it constitutes an infringement upon the rights of the others, and multiple use as a concept of management perishes.

People of the Bitter Root, and elsewhere, are confronted with a situation whereby timber harvesting practices currently in use have become so aggravating that there has risen a storm of protest against the clear-cutting method of harvesting timber, with its deleterious ramifications. In this statement we will concern ourselves with the Bitter Root, although the condition festers in many other places.

May it be asked what possible multiple use can be made by the citizenry of their acreages which have been clear-cut until the terraced mountain sides resemble nothing more than the bleacher seats in a stadium? Multiple use?

The ravaged acreage does not permit normal use for grazing purposes for livestock under permit and it has leveled off feed possibilities for years to come and possibly forever for wildlife like elk and deer. Even the grouse have fled such ravaged areas. A multiplicity of logging roads have been dug in the fragile mountain sides among the areas which have been clear-cut of timber, shrubs, willow, grass. The acreage in such roads of themselves would rival the rest of the areas! The acreages are left difficult of ingress and egress by human beings as well as animals. They present a possibility of increased hazard of erosion; indeed there are already in many instances evidences of erosion resulting from this type of timber harvesting.

Multiple use of the peoples' property is non-existent in this betrayal of nature by those hired by the people to perpetuate it.

One of the prime arguments in favor of continuing this method of leveling the forests in their harvest is that unless we cut timber there will ensue economic chaos in the Bitter Root, people will be without jobs because lumbering operations will be shut down. This is faulty reasoning, because the wealth of timber that once was found in the Bitter Root is diminishing at a freightening rate. Many reliable observers tell us that there remains but a few more years of cutting ponderosa and but a few more thereafter of douglas fir in the Bitter Root. When these are gone greater attention will be directed toward lodge pole, alpine fir, and posisbly leaser species which today represent lesser values, and not so long ago were written off as practically worthless.

The point is whether we desire to perpetuate our lumbering industry in this area over a long span of years reaching into decades, and hopefully forever, or whether we want to cut the timber completely now and wait until the new planted crop grows to maturity? This latter represents a "cut out and get out" practice which was followed in other states, such as Michigan, Wisconsin and Minnesota, which today have no large lumber industry. You can be sure that at the present rate of clear-cutting there will be no lumber industry in the Bitter Root a few short years hence. If such be the case, or even an approximation of the case, is it prudent to continue this heavy clear-cut, or would it be more wise to return to selective cutting whereby a much smaller harvest would be possible for many years to come? A few years back continuance of such a selective cutting method would have kept the industry going further.

With clear-cutting multiple use terminating for maybe centuries; with selective cutting the many multiple uses can be enjoyed as they are perpetuated. Take a look for yourself.

For clear-cutting look at the Willow Creek face, at the mountains back of Victor, at parts of St. Mary's, at Robbins Gulch, at the areas hidden behind the ridges in the Skalkaho drainage; at Blue Joint, at Trapper Creek, at a portion of the face of Ward Mountain, at the saddle between Warm Springs and Laird Creeks, and at any of the other clear-cuts of recent years; only a few of which have been mentioned. Those in authority should not take the word of somebody with an axe to grind; they should look at the shearing personally.

Some of these areas had previously been partially cut selectively. This left behind the material more recently subjected to clear-cutting. Now a second clear-cut will not be possible until the planted trees (if they grow well) reach a size making them practical for use as lumber. It takes a long time to grow trees like ponderosa and douglas fir in the Bitter Root. If you wait for them to become lumber-type trees nobody who reads this will be around. Nobody!

Of course some trees can be produced in a shorter time which could be turned into chips for the paper mill at Missoula, or elsewhere.

This is not multiple use.

Any old timer in the Bitter Root knows that the "high water" is coming earlier each year. The run-off comes earlier and lasts not nearly so long. There is evidence that erosion is playing havoc in many places. With the mountains denuded this is likely to become accentuated. Farmers and stockmen all point to tell-tale silt in their high ditches. Most all insist the forage in the public domain is becoming less and inferior. They find some large burned over areas like that affected by the Sleeping Child-Rye fire producing more grass than before but the clear-cut areas are making access by cattle next to impossible, reducing grazing because of acreage taken up by the logging roads and operations, etc. This demolishes the theory of multiple use so far as the livestock industry is concerned.

Nobody enjoying the beauty of nature is happy with camping or picnicking in a clear-cut area. The consequences of the clear-cutting interferes not alone with the aesthetic sensibilities, it interferes with practical camping out, with hunting, with fishing. It destroys the brouse of the wildlife for some years, though this early liability may be overcome as bushes develop which may hold back production of trees.

If erosion causes half the harm that many anticipate our clear-water streams are bound to suffer, just as sources of irrigation for farms are bound to suffer.

Multiple use for persons seeking enjoyment in camping, hunting, fishing, or hiking, diminishes due to clear-cutting, while selective cutting causes little or no obstacles, produces better brouse for wildlife, permits camping and hunting and fails to destroy natural beauty.

Some foresters and apologists for clear-cutting tells us it is a necessity in order to control diseases in our forests. Mistletoe is

XUM

blamed, it being proclaimed the clear-cuts are necessary to stop the death of trees caused by mistletoe. Mistletoe retards tree growth about 20 per cent and infests the forest by spreading tree to tree. This presents a pretext for clear-cutting all of the forest; if thy right eye offends thee, pluck out both eyes!

It can be assumed our forests have been affected by mistletoe for centuries, perhaps since the birth of forests. But only recently have we been obliged to cut down all of the forest in a given area because it has trees infected by mistletoe which retard their growth 20 per cent per year. Can it be that man's management of the forest have resulted in the mistletoe (and other disease threats) getting out of control? It is also noteworthy that in the Bitter Root the ponderosa is not affected by mistletoe. That's something to think about when the mistletoe is used as the reason for clear-cutting ponderosa and douglas fir from an area where some of the douglas fir are affected by the parasite!

If forests are selectively cut, like many were until the past decade, they left approximately 50 per cent of the volume of large healthy trees as a fast growing "head start" to become lumber trees for industry in the next rotation cut. Look at Lick Creek experimental forest as one of the examples still available—most of the others have been sheared by clear-cutting. Those trees with a "head start" would be able to be selectively cut much sooner than planted trees, the survival rate of which is debatable. And while the "head start" trees remained, growing toward maturity, they provided natural seeding for the future forest, making unnecessary artificial planting upon terraces dug out of the mountain sides, or elsewhere.

Under the selective cut system the woodsmen were extremely careful to protect reproduction and older age trees to assure industry a continuous supply of timber to be cut under a 30-year rotation system. The burning, terracing, slashing, piling brush, logs and other debris by bulldozer indicates that present day foresters, working under the clear-cut system, are neglectful of both the care of the soil or reproduction, or both.

It is submitted that the lumber industry will continue longer and jobs in the mills will last more years if the forest is cut selectively. The question is which is best, boom and bust, or smaller but certain persistency of the industry.

If it is clear-cut the forest will be gone until the new crop is planted and grown. The saws in the mills will become rusty from non-use; jobs will end.

Nobody knows for certain how artificial planting is going to work. In some "plantations" there appears to be a fair survival of planted trees, in others failure appears likely. Of course, the latter instances might be remedied by second, third or many plantings until sufficient trees "stuck."

If the clear-cut method is used and the planted forest grows to maturity 100 to 300 years hence, or is cut at an earlier stage for pulp chips, or other uses, would it mean then that it would be sheared off the land again and still another planting and waiting for another 100 to 300 years ensue? The guy with a job on the green chain would certainly have time to "take a five." The mill-owner may be able to find another "Bitter Root district" somewhere else, move his mill there, and "harvest" the timber there, but the country is getting smaller and the forests shrinking everywhere and competition for the remaining trees is bound to become fiercer.

The more contemporary forest practices of this area are studied the more patent it becomes that cutting has become a single purpose in management of the resource and that the theory of multiple use, once enacted into law by the Congress, has been abandoned in all places where even the sorriest type of timber can be secured for the mills.

That which remains is a wasteland of roads, bulldozer tracks, bull thistles, burned or partially burned rejected trees, which constitute a mockery of multiple use.

Meantime the Congress is toying with proposed legislation to accelerate the timber cut in these United States! Accelerate forsooth! Such legislation would simply legalize the rape to which the national forests have been subjected already in answer to the hungry demand of the sawdust moguls. The latter have "a bull by the tail" in that they must continue to have timber to maintain their tremendous operations. These have been multiplied over the years as the stock of timber diminished. They are soon to face the end of "their access road" when the supply of timber is exhausted. Forest Service personnel has not proved equal to restraining the thirst for more and more timber, though forestry personnel cannot be oblivious to the diminishing supply. This is sad because until the past decade the Forest Service constituted the lone bulwark against rapacity in handling the national timber resource; without the Forest Service previous tendency to keep that resource enduring it would have long since been given over to the industry.

America, and the world, face a new, "Four Horsemen" and the time is running out as war, pollution of the soil, of the streams, lakes and even oceans, the accumulation of mountains of refuse of different types, destruction of birds and wild animals, sickening of domestic stock, and kindred abuses due to overpopulation, lack of care in husbanding our resources, bring us face to face with catastrophic wreckage of our environment. The question is being posed whether mankind can exist in the midst of the ruin wrought by insatiable greed.

Our forests are among the natural resources for which we provide utterly inadequate protection. The time, perhaps, is past when our country can remedy these situations, but it is imperative that citizens aware of the impending catastrophe speak up and challenge glaringly apparent outrages. It is the obligation that the responsibility of good citizenship imposes.

THE FIGHT WILL GO ON

(Mr. HECHLER of West Virginia asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. HECHLER of West Virginia. Mr. Speaker, the torch which Joseph A. Yablonski so proudly carried has passed. Thousands of coal miners are determined that the battles he so valiantly fought shall not cease with his death. The torch has passed, but thousands and tens of thousands of coal miners will step into the breach to bear aloft and keep that torch burning brightly.

Jock Yablonski left us a great deal of unfinished business. At a coal miners' meeting in Washington, Pa., immediately following funeral services for Mr. Yablonski, his wife, and his daughter, it was resolved that the fight to clean up the union will go on. Regardless of how many threats and attempts at intimidation are launched, the coal miners will not rest until the reforms espoused by Mr. Yablonski are realized.

LETTER TO JOHN J. KMETZ

On November 24, 1969, Mr. Yablonski wrote a letter to John J. Kmetz, traveling auditor of the United Mine Workers of America, calling attention to certain fiscal irregularities revealed in the reports filed by the UMWA with the Department of Labor. The rather strange and sizable "loans," and failure to make adequate explanation for them, is just one of the many financial puzzles which Mr. Yablonski attempted to unravel. Mr. Yablonski received no response to his letter of November 24, 1969, but the facts which he brought out in this letter are very significant and deserve both a response and analysis:

UNITED MINE WORKERS OF AMERICA,
Clarksville, Pa., November 24, 1969.

Mr. JOHN J. KMETZ,
Traveling Auditor,
United Mine Workers of America,
Nanticoke, Pa.

DEAR SIR AND BROTHER: During the present campaign for the presidency of the United Mine Workers of America, I have been frequently questioned about the financial dealings of the local unions which are located in the district offices of our organization. Again and again, the local in Beckley, West Virginia, Local Union 7086, has been brought up. I have made a cursory examination of the limited financial records available and am deeply troubled by what I have discovered. I call these matters to your attention and urge that an investigation be undertaken pursuant to your duties in Article IX, Section 10, of the International Constitution.

Local Union 7086 lists its mailing address at Box 511, Beckley, West Virginia, and is located at Chilson Avenue at Raleigh Road in Beckley. These are identical addresses of the District 29 Office. According to the credentials granted it at the 1968 Convention, Local 7086 is the largest local in the United Mine Workers of America, with 24 delegate votes. Its dues receipts, however, indicate that there are 2,850 members in the local union, 2,400 of whom are pensioners. The remaining 450 working members are from more than 40 small mines scattered throughout the District. Despite the large number of working and pensioned miners in this local, all of its delegates at the 1968 Convention were International or District officials: George Titler, International Vice President; J. Carl Bunch, District 29 Secretary-Treasurer; Larkin Philpot, District 29 President; and James Leeber, Charles Neal and Leighton Farley, all District 29 employees. Two of these District employees, Leighton Farley and James Leeber, are officers of Local 7086, the Treasurer and Financial Secretary, respectively, and thus are charged with handling the local's money and financial affairs.

As you know, since 1959, locals have been required to file annual reports with the Federal Government. The first report ever filed by Local 7086, filed while George Titler was the President of District 29, showed an outstanding "loan" from District 29 in the amount of $83,621.51. In my many years in this organization, I have never seen a "loan" of such size. Over the years, the local has made "payments on the loan" of $17,000, $9,000, $8,500, $5,700, $3,000, and $8,000 as, well as an outright transfer of $20,000 to District. But the District's reports have never acknowledged the existence of the loan or the receipt of $71,200 listed above. I would like to know what has happened to this money.

Additionally, there would appear to be something unusual in the local's administrative and office expenses over the past six years. The local is housed in the District Office; therefore, the sharp rise in these costs is all the more preplexing:

1963	$1,354
1964	8,025
1965	8,004
1966	6,761
1967	8,314
1968	31,540

XUM

Since none of these figures are itemized, particularly the one from 1968, and because that figure exceeds the administrative costs of almost every district (the administrative and office expense for all of District 29 in 1968 was $28,008), I suggest that you scrutinize these expenditures closely.

When you are conducting your audit, I would also suggest that you make inquiry into the $6,000 pension paid to Arthur Stamper, who, I believe, is the father of District Representative, Earl Stamper, during the period 1960 to 1968 and the inordinately high expenditures (for a local union) for professional fees and other matters.

I also suggest that you audit the books of Local Union 5997 in Welch, where District officials also exercise total control over the local's financial policies. District Representatives, Earl Stamper, John Grygiel, John Hollins, and Charles Phillips are respectively the President, Financial Secretary, Recording Secretary, and Treasurer of the Welch local. This local has apparently never held an election. The present officers were appointed by George Titler more than 10 years ago. This local, like the one in Beckley, began filing reports with the Federal Government in 1959. Its first report lists an outstanding loan from District 29 in the amount of $45,882. But neither the loan nor the $21,737.44 (made from 1959 to 1963) in payments were acknowledged in the District's Federal reports. Just as mysteriously as the loan appeared, it disappeared with an apparent balance of $23,044.56 still remaining to be paid. I also note the highly irregular local expenditures for "organizing expense." Since 1959 (up to the end of 1967), Local Union 5997 listed $32,222.12 as organizing expenses. As a member of the International's Organizing Committee, where I served with your father, I am unaware of any significant organizing activity in the Welch area, and, to my knowledge, no local union has ever borne the expense of such efforts.

I am waiting the results of your inquiries.

Fraternally yours,

JOSEPH YABLONSKI,
International Board Member.

INDEX TO PRIOR ARTICLES

Mr. Speaker, for purposes of continuity, I include herewith an index of those 1969 articles relating to the United Mine Workers of America which I have previously placed in the CONGRESSIONAL RECORD. The death of Mr. Yablonski does not wipe these charges off the books, and the evils which were brought out by Mr. Yablonski during his campaign must be corrected.

INDEX OF MATERIAL RELATING TO UNITED MINE WORKERS INSERTED BY REP. KEN HECHLER, DEMOCRAT OF WEST VIRGINIA, INTO CONGRESSIONAL RECORD DURING 1969

March 6, H1505; False statements in United Mine Workers Journal pointed out.

March 31, H2383; Mine Safety article in March 28 New York Times Magazine.

April 14, H2545; Charleston Gazette series (April 7–12) on UMWA Welfare & Retirement Fund.

April 28, H3133; Hechler statement and Ralph Nader letter on UMWA Welfare & Retirement Fund, calling for Congressional investigation.

April 30, H3243; Report of UMWA Welfare & Retirement Fund with list of employees and salaries.

April 30, H3251; Judge Holtzoff's Decision on UMWA Welfare & Retirement Fund.

May 5, H3373; Special Retirement Fund for Top UMWA Officials; H3374; UMWA Replies to Criticism of Retirement Fund.

May 12, H3521; Louisville Courier-Journal Article on UMWA Retirement Fund.

May 15, H3717; Boyle and Owens families collected $258,576 in salaries and expenses in 1968 from UMW.

June 4, H4476; Yablonski announces candidacy for UMW presidency; E4613; Nader letter to John L. Lewis.

June 9, H4579; Yablonski platform.

July 2, H5551: Hechler speech on physical attack on Yablonski.

July 15, H5952; Hechler letter to Boyle on safety legislation; Titler letter to Hechler and Hechler response.

July 15, H5954; Rauh letter (dated July 9) to Labor Secretary Shultz.

July 21, H6117; Rauh letter (dated July 18) to Shultz.

July 29, H6508; Article from Aug. 2 New Republic and Rauh letter (dated July 25) to Shultz.

Sept. 3, H7483; Article from Sept. 1 New York Times on Boyle family; H7484; Statement by Yablonski on Boyle Labor Day speech.

Sept. 17, H8096; New York Times article (Sept. 16) on Judge finds UMW Journal Biased; Transcript of Judge's ruling on UMW Journal case.

Nov. 25, H11392; Deposition of Boyle in connection with civil action filed by Yablonski.

Dec. 1, H11529; Audit Report of Labor Department on United Mine Workers.

Dec. 3, H11682; Hechler telegram to Shultz and Rauh letter to Shultz urging Labor Department action to insure honesty in UMWA December 9 election.

Dec. 4, H11806; Text of brief filed by Yablonski and others in U.S. District Court against UMWA and international officers.

Dec. 23, H12976; Challenge of UMWA election.

JANUARY 13 LETTER, RAUH TO SHULTZ

Mr. Speaker, I also insert into the RECORD the text of the January 13, 1970, letter from Joseph L. Rauh, Jr., on behalf of the two sons of Joseph A. Yablonski, to Secretary of Labor George P. Shultz:

RAUH AND SILARD,
Washington, D.C., January 13, 1970.

Hon. GEORGE P. SHULTZ,
Secretary of Labor,
Department of Labor,
Washington, D.C.

DEAR MR. SECRETARY: I am writing on behalf of the two sons of Joseph A. Yablonski and the other surviving members of his family and on behalf of his supporters within the Mine Workers Union. I wanted to present their message to you orally, but you refused that request. I, therefore, have no choice but to deliver their message to you through this public letter.

The Yablonski family and the Yablonski supporters believe—and I share their belief—that the failure of the Labor Department to investigate the illegalities in the UMWA election contributed to the death of Jock Yablonski. Your repeated failure to intervene could not but have encouraged the most lawless elements to believe that the Yablonski group was defenseless. Three times, almost literally on bended knees, we begged for an investigation by your Department. Indeed, on the first occasion back in July, I warned you that the failure of the Department of Labor to enter the case would mean violence and more violence. But on that occasion, as well as on the two subsequent occasions, our pleas for Labor Department intervention fell on deaf ears. Each time you affirmed that you had the power to act and each time you stated that you would not exercise that power. Now three people have been brutally murdered and scores live on in fear.

Unfortunately, the indifference of the Labor Department to the scandalous conditions inside the UMWA continues. When I sought to speak with you in person or by telephone Sunday and Monday, I was told to "go through normal channels". I did go through normal channels and yesterday afternoon I gave your assistants all the time and information they sought. But you will forgive me if I suggest that the time has come to stop "going through normal channels" and to get down to the hard reality of whether the UMWA is to continue to be above the law as it has been for so long.

I have a message for you from the Yablonski family and the Yablonski supporters. The latter met after the funeral and decided to go forward with Jock Yablonski's efforts to clean up the Union. Both the family and the supporters say this to you: Drop this lofty, above-the-battle approach to the UMWA and for once do a real long-overdue investigation of the Union.

Boyle and his crowd spent millions of UMWA dollars to reelect him. We ask that you examine every voucher and every expenditure of the UMWA during 1969. We ask that you interrogate all UMWA personnel (in the field and in the head office) and all the additional personnel added to the payroll during 1969; Boyle refused Jock Yablonski's request that he instruct UMWA employees to remain neutral and, on the contrary, made full-time campaigners out of every one of them. We ask that you look at the 5 editions of the UMW Journal which the U.S. District Court here and the Court of Appeals have ruled were utilized as campaign instruments for Boyle. We ask that you investigate the embezzlement of funds, the details of which we laid before you last summer and fall. We ask, especially, that you look into the way the appointed district officials used their power to force the election of Boyle, and we ask this particularly in view of the fact that a Labor Department law suit to provide for elected rather than appointed district officials has been waiting trial for an unprecedented 61 months.

We ask that you investigate the general corruption in this Union because it goes hand-in-hand with the election corruption. When a union gives over $190,000 to the daughter of its president for doing nothing, it can hardly be expected that it will be careful with the funds that may be used to reelect that president. When the officers of a union set up a pension trust only for themselves and take out of the union treasury a million and a half dollars to do this, they can hardly be expected to be careful with the funds for their reelection. When union officers appropriate millions from the retired miners by siphoning their pension funds into the union treasury through the device of non-interest bearing deposits in the union-owned National Bank of Washington, they can hardly be expected to appropriate less for their own reelection.

Miners who dared to stand up—to advocate union reform, criticize union officers, organize into an opposiiton group—and who refuse to be bought off were threatened with violence. We told you of the threats to the Yablonskis, the Pelligrinis and others who fought to oust the incumbents; we told you of the Boyle storm troopers breaking up a meeting in Shenandoah, Pennsylvania; we told you of the actual attack on Yablonski in June. An election under such conditions is a travesty.

We ask you to look at the widespread illegal voting of pensioners; almost 60,000 such pensioners are members of illegal locals that do not have the 10 working members required by the UMWA constitution. Even using Boyle's crooked figures, Mr. Yablonski received as many or more votes from the working miners as Boyle did. The wholesale voting of pensioners through illegal locals was a stand-out scandal even in this scandal-ridden election.

The election day offenses would likewise revolt any fair-minded man. The basis for these offenses was laid before election day when General Counsel Carey called the man printing the ballots and directed him to "get the job out as quickly as possible" as soon as he heard that Yablonski was going to ask the District Court to safeguard those ballots. As District Court Judge George Hart put it, the ballots were handled "willy-nilly" and the officers of the UMWA "pay attention to the Constitution when they want to and when they don't they don't." From the moment that General Counsel Carey ordered the printer to speed up the printing of the ballots, there was one illegality after another, 86 election day violations are contained in the affidavit of Joseph A. ("Chip") Yablonski which has already been submitted to you. An additional group of election day offenses, bringing the number to over 100, is attached hereto and will be verified by Mr. Yablonski on his return here from Washington, Pennsylvania, where he is tending to the affairs of his family.

There can be no question but that a real investigation by the Labor Department can only result in new nominations and a new election. The election must be set aside because of the massive unlawful expenditures and violations up to election day, including the already judicially-adjudicated violations; because of the massive violations on election day; and because of the massive violations of the UMWA's Constitution in counting the votes from unconstitutional bogey locals of pensioners. The election must be set aside for each of these three reasons seperately. Taken together, only a blind man could find that these massive illegal activities may not have affected the outcome of the election.

But even a new election is not the whole thing. What is at stake is bigger than a new election and bigger than the Labor Department. Five other agencies of the Federal Government are either actually engaged in investigations or affected by the conduct of the union officials. The Justice Department's Criminal Division is already engaged; a federal grand jury has been convened to investigate criminal acts by UMWA officials. The FBI is already engaged in seeking to apprehend the criminals who perpetrated a triple murder and now threaten others. The Internal Revenue Service is also involved; one obvious example is the case of Secretary-Treasurer Owens whose high-priced suite at the Carlton is paid for by the Union while he wilfully fails to pay any tax on this obvious income. The Comptroller General is also involved for the National Bank of Washington is a conduit for the illegal siphoning of pension funds into the Union. The U.S. Attorney in the District of Columbia has been requested by Judge Hart to investigate a possible violation of the federal obstruction of justice statute by Boyle.

All of these matters are interrelated. What is required is a joint operation by the full forces of the Federal Government. On behalf of the Yablonski family and the Yablonski supporters, I ask that a federal task force be created representing all of these governmental elements with a mandate to demonstrate that no organization can forever stand above the United States Government.

Some years back, people thought that the Teamsters Union was above the law. Two men were determined to see that that not continue—President John F. Kennedy and Attorney General Robert F. Kennedy. The kind of dedication they brought to the cleanup of the Teamsters is required now. The working and retired miners have never been in greater need of help from their Government. They and all Americans who believe in clean, democratic unionism are waiting and watching.

Sincerely yours,

JOSEPH L. RAUH, Jr.

FURTHER ARTICLES CONCERNING JOSEPH A. YABLONSKI AND THE UNITED MINE WORKERS OF AMERICA

Mr. Speaker, there follow additional articles concerning **Mr. Yablonski** and the United Mine Workers of America:

XUM

[From the New York Times, Nov. 5, 1969]

COURT HEARS MINE ELECTION PLEA; UNION AIDE TELLS OF EXTRA BALLOTS

(By Ben A. Franklin)

WASHINGTON.—A top officer of the United Mine Workers testified here today that he had ordered more than 50,000 extra ballots to be printed for use in the union's Dec. 9 election, which insurgent candidates have said they may lose by fraud.

John Owens, the 76-year-old international secretary-treasurer of the union, gave this testimony before Judge George L. Hart Jr. in Federal District Court.

Judge Hart is hearing a request by Joseph A. Yablonski, the insurgent candidate for president against W. A. Boyle, for an injuction that would require the union to follow certain "fair election" practices. The union leadership rejected last month Mr. Yablonski's request to lay down mutually agreeable election rules out of court.

ENOUGH PLUS TEN PERCENT

Under questioning today by Joseph L. Rauh Jr., Mr. Yablonski's lawyer, Mr. Owens said he had ordered the U.M.W. headquarters staff here to mail to each of the union's 1,350 locals enough ballots for each local union member, plus 10 per cent. He did not explain the excess number.

He also said that he had ordered the printer to run off 51,000 extra ballots to be retained at headquarters "because sometimes the ballots don't reach the locals" in time for the election.

Asked by Mr. Rauh if any of the ballots mailed out to locals in the last union election, in 1964, had failed to reach their destination, Mr. Owens replied, "I don't recall that we ever had any complaints."

Judge Hart said to Mr. Rauh at one point:

"The Secretary of Labor can act ex post facto. If you want to say that's a funny way to do things I couldn't agree with you more."

Later the judge added, "If you are talking about a fair election, you're talking about something this court is powerless to do."

At another point Judge Hart said that U.M.W. officials had demonstrated by their testimony that "they pay attention to the [union] constitution when they want to and don't when they don't."

TABULATION OF RETURNS

That comment followed Mr. Owens's testimony that the union had failed to send to the membership after the 1964 election a detailed tabulation of the returns required by the union constitution.

After Mr. Owens said that the tabulation had not been distributed because "all the candidates agreed it wasn't necessary," the judge said. "The candidates can't waive the constitutional rights of the members. That's ridiculous."

Mr. Owens acknowledged today that perhaps as many as 600 voting U.M.W. locals were composed of retired men and did not have members "working in the mines." He said that 47 of the locals had fewer than 10 members active or retired.

The U.M.W. constitution says that accredited locals "shall be composed of 10 or more workers, skilled and unskilled, working in and around coal mines" or in coal-related industries.

[From the New York Times, Nov. 29, 1969]

U.S. STUDY SCORES MINE UNION HEAD ON FUND HANDLING—AUDIT IS TURNED OVER TO TAX AND JUSTICE AGENCIES FOR POSSIBLE PROSECUTION—IMPROPRIETIES ALLEGED—LABOR UNIT REPORT FOLLOWS CHARGES OF CORRUPTION BY FOES IN DECEMBER 9 ELECTION

(By Ben A. Franklin)

WASHINGTON.—The Labor Department announced today that a detailed Government audit of the financial affairs of the United Mine Workers of America had been referred to the Justice Department and the Internal Revenue Service "for possible criminal prosecution."

The disclosure came only 11 days before the most bitterly contested election campaign for the U.M.W. presidency in the union's 79-year history.

A brief summary of the auditors' findings said that top officials of the union, including the president, had authorized expenditures in violation of the union constitution, had "not adequately disclosed" some transactions to the Labor Department as required by law, and had been so lax in handling union officers' expense payments that one unnamed official had charged the U.M.W. "for many years" for his vacations.

YABLONSKY VERSUS BOYLE

In the election campaign, union insurgents are seeking to unseat the president, W. A. (Tony) Boyle, and thus end a chain of executive succession that began in 1920 with the late John L. Lewis.

The Labor Department's announcement came amid a campaign of anti-Boyle charges of "nepotism, cronyism and corruption" leveled by Joseph A. Yablonski, the insurgent union labor leader. Mr. Yablonski is Mr. Boyle's opponent in the Dec. 9 election.

The Labor Department was reported to have debated the impact of its report and to have decided to release it now "because it was ready." The released information was in a five-page memorandum. The department did not release its detailed documentation of the case.

RETIREMENT FUND CITED

The department said that Mr. Boyle had made many financial decisions in violation of the union constitution "without prior approval or subsequent ratification by the international executive board." It said there had been "improper reporting" of loan accounts totaling $1.4-million.

Further, the department said, the audit had found a $1.5-million fund to finance the retirement at full salary of Mr. Boyle and the two other top officers, George J. Titler, vice president, and John Owens, secretary-treasurer. The existence of this fund was "never adequately disclosed in the annual financial report submitted to the Department of Labor" by the union leadership, the report said.

The reported existence of this fund, financed by members' monthly dues, was denied earlier by U.M.W. spokesmen. The union pension paid to retired miners is $1,800 a year. Mr. Boyle's pension is to be $50,000, the same as his salary.

Government auditors, the report said, discovered that union officials had routinely paid the unverified expense vouchers of union executives, including a $11,500-a-year hotel bill submitted by Mr. Owens, the secretary-treasurer, and "not shown as an expense payment."

"Some officials have claimed reimbursement for hotel expenses during periods when they were at their places of residence," the memo said, continuing:

"Some have claimed expenses for hotels and travel practically every day of the year, and some have claimed identical amounts for hotel expenses and automobile travel for every day spent in travel.

"An official, by his own admission, has spent varying periods of time on vacation and claimed expenses of $20 a day for his entire vacation. Although the records were checked for only 1967 and 1968, the official said that this practice has been followed for many years."

TWO RELATIVES ADDED

The memorandum also added two names to the list of seven relatives of Mr. Boyle, Mr. Owens and Mr. Combs who have been known to be drawing compensation of up to $54,866 a year from the union treasury. The two additional persons were identified as being relatives by marriage of Harrison B. Combs Sr., a staff lawyer in the union's legal department.

In 1967 alone, the memo said, the combined salaries and expenses of Mr. Boyle, Mr. Owens, Mr. Combs and their nine brothers, sons, daughters, sons-in-law and daughters-in-law was $399,331.

Mr. Boyle, 64 years old, and a group of other union officials were on their way to Kentucky today for a weekend of campaign appearances there and could not be reached for comment on the report.

Mr. Yablonski, 59, reached at his Clarksville, Pa., home, said that while the release of the Labor Department memorandum "substantiates what I have been saying for a long time about Tony Boyle," the department appeared to have "only skimmed the surface."

He called for a further Government investigation of U.M.W. "loans" that he said had totaled $5.5-million to two mine workers' district organizations in Virginia, Kentucky and Tennessee during Mr. Boyle's term.

The Labor Department audit, begun last March, covered the union's records only for 1967 and 1968. Mr. Boyle moved from vice president to president in 1963. Upon the death of the president, Thomas Kennedy, Mr. Boyle was elected to a five-year term in 1964.

Both Mr. Kennedy and Mr. Boyle were picked for their roles by Mr. Lewis in 1960, upon his own retirement from 40 years in the presidency.

Mr. Lewis, who died last June 11 at the age of 89, has also come under attack recently by Mr. Yablonski as a "dictator."

Mr. Yablonski has been waging an aggressive campaign attack on alleged irregularities in the 200,000-man union and has repeatedly asserted that "we're going to send Tony Boyle to jail."

Mr. Boyle has denied any wrongdoing, has stressed union "unity" and has branded his opponent a "traitor." Mr. Boyle has contended that since Mr. Yablonski has been a member of the U.M.W. executive board since 1942 he is implicitly a party to the union practices he has been attacking, including nepotism and "staggering financial mismanagement."

[From the Washington Post, Dec. 3, 1969]

CONTROL OF THE MINE WORKERS

The Department of Labor has a statutory duty to ensure the integrity of union elections, a power it exercises by investigating complaints of irregularities and occasionally by setting elections aside and conducting new ones. But, as a policy matter, the government has avoided such intervention in advance of an election. However, it is being pressed to intervene in the United Mine Workers election set for Dec. 9. Given the charges of intimidation and fraud that have been made, given the allegation of challenger Joseph A. Yablonski that incumbent president W. A. (Tony) Boyle and his associates are using every resource available to them to continue in office and given the fact that a federal grand jury is investigating possible illegal use of UMW funds in Mr. Boyle's behalf, a strong governmental presence to guarantee an honest ballot would appear desirable.

Publication last weekend of a summary of a Labor Department inquiry into the financial affairs of the UMW under Mr. Boyle underscores the need to have the Labor Department devise ways to monitor this crucial union election. Mr. Boyle dismisses the audit as a "smear job," but the charges are serious and go to the heart of his opponent's allegations about the way the union's business is being conducted. The report suggests that salaries of officials are improperly fixed and raised, that expense accounts are padded, and that a $1.5 million pension fund for union officials his not been "adequately disclosed" in reports required by law. High officials have sons, daughters and other relatives on the payroll. In answer, union officials suggest that some mistakes may have been made in the handling of expense accounts, but otherwise assert that the Labor Department has uncovered nothing that could not have been discovered by an inspection of the public record. Mr. Boyle was upset about the release of the report 11 days ahead of the election. Labor Department officials say they released it as soon as it was finished. To have done otherwise, would have been unconscionably to withhold information that the public, and particularly the mine workers, have a right to know. In fact, the entire report should be released to permit the details to be debated while the electoral campaign is going on.

Mr. Yablonski wants the government to watch the election to insure its honesty and to avoid the violence he fears might occur in the mines should the result be left in doubt with ultimate control of the union left to be fought out in the courts. Associates of Mr. Boyle argue, but not very persuasively, that there is no need for governmental inspection since the elections are handled by the union's nearly 1,300 locals in accordance with procedures set out by the union constitution. We sympathize with the Labor Department's desire to avoid intervention in the conduct of most union elections but feel that an exception is indicated in this case.

It would not be necessary to place a government official in every local. Experience with Justice Department efforts to enforce the Voting Rights Act suggest that much can be done with teams of strategically placed lawyers and marshals who can give particular attention to known trouble spots and be available to move quickly into other areas. Numerous alumni of these official efforts to guard the general ballot against racial discrimination and intimidation could be called upon for possible service in the mines on Dec. 9.

[From the New York Times, Jan. 6, 1970]

DEATH OF A MINER

Violence is part of the tradition of mine unionism, and it was no secret to Joseph Yablonski, a man as rugged as the coal, that death might be the price of his challenge to the leadership of the United Mine Workers.

There is, of course, no evidence to support the assertion of Pennsylvania state police that his murder and that of his wife and daughter represented "an act of vengeance." Much less can anyone know whether Yablonski's distraught sons are right in charging that the deaths were the work of "professional assassins." The union has condemned the killings; perhaps it will post a large reward to help bring the murderers to justice. But the public will be glad that Attorney General Mitchell has assigned the F.B.I. to that probe.

Even the shadow of terror must be removed from union affairs, and that cannot be done until every fact in this monstrous tragedy has been brought to light. Jock Yablonski, defeated in last month's vote, already has a monument in the new Federal Mine Health and Safety Act. The strikes that began in many mines yesterday indicate that he may now have another as a martyr in the cause of union democracy.

YABLONSKI OF U.M.W. SLAIN WITH WIFE AND DAUGHTER

CLARKSVILLE, PA.—Joseph A. Yablonski, whose unsuccessful challenge last year for the presidency of the United Mine Workers of America touched off the bitterest election campaign in the union's 79-year history, was found shot to death today, with his wife and daughter, in their secluded home here.

The state police said that all three had been murdered.

The police said that the body of the chunky, 59-year-old gravel-voiced union leader had been found sprawled on the floor of a bedroom.

On the bed, also in nightclothes, lay the body of his wife, the former Margaret Rita Wasicek, 57, a playright. In another bedroom of the family's two-story fieldstone home, hidden by hedges from a country road, was found the body of their daughter, Charlotte, 25.

The young woman, a social worker, had left her post in a clinic in Centreville last year to work in her father's campaign.

Capt. Joseph Snyder of the state police told newsmen: "The decomposition of the bodies indicates they have been dead for several days."

Mr. Yablonski had been shot once in the back of the head. His wife and daughter had also been shot.

The bodies, on the upper floor of the recently refurbished home where signs of Christmas—a wreath on the door and cards in the windows—were still visible, were discovered by a son, Kenneth Yablonski, a lawyer who had been unable to reach the family by telephone.

Captain Snyder said telephone lines in the home had been cut.

The tiny community where the triple slaying took place is situated in soft-coal country near the Monongahela River, about 55 miles from Pittsburgh in the southwestern part of Pennsylvania.

The population of less than 1,200 is mainly composed of miners, many of whom are employed in the Robena mine, owned by the United States Steel Corporation.

ANOTHER SON IS BITTER

In Washington, another Yablonski son, Joseph Jr., known as Chip, expressed bitterness about the slaying, telling a reporter: "You guys just didn't believe how rotten this union was." Mr. Yablonski, a lawyer, was asked if he thought the union had anything to do with the death of his parents and sister.

"I'm convinced of it without even knowing," he said.

At United Mine Workers' headquarters in Washington, a statement on the deaths was issued through a spokesman by W. A. (Tony) Boyle, who defeated Mr. Yablonski in the balloting Dec. 9.

The spokesman said that Mr. Boyle was shocked at the news. The spokesman expressed assurance that the slaying had no connection with the union or last month's election.

Mr. Boyle's statement said, in part: "I do not know at this time what caused the deaths of Brother Yablonski, his wife and his daughter, but whatever the cause, the violent deaths of three members of the Yablonski family can only be called a tragedy."

OFFERS COOPERATION

He added, "As president of the United Mine Workers, I offer the fullest cooperation to the authorities of all facilities of our organization to try to resolve the cause of these deaths."

Mr. Yablonski's announcement last May 29 of his candidacy took union leaders by surprise. Standing in the Mayflower Hotel in Washington, the bushy-browed Mr. Yablonski, whose nickname was Jock, charged Mr. Boyle, the incumbent president, with "shocking ineptitude and passivity" in not pressing more vigorously for mine safety reforms and accused him of adopting an "abject, follow-the-leader posture toward the coal industry."

In the room at the time were Ralph Nader, the automobile safety and consumer advocate, who had recently criticized the leadership of the United Mine Workers for what he termed its lack of militancy on miner health and safety reforms.

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Mr. Yablonski also charged that Mr. Boyle was running a "dictatorial" and "decaying" administration that was "riddled with fear."

AID IN WEST VIRGINIA

Mr. Yablonski's campaign, in the days that followed, also drew the support of John D. Rockefeller 4th, the Democratic Secretary of State of West Virginia, and Representative Ken Hechler a Democrat from West Virginia who is a bitter critic of Mr. Boyle's leadership.

Today after learning of Mr. Yablonski's death Mr. Rockefeller said: "I was very strongly moved by his intensity and commitment to making the life of the coal miner better. And if the life of the coal miner does get better—and I think it will—Jock Yablonski will deserve a lot of the credit."

Mr. Hechler termed the slayings a "tragedy" and said:

"His candidacy helped spur a number of policy changes at the United Mine Workers headquarters and forced the top leadership to get behind the stronger coal mine health and safety legislation and other reforms at least prior to the Dec. 9 election.

"Coal miners throughout the nation owe Joseph Yablonski a lasting debt for his courage in speaking out for the rights of the rank and file coal miners to be represented by a clean and strong union."

The challenge posed to Mr. Boyle by Joseph Albert Yablonski was the first real one raised within the union since 1926, when John Brophy unsuccessfully opposed John L. Lewis, the union's fiery, long-time president who died last June 11 at the age of 89.

Mr. Boyle, who had held the presidency since 1963, was the head of a union with 110,000 active members and about 40,000 retired but voting members in more than 1,300 locals in 23 states and four Canadian provinces.

He had been groomed for the job by Mr. Lewis. However, although successful in negotiating larger wage increases in recent years, he found that his constituency was ahead of its leadership in demanding more bargaining emphasis on working conditions.

Among the rank and file demands were improved mine safety, a guaranteed wage that would compel operators to end the method under which miners can be called to work with little notice and receive pay for anywhere from one to six days a week.

NEW 5-YEAR TERM

In the balloting, Mr. Boyle was returned to office for another five-year term by a vote of 81,056 to 45,872 for Mr. Yablonski.

Mr. Yablonski, whose father was killed in a mine accident in 1933, was born in Pittsburgh on March 3, 1910. He began working in the mines in 1925, when he was 15 years old, turning his earnings over to his family.

After serving as a picket and union organizer, he was elected president of a local in 1934. Then he was elected to represent 15,000 workers on the executive board of District 5. He was a workers' representative in Washington from 1934 to 1942.

In the latter year he was elected to the international executive board, representing 35,000 miners from District 5, in a post that he has held continuously through seven elections.

CALLED TROUBLE SHOOTER

In 1958, Mr. Yablonski was also elected president of District 5, but was forced out by Mr. Boyle in 1966. He said several times during last year's campaign that his decision to oppose Mr. Boyle for the union presidency was made at that time. Mr. Yablonski had run without authorization from headquarters for the vice-presidency in 1964.

Over the years, Mr. Yablonski earned a reputation as a fair and effective trouble shooter.

His campaign against Mr. Boyle was marked by a series of lawsuits alleging unfair tactics and by an attack on Mr. Yablonski in a hotel in Springfield, Ill., where he was knocked unconscious by a karate blow to the neck.

After his defeat, Mr. Yablonski requested that the ballots and records of the election be impounded. He alleged that there had been voting irregularities, but his request was denied by the Labor Department.

He had expressed some fear for his safety during his campaign, and the incident in the Springfield hotel left him convinced there was a conspiracy against him.

But he was prepared for defeat in the election.

"If I lose," he said, "I'm still a member of the international executive board and I'll play the devil's advocate."

[From the Evening Star, Jan. 7, 1970]

TOWN USED TO TROUBLE—CLARKSVILLE MINERS SILENT ON SLAYINGS

(By James Doyle)

CLARKSVILLE, PA.—The slag-scarred hills of southwestern Pennsylvania are covered with snow these days, and the ruined earth beneath is deceptively peaceful. There is trouble in these hills, but a visitor could pass by and never know.

Jock Yablonski's big fieldstone house on the hill outside this town is framed by snow-topped trees—a quiet and lonely scene.

A single police car is standing by on the road below, and a lonely volunteer policeman is in front of the house. Once in a while a newsman from Washington or New York or Cleveland happens by, looks at the decorated Christmas tree through the living room window, circles the property and continues on his way. There are very few sightseers.

Clarksville was very quiet, as usual, yesterday. True, there were a few more miners on hand at the American station and at Steve Kochis' store than on the average day, because the nearby Gateway Mine was shut down. But the bars were quiet and the streets were emptied by the moist, biting wind.

TOWN USED TO TROUBLE

This town is used to trouble. It is used to the fact that fathers, husbands and brothers go into the ground every working day to scratch out the coal, to face the carbon monoxide and the methane and the chance of a spark that could kill everybody in the hole, and at the very least to face the debilitating effect of coal dust and the disease known as "black lung."

Things are better than they were. There was a time, in the 1930s when these men were boys, that the mines just shut down completely and the steel companies tore up or burned the towns. In those days, just across the Monongahela River from here, at places like Connellsville, men moved their families into the filth-ridden coke ovens that had been abandoned, and families existed in there for months, sometimes years.

The miners aren't saying very much about the Yablonski murders. Everybody here knew Jock and his wife and their 25-year-old daughter Charlotte, but for a long time now the Yablonskis have lived in a different world.

He was off campaigning against the United Mine Workers leaders much of the time last year, and even before that, when Jock was one of those close-in leaders himself, his life was elsewhere.

Many of the men just don't want to talk about Jock's murder with reporters; at least they don't want to give their names.

Joe Kreon is an exception. A short and rugged man with red face and curly white hair, Kreon is president of the local union, number 6330.

"When I heard about it, I cried. I'm not ashamed to tell you," he said, standing on the main street in front of the volunteer fire department.

"I hope to hell they catch the guy who did it, right away today," he added. "The black part of it is it looks bad for the UMW."

Kreon pointed to a bystander. "As he says, it looks like a professional job."

Kreon is on the union payroll and he doesn't think UMW President Tony Boyle or his colleagues had anything to do with it. He was standing at the firehouse at 1 p.m. because he had called a union meeting to see what the Gateway miners wanted to do about working.

Two roving pickets had showed up at the mine after midnight yesterday morning, telling the third-shift men to go home because of Jock Yablonski. Kreon was going to take a vote on whether the men should go back to work.

A third-shift miner arrived for the meeting and told about the night before at Gateway. "The pickets were late," he said. "I was on the company property and I already had my lantern when they come.

"I turn around and went back. We don't cross picket lines in this union. We never have and we never will."

More men were arriving. Kreon would tell each new group they couldn't use the firehouse "because the FBI and the state cops took it over."

"We got to use this place," he would say, pointing to the frigid interior of a vacant storefront.

KILLINGS DEPLORED

"It's a danged shame," said a tall, beefy man in a lumber jacket. He was talking about the killings.

"If they had something against him, why'd they go and kill his wife and the girl?"

"It's getting so's you can't run for office in this country," said another miner. "Like that guy who shot Kennedy."

"What about the guys behind the guys who done it?" asked a slender man who looked to be younger than the others, perhaps 40.

As more men gathered, Kreon began the business of the meeting out on the street.

"What are we going to do?" someone asked.

"What do the sons want us to do?" Kreon replied, referring to a statement on the radio that Ken and Chip Yablonski had pleaded against any work stoppage sponsored by the UMW leadership.

"Go back to work," said a little balding man.

"I say that's what we do, at midnight tonight," Kreon said.

Now there were 30 or 40 men on the street and in the store. There are 400 men in Local 6330.

Kreon ushered everybody inside and started the meeting, which lasted 2 minutes and 35 seconds.

BACK TO WORK

As the men poured out, Kreon told a waiting reporter, "We took a voice vote. There were no abstentions. We go back to work at midnight."

One of the first men out the door had said to his departing brothers, "What the hell did you want to go and vote to work for?"

He got no answer.

Kreon was asked what would happen if the roving pickets showed at Gateway mine. "That I can't say," he replied.

Down at Fredericktown, Yablonski's friend, Mike Trobovich, was sitting in the old Yablonski campaign headquarters organizing walkouts by telephone.

When he got the word of Local 6330's vote he shrugged. "Whose local is that, Kreon's?" he asked. "He's one of Boyle's dust committees. Send pickets to Gateway tonight for the third shift,' he said to an aide.

In his lapel, Trobovich was wearing a black-and-white button with a skull and crossbones above a pair of black lungs.

"Stop Murder," it said.

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Close Friend Threatened in Phone Call

(By Fred Barnes)

WASHINGTON, PA.—Pennsylvania state police revealed today that two more expended bullets had been found in the bedroom of slain United Mine Workers insurgent Joseph A. Yablonski and there are strong inclinations the triple murder was committed with a pistol and a rifle.

Capt. Joseph Snyder said at his first briefing since the bodies of Yablonski, his wife and daughter were found Monday that a lead slug, probably .38-caliber, and a copper-jacketed bullet, probably .30-caliber, were found in the bedroom of Mr. and Mrs. Yablonski.

Asked if this meant two persons were involved in the murders, Snyder said: "This could be supposed. It is not conclusive."

He also revealed that Yablonski was found with several unused shotgun shells under his body and apparently had been shot while he was reaching for a shotgun near the windowsill of his bedroom.

PELLIGRINIS THREATENED

Snyder also said that a threatening phone call was received yesterday afternoon at the Cannonsburg, Pa., home of Marion Pelligrini, a UMW District 5 official and close friend of Yablonski.

The caller told Pelligrini's wife that the Pelligrini family was "next on the list," Snyder said.

Pellegrini testified before a federal grand jury in Washington, D.C., in November concerning the alleged embezzlement of union funds for use in the reelection campaign of union President W. A. (Tony) Boyle, who defeated Yablonski last month in a bitter campaign.

Pellegrini told the grand jury that he had been asked to hand in a phony $2,500 voucher for "organizing expenses" and that the money later was channeled into Boyle's campaign.

Snyder said FBI agents have been on hand monitoring operations at the investigation headquarters in nearby Clarksville, near the spot where the shootings occurred. Snyder said agents are officially a part of the case now and a field agent in charge was conferring with state police this morning.

Atty. Gen. John N. Mitchell told the FBI last night to enter the case actively. Agents had been involved in the investigation earlier—but not on an "active" basis.

Dissident mine workers meanwhile were mounting a campaign today to "shut down America's coal mines" until union leaders take lie detector tests and disavow any part in the murders of the Yablonskis.

Capt. Snyder expressed some bafflement about the evidence in the case.

He said he was puzzled why assailants "who went in there to kill them would let the air out of the tires" of the cars in the driveway, "and also spend time cutting wires" which were telephone and television connections leading from the house.

He said he thinks Yablonski reached for, but never grasped, the shotgun near his bed.

He said Yablonski had the unloaded shotgun and a rifle in the bedroom. Earlier, police sources indicated the second weapon was a .22-caliber rifle.

Snyder said he couldn't state that caliber certainly, but that he is convinced the expended copper bullet was not from either Yablonski weapon. Yablonski's shotgun, he noted, was unloaded.

Snyder said police have interviewed many Yablonski acquaintances about the slayings, "and of course many of them are union officials" but he declined to name them.

Concerning the call to Pellegrini's home, Snyder commented: "Whether this was a crank call or something serious, I don't know at this time." He added that state police are now patrolling in the vicinity of the Pellegrini residence—and protecting the home here of Yablonski's son Kenneth.

Meanwhile, many mines in a three-state area were closed by a wildcat shutdown.

At a meeting of West Virginia miners in Monongah, W. Va., last night, 150 Yablonski supporters unanimously endorsed a shutdown until UMW district and national leaders take lie detector tests.

It called for all UMW international and district officers to voluntarily submit to lie detector tests and to state they were in no way involved in the murders.

In Washington, the UMW had no comment, but prepared to announce a $100,000 reward for information leading to the arrest and conviction of Yablonski's killers.

Harry Patrick of Monongah, leader of the insurgent movement, said this morning, "We mean to keep the mines out. We are going to spread it until we've got them all out."

An estimated 50 organizers spread across the West Virginia and Pennsylvania coal fields, setting up roving picket lines.

By long tradition, miners will not cross a picket line at a change of shifts even if the line consists of one miner. It was this tactic that shut down a number of mines beginning at midnight Tuesday.

A telephone check indicated almost all mines in Northern West Virginia were closed today. The Associated Press and United Press International had spotty reports of shutdowns in Ohio and Pennsylvania, where 7,000 miners reportedly stayed home yesterday.

The figure was put at 10,000 today by UPI.

The Yablonski family yesterday asked that the union leadership not call a memorial strike.

Key Yablonski aides said today they were contacting union insurgents in Illinois, Indiana, Kentucky, Virginia and southern West Virginia in an attempt to shut down mines in those areas.

UMW officials have denied that the murders were related in any way to the union or its recent presidential election.

"If they are so sure that the organization had nothing to do with the murder, all they have to do is answer one simple question," said a close friend of Yablonski, Mike Trobovitch of Fredericktown, Pa.—"What do you know about the killings? That's the only question."

The insurgents sent a telegram to UMW headquarters in Washington, D.C. demanding Boyle's resignation.

BOYLE SEES NO LINK

Boyle told a CBS radio newsman today there was no link between the bitterly fought election and the shootings.

"The election is over. Why should anyone want to kill Yablonski, his wife and his daughter?" Boyle asked.

The union leader said he would welcome any kind of investigation of the union—"People say I have a corrupt union.

"I took over what John L. Lewis built up and it's no better or no worse than it was then," he said.

In Washington, Mitchell ordered the FBI to join state troopers and the local sheriff in the investigation.

"The investigation was being undertaken to determine whether or not the three deaths in any way involve federally protected rights of labor union members," Mitchell said. He acted after Pennsylvania Gov. Raymond P. Shafer telephoned him asking for federal assistance and after meeting with Joseph L. Rauh Jr., the Washington attorney who advised Yablonski in his court suits against Boyle.

Mitchell acted under a labor law provision protecting persons involved in union elections—a provision which Rauh had been citing for months as a reason for the government to move against Boyle.

Yablonski, 59, a member of the union's executive board, was found shot to death at his Clarksville home on Monday. He had been shot five times.

His wife Margaret, 57, and his daughter Charlotte, 25, were also found dead, each with two bullet wounds. Police said they had been dead 3 or 4 days.

[From the New York Times, Jan. 7, 1970]

Mitchell Orders FBI To Join Inquiry Into Yablonski Slayings

WASHINGTON, January 6.— Attorney General John N. Mitchell ordered the Federal Bureau of Investigation today to "actively enter the investigation concerning the death of Joseph A. Yablonski, his wife and his daughter. He acted under the Landrum-Griffin Act, which grants Federal protection in union elections.

Mr. Mitchell, in an announcement late in the day, said that he had ordered the inquiry "at the request of Gov. Raymond P. Shafer of Pennsylvania" to "determine whether or not the three deaths in any way involved federally protected rights of labor union members."

"The F.B.I.," Mr. Mitchell said, "will also continue to cooperate with Pennsylvania state and local authorities in their investigation of the crime and will make available its laboratory, identification facilities and other resources."

The Attorney General's directive, issued at about 6:30 P.M., came two hours after Mr. Mitchell met with Joseph L. Rauh Jr., Mr. Yablonski's lawyer. During the meeting, Mr. Rauh asked for a "full F.B.I. investigation" of the murders.

After meeting with Mr. Mitchell for about 30 minutes, Mr. Rauh told reporters:

"I think the probabilities are clear here that this was an election-connected crime, and probabilities are all that's necessary for the Attorney General to act."

He said that state and local police forces would be unable to solve the crime "without access to the inside of this union, without undercover men all over the country."

Such help, he indicated, could be provided readily by the F.B.I.

After criticizing the Justice and Labor Departments for what he called "icy indifference" to the hotly contested union election and the slain candidate's request for Federal protection, Mr. Rauh said.

"The fight against the United Mine Workers was not over. It was just beginning when Joe Yablonski was killed."

He referred to two pending suits against the union leadership, one alleging corruption in the union and the other contesting the election won by Mr. Boyle.

Union Reward Offer

CLARKSVILLE, PA., Jan. 6.—The United Mine Workers of America, accused by the family of Joseph A. Yablonski of complicity in his murder and that of his wife and daughter here, will offer a "substantial" reward—perhaps $100,000—for the apprehension and conviction of their killers, union sources said today.

An announcement of the award, which union officials in Washington said they began planning yesterday shortly after discovery of Mr. Yablonski's murder, is expected to be made tomorrow at union headquarters in the District of Columbia.

Mr. Yablonski was defeated by the union president, W. A. (Tony) Boyle, last month in the most divisive election campaign in the coal union's history.

Union officials said that the mine workers' 28-member international executive board, of which Mr. Yablonski was a member, was being polled by telephone today to obtain approval of the $100,000 reward.

Union spokesmen disclosed the reward offer in response to a telegram to Mr. Boyle from Representative Ken Hechler, Democrat of West Virginia, who supported Mr. Yablon-

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ski's bitter struggle to reform the mine union and to oust its present leadership.

Mr. Hechler called on Mr. Boyle to post a $100,000 reward. He said that that would be "in the best interests of all members of the U.M.W., whose status has been improved so much by Mr. Yablonski's efforts."

The Pennsylvania state police established a special 12-man substation at the volunteer fire department in this rural community today to coordinate what was described as "a major investigation" into the death of Mr. Yablonski, who was shot to death with his wife and daughter. Although the murders were discovered yesterday, it is believed that the shootings occurred on New Year's Eve.

But Capt. Joseph C. Snyder, the Troop B commander at nearby Washington, Pa., director of the murder investigation, said that the police so far lacked a "possible motive" or a single investigative lead, other than the nine bullets recovered from the murder scene.

No weapon and no expended cartridge cases were found, and there were no reports of any unusual visitors or activities in this remote southwestern Pennsylvania coal town of 1,000 persons.

Five of the nine bullets taken from the bodies of the victims during a post-mortem at the Washington Hospital and others dug out of the mattresses on which the sleeping Yablonski family was murdered were sent today to the state police crime laboratory in Harrisburg for ballistic tests.

The tests may disclose whether more than one weapon was used.

Captain Snyder said that until those tests were completed he "would not substantiate" assertions by other police sources here that there was circumstantial evidence there had been more than one killer.

LONG INVESTIGATION PREDICTED

In Harrisburg, James Cox, the state police public information officer, said today that "this is going to be a long investigation and—not at all to our liking—probably a very slow one."

An autopsy completed early this morning, about 12 hours after the bodies were discovered yesterday at about noon by Mr. Yablonski's oldest son, Kenneth, disclosed that Mr. Yablonski, 59, had been shot five times in his bed with a .38-caliber pistol.

It was an attack that the police said bore the marks of "an act of vengeance," and Mr. Yablonski's two surviving sons and the Washington County coroner, Farrell Jackson, an old friend of the murdered union official, were using such words today as "execution" and "assassination" to describe the killings.

A series of spontaneous miners' strikes broke out today in the coal fields south and west of Pittsburgh and at scattered mines in West Virginia and Ohio, where Mr. Yablonski had the greatest strength in his six-month election battle with Mr. Boyle.

[From the New York Times, Jan. 9, 1970]

"FULL-SCALE" INQUIRY INTO MINE ELECTION ORDERED BY SHULTZ

(By Ben A. Franklin)

WASHINGTON.—Secretary of Labor George P. Shultz ordered today a "full-scale investigation" of the United Mine Workers of America election in which Joseph A. Yablonski was defeated by the incumbent union president, W. A. (Tony) Boyle.

The order came as the union offered a $50,000 reward for the apprehension and conviction of the killer or killers of Mr. Yablonski and his wife and daughter, who were found murdered in their home Monday.

Mr. Shultz's action followed an announcement by the union that it would waive all legal rights under the Landrum-Griffin Act and cooperate in the investigation, which it earlier opposed.

Agreement on the voluntary investigatory procedure was reached today during a conference of Assistant Secretary of Labor W. J. Usery, Mr. Boyle and the mine workers' general counsel, Edward Carey. Spokesmen said the investigation would begin tomorrow.

Mr. Yablonski's sons, Kenneth and Joseph A. Jr., both lawyers, have charged that their father, mother and sister were murdered by "professional assassins" as an "outgrowth" of Mr. Yablonski's campaign to oust Mr. Boyle.

The insurgent union candidate accused the union president during the campaign of being a "dictator" and an "embezzler of union funds."

Before his death, which the Pennsylvania state police believe may have occurred during the night of Dec. 30–31, Mr. Yablonski had also filed with the Labor Department 100 separate complaints of pre-election vote fraud by incumbent U.M.W. officials.

Last Dec. 18, he added to this other allegations of violations of Federal fair election laws affecting unions.

"INTEGRITY AND HONESTY"

At a news conference this afternoon in the basement of the union headquarters here, Mr. Carey, the union counsel, said the issuing of the invitation to the Labor Department to conduct its investigation "obviously would not be done if this were not an election held with the highest degree of integrity and honesty."

Secretary Shultz disclosed yesterday that the department was "reconsidering" its earlier position that it could not intervene in the election dispute until perhaps March or April, after Mr. Yablonski had exhausted appeal remedies.

The theory in the department is that Mr. Yablonski's death makes the statutory waiting period a moot point.

Mr. Carey said the reason for the $50,000 reward and the waiver of all legal rights to delay a Federal investigation of the union election was "that a great deal of misinformation is being carried across the pages of the newspapers in the United States" and on radio and television.

"NO APOLOGIES"

"We make no apologies to anyone," the union lawyer said, "especially to those engaged in wild speculation."

Mr. Yablonski's lawyer, Joseph L. Rauh Jr., issued a statement declaring that "what is required now is a joint Justice and Labor Department investigation of corruption and violence in the United Mine Workers, and of the massive expenditures of union funds during the election campaign, as well as the election-day fraud."

On Capitol Hill, there were also demands for an investigation of the U.M.W. that would go far beyond the disputed election. Senator Robert P. Griffin of Michigan, the assistant Republican minority leader, who was an author of the Landrum-Griffin Act, wrote to Senator John L. McClellan of Arkansas, chairman of the Permanent Investigations Subcommittee, "strongly urging" a full-scale investigative review under all aspects of the act.

INQUIRY STUDIED

A Senate labor subcommittee headed by Senator Harrison A. Williams Jr., Democrat of New Jersey, was known to be reviewing the prospects of a major inquiry.

At U.M.W. headquarters, Mr. Carey said that the angry demands of Yablonski supporters that top union leaders submit to lie detector tests regarding the killings would be rejected as "a humiliation."

More than 20,000 pro-Yablonski miners were in the third day of a wildcat protest strike that began with the discovery of the murders.

Repeating earlier denials, Mr. Carey declared today that "I bet my very life that this [the murders] is not connected with the union."

[From the Philadelphia Evening Bulletin, Jan. 9, 1970]

UMW THREATS IGNORED BY LABOR DEPARTMENT

(By Jack Anderson)

WASHINGTON.—Six months before Jock Yablonski was murdered in his bedroom, he pleaded with the Labor Department for a full investigation of attempts to intimidate him into dropping his campaign for the United Mine Workers presidency.

The appeal was delivered by his attorney, Joseph Rauh, who warned Secretary of Labor George Shultz that if the Government did not intercede, Shultz might have Yablonski's murder on his conscience.

PROPHETIC WARNING

This warning was made in a grim, private conversation between Rauh and Shultz after Yablonski had encountered his first violence. He had been knocked cold from behind by a karate blow after a meeting with miners in Illinois.

The next day, a rally organized by his supporters in Pennsylvania was broken up by a squad of goons waving placards supporting Tony Boyle, the incumbent union president.

During his private huddle with Shultz, Rauh made documented charges of these and at least 15 other election abuses, including threats against Yablonski's supporters. But the Secretary of Labor refused to order an investigation.

By the time election day arrived in December, Yablonski had produced detailed charges of more than 100 federal violations by the Boyle machine. On four separate occasions, the Labor Department was begged to step in with a full probe.

RELATIVES BITTER

Now, embittered Yablonski relatives are saying that the murder of the defeated union candidate, his wife and daughter would never have occurred if his enemies had not been encouraged by the Government's apathy.

Throughout the campaign, Yablonski was haunted by the threat of violence. He even posted guards at the door of the Washington news conference where he announced his candidacy.

He would not campaign at all in Tennessee, home state of pro-Boyle "thugs" who had beaten up dissidents at the union's conventions.

During the final months of the campaign, a mysterious car with Tennessee license plates was seen a number of times outside the Yablonski home, a farm in southwest Pennsylvania. Several times the car remained outside all night.

BORROWED FIREARMS

Yablonski and his wife both disliked guns and never kept them in their home. But after the ominous appearance of the Tennessee car, Yablonski borrowed several firearms from one of his brothers to keep in the house.

After Boyle won the election by a two-to-one margin, Yablonski charged the vote had been "stolen." A new appeal was made to the Labor Department to impound the ballots and begin an immediate probe into additional violations on election day.

In a private meeting with Rauh before Christmas, less than a month before the triple killing, department officials again refused.

Yablonski's aides also were told by the Justice Department that a federal grand jury in Washington had determined there was substance to his charge that money had been embezzled from the union treasury to be used in Boyle's campaign. Justice officials told the Yablonski aides, however, that they had decided not to seek indictments.

LEWIS LIEUTENANT

Jock Yablonski was a rugged man of 59 with a gravel voice and a gruff manner. He was a loyal lieutenant of John L. Lewis throughout the 40 years of Lewis's reign as

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the Mine Workers' president. But things changed when Tony Boyle took over in 1963.

Until 78 men were killed in a dramatic mine explosion in Nov., 1968, Boyle sought no new federal mine safety standards. Yet coal mining is the nation's most hazardous occupation, more dangerous even than police work or fire fighting.

Under Boyle, the union was twice convicted of an antitrust conspiracy with the nation's biggest coal companies.

MANY MOTIVES

Yablonski was torn between his loyalty to the union organization and his desire to see the UMW again become a powerful champion of the miners' interests. Finally, he decided to break with Boyle.

Boyle has said that he believes Yablonski's murder had nothing to do with the bitter election campaign. But Yablonski's relatives and associates believe that, although he lost the election, there still were reasons why union hotheads might want to kill him.

Here are possible motives—

Despite his loss, Yablonski made the best showing by an insurgent UMW candidate in nearly 50 years. He also had pledged to continue the fight for reforms, possibly challenging Boyle again in the next election.

A group of rank-and-file miners, under Yablonski's leadership, had filed a $16-million federal suit against Boyle and his fellow officers, charging misuse of the miners' dues. Yablonski and his associates felt that the suit had an excellent chance of succeeding.

Because of Yablonski's prodding, there was still an outside chance that the Labor Department might investigate his charges and throw out the December election.

Now that Yablonski is dead, along with his wife and daughter, it will be interesting to see whether the Federal Government will go ahead with the investigation Yablonski asked for but which the U.S. refused to conduct while he was alive.

[From the Wall Street Journal, Jan. 9, 1970]

LABOR DEPARTMENT TO HOLD INVESTIGATION OF MINERS' ELECTION AT REQUEST OF UNION

The Labor Department is launching a "full-scale investigation" of last year's bitterly contested United Mine Workers election.

Labor Secretary Shultz gave that word last night within hours after the embattled union asked the department to conduct a "thorough fact-finding investigation."

At the same time, the union also offered a $50,000 reward for information leading to the arrest and conviction of the person or persons responsible for the killings of UMW official Joseph Yablonski, his wife and his daughter. The three were found shot to death in their Clarksville, Pa., home on Monday, less than a month after Mr. Yablonski had been defeated for the union presidency by incumbent W. A. (Tony) Boyle.

Meanwhile, miners' strikes aimed at pressuring law enforcement officials working on the Yablonski slayings were beginning to create a coal supply pinch for steel producers and some utilities.

In Washington, Edward Carey, general counsel for the UMW, said at a news conference that the request for an investigation by the department was made by Mr. Boyle and other union officers at a meeting yesterday with Assistant Labor Secretary W. J. Usery and Laurence Silberman, Labor Department solicitor.

"It is the desire of the officers that the Labor Department proceed immediately to determine that the election was conducted fairly and honestly," Mr. Carey said. "We have offered to make available to department investigators any and all material that the department considers essential to the investigation."

In a brief statement, Secretary Shultz said the union's request removed any "legal impediments to immediate investigation" of alleged election irregularities under the Landrum-Griffin Act.

The union's request came as Secretary Shultz was considering a new request from Mr. Yablonski's attorney, Joseph Rauh Jr., that he investigate the election battle. On Dec. 25, the Labor Department denied a request by Mr. Yablonski that it impound ballots and records from the election and conduct an investigation of alleged irregularities.

At the time of his death, Mr. Yablonski was awaiting action by the union itself on his complaints of irregularities. Until yesterday, the Labor Department took the position that Mr. Yablonski, or any UMW member, must first exhaust internal remedies provided by the union before it would investigate.

Mr. Yablonski's backers believed the department had taken a too-narrow view of its power and responsibility under the Landrum-Griffin Act and should have stepped into the Mine Workers' battle even before the Dec. 9 election.

In a related development, Sen. Griffin (R., Mich.) sent a letter to Sen. McClellan (D., Ark.) urging that the Senate Investigation Subcommittee he heads "undertake an investigation as soon as possible" of the Mine Workers' election. The investigation, the author of the Landrum-Griffin Act said, should be made "with a view to determining whether existing laws are adequate."

Though Landrum-Griffin "went a long way toward protecting the rights of rank-and-file union workers," Mr. Griffin said, "time and experience have indicated that some amendments may now be needed to strengthen the act."

Mr. Yablonski, who recently lost a bitter election for the presidency of the United Mine Workers, and his wife and daughter were found shot to death Monday at their home in Clarksville, Pa.

UNION LINK TO DEATHS DENIED

At his news conference, Mr. Carey rejected the charges of some Yablonski supporters that the slayings were connected with Mr. Yablonski's bid for the UMW presidency. "I'd bet my very life" they have "nothing to do with union activities," he said.

Among the material that Mr. Carey said the UMW would make available to Federal investigators are the election tally sheets from locals. "We will turn over every bit of evidence we have," he told reporters.

As to the election's fairness the UMW general counsel said: "We'll match it with any election in the U.S."

Steel producers acknowledged they are beginning to feel a shortage of coal supplies as a result of the widespread work stoppages at mines in southwestern Pennsylvania. The strikes, which began soon after Mr. Yablonski was murdered, also are affecting some electric utilities but not to so great an extent at this time, industry sources said.

With its huge Robena complex and Maple Creek mines shut, U.S. Steel Corp. cut production of coke by 25% at its Clairton, Pa., mill. A spokesman said the move came because the strikes "have reduced the supply of coal at Clairton," but he said there hasn't been any affect yet on steelmaking operations.

Coke is a residue distilled from coal and used in the production of iron. Most mills stockpile coke, so that a cut in coking operations wouldn't immediately affect ironmaking.

The mills also maintain large coal stockpiles, but these have dwindled significantly at many mills because of frequent wildcat strikes by restive coal miners.

DOWN 27 PERCENT

Bureau of Mines statistics show coking-coal stockpiles nationwide are down 27% from a year earlier. Mills had an average 33 days' supply on hand as of Oct. 31, down from 45 days a year earlier.

"The wildcat strikes plus high coke demand have pre-empted the possibility of rebuilding stockpiles," the U.S. Steel spokesman said.

All four of Jones & Laughlin Steel Corp.'s mines were shut down, but a spokesman said the cutoff of supply hasn't yet affected mill operations. But he added: "If this continued unrest and wildcat strikes go on, sure, we're bound to be hurt." J&L is a unit of Ling-Temco-Vought Inc.

Republic Steel Corp., Bethlehem Steel Corp. and Youngstown Steel & Tube Co., a subsidiary of Lykes-Youngstown Corp., also have mines on strike.

A Bethlehem spokesman said, "Our supplies are adequate to support normal operations." He said that Bethlehem mines in southern West Virginia and Kentucky still are operating.

ANGRY OVER SLAYINGS

The strike by miners, who are angry over the slaying of Mr. Yablonski and his wife and daughter, appeared yesterday to be centering in southwestern Pennsylvania, though there were scattered reports of walkouts in parts of West Virginia.

A coal-industry spokesman said miners in Ohio and some in West Virginia returned to work yesterday. A spokesman at the Ohio Coal Association said only two mines, both owned by Valley Camp Coal Co., remain struck in the Ohio fields.

Mr. Yablonski was widely known in the Pennsylvania area, where he once served as president of Pittsburgh-based District 5 and as an international executive board member. In his unsuccessful campaign against W. A. (Tony) Boyle for the UMW presidency, Mr. Yablonski gathered his key aides from this area.

In large part, the current strikes stem from a call these aides put out for work stoppages aimed at pressuring law enforcement officials working on the Yablonski slayings. The Pennsylvania miners, sources said, want top union officials to submit to lie detector tests, while miners in northern West Virginia are saying they'll strike until arrests are made in connection with the murders.

[From the Washington Star, Jan. 10, 1970]

YABLONSKIS ARE BURIED, BACKERS TO PUSH FIGHT

(By Fred Barnes)

WASHINGTON, PA.—Less than 90 minutes after slain United Mine Workers reformer Joseph A. Yablonski was lowered into his grave, about 75 of his most ardent supporters met in a grade school classroom here and pledged to go forward with their rebellion against the UMW hierarchy.

The dark-suited coal miners voted unanimously yesterday to continue their struggle to oust the current UMW leaders and reform the union.

The meeting appeared to create a renewed militancy among the rebellious miners by repairing the disarray that swept their ranks in the wake of Yablonski's murder.

The miners had come together for the funeral and burial of Yablonski, his wife and daughter. The Yablonskis were shot to death last week at their home in Clarksville, Pa., a tiny hamlet in the bituminous coal fields south of Pittsburgh.

DEFEATED IN ELECTIONS

Yablonski waged a campaign to wrest control of the UMW from union president W. A. (Tony) Boyle but he was defeated in the Dec. 9 election. Yablonski said the election was "stolen" and his two sons have charged that the slayings were an outgrowth of his election bid.

After the burial yesterday mourners gathered in the cafeteria of Immaculate Conception Catholic School for lunch. As word of

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a miners' meeting spread, men filtered out of the cafeteria and into room 104 of the school.

Forty of them squeezed into desks, designed for the school children who ordinarily use the room, and the rest stood along the light-brown walls.

Most of those present came from the coalfields of West Virginia, Pennsylvania and Ohio, where Yablonski found his strongest support. But some had traveled to the funeral of their fallen leader from as far as Illinois and western Kentucky.

Michael Trobovitch, of Fredericktown, Pa., a close friend of Yablonski, asked the group to "agree to go forward on all fronts as a memorial to Jock Yablonski." His proposal was greeted by shouts of approval.

"It seemed there was a feeling among the men that the only true memorial to Jock Yablonski was to keep up the fight to clean up the union," said Joseph L. Rauh Jr., Yablonski's attorney and the only non-miner to attend the meeting.

"What this meeting means is that the rebellion against Boyle will go on," he said.

Trobovitch and Elmer Brown, of Delbarton, W. Va., who ran for UMW vice president on the Yablonski ticket, outlined the program that the insurgent miners will work on in the immediate future.

The first step is to pressure the Labor Department to nullify the results of the Dec. 9 vote and order a new election. The Yablonski partisans charge that there was widespread vote-stealing and massive violations of labor law.

The death of Boyle's opponent does not change the situation, according to Rauh. "Since Boyle was illegally elected, he is an illegal president" and another man can run aganist him in a new election, he said.

$18 MILLION SUIT PENDING

The second front of the challenge to Boyle and other top UMW leaders is an $18 million suit filed Dec. 4 in U.S. District Court in Washington, D.C. It charges that Boyle and others have misused union funds and looted the UMW treasury and should repay the money from their own pockets.

Yablonski and eleven other UMW members are listed as plaintiffs in the suit. Rauh told the miners that others could join.

"I've already read that complaint," bellowed Edward Yevincey, a stubby miner from Greenville, Ky., "and nobody can keep me from being a plaintiff."

Yablonski Murder's Aftermath

As one reader points out today in a letter to the editor of The Star, the murder of Jock Yablonski—and the Labor Department's belated investigation of the United Mine Workers presidential election which preceded that bloody act—raise questions which go beyond that of identification of the killers.

It is important to know who killed Yablonski, and why. It is important to know if last month's UMW election, which the slain man lost by a two-to-one margin, was rigged. But these events may be only symptomatic of the malaise which afflicts not only the UMW, but some other unions.

The fundamental issues are these: Do our unions function in a democratic fashion? Does their leadership pursue the real interests of rank-and-file members? Is existing legislation adequate to safeguard the interests of the workers?

Senator Robert P. Griffin of Michigan, coauthor of the Landrum-Griffin Act, is of the opinion that existing legislation is not adequate to the task. And a good case can be made for that assertion.

In the case of the UMW election, for instance, the Labor Department on December 25 denied Yablonski's request for an investigation into alleged irregularities on grounds that Title IV of the act requires a petitioner to exhaust grievance procedures within the union before the government can intervene. This puts a union's leadership in the enviable and incongruous position of being the judge of its own honesty.

Now that the UMW has agreed to a Labor Department investigation of the election—but not to lie detector tests for union leaders—the government has an excellent opportunity to do some solid digging into how one union, at least, is run. The honest unionists who are in the great majority will be the first to gain from such an investigation.

Edward L. Carey, general counsel for the UMW, maintains he would "bet my very life" that the triple killing in Clarksville was "not connected" with union affairs. He may be right. But in view of what happened to Yablonski, his choice of words seems, at best, unfortunate.

[Form the New York Times, Jan. 10, 1970]

Eulogist Praises Yablonski Cause—Priest Urges Reform Drive as Slain Unionist Is Buried

(By Ben A. Franklin)

Washington, Pa., January 9.—Joseph A. Yablonski and his wife and daughter were buried here today on a bitterly cold and windy hilltop. About 1,000 mourners were urged to continue his struggle for reform in the coal fields.

Two funeral services were held for the murdered family. The largest was a Roman Catholic high requiem mass sung from the modern liturgy at the Church of the Immaculate Conception.

At this mass, Msgr. Charles Owen Rice, a long-time friend of the slain leader of a dissident faction of the United Mine Workers of America, spoke of the "noticeable" impact upon the usually impassive coal miners of the "assassination" of Mr. Yablonski; his wife Margaret, 57 years old, and their daughter Charlotte, 25.

BRIEF EULOGY

"It is obvious," Monsignor Rice said in a brief eulogy, that the miners "who expect it to be harsh and expect conflict to be hard," now "stand aghast at the deed which violated the serenity of the hamlet of Clarksville as the decades changed."

The murders, which were discovered Monday, are believed to have occurred the night of Dec. 30.

The clergyman urged the miners and Mr. Yablonski's two sons to "take heart" and to carry on "the great cause." Mr. Yablonski was defeated Dec. 9 in a union election in which he challenged the incumbent president, W. A. (Tony) Boyle.

The sons, Kenneth and Joseph A. Jr., both lawyers, were under police guard at the funeral.

ASSASSINATIONS RECALLED

The eulogist compared Mr. Yablonski's death with those of three other "famed and controversial" public figures during "the frightful decade of the nineteen-sixties"—President Kennedy, Senator Robert F. Kennedy and the Rev. Dr. Martin Luther King Jr.

"But this was worse," Monsignor Rice said, "because there was the element of cold-blooded preparation, and the chilling and efficient—and it must have been premeditated—murder of two women."

Police officials and other persons familiar with the coal-mining communities have said that the aspect of the killings that has had the greatest impact on coal workers is the killing of Mrs. Yablonski and the daughter.

The Pennsylvania state police said today they were still without leads in their investigation of the killings.

Mr. Yablonski, who served for 27 years as a member of the union's international executive board, had intended to contest the election outcome in the courts on the ground of "massive" vote fraud favoring Mr. Boyle.

The murders here, the clergyman said, are "a deed of infamy that had in it much of all that sickened us in the decade that is just finished, a decade in which our country was shocked and battered by an ugly war, by much domestic turbulence and by an almost unbelievable succession of assassinations."

"This Jock Yablonski was a strong and buoyant man," the priest said. "He was a man with a tremendous capacity for making friends. Like other strong men, he made enemies. It was necessary for him to tramp on toes. He wanted to win, and he was enveloped and caught up in a great cause. He died with his work unfinished, but with a ringing declaration almost with his last breath, publicly, that his work had to go on."

Monsignor Rice said that the murder of the two women added "a new and frightening dimension to American assassination."

"We are hardened in this country," he said, "but this is something new to us. This action, no matter what the motive, is disturbing and evil beyond words to describe. Why? We ask. Why? And who?"

"I pray that peace will come to the coal fields. Because the danger that lurks in the bowels of the earth—the danger that Jock Yablonski fought and tried to obviate for his beloved miners—that of itself is enough for men to have to bear," the priest said.

Mr. Yablonski's oldest son, Kenneth, 35, delivered an impromptu statement to the audience of about 700 in the large Gothic church here.

Standing before the three coffins arranged in the transept in the shape of a cross, Mr. Yablonski said: "My father said once, when asked why he ran, 'Because I owe it to the coal miners to give them a chance.' "

He read the names of 18 pallbearers, all of whom were described as active coal miners who had supported Mr. Yablonski's campaign.

In a list of "honor guard" members and in the front pew of the church there were Representatives John Dent of Pennsylvania and Ken Hechler of West Virginia, both Democrats who supported Mr. Yablonski, and Joseph L. Rauh Jr., Mr. Yablonski's attorney and campaign manager.

Absent were any ranking officials of the miners' union which yesterday offered a $50,000 reward for the Yablonski killers, in a bitter telegram from the two Yablonski sons earlier this week, the U.M.W. leadership was publicly asked to stay away from the funeral.

Earlier this morning, a separate, shorter service was held at a funeral home in Milsboro, a few miles from the Yablonski's home in Clarksville. About 500 persons, mostly miners, attended.

The temperature here was 1 degree above zero at noon when the funeral cortege finally reached the hilltop in the Washington Cemetery that is one of the highest points on the rugged horizon of Washington County. There was a 20-mile-an-hour wind and mourners huddled in a tent as the burial proceeded.

Afterward, two young West Virginia physicians, Drs. Hawey Wells of Morgantown and Donald I. Rasmussen of Beckley, members of the Physicians for Miners Health and Safety, which spurred a rank-and-file miners' campaign last year against health hazards in the mines, said that the most important lawsuit filed by Mr. Yablonski would not end with his death.

The suit, filed last month by Mr. Yablonski and 11 other plaintiffs in the United States District Court, in Washington, D.C., demands that Mr. Boyle and other top union officers make personal restitution and pay damages for millions of dollars in union funds, which the complainants allege the current leadership of the union misappropriated or spent for "personal aggrandizement."

Dr. Wells said that the 11 surviving complainants had agreed that the lawsuit should be "pressed vigorously to a conclusion."

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McClellan Weighs Inquiry

Washington—Senator John L. McClellan, Democrat of Arkansas, said today he had ordered the staff of a Senate investigations subcommittee to begin a preliminary investigation of the slayings and the election.

Senator McClellan said in a telephone interview he would await staff reports on the preliminary inquiry before deciding whether to conduct a full-scale investigation. He added that if such hearings were held they would probably be secret to avoid conflict with other inquiries already under way.

[From the New York Post, Jan. 12, 1970]

A Sad Silence

Now a week has passed since the discovery of the slain bodies of Joseph Yablonski, his wife and daughter. The case remains unsolved and many questions are unanswered about the diligence with which the government will pursue the issues of corruption and oppression within the United Mine Workers Union that Yablonski challenged during his gallant, short-lived rebellion. But one thing is mournfully clear; the leaders of labor (and many other public men) have lapsed into shameful silence.

No major labor figure has uttered a word of public tribute to Yablonski's crusade or an expression of anguish over his death. No dignitary of any union was present at his funeral or even sent a message for the occasion. Many rank and file coal miners have voiced a sense of deep loss, but the chieftains of organized labor remain mute.

The tragic irony is that, in public life, the men most urgently demanding action are such Senators as McClellan and Griffin who may envisage a result that discredits unionism. But the true discredit to labor stems from the failure of its leaders to exhibit any humane reaction to the death of a dedicated man. Whatever the identity of the killers may prove to be, Joe Yablonski surely deserved more from those who claim to care about the ideals and traditions of free unionism.

[From Hard Times, Jan. 12–19, 1970]

Boyle's Law

(By James Ridgeway)

During the United Mine Workers election campaign Joseph Yablonski repeatedly asked the government for protection from union boss Tony Boyle, but was rebuffed. Yablonski had been pointedly warned by Boyle men in Kentucky to stay out of that territory. His agents received telephone death threats from Boyle supporters. Gangs of union-paid goons broke up Yablonski meetings. And Yablonski himself was knocked unconscious by a karate chop at one meeting. Still the government wouldn't protect him.

But last month attorneys from the criminal division of the Justice Department began to present evidence to a federal grand jury in Washington, D.C., leading towards indictments of high union officials for embezzlement of UMW funds. The grand jury was reported ready to indict. Then, mysteriously, the Justice Department withdrew the case, claiming union officials had returned the stolen money.

It's no wonder miners believe Yablonski, his wife and daughter were murdered on orders of union leaders.

Boyle has a long history of meanness and violence. He doesn't lose a chance to live up to his reputation for meanness. While Joseph Rauh, Jr., Yablonski's lawyer, was taking Boyle's deposition in connection with a suit against the union, Rauh's assistant snickered at one of Boyle's responses. Boyle screamed at the man, "You aren't going to laugh at me, you long-hair Commie. I'll throw you down."

In February, 1952, Charles Minton, a discharged UMW field representative, filed a $350,000 damage suit against the union. Minton said he was ordered by Tony Boyle, then "agent extraordinaire" for the UMW, to murder C. P. Fugate and Harry I. Turner of Wise, Virginia, the owners of the non-union Gladeville Coal Co. Minton claimed he had executed previous orders, and blown up some mines, including a substation at Gladeville. The suit was settled out of court.

Fugate and Turner brought a $300,000 damage suit against the union, which, according to their attorneys, was settled out of court. Reached in Daytona Beach, Florida, Fugate remembered how his company's substations and tipples had been dynamited. Fugate said UMW people told him at the time that Boyle was threatening to kill him.

As a union insider, Yablonski may well have had the goods on Boyle. The real threat to his power was not so much in the election challenge as in a series of suits filed in federal courts. They charge that Boyle and John Owens, the UMW secretary-treasurer, violated their fiduciary duties as union officials by misappropriating and diverting $18 million in UMW funds. For example, the complaint in this suit says the UMW loaned $1.4 million to Lewmurken, Inc., a holding company with offices at UMW headquarters in Washington. Lewmurken in turn holds 30 percent of the stock in Rocky Mountain Fuel Co., a defunct coal outfit once owned by Miss Josephine Roche, a trustee of the UMW welfare fund. Lewmurken funds also went to help finance a non-union coal company.

Between 1963 and 1968, according to the complaint, the union paid $68,894 for Owens' suite in Washington's Sheraton-Carlton Hotel.

The officers padded the payroll with their relatives. Antoinette Boyle, Tony's daughter, received $40,000 a year for her work as an organizer in Billings, Mont., where there is little coal mining. Tony's brother, R. J. Boyle, got $186,000 in salaries over five years; $100,000 went for "Boyle" lighters so the boss could ingratiate himself with the rank and file. And more than $5 million was loaned from the central office to various districts for Boyle's campaign.

HOWARD G. MAYES, AVIATION PIONEER, HERO, AND MAN OF VISION

(Mr. HECHLER of West Virginia asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. HECHLER of West Virginia. Mr. Speaker, West Virginia and the aviation industry lost one of their true pioneers and heroes in the passing of Howard G. Mayes, of Huntington, on January 15. Mr. Mayes not only carved a niche as an outstanding and courageous airplane pilot, he also established himself as a man of great vision. More than 30 years ago, Mr. Mayes battled for the construction of a regional airport midway between Charleston and Huntington—West Virginia's two largest cities—to serve the aviation needs of southern West Virginia, eastern Kentucky, and southeastern Ohio. Mr. Mayes was ahead of his time since people then were boxed in by narrow provincial thinking. Today, the very area Mr. Mayes staked out for this regional airport has been singled out by the Federal Aviation Administration as being best suited to meet the long-range airport requirements of the people of southern West Virginia.

I call the attention of my colleagues to the following article from the January 15, 1970, Huntington Advertiser, which cites also the fact that Mr. Mayes' son, H. J. Mayes, Jr., serves as regional manager for flight operations for United Airlines, based here in the Nation's Capital:

Aviation Pioneer Dies at 74

Howard G. Mayes, 74, an outstanding figure in Huntington aviation circles and World War I pilot, died this morning in a Huntington hospital. He was admitted as a patient Wednesday evening.

Mr. Mayes, of 106 Honeysuckle Lane, formerly managed what is now Huntington Downtown Airport in Chesapeake, Ohio, and had operated a Huntington hardware store.

It was July 2, 1918, when Mr. Mayes was shot down during an encounter with three German pursuit planes. Although he was only bruised when the plane crashed after an emergency descent from 8,000 feet, a picture of the aircraft showed it was "the most completely wrecked of any on record in which the pilot was not killed."

Captured by the Germans, he was released on Nov. 9, 1918, and returned to the United States to continue as a barn-storming pilot.

ACCLAIMED AS HERO

In 1928, landing for an air show at Cleveland, he was acclaimed for his courageous flying as he purposely wrecked his plane while landing to avoid a collision with another aircraft. The second plane was carrying passengers, one of which was the mother of Charles A. Lindbergh.

A son, H. J. Mayes, Jr., was named in 1964 as regional manager of flight operations for United Airlines in Washington. Carrying on his father's tradition in aviation, he learned to fly when he was 12 and received a pilot's license at age 16.

Mr. Mayes was born in Putnam County, a son of the late J. W. and Mary E. Mayes.

He was a member of the American Legion, the Masonic Lodge, Elks Lodge, Aircraft Owners and Pilots Association and Disabled Officers Association.

Survivors include his wife, Mrs. Margaret Dudley Mayes; two other sons, Robert and John W. Mayes, and two daughters, Ruth and Elizabeth.

SECRETARY LAIRD NAMED FOR 1970 "MINUTE MAN" AWARD

(Mr. MIZE asked and was given permission to extend his remarks at this point in the Record.)

Mr. MIZE. Mr. Speaker, our former colleague, Mel Laird, now serving as President Nixon's Secretary of Defense, has been named by the Reserve Officer's Association National Awards Board to receive the 1970 "Minute Man" award.

ROA National President Maj. Gen. Roy D. Free, in announcing the choice, paid tribute to Secretary Laird's long service in the Congress. Serving as a key member of the Defense Appropriations Subcommittee for many years, Mr. Laird was instrumental in securing passage of the Reserve Vitalization Act.

General Free said:

> Few citizens, since the days of George Washington, have met more resolutely or competently their duty to protect our freedoms. Melvin Laird exemplifies the selfless, nonpartisan dedication to, and love of, country which has earned him the gratitude of every American. Our association is honored to invite for Melvin Laird the public acclaim which is his due.

Mr. Speaker, I might point out that the ROA, by honoring Secretary Laird, honors itself. Mel Laird has exemplified those principles which the ROA has long

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cherished and worked to make more secure and better understood throughout America.

It has been said that a reservist is "twice a citizen." I could not agree more. Weekends, evenings, and vacation periods are selflessly given by each Reserve officer and man to promote our national security and our way of life. Long hours of study are routine for each reservist as he prepares for advancement and for his mobilization billet in case of national emergency. Mel Laird has devoted his working lifetime to the service of his country—and he has never failed to pursue and represent those ideals which the ROA works so very hard to promote.

Secretary Laird joins a select and distinguished company in receiving this high honor. Past recipients have been our distinguished Speaker, the Honorable John W. McCormack, Gen. David Sarnoff, Senator Richard B. Russell, Mr. Bryce N. Harlow, Senator Margaret Chase Smith, Senator John Stennis, Mr. Hugh M. Milton II, Senator Dennis Chavez, Representative L. Mendel Rivers, Representative Robert L. F. Sikes, and Representative F. Edward Hébert.

The presentation of the "Minute Man" award will be made at the ROA's 1970 mid-winter banquet on the evening of February 27, 1970. Reserve leaders will be assembled on that occasion from throughout the world to honor Secretary Laird.

I wish to add my personal congratulations to Mel Laird, and associate myself with the views of those presenting the "Minute Man" award to him this year.

SECRETARY HARDIN PRAISED FOR ACTION TO SPEED UP FARM PAYMENTS

(Mr. MIZE asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. MIZE. Mr. Speaker, Secretary of Agriculture Clifford M. Hardin has announced that participants in the 1970 cotton, wheat, and feed grains programs will receive their total payments much earlier than in past years.

Recognizing the tight money situation in agriculture as well as elsewhere, the Secretary has assured farmers that payments will be in their hands, for the most part, as soon as possible after July 1, 1970. This is months earlier than has been the practice.

During these times of cost-price squeeze in agriculture, I feel that the Secretary should be commended for doing everything possible to assist farmers in financing their preparation for the 1971 crop year. I congratulate the USDA for this timely—and very human—response to the farmer's crucial need for operating capital next summer.

I insert the USDA release anonuncing the payments, as follows:

U.S. Department of Agriculture
News Release

Washington, January 16, 1970.—Final Wheat, Feed Grain and Cotton Payments Will Be Issued Earlier This Year:

Secretary of Agriculture Clifford M. Hardin today announced that final payments to participants in the 1970 wheat, feed grain, and cotton programs will be made as soon as possible after July 1, 1970, and will be completed as much as two months earlier than in previous years.

The speed-up in payments recognizes the extreme financing problem faced by farmers and assures that many of them will receive their total payments much earlier than in the past. The step-up will apply not only to voluntary diversion payments but also those payments such as for feed grain and cotton price support and wheat certificates which were not included in the past in the earlier payments.

The plans now being implemented should put most of the approximate $3.3 billion in 1970-crop payments in producers' hands by the end of July or by mid-August. In contrast during the past few years, producers waited until after Sept. 1 for about 45 percent of the payments. Previously only a little more than 10 percent were made in July and only about 12 percent of the total came under the advance payment provisions.

For example, a feed grain program in Iowa who diverted acreage above the minimum for participation and who earned total payments of $2,000 could have received about $250 of his payment early in previous years. Under the rules prevailing in the past, he would have waited until after August 25 for the remaining $1,750 of his payment. This year, he can expect to get all of his payment in July or August. In the past, participants earning about ⅔ of the feed grain payments were in States where final payments were not started until late August.

Arrangements now being made will accelerate preparatory work in order to issue approximately four million sight drafts to producers as rapidly as possible. The early payment operation will be consistent with good program administration and will be subject to appropriate Congressional funding action. Acceleration of payments will also depend on somewhat earlier certification of compliance by those producers who, in the past, have waited until July 1 or later to certify.

Officials noted that though cotton and feed grain payment computations could begin for individual producers as soon as their compliance with program provisions is known, wheat payment computations cannot be made until after July 1 because the law provides that the wheat payment be based on the parity price as of that date. Payment rates for both cotton and feed grains have been determined and announced earlier.

HOWARD SHULTZ MILLER, FORMER CONGRESSMAN FROM KANSAS, DIES JANUARY 2

(Mr. MIZE asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. MIZE. Mr. Speaker, it is my sad duty to inform my colleagues that Howard Shultz Miller of Hiawatha, Kans., who represented the First District of Kansas in the 83d Congress, died on January 2.

I am sure there are many Members who remember Mr. Miller when he was here as a member of the Kansas delegation. He had always been active in soil and water conservation matters in Kansas and worked to advance measures of this type in Congress.

The 13-county district he represented was then the First District of Kansas. All 13 of those counties are now in the Second District which I have the honor of representing. Mr. Miller was my constituent. He was held in high regard by all who knew him.

Former Congressman Miller is survived by three of his childen—Dr. Russell R. Miller of Hiawatha; Wendell Miller of Omaha; and Mrs. Ernest Hohnbaum, also of Hiawatha.

The family wishes to establish a memorial in his honor at the Soil Conservation Society of America, headquartered at Ankeny, Iowa.

As a part of my remarks, I wish to include a short biography of Howard Miller as it appeared in the Congressional Directory for the first session of the 83d Congress in 1953:

Howard Shultz Miller

Democrat, of Hiawatha, Brown County, Kansas; born in Somerset County, Pennsylvania, February 27, 1879, son of Mahlon and Jennie Shultz Miller; attended district school and high school of Sabetha, Kansas; graduated from University of Nebraska College of Law with LL.B. degree in 1901; married Fluta Roberts, now deceased, of Morrill, Kansas, September 30, 1908; three living children, two boys, Wendell and Russell, and one girl, Isabel (Mrs. Ernest W. Hohnbaum); member of Congregational Church; past master Morrill Masonic Lodge; president of Walnut Creek Watershed Association; member, board of directors of Hiawatha Hospital Association, Nemaha Cooperative Elevator Company. Morrill Kiwanis Club, and others; farmer, lawyer, and stockman; elected to the Eighty-third Congress November 4, 1952.

CUNNINGHAM LAW WORKING WELL BUT WE CANNOT REST ON OUR LAURELS

(Mr. CUNNINGHAM asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. CUNNINGHAM. Mr. Speaker, the problem of offensive, sexually oriented advertisements sent indiscriminately through the mails has long been, as you know, a matter of grave concern to this body. It has for years been a matter of the utmost individual concern to me, and I have given the highest priority to solving this problem. You no doubt recall the dedicated efforts of our Postal Operations Subcommittee in conducting hearings in past sessions in various locations throughout the country. Through these hearings we gathered extensive data on the undesirable results of mass mailing of the pandering type of advertisement.

The applicability of the criminal postal obscenity law, 18 U.S.C. 1461, has been narrowed by decisions of the Supreme Court which have taken an increasingly restrictive view of what type of material may be classified as obscene and thus made subject to the general prohibition against introduction of obscenity into the mailstream. In light of the narrowing compass of the postal obscenity law, I, as well as other Members of this body, introduced bills designed to provide a measure of relief to those who receive sex-oriented advertisements that they find offensive. The bills which I proposed—based on the time-honored principle that a man's home is his castle—would have enabled the addressee of mail which he believed to be morally objectionable to have the Post Office Department prohibit the sender from making further mailings to the addressee. One bill which I authored authorized the addressee to determine the moral offensive-

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ness of the mail he had received was passed by this body in the 88th Congress. Another which I authored authorized the addressee to determine if the mail he received was obscene was passed by this body in the 89th Congress. In both cases the vote in favor of passage was overwhelming. Yet neither bill was passed by the Senate.

The threat to impressionable youngsters which was posed by the ever-swelling torrent of vile, licentious advertising continued to grow. Hundreds of thousands of adult citizens—many concerned for the welfare of their minor children, and themselves revolted by the lurid and indecent nature of such mail—wrote to the Congress and the Post Office Department imploring the Government to take effective action. Fortunately there were those in Congress—and I am pardonably proud to count myself in the forefront of these—who were unalterably committed to meeting the needs of the people—to giving our citizens the protection they so urgently needed and so completely deserved.

In the 90th Congress, in January 1967, I introduced yet another bill to deal with the foul matter that was polluting the Nation's mailstream and invading the privacy of millions of Americans who were shocked and disgusted by receipt of this trash. Again this bill was designed to have the individual citizen decide whether mail received by him or any child of his was obscene. If he so decided he could have the Post Office Department issue a prohibition against the mailer. If the mailer persisted in mailing to the addressee in violation of the prohibition, he would have been subject to a court order of compliance.

It was apparent to me that new tactics were necessary if we were to achieve passage of this much needed remedy by both branches. Accordingly, when the postal revenue and Federal salary bill for 1967 was being heard by our committee, I obtained the amendment of that bill by having a composite of Mr. OLSEN's revenue bill and my obscenity bill added to it. This amendment was changed in some respects by an amendment presented by the gentleman from California (Mr. WALDIE). His amendment was designed to insure that the addressee's determination of the pandering character of advertisements which he had received would be binding on the Government.

The revenue and salary bill, as thus amended, was passed by this body and sent to the Senate. Mr. WALDIE and I testified before the Senate Post Office and Civil Service Committee in behalf of the amendment, which was designated as title III of the revenue and salary bill. I made it perfectly clear in my testimony that this body was determined to provide the people of this country statutory protection against unwanted pandering advertisements, and that adverse consideration by the Senate committee would not be easily accepted. I pointed out that passage of the entire revenue and salary bill might be jeopardized if once again the provisions to deal with pandering mail were not given the consideration they urgently cried out for. I insisted on this position in the conference as I was a conferee.

I know there were those in the Senate who felt that no limitation should be imposed on the right of the advertiser to use the mails, no matter how strongly particular addressees might object to receiving mail from particular advertisers. And some Congressmen were frustrated by a sense that title III did not go far enough in that it did not completely bar dissemination of offensive matter, but merely gave effect to the requests of individuals who did not want to receive such mail. However, I firmly believed that title III represented an approach that would meet any constitutional test and which would allow people who wanted it to receive it. But to those who did not want to receive it to use a tool to stop its delivery into their home.

Well, Mr. Speaker, it gave me great satisfaction to see long years of effort produce the legislation which I knew the people needed and which I believed, upon excellent legal advice rendered from many sources, would withstand the onslaught of attack on its constitutionality. Title III was passed as part of the Postal Revenue and Federal Salary Act of 1967 which was signed by the President on December 16, 1967. Title III, by its own terms, became effective in mid-April 1968. Mr. Speaker, I believe sufficient time has now elapsed since that effective date for us to evaluate the operation of title III; to see if all the effort expended to get this legislation was really as worthwhile as we thought it would be; and to see if those who doubted the worth of this legislation may now be presented with evidence which may change their minds.

Title III was inserted in the United States Code as section 4009 of title 39. Section 4009 provides that the recipient of any pandering advertisement which is sent through the mail and which offers to sell matter which the addressee, in his sole discretion, believes to be erotically arousing or sexually provocative may request the Post Office Department to enter an order prohibiting further mailings to him by the sender of the advertisement. Any of the addressee's children under 19 years old, living with the addressee, may be included in the protective scope of the prohibitory order. Upon receipt of the order the mailer must immediately refrain from maintaining or transferring any mailing list bearing the names of the protected persons. Also the mailer may make no further mailings to those persons, effective on the 30th day after his receipt of the order. Violation of the prohibitory order issued by the Post Office Department may lead to a court order directing compliance, and violation of the court order may be punished as contempt of court.

In administering section 4009, the Post Office Department has from the beginning applied the statute in a manner consistent with the intention of those of us who composed and passed the law. The Department examines the addressee's request to see if it is based on an advertisement—an offer to sell. But the Department in no way interferes with the judgment of the addressee that the matter offered for sale is erotically arousing or sexually provocative. The order issued by the Department forbids any further mailing whatsoever from the sender of the pandering advertisement to the complaining addressee and any children included in the protective scope of the order.

The Department has placed the basic administration of the statute in the hands of the postmasters of certain major post offices that are known as postal service centers. A request by a postal patron for a prohibitory order is channeled to the postal service center for the area of the patron's address. The postmaster of the appropriate service center, acting as the delegate of the Postmaster General, then duly processes each request and issues the order. The Department has distributed various posters and printed forms to post offices throughout the country to alert postal patrons to the availability of the statutory relief and to assist the citizen in obtaining that relief. In addition, news stories and press releases have helped publicize the statute. Most of us are aware of the cooperation of the Post Office Department in furnishing us with printed forms to distribute to our constituents. I also know that many of us have utilized our newsletters to our constituents to counsel them as to the statute and familiarize them with the form that is used for requesting prohibitory orders.

What has been the public response to this program? Well, Mr. Speaker, I am gratified to say that it has been as extensive and favorable as I anticipated. From the beginning of the statute's operation in mid-April 1968, through the end of December 1969, the Post Office Department has received a total of 406,108 requests for prohibitory orders. This certainly substantiates our belief that the American people wanted relief from the intrusion of offensive pandering mail. This fact is all the more clearly demonstrated when one breaks down that total into separate figures for calendar years 1968 and 1969. During the 8½ months this law operated in 1968, the Department received 113,429 requests for orders. In calendar year 1969, the Department received 292,679 requests. The number of requests keeps increasing steadily as our citizens find that this pandering advertisements statute is available and provides the most effective remedy currently available to protect the individual from receiving sexually oriented mail which he does not want. I should say at this point, Mr. Speaker, that there were some individuals who argued against passage of this statute because of the broad discretion it gives to addressees. They believed it would be extensively applied, not against pandering, sexually oriented advertisements but against the direct-mail advertising of business which was not at all involved in sexually oriented merchandise. Again I am pleased to report that the experience of the Post Office Department indicates no significant misapplication of the statutory remedy by addressees.

As it does so often when faced with new burdens of increasingly heavy proportions, the Post Office Department has responded magnificently to the administrative challenge of a program which obviously has grown to gigantic dimensions and which gives every indication of con-

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tinuous, dramatic growth. The total number of prohibitory orders issued in 1968 and 1969 is 324,568. Not all the difference between number of orders requested and number issued represents a backlog in processing. In many instances requests have been made which cannot properly result in issuance of an order under the law. The administrative mechanism, under the overall supervision of the Department's general counsel, has been established within the existing departmental framework and capacities. However, if the program continues to grow as indicated, the Department undoubtedly will require comparable increases in personnel assigned to the program, and establishment of new operational units exclusively devoted to the effective functioning of the pandering advertisements statute.

Some of these pressures on personnel and on processing techniques will likely also be experienced by those involved in obtaining court enforcement of prohibitory orders which have been violated. In addition to the Justice Department, U.S. attorneys' offices, and the Federal courts, this aspect will also involve the Post Office Department. The Post Office general counsel received all cases wherein violations of prohibitory orders have been found to have been committed. His office must process these cases for transmission to the Justice Department. The total of violation cases processed by the general counsel's office in 1968 and 1969 is 2,602. Due primarily to court backlogs, a comparatively small number of court enforcement orders has been issued to date. No violation of these court orders has yet been reported.

Some mailers of large numbers of pandering advertisements have taken advantage of the statute's provision for an administrative hearing on the question of violation of the prohibitory orders. This, of course, poses another heavy burden for the Post Office Department, which uses its regional counsel as hearing officers.

A challenge to the statute was mounted by several mailers who brought an action before a three-judge Federal district court in the central district of California. The court decided that the statute was constitutionally valid. The mailers have appealed this decision to the U.S. Supreme Court, and the case will be heard this term. There appears to be every reason to hope that the constitutionality of the statute will be upheld by the Supreme Court, just as it was upheld by the district court.

To sum up, Mr. Speaker, I think those of us in Congress who had anything to do with achieving passage of the pandering advertisements statute can be proud of the results achieved so far by its operation. I personally am highly gratified by these results and by the efforts of all those dedicated Federal employees involved in the administration and enforcement of section 4009. From my own experience I can testify that it was a long, hard fight to get this legislation. It is extremely pleasing for me to see these efforts now repaid by the success of the statute. The need for section 4009 existed and still does exist. To meet that need we produced a constitutional piece of legislation which has caught on with the people in a big way. Our citizens know a good thing when they see it. They recognize the value of section 4009 and are beating a path to the post office to take advantage of the law's protections.

Now that we see how section 4009 is working, the Congress should not, Mr. Speaker, just rest on its laurels. The purveyors of unwanted and offensive sexually oriented advertising are not resting, nor are they throwing in the towel. The more we can do to give protection to individuals not wanting this mail in their homes, the better off our citizens will be. I was in the forefront in presenting and fighting for the type of legislation that we finally achieved in section 4009. I intend to remain in the forefront of the fight to give complete protection to our citizens against "assault through the mails." It was in accordance with this intent that I introduced H.R. 10877, the postal rate bill, title II of which provides new measures of protection which would be available upon request to our citizens. We have made great progress in the battle to defend the privacy of our citizens against the onslaught of unwanted erotica. Let us take encouragement from our initial success—achieved despite dire predictions of disaster—and continue to expand and perfect the arsenal of weapons available to the millions of decent Americans who want to keep pornographic advertisements out of their mailboxes and out of reach of their children.

VIEWING THE WELFARE ISSUE FROM THE INSIDE

(Mr. ASHBROOK asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. ASHBROOK. Mr. Speaker, on August 8, 1969, President Nixon in a TV speech dealt with the welfare crisis across the Nation and proposed a number of proposals for welfare reform. In his address the President stressed that his family security plan was not a "guaranteed annual income." His disclaimer notwithstanding, there are those among us who believe that the administration's plan has all the trimmings of the guaranteed annual income idea. For instance, Mitchell Ginsberg, director of the New York City welfare agency, stated:

> There is irony in it, of course . . . in the fact that here, coming from a Republican, is something that amounts to a guaranteed annual income.

Recently I received a letter from a lady who works in a welfare office, is opposed to the guaranteed annual income proposal, and is deeply concerned about the moral erosion which is fostered by welfare abuses. Unlike some of our social planners, her exposure to the welfare scene has been considerable, and her judgments based on extensive firsthand information.

As the issue of welfare reforms will be in the limelight for some time to come, the actual experiences of this welfare worker are worthy of consideration and for that reason request that her unsolicited letter be inserted in the RECORD at this point.

Re Welfare.
Representative JOHN M. ASHBROOK,
Washington, D.C.

HONORABLE SIR: I read the article by Amer. Conser. Union in our newspaper dated: January 11, 1970, regarding Welfare, and I agree 100%.

You see, I work in a Welfare Office, and have for quite some time (God forbid), and I see the moral erosion it is causing, and the sad part of it is, where is it going to end? When the U.S. runs out of money?

I see adults bring their aged parents in; the whole family comes along. "One parent can support 10 children, but 10 children cannot support one aging parent." They usually drive up in a good car.

I see hundreds of young girls coming in to apply for Medical Aid for their unborn, illegitimate child. I see little infants, and Toddlers—*unwanted*, after they are born.

I see husbands deserting their families, and dumping them off into welfare rolls, and starting a new family. Not long ago a child, 9 yrs, starved to death * * * simply because the mother took most of the welfare check, and gave it to her boy-friend who lived in the same house.

Only God knows the "Moral Erosion" caused by welfare, which is far more important, than money payments.

It used to be, people came in, and respectfully asked for Welfare. Now they "demand" it. They say they are entitled to it.

"Ask not what one's country can do for it, but what one can do for their country." I am not a Democrat. Politicians say "Welfare buys a lot of votes." I don't think America can afford that luxury any more. Do you?

I wrote Pres. Nixon and stated that I was against a Guaranteed Income, and he replied that most people were. It's hard to believe this is 1970—not 1870. But then people were not afraid of hard work. After my husband's (1944) death, I reared two little girls, ages 7 months and 2 yrs. alone. Now they are an asset to their country, and God.

I pray for my country.

Respectfully yours,

——— ———.

THE TAX REFORM BILL

(Mr. ASHBROOK asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. ASHBROOK. Mr. Speaker, upon signing the tax reform bill on December 30 of last year President Nixon commented that Congress had passed an unbalanced tax measure which was both good and bad. The President had the concurrence of the highly respected columnist and publisher, David Lawrence, at least as far as the undesirable aspects of the bill are concerned.

The Daily Jeffersonian of Cambridge, Ohio, carried, on December 24, the Lawrence column which reviewed the liabilities of this important piece of legislation. As can be seen, Mr. Lawrence's objections are not superficial and his concern over its ensuing effects should be considered for future corrective action.

I request that the column, " 'Tax Reform' Bill, A Destructive Measure" by David Lawrence, appearing in the Daily Jeffersonian of December 24, 1969, be inserted in the RECORD at this point.

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Tax Reform Bill, a Destructive Measure

(By David Lawrence)

WASHINGTON.—President Nixon faces the most crucial decision he has had to make on domestic problems since he was inaugurated—whether to sign or veto the so-called "tax reform" bill. It's a choice between a reduction of taxes that can result in a recession and taking a firm stand that will prevent deficit financing of the government and serious handicaps to business development.

For the "tax reform" bill is a hodgepodge of what seems on the surface to be politically "popular" but in reality could be repudiated in the next election if the voters are given the real truth about the causes of higher and higher prices and the curtailment of the purchasing power of the dollar.

The "tax reform" bill is in certain respects a destructive measure. It disturbs many a business which has set up pension benefits. It discourages those property owners who now will have to ask higher prices in order to offset the increase in taxes on capital-gains.

Theoretically, the bill distributes more money for individual spending. But prices are bound to rise and the present inflationary trend will be maintained. While the bill cuts some tax rates, others are increased. On the whole, the federal budget will be adversely affected and deficits will continue, thus helping to depreciate the dollar.

Hitherto the emphasis has been on restraining inflation, but the new tax bill is bound to enlarge its scope. While collecting more revenues through new tax rates, the proposed law calls for more federal disbursements which use up the greater tax receipts and leave a deficit besides.

Only a few days ago, the national planning association through its chief economist predicted that the nation is flirting with a recession and "inflation is apt to be excessive next year, even with high unemployment." Also, the consumer index just issued by the federal government shows that prices are steadily going up and the dollar's value keeps on going down.

Under these circumstances, the President is in a position, after analyzing the "tax reform" bill for the American people, to tell the country how the increases in revenue obtained by imposing heavier taxes on business and on the higher income groups are wiped out by new appropriations.

Most members of Congress who voted for the measure thought it would bring them votes in the election next November. But if times are bad and the money saved by tax reduction is offset by price increases, the voters are likely to blame the Democratic party, which seeks to retain control of both Houses.

Will the President have the courage to veto the "tax reform" bill? It is not easy to tell whether the electorate will perceive the reasons for the spread of inflation. But certainly a President can give the facts to the public and refuse to take the risk in signing the new tax bill. He can, if he wants, apply a "pocket veto" by not signing the measure for ten days while Congress is in recess and explaining then why he feels it would be harmful to the economy. He could, on the other hand, sign the bill and, while pointing out some of its good provisions, call for prompt repeal of those sections which can be expected to intensify an era of excessive spending.

Beneath it all, too, is the effect of the new tax measure on business operations in America. Incentive is in many ways impaired. There will be an adverse impact on the normal operations of the economy. Increasing tax rates, for instances, on the high incomes of talented personnel may look attractive as a revenue-raising device, but the companies which employ those individuals will have to move up salaries substantially. This, together with labor union demands, can result in raising prices on goods to be sold.

It is tragic that the Congress of the United States has tried to change important parts of the tax structure so hastily instead of appointing a commission of disinterested experts to devote at least a year to careful study of alternatives. To modify arbitrarily tax laws that were in the main written 30 years ago and have been imbedded in the economic system for such a long time requires a nonpolitical approach governed by only one consideration—the public interest as a whole.

TAKE PRIDE IN AMERICA

(Mr. MILLER of Ohio asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. MILLER of Ohio. Mr. Speaker, the production of wheat in the United States in 1967 totaled 45,730,000 short tons—14 percent of the world figure.

THE LATE HONORABLE JOHN B. HYNES

Mr. McCORMACK. Mr. Speaker, the people of Boston, in particular, and countless of thousands throughout the country, were saddened in the death of Hon. John B. Hynes, former mayor of the city of Boston.

During his service, Mayor Hynes gave the people of Boston outstanding, courageous, understanding, and humane leadership. He enjoyed widespread confidence and respect in his private and public life.

John Hynes was a fine family man and a distinguished public official.

His service as mayor came at a time when great changes were being made in the future development of Boston and in Boston's being a leader among the cities of our country in meeting the problems of today and in decades to come. Mayor Hynes gave the leadership to Boston that was outstanding and constructive.

His advice was constantly sought by the mayors and governing bodies of other cities.

Despite the prominence he achieved, John Hynes, a dear and valued friend of mine for years, was a simple, a good man—a secret of his greatness.

If anything will be said of John Hynes, it is that he "was not only a great man, but he was a good man."

At the funeral mass, presided over by the Most Reverend Jeremiah F. Minihan, auxiliary bishop of the archdiocese of Boston, the Reverend Father Francis J. Gilday, S.J., delivered the eulogy.

The eulogy of Father Gilday was a touching story of the life of John Hynes. Among other things, Father Gilday said:

> All of Boston, all of this entire area, has lost a great civic representative.
>
> John Hynes was a man who dedicated his life to the service of the public-unending, unselfish, unstinted service. A man who relied upon the Almighty God with a prayer morning, noon, and night.
>
> No person was too small, no problem too big for his personal effort and timely diplomacy, he was a man geared to serve and to lead.
>
> He was at his best serving quietly behind the scenes, labouring personally against injustice and for social progress for the poor.

And in speaking of John Hynes as a husband and father, Father Gilday eloquently said:

> He was a model husband and a model father, a model public servant and, in many ways, a model man whose way of life was an example to us all.

The intensity of John B. Hynes' love for Boston is endowed by a poem he wrote entitled, "Boston," which I enclose in my remarks.

For my colleagues from Massachusetts, and for Mrs. McCormack and myself, I extend to Mrs. Hynes and her loved ones, our deep sympathy in their bereavement.

BOSTON

(By John B. Hynes)

Don't you love this city by the open sea,
This city that mothered the Home of the Free?
Don't you love this city with its wrinkled brow,
And its streets laid out by the wandering cow?
Don't you love this city with its spires and domes,
With its gilded crosses and its Godly homes?
Don't you love this city with its customs old,
And its wisdom to know the dross from the gold?
Don't you love this city and its Bunker Hill,
And its age-old shrines of glorious thrill?
Don't you love this city, the old and the new,
With its grip on the things that are lasting and true?
Don't you love this city with its air of grace,
Its delight with beauty and disgust with the base?
Don't you love this city when the shadows fall,
And the birds wing home to the Common mall?
Don't you love this city when the dawning sun,
Bursts from the sea where the codfish run?
Don't you love this city when the wind's in the east?
And the smell of the deep is the free man's feast?
Don't you love this city with its gales and snow,
With its summer warmth and its autumn glow?
Don't you love this city when its trees so bare,
Are laced in blossoms fragrant and fair?
Don't you love this city where knowledge waits,
For those who walk through its library gates?
Don't you love this city and the things we prize,
The preacher dauntless and the scholar wise?
Don't you love this city where art is long,
With its principles true and its faith so strong?
Don't you love this city where the fleeting years,
Have left a trail that heartens and cheers?
Don't you love this city where the color ban,
Has long since vanished like the school rattan?
Don't you love this city with its mingled strains,
Where men are equal and where harmony reigns?
Don't you love this city where roots go deep,
In the soil of the land where the martyrs sleep?
Don't you love this city born of struggle and strife,
Where the false is interred and truth given life?

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Don't you love this city and its grand old
 name,
That swells the heart as we think of its fame?
Don't you love this city wherever you roam,
And who is not proud to call it home?
For Boston is Boston and forever she'll stand,
A tower of truth in a truth-loving land.
Forever she'll stand for all that is just,
'Til the world is no more and all is dust.
So love old Boston from her head to her toes,
Be one of her gallants, be one of her beaux.
Be one who will shout in tones firm and
 clear,
She's the most Gracious Damsel in the whole
 hemisphere.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted as follows to:

Mr. BROYHILL of North Carolina (at the request of Mr. RUTH), for 2 weeks, on account of illness.

Mr. BURKE of Florida (at the request of Mr. GERALD R. FORD), for the week of January 19, 1970, on account of official business.

Mr. DERWINSKI (at the request of Mr. GERALD R. FORD), for January 19 through January 26, on account of official business.

Mr. LLOYD (at the request of Mr. GERALD R. FORD), for January 19 through January 29, on account of official business.

Mr. FRELINGHUYSEN (at the request of Mr. GERALD R. FORD), for January 19 through January 30, on account of official business.

Mr. GROVER (at the request of Mr. GERALD R. FORD), for today, on account of official business.

Mr. YATES (at the request of Mr. ZABLOCKI), for Monday, January 19, 1970, on account of attending a funeral.

Mr. WOLFF (at the request of Mr. ALBERT), for today and the remainder of the week, on account of official business.

Mr. FARBSTEIN (at the request of Mr. ADDABBO), for balance of the month of January on account of official business.

Mr. BYRNE of Pennsylvania (at the request of Mr. ROONEY of Pennsylvania), for Monday, January 19, 1970, on account of official business.

Mr. CORMAN, for Monday, January 19, 1970, on account of official business.

Mr. FOUNTAIN (at the request of Mr. ALBERT), for today, January 19, 1970, on account of official business until 1:15 p.m.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

Mr. PATMAN, for 30 minutes on today; Wednesday, January 21; and Thursday, January 22; and to revise and extend his remarks and include extraneous matter.

Mr. PERKINS, for 30 minutes, today.

(The following Members (at the request of Mr. ANDERSON of California), to revise and extend their remarks and to include extraneous matter:)

Mr. REUSS, for 60 minutes, today.

Mr. FLOOD, for 15 minutes, today.

Mr. RARICK, for 10 minutes, today.

Mr. MONTGOMERY, for 60 minutes, on January 21.

Mr. FLOOD, for 60 minutes, on January 27.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. OLSEN and to include extraneous matter.

Mr. MICHEL and to include an article.

Mr. MCCLURE, immediately prior to the passage of H.R. 6244 today.

Mr. ASPINALL preceding the colloquy on H.R. 11372.

Mr. GRAY to extend his remarks immediately following passage of H.R. 12795 on the Consent Calendar today.

Mr. MCCORMACK (at the request of Mr. ALBERT) to extend his remarks in the body of the RECORD and to include extraneous material.

(The following Members (at the request of Mr. RUPPE) and to include extraneous matter:)

Mr. CONTE in five instances.
Mr. QUILLEN in four instances.
Mr. BERRY.
Mr. PELLY in two instances.
Mr. POFF.
Mr. GOODLING.
Mr. TAFT.
Mr. CUNNINGHAM in five instances.
Mr. MORSE.
Mr. CONABLE.
Mr. WYMAN in two instances.
Mr. UTT in two instances.
Mr. BOB WILSON in two instances.
Mr. HOGAN in two instances.
Mr. ASHBROOK.
Mr. DON H. CLAUSEN.
Mr. DELLENBACK.
Mr. DERWINSKI.
Mr. LIPSCOMB.
Mr. BROCK.

(The following Members (at the request of Mr. ANDERSON of California) and to include extraneous matter:)

Mr. POWELL in two instances.
Mr. OTTINGER in five instances.
Mr. RODINO.
Mr. FARBSTEIN in four instances.
Mr. HOWARD.
Mr. KASTENMEIER in two instances.
Mr. RARICK in three instances.
Mr. MIKVA in six instances.
Mr. FUQUA.
Mr. BROWN of California.
Mr. WOLFF.
Mr. DINGELL in two instances.
Mr. ULLMAN in 10 instances.
Mr. LOWENSTEIN in five instances.
Mr. RYAN in three instances.
Mr. HUNGATE in two instances.

ADJOURNMENT

Mr. ANDERSON of California. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 1 o'clock and 25 minutes p.m.), the House adjourned until tomorrow, Tuesday, January 20, 1970, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

[*Submitted during adjournment on Jan. 13, 1970*]

1440. A letter from the Secretary of the Army, transmitting a letter from the Chief of Engineers, Department of the Army, dated September 9, 1969, submitting a report, together with accompanying papers and illustrations, on a cooperative beach erosion control study of Revere and Nantasket Beaches, Mass., authorized by the River and Harbor Act approved July 3, 1930, as amended and supplemented (H. Doc. No. 91–211); referred to the Committee on Public Works and ordered to be printed, with illustrations, pursuant to Public Law 91–144.

[*Submitted Jan. 19, 1970*]

1441. A letter from the Comptroller General of the United States, transmitting the results of the examination of financial statements of Federal Prison Industries, Inc., for the fiscal year 1969 (H. Doc. No. 91–213); to the Committee on Government Operations and ordered to be printed.

1442. A communication from the President of the United States transmitting notification that his proposals relative to postsecondary education will be transmitted early in 1970, in accordance with section 508 of the Higher Education Amendments of 1969 (Public Law 90–575); to the Committee on Education and Labor.

1443. A letter from the Director of Science and Education, Department of Agriculture, transmitting a report relative to assisting States to provide additional facilities for research at the State Agricultural Stations for fiscal year 1969, pursuant to the provisions of section 10, Public Law 88–74; to the Committee on Agriculture.

1444. A letter from the General Sales Manager, Export Marketing Service, U.S. Department of Agriculture, transmitting a report of agreements signed for foreign currencies under Public Law 480 for November and December 1969; pursuant to the provisions of Public Law 85–128, and in addition, certain copies of agreements reported November 10, 1969; to the Committee on Agriculture.

1445. A letter from the Deputy Secretary of Defense, transmitting a report on disbursements for the first quarter of fiscal year 1970, pursuant to the provisions of the Department of Defense Appropriation Act (Public Law 91–171); to the Committee on Appropriations.

1446. A letter from the Assistant Administrator, Department of State, Agency for International Development, transmitting the semiannual report on architectural and engineering fees in excess of $25,000 for the period January 1 to June 30, 1969, pursuant to section 102 of the Foreign Assistance and Related Agencies Appropriation Act; to the Committee on Appropriations.

1447. A letter from the Secretary of the Army, transmitting a report of Army aviation personnel above the grade of major with the average monthly flight pay authorized by law to be paid such officers for the period July 1–December 31, 1969, in accordance with the provisions of section 301(g) of title 37, United States Code; to the Committee on Armed Services.

1448. A letter from the Secretary of the Navy, transmitting a draft of proposed legislation to amend title 10, United States Code, to establish the authorized strength of the Naval Reserve in officers in the Judge Advocate General's Corps in the grade of rear admiral, and for other purposes; to the Committee on Armed Services.

1449. A letter from the Deputy Assistant Secretary of Defense (Installations and Housing), transmitting notification of the location, nature, and estimated cost of the following facilities projects proposed for the Army Reserve at Baton Rouge, La., Clarksdale, Miss., and Seattle, Wash., pursuant to 10 U.S.C. 2233a(1); to the Committee on Armed Services.

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1450. A letter from the Deputy Assistant Secretary of Defense (Installations and Housing), transmitting notification of the location, nature, and estimated cost of certain projects proposed for the Army National Guard, in accordance with the provisions of 10 U.S.C. 2233a(1), to the Committee on Armed Services.

1451. A letter from the Deputy Assistant Secretary of Defense (Installations and Housing), transmitting notification of the location, nature, and estimated cost of the project proposed for the Marine Corps Reserve at Lubbock, Tex., pursuant to 10 U.S.C. 2233a(1); to the Committee on Armed Services.

1452. A letter from the Attorney General, transmitting a report on the enforcement of title I of the Consumer Credit Protection Act of 1968, covering the calendar year 1969; to the Committee on Banking and Currency.

1453. A letter from the Secretary of Housing and Urban Development, transmitting a report on the fees and charges which the department proposes to collect to guarantee the land acquisition and development costs for new communities, pursuant to title V of the Housing and Urban Development Act of 1968 (New Communities Act of 1968); to the Committee on Banking and Currency.

1454. A letter from the Assistant Secretary of Defense (Installations and Logistics), transmitting the report on Department of Defense procurement from small and other business firms for July–September 1969, pursuant to section 10(d) of the Small Business Act, as amended; to the Committee on Banking and Currency.

1455. A letter from the Board of Governors, Federal Reserve System, transmitting the first annual report on truth in lending for the year 1969, pursuant to section 114 of the Truth in Lending Act; to the Committee on Banking and Currency.

1456. A letter from the vice president of the Chesapeake & Potomac Telephone Co., transmitting the company's report for the year 1969 (December estimated); to the Committee on the District of Columbia.

1457. A letter from the Secretary of Labor and the Acting Secretary of Commerce; transmitting report on seasonal unemployment in the construction industry, pursuant to section 402 of title IV of the 1968 extension of the Manpower Development and Training Act; to the Committee on Education and Labor.

1458. A letter from the Secretary of State, transmitting a draft of proposed legislation to complement the Vienna Convention on Diplomatic Relations; to the Committee on Foreign Affairs.

1459. A letter from the Deputy Assistant Secretary of Defense, transmitting a report on implementation of section 507(b) of the Foreign Assistance Act of 1961, as amended; to the Committee on Foreign Affairs.

1460. A letter from the Secretary of Agriculture, transmitting a report of disposals of foreign excess property for the fiscal year ending June 30, 1969, pursuant to the provisions of section 404(d) of the Federal Property and Administrative Services Act of 1949; to the Committee on Government Operations.

1461. A letter from the Administrator, General Services Administration, transmitting the 1969 Annual Report of the General Services Administration; to the Committee on Government Operations.

1462. A letter from the Comptroller General of the United States, transmitting the annual report on the activities of the U.S. General Accounting Office during the fiscal year ended June 30, 1969, pursuant to the provisions of section 312(a) of the Budget and Accounting Act of 1921; to the Committee on Government Operations.

1463. A letter from the Comptroller General of the United States, transmitting a report on the Hawk missile systems provided to Far East countries; to the Committee on Government Operations.

1464. A letter from the Comptroller General of the United States, transmitting a report on improvements needed in selecting military personnel for formal school training by the U.S. Army, Europe; to the Committee on Government Operations.

1465. A letter from the Comptroller General of the United States, transmitting a report on the need to improve performance standards for more efficient use of civilian production personnel in the Department of Defense; to the Committee on Government Operations.

1466. A letter from the Comptroller General of the United States, transmitting a report on the management of civilian hiring limitations and recruiting by the Department of Defense; to the Committee on Government Operations.

1467. A letter from the Comptroller General of the United States, transmitting a report on the need for better coordination among, and guidance of, management evaluation groups in the Department of Defense; to the Commitee on Government Operations.

1468. A letter from the Comptroller General of the United States, transmitting a report on improved procedures needed for obtaining facilities for U.S. Naval Support Activity, Naples, Italy, by lease-construction method, Department of the Navy; to the Committee on Government Operations.

1469. A letter from the Comptroller General of the United States, transmitting a report on the readiness of selected units of the Reserve Components of the Army; to the Committee on Government Operations.

1470. A letter from the Comptroller General of the United States, transmitting a report on the prices negotiated for rock-crushing plants for use in the Republic of Vietnam, Department of the Army; to the Committee on Government Operations.

1471. A letter from the Comptroller General of the United States, transmitting a report on the change proposed in interest rate criteria for determining financing costs of the Federal power program, Department of the Interior; Department of the Army; to the Committee on Government Operations.

1472. A letter from the Comptroller General of the United States, transmitting a report on the audit of financial statements of the Veterans' Canteen Service for fiscal year 1969, Veterans' Administration; to the Committee on Government Operations.

1473. A letter from the Comptroller General of the United States, transmitting a report on improvements needed in the management of aircraft modifications, Department of the Army; to the Committee on Government Operations.

1474. A letter from the Comptroller General of the United States, transmitting a report on the economies obtainable by increasing days at sea of oceanographic research and survey ships, Environmental Science Services Administration, Department of Commerce; to the Committee on Government Operations.

1475. A letter from the Sergeant at Arms, U.S. House of Representatives, transmitting a report of sums drawn pursuant to sections 78 and 80, title 2, United States Code, and the application and disbursement of the sums and balances, if any, pursuant to the provisions of title 2, United States Code, section 84; to the Committee on House Administration.

1476. A letter from the Secretary of the Interior, transmitting a report on donations received and expenditures made from the fund entitled "14X8563 Funds Contributed for Advancement of Indian Race, Bureau of Indian Affairs," during the fiscal year ending June 30, 1969, pursuant to the provisions of 82 Stat. 171 (25 U.S.C. 451); to the Committee on Interior and Insular Affairs.

1477. A letter from the Assistant Secretary of the Interior, transmitting the 13th annual report on the status of the Colorado River storage project and participating projects, pursuant to section 6 of the authorizing act of April 11, 1956 (70 Stat. 105); to the Committee on Interior and Insular Affairs.

1478. A letter from the Assistant Secretary of the Interior, transmitting a copy of a proposed concession contract for the Yellowstone National Park, under which Hamilton Stores, Inc., will provide facilities and services for a 30-year period, pursuant to 67 Stat. 271 and 70 Stat. 543; to the Committee on Interior and Insular Affairs.

1479. A letter from the Attorney General, transmitting the report of the Attorney General with respect to proceedings instituted before the Subversive Activities Control Board during the period January 1, 1969, through December 31, 1969, pursuant to the requirements of the Subversive Activities Control Act of 1950, as amended January 2, 1968; to the Committee on Internal Security.

1480. A letter from the Chairman, Subversive Activities Control Board, transmitting a report on the progress made by the Board in conducting hearings for the period from January 1, 1969, to December 31, 1969, pursuant to section 12(i) of the Subversive Activities Control Act as added by section 9(b) of Public Law 90–237; to the Committee on Internal Security.

1481. A letter from the Secretary of Transportation; transmitting the 24th annual report of operations under the Federal Airport Act for the fiscal year ending June 30, 1969, pursuant to section 18 of the act; to the Committee on Interstate and Foreign Commerce.

1482. A letter from the Chairman, Federal Power Commission, transmitting a report on permits and licenses for hydroelectric projects issued during the fiscal year ending June 30, 1969, financial statements of proceeds, and the names and compensation of persons employed, pursuant to the provisions of section 4(d) of the Federal Power Act; to the Committee on Interstate and Foreign Commerce.

1483. A letter from the Executive Director, Federal Communications Commission, transmitting a report on backlog of pending applications and hearing cases as of November 30, 1969 pursuant to section 5(e) of the Communications Act, as amended; to the Committee on Interstate and Foreign Commerce.

1484. A letter from the Chairman, Federal Power Commission, transmitting a copy of the publication, "All Electric Homes in the United States, January 1, 1969"; to the Committee on Interstate and Foreign Commerce.

1485. A letter from the Acting Chairman, Civil Aeronautics Board, transmitting the annual report of the Board covering fiscal year 1969, pursuant to section 205 of the Federal Aviation Act of 1958; to the Committee on Interstate and Foreign Commerce.

1486. A letter from the Attorney General, transmitting the eighth report on identical bidding in advertised public procurement during the calendar year 1968, pursuant to section 7 of Executive Order 10936 issued April 24, 1961; to the Committee on the Judiciary.

1487. A letter from the Commissioner, Immigration and Naturalization Service, U.S. Department of Justice, transmitting copies of orders entered in cases of aliens who have been found admissible to the United States, pursuant to the provisions of section 212(a)(28)(I)(ii) of the Immigration and Nationality Act; to the Committee on the Judiciary.

1488. A letter from the Commissioner, Immigration and Naturalization Service, U.S. Department of Justice, transmitting copies of orders entered in cases in which the authority contained in section 212(d)(3) of the Immigration and Nationality Act was exercised in behalf of such aliens, pursuant to the provisions of section 212(d)(6) of the act; to the Committee on the Judiciary.

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1489. A letter from the commander, Congressional Medal of Honor Society, United States of America, transmitting its annual financial report for the calendar year 1969, pursuant to Public Law 88–584; to the Committee on the Judiciary.

1490. A letter from the national secretary-treasurer, Sons of Union Veterans of the Civil War, transmitting proceedings of the 88th annual national encampment held in St. Louis, Mo., August 17–21, 1969, and a report of audit of the accounts of the national organization for the fiscal year ended June 30, 1969, pursuant to the provisions of Public Law 83–605; to the Committee on the Judiciary.

1491. A letter from the chairman, board of directors, Future Farmers of America, transmitting a report on the audit of the accounts of the Future Farmers of America; the Future Farmers Supply Service and the National Future Farmer Magazine, for the fiscal year ended June 30, 1969, and a copy of the combined statement, pursuant to the provisions of section 2 and 3 of Public Law 88–504; to the Committee on the Judiciary.

1492. A letter from the Postmaster General, transmitting a draft of proposed legislation to authorize the Postmaster General to negotiate and enter into rental agreements with postmasters for quarters at fourth-class offices; to the Committee on Post Office and Civil Service.

1493. A letter from the Secretary of Agriculture, transmitting an annual report on scientific and professional positions established pursuant to the provisions of 5 U.S.C. 3104(c); to the Committee on Post Office and Civil Service.

1494. A letter from the Director of Personnel, U.S. Department of Commerce, transmitting a report of scientific and professional positions established, pursuant to the provisions of section 3104(c) of title 5, United States Code; to the Committee on Post Office and Civil Service.

1495. A letter from the Librarian of Congress, transmitting a report of scientific and professional positions established, pursuant to the provisions of section 3104(c) of title of title 5, United States Code; to the Committee on Post Office and Civil Service.

1496. A letter from the Administrator, National Aeronautics and Space Administration, transmitting a report with respect to certain civilian positions established during the calendar year 1969, pursuant to section 3104(c) of title 5, United States Code; to the Committee on Post Office and Civil Service.

1497. A letter from the Acting Director, United States Arms Control and Disarmament Agency, transmitting the annual report for the calendar year 1969 on scientific or professional positions, pursuant to section 3104(c) of title 5, United States Code; to the Committee on Post Office and Civil Service.

1498. A letter from the Director, Bureau of the Census, U.S. Department of Commerce, transmitting information relative to the census of agriculture conducted at 5-year intervals in accordance with title 13, United States Code; to the Committee on Post Office and Civil Service.

1499. A letter from the Chairman, U.S. Civil Service Commission, transmitting a report on positions in grades GS–16, 17, and 18 for calendar year 1969, pursuant to section 5114 of title 5, United States Code; to the Committee on Post Office and Civil Service.

1500. A letter from the Director, Administrative Office of the U.S. Courts, transmitting a report that the GS–17 positions allocated by section 5108(c)(3) have not changed since the report last year, pursuant to section 5114(a) of title 5, United States Code; to the Committee on Post Office and Civil Service.

1501. A letter from the Commissioner, Immigration and Naturalization Service, U.S. Department of Justice, transmitting a report on positions in grades GS–16, 17 and 18, during the 1969 calendar year, pursuant to section 5114(a) title 5, United States Code; to the Committee on Post Office and Civil Service.

1502. A letter from the Chairman, Railroad Retirement Board; transmitting a report for the calendar year 1969, on positions in grades GS–16, 17, and 18, pursuant to 5 U.S.C. 5114(a); to the Committee on Post Office and Civil Service.

1503. A letter from the Secretary of Transportation; transmitting a report entitled "Territorial Highway Study—Guam, American Samoa, Virgin Islands," prepared in accordance with the requirements of section 29(b) of the Federal-Aid Highway Act of 1968, Public Law 90–495; to the Committee on Public Works.

1504. A letter from the Assistant Secretary for Economic Development, Department of Commerce, transmitting notification that the annual report of the Economic Development Administration for 1969 will be transmitted by the end of January 1970; to the Committee on Public Works.

1505. A letter from the Federal Cochairman, New England Regional Commission, transmitting the annual report for the fiscal year 1969, pursuant to section 510 of the Public Works and Economic Development Act of 1965; to the Committee on Public Works.

1506. A letter from the Chairman, Board of Directors, Tennessee Valley Authority; transmitting the 36th annual report, covering the activities of the TVA during the fiscal year beginning July 1, 1968 and ending June 30, 1969; to the Committee on Public Works.

1507. A letter from the Administrator, National Aeronautics and Space Administration, transmitting the annual report on grants vesting title to equipment for fiscal year 1969, pursuant to 42 U.S.C. 1893, and rule XL of the House of Representatives; to the Committee on Science and Astronautics.

1508. A letter from the Chairman, the Renegotiation Board, transmitting the 14th annual report of the Renegotiation Board, required by section 114 of Public Law 870, 84th Congress; to the Committee on Ways and Means.

1509. A letter from the Clerk, U.S. House of Representatives, transmitting a list of reports which it is the duty of any officer or department to make to Congress, pursuant to the provisions of rule III, clause 2, of the Rules of the House of Representatives (H. Doc. No. 91-210); to the Committee on House Administration and ordered to be printed.

1510. A letter from the director, legislative commission, the American Legion, transmitting the proceedings of the 51st annual national convention of the Legion held in Atlanta, Ga., August 26–28, 1969 (H. Doc. 91–214); to the Committee on Veterans' Affairs and ordered to be printed, with illustrations.

1511. A letter from the Secretary of the Treasury, transmitting the combined statement of receipts, expenditures, and balances of the U.S. Government for the fiscal year ended June 30, 1969, pursuant to the provisions of 31 U.S.C., 1964 edition supplement II, section 1029 and 31 U.S.C. 66b; to the Committee on Government Operations.

1512. A letter from the Comptroller General of the United States, transmitting a report on the financial management of Bureau of the Mint operations needs improvement, Department of the Treasury, pursuant to the Budget and Accounting Act, 1921 (31 U.S.C. 53), and the Accounting and Auditing Act of 1950 (31 U.S.C. 66); to the Committee on Government Operations.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. POAGE: Committee on Agriculture.

H.R. 485. A bill to amend the Agricultural Adjustment Act of 1938 with respect to wheat; without amendment (Rept. No. 91–787). Referred to the Committee of the Whole House on the State of the Union.

Mr. BARING: Committee on Interior and Insular Affairs.

H.R. 2036. A bill to remove a cloud on the titles of certain property all located in Malin, Oreg., and owned by the city of Malin, Marian H. Peck, Merrill, Oreg., Marion R. Rupert, Malin, Oreg., and Blanche Fields, Malin, Oreg.; with an amendment (Rept. No. 91–788). Referred to the Committee of the Whole House on the State of the Union.

Mr. BARING: Committee on Interior and Insular Affairs.

H.R. 9882. A bill to authorize the Secretary of the Interior to sell reserved phosphate interests of the United States in certain lands in Florida to the record owners of the surface thereof; with amendments (Rept. No. 91–789). Referred to the Committee of the Whole House on the State of the Union.

Mr. TAYLOR: Committee on Interior and Insular Affairs.

H.R. 13106. A bill to extend for 3 years the period of time during which certain requirements shall continue to apply with respect to applications for a license for an activity which may affect the resources of the Hudson Riverway, and for other purposes; with amendments (Rept. No. 91–790). Referred to the Committee of the Whole House on the State of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. BARING: Committee on Interior and Insular Affairs.

H.R. 2012. A bill to amend the act of October 25, 1949 (63 Stat. 1205), authorizing the Secretary of the Interior to convey a tract of land to Lillian I. Anderson; with an amendment (Rept. No. 91–791). Referred to the Committee of the Whole House.

Mr. BARING: Committee on Interior and Insular Affairs.

H.R. 3908. A bill for the relief of Elizabeth B. Borgnino; with an amendment (Rept. No. 91–792). Referred to the Committee of the Whole House.

Mr. BARING: Committee on Interior and Insular Affairs.

H.R. 5365. A bill to provide for the conveyance of certain public land held under color of title to Mrs. Jessie L. Gaines of Mobile, Ala.; without amendment (Rept. No. 91–793). Referred to the Committee of the Whole House.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ALEXANDER:

H.R. 15435. A bill to provide for orderly trade in footwear; to the Committee on Ways and Means.

By Mr. BENNETT:

H.R. 15436. A bill to amend chapter 73, retired serviceman's family protection plan, title 10, United States Code; to the Committee on Armed Services.

H.R. 15437. A bill to require that public schools throughout the United States achieve equality of integration; to the Committee on Education and Labor.

By Mr. BROOMFIELD:

H.R. 15438. A bill to establish in the State of Michigan the Sleeping Bear Dunes National Lakeshore, and for other purposes; to

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the Committee on Interior and Insular Affairs.

By Mr. **COLLIER**:

H.R. 15439. A bill to amend title II of the Social Security Act to provide under the retirement test a substantial increase in the amount of outside income permitted without loss of benefits, but with a requirement that income of all types and from all sources be included in determining the amount of an individual's income for purposes of such test; to the Committee on Ways and Means.

H.R. 15440. A bill to authorize a family assistance plan providing basic benefits to low-income families with children, to provide incentives for employment and training to improve the capacity for employment of members of such families, to achieve greater uniformity of treatment of recipients under the Federal-State public assistance programs and to otherwise improve such programs, and for other purposes; to the Committee on Ways and Means.

By Mr. **DANIELS** of New Jersey:

H.R. 15441. A bill to amend the Immigration and Naturalization Act; to the Committee on Judiciary.

By Mr. **DONOHUE**:

H.R. 15442. A bill to permit State agreements for coverage under the hospital insurance program for the aged; to the Committee on Ways and Means.

By Mr. **EDMONDSON**:

H.R. 15443. A bill to amend title 38 of the United States Code so as to entitle veterans of World War I and their widows and children to pension on the same basis as veterans of the Spanish-American War and their widows and children, respectively; to the Committee on Veterans Affairs.

By Mr. **HUNGATE**:

H.R. 15444. A bill to amend the National Foundation on the Arts and the Humanities Act of 1965, as amended; to the Committee on Education and Labor.

By Mr. **LENNON**:

H.R. 15445. A bill to amend the Communications Act of 1934 to establish orderly procedures for the consideration of applications for renewal of broadcast licenses; to the Committee on Interstate and Foreign Commerce.

By Mr. **MATSUNAGA**:

H.R. 15446. A bill to provide a program of national health insurance, and for other purposes; to the Committee on Interstate and Foreign Commerce.

H.R. 15447. A bill to amend the Public Health Service Act to provide for the making of grants to certain medical and dental schools, which are in dire financial distress, to enable such schools to continue, without curtailment, certain service functions, programs, and activities which are in the national interest; to the Committee on Interstate and Foreign Commerce.

H.R. 15448. A bill to provide for the establishment of not less than seven regional law enforcement academies, and for other purposes; to the Committee on the Judiciary.

By Mr. **RARICK**:

H.R. 15449. A bill to amend the Export Administration Act of 1969 to provide that a provision relating to the disclosure of confidential information shall not apply to Communist-dominated nations; to the Committee on Banking and Currency.

By Mr. **STAGGERS** (for himself and Mr. SPRINGER):

H.R. 15450. A bill to amend the Federal Food, Drug, and Cosmetic Act to establish a code system for the identification of prescription drugs, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. **ULLMAN**:

H.R. 15451. A bill to establish a Joint Committee on Environmental Quality; to the Committee on Rules.

By Mr. **WATTS**:

H.R. 15452. A bill to clarify the treatment process considered as mining in the case of ball and sagger clay; to the Committee on Ways and Means.

By Mr. **BENNETT** (for himself, and Mr. BERRY, Mr. BURLISON of Missouri, Mr. CARTER, Mr. FUQUA, Mr. HAMMERSCHMIDT, and Mrs. MAY):

H.R. 15453. A bill to amend the act of June 27, 1960 (74 Stat. 220), relating to the preservation of historical and archeological data; to the Committee on Interior and Insular Affairs.

By Mr. **QUILLEN**:

H.R. 15454. A bill to amend the act of June 27, 1960 (74 Stat. 220), relating to the preservation of historical and archeological data; to the Committee on Interior and Insular Affairs.

By Mr. **SAYLOR**:

H.R. 15455. A bill to establish the Hell's Canyon-Snake National River in the States of Idaho, Oregon, and Washington, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. **BENNETT**:

H.J. Res. 1045. Joint resolution proposing an amendment to the Constitution to provide that no child shall be deprived of education or otherwise be forced to attend a school not chosen by such child when such child is not in the school nearest the area of residence of such child; to the Committee on the Judiciary.

By Mr. **MELCHER**:

H.J. Res. 1046. Joint resolution to provide for the appropriation of funds to assist school districts adjoining or in the proximity of Indian reservations, to construct elementary and secondary schools and to provide proper housing and educational opportunities for Indian children attending these public schools; to the Committee on Interior and Insular Affairs.

By Mr. **BUCHANAN** (for himself, Mr. DERWINSKI, Mr. CRANE, Mr. BUSH, Mr. CARTER, Mr. COUGHLIN, Mr. LUJAN, Mr. LUKENS, Mr. MCCLOSKEY, Mr. McKNEALLY, Mr. MICHEL, Mr. PRICE of Texas, Mrs. REID of Illinois, Mr. ROTH, Mr. SCHNEEBELI, Mr. SHRIVER, Mr. STEIGER of Arizona, Mr. TAFT, Mr. TEAGUE of California, Mr. UTT, Mr. WATKINS, Mr. WEICKER, Mr. WYATT, Mr. WYLIE, and Mr. WYMAN):

H. Res. 778. Resolution to express the sense of the House with respect to peace in the Middle East; to the Committee on Foreign Affairs.

By Mr. **CRANE** (for himself, Mr. BUCHANAN, Mr. DERWINSKI, Mr. ANDERSON of Illinois, Mr. ASHBROOK, Mr. BELCHER, Mr. BLACKBURN, Mr. BROWN of Ohio, Mr. BROYHILL of Virginia, Mr. BURKE of Florida, Mr. BURTON of Utah, Mr. CEDERBERG, Mr. CLANCY, Mr. DON H. CLAUSEN, Mr. DEL CLAWSON, Mr. COLLIER, Mr. DEVINE, Mr. DICKINSON, Mr. EDWARDS of Alabama, Mr. FREY, Mr. HOSMER, Mr. HUTCHINSON, Mr. KING, Mr. KUYKENDALL, and Mr. LLOYD):

H. Res. 779. Resolution to express the sense of the House with respect to peace in the Middle East; to the Committee on Foreign Affairs.

By Mr. **CELLER**:

H. Res. 780. Resolution to provide funds for the Committee on the Judiciary; to the Committee on House Administration.

By Mr. **EVINS** of Tennessee:

H. Res. 781. Resolution providing funds for the operation of the Select Committee on Small Business; to the Committee on House Administration.

By Mr. **MORSE**:

H. Res. 782. Resolution to express the sense of the House with respect to peace in the Middle East; to the Committee on Foreign Affairs.

By Mr. **PATMAN**:

H. Res. 783. Resolution to provide additional funds for the expenses of studies, investigations, and inquires authorized by House Resolution 152; to the Committee on House Administration.

By Mr. **PATMAN** (for himself and Mr. BARRETT):

H. Res. 784. Resolution to provide additional funds for the expenses of the studies, investigations, and inquiries authorized by House Resolution 152; to the Committee on House Administration.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. **BIAGGI**:

H.R. 15456. A bill for the relief of Carlos Barrera; to the Committee on the Judiciary.

H.R. 15457. A bill for the relief of Margerite de Barrera; to the Committee on the Judiciary.

H.R. 15458. A bill for the relief of Domenico Martino; to the Committee on the Judiciary.

By Mrs. **CHISHOLM**:

H.R. 15459. A bill for the relief of Giuseppa Montalbano; to the Committee on the Judiciary.

H.R. 15460. A bill for the relief of Rosa Montalbano; to the Committee on the Judiciary.

By Mr. **MATHIAS**:

H.R. 15461. A bill for the relief of Mrs. Dorothy M. Turner, and her sons, John and Calvin Bakos; to the Committee on the Judiciary.

By Mr. **PEPPER**:

H.R. 15462. A bill for the relief of Dr. Maria Concepcion Curbelo; to the Committee on the Judiciary.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

271. By the **SPEAKER**: A memorial of the Legislature of the State of Michigan, relative to using the Marine Hospital in Detroit for the treatment of youthful drug offenders; to the Committee on Interstate and Foreign Commerce.

272. Also a memorial of the House of Representatives of the Commonwealth of Pennsylvania, relative to retaining the exemption from Federal taxation of the interest received from State and local governments upon their obligations; to the Committee on Ways and Means.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

365. By the **SPEAKER**: Petition of the City Council, Waco, Tex., relative to giving special recognition to the Honorable W. R. (Bob) Poage on the attainment of his 70th birthday; to the Committee on Agriculture.

366. Also, petition of the common council of the city of Buffalo, N.Y., relative to designating January 15th as a national holiday in honor of Dr. Martin Luther King, Jr.; to the Committee on the Judiciary.

367. Also, petition of the mayor and common council of the city of Plymouth, Wis., relative to taxation of interest on the obligations of a state or political subdivision; to the Committee on the Judiciary.

368. Also, petition of Joyce Middleton and others, Charleston, S.C., relative to redress of grievances; to the Committee on the Judiciary.

369. Also, petition of Eugene Lynch, Oak-

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land, Calif., relative to redress of grievances; to the Committee on the Judiciary.

370. Also, petition of Daniel Edlord Le Veque, Sheboygan, Wis., relative to proposed legislation concerning the practices of insurance companies; to the Committee on the Judiciary.

371. Also, petition of Daniel Edlord Le Veque, Sheboygan, Wis., relative to redress of grievances; to the Committee on the Judiciary.

372. Also, petition of Henry Stoner, York, Pa., relative to opposing subsidies for failing newspapers; to the Committee on the Judiciary.

373. Also, petition of the president of the New Jersey Jaycees, Jamesburg, N.J., relative to support of the bill, H.R. 10867, dealing with obscene and pornographic mail; to the Committee on Post Office and Civil Service.

374. Also petition of the Board of Supervisors, county of Los Angeles, Calif., relative to establishing uniform welfare provisions; to the Committee on Ways and Means.

EXTENSIONS OF REMARKS

THE GREAT STONE FACES

HON. E. Y. BERRY

OF SOUTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Monday, January 19, 1970

Mr. BERRY. Mr. Speaker, the January edition of the Elks magazine contains an article entitled "The Great Stone Faces" by Lucille J. Goodyear. This is an excellent history of Mount Rushmore and I recommend it to all my colleagues. At this point, I include the article, which is as follows:

THE GREAT STONE FACES

(By Lucille J. Goodyear)

With great dignity, the gigantic stone faces of Washington, Jefferson, Lincoln, and Theodore Roosevelt lookout over the Black Hills of South Dakota. On the granite face of 6000-foot Mount Rushmore, carved in dimensions symbolic of greatness, four great Americans are memorialized who upheld the rights and dignities of the common man.

Portrayed through these likenesses are the beginnings and trials of our Nation during its first century and a quarter. Washington represents the fight for liberty and the birth of the Republic. Jefferson is the expression of this country's political philosophy. Lincoln embodies the preservation of the Union, and Theodore Roosevelt depicts the expansion and conservation of the Nation as it is today.

The idea for these awe-inspiring carvings came into being in 1923 when Doane Robinson, State historian for South Dakota, suggested a monument in the picturesque Black Hills. The monument he had in mind would honor notable heroes of the old West: Jim Bridger, John Colter, and Kit Carson.

Two years later he found a sculptor competent enough to carve a mountain. This was Gutzon Borglum, an artist then at work sculpturing a Confederate memorial on Stone Mountain in Georgia.

The idea of having Western heroes was quickly rejected by Borglum as being much too regional. He thought the project should have more national significance—suggesting Washington and Lincoln. A year passed before the final selection was made. Borglum won the first bout of the fight!

Whereas Robinson had suggested the unusual granite formations known as the Needles as the best place for the monument, Borglum continued to look for a more suitable setting. After much searching he selected the mountain named after Charles E. Rushmore, a New York lawyer. He selected this mountain because it was smooth-grained granite, it dominated the surrounding terrain, and it faced the sun most of the day.

According to Borglum's estimates, the total cost of the project would be about $500,000, with a completion time of five years. Backers were not too interested in pledging the needed money as too many people thought the carving of a mountain was a sacrilege—an out-and-out desecration of God-made beauty. Fund-raising efforts proved quite fruitless until May of 1927, when the White House announced that President Coolidge would vacation in the Black Hills.

It was arranged that the President would have the opportunity to hear first-hand discussions of the proposed carvings and make an appearance at Mount Rushmore. In his speech he showed his approval and interest by promising federal aid for the undertaking. Congress allocated $250,000, which was matched in nickels and dimes of school children from all parts of America.

All phases of the job were under the watchful eye of the talented Borglum. He made a time-consuming study of presidential portraits and pictures, taking note of even the most minute details of the facial features. Models were made on the scale of an inch of model to a foot of mountain area.

The lighting studies he made gave him an idea of how the figures would look during every season of the year, every change of lighting and atmosphere. As the granite could not be "carved" in the true sense of the word, he had to plan meticulous drilling charts, which involved a great deal of study and thought.

Drilling for the first head, that of Washington, was begun on October 24, 1927. The blasting was done in such a way as to leave a great rough, egg-shaped mass. It was possible to dynamite within an inch or two of the intended surface, and occasionally this was done. But generally, blasting was not carried on closer than six inches to the surface. It was not practical to dynamite too near, because the charges had to be so small and the holes so close together that little, if any, labor was saved. Measuring, blasting, drilling, splitting, and smoothing was the ordinary work cycle. The term "carving" was only a figure of speech in this gigantic project. Borglum was said to use dynamite much like a surgeon would use precision instruments.

Despite financial difficulties during the depression, the Washington head was dedicated July 4, 1930. Two years later the work came to another halt because of dwindling funds. Senator Norbeck came to the rescue with a grant from the Reconstruction Finance Corporation. The $50,000 grant was matched with funds from the Rushmore appropriation.

Again work was resumed. In spite of financial setbacks that time and time again threatened the work, Borglum continued with complete dedication, too involved in bringing his patriotic dream to a reality to give much thought to finance.

By 1939, all four heads were dedicated and only the finishing touches had to be added, but the great Borglum was not to see the actual completion. Death came to him early in 1941.

Having worked at his father's side for the final nine years, Lincoln Borglum was appointed superintendent to oversee the completion of his father's dream. The original plan had called for the statues to be "carved" down to the waist, but this idea had to be abandoned because of diminishing funds.

Borglum's son spent the last of the funds on Roosevelt's face (which was never completed), finishing the lapels and collar of Washington's coat and putting some final touches on Lincoln's head. The vast enterprise came to an end in October of 1941, after 6½ years of actual work since the project's inception.

It should be noted that the fourteen years were not continuous work-days as work could not go on during the winter months, and there were times when men could not continue their work due to financial difficulties.

It might also be noted that Borglum's estimate was a very poor one—the project actually took fourteen years to complete, and cost $989,992.32, including $836,000 in Federal appropriations.

The carvings were an incredible task. And as studies have shown, the granite in this location erodes at the rate of less than one inch in 100 thousand years—thus assuring that if our civilization should perish, archeologists of the future would be certain that these magnificent heads were representative of the "gods" of our time. Borglum purposely left a 3-inch layer of granite for weathering, enough so the faces will look their best in 300,000 years.

The stone faces are the largest ever carved, bigger than those of the Sphinx, the Statue of Liberty, or the Colossus of Rhodes. You could stand inside of Lincoln's eye, or take a stroll of 20 feet along Roosevelt's mustache. The figures have noses that are 20 feet long, mouths measuring 18 feet across, and eyes that measure 11 feet wide. The eyes have a penetrating quality due to the 22-inch projection for the pupil of each eye. This projection was just one of the many touches of Borglum's genius, for they truly give a life-like quality to the eyes.

Movement of the sun changes the shadows on the faces, giving them different expressions that make them look as if they have suddenly come alive.

Looking at the "giants of America," no one can deny that Mount Rushmore National Monument is truly one of the most inspiring feats of both sculpturing and engineering in history. It is also a "shrine for democracy"—dedicated to four of America's greatest leaders, and given to the world through the genius of a great and dedicated artist.

However, Gutzon Borglum felt differently about it. Although he carved the figures to the scale of men 465 feet tall, he did not intend that the memorial should be merely the expression of one man's talents or a monument known only for its gigantic proportions. To Borglum, and those who worked with him, "a monument's dimensions should be determined by the importance to civilization of the events commemorated."

Borglum was right. Looking at the near life-like features of these faces one feels a great surge of pride—pride in these great men and their deeds, and pride in a country that can boast of such fine leaders.

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NIXON'S INFLATION FIGHT

HON. BARBER B. CONABLE, JR.

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, January 19, 1970

Mr. CONABLE. Mr. Speaker, I would like to bring to my colleagues' attention an excellent feature article entitled "Nixon's Inflation Fight" which appeared in today's issue of the New York Times. This article, written by Edwin L. Dale, Jr., is a fair and detailed explanation of the alternatives available to a President who faces a severe test on his economic policies at a time when many are reacting politically to the need for fiscal heroism. Anyone can be in favor of fiscal restraint in the face of unpopular spending demands, but unfortunately everything which tends to pump up the economy, whether popular or unpopular, must be viewed in the light of its inflationary impact because the state of the economy must be one of the significant factors affecting the ultimate decision. Mr. Dale points out that the test of economic policy is a more demanding one for the President than the test of Vietnam. I would like to add that it is also a test for the Congress, and what Mr. Dale says about the dilemma facing the President must apply equally to us if we are not ultimately to pass the buck on all tough decisions to the White House.

The article follows:

NIXON'S INFLATION FIGHT: HE IS SEEN FACING A MORE SEVERE TEST ON ECONOMIC POLICIES THAN VIETNAM

(By Edwin L. Dale Jr.)

WASHINGTON, January 18.—For a long time now—12 months to be exact—there has been a lot of theoretical discussion about what President Nixon would do when his anti-inflation policy began to bite. There are still no sure answers, but the question is theoretical no longer.

NEWS ANALYSIS

The policy is biting, as economists were pretty sure it would eventually. This was shown in last week's statistics on everything from the gross national products to housing starts—statistics that were, so to speak, blissfully gloomy. The economy is undoubtedly slowing at last.

But the policy is biting in another way, much less statistical and certainly not blissful.

Boeing announced that 18,000 workers in the Seattle area would lose their jobs this year.

Dr. George Evans, vice president of the National School Boards Association, said that if the President vetoed the health and education appropriation bill, which would spend more money than the President believes right at a time of inflation, "some schools will have to close their doors early or drop programs—which could force dropout-prone, less motivated students on to the streets."

Chrysler's "indefinite" layoffs, as distinct from temporary ones, mounted toward the 7,000 mark, and there were indications that some of the dismissed men might have been among those hired under the ambitious program of American business to seek out the disadvantaged.

Dr. Campbell Moses, chairman of the Ad Hoc Committee on the Nation's Health Crisis, said that the failure of the Administration to provide $40 million for workers with heart disease "means 50,000 people will die in the next 12 months who do not need to die."

A DEMANDING TEST

Presumably to make sure that the matter would not remain nonpartisan, Senator Fred R. Harris of Oklahoma, chairman of the Democratic National Committee, said that the economy had enjoyed a record eight years of growth without recession under the Kennedy and Johnson Administrations and was now heading down under the Republicans.

To many observers here, the test of economic policy—now that is arriving—is a more demanding one for the President than the test of Vietnam. For standing firm in the policy of economic restraint will not only cause what Mr. Nixon's chief economic adviser, Paul W. McCracken, calls "pinching and binding," but it will also probably be slow to show convincing results in checking the rise in prices that Americans have been facing.

To pick one of many similar forecasts out of a hat, a group of economists under Otto Eckstein, a member of the Johnson Administration's Council of Economic Advisers, has predicted that as the policy of restraint continues, unemployment this year will rise a full point—from about 3.5 to 4.5 per cent of the labor force—while the rise in prices will be only imperceptibly slower than the 5 per cent of 1969.

This would not be unusual in economic history. Prices always respond to a sluggish economy with a lag. But voters are not likely to be experts in economic history.

RESERVE BOARD'S ROLE

The test ahead for the Government is partly one for the Federal Reserve Board, soon to be headed by one of the handful of men Mr. Nixon trust most, Arthur F. Burns, Federal Reserve monetary policy—which affects money, credit and interest rates—is at least as important as the President's budget, or fiscal, policy in slowing or expanding the economy.

From the available evidence, the President and Mr. Burns are determined to keep straight on the anti-inflation course. If he were afraid that the policy was being pushed too far, Mr. Nixon would not now be making his last-minute effort to shave the budget still further. He would be content to let the budget slip into deficit as a means of re-stimulating the economy.

It would be easy to fill the 50,000-seat D.C. Stadium here with middle-aged and older liberals who grew up in another time and think that the President's policy of stopping the economy dead in its tracks is all wrong.

They are not for inflation, but they believe there are better ways of dealing with it, mainly direct use of Presidential power and persuasion in individual price and wage situations. In the last analysis, they would accept some inflation rather than choke the budget and add to unemployment.

The new conservatives around the President think differently. They are skeptical of the efficacy of much Government spending. They also doubt that the increases in largely short-lived unemployment associated with a slowing economy will necessarily worsen the nation's social problem.

CRISIS OF THE CITIES

And perhaps above all they believe that in many subtle ways inflation is the enemy of a solution of social problems.

A good example is the financial crisis of the cities, which is caused in good part by the large wage increases for employes, from teachers to subway motormen—increases made unavoidable by an inflationary economy. The cities have to pay the wages, but their revenues, centered on the property tax, do not respond equally rapidly to inflation.

In any case, Mr. Nixon is heading toward his test. It appears that most money market and stock market men believe he will try to pump up the economy again—through spending more Government money on easing credit—as soon as the "pinching and binding" begin in earnest. This is perhaps a legacy of the view of Mr. Nixon as, above all, a politician.

But if he does pump up the economy again, the battle against inflation will be lost. Interest rates are where they are today in good part because men with money think that politicians will always make the inflationary decision.

What Presidents will do under strain is not predictable. But Mr. Nixon is aware that another man who had the reputation of being just a politician—Harold Wilson of Britain—stuck by "austerity' 'in economic policy for a full two years. The austerity included the most severe control of government expenditure in Britain's modern history.

Now all of a sudden Britain's economy is right again, and Mr. Wilson might even get reelected—something that would have seemed about as probable a year ago as the Mets winning the pennant.

MURRAY GETS ZENGER AWARD

HON. PAUL J. FANNIN

OF ARIZONA

IN THE SENATE OF THE UNITED STATES

Monday, January 19, 1970

Mr. FANNIN. Mr. President, a distinguished journalist in my State, Mr. J. Edward Murray, has been named the recipient of the John Peter Zenger Award given annually by the University of Arizona's Department of Journalism.

In naming Ed Murray for this honor the committee placed his name on the list which includes such notable names in the profession as Arthur Krock, Clark Mollenhoff, J. Russell Wiggins, John Knight, James Reston, and a beloved friend, Eugene Pulliam.

This award was conferred last Saturday in Phoenix and is given for service to freedom of the press and the people's right to know.

The awards committee has made another outstanding choice, and it is with great pleasure that I am able to concur in their choice of the managing editor of the Arizona Republic for this singular honor.

Mr. President, I ask unanimous consent that a list of the former recipients of the Zenger award and an article descriptive of Mr. Murray and his work be printed in the RECORD.

There being no objection, the list and article were ordered to be printed in the RECORD, as follows:

MURRAY NAMED FOR ZENGER AWARD

J. Edward Murray, managing editor of The Arizona ,Republic, has been named the recipient of the 1969 John Peter Zenger Award of the University of Arizona's Department of Jounalism.

Given annually for service to freedom of the press and the people's right to know, the award will be conferred at the annual convention of the Arizona Newspapers Association in Phoenix. The presentation will be made by Dr. Richard Harvill, president of the University, during the Zenger Award Luncheon, Saturday, Jan. 17.

Murray has been managing editor of The

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Republic for nine years. Prior to that he was managing editor for 12 years for the Los Angeles Mirror.

Secretary of the American Society of Newspaper Editors, Murray has been on the ASNE Board for several years. He is editor-chairman of its monthly magazine "The Bulletin." He also is a member of the Pulitzer Prize Jury.

In 1960–61 while national president of the Associated Press Managing Editors Association, he appointed and then served on a study committee which produced "The Criteria of a Good Newspaper," a widely accepted set of professional standards for the judging of newspaper quality.

Chairman of the American Society of Newspaper Editors' freedom of information and press-bar committee in 1967, Murray opposed recommendations of the "Reardon Report," saying, "The classic function of the press is to find out everything about government. That's what the free flow of news means, what the reporter can find out, not what the public servant wants to give him."

Born on a homestead near Buffalo, S.D., Murray grew up on cattle and sheep ranches, working during school vacations for the Homestake Gold Mining Co., Lead, S.D. He was graduated as a Phi Beta Kappa from the University of Nebraska in 1938, majoring in philosophy and journalism.

Murray started as a reporter with United Press in 1938 in Chicago. In 1943 he went to Europe as a war correspondent, covering buzz bomb siege of London, Supreme Allied Headquarters as chief UP correspondent, and Mussolini's capture and death along with the war's end in Italy.

After the war he became UP manager for Italy, covered the Paris Peace conference, and toured Western European countries to report on post-war rehabilitation. In 1947 he toured the United States with then premier of Italy, Alcide de Gasperi.

Murray has toured Russia twice, in 1959 and again this year, along with four separate, news-gathering trips to European countries since 1962.

Murray and his wife Miriam live at 4501 E. Exeter Blvd., Phoenix. They have two grown children, Judith and James.

RECIPIENTS OF THE JOHN PETER ZENGER AWARD

Palmer Hoyt, 1954: Basil L. Walters, 1955; James S. Pope, 1956; J. Russell Wiggins, 1957; Rep. John E. Moss, 1958; Herbert Brucker, 1959; Virgil M. Newton, Jr., 1960; Clark R. Mollenhoff, 1961; John H. Colburn, 1962; James B. Reston, 1963; John N. Hieskell, 1964; Eugene C. Pulliam, 1965; Arthur Krock, 1966; John S. Knight, 1967; and Wes Gallagher, 1968.

A PRAYER FOR THE DISTRICT OF COLUMBIA

HON. CHARLES McC. MATHIAS, JR.

OF MARYLAND

IN THE SENATE OF THE UNITED STATES

Monday, January 19, 1970

Mr. MATHIAS. Mr. President, on December 28 the Very Reverend Francis B. Sayre, Jr., the distinguished dean of the Washington Cathedral, offered a prayer for the District of Columbia which, in my judgment, deserves wide attention. With his customary eloquence, Dean Sayre, in a very few words, invoked the traditions of the city of Washington and the fundamental principles which are the bedrock of our Republic.

His prayer should inspire and guide us as we enter a new legislative year. I ask unanimous consent that it be printed in the RECORD.

There being no objection, the prayer was ordered to be printed in the RECORD, as follows:

A PRAYER FOR THE DISTRICT OF COLUMBIA

(By the Very Reverend Francis B. Sayre, Jr.)

Sanctify anew, Thou Ruler of Destiny, this bit of Federal soil which our forefathers set apart from any State to nourish the high mission of our common government. Bless, O Lord, the precious branches planted here: The deep-rooted responsibility of Law, the even measure of Justice, and leadership fitly chosen and held aloft before our people. Grant to all who serve in this District the same vision that drew Columbus to a new world, and a kindred steadiness of purpose to that of the first President whose name and flag we bear. So by Thy grace may we be worthy of that special place given to a capital city in Thy holy Name. Amen.

SPELLING OUT THE CASE FOR AMERICA

HON. GEORGE A. GOODLING

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, January 19, 1970

Mr. GOODLING. Mr. Speaker, through various types of social disorders we are being violently informed on what is wrong with America.

This overdose of negativism can easily have the effect of clouding out any consideration of the positive. Some prominent and responsible public officials are endeavoring to correct this situation by calling attention to the fact that while we have some problems in America, everything is not all wrong—some things are right in America.

Just recently Vice President SPIRO T. AGNEW wrote an article for the January 17, 1970, issue of Human Events. Because the article says some things that desperately need to be said, I am inserting it into the RECORD and recommending that my colleagues read this stimulating article:

SPELLING OUT THE CASE FOR AMERICA

(By Vice President SPIRO T. AGNEW)

There are those within this country—a minority, but still too many—who would like to place the American system on trial.

They strive mightily each day to build their case—on campuses, in the streets, in the news media, or wherever a crowd of two or more may gather, especially if there is a television camera nearby to record their antics. They have a sure sense for theater but a poor sense for history.

But they have made a fatal mistake. They recount our sins without recalling our successes. They attempt to enumerate all that is wrong with America while avoiding any discussion of that which is right.

For that reason, I think their "politics of protest" has already failed. As a lawyer and a public official, I am grateful to Holmes Alexander for this opportunity to comment on the case. For I am confident that we, the people, stand in the docket; that history will be the judge, and that the verdict will be ours.

Should the charge be poverty amidst plenty, the fact is the percentage of poverty level incomes in America has been cut in half over the past two decades.

Should the charge be permitting inequities while professing equality, the fact is our courts have struck down discriminatory laws and our Congress legislated equal rights.

Should the charge be tolerating ignorance in an era of enlightenment, the fact is the percentage of high school enrollment has doubled and college enrollment tripled in 20 years.

Should the charge be imperialism and aggression, the fact is 400,000 American lives have been sacrificed in this century in response to pleas from nations who were resisting imperialist aggression.

The facts prove there is not a case against America but a strong case for America. But the fact we must defend our system at all is enough to cause deep reflection.

Our nation has always valued constructive criticism and loyal opposition as the spurs to progress. But in recent years we have been besieged by a new type of critic with a new manner of criticism which is neither loyal nor constructive. We have protest without program, dissent without dialogue, radicals without reforms. Above all, we are hearing a spontaneous chorus of self-righteous outrage without the orchestration of reason.

It has been our nation's finest tradition to learn from error and so to erase social evils. Today, a social evil will be recorded as a sign of guilt—the stigma of a bad system, not the spur to a better one. This is masochism . . . a perverse and pointless pleasure in enjoying wrong without attempting correction.

Fortunately, the vast majority of this nation's citizens have no patience for idle introspection. We are a nation of movers. We believe that to stand still is to slip backward. Americans are a fair people, quick to respond when there is a reasoned appeal and social awareness. We have proved that through the civil rights acts.

But we are not prone to taking a bum rap, and that is what the masochist movement would have us do. In every unconscionable individual act, they would have the American people accept collective guilt. In every problem they would point to collective hypocrisy, collective intolerance, collective indifference.

Of course we have grave problems in this country. We have polluted waters and hungry people and slaughter on our highways. But even these problems are the adverse by-products of progress.

Our thriving industries caused pollution. Would we rather be without them?

Our tremendous prosperity illuminates in stark contrast the plight of the poor. Would we rather have the majority where it was four decades ago, on the marginal poverty level?

Our mass mobility creates our traffic turmoil. Would we rather keep everyone within the confines of his home, town or state

Obviously, the answer is no—and just as obviously, we should approach these problems with the relative sophistication, reason and optimism which are rightfully ours. Our greatest danger lies in becoming so preoccupied with apologizing for our past that we end up apologizing for our present. The past is a lesson we have learned; the present is the lesson we shall teach.

The old story goes that if a glass holds water to its mid-point, a pessimist says it's half empty and an optimist describes it as half filled. Right now, we hear too many pessimistic voices not only telling us America's cup is half empty but calling it a leaking sieve.

This is not true. Nor will I say our cup runneth over . . . for there is much to do.

But our cup is sturdy, steady and pure, and it would be foolish if we poured the distillation of 200 years of American freedom down the drain.

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ECONOMIC BLOCKADE OF RHODESIA

HON. HARRY F. BYRD, JR.

OF VIRGINIA

IN THE SENATE OF THE UNITED STATES

Monday, January 19, 1970

Mr. BYRD of Virginia. Mr. President, I ask unanimous consent to have printed in the Extensions of Remarks an editorial entitled "A Dangerous Dependence," published in the Northern Virginia Daily, Strasburg, Va., of January 15, 1970. The editor of this newspaper is Mr. J. J. Crawford.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

A DANGEROUS DEPENDENCE

It was in November 1965 that Rhodesia, led by Prime Minister Ian Smith, declared its independence from Great Britain, thus severing the bonds between the white-ruled Africian nation and the Mother Country.

The British government quite naturally labeled the Rhodesian breakaway illegal, exerting every diplomatic and economic pressure at its command, including economic sanctions, in an effort to bring the Smith government to its senses.

It is not to the credit of this country that the United States joined with Britain in imposing sanctions and, in addition, strongly supported a later United Nations trade and travel blockade against Rhodesia. On balance, it appeared that the U.S. went out of its way to interfere with an internal matter which did not concern us, nor indeed the UN.

But, there is a further and still little known factor which casts even greater doubt on the wisdom of the U.S. stand. This factor has to do with the vital defense of our nation.

Before the boycott, the U.S. imported one-third of its chrome from Rhodesia, one-third from the Soviet Union, and the remainder was mined domestically. Today, our domestic chromite mining is inactive. Thus the U.S. is dependent on Soviet Russia for the major supply of this vital metal.

Chrome is essential in the manufacture of jet engines, gas turbines, guns and armor-piercing projectiles, aircraft, motor vehicles and many other types of defensive hardware.

In this connection, economist Anthony Sutton of Stanford University's Hoover Institution raises a significant question. Why, he wonders, does the Soviet Union—while supplying most of the arms and ammunition used against us in Vietnam—continue to furnish us with chrome?

The Stanford economist suggests that it may be a conscious exploitation of a "weak link" which makes us strategically dependent on the Soviets, while they have studiously avoided being put in the position of being dependent on us for strategic materials.

Whether, the gentleman is right or wrong as to the reason the Soviets continue to supply us, it seems to us our government is taking enormous risks in depending on the Soviets for material so vital to defense.

It makes little sense to defend ourselves at the costs of billions of dollars against Soviet missiles, without accompanying the program with an independent source of vital chrome that would not be closed to us immediately at the first sign of trouble.

Is it good judgment to carry on a pointless economic blockade against Rhodesia, whose independence is already well established, when an agreement with this friendly African nation could supply the large part of U.S. requirements for chrome?

We have been opposed to U.S. sanctions against Rhodesia from the start, and revelations like the above simply substantiate the logic of our early position.

SOARING SIXTIES—THE KENNEDY DECADE

HON. JAMES B. UTT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, January 19, 1970

Mr. UTT. Mr. Speaker, Ray McHugh, chief, Washington bureau, Copley News Service, recapped the last decade quite accurately in his article "Soaring Sixties—the Kennedy Decade" which appeared in the Elgin Daily Courier-News, Elgin, Ill., on December 29, 1969, just as the decade was drawing to a close. Probably his most factual statement, among many in the article, was his concluding paragraph, "If the sixties proved nothing else, they proved that nothing is certain in politics." I am sure that many besides the Kennedys would agree on this.

The article follows:

SOARING SIXTIES—THE KENNEDY DECADE

(By Ray McHugh)

WASHINGTON.—It is perhaps inevitable that the political historians will refer to the 1960s as the "Kennedy Decade."

If they do, it will be final thrust of fate that Lyndon B. Johnson must endure.

Seldom, if ever, has the United States seen such a time. A chart of the fortunes of both Republicans and Democrats would resemble a roller-coaster.

Curiously, the decade ends as it began with a moderate Republican president in the White House. But its history will be told largely in terms of Democrats John F. Kennedy and Johnson.

For Gen. Dwight D. Eisenhower 1960 was a largely a year devoted to setting the nation's house in order for a new president.

President Richard Nixon has been in command during the final year of the decade, but he, too, has devoted most of his attention to tidying up. In his first year of office his task has been to bank the fires of inflation and unrest at home and the fires of war in Vietnam. In 11 months he has made promising beginnings, but it is the 1970s, not the sixties, that will tell Mr. Nixon's mark on history.

With an almost Shakespearean touch, the man who had great impact on the politics of the 1960s died on a cold rainy November Cape Cod day in 1969. Ambassador Joseph P. Kennedy Sr. did not live to see the decade expire, but the high hopes and dreams he nourished 10 years earlier had already perished.

The elder Kennedy, son of an Irish immigrant, built a fortune estimated at $400 million and perhaps because his wealth and ambition failed to bring him personal political glory, he dreamed an unprecedented dream of an American dynasty based on four sons—Joseph, John, Robert and Edward.

The tragedy that stalked that dream will always be told.

Joseph Jr., the son who was "supposed to be President" died in World War II.

The decade of the 60s opened with the stunning victory of the young, boyish Massachusetts Sen. John F. Kennedy over Vice President Richard Nixon in the 1960 election. It was an election in which Kennedy started as a rank underdog but finally triumphed in a photo finish, thanks to his mastery of the television medium, particularly in debates with Mr. Nixon; his superior organization, that was forged by his father and his brother Robert, and to a charisma of youth.

After the relatively placid 1950s when the grandfatherly Gen. Eisenhower reflected a national mood the young Kennedy represented an exciting turn to what he called "The New Frontier."

Kennedy and his cinema-like wife Jacqueline brought an exhilarating atmosphere to the White House. Some writers spoke of a new "Camelot" populated by what Washington society columnist still like to call "The Beautiful People."

But if Kennedy brought youth to the executive mansion, he also brought inexperience. During his short, ill-starred presidency was sown the seeds of disintegration for a Democratic party machine that had dominated U.S. politics since 1932.

The Bay of Pigs fiasco in Cuba, the Vienna Conference with Nikita Khrushchev, the Berlin Wall, the Cuban missile crisis of 1962, the decision to enlarge the "advisory" force in Vietnam, the inability to get legislation from a congress dominated by his own party all pointed up serious weaknesses in the Kennedy administration. But all these were forgotten on Nov. 22, 1963, when a social misfit Lee Harvey Oswald fired three shots from a Dallas window that killed President Kennedy.

A stunned Lyndon Johnson took up the reins of power.

The Johnson years will always pose a political paradox. Here was a man recognized as the consummate politican. His rise to the Senate majority leadership had stamped him as one of the great congressional leaders of the century.

In the weeks following the assassination, Johnson showed his skills. A grieving congress swept aside the logjams that had blocked Kennedy programs and a torrent of civil rights and social welfare education poured forth. Johnson, a one-time Texas school teacher, added education programs that were unmatched in the nation's history.

"I want to be remembered as the man who did more than anyone else to further education in this country," he once confided to reporters.

In 1964 Mr. Johnson was unbeatable. The conservative wing of the Republican party which had gained a dominant position during Kennedy's troubles nominated its hero, Arizona Sen. Barry Goldwater. Against Kennedy he might have made an impressive showing. Against Johnson he was buried under an avalanche of votes and carried only six states.

In their hearts, as the GOP said, many Americans may have known that Sen. Goldwater's crusty conservative principles were right, but they voted for President Johnson, the memory of a slain John F. Kennedy, a promise that Vietnam would soon be ended, an assurance that despite a far-off war the nation could afford a "guns and butter" policy.

Election day 1964 was the Democrats' high-water mark of the sixties. Not only had they returned Johnson to the White House, they had achieved a 2 to 1 superiority in the Congress. Many Washington pundits were busy reciting the last rites over what they viewed as a Republican corpse.

But the seeds were beginning to take root. The "solid south" that had shown its disapproval of Johnson domestic policies as five states voted for Goldwater. The war in Vietnam increased in tempo. Slowly, President Johnson committed half a million troops to a conflict where he once promised no American boy would be involved. Inflation began to eat away at the monies a generous congress was pouring into domestic programs. Exorbitant promises followed too often by inept

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administration spawned discontent, then open racial strife in cities across the country.

The liberal-labor-Negro-southern coalition that Franklin D. Roosevelt had knitted began to unravel.

Inside the White House, a beleaguered President Johnson found himself in a tug-of-war. A Kennedy faction, resentful of his presidency, plotted openly for Robert Kennedy who had stepped down as attorney general and won a New York senate seat. The Vietnam war and the violence in American cities became an albatross.

The 1966 elections saw a major Republican comeback in the House and Senate and as important, in governors' mansions and state legislatures across the country. (In 1969 a Republican claimed the governorship of Virginia. In 1966 it won Florida and lost Georgia's state house by a whisker.)

More and more, the President who was elected by a landslide, became a prisoner of his own politics, particularly the Vietnam war. He took over almost direct personal control of military and diplomatic operations. Peace, some associates said, became not a goal, but an obsession.

Johnson also found himself the target of an almost hysterical attack by some elements on his own party allied with certain commentators. David Broder of the Washington Post has labeled the strategy "The breaking of a president."

The more President Johnson talked in 1967, the less his party and the nation listened. On March 31, 1968, the tall Texan recognized the inevitable. He announced that he would not be a candidate for reelection.

That decision broke the last threads that were holding Democrats together. Alabama's segregationist George Wallace was already charting a nation-wide bid for the ultra-conservative vote and the traditional southern Democrat. Minnesota's liberal Sen. Eugene McCarthy had humbled the President in the New Hampshire primary. Sen. Robert Kennedy was out to reclaim his brother's place in the White House and even the little-known Sen. George McGovern of South Dakota was challenging Johnson's choice—vice president Hubert Humphrey.

A new Kennedy bid was again cut short by an assassin's bullets. This time the killer was a fanatic Jordanian immigrant named Sirhan Sirhan who objected to Sen. Kennedy's support of Israel—a support that was no stronger than that of any other candidate. Sirhan shot the senator on the night he won the California primary and appeared destined to overtake Humphrey in the race for the nomination.

At Miami Beach in August of 1968, Republicans sensed that the country was spent after eight years of passionate, bullet-punctuated politics. They rejected the liberal-leaning Gov. Nelson Rockefeller of New York and the conservative hero Gov. Ronald Reagan of California in favor of a comfortable, seasoned, moderate Richard M. Nixon.

Mr. Nixon who was John F. Kennedy's victim in 1960 seemed to have met his political Waterloo in 1962 when he failed in a bid for the governorship of California, but throughout the sixties he kept his GOP credentials in order. From his New York law office he added to his stature as a world affairs analyst and in tireless campaigning on behalf of 1964 and 1966 candidates, he gathered a broad cross-section of support and kept contact with the people.

For the Democrats, the 1968 convention in Chicago was a scene to be forgotten as soon as possible. Humphrey won the nomination, but the divisions in the party were overshadowed only by the violence in the streets triggered by radicals, anarchists, and anti-war demonstrators.

The convention atmosphere was so hostile that President Johnson did not make an appearance.

In view of the divisions, Humphrey made a remarkable race. The candidacy of Wallace denied Nixon a sizeable bloc of southern electoral votes and conservative ballots across the country. By concentrating on metropolitan areas and by utilizing organized labor's biggest effort, Humphrey came within half a million votes of victory. He wasn't beaten until California and Illinois fell into the Nixon column more than 12 hours after the polls closed.

The decade, however, carried still more upheavals.

Sen. Edward Kennedy of Massachusetts, the youngest of Joe's sons, resisted the pleas of many Democrats to seek the 1968 presidential nomination after Robert was killed. Many of the party's top pros believed "Teddy" could have won at Chicago; even the senator has said he thought he could win the nomination but that he would have lost to Mr. Nixon because of his inexperience.

It was a foregone conclusion that Sen. Kennedy would be the nominee in 1972. The Nixon camp began to build its defense almost immediately. Then on a warm July evening this year fate intervened again.

A car Sen. Kennedy was driving plunged off a bridge into a Cape Code tidal pool. A young Washington secretary who was riding with the senator drowned. The senator did not report the accident for more than nine hours—until after the girl's body was found.

The senator escaped from the accident without serious injury, but its still unexplained circumstances have ruled him out of the 1972 presidential picture.

Perspective is still missing, but as the 1960s end it appears in Washington that the Republican party is emerging from its 40-year minority position to bid once again for the broad mainstream of American voters while Democrats struggle among themselves to find an identity that has slipped away.

To project these trends through the seventies, however, would be a risky undertaking.

If the sixties proved nothing else, they proved that nothing is certain in politics.

GRAZING FEES—PART VI

HON. LEE METCALF

OF MONTANA

IN THE SENATE OF THE UNITED STATES

Monday, January 19, 1970

Mr. METCALF. Mr. President, on December 23, 27 days after I wrote to Secretary Hickel asking for the facts he had before him when he concluded that he should propose not to raise grazing fees, I received a curious bundle from Assistant Secretary of the Interior Harrison Loesch. He sent me a pile of documents 7 inches high, which could be related to the grazing fee issue, but it came with a letter full of disclaimers that the material had any bearing on the Secretary's decision.

In fact, he stated categorically that the Secretary did not have before him the one document developed in response to the Senate Committee on Interior and Insular Affairs Resolution of August 7, 1969—the Bureau of Land Management analysis on grazing fees.

I find it difficult to understand why Secretary Hickel, wanting to make a decision, and Assistant Secretary Loesch, aware that a decision was imminent, did not ask the Director of the Bureau of Land Management and his staff to bring their report up to the Secretary's office so he could read it and perhaps ask a few questions about it. After all, the Secretary was proposing to issue a regulation not to raise grazing fees—a proposal which would invite the public to direct their views to the Director of the Bureau of Land Management.

Let me quote two very clear paragraphs from Assistant Secretary Loesch's letter to me of December 23:

> In response to your specific inquiry, the Secretary did not have before him the Bureau of Land Management analysis which we forwarded to Chairman Jackson on December 19, because by November 25, BLM had not delivered it either to my office or to the Secretary. However, I had been briefed on its proposed contents and conclusions by that date.
>
> No formal report approved by the Department was developed on this subject after January 14, 1969.

In contrast, the next two paragraphs are classic examples of words selected from the dictionary at random. They read:

> As to the particular data upon which the conclusion was reached that the proposed rulemaking is appropriate, I respectfully suggest that one cannot invariably pinpoint that specific evidentiary showing which led one to a particular finding. As our earlier correspondence has stated, we have had numerous expressions of views from many and diverse groups.
>
> I am certain that you understand that the Secretary received advice on this issue. It is also obvious that recommendations are largely based upon data that staff members have received, and that it is not feasible to list all documents, conferences, and correspondence which may have caused staff reactions.

I see no reason to clutter up the Record with such gems among the 23 enclosures as the "Taylor Grazing Act," hearings held by committees of Congress, comments from last year's grazing fee analysis, court cases which I have earlier inserted in the Record when they were timely, and so forth.

However, I ask unanimous consent that my letter of December 22 and Secretary Loesch's letter of December 23 be printed at this point in the Record, along with enclosure No. 14—BLM report to the Secretary dated November 10, 1969.

There being no objection, the above letters and enclosure were printed in the Record as follows:

DECEMBER 22, 1969.

Hon. HARRISON LOESCH,
Assistant Secretary, Public Land Management, Department of the Interior, Washington, D.C.

DEAR SECRETARY LOESCH: Chairman Jackson of the Senate Committee on Interior and Insular Affairs has shared with me your 19 December letter and a Bureau of Land Management review on grazing fees. You say it does not have the Department's brand on it but that this "review was only one of many factors considered in our overall evaluation."

On 26 November—27 days ago—I asked for each report and analysis the Secretary had before him when he decided to publish his proposal on grazing fees on 25 November. Was this one of the items he had studied?

In addition, and in particular I wanted, and I still want, each such report developed

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since 14 January 1969 which has the Department's brand of approval. In addition will you signify which of these reports, if any, was developed subsequent to 7 August 1969 and which reports, if any, were the principal ones on which it was concluded the proposal not to raise fees might be justified.

In my considered opinion your Department has been less than responsive. Will you therefore arrange to have your response in my hands by 5:00 p.m. tomorrow, 23 December 1969.

Very truly yours,

LEE METCALF,
Member of Congress.

U.S. DEPARTMENT OF THE INTERIOR,
Washington, D.C., December 23, 1969.

Hon. LEE METCALF,
U.S. Senate,
Washington, D.C.

DEAR SENATOR METCALF: Reference is made to your letter of December 22 concerning ours of December 19 to Chairman Jackson. Here is a list of material which was considered at staff levels on the issue of the grazing fee structure, and copies of each (except No. 18 which you already have) are herewith delivered:

1. Taylor Grazing Act.
2. Hearings before the Subcommittee on Public Lands of the Committee on Interior and Insular Affairs, United States Senate, on grazing fees on public lands, February 27 and 28, 1969.
3. Hearings before the Subcommittee on Public Lands of the Committee on Interior and Insular Affairs, House of Representatives, March 4 and 5, 1969.
4. Bureau of Land Management review of the Public Land Law Review Commission's Study, the Forage Resource, July 15, 1969. Also, a copy of the Solicitor's July 16, 1969, letter transmitting this review to the Honorable Wayne N. Aspinall.
5. An analysis of comments protesting and supporting proposed grazing fees, January 8, 1969.
6. The final judgment issued in the United States District Court for the District of Utah in the case of J. R. Broadbent, et al., v. Walter J. Hickel, Secretary of the Interior, March 15, 1969.
7. The final judgment issued in the United States District Court for the District of New Mexico in the case of Pankey Land and Cattle Company v. Walter J. Hickel, Secretary of the Interior, May 9, 1969.
8. Consolidated brief for appellees, the Secretary of the Interior and the Secretary of Agriculture in Pankey Land and Cattle Company v. Walter J. Hickel, Secretary of the Interior and Clifford M. Hardin, Secretary of Agriculture, October 1969.
9. Plaintiff's reply brief in Pankey Land and Cattle Company v. Walter J. Hickel, Secretary of the Interior, and Clifford M. Hardin, Secretary of Agriculture.
10. Letter of December 26, 1968 to Director, Bureau of Land Management, from Harry F. Lee, President, Public Lands Council.
11. Resolution of the Committee on Interior and Insular Affairs, United States Senate, signed by Honorable Henry M. Jackson, Chairman, on August 7, 1969. Also, Honorable Henry M. Jackson's letter of August 7, 1969, transmitting this resolution.
12. Congressional Record of September 17, 1969, containing your comments.
13. Public Land Study, the Forage Resource for the Public Land Law Review Commission, by the University of Idaho with Pacific Consultants, Inc., vols. 1–4 inc.
14. BLM report to the Secretary, dated November 10, 1969.
15. Review of Federal Land Administration for Livestock Grazing, of the Interdepartmental Grazing Fee Committee, January 1967.
16. Statistical Reporting Service, U.S.D.A.; Special Report on the Grazing Fee Survey, dated November 29, 1968.
17. Western Livestock Grazing Survey—1966 by the Statistical Reporting Service, U.S.D.A.
18. A review of the BLM Grazing Fee System, dated November 1969.
19. A review of the Forest Service Grazing Fee System, dated November 1969.
20. Letter of October 20, 1969 from Chairman Wayne N. Aspinall to the Secretary of the Interior.
21. Consolidated brief of Pankey Land and Cattle Company before the 10th Circuit Court of Appeals.
22. American National Cattlemen's Association objections to proposed increase in grazing fees.
23. ANCA's position on livestock grazing fees.

In response to your specific inquiry, the Secretary did not have before him the Bureau of Land Management, analysis which we forwarded to Chairman Jackson on December 19, because by November 25, BLM had not delivered it either to my office or to the Secretary. However, I had been briefed on its proposed contents and conclusions by that date.

No formal report approved by the Department was developed on this subject after January 14, 1969.

As to the particular data upon which the conclusions were reached that the proposed rulemaking is appropriate, I respectfully suggest that one cannot invariably pinpoint that specific evidentiary showing which led one to a particular finding. As our earlier correspondence has stated, we have had numerous expressions of views from many and diverse groups.

I am certain that you understand that the Secretary received advice on this issue. It is also obvious that recommendations are largely based upon data that staff members have received, and that it is not feasible to list all documents, conferences, and correspondence which may have caused staff reactions.

I regret that you feel that the Department has been less than responsive. The delay in answering your letter of November 26 is indefensible, and for this dereliction I apologize with all my heart.

Sincerely yours,

HARRISON LOESCH,
Assistant Secretary.

MEMORANDUM

To: Secretary of the Interior; through: Assistant Secretary, Public Land Management.
From: Director, Bureau of Land Management.
Subject: Senate Committee Resolution on Grazing Fees.

In our Otcober 20 memorandum to Assistant Secretary, Public Land Management, reference was made to a staff meeting scheduled with the Forest Service on this subject.

The meeting was held on October 23 and we were successful in accomplishing the coordination of the two agencies' respective evaluation studies. It was suggested that Interior and Agriculture prepare a joint report, concurred in by BOB. This approach is considered desirable since the Senate Interior and Insular Affairs Committee resolution was addressed to the Executive Branch and the fee schedules have been a joint effort by the three Departments.

It is difficult to draw a long-term conclusion from our reviews. We have evaluated data resulting from only the first increment of the 10-year schedule. Definite trends have not been established and are not expected until perhaps 1973. In summary, the results to date of our review of the grazing fee increase indicates there has been no noticeable impact upon the livestock industry stability, loaning arrangements, or collateral values.

For example, the Economic Research Service data relating to farm title transfers shows that forced sales as a percentage of all classes of title transfers did not change for 1969 in the Mountain and Pacific regions, as compared to previous years.

We have surveyed our field offices and find that there have been 762 grazing permits transferred so far in the first eight months of 1969, indicating that ranches with public land grazing privileges are continuing to be bought and sold in the market place. The 10-year tract record establishes 1969 as a typical year.

The 1966 Western Livestock Survey indicated that an average permit sales price of $14.41 was being paid between ranchers for public land grazing privileges. A sample of the 762 permit transfers in 1969 suggests that the average sale price has not decreased since the new fee schedule was announced in January 1969. Our data indicates that this value may have increased responding to supply and demand and other market factors.

The changes in the private forage market, i.e., the index used to keep the 1966 base fee of $1.23 current with market conditions, has increased at a rate consistent with the trend in these values for the past 10 years. Also, an examination of the current lease rates for comparable forage set by State and private land owners continues to substantially exceed public land fee rates. In addition, the livestock industry's net income picture has been good in 1969 with the market prices received by ranchers for their products well above 1968 prices.

The FHA of the U.S. Department of Agriculture reports that the number of requests for farm purchase loans continues to exceed the funds available for these loans. The amount loaned to date in 1969 in the 11 Western States exceeds the amount loaned in 1968, indicating the demand for loans continues to increase.

The Grazing Regulations, 43 CFR 4115.2–1 (k)(ii) state, "Fees will be established by the Secretary in 10 equal annual increments to attain the fair market value of range forage at the 1978 fee year. Fair market value is that value established by the Western Livestock Grazing Survey of 1966. . . ." 43 CFR 4115.2–1 (l)(i) further states, "Fees for any fee year, will be published as a notice in the *Federal Register*. The regulations further provide that: "In addition, annual adjustments may be made for any of the 1969–78 fee years, and thereafter, to reflect current market values." This in essence is an adjustment of the base fee ($1.23) using an index of range forage values to insure continued fair market value. This factor resulted in a $0.02 addition to the 1968 base fee ($0.33 plus $0.09 annual increment, plus $0.02 comparability). We presently have all the data required to establish the fee for the 1970 grazing year. The 1970 fees would be the existing $0.44, plus $0.09 annual increment, plus $0.04 to maintain comparability or a total fee of $0.57. As the regulations now stand, to implement the 1970 fee, a fee schedule outlining the second incremental step must be published by the Secretary prior to the 1970 grazing year.

We will meet again on November 13 with the Forest Service to compare individual drafts of the report requested by the Senate Committee. We anticipate that the final draft of this joint report will be available for your review by November 24.

We are prepared to brief you on this material at your convenience.

JOHN O. CROW,
Acting Director.

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TAFT TO MAIL NEWSLETTER TO FIRST DISTRICT CONSTITUENTS; CHALLENGE OF THE SEVENTIES MAJOR THEME

HON. ROBERT TAFT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, January 19, 1970

Mr. TAFT. Mr. Speaker, within the next few days, I hope to begin mailing my latest newsletter to my constituents in Ohio's First Congressional District.

The newsletter touches on a number of subjects, but for the most part considers many of the challenges that this country and the world face as we push on into the decade of the seventies. I believe my colleagues in the Congress and our citizens across the country will face up to the many problems we face. I am hopeful that this second session of the 91st Congress will take the kind of positive action we need on areas such as anticrime legislation, air and water pollution control, transportation, and health, education, and welfare.

For the information of my colleagues, following is a copy of my February 1, 1970, report to the first district:

THE SEVENTIES

The sixties are history, and, as we look ahead into the decade of the seventies, we can give thought to some of the challenges that will face us at home and abroad.

No single problem calls out for more immediate attention than continuing the progress towards peace in Vietnam.

At home, we have finally begun to devote the kind of time and energy that will be needed to reverse the tragic pollution of our environment.

With a concerted effort by federal, state, and local governments we can attack the problems of air and water pollution, transportation, housing, employment, education, recreation, and a number of other environmental problems which call for early attention.

I believe America must have the will to face up to the challenges of the seventies with effective solutions, not mere restatements of the problems.

VIETNAM, RESPONSIBLE POLICY

The course of action and decisions that led us into the present predicament in Vietnam have brought about a broad examination and new challenging thinking on America's proper role in international affairs.

Our leaders, backed by our citizens, must chart a course of responsibility and participation in the quest for world peace, security of nations, self-determination for all peoples, and the world-wide improvement in meeting the aspirations for a better quality of life.

This quest must be carried out with proper recognition of domestic priorities, needs, and aspirations.

It demands an accurate assessment of national potential and a realization of the effective limits of national power.

Our policy in Vietnam today is, I believe, finally oriented to satisfy these principles.

The sacrifices made and the burden we have borne and still bear as individuals, as families, and as a nation, demand a responsible policy.

I believe President Nixon and his Administration are leading us on such a course through the graduated and certain elimination of our combat role at as an early a time as is possible under the circumstances.

This is being achieved through deeds, not promises, by effective Vietnamization of the military effort, by encouraging political and economic development, and by taking steps to reestablish U.S. credibility in world opinion.

The results of this policy are already evident.

American troop presence has been reduced by almost 70,000 men. The level will be lowered 50,000 more in the next three months.

At the same time, the continuation of the weapon and equipment improvement and modernization plans for South Vietnam forces continues to bring the most effective type of pressure on the North for an early, negotiated settlement.

This seems to me to be a careful and a workable plan.

I oppose the suggestions that we should rigidify the plan with specific schedules or time commitments. This could only hurt the chances for success.

We should preserve flexibility of response within the framework of the principles I have mentioned.

For instance, if the Vietnamese are unwilling or unable to carry out Vietnamization, we may have to consider new policies, such as helping South Vietnam to preserve secure and defensible areas with our continuing material support, but without reversing the policy of the withdrawal of U.S. combat forces.

Such a policy would avoid a return to the discarded and discredited earlier concept of prime U.S. responsibility to provide military defense forces for others, while supporting a developing people who seek life, freedom, and self-determination.

Meanwhile, as citizens, we can support this plan by exercising responsibility and restraint in our statements, while not shying from unbiased examination of facts and full discussion of America's responsibilities and alternatives.

AMERICA'S NEW DIRECTIONS

President Nixon, in October, pledged "to begin a decade of government reform such as this nation has not witnessed in half a century."

He has completed sweeping reforms in a number of areas in domestic and foreign policy that give promise for the seventies.

There is new hope in the world today, due, in large measure to—

The signing of the Nuclear Non-Proliferation Treaty;

The opening of the Strategic Arms Limitations Talk (SALT);

A new policy on the use and control of chemical and biological weapons, and

The search for a dramatic new partnership of nations, emphasizing cooperation and self-help.

As we move into the decade of the seventies, the Administration has adopted major new proposals for government organization. Included in these reforms are—

The establishment of four new Cabinet level domestic Councils;

A program for consolidation of federal grant programs;

Proposals for the most thorough reform in history of the nation's postal system;

A new Office of Child Development aimed at implementing the President's commitment to improve the first five years of life, and

A complete reorganization in such areas as the Manpower Administration and the Office of Economic Opportunity.

I am excited about many of these reforms and take pride in the fact that as an elected member of the Republican Leadership in the House, I have been a part of the formulation of some of the new policies.

CONGRESS, MUCH TO BE DONE

The record of the first session of the 91st Congress left as much undone as was completed, despite the fact that it was the sixth longest session in history.

While Washington was filled with charges and countercharges of Congressional "foot-dragging" and not unusual "playing of politics", Congress did pass some major bills.

Most recent on the list is the Tax Reform Bill which passed the Congress on December 22, and was signed by the President on December 30.

Many of us were disappointed that some reforms failed and that other provisions are counter-productive but the anti-inflationary aspects appeared to require its support.

By the time the bill becomes fully effective, it will provide—

Repeal of the investment credit;

Extension of the surtax at 5% through June, 1970;

A low income allowance of $1,000;

Greatly reduced tax rates for single persons, and

A 15% boost in Social Security Benefits.

On November 19, Congress passed and sent to the President a draft reform bill which restored a draft lottery as in World War II.

The new system reduces the principal exposure of our young men to the draft of from seven years to one year. Under the plan, which went into effect on January 1, young men will now know at age nineteen the degree of likelihood that they will or will not be drafted.

For the first time in many years, more of our young men can plan ahead for future careers without the weight of possible induction hanging over their heads.

While I continue to support an eventual shift to an all volunteer army, the new system is much more equitable than what we have known these past several years.

As Vietnamization of the war continues, I am hopeful that draft calls can continue to be reduced, as was done in November and December of last year.

In other action, Congress approved a simple two year extension of the Antipoverty Program.

This in no way represents across-the-board approval of many past antipoverty programs, but it expressed confidence in Director Don Rumsfeld's abilities to rework many agency efforts.

Man landed on the moon in 1969, but even as Apollo 11 settled down onto the rocky surface, many at home wondered whether or not we were commiting too much of our resources to the space program, while our cities and domestic programs suffered.

Congress, perhaps in response to the need for a massive rebuilding of America's cities, sliced appropriations for the National Aeronautic and Space Administration.

I have been as proud of our Apollo program as have all Americans.

At the same time, however, we must allocate our resources to devote our energies to many of the problems at home.

The Administration will continue to support an energetic although not overly ambitious space program. We will continue the exploration of space, but we will keep our eyes on our earth as well.

Congress, on December 12, approved the $4.8 billion Housing and Urban Development Act of 1969.

Included in the bill is a provision to prevent interference in the use of technological innovations in experimental HUD programs, such as "Operational Breakthrough" which is geared to produce 26 million new housing units in the next eight years.

In environmental areas, Congress approved the National Environmental Policy Act which authorizes massive research programs into the problems of air and water pollution, and preservation of our natural resources.

The House and Senate both passed the Water Qualtiy Improvement Act of 1969, but minor differences in the two bills remain to be ironed out in Conference.

I joined with several colleagues in the House in an effort to boost the measure to $1 billion. We were unsuccessful, and had to settle for a $600 million clean water bill.

On September 18, the House passed a proposed constitutional amendment which would abolish the electoral college and provide for direct popular election of the President and Vice President.

The measure must receive a two-thirds majority in the Senate and then be passed by three-fourths of the states before taking effect. It will be some time before we can expect final action on the measure.

The second session of the 91st Congress should take action on needed crime control legislation to combat the terrors of organized crime, narcotics, and obscenity.

A great deal of long overdue consumer oriented legislation awaits action, including the Administration's plan for a high ranking Office of Consumer Affairs.

The Rising Cost of Living

The next most serious challenge we face is that of inflation and fiscal irresponsibility.

There have been some forward steps and some setbacks on this front during the first session of the 91st Congress.

Some $7.5 billion were cut from the budget after January, 1969, and a $192.9 billion ceiling was put on Federal spending.

Increasing uncontrollable costs and other boosts over budget, however, added back about $5 billion of the expenditures cut.

We must continue a policy of strict economy and sound assignment of priorities, if we are to check the continuing inflationary pressures.

Our Crowded Airways

For some time, I have been critical of the Federal Aviation Administration, the National Transportation Safety Board, and the Airlines for failing to meet head-on the problems of air safety.

I am happy to see the FAA held hearings on the subject in Cincinnati, this January.

Cincinnati can take pride in the fact that a new, national Citizens for Air Safety has been formed in our community. I share their concern for the need for immediate, coordinated action on the nation's air safety system.

We must rethink our entire approach to our air system and come up with new techniques and equipment with which to handle an ever increasing number of airplanes and passengers.

The House has passed a bill, recommended by the President, which would earmark $10 billion for airport and airways development programs.

I was pleased to support the proposal and am hopeful that the Senate will take early, positive action and send the measure to the President for his approval.

The bill would provide for new user charges to be paid into a special trust fund, to support part of the cost of beefing up the nation's air system.

Research Committee Reports

One year ago this January, I was elected by my Republican colleagues to serve as Chairman of the House Republican Conference Committee on Research, and that position was made one in leadership.

Since that time, the Research Committee has studied a number of interested areas, including the problems of—population; environmental quality; revenue sharing; federal grants, housing; organized crime; draft reform; narcotics and drug abuse; and education.

It has been an interesting year of research.

Many of our recommendations have been embraced by the Republican members of the House and others. We look forward to continuing our study into problems and needs of the seventies.

Washington Sights, Service for All

Although I can't guarantee the same personal sightseeing service afforded my wife, Kay, recently, I can guarantee that my Cincinnati and Washington offices are ready to do all that we can to make your visit to Washington a most pleasant one.

Feel free to check with my District Office, 754 U.S. Post Office and Court House Building, Cincinnati, (684–3284) for any pamphlets or other information you might require.

Washington winters are generally quite pleasant, and, if you've got some vacation time coming, February and March are probably the least congested times to visit the Capital.

Neighborhood Meetings

The series of Neighborhood Meetings, which we originated in 1967, were continued this Fall, with most gratifying results.

An average of about 300 area residents turned out for the Deer Park, Montgomery, Mt. Washington, and Glendale meetings.

As in the past, the sessions gave me a chance to meet first hand with First District constituents to discuss some of the problems and issues facing the Congress and to get their thinking on many of those subjects.

A number of my Congressional colleagues are now holding similar sessions in their Districts. All report a very favorable response by their constituents.

I believe it is essential to maintain close communications with a Congressional District. These neighborhood meetings have opened new channels of communication.

ONE HUNDRED THOUSAND CIRCULATION CELEBRATION

HON. PAUL J. FANNIN

OF ARIZONA

IN THE SENATE OF THE UNITED STATES

Monday, January 19, 1970

Mr. FANNIN. Mr. President, an interesting and enjoyable celebration occurred this month, signifying something of the growth we are continuing to experience in the Southwest. The Phoenix Gazette, the afternoon newspaper published in our State capital, has completed 12 months with a daily circulation of more than 100,000 readers.

Mr. President this indicates more than a progressive newspaper that is well merchandised and promoted; it indicates a quality of news product recognized by an increasing number of readers who want to be well informed.

I congratulate all who had a part in this accomplishment: Harry Montgomery, associate publisher; Mason Walsh, general manager; Don Martz, circulation director; and Lowell Parker, managing editor. These people, along with a hardworking and dedicated staff and ownership up and down the line, have helped to signal the arrival of another major paper in the Southwest. I extend to them my congratulations.

BUSING OF SCHOOLCHILDREN

HON. ALBERT GORE

OF TENNESSEE

IN THE SENATE OF THE UNITED STATES

Monday, January 19, 1970

Mr. GORE. Mr. President, I ask unanimous consent that an editorial entitled "Ban Busing-for-Balance," published in the Memphis Press-Scimitar, be printed in the Record.

I wish to quote from one paragraph of the editorial:

> The custom of young children attending schools in their own neighborhoods is based on the soundest kind of logic.

I may add that this custom is based, too, upon convenience, safety, time, and economy. It facilitates the involvement of parents and the community leaders in the neighborhood or community school. The parent-teacher associations, for instance, are important adjuncts to the public schools. The editorial adds:

> Busing is a costly, arbitrary and artificial device. Instead of relieving social injustice, it creates more. It violates fundamental civil rights in the name of civil rights.

Mr. President, I have tried hard to promote equality and justice in our society.

This program of "costly, arbitrary, and artificial device," as it is described by the editorial, is a degree of intrusion into and control of the lives of the people, and is something that I have not supported and do not support.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

Ban Busing-for-Balance

In its landmark decision of May 27, 1968, the Supreme Court said there should no longer be schools for whites and schools for Negroes—but "just schools," as one justice put it.

If that didn't mean all schools were simply to cease regarding the race of pupils, then there's no such thing as plain English.

But since then, those in charge of putting the Supreme Court ruling into action have been busy ordering "racial balance" in Southern schools, even if it takes busing of white pupils to formerly Negro schools, and Negro pupils to formerly white schools.

In short, what they are doing is actually the opposite of what the Supreme Court called for. They are "regarding" race more than ever—requiring the counting of Negro and white students in each school where "instant integration" has been ordered, and assigning percentages which can only be met in many cases by busing.

This ironic situation is pointed up in Mississippi where 30 school districts are in the throes of the process ordered by the Health, Education and Welfare Department.

The effect in some Mississippi towns has been to make objection to integration itself secondary, while parents bitterly resist the busing orders.

The Supreme Court has never ordered busing of students. That's a bureaucratic device. The Court last Oct. 29 said: "The obligation of every school district is to terminate dual school systems at once and to operate now and hereafter only unitary schools."

Common sense would say that simply meant race would be no barrier to any child at any school.

Common sense is on the side of the Petal,

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Miss., parents who voiced their objections last week to the busing of 250 white children to a previously all-Negro school.

One said: "I want my children to keep going to the school close to us. Let the black and white children go to the same school—that doesn't matter—but I don't want my children bused to a school 15 miles away."

HEW's racial numbers game, with the busing provision, will destroy the neighborhood school, where the vast majority of American children, not just those in the South, get their basic education.

The custom of young children attending schools in their own neighborhoods is based on the soundest kind of logic. Busing is a costly, arbitrary and artificial device. Instead of relieving social injustice, it creates more. It violates fundamental civil rights in the name of civil rights.

Authority above the bureaucratic level should step in and stop this racial numbers game.

Equal opportunity in education—the principle stressed by the Supreme Court in its original desegregation ruling of 1954—will be most surely guaranteed by the natural course of events as housing prejudices and restrictions are broken down and the improving economic status of Negroes changes neighborhood residential patterns.

Meanwhile, HEW and the Justice Department should discontinue enforcement of these far-out, artificial, bumbling guidelines which in their over-emphasis on color are a travesty on true civil rights.

NCAA PULLED POWER PLAY

HON. ROBERT H. MICHEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, January 19, 1970

Mr. MICHEL. Mr. Speaker, earlier in the day I brought to the attention of the Members of this House the resurfacing of the longstanding feud between the National Collegiate Athletic Association and the Amateur Athletic Union.

Mr. William Gildea has a very fine account of the episode in his column appearing on Sunday, January 18, in the Washington Post and I ask an inserting of his article "NCAA Pulled Power Play" in the RECORD at this point:

[From the Washington Post, Jan. 18, 1970]

NCAA PULLED POWER PLAY

(By William Gildea)

The grief that the National Collegiate Athletic Association caused seven college basketball players by denying them the right to play in last summer's Maccabiah Games for its own selfish reasons is best illustrated by the case of Jack Ajzner.

Ajzner, a University of Cincinnai student, was one of seven players from six schools originally named to represent the U.S. in basketball in the Maccabiah Games. He had a special reason for wanting to compete.

Ajzner came to the U.S. eight years previously from Israel and had looked forward to returning to his homeland to play before his parents and friends as a competitor in the Games.

"From the time I started high school," he said, "I told myself, 'If I ever make it in basketball, I want to represent the United States in the Maccabiah Games.' I thought about it a lot."

He never got the chance. When the time came, and he was named to the team, he was threatened with loss of his athletic scholarship if he made the trip.

"Without it," he said, "I would have no place to go. Nowhere to turn. I could end up without anything . . . I could ruin my life losing my scholarship."

Ajzner kept hoping. He joined what was left of the U.S team for training in the Catskills. "I was with them until the end," he said. "The last day. The last minute. Up to the time they left for the airport I thought somebody would come up with a letter or something saying it was all right to go."

Ajzner lost. So did the other six. So did the U.S., in more ways than on the scoreboard, where it came up short in the championship game and lost the Maccabiah basketball title for the first time.

The others who didn't make the trip and their schools, which chose not to take on the powerful NCAA, were: Eric Minkin of Davidson, Ed Fogler of North Carolina, Steve Bilsky and Al Cotler of Penn, Steve Kaplan of Rutgers, and Andy Bill of UCLA.

In a letter to the NCAA's executive director, Walter Byers, Gaylord P. Harnwell, Penn president, cited the inconsistency in NCAA policy of sanctioning all sports in the Maccabiah Games except basketball, and urged that the appointed players be allowed to compete. "Not to do so would penalize them unjustly," he wrote.

The contents of Byers' reply to Harnwell were made known during the NCAA convention here last week. In the letter, Byers wrote that the NCAA "hoped to persuade" the Amateur Athletic Union to give up some of its control over U.S. teams in international competition.

The seven athletes were losers because of this long-standing feud between the NCAA and AAU. But another defied the ruling and his school backed him.

Enter Yale and its now famous substitute player, Jack Langer. After the seven players were named to the Games and the NCAA said they couldn't go, Yale's athletic director, DeLaney Kiphuth, went on record as saying the seven should be permitted to go and that if he had a player named he would encourage the player to go.

It hadn't dawned on Kiphuth then that he actually had a Jewish basketball player at Yale, the obscure sophomore Langer. In searching for replacements, the Maccabiah basketball committee came up with Langer's name.

Kiphuth never faltered when he heard the news that Langer had been named to the Maccabiah team. He stuck to his beliefs and encouraged Langer to go. And Yale continued to play Langer in its games this season.

Thus the NCAA was faced with the first known case of a school violating a rule and admitting it. Most violations deal with recruiting and few are discovered.

A statement, delivered by Kiphuth last week, gave Yale's position. "The right of Mr. Jack Langer to participate . . . in the games an event of special significance to a member of the Jewish faith and an event previously sanctioned . . . by the NCAA has become a matter of principle for Yale University."

It cited the "arbitrary exclusion" of the basketball players and concluded, "Yale has no intention of letting Mr. Langer be used as a pawn between two conflicting groups which are both seeking control over U.S. participation in international basketball competition."

The NCAA put all Yale teams on probation Thursday for two years, the severest punishment ever given an Ivy school by the NCAA.

Kiphuth called the NCAA's move "extreme." He described the members of the other Yale teams, which are now ineligible for all postseason tournaments and championships as "damned disappointed."

"I talked it over with various squad members before and, of course, they said, 'I hope it doesn't come down to this.' But there is agreement that we will stand by Langer.

"All week (at the NCAA convention) there has been all this talk about how awful this is and how the rule has to be upheld. And the image of the NCAA. And what the public will think. Well, if they change the rule I think it might look good in the public eye.

"Nobody has talked at all about whether *it* was good for the boy to go to Israel."

This attitude of the NCAA toward the athlete is reminiscent of its power play in track and field in 1965. At that time, it ordered the National AAU championships off limits for college athletes, although this would also keep them out of a subsequent U.S.-Russia dual meet.

Gerry Lindgren and Tommy Farrell were the only well known athletes to defy the NCAA that time. A Senate hearing followed, during which Col. Earl (Red) Blaik declared:

"The NCAA is more interested in power over athletes than it is in education . . . It has able, energetic leaders who understand the power of television money and have become Napoleonic, unreasonable and uncompromising."

Rep. Robert Michel (R.-Ill.) said last week he would seek an investigation of the Yale case by the House Judiciary Committee. Michel has an interest. His son, Scott, is a sophomore on the Yale basketball team.

Perhaps there are others who are interested.

IN SUPPORT OF INGALLS FIELD

HON. RICHARD H. POFF

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Monday, January 19, 1970

Mr. POFF. Mr. Speaker, under leave to extend my remarks, I would like to quote for the RECORD the full text of an editorial which appeared in a recent issue of the Covington Virginian which attests in eloquent detail to the importance of scheduled airline service at Ingalls Field:

IN SUPPORT OF INGALLS FIELD

The charges of inadequacy of our regional airport at Ingalls Field made by some Greenbrier County witnesses as reported in our columns yesterday, can be better understood when some of the facts are known.

We have an airport at Ingalls Field serving the Counties of Alleghany and Bath and the cities of Covington and Clifton Forge and adjacent territory. These communities own the airport. It has scheduled service by Piedmont Airlines.

Greenbrier County has an airport in the Greenbrier Valley near Lewisburg. It has no scheduled commercial airline service. They want one desperately, but so far have been unable to get one.

One of the issues at the hearing held by the Civil Aeronautics Board at The Greenbrier Tuesday was to determine whether or not Piedmont Airlines, now serving Ingalls Field, should be taken away from us and given to Greenbrier Valley Airport. The Greenbrier people were for this. Naturally our people were strongly opposed to it.

Most of the Geenbrier witnesses confined their testimony to the need of scheduled airline service to their area.

However, some testimony was offered charging that Ingalls Field was inadequate and unreliable. It is expected that this testimony will be refuted from official records

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when the case for Ingalls Field will be presented at the continuation of the hearing in Washington on Monday.

Ingalls Field has been a successful operation. It has met every requirement of the Federal Aviation Authority and the Civil Aeronautics Board as to safety and service.

Few airports are perfect. The high ones—Ingalls Field—at times have high winds which make landing difficult. The low ones—Greenbrier County Airport—at times have morning fogs and planes cannot land until the sun has burned away the fog.

The truth is that The Greenbrier and Greenbrier County do need scheduled airline service. The truth is that both of these fields are valuable and usable fields.

Airline service has become an absolute necessity to the tourist and resort business which is the lifeblood of Bath County. The purchasing power of the people of Bath County in the four years of Piedmont service, has increased by nearly two million dollars a year to a little more than $10,000,000. (It is estimated that more than $4,000,000 of this is spent in Covington.)

Scheduled airline service would do the same thing for Greenbrier County and The Greenbrier. We want them to have it—only we don't want them to have ours.

CHIEF JUSTICE BURGER

HON. HARRY F. BYRD, JR.

OF VIRGINIA

IN THE SENATE OF THE UNITED STATES

Monday, January 19, 1970

Mr. BYRD of Virginia. Mr. President, I ask unanimous consent to have printed in the Extensions of Remarks an editorial entitled "Sniping at Burger," published in the Farmville, Va., Herald of January 14, 1970. The editor of this newspaper is Mr. J. B. Wall.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

SNIPING AT BURGER

The Associated Press transmitted a story from Washington recently which quoted two law professors in an analysis of Chief Justice Warren Burger's role on the Supreme Court since he succeeded Earl Warren.

The gist of the story was that Burger had turned out to be a conservative, the inference was that this is bad. The two professors—one at Yale and one in Chicago—had scarce praise for Burger's votes. One termed his record so far "unspectacular and mediocre." The A.P. story also reported that one professor found Burger's vote in a certain case very deplorable.

The effect of the news story, which apparently originated primarily in the minds of the reporter, and two college professors who are obviously most liberal in their views, was to smear the reputation of the Chief Justice as less liberal than he should be (liberalism and morality being equated as the same in the popular misconception).

It should be kept in mind that President Richard Nixon appointed Burger because he was a law and order Justice of long experience. Mr. Nixon was the choice of the people. Chief Justice Burger was the moderate or conservative the President felt the court needed to restore the proper balance to that body. The vast majority of the American people, according to the polls, are behind both Burger and Nixon. But it is certain that because he is not a flaming crusader, Burger will constantly be under attack from those on the left.

NORTHWEST/NORTHEAST MERGER APPLAUDED BY MONTANA

HON. ARNOLD OLSEN

OF MONTANA

IN THE HOUSE OF REPRESENTATIVES

Monday, January 19, 1970

Mr. OLSEN. Mr. Speaker, Montanans have become increasingly concerned of late with their State's transportation network. Railroads have cut back on trains and eliminated services. Local service airlines, whose very purpose is to serve the smaller communities, no longer find it attractive to do so, and desire to become trunk carriers, thus leaving serious voids in Montana's intrastate air service. Amid this chaos, air transportation in Montana got a major boost in November when Northwest Orient's president, Donald W. Nyrop, announced the proposed merger of Northwest Orient and Northeast Airlines. Northwest has been the star performer in Montana as far as air service is concerned. Northwest has always provided an excellent service. As soon as each Montana airport has become equipped to handle modern jet transports, Northwest has placed into service at these airports the most modern and luxurious of jets providing both first-class and economy service. Where we have airports still incapable of handling jets, Northwest has continued to provide excellent service with its Electra fleet. It has delayed the Electra retirement date until the Federal Aviation Administration, the State and city governments can galvanize together an airport modernization program to bring the airports into the jet age. At the same time, Northwest has reached into its own pocket and advanced its own money on a loan basis to help with Montana airport modernization projects.

We in Montana salute Northwest. We see in the recently announced merger with Northeast many benefits to our State, and to the country as a whole. As a member of the Post Office and Civil Service Committee, and chairman of the Postal Rates and Parcel Post Subcommittee, I am deeply conscious of the postal advantages of combining the two airlines route systems, as well as the obvious advantages to the traveling and shipping public.

Northwest Orient's route system includes service to 47 cities in the United States and the Orient including six in Montana. These cities are, going from east to west, Billings, Bozeman, Butte, Helena, Great Falls, and Missoula. Northwest Orient, as well, operates coast to coast in Florida, Alaska, and Hawaii. Northeast Airlines' route system serves more than 30 cities in the United States, Canada, Bermuda, and the Bahamas. Its prime strength is on routes from Boston, New York, and New England to Florida and the Bahamas. Northeast was recently granted a major nonstop route award from Miami to Los Angeles.

Northwest Orient's president, Nyrop, listed some specific benefits as a result of the merger:

1. An integration of the two route systems which would effect economics in operation that can eliminate the financial losses being incurred by Northeast Airlines.

Common stations for the carriers include: New York's Kennedy and LaGuardia Airports; Newark; Washington's National and Dulles Airports; Tampa; Miami; Fort Lauderdale; Philadelphia; Cleveland; Detroit; Chicago, and Los Angeles.

2. The ability of each carrier to feed important traffic to the other by combination of existing routes.

Major markets that can now be linked include: Boston and New England to Chicago, Milwaukee, Twin Cities, Montana, The Pacific Northwest, and the Orient: Midwest cities to Bermuda via Boston and the entire Northern tier of states to the Bahamas via New York; and through on connecting service between Florida-California and the Orient.

3. The ability to switch aircraft to meet seasonal traffic flows will result from the merger of the two airlines' jet fleets.

Northwest Orient today operates an all Boeing fleet of 106 fan jet aircraft while Northeast Airlines' fleet consists of 35 jets—eight Boeing 727–100's, thirteen Boeing 727-200's, and fourteen McDonnell-Douglas DC–9's.

Northeast Airlines heavy Florida and Bahama schedules in fall-winter will be a natural complement to Northwest Orient's operations which peak in the spring-summer months.

4. The ability to consolidate sales and advertising efforts with each carrier benefitting from the other's market identification.

My congratulations to Northwest Orient and its dynamic and able president, Donald W. Nyrop, on this merger move. I heartily endorse this planned merger of Northwest and Northeast. It is in the maximum public interest, and I hope the merger can be accomplished swiftly.

THE REVEREND MAURICE D. ASHBURY

HON. CHARLES McC. MATHIAS, JR.

OF MARYLAND

IN THE SENATE OF THE UNITED STATES

Monday, January 19, 1970

Mr. MATHIAS. Mr. President, the rector of All Saints Parish in Frederick, Md., must not only fill the difficult roles of pastor and priest; he must also discharge the responsibility of public service and community leadership which has been a part of the job since Maryland was a colony.

Over the last two centuries many distinguished and famous men have served as rector in Frederick. They have included the Reverend Thomas Bacon, who was appointed by Lord Baltimore and who undertook the first compilation of the laws of Maryland; the Reverend William N. Pendleton, who became a general of artillery in the Confederate Army; the Reverend Osborne Ingle, who earned the love of the entire community; and even the infamous Rev. Bennett Allen, whose dueling, gambling, wenching, and drinking helped to bring about the disestablishment of the Anglican Church and the American Revolution. From the best to the worst, they have all been uncommon men.

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For the last 20 years, this historic parish has been fortunate in the leadership exerted by the Reverend Maurice D. Ashbury. Mr. Ashbury has now retired, and the best wishes not only of his own parish but of the entire community have gone with him. I wish to join his many friends in wishing him a happy and constructive period of retirement, and in extending congratulations and best wishes to his successor, the Reverend A. Dickerson Salmon.

I ask unanimous consent to have printed in the RECORD an article published recently in the Frederick, Md., News which details some of the Reverend Mr. Ashbury's accomplishments.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

REVEREND ASHBURY PREDICTS INDIVIDUAL SALVATION

(By Ann Kessinger)

The Reverend Maurice D. Ashbury, rector of All Saints Episcopal Church, stepped down from the pulpit and into retirement a few Sundays ago, marking the end of a career which has spanned four decades, two of which were spent in Frederick.

During his years as rector of the All Saints Church, one of the oldest churches in the city; Rev. Ashbury has seen it almost double its membership and greatly expand its facilities.

In addition, he has felt "an increased spiritual strength in his parishioners, so his successor, the Reverend A. Dickerson Salmon, formerly of Grace Episcopal Church in Brunswick, has inherited a solid religious body capable of making a great contribution to the Frederick community.

Rev. Ashbury predicts for the coming decade in Frederick a return to the gospel of individual salvation, which he said has been largely ignored in favor of social activism through the left wing of the church.

In Frederick this new concern will be seen in the increased evangelism in the churches, he said, adding that the degree of social concern in the local church will not diminish but will be tempered by a renewal of religious faith.

Rev. Ashbury has led an active life in Frederick, contributing his time and experience as minister and counselor to many local organizations.

In 1960 he helped found Counseling Services, Inc., and as president of this organization he offered professional guidance to Frederick County residents who could not otherwise obtain such help.

As president of the Frederick County Tuberculosis and Public Health Association, and later as president of the Maryland Tuberculosis Organization, Rev. Ashbury illustrated his active concern with the health problems of this community.

As a reward for his work in the field of health, Rev. Ashbury was named in 1968 a member of the Royal Society of Health of London, with 5,000 members in the United States.

Rev. Ashbury was president of the City Ministerium before it became a county-wide organization, and he helped coordinate the activities of the city ministers in their efforts to solve the spiritual needs of Frederick.

In addition to his involvement in this community, Ashbury has been an author and teacher. He has written two books, "A History of the Episcopal Church for Laymen" and "Church Teaching in the Book of Common Prayer," and for three years he was a professor at the Bishop Payne Divinity School in Petersburg, Va., which is now part of the Virginia Theological Seminary.

Rev. Ashbury graduated from high school in 1919 at Portsmouth, Va., and earned his B.A. at the University of Virginia in 1927. He later attended the Theological Seminary in Alexandria, Va., where he received his B.D. Cum Laude at graduation.

Since his first ministry in 1929 in Petersburg, Va., where he was deacon of the Good Shepherd Church, Rev. Ashbury has served in five parishes in Maryland and Virginia: From 1930–34 he was rector of the Emmanual Church at Cape Charles, Va.; 1934–42, rector of Bath Parish in Dinwiddie County and St. John Church in Petersburg, Va.; 1942–45, rector of Emmanuel Church in Bristol, Va., and St. Thomas's Church in Abington, Va.; 1945–52 rector of St. Mary's Church in Baltimore; 1952 until the present, rector of All Saint's Parish in Frederick.

Although Rev. Ashbury has given up active service, he will still assist in other parishes as a substitute and assistant pastor when he is needed.

Rev. Ashbury will continue to live in Frederick, at 1604 North Market Street where he has lived since he moved from the parsonage a year ago while the building was being renovated.

He is married to the former Frances Walker and has four children, Maurice D. Ashbury, ACPA and sometime lecturer at Mt. St. Mary's College in Emmitsburg, John W. Ashbury, a former editor of the News-Post, Mrs. Francis G. Lebherz of RFD 5, Frederick and Mrs. Robert E. Trout of Frederick.

THE FEDERAL ASSOCIATION

HON. WILLIAM L. HUNGATE

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Monday, January 19, 1970

Mr. HUNGATE. Mr. Speaker, 50 years ago, on January 5, 1920, to be exact, an organization was founded that has had a good and a profound influence on the Government of the United States. That organization is the Federal Bar Association.

The Federal Bar Association is a group of lawyers who are, or at sometime in their careers have been, employed in the service of the United States, in the legislative, executive, or judicial branch. A number of Members of each House of the Congress, along with many legislative staff employees, belong to the Federal Bar Association, and indeed I have the honor to be among them.

Currently the association has more than 14,000 members and has chapters in every State of the Union, in the District of Columbia, the Territories, and the Commonwealth of Puerto Rico, as well as in a number of foreign countries where our Government has a sizable staff of employees.

The purpose of this excellent organization is stated in its constitution and bylaws:

> The objects of the Federal Bar Association shall be to advance the science of jurisprudence; to promote the administration of justice; to uphold a high standard for the Federal judiciary, attorneys representing the Government of the United States, and attorneys appearing before courts, departments, and agencies of the United States; to encourage cordial and friendly relations among the members of the legal profession; and to promote the welfare of attorneys employed by the Government of the United States.

It would be difficult to overestimate the good which the Federal Bar Association has done, for as the activities of the Federal Government have broadened over the last half century, the association has offered through its ideals and its objectives a beacon to guide the Government lawyer, who plays such an important part in these activities under our system of law.

Had it been otherwise, had such an ogranization grown up having something quite different from the advancement of the science of jurisprudence and the promotion of the administration of justice as its aims, who can doubt that the history of this country in our time would have been strikingly different?

Thus it seems most appropriate that we congratulate the Federal Bar Association, its officers, and members on this occasion, and wish that association continued success in the years to come.

GIVE ISRAEL AN EVEN BREAK

HON. RICHARD S. SCHWEIKER

OF PENNSYLVANIA

IN THE SENATE OF THE UNITED STATES

Monday, January 19, 1970

Mr. SCHWEIKER. Mr. President, last evening I had the honor of going to Pittsburgh to address the 27th annual dinner of the Jewish National Fund Council of Pittsburgh and the Tri-State Area.

This dinner was attended by several hundred persons from Pittsburgh and its surrounding communities who work throughout the year so that the Jewish National Fund can perform its vital work in Israel of land reclamation and reforestation.

During the evening, many of the guests at the dinner expressed their strong approval of Eric Hoffer's column published yesterday morning in the Pittsburgh Press. In his column, Mr. Hoffer, the San Francisco social philosopher, made an eloquent case for continued U.S. support for Israel's diplomatic position in the Middle East, a position with which I strongly concur.

Mr. Hoffer stated:

> It is not in our interest to weaken Israel, our only trusted and battle-tested friend in the Mediterranean, or for that matter anywhere else.

I agree with my friends in Pittsburgh that this is sound thinking.

I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

GIVE ISRAEL EVEN BREAK, UNITED STATES TOLD

(By Eric Hoffer)

There is no reason to assume that the people who shape America's foreign policy are naive enough to assume that by helping Nasser and other Arab loudmouths to get what they want most, namely the defeat of Israel, we would win over the "Arab world" to our side.

One need not be a prophet to predict that, no matter how pro-Arab our policy might be, an Arab victory would be accompanied by an hysterical defiance of America and the West.

A triumphant Nasser would grab every oil field in the Middle East and would have the oil companies lick his boots.

The simple truth is that it is in America's interest to keep things as they are.

SHORT ROUTE TO HANOI

It is not in our interest to open the Suez Canal to Russian ships hauling cargo to North Vietnam. It is not in our interest to weaken Israel, our only trusted and battle-tested friend in the Mediterranean, or for that matter anywhere else.

A strong Israel will never involve us in a war. Israel does not ask for an American commitment, for the simple reason that such a commitment would not be worth the paper it is written on.

No country on this planet is going to fight for Israel. The Jews have been, are, and will remain alone in the world.

No country lifted a finger to save six million Jewish men, women and children from Hitler's gas chambers.

TOO, ALONE IN '67

No country showed the least inclination to come to Israel's aid in the spring of 1967 when Nasser blockaded the Gulf of Aqaba, mobilized umpteen divisions and hundreds of tanks in the north of the Sinai Peninsula, and Jordanian and Syrian divisions in the east of Israel, and openly proclaimed his aim to wipe Israel off the map.

Nor is there any reason to believe that the Sixth Fleet would lift a finger should Russian ships start to lob bombs into Israel.

America is not in the mood to get involved in a new war.

Israel does not decide itself. It knows that it must fight alone. It will not stake its existence on the words of well-meaning American windbags and the words of the other two "great powers," Britain and France.

All Israel expects is that America and the West should not be "neutral against" it.

To the Israelis the status quo is an acceptable solution to their problem. It keeps the borders distant from the centers of population and it gives Israel elbow room.

WON'T QUIT NOW

Decades of skirmishing with Arab saboteurs do not seem unendurable to a people that had to live for centuries surrounded by hate-crazed Poles, Ukrainians, Russians, and Romanians, and had to endure murderous programs without the ability to fight back.

The "Arab world" is a myth.

The Arabs cannot strive and build, cannot fight, and cannot bide their time. All they can do is threaten, brag, lie, and cry. A battalion of Israelis could capture and hold the Arabian oil fields.

Let us hope that the present pro-Arab noises in Washington are only moves in a diplomatic game. It fares ill with a country when its government is unable to recognize its enemies, or even prefers them to friends.

PREVENTIVE DETENTION III OR LEGAL HURDLES FOR PRETRIAL ADVOCATES

HON. ABNER J. MIKVA

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, January 19, 1970

Mr. MIKVA. Mr. Speaker, I commend to the attention of my colleagues three items on the subject of preventive detention. This is a matter with which we all will have to deal seriously in coming months, and I would hope that the following insertions would contribute to a high level of debate on bail reform legislation.

A recent Newsweek article cites a landmark case involving a defendant who was released after being arrested for allegedly committing a second felony within 4 months. The article goes on to indicate the opposition to administration pretrial detention proposals which arose at a University of Chicago meeting of 50 legal experts. The article further suggests alternatives to "preventive" detention such as speedy trials and "probationlike surveillance," while also pointing out the need to protect society.

I also commend a November 10, 1969, Washington Post editorial which advocates court authority in fixing terms of release for an accused. While urging that society be protected—even by using limited forms of pretrial custody—the editorial also recals the constitutional right to bail in noncapital cases. Though I do not fully agree with this editorial, it merits attention as a fair treatment of the issue.

Finally, I call attention to a November 30, 1969, Washington Post article which presents a useful summary of the implications that 1951 Supreme Court decisions in Stack against Boyle and Carlson against Landon may have for the controversy over pretrial detention. The article outlines the position of the Justice Department that Carlson against Landon provides a precedent for pretrial detention, arguing that the decision makes void objections to preventive detention on the grounds of the eighth amendment. Also illustrated is the stand of opponents of pretrial detainment, who cite Stack against Boyle as proof that bail is a constitutional right in all noncapital cases. In this same vein, the article explains the potential problems of double trials and probable guilt that pretrial detention might raise.

The texts of the three respective items follow:

A PRESUMPTION OF GUILT?

In June of 1967, a young black dropout named Tyrone Parker made his first contribution to what one judicial expert calls "the most towering legal issue of the coming decade." Parker accomplished this unspectacularly enough; he was arrested and charged with assault with a deadly weapon in Washington, D.C. In years past, the Federal judge who heard the charge would almost surely have noted that this was Parker's second felony arrest in four months, and set a bail sum far too high for him to put up, thus safely separating him from society until his trial. But in 1966 a controversial measure called the Bail Reform Act decreed that Federal judges must let suspects accused of noncapital crimes go free without bail or post a reasonable bail bond if there is no evidence that they might flee. No longer could a man be denied pretrial liberty because of poverty—or because of a judicial suspicion that he might go out and repeat his offense.

The Bail Reform Act seemed like a welcome reaffirmation of the presumption-of-innocence principle, and most civil libertarians still see it that way. Unfortunately, Tyrone Parker also saw it as a good thing. Within the next two years, he was arrested no fewer than eight more times on charges ranging from bank robbery to assault. He was released after each arrest—and not convicted on any of the charges until this summer.

DILEMMA

While extreme, Parker's case represents a common pattern in urban crime. One Washington police study found that 35 percent of all robbery suspects released under the new bail law were accused of committing at least one felony while awaiting trial. The scenario is repeated with depressing regularity in all the large cities, where the delay between arrest and trial is growing along with the crime rate (in Brooklyn Federal court, for example, the average trial delay now stands at two years). Not surprisingly, the dilemma has stirred feelings of impotence and rage among judges and policemen. "Under this act," fumes one Federal judge, "I'd have to turn a raving maniac loose on the streets."

President Nixon has felt sufficiently disturbed by the issue to put forth one of the most potentially explosive suggestions of his Administration—the preventive, pretrial detention of such chronic repeaters as Tyrone Parker. Under Mr. Nixon's proposal, certain criminal suspects could be jailed without bail for up to 60 days if a judge decided they posed a probably threat to society. While the option would apply only in Federal courts and only to some offenders (e.g., those accused of "dangerous crimes" like assault and rape, or those charged with crimes of violence while free on bail), Attorney General John Mitchell has implied that preventive detention should be copied on the State and local levels.

The proposal has already triggered a volley of protest. One lawyer calls the Administration's proposal "the first step toward a police state." One prominent liberal crusader says he would give up his opposition to the Vietnam war, the space program, the oil-depletion allowance and the farm subsidies rather than accept preventive detention.

"HOSTILE"

It was against this backdrop that some 50 legal experts gathered at the University of Chicago last week to conduct the first full airing of the issue—and the tone of the meeting was heavily against preventive detention. Donald Santarelli, a youthful firebrand of the Attorney General's office, delivered an impassioned defense of the Nixon proposal, but a Strom Thurmond rally at Harvard would have gotten a warmer reception. "It was a hostile, liberal-oriented audience," Santarelli later snapped to a reporter. "No one is willing to deal with the hard issues of how to deal with crime." What are the hard issues? "Convict the guilty and protect society," he shot back.

The opposition to preventive detention went well beyond ideological polarization or anti-Nixon bias. Even tough law-and-order men admitted doubts about the proposal's constitutionality. Mrs. Patricia Wald, director of a Washington legal service, worried about setting a dangerous precedent. "We're going down a new road," she said, "and I'm not sure where it's leading. There is nothing to stop the 60-day detention from becoming a year. Who knows?"

ELUSIVE

Although Santarelli argued that the plan contained adequate safeguards, the problem of how to judge which suspects are dangerous posed a major issue for the conference. How broadly, for instance, could a "dangerous crime" be defined? Once that description applied only to crimes involving bodily injury; today it usually includes all felonies except forgery, counterfeiting and the like. Moreover, wouldn't pretrial jailing be likely to cost a man his job? And wouldn't the fact that a judge had detained a "dangerous" suspect prejudice the jury at his trial?

The anti-detention position was most dramatically summed up by Sen. Sam Ervin Jr., the crusty North Carolina Democrat

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who sponsored the 1966 Bail Reform Act. After a speech sprinkled with down-home homiletics, Ervin concluded: "One of the prices we pay for a free society is the taking of calculated risks. One of these risks is admitting a man to bail."

On the other side, a few speakers pointed out that the U.S. judicial system already employs a not-so-subtle form of preventive detention. Since the Bail Reform Act applies only to Federal courts, state and municipal judges can and do preclude the pretrial release of hard-core offenders by setting prohibitively high bail. "Let's bring it out in the open," said one detention advocate. "Let's not use the subterfuge of dollars to determine danger."

DELAY

If any consensus emerged, it was that a social evil is not cured by legalizing it—and that before preventive detention is resorted to, other reforms should be explored. These include such techniques as probation-like surveillance of persons out on bail and, most urgently, less delay in bringing accused criminals to trial.

The Administration, for its part, wants many of the same objectives; preventive detention is just one of twelve points in the anti-crime package that the President sent to Congress. But Mr. Nixon is sticking to his guns on the issue, and the Congressional debate should produce some agonizing soul-searching. In a city that has the highest robbery rate of any in the country, and where the number of serious crimes jumped 25 per cent last year, the nation's lawmakers will be asked to strike a balance between two of the most basic tenets of American jurisprudence—the presumption of innocence and the protection of society. "We can only hope," says one lawyer, "that the cure they produce won't be worse than the malady."

[From the Washington Post, Nov. 10, 1969]

A MODERATE COURSE OF BAIL REFORM

As the Senate District Committee settles down to hearing evidence on the pretrial detention bills, it is more than ever before apparent that existing practices of releasing accused persons will have to be tightened. At the same time, however, there is widespread concern about the proposed encroachments on personal rights. The committee has a great responsibility to write and approve a bill that will stand up in the courts.

There seems to be wide agreement that the courts should be given authority, in fixing the terms of release for an accused, to consider protection of the community as well as means of assuring the appearance of the defendant for trial. In fact, the courts have always acted to shield the public from alleged criminals when the risks have been deemed to be high. Monetary bail has customarily been fixed at points that would insure incarceration pending trial. This is certainly not a desirable practice, but in moving away from it, society cannot afford to go to the other extreme of ordering release without bond for every alleged criminal who can be expected to show up for trial.

The chief question raised by the present bills is what can be put in the place of high bail bonds for the unreliable defendants accused of grave crimes. The answer of the Department of Justice and of Senator Tydings is "preventive detention," but we think both proposals paint with too broad a brush. The administration bill would prescribe preventive detention for a large category of crimes if the judge should find a "substantial probability" that the defendant committed the offense and that no conditions of release would assure the public safety. This smacks too much of condemning and punishing a person who, under the Constitution, must be presumed innocent until he has been found guilty by a due-process trial. The Tydings bill would similarly authorize preventive detention in a large category of cases, although it would limit the holding period without trial to 30 days in contrast to 60 days provided in the administration bill.

In our view this drastic remedy ought to be reserved for those defendants who have previous records involving serious crimes and those who have records of bail jumping, intimidation of witnesses, violation of their conditions of release and so forth. We are well aware of the fact that such a provision would not cover all the cases in which the public might be exposed to high risks from persons accused of crimes of violence. Perhaps monetary bail or some other device short of incarceration will have to be kept in the picture for use in some cases of this kind, while relying upon conditional release without monetary bail in the great majority of cases. This would not be an ideal solution, but it would be much better than instituting a broad system of preventive detention that would likely be found unconstitutional.

It is well to remember that the constitutions of several states grant an absolute right to bail. Article 8 of the federal Bill of Rights provides that "excessive bail shall not be required," thus carrying at least a strong implication that the door to release must not be closed entirely in regard to the broad category of serious but non-capital crimes.

Whatever Congress may do to the Bail Reform Act, it will have to revise also the Bail Agency Act if the reform is to be meaningful. The administration bill for this purpose would greatly broaden the powers of the Bail Agency and authorize increased funds so sorely needed for supervising the activities of released persons and aiding the courts in making their decisions about conditional releases. The revitalized agency would not only report violations of the conditions of release but would also help released persons to find jobs and medical and social services if needed.

With this better screening of arrested persons and supervision of those conditionally released, along with speedier trials under the proposed new court system and pretrial detention in the more flagrant cases in which known criminals and bail jumpers have forfeited their rights to be trusted, enormous improvement in the administration of justice could be expected. The District Committee can make much greater progress by taking this cautious approach than by fostering a drastic measure that would invite extinction by the courts.

[From the Washington Post, Nov. 30, 1969]

THE 1951 DECISIONS ON JAILING OF REDS EYED

(By David R. Boldt)

The fate of U.S. Communists rounded up 18 years ago may have a decisive effect on the current controversy over "preventive detention."

That's because the principal Supreme Court precedents dealing with the right of defendants to be released prior to trial involve those Communists.

No red-blooded American rapist, robber, or other violent criminal—the kind who would be kept in jail as a danger to the community under proposals now before Congress—has fought a bail case to the Supreme Court.

As a result, packs of lawyers, both Justice Department legalists seeking to bolster the preventive detention concept and others seeking to discredit it, are busily studying two 1951 decisions relating to the Communists.

As often happens in legal disputes, each side figures the Court saw things its way.

The constitutional issues concern the right to bail and "due process" requirements. The differences between proponents and opponents are so profound that they differ even over the basic purpose of bail.

The Justice Department insists that bail has been used openly and surreptitiously to detain persons who might constitute a danger to the community. Opponents of the preventive detention concept hold that bail's only sanctioned purpose has been to insure that a defendant will appear for trial.

The constitutional issues have not received the same attention as, for instance, the problem of allowing potentially dangerous criminals back on the street to intimidate witnesses and commit further crime.

Nor have they been as clearly delineated as the practical issue of whether preventive detention would further slow the process of justice by adding additional hearings to existing monumetal court backlogs.

One reason the constitutional issues have been in the background is that they are complicated and difficult to present. Witnesses before congressional committees often omit constitutionality from their oral testimony and cover it in complicated legal briefs, salted with Latinisms and case citations, that are submitted later.

But Congress' assessment of the constitutional factor may have decisive weight, since the congressmen would be reluctant to waste their time and energy enacting legislation likely to be voided by the courts.

Somewhat simplified, here is the way the Justice Department sees things in its constitutional brief, starting from a bit before the Communists get into the act.

First, the department says there is no "constitutional right to bail." The Eighth Amendment states only that "excessive bail shall not be required."

As every school child who got through civics should know, they say, that wording was lifted directly from the English Bill of Rights; and in England the wording has never been taken to prohibit pretrial detention.

Moreover, in the United States, persons charged with crimes punishable by death could always be denied bail even in law passed by the same Congress that passed the Eighth Amendment. Surely this shows that jailing dangerous persons before trial is constitutional.

Finally, the Supreme Court settled the question pretty clearly in "Carlson vs. Landon," the department says.

In that case, Frank Carlson, a resident alien and chairman of the Communist Party's defense committee in Los Angeles and other party officials who were not U.S. citizens, had been arrested in the fall of 1951.

Deportation proceedings, under the then recently passed McCarran Internal Security Act, were begun and Carlson and his colleagues were kept in jail. They said they had a right to bail. The Supreme Court said they did not.

Justice Stanley F. Reed, writing the majority opinion, said: "The contention is . . . advanced that the Eighth Amendment to the Constitution compels the allowance of bail in a reasonable amount . . . (The) cases cited by the applicants . . . fail flatly to support this argument. We have found none that do . . . Indeed, the very language of the Amendment fails to say that all arrests must be bailable. We think, clearly, here that the Eighth Amendment doesn't require that bail be allowed."

Thus, the Justice Department attorneys conclude, their preventive detention proposal will pass the Eighth Amendment hurdle.

Not so fast, say the opponents. They give short shrift to the part about the English Bill of Rights as the origin of the Eighth Amendment.

The opponents like to read from Justice Hugo Black's dissent to the Carlson decision: ". . . It is well known that our Bill of Rights was written and adopted to guarantee Americans greater freedom than had been enjoyed by their ancestors who had been driven from Europe by persecution."

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Next, they argue that bail is not denied to persons charged with a capital offense because they are dangerous to the community. Instead, bail is denied because the stakes are so high that even an innocent person might reasonably decide to flee, if released.

A capital offender, such as a jealous husband who murders his wife is probably, for instance, the least likely of any criminal to repeat his crime on release.

Then the opponents of preventive detention pull out their own Communist case, "Stack vs. Boyle," which was decided by the same Court as Carlson earlier in 1951.

Loretta Stack, and 11 other second-string Communist Party functionaries were rounded up and charged under the Smith Act with advocating the violent overthrow of the government. They were held under high bail ($100,000 in one case).

In the Stack case, the Court ruled that these Communists were entitled to bail they could meet—then it went a little further.

Chief Justice Fred M. Vinson, writing the majority opinion, said," . . . federal law has unequivocally provided that a person arrested for a noncapital offense shall be admitted to bail.

"The traditional right to freedom before conviction permits the unhampered preparation of a defense and serves to prevent the infliction of punishment prior to conviction . . . Unless this right to bail before trial is preserved, the presumption of innocence, secured only after centuries of struggle, would lose its meaning."

So there you have it, quoth the preventive detention opponents.

When not actually confronting one another, both sides will admit that there is not yet any clear definition as to what the Constitution requires in regard to bail.

But the opposition forces note that in the administration's Carlson case, Justice Reed makes a careful distinction between the rights of aliens here "at the nation's invitation" and those of U.S. citizens. Reed says, the allowance of bail for persons "charged in fact, that the granting of bail to alien Communists isn't necessarily the same as with bailable criminal offenses."

Also, since Carlson involves a civil, not a criminal case, its relevance to preventive detention may be more limited than that of Stack, a criminal case, in regard to preventive detention of criminal.

In addition to the Eighth Amendment interpretations, the lawyers differ over whether preventive detention would violate the Fifth Amendment guarantee that "no person shall be deprived of . . . liberty . . . without due process of law."

Due process, freely translated, means here that a person should get a fair chance to defend himself in proceedings specified by law.

The administration thinks it meets this requirement by providing that preventive detention be imposed only after a hearing at which the accused person is represented by counsel, and given the opportunity to cross-examine and call witnesses, as well as to present evidence. The judge can impose preventive detention only if he is reasonably sure that the suspect committed the offense with which he is charged.

This procedure leads to another kind of trouble, according to Daniel J. Freed, professor at Yale Law School and former head of the Justice Department's criminal division.

Freed asks, "How can any defendant get a fair trial if he has been declared 'probably guilty' by a judge after an elaborate hearing?" The "presumption of innocence" simply disappears, Freed says.

The Justice Department's answer is that the finding at a preventive detention hearing isn't significantly more prejudicial than a grand jury indictment—but they concede that the point is a sticky one.

CONGRESS INADEQUATE FOR THE SEVENTIES

HON. JOHN DELLENBACK

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Monday, January 19, 1970

Mr. DELLENBACK. Mr. Speaker, Eric Allen, publisher of my hometown newspaper, the Medford, Oreg., Mail Tribune, recently wrote a stinging commentary on the record of the first session of the 91st Congress and the urgent need for reorganization to enable Congress to deal with the challenges of the seventies. I think Mr. Allen does an excellent job of explaining what is wrong with Congress and why the American people are questioning its ability to solve the Nation's problems.

I fully agree with his thoughtful conclusion:

> Perhaps asking Congress to reform itself and its procedures is a little like asking a dinosaur to redesign itself into a mammal. But unless it does—and a growing number of Members are aware of the need and are pressing for the changes—the Congress will continue to fall behind in its routine work, and fail utterly to meet the needs of a fast-changing nation that is creating new problems faster than the old ones are being solved.

I commend the text of the editorial, "Congress Inadequate for the Seventies," to all of my colleagues who share my interest in making Congress a more responsive and more effective branch of Government.

The editorial follows:

[From the Medford (Oreg.) Mail Tribune, Jan. 1, 1970]

CONGRESS INADEQUATE FOR THE SEVENTIES

If the challenges of the 70s are to be faced and conquered, we will need the tools to do it.

Man's greatest tool for the solution of mutual problems is the institution of government. When it works, it can work magnificently. When it fails—as it does far too often—it leaves behind a sour residue of cynicism.

Making government work is a never-ending task, and it should engage the attention of men of good will, from the doings of the City Council and Planning Commission, to the operation of the State Legislature, to the Congress itself, with a passing hopeful nod at the United Nations, which isn't a government, not yet, anyway, but could someday become enough of one to afford us the mechanism for keeping the peace.

During the past year the Congress has shown itself to be inadequate for the tasks it must do. The first session of the 91st Congress is over, yet due to inertia, shilly-shallying, buck-passing and (sometimes) deliberate delays, it is further behind in its work than at any time in living memory.

We think it is high time the Congress began earning the rather handsome salaries of $42,500 it voted itself, and reorganize itself to meet the nation's needs. They are many, and not easily solved.

There is no reason whatsoever that it should take almost a full year to pass most of the bread-and-butter appropriation bills, and more than a year to pass others. And the list of national problems that it has yet to come to grips with is longer than the list of those it has faced, or pretended to face.

The seniority system, and the deadening effect it has had on the committees of Congress, is one of the worst offenders. Another is the fact that the Congress, despite its adequate salaries and big personal staffs, has yet to create mechanisms to research and provide the answers it needs to arrive at intelligent legislation on a variety of complex issues.

Perhaps asking Congress to reform itself and its procedures is a little like asking a dinosaur to redesign itself into a mammal. But unless it does—and a growing number of members are aware of the need and are pressing for the changes—the Congress will continue to fall behind in its routine work, and fail utterly to meet the needs of a fast-changing nation that is creating new problems faster than the old ones are being solved.

PRAISE FOR HUGHES

HON. JAMES J. HOWARD

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, January 19, 1970

Mr. HOWARD. Mr. Speaker, this is the last day in New Jersey under the leadership of Gov. Richard J. Hughes, who has served our State in that capacity for the past 8 years.

As the Governor of New Jersey, Richard Hughes has brought the State into the forefront of progress. He has been an admirable leader.

I believe his success is very capably illustrated by an editorial which appeared in the Red Bank Daily Register, of last Friday, January 16, 1970.

The editorial follows:

[From the Daily Register, Jan. 16, 1970]

PRAISE FOR HUGHES

In assessing the eight-year tenure of Gov. Richard J. Hughes, who relinquishes the reins Tuesday to Gov.-elect William T. Cahill, it would be short-changing the man to list only the manifest accomplishments of his incumbency. To those concrete gains must be added the things he sought and was frustrated on, and probably most important, the lesson he brought home to the people.

That lesson was that our state had been for too long shirking too many of its responsibilities. The time of reckoning is upon us, and now it's going to hurt more than it would have had we listened earlier.

Gov. Hughes inherited a legacy of neglect. We had gotten only a little behind the times then, but the Soaring Sixties already were off the ground and rocketing into the space age. We were ill prepared for the tremendous change under way. Our population and industry were burgeoning, and with them a whole new concept of public needs.

The governor saw them, named a blue ribbon panel to assess them. In seeking to meet them, he sometimes came to grips with a legislature that was not always as foresighted, or was lacking in the courage needed to face up to the political challenge of telling a constituency that it had run up a bill that had to be paid. He brought New Jersey into a period of fiscal maturity.

There were real achievements, too. Three new cabinet departments were created—community affairs, transportation and higher education. The strongest air and water pollution laws in the nation were enacted. The crime fight was stepped up with laws authorizing a statewide grand jury, witness immunity and a state Commission of Investigation. Proposed "give-away" of 400,000 acres of state-held tidelands was blocked. Voters gave approval to bond issues totaling

$1.4 billion for institutions, highways, colleges, pollution control and water supply, and commuter rail facilities.

A state public defender system was instituted. A plan for the Hackensack meadowlands development, snarled for centuries, was put into motion. There was a five-fold increase in expenditure for higher education.

The leadership on those gains came from Gov. Hughes. He served his state courageously and well and will be commended by history. We hope his successor will inherit his courage as well as his problems and be able to build on the Hughes record.

SALUTE TO INDONESIA

HON. ADAM C. POWELL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, January 19, 1970

Mr. POWELL. Mr. Speaker, a generation of Americans who dreamed with the song that "Bali Hai will call you" should be happy to know that the real island of Bali does call. Not only is it possible to visit the lush island of Bali, but the nation of Indonesia, of which Bali is a part, is actively encouraging tourists to visit the luxurious new government hotel on magical Bali as well as enjoying the exotic sights of Java, Sumatra, and the other islands. A number of American banks have opened in Jakarta, and a dozen international airlines maintain offices there. New hotels are opening to cater to those businessmen who have recognized the economic promise of this rich nation and to those tourists who are there simply to admire its exotic beauty.

Such interest by tourists and foreign businessmen is an indication of the remarkable recovery that Indonesia has made since its bloody experience of coup and counter-coup in 1965. Not only the tourists, but also the citizens of Indonesia are enjoying a better life under the leadership of President Suharto. Municipal lawns are trimmed and streets have been repaired; a fleet of rehabilitated buses has come close to solving the transportation problem which the citizens of the city faced a few years ago. Inflation, which was growing at a rate of 600 percent a few years ago, will be held this year to a growth of 10 percent. The price of rice is stable. From a bankrupt country on the brink of chaos, President Suharto and his government have reestablished Indonesia's international credit and restored her internal stability. And what is more important, they have reestablished Indonesia's sense of self-respect and pride. Observers in the capital have sensed a mood of optimism and cordiality among the citizens, and with just cause.

On December 28, Indonesia's 20th anniversary of indepedence, this nation will have witnessed the peaceful passage of the territory of West Irian from a dependency to a full-fledged part of the nation by the "act of free choice" of the citizens to remain a part of Indonesia. Indonesia in return has promised to develop West Irian and to grant it a substantial amount of autonomy. Indonesia, as a whole, is preparing to hold the first elections in the country since 1955—truly a fitting way to enter the third decade of independence. The Indonesian Parliament has passed a long-debated elections law in accordance with the law that elections must be held before July 1971.

Within the last year, Indonesia has attempted to reevaluate its national goals and the aspirations of its people through the national general program and the 5-year development plan. While inviting foreign capital to its islands in exploitation of oil and other natural resources, it has not forgotten the human needs of its people and has kept before it the five principles of Pantja Sila, which have guided the nation since its founding. In planning for the future, the government has attempted to maintain the balance of life between man and nature, the balance of individual efforts and the needs of the nation and community and the balance between equality and justice. These stated goals are perhaps worthy of reconsideration by more developed nations, such as our own.

On the day of its independence, as Indonesia looks forward to the new order of the future, we wish the people success. Their national problems will not be easy to solve and they have left many scars. But with the feeling of good will toward their countrymen and neighbors in the Pacific, Indonesians must surely be successful.

A BILL TO AMEND THE NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES ACT OF 1965

HON. WILLIAM L. HUNGATE

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Monday, January 19, 1970

Mr. HUNGATE. Mr. Speaker, today I join with many of my colleagues in introducing a bill to amend the National Foundation on the Arts and the Humanities Act of 1965.

I congratulate the President for asking Congress to double the amount of funds presently available for the arts and humanities. And, I wholeheartedly agree with him that this is a vital part of our commitment to enhancing the quality of life for all Americans. For too long our cultural progress has been frustrated by lack of sufficient funds.

Expression through art and music are intrinsic to the human environment. Even the most primitive societies have developed often complex cultures. Our Nation, though the most technologically advanced, has been negligent in expressing appreciation and support for our rich cultural resources.

The importance of the arts in society is evidenced throughout history. And, today, lack of support for the arts is taking its toll, especially in the case of our disappearing symphony orchestras. We must reassert its importance if we are to have a balanced society with opportunities for cultural growth available to all Americans.

As Artemus Ward once advised Abraham Lincoln's Secretary of the Navy in a mythical interview:

> Let me write the songs of a nashun . . . and I don't care a cuss who goes to the legislater! . . .

LETTER FROM A MARINE IN VIETNAM

HON. BOB WILSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, January 19, 1970

Mr. BOB WILSON. Mr. Speaker, several months ago, I share with my House colleagues the activities of an outstanding and dedicated young lady in my district, Miss Denise Evers. Denise, the chairman of the Heartland Youth for Decency, in La Mesa, Calif., received a letter from Bill Desmancio, a 19-year-old marine serving in Vietnam. This letter exemplifies the caliber of our young fighting men in Vietnam and Bill's sincerity and candor speak for themselves. His letter was reprinted on November 27, 1969, in the La Mesa Scout, La Mesa, Calif., and I am pleased to insert it in the CONGRESSIONAL RECORD:

LETTER

DEAR DENISE: My name is Bill Desmanico, and I'm a Marine stationed here in South Viet Nam. I hope you can find the time in your busy schedule to read this letter.

I first heard about your organization about three days ago from Chaplain Donoher of my Division. And before I go any further, I want to thank you. You, and all the other people of your organization. You are like a dream come true to a lot of guys over here, believe me. You've certainly restored my faith in some of the younger generation of America. I was beginning to think it was a lost cause. But now, I know that so long as there are some people like you, it could never be a lost cause.

You can't imagine how it is for some of us guys over here. A lot of us are all 18 and 19. We really feel rotten and helpless sometimes when we read about the anti-this and anti-that establishments. What really gets us mad, is to read or hear about some young radical telling the world how he had been wronged. Or how America's leaders are barbarians because they send us here to Viet Nam to kill. They think they know everything, and they don't. But a lot of people seem to think they do. I wish I could drag one of them over here. Then maybe after he's seen the things I've seen and lived with this past year, he won't be so quick to open his mouth.

I guess I'm getting carried away. But, that's how we all feel over here. I don't think anyone has really asked us what we thought of being over here. They'd be surprised at some of our answers.

Well, like I said, my buddies and I want to thank you for doing something we are not able to do at the moment, and that every young American should do. I myself want to volunteer my services in any way I can. I mean it! If I can be of any help to you at all, let me know. I'm due to come back to America around the 20th of December. And if I can be of any help when I get home, just say the word. Money, I haven't got, but words, believe me, I've got a lot of.

I'm 19 years old, and I'm from Massachusetts. Like I said, I've been here in Viet Nam

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for almost a year now. If I can be of any help on my way home, I'll stop in California and do so. Right now, I can't do that much, except let people over here know you exist. I do have one of your stickers on my seabag, and I've got one of your small flags on my helmet. I get a lot of questions about that flag. And when people ask that question, I just sound off like a tape recorder and let them know all I know about you and your organization.

But, I still feel I don't know enough. I'd appreciate any information you can give me. And remember, my offer is always open.

I still can't believe that there are still some decent guys and girls back in the "world." To us, America is the world.

Hey! Take care, and keep it up, for us, please? Thanks a lot.

Respectfully yours,

BILL.

THE GREAT NATIONAL FOREST RAID

HON. ROBERT W. KASTENMEIER

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Monday, January 19, 1970

Mr. KASTENMEIER. Mr. Speaker, the commercial timber operators, always mindful of the growing lumber markets, keep seeking ways to gain access to the forest stands in our public lands. The latest efforts in this endeavor, the misnamed "National Forest Timber Conservation and Management Act," popularly known as the National Timber Supply Act, will compel the Forest Service and the Bureau of Land Management to increase the allowable limits on cutting logs in our national forests, as well as allocating all timberland that is capable of commercial production to serve that purpose, with the exception of those lands which already have been reserved for other purposes.

This National Timber Supply Act will negate the multiple-use principle which governs the management of our national forests by assigning top priority to logging, thus ignoring the fact that these forests are important not only as a source of lumber but also, that these lands have other uses, such as watershed protection, flood prevention, soil and wildlife conservation, recreational purposes, and esthetic refuges. All these interests are adversely affected when lumbering operations begin, and this legislation will let the lumber companies loot our national forests.

Mr. Speaker, a number of conservation organizations have labeled the National Timber Supply Act as potentially the most dangerous anticonservation bill to come before Congress in many years. Mr. John L. Franson, Central Midwest representative for the National Audubon Society, recently wrote an article in the December 1969 Badger Sportsman, published in Chilton, Wis., exposing the true meaning of the National Timber Supply Act, and it merits the consideration of my colleagues.

The article follows:

ACT MAY START VICIOUS EXPLOIT OF PUBLIC LANDS

(By John Franson)

Almost a quarter of a century ago, fervent conservationists like Gifford Pinchot fought to protect our national forest system from being raided by private interests. Pinchot and a small band of other men finally managed to designate vast portions of lands as "forest reservations".

These eventually became our national forests. Pinchot was a bitter enemy of wholesale clear cutting and an advocate of what he called "ecological forestry" or possibly what is termed now as selective cutting.

As long ago as this seems, the private lumbering interests looked upon the public lands as a windfall for timber supply. As the years passed, large tracts of private land owned by lumber and paper companies were cut and recut. Privately owned timber supplies were wantonly harvested and exhausted. This is most evident on small woodlots of farms which are now nothing but scrub timber and brush.

Industry has done as it pleased. Northern Wisconsin can testify to this. Once the entire state was slashed and cut. Then, as Aldo Leopold said, "It burned for 30 years".

Due to the foresight of Pinchot and others, the public forest lands have been modestly cut for the most part. Some areas have even been declared off-limits to timbering. The selective cutting of timber on these public lands promised a sustained yield if these practices were continued—and if we did not get greedy.

Some 20 years ago the lumbering interests proposed that the federal government turn the national forests over to the states for cutting. The states promised to return the forests to the federal government for reforestration, after they had had their way with them. Conservationists defeated this effort, but it looks as though they have run the complete circle.

The public is easily confused by the tricky labels placed on certain pieces of obnoxious legislation. One pending in Congress now is called the "National Timber Supply Act". On the surface the act and its proponents seem very reasonable.

They say that a building supply shortage and a drop in lumber prices will require a greater annual harvest of timber. With most of the private holdings stripped, the lumbering interests naturally turn to the national forests.

The timber act would require that the timber harvest in the national forests be increased. Part of the profits from this increased harvest will go to a fund used "only for increasing timber yield". Thus a vicious circle of lumbering on public lands begins.

The additional money from this fund would not necessarily be used for replanting. It could be used for building logging roads through scenic sections of national forests, which may now be roadless. Possible it could even be used for inroads into previously untouched areas. Certainly it would be used for personnel increases to facilitate logging.

Not only does the proposed National Timber Supply Act threaten the public domain, but apparently it is needless legislation. The so-called "short supply" of timber is not necessarily due to a housing emergency or the demand for more lumber. This move could be a confession of poor management by the private land owners, but it is questionable whether or not an increased yield really is necessary.

In this age of technology, there are many materials which already replace lumber if we were running short. On the other hand, indications are that we are not short at all. The private lumber industry is now exporting 4 billion board feet of logs and lumber a year. More than enough to meet domestic needs. Even the domestic shortage of which the lumber lobby speaks was only temporary last spring.

The lumber interests also say they need more lumber to make up for a price decrease.

Lumber prices have increased by almost one-half of what they were six months ago. The sharp drop in lumber prices last spring might even suggest that a look should be taken at the lumber inventories of large corporations. These rises and declines in lumber prices hint of a privately administered price and supply situation.

But the Department of Agriculture played right into the hands of the lumber industry—they announced sharp cuts in the price of national forest timber.

Today, the uses of our national forests vary far beyond timber supply alone. Fortunately in most cases, their management allows for intense recreational use by the American public. This, in the long run, may be their best and most cherished purpose—not timber supply.

Gifford Pinchot's idea of ecological forestry was a forest that would not only provide wood products, but hold soil as watersheds, support wildlife and provide the necessary uses to man such as scenery, wilderness and the host of recreational activities that are presently enjoyed in the national forests.

Some of the Forest Service's most recent activities are disturbing enough without the National Timber Supply Act. Lately the Forest Service seems to have acquiesed to the school of clear cutting—except they don't call it that. There is a new word in the Forest Service for clear cutting. It is called "even aged management"—a very positive sounding phrase for questionable management.

The American public is faced with reversing a trend toward "clear cutting" back to "selective cutting." The clear cutting trend has prospered in the new forestry schools many of which are influenced, promoted and underwritten by the lumbering interests.

The lumber lobby has been working hard in Washington. The House Agriculture and Forestry Committee has already favorably reported on their version of the National Timber Supply Act. The Senate seems inclined to schedule hearings. Some of Wisconsin's biggest paper industries have endorsed it. The public remains unaware of what is taking place.

Between this innocent-sounding act and the lumbering trends—the cries of "Timber!" will soon be echoing in our national forests as they never have since we fought to save them a quarter of a century ago.

POST OFFICE REFORM

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, January 19, 1970

Mr. DERWINSKI. Mr. Speaker, as we reconvene I suggest that one of the major legislative assignments that should be concluded in this session is reform of the Post Office Department as recommended by the administration and Postmaster General Winton M. Blount.

Therefore, I direct the attention of the Members to a brief but effective editorial commentary in Chicago Today, Saturday, January 10, on the recent announced plans of the Post Office to train young men for postal jobs and to help them complete the high school material that may be missed:

POST OFFICE "JOB ACADEMIES"

The Post Office department rates high marks for its plan to establish "postal academies" for school dropouts in Chicago and five other cities. The idea is not only to prepare these people for postal jobs but to give them what they missed by quitting school.

The target is 2,100 pupils or graduates by July 1, 1971. That's not a great number, but

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it's a start toward reclaiming the lives of youngsters who have risked wasting them by leaving school too early. Besides Chicago, the areas involved are Washington, Newark, Atlanta, San Francisco, and Detroit. An initial bill of $1,161,746 for the program will be paid by the office of economic opportunity and the labor department.

The employment itself is ideal for the trainees. As Postmaster General Winton M. Blount observed, postal workers "walk every street, knocking on every door; many employes are known, trusted and respected by most individuals in or out of the ghetto; and employes walk daily in every business establishment where employment opportunities exist."

This is one field in which the postoffice is really carrying the mail.

Mr. Speaker, I submit that a reformed Post Office Corporation will be in good hands with a talented administrator such as Postmaster General Blount whose imaginative leadership is demonstrated in the establishment of Post Office academies to train high school dropouts.

NEW YEAR FORECASTS

HON. AL ULLMAN

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Monday, January 19, 1970

Mr. ULLMAN. Mr. Speaker, by all the New Year forecasts, 1970 will not be a happy year for the U.S. economy. Leading economists give us a grim choice—more of the same kind of inflation we experienced last year, or a collapse of the economy into recession with serious unemployment and a decline in the Nation's business activity. Or worst of all, both at the same time.

Reporters for the Washington Post recently summarized the views of leading economists and economic observers for 1970 in an excellent series of articles that I submit here for insertion in the CONGRESSIONAL RECORD.

One writer, Hobart Rowen, quotes an economist who sums up the outlook most succinctly:

> Any way you look at it, it will be a rough year.

Rowen adds:

> There is not going to be much relief in the areas that most closely affect the average consumer and businessman—high interest rates and high prices—because inflation has become so deeply rooted.

Behind this pessimistic conclusion is a growing recognition that the economic policies of the administration are not effective, and that they must be changed now if we are to avoid pushing the economy permanently out of kilter.

As the Post articles indicate, the administration's continued reliance on tight monetary policy as virtually its only anti-inflationary weapon is unwise. Many liberal and conservative economists, some enlightened administration officials such as Secretary of Labor George Schultz, and at least the minority of Federal Reserve Board members now agree we should carefully but noticeably relax the stranglehold on money supply and allow interest rates to return to reasonable levels.

Monetary policy is only one of many tools available for successful management of the economy, and it needs to be placed back in proper perspective. It is not a cure-all. Indeed, it contributes to inflation if improperly used. As Mr. Rowen observes:

> It is now generally agreed that the wide swings in the application of monetry policy in the past few years—from great ease to very tight—have themselves contributed to both inflation and recession in this country.

If 1970 is to offer any hope for a return to a stable economy, we will have to move quickly and courageously along a broad front of new policy. For long-term success, we must start by establishing national economic priorities, a step that this administration—as its predecessor—seems unable to take. Both the military and civilian budgets of the Federal Government must be ruthlessly stripped of unnecessary and wasteful spending. Then we must reorder the surviving programs according to national need so that housing, environment, welfare, and education are given a real chance to compete with defense for the budget dollar, rather than simply paid lipservice.

In my judgment, only by establishing national priorities can we begin to talk convincingly about controlling Federal spending and developing an effective fiscal policy.

A set of clear priorities will also provide a framework for the application of meaningful monetary policy. We have an opportunity to start fresh next month when Dr. Arthur Burns becomes the new chairman of the Federal Reserve Board. I urge Dr. Burns to make his own analysis of the available money supply, determine the sources of excess pressure on this supply, and then direct the Nation's banks to start channeling the flow of credit away from these problem areas and toward the regions of basic social need, such as housing. Congress signaled this approach last month when it passed S. 2577 authorizing the President to ask the Federal Reserve Board to control all aspects of credit. We would be on the way to realizing priority goals, and we would have a system of monetary controls that makes sense.

As a second fundamental action, the administration should establish and back with its full force, a set of tough wage and price guidelines. Wage and price increases of 5 percent and higher cannot be tolerated if we are ever to get back to price stability.

These are the actions I have urged on the administration and the Federal Reserve Board since last spring. How grim must the economic forecasts be before they respond?

The articles follow:

RECESSION POSSIBLE?

(By Hobart Rowen)

First, the good news: the U.S. economy will grow at a painfully slow rate in 1970, price increases will be almost as great as last year, unemployment will rise, and interest rates will come down only slightly—and late in the year at that.

Now, the bad news: the economy could slip into a mild recession, with unemployment close to 6 per cent, a decline in the real Gross National Product, and a drop in corporate profits of nearly 15 per cent.

You can choose between these two generally-held forecasts by distinguished economists. The more optimistic view is held by Keynesians such as former Economic Council Chairmen Walter W. Heller and Arthur M. Okun.

The gloomier point of view comes especially from the Milton Friedman "monetarists" school, which believes that a progressively restrictive Federal Reserve Board policy has already cast the die for 1970.

But Friedman is not alone. The Wharton School of Finance and Commerce, somewhat defensively ("'Recession'—Now we've said it.") and the Morgan Guaranty Trust Co. agree. Both hasten to add that the recession isn't likely to be deep.

Fairly early in the year, it should be clear which of the two scenarios comes closer to the mark—and one man who will have a great deal to say about it is Arthur F. Burns, the new Chairman-to-be of the Federal Reserve Board, who takes over from William McChesney Martin at the end of the month.

Sums up a distinguished economist who neither predicts nor rules out a recession in 1970: "Any way you look at it, it will be a rough year."

For one thing, there is not going to be much relief in the areas that most closely affect the average consumer and businessman—high interest rates and high prices—because inflation has become so deeply rooted.

Some economists, such as business adviser Pierre Rinfret, go so far as to predict further rising prices, and continuation of a runaway boom psychology. Most experts disagree with Rinfret on this score, but concede that it's possible. Okun, for example, thinks that a boom is a one-in-ten shot, but says:

"Just among us professionals . . . we have to admit that we know pitifully little about how price expectations are formed and how they influence other economic decisions."

Burns' shift from the White House, where he has been Counselor to the President, might well coincide with a delicate transition to a less restrictive monetary policy.

It will depend, in part, on President Nixon's ability to present a balanced budget for fiscal 1971—a feat which apparently will require new or extended excise taxes.

Given the assurance of a steady hand on the fiscal brakes, Burns may join two dissident Fed Governors, Sherman J. Maisel and George Mitchell, who would like to permit the money stock (held virtually stable for the past six months) to grow a little bit.

In that case, Burns will have to pick up one more vote (from among Govs. Dewey Daane, Andrew Brimmer, J. L. Robertson, and William Sherrill) to achieve a majority.

"The "monetarists" argue that the only question for 1970 is: how bad will the recession be? Milton Friedman himself suggests that unemployment rising to about 6 per cent is likely, even if the Fed immediately loosens up the money supply (this because of the lag between change of policy and its impact on the economy).

A continuation of tight money, he feels, will result in an Eisenhower-style recession (1957-58) with unemployment to 7 per cent.

High Government officials, in a series of interviews with The Washington Post, acknowledge that "the possibility of a recession cannot be ignored." They are keenly aware of the possibility that Mr. Nixon may face the Congressional election period this fall with the worst of both worlds—a recession accompanied by still rising prices.

Prof. Otto Eckstein, a former member of

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the CEA and a highly regarded analyst, comes down on the side of the slowly growing economy instead of recession. He points to three compelling factors:

The tax bill and new Social Security benefits will give consumers a transfusion of $13 billion more purchasing power.

Businessmen, still operating on the assumption that inflation is here to stay, plan to spend yet another 10 per cent ($7 billion) on new plant and equipment, despite withdrawal of the investment credit.

And finally, Eckstein makes a policy judgment: the Fed will allow the money stock to grow, rather than risk financial panic and the complete ruination of the houing industry.

Moreover, there is a strong feeling among many administration officials (also held by a minority of FRB governors) that the Fed has overstayed its strict monetary policy.

Yet, in trying to sift out the probabilities, a strong case can be made against the likelihood of a true recession, which is usually defined as an absolute drop in real GNP lasting at least six months.

It should be added that the federal government's manifest inability to exert any real control over expenditures, and Congress' freehand re-arrangement of the tax structure almost assure new inflationary vigor in the years ahead.

The tax "reform" bill is really a massive tax cut, which will stimulate consumer purchasing power all through the 1970's, and limit the flexibility of any administration—Republican or Democratic—to manage spending policy for social or even military budgets.

In order for the gloomier prospect of recession in 1970 to eventuate, these things would have to develop: a housing crisis of even more serious proportions than now exists or seems likely; consumer decisions not merely to be cautious (which now seems the case), but to retrench to a point where the savings rate tops 7 per cent; and a complete turn-around in business' announced plans for new plant investment.

If none of these more dire circumstances prevail, the slow-growth economy would result, bringing a slight reduction in inflation (say from 5 per cent to about 4 per cent); and a reduction in gain in real GNP of 1.5 to 2 per cent, compared with 3 per cent in 1969.

In other words, the Gross National Product, which advanced by about 8 per cent in 1969 to some $933 billion, would rise about 6 per cent to about $990 billion. And in that process, the magic symbol of the tri-dollar economy would be hoisted at some time during 1970.

Despite the magnitude of these numbers, this is a picture of an essentially sluggish economy—not one of actual recession, but of very slow growth.

It wouldl involve a rise in unemployment from the 1969 average of 3.6 per cent to something like 4.5 per cent, and a drop in corporate profits up to 5 per cent. At best, it would be inauspicious start for the seventies, a decade bound to reflect change and social turmoil.

As for the seventies, the misplaced guesstimates for the "soaring sixties" are too fresh in mind to be over-confident about the numbers being floated for the new decade.

In the ten-year span just closed, real GNP (expressed in 1959 dollars) rose 58 per cent, or at an average of 4.3 per cent annual rate. That was considerably better than the 3.6 per cent average of the 1950's—although below what many had hoped or predicted ten years ago.

Most economists—either sucking their thumbs or programming their computers—are suggesting that the decade ahead will produce a 50 per cent gain in real terms. That would mean a GNP (in inflated dollar terms) of $2,000,000,000,000 (two trillion) by the end of the 70's.

That would indeed seem to be the potential; but questions will arise on the distribution and redistribution of that income; on social priorities; and on the role of government in relation to the private economy.

President Nixon has already thrown out broad hints suggesting a delimitation of the role of government, and a re-emphasis on the private sector. In turn, that raises questions about the private economy's ability and willingness to divert attention from a consumer-oriented economy to achieve other goals.

But how the affluence of the 70's gets shared is a long-distance story, to which we will return later; there are more than enough problems for now to pre-occupy everyone.

[From the Washington Post, Jan. 14, 1970]

A Cautious Easing of Money Policy?

(By Hobart Rowen)

We may be approaching one of those decisive points in our political history where a significant change in governmental policy coincides with and is reinforced by the arrival of a new man at the helm. In this case, the change would be economic: a shift toward a slight but positive relaxation of the tight monetary policy that has all but strangled the housing industry and resulted in the highest interest rates since the Civil War.

But this is economics with a major political impact. Democrats are already planning to pin a high-interest, price inflation label on the Nixon administration. Without some kind of relaxation of tight credit, pocketbook issues and economic recession could well top Vietnam as the No. 1 argument of the 1970 congressional campaign.

By dramatic coincidence, there is about to be a change of the guard at the Federal Reserve. Arthur F. Burns, counselor to and confidant of Richard Nixon, will on Feb. 1 shuffle a few blocks south—from Pennsylvania Avenue to Constitution—and take up residence as the new Chairman of the Board.

For 19 years that impressive seat of authority has been occupied by William McChesney Martin. The former "boy wonder" of Wall Street has since 1951 been eulogized by bankers everywhere as the very symbol of a sound American dollar, the guardian of the free enterprise system. An authentic strait-laced Midwestern conservative of unimpeachable personal integrity, Martin has outlasted four Presidents and leaves a fifth who invited him to continue.

Yet, as Martin retires, the monetary policy for which his Federal Reserve Board is custodian is the most controversial and least understood element in the U.S. economic complex. It is now generally agreed that the wide swings in the application of monetary policy in the past few years—from great ease to very tight—have themselves contributed to both inflation and recession in this country. And nobody even now is quite sure of how to manage the potent weapon of money flows and growth.

It is also generally agreed that if President Nixon can produce a balanced budget for fiscal 1971, there might be a disposition within the Federal Reserve (not without some struggle and disagreement) to relax the monetary strings. Secretary of Labor George Shultz, himself a distinguished economist, has said it is time to break the "stranglehold" on interest rates. One suspects that the Council of Economic Advisers to President Nixon privately agrees but finds it impolitic to say so.

Mr. Burns, properly, is also saying nothing. But it can be guessed that he too would be willing to take his foot off the monetary brake if the fiscal 1971 budget showed a balance. It was Mr. Burns, after all, who warned Mr. Nixon in 1960, when he was Vice President, that recession would develop unless President Eisenhower induced a quick change from monetary and fiscal tightness. (Burns was right: Ike failed to act despite Mr. Nixon's pressure; there was a recession—and Mr. Nixon lost the presidency to John F. Kennedy.)

Milton Friedman, the dean of the "monetarists" school, has been saying for many months that growth in the supply of money—held almost at zero by the Fed—should move to a rate of 3 to 4 per cent, or about in pace with the growth of the economy. To be sure, Friedman doesn't place much faith in fiscal policy—balancing the budget—except to the degree that a balanced budget will persuade certain governors at the Fed to move off dead center.

It comes down to this:

If a balanced budget is considered essential by the Fed (and the financial community), it had best be a believable balance, free of gimmicks, which could play a role in dampening inflation. (Picking up $1.5 billion by advancing collection of estate and gift taxes isn't likely to take much steam out of the economy.)

Above all, if the Fed feels that money policy can be eased, the shift should not be drastic.

Finally, the new direction of policy should be made highly visible, so the world will know what the Fed is doing; it would be useful if the Fed abandoned some of its traditional mysticism for clarity of purpose.

The reason for moving cautiously is plain: another swing of the pendulum all the way from tight money to easy money would only restore inflation. Yet, in recent years the Fed has almost always overreacted. As far back as May, 1958, economist Edward M. Bernstein said in the proceedings of the American Economic Association:

"A large excess in the money supply should not be allowed to develop, because under such conditions, the monetary authorities may be unaware of the magnitude of the inflation potential and unable to cope with it if the danger should emerge."

That perceptive observation is as good today as it was when written.

Governor Sherman J. Maisel (who favors a move toward a less restrictive policy) has noted that when the Fed moved toward an easier policy in mid-1968 (incorrectly assuming that the surtax would be sufficient to curb inflation), actual monetary reserves were increased by 50 per cent more than anyone at the Fed envisaged.

So what Mr. Burns will have to engineer is a delicate maneuver in which the six other governors, the five presidents (out of 12) of Regional Federal Reserve Banks and himself (who form the policy-making Open Market Committee) move modestly—and positively—toward monetary ease.

As the Martin era, with wide swings from easy to tight money and back, comes to a close, Burns might well rely on McLuhan: it is the medium that is the message. The country needs the knowledge of a policy change as much as the substance of it. At least for now.

All Odds Point to Inflation This Year

(By Frank C. Porter)

As it was in 1969, inflation is by all odds likely to be the most pressing problem facing the economy this year.

With consumer restiveness rising under retail price boosts averaging more than 5 per cent a year, with labor unions demanding huge catch-up wage increases, with the highest money rates in history and with some business sectors such as home building sorely out of joint, the question on everyone's mind is: How soon will inflation be eased and by how much?

Most analysts feel that any colleague with the temerity to offer an answer is a fool. Even intermittent pronouncements by Nixon administration officials that their anti-inflation policy is already taking hold are likened to Herbert Hoover's reassurance in the early 1930's that "prosperity is just around the corner."

But Mr. Nixon is riding a better bet than Mr. Hoover. Never has the country undergone a recession without prices stabilizing or even declining (as they did precipitately in the Great Depression of the 1930's).

If the United States is not actually entering a recession, there is evidence that a substantial slowdown in business activity is already underway—one that many economists feel sufficient to decelerate the price spiral if it isn't reversed too abruptly.

Some are asking why this hasn't already produced a slowing in price escalation. And they wonder about the phenomenon of simultaneous recession and inflation.

The present price spiral is now more than four years old. The following table shows the annual increase in the Bureau of Labor Statistics' consumer price index (based on yearly averages) for the decade:

Year:	*Percent*
1960	1.6
1961	1.1
1962	1.2
1963	1.2
1964	1.3
1965	1.7
1966	2.9
1967	2.8
1968	4.2
1969 (est.)	5.4

Whatever its causes—whether the incremental costs of the Vietnam war, federal fiscal policy and particularly the $25 billion deficit in fiscal 1968, the shift in the Federal Reserve Board's monetary stance, the effect of finally reaching resonably full employment, or a combination of all—the inflation has gained such momentum that it will take time to slow it down.

Meanwhile, the question that has puzzled economists and politicians for generations—whether price stability can be restored without considerable sacrifice in terms of increased unemployment—remains unresolved.

It is too early to tell but there is some preliminary evidence that this time the penalty may be considerably softened.

While industrial production has been receding the past four months, the latest figures show unemployment back at its post-Korean low of 3.3 per cent.

This conceals the slower increase in employment, the fact that more persons (particularly women and teenagers) are staying out of the work force and that the average work week has declined.

But it does not suggest that the country may be able to escape the massive unemployment that attended other cyclical downturns (about 7 per cent in 1958 and 1960). A number of reasons have been offered. The economy is becoming more service-oriented and employment is more stable in the services.

No one is predicting the end of the traditional trade-off between employment and price stability. But the trade-off may not be nearly the fearsome thing it once was.

SEATTLE NEEDS COMPETITIVE AIR ROUTE TO TOKYO

HON. THOMAS M. PELLY

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Monday, January 19, 1970

Mr. PELLY. Mr. Speaker, I joined with my constituents and others of the Pacific Northwest in objecting to the final decision in the transpacific route case last year when no combination air carrier was certificated from Seattle to Tokyo.

Last October, I so expressed my concern that there was just one Seattle-Tokyo combination air carrier in a letter to Secretary of State Rogers. Last Thursday, United Air Lines filed an application with the Civil Aeronautics Board to serve these two cities. I am pleased that United has made this application.

The lack of competitive combination air service between Seattle and Tokyo has had a decidedly adverse effect on the Pacific Northwest area.

There is a demanding economic need for competitive service on this route, which is 1,200 miles shorter than any other route to Japan from the west coast.

For this reason, I have asked President Nixon to support our position that increased air competition between Seattle and Tokyo is urgently needed and further urged him to request the Civil Aeronautics Board to set up the procedures for a route case limited to Seattle-Tokyo in order for interested parties to be heard in hopefully resolving the determination of needs for competitive passenger certification in this market.

I feel most strongly that this is essential if we are to develop Seattle in its proper role of "Gateway to the Orient."

POLL ON ENVIRONMENTAL ISSUES

HON. GEORGE E. BROWN, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, January 19, 1970

Mr. BROWN of California. Mr. Speaker, the battle to reverse the trend toward the destruction of our environment is virtually a life or death battle. It became clear to me that the feelings of the people should be known on this important issue.

As my actions in Congress related to this issue affect all of California, I have mailed a questionnaire to my constituents and to a number of other residents throughout the State, seeking their views.

I shall make the results of this poll available on a broad basis as soon as they have been tabulated. The questionnaire follows:

DEAR CONCERNED CITIZEN: I am asking you, a resident of California, to participate in this survey. As a member of the Science and Astronautics Committee of the United States Congress, I am interested in your opinions on these questions. This spring, our committee will be holding hearings in California on environmental pollution. I would very much appreciate the opportunity to present your views to the committee. (The data collected will be made available to all California Congressmen, other elected officials and the press.)

Sincerely yours,

GEORGE BROWN,
Member of Congress.

QUESTIONNAIRE

1. Do you favor proposals to ban the internal combustion gasoline engine unless it meets stringent exhaust emission standards?

2. Do you feel that the oil companies and automobile manufacturers should be required to act more quickly to solve the problems of air pollution?

3. Do you favor a Federal Regulatory Commission on Environmental Quality?

4. With 95% of the 8,000 miles of the nation's shoreline in private hands, do you favor stronger government efforts to regulate shoreline use, in order to substantially increase the amount of beach property available for public use?

5. With the state's open spaces increasingly filled by urban sprawl and unplanned development, would you support stronger government efforts to regulate use of undeveloped open spaces, including advance acquisition of land for public use?

6. Would you support a complete ban on all Federal offshore oil drilling except in national emergency?

7. Do you favor much stronger governmental efforts to educate the public as to the problems of over-population?

8. What do you consider the national priorities for 1970? (Rank by Number.)
Education?
Crime?
Pollution?
Inflation?
Vietnam?
Urban Crisis?
Taxes?
Others?

9. Do you approve of the citizens of this state being given the opportunity to express their opinions through this questionnaire?

WE ARE COMING HOME TO CONFRONT YOU

HON. W. E. (BILL) BROCK

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Monday, January 19, 1970

Mr. BROCK. Mr. Speaker, the following letter which I wish to share with my colleagues, is an excellent example of the spirit of the fine young men who are fighting in Vietnam. We seldom hear what they think, but we frequently hear from those at home who demonstrate and moratoriate irresponsible solutions to the war.

Sergeant Wynn speaks not only for himself, but for thousands of others who are making real contribution to our country while suffering through the antiwar headliners who capture page 1 day after day.

Sergeant Wynn is now on his second tour of duty in Vietnam, by his own choice. A native of Lenoir City, Tenn., Wynn joined the Marine Corps in 1961 and served for 3 years. He reenlisted in 1965 and served in South Vietnam from April 1966 to June 1967. He received a Purple Heart when he was wounded on Easter Sunday in 1967 during action near the demilitarized zone.

The following letter was sent to the editor of the Knoxville News-Sentinel, Knoxville, Tenn., November 12, 1969:

NOVEMBER 12, 1969.

The EDITOR,
Knoxville News-Sentinel,
Knoxville, Tenn.

DEAR SIR: I am a Marine presently serving in Vietnam. Since I cannot personally contact the people who are "honoring" us with a moratorium. I would like to do it through

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this newspaper in an open "letter of appreciation."

Although I take full responsibility for this letter, the opinions, thoughts and desires expressed herein have been gleaned from numerous bull sessions, reactions to radio/TV newscasts, letters from home informing us of what is happening, and from local newspapers forwarded by our families. They come from people I know, or have known, personally, from a captain with a degree in law to a private first class who is a high school dropout. The majority, however, are between 18 and 20 years old with a high school education and definite plans for the future, whether it be college, marriage, or just working to buy a new car. I think it would behoove the American people and news media to listen and take heed to what these men have to say. These are the credentials which make me think I have the first hand knowledge to write what we feel in this following "letter of appreciation."

We, the servicemen fighting in Vietnam, wish to give our "thanks" to those "great patriots," Abby Hoffman and David Dellinger, who are "leading" our country in the streets and alleys as Hanoi's fifth column in the United States; to those illustrious statesmen, Senators Fulbright, McCarthy and McGovern, who "back" our country and its fighting men "to the hilt" in much the same way as did Caesar's friend, Brutus; to that college fraternity, the Students for a Democratic Society, which is doing so much to preserve our rights of free speech guaranteed under the Constitution, as clearly shown by their "courteous" attitude when an opponent to their ideas is making a speech; and to all the other "comrades" who are giving us so much "loyal support," wherever they may be.

We have heard and seen many of the things you have done for our country and us. This letter is totally inadequate to tell you how we feel, but through "your efforts" we may be able to soon give you our "thanks" personally. Your words and deeds are burned into our minds and we will not forget.

Some day we will be able to tell you "how proud you made us" as you tore our Flag from its staff and dragged it through the streets to burn.

Some day we will be there to listen as you tell of your "efforts" and the "hardships" you underwent to send your blood to North Vietnam while we wasted our blood on the soil of South Vietnam.

Some day we will get to tell you just how "brave we thought you were" as you stood up to the "pigs", unarmed except for bricks, bottles and bags of human waste, to burn your draft cards.

Some day we will be able to convey to you our "feeling" for your battle cry, "Hell No! We Won't Go!" which has replaced our battle cry of the past, "I only regret that I have but one life to give for my country".

The name of your game is confrontation and we are coming home to confront you in the streets, in the universities, in the courts of law, in the voting booths, in Our Country. Everywhere we meet we will remember what you have done and give you our personal "thanks."

Sincerely,

William D. Wynn.

AMERICAN OFFICER SPEAKS ON MYLAI

HON. BOB WILSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, January 19, 1970

Mr. BOB WILSON. Mr. Speaker, in the wake of the recent Mylai publicity, I would like to share with my House colleagues the following excerpt from the letter of an American officer in Vietnam. This dedicated fighting man says much more than I can about the progress of the war and the adversities faced by our men there.

The excerpt follows:

> The NVA and the VC are hanging on, but they are not in good shape any longer. The prisoners that we are taking now state that many of their comrades are down with malaria, malnutrition, beri-beri, and may types of fungus. They state that morale in the enemy troops is very low and that most soldiers are now convinced that they cannot win. They state that many more would like to defect to our side but they are afraid of being killed if they are caught trying. The whole picture is very optimistic for us. We know that they will hit us in small groups and try to make large propaganda out of it. In fact, unfortunately our stateside newspapers are probably their best propaganda medium at present. The Mylai incident write-ups are being used verbatim in their leaflet drops. Of course our stateside papers gave very little space to the over 3000 civilians including women and children that were killed in Hue last year when the VC came in. In fact we're still uncovering mass graves up there. I surely wish the silent majority would get a little noisier.

TIMBER

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, January 19, 1970

Mr. DINGELL. Mr. Speaker, pursuant to permission granted, I insert into the CONGRESSIONAL RECORD an article entitled "Timber," appearing in the Badger Sportsman published in Chilton, Wis., in December 1969.

I hope my colleagues will read this sincere expression of concern about a very much threatened natural resource and the effect upon our national forests of H.R. 12025 as presently drawn.

The article referred to follows:

TIMBER: LOBBYISTS EYE U.S. FORESTS—ACT MAY START VICIOUS EXPLOIT OF PUBLIC LANDS

(By John Franson)

Almost a quarter of a century ago, fervent conservationists like Gifford Pinchot fought to protect our national forest system from being raided by private interests. Pinchot and a small band of other men finally managed to designate vast portions of lands as "forest reservations".

These eventually became our national forests. Pinchot was a bitter enemy of wholesale clear-cutting and an advocate of what he called "ecological forestry" or possibly what is termed now as selective cutting.

As long ago as this seems, the private lumbering interests looked upon the public lands as a windfall for timber supply. As the years passed, large tracts of private land owned by lumber and paper companies were cut and recut. Privately owned timber supplies were wantonly harvested and exhausted. This is most evident on small woodlots of farms which are now nothing but scrub timber and brush.

Industry has done as it pleased. Northern Wisconsin can testify to this. Once the entire state was slashed and cut. Then, as Aldo Leopold said, "It burned for 30 years".

Due to the foresight of Pinchot and others, the public forest lands have been modestly cut for the most part. Some areas have even been declared off-limits to timbering. The selective cutting of timber on these public lands promised a sustained yield if these practices were continued—and if we did not get greedy.

Some 20 years ago the lumbering interests proposed that the federal government turn the national forests over to the states for cutting. The states promised to return the forests to the federal government for reforestation, after they had had their way with them. Conservationists defeated this effort, but it looks as though they have run the complete circle.

The public is easily confused by the tricky labels placed on certain pieces of obnoxious legislation. One pending in Congress now is called the "National Timber Supply Act." On the surface the act and its proponents seem very reasonable.

They say that a building supply shortage and a drop in lumber prices will require a greater annual harvest of timber. With most of the private holdings stripped, the lumbering interests naturally turn to the national forests.

The timber act would require that the timber harvest in the national forests be increased. Part of the profits from this increased harvest will go to a fund used "only for increasing timber yield." Thus a vicious circle of lumbering on public lands begins.

The additional money from this fund would not necessarily be used for replanting. It could be used for building logging roads through scenic sections of national forests which may now be roadless. Possibly it could even be used for inroads into previously untouched areas. Certainly it would be used for personnel increases in facilitate logging.

Not only does the proposed National Timber Supply Act threaten the public domain, but apparently it is needless legislation. The so-called "short supply" of timber is not necessarily due to a housing emergency or the demand for more lumber. This move could be a confession of poor management by the private land owners, but it is questionable whether or not an increased yield really is necessary.

In this age of technology there are many materials which already replace lumber if we were running short. On the other hand, indications are that we are not short at all. The private lumber industry is now exporting 4 billion board feet of logs and lumber a year. More than enough to meet domestic needs. Even the domestic shortage of which the lumber lobby speaks was only temporary last spring.

The lumber interests also say they need more lumber to make up for a price decrease.

Lumber prices have increased by almost one-half of what they were six months ago. The sharp drop in lumber prices last spring might even suggest that a look should be taken at the lumber inventories of large corporations. These rises and declines in lumber prices hint of a privately administered price and supply situation.

But the Department of Agriculture played right into the hands of the lumber industry—they announced sharp cuts in the price of national forest timber.

Today, the uses of our national forests vary far beyond timber supply alone. Fortunately in most cases, their management allows for intense recreational use by the American public. This, in the long run, may be their best and most cherished purpose—not timber supply.

Gifford Pinchot's idea of ecological forestry was a forest that would not only provide wood products but hold soil as watersheds, support wildlife and provide the necessary uses to man such as scenery, wilderness and the host of recreational activities that are presently enjoyed in the national forests.

Some of the Forest Service's most recent activities are disturbing enough without the

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National Timber Supply Act. Lately the Forest Service seems to have acquiesed to the school of clear cutting—except they don't call it that. There is a new word in the Forest Service for clear cutting. It is called "even aged management"—a very positive sounding phrase for questionable management.

The American public is faced with reversing a trend toward "clear cutting" back to "selective cutting". The clear cutting trend has prospered in the new forestry schools many of which are influenced, promoted and underwritten by the lumbering interests.

The lumber lobby has been working hard in Washington. The House Agriculture and Forestry Committee has already favorably reported on their version of the National Timber Supply Act. The Senate seems inclined to schedule hearings. Some of Wisconsin's biggest paper industries have endorsed it. The public remains unaware of what is taking place.

Between this innocent-sounding act and the lumbering trends—the cries of "Timber!" will soon be echoing in our national forests as they never have since we fought to save them a quarter of a century ago.

OUR EDUCATIONAL SYSTEM IN CRISIS

HON. DON FUQUA

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, January 19, 1970

Mr. FUQUA. Mr. Speaker, recent Court decisions ordering immediate integration to our school systems is playing havoc with our educational system.

Students, without regard to race, creed, or color, are the actual victims of the disruptive situation which faces our school boards.

School officials find themselves at midterm with an insoluble problem of transferring students and faculty from school to school without orderly planning. Courses of study begun under one teacher in one school setting, are to be changed without regard for the harm this will do to the student.

Parents, students, and the general public are justifiably upset.

We have made every effort within the Congress to pass legislation which would alleviate this situation and allow for orderly processes. I have called on the Attorney General to point out that many of our school districts face a crisis that local boards simply are unable to solve. I have pleaded that the Justice Department utilize every means to help our local officials in this regard.

I call upon the courts to recognize that there are differences in the various school districts and that each should be judged on its own merit and not a summary order which does not take into regard the children in our schools.

Regardless of what can be done, education has suffered and will suffer because of the ill-advised actions of the courts.

HOUSE OF REPRESENTATIVES—*Tuesday, January 20, 1970*

The House met at 12 o'clock noon.

The Chaplain, Rev. Edward G. Latch, D.D., offered the following prayer:

Whosoever heareth these sayings of Mine and doeth them, will be like a wise man who built his house upon a rock.—Matthew 7: 24.

Eternal God, who art the refuge of the humble and the strength of the faithful, help us to realize more than ever that the only firm foundation upon which our Nation can build safely is a true faith in Thee and in a real devotion to moral and spiritual values.

May the security of our American way, the survival of our democratic spirit, and the support of our free institutions find inspiration in the assurance of Thy power, Thy wisdom, and Thy love.

Each day may we keep ourselves committed to Thee whose love never falters, whose light never fades, and whose life never fails. Thus may we face this day with courage and faith knowing Thou art with us always and all the way.

In the Master's name we pray. Amen.

THE JOURNAL

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate had passed without amendment a concurrent resolution of the House of the following title:

H. Con. Res. 477. Concurrent resolution providing for a joint session of Congress on Thursday, January 22, 1970.

THE PRESIDENT'S PRIMARY OBJECTION TO THE HEW APPROPRIATION BILL

(Mr. CONABLE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CONABLE. Mr. Speaker, one of the President's primary objections to the HEW appropriations bill is that it contains some $400 million in excess of his budget request for grants to schools in federally impacted areas. The additional funds for this program are highly questionable, as shown by the recent report of the Battelle Institute which was commissioned by Congress to study the impact aid program.

The Battelle study found that the current program overcompensates many districts, allowing them to maintain a higher level of education with less local effort. In many cases these overpayments go to wealthy school districts: for example, some $5.8 million in impact aid went to the richest county in the Nation in 1968, while the 100 poorest counties received only a total of $3.2 million.

The study also noted that impact aid tends to frustrate State policies designed to equalize educational opportunities. Since impact aid payments cannot be taken into account in making State equalization payments, States must use their scarce funds to double pay districts with Federal impact, instead of being able to use those funds where the gap between educational needs and financial resources is the greatest.

Certainly, pouring more money into this program will only create greater inequities for the many school districts in the country in which the need for financial assistance may be just as great or greater, but which do not receive support.

INTERNATIONAL CLERGY WEEK

(Mr. QUILLEN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. QUILLEN. Mr. Speaker, almost 27 years ago the lives of 678 men were snuffed out by a single tragedy—the torpedoed sinking of the troop transport *Dorchester* in the cold waters of the North Atlantic off the coast of Greenland.

Sadly, the ship was only 90 minutes from its destination, but within 27 minutes 678 of the 904 men on board were lost in the iceberg waters of the North Atlantic.

Included among the group on the ship were four chaplains—a priest, a rabbi, and two ministers. They, too, lost their lives, but the manner in which they fell to death was unusual and has an interesting story. Briefly, I would like to share with you some facts of that fateful venture.

These chaplains went down with their ship because they had given their life jackets to soldiers who lost theirs in the confusion or had left them below deck.

Meanwhile, with utter disregard for self and having given their own life jackets away, the chaplains stood hand in hand, praying to God they served for the safety of those men who were leaving the sinking ship in fear and terror.

Appropriately, I feel, the delegates to the Civitan International Convention in Dallas, Tex., on June 27, 1962, adopted a resolution honoring the clergymen by asking the respective States to set aside and program a week each year to be known as International Clergy Week.

In my home State of Tennessee last year, the Governor proclaimed the week of February 3 as Clergy Week.

In view of this action, I feel it is only fitting that this Congress pass a joint resolution calling on President Nixon to proclaim the week of February 3 as International Clergy Week in the United States.

Therefore, Mr. Speaker, I have introduced such a resolution today to accomplish this goal.

FAILURE OF THE NIXON ADMINISTRATION'S ECONOMIC POLICIES

(Mr. ALBERT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

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Mr. ALBERT. Mr. Speaker, the announcement yesterday by the Bureau of Labor Statistics that consumer price increases continue to accelerate in December rising at 0.6 percent to round out the Nation's most inflationary 12 months since the Korean war, demonstrates in dramatic terms the utter failure of the Nixon administration's economic policies. As a result of last month's jump in prices, weekly take-home pay of the Nation's 45 million nonfarm private payroll workers expressed in constant dollars declined for the third month in a row and now stands 1.1 percent below a year ago. The cost of living rose 6.1 percent in 1969. This rise was the largest in 18 years.

At the same time, the evidence is clear that the economy is declining and that we are heading into a recession. We have witnessed a decline in the quarterly growth rate, a decline in durable goods orders, industry production has dropped for the fourth consecutive month, a weakening in consumer confidence reflected in buying plans, a drop in the sale of cars, heavier unsold inventories, a sluggish pace in retail sales, lower profits, a drop in housing starts from 1.9 million annual rate in January to 1.2 million in December, together with a decline in the sale of existing homes. Overall leading indicators are pointing downward.

This administration has by its misguided economic policies achieved a truly remarkable economic paradox: at one and the same time, most unprecedented inflation coupled with an economic downturn.

The vast and influential powers of the Office of the Presidency must be brought to bear against these sharply rising price increases of the concentrated industries and against the excess profits and high interest rates of the big money interests.

FIGHTING INFLATION

(Mr. ANDERSON of Illinois asked and was given permission to address the House for 1 minute.)

Mr. ANDERSON of Illinois. Mr. Speaker, I listened with great interest to the statement just read by the distinguished majority leader. Inflation following the unusual expenditures needed to cover fighting a war is not unprecedented. We had inflation in 1951 following the Korean war. I would simply point out that had the decision been made within the executive branch of the Government promptly in 1965 to call for the taxes needed to pay for the war then, we would not today be paying the price of inflation.

I would also like to point out, Mr. Speaker, with reference to the cost-of-living figures that the gentleman from Oklahoma recited, that is all the more reason why when the vote comes in this Chamber in the next few days on a Labor-HEW appropriations bill which is $1⅓ billion over the budget we should act in a fiscally responsible manner. We ought to have those statistics well in mind.

PRIVATE CALENDAR

The SPEAKER. This is Private Calendar day. The Clerk will call the first individual bill on the Private Calendar.

JOHN VINCENT AMIRAULT

The Clerk called the bill (H.R. 2552) for the relief of John Vincent Amirault.

Mr. HALL. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

AMALIA P. MONTERO

The Clerk called the bill (H.R. 6375) for the relief of Amalia P. Montero.

Mr. ANDERSON of Illinois. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

VISITACION ENRIQUEZ MAYPA

The Clerk called the bill (H.R. 6389) for the relief of Visitacion Enriquez Maypa.

Mr. HALL. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

YAN MING CHINN (GON MING LOO)

The Clerk called the bill (S. 1438) for the relief of Yau Ming Chinn (Gon Ming Loo).

Mr. GROSS. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Iowa?

There was no objection.

MRS. RUTH BRUNNER

The Clerk called the bill (H.R. 9488) for the relief of Mrs. Ruth Brunner.

There being no objection, the Clerk read the bill as follows:

H.R. 9488

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, notwithstanding the limitations of section 3010 of title 38 of the United States Code or of any other statute of limitations that the widow's death benefits payable to Ruth Brunner, of Atlanta, Georgia, shall be held and considered payable from November 1959, when she first sought to apply for such benefits by reason of the naval service of her deceased husband, Harry Brunner.

With the following committee amendment:

Page 1, lines 5, 6, 7, 8, and 9, strike "that the widow's death benefits payable to Ruth Brunner, of Atlanta, Georgia, shall be held and considered payable from November 1959, when she first sought to apply for such benefits by reason of the naval service of her deceased husband Harry Brunner." and insert ", the claim filed in 1959 by Ruth Brunner as the widow of Harry Brunner, also known as Henry Bruner (XC 857314), shall be held and considered to be a valid and timely claim for such benefits and shall be considered and, if found meritorious, paid in accordance with otherwise applicable law."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

FAVORING THE SUSPENSION OF DEPORTATION OF CERTAIN ALIENS

The Clerk called the Senate concurrent resolution (S. Con. Res. 33) favoring the suspension of deportation of certain aliens.

Mr. ANDERSON of Illinois. Mr. Speaker, I ask unanimous consent that this concurrent resolution be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

MRS. SABINA RIGGI FARINA

The Clerk called the bill (H.R. 3629) for the relief of Mrs. Sabina Riggi Farina.

Mr. HALL. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

PLACIDO VITERBO

The Clerk called the bill (H.R. 3955) for the relief of Placido Viterbo.

Mr. HALL. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

ROSE MINUTILLO

The Clerk called the bill (H.R. 12089) for the relief of Rose Minutillo.

Mr. GROSS. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Iowa?

There was no objection.

MRS. MARJORIE ZUCK

The Clerk called the bill (S. 476) for the relief of Mrs. Majorie Zuck.

There being no objection, the Clerk read the bill as follows:

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S. 476

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for purposes of determining the entitlement of Mrs. Marjorie Zuck, Rural Route 1, Watson, Missouri, to benefits under title II of the Social Security Act for the months after October 1965, on the basis of the wages and self-employment income of Emery Zuck (social security account numbered (487-42-7467)) if the said Mrs. Marjorie Zuck files application for such benefits within six months after the date of the enactment of this Act, the marriage entered into by the said Mrs. Marjorie Zuck and Emery Zuck on November 26, 1921, shall be held and considered to have been a valid marriage.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

JACK BROWN

The Clerk called the bill (H.R. 1697) for the relief of Jack Brown.

There being no objection, the Clerk read the bill as follows:

H.R. 1697

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Jack Brown, former superintendent and special disbursing agent of the Sequoyah Orphan Training School of Tahlequah, Oklahoma, the sum of $751.50 in full settlement of all his claims against the United States for the amount he paid to the United States on January 12, 1939, after he was notified by the General Accounting Office that his purchase for the United States of a water pipeline right-of-way from the city of Tahlequah, Oklahoma, was not authorized. The United States has used that right-of-way since he made the purchase in 1933.

SEC 2. No part of the amount appropriated in the first section of this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this section shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

With the following committee amendment:

Page 2, line 5, strike "in excess of 10 per centum thereof".

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

JANIS ZALCMANIS, GERTRUDE JANSONS, LORENA JANSONS MURPHY, AND ASJA JANSONS LIDERS

The Clerk called the bill (H.R. 3530) for the relief of Janis Zalcmanis, Gertrude Jansons, Lorena Jansons Murphy, and Asja Jansons Liders.

Mr. DUNCAN. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The **SPEAKER.** Is there objection to the request of the gentleman from Tennessee?

There was no objection.

DR. EMIL BRUNO

The Clerk called the bill (H.R. 4105) for the relief of Dr. Emil Bruno.

Mr. HALL. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

Mr. EDMONDSON. Mr. Speaker, I object.

The **SPEAKER.** Objection is heard.

Mr. GROSS and Mr. HALL objected, and under the rule, the bill was recommitted to the Committee on the Judiciary.

QUITCLAIMS TO QUIET TITLE, ARIZONA

The Clerk called the bill (H.R. 7161) for the relief of Leonard N. Rogers, John P. Corcoran, Mrs. Charles W. (Ethel J.) Pensinger, Marion M. Lee, and Arthur N. Lee.

There being no objection, the Clerk read the bill as follows:

H.R. 7161

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in order to quiet title in certain real property in Apache National Forest, Arizona, held and claimed by the following named persons under a chain of title dating from December 4, 1903, the Secretary of Agriculture is authorized and directed to convey by quitclaim deed to such persons all right, title, and interest of the United States in and to certain real property situated in section 5, township 6 north, range 30 east, Gila and Salt River base and meridian, as follows:

(1) To Leonard N. Rogers all right, title, and interest of the United States in and to the real property more particularly described as the west half northwest quarter southwest quarter.

(2) To John P. Corcoran all right, title, and interest of the United States in and to the real property more particularly described as the east half northwest quarter southwest quarter.

(3) To Mrs. Charles W. (Ethel J.) Pensinger all right, title, and interest of the United States in and to the real property more particularly described as the southwest quarter southwest quarter.

(4) To Marion M. Lee and Arthur N. Lee all right, title, and interest of the United States in and to the real property more particularly described as the southwest quarter of the northwest quarter.

SEC. 2. The conveyance authorized by the first section of this Act shall be made by the Secretary of Agriculture without consideration, but the persons to whom the conveyances are made shall bear any expenses incident to the preparation of the legal documents necesary or appropriate to carry out the first section of this Act.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

Mr. EDMONDSON. Mr. Speaker, I ask unanimous consent that the further call of the Private Calendar be dispensed with.

The **SPEAKER.** Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

The **SPEAKER.** This concludes the call of the Private Calendar.

AUTHORIZING PAYMENT OF COMPENSATION FOR CERTAIN COMMITTEE EMPLOYEES

Mr. FRIEDEL. Mr. Speaker, by direction of the Committee on House Administration, I submit a privileged report (Rept. No. 91-794) on the resolution (H. Res. 764) authorizing payment of compensation for certain committee employees, and ask for immediate consideration of the resolution.

The Clerk read the resolution, as follows:

H. RES. 764

Resolved, That there shall be paid out of the contingent fund of the House of Representatives such sums as may be necessary to pay the compensation for services performed during the period beginning January 3, 1970, and ending at the close of February 28, 1970, by each person (1) who, on January 2, 1970, was employed by a standing committee or any select committee of the Ninety-first Congress and whose salary was paid under authority of a House resolution adopted during the Ninety-first Congress, and (2) who is certified by the chairman of the appropriate committee as performing such services for such committee during such period. Such compensation shall be paid such person at a rate not to exceed the rate he was receiving on January 2, 1970.

With the following committee amendment:

On page 1, beginning on line 9, immediately following the word "Ninety-first" delete the word "Congress," and insert in lieu thereof the following: "Congress, or who was appointed after January 2, 1970 to fill an existing vacancy or a vacancy occurring subsequent to January 2, 1970.

Mr. HALL. Mr. Speaker, will the gentleman yield?

Mr. FRIEDEL. I shall be very happy to yield to the gentleman from Missouri.

Mr. HALL. Mr. Speaker, I would hope that the distinguished gentleman from Maryland, chairman of the Committee on House Administration, would explain the basic necessity for House Resolution 764.

Mr. FRIEDEL. Mr. Speaker, if the gentleman will yield, I shall be happy to do so.

Mr. HALL. Probably during the course of his explanation he may answer some of the questions I have in mind in his usual complete explanation and, if not, I would have, maybe, two or three questions if the gentleman will yield further.

Mr. FRIEDEL. Yes; I shall be glad to explain the resolution, and yield for any additional questions the gentleman may have.

This is a continuing resolution for the standing and select committees of the House of Representatives. It authorizes necessary funds to meet the payrolls of the investigative staffs of committees during January and February 1970, should such funds be needed. Several committees have exhausted their operating funds and it will be possibly late February before additional funds can be authorized. No new personnel could be paid from funds authorized by House

Resolution 764; however, in case there is a vacancy, it could be filled. In order to be certain all personnel will be paid on time we have to pass this resoution, because there are quite a few committees which are now low on operating funds. This will give our Accounts Subcommittee and the full House Administration Committee greater opportunity to thoroughly scrutinize each committee budget when the various committees appear for 1970 operating funds.

Mr. HALL. Mr. Speaker, if the gentleman will yield further, I appreciate the explanation made by the gentleman from Maryland, and from what the gentleman has said I can determine that this is a continuing resolution at the same basis as passed by the House last year until such time as the various committees can come forward and ask for new funds for the necessary funding for their committee hire, or professional staff hiring, and be passed upon in separate actions by this House.

The question then arises, Mr. Speaker——

Mr. FRIEDEL. Mr. Speaker, if the gentleman will pardon me, these funds apply only to the salaries of the investigative staffs of committees, and not to the regular staffs as authorized each committee under the Reorganization Act of 1946 and reflected in the rules of the House.

Mr. HALL. I thank the gentleman, Mr. Speaker, and I presume then that it is the determination of the Committee on House Administration that this might take the full 2 months, from January 2 until February 28, or the end of the second month of this second session; is that correct?

Mr. FRIEDEL. That is correct. In other words, this additional time will permit more careful deliberation on the budgets of each of the committees that come in and ask for funds for 1970. That is why the resolution goes to February 28, so as to give us time to go into these matters in depth.

Mr. HALL. Mr. Speaker, I commend the committee, and I certainly commend them for further and more careful deliberations about each one of these committee requests, as sometimes they do seem excessive to the contingency fund. But as far as item 2 is concerned, I think I now understand the first numbered clause, that is those who on January 2 were employed by the standing committees or select committees, I think I understand that.

But is the Committee on House Administration not concerned lest the prerogatives of the individual chairmen of the appropriate committees as to certification be excessive? In other words, would it not be possible, since we did not reconvene for the second session until the 19th of January, for any committee chairman to certify a new employee between the 2d of January and the 19th of January under clause 2 herein, regardless of action of the rest of the committee, regardless of the House rules; is this not unduly lax in the opinion of the distinguished gentleman from Maryland?

Mr. FRIEDEL. I would state to the gentleman from Missouri that the answer is "No." The resolution specifies that no new personnel may be added after January 2, 1970, under this authorization. This is the form of the other resolutions that we have passed in previous years.

Mr. HALL. Mr. Speaker, I would further ask the gentleman from Maryland if this is a customary procedure at the beginning of the second session of a Congress, or is this a new departure?

Mr. FRIEDEL. This has been done on previous occasions at the beginning of a Congress. Because of 1-year budgets and 1-year funding of committees, some error in calculating expenditures may be expected. This is actually a tribute to close funding of committees as there would be no need for this resolution if committees had surplus funds.

Mr. HALL. Finally, Mr. Speaker, is it the opinion of the gentleman from Maryland, the chairman of the Committee on House Administration, that numbered clause 2 does not embrace the appointment of new members to the committees, either standing or select, of the House during that period of time?

Mr. FRIEDEL. Mr. Speaker, I am not quite sure that I follow the question asked by the gentleman from Missouri.

Mr. HALL. New staff members?

Mr. FRIEDEL. New staff members?

Mr. HALL. Yes.

Mr. FRIEDEL. No, clause 1 states, in effect, that in order to be paid from funds authorized by this resolution an employee must have been on the payroll on January 2, 1970, except in the case of filling a vacancy. This precludes employing new personnel just to benefit from this additional authorization established by House Resolution 764. Clause 2 merely provides that an employee who is paid under the provisions of House Resolution 764 must have his chairman's certification that he actually worked during the period involved.

Mr. HALL. Mr. Speaker, I thank the gentleman for his explanation, and as I understand, then, this is the language that has always been used, but I must point out to the Members that it seems inconsistent to me that under numbered clause 2 there could be a new professional staff member appointed by the chairman of any appropriate committee to perform such services in this interim as might be desired, and then that his compensation would be paid at the rate not to exceed that which he was receiving on January 2, 1970. To me this would preclude the new appointment by any of the chairmen, and I want to make this legislative record.

Mr. FRIEDEL. The employee cannot be paid higher than he was paid last year, and new employees can be added only in the case of a vacany on the committee staff and this will give the authority to fill the vacancy at the last year's salary for that vacancy.

Mr. HALL. Mr. Speaker, I thank the gentleman for his explanation, and I appreciate the gentleman from Maryland yielding to me.

The committee amendment was agreed to.

The resolution was agreed to.

A motion to reconsider was laid on the table.

LEGISLATIVE SCHEDULE FOR THE DISTRICT OF COLUMBIA COMMITTEE

(Mr. ADAMS asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. ADAMS. Mr. Speaker, I read with dismay last night of the proposed legislative schedule for the District of Columbia Committee as stated by Chairman McMillan. I found the article in the Evening Star very disturbing.

We have had pending in committee since October 2, 1969, Senate bill 2163 to establish a nonvoting delegate for the District of Columbia. We have had pending since October 2, 1969, Senate bill 2164, the combined Charter Commission and Little Hoover Commission bill. We have had pending since September 23, 1969, the Nixon administration's bill to reorganize the courts. All these bills were sent to the House by the President on May 13, 1969.

None of us on the committee have had a chance to have hearings on these bills except for hearings held in subcommittee on the court reorganization bill. The committee has not been informed of the findings. Neither have we been informed if other hearings will be held on the other bills.

Congressman Diggs has requested action on certain of these bills since June 13. Congressman Fraser has requested action on these bills since June 24. I have both written letters to the chairman and openly asked Congressman Dowdy, in a regular meeting of the District of Columbia Committee to bring these bills up for hearings and action so they could be sent to the President for his signature.

These bills were recommended to the Congress by the Nixon Administration and have received bipartisan sponsorship and support by a majority of the District of Columbia Committee.

I want to know when we are going to vote on these three bills. I am prepared to vote for the three bills today in the form presented to the committee by the Senate.

I am asking the House leadership to meet with the leaders of this committee and move these bills. I am also requesting that action be taken on these bills by the regular March meeting of the District of Columbia Committee. This gives 45 days for hearings and appropriate action on these bills.

SCHOOL FRUSTRATION

(Mr. NICHOLS asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. NICHOLS. Mr. Speaker, the people of Alabama are extremely bitter about the confusion that reigns in our public school system because of recent Supreme Court decisions. These decisions have been made without regard for the students or the educational opportunities which schools are supposed to provide. One of the best descriptions of the frustration which school officials, teachers, parents, and students feel was con-

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tained in an article written by David Lawrence recently. This article was printed in the Birmingham News, as follows:

SCHOOL FRUSTRATION

(By David Lawrence)

WASHINGTON.—Probably few people realize the feeling of helplessness and frustration that pervades the public school systems in the South today, particularly among the teachers. A woman who has been for 14 years a teacher in Atlanta, Ga., has written a letter to President Nixon to tell him what is really happening to education because of the failure of the courts to give adequate time for the adjustments necessary to deal with racial desegregation in the public schools.

The teacher points out that Atlanta has made every effort to meet each requirement by the federal government, and the school system at large has adopted the 58 per cent white to 42 per cent Negro ratio required for the faculty. But it appears this isn't enough, as the federal court now is ordering that the faculty of each individual school must be integrated to that percentage and, as the Atlanta teacher writes, "worst of all, in the middle of a school year." She adds:

COMPLETE HAVOC

"Mr. Nixon, how can anyone fail to see what complete havoc will result from the transferral of approximately 1,700 teachers from one school to another in midyear? Any teacher can tell you what emotional turmoil this will create in the classrooms of Atlanta for both teachers and students alike. It surely would not take a teacher to understand the delay in the learning situation itself which would, of necessity, result from a change of this type.

"Any educator can tell you that a teacher spends much time and effort building up a good 'class climate' and an inter-relationship with his or her students which is conducive to good learning. This is not to mention the obvious fact that it takes time for a teacher to achieve a knowledge of the learning differences, both abilities and difficulties, of each of the children in the class. This is true not only with an elementary teacher with her average of 35 pupils, but more especially with a high-school teacher with a daily load of perhaps 150 different students.

"I mention this to try to bring out the point that if it is quality education—the type of situation that is best for each child in a school system—that the federal government is concerned about and is making an effort to achieve, then there needs to be some re-thinking done, because such a step as this cannot fail to bring about the opposite result."

The teacher not only speaks of the disastrous effects of the changes taking place in the middle of the school year, but emphasizes also the inconveniences to the teachers of both races in finding it necessary to travel considerable distances twice each day to go to a school far from their own neighborhoods. This, she declares, has "built up a resentment which is unequal to any we have yet felt."

There are some points which the Atlanta teacher didn't mention. Is the federal government, for instance, taking over the running of the public schools of the country? Originally the states were suppose to manage and operate the educational system. If fundamental changes are to be made, certainly ample time for readjustments would seem to be logical. But the courts also have stepped in and even fixed dates on which specific steps must be taken. Never has the judiciary so arbitrarily interfered with the operations of the educational system as it has in the last few months.

BITTERNESS DEEP

The bitterness in the South is deep, not because of desegregation but because of the unfair tactics being used to accomplish it. Most of all, the people resent the fact that schools in other parts of the country are permitted to have segregation—in suburban areas as well as in the cities—and nothing is being done to apply the same rules outside the South that are being imposed in the South.

THE LATE MRS. LOTTE SCHARFMAN

(Mr. BURKE of Massachusetts asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. BURKE of Massachusetts. Mr. Speaker, it was my sad fortune to learn of the untimely death of Mrs. Lotte Scharfman, president of the League of Women Voters in Massachusetts, who passed away suddenly on Tuesday, January 14.

The State of Massachusetts has suffered a great loss with her passing, as Mrs. Scharfman was a most dedicated person, who devoted a numerous amount of time and energy to the league's activities.

A most articulate spokesman, she served her post well, displaying perceptive insight and vast knowledge of the issues facing the Nation and the Commonwealth of Massachusetts.

Mrs. Scharfman, a rare and devoted woman, was held in high esteem by those who's life she touched, and to her family go my deepest sympathy at their great and untimely loss.

At this time I submit the following articles concerning Mrs. Scharfman, which appeared in the Boston Globe and the Boston Herald Traveler:

[From the Boston (Mass.) Herald Traveler, Jan. 15, 1970]

LEAGUE OF WOMEN VOTERS PRESIDENT: MRS. SCHARFMAN DEAD AT 42

Mrs. Lotte Scharfman, president of the Massachusetts League of Women Voters since May, died unexpectedly Tuesday night. Mrs. Scharfman, who would have been 42 yesterday, was taken to Mount Auburn Hospital, Cambridge, after being stricken at her home.

Services will be at 11 a.m. today at Temple Emunah on Piper road, Lexington.

Her death came one week after she had presided at a meeting of league members from throughout the state to acquaint them with proposed legislation. The league is engaged in a drive to cut the size of the House from 240 to 160 members.

On Monday night, the day before she died, Mrs. Scharfman debated the cut in the Legislature with House Speaker David M. Bartley on a Worcester television station.

She had pressed the campaign to have the question placed on the ballot in accordance with her belief that the people had the right to decide the issue.

One of her colleagues said Mrs. Scharfman "knew where every vote was" on the proposal, which has been passed by the Legislature once and will go on the ballot as a referendum if it is passed again this year.

Her friends in the 13,000-member league also knew Mrs. Scharfman as a woman typical of a citizen alert to her duties in a democracy. This stemmed in part from her experiences as a girl in Vienna, Austria, where she was born. She was 10 years old when she had to flee with her family in 1938 to escape the Nazis.

Of this experience, she said: "Perhaps that is why democracy is more important to me. I know what can happen if citizens cease to be diligent."

This quality in Mrs. Scharfman was recognized yesterday by House Speaker Bartley, who said, "She was a dedicated and diligent person, and the league and the commonwealth are poorer for her passing.

As Lotte Eichenwald, she entered Mt. Holyoke College, in 1944 at the age of 16, six years after a relative provided her family with visas to come to New York from England.

She had intended to become a doctor like her late father, Dr. Paul Eichenwald, who was a surgeon.

These plans changed, however, after she met Howard Scharfman while the two were serving as counselors at a summer camp in Western Massachusetts.

They were married in 1949, a year after Mrs. Scharfman had graduated from Mt. Holyoke. She earned her master's degree in social work at the University of Washington.

She mentioned her husband, who is an engineer for the Raytheon Co., after becoming the new president of the league.

"This may sound corny," she said, "but Howie doesn't mind me being involved with league work. He feels I am his social conscience. He's terrifically involved with his job and doesn't have time to get involved himself."

Mrs. Scharfman made it clear, however, that her principal concerns in life "are my family and the league . . . in that order."

She joined the League, she said, when her son Paul was 15 months old, "mainly because I was desperate for some adult conversation that didn't involve the croup or the latest virus."

Besides her husband and her son, Paul, she leaves a son, Danie, and a daughter, Helen; her mother, Mrs. Rosa Klausner of Scarsdale, N.Y., and a sister, Mrs. Mazda Nemlich of Scarsdale.

In a tribute, Senate President Maurice A. Donahue (D-Holyoke), said: "I was sorry to hear of the sudden death of Mrs. Scharfman. She was a very articulate spokesman for the league, whose devotion to her organization's activities, high intelligence and obvious leadership qualities won her the respect of all who knew her.

"I express my sincere condolences to her family on their great loss."

House Speaker Bartley, in his statement, said:

"It was with a deep sense of shock that I learned of the death of Mrs. Scharfman."

Mentioning their televised debate Monday night, he said it concerned "perhaps the only major issue and substantive issue over which the league and I disagreed."

[From the Boston (Mass.) Globe, Jan. 15, 1970]

MRS. LOTTE SCHARFMAN: A "SOCIAL CONSCIENCE" DIES

When Lottie Scharfman was 10 years old she and her family fled the Nazis in her native Austria and, after a brief stay in England, came to the United States.

It was an experience she never forgot.

"Perhaps that is why democracy is more important to me," she once said. "I know what can happen if citizens cease to be diligent."

Her sense of civic involvement led her to join the League of Women Voters in 1955, and her dedication and leadership caused her fellow members to elect her president of the Massachusetts League last year.

Her sudden death yesterday at her home in Lexington on her 42d birthday shocked her friends and associates and prompted them to recall her dedication to both her family and the league.

She became seriously ill late Tuesday, a

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family spokesman said, and died after midnight. The exact cause of death has not been determined.

"She taxed her strength and pushed herself," the first vice president, Mrs. Norman R. Jacobsen, of Arlington, said. "She was committed to the league—but to her husband and family first."

Mrs. Jacobsen will serve out the rest of Mrs. Scharfman's term as president, which will expire in May of next year.

Mrs. Scharfman was born in Vienna, a daughter of a surgeon, the late Dr. Paul Eichenwald. She left Austria with her parents and sister in 1938. A red haired and hazel eyed woman with a sense of humor, she discussed her experiences as a refugee freely and without bitterness, friends said.

"She spoke lovingly of her mother and the strength she showed then," Mrs. Jacobsen said, "and she was grateful that she could come to this country and live out her life here."

Mrs. Scharfman's mother, now Mrs. Rosa E. Klausner, lives in Scarsdale, N.Y., and is an active League member. A sister Mazda also lives in Scarsdale.

In 1944, Mrs. Scharfman, then Lotte Eichenwald, enrolled at Mount Holyoke College at the age of 16. While working at a summer camp in western Massachusetts between her junior and senior years, she met Howard Scharfman, a fellow councilor.

Scharfman, now a Raytheon Co. executive, had just been discharged from the Army and was working on his master's degree at Northwestern University in Chicago.

They were married in 1949, the year after she graduated from Mount Holyoke, and moved to Seattle, where Dr. Scharfman got a job with Boeing Aircraft and his wife a master's degree in social work at the University of Washington.

Later, they moved to Baltimore, where she did social work and he studied for his doctorate at Johns Hopkins University. In 1955 the Scharfmans moved to 23 Whipple rd., Lexington, and Mrs. Scharfman joined the League.

"This may sound corny," she once told an interviewer, "but Howie doesn't mind my being involved with League work. He feels I'm his social conscience. He's terrifically involved with his job and doesn't have time to get involved himself."

The Scharfmans have three children—Paul, 16, Daniel, 11, and Helen, 9, "My main concerns in life are my family and the league—in that order," she said.

The League is now campaigning to reduce the size of the Massachusetts House from 240 members to 160, and Mrs. Scharfman threw herself into the campaign with characteristic enthusiasm.

Although she had not been feeling well for several days, she left her home Monday to go to Worcester to debate the House cut issue on television with Speaker David Bartley.

"I shouldn't have done it," she told a reporter the next day. "It took all my strength."

Bartley expressed shock at Mrs. Scharfman's death yesterday. He said it was ironic that the debate had been over the House cut, "perhaps the only major and substantive issue over which the League and I disagreed."

Bartley said she "was a dedicated and diligent person, and the League and the Commonwealth of Massachusetts are poorer for her passing."

Senate Pres. Maurice A. Donahue joined Bartley in praising Mrs. Scharfman's devotion to the League and extending sympathy to her family.

A meeting at the League's state headquarters was held as scheduled yesterday "because Lotte would have wanted it that way."

Tributes from public officials and League officers came to the office in a steady stream but were perhaps all summed up by the second vice president, Mrs. Richard Wills.

"Among leaders," she said, "she was a leader."

Services will be held today at 11 a.m. in Temple Emunah, Lexington. Rabbi Herbert Rosenblum will officiate. Burial will be in Westview Cemetery.

[From the Boston (Mass.) Globe, Jan. 15, 1970]

LOTTE SCHARFMAN

She was a rare and special person, one of those few women who can reconcile intelligence and wit with a feminine gaiety that lightened the lives of those around her. She was a lady.

Mrs. Howard Scharfman of Lexington, president of the League of Women Voters of Massachusetts, sound formidable, and she was. She was also "Lotte" to all kinds and conditions of men and women who fought with and for her politically, and unanimously respected her honesty and dedication.

In a time when words like involvement, commitment and concern are rather lightly tossed about, Lotte Scharfman represented the real thing.

She was smarter than most of the people she talked with, but she never made them conscious of it. She was utterly fair and so honest as to care deeply about the precise meaning of her words.

At the time of her death yesterday morning, she was approaching the critical struggle of the League's long fight to reduce the size of the House of Representatives. She said she thought the League was going to win, and you knew she meant it, because she always meant it. She was a politician in the best sense of the word, and her word was good.

Speaker David M. Bartley, her constant adversary in this fight, said of her, "She was a dedicated and diligent person and the League and Massachusetts are poorer." Another one of her opponents on the issue said it shorter, and, perhaps, better: "She was a great gal."

NATION'S SCHOOL FINANCIAL CRISIS

(Mr. MADDEN asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. MADDEN. Mr. Speaker, I think it is a great interest to the Members of Congress, both of the House and particularly our colleagues in the other body who are this afternoon voting on the education appropriation bill for the coming year to know that there are a number of school strikes over the Nation caused by the deplorable lack of funds to educate the multimillions of American children of school age.

Today is the 10th day of a school strike existing in the city of Gary, Ind. Approximately 48,500 students have been deprived of any educational training since January 10. In a telephone conversation a few minutes ago with Gordon McAndrew, superintendent of the school system of Gary, he informed me that several meetings have taken place between the school officials and the various unions demanding increased wages for the Gary schoolteachers. No decision is looked for in the immediate future.

Gary, Ind., is one of hundreds of cities, especially in large urban areas that lack funds to properly carry on American education facilities by reason of inflation, high cost of living, and a general breakdown of public school finances over the country. No doubt, unless something is done by the Federal Government to help finance this Federal crisis especially in metropolitan areas, the year 1970 might bring about a breakdown of our educational system in many localities throughout America.

I have received many telegrams from Indiana asking that everything be done to persuade the executive department to cooperate with Congress in providing funds for American schoolchildren. I wish to hereby read telegrams I received today from Mayor Richard Gordon Hatcher, of Gary, Ind., and Gordon McAndrew, superintendent of schools, asking Federal aid in settling this strike and also money to help the exploding population of our industrial community educate the children in the crowded school rooms of the Indiana-Calumet region.

Mr. Speaker, I include two telegrams I received this morning on the Gary school crisis:

GARY, IND.,
January 20, 1970.

Hon. RAY MADDEN,
Washington, D.C.:

We have today sent the following telegram to Secretary of Health, Education, and Welfare Robert Finch:

"The strike of public school teachers in Gary is the result of a financial crisis. It is added unhappy proof that this Nation does not have the monetary resources to put $80 billion a year into arms and war and at the same time educate our children. Gary's situation is duplicated in many other cities and for the same reasons. We urge you to impress upon the President that national priorities must be reversed. The billions currently spent on war must be channeled into education, housing, welfare, and other constructive purposes. Until that happens local funds are not sufficient to meet our needs therefore we request that you allocate emergency funds to Gary, so we can meet the wage demands of our teachers which negotiators have already agreed are justified. May we ask your support in this action."

GORDON MCANDREW,
Superintendent of Schools.
RICHARD G. HATCHER,
Mayor.

BLOOMINGTON, IND.,
January 15, 1970.

Hon. RAY J. MADDEN,
House Office Building,
Washington, D.C.:

Priority for education in United States should be established now. If called upon urge your vote for veto override on H.R. 13111.

RAYMOND S. BUTLER,
Executive Secretary, Indiana Conference of Higher Education, Indiana University.

MIDDLE EAST POLICY

(Mr. FISH asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. FISH. Mr. Speaker, I am most pleased to join with many of my colleagues who are concerned with the change in our foreign policy with regard to the Middle East and particularly with our position vis-a-vis Israel and the face-to-face negotiations between Israel and her Arab neighbors. Many of us believe face-to-face negotiations is the only way lasting peace will come to this area of the world.

With the announcement this past

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weekend of continued hostilities, air attacks, commando raids, and artillery shelling, it is most timely that a resolution clarifying American policy was introduced January 19, the first day of this session of Congress.

It is a simple resolution that very clearly says:

> The House of Representatives affirms the long standing United States policy calling for direct face-to-face negotiations between the government of the nations involved.

This is consistent with the 1969 declaration by a majority of both Houses of Congress:

> The United States should oppose all pressures upon Israel to withdraw prematurely and unconditionally from any of the territories which Israel now administers.

In addition, I am writing a letter to Secretary Rogers expressing my concern over our apparent change in policy.

For the information of my colleagues I insert in the RECORD a copy of my December 17, 1969, letter to Secretary Rogers:

DECEMBER 17, 1969.

Hon. WILLIAM P. ROGERS,
Secretary of State,
Washington, D.C.

DEAR MR. SECRETARY: There are aspects of the premature American evacuation of the U.S. Air Force Wheelus Base in Libya that have aroused my concern.

As you know, Mr. Secretary, the recent leftist coup in Libya represented the seizure of power by a clique friendly to the Soviet Union and antagonistic to the United States. It is my understanding that the United States had a contractual agreement to use the Wheelus Base until the end of 1971. Yet two years ahead of schedule the new leftist Libyan regime is arbitrarily kicking us out.

Mr. Secretary, I think it should be clarified if the Executive Department intends to inform the Congress and to consult with us on the steps taken to assure that strategic installations and equipment are not abandoned for possible Soviet use at Wheelus. Have such steps been taken? If so, I respectfully request to know in specific the provisions for removal of radar facilities, workshops, meteorological installations, defense systems, and anything else that might be of use to the Soviet Union.

Since Soviet units, naval and air, have used bases in Egypt, Syria, Yemen, and Algeria, it is reasonable to assume that Russian military forces will have access to Wheelus. As you know, the defense funds of the United States are restricted by economy needs. The Wheelus facilities cost us hundreds of millions. Since Libya is prematurely cancelling its contractual obligations, I am sure you agree that we should not abandon anything of value for leftist military use.

I am sure you are aware that Wheelus was the most important training facility for our Air Force outside the United States. It was important for our NATO squadrons and a key factor in the defense of free world interests in the Mediterranean. We may not be able to retain a presence at Wheelus. But at least we should not present the Libyan leftists with a "give-away" worth hundreds of millions.

Indeed, Mr. Secretary, I would like to be able to inform constituents who served at Wheelus—and have raised questions—on whether we are not in our rights to destroy, if necessary by demolition, such facilities built by us that could be used by the Russians or leftist military forces. My constituents are thinking of the jeopardy created for the United States Sixth Fleet which remains exposed in the Mediterranean, already harassed and shadowed by Soviet naval and air units based in Arab states.

I would deeply appreciate an unclassified answer because I feel that my constituents are entitled to know how the government disposes of military installations financed by their taxes—especially in a situation involving our security and national self-respect.

With assurances of highest personal regards,

Sincerely,

HAMILTON FISH, Jr.,
Member of Congress.

I believe we in Congress, the representatives of the American people, and, yes, of the Israelis whom we have supported in the past, deserve a full and complete and immediate explanation of our apparent change in policy and our handling of the Wheelus Air Force Base affair.

I would respectfully suggest that a full-scale open public inquiry into these matters be conducted by the House Foreign Affairs Committee at the earliest possible moment.

FUNDS FOR COMBATING CRIME

(Mr. McCLORY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. McCLORY. Mr. Speaker, I welcome the announcement by Attorney General Mitchell yesterday of the distribution by the Law Enforcement Assistance Administration of Federal funds to State and local governments for planning and action programs to combat crime. The Justice Department is to be commended for its prompt work in translating the fiscal year 1970 appropriation for the Law Enforcement Assistance Administration into meaningful grants with which the States and localities can deal. I am especially pleased with the sevenfold increase in funds for planning and action grants over those awarded in fiscal year 1969. My own State of Illinois will this year receive in excess of $10 million in law enforcement assistance.

Mr. Speaker, the fiscal year 1970 appropriation of $268 million for the LEAA, is a great deal of money. It is especially a great deal of money for government to spend during a period of serious inflation. However, it is undeniable that the problem of crime in America demands solution. As Attorney General Mitchell himself stated in an address to the Republican Governors' Association in December:

> Something has gone terribly wrong in America, particularly in the criminal justice system—the police, the courts, and corrections. Police do not prevent enough crime . . . courts are so clogged . . . that felony defendants frequently are not brought to trial until a year or two after arrest. Corrections is failing in its great task of protecting society while rehabilitating offenders.

Criminal justice is a huge operation in America. There are, after all, 50 States, some 18,000 cities and 3,000 counties in this country, all with a stake in crime prevention. If the Federal Government is to provide help, funds must be authorized and appropriated promptly by the Congress, distributed promptly to the States and utilized wisely at the local level. As a member of the Committee on the Judiciary, I expect to be working early this year on a new authorization for the Law Enforcement Assistance Administration that will add greatly to the funds available for that agency. I am certain that the Committee on the Judiciary understands the urgent need, and I am equally certain that the Members of this House share the committee's concern and understanding.

Mr. Speaker, the money which was appropriated for LEAA in the past has been well spent. All 50 States have developed comprehensive law enforcement improvement plans and each is using its share for the kinds of projects it finds particularly necessary. Illinois, for example, is using some of its 1969 grant to develop new programs to control organized crime and for public education programs concerning narcotics. Other States are strengthening their prosecutors' offices, improving police training and selection, training juvenile court staffs, and creating new police communications systems.

Encouraged by the Federal entry into the field of law enforcement, my State of Illinois is making expenditures for criminal justice far beyond that necessary to meet its commitment to the LEAA. A total of $7.5 million was appropriated by the State for fiscal year 1970 for use in criminal justice improvement. According to a statement of John F. X. Irving, executive director of the Illinois Law Enforcement Commission, $5 million out of the total of $7.5 million, is being allocated for the following seven major programs, which will be funded exclusively with State funds:

First, training opportunities for criminal justice personnel including police, probation and parole officers, institutional staff, school guidance counselors and others who work in the system;

Second, creation of a 4-year College of Police Science, Law Enforcement, and Corrections;

Third, expansion throughout the State of the embryonic law enforcement agencies data system into a total automated criminal justice information exchange system;

Fourth, a crime statistics center for data gathering;

Fifth, creation of five satellite crime laboratories—the State now has two—plus 10 crime scene units and five polygraph operators, thereby making the most scientific techniques for analyzing evidence and crime scene coverage readily available to all law enforcement agencies;

Sixth, installation of emergency radio units in most patrol cars; and

Seventh, development of intensive local police-community relations programs.

Mr. Speaker, the announcement by the Attorney General yesterday of the fiscal year 1970 grants to the States makes mention also of the research and development arms of LEAA, the National Institute of Law Enforcement and Crim-

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inal Justice. As the author of the amendment in the House to establish the Institute, it was my expectation that through grants, studies, research, and the collection and dissemination of information, the Institute would serve as the focal point for advancing modern techniques for combatting crime. I am pleased so far with the progress of the Institute and, although funds for its support have been somewhat limited, I am hopeful that in the coming year we will recognize the need for greater support for the research and development aspects of the attack on crime.

The Institute's research program for fiscal year 1970 encompasses, among others, the following areas of inquiry: First, new equipment and improved communications for police forces; second, development of automated identification procedures and voice print identification; third, studies of organized criminal activity; and, fourth, what has traditionally been called "white collar crime."

Mr. Speaker, again I congratulate the Justice Department for its prompt action. The States must now proceed with the wise and careful use of their grants. Meanwhile, we in the Congress must begin preparations for an increased Federal role of cooperation and coordination for fiscal year 1971.

THE NEED FOR ASSISTANCE TO THE EDUCATIONALLY DISADVANTAGED

The SPEAKER. Under a previous order of the House, the gentleman from Kentucky (Mr. PERKINS) is recognized for 60 minutes.

Mr. PERKINS. Mr. Speaker, assuming that the HEW appropriation bill is vetoed—and I for one certainly hope that the President will not veto the bill—but assuming it is, I hope the Members will read the hearings that were conducted last year on the Elementary and Secondary Education Act, and particularly the testimony on the impacted areas legislation.

Mr. Speaker, I learned last week that a systematic campaign was apparently being developed to discredit the conduct of education programs under the Elementary and Secondary Education Act.

Reckless charges are being made that title I funds are not reaching the children for whom Congress intended the programs to operate.

When this was first brought to my attention, I immediately contacted a large number of school superintendents from each State in order to get the facts from the actual school program operating level. The results which I will be sharing with my colleagues from day to day indicate these charges are indeed reckless and without foundation. The questionnaires have been returned in the last several days, so I think it is fair to say that this is the most recent information available upon which to evaluate title I.

The data shows that North, South, East, and West, title I funds are effectively being employed to make great improvements in the achievement of educationally disadvantaged youngsters. My inquiries disclose without exception that the only serious limitation on program effectiveness at this time relates to the matter of funding.

Almost without exception reporting school districts express an urgent need for more funds than are allocated. Also, there is universal concern over the delay in allocating funds to educational agencies.

As of this afternoon I have received responses from school administrators representing school districts serving 1,035,107 children, of which approximately 172,940 are the beneficiaries of title I programs.

In fact, it was not uncommon for school administrators to respond in connection with the effectiveness of programs that the title I projects were the most effective Federal projects.

As the school superintendent in San Jose, Calif., put it:

> Our Title I programs are urgently needed—only one-third of the elementary and none of the secondary school children who need the services of the projects are receiving them.

As to the effectiveness of the programs his comment was an emphatic:

> Yes—and we have test data to prove it. We can document who is being served, that the services are effective, and can show community support for expansion.

The nature of my inquiry with the school administrators as will be reflected by the questionnaires I shall place in the record show a steady decline year to year in the amount of the title I grant for such school district.

The amount of funds provided by the House-approved conference report on H.R. 13111 will not permit any great forward movement in these title I programs but will simply restore them to their operating levels of 1968, a point of funding which school administrators universally indicate is rockbottom essential. I want my colleagues to note the steady decline in the total amount of the grant to each school district since fiscal year 1968, which the answers to the questionnaire show.

Even with the amounts provided in H.R. 13111, title I of the Elementary and Secondary Education Act will be substantially less than 50 percent funded.

I think that it is tragic that at this particular time we should be debating the override of the Presidential veto of funds which only fund these education programs at something less than 50 percent. We should be debating the full funding of education programs.

Mr. MADDEN. Mr. Speaker, will the gentleman yield?

Mr. PERKINS. I yield to the distinguished gentleman from Indiana.

Mr. MADDEN. Mr. Speaker, I wish to commend the gentleman from Kentucky, the chairman of the Education and Labor Committee, for calling the attention of the Members of this Congress to the serious educational crisis our Nation is facing today. A few moments ago I spoke to the House Members about the school strike that is now taking place in Gary, Ind. That is merely one of several school strikes taking place over the Nation because of inflation and the high cost of living and the low salary of the teaching profession.

About 72 percent of the Nation's population now resides in the metropolitan areas, the property owners of the city areas cannot endure the heavy tax load on their homes—cost of living and the added school tax load.

When the President of the United States threatens to knock out $1 billion and a couple hundred million from the school budget, he is defying all the principles of the educational processes that American fathers and mothers hold for the hopes of educating their children.

I do not know how long the school strike will last in Gary, but it is caused by the increase in population coming into that industrial area. Large farm corporations over the country are buying up millions of acres of farmland in all sections of our Nation and are driving tenants off the farms into the cities.

These tenants have to go into the metropolitan areas with their families to get work. That has been happening ever since this $3½ billion farm subsidy has been inflicted, one might say, on the Federal taxpayer. Today there are thousands of mammoth farm operators collecting millions and millions of dollars from the Federal Government for idle land. These tenants go into Chicago, Los Angeles, New York, Gary, Hammond, Indianapolis, Minneapolis, and New Orleans, and so forth. They have no place else to go.

This administration seems to uphold that great corporate farm racket of a $3.5 billion subsidy being paid to rich corporation farmers to buy up land and leave most of it idle and then be reimbursed by the Government.

I believe this is one of the great issues we will confront in the campaign this year. If the President vetoes this school bill to save $1.2 billion added to what he submitted—I want to say it is a shocking situation, and the American people this November will rise up and reflect their minds at the polls. The leaders in Washington should know that the one thing American mothers and fathers will not tolerate is Federal economy at the expense of the schoolchildren of the Nation.

Mr. PERKINS. Let me thank my distinguished colleague for his statement. I can assure the distinguished gentleman from Indiana that we are strangling education almost to the point of destruction not only in the metropolitan areas he describes but also in the rural areas of America.

Only 2 years ago the gentleman from Minnesota (Mr. QUIE) and I and others, took concerted action because of great deficiences in vocational education funding. At that time we had an authorization for only about $260 million. Because of the great need, we more than tripled authorizations for vocational education in 1968. Now we are trying to operate the vocational schools on practically the same appropriation, and at the same time we have earmarked 40 percent of the appropriation for entirely new programs of vocational education for the

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physically handicapped, the disadvantaged, and at the post-secondary level. As a result, unless we do something about approving right now the additional vocational-educational funds in H.R. 13111 States will have to cut out or greatly reduce ongoing vocational programs.

Mr. QUIE. Mr. Speaker, will the gentleman yield?

Mr. PERKINS. I yield to the distinguished gentleman from Minnesota.

Mr. QUIE. I believe the gentleman from Indiana raised an interesting point about rural students who move to the cities. Under title I of the Elementary and Secondary Education Act, where the greatest amount of the elementary and secondary education aid comes, those children are still counted in the rural areas, and many move from the rural areas. That is one of the things which is wrong with title I of the ESEA. The children have moved to the cities. If they are on welfare and the welfare payments are above $2,000 they are counted now.

There are counties of the country where the children have left and it is pretty hard to find them to spend the money on. This is one of the problems under title I. It has not concentrated on the children with the most severe problems.

We have seen criticisms from various organizations—the NAACP made one recently—that the money was not going to the children it was intended for. I believe there would be much stronger support in the administration, too, if title I of ESEA were actually concentrated on those who need it, and the results would come back to us on the evaluation that the money was wisely spent.

This is going to be solved for the cities under title I of ESEA.

I know that one can get all kinds of comments from school administrators who receive the money. They would like to continue to receive the money, and will always claim it was wisely expended. One of the problems we have is that the evaluation results have not shown to us that that money brought the kind of improvement in education which is needed.

It is better now than it was in the first years, because in the first years the schools had to spend more money and many of them put their money into equipment. The reason for that was the equipment men, the salesmen, came to them and said: "Have you used up your allotment yet?" The school administrator said: "No. We have not figured out a program as yet to spend it on." So the equipment men said: "We have a program here where you can buy this equipment." In that way a tremendous amount of these funds was used for equipment in the first year rather than for programs. That is why we got into difficulty in this respect. There is no way that the State can concentrate the money in those areas where it is most needed, as the gentleman from Indiana (Mr. MADDEN) indicated. There is no way under the formula that we can do it. There is a tremendous problem, as a matter of fact, that the gentleman from Kentucky and I and others on the committee must work out a solution to if elementary and secondary education is to be as effective a program as we want it to be. We do not want the program cut back if the money is not used as effectively as it should have been. We made a mistake when the administration could not get $25 million for an experimental program to run it effectively. We made a mistake when the administration could not get money for the dropout program, because both of those programs worked on the causes of the difficulties of education where some people end up as functional illiterates when they finish their formal educational training. I hope that we can work with the administration so that as a result of this we can move toward what I think should be our goal, which is about a quarter of the cost of elementary and secondary education being funded through the Federal Government. I think now with the additional money that was added in the appropriation bill, $1.1 billion, that there is a tremendous amount available that would not be wisely expended if the administration were forced to expend it.

Mr. PERKINS. Let me say to my distinguished colleague from Minnesota——

Mr. McCORMACK. Mr. Speaker, will the gentleman from Kentucky yield to me?

Mr. PERKINS. I will be happy to yield to the gentleman from Massachusetts, but first may I respond and answer the gentleman from Minnesota.

Mr. McCORMACK. I can answer him very effectively and very quickly.

Mr. PERKINS. Let me say that I do not know of any member on our committee who has been more diligent in trying to improve the educational opportunities for the disadvantaged than the gentleman from Minnesota. However, I think he will have to agree that we conducted—and he sat by my side when we did it—last year the most exhaustive and most complete hearings that have ever been conducted on the Elementary and Secondary Education Act. We invited people from all walks of life to testify. There was no witness turned down who the minority wanted to bring before that committee. Any witness who wanted to come before that committee was afforded an opportunity to testify. No Member of this body was denied the opportunity to bring a witness before the committee. The abundance of evidence we obtained disclosed that the chief obstacle was inadequate funding and untimely authorizations and untimely appropriations. We are requiring educators to row the title I education boat, not with just one oar, but only half an oar. I think when the gentleman from Minnesota looks at the survey responses he will see the reason why we cannot expect optimum results when the Congress has applied money too thinly. And yet the results have been good.

The title I formula applies funds to school very effectively on the basis of need. The important point is that we are only taking care of a portion of the disadvantaged in the elementary and secondary schoolrooms throughout America both in rural and urban areas because of inadequate funding. That is the reason why I am putting in the RECORD, the responses of these people actually at the program operating level so that the Members can look at them tomorrow and the next day and the next day, and I hope for the next 2 weeks before this veto message comes up here.

By that time, I think we will see just what is taking place in the various school districts throughout America. Yes, we will have to take the comments and assume that the school people are giving us true facts. I do not know who else to go to. I do not think we should tolerate at this late hour a campaign against funding these programs, a campaign of accusations completely contrary to the facts which our committee has been supplied in extensive hearings and contrary to the most recent data received this week which I am placing in the RECORD today and the remainder of the week.

Mr. McCORMACK. Mr. Speaker, will the distinguished gentleman from Kentucky yield?

Mr. PERKINS. I yield to the distinguished Speaker.

Mr. McCORMACK. Mr. Speaker, the threat by the President to veto the education and health appropriation bill, approved by an overwhelming majority of both Democrats and Republicans in Congress, clearly places the spotlight directly upon the administration's confused views of this Nation's real needs.

The Congress placed a high priority on health, food, education, and clean air. The President's advisers, including Health, Education, and Welfare Secretary Robert Finch, have tried to misdirect the issue and confuse the realities of the situation by calling this inflationary. The issue is not inflation. Rather, the issue is meeting the needs of America for our children, health research and training medical personnel to meet our health care needs. Obviously, the administration has decided to make the education and health programs bear the major burden of the effects of accelerated inflation under this administration by asking for less for schools and health. I do not understand what sort of logic the administration is using in this matter, but I cannot believe that an additional billion for schools, libraries, colleges, vocational education, handicapped children, the mentally retarded and control of air pollution is any more inflationary than a billion more in foreign aid, as firmly as I believe in foreign aid.

The overall bill for the Departments of Labor and Health, Education, and Welfare, the appropriation bill, carried a grand total of $19,747,153,000, representing a reduction from the budget request of $19,834,125,700. So the appropriation is less than the budget estimate. Where does the cry of inflation come in under those circumstances, particularly in view of the reduced reduction in appropriations that were made by Congress in connection with other bills?

The chief increases in the Department of Health, Education, and Welfare were the Elementary and Secondary Education Act funds from $405 million to $717 million, and impacted areas assistance from $202 million to $600 million.

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Mr. Speaker, assuming that the veto is sustained and that another appropriation bill comes in, is there really any doubt but what the impacted school areas assistance appropriation will be increased again to the $600 million? There is no question about that.

Mr. Speaker, the various programs carried on by the National Institutes of Health are also increased from $1,452 million to $1,550 million. What did this increase include? It included the Institutes for Cancer, Heart, Child Health, Human Development, Eye, Environmental Health Sciences, and so forth.

That is what the issue is, it is not the issue of inflation in this bill because the overall appropriation is less than the budget estimates of the administration.

Let us see what happened on the adoption of the conference report, and if it is vetoed this will be the same because the veto would contain the provisions of the conference report.

On December 22, 1969, the conference report was adopted by a vote of 261 to 110. Democrats voting: For it, 175; against it, 25. Republicans voting: For it, 86; against it, 84.

So what are those 86 Republicans going to do who voted for it? How are they going to explain it, if they vote to sustain the veto, when only a month or so ago, or less than a month ago, they voted for the very same bill in the conference report? Are they going to take the inconsistent position of going up the hill a month ago and then going down the hill in a few days from now when the veto is made?

So that the clear decision follows that it is not inflation, the record is clear in that respect. The overall appropriation bill is less than the budget estimate. So that the issue of inflation is an erroneous one injected for the purpose of trying to deceive or to try and mislead.

What is involved here is education. Furthermore, as I have said, if a veto is sustained, when the appropriation bill comes in later, these very same items, both of them, will be put back, unless the committee includes it in the appropriation bill. As I said, the impacted school aid assistance is going to go back in, you and I and my Republican friend know that. So that the situation is rather very clear that inflation is not involved.

So as I say, it is going to be very, very interesting to see how those 80-odd Republicans who voted for the conference report are going to vote if a veto comes back.

Mr. PERKINS. Mr. Speaker, I certainly want to compliment you for your statement. I agree with you that the issue here is not inflation, the issue is whether we are going to abandon many worthy educational programs that we put on the books in the last few years.

Further, I feel as you feel that if we get the 86 Republicans who voted for the conference report in the House that we will override the veto.

Mr. McCORMACK. Mr. Speaker, will the gentleman yield further?

Mr. PERKINS. I yield further to our distinguished Speaker.

Mr. McCORMACK. Mr. Speaker, I thank the gentleman for yielding further.

At the very time our 86 Republican friends voted for the conference report they knew that there was the threat of a veto, so their vote was deliberate, their vote was in the exercise of their judgment in the best interests of education in this country, and in the best interests of medical research that is provided for by appropriation in the bill.

It is going to be very interesting to see how our 86 Republican friends vote, especially when less than a month ago they voted for the very bill in the conference report, if they vote to sustain the veto, if they decide to do so. So it will be most interesting to see how they are going to vote if the bill is vetoed and sent back.

Mr. MICHEL. Mr. Speaker, will the gentleman yield?

Mr. PERKINS. Mr. Speaker, I will yield to the gentleman from Illinois in just one moment.

First let me state that the Speaker has mentioned that this bill, the HEW appropriation bill, is not inflationary and has stated that he is very much interested in seeing how the 86 Republicans who voted for the appropriation bill in the House will vote on the veto. This is not a partisan matter. I firmly believe that, if the 86 who did vote for the HEW appropriation conference report will still vote to override a veto, that we will certainly override the veto, as we should do.

Education is at the crossroads in this country and, if we fail to override, in my judgment, we are going to tell children, their parents, the teachers, and the school people throughout America that the Congress of the United States is not interested in education, in the educational problems that confront them.

If you travel through the districts of this country—and I travel through mine—I feel confident that you will find the people want us to make this money available for education. It is maintained that we are in an inflationary period, and fighting a war; hence, education spending should be cut. But I think it is clear that preserving the schools and strengthening the future manpower resources of this country commands the highest of spending priorities.

The Congress must exercise its independent judgment and override the veto. I cannot conceive of any of our 86 Republican friends who voted for the conference report doing otherwise.

Mr. MICHEL. Mr. Speaker, will the gentleman yield?

Mr. PERKINS. I yield to the gentleman from Illinois.

Mr. MICHEL. Mr. Speaker, I thank the gentleman for yielding.

First, I take issue with the gentleman that we are cutting the education programs by the action which we foresee. Actually, what we are opposed to, and with the President, we are trying to make the point of the outlandish increase over the budget figure and over last year's expenditure level.

In the Department of Health, Education, and Welfare expenditures proposed by the Nixon budget were $2,300,000,000 over the expenditure level in the year 1969. Now I would also want to correct the record because, in the distinguished Speaker's remarks, he made the point of our actually making the figure $1 billion below the budget.

I think, in all fairness, what we have to take into account here is that in the conference report we did not include forward funding of $1,226,000,000 that was in the budget. So, make no mistake about it, the bill is still $1 billion-plus over the President's budget.

Mr. PERKINS. Let me say to my distinguished colleague, the gentleman from Illinois, that in my judgment we made a serious mistake by not including a forward funding provision in the bill.

I hope in the future we can do something about timely authorizations and timely appropriations. There is only one thing that stands in the way of obtaining optimum results from Federal education dollars and that is untimely authorizations and appropriations.

But I want to pick up just three or four of these questionnaires and take them as they come to refute the statement of the gentleman from Illinois that we are funding at the same level.

The first questionnaire is from Orville M. Bailey, of Lauderdale County, Florence, Ala. They received $297,201 in 1968. This is the way all of these run. In 1969, they received $272,607. In 1970 they dropped down to $245,349, if we permit the administration's viewpoint to stand.

I asked:

> What additional funds, if any, could you effectively apply to your title I programs in the fiscal year 1970 over and above the present level of funding? In fiscal year 1971?

That was the second question.

> Answer: 1970, they need $55,000 more.
> Answer: 1971, $155,000 more.

The forward funding provision should have been in the bill for $2 billion for fiscal year 1971 to let the school people in this country know that we intend to do something for education.

I could go on and on. The second questionnaire is from Tucson, Ariz., Thomas L. Lee, superintendent. There appears the number of children, which contradicts what the gentleman from Minnesota said, the question he raised. We go on down to the question as to the amount they received. In 1968, in Tucson, Ariz., the amount received was $838,368.76. In 1969, $775,634; in 1970, there was a cutback of a third—$666,121.

What I am trying to get across is that we should fund these programs to the 1968 level, and that is all we will be doing when we override the President's veto. I am most hopeful that we will do it.

I am sure the gentleman from Illinois will review these questionnaires and see how we are starving the same number of children for 1970 compared with 1968, and that is the reason that we need this money.

Mr. MICHEL. Why does the gentleman leave out the year 1969?

Mr. PERKINS. I do not leave out the year 1969. In 1969 there was a reduction below 1968. In every instance you will find that is so in respect to 1969.

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Mr. MICHEL. I did not hear any objection of the gentleman——

Mr. PERKINS. I do not want to beg the question with the gentleman, but you will find the figure for 1969. I invite you to review the questionnaires, which contradict your statement.

Mr. QUIE. Mr. Speaker, will the gentleman yield?

Mr. PERKINS. I yield to the gentleman from Minnesota.

Mr. QUIE. Is there any question in the questionnaire which would, through the answers, tell us, or any other information that the gentleman has, as to the number of children participating in title I projects who can now read up to grade level or at a higher grade level than they did before?

Mr. PERKINS. You will find in many of these questionnaires statements of where children have taken tests and they show the advantages that are flowing from the money that is coming into the school districts. That question is directly put in all of these questionnaires, and I think the gentleman from Minnesota will certainly be interested in the answers.

Mr. QUIE. I will say to the gentleman, if he will yield further, that I looked over some of the replies and I have not seen as yet—maybe there are some—where children are now reading up to grade level.

Mr. PERKINS. These are new questionnaires. I prepared the questions when I was in here about 10 days ago, and they are just commencing to come back.

Mr. QUIE. Will the gentleman read the question he asked as to the change in the educational accomplishments of the students because of Federal programs?

Mr. PERKINS. I do not want to take the time, because the accomplishments are all set out in these questionnaires.

Sometimes there will be an extra page. I am sure the gentleman is going to be really informed when he reads these questionnaires.

Mr. QUIE. I am not asking the gentleman to read the answers, which may run a page or so, but I am asking the gentleman to read the questions, which must be quite short.

Mr. PERKINS. I will read the questions. Here is one, from Orville M. Bailey, that I referred to a while ago:

Question: How many children in your district are benefiting from education programs funded under Title I of ESEA?

Answer: To a limited extent all pupils in our system, (8,491) are benefiting from Title I activities, however, approximately 1,825 pupils are involved with concentrated activities, primarily remedial reading.

Question: What is the ADA in your school district grades K–12?

Answer: For 1968–69 school year $7996.61, for 4th month 1969–70 school year (ending December 5, 1969) $7941.59.

Question: What was the amount of your ESEA Title I grant in each of the following fiscal years?

Answer: 1968 $297,201, 1969 $272,607, 1970 $245,349.

Question: What additional funds, if any, could you effectively apply to your Title I programs in fiscal year 1970 over and above the present level of funding? In fiscal year 1971?

Answer: 1970 $55,000, 1971 $155,000.

In your judgment, do you believe that the Title I programs are needed to meet the special needs of educationally disadvantaged children?

Answer: Yes, see attached sheet.

Question: Recent hearings in Washington disclosed that inadequate funding was the greatest obstacle in the path of more effectively reaching the disadvantaged. Others now contend that we cannot effectively utilize extra funds contained in the HEW Appropriation Bill because the funds are being misdirected and are not reaching the disadvantaged contemplated under Title I ESEA. Your brief comment on these contentions would be appreciated.

Comment: See attached sheet.

I am sure all Members will be enlightened when they read the answers to these questionnaires.

Mr. QUIE. Mr. Speaker, will the gentleman yield further?

Mr. PERKINS. I yield to the gentleman from Minnesota.

Mr. QUIE. Mr. Speaker, the gentleman never asked then specifically about the reading capability of students before title I projects began or those capabilities afterward? Unless children learn how to read better than they did before, they continue to be functionally illiterate. That is really the key.

Mr. PERKINS. I asked the direct question as to the effectiveness of the programs, and many of the questionnaires go into detail, many of them do not discuss it at length, but I am sure the gentlemen will be interested in these answers as to the effectiveness of these programs. That is the question I put to them.

Mr. QUIE. Mr. Speaker, if the gentleman will yield further, can the gentleman specify anything that was stated in any of those questionnaires which indicated the students are now better off than they were before as far as educational achievements?

Mr. PERKINS. Yes, questionnaire after questionnaire makes that completely clear.

Mr. QUIE. Can the gentleman cite one?

Mr. PERKINS. I will not take the time, but I am sure they will be in the RECORD. I will see that they get into the RECORD, and the gentleman is going to be interested in the accomplishments and the fact that the students are better off as a result of the legislation and these programs.

Mr. QUIE. I should think the gentleman could quote one anyway.

Mr. PERKINS. There is one thing the questionnaire does make clear, that the students are getting results.

Mr. QUIE. But in which way?

Mr. PERKINS. Upward.

Mr. QUIE. To do what?

Mr. PERKINS. Insofar as educational opportunities are concerned.

Mr. QUIE. Which way is it shown?

Mr. PERKINS. It is going upward.

Mr. QUIE. What are they able to do now they could not do before?

Mr. PERKINS. The gentleman will read these questionnaires.

I know some people contend that the programs have been ineffective, but these questionnaires clearly refute the argument of ineffectiveness that some people want to advance, and the hearings completely refute that argument.

Let me go a little further. We not only dwell on ESEA, but we want to put some data in the RECORD on the other programs.

But let us turn now from the field of elementary and secondary education to other educational programs.

The receipt of inquiries to date have concerned themselves primarily with title I. However, surveys which are in process regarding vocational education portray a picture calling for the quick approval by Congress of H.R. 13111 and a funding of vocational education programs at the levels provided in that bill.

As results of these surveys are received, I will be sharing them with my colleagues.

In brief, Mr. Speaker, the crisis in vocational education is the funding of ongoing programs. It will be recalled that the 1968 amendments to the Vocational Education Act required State grants to be employed in several instances in new directions to meet urgent newly developing needs.

With these requirements and no additional funds, many essential ongoing programs will have to be cut back if the Congress does not provide funding at the levels specified in H.R. 13111 as it will go to the President this week.

The situation in higher education is no less severe. I wish to share with my colleagues an article appearing in yesterday's edition of the Chronicle of Higher Education entitled "Reductions in Federal Support Force Colleges To Retrench; Programs Cut, Students Dropped." The article offers numerous examples of the extreme financial stress and strain being felt by institutions of higher education, including a description of the situation at the University of Portland, where 91 students could not continue in college this year because there was not enough money to give them financial aid. About 255 other students applied for help but could "not attend—when we were unable to assist them," the university said.

Letters and comments I have received from other college officials and student aid officers indicate that this is the situation on far too many campuses. It is clear that already overtaxed student aid programs will be unable to meet the increasing requests of needy college students for funds to finance their second semester, unless the level of funding for the student loan program as provided by H.R. 13111 is approved.

Increasing costs require an appropriation far in excess of the level under which the student loan program is presently operating. The difference between the present level and that contained in H.R. 13111 may mean the difference of a college education to the more than 100,000 college students who will be unable to obtain loans if the forthcoming veto is sustained.

When it comes to higher education, Mr. Speaker, and when we just briefly consider the financial crisis—not one which is predicted but one which is now being experienced—we have no alternative but to insist upon the minimum funding we approved earlier this year in H.R. 13111.

I am confident that the House will reject all of these arguments that we do not need the additional amounts for education provided by H.R. 13111. I say that the HEW appropriation bill contains the minimum amount that should be expended for education in this country.

Mr. RUPPE. Mr. Speaker, will the gentleman yield?

Mr. PERKINS. I yield to the distinguished gentleman from Michigan.

Mr. RUPPE. Mr. Speaker, I thank the gentleman very much.

I certainly concur in your support for education and in your support for these bills that have come before this House, but as a younger Member I have always been quite concerned in the past year and in fact I have been amazed to find so many people who have called for higher expenditures in this field were among those voting against tax increases to pay for the very same higher outlays. It seems to me that if one is to fight inflation, he must fight it on both fronts.

Mr. PERKINS. I only voted against one tax increase in 21 years. With that one exception I have voted for each tax increase.

Mr. RUPPE. I was not particularly addressing my comments to the gentleman from Kentucky but, rather, making a notation on my part that many people throughout this House, and I have to say unfortunately on the gentleman's side of the aisle, consistently and in many cases have voted for more and more spending outlays but are equally consistent in their opposition to any tax increases or any continuation of taxes to pay for these outlays. Quite frankly, I would have a much easier time supporting continued and higher education outlays which I believe we ought to meet as our revenues are forthcoming so that we can match the outgoing expenditures.

Mr. PERKINS. I would like to call my distinguished colleague's attention to the questionnaires which contain the views of school administrators who are most familiar with the effectiveness of programs and the still unmet needs in education. I would regret to see any Member vote against education because of unrelated issues which are falsely being injected into the debate. Adequate support of education is an issue which stands on its own. In my judgment it is a proposition which deserves the support of all Members regardless of their side of the aisle.

Mr. ANDERSON of California. Mr. Speaker, will the gentleman yield?

Mr. PERKINS. I yield to the gentleman.

Mr. ANDERSON of California. Mr. Speaker, I would like to associate myself with the remarks of the distinguished chairman of the House Committee on Education and Labor, Congressman PERKINS, and the Speaker of the House, Congressman MCCORMACK.

During the Christmas recess, I spoke with people in my district from all walks of life—not just educators, not just medical personnel, but taxpayers, parents, the young, the old, the rich, and the poor—all concerned citizens. The consensus was that we need more money for education and more money for medical needs.

Where is this money coming from? School administrators tell us that 73 percent of the cost of education comes from the pocket of the local taxpayer and only 7 percent comes from the Federal Government. The burden on the local taxpayers is great. A great portion should come from the Federal Government. The people that I spoke with felt that we should place a higher priority on the needs of education and medical needs.

The President has threatened to veto the HEW bill appropriating over $1 billion more for education than he had requested. The President claims that "so heavy an increase in Federal spending" would be inflationary. I, too, want to halt inflation; I, too, want to see prices lowered. To aid in this fight, Congress reduced overall expenditures requested by the administration by $5.6 billion. Neither I nor my constituents see the logic behind the "inflationary" facade as a reason to veto the HEW bill.

Are we to assume that had we given the President what he had requested in foreign aid that this was not inflationary? The Congress cut his request for foreign aid by $1.1 billion. In effect, the Congress appropriated money for education and health in the United States that the administration would have perhaps preferred to have spent on a program of foreign aid in some distant country.

Education can no longer be considered a privilege—a privilege which only the wealthy can have—it must be considered a right. Each of our children has the right to the best education he can obtain—dependent on his ability and the ability of the schools to provide that education. We can do no less than to provide education instruction and educational facilities. We can encourage our children to get a good education—but we must do more—we must provide the quality of education that is valid and relevant for them to become productive individuals in our society.

Dr. James E. Allen, Jr., the Commissioner of Education, has proclaimed his goal as eliminating all reading deficiencies by 1980. I feel that this is an essential goal.

Many of those on the relief rolls did not have an adequate nor a proper education. Many of those who are not mentally qualified for entry into the armed services did not have an adequate nor a proper education. Many of those who have turned to crime could not find adequate employment because of an inadequate education.

Is it inflationary to eliminate ignorance? Is it inflationary to attempt to reduce welfare rolls? Is it inflationary to attempt to reduce crime?

Education, in effect, pays for itself. Those with a proper education become productive citizens and thus taxpayers. Even in the short run, studies show that cooperative vocational educational programs actually pay for themselves, through the taxes paid by the students in the same year they are expended.

The HEW bill also contains funds which would hopefully reduce the cost of medical services. Programs which assist students in their medical education will help meet the shortage of health personnel which has driven medical costs so high. More hospital beds should ease the pressure on our hospitals. Greater knowledge and the prevention of diseases would reduce the need for medical services. Is this inflationary? I supported the additional funds in the HEW appropriations bill because I feel we should place greater emphasis on these programs. If these funds are not appropriated, I fear that a "silent majority" may be in danger of becoming an illiterate majority.

Mr. PERKINS. I want to thank the gentleman for his contribution.

May I repeat the school questionnaires provide us with a fair sample of the sentiment throughout this country. They contain the most current data available. The responses are favorable from the Southern States, the Eastern States, the Western States, and the Northern States. They show that title I programs are effective in reaching and helping disadvantaged children in the Deep South, in States like Mississippi and Alabama, in the East and in every section of the country. So I am hopeful that if the President does veto the bill, the House will again vote to support education. The bill is not inflationary and I certainly hope that the President will not veto it. That is my first hope. It is the minimum that we should do to educate the youth of this country.

(Mr. PERKINS asked and was given permission to revise and extend his remarks.)

Mr. PHILBIN. Mr. Speaker, will the gentleman yield?

Mr. PERKINS. I yield to the gentleman from Massachusetts.

Mr. PHILBIN. Mr. Speaker, I highly commend and congratulate my distinguished friend from Kentucky for the great leadership which he has furnished the cause of forward-looking educational programs in this Nation and for the fine speech he has just made to the House reaffirming his strong position in continued support of the education bill in the House.

I would like very much to associate myself with his remarks, and his position, and to assure him that I intend to stand with him in his efforts to secure the enactment of the pending education bill by the House, and, if necessary, override any veto message, although I hope and urge that the President signs the bill.

Mr. RANDALL. Mr. Speaker, will the gentleman yield?

Mr. PERKINS. Yes. I am glad to yield to the gentleman from Missouri.

Mr. RANDALL. Mr. Speaker, I want to compliment the gentleman. We have not always agreed on some things that come from the Education and Labor Committee, but on this issue he is so eminently right and so positive and forthright in his reasoning. As I look back on the 26-day recess that we have just completed there is one thing that impresses me. In talking to hundreds of my constituents in three appearances a day the impression was that long after all of them have forgotten about the slowness of the appropriations the big thing about it is that we have brought about a reordering of priorities. What the

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charge means that this one measure is inflationary is nothing, because we must look at the entire work of the Congress.

This represents approximately $5.4 billion in military reductions. Now we talk about a $1 billion increase in education. However, Mr. Speaker, in my opinion one must look at the overall reordering of our priorities which in my opinion are not inflationary.

Mr. Speaker, the first session of the 91st Congress saved billions of dollars by reordering the direction of that money into such worthwhile endeavors as education and the control of water pollution. Insofar as I know there was great support on this side of the aisle for those two programs and in support of the original proposal.

So, Mr. Speaker, the distinguished gentleman from Kentucky is to be complimented and I wish to associate myself with his remarks in this regard.

Mr. PERKINS. Mr. Speaker, I wish to thank my distinguished colleague from Missouri for his contribution.

The article previously referred to follows:

REDUCTIONS IN FEDERAL SUPPORT FORCE COLLEGES TO RETRENCH; PROGRAMS CUT, STUDENTS DROPPED

(By Ian E. McNett)

WASHINGTON.—Asked a few years ago what would happen if all federal support of higher education were suddenly withdrawn, a university president said, "Well, first, there would be this very loud sucking sound."

A careful listener might hear a sucking noise around the country these days as colleges and universities tighten their belts to meet an increasingly restricted financial situation. It sounds something like this:

A large private university in the South has been forced to phase out six Ph. D. programs to reduce spending.

Knox College ran deficits totaling $959,000 over four straight years before breaking into the black this year. The deficits were met by spending unrestricted gifts that otherwise could have been added to the college's endowment.

The University of Portland reports that 91 students could not continue in college this year because there was not enough money to give them financial aid. About 255 other students applied for help but could "not attend . . . when we were unable to assist them," the university said.

A nuclear accelerator at a large eastern state university has stood idle about half the time because of reduced support from the Atomic Energy Commission.

Stanford University has approved the largest tuition increase in its history because of rising costs and shrinking support.

Beloit College has suspended a project to help 200 high school students from deprived backgrounds get ready for college. Federal funds for the program were not available.

Reed College has taken steps to reduce the size of its student body and increase its student-faculty ratio, partly for financial reasons and partly for educational reasons.

Despite pledges of support from the state of Maryland and the city of Baltimore, a proposed community college campus to help innercity citizens "could be seriously jeopardized" unless federal funds are forthcoming, an official of the Community College of Baltimore reports.

Those are just a few examples of the financial stress and strain being felt by colleges and universities.

FEDERAL SUPPORT SLOWS DOWN

Although federal support has not been completely withdrawn and in many cases not actually reduced, the rate of increase has slowed to a point where it does not keep pace with rising costs and the rising demand for a college education.

Some federal programs have been severely curtailed or eliminated in this era of "tight budgets." Other sources of support have not been adequate to pick up the slack in academic budgets.

College and university officials are perhaps most concerned about the erosion of their endowments. Continuing deficits force them to use up their endowment capital for current operating expenses.

That was what happened at the Johns Hopkins University school of medicine, President Lincoln Gordon told a Senate appropriations subcommittee. He said that $500,000 in endowment-type funds were used in the 1968–69 academic year and $1.2-million were being used in the current year.

"No national statistical picture exists of this erosion of the financial position of private universities as a consequence of the rising costs in education for the health specialties," Mr. Gordon said.

"However, there is no doubt that the erosion is a serious and nationwide problem, with many institutions in greater financial danger even than our case of the Johns Hopkins University."

Mr. Gordon said it was "impossible for us to continue down this road for any substantial period of years."

As he noted, Johns Hopkins is not alone in using up the basis of its future earnings to meet current needs.

A large private university says it has consumed $20-million in endowment capital over the past 15 years to compensate for annual deficits of $1-million to $2-million.

Stanford University reports that during 1968–69 it used $600,000 in uncommitted reserves to balance current income and expenditures. The figure is expected to rise to $1.5-million in the current year.

Another private university in the East admits publicly to a $1.5-million deficit. However, officials say privately that the deficit is more like $3-million this year and may grow to $5-million or $6-million next year.

Philip Handler, chairman of the National Science Board, told a subcommittee of the House of Representatives that at Duke University the deficit was $2.5-million, which "at the moment will have to come from endowment capital. Mr. Handler is professor of biochemistry at Duke.

RETRENCHMENT IS FEARED

"The problem," he said, "is that costs have risen so rapidly that if we are not given major assistance soon, we shall be forced very significantly to retrench—admit fewer students at all levels, attempt less research."

The financial situation is so tight that many institutions are setting up commissions or study groups to find new ways to balance their budgets.

Stanford University's vice-president, Kenneth M. Cuthbertson, has told students that the university is undertaking a four-year, $2.5-million belt-tightening program designed to bring income and spending into balance.

He said very little new construction would start until the current freeze on federal funds for construction was lifted, but that if a major addition to the library was not undertaken, "we'll have to pile books on the Inner Quad."

Colorado State University, which also has library space problems, is studying all of its programs. Some of them may have to be eliminated to meet the budget levels being discussed in the state, officials said.

The university's faculty members have had their offices on two floors of the library, which must be used for books and reading rooms next fall, President A. R. Chamberlain reported. He said there was no other space available on campus for faculty offices.

The Colorado Commission on Higher Education cut Colorado State's capital construction request for 1970–71 from $11.4-million to $2.6-million. Mr. Chamberlain said this meant that the university would have no new classroom buildings coming into use in 1970–71.

WILL NOT HAVE LABORATORY SPACE

However, the university expects to increase its enrollment by 3,600 juniors and seniors. They will need laboratory space "which we simply don't have," Mr. Chamberlain said.

The University of Pennsylvania and New York University also are studying ways to squeeze more money out of their operating budgets.

Implicit in the Pennsylvania study is a concept that the university "can no longer afford to do the kinds of things it has done in the past," said John N. Hobstetter, vice-provost for research.

Faced with a projected $9.6-million deficit in 1970–71 and no resources to cover it, New York University has set up a special commission on effective use of resources, comprised of administrators, deans, faculty members, and students.

"Even under the best of circumstances, it is apparent that the university must reassess its commitments and its traditional way of doing things," said Chancellor Allan M. Cartter. "All parts of the institution—from the operation of the president's and chancellor's offices to the janitorial services—must be open to review."

TUITIONS ARE INCREASED

Many institutions have had to raise tuitions, cut back on programs, defer new buildings, and curtail research.

Stanford University's increase in tuition this year was from $2,145 to $2,400—the largest ever in both dollar and percentage terms. Cornell College at Mount Vernon, Iowa, plans to raise its tuition by a record $230 next fall. This is on top of a $150 increase in the current academic year.

In the public sector, tuition and fees were increased this year at 71 per cent of the 371 members of the National Association of State Universities and Land-Grant Colleges and the American Association of State Colleges and Universities.

Huge tuition hikes were made at the University of Wisconsin, in all three land-grant institutions in Florida, and in Indiana University, Purdue University, Iowa State University, the University of Iowa, and the University of Maryland.

The University of Wisconsin raised its tuition for out-of-state students by nearly 50 per cent. Maryland's increase for in-state students was more than 30 percent—to $506 from $366, according to a survey by the land-grant association.

MEDICAL EDUCATION SUFFERS

President Gordon of Johns Hopkins reported on other effects of the slow-down in support for college and universities, particularly in the area of medical education.

He said Johns Hopkins planned to increase its medical school class size from 95 to 115 in existing facilities. However, he said, a further planned increase to 150 will be impossible without federal construction grants.

Mr. Gordon said the University of Maryland wanted to increase its entering medical class from 128 to 155, and thereafter to 200. Neither step is practical at Maryland without federal grants, he said.

With federal support drying up in the health field. Mr. Gordon said, private schools are turning increasingly to the states. Private medical schools in five states—Florida, New York, Ohio, Pennsylvania, and Kentucky—now receive state aid, he said, and such support is under active consideration in six other states.

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OREGON CUTS NOTED IN SENATE

During the Senate appropriations hearings, Sen. Mark O. Hatfield (R-Ore.) read into the record letters he had received from college educators in Oregon.

Because of cutbacks in the Department of Health, Education, and Welfare, the University of Oregon reported making the following cuts:

"College of education—cut 35 graduate students; department of sociology—9 students can be funded for only 9 months instead of 12 months; molecular biology—cut 5 undergraduate and 2 graduate students; chemistry—cut 17 graduate students and 7 postdoctorals; psychology—training grants cut 40 per cent, and 35 students will not receive adequate equipment and supplies; biology—cut 16 graduate students and 2 postdoctorals."

Mr. PERKINS. Mr. Speaker, I include the questionnaires which I have previously referred to at this point for the information of the membership.

Response of Orville M. Bailey, Lauderdale County, Florence, Ala., January 18, 1970

How many children in your district are benefiitting from education programs funded under Title I of ESEA?

Answer: To a limited extent all pupils in our system (8,491) are benefiting from Title I activities, however, approximately 1,825 pupils are involved with concentrated activities primarily remedial reading.

What is the ADA in your school district grades K–12?

Answer: For 1968–69 school year 7996.61. For 4th month 1969–70 school year (ending December 5, 1969) 7941.59.

What was the amount of your ESEA Title I grant in each of the following fiscal years?

Answer: 1968 $297,201, 1969 $272,607, 1970 $245,349.

What additional funds, if any could you effectively apply to your Title I programs in fiscal year 1970 over and above the present level of funding? In fiscal year 1971?

Answer: 1970 $55,000, 1971 $155,000.

In your judgment, do you believe that the Title I programs are needed to meet the special needs of educationally disadvantaged children?

Yes. Financial support for schools in our area is not sufficient to offer programs to meet the needs of educationally disadvantaged pupils. The curtailment and/or loss of Title I funds simply means the curtailment and/or loss of programs and services designed to benefit the educationally disadvantaged.

Do you regard your present title I programs as effective in meeting special education needs of educationally disadvantaged children?

Yes. Studies and research data relative to services and activities in our local system indicate great progress of pupils participating in Title I activities, progress to the extent achieved impossible without these supplementary programs and services. Items which are hard to measure such as attitude toward school, a pupil's image of himself and his opportunities, etc., have been emphasized with remarkable progress being achieved.

Recent hearings in Washington disclosed that inadequate funding was the greatest obstacle in the path of more effectively reaching the disadvantaged. Others now contend that we cannot effectively utilize extra funds contained in the HEW Appropriation Bill because the funds are being misdirected and are not reaching the disadvantaged contemplated under Title I ESEA. Your brief comments on these contentions would be appreciated.

Comment: I would agree that inadequate funding is an obstacle in our efforts to reach the educationally disadvantaged. However, it is more important to us that funding be made prior to the beginning of fiscal years in order that effective planning can be accomplished and programs organized for a longer period of time. It is important that we know that we may consistently depend upon the Title I program and its level of funding rather than being placed in a "maybe yes" or "maybe no" position. In regard to the contention that schools cannot effectively utilize funds because of misdirection, I must state that we are now unable to operate several needed services and programs for the disadvantaged and are limiting the possibilities of programs and services now existing.

Response of Thomas L. Lee, Superintendent, Tucson No. 1, Tucson, Ariz., January 16, 1970

How many children in your district are benefitting from education programs funded under Title I of ESEA?

Answer: 18,044.

What is the ADA in your school district grades G–12?

Answer: $50,624.721.

What was the amount of your ESEA Title I grant in each of the following fiscal years?

Answer: 1968 $838,368.76, 1969 $775,634.81, 1970 $666,121.

What additional funds, if any, could you effectively apply to your Title I programs in fiscal year 1970 over and above the present level of funding? In fiscal year 1971?

Answer: 1970, $150,000; 1971, $950,000.

In your judgment, do you believe that the Title I programs are needed to meet the special needs of educationally disadvantaged children?

Answer: A resounding yes.

Do you regard your present Title I programs as effective in meeting special education needs of educationally disadvantaged children?

Answer: As effective as possible with the limited funds available. Costs continue to rise and funds continue to be cut back.

Recent hearings in Washington disclosed that inadequate funding was the greatest obstacle in the path of more effectively reaching the disadvantaged. Others now contend that we cannot effectively utilize extra funds contained in the HEW Appropriation Bill because the funds are being misdirected and are not reaching the disadvantaged contemplated under Title I ESEA. Your brief comments on these contentions would be appreciated.

Comment: This may be true in some districts, but not in our district.

Response of George Alice Motley, Superintendent, Menifee County Board of Education, Frenchburg, Ky., January 18, 1970

How many children in your district are benefitting from education programs funded under Title I of ESEA?

Answer: 800.

What is the ADA in your school district grades K–12?

Answer: 948.

What was the amount of your ESEA Title I grant in each of the following fiscal years?

Answer: 1968, $115,069; 1969, $100,083; 1970, $80,000.

What additional funds, if any, could you effectively apply to your Title I programs in fiscal year 1970 over and above the present level of funding? In fiscal year 1971?

Answer: 1970, $40,000; 1971, $40,000.

In your judgment, do you believe that the Title I programs are needed to meet the special needs of educationally disadvantaged children?

Answer: Yes.

Do you regard your present Title I programs as effective in meeting special education needs of educationally disadvantaged children?

Answer: Yes.

Recent hearings in Washington disclosed that inadequate funding was the greatest obstacle in the path of more effectively reaching the disadvantage. Others now contend that we cannot effectively utilize extra funds contained in the HEW Appropriation Bill because the funds are being misdirected and are not reaching the disadvantaged contemplated under Title I ESEA. Your brief comments on these contentions would be appreciated.

Comment: All funds in Menifee County are reaching the disadvantaged. 75% of the people in Menifee County are disadvantaged. Other children are getting benefits from the Title I program but our school system is so limited in funds that we could not offer many programs unless we receive Title I funds.

Response of C. B. Garrison, Superintendent, Pine Bluff Dist. No. 3, Pine Bluff, Ark., January 17, 1970

How many children in your district are benefitting from education programs funded under Title I of ESEA?

Answer: 2,700.

What is the ADA in your school district grades K–12?

Answer: 9,097.

What was the amount of your ESEA Title I grant in each of the following fiscal years?

Answer: 1968 $380,218, 1969 $381,864, 1970 $354,856.

What additional funds, if any, could you effectively apply to your Title I programs in fiscal year 1970 over and above the present level of funding? In fiscal year 1971?

Answer: 1970 $50,000, 1971 $100,000.

In your judgment, do you believe that the Title I programs are needed to meet the special needs of educationally disadvantaged children?

Answer: Yes. Local Education Agencies do not have the funds to meet these needs.

Do you regard your present Title I programs as effective in meeting special education needs of educationally disadvantaged children?

Answer: Yes, within the limit of the present inadequate funding.

Recent hearings in Washington disclosed that inadequate funding was the greatest obstacle in the path of more effectively reaching the disadvantaged. Others now contend that we cannot effectively utilize extra funds contained in the HEW Appropriation Bill because the funds are being misdirected and are not reaching the disadvantaged contemplated under Title I ESEA. Your brief comments on these contentions would be appreciated.

Comment: The mis-direction of funds is evident in very few instances, and should not be used to indict the majority of meaningful efficient programs. The Title I programs are reaching many of the disadvantaged, and would be more successful with additional revenue.

Response of Henry R. Evans, Russell Independent, Russell, Ky., January 17, 1970

How many children in your district are benefitting from education programs funded under Titile I of ESA?

Answer: 240.

What is the ADA in your school district grades K–12?

Answer: 2,983.

What was the amount of your ESEA Title I grant in each of the following fiscal years?

Answer: 1968, $35,520; 1969, $32,199, 1970 $16,549.

What additional funds, if any, could you effectively apply to your Title I programs in fiscal year 1970 over and above the present level of funding? In fiscal year 1971?

Answer: 1970 $18,000, 1971 $15,000.

In your judgment, do you believe that the Title I programs are needed to meet the special needs of educationally disadvantaged children?

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Answer: Yes.

Do you regard your present Title I programs as effective in meeting special education needs of educationally disadvantaged children?

Answer: Yes.

Recent hearings in Washington disclosed that inadequate funding was the greatest obstacle in the path of more effectively reaching the disadvantaged. Others now contend that we cannot effectively utilize extra funds contained in the HEW Appropriation Bill because the funds are being misdirected and are not reaching the disadvantaged contemplated under Title I ESEA. Your brief comments on these contentions would be appreciated.

Comment: All our money is definitely reaching disadvantaged children.

Response of William A. Doyle, San Jose Unified, San Jose, Calif., January 18, 1970

How many children in your district are benefitting from education programs funded under Title I or ESEA?

Answer: —.

What is the ADA in your school district grades K–12?

Answer: 37,000.

What was the amount of your ESEA Title I grant in each of the following fiscal years?

Answer: 1968 $621,097, 1969 $752,653, 1970 $591,000.

What additional funds, if any, could you effectively apply to your Title I programs in fiscal year 1970 over and above the present level of funding? In fiscal year 1971?

Answer: 1970 $147,000 (25% increase over 596), 1971 $1,750,000.

In your judgment, do you believe that the Title I programs are needed to meet the special needs of educationally disadvantaged children?

Answer: Yes. We are meeting the needs of only one-third of the elementary and none of the secondary.

Do you regard your present Title I programs as effective in meeting special education needs of educationally disadvantaged children?

Answer: Yes; and we have test data to prove it.

Recent hearings in Washington disclosed that inadequate funding was the greatest obstacle in the path of more effectively reaching the disadvantaged. Others now contend that we cannot effectively utilize extra funds contained in the HEW Appropriation Bill because the funds are being misdirected and are not reaching the disadvantaged contemplated under Title I ESEA. Your brief comments on these contentions would be appreciated.

Comment: We can document who is getting services—what the services are—and that these services are effective. We can show community support for expansion of services if needed.

Response of John Crowe, Director of Grants, Waterbury, Conn., January 18, 1970

How many children in your district are benefitting from education programs funded under Title I of ESEA?

Answer: 1,200.

What is the ADA in your school district grades K–12?

Answer: 17,274.

What was the amount of your ESEA Title I grant in each of the following fiscal years?

Answer: 1968 $392,718, 1969 $360,911, 1970 $328,369.

What additional funds, if any, could you effectively apply to your Title I programs in fiscal year 1970 over and above the present level of funding? In fiscal year 1971?

Answer: 1970 $190,000, 1971 $250,000.

In your judgment, do you believe that the Title I programs are needed to meet the special needs of educationally disadvantaged children?

Answer: Yes.

Do you regard your present Title I programs as effective in meeting special education needs of educationally disadvantaged children?

Answer: Yes.

Recent hearings in Washington disclosed that inadequate funding was the greatest obstacle in the path of more effectively reaching the disadvantaged. Others now contend that we cannot effectively utilize extra funds contained in the HEW Appropriation Bill because the funds are being misdirected and are not reaching the disadvantaged contemplated under Title I ESEA. Your brief comments on these contentions would be appreciated.

Comment: Insofar as Waterbury, Connecticut is concerned, disadvantaged children have been identified and are the direct beneficiaries of programs. In addition, considerable attention is paid to involvement of parents of the identified children in the planning and operation of programs.

Additional funding would always be helpful. Even with substantial local contribution, programs cannot grow. The recent local Teachers' Contract, for example, provides for an 8% salary increase which means curtailment of program services unless an increase in entitlement is forthcoming.

Response of Sidney Boswell, Superintendent of Schools, Glynn County Board of Education, Brunswick, Ga., January 19, 1970

How many children in your district are benefitting from education programs funded under Title I of ESEA?

Answer: 1968–69 school term, 363 pupils, regular term; 1,561 pupils, summer; total, 1,924.

What is the ADA in your school district grades K–12?

Answer: 1968–69 school term, 11,772 A.D.A. pupils.

What was the amount of your ESEA Title I grant in each of the following fiscal years?

Answer: 1968 $282,652, 1969 $267,993, 1970 $198,009.

What additional funds, if any, could you effectively apply to your Title I programs in fiscal year 1970 over and above the present level of funding? In fiscal year 1971?

Answer: 1970 $200,000, 1971 $500,000.

In your judgement, do you believe that the Title I programs are needed to meet the special needs of educationally disadvantaged children?

Answer: Positively *yes!* The funds have made pupil assistance programs possible that we have been desirous of implementing for years. We would extend these programs if more funds were available.

Do you regard your present Title I programs as effective in meeting special education needs of educationally disadvantaged children?

Answer: Our Title I programs are showing concrete results in meeting the needs of educationally disadvantaged children in *the areas* that we have funds for implementation of the special programs.

Recent hearings in Washington disclosed that inadequate funding was the greatest obstacle in the path of more effectively reaching the disadvantaged. Others now contend that we cannot effectively utilize extra funds contained in the HEW Appropriation Bill because the funds are being misdirected and are not reaching the disadvantaged contemplated under Title I ESEA. Your brief comments on these contentions would be appreciated.

Comment—Program evaluation: Glynn County, Georgia pupils participating in the Title I, ESEA, Reading Improvement Program during the 1968–69 school term were given a standardized pre and post test (California Reading Achievement Test). 363 elementary pupils were tested in October, 1968 and again in April, 1969. The average pupil grade placement gain was .72. The average normal pupil grade progress for this period of time would be .55. The above average gain in pupil grade placement progress of .17 alone points out the significant value of this program.

Six weeks, summer 1969, reading program for 678 pupils who were tested (California Reading Achievement Test) pre and post showed an average gain of .42 grade. This was about ½ year progress.

Six weeks, summer 1969, dropout program has shown positive results. Dropouts during *summer (between school terms)* has been reduced as follows. Summer 1967, 237 dropouts; summer 1968, 256 dropouts; summer 1969, 91 dropouts.

Response of Kendall Boggs, Superintendent, Letcher County Schools, Whitesburg, Ky., January 17, 1970

How many children in your district are benefitting from education programs funded under Title I of ESEA?

Answer: 3,000 (directly; more indirectly).

What is the ADA in your school district grades K–12?

Answer: $5,211.

What was the amount of your ESEA Title I grant in each of the following fiscal years?

Answer: 1968 $575,376, 1969 $524,251, 1970 $474,518.

What additional funds, if any, could you effectively apply to your Title I programs in fiscal year 1970 over and above the present level of funding? In fiscal year 1971?

Answer: 1970 $125,000, 1971 $200,000.

In your judgment, do you believe that the Title I programs are needed to meet the special needs of educationally disadvantaged children?

Answer: Without question, yes!

Do you regard your present Title I programs as effective in meeting special education needs of educationally disadvantaged children?

Answer: Yes, without question in our district. We have received national recognition, by press and other media on doing an outstanding job.

Recent hearings in Washington disclosed that inadequate funding was the greatest obstacle in the path of more effectively reaching the disadvantaged. Others now contend that we cannot effectively utilize extra funds contained in the HEW Appropriation Bill because the funds are being misdirected and are not reaching the disadvantaged contemplated under Title I ESEA. Your brief comments on these contentions would be appreciated.

Comment: We have made all possible effort to comply with the intent of the law. The *South Education Report* and the *Courier Journal* have both carried articles commending our district on this fact.

Response of James T. Akers, Superintendent, U.S.D. No. 203, Kansas City, Kans., January 17, 1970

How many children in your district are benefitting from education programs funded under Title I of ESEA?

Answer: 140.

What is the ADA in your school district grades K–12?

Answer: $453.

What was the amount of your ESEA Title I grant in each of the following fiscal years?

Answer: 1968 $60,000, 1969 $91,237, 1970 $80,000.

What additional funds, if any, could you

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effectively apply to your Title I programs in fiscal year 1970 over and above the present level of funding? In fiscal year 1971?

Answer: 1970 $10,000, 1971 $15,000.

In your judgment, do you believe that the Title I programs are needed to meet the special needs of educationally disadvantaged children?

Answer: By all means, we are a small district, with a migrant child program and others who need these types of programs.

Do you regard your present Title I programs as effective in meeting special education needs of educationally disadvantaged children?

Answer: Yes, our Title I program has been a real help in providing needs that the District regular budget could not provide for.

Recent hearings in Washington disclosed that inadequate funding was the greatest obstacle in the path of more effectively reaching the disadvantaged. Others now contend that we cannot effectively utilize extra funds contained in the HEW Appropriation Bill because the funds are being misdirected and are not reaching the disadvantaged contemplated under Title I ESEA. Your brief comments on these contentions would be appreciated.

Comment: I feel our funds *are reaching* those who need enriched education needs, through our migrant and remedial reading program. Funds in our case *are* directed to fill the above program. Please consider continuing and increasing Title I in the U.S.

Response of Dr. Alvin E. Morris, Wichita Public Schools USD 259, Wichita, Kans., January 19, 1970

How many children in your district are benefitting from education programs funded under Title I of ESEA?

Answer: 3,000 (approx.).

What is the ADA in your school district grades K–12?

Answer: $59,938.69.

What was the amount of your ESEA Title I grant in each of the following fiscal years?

Answer: 1968 $1,340,000 (approx.), 1969 $1,225,000 (approx.), 1970 $1,100,000 (approx.).

What additional funds, if any, could you effectively apply to your Title I programs in fiscal year 1970 over and above the present level of funding? In fiscal year 1971?

Answer: 1970 $225,000 (est.), 1971 $1,100,000 (est.).

In your judgment, do you believe that the Title I programs are needed to meet the special needs of educationally disadvantaged children?

Answer: Yes. Title I is the primary source of categorical financial aid to assist with the educational needs of low-income children.

Do you regard your present Title I programs as effective in meeting special education needs of educationally disadvantaged children?

Answer: Yes. We have had annual evaluations of our Title I program. The results have shown a consistent pattern of progress in regard to the improvement of reading. About 50 percent is spent in supportive programs and activities that have contributed to pupil educational progress.

Recent hearings in Washington disclosed that inadequate funding was the greatest obstacle in the path of more effectively reaching the disadvantaged. Others now contend that we cannot effectively utilize extra funds contained in the HEW Appropriation Bill because the funds are being misdirected and are not reaching the disadvantaged contemplated under Title I ESEA. Your brief comments on these contentions would be appreciated.

Response of Beckham Combs, Superintendent, Knott County Schools, Hindman, Ky., January 17, 1970, H.R. 1882

How many children in your district are benefitting from education programs funded under Title I of ESEA?

Answer: 1,159 during regular school term, 1,260 during summer program.

What is the ADA in your school district grades K–12?

Answer: $3,907.

What was the amount of your ESEA Title I grant in each of the following fiscal years?

Answer: 1968 $525,381, 1969 $481,961, 1970 $425,959.

What additional funds, if any, could you effectively apply to your Title I programs in fiscal year 1970 over and above the present level of funding? In fiscal year 1971?

Answer: 1970 $80,000, 1971 $100,000.

In your judgment, do you believe that the Title I programs are needed to meet the special needs of educationally disadvantaged children?

Answer: In a district such as ours, where 79.2 percent of the children come from low income families, Title I programs are our only salvation.

Do you regard your present Title I programs as effective in meeting special education needs of educationally disadvantaged children?

Yes, through special reading teachers, equipment, teaching supplies, food and community services.

Recent hearings in Washington disclosed that inadequate funding was the greatest obstacle in the path of more effectively reaching the disadvantaged. Others now contend that we cannot effectively utilize extra funds contained in the HEW Appropriation Bill because the funds are being misdirected and are not reaching the disadvantaged contemplated under Title I ESEA. Your brief comments on these contentions would be appreciated.

Comment: Inadequate funding has been the greatest handicap in formulating and initiating programs on the local level since the inception of Title I programs.

Response of Selma W. Black, School Projects Coordinator, Portland Public School, Portland, Maine, January 17, 1970.

How many children in your district are benefitting from education programs funded under Title I of ESEA?

Answer: 3,774.

What is the ADA in your school district grades K–12?

Answer: $13,806.

What was the amount of your ESEA I grant in each of the following fiscal years?

Answer: 1968, $255,273; 1969, $234,994; 1970, $213,887.

What additional funds, if any, could you effectively apply to your Title I programs in fiscal year 1970 over and above the present level of funding? In fiscal year 1971?

Answer: 1970, $200,000; 1971, $250,000.

In your judgment, do you believe that the Title I programs are needed to meet the special needs of educationally disadvantaged children?

Answer: Definitely. It is only through Title I funds that we have been able to initiate and maintain necessary service service programs so needed as compensation to disadvantaged students.

Do you regard your present Title I programs as effective in meeting special education needs of educationally disadvantaged children?

Answer: Very much so. Our only regret is that we cannot extend services to more children or add new programs desperately needed.

Recent hearings in Washington disclosed that inadequate funding was the greatest obstacle in the path of more effectively reaching the disadvantage. Others now contend that we cannot effectively utilize extra funds contained in the HEW Appropriation Bill because the funds are being misdirected and are not reaching the disadvantaged contemplated under Title I ESEA. Your brief comments on these contentions would be appreciated.

Comment: Our funds are used almost exclusively for special services, such as social workers tutoring for dyslexic children. Special programs for the retarded, school breakfasts, etc. If any small amounts remain, they are pooled to establish special summer programs for disadvantaged children.

Response of Lloyd D. Hatfeld, South Portland, Maine, January 18, 1970

How many children in your district are benefitting from education programs funded under Title I of ESEA?

Answer: 1,000 of 6,094 total private and public school population.

What is the ADA in your school district grades K–12?

Answer: $580.19.

What was the amount of your ESEA Title I grant in each of the following fiscal years?

Answer: 1968, $31,723; 1969, $27,467; 1970, $24,990.

What *additional* funds, if any, could you effectively apply to your Title I programs in fiscal year 1970 over and above the present level of funding? In fiscal year 1971?

Answer: 1970, $40,000; 1971, $100,000.

In your judgement, do you believe that the Title I programs are needed to meet the special needs of educationally disadvantaged children?

Answer: No question about it.

Do you regard your present Title I programs as effective in meeting special education needs of educationally disadvantaged children?

Answer: Absolutely, only we need more funds.

Recent hearings in Washington disclosed that inadequate funding was the greatest obstacle in the path of more effectively reaching the disadvantaged. Others now contend that we cannot effectively utilize extra funds contained in the HEW Appropriation Bill because the funds are being misdirected and are not reaching the disadvantaged contemplated under Title I ESEA. Your brief comments on these contentions would be appreciated.

Comment: We have the ability to implement several new programs without having ineffective utilization. The biggest problem is the late funding which does not allow sufficient time for planning. To make effective use of funds we should have a definite commitment for fiscal year 1971, by June 1, 1970.

Response of Harding J. Stewart, Supervisor of Federal and State Projects, Springfield Public Schools, Springfield, Mass., January 18, 1970

How many children in your district are benefitting from education programs funded under Title I of ESEA?

Answer: 4,975

What is the ADA in your school district grades K–12?

Answer: $29,530.

What was the amount of your ESEA Title I grant in each of the following fiscal years?

Answer: 1968 $714,000, 1969 $826,600, 1970 $698,000.

What additional funds, if any, could you effectively apply to your Title I programs in fiscal year 1970 over and above the present level of funding? In fiscal year 1971?

Answer: 1970 $1,000,000, 1971 $1,250,000.

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These figures would reflect our entitlement, which appropriations voted, fall to meet.

In your judgment, do you believe that the Title I programs are needed to meet the special needs of educationally disadvantaged children?

Answer: Yes, two of our current Title I, ESEA Projects are our most effective Federal Projects.

Do you regard your present Title I programs as effective in meeting special education needs of educationally disadvantaged children?

Answer: Yes, however, the funding restrictions prevent broader and great depth in implementation.

Recent hearings in Washington disclosed that inadequate funding was the greatest obstacle in the path of more effectively reaching the disadvantaged. Others now contend that we cannot effectively utilize extra funds contained in the HEW Appropriation Bill because the funds are being misdirected and are not reaching the disadvantaged contemplated under Title I ESEA. Your brief comments on these contentions would be appreciated.

Comment: I can only comment on what I have read where investigations have uncovered misappropriation of funds. I do feel that Springfield through experience has become more sophisticated in the use of available funds in helping meet the needs of educationally disadvantaged children.

Response of Joel A. Chapman, Bolivar County School District III, Shelby, Miss., January 18, 1970

How many children in your district are benefitting from education programs funded under Title I of ESEA?

Answer: 716.

What is the ADA in your school district grades K–12?

Answer: $1,750.

What was the amount of your ESEA Title I grant in each of the following Fiscal years?

Answer: 1968, $151,466; 1969, $296,458; 1970, $206,099.

What additional funds, if any, could you effectively apply to your Title I programs in fiscal year 1970 over and above the present level of funding? In fiscal year 1971?

Answer: 1970, $50,000; 1971, $50,000.

In your judgement, do you believe that the Title I programs are needed to meet the special needs of educationally disadvantaged children?

Answer: Yes.

Do you regard your present Title I programs as effective in meeting special education needs of educationally disadvantaged children?

Answer: Yes.

Recent hearings in Washington disclosed that inadequate funding was the greatest obstacle in the path of more effectively reaching the disadvantaged. Others now contend that we cannot effectively utilize extra funds contained in the HEW Appropriation Bill because the funds are being misdirected and are not reaching the disadvantaged contemplated under Title I ESEA. Your brief comments on these contentions would be appreciated.

Comment: We can and are reaching the disadvantaged. Substantial improvement in reading, math, and language acts achievement, plus more regular attendance is borne out by the results of standardized achievement tests. The greatest obstacle is civil rights groups which try to make Title I into a welfare program.

Response of Mr. Walton Jones, Superintendent, Morgan County, West Liberty, Ky.

How many children in your district are benefitting from education programs funded under Title I of ESEA?

Answer: 1,426 students are economically deprived but the entire school student enrollment of 2786 are benefited from the ESEA Title I Program.

What is the ADA in your school district grades K–12?

Answer: 2,426.5.

What was the amount of your ESEA Title I grant in each of the following fiscal years?

Answer: 1968 $241,796, 1969 $221,087, 1970 $194,578.

What additional funds, if any, could you effectively apply to your Title I programs in fiscal year 1970 over and above the present level of funding? In fiscal year 1971?

Answer: 1970 $50,000, 1971 $70,000.

In your judgment, do you believe that the Title I programs are needed to meet the special needs of educationally disadvantaged children?

Answer: Yes.

Do you regard your present Title I programs as effective in meeting special education needs of educationally disadvantaged children?

Answer: No, due to insufficient funds. Due to this fact we are unable to enact programs for Fine Arts and Special Programs to enrich the students' educational needs.

Recent hearings in Washington disclosed that inadequate funding was the greatest obstacle in the path of more effectively reaching the disadvantaged. Others now contend that we cannot effectively utilize extra funds contained in the HEW Appropriation Bill because the funds are being misdirected and are not reaching the disadvantaged contemplated under Title I ESEA. Your brief comments on these contentions would be appreciated.

Comment: 1426 or 51.5% of the students in Morgan County are considered economically deprived. However, due to inadequate funds, the curriculum is still inept in certain areas such as art, music, and special classes so that our school population is more near 90% deprived, economically, educationally, and culturally.

Funds are of great necessity in Morgan County in order to continue our present programs and possibly initiate additional programs in an attempt to remedy or partially remove this deprivation.

Response of Robert Stinson, Coordinator of Federal Activities, St. Joseph School District, St. Joseph, Mo., January 17, 1970

How many children in your district are benefitting from education programs funded under Title I of ESEA?

Answer: About 1,400.

What is the ADA in your school district grades K–12?

Answer: $14,979.

What was the amount of your ESEA Title I grant in each of the following fiscal years?

Answer: 1968 $239,000, 1969 $222,894, 1970 $204,688.

What additional funds, if any, could you effectively apply to your Title I programs in fiscal year 1970 over and above the present level of funding? In fiscal year 1971?

Answer: 1970 $100,000, 1971 $100,000.

In your judgment, do you believe that the Title I programs are needed to meet the special needs of educationally disadvantaged children?

Answer: Absolutely! These children need more than a local district can afford. Only with Federal funds, can they be helped.

Do you regard your present Title I programs as effective in meeting special education needs of educationally disadvantaged children?

Answer: Yes, but only to the extent that we can operate under the amount of money allocated, and only within the State's rigid guidelines.

Recent hearings in Washington disclosed that inadequate funding was the greatest obstacle in the path of more effectively reaching the disadvantaged. Others now contend that we cannot effectively utilize extra funds contained in the HEW Appropriation Bill because the funds are being misdirected and are not reaching the disadvantaged contemplated under Title I ESEA. Your brief comments on these contentions would be appreciated.

Comment: More funding is necessary but I believe they are being misdirected by our State Department of Education. This group is interpreting the law so strictly that only economically deprived youngsters can be helped. I don't think this law was written to mean this.

Response of Dr. Guy Carter, Independence, Independence, Mo., January 18, 1970

How many children in your district are benefitting from education programs funded under Title I of ESEA?

Answer: 379.

What is the ADA in your school district grades K–12?

Answer: 15,112 (December 1, 1969).

What was the amount of your ESEA Title I grant in each of the following fiscal years?

Answer: 1968 $44,097, 1969 $47,921 (with supplement), 1970 $44,875.

What additional funds, if any, could you effectively apply to your Title I programs in fiscal year 1970 over and above the present level of funding? In fiscal year 1971?

Answer: (It would be necessary to expand our program to include children outside the eligible Title I area.)

In your judgment, do you believe that the Title I programs are needed to meet the special needs of educationally disadvantaged children?

Answer: Yes . . . Although achievement test scores do not always reflect growth in a given period of time there has been growth. Equally important is the attitude of children and the encouragement of parents.

Do you regard your present Title I programs as effective in meeting special education needs of educationally disadvantaged children?

Answer: Yes. . . . We see educational growth commensurate with ability and home environment, but as stated above an important factor is the improved attitude toward learning.

Recent hearings in Washington disclosed that inadequate funding was the greatest obstacle in the path of more effectively reaching the disadvantaged. Others now contend that we cannot effectively utilize extra funds contained in the HEW Appropriation Bill because the funds are being misdirected and are not reaching the disadvantaged contemplated under Title I ESEA. Your brief comments on these contentions would be appreciated.

Comment: I believe the funding is adequate under the limitations of the program guidelines. It is discouraging in that we can not include those educationally disadvantaged children who live outside the qualifying areas.

Response of Mr. John Prasch, No. 1, Lincoln Public Schools, Lincoln, Nebr., January 17, 1970

How many children in your district are benefitting from education programs funded under Title I of ESEA?

Answer: 2,913 involved in programs, 3,684 identified as low income.

What is the ADA in your school district grades K–12?

Answer: $33,568.

What was the amount of your ESEA Title I grant in each of the following fiscal years?

Answer: 1968 $193,000, 1969 $214,000, 1970 $192,000 approximately.

What additional funds, if any, could you effectively apply to your Title I programs in

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fiscal year 1970 over and above the present level of funding? In fiscal year 1971?

Answer: 1970 $160,000, 1971 $200,000. 12 teachers, Reading Resource at 9,000, $108,000, support, media and supplies, $22,000, teacher aides and professional staff, $30,000.

In your judgment, do you believe that the Title I programs are needed to meet the special needs of educationally disadvantaged children?

Answer: Yes, concentrated educational effort should continue. These programs, difficult to measure objectively, are improving the attitudes of disadvantaged children and their families in my opinion. Do you regard your present Title I programs as effective in meeting special education needs of educationally disadvantaged children?

Answer: Yes. I am convinced we are meeting the special education needs of many of our disadvantaged children. With more funding we could do better, however.

Recent hearings in Washington disclosed that inadequate funding was the greatest obstacle in the path of more effectively reaching the disadvantaged. Others now contend that we cannot effectively utilize extra funds contained in the HEW Appropriation Bill because the funds are being misdirected and are not reaching the disadvantaged contemplated under Title I ESEA. Your brief comments on these contentions would be appreciated.

Comment: Much of the newspaper publicity is incomplete and part of it is irresponsible.

RESPONSE OF FRANK F. DIXON, COORDINATOR OF COMPENSATORY EDUCATION, CLARK COUNTY SCHOOL DISTRICT, LAS VEGAS, NEV., JANUARY 17, 1970

How many children in your district are benefitting from education programs funded under Title I of ESEA?

Answer: 708 for fiscal year 1970.

What is the ADA in your school district grades K–12?

Answer: $63,593 for fiscal year 1969.

What was the amount of your ESEA Title I grant in each of the following fiscal years?

Answer: 1968 $543,155, 1969 $421,621, 1970 $383,549.

What additional funds, if any, could you effectively apply to your Title I programs in fiscal year 1970 over and above the present level of funding? In fiscal year 1971?

Answer: 1970 $51,000, 1971 $60,000.

In your judgment, do you believe that the Title I programs are needed to meet the special needs of educationally disadvantaged children?

Answer: Most definitely. These students need so much individualized help and attention that it precludes their receiving adequate aid in the regular classroom.

Do you regard your present Title I programs as effective in meeting special education needs of educationally disadvantaged children?

Answer: Yes, in terms of progress of program participants. However, students serviced are roughly only 13% of those qualifying according to Title I regulations.

Recent hearings in Washington disclosed that inadequate funding was the greatest obstacle in the path of more effectively reaching the disadvantaged. Others now contend that we cannot effectively utilize extra funds contained in the HEW Appropriation Bill because the funds are being misdirected and are not reaching the disadvantaged contemplated under Title I ESEA. Your brief comments on these contentions would be appreciated.

Comment: Student selection criteria is based on Title I guidelines, but those serviced are limited because of inadequate funds.

RESPONSE OF CHARLCIA V. SMITH TAYLOR, SUPERVISOR, TITLE I DIRECTOR, JENKINS INDEPENDENT SCHOOL, JENKINS, KY., JANUARY 17, 1970

How many children in your district are benefitting from education programs funded under Title I of ESEA?

Answer: 600.

What is the ADA in your school district grades K–12?

Answer: $984.05.

What was the amount of your ESEA Title I grant in each of the following fiscal years?

Answer: 1968 $81,426, 1969, $72,420, 1970 $65,855.

What additional funds if any, could you effectively apply to your Title I programs in fiscal year 1970 over and above the present level of funding? In fiscal year 1971?

Answer: In my opinion the 1968 grant should never have been cut.

In your judgment, do you believe that the Title I programs are needed to meet the special needs of educationally disadvantaged children?

Answer: Most definitely!

Do you regard your present Title I programs as effective in meeting special education needs of educationally disadvantaged children?

Answer: No. We are simply scratching the surface because of lack of money—"cutbacks" if you please.

Recent hearings in Washington disclosed that inadequate funding was the greatest obstacle in the path of more effectively reaching the disadvantaged. Others now contend that we cannot effectively utilize extra funds contained in the HEW Appropriation Bill because the funds are being misdirected and are not reaching the disadvantaged contemplated under Title I ESEA. Your brief comments on these contentions would be appreciated.

Comment: We are handicapped when we are teaching in buildings that are more than 50 years old. We can't seem to get enough money to build new buildings so we have to have extra funds to do an acceptable job at all. More and more schools are called upon to do the work that the public assistance offices use to do. (Clothing, food, etc.) We have to have money to do these things.

RESPONSE OF RICHAR WRIGHT, WASHOE COUNTY, RENO, NEV., JANUARY 18, 1970

How many children in your district are benefitting from education programs funded under Title I of ESEA?

Answer: App. 1,000.

What is the ADA in your school district grades K–12?

Answer: App. $25,000.

What was the amount of your ESEA Title I grant in each of the following fiscal years?

Answer: 1968, $165,000; 1969, $163,000; 1970, $129,000.

What additional funds, if any, could you effectively apply to your Title I programs in fiscal year 1970 over and above the present level of funding? In fiscal year 1971?

Answer: 1970, $25,000 to $30,000; 1971, $25,000 to $30,000.

In your judgment, do you believe that the Title I programs are needed to meet the special needs of educationally disadvantaged children?

Answer: Yes.

Do you regard your present Title I programs as effective in meeting special education needs of educationally disadvantaged children?

Answer: Yes.

Recent hearings in Washington disclosed that inadequate funding was the greatest obstacle in the path of more effectively reaching the disadvantaged. Others now contend that we cannot effectively utilize extra funds contained in the HEW Appropriation Bill because the funds are being misdirected and are not reaching the disadvantaged contemplated under Title I ESEA. Your brief comments on these contentions would be appreciated.

Comment: The money can be utilized effectively, but it must be here and available at times when it is needed and not rely upon late action by the Congress.

RESPONSE OF JAMES CUSICK, ASSISTANT SUPERINTENDENT, PORTSMOUTH SCHOOL DISTRICT, PORTSMOUTH, N.H., JANUARY 18, 1970

How many children in your district are benefitting from education programs funded under Title I of ESEA?

Answer: Approximately 200 in Grades K–3.

What is the ADA in your school district grades K–12?

Answer: 5,828.

What was the amount of your ESEA Title I grant in each of the following fiscal years?

Answer: 1968 and 1969, $44,018, September 1969–June 1970, $37,175.

What additional funds, if any, could you effectively apply to your Title I programs in fiscal year 1970 over and above the present level of funding? In fiscal year 1971?

Answer: 1970, $10,000, 1971, $20,000.

In your judgment, do you believe that the Title I programs are needed to meet the special needs of educationally disadvantaged children?

Answer: Yes, if they are used for daily concentrated programs designed to build self-image of younger disadvantaged children.

Do you regard your present Title I programs as effective in meeting special education needs of educationally disadvantaged children?

Answer: Yes.

Recent hearings in Washington disclosed that inadequate funding was the greatest obstacle in the path of more effectively reaching the disadvantaged. Others now contend that we cannot effectively utilize extra funds contained in the HEW Appropriation Bill because the funds are being misdirected and are not reaching the disadvantaged contemplated under Title I ESEA. Your brief comments on these contentions would be appreciated.

Comment: We serve 175 disadvantaged children with daily individually designed activities throughout the entire school year. All our funds are directed toward this compensatory educational program. Some additional children receive guidance though they cannot be given the individual programs because of the lack of para-professionals (due to funds).

RESPONSE OF HENRY J. KALFAS, OF THE CITY OF NIAGARA FALLS, N.Y., JANUARY 17, 1970

How many children in your district are benefitting from education program funded under Title I of ESEA?

Answer: 3,200.

What is the ADA in your school district grades K–12?

Answer: $16,238.

What was the amount of your ESEA Title I grant in each of the following fiscal years?

Answer: 1968 $701,825, 1969 $639,210, 1970 $807,282.

What additional funds, if any, could you effectively apply to your Title I programs in fiscal year 1970 over and above the present level of funding? In fiscal year 1971?

Answer: 1970 $100,000, 1971 $125,000.

In your judgment, do you believe that the Title I programs are needed to meet the special needs of educationally disadvantaged children?

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Answer: Yes.

Do you regard your present Title I programs as effective in meeting special education needs of educationally disadvantaged children.

Answer: Yes. They can be improved upon. We are presently improving our programs.

Recent hearings in Washington disclosed that inadequate funding was the greatest obstacle in the path of more effectively reaching the disadvantaged. Others now contend that we cannot effectively utilize extra funds contained in the HEW Appropriation Bill because the funds are being misdirected and are not reaching the disadvantaged contemplated under Title I ESEA. Your brief comment on these contentions would be appreciated.

Comment:

1. Early allotment and apportionment of funds so that school districts could plan adequately for the wisest use of funds.

2. More open policy of project approval so that school districts could exercise judgment to fit local situation rather than be forced to conform to a rigid pattern set by an official source incognizant of local needs and problems.

3. Money allocated to our school district is being used and we will continue to need more such aid.

Response of Aaron E. Fussell, Superintendent, Wake County, Raleigh, N.C., January 17, 1970

How many children in your district are benefitting from education programs funded under Title I of ESEA?

Answer:—.

What is the ADA in your school district grades K–12?

Answer:—.

What was the amount of your ESEA Title I grant in each of the following fiscal years?

Answer: 1968 $945,732, 1969 $880,931, 1970 $814,582.

What additional funds, if any, could you effectively apply to your Title I programs in fiscal year 1970 over and above the present level of funding? In fiscal year 1971?

Answer: 1970 $200,000, 1971 $225,000.

In your judgment, do you believe that the Title I programs are needed to meet the special needs of educationally disadvantaged children?

Answer:—.

Do you regard your present Title I programs as effective in meeting special education needs of educationally disadvantaged children?

Answer:—.

Recent hearings in Washington disclosed that inadequate funding was the greatest obstacle in the path of more effectively reaching the disadvantaged. Others now contend that we cannot effectively utilize extra funds contained in the HEW Appropriation Bill because the funds are being misdirected and are not reaching the disadvantaged contemplated under Title I ESEA. Your brief comments on these contentions would be appreciated.

Comment:—.

Response of Dr. L. Gilbert Carroll, Lumberton City Schools, Lumberton, N.C., January 19, 1970

How many children in your district are benefitting from education programs funded under Title I of ESEA?

Answer: 1,149.

What is the ADA in your school district grades K–12?

Answer: $4,070.

What was the amount of your ESEA Title I grant in each of the following fiscal years?

Answer: 1968 $163,804, 1969 $142,275, 1970, $131,679.

What additional funds, if any, could you effectively apply to your Title I programs in fiscal year 1970 over and above the present level of funding? In fiscal year 1971?

Answer: 1970 $125,000, 1971 $175,000.

In your judgment, do you believe that the Title I programs are needed to meet the special needs of educationally disadvantaged children?

Answer: Most assuredly they are. Without the continued use of such funds, the educational future of these children is bleak.

Do you regard your present Title I programs as effective in meeting special education needs of educationally disadvantaged children?

Answer: Yes, to the limited extent of funding. In recent years, an already financially limited program has suffered severe cuts in funding. Disadvantaged children have been the losers in these ill-chosen attempts at economy.

Recent hearings in Washington disclosed that inadequate funding was the greatest obstacle in the path of more effectively reaching the disadvantaged. Others now contend that we cannot effectively utilize extra funds contained in the HEW Appropriation Bill because the funds are being misdirected and are not reaching the disadvantaged contemplated under title I ESEA. Your brief comments on these contentions would be appreciated.

Comment: To the best of my knowledge, Title I ESEA Funds have consistently hit the target, educationally and economically disadvantaged children. True, we have not reached all of these children. There are too many such children to be reached with acutely limited funds. Our target has been and continues to be the heavy concentration of Title I children.

Response of C. Reid Ross, Superintendent, Fayetteville City Schools, Fayetteville, N.C., January 18, 1970

How many children in your district are benefitting from education programs funded under Title I of ESEA?

Answer: 2,100.

What is the ADA in your school district grades K–12?

Answer: $12,431.

What was the amount of your ESEA Title I grant in each of the following fiscal years?

Answer: 1968 $395,885, 1969 $354,645, 1970 $332,369.

What additional funds, if any, could you effectively apply to your Title I programs in fiscal year 1970 over and above the present level of funding? In fiscal year 1971?

Answer: 1970 $100,000, 1971 $200,000.

In your judgment, do you believe that the Title I programs are needed to meet the special needs of educationally disadvantaged children?

Answer: Yes.

Do you regard your present Title I programs as effective in meeting special education needs of educationally disadvantaged children?

Answer: Yes.

Recent hearings in Washington disclosed that inadequate funding was the greatest obstacle in the path of more effectively reaching the disadvantaged. Others now contend that we cannot effectively utilize extra funds contained in the HEW Appropriation Bill because the funds are being misdirected and are not reaching the disadvantaged contemplated under Title I ESEA. Your brief comments on these contentions would be appreciated.

Comment: Many more children need to be involved in special programs such as the ones presently conducted with Title I, ESEA funds. Additional money would make this possible.

No miracles are promised, but we will continue to make effective and efficient use of all Title I funds.

Response of Dr. Newman M. Walker, Superintendent, Louisville Independent School District, Louisville, Ky., January 17, 1970

How many children in your district are benefitting from education programs funded under Title I of ESEA?

Answer: 7,500.

What is the ADA in your school district grades K–12?

Answer: 1968–69, 48,462; September 1970, 50,062.

What was the amount of your ESEA Title I grant in each of the following fiscal years?

Answers: 1968 $1,932,193, 1969 $1,893,541, 1970 $1,844,365 (tentative allotment).

What additional funds, if any, could you effectively apply to your Title I programs in fiscal year 1970 over and above the present level of funding? In fiscal year 1971?

Answer: 1970 25%, 1971 50%.

In your judgment, do you believe that the Title I programs are needed to meet the special needs of educationally disadvantaged children?

Answer: Yes. The present level of local and state funding is too low to permit expenditures for personnel with expertise in dealing with children with special learning disabilities, e.g. guidance counselors, librarians, psychologists, reading teachers, social workers, etc. In-service education programs for all staff members are a necessity.

Do you regard your present Title I programs as effective in meeting special education needs of educationally disadvantaged children?

Answer: Yes. To the extent that it is financed.

Recent hearings in Washington disclosed that inadequate funding was the greatest obstacle in the path of more effectively reaching the disadvantaged. Others now contend that we cannot effectively utilize extra funds contained in the HEW Appropriation Bill because the funds are being misdirected and are not reaching the disadvantaged contemplated under Title I ESEA. Your brief comments on these contentions would be appreciated.

Comment: Inadequate and late funding is a deterrent to well planned programs. Limited funds do not allow for direct participation of enough students to make a significant impact.

Response of W. H. Brown, Superintendent, Gaston County Schools, Gastonia, N.C., January 18, 1970

How many children in your district are benefitting from education programs funded under Title I of ESEA?

Answer: All indirectly, 8,272 directly.

What is the ADA in your school district grades K–12?

Answer: 30,578.

What was the amount of your ESEA Title I grant in each of the following fiscal years?

Answer: 1968, 632,053; 1969, 587,103; 1970, 532,253.

What additional funds, if any, could you effectively apply to your Title I programs in fiscal year 1970 over and above the present level of funding? In fiscal year 1971?

Answer: 1970, $105,000; 1971, $510.000. Early Childhood Educational programs (Kindergarten) desperately needed to supplement existing experiences provided. Elementary counselors could and would assist immeasurably in establishing worthy self-image!

In your judgment, do you believe that the Title I programs are needed to meet the special needs of educationally disadvantaged children?

Answer: Definitely! If we are to bridge the chasm imposed by the deprivation suffered by these children additional funds are mandatory. Supplementary compensatory experi-

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ences are the only avenues in filling the very real voids existing.

Do you regard your present Title I programs as effective in meeting special education needs of educationally disadvantaged children?

Answer: Absolutely! The real tragedy is that we have started too late with too little. Profound impacts are being felt and seen.

Recent hearings in Washington disclosed that inadequate funding was the greatest obstacle in the path of more effectively reaching the disadvantaged. Others now contend that we cannot effectively utilize extra funds contained in the HEW Appropriation Bill because the funds are being misdirected and are not reaching the disadvantaged contemplated under Title I ESEA. Your brief comments on these contentions would be appreciated.

Comment: Lack of funds coupled with timing in appropriations are the major deterrents to more effective-efficient planning for enhancing subsequent meaningful programs. There have no doubt been some minimal abuses but have every confidence that mammoth strides have been made in creative experiences being implemented more commensurate with the unique needs of these youth.

RESPONSE OF ROBERT L. SMITH, SUPERINTENDENT, SANDUSKY CITY SCHOOLS, SANDUSKY, OHIO, JANUARY 17, 1970

How many children in your district are benefitting from education programs funded under Title I of ESEA?

Answer: 144.

What is the ADA in your school district grades K–12?

Answer: 6,723.

What was the amount of your ESEA Title I grant in each of the following fiscal years?

Answer: 1968 $62,505.20, 1969 $57,547.14, 1970 $47,243.59.

What additional funds, if any, could you effectively apply to your Title I programs in fiscal year 1970 over and above the present level of funding? In fiscal year 1971?

Answer: 1970 $15,000, 1971 $15,000.

In your judgment, do you believe that the Title I programs are needed to meet the special needs of educationally disadvantaged children?

Answer: Yes.

Do you regard your present Title I programs as effective in meeting special education needs of educationally disadvantaged children?

Answer: Yes.

Recent hearings in Washington disclosed that inadequate funding was the greatest obstacle in the path of more effectively reaching the disadvantaged. Others now contend that we cannot effectively utilize extra funds contained in the HEW Appropriation Bill because the funds are being misdirected and are not reaching the disadvantaged contemplated under Title I ESEA. Your brief comments on these contentions would be appreciated.

Comment: Title I funds are certainly reaching the disadvantaged in our district and are being effectively used.

Although we have reason to believe that our present program is meeting a definite need in helping disadvantaged children, it is felt that the present level of funding is much too low. We are certain that an increase in funding to at least the level of 1968 would enable us to do an even better job.

Further curtailment would negate gains already made.

RESPONSE OF WILFORD E. ANDERSON, ADEL COMMUNITY SCHOOL, ADEL, IOWA, JANUARY 18, 1970

How many children in your district are benefitting from education programs funded under Title I of ESEA?

Answer: 61.

What is the ADA in your school district grades K–12?

Answer: 1,050.

What was the amount of your ESEA Title I grant in each of the following fiscal years?

Answer: 1968, $13,355, 1969, $14,278, 1970, $16,159.

In your judgment, do you believe that the Title I programs are needed to meet the special needs of educationally disadvantaged children?

Answer: No, not in the rural areas of Iowa.

Do you regard your present Title I programs as effective in meeting special education needs of educationally disadvantaged children?

Answer: Children needing attention in small groups or on an individual basis do receive special help.

Recent hearings in Washington disclosed that inadequate funding was the greatest obstacle in the path of more effectively reaching the disadvantaged. Others now contend that we cannot effectively utilize extra funds contained in the HEW Appropriation Bill because the funds are being misdirected and are not reaching the disadvantaged contemplated under Title I ESEA. Your brief comments on these contentions would be appreciated.

Comment: Schools would benefit more by receiving general aid on the basis of need.

RESPONSE OF J. A. DIXON, SUPERINTENDENT, BELLAIRE CITY, BELLAIRE, OHIO, JANUARY 17, 1970

How many children in your district are benefitting from education programs funded under Title I of ESEA?

Answer: 1967, 324; 1969, 213; 1970, 190.

What is the ADA in your school district grades K–12?

Answer: 3,464.

What was the amount of your ESEA Title I grant in each of the following fiscal years?

Answer: 1968, $74,665.62; 1969, $67,660.09; 1970, $59,762.87.

What additional funds, if any, could you effectively apply to your Title I programs in fiscal year 1970 over and above the present level of funding? In fiscal eyar 1971?

Answer: 1970, $10,000; 1971, $20,000.

In your judgment, do you believe that the Title I programs are needed to meet the special needs of educationally disadvantaged children?

Answer: Yes. I believe the Title I Programs are needed to meet the special needs of our children. We are a district without the funds to provide the individual or small-group instruction need.

Do you regard your present Title I programs as effective in meeting special education needs of educationally disadvantaged children?

Answer: Yes. Our staff is convinced that this program is helping disadvantaged children catch up.

Recent hearings in Washington disclosed that inadequate funding was the greatest obstacle in the path of more effectively reaching the disadvantaged. Others now contend that we cannot effectively utilize extra funds contained in the HEW Appropriation Bill because the funds are being misdirected and are not reaching the disadvantaged contemplated under Title I ESEA. Your brief comments on these contentions would be appreciated.

Comment: We are a district with a low assessed valuation of $9500 per pupil and we were never able to have programs to help these children before we received the Federal assistance. Unless this is continued, it will be necessary to discontinue all such programs. We are not serving all the disadvantaged children now that need help because of the lack of funds. Anything that can be done to help us meet the needs of these children will be greatly appreciated.

RESPONSE OF CHARLES E. SPEARS, SUPERINTENDENT, PIKEVILLE, IND.-PIKEVILLE, KY., JANUARY 18, 1970

How many children in your district are benefitting from education programs funded under Title I of ESEA?

Answer: 413.

What is the ADA in your school district grades K–12?

Answer: 1,260.

What was the amount of your ESEA Title I grant in each of the following fiscal years?

Answer: 1968 $62,621., 1969 $56,796, 1970 $58,587.00.

What additional funds, if any, could you effectively apply to your Title I programs in fiscal year 1970 over and above the present level of funding? In fiscal year 1971?

Answer: 1970 $15,000, 1971 $20,000.

In your judgment, do you believe that the Title I programs are needed to meet the special needs of educationally disadvantaged children?

Answer: Yes.

Do you regard your present Title I programs as effective in meeting special education needs of educationally disadvantaged children?

Answer: Yes, without question.

Recent hearings in Washington disclosed that inadequate funding was the greatest obstacle in the path of more effectively reaching the disadvantaged. Others now contend that we cannot effectively utilize extra funds contained in the HEW Appropriation Bill because the funds are being misdirected and are not reaching the disadvantaged contemplated under Title I ESEA. Your brief comments on these contentions would be appreciated.

Comment: Our funds are reaching the economically and educationally disadvantaged children in our school. Only 3% is used to administer our project. 97% is spent on salaries for special qualified teachers, for special materials and equipment, for special services to children.

RESPONSE OF HAROLD CONLEY, SUPERINTENDENT, AND KENNETH MCCAULEY, PROGRAM DIRECTOR, IRONTON CITY, OHIO, JANUARY 18, 1970

How many children in your district are benefitting from education programs funded under Title I of ESEA?

Answer: 281.

What is the ADA in your school district grades K–12?

Answer: 3,287 (No. students K–12, Oct. 1969).

What was the amount of your ESEA Title I grant in each of the following fiscal years?

Answer: 1968 $86,666.96, 1969 $79,529.67, 1970 $73,450.67.

What additional funds, if any, could you effectively apply to your Title I programs in fiscal year 1970 over and above the present level of funding? In fiscal year 1971?

Answer: 1970 $5,000, 1971 $6,000.

In your judgment, do you believe that the Title I programs are needed to meet the special needs of educationally disadvantaged children?

Answer: Yes, we feel that Title I is serving well our disadvantaged children here.

Do you regard your present Title I programs as effective in meeting special education needs of educationally disadvantaged children?

Answer: We do, definitely!

Recent hearings in Washington disclosed that inadequate funding was the greatest obstacle in the path of more effectively reaching the disadvantaged. Others now contend that we cannot effectively utilize extra funds contained in the HEW Appropriation Bill because the funds are being misdirected and are not reaching the disadvantaged contemplated under Title I ESEA. Your brief comments on these contentions would be appreciated.

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Comment: Our present Title I Project seems almost adequate. However, we could use another teacher and another aide in our Project. Increased salaries and prices, have, of course, created some problems. We are quite pleased with our Title I Program.

Response of Dr. Jack L. Griffin, Tulsa Public School, Independent No. 1, Tulsa, Okla., January 19, 1970

How many children in your district are benefitting from education programs funded under Title I of ESEA?

Answer: 25,052.

What is the ADA in your school district grades K–12?

Answer: 74,067.

What was the amount of your ESEA Title I grant in each of the following fiscal years?

Answer: 1968 $1,405,589, 1969 $1,341,366, 1970 $1,224,076.

What additional funds, if any, could you effectively apply to your Title I programs in fiscal year 1970 over and above the present level of funding? In fiscal year 1971?

Answer: 1970, 20%; 1971, 28%—a salary differential absorbs a minimum of 8% annually.

In your judgment, do you believe that the Title I programs are needed to meet the special needs of educationally disadvantaged children.

Answer: Yes.

Do you regard your present Title I programs as effective in meeting special education needs of educationally disadvantaged children?

Answer: Yes.

Recent hearings in Washington disclosed that inadequate funding was the greatest obstacle in the path of more effectively reaching the disadvantaged. Others now contend that we cannot effectively utilize extra funds contained in the HEW Appropriation Bill because the funds are being misdirected and are not reaching the disadvantaged contemplated under Title I ESEA. Your brief comments on these contentions would be appreciated.

Comment: The Tulsa Public Schools Title I program has been stringently audited each year by the Oklahoma State Department of Education and no evidence of misdirected funds has been found. Additional funds could be expeditiously utilized in the area of health and nutrition.

Response of Allen Robson, Ed. D., Ponca City Independent No. 71, Ponca City, Okla., January 17, 1970

How many children in your district are benefitting from education programs funded under Title I of ESEA?

Answer: 460.

What is the ADA in your school district grades K–12?

Answer, 6,525.

What was the amount of your ESEA Title I grant in each of the following fiscal years?

Answer: 1968 $153,624.11, 1969 $121,582.69, 1970 $91,947.

What additional funds, if any, could you effectively apply to your Title I programs in fiscal year 1970 over and above the present level of funding? In fiscal year 1971?

Answer: 1970 $40,000, 1971 $40,000.

In your judgment, do you believe that the Title I programs are needed to meet the special needs of educationally disadvantaged children?

Answer: Yes.

Do you regard your present Title I programs as effective in meeting special education needs of educationally disadvantaged children?

Answer: Yes.

Recent hearings in Washington disclosed that inadequate funding was the greatest obstacle in the path of more effectively reaching the disadvantaged. Others now contend that we cannot effectively utilize extra funds contained in the HEW Appropriation Bill because the funds are being misdirected and are not reaching the disadvantaged contemplated under Title I ESEA. Your brief comments on these contentions would be appreciated.

Comment: I think that inadequate funding of educational programs is a problem for all school districts. I assure you that the Ponca City School District can effectively utilize additional funds for Title I Programs. For example, we had to drop our elementary summer program because of the cutback in Title I Funding.

Response of Raymond L. Dombrowski, Erie, Pa., January 18, 1970

How many children in your district are benefitting from education programs funded under Title I of ESEA?

Answer: 4,547.

What is the ADA in your school district grades K–12?

Answer: 21,248.

What was the amount of your ESEA Title I grant in each of the following fiscal years?

Answer: 1968 $579,579.41, 1969 $611,091.96—with reallocation, 1970 $547,152.79.

What additional funds, if any, could you effectively apply to your Title I programs in fiscal year 1970 over and above the present level of funding? In fiscal year 1971?

Answer: 1970, at least $100,000.00 more; 1971, at least $70,000.00 more.

In your judgment, do you believe that the Title I programs are needed to meet the special needs of educationally disadvantaged children?

Answer: Very definitely.

Do you regard your present Title I programs as effective in meeting special education needs of educationally disadvantaged children?

Answer: Yes, however, due to reduced funds all needs are not met.

Recent hearings in Washington disclosed that inadequate funding was the greatest obstacle in the path of more effectively reaching the disadvantaged. Others now contend that we cannot effectively utilize extra funds contained in the HEW Appropriation Bill because the funds are being misdirected and are not reaching the disadvantaged contemplated under Title I ESEA. Your brief comments on these contentions would be appreciated.

Comment: The State Dept. of Education in Pennsylvania sees to it that all aspects of Title I of ESEA are met and not misdirected.

Response of Mrs. Eunice Harper, Superintendent, Raceland-Worthington, Ind.-Raceland, Ky., January 17, 1970

How many children in your district are benefitting from education programs funded under Title I of ESEA?

Answer: 100 special reading programs, one teacher, need two; 450 students, first through sixth grade get to use Library 1 hour per week, per student; need two librarians.

What is the ADA in your school district grades K–12?

Answer: 898.

What was the amount of your ESEA Title I grant in each of the following fiscal years?

Answer: 1968, $21,863, 1969, $19,811, 1970, $18,097.

What additional funds, if any, could you effectively apply to your Title I programs in fiscal year 1970 over and above the present level of funding? In fiscal year 1971?

Answer: 1970, at least $10,000; 1971, $10,000; no moneys for supplies, funds for two teachers and one aide at present. Funds could be doubled

In your judgment, do you believe that the Title I programs are needed to meet the special needs of educationally disadvantaged children?

Answer: Yes. Local district funds in Kentucky schools will not provide for their need.

Do you regard your present Title I programs as effective in meeting special education needs of educationally disadvantaged children?

Answer: Our program is a good one and the teachers are working very hard. The amount of funds is not adequate.

Recent hearings in Washington disclosed that inadequate funding was the greatest obstacle in the path of more effectively reaching the disadvantaged. Others now contend that we cannot effectively utilize extra funds contained in the HEW Appropriation Bill because the funds are being misdirected and are not reaching the disadvantaged contemplated under Title I ESEA. Your brief comments on these contentions would be appreciated.

Comment: Inadequate funding is correct. Where is the misdirecting being done? If we can—or may—have an amount as granted to the Dorsett Education System, Inc., and have only a limited number of students, concentrate on one or two fields, then we will produce more.

One such step was the award last fall of a federally funded $180,000 contract to Dorsett Education Systems, Inc., of Norman, Okla., to use its new audiovisual devices to teach 200 potential ninth and tenth grade dropouts reading and math. Dorsett has gone into the school districts of Texarkana, Tex., and Texarkana, Ark., and agreed to raise the students' reading and math levels by one full grade in 80 hours at the cost of $1 an hour per student. The company will get a bonus, on a sliding scale of payment, if it succeeds in less than 80 hours; it will be penalized if it exceeds the time limit. The contract could amount to as much as $2.5 million over five years.

Response of Edward J. Condon, Superintendent, Woonsocket Education Department, Woonsocket, R.I., January 18, 1970

How many children in your district are benefitting from education programs funded under Title I of ESEA?

Answer: 565, school year 1969–70; 225, summer 1970 estimate; for a total of 790.

What is the ADA in your school district grades K–12?

Answer: 7,316.

What was the amount of your ESEA Title I grant in each of the following fiscal years?

Answer: 1968 $252,026, 1969 $241,086, 1970 $215,361.

What additional funds, if any, could you effectively apply to your Title I programs in fiscal year 1970 over and above the present level of funding? In fiscal year 1971?

Answer: 1970 $50,000, 1971 $275,000.

In your judgment, do you believe that the Title I programs are needed to meet the special needs of educationally disadvantaged children?

Answer: Yes, please see attached booklet (not printed in Record).

Do you regard your present Title I programs as effective in meeting special educational needs of educationally disadvantaged children?

Answer: Yes. Heavy concentration in special areas helps students meet school demands.

Response of H. S. McCracken, Deputy Superintendent, Beaufort District, Beaufort, S.C., Received January 18, 1970

How many children in your district are benefitting from education programs funded under Title I of ESEA?

Answer: 5,725.

What is the ADA in your school district grades K–12?

Answer: 9,752.

What was the amount of your ESEA Title I grant in each of the following fiscal years?

Answer: 1968 $462,670, 1969 $464,703, 1970 $381,849.

What additional funds, if any, could you effectively apply to your Title I programs in fiscal year 1970 over and above the present level of funding? In fiscal year 1971?

Answer: 1970 $83,000, 1971 $475,000.

In your judgment, do you believe that the Title I programs are needed to meet the special needs of educationally disadvantaged children?

Answer: Yes, they provide personnel and materials to use in developing experiences denied the disadvantaged, prior to entering school.

Do you regard your present Title I programs as effective in meeting special education needs of educationally disadvantaged children?

Answer: Yes, according to evaluations made thus far, indications are that educational levels of the disadvantaged have been raised.

Recent hearings in Washington disclosed that inadequate funding was the greatest obstacle in the path of more effectively reaching the disadvantaged. Others now contend that we cannot effectively utilize extra funds contained in the HEW Appropriation Bill because the funds are being misdirected and are not reaching the disadvantaged contemplated under Title I ESEA. Your brief comments on these contentions would be appreciated.

Comment: Speaking for Beaufort County only, all funds have been used to raise the educational level of the economically deprived.

RESPONSE OF A. A. THOMPSON, PIERRE INDEPENDENT SCHOOL DISTRICT, PIERRE, S. DAK., JANUARY 17, 1970

How many children in your district are benefitting from education programs funded under Title I of ESEA?

Answer: 320.

What is the ADA in your school district grades K–12?

Answer: 2,822.

What was the amount of your ESEA Title I grant in each of the following fiscal years?

Answer: 1968 $46,636.25, 1969, $40,830.35, 1970 $36,362.

What additional funds, if any, could you effectively apply to your Title I programs in fiscal year 1970 over and above the present level of funding? In fiscal year 1971?

Answer: 1970 $10,000, 1971 $10,000.

In your judgment, do you believe that the Title I programs are needed to meet the special needs of educationally disadvantaged children?

Answer: Yes.

Do you regard your present Title I programs as effective in meeting special education needs of educationally disadvantaged children?

Answer: Yes. In area of reading—additional funds are needed to meet other needs.

Recent hearings in Washington disclosed that inadequate funding was the greatest obstacle in the path of more effectively reaching the disadvantaged. Others now contend that we cannot effectively utilize extra funds contained in the HEW Appropriation Bill because the funds are being misdirected and are not reaching the disadvantaged contemplated under Title I ESEA. Your brief comments on these contentions would be appreciated.

Comment: There seems to be the general feeling that Title I funds in South Dakota are being used for the purposes intended.

RESPONSE OF KENNETH WATLINGTON, JACKSON CITY SCHOOLS, JACKSON, TENN., JANUARY 17, 1970

How many children in your district are benefitting from education programs funded under Title I of ESEA?

Answer: 2955.

What is the ADA in your school district grades K–12?

Answer: 7645.

What was the amount of your ESEA Title I grant in each of the following fiscal years?

Answer: 1968 $282,668, 1969 $259,345, 1970 $239,827.

What additional funds, if any, could you effectively apply to your Title I programs in fiscal year 1970 over and above the present level of funding? In fiscal year 1971?

Answer: 1970 20,000, 1971 75,000.

In your judgment, do you believe that the Title I programs are needed to meet the special needs of educationally disadvantaged children?

Answer: Yes.

Do you regard your present Title I programs as effective in meeting special education needs of educationally disadvantaged children?

Answer: Yes.

Recent hearings in Washington disclosed that inadequate funding was the greatest obstacle in the path of more effectively reaching the disadvantaged. Others now contend that we cannot effectively utilize extra funds contained in the HEW Appropriation Bill because the funds are being misdirected and are not reaching the disadvantaged contemplated under Title I ESEA. Your brief comments on these contentions would be appreciated.

Comment: Hopefully we will be informed of our total grant for FY 70 very soon. We should be receiving notice of our total grant for FY 71 and FY 72 for effective planning.

RESPONSE OF ERNEST ROBINSON, SUPERINTENDENT, CARTER COUNTY, GRAYSON, KY., JANUARY 18, 1970

How many children in your district are benefitting from education programs funded under Title I of ESEA?

Answer: 2,300.

What is the ADA in your school district grades K–12?

Answer: 4,650.

What was the amount of your ESEA Title I grant in each of the following fiscal years?

Answer: 1968, $349,447; 1969, $314,471; 1970, $285,065.

What additional funds, if any, could you effectively apply to your Title I programs in fiscal year 1970 over and above the present level of funding? In fiscal year 1971?

Answer: 1970, $160,000; 1971, $180,000.

In your judgment, do you believe that the Title I programs are needed to meet the special needs of educationally disadvantaged children?

Answer: Yes, children are receiving assistance in clothing, food, and the teacher has more materials and equipment with which to present a program.

Do you regard your present Title I programs as effective in meeting special education needs of educationally disadvantaged children?

Answer: Yes, in addition to the assistance given in the regular, summer programs have been designed to meet the needs of the educationally and economically deprived child.

Recent hearings in Washington disclosed that inadequate funding was the greatest obstacle in the path of more effectively reaching the disadvantaged. Others now contend that we cannot effectively utilize extra funds contained in the HEW Appropriation Bill because the funds are being misdirected and are not reaching the disadvantaged contemplated under Title I ESEA. Your brief comments on these contentions would be appreciated.

Comment: The big difficulty in providing expanded programs is the lack of facilities or additional classrooms in which to provide the programs and services needed.

RESPONSE OF E. C. STIMBERT, SUPERINTENDENT, MEMPHIS CITY SCHOOLS, MEMPHIS, TENN., JANUARY 17, 1970

How many children in your district are benefitting from education programs funded under Title I of ESEA?

Answer: 29,411.

What is the ADA in your school district grades K–12?

Answer: 127,347.

What was the amount of your ESEA Title I grant in each of the following fiscal years?

Answer: 1968 $3,149,017, 1969 $2,901,131, 1970 $2,764,659.

What additional funds if any, could you effectively apply to your Title I programs in fiscal year 1970 over and above the present level of funding? In fiscal year 1971?

Answer: 1970 $813,000, 1971 $1,325,000.

In your judgement, do you believe that the Title I programs are needed to meet the special needs of educationally disadvantaged children?

Answer: Yes.

Do you regard your present Title I programs as effective in meeting special education needs of educationally disadvantaged children?

Answer: Yes.

Recent hearings in Washington disclosed that inadequate funding was the greatest obstacle in the path of more effectively reaching the disadvantaged. Others now contend that we cannot effectively utilize extra funds contained in the HEW Appropriation Bill because the funds are being misdirected and are not reaching the disadvantaged contemplated under Title I ESEA. Your brief comments on these contentions would be appreciated.

Comment: 100% of our Title I funds are utilized in programs for the disadvantaged. We need $813,000 to fund the 1969–1970 regular school year and summer Title I Program at a level generally commensurate with the program operated during the 1967–1968 school year.

RESPONSE OF J. M. WHITAKER, ASSISTANT SUPERINTENDENT, SPECIAL SERVICES, EL PASO INDEPENDENT SCHOOL DISTRICT, EL PASO, TEX., JANUARY 17, 1970

How many children in your district are benefitting from education programs funded under Title I of ESEA?

Answer: 5,830.

What is the ADA in your school district grades K–12?

Answer: 56,981.

What was the amount of your ESEA Title I grant in each of the following fiscal years?

Answer: 1968 $1,016,779, 1969 $883,981, 1970 $781,025.

What additional funds, if any, could you effectively apply to your Title I programs in fiscal year 1970 over and above the present level of funding? In fiscal year 1971?

Answer: 1970 50% increase, 1971 50% increase.

In your judgment, do you believe that the Title I programs are needed to meet the special needs of educationally disadvantaged children?

Answer: Yes.

Do you regard your present Title I programs as effective in meeting special education needs of educationally disadvantaged children?

Answer: Yes.

Recent hearings in Washington disclosed that inadequate funding was the greatest obstacle in the path of more effectively reaching the disadvantaged. Others now contend that we cannot effectively utilize extra funds contained in the HEW Appropriation Bill because the funds are being misdirected and are not reaching the disadvantaged contemplated under Title I ESEA. Your brief comments on these contentions would be appreciated.

Comment: Title I funds have been effective in our district to the extend of our funding; however, to reach all students who qualify, a higher rate of funding is necessary.

Response of Julius Truelson, Superintendent of Schools, Fort Worth Independent School District, Fort Worth, Tex., January 17, 1970

How many children in your district are benefitting from education programs funded under Title I of ESEA?

Answer: 6,997.

What is the ADA in your school district grades K–12?

Answer: 80,652.72 (1969–70).

What was the amount of your ESEA Title I grant in each of the following fiscal years?

Answer: 1967–68, $1,453,499, 1968–69, $1,243,056, 1969–70 $1,208,813.

What additional funds, if any, could you effectively apply to your Title I programs in fiscal year 1970 over and above the present level of funding? In fiscal year 1971?

Answer: 1970, $250,000 (additional: just to reinstate and continue programs offered in 1967–68); 1971 $500,000 (additional: to maintain effective programs and increase instructional program, particularly in the area of reading).

In your judgment, do you believe that the Title I programs are needed to meet the special needs of educationally disadvantaged children?

Answer: Although the Fort Worth Independent School District has made many efforts for the educationally disadvantaged, we could not begin to offer the in-depth individualized instruction Title I is economically, effectively, and efficiently providing. Do you regard your present Title I programs as effective in meeting special education needs of educationally disadvantaged children?

Answer: Yes; however, the needs of these children far exceed available local and state resources; additional Title I funds are needed to reach all of our educationally disadvantaged children.

Recent hearings in Washington disclosed that inadequate funding was the greatest obstacle in the path of more effectively reaching the disadvantaged. Others now contend that we cannot effectively utilize extra funds contained in the HEW Appropriation Bill because the funds are being misdirected and are not reaching the disadvantaged contemplated under Title I ESEA. Your brief comments on these contentions would be appreciated.

Comment: Inadequate funding is a great obstacle together with lack of forward funding to adequately plan for succeeding years.

Response of Luther Wright, Coordinator, Title I, Johnson County, Paintsville, Ky., January 17, 1970

How many children in your district are benefitting from education programs funded under Title I of ESEA?

Answer: 2507.

What is the ADA in your school district grades K–12?

Answer: 3355.94.

What was the amount of your ESEA Title I grant in each of the following fiscal years?

Answer: 1968 $368,690, 1969 $342,609, 1970 $298,062.

What additional funds, if any, could you effectively apply to your Title I programs in fiscal year 1970 over and above the present level of funding? In fiscal year 1971?

Answer: 1970 $200,000, 1971 $200,000.

In your judgment, do you believe that the Title I programs are needed to meet the special needs of educationally disadvantaged children?

Answer: Yes.

Do you regard your present Title I programs as effective in meeting special education needs of educationally disadvantaged children?

Answer: Yes; with our present allotment but more could be done if we had the money.

Recent hearings in Washington disclosed that inadequate funding was the greatest obstacle in the path of more effectively reaching the disadvantaged. Others now contend that we cannot effectively utilize extra funds contained in the HEW Appropriation Bill because the funds are being misdirected and are not reaching the disadvantaged contemplated under Title I ESEA. Your brief comments on these contentions would be appreciated.

Comment: It would be a catastrophe to the educational system of Johnson County if Title I funds were dropped.

Response of Dr. Dana Williams, Corpus Christi Independent School District, Corpus Christi, Tex., January 17, 1970

How many children in your district are benefitting from education programs funded under Title I of ESEA?

Answer: 6,666.

What is the ADA in your school district grades K–12?

Answer: 43,187.

What was the amount of your ESEA Title I grant in each of the following fiscal years?

Answer: 1968 $1,130,931, 1969 $1,018,368, 1970 890,577.

What additional funds, if any, could you effectively apply to your Title I programs in fiscal year 1970 over and above the present level of funding? In fiscal year 1971?

Answer: 1970 $250,000, 1971 $300,000.

In your judgment, do you believe that the Title I programs are needed to meet the special needs of educationally disadvantaged children?

Answer: Title I funds have provided additional equipment, personnel and program experimentation heretofore limited by local and State funds. Without Title I funds, additional emphases would not have been possible.

Do you regard your present Title I programs as effective in meeting special education needs of educationally disadvantaged children?

Answer: Yes, however, our district is constantly seeking better ways to meet the needs of educationally disadvantaged children.

Recent hearings in Washington disclosed that inadequate funding was the greatest obstacle in the path of more effectively reaching the disadvantaged. Others now contend that we cannot effectively utilize extra funds contained in the HEW Appropriation Bill because the funds are being misdirected and are not reaching the disadvantaged contemplated under Title I ESEA. Your brief comments on these contentions would be appreciated.

Comment: As originally intended under Title I guidelines, the Corpus Christi Independent School District has been able in the past to provide programs needed to meet the special needs of the educationally disadvantaged children. Recent budget reductions at the national level have caused the district to reduce certain services and programs. Additional funds are needed to teach more effectively the disadvantaged. These funds could provide additional equipment, materials, and staff to individualize instruction, to reduce the number of dropouts, to work with problem children, and to provide additional cultural activities for the disadvantaged.

The district can only speak from its own experiences. Title I funds have not only been directed to reach the disadvantaged but other local, state, and federal funds have also been directed to provide for more and better programs for the disadvantaged. Programs such as the State's Non-English Speaking, Head Start, Project Follow Through, Teacher Corps, and certain special projects under Title III, ESEA, have been coordinated to better meet the needs of the disadvantaged.

Response of Mrs. Rosen, Planner & Administrative Assistant, Office of Special Projects, Norfolk City Schools, Norfolk, Va., January 18, 1970

How many children in your district are benefitting from education programs funded under Title I of ESEA?

Answer: 10,359.

What is the ADA in your school district grades K–12?

Answer: 52,432.

What was the amount of your ESEA Title I grant in each of the following fiscal years?

Answer: 1968–69 $2,350,867.74 (This includes $53,144.00 reallocated funds), 1969–70 $2,067,951.37 (Tentative Authorization).

What additional funds, if any, could you effectively apply to your Title I programs in fiscal year 1970 over and above the present level of funding? In fiscal year 1971?

Answer: 1970 $250,000, 1971 $500,000.

In your judgment, do you believe that the Title I programs are needed to meet the special needs of educationally disadvantaged children?

Answer: Yes.

Do you regard your present Title I programs as effective in meeting special education needs of educationally disadvantaged children?

Answer: To a vast degree.

Recent hearings in Washington disclosed that inadequate funding was the greatest obstacle in the path of more effectively reaching the disadvantaged. Others now contend that we cannot effectively utilize extra funds contained in the HEW Appropriation Bill because the funds are being misdirected and are not reaching the disadvantaged contemplated under Title I ESEA. Your brief comments on these conditions would be appreciated.

Comment: Additional funds, appropriated far enough in advance, will enable long-range planning to be more effective.

Response of Forbes Bottomly, Superintendent, Seattle School District No. 1, Seattle, Wash., January 17, 1970

How many children in your district are benefitting from education programs funded under Title I of ESEA?

Answer: There are 27 schools designated as full-aid or partial-aid schools which have a total population of 26,144. Of these, 9,400 are from low-income families.

What is the ADA in your school district grades K–12?

Answer: 72,135.

What was the amount of your ESEA Title I grant in each of the following fiscal years?

Answer: 1968 $1,500,841, 1969 $1,370,930, 1970 $1,265,433.

What adidtional funds, if any, could you effectively apply to your Title I programs in fiscal year 1970 over and above the present level of funding? In fiscal year 1971?

Answer: 1970 $600,000, 1971 $1,000,000.

In your judgment, do you believe that the Title I programs are needed to meet the special needs of educationally disadvantaged children?

Answer: To fail to provide programs specially designed for the educationally disadvantaged is to commit one large segment of our population to oblivion.

Do you regard your present Title I programs as effective in meeting special education needs of educationally disadvantaged children?

Answer: Yes. Our Title I programs have demonstrated success among the members of the target population.

Recent hearings in Washington disclosed that inadequate funding was the greatest obstacle in the path of more effectively reaching the disadvantaged. Others now contend that we cannot effectively utilize extra funds contained in the HEW Appropriation Bill because the funds are being misdirected and are not reaching the disadvantaged contemplated under Title I ESEA. Your brief comments on these contentions would be appreciated.

Comment: We cannot speak for school districts other than our own, but Federal funds in Seattle have been applied strictly in compliance with federal and state laws and regulations to the best of our knowledge and we have not knowingly misused any funds.

Response of Mr. Eugene Sebastian, Superintendent, Breathitt County, Jackson, Ky., January 18, 1970

How many children in your district are benefitting from education programs funded under Title I of ESEA?

Answer: 3,732.

What is the ADA in your school district grades K–12?

Answer: 3,557.

What was the amount of your ESEA Title I grant in each of the following fiscal years?

Answer: 1968 $506,985, 1969 $468,917, 1970 $407,594.

What additional funds, if any, could you effectively apply to your Title I programs in fiscal year 1970 over and above the present level of funding? In fiscal year 1971?

Answer: 1970 $72,000, 1971 $480,000.

In your judgment, do you believe that the Title I programs are needed to meet the special needs of educationally disadvantaged children?

Answer: Yes, very definitely.

Do you regard your present Title I programs as effective in meeting special education needs of educationally disadvantaged children?

Answer: Yes, Title I programs have meant more to the disadvantaged children in our county than any other program.

Recent hearings in Washington disclosed that inadequate funding was the greatest obstacle in the path of more effectively reaching the disadvantaged. Others now contend that we cannot effectively utilize extra funds contained in the HEW Appropriation Bill because the funds are being misdirected and are not reaching the disadvantaged contemplated under Title I ESEA. Your brief comments on these contentions would be appreciated.

Comment: We feel that our system has spent Title I funds to the best of our ability to reach the disadvantaged child. Any lack to service the disadvantaged child in our district will be due to lack of funds.

Response of Mr. LeRoy R. Watt, Superintendent, Ohio County Schools, Wheeling, W. Va., January 17, 1970

How many children in your district are benefitting from education programs funded under Title I of ESEA?

Answer: 650.

What is the ADA in your school district grades K–12?

Answer: 9351.

What was the amount of your ESEA Title I grant in each of the following fiscal years?

Answer: 1968 $246,638, 1969 $221,669, 1970 $197,727.

What additional funds, if any, could you effectively apply to your Title I programs in fiscal year 1970 over and above the present level of funding? In fiscal year 1971?

Answer: 1970 $50,000, 1971, $200,000.

In your judgment, do you believe that the Title I programs are needed to meet the special needs of educationally disadvantaged children?

Answer: Yes.

Do you regard your present Title I programs as effective in meeting special education needs of educationally disadvantaged children?

Answer: Yes.

Recent hearings in Washington disclosed that inadequate funding was the greatest obstacle in the path of more effectively reaching the disadvantaged. Others now contend that we cannot effectively utilize extra funds contained in the HEW Appropriation Bill because the funds are being misdirected and are not reaching the disadvantaged contemplated under Title I ESEA. Your brief comments on these contentions would be appreciated.

Comment: Additional funds could be utilized effectively to reach the disadvantaged and, also, to serve them more effectively. The greatest obstacle in the path of Title I programming is the poor timing in the funding to the counties.

Response of Dr. James A. Cawood, Superintendent, Harlan County, Harlan, Ky., January 17, 1970

How many children in your district are benefitting from education programs funded under Title I of ESEA?

Answer: A total of 3,059 children are benefitting from thfe Title I program in Harlan County.

What is the ADA in your school district grades K–12?

Answer: The average daily atendance as of Dec. 16, 1969 was 7,456.

What was the amount of your ESEA Title I grant in each of the following fiscal years?

Answer: 1968 $907,941, 1969 $835,058, 1970 $738,985.

What additional funds, if any, could you effectively apply to your Title I programs in fiscal year 1970 and above the present level of funding? In fiscal year 1971?

Answer: 1970 $100,000 if available soon enough, 1971 $260,000 if advance funding to allow planning.

In your judgment, do you believe that the Title I programs are needed to meet the specific needs of educationall disadvantaged children.

Answer: Title I programs are definitely needed to meet the "special" needs of disadvantaged children whose needs are unique and different to say the least.

Do you regard your present Title I programs as effective in meeting special education needs of educationally disadvantaged children?

Answer: Our present Title I program is generally effective. However, it has lost some of its effectiveness due to loss of funds. This loss has wiped out our teacher aide programs.

Recent hearings in Washington disclosed that inadequate funding was the greatest obstacle in the path of more effectively reaching the disadvantaged. Others now contend that we cannot effectively utilize extra funds contained in the HEW Appropriation Bill because the funds are being misdirected and are not reaching the disadvantaged contemplated under Title I ESEA. Your brief comments on these contentions would be appreciated.

Comment: The trend of incidental and piecemeal funding which the past and present administrations have practiced, has caused school administrators to be unable to plan effectively for Title I Programs of sufficient depth to always meet hopes for success. It is our hope that advance funding and sufficient appropriations be made so that we can not only plan but implement effective programs.

Response of Town of Cumberland, School Department, Ashton, R.I., January 19, 1970

How many children in your district are benefitting from education programs funded under Title I of ESEA?

Answer: 250.

What is the ADA in your school district grades K–12?

Answer: 5,635.7.

What was the amount of your ESEA Title I grant in each of the following fiscal years?

Answer: 1968 $25,277, 1969 $24,514, 1970 $20,160.

What additional funds, if any, could you effectively apply to your Title I programs in fiscal year 1970 over and above the present level of funding? In fiscal year 1971?

Answer: 1970 $10,000, 1971 $15,000.

In your judgment, do you believe that the Title I programs are needed to meet the special needs of educationally disadvantaged children?

Answer: Yes.

Do you regard your present Title I programs as effective in meeting special education needs of educationally disadvantaged children?

Answer: Yes, very.

Recent hearings in Washington disclosed that inadequate funding was the greatest obstacle in the path of more effectively reaching the disadvantaged. Others now contend that we cannot effectively utilize extra funds contained in the HEW Appropriation Bill because the funds are being misdirected and are not reaching the disadvantaged contemplated under Title I ESEA. Your brief comments on these contentions would be appreciated.

Comment: There has been no misdirection of funds in the Town of Cumberland. Every allocation has been used for direct services, otherwise unobtainable, to economically and culturally disadvantaged children.

A Travelab, a prefabricated building, thousands of dollars worth of equipment and instructional materials have been purchased; salaries have been provided for specialists; personnel in areas of reading and allied skills have been engaged; in short, all money obtained has been spent for the advancement of the deprived individual. It is important that we note the fact that the town has made a tremendous in-kind contribution. Combined efforts and resources have provided our children with an unparalleled education experience.

Response of Frank Earnest, Jr., Dallas County, Selma, Ala., January 19, 1970

How many children in your district are benefitting from education programs funded under Title I of ESEA?

Answer: 6,707.

What is the ADA in your school district grades K–12?

Answer: 8,404.

What was the amount of your ESEA Title I grant in each of the following fiscal years?

Answer: 1968 $819,232, 1969 $762,271, 1970 $673,460.

What additional funds, if any, could you effectively apply to your Title I programs in fiscal year 1970 over and above the present level of funding? In fiscal year 1971?

Answer: 1970, $250,000; 1971, $500,000.

In your judgment, do you believe that the Title I programs are needed to meet the special needs of educationally disadvantaged children?

Answer: Yes, we definitely could not begin to meet these needs without our Title I programs.

Do you regard your present Title I programs as effective in meeting special education needs of educationally disadvantaged children?

Answer: Yes, we are confident that our Title I programs have been very effective in meeting the needs of disadvantaged children.

Recent hearings in Washington disclosed that inadequate funding was the greatest obstacle in the path of more effectively reaching the disadvantaged. Others now contend that we cannot effectively utilize extra funds contained in the HEW Appropriation

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Bill because the funds are being misdirected and are not reaching the disadvantaged contemplated under Title I ESEA. Your brief comments on these contentions would be appreciated.

Comment: This is definitely not true in our Title I programs. The disadvantaged children have been reached and have profited greatly from Title I, ESEA funds. We are not aware of any misdirection of funds.

Response of Paul W. Polly, Superintendent, Paris Independent, Paris, Ky., January 18, 1970

How many children in your district are benefitting from education programs funded under Title I of ESEA?

Answer: 219.

What is the ADA in your school district grades K–12?

Answer: 1543.0—1969 annual report.

What was the amount of your ESEA Title I grant in each of the following fiscal years?

Answer: 1968 $65,862, 1969 $59,640, 1970 $56,235.

What additional funds, if any, could you effectively apply to your Title I programs in fiscal year 1970 over and above the present level of funding? In fiscal year 1971?

Answer: 1970 $10,000, 1971 $20,000.

In your judgment, do you believe that the Title I programs are needed to meet the special needs of educationally disadvantaged children?

Answer: Very definitely.

Do you regard your present Title I programs as effective in meeting special education needs of educationally disadvantaged children?

Answer: Yes.

Recent hearings in Washington disclosed that inadequate funding was the greatest obstacle in the path of more effectively reaching the disadvantaged. Others now contend that we cannot effectively utilize extra funds contained in the HEW Appropriation Bill because the funds are being misdirected and are not reaching the disadvantaged contemplated under Title I ESEA. Your brief comments on these contentions would be appreciated.

Comment: Inadequate funding is definitely an obstacle in planning programs. If money were appropriated a year in advance it would give more time for planning and could be used to better advantage. No money has been misused in this district and we feel we are using it to its best advantage, with the short planning time we have.

Response of William McLeod, Doland Independent No. 54, Doland, S. Dak., January 19, 1970

How many children in your district are benefitting from education programs funded under Title I of ESEA?

Answer: 158.

What is the ADA in your school district grades K–12?

Answer: 510.

What was the amount of your ESEA Title I grant in each of the following fiscal years?

Answer: 1968 $24,955, 1969 $22,662, 1970 $19,715.

What additional funds, if any, could you effectively apply to your Title I programs in fiscal year 1970 over and above the present level of funding? In fiscal year 1971?

Answer: 1970 $5,000, 1971 $15,000.

In your judgment, do you believe that the Title I programs are needed to meet the special needs of educationally disadvantaged children?

Answer: Yes. Without Federal Funds our Title I programs would be automatically dropped.

Do you regard your present Title I programs as effective in meeting special education needs of educationally disadvantaged children?

Answer: Yes. To the extent of our program offerings. If more money was available there are several programs that we could incorporate to fully meet the needs of our disadvantaged children.

Recent hearings in Washington disclosed that inadequate funding was the greatest obstacle in the path of more effectively reaching the disadvantaged. Others now contend that we cannot effectively utilize extra funds contained in the HEW Appropriation Bill because the funds are being misdirected and are not reaching the disadvantaged contemplated under Title I ESEA. Your brief comments on these contentions would be appreciated.

Comment: Our School District has reached its maximum mill levy. This would make it impossible for us here to locally fund our Title I programs. If more money was available we could broaden our present program for the disadvantaged children in other curriculum offerings. If this was possible we would be fully assured of completely educating the whole child.

Response of William S. Sartorius, Superintendent, Board of Education of Baltimore County, Towson, Md., January 19, 1970

How many children in your district are benefitting from education programs funded under Title I of ESEA?

Answer: 2,538.

What is the ADA in your school district grades K–12?

Answer: 129,839.

What was the amount of your ESEA Title I grant in each of the following fiscal years?

Answer: 1968 $689,460, 1969 $615,924, 1970 $559,906.

What additional funds, if any, could you effectively apply to your Title I programs in fiscal year 1970 over and above the present level of funding? In fiscal year 1971?

Answer: 1970 $600,000, 1971 $625,000.

In your judgment, do you believe that the Title I programs are needed to meet the special needs of educationally disadvantaged children?

Answer: Yes.

Do you regard your present Title I programs as effective in meeting special education needs of educationally disadvantaged children?

Answer: Yes, considering the relatively low level of funding.

Recent hearings in Washington disclosed that inadequate funding was the greatest obstacle in the path of more effectively reaching the disadvantaged. Others now contend that we cannot effectively utilize extra funds contained in the HEW Appropriation Bill because the funds are being misdirected and are not reaching the disadvantaged contemplated under Title I ESEA. Your brief comments on these contentions would be appreciated.

Comment: Speaking for Baltimore County only, I can safely document that the disadvantaged pupils, where they are sufficiently concentrated, are being served. However, the law does not allow schools to be served where only small numbers of disadvantaged pupils attend, even though these "pockets in affluence" need at least health services. Lack of adequate funding prohibits a project developing on various levels of intensity of service.

Response of Valdosta City Schools, Valdosta (Independence), Valdosta, Ga., January 19, 1970

How many children in your district are benefitting from education programs funded under Title I of ESEA?

Answer: Regular school year, 1295; migrant children, 80; summer program, 1150. There is a great deal of duplication in regular and summer program.

What is the ADA in your school district grades K–12?

Answer: 7023 (1968–69 School Term).

What was the amount of your ESEA Title I grant in each of the following fiscal years?

Answer: 1968 $183,957, 1969 $324,594, 1970 $255,010.

What additional funds, if any, could you effectively apply to your Title I programs in fiscal year 1970 over and above the present level of funding? In fiscal year 1971?

Answer: 1970 $115,000, 1971 $115,000.

In your judgment, do you believe that the Title I programs are needed to meet the special needs of educationally disadvantaged children?

Answer: Yes. If we did not Title I funds our disadvantaged children would be much lower in their school work. We have been giving disadvantaged children breakfast and lunch, without it some would go hungry.

Do you regard your present Title I programs as effective in meeting special education needs of educationally disadvantaged children?

Answer: Very definitely. Most of our disadvantaged children are below grade level. We have figures to show that Title I monies are helping to close the gap.

Recent hearings in Washington disclosed that inadequate funding was the greatest obstacle in the path of more effectively reaching the disadvantaged. Others now contend that we cannot effectively utilize extra funds contained in the HEW Appropriation Bill because the funds are being misdirected and are not reaching the disadvantaged contemplated under Title I ESEA. Your brief comments on these contentions would be appreciated.

Response of Willard O. Cooper, Lincoln County, Stanford, Ky., January 18, 1970

How many children in your district are benefitting from education programs funded under Title I of ESEA?

Answer: 3,150.

What is the ADA in your school district grades K–12?

Answer: 3,680.6.

What was the amount of your ESEA Title I grant in each of the following fiscal years?

Answer: 1968, $344,450, 1969, $314,061, 1970 $282,393.

What additional funds, if any, could you effectively apply to your Title I programs in fiscal year 1970 over and above the present level of funding? In fiscal year 1971?

Answer: 1970, $35,000, 1971, $40,000.

In your judgment, do you believe that the Title I programs are needed to meet the special needs of educationally disadvantaged children?

Answer: Yes. Our Title I program is designed to reach the economically and educationally deprived children of Lincoln Co. and we are getting the job done.

Do you regard your present Title I programs as effective in meeting special education needs of educationally disadvantaged children?

Answer: Yes, very effective when properly administered for these children.

Recent hearings in Washington disclosed that inadequate funding was the greatest obstacle in the path of more effectively reaching the disadvantaged. Others now contend that we cannot effectively utilize extra funds contained in the HEW Appropriation Bill because the funds are being misdirected and are not reaching the disadvantaged contemplated under Title I ESEA. Your brief comments on these contentions would be appreciated.

Comment: Extra funds directed to providing better service for these children is not wasted.

Response of Dr. Harold H. Hitt, Superintendent, San Antonio Independent School District, San Antonio, Tex., Received January 19, 1970

How many children in your district are benefitting from education programs funded under Title I of ESEA?

Answer: 22,057.

What is the ADA in your school district grades K–12?

Answer: 69,979.

What was the amount of your ESEA Title I grant in each of the following fiscal years?

Answer: 1968, $2,279,241; 1969, $2,622,072; and 1970, $2,363,785.

What additional funds, if any, could you effectively apply to your Title I programs in fiscal year 1970 over and above the present level of funding? In fiscal year 1971?

Answer: 1970, $200,000; 1971, $250,000.

In your judgment, do you believe that the Title I programs are needed to meet the special needs of educationally disadvantaged children?

Answer: Yes. It is one of the critical needs in this area.

Do you regard your present Title I programs as effective in meeting special education needs of educationally disadvantaged children?

Answer: Yes. The few programs we have are very effective in helping the educationally disadvantaged child.

Recent hearings in Washington disclosed that inadequate funding was the greatest obstacle in the path of more effectively reaching the disadvantaged. Others now contend that we cannot effectively utilize extra funds contained in the HEW Appropriation Bill because the funds are being misdirected and are not reaching the disadvantaged contemplated under Title I ESEA. Your brief comments on these contentions would be appreciated.

Comment: Current guidelines make it almost impossible to misdirect Title I funds.

RESPONSE OF DR. GUY L. VARN, SUPERINTENDENT, RICHLAND COUNTY SCHOOL DISTRICT 1, COLUMBIA, S.C., JANUARY 19, 1970

How many children in your district are benefiting from education programs funded under Title I of ESEA?

Answer: 17,275.

What is the ADA in your school district grades K–12?

Answer: 38,905.

What was the amount of your ESEA Title I grant in each of the following fiscal years?

Answer: 1968 $1,277,100, 1969 $1,153,024, 1970 $1,070,779.

What additional funds, if any, could you effectively apply to your Title I programs in fiscal year 1970 over and above the present level of funding? In fiscal year 1971?

Answer: 1970 $275,000, 1971 $500,000.

In your judgment, do you believe that the Title I programs are needed to meet the special needs of educationally disadvantaged children?

Answer: Yes.

Do you regard your present Title I programs as effective in meeting special education needs of educationally disadvantaged children?

Answer: Yes.

Recent hearings in Washington disclosed that inadequate funding was the greatest obstacle in the path of more effectively reaching the disadvantaged. Others now contend that we cannot effectively utilize extra funds contained in the HEW Appropriation Bill because the funds are being misdirected and are not reaching the disadvantaged contemplated under Title I ESEA. Your brief comments on these contentions would be appreciated.

Comment: We know that Title I funds have been effectively used in this district to the educational advantage of the disadvantaged.

RESPONSE OF J. A. MCPHERSON, ASSOCIATE SUPERINTENDENT, MOBILE COUNTY PUBLIC SCHOOLS, MOBILE, ALA., JANUARY 19, 1970

How many children in your district are benefiting from education programs funded under Title I of ESEA?

Answer: Public 53,418, private 1,201.

What is the ADA in your school district grades K–12?

Answer: 68,555.

What was the amount of your ESEA Title I grant in each of the following fiscal years?

Answer: 1968 $2,009,397, 1969 $1,847,143, 1970 $1,662,226.

What additional funds, if any, could you effectively apply to your Title I programs in fiscal year 1970 over and above the present level of funding? In fiscal year 1971?

Answer: 1970 $1,000,000, 1971 $1,000,000.

In your judgement, do you believe that the Title I programs are needed to meet the special needs of educationally disadvantaged children?

Answer: Yes.

Do you regard your present Title I programs as effective in meeting special education needs of educationally disadvantaged children?

Answer: Yes, but could be more effective if additional funds were available.

Recent hearings in Washington disclosed that inadequate funding was the greatest obstacle in the path of more effectively reaching the disadvantaged. Others now contend that we cannot effectively utilize extra funds contained in the HEW Appropriation Bill because the funds are being misdirected and are not reaching the disadvantaged contemplated under Title I ESEA. Your brief comments on these contentions would be appreciated.

Comment: These funds are being properly used in our opinion and additional funds should be provided.

RESPONSE OF CHARLES F. CLARK, SUPERINTENDENT, FLOYD COUNTY SCHOOLS, PRESTONSBURG, KY., JANUARY 18, 1970

How many children in your district are benefiting from education programs funded under Title I of ESEA?

Answer: 5,867.

What is the ADA in your school district grades K–12?

Answer: 9,110.8, 1968–69 School Year, 8,814.17, 4th month—18 day month.

What was the amount of your ESEA Title I grant in each of the following fiscal years?

Answer: 1968 $874,677, 1969 $798,347, 1970, $712,604.

What additional funds, if any, could you effectively apply to your Title I programs in fiscal year 1970 over and above the present level of funding? In fiscal year 1971?

Answer: 1970 $200,000, 1971 $300,000.

In your judgment, do you believe that the Title I programs are needed to meet the special needs of educationally disadvantaged children?

Answer: Emphatically yes.

Do you regard your present Title I programs as effective in meeting special education needs of educationally disadvantaged children?

Answer: Yes. Additional funds could strengthen it.

Recent hearings in Washington disclosed that inadequate funding was the greatest obstacle in the path of more effectively reaching the disadvantaged. Others now contend that we cannot effectively utilize extra funds contained in the HEW Appropriation Bill because the funds are being misdirected and are not reaching the disadvantaged contemplated under Title I ESEA. Your brief comments on these contentions would be appreciated.

Comment: We are in complete agreement that inadequate funding is the greatest obstacle in more effectively reaching the disadvantaged.

HOUSING CRISIS PAST TALKING STAGE; CONGRESS MUST STOP NIXON ADMINISTRATION HIGH INTEREST BINGE

The SPEAKER. Under a previous order of the House the gentleman from Texas (Mr. PATMAN) is recognized for 60 minutes.

Mr. PATMAN. Mr. Speaker, in recent months we have heard many pious words about high interest rates and their terrible effect on the homebuilding industry.

The talk goes on and the interest rates get higher and higher. This is the time for action and less talk.

We now have the administration's position clearly on record. Twice in less than 12 months the administration raised interest rates on VA- and FHA-insured mortgages. Today, the effective interest rate on an FHA mortgage—including the one-half percent for insurance—is 9 percent—or 25 percent above the figure in effect last January.

Mr. Speaker, this latest increase means that a $20,000 home will require almost $38,000 in interest payments over the life of a 30-year mortgage—a total cost of $58,000. Mr. Speaker, most of the low- and moderate-income families of this Nation simply cannot afford such costs and they have no opportunity to obtain decent housing when we allow a 9-percent interest rate to be imposed. In fact, the average wage earner with an income of less than $13,000 to $14,000 a year is effectively priced out of the housing market.

Mr. Speaker, I place in the RECORD a copy of a news release which I issued following the announcement of the latest FHA interest rate increase:

NEWS RELEASE BY REPRESENTATIVE PATMAN

WASHINGTON, D.C., December 31.—Denouncing the latest increase in FHA and VA interest rates as a death warrant for many housing programs, Chairman Wright Patman today called for a wide-ranging Congressional re-examination of home mortgage financing.

Mr. Patman said the re-examination is necessary to offset what appears "a calculated effort of the Nixon Administration to close out low-income and moderate-income housing programs through round after round of interest rate increases."

"The latest interest rate increase is the height of irresponsibility when viewed against the Administration's failure to offer even the most meager alternative to the great mass of the American population that cannot afford homes bearing 9% mortgages," Mr. Patman said. (This figure includes one-half per cent for FHA insurance.) "The Administration raised these interest rates fully aware that most families with incomes less than $13,000 a year would be priced out of the housing market."

This Administration, through its encouragement and acceptance of high interest rates, is developing Federal housing programs only for the affluent with the low and moderate income citizen left out in the cold," the Banking and Currency Committee Chairman charged.

"Faced with this attitude by the Administration, it is the responsibility of Congress to act swiftly to provide alternative means of financing homes for these families. The Congress cannot become a willing partner in the Nixon Administration wrecking crew."

Mr. Patman said he would call for an early re-examination of proposals to have the Federal Reserve System purchase large blocks of housing mortgages at interest rates not in excess of 6 per cent. He said the Federal Reserve should make available between $10 and $20 billion to assure recovery of the housing market.

He noted that similar proposals calling for the Federal Reserve to purchase $6 billion worth of housing paper failed on a close vote in the final days of the First Session. He said a switch of 30 votes would have put the proposal into law and brought immediate relief for housing.

"I am convinced that the House would have approved this measure had the Members realized that their constituents would be forced to pay a nine per cent interest rate in a few short days," Mr. Patman said.

Mr. Patman said he would also urge early consideration of other measures which provide additional alternatives for home financing. He referred specifically to legislation which would set up a $2 billion fund for direct Federal lending at 6 per cent interest; a National Development Bank modeled after the old Reconstruction Finance Corporation; and legislation designed to encourage increased investments in home mortgages by the various pension funds.

He said he planned to give these measures priority treatment in the Banking and Currency Committee in the Second Session.

Mr. Patman said Secretary Romney's announcement of a new interest rate increase was poorly timed and will result in new pressures to force all interest rates up.

"The Administration should be devoting its energy to rolling back interest rates and not shopping around for places to announce new increases," Mr. Patman said. "The Administration is apparently intent on sending the homebuyer out in the market to compete with the big corporations, the gambling casinos and fast-buck operators for available loan funds. The homebuyer cannot compete in this market and the Federal Government should not force him to do so."

The Administration, Mr. Patman said, now has the unenviable record of creating the fastest and the most frequent housing interest rate increases in the history of the nation.

"Secretary Romney has been in office only eleven months and he has managed to raise the FHA interest rate 25 per cent," Mr. Patman said. "It is significant that housing starts have dropped from an annual rate of 1.9 million units to about 1.2 million units since Romney announced his first increase in the FHA rate last January."

Mr. Patman said the latest increase was apparently being justified by claims that the action would provide more housing and that the so-called discount points would be eliminated.

"These are the oldest and the most fallacious arguments that could be used in support of this unnecessary interest rate increase," he charged. "There is absolutely no evidence that high interest rates bring more housing. It is a fact, undisputed by any housing economist, that interest rate increases price the lower income groups out of the housing market."

Mr. Patman said that a reduction in the "points" would be only temporary and "very slight at the best." "In past interest rate increases, the points have declined for a few months and then skyrocketed back to their high levels again. And this will happen again with this latest increase."

"The homebuyer will continue to pay points as well as a record high interest rate," Mr. Patman said. "In fact, the purchaser of a $20,000 home will pay more than twice the value of the house in interest charges, points, and other finance charges over the life of a thirty-year mortgage."

Mr. Speaker, I have received a great volume of telegrams and letters from people all over this Nation expressing their strong opposition to this latest and unnecessary increase announced by Secretary Romney on December 30.

Mr. Speaker, these letters express better than anything I could say the feelings of the people who have been betrayed by these high interest rates. I urge that my colleagues read these letters carefully. These are the heartfelt opinions of people who are looking to their elected Representatives for some relief from the terrific burdens of high interest rates. It would be a great shame if this Congress ignored these honest pleas from the people.

The material referred to follows:

GLENOLDEN, PA.,
January 1, 1970.

Re Increased Mortgage Rates (FHA-VA).
Representative PATMAN,
Chairman, House Banking Committee,
House Office Building,
Washington, D.C.

DEAR REPRESENTATIVE PATMAN: Congratulations on your statements denouncing the increases in mortgage rates from 7½% to 8½% (plus ½ of 1% on FHA mortgages) as "sneakly" announced *late* of Dec. 30 and effective Monday, January 5, 1970 by George Romney, Sect. of HUD.

This action was well known to become a fact, by anyone dealing in the field of home financing; for several months, and I'm sure known by your Committee.

The Federal Law enacted in May 1968 authorizing the HUD Secretary, in consultation with the V.A. Administrator to set the interest ceilings on Federally backed mortgage *"sufficiently"* to compete with money market prices should never been permitted. This freedom; power by a Cabinet Member makes our Representatives, elected officials useless.

Only a week ago, after a Home Builders Convention in Texas, Mr. Louis R. Barba, acting President of the National Association of Home Builders, members of over 51,000 builders advised Mr. Romney *not* to increase the interest rate from the 7½% level. Mr. George Meany, Pres., AFL-CIO, has denounced this action as a serious blow to home buyers and residential construction.

This increase is most inflationary, and affects only the millions of workers, taxpayers, family men who are buying a home; not the poor or the affluent. The poor have a subsidized program, if they want to purchase a home; the affluent are benefitted more and more by tax exemptions.

I worked and lived in Washington, D.C. for fifteen (15) years and admired your capabilities and action on many bills before Congress; I can only say thank God we still have one representative left.

I am not writing this letter, just to write, but to bring to your attention the millions of average people, who will be adversely affected by the "rotten action" by Romney, one little cabinet officer.

The *only action now* for all our representatives and Senators is to *"override this action,"* set back the percentage to 7½%, and then adopt your resolution for the Federal Reserve System to buy blocks of housing mortgages at rates not above 6 per cent, and keep them off the trading market.

If this is not done, the average man and woman has no alternative but to resort to other means of escaping taxes, high interest rates, or relief and welfare.

The present system of Federal contract on housing, FHA and VA, has already created a monster in financing—both buying and selling property. A seller of property under FHA-VA must pay "points" of at least 10% to obtain a mortgage for the buyer—this is added to the selling price plus the buyer as a veteran pays 7½% mortgage, and FHA buyer 7½% + ½ of 1% mortgage insurance premiums. Now with the so-called 8½% (9%)—the "points" *do not* drop, and if so about 1% for a month or so. These "points" should be declared illegal for either buyer or seller, but instead is encouraged by our own Federal Government.

I hope my effort in writing to you, is not in vain and that your administrative assistants, will pass this one on to you. Also I hope and pray that you can continue to support the public as you have done, and enjoy good health.

Very truly yours,
OWEN F. BRENNAN.

KANSAS CITY, MO.

MR. PATMAN: I am writing you this letter in regards to the recent announcement of an interest increase in FHA and GI house mortgage interest rates by Mr. George Romney.

In my humble opinion this is a disaster especially in this period of inflation and uncertainty—very ill timed. My respect for Mr. Romney prior to this was to the utmost, but now I see him as just another tool for big business.

There is much resentment to this action and don't be surprised if Washington isn't flooded with mail.

If this increase becomes a reality and I believe it will, we will surely remember this administration in the coming elections.

We hope that you will conduct an investigation into this matter and bring the facts to the people.

MR. V. CALIA.

TORRANCE, CALIF.,
January 1, 1970.

DEAR MR. PATMAN: My wife and I have been married seven years now, and for all of that time we have been saving for and dreaming of owning our own home.

My income is now at a level where a few years ago I would have thought it sufficient to buy a home. Now with the interest rates as high as they are it appears unlikely that we will be able to buy in the near future.

I understand, basically, some of the problems of inflation and the idea behind tight money as a means of fighting it. But it seems terribly unfair when it hurts a certain segment of the population so much harder than others.

I have just read of the increase in FHA/VA rates and of your plans to try to do something about it. I have never before written to a Congressman, but now I feel compelled to express my feelings on this matter, and also to let you know how much I appreciate your stand on this matter. I hope to God you are able to do something.

Sincerely,
HAROLD P. THOMPSON.

LEON RIMOV & ASSOCIATES,
January 2, 1970.

HON. WRIGHT PATMAN,
Chairman, House Banking Committee,
House Office Building,
Washington, D.C.

DEAR CONGRESSMAN PATMAN: The raising of the VA and FHA interest rate to 8½% plus ½% mortgage insurance is the start of a new war on inflation. It cannot be stopped if the federal government doesn't stop competing within its own family for money.

The raising of the interest rate is without question the most serious financial move the Nixon administration has made concerning the general economy. It is very easy to project the consequences of this increase. They are as follows:

1. Middle and upper middle income housing will be paid for by buyers at 10% plus at least 2 points discount.

2. The Federal Reserve Board will in time raise the prime interest rate at least by 1 point and possibly 1½ points.

3. There will be little or no chance for state and local governments to undertake public improvement projects which are vital to the health, safety and welfare, such as: new sewer plants, new disposal sites, improved transportation, improved sewers, public utilities.

4. FHA will not effectively serve either the middle income or the low income families by this new increase in the interest rate.

XUM

5. Construction in this country will come to a screeching halt before the middle of this year if positive steps are not taken to lower the interest rate immediately. The inflationary action by George Romney, Secretary of Housing, is one of the greatest acts of foolishness ever perpetrated on the general public by a public official.

I look forward to an immediate response and action on your part and that of other members of your committee.

Sincerely yours,

LEON RIMOV.

JAS. W. FISHER AGENCY, INC.
Spencer, Iowa, January 2, 1970.

Hon. WRIGHT PATMAN,
Chairman, House Banking Committee, House of Representatives, Washington, D.C.

DEAR REPRESENTATIVE PATMAN: I have just read with great dismay the announcement by Secretary of Housing Romney raising the interest rate on FHA and GI home mortgages to 8½%.

I would like to commend you on your criticism of such action and your indication that the House Banking Committee would strive for modification of the home mortgage interest rate.

You are absolutely correct in your observation that this high mortgage interest is preventing those who wish and need to buy a home from doing so.

It is my understanding that savings and loan institutions were instituted as a main source wherein home buyers could secure home mortgage financing. It has been my sad observation that, over the years these institutions have devoted more desire in ways and means of developing greater profit for the institution . . . with mounting spread between the interest paid on deposits and interest received from mortgages. Plus charging increased loan closing cost fees to both mortgagees and "points" charged to sellers.

I do hope that you and your committee will do everything possible to work for reduction of interest rates and assistance to the many American families who desire to buy a home.

Respectfully,

P. W. FISHER.

HACIENDA HEIGHTS, CALIF.

Representative WRIGHT PATMAN.

HONORABLE SIR: I wish to compliment you as being one with enough back bone to say something about this high interest rate. My how we need some one like you. This is one of the biggest farces I have heard. Twice with no reason only to keep the man we all need from having a roof over his head.

The man that furnishes most of our men to fight the battles such as W.W. 1 & 2, Korea and now Viet Nam has no one to fight for him. We are in trouble with riots, rapes, robberies & killing just because no one has back bone in the Administration to do anything for the little man & men coming back home from Viet Nam cannot buy a home in any area. The cheapest home and only one (1) 15,950 to sell G.I. 112.37 principal & Int. $16.67 taxes: $4.00 apr for Ins.: $133.39 Per Mo. to buy he must make $540.00 Per mo. $312.00 Per Hr. and in our area which is City of Industry & some pay as little as $1.75 per Hr. & our largest pays $2.25 to $3.00 for unskilled labor. So you can see they were out classed before this 1% raise came in to being. Please see this as I do. As I am a Realestate Salesman, and am near 65 years old. And all I can do is give you any information you may need in my area of near Los Angeles, Calif. Please for the decency of your fellow man even if you are not in our area.

Stay in there and fight. I have written to ones in my area and they are to chicken or are ones that have there fingers in the pie & don't want to pull it out. Election is coming in our area and I have never said anything before but I can't sit back now with such as we have in office now.

One and three quarters percent rise in such a short time is plain nuts.

Hold down inflation for the working class but turn it *loose for the ones that can get fat on it*. Keep up the good work and if I can help in any way please call on me.

Yours truly,

Mr. J. E. STEVENS.

DETROIT, MICH.

DEAR MR. W. PATMAN: I certainly approve of your intention to investigate high interest rates which in addition to being inflationary constitute economic rate by the rich of the poor.

Thank God there are a few people around who object to this kind of criminal activity!

Sincerely,

SIDNEY M. MANUEL.

PENSACOLA, FLA.,
January 2, 1970.

SIR: We are within two weeks of closing a VA guaranteed mortgage.

Should I try and stall to await the outcome of your investigation into the increase in interest.

If I close the loan at 8½% and the increase is rescinded will I be stranded at 8½% or will it be as if the increase had never happened.

Truly,

WILLIAM J. BERRIO.

FAIR LAWN, N.J.,
January 1, 1970.

Hon. WRIGHT PATMAN,
Chairman, House Banking Committee,
House Office Building,
Washington, D.C.

DEAR MR. PATMAN: Thank you so much for speaking out against the injustice of the raise in interest rates for FHA mortgages. I was heartened somewhat that someone in Congress is speaking for the average American citizen rather than for big business.

We saved for ten years and finally applied for an FHA mortgage on Nov. 23, 1969 at the rate prevailing. After yesterday's announcement of the rise, we knew that we could not go ahead with our plans to buy this house. It seemed to us illegal that our government would not honor an application made well before the change.

My husband earns $16,500 and I earn $2,000 annually and we are unable to buy a house in this area with a down payment of $9,000. It is indeed an incongrous situation.

I have written to my own Representative (Widnall) and my Senators (Case and Williams). I indeed hope that their view will be similar to yours.

Why is the President allowed to make such decisions without consulting Congress. This is indeed puzzling to me.

Thank you again.

Yours sincerely,

Mrs. NATALIE STEINBERG.

MIAMI, FLA., *January 3, 1970.*

DEAR CONGRESSMAN PATMAN: Please excuse this scribbled letter; my typewriter is in storage.

I read of the stand you have taken against the FHA/VA interest hike in the Miami Herald and wanted to write and tell you how glad I was to hear someone in Washington had spoken out against it.

I was particularly upset to hear of the interest hike because I had already committed myself to buying a house in Miami under a VA loan and yet will not be able to close before January 5th so will have to pay the added interest point. This will add approximately $21.00 a month to my house payment and some $6,000–$7,000 to my mortgage.

I am opposed to any interest rate increase but particularly upsetting to me was the fact that only two working days expired between the day the increase was announced and the day it became effective. In all fairness to the hundreds or even thousands of people who had applied for VA loans before the rate increase was announced it seems to me they should have been guaranteed the old rate of seven and one-half percent.

As it was, I applied for my VA loan on November 19, 1969, buying a house that was going to stretch my salary quite a bit. Now I've had this surprise interest hike pulled on me and quite frankly I feel as though my government has been unfair to me.

Also questionable to me was the fact that I signed all the papers that were to go to the VA on December 16, 1969. This was after F&R Builders of Miami had run their credit check on me. When I called the VA office in Jacksonville, Florida on December 31, 1969 they hadn't even received the papers from F&R much less had time to process them before the interest hike became effective. I have not yet heard the cause of the delay but it has been an expensive one for me.

Thank you for taking the time to read my letter; I am with you one hundred percent in your fight against higher interest rates.

A slight history on myself; I have just been released from the Marine Corps after serving four and one-half years as an officer. I spent a year in Vietnam and am now working for Delta Airlines.

Sincerely,

JOHN W. BOTTOMS, Jr.

BROOKLYN, N.Y.,
January 1, 1970.

DEAR MR. PATMAN: More power to you! And less to the banker millionaires whom Mr. Romney has joined.

Enclosed a copy of my letter to him.

Respectfully yours,

Rabbi FRED S. HEUMAN.

BROOKLYN, N.Y.,
January 1, 1970.

DEAR MR. ROMNEY: And you were considered the Liberal in the Cabinet of the Nixon administration. And you have now added over $6,000 to a $30,000 home to be financed by FHA, in order to soak the worker and enrich the banker.

You are not so naive as not to see that the constriction of the money supply has not halted inflation. The answer to inflation is a voluntary commitment in this country to hold the price line and to halt all increases. The labor demand will slacken as well.

You've done the opposite. You should be fighting your administration's overbearing banking interests who here so far succeeded in their enormous profits by the wide spread between a 5% interest rate paid on savings and an 8½% interest rate charged on loans. Your collusion is the saddest to take. You will regret it, as it does our country harm,

Sincerely yours,

Rabbi FRED S. HEUMAN.

JANUARY 1, 1970.

DEAR MR. PATMAN: Although I am not one of your constituents I still wanted to write to you about my feelings. As a private citizen I appreciate the work you are doing to protest the high interest rates. At today's rates it does not pay to own a house, the rates are criminal. Young people like myself who make comfortable livings and know how to add, realize that these rates are terrible. It is cheaper to rent, even at high rents than to buy. Second mortgages are becoming commonplace. Let's get this country back to normal so that inflation will stop eating up every dollar. Put tight controls on the crop of credit buying. The banks don't have mortgage money because they need it for their irresponsible credit card holders at 1½ percent per month or 40% true annual interest rate.

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Enough, even at 6% interest is high for mortgages. Please continue to press your colleagues and make them act like responsible lawmakers instead of idiots.

Thank you and happy and healthy New Year.

Norme Sehl.

Fresno, Calif.,
December 31, 1969.

Representative Wright Patman,
House of Representatives,
Washington, D.C.

Dear Representative Patman: I am in agreement with you, in your investigation and legislation to offset the 8½ percent interest rates on F.H.A. and V.A. home loans.

This is nothing but a Republican move for the money class of people.

The wage earner can no longer buy a decent home for his family.

Thank you for any assistance on this matter.

Sincerely yours,
Edward J. Brannan.

North Miami Beach, Fla.,
December 31, 1969.

Hon. Wright Patman.

Dear Sir: Thank you very much for your efforts to stop the rise in interest rates. It seems as though anything that will be of help to the working man is considered inflationary by the present administration but the tremendous allowances given to the multi-millionaire such as the oil depletion allowance, tax-free bonds, etc., is not.

Sincerely,
Abraham Walfish.

Stratford, Conn.,
January 2, 1970.

Hon. Wright Patman,
House of Representatives,
Washington, D.C.

Dear Sir: A recent article in our local newspaper, the Bridgeport Post (Bridgeport, Connecticut) has prompted me to write to you. I want to commend you for your statements of fact concerning the interest rate on government-backed housing loans. You were quite correct in stating that the administration is developing federal housing programs only for the affluent.

My husband and I have worked and saved for five years, we have no children and have lived in a very reasonable rent for five years. We are not extravagant and, I think, have above average salaries for our age and geographic location. We have many friends who are in the same situation, and many who have children and the wife cannot work.

We cannot find, in this area of the country, a new 6 room ranch house for less than $30,000. This does not include a garage, driveway, landscaping, and, many times, does not include city water, sidewalks or sewers. This would be added cost to the purchaser. For the sake of example, let's say we found "something" for $25,000—this is the way it would break down:

House	$25,000
Downpayment (20% now required)	—5,000
Total	20,000

FHA Mortgage Payments per month on $20,000 at 9% for 30 years equals:

Per month	$161.00
Per month town taxes	40.00
Total per month cost to us	201.00

Please keep in mind that for this area this is *not*, by any means, a good home. For this money it would most likely be between 40 and 50 years old. And, above that, the only reason we could afford it is because we both work.

I wouldn't even venture to imagine how many people are in our same situation. But I know one thing, the man or the party that can beat this interest rate down, will have our vote for many years to come.

Please keep up this good work!

Sincerely,
Mrs. Robert Buda.

January 1, 1970.

Hon. Wright Patman,
Congress of the United States,
Washington, D.C.

Dear Sir: First let me express my humble thanks for your stand against the high interest rate, just shoved down my throat along with many GI's by the present administration.

At present I am under contract to buy my first home, 7½% VA and of course to be 8½%, now highest permissible rate at time of closing. I completed 28 years of naval service 3 Sept. 1969, and am now in the civilian labor market. Renting for past 18 years.

Negotiating for a home loan I have found the VA loan money at 7½% was not tight as they claim. Almost any sub-division in this area could be financed under VA 7½%, the big problem with the moderate income (average) family is the high cost of the homes. High taxes, insurance, and now on top of all this another increase on the interest rates.

I feel along with other GI personnel in this area that the decision of Mr. Romney and Administration is, they are not really thinking of me the GI, but the big business concerns, mortgage companies and like you say the affluent.

I hope along with you, the Honorable Russell, Honorable Rivers, and others, feel this increase is uncalled for and is only in the interest of the mortgage companies. If the money is tight, increasing the cost sure doesn't seem to be the answer to the many of us that feel we can't really afford a home under present costs.

Thank you for speaking out.

T. R. McConnell.

Seattle, Wash.,
January 10, 1970.

Hon. Wright Patman,
U.S. Congress,
Washington, D.C.

Dear Sir: Please find enclosed clipping from real estate section Seattle Post Intelligencer of this date.

In view of your investigation of high (8½%) F.H.A. & V.A. interest rates I thought this article might be of some value.

Thank you for your splendid efforts in this age of brain washed economists.

Yours truly,
Douglas J. O'Rouark.

[From the Seattle (Wash.) Post-Intelligencer Jan. 10, 1970]

The increase in the FHA and VA mortgage rate from 7½ to 8½ per cent pushed down the discount rate being charged sellers here on real estate sales this week; but—

1. The drop wasn't as great as many hoped it would be.

2. And, many were already predicting that the discount would work its way back up to the old level as the year progressed.

The discount is the charge levied by lenders against sellers in most home-sale real estate transactions in an effort to make the money loaned earn the going market rate.

Before last week's increase in the FHA-VA basic interest rate to 8½ per cent, lenders had been demanding as high as 10 per cent discounts from sellers on the total sales price.

When the new rate was announced last week, lenders expressed hope that the discount rate would drop substantially thereby making it easier for sellers to sell their home, thus loosening up a tight real estate sales market.

Some officials reported that discounts had dropped back to 2 per cent. But most were pegging the discount at midweek at somewhere between 4 and 6 per cent.

As always, the exact amount depended on the quality of the loan being made—the quality of the house, the credit standing of the new buyer and the availability of money.

Garth Marston, vice president, marketing, of Washington Mutual Savings Bank, said the discounts had ranged from 2 to 4 per cent at the start of the week but had worked their way up to 6 per cent toward the end of the week.

Carl A. Sandquist, president of the Coast Mortgage Co., said the * * * discount rate would probably level out at between 5 and 6 per cent.

Sandquist pointed out that lending institutions which sell FHA and VA mortgages to the federal National Mortgage Association (Fanny Mae) to get more cash to lend for housing were having to pay as much as 5 per cent discounts on the money they borrowed.

In other words, for every $1,000 worth of mortgages they sold they were able to collect only $950 in cash.

Such lending institutions can come out even in reloaning the money only if they, too, charge a similar point discount.

* * * * *

Despite discounts or higher interest rates, lending institutions simply don't have money to lend. Fany Mae has been the only source.

William J. Winn, executive vice president of the Master Builders, was among those who predicted that the discount rate would work its way back up to an even higher level.

Bond interest rates—generally considered an indicator of the state of the money market—have continued to increase, even since the new 8½ per cent home mortgage interest rate was announced.

If history repeats itself, discounts points will rise, to, in order to keep up with the competition.

Winn, however, saw today as a good time to buy a home. He foresees no decline in interest rates.

"It's still definitely a buyers market. We have lots of homes to sell in almost every price class. And with the discount rate where it is today, sellers will probably be more anxious to sell than ever before."

Arlington, Va.,
January 13, 1970.

Hon. Wright Patman,
U.S. House of Representatives,
Washington, D.C.

My Dear Mr. Patman: I doubt that you will see this letter but I will make it short in the event you do.

I want to express my concern over the 8½ percent interest rate that is presently in effect for home loans. I have worked for a number of years before marriage and after in order to be in a position one day to provide a home for my family. My husband and I expect a child soon and find that we are unable to meet mortgage payments when interest rates are at the 8½ percent level.

I find this situation completely frustrating, disappointing and unfair and I heartily endorse your proposal to have the government provide low cost loans for home buyers.

Sincerely,
Catherine L. Timmeny,
Mrs. Wallace L. Timmeny.

Pomona, N.Y.,
January 13, 1970.

Representative Wright Patman.

Dear Sir: My husband and I are fully aware of your tremendous efforts to roll back the interest rates, and ease up the tight money situation.

All the reports that we have read, show that the banks are continually showing larger and larger profits.

The way this Administration is handling the economic policies, is helping to make the rich, richer; and placing the "little man", in a very very precarious situation.

We sincerely pray that you are able to muster enough support to remedy this situation.

Very truly yours,

Mrs. Janice Sterling.

Fulton, N.Y.,
January 2, 1970.

Representative Wright Patman,
House Office Building,
Washington, D.C.:

Raising of FHA and GI interest rates will break the back of the home building industry. Are we going to continue to allow the banking industry to control our government?

Mayor Percy E. Patrick, Jr.,
Builder and Developer.

Lowell, Mass.,
January 1, 1970.

Congressman Wright Patman,
Chairman, House Banking Committee,
House of Representatives,
Washington, D.C.

Dear Congressman Patman: We view with dismay the recent action raising FHA and VHA mortgage rates to 8½ percent, and heartily endorse your investigation this inflationary act. We wish you could prevent its going into effect. We are already home owners. It is the effort of all future home buyers and our country's monetary policy that bothers us. Please try to reverse this trend of spiraling interest rates.

Edward and Gloria Boyson.

Alexandria, Va.,
December 31, 1969.

Hon. Wright Patman,
House of Representatives,
Washington, D.C.

Dear Mr. Patman: I have just heard on the evening news program that you are going to conduct an inquiry or investigation into the announced raising of the VA/FHA home loan rates to a new high of 8½ per cent.

The purpose of this letter is to offer you whatever moral support and encouragement that my wife and I are capable of in your opposition to the suddenly announced interest rate ceiling.

My wife and I moved to this area about 6 months ago to accept employment after retiring from the Navy. We are both lifelong Texans from Hamilton and considered Texas our legal state of residence until I retired and moved to Virginia.

We are in the process of trying to buy a house in the Escena subdivision in Oxon Hill, Maryland for delivery when construction is completed next June. We have applied for VA financing with the Colonial Mortgage Corp. of D.C., 1101 17th St. NW. and this firm is now processing our application for VA financing.

When we signed a contract to purchase the house, there did not seem to be any problem whatever in locating the financing at the rate of 7½ per cent. There may well have been a shortage of money available but it certainly was not apparent to us. We hoped to be able to purchase this house with 7½ per cent or less money and were shocked yesterday when we heard that Mr. Romney had raised the rate to 8½ per cent!

Mr. Patman, we are at a complete loss to understand how this boost of a full one per cent is going to help solve our nation's housing shortage. While there may be more firms willing to lend money at the new 8½ per cent rate, we wonder just how the people who need housing are going to be able to afford an extra $30.00 or so per month which an average housing loan in this area will be boosted by the one per cent hike. Perhaps only by salary increases which certainly doesn't improve the Administration's chance of bringing inflation under control. Rather than helping the situation it just seems to be another weary round of inflation.

We encourage you, Mr. Patman, to do all that you can to cause this boost in interest rates to be rescinded. It is completely unjustified in our view.

Respectfully yours,

Glen Vaughn.

Littleton, Colo.,
January 2, 1970.

Representative Wright Patman,
House of Representatives,
Washington, D.C.

Dear Mr. Patman: With the very recent interest increase in the F.H.A. and V.A. backed housing loans, I feel compelled to write you and express my feelings with regard to the investigation and legislation to offset this recent increase that you are proposing to conduct.

Just recently I applied for a V.A. backed housing loan to finance the construction of a new home and this recent increase in interest rates will have a very significant impact on the total cost of that loan. With the present conditions the way they are, it is becoming next to impossible for a family to afford housing.

I am therefore, in favor of anything you and your committee can do in an effort to bring the interest rates on housing loans back down to a level that will be realistic and within the reach of the so called "Middle Class" citizen.

Sincerely yours,

Donald C. Rose.

Matawan, N.J.

Hon. Wright Patman,
Washington, D.C.

Dear Mr. Patman: I was agreeably pleased with an article in the N.J. Star Ledger of your interest in the hike in mortgage interest.

I am a widow and live in a garden apartment with three rooms. My daughter also has a four room apt. in same area. Three years ago, I moved here rental at $115 first year, second year $117.50, third year $130.00. My daughter rented said apartment first year $155, new lease $180.00. We figured with these high rentals we could buy a home together. We looked around and was hit with the high interest plus large down payment. Where are people like we going to find a house with liberal down payment and low interest for $311.00 per month. I was pleased to hear what your committee with its proposals intend to do. Lots of luck and be assured we are rooting for you.

Sincerely yours,

Loretta D. Connell.

Elma, N.Y.,
January 1, 1970.

Dear Mr. Patman: Is there anything that can be done to reverse the interest rate climb.

We are on the verge of buying a new home but between these fantastic rates and high taxes we just can't swing it.

Very truly yours,

Charles W. Tent.

Inglewood, Calif.,
January 1, 1970.

Sir: We deplore the continuing rise in interest rates on home mortgages and strongly believe it has a most damaging effect on our economy and a great influence on the ever continuing spiraling inflation.

We strongly applaud your denunciation of the latest increase on government-backed home mortgages and sincerely hope you will do everything in your power to initiate legislation that will force a downturn of such unreasonably high interest rates.

Respectfully,

Mr. and Mrs. Sidney Gertz.

Asheville, N.C.,
January 4, 1970.

Representative Wright Patman,
House Office Building,
Washington, D.C.

Dear Representative Patman: May I commend and encourage you on your recent proposal to fight increasing interest rates. After almost a year of struggling to improve our lot to start construction, we finally began in mid-November and were able to get the basement wall of our modest-sized house (1540 sq. ft.) up just before Christmas.

When we first contemplated building in May 1968 VA-backed loans, as you well know, carried an interest rate ceiling of 6%, quite acceptable for our purposes. The first raise to 6.75% hurt, as did the subsequent one to 7.50% in January 1969, but we continued, feeling as did most people, that continued inflation threatened our chances of building at all.

Now, with our basement wall up, most the frame lumber, plywood and hardwood flooring stored for use and all our subcontractors lined up and waiting, the latest New Year's hike to 8.50% has cleanly knocked us out of the market. I can understand Mr. Romney's immediate reasons for reluctantly assenting to this increase, but on the other hand I wonder just how many potential homeowners will enter the market now to grab up newly released money at this record-busting rate.

Again, may I say I applaud your efforts to have the government buy up blocks of mortgages at cheap interest rates to help the average man who wants, and definitely needs, a home of his own. Though not true, I sometimes wonder if our great country isn't primarily devoted to perpetuating the interests of the affluent and the rich while patronizing the "silent majority."

Respectfully yours,

Robert C. Martin.

Goode's Department Store,
Vinton, Va., December 31, 1969.

Representative Wright Patman,
Congress,
Washington, D.C.

Dear Congressman Patman: Again I congratulate you on your stand against higher and higher interest rates. Where will it all lead when will it stop? Higher and Higher we go until we come down with a Bust.

As a small independent businessman I do resent our Government Guaranteeing 8½% loan money to our very Affluent Life Insurance Companies and some of our Mortgage Bankers. Nobody guarantees small businessmen and wage earners anything. Money before People seems to be the trend in our Government today. We would all be far better of if all ceilings on both savings and Interest charges were removed also take off the guarantees I suspect then some of our Banker Money Friends might get down to earth.

Keep up your Good Work.

Yours,

O. Goode.

Point Pleasant, N.J.,
January 1, 1970.

Hon. Wright Patman,
House of Representatives,
Washington, D.C.

Sir: On December 31, 1969, on channel No. 2, WCBS–T.V., New York at seven p.m., the newscaster reported that you would investigate the approval of a raise in interest rates of V.A. and F.H.A. Loans. This investigation I heartily endorse, and if possible a reinstatement of the former rates at the earliest date. My reasons are basic. I won't be able to afford a home for my wife and three children.

In November 1968, I purchased a home at the above address with a V.A. approved loan at an annual interest rate of 6 and ¾%. In May of 1969, just two weeks after we had moved in, the New Jersey Department of Transportation notified me that my home would be acquired to make way for the new Lovelandtown Bridge to be built here in Point Pleasant. Unfortunately the previous owners neglected to inform us of that fact. Since that time, I have begun proceedings to purchase another home at 514 Rhode Island Avenue, in Brick Town, New Jersey. I have already received credit approval from the F.H.A. Office located in Camden, New Jersey. My problem is that I am still waiting to hear from the Larson Mortgage Company in Freehold, New Jersey. More than likely, I expect to hear from them this Monday—January 5th, because by then the new 8½% increase will become effective on that date. It looks as though I am going to be taken to the cleaners once again! Thanking you in advance on your interest in V.A. and F.H.A. rates, I remain,

Very truly yours,

Kenneth D. Enz.

Orlando, Fla.,
January 1, 1970.

Dear Representative Patman: How do you tell a member in very high standing in the United States Government that he's a thief. That is the only word that describes someone who steals either for himself or is paid to steal for someone else.

I am referring to the men who raised the interest rates on V.A., F.H.A. home buying.

I used to own my home. I lost it to pay medical bills. I only have a V.A eligibility, which expires this July, to purchase another one. At present I am trying to buy a home in Florida but due to a medical disability I can't afford anything except a shack at the current prices.

Now 7½% is enough to pay for any home at least in my category, but it seems the big money men are out to grab every penny the poor man is able to earn.

I know that this investigation either will go on and on so it will do me no good or you will be shut up for ever trying to do the job you are getting paid to do.

Well I have had my say so good luck to you and your committee.

A poor U.S. citizen,

Mr. Kenneth Dorsey.

P.S.—Enclosed is a copy of the article that prompted me to write to you.

[From the Orlando (Fla.) Sentinel, Jan. 1, 1970]

Interest Boost Probes Planned

Washington.—Congressional investigations and legislative action were promised Wednesday in the maximum interest rate on government-backed home mortgages.

No action was in sight, however, that would prevent the rate from going up next Monday to a record 8½ percent. The current rate, in effect only since last Jan. 24, is 7½ percent.

Rep. Wright Patman, D-Tex., chairman of the House Banking Committee, denounced as "the height of irresponsibility" the increase announced Tuesday by Secretary of Housing George Romney. Romney said he acted reluctantly, and under the pressure of money market conditions.

Patman said his committee will investigate and that he will urge it to act on several proposals he has pushed, so far unsuccessfully, to inject more funds into the mortgage market and bring interest rates down.

Sen. William Proxmire, D-Wis., announced a series of hearings starting Jan. 14 by a Senate banking subcommittee on bills to increase the amount of low cost credit—including housing loans—in poverty areas.

Patman's office made public estimates, described as based on FHA figures, that the new interest rates will cost a middle-income homeowner about $15 a month more in his housing outlays.

These were based on the new FHA-VA rate of 8½ percent, plus one-half percent insurance, compared with the previous 7½ percent plus the same insurance charge.

To pay off a $20,000 mortgage in 30 years at the new rates, Patman's aides said, would cost a total of $58,000 in principal and interest.

Los Angeles, Calif.,
January 2, 1970.

Hon. Wright Patman,
Representative, State of Texas,
House of Representatives,
Washington, D.C.

Dear Representative Patman: After two years of Army life and Army income and several years of apartment living, my husband and I finally found a house we wanted and could afford. We were counting on VA financing. Now due to the increase in interest rates from 7½ to 8½ percent we are very discouraged and find we may be unable to buy this home.

News stories reporting the new rate have also indicating your concern and the possibility of legislative action turning back this increase to be initiated by the Banking and Currency Committee. I strongly support your efforts.

I understand that the increased interest rate may make more money available, but we find the cost of borrowing that money has become prohibitive. Is there no other way to attain the same end?

Sincerely,

Mrs. Margaret T. Hickman.

Dear Representative Patman: The recent increase to 8½% in the interest ceiling on home loans is outrageous and we ought to do something about it. Only the affluent will be able to buy homes, the normal working man will no longer be able to afford one. The time has come for legislation to roll back the interest rate. Consideration should be given to direct Federal lending, legislation to encourage mortgage investment by pension funds, or put into effect standby credit controls recently authorized by Congress. Current rates increase rather than decrease inflation. I would appreciate a list of those that serve with you on your banking committee.

Sincerely,

Sevio R. Garcia.

Philadelphia, Pa.

Hon. Wright Patman,
House Banking Committee,
Washington, D.C.

Mr. Patman: Please, please stand up to Romney on the business of interest.

He is using a completely phony excuse for raising the interest rate. The real reason is pressure from the banking lobby .

At the expense of young homebuyers, he is giving the rich what they wish.

He is causing the young working man to continue to pay rent to the big business landlord. This is no way to fight inflation!

The interest rate on the basic necessity of housing is so sick. How can it be justified? It is the work of irresponsible fiscal puppets.

Won't you please pursue a course of remedy for us, the people who pay all the taxes, yet who can't buy a home for their family. What is this the land of the fee and the home of the slave?

Let's do something.

John J. Lyons.

Oxon Hill, Md.

Hon. Wright Patman,
House of Representatives,
Washington, D.C.

Dear Sir: I am aware of your interest in the conduct of large financial institutions and of your championing of the rights of the single individual who has no alternative but to accept the terms dictated to him by such institutions. Perhaps the facts of my case, as set forth below, will be one more bit of ammunition which you can use in your long running fight to bring a measure of justice and equity to the financial market place.

I signed a sales contract to purchase a new home which was in the final stages of construction on October 8, 1969, making a $1,000 deposit at that time. On October 17 I made application for a VA guaranteed loan at Colonial Mortgage Company of Washington, D.C. The loan processing officer at Colonial with whom I dealt was incompetent, perhaps because of inexperience, and made numerous errors which I will not detail here but which can be documented. The result of these errors was that my loan application was not submitted to the VA for approval until December 23, far past the time that settlement should have taken place. The VA—to their credit, especially during the holiday season—processed the loan rapidly and final approval was granted on December 31.

But when I attempted to arrange settlement before the effective date of the rise in interest rates, January 5, the lender refused to cooperate. So now I am faced with the prospect of an increase in the payments on my new home of $25.00 a month and the lender will be some $9,000 richer over the 30 year life of the mortgage.

As an employee of the federal government (CIA), I deplore the fact that it was the decision of a federal official which made such a state of affairs possible. I wish you success.

Sincerely yours,

Joseph Turner.

Boerne, Tex.

Hon. Wright Patman,
Banking and Finance Committee,
Washington, D.C.

Dear Mr. Patman: It is with some concern that this writer has reviewed what has happened to interest rates in the last thirty to sixty days. It would appear that the Federal Government and indirectly your committee has no real abiding concern over the direction of interest rates. Certainly when the Government is willing to pay 8% under a direct obligation of the Treasury and 8½% and higher through its Federal Agencies there can be no result except for continued higher interest rates for everyone. President Nixon's untimely signing of the Tax Bill and Secretary Romney's increasing the F.H.A. and V.A. rates to 8½% only increases our path towards 10% money.

I would appreciate your views on what is being done and what will be done to halt this cycle for certainly the people's propensity to spend will have a limit.

Yours truly,

Ken Muller.

M. C. Hall & Sons,
Santa Cruz, Calif., *January 5, 1970.*

Hon. Wright Patman,
Washington, D.C.

Dear Mr. Patman: May I congratulate and praise you on the campaign you are mounting to ameliorate the interest rate on VA & FHA loans.

Keep up the good work.

Sincerely,

M. C. Hall.

Woodland Hills, Calif.,
January 2, 1970.

Hon. Wright Patman,
Chairman, House Banking Committee,
Washington, D.C.

Dear Sir: I am enclosing an article, which appeared in our daily Los Angeles Examiner paper, regarding the recent raise in Interest rates on V.A. Loans. I am glad that someone is protesting this absurd move which is "supposed" to help curb inflation. Unfortunately it has hurt us to the extent that

XUM

I feel our government has just "kicked me in the teeth." To give a brief explanation of our feelings; my husband is a Veteran of the Korean Conflict and we have never used our V.A. Loan. This past year we have been diligently looking for a new home for our family. We felt that our present home is definitely too small for our present needs. My husband is a high school teacher so we had to find a home within our budget. After a year of searching we found our "dream home" at a price we could afford. We had many months ago signed the papers for our G.I. loan with the Lomas & Nettleton West Inc. of L.A. with the understanding it was to be at 7½ percent rate. Two days after our new home had gone into Escrow we heard the news that we would now have to pay 8½ percent which puts our house out of our price range. We were informed it would mean *only* $26.00 a month more or $320.00 a year more.

As you probably realize Sir, for a couple raising a family in this day twenty-six dollars a month can be "the straw that breaks the camel's back". We have had to give up any plans for a new home at this time and quite frankly the hopes for a beter new year are gone.

This is the first time I have felt upset enough to write anyone in our Government but I feel that such an unjust and plain ridiculous move is going to "hurt" rather than "help" many people who want only to make a better life for themselves and help build a better community.

I would appreciate any information on whom I can write to, so that others may know how we feel and perhaps help to get this law revised. Thank you for your time in reading this letter. I so hope the future will be brighter than it looks right now.

Sincerely yours,
Mrs. Harvey Benson.

FHA, GI LOAN RATE HIKED TO 8.5 PERCENT

WASHINGTON.—A boost in the maximum interest rate on government-backed housing loans takes effect next Monday, but Rep. Wright Patman, D-Tex., said today he will press for an investigation and legislation to offset it.

Secretary of Housing George Romney announced Tuesday an increase from 7½ percent to 8½ percent in the interest ceiling on home loans insured by the Federal Housing Administration or guaranteed by the Veterans Administration.

Romney, said he was acting reluctantly, but that the increase was dictated by market conditions. Funds for housing loans have become increasingly scarce as general interest rates have risen above that figure.

Patman, chairman of the House Banking Committee and a longtime foe of high interest rates, called the increase "the height of irresponsibility."

"This administration, through its encouragement and acceptance of high interest rates, is developing federal housing programs only for the affluent," Patman said in a statement issued through his office.

"The administration is apparently intent on sending the home buyer out in the market to compete with the big corporations, the gambling casinos and fastbuck operators for available loan funds."

Patman said he will renew proposals to have the Federal Reserve System buy large blocks of housing mortgages at rates not above 6 percent. An amendment calling for such use of $6 billion by the Federal Reserve was defeated before Congress adjourned.

But Patman said, "I am convinced the House would have approved this measure had the members realized that their constituents would be forced to pay a 9 percent interest rate in a few short days."

His mention of 9 percent referred to the FHA's insurance charge of one-half of 1 percent in addition to the 8½ percent interest ceiling.

Patman said the Banking Committee also will give priority attention to proposals for a $2 billion fund for direct federal lending, a national development bank modeled on the old Reconstruction Finance Corp., and legislation to encourage mortgage investment by pension funds.

The FHA-VA increase is the second within a year. The current 7½ percent ceiling became effective last Jan. 24.

Troy, Mich.,
January 2, 1970.

Dear Sir: I have observed your actions and recommendations for some time now. I wish to express my appreciations for your concern for we poor voters. It is a very regrettable situation that we are deceived and mistreated without a cause. George Romney made a mess here in Michigan. Now, he is trying to make a mess in Washington. Such intellectual and reliable men as you is all we have to depend on. If you don't help us, the country shall be led into destruction, I fear. Please help us. I appeal to you with all my heart.

Respectfully yours,
William G. Pool.

Cincinnati, Ohio,
January 3, 1970.

Hon. Wright Patman,
Chairman, House Banking Committee.

Dear Mr. Patman: The new rise in interest rates for FHA Insured loans has now been taken up by local Building and Loans. This is a very big blow to the Real Estate Business from which thousands of citizens earn their living, and an extreme hardship for servicemen wanting homes and the general public in need of homes. Home ownership is an American heritage and should be protected as such.

Mr. Patman, the drastic need for investigation exists, not in the interest rates now being charge, but in the Point System approved by our government, and the closing costs charged by financial institutions. One Building and Loan told me the closing cost for a $14,500 loan would be $631.00. This was for a young ex-marine. No service worth over $75 or less is being performed for this added $631 closing cost. Could you call this blackmail? Each building and loan wants a different closing cost—the lowest being 2% of the loan. Why and for what service?

The Point System is the same sort of blackmail. By what right has a lending institution the privilege of raking off 10% or more of the price a seller gets for his home?

Mr. Patman what can be done to stop this? Is our Congress representing the American people and their rights, or must they pay for years because the money interests are being favored? I doubt this practice is really legal.

Please try to wipe out the point system and set a reasonable legal closing cost, and thereby get this country on the way to prosperity for the average citizen and taxpayer.

Sincerely yours,
Mrs. Mabel Blackburn.

Credit Union Insurance Agency,
Baton Rouge, La., January 2, 1970.

Hon. Wright Patman,
House Office Building,
Washington, D.C.

Dear Mr. Patman: Newspaper reports indicate that you have undertaken an investigation of increasing interest rates since the advent of the new increase in rates on home mortgage loans.

It is to be hoped that you will also consider that the application of the "finders fee" or brokers fee is used in such a manner as to constitute an increase in interest. The excuse, in many instances, for this fee is said to be that those companies that feel that they are not fully compensated by prevailing interest rates will be more willing to make money available if an advance cash payment is made. There may be some justification for this practice for loans made under free competition by lending institutions. However, when loans are guaranteed by the government this should attain to some value to the lender. Since his money carries the signature of the government, as it were, it would appear that there was less risk and consequently these loans should go at lower rates. There does prevail some argument that these loans are indeed lower in rate but to this must be added the advance fee that many companies charge. Consequently, it would clear the entire picture if lenders were required to charge only a bonafide interest rate and be required to dispense with those additional charges that are intended as advance payments to offset lower interest charges. There can be absolutely no justification for the practice of agents dealing in the buying and selling of loans to consumers. It goes against the grain to learn that a G.I., for instance, must, as a matter of fact, pay a cash premium for his government backed loan.

Whatever the policies of Congress, it is generally understood that our economy is subject to a degree of control by the application of interest rates and taxes. If I were permitted the choice I would say continue the tax and lower the interest rate. It is easier to see that some value may accrue from the tax but I fail to understand how the economy can be aided by high interest rates, especially when these rates are intended to apply in the areas of food, shelter or clothing. Surely, the home loan should receive special consideration.

Your attention here would certainly benefit many. It should go without saying that it would receive my genuine personal appreciation.

Very truly yours,
Morris McAllister.

Fremont, Calif.,
January 4, 1970.

Dear Sir: We wish to extend our wholehearted support for your stand against the Nixon administration, regarding the 1% increase in government insured home loans, which was indeed the height of irresponsibility.

If there is anything we can do, please feel free to correspond.

Sincerely,
Mr. and Mrs. C. E. Smith, Jr.

W. D. Griffith & Son,
Macon, Ga., January 8, 1970.

Hon. Wright Patman,
House of Representatives,
Washington, D.C.

Dear Congressman Patman: As a realtor and mortgage banker, I am heartily in accord with the plan you have advanced of having the Federal Reserve System buy home mortgages at no more than 6%. I am as outraged as you at the high interest rate and definitely believe that this usurious rate is brought about by the greed of big business and banks.

Thank you for your attention.

Very truly yours,
Arthur Griffith, Jr.

Riverside, Calif.,
January 2, 1970.

Hon. Wright Patman,
Chairman, House Banking Committee,
Washington, D.C.

Dear Sir: In our local newspaper we read an article concerning an investigation of the new hike in home loan rates. This new hike has deeply distressed our family. We are truly middle class Americans who are now unable to afford a decent home of our own. Both my husband and I have been teaching for about 20 years because we enjoyed helping our youth. Last year we went to Greece at one-fourth our salary to help out in the educational system there. We sold our home confidently sure that we could afford a slightly larger one to house our family when we returned. Now, in only one year, the house we were prepared to purchase has gone up 10,000 and interest from 2 to 3%.

While we were in Greece we all dreamed of the day we could return to our American way of life. In one year our way of life is definitely threatened. We are now wondering if perhaps we should have become money lenders rather than humanitarians. Please don't let this happen to middle Americans.

Sincerely,

MRS. GEORGE LONDOS.

OAK PARK, ILL.,
January 6, 1970.

Hon. WRIGHT PATMAN,
Chairman, House Banking Committee,
Washington, D.C.

DEAR SIR: Last year when you wanted to put a ceiling on interest rates, I meant to write and express my support for the maximum interest rate. Now, with Mr. Romney's proposed 8½% FHA and VA interest rates, I feel compelled to write and give my support to your opposition.

Your opposition to Mr. Romney's proposal gives me a spark of hope that there are still people in government who are not willing to take the easy cop out by appeasing the lobbyist; and, thereby, destroy the general public, as in this case.

I ask you, how can interest rates go down when large corporations continue to borrow large sums of money from banking institutions at ever increasing rates? I also ask, how can mortage rates go down if the federal government puts its stamp of approval, so to speak, on this new subsidized rate?

A more realistic means of curbing rising interest rates is to reavaluate small, short-term loans such as automobile loans, credit card and bank card loans, charge accounts, etc. A mortgage loan for the majority of the populace is a life-time commitment; whereas, an automobile loan is for only three years. How can a young family or a retired couple on a fixed income see any hope in the future for a better way of life when they are burdened by the ever rising interest rates tied to mortgages and hidden in high rents?

I support your stand on this matter and hope you will not be swayed from it.

Very truly yours,

CHARLES E. ST. GEORGE.

ELMONT, N.Y.,
January 6, 1970.

Hon. WRIGHT PATMAN,
House of Representatives,
Washington, D.C.

SIR: Although I realize that you are an extremely busy man, I sincerely hope that you will find time to give this letter your attention, and perhaps, be of some needed assistance.

Back in March, 1969, my husband and I signed a Contract to Purchase a new house with an FHA mortgage. At that time, the interest rate was a total of 8%. The house sold for $24,000 and although my husband earns slightly over $11,000, we were fortunate (?) in getting approval. The builder was hoping for a July 15th closing, then it was postponed until August. Thereafter, he hit innumerable delays with the county and other officials, and we were promised delivery for September—then October—then November—and finally, without fail, prior to Christmas. Then the local lighting company did not hook up the house as it was supposed to, and we were promised delivery would be the first week in January. Now it is hoped for the middle of this month, providing his attorney is back from vacation.

In the interim, the FHA announced last week that they were raising the interest rates to 9% total! How may I ask does a middle-class man afford those rates? We are not businessmen, organizations, company, or corporation. We have no children and we were just able to squeeze through with my working part time to be able to afford the 8% rate. The additional 1% means that we will have to pay almost $17 more per month! This is completely unrealistic and outrageous? Maybe upper-class citizens and big business can afford these rates, but surely not the middle-man! Furthermore, we were prepared to buy back in July, and because of the delays beyond our control, I do not think it is warranted for us being penalized by this exorbitant increase. How can our dream of being a homeowner materialize what with the prices skyrocketing far beyond our pocketbook today, or tomorrow? We must go through with this deal because if we don't, I fear that we shall never see our dream come true.

Although you are an elected official from the State of Texas, and I am a resident of New York, I sincerely hope that you might be of some assistance to me since we are all Americans.

Last week I read in the New York Times that you were madder than heck about this latest increase (a total of 2% since President Nixon took office) and that you were preparing to ask Congress for an investigation of this exorbitant increase. I sincerely hope that you will be successful in your efforts. Someone must take up the cause of the middle-class citizen and see to it that he does not be put in a position of competing with corporations, etc. They may be able to afford 9%, but not the man on the street!

Good luck in your effort, and thank you for whatever assistance you can offer me.

Sincerely,

BEVERLY BAYNE.

AUSTIN, TEX.,
January 6, 1970.

Hon. WRIGHT PATMAN,
House of Representatives,
Washington, D.C.

DEAR MR. PATMAN: You have my unqualified support for your House Bill No. 13939 directing the Federal Reserve Board to purchase FNMA obligations, and any other measures that you can think of that would stem the unconscionable rise in interest rates.

For your information, the discount on an 8½% government backed GI or FHA loans was being quoted at from 5 to 5½ points in Austin today. Mortgage company representatives predict that they will be higher.

Congress must do something to get interest rates at a level where a willing home owner can afford to buy.

Keep up the good work.

Sincerely,

SIDNEY S. SMITH.

DETROIT, MICH.,
January 4, 1970.

Hon. WRIGHT PATMAN,
House of Representatives,
Washington, D.C.

DEAR MR. PATMAN: You are quoted in an Associated Press story, release date, Tuesday, January 6th, as saying, "This administration, through its encouragement and acceptance of high interest rates, is developing Federal housing programs only for the affluent." This is a referral to George Romney's recent lifting of the ceiling on interest rates to eight-and-a half per cent. You call it nine per cent.

Undoubtedly, the average man straddled with a mortgage, or those yearning for a home, just do not comprehend the workings of bankers, mortgage rates, and points. They are victims.

Romney is quoted in the story as saying he "hopes bankers will now lower the discount rates, or points they charge for mortgage loans." Now, you know full well this is just not going to happen.

You are going to investigate, the story says, and you call it the "height of irresponsibility" and you are going to come up with legislation to offset the rise. It's high time. I wonder where you've been the past decade during which the cost of money to buy a house has gone up nine times!

Perhaps, you can't do much with George Romney, except react. I hope your reaction is to the benefit of the citizens of the country . . . and not the lending institutions now impersonalized by computers.

Forlornly,

LOUIS J. MILLER.

PHOENIX, ARIZ.,
January 3, 1970.

DEAR MR. PATMAN: For the second time since May of 1968, the government has raised the interest rates after I had already purchased a house. Both times I will have had to pay more than I had anticipated. I anticipated, over the next thirty years, this will increase the cost of my house by some $6,000. I realize this amount is not great to members of Congress. After all it just voted itself about a $12,000 raise to just show up, three days a week about 6 months a year and then not do anything while they are in session. I have heard that because Congress couldn't be bothered about passing the appropriations bills, it cost the taxpayer about 4 billion dollars. If that figure was cut in half and had not been taken out of the money market by the government, some 2 billion dollars would have been available for other uses. If only 1 billion dollars of this foul up had gone to the Housing market some 40,000 houses or over 2½% of the estimated 1969 housing starts could have been financed. What does Congress do to deserve $42,500 a year?

This increase in interest rates is going to stop many families from purchasing a house. Buying a house is usually cheaper then renting an apartment. But there is no income limitation on renting. All you have to do is pay—with an increase each year. If I had to rent in Phoenix, it would cost about $300 a month for a nice apartment. Yet a house would only cost about $200 a month if you could qualify for a loan. Now the government is going to decrease new housing and increase indirectly the cost of renting due to a higher demand. Most areas have a 0% vacancy rate now and with fewer housing starts almost all areas will not have housing available. Will the U.S. turn into a Russian housing market—only 1 or 2 rooms per family. It appears that this is governmental policy.

The policy of both Presidents Johnson and Nixon is to allow or raise interest rates to levels which in my opinion are usury in effect. What kind of policy is this advocation of usury by the government. School bonds, State governments can't borrow long-term money to take care of their people.

I have disagreed with some of your positions concerning banking institutions, but I wholeheartedly support your stand against the interest increase. I think its wrong and immoral. I think in the long run it will be very harmful to the United States.

I also think Congress could do more to reduce inflation then it has. If it would use some restraint in spending, which it never has, and then force President Nixon to reduce the budget, inflation can be controlled. But for the Executive to reduce the budget and for Congress to spend money as if they made it themselves will never work.

Sincerely,

STEVEN C. JOHNSON.

PROSPECT HEIGHTS, ILL.,
January 4, 1970.

REPRESENTATIVE WRIGHT PATMAN: Due to a company transfer, I am in the process of buying a house in Dallas, with a F.H.A. insured loan.

I though I was buying it at 7½% interest, but it now turns out to be 8½%.

We urge you to contest this inflationary increase of home interest rates which makes it very difficult for a working man to buy and pay for a house. At least it appears that we should be able to purchase it at the interest rate which was current when the loan was applied for it seems.

Your respectful servant,

BILL TOWNSEND.

TURNER CORP.,
Tulsa, Okla., January 6, 1970.

HON. WRIGHT PATMAN,
Chairman, House Banking Committee, Washington, D.C.

DEAR CONGRESSMAN PATMAN: You are correct! The interest rate hike in FHA–VA loans of 8½% is the "height of irresponsibility".

I hope your investigation will be successful in curtailing spiraling interest rates. Such increases only serve to stimulate inflationary fires as you know quite well.

The FNMA prices announced yesterday for residential loans are reported at 95.34 less P & M fee and stock purchase requirements. Thus, the net price is lowered on the first offering to this dastardly low figure.

Let us compare the same pricing formula of FNMA as of November 18, 1969, at the 7½% rate then existing. The price then reported was 95.26 less the same fees of above. This is a 90-day weighted average price.

So, it appears the increase in the rate has not produced the intended results in a period covering only 46 days with the higher rate of 8½%.

Thank you for trying to do something.

Sincerely yours,

SEQUOYAH A. PERRY,
President.

SPRINGFIELD, MO.
January 6, 1970.

Re: Home loan relief.
HON. WRIGHT PATMAN,
Chairman, House Banking Committee, Washington, D.C.

DEAR CONGRESSMAN PATMAN: It was indeed encouraging to read in the news yesterday that you were planning legislation along the lines of the old H.O.L.C. which came to the aid of thousands of home owners that were on the verge of losing their homes to mortgage holders.

It does not take a genius to detect that we are being herded down that same lane again with Government guarantees now at 8.5 percent and the going figure standing around 10 percent.

The Nixon administration seems reluctant to do anything but put the brakes on the money and tighten the noose until the patient is prouonced immobile and groggy.

I suggest we let the Bankers, mortgage companies and short loan companies continue with their easy credit loans for the usual consumer merchandise.

When it comes to Housing for the masses of our low and middle income families we certainly must have direct Government loans at pre war levels for all of our City and Rural one family units.

These loans should not be available to promoters or any other individual that can qualify for a home in excess of a price range say around $35,000.

The day such relief becomes a reality you will immediately see the home building business get back on its feet and the people who are being trapped in Mobile Homes, which are nothing more than Ghettos, will thank all who made their freedom possible.

For your information: I am not an applicant for any home loan. I am a retired home builder and I can see the evils being caused by denying our people the right of home ownership. The highrise and the Mobilehome will only aid delinquency.

Sincerely yours,

J. E. HOLLIDAY.

SPRING, TEX.
January 6, 1970.

HON. WRIGHT PATMAN,
House Banking Committee,
Washington, D.C.

DEAR REPRESENTATIVE PATMAN: I am writing to let you know my feelings concerning the increase of the FHA and VA interest rates. It is my understanding that you are protesting the increase of these rates. The situation in our family may lend support to your opposition of this inflationary step taken by Mr. Romney and the Nixon Administration.

My husband was transferred by his company in the early Fall of this year from Oklahoma City to Houston, Texas. We owned a four bedroom home in Oklahoma City of price under $20,000.00. Our payments were $148.00 per month with loan at 6% interest. In looking at houses in Houston we could find nothing comparable, especially in a four bedroom home. I might explain that my husband has his office at home, adding this fact to our having children of both sexes, a four bedroom home is no luxury for us. We found we were going to be very fortunate to find a home in a desirable area with four bedrooms for anything under $30,000.00.

We did find a builder in a new area who could build a four bedroom house for less than $30,000.00. He also would honor a VA loan, which my husband had never needed until this time. We made our decision to apply for the VA loan and pay down $300.00 and sign a contract to purchase this particular house, with VA loan interest at 7½%. We moved our family into an apartment, even though at great inconvenience, in order to be able to purchase a house comparable to the one we had and be able to get a 7% loan. Our VA loan was approved the 19th of December, 1969. The house was begun the following Monday. We were dismayed to hear the announcement of the increase of the percentage of interest on the loan. We felt certain we would receive the 7½% rate inasmuch as our loan had been approved prior to the interest hike. The VA Houston office advised us to the contrary.

Our situation at this time is we find we are obligated now to buy a house we cannot really afford since the interest is hiked. Is there no way the person struggling to stay current can do so? People like us who are subject to transfer are finding that we are going backward instead of forward. We cannot hold onto the homes and low interest rates we once had. To keep our jobs and try to improve ourselves we accept moves only to find we are penalized because of high interest rates.

I might also add that we hesitate to put down $5,000 or $7,000 or $10,000 dollars in a house as we always have to ask ourselves, "Will we be able to sell it in 2 or 5 or 7 years when we are again transferred?" Our company does not buy houses when they move their employees.

A commercial loan (conventional) on a house will guarantee the rate of interest when one first applies for it providing the house is finished and the loan closed within six months. Why is this not the case with VA and FHA?

We are following with interest your proposal of a National Development Bank. Someone has to lend a hand to the poor fellow who is just trying to keep his head above water.

Thank you for your attention.

Sincerely,

MRS. WILLIAM WOLLENHAUPT.

A footnote: Though I am a trained teacher, I have never joined the labor market as I feel my services are more valuable at home, supervising my children. Our young people need more mothers to stay home and know what they are doing.

REPRESENTATIVE PATMAN: Everytime I read about you in the newspaper, my admiration grows.

I do hope you will continue your efforts to protect the public from the banking industry.

We are in the process of obtaining an FHA loan. Since we already had to agree to pay $1,500 more than the original price in order for the seller to pay the eight points now demanded on a loan, you can imagine our dismay when the FHA rate was raised to 8½ percent.

We expect to pay an investor a fair return for the use of his money, but we very much resent being subjected to usury in order to buy a necessity, a decent home for our family.

Many of the middle-income group feel that expecting our elected representatives to defend us against wealthy special interests is an exercise in futility. You seem to be an exception, an honest and courageous man.

Being a California resident, I regret that I cannot express my gratitude at the polls, but I want you to know that your efforts are very much appreciated.

MRS. CAROLE GREENE.

STEPHENVILLE, TEX.,
January 7, 1970.

HON. WRIGHT PATMAN,
House of Representatives,
Washington, D.C.

DEAR MR. PATMAN: The writer is quite concerned with interest rates. In my section of the country, especially the older people have a large percentage of their money in banks and Savings & Loan Associations drawing 4 and 5 percent. When the borrower borrows it, he pays 8 and 10 percent. I would like an expression from you as to why these two cannot be drawn closer together.

I am aware that the banking industry is a "hard gang" to do anything with more especially when the are getting "fat" as they seem to be doing now.

My banker tells me that the rate on savings is fixed by law, but the lending rates seem "hog-wild."

May I please hear from you?

Sincerely,

O. V. KING.

NORTH HOLLYWOOD, CALIF.

DEAR WRIGHT PATMAN: I'm trying to help in my small way. Here is my latest effort.

Keep up the good work.

You are a rare bird in high places.

Sincerely,

HASKELL H. GLENN.

JANUARY 7, 1970.

HON. GEORGE ROMNEY,
Secretary, Housing and Urban Development, Washington, D.C.

DEAR MR. ROMNEY: In case you think I'm a Democrat or some kind of crank, you should know that I contributed a very small amount of cash to your campaign even before you declared to run for President.

I thought that any man who grew from childhood the way you did and the success you made in business plus your bright and personable wife, would make an excellent leader of our country.

Your recent quote, "We are in the midst of the most severe housing shortage since World War II, because of lack of mortgage money . . ." etc. . . . etc. . . . appalled me and many of my associates

We all know that Vietnam is the reason that there is no money around for anything constructive. There seems to be plenty for destruction, though.

The small home buyer who is now going to pay approximately $200.00 P/I & P/I on a $20,000.00 loan to buy a 3 bedroom, 1 bath house is priced out of the market.

How many G.I.'s are going to qualify for such a loan at 8½%? How many non G.I.'s can qualify for this same house under F.H.A. terms at 8½% plus ½%? The answer is maybe 1 out of 100, and that 1 family

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wouldn't be satisfied to live in a $20,000.00 home.

You are quoted as saying that you signed the bill, "with great reluctance."

Mr. Romney, we expect more of men such as yourself. If you had stood your ground and said, "When I returned from my visit to Vietnam before the last election and talked of brain-washing and was severely criticized and even ridiculed; I should never have retracted."

"Now I am more convinced than ever, that if we are to win back our country and build a good society for our youth, revive building of homes, hospitals, schools and all those domestic needs that we must have to give our people including the slum dwellers, the will to live, we must end the Vietnam debacle today! *Then if we use only ¼ of our former military outlay for domestic needs, we could reduce taxes, eliminate the excise tax,* and allow the economy to free-wheel. Mr. Romney, if you would stand up on your hind legs and it cost you your job, you might not be our next President, but you would be in "Profiles of Courage."

That's what we expect of men like you and Finch. You are the kind of men that can give the youth of the land and the world the kind of future to which they are entitled.

If you watch the "points" situation in our present home financing situation, you will note that they usually drop after every interest raise and then return stealthily in the night back to where they were. "*Points*" *are an out and out gouge on the part of the greedy banking establishment* and are absolutely unjustified, hurts the little man irreparably and are inflationary for many reasons.

We are now asking sellers of G.I. and F.H.A. homes to pay 9 "points." Do you know that just today I was offered a loan of $16,800.00 on a $23,900.00 sales price by a Savings and Loan at 9½% and they want 3½ points plus $50.

How does this help the small home buyer?

How does this stem inflation?

How does this help the unemployed?

How does this help the construction business (the backbone of America's economy)?

Here are some direct quotes from the L.A. Times of January 2, 1970:

Mr. Art Neelley, loan officer at California Federal S/L Assn., said, "the increase won't improve the mortgage situation much. We just don't have the money to loan no matter what the ceiling. I think the long range effect will be to *push up interest rates on conventional loans.*"

Mr. Louis Barba, acting president of the Nat'l Ass'n of Home Builders, termed the increase "regrettable" and called on President Nixon to initiate credit controls. Most home-builders contend that spiraling interest rates have *pushed the cost of homes beyond the reach of most buyers.* (My emphasis.) The G.I. buyer will be completely out of the market, not for just the present, but for years and years to come.

I admit that if I were in your position, subject to all the strains and stresses of public office, I, too, could not please all the people all the time; therefore, be it understood that *you* have to do what you have to do *for the majority,* not the few. Here are a few possibilities:

1. The country should set aside under your department a huge fund of 6% money for the exclusive purpose of financing housing of all kinds under $20,000.00 per family. This would include mobile homes, single and multiple dwellings, urban & country, living and recreation.

This fund should be limitless so long as the supervision as to where it is used is rigid. In other words, the limit should be when every family in America is in a good clean home, housed by a family that can afford to pay the overhead, send their children to schools as far as their brains and will propels them, enjoy a few weeks vacation annually and generally live the good life.

2. We here in California have what we call the state financed Cal-Vet Loan for veterans who have either resident-enlisted in California or who were born in California.

The maximum Cal-Vet Loan is $20,000.00 and the present interest rate is 4¼%. *The only thing wrong with the picture is there are no funds.* When and if they get new funding, the waiting list is so long that those who applied a year ago will just be getting their application.

My suggestion is that every state should have such a plan to reward their native sons and the Federal Gov't should provide such funds on some kind of equitable arrangement with the State's doing the administering. All political consideration should be eliminated; and thus the money made available by the unlimited reservoir mentioned above would be a way of the entire nation rewarding veterans.

Is the above plan too simple to work?

Is the above plan too devoid of political hanky panky to go into effect now instead of awaiting a Democratic President or a Republican Congress and/or Senate?

In my opinion, if this bill were properly, simply drawn by your agency, *No President or Legislative body would dare to defeat it.*

Respectfully,

HASKELL H. GLENN.

PAPILLION, NEBR.,
January 7, 1970.

Mr. GEORGE ROMNEY,
Department of Housing and Urban Development,
Washington, D.C.

DEAR SIR: I was utterly dismayed to learn that you have raised the interest rate on FHA and VA backed mortgages from 7½ to 8½ per cent.

The cost of living continues to sky-rocket, with the cost of housing increasing about 8 per cent per year—and you further aggravate the situation by raising the cost of money to buy houses already inflationary priced. Your action causes one to question the sincerity of the administration's concern in stemming inflation.

The building industry, savings and loan associations, certain members of Congress, and all persons who must now either terminate plans to buy a new house or resign themselves to the fact that this action will result in a substantial increase in payments, are opposed to the increase.

It appears to me that less people are now going to qualify for FHA or VA support and that the only ones who might benefit from the increase are investors. The consumer (in this case the house buyer) again has been disregarded by those who should be concerned with his welfare.

I urge you to consider the plight of the consumer and reverse your decision to raise interest rates. I would appreciate a response.

Sincerely,

W. G. WOMACK.

LAWNDALE ESCROW CO.,
Lawndale, Calif., January 8, 1970.

Hon. WRIGHT PATMAN,
Washington, D.C.

DEAR SIR: Enclosed is a copy of a letter we have addressed to Honorable George Romney which we feel deserves serious consideration from your office as to the problems involved.

Sincerely,

H. M. SHERMAN,
President.

LAWNDALE ESCROW CO.,
Lawndale, Calif., January 8, 1970.

Hon. GEORGE ROMNEY,
Washington, D.C.

DEAR SIR: This is a letter of strong protest about the effect of the tight money that now exists and which has been recently pyramided by the 1% increase in interest on FHA and VA loans.

I am speaking from 15 years experience in Los Angeles County in the Escrow business, packaging and presenting these loans through our good lenders to VA and FHA with never a question as to accuracy of information upon which a good credit analysis could be reached, or any inaccurate or false information presented. And this covers over 8,000 loans during that period.

At the ground floor, I know what the urgent need is for reasonable housing which has been increasingly more difficult to achieve for the average buyer.

Before the 1% increase in interest rate, we have been looking at 8½ to 9½ points to the seller, representing a discount to attract loan funds. This has driven many potential sellers out of the market—for instance, a $20,000.00 sale at 9 points ($1,800.00) in points, 6% Real Estate commission, prepayment bonus on the existing loan, title and escrow costs results in a cost to the seller of around $3,800.00 and many owners just do not have that much equity. So these homes are no longer on the market.

Knowing that from a yield basis for each ¼% increase in interest rate the points should drop by 2; you may have expected the points to go to 1½ to 3—but what is the result on January 5th? 5 to 6 points! And 7½% loans are looking at 13 to 15 points—these deals being made in good faith, but which the lender cannot close—and you should be able to imagine the utter confusion and bitter resentment which this situation creates.

Federal National Mortgage Association had allocated on January 5th $120,000,000.00 and they received bids of more than $700,000,000.00.

The answer is a need for money in the mortgage market.

Five years ago, the insurance companies were creating a market for these loans. They are no longer attracted to residential financing of any sort—all stemming from the original increase to 7½% of the prime interest rate. Their money is going in to high rise, shopping centers etc., with a piece of the action or on a partnership basis. And theoretically you can't blame them with the Government offering over 8% in treasury notes and Triple A bonds going at over 9% yield.

Today FNMA is almost the only source for this type of loan financing, for all lenders are looking for the best yield. So today we have this situation:

1. Rentals are at an increasingly high cost and the vacancy factor is practically nil and rents are bound to increase.

2. Sellers with reasonable equity cannot afford to sell.

3. Buyers find it difficult to qualify for the loan required. For instance: a sale at $20,000.00 plus $40.00 a month for taxes and insurance creates payments of $200.00 a month, which means the buyer should be making $800.00 per month clear. We doubt if VA or FHA will relax their credit requirements for this boy to qualify.

4. Banks and Savings and Loan Associations remain at 4% to 5% interest paid to depositors, but are now charging from 9 to 10% and up to 18% for loans. Those few that have loan funds available are getting rich, but most lenders are out of funds, and if not, they will be after the reinvestment period through January 10th, because of perhaps Treasury notes at 8% interest. Do you not think this could have tragic results to these institutions? And to our overall economy?

Thanks to your economic advisers, who cannot see the forest because of the trees, we are at an all time high inflationary period. It is almost impossible to go back, but at least there can be no good reason for this spiral to continue. Why not:

1. Propose legislation prohibiting any in-

stitutional lender from participating in the action or becoming a limited partner, as a condition for making a loan.

2. Roll back the prime interest rate charged by banks. Use persuasion to keep their rates down.

3. Bring pressure to bear upon unions, merchandisers and governmental agencies, including school districts, to resist pressure for spiraling wage increases.

4. Provide adequate money to FNMA to keep the points at a reasonable level so that deserving people can buy homes, which so many people desperately need.

If not, I certainly can see no alternative except wage and price controls, for we are now at a most dangerous level.

Sincerely,

H. M. SHERMAN,
President.

FREMONT, CALIF.,
January 6, 1970.

DEAR MR. PATMAN: Many are uptight, most upset and distraught over this recent increase in interest rate from 7½ to 8½%. The government is yielding to the demands of the lending institutions. This increase is a great injustice to the general public. Housing is a vital necessity of life, therefore the public is forced to pay any rate set or live in the street. Likewise when rents are increased a tenant must pay or go in the street. This high interest has forced rents up as much as 50% in just the past three years and rents are still going up. As it is now people cannot qualify for new home loans and building has come to a standstill. Housing is critical. How is this interest increase that is being applied to a vital necessity of life going to hold down inflation? The public is forced to pay whatever is asked, they don't have the choice of just cutting down. It should be illegal. This is worse than a monopoly.

The real inflation is developing with credit being extended for new cars, boats, TVs, and all the non-essential credit card purchases. This has been a banner year for the merchants and the credit card business.

Even with this increase in F.H.A. mortgage interest rates the banks will continue to hoard their deposits for the higher paying commercial loans and credit card business. This pays them a yield of 18% from the consumer plus another 4% from the merchant. Why should they tie their funds up with long term real estate loans? As long as F.N.M.A. will buy the loans the banks care less about tying up their funds. However they enjoy collecting the origination fees of 1% and the servicing fees when they originate the loans that are subsequently sold to F.N.M.A.

A solution.

If the government really wants to attract more funds into real estate and stop the inflation then *why not increase the allowable rate of interest that the banks and savings and loans companies are permitted to pay the depositors.* Let the public that has the money share in the profits and they will be inclined to *save rather than spend.*

Another item that is stifling the supply and construction of housing is the excessive, confiscatory property taxes and capital gains taxes. Specifically the recapture of depreciation as ordinary income taxes. The investors profit is being choked to a nil. The economy is now at the breaking point, revolt is developing and a back-fire of stagnation and building recession is taking over.

Rent subsidies and low interest supplement programs aren't the answer. It only makes higher taxes but what is worse it is causing those that might be willing to make it on their own to stop trying and become goldbrickers. Why make it financially better for one to stay in the lower income bracket so Big Uncle can dole it out. The man's pride is stifled and incentive is taken away.

Many honest and conscientious Americans want the chance to buy their own home or pay their own way in a fair and just rental market. There are still many investors that are willing to invest in multi-rental buildings, if the profits weren't being choked down so low. The costs of materials, labor, and land are all relative to supply and demand. The unions help to keep the purchasing power in balance with living costs and housing is a living cost. However, property taxes and interest rates are not relative, they are the unbalancing forces that has brought about the present housing shortage and inflated rents. What investor will build or invest in a large multi-rental building if all the profits and equity is lost to taxes and interest? The only way the investor can invest or build is to increase the rents.

The person that would normally buy can no longer qualify for the loans so he is forced to pay the higher rent. On goes the inflation. How is higher interest rates and greater taxes going to keep rents down? This is inflation in its worse sense because it is hitting the public with an increased cost of living that is a vital necessity and one that the public is forced to pay even if it takes their full pay check.

Another solution.

Stocks and bonds are sold on the open market. *Why not create an exchange through which F.H.A. and V.A. insured mortgages can be bought and sold on the open market?* At present F.N.M.A. is set up to buy and sell mortgages from only the lending institutions. Why not let the general public in on some of these high interest yielding mortgages?

If one deposits money with the bank the highest interest he can receive is 5%. With these deposits the bank makes additional commercial loans which only furthers inflation. Many that are not satisfied with this 5% interest because of the 6 or 7% inflation are forced to spend the money for things they really do not need. Some will buy over-priced real estate hoping to beat the inflation. Others buy over-priced stocks, thereby augmenting the inflation even more.

Why not have F.N.M.A. serve as a clearing or exchange center to buy and sell a mortgage from the general public as bonds and stocks are sold? Also trust funds and pension plans should be allowed to buy these mortgages that have government guarantees.

Wouldn't it make sense for a widow with some $25,000.00 or more that she just received from an insurance claim to buy an existing mortgage like she can buy bonds or stocks? She could have a regular monthly income from the payments and receive maximum interest returns. With F.N.M.A.'s guarantee to repurchase this mortgage then she could have liquidity in case of an emergency, with no risk as the loan is guaranteed by F.H.A. or V.A.

No longer would people be forced to buy inflated stocks that are a risky investment that might take a nose-dive overnight, or buy real estate they don't need or care to manage as a hedge against inflation. Why shouldn't a private party be privileged to invest in a mortgage that has an F.H.A. or V.A. guarantee? Why does one have to give his money to a lending institution or bank at 5% only for the bank to put it back out on commercial loans at 18 to 24% returns? The mortgage loan institutions claim that 8½% interest isn't enough. They refuse to make real estate loans unless the loan has been discounted 5, 6, or even 9 points.

Still another solution.

Instead of increasing the interest rates *why not make the interest earned on residential mortgages income tax free?* The homeowner is allowed to deduct his interest paid. Why not allow the lender to earn interest from mortgages without having to pay an income tax? This would attract money into the housing market and without increasing the taxes; nor would it stifle the individuals incentive and pride with greater doles or subsidies.

Also by funneling larger amounts of money directly into mortgages it will reduce deposits that banks are now using for commercial and credit card loans which only create a greater inflation. A check on credit card buying will show that it is running rampant.

If the mortgage money supply were increased and the interests and taxes were reduced, building would get a real shot in the arm and this critical housing shortage would start diminishing. If interest and taxes are not lowered the housing shortage will continue to get worse, and rents will soar higher. People just cannot qualify for home loans and pay this high interest and the increased income and property taxes. They are being forced to rent and pay whatever is demanded. On goes the inflation. Higher interest and taxes on real estate just is not the answer. Like previously mentioned this is a must item in the cost of living and the public is forced to pay regardless what is asked or move into the cold. If the present policies are continued the government will be forced to increase the rent subsidies and low interest supplements to an even larger portion of goldbrickers.

Solutions again are:

(1). Increase the amount of interest a bank or lending institution is permitted to pay the depositor.

(2). Create an exchange or allow F.N.M.A. to buy and sell F.H.A. and V.A. insured mortgages on the open market, as stocks and bonds are sold.

(3). Allow interest earned from mortgage loans to be income tax free.

None of the solutions will increase taxes nor will a man's pride be stifled and his incentive be taken away.

My thoughts to make the world a better place to live in.

Sincerely,

E. K. LANE.

MORTGAGE OUTLOOK AND NEWS

The recent increase in the FHA–VA interest rate is not going to be reflected in substantially lower points for very long.

The simplest explanation is that the demand for money for housing is very strong. There are no sources except FNMA. Consequently, when the rate changed every builder, mortgage company and bank in the country bid for FNMA low point money. FNMA adjusted 7 points for the 1% interest rate change making the 10¼ bid of the previous week 3¼ points. The problem this week was that many bidders wanted to be sure of winning some money so that they could stay in business. They bid 5 to 6 points and forced the average price on the 180-day money to 5¼ points.

The consensus of opinion in the industry today is that to win a bid at next week's auction a mortgage company will have to bid 6 to 7 points.

RECOMMENDATIONS

1. Take listings for no less than 7 points to be pretty well protected.

2. Call for a point quote before writing a contract.

3. Write contracts even with the 8½ interest at 5½ to 7 points today.

The rapidity with which the discounts have rebounded upward was as big a shock to us as it is to you. The thing we must remember however is that housing demand is very strong. Regardless of the points and regardless of the interest rate FHA & VA loans can be put together. We have been told by one source close to FHA that they are going to ease their qualifying requirements somewhat due to the higher payments.

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You already have quite a few listings at the higher points, so let's write some FHA & VA deals and make 1970 a prosperous year for all!

FAYETTEVILLE, ARK.,
January 6, 1970.

Congressman WRIGHT PATMAN,
House Office Building,
Washington, D.C.

DEAR MR. PATMAN: I agree with you that the latest increase in interest rates on FHA and VA home loans is uncalled for. It appears that certain officials in Washington are acting not in the best interest of the people and should be called to task for it.

I wish you the best of luck in rolling back this latest increase (and even more) in interest rates and am confident you have the support of the vast majority of the people in this area.

Sincerely yours,
SAM H. TAYLOR.

MEMPHIS, TENN.,
January 7, 1970.

Hon. WRIGHT PATMAN,
Rayburn House Office Building,
Washington, D.C.

DEAR CONGRESSMAN PATMAN: The recent raise in the FHA & VA interest rates are as you said in the press totally unnecessary. With 7½% interest (8% on FHA) sales were scarce and the discount for placing the loan was 7½%. As you can see very little profit for the builder, but at least a little bit of business was being done. Of course the reason for the poor sales was that due to high interest the notes were too high. I never have understood where Mr. Romney gets his information, perhaps from David Rockefeller as does Mr. Nixon. It's wrong, and it does not stop inflation. Mr. Romney said it would place more money in the hands of builders, there was money available if the builder would pay the high discount. The raise in interest only lowers the discount to 4½%, and by spring it will creep back up at it has always done.

Still, Mr. Patman, the congress does nothing about it. The money lenders continue to drain the economy, inflation continues unabated, but it is still allowed to go on. The only thing that will curb inflation is controls. It takes a year for the building industry to recover from one of these fiascos. Now is the time for something to be done. The congress must pass a law limiting the rate of interest, and limiting discounts on real estate. Then with controls on commodities and the money lenders in check some type of stability will be possible, and most of this unrest will disappear. In the final analysis it is all economic, when a man's salary is dissipated through high prices caused by high interest, he is bound to feel insecure, unhappy and less able to cope with the disciplines that our democratic way of life demands.

You, Mr. Patman, are always in the forefront of this fight against inflation caused by high interest. Mr. Sparkman and Mr. Proxmire have spoken up on it in the senate. Yet nothing is done in the way of a law limiting interest. Yours is a statesmanlike approach, Mr. Patman. We need some action, a good law.

Sincerely yours,
A. R. LEVITCH.

NEW YORK, N.Y.,
January 12, 1970.

Hon. WRIGHT PATMAN,
House of Representatives,
Washington, D.C.

MY DISTINGUISHED MR. CHAIRMAN: Thank you for your interest and concern in the boost on maximum interest rates FHA mortgages and government backed housing loans with respect to increase from 7½ to 8½ percent.

With every respect, very truly yours,
HANNIBAL D. WOODWARD.

ROWLAND HEIGHTS, CALIF.,
January 7, 1970.

Congressman WRIGHT PATMAN,
House of Representatives,
Washington, D.C.

In October 1969, I applied for and was given a loan to purchase a home under the VA regulations, the interest rate was then 7½%. Our loan number is 109682; this loan was approved at 7½% interest, but because the home we purchased is part of a subdivision, the escrow could not close until the entire subdivision is completed (according to VA regulations, or so the builder says), which will be sometime this month.

Our loan was approved by the VA and the lending agency made a commitment at 7½% interest prior to 1/5/70. We took possession of our home on 1/2/70, signed our final VA papers and gave our $8,000 down payment as we agreed to do when we signed our original purchase agreement. Now we are told by the builder, that we must pay the 8½% interest rate which went into effect on 1/5/70, because the subdivision is not entirely completed and cannot be recorded until it is completed probably late this month.

We feel that having this 8½% interest rate imposed upon us, after our loan commitment was agreed to at 7½% and finalized before 1/5/70 is a great injustice. I am writing to you because I have read and heard that you would be interested in knowing what is going on. Couldn't the VA make exceptions in a case as this? Penalizing the buyer because the builder cannot record until the entire subdivision is completed is grossly unfair.

May we please hear from you on this matter. Anything you can do for us, and others in this position, will be greatly appreciated.

Mr. and Mrs. LYNN SHERIDAN.

FULLERTON, CALIF.,
January 7, 1970.

Congressman WRIGHT PATMAN,
House of Representatives,
Washington, D.C.:

As a future homebuyer and an ex-GI, I would appreciate any action that you can get in lowering the present 8½% interest rate. As a family man with four small children, the way the interest keeps going up on homes, I will never be able to afford a home.

I am writing to you because I understand that you are very much in favor of lowering the interest rates and I want you to know that your efforts are greatly appreciated.

HENRY T. LYNN.

CHICAGO, ILL.,
January 5, 1970.

Representative WRIGHT PATMAN,
Chairman, House Banking Committee,
Washington, D.C.

DEAR REPRESENTATIVE PATMAN: Congratulations! I think you are the only voice left to protest effectively for those struggling to purchase a home against ever increasing odds.

With our full support for your forthcoming investigation, we will endeavor to maintain a hopeful, but somewhat strained hopeful, approach towards these burdensome FHA and VA interest rates.

Once again, good luck.

Very truly yours,
EDWARD AND BARBARA HRDLICKA.

P.S.—Even though we are both employed—Ed as an auditor and I as a legal secretary—we are still overwhelmed with high taxes and soaring interest rates.

CHINA GROVE, N.C.,
January 1, 1970.

Hon. WRIGHT PATMAN,
House Office Building,
Washington, D.C.

DEAR MR. PATMAN: You are a busy man, I'm sure, with your district work and committee assignments. But when the paper this morning gave me the news of the home interest rate increase I just couldn't refrain from letting you know how one citizen feels.

According to the news you are doing what you can to help the situation—But it appears to me that the people generally in Washington are so wrapped up in great plans and schemes and rhetoric that the feelings and needs of the individual is lost in the process.

Talk about inflation—who in the world can buy a $20,000 home and pay 50 to 60 thousand total before he owns it. Not any working man like myself!

I have 6 growing children and need to build a home, but with keeping these children in school, taxes, etc.—how can I pay 9% interest on a home for 20–30 years? This is economics pure and simple—It just can't be done! Not on the wages of an ordinary working man.

Something has to be done and I feel you will do what you can to get Congress and the Administration to see that unless this trend is reversed this Country is headed for disaster.

Sincerely,
H. M. REDMOND.

GAO STUDY BACKS UNIFORM COST ACCOUNTING ON FEDERAL CONTRACTS

The SPEAKER pro tempore (Mr. MADDEN). Under a previous order of the House the gentleman from Texas (Mr. GONZALEZ) is recognized for 10 minutes.

Mr. GONZALEZ. Mr. Speaker, in 1968 I introduced an amendment to the Defense Production Act along with Chairman WRIGHT PATMAN that would have required all defense contractors to conform to uniform cost accounting standards to be developed by the General Accounting Office—the congressional watchdog agency. Congress, unfortunately, passed a milder version of the bill, calling for a feasibility study of the uniform cost accounting concept.

The GAO has sent Congress the results of its study—a bulky three-volume report calling for uniform cost accounting on Federal contracts and stressing that such a system could save the Government substantial amounts of money every year. It would affect 90 percent of all Government buying—$45.9 billion a year in goods and services.

It is a complete and total vindication of my belief that uniform cost accounting was not only feasible, but essential to the Government. Not only does the GAO agree with me, but four out of the five professional accounting organizations asked about this said that it was possible and desirable. The bill I introduced would have just applied to defense contracting—but the GAO says it should cover all Government agencies.

This will save hundreds of millions every year. Adm. Hyman Rickover told me that such a system could save $3 billion a year—and I believe it.

Under the present system, 90 percent of all Government buying is by negotiated contracts. We have no way on earth of knowing exactly what the costs of contractors are—they all use different systems. We just pay the bills. The Government now has no way of comparing the efficiency of one contractor against another, no way of knowing when it is being gouged or cheated. Uniform cost accounting would change all of that.

If my bill had been adopted 2 years ago, the system would already be in effect and we would have already saved several billion dollars. As it is, we are now going to have to pass a new law to create the system. I plan to introduce immediately a bill to require that a uniform cost accounting system be devised and applied to all Government contracts. This will be offered as an amendment to the Defense Production Act—which is coming up for renewal this year.

It will be interesting to see how the Nixon administration reacts to this bill, it appears to be so concerned about cutting education and controlling inflation. This is a bill that will cut costs, and will see that the Government gets a dollar of value for a dollar spent—and that is the way that you really control inflation.

This recommendation has contractors scared. The 12 big defense contractors associations are unanimous in their condemnation of uniform cost accounting—probably because it will force them to undertake the reforms I have advocated for the past 4 or 5 years.

I urge my colleagues' attention to this important issue, and enclose the following artitle entitled "Uniform Cost Rules Urged" that appeared in the Washington Post, January 19, 1970, for your information:

UNIFORM COST RULES URGED—GAO SEES "SUBSTANTIAL SAVINGS"

(By Richard Homan)

Over the strong opposition of industry, the General Accounting Office recommended to Congress yesterday that uniform standards be developed for cost accounting in preparing and administering negotiated contracts, the most widely used method of government procurement.

The use of uniform standards in determining costs, the GAO said, would result in "substantial savings over the long term" for the government and enable the GAO to administer the Truth in Negotiations Act "more effectively than can be done now."

Though GAO officials said they could not put a firm dollar figure on the likely savings, they noted that negotiated contracts amounted to $45.9 billion in 1969—almost 90 per cent of the federal government's total procurement for the year. Use of uniform standards would tighten each of the thousands of separate negotiated contracts that make up the total procurement budget, the GAO said.

The Senate Banking and Currency Committee is expected to schedule hearings on the matter shortly.

The GAO report, the result of a study ordered by Congress in 1968, deals with the complex method by which contractor and government purchaser negotiate a contract price.

In the negotiations, the government purchaser must be able to evaluate the contractor's cost estimate. The contractor's estimate includes portions of a variety of indirect and associated costs such as plant overhead, capital investment and general administration that, as part of the contractor's overall business activity, should be only partially attributable to the contract being negotiated.

The method of accounting for these indirect costs varies greatly within industry, according to the GAO, and the beneficiary of the variations is rarely the government.

"Uniform cost-accounting standards could provide a common framework for estimating prospective cost or for the determination of the actual cost of a contract," the GAO said. "They could provide the guidance, support and coordination required for better understood estimates and subsequent reports of actual cost."

Though Congress asked the GAO to examine the feasibility of applying uniform cost accounting standards only to defense contracts, the report recommended that they be made applicable for all government procurement.

The GAO said, however, that the standards should not be so rigid as to "ensure a uniform application of precisely prescribed methods of computing costs . . . under all the wide variety of circumstances involved in government contracting."

Rather, the GAO said, the standards should be flexible and should emphasize prior disclosure to the government of which cost accounting procedure among several available the contractor will use and should emphasize consistency in their use.

"The basic problem, as we see it on the basis of the cases we reviewed," the GAO said, "is one of inconsistency by contractors in the assignment of government contract costs."

EXAMPLES GIVEN

The GAO gave these examples, without identifying the contractors:

One contractor treated temporary duty costs, including labor and travel expenses, as "other direct costs." His normal accounting treatment is to include the labor portion of such costs as direct labor and to charge the remaining costs to overhead, which the government would reimburse at a smaller percentage.

A contractor with a preponderantly commercial business included $113,000 in indirect material costs as both costs of a government contract and as overhead, thus duplicating the charge.

A contractor confronted with a loss because he had exceeded allowable costs on one government contract shifted $698,000 in direct costs to overhead, in the hope of reconverting part of it under other government contracts.

Uniform cost accounting standards would have made each of these fund shuffles more difficult to accomplish and more visible to the government purchaser or contract administrator, the GAO indicated.

AGENCIES ENDORSE STUDY

Federal agencies, including the Defense Department, have endorsed the GAO study, as did four of five national accounting organizations queried by the GAO.

The GAO's conclusion was criticized, however, by nearly all of the 12 national industrial associations to whom it was circulated for comment.

THE KANSAS CITY CHIEFS BECOME WORLD CHAMPIONS

The SPEAKER pro tempore. Under a previous order of the House the gentleman from Missouri (Mr. RANDALL) is recognized for 10 minutes.

Mr. RANDALL. Mr. Speaker, on Sunday afternoon, January 11, all America saw red on their television screens. It was the red jerseys of the Kansas City Chiefs who dominated the Super Bowl game in New Orleans. Those who reside in the heart of America, as Metropolitan Kansas City has long been known, had been seeing red for several days, because two NBC television commentators had put out some unfounded and unsubstantiated reports that the Kansas City Chiefs' great quarterback, Len Dawson, was involved in a Detroit grand jury investigation.

When the day was done the Kansas City Chiefs had thrown at the Minnesota Vikings some of the fanciest formations ever witnessed on a football field. The result was that the Chiefs became the champions of the football world by a humbling margin of 23 to 7.

The little man who is the ingenious coach of the Kansas City Chiefs, Hank Stram, certainly did not do it all by himself. His engineer on the field was quarterback Len Dawson. Before the game Len had been considered by some as an ordinary quarterback who would collapse in a heap before a rush of any kind. But in the Super Bowl he faced the charge of Minnesota's Norsemen coolly and threw with such perfect form and marvelous aim that he completed 12 out of 17 passes. Moreover, it was Len Dawson's job to sort out and decide upon the many, many different options contained in the complicated portfolio that makes up the Stram offense.

One sports writer described the many different offensive sets and defensive formations formulated by the coach of the Kansas City Chiefs as an effort to create a moment of hesitation or an interval of doubt in the minds of the other team, whether on offense or defense. Put differently, Stram was determined to mask where his team would go and to conceal as long as possible how it would arrive at the point of attack.

In the Super Bowl, between the two of them, Stram and Dawson, the Chiefs showed Minnesota everything but mercy. Let no one forget that the field engineer, Len Dawson, had to surmount all kinds of personal adversities. As he was preparing for the most important game in his life, NBC released a story that he would be called to testify before a Detroit grand jury. It was unfair, unfounded, uncalled for, unjust, and untrue. This thing became so reprehensible that the commissioner of football, Pete Rozelle, immediately rallied to Dawson's defense. The general public lined up solidly behind Dawson because in their own minds and hearts they were convinced the innuendo concerning Dawson just could not be true.

To add to Dawson's burdens, the night before the big game he came down with a 24-hour virus. He had virtually no sleep that night and before the game all he had to eat was a bowl of crackers with milk, and a candy bar. Despite the great psychological pressure, the illness and lack of sleep, and a painful knee, he triumphed over all of these personal adversities because of his great courage and perseverance.

But the outcome of the game was not all a Dawson victory. The Chiefs are a well-balanced club. Every single player is equally capable of overcoming adversity and reaching the heights. Unlike the game last year, dominated by Joe Namath, the game this year was a team effort all the way. One very talented writer described the success of the Chiefs

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as a case of 40 for 60, meaning that approximately 40 players were determined to give their best to work together as a unit or as a team for the full 60 minutes of the game. The sports editor of the Kansas City Star put it beautifully when he said, "The victory over Minnesota was a combination of inspiration, organization, and determination. Such is the solid foundation for a world championship team."

It was a great day for mid-America. The pregame show was outstanding with trumpeter Al Hirt wearing a Viking helmet replete with horns and Doc Sevrinson with the feathers of his Indian headgear going all the way to the ground. For once, those of us who were Kansas City fans, for some strange reason, could not really applaud the playing of Al Hirt—but the show was great. It was like Times Square on New Year's Eve. Everyone was thrilled when Pat O'Brien recited, not sang, the "Star-Spangled Banner."

For Kansas City partisans the thrills began early in the game. Our Chiefs began the scoring, ominously enough for Minnesota, when Jan Stenerud was called upon and proceeded to kick a Super Bowl record fieldgoal of 48 yards. He came back for another fieldgoal from 32 yards out and a little later a third one from the 25-yard line. After this third field goal the Vikings resembled anything but two-touchdown favorites. After that third fieldgoal the Vikings fumbled Stenerud's kickoff and the Chiefs struck quickly for a touchdown.

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Enjoying a comfortable 16 to 0 advantage at the half, all of us who were for the Chiefs could now appreciate Al Hirt, a little more, even with his Viking getup, as he played for Marguerite Piazza while she sang "Basin Street Blues." Then the entire country enjoyed the reenactment of the battle of New Orleans. Later a float made into a riverboat was hauled on the field. Everyone watching television saw Lionel Hampton perform on the xylophone. All America followed the reenactment of the mournful trip of the jazz greats to the cemetery but hands clapped for the joyful trip back. Perhaps the greatest thrill of the halftime show was the finale, when all across the land everyone watching TV joined the musicians on the field to sing that eternally popular Dixieland melody, "When the Saints Go Marching In."

When the third quarter started the Vikings seemed to wake up for a while, and by their great strength and a lot of awkwardness they managed to score after about a 70-yard drive. That put the score at 16 to 7, and to the Minnesota followers it seemed all they needed was a touchdown and a fieldgoal to be out in front. The clock showed they had plenty of time for that to happen.

Just a little while after the first Minnesota score, time did run out for the Vikings. The reason was that Kansas City quickly scored its second touchdown. With the ball on the Viking 46-yard line, Dawson dropped back and fired a short pass to Otis Taylor, who went all the way into the end zone standing up. It was truly in this moment of glory that the Chiefs became "Super Chiefs."

Several Vikings in discussing the situation after the game, admitted they reached the Super Bowl by playing aggressive defense, but for some reason just could not be aggressive in this one great game. As for the Chiefs, they said after the game that their main objective was to keep Kapp confined, meaning to force Minnesota quarterback Joe Kapp to stay in his backfield and throw the ball, rather than run with it. The experts say that the Chiefs developed what could be called an odd line, a formation in which the tackle played nose to nose with the center. In this game the Chiefs' 275-pound Buck Buchanan and 265-pound Curly Culp kept the all-pro center from Minnesota, Mick Tinglehoof, so busy keeping them from destroying him that he could not contain Willie Lanier, the Chiefs' middle linebacker, or seal him away from thrusting through the line to get Kapp.

The Chiefs' odd line not only contained Kapp, it shut off the much-heralded Viking running game. Mr. Kapp, who had gained 57 yards against Cleveland, got only 9 against the Chiefs.

There was so much pressure by the Chiefs that the Vikings' quarterback had to look for the short pass and get rid of the ball much too soon. This certainly contributed to the interceptions by the Chiefs. While Kapp tried a few of his long passes, which had been so successful against Cleveland and which have been called his "quick six," he had little success against Kansas City.

In the fourth quarter there appeared some very interesting irony, because Kapp had been known as a redoubtable runner and Dawson had been regarded as a quarterback who never runs. Once in the fourth quarter Kapp tried to run and was caught hard by Aaron Brown. After that tackle he walked off the field not to return during the game. Yet just a little while later when the Chiefs were in possession of the ball, Dawson, who had hurt his knee so badly that he had to stay out of six games in the regular season, went back to pass and finding no one open, ran with the ball. The result—he gained 11 yards and a first down. Such irony was the highlight of the Kapp-Dawson duel.

As the end of the game neared, every Chief on the field realized they were nearing the end of the long, hard road to the world championship of football. The game pictures will show that safety Johnny Robinson, who played in spite of a rib injury, after he recovered a Minnesota fumble raised his index finger to tell the stands and all the TV audience the Chiefs were No. 1. The year of the Jets had ended. The year of the Chiefs had begun. Hail to the Super Chiefs.

THE JOB CORPS CENTERS CLOSING

The SPEAKER pro tempore. Under a previous order of the House the gentleman from New York (Mr. RYAN) is recognized for 20 minutes.

Mr. RYAN. Mr. Speaker, last session I introduced House Resolution 381, and companion resolutions—House Resolution 382, House Resolution 383, and House Resolution 390—cosponsored by 53 other Congressmen, in opposition to the administration's announced intention to close 59 Job Corps centers. Despite our efforts, the centers were closed.

Numerous justifications for doing so were offered by the Nixon administration: Job Corps had a poor placement record; Job Corps was too expensive; Job Corps had a serious dropout record; Job Corps members showed little demonstrable improvement in math and reading levels; Job Corps taught few marketable skills.

But, Secretary of Labor Shultz admitted, on April 11, that a number of the basic premises of Job Corps were sound—that is, complete residential service for youths from disruptive environments, and intensive supportive services, such as remedial education and work orientation. Thus, and this was the Secretary's ostensible antidote for closing 59 centers housing some 15,000 youths, 30 new in-city and near-city residential centers were to be opened.

It is almost 7 months since the formal closures occurred. And yet, only one new center—in Phoenix, Ariz.—has been opened. The supposedly "new" centers in New Jersey and Hawaii are really former centers—Kilmer and Koko Head—with new names. Actually, the New Jersey center is even less than a "horse of a different color:" the Kilmer Job Corps Men's Center had a population of approximately 1,600 youths, whereas the "new" New Jersey center is limited to a maximum of only 350, and is restricted to New Jersey youth only.

The negligible progress in recouping the losses following the closure of the 59 centers is extremely troublesome. The story of the four main centers serving New York City shows how this administration has failed.

At the time of the closures, there were four Job Corps centers to which most New York City youths were funneled: Kilmer Men's Center, Poland Spring Women's Center, and Acadia and Wellfleet Conservation Centers. The total population of these four centers, as of April 11, 1969, was 3,013—Kilmer, 1,671; Poland Spring, 1,110; Acadia, 125; Wellfleet, 107.

According to a letter of January 7, 1970, which I received from William Mirengoff, Acting Director of Job Corps, 30 percent of these youths graduated before closure of the centers and 36 percent transferred to other centers.

Of the remaining 1,038 youths, only 151 were placed in other training programs. And yet, Secretary Schultz offered as one of the primary justifications for the closures of the 59 centers the argument that, whereas in 1964 there were only 27,000 openings for youths in manpower programs, supposedly there are now some 600,000 such openings. He pointed to new programs such as "CEP, JOBS, area skills centers, and other manpower service components."

Surely, the performance in placing Job

Corps youth forced out of closed centers in these other manpower programs belies the promise offered by the administration.

As for the remaining 887 youths from Kilmer, Poland Spring, Acadia, and Wellfleet, 492 are in "other placement" and 395 have not even been accounted for.

Following is the chart sent to me by the Acting Director of the Jobs Corps:

Center	On board Apr. 11, 1969	Graduated	Transferred	Estimated number in other training programs	Estimated number in other placement	Number not accounted for
1. Kilmer	1,671	529	551	91	280	220
2. Poland Spring	1,110	366	444	40	142	118
3. Acadia	125	5	32	12	42	34
4. Wellfleet	107	8	40	8	28	23
Total	3,013	908	1,067	151	492	395
Percent		30	36	5	16	13

Certainly these figures are disconcerting. New York City youth made up almost half—approximately 1,400—of these 3,013 youths at the four closed centers. In rough terms, these figures indicate that about 200 New York City youths are unaccounted for, and only 75 have been placed in "other training programs." The fact that 30 percent graduated and 36 percent transferred to other centers is no answer to the obligation the Federal Goverment undertook—and properly so—when it enrolled these youths in Job Corps.

To make the problem even more severe, the Neighborhood Youth Corps has recently been modified to limit enrollment to youths 16 and 17. Thus, one of the manpower programs accounting for the "600,000" openings for youth in 1969, to which Secretary of Labor Schultz pointed, now excludes youths 18 and over, many of whom made up the Job Corps population.

Yet, still no new center has been opened for New York City youth. The New York City youth who wants to enroll in Job Corps and who is eligible for the more advanced Job Corps Men's Center program must be sent to Breckenridge Men's Center in Kentucky, or to Atterbury Men's Center in Indiana. These are the two men's centers closest to his home. And the young man eligible for a Job Corps Conservation Center must be sent all the way to North Carolina.

New York City girls have a similar problem. The nearest Job Corps Women's Center is in Jersey City, N.J. This center only has a capacity of 650, whereas formerly, not only that center was available, but the 1,100-girl Poland Spring Center could also serve New York City girls. Now, the overflow which the Jersey City Center cannot absorb must be sent to the Cleveland, Ohio, Women's Center, since the Blue Ridge Women's Center in Virginia is restricted to Appalachian girls.

Nor should anyone think that the so-called "new" New Jersey Residential Manpower Center—the replacement for Kilmer Men's Center—is available to enroll New York City youth. A fourth the size of the former Kilmer Center, the New Jersey center is restricted to New Jersey youth. In fact, not even all such youth are eligible, since recruitment is to be limited, in accordance with the Job Corps contracts for running the center, to only certain New Jersey counties.

Mr. Speaker, I am very seriously concerned—not only for the youths formerly in Job Corps who have suffered because of the closures, but also for those youths seeking now to enroll in Job Corps and who are foreclosed by this restrictive policy at the New Jersey center—a policy which, I should note, is to be employed at all the new centers.

I question whether the legislation even allows such restrictive enrollment. Section 103 of the Economic Opportunity Act, as amended, prescribes the standards for eligibility for Job Corps. Youths must be "permanent resident(s) of the United States" under section 103(1). I see nothing which says that they must as well be residents of certain counties in a State. Section 106(d) allows for assignment of enrollees to "that center of the appropriate type in which a vacancy exists." But I see nothing so distinctive about the new residential manpower centers which justifies sending a New York City youth to a Job Corps men's center in Kentucky, instead to a Job Corps residential manpower center only a few miles from his home in New Jersey.

And I would further note, section 106(d) further directs assignment of a youth to the center "which is closest to the enrollee's home." Exception to this requirement is very limited:

> The Director, on an individual basis, may waive this requirement (of assignment to the center closest to the enrollee's home) when overriding consideration justify such action. Assignments to centers in areas more remote from the enrollee's home shall be carefully limited to situations in which such action is necessary in order to insure an equitable opportunity for disadvantaged youth from various sections of the country to participate in the program, to prevent undue delays in the assignment of individual enrollees, to provide an assignment which adequately meets the educational or other needs of the enrollee or is necessary for efficiency and economy in the operation of the program.

Perhaps the language of section 106(d) can be manipulated by the Job Corps to justify restricting enrollment at the Job Corps Residential Manpower Centers to local boys and girls when there are adequate openings close by at other centers for all youths. But that is not the case now.

The situation now is that there still is no center in New York City, one of the cities designated by the Job Corps for establishment of a Residential Manpower Center. The Acting Director of the Job Corps informed me, in his letter of January 7, that, while, Job Corps is negotiating for a site at Fort Totten, opposition of local residents is causing some delay.

I realize that Job Corps has little room for maneuver—funds have been cut, adequate sites are not plentiful. As I am aware, many other sites have been investigated. But at the same time, I cannot condone the delay.

Moreover, I suggest that the most likely sites—not only in New York City, but elsewhere as well—have not been utilized. These are the thousands of abandoned buildings in every major city. Such sites are near businesses which will provide sources of on-the-job training, and they are near recreational facilities and transportation.

Certainly, costs would be incurred in renovating these structures. But Federal money is available for renovation of housing. In addition—and this should be particularly noted—Job Corps itself is already expending large sums on capital investment. Approximately $600,000 is being spent for renovation of the to-be-opened Atlanta Residential Manpower Center, for which a rental of over $300,000 is being paid for a 2-year term. A building was purchased by Job Corps for the Phoenix center at a cost of $100,000, and extensive renovation costing over $400,000 is being done there. Three buildings are being rented for the to-be-opened Portland center at a yearly rental of approximately $163,000.

These are considerable expenditures of money on capital investment. This is not to say they are necessarily unwarranted. Job Corps is limited by 2-year contracting authority, which results in higher rentals. And, as I am aware, the rentals, at least, fall within the 15-percent statutory maximum set by 40 United States Code 278a.

But, if money is to be spent—and certainly it should be to continue the Job Corps program—it would seem more beneficial to spend it on abandoned buildings. Thereby, needed money is brought into the inner city, neighborhoods are improved, dangerous eyesores are renovated, and the youths are not exported to communities which do not want them and which would be foreign to the youths.

Mr. Speaker, it is too late to undo the egregious mistake of closing 59 Job Corps Centers—a mistake implicitly acknowledged by the Administration's closing of the St. Louis Job Corps Women's Center in June of 1969, and its now planning to open another center, at a different site, in the same city. It is too late to rescue the excellent Clinton Women's Center, and it is too late to prevent the closure of 8 conservation centers in California, alone, while the ill-run Trapper Creek Conservation Center is retained.

But, Mr. Speaker, something can, and must, be done now. New centers—to which the administration purports to be committed—must be opened, and they must be opened at appropriate sites—sites which will, most importantly, benefit the Corpsmembers. But sites, also, at

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which funds will be expended wisely and advantageously—such as abandoned inner city buildings.

PEACE IN THE MIDDLE EAST

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Massachusetts (Mr. PHILBIN) is recognized for 10 minutes.

Mr. PHILBIN. Mr. Speaker, I think all of us who are vitally interested in the young, democratic State of Israel are deeply concerned by certain steps that have been taken recently by this Government, indicating some change in the policy of the United States in the Middle East, and particularly toward Israel, as evidenced by Secretary Rogers' speech of December 9, 1969.

Admittedly, this Government is committed to doing everything in its power to bring about peaceful conditions between Israel and the Arab States and total peace in the Middle East.

However, I do not believe that it is either sound or wise policy for this Nation to start laying down conditions that would clearly put Israel at a disadvantage, even before it gets into a peace conference, and would, in a major sense, destroy the historic position this Government has taken ever since the time when we were the first great Nation to hold out a helping hand to the brave, gallant, young State of Israel.

I think we can agree for the most part that any effort by this Government to propose any settlement that would be at the expense of Israel's vital interests, in the fact of our long-continued constructive policy toward Israel, would be directly inimical to the United States interests, and perhaps could well only serve to increase dangerous ferment and agitation in the Middle East, and strengthen those whose design it is to increase the prestige and power of Israel's enemies and endanger Israel's security and freedom.

If this change in policy is predicated on appeasing the Soviets by requiring concessions at the expense of Israel, it strikes a very unhappy and unfortunate note in our relations with Israel—one that might well inject another complication into the situation in the Middle East by creating worldwide misunderstanding and apprehension on the part of other nations of the free world, concerning a possible change of policy on the part of this Government that could only serve to handicap, instead of encouraging and helping Israel, as our historic policy was intended and fashioned to do.

For us to try to lay down adverse conditions precedent to negotiations would work havoc with the prospects of peace in the area.

It is also true, in my judgment, that any policy toward Israel, or other nations, that is based upon appeasement of other nations, whose interest and motives are not based upon total world peace in the area would be, to my mind, fraught with grave misunderstandings and setbacks in the Middle East and elsewhere in the world.

The cause of Israel, and the cause of total, world peace are great goals, to which we have been, are, and must continue to be unalterably committed.

To put the matter in clear context, it is my studied conviction that this Nation must fairly maintain the historic commitment in the Middle East that will be consistent with our long sustained warm friendship and commitment to Israel, to stand by her side in the noble, very successful work she has so bravely carried on in founding, building, and admirably projecting a free, democratic, homeland state in the Middle East, politically, economically, and socially developed and related to free world democracy, and dedicated to principles of freedom, human rights, and justice and peace, not only in the Middle East, but in the world.

I believe that any weakening of our policy toward the free state of Israel could well have catastrophic results for our own world policies, precarious implications for Israel's position in an area where she is surrounded by nations who are not only rattling sabers and threatening her destruction, but fostering principles, plans, and practices of outspoken belligerency toward Israel, which certain leaders have publicly proclaimed by word and deed to the entire world.

This Nation, if it is to be well directed and guided toward a viable, diplomatic policy in the Middle East must continue to help, not hurt the young state of Israel in its aims to maintain and preserve its free government.

It is our historic policy, in every way possible, to avoid hostilities and war, and promote peace, understanding, and friendship among nations, but it would be a great mistake for this Nation to stand, unprotesting, silent, and unmoved while other nations pursue enmities and aggressions that can only serve in the end to bring greater instability and danger into the Middle East that could well threaten the very existence of free Israel, and cause such a deterioration in that part of the world, as to lay the basis for fresh confrontations and conflicts between nuclear powers, arouse aggression, and fan the fires of insurrection and revolution in an entire continent that could conceivably spread to other parts of the world with very dangerous results for humankind.

It is imperative that this Nation's policy be based upon avoiding and ending more confrontations in the Middle East. What the world needs there is peace and our Nation must move toward that end.

The Arab States, the Soviet Union, and all other nations must fully understand that the foreign policy of this Nation is to favor and befriend the cause of freedom and peace in the world. Specifically, insofar as Israel is concerned, this is a nation to which we are committed by bonds of friendship, respect, and love that have deep roots here in our own country, and that means a great deal to us.

We invite all nations who are willing to work with us, as they should, to recognize and help young nations like Israel to find their place in the sun, as Israel has done, under free institutions selected, developed, and strengthened by its own people in a most praiseworthy, commendable way.

The foreign policy of the United States cannot blow hot and cold. It must not, on the one hand, profess that it is following our historic policy toward Israel and total peace in the Middle East, and on the other, foster a policy that gives other nations pursuing a course of belligerency, and their world supporters, to believe that we will wink at brazen, calculated, overt actions of aggression toward Israel, and in that way fragment and render ineffective and useless the present American policy toward Israel and the Middle East, which binds us definitely to support, encourage, and extend our helping hand to Israel in preserving its hard-won freedom, the integrity of its territory, and the success of its aspirations to be free and untrammeled—to work out its own destiny, and participate in our earnest striving for total peace in the Middle East and the world.

I want our great country to seek amity and peace with all nations, regardless of their ideological complexions. In the Middle East, I expect and demand that we should keep the sacred commitments that we have made to Israel, and to other free nations in the world, that we will not abandon their cause, that we will recognize and carry out the commitments we have made to them to help and assist them to reach their objectives of free democratic government, to strengthen their free institutions, to live at peace with their neighbors, and to strive with determination and resolve for every opportunity to inaugurate negotiations with those who confront and threaten them, have understandings and agreements that will end their differences that will stop the fighting, compose the disagreements and reach settlements that will provide stability and peaceful relations and understanding with other nations.

I think that it is up to the executive department of this Government, and to our great President, a former distinguished, beloved colleague of ours in this House, to make it clear to the American people, to the brave State of Israel, and to all the nations of the world that this Nation has no intention of abandoning the policy we established when we recognized Israel, and which have been followed persistently and constructively in the intervening years.

We should make it very clear that we proffer all our services and help to initiate and assure effective, meaningful diplomatic negotiations in the Middle East, and that we propose firmly and irrevocably to keep our commitments to Israel, and the cause of peace and justice in the world which is a cornerstone of American foreign policy we will not abandon.

I read with interest the text of a proposed concurrent resolution of my distinguished, dear, and great friend from Florida, Mr. PEPPER, which reads in part as follows:

> That it is the sense of the Congress that the policy of the United States for the promotion of peace in the Middle East should be to exert its best efforts to arrange for direct face-to-face negotiations between the State of Israel and the Arab States; and, further, that neither the United States, nor any other power, should attempt to impose a settlement in the Middle East, nor attempt

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to induce a settlement other than through direct face-to-face negotiations between the State of Israel and the Arab States.

I think this resolution makes clear what I have emphasized in my remarks and it represents the traditional policy of our Government.

Moreover, this statement is fair to all nations, and would make clear our policy toward Israel which I think this Government should do now.

Let me say one more word. We all recognize the great part that our Jewish friends have taken in the founding and perpetuation of this Nation. The gallantry of Jewish fighting men is indelibly inscribed in the annals of every American war. In Flanders Field where lie our heroic dead, the Star of David is mingled with the Cross in beauty and everlasting marble. In remote places of the world, where heroes sleep who gave their all in defense of America, the star and the cross are intertwined in a bond of immortal affection and loyalty enshrined in the hearts of Americans forever—a gleaming example of sacrifice and utter devotion for all the world to behold.

The storms of passion and hatred may rage. The fury of soulless materialism and communism may sound throughout the world. The forces of evil may conspire and act to undermine and overthrow the blessed freedom we enjoy. But they will all go down to defeat. The cross and the star will endure because they are the symbols of strength of the Almighty, and the indomitable purpose of our forebears. If we but persevere in the faith of our Nation, determined to protect it from all danger and at any cost, He will continue to bless our great land and hasten the day of universal peace and amity among men and nations.

The evidence of our friendship and policy toward Israel and free negotiations is overwhelming.

President Johnson voiced it in a June address in 1967. He said:

> Clearly, the parties to the conflict must be the parties to the peace . . . It is hard to see how it is possible for nations to live together in peace if they cannot learn to reason together.

President Nixon endorsed this view in his address to the United Nations General Assembly on September 18 last when he said:

> A peace to be lasting must leave no seeds of a future war. It must rest on a settlement which both sides have a vested interest in maintaining . . . We are equally convinced that peace cannot be achieved on the basis of anything less than a binding, irrevocable commitment by the parties to live together in peace.

Secretary Rogers voiced the same principle in his statement to the Senate Committee on Foreign Relations, March 27, 1969, as follows:

> His (Jarring's) mission is to promote agreement—and this can only mean agreement between the parties.

It is of ultimate importance that this Government reaffirm this policy as it affects Israel and the Middle East. I believe most Americans hope and urge that it be done now.

And I most respectfully and prayerfully urge the President and the State Department to announce it and carry it out at the earliest possible time.

LABOR-HEW APPROPRIATION BILL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. MICHEL) is recognized for 2 minutes.

Mr. MICHEL. Mr. Speaker, earlier in the day in the colloquy between the Speaker and the gentleman from Kentucky (Mr. PERKINS) a big "to do" was made of those Republicans who voted for the conference report on the Labor-HEW appropriation bill and the position they may take in sustaining a Presidential veto of that bill.

For a Member to change his position is certainly nothing unique for this Chamber and I would remind both the Speaker and the gentleman from Kentucky (Mr. PERKINS) of the switch of 42 Democratic Members several years ago when they first supported a motion I offered to instruct conferees to sustain a House position to prohibit further shipments of agricultural commodities to Egypt at a time when Nasser was telling us to go drink from the sea. As a matter of fact on that particular vote the first time I was supported unanimously on the Republican side and joined by 72 Democrats, but 10 days later after President Johnson applied the pressure, 42 Democrats, as I said before, switched their vote in support of their President.

Going back through history there have been repeated instances of this occurring particularly when a President has seen fit to veto a particular piece of legislation.

A switch of positions could be justified for a number of reasons.

In the first place the financial picture has not improved, but rather deteriorated. The projected surplus in the September budget review has been drastically modified. Appropriations were raised by over $1 billion above the budget in September and more than $1 billion of requested revenues were not provided.

One of the factors is the 15 percent increase in social security which was included in the tax reform package and which took effect January 1. Members will recall that the earlier budget projections provided for a 10-percent increase with an effective date of April 1, 1970.

Uncontrollable costs continue to rise. Interest on the public debt is up $800 million, medicare payments up $350 million, unemployment benefits up $500 million, and retirement funds up $100 million. Besides the $1.3 billion increase in the HEW appropriation the public works bill was up $552 million and the agriculture bill up some $250 million. And finally, Mr. Speaker, these increases in education in particular come too late in the fiscal year to be wisely utilized.

J. EDGAR HOOVER—MR. FBI

(Mr. DEVINE asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. DEVINE. Mr. Speaker, the best way to judge a man is by his record. As all of us in public life know, a person's record can be, and often is, distorted by overzealous supporters or detractors.

J. Edgar Hoover, Director of the FBI, is a man whose record of service will never be equaled. None can distort his record of 45 years as Director of the Nation's most important law-enforcement agency.

His record of achievement during this 45 years is equally impressive, I think. I had the privilege to serve under Mr. Hoover's leadership as a special agent of the FBI, and I naturally have followed closely his record through the years. He has a few detractors but they are vastly outnumbered by his supporters.

Recently, the Congressional Quarterly, a publication with which we all are familiar and which has a reputation for objectivity, assigned an associate editor, Robert A. Barnes, to research and report Mr. Hoover's record. Mr. Barnes' article in the December 22, 1969, issue of the Congressional Quarterly probably records more factual information about Mr. Hoover in a short space than any article ever written. I would hope that every Member of the House of Representatives would take the time to read the excellent results of Mr. Barnes' detailed research on Mr. Hoover. There is no distortion here of Mr. Hoover's record, it is merely reported.

Mr. Speaker, I include at this point Mr. Barnes' article in the RECORD:

HOOVER AT 75: "MR. FBI" AND HIS "G-MEN": NEAR-LEGENDS SINCE 1924

The story of John Edgar Hoover is the story of a man and an institution. But as Hoover has continually emphasized, the institution is first and foremost an organization of men.

On grounds that the caliber of the Federal Bureau of Investigation depends on its personnel, Hoover has sought from the time he took over the agency more than 45 years ago to instill in FBI employees the qualities, outlook and discipline he contends are indispensable.

For his basic policies he has given much credit to then Attorney General Harlan Fiske Stone, who installed him in his post during the scandals that followed the Harding era. Hoover wrote Mrs. Stone April 23, 1946, the day after the death of her husband who had become Chief Justice of the Supreme Court and a renowned judicial backer of Franklin D. Roosevelt's constitutional authority to make New Deal innovations through Congress: "The Chief Justice has been to me an ideal. . . . He is in fact the real father of the Federal Bureau of Investigation as we know it today."

The nature of the institution and the duties given it by Congress and Presidents make the FBI's history—like that of "the director," as he is known in the ranks—coincide at many points with a history of the United States itself in the 20th century. "To tell the story of the FBI is to recite the history of men and women seeking to make America more secure," Hoover said in 1946. "It is the story of a long line of citizens who form a solid front against crime."

Underscoring the parallel, often identical, courses of national and FBI history, events even then were continuing to broaden the FBI's activities beyond crime as such. As the nation's primary domestic investigative agency, the FBI and its chief would be immersed constantly in conflict and controversy which seem likely to last as long as the strife itself.

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But throughout his unprecedented service under eight Presidents, Hoover has maintained the course he adopted at the outset with a persistence that itself has produced brickbats and with a success that has infuriated his enemies.

In a 1960 study for The Brookings Institution called *Presidential Transitions*, Laurin L. Henry noted the pressures for official jobs when national administrations changed, except in such cases as the FBI, "where J. Edgar Hoover's public popularity made him virtually untouchable . . ." Hoover's continued tenure in perhaps the most sensitive position in Government—aside from the Presidency—stands as evidence.

The Gallup Poll in mid-1965 asked a cross-section of Americans: "If you had a son who decided to become an FBI agent, would you be pleased or displeased?" The poll reported that 77 percent of the persons questioned said they would be pleased.

The Bureau has not always enjoyed high public esteem. It was in poor repute when Hoover took it over in 1924 with a mandate to clean house. After a few years of unpublicized reconstruction, the Bureau moved under Hoover's command into the front ranks of U.S. Government forces combating such threats as these:

1930s—kidnappings; gangsters.

1940s—Nazi espionage and subversion.

1940s on—Communist espionage and subversion, which Hoover says continues today.

1950s on—soaring crime and lawlessness, reaching new peaks today.

1950s on—mounting civil rights strife exacerbated by extremists of right and left.

1960s—city rioting and street violence.

1960s—organized crime.

As the United States has moved through new crises of rising crime, assassinations of a President and two prominent political leaders and unprecedented rioting, the FBI Director has spoken out often and bluntly on what he has felt are dangers in the national trends. He has attacked complacency among the citizens, a "national disregard for the realities" of the present, abuses in the parole system and what he has considered undue clemency by many judges. His statements over the years have covered a broad range of American life and have become a primer on what he has seen as the fundamentals of the traditional American ethic.

He has often been at odds with opponents who have called his law enforcement stand "hard-line" and who have discounted or sought to ridicule his persistent reports of Communist or other subversion. In addition to such vigorous direct attacks, some critics have made other attacks on Hoover indirectly.

Attacks notwithstanding, Hoover has become one of the most unassailable figures in U.S. history. His supporters far outnumber his critics both in numbers and influence. As President Johnson expressed it May 8, 1964, Hoover has been a "household word, a hero to millions of citizens and an anathema to evil men." Mr. Johnson called him a "quiet, humble and magnificent public servant."

For an understanding of the place the FBI and its director occupy in the nation today, the reasons behind the "iron hand" with which Hoover is said to rule the organization and behind his oft-expressed concern for its future course, the conditions that existed when Hoover took charge deserve consideration.

As Harry and Bonaro Overstreet said in their 1969 book, *The FBI in Our Open Society*, concerning the fears of some that the FBI could become the agency of a police state if safeguards were lowered: ". . . The answer to the bland assurance 'It can't happen here' is that it did happen here—between 1918 and 1924."

HISTORY

Origin of FBI

In 1908 President Theodore Roosevelt, frustrated in efforts to combat business monopolies and land grabs, demanded a new federal investigation unit. Attorney General Charles Bonaparte on July 26, 1908, set up a small group of special investigators in the Justice Department. The group took the title "Bureau of Investigation" in 1909.

Indicative of what the future could hold, perhaps, Bonaparte in *Century* magazine, March 1910, described pressures that began when he took office, visits by "prominent lawyers representing different corporations or clusters of corporations with which the Government was, or expected soon to be, in litigation. . . ." He said when blandishments received no encouragement, criticisms of the Department soon began.

The Bureau gradually grew, with addition of Selective Service and espionage responsibilities during World War I. Interstate automobile thefts were added to its tasks in 1919. In the post-World War I period the Justice Department and its Bureau of Investigation became deeply involved in the activities of the "Ohio gang" under President Harding.

President Harding's Attorney General was Harry M. Daugherty, an Ohio political associate. The Attorney General's intimate was Jesse Smith, also from Ohio, who killed himself in 1923 after accusations he had sold his influence at the Justice Department to lawbreakers.

Department of Easy Virtue

It was the era in which the Teapot Dome and other scandals were brewing, resulting in the first imprisonment of a Cabinet officer in U.S. history and other massive shakeups. The Justice Department itself was called the "Department of Easy Virtue." Daugherty tried twice in 1926 with hung juries each time, refused to testify for fear of self-incrimination.

William J. Burns headed the Bureau of Investigation. Alpheus Thomas Mason, in his biography of Daugherty's successor, *Harlan Fiske Stone: Pillar of the Law*, says that under Burns the Bureau "had become a private secret service for corrupt forces within the government. . . . Included among the special agents were some with criminal records. Bureau badges and property had been issued to persons not employed by the government"—persons who worked "as confidential agents and informers to 'frame' evidence against personal enemies of the Harding administration. . . ."

Don Whitehead said in *The FBI Story* that the Bureau was "inept and politics-riddled" then. Joseph Kraft wrote in *Commentary* that in 1924 the Bureau was "a private hole-in-the-corner goon squad for the Attorney General. Its arts were the arts of snooping, bribery and blackmail."

Reforms

With President Harding's death Aug. 2, 1923, Calvin Coolidge became Chief Executive. He appointed the respected Stone, former dean of Columbia University's law school, as Attorney General after demanding and receiving Daugherty's resignation. Stone took over April 7, 1924, with instructions to clean up the Justice Department. Yale historian John M. Blum wrote that Stone's appointment "completed the shift from obscenity to virtue."

"When I became Attorney General, the Bureau of Investigation was . . . in exceedingly bad odor," Justice Stone wrote in 1937 four years before he became Chief Justice. He continued, as quoted by his biographer: "The head of the Bureau . . . had himself participated in serious infractions of law and obstructions of justice. The Bureau was filled with men with bad records, and many of them had been convicted of crime. The organization was lawless, maintaining many activities which were without any authority in federal statutes, and engaging in many practices which were brutal and tyrannical in the extreme."

Stone asked advice of Felix Frankfurter of Harvard University's law school, who later became a Supreme Court Justice, and of Secretary of Commerce Herbert Hoover. Mason relates that Frankfurter sent Stone a copy of a letter he had written to columnist Walter Lippmann. In it Frankfurter said:

". . . The key to Stone's problem is, of course, men. Everything is subordinate to personnel, for personnel determines the governing atmosphere and understanding from which all questions of administrative organization take shape." Stone told Frankfurter later that he followed Frankfurter's suggestions "almost exactly."

Stone had ideas for an agency based on Scotland Yard, his biographer says. The future Chief Justice said he wanted a director with police experience who was not steeped in the "more usual police tradition that it takes a crook to catch a crook, and that lawlessness and brutality are more to be relied upon than skill and special training."

Herbert Hoover, whose integrity was unquestioned amid the post-Harding scandals, recommended 29-year-old J. Edgar Hoover—no relation—for the job. Stone appointed "young Hoover," as he sometimes called him, acting director May 10, 1924. The modern FBI was born on that date.

J. Edgar Hoover

Born Jan. 1, 1895, in a house near the U.S. Capitol, J. Edgar Hoover had worked as a Library of Congress clerk while taking night courses at George Washington University. He received his law degree in 1916 and his master's a year later. He joined the Justice Department July 26, 1917. Following bombing attempts on the home of Attorney General A. Mitchell Palmer and on targets in eight other cities June 2, 1919, Hoover headed a new general intelligence division ordered to study subversive activities. His first encounters with the Communist movement in the United States occurred then.

Hoover became an assistant director of the Bureau of Investigation Aug. 22, 1921, and served directly under Burns until Burns' departure three years later. Hoover's early activities matched him not only against the Communists but also against the Ku Klux Klan, powerful enough to parade 50,000 men down Pennsylvania Avenue in 1925. The Klansmen, like the Communists, would prove perennial foes for Hoover and his Bureau throughout his long career.

Whitehead says Hoover told Attorney General Stone he would accept appointment as acting director on these terms: "The Bureau must be divorced from politics and not be a catch-all for political hacks. Appointments must be based on merit. Second, promotions will be made on proved ability and the Bureau will be responsible only to the Attorney General." This was what Stone wanted.

Seven months after he took the position, on Dec. 10, 1924, Hoover was appointed director by Stone. Twenty-six days later Stone was nominated for the Supreme Court. *The New York Times* reported Hoover's appointment in its issue of Dec. 23 with a single paragraph on the financial page.

Building the FBI

In 1933, when there was a question whether incoming President Franklin D. Roosevelt would keep Hoover on, Stone wrote Frankfurter about what the new director had done upon taking over. Mason reports that Stone said Hoover "removed from the Bu-

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reau every man as to whose character there was any ground for suspicion. He refused to yield to any kind of political pressure; he appointed to the Bureau men of intelligence and education, and strove to build up a morale such as should control such an organization. He withdrew it wholly from extra-legal activities and made it an efficient organization for investigation of criminal offenses against the United States."

An identification unit was set up in the Bureau July 1, 1924. The Bureau's original collection contained 810,188 fingerprints transferred from Leavenworth Penitentiary in Kansas and from files kept by the International Association of Chiefs of Police. This would grow more than 200 times in years ahead.

Congress June 11, 1930, authorized compilation of criminal statistics, and after that September the FBI became the clearinghouse for national crime statistics reported by state and local authorities and published as the "Uniform Crime Reports." Hoover said that corrective steps should eventually become possible when adequate statistics were available.

An FBI laboratory was established in November 1932. A quarter century later, Hoover told Congress the laboratory had at its disposal "the finest crime detection facilities in the world." He said: "The minute stain of blood, the altered document, the match folder found at the scene of a burglary, the heelprint or fleck of dust often provide the essential bit of evidence needed to link the criminal to his crime or to clear the innocent person."

In the personnel field, Hoover could say by 1935: "More than 82 percent of the Division's investigative personnel have had legal training or were expert accountants before entering the Division." Of the 600 Special Agents in what was then called the division of investigation, 418 had university degrees, he said.

Through the early years, as ever since, Hoover left his personal stamp on the agency. On Jan. 2, 1932, Stone wrote Hoover: ". . . it it always a comfort to me to see how completely you have confirmed my judgment when I decided to place you at the head of the Bureau of Investigation. The Government can now take pride in the Bureau instead of feeling obliged to apologize for it."

In later years, numerous testimonials noted Hoover's personal contribution to the building of the FBI. In a foreword to Whitehead's 1956 book, Hoover said: "No one person has built the FBI to the organization it is today." But Whitehead himself said, "No other agency in the federal government bears the imprint of a single personality as clearly as the Federal Bureau of Investigation." The late Sen. Everett McKinley Dirksen (R. Ill.) 1950–1969) said in 1968 that "the Bureau has become indeed a monument to one man." And Sen. George Murphy (R. Calif.) in proposing Presidential appointment and Senate confirmation for future FBI directors, said the FBI, "unlike any other agency in the Government, has grown up under the personal guidance and under the leadership and tutelage of one man."

Move into prominence

The kidnapping of flyer Charles Lindbergh's 20-month-old son March 1, 1932, marked a turning point in FBI history. National indignation was largely responsible for enactment June 22, 1932, of the Federal Kidnapping Statute, which gave the Federal Government jurisdiction in kidnapping cases where interstate aspects exist. Hoover has said that prior to passage of that law the Bureau's work "attracted only a moderate degree of public attention, although it was extensively engaged in criminal and civil investigation.

A wave of kidnappings prompted President Roosevelt to ask one of his early braintrusters, Raymond Moley, in July 1933 to review the Justice Department's equipment for dealing with the trouble. For the FBI director, this period marked the first political test at a time of national administration change from one political party to another.

In *After Seven Years*, Moley said: "Part of what was in Roosevelt's mind, I knew, was a doubt about the desirability of continuing J. Edgar Hoover in office—a doubt, put there by Louis (Howe). When the administration had come into office in March, there were many rumors that Hoover was to be ousted in favor af a Democratic politician. I had vehemently defended the magnificent work of Hoover to the President and Louis. I like to think that what I did in August, 1933, gave me the opportunity to strengthen Hoover still more and to work with him in the development of plans that proved to be successful." Moley subsequently broke with Roosevelt.

Congress amended the kidnapping statute in 1934 to allow the FBI to move into a case if the victim had not been freed after seven days, on the legal presumption that state lines had been crossed by that time.

The kidnapping legislation was the first of a series of new laws that extended federal jurisdiction in a move by Congress and the Administration aimed at clamping down on widespread crime. Hoover wrote in 1935 concerning these laws: "This legislation, sponsored by the Attorney General of the United States, unquestionably owes its existence to the realization that modern means of transportation and communication have given to organized criminal activities an interstate character, the combating of which requires the assistance of a federal enforcing agency not restricted by state boundaries."

The chief criminal laws enacted from 1932 to 1934 were the Federal Kidnapping Statute, the Federal Extortion Act, the Federal Bank Robbery Act, the Federal Reward Bill, the National Stolen Property Act, the Federal Anti-Racketeering Statute and the Unlawful Flight To Avoid Prosecution Statute.

Gangster era

The new federal laws enabled the Justice Department to move against hoodlums running unchecked in the Midwest and elsewhere. The job fell to Hoover's agency. Some of the outlaws chose to fight it out, with grim results. Although until then FBI agents could get special authorization to carry firearms, not until 1934, after the "Kansas City Massacre"—when an FBI agent and several police officers were killed by gangsters—did Congress grant the power of arrest and the right to bear firearms to the "G-men".

A spectacular series of front-page headlines ensued. In the process, the name J. Edgar Hoover became familiar to every American school boy. Among the more prominent incidents:

July 22, 1934: John Dillinger, described at the FBI in later years as perhaps the most notorious of these "criminals of the past," killed resisting arrest on a Chicago street. His death mask is viewed by visitors to the Bureau today.

October 22, 1934: "Pretty Boy" Floyd, killed on an Ohio farm resisting arrest.

November 27, 1934: "Baby Face" Nelson, murderer of three FBI agents, fatally wounded in a gun fight on an Illinois highway.

January 8, 1935: Russell Gibson of the Barber-Karpis gang, killed in a Chicago alley resisting arrest.

January 16, 1935: "Ma" and Fred Barker, killed fighting agents in Florida.

May 1, 1936: Alvin "Old Creepy" Karpis, then Public Enemy No. 1, captured in New Orleans, La. Karpis had sworn he would never be taken alive and, as Hoover later reported, "had threatened, in a letter sent to me as Director of the FBI, to invade the G-men's headquarters with a machine gun before Special Agents could get him." Hoover made the arrest himself. After serving a prison term, Karpis was deported to Canada, where he was still alive in 1969.

FBI National Academy

An offshoot of the bank robber-kidnapping era of the 1930s was the founding of the FBI National Academy to train law enforcement officers in modern techniques. Hoover explained it at a Senate Appropriations hearing February 3, 1950:

"The reason the National Academy was created in 1935 was that at that time we had a wave of kidnapping in this country, and there were demands that we set up a national police to stamp out kidnapping. I have always been vigorously opposed to anything savoring of a national police force. There was then a gap between the local and Federal authorities. There was jealousy, incompetence and inefficiency at the local level.

". . . In one particular city we were in pursuit of John Dillinger, and we had advance word that he was coming to that city to visit a doctor for the purpose of having a bullet wound treated. We went to the local authorities, as we usually did, and asked their cooperation. . . .

"We surrounded the block. . . . An hour before his time for arrival the afternoon newspaper came out stating that Dillinger was due for treatment. Of course, Dillinger never showed up in that town. It was 2 or 3 months later when we had the gun battle with him in Chicago and had to kill him.

"That sort of thing prevailed in those days, but we do not find a similar situation today. That has been largely done away with due to the fact that for a period of 15 years our Academy has been in operation and these officers have come here . . . These graduates work with us in full cooperation and harmony. That is the American way of avoiding any resemblance of national control or of a national police system to which, as I say, I am very much opposed."

Hoover told the Senators: "I feel that just as soon as the Federal Government or any branch of it tries to assume a parental attitude in law enforcement, as was the case under prohibition, there is going to be a break-down at the local level. Local authorities should be compelled to handle their own problems of violations of local laws."

Three years afterward, Sen. Leverett Saltonstall (R Mass. 1945–1967), Governor of Massachusetts from 1939 to 1944, told Hoover concerning the FBI Academy: "As Governor, I know that that school is one of the best things, in my opinion, that the Bureau does."

Nazi fifth column

The homegrown gangs were smashed, but a new enemy threatened: the Nazis. Germany invaded Poland Sept. 1, 1939. Five days later President Roosevelt issued a directive charging the FBI with "the primary responsibility for the protection of the internal security of the United States," as Hoover put it. This World War II action was attributed largely to the confusion that had resulted during World War I, when more than 20 agencies had investigated activities of spies and saboteurs.

The FBI took in 33 German agents the weekend of June 28, 1941. The day after the attack on Pearl Harbor, 1,771 aliens deemed to be dangerous were taken into custody—the first of more than 16,000 aliens eventually arrested by the FBI.

"I recall in the pre-war years that the FBI was criticized on the ill-founded premise that nothing was being done to meet the Nazi-Fascist-Japanism threat to our internal security," Hoover testified before the House Committee on Un-American Activities March 26, 1947. ". . . When the time came to act the FBI was fully prepared to carry out its responsibilities. There was not one successful enemy-directed act of sabotage during the war and enemy espionage was kept under complete control."

There were criticisms alleging violations

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of civil liberties, among other things. Morris L. Ernst, counsel for the American Civil Liberties Union, wrote a few years later, however, that although he was the lawyer for some suspected subversives (subsequently acquitted) who were rounded up after Pearl Harbor, "I must admit that Mr. Hoover had a justification in picking up my clients; there was cause for suspicion, and no injustice was done." *(For additional Ernst views, see box p. 10.)*

Hoover afterward told of another aspect of the FBI's post-Pearl Harbor activities:

"For more than two years the FBI had found that enemy spying in the United States tied in closely with Axis activities among sister republics to the south. When advised of the information revealed by FBI investigations in the United States, South American countries enthusiastically agreed to cooperate. Many republics asked for FBI liaison agents to work with their own police and intelligence forces." In 1947 Congress established the Central Intelligence Agency, which has taken responsibility for intelligence activities outside the United States.

In the quarter century since World War II ended, two developments have occupied much of the FBI's attention and resources: crime and Communist activity. Hoover has said repeatedly that both of them constitute a major danger to Americans' personal freedom.

HOOVER AND CRIME

Hoover saw corruption among public officials at close quarters early in his career. His war with lawbreakers has continued ever since.

Through the years he has watched the rates of reported crime rocket ever higher, to the point that he says crime and related factors threaten the Republic's survival. While providing the investigative resources for Justice Department officials to make policy decisions on, Hoover has come, through the years, to view his position as an educational medium by which to inform the people of factors he deems important to their welfare. More than any other public official in modern times, Hoover has issued a steady series of warnings, reports and commentaries based on his agency's findings, many of them sharply critical of what he sees as shortcomings in the American process. In doing so he has stepped on many toes.

Twenty-five years ago Hoover was predicting alarming lawlessness ahead unless drastic changes were made, particularly by parents in raising their children. He cited rising juvenile delinquency during World War II and noted that young offenders would become the adult offenders of future years.

He was co-author of an article in *Woman's Home Companion,* January 1944, entitled "Mothers . . . Our Only Hope," which said that what the country was up against was "not juvenile delinquency but adult delinquency." He said, "Adult delinquency on a nationwide scale preceded Pearl Harbor by at least two generations."

The next year, *The Rotarian* published a Hoover article captioned, "There Will Be a Postwar Crime Wave Unless—It's Blocked by Direct Action Sparked by a Revival of Some Old-Fashioned Virtues." It began:

"Like the sulphurous lava which boils beneath a slumbering volcano—such is the status of crime in America today." Noting "a tremendous increase in juvenile crime since the outbreak of the war," Hoover said the problem "has a very definite relation to the problem of crime in the future."

Moral deterioration

Hoover has viewed crime as indicative of broader and deeper ailments among Americans, of failure of large numbers to meet their responsibilities as parents and citizens. On Feb. 5, 1959, for example, he told a House Appropriations subcommittee that crime was "a continuous, increasing menace, growing alarmingly faster than the population of the country." He said:

". . . Basically, the present increase in criminal activity reflects a moral deterioration among vast segments of our population. Not only does this moral deterioration exist within the criminal element itself, but it also has corrupted millions of other American citizens who obey the law themselves yet who passively tolerate immorality and disrespect for authority within their communities."

The crime increase, Hoover said, "clearly indicates that growing numbers of our citizens have been afflicted by a sickness which I call the 'decadence disease.' Its symptoms are lethargy, self-indulgence, and the principle of pleasure before duty."

A year later, on Feb. 8, 1960, Hoover again spoke of "moral deterioration among growing segments of our population." He suggested at an Appropriations Committee hearing that this was reflected not only in overt crime "but also in the willingness of many law-abiding Americans to compromise their ideals if an easy dollar can be made."

Hoover testified April 17, 1969, that the crime problem "now has greater significance than at any time in our history. . . . Crime has reached such proportions that morality, integrity, law and order and other cherished principles of this country's great heritage are fighting for their very survival in many communities today. . . . We must not be deluded by those who resort to academic and irrelevant smokescreens in an attempt to explain away the basic crime problem."

Solutions

Hoover summed up his views on how to stem the rapid growth of crime, so far as the criminal justice aspects are concerned, when he told a House Appropriations Committee hearing Feb. 23, 1968:

"I have always said there are three factors I believe that will put a brake on crime: First, prompt apprehension; second, prompt trials and elimination of delays such as postponements and plea bargaining; and third, substantial sentences commensurate with the type of crime committed. . . .

". . . Strict impartial law enforcement coupled with the elimination of crime's huge profits and soft justice most certainly are immediate factors which I and many others believe can lead to a reduction in our spiraling volume of crime. And by justice I mean that type of justice which keeps the balance true and affords the law-abiding public an even break."

Hoover has resisted proposals to make federal forces responsible for enforcing the law at state and local levels. "Local law enforcement represents this country's first line of defense in its efforts to control crime since the crime problem has its roots and draws its vitality at the local community level. This is where the war against crime must be won" he said in 1969.

At the same time, the FBI Academy maintains a steady and expanding program of training local police officials, and the resources of the FBI laboratory, fingerprinting files and criminal records facilities are among the services made available to police throughout the country.

The FBI director has promised no magic sesame in conquering dishonesty in public office where federal law violations are not a factor. Here again he places the primary responsibility on the local citizens. "There is a complacency at the adult level of accepting too freely and too easily corruption, graft, and matters of that kind," Hoover said at the 1960 Congressional hearing. "Many citizens come to see me and want to know whether something can't be done to clean up the community from which they come. I say, 'That matter does not fall within federal jurisdiction. It is up to the state or local authorities. What you ought to do is go back and elect honest and efficient men to public office.'

"The answer invariably received is, 'We don't want to get mixed up in politics.' No community gets any better law enforcement than it deserves or it wants. The citizen must take an active part in local civic affairs and keep the spotlight of publicity on the activities of their community officials."

Parole abuses

As the most prestigious spokesman for professional law enforcement people, the FBI director has for years sharply criticized what he calls abuses in the parole and probation system. In 1939 he said, "It is time that sound, practical, business-like methods supersede the whims of the gushing, well-wishing, mawkish sentimentalist." He has spoken with equal bluntness many times since.

Hoover once put his position this way: "I am unalterably opposed to abuses in our system of parole, probation and other forms of clemency which result in repeated parole, probation, or other clemency being granted to those who give no indication of reformation."

In 1959, Hoover told a House committee that 93 of the 110 criminals listed among the FBI's "10 most wanted fugitives" since March 1950 had received parole, probation or other forms of clemency. "The validity of the principle of parole, probation, and other forms of clemency is not a question in issue" Hoover said. "I want to make that very clear. Whenever I make any statement criticizing the administration of clemency procedures, I am charged with being opposed to those principles rather than the maladministration on the part of those in charge of the programs."

As the years passed without appreciable results, Hoover continued to hammer on the need for clemency reforms, often under questioning by Members of Congress during his annual or semiannual trips to Capitol Hill. On Feb. 10, 1966, Hoover testified to a House group that there seemed to exist "a new privileged class in America—the repeating offender." He said that "terror-stricken crime victims must often wonder, when they hear the ceaseless clamor for unlimited concern for the rights of criminals, whether they too have any civil rights."

Hoover told Congressmen in April 1969 that of the first 300 individuals named on the "10 most wanted" lists, 234 had received some form of judicial leniency. "The growing call for recognition of the rights of our law-abiding majority has become a clamor," he said. "Our citizens have simply become overwhelmed with what they consider unwarranted concern with the rights of repeating offenders. They demand a fair share of regard for the security of their families, themselves and their homes."

Hoover's statements on this subject, as on some others, awakened echoes of the viewpoint expressed late in life by Chief Justice Stone, whom Hoover called the father of the FBI. The late Chief Justice, upon receiving an honorary degree from Yeshiva College in New York on May 23, 1944, said: ". . . mankind, despite its long and painful struggle up from barbarism, is not yet ready to accept in its fullness the ultimate truth that there can be no civilized society, there can be no peace or happiness among men, without freedom of the spirit and of the mind for all men—and I may say also, unless we preserve intact the capacity for righteous indignation at every form of cruelty and injustice, and the urge to give vigorous expression to it."

HOOVER AND COMMUNISM

Hoover's war with Communism opened in 1919, when the Communists were tightening their grip on Russia. An editor's note in his latest book on the subject, *J. Edgar Hoover on Communism* published in 1969, com-

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ments: "Even after 50 years, the battle is not over."

As a young attorney in the Justice Department, Hoover was assigned after World War I to prepare a legal brief on the new Community party and Communist Labor party in the United States. After a detailed study of documents and activities, Hoover submitted to the Attorney General a brief in which he concluded: "These doctrines threaten the happiness of the community, the safety of every individual, and the continuance of every home and fireside. They would destroy the peace of the country and thrust it into a condition of anarchy and lawlessness and immorality that passees imagination."

Recalling that incident in *Masters of Deceit*, first published in 1958, the FBI Director said: "Today, as I write these words, my conclusions of 1919 remain the same. Communism is the major menace of our time. Today, it threatens the very existence of our Western civilization . . .

". . . There is no doubt that America is now the prime target of international communism."

As the man chiefly responsible for investigating internal threats over a half century, Hoover reiterated in his 1969 book, as he has elsewhere: "America remains the primary target of international communism, as it has been for over fifty years."

Hoover's repeated statements on subversion and espionage have placed him in opposition to persons who contend that the domestic Communist threat has long been exaggerated. Nevertheless, he has consistently received unswerving support from Congress, Presidents and the public. Former President Eisenhower wrote in *Mandate for Change*, concerning his selections of Cabinet members and other officials as he prepared to take office in 1953:

"And here I digress long enough to say that there had come to my ears during this interregnum a story to the effect that J. Edgar Hoover, head of the FBI, had been out of favor in Washington. Such was my respect for him that I invited him to a meeting, my only purpose being to assure him that I wanted him in government as long as I might be there and that in the performance of his duties he would have the complete support of my office." The period was one when public feelings were running high amid controversy involving Sen. Joseph M. McCarthy (R. Wis.), among others.

A chronicle of the FBI's role in what Hoover has called a war would constitute a sizable section of contemporary American history. It would be studded with names that made the front pages in their day—Alger Hiss, Whitaker Chambers, Elizabeth Bentley, Harry Dexter White and a large number of others.

It would tell of controversy among Americans over loyalty checks and of the prolonged struggles in the Legislative, Executive and Judicial Branches over Communist registration legislation and other attempts to cope with what Americans found an unfamiliar type of assault. It would deal with conflicts in organized labor, which resulted in expulsion of some unions from the CIO on grounds of Communist infiltration or domination, and with similar conflicts within the motion picture industry. (*For discussions of the subject centering around Congressional investigations, see* Congress and the Nation, *Vol. I, Chap. 17*.)

The chronicle would deal with these and more. As Hoover had suggested in his original brief, the controversy wrought by doctrines of Marxism-Leninism and attempts to deal with them did indeed destroy the peace of some sectors of the country. Disagreements in high places—in the White House, on the question of whether the Communist problem was a "red herring," and in the Supreme Court, concerning the constitutionality of various approaches—reflected the controversy among the American people. Some persons would make accusations involving such prominent figures as Mr. Eisenhower.

In the sometimes raging public debate from World War II on, Hoover, in addition to his investigative tasks, which were necessarily secret for long periods:

Issued many statements and discussions setting forth the facts on Communism within the United States as he and his colleagues saw them.

Repeatedly stressed the virtues of a positive rather than a negative response to the threat of totalitarianism from any quarter.

Struck with equal sharpness at extremists on the right and the left.

Attacks responses

Among Hoover's foes was *The Nation*, which published two anonymous articles in July 1943, headed "Washington Gestapo." The writer called World War II inquiries into federal employees' loyalty "an obscene attack on the elemental decencies. President Roosevelt himself could not qualify for work in a war agency. Did he not entertain the Soviet Premier, Molotov, in the White House?" Attacking the FBI and the Civil Service Commission, the articles added, "Actually, the investigative agencies work hand in hand with each other and the witch-hunting committees of Congress." And, the writer added, "J. Edgar Hoover . . . has a long record of hostility to Negroes." Other critics made similar charges.

Hoover has told Congressional committees many times essentially what he wrote in *The FBI Story* foreword: ". . . We neither evaluate the results of our investigations nor make recommendations. We do not inject ourselves into the administrative operations of other agencies of government by saying who is loyal and who is not loyal or who is a security risk or who is suitable for service in the federal government." Hoover has denied charges of racial bias.

On May 3, 1946, the House approved a raise in Hoover's salary to $14,000, just under the Attorney General's $15,000. Rep. John J. McCormack (D Mass.), then Majority Leader, said the action "will constitute an answer to the unfair critics of this great man, and to show that in this body he has friends." The pages of the *Congressional Record* through the years contain many similar comments regarding Hoover.

The FBI director told the House Committee on Un-American Activities on March 26, 1947: "Anyone who opposes the American Communist is at once branded as a 'disrupter,' a 'Fascist,' a 'Red baiter,' or a 'Hitlerite,' and becomes the object of a systematic campaign of character assassination. This is easily understood because the basic tactics of the Communist Party are deceit and trickery. . . . The best antidote to Communism is vigorous, intelligent, old-fashioned Americanism with eternal vigilance. . . . As Americans, our most effective defense is a workable democracy that guarantees and preserves our cherished freedoms." Hoover has made clear on various occasions that he does not consider all criticism as stemming from suspect sources.

Among the Committee members present that March 26 was Rep. Richard M. Nixon (R Calif. 1947–1950). The next year Nixon played a key role in breaking the Hiss case, which ended in Hiss' conviction and imprisonment. The friendly relationship formed in the 1940s between the young Representative and Hoover has endured ever since. (*For details on Hiss case, see* Congress and the Nation *Vol. I, p. 1694*.)

New duties

The atomic era added new duties to the FBI. In the Atomic Energy Act of 1946, Congress specified that violations of the Act should be investigated by the FBI and provided that except in emergencies the Atomic Energy Commission should not employ anyone "until the Federal Bureau of Investigation shall have made an investigation and report to the Commission on the character, associations, and loyalty of such individual. . . ."

The FBI refers today to the theft of U.S. atomic bomb secrets as "the crime of the century." Hoover was a witness at a Senate Appropriations Committee hearing Feb. 3, 1950, the day the British government announced the arrest of Klaus Fuchs, one of its top atomic scientists. "Notwithstanding the statements of some individuals in this country that we are a Gestapo and merely trying to be a 'thought' police, Dr. Fuchs would not have been apprehended but for the investigative work of the FBI," Hoover said.

Fuchs pleaded guilty to charges in connection with the passing of atomic secrets to the Soviet Union. The action dated back to 1943 and 1944. Subsequently several Americans were arrested and convicted in the case. (*Congress and the Nation Vol. I, 277*.)

The Joint Congressional Committee on Atomic Energy said afterward: "It is hardly an exaggeration to say that Fuchs alone has influenced the safety of more people and accomplished greater damage than any other spy not only in the history of the United States but in the history of nations."

Hoover told a House Appropriations Committee hearing Feb. 23, 1968: "Soviet policy as to world espionage has remained essentially unchanged throughout the history of the Soviet Union. Although the names of the Soviet intelligence services differ today from what they were 20 years ago when Joseph Stalin was Premier, the objective of world conquest by Communism has never wavered. The change over the years has been not a change in objective but a steady intensification of the effort to reach that objective, the destruction of a capitalistic country . . . ."

Hoover touched on a point he has discussed on other occasions: ". . . There is a growing apathetic attitude toward Communism, its danger to this country and also toward the activities of the Soviet Government. This is not a question of supposition but it is a fact. We know the people who are threats to our country, what they are doing in this country and what their goals are."

In his latest of several books on Communism, Hoover said: "To the hard-core Marxists in America, the 'new style' program is not designed to promote legitimate reforms in society. Rather, Party's post-Stalinist format is to create conditions which, sooner or later, will bring about a communist transformation in our capitalist-democratic society . . . .

"Communism is a totalitarian philosophy which embraces all phases of human life: education, art, literature, the press, etc. It is all-encompassing . . . .

"In the United States, no indication is apparent that communism has changed even in the slightest from its historic Marxist-Leninist core of a materialist atheistic conspiracy dedicated to overthrowing the institutions of our society. Communism is not, as some claim, becoming more democratic through the passage of time."

Hoover has come out as strongly against what he considers threats from ultraconservative sources as against ultraliberal sources. ". . . There is as much danger in moving too far to the 'right' as there is in swinging too far to the 'left,'" he said in *Newsweek* June 9, 1947. "There is little choice between Fascism and Communism. Both are totalitarian, anti-democratic and godless . . . ." In that article he said of the House Committee on Un-American Activities, which went through much criticism throughout its existence: "As this committee fulfills its obligation of public disclosure of facts it is worthy of the support of loyal, patriotic Americans." In *The American Magazine*, October 1954, Hoover wrote in an article entitled "The Communists Are After Our

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Minds": ". . . False accusations and careless instinuations can do more to destroy our way of life than to preserve it."

When he appeared on May 14, 1964, before the Warren Commission investigating the assassination of President John F. Kennedy, Hoover was asked to comment on a published item alleging that the late President was a Communist agent. Hoover replied:

"I think the extreme right is just as much a danger to the freedom of this country as the extreme left. There are groups, organizations, and individuals on the extreme right who make these very violent statements, allegations that General Eisenhower was a Communist, disparaging references to the Chief Justice and at the other end of the spectrum you have these leftists who make wild statements charging almost anybody with being a Fascist or belonging to some of these so-called extreme right societies. Now, I have felt, and I have said publicly in speeches, that they are just as much a danger, at either end of the spectrum. They don't deal with facts. Anybody who will allege that General Eisenhower was a Communist agent, has something wrong with him."

Positive Approach. While he has not hesitated to speak in the strongest terms about those he considers beyond the pale at both ends of the political spectrum, Hoover has consistently and repeatedly emphasized an affirmative stance as Americans' proper defense against inroads by the Communists. On such occasions his convictions as a 33rd-degree Mason have come into evidence. Typical of Hoover's advice on these lines was that which he gave Nov. 13, 1954, upon receiving the Cardinal Gibbons award from Catholic University alumni in Washington, D.C.:

"Real security in the final analysis rests within the hearts and minds of all our people. It must be directed toward the common goal: the general welfare of all people. Real security must start in the home where parents teach the fundamental lessons of common decency—the virtues of thrift, temperance, tolerance, the dignity of hard work, respect for the rights of others and, above all, the fundamental of all life: God has created, God rules and God can destroy. . . .

"What we need most in this country are the things unseen—spiritual development, moral power and character. There can be no real or complete education without the inculcation of moral principles."

Ten years later he wrote in the *Harvard Business Review*, January-February 1964: "Our approach toward communism must not be negative or defeatist. We are against communism, but that is not enough. We must stand for something—the moral and spiritual forces which make for decency, honesty and understanding. These ideals are what give strength to America."

Hoover has received cooperation from some national organizations in his efforts to circulate information concerning the goals, techniques and doctrines of the Communist movement in this country. Among the foremost organizations is the American Legion. Cartha D. DeLoach, an assistant to the director who is among those mentioned prominently as a possible successor to Hoover, was national vice commander of the Legion in 1959 and since then has been chairman of its national public relations commission.

Hoover concluded a chapter of his own *Masters of Deceit* by quoting from Don Whitehead's *The FBI Story*. Hoover said Whitehead spoke "most accurately" in saying:

"The top command of the FBI have no illusions that communism can be destroyed in the United States by the investigation, prosecution and conviction of Communist Party leaders. . . .

"The FBI knows that the bigger job lies with the free world's intellectuals—the philosophers, the thinkers wherever they may be, the professors and scientists and scholars and students. These people who think, the intellectuals if you please, are the ones who can and must convince men that communism is evil. The world's intellectuals themselves must see that communism is the deadliest enemy that intellectualism and liberalism ever had. They must be as willing to dedicate themselves to this cause as the Communists have been to dedicate themselves to their cause."

THE FBI TODAY

The Federal Bureau of Investigation has grown from its unimpressive beginnings into what many persons call history's greatest investigative agency. Of more than 17,000 authorized employees for 1970, some 7,000 are special agents. The rest are mostly clerical staff. Though this is far larger than when Hoover took over in 1924, the agent force is smaller than some city police forces.

Many new responsibilities have been added to the agency over the years, making growth inevitable. Criticized by some persons on grounds of "empire-building," Hoover told a House Appropriations Committee hearing Jan. 24, 1964, concerning a proposal to move narcotics jurisdiction to the Justice Department, that the FBI could handle the additional work technically. He added, however:

"But I am against, and have been for many years, the growth of the FBI. I think we are entirely too big today, bigger than we should be. I would have liked to see the FBI remain small; but that has been impossible because Congress has yearly enacted legislation expanding the investigative jurisdiction of the Bureau."

Over the years, Hoover has insisted on keeping the FBI—both as an institution and through its individual personnel—above suspicion and free from outside influences. He will not tolerate, either from his employees or from the institution itself, deviation from the standards laid down. This has meant a steady effort against varied pressures. It has also produced criticism.

"In the FBI our objective in any investigation is to secure the facts which will establish the truth or falsity of a complaint or allegation," Hoover wrote in *Masters of Deceit*. "We do not evaluate nor do we make recommendations for a course of action as to whether a man should be prosecuted, hired, or removed from a job. The FBI is strictly a fact-gathering agency, responsible, in turn, to the Attorney General, the President, the Congress, and, in the last analysis, to the American people. The investigative and adjudicatory processes simply do not belong in the same organization."

Men of the FBI

The future of the FBI rests with the men who carry out its tasks. Hoover has insisted on rigid discipline. The absence of scandal that has characterized the agency is a measure of his success in imbuing his force with the spirit symbolized on the FBI's blue and gold seal in the words "Fidelity, Bravery, Integrity."

In addition to careful screening of recruits from applicants required to meet high educational and character standards, the new agents are put through 14 weeks of training.

"As regards appearance, Mr. Congressman, I certainly would not want to have any of the beatniks with long sideburns and beards as employees in the Bureau," Hoover told a House subcommittee Feb. 10, 1966. Agents must deal with all kinds of people, he said. They have to sell themselves to them to get their confidence to obtain the information that they need."

Hoover said that the FBI cooperated with the television show "The FBI," and he took note of the public image portrayed by Efrem Zimbalist Jr., the inspector. "I want our special agents to live up to that image," Hoover said.

Six years earlier, the FBI director had told the subcommittee: "Youth must have its hero. They should have a decent hero, like a famous athletic star or public figure, instead of having some hoodlum like a Jesse James or someone of that type."

The *Los Angeles Times* reported in 1967 that the advertising agency for the TV show's sponsor was J. Walter Thompson. The agency has provided several of President Nixon's top aides.

"Our investigative staff represents a cross section of the entire country," Hoover said in 1959. "Those now in the service have attended over 800 colleges and universities They come from all walks of life. They have made a living, or acquired some degree of proficiency, in 181 businesses and professions, 55 trades or crafts, and 34 separate fields of scientific endeavor."

Twenty-three FBI agents have been killed in line of duty. Since the list of the top 10 most wanted criminals began in 1950, 284 persons on it have been captured. Through the years, the FBI has marked up a high percentage of convictions in cases based on its investigations, a fact that spokesmen cite as indicating thorough and careful work. In fiscal 1968, convictions were obtained against 97.3 percent of the persons brought to trial during the year. Of the 13,059 convictions that year, 11,190 (85.7 percent) were on guilty pleas; the rest followed trials before judge or jury. These percentages were typical of other years.

Hoover asks no more of his men than he does of himself. His dedication to his job is legendary. A bachelor, he was once described by an assistant director as "married to his job," with his employees to some extent taking the place of family. As often as two or three times a day, Hoover recognizes employment anniversaries of 10 or 20 years or longer by greeting agents or clerks in his office together with their families, posing for pictures with them and presenting them with a service key.

"Mr. Hoover is a very warm individual in spite of the impressions you may get from the printed page," said Louis B. Nichols, former assistant to the director. Hoover is godfather of Nichols' son, John Edgar, born in 1939. "He has a great concern for people," Nichols said of Hoover. "He does a lot of things for people that nobody hears about, because that is part of his markup, the way he is." If someone in the Bureau gets sick, Hoover takes steps to see he is taken care of, both Nichols and others say. "If he thinks somebody is suffering from overwork, he'll order them to take a vacation," Nichols added.

Hoover joshed for their paunchiness an audience of 1,700 at the 1967 annual convention of the Society of Former Special Agents of the FBI. "While I recognize many of the faces, I don't recognize the size of the bodies," he was quoted as saying.

About 62 percent of the special agent staff on the rolls April 1, 1969, had been with the FBI for 10 years or longer. Of 15,811 employees at the time, 6,293, or 40 percent, had 10 years of service or more.

Some who depart move into top positions. Nichols became a senior executive of Schenley Industries Inc., after retiring from the FBI; he served as one of six senior advisers to President Nixon in his 1968 campaign. Rep. William T. Cahill (R N.J.), an FBI agent in 1937–38, was elected Governor of New Jersey Nov. 4. (*See box p. 8.*)

Murphy of California told the Senate in 1968 that one thing that is overlooked "is the number of times that this great man, Mr. Hoover, has been offered opportunities to leave his position and go into industry, to make his fortune, to fill his bank account with gold, if you will."

FBI National Academy

The academy at Quantico Marine Base in Virginia is being greatly enlarged. Congress

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in the Omnibus Crime Control and Safe Streets Act of 1968 authorized expansion of capacity from 200 graduates a year to 2,000 a year, plus short courses for up to 1,000 other police officers. Since its founding in 1935, the academy had graduated 5,435 persons through 1968, including 161 from 38 foreign countries.

Hoover told Congress that of the academy graduates who were active in law enforcement in 1969, nearly 28 percent were executive heads of their agencies. "The FBI National Academy has been a vital and dynamic force in the law enforcement profession and today stands as the West Point of law enforcement training," he said.

Identification Bureau

From the original 800,000 fingerprint cards, the Bureau's files have kept pace with population and crime growth. As of Jan. 1, 1969, the files contained 190,514,720 sets of fingerprints, representing an estimated 82,833,574 individuals. Of these, Hoover said, 17,777,268 persons were in the police files and 65,056,306 persons were in civil categories. By Dec. 10, 1969, the files had grown to 194,788,120 fingerprint cards.

FBI Laboratory

Scientific examinations by the FBI Laboratory climbed in number every year from 1950, reaching a record 342,690 in fiscal 1968. Service is provided free of charge to state and local law enforcement agencies and other U.S. Government agencies.

National Crime Information Center (NCIC)

The newest weapon developed by the FBI for use against criminals is a computer network. Hoover presented information to legislators in April 1969 that described the system as follows:

"One of the most important developments in the history of law enforcement, the NCIC provides a computerized index of information concerning crimes and criminals of nationwide interest. . . . Vital information can be obtained from the national index in a matter of seconds and made available to the police officer on the street."

The system has terminals serving law agencies in nearly all states and at the Royal Canadian Mounted Police headquarters at Ottawa.

The system contained 913,469 records by April 1, 1969. The FBI said it handles more than 33,000 messages a day, answering inquiries in an average of less than 10 seconds each.

FBI Building

A new FBI building is under construction on Pennsylvania Avenue near the Justice Department in Washington. When it is completed, Hoover said, FBI functions now carried on in eight different buildings will become centralized.

OUTLOOK

Hoover told a Senate Appropriations Subcommittee March 27, 1953, in discussing the FBI's expanding fingerprint files:

"Whenever a person dies or reaches the age of 75, we remove the print from our active records because by that time he is no longer considered active in the criminal field."

Pressed to amplify, he explained that the prints were not destroyed but were placed in a separate file. "By the time an individual who has been in criminal activity becomes 75 years of age his activities are pretty well circumscribed," Hoover said.

Now reaching that age himself, Hoover has drawn criticism for staying in office. When President-elect Nixon announced in December 1968 that Hoover would stay on, *The New York Times* said editorially:

"Like time and the river, J. Edgar Hoover is apparently destined to go on forever." The newspaper added, "Mr. Hoover has outlived his usefulness, and often exceeded his authority." He had acted, the editorial said, as "a law unto himself."

Many other Americans differ with those views and concur with the House resolution that expressed the hope in 1964 that he would continue as director "for many years to come." Rep. John J. Rooney (D N.Y.), chairman of the House Appropriations Committee welcomed Hoover to a 1966 hearing as "the distinguished and indestructible director" of the FBI. He told Hoover two years earlier that "we are indeed proud of the fact that we have you as one of the greatest administrators in government." Both the House and the Senate have consistently given the FBI the funds it has asked for.

Rep. Prince H. Preston Jr. (D Ga. 1947–1961) concluded a complimentary exchange with Hoover at an Appropriations Committee hearing Feb. 8, 1960, by saying. "I think that in the Congress the Federal Bureau of Investigation probably is held in the highest regard by the largest number of Members of any agency in Government." Expressing agreement were Representatives Robert L. F. Sikes (D Fla.), Frank T. Bow (R Ohio) and Glenard P. Lipscomb (R Calif.).

In the 1968 Presidential campaign, Democratic primary candidate Eugene J. McCarthy called for Hoover's retirement. McCarthy said that he felt the FBI, along with the Selective Service, was among institutions that had gone beyond political control and that he believed Hoover had "independent authority." McCarthy said Hoover had been in office so long that he tended to regard the FBI "as a kind of fief."

One of Hoover's relatively few open critics, Fred J. Cook, wrote in *The FBI Nobody Knows* (1964): "The greatest sin of Hoover and the FBI is that, by a monumental propaganda effort, they have made themselves sacrosanct. Once a man, an institution, is enshrined on a pedestal above the law, impervious to criticism, democracy loses the fine edge of its freedom and takes a long stride toward authoritarianism." Cook challenged the FBI's performance in the Hiss case, and atomic thefts case, the 1960 San Francisco rioting during a House Committee on Un-American activities hearing, and in the field of civil rights, in which Cook contended that "the vaunted FBI has been a complete and abject failure."

In 1965 President Johnson said on national television, in announcing the arrests of four Ku Klux Klan members in Alabama in the slaying of Mrs. Viola Liuzzo March 25, 1965: "I cannot express myself too strongly in praising Mr. Hoover and the men of the FBI for their excellent work in handling this investigation. It is in keeping with the dedicated approach that this tireless organization has shown throughout the turbulent era of civil rights controversies."

Books and counter-books have been published on these and other issues, examining criticisms in detail and presenting the rebuttals. Both Whitehead and the Overstreets went into many of the charges that have been leveled against the Bureau over the years and presented their findings.

"A person who tries to decide between Hoover's warnings of what could make the FBI into a police-state instrument and his critics' charges that it *is* such an instrument ends up dealing with relative degrees of convincingness, not with absolute proofs," the Overstreets wrote.

Whitehead said that "there is one condition under which the FBI could become a 'Gestapo.' This could happen if the traditional checks and restraints were corrupted or eliminated by a dictatorial government, and the FBI was then used as a political tool." Hoover himself said in the foreword: "The FBI should never be permitted to become an independent agency, operating without the checks and controls under which it now operates."

The Overstreets listed among safeguards built into the FBI by Hoover and his associates a standard of professional conduct, the chain-of-command structure and the stabilizing presence of a force of dedicated agents with 10 years or more of service. The Overstreets, too, had a warning:

"During Hoover's directorship, we have all been oddly protected by the 'rhinoceros' skin which he says he has had to develop. The post-Hoover Bureau could promptly become a menance if its Director were to let *any* pressure group influence his decisions. It would become intolerable if he were either to ally himself with any one cause or to let the Bureau be turned into a prize to be contended for by advocates of rival causes."

Hoover told a House group in 1964: " I realize the brickbats come, but I judge the source from which they come. Many times criticisms come from sources and individuals who, had they not criticized us, would have caused me great concern."

In Mr. Nixon, Hoover has a President with whom he has enjoyed a long and comfortable relationship. The President dined at Hoover's house in 1969. Ralph de Toledano, in a 1960 biography, *Nixon*, said Mr. Nixon was once interested in joining the FBI. Mr. Nixon took and passed the FBI examination, the author said, but decided against joining if accepted. Toledano added: "Hoover nevertheless likes to consider Nixon 'one of my boys,' a designation, Nixon says, 'which I am very proud to bear.'"

The FBI director's relations with Attorney General John N. Mitchell, who has spoken out for a stronger law enforcement approach, are said to be far more congenial than with some earlier Attorneys General, including Mitchell's predecessor, Ramsey Clark.

Hoover wrote in 1956 that he had set the policy in 1924 of making promotions from within the Bureau. "Every person serving today in an executive or supervisory capacity in the field or in Washington has come up the line from the staff; it is to be hoped that it will always be so," Hoover wrote in Whitehead's book, which he praised for its "accurate portrayal" of the FBI's record.

Nichols, long a top assistant to Hoover, left the Bureau in 1957 to enter private industry. He said in a 1969 interview that he thinks any successor to Hoover should come from within the FBI ranks. He expressed the hope that it would be a long time before such a move became necessary. Nichols, himself figuring in speculation on potential successors, rules himself out. He said a 1968 legislative proposal by Rep. H. Allen Smith (R. Calif.), a former FBI agent, providing that a future FBI director should have spent seven of the past 10 years in the FBI, had considerable merit. The bill was not acted on.

Hoover has said there are a number of officials in the FBI who could take over his job successfully and that he hopes the next director will be selected from within.

Nichols said "The Bureau has come of age" and is the kind of organization in which "you wouldn't think of going outside" for top personnel. The FBI is extremely complicated, he added, "and for a perfect stranger to come in, it would be difficult."

MR. FBI

Americans for two generations have spoken of J. Edgar Hoover and the Federal Bureau of Investigation in a single breath and regarded them as a single entity. To friends and foes alike, Hoover has been "Mr. FBI."

That long identification must inevitably undergo a change sooner or later. Already retained indefinitely by two Presidents beyond the mandatory Government retirement age of 70, Hoover will be 75 on Jan. 1.

Reports of his imminent retirement have circulated for more than a decade, becoming more persistent with time. They have always failed to materialize, to the pleasure of his innumerable supporters and the irritation of his critics.

Hoover now says that he has no intention

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of retiring so long as his health continues to be excellent and that he has no ambition other than to continue serving in his present capacity.

Today, as a result of the 1968 Presidential election, operating conditions for the veteran FBI director are the most compatible in years—a factor that could encourage him to continue in his post. At the same time, he has the knowledge that when the time comes for a successor to be named, the appointment will be made by the President himself with the advice and consent of the Senate. Until Congress enacted that provision in 1968, the next FBI director would have been appointed by the Attorney General without Senate confirmation.

FBI RESPONSIBILITIES

"The Director of the Federal Bureau of Investigation has charge of investigating all violations of Federal laws with the exception of those which have been assigned by legislative enactment or otherwise to some other Federal agency. The FBI has jurisdiction over some 180 investigative matters. Among the more important of these are espionage, sabotage, treason, and other subversive activities; kidnaping; extortion; bank robbery, burglary, and larceny; crimes on Government or Indian reservations; thefts of Government property; the Fugitive Felon Act; interstate transportation of stolen motor vehicles, aircraft, cattle, or property; interstate transmission or transportation of wagering information, gambling devices or paraphernalia; interstate travel in aid of racketeering; fraud against the Government; election law violations; civil rights matters; and assaulting or killing the President or a Federal officer.

"Counterfeiting, postal, customs, and internal revenue violations and illegal traffic in narcotic drugs are crimes handled by other Federal agencies."

(United States Government Organization Manual, 1969–70)

FBI AGENT QUALIFICATIONS

FBI Director J. Edgar Hoover introduced a memo at a House Appropriations hearing April 17, 1969, which he said set forth "qualifications a special agent applicant must have in order to receive an appointment." The memo said:

"Applicants for the position of special agent with the FBI must be male citizens of the United States, must have reached their 23rd but not their 41st birthday on the date the application is filed; be willing to serve where needed; must be graduates of State-accredited resident law schools or graduates of a resident 4-year college with a major in accounting and at least 3 years of practical accounting and/or auditing experience. In addition, the Bureau is presently considering for the special agent position applicants possessing a 4-year resident college degree with a major in a physical science, fluency in a language for which the Bureau has a need, or 3 years of substantial business or professional experience.

"Applicants must be in excellent physical condition and must have no defects which would interfere with their use of firearms or with their participation in raids, dangerous assignments, or defensive tactics. Successful applicants are thoroughly investigated prior to appointments."

ROGERS' STATEMENT

William P. Rogers, President Nixon's Secretary of State, was Attorney General under President Eisenhower. Testifying before a House Appropriations Subcommittee Feb. 3, 1960, Attorney General Rogers said in response to a question:

". . . I am obviously concerned about internal security but I think that the FBI has done such an excellent job over the years in their intelligence activities that I do not know of any way to improve it, frankly. . . . I do not know how you could improve the operations of the FBI in internal security."

DON'T SHOOT, G–MEN

Less than 19 months after the Lindbergh kidnaping vaulted the FBI from obscurity toward national prominence, a tense incidence stamped its agents with the nickname "G-men." Clubs of "Junior G-men" sprang up across the land in the gangster-ridden 1930's, encouraged by cereal box-top promotions; some of their alumni grew up to join the FBI.

The label caught the nation's fancy and did much to build the public image of the FBI and its chief as one big-name mobster after another fell before the blazing guns of the G-men in the months that followed. J. Edgard Hoover related the origin of the term in the *Tennessee Law Review* of June 1946:

"In the early morning hours of September 26, 1933, a small group of men surrounded a house in Memphis, Tennessee. In the house was George 'Machine-Gun' Kelly, late of Leavenworth Penitentiary. He was wanted by the FBI for kidnaping. For two months FBI agents had trailed the gangster and his wife, Kathryn Kelly. Quickly the men of the FBI, accompanied by local law enforcement officers, closed in around the house, and entered.

"'We are Federal officers. . . . Come out with your hands up. . . .'

"'Machine-Gun' Kelly stood cowering in a corner. His heavy face twitched as he gazed at the men before him. Reaching trembling hands up toward the ceiling he whimpered, 'Don't shoot, G-men; don't shoot!'

"That was the beginning of a new name for FBI agents. By the time Kelly had been convicted and had received his sentence of life imprisonment, the new nickname, an abbreviation of 'Government Men,' had taken hold throughout the underworld. Along the grapevine of the powerful empire of crime passed whispered words of warning about the 'G-Men'."

HOUSE RESOLUTION ON HOOVER

The House of Representatives by unanimous voice vote on May 7, 1964, adopted a resolution (H. Res. 706) honoring J. Edgar Hoover on completion of 40 years as FBI director. It was submitted by Rep. Edwin D. Willis (D La. 1949–1969) on behalf of the Committee on Un-American Activities. It said:

"Whereas J. Edgar Hoover, in his position as Director of the Federal Bureau of Investigation since May 10, 1924, has compiled one of the most remarkable records of service to God and country in our Nation's history; and

"Whereas, throughout his tenure in office, J. Edgar Hoover has consistently displayed strong moral determination and great personal foresight in recognizing the threat and meeting the challenge of deadly enemies of American freedom, including the Soviet-trained and Soviet-directed leadership of the Communist Party, U.S.A.; and

"Whereas, under J. Edgar Hoover's brilliant administration, the Federal Bureau of Investigation has waged a fearless and unrelenting battle against America's criminal and subversive underworld while, at the same time, fully observing and protecting the rights and privileges guaranteed inhabitants of our country by the Constitution and laws of the United States; and

"Whereas J. Edgar Hoover and his Federal Bureau of Investigation associates have brought new standards of efficiency, integrity, and impartiality to the law enforcement profession and have truly earned the admiration and respect of all right-thinking citizens: Now, therefore, be it

"*Resolved*, That on this fortieth anniversary of his appointment as Director of the Federal Bureau of Investigation, the House of Representatives offers its congratulations and its gratitude to J. Edgar Hoover for his years of devoted service and expresses the hope that he will continue in his present office for many years to come."

CROSS-SECTION OF HOOVER'S WRITTEN, SPOKEN OPINIONS

For half of the 20th century, J. Edgar Hoover has held a vantage point at the center of the U.S. Government unequaled by any other individual in American history. From this perspective he has spoken out many times in speeches, articles, books, appearances before Congressional committees and in public statements. For years he has granted few interviews and held almost no press conferences. Some of his comments:

Revolution

". . . the truly revolutionary force of history is not material power but the spirit of religion. The world today needs a true revolution of the fruitful spirit, not the futile sword. Hypocrisy, dishonesty, hatred, all these must be destroyed and man must rule by love, charity, and mercy." (*Masters of Deceit*, 1958)

Juvenile delinquency

". . . If a child can be reached by the adults around him and fortified with the fundamental values of good citizenship, he will come through successfully in spite of adverse conditions that may surround him." (*The Rotarian*, April 1945)

"The present youth problem does not involve child pranksters and mischiefmakers. We can no longer afford to let 'tender age' make plunder into a trifling prank, reduce mayhem to a mischievous act, and pass off murder as a boyish misdemeanor or the act of an emotionally disturbed youth." (*House Appropriations Committee hearing Feb. 5, 1959*)

Freedom

Hoover referred to "the disintegrating effect of self-indulgence, neglect of duty, and public lethargy in a nation of free men." He said these influences form "a common denominator" with enemies of the Republic.

"Who are these enemies of our Republic? They are the crime syndicates, the narcotics peddlers, the labor racketeers, the unscrupulous businessmen, the corrupt politicians, and all others who blatantly defy the laws of the land.

"They are the hatemongers and the false liberals who would subvert our Constitution and undermine our democratic processes in furtherance of their selfish ends.

"They are the Communists and other subversive elements who wave false banners of legitimacy and patriotism while relentlessly plotting to destroy our heritage of freedom." (*To Catholic Youth Organization, New York City, Nov. 16, 1963*)

Hatemongers

"Nowhere in recent months have our people faced a more explosive condition of shame and violence than among the hatemongers, the moral degenerates, the lunatic fringe and the other irrational fanatics who preach a doctrine of hostility toward their fellow man. This rabble has sown the dragon's teeth of malice and intimidation; and from the ground has sprung a series of hate-driven riots, bombings, and desecrations." (*Speech to Catholic Youth Organization.*)

Communism

"I do not believe that any person who is a Communist has the right or should be allowed to teach in any school, private or public, for this reason: We talk a great deal about academic freedom and we believe it. When one follows the Communist line one is not free but is merely following the dictates of the Kremlin and is really restricted in his thinking. (*House Appropriations Committee hearing Feb. 8, 1960.*)

The international Communist conspiracy is clearly the greatest menace free civilization has ever known. . . . The seriousness of the domestic threat from a Soviet-dominated Communist Party in the United States bears a relationship proportionate to the world threat posed by its masters in the Soviet Union and must be gauged accordingly. . . .

XUM

"Next to subversion itself, the greatest danger this country can face is an ever-growing national disregard for realities—evidenced by an attitude that our way of life is so well entrenched that nothing need be done to protect it." (*Hearing Feb. 5, 1959.*)

Sentences

"As to the effect of severe sentences, I am of the school of thought which believes that such sentences are a great deterrent in the commission of crime, particularly crimes of violence. . . . I do not believe in brutal punishment but I do believe the public is entitled to its right to exist and survive in our communities without fear of going into the streets at night. . . .

"I think the judges, of course, in considering the imposition of sentences, should weigh the rights of the defendant. The criminal is entitled to consideration, but the rights of society and those of the victims of vicious crimes are just as important, if not paramount to those of the criminal." (Hearing Feb. 8, 1960)

Obscenity

He spoke of "forces of evil" working to corrupt the morals of American youth. Nowhere is this fact more obvious than in the lewd films, obscene photographs, indecent magazines, and other forms of matter which can be found in community after community across the land." (Hearing Feb. 8, 1960)

Religion

"I have said many times that too many ministers preach at a level which is beyond the comprehension of many adults when they should get to a plain 'down to earth' level. We need more preachers in the ministry like Dr. Norman Vincent Peale, Bishop Fulton J. Sheen, Richard Cardinal Cushing and the late Rabbi Liebman, to preach sermons that are understood by all people. You cannot attract young people to church services if you are going to be up in the stratosphere when talking to them." (Hearing Feb. 8, 1960)

Campus disorders

"What is needed is more guts on the part of many presidents of the universities and colleges. . . . Many of the school administrators appear unable to distinguish between legitimate protest and unlawful acts and there are far too many bleeding hearts among them whose palliative attitude has served only to magnify the problem by encouraging the escalation of demands and further disorders." (House Appropriations Committee Hearing April 17, 1969)

APPROPRIATIONS AND PERSONNEL, FISCAL 1921-69

	Appropriation[1]	Personnel,[2] special agents	Total
1921	$2,400,000		
1922	2,000,000		
1923	2,225,000		
1924	2,245,000		
1925	2,290,000		
1926	2,294,500		
1927	2,154,280		
1928	2,250,000		
1929	2,250,000		
1930	2,307,720		
1931	2,781,414		
1932	2,978,520		
1933	2,775,000		
1934	3,022,348		
1935	4,658,495		
1936	5,100,000		
1937	5,925,000		
1938	6,223,000		
1939	5,978,200	727	2,038
1940	8,775,000	996	2,489
1941	13,768,800	2,332	5,588
1942	21,950,000	3,605	10,019
1943	38,836,000	4,603	13,921
1944	42,768,000	4,853	14,300
1945	49,850,000	4,853	14,290
1946	36,977,939	3,159	8,758
1947	35,184,000	3,200	7,200
1948	42,500,000	4,674	11,556
1949	47,296,500	3,851	9,223
1950	$52,805,141	4,278	9,873
1951	63,400,000	5,141	11,771
1952	90,000,000	7,029	15,799
1953	70,254,000	5,379	12,717
1954	77,000,000	5,458	13,096
1955	78,282,000	5,458	13,096
1956	93,826,100	6,005	13,803
1957	95,510,000	6,005	13,748
1958	101,450,000	6,000	13,599
1959	112,111,000	6,000	13,599
1960	114,600,000	6,003	13,435
1961	118,000,000	5,885	13,504
1962	127,216,000	5,935	13,579
1963	136,200,000	5,967	13,728
1964	146,900,000	6,014	14,239
1965	150,445,000	6,014	14,239
1966	165,365,000	6,432	15,046
1967	175,465,000	6,532	15,211
1968	186,574,000	6,590	15,515
1969	219,670,000	6,825	16,484
1970	232,855,000		

Footnotes at end of table.

[1] Appropriations for some fiscal years include supplemental or deficiency appropriations. Available sources in some years exclude last-minute deficiency appropriations applying to the previous fiscal year.

[2] Complete personnel data for the 1921-38 period is not available from Congressional hearing sources or the FBI.

Source: Congressional Appropriations Committee hearings, fiscal 1922-70.

WELL-KNOWN FORMER FBI AGENTS

Senate

Thomas J. Dodd (D Conn.).

House of Representatives

Omar Burleson (D Texas).

William T. Cahill (R N.J.), Elected Governor of New Jersey Nov. 4, 1969.

Robert V. Denney (R Neb.).

Samuel L. Devine (R Ohio).

Ed Edmondson (D Okla.).

Don Edwards (D Calif.).

Lawrence J. Hogan (R Md.).

Wiley Mayne (R Iowa).

H. Allen Smith (R Calif.).

Wendell Wyatt (R Ore.).

Others

James J. Rowley, **director, U.S. Secret** Service.

Clarence M. Kelley, **chief of police, Kansas** City, Mo.

Robert E. Lee, **Federal Communications Commissioner.**

Harvey G. Foster, **vice president, American** Airlines.

Edward A. Tamm, **judge, District of Columbia** Court of Appeals.

Edmund L. McNamara, **police commissioner, Boston, Mass.**

Robert Floyd, former judge and former mayor of Miami, **Fla.**

Emmett C. McGaughey, member of Board of Police Commissioners, Los Angeles, Calif.

Joseph I. Wood, **sheriff of Cook County,** Illinois.

Lt. Gen. Joseph F. Carrell (ret.), former director of Defense Intelligence Agency.

John Bugas, former vice president, Ford Motor Company.

OFFICIALS AGE 75 OR OVER, AS OF JANUARY 1, 1970

Senate

Stephen M. Young (D Ohio), 80; 5/4/89.

Allen J. Ellender (D La.), 79; 9/24/90.

Spessard L. Holland (D Fla.), 77; 7/10/92.

George D. Aiken (R. Vt.), 77; 8/20/92.

House of Representatives

William L. Dawson (D Ill.), 83; 4/26/86.

Emanuel Celler (D N.Y.), 81; 5/6/88.

George P. Miller (D Calif.), 78; 1/15/91.

John W. McCormack (D. Mass.), 78; 12/21/91.

Wright **Patman (D Texas), 76; 8/6/93.**

Supreme Court

Hugo L. Black, Associate Justice, 83; 2/27/86.

Crime trend in the United States, 1968 versus 1967 calendar years

	Percent change
Total	17
Murder	14
Forcible rape	14
Robbery	29
Aggravated assault	12
Burglary	13
Larceny $50 and over	21
Auto theft	18

Source: Hoover testimony April 17, 1969, before House Subcommittee on Appropriations.

ERNST COMMENTS

Morris L. Ernst, counsel for the American Civil Liberties **Union, studied the FBI** for more than a decade. **He told his conclusions** in "Why I No Longer Fear the FBI," published by *The Reader's Digest*, December 1950.

Ernst said his interest arose when he read in 1939 that J. Edgar Hoover had asked the Attorney General not to endorse a law that would legalize the free use of wiretapping. Hoover said, "I do not wish to be the head of an organization of potential blackmailers."

His study since then, Ernst said, showed **that "all the evidence indicates that the FBI as a matter of unvarying policy** has played fair with criminals and suspects." **Other excerpts from Ernst's article:**

"A real 'smear' campaign has been carried on against Hoover's work. Those who feared the bureau—as I once did—will be glad to know the facts. The FBI is unique in the history of national police. It has a magnificent record of respect for individual freedom. . . .

"Among liberals I am by no means alone in this opinion. A while ago Roger Baldwin, formerly director of the American Civil Liberties Union, wrote to J. Edgar Hoover.

" 'It seems to me that your bureau has accomplished an exceedingly difficult task with rare judicial sense.' "

CLARK VS. HOOVER ON CHICAGO

The following article, under the headline "Clash Over Violence," appeared in the Sept. 22, 1968, *New York Times:*

"The National Commission on the Causes and Prevention of Violence—appointed by President Johnson last June after the assassination of Senator Robert Kennedy—held its first working session last week. The 13-man commission, headed by Dr. Milton S. Eisenhower, heard two witnesses. FBI Director J. Edgar Hoover spoke of the violence at last month's Democratic National Convention in Chicago. Attorney General Ramsey Clark spoke of violence in general. Their views on the role of the police seemed to be in sharp conflict. Following are excerpts from their remarks.

Clark

" 'Experience to date shows crowds can be controlled without denying rights of speech and assembly . . .

" 'Of all violence, police violence in excess of authority is the most dangerous. For who will protect the public when the police violate the law? . . .

" 'The clear offer of a fair and reasonable accommodation of requests to assemble and speak reduces the risk of violence. Careful distinction between nonviolent demonstrators acting within the law and those who commit violence, protecting one, arresting the other, is essential to avoid the involvement of the nonviolent in violence. An express mandate to the entire police complement to use the minimum force necessary to execute lawful orders, to refrain from use of excessive force must be understood by every officer.

" 'It is the duty of leadership and law enforcement to control violence, not cause it. To seek ways of relieving tension, not to look for a fight.' "

XUM

Hoover

" 'Months before the Democratic National Convention was held, authorities were fully aware that it was the target of disruption and violence on the part of dissident groups and individuals from all over the country.

" 'During the course of the convention, demonstrators taunted the police and subjected them to unbelievable abuse. Demonstrators called them "pigs" and shouted obscenities at them, spit at them, and threw bags of excrement and urine and dangerous objects—such as golf balls with protruding nails—at them. Unruly and menacing mobs gathered, intent on marching to the International Amphitheatre and disrupting the convention.

" 'If it is true that some innocent people were the victims of unnecessary roughness on the part of the police, it is also true that the Chicago police and the National Guard were faced with vicious attacking mobs who gave them no alternative but to use force to prevent these mobs from accomplishing their destructive purposes.' "

APPOINTMENT OF NEXT DIRECTOR

The identity of J. Edgar Hoover's successor as FBI director has concerned Members of Congress and others for some time. Not unusual was this 1968 remark in the Senate by Sen. Harry F. Byrd Jr. (D.-Va.): "I doubt that any office in our Government can have such a great effect on the lives of individual citizens as that of the FBI director."

It required five years, three separate attempts in Congress and a sophisticated bit of legislative maneuvering to turn the position into a Presidential appointment subject to Senate confirmation. Congress amended the Omnibus Crime Control and Safe Streets Act of 1968 (PL 90–351) to make that provision for future FBI directors. Until then the director technically was appointed by the Attorney General, without need for Senate approval. (*Congress and the Nation Vol. II p. 328*)

The late Everett McKinley Dirksen (R.-Ill. 1950–1969), Senate Minority Leader, noted that the Senate had approved similar bills in 1963 and 1965 only to see them die in the House Judiciary Committee. As Dirksen put it, his 1965 measure (S. 313) "also went to the House Judiciary Committee, and it was referred to a subcommittee, the chairman of which was not exactly friendly to the idea. And, once more, this proposal foundered."

Rep. Emanuel Celler (D.-N.Y.), chairman of the House Judiciary Committee since 1949 except for a two-year break in the 1950s, also headed the Judiciary Subcommittee that left the bills unreported.

1968 action

On May 14, 1968, Sen. George Murphy (R.-Calif.) proposed the Senate confirmation requirement as an amendment to the big omnibus crime bill, the eventual product of an Administration measure of which President Johnson said in his Jan. 17, 1968, state of the Union message: "There is no more urgent business before this Congress than to pass the Safe Streets Act this year."

Dirksen told the Senate concerning the Murphy amendment: "By placing it in the bill, this proposal will not get lost in the House Committee on the Judiciary, where it has foundered twice, because the bill has got to go to the White House for signature. The President wants it." Dirksen added that the only task for proponents after Senate adoption this time was to prevent deletion of the amendment in House-Senate conference. Senate adoption was by a 72–0 roll-call vote.

The House considered the omnibus bill June 5 and 6, 1968, amid the trauma of the assassination of Sen. Robert F. Kennedy (D.-N.Y. 1965–1968). Celler sought to send the bill to conference, objecting to provisions dealing with confessions, wiretapping and firearms. No opposition to the FBI amendment was expressed on the House floor. Though the Administration was believed almost certainly to favor a conference for purposes of making changes in the bill, the House rejected Celler's motion, 60–318, in the key roll-call vote. The bill became law with the amendment intact. (*1968 Almanac, p. 232*)

INTRODUCTION OF LEGISLATION TO PROTECT TAXPAYERS FROM HAVING THEIR TAX RETURNS USED FOR STATISTICAL COMPILATIONS

(Mr. O'HARA asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. O'HARA. Mr. Speaker, I am today introducing legislation to protect taxpayers from having their tax returns used for statistical compilations that would help direct mail advertisers determine where best to send their advertising material.

Senator WILLIAMS of Delaware, who introduced similar legislation on the floor of the Senate last year, is simultaneously introducing this bill in the Senate.

Specifically, this legislation would prohibit the Internal Revenue Service from selling income tax statistics organized by postal ZIP code to commercial clients.

The Internal Revenue Service now has such a project underway and, if action is not taken soon, this tax data will be sold to the Nation's largest direct mail advertisers, thus permitting them to pinpoint the best prospects for junk-mail solicitations.

This expanded statistical activity will cause considerable annoyance to large numbers of taxpayers. In my view, this ZIP code statistical project is an inappropriate use of income tax returns. Letters which I have received from people across the Nation support this view. A sampling of these letters will be published at the conclusion of my remarks.

I want to make it clear that the IRS is not making public individual income-tax returns, which is prohibited by law.

Some background is in order:

Last year the Internal Revenue Service announced that it was considering expanding its statistical service to provide material on tax returns for each of the Nation's more than 34,000 ZIP code areas. The five-digit ZIP code area is a relatively small statistical unit, much smaller than now available. Further, it is most convenient for use by mailers.

Since the statistical material includes number of returns filed, number of joint returns, exemptions, gross income, and total tax, it was apparent that this would provide invaluable information to those seeking to pinpoint the most affluent and moderately affluent areas of the country for commercial purposes.

Last year I wrote to IRS Commissioner Thrower and asked that he abandon this project.

In that letter I suggested that this information would be a great help to direct mail advertisers who, equipped with the IRS statistics, would be able to direct their advertising circulars to those ZIP codes populated by the best sales prospects.

I said that while the IRS would be performing a valuable service for direct mail advertisers and door-to-door salesmen, it would be doing no favors for homeowners who would be on the receiving end of junk mail deluge.

Despite denials by the IRS, my suspicions were substantiated when I discovered just who was interested in this new IRS service. Among the business firms who had written the IRS about purchasing the statistics when available were Sears, Roebuck & Co.; Spiegel, Inc.; R. L. Polk & Co.; a couple of national magazines; Names Unlimited; and American Mail Associates.

The IRS did delay the project, but then decided to proceed. It argued that while the statistics might be of value to direct mail advertisers, it would also be of assistance to public agencies.

I think it is a significant indicator of comparative value to note that while six public agencies said they were interested in the material, 16 commercial purchasers said they wanted to buy it. Given this preponderence of interest by the private sector, one can reasonably conclude that public use is incidental to commercial use.

With considerable frustration, I ended my correspondence with Mr. Thrower. And that is where the matter rested until the Senate began debate on income tax legislation late last year.

At that time an amendment was introduced on the Senate floor by the distinguished senior Senator from Delaware. Senator WILLIAMS' amendment was specifically aimed at preventing the release of ZIP code tax statistics to direct mail advertisers.

The Williams amendment was accepted by the Senate, but was dropped from the tax bill in conference.

The legislation I introduced today is based on the Williams amendment. As I noted earlier, Senator WILLIAMS is introducing the bill in the Senate.

This legislation prohibits the IRS from making available to commercial users information classifying statistics on taxpayers according to ZIP code.

It does not prohibit the Internal Revenue Service from making this information available to public agencies.

Since my first disclosures that the Nation's biggest direct mail advertisers want to buy these ZIP code statistical tables, I have received dozens of letters from an aroused and indignant public. They argue powerfully for this legislation.

A woman in Florida wrote:

> I contend, as you do, the IRS should stick to collecting taxes (which they sure enough do) and let private business collect its own income data.

And a woman in Kittery, Maine, wrote:

> The Internal Revenue's job is not to serve the ends of private business . . . Please continue in your efforts to keep the IRS busy at its proper job. . .

From Nunn, Colo.:

> I feel this is a terrible invasion of privacy.

A sampling of the letters follow, along with a column which I wrote on the subject for newspapers in my congressional district and the text of the bill.

I firmly believe that this is one imaginative governmental project best buried in the rear of a very deep file cabinet.

It is primarily a service to commercial interests. And I say it is a disservice to the taxpayers of the Nation.

If the Internal Revenue Service would not cancel this project on its own volition, then I believe it is incumbent upon the Congress to direct it to do so.

That is the intent of the legislation which I introduce today:

H.R. 15471

A bill to amend the Internal Revenue Code of 1954 to further protect the privacy of individual taxpayers, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 6108 of the Internal Revenue Code of 1954 (relating to publication of statistics of income) is amended by inserting the following at the end thereof: "In publishing such statistics taxpayers shall not be classified, in whole or in part, on the basis of a coding system for the delivery of mail. The preceding sentence shall not apply to statistics made available on an official basis to an agency or instrumentality of the United States or a State or any political subdivision thereof. Such agencies may not publish or otherwise disclose such information. The prohibitions of this section shall be deemed to be within the meaning of 5 U.S.C. 552(b) (3), the Freedom of Information Act.

(b Section 7515 of such Code (relating to special statistical studies and compilations) is amended by inserting the following at the end thereof: "Such transcripts may not contain data based, in whole or in part, on the classification of taxpayers under a coding system for the delivery of mail. The preceding sentence shall not apply to statistics made available on an official basis to an agency or instrumentality of the United States or a State or any political subdivision thereof. Such agencies may not publish or otherwise disclose such information. The prohibitions of this section shall be deemed to be within the meaning of 5 U.S.C. 552 (b) (3), the Freedom of Information Act."

SEC. 2. The amendments made by section 1 of this Act shall take effect upon enactment.

NEWSLETTER

(By JAMES G. O'HARA, Representative in Congress)

If you live in a reasonably affluent area and start getting a lot more junk mail delivered to your home, you may have the Internal Revenue Service to thank for it.

That's right, the Internal Revenue Service.

To be sure, the IRS is busy collecting taxes, but it also moonlights—compiling tax statistics from your income tax returns and selling them to public agencies and private businesses.

No names are used, of course, since there are confidentiality laws prohibiting the disclosure of individual tax returns.

But nonetheless, it does compile, publish and sell aggregate statistics and has been doing it for years.

Heretofore, this moonlight activity on the part of the IRS has drawn little public attention.

The principal reason it escaped notice is that the statistical capabilities of the IRS limited the data to large population groups—generally no smaller than a metropolitan statistical area.

But now the IRS has refined its procedures and, with the help of the Post Office Department's zip code, a statistical breakthrough has been achieved.

With the advent of Mr. Zip, tax statisticians discovered that by segregating tax data by zip codes one could emerge with a statistical profile of a relatively small area.

In a few months, the IRS plans to compile income statistics—total tax returns filed, the number of exemptions (an indicator of the number of children), the number of joint returns (housewives) and the total taxes paid—for each of the nation's 35,000 five-digit zip code areas.

So what about the direct mail advertisers?

Prior to this statistical breakthrough, it was hard for direct mail advertisers to spot their targets with accuracy.

Now, with these five digit zip code income statistics, the junk mailers can take direct aim on the neighborhoods (and mailing addresses) of the best potential customers.

Not so, said the IRS when I first broached this point with them.

It argued that the five-digit information was of great benefit to public agencies and only "incidentally" of use to private businesses.

Then it released the list of potential clients of this new service, and my suspicions were confirmed.

Six public agencies, ranging from the Army Office of Civil Defense to the New York Port Authority wanted the information.

And "incidentally" 16 "commercial enterprises and associations"—the IRS terminology, not mine—wanted to pay $2,000 per five digit zip code area for the statistical data.

Among these commercial enterprises and associations were the nation's biggest direct mail advertisers, plus such outfits as "Names Unlimited," and "American Mail Associates."

But in its press release on the subject, the IRS emphasized again the public agency aspects of the data and chose to ignore the fact that private clients outnumber public purchasers by better than 2 to 1.

Surprisingly, the IRS press release obliquely confirmed what I had been contending all along, that the data would be most valuable to direct mail advertisers.

One tax official rephrased the press release statement concerning direct advertisers' use of the tax data.

The Wall Street Journal quoted the taxman as saying: "It could actually serve to cut down junk mail." With income areas pinpointed, commercial mailers "Can rifleshot the stuff, rather than shotgun it."

Shotgun, rifle or high-caliber howitzer, I still say that the IRS is doing us no favor, and has no business using tax returns to promote junk mail. This is what is at issue, no matter how hard the IRS works to disguise it under the mask of public benefit.

OCTOBER 23, 1969.

DEAR REPRESENTATIVE O'HARA: May I write to encourage you in your efforts to prevent Internal Revenue Records to be used by "junk Mail" companies.

An excellent editorial in the Providence Journal this morning tells of your work.

Sincerely,

——— ———.

PROVIDENCE, R.I.

SEPTEMBER 21, 1969.

Representative JAMES O'HARA,
U.S. Congress,
Washington, D.C.

DEAR MR. O'HARA: I am writing concerning the idea of the Internal Revenue Service, selling lists and data to business firms.

It is a blatant violation of our privacy—and I very much appreciate your attitude toward the situation.

I shall write to our own Congressman this afternoon.

There's so many junk mailings these days—one less would be appreciated. It is traditional in our country that our tax reports remain confidential!

We hope that you can muster up enough support to defeat this "sale of records." Thank you very much.

Sincerely,

——— ———.

RANDOLPH, N.Y.

OCTOBER 22, 1969.

Re invasion of privacy.
INTERNAL REVENUE SERVICE,
Washington, D.C.

Representative O'Hara of Michigan recently brought to our attention that the Internal Revenue Service is proposing to "sell at cost" information regarding Taxpayers financial background according to zip code areas.

I am sure this is a great "boon" to the direct mail advertisers but we are getting so much of this "junk" mail that it becomes disconcerting to hunt through the mail for the legitimate mail, bill, etc.

The other question I would like to ask is what purpose does the Internal Revenue Service have in selling this information at cost!

I think someone should propose a bill which would allow recipients of mail to return to senders all mail which is not solicited (advertisements, that it).

I would appreciate your consideration in this matter as the junk mail problem is getting worse.

Sincerely,

——— ———.

WESTLAKE VILLAGE, CALIF.

OCTOBER 21, 1969.

Representative JAMES O'HARA,
Washington, D.C.

DEAR SIR: This is in regard to your stand against Internal Revenue Service selling information obtained from our income tax forms. I am definitely against it also. We are deluged with junk mail—unsolicited items sent to us to buy and telephone solicitations. The junk mail makes more loss for the postal department—more litter for the garbage men to gather and dump.

I feel that with the information on our tax forms and on our social security records we have no more privacy at all.

I contend, as you do, the "IRS should stick to collecting taxes" (which they sure enuf do) and let private business collect its own income data. I hope you can get more of the Congressmen to go along with you.

Sincerely,

——— ———.

NEW SMYRNA BEACH, FLA.

OCTOBER 23, 1969.

Representative JAMES O'HARA,
Democrat, Michigan, U.S. Congress,
Washington, D.C.

DEAR REPRESENTATIVE O'HARA: I am writing to express my support for criticizing the use of IRS data for direct mail advertising.

Contrary to what the IRS said "this would not constitute invasion of privacy because none of the information could be used to identify individuals." . . . to me, a citizen, and to my husband . . . this is an invasion of privacy. Although I realize that the selling of these lists would pay the cost of our government employees, this is not a function of our government.

Please advise the powers involved that I do not even give out information to R. L. Polk and Co. when they come door to door soliciting such information.

I have no choice except to complete my IRS form—but I do have the option to encourage the Civil Liberties Union to look into this matter.

Thank you again and you can be sure I am notifying my Congressman—Charles Mosher of my feelings.

Very truly yours,

——— ———.

LORAIN, OHIO.

XUM

OCTOBER 23, 1969.

DEAR SIR: Please excuse me if I have not used the correct address or form. Please accept my apology.

I write in connection with your criticism of IRS selling data from tax returns.

I fervently pray that you will continue to object to this. I feel this is a terrible invasion of privacy, and the fact that they are obtaining this information from supposedly confidential returns, makes it worse.

Thank you for your attention.

Yours truly,

—— ——.

NUNN, COLO.

MOLINE, ILL.

Representative JAS O'HARA,
U.S. House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN O'HARA: I want you to know that I and many other Americans agree with your position opposing the sale of data from tax returns to those firms engaged in direct mail advertising.

Not only is this an invasion of privacy, but equally important, it would be used to supply advertising material which we do not want and which is sent at a cost to the American taxpayers.

Until such time as Congress is willing to establish postal rates for bulk mailing which is sufficient to cover delivery costs, we should do all we can to discourage bulk mailing in order to reduce the tremendous deficit incurred by the Postal Department.

Sincerely,

—— ——.

OCTOBER 28, 1969.

MY DEAR MR. JAMES O'HARA: I am writing you in reference to the I.R.S. selling certain information from tax returns which I say is violating taxpayer's privacy. I for one and also a lot of my friends are up in the air over this as we are already deluged with a bunch of junk mail which I am getting sick of. It is sickening to go to the mail box and get a bunch of junk and besides I think they got their nerve revealing people's privacy and I for one am against it and am behind you 100% and hope you can do something to prevent it.

Thank you.

—— ——.

IRONTON, OHIO.

HARRISBURG, PA.

Representative JAMES O'HARA,
House of Representatives,
Washington, D.C.

DEAR SIR: Your stand on the sale of tax-return data is most commendable. Such a practice could encourage an invasion of privacy and also make us the target for tons of junk mail.

In Pennsylvania, the State sells our name and address to business firms. Our mail boxes are so stuffed with all kinds of advertising that there is scarcely any room for mail we welcome.

If Internal Revenue Service and other government agencies are within the law, then this law should be revoked. They give information concerning us without our consent and permission. That definitely is a violation of our rights.

There are so many media of communication in which to advertise that they should not be allowed to impose upon the citizens. These firms make the matter more obnoxious by refusing to accept any of the mail which we return. They order the Post Office not to forward it, that would be a nuisance to them, but little do they care how annoying it is to us.

Thank you, sir, for your efforts in this matter. I wish you every success.

Yours very truly,

—— ——.

DUBLIN, VA.,
October 22, 1969.

Re: IRS Selling Tax Data.
Hon. JAMES O'HARA,
House of Representatives,
The Capital,
Washington, D.C.

DEAR SIR: Cheers for your efforts to block the Internal Revenue Service from selling data to business firms.

They do not need to sell *anything*; they are well-paid by the tax-payers. I personally cannot see the benefit in compiling these lists and money could be saved by omitting the process. Such is not the function of this organization and I strongly object to same. Keep up the good work!

Very truly yours,

—— ——.

KETCHIKAN, ALASKA,
October 22, 1969.

Hon. JAMES O'HARA,
House of Representatives,
Washington, D.C.

DEAR MR. O'HARA: I am writing regarding your recent disclosure of plans by IRS to publish detailed statistical information taken from tax returns. I am opposed to such action as I understand it. Can you furnish information on the plans and suggest ways in which I can effectively work against them?

Sincerely,

—— ——.

OCTOBER 21, 1969.

Representative JAMES O'HARA,
House of Representatives,
Washington, D.C.

DEAR MR. O'HARA: I read in tonight's *Portsmouth* (N.H.) *Herald* about your efforts to prohibit the Internal Revenue Service from selling data collected from tax returns to private businesses.

I'm with you. The Internal Revenue's job is not to serve the ends of private business. Already there are far too many ways in which advertisers can obtain the names of people whom they harass with unwanted junk mail. I am opposed to adding one more source of mailing lists to the confusion. Please continue in your efforts to keep the IRS busy at its proper job. In fact, from the length of time it took for me to get an answer to a query about a tax problem—eleven months—the IRS could stand some revamping of its present procedures.

Yours truly,

—— ——.

KITTERY, MAINE.

Representative JAMES O'HARA,
Michigan, House Office Building,
Washington, D.C.

DEAR REPRESENTATIVE O'HARA: In last evening's Times-Herald (Newport News) an AP article noted that the Internal Revenue is considering selling tax return data to private businesses. Your name was mentioned as opposing such a move. May I join you in opposing the Internal Revenue furnishing any data to private businesses.

You would be able to check back into the laws authorizing the Internal Revenue and see exactly what Congress set it up to do. Though I do not have that information at hand, I would assume that Congress never wrote into any law the right for this bureau to do more than collect taxes. If it did, I think Congress should take steps to change the IRS status.

It is very hard today to have much privacy with the telephone callers trying to sell you merchandise or services if your number is listed, with oil and other companies sending you credit cards you didn't request and with all kinds of forms asking for your Social Security number. Then, of course, one reason the Post Office Department never operates in the black is the piles of requests the Postman delivers to your home for charitable causes.

It seems that the average person in my neighborhood gets on more catalog and circular mailing lists every year. Many of the firms are completely unknown to us.

Thanks for your effort in behalf of the taxpayer who is already overloaded with advertisements and requests for his money.

Yours truly,

—— ——.

HAMPTON, VA.

DEAR MR. O'HARA: Please use all your influence to prohibit our Government from selling tax data to any mail-order firms.

Thank you.

—— ——.

ARVADA, COLO.

NOVEMBER 11, 1969.

Representative JAMES O'HARA,
House of Representatives,
Washington, D.C.

DEAR MR. O'HARA: Our Richmond newspaper carriers an article that says the IRS is thinking of selling its computor tax information to mass mailers. I *sincerely* hope that this is not allowed to take place!

Junk mail is already filling our mailboxes, when anything worth receiving gets crumpled up in the *mass* of mailings. If they need money, and how can they not need any, than raise taxes 2¢ per taxpayer, and let us keep our privacy, and I say that with tongue in cheek, because we don't have much privacy left.

Sincerely,

—— ——.

RICHMOND, VA.

THE NATION'S LAW SCHOOLS AND THE ENVIRONMENTAL DECADE—PARTIAL RESULTS OF AN INFORMAL SURVEY CONDUCTED BY CONGRESSMAN JOHN P. SAYLOR OF PENNSYLVANIA

(Mr. SAYLOR asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. SAYLOR. Mr. Speaker, just before the old decade ended, I sent letters to the deans of our Nation's law schools asking them to cooperate in an informal survey of their institutions' programs and/or plans for instruction in the field of environmental law. The text of my letter follows:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, D.C., December 29, 1969.

DEAR DEAN: By the time you receive this, the "Environmental Decade" will be under way. Every citizen has a stake in the protection and improvement of the nation's environment but most observers concur that the legal profession will play a critical role in these great issues during the decade. I am sure you agree that proper preparation for that role is the responsibility of the nation's law schools.

As a long-time conservationist, Member of Congress, and member of the Bar, I am naturally pleased to see this public concern for the environment taking shape with reliance on our profession to carry the battle forward. However, I feel some disquiet about the scope of legal training available to students in matters affecting the environment; I hope to ease my concern about such training as a result of an informal survey.

I wish to inquire about your school's programs and/or plans for instruction along these lines. I do not expect you to itemize every single course or seminar being offered

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> at your institution, but I would like to receive an over-all summary of your "environment-related" curriculum. The information from my survey will be presented to the Congress and to selected groups who seek to assist the law schools—and thus the nation—in the protection of our natural and national heritage.
>
> Your assistance in this survey will be deeply appreciated.
>
> With every good wish for a Happy New Year, I am,
>
> Sincerely yours,
>
> JOHN P. SAYLOR.

The response from the deans has been gratifying in numbers, enlightening as to curriculum, and exciting as to prospects. As most of us in Congress know, law courses tend to be highly traditional, but as one of the deans remarked in his letter, "change is in the winds."

It would be difficult to relate all the various courses that have been or are being established around the country; but suffice to say, the Nation's law schools are well aware of the growing concern for our national and natural heritage and the responsibility of the legal fraternity to help protect it.

In order to give our colleagues some flavor and scope of the concern for the environment in the law schools, I have extracted particularly interesting and representative portions of some of the responses I have received to my letter. I want to stress that the following are only representative; I expect to continue my reports on this subject as more responses are received.

Dean Jefferson B. Fordham of the University of Pennsylvania Law School says:

> I say with strong conviction that I share your interest in environmental problems. It is my responsibility to serve as President of the Association of American Law Schools during 1970 and, at my suggestion, the Association has made 'Man and Nature' its program focus for the year. This means that this organization of 122 law schools will be addressing itself particularly to the giving of adequate recognition in the educational and research programs in law schools to environmental problems.

Dean Alfred W. Meyer of Valparaiso University Law School reports:

> By and large our curriculum is traditionally oriented but change is in the winds as we have recently added several youthful members to our faculty who will not permit us to rest content. Our Curriculum Committee is currently restudying our program in the light of concerns such as yours. . . . More specifically, we are talking about an interdisciplinary course which would involve a chemical engineer, a biologist, and a law professor who would combine their talents in organizing a course in the area of water and air pollution. Existing law school courses are those in the 'property' area with traditional titles but with modifications of content to respond (inadequately) to the world around us.

Dean Edward S. Godfrey of the University of Maine School of Law noted in addition to general courses and seminars offered that:

> Upon request of a number of interested students this past fall, Professor Delogu conducted a series of informal classes on water and air pollution. These classes were not part of the regular curriculum and received no academic credit. They were mostly attended by first-year students who were impatient for material in this field and did not wish to wait until their second or third year in order to consider environmental problems.

Responding for Dean Toepfer of Case Western Reserve University, Franklin Thomas Backus School of Law, Associate Prof. Arnold W. Reitze, Jr., said in part:

> Advanced courses are given in water law and in atomic energy law with emphasis on environmental considerations. An intersession program dealing with air and water pollution control is offered. In their senior year students may elect a two credit hour research program. Currently students are investigating strip mining and national park policy in the Great Lakes region. On an informal basis, there is an opportunity to participate in community environmental problems. It is hoped that this opportunity will evolve into a formal clinical program.

According to the information forwarded by the University of Denver's College of Law, the environment as a course of study and action is well launched. Associate Prof. Thomas P. Brightwell, reporting for Dean Robert B. Yegge, sent a brochure which outlined the natural resources program, and said:

> As you can see, we have oriented this program to take into account both traditional natural resource law and related environmental issues. In addition to the courses listed, we offer a Seminar in Environmental Law which examines, in depth, the area of environmental litigation and the public input into the decision-making process when environmental questions are present. In addition to our Natural Resources Program, our Student Practice Program is actively engaged in assisting local attorneys in the preparation and trial of so-called "Public Interest" environmental cases. At the present time, the Director of our Student Practice Program is in the process of bringing two of these suits directly, with the aid of members of our faculty and interested students. We anticipate further direct action through the Practice Program.

Dean Willard H. Pedrick of the Arizona State University College of Law reported from the Southwest, as follows:

> In addition to other courses which deal with some aspects of the subject, the following courses and seminars are specifically designed to prepare our students to play a positive role in the protection and improvement of the country's environment: Natural Resource Development—emphasis in this seminar is on environmental control; law in a Technological Society—this seminar surveys the impact of technology on society and the law. Student response to the Natural Resources Development Seminar has been encouraging. Two sections are being offered this year in order to accommodate those who wish to participate.

From the College of Law at the University of Nebraska, Assistant Dean Donald L. Shaneyfelt mentioned the school's natural resources seminar and also:

> In addition to this, our students work with the State Soil and Water Conservation Department and with the Agricultural College on conservation projects. The University of Nebraska also has a new inter-disciplinary Masters Degree in Water Resources. This involves the Law College, the Arts College, the Engineering College and the Agricultural College.

Prof. Richard G. Huber, acting director of the Boston College Law School's Environmental Law Center, outlined in considerable detail the plans and programs for the new center. He also mentioned a new publication:

> We are also commencing publication—we hope by the end of this school year—of a quarterly publication on environmental matters. This would involve at least six of our students in preparing short case notes and legislative comments, although the journal itself will have broader than purely legal coverage. In addition, of course, at the Center we have approximately fifteen students working with lawyers on proposed legislation and developing research for government agencies interested in environmental matters.

Associate dean of the Yale University Law School, Ralph S. Brown, Jr., reported on the course which the law school is offering for the first time this year:

> Environmental Regulation: An exploratory examination of the ways in which law is used to shape the character of the physical environment. Issues will be selected from such areas as land management, air and water pollution, and conservation.

Acting Dean Luvern V. Rieke of the University of Washington School of Law reports that the school has a total of 27 credit hours available for students in environmental subjects.

> Several of the courses are related to environmental protection. These are: Natural Resources Seminar, Ocean Resources Seminar, Selective Problems on Environmental Protection Seminar.

From the National Law Center of George Washington University, I received a detailed summary of environment-related courses which are available to both undergraduate and graduate law students. Associate Dean Ralph C. Nash, Jr., states in part:

> We have had several discussions of changes which would be necessary to evolve into a program on environmental law and have generally concluded that only a few additional courses would be necessary.

Although the foregoing are partial comments from just a few of the law schools I contacted, I believe one can see a definite and exciting trend being developed. Young people of the "now generation" entering law schools this year will have the opportunity to play a major role in protecting the Nation's environment before this decade closes. As my future reports from the schools will show, the opportunities to study and work in this developing area of the law are widening every day.

TAKE PRIDE IN AMERICA

(Mr. MILLER of Ohio asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. MILLER of Ohio. Mr. Speaker, the literacy rate in the United States is approximately 98 percent.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

Mr. PERKINS, for 1 hour, today; to revise and extend his remarks and include extraneous matter.

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Mr. GONZALEZ, for 10 minutes, today; to revise and extend his remarks and to include extraneous matter.

Mr. BRINKLEY (at the request of Mr. NICHOLS), for 30 minutes, on January 22; to revise and extend his remarks and include extraneous matter.

Mr. PERKINS, for 60 minutes, on January 21.

(The following Members (at the request of Mr. RUPPE) and to revise and extend their remarks and include extraneous material:)

Mr. DUNCAN, for 60 minutes, on January 22.

Mr. QUIE, for 30 minutes, on January 21.

Mr. RANDALL, for 10 minutes, today.

Mr. RYAN, for 20 minutes, today.

Mr. PHILBIN, for 10 minutes, today.

Mr. MICHEL, for 2 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. PERKINS and to include extraneous matter.

Mr. BENNETT and to include extraneous matter.

Mr. BOLAND in two instances and to include extraneous material.

Mr. HALL and to include pertinent material.

Mr. ANDERSON of California during his colloquy with Mr. PERKINS during the special order of Mr. PERKINS.

(The following Members (at the request of Mr. MILLER of Ohio) and to include extraneous matter:)

Mr. BUCHANAN.
Mr. KYL.
Mr. CARTER.
Mr. QUILLEN in four instances.
Mr. ROUDEBUSH.

(The following Members (at the request of Mr. RUPPE) and to include extraneous matter:)

Mr. ARENDS.
Mr. MIZE.
Mrs. MAY in two instances.
Mr. ASHBROOK.
Mr. BROYHILL of Virginia in three instances.
Mr. SMITH of California.
Mr. BROWN of Michigan.

(The following Members (at the request of Mr. NICHOLS) and to include extraneous matter:)

Mr. FRASER.
Mr. MOLLOHAN in two instances.
Mr. GIAIMO in five instances.
Mr. HAMILTON in 10 instances.
Mr. O'NEILL of Massachusetts in two instances.
Mr. DIGGS in two instances.
Mr. TUNNEY.
Mr. WILLIAM D. FORD.
Mr. UDALL in eight instances.
Mr. STOKES in two instances.
Mr. ASHLEY.
Mr. GALIFIANAKIS.
Mr. RYAN in three instances.
Mr. BURLISON of Missouri.
Mr. ROYBAL in six instances.
Mrs. CHISHOLM.
Mr. VANIK in two instances.
Mr. CONYERS in five instances.
Mr. RARICK in three instances.
Mr. GONZALEZ in two instances.
Mr. MOORHEAD.

ADJOURNMENT

Mr. NICHOLS. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 1 o'clock and 36 minutes p.m.), the House adjourned until tomorrow, Wednesday, January 21, 1970, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1513. A letter from the president, Gorgas Memorial Institute of Tropical and Preventive Medicine, transmitting the 41st annual report of operations for the fiscal year ended June 30, 1969, pursuant to 45 Stat. 491; 22 U.S.C. 278a (H. Doc. No. 91–235); to the Committee on Foreign Affairs and ordered to be printed.

1514. A letter from the Assistant Secretary Department of Agriculture, transmitting the second annual report on operations under the Food Stamp Act of 1964, pursuant to Public Law 90–552; to the Committee on Agriculture.

1515. A letter from the Acting General Counsel, Department of Defense, transmitting a draft of proposed legislation to amend section 808 of title 10, United States Code, to clarify the application of that section to prisoners and members who are absent without leave from the Armed Forces; to the Committee on Armed Services.

1516. A letter from the Public Printer, U.S. Government Printing Office, transmitting the annual report for the fiscal year ended June 30, 1969; to the Committee on House Administration.

1517. A letter from the Chairman, Subversive Activities Control Board, transmitting the 19th annual report for the period ended June 30, 1969, pursuant to the provisions of law, to the Committee on Internal Security.

1518. A letter from the Chairman, Interstate Commerce Commission, transmitting the 83d annual report for the fiscal year ended June 30, 1969; to the Committee on Interstate and Foreign Commerce.

1519. A letter from the Chairman, National Mediation Board, transmitting the 35th annual report of the Board, including the report of the National Railroad Adjustment Board for the fiscal year ending June 30, 1969, pursuant to the provisions of law; to the Committee on Interstate and Foreign Commerce.

1520. A letter from the Chairman, Federal Power Commission, transmitting a copy of the publication entitled "Statistics of Privately Owned Electric Utilities in the United States, 1968"; to the Committee on Interstate and Foreign Commerce.

1521. A letter from the Clerk, U.S. Court of Claims, transmitting a statement of judgments rendered for the year ended September 30, 1969, pursuant to the provisions of section 791(c), title 28, United States Code; to the Committee on the Judiciary.

1522. A letter from the Secretary of the Treasury, transmitting the statement of liabilities and other financial commitments of the U.S. Government as of June 30, 1969, pursuant to the provisions of section 402 of Public Law 89–809; to the Committee on Ways and Means.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. HAYS: Committee on House Administration. House Resolution 764. Resolution authorizing payment of compensation for certain committee employees, with an amendment (Rept. No. 91–794). Ordered to be printed.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. BROWN of California:

H.R. 15463. A bill to amend the Randolph-Sheppard Act for the blind so as to make certain improvements therein and for other purposes; to the Committee on Education and Labor.

H.R. 15464. A bill to provide Civilian Conservation Corps enrollees who are suffering from paraplegia incurred during service in such Corps with benefits substantially comparable to those provided veterans who are similarly disabled; to the Committee on Education and Labor.

By Mr. EILBERG:

H.R. 15465. A bill to extend benefits under section 8191 of title 5, United States Code, to law enforcement officers and firemen not employed by the United States who are killed or totally disabled in the line of duty; to the Committee on the Judiciary.

By Mr. GALIFIANAKIS:

H.R. 15466. A bill to establish a Joint Committee on Environmental Quality; to the Committee on Rules.

By Mr. KARTH:

H.R. 15467. A bill to amend the Mental Retardation Facilities and Community Mental Health Centers Construction Act of 1963 to assist the States in developing a plan for the provision of comprehensive services to persons affected by mental retardation and other developmental disabilities originating in childhood, to assist the States in the provision of such services in accordance with such plan, to assist in the construction of facilities to provide the services needed to carry out such plan, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. KOCH:

H.R. 15468. A bill to provide long-term financing for expanded urban mass transportation programs, and for other purposes; to the Committee on Banking and Currency.

By Mrs. MAY (by request):

H.R. 15469. A bill to provide for the disposition of funds appropriated to pay judgments in favor of the Yakima Tribes in Indian Claims Commission dockets Nos. 47–A, 162, and consolidated 47 and 164, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. MOORHEAD:

H.R. 15470. A bill to authorize the Secretary of Housing and Urban Development to provide or to guarantee any bid, payment, or performance bond applied for by or on behalf of a small business concern which is a construction contractor or subcontractor; to the Committee on Banking and Currency.

By Mr. O'HARA:

H.R. 15471. A bill to amend the Internal Revenue Code of 1954 to further protect the privacy of individual taxpayers, and for other purposes; to the Committee on Ways and Means.

By Mr. POWELL:

H.R. 15472. A bill to designate the Meridian

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Hill Park in the District of Columbia as the Malcolm X Park; to the Committee on Public Works.

By Mr. RYAN:

H.R. 15473. A bill to provide for the comprehensive program for the control of noise; to the Committee on Interstate and Foreign Commerce.

By Mr. TEAGUE of Texas (by request):

H.R. 15474. A bill to amend chapter 17, title 38, United States Code, to provide drugs and medicines to veterans of World War I, World War II, the Korean conflict, or the Vietnam era, who are receiving increased compensation or pension because of being housebound; to the Committee on Veterans' Affairs.

By Mr. WHALEN:

H.R. 15475. A bill to provide additional benefits for optometry officers of the uniformed services; to the Committee on Armed Services.

By Mr. BENNETT:

H.J. Res. 1047. Joint resolution proposing an amendment to the Constitution of the United States to provide that appointments of Supreme Court and other Federal judges be required to be reconfirmed every 6 years, to require 5 years' prior judicial experience as a qualification for appointment to the Supreme Court, and to require retirement of Federal judges at the age of 70 years; to the Committee on the Judiciary.

By Mr. BRINKLEY:

H.J. Res. 1048. Joint resolution, proposing an amendment to the Constitution of the United States prohibiting involuntary busing of students; to the Committee on the Judiciary.

By Mr. MIKVA:

H.J. Res. 1049. Joint resolution proposing an amendment to the Constitution of the United States to provide that the right to vote shall not be denied on account of age to persons who are 18 years of age or older; to the Committee on the Judiciary.

By Mr. OLSEN:

H.J. Res. 1050. Joint resolution authorizing the Secretary of the Interior to provide for the commemoration of the 100th anniversary of the establishment of Yellowstone National Park, and for other purposes; to the Committee on the Judiciary.

By Mr. QUILLEN:

H.J. Res. 1051. Joint resolution designating the week commencing February 3, 1970, as International Clergy Week in the United States, and for other purposes; to the Committee on the Judiciary.

By Mr. SIKES:

H.J. Res. 1052. Joint resolution proposing an amendment to the Constitution of the United States relative to equal rights for men and women; to the Committee on the Judiciary.

By Mr. THOMPSON of New Jersey:

H.J. Res. 1053. Joint resolution proposing an amendment to the Constitution of the United States relative to equal rights for men and women; to the Committee on the Judiciary.

By Mr. TUNNEY:

H. Con. Res. 478. Concurrent resolution expresses the support of Congress for the principles embodied in the Santa Barbara Declaration of Environmental Rights; to the Committee on Merchant Marine and Fisheries.

By Mr. GARMATZ:

H. Res. 785. Resolution to provide funds for the expenses of the studies and investigations authorized by House Resolution 131; to the Committee on House Administration.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. GRAY:

H.R. 15476. A bill for the relief of Ofelia C. Santos; to the Committee on the Judiciary.

By Mr. PUCINSKI:

H.R. 15477. A bill for the relief of James J. Keilman; to the Committee on the Judiciary.

By Mr. RUPPE:

H.R. 15478. A bill for the relief of Mrs. Fernande M. Allen; to the Committee on the Judiciary.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

375. By the SPEAKER: Petition of the City Council, Seattle, Wash., relative to supporting proposed legislation regarding repeal of the Emergency Detention Act of 1950; to the Committee on Internal Security.

376. Also, petition of Maurice Sullivan, Atlanta, Ga., relative to redress of grievances; to the Committee on the Judiciary.

SENATE—*Tuesday, January 20, 1970*

The Senate met at 12 o'clock meridian, on the expiration of the recess, and was called to order by the President pro tempore (Mr. RUSSELL).

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

Almighty God, in whose will is the destiny of men and nations, deliver us now from the tumult of the busy world, from the claims of many duties, and the confusion of many voices, that we may hear again Thy still small voice, lifting our vision, allaying our fears, instructing our minds, and flooding our inmost being. Imbue with Thy higher wisdom all whose service to Thee is rendered in this place. Make them sure of the goal toward which the Nation moves and certain of each step taken to reach it. Grant Thy reconciling grace, that being united in devotion to the Nation's welfare and the betterment of all mankind, Thy servants here may be ministers of healing to a broken world. In the stress and strain of this day and all the days ahead lead them by Thy spirit to the fullness of Thy kingdom, the law of which is love and the ruler of which is the Lord of Life.

In His holy name we pray. Amen.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Hackney, one of its reading clerks, announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H.R. 6244. An act to enable the Secretary of Agriculture to extend financial assistance to desertland entrymen to the same extent as such assistance is available to homestead entrymen;

H.R. 10184. An act to provide for the disposition of judgment funds of the Sioux Tribe of the Fort Peck Indian Reservation, Mont.;

H.R. 11372. An act to amend the act entitled "An act to authorize the partition or sale of inherited interests in allotted lands in the Tulalip Reservation, Wash., and for other purposes", approved June 18, 1956 (70 Stat. 290); and

H.R. 12795. An act to amend the act entitled "An act to provide better facilities for the enforcement of the customs and immigration laws," to increase the amount authorized to be expended, and for other purposes.

HOUSE BILLS REFERRED

The following bills were severally read twice by their titles and referred, as indicated:

H.R. 6244. An act to enable the Secretary of Agriculture to extend financial assistance to desertland entrymen to the same extent as such assistance is available to homestead entrymen; to the Committee on Agriculture and Forestry.

H.R. 10184. An act to provide for the disposition of judgment funds of the Sioux Tribe of the Fort Peck Indian Reservation, Mont.; and

H.R. 11372. An act to amend the act entitled "An act to authorize the partition or sale of inherited interests in allotted lands in the Tulalip Reservation, Wash., and for other purposes", approved June 18, 1956 (70 Stat. 290); to the Committee on Interior and Insular Affairs.

H.R. 12795. An act to amend the act entitled "An act to provide better facilities for the enforcement of the customs and immigration laws," to increase the amount authorized to be expended, and for other purposes; to the Committee on Public Works.

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Journal of the proceedings of Monday, January 19, 1970, be approved.

The PRESIDENT pro tempore. Without objection, it is so ordered.

COMMITTEE MEETINGS DURING SENATE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that all committees be authorized to meet during the session of the Senate today.

The PRESIDENT pro tempore. Without objection, it is so ordered.

ATTENDANCE OF SENATORS

The following additional Senators attended the session of the Senate today: BAYH, DODD, GOODELL, and STEVENS.

DEMOCRATIC CONFERENCES HELD YESTERDAY AND THIS MORNING—REMARKS BY THE MAJORITY LEADER

Mr. MANSFIELD. Mr. President, the Democratic conference met yesterday morning to prepare for the beginning of the second session of the 91st Congress. This first meeting largely concerned routine matters—housekeeping chores of the Senate, so to speak. It was followed

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today by a second conference on questions of majority policy.

The leadership presented an opening statement to the first conference. Following the statement, it was moved and unanimously approved that sections of this statement be incorporated in the Record today in the hope that Senators on both sides of the aisle would take notice of and bring to the attention of their staff personnel those portions of the statement which deal with order on the floor of the Senate.

I ask unanimous consent that the conference statement be incorporated at this point in the Record.

There being no objection, the remarks were ordered to be printed in the Record, as follows:

Remarks by the Majority Leader Presented at the Democratic Conference, Monday, January 19, 1970

On behalf of the Leadership, I am happy to welcome you back to the Second Session of the 91st Congress. Today marks the resumption of the work left unfinished at the end of the last session.

Immediately following the reading of the Journal, the pending business will be the Conference Report on HR 13111, the appropriations measure for Labor-Health, Education, and Welfare. It is the intention of the Leadership to have a rollcall vote on this Conference Report as early as practicable.

I realize that it has been customary in the past to wait until the President presents his State of the Union message before undertaking legislative matters. There are a number of reasons why this tradition is being broken. Chief among them is that this measure, with its impact on the education and health of Americans, is too important to postpone. Educators and health officials throughout the nation have budgets and schedules whose determination await this action.

The President has indicated that he will veto the bill when we send it down. He has his own reasons, I am sure, for doing so. I respect them. But I must also state my judgment that for the Administration to reject this measure is to fight inflation, it seems to me, at the expense of those least able to bear it. A rejection of this bill, whatever its intent, is to strike at the needs of the young, the needy, the schools, the old, the sick, and the handicapped.

Following the disposition of the Labor-HEW Conference Report, it is the intention of the Leadership to move expeditiously to the following measures:

S. 30, the Crime bill.
S. 3246, the Drug bill.
S. 1520, the Failing Newspaper bill.
S. 3154, the Mass Transportation Act.
H.R. 514, the Elementary and Secondary Education Act.

Of course, a Conference Report on H.R. 15149, the Foreign Aid Appropriations Act, would be privileged under the Rules, and if it becomes available, it will take precedence on the floor over a pending measure.

In accordance with suggestions made at previous Conferences, it is the intention of the Leadership to conduct the business of the Senate on at least a Monday through Friday schedule. At least for the present, it is planned that business will actually be transacted on a Monday through Saturday schedule until legislation which is now on the Calendar can be acted upon. It is hoped that Committees will set to work, without delay, on a similar full-time basis. With the cooperation of the Committees, the Leadership intends to follow the legislative program with as little interruption as possible.

I wish to remind all Senators that votes may come at any time on a pending measure, and Senators should be on notice that once a rollcall has been completed, the regular order can be expected. Senators are asked to instruct their personal staffs to respond accurately and quickly to inquiries of Cloakroom personnel as to the whereabouts and status of each Member. Personal staffs, properly, try hard to protect the interests of members, but it is often easier for a page to find you in the Capitol than for your own staff to reach you from the Senate Office Building. In order to do this, however, we must know where you can be reached.

For several years now, the Leadership has undertaken to announce at the beginning of every session the dates of recesses in connection with certain national holidays. This practice has enabled all Members to plan their speaking schedules, and home visits in advance. It will be continued this year. As soon as concurrence of the Minority Leader is obtained on the dates, you will be notified by the Secretary for the Majority of the recesses for Lincoln's Birthday, Washington's Birthday, Easter, Memorial Day, and the Fourth of July.

It is the intention of the Leadership to keep these recesses to minimum length in this election year. Speaking personally, I am prepared to stay here until two weeks before election day and return after election if necessary. However, with full cooperation, the essential business of the Congress could be completed for a much earlier sine die adjournment.

This is a good time to raise before the Conference the question of an August recess. I know that last year's experience in this regard met with wide approval, particularly from younger Members with growing families. However, if we wish to attempt an early adjournment this year, a long summer recess may not be practicable. I wish Members would give some thought to this matter. For the present, I would prefer that the issue not be resolved. If it appears that there is a good possibility of completing all appropriations bills somewhere near Labor Day, it would be my recommendation not to take an August recess. If the Congress is bogged down in legislation, it may be desirable to recess briefly in August.

A matter of continuing concern is the order on the floor of the Senate. There is an increasing objection on the part of many Senators to staff personnel who remain on the Senate floor without an apparent need for their presence. I would urge that as a courtesy to each other we instruct our staffs to refrain from coming to the floor of the Senate unless there is an overriding need for their presence. If they are merely monitoring the proceedings, the gallery is the proper area. In any case, I see little justification for any Senator having more than one personal aide on the floor at any one time except, perhaps, when he is actually handling a piece of legislation. Along this same line, I again suggest most respectfully that there be less talk among Senators on the floor.

The Leadership has received a number of complaints concerning staff members using the Democratic Cloakroom and the telephones therein. As has been pointed out on several occasions, it is not possible for Members to carry on conversations or make telephone calls in private in these circumstances. The Conference has gone on record against staff using the Cloakroom and has adopted a resolution which states:

"*Resolved:* That no person be permitted in the Democratic Cloakroom of the Senate except Senators, Members of the House of Representatives, Pages, and officers of the Senate."

An exception to policy has been granted only to staff members of the Democratic Policy Committee. All other staff personnel are to refrain from using the Cloakroom, and I have instructed the Secretary for the Majority to uphold this resolution.

The rules which apply to the telephones in the Democratic Cloakroom are equally applicable to those in the Senators' Lobby. The Sergeant-at-Arms is directed to enforce a strict policy of restricting the use of telephones and news tickers in the Senators' Lobby.

Mr. MANSFIELD. Mr. President, I also ask unanimous consent to have printed in the Record the remarks made by the Senate majority leader, the Senator from Montana, now speaking, at the Democratic conference of this morning, Tuesday, January 20, 1970.

There being no objection, the remarks were ordered to be printed in the Record, as follows:

Remarks of Senator Mike Mansfield at the Democratic Conference, Tuesday, January 20, 1970

This Conference met yesterday to consider certain housekeeping problems. As Democrats—as a Democratic majority—we also face political questions in this election year. With that in mind, I have called this second Conference. I think I am personally as mindful of these questions as any of the Democratic Senators whose seats will be contested in November since my term also expires. I realize, too, that not only seats but the organization of the Senate is at stake. Most significantly, the part which the Democratic Party will be able to play in a Republican-dominated government for the next two years is at stake. These are facts of political life. They are there. They will not go away. They must be faced, frankly, bluntly, and without apology.

However, to state them is not to call for a political session in this election year. To state them is to underscore the Leadership's belief that this Conference must continue to function—even in this election year—as a responsible Senate majority. That is our obligation as Senators of our States and the United States. It is our highest obligation; it must take precedence over our political concerns.

In my judgment, in this session as in the last the objectives of the Democratic Conference must be to contribute a constructive opposition to the development of national policies, while operating the Senate responsibly. In that way, we will do all that can be done, in all realism, from the Senate, to restore greater public confidence in the leadership of the Democratic party.

During the first session of this Congress, I believe the Senate Democrats did present a cohesive and constructive opposition. In so doing, we contributed to the nation and its citizens. I believe, for example, that that opposition helped to bring about the shift away from an ever-deepening American involvement in Viet Nam. In that connection, let me make clear what I have not hesitated to say on other occasions: The President deserves great credit for this shift. In making it, he has had the urging and the support of the Senate.

In a similar fashion, Senate Democrats moved, with Republican cooperation, to bring the issue of tax relief and tax reform to a decision during the last session. It took time to overcome the skepticism. In the end, however, an effective measure was adopted notwithstanding efforts to dodge, defer, and delay. Out of that reform will come some benefit for the over-burdened wage earners and for others, without convenient write-offs, who live on small and moderate incomes. Out of it, too, will come a modest increase in social security payments to older citizens which has been covered by tax adjustments

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that will act to offset any additional inflationary pressure.

In the last session, the Senate was also instrumental in modifying the Administration's tendency to propose military expenditures without regard for inflationary effects, even as domestic needs were ignored in the name of fighting inflation.

That is indicative of the initiatives which came from the Senate during the last session. In cooperation with Republican Senators, it will continue to be the responsibility of the Democratic Majority to add correctives of this kind to the national policies proposed by the Administration.

May I say that the Administration's announced intention of vetoing the Labor-HEW appropriations bill provides, in my judgment, the first occasion for the exercise of this responsibility. Our votes on that issue, today, should affirm the insistence of the Democrats in the Senate that this Republican Administration must strike a better balance in the distribution of national funds as among urgent needs at home, expenditures for foreign policy and inexhaustible demands in the name of military security.

In this three-way balance, I must express the view that this Administration has not given sufficient recognition to domestic urgencies—to the requirements for pollution control, health-research, social security, welfare and education. Therefore, we must try, as best we can, from the Senate, to see to it that these needs are not ignored during this session.

It is time to state, bluntly, too, that while this Administration has yet to stop inflation its actions are already tending to stop the economy. According to the latest official economic reports, the nation's economic growth has ground to a halt. Yet, prices continue to climb at a rate in excess of 6%. That is not a formula for lowering the cost of living. Rather, it is a prescription for raising the prospects of recession and unemployment. There is, even now, a three-way squeeze of disappearing credit, high interest rates and ever-rising prices.

Other issues are emerging and will grow stronger unless there is action by the Administration to match words. It would be my hope, for example, that appropriate Senate committees will use their delegated powers to inquire fully into the abuses and inadequacies of the welfare system, into the costs of health and hospital insurance and into the sky-rocketing crime rates which, during the past year, have reached record levels.

Nor is the draft problem now to be laid aside because the system has been zeroed in on the 19 year olds. The system is no less antiquated, no less inequitable, and no less ineffective. In my judgment, it is time to rectify it or to get rid of it.

Vietnam has not yet disappeared as a matter of deep public concern: Nor will it disappear from the concern of the Senate, if the effort to bring about a final solution continues to drag on in Paris, while the drain of blood and resources goes on in Vietnam.

May I say again, that in the approach to these and similar issues, our responsibilities as Senators takes precedence over our political concerns. I do not mean to suggest, thereby, indifference to the Party's problems. What happens in the next election, to be sure, is of great concern. I am not disposed to see Democrats become a Senate Minority—if for no other reason than that this Government will then be left without an effective check on the present Administration.

In this connection I should note that your Majority Policy Committee, by unanimous agreement yesterday, directed me to announce that it is prepared to meet in the near future with Senate Democrats whose terms expire at the end of the year. These 25 Members constitute an excellent cross-section of the Party. For the most part they have just returned from visits to their States. They are, in the judgment of the Policy Committee, acutely attuned to the contemporary concerns of the people of the nation. Therefore, the Committee will seek their viewpoints in the context of contributing a constructive Senate opposition to the formulation of national policy during this session.

It is a small matter whether political credit adheres to Senators for playing a part in reshaping Vietnamese policy, in bringing about tax relief and reform and restoring a better balance as among domestic urgencies, foreign policy needs and defense requests or for other constructive acts. That is our job. However, blame will certainly attach to us—and properly—for any failure or faltering in doing the people's business in the Senate.

On that score, I wish to bring to your attention at this time a matter of particular concern to the Leadership. In my judgment, every effort must be made to avoid a repetition of last year's delays in the appropriations process. I know the Congress and especially the Senate was by no means the only source of the logjam last year. Nevertheless, the situation is one which I believe requires urgent attention

It is to be hoped that a permanent solution for the problem will eventually be devised. I am frank to state, however, that enduring reform of the fiscal process which still operates under an antiquated fiscal year concept is not yet visible. In the circumstances, the Democratic Policy Committee, on yesterday, authorized me to seek an interim adjustment. It is my intention to request a meeting of the Majority and Minority Leaders of the Senate with the Speaker and the Minority Leader of the House, together with the Chairman and ranking Member of the Senate and House Appropriations Committees in order to give prompt attention to this question. Thereafter another meeting may be requested—a meeting of the joint Congressional group with the Director of the Bureau of the Budget and, if deemed advisable, with the President.

All are involved in the appropriating process and all are potential sources of delay; the President and the Executive Branch, if the Administration's general statements and messages are not followed promptly by specific legislative requests and if special items continue to be added to original requests; the House which claims a Constitutional right of priority of action in appropriations bills; the Senate if it becomes bogged down in the procedural delays.

By taking this initiative at the outset of the session, it is the hope of the Democratic Policy Committee that the entire process can be expedited. If possible, it would be my intention to try to establish a tentative schedule of appropriations, from clearance at the Budget Bureau to final adoption of Conference Reports around Labor Day. I must caution, however, that the process, as I have indicated, is many-sided and completion by Labor Day may be an excessively optimistic objective.

To conclude, I would only reiterate my view that Democratic Senators will put above all else the interests of the United States and our primary Constitutional responsibilities as Senators in the United States Senate. This is going to be a difficult year for the party—I make no bones of it—but that principle, in my judgment, will be upheld. That I have tried to do since this Conference first selected me to the Leadership of the Senate. That I will continue to do as long as I occupy this Chair. So far as the Democratic Majority is concerned, this will not be a political session. It will be a practical session, a progressive session, a productive session.

ORDER OF BUSINESS

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDENT pro tempore. Without objection, it is so ordered.

APPROPRIATIONS FOR THE DEPARTMENTS OF LABOR, AND HEALTH, EDUCATION, AND WELFARE, AND RELATED AGENCIES, 1970—CONFERENCE REPORT

The PRESIDENT pro tempore. The Chair lays before the Senate the conference report on H.R. 13111 and reminds the Senate of the time limitation and that it will vote on the report by 2:30 p.m. today.

The Chair is now ready to recognize any Senator who desires to speak on the conference report.

Mr. MAGNUSON. Mr. President, a parliamentary inquiry.

The PRESIDENT pro tempore. The Senator from Washington will state it.

Mr. MAGNUSON. As I understand the pending order of business is the conference report on the Labor-HEW appropriation bill, H.R. 13111.

The PRESIDENT pro tempore. The Senator from Washington is correct.

Mr. MAGNUSON. And that we have 2½ hours for debate, the time to be controlled by myself and the distinguished minority leader, and that we vote at 2:30 p.m.

The PRESIDENT pro tempore. That is correct.

Mr. MAGNUSON. Mr. President, I have no one on this side who has requested to speak on the conference report, but the Senator from New Hampshire (Mr. Cotton) does have something to say. He is a distinguished member of the subcommittee and rendered literally weeks of yeoman service in the long, and complicated testimony that was taken. He has been a distinguished member of the HEW Subcommittee on Appropriations for a long time. He is, to my mind, one of the most knowledgeable persons in this field, and I would be glad to yield a portion of my time to the Senator from New Hampshire.

Mr. SCOTT. Mr. President, if the Senator will yield, since half of the time is allocated to me, we will have some requests for time beginning with the distinguished ranking member of the subcommittee, the Senator from New Hampshire, the distinguished assistant floor leader, the Senator from Michigan, and, I believe, the Senator from California, and other Senators who want an opportunity to be heard.

We are ready to proceed.

Mr. MAGNUSON. Mr. President, the point I am making is that I think we will be able to accommodate any Senator who wishes to speak on this subject. I would be glad to yield some of my time.

The PRESIDENT pro tempore. We are now in the allocated time.

Mr. MAGNUSON. Mr. President, I yield so much of my time as he may desire to the Senator from New Hampshire.

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The PRESIDENT pro tempore. The Senator from New Hampshire is recognized.

Mr. COTTON. Mr. President, I thank the distinguished Senator from Washington, the chairman of our subcommittee, for his kind words.

It seems appropriate that I should accept the time from the chairman of my subcommittee rather than from the leader on this side of the aisle because of the position I find I will take on this conference report.

Mr. President, I am perfectly aware of the fact that there is very naturally a feeling on the part of a considerable number of Senators that they must oppose the adoption of the conference report because of the supposed and impending veto by the President of the United States. They have the feeling that a vote to adopt the report would in some way indicate their position on any veto which would come before the Senate.

In my own case, Mr. President, I do not take that position.

As the senior minority member of the Subcommittee on Health, Education, and Welfare Appropriations, I served throughout the hearings. In fact, I believe that the distinguished chairman of that subcommittee, the Senator from Washington, and I were perhaps two that had to be present and were present over many weeks of hearings.

At the end of those hearings our subcommittee reported a bill to the full Committee on Appropriations. I did not agree with all of that bill. I felt there were some soft spots. Curiously enough, I am not sure that the spots I had in mind were the same ones that the President considered soft. However, I participated in the report of the subcommittee to the full committee. I participated in the action of the full committee in reporting the bill to the Senate. And I served as a conferee on behalf of the Senate in considering this bill. It was reduced in conference, not as much as I would have liked in one particular detail, and because of that, I withdrew my signature from the report.

Nevertheless, having participated on the subcommittee, in the full committee, and in the conference report, I feel that I would be highly inconsistent if I did not vote to adopt the conference report. And that is my intention.

I want to make it very clear, however, that in casting that vote I am in no way indicating what my position will be in the event the President should veto the bill. And it is not an indication that I will not support the President if he does veto the bill.

Mr. President, I can continue to talk and use up considerable time and say no more than that. It is a fact—and I want to make this clear—that I feel certain provisions in this bill are excessive. However, also contained in the bill are some of the most necessary expenditures in the whole appropriations picture of this Government.

I also feel that while we could have produced a bill with greater economy, it is impossible for any five men, six men, or 20 men sitting on a committee to agree on what particular point should be involved in the cutting of the appropriation. And the appropriating process, like the process involved in all legislative actions, consists of a series of compromises and agreements.

We on the committee agreed on the bill. We carried it to conference. We agreed on the conference report. I shall support it. I shall support the adoption of the conference report without amendment. And when and if the time comes, to determine the position on a Presidential veto, then the determination can be made.

I merely want to make it very clear that in voting to adopt the conference report, I am not indicating in the slightest degree that I do not intend to support my President if, when the time comes for him to exercise his function, he feels that he must veto the measure.

That is all I want to say. That is all I need to say at this time.

I thank the distinguished chairman of the subcommittee for yielding this time to me.

Mr. MAGNUSON. Mr. President, on yesterday and on December 22 and 23, when we had a great deal of debate on this bill there was considerable discussion about the largest item, the increase over the House bill and the increase over the Budget recommendation for that specific item, not the total Budget recommendations, for impacted areas. And I hope the Record will be clear that both the Senator from New Hampshire and I stated on the floor over and over again that we were concerned about this item, too, and that probably there should be a change in the basic formula, because it involves one of the biggest items in the bill. But any changes in the basic formula for Public Law 874 should be by legislation, and not Presidential unilateral action.

The Senator from Colorado proposed an amendment to increase the amount over the House amount. And the Senate agreed with him. The Senator from New Hampshire and I suggested that this was an item on which we felt we had to appropriate the amount of money involved, including a vote for the amendment of the Senator from Colorado, but we felt that there should be a change in formula.

I suggested yesterday in what few remarks I had to make, that if the President and the administration feel the amount is too large, then what they should suggest is that we amend the legislative act. This is what we call a noncontrollable item, and it cannot withhold.

The Senator from New Hampshire and I, if I recall the Record correctly, suggested—and we heard from other members of the Health, Education, and Welfare Subcommittee—that this is an item that we should take up in a legislative way, but it cannot be changed by saying, "We are not going to appropriate money, when the law exists." We were concerned about that very much.

The Senator from Colorado even had an amendment to increase it by $60 million. It was increased in the House from the budget figure. The House figure was $600 million. That is one of the biggest dollar items in this bill that the conference committee and the House agreed to.

Mr. President, I want the Record to be clear that the Senator from New Hampshire has been very consistent about this one item. I do not know what the Senate wants to do about Public Law 874, but they voted for the bill and this item almost overwhelmingly. The Senator from New Hampshire and I did not have much choice in the matter as long as the legislative mandate exists.

Is that not correct?

Mr. COTTON. Yes, it is correct, but I would go further than that.

The matter of funds for impacted areas, as every Senator knows, has been the subject of long controversy. I would not hesitate to assert that probably there is not a Senator in this body who is familiar with the formula and the history of these funds, who would say that the formula is or ever was a fair, equitable, and workable formula, or who would disagree with the statement that it has come to be out of adjustment. I think it is generally agreed that this subject should be reviewed legislatively and that the question of impacted area funds must be overhauled. It cannot be done by the adoption of a conference report.

(At this point, Mr. Eagleton obtained the chair.)

Mr. MAGNUSON. We cannot do it in an appropriation bill.

Mr. COTTON. We cannot do it in an appropriation bill. That is generally agreed. However, there is one thing I am confident almost every Senator who reads his mail understands. That is that there is one reason why our people back home in the States that we represent feel very deeply and very passionately about impacted area funds. The reason is that those funds are practically the only funds of any magnitude whatsoever, that go into the school districts of this country to be used as the people in those school districts want to use them and for purposes that satisfy their needs. Practically all the rest of the funds in this huge bill that go to education are under the supervision and the control of the Office of Education in Washington.

Because of that, I am sure that whatever bill is eventually passed—whether it is the bill on which we are acting today, or another bill—the Committee on Appropriations and the Senate will continue to see to it that there shall be impacted area funds.

As a matter of fact, it has been a source of some amusement, perhaps, if not puzzlement to me through the years. I have seen various Presidents of the United States proceed to cut out impacted area funds. Sometimes they have cut out school lunches, and sometimes they have cut out or reduced Hill-Burton funds, or some of the other sensitive areas. I think in most cases they did it with tongue in cheek. They well knew that Congress would promptly put those funds back in the appropriation bill because the people in the States would demand them. I do not say this with disrespect to any President, but they could say, "Well, it was the Congress that exceeded the budget and it was the Con-

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gress that was the spender. If they had followed my budget the appropriation would have been less."

Apparently the present President of the United States takes this matter seriously, and he may be laboring under the belief that if his veto is sustained—and in all probability this Senator would vote to sustain it—the impacted area funds would be cut to the point he recommended in his budget and the increase in Hill-Burton funds would be modified. I think probably we have news for him because in any continuing resolution or in any other bill that should be prepared by our subcommittee and the Committee on Appropriations and sent to the President I predict Senators would find impacted area funds included.

Those are the facts. I would hope, and I join in the hope expressed by my distinguished chairman, that we could review this matter carefully—not by the Committee on Appropriations, because we do not have that power, but in a different forum. I would hope even more fervently that if there is going to be a situation of tax sharing, then there would have to be some compensating factor or else we would break the Treasury. I hope any compensating factor would provide that from that time on there would be some matching, not necessarily 50–50, but a substantial matching of funds by the States and local subdivisions on programs. I know I am perhaps indulging in fantasy and vain hope, but if that could be done, it would be the people back home who would determine priorities and not the Congress, not the Bureau of the Budget, not the White House, not the Secretary of Health, Education, and Welfare, because if the States were matching such programs as they desire to match, and with some Federal tax money returned to them to use for their purposes, they could select those programs they believe vital and necessary. They could determine the priorities and when the money was spent, it would be spent more frugally, efficiently, and effectively because it would be spent nearer home.

There is one thing I wish to add that is unusual, and in this I am not in disagreement with my distinguished chairman. It has been a privilege and pleasure to work with him. I know of the time, dedication, and effort he puts into this matter. I know of no man in the Senate who has greater knowledge of these matters and keener and more perceptive in dealing with them. But some remarks were made on the floor yesterday about how much the committee and the bill cuts the President's recommendations. That is true in one sense, but it is true as an overall figure. It should be remembered, however, that in one fell swoop we obliterated from the bill advance funding for 1971. If my memory serves me correctly, that was $1.2 billion. That was in the President's recommendation. It was a big cut and made up for additions in many other areas.

I would also like to say that I was most reassured and very happy when the people in the administration indicated in letters to many of us—I suppose to all Senators—the points on which the President found himself in disagreement with the bill as reported in conference. Apparently the President agrees with us that the small, 10-percent average increase over fiscal 1969 that we adopted in the case of research for the various institutes of health—heart, stroke, cancer, and other research—was not one of the points with which the Executive disagreed. So we are not so far apart.

I say again, let us deal, if we must, with a veto message when the veto message comes. As far as the conference report is concerned, I believe at least those of us who served on the committee of conference and supported the conference report are honor bound to support it on the floor. That is what I shall do, without any indication whatsoever that I do not intend to support my President in such action as he may feel he must take afterward.

Mr. MAGNUSON. Mr. President, I yield myself 2 minutes.

I think we ought to clear up the impacted area matter a little more. The administration sent up a budget request for $202 million, for all titles. The House increased that item to $600 million, by a vote of 293 to 120 on the so-called Joelson amendment. The Senator from Colorado then asked the Senate to increase it, and finally we agreed to vote for a $60 million increase, which made it $660 million. The budget request was $202 million for impacted areas. So it became $660 million in the Senate, but in conference it was cut back to the House figure of $600 million.

I want to say to the Senator from New Hampshire that I did not get any letter from the President of the United States. I do not know what specific items he is objecting to. I have not found a Democrat who received a letter from the President.

Mr. COTTON. If the Senator will yield, I do not know of anyone who got a letter from the President.

Mr. MAGNUSON. Or communication.

Mr. COTTON. But we received a communication from people in the Bureau of the Budget or from people who could be said to be in the President's confidence, but no direct communication.

Mr. MAGNUSON. That is why I was eliminating him. I did not receive any letter, but I understand, from people who are in the confidence of the President, that one of the main items he is objecting to is the impacted areas item. That amounts to less than one-half of all the money added for items by the House or Senate.

It is a kind of strange situation when the House voted 293 to 120 for $600 million, and then the Senator from Colorado wanted to add $60 million more, and the vote in the Senate on amendment of the Senator from Colorado was 73 to 9.

The Senator from New Hampshire and I still suggest that we should change the formula by legislative act. When the Senate votes 73 to 9 to increase even the House figure, which was $600 million, and that item accounts for about 35 to 40 percent of the whole matter we are talking about here, it is obvious how the Congress feels. The vote in the House on impacted areas was nonpartisan and it was nonpartisan here in the Senate. So this is a procedure that is a little strange.

As I have said, I have not received any letter or communication from the President. I am not in his confidence on this matter, I guess, although I am chairman and am handling the bill. I understand this is one of the main items to which he objects, and the Senate voted 73 to 9 to increase the House figure of $600 million, which was about $400 million over what the budget suggested. This to me is a very strange procedure.

If Members of Congress who wanted impacted areas aid voted for it in that strength, I would think they would vote against a veto, because, in round figures, this item is 40 percent of the whole amount. The rest of the differences with the President are in smaller amounts.

As the Senator from New Hampshire said, the administration may not be objecting to the increase for research. So what we are talking about in the bill is objection to very few items. One is impacted areas, which was voted for in the Senate by a vote of 73 to 9. I do not know whether the two Senators I see right now voted for it or not, but I will look at the RECORD——

Mr. PEARSON. I voted for it.

Mr. MAGNUSON. The Senator from Kansas voted for it. The vote in the House was over 2 to 1. So, naturally, the Senator from New Hampshire and I said, when we went to conference, "The Congress wants this."

I understand the second item—again, I get my information secondhand—is the amount of money we provided for Hill-Burton hospital construction, which the House agreed to overwhelmingly and which the Senate agreed to. Now some Members of Congress are saying, "We did not mean it."

With respect to the other items, one by one, I know that the administration has been opposed to our additions—and I have the figures here—amounts for education of deprived children under title I ESEA. $170 million over the budget estimate was provided. Another item is supplementary education centers, $48 million. Another item is library resources and community services.

The Budget sent up a request of zero for library resources. I think one of the prime needs in the country, particularly in primary-secondary education, is that very item, and we added $50 million.

There is a relatively small sum, $30 million, provided for equipment and minor requirements. All of these contained within a $312 million increase for elementary and secondary education. Then there is the item for impacted areas, $398 million, which I have already discussed. Another item is an increase, to which the House and Senate agreed, for Hill-Burton hospital construction, of $104 million. The last large item of disagreement with the President's budget is vocational education, where we have added $209.5 million.

This is what we are talking about. But it seems to me a little strange, when the Senate voted 73 to 9 for the provision for aid to impacted areas it is criticised so much. The Senator from New Hampshire and I were rather lukewarm on that one, because we thought the formula ought to be changed. The Senator from Florida knows that we discussed that in committee.

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Mr. HOLLAND. Mr. President, will the Senator yield?

Mr. MAGNUSON. I yield.

Mr. HOLLAND. The Senator from Florida feels very strongly that the formula should be changed, and he thinks it is a complete injustice that counties like Montgomery, Prince Georges, and the counties adjoining the District in Virginia are included in this provision, when they simply have civilian employees of the United States who own their own homes and pay their own taxes. Those counties are still included in this bill.

Mr. MAGNUSON. Yes.

Mr. HOLLAND. But the State of Florida has two vitally affected counties, among others. One of them is Brevard County, where the Kennedy Space Center is located, and the other Okaloosa County. Actually, there are three counties in that latter area: Santa Rosa, Okaloosa, and Walton; but Okaloosa is the principally affected one. That is where Eglin Field is located; and Eglin Field takes about half of the area of Okaloosa County off the tax rolls, and contributes about 50 percent of the children to the public school system of Okaloosa County.

Brevard County is already hard hit by the cutting down of the space program—though the formerly employed people are still there, and their children are still there. So those two areas very greatly need the help under this program.

I will join with my friend from Washington and others in revising what I regard as a much too-broad provision of the impacted areas act.

Mr. MAGNUSON. The interpretation of it.

Mr. HOLLAND. But I am not going to strike a blow—and it would be a very hard blow—against the chance for an education of several thousand children, particularly in those two counties of Florida by turning down this bill. Others are adversely affected, but those are the two main ones in our State.

Mr. MAGNUSON. That is right.

Mr. HOLLAND. The Senator from Florida also has very strong feelings on the hospital construction matter. We are a State which is growing with exceeding rapidity. We have more people who want to get in hospital beds than we have beds. We have areas crying out for hospital construction. I feel this is a field which should not be ignored and cannot be responsibly ignored at this time.

I have been very plain in my discussions of this bill with the Senator from Washington. There are items in this bill which I would have liked to have seen decreased. The question now is, having cut other budgets covering other agencies in an amount vastly greater than this, and having already made a cut in the foreign aid bill which is an offset——

Mr. MAGNUSON. Almost to the dollar.

Mr. HOLLAND. Almost to the dollar for this increase, I am not willing to see very worthwhile and necessitous objectives set back. We are already set back too far, because by the time this bill can be passed and made operative, the fact is that we will have probably only 4 to 5 months remaining in the fiscal year.

So the Senator from Florida, with some reluctance—and the Senator from Washington knows this is the case—finds so many necessitous items in this bill, so many items that are required if the present needs of our population are to be served, he is certainly not going to vote to turn down this conference measure.

Mr. MAGNUSON. It is a small amount in the bill, but for a pretty important objective—and I see the Senator from New Mexico is here—we added $15 million for bilingual education. There are several million youngsters to be served.

Mr. MONTOYA. 3 million youngsters.

Mr. MAGNUSON. 3 million youngsters in this country who need this special assistance, so that they can take full advantage of their schooling.

Mr. MONTOYA. That is right. Those youngsters are handicapped, because when they go to school they cannot speak the English language.

IS THE ADMINISTRATION USING LIVES TO BALANCE THE BUDGET?

Mr. President, President Nixon has announced his intention of vetoing the pending HEW-Labor-OEO Appropriations Act if Congress adopts it in the form approved by a conference committee. The President bases his opposition on increased inflation he claims would be caused by funds added by Congress to the amount he asked for.

Certainly we added $1.262 billion. Most of it, $919 million, was added to the Federal contribution for support of America's public schools. Moreover, I see no reason at all for cutting such an essential expenditure, and if the President, in his wisdom, does veto the measure, I shall vote to override that veto.

President Nixon's own Commissioner of Education, James E. Allen, Jr., recently expressed public dissatisfaction with education's place among the Nixon administration's domestic priorities. A 50-member urban education task force appointed last year by Secretary of Health, Education, and Welfare Finch has recently recommended a $5 to $7 billion annual increase in Federal funds for urban schools. Congress has sought to respond to an increasingly acute crisis through such added funds. Now the President responds to such an urgent situation by holding the sword of a veto over the head of our Nation's children. It is terribly sad to see such shortsightedness on the part of an administration.

Local school districts are now taxed to the absolute limit, as voter rejection of larger numbers of school bond issues shows. Federal spending for public schools dipped in 1969, according to the National Education Association. Yet such signals are ignored by the administration.

How can we pour $30 billion annually into Vietnam and cut our schools and health expenditures? How can we subsidize some already oversupported elements of America's business community, yet shortchange our children? How can we assume so many costs around the world while ignoring health and education needs?

In my own State of New Mexico, such a veto would immediately deprive our schools of $8.4 million in funds for education. Federally impacted areas would be struck a body blow, and such areas are many all over the west.

The cut in medical research and health funds is an equal tragedy, for such slashes hurt twice. Once in immediate losses, and again in terms of long-reaching effects that will be felt for years. Research teams are being broken up, as relatively modest Federal backing is cut or withdrawn. Medical research, medical school faculty salaries, and aid to medical students is being hamstrung. Laboratory animals will be sold or destroyed. Invaluable files and research results will be lost or disposed of. Close working relationships will be broken up. Demoralization is already setting in across the land in the ranks of researchers, faculties and students. Early reports are reaching us of the first such signs of this.

Every major educational, medical, hospital, dentistry and public health association in America has joined in begging the President to refrain from exercising his veto on this measure. A spokesman for the National School Boards Association has predicted that some schools will have to close their doors early or drop programs—which could force dropout-prone, less motivated students onto our streets, creating problems in every American city.

In health the picture is as gloomy, as leaders in this area have assured us we will be unable to train the 70,000 additional doctors the Nation requires. How can the administration use lives to balance the budget?

One example that immediately comes to mind is Government's failure to provide some $40 million to train workers in coronary care units in our hospitals. This could mean that 50,000 people might die in the next 12 months who need not perish.

The last time a President of the United States vetoed a major education measure of this type was in 1859, when President Buchanan did so. We all know President Nixon is a compassionate man with decent instincts. I fervently hope his compassionate feelings will overrride reasons he has given recently as grounds for threatened veto of this measure. If not, then America will have totally turned its order of priorities around in the past year.

Each of the three American scientists who recently participated in the winning of the Nobel Prize for Medicine have had their research funds cut by the Federal Government. Dr. Max Delbruck, of California Institute of Technology at Pasadena, has his funds cut 8 percent. Dr. Alfred D. Hershey, of the Carnegie Institution of Cold Spring, N.Y., had his funds cut 10 percent. Dr. Salvador E. Luria of MIT lost 9 percent of his money for research.

Mr. President, such facts speak for themselves. In addition to cutting aid to education, libraries, hospitals, Job Corps, OEO, conservation, antipollution moneys, and funds for acquisition of new national parks, the President now seeks to cripple basic areas of endeavor essential to na-

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tional well-being for years to come. We must prevent him from doing so. Our duty as Senators is clear. We must override any Presidential veto.

Under the Bilingual Education Act, which the Senator from Texas and I sponsored here, we would be able to give, under this program, instruction to children before they started in the first grade, so they could be on a competitive level with their counterparts in the educational system. I think this is sorely needed. We have had some very good pilot programs, and this kind of instruction has proved itself out. HEW is for it, and the educators who have tried it are for it. In fact, other educators throughout the country are copying it.

I commend the Senator from Washington, because he was very sympathetic to this particular program, as well as to other educational programs. In fact, I do not think there is a valid, credible, logical argument for saying that this expenditure for education is inflationary, that it feeds the fires of inflation. I do not think so. I think that uppermost in our minds should be whether or not we are going to establish education as one of the top priorities in this country; and I think that we have ample room here to justify this additional expenditure, in view of the fact that we cut expenditures in the defense budget, we cut foreign aid, and we cut other programs that do not relate to our domestic priorities. That is what the Senator from Washington and his subcommittee were doing, and that it what we were aware of when the full Appropriations Committee acted upon this bill.

I think that Congress itself has reacted similarly in giving an overwhelming vote to this appropriation. I commend the Senator from Washington.

Mr. MAGNUSON. May I, right at that point, state for the RECORD that the vote on final passage on this bill in the Senate was 88 to 4.

Mr. MONTOYA. That is right. I am hopeful that the President will realize that education should have a top priority in this country, and that this expenditure is in proper order, because the representatives of the people—those in the House of Representatives and we here in the Senate—have spoken for and on behalf of the people and the educators of this country, who sorely need this Federal funding to upgrade the school systems.

We need this type of money. We need to imbue our local systems with Federal moneys, because school bond issues have been going down the drain. The taxpayers at the local level are overburdened with taxation to support their school systems, and it is up to us to establish this as a top priority, and to give it due consideration, as we are giving it in this bill, and I commend the Senator from Washington because he was the great leader in this movement to put education in the forefront.

Without a good, healthy educational system, America will retrogress, and many of our individuals, many of our children, will be dropouts, and they will continue in that cycle of adversity—of economic adversity, if you please—unless we do something for them.

Mr. MAGNUSON. I thank the Senator for that contribution. I wish to make it clear again that I gather this, though I have no direct word from the administration, that the main objection is we are above—and when they say "above," I do not know; above what? Above a budget estimate originally sent up, and then a dozen or more amendments afterward, changing their minds clear up until November?

It is a little like when I was handling the truth-in-packaging bill. We said that they should stop the practice, in retail stores, of permitting the marking of goods "10 cents off," when one could ask the question, "Off from what?"

It is the same way with this matter. Off the budget, yes. We were not off from the budget at all. If you include the $1.226 billion that they asked for forward financing on title I of ESEA, which I agreed to. As a matter of fact, the total budget request for HEW—and I hope these figures will be stated completely in the RECORD; I wish I could capitalize them—was $19,834,125,700 for all these functions; and the total appropriation in this bill, the current total, is $19,747,153,200, or $86,972,500 under the request of the administration.

But we shifted the priorities. What did this shift include? We took money from one thing and we put it in the Hill-Burton program—$104 million more than the budget. In the NIH training grants and research we put $56 million, but I understand they are not objecting to that, and I hope that is true. We did more for health manpower, we added $16,449,000.

The next big item was $312 million for elementary and secondary education, which includes the bilingual libraries, guidance, supplementary centers, title I and many other matters. Impacted aid, $398 million and higher education, direct student loans, $67,100,000.

The last one is vocational education. That is $209 million.

Those items are approximately 85 to 90 percent of what we are talking about. If there is any need in this country in the whole spectrum of education, it is for vocational education, and not one person who testified before our committee suggested that we cut back on vocational education. That is what this is all about.

We understand that there is not too much argument about the rest of it. At least, I hear this.

It is a very strange thing that is happening to the impacted areas program, for which the Senate voted 73 to 9. That is a strange political switch. The Senate voted 73 to 9 to increase aid to impacted areas, and then the suggestion is made that we turn around and say we did not mean it. The committee thought the Senate meant it, and when we went to conference, we came out with the House figure. That is a substantial increase over the President's budget.

The vote in the House on this bill, which is substantially the same as the Senate—was 293 to 120. The teller vote on the amendment I mentioned was 242 to 106, and the vote in the House on the conference report December 22 was 261 to 110.

Mr. MONTOYA. Mr. President, will the Senator yield?

Mr. MAGNUSON. I yield.

Mr. MONTOYA. As the Senator well remembers, I introduced the amended continuing resolution in the Senate.

Mr. MAGNUSON. The Senator is correct.

Mr. MONTOYA. And 47 Senators joined in cosponsorship of that joint resolution with me, indicating to me that there is an overwhelming sentiment in this body for the additional funding for educational purposes such as are provided in this bill.

Mr. MAGNUSON. The continuing resolution in many cases provided much more than the President's budget.

Mr. MONTOYA. The amended continuing resolution provided the type of funding that is now in this bill.

Mr. MAGNUSON. The word "inflation" is used a great deal, and every Member of this body is concerned. There may be some objections about how we go about fighting inflation.

Apparently, the economy is not getting any better under some of the procedures that have been going on. No one has made a move on tight interest that is causing so much trouble in this country. If somebody does not change some direction in this case soon we are going to have a recession. Under the Eisenhower administration we had a couple of them, but they called it a rolling readjustment. But when you are out of a job, it is not a rolling readjustment. Unemployment is rising, and perhaps you can have deflation without some unemployment.

But when you suggest to the American people that it is inflationary when you do something about the training of people for the health care of the American people, so that we have more trained people available, I think you are off on the wrong track.

The reason for the inflationary prices, the tremendous rise in hospital costs, medical costs, and clinical costs is the lack of trained personnel. They are hard to get, hard to find, and hard to train. There is a shortage of at least 50,000 doctors and I do not know how many dentists. If you do not believe it, try to get an appointment with a dentist. You will stand in line. There is a shortage of technicians and clinicians of all types in health care. A great number of the poor in the country are sick, and they are sick because they are poor, and they do not get adequate health care.

When you talk about inflation, you had better specify your direction. The inflationary cost of health care in this country is due to the fact that we have not paid attention to personnel and health manpower. Here we are talking about an amount of money that is less than one-hundredth of 1 percent of the gross national product. I think we can afford that.

Mr. GRIFFIN. Mr. President, may I inquire as to the time remaining?

The PRESIDING OFFICER. Seventy minutes to the minority leader or his designee and 28 minutes to the Senator from Washington.

Mr. GRIFFIN. Mr. President, I yield 5 minutes to the distinguished Senator from Nebraska (Mr. HRUSKA).

Mr. MAGNUSON. Mr. President, will

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the Senator yield to me for a minute, for an observation, on my own time?

Mr. GRIFFIN. I yield.

Mr. MAGNUSON. I am now the recipient of the message from down below. I just got it. It reads:

> DEAR WARREN: I enclose a copy of a letter, with enclosure, relating to the HEW bill, which Bryce Harlow has sent apparently to Republican Members of the House and Senate, because this particular letter was addressed to a Republican Member, and called to my attention by a friend of mine.
>
> This is a most unusual letter, (1) that before a bill reaches the President, that he announced it is going to be vetoed, and (2) that the announcement is made apparently to Republican Members by Bryce Harlow, Counselor to the President.
>
> I thought you would be interested to receive the copy of the enclosed letter.

I am about to read it—to myself.

Mr. GRIFFIN. Mr. President, I yield 5 minutes to the distinguished Senator from Nebraska.

Mr. HRUSKA. Mr. President, I intend to cast my vote against the adoption of the conference report on H.R. 13111.

I urge my colleagues to join in this opposition.

Not because we have less confidence in our conferees, for they have done a magnificent task in preserving the essentials of the Senate's wishes. Not because we have lost faith in the members of our Appropriations Committee, for I can attest to the long, serious consideration they gave each and every item in the bill that was before them.

Rather, we should reject the conference report because new facts are now available and we are faced with a different situation from which existed in mid-December. It would be the height of irresponsibility to hold a previous position when we now know that position to be faulty. It would be even worse if we acted out of some mistaken notion of partisan advantage. The situation at hand is far too grave for that.

These new facts include the following points:

The conference report seeks to appropriate amounts totaling about $1.3 billion over and above the budget figure requested by the President.

This increase would be inflationary. It would badly impair the President's fight against inflation.

Many of these increases provide excessive, misdirected, and low priority expenditures—expenditures that can be deferred.

The President has said that he will veto the bill in its present form. His decision is not capricious. Nor does it follow any pattern of antagonistic response to the Congress. On the contrary, he has accepted legislation passed by this Congress even though he had strong reservations about some aspects of several bills which he signed into law. He has been moderate in his comments about the product of our first session, even though our output has been tardy, and in some respects skimpy.

From a nearsighted partisan standpoint, President Nixon might prefer to see the bill stand as it is, since it appears to provide extra funds to some popular programs. We can be very sure that the President's decision to veto is not based on any shallow political considerations.

We should consider very seriously, then, why the President—who is a consummate political, as well as a great President—has publicly decided to take this politically unpopular course.

The answer is not hard to find. If this report is approved here, the President will veto it because his conscience requires him to do so. He will veto it because it runs counter to the higher priority he has placed upon his many-faceted efforts to stem inflation; and to get the most out of every dollar spent. He must take the responsible road, regardless of the political consequences.

The fight against inflation is as difficult as any which this country has ever faced. If it is not won, we will devour ourselves as a society and as a nation. The conference bill would be a serious setback in this battle.

In attacking inflation, the President is not singling out the field of health, education, or welfare. He has taken progressively stronger actions in similar fashion to correct a situation not of his own making. One of the major efforts in these actions is to reduce the inflationary fuel of Federal expenditures.

He has drastically and substantially cut back in the military.

He has reduced the popular space program.

He has slowed the pace of Federal construction.

He has urged both labor and industry to be responsible in their actions, as to wages and prices.

He is in the process of taking new and drastic steps to reduce even further the Federal budget requests for fiscal year 1971.

And he seeks now to oppose the excessive, in some instances, low priority items in the conference report now before the Senate.

Each of these actions is bound to be unpopular with those who are adversely affected. Some of them, I am sorry to say, have been frustrated or mitigated by the actions of this Congress.

Mr. President, it is submitted that we cannot let the President of the United States stand alone in this fight. We should have the understanding and the courage to act for all the people and for the good of the whole Nation. I, for one, do not intend to desert the President on this crucial issue.

Mr. Nixon was nominated by the Republican Party to be our President, and to carry out the programs and principles enunciated in his party's platform.

The people found that platform to be in concert with their wishes, and the election of Mr. Nixon was the result.

Among other things, the Republican platform promised to "restore fiscal integrity and sound monetary policies." The President is working hard to do this. We can do no less, as members of his party, to support him in his efforts. I can do no less, as chairman of the platform subcommittee on fiscal policy, than to help the President meet our common pledge.

I have noted with interest that the platform of the Democratic Party also made a commitment to the objective of price stability. That platform points out that "price inflation hurts most the weak among us," a fact recognized by all, and specifically mentioned by the administration as a reason for the promised veto.

Thus Republicans and Democrats alike are committed to price stability and fiscal integrity, by their promises to the people who elected them. The President is calling upon us to honor those promises. He has put the fight against inflation in first place, so that our schools, and our hospitals and our needy, do not have to see their resources eroded by continually spiraling costs.

Mr. President, I voted for H.R. 13111 as it was amended by the Senate, and I make no apologies for that vote. The programs contained in the bill are necessary to the people in Nebraska, as they are to the people throughout the land.

Under other circumstances, I could in good conscience vote to increase many of those programs by very substantial amounts—those programs which are in the bill and which are in dispute in the conference report. The problems they seek to solve are still with us, and the President is as aware of this as the most experienced among us. The question is primarily one of timing, priority, and emphasis.

As the President has pointed out, inflation does its worst damage to those whom the bill is designed to serve. Having been apprised of the dangers and of the President's position, who among us is so cynical as to pretend that we are concerned about health and education, knowing that, in large degree, our actions are detrimental to those causes?

Mr. President, there is an alternative and it is the duty of this body and of the Congress to reflect on the issue before us.

We must avoid a disastrous confrontation with the President and seek instead to reach an accommodation. The President is a man of conscience and good will. We are a body of responsible men. I am completely convinced that some middle ground exists which will lessen the dangers cited by the President and at the same time permit the legislative will to be exercised.

I therefore propose, Mr. President, that the conferees be instructed to reexamine the conference report, in concert with whomever the President designates, with the objective of arriving at a mutually acceptable position.

With formidable legislative and executive prospects facing us in the coming year, we do not need—in fact, we cannot stand—the chaos and bitterness which will surely follow from any other course than to oppose the conference report.

Mr. GRIFFIN. Mr. President, I yield myself 10 minutes.

The PRESIDING OFFICER (Mr. SPONG in the chair). The Senator from Michigan is recognized for 10 minutes.

Mr. GRIFFIN. Mr. President, in passing judgment today on this conference report we must consider not only what is desirable and appealing, but what is practical, and what is in the best interest of the Nation at this particular time.

Viewed independently and separately, I

am sure that almost everyone could easily find some merit in each item and every part of this appropriation bill.

But it must be viewed as a whole, in light of priorities so far as the economy is concerned—and so far as education is concerned. It must be viewed in light of the importance of the President's determined effort at this particular point in history to contain the inflationary spiral.

There are compelling reasons why the Senate should reject the conference report, and why we should vote to sustain a veto if that should become necessary.

I take that position for three basic reasons:

First, the conference report calls for misdirected spending. The measure would spend too much in some areas; but of equal importance and concern is the fact that it would not spend enough in other areas.

Second, this appropriation measure involves ineffective—and possibly wasteful—spending, because the additional funding comes too late in the fiscal year, and in the school year, to be spent wisely, in some circumstances.

Third, the appropriation of $1.3 billion over and above the HEW budget request would be inflationary.

At the outset, it should be acknowledged that the conference report does appear to call for an appropriation of $16.725 billion for HEW, as compared with an administration request of $16.689 billion.

But those figures do not reflect an accurate picture.

The figure in the conference report was reached by dropping, entirely, $1.2 billion requested by the administration for advance funding under title I of the Elementary and Secondary Education Act.

This advance funding feature, requested by the administration, would have had no inflationary impact this year. It was, and is, a very important feature so far as school administrators are concerned—those who are striving to plan intelligently for the next school year.

To eliminate the advance funding feature requested by the administration, as the conference agreement does, is truly a serious blow to education unless the move was made for appearance's sake only. I believe the latter is the case—and, accordingly, no one should be fooled.

The record clearly demonstrates that this President is not only deeply concerned about education—he is very interested in a reordering of priorities in the field of education that will benefit particularly the poor and the disadvantaged.

During the 1968 campaign, President Nixon emphasized the importance of improving education at the elementary and secondary levels. In a CBS radio network speech on October 20, 1968, he said:

> Buildings, books, administration structures—all these are important. But everyone knows the key to learning is the gifted teacher. We must make a serious and comprehensive effort to rejuvenate the teaching profession at the elementary and secondary levels . . . For too long we have riveted our attention on the needs of higher education. Important these still are, but we must now turn more attention to the quality, effectiveness and requirements of classroom teachers from kindergarten through the twelfth grade.

In the same address the President also said:

> Effective programs already in operation . . . will be expanded as the need grows. When research indicates the desirability of new programs, they will receive support from my administration. All of us need to understand that perhaps our greatest deficiency today is in the teaching of remedial reading.

This deep concern of the President was reflected in the HEW budget he submitted to Congress last year. His budget request emphasized the need for new approaches and new techniques relevant to rapidly changing times.

For example, he requested $25 million to provide a testing ground for new teaching techniques and methods, particularly for remedial reading for children in the inner city.

While ordering huge increases in some areas of the bill which the President did not request, the conference report disregards altogether this request of $25 million by the President for a very important program for children who need help with remedial reading.

The report cuts $11 million from the President's request for education scholarships and opportunity grants—a cut that would deprive at least 20,000 students of needed assistance.

For the Teachers Corps, the measure provides $10 million less than the amount asked for in the President's budget.

Funds requested by the President for a highly successful dropout prevention program were reduced by $19 million—a reduction that will prevent any new programs from being started in this area.

Mr. President, I ask unanimous consent that a summary showing these reductions be printed at this point in the Record.

There being no objection, the summary was ordered to be printed in the Record, as follows:

Department of Health, Education, and Welfare

DECREASES IN HIGH PRIORITY PROGRAMS

National Institutes of Health

Nursing Scholarships—$4.8 million below the President's budget

Nursing scholarships are designed to assist qualified young people with serious financial needs to become nurses. Thirty-eight percent of nursing students come from families with incomes of $7,500 or less. As a result, at least thirty percent of students enrolled in nursing schools require financial aid to complete their education. Scholarship funds are of particular value in reaching minority and disadvantaged groups not now entering the nursing field in sufficient numbers. Yet in the face of this great need, the congressional reduction of $4.8 million represents a cut of 4,822 in the number of needy students who can be awarded scholarships for the 1970–1971 academic year.

Office of Education

Elementary and secondary education: Dropout prevention—$19 million below the President's budget

The decrease will confine this successful demonstration program to its present level of operations. It will not allow for (1) the initiation of any new projects, (2) the operation of programs for which planning funds were included last year, or (3) the normal expansion of existing demonstrations. The Administration proposed to plan 20 new projects, to make operational nine projects planned last year, and to expand slightly 10 projects now operational.

The purpose of this program is to develop and demonstrate educational practices that help to reduce and prevent dropouts in urban and rural schools having a high concentration of children from low income families and a high dropout rate.

There are almost 1,000 dropouts a year from the school system. Today, only about five percent of the jobs in this country are in the unskilled category. Each year that passes without the availability of a meaningful dropout prevention program increases this unskilled labor force, which will produce a large unproductive segment of the U.S. Labor market in the 1970's.

The Dropout Prevention program seeks to meet these problems. The program hopes to produce benefits, not only in dollars saved, but in effective utilization of our most valuable resource—our Nation's youth.

Teacher Corps—$9 Million Below the President's budget

The decrease in this program for improving the teaching of the disadvantaged will result in fewer new Corpsmembers than were supported last year. Although the total size of the Corps—which includes both new trainees and second-year members will remain the same, namely 3,479, the crucial number of new recruits will drop by more than 25 percent—from 1,500 last year to less than 1,100 this year. To capitalize on the effectiveness of this program, the Administration had hoped to increase the number of new Corpsmembers to 2,000 in 1970.

The Teacher Corps program is now a nationwide effort to improve educational opportunities for children in low-income families. It attracts college graduates and undergraduates to a two-year program of professional training and service in poverty areas. Teacher Corps programs are planned and administered by poverty area schools, local universities, and State departments of education. These programs provide special training for teachers in educating the disadvantaged child, and has been highly successful in retraining these persons in poverty areas. The program has been praised by a broad spectrum of public opinion as an effective way of improving the education of the disadvantaged.

Research and training: Major demonstrations—D.C. model school—$4 million below the President's budget

The decrease for this item will prevent any planned expansion of the project and will seriously impair the Federal Government's credibility with the community where major expectations have been raised.

This program, located in the District of Columbia, is a model of nationwide significance of what can be done to deal with some of today's urban education problems. So far, the program has focused on the improvement of basic reading skills and on increased community participation—a subject of great interest throughout the country. The additional funds requested—but denied—would have permitted the program to add teacher aides, special job training activities, in-service training of teachers and several other new components which had been carefully planned to phase in during the second year of the project. The problem of improving inner-city schools has received nationwide attention and recognition. Many have despaired of an answer and increasing turmoil in our schools and communities has been the result. This program was designed to serve as a model of what might be done in the way of constructive solutions.

Research and training: Experimental schools—$25 million below the President's budget

The elimination of funds for this program is a significant set-back for the improvement of educational practices. Although the

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Conference Agreement would permit planning activities to proceed within existing research resources, the lack of operational funds will delay implementation of the program.

The Experimental Schools program was developed in response to increasing reports of uncertainty about the pay-off on our larger educational assistance programs. Studies have shown that we do not know enough about which educational methods and techniques are really successful. Despite the expansion of research and development activities in education, there is still a need to test these discoveries in large-scale settings where an entire school or system of schools is involved. Under the HEW plan, proposals would be solicited from State and local officials. Rigorous testing and evaluation would assure improved education practices and substantial savings in the education dollar.

Social and Rehabilitation Service

Work Incentives Program—$9.6 Million Below the President's Budget

The Work Incentives Program will form the nucleus of the very essential training portion of the Family Assistance Plan. Cash assistance can be planned and carried out in a relatively short time, but an effective work and training program of the magnitude necessary for the success of the Family Assistance Plan, cannot be initiated overnight. We must ensure an expanding work and training capability in the States. This reduction of $9,640,000 which would have funded training in FY 1971, may very well mean that the program will expand by only the slightest margin in FY 1971. This would stifle the development of training capabilities in the States on the eve of the Family Assistance Plan.

Formula Grants to State Vocational Rehabilitation Agencies—$35 Million Below the President's Budget

The Vocational Rehabilitation State grant program (section 2) is one of the most successful in terms of serving people, and one of the most cost-effective in terms of returns on the Federal and State dollar investment. Rehabilitants return to the Government in increased taxes, many times the cost of their rehabilitation. The reduction allows only enough increase in 1970 to cover the statutory increase in the Federal share from 75% to 80%. It excludes further program increases.

Vocational Rehabilitation of Migrant Families—$3.5 Million Below the President's Budget

An adequate supply of migrant labor is crucial to much of our agricultural industry. The migrant labor population in this country has an incidence of physical and mental disability, far greater than that of the general population, and yet they are among the last and most difficult to be reached by rehabilitation services. This sub-group has simply not received its proportionate share of social services because of the many special problems involved. This program will be designed to deal with the special problems of the migrant family.

Juvenile Delinquency Prevention and Control—$5 Million Below the President's Budget

The 1969 appropriation of $5 million, primarily funded State planning activities and technical assistance to aid in the development of those plans. Most of the States are now ready to institute programs of prevention and rehabilitation based on the State plans. These action programs are most costly than planning activities and the full $15 million dollars requested is necessary to mount a meaningful program. We have begun an effort by thoughtful planning and raised expectations in the States. To keep faith with the States, we must provide adequate funds for implementation now.

Salaries and Expenses—$4.2 Million Below the President's Budget

The 1970 budget was prepared in a climate of severe restraint. With all of HEW's program responsibilities which grow yearly, the 1970 budget contained only one request for additional personnel—that was for the Social and Rehabilitation service. There were a number of proposals for reductions in personnel, but this was the only increase. The Secretary has determined that the agency cannot effectively do its job with the current level of staff. Such problems as Medicaid abuse and the planning and development of a new social service system to support the Family Assistance Plan simply must be dealt with.

Mr. MAGNUSON. Mr. President, will the Senator yield on my time for a point? I am sure that he wants to be correct.

Mr. GRIFFIN. I yield.

Mr. MAGNUSON. Mr. President, we added $15 million to the dropout program in the Senate. That is one of the things they were objecting to.

Mr. GRIFFIN. My information is otherwise.

Mr. MAGNUSON. Perhaps the Senator is privy to some information that I do not have.

Mr. GRIFFIN. Mr. President, what this boils down to, can be stated quite succinctly:

The refusal to approve these modest funds comes at a time when the Nation is spending $40 billion a year on its schools but is devoting less than one-half of 1 percent of that to exploring new ways to improve them. This figure should be compared with the 10 percent of the Defense budget which goes for research and development.

It concerns this Nation, we know too little about how to get more for our educational dollar.

Mr. President, it is also of serious concern that the funds provided in this bill above and in addition to the budget request are not likely in some instances to be spent wisely or most effectively.

This fiscal year began last July. The school year began last September.

When the planning was done at the State and local level for the school, it was based—or should have been based—on the level of Federal appropriations requested in the budget. Surely, no one can argue with the logic that a Governor or local school board had no right to expect and plan on the basis that Congress would appropriate 5 months prior to the end of the 1970 fiscal year $1.3 billion more than the President asked for in his budget.

Secretary of Health, Education, and Welfare Robert Finch, touched on this point in an appearance at the National Press Club on January 12. He said:

> When the budget goes into effect . . . you cannot possibly, constructively spend those dollars through the State and subsystems that you have to do, you can't hire teachers on that basis. You might be able to buy some good athletic equipment. A billion two is not going to be spent effectively in the final days.

It is also evident that some of the large increases have been made in areas which the administration feels should be reexamined. If we are to have fiscal responsibility, and I think most of us could agree, on that point this reexamination should be done if inflation were not a problem.

An editorial in the January 14, 1970, edition of the Wall Street Journal emphasizes this point. In commenting on excessive and misdirected spending in the HEW bill, the editorial notes:

> No matter how stable the Nation's economy, Federal spending should be related to need and outlays restricted to programs that have some chance of achieving results. And the fact is, of course, that the economy now is not stable at all.

Mr. President, I ask unanimous consent to have the Wall Street Journal editorial printed in the RECORD following my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. GRIFFIN. Mr. President, one of the more disturbing aspects of the increases written into the HEW appropriation is that they occur primarily in programs calling for mandatory spending. In short, these increases simply tie the President's hands.

Without discretion to impound appropriated funds, the President will be unable, in the face of new inflationary pressures, to cut or delay programs which could be postponed without detriment to the country's welfare.

I know there is some question of whether the President could be forced to spend money that he does not want to spend. But the President has obtained legal opinions from his advisers that, indeed, the special nature of the funds added to the Labor-HEW bill for education raises serious questions as to his authority to impound these funds.

In this connection, I would like to read a pertinent paragraph from one of two memorandums prepared by the Justice Department on this question:

> It is in our view extremely difficult to formulate a constitutional theory to justify a refusal by the President to comply with a Congressional directive to spend. It may be argued that the spending of money is inherently an executive function, and it seems an anomalous proposition that because the Executive Branch is bound to execute the laws, it is free to decline to execute them. Of course, if a Congressional directive to spend were to interfere with the President's authority in an area confined by the Constitution to his substantive control and direction, such as his authority as Commander-in-Chief of the Armed Forces and his authority over foreign affairs . . . a situation would be presented very different from the one before us. But the President has no mandate under the Constitution to determine national policy on assistance to education independent from his duty to execute such laws on the subject as Congress chooses to pass.

Mr. President, I ask unanimous consent that the Justice Department memorandums be inserted in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit No. 2.)

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. GRIFFIN. Mr. President, I yield myself an additional 5 minutes.

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The PRESIDING OFFICER. The Senator is recognized for an additional 5 minutes.

Mr. GRIFFIN. Mr. President, according to estimates I have obtained, about $1 billion of the $1.3 billion in HEW increases are considered of a mandatory nature. Some of the increases in mandatory spending under the formula grant provisions include:

For hospital construction $104.4 million under the Hill-Burton Act; the $398 million added for impacted school aid, and all but $17 million of the $209.5 million added for vocational education.

Mr. President, I ask unanimous consent to have inserted at this point in the RECORD a series of tables showing increases over budget requests in the areas of mandatory formula grants.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

MANDATORY FORMULA GRANT PROGRAMS RECEIVING INCREASES IN HOUSE OR SENATE

[Dollars in thousands]

Appropriation/activity	1970 budget	1970 House	1970 Senate	1970 final conference action	Increase over budget
OFFICE OF EDUCATION					
Elementary and secondary education:					
Educationally deprived children	$1,226,000	$1,396,975	$1,396,975	$1,396,975	+$170,975
Supplementary educational centers	116,393	164,876	164,876	164,876	+48,483
Library resources		50,000	50,000	50,000	+50,000
Guidance, counseling, and testing		17,000	17,000	17,000	+17,000
Equipment and minor remodeling		78,740	78,740	78,740	+78,740
School assistance in federally affected areas: Maintenance and operation	187,000	585,000	645,000	585,000	+398,000
Education professions development: Grants to States	15,000	15,000	21,500	18,250	+3,250
Higher education:					
Undergraduate instructional equipment			14,500		
Direct loans	161,900	229,000	229,000	229,000	+67,100
Facilities grants	43,000	76,000	200,000	76,000	+33,000
Vocational education:					
Grants to States	230,330	357,836	352,836	352,836	+122,500
Work-study		10,000	10,000	10,000	+10,000
Programs for students with special needs		40,000	40,000	40,000	+40,000
Research (State portion only)		17,000	17,000	17,000	+17,000
Consumer and homemaking education	15,000	15,000	20,000	20,000	+5,000
Libraries:					
Library services	23,209	40,709	40,709	40,709	+17,500
Construction of public libraries		9,185	9,185	9,185	+9,185
Education for the Handicapped: Preschool and school programs	29,250	29,250	34,250	29,190	−60
Total, Office of Education	2,047,088	3,131,571	3,341,571	3,134,761	+1,087,673
HEALTH AGENCIES					
Hill-Burton construction grants	150,000	254,400	254,400	254,400	+104,400
Community mental health center construction grants	29,200	30,500	36,200	31,500	+2,300
Health professions student loans	15,000	19,781	27,781	23,781	+8,781
Nursing student loan	9,610	15,110	17,610	16,360	+6,750
Grants to the States for public health services (314d)	90,000	90,000	100,000	100,000	+10,000
Total, health agencies	239,810	409,791	435,991	426,041	+132,231
SOCIAL AND REHABILITATION SERVICE					
Development of programs for the aging: Grants to States	13,000	[1]	20,000	13,000	
Total, HEW	2,353,898	3,541,562	3,797,562	3,573,802	+1,219,904

[1] Consideration deferred due to lack of authorizing legislation.

Mr. GRIFFIN. Any question but that an effort would be made to require the spending of the money should be dispelled by an article appearing in the Washington Post of January 7, 1970, dealing with this matter. In part, the article said:

> . . . it was learned that the Emergency Committee for Full Funding of Education Programs—which helped lobby the increases through Congress—is considering bringing a law suit to force Mr. Nixon to spend the money if he should decide to sign the bill or if Congress should override a veto.
>
> Charles Lee, a spokesman for the group, said he considered most of added funds to be indeed mandatory in character and believe the President could legally be compelled to distribute them. A suit brought by a state would go directly to the Supreme Court and could be settled rapidly, he said.

So we come down to this point. The needs of education and health services, however deserving, cannot be considered apart from the overriding problem of inflation.

As we are all aware, inflation is a clear and present danger. If allowed to go unchecked, it would render ineffective, if not meaningless, many of the objectives we seek in this and in other measures we have considered or will consider in this session.

The increases made in this conference agreement in the name of education ignore the fact that the schools themselves are among the chief victims of inflation.

According to the January issue of School Management, increases in school spending are being consumed by inflation.

On the basis of a survey of 1,000 school districts, the magazine reported:

> While many administrators complain bitterly, these days, about the adverse effect on education of the Nixon administration's tough anti-inflation measuers, the Cost of Education Index makes it abundantly clear that inflation itself is far more damaging than any of the attempts to bring it under control.

Mr. President, I ask unanimous consent that the entire article to which I have referred be printed in the RECORD following my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 3.)

Mr. GRIFFIN. Mr. President, moreover, a substantial amount of the increases are for construction items where the effects of inflation have had the greatest impact.

So, on this issue, we must consider, as the President has, the welfare of the entire country—not just one segment of it.

The vote on the pending matter will be of crucial importance in the President's determined effort to stem the tide of inflation and restore fiscal integrity in government. His sound position deserves our support.

Therefore, I shall vote against the conference agreement. If it becomes necessary, I also shall vote to sustain a veto.

EXHIBIT 1

[The Wall Street Journal, Jan. 14, 1970]

CONFRONTATION ON SPENDING

The Administration is determined to curb Federal spending, and many Congressmen appear to see profligacy as a virtue. A key confrontation between these points of view is shaping up later in the month.

At issue is the massive appropriations bill for the Departments of Labor and Health, Education and Welfare. President Nixon asked for about $19 billion, a substantial sum by any standards, but Congress decided to put up around $2 billion more.

When Mr. Nixon first threatened to veto the package, House-Senate conferees cut the total to $20 billion. The reduction, however, scarcely qualified as economy: The conferees achieved most of it by eliminating $1.1 billion of advance funding for fiscal 1971 educational programs, money that sooner or later must be appropriated.

Reasonably enough, the President figures this sort of change is no improvement and still promises a veto. So the forces are mobilizing on both sides of the battle.

"If the bill is vetoed, every effort will be made to override the veto," declares House Speaker John W. McCormack. "I hope the national interest above partisan interest will be displayed by Republican members if the bill is vetoed."

Well, we would hope so too. But is it really true, as some of Mr. Nixon's more virulent critics charge, that he is trying to economize at the expense of the nation's health and well-being?

HEW Secretary Robert H. Finch, who isn't known as a hidebound conservative, obviously doesn't think so. He notes that the bill would increase outlays on several educational programs that are "under a cloud" and should be re-evaluated.

He mentioned compensatory education for deprived children and Title I of the Elementary and Secondary Education Act of 1965, which provides extra money for schools in poor neighborhoods. The Office of Education currently is investigating reports that Title I funds have been widely misused. However great the need to attain the aims of such programs, it would make little sense to pour extra funds into the programs if they are headed in wrong directions.

Moreover, about half of the increase voted by Congress would go to schools in so-called Federally impacted areas, where Government employes may send many children to school but provide only limited tax revenue. This program has always been controversial, and surely could stand closer study before any expansion.

According to White House officials, the program in 1968 paid $5.8 million to Montgomery County, Md., which leads the nation's counties in per-capita income. At the same time, they added, a total of only $3.2 million went to the 100 poorest counties.

"In many cases these (impacted area) payments exceed the cost to local schools of educating Federal pupils," the White House statement continued. "In other instances the program enables wealthy districts to exert a lower tax effort than other districts in the same state."

No matter how stable the nation's economy, Federal spending should be related to need and outlays restricted to programs that have some chance of achieving results. And the fact is, of course, that the economy now is not stable at all.

Thanks to the Congressional spending attitude and the recent broad tax cuts, the projected Federal budget surplus for the current fiscal year is swiftly disappearing. The Administration promises a balanced budget for next fiscal year, but such a result obviously depends on the lawmakers' willingness to approve a wide range of tax boosts, hardly a sure prospect in this election year.

The upshot is that efforts to check inflation depend almost entirely on continuation of the Federal Reserve System's restrictive monetary policy. That policy, with its high interest rates and its uneven impact on the economy, is lamented by numerous lawmakers, few of whom seem to see that their actions have forced the Fed's hand.

It's worth mentioning, too, that the inflation is rapidly raising costs for the nation's educational institutions, just as it is elsewhere. Inflation also is making it vastly more difficult for states and localities to raise funds to finance new or expanded schools.

As Mr. McCormack says, the national interest should be the prime concern of the legislators, Democrats as well as Republicans. That interest won't be advanced by spending that is both excessive and misdirected.

Exhibit 2

December 1, 1969.

Hon. Edward L. Morgan,
Deputy Counsel to the President,
The White House,
Washington, D.C.

Dear Ed: Attached is a memorandum dealing with the authority of the President to impound funds appropriated for assistance to federally impacted schools. A memorandum dealing with other education programs is in preparation.

Sincerely,

Thomas E. Kauper,
Deputy Assistant Attorney General,
Office of Legal Counsel.

Memorandum

Re: Presidential Authority to Impound Funds Appropriated for Assistance to Federally Impacted Schools.

You have asked us to consider whether the President may, by direction to the Commissioner of Education or to the Bureau of the Budget, impound or otherwise prevent the expenditure of funds appropriated by Congress to carry out the legislation for financial assistance to federally impacted schools, Act of September 30, 1950, as amended ("P.L. 874"), 20 U.S.C. 236 *et seq.*, and Act of September 23, 1950, as amended ("P.L. 815"), 20 U.S.C. 631 *et seq.*

In July the House of Representatives, in adopting the Joelson Amendment to the Labor-HEW Appropriations bill, added approximately one billion dollars to the sum to be appropriated for various programs administered by the Office of Education. One of the largest increases was in the appropriation to carry out P.L. 874, which was raised to $585 million, nearly $400 million over the figure requested by the Administration and reported by the House Appropriations Committee. The appropriation for P.L. 815, on the other hand, is only $15,167,000, the same as that requested by the Administration.

The question arises whether, assuming that the appropriations carried in the Joelson Amendment are not significantly reduced by the Senate, the Administration is bound to spend the money appropriated. This memorandum considers the situation with respect to P.L. 874 and P.L. 815, particularly the former. In a subsequent memorandum we shall consider the situation with respect to certain of the other items in the Joelson Amendment.[1]

P.L. 874 authorizes financial assistance for the maintenance and operation of local school districts in areas where school enrollments are affected by Federal activities. Payments are made to eligible school districts which provide free public education to children who live on Federal property with a parent employed on Federal property (§ 3 (a)) and to children who either live on Federal property or live with a parent employed on Federal property (§ 3(b)); to those school districts having a substantial increase in school enrollment resulting from Federal contract activities with private companies (§ 4); and to school districts when there has been a loss of tax base as a result of the acquisition of real property by the Federal Government (§ 2). Where the State or local educational agency is unable to provide suitable free public education to children who live on Federal property, the Commissioner of Education is required to make arrangements for such education (§ 6). Major disaster assistance is authorized for local educational agencies under section 7 of P.L. 874. It should be noted that the $585 million provided by the Joelson Amendment is for assistance "as authorized by sections 3, 6, and 7" of P.L. 874. Consequently, no funding is provided for sections 2 and 4, and these sections need not concern us further.

Section 3 of P.L. 874 requires the Commissioner to compute the "entitlement" of a local educational agency under a formula, whereby, simply stated, the number of category A children and one-half the category B children [2] is multiplied by the local contribution rate for the school district as determined under section 3(d). The determination of entitlement is not entirely mechanical, for within fairly narrow limits the Commissioner has discretion in selecting the basis for his determination of the local contribution rate, and other provisions permit him to make favorable adjustments in entitlements under narrowly defined circumstances (§§ 3(c)(2), 3(c)(4), 3(e), 5(d)(1)).

Once a district's section 3 entitlement has been determined, however, the process of making payments becomes mechanical. Section 5(b) of P.L. 874 provides:

"(b) The Commissioner shall * * * from time to time pay to each local educational agency, in advance or otherwise, the amount which he estimates such agency is entitled to receive under this title. * * * Sums appropriated pursuant to this title for any fiscal year shall remain available, for obligation and payments with respect to amounts due local educational agencies under this title for such year, until the close of the following fiscal year." [3]

However, P.L. 874 does not constitute a promise by the United States to pay the full entitlement, for the statute contemplates that Congress may choose not to appropriate sufficient money to fund the program at 100% of entitlement. In such a circumstance section 5(c) provides that the Commissioner after deducting the amount necessary to fund section 6, shall, subject to any limitation in the appropriation act, apply the amount appropriated pro rata to the entitlements.[3a] (Since the Joelson Amendment provides no funding for sections 2 and 4, this would mean that after deducting the amount necessary to fund section 6 and, perhaps, constituting a reserve for possible application to section 7,[4] the appropriation would be applied to the payment of section 3 entitlements.)

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[1] This memorandum does not consider title I of the Elementary and Secondary Education Act of 1965, 20 U.S.C. 241a *et seq.*, which, although enacted as title II of P.L. 874, is usually cited as a separate statute and is listed as a separate appropriation item in the Joelson Amendment.

[2] The terms "category A" and "category B" refer to the standards for eligibility under subsections 3(a) and 3(b) respectively.

[3] This provision for continued availability beyond the close of the fiscal year conflicts with section 405 of the appropriation bill. However, we understand that HEW regards the obligation of the funds as occurring within the fiscal year, even though the precise amount due may not be ascertained until after the close of the fiscal year.

[3a] Thus, he would have no authority to vary this formula in order to provide fuller funding for category A entitlements at the expense of category B entitlements unless Congress were so to provide in the appropriation act.

[4] It is arguable that since the Joelson Amendment appropriates funds to carry out sections 3, 6 and 7, the Commissioner could set up a reserve for contingencies under section 7, disaster assistance. On the other hand, section 7(c) of P.L. 874 permits the Commissioner, notwithstanding the Anti-Deficiency Act, to grant assistance under section 7 out of moneys appropriated for the other sections, such funds to be reimbursed out of subsequent appropriations for carrying out section 7. Since the statute permits such application of funds allocated to carrying out section 3, it would be hard for the Commissioner to justify withholding funds from allocation on the basis of the possibility that they might be needed for disaster assistance.

XUM

In sum, whatever limited discretionary authority the Commissioner may have with respect to determining entitlements, section 5 does not appear to permit any exercise of discretion in the application of appropriated funds to the payment of entitlements. Since the $585 million carried in the Joelson Amendment is only 90% of the total estimated entitlements, Departments of Labor and HEW Appropriations, 1970, Hearings before a subcommittee of the House Appropriations Committee, 91st Cong., 1st Sess., Pt. 5, p. 229, discretionary cutbacks on entitlements would have to exceed 10% of the total before there would be any impact on the total funding of the program.

We do not, in short, find within P.L. 874 any statutory authority for the Commissioner in the exercise of his discretion to avoid applying to the entitlements the full sum appropriated, and we conclude that the provisions of section 5 are mandatory in this respect.[5] We understand that this conclusion is consistent with the position taken over the years by the General Counsel of the Department of HEW.[6]

P.L. 815 authorizes payments to assist local school districts in the construction of school facilities in areas where enrollments are increased by Federal activities. The entitlement for assistance is computed under a statutory formula, and in addition there is provision for judicial review of a Commission's determination refusing to approve part or all of any application for assistance under the Act. (P.L. 815, § 11(b), 20 U.S.C. 641(b).) On the other hand, the mechanics of administration of P.L. 815 differ significantly from those of P.L. 874. First, the Commissioner is not required to apply appropriations pro rata among the eligible districts, but in accordance withwith priorities which he establishes by regulation (§ 3). Second, entitlement for assistance is not computed on a annual basis, but as a share of the cost of a particular project. Thus, if funds are held up in one fiscal year, the project may be funded the next year. Finally, the Commissioner is apparently free to allot, in his discretion, an indefinite share of the appropriation to section 14 purposes, school construction on Indian Reservations.

While we hesitate to conclude, on this fairly summary consideration, that the Commissioner has discretionary authority under P.L. 815 to delay indefinitely the obligation and expenditure of funds appropriated to carry out the statute, it does appear to us that there are enough discretionary powers throughout the statute to permit him to postpone the obligation of funds during fiscal 1970. Indeed, the Joelson Amendment provides that the appropriation for P.L. 815 shall remain available until expended, which would seem to confirm the conclusion that there is no legal requirement that the funds be obligated in the year for which the appropriation is made. However, inasmuch as the appropriation in question is relatively small and is consistent with the Administration's budget request, we see no need to discuss in greater detail the legal arguments which could be used to support a deferral of action to obligate the funds.

Notwithstanding the apparently mandatory provisions of P.L. 874, it has been suggested that the President has a constitutional right to refuse to spend funds which Congress has appropriated. In particular, there have been a number of statements by Congressmen with respect to the very programs of the Office of Education presently under consideration that Congress could not force the President to spend money which he did not want to spend.

Section 406 of the Vocational Education Amendments of 1968, 20 U.S.C.A. 1226 (Feb. 1969 Supp.) provides that notwithstanding any other provision of law, unless expressly in limitation of this provision, funds appropriated to carry out any Office of Education program shall remain available for obligation until the end of the fiscal year. The purpose of this provision was to deny to the President authority which he would otherwise have had under the Revenue and Expenditure Control Act (P.L. 90–364), §§ 202, 203, to reduce obligations and expenditures on Office of Education programs, and, in particular, the impacted area programs and title III of the National Defense Education Act, 20 U.S.C. 441 *et seq*. See volume 114, part 22, CONGRESSIONAL RECORD, page 29155. During the debate in both Houses on this provision several members stated that section 406 would not interfere with the President's constitutional authority to reduce expenditures in the area of education. See remarks of Senators Dominick and Yarborough, volume 114, part 22, CONGRESSIONAL RECORD, page 29159; remarks of Congressmen Perkins and Quie, volume 114, part 22, CONGRESSIONAL RECORD, page 29477.

Similar views were expressed almost contemporaneously in connection with the House of Representatives' consideration of a Senate amendment to the Labor-HEW Appropriations Bill, 1969, (H.R. 18037), which would exempt from both the Anti-Deficiency Act and the Revenue and Expenditure Control Act an appropriation of $91 million for impacted area school assistance for fiscal 1968. In advising the House to accept the Senate amendment, Cong. Flood stated:

"Section 406 of the Vocational Education Act amendments seems to many and, I must say, not to others, to cover what the language in disagreement seeks to do; but in any event there are many instances in which it has been made clear that the President has the constitutional powers to refuse to spend money which the Congress appropriates," volume 114, part 23, CONGRESSIONAL RECORD, page 30588.

Cong. Laird agreed:

"The language will not be interpreted as a requirement to spend because of the constitutional question which is involved. The Congress cannot compel the President of the United States to spend money that he does not want to spend." *Ibid.*

More recently, in the hearing on HEW's appropriation bill for fiscal 1970, Congressman Smith stated his belief that HEW was not compelled to spend the funds appropriated for the impact aid program. Hearings before a Subcommittee of the House Appropriations Committee, 91st Cong., 1st Sess., Pt. I, p. 263. Subcommittee Chairman Flood appeared to agree. *Ibid.*, p. 264.

Taken together these statements evidence broad Congressional support for the proposition that the President has some residual constitutional authority to refuse to expend those funds to which section 406 applies. What is not clear is the nature or the precise source of the authority the speakers had in mind.

For the reasons discussed below we conclude that the President does not have a constitutional right to impound P.L. 874 funds notwithstanding a Congressional directive that they be spent. However, before proceeding with discussion of the constitutional question we might note that the Congressional statements cited above might be used in support of another argument for Presidential authority, based on statutory interpretation. It might be argued that although these statements cannot affect the interpretation of P.L. 874, since they were not made in the course of enacting or amending that statute, nevertheless P.L. 874 is not self-executing, and its operation is expressly conditioned on the enactment of subsequent appropriations legislation. Therefore, in determining the duties of the Commissioner of Education one must construe the intent of both the substantive legislation, P.L. 874, and the appropriations legislation, and the present understanding of Congress, as evidenced by the statements above, is that the enactment of the appropriation does not create a duty to spend.

Up to a point this argument has a certain amount of validity. We do not doubt, for example, that notwithstanding the terms of P.L. 874, Congress could provide in its appropriation that the money need not be spent. Or it could enact an appropriation, and then provide in contemporaneous or subsequent legislation that the money need not be spent, as was done in title II of the Revenue and Expenditure Control Act of 1968, P.L. 90–364. However, the Congressional statements cited above refer to the President's constitutional powers and not to Congressional intent. It seems doubtful that one can infer from those statements, most of them made in 1968, that Congress, in enacting the appropriations legislation in 1969, intended to exert less than its full authority to require the expenditure of funds appropriated to P.L. 874. Still, since at this writing the appropriations legislation has not yet been passed, it may be that legislative history may still be made which would support the argument that Congress does not intend to require the expenditure of the entire sum appropriated.

With respect to the suggestion that the President has a constitutional power to decline to spend appropriated funds, we must conclude that existence of such a broad power is supported by neither reason nor precedent. There is, of course, no question that an appropriation act permits but does not require the executive branch to spend funds. See 42 Ops. A. G. No. 32, p. 4 (1967). But this is basically a rule of construction, and does not meet the question whether the President has authority to refuse to spend where the appropriation act or the substantive legislation, fairly construed, require such action.

In 1967 Attorney General Clark issued an opinion, 42 Ops. A. G. No. 32, upholding the power of the President to impound funds which had been apportioned among the States pursuant to the Federal-Aid Highway Act of 1956, 23 U.S.C. 101 *et seq.*, but had not been obligated through the approval by the Secretary of Transportation of particular projects. This opinion appears to us to have been based on the construction of the particular statute, rather than on the assertion of a broad constitutional principle of Executive authority. While the reasoning of the opinion might lend support to Executive action deferring the obligation of funds under P.L. 815, we think the case of P.L. 874 is cleary distinguishable, because, among other reasons, impounding the P.L. 874 funds would result not in a deferral of expenditures, but in permanent loss to the recipient school districts of the funds in question and defeat of the Congressional intent that the operations of these districts be funded at a particular level for the fiscal year.

While there have been instances in the past in which the President has refused to spend funds appropriated by Congress for a particular purpose we know of no such instance involving a statute which by its terms sought to require such expenditure.

Although there is no judicial precedent

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[5] Mandatory, that is, provided that the school district is in compliance with applicable federal statutes and regulations. Where a district is not in compliance, the Commissioner may have authority to withhold or terminate assistance, see *e.g.*, Civil Rights Act of 1964, title VI, 42 U.S.C. 2000d *et seq.*; 45 C.F.R. Part 80. Whether in the event of such a withholding or termination the Commissioner would be required to apply the funds to the unfunded entitlements of other districts is a point we need not decide at this time.

[6] Memorandum of March 29, 1966 from General Counsel Willcox to Assistant Secretary Huitt; Memorandum of August 6, 1958 from General Counsel Bants to the Secretary (HEW files do not indicate whether this memo was actually sent).

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squarely in point, ***Kendall* v. *United States***, **12 Pet. 524 (1838), appears to us to be authority against the asserted Presidential power. In that case it was held that mandamus lay to compel the Postmaster General to pay to a contractor an award which had been arrived at in accordance with a procedure directed by Congress for settling the case. The court said:**

"There are certain political duties imposed upon many officers in the executive department, the discharge of which is under the direction of the President. But it would be an alarming doctrine, that Congress cannot impose upon any executive officer any duty they may think proper, which is not repugnant to any rights secured and protected by the Constitution; and in such cases, the duty and responsibility grow out of and are subject to the control of the law, and not to the direction of the President. And this is emphatically the case where the duty enjoined is of a mere ministerial character." 12 Pet. at 610.

It might be argued that ***Kendall*** is not applicable to the instant situation because the Commissioner of Education's duties are not merely ministerial. ***Cf. Decatur* v. *Paulding***, 14 Pet. 497, 515 (1840). On the other hand, while discretion is involved in the computation of the entitlement of the recipient districts, as we have pointed out, the application of the appropriation to the payment of entitlements pursuant to section 5(c) of P.L. 874 might reasonably be regarded as a ministerial duty. In any event, the former distinction between discretionary and ministerial duties has lost much of its significance in view of the broad availability of judicial review of agency actions and of a remedy in the Court of Claims for financial claims against the Government. 28 U.S.C. 1491. Thus, the mere fact that a duty may be described as discretionary does not, in our view, make the principle of the ***Kendall*** case inapplicable, if the action of the federal officer is beyond the bounds of discretion permitted him by the law.

In an unpublished opinion letter of May 27, 1937 to the President, Attorney General Cummings answered in the negative the question whether the President could legally require the heads of departments and agencies to withhold expenditures from appropriations made. Insofar as the opinion concludes that a Presidential directive may not bind a department head in the exercise of discretionary power vested in him by statute, this opinion appears inconsistent with the views expressed in the opinion of Attorney General Clark previously cited and with constitutional practice in recent years.[7] However, the Cummings opinion also rejects any idea that the President has any power to refuse to spend appropriations other than such power as may be found or implied in the legislation itself.

It is in our view extremely difficult to formulate a constitutional theory to justify a refusal by the President to comply with a Congressional directive to spend. It may be argued that the spending of money is inherently an executive function, but the execution of any law is, by definition, an executive function, and it seems an anomalous proposition that because the Executive branch is bound to execute the laws, it is free to decline to execute them. Of course, if a Congressional directive to spend were to interfere with the President's authority in an area confided by the Constitution to his substantive direction and control, such as his authority as Commander-in-Chief of the Armed Forces and his authority over foreign affairs, ***United States* v. *Curtiss-Wright Export Corp.***, 299 U.S. 304, 319–322 (1936), a situation would be presented very different from the one before us. But the President has no mandate under the Constitution to determine national policy on assistance to education independent from his duty to execute such laws on the subject as Congress chooses to pass.

It has been suggested that the President's duty to "take care that the laws be faithfully executed" might justify his refusal to spend, in the interest of preserving the fiscal integrity of the Government or the stability of the economy. This argument carries weight in a situation in which the President is faced with conflicting statutory demands, as, for example, where to comply with a direction to spend might result in exceeding the debt limit or a limit imposed on total obligations or expenditures. See, *e.g.*, P.L. 91–47, title IV. But it appears to us that the conflict must be real and imminent for this argument to have validity; it would not be enough that the President disagreed with spending priorities established by Congress. Thus, if the President may comply with the statutory budget limitation by controlling expenditures which Congress has permitted but not required, he would, in our view, probably be bound to do so, even though he regarded such expenditures as more necessary to the national interest than those he was compelled to make.[8]

If Congress should direct the expenditure of funds in the carrying out of a particular program or undertaking, say, construction of a public building, but without limiting the Executive's discretion in such a way as to designate the recipient of the appropriated funds, a better argument might perhaps be made for a constitutional power to refuse to spend than is available in the formula grant situation presented by P.L. 874. Or this might be viewed simply as a situation in which the duty to spend exists but there is no constitutional means to compel its performance.

As to the availability of a remedy, if our conclusion that section 5 of P.L. 874 requires expenditure of the appropriation is correct, we believe that the recipient school districts will probably have a judicial remedy. It is true that unlike P.L. 815, P.L. 874 has no specific provision for judicial review of a refusal to make a grant. However, absence of such a provision does not imply that no judicial review was intended. See ***Abbott Laboratories* v. *Gardner***, 387 U.S. 136, 139–46 (1967). It may be that a suit to compel the Commissioner to apply the appropriation would be inappropriate, see ***Land* v. *Dollar***, 330 U.S. 731, 738 (1947), but if the school districts are legally entitled to payment under the statute, they can sue he Government in the Court of Claims. 28 U.S.C. 1491. Such a suit could raise interesting legal problems, for it is clear that "entitlement" under P.L. 874 is not iteslf equivalent to a legal obligation to pay, and it is doubtful that even entitlement plus appropriation creates a vested right which may not be destroyed by subsequent Congressional action. Accordingly, technical defenses might prevent recovery by a school district even if the court concluded that the Executive branch had a statutory duty to spend the appropriation.

William H. Rehnquist,
Assistant Attorney General Office of Legal Counsel.

Memorandum for the Honorable Edward L. Morgan, Deputy Counsel to the President

Re Presidential Authority To Impound Funds Appropriated for Office of Education Programs.

In our memorandum to you of December 1, we considered the authority of the President to impound funds appropriated for assistance to federally impacted schools under P.L. 874, 20 U.S.C. 236 *et seq.* and P.L. 815, 20 U.S.C. 631 *et seq.* We concluded that the President has no constitutional authority to refuse to spend funds appropriated for federal programs for assistance to education where the substantive legislation, read together with the provisions of the appropriation legislation, constitutes a direction that such funds be spent We also considered specifically the terms of P.L. 874 and P.L. 815. We concluded that P.L. 874 constituted a direction to spend but that there was sufficient discretion left in the Executive Branch under P.L. 815 and the appropriations bill to justify at least postponing the obligation of appropriated funds into fiscal 1971.

In this memorandum we will consider the President's authority to impound funds for some of the other items covered in the Joelson Amendment to H.R. 13111, the HEW-Labor Appropriations Bill, 1970. With respect to each item the question we will consider is whether the pertinent legislation compels the obligation and expenditure of the full appropriation or leaves sufficient discretion to the Executive Branch to justify a Presidential directive to impound.

A few general comments are in order. As we stated in our previous memorandum, an appropriation is not in itself ordinarily interpreted as a direction to spend. To determine whether or not there is a duty to spend one must examine the substantive legislation. The substantive legislation for some Office of Education programs clearly gives broad discretion to the Commissioner. For example, section 402 of the Elementary and Secondary Education Amendments of 1967, 20 USC 1222, authorizes appropriation of sums "to be available to the Secretary * * * for expenses, including grants, contracts, or other payments for (1) planning for the succeeding year programs or projects * * * and (2) evaluation of programs or projects so authorized" We have no doubt that the $9.25 million appropriated[1] for this program may be impounded

On the other hand, substantially all sizeable Office of Education programs do not involve such broad grants of discretion to the agency They are formula grant programs, in which the statute provides for the allotment or apportionment of the funds

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Footnotes at end of article.

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[7] See, also, 2 Ops. A. G. 482 (1831).

[8] We understand that the operation of the expenditure limitation imposed by title IV of P.L. 91–47 may require curtailment of certain controllable expenditures. Paradoxically, title IV would not conflict with the increases over budgeted amounts in appropriations provided by the Joelson Amendment, because the expenditure limitation would automatically be adjusted upward. Nevertheless, we are informed that it might prove difficult to comply with title IV without cutting back on expenditure of *budgeted* funds for P.L. 874 and other Office of Education programs. Whether in such a situation title IV could be viewed as conflicting with and thus superseding the requirements of P.L. 874 depends to a large extent on the Executive's spending options at that time. Two considerations cause us to hesitate to infer from title IV a grant of authority to the President to impound appropriations for formula grants for education. First, title IV, as passed by the Senate, contained specific language permitting the impounding of funds appropriated for formula grants and other mandatory programs, but exempting from this authority education programs. The conference report contained neither the grant of authority nor the exemption. Second, section 406 of the Vocational Education Amendments of 1968 (see p. 6, *supra*) would conflict with such a grant of authority, and there is legislative history to the effect that title IV was not intended to alter the effect of section 406. See Congressional Record, vol. 115, pt. 14, pp. 18928–18929. Nevertheless, we do not rule out at this time the possibility that in appropriate circumstances title IV might permit the impounding of such funds.

appropriated for the program among the States on the basis of population or some other mathematical criteria. Typically, the substantive legislation provides for submission by State authorities of a plan for the use of the funds. If the Commissioner of Education determines that the plan meets the statutory criteria, he must approve it, and the State becomes entitled to its share of the appropriation. There is usually also provision for judicial review of a disapproval of the plan or of action to withhold or terminate assistance on grounds of noncompliance with the plan

Examination of the language and legislative history of these State plan-State grant programs indicates little or no attention by Congress to the question of impounding. The principal purpose of formula grants was presumably to assure equitable distribution of the funds available, and it might reasonably be contended that no clear purpose to deny to the Executive the right to make across-the-board reductions in spending was manifested But neither can it be said that there is evidence of an intent to preserve such a right. Consequently, in each case the question is likely to turn on whether the requisite Executive discretion can be found within the mechanics of the grant distribution scheme rather than whether Congress intended or did not intend to preclude impounding

One further point of general application. Section 406 of the Elementary and Secondary Education Amendments of 1967 ("P.L. 90–247"), as amended, 20 U.S.C. 1226, which we cited in our previous memorandum,[2] provides:

"Notwithstanding any other provision of law, unless expressly in limitation of the provisions of this title, funds appropriated for any fiscal year to carry out any of the programs to which this title is applicable shall remain available for obligation until the end of such fiscal year."

["This title" is Title IV of P.L. 90–247, and it is applicable to all programs of the Office of Education. 20 U.S.C. 1221.]

The purpose of this provision was to deny to the President authority he would otherwise have had under the Revenue and Expenditure Control Act (P.L. 90–364), §§ 202, 203, to reduce obligations and expenditures on Office of Education programs. As we pointed out in footnote 8 of our previous memorandum, the present effect of section 406 may be to prevent such Presidential authority from being inferred from Title IV of P.L. 91–47.

It might be argued that section 406 also prevents the impounding for budgetary reasons of any funds appropriated for Office of Education programs, even where the substantive legislation might otherwise permit impounding. However, section 406 does not, in terms, require that appropriations be expended or obligated; it requires that they remain "available for obligation" until the end of the fiscal year. The prohibition is apparently aimed at the Bureau of the Budget,[3] and seems based on the assumption that Congress can prevent the Bureau of the Budget or the President from impounding funds without requiring the agency to which the funds are appropriated to spend them. But if the Commissioner of Education has the discretionary authority to decline to spend the funds, the President undoubtedly has, in our view, the authority to guide the Commissioner's discretion in this matter by virtue of his constitutional authority to "take care that the laws be faithfully executed." 2 Ops. A.G. 482 (1831). Consequently, if section 406 were read as an attempt to interfere with the President's authority to direct the actions of the Commissioner of Education, it would raise constitutional problems. Accordingly, we think the correct interpretation of section 406 is that it denies to the President any statutory authority to impound appropriations for the mandatory programs of the Office of Education, but that it does not interfere with the President's authority to direct the Commissioner to exercise his discretion, where such discretionary authority exists, to avoid the obligation and expenditure of funds.[4]

We proceed, therefore, to consider the authority to impound funds appropriated to particular Office of Education programs.

TITLE I–A, ELEMENTARY AND SECONDARY EDUCATION ACT

H.R. 13111 appropriates $386,160,700 "for an additional amount for grants under Title I–A of the Elementary and Secondary Education Act of 1965 for the fiscal year 1970." [This sum is additional to appropriations made for this program for fiscal '70 in the Labor–HEW Appropriation Act, 1969, P.L. 90–557, 82 Stat. 969, 975.] It is our conclusion that sums appropriated for this program must be spent in accordance with the terms of the statute and may not be impounded.

Title I of ESEA, 20 U.S.C. 241a *et seq.*, provides for federal financial assistance to local educational agencies for the education of children of low-income families. The statutory formula for computation of payments is fairly complicated, but, basically, local educational agencies are eligible to receive from the Federal Government 50% of the average per pupil expenditure in the State or, if greater, in the United States, multiplied by the number of low-income children in the district. ESEA, § 103(a) (2). In addition, State agencies are eligible to receive direct payments computed on a similar statutory formula for the education of handicapped children, children of migrant laborers, and children in institutions for neglected or delinquent children. ESEA, § 103(a) (5), (6) and (7).[5]

Payments under Title I are made by the Commissioner to the States. Local educational agencies eligible for assistance apply to the State educational agency which determines whether the application meets the statutory and administrative criteria. ESEA, § 105(a). To participate in the program each State must file an application with the Commissioner containing required assurances regarding the State's administration of the program. ESEA, § 106(a). The Commissioner is required to approve a State application which meets the statutory criteria, § 106(b), and disapproval of the application is subject to judicial review, § 133. There is no specific provision for judicial review at the instance of a local educational agency.

Title I is similar to P.L. 874 and P.L. 815 in that there is no specific dollar authorization for appropriations. The authorization consists of the aggregate eligibility computed under the statutory formula, and the Commissioner is directed to apply the appropriations for Title I to the satisfaction of such eligibility.

The language of the statute seems clear as to the mandatory nature of the program. Section 102 provides, "The Commissioner shall, in accordance with the provisions of this part, make payments to State educational agencies for grants to local educational agencies * * *." Section 107(a)(1) provides, "The Commissioner shall * * * pay to each State * * * the amount which it and the local educational agencies of that State are eligible to receive under this part." The State agencies are, in turn, directed to distribute the payments to the local agencies, § 107(a)(2).

Section 108 supplies additional evidence of the mandatory nature of the program. It provides that "if the sums appropriated for any fiscal year * * * are not sufficient to pay in full the total amounts which all local and State educational agencies are eligible to receive under this part for such year," the eligibilities will be paid in accordance with a prescribed formula.[6] Section 108 contemplates no shortfall between the appropriation for making grant payments and sums actually available for that purpose, for if it did the formula would presumably be based on availability and not on appropriations. Furthermore, if funds were to be impounded, the Commissioner would either have to interpret the word "appropriated" in section 108 as if it read "available," *cf.* P.L. 90–218, § 204, or he would have to depart from the Congressional intent with respect to the allocation of funds in the event of shortfall.

For the reasons set forth above we conclude that Title I of ESEA is a mandatory program, and that funds appropriated to it may not be impounded.[7]

TITLES II AND III, ELEMENTARY AND SECONDARY EDUCATION ACT

H.R. 13111 would appropriate $50 million to carry out Title II of the Elementary and Secondary Education Act of 1965, 20 U.S.C. 821–27, and $164,876,000 to carry out Title III of that Act, 20 U.S.C. 841–45.

Title II provides for nonmatching grants to States for the acquisition of school library resources, textbooks and other instructional materials. The statutory scheme is a fairly typical State plan-State grant arrangement. The Commissioner is directed to allot the sums appropriated to carry out the title among the States on the basis of total elementary and secondary school enrollment. ESEA, § 202. Each State desiring to participate must submit a plan for the Commissioner's approval. The Commissioner must approve a plan which complies with the statutory criteria, § 203(b), and the State is entitled to obtain judicial review of disapproval of a plan or a determination by the Commissioner that the State has failed to comply with its plan, § 207. Section 204(a) provides, "From the amounts allotted to each State under section 202 the Commissioner shall pay to that State an amount equal to the amount expended by the State in carrying out its State plan."

From this sketch of Title II it appears that the Commissioner has little if any discretionary authority to decline to spend funds appropriated to the program. The allotment is carried out by mathematical formula, the State plan must be approved if it complies with the statute, and payments must be made in the amounts expended by the State in carrying out the plan.

There is, however, one point at which discretion may be exercised. Section 202(b) provides, "The amount of any State's allotment * * * which the Commissioner determines will not be required for such fiscal year shall be available for reallotment from time to time * * * to other States in proportion to the original allotments * * *." It is not entirely clear from the language of the title whether such a determination by the Commissioner must be made in the context of a partial disapproval of the State plan, in which case the determination would presumably be subject to judicial review, or whether such determination is left entirely to the discretion of the Commissioner. (Since allotments must be made annually, while there is no requirement for annual filing of a plan, it appears that the determination to reallot is not part of the process of approving a plan. Office of Education regulations also indicate that reallotment does not occur at the time plans are approved, but at a later time and on the basis of the States' statements of anticipated need, 45 C.F.R. 117.46.) There is legislative history to the effect that the question of reallotment is within the discretion of the Commissioner.[8] Obviously, to withhold funds for reallotment on the basis of a determination of comparative need is quite different from an across-the-board cut in allotments for budgetary reasons, and it does not follow that because the Commissioner is authorized to do the former, he may also do the

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latter. Nevertheless, this reallotment provision at least supports the argument that a State with an approved plan does not have a "vested right" to its full allotment. Consequently, while on balance we do not believe that Title II funds may be impounded, we believe that there is a better argument for doing so than with respect to either Title I of ESEA or P.L. 874.

Title III of ESEA provides for a program of grants for supplementary educational centers and services. As enacted in 1965 Title III provided for direct grants from the Office of Education to local educational agencies out of sums apportioned among the States. However, the Elementary and Secondary Education Amendments of 1967 ("P.L. 90-247") revised Title III so that it provides for a State grant-State plan program very similar to that in Title II.

Section 302(a) provides for an allotment of the appropriation among the States under a formula based partly on school age population and partly on total population. Section 302(c) provides reallotment authority similar to that in section 202(b). States are required to file plans annually for the use of the funds. The Commissioner shall approve a plan that meets the statutory criteria, § 305(b), and the State may obtain judicial review if the plan is disapproved, § 305(e)(3). The States, in turn, receive and act on grant applications from local educational agencies in accordance with standards prescribed in section 304. The local educational agency is entitled to obtain judicial review of the State agency's action with respect to its application, § 305(f).

Section 307 provides, "From the allotment to each State pursuant to section 302, for any fiscal year, the Commissioner shall pay to each State, which has had a plan approved pursuant to section 305 for that fiscal year, the amount necessary to carry out its State plan as approved."[9]

On the question of authority to impound, we see no significant difference between Title III and Title II, and our conclusion is, therefore, the same.

Vocational education

H.R. 13111 appropriates $488,716,000 for carrying out the Vocational Education Act of 1963, 20 U.S.C. 1241-1391, and section 402 of P.L. 90-247, 20 U.S.C. 1222,[10] of which "not to exceed $356,836,000" shall be for State vocational education programs under Part B of the Act and $40,000,000 shall be for programs under section 102(b) of the Act.

Parts A and B of the Vocational Education Act provide for formula grants to the States for vocational education programs. The basic grants are provided under Part B, while section 102(b) authorizes a separate appropriation for programs for persons with "academic, socioeconomic, or other handicaps" that prevent them from succeeding in regular vocational education programs. The distinction between the two items is not important, for the same allotment formula and other administrative provisions are applicable to both the appropriation for Part B and that for section 102(b).[11]

Section 102(a) of the Act authorizes an appropriation for Parts B and C, of which 90% would be available for B, basic grants, and 10% for C, research and training. However, H.R. 13111 carries "not to exceed $357,836,000" for Part B, making no mention of Part C. Whether or not the full sum must be made available to Part B, a question to which we will return, it is evident that it may be used for Part B, without any deduction for Part C.

Section 103(a) provides that out of sums appropriated pursuant to section 102(a) the Commissioner shall reserve up to $5 million for transfer to the Secretary of Labor to finance certain studies. (This sum, we believe, can be impounded.) The remainder of the sums appropriated under section 102(a) and all sums appropriated under section 102(b) "shall be allotted among the States" under a rather complicated formula based on population in various age groups and per capita income in the States. In other respects the provisions of Parts A and B are similar to those in the Elementary and Secondary Education Act. States must file plans with the Commissioner; the Commissioner shall approve a State plan upon making the prescribed determinations, § 123(a). The State may seek judicial review from unfavorable action by the Commissioner on the plan, § 123(c), and a local educational agency dissatisfied with the State's action on its application may likewise obtain judicial review, § 123(d).

Section 124(a) provides, "The Commissioner shall pay, from the amount available to the State for grants under this part, to each State an amount equal to 50 per centum of the State and local expenditures in carrying out its State plan * * *." As in Titles II and III of ESEA there is provision for reallotment of funds on the basis of the Commissioner's determination that they will not be required. However, the reallotment provision, § 102(c), is more narrowly drawn than its counterparts in the ESEA. Funds shall be available for reallotment "on the basis of criteria established by regulation, *first among programs authorized by other parts of this title within that State* and then among other States, * * *" (emphasis added). In view of Congress' evident concern that a State should not lose funds through the reallomment process, the argument of no vested right we suggested earlier would have less validity here.

One further point needs to be touched upon. Our analysis thus far indicates that the funds appropriated for Part B *must* be made available for that program. However, the appropriation reads "not to exceed $357,836,000," which implies that less may be allocated to that part. We have no explanation for this language, which is apparently deliberate.[12] In the absence of any positive evidence that the intended effect of this language is to permit the Commissioner to allot less than the full sum in accordance with the statutory formula, we would still view these funds as not subject to impounding.

Higher education appropriations

H.R. 13111 appropriates $859,633,000 for various higher education programs. This includes three items for carrying out the Higher Education Act of 1965: $159.6 million for educational opportunity grants under Title IV, Part A; $63.9 million for loan insurance under Title IV, Part B; and $154 million for college work-study programs under Title IV, Part C.

Section 401 of Title IV, Part A, of the Higher Education Act authorizes appropriations for educational opportunity grants. These grants are made by the Office of Education to institutions of higher education, which, in turn, award grants to financially needy full time students. Section 401 authorizes the appropriation of $100 million for initial year grants and such sums as may be necessary for second-, third-, and fourth-year grants.[13]

Section 405 provides that from the sums appropriated for initial year grants the Commissioner shall make an allotment to each State in accordance with its total full time enrollment. Sums appropriated for continuation grants are not allotted according to formula, but presumably in accordance with the need to follow up previous initial year grants.

Although funds are allotted among the States, payments are not made through the States. The Office of Education allocates funds within each State in accordance with "equitable criteria," § 406. Recipient institutions must enter into agreements with the Commissioner in order to be eligible to participate in the program.

Despite the provision for allotments by States, we believe that this program is discretionary. The Commissioner has broad discretion as to which institutions to make grants to and how much each is to receive; there is no provision for judicial review. Furthermore, because of the lump sum appropriation, the Commissioner is also granted discretion in allotting funds between initial year and continuation grants. It is extremely doubtful, therefore, that any institution could claim that it was entitled to a grant. It does not necessarily follow that because there is no designated or ascertainable recipient, there is no duty to spend. However, since there is at least a plausible case for regarding the program as discretionary, and, in our view, little likelihood that such a conclusion could be challenged in court, we believe that as a practical matter these funds may be impounded.

H.R. 13111 appropriates $63.9 million, to remain available until expended, for loan insurance programs under Title IV, Part B of the Higher Education Act. While participation in this program is apparently discretionary with the Commissioner, the major part of this appropriation, according to the budget justification, is for anticipated losses due to the death or disability of borrowers, §437. Therefore, impounding of these funds may not be feasible.

H.R. 13111 appropriates $154 million for work-study programs under Title IV, Part C of the Higher Education Act. These sums are used to provide part-time employment for students. The program is generally similar to Title IV, Part A, in that the Commissioner is required to allot funds among the States on a formula basis, but enters into agreements with institutions of his own selection within the States. For the reasons cited in our discussion of Part A, we believe these funds may be impounded.

H.R. 13111 appropriates $222,100,000 for Federal capital contributions to student loan funds pursuant to section 204 of the National Defense Education Act of 1958, 20 U.S.C. 424.

Title II, NDEA, provides that sums appropriated for this purpose shall be allotted among the States in accordance with total college enrollment figures, § 202(a). Section 204 authorizes the Commissioner to enter into agreements with institutions of higher education for Federal capital contributions to the institution's student loan fund. Section 203 provides that the institutions with which the Commissioner has agreements must file applications for such capital contributions. If the total amount applied for exceeds the State allotment available for the purpose, the contributions are made pro rata, § 203.

Although there is no provision for judicial review in Title II, the terms of the statute appear mandatory, and the recipients are identifiable. Consequently, the statute appears mandatory at least to the extent that eligible insitutions apply for the full State allotment. Where a State's allotment has not been applied for,[14] the Commissioner "may" reallot it, but apparently he is not obligated to do so.

Other programs

We have concentrated in this memorandum on a few large-item appropriations in H.R. 13111. Obviously, we have been unable in the time available to examine in detail the smaller items in the Office of Education appropriation, some of which, at least, appear on cursory consideration to be for discretionary programs. We might point out, however, that of the $859.6 million appropriated for higher education programs, $160 million is not earmarked for specific programs. This sum is apparently intended to be available for application in the Commissioner's discretion to those programs to which specific sums were not allocated. These programs appear to us to be discretionary, and the $160 million may, in our view, be impounded.

Footnotes at end of article.

Remedies

We expressed the view in our previous memorandum that where the statute directs expenditures and the recipient is ascertainable, a judicial remedy would probably lie. Whether it would take the form of a suit against the United States in the Court of Claims or an action against the Commissioner of Education is not certain.

Where the statutes provided for judicial review, it is possible that that procedure could be used to challenge an impounding of funds, even though it could be contended that such review is authorized only for actions involving the disapproval of a plan or the withholding of funds for noncompliance with a plan.

The point is that while precedents in this field are few, the trend in the law has been to supply the remedy once the right is recognized. If, therefore, a court can be persuaded that a prospective recipient has been injured by the failure of the Commissioner of Education to comply with the direction of the statute, it will in all likelihood devise a means of relief.

WILLIAM H. REHNQUIST,
Assistant Attorney General, Office of Legal Counsel.

FOOTNOTES

[1] Throughout this memorandum we shall refer to the figures and language contained in H.R. 13111 as it passed the House and assume, for purposes of this discussion, that the bill will be enacted in its present form.

[2] In our previous memorandum we referred to this provision as section 406 of the Vocational Education Amendments of 1968. Actually, section 406 was added to P.L. 90-247 by section 301(b) of the Vocational Educational Amendments of 1968.

[3] Senator Yarborough stated that section 406 "says that if the Appropriations Committee * * * does appropriate the money, it shall remain available. The purpose is to keep the Bureau of the Budget from whacking it to pieces," CONGRESSIONAL RECORD, vol. 114, pt. 22, p. 29155.

[4] This conclusion is consistent with the view taken by the General Counsel of HEW at the time the Vocational Education Amendments bill was before Congress. Memorandum of August 15, 1968 from General Counsel Willcox to the Secretary.

[5] Part A of Title I provides for "basic grants," Part B for "special incentive grants." However, H.R. 13111 carries no funds for Part B grants.

[6] This formula, rather complex as set forth in the statute, is further complicated by the provision in H.R. 13111 that the amounts available to each State shall be no less than 92% of the amounts allocated to local agencies in such State in fiscal 1968.

[7] This conclusion is subject to minor qualifications. Under section 103(a)(1), an amount equal to 3% of the amount appropriated for grants to or through the States shall be allotted among Puerto Rico and the Insular Possessions, and for payments with respect to Indian children. The Commissioner probably has sufficient discretion here to withhold some of the funds available for this purpose. There is similar discretionary authority in other formula grant statutes with respect to the allotment of funds to Puerto Rico and the Possessions, see *e.g.*, ESEA, § 302, 20 U.S.C. 842, but in view of the small sums involved and the undesirability of imposing a burden on those jurisdictions not shared by the States, we will omit further consideration of this possibility.

Our conclusion is also based on the assumption that the Title I funds presently carried in H.R. 13111 will not be sufficient to pay the aggregate eligibility in full. These funds, added to last year's advance funding would bring total fiscal '70 appropriations for Title I to about $1.4 billion, whereas HEW's budget justification estimated the total authorization at $2.36 billion.

[8] In response to a question from Senator Prouty as to whether the Commissioner would have full authority to decide whether a State needs its full allotment, HEW replied in a memorandum that the language in section 202(L) was similar to that found in other education legislation. The memorandum stated further:

"The Office of Education has had experience in administering this provision without any difficulty or cutback on State programs. The Commissioner does have authority to decide whether or not a State needs its full allotment. Administratively, this has been carried out by the Commissioner polling each of the States: (1) whether they will need their full allotment and, if not, how much be [sic] available for reallocation; (2) what additional funds could the State prudently use if they have already used their entire original allotment. On this advice of the States, the Commissioner then carries out his reallotment authority." Hearings on the Elementary and Secondary Education Act of 1965 before a Subcommittee of the Senate Committee on Labor and Public Welfare, 89th Cong., 1st Sess., p. 1190.

[9] P.L. 90-247 provided for a gradual transition from direct Federal grants to local agencies to grants through the States. In fiscal '70 the States are eligible to receive their entire allotments less those sums, not in excess of 25%, necessary for direct grants to complete local projects previously initiated. §§ 305(d), 306(c).

[10] The reference to section 402 is puzzling since $9.25 million is specifically provided for section 402 earlier in the bill.

[11] However, Part B grants are 50% matching grants, while the Commissioner has discretion to waive the matching requirement with respect to section 102(b) funds. § 124 (a).

[12] Since Part B is a 50% matching grant program, it may be that Congress anticipates that all the funds will not be used, and wishes to provide that in such event the money will be available for other purposes under the Vocational Education Act.

[13] The appropriation itself does not indicate how much is for initial year and how much for continuation grants. Presumably, Congress assumes that the Commissioner will determine how much is necessary for the continuation grants, and the balance will be available for initial year grants. Since the budget estimate was $175.6 million for both kinds of grants, we assume that at least $75.6 million is expected to be used for continuation grants.

It might be noted that the special programs for low income students authorized by section 408 of Part A are apparently not intended to be funded out of the $159.6 million appropriated for educational opportunity grants, but would be funded, if at all, out of the portion of the $859,633,000 appropriation not earmarked for specific programs.

[14] An applicant institution must put up one dollar for each nine dollars of Federal money, § 204(2).

EXHIBIT 3

COST OF EDUCATION INDEX 1969-70

(By Orlando F. Furno and James E. Doherty)

Inflation is burning up most of this year's record spending increases—the median district is spending 13% more per pupil—and the bulk of what's left goes into higher salaries. The grim conclusion: Drastically increased spending in recent years has probably had little effect on the quality and quantity of education many children receive.

Inflation is roaring through education's fiscal forest like a fire blazing out of control. Dollars spent for books, buildings, salaries and services are going up in smoke. Local districts are attempting to douse the blaze by pouring more and more money into education. But very substantial portions of the increased spending are being consumed in the flames.

This grim analogy is borne out by data in School Management's 1969-70 Cost of Education Index (CEI). Results of the annual survery of current public school spending show that the unprecedented inflationary spiral of the past two years has created a tremendous need for school funds to merely maintain the status quo with respect to purchasing power.

The nation's median school district is spending $582 per elementary pupil and $757 per secondary pupil for Net Current Expenditures (NCE) in 1969-70. Last year, the median school district budgeted $516 and $671 for the same items. In 1967-68, the NCE median stood at $465 per elementary pupil and $605 per secondary student.

This year's increase of nearly 13% over 1968-69 is by all odds the steepest 12-month rise since the CEI's base period (1957-59)[1] and is probably the sharpest school spending rise ever.

The greatest previous single-year increase was last year's 11% jump. But while spending reached record heights in 1968-69, so did inflation, which rose nearly 10 index points, or almost 7%, wiping out much of the 11% increase in spending.

CEI estimates of educational inflation for the current year are, as usual, conservatively pegged. A minimum increase in inflation of 8.4 index points, or 5.6% is indicated. But the general level of inflation could easily match that of last year and, in selected budget categories, inflation can be expected to exceed estimates.

In sum, the prospect for the current school year is gloomy. Until inflation cools down, school districts that increase spending will, in effect, simply be spinning their wheels; school districts that fail to increase spending will face program cutbacks. While many administrators complain bitterly these days, about the adverse effect on education of the Nixon Administration's tough anti-inflation measures, the CEI makes it abundantly clear that inflation itself is far more damaging than any of the attempts to bring it under control.

DIVERGENT SPENDING

The CEI data is based on detailed budget reports collected by school management from 1,200 school districts, carefully controlled for geographical location, student population and expenditure levels. (For a detailed explanation of procedures used to develop the CEI, see SM Jan. '69, page 129.) This year, as in past years, the data shows extremely divergent spending patterns throughout the nation.

The region spending the largest amount per pupil continues to be the middle-Atlantic group—New York, New Jersey and Pennsylvania—with an average NCE of $764 per elementary pupil, 31% above the national average.

At the low end of the scale, the south-central states—Alabama, Mississippi, Tennessee and Kentucky—continue to provide the least dollars for education. Median districts in these states are spending only $386 per elementary pupil and $502 per high school pupil.

The average teachers' salary in the nation's median district increased a thumping $718 this year, a fact of major significance.

The continuing wide diversity in educational expenditures is reflected in teachers'

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[1] The 1957-59 base period includes average annual expenditures during the 1957-58 and 1958-59 school years and expenditures during the last half of 1956-57 school year and the first half of the 1959-60 school year. These have been averaged to give a single figure for the base period.

XUM

salaries. On the West Coast, the average teacher can earn $12,540 after 13 years on the job. In the Southwest, however, he could hope to earn only $8,089 after working 16 years.

The median school system spends $5.75 per elementary student for textbooks and $15.66 for other teaching materials, including library books. At the secondary level, $7.48 is spent on textbooks and $20.36 on other teaching materials.

The average school district has a debt totaling $483 per pupil mostly long-term bonds for school construction. More than 10% of the districts are in debt $1,322 or more for each pupil enrolled.

WHERE INFLATION HURTS

Last year, CEI estimates indicated some hope for a big gain on inflation in 1968–69 and a significant improvement in real spending. Unfortunately, it didn't work out that way. Of the $51 increase in spending per elementary pupil last year, inflation burned up $25. Of the $65 increase anticipated for the current school year, inflation is expected to consume at least $22. However, a repeat of last year is possible, with inflation gobbling up half, or more, of any 1969–70 spending increase.

Since the 1957–59 base period of this study, inflation has consumed nearly 60% of increased school spending.[2] Today, the median district is spending $324 more per elementary pupil (NCE) than in 1957–59; inflation, however; has devoured $154 of that increase. The $170 difference represents the real increase in spending since 1957–59.

POCKETBOOK IMPROVEMENTS

Theoretically, the $170 increase is a solid investment in improved education. In reality, this is not necessarily the case. The reason: Most of the $170 increase has gone into salaries, not programs. Thus, while the welfare of school employees has substantially improved, it is a moot point whether recent drastic increases in spending have had any significant effect on the quality or quantity of education many children receive.

Of the $65 per pupil added to NCE spending by the median school district this year, $35 are in classroom teachers' salaries.

Translated in terms of a "raise," the average teacher in the nation's median district is receiving a 9.1% wage hike this year, compared to 10.4% last year and 6% in 1967–68.

The average teacher's salary in the median district increased from $7,903 to $8,621 in 1969–70. The beginning salary in the median district has jumped 6.7%, from $6,000 last year to $6,400 this year. And the median district's maximum salary has moved 12%, from $10,168 to $11,200. These increases are substantial, compared to increases in past years. Expenditures for teacher salaries have more than doubled in the last 11 years.

NET CURRENT EXPENDITURES PER EPU—1969–70

To get this figure for your district, total all costs for your administration, instruction, attendance, operation, maintenance, fixed charges, student body activities, and feeding in 1969–70, and divide the result by your expenditure pupil units]

	10 percent	25 percent	50 percent	25 percent	10 percent
National	$393.92	$494.60	$592.31	$699.13	$846.10
Region:					
1	478.52	542.77	644.23	736.33	879.10
2	568.43	628.01	763.49	917.52	1,079.51
3	447.74	533.04	607.28	694.73	798.40
4	470.64	526.45	605.84	695.70	788.31
5	351.50	397.99	494.17	576.73	704.82
6	292.33	338.96	385.68	445.55	508.98
7	314.47	400.86	448.37	519.77	611.31
8	441.06	497.37	575.31	642.77	701.33
9	529.51	581.12	641.12	719.59	804.87
Size:					
1	390.64	479.73	592.10	708.84	772.65
2	409.43	490.21	619.27	716.76	826.07
3	418.51	538.02	627.78	791.15	954.15
4	389.42	543.49	626.23	723.78	838.63
5	389.48	503.22	589.29	677.05	860.53
6	380.63	451.62	540.95	638.07	744.09
7	382.77	471.52	586.27	705.79	889.78
Expenditure category:					
1	262.77	315.89	357.48	384.30	390.52
2	413.38	419.68	437.58	454.46	467.54
3	482.65	496.60	521.79	538.05	545.10
4	559.67	571.14	587.43	607.10	618.53
5	633.52	644.84	662.78	682.87	694.71
6	706.97	716.95	729.22	745.74	762.90
7	786.24	792.62	807.93	820.68	834.68
8	870.66	896.57	957.47	1,086.42	1,390.51

NOT THE WHOLE STORY

However, salary alone does not tell the whole story of the budget in 1969–70. Despite recent healthy raises, teacher salaries have accounted for a smaller percentage of the median district's NCE in recent years. When you examine the data to find out why, you encounter the following developments.

Retirement funds. After showing modest increases through the years, median district expenditures for retirement funds have risen sharply. Last year's unprecedented $4.12 per pupil increased amounted to a 30% jump. This year's even bigger leap—$7.33, to a total of $25.31 per pupil—amounts to a 41% rise. As a percent of the NCE, retirement funds have commanded an increasingly large share, picking up a full 1% of the total NCE in the current year. This partially explains why teachers salaries are taking up a smaller percentage of the budget; as salaries approach ceiling in many districts, teachers are shifting their emphasis to, among other things, retirement funds.

Also responsible for the incredible increase in expenditures for retirement funds is the fact that, in a number of states, the state itself has taken over payment of the teachers' retirement contribution. The states are, in effect, making "health and welfare payments" to the teachers. Money allocated to this category in the local budget has doubled in the CEI during the past two years. This is an example of how increased budget input can bypass children.

Staffing adequacy. With teacher salaries taking up a slightly smaller percentage of the median district's budget, but with salaries still on the increase, you might expect to find that the median district is hiring less teachers. A glance at the staffing adequacy data on page tk shows this not to be the case. There are 44.76 classroom teachers per every 1,000 students (SPU) in the median district this year, compared to 44.16 last year and 43.20 the year before. Clearly, as teachers continue to insist on negotiating class size as part of their annual contract, staffing adequacy is continuing to improve.

Paraprofessionals. Expenditures for the use of instructional clerks, secretaries and aides has again increased sharply during the past year. The jump—from $10 per pupil last year to nearly $12 this year—is a 19% increase, compared to 25% in 1968–69. There is also another substantial increase in "other expenditures," a budget category (see following table) that often includes payment for paraprofessional help. Wages being paid to instructional clerks and secretaries have increased nearly 6% during the past year. Also, more people are working in these areas. A reflection of this can be seen in the increase in total number of secretaries and clerks working in both administration and instruction: 3.95 per 1,000 students (SPU) in 1967–68; 4.42 last year; 4.81 in 1969–70.

Materials slowdown. Substantially higher expenditures for salaries and retirement benefits appear to be forcing slowdowns in materials and textbooks. In terms of NCE, expenditures for textbooks and teaching materials have increased in 1968–69 and 1969–70, but the increments are nominal. Spending on materials increased 33¢ per elementary pupil last year (2.2%) and 58¢ this year (3.8%). Spending for textbooks increased 48¢ per elementary pupil last year (9.4%) and only 17¢ (3%) this year. As a percent of the median district's NCE, both textbooks and teaching materials are declining; the money in other words, is being spent elsewhere.

OTHER AREAS

Maintenance is the traditional whipping boy when budgets must be pruned. But this year, expenditures show an 11% increase in maintenance spending, compared to only 4% in 1968–69. During the past two years, schools have hired more custodians and improved their wages. But inflation still takes a disproportionate bite out of the maintenance dollar.

Spending on operation has increased 11% this year.

Capital outlay expenditures are up 15% in 1969–70, after a sharp drop last year.

Finally, debt service spending has increased sharply this year, in terms of per pupil expenditures, reflecting the extraordinary rise of inflation (23%). Since 1966, inflation in interest payments has risen 50%. Per pupil spending in this area has increased only 13.8% ($6.57 per pupil) and the bulk of the spending increase has occurred this year ($4.09).

Summing up the national school cost picture in 1969–70, three trends stand out:

1. Sharp increases in expenditures for salaries and retirement funds.
2. Relatively moderate increases in most other budget areas.
3. Debilitating increases in educational inflation.

USING THE CEI

Before you turn to the pages of data that follow, carefully read the instructions so you can identify pertinent data and understand how to use it.

The CEI is designed to help you make valid comparisons. For example:

Compare your district's overall costs with those of other districts in your region or size group.

Compare expenditures for such specific items as transportation, teachers' salaries, administrative costs, food services, etc.

Prepare a budget for next year that will present a balanced pattern of expenditures.

Compare and evaluate the efforts your taxpayers are making for the education of their children this year.

Compare expenditures, spending patterns and staffing ratios with districts across the nation whose over-all expenditures most closely match yours.

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[2] The inflationary increase in school costs since the base period of this study is indicated by computations based on more than two dozen cost studies and price indexes.

Compare your spending with districts whose wealth—or ability to pay—is similar to your own community's.

About the only thing CEI figures do not show is what school districts should be spending. The data shows only what districts are spending.

Most schoolmen agree, though, that "average" or "median" is really below par.

How $35,226,920,000 will be spent for education

The nation's public elementary and secondary schools are spending more than $35.2 billion during 1960–70, excluding loan funds for new buildings. This table shows approximately how the money is being allocated.

	Thousands
Administration	$1,179,600
Professional salaries	580,600
Clerks and secretaries	341,200
Other expenditures	257,800
Instruction	23,485,800
Classroom teachers	19,047,600
Other professionals	2,405,900
Clerk and secretaries	617,900
Textbooks	298,400
Other teaching materials	817,600
Other expenditures	298,400
Health	190,200
Professional salaries	166,800
Other expenditures	23,400
Operation	2,662,000
Custodial salaries	1,494,000
Heat	375,400
Utilities other than heat	549,000
Other expenditures	243,600
Maintenance	898,100
Maintenance salaries	337,000
Other expenditures	561,100
Fixed charges	1,901,700
Retirement funds	1,321,600
Other expenditures	580,100
Other services	81,000
Net current expenditures	30,398,400
Transportation	1,320,620
Salaries	527,770
Other	792,850
Capital outlay	676,200
Debt service	2,831,700
Total expenditures	35,226,920

ABOUT THE CEI

Short summary

Nearly 1,200 school districts participate in School Management's national Cost of Education Index survey. Each fills out a detailed six-page questionnaire which itemizes expenditures for dozens of budget items for a two-year period (1968–69 and 1969–70).

The questionnaire was devised by Dr. Orlando F. Furno, who is assistant superintendent, division of research and development, Baltimore city schools.

The school districts used in our weighted sample are carefully selected by geographical location, student population, and expenditures per pupil. Each represents, in effect, a randomly selected unit of measurement.

The accumulated CEI data is placed on punched cards and processed by computer. This makes it possible to analyze all data by region, district size and expenditure level, as well as on a national basis.

The budget categories used in this study are the same as those recommended by the U.S. Office of Education. For definitions of these categories, consult "Financial accounting for local and state school systems." This booklet can be ordered from the Superintendent of Documents, U.S. Govt. Printing Office, Washington, D.C. 20402. (Ask for "State educational records and reports series: handbook II," OE-22017.) Price $1.

YOUR GUIDE TO USING CEI

How to find your district's expenditure pupil units (EPU's)

In computing school district expenditures. "Expenditure Pupil Units" (EPU's) are used, rather than the actual number of pupils.* Expenditure Pupil Units take into account the fact that it costs more to educate a high school student than it does to educate an elementary school student. By using this measure, it is possible for any district in the United States to compare itself with any other.

To find your district's Expenditure Pupil Units, multiply the Average Daily Attendance (ADA) of your high school students by 1.3 and add this figure to the elementary ADA.

Elementary ADA includes those grades which are normally classified as elementary by state and local practice. Any span of grades from K–8 (such as K–6, 1–8) may be considered elementary. Students explicitly taught in junior high schools, however, must be considered as secondary school pupils, no matter what their grade designation.

Because it costs more per pupil to operate a very small school than it does to operate a large one, a "sparsity" correction is used to take this into account. This correction was developed by the late Dr. Paul R. Mort of Teacher's College, Columbia University.

If your district has fewer than 316 elementary school students and/or fewer than 695 secondary school students, you must apply these correction factors.

If your district's elementary ADA is less than 316 and between:

1 and 22, use the figure 22.

23 and 44, use your actual ADA.

45 and 109, multiply your ADA by 1.56 and subtract 25.

110 and 315, multiply your ADA by .82 and add 57.

If your district's secondary ADA is less than 695 and between:

1 and 68, multiply your ADA by 1.68 and add 14.

69 and 391, multiply your ADA by 1.02 and add 59.

392 and 694, multiply your ADA by .78 and add 153.

If you sparsity-corrected your secondary student population, you must multiply the *corrected* figure by 1.3 and add it to the elementary ADA (or sparsity-corrected elementary ADA), to obtain your Expenditure Pupil Units.

Note: If your district uses Average Daily Membership figures, rather than ADA, these may be substituted for ADA. But for precise cost comparisons, ADA should be used.

How to find your staffing pupil units

Staffing Pupil Units (SPU's) are based on the fact that it takes more staff members to work with students on the secondary level than it does on the elementary level. These units are used in figuring the staffing adequacy of your district. Staffing Pupil Units are obtained by multiplying your secondary ADA by 1.1 and adding the elementary ADA.

If your elementary ADA is less than 316 and/or your secondary ADA is less than 695, you must apply sparsity corrections. These are the same corrections used (*above*) in figuring your district's EPU's.

How to find your ability pupil units

In estimating the wealth behind each student in your district, a different measure is used. This measure is called Ability Pupil Units (APU's). To get your district's APU's, first obtain a figure for Resident Average Daily Attendance.

Resident Average Daily Attendance incorporates all students attending your schools and residing in your district added to all students who reside in your district but go to public schools outside your district to *which your district* pays tuition. RADA does not include students attending your schools but residing in another district, nor private or parochial school students.

When you have resident Average Daily Attendance figures for your district, multiply the secondary RADA by 1.3 and add that figure to the elementary RADA. If your elementary RADA is less than 316 and/or your secondary RADA is less than 695, the same sparsity corrections used to obtain EPU's must be applied.

(NOTE.—Some districts do not keep separate attendance figures for resident and non-resident students. If that is the case, you can estimate your RADA. To do this, get a ratio between actual students in your district and Average Daily Attendance. Multiply your resident students by this ratio. The resulting figure is a good estimate of your RADA. For example, if there are 1,000 students registered in your schools and your ADA is 900, the ratio of ADA to registered students is 90% or .90. If there are 1,200 resident students in your district, multiply 1,200 by .90. The result (1,080) will serve as a good estimate of your RADA.)

How to find your region

For purposes of this study, the nation has been divided into nine regions. These particular regions are chosen to conform with those used by the Federal government.

Region 1: Me., N.H., Vt., Mass., R.I., Conn. Region 2: N.Y., N.J., Penn. Region 3: Ohio, Ind., Ill., Mich., Wisc. Region 4: Minn., Iowa, Mo., N.D., S.D., Neb., Kan. Region 5: Del., Md., D.C., Va., W.Va., N.C., S.C., Ga., Fla. Region 6: Ky., Tenn., Ala., Miss. Region 7: Ark., La., Okla., Tex. Region 8: Mont., Ida., Wyo., Colo., N.M., Ariz., Utah, Nev. Region 9: Wash., Oreg., Calif., Alaska. Ha.

How to find your district size

For purposes of this study school districts are divided by size into seven groups based upon actual enrollment figures.

Size 1—More than 25,000.
Size 2—12,001 to 25,000.
Size 3—6,001 to 12,000.
Size 4—4,001 to 6,000.
Size 5—1,201 to 4,000.
Size 6—601 to 1,200.
Size 7—300 to 600.

(Note.—Because about 99% of the public school students of the United States are in districts with 300 or more students, this bottom limit is put on the survey. Districts with fewer than 300 students can generally count themselves in Size 7.)

How to find your district's net current expenditure (NCE)

To get this figure, total all costs for your administration, instruction, attendance, operation, maintenance, fixed charges, student body activities and feeding. Then, divide the result by your Expenditure Pupils Unit (EPU). Note: Do *not* include debt service, current capital outlay or transportation.

How to find your expenditure category

For purposes of this study, school districts have been divided into eight expenditure categories, based on their Net Current Expenditures.

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*For ease of reading, the terms "pupils," "students" and "Expenditure Pupil Units" (EPU's) are used interchangeably throughout this report.

XUM

1—Less than $399 per pupil.
2—$400 to $475 per pupil.
3—$476 to $550 per pupil.
4—$551 to $625 per pupil.
5—$626 to $700 per pupil.
6—$701 to $775 per pupil.
7—$776 to $850 per pupil.
8—More than $851 per pupil.

How to find your wealth group

For purposes of this study, school districts have been divided into eight wealth groups, as shown here, based on their true valuation per pupil (TVP). If market value of all taxable land in your district is $6 million, with 600 students your wealth is $10,000 per student.

1—Less than $10,000 TVP.
2—$10,001 to $16,000 TVP.
3—$16,001, to $22,000 TVP.
4—$22,001 to $28,000 TVP.
5—$28,001 to $34,000 TVP.
6—$34,001 to $40,000 TVP.
7—$40,001 to $46,000 TVP.
8—More than $46,000 TVP.

How to define CEI budget categories

The budget categories in the Cost of Education Index conform to those recommended by the U.S. Office of Education and used by most (but not all) school districts. Further clarification on each category can be obtained from the USOE publication, "Financial accounting for local and state school systems," a standard reference volume in most superintendents' offices. If you do not have a copy, it can be ordered from the Superintendent of Documents, U.S. Govt. Printing Office, Washington, D.C. 20402. (Ask for "State educational records and reports series Handbook 11," OE-22017.) Price $1.

Mr. MAGNUSON. Mr. President, I yield myself 2 minutes.

The PRESIDING OFFICER. The Senator is recognized for 2 minutes.

Mr. MAGNUSON. Mr. President, I do not know what figures the Senator from Michigan has had printed in the RECORD. But I did have a mandatory formula grant chart printed in the RECORD yesterday.

There is $3,577,802,000 that would have to be mandatorily spent of the total. The conference action resulted in an amount of $3,134 million of that which is Office of Education, which is plus $1 billion from the President's budget. But that includes title I, ESEA, library resources, impacted areas, and higher education, all which I listed earlier.

Some are comparatively small amounts. Direct loans to college students, consisting of $229 million for the whole country, vocational education, audio-visual equipment, guidance, counseling and testing, education of the handicapped, and library resources—that is all that is mandatory in the bill. I do not know which one of those they want to cut out and not spend and not do what Congress wanted.

Under the President's budget, $2,353,898,000 of the total bill, would be mandatorily spent. And the Congress increased that to $3,797,562,000. The Senate made it $3.7 billion. And the conference report made it $3.7 billion. So there is an increase of over $1 billion of mandatory spending. But the total is only $3.7 billion in a $16,724,805,200 bill.

A good deal has been said about advanced funding for elementary and secondary education for fiscal 1971 in the amount of $1.226 billion. I want to make clear that this item was deleted by the conference, not by the Senate. At the time the conference was held it was not yet authorized, and it has not been authorized as of today. The conference felt we should not put this item in. If it had been authorized it would be in the bill, but it was not authorized. There is no objection to the amount. It simply was not authorized up to the time of the conference in early December. This is a matter we will have to take up in this session and I am sure it will be agreed to.

Mr. GRIFFIN. Mr. President, I am glad that the distinguished chairman of the committee made it clear that the $1 billion increase to which I referred was accurate.

Mr. MAGNUSON. Yes; of mandatory amounts.

Mr. GRIFFIN. That is correct.

Mr. MAGNUSON. There is only $3 billion in the entire bill.

Mr. GRIFFIN. Earlier in the course of my remarks the distinguished Senator from Washington raised a question about the figures I used with respect to the dropout prevention program. It is my understanding that President Nixon requested $24 million for the dropout prevention program and that the conference report provides for some $5 million, or approximately a total cut of $19 million from the President's request. There are some odd fractions involved.

Mr. MAGNUSON. The Senator is correct about that.

Mr. GRIFFIN. I am correct. There was a cut of some $19 million.

Mr. MAGNUSON. In the conference.

Mr. GRIFFIN. The conference report provides for $5 million.

Mr. MAGNUSON. Yes, and the original House figure was $5 million.

Mr. GRIFFIN. That is correct.

Mr. MAGNUSON. Let us get the facts correct. The President asked for $24 million in April; the House allowed $5 million in July; the department appealed for a $15 million total; and the Senate made it $20 million. The conference struck our increase and made it $5 million.

Mr. GRIFFIN. But we are voting on the conference report.

Mr. MAGNUSON. Yes. I was speaking about the Senate action.

Mr. GRIFFIN. But we are voting on the conference report today.

My point is that the conference report not only appropriates huge additional sums over and above what the President requested—and in a number of areas which the President does not consider to be of high priority—but it also cut budget requests in other areas where the President believes there is a high priority, particularly in the field of education. He asked for $24 million for the dropout prevention program directed at the inner cities, the needy and disadvantaged youngsters, to help them, and this conference report cut his request by $19 million.

This reduction emphasizes and underscores the point I made earlier: that it rearranges the priorities which the President believes are important. It misdirects funds by spending too much in some areas and not enough in other areas.

Mr. MAGNUSON. I do not believe Congress should abdicate its responsibility in determining priorities. Congress is the appropriating body. This happens all the time. This is fundamentally a disagreement of priorities, but we have a responsibility; and we have voted overwhelmingly. We think we are the appropriating body and not the administration, and that we should make these decisions.

Mr. HANSEN. Mr. President, will the Senator yield for a question?

Mr. GRIFFIN. I yield.

Mr. HANSEN. Mr. President, I would like to ask the distinguished Senator from Michigan if it is not true that according to recent press reports one of every seven children has a very serious reading deficiency, that there is great need to do further research in the field about which he has just spoken?

Mr. GRIFFIN. The Senator is correct.

Mr. HANSEN. I wish to ask the Senator if the President did not have in mind determining what might be done in order to make more relevant their courses of instruction in reading that are now being afforded in the schools?

Mr. GRIFFIN. The Senator is absolutely correct. The request which the Senator from Washington and I were discussing a moment ago related to the dropout prevention program.

Mr. MAGNUSON. Yes, the dropout program.

Mr. GRIFFIN. But it is also true, as the Senator from Wyoming is suggesting, that a Presidential request having to do with improved methods and techniques of teaching, particularly with respect to remedial reading, was cut substantially. The conference report provides considerably less money in that important area than the President asked for, which I think is very unfortunate and not in line with the priorities set by the President.

While Congress can disagree with him, I believe the overwhelming majority of the people agree there is a need for improvement in the methods and techniques of teaching reading, particularly in the intercity, and that this area is important and needs more money and attention.

Mr. HANSEN. I agree. Having returned recently from my State of Wyoming, I might add that I was privileged to visit with the presidents of two of our junior colleges. Both of them were disturbed over the guidelines and the specificity which has been written into the bill by Congress insofar as vocational and technical programs are concerned.

We find a situation contrary to what has been the practice. For several years our junior colleges have been recipients of Federal funds in order that they might better offer programs that have been so meaningful in upgrading the talents and abilities of youngsters. As the president of one of the junior colleges, the largest in my State of Wyoming, observed, "The program no longer will be very helpful to Wyoming." He said it seems to be geared altogether too much to the ghetto area, instead of offering continuing assistance in a pro-

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gram that has been helpful out there, and he now finds that they will be denied the funds they had in the past. As a consequence I think it is indicated that the bill does need further study in order to shape these priorities as they should be.

Mr. GRIFFIN. I would be glad to yield time to the Senator from Wyoming.

The PRESIDING OFFICER. How much time does the Senator yield?

Mr. HANSEN. Will the Senator yield to me for 5 minutes?

Mr. GRIFFIN. I yield 5 minutes to the Senator from Wyoming.

Mr. HANSEN. Mr. President, in putting us on notice that he plans to veto the 1970 HEW-Labor-OEO appropriation bill in its present form, President Nixon has performed an act of great national leadership.

It would be easy to approve the bill. It would be the expedient thing to do.

But the President has rejected the easy way. He has made the tough but courageous decision that had to be made.

He has done so not to scuttle the programs of these agencies, but to rationalize them. He has done so to serve the longrun interests of the people of this Nation, to fight the galloping inflation which takes away food from their tables, clothing from their backs, medicines from their shelves, even books from their classrooms.

The bill as it now stands is a grab bag of fat and pork barrel. Despite the fact that we are more than half-way through the fiscal year it is intended to fund, it has the marks of haste and scanty consideration. It ignores the findings of study groups commissioned by Congress itself which show that some programs are seriously misdirected. It bypasses the lessons of experience and the recommendations of the Cabinet members responsible for administering these programs. It does a disservice to the real cause of education and health.

My opposition to the HEW appropriations bill is based not only on the additional funds it contains for low priority items, but also on the funds it does not contain for programs of real merit.

One of the priority programs of the Secretary of Health, Education, and Welfare was the budget request of $25 million to develop new, innovative models of elementary and secondary schooling. This money would have been used to test new approaches to teaching reading, the use of older children to teach younger children, the concept of making schools accountable to the community for results, and other promising innovations.

Secretary Finch's personal plea for these funds was rejected by both the House and the Senate. This is ironic, in view of how little we know about how to get the most out of our educational dollar. At a time when the Nation is spending $40 billions a year in tax moneys on its schools, less than one-half of 1 percent of the total is being devoted to exploring ways to improve them. This compares with the 10 percent of the defense budget, which goes for research and development.

This administration is seeking to establish new directions and new dimensions of effective government. The budget increases proposed by Congress would ignore the need for new directions, and would provide additional money for many programs which are more in need of refocusing in the light of today's most urgent priorities.

I yield back the remainder of my time to the distinguished minority leader.

Mr. MAGNUSON. Mr. President, I yield myself 1 minute. Perhaps I should keep quiet, but I do not know where the figures that have been raised come from. On research and innovations, education of the handicapped, the 1970 budget request of the President was $18,350,000. The Senate and the conference made it $23,700,000. We increased it. Part of that involves reading for handicapped children, the deaf-blind centers.

Then, on elementary-secondary education, which is the large item, we increased it $312 million. That includes not only bilingual education, but reading for educationally deprived children, those who cannot read very well.

So I do not know where those figures come from. All I know is that when the Appropriations Committee writes the figures down, when we are through that is what they are.

We have two or three other items in research and training, which include innovations, demonstrations and new items, for which the 1969 budget was $74 million Research and Training, Office of Education. The revised budget, or Nixon budget, was $68.8 million. The House and Senate agreed to that $68.8 million. It was exactly what the administration sent up to Congress and asked for.

The PRESIDING OFFICER. Who yields time?

Mr. GRIFFIN. Mr. President, I yield myself 2 minutes.

Let me be specific about the points I have raised. I refer to the request of the President for funds for experimental schools, which was considered important by the administration to improve and test teaching techniques, with emphasis on remedial reading. The request was for $25 million.

The Senate provided $9.5 million, but in the conference agreement that amount was eliminated. So the conference agreement comes to us with elimination of the request of the President for $25 million for experimental schools to test new techniques and methods of teaching, particularly in the inner city.

Now I yield to the Senator from Kentucky such time as he may request.

Mr. MAGNUSON. Mr. President, I yield myself another half minute. As I said, I do not know exactly where these figures come from, but we have in the District of Columbia the Anacostia project, which both administrations and all Secretaries agreed to, and which I feel is an excellent program. The Senate put $4 million in the bill for the Anacostia project. The House said it could use only $1 million.

The House was adamant, because I believe they wanted the Anacostia school project, which is just getting started, to prove itself. That is the reason why that happened. It is a very small amount out of a $16,724 million bill, but the conference committee eliminated the Senate increase for that item.

Mr. GRIFFIN. Mr. President, if the Senator from Kentucky will permit me to take another moment, I think these matters ought to be answered at this time, if possible.

It is my understanding that, while the distinguished Senator from Washington is referring to an experimental or demonstration school item, that is another item having to do with the demonstration or model school for the District of Columbia. I would make the point that, insofar as that appropriation is concerned, that item in the conference report is $4 million less than the President asked for.

Mr. MAGNUSON. Is it not $3 million?

Mr. GRIFFIN. My figures show $4 million.

Mr. MAGNUSON. The Senator is right; $4 million.

Mr. GRIFFIN. This is another example of disagreement—not that the Congress does not have a right to disagree with priorities set by the President, but it buttresses and underscores what I have been saying, that the conference report, in a number of important instances so far as the President is concerned, substantially cuts what he requested. He is not satisfied and does not like the priorities that the conference committee seeks to impose.

Mr. MAGNUSON. I am sure that the Senator from Michigan does not think that on a bill of this size it is inflationary; does he? I refer to the Anacostia project.

Mr. GRIFFIN. The Senator answered my point concerning a cut of $25 million and made reference to the Anacostia project. The Senator from Washington brought it up.

Mr. MAGNUSON. This is a $16 billion bill.

Mr. GRIFFIN. I did not raise the point of the Anacostia item, but I wanted to answer it so there would be no confusion in what I am covering.

Mr. MAGNUSON. The Senator covered three items, which involve about $25 million in a $16 billion bill. The Senator covered it. I do not know whether this will help in the fight against inflation or not.

Mr. GRIFFIN. Now I yield to the Senator from Kentucky.

Mr. COOPER. Mr. President, I shall be brief. I do not intend to go into great detail with respect to the figures in the various items of the bill. I intend to vote against the conference report because, when it comes to the issue of whether we should vote to sustain the veto, I shall vote to sustain the veto; therefore, I believe it would be misleading to vote for the conference report. I do so only on the ground that I accept the President's position that if the conference report should be adopted and should become law, it would seriously disrupt the effort he is making against inflation.

I accept his position. Yet I must raise some questions about several programs which are limited because of the administration budget. I believe if the conference report does not become law during the remainder of this session we must seek constructive proposals on the part of the administration to remedy any defects. I want to name three programs about which I am concerned.

First, assistance to federally affected areas. Every President since President Eisenhower has urged that appropriations for assistance to federally affected areas be reduced. President Kennedy so urged, and President Johnson likewise so urged. Congress overrode them. I do not think there was any great outcry from these administrations because they were overridden.

In fiscal year 1969 approximately $521 million was appropriated for assistance to federally affected areas. I believe the President's budget asked for $202 million. It includes both programs, under Public Law 815 and Public Law 784, one dealing with the operation and maintenance of federally affected schools, and the other with construction.

There always has been some question as to whether these programs have been expanded beyond their original intent. That is the issue. The program was intended at first to meet the problems in areas where Federal activities brought in individuals from other areas with children, parents with no tax base, and of course, the children had to be taken care of by the local schools, assisted by payments provided under this Federal program.

Later the program was enlarged to include children of people who worked in Federal areas activities, although the parents were actually residents of Kentucky and often of the community, and of course there really was not any reason why they should have been included in the program.

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I believe that the conference report includes a little over $600 million for this program.

Mr. MAGNUSON. That is correct.

Mr. COOPER. So we do have this great disparity between the $202 million that the administration has asked for, the $521 million that was made available last year, and the $606 million that is in the conference report.

I hope that if the veto is sustained—and I believe it will be—the President and the administration will send up to Congress their proposals about this program, and for funds that are necessary to take care of the children who fall in category A, whose parents have actually come into the area because of Federal activity and who are not residents and have no tax base.

I further raise this problem. This is an old program, and year after year school boards, relying upon its continuation and that payments will be made to them by the Federal Government, borrow money to carry on their activities under this program. I have received letters from school boards in Kentucky, one of them from a county which is seriously affected—Jefferson County—where this has been done, relying upon the fact this program will be continued on the scale of fiscal year 1969.

It may be said, because the President's budget asked for only $202 million, that school boards should have taken notice of his request. But I must say that all of the facts, having come to the notice of Congress and the appropriations committees in the latter part of 1969, did not, I believe, give the notice to these school boards that they deserved; and if it should turn out that in Kentucky and throughout the country that school boards have borrowed money anticipating that the payments could be made to them by the Federal Government, then I think it would be only fair and honorable that those amounts be ascertained and, before the close of this fiscal year, supplemental appropriations be made to cover their borrowings. As I say, I think that would only be fair, honorable, and just and if necessary I will so propose. That is my comment on these areas.

The second program which is troubling is that dealing with library facilities. All over the country, and particularly in my State, there has been a great interest in the growth of library facilities, the program reaches not only students, but people throughout rural areas as well as urban areas. I believe that funds to continue such activities should be at the level of 1969, should be provided in a supplementary appropriation.

Third, I understand that student loans or student grants would be reduced. With the large number of students now going to college—certainly we want them to go—and many of them cannot afford to go—this is an area which demands the attention of the administration and the Congress.

In the past, I have always supported these educational programs. I intend to continue to do so. I once served as chairman of the Subcommittee on Education of the Committee on Labor and Public Welfare. In my first service in the Congress I joined with the late Senator Taft, Senator AIKEN, and Senator ELLENDER in introducing the first bill ever passed by the Senate to aid elementary education, in 1948. I have helped develop the National Defense Education Act and other educational bills.

But I shall join at this time to support the President in his battle against inflation. However, I hope before the end of this fiscal year, these three programs I have mentioned will be studied again by the administration, and it will submit to Congress recommendations for appropriations necessary to carry them on.

Mr. MAGNUSON. Mr. President, will the Senator yield?

Mr. COOPER. I yield.

Mr. MAGNUSON. The Senator is familiar with the fact that the Senate was confronted with no budget estimate in the library resource field at all, so we put in what we felt was a modest amount. I hope we will not wait until next year's budget, because I understand the figure may be zero in next year's budget also.

Mr. COOPER. We know that this conference report is not going to be sent back with instructions to correct various items. So I am faced, as many of us are, with the question of voting for this conference report, one which is over the President's recommendations——

Mr. MAGNUSON. No, no, it is not.

Mr. COOPER. Well, it is over on the items I have mentioned.

Mr. MAGNUSON. It is $86 million under the budget requests.

Mr. COOPER. It is over on some very important items. So, while it is a position I have difficulty being in, I have said I intend to vote this way because I intend to support the President in this vote. Nevertheless, there is no reason why, if the measure is defeated, that more constructive positions cannot be advanced by the administration. I urge that that be done.

In summary, I voted against the conference report, which represents the action of representatives of the House and Senate on health, education, and welfare programs solely to support the President in his fight on inflation.

The President had asked appropriations of approximately $16.6 billion for fiscal year 1970, ending June 30, 1970, compared to $15.5 billion appropriated for fiscal year 1969. The conference report would appropriate $17.7, $1.3 billion more than the President's budget. I vote against the conference report because of the President's position that increases would deal a critical blow to his fight on inflation.

If a veto is sustained, I believe that the administration must take immediate action, which I will propose, to correct certain inequities in the administration's proposal.

First, with respect to federally affected school districts, additional funds above the President's budget must be provided to meet the educational costs of children whose parents have moved to Kentucky counties because of Federal activity. As an example, the costs to local school districts of the education of children, whose parent is assigned to a military base, such as Fort Knox, must be paid, whether the parent lives on or off the base.

Second, in cases where school districts have borrowed money in anticipation of congressional approval of the federally affected assistance program, I believe Congress has an obligation to assure payment of such borrowings and, if necessary, I will so propose in later appropriations bills, such as the supplementary bill.

I also suggest that the administration offer adequate proposals for the library services and construction program which is very important to Kentucky and as a national progam.

As I had stated, I would vote to sustain a Presidential veto, and I think it would be misleading and not a forthright action for me to vote for the conference report. If the conference report does not become law, I believe we can and will work out adequate support for these educational programs, and without contributing to inflation.

That is all I have.

The PRESIDING OFFICER. Who yields time?

Mr. MAGNUSON. I meant to say $86 million under the President's request.

The PRESIDING OFFICER. Who yields time?

Mr. COOK. Mr. President, I yield myself approximately 4 minutes.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. COOK. Mr. President, I also must vote against the conference report on the HEW-Labor appropriations bill, even though I supported some of the amendments to this bill which resulted in the appropriation of additional funds above what the administration requested. I have come to the conclusion that the cumulative effect of the increases would be harmful at a time when we are all vitally interested in halting the inflationary spiral.

The Nixon administration revised budget for 1970 included an increase of roughly a billion dollars over the 1969 budget, certainly an indication of the priority this administration places upon this whole area. However, the House provided for additional expenditures of $1,055,176,000, the Senate voted for measures which would have increased the budget request by $1,639,240,000 and the Senate-House conference maintained an increase of $1,331,823,500, over what the Department of Health, Education, and Welfare finally requested.

Even though I will support the recommendation of the President, I do regret the reduced request for aid to schools in impacted areas, as set out by my distinguished senior colleague. This is particularly painful for school districts in these areas which have planned their budgets for this year on the basis of anticipated funds. The 1969 expenditure for impacted areas was $521,100,000. The President's Budget suggested cutting that figure to $202 million, and it was the desire of the Senate and the House of Representatives that that figure be increased; I believe the amount was $61,178,000.

I, too, believe the school superintendents throughout the country, at least, if not attempting to base their operating budgets, under impacted areas aid, on the $600 million figure, did at least figure on an appropriation equal to the $521,100,000 appropriated last year.

However, all Americans have a vital interest in curbing inflation. It is my hope that the Senate will reject the conference report but if that position should not prevail that the Congress will subsequently sustain the President's veto of this bill, thus indicating to our constituents a true commitment to halting inflation.

I ask unanimous consent to have printed in the RECORD the first page recap of the HEW budget and their analysis for 1969 and 1970.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

SUMMARY—DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE—CONGRESSIONAL ACTION ON THE 1970 HEW-LABOR APPROPRIATION BILL

Agency	1969 comparable	1970 revised budget	House action	Department appeal	Senate action	Conference agreement	Increase	Decrease
Consumer Protection and Environmental Health Service	$227,064,000	$229,477,000	$277,177,000	$227,177,000	$250,968,000	$242,522,500	+$14,445,500	−$1,400,000
Health Services and Mental Health Administration	1,077,261,000	1,030,441,000	1,103,449,000	1,001,939,000	1,179,037,000	1,154,339,000	+134,700,000	−10,802,000
National Institutes of Health	1,394,549,500	1,448,610,000	1,449,651,000	1,448,445,000	1,629,384,000	1,546,244,500	+102,974,500	−5,340,000
Scientific activities overseas	15,000,000	3,455,000	3,455,000	3,455,000	3,455,000	3,455,000		
Subtotal	2,713,874,500	2,711,983,000	2,784,732,000	2,681,016,000	3,062,844,000	2,946,561,000	+252,120,000	−17,542,080
Office of Education	3,647,200,000	[1] 3,197,634,000	[1] 4,222,889,000	[1] 3,160,997,000	[1] 4,540,724,000	[1] 4,276,117,000	+1,155,560,000	−77,197,000
Social and Rehabilitation Service	7,338,302,000	8,451,856,000	[2] 8,410,754,000	8,449,856,000	8,397,257,000	8,400,920,500	+9,900,000	−60,835,500
Social Security Administration	1,690,772,000	2,014,864,000	2,014,564,000	2,014,564,000	2,014,864,000	2,014,564,000		−800,000
Special Institutions	36,146,000	62,409,000	62,409,000	62,409,000	62,723,000	62,723,000	+314,000	
Departmental Management	30,898,000	35,160,000	34,734,000	34,954,000	34,734,000	34,734,000		−426,000
Total, Department of Health, Education, and Welfare	15,457,192,500	16,473,906,000	17,529,082,000	16,403,796,000	18,113,146,000	17,735,619,500	+1,418,014,000	−156,300,500
Title I advance funding:								
1970 advance (in 1969 bill)	1,010,814,300	−1,010,814,300	−1,010,814,300	−1,010,814,300	−1,010,814,300	−1,010,814,300		
1971 advance (in 1970 bill)		1,226,000,000		1,226,000,000	1,117,580,000			
Total, HEW appropriation bill	16,468,006,800	16,689,091,700	16,518,267,700	16,618,981,700	18,219,911,700	16,724,805,200		

[1] Includes $1,010,814,300 appropriated in the 1969 bill.

[2] Due to lack of authorizing legislation, the House did not consider $28,360,000 requested for "Development of programs for the aging."

Mr. COOK. It will show that the expenditures of the Department in 1969, not including those in title I that were transferred into 1970 or 1971, amounted to $15,457,192,000, that the 1970 revised budget upped that to $16,473,906,000. The House action increased that to $17,529 million, and the Senate action increased it to $18,113 million. This was probably not without some of my help; I will be very honest. However, the Department itself asked for $16,403,796,000.

Mr. President, I agree with the chairman of the committee, the distinguished Senator from Washington, that in regard to school equipment and libraries, the expenditures in 1969 by HEW were a little above $143 million. It was the desire of both Houses of Congress that this be cut to $97 million. It was the desire of the administration to eliminate this cost completely. So there is a reduction of some $46 million. I agree that this should be reconsidered, and it should be reconsidered by the administration.

However, I do feel that if this matter is vetoed by the President, and if it is sustained, we at least find ourselves not in the position of a continuing resolution under the 1969 budget figures, but under the figures that were adopted by the House; because, as will be recalled, we were in a position of having to approve a continuing resolution not based on the 1969 figures, but based on the figures as established by the House of Representatives.

Even if this is so, we will find ourselves placed in this position: that the House established its cost at $17,735,619,500, and that the conference raised that by almost $300 million.

Excuse me, I have the wrong figures. The House figures were $17,529,082,000, and the final figure was $17,735,619,500. So at least I will in some degree be trying to save the taxpayers of America approximately $200 million until this matter can be straightened out by Congress.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. MAGNUSON. I yield myself 1 minute?

Mr. GOLDWATER. Mr. President, will the Senator yield for a question?

Mr. MAGNUSON. A question addressed to me or to the Senator from Kentucky?

Mr. GOLDWATER. I wanted to get a clarification of something the senior Senator from Kentucky said.

Mr. MAGNUSON. I yield.

Mr. GOLDWATER. From what the senior Senator from Kentucky said, I am led to believe that Federal employees are included in the impacted area moneys in this bill.

Mr. MAGNUSON. Yes.

Mr. GOLDWATER. Would this include congressional people whose children attend the schools?

Mr. MAGNUSON. It could. The school board could ask for it.

Mr. GOLDWATER. Well, do they?

Mr. MAGNUSON. I think they do, in Maryland and Virginia.

Class A is military people in a Federal reservation who have children who would have to go out to school. Class B is people who work in a Federal building or Federal job and have children but who may live anywhere else, and the children go to primary or secondary school. That is why I think the formula has to be reviewed.

Here is an extreme example: A Federal judge in Phoenix who has children and who works in a Federal courthouse. His children could be classified as living in an impacted area, and the school district could receive a certain fee. They receive a certain fee per child.

Mr. GOLDWATER. The same could be applied to Members of Congress?

Mr. MAGNUSON. It could be. I do not

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know whether it is, but it is applied to Government employees.

Mr. GOLDWATER. Is that not kind of silly and archaic?

Mr. MAGNUSON. Of course, it is. But it is the law, and we were confronted with the fact that the House voted for this 3 to 1. The Senator from New Hampshire and I talked about this. This was the most popular amendment in the Senate. Even after the House voted $600 million, the Senator from Colorado upped it $60 million, and the Senate voted 73 to 9 to increase it.

Mr. GOLDWATER. Would that include the President's children?

Mr. MAGNUSON. It would. I guess they could include the President's children.

Mr. GOLDWATER. Things are pretty tough.

Mr. MAGNUSON. The Nixon children are not in elementary school. I think they are above elementary and secondary schools. But it could include them, and they do it. These school districts have been relying upon this money and expending, or obligating funds based upon this reliance. As the Senator from Kentucky well points out, they make their plans expecting that they are going to get it.

Mr. GOLDWATER. What about any grandchildren who might live in the White House?

Mr. MAGNUSON. Well, their father would have to work there.

Mr. GOLDWATER. If he were living in the White House?

Mr. MAGNUSON. If he were living there permanently and responsible for them, I think they could be so classified, yes.

Mr. COOPER. Mr. President, will the Senator yield?

Mr. MAGNUSON. I yield.

Mr. COOPER. One situation is somewhat between the situation intended to be covered by the federally assisted areas and cases the Senator has mentioned, which are the extremes and are ridiculous. The Senator was not ridiculous in asking about them, but they are ridiculous uses of this law.

We have a situation in Kentucky, and I am sure it prevails in other States where there are service posts. Soldiers come into the area and are serving at a post.

Mr. MAGNUSON. They have children.

Mr. COOPER. They have children. There are schools on the post, but they are not adequate to take care of these children. These men live off the post with their wife and children, and the children have to go to the local school. The school boards count those children, and I think they should, because the military service cannot provide a school for them on the base. I must say that under this act—not the conference action, but under the budget proposal—they will be cut off.

Mr. MAGNUSON. The class B students.

Mr. COOPER. The children of the soldiers who are living off the base. That is not fair, and that is why I say that if this is defeated, that situation ought to be taken care of.

I may sound as though I am arguing both ways. I admit my dilemma. I am going to vote to sustain the President because of the fiscal situation. I believe that if these issues are brought to his attention and to the attention of the good committee, they will be corrected.

I just make the point of our soldiers who have to go to a post and their children are living there and there is no school except the county or city school, and those school boards cannot take care of those children unless they have the funds.

Mr. MAGNUSON. Mr. President, I merely want to say to my good friend, the Senator from Arizona, that this, of course, is a legislative mandate. This is a mandatory thing, and we made it so, and it should not be changed or altered by appropriation acts or Presidential orders. Apparently, it is the most popular law around here. The Senator from Colorado upped it $60 million from the $600 million of the House.

I have put in the RECORD what all States receive. Senators will note what Maryland and Virginia receive in ratio to their population. It is tremendous. I see the Senator from Delaware smiling. I do not think they get that far up the ladder.

Much has been said about the budget requests of the administration on this bill. I reiterate that the budget request was $19,834,125,700. That includes the $1.2 billion for the forward financing of ESEA, title I, which the House did not consider because it was not authorized, and the conference could not consider either. We put it in here in the Senate at the administration's request. But the total budget request from the administration, up until the time the conference was ended, was $19,834,125,700.

The conference agreement on the bill as it now stands before us is $19.747 million, and this is $420 million over last year's appropriations and $86.972 million under the administration's budget request.

How can they call that inflationary, unless they want to have inflation, when we cut it?

It is true that we did take out the forward funding but in dollars we are under the budget's request. They asked us to appropriate $19.834 billion and we appropriated $19.747 billion in these important areas.

Thus, I do not know why anyone confuses that.

We are under the budget, and we have adjusted priorities, reordered priorities, and the Congress has expressed its preferences and exercise its will. That is what we do up here all the time.

Now, my last statement, we are under the total budget still. No matter what is said, or what kind of bookkeeping is used, the appropriations are some $6 billion below requests. This is an argument over priorities. But I do not know why everyone gets up and says "We are over the budget *x* billion dollars." We are not. The budget request—I will tell the Senate chapter and verse, and cite letters on the budget—was $19,834,125,700.

Mr. President, I yield 4 minutes to the Senator from Utah (Mr. Moss).

The PRESIDING OFFICER. The Senator from Utah is recognized for 4 minutes.

Mr. MOSS. Mr. President, it is difficult for me to understand how anyone could consider expenditures for education and health as inflationary—any more than one could consider expenditures for ham and eggs inflationary.

There is no question that combating current inflationary trends is the greatest challenge facing us at home here in America. There is a good deal of argument as to what items contribute most directly to spurts in the cost of living. If economists can give us some guidance, I am most certainly willing to listen.

Certainly we should curb unnecessary spending, whether public or private. We recognize that if the Federal Government can cut non-essential expenditures, or put off until some time in the future programs and projects which can wait, it will help cool the fires of inflation.

We recognize also that if business and labor will follow the same course, and that if the consumer will buy only what he absolutely needs, this will also help put a brake on the cost of living.

But surely, no one seriously considers that providing a first-class education for all of our children is unnecessary. It is completely essential to the nourishment of the economy and spirit of the Nation, as completely essential to its future health as is an adequate diet for each of its citizens.

American democracy has been a success not just because it is based upon equality and freedom, but because the system of public schools which our forefathers had the foresight to establish has developed the enlightened and educated citizenry necessary to make democracy work.

Each generation in America has exceeded the former one in the quality of the education received, and in the number of young men, and later young women, who received it. Each generation has therefore been able to help the Nation work toward our national purposes and goals as they clarified themselves with changing times.

But, today, we face a time of truly cataclysmic change. We need more than ever to educate widely and well. In our modern technological society no person can contribute very extensively without a quality education. If we are to have a thriving economy, top productivity and social stability, we need an educated and highly skilled citizenry as we have never needed them before.

Spending for education is first-priority spending for the America of the 1970's.

Congress has been most responsive to the dangers of feeding the inflationary fires by authorizing overspending by the Federal Government. Congress cut nine of the fourteen regular departmental appropriation requests—cut them by some $7.5 billion. About $5.5 billion of this amount was cut from the Department of Defense—cut after long and extensive hearings and debate in which it was documented that millions of dollars had been misspent by the Pentagon, through bad judgment, through all too frequent cost overruns, and unbelievable waste.

XUM

What I find hard to understand is why that $7.5 billion which the President requested and which the Congress cut would not have been inflationary spending, while the $1.3 billion which the Congress has added to the HEW appropriation bill is inflationary spending. Or, to quote the President further, is either excessive, ill-timed, or wrongly directed.

If the Presidential veto prevails, Utah schools will lose more than $11 million in fiscal 1970. I ask unanimous consent that a table which shows the extent of the loss in all programs be printed in the RECORD.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE—OBLIGATIONS IN THE STATE OF UTAH

Program	1969 actual	1970 budget requests	1970 conference agreement
OFFICE OF EDUCATION			
Elementary and Secondary Education:			
Assistance for educationally deprived children (ESEA I):			
Basic grants	$3,013,832	$3,467,494	$3,894,438
State administrative expenses	150,000	150,000	150,000
Grants to States for school library materials (ESEA II)	296,752	0	294,968
Supplementary educational centers and services (ESEA III)	1,088,519	866,965	1,117,701
Strengthening State departments of education (ESEA V):			
Grants to States	329,967	329,967	329 967
Grants for special projects	0	0	0
Acquisition of equipment and minor remodeling (NDEA III):[1]			
Grants to States	562,511	0	581,548
Loans to non-profit private schools	0	0	0
State administration	13,333	0	13,333
Guidance, counseling, and testing (NDEA V)	100,396	0	100,882
Subtotal, Elementary and Secondary Education	5,555,310	4,814,426	6,482,837
Instructional Equipment:			
Equipment and minor remodeling (NDEA III):[1]			
Grants to States	0	0	581,548
Loans to non-profit private schools	0	0	0
State administration	0	0	13,333
Subtotal, Instructional Resources	0	0	594,881
School Assistance in Federally Affected Areas:			
Maintenance and operations (P.L. 81-874)	7,069,317	1,055,000	8,067,000
Construction (P.L. 81-815)	1,235,518	773,000	773,000
Subtotal, SAFA	8,304,835	1,828,000	8,840,000
Education Professions Development:			
Preschool, elementary, and secondary:			
Grants to States (EPDA B-2)	178,237	157,489	176,206
Training programs (EPDA Parts C and D)	513,069	0	0
Subtotal, Education Professions Development	691,306	157,489	176,206
Teacher Corps	0	0	0
Higher Education:			
Program assistance:			
Strengthening developing institutions (HEA III)	117,600	0	0
Colleges of agriculture and the mechanic arts (Bankhead-Jones)	168,195	171,178	171,178
Undergraduate instructional equipment and other resources (HEA VI-A)	189,561	0	0
Construction:			
Public community colleges and technical institutes (HEFA I—Section 103)	0	313,134	313,134
Other undergraduate facilities (HEFA I—Section 104)	1,830,753	0	264,246
Graduate facilities (HEFA II)	0	0	0
State administration and planning (HEFA I—Section 105)	54,045	67,778	67,778
Student aid:			
Education opportunity grants (HEA IV-A)	1,253,811	859,058	629,481
Direct loans (NDEA II)	1,047,412	1,862,525	2,669,234
Insured loans:			
Advances for reserve funds	0	0	0
Interest payments	178,722	0	0
Work-study programs (HEA IV-C)	1,102,791	1,081,711	1,081,711
Special programs for disadvantaged students:			
Talent	50,000	0	0
OFFICE OF EDUCATION—Continued			
Higher Education—Continued			
Personnel development:			
College teacher fellowships (NDEA IV)	$958,800	0	0
Training programs (EPDA Part E)	27,975	0	0
Subtotal, Higher Education	6,976,665	$4,355,384	$5,196,762
Vocational Education:			
Basic grants	1,439,960	1,445,921	2,191,721
Innovation	0	213,577	213,577
Work-study	0	0	54,833
Cooperative education	0	219,041	219,041
Consumer and homemaking education	0	91,238	121,709
Programs for students with special needs	0	0	243,513
Research	0	0	198,630
Subtotal, Vocational Education	$1,439,960	1,969,777	3,243,024
Libraries and Community Services:			
Grants for public library services (LSCA I)	245,448	159,746	245,448
Construction of public libraries (LSCA II)	243,914	0	104,217
Interlibrary cooperation (LSCA III)	40,788	40,788	40,788
State institutional library services (LSCA IV-A)	39,509	39,509	39,509
Library services for physically handicapped (LSCA IV-B)	25,069	25,069	25,069
College library resources (HEA II-A)	227,431	0	0
Librarian training (HEA II-B)	16,303	0	0
University community service programs (HEA I)	121,786	121,786	121,786
Adult basic education (Adult Education Act):			
Grants to States	146,169	152,742	152,742
Special projects and teacher education	0	0	0
Educational broadcasting facilities	59,310	0	0
Subtotal, Libraries and Community Services	1,165,727	539,640	729,559
Education for the Handicapped:			
Preschool and school programs for the handicapped (ESEA VI)	165,614	165,614	165,614
Teacher education and recruitment	443,578	0	0
Research and innovation	3,537	0	0
Media services and captioned films for the deaf	0	0	0
Subtotal, Education for the Handicapped	612,729	165,614	165,614
Research and Training:			
Research and development:			
Educational laboratories	0	0	0
Research and development centers	0	0	0
Vocational education	0	15,000	15,000
Subtotal, Research and Training	0	15,000	15,000
Colleges for Agriculture and the Mechanic Arts (Second Morrill Act)	50,000	50,000	50,000
Promotion of Vocational Education (Smith-Hughes Act)	38,478	[2] 0	[2] 0
Education in Foreign Languages and World Affairs	94,501	0	0
Civil Rights Education			
Total, Office of Education	24,929,511	13,895,330	25,493,883
Total, Office of Education comparable basis [3]	22,052,124	13,895,330	25,493,883

[1] This program is funded from both the Elementary and Secondary appropriation and the new Instructional Equipment appropriation in 1970.

[2] Included under Basic Grants—Vocational Education.

[3] The 1969 actual column shows obligations for project type programs where the State-by-State distribution cannot be predicted in advance, and therefore, is not shown in the 1970 column. For this reason the 1969 comparable figure excludes obligations for project type programs.

Mr. MOSS. Mr. President, it indicates that almost every facet of education in Utah will suffer—elementary and secondary education, schools which receive impacted area aid, higher education—including college construction projects and student aid—vocational education, libraries and community services, education for the handicapped, research and training; almost every activity devoted to giving Utah students the best education possible.

I also ask unanimous consent that a copy of the letter directed to the President by Dr. Daryl J. McCarty, executive secretary of the Utah Education Association, be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

JANUARY 12, 1970.

The PRESIDENT,
The White House,
Washington, D.C.

MY DEAR MR. PRESIDENT: The Utah Education Association, representing 12,500 educators within Utah, is deeply concerned and disappointed with your reported stand in relationship to federal support for education.

According to the latest estimates from the National Education Association the percent of revenue receipts for Utah's schools derived from the federal government dropped from 8.6% in 1968–69 to 5.5% in 1969–70. Further, every indication we have concerning your position leads us to believe that this percentage will be drastically reduced during the next year.

We realize that you are faced with the problem of an inflationary economy. However, with the federal government providing an estimated 6.6%, only, of all revenue receipts to education during 1969–70, we do not believe there is any justification to reduce it further. In fact, we are committed to the philosophy that the federal government should substantially increase its participation in financing education and that such financing should be put on a fiscally-responsible basis which will permit effective budgeting procedures for local school districts.

Many fine programs have been implemented and are currently in operation because federal funds were available for them. Several of our school districts rely heavily upon general federal funds for providing quality education. Under the program which you outline, most of these will be eliminated or greatly curtailed.

The citizens of Utah devote a high percentage of their personal income for education and have always been among the leaders of the states in this dedication to education. We do not feel there is justification for the federal government lessening its support of education at this time.

We earnestly ask you not to oppose or veto the current proposal for federal support to education which is now under consideration by the Congress. Further, we implore you to give your complete support to increasing the federal government's role in providing general federal aid to education. There is no other area of government wihch is more important to the populace as a whole and the welfare of our individual citizens than is education.

We sincerely hope you will reconsider your current position on educational finance and will encourage the federal government to shoulder its responsibility in this area.

Respectfully,

Daryl J. McCarty,
Executive Secretary.

Mr. MOSS. Mr. President, Dr. McCarty emphasizes something of which we are very proud in Utah—that the State has always devoted a high percentage of its personal income to education, and has been among the leaders of the States in its dedication to education. But, even with this mammoth effort, we cannot afford to lose the Federal funds involved in this bill.

I ask unanimous consent to have printed in the Record some of the various other letters and telegrams which I have been receiving from Utah which explain how Utah citizens feel about the prospects of losing the extra funds which the Congress has provided for education.

There being no objection, the letters and telegrams were ordered to be printed in the Record, as follows:

Ogden High School,
Ogden, Utah, January 15, 1970.
Hon. Frank E. Moss,
U.S. Senate,
Washington, D.C.

Dear Senator Moss: Over the years, we have appreciated very much the fine work you have done in representing the State of Utah in the Senate.

Educators here in Utah are watching with keen interest and considerable apprehension the outcome of the Public Law 874 Bill. Reports which we receive seem to indicate that there is a strong possibility that this bill, if passed, will be vetoed. Failure to receive the funds from Public Law 874 for this current school year would be disastrous to our local district and to other districts who depend on these funds for program support.

If it seems advisable to eliminate this law, it is strongly recommended that it be phased out at a date in the future, at a time which would not affect the current school budget.

I sincerely hope that you will vote for this bill when it comes up.

Yours truly,

Alvin R. Carter.

Murray City Schools,
Murray City, Utah, January 16, 1970.
Mr. Frank E. Moss,
U.S. Senator,
U.S. Senate Office Building,
Washington, D.C.

Dear Senator Moss: The Murray City Board of Education wishes to express their concern regarding continuation of the P.L. 874 impact funds. While we haven't received as much as some other districts these funds have been an important source of revenue for our school budget and of considerable significance in the operation of our school program.

As we analyze our financial outlook and prepare to meet our basic needs, we feel the continuation of the P.L. 874 funds and other federal funds is urgently needed.

We would appreciate your consideration in overriding a presidential veto of these funds, if necessary, in order that we may maintain quality educational services to the students of our district.

May we commend you for your service and representation of our State.

Sincerely,

Dr. Arthur L. Bishop,
Director of Business Administration.

Logan City Schools,
Logan, Utah, January 16, 1970.
Hon. Frank E. Moss,
U.S. Senate,
Washington, D.C.

Dear Senator Moss: The Logan City Board of Education in its meeting of January 13 discussed at length the probable loss of federal funds for the school district as a result of the predicted presidential veto of the appropriation for the Department of Health, Education and Welfare.

As you may know, Logan District has received federal funds from Public Law 874, Titles I, II, and III of the Elementary and Secondary Education Act of 1965 and from Titles III and V of the National Defense Education Act. Receipts from these sources have for several years strengthened the school programs of the district, particularly the library and instructional media services. In addition, from NDEA III funds the district has made substantial additions to the instructional equipment for use of both students and teachers.

When the budget for the district was adopted last summer, estimated receipts from these sources were set up in the income accounts of the budget with corresponding appropriations in the expenditure section. Anticipating that the federal allocations would continue, the district has proceeded with the employment of staff and with the purchase of materials and supplies in these programs. Consequently, if the federal allocations are substantially reduced or eliminated we will face some serious financial readjustments.

The proportion of the maintenance and operation receipts from federal sources has been decreasing for the past two or three years. It is the opinion of the board that this trend needs to be revised. There appear to be good arguments supporting the proposition now advanced by some experts in the area of educational and public finance that the costs of public schools need to be underwritten in approximately equal portions by the three levels of government—federal, state, and local.

The board recognizes that the nation faces serious problems as a result of inflation of the economy, but believes that the Congress has made adequate budgetary correction for this in its reduction of other budget requests, particularly those for the defense establishments.

For these reasons, the board urges that you support federal appropriations for the public schools at a level at least equal to last year's allocations. These should be increased if at all possible to the amounts included in the Health, Education and Welfare appropriations bill now before the Senate.

The board appreciates the concern you have shown for the public schools and the actions you have taken in the Congress in support of more adequate funding for them.

Sincerely yours,

Logan City Board of Education,
Kenneth Cuthbert,
President.
Sherman G. Eyre,
Superintendent.

South Sanpete School District,
Manti, Utah, January 14, 1970.
Senator Frank E. Moss,
U.S. Senate Chambers,
Washington, D.C.

Dear Senator Moss: I am writing this letter to inform you that Federal Aid to Education in rural Utah is helping to provide a better educational experience for the young boys and girls of the rural areas of Utah.

It is the feeling of the majority of the people in the South Sanpete area that federal aid should be increased and not decreased at this writing.

The present NDEA Title III, Public Law 874, Title I (which I understand has been funded) as well as others provide rich and wonderful experiences that could not, without federal funding, be provided for our young students.

The people of Utah devote a large percentage of their personal income to education, as you well know, and it can't be denied that a cut in federal aid to education would appear to be disapproved by the majority of the people in this state.

The President has made his decision to cut federal aid and the purpose of this letter is to inform you, as our representative, that the President, in our opinion, is wrong in cutting educational programs at such a demanding time.

You are aware of the knowledge explosion and how important knowledge and training are in the life of a young person in order to function and to compete academically in such a dynamic and complex society as the one our young people are going to face in the future.

Your support to override the President's veto will be doing a great service to the young rural students of the state.

We know that inflation must be stopped, but we think better ways can and should be found to halt this spiral. To cut our most precious asset, the education of our youth, which does guarantee the future of America, is a grave mistake.

Sincere best wishes in the New Year.

Winston T. Gleave,
Superintendent.

North Summit School District,
Coalville, Utah, January 15, 1970.
President Richard M. Nixon,
The White House,
Washington, D.C.

Dear Mr. President: The North Summit Board of Education is concerned about the Federal Aid to Education Bill and your reported stand in relation to federal support to education.

We have programs that we feel greatly benefit our students that have been implemented and are in operation because federal funds are available. Under the program which you outline, a lot of these funds will be eliminated or greatly reduced, which in turn would curtail many projects which we feel help students. We are sure this will be true even to a greater extent across the state inasmuch as we are a small district.

In Utah, the citizens devote a very high percentage of their income to education and are among the leaders in this sense in their dedication to education. We do not feel that there is justification for the federal government lessening their support of education at the present.

We sincerely ask you at this time to not oppose or veto the current proposal in congress for federal support to education. We also ask that you support the federal government's role in providing general federal aid to education. We feel that education is important to the populace of this country and the welfare of our students is important to the future of this country.

We sincerely hope you will reconsider and change your current position on federal educational finance and encourage the federal government to continue to support its responsibility in education.

Sincerely,
George Behunin, Jr.,
Superintendent.

Ogden, Utah.

Dear Senator Moss: It is my desire that you please override the President's veto of public law 874.

Sincerely,
Cindy Hazelgren.

Paradise, Utah,
January 15, 1970.

Hon. Frank E. Moss,
U.S. Senate,
Washington, D.C.

Dear Senator Moss: I wish to applaud your stand to override the potential veto of Health, Education and Welfare spending by President Nixon.

The Utah schools are in need of federal aid to education. Federal aid to enrich our school programs, and permit our local districts to budget for federal funds without uncertainty surrounding possible cutbacks.

Utah, has many school districts, as you know, that rely heavily upon federal funds for providing quality education, because their areas do not have taxable industry to provide the means. Other districts have started fine programs such as "Upward Bound", with federal aid and we do not wish to see cutbacks in this and other federally supported education programs.

It has taken a long time and a lot of work to start the momentum of federal finances to education to help and supplant the private and parochial educational institutions. The results of so doing are gratifying; a dream coming true of an education for the masses and the exceptional child also.

Our Utah State University, at Logan, Utah, is relinquishing, Dr. Francis Halstrom, a highly trained and successful professor in the field of special education, to join the government at Washington, D.C. in the further development of "Upward Bound" program, a federally supported educational program.

Surely as reduction in expenses of the Viet Nam war, is coming about these monies can be allocated to education, health and welfare, which are so badly needed among our own people.

With best regards and thanks for your continued support of federally supported education for our nation.

Sincerely yours,
Marva H. Hansen,
Mrs. Ellis S. Hansen.

Box Elder County School District,
Brigham City, Utah, January 14, 1970.
Hon. Frank E. Moss,
U.S. Senator,
Senate Office Building,
Washington, D.C.

Dear Senator Moss: We, as duly elected School Board Members of the Box Elder County School District, are deeply disturbed over the cloud of uncertainty that is continuing to hang over federal aid to education. We are particularly disturbed over the threat of President Nixon to veto the Federal Education Appropriation Bill.

In this school district we have had to rely heavily upon the "Impact Aid" in order to operate our schools. For the 1969–70 school year we have budgeted approximately $200,000 and without these funds we are going to be in a real financial dilemma.

For a President of the United States to veto the "life-blood" of many of the public schools in this nation by curtailing federal funds is unbelievable.

Please know that we cannot urge you too strongly to support a continuation of federal moneys for education, particularly the impact aid, even if it means to override a presidential veto.

We sincerely feel that our school district will suffer severe consequences if these funds do not materialize.

We desperately need your help.

Sincerely yours,
Warren E. Hansen,
President, Board of Education.
Deloris Stokes,
Vice President.
Eberhart Zundel,
Arnold B. Gilbert,
E. Wayne Loveland,
Board Members.

Mountain View School,
Ogden, Utah, January 16, 1970.
Hon. Frank Moss,
Utah State Senator,
Washington, D.C.

Dear Senator: Our schools are going to be in a sad situation if the benefits of Public Law 874 are denied them. Please give it your support.

Sincerely,
Lorin M. Peterson,
Principal.

Ogden, Utah, *January 14, 1970.*

Dear Mr. Moss: I was upset to hear that maybe the 874 Bill won't be passed this year. This is very important to me as a mother of six and whole support of my family. And if this Bill is not passed I stand a very good chance of losing my job.

Please do not support this veto.

Thank you,
Mrs. Ann H. Crogun.

Ogden, Utah, *January 14, 1970.*

Dear Senator Moss: We wish to add our acceptance and full approval of your decision to vote against the veto of Bill 874.

Sincerely,
William and Dorothy Burbidge.

Ogden, Utah,
January 14, 1970.

Dear Senator Moss: I have always pointed with pride to Utah's fine educational program and the example set by our schools and graduates. I'm now feeling much concern over the possible "cutting off" of funds available to Utah through Public Law 874. The cut back would precipitate a tremendous jolt not only to those of us involved in education but a much more vital issue with our children and their educational future.

Should President Nixon veto this bill I would like to urge you to vote *against* the veto.

Thank you for all you do for us in Utah.
Marilyn Ward.

Ogden City Schools,
Ogden, Utah, January 13, 1970.

Dear Mr. Moss: It has been brought to my attention that there needs to be 30 more votes in the House to approve bill #874.

Since this bill is so vital to the needs of many people in our state, I am sending my plea to you to vote for this bill, and vote against the veto. In the event this bill is vetoed, we would hope to override the veto.

With the cut-back in loss of jobs that would arise with this veto, I am personally involved, as I represent the health needs of our school children. But more important than my needs, are the needs of the children who will be affected. What is more crucial to our children than art, music, health, and guidance, which will be denied if such a bill is vetoed.

Also, our local property taxes will be increased, and can we afford any further taxes? I myself, cannot.

I appreciate your concern in this matter.

Sincerely,
Mrs. Shirley Smith, R.N.

Ogden, Utah.,
January 15, 1970.

Hon. Frank E. Moss,
Senate Office Building,
Washington, D.C.

Dear Senator Moss: This communication is to thank you for effectively representing your constituency on the issues of tobacco advertising and with regard to the threatened withdrawal of funds from P.L. 874. I am sure that you realize what impact the loss of such funds would have on the public schools of Utah. I am informed that this action would, in Ogden city alone, necessitate the immediate dismissal of 60 persons. This cutback would force an increase in class load levels and almost a complete loss of such special services personnel as counselors, psychologists, social workers and school health personnel as well as class room teachers.

I would urge you, therefore, to continue your stand and if and when the time comes, vote to override President Nixon's veto of the HEW bill.

Thank you,
Robert E. Hall.

Ogden, Utah,
January 15, 1970.

Senator Frank Moss,
The Senate,
Washington, D.C.

Dear Senator Moss: I am grateful and relieved that you plan to vote against the President's veto of 874 funds. These funds are vital to maintain our school systems. Without them, here in Ogden, we will have to eliminate approximately 60 school personnel. This means enlarging classroom sizes and doing away with such "frills" as health programs, psychological services, art, music, and counseling programs. Of course, our taxes will have to go up. As a result no new business or industry will wish to locate here. Gradually, Ogden instead of being a thriving community will be a decaying ghost town. Please don't let that happen to us. Urge other senators and congressmen to vote against the President's veto. This bill effects the entire nation, not just Ogden.

Thank you.

Yours very truly,
Carol Anne Wood,
Mrs. Jerry R. Wood.

Ogden, Utah,
January 13, 1970.

Hon. Frank Moss,
U.S. Senate,

Dear Ted: I have been writing the delegation from Utah in Washington in an effort to get them to override any veto concerning the public law 874 school aid money. If you have any influence over those two congressmen and that Bald Eagle Senator please use it. I think I know how you stand on Nixon legislation so I am not worried on that score.

I want you to know that we in Weber County stand behind you 100%. Burton or whoever should aspire to your seat this veto of Nixon's would set our education back to Hoover days. We got your Xmas card and was glad of the family picture—it's very nice. Do what you can in this matter we are forever grateful for the Services you have given to our State and the Nation.

Very sincerely yours,
Warren Drury.

OGDEN, UTAH.

Senator FRANK EDWARD MOSS,
Senate Office Building,
Washington, D.C.

DEAR SENATOR MOSS: Congratulations on your stand on the Education Bill that is likely to be vetoed by President Nixon. The President must be more realistic in his approach. If Public Law 874 for impacted areas is unfair then surely the President and Congress can figure out a system of phasing it out rather than terminating it so abruptly.

Sincerely,
ROBERT D. EYESTONE.

BOUNTIFUL, UTAH,
January 8, 1970.

DEAR SENATOR MOSS: It is with interest and some apprehension that we watch the national legislative scene from back here in Utah. I have a feeling of confidence in most of the men representing us from our state. In writing you I feel assured that you will use the ability and power you have to help the children of the state of Utah.

Much of the industry here in the state is controlled by the Federal Government, especially here in Davis County. Up to this point we have been able to point to the schools of Utah with pride, knowing that we have a wonderful society in general in this state for children to grow and develop in. I feel our schools have been a great contributing factor for the things we take pride in. My family, friends, and I are concerned that our schools may not be able to maintain the standards of leadership if they do not receive the financial support needed from the state and federal government.

We are living in a federal impacted area of Davis county, and we are greatly concerned when we note our schools might be cut back to about half the aid received in 1968, especially in the face of the tremendous growth in population we are experiencing. It is with relief that we see the HEW bill passed the house. We hope the senate will follow suit. Then we hope some influence by you can direct the President to be assured that it is a necessary bill.

Thanking you for your efforts.

Sincerely,
BRYCE W. MEMMOTT.

OGDEN, UTAH,
January 14, 1970.

DEAR SENATOR MOSS: I understand that Bill 874, which has appropriated in the neighbor hood of $700,000 to the Weber County School District for special educational services and facilities may be vetoed when the vote comes up in the near future.

This could seriously affect many of the services now enjoyed and needed by our schools, such as counseling services, TV programming, Remedial reading services, library services, etc.

As President of the Bonneville Council of P.T.A., I strongly urge you to vote in favor of this bill, as I feel we need to support education and the many fine programs offered in our schools.

Sincerely,
MRS. WM A. TELLEMAN,
President, Bonneville Council PTA.

OGDEN, UTAH,
January 14, 1970.

DEAR MR. MOSS: I am writing you concerning Public Law 874 and hope that you with your vote will override the President's veto of this law.

Many here in Utah will be seriously affected by the abolishment of this law.

I therefore hope that I can support you by asking you to consider my concern of the President vetoing the passing of Public Law 874.

Sincerely,
EDWARD L. BUNNELL,
Speech and Hearing Pathologist, Ogden, City Schools.

BOX ELDER EDUCATION ASSOCIATIONS.

Hon. FRANK E. MOSS,
Senate Office Building,
Washington, D.C.:

Your efforts have done much to further the cause of good education. We hope you will continue to work for full funding of P.L. 874. Loss of these funds would imperil a sound education program in Box Elder County School District. We urge you to use all possible means to secure full funding of P.L. 874 and related funds.

DON POTTER,
President.

BEAR RIVER HIGH SCHOOL FACULTY,
Tremonton, Utah, January 16, 1970.

Hon. FRANK E. MOSS,
Senate Office Building,
Washington, D.C.:

We plead your support Federal impact bill in its entirety.

DEE LEAK,
Chairman.

BRIGHAM CITY, UTAH,
January 18, 1970.

Senator FRANK MOSS,
U.S. Senate,
Washington, D.C.:

We wish to ask your support of bill 13111 Federal Impact Area Act. This money is essential to our school program.

LAKEVIEW SCHOOL.

OGDEN, UTAH,
January 14, 1970.

DEAR MR. MOSS: Please vote no when the President vetoes the bill for 874 funds to remain.

Sincerely,
ALICE R. THORSTED.

THE CHURCH OF JESUS CHRIST OF LATTER-DAY SAINTS,
Ogden, Utah, January 14, 1970.

Senator "TED" MOSS,
U.S. Senate,
Washington, D.C.

DEAR SENATOR MOSS: We appreciate your efforts in behalf of the federal aid to education bill, especially to the P.L. 874 part that so deeply involves Utah. This letter is to urge you to continue your fight and to vote to override the probable presidential veto.

I also appreciate your work concerning the cigarette menace.

Very sincerely,
Bishop ——— ———.

UTAH TECHNICAL COLLEGE,
Provo, Utah, January 16, 1970.

FRANK E. MOSS,
U.S. Senator,
U.S. Senate,
Washington, D.C.

DEAR SENATOR MOSS: Thank you very kindly for your support and help on the appropriations for vocational education by amending the H.B. 13111 to increase this amount of funding. We do hope that, as the Senate meets again to vote on these amendments, something can be done to either prevent the President from vetoing this bill or pass the bill over his veto.

There are many here who are applauding the vigorous action that you and others are taking to see that proper funding goes to vocational education.

Yours very truly,
WILSON W. SORENSEN, *President.*

OGDEN, UTAH,
January 14, 1970.

Senator FRANK E. MOSS,
U.S. Senator,
Washington, D.C.

DEAR SENATOR MOSS: How you vote on House Bill 874 will determine the number of votes you receive from many, many, Utah people in the next election. Therefore would you please vote for House Bill 874. If the bill is vetoed would you please override the veto?

Sincerely,
ZINA GARBETT,
Ogden City Schoolteacher.

KAYSVILLE, UTAH,
January 14, 1970.

Senator FRANK E. MOSS,
Senate Office Building,
Washington, D.C.

DEAR MR. MOSS: * * * I would especially like to ask your support in overriding President Nixon's plan to veto the Federally Impacted Monies to Education. The loss of this money would be disastrous to Educational Special Services such as Psychology, Social Work, Counseling, Art and Music. There would also be an added burden placed on many Utah taxpayers. If the President vetoes the Bill please do your part to override it.

Respectfully,
RICHARD E. SMITH.

WASATCH FRONT EDUCATIONAL COUNCIL,
Murray, Utah, January 16, 1970.

Hon. FRANK E. MOSS,
U.S. Senate,
Washington, D.C.:

Thank you for your continuing support for Federal aid to education.

WALTER H. PROTHERO,
Chairman.

McKINLEY SCHOOL FACULTY,
Tremonton, Utah, January 16, 1970.

Hon. FRANK E. MOSS,
U.S. Senate Building,
Washington, D.C.:

Voters of Box Elder County urgently request H.R. 13111 impact 8, category B, be left in appropriations bill now before the President. If deleted much damage to our school would result.

JAY M. STOKES,
Principal.

BRIGHAM CITY, UTAH,
January 16, 1970.

Senator FRANK E. MOSS,
Senate Office Building,
Washington, D.C.:

Central School Faculty, Brigham City, Utah, urges your support of impact aid bill, even to overriding the President's veto if necessary.

CENTRAL SCHOOL.

BRIGHAM CITY, UTAH,
January 16, 1970.

Senator FRANK E. MOSS,
U.S. Senate Building,
Washington, D.C.:

We support H.R. 13111.

FOOTHILL SCHOOL.

TREMONTON, UTAH, *January 16, 1970.*

Hon. FRANK E. MOSS,
Senate Office Building,
Washington, D.C.:

Voters of Box Elder County strongly urge H.R. 13111, impact 8, category B be left in appropriations bill now before you. If deleted much damage to our schools could result.

NORTH PARK SCHOOL FACULTY.

OGDEN CITY SCHOOL DISTRICT,
Ogden City, Utah, January 14, 1970.

Representative Moss.

DEAR MR. MOSS: I am sure that you are aware of the need which many School Districts in Utah have for the 874 Moneys for impacted areas.

In Ogden City School District these moneys mean about $700,000. If they were withheld there would have to be an immediate reduction in the services offered by Ogden City. The services which would be dropped would be in the area of Health, Art, Music, and Jr. High School Guidance. These jobs would be lost at a time when we need so much to improve our educational services.

It is also very likely that if the 874 Moneys

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are withheld there would have to be a large increase in the local Property taxes.

May I encourage you to continue to work for Utah and for the 874 moneys which Utah needs.

Yours truly,

STEPHEN A. SLATER,
Teacher.

LOGAN, UTAH, *January 19, 1970.*

Hon. FRANK E. MOSS,
Senator, U.S. Senate,
Washington, D.C.

DEAR SENATOR MOSS: We applaud your strong stand on Labor-HEW appropriation bill of 1970 and fully support override of threatened veto. Messages are also being sent to other Utah Congressmen.

Mr. and Mrs. Akeley Miller, Mr. and Mrs. Eastman Hatch, Mr. and Mrs. Fred H. Wagner, Mr. and Mrs. John K. Wood, Mr. and Mrs. Winfred O. Carter, Mr. and Mrs. Ralph Matesky.

DAVIS COUNTY PTA,
Salt Lake City, Utah, January 19, 1970.

Senator FRANK E. MOSS,
Senate Office Building, Washington, D.C.:

The Davis County PTA Council commends you for your support of the Labor-HEW appropriations bill and your intention to override the President's threatened veto. The withdrawal of these funds could be disastrous to the Davis County School District. Forty percent of our students are federally connected.

Mrs. COLEEN T. BUSENBARKEN,
President.

Mr. MOSS. Mr. President, this is not time to shortchange our schools and our students. We must spend whatever it takes to assure a quality education to all of our young people. We can put off new programs such as MIRV or space exploration to Mars, but we cannot postpone improvements in our educational process.

I shall vote for the conference report as well as to override the President's veto if he exercises his veto power on this bill.

Mr. GRIFFIN. Mr. President, I yield 10 minutes to the Senator from California (Mr. MURPHY).

The PRESIDING OFFICER. The Senator from California is recognized for 10 minutes.

Mr. MURPHY. Mr. President, I support the conference report, although I am greatly disappointed in particular with two actions taken by the conferees; namely, their action with respect to the dropout prevention program and the supplementary State program.

The dropout prevention program was authored by me in 1967 and has so much promise and potential in bringing about needed education reform in this country. As a result of my testimony, the Appropriations Committee increased the appropriations for this program to $20 million as contrasted with only $5 million provided in the House-passed measure. Unfortunately, in conference, the House figure of only $5 million prevailed.

Incidentally, I have just received an early report from the Texarkana project. This has been the project that has been the subject of so much national attention. In this project, the local school system has subcontracted on a performance contract basis with private industry to raise basic reading and math scores of emotionally disadvantaged students. In this form of contract, one must produce in order to get paid. Preliminary results are encouraging. Thirty youngsters in the program have been tested and the results show a one-grade level increase in math and approximately a two-grade increase in reading in 50 hours of instruction. The performance contract had stipulated a one-grade level increase for 80 hours of instruction. Similarly, there are other exciting dropout prevention projects in this country, all of which are closely monitored and evaluated. Yet, the conferees for some reason did not look with favor on this program.

This is a good example of "a high priority program" lacking political muscle, and, as a result, it was apparently forgotten in conference.

The second program, which I authored, the supplementary State program, which was added to the MDTA Amendments of 1968, also had great promise. I offered a floor amendment adding $20 million for this title V program, which was supported by the administration, is consistent with the administration's efforts to improve manpower programs, and to strengthen State and local government roles in them. This amendment would have provided flexible funds to enable the States to be creative in the manpower field. Regrettably, the $20 million added by the Senate was deleted in conference with the result that no funds are available for this program.

We all know that inflation poses a clear and present danger to the health of our economy. So I share with the administration their deep concern over inflation and the necessity of bringing it under control. If the President decides to veto the bill, and he has indicated he might do so, I beg of him to find a way to see that adequate funds are channeled into some vital educational programs.

One such program is the impacted aid program. While this program has been criticized frequently, and undoubtedly there are abuses in the program, nevertheless the facts are that for many school districts in my State, the impacted aid program is a matter of survival. For one district in my State, the Travis Unified District in Solano County, impacted aid assistance represents 49.14 percent of the total current expenses. In many other districts, impacted aid funds are also critical. As the China Lake School District indicated in a letter to me last year—

> The school district at this Naval Station is a slave of federal and state legislation because it has no way to make up losses through local taxation. Funds must be made available through Public Law 874 if China Lake School District is to survive.

The Battelle Institute, which just completed a study of the impacted aid program with the approval of the previous administration and the Congress, although finding abuse and recommending significant changes, concluded:

> The federal government should continue to provide a program of school assistance in federally affected areas . . . in many of these cases if the federal program were terminated, the child would receive no education at all; in other cases, the quality of education available would be severely reduced with serious consequences for the federal government's attempts to recruit employees to such areas and for the quality of education generally.

So if there are abuses in the impacted aid program, they should be corrected by legislation in an orderly fashion. What I am saying is that it would be very foolish to "throw the baby out with the bath water."

This problem has been known, and it has been kicked under the rug during the regimes of at least four Presidents that I know of. I say that the time has come to face up to this. Let us put the money where it is needed. Let us eliminate the abuses where they occur and do it distinctly and clearly.

Another program which is so vital is the bilingual program. I cosponsored this program in 1967 and have played a leading role in securing necessary and increased funding for it. This year in testimony to the Appropriations Committee I recommended full funding and I was delighted that the committee recommended $25 million for the program. Senators and citizens not residing in the Southwestern States are not familiar by and large with the problem that confronts the Spanish-speaking youngster. To appreciate the program's importance, one need only imagine what it would be like if he or his youngster were to enter the first year of school where the language of instruction was different from the one used and spoken at home. It would come as no surprise if one were to become frustrated and fall behind, discouraged, and drop out. This all too often has been the story of the Mexican American in my State where as many as 50 percent drop out by the eighth grade. I have been keeping as close a watch on this program as possible and had a survey made of many of the programs in my State. While admittedly at this early point in the program we have only subjective evaluations, these evaluations are positive, heartwarming and encouraging.

The program is accomplishing what it was designed to do. There is no waste in these funds and there is nothing in these programs of an inflationary nature.

We search for ways to improve the educational performance of our minority students, for the Mexican American—the Nation's second largest minority group—we seem to have found a solution. It is therefore imperative that this program receive sufficient funds.

Another area of deep interest to me is the area of vocational education. I offered on the Senate side the cooperative education, or work-study concept. This and other programs in the Vocational Education Amendments of 1968 made this act a historic and landmark bill. Vocational education must receive greater priority in our society and we must stop treating it as an education stepchild. I therefore hope that programs will be funded in this area.

Also in connection with vocational education, I offered an amendment to this bill increasing funds for much needed teacher training in this area.

I have also been a supporter of the cooperative education concept at the higher education level.

I can remember when I was a child in Philadelphia the Drexel Institute where a child went to school and he worked. And when he got through he had a diploma, an education, and a skill. He knew where he could get a job. He did not have to say, "What should I do now that I am educated"? This bill earmarks

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1 percent of higher education work-study funds for this concept.

I also believe it is necessary that we provide needed resources for school districts having a large number of educationally disadvantaged youngsters. In this connection, I authored the Urban and Rural Education Act which has been incorporated in the Elementary and Secondary Education Act extension, which will be on the Senate floor very soon. I intend to support the conference report. I do not believe expenditures for these programs are inflationary. I want to take this opportunity to make my feelings known to the administration.

I understand their concern. I know what the problems are. However, I have evaluated, I think, these matters very carefully which I have brought to the attention of my colleagues today. I hope that they will receive proper consideration. They are needed. They are not inflationary. And I think that the time has come when these things should be faced up to and cured. I want to take this opportunity to make my feelings known to the administration. I support the conference report.

Mr. MANSFIELD. Mr. President, I yield myself 7 minutes and will then yield 2 minutes to the distinguished Senator from Louisiana.

The PRESIDING OFFICER. The Senator from Montana is recognized.

Mr. MANSFIELD. Mr. President, it is most fitting that the first action of this session is the pending conference report dealing with the health and education needs of our country. As a Senator from Montana and as the leader of the Democratic Party of the Senate, I enthusiastically endorse the proposals for appropriations contained in this bill. As a whole, the bill reflects, in my opinion, a proper attitude; one that emphasizes the welfare of our citizens at home—the health facilities and services that are to be available to them—and one that recognizes as well the strong emphasis that this country should place upon the education of our youth.

At the end of last session, the senior Senator from Louisiana (Mr. ELLENDER), as acting chairman of the Appropriations Committee submitted, on behalf of the Appropriations Committee, a full summary of the action of the Appropriations Committee. I ask unanimous consent that an abbreviated form of that outline be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. MANSFIELD. In comparing congressional action with the President's overall requests, it is clear that Congress judged that the President's spending recommendations were excessive; Congress not only cut the Nixon budget sharply in line with its concern for inflationary pressures, but at the same time has reordered national priorities away from nonessential spending and closer to the health, welfare, educational, social, and environmental needs that face this Nation at home.

The issue that faces each of us is not whether Federal spending should be cut to check the spiraling inflation and rampaging interest rates that this past year has brought; the Congress has already adjudged that the President's spending recommendations must be cut. The President now agrees with the Congress that Federal spending must be cut. The issue that has been presented is where the cuts must be made. The Congress has cut $6.7 billion from the President's recommendations for spending—prior to the consideration of this bill. This includes the foreign aid appropriations where the money figure is not the real issue remaining. The Congress has added more than $1.1 billion to health, education, and environment control over the President's recommendation. The President says that these moneys for these programs are inflationary.

There were those in the Senate who felt that the $95.9 million the administration requested for the supersonic transport was inflationary, but the Congress resolved its double in favor of the President's request by appropriating $85 million.

There were those in the Congress that felt that the $793.5 million for the antiballistic-missile system was unwise for many reasons—one of which was that it was inflationary.

There are those in the Congress who considered the $1.8 billion increase over last year's appropriation requested by President Nixon for naval shipbuilding for this current year of 1970 to be highly inflationary. It is interesting that this administration's increase in naval shipbuilding exceeds what this Congress believes the increase should be in the education and health areas by over $600 million. But only the education and health additions are threatened with a veto.

It is unfortunate that the efforts made by the Congress to give further emphasis to the health, education, and environmental needs of this Nation—to start the shift of Government resources to these vital areas—are met with the threat of a veto.

The Congress is interested in cutting Government spending and to further its objectives, Congress will have to cut overall appropriations after the passage of these additions to education and health by over $7.5 billion, from what the President requested. This includes funds requested by President Nixon for future fiscal years but cut by the Congress. For fiscal year 1970 alone, the Congress has cut the Nixon budget requests in excess of $5.6 billion. The President's requests for military appropriations alone were cut by an amount equal to that amount—$5.6 billion. A small part of these savings was rechanneled by the Congress into more funds for health, poverty, education, welfare, and the environment. For improving environment alone, the Congress increased the President's request by 200 percent—by over $400 million. So much more needs to be done before this Nation falls hopelessly behind in this problem and beyond a point of no remedy. Congressional emphasis in this area is well justified. The additions to antipollution made by the Congress to those requested by President Nixon about equaled those cuts made by the Congress to President Nixon's money request for military construction. I am willing to stand on the wisdom of that judgment by Congress.

In the light of his announced veto, the President apparently objects to these actions by the Congress; but it should be remembered that the amounts added by the Congress to these vital domestic programs come to just 20 percent of the savings made by the Congress in the President's military budget requests alone; or in an equally compelling comparison, the amounts added by the Congress to these vital domestic needs about equal the cuts made by the Congress this year from President Nixon's requests for the foreign aid program.

As the Democratic leader, I am proud to stand on this record.

COMPARISON OF NIXON ADMINISTRATION BUDGET REQUESTS AND ACTION BY THE 91ST CONGRESS, 1ST SESSION—FISCAL YEAR 1970[1]

[Does not include any "back-door" type budget authority; or any permanent (Federal or trust) authority, under earlier or "permanent" law,[1] without further or annual action by the Congress]

Bill and fiscal year	Total Nixon administration budget requests submitted to Congress	Amounts appropriated by Congress	(+) or (−) Congress amounts compared with Nixon budget requests
Bills for fiscal 1970:			
1. Treasury-Post Office (H.R. 11582) (net of estimated postal revenues appropriated)	$2,314,714,000	$2,276,232,000	−$38,482,000
(Memorandums: Total, including authorizations out of postal funds)	(8,821,727,000)	(8,783,245,000)	(−38,482,000)
2. Agriculture (H.R. 11612)	7,237,562,050	7,488,903,150	+251,341,100
3. Independent offices-HUD (H.R. 12307) (including 1971 advance)	15,512,969,600	15,111,870,500	−401,099,100
(Fiscal year 1970 amounts only)	(15,337,969,600)	(15,111,870,500)	(−226,099,100)
4. Interior (H.R. 12781)	1,390,856,500	1,380,375,300	−10,481,200
5. State, Justice, Commerce, and Judiciary (H.R. 12964)	2,475,704,600	2,354,432,700	−121,271,900
6. Labor-HEW (H.R. 13111)	19,834,125,700	19,747,153,200	[2]−86,972,500
(Fiscal year 1970 amounts only)	(18,608,125,700)	(19,747,153,200)[2]	(+1,139,027,500)
7. Legislative (H.R. 13763)	372,152,949	344,326,817	−27,826,132
8. Public works (and AEC) (H.R. 14159)	4,203,987,000	4,756,007,500	+552,029,500
9. Military construction (H.R. 14751)	1,917,300,000	1,560,456,000	−356,844,000
10. Transportation (H.R. 14794) (including 1971 advances)	2,090,473,630	2,143,738,630	+53,265,000
(Fiscal year 1970 amounts only)	(1,840,473,630)	(1,929,738,630)	(+89,265,000)
11. District of Columbia (H.R. 14916) (Federal funds)	228,842,000	168,510,000	−60,332,000
(District of Columbia funds)	(752,944,300)	(650,249,600)	(−102,694,700)
12. Defense (H.R. 15090)	75,278,200,000	69,640,568,000	−5,637,632,000
13. Foreign assistance (H.R. 15149)	3,679,564,000	2,558,910,000	−1,120,654,000
14. Supplemental (H.R. 15209)	314,597,852	278,281,318	−36,316,534
Total, these bills—			
As to fiscal 1970	135,200,040,881	129,595,765,115	−5,604,275,766
As to fiscal 1971	1,651,000,000	214,000,000	−1,437,000,000
Total, 1970 bills including 1971 amounts	**136,851,040,881**	**129,809,765,115**	**−7,041,275,766**

See footnotes at end of table.

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COMPARISON OF NIXON ADMINISTRATION BUDGET REQUESTS AND ACTION BY THE 91ST CONGRESS, 1st SESSION—FISCAL YEAR 1970 [1]—Continued

[Does not include any "back-door" type budget authority; or any permanent (Federal or trust) authority, under earlier or "permanent" law,[1] without further or annual action by the Congress]

Bill and fiscal year	Total Nixon Administration budget requests submitted to Congress	Amounts appropriated by Congress	(+) or (−) Congress amounts compared with Nixon budget requests
Bills for fiscal 1969:			
1. Unemployment compensation (H.J. Res. 414)	$36,000,000	$36,000,000	
2. Commodity Credit Corporation (H.J. Res 584)	[3] 1,000,000,000	[3] 1,000,000,000	
3. 2d supplemental (H.R. 11400)	4,814,305,334	4,352,357,644	−$461,947,690
Release of reserves (under Public Law 90-364)	(79,999,000)	(80,230,000)	(+231,000)
Total, 1969 bills	5,850,305,334	5,388,357,644	−461,947,690
Cumulative totals for the session	142,701,346,215	135,198,122,759	−7,503,223,456

[1] Presupposes passage Labor HEW conference report in form submitted as well as amounts in Foreigh Aid appropriations conference as submitted.

[2] Although a reduction in the budget estimate of $86,972,500 is reflected in the total column of the bill, it must be made clear that the budget estimate column to the Senate includes $1,226,000,000 advance funding for ESEA for 1971 whereas none of these funds were included in the conference agreement. Deducting the $1,226,000,000 from the budget estimate column gives a comparison for fiscal year 1970 only and reflects the conference agreement over the budget estimates in the amount of $1,139,027,500.

[3] Shifted from fiscal 1970 budget, a portion of which is technically classified in the budget as "liquidation of contract authorization" rather than as new budget (obligational) authority.

Mr. ELLENDER. Mr. President, I have before me a tabulation supplied to me by the Office of Education at my request, showing congressional action of the HEW appropriations conference committee as it relates to the amount requested by the administration. More importantly, this tabulation indicates the reasoning of the administration's spokesmen concerning why the increases or actions approved by the Congress should not be enacted into law.

This is important, it seems to me, because it allows us to get to the assumptions underlying the administration's reasoning on each of these specific programs.

We are told, for instance, that under the category of aid to libraries, the purchase of books and other library resources can be put off without great damage to the program. Needless to say, neither would much good be done to the program by vetoing this bill.

We are told, regarding vocational education, that the increases will be inconsistent with future budgets. That may be true, but it seems to be forgotten that the Congress also has a say in regard to future budgets. It is also stated that to make funds available without future administration commitment will be to put programs "into a state of limbo." This may be also true, but it is the responsibility of the Congress to take programs and needs out of limbo if the circumstances warrant after investigation.

One further point should be made in this connection. Much of the comments from the Office of Education speak of the lateness in the year for the appropriation and that, because of the time element involved, and because of inadequate planning, the funds would be largely wasted or misspent because of crash planning. I point out that this money is allocated by the Congress for expenditure at the local level where the local school boards and school administrators have plans of long standing which await only the funding to make them effective at the local level.

The PRESIDING OFFICER (Mr. GRAVEL in the chair). The time of the Senator has expired.

Mr. MANSFIELD. Mr. President, is there any time remaining?

Mr. ELLENDER. Mr. President, I ask unanimous consent that I may proceed for 1 additional minute.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that there be provided 2 additional minutes, the time to be equally divided on each side.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ELLENDER. Mr. President, I do not mean to be unduly critical of the administration or of the Office of Education. I am as concerned with the inflation besetting our country as is the President. The question is in maintaining a sense of balance as to what we can do and what must be done in connection with these programs of education.

I point out that some of the reasoning included herein is based on what I consider to be fallacious assumptions concerning the role of the bureaucracy and concerning the role of the Congress working in tandem with the Executive under our Constitution. The important point, as I stated heretofore, is that the President does not exercise sole responsibility over our domestic affairs. Indeed, in the raising and disbursement of Federal revenues, the will of the Congress should be predominant, for it is the Members of Congress who are the closest to the needs of the people.

It seems to me that the national priorities as measured and established by the Congress necessarily should take precedence over the scales set up by the "faceless bureaucracy" here in Washington, who see nothing but their desks in the morning and the rich suburbs at night.

Mr. President, I ask unanimous consent that the tables which I presented be printed in the RECORD.

There being no objection, the tables were ordered to be printed in the RECORD, as follows:

OFFICE OF EDUCATION

Program	Amount requested	Conference agreement	Increase	Comments
Elementary and secondary education:				
Educationally deprived children (title I, ESEA)	$1,266,000	$1,396,975	+$170,975	Experience in the first year of title I shows that when large amounts of funds are made available to school districts late in the school year, much of the funds are used for books, equipment, or school building renovations. Since that time, great effort has been made to encourage school districts to develop projects of continuing benefit and improvement through additional teachers and teacher aides, curriculum change or remedial academic programs. Because little planning time remains in fiscal year 1970, it is likely that most of the additional funds will be quickly used up in buying books or equipment or in mounting hastily drawn summer projects of limited usefulness.
Bilingual education	10,000	25,000	+15,000	These funds are used to support exemplary pilot and demonstration projects in bilingual education for children who have limited English-speaking ability. This program has strong administrative support as shown in the budget. In addition, bilingual education has been considered as a priority component of other educational assistance programs, including title I, teacher and educational personnel training, and educational research. In 1969, the first year of the bilingual education demonstration program, 78 projects were supported. The 1970 budget would continue these projects and would support 20 new projects, an increase of 25 percent. This will allow the program to grow at a reasonable and manageable rate. A $15 million increase over the budget would fund an additional 50 projects. With less than 5 months of the year remaining to review, evaluate, and approve individual projects, these orderly processes will have to be rushed through in order to obligate the additional funds by June 30. Under these conditions the risk of funding poorly conceived projects is quite high.
Supplementary educational centers	116,393	164,876	+48,483	Under this program funds are allotted by formula to State educational agencies to support innovative exemplary projects in elementary and secondary schools. The budget provided for funding continuing projects started in prior years. No new projects are planned because this program is proposed for consolidation with other elementary and secondary categorical assistance for school libraries, equipment, and guidance-counseling. The proposed consolidation is reflected in legislation passed by the House. The Senate has not completed action. The additional $48.5 million allowed by the conferees would be used to begin new projects. Aside from the difficulty in mounting new projects so late in the fiscal year, expanding the program at this time seems to be totally inconsistent with the manner in which this program will operate next year. At best, new projects begun in 1970 will have no assurance of continued support in future budgets as this program is presently constituted.

OFFICE OF EDUCATION—Continued

Program	Amount requested	Conference agreement	Increase	Comments
Elementary and secondary education—Continued				
Library resources (title II of the Elementary and Secondary Education Act).		$50,000	+$50,000	All of these programs overlap the authorities of other, more flexible programs such as titles I or III, ESEA. They encourage the expenditure of funds on specific categories of expense, such as equipment or library books, regardless of actual need. Books and equipment can be purchased and counseling provided under title I, but the decision to do so rests with the school district and its assessment of priorities. The Department would prefer to eliminate the older, categorical programs.
Guidance, counseling, and testing (title V of the National Defense Education Act).		17,000	+17,000	
Equipment and minor remodeling and "instructional equipment" (title III of the National Defense Act).		78,740	+78,740	
School assistance in federally affected areas:				
Maintenance and operations (Public Law 874)	$187,000	585,000	+398,000	The increase would go to school districts least affected by Federal activities. The additional funds would help pay for the education of children—so-called B children—whose parents already contribute to local schools through property taxes. The administration request provides for full funding of the educational expenses of children whose parents both live and work on Federal property and therefore do not contribute any tax support to local schools. These so-called A children clearly represent the highest priority need for assistance under the program. The budget request provides no funds for support of the B children. The budget included appropriation language to suspend provisions in the authorizing legislation prohibiting the targeting of funds on A children.
Education professions development:				
Grants to States	15,000	18,250	+3,250	These programs provide support for training teachers and other educational personnel. The budget held these programs to the 1969 level because further review and evaluation was needed concerning the use of resources for education training programs. Subject areas, duration and kind of training programs, shortage categories, training priorities—all needed to be defined before additional funds are invested in training education personnel. The additional $12.5 million over the budget could not be used effectively in the short time remaining in fiscal year 1970.
Training programs	80,000	88,750	+8,750	
Recruitment and information		500	+500	
Higher education:				
NDEA direct student loans	161,900	229,000	+67,100	These funds are allotted by formula to colleges and universities for making low-interest loans to students during the current academic year. The budget estimate was developed on the basis that direct Federal loans would be limited as much as possible to students from families with less than $10,000 income. Students with higher family incomes would be eligible for insured loans from private sources. While there was some initial difficulty in getting banks to make insured loans, this was overcome by the emergency insured loan legislation passed by the last session of Congress. Although colleges and universities have some unfunded applications on hand to make additional loans during the remaining months of the fiscal year by the time the additional $67,000,000 becomes available the students' financial arrangements will have been resolved without additional Federal funds.
Construction—undergraduate facilities		33,000	+33,000	The increase for higher education facilities grants is an especially inflationary addition by the Congress. Costs in the construction industry have been running well ahead of general price increases—high as these are. The addition also seems particularly unnecessary in view of the generous support for construction included in the budget. Continuing the shift in facilities financing begun last year, the administration request would phase out direct grants and loans in favor of subsidizing the interest costs of loans furnished by the private money market. In total, though, the budget would support a much higher level of construction activity in 1970 than in 1969—increasing construction funds from about $240,000,000 to well over $400,000,000.
Vocational education:				
Basic grants	234,216	354,716	+120,500	Much of the increase for vocational education is in the low priority, traditional State grant programs. They are among the oldest federally supported education activities and have been the object of attempted reforms in both 1963 and 1968. Once successful in preparing our school-age youths for the occupations of an agricultural America, they have responded slowly to the manpower requirements of an urban, industrialized society. Although some promising redirection is taking place, these programs still are not equal to the promise of other administration programs in meeting today's highest priority manpower needs. In addition, it is questionable whether the States will be able to utilize effectively—at this late date in the fiscal year—the large sums added by the Congress. Unless States can quickly develop plans for the 50-percent increase in Federal funds and actually utilize these sums before the end of the fiscal year, it is likely that these increases will simply replace State and local funds now budgeted for 1970 State programs.
Consumer and homemaking education	15,000	20,000	+5,000	
Work-study	0	10,000	+10,000	These increases for vocational education will be inconsistent with future budgets. Different methods and plans are now being developed by HEW to handle the problems to which these programs are directed. To appropriate funds for these activities in 1970 without future administration commitment to the approaches they represent will be to put them into a state of limbo. In each case, the lateness of the appropriation will also be an important factor. It is unlikely that programs can be mounted which will effectively utilize the additional funds. The programs for students with special needs in an entirely new activity never before funded; and the work-study addition comes after a year's lapse in funding of the program and at a time when cooperative education is emerging as the better method for matching work experience with vocational training.
Programs for students with special needs	0	40,000	+40,000	
Research	0	34,000	+34,000	
Libraries and community services:				
Library services	23,209	40,709	+17,500	The increases for library programs are low priority because most of these expenditures are clearly deferrable. The purchase of books and other library resources can be out off without doing great damage to the programs. In addition, the construction of public library faciities is especially inflationary since construction costs are rising even more rapidly than the general price level. In the case of librarian training, the Administration request retained funds for graduate level training of librarians—the greatest need in this field. The increase, however, would restore the less effective short-term, institute training which has received a lower priority throughout the education budget.
Construction of public libraries		9,185	+9,185	
College library resources	12,500	20,834	+8,334	
Acquisition and cataloging by Library of Congress	4,500	6,737	+2,237	
Librarian training	4,000	6,833	+2,833	
Educational broadcasting facilities	4,000	5,083	+1,083	This increase would be used for the purchase of additional educational broadcasting transmission equipment. It is low priority because like other construction and equipment items it is a deferrable expense. The Administration is simply requesting a more moderate expansion of these facilities in the current inflationary period.
Education for the handicapped	85,850	100,000	+14,150	Special aid to educating handicapped children is provided through State grants, teacher education, and research and innovation. The budget provided a 10 percent increase in funding primarily for research and demonstration projects to develop and test the best methods of educating handicapped children. Plans and programs have been developed for the use of the additional funds provided in the budget. An additional $14.1 million coming so late in the fiscal year and without adequate planning would lead to funding crash projects inconsistent with the thoughtful development of future aid to education for handicapped children.

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Mr. GRIFFIN. Mr. President, over and over again in this debate some of our friends on the Democratic side of the aisle have made the statement that the total appropriations of Congress have been below the President's budget request.

I wish to read the leading paragraph of an article which was published in the New York Times under date of December 26, 1969:

> Congressional actions and inactions in the session just concluded add almost $3 billion to Government spending in the current fiscal year over President Nixon's revised budget, a final but unpublished analysis diclosed today.

In addition, I call attention to the fact that a report by the Joint Committee on the Reduction of Federal Expenditures, of which the distinguished Representative from Texas, Mr. MAHON, is the chairman, and which was released only a few days ago, reflects very clearly that Congress not only wiped out the surplus by its actions and inactions with respect to appropriation bills, but left a deficit.

Mr. President, I ask unanimous consent that the entire article to which I referred may be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

ALMOST $3 BILLION ADDED BY CONGRESS TO PRESIDENT'S REVISED BUDGET

(By Edwin L. Dale, Jr.)

WASHINGTON, December 25.—Congressional actions and inactions in the session just concluded add almost $3-billion to Government spending in the current fiscal year over President Nixon's revised budget, a final but unpublished analysis disclosed today.

In addition, "uncontrollable" items in the budget, such as interest on the national debt, have risen more than $2-billion since August.

Thus, at present, if nothing is done, the outlook is for little or no budget surplus, though the official estimate of a $5.9-billion budget surplus has not yet been formally changed. The rough current spending estimate is $197-billion, far above the $192.9-billion fixed by the President in April and reiterated in July.

The planning for the next fiscal year's budget, meanwhile, has become more intense, and the White House announced today that President Nixon would not leave for a holiday in California tomorrow as scheduled.

A White House spokesman said that Mr. Nixon worked on the budget last night and today and wanted to stay in the capital through the weekend to meet with Budget Director Robert P. Mayo and other economic advisers.

Sources throughout the Administration indicated that there was no further reason for postponing the vacation. Mr. Nixon now plans to fly to California early next week, probably Tuesday, and stay through the weekend of Jan. 10.

In many Congressional minds, the addition of $3-billion to spending in the current fiscal year through a variety of actions and inactions is offset by a cut of the same amount in defense outlays.

But the $3-billion defense cut had already been imposed by the President before Congress acted and was incorporated in his over-all spending ceiling of $192.9-billion, which now seems certain to be substantially exceeded.

These were the main actions and inactions by Congress that will push up the spending total in the current fiscal year.

Failure to raise postal rates and the resulting increase in the postal deficit—$600-million.

Enactment of a larger Social Security increase, effective at an earlier date, than the President requested—$1.1-billion.

Failure to pass two bills affecting Veterans Administration and Farmers Home Administration credit programs—$400-million.

Enactment of Agriculture and Public Works appropriation bills—$500-million.

Failure to end duplication of burial benefits in the veterans and Social Security programs—$100-million.

Added lending by the Small Business Administrations and reduced savings deposit insurance premiums—$130-million.

Veterans benefits and Civil Service retirement—$100-million.

These increases and other smaller ones were offset in a minor way by cuts in other appropriations bills, but the net effect is an increase in spending of at least $2.9-billion.

This figure does not include about $500-million that would result from passage of the Health, Education, and Welfare appropriation bill, which Congress, under threat of a Presidential veto, decided to put over until next year.

It is still possible that Congress may act early next year to offset some of the $3-billion increase. For example, postal rates may yet be increased. This would have an effect for part of the fiscal year.

Almost as serious from the Administration's point of view as the impact of Congressional actions and inactions is the huge increase in currently estimated spending in the "uncontrollable" items. A dramatic example is interest on the national debt.

Between April and August, the estimated spending on interest was increased by $634-million. In an unpublicized notification to Congress last week, the President disclosed that the estimate was subsequently revised upward by $932-million, making a total rise of $1.6-billion in this single item, almost entirely caused by the steep climb of interest rates.

Almost equally dramatic is Medicare. Since April the estimated outlays have been increased by $675-million. Of this, $275-million is a re-estimate since August. The Budget Bureau explained to Congress that "the increase reflects higher costs for hospitalization and physicians' services, based on 1969 experience."

The uncontrollables as a group are now estimated at nearly $4-billion higher than the April estimate and more than $2-billion higher than the July-August estimate. Other items showing increases are Civil Service retirement, unemployment insurance, Social Security (apart from the new increase in benefits) and railroad retirement.

Mr. GRIFFIN. Mr. President, I yield to the Senator from Arizona.

Mr. FANNIN. Mr. President, I am very concerned about the possible effects of the cut in impacted area funds—particularly if they are made across the board.

It would be disastrous in some Arizona school districts if the funds for impacted areas were cut substantially from the present appropriation. Of the 296 active school districts in the State of Arizona during the last fiscal year, 1968–69, 120 districts participated in Public Law 874 with that law providing impact funds in the amount of $7,039,365. Eighteen of these schools participated in Public Law 815 with an amount of $1,977,000. More than 40 percent of our school districts depend heavily upon the funds for impacted areas.

Because of the favorable flying conditions—including sky space and favorable weather—Arizona has some of the most extensive military facilities in the Nation. The vast open spaces utilized is illustrated by one testing and proving ground of almost 1 million acres. These facilities are on federally owned, tax free lands, although a vast number of families of employees live in the areas with their youngsters attending public schools, placing an extra load on the school districts within the area.

Arizona is also unique in having large Indian reservations within its boundaries which are exempt from State property taxes. The Indian children living on these reservations are entitled to the same quality education as all other children living in Arizona. But, it is unfair to ask those Arizonans who pay real property taxes to assume the burden for these children at a time when the Federal Government is shirking its duty and obligation to provide education for them.

This is especially true in several of our northern counties, where a majority of the school-age population is Indian.

Apache County has an estimated 1968 population of 46,500, and 75 percent of these persons are Indians living on reservations. Navajo County has an estimated population of 49,200. About one-half of these persons are Indians.

It is undoubtedly true that, should the Public Law 874 moneys for Indian children be substantially reduced, Johnson-O'Malley funds would have to be increased by a like amount. So where, really, are the savings? All that would be accomplished would be to shift the financial burden from the budget of HEW to the Department of the Interior. It would therefore be false economy—as well as disruptive to the orderly program already being carried out in many of the State's schools. The only other alternative would be for Johnson-O'Malley funds not to be increased—a totally unacceptable occurrence since it would have a disastrous and perhaps irreparable effect on the education and lives of the many of our Indian children. We must not eviscerate their education program.

Mr. President, when we review Arizona's position as the State with more Indians on reservations than any other, a growing number of whom are seeking education in the public schools, and as a State which has only 16 percent of its land on the real property tax rolls, any proposal to reduce the appropriation for Public Law 874 is untenable and unthinkable.

I do not deny for a minute that impacted area funds doubtless are going to some affluent school districts. We need only to look at some of the areas surrounding Washington, D.C. I am, naturally, in favor of making changes in the law to correct the obvious and admitted inequities. But an across the board cut in impact areas funds is certainly not the answer. Such a move it seems obvious to me, as well as to many educators with whom I have spoken, would particularly penalize many of the most needy and most deserving districts.

With all the emphasis the Nixon administration has given and intends to give to education, this seems to me not to be the area where we should strive for economies, particularly when they doubtlessly will have an adverse effect on many educational programs and therefore on the lives and welfare of many children. Surely, the cuts can be made elsewhere.

Mr. COTTON. Mr. President, I ask unanimous consent to have 2 minutes.

The PRESIDING OFFICER (Mr. TYDINGS in the chair). Is there objection? Without objection, it is so ordered.

Mr. COTTON. Mr. President, so much has been said in the last few minutes about impacted areas that I think we should make perfectly clear what has happened. The authorization for impacted area funds, of course, was based on estimates. For fiscal year 1969 we appropriated 90 percent of the total estimate.

For fiscal 1970 we appropriated 90 percent of the total estimate. We did not

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appropriate 100 percent of the authorization. For 1970, it comes to $79,100,000 more than 90 percent of the fiscal 1969 estimate.

I am as keenly interested in these funds as is anybody in the Senate, but let us not reach so far that we lose. I think conference action in this regard was entirely reasonable and justified.

Mr. MONDALE. Mr. President, I rise today in support of the conference bill on HEW appropriations. I am proud that we in the Congress are acting to add over $1¼ billion to the administration's request for education and health funds.

Appropriations for the education of our children, and for the health of our citizens, are investments in the future well-being of this country.

The conference committee bill includes desperately needed increased appropriations for medical research, health manpower, libraries, bilingual education, vocational education, student assistance, and college construction. These investments will pay for themselves several times over.

But we are told that this bill will be vetoed. We are told that these investments are unnecessary and undesirable. I disagree.

The impact of such a veto on the quality of life in America would be severe. For example, the vice president of the National School Board Association, Mr. George Evans, has warned that "some schools will have to close their doors early or drop programs" if this bill is vetoed. And Dr. Campbell Moses has stated that if we fail to provide $40 million for workers with heart disease "50,000 people will die in the next 12 months who do not need to die."

In Minnesota alone, a veto of this bill would cost schools and schoolchildren at least $16 million in lost Federal funds. This is the difference between the $55.5 million which would go to the State in the conference committee bill and the $39.7 million which Minnesota would receive under the President's budget request.

I am told that to replace the estimated loss of Federal funds for education programs in Minneapolis alone, the property tax would have to be increased by 4 or 5 mills. I do not think the Federal Government can adopt a policy of passing more and more of the responsibility for financing education to local residents who are already faced with intolerable property taxes.

But that is just what is happening. Two years ago the Federal Government paid 8 percent of the total cost for elementary and secondary education in this country. Last year the Federal Government's share of the responsibility dropped to 7.4 percent. And this year, it is estimated that the Federal Government will be paying 6.6 percent, or less, of the total cost of education if this bill is vetoed.

A veto of the HEW appropriations bill would also have a serious impact upon federally supported health activities in my State. Such activities include health services, mental health programs, health research, food and drug control, and programs for environmental health and consumer protection. A reduction of Federal support in these areas would cost the State of Minnesota approximately $4 million—again, the difference between the nearly $50 million allotted to Minnesota in the Senate-passed bill and the lower budget requests of the administration.

I think it is terribly important that the charge of inflationary spending with regard to this bill be examined in the proper context.

The Congress reduced the administration's appropriations requests by a total of $7.6 billion last year by cutting 10 appropriations bills. Most of these savings came from cutting waste in the Pentagon's $80 billion budget. We increased appropriations requests by only $2 billion, including the $1.1 billion addition for education and additional funds for health research, water and air pollution programs, and food stamps. In short, the Congress made a net reduction of $5.6 billion in the administration's budget requests.

Thus, the decision we face is not one of inflation, it is one of national priorities. I deeply believe we must continue to shift resources to programs responsive to human needs. I fought hard to obtain these increases in education and health funds, and I will do all I can to override any veto of them.

Mr. MATHIAS. Mr. President, in considering the conference report on Labor-HEW appropriations for fiscal 1970, we are weighing the importance of Federal programs which directly influence the education and health of the American people and the future of the Nation as a whole. We are also facing, belatedly and reluctantly, the problem of the overall economic condition of the country and the challenge of congressional self-discipline.

Because of the great impact of this legislation and the vast public interest in it, I want to outline clearly the factors which compel me, after reviewing the entire situation, to cast my vote against adoption of the conference report.

I cast this vote with the greatest reluctance and unhappiness. In the past I have consistently supported the types of increases in HEW programs which are represented in this bill. I have welcomed and encouraged a major shift in national priorities away from excessive military spending and toward meeting our urgent domestic needs.

In this instance, however, two basic commitments—the commitment to expand domestic programs, and the commitment to combat inflation—have come into direct conflict and collision.

The conference report before us today contains appropriations totaling over $19.7 billion for fiscal 1970, about $1.3 billion above the budget submitted by the President. After reviewing the inflationary impact of such a major increase in Federal spending, the President has announced that, if this conference report reaches his desk, he will be compelled to veto it. Secretary Robert Finch of Health, Education, and Welfare supports this position, I am sure with the greatest reluctance and regret.

I do not accept all of the subsidiary arguments offered by the administration against this conference report. For example, it is argued that the funds will come too late to be fully effective. Certainly this bill, delayed until the seventh month of the fiscal year, is so tardy that its lateness has already snarled planning and budgeting both by Federal agencies and by the countless school districts and other local agencies who are anxiously awaiting a congressional decision. But programs have gone forward productively in the past when appropriations have been too long delayed. I am confident they will do so again, and again, and again, until the Congress finally reforms its method of handling appropriations bills and gets its work done earlier.

Nor do I accept the argument that the programs which receive the greatest increases in this bill are somehow of lower prioriy than other HEW efforts. For instance, Public Law 874, the program of aid to federally impacted school districts, has been extremely important to many Maryland school systems for years. I have joined a majority of the Congress in resisting the repeated efforts of two administrations to decimate this program.

The problem before the Senate today, however, is not that of the value of any individual educational or health program by itself. Rather, it is the fiscal impact of this bill as a whole. That impact must be weighed in the light of two facts: First, the commitment of the President to hold down total Federal spending to combat inflation; and second, the executive branch's legal opinion that certain types of appropriations must be spent.

The question of mandatory spending is a rather technical one. It may surprise or confuse the general public, since the popular impression is that once Congress has appropriated a given amount of money for any Federal program, the executive branch is required to spend that money. In fact, however, in many cases in the past various administrations have exercised some discretion in withholding or impounding all or part of funds appropriated for given projects or programs. At an early stage in the deliberations over the bill, it had been suggested by some that, if Congress did approve a Labor-HEW bill which exceeded the budget, the President might sign the bill and then apply that executive discretion to make reductions in actual cash outlays.

The President's counsel have determined, however, that his discretion in this instance is severely limited. For the first time in my knowledge, executive-branch officials have accepted the formal legal opinion that appropriations under certain types of Federal-aid programs, the so-called formula-grant programs, have to be spent. The opinion concludes that, by establishing a mathematical formula for the distribution of funds under some programs to the States or local governments, Congress has mandated that those funds must be distributed up to the limits of actual appropriations.

The pending conference report includes increases in such mandatory spending which total $1,219,904,000 more than the President's budget requests.

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Major items within this group include an increase of almost $171 million for title I of ESEA; an increase of $398 million for aid to impacted areas; $122.5 million more for grants to the States for vocational education; and $104.4 million more for hospital construction under the Hill-Burton Act.

The fact which must be considered at this point is the firm determination of the President to keep overall Federal spending within the strict limits he feels are necessary to curb inflation and avoid further strains in our national economy. Reasonable men may and do differ about precisely where those limits should be set. The fact is that President Nixon, in a series of public statements, has made perfectly clear his commitment to curbing inflation and his conclusion that this Labor-HEW bill is too inflationary to be acceptable.

If the bill should become law, the President would therefore have to spend the increased amounts, totaling over $1.2 billion, in HEW programs such as aid to impacted areas, ESEA, vocational education, and Hill-Burton under which full cash outlays are mandatory. However, to maintain the overall budget restraint to which he is committed, the President would also have to make corresponding cuts in other programs.

What programs could be cut to save $1.2 billion? Mr. Creed Black, Assistant Secretary of Health, Education, and Welfare for Legislation, has informed the Senate:

> If the President asked us to offset the expenditure impact, we could not make a single discretionary grant or loan for the rest of the year—and even with that extreme action we could offset only half the increases proposed by Congress. The consequences to medical research, health services, air pollution programs, rehabilitation, education research and a myriad of other project-supported activities are obvious.

Such drastic cuts could even reach beyond HEW to cripple such important programs as urban renewal, housing, mass transit and a host of creative antipoverty efforts.

Mr. President, in essence the executive branch is saying that, if Congress insists on this HEW bill, the Nation will get the increased spending for a few programs which is mandated by this bill. But the Nation will also have to endure deep cuts in almost every other domestic program, regardless of its merit, in which reductions are legally possible.

Further, and most significantly, we have witnessed in 1969 the curtailment of the programs of some Federal agencies, not by reason of any penurious act of the Congress or the President, but because the full measure of money requested and appropriated simply did not buy all that it was supposed to. This experience is being shared in households all across the country. If inflation is not arrested, its hit and run larceny will cripple all our national programs.

To me this would go far beyond any rational reordering of priorities. It would add up to a massive dislocation of Federal efforts and projects now under way. It would mean the sacrifice of many meritorious Federal assistance programs for the sake of otherwise desirable increases in a few.

The Senate this afternoon is acting with full awareness of the consequences of our choice. It is not an easy decision to reach. It is complicated by our tardiness in considering this bill, a delay which has greatly restricted the fiscal options available, since almost all other appropriations bills have already been passed. But our essential choice today is not whether to vote for or against education and health, but rather whether this body is going to exert some belated self-discipline, or accept the harsher discipline which the economic realities will, if necessary, impose on us.

Mr. BAYH. Mr. President, it is frankly depressing to speak in support of legislation that is so vital to the American people yet at this moment trembles under the threat of Presidential veto.

The Senate-House conference has reported a bill which recommends HEW-Labor expenditures of approximately $19.8 billion. It has been pointed out clearly that this figure is almost $87 million under the President's own budget request. The $19.8 billion does not include $1.2 billion in title I, Elementary and Secondary Education Act advance funding originally requested by the President and contained in the Senate bill. Since this advance funding was knocked out in conference, the critical issue at the moment is the displeasure of President Nixon with the approximately $1.3 billion in new obligational authority considered by the House and Senate to be vital for the welfare of our Nation.

Is this the same Nixon who as Candidate Nixon in 1968 promised that if elected his "administration would be second to none in its concern for education?" And is this the same Nixon who pronounced solemnly in 1968:

> When I look at American education I do not see schools, but children, and young men and women—young Americans who deserve the chance to make a life for themselves and ensure the progress of their country. If we fail in this, no success we have is worth the keeping.

I submit, Mr. President, that Congress has not failed in its determination to provide adequate education and health care for the American people and we will not be deterred from achieving that goal.

Mr. Nixon has taken the position that the $1.3 billion increase in HEW-Labor appropriations is inflationary. Most of this amount was added on the floor of the House to provide funds for items not considered in the President's budget request and to increase funds for items contained in the budget but inadequately represented. In my opinion the increases reflect the desire of Congress to give more than lipservice to much needed reordering of priorities. The additional funds committed to vocational education, educational professional development, impacted aid, bilingual education, public libraries, environmental improvement, hospital construction, health manpower, health education, research and library facilities construction, cancer and arthritis research, and vaccination against German measles were viewed as essential by both Houses of Congress.

You may recall that on October 22, 1968, Candidate Nixon stated:

> America's school, university, research and public libraries are the repositories of American culture. . . . In a world where knowledge is the key to leadership, a modern progressive library system is a vital asset.

It may be recalled that when elected, Mr. Nixon proceeded symbolically to cut library funds to an alltime low during, of all things, National Library Week. The American Library Association estimated that 2 million people in low income and disadvantaged areas would lose a library services—that many bookmobiles would disappear in regions of the Southwest heavily populated by Indians and Mexican Americans and that thousands of children would suffer since inability to read is a key cause of failure in school. It is the height of hypocrisy for such action to be taken by a President who pledged his administration would be second to none in its concern for education.

What do we say to the millions of Americans who will benefit from these increases? What do we say to persons suffering from cancer and arthritis and praying for a cure? What do we say to communities without adequate hospital facilities and manpower for patient care? What do we say to parents desirous of well-trained instructors and skills education for their children? What do we say to dedicated administrators of schools in areas affected by the presence of Federal installations? And what do we say to pregnant mothers in need of vaccination against German measles?

I say in no uncertain terms that a $1.3 billion increase in HEW-Labor appropriations when measured against our commitment to spend approximately $70 billion for defense cannot be viewed as inflationary. And certainly the recent revelations concerning billions of dollars in cost overruns, waste, and overall inefficiency in defense spending; coupled with the rumored expenditure of additional billions to expand the ABM, should give us good cause to question the HEW-Labor veto on these grounds alone. Are we to believe that such spending is noninflationary but health and education spending is? It should be remembered that the additions to these vital domestic programs come to just 20 percent of the savings made by the Congress in the President's military budget alone; the additions—made by the Congress—to domestic needs are about equal to the savings made by Congress in cuts from the President's requests for the foreign aid program. The $70 billion we have committed to defense is approximately 3½ times as much as Congress has appropriated for HEW-Labor expenditures.

No one denies the need for curbing Federal spending as long as it does not sacrifice areas of critical human development. We still spend approximately $20,000 for each enemy soldier killed in Vietnam. We spend only 44 Federal dollars for each American primary and secondary pupil we educate here at home. We have been asked to spend $4 to $10 billion, or maybe much more, for the

ABM system, a system which, at this particular point cannot even guarantee defense. But we are asked not to spend an additional $1.3 billion as an investment in the education and health of our people. This view of America's priorities is not only wrong, but it is dangerous to the very foundation of America.

Additionally, it is estimated that our economy will expand from an overall 1969 GNP of $932 billion to a projected overall 1970 GNP of $993 billion, and it is interesting to note that the $19.8 billion recommended by Congress is approximately the same percentage of the projected overall 1970 GNP as last year's appropriations of $18.6 billion were of the 1969 GNP.

Furthermore, the net change in inflationary impact will be almost as great if State and local governments are forced to meet the needs abandoned by President Nixon. The President must know that responsible local government is not going to allow a deterioration in the education of its children or a reduction in its capability to administer to the health needs of its citizens. Schools will not close in April and pregnant mothers will be assured that serum for German measles is available.

Finally, it has been revealed that a presidential task force organized in March 1969, by Health, Education, and Welfare Secretary Finch has recommended greatly increased appropriations for education. The task force chaired by Wilson Riles, Deputy Director of California schools, was charged with studying the problems of urban education, which the threatened veto would affect seriously.

A specific conclusion of the Riles report is that "without adequate funding there is no hope for effective education in the cities." The task force recommended further that Federal appropriations of up to $14.5 billion more a year be expended by 1975. Moreover, this does not deal at all with the needs of nonurban schools that in many respects are comparable.

A veto of this modest increase in the HEW-Labor appropriations would represent a gross miscalculation by the President of this Nation's requirements. And I submit that Thomas Jefferson was right in 1816 and is right today, when he stated:

> If a nation expects to be ignorant *and* free, in a state of civilization, it expects what never was and never will be.

Mr. McINTYRE. Mr. President, I support the HEW appropriation bill because it helps us in reordering some of our priorities, an action which I feel is so important at this point in our history.

I do not believe this legislation is inflationary as the President has declared. He has announced that the $1.1 billion increase in funds for our elementary and secondary schools, our college students, our hospitals, our libraries, our vocational education program, and our health library facilities would contribute to inflationary pressures.

I do not believe a case can be made to support this position of the President. Congress has reduced the Presidents' spending requests by $7.5 billion even when you include the proposed $1.1 billion the Congress would add in the HEW bill.

Of this reduction, $5.6 billion was in military spending. Another $1.2 billion was a reduction in foreign aid spending. This latter amount is nearly exactly the same as the increase we are asking for in the HEW appropriations bill. I am not opposed to spending money we have saved on foreign aid to assist our schools, our college students, our hospitals and our libraries.

New Hampshire alone would suffer nearly a $4 million loss if the bill does not pass or is successfully vetoed.

Losses in New Hampshire would include: $1,550,000 of aid for impacted elementary and secondary schools; $187,336 for construction of hospitals under the Hill-Burton program; $730,000 for vocational education; $302,285 for libraries; $279,290 for NDEA for college students; and $773,552 for equipment and supplies for secondary education.

These would be significant losses to New Hampshire. If the schools, colleges, hospitals, and libraries of New Hampshire are to have these funds, the local taxpayers would have to provide these additional moneys out of increased local taxes.

I consider among the highest priorities in our Nation to be assistance to our schools, our colleges, our hospitals and our libraries. We must meet these priorities.

Mr. President, I propose to vote for the conference report.

Mr. WILLIAMS of New Jersey. Mr. President, President Nixon has reaffirmed his earlier announcement that he will veto the pending Labor-HEW Appropriations Act. He has stated that he cannot approve the funds which both the House and Senate would allocate to HEW and which exceed by $1,262 billion the amount recommended by the President and contained in his budget for the Department of Health, Education, and Welfare. Interestingly enough, the total Labor-HEW appropriations bill amounts to $86.9 million less than the President requested. The bulk of the additional appropriations—almost $1.1 billion—has been earmarked as the Federal contribution to the support of the country's education system.

The issue is now clearly joined between the President and Congress. While he has expressed his sincere desire to fight inflation, he has chosen to do so at the expense of the Nation's schools and her students—the most germinative influence in American life. On the other hand, Congress has found it necessary to cut Defense expenditures requested by the President by over $7 billion in an attempt to fight inflationary trends in the Nation's economy.

The program-by-program breakdown of the proposed increases in appropriations to the Office of Education shows clearly the effect that a Nixon veto will have. Nationally, the increases in the pending bill over the Nixon budget request provide $356 million more for elementary and secondary education programs, $398 million more for school assistance in federally affected areas, $79 million more for higher education programs, $210 million more for vocational education programs, $28 million more for library and community services programs, and $14 million more for education of the handicapped programs. In my own State of New Jersey, the bill will provide $10 million more for elementary and secondary education programs, $9.5 million more for school assistance in federally affected areas, $1.6 million more for higher education programs, $3.8 million more for vocational education programs, and $.83 million more for library and community services programs. The total increase in education funds to New Jersey equals almost $26 million.

We are now facing the crucial question of priorities. The President's own Commissioner of Education, Dr. James E. Allen, Jr., stated recently:

> Unless we take action now to accelerate the pace of reform, to improve rapidly the capability of our educational system to correct the deficiencies, we can only expect the gap between need and performance to continue to widen.

Mr. President, there can be no question that the need is now. The blunt truth is that the education system in the United States is on the brink of a dangerous decline. Although the President has recently determined to give precedence to welfare and environment, he cannot allow education to be shunted aside and ignored.

Examples of the crisis we face in education are all too easy to find. In my State, the mayor of Jersey City has just announced that he will have to close that city's public school system for lack of adequate funds and because property owners can no longer shoulder the burden of increased taxes to support those schools. And this same problem resulted in school closings in Cincinnati and Youngstown, Ohio, just 2 years ago. Also, testimony before my Special Committee on the Aging points out the fact that senior citizens—who in New Jersey are predominantly a homeowning group—must pay a heavy property tax much of which goes to support local school systems. While the increase in education appropriations will not eliminate property taxes for the fixed income senior citizen it will certainly help to put off continuing tax increases to fund community schools.

For these and innumerable other reasons, we must not allow ourselves to bend to the threat of a Presidential veto of the Labor-HEW appropriations bill. Should President Nixon choose to veto this measure we must expend all of our energies to override such a veto. Certainly the increase in funds will not solve all of the problems which beset our educational system but it is a vital expression of the determination of Congress that the gap between need and performance must not continue to widen.

Mr. HARRIS. I urge the Senate to adopt the prior conference report on the Health, Education, and Welfare appropriation bill.

The appropriations bill is particularly important since it represents a significant step in reorienting the priorities of this country. I was pleased that during

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the last session of Congress we were able to cut out certain nonessential expenditures, such as the $5.9 billion we cut from military appropriations, and at the same time increased appropriations in other areas which needed more attention such as the approximate $1.2 billion increase in the HEW appropriations bill. As pointed out in the earlier debate on this bill, out of 14 appropriations bills requested, Congress lowered the requested amount in 10 bills and raised it in four bills, and in the process managed to appropriate overall approximately $5.6 billion less than President Nixon asked us to spend in fiscal year 1970.

The President has indicated that he will veto the HEW appropriations bill for economy reasons. This is difficult to believe, since Congress spent less than the amount requested by the President, and since the President did request and approved certain questionable military expenditures. However, statements made by Health, Education, and Welfare Secretary Robert Finch confirm the President's intention to veto the bill. I would urge that this decision be reconsidered.

I think the decision should be reconsidered because of the critical need to improve the health of all people in this Nation and the quality of education for the youth of the Nation.

The bill includes additional funds for research, air pollution, mental health, mental retardation, cancer research, heart research, and numerous other health needs.

Funds are provided in the bill which would permit NIH to continue to operate all 93 general clinical research centers in the United States. These centers have improved greatly the health care capabilities in our Nation and without the additional funds for NIH, 19 of these centers would have to be closed. The thousands of deaths each year attributed to heart, stroke, and cancer disease could be cut significantly with an increased emphasis on research and improved health care facilities.

Equally important to the increased funds for health are the funds for education. I have maintained that education of our people should receive top priority. It is the lifeblood of this country and the future of this country. It can make the difference between living with or rising above the problems of poverty and of despair which now trouble so many people in this Nation. In the final analysis an appropriation for education should be considered an investment in the future—an investment that will return to the Federal Government more money in taxes by reason of a more productive nation and one that will save untold sums lost in crime and welfare.

The bill provides much needed funds for elementary and secondary education. The need for increased funds for educationally deprived children, for bilingual education, library resources, and an improved dropout prevention program cannot be doubted.

Likewise, the need for the impact aid funds is imperative. Many of the school districts receiving impact aid have already voted the limit of their legal capacity for building and operational purposes in support of their educational program. Without the support of the Federal Government through impact aid, many of these schools will be facing disaster. One school superintendent when speaking of the need for the impact funds stated:

> It is the opinion of our citizens that this community is expected to offer a quality and comparable education to the students of military personnel and the students of nonmilitary personnel who live in a community which is heavily impacted. This would appear to be a poor time to tell those who are doing so much for their country that in appreciation we will offer their children a diluted and inferior education.

This brief review of the appropriations contained in the bill clearly establishes that the funds appropriated are directed at critical needs of all the people of this Nation.

During the seventies it is absolutely imperative that we devote more of our resources to human needs. If the President persists in his threatened veto and Congress is unable to override his veto, we will begin the seventies by taking a step backward in solving man's health, environmental, and educational needs.

I hope that the President, after additional consideration of the fact that Congress is spending considerably less than he asked us to spend, will decide to sign the bill and join with Congress in a commitment to meet the health and educational needs of the people.

Mr. MUSKIE. Mr. President, the threat of a Presidential veto hangs over the present version of the Labor-Health, Education, and Welfare appropriations bill for fiscal year 1970. The threat is based on a claim that the aid we propose for education and health care programs and facilities will be inflationary.

We have been told by the administration that we are appropriating $1.3 billion too much for education and health. We have not been told by the administration why $1.3 billion is more inflationary than $7.5 billion, which is the amount the Senate cut from the President's budget requests.

The issue comes down to a question of priorities.

Mr. President, last year Congress took several important steps toward reordering our national priorities at the same time that it demonstrated a continuing concern with the inflationary aspects of the Federal budget. To accomplish these twin goals Congress cut overall appropriations by $7.5 billion from what the President had originally requested. The $5.6 billion of this amount represented cuts in the administration's military appropriations requests.

The $1.3 billion in additional funds that Congress has proposed for education and health amount to just 20 percent of the savings which the Congress made in the President's military budget alone. In addition, these savings just about equal congressional cuts from the President's foreign aid request.

The conference report before us reflects a reordering of our national priorities in favor of vitally needed health and education programs. The $1.3 billion of increased funding in this bill, to which the President apparently objects, would support hospital construction, health library facilities, elementary and secondary school aid, vocational education, educational instruction equipment, and aid to higher education.

These are not luxury items in the Federal budget. They are expenditures designed to meet some of the most essential needs in our society today.

We may defer the purchase of a new car, a television set, or a boat. If we care about our children, we do not put off health care or necessary supplies for school. Deferred health facilities are lost opportunities for better care for those who need it most. Deferred expenditures for education are lost opportunities for young people, who cannot afford to be shortchanged.

Mr. President, the fight against inflation should not be paid by those who can least afford to pay—the poor, the ill, and the young. The fight against inflation should be waged to strengthen the Nation's economy, not to weaken essential public services.

I am particularly encouraged to learn how the additional $1.3 billion proposed by this conference report will affect small States like Maine.

Total appropriations proposed by this conference report for education in Maine are set at $16.8 million, as compared with only $12 million in the administration's request.

Congress has proposed $5.9 million for elementary education in Maine. The administration requested only $4.9 million, a decrease of about $600,000 from 1969 spending.

Congress has proposed $3.9 million in Federal assistance to impacted areas in Maine. The administration requested $2.2 million. I can assure the President and the Secretary of Health, Education, and Welfare that there are no wealthy communities in Maine.

Congress has proposed $3.25 million for vocational education in Maine. The administration requested only $1.9 million. This figure represents a significant increase in an area of education which has too often been neglected in the past.

Such is the bill which the President has threatened to veto. The final test of this question will come with the 1971 budget, as the President reveals the degree to which he is willing to trim back on military expenditures and other items such as space and the SST, in order to direct funds to programs designed to reorder our national priorities.

I urge my colleagues, and the President of the United States, to reaffirm our national commitment to improving the quality of life for all our citizens by accepting the conference report before us.

The PRESIDING OFFICER. The question is on agreeing to the conference report.

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The question is on agreeing to the conference report.

Mr. MANSFIELD. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

The PRESIDING OFFICER. There will be order in the Senate Chamber. Attachés will take seats. There will be no call of the roll until there is order in the Chamber. Senators will please take their seats. Attachés will please take their seats.

The Sergeant at Arms will clear the Chamber of all attachés who are not seated.

The rollcall was resumed and completed.

Mr. KENNEDY. I announce that the Senator from Idaho (Mr. CHURCH), the Senator from South Carolina (Mr. HOLLINGS), and the Senator from Minnesota (Mr. MCCARTHY), are necessarily absent.

I further announce that the Senator from Ohio (Mr. YOUNG), is absent on official business.

I further announce that, if present and voting, the Senator from Idaho (Mr. CHURCH), the Senator from South Carolina (Mr. HOLLINGS), and the Senator from Ohio (Mr. YOUNG) would each vote "yea."

Mr. GRIFFIN. I announce that the Senator from Hawaii (Mr. FONG) and the Senator from New York (Mr. JAVITS) are absent on official business.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

The Senator from Colorado (Mr. DOMINICK) and the Senator from Texas (Mr. TOWER) are necessarily absent.

If present and voting, the Senator from New York (Mr. JAVITS) would vote "yea."

On this vote, the Senator from Hawaii (Mr. FONG) is paired with the Senator from Teaxs (Mr. TOWER). If present and voting, the Senator from Hawaii would vote "yea" and the Senator from Texas would vote "nay."

The result was announced—yeas 74, nays 17, as follows:

[No. 2 Leg.]

YEAS—74

Aiken
Allen
Anderson
Bayh
Bellmon
Bennett
Bible
Boggs
Brooke
Burdick
Byrd, Va.
Byrd, W. Va.
Cannon
Case
Cotton
Cranston
Dodd
Dole
Eagleton
Eastland
Ellender
Ervin
Fannin
Fulbright
Goodell
Gore
Gravel
Gurney
Harris
Hart
Hartke
Hatfield
Holland
Hughes
Inouye
Jackson
Jordan, N.C.
Jordan, Idaho
Kennedy
Long
Magnuson
Mansfield
McClellan
McGee
McGovern
McIntyre
Metcalf
Mondale
Montoya
Moss
Murphy
Muskie
Nelson
Packwood
Pastore
Pearson
Pell
Prouty
Proxmire
Randolph
Ribicoff
Russell
Schweiker
Smith, Maine
Sparkman
Spong
Stennis
Stevens
Symington
Talmadge
Tydings
Williams, N.J.
Yarborough
Young, N. Dak.

NAYS—17

Allott
Baker
Cook
Cooper
Curtis
Goldwater
Griffin
Hansen
Hruska
Mathias
Miller
Percy
Saxbe
Scott
Smith, Ill.
Thurmond
Williams, Del.

NOT VOTING—9

Church
Dominick
Fong
Hollings
Javits
McCarthy
Mundt
Tower
Young, Ohio

So the conference report was agreed to.

The PRESIDING OFFICER. The clerk will report the first amendment in disagreement.

The legislative clerk read as follows:

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 4 to the aforesaid bill, and concur therein with an amendment, as follows: In lieu of the sum proposed by said amendment, insert: "$36,116,000".

Mr. BYRD of West Virginia. Mr. President, will the Senate be in order?

The PRESIDING OFFICER. The Senate will be in order. Attachés will please take their seats.

The question is on concurring in the House amendment to the amendment of the Senate numbered 4.

The amendment was agreed to.

The PRESIDING OFFICER. The clerk will report the second amendment in disagreement.

The legislative clerk read as follows:

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 50 to the aforesaid bill, and concur therein with an amendment, as follows: Strike out the matter inserted by said amendment, and insert the following:

"Instructional equipment

"For equipment and minor remodeling and State administrative services under title III–A of the National Defense Education Act of 1958, as amended, $48,740,000: *Provided,* That allotments under sections 302(a) and 305 of the National Defense Education Act, for equipment and minor remodeling shall be made on the basis of $75,740,000 for grants to States and on the basis of $1,000,000 for loans to nonprofit private schools, and allotments under section 302(b) of said Act for administrative services shall be made on the basis of $2,000,000".

The PRESIDING OFFICER. The question is on concurring in the House amendment to Senate amendment numbered 50.

The amendment was agreed to.

Mr. NELSON. Mr. President, I cannot hear back here; and I want to say, in case I missed it, that Senate amendment No. 83 is going to be debated extensively and probably will not be voted on today. I do not want it to slip by because of my not being able to hear.

The PRESIDING OFFICER. What is the number of the amendment?

Mr. NELSON. I want to be sure when Senate amendment No. 83 is called, because it is going to be debated extensively, and I assume it will not be voted on today. I cannot hear the numbers of the amendments as they are called.

The PRESIDING OFFICER. The clerk will report the next amendment in disagreement.

The legislative clerk read as follows:

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 51 to the aforesaid bill, and concur therein with an amendment, as follows: In lieu of the matter inserted by said amendment, insert the following:

"School assistance in Federally affected areas

"For grants and payments under the Act of September 30, 1950, as amended (20 U.S.C., ch. 13), and under the Act of September 23, 1950, as amended (20 U.S.C., ch. 19), $600,167,000, of which $585,000,000 shall be for payments to local educational agencies for the maintenance and operation of schools as authorized by the Act of September 30, 1950, as amended (20 U.S.C., ch. 13), and $15,167,000 which shall remain available until expended, shall be for providing school facilities and for grants to local educational agencies in federally affected areas as authorized by said Act of September 23, 1950: Provided, That this appropriation shall also be available for carrying out the provisions of section 6 of the Act of September 30, 1950."

The PRESIDING OFFICER. The question is on concurring on the House amendment to the Senate amendment numbered 51.

The amendment was agreed to.

The PRESIDING OFFICER. The clerk will report the next amendment in disagreement.

The legislative clerk read as follows:

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 56 to the aforesaid bill, and concur therein with an amendment, as follows: In lieu of the matter inserted by said amendment, insert the following:

"Higher education

"For carrying out titles III and IV (except parts D and F), part E of title V, and section 1207 of the Higher Education Act of 1965, as amended, titles I and III of the Higher Education Facilities Act of 1963, as amended, titles II and IV of the National Defense Education Act of 1958, as amended (20 U.S.C. 421–429), and section 22 of the Act of June 29, 1935, as amended (7 U.S.C. 329), $871,874,000, of which $164,600,000 shall be for educational opportunity grants under part A of title IV of the Higher Education Act of 1965 and shall remain available through June 30, 1971, $63,900,000 to remain available until expended shall be for loan insurance programs under part B of title IV of that Act, including not to exceed $1,500,000 for computer services in connection with the insured loan program, $154,000,000 shall be for grants for college work-study programs under part C of title IV of that Act (of which amounts reallotted shall remain available through June 30, 1971), including one per centum of such amount to be available, without regard to the provisions in section 442 of that Act, for cooperative education programs that alternate periods of full-time academic study with periods of full-time public or private employment, $43,000,000 shall be for grants for construction of public community colleges and technical institutes and $33,000,000 shall be for grants for construction of other academic facilities under title X of the Higher Education Facilities Act of 1963 which amounts shall remain available through June 30, 1971, $11,750,000, to remain available until expended, shall be for annual interest grants under section 306 of that Act, $222,100,000 shall be for Federal capital contributions to student loan funds established in accordance with agreements pursuant to section 204 of the National Defense Education Act of 1958, and $12,120,000 shall be for the purposes of section 22 of the Act of June 29, 1935: *Provided,* That $7,241,000 shall be for payments authorized by section 108(b) of the District of Columbia Public Education Act, as amended (D.C. Code, sec. 31–1608)."

The PRESIDING OFFICER. The question is on agreeing to the House amendment to the Senate amendment numbered 56.

The amendment was agreed to.

The PRESIDING OFFICER. The clerk will report the next amendment in disagreement.

The legislative clerk read as follows:

> *Resolved*, That the House recede from its disagreement to the amendment of the Senate numbered 83 to the aforesaid bill, and concur therein with an amendment, as follows: In lieu of the sum proposed by said amendment, insert: "$1,948,000,000."
>
> At the end of said amendment, strike out the period, and insert the following: ": *Provided further*, That those provisions of the Economic Opportunity Amendments of 1967 and 1969 that set mandatory funding levels shall not be effective during the fiscal year ending June 30, 1970."

The **PRESIDING OFFICER**. The Chair recognizes the Senator from Wisconsin (Mr. NELSON).

Mr. **BYRD** of West Virginia. Mr. President, may we have order?

The **PRESIDING OFFICER**. The Sergeant at Arms will remove from the Chamber all attachés who are not seated, and Senators will please take their seats. Senators will please talk to the attachés in the cloakroom. The leadership desires order on the Senate floor.

Mr. **NELSON**. Mr. President, the amendment just read by the Chair seeks to eliminate earmarking from the authorization for the Office of Economic Opportunity. This authorization bill originated with our Subcommittee on Employment, Manpower, and Poverty. We voted in the subcommittee to earmark the funds in the poverty program. We voted in the full committee to earmark the funds in the poverty program. We voted in a rollcall vote on the floor of the Senate to earmark the funds in the poverty program. Now this amendment seeks to undo what our committee, the Senate, and the Senate-House conference did in the authorizing bill.

The **PRESIDING OFFICER**. Will the Senator please suspend? The Senator will suspend until the attachés are seated or leave the Chamber and until Senators themselves are seated, so that the Senator from Wisconsin can be heard.

Mr. **NELSON**. On October 14, when the OEO authorizing bill came to the floor from the Committee on Labor and Public Welfare, a motion was made to knock out the earmarking within the bill. On a rollcall vote, the motion to knock out the earmarking lost, 50 to 36.

The House also voted for earmarking. The conference committee agreed upon earmarking in the bill. In the Appropriations Committee conference, an amendment that looked innocent enough was offered by Congressman MICHEL, which simply said that "mandatory funding levels" should not go into effect for this fiscal year. If that amendment had been called to the attention of Representative PERKINS or to my attention or to the attention of any other Senator who had worked on the authorizing legislation, it would have been out of order as legislation in an appropriations bill. I have been told here repeatedly that we cannot legislate in an appropriations bill. Yet, after 10 months of hearings and drafting a bill, voting in the subcommittee, the full committee, the floor of the Senate, the House, and the conference committee, one innocent looking little amendment slips in which seeks to knock out all the effort and all the legislative mandate that was written into the authorization bill by rollcall votes on the floor of the Senate. If that position is to stand, I would suggest that we not have any rollcall votes in the future on any authorization bills. The majority supported that position all the way; yet this Michel amendment seeks to reverse that decision, without any debate or discussion.

Mr. President, the House amendment contains two distinct propositions. I ask that the amendment be divided. The first part of the House amendment reads as follows:

> In lieu of the sum proposed by said amendment, insert: $1,948,000,000.

Mr. President, this part of the amendment is acceptable. It would have been more pleasing if we had been able to get the $2.048 billion figure requested by the administration and adopted on the Senate floor by a vote of 60 to 32. This amount would have provided the Economic Opportunity programs with a modest increase of $100 million. Nevertheless, the Senate conferees should be commended—particularly the chairman of the Senate conferees, the distinguished senior Senator from Washington (Mr. MAGNUSON)—for securing an agreement on the figure of $1.948 billion.

The **PRESIDING OFFICER**. Will the Senator please suspend, in order to make clear the parliamentary status with respect to the Senator's motion?

Will the Senator explain the way he wants the question divided, so that we have it completely for the RECORD?

Mr. **NELSON**. I want to divide the question to act first on the $1.948 billion. I have no objection to that.

As to the second part of the question, I want to offer an amendment to the second half of the amendment that is before the Senate.

The **PRESIDING OFFICER**. So that the Senator has no objection to the first portion?

Mr. **NELSON**. I have no objection to the first portion.

Mr. **TYDINGS**. As it is reported in the House amendment to the Senate amendment.

Mr. **NELSON**. I send to the desk the second part, which will be my next motion, after we have settled the question of the $1.948 billion.

The **PRESIDING OFFICER**. Under the Senator's request, the first vote, even though he agrees with the amount, will be on the amount, and the second vote will be on the language change which the Senator is now offering as an amendment.

Mr. **NELSON**. That is correct.

The **PRESIDING OFFICER**. It might be easier, parliamentary speaking, if the Senate would vote now on the first part which the Senator agrees to, so that the only other part the Senate will have to vote upon will be the language.

Mr. **NELSON**. That is satisfactory to me.

Mr. **HOLLAND**. Mr. President, a parliamentary inquiry.

The **PRESIDING OFFICER**. The Senator from Florida will state it.

Mr. **HOLLAND**. Has the request for a division been granted by the Chair?

The **PRESIDING OFFICER**. Yes. The Chair granted that when he was trying to make a further explanation.

The clerk will now report the first part of the House amendment to the Senate in disagreement numbered 83.

The assistant legislative clerk read as follows:

> In lieu of the sum proposed by said amendment, insert "$1,948,000,000".

The **PRESIDING OFFICER**. The question is on concurring in the first part of the House amendment to the Senate amendment numbered 83.

The first part of the House amendment to the Senate amendment numbered 83 was agreed to.

The **PRESIDING OFFICER**. The clerk will report the second part of the House amendment to Senate amendment numbered 83, with the proposed amendment of the Senator from Wisconsin (Mr. NELSON).

The assistant legislative clerk read as follows:

> : *Provided further*, That those provisions of the Economic Opportunity Amendments of 1967 and 1969 that set mandatory funding levels shall not be effective during the fiscal year ending June 30, 1970.

With an amendment proposed by the Senator from Wisconsin (Mr. NELSON) to insert, in lieu of the above House language, the following:

> : *Provided further*, That those provisions of the Economic Opportunity Amendments of 1967 and 1969 that set mandatory funding levels, including mandatory funding levels for the newly authorized programs for Alcoholic Counseling and Recovery and for Drug Rehabilitation, shall be effective during the fiscal year ending June 30, 1970.

The **PRESIDING OFFICER**. The question is on agreeing to the amendment of the Senator from Wisconsin (Mr. NELSON) to the second part of the House amendment to the Senate amendment No. 83.

Mr. **NELSON**. Mr. President, when we passed the OEO authorization bill, we earmarked funds for various OEO programs, but we also put in adequate flexibility for the OEO funds, and this bill passed both Houses. On a rollcall vote they tried to knock out earmarking, but they failed. Much later, this amendment No. 83 was slipped into the appropriation conference which simply removed the "mandatory funding levels," which is legislation in an appropriation bill. If anyone had known such an amendment was in there, a point of order would have cut it out.

Mr. President, for a clearer understanding of the situation which my motion addresses, it seems necessary to discuss the background of both the appropriations legislation before the Senate and the authorization act which was enacted last month.

If the proviso set forth in the House amendment to the Senate amendment had been proposed in the Senate in the first instance, it would have been subject to a point of order as legislation in an appropriations bill. Furthermore, if the appropriations item we are now considering were among the amendments agreed upon in the conference report itself which was adopted earlier on a rollcall vote, the proviso would—if this were the

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first of the two Houses to receive the conference report, which it is not—be subject to a point of order as new matter not included in the bill passed by either House. The conferees would have exceeded their powers by reporting a provision not committed to the conference committee for its consideration. The proviso I am objecting to is not, however, subject to a point of order for one reason and one reason only. It is not subject to a point of order because the other House has already adopted it. Nevertheless, the underlying facts still remain: First, the proviso was not contained in the legislation sent to the conference; second, the proviso is legislation in an appropriations bill—and what is more it is legislation which seeks to nullify the earmarking provisions of the authorizing legislation—the Economic Opportunity amendments (Public Law 91–177) which was adopted by each of the Houses of Congress last year.

While it is not possible to raise a point of order against the proviso since it has already been adopted by one House, the Senate must, nevertheless, express its judgment on the substance of the provision. The action of one House does not, of course, foreclose the other House from exercising its independent judgment. It is for the purpose of enabling the Senate to make its separate and independent judgment that I have offered the motion to modify the proviso so as to make it consistent with the authorization act. Let me refer to the Statement of Managers on the part of the House of Representatives. I do so not for the purpose of commenting upon the action of the conferees for the other House but rather in order to inform ourselves as to the legislative history. In fact there is a complete absence of legislative history for this provision. The Statement of Managers, as I mentioned before, clearly stated that the conferees would recommend the appropriation amount of $1,948,000,000, but there is no reference at all to indicate that any other change would be proposed in the language of the appropriation provision. On December 22, the amendment was adopted by the House without debate.

Let me hasten to add that it is not my intention to imply any criticism of the conferees who so ably represented the Senate on this conference committee. I am discussing the merits of the proposition—the effect the proviso would have. I understand very well that the conferees representing the Senate did not initiate the addition of a proviso which they did not take to conference with them in the Senate-passed bill. Indeed, I would hope that one of the byproducts of the pending motion would be to strengthen the hands of Senate conferees on future bills in resisting proposals to add legislative provisions to appropriation bills.

Mr. President, as a matter of fact, when we were considering the OEO authorization bill, the chairman of the Appropriations Subcommittee, the Senator from Washington (Mr. MAGNUSON), voted against an amendment on the floor of the Senate that would have removed the earmarking.

Let me discuss for a moment the authorizing act. As chairman of the Subcommittee on Employment, Manpower, and Poverty, last year I went through every executive session of the subcommittee, of the full Labor and Public Welfare Committee, and of the conference committee dealing with the Economic Opportunity Amendments of 1969. Earmarking of funds was the primary issue all the way. The bill I introduced in April provided for earmarking of the funds authorized for the various economic opportunity programs—Headstart, Follow Through, Comprehensive Health Services, Emergency Food and Medical Services.

Some reservations for other programs were addd as we went through the legislative process on that authorization bill. Last June, the Senator from Iowa (Mr. HUGHES) introduced a new special emphasis program for alcoholic counseling and recovery with a reservation of funds that must be used for that program. He is chairman of a special subcommittee on the problems of alcoholism and drug addiction which has held many hearings on these problems. The Senator from Colorado (Mr. DOMINICK) is a member of that special subcommittee too, and in the markup session on the authorizing legislation in the committee last September his proposal was accepted for a special emphasis program for drug rehabilitation with a reservation of funds that must be spent for that purpose. These are the only new programs established in the Economic Opportunity Amendments of 1969. But there has never been any doubt in anyone's mind from the time we started acting on that legislation that funds were going to be reserved for alcoholic counseling and recovery and for drug rehabilitation. It is not as if OEO just learned about the reservation of funds for those programs recently. They have known for a long time.

I might say, Mr. President, that this is an important issue on principle, and it is also important on its merits.

So far as I am concerned, there will be no rollcall vote tonight, if I have to stay here all night, since there is no one here to listen to it. I want to be sure that all Senators have an opportunity to read the RECORD tomorrow morning. We can have quorum calls to bring everyone back, or put what we want in the RECORD and agree that there will be no rollcall vote until tomorrow.

Mr. HOLLAND. Mr. President, will the Senator from Wisconsin yield?

Mr. NELSON. I yield.

Mr. HOLLAND. I am not taking any position either for or against the Senator's efforts but may I call attention, however, to the fact that I doubt that he has proceeded in the way he intends to proceed. I may be mistaken.

My understanding is that the Senator has secured a division of the House amendment in two parts, and that the Senate has accepted the first divided portion.

Mr. NELSON. The Senator is correct.

Mr. HOLLAND. The proposed language starting in the bottom paragraph, on page 1, of the Senator's mimeographed sheet that I find at my desk reads as follows:

> At the end of said amendment strike out the period and insert the following:

It contains a proviso which is thoroughly understandable.

I think that the Senator means to strike out any proviso in the House amendment and to insert in place thereof of the words that he intends to suggest. And I do not believe that his language as prepared accomplishes that purpose.

I simply make that as a friendly suggestion. If I am mistaken, the Senator may correct me.

Mr. NELSON. Mr. President, I appreciate the comments of the Senator. The amendment I sent to the desk read:

> I move that the Senate concur in the House amendment to Senate amendment No. 83 with an amendment substituting in lieu of the language in the second part of the House amendment the following: . . .

So, in the written motion I sent to the desk, I asked to have this part substituted for the other.

Mr. HOLLAND. That would be correct. And the Senator from Florida has been mistaken, but he has been relying upon the mimeographed sheet placed upon his desk.

Mr. NELSON. The Senator is entirely correct. The mimeographed sheet did not have the full motion. I appreciate the Senator's contribution.

Mr. HOLLAND. I thank the Senator.

Mr. NELSON. Mr. President, the proviso set forth in the House amendment not only attempts to nullify the mandatory funding levels in the Economic Opportunity Amendments of 1969, but also the mandatory funding levels in the Economic Opportunity Amendments of 1967. There is only one mandatory funding requirement of the Economic Opportunity Amendments of 1967 which is still applicable. That is the requirement placed in the 1967 amendments by the distinguished Senator from Vermont (Mr. PROUTY), which provides that one-third of the sums allocated by OEO for research and demonstration projects, are required to be used for research and pilot projects designed to assure a more effective use of human and natural resources of rural America and to slow the migration from rural areas due to lack of economic opportunity, thereby reducing population pressures in urban centers.

This important mandatory funding requirement proposed by the Senator from Vermont (Mr. PROUTY) will be nullified once again—as it was in the appropriations acts for 1968 and 1969—if the proviso contained in the pending House amendment is not changed as I have proposed in the motion I have offered. The junior Senator from Vermont deserves to be commended for focusing attention upon the problems of rural poverty. I supported his proposal for research on rural poverty in 1967, and I support it now. Likewise, the chairman of the full Labor and Public Welfare Committee, the senior Senator from Texas (Mr. YARBOROUGH) has on many occasions reminded members of the

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committee of the needs of rural areas for antipoverty and education programs. I would hope that the required allocation of research funds to be devoted to the problems of rural America would not once again be shunted aside. The motion I have offered will prevent that.

Mr. President, I hope all Senators appreciate the significance of the sequence of events which occurred in regard to the earmarking of funds for OEO. As the chairman of the subcommittee responsible for this very important legislation, I introduced the first bill to extend OEO in this session of Congress.

The bill contained earmarkings.

Our committee held hearings over a period of many months. We considered and debated the earmarking issue at great length. The subcommittee reported out a bill containing earmarkings.

Then the full Committee on Labor and Public Welfare considered the issue and debated it at length. The committee reported out a bill containing earmarkings. Then the Senate as a whole debated the bill. Earmarking was one of the issues.

A motion was made to eliminate the earmarking. The motion was decisively defeated on a rollcall vote on the floor of the Senate.

The Senate passed a bill containing earmarking. A similar procedure occurred on the House side. The House passed a bill also containing a form of earmarking.

The Senate and House conferees conferred. Earmarking was again a major issue. Agreement was reached. And finally both Houses accepted the report of the conference committee containing earmarking.

It just so happens that the OEO would prefer not to have earmarking. They would rather have an appropriation of about $2 billion to spend virtually as they decide it should be spent within the broad directives of the Economic Opportunity Act.

I do not blame the OEO for taking that position. If I were the administrator of such a program, I, too, might very well prefer to have 100 percent freedom in the spending of $2 billion. And I might very well feel that my judgment was better than that of Congress, as most administrators do feel.

But the point is that Congress has listened to and considered the position of OEO at every step of the legislative process. We considered it when we drafted the original bill. We considered it in the subcommittee. We considered it in the committee. We considered it on the floor. We considered it again in conference. And we rejected it.

Congress decided it wanted to give OEO a clear directive as to how it wished to see resources committed on the war on poverty.

I do not think this is the time or place to debate how we earmarked the funds. We have already debated that.

The fact is that we were extremely considerate. We simply took the budget recommendations made by the President and made them the basis for our earmarking. I repeat, we simply took the administration's budget recommendations, and the justifications made by the President and made them the basis for our earmarking.

We added two small new programs, for alcoholism and drug abuse. And to show that we were serious about these programs, we directed OEO to reserve funds for these programs to guarantee that they would be established.

We also gave the OEO Director greatly increased flexibility in reallocating funds within his agency.

Mr. HUGHES. Mr. President, will the Senator yield?

Mr. NELSON. I yield.

Mr. HUGHES. Mr. President, for the purpose of clarification, I would like to have the Senator reassure me as to the procedures. What would go back to the House and what they would be voting on and what the final decision would be if this motion is approved by the Senate?

Mr. NELSON. My staff has checked with the Parliamentarian and I am advised that this last proviso in amendment No. 83 in disagreement is the only thing that would go to the House of Representatives. This is the last item in the bill. Everything else has been approved, including the money for the Economic Opportunity program, which was just adopted. This single amendment relating to earmarking would go back to the House, if it were adopted as I propose, and the House would either accept or reject the amendment. It would not throw the bill back into conference. It is a privileged matter. When it arrives in the House it can be taken up forthwith and disposed of forthwith. If the House accepts it that would be the end of the matter. If the House rejects it, it would come back and then the question would be whether the Senate would recede from our position.

Mr. HUGHES. The distinguished Senator from Wisconsin has pointed out that two new programs were entered into in this particular earmarking project. I am not sure the Senator made clear there was no asking for additional funds in earmarking this money. Is that correct?

Mr. NELSON. I did not make that point clear enough. The Senator is correct. In the OEO authorization bill, we did not increase the total budget authorization in earmarking the funds for the alcoholism program of the Senator from Iowa or the drug program of the Senator from Colorado.

We directed OEO to establish these new programs on alcoholism and drug abuse. Then, to make certain that these programs would be put into operation, we specifically ordered OEO to reserve funds to run these programs—$10 million for alcoholism and $5 million for drug abuse—out of its budget authorization. OEO would have preferred that we not do that, but we did it and that is the issue we are still debating here today—whether OEO shall carry out a legislative directive and establish these programs as we ordered them to do.

Mr. HUGHES. With the Senator's permission, I would like to inform the Senate on the particular reasons I made the request for earmarking the OEO funds in the field of alcoholism; and in the absence of the distinguished Senator from Colorado, I would also plead the case he made for earmarking funds for drug abuse and narcotic addiction.

Actually what we did in this particular bill was to request that about $10 million be earmarked for fiscal year 1970. Is that correct?

Mr. NELSON. The Senator is correct.

Mr. HUGHES. And $15 million for fiscal year 1971. Is that correct?

Mr. NELSON. That is correct.

Mr. HUGHES. In the field of narcotics addiction and drug abuse we asked for $5 million for fiscal year 1970.

Mr. NELSON. That is correct.

Mr. HUGHES. We asked for $15 million for fiscal year 1971. Is that correct?

Mr. NELSON. The Senator is correct.

Mr. HUGHES. The difference in asking for $5 million for narcotics addiction and drug abuse as opposed to $10 million in the field of alcoholism in 1970 was the fact that the Office of Economic Opportunity has been involved to quite some extent in alcoholism programs in the country, but they have not been heavily involved in programs of narcotics addiction or drug abuse. Is that correct?

Mr. NELSON. The Senator is correct.

Mr. HUGHES. We provided that the second-year funding be increased, because we believed this first year of preparation would place them in a position staffwise to utilize these additional funds in an efficient manner.

Mr. NELSON. The Senator is correct.

(At this point, Mr. BELLMON assumed the chair.)

Mr. HUGHES. As the Senator from Wisconsin knows, I am the chairman of the Special Subcommittee on Alcoholism and Narcotics created by the Committee on Labor and Public Welfare.

As the result of holding many hearings around this country, I came to the conclusion that we should request earmarking of funds in the Office of Economic Opportunity authorizations. The reason for this can be found not only in the hearings that have been held on two occasions in Washington, in the California area, in the New York area, Denver, Colo., and many others planned in the future, but also from my own experience as Chief Executive of my State of Iowa. In that position, 4 years ago I requested funding from the Office of Economic Opportunity for a program in the field of alcoholism in the State of Iowa. This program was designed to utilize all of the existing Federal and State services, coordinating them to make an assault on alcoholism in the State, as a pilot and pioneer project for the country.

The result of that project has been reviewed many times by the Office of Economic Opportunity and by experts they hired to go over it. It has now passed through the initial phase; its Federal funding has been discontinued; and its cost is being picked up at the State and local level in Iowa.

However, what we discovered in the initial phase is extremely important. We discovered that in the State of Iowa 25 percent of all patients in mental health institutions were there for alcoholism. We discovered that up to 40 percent of all inmates of the prisons and reform

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schools in the State of Iowa were incarcerated because alcohol was involved in the crime for which they were convicted. We could not delineate very clearly the number of children on ADC programs as a result of families broken up by alcoholism, but it was very clear and evident to all of us that a high percentage of all children in ADC programs in Iowa were there because of alcohol problems related to the family, which not only brought them to the welfare rolls of the State, but very clearly placed them in emotional difficulties that impaired their ability to learn in school, and disclosed many other inadequacies in their family circumstances.

We found there was no program for training alcoholism counselors in the State and only one in the United States, and that was training very few people at that particular time. We could not identify at that time any medical school in the United States at all that was providing any specialized training for medical students in the field of alcoholism. And although alcoholism had been identified as a disease by the American Medical Association and the hospital association stated that they admit alcoholic patients, we could not find doctors or physicians who would treat alcoholics in almost any instance unless it was a special case—their own clientele or an alcoholic physician. We found very little research being done in the country. We found vocational rehabilitation officials were not considering the alcoholic as a man or woman who needed to be rehabilitated and that they were, in fact, not using rehabilitation funds authorized by Congress for alcoholism. In the field of employment services, we found that instead of being willing to place the alcoholic into a job, they were, in fact, prejudiced against the alcoholic and would not recommend him for a position, even though he had been sober a year or 2 years and even though he had tried in every way to meet the competency necessary for this type ailment.

We discovered there were no facilities in my State for the way of halfway houses. Many have the opinion that the alcoholic is the bum in the street or the drunk in the alley, on the sidewalk, or in the gutter. The fact is that only 3 percent of the alcoholics in the country are in the bowery or skid row, whatever it might be, in any city. The vast majority are living very comfortably and holding down very good positions.

The average alcoholic is 31 years of age, the father of two children, a junior executive taking care of his family comfortably, but progressing into the disease of alcoholism more and more every day. Under OEO regulations, we were not able to help this type of alcoholic. There was nothing we could do until the man or woman had descended economically to the level of poverty—below the annual income level described in the OEO program.

As a result of this, we were not able to make an all-out assault on the disease of alcoholism through funding by the Office of Economic Opportunity or from the additional funding provided through vocational education.

We found during the pilot program that the recovery rate could be substantial when an alcoholic who recognized that he was a victim of the disease and a physician who recognized that this was a disease. Procedures adaptable to recovery and detoxification were relatively simple matters, and something could be done about it.

When I became interested in the study of alcoholism some 15 years ago, the National Council on Alcoholism estimated that there were 5½ million alcoholics in this Nation and that each one affected at least four other people around him very seriously. Now, I believe, that office says there are 6½ million alcoholics—some 15 years later—and that they each still affect at least four people around them.

I do not accept those figures. I believe the number of alcoholics in this country is easily double that number, or 13 million; and if each one of them affects four others, which would be 52 million, it would mean that a total 65 million Americans are affected by this vicious disease.

Dr. Roger Egeberg has said it is the No. 1 health problem in the United States of America; and yet we are doing practically nothing about it. The Congress of the United States, in 1968, amended the Community Health Centers Act to authorize some assistance for alcoholics. President Johnson recommended appropriations of only $4 million to fulfill that act. When President Nixon took office and submitted his recommendations, he eliminated the $4 million, and there was nothing. The Congress came along and reinstated the $4 million. So back we are to $4 million again, which, in my opinion, is less than 33 cents per alcoholic in the Nation.

Mr. TYDINGS. Mr. President, will the Senator from Iowa be kind enough to yield for a moment to let me make a comment at that point?

Mr. HUGHES. I am glad to yield.

Mr. TYDINGS. Mr. President, first of all, let me say the efforts of the Senator from Iowa and the Senator from Wisconsin in endeavoring to provide funds for the treatment of alcoholics are tremendously important to the Nation. But the Senator from Iowa has mentioned the fact that the President of the United States, Mr. Nixon, completely withdrew or eliminated $4 million to fund the Alcoholism Recovery Act of 1968.

If the Senator from Wisconsin will study the record, he will find that if arrests for traffic offenses are not considered, arrests for public alcoholism account for approximately 50 percent of the arrests in the country.

Mr. NELSON. Mr. President, I think we had better make clear what the percentages are that the Senator cited. Does the Senator mean to say that if we removed all matters involving traffic offenses, half of the rest of the time would be spent on activities involving alcoholics?

Mr. TYDINGS. The percentage I am referring to reflect the number of arrests for drunkenness in relationship to all arrests. The President's Crime Commission a few years ago reported that in 1965 51.8 percent of the arrests in Washington, D.C., and 62.5 in Atlanta, Ga., were drunk arrests. On the basis of these statistics it is clear that a great deal of valuable police time is spent handling drunkenness offenders. The inebriate must be arrested, taken to jail, booked, detained, clothed, fed, sheltered, and transported to court. Moreover, police must often wait hours to testify in court in connection with their cases.

Let me go to the next step. Recently, in the fourth circuit court of appeals and in the circuit court of appeals in the District of Columbia, the courts have recognized the fact that alcoholism is a disease and not a crime. They have held accordingly. So in States in the fourth circuit, such as Maryland, the manner of treating persons charged with normal drunkenness is different.

When the courts handed down those decisions, they, of course, could not provide for the funding of the Alcoholism Recovery Act of 1968. Let me tell the Senate about the consequences of the President's failure to implement the legislation on alcoholism.

Let us consider what happens in the eastern and western districts of Baltimore City, the two heaviest crime districts in the city. I spent 5 hours with the Baltimore Police Tactical Division 2 weeks ago. Because the act has not been funded, there are no health services and no detoxification units in Baltimore outside of a few in the hospitals. There is no funding for the program, so there is no place to take a derelict, even a reasonable businessman who might become inebriated in public. But the police are called upon to pick him up. In the old days, they may have taken him to the western district and kept him there overnight, but they do not do that now, and should not do it. The police officers in the western district—the heaviest crime district in Baltimore—first of all must try to find the person's home. Sometimes they are successful and sometimes not. If they cannot do it, they have to go from hospital to hospital to hospital in Baltimore, trying to find a place to take that person for care, at least overnight. When that same person has been picked up by police in the western district three or four times in a month, the hospital becomes a little shy of him. It refuses to take him in. Since the President has withdrawn the $4 million and has not put 1 cent back into the fund, there are no funds available for detoxification, let alone halfway houses of rehabilitation for the alcoholic.

So the law enforcement officer now takes two or three times as much time trying to find a hospital that will take the person for treatment. Ultimately, many times, it cannot. After consuming three times as much time as normally, he has to take the person back and put him in the stationhouse in the western district.

The program for which the Senator from Iowa and the Senator from Wisconsin and other Members of this body have fought is vital to an effective war against crime.

Let me reiterate. Approximately 50 percent of arrests involve alcoholic arrests. This is wasting a tremendous amount of law enforcement man-hours. I think this is a tremendously important problem.

Talk to any captain or sergeant in

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any busy precinct or district in a crime-ridden city in the United States, and he will verify the figures I have given the Senate today.

If we really mean to do something about fighting crime, we must provide funds for alcoholic rehabilitation and for narcotic rehabilitation. This clearly cannot be done when the President strikes $4 million in critical funds from the program.

Mr. HUGHES. I should like to point out, in relationship with that matter, that the Senate Appropriations Committee recommended $8 million. That was put back to $4 million in the conference committee, but at least this body did the best it could to try to get some reasonable funding in this area.

To supplement what the Senator from Maryland has said, I do not have the statistical information with me because I was not expecting this extended discussion here today, but I think if we look at it, we will find, in relationship with crime, that a very high percentage of the crimes of violence in this country are carried out while under the influence of alcohol.

Further than that, it is making law enforcement and the problems of law enforcement more difficult. More than 25,000 people a year are killed in automobile accidents in which one of the drivers was involved with alcohol. What percentage of those are alcoholics I cannot tell, but it is said that, any given night, one out of 50 cars you meet has a driver under the influence of alcohol, as you are hurtling along 60 miles an hour in one direction, they are hurtling along 60 miles an hour in the other direction. And there are only 2 feet separating you over the median strip.

I want to state that we are talking about one of the greatest creators of poverty in America, a destroyer of security and the home, one that fills the mental institutions of this country, one of the greatest problems involving the Indians of this country. The Indian Affairs Subcommittee of this body found that, on one reservation, 80 percent of the Indian youths under 18 years old were in trouble with the law because of alcohol on the reservation.

The reason I am so concerned about getting this amount of money earmarked in the Office of Economic Opportunity is the fact that they are not making the initiative to go into these fields of alcoholism, narcotics addiction, and drug abuse, except simply to scratch the surface.

Mr. TYDINGS. I think slogans is what you call it. We are not being given the economic muscle to support critical law enforcement programs; we just have slogans.

Mr. HUGHES. I intend to go into a lengthy discussion of narcotics and drug abuse after I get down this road on alcoholism a bit further. I intend to go into it fully later. But while the Senator from Maryland is still here, I think he will recall that I came over and testified before the District Committee, because public health funds had been cut back in the District Committee. They were cutting back the Health Department to the point that, while we do have a detoxification center in the District of Columbia, it is so overloaded that they have been unable to keep patients more than 2 days. They send them out to a center with about 600 beds, but so many people have been running through the center that they have been unable to keep the patients, feed them back to health, give them assistance in finding employment, and keep them permanently removed from the alcoholic rolls.

Mr. TYDINGS. As the Senator points out, the hospital is so completely overloaded it cannot even handle the ordinary public health needs of the District of Columbia, and they are asked to take over full responsibility, not only for the Federal Alcoholic Rehabilitation Act program, but the District of Columbia program. A person is taken in, dried out overnight, with no rehabilitation, no halfway house, no effort to get him back into society; he is turned out, and the chances are that between 15 and 20 percent of the time, he is picked up again within a month.

This whole problem of alcoholism and of the funding of the Federal Alcoholic Recovery Act relates directly to the amount of time a police officer has to devote himself to protecting the public from dangerous crimes and crimes of violence. When you have, as in the District of Columbia and in other major cities, police officers tied up literally for days and weeks of man-hour time on work which should be handled by public health services or by a proper program funded as Congress conceived it would be funded—as long as that posture remains—we are not going to have the manpower necessary to protect the public from crime in Washington, D.C., or elsewhere.

Mr. HUGHES. Mr. President, will the Senator from Wisconsin yield further?

Mr. NELSON. Mr. President, I yield to the Senator from Iowa without relinquishing my right to the floor.

Mr. HUGHES. I should like to continue on this subject of alcoholism to the extent that I feel it is imperative that the need for earmarking of the funds for OEO be made very clear. I again do not have the statistical information with me, but I wish to concede, Mr. President, that we have checked with the Office of Economic Opportunity, and they contend that they cannot spend the $10 million even if they get it in fiscal 1970, but it could be obligated. But that is not the issue we are debating here today. We are debating today the principle of earmarking funds to meet specific needs as they exist in this country. I recognize that it might be a little difficult to gear up this late in the year to utilize this total amount of funds. But I am objecting to the way it was handled, without any of us being aware of the fact that this earmarking had actually been knocked out after all of the legislative history which, as the Senator indicated, includes full committee and subcommittee support.

Mr. NELSON. If I may, I might say that the authorization bill we passed—the Economic Opportunity Amendments of 1969—give more flexibility to the Director of OEO to transfer funds from one program to another than the previous administration got in the authorization bills.

Mr. MONDALE. Mr. President, will the Senator yield?

Mr. NELSON. I yield.

Mr. MONDALE. In response to the statement of the Senator from Iowa, I think it is appropriate to observe here that there was not a single word of opposition raised during the legislative process to his proposal establishing this program on alcoholism. Indeed, on both sides of the aisle, there was unanimous, enthusiastic support for this effort to provide research into and service for a vastly underrated social problem, namely, alcoholism.

There was no problem in the subcommittee; there was no problem in the full committee. There was no problem on the Senate floor, and, in terms of the objectives of this program, no problem in the conference committee. Everyone agreed it is a long overdue, desperately needed program.

What strikes me is that, after all of this consensus from everyone, we should have to stand here and defend the importance of a program because of a totally unscrupulous lobbying tactic by which a rider, which no one knew about, was slipped into an appropriation bill 3 minutes to midnight the night before this first session of the 91st Congress adjourned. No one knew about it—not the chairman of the legislative committee, not the chairman of the Poverty Subcommittee. I understand that not even the chief of staff of the Appropriations Subcommittee on the Senate side was told about the purpose and implications of this rider. But, due to what I regard to be unethical tactics by the Office of Economic Opportunity, this midnight rider was tacked onto the appropriations bill, completely gutting the efforts of the legislative committee and of the U.S. Senate. Now we find ourselves trying to argue for a program with which no one disagrees, simply because the whole procedure and proper functioning of the U.S. Senate has been undermined and eroded by a tactic which I think needs to be thoroughly condemned—a tactic which I think seriously undermines the relationship of the Congress, and particularly the Senate Committee on Labor and Public Welfare, with the Office of Economic Opportunity.

I am very proud of the fact that I worked hard on the OEO bill. I worked hard with Mr. Rumsfeld and with his representatives. We tried to develop a bill with which they could live and with which we could live. We put our cards on the table. We did not try to trick them. They did not try—we thought—to trick us. Now we find that, without telling anybody, they tried to undermine everything we did.

This alcoholism program, the drug abuse program, and the provision requiring that one-third of OEO research funds be devoted to research on rural poverty are now in jeopardy because this kind of cheap lobbying tactic was used. That tactic erodes and undermines the basic procedures of the U.S. Senate. It destroys the kind of dignity and respect

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with which Members of the Congress and members of the executive must treat one another, if this process is going to work. I deplore this tactic, oppose this rider, and ask my colleagues to join us in this effort to preserve the original intent of the Senate when it adopted the bill extending the Office of Economic Opportunity.

Mr. BYRD of West Virginia. Mr. President, will the Senator yield for a unanimous-consent request?

Mr. MONDALE. The Senator from Wisconsin (Mr. NELSON) has the floor.

Mr. BYRD of West Virginia. I ask the able Senator from Wisconsin (Mr. NELSON) if he would permit the Senator from Minnesota to yield to me for a unanimous-consent request, with the understanding that he does not lose his right to the floor.

Mr. NELSON. I yield.

ORDER FOR RECESS TO 11 A.M. TOMORROW

Mr. BYRD of West Virginia. Mr. President, in order that Senators may be put on notice as to when the vote will occur on the business before us, I am authorized by the majority leader to ask unanimous consent that when the Senate completes its business today, it stand in recess until 11 o'clock tomorrow morning.

The PRESIDING OFFICER. Without objection, it is so ordered.

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TRANSACTION OF ROUTINE MORNING BUSINESS ON TOMORROW

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that, immediately upon the conclusion of the prayer and the disposition of the reading of the Journal tomorrow morning, there be a period for the transaction of routine morning business, not to extend beyond 30 minutes, with statements therein limited to 3 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

APPROPRIATIONS FOR THE DEPARTMENTS OF LABOR, AND HEALTH, EDUCATION, AND WELFARE, AND RELATED AGENCIES, 1970—CONFERENCE REPORT

The Senate continued with the consideration of the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 13111) making appropriations for the Departments of Labor, and Health, Education, and Welfare, and related agencies for the fiscal year ending June 30, 1970, and for other purposes.

UNANIMOUS-CONSENT REQUEST

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that, at the conclusion of routine morning business on tomorrow, the pending business be laid before the Senate, and that the time on the pending business be limited to 1½ hours, the time to be equally divided between the distinguished author of the amendment to the House amendment to Senate amendment No. 83 to H.R. 13111 and the minority leader, or whomever he may designate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The unanimous-consent request, subsequently reduced to writing, is as follows:

UNANIMOUS-CONSENT AGREEMENT

> Ordered, That following the period for the transaction of routine morning business on Wednesday, January 21, 1970, further debate on the amendment of the Senator from Wisconsin (Mr. Nelson) to the House amendment to Senate Amendment No. 83 to H.R. 13111, be limited to 1½ hours, to be equally divided and controlled by the Senator from Wisconsin and the minority leader (Mr. Scott) or his designee.

Mr. BYRD of West Virginia. I thank the Senator from Wisconsin for yielding.

Mr. NELSON. Mr. President, I yield further to the Senator from Iowa.

Mr. HUGHES. Mr. President, as a matter of information—I regret that the Senator from Minnesota has left the floor, because he labored so hard on the Subcommittee on Indian Education—I wanted to make sure to get into the RECORD at this point some statements of interest.

There has been much publicity about poverty among the American Indians and education among the American Indians and what we are doing or not doing about it. Then we come upon this, in a report entitled "Indian Education: A National Tragedy—A National Challenge," a 1969 report, No. 91-501, on page 18:

> The subcommittee found one tribe in western Oklahoma where practically every male between the ages of 18 to 30 has a serious drinking problem. Strangely enough, if they survive to age 30, a complete reversal often takes place. The subcommittee findings leave no doubt that alcoholism broadly defined is one of the most serious problems affecting the Indian population today, yet it has attracted little serious attention, and what data that is available is generally inaccessible, unorganized, scattered, and unknown.
>
> Excessive alcohol usage appears to be closely interrelated with other manifestations of social disorganization in Indian communities. Indian accident and arrest rates are notoriously high, and the majority of accidents as well as homicides, assaults, suicides, and suicide attempts are associated with alcohol. The vast majority of arrests, fines, and prison sentences in the Indian population are related to alcohol, and Indian arrest rates are also notoriously high. In one State penitentiary, Indians constitute 34 percent of the inmates whereas only 5 percent of the State's population is Indian. The majority of the crimes were committed while under the influence of alcohol.
>
> On one central plains reservation, there were in 1 year 2,585 arrests for disorderly conduct and drunkenness in a population of 4,600 adults. Over a 3-year period, 44 percent of males and 21 percent of females had been arrested at least once for a drinking-connected offense. Of these, two-thirds had been arrested more than once, and 10 percent had been arrested more than 10 times. Thirteen percent of the entire population ages 15 to 17 had been booked at least once on a charge related to drinking. On another reservation with a total population of 3,500, in 1968, there were 1,769 arrests related to excessive drinking, 10 percent of them juveniles. In 1960, alcohol-related arrest rate for all Indians was 12.2 times that of the U.S. population generally. Drunkenness *alone* accounted for 71 percent of all Indian arrests.
>
> In a study of high school students in a plains tribe, 84 percent of the boys and 76 percent of the girls claimed they drank. Thirty-seven percent claimed they drank frequently. Another survey of Indian high school students found 339 out of 350 who disliked their hometown because of excessive drinking. On this reservation, 70 percent of all juvenile offenses involved alcohol—a total of 420 in a recent year.

So we can understand that we are dealing with a disease that has practically crippled a fine group of American people. But we have not yet seen the job being done in the way it should be done unless the funds are earmarked, so that Congress can be sure that the money will be spent in this way.

Now I will read from page 114 of Report No. 91–501, item 11:

> *11. The subcommittee recommends—*
>
> That a comprehensive attack upon alcoholism among Indians be begun at the earliest possible time, and that it include (a) coordinated medical, paramedical, educational, psychiatric, social, and rehabilitation services, both public and private, including non-medical and non-professional personnel as appropriate; (b) strong prevention programs, relying upon concerted public education efforts; and (c) concerted efforts to identify and deal with the causes of Indian alcoholism.

If I had the time to break this down further ethnically to show the effect on the American Negro in the ghetto, if I could, for example, go to Texas and deal with the ethnic groups there in relation to alcoholism and narcotics and the problems we face, we could see that we have done little except express our hope and chagrin and the fact that it is a mammoth problem.

In all the history of civilized mankind, alcoholics have been dying in the streets, the gutters, the alleys, condemned in the Bible. An alcoholic can fall over in the street in the District of Columbia, and people will walk around him, ignore him, and never stop to see what is wrong with him. He may have died of a heart attack, but they would not stop to investigate. They would consider him a hopeless drunk, not a sick human being, entitled to the decency and treatment that we would give a crippled dog if a car hit it. Yet, we have abandoned many of these people in America and in the world.

I do not think I need to belabor the point of alcoholism any longer in relation to the earmarking of these funds. I think there is enough identity with the problem to demonstrate that alcoholism in America is one of the greatest contributors to poverty in our social structure. It has broken up homes. A very high percentage of children on welfare programs are there because of alcohol-related problems. Many emotionally disturbed mothers are there also.

Incidentally, the number of women suffering from alcoholism is increasing rapidly. We used to say about one alcoholic in five was a female. Now many of us believe that it is two in five, and the rate is growing rather steadily over the years. Thus, if we are going to do something about this program, if this Nation has any human compassion—I am not asking them to consider the problem of alcoholism to replace other programs—but certainly the day has arrived when we should do something to try to eliminate one of the greatest creators of poverty, one of the greatest contributors to delinquency. We should endeavor specifically to demand that funds are spent in these areas.

If not, God help us. We have too long overlooked these problems.

Now, with the permission of the Senator from Wisconsin, I am going to speak a little bit on the subject of narcotics addiction and drug abuse.

Mr. MAGNUSON. If the Senator from Wisconsin would yield to me at this point—for about half a minute, I shall not interrupt this interesting discourse further.

Mr. NELSON. I yield.

Mr. MAGNUSON. I want to say that I was well aware of this language in the conference report. It was offered by the House conferees.

I hope that there is no misunderstanding about this. I think the problem is one of interpretation. I assumed—I could be wrong and I know that you gentlemen want to make this certain—they would spend the money in these categories according to their justification and their authorization and that this conference amendment would provide them with some needed flexibility. I assumed that by the way the amendment was explained in conference. I want that made clear. I am sympathetic to what you are trying to do.

My only hesitation is because I do not want to hold up this whole matter. I know you do not, either. However, I want to be sure that you understood what the conference did, and the premise on which it acted.

Mr. NELSON. The Senator from Washington, at the time the motion was made, when the authorization bill was considered in the Senate, voted against the motion to eliminate earmarking for OEO programs.

Mr. MAGNUSON. I did.

Mr. NELSON. So you voted in favor of earmarking?

Mr. MAGNUSON. I am going to vote for the Senator from Wisconsin's amendment now, but I just assumed that they would, in the next 6 months, follow the categories outlined in the authorization, with a degree of flexibility that would be needed to get these programs you are discussing underway. I know what you gentlemen want to do. You want to make sure that they do. I think I understand your concern, on the impact of the amendment as adopted by the conferees. You have offered a much clearer explanation of why this earmarking is important.

Mr. HUGHES. Mr. President, the recent track record of OEO does not indicate that we can assume anything about the fact that they will spend any money in these areas. They have not spent it. I doubt that they will, unless we put a chain on it and lock it down.

Mr. MAGNUSON. I am inclined to agree with the Senator from Iowa.

Mr. HUGHES. I might add, before the Senator leaves the Chamber, that he is one of those Senators who fought to double the appropriation for alcoholism. I know of his sympathy for the problem we are talking about, and I am a little bit embarrassed by the position we find ourselves in today.

Mr. YARBOROUGH. Mr. President, will the Senator from Wisconsin yield briefly to me?

Mr. NELSON. I am happy to yield to the Senator from Texas, without losing my right to the floor.

Mr. YARBOROUGH. I commend the distinguished Senator from Iowa for his forceful, dramatic, and impressive statement here today. Soon he will discuss the question of narcotics and dangerous drugs.

Regarding the previous portion of his remarks, addressed to the problem of alcoholism and the earmarking necessary to get something done about that problem, I want to add to what he has said about the ethnic group in my State, Mexican-Americans, which is the largest ethnic group in my State, due to poverty—the main cause is poverty, where the rate of alcoholism, and the use of marihuana and dangerous drugs and narcotics all are higher among that group than any other citizens in my State. I think that this is all tied in with the problem of poverty, and the lack of opportunity—at least a great deal of it is.

Of course, this is a very serious problem, and we need money to combat it. Past experience has shown that if that money is not earmarked, it will not be spent.

I want to commend the distinguished Senator from Wisconsin (Mr. NELSON) for his amendment. I think it should be agreed to. We fought this out in the Labor and Public Welfare Committee. It was not a "quickie" thing. We debated it fully there, and amendments were offered to do away with earmarking just to give the Director of the Office of Economic Opportunity this money to do anything he wanted to with it. It was turned down in the committee time after time. It was also turned down on the floor of the Senate. This Michel amendment was not in the House bill. It was not in the Senate bill. Yet it turns up now.

I think it is time to say that when we in the Senate vote for something, we mean business; that it is not a token thing, to let someone strip away what we think about how this money should be spent. We have increased it under the leadership of the able Senator from Wisconsin who is chairman of the Manpower and Poverty Subcommittee. We have increased the authorization for the poverty program. I do not believe the Senate would have ever voted to increase the authorization if it thought the money would be thrown up there, so to speak, into the thin air to let the Director of the Office of Economic Opportunity pull it down to do anything he wanted with it.

We voted for that increased authorization because we had studied it for weeks and held hearings for months, and we had reached the point where the Director of the Office of Economic Opportunity, appointed by the President, who had voted against the poverty program when he was a Representative in the House, lobbied diligently and effectively in the House for it, even though he had voted against it as a Member; but when he became Director of the Office of Economic Opportunity, of course he saw it differently and he came up here to lobby to save the program.

Because of the diligence of the Senator from Wisconsin, we increased the money and increased it on faith that it would be spent where the committee and the whole Senate had found, through extensive hearings and debate, that it should be spent.

I do not believe that the Senate would have increased the authorization and voted more money in a big lump sum for someone as Director of OEO to spend it as he wanted to. The Senate wants its will expressed, after thorough debate and extensive hearings and long executive sessions both by the subcommittee and the full committee which passed on it. Some of us on that Committee on Appropriations felt a growing concern as to where and how the money would be spent. I do not think the Senate should surrender to this wild and reckless, free funding of money for someone to spend anywhere he wanted and take off all the earmarking restraints.

All 100 Senators have opinions of their own based upon their experience, their knowledge, their travel around the country, based on the election process of this country.

I believe that running for a State office is the greatest educational institution in America, when a man travels around for public office statewide and visits the people, and all its many groups and sections. I do not believe there is any other educational process which is equal to it.

I believe it would be a great thing for America if we had a requirement that a potential Cabinet officer must have served in some statewide elective office before he became a Cabinet member. He should know something about the mainsprings of human action, of human desire, of the human heart, so that he can better improve the American way of life.

I think that we will have thrown away half of the diligent work of these committees if we sweep away all the benefits we have had of the testimony, the hearings, and the knowledge which we have accumulated, and put this in a separate category and say, "Take it, boys, spend it anywhere you want to."

Mr. NELSON. I thank the Senator for his comments. He knows, as chairman of the committee, and I as chairman of the subcommittee, that we have leaned over backward to accommodate the administration, and we waited for their recommendations several months. We could have gotten it out of the committee much earlier if we had gotten the prompt advice of the adminstration as to what they wanted. We leaned over backward to cooperate. I do not think that anyone here has been a stronger supporter of the poverty and manpower program than I have. Then, after doing all that, OEO did not get the appropriation it wanted out of the Appropriations Committee. Once again OEO came to me, pointing out how important it was that OEO get the appropriation which the President had requested. Once again, I was happy

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to help OEO because I believe in the urgent need to fight poverty. So I drafted an amendment and took it to the floor, pointing out at the time that I was fighting the case of the administration and OEO. We won that fight.

Then, after we got that, without saying a word to us, behind our backs, they slipped in a little amendment seeking to wipe out the earmarking and the fund reservations in our bill.

Throughout the whole authorization process, we tried to keep OEO and the whole administration fully informed, every step of the way, on what we were doing. They called our office several times a day. They sat in on our hearings. They sat outside our executive sessions. They sat up much of the night outside our Senate-House conference. Every step of the way, we told them what we sought to do. We sought their comments and suggestions. We repeatedly called recesses to allow time for OEO to comment before we made a crucial decision. We repeatedly revised the bill in light of their suggestions as it moved through the authorizing process.

We gave OEO all the information. And when they came and asked us for help, we gave help. We helped them on the floor of the Senate to get the full funding. Then, when it was all over, without once coming in and saying, "We are going to try to legislate in an appropriations bill," they sneaked this amendment into the appropriations conference in an attempt to undo all we had achieved in the authorization bill.

Representative PERKINS on the House side did not know it happened. I did not know it happened. The staff people did not know. This amendment did not become public knowledge until after both Houses had recessed for Christmas. Only then was it spotted in reading the CONGRESSIONAL RECORD account of action in the House on December 22.

Then they expect to come back to both Houses and say, "Gentlemen, let us cooperate again." Mr. President, cooperation is a two-way street. If OEO is going to continue to do this, I think we will see the end of the cooperation.

Mr. TYDINGS. Mr. President, will the Senator yield?

Mr. NELSON. I yield.

Mr. TYDINGS. Does the Senator know whether the Office of the Director of Economic Opportunity was aware that this amendment was slipped into the legislation?

Mr. NELSON. I do not know. It was presented as the position, I understand, of those representing the Office of Economic Opportunity. I do not know who had any knowledge of it other than Congressman MICHEL.

Mr. TYDINGS. Mr. President, if they did, and if they failed to notify the chairman of the House legislative committee or the Senate legislative committee, I think the description of the Senator from Texas is very kind. It was deceitful if they did this. And it was a deceptive practice that is not in accord with the above-board procedures we are used to in this body.

I hope that the Director of the OEO would make some explanation to the Senator from Wisconsin and the Senator from Texas as to the role he played in this procedure.

If that is the kind of chicanery to be indulged in in the future, I think we will have a different idea when we vote on appropriations for the OEO.

We have to take people at their word. We do not have time to read every word of every amendment in the closing hours.

Mr. NELSON. Mr. President, the issue of earmarking funds in the bill went to the full committee, to the subcommittee, to the floor of the Senate, and to the conference committee. And nobody anticipated that there would be a violation of the rule prohibiting legislation in an appropriations bill.

Suddenly this language showed up in the House record and nobody involved in the legislative process had known anything about it.

I do not know who was responsible for it. But if that is the way they want to play, we ought to play with the same set of rules.

Mr. EAGLETON. Mr. President, will the Senator yield?

Mr. NELSON. I yield.

Mr. EAGLETON. Mr. President, my question relates to the matter of earmarking as it would apply to the OEO programs, since most of the discussion, and properly so, has focused on narcotics and alcoholic programs.

Is the concept of earmarking a foreign one or an unusual one insofar as OEO programs heretofore considered were concerned?

Mr. NELSON. No, it is not foreign or unusual. We have had earmarking in the previous authorization bills. The interesting part of this is that, in earmarking the bill in our committee, of which the distinguished Senator is a member, we took all the administration's proposed budget figures and earmarked in those categories. Then, we added two programs, the drug abuse program of the Senator from Colorado (Mr. DOMINICK) and the alcoholism program of the Senator from Iowa (Mr. HUGHES).

Mr. EAGLETON. It was earmarked in the program that came from OEO with respect to Headstart and legal services. What are some categories in which the Senator has that information, which were previously earmarked?

Mr. NELSON. The OEO asked for a simple 2-year extension. In their budget justification, they selected the various categories to demonstrate what the requested amount of about $2 billion would be spent for. We took their budget justification as the basis for our earmarking. Then we added this flexibility so their hands would not be tied too much. We thought that was very fair and considerate.

Mr. EAGLETON. So we added greater flexibility than the program previously on the books prior to this administration; and all that was added by the committee at the request of the Senator from Colorado and the Senator from Iowa for two more specific programs that had not been previously listed. Is that correct?

Mr. NELSON. Yes. I might say that those two programs on alcoholism and drug abuse were not in the House bill. The House conferees questioned the Senate's action in authorizing and reserving funds for them. After extended discussion and after an eloquent plea on the part of the Senator from Iowa (Mr. HUGHES) the House conferees were persuaded to agree specifically to earmarking funds for those programs of alcoholism and drug abuse.

Mr. EAGLETON. So the end result of this midnight amendment, this mysterious midnight amendment that cropped up in the bill was that the only two categorical or specific areas zeroed in on are the two provided by the Senator from Iowa and the Senator from Colorado dealing with narcotic addiction and alcoholic treatment, whereas all other treatment programs are left untampered and untouched.

Mr. NELSON. I would hope, if the Michel amendment is finally adopted, that that would be the interpretation. I understand some people will argue it both ways. I think the best course is to eliminate the Michel amendment. I am pleased that the chairman, the Senator from Washington (Mr. MAGNUSON)—and I think it is important legislative history—stood on the floor a few moments ago to say when he agreed to that amendment in the appropriations conference, that he had expected that the money would be spent in accordance with the earmarking in the authorization bill. If so, it would be spent for these two specific new programs, the alcoholism program and the drug abuse program, as well as the other programs as earmarked in our bill. I hope that would be the interpretation put on it by the OEO if we should not prevail in this amendment. I would hope they would keep faith with the votes on the floor of the Senate and that they would respect the viewpoint of the distinguished Senator from Washington (Mr. MAGNUSON), who is the manager of the appropriations bill.

Mr. EAGLETON. I take it that it is the case, insofar as the OEO operation is concerned since its inception, that in earmarking of funds, where Congress expresses its legislative intent with respect to an on-going program or a new program, that is not an alien, foreign, or a new concept insofar as OEO is concerned. And yet this mysterious amendment seems to leave the impression that it would be unheard of insofar as Congress expressing its will in the field of treatment for alcoholism and narcotic addiction.

Mr. NELSON. There was earmarking in the Economic Opportunity Amendments of 1966 and 1967. The 1967 extension was a 2-year bill. So there has been earmarking in the two previous authorization bills.

Mr. EAGLETON. I thank the Senator.

Mr. NELSON. I yield the floor.

Mr. HUGHES. Mr. President, I wish to compliment the distinguished Senator from Wisconsin on the presentation he has made here today and for raising the question he has raised. He has surrendered the floor to me, because I wish to speak on the problem of drug abuse in America and the need for these programs. I am doing this in the absence of the distinguished Senator from

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Colorado. My views may not be his views at all. I do not know whether he would even support this motion today; I have had no time to contact him to find out. However, the Senator from Colorado (Mr. DOMINICK) did initiate the particular amendment regarding drug abuse that became a part of the OEO authorization bill. As a result of this and as a result of attending the hearings with me—he is a member of the Subcommittee on Alcoholism and Narcotics—he saw the extreme need among the poor in America for programs in narcotics addiction and drug abuse.

The headlines of newspapers today and every day refer to the increased emphasis on law enforcement. We have been talking here about the absolute need for doing something about enforcement of the law and making sure we can cut back the crime rates in all of our cities.

In my previous statement, I spoke of the direct relationship between alcoholism and crime. That relationship has been supported by the Senator from Maryland (Mr. TYDINGS).

In connection with narcotics addiction in the United States, if we could find a reasonable solution to the problem of heroin and heroin addiction alone, I think we could reduce the felonies—and that includes some crimes of violence, burglary, rape, mugging, robbery—by 50 percent in the cities of this country.

We have had a great deal of testimony in my subcommittee relating to the heroin addiction. We know a great deal about the experimentation and demonstration project on methadone, a replacement narcotic that blocks the demand for heroin and enables the addict to go ahead and live in society. It is a program which is disputed in some scientific quarters, but there is enough research behind it to justify exploring it thoroughly.

If we are truly interested in battling crime in America and yet are unwilling to correct this provision in the pending bill, I think we are delinquent in our duty, because as we discuss narcotics addiction and drug abuse we are talking about things misunderstood in the United States.

The President held a conference of State Governors and said to them, "I want you to go back to your States, initiate programs, have discussions, and get underway mass familiarization programs in connection with drug abuse and narcotic addiction." But now we see another agency come along in support of legislation which will not earmark funds for drug abuse and narcotic addiction programs at the poverty levels. The history of this agency is that they have not initiated programs to do something about this problem. We feel it is absolutely essential.

Up until a few years ago, narcotic addiction in the United States was primarily a problem of the black ghetto of this country. As long as it was isolated in the ghettos, we paid very little attention to it, because it was not our problem. But now it has spilled out of the ghetto. It is rampant all over the United States of America.

If you ask the parents of America today, in a survey, what is the greatest concern for their children in the elementary, junior high schools, and high schools of America, they would undoubtedly immediately answer that narcotic addiction and drug abuse are the main concerns of every parent in the United States today.

It has been reported by the Department of Health, Education, and Welfare that there are approximately 12 million people in America who have experimented with or used marihuana, a drug about which there is a great deal of misinformation and misunderstanding, and yet considered—and rightly so because of the severe penalties of law—one of the major problems of this country.

There will come before the Senate soon a narcotic and drug abuse bill, aimed primarily—because it originates in the Judiciary Committee—at law enforcement, the structure of the law, and what we can do about it.

I would say here and now that if we made the penalty for selling heroin on the street 100 years in jail for a first offense and we developed the most efficient law enforcement in history and picked up the pusher on the street, within 3 days there would be another pusher on the same street selling heroin.

We must do everything we can to arrest the pusher, but I say to you that as long as heroin is profitable and is an increasingly profitable commercial item on the streets of America today, it is going to be big business tied into big crime syndicates in this country.

We can do something about eliminating the market. We can do something about prevention. We can do something about education both of the young and the adult. We can do something about treatment, about training the physician to handle the drug abuser, or about the narcotic addict himself. The federal system has developed only two institutions, one in Texas and one in Kentucky, in which we attempt to do something about these two problems. It has been a slow and a tedious process. Up until the last few years there was not considered to be any recovery from heroin addiction.

The black people of America, the poor people of America, living in the big cities, are sick and tired of people walking their streets, pushing pills and selling substances that turn their daughters into prostitutes and their sons into thieves, burglars, murderers, or whatever it may be, with little capability of doing anything about it. Yet, by our refusal to approach the problem, we are inviting a massive law enforcement problem that cannot be solved unless we approach it from the other direction. We can certainly do both at the same time, but we cannot do one and eliminate the other and arrive at a serious solution of the problem.

It is a staggering problem in the country. It is a frightening problem on the campus of every college in America, in every ghetto, and in every junior high school and senior high school. We have even found it is becoming an increasing problem in the elementary schools of the country. Students of 10 or 11 years of age have revealed that they were already hooked on drugs, were drug abusers, and some were narcotic addicts.

A doctor in the capital city of Iowa last Thursday afternoon told me a young mother came to him for delivery of a baby. They discovered she was a narcotic addict. He immediately took care of her, and delivered the baby, and the baby was a narcotic addict as a result of being carried in that mother's womb. The father came to visit, and it was discovered he was a narcotic addict. This was in Des Moines, Iowa, not a city known for heroin or drug addiction, but the capital city of my own State.

There is a need to do something medically to help these people. I have had calls from my State about it:

> I have six students who are addicted to heroin and they need help. Where can I get it for them?

It was difficult for me to get skilled help for heroin addicts in Iowa.

As a result of this massively increasing problem, there is a staggering need for legislation and law enforcement; this is just the beginning in the right direction.

Certainly we can bring into being something to help see that these people have a right to live and a decent way to get help to recover from a stigma that really has invaded all of America today and that is a real tragedy in America today.

Mr. TYDINGS. Mr. President, will the Senator yield?

Mr. HUGHES. I yield.

Mr. TYDINGS. Would the Senator be kind enough to trace the legislative history of this particular line item in the legislative authorization?

Mr. HUGHES. In the beginning the Health Subcommittee of the Committee on Labor and Public Welfare became concerned, and particularly the chairman of the subcommittee, the Senator from Texas, because Federal agencies had decided to eliminate the institution in Texas which was one of only two institutions in the United States that were treating hard narcotics addicts and doing demonstration projects and scientific projects in this field. Hearings were held in the State of Texas. He discussed the magnitude of the problem when he came back. I discussed the problems of alcoholism and drug abuse and my own experience with them and concern about them. The Senator from Texas decided to appoint a new subcommittee on alcoholism and narcotics and named me chairman. We held some hearings, including some in Washington, California, New York, and Denver. The Senator from Colorado (Mr. DOMINICK) was present at almost every hearing and showed his concern, because his city had become known as "crystal city" as a result of the manufacture of illegal methadone.

As a result, when the Subcommittee on Employment, Manpower, and Poverty was discussing this matter with respect to the Office of Economic Opportunity, we decided to approach the problem by earmarking funds for the specific purposes. I was interested in trying to approach the problem of alcoholism in that way. The Senator from Colorado was interested in approaching the problem

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of drug addiction in that bill. We decided to do it. The matter was debated and was unanimously agreed to by the subcommittee. It was brought to and unanimously agreed to by the full Committee on Labor and Public Welfare.

Mr. TYDINGS. How much was provided?

Mr. HUGHES. There is $10 million in fiscal 1970 for alcoholism; $5 million in fiscal 1970 for narcotic addiction; $15 million in fiscal 1971 for alcoholism and $15 million in fiscal 1971 for narcotic addiction. It was then brought to the floor of the Senate. The Senator from New York (Mr. JAVITS) proposed an amendment to eliminate the earmarking. His amendment failed, 36 to 50. So the earmarking was approved by 50 affirmative votes with 36 votes against.

It then went to the House, which applied earmarking in a somewhat different form, so it came back to the conference committee. As the Senator from Wisconsin said, we debated the issue in the conference committee. If my memory serves me correctly, it was approved without objection by the conference committee. It was brought back to the floor of the Senate then and confirmed here on the floor of the Senate.

So the legislative history from the very beginning to the end is one of approval either without objection in the committees or by very good majorities in voting on the Senate floor.

Mr. TYDINGS. Does the Senator know what the position of the Office of Economic Opportunity was on the line item for narcotic addiction treatment?

Mr. HUGHES. I cannot recall what the position of the agency was. I do recall that we were informed they opposed earmarking entirely, because they were seeking latitude to transfer funds between programs.

Mr. TYDINGS. Does the Senator know whether up to this time the Office of Economic Opportunity has established any clinic or treatment center for the treatment of narcotic addicts in any of its programs?

Mr. HUGHES. I cannot honestly say I recall one, but I do believe they have initiated some small experimental projects. I cannot confirm what they are, or to what extent, but I will obtain the information for the benefit of the Senate and present it tomorrow.

Mr. TYDINGS. I would like to lend whatever emphasis I can to the statement of the Senator from Iowa that narcotics addiction, particularly heroin addiction, is a major contributory factor to crimes of violence and crimes against property in every city of the Nation.

As the Senator knows, our own Committee on the District of Columbia has been working on the problem of crime in the National Capital region since I assumed the chairmanship last year. We have found, much to our amazement, that almost 50 percent of all the inmates received into the penal system of the District of Columbia are narcotic addicts. We further find that upon release, even more are estimated to be narcotic addicts.

Mr. HUGHES. Will the Senator permit me to interrupt him for a moment there?

Mr. TYDINGS. Surely.

Mr. HUGHES. This only reaffirms the testimony taken in my own subcommittee that, actually, heroin and opiates are available inside the prison walls as readily as they are on the streets; and the fact that you put an addict in jail or in prison does not in any way separate him from the opiate or the narcotic.

Mr. TYDINGS. Exactly. Tragically enough in the District of Columbia there are no inpatient treatment centers for narcotic addicts, either at the time of their arrest, their conviction, while they are in confinement in a penal institution, or after they are released. The only treatment, if you want to call it that, was an experiment known as "DATRC," operating under an OEO grant, which was exposed in our committee hearings as being poorly operated and almost a complete failure.

It has been my understanding that the national administration and the Department of Justice have come to realize the relationship between hard narcotics addiction and the problem of crimes of violence. At least that has been their public position, and I know that this past year, in the District of Columbia Appropriations Subcommittee, they assisted my efforts toward obtaining funds in this area. I hope they will not limit their activities to the National Capital, much as we need help in establishing treatment centers here. The same problem is prevalent in every major city in the United States, particularly those with serious crime problems. As the Senator from Iowa pointed out, one of the more disturbing aspects of the heroin addiction problem today is the gradual movement of the heroin addict from crimes involving property to crimes against the persons.

Witnesses before my Committee on the District of Columbia have testified that several years ago, the average heroin addict was content to burglarize and shoplift, and fence the stolen material to support his habit.

In the last year or two, there has been a perceptible trend toward crimes of violence and crimes such as armed robberies which threaten violence.

If we are going to begin to tackle this problem, we have got to fight it on every front. The effort by the distinguished Senator from Iowa and his committee to get OEO funds channeled to the inner cities and the ghettoes of this Nation is an important part of the effort. A 12-year-old boy died here in the District of Columbia recently from an overdose of heroin. The effort has got to be made on all fronts.

We do not have a major narcotics program operating under HEW, as we should have. Nor do we even have a major, effective narcotics addiction treatment program being operated by the Department of Justice. Because of the work of the Senator from Iowa and his subcommittee, and the legislative commitment here, at least we have made one step in the right direction. I cannot commend the Senator from Iowa enough.

I might say further that I think the American people, at least the people of Maryland, are beginning to realize the danger of hard narcotics addiction and its relationship to crime. I can assure the Senator from Iowa that he has the full support of the constituency of Maryland behind his efforts, and I believe the full support of the people of the United States. I can assure the Senator that I will be right here every step of the way with him.

Mr. HUGHES. I thank the distinguished Senator from Maryland (Mr. TYDINGS).

I particularly emphasize today that what I am stating here in support of earmarking in this OEO bill does not in any way compare with what I intend to say later this spring in connection with narcotics addiction, drug abuse, and alcoholism in the United States. We intend to make massive recommendations in all these areas dealing with training, education, prevention, rehabilitation, job opportunities, and everything else, clear across the board. It is long past the day in America when we can play penny ante with such severe problems as the No. 1 health problem in America—alcoholism—and the No. 1 problem contributing more to crime than anything else—drug abuse. It is futile to talk about fighting crime without moving into massive areas of funding for studying the reasons behind the crime in America, and what we are doing to meet it.

I shall not belabor this point here much longer this afternoon. But I again point out that the very small funding of $15 million in OEO funds for alcoholism and drug abuse was simply the very beginning of the attack on the problem. We need to tool up. We need to provide social workers and street counselors. We need to open store fronts, to say to the addict, "There is a way out of this mess, you can be helped, you can kick the habit, we know you can, this is the way we do it."

This problem is one of the greatest contributors to our crime problem in America, filling our prisons, breaking up homes, destroying the health of our people, and increasing violence and crime. Certainly we can afford to begin now by simply earmarking these funds in this bill in relationship to two of the most critical health and social problems in America.

Mr. President, I surrender the floor.

(The following colloquy which, occurred during the address of the Senator from Wisconsin (Mr. NELSON) is printed at this point in the RECORD by unanimous consent.)

Mr. YARBOROUGH. Mr. President, will the Senator yield?

Mr. NELSON. I yield.

Mr. YARBOROUGH. Is it not a fact that in response to the request by the OEO, we granted them a larger percentage of money than they had in the past and they were able to transfer it from one fund to the other?

Mr. NELSON. In the past, they could take 10 percent from a program and add not to exceed 10 percent to another program. They thought that was too restrictive.

What did we do on this? We agreed in conference that they could take 10 percent from any program the first year and 15 percent from any program the second year, and they could accumulate amounts thereby taken away from some programs to add up to 35 percent to a

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program they want to enlarge. We gave them more flexibility than previous authorization bills gave the last administration.

Mr. YARBOROUGH. In other words, this Democratic Congress gave a Republican administration more flexibility than we ever granted to our own administration?

Mr. NELSON. The Senator is correct. We wanted them to have more flexibility. But we thought that at the same time we ought to preserve our rights as a Congress to outline how we thought the money ought to be spent among the categories—with some flexibility to transfer between categories.

The flexibility is 10 percent in the first year, which means we gave them $160 million in leeway. And we gave them 15 percent for the second year—fiscal 1971. We gave them almost one-fourth of a billion dollars, $240 million, of flexibility for fiscal 1971. We did not do that for the previous administration.

Mr. YARBOROUGH. We did not do it for the previous administration?

Mr. NELSON. The Senator is correct.

Mr. YARBOROUGH. The Senator has described a procedure where they came over and talked about our giving them greater flexibility. The Senator described this in great detail.

The Senator has described in great detail the OEO slipping in without the knowledge of the people they were working with and slipping this provision into the House.

I ask the Senator if he would not describe that as a sneaky procedure. The Senator used the term "sneak" at one time.

Mr. NELSON. Let me say that it was certainly a procedure that surprised us.

I am an admirer of Mr. Rumsfeld. I think he is a fine public servant and an able fellow. And furthermore, in the other department which administers parts of this program, I think the Secretary of Labor is a very distinguished public servant. I am always pleased to have him before our committee. He makes a fine contribution.

I believe, however, that if the ball game is played so that neither side is going to tell the other side what they are going to do and neither side will cooperate, and then after we have gone through the whole legislative procedure, they sneak around and try to frustrate Congress and upset an issue which had been voted on, I think that we had better have a little talk and find out whether what they are saying is, "We don't want to cooperate. We want a one-way street. We will come to you and ask for help. We will give you suggestions. You keep us informed, but we don't like what you have done so we will try to change it in secret without you finding out."

If they had told us that they were going to put in an amendment, we would have been forewarned. It was not germane. It was subject to a point of order. It was legislation in an appropriations bill.

I have listened to distinguished Members of this body time after time say that legislation in an appropriation bill is not proper procedure. And everyone folds up.

To have them slip it in this way, late in the game, with no notice to the chairman of the Committee on Labor and Public Welfare which handles this, and with no notice to the subcommittee chairman, and no notice to Representative PERKINS, is not proper.

We first heard as a rumor that they might be doing something like this. But then it was mentioned in the statement of managers. When we heard about the proviso after it went through the House, we talked to people who should have known and they were honestly embarrassed. I do not think we can carry out a legislative program and cooperate with the various agencies if that is the kind of thing they are going to do.

Mr. YARBOROUGH. Mr. President, with that description, I repeat my question, does not the Senator think that is a rather sneaky procedure?

Mr. NELSON. The language of the Senator is so much more colorful than mine that I will let his stand.

(This marks the end of the colloquy which occurred during the address by the Senator from Wisconsin (Mr. NELSON) and which by unanimous consent was ordered to be printed at this point in the RECORD.)

Mr. GRAVEL. Mr. President, I wish to associate myself with the remarks of the distinguished Senator from Iowa (Mr. HUGHES). Probably, no other person in this body has a better command of the facts and the skill to present them to the Nation.

Later today I shall address myself to a subject area that, if events prove successful in this area, will provide the financial wherewithal to prosecute more aggressively the programs so ably enunciated by the Senator from Iowa.

TRANSACTION OF ROUTINE MORNING BUSINESS

By unanimous consent, the following routine morning business was transacted:

A LETTER FROM THE MILITARY

Mr. FULBRIGHT. Mr. President, I recently received a letter from Mrs. Gary Katz, of El Cerrito, Calif. She enclosed an interesting letter, on official stationery, that she had received from a Mrs. L. R. Parham, who described herself as the "administrative officer" for Gen. Lewis W. Walt, Assistant Commandant of the U.S. Marine Corps.

I do not have a copy of Mrs. Katz' letter to General Walt, but it is not needed to understand her objection to the official reply she received from Mrs. Parham. The entire two-page reply is a highly emotional recitation of the standard litany on the dangers of communism.

> If we withdraw our troops from Vietnam—

The Marine Corps' reply asked—

> don't you believe the communist (sic) from North Vietnam will take over? And after that will they be satisfied? You better believe they won't. They will start somewhere else.

I had understood that the President's policy was to withdraw our troops from Vietnam. Apparently, General Walt's staff has not gotten the message.

A paragraph which particularly offended Mrs. Katz reads as follows:

> While on the subject of being afraid, I want to emphasize that General Walt is not afraid of the communists—he is afraid of communism gaining strength in this country. He is afraid there are Americans such as you appear to be, who close their eyes and ears to the threat of communism in this country.

Her indignation is justified. I do not believe that General Walt, or any other leader of the Armed Forces, has been assigned the responsibility of appraising the political beliefs of our citizens, or of indoctrinating the public on the dangers of communism. This letter illustrates quite well the potential dangers of mixing arms and politics in the Military Establishment.

I ask unanimous consent to have both letters printed in the RECORD at this point.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

EL CERRITO, CALIF.,
December 16, 1969.

SENATOR FULBRIGHT: As an American, I resent receiving a letter like the enclosed from the military.

I've marked the paragraphs on page two which I find offensive. I've written to the lady stating this but I feel more should be done. And as I've no power, I've decided to write to you. If you can not do anything to help me, please direct it to someone who can.

I'm sick to death to see the stupidity of the military. I hardly consider the military leaders of this country. All they are good for is wasting our tax money. Senator Fulbright, we don't agree on domestic policy; but I'm sure you will agree that if half the money spent by the Defense Department had been used domestically, we'd have gotten more value.

MRS. ILENE KATZ.

DEPARTMENT OF THE NAVY,
Washington, D.C., December 12, 1969.

Mrs. GARY KATZ,
El Cerrito, Calif.

DEAR MRS. KATZ: Permit me to introduce myself. My name is Mrs. Parham and I am Administrative Officer for General Lewis W. Walt. It is in this capacity that I will endeavor to answer your note of 5 December.

First, to your question, and I quote, "just why are you so afraid of the communists?" Before going any farther, just what is a communist? According to the dictionary the definition of a communist is, "of or pertaining to communism or communist. One who believes in communism. A member of the Communist Party in any country". To better understand communist let's go one step farther and define his belief—communism. "Communism is an economic theory or system of the ownership of all property by the community as a whole . . . characterized by state planning and control of the economy, ruthless suppression of all opposition political parties and all deviation with the Party, and the suppression of individual liberties under a dictatorship."

It is a well known fact that the ultimate goal of the Communist Party is to take over the world. The communists have never made a secret of this ambition. Day by day and inch by inch they progress toward their goal of world domination. Do you remember Hungary and Czechoslovakia? And how about Cuba? Would you like to see the United States under communist control?

I don't think General Walt is necessarily afraid of communists. I think he is trying to alert the people of the free world that the communists have never ceased working toward their objective. Look at North Korea and North Vietnam. If we withdraw our

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troops from South Vietnam don't you believe the communists from North Vietnam will take over? And after that will they be satisfied? You better believe they won't. They will start somewhere else. Let us not forget also the city of Berlin is divided by a wall with communists on one side and free people on the other. Periodically people living on the communist side seek to escape—some succeed, others don't. Those who don't usually are killed. We who live in this great country are indeed fortunate but we must guard and defend our freedoms.

For instance, one of your freedoms is the fact that, without hesitation, you wrote an accusing and highly unflattering note to a leader of this country without fear of reprisal. In a communist country you would not dare do this—you would be afraid.

While on the subject of being afraid, I want to emphasize that General Walt is not afraid of the communists—he is afraid of communism gaining strength in this country. He is afraid there are Americans such as you appear to be, who close their eyes and ears to the threat of communism in this country.

In closing, Mrs. Katz, I would like to give you a statement made in 1965 by Lin Piao, the Vice-Chairman of the Chinese Central Communist Party and National Defense Minister, who wrote a document that has been justifiably referred to as a Chinese Communist Mein Kampf. Long Live the Victory of the People's War is the title of this remarkable candid work. Says Lin Piao:

"Just as Communism in China succeeded by capturing the countryside and then encircling and defeating the cities, so the global Communist movement will ultimately succeed first by capturing Asia, Africa, and Latin America, thereby encircling North America and Western Europe, and then by finally and decisively defeating the United States and its Western Allies. . . . We'll win Asia, Africa, and Latin America through wars of national liberation. . . . And the United States and Western Allies will be surrounded. They will be encircled, and they will be overwhelmed. . . . Vietnam is now the focus of the revolutionary movement against the United States, and no matter what action America may take, in Vietnam, the Communist Chinese determination is unshakeable to drive the United States out."

Sincerely,

Mrs. L. R. Parham.

PUBLIC RELATIONS EFFORTS OF THE PENTAGON

Mr. FULBRIGHT. Mr. President, I ask unanimous consent to have printed in the Record at this point a news article from the January 3 Albuquerque Journal reporting the appearance in Albuquerque of a team of officers from the North American Air Defense Command, whose mission, apparently, was to drum up public support for a bigger and more costly defense system. This propagandizing for public support of higher military spending typifies the problem of the Defense Department's public relations program, about which I made a series of speeches in the Senate last December. According to the news story, one of the officers in the team, Army Maj. Kenneth J. Cook, said:

> Although today's defense forces cannot stop either an intercontinental ballistic missile (ICBM) attack or a missile attack from a submarine force, the United States is beginning to concentrate on a new system which would be effective against these attacks.
>
> Called Safeguard, the plan would use innovations in radar and both long- and short-range interceptor missiles.

The major's presentation came shortly after his Air Force team colleague said:

> In the event of a missile attack (from the Soviet Union), you could expect 15 to 20 minutes warning time . . . But our systems only warn the people. We can tell them when they're coming, but we can't stop them.

Presentations of the type of material to the public in this edge-of-war context appear to me to take on a sophisticated form of lobbying when we realize that additions to the already controversial Safeguard system are being contemplated for debate during the upcoming congressional session.

In fact this whole team project appears to follow the line of the Starbird memorandum for promoting the Safeguard system, which I had thought the Secretary of Defense had done away with last year.

The floor manager of the Defense appropriations bill, the senior Senator from Louisiana, assured me that the Appropriations Committee will take a good hard look at the Pentagon's public affairs program this year. I hope that Congress will take effective steps this session to bring the Pentagon's public relations apparatus under control.

There being no objection, the article was ordered to be printed in the Record, as follows:

[From the Albuquerque Journal, Jan. 3, 1970]

U.S. Defense Only Warns, Colonel Says

(By Mike Padget)

The United States does not have the defensive capability to stop a missile attack from the Soviet Union, a member of the North American Air Defense Command (NORAD) briefing team told newsmen Friday.

The three-member team, emphasizing they were speaking in behalf of NORAD's commander in chief, made their presentation at the Albuquerque Press Club in the Downtowner.

"In event of a missile attack, you could expect 15 to 20 minutes warning time," said Air Force Lt. Col. William H. Copp, who heads the team. "But our systems only warn the people. We can tell when they're coming, but we can't stop them."

Another team member, Army Maj. Kenneth J. Cook, said although today's defense forces cannot stop either an intercontinental ballistic missile (ICBM) attack or a missile attack from a submarine force, the United States is beginning to concentrate on a new system which would be effective against these attacks.

Called Safeguard, the plan would use innovations in radar and both long- and short-range interceptor missiles.

The major said the basic functions of the Safeguard system would be "to protect our retaliatory forces, protect against a possible attack in the future from Communist China and protect against an accidental attack."

Cook said NORAD officials believe if the Soviet Union declares war on the United States "they would commence activity with a surprise attack and follow quickly with manned bombers."

In the opening phase of the three-part presentation, a captain in the Canadian Armed Forces, Donald Kidd, described the Russian bomber system and missile program.

"The bomber is still an effective and efficient weapon," he said, adding the Soviet Union has bombers capable of flying non-stop missions to any point in the United States.

He said the Soviet Union's missile system is particularly advanced. More than 1700 ICBMs are included in the program—and they have a range of "in excess of 6500 miles."

The Soviet submarine force is growing rapidly with about eight new Polaris-type submarines being produced annually, he said.

Kidd also said Red China is expected to have "mid-range missiles" by the end of the year and "moderate-range" missiles by the mid-1970s.

Copp said the functions of NORAD are to "detect, identify and, if necessary, destroy" any flying object which poses a threat to the safety of the population on the North American continent.

He said although the defense system would be moderately effective against a manned bomber attack, the method still poses a "major threat."

"They (bombers) could mine our harbors, hit multiple targets and use both chemical and germicide warfare," he said.

HOW HANOI SEES NIXON

Mr. FULBRIGHT. Mr. President, the January 29 issue of the New York Review of Books contains an interesting article by Richard J. Barnet, entitled "How Hanoi Sees Nixon," based on the author's conversations last November with North Vietnamese and NLF officials in Hanoi. After his return he reported on his conversations to U.S. officials concerned with Vietnam policy. He summarized the difference in viewpoints by writing that, "After my talks with the strategists on both sides it became clear to me that Hanoi and Washington are not fighting the same war."

We know all too little about the thinking of the other side and Mr. Barnet's report is a significant contribution to better informed public discussion of the prospects for success of the administration's policy.

I ask unanimous consent that the article be printed in the Record at this point.

There being no objection, the article was ordered to be printed in the Record, as follows:

How Hanoi Sees Nixon

(By Richard J. Barnet)

I

Five days after President Nixon's November 3 speech I arrived in Hanoi for a series of discussions on the war, including a long interview with Premier Pham Van Dong. Several days after my return I met with the main Vietnam advisors of the US Government, including Henry Kissinger. After my talks with the strategists on both sides it became clear to me that Hanoi and Washington are not fighting the same war.

The analysis of the enemy is completely different in the two capitals. The North Vietnamese do not judge how well or how badly they are doing by counting bodies or comparing this month's statistics with those of last month. They look at trends on the battlefield and always concentrate on their long-term political consequences. They note that from 1965 to the present the US Government tried to win a military victory with 500,000 troops, that it failed, and that it had to move its forces into defensive positions and to begin withdrawing them. The leaders of the Nixon Administration are optimistic because after the continual aerial pounding of Viet Cong positions it is now possible to drive safely in parts of South Vietnam where formerly it was risky.

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The North Vietnamese do not use travel but the ability to govern as a criterion of political success. They admit that they have taken serious losses in the South. In a recent captured document distributed by the State Department they allude to the higher desertion rate by conceding that "a number of Party members have gone so far as to surrender to the enemy and betray the nation." In North Vietnam itself there is evidence of hardship brought by the bombing, including shortages of power, fuel, and, above all, housing.

Nevertheless, I was struck by the mood of confidence in the North Vietnamese capital. The leader of the NLF in Hanoi told me, "We are gaining in the cities." It is now possible, they say, to obtain NLF literature anywhere in Saigon. More and more members of the middle class are making accommodations with the NLF. Officials of the Front also told me that they have a large military headquarters in Saigon itself. It is true that, under sustained B-52 attacks, the NLF had to withdraw from areas long under its control. But this development hardly bears out the optimistic prediction of a "secure" Vietnam by 1972 now being made in Washington by Sir Robert Thompson and other pacification experts. Even the most optimistic reports do not claim that the Thieu regime is now able to establish a legitimate order in former Viet Cong areas or to attract the loyalty of the people. The North Vietnamese are convinced that a pacification program which depends upon sustained American bombing is a strategy for prolonging the war rather than ending it. They know that the bombing further alienates the people from the Americans and they believe that when enough US troops withdraw, "the puppet government and army will collapse."

The political and military analysis of U.S. strategy I heard in Hanoi was in almost every case subsequently confirmed by some of the highest officials of our government. The Vietnamese are avid readers of *U.S. News and World Report* and *The New York Times*. They make it their business to know the current Washington analysis of the war and they try to understand the popular mood. Washington's political intelligence on North Vietnam, on the other hand, seemed of a much lower order. While State Department and CIA analysts are handicapped by the lack of published sources and personal contacts in Hanoi, U.S. officials compound their problem by failing to read carefully what the North Vietnamese do publish. What the Vietnamese say in their official communications is subjected to a variety of tortured interpretations. Washington analysts appear to pay more attention to Alsopian readings of captured documents, diplomatic gossip, and historical analogy than to what the other side is actually saying.

II

I had a long talk about the war with Pham Van Dong. The North Vietnamese Premier has seen many American visitors, but I was the first to meet with him since the death of Ho Chi Minh. When I asked him what would be the effect of this loss on morale, he said that the sense of duty everyone felt toward "Uncle Ho" would cause the population to "close ranks." As he talked he seemed patient, one might almost say serene, but extraordinarily tough. From time to time he raised his voice in anger when talking about President Nixon. Occasionally he would smile with contempt at the wiles of his "foxy" antagonist, but the dominant tone was one of sadness. I saw nothing in my brief stay to confirm or deny the speculations of Hanoi-ologists that there is a struggle for leadership. Pham Van Dong looked and acted very much like the man in charge.

The Premier told me what he has told many visitors before. The North Vietnamese and the NLF have one principal political objective. The United States must withdraw politically and militarily from Vietnam and permit a political evolution among the Vietnamese without outside interference. They have no interest in humiliating the United States. Indeed, they are prepared to go to great lengths to make the United States as happy about the settlement as possible, not because they feel any obligation to make life easy for a country that has dropped 2.5 million tons of bombs on their country, but because they do not want the United States to return.

North Vietnamese officials are aware that if Nixon "cuts and runs," without a diplomatic resolution of the war, someone like George Wallace will cry for revenge, and the Vietnamese may still have to keep paying for the madness of American politics. It would in their view be far more desirable if the US could leave with a pretense of dignity and under a firm obligation never to return. One Hanoi official noted that when the Vietnamese threw out the Sung invaders in the seventeenth century, they waited a decent interval and then, when it would no longer look like tribute, presented the Sung king with an elephant. "We'll be happy to give Nixon an elephant too," he said.

The NLF delegation in Paris includes a former captain in the Saigon army who defected in 1960. The final humiliation that brought him to the point of joining the resistance, he said, occurred when Diem ordered a statue of General O'Daniel, the chief American military advisor, erected on the parade ground of the base where he was stationed. The background of other Front officials I met in Hanoi was equally "middle class." Before joining the resistance most of them had no communist connections or even Marxist sympathies. Their analysis of the war is much the same as that of DRV officials, but at points their emphasis differed. For example, they seemed even more open to working with prominent non-communist South Vietnamese politicians like General Duong Van Minh and Senator Tran Van Don than did senior Hanoi officials, who expressed "interest" in such men but showed some concern that "Uncle Sam is pulling the strings."

"In the old days," one cabinet minister said to me, "they could change horses in midstream. The present situation is much more difficult for that, but perhaps even now they are readying a new horse." On a number of specific political questions affecting the future of South Vietnam Hanoi officials would make a point of deferring to the Front. "That is a matter to discuss with our comrades from the south."

Both DRV and NLF officials are unshakeable in their basic war aim, which is national independence and freedom from US presence or control of every inch of Vietnamese territory. On the other hand, they are reasonably flexible as to the choice of means for achieving these objectives. The United States delegate in Paris, Henry Cabot Lodge, has consistently misstated two of their chief demands. Contrary to repeated assertions by American officials, the North Vietnamese do not insist and have not insisted for many months that all US troops be withdrawn *in advance* of political negotiations on the political future of South Vietnam. But they do insist that the US make a credible commitment to leave. Such a commitment would include a pledge to withdraw *all* troops, not just combat troops, and the removal of 100,000 at once as a sign of seriousness.

Credibility is the key issue. Nixon's withdrawal plan is seen in Hanoi as evidence of an intention to stay, not leave. The North Vietnamese have made their position on this point clear not only to me but in interviews with Harrison Salisbury, Joseph Starobin, and others. Negotiators from the Johnson Administration now confirm that the North Vietnamese were saying the same thing over a year ago. It is evident that Hanoi's flexibility on this point is a message which the Nixon Administration does not wish to receive.

The other false characterization of the Vietnamese negotiating position is the official US assertion that Hanoi is demanding the "overthrow" of the South Vietnamese government as a precondition of negotiations. In view of the nature and history of the Saigon regime, that demand would not be particularly unreasonable, but Hanoi has not made it. The North Vietnamese are asking for the appointment of a "peace cabinet" in Saigon on the grounds that they find it less than promising to deal with a group of generals who look upon such negotiations as treason.

Several officials in Washington asked me, straight-faced, why the North Vietnamese refuse to negotiate with Thieu. With an equally straight face I repeated the obvious: Hanoi has no incentive to negotiate with a politician who has said publicly again and again that he will never accept a coalition government with the communists. Such negotiations would be a ratification of a defeat on the battlefield, an event which has not happened and seems most unlikely to happen. Nor are they enticed by the prospect that "something interesting might develop" in the course of such negotiations. As they see it, Thieu's only interest is to block negotiations, and so long as he is in control, that is precisely what he will do. The mere act of negotiating with Thieu would help to prop up the regime at a moment when more and more Vietnamese moderates and nationalists are publicly challenging its legitimacy.

For the men in Hanoi the litmus test of a South Vietnamese politician is whether he has a political base independent of the Americans. If he does not, they correctly assume that he is a "puppet" whose only function is to preserve American influence in Vietnam. Several NLF leaders told me that there are men "in the present Saigon administration" who would be acceptable to them as members of a "peace cabinet" to arrange elections and coalition government. Contrary to what the Nixon Administration asserts, Hanoi is not seeking a weaker government in Saigon with which to negotiate but a stronger one. They are willing to accept a government composed of men they consider authentic Vietnamese patriots even if they are anticommunist. (The capture document called "Resolution 9" circulated by the State Department strongly suggests that the NLF expects coalitions to be formed.)

The Hanoi officials I spoke to indicated that such men as Tran Van Don, Duong Van Minh, Tran Ngoc Lien, whom Ky refused to let run as candidate for Vice President with Minh in the last election, and Au Truong Thanh, Ky's former economics minister now in exile, would be acceptable leaders of a "peace cabinet," provided they did not agree to become stand-ins for the U.S.

The officials in Hanoi attached considerable significance to the fact that such Saigon figures as Minh and Don have launched open attacks on Thieu. They suggested that Thieu's recent hesitation to repress such opponents, which he has not displayed in the past, shows not only that he is losing ground but that he is hedging his bets. "He has his bags packed," a cabinet minister said, as if reporting the obvious.

Pham Van Dong calls "Vietnamization" America's "Grand Design" to win the war. The strategy, as he sees it, is calculated to convince Hanoi that the U.S. is prepared to outlast them in a long war of attrition. In his view, Nixon is giving the following signal: "I will reduce U.S. forces in Vietnam to a level which the American people will accept and these forces will be used to keep the present South Vietnamese regime in power for

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years to come." When I related this to a high State Department official, he replied, "Well, they got the message."

In Hanoi the Premier and others had listed the basic elements of the Nixon program that were supposed to put Nixon in a position to avoid changing Johnson's policy. Combat troops will be withdrawn over a two-year period. Fewer draftees and more volunteers will be used. The negotiating process will be downgraded. Popular support will be solicited by appeals to preserve America's honor and by the specter of a bloodbath if the U.S. troops leave. On the battlefield U.S. ground forces will move into defensive enclaves, but offensive operations against the VC will be stepped up by B–52 attacks using napalm, magnesium, cluster bombs, and other indiscriminate anti-personnel weapons.

The Nixon Administration's fundamental war aim, as Hanoi officials see it is to establish a subservient, stable regime in South Vietnam that can permanently maintain itself with no more than 50,000 or 100,000 American "advisors." The "victory scenario" modeled on the Greek intervention of 1948–9 having eluded them when the Viet Cong refused to fade away as predicted, the war managers are now hoping for a "Korean solution," i.e., a political victory based on a military stalemate.

The North Vietnamese are certain that the Vietnamization strategy cannot work. When enough U.S. combat troops leave, the NLF will rout the South Vietnamese army just as it did before the U.S. troops arrived. In spite of heavy losses, which they admit, the North Vietnamese seem convinced that the general trend of political and military events favors their cause. Nixon has been forced to start withdrawing troops and to abandon military victory. Hundreds of thousands of troops are on alert in the north, ready to replace losses in the south. I saw long lines of soldiers, trucks, and artillery moving toward the 17th parallel.

But the leaders in Hanoi pin most of their hopes on political developments. They note that Thieu has been unable to obtain the support of moderate elements in Saigon and that his government now has a narrower political base than it had a year ago. The censorship, the jailing of political opponents, and the strident right-wing rhetoric that characterize his regime are signs of weakness, not of strength. Thieu, they believe, is foolishly counting on the U.S. Embassy to guarantee him a political victory at the very moment when American forces are beginning to disengage themselves. Meanwhile, they point out, every shipload of troops that sets sail for San Francisco is a signal to the growing peace forces in Saigon that Thieu's days are numbered.

Hanoi officials allude to the deposits of almost 2 billion dollars in European banks from South Vietnamese sources, much of it in recent weeks (as Allessandro Cassella of *Die Weltwoche* in Zurich has independently reported). They are convinced that more nominal supporters of the regime will leave. Others will grow bolder in condemning Thieu and demanding peace. Still others may launch a coup. NLF officials hinted to me, as they have in the past, that some of their secret members now hold high posts in the Saigon government. According to a captured document distributed by the State Department, "in the event of a coup d'état or revolt" an attack on Saigon is planned. When U.S. troops in large numbers actually do go home, the Notrh Vietnamese believe that the political troubles of the Saigon regime will be insurmountable.

Pham Van Dong is quite prepared, therefore, for re-esculation of the war by the U.S. when the Vietnamization strategy produces a political crisis in Saigon, as he thinks it inevitably will. Other officials in Hanoi predict that Nixon will resume the bombing. Some suggested to me that the November 3 speech was an elaborate stage setting for a final victory push. One official even tried his hand at drafting the Nixon speech announcing re-escalation: "We have tried restraint. Look how they have repaid us. Therefore with regret. . . ."

The Hanoi officials are well aware that while Nixon is publicly threatening "strong and effective measures" if the Vietnamese step up the battle, he is also quietly spreading the word in Washington that NLF military restraint is a sign that the Viet Cong is "out of breath." It was made very clear to me while I was in Hanoi that the NLF and North Vietnam will go to great lengths to prove to the world and particularly to the U.S. public that they have considerable breath left. They have already stepped up the infiltration rate and have concentrated attacks on military positions which have been "Vietnamized." There will be major new offensives.

III

How did the President, only a year after his predecessor had been turned out of office, become wedded to Johnson's war aims and Johnson's strategy? Nixon has of course a long history as a Vietnam hawk. There is a picture of him in the Hanoi museum taken in 1953 when as Vice President he came to Hanoi to advise General Navarre on how to win the war. In 1953, speaking in the East Room of the White House, Nixon urged sending a US expeditionary force to help the French. There is some evidence that he was sympathetic to Admiral Radford's final solution to the Dienbienphu problem, the dropping of "tactical" nuclear weapons. His analysis of US war aims in the November 3 speech was not dramatically different from his *Reader's Digest* articles on the subject written in the late Fifties and early Sixties.

When he appointed as top negotiators in Saigon and Paris the two men of the Johnson Administration most committed to victory in Vietnam, Ellsworth Bunker and Henry Cabot Lodge, Washington optimists concluded that such appointments were a clever cover for a change of policy. The optimists are making the same sort of analysis now. "Nixon is talking tough," one of the more astute liberal Congressmen told me, "but he is sneaking out the back door. Let's give him a chance." There are many people in Washington who believe that the President has a "secret timetable" to pull out all troops. They think he plans to prop up the Saigon regime long enough after the bulk of US forces leave so that Thieu and Ky, rather than the Nixon Administration, will bear the blame for their inevitable defeat.

The Nixon Administration has encouraged such thinking. Secretary of Defense Melvin Laird, who is becoming known in Washington as the Administration's "secret dove," gives comforting assurances about withdrawal to Senate critics like Mike Mansfield and George Aiken who want the US out of Vietnam. But this is only part of Nixon's public relations campaign to make it appear that the war is fading away. Administration spokesmen have different things to say to other constituencies. More hawkish critics are told that the President's plan brilliantly "preserves the options." The US can move in a number of directions, depending upon the reaction of the other side. Henry Kissinger has been telling members of the press that he expects Hanoi to accept our negotiating position before long.

Other White House officials, campaigning with charts and statistics, are attempting to convince skeptics that Operation Phoenix, the CIA assassination program to pick off Viet Cong cadre, has "yielded such impressive results" that the NLF may soon decide to call off the fight. Others are once again selling a new, improved pacification effort. But nobody explains how these murder programs are supposed to achieve America's war aims so long as the Thieu regime is unable to govern effectively and Hanoi is willing to commit more forces to the struggle.

There is official silence on the real options Nixon is likely to face if he carries out his announced withdrawal program. Suppose that when there remain no more than 150,000 US troops in well-protected enclaves, the North Vietnamese launch another Têt offensive. It is highly probable that these forces will overrun the South Vietnamese Army. The US commander in Vietnam will then have the following choices. He can either defend his troops in the enclaves while the allies they are supposed to be protecting are decimated, or he can execute a costly and humiliating Dunkirk-like evacuation. There is nothing in Nixon's personal history or character to suggest that he will accept a military debacle when he has refused political extrication.

However, high Pentagon officials from the last administration pointed out to me that the President's repeated threat to take "strong and effective measures" would have little credibility in such a situation. The Air Force "escalation shopping list" includes dropping more bombs on the South, resumption of the bombing of the North, and the mining of Haiphong. The opinion of US military experts with whom I have spoken confirms what seems obvious. None of these measures would stop a full scale attack in the South. Nor would the Marine-Army plan to launch an amphibious invasion of North Vietnam do anything but hasten an American defeat. If US commanders complain about conducting a war in South Vietnam where many of the people are secret members of the enemy's fighting forces, they can hardly expect to do better in North Vietnam where literally everybody is a member of the People's Army.

No, there is only one escalation measure which has credibility and that is the use of nuclear weapons. It is not hard to imagine the Joint Chiefs of Staff exerting enormous pressure on the President to authorize the use of a small nuclear weapon to relieve the pressure on the American garrisons of a full scale Viet Cong and North Vietnamese attack. During the siege of Khe Sanh three years ago there was considerable support among the military for such a step. There is a Republican view of history, which Nixon appears to believe, that Eisenhower ended the Korean war by threatening to use the atomic bomb. If nuclear weapons are used, "we are in an entirely new war," to use General MacArthur's characterization of the Korean conflict the day after the Chinese Army crossed the Yalu in force. The North Vietnamese have hinted that they have agreements with the Soviets and the Chinese that in the event nuclear weapons are used by the US, "it will no longer be a Vietnamese war." The war in Vietnam is not dribbling to an end. It is moving steadily toward its most dangerous crisis.

WASHINGTON'S DILEMMA

Mr. FULBRIGHT. Mr. President, I ask unanimous consent to have printed in the RECORD a very interesting article by Mr. Arnold Abrams, who is the representative of the Seattle Times in Laos. This article was printed in the Far Eastern Economic Review. It is one of the best and frankest descriptions of our involvement in Laos that I have seen.

It emphasizes again the strange attitude of the Department with regard to the hearings of the Symington Subcommittee on Laos. Here is an article which was published on January 1, 1970, and contains much of the material

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which the Department is refusing to clear for publication in the committee's hearings on the ground that it affects our security and should not be published, although here it is published—almost exactly the same type of material—in a magazine, the Far Eastern Economic Review.

I ask unanimous consent that the article be printed at this point in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

WASHINGTON'S DILEMMA: VIENTIANE

(By Arnold Abrams)

Despite blithe denials and bland interpretations by Vientiane officials, the war in Laos may be entering a decisive phase. U.S. embassy officials insist—in private—that the decade-long struggle here still is an American "holding operation", a lowkey effort with limited objectives. But intensified fighting in the last six months may have triggered an escalatory cycle leading to another face-off between Washington and Hanoi.

Government forces now wait anxiously to learn what postdated price tag will be put on their late-summer offensive which pushed the enemy off the Plain of Jars for the first time in five years. However, thrusts by communist forces in other areas have to some extent dampened the government's success.

The expected enemy thrust could force a crucial decision on Washington: whether or not to increase American involvement in Laos when standing fast might be tantamount to backing off. An American plunge into another Asian quagmire is almost unthinkable at present, but Richard Nixon's willingness to concede control of a contested country to communist forces is equally hard to envision.

U.S. policymakers had been hoping to avoid such a decision by keeping this conflict stalemated until a Vietnam settlement, involving Laos, could be reached. They managed that until last June, when a turnabout in enemy tactics drastically changed the course of this war. Now, with no Vietnam settlement in sight, time may be running out on American hopes in Laos.

Last June's enemy assault involved an estimated seven North Vietnamese battalions in a successful four-day siege against the government outpost of Muong Soui, straddling the Plain of Jars' western edge. The significance of the action lay less in the enemy victory than its timing; it came as an unusually bad rainy season posed particularly difficult supply problems for the less mobile communist forces.

Moreover, the North Vietnamese didn't stop at Muong Soui. They pushed south and west, severing road links to the royal capital and probing at Long Cheng, northern nerve centre of the CIA (Central Intelligence Agency) and operations base for General Vang Pao's so-called secret army.

The enemy's steamrolling drive shattered the morale of government forces and brought U.S. and Laotian officials to the verge of despair. In late summer the shaken officials decided to hit back hard. A secrecy-shrouded counter-offensive was launched, marked by fierce American aerial pounding and increased American logistical support. The government won back Muong Soui, regained the Plain of Jars and reduced the length of the enemy dry season campaign, which usually ends in May.

Vientiane officials now try to downplay the late-summer action, particularly the Americans' role. They talk of government troops "waltzing in" to the Plain of Jars, finding that the North Vietnamese had abandoned it, leaving behind large amounts of supplies. These officials have a theory to explain that strange turn of events: shortly after Ho Chi Minh's death in early September, they say, enemy forces must have been hurriedly recalled to North Vietnam because of the unsettled situation in Hanoi. So hurried was the recall, they theorise, that cumbersome supplies and equipment had to be left behind.

These officials have no evidence to support that theory. Moreover, when pressed in a private interview, a top-ranking American official conceded that the September events "weren't exactly quite so simple." He admitted that "some pressure" had been applied to enemy encampments before government forces advanced. Some pressure? Could it be, he then was asked, that the pressure consisted of unusually intensive American air attacks? "Look," he said, "let's just say there was considerable pressure and leave it at that. I can't discuss this any further."

So now American officials and government forces await retribution. In the event of a strong enemy strike, Vientiane undoubtedly is ready to accuse the other side of escalating the conflict. Hanoi, however, will surely view the move as a response to the government's late-summer offensive—which was prompted, of course, by the enemy's June assault. The name of this game is escalation. It has been played before by both principals in Vietnam.

So far as is known, the stepped-up US role in the war has not produced a commensurate boost in the number of Americans involved. That figure, according to reliable estimates, is between 400 and 500 of the more than 1,000 US government employees stationed here. No American combat forces operate in Laos.

US officials deny the conflict in escalating and discount the possibility of Laos evolving into another Vietnam. They say the fighting will remain limited, largely because Washington and Hanoi both want it that way. Some of these officials resent the recent furor about Laos, and the Senate subcommittee hearings that developed from it. The whole thing, they say, was needless and probably will prove harmful.

"Most of the senators in those hearings knew what has been going on here," says one embassy source. "They've been kept well-informed. Nothing has been hidden from them." He describes the week-long Washington hearings, which ended early in November, as a "gimmick." Some senators' goals, he says, were to arouse unwarranted public concern and capitalise on it.

At the hearings' end, Senator J. W. Fulbright, chairman of the influential Senate Foreign Relations Committee, said that US operations in Laos had been conducted without the knowledge or consent of Congress. He concluded that Washington's involvement in Laos was "most unusual and irregular—if not unconstitutional."

Senator Fulbright demanded the fullest possible public disclosure of that involvement; he also demanded, by implication, a reassessment of the US role by top administration policymakers, including President Nixon. Thus far he has achieved neither. There have been no indications, moreover, that either full disclosure or far-reaching reassessment by the administration is imminent.

Early this month the US State Department made it clear it wanted to prevent for security reasons much of the subcommittee's report being released. As a result the sub-committee took the stance that a censored version would distort the real picture in Laos so it would release nothing until it was satisfied an accurate version would be allowed to be published.

Not surprisingly, some American officials here believe that and public debate about Laos would be harmful. "Publicly discussing a policy can have the effect of locking you into it," explains one source. "It's much easier to back off from a policy if you haven't officially adopted it." He neglected to mention that it also is easier to maintain a policy—especially a controversial one—by avoiding public debate on it.

Ironically, those most in the dark about Laos are the American people. More than simply being unaware of the scope of US operations here, they have yet to be told by their government that their nation is militarily involved in Laos. American officials still seek to officially conceal US violations of the 1962 Geneva Accord, which bars all forms of foreign military intervention in Laos. They contend that Hanoi's refusal to concede the presence of North Vietnamese troops here makes it diplomatically unfeasible for Washington to act otherwise.

Consequently, everyone in Vientiane, from the Russian ambassador to the *mamasan* of the legendary White Rose, knows what the Americans are doing here. But the American public remains ignorant of the fact that their government is arming, training, supplying, transporting and directing approximately 70,000 Laotian troops in a war which threatens to get out of hand.

Instead of setting the record at least partially straight US officials here do things like allowing Vang Pao to declare recently, before a sizable contingent of visiting journalists, that his Meo forces fight with antiquated weapons, inadequate communications and inconsequential American support. As he was speaking, American F–4 Phantom jets roared overhead, several American observation planes were parked nearby and three cargo-laden American transport planes landed in quick succession at his official Sam Thong base. After denying he even received indirect US military support, Vang Pao calmly climbed into an unmarked American helicopter, guarded by Laotians carrying American-made M–16 automatic rifles, and was flown back to his secret Long Cheng headquarters by a three-man American crew.

Vang Pao and official verbiage notwithstanding, American involvement in the Laotian conflict takes the following principal forms: In addition to 75 military advisers listed as embassy "attaches", about 300 men are employed in a variety of clandestine military activities supervised by the CIA. Although technically civilians, many CIA agents in Laos are former Special Forces soldiers recruited because of military expertise and Vietnam experience.

These ex-Green Berets train government troops, assist wide-ranging reconnaissance teams and plan guerrilla and psychological warfare operations. They wear combat fatigues and work out of three main camps, where they administer rigorous training in jungle warfare, guerilla tactics, communications handling and weaponry.

The CIA also maintains and largely controls Vang Pao's army of approximately 15,000 fulltime troops. Official instructions to the contrary, CIA personnel occasionally accompany these forces on combat forays. More than 20 agents have been killed in Laos. Among the most recent CIA casualties was Phil Werbisky, a former Special Forces captain widely known for his exploits during the early days of Vietnam. He was killed in the government's late-summer offensive.

"These guys are tigers," says an American personally acquainted with many CIA agents in Laos. "They're tough, intelligent guys who know how to handle themselves. They're not afraid to mix it up out in the jungle." The American is a civilian engineer who befriended many agents while helping to build airstrips on several of their remote outposts. "They came to Laos because they were fed up with having their hands tied in Vietnam," he says. "Here they're doing things the way they want to, and getting better pay for it as well."

An important CIA adjunct in Laos has the innocuous title of "Requirements Office". It

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is staffed by about 90 men, most of whom also are ex-military types. Their function may be inconspicuous, but it is not innocuous. Stationed at field level, requirements officers—called ROs—handle the distribution of arms and ammunition, as well as general logistics. They are vital to any military operation mounted by the government.

Learning about these activities prompted Senator Fulbright to raise a key question about the CIA's role here: since its function ostensibly is to gather information, why is this agency running a war in Laos? "I don't approve of this kind of activity at all," Fulbright said. "But if it is in the national security interest to do this, it seems to me it ought to be done by regular US army forces and not by an intelligence-gathering agency." He added that the National Security Act, which created the CIA, "never contemplated this function" for the agency.

The CIA mission chief in Laos is Lawrence Devlin, listed as a "political officer" in the US embassy. Unlike most political officers, however, Devlin flatly refuses to see reporters. For all anybody knows, he might agree on that last point with Senator Fulbright, who stressed that he was not criticising the CIA. "The agency is just following orders," Fulbright said.

Cargo and military supplies—as well as personnel—are ferried throughout Laos by Air America and Continental Air Services, private charter firms under contract to the US government. They are better known as the "CIA Airlines", and most of their pilots are ex-air force officers. Reporters are allowed to accompany flights involving rice drops to refugee camps, but are banned when military cargoes are carried.

"Why do you guys always ask about weapons and ammo shipments?" pilot Jim Walsh asked me. Walsh, 38, is an ex-air force officer who has worked in Laos for Air America since 1962. "You know we're not allowed to talk about such things," he said.

Another form of American air service in Laos constitutes the most direct US involvement in the fighting. Under the euphemism of "armed reconnaissance flights", Thailand-based American jets and bombers have mounted aerial bombardments equal to the pounding taken by North Vietnam prior to the bombing halt in 1968. The Ho Chi Minh trail in southeast Laos has been the prime target of American air attacks, but enemy encampments and troops on the Plain of Jars came under heavy fire during the recent government offensive.

Money for many US operations in Laos is cloaked in the budget of the mammoth Agency for International Development, or channelled through other unobstrusive conduits. The scope of American financial support of the neutralist Royal Lao government testifies to the effectiveness of such cover. Total American assistance here is reliably estimated at between US$250 million and $300 million per year. Of that, only the technical aid budget—about $60 million—is made public. The rest, undisclosed, goes almost entirely for military purposes.

US officials here stress that American money and manpower expenditures in Laos are miniscule compared to those in Vietnam. Washington is spending about $30,000 million a year in Vietnam, and has lost almost 40,000 servicemen there. Less than 200 US personnel—mostly airmen—have been killed in Laos. A small, covert conflict fought by volunteers may not be especially laudable, they say, but it beats a big bloody one battled by draftees.

Perhaps, but what happens when a little war threatens to escalate into a huge ugly one like Vietnam? As Tom Wicker pointed out this month in the New York Times as he discussed the prospect of Hanoi presenting a choice to the US of seeing Laos fall or engaging ground troops in battle. He wrote: "This 'choice' does not yet seem to have been presented and while North Vietnam is under heavy manpower, logistical and economic pressures from its undertakings in Vietnam, it probably won't be: but in an ironic twist on the domino theory, anything that puts an end to those presures in the South, including defeat for Hanoi as well as victory or a negotiated settlement, could cause North Vietnam to try either to recoup or to keep up its momentum in Laos."

A top embassy official in Vientiane argues: "There is no chance of this turning into another Vietnam. We know the mistakes made in Vietnam, and we have no intention of repeating them. Hanoi understands our position here. We seek no wider war."

Does it sound familiar?

SALT: THE CASE FOR AN IN-PLACE HALT

Mr. GRAVEL. Mr. President, paragraph 2 of section 2, article II of the U.S. Constitution reads:

> He (the President) shall have power, by and with the advice and consent of the Senate, to make treaties, provided two-thirds of the Senators present concur.

It seems evident that the Constitution makes it incumbent upon the Senate to advise the executive branch throughout the treaty-making process—and to be kept advised in turn by the Executive—so that the advice and consent of the Senate in the making of the treaty can truly be ascertained.

Note that the Constitution does not employ the word "concluded," but says that treaties shall be made with the advice and consent of the Senate.

This is not simply a constitutional obligation to be dutifully honored. It makes good sense for both executive and legislative branches.

The executive branch must know what treaties the Senate would be willing to approve to know the range of measures open to its negotiators. Especially important, we must avoid an impasse in which the Senate refuses to provide the two-thirds majority required to ratify a treaty already agreed upon by the Executive.

With this in mind, I wish to address myself to the problems and opportunities presented by the opening of the strategic arms limitation talks—SALT—between ourselves and the Soviet Union. I wish to give advice on a kind of treaty to which I would be prepared to give my consent.

Mr. President, it appears we now enjoy a political and strategic climate in which it may be possible to end the Soviet-American arms race.

The best way to bring this about may be to negotiate an immediate interim freeze on certain tests and the deployment of all American and Soviet strategic weapons. In other words, Mr. President, what I am suggesting is an as is, where is, in-place halt.

Many Members of this body hope that the forthcoming talks will result in significant agreements on arms control. But the range of alternative proposals that could lead to agreements is severely limited.

There are only three basic possibilities. First, we might seek a series of partial agreements. We might, for example, try to limit only ballistic missile defenses, or the testing and deployment of multiple warheads, or the introduction of new families of strategic weapons.

Second, we might seek an agreement only on the total numbers of offensive and defensive weapons. Thus we might, for example, permit each side to have 1,500 missiles and 500 missile defense interceptors. The permitted quotas could be used in a variety of ways.

Under such an agreement, missiles on land might be transferred to ships, and so on. Such an agreement, of course, would not halt the qualitative arms race in which each permitted missile can be made larger, or fitted with a more powerful or more efficient warhead.

Third, we might seek an "in-place halt." Such an agreement would freeze not only numbers but characteristics of weapons and their modes of deployment. This would truly bring the arms race to a full stop for a period of a few years.

It is important not to lose sight of the many political and strategic advantages of negotiating the third type of agreement.

It would avoid the time-consuming negotiation of partial measures complicated by an ever-changing strategic and political context. Unlike a loose overall agreement, which would limit only the quantity of weapons, the "in-place halt" would also prohibit a qualitative arms race.

Moreover, an "in-place halt" would preserve the rough parity in strategic weapons that is acknowledged by both sides, and therefore would not jeopardize the security of either the United States or the Soviet Union.

I believe that to seek, initially, less than an "in-place halt" would be a serious political and strategic error.

Any partial approach is less likely to lead to successful negotiation, less likely to produce Senate ratification, and less likely to succeed in the basic aim of halting the arms race.

And, even if an overall agreement on numbers is achieved, the result might be not only disillusioning but dangerous if an accelerated qualitative arms race ensues.

Strategically, a failure to exploit the present opportunity for a successful halt to the arms race may have an adverse effect on American security.

From the most secure nation in the world, we have become one of the countries to be directly attacked if a nuclear war that nobody wants should somehow occur.

Our security can be still further eroded by the development of evermore destructive and less controllable weapons. Political incidents that occur in the midst of an everchanging strategic context are more likely to trigger war than those which might occur after an arms halt had calmed the international waters.

For these reasons I believe the "in-place halt" has strong political and strategic advantages, but I recognize that there are bureaucratic reasons why these advantages may be overlooked.

The SALT talks pose a dilemma for our military planners. On the one hand, they want to be able to continue buying the weapons they find desirable. On the

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other hand, they would like to negotiate a halt so that the other side would stop buying these very same weapons.

At each stage of negotiations, our military planners are torn. They would like to have a missile defense, but they do not want the other side to have one.

They would like to have multiple independently targeted reentry vehicles—MIRV—but they do not want the other side to have them.

There is a real risk that, at the critical stages of negotiation, our military planners will feel a stronger desire to get the weapons they want rather than to achieve an agreement that would deny those weapons to the other side. Thus, the military planners may prefer the approach of seeking quantitative limits only—an approach that leaves the way open for a qualitative race.

Not only would such massive loopholes be both unfortunate and dangerous, but the Senate might well refuse to ratify such a treaty. Military planners tend to be more interested in what the treaty permits them to do. But the Senate is apt to be more concerned about what the treaty permits the other side to do.

I believe that we are at the time in our history when the Senate may not find it desirable to retain the freedom to continue increasing our nuclear missile forces at the cost of permitting the other side to do the same.

SECTION 2

Any discussion of the strategic weapons problem must begin with what the United States and the Soviet Union already have.

The United States is ahead in sub-launched missiles and intercontinental bombers. The Soviet Union is ahead in land-launched missiles and has made a beginning on a missile defense around Moscow.

Over the past few years, while the United States has been making qualitative improvements, the Soviet Union has been attempting to catch up quantitatively.

However, we see that the United States is still ahead in total nuclear warheads and, according to these plausible projections, would continue to be ahead even if both sides added multiple warheads.

This seems an excellent time for an "in-place halt." It would, in particular, prevent the enormous escalation shown on chart two when multiple warheads are added.

Furthermore, this shows the irrelevancy of who's "ahead" today. Two hundred and fifty warheads are necessary to destroy 50 cities, with the assumption that five warheads are assigned to each city.

We now have enough warheads to destroy these 50 cities 15 times over, with five warheads for each. Remember that the destructive power of *each* of these warheads averages more than *50 times* that of the Hiroshima bomb. The Soviet Union has a similar "overkill" capacity.

All this is merely another way of saying what everyone really knows. Nuclear war would be mutually devastating for the United States and the Soviet Union. No political leader would have any chance of destroying the other country without having his own country destroyed.

Of course, such a leader would plan to destroy initially as many opposing weapons as he could so as to limit the retaliatory force of the other side.

But even on paper, the problem of destroying enemy missile-firing submarines on station is widely acknowledged as insurmountable. And the problem of mounting a successfully coordinated simultaneous attack on these, as well as other weapons systems, introduces a further order of uncertainty if not impossibility.

For these and other reasons, a calculated attack by either side even an attack based on fear of a preemptive attack—has properly become unthinkable.

Adding more advanced weapons systems does not further reduce the probability of such an attack. If more sophisticated weapon systems are bought at the price of letting the other side also buy more, fears of an automatically triggered nuclear war more than likely will rise, rather than fall. In these considerations lie the strategic argument for a comprehensive *"in-place halt."*

What would a comprehensive "in-place halt" be like? It would simply prevent any chance in the numbers and kinds, and modes of deployment, of land-launched missiles, sub-launched missiles, intercontinental bombers and anti-missile-missiles. In particular, steps would be taken to ban further flight tests of MIRV's and their deployment on existing missiles.

How long could such an "in-place halt" last? It could last as long as the two powers wanted to make it last. It could, for example, be a 2-year agreement upon which further agreements would be based.

Later agreements might well call for the mutually balanced destruction of land-based missiles, which are increasingly recognized as obsolete.

Here we would have real disarmament—a reduction in the number of weapons whose inadvertent, or untimely use might lead to an otherwise avoidable holocaust.

The purpose of such an "in-place halt" would be to blunt the forward thrust of the arms race and give the negotiators a stable strategic context in which to reach further agreements.

Let me summarize the practical advantages of such an agreement.

First of all, an "in-place halt," rather than a more limited agreement, is the only kind of treaty that would completely halt the arms race.

Second, a partial, or a less restrictive, agreement could actually lead to a stimulation of the arms race. For example, if we negotiate an agreement limiting only missiles, or MIRV's, both sides will make correspondingly greater efforts on antiballistic missiles.

If the agreement limits only antiballistic missiles, more funds will be expended on offensive missiles.

In other words, a partial limitation can encourage substitute expenditures on weapons that are not prohibited by the agreement.

For these reasons, it is also true that: The strategic implications of an "in-place halt" are easier to assess than those of partial measures. After all, an "in-place halt" maintains the situation that we now have—one that we understand quite well and are willing to accept.

A less comprehensive agreement raises many uncertainties. What new weapons might be built? What agreements might later fail to be achieved?

In terms of future uncertainties, it is easier to end the arms race at one stroke than by measures.

This is also true of the difficult matter of inspection. It is easier to verify compliance with an "in-place halt" than it is to verify compliance with more limited agreements.

Inspection simply becomes a search for anything new or for unusual strategic activity. For example, it is not necessary to keep track of shifting missile deployments to see that numbers are kept within an agreed quantity. In this case both sides would be bound to insure that no more missiles or warheads of any kind are added.

From a security point of view, an "in-place halt" may also be easier to justify than more limited agreements. The security of both sides is considered to be protected by the uneasy arms balance that exists today. The political leadership on both sides probably would prefer to ratify what exists than to risk an unknown strategic future and face the monumental expenditures which an escalation of the arms race would demand.

And, as a result of this, a negotiating posture that calls for an "in-place halt" is more readily understandable to all parties.

We live in an age of cease-fire. And this notion can also be applied to the arms race. It will require hard bargaining to do away with weapon systems. But it need not take hard and long bargaining to stop the present arms race. In my opinion, the current political and strategic climate makes an "in-place halt" a realistic proposal.

President Nixon has said we have "sufficiency" in our defense posture. And the Defense Department does not doubt that we are secure.

There are, then, no prospects for improving our security in a continuing arms race. Why not offer to stop now?

If the Soviet Union declines to accept the agreement, then all will know that we at least tried. We will still have the option at that time to pursue more limited agreements.

In any event I think there is a real possibility that if we take the initiative and offer this proposal at the forthcoming talks in Vienna on April 16, the entire arms race can be brought to a halt.

Such an as is, where is, "in-place halt" would be the best possible beginning to the end of the arms race.

PRESIDENT NIXON'S FIRST YEAR

Mr. GRIFFIN. Mr. President, today marks the first anniversary of the inauguration of Richard M. Nixon as the 37th President of the United States.

In his first year in office, the President

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has compiled an outstanding record of performance—a record that has earned him the high praise and strong support of his fellow countrymen.

A significant analysis and appraisal of the first year written by Garnett D. Horner, appeared yesterday in the Washington, D.C., Sunday Star.

I ask unanimous consent that a copy be reprinted at this point in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

[From the Washington (D.C.) Sunday Star, Jan. 18, 1970]

NIXON'S FIRST YEAR

(By Garnett D. Horner)

During his first year in office, President Nixon has given American foreign policy a definite new direction and moved in numerous ways to make the government work better at home.

His calm, unspectacular but firm leadership and realistic approach to the nation's problems at home and abroad seem to fit the mood of the country.

Public opinion polls attest that the majority of Americans believe he is doing a good job.

Nixon himself is far from satisfied with the results of his efforts since he became President a year ago Tuesday. He is not the kind of man ever to be satisfied.

Two of the toughest problems confronting the President a year ago—the Vietnam war and inflation—persist. But there has been progress, and he feels he is on the right course to solutions.

Nixon can be proud of many accomplishments in other fields.

Intangible but, comforting, there seems to have been an increase of public confidence in government under Nixon's leadership. Knowledgeable officials claim American prestige abroad has risen, too.

Nixon's associates attribute much of the increased respect for the American presidency at home and abroad to the way he asserts leadership. This is hard to define.

However, he conveys a sense of knowing fully what he is doing when he makes a decision.

He explores all the options open to him with advisers and outsiders who may have something to contribute. Then he makes his own decisions, often overruling his closest advisers. For example, when he was preparing to report to the country on Vietnam last Nov. 3, many told him he would have to withdraw more troops, and propose a ceasefire to win public support.

He overruled those points of view to pursue the course he felt was right—and the speech he gave on Nov. 3 is generally credited with promoting increased public confidence in his Vietnam policy.

FOREIGN COMMITMENTS

Similarly, at a cabinet meeting at Camp David last summer, the President overruled some of his advisers to go ahead with the family assistance program he proposed to Congress to shift the nation's welfare systems from a services strategy to a jobs and income strategy.

With Nixon avoiding spectacular promises and dramatic rhetoric, some of the most significant developments of his first year in office may have been largely buried under headlines about Vietnam moratoriums and battles with Congress so far as public attention is concerned.

One of the most important of these developments was the President's promulgation of the "Nixon doctrine." Applied specifically to Asia when the President proclaimed it at Guam July 25, the basic philosophy of this doctrine is guiding administration policy in Latin America and elsewhere in the world.

Essentially this policy tells the nations of Asia and other regions: The United States is not going to solve your problems for you; you work out your own ways to deal with them and we will help where we can, but not fight your wars for you or dictate your economic development programs. It encourages initiatives by the countries of the region to develop their own defense and economic improvement arrangements.

This "new direction" for American foreign policy reverses the post-World War II predominant role of the U.S. as the policeman and prime economic planner of the free world. It does not mean American withdrawal from the Pacific or any other part of the world.

The U.S. would keep its commitments, would still have a role, but encourage local and regional initiatives.

Lack of any progress in Vietnam peace negotiations has been a big disappointment of Nixon's first year.

Still, the Vietnam situation is pretty well reversed from a year ago. American troops are being gradually pulled out instead of poured in, as South Vietnamese forces take over greater share of the burden of defending their country.

The fighting has de-escalated. During the latest week for which figures are available—the week ending Jan. 10—American casualties were listed at 98 dead, as compared to 151 for the same week a year ago.

Developments in other foreign policy and national security areas during the first year of the Nixon administration have included:

A beginning toward opening communications with Communist China. Nixon has made it known that he is prepared to have serious, concrete and he hopes constructive talks with the Red Chinese. He considers that the 800 million people on the Chinese mainland—some 25 percent of the human race—are a reality that cannot be ignored.

A Nixon order banning American manufacture, storage or use of biological and chemical warfare weapons. As well as humanitarian grounds, his decision was based on a conviction that once germ warfare was used it might not be controllable and could spread death all over the world.

Beginning of talks with the Soviet Union on strategic arms limitation after the most thorough and systematic preparation ever made for any disarmament negotiations by this country.

The President's visit to key allied nations in Europe early in his administration to carry out his campaign pledge to give more attention to Europe and to consult with America's allies before negotiating with its foes—laying the basis for co-ordination of allied viewpoints in the SALT talks with Russia.

His round-the-world trip in midsummer, starting in Asia where his knowledge and understanding of their problems won the respect and confidence of the leaders of the nations he visited, and climaxing with a tremendously enthusiastic reception in the streets of Bucharest that tended to lift the Iron Curtain a bit.

A noticeable lack of vilification and personal attacks against Nixon in the Soviet press and by Soviet leaders during the past year, which administration officials believe may result from the conciliatory but firm tone the President has used in seeking an era of negotiation.

On the domestic front, Nixon entered the White House under the handicap of having Congress under control of the opposition party—the first President in 120 years to do so.

Still, there was progress on some issues and the first session of the 91st Congress ended with the Republican President's personal relations with the Democratic leaders of the House and Senate described by intimates as quite good, and these leaders much more cooperative, especially in the foreign policy field, than a year ago.

The major thrust of the Nixon administration domestically has been reform—an effort to make the government work better in delivering services to the people.

The word "reform" recurs in much of the legislation the President proposed to Congress. He won draft reform and tax reform bills. His postal reform proposals are still pending.

Among the legislative proposals for which Nixon personally fought and won were his program for limited deployment of antiballistic missiles and extension of the surtax. His major defeat was the Senate turndown of his nomination of Judge Clement F. Haynsworth for the Supreme Court.

Much of the administration's "reform" produces few headline-making results, but can have long range effects of major importance.

One of Nixon's first acts as President—seven days after entering office—was to order uniform regional boundaries and headquarter cities for operations of government departments and agencies around the country—an unspectacular but efficiency-promoting move.

To assure orderly development of policies involving programs carried out by different agencies, the President created the Urban Affairs Council, the Environmental Quality Council and the Rural Affairs Council. This means, for example, that a school aid program of HEW will be coordinated with a housing aid program of HUD in the UAC. It means full consideration given to such facts that a mass transportation system helps unemployment by providing a way for unskilled workers living in the inner city to get to jobs in new factories on the outskirts.

Considered by the administration as one of its most profound reforms is the "new federalism" concept—a change of course in the way the federal government conducts its business. The basic concept is that a government service should be performed at the level of government—federal, state or local—where it can most effectively be done. Some things the federal government can do better: many it has been doing could be done better by the states or local governments, is the idea.

NEW FEDERALISM

The "new federalism" involves considerable decentralization of government.

To make it work requires more money at the state and local government levels. So Nixon proposed a revenue-sharing plan to plow back to the states, without any strings, a percentage of federal revenues. Congress has not acted on the proposal.

One of the simple reforms Nixon proposed was incorporated in the tax reform bill—to stop levying income tax on people the government defines as poor. He found the government had been collecting about $600 million a year from the poor—enough to finance about one-third the budget of the antipoverty agency.

Most of Nixon's actions during his first year in office have been in line with what he said during his 1968 campaign he would do.

During that campaign, one of his statements that may strike him now as among the most profound was that "it is an inescapable fact of our national life today that we cannot afford to do all that we wish."

He has had to postpone many things that he would have liked to do in order to meet the overriding necessity, as he sees it, of holding down federal spending in order to combat inflation.

Rising uncontrollable government expenditures, such as interest on the national debt, have forced cuts elsewhere to the tune of some $7 billion during the current fiscal year.

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COMMUNICATIONS FROM EXECUTIVE DEPARTMENTS, ETC.

The PRESIDENT pro tempore laid before the Senate the following letters, which were referred as indicated:

Report on Operations Under the Food Stamp Act of 1964

A letter from the Assistant Secretary of Agriculture, for Marketing and Consumer Services, transmitting, pursuant to law, a report on operations under the Food Stamp Act of 1964 (with an accompanying report); to the Committee on Agriculture and Forestry.

Statistics of Privately Owned Electric Utilities in the United States, 1968

A letter from the Chairman, Federal Power Commission, transmitting, for the information of the Senate, a copy of the publication "Statistics of Privately Owned Electric Utilities in the United States, 1968" (with an accompanying document); to the Committee on Commerce.

PETITIONS AND MEMORIALS

Petitions, etc., were laid before the Senate, or presented, and referred as indicated:

By the PRESIDENT pro tempore:

A resolution of the Senate of the Commonwealth of Kentucky; to the Committee on the Judiciary:

"Senate Resolution No. 12

"A resolution honoring the late Dr. Martin Luther King, Jr.

"Whereas, January 15 is the anniversary of the birth of the late Dr. Martin Luther King, Jr.; and

"Whereas, throughout his life Dr. King exemplified the principles of adherence to law and of bettering the law through lawful change; and

"Whereas, Dr. King has become the symbol to all Americans of the power of passive persuasion; and

"Whereas, there is now before the Congress of the United States House Resolution 7703, to designate January 15 as a legal public holiday;

"Now, therefore, *Be is resolved by the Senate of the General Assembly of the Commonwealth of Kentucky:*

"1. That the Senate of the Commonwealth of Kentucky endorses and urges the passage of House Resolution 7703 to establish January 15 as a legal holiday honoring Dr. Martin Luther King, Jr.

"2. That the Senate, when it adjourns on January 15, 1970, does so in memory of the late Dr. King.

"3. That the chief clerk is directed to send a copy of this resolution to the President of the Senate of the United States, and to the Speaker of the House of Representatives of the United States.

"Attest:

"Emerson Beauchamp,
"*Clerk of Senate.*"

A resolution adopted by the Lions Clubs in the State of Kansas, relating to support of the President and the Congress with reference to peace; to the Committee on Foreign Relations.

A resolution adopted by the common council of the city of Buffalo, N.Y., relating to a day of official recognition to the honor of Dr. Martin Luther King, Jr.; to the Committee on the Judiciary.

BILLS AND A JOINT RESOLUTION INTRODUCED

Bills and a joint resolution were introduced, read the first time and, by unanimous consent, the second time, and referred as follows:

By Mr. BAKER:

S. 3308. A bill to provide for publication of a U.S. Treaty Code Annotated; to the Committee on Rules and Administration.

By Mr. COOK:

S. 3309. A bill for the relief of Dr. and Mrs. Arthur T. Daus, Jr.; to the Committee on the Judiciary.

By Mr. ALLOTT (for himself and Mr. Dominick):

S. 3310. A bill to add certain lands to the La Garita Wilderness, Rio Grande National Forest, in the State of Colorado; to the Committee on Interior and Insular Affairs.

(The remarks of Mr. Allott when he introduced the bill appear later in the Record under the appropriate heading.)

By Mr. TYDINGS:

S. 3311. A bill to amend title XII of the National Housing Act to provide, under the urban property protection and reinsurance program, for direct Federal insurance against losses to habitational property for which insurance is not otherwise available or is available only at excessively surcharged rates, to make crime insurance mandatory under such program, to provide assistance to homeowners to aid in reducing the causes of excessive surcharges, and for other purposes; and

S. 3312. A bill to amend the Small Business Act to make crime protection insurance available to small business concerns; to the Committee on Banking and Currency.

(The remarks of Mr. Tydings when he introduced the above bills appear later in the Record under the appropriate heading.)

By Mr. TYDINGS (by request):

S. 3313. A bill to exempt FHA and VA mortgages and loans from the interest and usury laws of the District of Columbia, and for other purposes; to the Committee on the District of Columbia.

By Mr. WILLIAMS of Delaware:

S. 3314. A bill to amend the Internal Revenue Code of 1954 to further protect the privacy of individual taxpayers, and for other purposes; to the Committee on Finance.

By Mr. BAKER (by request):

S.J. Res. 170. Joint resolution designating the week commencing February 3, 1970, as International Clergy Week in the United States, and for other purposes; to the Committee on the Judiciary.

(The remarks of Mr. Baker when he introduced the bill appear later in the Record under the appropriate heading.)

S. 3310—INTRODUCTION OF A BILL ADDING CERTAIN LANDS TO THE LA GARITA WILDERNESS, RIO GRANDE NATIONAL FOREST, IN THE STATE OF COLORADO

Mr. ALLOTT. Mr. President, for many years I have been interested in a very small, but spectacular, area of Colorado which from 1908 until 1950 was designated as the Wheeler National Monument.

This area contains what the Denver Post recently termed a marvel of nature. It was first mapped by Capt. George M. Wheeler in the year 1874 in one of the initial explorations of remote areas of our country. The breathtaking sandstone rock formations, resembling a lava-like mountainous terrain, often look more like something that one would expect to encounter on some terrestrial planet. It is an awesome sight.

When the national monument designation was lost, the Forest Service assumed jurisdiction over the area as part of the Rio Grande National Forest. The Forest Service, however, continued special recognition of the area by having it withdrawn from mineral entry and determined that no roads should be permitted within it as an endeavor to assure its preservation. Touching one corner of this area is the La Garita Wilderness. The wilderness classification provides a special status for certain areas of our country in order to safeguard and preserve instances of unusual natural beauty. I believe that the former Wheeler National Monument area is one which should receive the protection which is given a wilderness area. Therefore, I am today—with Senator Dominick as a cosponsor—introducing a bill which would extend the La Garita Wilderness area to include the former Wheeler National Monument in order to afford this area the protection it deserves for future generations of Americans for whom there remains little evidence of that physical atmosphere which attracted the original inhabitants of our Western United States.

The PRESIDING OFFICER. The bill will be received and appropriately referred.

The bill (S. 3310) to add certain lands to the La Garita Wilderness, Rio Grande National Forest, in the State of Colorado, introduced by Mr. Allott, for himself and Mr. Dominick, was received, read twice by its title, and referred to the Committee on Interior and Insular Affairs.

S. 3311—INTRODUCTION OF THE CRIME INSURANCE ACT OF 1970

Mr. TYDINGS. Mr. President, today I am introducing the Crime Insurance Act of 1970, legislation that will guarantee that residents and merchants in and around our urban areas will be able to obtain insurance to protect against losses resulting from crime. No one who has seen the front page of a newspaper or viewed the news on television in the past year can help but know about the tremendous increase in crime in our cities. Every night stores are robbed and homes are burglarized. The store owner or home dweller increasingly lives in a world of danger.

At the same time that this danger from crime increases, the vital protection against crime losses—insurance covering robbery and burglary—has rapidly disappeared. Just when our city's merchants and homeowners need the help most, it has been stripped away from them. In cities across the country hundreds of home and business crime insurance policies have been abruptly cancelled, or the premiums have been raised by 300 percent or more, well out of the reach of the average city dweller. Evidently the insurance industry has decided to move out of this field and into more profitable areas.

This collapse of insurance coverage against urban crime comes in spite of the assurances made by the industry during the passage of the FAIR plan title to Housing and Urban Development Act of 1968. In the wake of the 1967 riots there were massive insurance cancellations and a serious weakening of the reinsur-

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ance market. Congress moved to provide Federal backing of the reinsurance market offering relief from the riot losses, while it developed a plan to provide city riot and crime insurance to businesses and homeowners. We wanted to establish a program so that all city residents and businessmen could obtain access to essential property insurance. Relying upon promises of industry cooperation, we forged a program, the so-called FAIR plans, which would provide groundrules for the fair and equitable marketing of insurance. A special target was the insidious "red lining" practice which would exclude whole areas from insurance regardless of the individual risk. Second, for those who could not obtain insurance from private sources, the plans provided for a voluntary insurance pool established by the industry under supervision of the State commissioner.

The FAIR plans had two purposes: First, to provide insurance for those who suffered most from the ravages of riot and crime. Second, the lack of insurance has led to the stagnation and decline of our cities' economies. Without insurance, businesses cannot start, they cannot obtain financing for improvements or inventory, they cannot sustain high crime losses. So our small businessmen leave our cities or they begin to die. This measure was to help revive our cities.

The theory of the act, while still valid, has not worked out. For example, many companies are still refusing to write in inner-city areas; after the law was signed, many companies arbitrarily canceled policies and dumped those policies into the FAIR plans; the FAIR rates are doubled and sometimes quadrupled the normal manual rates for such policies; inner city propertyowners have no knowledge of the availability of FAIR plan insurance; brokers and agents are reluctant to put policies in the FAIR plan because the commissions for such policies are much lower than the commissions paid by private industry and the inner city property owners in most cases are left to the so-called high-risk writers. I refer my colleagues to the hearings held by the Housing Subcommittee of the House Banking and Currency Committee held in March and April of last year for the details of these findings.

To remedy the total failure of the present FAIR plans and to guarantee that the victims of crime can obtain protection by insurance, I am introducing the Crime Insurance Act of 1970, which alters substantially the FAIR provisions of the Housing Act. This bill has been introduced by Congressman Annunzio in the House and is cosponsored by nearly 100 Representatives.

My bill meets many of the crime insurance problems head on. Its dominant provision calls for the direct Federal writing of essential property insurance, including crime lines, if the rates for such insurance in the private market exceeds 175 percent of the manual rate. The premium for such policies will be 175 percent of the manual rate. No policy will be written if the Secretary of Housing and Urban Development determines that the property is uninsurable, or if the State commissioner can justify the excessive rate.

The FAIR plans are continued. However, I include, in addition to fire and extended coverage, vandalism, malicious mischief, burglary and theft in the FAIR plan. As you can imagine, these lines of insurance are most important to inner city property owners.

Other much-needed reforms contained in the bill are:

First. Eliminates discrimination in brokers' and agents' commissions. This will encourage brokers and agents to sell the FAIR plan insurance.

Second. Provides Federal guaranties for performance bonds for small business construction contractors and subcontractors. For over a year, black contractors have complained about their inability to engage in so-called black entrepreneurship programs because they cannot get performance bonds.

Third. Provides for reinsurance of losses which occur during the construction or rehabilitation of habitational property. I am amazed to learn that homes and apartments being constructed or rehabilitated, even under our Federal programs, are uninsured during the building or remodeling period. By offering the same kind of insurance against such losses that is now provided for riot losses, these properties will be insured during the crucial construction stage.

Fourth. Eliminate State sharing in riot loss payments. Present law provides that the States must pay up to 5 percent of the total property premiums written in the State toward riot losses. Many States have been very reluctant to assume this obligation since they do not have the money. Yet, unless the State enacts legislation providing for this State share, the insurance companies in that State are ineligible for riot reinsurance. One of the purposes of this State share was to encourage the States to take measures to eliminate riots and civil disorders. Experience has taught us the advantage to be gained far outweighs the expense of such endeavors.

Fifth. Provides for an Office of Review and Compliance in HUD to be operated under the supervision of the Office of Federal Insurance Administrator. At present, the Federal Insurance Administrator has virtually no policing powers over the operation of the program. The only way he hears about complaints or inadequacies comes through letters from Congressmen or the inner city property owners. The insurance administrator should have the authority to check on the operation of these programs and take such steps as may be necessary to make them more effective.

These are the more salient substantive provisions of the bill. It does not provide for any new financing. The direct Federal insurance program will hopefully be paid for through the premiums collected. In the event losses exceed premiums, then the bill authorizes the Secretary to draw on the same funds which have already been made available for the payment of riot losses.

The Federal urban insurance program was passed last year. Based on the Chicago and Washington, D.C., hearings, and complaints received by many of us, this program has been a failure. Many of the provisions in my bill were first offered as amendments to the original legislation. These amendments were defeated in committee and on the floor—based on assurances by the insurance industry and the Department of Housing and Urban Development that they were unnecessary. After 1 year's experience, I have become convinced that this legislation is the only way to afford viable insurance programs for our inner city residents and property owners.

The bill has been constructed to keep Federal incursion in the insurance industry an absolute minimum. It also provides that where Federal assistance no longer becomes necessary, the situation is turned back to the industry. But I feel it is unconscionable for the Government to provide the relief of Federal reinsurance and have the insurance industry continue to flout the purpose of the FAIR plan.

I ask unanimous consent that the text of the Crime Insurance Act of 1970 be printed at this point in my remarks.

The **PRESIDING OFFICER**. The bill will be received and appropriately referred; and, without objection, the bill will be printed in the Record.

The bill (S. 3311) to amend title XII of the National Housing Act to provide, under the urban property protection and reinsurance program, for direct Federal insurance against losses to habitational property for which insurance is not otherwise available or is available only at excessively surcharged rates, to make crime insurance mandatory under such program, to provide assistance to homeowners to aid in reducing the causes of excessive surcharges, and for other purposes; introduced by Mr. Tydings, was received, read twice by its title, referred to the Committee on Banking and Currency and ordered to be printed in the Record, as follows:

S. 3311

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Crime Insurance Act of 1970".

Sec. 2. (a) Section 1102(b) of the Housing and Urban Development Act of 1968 is amended by striking out "and" immediately before "(2)", and by inserting before the period at the end thereof the following: "; and (3) provide direct insurance through the facilities of the Federal Government in the case of properties for which such statewide programs and the Federal reinsurance program do not make property insurance available or do not offer such insurance to the property owners at reasonable rates as defined herein."

(b)(1) Section 1201 of the National Housing Act is amended to read as follows:

"PROGRAM AUTHORITY

"Sec. 1201. (a) The Secretary is authorized to establish and carry out the programs provided for in parts A, B, C, and D of this title.

"(b)(1) The powers of the Secretary under this title shall terminate on April 30, 1984, except to the extent necessary—

"(A) to continue reinsurance and direct insurance in accordance with the provisions of sections 1223(b) and 1231(c) until April 30, 1987;

"(B) to process, verify, and pay claims for reinsured losses and directly insured losses and perform other necessary functions in connection therewith; and

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"(C) to complete the liquidation and termination of the reinsurance and direct insurance programs.

"(2) On April 30, 1987, or as soon thereafter as possible, the Secretary shall submit to the Congress, for its approval, a plan for the liquidation and termination of the reinsurance and direct insurance programs."

(2)(A) Section 1203(a) of such Act is amended by redesignating paragraphs (1) through (13) as paragraphs (2) through (14), respectively, and by inserting immediately after and below "the term—" the following new paragraph:

"(1) 'directly insured losses' means losses on direct insurance claims and all direct expenses incurred in connection therewith including, but not limited to, expenses for processing, verifying, and paying such losses;".

(B) Section 1203(a) of such Act (as amended by subparagraph (A) of this paragraph) is amended by redesignating paragraphs (13) and (14) as paragraphs (14) and (15), respectively, and by inserting immediately after paragraph (12) the following new paragraph:

"(13) 'manual rate' means the lowest approved or advisory rate filed by the principal rating organization for the same classification of risk and territory, excluding all surcharges and condition charges;".

(C) Section 1221(a)(2) of such Act is amended by striking out "section 1203(a)(10)" each place it appears and inserting in lieu thereof "section 1203(a)(11)".

(c) (1) Title XII of such Act (as amended by the provisions of this Act other than this subsection) is amended by redesignating part C and sections 1231 through 1241 as part D and sections 1241 and 1251, respectively, and by inserting after part B the following new part:

"Part C—Direct Federal Insurance

"DIRECT INSURANCE OF LOSSES TO PROPERTY WHERE INSURANCE IS OTHERWISE UNAVAILABLE OR AVAILABLE ONLY AT EXCESSIVELY SURCHARGED RATES

"Sec. 1231. (a) If at any time the Secretary determines that any of the standard lines of property insurance enumerated under subparagraph (A) through (E) of section 1203(a)(11)) is not available (through the applicable plan under part A or otherwise) to any property, or is available to such property but only at an unreasonable rate, he shall make such standard line of property insurance available to such property directly through the facilities of the Federal Government, on such terms and conditions as he may determine to be appropriate, at a rate equal to 175 per centum of the applicable manual rate: *Provided*, That no such insurance shall be made available to a property which the Secretary determines to be uninsurable.

"(b) In carrying out his responsibilities under subsection (a), the Secretary may utilize—

"(1) insurance companies and other insurers, insurance agents and brokers, and insurance adjustment organizations, as fiscal agents of the United States,

"(2) officers and employees of the Department of Housing and Urban Development and such other officers and employees of any executive agency (as defined in section 105 of title 5 of the United States Code) as the Secretary and the head of any such agency may from time to time agree upon, on a reimbursement or other basis, or

"(3) both the alternatives specified in paragraphs (1) and (2), or any combination thereof.

"(c) Notwithstanding the foregoing provisions of this title, direct insurance may be continued for the term of the policies written prior to the date of termination of the Secretary's direct insurance authority under this part, for as long as the insured pays the required direct insurance premiums; except that direct insurance under this part for any risk shall be terminated after notice whenever the Secretary determines that the standard lines of property insurance numerated under subparagraphs (A) through (E) of section 1203(a)(11) have become available to such property at a reasonable rate.

"(d) For the purposes of this part, a rate within a State shall be presumed to be unreasonable if the Secretary finds that the total premium (including all surcharges and condition charges) charged to each of fifty or more properties in that State in any twelve-month period exceeds 175 per centum of the applicable manual rate. The Secretary shall notify the appropriate State insurance authority within fifteen days of making any such finding. The presumption of unreasonableness may thereafter be rebutted only if (1) the appropriate State insurance authority, within thirty days after the date of mailing of such notification, files with the Secretary a certification that such authority has independently determined that there is demonstrably an objective justification for the imposition of the premiums charged, stating sufficiently the basis for such justification, and (2) the Secretary concurs in such determination.

"(e) The amount of insurance provided by the Secretary with respect to any property shall not exceed such limits as he may determine to be appropriate: *Provided*, That no coverage shall be written on any single family residential structure in excess of $25,000 or on any manufacturing or commercial structure in excess of $1,000,000.

"(f) The Secretary shall include in his reports to the Congress on the program under this title full and complete information on his operations and activities under this part, together with such recommendations with respect thereto as he may deem appropriate.

"Sec. 1232. The Secretary may, whenever he deems such action to be necessary or desirable and upon such terms and conditions as it may prescribe, guarantee any bid, payment, or performance bond under an agreement entered into by a small business concern which is a construction contractor or subcontractor to enable such concern to obtain such bond. Any such guarantee may be made or effected either directly or in cooperation with any qualified surety company or other qualified company through a participation agreement with such company."

(2)(A) Section 1222(a) of such Act is amended by striking out "section 1233" and inserting in lieu thereof "section 1243".

(B) Section 1234(c) of such Act is amended by striking out "section 1232" and inserting in lieu thereof "section 1242".

(d)(1)(A) Section 1231(a) of such Act is amended by inserting "or direct insurance" after "reinsurance", and by inserting "or property owners" after "insurers".

(B) Section 1231(b) of such Act is amended by inserting "or direct insurance" after "reinsurance".

(2)(A) Section 1232(a) of such Act is amended—

(i) by striking out "the reinsurance program" and inserting in lieu thereof "the reinsurance and direct insurance programs";

(ii) by inserting "or direct insurance" after "reinsurance" in paragraphs (1), (2), and (4);

(iii) by inserting "or property owner" after "any insurer" where it first appears in paragraph (4); and

(iv) by inserting "or directly insured" after "reinsured" in paragraph (4).

(3) Section 1233 of such Act is amended—

(A) by inserting "and direct insurance" after "reinsurance" in subsection (a)(1) and each place it appears in subsection (b)(1); and

(B) by striking out "part B" in subsection (b)(1) and inserting in lieu thereof "parts B and C".

(4)(A) Section 1234(a) of such Act is amended by striking out "Any insurer or pool acquiring reinsurance" and inserting in lieu thereof "Any insurer, pool, or property owner acquiring reinsurance or direct insurance".

(B) Section 1234(c) of such Act is amended by inserting "or direct insurance" after "reinsurance".

(e) Clause (2) in the first sentence of section 520(b) of such Act is amended—

(1) by inserting "and directly insured" after "reinsured" wherever it appears.

Sec. 3. Section 1203(a)(3) of the National Housing Act (as amended by section 2(b)(2) of this Act) is amended by striking out "and insurance for such types, classes, and locations of property against the perils of vandalism, malicious mischief, burglary, or theft, as the Secretary by rule shall designate" and inserting in lieu thereof "and insurance against the perils of vandalism, malicious mischief, burglary, and theft".

Sec. 4. (a) Section 1203(a)(3) of the National Housing Act (as amended by section 2(b)(2) and section 3 of this Act) is amended by striking out "Such insurance" and inserting in lieu thereof the following: "Such insurance shall include insurance against direct losses to property (as defined and limited by the Secretary) which occur during the construction of rehabilitation of such property. Such insurance".

(b) Part B of title XII of such Act is amended by adding at the end thereof the following new section:

"REINSURANCE OF LOSSES DURING CONSTRUCTION OR REHABILITATION

"Sec. 1225. The Secretary is authorized to offer to any insurer or pool reinsurance against losses to habitational property which occur during the construction or rehabilitation of such property. Except as otherwise provided by such rules and regulations as the Secretary may prescribe, all of the provisions, terms, and conditions of this title relating to reinsurance of losses from riots or civil disorders shall apply with respect to the reinsurance of losses which occur during the construction or rehabilitation of habitational property."

Sec. 5. Section 1211(b) of the National Housing Act is amended—

(1) by striking out "and" at the end of paragraph (9);

(2) by striking out the period at the end of paragraph (10) and inserting in lieu thereof "; and "; and

(3) by adding at the end thereof the following new paragraph:

"(11) commissions paid to agents, brokers, and producers for or with respect to policies written under the plan shall not be less than the prevailing rate being paid in the same territory for or with respect to other policies of the same type which are not written under the plan, as determined and certified to the Secretary by the State insurance authority."

Sec. 6. (a) Section 1214 of the National Housing Act is amended by adding at the end thereof the following new subsection:

"(c) Each report and other document submitted to the Secretary by a State insurance authority with respect to experience under the applicable plan under this part shall set forth and describe any losses sustained on habitational property separately from the losses sustained on business, commercial, and other nonhabitational property."

(b) Section 1234 of such Act is amended by adding at the end thereof the following new subsection:

"(e) Each report and other document submitted to the Secretary by an insurer or other person under this section with respect to reinsurance under this title shall set forth and describe any losses sustained on habitational property separately from the losses sustained on business, commercial, and other nonhabitational property."

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Sec. 7. Section 1214 of the National Housing Act is amended by adding at the end thereof (after the new subsection added by section 6(a) of this Act) the following new subsection:

"(d) The Secretary, through an Office of Review and Compliance under the Federal Insurance Administrator, shall periodically review each plan under this part and the methods and practices by which such plan is being actually carried out in the areas and communities where it is intended to operate, in order to assure that such plan is effectively making essential property insurance readily available in such areas and communities and is otherwise carrying out the purposes of this title, and in order to identify any aspects of the operation or administration of such plan which may require revision, modification, or other action to carry out such purposes."

Sec. 8. (a) Section 1223(a) of the National Housing Act is amended by striking out paragraph (1), and by redesignating paragraphs (2) through (5) as paragraphs (1) through (4), respectively.

(b) Section 1240 of such Act is amended by striking out "(a)", and by striking out subsection (b).

(c) Section 1211 of the District of Columbia Insurance Placement Act is repealed.

Sec. 9. (a) Section 115(b) of the Housing Act of 1949 is amended—

(1) by striking out "(payable from any grant funds provided under section 103 (b))";

(2) by inserting after "real property which has been determined to be uninsurable" the following: ", or which has been determined to be insurable only at an unreasonable rate,";

(3) by inserting before the period at the end of the second sentence the following: "or to eliminate the conditions necessitating the unreasonable rate"; and

(4) by adding at the end thereof the following new sentences: "For purposes of this subsection a rate is unreasonable if it is sufficiently high to justify direct Federal insurance of the property involved under part C of title XII of the National Housing Act. Grants under this subsection shall be payable from grant funds provided under section 103(b) of this Act; except that to the extent it is determined by the Secretary that funds made available for payments of directly insured losses under such title XII pursuant to section 520(b) of such Act are not needed for payments of such losses, such funds shall be used (before any funds provided under section 103(b) of this Act) for grants under this subsection with respect to property determined to be insurable only upon payment of an unreasonable rate."

(b) (1) Section 312(a) (1) (C) of the Housing Act of 1964 is amended—

(A) by inserting after "the property has been determined to be uninsurable" the following: ", or has been determined to be insurable only upon payment of an unreasonable rate,"; and

(B) by inserting before the semicolon at the end thereof the following: "or to eliminate the conditions necessitating the unreasonable rate".

(2) Section 312(a) of such Act is further amended by adding at the end thereof the following new sentence: "For purposes of paragraph (1) (C), a rate is unreasonable if it is sufficiently high to justify direct Federal insurance of the property involved under part C of title XII of the National Housing Act."

(3) Section 312(d) of such Act is amended by inserting "(1)" after "(d)", and by adding at the end thereof the following new paragraph:

"(2) To the extent it is determined by the Secretary that funds made available for payments of directly insured losses under title XII of the National Housing Act pursuant to section 520(b) of such Act are not needed for payments of such losses, such funds shall be placed in the revolving fund and used by the Secretary (before any funds appropriated pursuant to paragraph (1) of this subsection) for loans described in subsection (a) (1) (C) with respect to property determined to be insurable only upon payment of an unreasonable rate."

S. 3312—INTRODUCTION OF THE SMALL BUSINESS CRIME INSURANCE ACT OF 1970

Mr. TYDINGS. Mr. President, I am introducing a bill which takes a more limited approach to the problem of crime insurance, the Small Business Crime Insurance Act of 1970. This bill authorizes the Small Business Administration to write crime insurance directly to small businesses which cannot obtain such insurance at reasonable rates. This is the same standard presently used for small business loans.

This insurance is needed, just as the loans are needed, to keep small businesses from disappearing from our cities. In many cases, this insurance is a prerequisite to the obtaining of loans by these businesses. Any realistic program of providing help for the independent entrepreneur must include provisions for insurance.

Now that it is clear that the efforts of private industry have been inadequate, it is time the Congress moved to honor its commitments to the small businessman and took a step toward improving the economic climate of our cities. I ask unanimous consent that the text of the Small Business Crime Insurance Act of 1970 be printed in the Record.

The PRESIDING OFFICER. The bill will be received and appropriately referred; and, without objection, the bill will be printed in the Record.

The bill (S. 3312) to amend the Small Business Act to make crime protection insurance available to small business concerns, introduced by Mr. Tydings, was received, read twice by its title, referred to the Committee on Banking and Currency, and ordered to be printed in the Record, as follows:

S. 3312

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Section 1. This Act may be cited as the Small Business Crime Insurance Act of 1970.

Sec. 2. The Small Business Act is amended by adding at the end thereof the following new title:

"TITLE II—SMALL BUSINESS CRIME INSURANCE

"Sec. 201. The Small Business Crime Insurance Division (referred to in this title as the 'Division') is established as a division of the Small Business Administration. The Division shall be under the direction of an Associate Administrator for Insurance appointed by the Administrator.

"Sec. 202. The Associate Administrator for Insurance shall make available to small business concerns insurance policies insuring against losses resulting from criminal acts to the extent that such insurance is not available from other sources on reasonable terms. The installation, where appropriate, of burglar alarms or other improvements to reduce the risk of loss may be made a condition to the issuance of the insurance.

"Sec. 203. As its initial capital, the Division shall borrow from the Treasury, and the Treasury shall lend to the Division, the sum of $50,000,000 on such terms and conditions as the Secretary of the Treasury shall prescribe. Such additional sums, if any, shall be loaned from the Treasury to the Division as may be necessary to operate the program provided under this title on a sound basis, but the total borrowings from the Treasury outstanding at any time shall not exceed $100,000,000.

"Sec. 204. All funds loaned under section 203 shall be deposited in a revolving fund in the Treasury to be known as the small business crime insurance fund (referred to in this Act as the 'fund'). Any moneys held in the fund may be invested in obligations of the United States. All premium income, interest income, and other income shall be deposited in the fund, and all losses shall be paid from the fund.

"Sec. 205. No administrative expenses may be paid from the fund. There are authorized to be appropriated such sums as may be necessary to carry out the purposes of this title."

Sec. 3. The third sentence of section 4(b) of the Small Business Act (15 U.S.C. 633 (b)) is amended (1) by changing "three" to read "four" and (2) by inserting "and the Associate Administrator specified in title II of this Act" immediately before the closing parenthesis.

SENATE JOINT RESOLUTION 170—INTRODUCTION OF A JOINT RESOLUTION DESIGNATING INTERNATIONAL CLERGY WEEK IN THE UNITED STATES

Mr. BAKER. Mr. President, I introduce a joint resolution designating the week commencing February 3, 1970, as International Clergy Week in the United States, and for other purposes. I introduce this joint resolution at the request of Representative James H. Quillen of the First District of Tennessee, who has introduced an identical measure in the House of Representatives and who has an abiding interest in this area.

The PRESIDING OFFICER. The joint resolution will be received and appropriately referred.

The joint resolution (S.J. Res. 170) designating the week commencing February 3, 1970, as International Clergy Week in the United States, and for other purposes, introduced by Mr. Baker, by request, was received, read twice by its title and referred to the Committee on the Judiciary.

ADDITIONAL COSPONSOR OF A BILL

S. 3151

Mr. BYRD of West Virginia. Mr. President, on behalf of the Senator from Wisconsin (Mr. Nelson), I ask unanimous consent that, at the next printing, the name of the junior Senator from Connecticut (Mr. Ribicoff) be added as a cosponsor of S. 3151, the Environmental Quality Education Act.

The PRESIDING OFFICER. Without objection, it is so ordered.

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SENATE RESOLUTION 308—RESOLUTION REPORTED AUTHORIZING THE COMMITTEE ON GOVERNMENT OPERATIONS TO MAKE INVESTIGATIONS INTO THE EFFICIENCY AND ECONOMY OF OPERATIONS OF ALL BRANCHES OF GOVERNMENT

Mr. McCLELLAN, from the Committee on Government Operations, reported the following original resolution (S. Res. 308); which was referred to the Committee on Rules and Administration:

S. Res. 308

Resolved, That, in holding hearings, reporting such hearings, and making investigations as authorized by section 134 of the Legislative Reorganization Act of 1946 and in accordance with its jurisdiction under rule XXV of the Standing Rules of the Senate, the Committee on Government Operations or any subcommittee thereof is authorized from February 1, 1970, through January 31, 1971, to make investigations into the efficiency and economy of operations of all branches of the Government, including the possible existence of fraud, misfeasance, malfeasance, collusion, mismanagement, incompetence, corrupt or unethical practices, waste, extravagance, conflicts of interest, and the improper expenditure of Government funds in transactions, contracts, and activities of the Government or of Government officials and employees and any and all such improper practices between Government personnel and corporations, individuals, companies, or persons affiliated therewith, doing business with the Government; and the compliance or noncompliance of such corporations, companies, or individuals or other entities with the rules, regulations, and laws governing the various governmental agencies and its relationships with the public: *Provided,* That, in carrying out the duties herein set forth, the inquiries of this committee or any subcommittee thereof shall not be deemed limited to the records, functions, and operations of the particular branch of the Government under inquiry, and may extend to the records and activities of persons, corporations, or other entities dealing with or affecting that particular branch of the Government.

Sec. 2. The Committee on Government Operations or any duly authorized subcommittee thereof is further authorized from February 1, 1970, to January 31, 1971, inclusive, to conduct an investigation and study to the extent to which criminal or other improper practices or activities are, or have been, engaged in in the field of labor-management relations or in groups or organizations of employees or employers, to the detriment of interests of the public, employers, or employees, and to determine whether any changes are required in the laws of the United States in order to protect such interests against the occurrence of such practices or activities. Nothing contained in this resolution shall affect or impair the exercise by the Committee on Labor and Public Welfare of any power, or the discharge by such committee of any duty, conferred or imposed upon it by the Standing Rules of the Senate or by the Legislative Reorganization Act of 1946.

Sec. 3. The Committee on Government Operations or any duly authorized subcommittee thereof is further authorized and directed from February 1, 1970, to January 31, 1971, inclusive, to make a full and complete study and investigation of syndicated or organized crime which may operate in or otherwise utilize the facilities of interstate or international commerce in furtherance of any transactions which are in violation of the law of the United States or of the State in which the transactions occur, and, if so, the manner and extent to which, and the identity of the persons, firms or corporations, or other entities by whom such utilization is being made, what facilities, devices, methods, techniques, and technicalities are being used or employed, and whether or not organized crime utilizes such interstate facilities or otherwise operates in interstate commerce for the development of corrupting influences in violation of the law of the United States or the laws of any State and, further, to study and investigate the manner in which and the extent to which persons engaged in organized criminal activities have infiltrated into lawful business enterprise; and to study the adequacy of Federal laws to prevent the operations of organized crime in interstate or international commerce; and to determine whether any changes are required in the laws of the United States in order to protect the public against the occurrences of such practices or activities. Nothing contained in this resolution shall affect or impair the exercise by the Committee on the Judiciary or by the Committee on Commerce of any power, or the discharge by such committee of any duty, conferred or imposed upon it by the Standing Rules of the Senate or by the Legislative Reorganization Act of 1946.

Sec. 4. The Committee on Government Operations or any duly authorized subcommittee thereof is authorized and directed until January 31, 1971, to make a full and complete study and investigation of all other aspects of crime and lawlessness within the United States which have an impact upon or affect the national health, welfare, and safety.

Sec. 5. The Committee on Government Operations or any duly authorized subcommittee thereof is authorized and directed until January 31, 1971, to make a full and complete study and investigation of riots, violent disturbances of the peace, vandalism, civil and criminal disorder, insurrection, the commission of crimes in connection therewith, the immediate and long-standing causes, the extent and effects of such occurrences and crimes, and measures necessary for their immediate and long-range prevention and for the preservation of law and order and to insure domestic tranquillity within the United States.

Sec. 6. The Committee on Government Operations or any of its duly authorized subcommittees shall report to the Senate by January 31, 1971, and shall, if deemed appropriate, include in its report specific legislative recommendations.

Sec. 7. (a) For the purposes of this resolution, the Commitee on Government Operations or any of its duly authorized subcommittees, from February 1, 1970, to January 31, 1971, inclusive, is authorized, as it deems necessary and appropriate, to (1) make such expenditures from the contingent fund of the Senate; (2) hold such hearings; (3) sit and act at such times and places during the sessions, recesses, and adjournment periods of the Senate; (4) administer such oaths; (5) take such testimony, either orally or by sworn statement; (6) employ on a temporary basis such technical, clerical, and other assistants and consultants; and (7) with the prior consent of the executive department or agency concerned and the Committee on Rules and Administration, employ on a reimbursable basis such executive branch personnel as it deems advisable; and, further, with the consent of other committees or subcommittees to work in conjunction with and utilize their staffs, as it shall be deemed necessary and appropriate in the judgment of the chairman of the committee or subcommittee: *Provided further,* That the minority is authorized to select one person for appointment and the person selected shall be appointed and his compensation shall be so fixed that his gross rate shall not be less by more than $2,700 than the highest gross rate paid to any other employee.

(b) For the purpose of this resolution the committee, or any duly authorized subcommittee thereof, or its chairman, or any other member of the committee or subcommittee designated by the chairman, from February 1, 1970, to January 31, 1971, inclusive, is authorized, in its or his or their discretion, as may be deemed advisable, to require by subpena or otherwise the attendance of such witnesses and production of such correspondence, books, papers, and documents.

Sec. 8. Expenses of the committee under this resolution, which shall not exceed $688,000, shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee.

SENATE RESOLUTION 309—RESOLUTION REPORTED AUTHORIZING ADDITIONAL EXPENDITURES BY THE COMMITTEE ON INTERIOR AND INSULAR AFFAIRS FOR INQUIRIES AND INVESTIGATIONS

Mr. JACKSON, from the Committee on Interior and Insular Affairs, reported the following original resolution (S. Res. 309); which was referred to the Committee on Rules and Administration:

S. Res. 309

Resolved, That the Committee on Interior and Insular Affairs, or any duly authorized subcommittee thereof, is authorized under sections 134(a) and 136 of the Legislative Reorganization Act of 1946, as amended, and in accordance with its jurisdictions specified by rule XXV of the Standing Rules of the Senate, to examine, investigate, and make a complete study of any and all matters pertaining to the jurisdiction of the Committee on Interior and Insular Affairs, including national parks and recreation areas; Indian affairs; irrigation and reclamation; water and power resources; minerals, materials, and fuels; public lands; environmental studies; and territories and insular affairs.

Sec. 2. Pursuant to its authority under section 134(a) of the Legislative Reorganization Act of 1946, as amended, the committee is authorized to require by subpena or otherwise the attendance of such witnesses and the production of such correspondence, books, papers, documents, and to take such testimony on matters within its jurisdiction as it deems advisable.

Sec. 3. For the purposes of this resolution the committee, from February 1, 1970, to January 31, 1971, inclusive, is authorized (1) to make such expenditures as it deems advisable; (2) to employ, upon a temporary basis, technical, clerical, and other assistants and consultants: *Provided,* That the minority is authorized to select one person for appointment, and the person so selected shall be appointed and his compensation shall be so fixed that his gross rate shall not be less by more than $2,700 than the highest gross rate paid to any other employee; and (3) with the prior consent of the heads of the departments or agencies concerned, and the Committee on Rules and Administration, to utilize the reimbursable services, information, facilities, and personnel of any of the departments or agencies of the Government.

Sec. 4. Expenses of the committee under this resolution, which shall not exceed $160,000, shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee.

SENATE RESOLUTION 310—RESOLUTION REPORTED AUTHORIZING ADDITIONAL EXPENDITURES BY THE COMMITTEE ON GOVERNMENT OPERATIONS FOR A STUDY OF INTERGOVERNMENTAL RELATIONSHIPS BETWEEN THE UNITED STATES AND THE STATES AND MUNICIPALITIES

Mr. MUSKIE, from the Committee on Government Operations, reported the following original resolution (S. Res. 310); which was referred to the Committee on Rules and Administration:

S. Res. 310

Resolved, That the Committee on Government Operations, or any duly authorized subcommittee thereof, is authorized under sections 134(a) and 136 of the Legislative Reorganization Act of 1946, as amended, and in accordance with its jurisdiction specified by subsection 1(j)(2)(D) of rule XXV of the Standing Rules of the Senate, to examine, investigate, and make a complete study of intergovernmental relationships between the United States and the States and municipalities, including an evaluation of studies, reports, and recommendations made thereon and submitted to the Congress by the Advisory Commission on Intergovernmental Relations pursuant to the provisions of Public Law 86–380, approved by the President on September 24, 1959, as amended by Public Law 89–733, approved by the President on November 2, 1966.

Sec. 2. For the purposes of this resolution the committee, from February 1, 1970, to January 31, 1971, inclusive, is authorized (1) to make such expenditures as it deems advisable; (2) to employ upon a temporary basis, technical, clerical, and other assistants and consultants: *Provided,* That the minority is authorized to select one person for appointment, and the person so selected shall be appointed and his compensation shall be so fixed that his gross pay rate shall not be less by more than $2,700 than the highest gross rate paid to any other employee; and (3) with the prior consent of the heads of the departments or agencies concerned, and the Committee on Rules and Administration, to utilize the reimbursable services, information, facilities, and personnel of any of the departments or agencies of the Government.

Sec. 3. The committee shall report its findings, together with its recommendations for legislation as it deems advisable, to the Senate at the earliest practicable date, but not later than January 31, 1971.

Sec. 4. Expenses of the committee, under this resolution, which shall not exceed $155,000, shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee.

SENATE RESOLUTION 311—RESOLUTION REPORTED AUTHORIZING ADDITIONAL EXPENDITURES BY THE COMMITTEE ON GOVERNMENT OPERATIONS FOR A STUDY OF CERTAIN ASPECTS OF NATIONAL SECURITY AND INTERNATIONAL OPERATIONS

Mr. JACKSON, from the Committee on Government Operations, reported the following original resolution (S. Res. 311); which was referred to the Committee on Rules and Administration:

S. Res. 311

Resolved, That in holding hearings, reporting such hearings, and making investigations as authorized by section 134 of the Legislative Reorganization Act of 1946, and in accordance with its jurisdiction under rule XXV of the Standing Rules of the Senate, the Committee on Government Operations, or any subcommittee thereof, is authorized, from February 1, 1970, through January 31, 1971, to make studies as to the efficiency and economy of operations of all branches and functions of the Government with particular reference to:

(1) the effectiveness of present national security methods, staffing, and processes as tested against the requirements imposed by the rapidly mounting complexity of national security problems;

(2) the capacity of present national security staffing, methods, and processes to make full use of the Nation's resources of knowledge, talents, and skills;

(3) the adequacy of present intergovernmental relationships between the United States and international organizations of which the United States is a member; and

(4) legislative and other proposals or means to improve these methods, processes, and relationships.

Sec. 2. For the purposes of this resolution, the committee, from February 1, 1970, to January 31, 1971, inclusive, is authorized—

(1) to make such expenditures as it deems advisable;

(2) to employ, upon a temporary basis, and fix the compensation of technical, clerical, and other assistants and consultants: *Provided,* That the minority of the committee is authorized at its discretion to select one employee for appointment, and the person so selected shall be appointed and his compensation shall be so fixed that his gross rate shall not be less by more than $2,700 than the highest gross rate paid to any other employee; and

(3) with the prior consent of the head of the department or agency concerned, and the Committee on Rules and Administration, to utilize on a reimbursable basis the services, information, facilities, and personnel of any department or agency of the Government.

Sec. 3. Expenses of the committee under this resolution, which shall not exceed $105,000, shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee.

SENATE RESOLUTION 312—RESOLUTION REPORTED AUTHORIZING ADDITIONAL EXPENDITURES BY THE COMMITTEE ON LABOR AND PUBLIC WELFARE FOR INQUIRIES AND INVESTIGATIONS

Mr. YARBOROUGH, from the Committee on Labor and Public Welfare, reported the following original resolution (S. Res. 312); which was referred to the Committee on Rules and Administration:

S. Res. 312

Resolved, That the Committee on Labor and Public Welfare, or any duly authorized subcommittee thereof, is authorized under sections 134(a) and 136 of the Legislative Reorganization Act of 1946, as amended, and in accordance with its jurisdiction specified by rule XXV of the Standing Rules of the Senate, to examine, investigate, and make a complete study of any and all matters pertaining to the jurisdiction of the Committee on Labor and Public Welfare including all matters relating to education; health, labor relations, labor safety, wages and hours, and migratory labor conditions; manpower training and utilization; poverty, railroad retirement; and veterans education, health, and readjustment to civilian life.

Sec. 2. For the purpose of this resolution the committee, from February 1, 1970, to January 31, 1971, inclusive, is authorized (1) to make such expenditures as it deems advisable; (2) to employ, upon a temporary basis; technical, clerical, and other assistants and consultants: *Provided,* That the minority is authorized to select one person for appointment, and the person so selected shall be appointed and his compensation shall be so fixed that his gross rate shall not be less by more than $2,700 than the highest gross rate paid to any other employee; and (3) with the prior consent of the heads of the departments or agencies concerned, and the Committee on Rules and Administration, to utilize the reimbursable services, information, facilities, and personnel of any of the departments or agencies of the Government.

Sec. 3. Expenses of the committee under this resolution, which shall not exceed $695,000, shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee.

NOTICE OF HEARINGS

Mr. PELL. Mr. President, the Subcommittee on Education of the Committee on Labor and Public Welfare will hold hearings on S. 939, a bill to amend the Higher Education Act of 1965 in order to provide for a U.S. Foreign Service Corps, introduced by the Senator from Colorado (Mr. Dominick), on January 29 and 30 in the hearing room at 10 a.m.

Persons interested in testifying should contact the subcommittee staff.

CONTROL OF ORGANIZED CRIME IN THE UNITED STATES—AMENDMENT

AMENDMENT NO. 443

Mr. TYDINGS. Mr. President, in 1957 Congress enacted new legislation in the field of civil rights. As part of this legislation, Congress created an Assistant Attorney General for Civil Rights and elevated the Civil Rights Section in the Justice Department to a full division.

The reasons for creating a Civil Rights Division headed by an Assistant Attorney General were stated by Attorney General Brownell before the Senate Subcommittee on Constitutional Rights. According to the Attorney General, the action was necessary because—

> The Department's civil rights activities . . . [have] important civil as well as criminal function and [there is] the need to have responsibility centered in a well-qualified lawyer with the status of a presidential appointee, who will be able to devote his full time and attention to the legal aspects of civil rights problems.

The Senate will soon be considering S. 30, the Organized Crime Control Act of 1969, a bill which if enacted, will represent a significant law enforcement advancement in our Federal law enforcement efforts against organized crime.

The reasons which persuaded Congress to create an Assistant Attorney General for Civil Rights now clearly call for the creation of an Assistant Attorney General for Organized Crime. Like the 1957 civil rights legislation, S. 30 promises to give new and important law enforcement responsibilities to the Justice Department. Moreover, like the Department's civil rights activities, the Department's organized crime effort will have important civil as well as criminal functions, particularly in light of title IX of S. 30 which fashions important new civil remedies to deal with the infiltration of organized crime into legitimate

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organizations. Furthermore, employing the criteria used by Attorney General Brownell, the Federal Government's efforts against the critical nationwide problem of organized crime, like its efforts in the field of civil rights, should be under the direction of one prestigious law enforcement official who may command the manpower and resources which are equal to the complexity and importance of his task and which are not diluted by other responsibilities.

Mr. President, to this end, I am now submitting an amendment to S. 30 for printing, on behalf of myself and Senators GORE, MONDALE, and WILLIAMS of New Jersey, which shall create a new Assistant Attorney General, who shall be appointed by the President pursuant to section 506 of title 28, and who shall head an Organized Crime Division in the Justice Department. My proposal is based on legislation, S. 974, which I introduced earlier this year and which was discussed at some length by a number of witnesses during the hearings of the Subcommittee on Criminal Laws and and Procedures.

Organized crime is a unique and particularly devastating kind of crime. The President's Crime Commission has described organized crime in the following manner:

> Organized crime is a society that seeks to operate outside the control of the American people and their governments. It involves thousands of criminals, working within structures as complex as those of any large corporation, subject to laws more rigidly enforced than those of legitimate governments. Its actions are not impulsive but rather the result of intricate conspiracies, carried on over many years and aimed at gaining control over whole fields of activity in order to amass huge profits.
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> The core of organized crime activity is the supplying of illegal goods and services—gambling, loan sharking, narcotics, and other forms of vice—to countless numbers of citizen customers. But organized crime is also extensively and deeply involved in legitimate business and in labor unions. Here it employs illegitimate methods—monopolization, terrorism, extortion, tax evasion—to drive out or control lawful ownership and leadership and to exact illegal profits from the public. And to carry on its many activities secure from governmental interference, organized crime corrupts public officials.
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> In many ways organized crime is the most sinister kind of crime in America. The men who control it have become rich and powerful by encouraging the needy to gamble, by luring the troubled to destroy themselves with drugs, by extorting the profits of honest and hardworking businessmen, by collecting usury from those in financial plight, by maiming or murdering those who oppose them, by bribing those who are sworn to destroy them. Organized crime is not merely a few preying upon a few. In a very real sense it is dedicated to subverting not only American institutions, but the very decency and integrity that are the most cherished attributes of a free society. As the leaders of Cosa Nostra and their racketeering allies pursue their conspiracy unmolested, in open and continuous defiance of the law, they preach a sermon that all too many Americans heed: The government is for sale, lawlessness is the road to wealth; honesty is a pitfall and morality a trap for suckers.

To effectively combat this challenge of organized crime, the President's Crime Commission has suggested that the Justice Department's efforts be made a division-level operation directed by an Assistant Attorney General. That recommendation was made 2 years ago, but no heed has been paid to it. As Congress launches a new effort against organized crime with S. 30, it is time to implement the Crime Commission's recommendation.

Implementation is necessary for a number of reasons.

First, an Assistant Attorney General in charge of an Organized Crime Division will have the clear responsibility of directing an intensive and comprehensive effort, undiluted by other responsibilities, to control organized crime. Presently, the Justice Department's organized crime activities are charted in the Organized Crime Section of the Criminal Division. Administratively the Section stands on the same level as a number of other sections in the Criminal Division, such as Administrative Regulations, Fraud, Appellate, General Crime, Legislation and Special Projects and Administrative. As a result, the Assistant Attorney General for the Criminal Division is placed in a situation where he is forced either to concentrate his efforts on organized crime or the general crime-fighting activities or to dilute his efforts by trying to concentrate on both. The two are simply not coterminous and are too extensive for any single man to handle adequately.

Second, the creation of a new Assistant Attorney General and an Organized Crime Section can assure an ongoing, institutionalized commitment to a war on organized crime. Without such a commitment, history has shown that the Department's effort against organized crime remains dependent upon the personal interests of the Attorney General and the Assistant Attorney General for the Criminal Division. It is noteworthy that the interest and intensity of effort in combating organized crime has not remained constant through the changes in top echelon personnel. Indeed, at times the effort has waned. Since 1966 and the Presidential directive of that year, the Organized Crime Section has again been spurred into action. However, the recent momentum does not detract from the history of ebb and flow of the section's activities.

Mr. President, another decline in interest and activity should not be risked. The legislative creation of a permanent Assistant Attorney General whose paramount responsibility will be to fight organized crime would obviate this risk.

Third, the present size and anticipated growth of the Organized Crime Section calls for its elevation to division status. The Section, at the present time, is larger in manpower than the Internal Security Division of the Department of Justice, and comparable to the Civil Rights Division and the Lands Division. Presently, the authorized strength of the Organized Crime Section is 89 attorneys. For fiscal year 1970, this is scheduled to increase to 112 attorneys. In contrast, the Internal Security Division has 54 attorneys. The Land Division has 109 attorneys. The Civil Rights Division has 119 attorneys. Moreover, the administration is now seeking to establish a Consumer Protection Division, which, according to Assistant Attorney General Richard McLaren in his testimony before the Senate Subcommittee on the Consumer, will have a staff of only from 25 to 30 lawyers and economists.

It is also significant to note the contrast in the number of attorneys expected for fiscal 1970 in the Organized Crime Section, 112; with the number expected to be in the Criminal Division's next largest section, 22.

Table 1, which I ask unanimous consent to be inserted in the RECORD as part of my remarks, illustrates the disparity in manpower between the Organized Crime Section and other criminal division sections and the similarity between Organized Crime Section's manpower level and that of the other divisions of the Justice Department.

(See exhibit 1.)

Mr. TYDINGS. Mr. President, good management alone suggests that law enforcement activities which necessitates 112 lawyers demand at least the same administrative stature, level of leadership and concentrated effort as activities employing 25 or 50 lawyers, and clearly should not be on the same administrative level as activities which require 22 and less attorneys.

Moreover, the present section, like a division, is divided into a number of units.

Fourth, important new weapons, such as special grand juries, depositions to preserve testimony, civil forfeiture proceedings and civil investigative demands almost identical to those used in antitrust matters under the supervision of the Assistant Attorney General for Antitrust, given by S. 30 to the Department of Justice to fight organized crime. These new weapons make it more important than ever to coordinate the antiorganized crime effort at a division level under the direction of an Assistant Attorney General. If these newest weapons are to be properly utilized against organized crime, the Department must provide high level impetus, direction, and control, the kind that can only be given by an Assistant Attorney General charged solely with fighting organized crime.

Finally, and perhaps most importantly, an Assistant Attorney General in charge of an Organized Crime Division will appreciably enhance the accountability and visibility of the organized crime effort. The Assistant Attorney General for Organized Crime would be a Presidential appointee subject to Senate confirmation. In addition, the Organized Crime Division would have a separate, definable budget.

In brief, I do not believe that the Federal Government's anti-organized crime machinery will be equal to the tremendous task set for it without top echelon leadership, divisional status in the Justice Department, and a clear statutory mandate of authority and responsibility.

There is widespread support for the statutory creation of an additional Assistant Attorney General who shall be responsible for the anti-organized crime effort. In addition to the support for this proposal which has been given by the President's Crime Commission, the idea

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has been endorsed by the American Bar Association, hearings, page 267, "a good change in structure within the Department of Justice"; Prof. Henry Ruth, University of Pennsylvania School of Law, hearings, page 347; John P. Diuguid, general counsel, Association of Federal Investigators, hearings, page 277; Edwyn Siberling, hearings, pages 531 and 532; Milton R. Wessel, hearings, page 533; and William G. Hundley, former Chief of Organized Crime Section, hearings, pages 425 to 427.

Mr. Hundley's comments at the hearings on S. 30 before the Subcommittee on Criminal Laws and Procedures are particularly relevant to a discussion of the need to elevate the Organized Crime Section to divisional status—hearings, pages 425 and 426:

> Mr. Hundley. I, of course, favor elevating the section to division status. I favored it when I was down there. When I left as Chief of the section we had about 60 attorneys in the section and it was becoming unmanageable as a section then. I understand they have over 70 now, and that, if they receive supplemental appropriation they will have 89 and if they receive the requested appropriation for next year, they will have 140 attorneys.
>
> Now, it just doesn't make any sense to me to ask for $65 million for an organized crime drive, which I agree with, by the way—ask for 140 attorneys, and then seem to quibble on whether or not it ought to be a division. It just seems to me that it just flows naturally that it ought to be a division. I agree with Senator Tydings' bill on that.

I am aware that some months ago the Attorney General asked that no legislative action be taken to create an Assistant Attorney General for Organized Crime Control until the completion of a report of the President's Advisory Council on Effective Organization. Suffice it to note that such review has been underway for more than 7 months and no resolution has appeared. Moreover, in light of the Attorney General's current interest in establishing a Consumer Division, I take it that he no longer considers this pending study to be an obstacle to the creation of a Division in the Justice Department if Congress determines it so warranted. Furthermore, no delay in the passage of S. 30 is requested, and this legislation, as noted above, will give the Department new weapons to use against organized crime which surely will place new burdens on the already strained organization.

A chief fear expressed by opponents of this legislation is that—

> There would be complex problems of determining which division, either the Criminal Division or the Organized Crime Division, should have jurisdiction [over a particular federal criminal prosecution]. (Hearings pp. 391, 530, 531, 532.)

Such problems may occur; indeed, they occur today as the various sections within the Criminal Division vie for control of a particular prosecution. Yet, those problems are worked out regularly and without undue difficulty—hearings, pages 426, 167.

A second expressed concern is that, without the organized crime function as a part of the Criminal Division, that Division would have little left to do and it would be difficult to attract a "high quality person to head the Criminal Division."—Hearings, page 530; see also pages 426, 532. Almost two-thirds of the attorneys in the Criminal Division are assigned to sections other than the Organized Crime Section. Consequently, elevating the section to division status will hardly gut the Criminal Division. As for recruiting a highly qualified individual to head a Criminal Division which does not control organized crime prosecutions, it must be noted that interest in criminal justice has expanded immensely in recent years and surely there will still be well-qualified men interested in that field in the future as there are today.

The real objection, I feel certain, to creating a division with an Assistant Attorney General for Organized Crime Control is bureaucratic inertia and prerogatives. This problem is not peculiar to the present leadership.

As Congress confers new powers on the Department and sanctions a new impetus against organized crime, there should be a clear congressional mandate for a permanent commitment to a war on organized crime. The surest way of stating that commitment is through legislative action to create an Assistant Attorney General and a Division for Organized Crime Control.

EXHIBIT 1

TABLE 1.— *Organized crime section attorneys as compared with other divisions and sections in criminal division*

DIVISIONS, FISCAL YEAR 1969	
Antitrust	319
Tax	240
Civil	200
Criminal (100 minus organized crime section)	189
Civil rights	119
Land and natural resources	109
Organized crime section	89
Internal security	54
Consumer (projected)	25
SECTIONS, AUTHORIZED FISCAL YEAR 1970	
Organized crime	112
General crime	22
Appellate	20
Fraud	15
Legislation and special projects	15
Government operations	12
Administration regulation	13
Narcotic drugs	10

Mr. TYDINGS. Mr. President, I ask that the amendment be printed in the RECORD at this point. I shall call it up when the bill is before us.

The PRESIDING OFFICER. The amendment will be received and printed, and will lie on the table; and, without objection, the amendment will be printed in the RECORD.

The amendment (No. 443) is as follows:

AMENDMENT NO. 443

On page 99, strike all printed matter on lines 15 through 20, insert in lieu thereof the following:

"TITLE XI—ASSISTANT ATTORNEY GENERAL FOR ORGANIZED CRIME"

SEC. 1101. Section 506 of title 28, United States Code, is amended by—

(a) striking the word "nine" and inserting in lieu thereof the word "ten" and

(b) adding at the end thereof the following new paragraph:

"One of the Assistant Attorneys General shall be designated Assistant Attorney General for Organized Crime Control and shall be appointed from among persons who are especially qualified to assist the Attorney General in the supervision and conduct of investigations, prosecutions and other activities relating to organized crime activities."

SEC. 1102. Section 5315(19) of title 5, United States Code is amended to read as follows:

"(19) Assistant Attorneys General (10)."

TITLE XII—GENERAL PROVISIONS

SEC. 1201. If the provisions of any part of this Act or the application thereof to any persons or circumstances be held invalid, the provisions of other parts and their application to other persons or circumstances shall not be affected thereby.

CONTROL OF ORGANIZED CRIME IN THE UNITED STATES—AMENDMENTS

AMENDMENT NO. 444

Mr. GOODELL submitted amendments, intended to be proposed by him, to the bill (S. 30) relating to the control of organized crime in the United States, which were ordered to lie on the table and to be printed.

DEPARTMENTS OF LABOR, HEALTH, EDUCATION, AND WELFARE APPROPRIATION BILL, 1970—AMENDMENT

AMENDMENT NO. 445

Mr. NELSON proposed an amendment to the House amendment, Senate amendment No. 83, to the bill (H.R. 13111) making appropriations for the Departments of Labor, and Health, Education, and Welfare, and related agencies, for the the fiscal year ending June 30, 1970, and for other purposes, which was ordered to be printed.

(The remarks of Mr. NELSON when he submitted the amendment appear earlier in the RECORD under the appropriate heading.)

NOTICE OF HEARINGS

Mr. PELL. Mr. President, our Nation's institutions of higher education have been in the news almost daily for the past few years. The problems being faced by American colleges, universities and junior colleges are myriad, running the gamut from their basic role and structure to the ever-present need for finding funds to finance a college education. With this in mind, I would like to announce that the Subcommittee on Education of the Committee on Labor and Public Welfare plans to commence in-depth hearings on February 4, which are to continue for sometime thereafter.

Persons wishing to be heard should contact the staff of the Subcommittee on Education.

FINANCIAL CRISIS FACING ART AND MUSICAL ORGANIZATIONS—NOTICE OF JOINT HEARINGS

Mr. PELL. Mr. President, Mr. Patrick Hayes of Washington, in his weekly comment on the WGMS good music station, has often spoken most succinctly about the general problems besetting our country's cultural organizations. Last Sunday he made a most telling statement about the financial crisis which many art and

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music organizations will be facing in the next year or two.

Stating quite simply that what is needed is money and not a new committee, study, or seminar, Mr. Hayes has correctly assessed what must be done if the cultural life of the Nation is to survive, let alone grow. I ask unanimous consent that his comment be printed at this point in the RECORD.

There being no objection, the comment was ordered to be printed in the RECORD, as follows:

COMMENT BY PATRICK HAYES

(Broadcast over radio station WGMS, Washington, D.C., Sunday, Jan. 18, 1970)

Good afternoon. We are living in an age of experts and specialists. The old-fashioned family doctor is now only the doctor you see first who then sends you on to a specialist. Lawyers are divided into categories of communications, tax, corporation, estate, criminal, transportation and other special fields. Large companies often call in management consultants or management research teams to find out how they are doing, not trusting entirely their own management hierarchy. The Federal government engages experts and specialists by the hundreds, and whenever a new subject comes up a new panel or committee is appointed to research and report—recently we have had surveys of the national problems involving health, air-pollution, water-pollution, the threat of eventual over-population. The sum of it all is that the problem is "identified", clarified, put into sharp focus—and when this is done, there it remains—the problem. Sometimes ideas and ways and means are indicated for the solution of the problem—not always—but even when the way is pointed out, and makes sense, the going is slow or even rough to attain the solution.

Take our field of the arts, for example. If Congress, or a national foundation, or the National Council on the Arts had engaged a management consultant firm or appointed a committee of knowledgeable citizens to survey in depth, as the saying goes, the entire field of the arts today in America, we would end up with the conventional wisdom of problem identification, problem clarification, and problem focus. What to do and how to do it by way of solving the problem would remain as the questions of the day.

As it happens, all this had been done, several times—first there was the Rockefeller Brothers Fund report, called Problems and Prospects of the Performing Arts—this was about five years ago. Then about two years ago, there was the Twentieth Century report by the two economics professors at Princeton, Baumol and Bowen, called the Economic Dilemma of the Performing Arts. Both reports were parallel in their findings—the arts were great assets in our national life, worthy of full attention and financing. Baumol and Bowen made a statistical projection predicting a cost-price crunch for the big musical budgets of the nation in symphony and opera along about the early 1970's, but left the possible answer to this crunch pretty much up in the air.

During the past twelve months, the predicted crunch was dramatized by the strikes of symphony orchestras and the work-stoppage at the Metropolitan Opera—money, money, money, was the theme. Any arts administrator could prove the point by showing you the balance sheet of his operation—documenting what the Rockefeller Brothers book said, documenting what Baumol and Bowen said, and now finally what was said just last week by the most knowledgeable single source in America, W. McNeil Lowry, head of the arts and humanities division of the Ford Foundation. Any further findings by committees or authors are unnecessary. Any other source would only duplicate what Mr. Lowry has just said, and would do well to say it so incisively. What has Mr. Lowry just said: "Arts seen in Demand-Cost Squeeze". In other words, the prediction of Baumol and Bowen has arrived—the crunch is here, early in the 1970's.

Howard Taubman writes the Lowry story, which begins "The Ford Foundation has contributed more than $195 million to the arts since 1957, but on the basis of urgent appeals that it feels deserve attention it would need to distribute a much larger sum in 1970 alone". It is a certainty that every arts organization in America has an application in at the Ford Foundation, and here is the head of the Arts Division at Ford saying that $195 million would be needed to meet the requests of all of them, for this year alone. As it is the annual sum allotted to the arts by the Ford Foundation is $20 million, which will amount to 200 million over the next ten years, the same as the past ten years—but the proportions of the total financal problem of the arts in America are so enormous, that the ten-year total is needed now, for one year—and let us remember we are discussing only one source of funds, one foundation, Ford. There are other foundations, there is the American corporate financial structure, there is government at the three levels of local, state and federal, and there are private patrons—in short, the machinery is there for the solution of the financial problem, but somehow it isn't working.

What is the nature of the crunch, the crisis—Mr. Lowry says it is the result of a number of factors: rising costs of labor and material, the pressure to lengthen seasons and increase services, the development of new institutions that desire support and the inablity to raise admission prices to sufficiently meet increased costs. This summary grows out of Mr. Lowry's experience of the past ten years in reviewing and approving grants of $86 million to over 60 symphony orchestras a few years ago, $25 million to Lincoln Center, and $84 million to theaters, operas, dance companies, schools and conservatories and to individual performers and creators in all the arts. This is as high a price as one can imagine, $195 million, for a fact-finding report, an authoritative opinion.

Mr. Lowry says that the costs of labor and materials are rising. This is a fact well known to all of us who read the daily papers and hear the news. Ask the housewife who shops each week—the current price of eggs per dozen compared to a year ago. The other day a steel company announced a 5% rise in its prices, Everything is going up. So that problem is identified.

Mr. Lowry says that there is pressure to lengthen seasons and increase services. True—the public is willing to accept more music and dance and theatre—musicians, dancers and actors want full-time employment—all this makes sense in an affluent society.

Mr. Lowry says that new institutions and organizations have been established for public service in the arts, and it follows that their applications are added to the old ones, increasing the demands on Ford and other foundations and sources.

Mr. Lowry's fourth point is based on nearly 100 years of wisdom—that admission prices cannot be increased sufficiently to meet increased costs? Why—it would take a ticket-price range of $10 minimum and $25 top to begin to break even and not require a sustaining fund for orchestras, operas, and ballet companies, and such a high scale would price music out of the market—the general public would simply not be able to afford these prices and would not go to musical events. When Henry Higginson founded the Boston Symphony Orchestra in the 1880's he declared the policy we have all lived by since—that the world's finest music should be made available to the largest number of people, *at prices within the reach of all*. And you underline "at prices within the reach of all". As the cost of that world's greatest music goes sky-high, like everything else in modern life, and the prices are kept within the reach of all, it means a deficit, and the deficit gets bigger each year, and as Mr. Lowry says a point is reached, as he said a year ago and repeated last week: "The absolute volume of pent-up financial needs and the hard-pressed social and economic position of the artist continue to overwhelm all existing sources of support."

So there you have a clear picture of the problems of the arts today, from the expert of experts, and you also have the answer to the problem implied in Mr. Lowry's words, where he says that the total needs "overwhelm *all existing sources* of support". This points one way—toward *new and additional sources of support*, doesn't it?

What new and additional sources? Clearly, *government*, and *business*.

Several Sundays ago I made what seemed to many a whimsical suggestion that the Federal government come in all the way with an appropriation of one billion dollars for the arts, to stabilize and strengthen them over the next few years. I mentioned three years. I was not far off target, since Mr. Lowry's figures show a need of $200 million for 1970 alone, and five times this for a five-year period is one billion.

I now suggest that the ad hoc committee representing the 77 symphony orchestra leaders who met at Philharmonic Hall several weeks ago take the initiative in requesting President Nixon to call a White House Conference on the Arts, to drive into these figures of Mr. Lowry's and the problems they define so sharply, with the goal in mind of a request for a Congressional action leading to an appropriation of one billion dollars for the arts, channeled through the National Endowment for the Arts, and couple this with a matching-fund challenge to American business for an equal sum, with special tax incentives and deductions if necessary to spur the interest of the corporations in the endeavor. If two billion resulted, one billion could become a permanent endowment the income from which could ride year by year alongside the future annual appropriations of the government and the annual contributions from American business.

We have the experts and we have the specialists for the wise expenditure of such large sums for the arts. Largesse need not eliminate wisdom and prudence. It is a question of the arts having enough money year by year to live, not merely survive. It is a question of the public good, the public happiness, and this high purpose was stated by our President himself in his Message on the Arts to Congress on December 10, 1969—in which he said:

"Americans have long given their first concerns to the protection and enhancement of life and liberty; we have reached the point in our history when we should give equal concern to "the pursuit of happiness."

"This phrase of Jefferson's, enshrined in our Declaration of Independence, is defined today as the "quality of life." It encompasses a fresh dedication to protect and improve our environment, to give added meaning to our leisure and to make it possible for each individual to express himself freely and fully.

"The attention and support we give the arts and humanities—especially as they affect our young people—represent a vital part of our commitment to enhancing the quality of life for all Americans.

"Our creative and performing artists give free and full expression to the American spirit as they illuminate, criticize and celebrate our civilization."

"Celebrate our civilization." If the arts and artists falter, even fail, there will be little to celebrate. The way is clear—it is only money, enough money, on time.

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Mr. PELL. Mr. President, an admirable start in Federal support of the arts has been made by the National Endowment for the Arts, which was established by the National Foundation on the Arts and Humanities Act of 1965. This authorizing legislation will lapse on June 30 of this year. Therefore, Mr. President, I should like to announce that the Special Subcommittee on the Arts and Humanities of the Senate Committee on Labor and Public Welfare in conjunction with the Special Subcommittee on Education of the House Education and Labor Committee has scheduled joint hearings on the renewal of the arts and humanities legislation on January 26, 28, and February 3. Persons interested in submitting statements should contact the subcommittee staff.

RECESS APPOINTMENT TO FEDERAL NATIONAL MORTGAGE ASSOCIATION

Mr. SPARKMAN. Mr. President, it is unfortunate that President Nixon has seen fit, in a last minute, quick appointment, to bypass the Senate's right to advise and consent to a nomination for high office in his administration. Yesterday, only a few hours before Congress reconvened, the President made what is technically a recess appointment to the presidency of the Federal National Mortgage Association.

Although no reason was given for such unprecedented action, the effect may be to give permanent status to the appointee without regard to the advice and consent requirement of the Federal statute.

I feel that his appointment throws a heavy cloud over the FNMA operation, which is so vital to the continued stability of the housing industry at this crucial time of tight money and extreme shortage of mortgage credit.

This new action of the President further complicates an already confusing situation at FNMA and jeopardizes its continued effectiveness in shoring up the already weak mortgage market for housing.

When I first learned, in early December, that the President had acted to remove Raymond H. Lapin as president of FNMA, I communicated my concern to him about the effect of this action on the FNMA's operation. Later I wrote to him requesting that no recess appointment be made during the time that litigation was pending over Mr. Lapin's status. Now I learn that he has proceeded to make the appointment and by so doing has not only spread a cloud over the Lapin court case but is effectively circumventing the Senate's advice and consent authority under the law. Mr. President, Federal law permits a recess appointee to remain in office for the full session of Congress and, in this case, the way the FNMA law is written, the appointee can become the permanent FNMA president without regard to the will of the Senate. After May 1, 1970, FNMA can convert to a private corporation and the question of Senate approval of the Presidential appointee becomes moot.

The timing of President Nixon's action is particularly regrettable because it was only last Friday—literally hours before the recess appointment was made—that the U.S. Court of Appeals for the District of Columbia ruled that Mr. Lapin's case be given speedy treatment in the trial court so as to remove the doubt over the presidency of FNMA.

Under the Appeals Court decision, Mr. President, the validity of Mr. Lapin's removal will be decided on a motion for summary judgment in the trial court. In other words, the litigation is moving along rapidly.

Why should President Nixon decide to make an appointment now, when the court is about to decide once and for all the status of the FNMA presidency?

It was only 18 months ago that the Senate gave prompt and unanimous confirmation to the appointment of Mr. Lapin as President of FNMA. By all accounts, the new quasi-private FNMA has been overwhelmingly successful under the leadership of Mr. Lapin. His efforts have drawn accolades from Secretary Romney, from other members of FNMA's Board of Directors, and from the housing and mortgage industries.

Mr. President, we are at a crucial period in providing housing for the American people primarily because of the lack of adequate mortgage credit. Fortunately, and largely through Mr. Lapin's leadership, FNMA is providing substantial support to the FHA and VA mortgage market. Understandably, I believe, I was greatly concerned at the time that the President removed Mr. Lapin that FNMA would be weakened. I believe subsequent events have shown this fear to be founded in fact. Now he has further complicated the situation by proceeding, without regard to the courts and without regard to the intent of the statute, to name a new president to this organization.

My concern, Mr. President, relates to the impact that all of this confusion in the operations of FNMA may have upon housing so critically needed for American families today.

ARMY CONCEPT FOR USE OF C-5A HEAVY LIFT AIRCRAFT

Mr. GOLDWATER. Mr. President, during the latter part of the first session of this Congress, I placed in the RECORD a speech given by Gen. William Westmoreland before the Association of the U.S. Army.

In his speech, the general touched very briefly on a most important subject; namely, the Army of the future. Recognizing that his thinking is of a more mobile, smaller Army with the job of detection pretty much resting on other than human sources, such an Army would require important changes in supply and logistics.

General Westmoreland sent me a policy statement, a systems description, and a definition of terms covering the Army's concept for the use of the C-5A heavy lift aircraft in the combat service supply role. Because this very important addition to the Air Force inventory has, as usual, been receiving derogatory accusations from the usual uninformed sources, I thought it would be wise to make this Army concept available for Members of Congress.

I ask unanimous consent that the statement be printed in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

ARMY CONCEPT FOR USE OF C-5A/HEAVY LIFT AIRCRAFT IN THE COMBAT SERVICE SUPPORT ROLE

POLICY STATEMENT

The principles used in developing this policy statement are based, wherever possible, on approved Army doctrine and joint service regulations or agreements. Analysis of related studies and projects was used as guidance. The basic building block was the present logistic distribution system as modified by the TASTA 70 organizational and operational environment. Moreover, it introduces the concept of INVENTORY IN MOTION. Inventory in motion, a revitalized supply management program, will minimize the requirement for large stock levels at immobile depot activities in the combat zone.

It is recognized from the outset that heavy lift aircraft, a program which the Army supports, do not represent a new mode of transportation. However, they do provide increased lift capacity at reduced tariff rates which are of sufficient magnitude to require examination of the Army logistic system to determine how this capacity can most effectively be used on a routine basis. The Army visualizes using this airlift on three strategic roles; deployment, buildup, and resupply. Each of these phases have distinct and sometimes overlapping characteristics. Deployment pertains to the initial period when troop units and accompanying high priority supplies are being deployed to or towards the objective area. Buildup generally overlaps the deployment phase in moving large numbers of personnel replacements and buildup and resupply of theater stocks to support forces in active operations. Resupply commences on completion of the buildup phase and continues as long as the supported forces remain in an overseas area.

In the deployment phase, a rigidly controlled priority system will be required. This could be relaxed in the other phases when supplies could move routinely on a first-in/first out basis.

Increased air shipments affect all elements of the logistic system. Th ratio of air/surface transportation is changed. Improved response should reduce the pipeline, which in turn will affect prepositioning of supplies and equipment.

Transition from peacetime to wartime situations are inevitably accompanied by some changes to the current arrangements. Separate systems for each condition are not acceptable. The adjustments which must be made can be minimized by prior planning, particularly with respect to stockage patterns and levels.

Effective strategic mobility depends primarily on an optimum mix of: force readiness, pre-positioning of war reserve stocks and equipment, and responsive sealift and airlift. This policy statement primarily addresses cargo and equipment movements. It is recognized that movement of personnel will have an impact, particularly as a result of contingency operations. However, use of heavy life aircraft for the movement of passengers requires the same relative planning effort and movement controls as are currently needed for other types of passenger airlift.

Introduction of heavy airlift capability to the military transport system will require changes or modifications to the current Army combat service support system. Since the introduction of these aircraft is time phased over a two and one-half year period, any corresponding changes in Army logistics will be of an evolutionary nature.

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The Army combat service support system can be materially affected by the introduction of the heavy lift capability. The extent and degree of this influence must be developed in anticipation of availability of the resources. Potential impact areas include increased throughput from source of supply to depot, GS, DS, or user, and most significantly, will facilitate and support changes in maintenance and supply operations. Improved and resonsive documentation, communications, and automatic data processing systems must be made available to provide improved visibility of shipments. In the transportation system, advances in the use of containers, pallets, mechanized terminal equipment, and improved materials handling equipment will complement the new heavy lift aircraft. Unitization will be accomplished as close as possible to the source of supply. These improvements may require revised organizations and newly designed equipment as well as possible re-orientation of portions of the logistic system.

From a realistic viewpoint, the logistic system is dynamic rather than static. Thus, new concepts made available as a result of on-going and completed studies and projects must be evaluated for possible inclusion in the system as it evolves. Construction or upgrading of Army airfields and other supporting facilities must be planned. The Army school system must respond with training programs which will provide the requisite skills to manage and operate the logistic system. Despite conflicting interactions the new impact may result in a reduction of Army military, civilian, and indigenous employees in overseas areas. This, in turn, should reduce dollar expenditures overseas.

The narrative which follows describes briefly the Army concept. To provide continuity to the narrative, it has been aligned to follow the flow diagram of the system description. The system description (Annex A) contains amplification of concept statements and supporting rationale. Keystones in the system would be a logistic control office (LCO) and a theater oriented Army depot complex (TOADC) both operated by USAMC.

The TOADC would operate both air oriented and surface oriented elements. The LCO and TOADC should be designed to provide responsive logistic support to a theater using both air and surface transportation. They would tie together supply and transportation documentation to achieve theater logistic control and visibility.

As an interim measure, in order to maximize use of the heavy airlift capability when it first becomes available, depot air consolidation points should be considered for establishment. Location of the air consolidation points should be in the vicinity of the selected C–5A air terminals. Initially, these consolidation points would receive, process and consolidate Army cargo for air shipment. The consolidation points should also serve as receiving area/break bulk points for retrograde materiel. Interim measures overseas require provision of Army transportation movement control personnel at APODs. They must have the authority to order and commit allocated Army transportation resources for the rapid clearance of air terminals. Intransit cargo areas must be established adjacent to APODs and equipped with adequate MHE. This may require procurement of non-standard, off the shelf items compatible with Air Force equipment. Throughout this interim period Army use of Air Force containers/pallets can be expected.

Evolutionary changes in Army use of the C–5A capability should result in the following system. Logistic activities supporting overseas theaters would be theater oriented. These activities would include an LCO and the TOADC organized with both air and surface oriented elements. These activities, the TOADC and LCO, should be operated by USAMC. In CONUS, MTMTS would release material in release units directly to the POEs. Material which does not constitute a release unit is forwarded to MTMTS small shipment consolidating points (SSCPs). There they will be consolidated into release units for shipment to the POEs. The optimum objective of this system is to minimize handling and maximize throughput.

Basically, Army shipments may be classified as routine or emergency and are executed under the DOD priority system. Cargo would normally be generated as a result of MROs which are initiated by the ICP. Cargo movements in CONUS would be managed by MTMTS.

Release units should be containerized or palletized. A DOD family of intermodal modular containers of several sizes should be available so that, whenever possible, shipments can go from source to user with minimum handling. Smaller containers would be consolidated into larger containers for ease of handling. The containers, pallets, and MHE used by the Army for air movements would be compatible with the 463L System.

The Air Force would designate the intertheater APODs which are normally permanent; however, for contingency operations, temporary intertheater APODs might be selected. Upon arrival at these APODS cargo would be discharged from the aircraft by the Air Force. An Army air terminal movement control team ATMCT(A), located at the APOD, would provide instructions for onward movement. Whenever possible, container lots would be delivered direct to consignee. The following means for onward movement would be available:

1. AF intratheater fixed wing to: (a) Air Force intratheater APODs, (b) Army intratheater APODS.

2. Army air or surface from all APODs to: (a) Intransit cargo area(s), (b) DS/GS area(s), (c) Direct to user unit(s), (d) Theater reserve/oversea depot complex(es).

In addition to the more common means of transportation, Army helicopters would be used as required and available to provide terminal clearance.

Responsive telecommunications and ADPE interface between CONUS and overseas areas would provide timely receipt of management and movement information. Included in this system would be the LCO, APOE/APOD, NICP, MTMTS, MMC, and MCC. This capability would also provide cargo identification and interface between supply and transportation documentation (intransit cargo accounting).

Intransit cargo areas, operated by the Army should be located in close proximity to APODs. Release units requiring break bulk could be shipped to these intransit cargo areas for stripping and then expeditiously delivered to consignee.

Materiel management within the theater is the responsibility of the theater materiel management center (MMC). In the overseas theaters the LCO functions are performed by the MMC. Traffic management and movement control is the responsibility of the theater movement control center (MCC).

Significant changes in overseas maintenance activities would be supported by the increased availability of retrograde airlift. Increased lift would facilitate integration of Army maintenance capabilities and a consequent realignment within DS/GS. Closed loop operations would be expanded resulting in better asset control. Overall there should be an increase in retrograde shipments by air of reparables and excess supplies. These would constitute the bulk of Army generated retrograde cargo. Personal property would be considered prime second priority cargo.

User, DG/GS, and oversea theater reserve depot complexes generating full release units of retrograde would probably ship to the intra-theater air terminal for subsequent forwarding, or direct to the overseas APOE. To facilitate ultimate disposition in CONUS, these release units should be compatible by materiel commodity and oriented to the CONUS maintenance/depot receiving points. These movements would be directed by the MCC in coordination with the MMC. Serviceable retrograde might be diverted to other theaters or areas of operation by the ICP.

Less than release units would be shipped from user, DS/GS, and depot to the intransit cargo area for consolidation. Release units would then be forwarded to intra- or intertheater air terminals as directed by the MCC. Air Force personnel at the overseas APOE would accept cargo at that point for loading and movement to CONUS.

Upon arrival at the CONUS APOD, the MTMTS air terminal movement control team would arrange for the onward movement of release units to consignees as directed by the Army. Release units of consolidated shipments would be directed to the DOD SSCP for break bulk and further forwarding to consignee.

A system description of the foregoing concept is attached.

SYSTEM DESCRIPTION

The Army logistic environment of the 1970s will be characterized by more extensive use of air transport in support of overseas theaters. Responsive logistic supply and maintenance techniques must support this increased use of air lines of communications. Simplified documentation, improved communications, and extensive automatic data processing systems contribute to a more responsive logistic distribution system. This system functions with supporting ADP materiel and movement management systems and is oriented toward throughput of unitized cargo.

The concepts used are considered as having the least impact upon the existing system and can be inserted in the current logistic system within the 1970–1975 time frame. The critical link between the CONUS and overseas materiel distribution systems is the logistic control office (LCO) and the theater oriented Army depot complex (TOADC) which are integrated operationally. The logistic control office is responsible for accomplishing the following: establishes the integration of supply and movement information; provides the supported theater(s) with a single point of contact for all inquiries concerning the status of materiel in the supply and transportation systems; functions as a principal management center for integrating the CONUS and theater logistic management information systems; and performs other functions currently being accomplished by the established LCOs, to include the "Redball" procedures. These management information systems will be based on the MIL-STANDARD systems and the Automatic Digital Network (AUTODIN) and will provide data for development of a supply manifest document.

The LCO will establish management controls to provide visibility of inventory in motion into and out of a theater.

Theater supply support "push or pull" will be as prescribed by MILSTRIP procedures, with the documentation transmitted via AUTODIN. Requisitions and related documentation will be automatically and concurrently transmitted to the LCO to provide data for a logistic intelligence file (LIF). Release of cargo to transportation as documented by "shipment status," including shipper assigned transportation control number (TCN), flows through the AUTODIN and is automatically and concurrently transmitted to the LCO. Materiel movement and documentation will be as prescribed by MILSTAMP procedures, including the TCN as developed by the shipper and included in the "shipment status" previously dispatched via AUTODIN.

This data record developed by the LCO provides the case data for development of a

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supply manifest document. This document will contain the requisition number, FSN, quantity, TCN/sub-TCN, flight/vessel, container/pallet number, APOD/SPOD, ETA (Day/Hour), and a shipment receipt control code. This document will provide MILSTRIP/MILSTAMP interface and precede MILSTEP implementation overseas, in addition to providing the consignee with materiel flow status.

The data record as developed and stored by the LCO (supply and transportation) contains the essential elements to provide visibility of inventory in motion, a supply manifest document for dispatch to the MMC which has an LCO type function and response to supply follow-up or transportation tracer.

The furnishing of a supply manifest document to the MMC provides the capability to the theater to confirm the shipment receipt to the CONUS LCO.

Retrograde supply/transportation document flow will basically follow that procedure as described for cargo inbound to a theater, but in reverse. Materiel will move from DS/GS or depot to an intransit cargo area or direct to the APOE/SPOE under control of the MCC, utilizing the MILSTAMP procedures.

The supply documentation (MILSTRIP) will be prepared or controlled by the LCO element of the MMC. Variation in supply documentation as prescribed for management of excess materiel, Closed Loop, Secondary Items Intensive Management (SIIM), automatic returns, or the weapons systems and management systems, will be controlled on the supply document number, to include FSN and quantity, thereby reflecting the reentry of these materiels in the pipeline for item visibility of inventory in motion.

A retrograde history status file similar to a logistic intelligence file (LIF) will be developed by the MMC, to include transportation data furnished by the document. This document will be transmitted to the CONUS LCO in a timely manner to permit management controls for receipt and onward movement of materiel through a CONUS APOD/SPOD to ultimate CONUS consignee.

The CONUS LCO will transmit advice of receipt of retrograde identified on the retrograde supply manifest document to the MMC.

The theater oriented Army depot complex (TOADC) will store Army managed items. The specific items and stockage levels of TOADC will be managed by the CONUS item manager and will be based, as a minimum, on the theater authorized stockage list(s), (TASL) of the supported theater(s). Upon direction of the item manager, the TOADC will initiate the physical shipment of materiel. Based upon instructions received, these shipments will be prepared for movement by surface or air modes of transportation, and will be oriented toward throughput distribution.

Items designated as air eligible such as major components, assemblies, certain repair parts, and electronic items will be stocked at the air oriented elements of the TOADC. These air oriented elements are concerned with those TASL items which are designated to be routinely shipped by air. These items require different packing specifications and response requirements than those using surface as the normal transportation mode. Accordingly, the TOADC should be a convenient geographic location to the APOE. The TOADC selecting from a family of various sizes modular containers, picks, packs, and marks materiel for shipment to the consignee. Where possible materiel will be prepared to facilitate throughput distribution direct to DSU/GSU and other authorized consignees. The modular containers are, in turn, stowed in inter-modal containers and shipped to the APOE. Daily deliveries of specific tonnage, programmed in advacned are made in this manner.

Transportation movements control activities (CONUS/overseas) are concerned with planning, coordinating, programming and supervising the allocation and use of available air and surface transportation resources to meet movement requirements. Centralized control of cargo movements overseas and in CONUS is required and must consider the total requirements for mode determination. The MTMTS and the MCC will provide centralized movement control in CONUS and overseas respectively. These agencies must have the capability to interface with each other and with their respective materiel management activities. Air transportation cargo movements addressed below will consider three basic processing routines—forecasting, scheduling and monitoring. The Military Airlift Command (MAC) will provide inter-theater logistical airlift support based on allocations made by the JCS.

The management of air cargo movements will be intensified as airlift capacity increases. Transportation movements management must employ ADP systems, supported by a responsive electronic communication system, which is compatible to and interfaces with overseas and CONUS supply and maintenance systems.

The MTMTS, with respect to air transport, will manage the movement of air cargo from the consignors to the CONUS APOE and the movement management of retrograde cargo (theater export) from the CONUS APODs to its designated consignee.

Overseas, the MCC functions are timely air terminal clearance for the rapid movement of cargo to consignees and movement management of export cargo (retrograde) to theater APOEs for airlift to the CONUS APODs.

Shipping agencies submit movement requirements to MTMTS Eastern or Western area headquarters. Movement forecasts are cyclic and provide a range of forecasts with respect to advance planning down to short range forecasting which constitutes the actual movements program. The movements program provides the basis for the scheduling process accomplished by the operator. The movements program is based on line item priority with a capability to adjust for emergency movements. The scheduling process includes the "call forward" of cargo to the APOE staging area.

Non-programmed emergency shipments generated by consignors will be offered, processed and transported to the APOE in accordance with established procedures. The air movement program includes provisions for the movement of non-programmed cargo. If requirements exceed daily scheduled airlift capability, line item adjustments to the program will be made.

Normally, the air element of the TOADC and the MTMTS SSCP will be located in close proximity to the APOE, and will require responsive surface transport. RUs from depots/manufacturers may require use of LOGAIR/QUICK TRANS type service. Scheduling of the movements program will dictate the mode required to effect timely movement to the APOE.

The theater MCC utilizes the forecast, schedule and monitor processes to insure timely air terminal clearance and the movement of export cargo (retrograde) to theater APOEs. The forecast process provides for transport requirement input to the MCC on a timely basis for the development of the air movements program for onward movement of cargo from inter-theater APODs. This program considers required surface transportation, Air Force fixed wing airlift capability, and Army air transportation. Forecasting movements of retrograde cargo to the theater APOE is also accomplished in this process. The scheduling process is the implementation of the movements program. Army air and surface transport assets are controlled by the MCC. Air Force intra-theater and inter-theater airlift is an MCC/MAC/TAF coordinated effort.

Emphasis for consolidation of cargo into RUs will be at all levels of cargo preparation. The optimum point for consolidation would be at the originating shipping point.

In CONUS, less than release unit shipments will be consolidated at designated consolidation points. Full release unit shipments from consignors will be ordered directly into the cargo staging areas of the APOE.

In theaters, the intransit cargo areas located in close proximity to the theater APOE/Ds, operated by the Army, will, as required, perform the break bulk mission for incoming cargo and act as a small shipment consolidating point for export cargo. Each theater APOE/D and intransit storage area will have a movements control team with authority to commit allocated transportation assets (Army) to support their assigned mission.

Retrograde cargo designated for movements from the theater will be prepared and offered through the appropriate channels to the MCC. The MCC will program and schedule movement to the overseas APOE/D and intransit cargo area for RU and LRUs respectively. The intransit cargo area will assemble LRUs into RUs for onward movement and the MCC will handle these the same as other RU shipments.

The monitoring process of the movement management activities in coordinating with their respective supply management agencies (LCO/MMC) will provide shipment status.

DEFINITION OF TERMS

APOE/D: Aerial Port of Embarkation/Debarkation.

ATMCT(A): Air Terminal Movement Control Team (Army).

LRU (Milstamp DOD, 4500.32–R): Less than Release Unit—A unit that can be placed in the transportation system without prior positive clearance by a movement control authority.

LOGAIR/QUICK, Trans. System: CONUS contract air movement systems (intra-CONUS).

MCC: Movements Control Center.

MMC: Materiel Management Center.

Red Ball/999: A logistical system that provides intensive management procedures and expedited requisitioning and delivery of repair parts to maintain designated equipment at acceptable operational readiness rates.

RU (Milstamp DOD, 4500.32–R): Release Unit—A shipment unit which, because of a specific commodity designation, weight, or size or mode of transportation must be offered to a movement control authority for positive action (acceptable as minimum quantity offered for shipment—vehicle, CONEX container, intermodel container, or 463L pallet) before being placed into a transportation system.

SSCP: Small Shipment Consolidation Point—MTMTS established and operated in support of all DOD services.

TOADC: Theater Oriented Army Depot Complex.

TCN: Transportation Control Number.

Throughput: Throughput distribution is the shipment of supplies from points of origin (CONUS and rear depots in the theater) as far forward into the combat zone as possible, bypassing intermediate supply activities. Rehandling and transshipment (transferring) at intermediate locations with the transportation system are avoided whenever practicable.

Deployment: That phase which pertains to the initial period when troop units and accompanying high priority supplies are being deployed to or towards the objective areas. (An example is movement to RVN in 1965/

1966.) During this phase airlift is in short supply.

Buildup: This phase generally overlaps the deployment phase and pertains to the movement of large numbers of personnel replacements and a buildup and resupply of theater stocks to support forces in active operations. The transition from the deployment phase is gradual as in the transition to the resupply phase.

Resupply: This phase commences on completion of the buildup phase and continues as long as the supported forces remain in an overseas area.

SIIM: Secondary Items Intensive Management (SIIM) is designed to provide visibility, control and management of high value and essential/critical items. Implementation will be applied in two increments. The first increment will encompass only repairable items and the second increment will encompass both repairables and consumables.

REPORT OF TOUR OF OKLAHOMA BY SENATOR HARRIS

Mr. HARRIS. Mr. President, I took advantage of the recent adjournment of Congress to make an extensive 10-day, 29-county tour of my home State of Oklahoma.

During that period, I held numerous meetings throughout the State, usually consisting primarily of question-and-answer sessions.

I found Oklahomans very much concerned about continued inflation, high-interest rates, the President's announced intention to veto HEW appropriations, low farm prices, and a good many other subjects.

Most of all, Oklahomans expressed to me their grave concern about the continuing war in Vietnam. As I began the tour on January 9, I issued a statement about the Vietnam war, calling for a more rapid U.S. withdrawal, for greater progress toward broadening the base of the government in the south, and for repeal of the Tonkin Gulf resolution. I ask unanimous consent that the statement be printed in the Record at the conclusion of my remarks.

During the tour, marked by the largest crowds and most enthusiastic reception I have had since I came to the Senate, I always discussed these and other aspects of the Vietnam war. I found mounting impatience with the war and increasing sentiment in favor of more rapid disengagement from it.

I hope that this report may be of interest to Senators as we begin this new session of the 91st Congress. I have also brought it to the attention of the chairman of the Committee on Foreign Relations.

There being no objection, the report was ordered to be printed in the Record, as follows:

Statement of Senator Harris

The statement of South Vietnam's President Thieu today that all U.S. combat ground troops could not be withdrawn from South Vietnam by the end of this year, as so many of us had hoped and advocated and that substantial numbers of U.S. troops would have to remain in Vietnam for many years, is very disturbing.

I have supported former Secretary of Defense Clark Clifford's plan for removing all U.S. combat ground troops from Vietnam by the end of 1970. On more than one occasion, President Nixon has indicated that he hopes to beat that schedule.

President Thieu's latest statement shows again the basic problem with the Vietnamization plan; too much depends upon decisions made by the Saigon government, rather than by us.

President Thieu's statement points up the need for the full hearings which are planned soon by the Senate Foreign Relations Committee. I have serious doubts concerning the Vietnamization plan, I am not satisfied with the rate at which U.S. troops are being brought home, and I am concerned about the inadequate progress that is being made toward broadening the base of the government in the South so that it will have wider popular support.

I am glad that all these matters will be fully considered by the Foreign Relations Committee. I hope that, among other things, the Committee will recommend passage of the Church-Hatfield Resolution, of which I am a cosponsor, calling for more rapid U.S. withdrawals. We simply must not allow others to decide how long American boys will have to continue to fight in Vietnam.

I hope the Committee will also decide to recommend repeal of the Tonkin Bay Resolution, so that we will not get in similar situations in Laos or Thailand or elsewhere in the future without the full knowledge and consent of the Congress.

NEW YORK TIMES EDITORIAL CALLS FOR FUNDAMENTAL REFORMS AT THE PENTAGON

Mr. PROXMIRE. Mr. President, the New York Times for Saturday, January 17, contains a most thoughtful and constructively critical editorial concerning the most recent announcement by the Pentagon and Secretary Laird on proposed personnel cutbacks.

While at first glance the proposals to cut the number of men in uniform by 600,000, to reduce Pentagon civilian personnel by 150,000, and to reduce prime contracts affecting 500,000 workers may seem significant, a more detailed analysis indicates that they are very minor indeed.

First of all, these cuts are to take place over the next 18 months. They will not be fully in effect until June 30, 1971.

Second, even by that time the number of men in uniform will still be several hundred thousand above the pre-Vietnam levels. Surely, in a year and a half from now, the number of men and women in uniform should be, at most, at the pre-Vietnam level.

Third, the reduction in civilians at the Pentagon is relatively small. There are now almost 1.3 million civilian employees. About 20,000 per month resign or retire. That is a reduction by those means of 360,000 in the next 18 months. But the total proposed Pentagon cut for its civilian agencies in that period is only 150,000. This means that the Pentagon will fill almost 60 percent of the jobs which would otherwise be lost through attrition during this time.

Finally, as the editorial so ably points out, none of this represents any real increase in efficiency or productivity. What we need is a Defense Department which buys weapons systems for the original estimated price, which sees to it that they are delivered on time, and guarantees that they work.

We need a Defense Department where a far larger share of our uniform personnel are in combat-ready units rather than in supply and logistics.

We need a system which is more efficient because the military carries a lighter pack and is no longer surfeited with excesses and waste.

None of these fundamental reforms are bing made; in fact with the firing of A. E. Fitzgerald, the Pentagon has told both its military and civilian employees that anyone who tries to save money and promote efficiency will get the ax.

What we need is fundamental reform. What we are getting are easy answers.

The New York Times editorial says this in an eloquent way.

I ask unanimous consent that it be printed in the Record.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

How Big the Cutback?

The additional cutbacks in defense spending, sketched by Defense Secretary Laird the other day, need to be put in perspective lest they seem larger than they are. They amount only to the reductions in spending to come from a scaling down of operations in Vietnam plus a little more trimmed here and there from a bloated budget. They represent no fundamental shifts in strategy, much less any reordering of priorities.

According to the figures released, the budget cuts to be effected this year and the next will cost 1,250,000 jobs within the military establishment and defense-related industries. A large figure in itself, it requires comparison with larger figures still.

For example, the strength of the armed forces will be trimmed about 600,000, but the cut will still leave 2.8 million Americans in uniform, a figure larger than at the start of the Vietnam war. The 150,000 cut in civilian jobs within the military establishment will still leave more than 1.1 million civilians holding such employment. This size cut, stretched over a period of a year and a half, would be absorbed by simple attrition.

The number of workers in defense-related industries now listed as 3.8 million will drop to 3.3 million. But, given the present tightness of the labor market, the shakeout could be more than offset by expanded domestic employment, especially if the Federal Government gave the kind of encouragement to housing construction and environmental protection that these neglected areas of activity require.

What also needs noting is that, despite these projected cuts, the military budget will continue to hover somewhere between $70 billion and $80 billion and that it will continue to absorb a distinctly disproportionate amount of the nation's tax revenues. The cuts connote none of the really hard decisions that still must come; actually, they do not even connote increased efficiency.

The defense establishment continues to rumble along with excessive overseas bases, overkill potentials in many programs, a Navy as large as all the rest of the world's navies put together.

Fortunately, Senator William Proxmire of Wisconsin, chairman of a subcommittee of the Joint Economic Committee, intends to proceed with the line of inquiry he pursued at the last session of the Congress, examining the defense budget in far greater detail than Congress has ever examined it before. The cuts now announced by Secretary Laird are doubtless related to this new Congressional awareness of the need to reorder both military and domestic priorities. More vigilance by Congress will produce additional dividends for America in a stronger, sounder society.

COMMUNIST CRUELTY TO AMERICAN PRISONERS OF WAR IN VIETNAM

Mr. ALLOTT. Mr. President, last weekend the civilized world was angered, shocked, and saddened by reports concerning the discovery of new evidence of Communist cruelty to American prisoners of war in Vietnam.

According to American authorities, the bodies of two American soldiers were recently discovered in a shallow grave in South Vietnam. The bodies were discovered Christmas Eve. The men had been dead a long time, perhaps since 1966. Both men had been executed. And they were executed only after being dragged from village to village and paraded and displayed for Communist propaganda purposes.

Certainly, American behavior in Vietnam has not been faultless. Investigations are now underway to determine the nature and degree of American guilt for the incident at Mylai. Needless to say, the crimes of the enemy in no way excuse any crimes committed by Americans. We have always—and rightly—held ourselves to more exacting standards of conduct than those adopted by our enemies.

Nevertheless, we must not allow our proper indignation about American misdeeds to silence our outrage about the enemy's misdeeds. Nor should we allow the shame we feel for alleged American crimes to blur the crucial distinction between American and Communist crimes.

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American crimes are infrequent. They are also the result of individual weakness and instability under the strain of combat. In contrast, the enemy's innumerable crimes, before and after the massacres at Hue, are a matter of coldly calculated policy. The enemy's crimes are the more odious because they are systematic.

This is true of the crimes the enemy commits while waging war in the south. It is also true of the crimes he commits against American prisoners of war.

It has long been apparent that the Vietnamese Communists are uncommonly vicious in their treatment of prisoners. They showed this recently in their ruthless tormenting of American wives who ask—and ask in vain—for nothing more than word as to whether their husbands are alive in North Vietnamese prisoner-of-war camps.

It has long been apparent that the North Vietnamese will not show a decent respect for the opinion of mankind. Their contempt for civilized standards was demonstrated during the Christmas holidays by their mean-minded refusal to receive planeloads of donated American food and medical supplies intended for the American prisoners.

Now comes the grim announcement of the murder of our two soldiers. The public display and parading of prisoners of war is contrary to the rules which civilized nations accept regarding prisoners. The murder of prisoners of war is simply barbaric.

Still, we are not learning at this late date that our enemy in Vietnam is ruthless. We have known that for years. Unfortunately, what we learn from this recent murder of two prisoners is that our enemy still has innovations in cruelty that we have not anticipated.

We have underestimated many things in this war. Every day it becomes more apparent that we especially underestimated the enemy's capacity for reckless inhumanity.

DEATH OF DAVID O. McKAY, PRESIDENT OF CHURCH OF JESUS CHRIST OF LATTER-DAY SAINTS

Mr. BIBLE. Mr. President, one of the world's great spiritual leaders is dead at the age of 96. His passing will be mourned by men of every religious persuasion, for his achievements exerted a creative influence on the entire Christian community as well as providing inspiration to members of his own faith.

David O. McKay, ninth president of the Church of Jesus Christ of Latter-day Saints, was a devoted servant of God. A man of humble origin, he rose to the highest office of a faith whose membership increased more than twentyfold during his long and productive life on earth.

Much of the growth and progress of the Mormon Church is the direct result of President McKay's remarkable leadership. He was a missionary in the most literal sense, a tireless pilgrim who journeyed more than a million miles, at home and abroad, to share the tenets of his faith.

When he assumed the presidency in 1951, church membership was 1.1 million. Today it is 3 million. The number of wards has increased from 1,666 to more than 4,500; the number of stakes from 191 to more than 500. Scores of new chapels and seminaries have risen. Three new temples are at present under construction—one in the Washington, D.C., metropolitan area, the others in Utah.

But while he recognized the value of temporal accomplishments, President McKay repeatedly emphasized the primacy of the spirit. As he once observed during a discussion of the church's holdings:

> In my mind, these material things come second. The greatest need in the world is spirituality.

The wisdom of his words should be heeded by all men, everywhere. And we may profit even more by the example of his lifetime. For here, in an age of sophistication and materialism, lived a man of piety and humility who demonstrated that a simple act of faith can do more to shape human destiny than all the armies of the earth. There is a lesson there for each of us.

INFLATION AND THE UNIONS

Mr. GOLDWATER. Mr. President, perhaps the most vexing and troublesome problem that faces our Nation as we move into the decade of the 1970's is inflation.

This is a problem which has concerned me for many years. I was among those who saw it building up in the early years of the last decade, when extravagant Government expenditures caused us to run one Federal deficit after another. It may be that we who have a background in business and have had to face the problem of meeting a payroll have been more sensitive to factors which aggravate the cost-price phase of inflation.

In all events, my concern over this problem has reached a new plateau. I see real danger ahead of us because of the demands now being raised by large, nationwide unions for exorbitant wage increases which bear no relationship to increased worker productivity or efficiency.

Mr. President, I aired some of my thoughts on that subject recently in an address to the Industrial College of the Armed Forces. I ask unanimous consent that the speech be printed in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

ADDRESS BY SENATOR GOLDWATER

If I may, I should like to discuss with you this evening a problem which I believe could be the most troublesome that our nation is likely to confront in the decade of the 70's. It is a problem which affects all areas of our lives and our activities and which contains more seeds of disruption than anything which looms today on either the domestic or the foreign horizon. I am not speaking now of the war in Vietnam, or the international arms race, or the crime wave in our cities, the disruption on our campuses or the pollution in our air and in our streams.

No, my reference here is to a disease which ranges over the entire broad aspect of all our endeavors, be they directed at war or peace. It is the problem of inflation. It is the problem of the disappearing dollar. It is the problem of skyrocketing prices. It is the problem which can lead us to insolvency on the one hand or outright depression on the other.

This is a question, among other things, which is perhaps the greatest problem confronting the military of this nation and those leaders among us who are charged with the responsibility of our national defense, the security of our 204 million people, the maintenance of our obligations throughout the world and the honoring of our just commitments in the community of nations.

Your interest, of course, rests primarily with the military. This is a field in which inflation is complicating and interferring wth all of procurement, from heavily sophisticated weapons systems right down to the tent pegs for the Army. Inflation is the one big important reason why the critics of defense and the outright enemies of the American military establishment can make great headlines and tremendous noise about the cost factors involved in this nation's maintaining an adequate defense posture to give credibility to its leadership.

These are days when it is difficult to pick up a newspaper without finding another story about cost overruns in the Department of Defense or about inflated costs for new equipment ordered by the Army, the Navy or the Air Force. A large amount of space is devoted these days to inflated government expenditures. Some of this attention comes from members of Congress and from areas of our political system which were the prime movers in the whole process of building a Federal super-government, a welfare state charged with the financial responsibility of doing almost anything that anybody needed or wanted done.

Much of the talk about government economy we hear today comes from the liberals, from the people who gave us a multi-billion dollar, domestic and worldwide responsibility when it wasn't required. It is coming from people who yell like stuck pigs when an overcost is found in the Defense Department but who never raise a peep about the billions of dollars that have gone down the drain through waste and inefficiency and duplication and favoritism in the administration of domestic education and welfare programs.

In other words, the committees headed by Senators Proxmire and Fulbright that continually complain about the cost of staying even with our adversaries in the business of defense never get around to complaining about wastage of the taxpayers' money in programs which bear the labels health, education and welfare. It almost seems that to these groups the words "defense" or "military" are synonymous with evil and are legitimate prey for any kind of legislative reform or financial pruning, but that programs which have a high-sounding purpose and are listed under words like "welfare" or "education" or "anti-poverty" or "housing" are automatically so noble in their intent that they are above scrutiny by the searchers for waste and certainly above suspicion in the whole field of over-funding.

But my purpose here this evening is the question of inflated prices. It is the question of rising costs which are being met through higher prices to the consumer.

The problem of inflation was not invented by the Republican Party. It did not arrive on the nation's doorstep with the Nixon Administration. It is not susceptible to solution by the waving of a magic wand from the White House. This problem—and I am proud to say it is one that I have been giving my attention to for many years—is a product of governmental foolishness. It has its roots in the economic heresy of the "new economics." It is the result of a deliberate but false national policy of fiscal management.

Perhaps some of you remember the great departure from fiscal responsibility in the name of fiscal inventiveness. It occurred, or rather gathered its great momentum, in the early days of the Kennedy Administration and was accelerated throughout the years that President Johnson occupied the White House. This was the era when people who argued for balanced budgets or for payments on the national debt or for reduction at least of budget deficits were laughed at as old fashioned. A phrase was created called "the puritan ethic." And this was taken to mean that anyone who argued for the old fundamentals of responsible management was an economic "square" and not equal to the great demands and challenges of what we were told was "this changing world."

This was the period when balanced budgets were described as "dangerous." This is the period when we were told by a new breed of economists that the running of consecutive Federal deficits was healthy in an expanding economy. This was the era when the fallacy that "a little inflation" is good for the economic health of the nation got its powerful push. Some of us argued then—but to no avail—that a little inflation was like a woman who was a little bit pregnant.

There was no mystery about the approach that should have been taken by responsible men in a responsible government in a position of world leadership. Every housewife knew what would happen if her income did not even approximate her rate of expenditure. It didn't take a Harvard economic major to figure out that a family budget was drawn up for one important purpose—to maintain a balance between a family's earning power and its spending activity. By the same token, government budgets were drawn up for exactly the same purpose.

It may still be a species of treason in the liberal community to argue for such "square" and "old fashioned" fundamentals of responsible government fiscal policy. If so, the United States bears the distinction of being the only enlightened, sophisticated, up-to-date and "in" nation in the world.

This is true because in Europe, in the Far East, in Latin America, wherever nations are operated, the requirements of fiscal responsibility are unchanging. They rule in Europe just as rigidly as they rule in the affairs of the Jones family down the street.

Much of our trouble with foreign nations when it comes to problems such as our balance of payments and international monetary affairs is that the United States dollar is called into question because the United States Government for so long showed no attempt to balance its budget and put an end to deficit financing. Throughout much of the last decade this nation's leaders disregarded the broad hints and open advice of other nations with whom we had dealings that they would be much happier if our government were to exercise more facets of fiscal responsibility and economic restraint.

And what we have today is an administration which is struggling mightly with a tremendous task. What the President and his advisors are up against is an effort to slow down a juggernaut of inflation which has been rolling unchecked for so long that it has gained a momentum that nobody can accurately gauge. It was felt in the beginning that heroic efforts of the administration in turning an estimated $25 billion deficit into a budgetary surplus and a reduction of some $7 billion in expenditures estimated by outgoing President Johnson would slow things down. It is apparent now that these steps, while they are important and have helped to an extent, are not enough. It is apparent also that the President's courageous tax recommendations and his threat to veto the extravagant Health, Education and Welfare package which the Democratic Congress laid on this desk also will not be sufficient to the task.

The government, in its maintenance through the Federal Reserve Board of a tight money policy plus the actions of the new administration, perhaps has done almost everything it could be expected to do in a mechanical way at this stage. And perhaps it is entirely correct that the economy is at last beginning to cool down and that indications are beginning to show that the tight credit and high interest rates are beginning to dampen overall business activities. But here we must of necessity ask ourselves if we are sure that a dampening of business activity will lead to a dampening of price inflation. The prominent economist and writer, Dr. Arthur O. Dahlberg, insists that this is not necessarily the case. He points to the credit crunch of 1966 and says that tight credit then dampened business activities so effectively that the Federal Reserve index of industrial production dropped four points. Yet the rate of price inflation did not recede.

The reason for this is the problem that we are running right smack into in the year 1970. And that problem is the great unmentioned factor in the whole inflation picture. It is the inflationary aspect of higher and higher union wage hikes. It is the problem of wrestling with unions so powerful that they can demand and obtain from management wage increases which have no relation to increased productivity. It is the problem of union privilege distorting a nation's economy. It is the problem of unions becoming so powerful that they can force management and employers to disregard all the lessons of the past and all the historic applications of economic principles and grant wage increases far in excess of what is justified by the amount of labor performed.

This is the big one of the 70s. For we are moving from an inflation in which excess demand pulls up prices into an inflation in which big wage increases push up prices. Financial writers say that 1970 will be a year of whopping wage increases. Their estimate is based on the fact that some 5 million workers in heavily organized American industry, including workers in the trucking, auto, rubber, meat packing, clothing and construction industries will present management with new record-breaking demands in the next 12 months. Historically, wage increases are supposed to bear at least some comparison to an increased rate of worker productivity. However, favoritism and special privileges granted to the big unions in this country have effectively destroyed this historical ratio.

Since the late 1940s, wage costs in industry have risen more rapidly than efficiency. The result has been that employers have had no productivity cushion left after paying for wage increases. This means they have been unable to cut prices. Instead they have had to raise prices steadily in order to obtain a margin for profit.

The disparity between increased productivity and increased wages set something of a record in 1969. Government figures show that productivity increased approximately 3 per cent during the year, but the union wage increases ran between 7 per cent and 9 per cent for the year.

To give you some idea of what we are facing, let me point out that one big union—the Teamsters—whose contracts expire in March is demanding benefits which will approximate a 62 per cent increase over a three-year period.

We can see then that the wide and growing gap between annual wage rate increases and annual per manhour output increases is the root cause of the present price inflation. This is almost beyond argument, but it gets very little attention in the proper circles. I have been one of those who has been arguing for many years against the special privileges which we have granted the large labor unions through Federal law. I have, time and again, warned that we would someday reach a time of reckoning. I argued that in our great zeal to equalize the forces of capital and labor in the early 30s (a correction of power balance which I believed correct and overdue) we allowed the pendulm to swing too far; that we had invested union leaders with unjustified power over the economic well-being of the nation; that management and the public were not equal partners with labor before the law in this equation. As early as 1961, I wrote a paper which was titled "The Forgotten American" in which I pointed to the squeeze that was being put on the average American taxpayer and consumer because of special preferences granted the union bosses.

Now I believe that day of reckoning is at hand, and I don't believe that we are going to attack the root causes of this debilitating and discouraging price inflation until Congress develops some guts. Not until Congress takes action to cut down on the powers, the liberties, the immunities and the privileges of our large labor unions will we make the kind of progress which is needed.

And I can only cite to you the greater power exercised by the union bosses in the Senate action in rejecting the nomination of Judge Clement Haynsworth for appointment to the Supreme Court as an example of their continuing influence. Many knowledgeable observers chalked up this administration defeat as a direct victory for union pressure.

This being the case, I believe that the people most directly involved—called the "Forgotten Americans," "The Silent Majority," the "Unheard Consumers," or what you will—must be informed of the stakes involved in bringing this union power under some kind of reasonable management. We need, in short, an informed public. We need more and more spokesmen who know the root causes of inflation. It is the simple mathematical fact that a small percentage increase in the huge sum paid to organized workers looms large in the price inflation. The public must be made to understand that liberal spokesmen who blame the entire inflation problem on increased corporate profits are playing the role of the demagogue.

I have a great confidence in the ability of the majority of the American people to reach the right conclusion once the facts are presented to them. Our current trouble is that we have not been diligent enough or determined enough to explain the economic facts of life in a fashion which can be readily understood.

Now I believe is the time to develop a public so well informed that it will overpower the influence of the union bosses in the halls of Congress. We now have an administration which is dedicated to sound fiscal policy. President Nixon has adequately proven his determination to cut down on unnecessary Federal spending and to strive to achieve the budget balance so necessary in the fight against inflation. It is time for unions and their leaders to display a degree of responsibility. And it is time for the Congress to make these powerful and integral segments of the national economy accountable for their actions.

THE PORTSMOUTH NAVAL SHIPYARD SCORES AGAIN

Mr. McINTYRE. Mr. President, the Portsmouth Naval Shipyard, an installation of immense pride in New Hampshire, has once again been recognized for its efficiency by its receipt of the Navy Achievement Award for outstanding support of the cost reduction program for this year.

The award came from Adm. Ignatius J. Galantin, chief of naval materiel, and from Rear Adm. Nathan Sonenshein, commander, Naval Ship Systems Command.

As reported by the shipyard's newspaper, the Portsmouth Periscope, the shipyard has been applauded for its 124.7-percent achievement of an assigned reduction of $1,696,000. In other words, the shipyard exceeded its goal of saving funds by nearly $½ million.

In this day of cost overruns and other mounting costs, this is an enormous accomplishment. It places Portsmouth among the top four naval shipyards in the country in achieving lower costs.

I wish personally to commend the commanding officer of the shipyard, Capt. Donald H. Kern, and particularly each and every one of the men and women at the shipyard who contributed so much to making this award possible.

The shipyard has once again proved its place as one of the top naval installations in the Nation, making great contributions to our defense effort.

The nuclear submarine *Tinosa*, the conversion of the Polaris submarine *Sam Rayburn*, the continuing work on the nuclear submarine *Sand Lance*, which was just launched at the shipyard, and the performance on the experimental submarine *Albacore*, and on the research submarine *Dolphin* are vital projects to our Nation's naval strength.

I hope that Senators are as much impressed as I am with this latest achievement of the Portsmouth shipyard and that they join with me in assuring that this vital installation will not be closed.

LETTER FROM A BEREAVED FATHER TO THE PRESIDENT OF NORTH VIETNAM

Mr. SAXBE. Mr. President, I recently received a copy of a letter from a friend of mine in Ohio whose son died from wounds suffered in Vietnam. The letter was sent to the President of North Vietnam and is an eloquent testimonial of the agony only a parent can feel over such a tragedy. My heart went out to William G. Woolard, Sr., and Mrs. Woolard, as it does to anyone who lost a loved one in that tragic war.

I ask unanimous consent that the letter be printed in the Record.

There being no objection, the letter was ordered to be printed in the Record, as follows:

The Manchester Signal,
Manchester, Ohio, December 21, 1969.

Office of the President,
Democratic Republic of Vietnam,
Hanoi, North Vietnam.

Dear Sir: As we approach the holiday season, supposed to be a time of joy and rejoicing all over the world, there's nothing but sorrow in our home. You see this is the first Christmas in the Woolard home dating back 20 years that our son, Sp/4 James Harry Woolard, won't be with us to share in the gift giving and other happiness that has always been traditional with us.

Earlier this year one of your soldiers caused the death of our son, a boy that we loved better than our own lives. That's probably pretty difficult for you to understand, but it's a true statement. Before he left for Vietnam, on numerous occasions and letters I had tried to volunteer and save him from facing war, something he knew little about. During World War I his grandfather served in the trenches in Europe to stop the threat of the Kaiser. During World War II, I did a tiny part during the three years in the U.S. Army to wipe out the world domination plans Hitler had fantastically dreamed about.

What your side doesn't seem to realize, you can never win. For every Jim your soldiers are able to kill, there's a hundred American boys being raised in small communities, just like Manchester. Like Jim, their Dads and Moms will offer them all the opportunities in the world to stay out of this war. They can attend college, hoping in time the hostilities will cease by the time their studies are completed; they can become members of the National Guard, with better than even odds they'll never see foreign soil. But, of the hundreds mentioned, most will choose, just like our son, to respond when their Government calls, to undergo the change from a peace-loving young man to one who is willing to slay those who oppose the type of world in which he has been reared.

We know it must give your government heads satisfaction to read and be informed about the peace moratoriums, see published articles and pictures of those who gain publicity by burning their draft cards, or refusing to bathe. I admit they cause some concern within the borders of the United States, but what you apparently don't realize, those types of individuals are actually boys without a country to call their own, and constitute such a tiny segment that their presence in America should afford you very little hope or comfort. In fact, I know you wouldn't want that type individual, even in your North Vietnam society. And, after a few days under your type of rule, it's a certainty in my mind, they'd be glad to wash, shave, put your flags in trash cans and start a sincere appreciation of the freedom we and they enjoy under our democratic system of government.

So, by killing young American soldiers like my son, Jim, you actually accomplish nothing to further your cause. You wiped out a life that was precious, one of a young man who like every other true American boy, dreamed of driving a brand new car when he fulfilled his military obligation; possibly meeting a girl in the future, marrying, and rearing children who also would have been taught how precious freedom really is.

For every soldier like Jim slain, there'll be a dozen to step into the boots, willing to spill life's blood in South Vietnam or any other place in the world where some group or organization threatens to thrust a type of government on people that isn't of their own choosing.

In the short time that Jim read about the Vietnam War, both while in high school and before he went into the service, he knew anyone who would treat prisoners of war and members of their families the way your side has choosen to do, couldn't be a government controlled by persons with any feelings at all for mankind. Permitting hundreds of families in the United States to spend sleepless days and nights, wondering if their sons, husbands and relatives are alive or dead. It's difficult to realize even during wartime persons exist who are so inhumane. This, also, doesn't do a single thing to advance your cause. It merely has helped unite Americans to eliminate people and heads of government who can be so barbaric.

As we close this letter, we repeat when your side killed our son, Jim, it was an act that just merely made the present happy holiday season in our home one of sadness. But, also, a time of fierce pride that we were able to rear a boy that was willing to forfeit his life and all the bright dreams he had for the future in the cause of freedom.

By this time, a dozen young men, bright-eyed and full of the same hopes he had, have filled his boots, and will respond to the call, if and when they're asked to climb on a plane which will take them to Vietnam. Like Jim, once there, they'll follow orders of their superior officers, and even sacrifice their lives, also, if it becames necessary.

America is full of Jim's. Don't be misled by the metropolitan news media whose front pages and television cameras devote more time to the tiny segment of trouble-makers than they do the average young man from the country who knows it's his duty to protect and preserve the cause of freedom.

You can never win.

William G. Woolard, Sr.
Jim's dad.

TIME FOR RECONCILIATION IN NIGERIA

Mr. ALLOTT. Mr. President, in recent years American foreign policy has often been a source of much divisiveness in the country.

Thus we should be thankful that all Americans will applaud the President's swift and generous actions with regard to the situation in Nigeria.

That young nation is now emerging from the nightmare of civil war. We Americans understand the horror of such war, and the bitterness that lingers after the guns fall silent.

While the war raged between Nigeria and Biafra, there was little we could do except nourish the humanitarian hope that the conflict would quickly end. We abstained from interfering in the conflict. We remembered how we resented outsiders' intrusions into our own Civil War.

Now the time has come for reconciliation. We know the tortuous problems involved in healing the spiritual wounds of civil war. There is little we can do to expedite the healing process.

But under the President's leadership we are poised and ready to contribute food and medical supplies to victor and vanquished alike.

All Americans can take pride in the fact that, hopefully, soon there will be

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American planes flying in a troubled part of the world, and these planes will not be bombers. Nor will they be carrying combat troops. Hopefully Nigeria will soon see an airlift of mercy maintained by American cargo planes bearing life-protecting, rather than life-destroying material.

Unhappily, the Nigerian leaders, for reasons that are not clear, seem reluctant to accept the offered supplies. This reluctance spreads anxiety across the watching world, and lends support to the darkest rumors about the fate in store for the defeated Biafrans.

The Nigerian Government can help dispell this anxiety by the simple act of encouraging the generosity which America is anxious to demonstrate.

In this regard, we Americans can offer something more than material aid. We can offer the example of Abraham Lincoln. Lincoln was a great war leader in a grim civil war. He was also a magnanimous victor.

We commend to the Nigerian leaders the example of Lincoln and Grant who, having received Lee's surrender, immediately began sharing provisions with the defeated enemies. Lincoln realized that to behave otherwise would be to deny the purpose of the war. The war was fought to keep the Nation united. The defeat of the South meant that the enemies were enemies no longer. They were once again fellow citizens.

Thus we respectfully suggest that the Nigerian leaders consult Lincoln's magnificent second inaugural address, which Lincoln delivered on the eve of victory. We trust the Nigerian leaders will find it possible to act "with malice toward none; with charity for all" and that they will allow America's offered aid to help them "bind up the nation's wounds, to care for him who shall have borne the battle and for his widow and his orphan."

DELPHIAN CLUB OF COMMERCE, TEX., FAVORS S. 4, THE BIG THICKET NATIONAL PARK BILL

Mr. YARBOROUGH. Mr. President, I am honored to present to the Senate a resolution adopted by the Delphian Club of Commerce, Tex., supporting my bill, S. 4, which would create a 100,000-acre Big Thicket National Park in southeast Texas.

Over the past 4 years I have worked to create a natural park in the Big Thicket area so that at least a portion of this scenic wilderness will be preserved for the benefit and enjoyment of future generations. During these years numerous civic and conservation groups from all parts of the country have endorsed this proposal. These public-spirited organizations realize that action must be taken soon if the Big Thicket is to be saved. This beautiful area, which is the home of many species of rare wildlife, is being exploited daily by large lumber and real estate interests. Each day another 50 acres of the Big Thicket is destroyed by the bulldozer and the chain saw.

S. 4 would establish a 100,000-acre national park in the Big Thicket and thus save this area and the natural wonders found in it from destruction. I am proud to have the support of the Delphian Club of Commerce, Tex., in this effort.

Mr. President, I ask unanimous consent that the resolution be printed in the RECORD.

There being no objection, the resolution was ordered to be printed in the RECORD, as follows:

We, the following members of the Delphian Club, a part of the Texas Federation of Women's Clubs declare that

Whereas: Park officials throughout our country proclaim an overstrain on park facilities—due to the awesome increase of our nation's population—and plead for acquisition of additional land suitable for park use while such land is still procurable; and

Whereas: the area of East Texas known as the Big Thicket, by nature of its unique ecology, great natural beauty, multifarious plant and animal life, and abundant fresh water supplies, has since 1938 been successively approved by the National Park Service as a highly desirable site for a National Park; and

Whereas: such a park at this site offers the certainty of many benefits—esthetic, scientific and economic—to nation, state and region; and

Whereas: preservation of the Big Thicket has been declared a special project for the Texas Federation of Women's Clubs;

Therefore be it resolved that the members of the Delphian Club of Commerce, Texas, federated with the Texas Federation of Women's Clubs go on record as requesting the Congress to pass immediately S. 4 and set aside 100,000 acres of East Texas as a Big Thicket National Park.

Mrs. Hal O'Neal, Mrs. C. H. Lyon, Mrs. W. L. Dorries, Mrs. Grady Gibson, Mrs. T. K. O'Neal, Mrs. R. A. Rix, Mrs. W. E. Truax, Mrs. B. P. Bickham, Mrs. R. W. Williams, Mrs. Frank Young.

Mrs. L. M. Stone, Mrs. J. M. Bledsoe, Mrs. D. C. Butler, Mrs. Noble Arthur, Mrs. J. G. Smith, Mrs. Acevest, Mrs. Eli Yarbro, Mrs. Robert L. Titus, Mrs. Frank B. Jackson, Mrs. C. V. Hall, Mrs. Graham Johnson.

DEMOCRATIC FANTASYLAND

Mr. GOLDWATER. Mr. President, Democratic National Chairman FRED R. HARRIS recently announced plans to use the issue of inflation against President Nixon during the 1970 election campaign. This constitutes something of a record even for the subtle art of political hogwash.

If Chairman HARRIS and the liberal Democrats for whom he speaks plan to mount a drive against inflation in the coming year, let me say that we who have been fighting the battle through successive Democratic administrations welcome them to the fray.

It should be fascinating to see Chairman HARRIS and his men standing against the great, extravagant wage demands of the huge labor unions in defense of the hard-pressed American consumer. It should also be interesting to watch the liberal Democrats fighting to hold the budget for the Department of Health, Education, and Welfare down to anti-inflationary levels. It will be good to see the liberals recognize how inflationary have been their poorly planned welfare engineering projects of the past. It will be interesting to see if they recommend dissolution of the so-called war on poverty and the Office of Economic Opportunity.

There are many ways to fight inflation, but it is a battle for which the American liberals have heretofore had little taste and absolutely no stomach. To do the job properly, the liberals would have to bring under control the Government excesses fostered by liberals. My hometown newspaper, the Arizona Republic, does not believe there is much chance that the liberals will take up this problem in any serious way. In fact, that newspaper recently pointed out that HARRIS' declaration that his party plans to use the issue of inflation against Richard Nixon "is about like Nasser threatening to charge Golda Meir with anti-Semitism."

I ask unanimous consent that the Arizona Republic article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

SINCE WHEN HAVE LIBERALS FOUGHT INFLATION?

For the leader of the Democrats to say that his party plans to use the inflation issue against Richard Nixon during the 1970 election campaign is about like Nasser threatening to charge Golda Meir with anti-Semitism. . . .

More than a year ago, just as President Nixon was about to take office, economist Milton Friedman wrote of the economic mess the Democratic administration had bequeathed to Mr. Nixon.

For example, when JFK took office, the consumer price rise—which had risen an average of 1.4 per cent per year from 1952 to 1960—had been slowing down. When the GOP took office, the creeping inflation that began in 1964, had already turned into a trot of 5 per cent per year.

In addition, in 1960 the federal government took in $3.6 billion more than it spent. In the first six months of 1968, the LBJ Administration spent almost as much as did the Eisenhower Administration in all 12 months of 1960: $92.1 billion, compared with $94.7 billion. But it took in much less: $86.4 billion, compared with $98.3 billion.

Worse, many programs implemented on a small scale under JFK and LBJ require large increases in expenditures with each passing year. . . .

For the fact is undeniable that the Democrats, particularly liberal Democrats, have for many years urged ever larger public spending programs—programs of large and little value, but all of which contributed to our present inflationary spiral.

That is why it is almost comical that Sen. Fred R. Harris, Democratic national chairman, now hopes to hang the albatross of inflation around the neck of the Republicans. Not only that, but he has pointed to the fact that because of high interest rates, "a family now under $13,000 income cannot build or buy a house."

But interest rates are high because of the inflationary spiral. And the principal stumbling block to home buying is that the cost of homes is being pushed out of sight by the practices and demands of the construction trades unions—unions whose monopoly position was underwritten and is sustained by Democratic congressional majorities.

Inflation is a major problem in the U.S., a cruel deceiver which penalizes particularly those on fixed incomes.

But if the Democratic party plans to use inflation as a major election issue, it better either hope the public has a short memory, or else do something to alter the outlook of those liberal Democrats in Congress who have assured us for years that there is nothing the U.S. can't afford here and now.

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STATE OF AGITATION IN GEORGIA SCHOOL SYSTEMS

Mr. TALMADGE. Mr. President, I wish to report to the Senate that during the congressional adjournment I found many of the school systems in Georgia in a great state of agitation.

This is particularly true of schools in Macon, Bibb County; Houston County; and in the city of Atlanta—but the impact of court rulings ordering virtually instant and arbitrary assignment of students and teachers to schools against their wishes is being felt with devastating results throughout the State.

It is all the more devastating to force this upon the people—children, teachers, and parents, regardless of their race—in the middle of a school term.

We should at no time make children go to school where they do not want to go to school, or the faculty to teach where it does not want to teach. But to break into a school year with such a preposterous proposal underscores the extremity of the situation.

I have never seen public education in such turmoil. I have never seen children and their parents so dissatisfied with public schools. I have never seen teachers so unhappy or disillusioned with their profession—and I happen to regard the education of children as one of the most important professions of all.

Young boys and girls are threatening to leave school. Teachers are threatening to go to another State or abandon their profession altogether. I hope students will stay in school and continue to pursue their education. I hope teachers will continue to teach.

But—at the same time—I also share the hope of an overwhelming majority of students and teachers that some semblance of sanity can and will be restored to the school situation. I believe this hope is shared by white and black citizens alike who are concerned with the future of public education, not only in the South but all across the Nation.

This matter has gone far beyond the question of desegregation of schools under the law.

It has become a political adventure. Schools have become vehicles for social reform. Federal courts, in keeping with the decisions of the U.S. Supreme Court, have been cast in the role of school administrators and educational policymakers.

Racial balance in the schools has become more important to the courts, the Federal bureaucracy, and, unfortunately, most of the Congress, than education itself. The teaching and learning of young people have become bogged down in a morass of rapid-fire court orders that bear little relevance to what is in the best interests of education and what is in the best interests of the children themselves. And again I say that I am referring to both white and black.

Teachers are being assigned to teach in schools where they do not want to teach.

Students are being sent to schools they do not want to attend.

This has virtually destroyed morale. It has created discipline problems. It undermines the efficacy of education. This, after all, is the real reason for the existence of schools in the first place.

Even the Supreme Court put education foremost in its Brown decision of 1954, holding that children were deprived of an adequate education by being assigned to schools on the basis of race.

Now school systems are being told that they must assign children on the basis of race.

Questions are raised about whether there will be massive busing of faculty and students—or whether there will be token busing.

There should be neither. I submit that neither busing nor the destruction of neighborhood schools was contemplated by the Brown decision or any other ruling handed down since.

Busing is specifically prohibited by the Civil Rights Act of 1964. Yet, we have students, black and white, being taken away from their neighborhoods. We have them being transported to school in other parts of town, when the one they should be attending is just a few blocks away or even next door. Teachers are likewise being uprooted. All this, at the whim and caprice of some Federal court or bureaucrat bent upon achieving racial balance.

What we have taking place in just a few carefully selected States of the South constitutes the rankest sort of hypocrisy. This ill-advised doctrine of social reform now appears to be the order of the day in the South—but only in the South.

Nowhere else in the country is it being enforced. In no other section are school boards being dictated to by the courts or the Federal Government on how to desegregate their schools—in spite of the fact that the Department of Health, Education, and Welfare itself admits many of them have higher rates of racial segregation.

I repeat, this is hyprocrisy. It is a double standard that sticks in the craw of the people of Georgia and other Southern States who fear that their schools are about to be wrecked.

Yet, people are counseled to be moderate and reasonable in meeting this controversy.

Georgia has traditionally been a law-abiding State. I am convinced that Georgians will continue to seek—and I hope secure—a redress of grievances through lawful processes.

Georgians also have a right to expect moderation and reason on the part of Federal courts, from the Supreme Court on down. This is what I believe Georgians ask.

If we are going to preserve public education as we know it today;

If we are going to maintain order and discipline;

And if we are going to strengthen our schools instead of turning them into political pawns;

Then moderation and reason is what we must have.

We all recognize the Supreme Court decision of 1954 as an accomplished fact. I know of no school system in the South that assigns pupils on the basis of race or denies them the right to attend the school of their choice because of race.

I know of none—except for those that are now being ordered to do so by judicial decree of bureaucratic arm-twisting. And this, I believe, exceeds the letter and the spirit of the Constitution and established law.

I happen to believe in local control of education. Local people—whether they be in the State of Georgia or the State of Illinois—are best qualified to conduct the operations of their schools.

I have stood for this principle as long as I have been in public service. I have fought unwarranted Federal encroachments into the affairs of local education with every resource at my command as one Member of the Senate.

So long as I know that public education is dear to our people and vital to the future of our Nation, I will continue to do so.

SINGAPORE SUNDAY MAIL LAUDS THE VICE PRESIDENT

Mr. FANNIN. Mr. President, Vice President AGNEW returned yesterday from a round-the-world trip notable for its good will and success. I am aware that as a partisan supporter of the President and his administration, my judgment in this respect could be susceptible to the charge of bias. However, I point out that this evaluation of the Vice President's visit is shared by many of independent views and totally without any political affiliation.

As one evidence of this aura of good will which has been fostered by the Vice President, I invite the Senate's attention to an editorial published on January 11 in the Sunday Mail, a newspaper published in Singapore.

The editorial writer speaks of the Vice President's "emergence as an astute politician of national stature." He praises the Vice President's handling of delicate international relations by reserving talk about the future role of America in the defense of that part of the world to private talks with Asian leaders.

Mr. President, this is an entirely unsolicited and well deserved evaluation of Vice President AGNEW's Asian tour. I ask unanimous consent that it be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

AGNEW'S MISSION TO SOUTHEAST ASIA

Vice-President Spiro Agnew's visits to Malaysia and Singapore, and the assurances he gave to both countries, were most welcome as they came at a time when America's graduated withdrawal of forces from Vietnam caused considerable apprehension regarding the future security of the independent countries of South-East Asia.

President Nixon himself had said that his administration would honour its defence commitments and America would not stand idly by if the region were threatened by enemies, but there was nothing like explaining her attitude at first hand—a task which he wisely entrusted to his righthand man.

During Mr. Eisenhower's two terms at the White House Mr. Nixon himself as Vice-President had several times fulfilled admirably a similar role—elaborating Presidential policies. In fact he earned a great reputation for this sort of diplomacy, and it pushed up his political stock when he stood against Mr. John Kennedy in the 1962 election.

Mr. Nixon's nomination of the Vice-President for his current tour of Asian coun-

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tries was well timed. It came soon after Mr. Agnew became the most talked about political figure in America as the result of his scathing criticisms of anti-Vietnam war demonstrators and news media which had covered the events with imbalance.

Before the Presidential election and even long after it, he was practically unknown, even in the United States. But his hard hitting speeches, and the common sense it contained, changed his image overnight and did much to swing popular feeling in America on the side of President Nixon for the manner in which he is handling the Vietnam war issue.

SUCCESSFUL

When Mr. Nixon chose Mr. Agnew as his running mate in last year's presidential election many political observers thought he had made a mistake. But he had faith in the consummate ability of the former Maryland governor. Mr. Agnew's emergence as an astute politician of national stature has proved Mr. Nixon right.

The Vice-President's tour of Asian countries, which is mainly to enhance American good will and of which the presentation of moon rocks brought back by the Apollo astronauts is a part, has been highly successful so far.

Mr. Agnew has not said much in public concerning America's role in the future defence of the Pacific region and South-East Asia—he left that to his private talks with Asian leaders. Instead, he chose the public functions to exude American good will and cement the ties of friendship existing between his country and those he was visiting.

In this aspect of his mission the Vice-President has done very well. His handsome tribute to Tengku Abdul Rahman at Thursday's State banquet was an example. He described the Malaysian Prime Minister as "the father of a grouping from which evolved the Association of South-East Asian Nations (Asean)."

And in Singapore he hit the right note when he mentioned the magnificent progress which the island republic had achieved since independence and the part Mr. Lee Kuan Yew's leadership played in it.

The tribute was well deserved and coming from an American leader of Mr. Agnew's standing it went down very well. There is no doubt President Nixon will entrust more of such good will missions to his deputy.

THE INTERNATIONAL GRAINS ARRANGEMENT

Mr. SPARKMAN. Mr. President, on June 13, 1969, the Senate approved the International Grains Arrangement, which in effect continued U.S. participation in the international effort to stabilize the world market for wheat. An ad hoc subcommittee of the Foreign Relations Committee, of which I was chairman, had held hearings on the arrangement which had then been reported favorably by the full committee to the Senate on June 6, 1968.

Our participation in this effort dates back to 1949 when the first International Wheat Agreement took effect. During that period, U.S. exports of wheat rose from 302,848,000 bushels in 1949 to a record high of 867,351,000 bushels in 1965. This increase can certainly not be attributed wholly to the existence of a wheat agreement, but, overall, the agreement has provided a climate that has been conducive to an expansion of trade and to relative stability in the wheat market.

The earlier wheat agreements, like most similar efforts, were not perfect. They placed heavy burdens of restraint on the largest exporters, and their continued operation required the close cooperation of the United States and other major world wheat suppliers. The range of maximum and minimum prices was, from time to time, difficult to maintain; the mechanisms for reaching agreement on prices were at times too weak to hold the line against the periodic fluctuations that characterize world trade in wheat.

In spite of these shortcomings, the United States continued to participate in wheat agreements, and the Senate approved agreements in 1953, 1956, 1959, and 1962. The 1962 agreement was renewed in 1965 and 1966.

When the present International Grains Arrangement was negotiated, attempts were made to improve its operation. The Wheat Trade Convention, one part of the International Grains Arrangement, followed generally the administrative and structural provisions of the International Wheat Agreement but included a new schedule of prices as well as provisions which, it was hoped, could make possible quick adjustments in the minimum price levels, should such action be necessary.

We know now that the new Wheat Trade Convention, like its predecessors, has not, in this most recent period, been able to hold the price of wheat traded in world markets above the minimums set out in the arrangement. There are several factors which account for this situation, the most important of which is the fact that in the past year world production and exportable supplies have risen to record levels. Particularly important is the distribution of this increase in production of wheat, for large increases have come about in some areas which only a year or two ago were grain-deficit areas. As production increases in these areas, there is a concomitant decline in their need for our exports.

The Foreign Relations Committee has, over the past 6 months, received numerous inquiries from farmers and organizations concerned with the wheat trade asking the committee to investigate operations under the arrangement or, in some cases, calling on the committee to take up the matter of U.S. withdrawal from the arrangement. The committee's concern for the present situation in the world market prompted Chairman FULBRIGHT to ask the Secretary of Agriculture a number of questions concerning U.S. participation in the arrangement. I ask unanimous consent that Chairman FULBRIGHT's letter of September 24, 1969, to the Secretary of Agriculture be printed at this point in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

SEPTEMBER 23, 1969.

Hon. CLIFFORD M. HARDIN,
Secretary of Agriculture,
Washington, D.C.

DEAR MR. SECRETARY: In recent months, the International Grains Arrangement, which the Senate approved over a year ago, has been the subject of a number of complaints addressed to the Committee on Foreign Relations. Some of these communications have asked that the Committee undertake a review of the "failure" of the Arrangement with a view toward determining how the United States can best withdraw from it.

As I recall, the Arrangement provided that signatories pledged themselves to observe a specified price range for wheat moving in the commercial export trade, and to assure importing nations of specified percentages of their commercial wheat requirements by the major exporting member nations—the United States, Canada, Australia, Argentina, and the European Economic Community. Moreover, I recall that the Arrangement provided for continuous surveillance of price factors, to the end that the convention's consultative processes could be brought into effect to ward off the disastrous price effects flowing from unrestrained exports of surplus wheat.

The Committee is disturbed at recent price-cutting decisions of the major wheat-exporting member nations, decisions which appear to be of a unilateral nature in the light of the obligation of member nations to observe the terms of the convention which call for a cooperative effort in maintaining prices consistent with the agreed range.

During hearings on the Arrangement in March and April 1968, the Committee was given to understand that, when one or more prices of wheat threatened the minimum price level of the Arrangement, the Prices Review Committee would be called upon to make suitable adjustments. In brief, we understood from the testimony of witnesses that the consultative features of the Arrangement insured that a cooperative effort among member nations would preclude such unilateral decisions as have occurred in the past few months with respect to prices.

Accordingly, I wish that you would inform me, as fully as possible, of the problems encountered by the Department of Agriculture in administering the convention and the reasons for taking such actions as have been taken by the Department with respect to the Arrangement. In addition, will you please reply to the following questions:

1. Has the U.S. insisted on a meeting of the signatories of the IGA for the purpose of implementing the full structure of the Agreement which provides for adjustments in the pricing system?
2. Has the U.S. insisted on its right as a signatory to call for implementation of the Agreement with respect to the appointment of a Prices Review Committee?
3. Has the U.S. exercised its right to submit its case before the arbitration processes set out in the Arrangement before taking action to reduce export prices of wheat?
4. Has the administration considered asking the Wheat Council to suspend the pricing provisions set out in the Arrangement?
5. Has the administration considered withdrawing from the terms of the Arrangement?
6. Is it fair to say that, since the administration has not withdrawn from the Arrangement, you consider the present situation preferable to having no such Arrangement in effect?

Sincerely yours,

J. W. FULBRIGHT,
Chairman.

Mr. SPARKMAN. Mr. President, the Secretary of Agriculture replied some 2 months later in a letter dated November 17, 1969. His response was lengthy. The gist of it, I think it fair to say, is that the United States has so far been unable to persuade other large wheat-exporting countries to support us in our efforts either to maintain the minimum price for wheat in the world market or tc attempt to take the matter before the Wheat Council to obtain an adjustment in minimum prices.

In his letter, the Secretary alludes to "structural deficiencies" in the arrangement which preclude effective operation of minimum price levels. The Secretary goes on to say that these were recognized by the negotiators of the arrangement

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who provided for adjustment in price relationships when the convention was drafted. These adjustment mechanisms have, in fact, not worked out, the Secretary says. Nevertheless, he maintains that he hopes that current discussions among major exporters will eventually resolve the present difficulty.

Finally, the Secretary's letter notes that he does not believe that U.S. withdrawal from the arrangement would serve our best interests and that, in the present situation, the arrangement is preferable to having no agreement in effect.

Mr. President, I have touched only the highlights of Secretary Hardin's response to the committee's request for information on the International Grains Agreement. So that other interested Senators may read the Secretary's letter, I ask unanimous consent that it be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

DEPARTMENT OF AGRICULTURE,
Washington, November 17, 1969.

Hon. J. W. FULBRIGHT,
Chairman, Committee on Foreign Relations, U.S. Senate.

DEAR MR. CHAIRMAN: This is in reply to your letter of September 23, 1969, concerning United States participation in the International Grains Arrangement.

We have reviewed the testimony before the Sub-Committee of the Committee on Foreign Relations and generally agree with your understanding of the provisions of the Arrangement. The only exception concerns the "percentage undertakings" on commercial imports; rather than a responsibility of exporters, this is an obligation of importers, designed to assure that at least a specified minimum percentage of their total commercial imports be purchased from exporter members.

As you are aware, there have been important changes in the world wheat supply-demand situation since the Grains Arrangement was developed. World production and exportable supplies have climbed to record levels, but import needs have fallen. These changes have been of sufficient magnitude to cause extreme downward pressure upon world wheat prices. Thus the price provisions of the new Arrangement were immediately put to the severest possible test.

Among the problems encountered with the Wheat Trade Convention are a number of structural deficiencies which tended to distort trade patterns and weakened confidence in the fairness and workability of the Arrangement. The Convention sets forth a schedule of minimum prices, expressed at export positions at the Gulf of Mexico and the Pacific Coasts of North America. For other export positions around the world, the equivalent minimum prices fluctuate according to changes in freight rates, thus creating a situation where minimums applicable at those positions tend to be less rigid or precise. Implementation at such points, therefore, must also be less precise. This difference has also made it possible for some exporters to make special freight rate arrangements which result in actual freight costs lower than those used in calculating the minimums. This feature of the basing point system tends to work to our disadvantage.

Another difficulty with the basing point system is that, as it applies to Canada, Australia, Argentina and the United States, it distorts competitive conditions in certain markets when prices are at the minimum. For example, a minimum fixed for Argentina or Australia by using a European destination point may leave the U.S. unable to maintain a normal outlet in a country nearby to Argentina, such as Brazil, or in markets close to Australia.

The European Community and other European exporters are not subject to this particular handicap as they have the benefit of a special provision, carried over from the International Wheat Agreement, which enables them to compete with wheat of like quality originating from either the U.S. Gulf or Pacific Coasts—the two basing point origins employed by the system—in any market.

A further problem relates to the minimum price relationship themselves, as distinct from the problems of the basing point system. It was recognized that the basic Gulf position price relationships, which attempt to make allowance for normal or average differences in market value between different types and qualities of wheat, would not necessarily reflect actual market conditions prevailing at any particular time or in any particular market. Provision was therefore made for adjustments of these price relations through a consultation procedure.

In reviewing the record, the development of structural weaknesses was not unexpected, but it was anticipated that the consultative procedures and the willingness of exporters to cooperate would be adequate to meet problems. It is clear that too much faith has been placed in the consultative provisions of the Arrangement, and that the degree of cooperation has not been adequate to cope with the problems that have arisen.

Apart from structural weaknesses, early operations under the Convention were inhibited by the fact that the basic market price level for wheat to be delivered during the early months of 1968/69 had already established itself at a relatively low level some months before the Arrangement became effective. In the spring of 1968, before the Senate acted on the Arrangement, the United States took action to preclude sales for delivery beyond June 30, 1968, since U.S. export prices at that time were well below the minimums provided in the Arrangement. Efforts were made to convince other major exporter members of the Arrangement—Argentina, Australia, Canada, and the European Economic Community—to adopt a similar policy, but almost without exception, sales were being made by others well into the fall months of 1968. Thus, to avoid sales losses, the U.S. had no choice but to extend its sales period beyond June 30, even though at prices well below the new minimums. As a result, significant quantities of U.S. wheat and wheat from other suppliers were moving into export after the Grains Arrangement came into force on July 1, 1968, at prices generally below the levels of the Arrangement and in some instances well below. Immediately after the Senate completed action on the Grains Arrangement on June 13, 1968, U.S. export prices were raised to the IGA minimum levels.

The problem of transition as the Arrangement came into effect, the structural weaknesses, and the pressures of world wheat supplies combined to create serious difficulty for the United States in its attempt to maintain a satisfactory volume of exports in the first year of the Arrangement. A serious decline in forward sales early in the year led the U.S. to propose a meeting of the major exporter members which was held in Canberra in September 1968. At that meeting the U.S. discussed the export performance of various suppliers in terms of the minimum price provisions of the Arrangement and sought the support of other exporters for action to be taken under the Arrangement to review the schedule of minimum prices and make adjustments in the differentials in order that the U.S. could achieve a satisfactory volume of business. The other exporters generally felt that the Arrangement had not been in effect for a long enough period of time to be conclusive and therefore the U.S. proposal was not implemented.

Your Committee has raised an important question as to why decisions were taken unilaterally to reduce export prices below the Grains Arrangement scheduled minimums in view of the obligation of members to observe the price provisions of the Convention and to follow prescribed procedures for adjustment of differentials. (Questions 1 to 4 in your letter.)

Action to adjust minimum prices according to the procedures of the Arrangement would be taken under Article 8 of the Wheat Trade Convention. Article 8 provides that if a situation of instability in the wheat market is brought to the attention of the Secretariat of the Wheat Council, the Executive Secretary must call a special session of the Prices Review Committee. A full Council session is then convened if the PRC fails, within a prescribed time, to reach unanimous agreement on "action required" among those parties "having a direct interest in the matter." Either the Secretariat or any member country has the right to activate the Article 8 process.

It is our understanding from this review that, with the tremendous pressure on world wheat markets stemming from the record supplies of wheat available for export, it was believed action under Article 8 initiated by the U.S. without the full support of at least one other major exporter would have been futile and would have adversely affected relationships with both importing and other exporting countries. Thus, since neither the PRC nor the Council could have agreed upon action satisfactory to the U.S. without such exporter support, it was decided to activate Article 8 only if the necessary support were obtained.

This Administration, after taking office in January, immediately made plans for a meeting of the major exporters which was held in Washington on April 3 and 4. Difficulties with the Grains Arrangement were discussed in detail and a number of specific problems were identified. Ways and means of resolving these were explored and it was agreed that the necessary adjustments would be made collectively and individually by the exporting countries to overcome them and to foster effective operations of the Arrangement. Subsequent to that meeting, in carrying out the agreement to make necessary adjustments, we found, as had been the case in Canberra, that exporters were still not prepared for complete cooperation. In view of this and the deterioration in U.S. export performance, it was again decided to consider action under Article 8.

In developing its position the U.S. considered the extreme oversupply situation and the fact that the inherent structural problems of the Arrangement could not be remedied by a technical adjustment of prices such as is provided for under Article 8. This left suspension of the price provisions of the Arrangement as the only other action which could be taken under the Arrangement. The U.S., therefore, requested the support of other major exporters at a June meeting in London for a proposal to be made under Article 8 for the suspension of the price provisions. The U.S. indicated at that time that, in the absence of support for action under Article 8, it would have no choice but to adjust its prices in order to keep its wheats fully competitive with wheats from other suppliers.

While support for suspension of minimum prices under Article 8 was not forthcoming, the Government of Australia requested on an urgent basis the convening of a meeting of Ministers to discuss the U.S. policy and to attempt to develop cooperation to overcome the problems facing wheat exporters. At the meeting, which was held on July 10

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and 11, 1969 in Washington, the U.S. stated that it preferred to act under the provisions of the Arrangement, but, in view of the lack of support by oher exporters, was adopting the pricing policy for its wheat as presented in London.

The Ministers' discussions dealt with several proposed emergency actions which might serve to avert a more general departure from the Arrangement's price level. In the days immediately following, it developed that certain countries were unable to accept the burden which the proposed emergency actions would have placed upon them. Thus, in line with the understandings the meeting had reached to cover such an eventuality, it was recognized by all concerned that "corrective action would be taken—to bring prices into proper competitive relationship." At this point the U.S. adjusted its prices and began a process of making its wheats competitive with those of other suppliers which continued over a period of several weeks.

By early September, all major exporters had made varying price adjustments which had brought the general level of world prices to a point substantially below the minimums of the Arrangement. Following this, major exporters convened again to work toward improved communication and preventing further deterioration in price levels. These efforts are continuing at this time, and it appears that a degree of progress toward price stabilization is resulting.

The 5th and 6th questions in your letter are concerned with this Administration's attitude toward the International Grains Arrangement and whether consideration has been given to withdrawal. Although we clearly view the present situation as less than fully satisfactory, we maintain hopes that the current discussions among the major exporters will lead to a course of action whereby the price situation can be more fully aligned with the terms of the Wheat Trade Convention. It is quite fair to say, as suggested in your letter, that we regard the present situation preferable to having no Arrangement in effect at all. This being the case, it has not been felt that withdrawal from the Arrangement would serve the best interests of the United States. It is our intention working with other countries to continue our support for the objectives of the Grains Arrangement and to strengthen its operations. This attitude may change as agricultural legislation effective for the 1971 crop is developed.

Sincerely,

CLIFFORD M. HARDIN,
Secretary of Agriculture.

RESOLUTION ON U.S. POLICY IN THE MIDDLE EAST

Mr. GOODELL. Mr. President, next week I shall submit a resolution regarding our policies in the Middle East.

The resolution expresses a sense of Congress that:

First. Any readjustment of disputed Arab-Israeli borders, and any settlement of other outstanding Arab-Israeli differences—including the status of refugees, the status of the eastern sector of Jerusalem, and the rights of navigation in the area—should take place only in the context of direct negotiations between Israel and the Arab States.

Second. The United States should concentrate its diplomatic efforts on encouraging direct negotiations between Israel and the Arab States and promoting agreement among the Big Powers for the control of the arms traffic into the Middle East.

Third. The United States should henceforth refrain from proposing or attempting to impose, prior to or outside the context of direct negotiations between Israel and the Arab States, any specific readjustment of disputed borders or any specific settlement of other outstanding Arab-Israeli differences.

Fourth. The United States should break off the Big Four and Big Two Middle East talks, while continuing vigorous diplomatic efforts through regular diplomatic channels to encourage direct Arab-Israeli negotiations and promote arms control agreement for the Middle East.

The resolution would have the effect of expressing grave congressional concern over recent State Department proposals on the Middle East.

While purporting to be balanced these State Department proposals actually favor the Arab States.

They call for no form of negotiations between the Arab States and Israel that would entail clear acceptance by Arab governments of Israel's right to exist as a nation.

The State Department plan would require Israel to make major territorial and other concessions that could seriously compromise her security, and receive nothing in exchange other than a doubtful guarantee of protection from the four great powers, two of whom are openly hostile, one of whom is at best neutral and the last of which, our Nation, is immersed in other problems in Vietnam and at home.

With such tenuous guarantees, it is naive to expect Israel to return to her pre-1967 frontiers—where Syria can fire down upon her from the Golan heights, where Jordanian artillery can bombard her 12-mile waist, and where Egypt can block the Straits of Tiran.

Ostensibly, the State Department proposals are designed to encourage moderation in the Arab world by showing the United States willingness to make concessions. I fear, however, that they will have just the opposite effect—of encouraging extremism.

The fundamental danger of the Rogers plan is that it cannot help but arouse false hopes, dangerous hopes, on the very part of those whose illusions we ought to dispel—the hard-line elements in the Arab world that are bent on the annihilation of Israel.

The Big Four and Big Two talks on the Middle East have by now become definitely counterproductive. My resolution proposes that they be terminated at once.

When the talks were initiated, it was hoped they would be a vehicle for bringing Arab and Israeli leaders to the conference table and developing a workable plan for the control of the arms traffic into the Middle East.

It has now become apparent that the Soviet Union has not the slightest interest in bringing the Arab leaders to bargain directly with Israel or in promoting any sort of Mideast arms control scheme.

In these circumstances, the continuation of the Big Four and Big Two talks is contrary to the interests of peace in the Middle East. The talks merely encourage the Arab world in the belief that somehow the big powers will intervene and impose a settlement favorable to the Arabs without direct negotiations by the parties concerned.

For these reasons, I urged the termination of the talks after my visit to Israel last summer. Termination is still more important at the present time—if for no other reason than to dispel the false impressions conveyed to the Arab world by our recent policies.

Mr. President, I shall submit the resolution next week. At present, however, I ask unanimous consent that the language of the resolution be printed in the RECORD.

There being no objection, the text of the resolution was ordered to be printed in the RECORD, as follows:

S. CON. RES. ——

Whereas, peace can be achieved in the Middle East, and the legitimate grievances of Arab and Israeli peoples rectified, only if Arab states recognize Israel's right to exist as a nation and enter into direct negotiations with Israel concerning disputed borders and other outstanding differences pursuant to the Resolution of the United Nations Security Council dated November 22, 1967;

Whereas, the United States can most effectively contribute to such peace by encouraging such direct negotiations between Israel and the Arab states and by promoting agreement among the major powers for effective control of the traffic of arms into the Middle East;

Whereas, the United States, by proposing or attempting to impose any specific adjustment of such disputed borders or any specific settlement of such other outstanding differences between Israel and the Arab states prior to or outside the context of such direct negotiations, will clearly diminish the prospects of peace in the Middle East by reducing the incentive of the Arab states to enter into such direct negotiations;

Whereas, the current special four-power negotiations among the United States, the United Kingdom, France and the Soviet Union on the Middle East, as well as the special two-power negotiations between the United States and the Soviet Union on that subject, were initiated for the purpose of encouraging such direct negotiations between Israel and the Arab states and of promoting such arms control agreement;

Whereas, the Soviet Union has shown no interest whatsoever in encouraging such direct negotiations or in promoting such arms control agreement;

Whereas, the continuation of such special four-power and two-power negotiations in these circumstances is contrary to the interests of peace as it merely encourages the Arab states in the belief its settlement favorable to them will be imposed by the major powers and that they have no reason to negotiate directly with Israel; and

Whereas, the United States can continue to undertake vigorous diplomatic efforts to secure such direct negotiations and such arms control agreement through regular diplomatic channels;

Now, therefore, be it *Resolved by the Senate (the House of Representatives concurring)* that it is the sense of the Congress that—

(1) any readjustment of disputed borders between Israel and Arab states, and any settlement of other outstanding differences between Israel and the Arab states (including but not limited to the status of Arab refugees, the status of the eastern sector of the City of Jerusalem and the rights of navigation in the area), take place only in the context of direct negotiations between Israel and the Arab states;

(2) the United States concentrate its dip-

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lomatic efforts upon encouraging such direct negotiations between Israel and the Arab states and upon promoting agreement among the major powers for effective control of the traffic of arms into the Middle East;

(3) the United States henceforth refrain from proposing or attempting to impose, prior to or outside the context of such direct negotiations, any specific readjustment of such disputed borders or any specific settlement or such other outstanding differences between Israel and the Arab states; and

(4) the United States, while continuing vigorous diplomatic efforts through regular diplomatic channels to encourage such direct negotiations and promote such arms control agreement, terminate the current special four-power negotiations among the United States, the United Kingdom, France, and the Soviet Union on the Middle East, as well as the special two-power negotiations between the United States and the Soviet Union on that subject.

BRINGING HUMAN RIGHTS DOWN TO EARTH

Mr. PROXMIRE. Mr. President, I have repeatedly discussed the failure of this body to ratify the human rights conventions dealing with political rights for women, genocide, and the abolition of forced labor. I have traced the development of these conventions from their inception, through the United Nations, to their ratification by numerous nations. I have thoroughly explored each convention and found the contents to be in full accord with those basic principles of human dignity that form the fabric of our society.

There is no doubt that every Senator subscribes to these principles; but still the Senate delays favorable action on the conventions.

Perhaps it would be helpful to consider the human rights conventions apart from the ponderous setting of international organizations and formal treaties and examine them in the context of individual personal values.

The concept of genocide is abhorrent and unthinkable. Instinctively I am revolted by it and automatically seek to do all within my power to eliminate it from our world. All in this Chamber must have similar feelings; yet the Senate has not ratified the Genocide Convention.

I cannot condone the existence of forced labor anywhere in the world. I deplore in particular the Soviet Union's refusal to abolish forced labor within its borders. As a country, the United States even prohibits the import of products made by forced, slave, or convict labor. Surely every Member of this body deplores forced labor as much as I do; yet the Senate has not ratified the convention outlawing forced labor.

Long ago the United States gave women equal voting rights and we have moved on every front to assure complete equality between the sexes. We recognize that women are entitled to equal job opportunities and equal pay. We recognize no barrier to women holding any position in public or private life. No individual Member of the Senate can dispute this; yet the Senate has not ratified the Convention on the Political Rights for Women.

Perhaps now is the time for the Members of this body to transform our private convictions into public action. Perhaps now is the time to ratify these three human rights conventions.

PROPOSED REPLACEMENT OF OIL IMPORT PROGRAM WITH A TARIFF SYSTEM

Mr. McGEE. Mr. President, reports have been widely circulated that President Nixon's Cabinet Task Force on Oil Import Control has recommended that the existing mandatory oil import program be replaced by a tariff system which would have the effect of lowering the price of domestic crude oil from about $3.50 a barrel to around $3 a barrel. The adverse effect such a change would have on our domestic oil industry has been carefully documented. However, insufficient attention has been given to the severe impact such a departure from the mandatory oil import program would have on the Nation's natural gas consumers.

About 140 million of our population are served directly by natural gas distribution companies. Over 30 percent of the electric power in this country is generated by natural gas. In short, more than one-third of our Nation's total energy requirements are provided by natural gas.

It took 20 trillion cubic feet of natural gas to meet this demand in 1968, and the Nation's demand is expected to increase at a rate of 5.5 percent per year through 1985. This means that consumption should increase over 145 percent in the next 15 years as contrasted with 107.9 percent increase between 1956 and 1968.

To accommodate this growth, long-distance pipelines and local distribution mains for delivering gas to consumers are expected to expand by over 700,000 miles to about 1.5 million miles while total investment in gas transmission and distribution facilities will increase from $35 to $75 billion. Stated simply, if there is an actual shortage of gas supplies—even a temporary one—and this tremendous fixed investment in facilities is not used at near 100-percent efficiency—as it is now—the cost to consumers could go up sharply. So there is the prospect of denial of a desirable fuel and the prospect of unnecessarily higher prices even if we can get it.

Ironically, however, as we watch the demand for this premium fuel grow, the ratio of proven reserves of natural gas to demand has declined steadily. While in 1956 the developed and proven reserves were 21 times the annual demand, the reserves of 290 trillion cubic feet developed or proved in 1968 were less than 15 times annual production for gas that year. In 1968, for the first time, gas consumption exceeded new reserve additions—and by 40 percent. Yet that same year demand hit a peak annual increase of 8 percent. Natural gas distribution companies were experiencing great difficulty in contracting for necessary gas supplies at the end of 1968 when the reserve-production ratio was at 14.6. The Federal Power Commission staff has estimated that the ratio will be down to 12.8 by the end of 1970.

This reserve margin is entirely too low because we cannot economically rely on foreign imports, gas reserves will not be increased by conventional secondary recovery projects as will oil wells, and the lack of flexible means of transportation means that gas must move through high-cost fixed facilities amortized over reasonable periods, usually 20 years. The gas industry must have a fully adequate long-term gas supply in order to attract and amortize the tremendous amounts of new capital required for the construction of facilities.

The sharp decline in drilling and exploration trends of the domestic petroleum industry is responsible for these inadequate gas reserves. Wildcat drilling and geophysical activity, which are considered the most sensitive measure of exploratory operations, are down 40 percent and 56 percent respectively since 1956. Total wells drilled have declined 43 percent while the number of active rotary rigs is off 55 percent. There has also been a drastic drop in exploratory wells completed as gas producers from 909 in 1959 to 429 in 1968, a decrease of 53 percent.

Any change in the mandatory oil import program which lowers the price of foreign oil will immediately have a dampening effect on domestic petroleum exploration and development. This would in turn have a significant impact on natural gas. An obvious and direct effect would be the reduction in the amount of gas found in association with crude oil. About one-third of our natural gas supplies are found in conjunction with oil, either as gas caps of oil reservoirs or as gas dissolved in oil. It should be pointed out that while proved gas reserves declined from 292.9 to 287.4 trillion cubic feet during 1968, nonassociated gas reserves declined only slightly—from 221.8 to 221.0 trillion cubic feet. The greatest decline in reserves occurred in gas associated with oil.

A second effect will be the reduction in the amount of nonassociated gas that is either found while looking for oil or is made economical to produce through its association with oil activities. It has been estimated that under current oil and gas incentives the amount of nonassociated gas found through the search for oil is in the range of 15 percent. Also, since the average gas reservoir volume is only worth 15 to 20 percent of an equivalent oil reservoir volume, most all high cost exploration in extremely deep water or arctic environments is done for oil. An excellent example is the North Slope of Alaska where the Potential Gas Committee, an independent agency sponsored by the Mineral Resources Institute of the Colorado School of Mines and financed by the American Gas Association, the American Petroleum Institute and Independent Natural Gas Association of America, has estimated that there may be as much as 400 trillion cubic feet, or 33 percent of the future potential gas reserves in this Nation. However, without active exploration for oil and a large base of oil operations, a great deal of this gas may never be sold or even found.

All of these declining natural gas supply trends look senseless when compared with the estimated potential reserves in this country. The U.S. Department of Interior and the Potential Gas Committee have agreed that the physical reserve potential for natural gas in the United States is entirely adequate. It has been estimated that there are 1,227 trillion cubic feet of undiscovered natural gas in the United States. The Nation's consumers should not be needlessly deprived or their prices needlessly increased by a natural gas shortage which is avoidable.

To translate this potential into usable reserve, there must be adequate economic incentive. Existing incentives have already been eroded by the reduction of the percentage depletion allowance for natural gas from 27½ to 22 percent. Any further decrease could not come at a worse time. Not only are our normal energy demands constantly increasing, but with adequate supplies, natural gas, which is a sulphur-free fuel, can also make a major contribution to the battle against environmental pollution.

As the Federal Power Commission's Bureau of Natural Gas summarized in its report on National Gas Supply and Demand:

> U.S. natural gas requirements will continue to increase through 1973 at an average rate of 6.0 percent . . . the undiscovered natural gas reserves of the contiguous states of the U.S. are estimated to be from two and a half to five times the current proven reserve inventory of 282 trillion cubic feet . . . A major new government-industry program is needed immediately to insure the continued growth of gas service during the next decade . . . Basic elements for consideration should include exploration incentives . . .

I urge that careful consideration be given to the adverse impact any modification of the mandatory oil import program would have on our national gas supply and 140 million natural gas consumers.

THE APPLICATION OF SPACE-AGE TECHNOLOGY TO WASHINGTON, D.C.

Mr. MONDALE. Mr. President, our fantastic success in space—two trips to the moon and back within the last year—is a vivid demonstration of what American technology can do when focused upon a goal and committed to its realization.

It is time to use some of what we have learned in advanced technology and computerized decisionmaking for the solution of our more earthly problems.

So far, we have only tinkered with technology in searching for the solutions and long-range goals to revitalize our cities. Mr. Robert Sarnoff recently called for us to concentrate a massive effort in the Washington, D.C., area for application of space-age technology to the problem of our cities.

I think that a recent Washington Post editorial put this matter in excellent perspective, calling for the commitment and identifying the long-range objectives, but wisely cautioning us on the magnitude of the task ahead of us.

I ask unanimous consent that the editorial be printed in the Record.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

[From the Washington Post, Dec. 2, 1969]

One of the Great Tests of Our History

The suggestion that Washington be chosen for a "full-scale pilot program" which would use space technology for the "complete and systematic rehabilitation of Washington, D.C." deserves serious attention. Washington, of course, needs all the help it can get. But even more important—and that may be why Robert W. Sarnoff, president of RCA, made the suggestion—the nation needs to know whether the computer-age technology that sent us to the moon twice can be used to solve the problems of American cities. That question in a slightly different form has been plaguing the space community. Are vital national resources needed to meet the crisis at home being diverted to the moon and beyond?

Mr. Sarnoff's speech to the National Industrial Conference Board's computer conference picks up from a series of addresses by Dr. Thomas O. Paine, administrator of the National Aeronautics and Space Administration, suggesting that modern technology can assist in solving the problems of cities, provided there is a national commitment to do so. Thus, finding the technology, in Dr. Paine's view, was less of a problem than securing the national commitment to go to the moon. And we were vastly assisted by the successes of the Soviet Sputniks. Mr. Sarnoff agrees with the need to provide the commitment and considers the ability to do so "one of the great tests of our history." His hope is that a discussion can be started to generate that commitment. Both he and Dr. Paine cite such national efforts as the ones that produced the Tennessee Valley Authority, the Marshall Plan to save Western Europe from Communist domination, and the space program as possible prototypes.

The Sarnoff program will be costly and take a long time. He would build a computer model of the Washington region and set out to learn "the real costs, in terms of taxes and lost revenues, of an impaired environment." A "systems analysis" approach would use existing planning agencies which would be authorized to contract for "the services of managers and specialists from government, the universities and industry, as well as those agencies, both public and private, with special knowledge of urban problems." A first phase of the program would be completed by 1976 in time to celebrate the nation's 200th birthday.

Obviously, there are defects in the Sarnoff program. The working model of the area will provide, on paper, possible answers to problems of housing, highways, and other planning questions. But it will not tell how to solve countless human equations including the key one of amassing the political strength to get the job done.

According to Dr. Paine, "cities . . . have their report card marked against wobbly success standards involving prejudice, special interests, wishful thinking, conflicting values, loose rhetoric, prophesy and revelation, or, in the current vernacular—*soul.*" He adds that "improved urban decisionmaking in the public sector is a major unsolved problem in today's society." In part, he sees the problem as one of overall management which must consider all the activities going on within the urban complex. The urban manager, Dr. Paine feels, must decide "what he can manage and where he can lead," and he must be prepared to encourage experimentation and innovation.

These are some of the questions that must be answered, in Dr. Paine's view: What are the important human values, urban goals, and public expectations here? What new institutional patterns can best achieve the various objectives? What resources will be required over what period? How can the contributions of universities, industry and government be organized? What approach from the spectrum of management is best for each component? How will the required new scientific understanding be acquired through theory and experiment? What technological advances should be fostered and utilized? As the work progresses, how are the experimental results to be fed back to the action controllers?

Mr. Sarnoff has done better defining the Washington need than in suggesting how it might be met, but it is to his credit that he is prepared to face the need. He called for "a large-scale program of regeneration that would go beyond physical planning" and deal with interacting problems of housing, transportation, race, employment, health, welfare, education, communications, and law enforcement as well as water and air pollution. Like most good ideas that are tossed out before public forums, this one will depend on the reaction.

Mr. Sarnoff puts it this way: "We have now reached the day of reckoning. We must decide whether our way of life is worth the necessary commitment to our cities and our environment. I am convinced that Americans, especially our young people, possess the mind and motivation to undertake such a commitment."

ENVIRONMENTAL QUALITY: OUR COASTAL ZONES: THE NEED TO PLAN AND PROTECT

Mr. TYDINGS. Mr. President, last December it was my pleasure to speak to the MIT Alumni Association of Washington and Baltimore. The topic of my remarks was the coastal zones of the United States, a key geographic feature of our country.

I ask unanimous consent that my speech be printed in the Record.

There being no objection, the address was ordered to be printed in the Record, as follows:

Address by Senator Tydings

I am delighted to be with you this evening and am deeply honored by the kind invitation to be your guest speaker.

I'd like to talk with you tonight about a conservation issue that has not yet received great public attention. It is, nevertheless, an issue of considerable importance to our country and one that has, fortunately, received serious consideration by scientists both in and out of government.

The issue is the protection and proper development of our estuaries and of the coastal zones in which they're found.

An estuary is that body of water where the salt water of the ocean mixes with the fresh water of the rivers. It is water that is influenced by both the tidal effects of the sea and the flowing currents of streams and rivers.

Just some ten miles to the east of us here we have one of the greatest estuaries in the world, the Chesapeake Bay.

Estuaries are valuable components of what scientists are now calling the Coastal Zone. This can be defined as the margin where land and water meet and interact. It is not just the sea itself, nor the land either, but rather the broad area where they join together and directly influence each other. The Coastal Zone includes bays, marshland, river deltas, harbors, estuaries, and even parts of the continental shelf.

It is thus an exceedingly important, if not the key feature of our geography.

The coastline of the United States is 88,633 miles long, 99,613 if you include the Great Lakes. The 30 states that comprise the Coastal Zone contain 75% of our population. In an increasingly urban society, 45% of our urban

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population live in coastal counties. Twenty-five percent of our entire population live within fifty miles of the coast.

But the Coastal Zone has more than most of the people, it also has most of the fish.

The Bureau of Commercial Fisheries reports that seven out of the ten most valuable species of commercial fish spend important parts of their life cycle in estuarine waters. The Marine Science Council tells us that the Coastal Zone is probably the most important source of commercial fish—supplying ninety percent of the total U.S. catch. The waters off our shore are thus among the most biologically productive regions of the nation.

The Coastal Zone is also an area rich in mineral resources. Sand and limestone, magnesium compounds, salt and bromides, oil, natural gas and sulfur all now come from the water and seabed. The offshore waters presently contain more than 6,000 oil wells that each year produce petroleum products worth over a billion dollars.

The Coastal Zone, of course, is the area where much of the nation's heavy industry and maritime commerce is concentrated. With ready access to raw materials and world markets, the Coastal Zone, is a perfect site for competitive, energetic industries to locate. Being the juncture point of land and sea, much of the nation's trade and industry takes place within the Zone.

It is also the perfect location for people to play as our society finds itself with more and more leisure time. Boating, swimming, hunting, and fishing are all sporting activities that are enjoyed by an evergrowing number of people within the Coastal Zone. It is a major area of recreation.

To put it in the modern idiom, the Coastal Zone is where it's at.

Yet the size and importance of the Coastal Zone is not what determines its impact on our society. What really matters is how we treat it; how we manage—politically, economically, socially, and biologically—this key natural resource.

As Thomas Huxley has noted:

"I cannot say that I am in the slightest degree impressed by your bigness or your material resources as such. Size is not grandeur, and territory does not make a nation. The great issue . . . is, what are you going to do with these things?"

What we have done so far is not encouraging.

I do not want to sound like a scientific Cassandra seeking to warn the nation of impending doom. But there is no doubt that our coastal zones are in danger. This situation, however, should not surprise us.

We are, after all, a violent society. Each day in the newspapers we see evidence of this violence as serious crimes are committed in our homes, businesses, and streets. The rising rate of crime is an issue that most alarms the average American citizen, and rightly so.

Yet the violence is not limited to other people. We do violence to our environment as well.

Throughout our history, we have committed crimes against our natural resources. We have treated our air, land, and water resources with abuse rather than care. The pollution that we are all familiar with is the inevitable result.

We have spoiled rivers, soiled air, and scourged our land.

And our coastal zones have not been spared the inevitable result of such treatment. They have been abused as well.

At the present time there are at least six major problems confronting the Coastal Zone. Each by itself is doing great harm. Taken together, and left unsolved, they could well destroy the utility of this key geographic zone.

The first problem, and the most obvious, is the pollution of both the air and water in the Coastal Zone. The latter is particularly destructive for water quality is essential for marine life. Water pollution presents serious economic consequences. The Marine Science Council estimates that 8 percent or 1.2 million acres of the nation's shellfish grounds have been declared unsafe for human consumption due to pollution.

This absence of clean water is felt right here in Maryland. The Federal Water Pollution Control Administration has estimated that the State loses $3 million annually in commercial fishing due to water pollution.

And beaches that you could once swim in are now often closed. The loss in recreational potential from water pollution throughout the nation is considerable.

What particularly disturbs me about this situation is that we presently have the technology necessary to clean up our waters. We know what to do, but we seem unwilling to do it. The continued pollution of every major river system in the country is the result. We have the know-how, we even have the money. What we lack is the will.

The second problem confronting the Coastal Zone is the rapid rise in the number of people who live there. The nation's seven largest metropolitan areas are located along our coastline. This is a large number of people for a space that is relatively small, and many of the 90 million people by which our population is expected to increase in the next three decades will settle in the Coastal Zone.

Patterns of development along the shoreline vary widely from area to area depending upon economic interests and local topography. The tremendous growth of our population has brought dramatic pressures on limited shoreline space. This pressure has been heightened by a rising standard of living that permits people to locate in the many desirable locations that exist within the Zone.

In many areas the Coastal Zone is already saturated. Too many people place too many demands upon a limited resource. These demands often conflict and bring insurmountable pressures to bear. The result is a rapid decline in the basic well-being of the Coastal Zone resource.

As succinctly stated by the Marine Science Council's Task Force on Coastal Zone Authorities, chaired by Under Secretary of the Interior Russell E. Train:

Increasing and conflicting demands on the finite resources of the Coastal Zone for commercial and industrial development, transportation, residential housing, recreation, and other uses result in: loss of wildlife and nutrient rich areas, permanent adverse ecological changes, decreasing open space for public use, and shoreline erosion. These results are caused by: rapid urban and suburban development, heavy industrial growth, inefficient use and location of industrial sites, increase in population in the area and in upstream zones. Also by unplanned and unregulated alteration and modification of the Coastal Zone, especially by dredge and fill operations mostly brought about by the private sector.

The third major problem confronting the Coastal Zone is the failure to set aside sufficient space for public use. Although 8,000 acres of coastal land were set aside pursuant to Federal programs in FY 1968, this was clearly insufficient to meet our ever increasing requirements. Only 3% of our ocean and Great Lakes coastline has been set aside for public use or conservation in spite of rapidly growing demands for such areas. Yet in Great Britain the Crown owns all beaches and public use of the shorelines resource is thus ensured.

The Land and Water Conservation Funds which provides matching grants to states for the purchase of park land, is severely underfunded. For Fiscal Year 1970 the Nixon Administration requested only a $124 million appropriation when Congress had authorized $200 million. The effect of this drastic reduction is to cripple our efforts to secure sufficient and essential recreational areas. If we can afford a $2 billion cost overrun of the C–5A military transport plane, we can surely afford $200 million, one-tenth of the overrun, to be spent on parks.

More people and more leisure time make it imperative that enough space within the Coastal Zone is now set aside and developed for recreation, before skyrocketing land prices make sufficient acquisition impossible.

What we need is a few more Assateague National Seashores.

Another problem facing the Coastal Zone is the rapid destruction of wetlands. The marsh area is exceedingly valuable as marine and wildlife habitat. Yet it is equally important as new sites for homes and commercial development. Construction, however, has overwhelmed conservation and the loss of wetlands is proceeding at an alarming pace.

The 1965 Report of the Environmental Pollution Panel of the President's Science Advisory Council has termed the draining of our wetlands as an important kind of pollution. And it is exactly that.

In typical but not inevitable fashion, man has fouled a part of nature which has served him well and which is vital to his existence. Our wetlands are slowly and irrevocably being ruined. With bulldozer and dredge, pump and power shovel, man has destroyed wetlands and replaced them with industrial plants, clusters of summer cottages, shopping centers, boat marinas, deep-water harbors, jet runways and all the other hallmarks of a sophisticated, affluent society.

The prestigious report of the National Commission on Marine Science, Engineering and Resources reported that "In the past 20 years, dredging and filling have destroyed seven percent (more than a half million acres) of the Nation's important fish and wildlife estuarine habitats." In 1959, a survey of Long Island wetlands by the New York State Conservation Department and the U.S. Fish and Wildlife Service revealed that 12.5 percent of high and moderate value wetland habitat areas had been destroyed since 1954.

Maryland, where wetlands are particularly important, has lost an estimated 7% of its wetlands since 1952 and could lose an additional 147,000 acres—nearly one-half of the State's remaining total—in the next decade.

I will soon write Secretary of Interior Hickel urging that the Land and Water Conservation Fund be more fully utilized to acquire wetlands, a specific recommendation of the National Commission on Marine Science, Engineering and Resources. An opportunity now exists in Maryland where certain wetlands may be available at reasonable cost.

The fifth problem facing the Coastal Zone is one of the most difficult. It is ensuring that, to the fullest degree possible, the concept of multiple use is employed in the management of the Coastal Zone.

Too often in the past a single purpose has destroyed the utility of the resource for other uses. With multiple use, compromises are introduced in order to permit competing purposes to coexist. Harbors and healthy oysters can coexist, for example, if pollution levels are held down. Similarly, a swimming facility and a properly designed sewage treatment plant can exist in the same area.

Given the tremendous demands now placed on the Coastal Zone, and their limited ability to absorb further abuse, multiple use is an absolute necessity in Coastal Zone management.

But it is much easier to speak about than achieve.

This leads us to the sixth and perhaps most difficult problem confronting the Coastal Zone. The problem has been clearly stated by the National Commission:

"The rapidly intensifying use of coastal areas already has outrun the capabilities of local governments to plan their orderly development and to resolve conflicts. The division of responsibilities among the several levels of government is unclear, and the

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knowledge and procedures for formulating sound decisions are lacking."

The responsibility to develop plans for the Coastal Zones that reconcile conflicting demands is the responsibility of all governments; federal, state, and local. Yet at the present time effective management has been hampered by the variety of governmental jurisdictions involved, the low priority afforded marine matters by state governments, the diffusion of responsibilities among state agencies, and the failure of state agencies to develop and implement long-range plans.

Unless we achieve an orderly, balanced and effective coastal management system, the Coastal Zones of the United States will not be protected. Haphazard development will continue, benefits will be allocated to a few, and the destruction will continue.

A priceless natural and national resource—and the last real chance to protect and develop it in the national interest will be lost.

In order to prevent this, we first must know a lot more than we do about our Coastal Zones.

For this reason, I introduced and Congress enacted in 1966 legislation directing the Secretary of Interior to undertake a comprehentive three-year study of pollution in our estuaries. The measure was purposefully drafted so that a wide ranging analysis of our Coastal Zones could be made.

It was, for the report, which has just been released, is over 1500 pages long and represents a major analysis of our estuaries and the Coastal Zone.

The report includes an inventory of all the nation's estuaries, a discussion of their economic and social importance, and an analysis of the major social, ecological, and economic trends occurring in the Coastal Zone. Most importantly, the report calls for the recommendation of a national program for the preservation, study, and development of the nation's estuaries.

It also presents the respective responsibilities which should be assumed by Federal, State, and local governments, and by public and private interests, in the management of our Coastal Zones. This is most important, given the failure of our present institutional arrangement to protect these areas.

I have not yet had the opportunity to review this study in depth. Legislation based on it was very recently introduced in Congress. While I have not yet decided if this bill is exactly what we need, I would like to suggest briefly before closing, some considerations which must be accepted in any legislative effort to obtain a workable and effective coastal management system:

1. The state must be recognized as having the primary role in coastal zone management. It can provide the link between Federal incentives and research, and local requirements and desires. The state is neither too close to the coastal resource, nor too distant.

2. The state must possess the institutional arrangements sufficient to protect the coastal zone. This means adequate financial resources, administrative machinery and enforcement authority. It means a single agency, that is not merely a conglomeration of other agencies, but one with power to deal with overlapping jurisdictions and to develop and regulate a master plan for the state's Coastal Zone.

3. At the same time, the federal government has a definite role in the coastal zone. It has the specific responsibility for national security and navigation. It should as well develop goals and criteria for resource management. And it should encourage, if not force, the states to act in protecting our Coastal Zones.

4. The Federal Government must also coordinate and place in focus its own activity relating to the Coastal Zone. The Marine Science Council has detailed the vastness of this activity. The Council should be upgraded to ensure that a federal policy exists and is effected.

5. The large scale destruction of our wetlands must stop. They are too valuable ecologically and too important recreationally for the present drainage rate to continue. A better balance is needed in this area.

6. Generally, the multiple-use philosophy must prevail for present and future planning. The exploitation of a single resource or use that is contrary to, or irreversibly precludes other desired uses, must be discouraged. At certain times it cannot be avoided. In these instances counterbalancing uses of similar resources must be ensured.

7. Certain small areas of the Coastal Zone must be fenced off as ecological preserves. We must provide our scientists with conditions for long-term analysis of the coastal zone under natural condition.

If these considerations are implemented in a national, state-federal cooperative effort to develop our Coastal Zone, this important natural resource can be protected. We can reverse the degradation of our limited shoreline and realize the full benefit of being a coastal nation.

RISE IN MEDICARE FEES

Mr. MONDALE. Mr. President, since the first announcement of my intention to resist the rise in medicare fees, I have received a great deal of support as well as many personal testimonials regarding the burden which these added costs would place upon our senior citizens.

I ask unanimous consent that a few illustrative items be printed in the Record.

There being no objection, the items were ordered to be printed in the Record, as follows:

Mondale Is Correct

To the Editor:

I was glad to read of Sen. Mondale's interest in medicare fees. With a raise of 15 per cent in monthly benefits and medicare fees raised to $5.30, minimum check recipients wouldn't benefit much.

My Social Security check now is $48.70, plus 15 per cent more would be $56. Taking off the $5.30 for medicare would leave $54.70, less 10 cents for cashing the check leaves $54.60.

In case of hospitalization the first $52 would have to be paid, which would leave only $2.60.

Many older folks (through no fault of their own) have their savings used up. Higher taxes, higher prices for everything necessary, are still with us. Hope Sen. Mondale will have success in bringing about a change.

(Name withheld by request.)

[From the Little Falls (Minn.) Daily Transcript, Jan. 8, 1970]

Medicare Fee Hike Meets Opposition

In a United Press International news story yesterday Sen. Walter Mondale reported that he was "encouraged by the support shown for his proposal to put a $4 per month ceiling on payments old people must pay for Medicare." The senator said he will introduce a bill to keep payments at $4 per month when Congress reconvenes later this month.

"This is a cruel increase and it will hit many citizens who already are in a desperate situation," he said. "Also, it may force many to drop out of Medicare and it is essential that we keep these people in the program."

The Minnesota senator suggested that the additional money needed to finance the program—some $300,000,000—could come out of general revenue.

Medicare has been under-financed since it began in July 1966. The monthly premium then was $3 and the government matched it with an equal amount. The premium was raised to $4 in 1968.

An attempt to raise it again, when it was still found to be running behind, was rejected by then Secretary of Health, Education and Welfare Wilbur J. Cohen, who issued orders aimed at holding the line on payments for doctors' charges.

Robert H. Finch, who now heads the department, has raised the monthly fee to $5.30, beginning July 1. With the government's matching share, this would bring the total monthly cost of medical coverage for the 19.3 million Americans covered by the program to $10.60.

As probably could be expected, the action by Secretary Finch already has aroused congressional intervention. There also has been some sentiment for scrapping the Medicare premium plan and combining Medicare with hospitalization. The elderly then would be covered under Social Security.

The average Social Security retirement check now is $116 per month for a single person under terms of the new law although increased pension checks will not be in the mail until April. The average retirement check for a couple is $170 per month. While these amounts provide for only a subsistence level of living for the elderly, there are many others who receive considerably less with the result that a $5.30 or $10.60 monthly Medicare bill makes a big hole in an already pitifully small check.

The result many times is that the elderly are forced on the welfare rolls and a consequent heavy burden on property taxpayers. The government may save some money but the rest of us will have to fight that much harder to pay our property tax bills. In other words, the action by the administration is much in the order of "robbing Peter to pay Paul."

Mondale Seeks Limit on Medicare Charges

Legislation to prohibit any increase in the present $4-a-month premium charged to the aged participating in the nation's Medicare program will be introduced shortly in the Senate by Minnesota's Walter F. Mondale. The $4 premiums are scheduled to be raised to $5.30 beginning July 1, 1970, by the present administration.

Senator Mondale was highly critical of the proposed $1.30 per month raise in Medicare premiums. His reasoning is that most senior citizens are losing in the battle with inflation.

"At a time when inflation is robbing our senior citizens of their hard-earned retirement benefits, it is unfair to require them to pay higher fees for the medical care they so desperately need," said the Senator.

Mondale further pointed out that it is inconsistent on the part of the present administration in Washington to request a 15 per cent across-the-board increase in Social Security benefits on the one hand and a 33 per cent increase in contributions to Medicare by the aged on the other hand.

In view of the widespread abuses of the Medicare program uncovered during the past year, the position of Senator Mondale seems eminently reasonable. Rather than taxing the already severely limited purchasing power of retired people with fixed income, some effort to eliminate gouging by medical people should assume first priority.

Other than tightening administrative procedures to insure that there is no overcharging of patients receiving help under Medicare, it seems not fair to expect Medicare to be self-supporting or even largely self-supporting.

Medicare was intended as an aid to relieve the elderly of a prime worry of their declining years, the worry of financing medical bills at a time in life when medical care is most often needed and the ability to pay is at its lowest.

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Senator Mondale's bill not only provides for a freeze of the monthly fee at its present $4 level but provides for a systematic reduction in the fee over the next several years. The slack in the cost of the program would be taken up by increased contributions from general revenues as well as contributions from the Social Security payroll tax.

POLLUTION—A PRIME PROBLEM

Mr. MONDALE. Mr. President, pollution takes center stage as a prime problem as we enter the 1970's. The threat that man might soil his nest to such an extent as to make it almost uninhabitable becomes more credible with each passing day.

But there is still time to stop the trend toward destroying our environment and with it the quality of our lives. Despite the activities in recent years of certain legislators, such as my colleague Senator Gaylord Nelson, Congress has come to recognize pollution as a matter of national concern only in the past few months.

That recognition is being fostered and heightened by the work of our communications media. I shall cite one outstanding example: A series of articles by Roberta Hornig and James Welsh which appeared in the Washington Evening Star from January 11, 1970 through January 18. The thoroughly researched and dramatically written articles describe the Atlantic Ocean as a sewer—in the words of adventurer Thor Heyerdahl—and America as a trash can. It quotes an expert as saying man is in danger of becoming a vanishing species.

I ask unanimous consent that the series of articles be printed in the Record.

There being no objection, the series was ordered to be printed in the Record, as follows:

A World in Danger—1: The Environment: Is It Problem No. 1?

(By Roberta Hornig and James Welsh)

(Note.—Many scientists concerned with environmental pollution fear that the 1970s will be the dawn of Doomsday. This is the first of seven articles examining what man has done to his world, and what he can do to save it.)

John Heritage's job begins to close in on him long before he gets to the office.

As a 31-year-old staff aide to Wisconsin's Sen. Gaylord Nelson, Heritage specializes in the environment. On a typical workday, he hasn't driven far from his home in Alexandria when these troubles begin coming at him, one after another.

His car inches through a crowded interchange onto Shirley Highway. It is a gray, heavy day. The cars stop, inch forward, stop. The fumes hang over the highway.

The cars, thousands of them, sputter through Arlington's apartment wonderland, past the Pentagon and toward the 14th Street Bridge.

As he approaches the bridge, a jet swings into its landing approach to National Airport. It approaches from upriver.

Heritage knows that as he crosses the bridge, the plane—perhaps even two—will pass not far overhead, engines screaming and dumping oily black grit on top of the exhaust-laden air he is breathing.

The Washington skyline should be clearly in view now. Some days it is, but today it is not. The accumulation of smoke from cars, buses, trucks, planes and smokestacks is too heavy; the skyline is blurred in a pastel haze.

Beneath the bridge, the Potomac flows dirty and sluggish, logs and dead fish floating in the murky brown.

Heritage crosses the bridge and the traffic passes a densely built-up urban area. There is construction nearly everywhere—buildings and highways.

The noise and confusion reach a peak as he nears the Rayburn House Office Building. There, a pile driver is banging away at full steam.

John Heritage has driven from a famous suburb to the Capitol of the United States. The trip is past, but not forgotten. He has to drive home tonight, and back to work tomorrow morning, and he wonders what Washington will do to right man's wrongs against nature.

"You have to wonder what's happening to people," he observes "Call it irritation if you want, but anyone can sense on a trip like this what is meant by the contention that our quality of life is going down.

"The environmental problem is no longer an issue of saving trees, of conserving natural resources. It's part of daily life. To go from one place to another in our cities is to pass through an unhealthy cross-section of pollution."

Heritage and his fellow Washingtonians are far from alone. Countless thousands across the country are wondering and worrying about their own communities—not just the big towns of New York and Los Angeles, but also the middle-sized cities of Oakland, Salt Lake City, Denver, Wilmington, Providence, Buffalo, Chattanooga, plus smaller towns and even rural areas.

And if other Americans remain relatively unconcerned, the sweep of current developments and trends may be giving them second thoughts.

People in Cleveland apparently had decided they could live with the Cuyahoga River. But one day last June the river caught fire. The blaze from an ignited oil slick soared five stories high and caused $50,000 damage to two railroad trestles. Clevelanders are more "aware" now.

Around San Francisco, a city justifiably proud of its good looks, it has been fashionable to look down on Los Angeles as a monument to tastelessness. Northern Californians like to think of LA's air pollution, which has set off 71 emergency alerts since 1955, as typical of the kind of mess Southern Californians are capable of making. But now in the San Francisco Bay area, the smog is so thick that the Northern Californians can't see across the bay.

Lake Erie was murdered, the victim of industrial and municipal waste disposal. It now harbors new life—a mutant of carp which lives off poisons.

Death is also coming to more of the nation's once clear waters.

So much sewage from upstream communities is coming down the Eagle River in the Colorado Rockies that trout fishermen, if they still go there, catch toilet paper, not fish.

In Northeastern Pennsylvania not too long ago, acid drainage from a mining operation leaked into some abandoned, uncapped gas wells, eventually polluting the underground water serving seven counties. In some parts of the area, the only way to get water was to truck it in.

Incidents and problems like this are piling one atop the other.

The days are gone when concern for the land, the air, the water was the sole province of the conservationists, the wilderness enthusiasts, the bird watchers and a few far-seeing scientists, authors and public officials.

Last spring the National Wildlife Federation arranged for a public opinion poll, on the subject of conservation. It showed 85 percent of the American people worried about the state of the environment.

The problems they worry about, of course, vary in severity from place to place.

Washington, for instance, is about average for a city of 800,000 and a metropolitan area of nearly 3 million. Like similar areas, it suffers from air pollution caused chiefly by auto exhausts and burning fuels.

But Washington is not too typical because, as a government town, it has little industry to add to air and water wastes.

A good question then is why the Nation's Capital stands in the middle rather than the low end of the pollution index.

But solutions are as elusive as the air, and relatively little has been done.

As an issue, the environment began gathering true momentum in 1969. This year, it could well elbow its way to the top of the list of issues of major national concern, perhaps overshadowing the war in Vietnam. Students are planning protests; President Nixon is planning new programs.

There are reasons.

Everyday pollution is becoming more evident to the senses. As Heritage puts it: "It's real because you can smell it, touch it, see it, hear it."

Beer cans and other debris float by boaters far down the Chesapeake Bay. Signs warning "No Swimming—Polluted Water Not Recommended for Bathing" crop up in more and more places.

Airline passengers can spot metropolitan areas ahead by the banks of smog enveloping them. If they don't notice, their pilots, who are increasingly hampered by lowered visibility, are likely to tell them about it.

Besides commonplace pollution, dramatic "accidents" and attention-getting examples of pollution dangers are occurring more frequently.

The Cuyahoga River fire is just one example. Its effect was small in comparison to the breakup of the American tanker *Torrey Canyon* off the coast of England, leaving oil smeared across miles of British and French coasts, and killing tens of thousands of birds and fish.

More recent environmental "happenings" range from oil spills from a drilling platform off the Santa Barbara coast, to scientists' reports that human mothers' milk contains more DDT than the federal government permits in cow's milk sold for human consumption, to the death of 6,400 sheep on isolated Utah rangeways from nerve gas the Army was testing.

Evidence has piled up that no corner of the world is safe from pollution.

Poisonous pesticide residues have been found in penguins in the Antarctic.

Thor Heyerdahl, who sailed across the Atlantic last year, said the ocean "looked like a sewer."

In Greenland, traces of lead from industry and gasoline have been found in cores taken from the ice.

In Europe, acid rain frequently falls as far north as Sweden.

The Rhine is a contender for the world's most polluted river. Athenians call their air "Marshall Plan smog" for the fumes pouring from industry. In Venice, it's a tossup whether air pollutants or the flooding caused by excessive landfill operations will destroy a good part of the city's art treasures.

And as the pollution mounts, journalism is putting a higher news value on the environment.

Bigger headlines are going on stories like oil spills and smog alerts. Scientists' reports get into print and over the airwaves. There is a new breed of reporter's "beat"—the environment.

Newspapers are devoting long stories and series to the over-all problem. Time magazine now runs an environment section. Last year Look magazine devoted much of a whole issue to the environment. Newsweek has something similar in the works. So does Fortune.

Partly because of this kind of coverage, and partly because they are better organized, scientists are getting the message across as never before. And it is a sober message.

Increasing credibility is going to people once regarded as extremists for warning that the human species could become extinct unless it learns to live in harmony with nature.

Dr. Barry Commoner of Washington University in St. Louis is now considered a prophet for the doom-crying he has done for years—that "it's a matter of survival to be scared."

And ecologist LaMont Cole of Cornell University is now getting audiences besides other ecologists when he warns that pollution, because it kills forest and water plants supplying the world its oxygen supply, amounts to a time-bomb that may be impossible to defuse.

In a curious way, the Apollo space flights have helped galvanize public opinion. Mail to the White House on the environment doubled after last year's first moon landing.

To many, the flights raised the question of where technological priorities should be directed—into space or back on the earth?

The critics weren't alone. Astronauts joined them, some of them saying that from space, air pollution was so visible it cut into the joy of seeing Mother Earth from hundreds or thousands of miles away.

And the warnings are coming across.

In New York, mini-skirted women are picketing shops that sell coats made from the skins of leopards, a diminishing species.

In Minnesota, a Mothers' Day protest march on the site of a planned nuclear-powered generating plant on the Mississippi.

In fairly conservative Santa Barbara, residents led by a former state senator formed GOO (Get Oil Out), and with power and sailboats moved to block an oil company from setting up an oil-drilling platform like the one that earlier had blackened their beaches.

Students are forming environmental "action groups" on campuses across the country.

At Berkeley and Minneapolis, they held mock funerals for internal-combustion engines to protest auto air pollution.

At Richmond two weeks ago, students from Maryland to North Carolina met to protest the pollution of Virginia's rivers. The federal government sponsored their meeting.

None of this has been lost on the politicians.

It's a far different climate than a few years ago when Maine's Sen. Edmund S. Muskie was quietly cranking out landmark air and water pollution legislation or when Wisconsin's Gaylord Nelson was practically alone in talking of alternatives to the gasoline-powered internal combustion engine.

Now, Interior Secretary Walter J. Hickel put it, the environment has joined motherhood and the flag as good politics. In legislation passed last year—and more legislation now in the works—various members of Congress are outdoing themselves over who becomes identified with the push to save the environment.

President Nixon was slow off the mark on this issue but he is trying to catch up.

"There are more people in the White House now working on the environment than on any single issue, and that includes Vietnam," says one of the President's staffers.

The President will devote a major part of his State-of-the-Union message Jan. 22 to the environment. He has said it will be among top-priority items in his 1970 programs.

In the broadest sense, the problems of pollution tie directly to the march of civilization, to the many forces at work in industrial society, each heightening the effects of the others, all of them accelerating in intensity.

The first force is people—the sheer numbers of them.

As long as man's numbers were few, and his way of life simple, he could live compatibly with the world around him.

But the world's 3 billion people, which took millennia to produce, will double by the end of the century. The U.S. may add its third 100 million people by that time. As a result, the relationship between men and nature will change radically.

It wouldn't be too bad if the population were distributed more evenly across the land. But the economics of industrialized society doesn't work that way. Industry congregates in urban areas where it can draw upon a wide range of resources, knowledge and skills. People migrate to the cities for more money and a wide choice in the employment market. Service industries follow the people. The urban areas grow bigger.

But as industry and people become more concentrated, so do their wastes—to the point that it becomes extremely difficult and expensive to keep the air and water clean, to dispose of the trash, to preserve any open space.

Prosperity only aggravates the problem.

On the one hand, it provides increased leisure time and the mobility to get away from it all.

But the more people try to get away from it all, the more they run into each other. Today, in what were once remote vacation spots, it is often tent-pole to tent-pole, boat to boat, bumper to bumper. And because of so much use, some vacation areas themselves have become pollution trouble spots.

More important, western civilization's unprecedented prosperity is dependent on an increasingly high order of technology. Man has become the super consumer, demanding more resources, more products. Some of these products, autos especially, add to pollution. And the technology that underpins our prosperity cannot continue to grow in quality and quantity without giving off larger amounts of waste products.

Today's technology is turning out new orders of pollutants—plastics that don't corrode but continue to pile up, and synthetic chemicals that are what the scientists call "non-biodegradable" in that they do not break down easily.

The advance of knowledge and techniques has led to the 100,000-ton tanker and the giant pipelines that can be, and probably will be, laid across the fragile tundra of northern Alaska.

New knowledge and technology have enabled the exploiters to become more efficient.

As just one example, European fishing fleets, after discovering the major migratory route of the Atlantic salmon off Greenland, have so depleted this great sport fish that spawning grounds in Canada, Maine, Norway, Scotland and Ireland are now almost empty.

Even with the best of intentions, the application of technology often is preceded by little or no calculation of its environmental consequences. And so what Dr. Commoner calls "ecological backlash" is a growing phenomenon.

Perhaps the most vivid example of this backlash can be found in Egypt, where the giant Aswan Dam controls the Nile River, holding back a reservoir of water some 300 miles long.

Because the Nile's downstream flow has been slowed, waters of the Mediterranean Sea are now flooding the Nile Delta 600 miles below the dam, covering thousands of acres of fertile farmland. Because rich nutrients no longer flow below the dam, Egypt's fishing industry is collapsing. On mammoth Lake Nasser behind the dam, evaporation may claim as much water as the Nile was supposed to send downstream for irrigation. And medical specialists fear that snails that carry schistosomiasis will invade the lake and irrigation canals, eventually infecting thousands of peasants with that painful and crippling disease.

In its conception and construction, the Aswan Dam was seen as providing enormous benefits to the Egyptian people and economy. It may become a monument to environmental disaster.

If technologists have been short-sighted, so has government at every level.

In this country, for instance, two decades of housing, and transportation policy led to the suburban sprawl evident now in every metropolitan area, to dependence on the auto, to the great amounts of smog that autos produce.

On other fronts, while the Interior Department was trying to save northern wetland breeding grounds for waterfowl, the Agriculture Department was subsidizing their drainage for farming.

Over the years the federal, state and local governments have spent a lot of money in pollution abatement. But in the prevention of pollution, the record is a dismal one. In one area after another where the pressures for "progress" have confronted concern for the environment the environment has lost.

To put it another way, one agency after another created to help protect the environment gets caught up in a bureaucratic conflict of interest. As Muskie put it in a recent speech:

"The Congress has assigned responsibilities for pesticide control to the Department of Agriculture, which also promotes the use of pesticides for increased agricultural production.

"The Atomic Energy Commission supervises radiological protection from the uses of nuclear energy, which the commission promotes.

"The Corps of Engineers is responsible for some pollution control on navigable rivers, which the Corps dredges and into which it authorizes the dumping of spoil."

But now the situation has become so serious that practices and policies—a whole way of life—are being questioned sharply. People are beginning to care, and beginning to hope it's not too late.

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A World in Danger—2: Pollution Totals Ton a Year for Each of Us

(By Roberta Hornig and James Welsh)

While in orbit during the Apollo 7 flight, astronaut Walter Schirra should have been able to see Southern California 124 miles beneath him.

He could see a portion of its coastline. But then California disappeared in a shroud of smog that extended for about 100 miles eastward.

As soon as he got back, Schirra sent pictures he had taken to the National Air Pollution Control Administration—and to Gov. Ronald Reagan.

Schirra's three space voyages have made him militant on pollution control: "The moon is not hospitable. Venus is not hospitable. Mars is not hospitable. We'd better do what we can to clean up Earth, because this is where we're going to be."

Astronaut Donn Eisele was on Apollo 7 flight with Schirra. His reaction: "Earth generally is very pretty, but you can see smog in the clouds. It was pretty evident that there is considerable air pollution. It's most discouraging."

Col. Frank Borman's Apollo 8 orbit of the moon at Christmas 1968 had a similar effect on him: "There is no question in my mind that regardless of the economic considerations, we must take immediate steps to preserve our atmosphere."

The astronauts had a special view of planet Earth. But people back on the ground are getting worried, too.

A Gallup poll conducted a year ago for the National Wildlife Federation showed that of all forms of pollution, air is the one people care about most.

And for good reason.

Man must have decent air in order to live. But he is mistreating his air—as he can tell just by looking at it, or smelling it in many areas—and science doesn't know just what that mistreatment is going to do to man.

Air is made up roughly of one-fifth oxygen, four-fifths nitrogen, a bit of argon, minute traces of other gases and water vapor in varying amounts. It is a delicate mixture.

Each year, in the United States alone, 173 million tons of man-made waste products are released into the air. That's close to a ton for each man, woman and child. Worldwide, the estimated figure is 800 million tons.

The National Air Pollution Control Administration officially recognizes nine pollutants in the air: Sulphur, dust particles, carbon monoxide, "photochemical occident" (the gases loosely called smog), hydrocarbons, nitrogen oxides, lead and pesticides. It has also let out a contract to study 30 other air pollutants, including asbestos and cadmium.

Scientists know only some of the things these pollutants do.

They corrode metals; they soil clothing and curtains; they make stockings run; they injure and kill crops and flowers, they reduce visibility, endangering air and highway transportation, and they blight man's surroundings, making life less enjoyable.

But more importantly, air pollution affects health. At its worst, it can kill.

Its potential became apparent in London in 1952. Four thousand more persons than the normal died that year because of a three-day blanket of killer fog.

The comparable American pollution horror tale came in 1948 in Donora, Pa., a small steel and chemical plant town. A four-day "fog" killed 19 and sickened almost half of the 14,000 townspeople.

The same thing happened in each case: Normal fog, heavy with moisture, trapped poisonous chemicals—pollutants which normally drift off into the atmosphere. In London, fog trapped sulphur caused by coal-burning; in Donora, it blanketed the town with a chemical mixture from the industrial smokestacks.

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In normal conditions, air pollution's effects on health are less easy to document. But more and more, scientists are warning that there is a relationship between dirty air and what happens to people.

As Dr. Jesse L. Steinfeld, deputy assistant secretary of the health, education and welfare, put it:

"Its full impact on our health is not known, but there is abundant scientific evidence that exposure to polluted air is associated with the occurrence and worsening of chronic respiratory diseases, such as emphysema, bronchitis, asthma, and even lung cancer."

While not so dramatic as the London and Donora episodes, air pollution reached such high levels in the New York area three Thanksgivings ago that it was later found to have at least shortened, if not claimed, the lives of 168 persons, mostly old people or those prone to respiratory illnesses.

There were no "body counts," but last August in the St. Louis area and in November in the Chicago area, air pollution reached seriously high levels.

The increasing concern over air pollution as a health hazard last year led the Los Angeles County Medical Association to recommend that "students through high school . . . should be excused from strenuous indoor and outdoor activity" when smog concentrations rise above certain levels.

And in the same county, the smog capital of the nation, physicians are estimated to have told some 10,000 persons suffering from respiratory ailments to move elsewhere last year.

What makes air pollution even more insidious, though, are the things scientists don't know about it.

No one knows what will happen if man continues to haphazardly pour compounds into the atmospheric test tube, permitting them to accumulate. Many results are feared.

The weather is affected, studies show.

Tulsa, Okla., has grown from a town to a city since 1900. With its growth has come a steady increase of dust particles in the air. And with that growth, there has been an increase in the annual rainfall.

In Louisville, Pittsburgh and Buffalo, it doesn't rain as often when industries are shut down. The snow pattern in Toronto is similar.

In LaPorte, Ind., 30 miles downwind from the heavy industrial complex around Chicago, precipitation has increased significantly since 1925. And the precipitation peaks have coincided with peaks in steel production in the Chicago area.

In America alone, about 12 million tons of simple dust are put into the sky every year. And scientists are concluding that it amounts to a virtual and involuntary cloud-seeding.

But air pollution also can have an opposite effect.

In some cases, the dirtier the air gets, the less rain falls. Clouds get so overseeded that moisture can't grow to raindrop size.

This weather-backlash in scattered locations has led meteorologists to wonder what dirty air is doing to our global climate.

Some say it's cooling the Earth's temperatures—a process that could lead to a new ice age. Others argue that it has a "greenhouse effect," raising the world's temperature at a rate fast enough to melt the polar ice caps and flood the coasts of the continents.

But all this seems rather academic to the busy urban dweller who notices air pollution only casually.

He more likely thinks about the way the air smells and looks. He may notice that when he's in a traffic jam he gets a headache, that his responses aren't as good as they might be. and that when there's smog, his eyes smart.

He is becoming more aware of air pollution, past the point where he cracks jokes about Los Angeles' smog.

Federal air pollution officials have even gotten up a dubiously distinctive "Top 10" list, headed by New York, then followed by Chicago, Philadelphia, Los Angeles, Cleveland, Pittsburgh, Boston, Newark, Detroit and St. Louis.

Washington made the second "Big 10" out of the list of 65, falling just behind Jersey City.

But dirty air seems to be everywhere. Even in New Mexico the Weather Bureau is issuing air pollution forecasts.

As a consequence, people are asking hard, central questions: What and who is responsible for air pollution and what's being done about it?

Almost all dirty air comes from some kind of burning or combustion—from gasoline in auto engines; from coal, oil and other fuels in industrial, generating and heating plants; from garbage and trash incineration and from jet airplane exhausts.

The "what" and "who" of it depends on where you live.

In Bishop, Md., population 500, for example, the offender was a single rendering plant. In the New York-Newark area, the polluters are a mixture of industrial plants, utilities, oil refineries, municipal incinerators and the fuels used to heat homes and apartment buildings.

Way out in front, though, is "transportation." It accounts for 94.6 percent of the country's bad air.

This is pollution caused by cars, planes, buses, trucks and other vehicles. Its effect varies according to location.

The automobile, for example, accounts for an average of 60 percent of the air pollution nationwide, but its effect goes as high as 90 percent in Southern California, and as low as 25 percent in Buffalo, where industries do the job.

And the automobile is now the No. 1 target of the scientists, technicians and politicians who are fighting air pollution.

Cars dump 90 million tons of pollutants into the air each year, double the amount of any other single contributor.

The 4 million motor vehicles in Los Angeles basically cause that city's smog. And the 1.1 million vehicle trips here in Washington daily don't do much for the air in the Nation's Capital. And unlike other cities of its size, Washington doesn't have heavy industry to blame.

It was not Washington but Los Angeles that fingered the car as the chief culprit.

After several air pollution scares in the early 1940s—including a day in September 1943, cited by the Los Angeles Times as a "daylight dimout"—Los Angeles clamped down on just about every air pollution source it could control. It went after domestic, commercial, industrial and municipal incinerators, and all open burning.

Afterward, there was little left to account for the growing smog except the growing number of cars and other motor vehicles.

California has, in fact, always been ahead of the nation in trying to cope with auto air pollution. By the early to mid-60s, however, other states were in the act, and so was the federal government.

Out of all this came federal requirements that Detroit beginning with '69 models build in devices to limit hydrocarbons and carbon monoxide emitted by new cars sold across the country. California went further, insisting that the devices should also control nitrogen emissions.

Yet in its war on cars, California has met with just about the same kind of success as the rest of the nation: Not much.

One of the reasons is that the 1965 law regulating automobile emissions only applies to about a fifth of the cars being driven on the nation's roadways now—the 1969 and '70 models.

Another reason is the testing procedure on the control devices set up by the National Air Pollution Control Administration. At its Ypsilanti, Mich., lab, prototype automobiles undergo tests under very favorable circumstances. They "move" standing still, and the assumption is that the prototypes are like all the cars Detroit is producing. Critics say this test has little relation to actual driving conditions.

More importantly, the law controlling the car devices has no provision for testing after the cars are sold and on the road.

The New York Scientists' Committee for Public Information states flatly that the control devices are not reliable.

The committee, set up to inform the public on the conditions of the environment in general, says that 63 percent of a sample of cars equipped with pollution control devices in California in 1966 "failed to meet . . . the standards . . . after only 2000 miles of driving." They're supposed to work for 50,000 miles.

Many say the solution is to find an alternative to the internal combustion engine.

This seems to be the route the Nixon administration is taking. The President's Council on Environment Quality last month announced it will spend $45 million to look into a different kind of car. New York City and California already are.

Plenty of publicity has gone to some of these alternatives—the steam engine car, the electric car, the car powered by natural gas, or cleaner gasoline.

But none yet provides the answer.

Meanwhile, Detroit is sticking with the internal combustion engine. It would take untold millions for the automakers to tool up for any other kind of propulsion unit.

A spokesman for Ford said his company thinks the internal combustion engine is still the best bet. Ford, he said, has 24 virtually "smog-free" cars "in the concept stage on the test tracks," and that's the route Ford will take.

Critics, led by Sen. Edmund S. Muskie, D-Maine, contend that Detroit is interested in keeping a "status quo (that) may run counter to the public interest."

The struggle to find a non-polluting car is shaping up as one of the big research races in the 70s—Detroit versus outsiders, with government incentives probably going to both.

Another big industry, the airlines and manufacturers, has committed itself to the best pollution control devices on the market so far—after the state of New Jersey took seven airlines to court last fall.

Until then, the airplane industry had denied it was an important polluter. Its argument was that, nationwide, airplanes' particulate emissions account for only 1 percent, or 78 million tons, of the nation's air pollution by weight.

But these figures don't impress people living near airports. In New York, for example, planes pump 1½ tons of pollutants a day. In Los Angeles, it's almost a ton a day and in Washington, the filthy particles come to 1,200 pounds a day, or 602,000 pounds a year.

The new devices should cut some of this down. But it's only part of the solution.

Considering that it was pretty apparent the air was dirty, and getting more so in more places, the federal government was late getting into the air pollution field.

The landmark law, the Air Quality Act devised by Muskie, didn't come until 1967. It is a combined federal, state and local approach setting up air quality regions nationwide—the first one was the Washington metropolitan area—on the grounds that air doesn't neatly confine itself to political boundaries.

The law also for the first time hit at "stationary" sources, such as industry and power plants, that belch black smoke into the sky.

On the books the law looks good. It gives the federal government a handle in getting after states that aren't policing the air.

But the legislation also has serious drawbacks. The most important one is that it has built-in time-lags. For all practical purposes, it gives polluters, and the states going after them, as well as federal institutions, a five-year break.

It will be two years yet before its results can be seen.

And, at this point, with the environment so spotlighted, it's questionable whether the results will be sufficient.

To make the air fit to breathe, it's going to take money, for research and new technology, tighter laws and enforcement.

Ironically, as forms of pollution go, and particularly compared with the costs of clean water, it will not take all that much money to restore our air, the experts say.

Federal air pollution officials estimate they could get it back in shape within the next five years for less than $5 billion.

But, they point out, even with all the attention being paid to air pollution these days, Congress in the last session appropriated only $88 million for air pollution. About the same time, it authorized $85 million for the supersonic transport plane—which conceivably could have some insidious side effects on the atmosphere.

A World in Danger—3: Our Rivers Are Going Down the Drain

(By Roberta Hornig and James Welsh)

The nation's waterways run in not-so-glorious color. Name your color; it's there.

On the Potomac, beginning not far below Washington and extending for miles, the surface can turn a thick blue-green, the color of the algae that thrive on nutrient chemicals rushing from the metro area's big Blue Plains treatment plant.

Out on the Chesapeake Bay and in some of its small tributaries, the same concentrates of nutrients feed plants called dinoflagellates. In this case the color spreading across the water is bright red.

For white, try some of the Southern rivers where textile and carpet mills pour milky wastes that float lazily downstream.

For black, try the goo that spills from oil companies on the Delaware.

Yellow is the color of mine acid. You can see it on the headwaters of the Monongahela and some of the streams that feed into the Potomac and Susquehanna. Rusty red also is the color of mine acid. In the Ohoipyle section of southwestern Pennsylvania not long ago, mine acid got into a stream, and a place called Cucumber Falls ran red for a year and a half.

Blue? Sure. In Clarion County, Pa., a printing plant reprocesses used paper. As a result, the Clarion River runs inky blue.

Where industry pours a variety of wastes into the water—the Buffalo on its way to Lake Erie, the Calumet near Chicago, the Ohio at Memphis, Tenn.,—the colors run the spectrum.

Then, too, a river can look perfectly clear, but be filled with a pollutant such as oil-well brine, which is so strong it can corrode ship bottoms.

Are there no clean rivers?

Asked to name one relatively clean major river system in the United States, federal officials just shake their heads. There is none.

American rivers generally fall into three categories—dirty, very dirty and dirtiest.

Staffers at the Federal Water Pollution Control Agency (FWPCA) prepared this list of the nation's 10 dirtiest rivers: The Ohio; the Houston Ship Canal; the Cuyahoga in Ohio; the River Rouge in Michigan; the Buffalo; the Passaic in New Jersey; the Arthur Kill near New York City; the Merrimack in New Hampshire and Massachusetts; the Androscoggin in Maine, and the Escambia in Alabama and Florida.

A runner-up list of 10 very dirty rivers also is available. The Potomac made this list. So did the Mississippi, the Missouri, the Hudson and the Connecticut.

All this is not to say that every American river is getting progressively more polluted, or that nothing is being done about cleaning up the rivers and lakes.

Water pollution is on old story in this country, and so is the fight to stem it. Over the last dozen years, governments at all levels have spent $5.4 billion to attack water pollution, and industry has spent billions more. And the effort has achieved a measure of success.

The Potomac is one example of a river that is cleaner than it used to be. At the turn of the century, the Potomac was the source of typhoid infection. Just a few years ago the Blue Plains treatment plant, which serves the District and suburban Maryland, was removing only 40 percent of organic pollutants. Now it's removing 60 percent.

But this kind of progress brings little comfort to the nation's water-pollution specialists. They look instead at the mountains of waste still pouring into U.S. waterways, at the backlog of treatment-plant construction, at new breeds and sources of pollutants, and at the increased amounts and concentration of pollution that will accompany future growth.

The complexity of the task facing the experts can be illustrated in this oversimplified example:

Putting up a better sewage treatment plant in a city might cut the amount of pollutants going into the river by half. But if, after a number of years, the increase of municipal and industrial wastes doubles, that city's river is just about as polluted as it was before.

Then, too, water pollution is spreading to new and dangerous battlefronts.

A river might very well be more free than in decades of such traditional pollutants as sewage.

But American industry, it has been estimated, turns out a new chemical compound every 20 minutes. Some of these substances are highly toxic and difficult to treat.

Industry also turns out that modern washday miracle, the detergent, which depends on the nutrient chemicals phosphate and nitrogen. In the water, they serve as food for plant life—and eventually can choke waterways. Scientists call this eutrophication.

On top of this comes the threat of pesticides in the water—and radiological emissions from atomic-generated plants.

A further threat to water quality comes not from a waste but from heat, or what is known as thermal pollution. Heated water used for industrial cooling is returned to the nearest waterway, often disrupting the balance of aquatic life.

Pollution is no longer limited to surface waters. Only in the last year have the scare stories begun to spread of what's happening to the underground water supply. Deep disposal wells leaked, or "blew out," sending their contents—brine in Texas and Kansas, cyanide near Buffalo, a variety of chemicals near Denver—into the water supply.

And pollution is no longer limited to inland waterways. Oil spills, offshore dumping, and pesticides carried by winds have raised a new spectre—pollution of the world's oceans.

David Dominick, the young chief of the FWPCA, is alternately gloomy and optimistic over the water-pollution problem.

He sees little or no progress having been made in the last decade, but with a greater commitment by all concerned, believes the nation's waters could be significantly improved in the '70s.

But with no greater commitment than the nation is now making, he believes the most serious consequences would follow.

"We could get to the point where water no longer would be an economic resource," said Dominick. "Our industry would be crippled, our municipalities would be crippled."

In terms of what worries scientists, public officials and the public, water and air pollution are the big two of the environmental problems. But the two cannot be equated.

In one sense, polluted air is more insidious because it is impossible to contain. The reverse of that proposition is that water, since it is more contained, can get incredibly dirty. No given volume of air is poisoned to the extent that Lake Erie is poisoned.

Then, too, the sources of water pollution are numerous, disparate and frequently indirect in nature as to defy coordinated attack.

For example, a chemical firm might install waste-treatment devices at its plant along a California river, and the river would not be polluted. But that company's products are sold across the country and, after used, may end up being discarded in thousands of rivers and lakes.

Pesticides and detergents are the most obvious examples of this form of indirect pollution.

A final distinction between air and water pollution boils down to one word: Money.

Up to now, government and industry have spent far more money on water pollution than on all other forms of pollution combined. And if the nation makes a commitment to clean up the environment, by far the greatest part of the money involved will have to go to the water program.

Two years ago the FWPCA, which is part of the Interior Department, put out a document saying that to bring our waterways up to federal standards by 1973, it would cost some $20 billion. This estimate, now perhaps too low, included only municipal and industrial waste treatment. It excluded the costs of controlling a wide range of other contaminants such as sediment, animal feedlot runoff and acid mine drainage. (Just to halt mine acid runoff, other studies have shown, might cost $6 billion.)

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And the report ignored the cost of separating sewage lines from storm drainage lines in the many cities where they are combined. This cost never has been calculated, but its enormity is indicated by one estimate for Washington alone—$1 billion.

Whatever the grand total, it is formidable. Certainly, the nation has not shown it has been willing to spend anything close to that amount.

Partly because of that, partly because the environment has become such a visible issue, and partly because of sheer political antagonisms, water pollution promises to shape up next year as one long fight over money.

Congress passed the landmark Water Quality Act of 1965. It directed the states to draw up water quality standards for their municipalities and industries, and promised these states steadily increasing amounts of money to help finance waste treatment plants.

Some of the states—Maryland, New York and Michigan among others—took Uncle Sam at full faith and charged ahead with ambitious antipollution programs.

But the promised federal money failed to come along.

For fiscal 1968, Congress had authorized a prior authorization of $450 million, three times what had been spent the year before. But with the Vietnam war and other budgetary strictures, the Johnson administration asked for, and Congress appropriated, only $200 million.

The advance authorization for fiscal 1969 was $750 million. All that came along was $214 million. For this fiscal year, the advance authorization was $1 billion. But both the outgoing Johnson administration and the new Nixon administration chose to hold the line. They asked for only $214 million.

But this year, with the White House and congressional leadership split along party lines, the revolt came.

Congress appropriated $800 million for water pollution grants, far more than the President wanted to spend. A question now is how much of this money the administration will release, or how much it will seek to hold back in the campaign against inflation.

If Congress' actions were in part motivated by politics, they also came in response to growing pressures back home. The failure of federal funding promises in the last several years had triggered bitter reactions at the state level, particularly in those states that had jumped out ahead in water-pollution programs.

Maryland, for instance, had launched a 4-year, $150 million program making one guarantee after another to local communities for the construction of treatment plants. Under the federal legislation, it had counted on up to 55 percent federal matching grants. But the federal subsidies so far have run about 10 percent.

Not yet through its third year, the program is just about out of money.

There's little secret about what the President wants to do for his 1971 program. With no elbow room in the budget, with inflation yet unconquered, the war not yet ended, he wants to replace direct cash grants with the promise to help pay off bonds for sewage treatment works over a long period of time.

Under this plan, municipalities would float some $10 billion in bonds, with Washington paying off all the principal but none of the interest, over 20 years.

The argument for it is that communities throughout the nation could begin work now on the facilities they need. Moreover, by spreading out its obligation, the federal government would spend at most $500 million a year, far less than that in the first year or two.

But even before the plan is announced, arguments are building up against it. A number of congressmen, including Maine's Sen. Edmund Muskie, chief architect of the Water Quality Act, are poised to fight it, and to go for big cash-grant appropriations.

From the states, the reaction to the tentative federal plan is far from enthusiastic.

"It's unrealistic to expect the locals to play banker for the federal government," said James Coulter, deputy chief of Maryland's Department of Natural Resources.

The smaller and poorer the community, the more trouble it will have trying to enter today's tight bond market, argued Coulter. He further said such a plan would about cut in half the 55 percent federal subsidies promised under the Water Quality Act.

Meanwhile, until more money comes along, and as the bond market tightens, the backlog is growing.

Two years ago, according to FWPCA, 44 percent of the nation's urban population was served by less than adequate treatment facilities, or no facilities at all. For many states, the figure was far higher—New Jersey, at 75 percent, Michigan at 79 percent, Maine at 93 percent.

"I think we're even worse off now," said Dominick.

The FWPCA chief is pinning some hope on new technology—notably a method of treating municipal wastes through activated carbon and other chemicals. It will be given a try at Washington's Blue Plains plant.

Said Dominick: "If it works, it should be much simpler and cheaper than the usual secondary treatment process. It should do for waste treatment plants what transistors did for radios."

But it will be 18 months before results can be properly assessed. Meanwhile, Dominick reports running into resistance, in Washington and elsewhere, from the waste-treatment industry.

"I think what we've got on our hands is a sewage-industrial complex," he said.

But for all the debate to come over big sums of money, many of the people directly concerned, from top federal officials to men like Coulter and a growing number of local officials, realize that money alone won't eradicate water pollution.

First, there is good reason to believe that money now going into waste treatment plants across the country could be spent far more efficiently.

Two months ago, in a tough report, the General Accounting Office told Congress that the benefits from billions of dollars of spending on some 9,400 treatment plants in the last 12 years "have not been as great as they could have been."

GAO's reasoning gets to the heart of the traditional grant-in-aid process.

Consider a river lined by two dozen communities and a lot of industry. Administrators in possibly five of those communities know the bureaucratic application route well enough to get money for treatment works. But the river remains dirty because all the other communities and the industry continue to pour untreated waste into the river.

Said the GAO report: "The program to date has been administered for the most part using a shotgun approach—awarding construction grants on a first-come, first-served or readiness-to-proceed basis. Little consideration has been given to the immediate benefits to be attained by the construction of individual treatment plans."

Ralph Widner is director of the Appalachian Regional Commission, serving an area sorely beset by both water and air pollution. He puts it this way: "What we have is the accidental consequences of the grant-in-aid approach. There has been no systematic attack."

If Congress listens to GAO and other critics, it may insist on the application of systems techniques, leading to treatment systems serving large areas.

Said Maryland's Coulter: "It has to come. Just as we have state highways and interstate highways, we'll have the state-run sewage system and regional purification works."

"But none of this will come cheaply. It will cost enormous amounts of money.

The GAO report didn't say so, but there are other reasons why money for cleaner water can go down the drain.

One is that the agencies of government often work at cross purposes.

What happened on the Ohio River is a case in point. With a population of 24 million and some 38,000 industrial plants in its 10-state drainage area, the Ohio has been the target of the biggest cleanup effort ever directed at a major American river. Nearly $1 billion has been spent in the last 20 years.

But over the years, too, the Army Corps of Engineers has been busy improving the river for navigation. In effect, the Ohio has been turned into a series of reservoirs.

These reservoirs were given little flushing capacity. Waste, along with heat from thermal pollution, builds up. Aeration is low.

Over-all, these projects have offset a good part of what the clean-water program promised to accomplish.

Water pollution specialists also agree that beyond money, enforcement of tough standards is the key to cleaning up the waters.

In the past, the federal government has for the most part relied upon the states to "get tough" with local governments and industry.

One federal official describes why this so often hasn't worked:

"At the state government level, industry can be politically potent. Often the biggest firms, maybe the biggest polluters, are the biggest contributors. What's more, the states traditionally have competed for new industry. They're more scared of driving industry away than they are of water pollution."

Lately, on interstate waterways, the federal government has shown a willingness to bear down. After extensive hearings last year, it threatened to sue the city of Toledo and four industries in Toledo and Cleveland for not taking steps to end the pollution of Lake Erie. It remains to be seen whether Toledo and the four firms comply with clean-water standards—and if not, whether the FWPCA refers the matter to the Justice Department.

Dominick and his aides say that among each of the major industrial groupings—steel, chemicals, oil, forest products—there are good guys and bad guys, firms that get plus ratings, and firms that act with what one official calls "19th Century abandon."

In the steel industry, for example, U.S. Steel gets good marks. It's not perfect, but it spends money and tries hard. Republic Steel is on the other end of the FWPCA scorecard. One of the four Ohio firms the agency threatened to sue last year, Republic refused to testify at the hearings on grounds the issue was strictly a state matter. (Interestingly, the state of Ohio refused to testify on the same grounds.)

Dominick is seeking legislation that will make it simpler to crack down on violators. But even if that comes, the question is how much farther Washington will go to crack down, to play the heavy. Said Dominick:

"If we get the type of national priority commitment that cleaning up the water deserves, it will be a clear mandate to go after the offenders."

As a whole, industry is spending just about the amount called for in the Water Quality Act goals. At last count, it was on the order of $600 million a year.

Industry no doubt will be called on to spend more in one way or another. Public pressure is growing. Congressional pressure is growing. Wisconsin's Sen. William Proxmire, for example, following on the heels of the GAO report, introduced legislation that would place a user tax on industry, depending on the amount of waste it dumped in the water.

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Higher product prices? We're already paying them—not only for what industry invests to treat its own wastes but also what some firms, notably in the medical and food fields, must invest to treat dirty water even before they use it.

As the nation's water pollution fighters go about their business, they face the prevailing problem of setting priorities. What should come first?

Widner, thinking of Appalachia with its strip-mine runoff and acid-laden abandoned deep mines, its old industry and impoverished towns still pouring untreated wastes into the river, talks of the issue in these terms:

"We have this tremendous legacy of neglect, all the problems from the past, that are still with us. It would take more resources than we have to eliminate them. And even if we tried, there are all the new problems coming along."

For Interior Secretary Walter J. Hickel, Dominick and their aides, many of these problems are pressing in more swiftly than anyone could anticipate even a year or two ago.

Consider the eutrophication menace, only recently recognized by scientists.

Last month, Rep. Henry Reuss, D-Wisc., held a series of hearings that wound up with a scolding of scientists, both in government and industry, for failure to find a pollution-free detergent. Now FWPCA is stepping up its research efforts in that field.

The pollution of underground waters is something else. It will not be solved by research. It will be solved by regulation.

"It's a treacherous problem—out of sight, out of mind," says Dominick.

Now this form of pollution is growing more visible—and so are demands to do something about it.

Until now, the federal government has largely ignored it, permitting industry and the military to multiply the number of deep wells for disposing of poisonous wastes.

Dominick now promises that a strong federal policy will be coming along soon.

Ocean pollution is something else again. No one nation can deal with it. It's a problem with scientific, diplomatic and legal implications that environment specialists and public officials are only beginning to come to grips with.

A Measure of Pollution: Black Ring Means Potomac Seagull

Donald Lear knows a Potomac seagull when he sees one; it has a black ring around its middle.

"It dips down only so far for food," he said. "The muck on the surface collects in the same place on its body."

Lear notices any number of things like that. He is chief of the ecology section of the Federal Water Pollution Control Administration's Chesapeake Field Station.

Not long ago, at The Evening Star's request, he was out on the Potomac, at Tantallon about a dozen miles below downtown Washington, trawling for fish. The purpose of the venture was simple—to test the effects on fish of polluted water in the Washington area, particularly at summer temperatures.

Lear looked around him.

"You know, what's hard to measure around here is what we don't have, forms of life we used to have."

SWANS DISAPPEAR

Swans used to come to the Potomac, said Lear. The underwater grass they fed on is dying.

Fish life is less abundant in the Chesapeake Bay tributaries than it used to be. This is particularly true of the Potomac near Washington.

Among the species that have declined in recent years are the Atlantic croaker, the spot, the American shad, the bluefish, the Atlantic sturgeon, the menhaden and the sheepshead.

Other species are hardier, some of them tolerant of pollution. They include the white perch, which is what Lear eventually caught—several dozsen of them, alive and well.

The test water came from two places upstream—off Kennedy Center, near the confluence of Rock Creek, and from the channel just below the Blue Plains treatment plant. At both places, with favorable winter temperatures, measurement showed enough oxygen in the water to support fish life.

Back at the field station in Annapolis, it was a different story. Lear knew what would happen. The fish weren't all that hardy.

He put about four fish each in various containers, with water from each of the two sources at both winter and summer temperatures, and with some of the water forcibly aerated and some of the water left alone.

After 14 hours, all four fish were dead in the tanks where water from both the Kennedy Center and Blue Plains had been raised to summerlike 82 degree temperature.

"It was simply lack of oxygen," Lear reported.

The effect of raising the temperature of water is to reduce the solubility of gases, thus lowering the amount of dissolved oxygen that water life needs. At the same time, the need of organisms for oxygen increases. Pollution hurts, since it raises what is called the biological oxygen demand, a measure of the demand on the water oxygen to break down organic wastes.

ABSOLUTE MINIMUM

Biologists consider four parts of dissolved oxygen per million parts of water a standard of what fish require. Two parts per million, they say, is an absolute minimum.

When Lear began the test, the Kennedy Center water contained 8.5 parts of dissolved oxygen, the Blue Plains water 5.9 parts. Fourteen hours after the water was heated, both tanks of water tested at less than one part of dissolved oxygen per million part water.

Some of the other fish died, too. For instance, in the tank with heated but aerated water, with the dissolved-oxygen rating still at 5.5, two of the four fish died after 21 hours. Why? That's uncertain.

According to Lear, for the last several years, fish kills have occurred in the lower Potomac in the third week of May. He expects another one this year.

"We still don't know why," said Lear. "One year we suspected pesticides, another year we had the fish tested for disease. All the lab tests proved negative."

Fish can die, even in large numbers, through natural as well as man-made causes. For this reason, dead fish are not always the evidence of polluted waters.

But Lear and his fellow scientists are the first to say that cleaning up the water is the key to keeping more waterlife healthy and to permit fish to populate waters, like the Potomac through Washington, where they no longer live.

The Wary Allies in the Pollution Fight

(By Mary McGrory)

The White House and the campus youth are a little surprised to find themselves on the same side of a question. On the matter of clean air and clean water, however, they are agreed—although neither expects too much of the other.

The White House is naturally gratified that anti-war demonstrations no longer constitute a real and present danger. Their fear is that their prospective efforts in pollution control will be considered insufficient by their new allies, who will quit the field in frustration.

The young people suspect that President Nixon may be more inclined to talk than to act in what they regard as an emergency, but they think the issue may help to reduce the antagonism between the generations and give students a more positive reputation.

NOT JUST A PROTEST

The young say they are in the anti-pollution field to stay.

"This is not just a protest movement," says Wellesley senior Joan Entmacher, who mimeographed speeches for Sen. Eugene McCarthy, D-Minn., during the 1968 campaign. "A lot of us are going into law, engineering and business school and intend to make careers out of improving our environment."

The White House, which has always been dubious about the commitment of youth, except on the war, thinks that ecology may be a passing fancy.

"Pollution today is like poverty in 1964," says a cautious White House aide. "Everybody was against it, and they thought community action was the answer. I hope they don't make the same mistake on pollution. If it has to be irate mothers and students marching on a paper factory, government is not adequate. We've got to have regulations that will enable the industrialist to change his ways and still not be at a disadvantage with his competitor."

POGO IS QUOTED

Both sides agree there is no clear enemy in pollution.

Miss Entmacher quotes Pogo to make the point: " 'We have met the enemy, and they are us.' We all drive cars and we are all consumers, and we've all bought the idea we have to keep increasing our Gross National Product."

A "statement of purpose" from "Environment!" a New York-based young people's organization, and one of many, puts it this way:

"The only natural resource left on this planet that man seems unable to reduce to the disaster level is the capacity for discontent. Our organization is designed to harvest this resource and apply it to the complex problems of survival . . . We are sophisticated enough to know that Vietnam, civil rights, Biafra and all of the other apparently consuming problems of our time will be academic if the environments our planet lose their integrity and their power to support the lives of men."

The young people are using the skills acquired in 1968, organizing, canvassing and petitioning teams, speakers' bureaus and leafletting squads to meet what one Boston group calls "this grave ecological crisis." "Dump-ins" to dramatize bad trash collection and the non-returnable bottle problem are planned.

All activity is pointed toward the April 22 teach-in, a nationwide, nonpartisan effort initiated by Sen. Gaylord Nelson, D–Wis. Rep. Richard Ottinger, D–N.Y., a pioneer "eco-freak," as the new activists call themselves, is organizing his whole state for participation.

He has contacted about 4,000 students, urged them to take "pollution inventories" in their districts and encouraged law students to take down existing anti-pollution statutes with a view to bringing action against polluting factories. He himself successfully sued the Pennsylvania Central Railroad and the Corps of Engineers for pouring oil in the Hudson River under an 1888 law.

In his first newsletter to campus workers, Ottinger said, "Most organized abatement efforts so far have tended to deal with the broad issues in a 'statesmanlike manner'; no name-calling; no direct action." The fact is that, in spite of laws and good intentions, most of the polluters, public and private, will go right on polluting until someone blows the whistle on them individually and makes it either too expensive or too embarrassing for them to continue."

The youth and the President will now be watching each other to see which of them has the muscle and the commitment for the long haul to make the country habitable.

A World in Danger—4: Garbage Piles Up and Up, and Up, and—

(By Roberta Hornig and James Welsh)

Before affluence, people did not have much to throw away. Last year, Americans threw away 7.6 million television sets.

Housewives used to find a use for coffee cans, jelly jars, and other containers. Last year, with so many containers on store shelves that even the most economy-minded were overwhelmed, Americans threw away 50 billion cans, 30 billion bottles and jars and about 4 million tons of plastics.

During World War II days, old cars went to the scrap yards and the metal was salvaged. Last year, Americans junked 7 million cars and trucks. In New York City alone, about 1,000 vehicles a day were simply abandoned.

America is not just a consumer economy. It is a throw-away economy, which by its very nature is creating problems of avalanche proportions.

It was officially recognized by Congress in 1965 as the "third pollution," following water and air pollution. And because no one can think of a better name for it, it is called "solid wastes."

These are the solid discards that are neither liquid nor gas. Besides everyday garbage and trash, these range from old refrigerators to dead animals, to the immense amount of scrap and wastes that industry and farmers no longer want.

What happens to them? After they're thrown away, left for the municipalities to pick up, the municipalities usually throw them away too—into dumps.

It is old fashioned, but open dumping still accounts for 85 percent of the way this country is "disposing" of its wastes.

People do not think about garbage very much. They don't want too; they don't like to see it around.

But, dumping uses up a lot of land. Experts say garbage has damaged about 7,000 square miles of the country—a country in which land is becoming scarcer, particularly in the metropolitan areas.

And as metropolitan areas grow, dumping grounds get farther away—making trash transportation cost more than it does already.

What are the alternatives?

Burning is the most common one.

Some communities still permit "open burning" at dump sites, but there is increasing pressure to stop it because it contributes to air pollution.

Incineration appears a more logical step, but even incinerators are undergoing a rash of criticism. Between 8 and 10 percent of the nation's garbage is burned in incinerators. A study by the Public Health Service in 1967 revealed that 75 percent of these are unsatisfactory because they dirty the air.

Many of them don't do a very good job, either. Gerald F. O'Leary, president of Boston's City Council, told a Senate committee recently that in his city "You can put a telephone book in the incinerators and come out and read it."

Larger metropolitan areas are turning to burying garbage. It is called "sanitary landfill," which is a refinement of the open dump. In some places, including Washington, these are fairly sophisticated.

Properly planned, landfills cover each day's garbage load with six inches or more of compacted earth and in such a way as to prevent ground and water pollution.

Washington went this way, and now it has one of the model landfills in the nation.

Just two years ago, the Kenilworth Dump, located about four miles from the Capitol, was rated by the Public Health Service as the worst air-polluting, open-burning dump in the nation.

Today, after being filled in with a half million tons of trash and with the help of a federal grant Kenilworth is about to become converted into a 300-acre park.

Washington is already on its second landfill, at Oxon Hill. In about two years, it will become a golf course.

But landfills, which handle about 5 percent of the nation's garbage, cannot be considered a final solution. Besides posing a possible water pollution threat, they are a land-gobbler.

New York, Philadelphia, San Francisco and Boston will be running out of garbage burial grounds within the next five to 10 years.

Washington is going to have to turn to Prince William County, at least 20 miles down the Potomac River, for its next landfill operation. This one will be the most up-to-date of its kind, with garbage baled, then barged, to burial.

Some garbage already is barged for burial at sea. A recent study by an oceanographer at the Stony Brook Marine Resources Center on Long Island says that 8.6 million tons of material are thrown annually into the Atlantic Ocean, up to five miles out to sea from the New York area. The effects of this practice are as yet unknown, but frowned on by federal officials.

At the present rate, this country is throwing out 3.6 billion tons of solid wastes a year.

On the average, every man, woman and child in America generates 5.3 pounds of garbage a day. The rate in the 1920s was 2.75 pounds per person, and experts predict that in 10 years, the figure will leap to 8 pounds each.

This is a faster growth rate than our population. In fact, the U.S. garbage growth is double its population growth.

Much of the reason for the garbage heap is the nation's new affluence: More money equals more goods equals more trash—and more complicated trash at that.

Some of the goods and gadgets finding themselves on supermarket shelves are not for burning. They won't burn.

And some of what people buy won't deteriorate under any normal circumstances. Throw a cardboard carton away and it eventually disappears through natural biological processes. Try the same thing with some of the plastics and they will be there almost forever.

Garbage is a problem everywhere in the country.

Where people are poorer, and the communities poorer, different orders of garbage problems appear.

The report of the National Advisory Commission on Civil Disorders to President Johnson in 1968 pointed to the effects of garbage—which mostly amounts to food wastes—on the inner cities.

"It must be concluded that slum sanitation is a serious problem in the minds of the urban poor," the report states, pointing to the "peculiarly intense needs of ghetto areas for sanitation services."

But country areas have their garbage problems as well.

In Kentucky, for example, the local municipal units are so small that there is no standard trash collection. So people dump anywhere.

A few years ago, following the lead of Mrs. Lyndon B. Johnson's beautification program, Kentucky started a "beauty program" of its own, and created roadside rests with litter barrels.

The public's assumption was that litter barrels were placed for trash. Soon after the program began, so much trash accumulated that the litter barrels were hidden.

Nationwide, trash collection is an extremely expensive proposition.

John F. Collins, former president of the National League of Cities and one-time mayor of Boston, puts municipal waste disposal costs at $3.5 billion annually.

This would make solid wastes the third largest municipal expenditure, behind education and highway construction.

It took a long time for Congress to become concerned with it because, like other people, garbage was not uppermost in the mind.

Garbage caught the attention of Sen. Edmund Muskie's air and water pollution subcommittee when it was discovered that garbage burning in open dumps and incinerators was causing much of the nation's air pollution.

Almost as an afterthought, prodded by Muskie, Congress added the Solid Waste Disposal Act of 1965 to the Clean Air Act.

It called for finding and developing better ways of handling garbage and for grants to states through 1970. The authorization was for $100 million. But the Vietnam war costs got in the way and less than $20 million was actually appropriated.

Muskie's subcommittee has drafted a much more sophisticated law—the Resource Recovery Act—which will come up this new session of Congress.

If passed, this legislation would earmark $800 million over five years for research and construction grants to come up with new technology to recover, reuse and recycle what now is just thrown away.

The general theory behind the proposed law is that in its inefficient methods of disposing of wastes, the country is wasting valuable national resources.

Richard D. Vaughan, director of the Department of Health, Education and Welfare's Bureau of Solid Waste Management, goes along with the general philosophy behind the new Muskie proposal.

For the last few years, waste-equipment manufacturers have been rushing into production with garbage shredders, pulverizers, grinders, compressors, compactors, balers and collection trucks with new gadgets.

The Reynolds Metal Co. has a highly successful project going on in Los Angeles and Miami, and is paying ½ cent a can for the return of beverage cans. These cans, which cause problems when dumped because they don't "degrade," are then "recycled" by the company and converted into a new use as secondary aluminum products. The project will be expanded soon.

Paper companies are trying to recycle their wastes. The Crown-Zellerbach Corp. reports that about 20 percent of corrugated boards are returned to the manufacturing process.

Glass technologists have also been experimenting with several ideas for using scrap glass.

One of the problems facing industry is that there are not many secondary industries around to buy, and reuse, products.

The Solid Waste Management Bureau has recently let out a contract to the Midwest Research Institute in Kansas City to look at available and potential markets.

In New York, the bureau is testing a "vacuum collection system" in an apartment house. This device picks up garbage like a vacuum cleaner, eliminating the need for collection.

Other research involves a super-incinerator that could produce electricity while it burns garbage at even, high temperatures. The most modern incinerator in the world—in Dusseldorf, Germany—generates electricity.

At Clemson University, work is underway on a new kind of bottle that dissolves in water.

The bureau also is trying to come up with ways to use wastes. For example, it is throwing old tires into the Atlantic for fish breeding beds.

The Interior Department's Bureau of Mines also is in the solid wastes research business.

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Among its projects is making building blocks out of garbage, a scheme similar to one in Japan. Under the Japanese method, raw garbage is compressed into a block under pressure.

Some experts are dubious about this scheme, however, and are warning that it is possible the garbage-blocks could build up methane gas and explode.

Thus far, though, Vaughan's answers to the nation's junkpiles boil down to the necessity for moving on many fronts at once.

An obvious one is an attempt to improve trash collection methods to get away from the trash-and-carry method. Research contracts are being let to this end.

Another is better incineration. Incinerators wil probably be around for a long time. Sanitary engineers are working toward getting ones that burn trash better and that have a secondary use, reclaiming some of the energy the burning gives off.

Another answer, Vaughan believes, is recycling products—that is, getting trash, such as metals and paper, back to a base state and finding a new, secondary use for them.

Alternatives to the "non-biodegradables," like plastics, that don't break down naturally also should be found, he says.

Ultimately, Vaughan says, the housewife may have to change her habits and learn to separate trash, keeping bottles and papers, say, separate from food wastes.

But most important of all, Vaughan says, is to cut down the sheer volume of wastes.

The war on garbage may also ultimately require reusing everything from milk bottles to equipment on old cars, or even a tax on the amount of wastes the consumer generates.

All the answers add up to greater costs—to someone. The question is: will the consumer get caught in the middle?

SOME GARBAGE IS UNTOUCHABLE

Sometimes, trash comes to Washington's O Street Incinerator in portfolios and briefcases.

Call it America's super-secret disposal. It cuts down slightly on solid wastes; it adds slightly to air pollution.

Ever since World War II one of the burners at the 1st and O Street SE Incinerator has been reserved pretty much for hush-hush stuff—at least the stuff that isn't filed somewhere.

It's one of the public services Washington provides in a city that's full of agencies with secrets.

Almost everyday, limousines, private cars or government trucks drive up—sometimes with armed guards—and deliver trash. It comes by portfolio and briefcases, in paper bags, even cardboard cartons.

The delivery man, often dressed in a business suit, "checks in," then sits by the fire to make sure the trash burns.

The fire-watching can last anywhere from a half-hour to most of the day.

The incinerator's biggest customer now is the State Department, Foreman Charles Brown says.

But customers also include military agencies, the Federal Bureau of Investigation and, at times, the Central Intelligence Agency—although the latter has its own "self-destruct" unit.

Besides the government sources, the trash burner is also used at times by lawyers and private firms, most of them dealing in research.

"I guess they don't want the other fellow to know what they're doing," Brown surmises.

At one time, embassies used to make use of the hush-hush burner, but now they use it rarely—and then it's only by the British.

Some countries, of course, want to make sure their garbage doesn't fall into enemy hands. The Russian Embassy, for example, is believed to have its own incinerator at the embassy. But this is hard to confirm; the Russians don't want to talk about what they do with their trash.

Brown says that the Washington secret trash load has gone down considerably since the great war, although he doesn't keep a tonnage count.

People sometimes have to stand in line now, but not too long, he says.

But in World War II days, the line often went around the block.

Once during the war, Brown recalls, the Washington city government got a complaint that sugar, then being rationed, was being burned.

What caused the rumpus, he says, is that the old OSS used to deliver its secrets for burning in sugar sacks.

A WORLD IN DANGER—5: THE DAY LBJ WAS ALMOST SPEECHLESS

(By Roberta Hornig and James Welsh)

Not long after he died in 1967, poet Carl Sandburg was honored at a ceremony at the Lincoln Memorial.

President Johnson sat there while one dignitary after another rose to speak. Johnson couldn't hear much of what they said. Almost all he could hear was the jets overhead, coming down the Potomac on their landing run to National Airport.

As his own turn to speak approached, Johnson turned to Interior Secretary Stewart Udall.

"Get rid of those jets," he ordered.

A startled Udall spoke to the nearest Secret Service man, who quickly telephoned the presidential command to the airport. By the time Johnson rose to speak the noise had stopped. And throughout his address, the jets remained miles upriver, circling.

As the story goes, this is a big reason Washington became as involved as it now is in trying to curb excessive noise. It wasn't long after the Sandburg ceremony that federal officials began speaking out much more strongly about "noise pollution" than they had in the past.

More substantial reasons aren't difficult to find. Largely they stem from the widespread introduction of jet aircraft to places like National Airport, and the fact that if a citizen is bothered by the sound, he can't order the jets turned around like Johnson did.

Protests and lawsuits over noise have been on the rise. Major lawsuits are under way contesting airport noise in New York, Chicago and Atlanta.

And so noise has become the latest environmental hazard to get the federal government's seal of disapproval. Springing from 1968 legislation, a new noise-abatement office is operating from the Department of Transportation. And a few of the states have similar offices.

But should noise, which is usually defined as unwanted sound, be equated with the widely prevalent and publicized forms of pollution?

Yes, say some specialists. They cite the warning of Nobel Laureate Robert Koch some 60 years ago: "The day will come when man will have to fight merciless noise as the worst enemy of his health." They warn that if noise levels continue to rise as they have in the recent past, what is now a threat could be lethal.

No, say others. In order of magnitude and concern, noise is not in the same class as what's happening to the air and water, they say. And it is not, in a technical sense, a pollutant, since to pollute means to soil or dirty. Noise does not soil or dirty, nor does it accumulate as waste accumulates.

Yet there is general agreement that excessive noise, if not pollution, nevertheless can be a menace to health and well-being.

Moreover, if it does not threaten the environment, it lowers the quality of the environment.

The same thing is often said of other by-products of modern life, especially urban life. The billboards protrude; the power lines and freeways cut across the land; roadside commercial blight spreads; open land diminishes; ugliness prevails.

All of these things relate to the question of what can be done to make urban living more pleasant. It's a question that can lead to endless debate.

The answers are not easy. For example, if highway construction is halted, it creates greater traffic congestion. Or if housing development is blocked over a huge area, it drives prices up and contributes to the density of other areas.

One thing is certain: Concern for the amenities is assuming greater importance. It is inseparable from the over-all environmental issue.

Noise, unlike ugliness and blight, can be measured with great precision. For purposes, it is measured in decibels (db), which are units of acoustic pressure levels.

The numbers can be deceptive. The sounds inside a quiet residential home might average 40 db, the sounds of a busy downtown street 80 db, the sound of a pneumatic air hammer 120 db.

But this doesn't mean the street is twice as noisy or the air hammer three times as noisy as the home.

Decibels rise by logarithmic ratios, so that a 50 db noise is 10 times as intense as a 40 db noise. For each additional 10 dbs, multiply by 10. The busy street, then, is 10,000 times as loud, the air hammer 100 million times as loud as the quiet living room.

Not long ago, Malcolm C. Hope, the District's associate director for enviornmental health, and Harry Gilbert, his specialist for noise problems, took a ride through the Washington area.

Inside the car on upper Connecticut Avenue, the needle of Gilbert's audiometer flickered in the 50 db range. Quiet enough. A window was opened; the needle went past 60 db, and when a truck passed, it went to the mid 70s.

"This is nuisance level, nothing dangerous," said Gilbert.

On to Washington Cathedral. Very quiet. Inside, the audiometer measured the hushed sounds at about 40 db, until the organ began playing. At the cathedral's great crossing, the organ measured 72 db.

Back downtown, the window open at Connecticut and K Street, the needle pointed up toward 80 db, higher when horns were sounded. It hit 95 when a bus revved up.

Hope noted that tribes in Africa living in a quiet isolated environment were found to have near-perfect hearing.

"Our 'normal' is really abnormal," he said.

Around to other parts of town:

From nearly 100 yards away, a pile driver in the Southeast measured about 100 db. On the Southwest Expressway, sounds ranged in the 80s. And at the 14th Street Bridge, it went into the 90s as a plane passed overhead.

Finally, to Gravelly Point in Alexandria on the direct landing pattern to National Airport. As a jet came over, the audiometer needle swung to 114. Afterward, the needle dipped, but not too much, for the airport itself is a noisy place. The meter registered 108, 102, 105, then back to 115 as another jet swung overhead.

"Lets face it, the jet is a noisy engine," said Hope. "Exposure to that kind of noise for any period of time is dangerous.'

The effects of noise generally fall into four categories.

Noise annoys. A dog barking, a siren screaming, a motorcycle tearing around a corner—any or all can be an irritant. This is not a danger, but it helps degrade the quality of urban life.

Noise disrupts. Above 50 db, it can interrupt sleep. And it can make studying difficult. Above 80 db telephoning can be next to impossible.

Noise can cause loss of hearing. Federally adopted standards say a steady 85 db is about

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all anyone should be asked to absorb over the length of a workday. At 95 db, the listening limit should be four hours, according to Gilbert. At 115 db, it is more like 15 minutes.

Dr. Hayes Newby, head of the Maryland University speech and hearing clinic, says "There is no doubt of the damage that can be done. What is deceptive is that the noise levels that can cause damage are well below what is painful or uncomfortable."

Dr. Lloyd Bolling, of the George Washington University speech and hearing clinic, says an increasing number of people are reporting trouble hearing many of them older persons. "Medical science is prolonging life," he said, "but the hearing mechanism deteriorates at the same rate. And we know that exposure to high levels of noise can help speed that deterioration."

Noise may be injurious to physical and mental health. But on this point, the specialists are in sharp disagreement.

The moderately alarmist side begins from this premise:

Man evolved in a relatively quiet world. When noise did occur, it could produce a healthy response. It was both signal and warning.

Now noise abounds, with the abnormal, as Hope suggested, the normal.

Britain's Dr. John Anthony Parr, asked if man has become used to higher noise levels and whether he can get used to more, replied: "Yes, that is true, but only at a price. One cannot ignore a noise, only put oneself in a condition in which we do not make any obvious reaction. It means keeping all the muscles tense so that we are not jumping up and down like a human yo-yo, and keeping ourselves in this state of permanent tension leads on to mental stress."

But some specialists go farther.

At the annual meeting of the American Association for the Advancement of Science recently, a panel of scientists presented papers suggesting that sonic booms threaten the health of unborn babies and that noise may contribute to heart trouble and blood cholesterol. In other studies, noise has been blamed for a wide range of problems—from indigestion to an increase in the divorce rate.

But there is a conservative view, too, and it's widespread.

Drs. Newby and Bolling, for instance, say many of the claims that noise produces various ailments are highly speculative. Many scientists, too, question the validity of the research that led to these claims.

Dr. Leo. J. Beranek of the Massachusetts Institute of Technology has long been one of the nation's leading acoustic experts. He believes that many people are unusually susceptible to noise, but many of the reports of the effects of noise are overplayed.

After talking with a reporter for some time, Beranek said:

"Maybe you've found I'm disappointing to interview. The stories that people might wind up dying in the streets with blood running out of their ears might be more exciting."

Beranek believes that 10 to 15 percent of any group of people are highly sensitive to noise. If they are unable to adapt, they should not live near sources of loud noise, he said.

All the experts agree that the world is getting noisier. Jets fly to once-quiet islands. Urban life and noise chase the suburbanite. The farmer uses loud new machinery.

Yet Beranek is one specialist who believes the noise levels in some cities—notably New York and Chicago—are leveling off.

"Transportation is the biggest source of rising noise levels—the planes and the road traffic," he said. "If some cities are getting no noisier, it's because they've absorbed all the traffic they can."

What angers the specialists in this field is that except for the sonic boom, excessive noise produced by technology can be suppressed by technology, and by regulation. The noise problem can't be completely solved, but it can be ameliorated.

A number of European nations are ahead of this country in reducing urban noise levels. (Not all of them, to be sure; Rome, for instance, is regarded as noisier than any American city.)

But the Swedes and the Danes, the British and the Swiss have set limits for such noise producers as motorbikes and machinery used outdoors. Moreover, while it's still a joke in this country to talk of paper-thin apartment house construction, much of the European housing industry is doing a good job with noise-cutting components.

Quieter jack hammers, air compressors and pile drivers are available. Blasting can be muffled. So can much of American industrial machinery. And the cost frequently is low.

Beranek estimates it would cost no more than $25 a car, in mass production, to turn out quieter mufflers, better enclosed engines and quieter tires to cut down on road noise.

Col. Charles Foster, chief of the federal Noise Abatement Office, believes the cost would be somewhat higher—but not by much.

Why not require such sound-softeners?

"It's a subject of debate at present," said Foster, "and it isn't that simple.

"Setting federal standards for cars would mean getting into all manner of maintenance problems—the question of how a muffler, for example, performs after the car is older."

Foster's office now is discussing the problem with the auto industry. It hopes to produce noise-muffling recommendations upon which the government could, at the least, specify that when it purchases new vehicles for its own use they have the sound-softening devices.

Working with the National Bureau of Standards, the Noise Abatement Office also hopes to turn out recommendations and ratings for tires, which account for a big part of road noise at high speeds.

But that won't be easy either. A total of 654 tire-tread patterns are on the market today. Some are noticeably quieter than others. Foster fears that the quietest treads, avoiding horizontal indentations, will not be the safest treads.

For regulatory purposes, Foster's office currently is in business for only one reason: to cut down aircraft noise. With its authority spelled out in the 1968 legislation, it requires all new planes to be equipped with quieter engines.

Will noise around airports go down? No. For the foreseeable future, it will go up. Foster is the first to concede that.

All but the newest planes are as noisy as ever. To refit America's jet fleet with quieter engines—up to $5 million a plane for a 15db noise reduction is one estimate—would be economically prohibitive.

Beyond that one factor, the number of planes in the air will increase. To accommodate them, smaller airports will grow bigger and new airports will crop up.

"We're not going to improve this part of the environment fast enough to please the public," Foster said. "Someday, we may have planes making little noise at all. But right now it's tough. I think we'll see more complaints, more lawsuits."

Militancy is rising on other fronts where urban amenities are threatened. Local conservation groups are battling what used to be considered inevitable forces of development.

As often as not, open land is the focus of conflict.

In Montgomery County, Washington's wealthiest suburb, highway planners couldn't figure a better route for the new Northern Parkway than to run it through a lovely stream-valley park and Wheaton Regional Park. Public hearings in the last few days indicate a massive amount of citizen resistance.

This kind of save-the-land militancy goes beyond the crowded urban areas.

The Potomac Edison Co. wanted to build a 500 kilovolt transmission line across the Potomac about an hour and a half's drive from Washington. Citizen protests—contending the line would have ruined the scenic view of the Antietam battlefield—stopped it.

Now the power company, with the permission of the Interior Department, wants the power lines, with towers more than 100 feet high, to run adjacent to the proposed Potomac National Park. The public outcry continues, reaching a peak this week at congressional hearings.

Nationally, much of the concern for what's happening to the land focuses on parks and recreation holdings—preserving them and adding to them. This is a situation with bleak prospects.

The problem could be called simple—too many people, too few parks. And there isn't enough money to buy new parks.

This is another of the environmental issues that boils down to a question of what the government is willing to spend.

The Bureau of Outdoor Recreation has estimated it would cost more than $300 million to acquire national parks, including Point Reyes near San Francisco and Cape Cod National Seashore, that already have been authorized. This is to say nothing of the money required for such proposed new parks as the Potomac National River and Connecticut River National Recreation Areas.

This year the Nixon administration asked for $124 million—half of it to go to the states—and that's what Congress appropriated, despite congressional guarantees of last year earmarking $200 million a year for parkland purchases.

From what Budget Director Robert P. Mayo told congress, the administration apparently intends to ask no more than the $124 million in the next fiscal year. And he told Congress in effect: Don't bother authorizing any new parks since it will take years to buy the land for those already authorized.

It's uncertain whether President Nixon, now increasingly aware of public concern for the environment, will raise the ante for buying parklands.

A World in Danger—6: Doomsday—Is It Just Around the Corner?

(By Roberta Hornig and James Welsh)

As the environment has come on strong as an issue, so have the Jeremiahs, the phophets of doom.

From all over come the warnings of catastrophe, of man "on a suicidal course," of man "choking on his wastes," of man on his way to "destroying himself and his world."

The time-scale of this doom-crying is not on the order of a thousand nor a few hundred years. It is more on the order of a generation or two, or of the 30 years left until the end of the century.

Dr. Barry Commoner, director of the Center for the Biology of Natural Systems at Washington University in St. Louis and a prolific writer, is in demand at environmental conferences across the country. He had this to say last year:

"My own estimate is that we are unlikely to avoid environmental catastrophe by the 1980s unless we are able by that time to correct the fundamental incompatibilities of major technologies with the demands of the ecosystem."

The urge to warn of disaster is spreading. As likely as not, scientists and public officials discussing environmental problems will lead off their papers or speeches as one did recently:

"Man, in the way he is abusing his environment, is in danger of becoming a vanishing species."

From other quarters, both within and out of the scientific communities, come reserva-

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tions, somewhat more conservative views and expressions of skeptism.

"The ecologist," said one top federal official, "must maintain a professional posture: It is to view with alarm."

The skeptical position goes further. It holds that since doomcrying gets headlines, those who want headlines cry doom. It holds, too, that the emergence of the environment issue has led to something of a "my pollution is more dangerous than your pollution" competition among specialists.

Many specialists, sincerely alarmed over what man is doing to his world—and what he is capable of doing as his numbers grow—feel they are caught in a dilemma: Warn reasonably or talk doom? Their speeches and writings often reflect this dilemma.

For instance, the state official who led off his speech with reference to man as a vanishing species was saying on page three that "doom and gloom" must give way to hard work, and by page seven, the speech was referring to "reasons for optimism."

Asked about this, he said: "Well, I guess a lot of us feel it's necessary to shake the public up."

Then the scare talk is overstated?

"No, not a bit," he said. "If we don't get this environment situation turned around, we could be in for an awful time."

Through all these contradictions, what is the public to believe? Is disaster around the corner? Disaster of what kind, what scope? Which of the doomsday warnings is backed by hard evidence, and which come under the heading of informed—or misinformed—speculation?

The seriously held predictions of widespread disaster fall into two broad areas—climate and population. Briefly they can be put this way.

Increasing atmospheric pollution, partly in connection with ocean pollution and possibly in tandem with natural forces, could bring about radical changes in the Earth's climate—disruptions in the heat balance, in weather patterns and in the atmospheric mix upon which all life depends.

The sustained population increase of this country, aggravating the problems of the environment already present, could bring on serious health problems and a lower standard of living. On top of that, the world's population is increasing so rapidly that, because of food and mineral shortages and inevitably greater pollution, the Earth may not be able to sustain the 6 billion to 7 billion of people who will live on it just 30 years from now.

Large differences exist between these two sets of disaster predictions.

The first, relating to climate, is tougher to prove.

Increasing evidence, some of it in the form of hard data, shows the volume and variety of pollutants going into the air and the oceans. But there is too little data to conclude decisively what will happen to the climate as a consequence.

"These forces are very difficult to sort out," said Peter Weyl, oceanographer at the University of New York at Stoney Brook. "The natural system is complex enough even without trying to measure man's mucking with it."

A world cooling, a world warming, a world where precipitation is determined by pollutants rather than acting to cleanse the air of them—all are mentioned.

But large differences of opinion exist, not only among men crossing disciplinary lines but within single fields, including meteorology.

"We are singing different songs, and that's one of the problems," said Dr. A. Murry Mitchell, a meteorologist with the Environmental Services Administration.

Why, then, should climate rate special concern among the environmental disaster predictions?

Because, say those who are studying it, the atmosphere and oceans—the complex linkage of air-water-land organisms called the ecosystem—is so vital to life. It directly influences the climate and is directly influenced by it.

And because, in light of this, they say, "We don't know."

"What I'm mainly worried about," said Weyl, "is our lack of knowledge." This kind of statement reverberates up and down the environmental scene.

"We are inadvertently engaged in a frightening experiment—with our ecosystem, our life support system," said Dr. Fred Sargeant, dean of the University of Wisconsin's new College of Environmental Sciences.

The population worry is something else.

The numbers are there, available in the form of population counts and virtually certain trends.

Calculations also abound of what resources—food, energy and raw materials—will be necessary to meet varying levels of living standards for the coming billions.

This evidence is enough to turn optimists into doomcriers.

Yet there is a paradox here; the experts have never been so divided as they now are on the consequences of overpopulation.

The traditional fear of worldwide famine recently has been challenged from a number of fronts.

Many now say there will be enough food.

The environmentalists, meanwhile, have come charging onto the scene, warning that multiplying numbers, together with any real attempt to raise the world's living standards, will result in massive worldwide pollution.

Others warn that before the world runs out of food, it will run out of the minerals and fuels necessary for a decent standard of living.

A battle is shaping up over whether famine or another danger will strike first. It brings no comfort to the experts. Even if they disagree, they see overpopulation as a Hobson's choice: If one thing won't lead to disaster, another will.

But fear of overpopulation is what fuels just about every other environmental fear.

Beyond the global concerns, many scientists believe a localized or regionalized disaster could occur any time in the '70s.

They say, for instance, that with a given set of conditions—stable weather, temperature inversion (cold air trapped by warm air above it) and a deadly mix of pollutants in the air—a city or an urban region could suffer a huge loss of life. Said one of these scientists:

"It's partly projection of trends, partly the laws of probability. You can take your bets on the city. My own pick is Tokyo—you have to see the problems there to believe them."

On yet another front there are those who fear that selective hazards, arising from the climbing presence and long-range dangers of air-water contaminants—pesticides, lead, and mercury, for example—could result in the shortening of millions of lives.

Conclusive data is lacking here. These scientists say "we don't know, but should fear the worst."

Even so, in all the disaster statements, on whatever front, there is careful hedging. The predictions are really just warnings. No one is saying that man is doomed no matter what he does. Even men like Commoner hedge their warnings.

And Lamont Cole, Cornell University ecologist, after ticking off a long list of possible environmental disasters, answered a question: "Oh, yes, I'm optimistic. People are listening now."

Other contradictions are apparent in the thread of the disaster warnings. One of them can be explained this way:

A scientist can simply extrapolate trends and projects what would happen if they continued over a number of years. He would be the first to say that long before his projection runs its course, some other force could forestall it. His speech or article, however, can get misinterpreted and blown way out of proportion.

And the scientist can make mistakes that get reported over and over.

Cole, for instance, wrote an article on thermal pollution and the Earth's radiation balance for BioScience magazine in November. He calculated that, on the basis of man-made and Earth-generated energy emissions, the world would become too hot for habitation in 980 years.

But later he said: "The proposition was sound, but I made a mistake in arithmetic.

"It should have been 130 years."

Even so, he was asked, isn't disaster likely to befall the earth before then? "Oh, of course" he said.

The growing alarm over what could happen to the climate and the ecosystem is based on simple biological relationships.

Plants on land and in the water absorb solar energy and, through photosynthesis, convert carbon dioxide and nutrient chemicals to food, simultaneously releasing oxygen to the air. Animal life consumes the food. Animal and other organic waste is converted by micro-organisms to carbon dioxide and other inorganic nutrients that become ready to begin the cycle again.

The air, the land vegetation and the oceans act within this cycle as huge, mutually dependent converting systems. Pollution, so the fear go, would prevent those sytems from doing their job.

As Dr. F. Fraser Darling, vice president of the Conservation Foundation, put it: the oxygen-carbon dioxide cycle is "a system of great age and stability which we are now taxing with the immense amounts of carbon dioxide which we're adding from the fuel we burn."

Ordinarily, more carbon dioxide would favor greater tree growth, locking up the carbon dioxide for a time. But man is cutting down trees in many places.

Another buffer is the immense amount of ocean plant life, particularly the tiny organisms called phytoplankton.

But here, another villain enters: Pestcides.

In laboratory experiments, Dr. Charles F. Wurster, a biologist at the University of New York at Stoney Brook, conducted experiments, later backed up in tests at four other labs, showing that pesticides inhibit photosynthesis in the phytoplankton.

Wurster warns that pesticides in the oceans, building through the life chain of deposit great amounts in the bodies of animals, "pose an enormous threat to marine life."

Many species of bird life already are on the decline—the peregrine falcon, the brown pelican, the copper's hawk and march hawk, the herons, the shearwater, the albatross. In the sea, said Wurster, the pesticides are selectively toxic, with the danger of species replacing species to the point of large ecological changes.

Wurster predicted the situation will only get worse as pesticide pollution will reach a peak ocean effect 10 to 20 years from now—"sheer madness," he said.

Meanwhile, other scientists and laymen saw in the phytoplankton experiments reason to predict large changes in the oxygen-carbon dioxide cycle. Some went so far as to suggest, as one California professor testified before Congress, that oxygen may run low and that by the year 2000 people will be "gasping for a last breath of air."

Leading meteorologists dismiss that fear.

"I can't think of a more remote possibility," said Dr. Walter Orr Roberts, director of the Center for Atmospheric Research in Boulder, Colo.

He and his colleagues say there is more than enough oxygen in the atmosphere—and with no evidence of oxygen depletion, even to a small fraction of 1 percent.

But over the last several decades, carbon dioxide has risen from just under 3 tenths of 1 percent to 3.5 tenths of 1 percent of the

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atmospheric mix. And the increase is accelerating.

Carbon dioxide is no threat to health, but in the atmosphere, it interferes with infrared radiation returning from earth to the air, thus leading to a warming of the atmosphere—what is called "the greenhouse effect."

Dr. Helmut E. Landsberg of the University of Maryland estimates that, with this factor acting alone, the Earth could warm about two degrees by the end of the century—enough to begin melting some of the polar ice. But he isn't very concerned about that. The earth is now cooling, not warming. Since 1940, it has cooled about a half of 1 degree.

The explanation is that a buildup of particles in the atmosphere is occurring. They act to block radiation from the sun.

But the experts disagree on what to blame. It's man-made pollution, say some—dust from bad land management together with industrial and auto air pollution.

Dr. A. Murray Mitchell, of the federal Environmental Science Services Administration, believes otherwise. Natural forces are far more to blame, chiefly the rise of volcanic activity since 1940, he said.

A new ice age? Nothing to get excited about, according to Roberts, Mitchell and others. But Weyl warned that a further cooling of the Earth's temperature by one or two degrees would lead to fierce winter weather in many parts of the world.

Some scientists, Landsberg and Roberts among them, are worried about air pollution for other reasons. They warn of changing and potentially disruptive patterns of precipitation.

Dr. Vincent J. Schaefer, a pioneer in cloud-seeding who is now at the State University of New York in Albany, said that a big danger is the buildup of lead particles from auto exhausts. They combine with iodine vapor to produce lead iodide—nuclei for the formation of large concentrations of ice crystals downward of big-city smog blankets.

The result, said Schaefer, is to form cloud layers but reduce local rain or snow. But when a large supply of moist air moves into the region, the weather could go the other way around—"a massive cloud-seeding phenomenon" triggering long and violent storms.

The magnitude of the population problem can be seen in a few numbers. It took the world until 1800 to reach a population of 1 billion. The second billion come by 1830, and the third billion by 1960. Today's population is 3.5 billion, and this is likely to double in 30 years. Unchecked, it would keep on doubling every 30 years, the experts say.

The cause of this headlong acceleration is not rising birth rates but declining death rates. Better health and agricultural practices across the globe, especially since World War II, have meant a greater percentage of babies growing to adulthood to produce more babies.

For years the spectre of overpopulation has been associated with food resources, with the standard argument that a growing but impoverished population would literally starve. It is still a leading argument of many population experts.

But it now faces challenge.

Three years ago the United Nations Food and Agricultural Organization was warning of famine. Two weeks ago, its annual report appeared—saying the world's food problem in the future is more likely to be huge surpluses than starvation.

Technological breakthroughs, including the use of high-yield "miracle" grains, and the commitment of nations such as India to this technology, have led to the reversal, said FAO.

Still, many of the population forecasters reply that the technology will provide only temporary relief.

But optimism over food production is growing.

Dr. Jean Mayer, the nutritionist who serves as President Nixon's special consultant on hunger, told Congress last year that agricultural developments promise a food supply that will keep up with and surpass population growth.

Mayer has a different fear: "I am concerned about the areas of the globe where people are rapidly becoming richer. For rich people occupy much more space, consume more of each natural resource, disturb the ecology more, and create more land, air, water, chemical, thermal and radioactive pollution than poor people."

Other scientists are joining him to warn that the world can't have it all—greater numbers along with the standard of living associated with technologically advanced countries.

Dr. Preston Cloud, a biogeologist at the University of California at Santa Barbara, has estimated that if the world's 7 billion people expected by the year 2000 were to have a standard of living Americans now enjoy, mineral and fuel production would have to multiply 200 to 400 times.

"It might be done, but it couldn't last," said Cloud, "The world has only so much in the way of these raw materials."

Arguments like this have given new impetus to concern over population in this country. Dr. J. George Harrar, president of the Rockefeller Foundation, says:

"In many respects, an advanced industrialized society such as ours with a comparatively low birth rate uses up its natural resources and upsets its environmental equilibrium at a much faster rate than does an underdeveloped poor country with a high birth rate."

To top that, as Cloud points out, this nation, with only 6 percent of the world's population, now uses nearly 50 percent of the raw materials the world now produces. The choice, he said, is whether to slow American economic growth or to continue using the materials underdeveloped nations will need for their own growth.

The other alternative, of course, would be to limit Americans' numbers. How, and by how much, is the question—one of explosive moral, political and scientific implications.

Nevertheless, most of the authorities in the field agree that it could be easy compared with the task of cutting into the runaway population growth in the world's underdeveloped regions.

A WORLD IN DANGER—7: THE ROUGH AND COSTLY ROAD AHEAD

(By Roberta Hornig and James Welsh)

From President Nixon to industrial leaders, housewives and students, Americans want to clean up the environment.

But it will cost billions of dollars, and thus far no one appears ready to pay for it.

And the price will go far beyond dollars. Some of America's traditional values will be called to account—relationships within the federal system, the freedoms of private enterprise, even the habits of the housewife and commuter.

A nationwide poll last year showed 85 percent of the public "concerned" about the environment. But when people were asked how much they were willing to pay each year to improve the environment, 51 percent said they would pay $10 or less, 18 percent said $50, 4 percent said $100, 9 percent said they wouldn't pay anything, and 18 percent said they didn't know.

Calculating from the poll, the American people were willing to spend $1.4 billion a year in tax money—more than the amount the federal government has been spending annually on environmental programs.

But to really clean up the environment it probably would cost far, far more. Some put the total at $100 billion to $125 billion from government and industry over five years.

And it would mean a lot more to the taxpayer than higher taxes.

It would shrink the consumer dollar. A considerably quieter aircraft engine, for example, could bring higher air fares. For the electric power industry to install equipment sufficient to prevent thermal pollution of waterways will mean higher electric bills.

It could mean lower product performance. A slightly grayer washday collar might be the price of getting a pollution-free detergent.

A little less getaway power might be the price of a pollution-free auto engine. And it might not go as far on a gallon of gas.

It could mean inconvenience—a return to returnable soda bottles, for instance, or traveling to airports sufficiently far out to avoid the worst of the air and noise from big jets.

It could mean a further shift of governmental power toward the center. States are likely to assume greater control of the use of the land, a matter heretofore left to local governments. Washington will assume greater control over air and water standards, now largely the domain of the states.

It could mean tighter regulation of what industry and people are free to do. This would begin with very minor controls—"No Dumping Here" for instance. Before very long, they could range to unprecedented measures such as government-science panels testing new products before they are permitted on the market.

And a growing number of people say something far more dramatic must be included in the price—a set of measures calculated to slow down or bring to a halt the growth of the American population.

Such steps won't come at once. There will have to be a beginning.

Congress returns to Washington tomorrow, many of its members poised for battle over what the beginning should be, what legislation should be passed, what money should be spent.

It will be, in part, a political circus with many side shows. Hearings, speeches, press statements, claims and counterclaims will run the gamut of this vast and complicated subject.

From pesticides to use of the land, from electric power demands to foodpacking standards and family planning, the political jostling will be fierce.

On Thursday it's President Nixon's turn. At 12:30 he will go before Congress and the American people with his first State of the Union message. Environmental issues will comprise a big part of the message.

Already Nixon is being second-guessed by congressional Democrats, some of them eager to paint the administration as talking big but doing little to bring pollution to an end.

On the Senate side it just so happens that three men long and closely associated with environmental issues are at least potential dark-horse candidates for the presidency in 1972. They are Sens. Edmund S. Muskie of Maine, Gaylord Nelson of Wisconsin and Henry M. Jackson of Washington, and each is ready for battle. Of the three, Muskie has been the most willing, Jackson the least willing, to tackle the President head on.

But it will be in successive messages that Nixon will show more of his hand. The budget message is the key, for money is at the heart of his dilemma over exactly what to propose.

Last year Nixon requested $214 million for helping communities put up sewage treatment plants. Congress appropriated $800 million.

It's still under debate at the White House whether to spend the extra money or to impound it, although the betting is that Nixon will spend it. If he doesn't spend it, he will be open to attack, not only from Congress but from local and state governments. Yet if he does spend it, his budgetary problems will increase, and he may be in a position of saying he will ask for less money next year.

Such relatively small issues, of course, approach the basic question: What would it cost to clean up the environment?

The dollar figures fly, and the range of estimates is wild.

The upper end of this range is between $100 and $125 billion, a great deal from government, some from industry.

To get into that upper range, it is necessary to assume an attack on all fronts and to assume that where estimates vary, the highest should be used. (The most glaring example: To separate sewer lines and storm drainage lines across the country could cost anywhere from $15 billion to $49 billion.)

Water pollution control accounts for the largest part of cost. It includes perhaps $25 billion for municipal and industrial treatment plants and equipment, the money for sewer line-storm line separation, $6 billion to eliminate acid-mine drainage, and billions more for pollution arising from pesticides, fertilizers and animal feed lots.

Add nearly $5 billion for air pollution control over five years; another $3.5 billion the government has estimated for solid-waste treatment work and research over the same period; a couple of billion for refitting ships to control waste; several billion on national parks and urban-area parks; and assorted millions for research in fields like oceanography and climate monitoring.

If all of this were to be attempted in a five-year plan, it would mean spending $20 to $25 billion a year.

No one in the Nixon administration is thinking in these terms now. Even though the government wouldn't be paying all of it, there just isn't that kind of money around.

With "uncontrollable" expenditures like welfare payments and farm subsidies on the rise by $8 billion a year, with the tax cut bringing in less revenue than expected, with the financial community expecting restraint because of inflation, the President has about as much budgetary flexibility this year as an $8,000-a-year commuter facing a stack of unpaid bills.

"There isn't much room to maneuver," a Budget Bureau official laments.

And so the President and his aides are in search of priorities, of more sensational but less costly solutions.

According to insiders, Nixon's program in '70 will include the following:

Air pollution—An increase in federal spending. A 50 percent or even 100 percent increase in funds would not be prohibitive, since federal spending this year amounted to less than $100 million. And it would go to combat what the public believes to be the most serious environmental problem.

Water pollution—The administration will emphasize municipal waste treatment plants in a plan calling for about $10 billion in bonds. Cash obligations would be strung out over 20 to 30 years, with the federal share going no higher than $500 million a year. The plan also is expected to carry new financing arrangements to help municipalities cope with today's tough bond market.

Parks—A park-purchase plan is planned, with the emphasis on open space in and around big cities, mostly in the East. Spending on parks is relatively low and comes from non-tax money.

It represents part of the income from special charges, including park fees and offshore oil-drilling leases.

Some insiders expect Nixon to announce some sort of "pilot project" for an urban park, possibly in the Washington area.

Government reorganization—This is the cheapest route to begin tackling problems of making the air and water cleaner, and he is likely to take it.

For years, several government officials and congressmen have been arguing for putting responsibility for water, air and solid wastes in one place, since decisions on one often affect another. The Interior Department is in charge now of cleaning up the nation's waterways and the bets are that it will also assume stewardship over the two more forms of pollution—air and solid waste—now the responsibility of the Department of Health, Education and Welfare.

And he is expected to rename Interior as the Department of National Resources.

Because of budgetary strictures, other pollution battlefronts may be virtually ignored. They include soil erosion and other agricultural runoff, the sewer line-storm sewer separation, and mine-acid drainage.

On some fronts, the way to attack pollution is not through governmental spending but governmental toughness. Moreover, the tighter the budget, the greater the temptation for government to go this route.

For Nixon to crack down on big industry may run against the grain of Republican orthodoxy. But it could produce real and visible results, especially where products are involved that undeniably pollute the air or water.

Three conspicuous examples are the automobile with its internal combustion engine the nutrient-rich detergents, and the chemical pesticides. Already two of the most toxic pesticides—DDT and dieldrin—are under a measure of federal restraint.

In all three cases, accelerated research is necessary to find safer versions, or safe substitutes. For research now underway, government already is picking up part of the bill. Industry, especially the big auto firms, also is spending millions. It may be called on to spend much more.

But the consumer eventually will pay for it, both in taxes and undoubtedly in higher product prices.

Other dilemmas face the administration in approaching the environmental issue. One of them is reflected in the letter a young man sent the White House:

"Stop pollution now," he said, and the word "now" was repeated 60 times.

No one can stop pollution now. As Dr. Lee DuBridge, the President's top aide on science, puts it, to bring pollution to an end immediately would bring the economy, and civilization, to an end.

Vehicles would have to stop moving. Industry would close down. So would power plants. Farmers couldn't protect their crops.

"We will not," says presidential adviser Daniel Patrick Moynihan, "reverse the tendency of a century in the space of one administration or two, or like as not, the next five."

It's this view of the problem that gives pause to administration staffers as it comes time for Nixon to go before the American people. Says one staffer: "We don't want to oversell the problem and undersell the magnitude of the difficulty of dealing with it."

Sen. Muskie, whose rhetoric has not been lacking on the issue, says "It's necessary to develop a sense of alarm without creating a sense of terror."

With emotions on the rise, with the economic and technical complexities of environmental issues so stubborn, paradox and contradiction are inevitable.

An example is one of the classic conservation flaps—the decision by Consolidated Edison, New York's power company, to build a plant along the Hudson River at Storm Mountain.

A participant recalls that from the storm of protest, "you would think the plant was going to be built in a great wilderness area. In fact, the site amounted to a waterfront slum."

Yet as a result of public opposition, the argument eventually reached the U.S. Court of Appeals. It handed down a historic decision, ruling that the Federal Power Commission must take scenic, historical and recreational values into account in licensing power plants.

Two weeks ago—five years after the fight began—an FPC hearing examiner ruled the site to be the right one after all. It further ruled, though, that Con Ed must put both the plant and the transmission lines underground.

Thus a fairly illogical, emotional argument by conservationists brought good results, in this case the Supreme Court ruling.

But the results—in this case the underground site—can be very expensive. New Yorkers will see this in their electric bills.

The Con Ed case is not isolated. In fact, the issue of where to put power plants, and what kind of power plants they should be, promises to be one of the big environmental fights of the coming year.

Americans have a heroic appetite for electric power. In 10 years, the experts say, the output must be doubled. In 30 years, if the population grows to 300 million, Americans will need nearly five times the current 325-million-kilowatt capacity.

This will require more and bigger power plants. If they don't come along the likelihood will increase of power failures such as the major blackout of the Northeast five years ago.

Plants fired by coal and other fossil fuels are a major contributor to air pollution. Besides, future growth threatens big shortages of these fuels.

Nuclear power plants are the alternative. They don't pollute the air. And with new "breeder reactors' on the way, no shortage will develop of uranium and thorium fuel.

But thermal pollution of waterways is a colossal problem, and the more nuclear plants there are, the worse the problem gets.

In addition, the "nukes" arouse fear. People become alarmed over possible radiological emissions and over the possibility of an accident, in addition to protesting on grounds of thermal pollution and aesthetics.

From the Atomic Energy Commission and power industry come statements of reassurance. One Westinghouse nuclear energy consultant says the radiation effect from a nuclear power plant on the population within 20 miles "is the equivalent of wearing a radiant dial wrist watch three days of the year."

But many disagree. Within the federal government there are specialists who hold the AEC's standards for radiological emissions should be tightened tenfold.

This thorn alone is polarizing the environment issue throughout the country, and public officials are worried about it.

Some, recognizing the scope of public fear and resistance, urge extra-heavy emphasis on standards and available technology to eliminate radiological hazards and cut down thermal pollution.

But Rep. Chet Holifield, D-Calif., whose Joint Congressional Atomic Energy Committee held hearings on the subject last year, says that "Unless the demands for clean water and air are kept in perspective, the anti-technologists and singled-minded environmentalists may find themselves conducting their work by the flickering light of a candle."

On other fronts, industry is increasingly on the defensive. It is reacting in disparate ways.

Some industrial groups and firms remain hard-nosed.

Industries can be found bending over backwards to please. Commented an official of one Massachusetts firm: "We put in equipment that wasn't even necessary—just to please the public."

Detroit's big auto firms are conspicuous among the industries that are now racing to catch up with public opinion and the possible thrust of governmental crackdown.

Last month Henry Ford II, calling air pollution the industry's most serious problem, pledged manpower and millions of dollars to help solve the problem. Last week, Edward N. Cole, president of General Motors, went Ford one up by predicting his company will

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turn out "essentially pollution-free cars" by 1980.

Other companies try to advertise their concern for the environment—while taking a slower pace in reform.

And some are still basically ignoring the issue.

A major reason why conflict and confusion have mounted over environmental questions is that until now no one on the federal level has already been in charge. Agencies dealing with environmental problems are scattered. The White House has touched on the problems in piecemeal fashion. Information is often contradictory, often lacking.

This could change.

Many observers see great promise in the National Environmental Policy Act of 1969, drafted and shepherded through Congress by Senator Jackson and signed by Nixon Jan. 1.

The legislation sets two precedents: It establishes national policy, directing every executive department to weave environmental considerations into all new programs and to make sure old ones conform with clean-environment goals. And it creates a Council on Environmental Quality at the top level.

Nixon has yet to name the three-member council. He may do so in the State of the Union address. Reportedly, he wants to avoid dominance by scientists and will seek to fill possibly two of the positions with generalists who will take a broad look at the problem.

As spelled out in the 1969 law, the council will do an inventory of the nation's natural resources and prepare an annual report on the "state of the environment" for Congress.

Its reports will have a major impact on what happens to the environment in the 1970s.

Given a rising public and private commitment, if not an all-out attack, here is what some experts believe will come in the decade.

Air pollution, after worsening through the mid '70, may well diminish to the point that the air in 1980 will be cleaner than it is now.

The air problem lends itself more readily to reasonably priced technology than other problems. The biggest uncertainty is how soon automotive air pollution can be licked.

A combination of tough standards and a lot of money could improve water quality standards—but not uniformly.

What's called "point-source" pollution, where industry or municipalities pour big amounts of waste in the water, could come under control. But the water will remain dirty. General runoff and erosion, especially in rural areas, will see to that.

The problem of where to put mountains of rubbish and other solid waste could be abated, or it could become a monster. Mere money won't help. More degradable products won't help much. The hope here lies in technology—the pollution-free incinerator, and recycling of products. But that isn't around the corner.

The problem of too much noise could go like air pollution. The technology is there; all that's required is the sensitivity and the will to use it. If that happens, noise, after mounting as a problem, could level off or recede.

Other urban amenities will be far more difficult to improve. With exceptions (putting power lines underground is one) technology won't help much. It won't help settle fights over what land to develop, what to keep open.

"Government will be hard put to legislate beautiful hot dog stands," says one observer.

Where there is no easy answer, the environment battle will get hotter. The use of urban-suburban land, and the effort to preserve places of great natural beauty, is in this category. The location of airports, and power plants and not-so-clean industry will be continually at issue.

Beyond all these things lie what some people believe are the overriding necessities—channeling urban growth in new directions, selectively limiting consumption habits, placing stringent curbs on population growth.

But at this point, for practical purposes, these are likely to be second-stage issues, issues to be treated gingerly or put off or avoided.

To Congress, the President, and so many others who will become embroiled in this recently dramatized issue, the task at hand can be summed up in the phrase "quality of life." It will be a task of cleaning up, of making the air and the water and the land healthier and more enjoyable.

Over the decades, as Americans have built a richer economic standard, they have run up a huge bill to the natural world around them. The bill is overdue.

To pay it off in large part, to make sure it runs up no more, could generate a new ethic, the ethic of man as part of a living, interdependent organism called Earth, the kind of ethic necessary to cope with the bigger problems of the future.

Nixon Speech Apt To Stress Pollution

(By Garnett D. Horner)

President Nixon's State of the Union message Thursday is expected to call for prompt action by Congress to help keep America's water and air fit to drink and breathe.

The President, who returned here from Camp David last night, also undoubtedly will stress the need to keep a tight hold on federal spending to curb inflation when he speaks before a joint session of the Senate and House at 12:30 p.m. Thursday.

Aside from action to improve the quality of America's environment, which he has described as a "now or never" proposition, the President is unlikely to call for any major new programs, largely because of the overriding necessity, as he sees it, at keeping the federal budget out of the red.

As a major reform step, he is considering a proposal to change the Interior Department to the Department of Natural Resources and make it the leader of the government's battle against pollution.

Where Interior now has responsibility only over the water pollution phase of the battle, the new department would get control over efforts to combat air pollution and over solid-waste disposal now vested in the Health, Education and Welfare Department.

The President has been working alone on his State of the Union message at Camp David the last few days, and it could not be learned whether he has decided to approve the Interior Department change in this message or save it for later.

Nixon served notice on New Year's Day when he signed a bill creating a three-member Council on Environmental Quality that he would have more to say later—presumably in his State of the Union message—on the need for prompt action to keep the American environment livable.

JACKSON TO ATTACK "LAND POLLUTION"

Federal standards are a familiar story for air and water. One of the new "pollutions" Congress is ready to take on this session is land—how it is being fouled up by lack of good planning.

Land-use decisions are almost entirely the province of local communities now.

Sen. Henry M. Jackson, chairman of the Senate Interior Committee, wants the states to be in the driver's seat, with the federal government as watchdog. He intends to move in this direction by pushing for a "national land-use policy."

Decisions on land use now, the senator from Washington said, "are made on the basis of expediency, tradition, short-term economic considerations and other factors which are often unrelated to what the real concerns of land-use management should be."

Jackson has in mind legislation that would give states money to hire and train people with competency in over-all planning.

States also would be encouraged, through incentives, to develop statewide environmental, recreational and industrial land-use plans. If states do not, "it may be necessary to consider a provision to the effect that if a state should fail to enact an acceptable land-use plan, certain other federal funds would be reduced or denied," Jackson said.

When interior secretary, Stewart L. Udall long complained about how the nation's land is being spoiled by lack of planning. He calls it "aesthetic pollution."

In a recent tour of Washington, Udall pointed out how freeways in wrong places can act as artificial barriers between neighborhoods that should naturally blend together—for example the E Street Expressways ramps make it impossible for a pedestrian to get to the new Kennedy Center.

A GLOSSARY FOR THE ECO-MANIAC

"There are fashions in words," a veteran conservationist noted recently, and "ecology . . . is being bandied about until people are growing sick of it before they know what it means."

Here's a set of definitions of environmental terms that will crop up frequently as the environment becomes more of a popular issue.

Environment—The sum of all living and non-living factors affecting organisms, including man.

Ecology—The study of the relationship of living things to their living and non-living environment.

Ecosystem—A complex of plant, animals and their physical environment, interrelated in such a way that changes in one affect the other.

Pollution—The addition to an ecosystem of substances in a quantity sufficient to produce undesirable changes.

Biosphere—The thin skin of water, air and soil which surrounds the earth and contains life.

Atmosphere—That portion of the biosphere made up of air.

Lately, mutant word-strains, with "eco" as prefix, are emerging. Seen in print recently were "eco-catastrophe," "eco-activist" and "eco-tactics."

Can "eco-maniac" be far behind?

ANALYSIS OF STATE LAWS GOVERNING MARIHUANA

Mr. MATHIAS. Mr. President, I ask unanimous consent to have printed in the Record a compilation of the various State laws governing marihuana. My staff has just recently completed this survey of State law as of December 31, 1969. I know of no such current compilation; the most recent survey was based upon 1966 law and it is hopelessly out-of-date. I believe this new compilation will be of interest in connection with both S. 3246, the new drug bill, and S. 3071, the District of Columbia drug bill, of which I am a cosponsor.

I invite attention to several of the trends that are illustrated in this survey. It will be noted that 20 States at present classify the simple possession of marihuana as a misdemeanor. Eighteen of these 20 States have made this revision in their laws in the past 3 years, and there are similar legislative proposals pending in a number of other States. S. 3246 takes a similar approach to the treatment of simple possession of marihuana.

It should also be noted that 16 States do not restrict or prohibit the mitigation of sentencing by suspended sentences, probation, or parole. Only one State prohibits mitigation in every marihuana offense; 48 States allow suspended sentences and probation in the first offense of possessing marihuana. I agree with the Attorney General that the limitations in Federal law against such mitigation is unfortunate; the mandatory minimum sentences have been one of the most criticized aspects of the Federal drug laws. S. 3246 does away with many of the prohibitions against mitigation of sentences, and reflects the State trend in this respect.

Some 24 States have substantially revised their marihuana laws in the past 3 years. Only 2 of the 24 have increased the general penalty structure. The remaining 22 have reduced the penalty schedule, in most instances rather substantially. S. 3246 reflects this modern approach to the marihuana problem in that it distinguishes marihuana from the hard narcotics.

I am hopeful that this compilation will be of assistance in the discussion of these most important drug bills.

There being no objection, the compilation was ordered to be printed in the RECORD, as follows:

SUMMARY OF STATE LAWS GOVERNING MARIHUANA

State	Distinction between marihuana and other narcotics	Distinction in penalties for sale and possession	Suspended sentences, parole, and probation	Change in law since 1967
Alabama	No	No	Prohibited in all cases	No.
Alaska	No	No	Only for 1st possession offense	No.
Arizona [1]	Yes	Yes	do	No.
Arkansas	No	No	Only for 1st offense	No.
California [1]	No	Yes	Only for 1st possession offense	Yes.
Colorado	No	Yes	Parole prohibited in all cases	No.
Connecticut [1]	Yes	Yes	Only for 1st 3 offenses	Yes.
Delaware [1]	Yes	Yes	Only for 1st offense	Yes.
Florida	No	Yes	Only for possession and first sale	No
Georgia	No	No	Only for 1st offense	No.
Hawaii [1]	No	Yes	Only for 1st possession offense	Yes.
Idaho	No	No	No prohibition	Yes.
Illinois [1]	No	Yes	Only for 1st possession offense	Yes.
Indiana	No	Yes	Only for 1st offense	Yes.
Iowa [1]	No	Yes	Only for possession offenses	Yes.
Kansas	No	No	No prohibition	No.
Kentucky	No	No	Only for 1st offense	No.
Louisiana	No	Yes	Only for 1st possession offense	No.
Maine [1]	Yes	Yes	No prohibition	Yes.
Maryland	No	No	Only for possession offenses	No.
Massachusetts	No	Yes	Only for possession and first sale	No.
Michigan	No	Yes	Only for 1st possession offense	No.
Minnesota	No	No	No prohibition	No
Mississippi	No	Yes	Only for 1st possession offense	No.
Missouri	No	Yes	do	No.
Montana	Yes	Yes	No prohibition	Yes.
Nebraska [1]	Yes	Yes	do	Yes.
Nevada	No	Yes	Only for possession offenses	Yes.
New Hampshire [1]	Yes	Yes	No prohibition	Yes.
New Jersey	No	No	do	Yes.
New Mexico [1]	No	Yes	Only for possession offenses	Yes.
New York [1]	No	Yes	Only for 1st possession offense	No.
North Carolina [1]	No	Yes	Only for possession and first sale	Yes.
North Dakota [1]	Yes	No	No prohibition	Yes.
Ohio	No	Yes	Only for possession offenses	No.
Oklahoma	Yes	No	No prohibition	No.
Oregon [1]	No	No	do	Yes.
Pennsylvania	No	Yes	Only for first offense	No.
Rhode Island	No	Yes	No prohibition	No.
South Carolina	No	No	Only for 1st 2 offenses	No.
South Dakota [1]	No	Yes	Only for 1st possession offense	Yes.
Tennessee	No	No	Only for 1st offense	No.
Texas	No	Yes	Only for 1st possession offense	Yes.
Utah [1]	No	Yes	Only for possession offenses	Yes.
Vermont [1]	Yes	Yes	No prohibition	Yes.
Virginia	No	No	do	No.
Washington [1]	Yes	No	do	Yes.
West Virginia	No	No	Only for first offense	No.
Wisconsin	No	No	do	No.
Wyoming [1]	No	Yes	No prohibition	Yes.

[1] States that presently classify first possession offenses as misdemeanors.

ANALYSIS OF STATE LAWS GOVERNING MARIHUANA

EXPLANATION OF SUMMARY

(1) Distinction between marihuana and narcotics in the state's statutes. Most states classify marihuana as a "narcotic drug," and as such do not distinguish between them. Many states do classify marihuana as a narcotic, but do provide for lesser penalties for marihuana violations.

(2) Distinction between possession and sale of marihuana. For the purposes of this summary, "sale" of marihuana includes distribution, barter, gift, exchange, or offer to sell. If a distinction is made in the penalty provisions for possession and for sale, it is so indicated.

(3) The penalty structure for marihuana offenses.

(4) Provisions in the statutes for suspended sentences, probation, and parole. For the purposes of this report, when parole is designated as prohibited, it is prohibited until the minimum term of the sentence as provided in the statute has been served.

(5) Summary of the changes that have been made in the state's law since 1967. The most recent authoritative compilation of the various state marihuana laws was made in 1967, based in large part on 1966 law; hence the 1967 law is used as a comparison. When it is indicated that no changes have been made since 1967, it does not imply that any changes were made in 1967.

This compilation is based upon state law as of December 31, 1969.

nlt means not less than; nmt means not more than.

ALABAMA

(1) No distinction is made between marihuana and narcotics.

(2) No distinction is made between possession and sale.

(3) Penalty provisions: 1st offense: 5–20 years and may be fined nmt $20,000. Subsequent: 10–40 years and may be fined nmt $20,000. (Ala. Code tit 22, § 258).

(4) Suspended sentences and probation are prohibited in all instances.

(5) There has been no change in the law since 1967.

ALASKA

(1) No distinction is made between marihuana and narcotics.

(2) No distinction is made between possession and sale.

(3) Penalty provisions: 1st offense: 2–10 years and nmt $5,000. 2nd offense: 10–25 years and nmt $7,500. Subsequent: 20–40 years and nmt $10,000. (Alaska Comp. Laws § 17.10.200).

(4) Suspended sentences, probation, and parole are prohibited in all but first offense possession violations.

(5) There has been no change in the law since 1967.

ARIZONA

(1) Distinction is made between marihuana and narcotics. Marihuana is covered under a separate statute, with somewhat lesser penalties than those afforded narcotics.

(2) Distinction is made between possession and sale.

(3) (Courts may impose a fine nmt $50,000 in addition to the below penalties.)

Possession: 1st offense, 1-10 years, but the court may impose a sentence not exceeding 1 year and/or fine of $1,000. 2nd offense: 2–20 years. Subsequent: 5 years–life.

Sale: 1st offense: 2–10 years. 2nd offense: 5–15 years. Subsequent: 10 years–life. (Ariz. Rev. Stat. Ann. § 36–1002.05.)

Transportation (importation) is punished by: 5–life; 10–life; 10–life.

(4) Suspended sentences, probation, and parole are prohibited for all but first offense possession.

(5) There has been no change in the law since 1967.

ARKANSAS

(1) No distinction is made between marihuana and narcotic drugs.

(2) No distinction is made between the penalties for use, possession, and sale.

(3) 1st offense: 2–5 years and nmt $2,000. 2nd offense: 5–10 years and nmt $2,000. Subsequent: 10–20 years and nmt $2,000. (Ark. Stat. Ann. § 82–1020).

(4) There is no possibility of parole or suspended sentence after the first offense.

(5) There has been no change in the law since 1967.

CALIFORNIA

(1) California defines Marihuana as a "narcotic," but provides somewhat lighter sentences for marihuana violations.

(2) Distinction is made between possession, posession for sale, and sale.

(3) Possession: 1st offense: imprisonment in county jail as a misdemeanor for nmt 1 year, or in state prison as a felony for 1–10 years, at discretion of judge. 2nd offense: 2–20 years. Subsequent: 5 years–life.

Possession for sale: 1st offense: 2–10 years. 2nd offense: 5–15 years. Subsequent: 10 years–life.

Sale: 1st offense: 5 years to life. 2nd offense (felony offense): 5 years–life. Subsequent: 10 years–life. (Cal. Health & Safety Code § 11530).

(4) Suspended sentences and probation are prohibited for all possession for sale and sale violations, and for second and subsequent possession felony violations.

(5) Present law differs from 1967 law in one respect: treatment of first time possession. Prior law carried a 1–10 year sentence and was an automatic felony. The judge presently has discretion whether to make a sentence a misdemeanor or felony.

COLORADO

(1) No distinction is made between marihuana and narcotic drugs.

XUM

(2) Distinction is made between possession and sale.

(3) Possession: 1st offense: 2–15 years and nmt $10,000. 2nd offense: 5–20 years and nmt $10,000. Subsequent: 10–30 years and nmt $10,000.

Sale: 1st offense: 10–20 years. 2nd offense: 15–30 years. Subsequent: 20–40 years. (Colo. Rev. Stat. Ann. § 48–5–15).

(4) No parole until minimum sentence has been served.

(5) There has been no change in the law since 1967; an attempt in 1969 to reduce the first offense possession conviction to a misdemeanor was defeated in the Assembly.

CONNECTICUT

(1) Connecticut does distinguish between marihuana and narcotics; marihuana is classified as a "restricted drug." (Conn. Gen. Stat. Rev. § 19–443, as amended by P.A. 752, July 1, 1969).

(2) Distinction is made between possession and sale.

(3) Possession: *may* be fined nmt $1000 or imprisoned nmt 1 year, or both. As an alternative, the court may sentence the offender to the custody of the commissioner of correction for an indeterminate sentence not to exceed the maximum term of the offense, who may release the convicted person so sentenced subject to such terms as he may impose.

Sale: 1st offense: 5–10 years and nmt $3000. 2nd offense: 10–15 years and nmt $5000. Subsequent: 25 years. (Conn. G.S.R. §§ 19–480, 481, as amended by P.A. 752, July 1, 1969).

(4) Suspended sentences and probation may be imposed upon agreement of the prosecution and the accused, and if the probation is complied with, the court may dismiss the charges. Not available after three previous commitments.

(5) Connecticut repealed the UNDA in 1967, lowering the penalties for possession, and providing for probationary release as an alternative to incarceration. In 1969 the laws were amended further, removing marihuana from the narcotics classification, and providing for discretionary sentencing in possession cases.

DELAWARE

(1) Delaware classifies marihuana as a dangerous drug, as distinguished from a narcotic drug.

(2) Distinction is made between possession and sale.

(3) Possession: 1st offense: misdemeanor, sentence nmt 2 years and nmt $500. The maximum penalty shall be 90 days or $500 or both if the following are all found to be present: defendant under age 21, not in the business of selling dangerous drugs, and the drug obtained from one whom the defendant reasonably believed to be under 21 and not engaged in the business and acquainted with the defendant for at least one year. (Del. Code Ann. title 16, §§ 4722, 4730 (b) (ii)). Subsequent: nmt 5 years and nmt $3,000.

Sale: 1st offense: 5–10 years and $1,000–10,000. The maximum sentence shall be a nisdemeanor with a sentence of nmt 2 years or nmt $1,000 or both if the above conditions exist. Subsequent: 10–25 years and $5,000–$50,000.

(4) Suspended sentences and probation are prohibited for second offenders, with mandatory minimum sentences specified.

(5) Delaware has repealed the UNDA, and reduced possession offenses to misdemeanors, and provided for an elaborate set of sentence-mitigating circumstances.

FLORIDA

(1) No distinction is made between marihuana and narcotics.

(2) Distinction is made between possession and sale.

(3) Possession: 1st offense: nmt 5 years and/or nmt $5,000. 2nd offense: nmt 10 years and/or nmt $10,000. Subsequent: nmt 20 years and/or nmt $20,000.

Sale: 1st offense: nmt 10 years and nmt $10,000. 2nd offense: 10–20 years and nmt $20,000. Subsequent: nlt 20 years and nmt $20,000. (Fla. Stat. § 398.22).

(4) Suspended sentences and probation are prohibited for sale offenses after the first conviction.

(5) The basic law is unchanged since 1967; there has been an additional provision providing for the suspension from school or college offenders pending a hearing, with automatic expulsion if convicted.

GEORGIA

(1) No distinction is made between marihuana and narcotics.

(2) No distinction is made between possession and sale (except sale to a minor).

(3) 1st offense: 2–5 years and nmt $2,000. 2nd offense: 5–10 years and nmt $3,000. Subsequent: 10–20 years and nmt $5,000. (Ga. Code Ann. § 79A–9911). (Georgia has uncommonly heavy penalties for sale to a minor: 1st offense is punishable by life, but jury may recommend 10–20 years; 2nd offense is punishable by death, but jury may recommend mercy (life) or 10–20 years.)

(4) Suspended sentences, parole and probation are permitted only for first offenders, except sale to a minor, where no mitigation is permitted. However, under an advisory opinion dated October 10, 1969, Attorney General Arthur Bolton stated that the restrictions in Ga. Code § 79A–9911 that limit the granting of parole to those individuals who have served a minimum sentence, and which totally prohibit parole to any person convicted of selling a narcotic drug to a minor are unconstitutional under the Georgia Constitution.

(5) There have been no changes since 1967.

HAWAII

(1) No distinction between marihuana and narcotics.

(2) Distinction is made between possession and sale.

(3) Possession: 1st offense: nmt 1 year, or 1–5 years. 2nd offense: 2–10 years. Subsequent: 5–20 years.

Possession with intent to sell (25 or more cigarettes, or 125 grains or more), or sale: 1st offense: nmt 10 years and nmt $1,000. Subsequent: nmt 20 years and nmt $2,000. (Hawaii Rev. Laws §§ 329–3, 329–5, as amended by Act 161, Laws 1969, approved July 7, 1969).

(4) Probation is permitted only for first offense possession.

(5) Hawaii amended their laws in 1969 to provide for lesser penalties for possession offenses. Under prior law, possession was nmt 5 years; subsequent was nmt 10 years.

IDAHO

(1) No distinction is made between marihuana and narcotics.

(2) Distinction is made between possession/sale and possession for sale.

(3) Possession and sale: nmt 10 years. Possession for sale: nmt 15 years. (Idaho Code Ann. §§ 3202, 3204).

(4) There is no prohibition against suspended sentences, probation, or parole.

(5) Idaho amended their law in 1967 to increase the penalty structure. Under prior law the penalty provision was 1–14 years and/or nmt $1,000, with subsequent convictions 5–14 years and/or nlt $1,000.

ILLINOIS

(1) No distinction is made between marihuana and narcotics.

(2) Distinction is made between possession and sale.

(3) Possession: 2.5 grams or less: imprisonment in a penal institution other than a penitentiary for nmt 1 year and/or nmt $1,500. More than 2.5 grams: 2–10 years and/or nmt $5,000. Subsequent: 2–10 years and/or nmt $5,000.

Sale: 1st offense: 10 years–life. Subsequent: life. (Ill. Rev. Stat. Ch. 38, § 22–40).

(4) Suspended sentences and probation are available for the first possession offender; suspended sentences are prohibited in cases involving sale and subequent possession offenses. Ch. 38, § 602, habitual criminal law, provides that second offenders shall serve the full term provided for their offense; subsequent offenders at least 15 years.

(5) Illinois amended their law in 1968 to provide for the lesser punishment for the 2.5 gram possessor and the subsequent possession offenses. Under prior law, the first possession offense was 2–10 years, subsequent was 5 years–life.

INDIANA

(1) No distinction is made between marihuana and narcotics.

(2) Distinction is made between possession and sale.

(3) Possession: 1st offense: 2–10 years and nmt $1,000. Subsequent: 5–20 years and nmt $2,000.

Sale: 1st offense: 5–20 years and nmt $2,000. Subsequent: 5–life and nmt $5,000.

(4) Any first offender may be paroled, receive suspended sentence, or put on probation. No second offender may receive any of the above.

(5) The law was amended in 1969 to increase the penalty structure. Prior to 1969 possession was $100 fine and 60–180 day sentence, with subsequent offenses being nmt $1,000 and 1–10 years. Distribution of marihuana was previously punished by 2–5 years and nmt $1,000; subsequent offenses were 20–life and nmt $5,000.

IOWA

(1) No distinction is made between marihuana and narcotics.

(2) Distinction is made between possession for personal use and sale.

(3) Possession for personal use only ("such quantity that it can be logically inferred . . . is intended for personal use only." Iowa Code § 204.20(5)). 1st offense: county jail for nmt 6 months and/or nmt $1,000. Subsequent: 10–20 years and nmt $2,000.

Sale (and possession for sale): 1st offense: 2–5 years and nmt $2,000. 2nd offense: 5–10 years and nmt $2,000. Subsequent: 10–20 years and nmt $2,000. (Iowa Code § 204.20).

(4) Suspended sentences, probation, and parole are prohibited for sale offenses, and are specifically authorized for first offense possession for personal use.

(5) The law was amended in 1969 to provide the lesser punishment for possession for personal use only.

KANSAS

(1) No distinction is made between marihuana and narcotics.

(2) No distinction is made between possession and sale.

(3) Penalty provision: imprisonment at hard labor for nmt 7 years. (Kan. Gen. Stat. Ann. § 65–2519(a)).

(4) There is no prohibition against suspended sentences, probation, or parole.

(5) There has been no change in the law since 1967.

KENTUCKY

(1) No distinction is made between marihuana and narcotics.

(2) No distinction is made between possession and sale (except sale to a minor).

(3) 1st offense: 2–10 years and nmt $20,000. Subsequent: 5–20 years and nmt $20,000. (K. R. S. 218, 210(2)).

(4) Suspended sentences and probation are prohibited for all second offenders, and for first offense sellers to minors.

(5) No substantial change in the law has been made since 1967.

LOUISIANA

(1) No distinction is made between marihuana and narcotics.

(2) Distinction is made between possession and sale.

(3) Possession: Over 21 years of age: hard labor for 5–15 years. Under 21 years of age: imprisonment nmt 10 years with or without hard labor.

Sale: To one over 21: hard labor for 10–50 years. (If seller under 21: 5–15 years). To one under 21: guilty, death; guilty with remission of the extreme penalty, hard labor for 30–99 years. (L.S.A.–R.S. 40:981).

(4) Suspended sentences and probation are prohibited for all except for 1st offense possession. Such prohibition was upheld in *Louisiana* v. *Glanty*, 223 So. 2d 813 (1969).

(5) No change in the law has been made since 1967.

MAINE

(1) Distinction is made between marihuana and narcotics; marihuana is governed by a separate act for the control of Cannabis.

(2) Distinction is made between possession and sale.

(3) Possession: 1st offense: misdemeanor, punished by imprisonment nmt 11 months and nmt $1,000. Subsequent: felony, punished by imprisonment nmt 2 years and nmt $2,000.

Sale: Over age 21: to a person over 21: 1–5 years; to a person 18 to 20 years old: 2–6 years; to a person under 18: 3–8 years (Subsequent offense: 4–10 years). Under age 21 to anyone: 1–5 years. (Me. Rev. Stat. tit. 22, c. 558, §§ 2383, 4).

(4) No prohibition against suspending sentences, probation, or parole.

(5) Maine repealed the UNDA in 1969; the new legislation greatly reduces the penalty structure, makes first offense possession a misdemeanor, and allows for suspended sentences.

MARYLAND

(1) No distinction is made between marihuana and narcotics.

(2) No distinction is made between possession and sale.

(3) 1st offense: 2–5 years and nmt $1,000; 2nd offense: 5–10 years and nmt $2,000. Subsequent: 10–20 years and nmt $3,000. (Md. Ann. Code art. 27, § 300).

(4) No prohibition against suspended sentences, probation, or parole, except that suspended sentences are not available to a three-time felon or to those convicted of selling narcotics (except as incidental to their own habit).

(5) No change has been made in the law since 1967, but there are presently several proposals pending in the General Assembly that would remove marihuana from the narcotics category and place it in the dangerous drug classification.

MASSACHUSETTS

(1) No distinction is made between marihuana and narcotics.

(2) Distinction is made between possession and sale.

(3) Possession: (Of a narcotic other than heroin) nmt 3½ years in a state prison or nmt 2½ years in a jail and/or fine nmt $1,000. (Heroin: nmt 5 years in a state prison or nmt 2½ years in a jail or fine of $500–$5,000; subsequent offense: 5–15 years in a state prison).

Sale: (of any narcotic) 1st offense: 5–10 years. Subsequent: 10–25 years. (Mass. Ann. Laws ch. 94, §§ 212, 217).

General penalty: 5–10 years (might be applicable in subsequent possession offenses). Massachusetts has a provision providing for punishment if one is present where a narcotic drug is kept or deposited, or if one is in the company of one known to be illegally in possession: nmt 5 years or nmt 2 years in a jail and $500–$5,000.

(4) Suspended sentences, probation, and parole are permitted for possession offenses and for first sale offenses, and are prohibited for subsequent sale offenses.

(5) No substantial change has been made in the law since 1967.

MICHIGAN

(1) No distinction is made between marihuana and narcotics.

(2) Distinction is made between possession and sale.

(3) Possession: 1st offense; nmt 10 years, and nmt $5,000. 2nd offense: nmt 20 years, and nmt $5,000. Subsequent: 20–40 years, and nmt $5,000.

Sale: 20 years-life. (Mich. Stat. Ann. §§ 18.1122, 1123).

(4) First offense possession may receive suspended sentences, probation, or parole.

(5) There has been no change in the law since 1967, but Attorney General Kelley has recommended changing the status of possession offenses to misdemeanors.

MINNESOTA

(1) No distinction is made between marihuana and narcotics.

(2) No distinction is made between possession and sale.

(3) 1st offense: 5–20 years and nmt $10,000. Subsequent: subject to recidivist statute.

(4) There are no provisions for suspended sentences or probation.

(5) There has been no change in the law since 1967.

MISSISSIPPI

(1) No distinction is made between marihuana and narcotics.

(2) Distinction is made between possession and sale.

(3) Possession: 1st offense: 2–5 years and nmt $2,000. 2nd offense: 5–10 years and nmt $2,000. Subsequent: 10–20 years and nmt $2,000.

Sale: 1st offense: 5–10 years and nmt $2,000. Subsequent: 10–20 years and nmt $2,000. (Miss. Code Ann. § 6866).

(4) Suspended sentences, probation, and parole are available to first offense possessors. The above are prohibited for all others.

(5) There has been no change in the law since 1967.

MISSOURI

(1) No distinction is made between marihuana and narcotics.

(2) Distinction is made between possession and sale.

(3) Possession 1st offense: 6 months in county jail—20 years in state penitentiary. 2nd offense: 5 years-life. Subsequent: 10 years-life.

Sale: 1st offense: 5 years-life (if sale to one under 21, possible death penalty). Subsequent: 10 years-life (if sale to one under 21, possible death penalty). (Mo. Rev. Stat. § 195.200).

(4) Suspended sentences, probation, and parole are prohibited for any offenders except for first offense possession. If the first offense possessor has previously been convicted of any felony, however, he shall have no right.

(5) There has been no change in the law since 1967.

MONTANA

(1) Marihuana is defined as an "hallucinogenic drug" as opposed to a narcotic drug, but both are lumped under "dangerous drugs" with no distinction in penalties.

(2) Distinction is made between possession and use.

(3) Possession: nmt 5 years. Sale: 1 year—life. (Mont. Rev. Codes Ann. §§ 54–132, 3).

(4) There is no prohibition against suspended sentences, probation or parole. In addition, any person 21 or under shall be "presumed to be entitled to a deferred imposition of sentence." (Mont. Rev. Codes Ann. §§ 54–132, 133).

(5) Montana revised their laws in 1969 to slightly reduce the penalty structure. Under prior law, first offense was 1–5 years, subsequent offenses were 5–20 years.

NEBRASKA

(1) Distinction is made between marihuana and narcotics; marihuana is covered under a separate statute.

(2) Distinction is made between possession and possession with intent to sell and sale.

(3) Possession: (less than 8 oz. or less than 25 cigarettes) 1st offense: misdemeanor, mandatory 7 day jail sentence in county jail apart from other prisoners and required instruction on the effects of drug abuse. Subsequent: felony, 1–5 years.

Possession with intent to sell (possession of 8 ozs. or more, or 25 or more cigarettes): 1–5 years. Sale: 2–5 years. (Neb. Rev. Stat. §§ 28–451 et seq., as amended by L.B. 2, approved April 11, 1969).

(4) Probation is available for any offense, and there are no prohibitions against mitigating sentences.

(5) Nebraska amended their law in 1969 to make first offense possession a misdemeanor, and to reduce the possession penalty structure. Under prior law, first offense was 2–5 years and nmt $5,000; 2nd offense was 5–10 years and nmt $5,000; subsequent was 10–20 years and nmt $5,000.

NEVADA

(1) No distinction is made between marihuana and narcotics.

(2) Distinction is made between possession, sale, and sale to one who intends to resell.

(3) Possession: 1st offense: 1–6 years and may be fined nmt $3,000. 2nd offense: 1–10 years and may be fined nmt $2,000. Subsequent: 1–20 years and may be fined nmt $5,000.

Sale: By one under 21 years of age: 1st offense: 1–20 years. Subsequent: life.

By one over 21: 1st offense: 1–20 years and may be fined nmt $5,000. Subsequent: life and may be fined nmt $5,000.

Sale to one who intends to sell or give it away: life and may be fined nmt $5,000. (Nev. Rev. Stat. § 453.210, as amended by ch. 203, approved July 1, 1960.)

(4) Probation and parole are available to possession offenders and to first sale offenders who are under 21. Probation is prohibited for sale offenses, and parole is prohibited for second and subsequent sale offenses (i.e., mandatory life imprisonment).

(5) Nevada amended their law in 1967 to greatly reduce the penalty structure. Under prior law, possession was punished by: 2–5 and nmt $2,000; 5–10 and nmt $2,000; 10–20 and nmt $2,000. Sale was 20–40 and nmt $10,000; 40-life and nmt $10,000. The law was further amended in 1969 to separate the under-21 seller, providing probation and parole possibilities for him.

NEW HAMPSHIRE

(1) Distinction is made between marihuana and narcotics; marihuana is classified as a "controlled drug" as opposed to a narcotic drug.

(2) Distinction is made between possession and sale.

(3) Possession: 1st offense: nmt 1 year and/or nmt $500. Subsequent: nmt 3 years and/or nmt $1,000. (The punishment is a misdemeanor if the sentence is less than 1 year, or the offender is given a suspended sentence or put on probation.)

Sale: 1st offense: nmt 10 years and/or nmt $2,000. Subsequent: nmt 15 years and/or nmt $5,000. N.H. Rev. Stat. Ann. § 318–B: 26.)

(4) There is no prohibition against suspended sentences or probation.

(5) New Hampshire repealed the UNDA in 1969, and the new legislation greatly reduces the penalty structure. Under prior law possession was punished as follows: 2–5

XUM

and nmt $2,000; 5–10 and nmt $2,000; 10–20 and nmt $2,000. Sale was: 5–10 and $2,000; 10–20 and $2,000. The new law also allows for mitigation of sentences in all instances; under prior law only first possession offenses could receive suspended sentences or probation.

NEW JERSEY

(1) No distinction is made between marihuana and narcotics.

(2) No distinction is made between possession and sale (except that the *use* of marihuana is deemed to be a "disorderly person" offense, with lesser penalties; it is a misdemeanor).

(3) Penalty provisions: 1st offense: 2–15 years and nmt $5,000. 2d offense: 5–25 years and nmt $5,000. Subsequent: 10–life and nmt $5,000. (N.J.S.A. 24:18–47(c).)

Use of marihuana (and other narcotics): up to 6 months, or $500, or both.

(4) No prohibition against suspended sentences, probation, or parole.

(5) No substantial change in the law since 1967, except that the use offense has been reduced from 1 year or $1,000 to 6 months and $500.

NEW MEXICO

(1) No distinction is made between marihuana and narcotics.

(2) Distinction is made between possession and sale.

(3) Possession: 1 oz. or less (but not including hashish): 1st offense: misdemeanor; nmt 1 year in county jail and/or nmt $1,000. 2nd offense: punished as a fourth degree felony. Subsequent: 2–10 years and/or nmt $5,000.

More than 1 oz.: 1st offense: 2–10 years and nmt $2,000. 2nd offense: 5–20 years and nmt $2,000. Subsequent: 10–40 years and nmt $2,000.

Sale: 1st offense: 10–20 years and nmt $5,000. 2nd offense: 20–40 years and nmt $10,000. Subsequent: life. (N.M. Stat. Ann. § 54–7–15).

(4) Suspended sentences, probation, and parole are prohibited for all offenses except possession of 1 oz. or less.

(5) New Mexico amended their law in 1969 to provide lesser penalties for possession of 1 oz. or less and making it a misdemeanor, and increasing the penalties for sale. Under prior law, one penalty structure: 2–10 and nmt $2,000; 5–20 and nmt $2,000; 10–40 and nmt $2,000. Mitigation of sentences was prohibited only for second offenses.

NEW YORK

(1) No distinction is made between marihuana and narcotics, although marihuana offenses generally receive lesser penalties than narcotic offenses.

(2) Distinction is made between possession and sale.

(3) (In all of the following penalty provisions, the court has wide latitude to impose alternative punishment, including certification of the offender over to the New York Narcotics Addiction Control Board.)

Possession: Less than 25 cigarettes: class A misdemeanor, nmt 1 year and/or nmt $1,000, 25–99 cigarettes, or ¼ oz.—1 oz.: class D felony, nmt 7 years. 100 or more cigarettes, or more than 1 oz.: class C felony, nmt 15 years. Possession with intent to sell: class E felony, nmt 4 years.

Sale: class D felony, nmt 7 years. (N.Y. Pub. Health Law §§ 3300 through 3366; N.Y. Penal Law §§ 220.00 through 220.30.)

(4) Suspended sentences, probation, and parole are prohibited for narcotics felonies, but the court is given wide latitude in sentencing. In all narcotic felonies, at least one year of the sentence must be served.

(5) There has been no change in the law since 1967.

NORTH CAROLINA

(1) No distinction is made between marihuana and narcotics.

(2) Distinction is made between possession and sale.

(3) Possession: 1 gram or less: misdemeanor, punished by fine and/or imprisonment at the discretion of the court. Second and subsequent offenses are punished as below. Possession of more than 1 gram, and sale: 1st offense: nmt 5 years and/or nmt $1,000. 2nd offense: 5–10 years and nmt $2,000. Subsequent: 15 years-life and nmt $3,000. (N.C. Gen. Stat. § 90–111).

(4) Suspended sentences and probation are prohibited only for second and subsequent sale offenses.

(5) North Carolina amended their law in 1969 to provide for the misdemeanor penalty for possession of 1 gram or less (Sec. 10, § 970, laws 1969).

NORTH DAKOTA

(1) Distinction is made between marihuana and narcotics.

(2) No distinction is made between possession and sale.

(3) 1st offense: imprisonment in county jail nlt 6 months, or in state penitentiary nmt 2 years, or fine nmt $2,000, or both. Subsequent: imprisonment in state penitentiary nmt 5 years or fine nmt $2,000, or both. (N. D. Cent. Code § 19–03–28.1).

(4) There are no prohibitions against suspended sentences or probation; the parole board may parole an individual at any time.

(5) North Dakota repealed the UNDA in 1969; the new law removes marihuana from the narcotic classification and reduces the penalties substantially.

OHIO

(1) No distinction is made between marihuana and narcotics.

(2) Distinction is made between possession and sale.

(3) Possession: 1st offense; 2–15 years and nmt $10,000. 2nd offense: 5–20 years and nmt $10,000, Subsequent: 10–30 years and nmt $10,000.

Possession for sale: 1st offense: 10–20 years. 2nd offense: 15–30 years. Subsequent: 20–40 years.

Sale: 20–40 years. (Ohio Rev. Code § 3719.99).

(4) Possession and possession for sale offenses are probational, and offenders who are imprisoned receive the same parole considerations as any prisoner. Sale offenses are generally not probational, although offenders are entitled to parole consideration as any other prisoner.

(5) There has been no change in the law since 1967.

OKLAHOMA

(1) Distinction is made between marihuana and narcotics; marihuana is covered by a separate statute, with somewhat lesser penalties than narcotics.

(2) No distinction is made between possession and sale.

(3) Penalty provision: nmt 7 years and/or nmt $5,000. (Okla Stat. Ann. tit. 63, § 452).

(4) There are no prohibitions against suspended sentences, probation, or parole.

(5) There has been no change in the law since 1967, but the legislature is expected to review the UNDA in the 1970 session, and may well change some of the penalty provisions.

OREGON

(1) No distinction is made between marihuana and narcotics.

(2) No distinction is made between possession and sale.

(3) Penalty: imprisonment in county jail for nmt 1 year or fine nmt $5,000 or both (misdemeanor); or imprisonment in state penitentiary for nmt 10 years or fine nmt $5,000 or both (felony). (Ore. Rev. Stat. § 474.990).

(4) Suspended sentences and probation are not prohibited for any offenses; it is within the discretion of the trial judge.

(5) Oregon amended their law in 1969 to provide that any marihuana offense can be a misdemeanor or a felony, depending on the sentence imposed by the judge. There was no discretionary misdemeanor provision under prior law.

PENNSYLVANIA

(1) No distinction is made between marihuana and narcotics.

(2) Distinction is made between possession and sale.

(3) Possession: 1st offense: 2–5 years and nmt $2,000. 2nd offense: 5–10 years and nmt $5,000. Subsequent: 10–30 years and nmt $7,500.

Sale: 1st offense: 5–20 years and nmt $5,000. 2nd offense: 10–30 years and nmt $15,000. Subsequent: life and nmt $30,000. (Pa. Stat. Ann. tit. 35, § 780–20).

(4) Suspended sentences, probation, and parole are prohibited for all second offenses, and prohibited for first sale offense if the sale is to a minor.

(5) There has been no change in the law since 1967.

RHODE ISLAND

(1) No distinction is made between marihuana and narcotics.

(2) Distinction is made between possession and sale.

(3) Possession: 1st offense: 2–15 years and nmt $10,000. 2nd offense: 5–20 years and nmt $10,000. Subsequent: 10–30 years and nmt $10,000.

Possession for sale: 1st offense: 10–20 years. 2nd offense: 15–30 years. Subsequent: 20–40 years.

Sale: 20–40 years. (R.I. Gen. Laws Ann. §§ 21–28–31, 32).

(4) Probation is prohibited for sale to a minor; there are no other prohibitions.

(5) There has been no change in the law since 1967.

SOUTH CAROLINA

(1) No distinction is made between marihuana and narcotics.

(2) No distinction is made between possession and sale.

(3) 1st offense: nmt 2 years and/or nmt $2,000. 2nd offense: 2–5 years and/or $2,000–$5,000. Subsequent: 10–20 years. (S.C. Code § 32–1493).

(4) Suspended sentences and probation are prohibited only for third and subsequent convictions, and for second and subsequent convictions of sale to a minor.

(5) There has been no substantial change in the law since 1967.

SOUTH DAKOTA

(1) No distinction is made between marihuana and narcotics.

(2) Distinction is made between possession and sale.

(3) Possession: 1st offense of quantity 1 oz. or less: nmt 1 year in county jail as a misdemeanor and/or nmt $500. 1st offense of quantity in excess of 1 oz; 2–5 years and nmt $5,000. 2nd possession offense: 5–10 years and nmt $10,000. Subsequent possession offense: 10–20 years and $20,000.

Sale: 1st offense: 5–10 years and nmt $10,000. Subsequent: 10–20 years and $20,000. (S.D. Code §§ 39–16–49.–49.2).

(4) Suspended sentences, probation, and parole are prohibited for all except first offense possession.

(5) South Dakota amended their law in 1968 to make first possession offenses misdemeanors.

TENNESSEE

(1) No distinction is made between marihuana and narcotics.

(2) No distinction is made between possession and sale.

(3) 1st offense: 2–5 years and $500. 2nd offense: 5–10 years and $500. Subsequent: 10–20 years and $500. (Tenn. Code Ann. §§ 52–1322).

(4) Suspended sentences and probation are prohibited for second and subsequent convictions.

(5) There has been no change in the law since 1967, although several proposals to lessen the penalty structure are presently pending before the General Assembly.

TEXAS

(1) No distinction is made between marihuana and narcotics.

(2) Distinction is made between possession and sale.

(3) Possession: 1st offense: 2 years–life. Subsequent: 10 years–life.

Sale: 1st offense: 5 years–life. Subsequent: 10 years–life. (Tex. Pen. Code art. 725b, sec. 23).

(4) Suspended sentences and probation are prohibited for second and subsequent convictions.

(5) Texas made slight amendments to their laws in 1969, distinguished between possession and sale (in effect, increasing the punishment for the first sale offense) and providing for suspended sentences (under prior law only probation was allowed to first offenders).

UTAH

(1) Marihuana is defined as a narcotic, although a distinction is made in the penalty structure, with marihuana receiving lighter sentences.

(2) Distinction its made between possession, possession for sale, and sale.

(3) Possession: 1st offense: nlt 6 months in county jail. 2nd offense: nlt 6 months in county jail. Subsequent: nlt 6 months in county jail, or 1–5 years in state prison, as may be determined by the court.

Possession for sale: 1st offense: 2–10 years. 2nd offense: 5–10 years. Subsequent: 10 years–life.

Sale: 1st offense: 5 years–life, 2nd offense: 5 years–life. Subsequent: 10 years–life. (Utah Code Ann. § 58–13a–44).

(4) Probation is specifically provided for for first and second possession offenders; parole is prohibited for all possession for sale and sale offenses.

(5) Utah amended their law in 1968 to lower the penalties for possession and to raise the penalties for possession for sale and sale. Under prior law the only penalty provision was nmt 5 years and/or nlt $1000; subsequent was 5 years–life and/or nlt $5000.

VERMONT

(1) Distinction is made between marihuana and narcotics. Marihuana is usually grouped with depressant and stimulant drugs in the penalty structure, and in all instances is distinguished from narcotic drugs.

(2) Distinction is made between possession, possession with intent to sell, and sale.

(3) Possession: 1st offense: sentence to any institution except the state prison for nmt 6 months and/or nmt $500. Subsequent: nmt 2 years and/or nmt $2,000.

Possession with intent to sell: 25 or more cigarettes, or ½ oz. or more; nmt 2 years and/or nmt $2,000 (no second offense provisions). 100 or more cigarettes, or 2 ozs. or more: nmt 5 years and/or nmt $5,000 (no second offense provisions).

Sale: 1st offense: nmt 5 years and nmt $10,000. Subsequent: 10–25 years and nmt $25,000.

(4) There is no prohibition against suspended sentences, probation, or parole.

(5) Vermont repealed the UNDA in 1968; the new legislation greatly reduces the penalty structure, distinguishes marihuana from narcotics, and makes first offense possession a misdemeanor.

VIRGINIA

(1) No distinction is made between marihuana and narcotics.

(2) No distinction is made between possession and sale, except that possession of more than 25 grains receives a heavier penalty.

(3) General provision: 1st offense: 3–5 years and nmt $1,000. 2nd offense: 5–10 years and nmt $2,000. Subsequent: 10–20 years and nmt $3,000.

Possession of 25 grains or more: 20–40 years and nmt $5,000. (Va. Code Ann. § 54–516).

(4) Suspended sentences are permitted for any offense except sale to a minor. Parole and probation are available to any prisoner.

(5) There has been no change in the law since 1967, but it is anticipated that marihuana will soon be removed from the narcotics laws, and possession offenses be made misdemeanors.

WASHINGTON

(1) Distinction is made between marihuana and narcotics; marihuana is classified as a "dangerous drug."

(2) No distinction is made between possession and sale (although all penalties are mild).

(3) General provision: 1st offense: misdemeanor, nmt 6 months and/or nmt $500. 2nd offense: gross misdemeanor, nmt 1 year and/or nmt $1,000. Subsequent: felony, nmt 10 years and/or nmt $10,000.

Possession with intent to sell: 3–10 years and/or nmt $5,000. (Possession in excess of 40 grams is prima facie evidence of possession with intent to sell).

Sale to minor: nmt 20 years and nmt $50,000. (Wash. Rev. Code § 69.40.070).

(4) There is no prohibition against suspended sentences, probation, or parole.

(5) Washington removed marihuana from the coverage of UNDA in 1969, and thereby greatly reduced the penalties, including making possession offenses misdemeanors.

WEST VIRGINIA

(1) No distinction is made between marihuana and narcotics.

(2) No distinction is made between possession and sale.

(3) 1st offense: 2–5 years and nmt $1,000. 2nd offense: 5–10 years and nmt $5,000. Subsequent: 10–20 years and nmt $10,000. (W. Va. Code Ann. § 16–8A–23).

(4) Suspended sentences, probation, and parole are prohibited on all but first offenses.

(5) There has been no change in the law since 1967.

WISCONSIN

(1) Distinction is made in classification between marihuana and narcotics, but they receive the same penalties.

(2) No distinction made between possession and sale.

(3) 1st offense: 2–10 years. 2nd offense: 5–10 years. Subsequent: 10–20 years. (Wisc. Stat. § 161.28).

(4) Suspended sentences and parole are prohibited for second offenses.

(5) There has been no change in the law since 1967.

WYOMING

(1) No distinction is made between marihuana and narcotics.

(2) Distinction is made between possession and sale.

(3) Possession: 1st offense: nmt 6 months and nmt $1,000; 2nd offense: nmt 5 years and nmt $2,000; subsequent: nmt 10 years and nmt $2,000.

Sale: 1st offense: nmt 10 years; subsequent nmt 25 years. (Wyo. Stat. Ann. § 35–369).

(4) There is no prohibition against suspended sentences, probation, or parole.

(5) Wyoming amended their law in 1969, lowering the punishment for possession and raising slightly the punishment for sale. Prior punishment for both possession and sale was: 2–5; 5–10; 10–20, all with a fine nmt $2,000.

APPROPRIATIONS FOR THE DEPARTMENTS OF LABOR, AND HEALTH, EDUCATION, AND WELFARE, AND RELATED AGENCIES, 1970—CONFERENCE REPORT

Mr. BYRD of West Virginia. Mr. President, for the information of the Senate, what is the pending business?

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Wisconsin (Mr. NELSON) to the second part of the House amendment to the Senate amendment in disagreement, numbered 83.

Mr. BYRD of West Virginia. Mr. President, I thank the Presiding Officer.

As a reminder to Senators, there will be a vote tomorrow at 1 p.m. And the able Senator from Wisconsin (Mr. NELSON) has expressed a desire that that vote be a rollcall vote.

RECESS UNTIL 11 A.M. TOMORROW

Mr. BYRD of West Virginia. Mr. President, if there be no further business to come before the Senate, I move in accordance with the previous order, that the Senate stand in recess until 11 o'clock tomorrow morning.

The motion was agreed to; and (at 5 o'clock and 14 minutes p.m.) the Senate recessed until tomorrow, Wednesday, January 21, 1970, at 11 o'clock a.m.

EXTENSIONS OF REMARKS

FARMERS FOR FISHERMEN

HON. THOMAS M. PELLY

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Monday, January 19, 1970

Mr. PELLY. Mr. Speaker, a group of farmers of the soil have gone to bat for the "farmers of the sea," in a resolution. The Oregon-Washington Farmers Union, at their convention in Salem, Oreg., November 15, 1969, passed numerous resolutions including one concerning fishing off our coastline.

For the information of my colleagues, and without objection, the aforementioned resolution appears at this point of the RECORD:

RESOLUTION NO. 6

Being that foreign fishing trawlers and their cannery's are taking such a very heavy toll of our Pacific Ocean fish, including our various types of salmon, etc.

Therefore, be it resolved that Oregon-Washington Farmers Union go on record urging legislation to pass a law whereby: "foreign fishing boats must stay outside of our Continental shelf along the United States."

That copies of this resolution be sent to our U.S. Representatives and Senators to encourage action to help pass this legislation thereby helping all fishermen, both ocean and stream.

XUM

XUM

SECRETARY LAIRD REVIEWS FIRST YEAR OF NIXON ADMINISTRATION

HON. GLENARD P. LIPSCOMB

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, January 19, 1970

Mr. **LIPSCOMB**. Mr. Speaker, the distinguished Secretary of Defense, Melvin R. Laird, on January 15, 1970, before the California State Chamber of Commerce at the Biltmore Hotel in Los Angeles, Calif., spoke of the new directions and new policies—both domestic and foreign—set this past year by the administration of President Nixon.

As a result of one of the most comprehensive and intensive studies of national needs and national resources that any administration has ever undertaken, the Nixon administration has embarked on vital new policies to achieve both new and old national objectives. After citing several examples in the domestic policy area, the Secretary provides a thorough and particularly valuable insight into the directions intended in defense matters in the period immediately ahead.

In order that Secretary Laird's remarks be given complete and serious consideration by all Members as we begin this, the second session of the 91st Congress, I recommend the full text of his address which follows:

ADDRESS BY THE HONORABLE MELVIN R. LAIRD

It is only a few days short of one year since Richard Nixon became our President.

A little less than one year ago, in the historic setting on the steps of the East Front of the Capitol, Richard Nixon spoke his first words as President to the people of the nation.

"Each moment in history," our new President said, "is a fleeting time, precious and unique. But some stand out as moments of beginning, in which courses are set that shape decades or centuries.

"This can be such a moment.

"Forces now are converging that make possible, for the first time, the hope that many of man's deepest aspirations can at last be realized."

Today, one year later, it is too soon to say that 1969 marked the beginning of a new era in which man will realize his deepest aspirations. Yet it can be said that 1969 has been a year of change and that a beginning has been made toward better things for the people of our nation.

In Washington, new leadership has taken command. New policies, geared to the problems of the 1970's, have been introduced. New directions have been set. But before discussing these new directions and policies, let me introduce a note of caution. Although we have made progress, and it has been notable progress on many fronts, we are not about to run out of problems. Old problems still abound, and new ones are inevitably created as by-products of change and innovation.

With that note of caution, let me cite a few examples of the new spirit and the new purpose that saw the light of day in 1969 under the new Administration.

The President has proposed a sharing of Federal revenues with states and localities in order to halt excessive centralization and to reinvigorate state and local government.

The President has proposed a thorough overhaul of the welfare system, substituting for it a Family Assistance Plan to transform welfare recipients into productive self-sustaining citizens.

The President has proposed effective action to stem the tide of crime and has waged unremitting attacks on the types of criminal activity that are subject to Federal jurisdiction, especially organized crime.

The President has made manpower training programs more comprehensive and more effective, resulting in an increase of one-third in the number of enrollees in such programs.

The President has used his powers vigorously to overcome hunger and discrimination.

The President has proposed dramatic improvements in transportation, notably in mass transit, in airway facilities and equipment, and in merchant shipping.

These examples are drawn from domestic policy fields. In foreign and defense policy as well, the Nixon Administration has moved in a new direction.

And the new direction in foreign and defense policy leads more surely toward realization of man's most profound aspiration—the desire for peace.

In 1969, our nation turned a corner and started on a new course away from the war in which we have been heavily engaged for almost five years and away from the danger of involvement in similar conflicts in the future.

We have embarked on a new policy to achieve the objective which our Nation has been pursuing in Vietnam. There are some, it is true, who say it is not new. Yet, in prior years, the number of American troops in Vietnam went up and up and up. Now it is going down. Clearly there is an important difference between increasing American forces in Vietnam—and reducing them. There is an important difference between a policy that places the major combat responsibility on our GI's—and one that places that responsibility on the Vietnamese.

Because the Nixon Administration has energetically concentrated on improving the training and equipment of the forces of Vietnam and on assisting the South Vietnamese to develop a more stable society, we have been able to announce since last June reduction of the American troop authorization ceiling for Vietnam by 115,000 men. We have been able to turn over to the South Vietnamese an ever greater share of the responsibility for defense of their country.

Let me repeat the word of caution that I voiced at the outset. The progress in Vietnam has been substantial, but it would be a mistake to expect no setbacks. There are battles ahead, and it would be surprising if all of them were won by the Republic of Vietnam. I don't make forecasts of future events. We should guard against overconfidence now when things are going well, and we should guard equally against exaggerated pessimism if the future brings some setbacks.

Of all the policy changes of the first year of the present Administration, none is more important than Vietnamization, for this new policy for Vietnam is in fact an application and a test of a broader policy toward Asia, which the President announced at Guam and which has been called the Nixon Doctrine. In the future, the President declared, we shall seek to help Asian nations that merit our support more by enabling them to do things themselves rather than by doing things for them. He summarized the doctrine in three principles:

"First, the United States will keep all of its treaty commitments.

"Second, we shall provide a shield if a nuclear power threatens the freedom of a nation allied with us or of a nation whose survival we consider vital to our security.

"Third, in cases involving other types of aggression, we shall furnish military and economic assistance when requested in accordance with our treaty commitments. But we shall look to the nation directly threatened to assume the primary responsibility of providing the manpower for its defense."

The Nixon Doctrine is a new policy, laying the basis for a realistic form of collective security in a part of the world in which Western European nations are no longer willing to shoulder a major responsibility for peace and security. The doctrine is in harmony with the desires of Asian nations as they grow in vigor and in pride. It affirms the continuing interest of the United States in Asia, but makes it clear that we will not write any blank checks. It is a middle course between the extremes of isolationism and serving as global policeman. We reject both of these extremes.

We have made a beginning toward many other new objectives in the field of defense during this past year.

We are moving toward smaller and more efficient military forces. Assisted both by the diminution of our role in Vietnam and by management reforms, we can provide the security which the nation requires with a trimmer Defense establishment. By next June, we shall have reduced military personnel by about 300,000 and civilian employees by 72,000. These are significant cuts, and they are being made in the relatively short time span of one year.

Fewer personnel and better management plus a stiff backbone produce budget reductions. And we have reduced the defense budget, both in absolute terms and as a percentage of the Gross National Product.

I am not sure that the magnitude of the cuts that are being made is fully understood. The cuts made in the defense budget for the present fiscal year submitted by President Johnson amount to more than $4 billion in expenditures and more than $8 billion in appropriations. From the fourth quarter of 1968 to the third quarter of 1969, the spending of the Defense Department was reduced by $3.7 billion at an annual rate and by a full percentage point in relation to the Gross National Product.

The Department of Defense in this fiscal year is spending less than 40 cents of every dollar disbursed by the Federal Treasury. This is a cut of 9 per cent from Defense's share of Federal spending in the last full fiscal year of the preceding Administration. When the President submits the budget for the coming fiscal year to Congress, it will reveal that defense spending will be approximately $10 billion below the 1971 estimate of the preceding Administration. It will be the lowest defense budget as a percentage of the Gross National Product in 20 years.

The decisions reflected in these reductions were not arrived at lightly. They follow the most comprehensive and intensive study of national needs and national resources that any Administration has ever undertaken.

Everyone who has been exposed to an introductory course in economics knows that the basic economic problem is the allotment of limited resources to the satisfaction of unlimited wants. Those involved in Federal budget decisions for fiscal year 1971 have been grappling with this problem. The maximum resources which the National Government can command cannot be stretched to satisfy all the legitimate and meritorious claims made on them.

In his budget decisions, along with the objective of providing for national security against external threats, the President has weighed other objectives, particularly accelerated progress in meeting a number of pressing domestic problems and in curbing inflation.

In his judgment, and in mine, the reduced level of military spending will provide adequate and prudent defense. Any such judgment must be made subject to revision in view of the volatile character of many areas of the world and uncertainties about the future course of events.

Let me turn to another important change of 1969 which will affect many Americans in the years ahead. This year we shall be drafting fewer men and using a more equitable system of selective service. No longer are young men compelled to undergo the uncertainty of the draft for as long as seven years of their lives. The period of uncertainty now has been cut to only one year, and the disruption of individual's lives has been substantially curtailed. By using a random method of choosing the individuals who will be called to service in place of a more arbitrary method of calling oldest men first, we have introduced a new element of fairness into the system. The reform of the Selective Service system, which few thought possible of achievement, is a major accomplishment. I think it has demonstrated, among other things, the willingness of the Administration to listen to the legitimate grievances of young people and to act to remove such grievances when convinced by rational discourse that corrective action is needed. Additional reforms will be proposed to Congress in the near future. The Defense Department is ready to testify in support of those changes to the Selective Service process.

The ultimate objective of the Nixon Administration is the establishment of an all-volunteer armed force and the elimination of the draft, except as a stand-by device. Although the nation is not yet at the point at which it can make this change in recruiting military personnel, again an important beginning was made in 1969. A Presidential Commission, chaired by former Defense Secretary Thomas Gates, spent the year in intensive study of how this transition can be accomplished. Hopefully, a number of reforms designed to increase the attractiveness of a military career can be offered in the near future.

It is particularly appropriate before this audience to mention management of the Defense Department. Something new has been happening in this area during the past year. For much of what has been achieved, the Nation is indebted to one who formerly had a place on the Board of your organization—my able Deputy, Dave Packard. Dave is a tower of strength in dealing with the whole range of problems that are encountered in connection with defense policy, but I have relied especially on his abundant talents in dealing with problems of management.

There have been accomplishments in the field of management, although substantial problems remain. In the acquisition and management of weapons systems, we have introduced new techniques to provide greater efficiency and particularly to reduce cost overruns, but the system we inherited is cumbersome, complicated, and not susceptible to instant change. We have established a Blue Ribbon Panel that is now studying the organization and operation of the Defense Department. From it I expect recommendations that will move us even further toward a management system that will reduce to an absolute minimum the waste and inefficiency that have characterized some practices of the past.

In the field of management, an important change has been made in the selectivity with which operations have been decentralized in some cases and centralized in others. Dave Packard and I both felt that the offices which we moved into a year ago were overly involved in making decisions that could be better made at lower echelons and in exercising detailed surveillance over operations at lower levels. We have sought to correct excessive and unwieldy centralization by shifting authority to the military services whenever greater efficiency was likely to result from such a transfer. Conversely we have centralized the function of resource management in the intelligence field, for example. I think the effect of such changes has been to increase efficiency at all levels. I cannot say that I have reduced my workload by this process, but I am able to devote more time and thought to the most important problems, by permitting others to handle problems of secondary importance.

We have not hesitated to centralize authority when better policy formulation or efficiency dictate this course. But we want to realize the advantage of decentralization of management processes wherever possible.

I have been deeply concerned about the welfare of those American servicemen who are prisoners of war in Southeast Asia. For the families of the 1400 servicemen listed as missing in action, each day of uncertainty about the fate of a loved one is an ordeal which they face with inspiring courage.

During the past year we have made special effort to lay the facts about these men before the tribunal of world opinion. We have tried in a number of ways to persuade Hanoi to observe the rules of the Geneva Convention on prisoners of war by making available the names of prisoners, by establishing a regular flow of mail between them and their relatives, by permitting Red Cross inspection of prison facilities, and by releasing the sick and injured. We shall continue to make every effort to bring about observance of the Geneva Convention and to ease the ordeal of the wives and parents of missing servicemen.

I could go on indefinitely with a catalogue of changes in objectives and methods that have been instituted in the Defense Department in the past year. For example, I would like very much to discuss the President's new policy toward the instruments of chemical warfare and biological research which is designed to reduce the possibility that such weapons may be used in the future. But to talk further would be an abuse of your generous hospitality.

I began with a quotation from the President's inaugural address in which he expressed the hope that this might be a moment of beginning a new course.

Later in that address, he expressed more specifically the greatest hope that guides him as he discharges his fearsome responsibilities. The President said:

"The greatest honor history can bestow is the title of peacemaker. This honor now beckons America—the chance to help lead the world at last out of the valley of turmoil and onto that high ground of peace that man has dreamed of since the dawn of civilization.

"If we succeed, generations to come will say of us now living that we mastered our moment, that we helped make the world safe for mankind.

"This is our summons to greatness."

And this, may I add, is the spirit that guides the Department of Defense.

ROBERT E. LEE—BIRTHDAY OF A GREAT AMERICAN

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, January 19, 1970

Mr. RARICK. Mr. Speaker, today marks the anniversary of the birth of Robert E. Lee, an outstanding son of the South, and one of the finest soldiers of America.

This date is a legal holiday in much of our land, and as we pause to pay tribute to this gallant gentleman, it is fitting to note his qualifications for his growing niche in history as one of the greatest of all Americans. A devout Christian, a true patriot, a brilliant general, and a farsighted educator, his life set a standard which all could well aspire to emulate.

The history of Arlington National Cemetery, across the Potomac from the Nation's Capital, is the story of Robert E. Lee and the first war to preserve the Constitution.

The Custis Mansion at Arlington, named for its early owner, George Washington Parke Custis, the grandson of Martha Washington and adopted son of the Father of our Country, was the prewar home of General and Mrs. Lee, the former Mary Custis.

The memory of George Washington was kept alive at Arlington. The collection of Washington relics there was the largest in existence, filling the rooms and the halls of the mansion. Custis welcomed all who wished to view them, and entertained his guests with tales of his early days at Mount Vernon. Many distinguished men visited Arlington, including Sam Houston, Daniel Webster, and Andrew Jackson. The aged Marquis de Lafayette was twice a guest there when he toured the United States in 1824 and 1825.

An author, dramatist, artist, orator, and man of culture, Custis used all his abilities to perpetuate the memory of Washington. He erected the first monument at the site of the President's birthplace in 1816.

The atmosphere of the home life at Arlington was warm and pleasant. Mrs. Custis was a devout Episcopalian, noted for her piety and simplicity. Diligent, where her husband was of an easy-going nature, she was in accord with him in making Arlington free from ostentation. Kept unspoiled by her parents example, Mary Custis was given the education considered necessary for a young lady of her position and, when she was old enough, taught the children of neighbors and servants. Although she was an only child, she never lacked companionship, for hospitality was the order of the day and the Custises were frequently hosts to relatives and their children. They frequently visited Ravensworth, formerly the home of Mrs. Custis and now owned by her only brother. There Mary must have played as a child with Robert E. Lee, for he and his mother were related to the Fitzhughs and often visited in their home. The two children are said to have planted some of the trees in the vicinity of the house at Arlington.

Childhood friendship turned to love by the time Lee graduated from West Point and was assigned to duty in the Corps of Engineers. Whenever possible he was at Arlington courting Mary Custis, and in the summer of 1830 they became engaged.

A heavy rain was falling as the guests arrived for the wedding on the evening of June 30, 1831, but inside all was warmth and happiness. None who were there ever forgot the ceremony in the parlor and the bridal feast that followed it. Honeymoon trips were not the custom at that time, and the newly married couple remained at home for several days with the wedding party, while Arlington House resounded with merriment and festivity into which the bride's

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father entered with his usual wit and good nature.

The name of Robert E. Lee will ever be associated with the Arlington mansion, although his military duties took him away from it for much of the time. Soon after their marriage, the Lees returned home to Arlington for Christmas in 1831 from Fort Monroe where Lee was stationed. Because of the bad weather, Mrs. Lee remained at Arlington until spring. In September of 1832, their first child was born there, a son named George Washington Custis Lee, after his grandfather.

From 1834 to 1837 Lee was stationed in Washington. Although he disliked the office work in the city, he fitted easily into the quiet way of life at Arlington. There was little in the way of formal entertaining and the evenings were usually spent with his family around the hearth. On Sundays they usually drove to Alexandria to church, or held services at home if the roads were bad.

Frequently he assisted Mr. Custis in his business affairs or put his engineering experience to use in making improvements. While Lee was away on a mission, his second child, Mary, was born in the summer of 1835.

In 1837 another son was born. Although Lee had received orders to report to St. Louis, he was able to remain at Arlington until he was sure that the mother and baby were well. He returned home at Christmas, remaining there until spring so that Mrs. Lee and the two boys could return with him to St. Louis, while little Mary stayed with her grandparents.

Lee, by that time a captain, brought his family home in the spring of 1839. Although he could not remain at Arlington for the event, a new daughter joined the family circle early in July, but not until Christmas was Lee able to see her.

In the summer of 1840 Lee returned to St. Louis only to finish up his work there and return home. Soon after his fifth child, a girl, was born in February 1841, he was sent to Fort Hamilton where he remained on duty until 1846. During this period it was customary for his family to be with him in New York during the summer and autumn and at Arlington for the rest of the year. Lee usually joined them there during the winter. Two more children, a boy and a girl, were born during these years.

In August 1846, Lee was ordered to report for service in Mexico. Returning home, he spent a few days at Arlington and then said goodbye to his family. Twenty-two months passed before he saw Arlington again, months of anxiety for those waiting at home, relieved only by his long and frequent letters.

Home again after the war, Lee was on duty in Washington and passed a happy summer at Arlington. Toward the end of the year he was assigned to supervise the construction of a new fort in Baltimore, but soon after taking over the project he returned to Arlington where he spent the winter. In the autumn of 1849 his family joined him in Baltimore. They remained there through 1851, coming home for Christmas and occasional visits.

Lee took command at West Point in September 1852, where he was shortly joined by his family. In April they received unexpected news of the critical illness of Mrs. Custis; Mrs. Lee hurried home but arrived after her mother's death. Hoping to divert Mr. Custis, the Lees took him back with them to West Point. But even a trip to Niagara Falls with his son-in-law failed to keep him from worrying about Arlington, and he soon returned home. To ease his loneliness, the Lees came home on brief visits in the spring and summer of 1854.

Early in 1855 Lee was assigned to a cavalry regiment being organized for service on the frontier. When he returned for the holidays, much of his leave was spent straightening out the finances of Mr. Custis' farms, for the old gentleman was now 75 and, although active in improving his crops, needed help in managing his business affairs.

Lee was once again called home from Texas when his father-in-law died on October 10, 1857. He found it necessary to take extended leave to manage Mr. Custis' properties and, as his executor, to carry out the terms of his will.

In October 1859 Lee was ordered to take command of the detachment sent to Harper's Ferry to quell the uprising there, and in February 1860 he went to Texas to rejoin his regiment.

Hoping that the Union could be preserved, but feeling that his first loyalty was to Virginia, he watched with concern the growing recklessness of the extremists on both sides. Texas seceded in February and Lee, ordered to report to Washington, arrived home a month later.

As he watched, events moved rapidly. Fort Sumter was fired on in April and in a few days Lee learned that Virginia had seceded. On the night of Friday, April 19, 1861, Lee wrote his resignation from the U.S. Army. On Monday he said goodbye to his family and left for Richmond. Never again would he be sheltered by the roof of his home at Arlington, and only once, or possibly twice, would he see it again, and then from a passing train, several years after the war.

When word reached Mrs. Lee, early in May, the Federal forces were soon to move into Virginia, the family portraits, plate, and the most valuable Washington relics were sent away for safekeeping. Most of the furniture had to be left behind, with the hope that it could be recovered later. Farewells were said to the weeping servants, and Mrs. Lee left her home for the last time.

A few days later the Federal Army crossed the river and occupied the heights. New roads were cut through the woods and trees were felled to open fields of fire for the earthern forts built a short distance west of the mansion. What had been a quiet country estate was transformed into a vast military encampment. Guards were posted to protect the mansion but, in spite of this precaution, articles were stolen. The commanding general then sent the Washington relics to the Patent Office for safekeeping and established his headquarters inside the mansion.

Early in 1862 the army moved away from Arlington, but the mansion continued to be used as a headquarters by the generals commanding the troops and forts defending the National Capital.

Some of the occupants, like General Heintzelman, had known the Lees in happier days, and regretted the harsh necessity that had deprived their old friends of their home. Secretary of War Edwin M. Stanton, however, appears to have been determined that General Lee should never again occupy his old home at Arlington. Accordingly, he put the estate to every possible use. A corral and stables for army remounts were located near Arlington Springs. On Arlington Heights, a large hospital for convalescent patients was constructed early in the war. On the southern part of the estate was "Freedman's Village," established in 1863 to provide for the thousands of runaway slaves who streamed into Washington.

Since the use of the estate for such purposes could be justified only during wartime, steps were taken to deprive the Lees permanently of Arlington under wartime laws levying a tax on real estate "in the insurrectionary districts." The tax on Arlington was small—$92.07—but when Mrs. Lee, too crippled to make the journey even if she could have obtained a pass through the lines, sent a relative to pay the tax, the commissioners refused the tendered payment on the ground that the tax must be paid by the owner in person. The estate was then advertised for sale at auction and purchased by the Government for $26,800.

Stanton and his associates were well aware of the flaws in the Government title to Arlington. For some time the War Department had been the object of criticism because of the manner in which fallen soldiers were buried in obscure places. The establishment of a cemetery in the beautiful setting of Arlington would allay public criticism, and at the same time make it politically impossible to remove the bodies of the Federal soldiers in order to return the property to the Lees.

General Meigs was the willing instrument of Stanton's policy, insisting that burials be made close to the house. When he learned that officers living in the mansion had refused to let graves be dug near it and had sent burial details to distant parts of the estate, he personally supervised the digging of graves on the east side of Mrs. Lee's flower garden, just outside the white picket fence that enclosed it.

Mrs. Lee revisited her old home only once. On the afternoon of June 2, 1873, she drove over from Ravensworth, where she was visiting Mrs. Fitzhugh. Too crippled to alight from the carriage, she could only gaze sadly about the scenes so dear to her memory. After having a cup of water from the well, she asked her coachman to take her away.

For a time General Lee had hoped to regain possession of Arlington for his wife, but he died in 1870 without having recovered it. Mrs. Lee died 3 years later.

As the passions aroused by the war died down, there came a realization of the injustice done to Mrs. Lee. Consequently, there was no public outcry when, in 1874, Custis Lee sued to recover the Arlington estate, and none when the

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Supreme Court finally decided the case in his favor in 1882. By that time, thousands of Federal soldiers and several hundred Confederates who had died in local hospitals during the war lay buried at Arlington. Therefore, when Congress authorized the payment of $150,000 for a clear title to the property, Custis Lee accepted the offer in lieu of actually repossessing the estate.

Ironically—but as a retribution of history—the name of Robert E. Lee is honored today throughout the world, and his confiscated home has become one of the world's great shrines of patrioism, while most men cannot place Edward M. Stanton, and never heard of General Meigs.

U.S. UNDERGROUND DIPLOMACY IN MIDEAST DANGEROUS

HON. WILLIAM F. RYAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, January 19, 1970

Mr. RYAN. Mr. Speaker, I have called upon Secretary of State Rogers to immediately make public the Mideast peace proposals which this administration has been advancing, chiefly to the Soviet Union.

Over the past several months, the administration has suggested several plans for peace in the Mideast. None has been fully revealed to the public. Apparently one such plan was presented to the Soviet Union on July 15 of last year. And on October 28, the administration proposed an Israel-Egypt settlement plan to the Russians which called for, among other things, withdrawal by Israel from former Egyptian territory to the pre-6-day-war line. And on December 20, the newspapers carried accounts of an Israel-Jordan peace proposal made by the United States.

What little we know of these proposals indicates a shift by the administration from the United States previous 20 years of firm commitment to a viable Israel. The proposals have apparently been increasingly specific in their terms, thereby undercutting Israel's insistence on direct negotiations, which are essential for a lasting peace in the Mideast.

The survival of a viable Israel and the achievement of direct negotiations are essential to the interests of the United States. It is absurd—and dangerous—for the administration to continue engaging in its underground diplomacy, which forces Congress and the people to rely on "leaks" from foreign sources and on speculative commentaries in the newspapers.

James Reston, in his column in the New York Times of January 11, penetratingly assesses this situation, as he asks, "why the secrecy?" And as he notes, "even the common interests of the United States and Israel are now being blurred by the peripheral arguments over Secretary Rogers' proposals." I commend this column to my colleagues:

WASHINGTON: THE UNITED STATES AND THE MIDDLE EAST CRISIS

(By James Reston)

WASHINGTON, January 10.—For the last month, the U.S. and Israeli Governments have been fussing with each other over Secretary of State Rogers' formula for settling the Middle East crisis. Washington is appealing to the world to see that Mr. Rogers' formula is fair and reasonable. Israel is arguing that the formula is unreasonable and even dangerous, and this leaves most people in an awkward position, because they don't know what the Rogers' formula is.

Every few days now, we are being told by some Israeli official that the United States is trying to "impose" a settlement on the Middle Eastern nations; that Mr. Rogers has been "drawing a map" for the future of the area and leaving nothing to be negotiated by the parties concerned; that the Rogers formula is incompatible with the sovereignty of Israel and undermining the principles of the Charter of the United Nations.

ROGERS' PROBLEMS

Meanwhile, Secretary Rogers has been spending a good deal of his time in the last few weeks explaining to Zionist leaders in the United States that this is not true, writing letters, receiving delegations, answering questions, and in other ways trying to defend his position.

All this uses up a great deal of time and energy and doesn't seem to calm the controversy. The United States and Israel differ about the Middle East crisis because their national interests differ in many ways. Tel Aviv is not going to accept the Rogers formula and Washington is not going to accept the Israeli Government's formula, but at least they ought to be able to make clear what they are disagreeing about.

It is hard enough to live with the unavoidable conflicts between nations, but to put up with avoidable stupidities is intolerable. The Rogers formula is not some vague or casual suggestion. It has been put on paper and widely circulated. It may be sensible or silly, but at least it is precise and should be published, so that the people who are being asked to have a judgment on it will have the facts.

This is not one of those cases where publicity will embarrass or confound diplomacy. All the documents in the Rogers formula have been made available to Israel and the United Arab Republic, and to the Soviet Union, Britain, France, Italy the Netherlands, Denmark, Jordan, Morocco, Tunisia, Syria, Saudi Arabia—and also, among others, to Marshal Tito of Yugoslavia, who is going to see President Nasser in Cairo next month.

WHY SECRECY?

So why the secrecy? The Rogers speech on the subject last month on the Middle East, and the State Department documents in the case were discussed in the National Security Council in the White House and approved personally by President Nixon before they were circulated.

Almost everybody concerned and a lot of others have the documents except the people and Congress of the United States, and the people in Israel, the U.A.R., the other Arab states and the Soviet Union.

The result is that governments are left free to interpret the facts as they like and even the editors of the newspapers in Tel Aviv, Amman, London, Paris, Rome, The Hague, Copenhagen and many other places don't really know what the United States Government proposed.

Accordingly, the comment on the controversy is based most of the time on a variety of official "leaks" out of a great many capitals. The Israelis, disillusioned by their experience with John Foster Dulles in the 1957 Middle Eastern crisis, are giving the impression that Secretary Rogers is trying to "impose" a settlement on them, whereas he has actually proposed to leave the main questions of boundaries, refugees and security to negotiation between the Israelis and the Arabs.

THE REAL QUESTIONS

As a result, even the common interests of the United States and Israel are now being blurred by the peripheral arguments over Secretary Rogers' proposals. Beyond the Rogers formula are the real questions of Middle East security and the balance of power in the eastern Mediterranean between the Soviet Union and the United States.

But this larger question of power at the crossroads of the Continents of Europe, Africa and Asia is not going to be discussed seriously until the underbrush of these secondary questions is cleared away. And all the fuss about Secretary Rogers and his proposals will not be cleared away until the documents are published.

PAUL LAZZARO TO ACCEPT NEW JOB

HON. F. BRADFORD MORSE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, January 19, 1970

Mr. MORSE. Mr. Speaker, for many years I have been privileged to know Mr. Paul Lazzaro of Wakefield, Mass., who has recently resigned his post as Regional Administrator of the General Services Administration to take a position as vice president of a newly formed company which will deal intimately with some of the country's most interesting challenges. His departure from Government service will be keenly felt.

Paul Lazzaro has done an outstanding job with the GSA since taking on the responsibility in 1963 when he was appointed by the late President John F. Kennedy. His appointment capped a distinguished record of public service which began when he became the youngest man ever elected as a selectman in Wakefield in 1951. Subsequently he became chairman of the board of selectmen of Wakefield. In recognition of his work, he was named in 1957, by the Greater Boston Chamber of Commerce, as one of the nine outstanding men of Massachusetts.

I know that my colleagues will want to join with me in extending our gratitude for Mr. Lazzaro's past services and our congratulations and best wishes for his future success.

At this point in the RECORD, I insert an announcement of Mr. Lazzaro's resignation which appeared in the Wakefield Daily Item on December 26, 1969:

RESIGNS AS GSA ADMINISTRATOR: PAUL LAZZARO TO ACCEPT NEW JOB

Wakefield Town Treasurer Paul Lazzaro has resigned his post as Regional Administrator of the General Serices Administration to become vice president of what he considers to be "one of the most exciting companies in Massachusetts." The firm is located in Cambridge but is as yet unnamed.

Lazzaro, a close friend from Harvard days of both the late Kennedy brothers, is the last of the "Kennedy crowd" to drop out of Federal Government service. He was sponsored for the $29,000 a year post by President John F. Kennedy in May, 1963.

Beginning on Jan. 1, he will be dealing with such areas as environmental management, public finance, investment housing, information systems, computer application, manpower development, industrial development, transportation, and education.

His role with GSA, the business and main-

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tenance segment of the federal government, has included involvement on the $24 million JFK Building in Government Center, and the setting up of an associate degree program in which more than 400 federal employees are now enrolled in Massachusetts Bay Community College.

Lazzaro, a graduate of WHS where he was co-captain of the football team, served as an Air Corps lieutenant in the South Pacific during World War II, and then returned to Harvard where he played with the Crimson varsity in 1946 and 1947 as a back. He was on the Harvard coaching staff while he studied for a master's degree in business administration there.

Recently he was selected on "Swede" Nelson's all-time great New England football team.

Locally he was the youngest man ever elected as selectman here in 1951. He was named chairman the next year. In 1957 he was named by the Greater Boston Junior Chamber of Commerce as one of the nine outstanding young men of Massachusetts.

Mr. Lazzaro stated that he has nothing but the highest regard for the Federal government and for GSA in particular. He is pleased to have had the opportunity to serve and to work, not only with his associates in the Federal Government, but also with the Congressional and Governors of New England. His new position offers a real challenge and he looks forward to returning to private industry.

He lives at his 7 Strathmore rd home with his wife, the former Jo (Bongo), and his three young daughters.

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THE 87TH ANNIVERSARY OF THE CIVIL SERVICE ACT

HON. LAWRENCE J. HOGAN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Monday, January 19, 1970

Mr. HOGAN. Mr. Speaker, I was very pleased and honored to be present at the ceremonies on Friday, January 16, observing the 87th anniversary of the merit system in Federal employment.

Commission Chairman Robert E. Hampton addressed distinguished guests and Commission employees and shared the presentation of honors with Civil Service Commissioners James E. Johnson and L. J. Andolsek. Executive Director Nicholas J. Oganovic served as master of ceremonies.

Top honor to a Commission employee, the Commissioners' Award, was presented to Bernard Rosen, Deputy Executive Director, for outstanding achievements as an "exceptional administrator, program director, and problem solver." Mr. Rosen directs the Commission's field operations through 10 regional offices and a network of Civil Service representatives stationed in key centers of Federal activity.

Group citations were presented to the executive officers of the Raleigh, N.C., and the Baltimore, Md., Interagency Boards of U.S. Civil Service Examiners for the outstanding accomplishments of their boards.

Special achievement awards were conferred on Mary Carson of the central office for her work in training equal employment opportunity counselors, to Edward F. Rose of the central office for leadership in employment of the handicapped, to Curtis W. Spencer of the Denver regional office for effective training of Federal employees, and to Charles D. King of the central office for advances in supervisory training.

In addition, 124 employees received service awards for completion of 25 to 40 years of Federal service. Heading the list of service award winners was A. Wily Glasmire of the Bureau of Policies and Standards, and Otho A. Wilbur, Bureau of Personnel Investigations, who have completed 40 years of Federal service. Seventeen employees received tie bars or brooches for completion of 35 years' service and 42 for 30 years' service.

For the first time in the Commission's history, two private citizens were also honored for outstanding contributions to the Commission's work.

Willis H. Pratt, Jr., director of the film and closed circuit television department of the American Telephone & Telegraph Co., was cited for his creative role in the development of a film, "The Extra Step," which has helped thousands of Federal employees to render better service to the public.

Thomas L. Howard, president of Henry Van Hummell Corp. and the Van Hummell-Howard Foundation, was cited for helping to create several programs in the Denver area, including an intergovernmental career development program, an intergovernmental job information center, and his pioneering efforts to achieve cooperation between Federal, State, and local governments.

Music was provided by the U.S. Army Band and colors were presented by an honor guard from the military services.

I would like at this point to have inserted in the CONGRESSIONAL RECORD the remarks of Commission Chairman Bob Hampton, on that occasion:

REMARKS OF ROBERT E. HAMPTON, CHAIRMAN, U.S. CIVIL SERVICE COMMISSION

First, I am your speaker—not because I asked for the job—but because our first choice was unable to be with us today. However, secretly I was hoping that the situation would work out this way because it gives me my first opportunity to speak to the majority of the Commission staff as your Chairman.

So let me say that I am delighted with my task.

I am particularly glad to have this opportunity to thank all of you, as a group and as individuals, for the excellent support and assistance you have given to me and my colleagues during the past year. Your response, first to my designation as Chairman and then to all that we have asked of you during the past year, has been one of the most gratifying experiences of my life. Thank you very much!

Today, we observe the 87th anniversary of the Civil Service Act. In the course of our 87-year history, the Civil Service system has been responsive to many needed changes. However, in meeting the various challenges of past history, the basic principles of the Civil Service Act have not changed during the 87 years, but have stood the test of time and of the transition of our country from a pioneer society to one of the most complex in the world.

However, the very complexity of our society today presents a totally new set of challenges to be met in the 70's. We must meet these challenges and to do so will require considerable change in our personnel system as it exists today.

But let me make one thing clear—in making these necessary changes, we do not intend to modify the basic merit principles inherent in the Civil Service Act. They have served the country well.

We have made some very important changes this past year, and you have contributed many new ideas and helped to develop new direction. Let me assure you that you will be called upon for more of the same kind of effort as we move on to the challenges of the 70's.

During this past year, we have created and effected new or substantially changed programs, Government-wide, in equal opportunity, labor-management relations, and merit promotion. We have nearly completed a new program on employee appeals. We have expanded occupational health programs; we have adopted new and meaningful recruiting methods affecting college graduates, worker-trainees, and others. We have opened new Federal Information Centers with the General Services Administration; expanded the Federal Executive Boards; originated the first Listening Post in Philadelphia, with others to follow. We have taken on the entire post office examining function; and most important, we have taken measures to carry out the requirements of the President's October memorandum on personnel management improvement. We have also organized and reorganized within the Commission.

These are just a few highlights. To describe each of them, or even come near giving a nearly complete list, would take more time than Mr. Oganovic has allowed me. I really cannot agree with the year-end pronouncements of some news analysts, that nothing good was accomplished in 1969 except the moon landings. But even if that were true, there is still Neil Armstrong for us to be proud of—he is a civil servant.

And now we begin our 88th year and a new year together. Depending upon how you count, it may also be called a new decade, but that's important only as a focus for our long-range goals. In 1970 we will carry on with what we began in 1969:

We will give special attention and effort to the agencies in realizing the objectives of the new personnel management program directed by the President—the first in 31 years.

We will push vigorously for the development and utilization of personnel, with special attention to integration of the equal opportunity standard into all personnel programs and functions, including the upgrading of minorities and women.

We will promote better labor-management relations, and better conditions of employment.

We will open new Federal Information Centers and continue to develop new recruiting methods and sources.

We will propose changes in the system for executive manpower utilization.

We will continue to support and develop new ways of fostering better intergovernmental cooperation in the personnel field.

For the long range, I see the Commission's leadership role as a broad responsibility for maintaining a total perspective on personnel management—for keeping its individual functions woven always into a unified and meaningful pattern. For specific problems we will find specific solutions, but all must be directed toward one overall objective; namely, the accomplishment of the Government's essential missions and programs and, in so doing, recognizing the human needs of Federal employees.

Our task will not be easy. For of all the management disciplines in the Federal Government, the weakest is personnel management. It will be most difficult to motivate an organization of 3 million people to humanize itself. But as I have said many times, the most important resource this country has is its people. We are in the "people business" and it is our responsibility to see to it that this great asset is properly utilized.

It is our pleasure today to honor some outstanding people, as we do each year on January 16, and they will be in the spotlight in a few moments when we come to the heart of our program.

Again, I thank you for your splendid cooperation in the year that is past, and I ask for its continuance in the year ahead.

GOV. RICHARD J. HUGHES OF NEW JERSEY

HON. PETER W. RODINO, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, January 19, 1970

Mr. RODINO. Mr. Speaker, we have just left the decade of the 1960's and with it there has also ended almost a decade of service to the citizens of New Jersey by Gov. Richard J. Hughes.

As dean of the New Jersey congressional delegation, I know I speak for all its Members in endorsing the assessment of a recent Newark Evening News editorial that "Mr. Hughes has served steadfastly and well. New Jersey grew tremendously in his 8 years, and he with it."

And as a Democrat I am especially proud of Dick Hughes' record. He faced massive and complex problems and long neglected needs. He met them with determination, wisdom, and enlightenment, and the record clearly shows that during his tenure, New Jersey faced up to responsibilities it eschewed before.

Governor Hughes has left a record of solid accomplishment and intelligent leadership of which he can be justly proud.

New Jersey's hope for the future lies with our incoming Governor, to be sworn in tomorrow—our distinguished colleague William T. Cahill. Bill Cahill has been a good friend and an outstanding member of the Judiciary Committee on which we both serve. And while we will miss his contributions in committee and in the House, I know we can expect responsible, effective, and progressive leadership from him in guiding New Jersey during the difficult years ahead. I look forward to a productive, bipartisan relationship in working together with him in the many areas where the Federal and State governments must cooperate to meet the needs and challenges of the 1970's. Mr. Speaker, I include the Newark Evening News editorial of January 14, 1970, on Governor Hughes' tenure, in the Record following these remarks:

Mr. Hughes' Tenure

To assess the eight years of Gov. Hughes' incumbency in these demanding times is to tackle a colossus. For the Sixties soared, as predicted, but not always in expected or gratifying ways.

New Jersey underwent tremendous change in those years, the result of rapid growth of population, business and industry. Consummate demands descended upon the state for the needs of its burgeoning, changing populace.

Suddenly there was great need for more schools from kindergarten to graduate level. Housing couldn't match demand. Industry competed with people for desirable space. Public facilities of all kinds were suddenly overtaxed. Welfare became a way of life to migrants unprepared for their new environment.

In one way or another the burden of these problems fell upon Trenton. Facing them was a relatively obscure corporation lawyer who attained the governorship against a lackluster candidate recruited in Washington from the waning Eisenhower ranks.

Richard J. Hughes recognized the immensity of the problems before him as well as he recognized the years of neglect which had left the state ill prepared to cope with them. He had the advantage of a legislative majority of his own party, but the caliber of the Legislature was such that no great innovations could be expected of it, nor great fiscal responsibilities entrusted to it.

Gov. Hughes had the wisdom to turn over the task of evaluating New Jersey's foremost needs to a special blue-ribbon commission. From it emerged a blueprint for recovery and progressive development.

It is to Mr. Hughes' credit that he pursued the objectives set forth in higher education, institutions, transportation, a healthier environment—with determination and a manner that won the support of both electorate and Legislature. If the gains were not all that had been desired, it must be realistically acknowledged that a frog would have had less trouble getting out of the proverbial well.

Mr. Hughes leaves office after seeing the Legislature turn strongly Republican, a reflection not so much on his own record as a nationwide desire for change. During his tenure, New Jersey faced up to responsibilities it eschewed before.

Perhaps the most notable gains were made in higher education witih the expansion of the state university and the beginning of a county college system. In some respects the crushing burdens of the larger cities have been relieved through state assistance. Open space is being preserved through Green Acres. The responsibility for improving mass transit and rehabilitating a polluted environment has been recognized.

The legacy passing to Gov. Cahill is by no means all doleful. Momentum must be quickened and, of course, the greatest headache will be finding means of paying for it. Mr. Hughes has served steadfastly and well. New Jersey grew tremendously in his eight years, and he with it.

HIGHLIGHTS OF THE CONSTITUTION

HON. JAMES H. (JIMMY) QUILLEN

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Monday, January 19, 1970

Mr. QUILLEN. Mr. Speaker, it is not often that we Americans in our busy society take the time to analyze the basic foundation of our Government—the U.S. Constitution.

However, I feel fortunate in having been afforded the opportunity to read an informative article writen by Mrs. E. H. Sauer entitled "Highlights of the Constitution."

Mrs. Sauer, who lives in Kingsport, Tenn., prepared her outstanding paper for an address to the members of the Long Island Chapter, National Society of the Daughters of the American Revolution, at the home of Mr. and Mrs. John R. Chiles, 3012 Cliffside Road, Kingsport, Tenn.

A native of Illinois, Mrs. Sauer taught school in her native State for 17 years. She came to Kingsport with her husband, who at that time was an accountant with American St. Gobain Corp.

While in Kingsport, Mrs. Sauer taught Latin in Dobyns-Bennett High School for 4 years. She later served as a substitute teacher in the Kingsport city school system.

The Sauers are retired and, fortunately for Kingsport and the surrounding areas, are residing in Colonial Heights.

For the readers of the Record, I would like to submit her splendid essay on our Constitution:

Highlights of the Constitution

The Federal Constitution was something totally new on earth—a theorist's dream, which for the first time freed men from imposed authority and made power the instrument of man's will, not the King's. It demanded order for a strong, central government contradicted by freedom's demand for liberty of the individual. The Constitution makers neatly settled the question by dividing power between a Federal government and state government in a balance sufficient for their own generation yet leaving the precarious balance for other generations to debate in the future. The best scientific, literary and political thought of the day colored the making of our Constitution. The core idea or main spring was that *free* men, acting each in his own best interests, would, by some magic law of politics, always find the right solution. When tried, the idea worked like clockwork, too.

"We will never have seen, even in Europe," wrote a French diplomat in Philadelphia, in the Spring of 1787, an assembly more respectable for the talents, knowledge, and patriotism of those who composed it." This assembly was the Federal Convention, from which came what has been termed "the greatest document ever struck off by the mind of man."—our Constitution—To the task of framing it, the delegates brought a wealth of intellect.

Though few men went to college in the late 18th century, there were among the fifty-five delegates to the convention, thirty-one college graduates who signed the Constitution, nine from Princeton, five earned graduate degrees and four honorary degrees. Thirty-six were lawyers, one was Chief Justice of his state's supreme court.

George Washington—the most respected man in the country, held a Dr. of Laws degree from Harvard gained in 1776 and Benjamin Franklin (then 81 years of age) held a Dr. of Laws from Edinburgh, Scotland. He was the most widely admired intellectual of his time. Alexander Hamilton had left King's College (later Columbia) to fight in the Revolution. He was considered the most brilliant lawyer in America. James Madison worked harder and longer hours than anyone else at the Convention. He had strong ideas about what kind of a government the United States needed.

Two towering figures and rivals from Revolutionary days and signers of the Dec. of Independence were not at the Philadelphia convention. Both were abroad. John Adams was U.S. minister in London and Thomas Jefferson (a graduate of William and Mary) was our envoy in Paris. Though not at the convention, the ideas of these two great thinkers were woven into the entire philosophy of the convention delegates and influenced many there.

John Adams felt that the powers of government should be divided among several branches which would act as checks and balances on one another. He had written a work on "A Comparative Analysis of Constitu-

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tions" which had just been published in London and was widely read by the delegates in Philadelphia.

On the other hand, Jefferson was most optimistic about man's nature and was mostly concerned with protecting his individual rights. His own phrase in the Dec. of Independence; "life, liberty, and the pursuit of happiness" was woven into the philosophy of the convention delegates and his concern about "too much government" influenced many of them.

Let us go back a step now and see just why we needed a constitution.

For several years such men as George Washington, Alexander Hamilton, James Madison, John Jay, had clearly seen that the Articles of Conf. would not work. The Revolution had made the American Colonies independent to be sure but it did not make them a nation. The Articles had helped but we needed a strong central government. To be sure, they had united the States in a kind of a league which had the power to handle foreign affairs for the group—but the history of the United States really began only when the Constitution was adopted in 1787. The U.S. as a group at this time owed $40,000,000—what a small sum when we consider that the cost of the moon flight recently was between 35 and 40 billion dollars! One fifth of this money was owed to foreign countries. The Confederation could not levy taxes in order to pay these debts nor even cover running expenses. It had to ask the States for contributions. The States were slow about paying and some refused to pay. Another serious difficulty was that each state could pass its own tariff laws. Duties on goods from a neighboring state were often as high or higher than those levied on goods from overseas. Such conditions were hard on everyone—rich and poor alike. The workers and farmers in several states rose against the propertied classes in such movements as Shay's Rebellion in Mass. Something had to be done; so in September 1786, representatives from five states: New Jersey, New York, Penn., Delaware, and Virginia met at Annapolis, Md., largely to discuss matters of currency and commerce. Every state had been invited to attend but only these five responded.

This indifference and the dissention too were appalling. It was proposed here that all the states must meet at Independence Hall in Philadelphia in June of 1787 for the purpose of revising the Articles of Confederation. Delegates did go from all the states except stubborn little Rhode Island! Seventy three delegates were chosen in all but only fifty-five got to the Convention.

They selected George Washington, delegate from Virginia, as President and met, behind closed doors for 3½ months—June, July, August, until September 17th. It was a very hot humid summer and the lovely gardens back of the Hall gave pleasant relief to the delegates between long morning and afternoon sessions.

James Madison was the chief author or "architect" of our Constitution. The venerable Benj. Franklin was the "sage" or leavening influence. The delegates to the convention were already persuaded that a stronger government was necessary—a few felt that the "Articles" might still be patched up. Madison and others, however, saw that here was an opportunity to build an entirely new structure.

Several times the convention was nearly wrecked by the struggle between the larger and smaller states, mainly as to the way of selecting members for the two houses. Slavery played a most important part—The Southern States finally settled for having ⅗ of their slaves counted, since the North bitterly opposed to having them included in the population count. For the House of Reps—It was decided that two delegates from each state make up the Senate.

The Virginia delegation put forth a series of fifteen resolves outlining a Natl. System of Government—including two legislative Houses and an Executive and Judicial branch. It proposed that our National Government operate on a wholly new basis—directly on and for the individual citizen, rather than indirectly, thru the states, as was true under the Confederation.

When the document was finallv ready it was submitted to the committee on Style and Arrangement headed by Gov. Morris. He had a graceful style and a fondness for a strong central government. Both are evident in the familiar final version of the Preamble—Instead of the proposed "We, the people of N.Y., N.J., Mass." etc., he wrote, "We, the people of the United States, in order to form a more perfect union, establish justice, insure domestic transquility, provide for the common defence, promote the general welfare and secure the blessings of liberty to ourselves and our posterity, do ordain to establish this Constitution for the United States of America."

As soon as the Constitution was made public a fight vs. its adoption began. Leaders of the people, like Patrick Henry, Samuel Adams, and Richard Henry Lee looked on it with suspicion because the framers were from the wealthy class. They demanded to know what had become of those "inalienable rights set forth in the Dec. of Ind." Nine states were required to ratify and on June 21, 1787 New Hampshire became the ninth state. As of today, there are 25 amendments although 3500 have been proposed. It is most difficult to amend our Constitution—as it should be—tho necessary, occasionally, with changing times and conditions.

The first ten amendments termed the Bill of Rights were written 4 years after the adoption (1791). They guarantee all the privileges due a people of a democratic nation. To me they are also a Bill of Obligations, a covenant binding citizens as well as our Government to its support. September 17–23 is Constitution Week—Thirteen years ago, Jan. 5, 1956, Senator Wm. Knowland introduced the Senate resolution which was adopted July 23, 1956. It read "Res. by the Senate and House of Reps. of the U.S. of Amer. in Congress assembled—that the President of the U.S. is authorized and requested to designate the period beginning Sept. 17th and ending Sept. 23rd. of each year as Constitution Week, and to issue annually a Proclamation inviting the people of the U.S. to observe such week in schools, libraries, churches and other suitable places with appropriate ceremonies and activities.

So—each year—the purpose of this observance is to revitalize appreciation for our Constitution and for our beloved country. Next to love of God and our fellow men, love for country is one of man's noblest emotions. Our Constitution has given the American people a degree of freedom that has been the envy of the world. No other people more energetic, creative, progressive, generous, warm hearted or happier than ours. Let us stress in words and spirit the "Blessings of Liberty" under our Constitution. By observing Constitution Week our citizens should have a better understanding of the rights and privileges and obligations of U.S. citizenship. Let us again grasp for ourselves and others the Faith of Our Founding Fathers! Running all thru American History are the golden threads of religious conviction. Every session of the Const. Convention began with fervent prayer to God. Our country will survive only as long as she remains loyal to her spiritual heritage. Let each of us hold fast to our wonderful heritage and give grateful thanks to almighty God for his bounteous blessings.

THE TAX REFORM ACT OF 1969

HON. AL ULLMAN

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Monday, January 19, 1970

Mr. ULLMAN. Mr. Speaker, the public reaction to the final version of the 1969 Tax Reform Act has been almost as varied as the opinions expressed earlier in Congress about what should and should not be included in the legislation.

Amid a great deal of praise, the act has been criticized by some for not going far enough in its reform, and by others for going too far. The mixed reaction is not surprising. The Tax Reform Act of 1969 is the most important and pervasive piece of legislation in its impact on the American public that was initiated and enacted by the first session of this Congress. Greater equity in the tax code was the chief goal of my colleagues on the Ways and Means Committee and I when we drafted the tax reform bill. In succeeding, we were bound to attract the criticism of those who had benefited from inequity as well as the appreciation of those who had suffered from it.

The 1969 Tax Reform Act, then, is many things to many people. But one view cannot be denied. It is, in the words of our able committee chairman (Mr. MILLS) "a legislative miracle" in successfully restructuring our massive and complicated tax code as comprehensively as it does. The result is not perfect. There will always be room for tax reform. But the Congress can be proud of its work.

A recent article by Frank C. Porter in the Washington Post recognizes this "miracle" of the 91st Congress, and I commend it to the attention of my colleagues. It follows:

TAX BILL IMPERFECT, BUT STILL A MIRACLE

(By Frank C. Porter)

"This is not the millennium," Rep. John W. Byrnes (R-Wis.), one of the many authors of the encyclopedic tax reform and relief bill, warned the House just before it passed the measure, 391 to 2, last month.

Millennium or no, it was still a miracle in the opinion of those who know the vagaries and convolutions of the legislative process best.

Despite the measure's many imperfections, the Congress could point to some signal accomplishments:

This was the first concerted attack on tax preferences in history and although none was completely removed, some were reduced substantially. Chairman Wilbur D. Mills (D-Ark.) of the Ways and Means Committee, who guided the bill through committee, the House and conference, helped disprove his own axiom: Once a preference becomes embedded in the tax code, it's practically impossible to root it out.

In particular, the cut in the oil and gas depletion allowance from 27½ to 23 per cent confounded those who insisted this most durable symbol of tax privilege—the industry considers it a legitimate incentive—was unshakably sacrosanct. For more than a decade former Sen. Paul H. Douglas (D-Ill.) and others had been frustrated in their attempts to cut it back.

As Mills noted on the floor, most tax shelters and tax avoidance gimmicks spring from the different treatment accorded ordinary income and capital gains. The bill significantly narrowed the gap in this treat-

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ment, thereby dimming somewhat the allure of such gimmicks.

Enactment of a minimum tax on a wide variety of preferential income means that a large number of wealthy Americans paying little or no tax today will have to shoulder a larger share of the tax burden.

Meanwhile, a maximum tax of 50 per cent on earned income (as opposed to capital gains, oil depletion and the like) was established with the intent of rewarding personal effort rather than the search for tax shelters.

The tax bill, if it accomplished nothing else, eliminated a glaring inequity by removing most of the remaining 2.1 million poor families remaining on the tax rolls. The anomoly of inflation and static tax rates has meant that more and more poor persons in recent years have become liable for income taxes and have borne an increasing share of the revenue burden because of the progressivity of the tax system. The bill eases the situation by providing a low income allowance which, when combined with personal exemptions, approximates the Federal poverty standard for each family size.

Similarly, Americans have gone 21 years without any increase in the $600 personal exemption for each taxpayer and dependent. This will be raised to $750 in three steps.

Not the least awesome accomplishment was the speed with which the legislative machinery ground out one of the longest and most complex bills in history—about 10 months since initial hearings on Feb. 18. The betting—including that of the Nixon administration—had been two years at best.

But as Byrnes suggested, the bill's managers and creators have no illusions about its shortcomings.

The three classic standards set for tax reform are equity, simplicity and revenue.

As noted above, the bill does go a long way toward easing the burden of low-income Americans. But some critics contend it represents only a token slap on the wrist to the wealthy who pay little in taxes. And others claim either that it discriminates against the middle class or soaks the rich. Equity is such a subjective concept that any bill would displease large segments of the population. And no one denies that a great deal of privilege remains in the tax code.

It does simplify tax returns for the more than 5 million who will be wiped off the tax rolls and another 8 million plus who will find it to their advantage to switch from itemizing to the standard deduction. For the affluent, the tax cut has become a great deal more complex. But—as the technicians point out—they can afford to hire accountants and lawyers to fill out their returns.

As for revenue, critics have complained that the measure provides more tax relief than it does reform. Actually, the bill had been just about in balance when it emerged from Ways and Means; but the discovery that it did little for those with income between $7,000 and $13,000 who itemize deductions led to last-minute surgery that would result in a long-run revenue loss of $2.5 billion a year.

Purists had hoped that the legislation would be confined to reform, thus providing a substantial net gain in revenues that could be used to meet mounting demands for social programs. But pure reform would have gored so many oxes that its passage would have been doubtful.

REFERENDUM '70

HON. RICHARD L. OTTINGER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, January 19, 1970

Mr. OTTINGER. Mr. Speaker, as we start a new decade, many Americans are not content to look back upon past achievements. They are looking at problems imbedded in the mainstream of our society, at our failure to adequately meet those problems, and they are looking ahead to the establishment of new structures, new institutions to meet the needs and aspirations of new generations of Americans.

If the past decade was a time of unrest, of confrontation, of sometimes violent protest, then it is to be hoped that the new decade will be a time of new opportunity, a time of real progress based on a recognition that while our institutions may not be perfect, they can be made to respond to the need for constructive change.

In this regard, the formation of Referendum '70 is an encouraging development. The words of its chairman, Vern Newton, speak eloquently for this meaningful commitment to reorder our national priorities and I commend them to the attention of my colleagues:

STATEMENT BY VERN NEWTON

The beginning of a decade provides an opportunity for the country to chart its main priorities for the years ahead.

In 1960, many of us became involved actively in national politics in response to a presidential campaign which pledged to "get the country moving again." We responded not simply to a man, but to the vision which John F. Kennedy brought to the American people—of peace, of social equality and justice, of a humane and productive society.

We wish that we could feel the same sense of optimism for our country in the 1970's as we did ten years ago, but we cannot.

We have used virtually every available vehicle to push our government to withdraw from Vietnam, yet the withdrawal proceeds at a crawl. Our Congress continues to vote billions of dollars for weapons of mass destruction.

We have engaged in a variety of efforts to eliminate the ghettos which condemn our nation's minorities to lifetimes of indignity and squalor, and to close the gap between affluent nations and the underdeveloped countries of Africa, Asia, and Latin America, yet the gap between rich and poor all over the world has never been wider.

In response to our appeals for civil liberty, the Congress and State legislatures have passed laws of dubious Constitutionality designed to stifle dissent, the justice department and local mayors have relied on unrestrained use of police to terrify dissenters and insurgent groups, including the Black Panthers.

Our growing concern with the environment—the pollution of our air and our waters; the human congestion of our cities and highways—has prompted only rhetoric from too many of our nation's leaders—not funds sufficient to deal with the problem.

Every group within the population is suffering. The poor go hungry. The middle American must stand helplessly by as prices rise, as credit policies tighten. Even the nation's wealthy themselves caught between our present inflation and the prospect of a major recession.

Yet most disturbing is the halting of progress, the collapse of the spirit which captivated the United States throughout the early 1960's and in 1968. When growing numbers of the nations young people decide to drop out on grounds that all political efforts of the past have gone for naught; when the poor and deprived of a society decide that their country will never accord them justice and equality; when a majority of our citizens can assert, as they did in a recent Gallup poll, that they expect life in the 70's to grow worse, not better; then this country is in serious trouble.

Yet the Nixon administration does not respond.

This administration has no spirit, has no vision of the future. It offers us only missiles, machines, and moral platitudes; it arouses fears, not hopes; it holds the country back, instead of moving it forward.

While the President tinkers with haphazard and inadequate proposals for "reform," the Vice-President diverts the attention of millions of citizens from their real problems through reckless attacks against the young, the media and all those who work for serious change in the country and the world.

Nor can we find adequate leadership in the current Congress, stymied as it is by a seniority system which accords tremendous power to men with little understanding of the new problems of our society. It is this Congress which continues to vote funds for the war in Vietnam, which authorized the ABM, while cutting funds from programs to meet urgent needs at home. And now we hear that in his year-end report, the chairman of the Democratic National Committee stressed that the two major issues in the 1970 elections will be crime and inflation. These are important issues, yes, but what about the war, hunger, welfare reform, pollution—basic questions concerning the priorities of the society. Are crime and inflation to be the major themes upon which we enter the decade of the 70's?

We reject this foreclosure of America's future.

We reject it both because of what it does to the country now and what it will mean for the United States ten and twenty years from now. As young people, we are the ones who will have to bear the burden of unsolved problems, of national paralysis, in the years ahead, even as today's citizens must bear the brunt of domestic and foreign problems which should have been addressed years ago. Our pessimism stems not only from the thwarting of our past efforts for change, but from the sense that if present directions continue, we will have no chance to even begin the building of a humane society and world in our lifetime.

In eleven months, the people will vote for a new House of Representatives, for 34 Senators, and for state and local officials all over the country.

These elections cannot, in themselves, solve the nation's problems, yet they will set the context within which the problems can be discussed. We propose that the 1970 elections be a national referendum on the future direction of the United States, and that the inadequate policies of the Nixon administration be met with a demand on the part of the American people that our problems be solved.

We wish to announce the formation of a group to assist in the creation of that national sense of urgency, and to support Congressional and local candidates who will respond to it.

Those of us who have joined together have been in a variety of activities in the past—we have participated in social movements and electoral campaigns; we have participated in social movements and electoral campaigns; we have participated in both protest and politics. We have had our disagreements.

Yet now, in 1970, we find ourselves together on these points:

That our role in the war in Vietnam must end; that defense expenditures must be cut; that income must be provided to all our citizens—black and white; the working poor and those who cannot work; that the pollution and destruction of our environment must be checked; that the harassment of dissenters must stop; and that the appeals

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to fear, frustration, and hate must be replaced by a new politics—a politics built upon the best aspirations which men share—the aspiration of freedom, of equality, of a spirit of fraternity between men.

We will support candidates around the country who share our concerns—incumbents or challengers; Democratic, Republican, or independent—and offer those candidates a variety of technical resources to aid them in running more effective campaigns. We will cooperate in every way with organizations, nationally and locally, who are working to raise these issues—groups like, the Moratorium, the National Committee for an Effective Congress, The New Democratic Coalition, Americans for Democratic Action, SCLC, Council for a Liveable World, The Mexican-American Youth Organization, National Welfare Rights Organization, and others.

Specifically, we will recruit field organizers who can assist candidates on best techniques of storefront organizing, media and canvassing; as well as those who can build public and organizational support for the issues.

We will run a training program for selected staff members of candidates in the specifics of campaign organization and mechanics.

We will provide research on the issues which can be used for educational and political efforts of all kinds.

In short, we will use every available resource to assist candidates and groups whose goal it is to reverse the current policies and break the current climate of fear and stagnation which grips our people.

Of course, we do not expect that America's problems will be solved by the end of 1970, or that a one-year effort to support progressive candidates will be sufficient to redress the myriad of ills which we see.

Yet, the elections of 1970, like those of 1960, offer a new opportunity—an opportunity to begin again—an opportunity to "get the country moving again"—and moving in a direction which gives us confidence in its future. We plan to take that opportunity, and we ask your help.

NEWSLETTER TO CONSTITUENTS

HON. LESTER L. WOLFF

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, January 19, 1970

Mr. WOLFF. Mr. Speaker, in an effort to keep my constituents informed of my activities in Washington I regularly mail a newsletter to all my constituents. Under leave to extend my remarks I wish to include in the RECORD, at this point, my first newsletter of 1970:

JANUARY 1970.

DEAR FRIEND: I am devoting this issue of my regular newsletter to a most serious national problem that has, unfortunately, received too little attention. That is, the accelerating and potentially total destruction of our environment by air, water and noise pollution.

There was a time not so long ago when conservation was commonly regarded as a matter of saving wildlife: today conservation has a much broader goal, saving human life.

I am using this newsletter to alert you to certain problems directly affecting our area. I urge you to do all you can, through citizen groups and by corresponding with officials at all levels of government, to focus attention on the deteriorating quality of our environment. Bear in mind that there are no fences that will stop pollution; we must attack this problem on a regional basis for local solutions will not work. I am taking certain steps in the Congress with specific reference to the Long Island environment, as well as joining in broader actions to fight this battle on a national level. These points are covered on the following pages.

When we talk about environmental quality we are talking about the quality of human life; in fact, about the very survival of our species. Certainly this is one of the most important issues commanding our attention today. I assure you that I shall continue to do all that I can to reverse the dangerous patterns and begin the renewal of our environment.

Sincerely yours,

LESTER L. WOLFF,
Your Congressman.

WATER POLLUTION

Living on an island, as we do, this problem of growing dimensions is of special urgency. The following items concerning Long Island should be of great personal interest to you:

A recent review of the water quality of the Long Island Sound (see back page) by the federal government. At many places in the Sound we found the dissolved oxygen and bacteria levels far below safe standards for fishing and swimming. The main sources of this grave and worsening situation are 61 sewage plants on the perimeter of the Sound plus industrial and power plant wastes.

A proposed major dredging in the vicinity of Great Neck that would affect the entire Sound. This project would have a most serious negative impact on the water quality in the Sound, as would the dredging that would be required if the Oyster Bay-Rye bridge is built. I have asked the Corps of Engineers to withhold the permit for the dredging near Great Neck and I am continuing my efforts to prevent a bridge at Oyster Bay.

With the support of Sen. Ribicoff of Conn., and Rep. Reid of N.Y., I have introduced legislation to create an Intergovernmental Commission on the Long Island Sound. The Commission would have a broad mandate to study all aspects of the Sound and its environment and would make concrete recommendations to undo the damage done and prevent further encroachments on our environment.

Proposals for nuclear generating plants at five spots along the Sound. Such plants would inevitably raise the water temperature and we know that even a slight rise in temperature can make the Sound uninhabitable for many species of fish and is likely to create a massive fog bank over Long Island. I have prepared legislation to prevent the licensing of any more nuclear power plants until this menace of thermal pollution can be controlled.

On a national level, I joined efforts to raise a billion dollars for Clean Water Restoration. This much is needed now, we are told, to merely "hold our own" in the pollution battle. Unfortunately the Administration requested but $214 million and the "House" compromised at $600 million. This is inadequate and we must increase support for the clean water program if we are to stem the tide of pollution and start toward renewing our waterways.

AIR POLLUTION

This menace has not received the attention it deserves. Since our area is basically residential, we do not generate many industrial wastes. But the contamination that emanates from New York City and industrial New Jersey demands regional solutions.

Also, we do have, on Long Island, a pollution problem of major proportions from automobile exhausts. Every day more than 100 tons of pollutants from autos are spewed forth in Nassau and if this situation remains unchecked, we will quickly render our air unfit for breathing.

Too little has been done at all levels of government and by the automobile manufacturers to control air pollution. I have supported increased federal participation in the research and control of air pollution and shall intensify these efforts in the 2nd Session of the 91st Congress. At the same time, I hope New York State follows the lead of California and tightens state controls on autos and other sources of air pollution.

NOISE POLLUTION

The greatest source of noise pollution, as you no doubt know from personal experience, is jet aircraft noise. I have supported and shall continue to push for tighter standards by the FAA on allowable jet noise. A jet engine creates an average noise level of 120 decibels, or only 20 decibels less than the scientifically established pain threshold for noise. A jet aircraft is 4 times noisier than heavy auto traffic and 64 times noisier than a normal speaking voice.

I offer these figures to dramatize the magnitude of the problem. Working with a number of my colleagues, I am involved in drafting tougher legislation to limit jet noise and to provide funds to research this problem and develop solutions. The increase in jet travel and the size of jet aircraft compounds this problem but I will not be content to permit unhealthy, annoying and dangerous noise to disrupt our very existence.

YOUTH SUMMER EMPLOYMENT

Now is the time for young people interested in working for federal agencies in the Summer of 1970 to apply for the special summer employment examination. All applications for examination must be submitted by February 4, 1970. Details and application forms are available in Civil Service Bulletin #114 which I will be happy to send you if you will write to my District Office at 156A Main Street, Port Washington, N.Y. 11050.

ENVIRONMENTAL LEGISLATION INTRODUCED BY REPRESENTATIVE WOLFF, THIS CONGRESS

H.R. 7768—Strengthen Water Pollution Control Act—Amended version passed by House.

H.R. 12086—Fish and Wildlife Coordination Act Amendment to control dredging—Hearings held.

H.R. 12839—Intergovernmental Commission for Long Island Sound—Hearings scheduled for Spring 1970.

H.R. 14724—Prevent construction of Oyster Bay-Rye bridge—Referred to Committee.

H.J. Res. 381—Consenting to Susquehanna River Basin compact to control pollution.

ENVIRONMENTAL LEGISLATION PASSED WITH REPRESENTATIVE WOLFF'S SUPPORT

H.R. 12085—Clean Air Act.

H.R. 4148—Water Quality Improvement Act.

H.R. 12549—Resources, Conservation and Environmental Quality Act.

THE FOOTWEAR INDUSTRY IS STILL WAITING

HON. LOUIS C. WYMAN

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

Monday, January 19, 1970

Mr. WYMAN. Mr. Speaker, there are many areas of concern with which Congress must anticipate becoming more deeply involved in during this second session of the 91st Congress. Crime, inflation, poverty, and Vietnam, to mention just a few, will continue to bear down upon us. Each of them will be important because each is close to the welfare of our people.

Beyond these, however, there still exists a matter of equal concern and equal importance to the economic well-being of many of our citizens. I am speaking of the increasing threat which the importation of foreign leather and vinyl footwear products poses for our shoe industry.

The figures for 1969 are beginning to come in, and one of the reasons for increased unemployment in this important industry is becoming painfully obvious. The current analysis for 1969 reveals that imports more than doubled from the figures given for a comparative period of time just 3 years ago. In addition, it is now known that the number of imports equaled one-third of our domestic production. The effect of such a massive presence of cheaply produced foreign footwear upon competition here in the States is apparent to anyone willing to study the figures.

The following report from the National Footwear Manufacturers Association for the period from January to November 1969 demonstrates the need for immediate and effective orderly marketing legislation:

U.S. FOOTWEAR IMPORTS JANUARY TO NOVEMBER 1969

ESTIMATED 1969 VERSUS 1968

A dramatic but foreboding statistical fact faces the domestic footwear industry. The year 1969 will become the first in which imports of leather and vinyl types will reach the vicinity of 200 million pairs, more than doubling the 96.1 million pairs three years ago. The current forecast for total 1969 leather and vinyl imports is 196 million pairs. This expected total is 11.7% greater than imports of 175.4 million pairs a year ago.

JANUARY THROUGH NOVEMBER OF 1969 AND 1968

For the first eleven months of 1969, leather and vinyl shipments from overseas reached 179.8 million pairs, or 13.0% ahead of the 159.1 million shipped during the same period last year. To date, 1969 leather and vinyl imports amounted to 33.2% of an estimated 11-month domestic production of 542.2 million pairs. For the same period last year, the ratio of imports to production was 26.6%. Therefore, 1969 import penetration to date exceeds last year's like period penetration by almost 7 percentage points, a significant rise. Also, leather and vinyl imports have risen to a total f.o.b. value of $393.6 million against $298.7 million in 1968. In terms of f.o.b value per pair to date, imported leather and vinyl footwear has climbed to $2.19 per pair against $1.88 per pair a year ago. This is a 16% rise in average value per pair in one year.

NOVEMBER 1969 VERSUS NOVEMBER 1968

For the month of November, 1969, leather and vinyl imports totaled 13.1 million pairs, slightly less than 13.7 million a year ago. Despite this slight drop, November imports were about 27% of domestic production, approximately equal to the same November ratio a year ago.

	January–November				
	In thousands		Percent change of 1969/1968	Percent share of total	
Shoes and slippers (leather and vinyl)	1969 pairs	1968 pairs		1969	1968
Japan	59,235	59,482	−0.4	32.9	37.4
Italy	55,707	53,302	+4.5	31.0	33.5
Spain	18,981	12,924	+46.9	10.6	8.1
France	2,412	2,531	−4.7	1.3	1.6
China (Taiwan)	21,524	13,183	+63.3	12.0	8.3
Other countries	21,990	17,638	+24.7	12.2	11.1
Total pairs	179,849	159,062	+13.1	100.0	100.0

TOTAL IMPORTS OF OVER-THE-FOOT FOOTWEAR

Type of footwear	November 1969, pairs (thousands)	Percent change, 1969/1968	11 months, 1969			Percentage change, 1969/1968	
			Pairs (thousands)	Dollar value (thousands)	Average value per pair	Pairs	Dollar value
Leather and vinyl, total	12,217.6	−7.4	172,412.6	930,076.5	5.39	+11.6	+21.5
Leather, excluding slippers	6,789.5	−5.8	89,104.9	325,878.3	3.66	+14.1	+35.3
Men's, youths', boys'	1,902.5	−6.5	26,736.9	116,349.1	4.35	+25.1	+37.0
Women's, misses'	4,336.3	−8.2	55,023.5	179,487.4	3.26	+7.1	+28.8
Children's, infants'	327.6	+56.6	4,756.3	7,479.7	1.57	+79.4	+93.8
Moccasins	43.5	+69.3	589.5	713.9	1.21	+3.5	+14.5
Other leather (including work and athletic)	179.6	−15.8	1,998.7	12,322.9	6.17	−5.3	+2.0
Slippers	38.3	−66.6	340.7	730.3	2.14	−20.0	−12.2
Vinyl supported uppers	5,428.1	−7.6	83,005.3	68,242.6	.82	+9.3	+28.0
Men's and boys'	669.6	+15.4	8,889.1	10,847.2	1.22	+23.2	+50.2
Women's and misses'	4,151.3	−13.5	65,033.9	51,285.7	.79	+5.5	+23.0
Children's and infants'	489.4	+32.3	7,439.6	5,253.8	.71	+31.8	+41.5
Soft soles	117.9	−8.0	1,642.8	856.0	.52	+16.3	+21.5
Other nonrubber types, total	843.0	−83.2	7,397.6	8,307.0	1.12	+60.0	+120.9
Wood	239.4	+1,741.5	1,204.1	2,969.3	2.47	+449.8	+552.6
Fabric uppers	548.4	+26.3	5,361.8	4,234.3	.79	+35.7	+50.1
Other, not elsewhere specified	55.2	+3.6	831.7	1,103.4	1.33	+83.8	+137.0
Nonrubber footwear, total	13,098.9	−4.4	179,848.6	393,632.8	2.19	+13.1	+31.8
Rubber-soled fabric uppers	2,704.2	+9.6	41,185.9	30,712.3	.75	−8.9	+9.9
Grand total, all types	15,802.1	−2.2	221,034.5	424,345.1	1.92	+8.2	+29.8

Note: Details may not add up due to rounding. Figures do not include imports of waterproof rubber footwear, zories, and slipper socks. Rubber soled fabric upper footwear includes non-American selling price types.

Source: National Footwear Manufacturers Association estimates from census raw data.

HENRY L. MANFREDI

HON. SILVIO O. CONTE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, January 19, 1970

Mr. CONTE. Mr. Speaker, this Nation lost a truly great and dedicated public servant when Henry L. Manfredi died on January 6. The Washington Post has called him "a big thumb in the dike erected by the Federal Government against the illicit importation of narcotics from overseas sources."

He was such "a big thumb," and a very, very effective one at that. I worked closely with Henry Manfredi as a member of the Treasury-Post Office Subcommittee of the House Appropriations Committee. That subcommittee used to handle the Bureau of Narcotics where Hank worked day in and day out to halt the flow of narcotics into and within this country.

Hank Manfredi joined the U.S. Bureau of Narcotics, then under the Treasury Department, in 1951, as chief of its Rome office. He moved to Washington in 1967 as a key man on the bureau's Interpol desk and became chief of foreign operations when the bureau was transferred to Justice.

You can readily see that Hank knew about, and was working on, the very serious narcotics problem long before this country was as keenly aware of its extent and danger as it is today. He attacked the flow of drugs vigorously.

It is sometimes difficult to comprehend what size flow of narcotics we are talking about. In this regard, I might mention what the Bureau of Customs told the subcommittee in its request for 1970 supplemental appropriations.

That is, "almost all of the marihuana, all of the heroin, all of the hashish, all

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of the cocaine, and all of the smoking opium used in the United States is smuggled into this country."

Thus, you can see how big a job Hank had as chief of foreign operations. I know from personal experience how dedicated and diligent he was in carrying out his work.

We should be most thankful for Henry Manfredi and his highly exceptional service to our country. He was a truly outstanding public servant, citizen, and fellow man.

REFERENDUM '70

HON. WILLIAM F. RYAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, January 19, 1970

Mr. RYAN. Mr. Speaker, I have deplored, and will continue to do so, the misdirection of this administration. While our domestic ills increase, while their complexity multiplies, the administration asks for an expenditure of more than half the controllable Federal funds on the military. And at the same time, the President threatens to veto an appropriation of $19.7 billion for the Department of Health, Education, and Welfare—an appropriation which does not anywhere near approach the amounts we must expend to slow down, let alone cure, the decay of our cities, and the destruction of our environment.

In part, this misperception of our national priorities stems from the failure of this administration to withdraw from the Vietnam war, which diverts $30 billion a year from the urgent needs at home. But equally explanatory of this misperception is a lack of vision, of spirit. Problems are sidestepped; platitudes are parroted as panaceas; solutions are not proposed; and gestures pass for actions.

A statement issued on January 6 by Vern Newton upon the announcement of Referendum '70 makes these points, and more:

> This Administration has no spirit, has no vision of the future. It offers us only missiles, machines, and moral platitudes; it arouses fears, not hopes; it holds the country back, instead of moving it forward.

I commend Mr. Newton's full statement to my colleagues, as do I commend the goals of Referendum '70—a movement "to get the country moving again."

The statement follows:

STATEMENT BY VERN NEWTON ANNOUNCING THE INFORMATION AND PLANS FOR REFERENDUM '70

The beginning of a decade provides an opportunity for the country to chart its main priorities for the years ahead.

In 1960, many of us became involved actively in national politics in response to a presidential campaign which pledged to "get the country moving again." We respond not simply to a man, but to the vision which John F. Kennedy brought to the American people—of peace, of social equality and justice, of a humane and productive society.

We wish that we could feel the same sense of optimism for our country in the 1970's as we did ten years ago, but we cannot.

We have used virtually every available vehicle to push our government to withdraw from Vietnam, yet the withdrawal proceeds at a crawl. Our Congress continues to vote billions of dollars for weapons of mass destruction.

We have engaged in a variety of efforts to eliminate the ghettos which condemn our nation's minorities to lifetimes of indignity and squalor, and to close the gap between affluent nations and the underdeveloped countries of Africa, Asia, and Latin America, yet the gap between rich and poor all over the world has never been wider.

In response to our appeals for civil liberty, the Congress and State legislatures have passed laws of dubious Constitutionality designed to stifle dissent, the justice department and local mayors have relied on unrestrained use of police to terrify dissenters and insurgent groups, including the Black Panthers.

Our growing concern with the environment—the pollution of our air and our waters; the human congestion of our cities and highways—has prompted only rhetoric from too many of our nation's leaders—not funds sufficient to deal with the problem.

Every group within the population is suffering. The poor go hungry. The middle American must stand helplessly by as prices rise, as credit policies tighten. Even the nation's wealthy themselves caught between our present inflation and the prospect of a major recession.

Yet most disturbing is the halting of progress, the collapse of the spirit which captivated the United States throughout the early 1960's and in 1968. When growing numbers of the nations young people decide to drop out on grounds that all political efforts of the past have gone for naught; when the poor and deprived of a society decide that their country will never accord them justice and equality; when a majority of our citizens can assert, as they did in a recent Gallup poll, that they expect life in the 70's to grow worse, not better; then this country is in serious trouble.

Yet the Nixon administration does not respond.

This administration has no spirit, has no vision of the future. It offers us only missiles, machines, and moral platitudes; it arouses fears, not hope; it holds the country back, instead of moving it forward.

While the President tinkers with haphazard and inadequate proposals for "reform," the Vice-President diverts the attention of millions of citizens from their real problems through reckless attacks against the young, the media and all those who work for serious change in the country and the world.

Nor can we find adequate leadership in the current Congress, stymied as it is by a seniority system which accords tremendous power to men with little understanding of the new problems of our society. It is this Congress which continues to vote funds for the war in Vietnam, which authorized the ABM, while cutting funds from programs to meet urgent needs at home. And now we hear that in his year-end report, the chairman of the Democratic National Committee stressed that the two major issues in the 1970 elections will be crime and inflation. These are important issues, yes, but what about the war, hunger, welfare reform, pollution—basic questions concerning the priorities of the society. Are crime and inflation to be the major themes upon which we enter the decade of the 70's?

We reject this foreclosure of America's future.

We reject it both because of what it does to the country now and what it will mean for the United States ten and twenty years from now. As young people, we are the ones who will have to bear the burden of unsolved problems, of national paralysis, in the years ahead, even as today's citizens must bear the brunt of domestic and foreign problems which should have been addressed years ago. Our pessimism stems not only from the thwarting of our past efforts for change, but from the sense that if present directions continue, we will have no chance to even begin the building of a humane society and world in our lifetime.

In eleven months, the people will vote for a new House of Representatives, for 34 Senators, and for state and local officials all over the country.

These elections cannot, in themselves, solve the nation's problems, yet they will set the context within which the problems can be discussed. We propose that the 1970 elections be a national referendum on the future direction of the United States, and that the inadequate policies of the Nixon administration be met with a demand on the part of the American people that our problems be solved.

We wish to announce the formation of a group to assist in the creation of that national sense of urgency, and to support Congressional and local candidates who will respond to it.

Those of us who have joined together have been in a variety of activities in the past—we have participated in social movements and electoral campaigns; we have participated in both protest and politics. We have had our disagreements.

Yet now, in 1970, we find ourselves together on these points:

That our role in the war in Vietnam must end; that defense expenditures must be cut; that income must be provided to all our citizens—black and white; the working poor and those who cannot work; that the pollution and destruction of our environment must be checked; that the harassment of dissenters must stop; and that the appeals to fear, frustration, and hate must be replaced by a new politics—a politics built upon the best aspirations which men share—the aspiration of freedom, of equality, of a spirit of fraternity between men.

We will support candidates around the country who share our concerns—incumbents or challengers; Democratic, Republican, or independent—and offer those candidates a variety of technical resources to aid them in running more effective campaigns. We will cooperate in every way with organizations, nationally and locally, who are working to raise these issues—groups like, the Moratorium, the National Committee for an Effective Congress, the New Democratic Coalition, Americans for Democratic Action, SCLC, Council for a Liveable World, the Mexican-American Youth Organization, National Welfare Rights Organization, and others.

Specifically, we will recruit field organizers who can assist candidates on best techniques of storefront organizing, media and canvassing; as well as those who can build public and organizational support for the issues.

We will run a training program for selected staff members of candidates in the specifics of campaign organization and mechanics.

We will provide research on the issues which can be used for educational and political efforts of all kinds.

In short, we will use every available resource to assist candidates and groups whose goal it is to reverse the current policies and break the current climate of fear and stagnation which grips our people.

Of course, we do not expect that America's problems will be solved by the end of 1970, or that a one-year effort to support progressive candidates will be sufficient to redress the myriad of ills which we see.

Yet, the elections of 1970, like those of 1960 offer a new opportunity—an opportunity to begin again—an opportunity to "get the country moving again"—and moving in

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a direction which gives us confidence in its future. We plan to take that opportunity, and we ask your help.

URBAN POVERTY CAUSES CHILD DEATHS

HON. ABNER J. MIKVA

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, January 19, 1970

Mr. MIKVA. Mr. Speaker, it has now become fashionable to mouth slogans about the quality of life. But while pompous pronouncements about controlling pollution and eliminating hunger pacify some Americans, other Americans die in our urban centers.

I have previously called to the attention of my colleagues the deplorable fact that hunger, amidst a trillion dollar GNP, and malnutrition—in an affluent society—result in low educational standards and school dropouts. But not only is hunger an issue about the quality of life, it is an issue of life itself.

A recent article in Science magazine reveals that infants of poor mothers are 15 percent smaller than infants of nonpoor mothers and that these same poor infants suffer from serious bodily disorders. The real tragedy is that undernourishment of infants has made the child death rate in the United States much higher than that of other countries. In a nation of plenty, it is facts such as these that try the souls of America's poor.

I urge my colleagues to weigh the information in this vital article and then to consider what action each must take to eradicate the plague of hunger and malnutrition in the wealthiest of nations.

The article, which appeared in the November 21, 1969, issue of Science magazine, follows:

URBAN POVERTY: EFFECTS ON PRENATAL NUTRITION

(Note.—Infants of poor (as measured by an index) mothers were 15 percent smaller than infants of nonpoor mothers. Infants from poor families had multiple anatomic evidence of prenatal undernutrition.)

Perinatal mortality rates are higher in the United States than in many other nations (*1*). An excess of infants of low weight at birth accounts for much of this high perinatal mortality (*1*). Low birth weight and perinatal death are much more common in families of low socioeconomic status than in families that are better off (*1, 2*). We now identify undernutrition as the cause of low birth weight in a group of infants born of poor urban mothers.

Material was examined from 445 consecutive autopsies on stillborn and newborn infants at Babies Hospital, New York City. Gestational ages calculated from the mother's last menstrual period ranged from 20 to 44 weeks. One hundred ninety-three cases were excluded from further consideration because there were fetal or maternal disorders that may have affected fetal growth (*3, 4*). These included multiple births, hypertension and other manifestations of maternal toxemia, maternal diabetes mellitus, major congenital malformations in the newborn, chromosomal disorders in the newborn, any evidence of chronic fetal infection, and erythroblastosis fetalis. The remaining 252 cases were classified as poor or nonpoor, on the basis of weekly income and family size, the standard being the poverty-index tables (U.S. Social Security Administration) (*5*). This index is not generous. In 1966 for a family of four, it provided only 75 cents a day per person for total food expenditures (*5*). Of the infants, 49 were born to poor families, and 203 were born to nonpoor families. Thirty-seven percent of the poor and 27 percent of the nonpoor infants were still born. All other infants died within 48 hours of birth. Both the poor and the nonpoor constitute high-risk groups. The mean number of gestations for poor mothers was 3.9 and for the nonpoor 2.8. In the poor, 85 percent of the pregnancies before the current one resulted in surviving children; the figure was 76 percent for the nonpoor.

TABLE 1. MEAN ORGAN AND BODY WEIGHTS (±1 S.D.) IN NEWBORN INFANTS OF POOR AND NONPOOR FAMILIES IN PERCENT OF "NORMAL" PUBLISHED VALUES (6). BODY LENGTH: POOR INFANTS, 97±7; NONPOOR INFANTS, 103±10; DIFFERENCE OF 6 PERCENT, P<.005.

Item	Poor	Nonpoor	Difference
Body	92±18	107±23	[1] 15
Brain	101±19	107±25	[2] 6
Heart	90±27	105±28	[1] 15
Liver	83±22	104±31	[1] 21
Spleen	81±45	104±49	[1] 23
Thymus	66±31	104±49	[1] 38
Kidney	91±34	101±37	[2] 10
Adrenal	77±38	102±46	[1] 25
Placenta	84±35	88±29	[3] 4

[1] P<.005; [2] P<.05; [3] P>.1.

Weights of organs and body measurements were calculated in percent of mean values for "normal" infants (*6*). A mean percent of these "normal" values was then calculated for each organ or body measurement (Table 1). The method of point counting was used to determine the relative size of abdominal subcutaneous adipose cells. (*7*).

The mean gestational age for both groups was 29 weeks. Mean thickness of abdominal subcutaneous fat was 2.9 mm ± 1.0 (1 S.D.) in the poor infants and 4.5 mm ± 1.2 in the nonpoor infants ($P<.05$). Mean volume of individual adipose cells in this locus was 2.92 ± 1.40 (arbitrary units) in poor infants and 4.47 ± 1.46 in nonpoor infants ($P<.05$).

Undernutrition appears responsible for the prenatal growth retardation in infants from poor families. Both mass of adipose tissue and size of individual fat cells were smaller in the infants from poverty families. Such infants had thymus, spleen, liver, and adrenal glands relatively smaller than brain, kidneys, heart, and skeletal bones. This particular ranking of organ growth has often been observed in both human beings and animals who have experienced chronic alimentary undernutrition (*3, 8*).

It has also been observed in a variety of placental and uterine disorders in which the flow of nutrients to the growing fetus was restricted (*4*). Since all multiple births and cases with a known uterine or placental disorder were excluded from the current study, it is possible that maternal malnutrition during gestation contributed to the fetal undergrowth. Other environmental or genetic factors have not been excluded, but most families in the two economic groups lived in the same area of New York City. The racial balance in the two economic groups was also similar.

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ALBERT A. WALSH—NEW YORK CITY'S NEW HOUSING AND DEVELOPMENT ADMINISTRATOR

HON. RICHARD L. OTTINGER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, January 19, 1970

Mr. OTTINGER. Mr. Speaker, in a city replete with incredibly difficult problems, the task of New York's administrator of housing and development must rank among the most complex and perilous. Stretched to the limits of its resources, encumbered with bureaucracy, handcuffed by vested interests, New York City faces a housing crisis greater than what is present in entire regions of our country.

Mayor Lindsay has recently named Albert A. Walsh to lead an assault on this crisis. Mr. Walsh, a longtime resident of Yonkers, has been chairman of the New York Housing Authority for 2 years, and as such, was responsible for the Nation's largest public housing program—some 533,000 low-income tenants living in about 150,000 units.

In wishing Mr. Walsh every success in his new responsibilities, I am presenting for inclusion in the RECORD a profile of him which appeared recently in the New York Post:

A HOUSING COMPLEX

(By Pamela Howard)

Albert A. Walsh smiles and through the gap between his two front teeth says emphatically, "Yes!" He did want the job as the city's new Housing and Development Administrator. "It's like a, well, mountain you know." And housing, he adds, "has been my field for a long time."

Until his appointment by Mayor Lindsay last week, Walsh, a 41-year-old lawyer from Yonkers, was chairman of the Housing Authority for two years. "It was a somewhat difficult appointment for the Mayor to make," says Walsh of his new post which carries with it the same $35,000 salary he had at the Authority.

The difficulty arose when members of the West Side Reform Democrats and the Liberal Party expressed reservation about appointing Walsh. "I don't consider myself a politician," the new Republican administrator says now

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that he's securely behind the desk in the new HDA headquarters at 100 Gold St., "but I've been around politics for years."

In his new post, Walsh plans to focus on producing low and moderate income housing; encouraging private residential construction; providing rent supplements for low-income tenants, and solving the increasing problem of abandoned buildings.

How will he tackle this mammoth job? Walsh ducks the question. He says he's only been on the job a few days and wouldn't presume to have the answers yet. He does go so far as to say he will be making some specific recommendations to the Mayor soon.

At the Housing Authority, the nation's largest public housing program, Walsh had the responsibility for some 533,000 low-income tenants living in nearly 150,000 units. In his new capacity, he will be able to set policy on rent control, enforce the Housing Maintenance Code and, among other things, select sites for new projects.

A man whose idea of a vacation is taking lots of books to the seaside and reading for days on end, Walsh has moved quickly up the ladder since his boyhood in Yonkers.

He attended local schools; commuted for three years to Cathedral HHS in New York and finally graduated from Gorton HS in Yonkers in 1945.

He spent three years in the Navy's submarine service and after his father died unexpectedly in 1948, Walsh was forced to work part-time while he put himself through Fordham and then Fordham Law School. He graduated in 1954.

Long active in Westchester Republican campaigns, Walsh worked for Gov. Rockefeller in 1958. In May, 1959, he was appointed assistant counsel in the Division of Housing and Community Renewal and in 1962, he became deputy commissioner of the division.

He held that post until 1966, when he resigned to practice law with the Manhattan firm of Demov and Morris. The firm represents many of the city's larger private developers, which may account for the "housing establishment" label the Liberals sought to pin on him.

Walsh lives with his wife, the former Ann Heinl, and their four children—Maryellen, 15; Nanette, 12; Mark, 11, and Gregg, 8, in a West 20th St. apartment but still maintains his 12-room Yonkers house at 161 Westchester Av. where his wife's parents live.

A friendly man who leans towards dark suits, stripped ties and blue shirts, Walsh likes to play golf for recreation.

ATLANTIC SALMON NEAR EXTINCTION

HON. SILVIO O. CONTE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, January 19, 1970

Mr. CONTE. Mr. Speaker, I recently came upon a most interesting, and provocative, article about the Atlantic salmon. It documents quite vividly how net fishing by Denmark, principally off Greenland but also in other northern regions, is destroying the great Atlantic salmon. The slaughter, according to the article, began in 1964. Nonetheless, it has been highly successful—so much so that Sir Hugh Mackenzie, director of the Atlantic Salmon Research Trust thinks we have 3 years at most to end high-seas salmon fishing. Otherwise, in his opinion, the salmon will have passed the point of no return on its way to extinction.

Mr. Speaker, because of the importance of bringing this conservation question to the attention of my colleagues and the Nation, I would like to include "The Danes Scourge the Seas" by Clive Gammon in the RECORD at this point:

THE DANES SCOURGE THE SEAS

(By Clive Gammon)

A mud-spattered station wagon with fishing gear plainly visible inside stands parked on a street in Aberdeen, Scotland. It has a sticker pasted to the rear window reading *Don't buy Danish Bacon* in virulent red capitals.

The car belongs to Reg Righyni, an Englishman of Italian descent who is rated by many as Britain's finest salmon angler. He lives beside his private stretch of the River Lune. By mid-September of this year he had not caught a single salmon.

Another Englishman, Gerry Fane, is lucky enough to spend three weeks each summer on the magnificent Namsen River in Norway. In 20 years of fishing, the average size of the salmon he caught never dropped below 18 pounds. This year, from a total catch of 62 fish, only five were better than five pounds in weight. Thirty-seven of his salmon had broken dorsal fins and other signs of net injuries.

In Canada in 1967, 34% fewer salmon were caught in Atlantic-flowing rivers than the year before. In London, at Billingsgate Fish Market, 40 tons of salmon were offered for sale in February and March of this year. In 1963 the equivalent figure was 105 tons.

The evidence is fragmentary, the facts hard to assemble. But there is now no doubt in the minds of anglers and fishery experts on both sides of the Atlantic that by the deliberate policy of its government, and in spite of almost universal condemnation, the civilized and progressive nation of Denmark is destroying *Salmo salar*, the Atlantic salmon, one of the great sport fishes of the world.

My investigation of the assault on the salmon began on a bitter October morning in West Greenland. Against ominous, isolated snowflakes drifting out of the gray overcast, the red-and-white flag of Denmark fluttered in the wind. The street market was open in the capital, Godthaab (pop. 5,000). Great pop-eyed cod, caught between the icebergs a few hours earlier, lay in the stalls, and an Eskimo was bloodily hacking a reindeer into quarters for his sales display. Five hundred yards away, up a rough road cut out of dusty gray rock, one could buy elaborate hi-fi equipment and fine German and Japanese cameras from a brightly lit store that would not be out of place among the shops of the Radhusplads in downtown Copenhagen.

Godthaab is not a frontier town, though it has the makeshift appearance of one. In Greenland no frontiers have been achieved. There are only tenuously held beachheads on the western and southwestern coasts, where the North Atlantic drift holds the pack ice back and the fjords and harbors stay unfrozen in the summertime. The beachheads are sometimes hundreds of miles apart and no roads link them across impassable wastes of mountain and glacier. Until five years ago the only travel was by sea. Now a helicopter flies when the uncertain Greenland weather allows.

In the ramshackle single-story hotel in Godthaab and in Sukkertoppen, a hundred miles to the north, it is possible to order Chateaubriand and French wine. Naturally they are not cheap: everything is imported, even vegetables. This does not worry the locals, though. The Danish administrators of Greenland live tax-free, and for five years now the native Eskimos also have had plenty of money to spend.

The money comes from the slaughter of thousands of tons of salmon. Eskimo fishermen, who made a meager living by catching cod before the salmon kill started in 1964, now earn as much as $12,000 in the three-month netting season between September and November, according to Holten Moller, who is chief trade inspector in Godthaab for the Royal Greenland Trading Company.

For two hundred years European and American scientists had been trying to solve one of the sea's great mysteries: the migration route of the Atlantic salmon. Every year the great leaping fish returned to their native rivers, fighting upstream against multiple hazards to spawn in the hill streams. After two or three years of river life the red-speckled salmon parr that had hatched out from the eggs took on a bright silver coloration and, as salmon smolts, dropped downstream to the sea. And there, once they had left the inshore waters, they disappeared from human knowledge.

There were plenty of theories. Maybe they browsed on the slopes of the continental shelves. Maybe they ranged the North Atlantic in pursuit of the herring shoals. But nobody really knew.

The first indication that the mystery might have been solved came from *The Field* magazine of London, which early in 1965 reported that very large quantities of frozen Atlantic salmon were reaching European markets from Greenland. The implications were swiftly realized. In Greenland itself there is only one minor salmon river, quite incapable of producing this kind of tonnage. In some way the salmon's migration route had been discovered and was being heavily exploited.

Documentary evidence has now shown that a few salmon had been taken in set nets staked out from the Greenland shore from the 18th century on. But the sudden explosion of this fishery in the early 1960s has not yet been accounted for. Possibly some unexplained change in the feeding habits of the salmon brought greater quantities of them within range of the shore nets. More probably, until modern freezing techniques were available there was no point in exploiting the fishery. Without freezing and fast transport, salmon were worth little compared with cod. In Europe there has been a market for salt cod since the Middle Ages.

Whatever the reason, in 1964 the explosion started. In that year 1,539 metric tons of salmon were taken in the Greenland nets, compared with 127 tons in 1961. Put alongside the annual catch of Pacific salmon, this does not seem much. But the annual catch of Atlantic salmon is less than 15,000 tons.

After 1964 the Greenland catches remained high, except in 1968, when drifting ice from the south hindered the netting and cut the catch down to 1,200 tons—some 400 tons less than 1967. And by then, also, the Greenlanders had competition, for the catches had not gone unnoticed by the sovereign power, Denmark. As early as 1965 a couple of boats from the Faroe Islands—closely associated with Denmark, though enjoying a titular independence—turned up in Davis Strait, which divides Greenland from Canada. They, with the Norwegians, took a share of fish, but in 1967 the real experts arrived, tough Danish fishermen who brought their tiny 30-ton boats all the way up from Bornholm Island in the Baltic. Danes and Faroese took more than 400 tons of salmon last year, when they were joined by Swedish boats.

No figures are yet available for the 1969 season, but it looks like it was a boom year for the nets. Moller told me in Godthaab that local netmen there had already landed 133 tons of salmon by the end of September, compared with 61 tons at the same point in 1968.

The salmon-producing countries reacted swiftly to the news from Greenland. By the fall of 1965 separate teams of British and Canadian scientists were operating in Greenland waters, and they were able to confirm very quickly what had been suspected from the beginning. The Eskimos and the drift netters were harvesting immature fish. More than 95% of the salmon they caught had spent only two summers at sea. They weighed about seven pounds, and they were still feeding heavily on sand eels and capelin. This clearly meant that the Greenland figures had to be examined in a new light: they represented a far greater *potential* tonnage of mature fish that would not return to the rivers.

The other thing that had to be proved was just where these salmon had come from. This didn't take long either. Fish tagged as smolts when they left British, Irish, Canadian and U.S. rivers to begin their sea journey were recorded in the Greenland catch. Most of them came from Canada, but some 15% had been spawned in the rivers of Maine, rivers that were just beginning to be nursed back into production after the Atlantic salmon had almost become extinct in U.S. waters.

However, as the Danes have been swift to point out, tag recoveries have not been high. Out of 100.000 smolts tagged leaving British rivers, only 80 tags have been returned in Greenland. There is good reason to believe that many tags are not reported.

In Sukkertoppen this fall, the European trade inspector told me that there would be no difficulty in arranging for me to go out with Eskimo salmon fishermen to haul nets. But postponement succeeded apologetic postponement. The netmen, fully aware that their new prosperity was under attack by foreigners, weren't going to have me on board at any price. Hostile groups formed when I went down to the quay to photograph the salmon boats leaving harbor. One doesn't have to be cynical, in such circumstances, to doubt that the Eskimos return all the tags they find.

The Canadian and British scientists who for the past four years have been working in the freezing seas off West Greenland recognize this. What they are now trying to do is to catch salmon in the same waters as do the netmen and to tag them in the surer hope that anglers and commercial fishermen in the salmon-producing countries will return tags from mature fish.

The difficulty is that net-caught salmon rarely survive the experience, since they shed their scales so easily. Arthur Swain, the leader of the British team, told me in October that racial differences between salmon originating in different countries were being investigated as a surer means of determining the origins of salmon caught off Greenland.

It is the kind of minute investigation that in ordinary times would stay buried in Ph.D. theses, of interest only to a tiny minority of scholars. But the survival of the Atlantic salmon may depend upon the remorseless piling up of proof of where the Greenland salmon come from.

The only important salmon-producing country that seemed to remain unthreatened by Danish netting was Norway. But the reprieve lasted only until 1967. In that year another high-seas feeding ground of the Atlantic salmon was discovered off the coast of northern Norway, well outside territorial limits. There also the Danes moved in. Last year 23 Danish, 16 Swedish, one Faroese and several Norwegian fishing boats were operating on the Norway grounds. They caught more than 360 tons, a large percentage of the Norwegian spawning stock. Now the great rivers of Norway—the Namsen, the Alta, the Driva—were being threatened in the same way as were those of Scotland and Canada.

Last year yet another point of high-seas ambush was discovered and exploited by the assiduous Danes, when they intercepted the sea journey of the salmon off the Faroes. No figures have yet been published for this new fishery, but Scottish- and Swedish-tagged salmon have been recovered.

Nations have gone to war over salmon, or very nearly so. One cause of the 1904 Russo-Japanese War was the desire of the Japanese to move in on the rich, salmon-bearing waters off Siberia. When they won the war this is just what they did. No one has yet suggested, except maybe late at night in Scottish fishing pubs, that the salmon-producing countries should declare war on Denmark. But this much is sure: the international reputation of Denmark is at its lowest point since the Viking ancestors of the present Danes hacked their way around Western Europe putting cities and cathedrals to fire and sword.

This year has seen two broadly mounted attempts to bring international pressure on Denmark, after she had declined an invitation to attend an informal conference in London last April.

At a meeting of the North-East Atlantic Fisheries Commission that followed a month later in London, a U.K. proposal for a ban on high-seas salmon fishing in the Atlantic received the required two-thirds majority, only Denmark, West Germany and Sweden voting against. The following month the International Commission for Northwest Atlantic Fisheries met in Warsaw. This time Canada proposed the high-seas ban, and once again a two-thirds majority was achieved. Only Denmark and West Germany voted against.

The cheers that greeted these decisions were premature. Because of their milk-and-water regulations, neither body can impose its decisons on objecting member states, and the Danes have officially rejected the resolutions.

The Germans, the Swedes and the Danes are Baltic, not Atlantic, oriented. All three fish salmon commercially in the small, easily controlled Baltic Sea. The fear, certainly, of Sweden and Germany is that an Atlantic ban might make a precedent for a similar ban in the Baltic, Germany, like Denmark, produces no Atlantic salmon. As a bitter British fishery expert said recently, both countries are in the happy position of milking a cow they neither own nor feed.

Through last summer and fall, as it begun to be realized that Denmark was refusing to accept the decisions of the international fishery bodies, anger grew, in Canada and Britain especially. Britain imports a considerable amount of Danish butter and pork products, and there was a strong outcry for a boycott of these goods. *The Field*, which had continued to document the growth of the high-seas fishing, was accused of pussyfooting because it wouldn't sponsor a public boycott campaign, believing, it said, that such matters should be settled in friendship between reasonable people.

But if *The Field* took this tone, other British publications did not. The outcry became so great that in July, Erling Kristiansen, the Danish ambassador in London, issued a long defensive statement that attempted to blame the sudden decline in salmon stocks on any cause but the high-seas netting. His Excellency, of course, was not the author of the statement. It had been prepared for him by the Danish Ministry of Fisheries, which had sent the Danish delegation to London and Warsaw.

The arguments were identical with the ones that were put to me last summer in Copenhagen. Full scientific proof, it was claimed, had not been forthcoming that Danish netting had caused the decline in salmon runs. The Danes were hurt that the accusation was made, and judgment passed, without this proof.

It is known that off Greenland in 1967 and 1968 at least 800,000 salmon were killed that were not known to breed anywhere except in North American, British, Irish and Norwegian waters. What would happen, I asked a Fisheries spokesman, while we waited for complete scientific proof?

"I cannot forsee what will happen in the future," he said.

The Danish fisheries people would like to blame UDN, a disease that has plagued British and Irish salmon for five years, for the decline in river catches. But the salmon has a five-year life cycle, and the great Scottish rivers did not become infected until 1967. The UDN effect is still to be felt, and there is anger that the Danes are using a natural disaster to support their case for continuing netting. When UDN first occurred there was a huge step-up of artificial salmon production in Britain to make up for losses. It is the harvest of this sowing that the Danes are reaping now.

The ministry spokesman also pointed to the example of the Baltic, where the Danes have been drift-net fishing for many years. There, he said, stable stocks had been maintained ever since 1945. He did not add that they originated almost entirely from smolts artificially bred by the Swedes and the Finns. In the Baltic the Danes cull half the total salmon catch, though they themselves, the spokesman admitted, do not contribute a single artificially hatched salmon.

He was perhaps too sophisticated to put to me some of the other defensive points that the royal Danish ambassador employed in his London statement.

How many salmon, it asked rhetorically, perish at the hand of nature?

Plenty, said *The Field* in its own reply. But not more than have thus perished in past years.

How many are caught in British home waters outside the salmon rivers?

None, Salmon fishing has been banned there since 1962.

How many are deterred from going upriver by increased pollution and other environmental changes?

Many fewer than previously. Because of reduction in pollution, and conservation measures, rivers that 20 years ago were barren of salmon had begun once more to have runs. This is true also of some North American rivers.

The Danish case does not stand up to close scrutiny and, although in a later statement the ministry says it does not exclude the possibility of "certain restrictions" like those that govern net fishing in the Baltic, there seems little chance that normal international pressures will make the Danes agree to a ban.

An American salmon authority, Anthony Netboy, recently said that "the history of fishery disputes over the centuries suggests that they are not settled by common sense but by what might be called *force majeure*, that is, power politics involving implied or threatened economic sanctions."

So far, there is no suggestion of applying economic sanctions against Denmark, except by individual pressure groups of anglers, although Wilfred M. Carter, director of the International Atlantic Salmon Foundation, said this year that it may be necessary to think of a solution involving economic sanctions as a last resort.

Denmark is a country that is very vulnerable to this sort of action. Its standard of living is high—and it depends largely on exports of foodstuffs. Even before the present dispute Denmark exports of butter and bacon to Britain had dropped, because they were ceasing to compete with the cheaper Irish products, and there is strong clamor among anglers and people concerned with such things as tourism, fishing-tackle manufacture and fishery management that advantage should be taken of this situation.

XUM

The clamor is the greater because there seems to be so little time left. Sir Hugh Mackenzie, director of the Atlantic Salmon Research Trust, Ltd., thinks that we have three years at most in which to end high-seas salmon fishing. Otherwise *Salmus salar* will have passed the point of no return on its way to extinction.

When one takes the helicopter south from the main Greenland airfield of Sondre Stromfjord, the mountains gradually break down into low gray islands and fjords, where they meet the coast. Nothing grows, except patches of yellow grass and the mosses the reindeer feed on. This is a country that the Danes subsidize at an annual rate of $2,500 per head of the population, a country that is virtually ruled by the Royal Greenland Trading Company, as much of Canada was once ruled by the Hudson's Bay Company and India by the East India Company. It is a curious survival of history, an empire that is never discussed by the U.N.

Looking down from the helicopter into a maze of waterways, I could see, like strings of pearls, the white floats of the nets that are killing the salmon. It is conceivable that they are there because of the determination of the Danes to make their chilly empire a viable commercial proposition. To this end, it seems, Denmark is willing to sacrifice the most valuable fish in the world and to endanger her relationship with most of the civilized nations of the West.

THE HOW AND WHY OF THE ARMS RACE

HON. RICHARD L. OTTINGER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, January 19, 1970

Mr. OTTINGER. Mr. Speaker, if there was one outstanding accomplishment of the 91st Congress in its first session, it was the beginning of a new attitude toward military spending—an attitude based not only on a natural desire to see public funds used economically, but more important, to reverse the seemingly uncontrollable momentum of a military establishment which has played so major a role in distorting our national priorities.

Much has been written about the arms race. In the past year, we saw new revelations about the influence of the military-industrial complex on government and on society. What we have seen and read is just the tip of the iceberg. We still have much to learn.

In this regard, Richard J. Barnet's new book, "The Economy of Death," is an important contribution, and I commend it to all who are concerned about the directions this Nation will be taking in the decade ahead. As a brief introduction, I present for the RECORD a review of Mr. Barnet's fine book by Senator GEORGE McGOVERN. The review appeared in the New York Times book review on December 28:

THE ECONOMY OF DEATH

(By GEORGE McGOVERN)

By Richard J. Barnet. 201 pp. New York: Atheneum. Cloth, $4.95. Paper, $2.95.

Among the most intriguing characteristics of the American political-economic system is the great diversity in authoritative descriptions of how it works.

Even the few remaining devotees of Adam Smith will, for example, be surprised to hear from a top defense industry official that it is "part of the American game" for military contractors to deliberately submit bids way below the expected eventual cost of military projects. This practice is not dishonest, insists an unnamed industry spokesman in the November issue of Armed Forces Management: "If we don't, Congress won't 'buy' the program and it either won't go at all or will go to someone else."

This attitude is, in part, what Richard Barnet writes about in "The Economy of Death," and it tells a great deal why the military establishment has grown out of control. Congress, suggests the industry official, should not have a fair advance estimate of the price tag of a weapons system, because we might decide that it is not worth the cost. That's now the system operates.

Barnet supplies a detailed documentation of other aspects of the military-political-industrial-labor-foreign policy combine and how they have worked to preclude public control. "Every new weapons system," he points out, "has been presented to the public doubly wrapped: an inside wrapping of baffling technical detail, and on the outside, the flag." The kind of planning used in setting strategic weapons requirements, based on "greater than expected threats" and on "erring on the side of strength," is a "recipe for an unlimited arms race." The military bureaucracy—viewing the world simply as a series of smaller and greater threats to American power and prestige—finds itself in a uniquely favored position in the American system; it has "defined the threats, chosen the means to counteract them, and evaluated its own performance."

The author chooses, wisely I think, to cover the growth of militarism in the United States in summary form. He recounts the postwar fear of Communism, the advances in technology, the development of a permanent arms industry, and other factors that have made the military an ominous presence in American life. Probably the most significant material in this middle section of the book, "The Military Industrial Complex and How It Works," is enlightening discussions of the small, prestigous group of men, numbering no more than 40, who have dominated the top civilian national security positions since 1940. Nearly all began with or came quickly to accept what has for all those years been the conventional wisdom about America's role in world affairs.

The Truman Doctrine for containing communism led to Secretary Dulles's Herculean effort to cover the world with paper pacts which in turn required that we flesh out those commitments with the military power to meet them. Meanwhile a large, special kind of industry—"military socialism" is Barnet's label—stood ready to supply the weapons and accept the profits. Both entities, working more and more as a unit and with the dividing line between government and private enterprise becoming more and more blurred, developed the public relations punch to assure that the threat would not grow dim in the public mind. It all worked fine until Vietnam, followed shortly by some particularly outrageous disclosures of Pentagon waste and mismanagement, gave it a serious test.

These matters have been discussed elsewhere, and Barnet lists many of the best sources in his references—making that part of the book as important as the next for serious students of the subject. It is difficult, in fact, to avoid reading "The Economy of Death" as a sequel to Fred J. Cook's "The Warfare State," written in 1962.

Richard Barnet's most significant new contribution in "The Economy of Death," then, is in his third section, entitled, "Choosing Life: A Strategy." Here he lists specific steps for setting more rational priorities. "Military spending is indeed out of control," he says, "but control as an end in itself is not the answer. As long as the military-industrial complex continues to play anything like its present role in American society it will remain uncontrollable."

This view is confirmed by the experience of members of Congress who attempted assaults this year on what appeared to be the most vulnerable weapons system in the fiscal 1970 defense budget. We lost, of course, but even more significant than the losses is the knowledge we gained about the magnitude of the task.

Even had we won on every amendment this year the setback for the military would have been a temporary one. In the absence of institutional changes, providing the kind of intensive, continuing scrutiny which slim Senate and House staffs simply cannot provide, it will always be an unequal contest. In the absence of procedures for the conversion of excess military resources and manpower to civilian pursuits, and of other steps to redirect the arms budget's vast economic dependency, its influence will remain as pervasive as it has been throughout most of this decade.

This year's focus on the military will produce a number of books. In terms of readability, knowledge and conviction, Richard Barnet's will be among the best. As an authoritative set of recommendations for action it may well be unique in the field.

THE BADGER SPORTSMAN SPEAKS OUT ON PROJECT SANGUINE

HON. ROBERT W. KASTENMEIER

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Monday, January 19, 1970

Mr. KASTENMEIER. Mr. Speaker, I would like to call to the attention of my colleagues an editorial on the Navy Department's Project Sanguine which appeared in the December 1969 Badger Sportsman.

The Badger Sportsman, published in Chilton, Wis., conveys the concern many Wisconsin environmentalists have expressed regarding the possible hazards and inconveniences Sanguine may bring to the people of northern Wisconsin, as well as threatening animal and plant life in that part of the State.

Mr. Speaker, the editorial follows:

PROJECT SANGUINE

It is no secret that northern Wisconsin has been chosen as the site for one of the Navy's top-secret projects termed "Project Sanguine". In fact, the word has been out for some time and conservationists are concerned about the effects that the program will have on northern Wisconsin's wildlife, plants and other living things.

Project Sanguine is the world's largest proposed communication system. At least $28 million has already been spent on the project and it is estimated that it could cost anywhere from $2–$10 billion before its completion.

Although the Navy admits that it does not know how big or how costly the project will be, some estimate that it will be up to 150 miles square and boast 240 transmitters that will send ultra-low frequency signals to nuclear submarines anywhere in the world. It is strictly a military project.

The unknown effects of these ultra-low frequency beams on living thinks has excited conservationists. Ultra-high frequency waves have been proven damaging to genetics in living things, affecting reproduction, growth and other functions. Possibly Sanguine could turn into a giant mutating machine.

Many in northern Wisconsin are behind Sanguine, including Congressman Alvin O'Konski, the project's chief promoter. Northern Wisconsin is ideal for the program because of its insulating rock formation called Laurentian Shield. Apparently some northern residents feel this is the most attention their land has had since taconite mining.

But conservationists and opponents, which include Senator Nelson and Congressman Obey, argue that more study is needed on soil erosion, electro-magnetic radiation and other ecological problems. The Navy admits that it does not have these answers, but proponents say if we don't act we will lose the project.

We have been playing Russian roulette with our environment too long already. It is pointed out in Santa Barbara, Cal., Alaska, the Everglades and now in Project Sanguine. Although there is no wish to deprive any of our northern residents of ecenomic benefits we certainly cannot forsake careful study and research before making an electro-magnetic grid out of northern Wisconsin.

Maybe conservationists worries are over—Congress just slashed Sanguine's budget by $15 million. But in our search to find the answers, we can afford to lose this project rather than destroy our environment. Northern Wisconsin will be worth a thousand Sanguines in years to come.

GOVERNOR REAGAN'S STATE OF THE STATE MESSAGE

HON. JAMES B. UTT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, January 19, 1970

Mr. UTT. Mr. Speaker, I am including Governor Reagan's state of the State message delivered January 6, 1970, before the joint session of the California State Legislature in the RECORD:

GOVERNOR REAGAN'S STATE OF THE STATE MESSAGE

To the Honorable Members of the Senate and Assembly: It is in the nature of things that at such a joint session of this Legislature I'm expected to deliver a State of the State Message boasting about some of the things this administration has already done—and listing some of the programs we intend to launch during the coming year. Traditionally this recital of hoped-for legislation is referred to as "the laundry list."

It is also in the nature of things that such messages be debated, sometimes with more heat than light. Rebuttals are prepared even before the remarks are formally delivered; some excoriate and some defend, some decry omissions and others praise inclusions.

But now and then a people in a particular moment of time are called upon to rise above the norm. Their chosen representatives, elevated from politics to statemanship, make land-mark decisions—and men for decades to come hark back to those decisions and are guided in their own deliberations.

I believe we are met in such a moment of time—a moment when we should be more concerned with the next generation than the next election.

Just six days ago the world embarked upon a new decade. It brought with it the achievements and the scars of the sixties. It signifies more than just a measured span of years—it introduces its own imperatives, and it stirs our souls for a new spirit.

Since we last met like this—on January 7, 1969—about 300,000 individuals have been added to our state's population. It is predicted that by 1980 there may well be some 25 million people living within our state.

Every year, as our population grows and our problems increase, we are called upon to perform minor, even major, miracles for, while such growth can mean progress, it can also mean degradation.

We are already faced with a chronic shortage of funds for such capital facilities as the State Water Project because of the tight money market. The proposition on the June ballot, which will allow us to raise our interest rate ceiling, must pass or we will face serious, almost chaotic, contractual and construction problems.

We are challenged to protect the safety and the liberty of our citizens and to provide the proper climate for economic development while preserving our priceless, irreplaceable natural resources. We seek ways to accommodate those who want to share in the magic of California, without allowing that magic to be swept away by a wave of people and pollution.

And, we must provide all of these services and all of these protections without confiscating more and more of the taxpayers' earnings—and without depleting the risk capital which is vital to our economic expansion—and to jobs and job opportunities for our growing population.

These are some of *the imperatives of the seventies* that should bind us together in common effort. They demand a common commitment greater than any personal ambition and stronger than any partisanship.

This being an election year, there will no doubt be many evidences of partisanship—and properly so. The two-party system is essential to our government of free men. It ranks with our federal system of sovereign states as the great safeguard of our freedom. It is important that we argue things out—so long as we argue about the *right* things.

In the coming weeks and days, I will deliver to you definitive messages and specific requests for legislation dealing with some of the imperatives of the seventies. The laundry list will come in installments.

QUALITY OF LIFE

There is no subject more on our minds than the preservation of our environment, and the absolute necessity of waging an all-out war against the debauching of that environment. A booming economy and the "good life" will be no good at all if our air is too dirty to breathe, our water too polluted to use, our surroundings too noisy and our land too cluttered and littered to allow us to live decently.

One of the great bays of our state is already so badly polluted it is unsafe for many water sports—and yet every day some one hundred million gallons of human and industrial wastes are dumped into it. And, along the Santa Barbara coast, seeping oil continues to ruin the beauty and endanger wildlife—and it is nothing less than irresponsible demagoguery to pretend that the turn of a valve or a simple edict can resolve this tragedy. No one can be indifferent to the distress of those along that scenic coastline. It goes without saying that the oil pollution plaguing them will be cleaned up—and, that must be a permanent guaranty.

We stand ready to use the tough provisions of the Porter-Cologne Water Quality Control Act if necessary, including the requirement that those who are responsible for oil spills are responsible for cleaning them up.

But, it is even more important to find a way to end the threat of such pollution. When the federal government began granting leases outside the three-mile limit—more than a year prior to the disaster off Santa Barbara—we urged that before either the federal government or the leasing companies took any profit, a percentage be set aside as insurance for the nearby coastal areas. *This proposal was ignored.*

When we learned that federal drilling regulations were only one-third as effective as those we insist on in California State leases, we urged the federal government to adopt our standards—and we offered to take over the policing of the federal leases. *This suggestion also was ignored.* There is general agreement that the oil spill of last year could not have taken place had the drilling been done under our state regulations and policing. The incumbent Secretary of the Interior adopted our standards almost immediately upon taking office.

ADMINISTRATION POLICY ON SANTA BARBARA

We support the State Lands Commission ban on any *new* drilling on off-shore lands under state jurisdiction while we make certain that safety and containment devices are adequate to protect the public interest. We have urged the federal government to do the same.

We have already joined wtih local governments to force the revocation of recent federal drilling and platform permits pending public hearings.

And, while we continue to seek scientific information and opinion on the long-range answer, we cannot ignore the findings of the scientific panel chaired by Dr. Lee DuBridge that pumping should be accelerated to relieve pressure build-ups which cause seepage through the fractured and unstable channel bottom. The most recent oil spill would seem to lend support to the DuBridge theory, since it resulted *not* from drilling but from a four-day halt in pumping; there is also the history of oil seeps in the Santa Barbara channel going back long before any drilling or pumping began.

The other part of this whole off-shore oil problem has to do with *esthetics*—the unsightliness of the drilling platforms. The new Secretary of the Interior has agreed to extend into federal waters the sanctuary boundaries we have established to ban drilling in areas of great scenic beauty. This had not been done before and as a result, the sanctuaries ended at the three-mile limit.

The *real* answer can come, of course, through technology—the development of submerged and unitized structures for drilling and subsequent pumping. We will be ready to move on this as soon as such installations can be certified as practical.

But, one thing is certain: the people of Santa Barbara, and all our coastal communities, have and will continue to have our help to solve this tragedy and to prevent future occurrences.

AIR POLLUTION

Back in the forties, smog was something radio comedians joked about; now, it is hard to find any humor in the some 13,000 tons of air pollutants descending every day on the inhabitants of just one of our metropolitan areas.

We have already made some progress in fighting air pollution—although it's hard to believe when the skyline dims and the air we breathe is made visible by the pollutants it contains. But, we did turn the tide in 1966, and despite the increased number of cars on our streets, air pollution is on the decline. Our job now is to speed that decline.

Last year, together we passed the toughest water quality control laws in the nation. We must have the same kind of tough laws to protect us from air pollution. Our state laws governing motor vehicle emissions are the toughest in the country, but they must be made even tougher.

We must seriously consider whether propulsion systems other than the internal combustion engine are practical, and we will continue our tests in this field. In the meantime, the stringent vehicle emission standards we have established must be enforced and the Air Resources Board is developing

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more effective emission test techniques so that *every* new vehicle can be checked before certification and sale.

And, we must move quickly against those *stationary* sources which continue to spew debris into our skies.

During this session I will seek your support for the passage of an *Omnibus Clean Air Law*. It would establish a statewide, comprehensive monitoring and control program; require compliance with even stiffer motor vehicle emission standards; include new standards for the composition and volatility of gasoline, and set forth a regulatory program for agricultural and other open burning.

There are some other key environmental goals which we should achieve this year:

The preservation of our relatively few estuaries, particularly in Southern California;

Opening up more of our coastal areas and beaches to public uses;

Initiating a broad program of conservation education in our schools;

Encouraging the further preservation and enhancement of the San Francisco Bay;

Encouraging the preservation of the natural environment of the Tahoe Basin, and

Instituting stricter pesticide controls.

As a partner in government, I applaud the proposal for an Environmental Committee in the Assembly; recently a State Environmental Policy Council was formed in the executive branch. Lieutenant Governor Ed Reinecke is the chairman of that council which is now reviewing the many suggestions emanating from the recent Conference on Changing Environment. Some of those suggestions came from young people who represented college campuses throughout the state.

But, in seeking to preserve the magic of California, we must avoid those extremes on either end which could destroy our state. We cannot go all the way with those who cry, "No more roads, or factories, or power plants." Neither can we go all the way with those who justify everything in the name of progress—refusing to count the consequences; the obvious destruction of our environment is far too great a price to pay.

Progress and preservation are compatible; it is the refusal to work together for the proper balance that is incompatible with the spirit of the seventies. We must be concerned about the quality of our environment; we must also be concerned with the quality of government, and the integrity of those who serve in it.

CONFLICT OF INTEREST

Last year you passed and I signed a conflict-of-interest law which, while it was a start in the right direction, failed to give us what we really need to assure our fellow citizens that government in California will be beholden to the people. Therefore this year, in cooperation with the leadership of both houses, I will again propose conflict-of-interest legislation which will give California *the most comprehensive laws of any state.*

This legislation will extend disclosure provisions to cover all state civil service employees as well as all elective and appointive officials, including all constitutional officers, all salaried appointive officers, all judges, and the immediate families of each. It will also cover local public officials—mayors, city councilmen, county supervisors and the officers of boards and commissions.

Under the provisions of the law, all state civil servants and non-salaried appointive officials—and their immediate families—would be required to disclose only those investments in activities directly regulated by the agency, department or board of which the person was an employee or member.

CONSUMER PROTECTION

Just as we protect the public from the possibility of an unscrupulous public servant, so we must also protect the consumer from the possibility of the unscrupulous entrepreneur. We shall accelerate the programs in the area of consumer protection.

We will submit to you a reorganization proposal which would create within state government a *Department of Consumer Affairs*—the first of its kind in the nation. We will also move on several other administrative fronts.

We will again this year recommend that public membership be increased on many of the state's regulatory boards and commissions, and I hope that together we can do this to give the people a greater direct voice in the regulatory process.

We operate on the free competitive enterprise system in this nation and it has served America well. Business must, and generally does, serve the people honestly and fairly. We must be careful that we do not penalize or harass the multitude of honest businessmen for the sins of a few; those few must be brought into line, or put out of operation.

In the final analysis, the best protection for the consumer is to be fully armed with the facts about fair value, full measure, and safety. An important part of our consumer protection program will be to develop *consumer education courses* in our schools in cooperation with the Department of Education.

DRUG ABUSE AND NARCOTICS

We enter the seventies with a continuing and tremendous concern about the increasing problem of drug abuse and narcotics addiction. The problem has *not* been exaggerated; it is, in fact, more serious than appears in the news media. The physical and mental destruction of youth is far greater than the public is led to believe. Just as alarming is the growth of the "drug culture" which is tolerated—even touted—by many who influence our youth; it is a culture which glorifies and justifies the drugged and the drop-out, and it reaches into our high schools and even our junior high schools; the suburbs as well as the slums.

Together we have already taken significant legislative and administrative steps to wage a war against the peddler and the pusher, and to help those who are desperately trying to free themselves from their drug-induced nightmares. Working with the private sector, we have already embarked upon a widescale public education campaign to bring the facts of the horrors of drug abuse to our young people.

We will create a *State office of Narcotics and Drug Abuse Coordination*. All agencies and departments in state government will be instructed to cooperate with this office in the total fight against narcotics and dangerous drugs. This is a war we intend to escalate, and win.

The laws we seek will involve the manufacture and sale of dangerous drugs, including licensing and bonding shippers and warehouses, expanding the duties and the powers of the State Board of Pharmacy, making the penalties for the sale or manufacture of restricted and dangerous drugs consistent with the penalties for possession of such drugs, and using electronic surveillance equipment under proper judicial safeguards.

We must all be deeply concerned about what J. Edgar Hoover called the "wretched record of crime and violence during the sixties." Law enforcement, on the whole, has done an excellent job in spite of increasing demands and obstacles. Perhaps the thrust in the seventies should be on the correctional system; it is the repeating offender who causes the bulk of our problem. There must be a new strategy in the search for answers. I propose an immediate major in-depth study of all correctional processes in California and will make the details of this proposal available to you shortly.

WELFARE

Even in these times of high employment, welfare costs in California continue to climb at a rate beyond the capacity of our tax structure to keep pace. *This increase each year is almost three times as great as the increase in our revenues.* During a period when we added 600,000 to our population, 400,000 were added to the welfare rolls.

We can, and we are reducing the administrative costs of welfare, and we are eliminating welfare fraud which not only robs the taxpayer but victimizes the legitimate welfare recipient. But this is not enough. We must be permitted to develop and implement a new approach—for welfare's purpose should be to eliminate, as far as possible, the need for its own existence.

The newly-created Department of Human Resources Development is a good start in that direction. Its goal is rehabilitation, and the transfer of the rehabilitated from the welfare rolls to payrolls. Later in this session I will make a special message to you on welfare, including the findings of an independent fraud review panel.

And, I will propose the organization of a new, streamlined Department of Health so that we can more effectively administer and control the Medi-Cal program, which, like welfare, is one of the major and fastest-riding costs of state government.

We must have the courage to face up to some hard decisions. There is just so much money in the government pot and it can only be spent once. It is our responsibility to establish priorities so that our limited funds can be put to the best possible use. How much, for example, should be spent on welfare as compared to education? We know that education offers the greatest opportunity for breaking the welfare cycle, yet the increase each year in welfare costs is almost double the increase we are able to give our schools.

EDUCATION

Education is still the high priority. Last year the commission I appointed on educational reform completed the first phase of its work and made certain recommendations to me. These will be translated into concrete programs and legislation with reference to such important areas as teacher training technical or vocational education, improved governance of the public education system, and education finance.

As long as school financing comes almost solely from the accidental method of property taxation, primary and secondary education will continue to experience serious fiscal difficulties and serious inequities between school districts. We must enact new ways to help finance schools and at the same time provide relief from the far-too-heavy property tax burden. During this session we must enact a tax reform package that will get that job done. Meanwhile, Californians should be lerry of pseudo-tax reform measures which could well cost them one billion dollars a year in increased taxes.

The task in higher education poses as great a challenge and is as great an imperative. We must achieve a greater measure of accountability from these public institutions. We must achieve greater effectiveness in the management and priority of expenditures. Colleges must make full utilization of existing facilities and faculty before the taxpayer is asked to foot the bill for expansion.

Faculty members and administrators must continually remind themselves—or be reminded—that their fundamental purpose is to provide the conditions for effective learning, and to give the students the first priority. The student must not be forgotten in the competition for the academic establishment's drive for prestige and power.

The tone and the spirit of the 70's must be on quality rather than quantity. Education must be adequately financed; but we must not judge excellence solely in terms of dollars spent. The true measure is achievement of the students—in the trades, the technical skills, the professions, the arts . . . and in the progress made by each as an individual.

ECONOMY IN GOVERNMENT

There is another area I must emphasize as we enter the seventies: that is the need—*the absolute necessity*—to hold down the cost of government. I'm sure you expected me to get around to that.

It is a harsh fact of life—upon which most economists and historians agree—that once the level of taxation reaches and remains at 35 percent of the national income for a period of time, that nation cannot remain solvent—or free. Today, in our nation, the level of confiscation by taxation has reached approximately 37 percent—37 cents out of each dollar earned is taken to pay the cost of government.

In a few weeks the budget for the fiscal year beginning next July will be submitted to you. I'll resist the temptation to find some adjectives to apply as a title to this budget; to tell you the truth, I don't think an adequate word has yet been coined.

Very simply, no area of government will receive all it asked for; unlike the federal government, we can't print money, and the State Constitution says we cannot spend beyond our revenues. So, taking the estimated total to be collected in taxes (and, for more than two decades those estimates have averaged within 1½ percent of being correct), we have distributed these revenues in the most part in proportions similar to the budget of last year. However, we asked each department to submit its own priorities in order of importance and the final decisions had to be made then on a comparison of some lower priority items of one department against another.

There may be difference of opinion regarding priorities—and this is certainly an area for a legitimate debate; but, the budget as a whole is up to the limit of estimated revenues. Anyone suggesting additions should be prepared to recommend an additional tax to pay for them. Frankly, I hope no one will. Govenment, as well as the individual, must share the pain of inflation.

Bastiate said, "The state is the great fictitious entity by which each one is led to believe he can exist at the expense of someone else." It's time to recognize we are all that "someone else." The individual's earnings which are taken for taxes—directly or indirectly—cannot be spent for food, or clothes, or education, or retirement savings. Money taken by government cannot be used to provide jobs or higher wages for a growing labor force.

"THE ARROGANCE OF OFFICIALDOM"

And, that brings me to another "must"—the need to bring government to *heel;* to make it not only more economical, but also more responsive, so that the individual citizen can once again exercise control over the affairs of state.

By now we should have learned our lesson: the more government does for the people, the more it does *to* them, and then follows what what Cicero called "the arrogance of officialdom." Those who want to give the citizens more and more government usually end up giving them just that—and little else. Our task for the seventies is not more government, *but better government.*

At the beginning of the last decade, a young leader stood on the steps of the nation's Capitol and exhorted America: "Ask not what your country can do for you; ask what you can do for your country." His challenge struck a chord in our hearts. Now, on the threshold of a new decade, we might well add: "Ask what we can do for ourselves," ask "what we can do to solve the problems of human misery without waiting for yet another government program."

Now, I know that this will fall harshly on the ears of those who say that government and government spending is the only answer to our problems. But the great social ills are with us not because of indifference or lack of government effort—on the contrary there have been massive and costly welfare programs. Too often government is an unwarranted and an unwanted middle-man who becomes a part of the problem—and in the government's war against poverty, for example, poverty is winning. On the other hand, in the war that the private sector is waging against poverty, hundreds of thousands of individuals not only have new jobs and an income—they have a new sense of individual pride.

The question is not whether the unfortunate should, or should not be cared for; the real question is "How can we *best* care for them, at the same time that we help those who can help themselves."

THE SPIRIT OF THE SEVENTIES

Today, many of our young people are critical of what they call "The Establishment." Frankly, I think they have much to be critical about. There is a certain validity to many of the points they raise; there is a certain legitimacy about many of the grievances they list. But, in their impatience and their exuberance to build a better world, they have at times been misled to premature or excessive action by those who took advantage of their concern. But now they are wiser to the ways of the zealots, including some of their own teachers, who used them for non-constructive purposes.

Many of our young people talk about greater participation in our American democracy, and when asked about their plans for the future, they say they want to serve—to become, as they put it, "meaningfully involved."

Well, meaningful involvement is the very heart of the Creative Society. It's exactly what we mean when we say that government once again should be of and by—as well as for—the people; that no government and no government program can ever do away with the need for individual participation. And if the young people are really looking for action—constructive action which can make the decade of the seventies a benchmark in man's search for a better world—they can find it by working within the system, reforming it, making it more responsive to the citizenry, and helping to get it out of our pockets and off our backs.

Some of our young people have said that what they are really looking for, what they are working for, is a return to the original purpose and the original spirit of America; the spirit which seems to them to have been pushed aside in this centralized, computerized, contemporary world. Well, that spirit may be lost, but it hasn't died. Has democracy failed in America—or, has it ever really been tried? That idea that all men were created equal; that each man should be free to fly as high as his ability and his drive will take him; that each man counts and is accountable, beholden only to God for his sovereign rights.

Just past the mid-way point in this new decade we will observe the 200th anniversary of the founding of this nation. Dare we imagine what the 1970s could be if the spirit of those first American seventies—the 1770s—could be reawakened in our land? Dare we envision what heights we could reach if that spirit became the spirit of the 1970s?

More than a footprint on the moon—as great as that is—we could together leave an imprint on all time, and we could reaffirm the true yardstick by which to judge the state of the State for decades to come.

Respectfully,

RONALD REAGAN, *Governor.*

MEMORIAL TRIBUTE TO DR. FRANK TANNENBAUM

HON. WILLIAM F. RYAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, January 19, 1970

Mr. RYAN. Mr. Speaker, on January 9, friends and admirers of the late Dr. Frank Tannenbaum, professor emeritus of Latin American history at Columbia University and founder and director of the university seminars, held a memorial meeting at Columbia to pay tribute to this diversified and knowledgeable man. Dr. Tannenbaum died at the age of 76 on June 1, 1969, after a long and distinguished career.

The meeting, which was conducted by the president of Columbia University, Dr. Andrew W. Cordier, included talks on "Frank Tannenbaum's Impact on Latin America," by Colombian Ambassador to Venezuela, Dr. German Arciniegas; "Frank Tannenbaum as Teacher and Historian," by Yale Latin American history professor Richard M. Morse; and "Frank Tannenbaum as Social Philosopher," by Columbia associate philosophy professor Dr. David Sidorsky.

During the meeting, messages and tributes from throughout the world were read by Dr. James Gutmann, chairman of the Frank Tannenbaum Memorial Committee.

Dr. Tannenbaum was a remarkable man. He was not only a specialist in Latin American history, but also in such varied subjects as prison reform, labor, politics, and race relations.

He originated the seminar program at Columbia, because he felt a university should do more than just accumulate, preserve, and disseminate knowledge. He felt it should also "focus knowledge upon some specific issue."

In 1945, the program started with five seminars. By 1969, the number of seminars had expanded to over 50.

Certainly, the January 9 meeting was a fitting tribute to Frank Tannenbaum's memory.

I am inserting in the CONGRESSIONAL RECORD, the obituary which appeared in the June 2, 1969, issue of the New York Times:

DR. FRANK TANNENBAUM, 76, DIES; ORGANIZED COLUMBIA SEMINARS—PROFESSOR OF LATIN HISTORY RANGED FAR AFIELD INTO MAJOR SOCIAL ISSUES

(By Carter Horsley)

Dr. Frank Tannenbaum, professor emeritus of Latin history and founder and director of University Seminars at Columbia University, died yesterday at St. Luke's Hospital after a long illness. He was 76 years old and lived at 315 West 106th Street.

While he became, during a long and colorful career, a specialist in such diverse fields as prison reform, labor, race relations, Latin American history and politics, Dr. Tannenbaum was primarily a generalist.

Unhappy with the division of knowledge and experience into separate disciplines, in studying human institutions, he created a new one.

SOUGHT TO FOCUS KNOWLEDGE

As the originator of the seminar program at Columbia, Dr. Tannenbaum sought to add a new dimension to university life. In addition to the functions of accumulating, pre-

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serving and transmitting knowledge, he felt that the university had a function to "focus knowledge upon some specific issue."

The experiment began in 1945 with five seminars. The program now offers 50, with a total of about 1,700 participants from Columbia and 172 other colleges and universities and 241 nonacademic institutions, including the city, state and federal governments, hospitals, foundations, labor unions and business organizations.

He felt that "the ability to focus involves a structural modification" for the university. "This new function brings the university into the 'practical' world and brings the practical world into the university," he said.

The movement he started was described by I. I. Rabi, the physicist, as "an attempt to make the concept of a community of scholars come alive amidst the distractions and centrifugal forces of a metropolitan and cosmopolitan university."

PRAISED BY DR. MEAD

Dr. Tannenbaum's interest in developing an interdisciplinary approach, according to Margaret Mead, is "expressed in the diversity of his chosen forms of involvement, for he has acted sometimes as historian-spectator (as in his many years of work on Mexico); sometimes as prophet (as in his early work on the labor movement); sometimes as reformer of old and bad institutions (as in his work with the National Commission on Law Observance and Law Enforcement); and sometimes as a builder of new institutions, a kind of innovative activity that dates back to the inception of the Farm Security Administration and has found its fullest expression in the University Seminars."

"I had somewhere gathered the belief that when men talked to each other about matters of deepest concern they evoked the inner values of their experience, they were really discovering them for the first time. If it were only possible to contrive a continuing fellowship among people who were trying to resolve some riddle, unravel a mystery, deal with a perennial issue of public concern, then—if conditions were right—we might achieve this long sought for but subtly evasive value, mutual understanding among the professions and between the members of the academy."

MEETING TIMES VARIED

The participants in the program received no compensation and would meet once or twice a month, usually in the Men's Faculty Club at Columbia, for the presentation of a paper, perhaps, and round-table discussion.

The writer Paul Goodman said that Dr. Tannenbaum "has protected the seminar movement from interference, while it has developed according to its own logic and in response to a modern cultural need."

"Frank," according to Mr. Goodman, "fancies himself as a dirt farmer, and he is full of stories about people who think that milk grows in bottles and who can't make do and take care of themselves.

"When we organized our seminar on The City, we asked Frank to lead off as our first speaker. The subject that he obligingly chose was that all cities were a bad idea; real sense and independence, he said, spring up only in the country. This might not be the weight of wisdom, but the man who can say it has stamina."

BROUGHT HERE FROM AUSTRIA

Of medium height, the stocky, muscular, rough-hewn scholar was born in Austria in 1893. He came to the United States with his family in 1905 and settled on a farm about 12 miles from Great Barrington, Mass. The next year, at the age of 13, he left for New York with a half-price train ticket and 70 cents in his pocket.

After holding a variety of jobs, he became involved with the Industrial Workers of the World movement. He was convicted in 1914 of disturbing the peace by leading homeless and hungry men into churches, and spent some time in a prison on Blackwells Island, now Welfare Island.

Dr. Tannenbaum became a friend of Thomas Mott Osborne, the warden of Sing Sing Prison, and on Mr. Osborne's recommendation entered Columbia College, from which he was graduated Phi Beta Kappa in 1921.

After graduation, he traveled down to Mexico where he worked as a correspondent for Survey magazine. Dr. Tannenbaum crossed the country on the back of a mule. He was to travel extensively throughout Latin America the rest of his life.

Returning to the United States, he served as a sergeant of cavalry in the Army. Stationed in the South, he became absorbed in the area's traditions and the influence of slavery.

CREDITED WITH CHANGE

Years later, in 1947, Dr. Tannenbaum wrote "Slave and Citizen, the Negro in the Americas," which Branch Rickey of the Brooklyn Dodgers said had influenced him to hire Jackie Robinson as the first Negro to play professional baseball.

Dr. Tannenbaum earned his doctorate in economics in 1927 from the Brookings Institution in Washington with a study of Mexican land reform. For the next three years, he was engaged in an economic and social survey of Puerto Rico. In 1931, at the invitation of the Mexican Government, he completed a survey on rural education in Mexico. The next year, Dr. Tannenbaum received a Guggenheim Fellowship and spent the next two years visiting every country in Latin America, making three separate trips down the Amazon River by dugout and canoe.

WROTE OSBORNE BIOGRAPHY

He taught criminology at Cornell University in 1932. The following year he wrote a biography of his friend, "Osborne of Sing Sing," which included a preface by Franklin D. Roosevelt.

Dr. Tannenbaum proposed the legislation that created the Farm Security Administration, which was introduced by Senator John H. Bankhead, Democrat of Alabama.

Dr. Tannenbaum joined the Columbia faculty in 1935 as a lecturer, became associate professor two years later and professor in 1945. In his last year 1961, he won the Mark Van Doren Prize for excellence in teaching.

From 1940 to 1960, Dr. Tannenbaum met with a group of Army men at his country home in Putnam County. The group called itself the "Canopus Hollow Parochialists."

"Politically," he explained once in an interview, "I'm a parochialist. As a matter of fact, the trade union is against all isms and has no isms of its own. It is simply a creative response to modern times. But modern times can't go on. We have bigger and bigger corporations, bigger and bigger unions, bigger and bigger states. Things get tight and tighter and there is less and less responsibility for the individual."

A BELIEVER IN CONFLICT

Dr. Tannenbaum firmly believed that political stability was the result of a continuing conflict among the family, the church, the economy and the state, which he felt were the four major human institutions that fought for the allegiance of mankind.

Not a centralist, he said "We must go back to communities." Asked if he meant to turn his back on the wheels of history, he replied:

"Let the other people have the slogans. Let them progress themselves off the face of the earth and then they'll have infinite progress."

Among Dr. Tannenbaum's other books were "Crime in the Community," (1938), "The Philosophy of Labor" (1951) and "Ten Keys to Latin America" (1962) and "The Balance of Power in Society" (1969).

His first marriage, to Esther Abramson, ended in divorce. In 1940 he married Jane Belo, an anthropologist, who died last year.

He is survived by a brother, Louis T. of Elizabeth, N.J., and a sister, Mrs. Estelle T. Rothman of Riverhead, L.I.

Funeral arrangements were incomplete last night.

FREE ELECTIONS IN VIETNAM

HON. RICHARD L. OTTINGER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, January 19, 1970

Mr. OTTINGER. Mr. Speaker, much has been said and much has been written regarding free elections in Vietnam. In terms of our military involvement in Vietnam, this issue has been repeatedly cited as justification. It was discussed, albeit too briefly, when the House considered the Wright-Hays resolution.

An interesting and thought-provoking perspective on this issue is contained in a letter to the New York Times from Robert A. Dahl, Sterling professor of political science at Yale University. The letter appeared in the Times on December 29 and because many of my colleagues probably missed it, I present it for inclusion in the RECORD:

FREE ELECTION DOCTRINE

TO THE EDITOR:

In insisting on the principle that the people of South Vietnam are entitled to choose their own government in internationally supervised free elections, the House resolution in support of President Nixon raises questions that to my knowledge no one has answered since President Johnson first made this doctrine his own.

As an abstract affirmation of a moral principle, the proposition doubtless commands the agreement of most people who believe in democracy. As a foreign policy for the United States, the principle is vitally meaningless.

To begin with, why should we apply it only to the people living in the southern part of Vietnam? Why not apply it also to the people living in the northern part of Vietnam? Or in Taiwan? Mainland China? Burma? Or, for that matter, in Portugal, Spain, Czechoslovakia, the Soviet Union, South Africa and Egypt—to pick only a few examples?

Of nearly 150 nominally independent countries in the world, only in about two dozen do the people regularly exercise the right to free elections. For example, only three of the twenty Latin-American republics have enjoyed free elections throughout the past two decades. If the principle is to be enforced in southern Vietnam, why not in Haiti, Argentina, Paraguay, Peru, Cuba and a dozen other republics south of the border?

CONSISTENCY OF POLICY

The answer is that thoughtful Americans have known from the founding of the Republic that we cannot enforce throughout the world the moral right of all people to free elections. President Nixon implicitly recognized this point in his recent address on his Latin-American policy; for he has abandoned the Kennedy policy of giving special support to democratic governments in Latin America. Why enforce the policy in Vietnam but not in Latin America?

Suppose, however, for reasons not clearly stated, we do assume an obligation toward the people who happen to be living in southern Vietnam to protect their right to free elections. Do we assume that obligation indefinitely? If not, why not? If so, how?

Is it not highly reasonable to think that after an election or two in South Vietnam, a non-democratic government would emerge? And that free elections would no longer be permitted? If so few countries in the world managed to preserve free elections, is it likely that Vietnam will be a miraculous exception? And if Vietnam were to follow the most plausible course and, after an election or two, become a dictatorship, must we then intervene to insure free elections? If now, why not later? If not later, why now?

Because of the past, present, and probable future costs of such a commitment, President Nixon should provide us with answers to these questions.

ROBERT A. DAHL.

THE PHILADELPHIA PLAN—NATIONALIZED LABOR

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, January 19, 1970

Mr. RARICK. Mr. Speaker, it has been interesting over the holidays to follow the farfetched theories and the highly imaginative "in depth" analyses of the vote of this body on amendment 33 by the other body to the supplemental appropriation bill. Somehow the vote on pure surplusage—an unnecessary restatement of existing permanent law—has been discovered by the commentators to be loaded with a "civil rights" meaning and has been ballyhooed as congressional approval of the so-called Philadelphia plan, the most recent outcropping of the egalitarian doctrine of racial proportions.

The law of the land—title VII of the Civil Rights Act of 1964—specifically forbids racial hiring quotas, for any reason whatsoever. The Budget and Accounting Act of 1921 is a plain and simple statement by the Congress—the law of the land, if you please—that the decision of the Comptroller General with respect to the legality of the expenditure of appropriated funds "shall be final and conclusive upon the executive branch of the Government." The Philadelphia plan, based on Executive Order 11246 promulgated by then-President Lyndon Johnson on September 24, 1965, requires "every good-faith effort" on the part of certain construction contractors to meet the forbidden racial hiring quotas.

The Comptroller General, performing his statutory duty under the law, held the expenditure of appropriated funds in such a manner to be in violation of the Civil Rights Act of 1964. As a matter of law, his holding is final and conclusive.

The Philadelphia plan, as well as any other scheme for the instant equality of unequals, has hidden pitfalls for all Americans. The supposed beneficiaries and their purported benefactors can easily awake to find that they have been devoured by a monster of their own creation. A gentleman by the name of Adolph Hitler carried just such a scheme to its logical conclusion.

Quota assignment to jobs by racial percentages, and without regard to qualification, implies the full panapoly of forced labor, busing, and the destruction of labor unions. There is no room in such a situation for free labor, for any contract negotiation, for such hard-earned rights as labor seniority.

The new catch phrase of "compensatory seniority" is rightly recognized by every working man in this country as a threat to him, to his job, to an important right for which he has worked and struggled. He is not going to permit anyone to sell him out—to take from him what he has earned. It behooves some to remember that these men are also taxpayers—and voters.

It may take a little longer, but management will soon awaken to the ultimate objective of such a scheme. The much vaunted "cooperation of the private sector" is to be procured by a Federal blackjack on every job, more inspectors, more redtape, more daily problems, and the constant threat that at any moment the job will be shut down—the contract canceled.

Nor should consumers consider themselves immune from quota hiring of the unqualified. The constantly deteriorating quality of workmanship in products on the American market will become more and more noticeable as more and more inexperienced, unqualified, and unconcerned employees come on the job. Since every discharged employee is potential "civil rights" case, as well as a threat to contract continuance, prudent managers will simply add other employees to perform the duties of those unable or unwilling to work. This type of "featherbedding" simply adds to the cost of the product—and the added cost is borne by the ultimate consumer.

Negroes who were led to believe that school integration was for their benefit have now seen the result, and they do not like it. They did not expect that they would also be deprived of their freedom of choice. They did not expect that their children would be bused to distant schools, be deprived of the chance to play on their school teams, be elected to class office, act in the class play, and participate in the social life of the school. But the doctrine of racial proportions, carried to its logical conclusion, even in flagrant violation of the law of the land, requires a fixed percentage of each race in each school, and the Federal courts have decreed that they shall go whether they desire to do so or not.

Is there any reason to believe that the courts will not devise a means to implement racial employment quotas, if necessary, by similar methods?

Mr. Speaker, we must renew our understanding of one of the great truths of our times. That is simply that the sole proper function of government, at any level, is to protect us from each other. When government seeks to direct our lives for us, when it seeks to control the manner in which we earn our living, or educate our children, or select our residence, it is nothing short of usurpation and tyranny.

In the Philadelphia plan—a logical outgrowth from the doctrine of racial proportions which has been illegally applied to our schools—we see the precedent from which can arise a labor draft, the complete nationalization of all manpower. It is not simply a coincidence that the same ones who favor such a plan are loud in support of a compulsory term of "national service" for our youth. The Philadelphia plan is only the latest—and the boldest—step in the planned society.

I include the text of amendment 33, Comptroller Staats' letter to the editor of a local paper, and the scurrilous attack on AFL–CIO President George Meany by a leftwing columnist in my remarks:

AMENDMENT No. 33

353. H.R. 15209. A bill making supplemental appropriations for the fiscal year ending June 30, 1970, and for other purposes. On Mahon of Texas motion on Senate amendment in disagreement. (*Senate amendment No. 33: On page 16, line 11, insert:*

(*"Sec. 1004. In view of and in confirmation of the authority invested in the Comptroller General of the United States by the Budget and Accounting Act of 1921, as amended, no part of the funds appropriated or otherwise made available by this or any other Act shall be available to finance, either directly or through any Federal aid or grant, any contract or agreement which the Comptroller General of the United States holds to be in contravention of any Federal statute: Provided, That this section shall not be construed as affecting or limiting in any way the jurisdiction or the scope of judicial review of any Federal court in connection with the Budget and Accounting Act of 1921, as amended, or any other Federal law."*

(*Mr. Mahon moves that the House recede from its disagreement to the amendment of the Senate numbered 33 and concur therein.*) Dec. 22, 1969. (Failed.) Yeas 156, Nays 208, "Present" 1.

STAATS ON THE PHILADELPHIA PLAN

SIR: I have read with a great deal of interest the editorial entitled "Jim Crow Defeathered," which appeared in the December 23, 1969, edition of The Evening Star.

It is most unfortunate that the controversy over the "Philadelphia Plan" developed into a civil rights issue rather than one involving the basic question of whether the Congress, acting through the Comptroller General or the executive branch, has the final authority to decide on the legality of the expenditure of appropriated funds.

We have made it clear on a number of occasions that we are not against greater opportunities for minority groups. However, we believe that actions taken by the executive branch in achieving this objective must be in accord with the laws enacted by the Congress. We think that the "Philadelphia Plan" is clearly in conflict with Title VII of the Civil Rights Act of 1964.

The real question involved is the unwillingness of the Department of Labor and the Department of Justice to accept the authority of the Comptroller General to rule on the legality of the "Philadelphia Plan," involving the use of appropriated funds to achieve greater opportunities for minority groups in carrying our federal and federally-assisted construction contracts. The Comptroller General's authority goes back to the Budget and Accounting Act of 1921 which provides that his decision with respect to the legality of the expenditure of appropriated funds "shall be final and conclusive upon the executive branch of the government." His decisions are not binding on the courts.

The "Philadelphia Plan" is based upon Executive Order 11246 of September 24, 1965. The Plan requires "every good faith effort" on the part of the contractor to meet certain numerical goals in the hiring of minority workers as a condition for receiving a contract using federal funds. A bidder who failed to agree would not receive an award even though he may be the low bidder. Any bidder who receives a contract may have it cancelled if he is found not to have made "every good faith effort" to meet the goals specified. He can also be debarred from bidding on any future contracts involving the use of federal funds.

The Department of Labor and the Department of Justice are in agreement with us that a specific numerical hiring requirement or "quota" is illegal. We ruled last August that a goal or target fixed as a range likewise did not meet the statutory test of the Civil Rights Act of 1964 which prohibits quotas or discrimination in hiring, particularly when coupled with severe penalties which would result from administrative judgments on the part of the executive branch agencies as to whether "every good effort" had been made by a contractor to hire at least a minimum number of minority group employes.

The Attorney General, in his opinion of September 22, 1969, following our August decision, concluded by saying: "I hardly need add that the conclusions expressed herein may be relied on by your department and other contracting agencies and their accountable officers in the administration of Executive Order 11246." He is, therefore, saying that he will support in litigation any action taken by an executive agency to implement the Plan even though the Comptroller General rules that payment in a given case is illegal and holds the certifying or disbursing officer accountable. This is the first time in nearly 50 years that an Attorney General has openly challenged the authority of the Comptroller General in this respect.

If the Attorney General's ruling is allowed to stand, as a precedent, any agency not satisfied with a Comptroller General's ruling could obtain a review of the legislative branch decision by the Attorney General—as the Labor Department did in this case.

In the past when the Comptroller General has issued rulings which held that executive branch programs were not authorized, the agencies involved have usually gone to the Congress to obtain specific authorizing legislation. There are many such examples.

In other cases modifications have been made to meet the specific objections raised by the Comptroller General. We were willing to consider such modifications in the "Philadelphia Plan" case but none were suggested by the Department of Labor.

It should be pointed out that the legislative branch, unlike the executive branch, has no way of bringing this type of case into the courts for litigation. Only the Attorney General has authority by law to bring such suits or to defend the Government's position if such suits are brought by private parties. It is unlikely that the Attorney General would change his position in this case.

ELMER B. STAATS,
Comptroller General of the United States.

[From the Washington Post, Jan. 18, 1970]

MEANY—A MAN TIED TO THE PAST

(By Hobart Rowen)

It's impossible not to have a certain degree of admiration for George Meany, president of the AFL–CIO. Just on the score of durability, the crusty old plumber deserves credit: he has outlasted Walter Reuther and all other labor leaders who from time to time had the temerity to aspire to his job.

But Meany's ties are to the past—and this never came through more clearly than in his National Press Club speech the other day denouncing the Philadelphia Plan—George Schultz's program for attacking discrimination against blacks in the building trades.

Meany argued that since the unions have abandoned their notorious discriminatory practices, and are now better-behaved, the problem of providing equal opportunity for blacks should be left to those unions.

He cited the unions' "Outreach Program"—apprenticeship training in the building trades—and portrayed the AFL–CIO as being far ahead, even of President Kennedy, in furthering civil rights for blacks.

Well, Mr. Meany is not very convincing. He gave himself away in this illuminating response in the question-and-answer period following his address:

Q. Why does it take five years to train a craftsman in the building trades when the Air Force found it can take a boy off the farm and train him to be a bomber and navigator in six months?

MEANY. Well, it takes much more knowledge to be an all-around plumber than it takes to be a navigator.

That response was completely disingenuous. It takes training to become a plumber or an electrician, but how much? And how relevant are the union's training programs to the technology of today?

The feeling that came through to many of Mr. Meany's audience was that outmoded training schedules have become a convenient device through which the white-dominated building trades carefully regulate the number of blacks they let in.

Advancing technology in construction raises the key question: does every carpenter, plumber or electrician need to learn and know the whole range of skills that used to be necessary in the "good old days"?

For example:

It takes four years, the way the unions have it set up, to train a carpenter. Yet, the function of many carpenters on today's typical construction job is to build the wooden forms into which concrete is poured. But it takes only 90 days at most to train a man to build such forms. Obviously, many unskilled or semiskilled blacks (and whites) could be quickly qualified for such jobs. But the standard union response is: "Now you're asking us to lower our standards."

In certain areas of the country, installation of carpeting over a concrete slab floor must be done by a carpenter. But against the four-year training program for carpenters, a carpet-layer can be trained as an expert in six to eight weeks.

Such examples are typical of today's trend; with much construction pre-fabricated, it takes fewer and fewer skills on the job to actually put up a home or an office building.

But the building trade unions desperately hang onto their old ways, and the archaic apprentice programs continue as a device to protect available jobs for those already in the union.

It would seem, therefore, that the pressure being brought to bear by the government through devices such as the Philadelphia Plan are thoroughly warranted.

Without the prod of a fixed quota of blacks, according to their availability in a given area, the unions will drag their feet, and do the minimum possible. Like the Southern school systems which have been ordered to integrate, the building trades will do just enough to get by. And that isn't enough.

Mr. Meany himself admitted that when he was a young man when he said "my union . . . discriminated against everybody. It had an even-handed policy of discrimination. They wouldn't take anybody in. Well, that has been changed. Times change."

The problem is that the unions haven't changed enough. Anti-black prejudices are still pervasive. (In the District of Columbia, where 99 per cent of the hod-carriers are black, the business agent and the area manager are white.)

When Mr. Meany excuses the trade union movement because it merely mirrors the prejudices of the whole country, he is confessing that his leadership has failed on this issue, and that it takes outside pressure by the government to help break the cycle of discrimination.

Labor Secretary George Shultz should be applauded for taking the initiative. If he continues to encounter AFL–CIO resistance, the government might inaugurate its own training programs (on a realistic, not 19th century plan), pay the men getting the training for whatever number of weeks is involved, and turn out as many sheet-metal workers, plumbers, electricians and so on that are needed.

Of course, such government-trained craftsmen couldn't work on major projects, unless the unions take them in—which they should do.

That might strike a blow not only for civil rights and more jobs for blacks—it might help bring down the artificially high cost of housing for which the unions are partly responsible.

[From the Washington Post, Jan. 18, 1970]

DEVELOPMENT BANK LOANS UP

The Inter-American Development Bank made loans totalling a record $631.5 million during 1969, President Felipe Herrera announced last week.

The 10-year-old development agency's previous lending high was $496.4 million in 1967.

In a year-end review, Herrera noted that the 67 loans approved in 1969 brought the bank's total lending since 1960 to more than $3.4 billion.

He emphasized that these 565 loans (all since 1960) have generated development projects with a total cost of nearly $10 billion.

"The Latin American countries themselves are putting up two-thirds of the total cost of the projects which the bank is helping to finance," Herrera said.

During the year, the bank added its second and third Caribbean members—Barbados last winter and Jamaica at the year end—to bring its membership to 23 hemisphere nations. Under the bank's charter all but the United States are eligible to receive loans for approved development projects.

Mr. Speaker, I also include an article from the November 1969 American Bar Association Journal:

EXECUTIVE ORDER 11,246: EXECUTIVE ENCROACHMENT

(By James E. Remmert)

(James E. Remmert is a member of a major corporation's Dallas legal department and was formerly a member of the American Bar Association staff in Chicago. He is a graduate of the University of Wisconsin (B.B.A. 1959, LL.B 1962).)

Section VII of the Civil Rights Act of 1964, forbidding discriminatory employment practices, was the product of legislative compromise. Executive Order 11,246, issued by President Johnson in 1965 and applicable to Government contractors, was the product of unilateral Executive judgement and consequently not only forbids discriminatory employment practices but requires employers to take affirmative action to ensure against them. Will the Executive always be serving a good cause when he uses the contract power to skirt the legislative process?

The Civil Rights Act of 1964 was made the law of the land amidst great controversy, extended debate and considerable compromise. With far less controversy or compromise and with no Congressional debate, President Johnson on September 24, 1965, signed Executive Order 11,246, the latest in a series that has played at least as significant a role in implementing the objective of equal employment opportunity as has Title VII of the 1964 Civil Rights Act.[1] Section 202(1) of

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Footnotes at end of article.

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this executive order, as amended, requires that every employer who is awarded a Government contract or subcontract that is not exempted by the Secretary of Labor must contractually undertake the obligation not to "discriminate against any employee or applicant for employment because of race, color, religion, sex or national origin".

Since Title VII of the 1964 Civil Rights Act had to endure the rigors of passing both houses of Congress, it is the product of compromise attendant upon the legislative process. Executive Order 11,246, by comparison, was the responsibility of only the President. Consequently, it imposes much broader substantive obligations, and the procedure adopted for its enforcement conveys to the enforcing agency significantly more authority than was given to the Equal Employment Opportunity Commission by the 1964 Civil Rights Act.

Evidence of the broader substantive obligation imposed by Executive Order 11,246 is the fact that Title VII imposes only the obligation *not* to do that which is prohibited, *i.e.*, discriminate on the basis of race, color, religion, sex or national origin. By comparison, Executive Order 11,246 not only requires that Government contractors and subcontractors not discriminate but also that they "take *affirmative action* to ensure that applicants are employed, and that employees are treated during employment, without regard to their race, religion, sex, color, or national origin [Section 201(1); emphasis supplied]". Regulations issued by Secretary of Labor Willard Wirtz under authority of Executive Order 11,246 further require that Government contractors and subcontractors develop a "written affirmative action compliance program" [2] documenting the steps they have taken and setting goals and timetables for additional steps to fulfill the "affirmative action" obligation. The submission of these written programs has also been imposed as a prerequisite to the award of some Government contracts. However, on November 16, 1968, Comptroller General Elmer B. Staats ruled that "until provision is made for informing bidders to definite minimum requirements to be met by the bidder's program and any other standards or criteria by which the acceptability of such program would be judged",[3] contract awards must be made to the lowest eligible bidder without reference to the affirmative action program.

PRESIDENT SIMPLY TOOK POWER THAT CONGRESS WOULDN'T GIVE

That the Executive was willing to assume by executive order significantly greater enforcement authority than Congress was willing to convey to it can be seen by comparing the adjudicatory processes under Title VII and Executive Order 11,246. If an employer disagrees with the Equal Employment Opportunity Commission over the legal requirements imposed by Title VII, or if the employer is unable to comply with the remedies proposed by the commission to rectify a discriminatory practice, he may have traditional recourse through the judicial process before any sanction is imposed. To the contrary, however, the regulations issued by Secretary of Labor Wirtz for the administration of Executive Order 11,246 provide that upon request for a hearing to adjudicate a contractor's or subcontractor's compliance with the executive order, the Secretary of Labor's designee may suspend all contracts or subcontracts held by the employer pending the outcome of the hearing.[4] In addition, as a part of the adjudicatory process, the agency responsible for investigating or supervising the investigation of a contractor's compliance and prosecuting those contractors alleged to be in noncompliance is also responsible for imposing the sanctions of cancellation and suspension from participation in Government contracts.[5] In other words, the chief investigator, prosecutor and final judge with respect to cancellation and suspension of Government contracts is the Department of Labor.

WITH THE CONTRACT POWER, WHO NEEDS CONGRESS?

These substantive and procedural contrasts between Title VII of the 1964 Civil Rights Act and Executive Order 11,246 illustrate the considerable power that the Executive can acquire by pursuing a social objective through the use of the contract power in addition to or in place of legislation. Such broad and sweeping powers are premised on the concept that the Federal Government has the "unrestricted power . . . to determine those with whom it will deal, and to fix the terms and conditions upon which it will make needed purchases".[6] This power is founded on the premise that in the absence of a Congressional prohibition or directive the Executive branch is free to enter into contracts on whatever conditions and provisions are deemed to promote the best interests of the Government.[7]

Without question, Executive Order 11,246 has done much to advance the cause of equal employment opportunity, because the Federal Government's bargaining position enables the Executive to require such terms as are found in this order as a condition to a United States Government contract. Once such a broad and sweeping obligation is accepted, the accepting contractor or subcontractor is in an untenable position to oppose steps that are required by the administering agency with respect to the conditions covered by the contract.

To illustrate the impact of this use of the Executive's contract power, one need only consider a list of the top 100 corporations and institutions holding Defense Department contracts.[8] These corporations are understandably some of the largest in the United States and collectively employ well over ten million persons. Even though the list does not include contractors with any department other than Defense or the many subcontractors involved in Defense Department prime contracts, it aptly illustrates the significant indirect control which the Executive can exert over the private sector of the economy by use of the contract power.

There is very little case law deciding the extent to which the President may by executive order impose ancillary conditions to Government contracts. Some have questioned the validity of Executive Order 11,246 on the ground that the Executive does not have the authority to impose conditions that are unrelated to the purposes for which Congress appropriated funds [9] and on the basis that the affirmative action obligation conflicts with provisions in the 1964 Civil Rights Act. These provide that preferential treatment on the basis of race, color, religion, sex or national origin is not required to correct an imbalance.[10] However, at least one federal district court [11] and two United States courts of appeals [12] have said that Executive Order 11,246 has the full force and effect of statutory law. If these courts are correct and the order is a valid exercise of the Executive's contract power, then some examination of the potential extension of this power is in order.

Although the writer is unaware of any publication listing all firms holding competitively bid or negotiated United States Government contracts or subcontracts, it is the writer's belief that the vast majority of the major commercial enterprises in this country and a great many not-for-profit institutions and smaller commercial enterprises hold one or more Government contracts or subcontracts. Consider, for example, the diverse scope of the organizations holding Government research grants, the utilities and communications services used by federal installations, the dependence of such industries as automotive, aircraft, shipbuilding and munitions on Government contracts, the heavy reliance of the construction industry on such programs as urban renewal and highway construction sponsored by federal funding, and the entrenchment of United States Government financing and deposits as a factor in the financial institutions throughout the country.

WHERE DOES THIS PRECEDENT LEAD?

Consideration should also be given to some of the possible future applications of the concept behind Executive Order 11246. The contract power could be used to circumvent the intrastate-interstate dichotomy that has to some extent precluded complete preeminence of the Federal Government in such fields as air and water pollution control, regulation of common carriers and labor relations. One extension already suggested by the AFL–CIO is the debarment of Government contractors found to have committed flagrant unfair labor practices.

Another avenue for extension of the Executive's contract power is in areas within federal jurisdiction but which Congress has left unregulated or has regulated only to a lesser extent than that deemed desirable by the Executive. An example of this use of the contract power is found in Executive Order 11246. In enacting Title VII of the 1964 Civil Rights Act, the Congressional consensus was that the prohibition against discrimination on the basis of race, color, religion, sex and national origin was sufficient to accomplish the objective of eliminating employment discrimination on such bases.

The Executive, however, felt that the then-existing executive order prohibiting discrimination by Government contractors did not go far enough in dealing with the objective of equal employment opportunity, and thus the affirmative action obligation was added to place a greater responsibility on Government contractors.

By using the contract power, the Executive could accomplish many objectives deemed desirable without using the legislative process so long as the particular contract clause does not conflict directly with a federal statute. Thus, this technique affords the Executive a limited bypass of the legislative process and gives it the power to give its objective "the force and effect given to a statute enacted by Congress" [13] without the concurrence of Congress.

Several questions should be answered before this procedure proliferates. The first is whether the concentration of this power in the hands of the Executive is desirable in view of the fact that it allows the President to carry an objective into effect without resort to the legislative process established by the Constitution. In this connection, it is significant to note that Congress considered sanctioning the Executive's use of the contract power to achieve equal employment opportunity but rejected the idea. The original House bill (H.R. 7152) that eventually became the 1964 Civil Rights Act, after numerous amendments, contained a Section 711 (b), which read as follows:

"The President is authorized to take such action as may be appropriate to prevent the committing or continuing of an unlawful employment practice by a person in connection with the performance of a contract with an agency or instrumentality of the United States."

During the consideration of H.R. 7152 by the House, Congressman Emanuel Celler (D. N.Y.) sponsored an amendment to eliminate this section of the bill. The amendment was accepted by the House, and in the course of the discussion Congressman John Dowdy (D. Tex.) voiced the view that, "Many of us have felt section 711 to be a highly dangerous section of the bill and accordingly much of our debate has been predicated upon the fact that this language should be removed." [14]

With reference to Executive Order 11,246, it has been argued that although this use of the contract power is extraordinary the need for equal employment opportunity justifies this departure from traditional concepts. Those who would rush to the conclusion that the cause of equal employment opportunity does justify a departure from the legislative process would do well to remember that the sword of Executive power cuts in two directions. Thus, the first question that should be considered in connection with Executive Order 11,246 is not whether equal employment opportunity should be pursued but whether this means is consistent with the basic framework and power balance with which our form of government has successfully endured ennumerable crises over the last two centuries.

HISTORY THAT SHOULD BE REPEATED

At another time in our nation's history, the Supreme Court had occasion to consider whether a crisis of similar magnitude justified an expansion of Executive power. In holding that President Truman's executive order seizing the steel mills during the Korean conflict was unconstitutional despite the pending emergency, Justice Douglas in a concurring opinion gave the sage advice that:

"The language of the Constitution is not ambiguous or qualified. It places not *some* legislative power in the Congress; Article 1, Section 1 says "All legislative Powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives.

"Today a kindly President uses the seizure power to effect a wage increase and to keep the steel furances in production. Yet tomorrow another President might use the same power to prevent a wage increase, to curb trade-unionism, to regiment labor as oppressively as industry thinks it has been regimented by this seizure." [15]

In a separate concurring opinion in the same case, Justice Jackson expressed a similar view concerning the overreaching use of Executive power that is highly relevant and appropriate to the concept behind Executive Order 11,246:

"The opinions of judges, no less than executives and publicists, often suffer the infirmity of confusing the issue of a power's validity with the cause it is invoked to promote, of confounding the permanent executive office with its temporary occupant. The tendency is strong to emphasize transient results upon policies—such as wages or stabilization—and lose sight of enduring consequences upon the balanced power structure of our Republic." [16]

CONGRESS DOES NOT BELONG ON THE SIDELINES

Congress should give thoughtful consideration to and develop a considered national policy on the use of the contract power exemplified by Executive Order 11,246 rather than stand on the sidelines and allow its proliferation without Congressional guidance. Congress should decide the kind of contracts and the kind of ancillary obligations that it will allow the Executive to impose in disbursing the funds that Congress appropriates. A mechanism should be established that will insure a legislative watchdog over the Executive's use of the contract power and will allow the Executive sufficient flexibility to administer efficiently the disbursement of Congressional appropriations.

With specific reference to Executive Order 11,246, Congress should eliminate the double standard that now exists between employers generally, who are required not to discriminate by Title VII of the 1961 Civil Rights Act, and employers who, as Government contractors, are subject to a different standard and a different enforcement procedure in measuring their compliance with the obligation. The identical obligation imposed by Title VII of the 1964 Civil Rights Act should apply, procedurally, substantively and with equal vigor to Government contractors without reference to the extraordinary obligation to take "affirmative action". There is no justification for the multiplicity of government agencies enforcing Title VII of the 1964 Civil Rights Act and Executive Order 11,246. At present, the Equal Employment Opportunity Commission, the Office of Federal Contract Compliance and every agency that awards Government contracts are all involved in enforcement activities. This duplication has produced inconsistent enforcement standards, confusion and a wasteful use of Government manpower and resources.

Congress should immediately take appropriate steps properly to realign Congressional and Executive authority, and in doing so it might well consider some further words from Justice Jackson's concurring opinion in *Youngstown Sheet & Tube Company* v. *Sawyer*. In referring to the overextended use of the executive order, Justice Jackson said:

"Such power either has no beginning or it has no end. If it exists, it need submit to no legal restraint. I am not alarmed that it would plunge us straightway into dictatorship, but it is at least a step in that wrong direction.

"With all its defects, delays and inconveniences, men have discovered no technique for long preserving free government except that the Executive be under the law, and that the law be made by parliamentary deliberations." [17]

FOOTNOTES

[1] 42 U.S.C. § 2000e.

[2] 41 C.F.R. § 60–1.40.

[3] Comptroller General's Letter B–163026.

[4] 41 C.F.R. § 60–1.26(b) (iii).

[5] 41 C.F.R. § 60–1.24 and 41 C.F.R. § 60–1.27.

[6] *Perkins* v. *Lukens Steel*, 310 U.S. 113, at 127 (1940).

[7] *Kern-Limerick* v. *Scurlock*, 347 U.S. 110 (1954).

[8] TIME, June 28, 1968, at 72.

[9] See Pasley, *The Nondiscrimination Clause in Government Contracts*, 43 VA. L. REV. 837 (1957).

[10] 42 U.S.C. § 200c–2 (j).

[11] *United States* v. *Local 189, United Papermakers & Paperworkers*, 282 F. Supp. 39, 43 (E.D. La. 1968).

[12] *Farkas* v. *Texas Instrument*, 375 F. 2d 629. 632 (5th Cir. 1967), and *Farmer* v. *Philadelphia Electric Company*, 329 F. 2d 3, 8 (3d Cir. 1964).

[13] *Farkas* v. *Texas Instrument*, 375 F. 2d at 632.

[14] 110 CONG. REC. 2575 (February 8, 1964).

[15] *Youngstown Sheet & Tube Company* v. *Sawyer*, 343 U.S. 579, at 630, 633–634 (1952).

[16] 343 U.S. at 634.

[17] 343 U.S. at 653, 655.

ERNEST PETINAUD'S BIRTHDAY

HON. THOMAS P. O'NEILL, JR.

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 20, 1970

Mr. O'NEILL of Massachusetts. Mr. Speaker, last year on January 20, there was a huge parade down Pennsylvania Avenue and many parties that lasted through the evening. I thought then that it was a wonderful way to celebrate Ernest Petinaud's birthday. I am only sorry that his birthday is not celebrated in such fashion every year instead of every 4 years.

Today is the 65th birthday of one of the finest gentleman ever to grace the Capitol. For 33 years as maitre d' of the House Restaurant, Ernest Petinaud has made life more enjoyable for thousands of Members of this body. His service to the House has not been only competent but has reached perfection. He performs his duties with dignity, great thought, and amazing creativity. I know that I and many of my colleagues have often considered his performance as bordering on the miraculous. He is able to make Members, constituents, and honored guests feel welcome and at home. He is a gracious man, charming and urbane, who in his work and personally, shows the marks of a true gentleman. He should be honored for his great service, but more than that I value and appreciate his friendship.

It has been my pleasure and privilege since 1952, when I first came to Congress, to have Ernest Petinaud as my friend. He is a kind man, whose words and acts are thoughtful and considerate. In his 33 years of service to the Members of the House, he has lent grace and dignity to this body and has served all Members and their guests with courtesy, dedication, and good will. I wish him a happy 65th birthday and hope he will enjoy many many more.

REACHING THE UNREACHABLE AT SCHOOL

HON. MARLOW W. COOK

OF KENTUCKY

IN THE SENATE OF THE UNITED STATES

Tuesday, January 20, 1970

Mr. COOK. Mr. President, in these days of constantly rising juvenile delinquency and corresponding public concern, I was extremely heartened by the following report. I am indeed proud of the dedication and foresight shown by Dr. Newman Walker, superintendent of public schools in my hometown of Louisville, Ky., and the other fine people involved in the highly successful program, "Reaching the 'Unreachable' at School." Not only does this program point the way to a reduction in crime and a great saving in public funds, but equally important, the salvaging of a large segment of our society for useful and fulfilling lives. I most strongly commend the report and ask unanimous consent that it be printed in the RECORD.

There being no objection, the report was ordered to be printed in the RECORD, as follows:

REACHING THE "UNREACHABLE" AT SCHOOL

(NOTE—This is included in the Kentucky State Crime Commission Report and has also been submitted to Readers Digest.)

This report and most national studies of delinquency emphasize the critical nature of a youth's educational experience in the development or avoidance of a delinquent career. Not only are school dropouts overly represented in the delinquent population, but it is found that delinquents are far more likely to have had unsuccessful school experiences.

In studying methods whereby delinquency might be prevented, the dropout prevention program of the Paducah school system stood out as one the really outstanding efforts in the nation. Significantly it tackles many of the same problems that were listed in Chapter II as being causative factors in the making of a delinquent.

The program was developed by Dr. Newman Walker, a member of the Kentucky Crime Commission, while superintendent of the Paducah Schools. This fall he accepted a new position as superintendent of the schools in Louisville—a city, incidentally, that has the second highest dropout rate in the nation.

It was the second day of school. Lennie,[1] a black boy of 15, three weeks out of a juvenile delinquency institution, wandered around the empty hall. Occasionally he stopped to test the combination on a student locker. Watching the scene, Mrs. Jessie Beasley, the school director, finally asked the boy where he was supposed to be. The mild question evoked a torrent of cursing and sexually threatening words. But the outburst failed to elicit the expected response—a sharp reprimand and a threat of expulsion.

Instead Mrs. Beasley listened attentively. As the boy's tirade spluttered to a halt, she placed her hand on his arm. "Lennie, you must really feel angry about school." Even a boy trying to be expelled could feel her sincerity. "Talking like that made you feel better for the moment, didn't it?" Lennie nodded. "But did it change anything? Would you like to talk about what's really troubling you? Maybe we can change it."

Thus Lennie was introduced to Project 8, a dropout prevention program of the Paducah, Kentucky, school system—an innovative approach so successful that it is being viewed as a model by school administrators all across the nation. In it is hope for the million American youths who drop out each year.

The approach is simple: change the school to fit the child's needs, instead of trying to change the child to fit the convenience of the school. And the approach is working. Take, for example, the matter of discipline. With this group of previously unmanageable, habitually truant youths, discipline is maintained merely by the threat (seldomly invoked) of being sent home for the day. School has become too exciting to miss.

This tradition-defying model exists because of a superintendent who believes that schools should reach the human potential of *every* child, and equally as important, a school board that dares to back him up.

Dr. Newman Walker had been in Paducah only three years when his curriculum innovations began to receive state and nationwide attention. In 1966 he was named by the U.S. Jaycees as one of America's four outstanding young educators. Despite the accolades, however, Dr. Walker knew his system was falling short. That year the high school graduating class contained only 68 percent of the students who had entered junior high school. The dropout rate was only slightly lower than the state average of 34 percent, and Kentucky had the second highest rate in the nation.

Dr. Walker instructed his staff to arrange an "exit" interview with every dropout. In the first objective—to persuade the student to remain in school—they failed. Only two percent reversed their decision. Concern had come too late. In the second objective—to find the reason "why"—an array of data was collected. When analyzed, a clear explanation evolved.

"Students drop out," Dr. Walker now explains, "simply because they have basic human needs which are not being met by the school."

Sometimes these needs are physical, such as health or finances. But most often they are psychological—the need to feel acceptance and respect, the need to feel some measure of success and personal worth. Most dropouts (but not all) come from low socioeconomic backgrounds, frequently from broke nor weak family structures. From birth they have experienced these unmet basic needs.

"But the school, itself," Dr. Walker told his board, "must accept a major share of the responsibility for the negative self-concept of the dropout. We have been emphasizing his failures instead of his successes, his weaknesses instead of his strengths, and his unimportance instead of his worth as a human being. Rather than help him overcome the shortcomings of his environment, we strengthen and confirm his poor self-concept."

Early academic failure and the feeling of rejection cause low self-esteem. This in turn leads to hostile attitudes and anti-social behavior. To such a child the traditional school says, "shape up or ship out." And because he is ill-equipped to "shape up," he is banished to a world of limited opportunity and delinquent values. This is the dynamics of failure which entraps one-fourth of the nation's children. "To break this pattern," Walker said, "it will be necessary to scrap some old concepts and take a radically new approach."

The board accepted the challenge. Project 8 was born.

During the summer of 1968, the fourteen teachers who had volunteered to take part in the experiment were given intensive training in techniques of reaching disinterested and underachieving youths. Then from the 1,650 junior high enrollment (the place where most dropouts occur), the 150 showing the greatest dropout potential were selected.

While all were intellectually capable (a few even had soaring I.Q.'s), all were academic failures. All had serious behavior problems. Truancy was common. Most had police records; many were "graduates" of delinquency institutions. Half were Negro; two-thirds were boys.

This unpromising group was assigned to a remodeled building adjacent to the Jetton Jr. High School. "When they arrived here," one of the male teachers explained, "they felt the whole world was against them. They were hostile to everyone . . . the school, society in general, and even their peers." Most carried and brandished large pocket knives, to them a symbol of protection from a hostile world. "They refused to take us for real. Time and again they tried us out, each time expecting us to react punitively and vindictively. The break-through in academic progress came only after they finally realized that we genuinely cared."

Four "academic" subjects are offered: Language skills (reading, writing, spelling), math, social studies, and science. But these have slight resemblance to traditional classes. Take reading, for example. Sophisticated, individually controlled reading machines permit each student to work at his own level and to progress at his own rate. No grades are given (nor elsewhere in the Project), but high praise is awarded for progress. There is no failure; only success is possible. And success is an exciting stimulant.

Math likewise is individualized, starting below the student's level to build his confidence. Social studies are based on biographies of historical persons. The class also becomes a newspaper staff with each student reporting the significant events in his field of "expertise"—sports, foreign, local, school, etc. Science is centered around planning for the week-long trip that each class takes to the Land-between the Lakes—a 5,400 acre educational area set aside by T.V.A., complete with dormitories and dining hall. In anticipation of the trip, the students study the plants and animals of the region, its geology and archaeology.

But as no particular subject matter is considered sacred, any class is subject to momentary change according to need or interest. One afternoon a language teacher, Mrs. Julie Banks, found a note which one of the 8th grade girls had "accidentally" left. In it the girl had poured out her frustration. The alert teacher realized that many of the students, like this girl, yearned to communicate but were too insecure to do it face to face. So each student was given a notebook as his personal journal. Three times a week, for fifteen minutes, they were instructed to write in it anything about themselves—their experiences and concerns.

The teachers write detailed comments in each journal—praise for a well expressed passage, advice about a problem. But no mispelled words or grammatical errors are marked. Not one word of criticism! (Psychologists call this "learning by positive reinforcement.") The results? Communications opened—and writing skills have zoomed.

All special classes are held in the morning. To keep the Project students integrated with the entire student body, they eat lunch at the main building and in the afternoon attend regular "enrichment" courses—physical education, music, industrial arts, home-economics, or fine arts. A group of older boys spend half a day at the area vocational training school.

Each class is handled by two teachers—if possible, a man and a woman; one white, one black. This permits one teacher to meet individual or small group needs as they arise. When four boys seemed determined to throw a language skills class into chaos, for example, Linda Donahue saw their behavior as a symptom—a need for attention. Would they go with her, she asked, to purchase books for the Project library? She *needed* their advice. What books would the students enjoy?

Excited with the experience, they had a bright idea. Why not go into the book business? The S and F Book Company (last initials of their names) was formed. With Mrs. Donahue's assistance, they negotiated a 20 percent discount from the book store, opened a bank account, and obtained permission to sell books three times a month during lunch period in the regular junior high schools. To properly advise their customers, the boys read or skimmed all books offered for sale.

During the year they sold 200 paper-back books. Detailed monthly financial statements were prepared. At the close of the school year, the unsold volumes were marked "Donated by the S. and F Book Company," and proudly presented to the Project library.

Disinterest is interpreted by the teachers as their own failure, not that of the students. So innovation is necessary. A group of the more emotionally disturbed girls would only mumble when asked to read aloud. The teacher proposed reading a play. When perfected, they could produce it on the school's closed circuit television. Animation was sparked by the vision of becoming a TV star. A male teacher taught good grooming to this same group by taking them to a dress shop. The proprietress spent the morning demonstrating appropriate outfits for various occasions. Later this new know-how was used in a class style show.

The Project utilizes successful techniques developed elsewhere. Among these are: Self-Enhancing Education from the Cupertino (California) School District; Problem Solving Techniques from the National Training Laboratory of NEA; and Human Potential Seminars from Kendal College, Evanston, Illinois. This latter technique focuses on what's right about the individual instead of what's wrong. For example, one day's subject was "Strength Bombardment."

Each of the ten youths listed his greatest strengths. Jeff admitted that he was a fair athlete, was good at making things, and didn't mind working at an interesting job. The group then added other strengths. One girl shyly mentioned his good looks, and an-

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[1] All students names are disguised.

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other that he made friends easily. A boy added that he was a good organizer—got ball games started. The teacher-leader suggested that Jeff followed mechanical instructions well. (Carefully avoided was any mention that last year Jeff flunked every subject, and had been twice picked up by the police.)

Next the group played a game: "I see Jeff five years from now." On the basis of the strengths elicited, the group saw him either as the head mechanic in a large garage, or as the foreman of a construction crew. For the first time Jeff caught some vision of what he might achieve as an adult.

Rules are kept to a minimum to avoid unimportant win-lose situations. If one of these students with low self-esteem deliberately disobeys a strict order (no gum chewing, for example) the teacher is trapped. To overlook the disobedience is to approve of lawlessness; to enforce the rule by punishment is to alienate the student even further. So disapproval of anti-social behavior is shown by other means, principally by praising good behavior.

"Reject a child," Dr. Walker says, "and he will reject your values. But if he feels accepted, he will want to be a good citizen." Profanity has almost disappeared. During two days of the last week, a Kentucky Crime Commission staff member heard only one curse word. A boy who cut his finger opening a pop bottle instinctively yelled, "damn it" . . . and quickly added, "excuse me." Unlittered hallways and unmarked restroom walls have come not from threats and demands, but from the growing sense of pride.

Many school problems stem from emotional problems at home. So not surprisingly some of the most dramatic changes have come from work with parents. (All parents are visited.) Take the case of the unmarried mother of five children, two of whom, a boy and a girl, were in the Project. The boy was belligerent toward everyone, even youths his own age. Any casual mention of a father—any father—Joe took as poking fun at him. He started fights senselessly. Classmates learned to leave him alone, increasing his hostility.

After the first of many parent-child-teacher conferences, the mother wrote a letter of appreciation. Never before, she said, had she realized what she was doing to her children. The fourteen-year old daughter reported she and her mother had begun to talk about "important things." Slowly change came in the boy. Watching the teachers treat his mother with dignity, and feeling their acceptance of him as an individual, he came to accept himself.

"Joe, like most Project students, probably won't ever make it to college," one teacher explained, "but he'll leave here able to hold down a decent job and to be a responsible citizen. And that's the point of education. Helping each child reach his full potential, whatever it may be."

Professional services in the community are utilized. Each Wednesday morning, Dr. Marlow Hartson of the area Mental Health Clinic conducts group therapy sessions at the school. Another Clinic counselor, Wallace Baggett, meets with some twenty Project parents on Tuesday nights. The 14 seniors in psychiatric nursing at Murray State University (40 miles away) spend one morning a week at the Project. Most of their work is with the parents of the child to whom each is assigned.

It would be nice to report that Project 8 had been 100 percent successful. But such an expectation would be unrealistic. It was an experimental program, continually changing. Techniques that didn't work were discarded; new approaches tried. Many of the children are so emotionally crippled by a lifetime of neglect that it will take more than nine months of therapy to change their attitudes and habits.

Achievement tests given at the beginning and end of the year show that the entire group gained more than the expected level. Some gains were dramatic, as the case of an adopted boy with an I.Q. of 138 who in September had shown only a 4th grade achievement. He jumped almost to the 9th grade level.

Altogether 176 were involved last year. During the year 18 showed sufficient improvement to be returned to the regular system. Approximately half are ready to go back this fall, while the rest will be held for another year of intensive care. With 11 youths, the staff admit failure. Of these, one girl was pregnant when school began, two were married, three boys were sent to state correctional institutions by the juvenile judge, and five others simply dropped out. Four of these were involved in the program for less than a month, one for only a single day.

To fail with only six percent of a group which showed a 100 percent dropout potential is undreamed of in educational circles. But success can be demonstrated in other terms. Broken school windows are a measure of student alienation. This year only one-fifth as many windows were broken as last year. Police report a drop of nearly 50 percent in vandalism. Judge Pelham McMurray reports a sharp decrease in juvenile court cases.

Last year Project 8 cost about $300 per pupil above the normal $400 spent by the school board. This investment is small in comparison with the nearly $4,000 per year cost of maintaining a youth in a state delinquency institution. (National studies indicate that approximately half of all juveniles arrested for stealing are unemployed dropouts.)

The U.S. Office of Education has carefully watched the Project. And they are impressed. In June the U.S. Commissioner of Education, James E. Allen, announced a $310,000 grant to extend the program throughout the Paducah system. (It was one of only ten dropout programs funded out of 387 applications—and the only one already in operation.) Three intensive care units, similar to Project 8, will be established for 4th, 5th and 6th grade students. It is the hope to reach these youngsters early—reach them *before* the pattern of failure and psychological hang-ups crystallize.

The most important feature in the expanded program will be intensive training for all teachers in the system. The intent is to change the attitudes of teachers toward disadvantaged youths and to provide them with skills to build the self-esteem of these youths. When this is accomplished, the need for Project 8 will disappear. School could become an instrument for developing the full potential of *all* youngsters.

UNITED STATES SHOULD TAKE LEAD TOWARD GREATER EXCHANGE RATE FLEXIBILITY

HON. WILLIAM S. MOORHEAD

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 20, 1970

Mr. MOORHEAD. Mr. Speaker, on several occasions in the last session of Congress, I pointed out the need for international monetary reform, and the dangers inherent in continuing a system of fixed exchange rates.

I am delighted that the International Monetary Fund is currently reviewing the exchange rate system, and I would urge the Nixon administration to support this study, with a view toward offering a realistic reform package for our international monetary affairs.

One of the best analyses of the problems involved, and the options available comes in an article by the very erudite and inventive Dr. Otmar Emminger, vice chairman of the Deutsche Bundesbank.

I enclose the Washington Post article of January 11 for the thoughtful attention of my colleagues:

Emminger Suggests Flexible Exchange

(By Dr. Otmar Emminger)

(Note.—The following article on exchange rate flexibility questions was written at the request of The Washington Post by Dr. Emminger, who has played a leading role in international financial affairs for the past many years. Many associates here and abroad give him a large share of the credit for successful evolution of the Special Drawing Rights plan adopted last year by the International Monetary Fund.)

The exchange rate system of the world is now undergoing review. The rules of the par-value system, as laid down in the Bretton Woods agreement were held inviolate for 25 years. Now the IMF has been asked by its governors, at their last annual meeting in October 1969, to investigate whether a limited increase in flexibility of exchange rate variation would be desirable and attainable with the necessary safeguards.

What is behind this rising doubt about the present system of fixed par-values for currencies—a system which, after all, has supported an unprecedented expansion of world trade during the past 20 years?

The doubts have mainly arisen out of the series of violent international monetary crises since the autumn of 1967. These crises have taught us a number of lessons.

First, major currencies can get so seriously out of line that national and international monetary equilibrium can only be restored by significant adjustments in currency parities, be it through devaluation (Great Britain 1967, France 1969) or through appreciation (Germany 1969).

Second, countries tend to resist such adjustments unduly long, for reasons of political prestige, or out of fear of leaping into the dark, or out of fear of rocking the international boat, or finally because of resistance by pressure groups.

Third, the results of these delays are: huge speculative flows, distortions in the structure of the respective economies, and in the end more massive and disruptive alterations in exchange-rate relationships than might have been required with timely adjustment.

A currency which has been undervalued for a prolonged period causes industry to become overly "export-oriented," while an overvalued currency makes industry develop a structural bias for the domestic market. If the 14.3 per cent devaluation of the British pound in November 1967 has taken 1½ years to produce significant results, this is to a large extent due to the preceding prolonged overvaluation and consequent mis-direction of the British economy.

How can we get speedier adjustment and avoid periodic exchange crises, without losing the advantages of a stable exchange-rate system? Freely floating rates without any fixed points of reference (as advocated by Professor Milton Friedman et al.) can in my opinion safely be ruled out. No one in any responsible position has up to now envisaged going to such extremes. What is under discussing is either a *"wider band"* or a system of *small and more frequent changes* in par values or a combination of both.

Widening the margins, within which market rates may fluctuate above and below par values, may mean very different things depending on the degree. If the widening is large enough—say: at least + or −5 per cent for other currencies against the dollar, which means + or −10 per cent between the other currencies themselves—it gets in practice very near to freely floating rates. Such a substantial widening does not at present find much support except perhaps as a transitional device for a single country in order to move towards a new, more realistic parity. There is more support for a very modest widening of the margins, say from the present + or −1 per cent, as permitted under the fund's statute, to + or −2 per cent above and below par.

This would not contribute significantly to the adjustment of payments imbalances. But it would slightly increase the possible swings in exchange rates and thus give central banks more operational elbow room against speculative flows. It was for this—and only for this—purpose that a modest widening was advocated at the last annual meeting of the fund by the British Chancellor of the Exchequer. Weighing the pros and cons, I would come out with a positive verdict in favor of introducing the legal possibility for a moderately wider band.

There is also something to be said for "legitimizing" the temporary adoption of a substantially wider band (or even complete freedom) as a transition to a new fixed parity, on the model of the "interim float" so successfully practiced by Germany for four weeks before settling definitely upon a new parity at the end of October 1969. But the introduction of such improved technicalities would hardly deserve the name of "reform." And we should beware of the illusion that many important countries would actually make use of such wider margins; not, for instance, the Common Market countries, except if they found a way to limit the wider band to exchange-rate relations outside the market while preserving narrower margins inside.

Sliding parities—Reformers who want better and speedier adjustment for payments imbalances look towards the other kind of limited flexibility, i.e. *small but more frequent changes* in exchange parities. If for instance the par value would be adjusted every two months by one third or one half per cent, this could easily be accommodated within the normal market swings of the exchange rate, without any sudden jumps, and it would allow an annual parity adjustment of up to 2 or 3 per cent. If the direction were known to the public, the economy, and in particular foreign trade, probably could take such parity changes quite easily in their stride. There need not even be too much fear of destabilizing short-term capital flows, at any rate less than in the present system.

This sounds quite attractive. But such a sliding parity adjustment (or "flexible parity" or "crawling peg") is not without its problems. *First*, there may be sudden, unforseeable fundamental imbalances (such as the French wage explosion in 1968) which cannot be accommodated within the slow-moving sliding parity adjustment. Would the still remaining possibility of major ad hoc parity changes not seriously detract from the advantages of the sliding parity scheme? *Second*, who should determine the timing and size of the sliding adjustments, and according to what criteria?

Automatic formulas not acceptable—Most proponents of a crawling peg want this to be entrusted to an automatic formula—e.g. by changing the parity according to a moving average of past market rates during a reference period, or by reference to movements in currency reserves, or by a combination of both. Such a "formula"—approach would take parity adjustments out of the hands of politicians and out of the reach of pressure groups.

But it is not quite so simple. Decisions on exchange rates are considered a vital part of economic policy, and I doubt whether any government would commit itself irrevocably to a par-value adjustment by an automatic formula. Moreover, such automatic formulas, if related to *past* reference periods or to accidental reserve movements have serious shortcomings that cannot easily be overcome.

Optional crawling peg—Thus in practice a sliding peg would probably only look acceptable if it was under the deliberate control of the authorities—even if they might make the general direction and maximum limits of the intended adjustment known. Such "sliding parities" on an optional basis do not easily fit into a generalized system. They would rather require *special arrangements* between the monetary fund and individual countries. The national authorities would receive an "allowance" for exchange-rate action within which they could make cumulative small changes in their par value.

Who would be suitable candidates for such slow-moving step-by-step adjustments? There are, of course, some who feel that with the recent realignment of the French and German parities, the urgency is definitely out of such proposals. However, we have also to look ahead into the future. Such a procedure of rate adjustment would fit all those cases where fundamental payments imbalances arise slowly over the years, either out of basic international shifts in favor (or disfavor) of a country's export assortment, or out of clearly discernible structural demand changes in the export or import field, or out of persistent divergencies in relative cost and price movements.

But let no one believe that a slow-moving step-by-step parity adjustment would be a panacea that would deal painlessly with all the major imbalances in the world economy; fundamentally the adjustment must always be based on adequate domestic policies. Nor should anyone believe that it would be easy for a major country to adopt—voluntarily—such a sliding parity adjustment. We should also not overlook the constraints and inhibitions arising for Common Market countries out of regional economic integration. It would, moreover, probably not be easy to fit the U.S. dollar properly into such a scheme. Thus expectations for attaining soon a stream-lined exchange-rate system should not be pinned too high.

TIMELY MESSAGE FROM VIETNAM

HON. J. W. FULBRIGHT

OF ARKANSAS

IN THE SENATE OF THE UNITED STATES

Tuesday, January 20, 1970

Mr. FULBRIGHT. Mr. President, I ask unanimous consent to have printed in the Extensions of Remarks a very interesting letter from a member of the armed services recently in Vietnam, Mr. David W. Frizzell, of the 4th Infantry Division. The letter was published in the Arkansas Gazette of January 3, 1970.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

TIMELY MESSAGE FROM VIETNAM

To the EDITOR OF THE GAZETTE:

In discussions of that rather frazzled subject, the war in Vietnam, it is not uncommon to hear something like, "I'd like to send those protestors over there and let them get shot at. Then we'd see how they felt about the war!" Unfortunately, for these discussions, there is seldom a veteran to consult to determine if he was a "protestor," and if he had gone through some metamorphosis of mind about the rationality and morality of the war.

Out of concern for fair discussion, I do herein offer my services as one of the referees in question. I strongly opposed the war before I was sent to Vietnam, strongly enough that I dared break the comfortable convention of "don't rock the boat," and engaged in publicly expressing my concern: I was what is usually called a "protestor." (It is interesting to note all the meanings that word now carries in America.) I protested the decay of American reason, the damage of America's image, and, most of all, the loss of lives, American and Vietnamese. In all the words printed, by all interested parties, was not one explanation of American involvement which justified so many deaths, so many atrocities.

Now, having reached the halfway point of my tour in Vietnam, I reflect on what I've observed and experienced. I am now in that seemingly magical position of first-hand knowledge about the war, a position that carries an extraordinarily inordinate amount of status in America. I have had my experience in the "school of war" and my baptism by hostile fire; I've been shot at. There are now more than just words to base my thinking on.

And my thinking is this: my country is destroying itself in Vietnam. Everything I have seen amplifies the irrationality of the State Department's formal explanations. Everything I have seen clarifies the artful ambiguity of official Pentagon statements about the war's strategy and tactics; and that clearer picture is unspeakably ugly. Perhaps the ugliest part of the image is the way in which the military manipulates the information given our congressmen and the president so as to continue what is unquestionably of infinite benefit to the military establishment.

Shortly after the October 15 moratorium I observed in a couple of stateside papers, some statements by military officials that the soldiers in Vietnam were really distraught by the demonstrations. Acknowledging that my own contacts with other G.I.s is limited to the men in my unit, I can only say that they were not distraught: many were sympathetic, but most were indifferent.

It is this indifference I fear most, because it is indifference that let this war happen. It is indifference that will perpetuate American geo-political retardation and militarism. It is indifference that will destroy our country, not the concern of those that protest.

Sp4c. DAVID W. FRIZZELL.
4th Infantry Division.

VIETNAM.

SANDY ASSELIN: ALL AMERICAN GIRL NEXT DOOR

HON. DURWARD G. HALL

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 20, 1970

Mr. HALL. Mr. Speaker, Bill Potter, the outdoor editor of the Joplin, Mo., Globe, also writes a column for that daily called, "Pottering Around."

Bill's eye for the beauty of nature, and his ability to translate same into prose, has placed him in the forefront of American outdoor writers.

It is the good fortune of those who read Bill's meanderings, that his eye for beauty sometimes extends beyond that of flora and fauna to focus on other natural wonderments of our beloved Ozarks. A case in point being Miss Sandra Kay Asselin, of Branson, Mo.

"Sandy," according to Bill, has the intelligence quotient to match her beauty and was the subject of a recent "Pottering Around" column. Bill's lengthy and informative interview with this young lady, covering everything from the so-called "generation gap," to her ambitions for tomorrow, should provide much food for thought to all who are interested in communicating with the youth of today.

Certainly to come in for its share of commendation, is Bill Potter's idea of presenting a "Friends to Youth Award," aimed at spotlighting and recognizing the sensitive and sincere majority of today's youth.

The interview follows:

[From the Joplin (Mo.) Globe, Nov. 23, 1969]

POTTERING AROUND

(By Bill Potter)

If the young lady being presented to column readers today was a high school senior, I am quite certain she would be nominated by a hometown organization for our "Friends of Youth" award.

And, if there happened to be a nationwide search to discover the All American Girl-Next-Door personality, I am confident my young friend would stand a better-than-average chance of winning that title.

My subject for today's youth personality sketch certainly torpedoes the cliche about beauty and brains not mixing. Not only does this gal have beauty, she has the intelligence quotient to match the beauty of her face and figure. There's a third dimension, too. There's beauty, brains . . . and brawn. Later on we will dwell on the brawn aspect but for the moment let me introduce this charmer. You've met her before in this column but just to refresh your memory let me say . . .

Neighbor, meet Miss Sandra Kay Asselin of Branson.

On previous occasions when her name and photo have been publicized in this column she was generally referred to as Capt. Sandy. You see (and this is where the brawn comes in), she is a member of the Asselin family team that owns and operates the Sammy Lane Pirate Cruise boats on Lake Taneycomo.

This Branson beauty was licensed three years ago by the Coast Guard and at that time it was reported Sandy was probably the youngest female ever granted a captain's license to pilot a cruise ship of the Sammy Lane size. Naturally, to pass the test it was necessary for her to show her prowess not only with the wheel to guide the vessel but also to prove she could master the mechanical details of the heavy-duty motors that propel the craft.

Sandy is a junior at the University of Arkansas and come July she makes the transition to adulthood when she becomes 21. At the semester break next Spring. Capt. Sandy starts her senior year at the Razorback school of learning.

On a recent visit to northwest Arkansas, I had an opportunity to visit with Sandy and discuss one of today's major topics—the communications (some call it generation) gap as it relates to youth and the older generation. Her answers to my pointed questions confirmed an opinion I had previously made of Sandy's character—she has very fixed and pertinently sound opinions concerning the youth vs. adult matter.

Because I recognize Miss Asselin as a member of her generation's responsible youth, I knew that any question would find honest, straightforward response. I was not disappointed.

In the question and answer session, it went like this:

"What can the adult generation do to close the communication gap?'"

"We are living in a world past generations dreamed about," Sandy said. "To close the gap . . . teach us what they know, learn from us, listen to our problems and our attitudes toward the affairs of today . . . have an open mind for discussion. In return, youth must do the same."

Question. "Has the church failed youth?"

Answer. "No!"

Question. "Has society failed youth?"

Answer. "If society has failed youth it would be only from a lack of patience and understanding. Failure in many cases to try to understand."

Question. "What is youth looking for today?"

Answer. "The same as our parents and the generations before them, world peace. And, there is no doubt that in our fast-paced world of today the younger generation has a better chance for higher education than our parents. We can see how far an education can take us, and that it is almost impossible to make anything of ourselves unless we follow through with the opportunities we are given."

Question. "Does today's moral code pose an affront to the average young person or does it encourage acceptance?"

Answer. "I don't actually think the moral ideas of our generation are much different than any other generation except that it is more freely talked about today. I can't really say much about this because I live in a part of the country where people still have high moral ideas."

Question. "Would youth accept responsibility in today's confused world?"

Answer. "Yes! We want to be a part. We want to do what we can to better ourselves and the world. We are going to be here the longest and it will be our children who follow. I feel that the overwhelming percentage of the youths are willing to help in any way and many already are.

"Lots of people may say what a stupid answer, or what a naive outlook because of the horrid demonstrations, peace marches, riots, happenings, dope parties, etc., now sweeping across the nation.

"But what about the rest of us? The vast majority of the youth population? The hippies and rioters are such a small minority, yet they are the ones getting all the publicity. If one feels that all young people are hippies then why do they not believe that most airplanes will crash? Thousands of planes make safe journeys every day, yet the only ones you hear about are the ones that crash.

"In America we have the right to speak up for what we believe in and say what we think is wrong. I think everyone should take advantage of these wonderful privileges that our country offers us. But we can only speak and give our ideas if anything is to become of our country. If we are to remain the great nation that we are today, we must stand behind our government's final decisions. We elected our government officials. When we have said what we have to say and the government has made a decision, we should stand behind that official decision. We are not only standing behind our government officials, we are standing behind the United States.

"It is not our nation's executives and officials of government that make America. 'We the people' are our country. Our country is what we make it. Nothing more. Youth wants its part in that responsibility."

Before my visit with Sandy, I had mentioned to her parents that I was particularly interested in talking to her about the problem of the so-called generation (or communications) gap. They said, in effect, "We know you'll have no trouble communicating with Sandy—this child has very strong ideas about things."

But the blonde beauty from Branson has always been interested and involved in worthwhile things of school, church and family. Before graduating with the class of '67 at Branson High School, she had received the Girl Scouts Curved Bar Award, attended an International Girl Scout Roundup, served on the BHS Student Council and was active in the Presbyterian Youth Fellowship. And, as if that wasn't enough involvement during her busy high school tenure, Sandy was very active in five different extra curricular club programs.

Speaking of beauty—as a freshman on the Arkansas campus, Sandy amassed a total of 67 points in the Homecoming Queen contest but because freshmen coeds are barred from holding that title, she had to be satisfied to serve on the queen's court.

Earlier this year, sponsored in the Miss Tri-Lakes beauty pageant in Branson, Sandy won the title and went on to the Miss Missouri pageant in Springfield where she was judged No. 1 runnerup to the 1969 "Miss Missouri" who represented our state in the Miss America contest at Atlantic City.

Honors in college? Plenty of them. Look at this list . . .

As a freshman she was a dormitory officer; member Delta Delta Delta (Tri Delta) Sorority and serves as social chairman; member U of A Associated Women Students and on the AWS legislative board for two years; member the Arkansas Booster Club; Sigma Nu fraternity "Miss Daisy Mae," and Pi Kappa Alpha's "Calendar Girl"; Lambda Chi Alpha's "Crescent Girl"; member Homecoming royalty for two years; second runner up "Miss Dogpatch U.S.A."; second runner up "Fairest of the Fair"; and Miss Missouri for the National Sweetheart Pageant in 1969.

On two occasions this year, Capt. Sandy has represented Dogpatch U.S.A. as a spokesman for youth before national groups. One of those occasions was late this summer when she addressed the American Legion Auxiliary convention in Atlanta, Ga. Her punch line? "Wouldn't you rather see the American flag waving than burning?" On another trip when she spoke before a group, describing the Ozark tourist attraction, Sandy said, "Mr. Capp (the Dogpatch cartoonist) says the way things are going at Harvard and Columbia, the chance to see students saluting the flag instead of burning it may become one of the most popular attractions at Dogpatch U.S.A."

It might be noted here in connection with the flag salute at the new Ozark tourist attraction: The personnel at the park, a majority of them college students, never open the gates to the public each day until they have stood at attention, the American flag raised and saluted. Sandy put it this way, "Some people call this flag waving. Some folks call it corny. But we would rather see the flag waving than burning."

I saved the big question for the final one of the interview. "After college, what is your aim, your goal?" I asked Sandy.

Her answer was just as direct and unassuming as the previous remarks in the interview. A major at the university in speech and drama, an exciting career conscious young woman. Sandy replied, "I am looking forward to graduating and getting out into the world. I would like very much to work in public relations, possibly travel for some corporation and make speeches for worthwhile causes. Maybe, just maybe, later on I might try a little acting. Right now my aim is to do the best I can in school, graduate from the university, help out my sorority and school as much as I can, and then drive the Sammy Lane and fight off 'The Pirate of Taneycomo' when summer comes again."

And there you are. That's my young friend Sandy Asselin from Branson.

It is my opinion that whatever the future holds for her, she will be the master of her own fortune. As a responsible member of the "now" generation, she will carve

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her own niche in the role she will play in tomorrow's leadership.

I recall quite vividly a visit Mrs. Potter and I had with Sandy a couple of years ago. We were riding the Sammy Lane cruise boat between Branson and Rockaway Beach. Sandy captivated the younger set on the cruise and as the time arrived for the attack by the "Pirate of Taneycomo" she made it so real those youngsters seemed to believe it was a genuine encounter. If this gal decides to go the drama route after graduation, she's a natural. However, in public relations and as a public speaker, she could do much to convince the doubters of an older generation that the vast majority of her generation are reliable, responsible and responsive.

I find in Sandy Asselin a countering "answer" to all the all-too-frequent downgrading appraisal of today's youth.

From time to time during 1970, this column will be presenting personality sketches of other young people who are not eligible as candidates (among the area's high school seniors) for our "Friends of Youth Award." These sketches will be of outstanding young people that may be younger than a high school senior or someone on a college campus . . . with one primary purpose in mind . . . to spotlight the sensitive and sincere majority of our youth who, in accepting their role in today's society do so without the benefit of headlines, are satisfied to do their own thing quietly and without fanfare.

It would be helpful to this outdoor communicator if column readers would offer suggestions as to possible candidates for this particular phase of our continuing Youth Program. If you have a likely candidate for a personality sketch among the youths of your acquaintance (one who is not a potential nominee for the "Friends of Youth Award" program) the suggestion would be appreciated. Any lower classman (male or female) in some area high school or a college student enrolled from some community in our immediate Four State circulation area, may possibly qualify for the personality portion of our 1970 project. Your suggestions will be welcomed and given thoughtful consideration.

These are the youth we salute . . . like Sandy Asselin . . . and her thousands of colleagues whose name is legion.

ACLU RESPONDS

HON. PAUL J. FANNIN

OF ARIZONA

IN THE SENATE OF THE UNITED STATES

Tuesday, January 20, 1970

Mr. FANNIN. Mr. President, an editorial prepared by the American Civil Liberties Union was broadcast on WMAL in response to a previous editorial which I placed in the RECORD regarding the ACLU's suit attempting to remove the nativity scene from the ellipse south of the White House. An ACLU spokesman has asked that the editorial be printed in the interest of fairness, and I concur.

In reading the editorial, however, I note that the spokesman cites the fact that a Jewish rabbi, a Roman Catholic priest, and a Protestant clergyman are plaintiffs in the case. He says:

> Surely, such men as these would not countenance an attempt to use the courts to suppress religion.

If the ACLU spokesman sincerely believes that, presumably the Pharisees in insisting on Jesus' Roman crucifixion were, in effect, pro-Christian and by no means interested in suppressing religion.

I ask unanimous consent that an editorial composed by a spokesman for the ACLU broadcast on December 17, 1969, be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

THE ACLU REPLY

(By Lawrence Speiser, on behalf of the ACLU, Jan. 6, 1969)

On December 17, WMAL vigorously criticized the American Civil Liberties Union for, among other things, going to court to challenge the nativity scene on the Ellipse as an unconstitutional establishment of religion. WMAL's editorial stated: "It is important to stress that the pageant is staged by a nonprofit private corporation which obtains a permit from the Interior Department." And, it continued: "Many private groups, such as the anti-Vietnam War protest groups with their Viet Cong flags, have obtained similar permits."

Unfortunately WMAL's version of the facts is not correct. The government has, in fact, refused on no less than five separate occasions the application by the Women's Strike for Peace to erect a temporary three-dimensional display (without Viet Cong flags) as part of its proposed anti-Vietnam War Pageant on the Ellipse. The Department of the Interior in refusing the last application of Women's Strike for Peace in October stated it had adopted a policy "that no structure will be permitted to be placed on park lands by any private party *except* . . . as a part or in conjunction with a *government sponsored program or activity.*"

Therefore, the United States government has now taken the position that the annual Pageant for Peace with the nativity scene is, in fact, "a government sponsored program or activity." That is the basis for the ACLU challenge to the nativity scene as an unconstitutional establishment of religion.

Is this case an attempt to suppress religion? No, it is not. Otherwise, how can WMAL explain that among the plaintiffs is a Catholic priest, a Protestant minister and a Jewish rabbi? Surely such men as these would not countenance an attempt to use the courts to suppress religion.

It has been over twenty years since the Supreme Court defined the establishment of religion clause of the First Amendment as holding that "neither a state nor the federal government can pass laws which aid one religion, aid all religions or prefer one religion over another. No tax in any amount large or small can be levied to support any religious activities or institutions, whatever they may be called . . ."

The American Civil Liberties Union, of course, has no objection to creches on church property or on any private property if the owners wish to place them there. We do object to the government dedicating public lands for the permanent or semipermanent placement of such religious symbols and government sponsorship of them.

The ACLU may not always be right, but, at least, we are doing our best in working for the highest type of law and order by demonstrating that the Constitution and the Bill of Rights can be protected in the courts and that the rights of the majority are really best preserved by protecting the rights of minorities.

The establishment of religion clause of the First Amendment which sets forth the principle of separation of church and state was designed for that very reason. In a religiously pluralistic society that is the one effective method of avoiding the constant offense to the sensibilities of the diverse religious groups in our country and in protecting the religious freedom of all.

It is for that reason that the ACLU was willing to take on this generally misunderstood and unpopular case. It is because of our willingness to handle such cases that the late President John F. Kennedy stated: "During . . . its existence, the American Civil Liberties Union has played a significant role in defending our more basic democratic freedoms. (Its) voice has always been raised clearly and sharply when our liberties have been threatened."

ROBERT HEINEY HONORED

HON. CATHERINE MAY

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 20, 1970

Mrs. MAY. Mr. Speaker, on Saturday last, Mr. Robert Heiney, director of the Government-Industry Relations Division of the National Canners Association, was presented with the 17th Annual Forty-Niner Service Award. This award was presented by the Honorable Melvin Laird, Secretary of Defense, at special ceremonies preceding the opening of the National Canners Convention and the Food Processing Machinery & Supplies Association's National Exposition for Food Processors in Washington, D.C.

The service award, initiated in 1954 by the Forty-Niners, gives recognition to those individuals who have contributed exceptional service to the food processing industry, and this honor to Bob Heiney was, therefore, deserved in every way.

The Forty-Niners is a service group, organized in 1949 to assist the Food Processing Machinery and Supplies Association and other industry groups in the conduct of their convention activities and to promote good fellowship. In selecting Bob Heiney of Washington, D.C., the Forty-Niners have given recognition to the tremendous importance of Government-industry relations and have honored an individual whose contributions to the food industry in that area have been truly outstanding.

Since 1967, Mr. Heiney has been Secretary of the Industry Committee on Packaging and Labeling, an ad hoc group of industry representatives and trade association executives who work with State and Federal weights and measures, and food and drug officials. On three occasions, 1963, 1965, and this past October, he has been an industry representative on Federal Labor Department committees appointed to establish minimum wage rates for the fruit and vegetable processing industry in Puerto Rico.

It is noteworthy, Mr. Speaker, that other industry groups have recognized the outstanding work of Bob Heiney in recent years also. The Mid Atlantic Food Processors Association selected him for their award "For outstanding guidance in legislative matters affecting the industry," and an appreciation award was received from the Pennsylvania Canners and Food Processors Association "For outstanding service, cooperation and contributions to the food processing industry in Pennsylvania."

I am sure, Mr. Speaker, that my many colleagues who know of Bob Heiney's outstanding work and who know him personally, join with me in extending to him from Capitol Hill our most sincere congratulations on the occasion of his receipt of the Forty-Niner Service Award.

THE MYLAI INCIDENT

HON. J. W. FULBRIGHT

OF ARKANSAS

IN THE SENATE OF THE UNITED STATES

Tuesday, January 20, 1970

Mr. FULBRIGHT. Mr. President, Mr. Reuben Thomas, a citizen of my hometown, Fayetteville, Ark., is one of the more perceptive and articulate observers of the current scene.

On January 13, the Northwest Arkansas Times published a letter from Mr. Thomas which I believe will be of interest to the Senate. I ask unanimous consent that the letter be printed in the Extensions of Remarks.

There being no objection the letter was ordered to be printed in the RECORD, as follows:

[From the Northwest Arkansas Times, Jan. 13, 1970]

THAT MY LAI INCIDENT

TO THE EDITOR: Why must Americans, with our high ideals of honor, truth, and humanity, nearly always sweep our worst errors and instances of inhumanity under the rug? Beginning with the anachronism of black slavery in a new system of government dedicated to freedom and the rights of man, this shameful trend has been repeated many times.

Among the most deplorable examples that could be cited, there come to mind the incidence of black lynchings; the persecution of the Indian (as virtual policy of genocide in the Jackson era; and the Massacre by the U.S. Army at Wounded Knee); the war against the independence of the Philippines, and the numerous un-American interventions in Latin America. How many textbooks of American history used in our primary and secondary schools, or colleges either for that matter, have told the truth of such matters in the context of morality and influence on American Institutions? Who will deny that Americans always wear the White Hats; and the Bad Guys always are the ones on the other side?

Now comes My Lai, and we are shocked by the possibility, even, that fine American boys could possibly shoot down in cold blood defenseless babies, children, women, and old men. Many doubt the evidence of gruesome pictures and eyewitness accounts, no matter how indisputable, and end by bitter denunciation of the reporters and media, like the king who executed the messenger who reported the loss of the battle.

Congress starts great rhetoric of denunciation, but quickly pulls in its horns when it becomes evident that the silent majority doesn't want to talk about it, and the President doesn't either. Mendel Rivers starts to investigate, but makes such a ridiculous spectacle of heated and categorical denials of the last evidence of any massacre, that even he beats a hasty retreat by the usual device of a "Special Committee." As always, the military makes a show of surprise, and determination to fix guilt, but offers no credible explanation of long silence about My Lai, in the face of absolute proof of deliberate suppression, and starts a process of silencing further disclosures and finding scapegoats in sufficient numbers (of low rank, of course), to relieve the pressure and take off the heat.

Most informed citizens know full well by now that "search and destroy" for years has meant just that, people as well as all life including vegetation, in at least some, and probably many, instances, and that Americans at least were present during customary torture of prisoners by Oriental allies.

"This is War"; "You can't tell one from another"; "Shoot first and check later when your life may depend on it"; "Every child from three years may be a walking booby trap"; "Instead of being prosecuted, boys like Calley ought to be praised for even being there"; and "What kind of press do we have, that will print such garbage?" Adequate excuses? Justification? Of course! It's war!

Now Secretary of Defense Melvin Laird, on TV news interview program "Face The Nation," ducks questions about Korean atrocities which were reported to the U.S. Command in Saigon in documented form by a professional American anthropologist. Laird contends that the Saigon Command was not a joint command, that General Abrams was not in a position of authority or responsibility, that any such reports could only be referred to the Koreans as their problem, and anyway it happened back in the Johnson administration! In short, if such a report got to our Generals, it was not their business, and these impertinent reporters should ask their questions of the Democrats. So here goes another smelly item under the rug, maybe to be found again by some subversive historian in the future!

The whole point of this is that distortion of the news, concealment of the truth, closing our eyes to weaknesses in our character, refusing to admit that American boys ever commit atrocities, rationalization of our cruelty and brutality as self-defense (from little yellow men, defending their homeland) and manhood—all of this can only compound our national guilt and make matters progressively worse, creating guilt and fear complexes which always lead to intolerance, suspicions between neighbors, search for scapegoats, repression, and hastening of the internal decay which has spelled doom for the most powerful nations in history.

It would be a travesty to take out on Calley and colleagues our collective guilt, but punishment is necessary because we still are in Vietnam and may be there in the hundreds of thousands indefinitely under present policy; therefore such incidents must be discouraged for the sake of our soldiers as well as Vietnamese peasants. What is essential now is a fresh, candid, analytical look at ourselves—at our false pride, power-madness, complacent self-righteousness, hypocrisy, and greed. How can we possibly improve our condition unless we first honestly admit, definitely identify, and earnestly proceed to correct our mistakes, faults, and failures? What kind of nation have we become, and what kind of nation do we want to be? Shall we stay on our present disastrous course, or do we have the will to change before it is too late?

It will be recalled that the first public reaction of Senator Fulbright after the disclosure of My Lai was to propose hearings for this very purpose. For the sake of America and all mankind, it is to be hoped that his fine initiative will be supported by all men of good will, everywhere.

REUBEN THOMAS.

FAYETTEVILLE.

WHY NIXON NEEDS HELP

HON. JOHN KYL

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 20, 1970

Mr. KYL. Mr. Speaker, there is growing recognition that inflation is indeed the No. 1 domestic problem besetting the Nation.

Inflation, if unchecked, will stall the attack on many of the other problems and hamper our ability to meet real needs in vital areas.

The following editorial of December 22, 1969, in the Washington Daily News makes that point clear:

WHY NIXON NEEDS HELP

In November, the Government has just reported, the cost of living went up another half of 1 per cent.

In a year, on a national average, prices have increased 5.8 per cent. Goods and services which could be bought for $10 on the average in 1957–1958 now cost $13.05.

Unless there is aggressive anti-inflation action the upward rampage of prices will go on, and probably get worse. The end result not only would be the present misery for those whose incomes are fixed but a recession, or worse, for everybody.

Putting an end to Government deficits (which have been the style for nearly 40 years) won't abruptly end inflation. But Government deficits are the leading cause of inflation, and ending them is the first and biggest step toward stabilizing the value of the dollar.

There is a lot of talk here about "priorities." The Government is urged to spend more for social problems etc. But the goods and services the Government buys are affected by inflation, too, and if it goes on spending money it has to borrow, it is raising prices for itself as well as everyone else. It can soon price itself out of these programs, as it has to some extent already.

One of the items which helped raise the cost of living in November (and in many months before) was interest rates on home mortgages. Interest rates are high in part because the Government debt now exceeds $369 billion, and the Treasury is in the money market every week borrowing and reborrowing to refinance the debt and to pay huge interest costs.

All this is back of President Nixon's drive to hold down on Government spending, his strong opposition to excessive appropriations being passed by Congress and his insistence that the Government accumulate a surplus (and perhaps reduce the debt).

This is the essence of the war on inflation. It is the reason for Mr. Nixon's fights with Congress about spending.

If Congress can't understand this, the people whose pockets are being picked by inflation can understand it. And if they tell their Congressmen they won't be doing Mr. Nixon a favor so much as they will be doing themselves a favor. Stopping inflation is a first priority; otherwise the other priorities are likely to go by the boards.

YOUNG MEN OF ACTION

HON. NICK GALIFIANAKIS

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 20, 1970

Mr. GALIFIANAKIS. Mr. Speaker, I deem it a very special honor to pay tribute to the U.S. Jaycees who are, in 1970, celebrating the 50th Anniversary of the founding of this great service organization. Since this week, the week of January 18 has been proclaimed Jaycee Week, I should like to share with my colleagues my admiration for these "young men of action" throughout the Nation.

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As a former Jaycee, I espouse the Jaycee credo that community service is the quality that builds the individual, and I share the spirit of dedication to the premise that the quality of society is as good as the individuals who comprise it.

As an American citizen, I am imbued with a feeling of deep gratitude for the contribution these outstanding young men have made to community improvement.

As a Member of Congress, I am genuinely appreciative for my own years of involvement with the Jaycees which provided me with a wonderful basic training for the job I now hold.

There is a partnership of interest between Government and Jaycees which I think is very satisfying. I have often thought that our National Government would be stronger if it incorporated, even more authentically, the provisions of the Jaycee creed. That creed contains so much more than just beautiful words. It expresses a magnificent sentiment. I find it very satisfying and, with your permission, I would like to share with my colleagues my personal interpretation of that creed. It provides:

That the brotherhood of man transcends the sovereignty of nations. And do you not agree that this is the basis for our international relations? That faith in God gives meaning and purpose to life. And is that not the spiritual enrichment we all seek? That economic justice can best be won through free enterprise. And is that not the basic concept of sound business? That government should be of laws rather than of men. And is that not the rudiment of simple justice? That earth's great treasure lies in human personality. And is that not the very essence of the individual? That service to humanity is the best work of life. And is that not the most rewarding act of all?

What a marvelous guide those phrases provide—not only for personal life but for public life as well. In this period of history, with godlessness and lawlessness tearing at the fabric of civilization, the urgency of the Jaycee creed becomes even more pronounced.

I congratulate the U.S. Jaycees for the splendid progress they have achieved, and for inspiring others all over the world to become involved in solving the problems which confront us today.

I am indeed proud that I can lay claim to having once been a Jaycee, and I should like to use this forum to proclaim that I shall always be a Jaycee in spirit.

TRIBUTE TO J. EDGAR HOOVER

HON. H. ALLEN SMITH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 20, 1970

Mr. SMITH of California. Mr. Speaker, a man for whom I have the greatest respect observed his 75th birthday on January 1, 1970. It was not an event which went unnoticed. Newspapers across the country took note of this occasion and editorially paid a most deserved tribute to Mr. J. Edgar Hoover, the man who stands unchallenged as Mr. Law Enforcement in the United States.

Two newspapers in my State, the Oakland Tribune of December 31, 1969, and the San Diego Union of January 1, 1970, were among the many who saluted Mr. Hoover. I would like to include both of these editorials in the RECORD at the conclusion of my remarks.

Both of these newspapers commented in their editorials about the challenge of finding a successor to Mr. Hoover, "one of the toughest decisions an American President someday must make." I am personally aware of Mr. Hoover's excellent health and continued vigor in his position, and I hope and trust he will remain as Director of the FBI for many years. I know of no man in public life who commands the confidence of the people as Mr. Hoover. I hope his principles will always remain a part of the law enforcement profession.

The editorials follow:

SALUTE TO "MR. FBI"

One of the toughest decisions an American President someday must make will be the selection of a new director of the Federal Bureau of Investigation.

Exactly how to find a replacement for a man who is by any measure a "living legend" will be no small task, but fortunately for the nation, and with the continual encouragement of President Nixon, there is no immediate need for such activity.

J. Edgar Hoover, "Mr. FBI" to three generations of Americans, reaches his 75th birthday tomorrow, but there is convincing evidence he can and should remain "the director" (as he is known inside the bureau) for many years to come.

Despite more than a decade of obviously erroneous reports—mostly from his enemies—that Hoover planned to retire, there is little reason now to expect his departure. Hoover and the President have been close friends for more than 20 years—since the days when Nixon was a fledgling congressman actively exposing Communist traitors such as Alger Hiss.

In the 45-plus years Hoover has commanded the FBI, it has faced forces inimical to this nation on many fronts. First, in the 1930s, the "G-Men" gained fame combating gangsters, bank robbers and kidnapers such as John Dillinger and "Machine Gun" Kelly.

After that, the efficiency, professionalism and unquestioned integrity of the FBI were successfully used against Nazi and Communist espionage and subversion as well as to oppose civil strife, street rioting and organized crime syndicates such as the Mafia.

Whatever the immediate targets of the FBI, the bureau continues to receive vigorous, enthusiastic and professional leadership from a man who knows well the importance of his job and the dangers of lethargy or slovenliness.

The nation is well served by his continued presence in that important post, and secure in the knowledge of both the public's and the President's high esteem for him and for the FBI. Director Hoover should enjoy a happy birthday tomorrow.

[From the San Diego Union, Jan. 1, 1970]

INSPIRING MILESTONE

J. Edgar Hoover reached his 75th birthday today. Alert and vigorous, he has let it be known he has no intention of retiring within the foreseeable future as director of the Federal Bureau of Investigation.

We are sure the great majority of Americans are glad to hear he is going to stay on the job. In the 45 years he has headed the FBI, he has become almost as much a national institution as the agency itself.

Indeed, it has become hard to conceive of the FBI without the imposing figure of Mr. Hoover at the helm. He has come to personify dispassionate, efficient law enforcement raised to the level of a science—from the pursuit of Depression-era gangsters by squads of "G-men" through periods when wartime espionage and cold war subversion became of greater national concern.

There is no question that the widespread respect which the FBI commands in our nation—and the fear it arouses in the minds of criminals, spies and other enemies of our society—stems largely from the personal dedication of Mr. Hoover and the high standards of professionalism he has demanded of those who serve under him.

The challenge of finding a successor to Mr. Hoover, one who could assure the continuation of public trust he has engendered for the FBI, is one that inevitably must be faced. But for the time being, we are reassured that the unusual perception and vigilance of Mr. Hoover will remain at the service of the nation.

NEW YEAR'S RESOLUTION

HON. SHIRLEY CHISHOLM

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 20, 1970

Mrs. CHISHOLM. Mr. Speaker, during the past month I have heard various people summarize the past decade, followed by resolutions for the New Year. Often the summaries recall the existence of hunger and poverty in our Nation. Recognition is also given to continued discrimination against black people, Indians, Puerto Ricans, women, and other minority groups. Amidst the continuing engagement in an undeclared war and the spending of millions of dollars on the exploration of the moon to the neglect of meeting critical domestic needs, I offer my New Year's resolution.

I present my New Year's resolution in the form of a challenge to the Congress of the United States to deal effectively with the problems which remain to be solved. We have done enough analyzing of our problems. Now is the time to take action.

Young people and black people feel that they have been lied to as they discover that while technological advancement has been evident in our Nation's history, respect for all individuals, and a concern for the needs of all people in our society have often not been guiding forces in our decisions pertaining to the quality of conditions in which men live.

I ask that we stop bemoaning past mistakes, miscalculations, and generations of neglect. Let us in the New Year resolve to not merely articulate problems facing our society but launch effective programs which will harmonize the dreams and the reality of the United States.

From the enclosed article about a speech made by John Gardner, chairman of the Urban Coalition Action Council, I gather that the former Secretary of Health, Education, and Welfare shares my annoyance and frustration at the amount of talk that has substituted for action in the past.

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We do not need any new New Year's resolutions, all we need to do is act the old promises we have made.

The article follows:

[From the Washington (D.C.) Evening Star, Dec. 9, 1969]

GARDNER ATTACKS NIXON, CONGRESS

(By James Welsh)

Americans and their institutions, beginning with the White House and Congress, must undertake "a jolting reappraisal and overhaul" if the nation is ever to begin solving its most urgent problems, John W. Gardner said today.

The chairman of the Urban Coalition Action Council, in a speech prepared for delivery today at the National Press Club, assailed President Nixon and Congress for "a failure of leadership" and said Americans at all levels are "seized by a kind of paralysis of will."

"We know what our problems are, but we seem incapable of summoning our will and resources to act," he said.

Gardner, a Republican who served as secretary of health, education and welfare in the Johnson Cabinet, proposed that "1970 be a year of renewal" and said the place to begin is in Washington.

He said that older members of Congress should retire, and specifically mentioned the age of House Speaker John W. McCormack.

"TONE OF URGENCY"

President Nixon, he said, "must do more to set a tone of urgency to which we can respond. . . . The President must say more explicitly—and with greater urgency—what he conceives to be an appropriate strategy for dealing with the dilemmas of the cities, with equality of opportunity, with the environment, and with other problems that are wracking the nation.

"Not only must the President propose social programs adequate to our need, but when the legislation goes to Congress, he must fight as hard for it as he fought for the ABM and Judge Haynsworth."

Although calling an end to the Vietnam war a goal of great urgency, Gardner did not criticize Nixon's conduct of it, nor his performance on other international fronts.

TO REFORM CONGRESS

Few institutions are so in need of reform as Congress, Gardner asserted, calling first for measures to abolish the seniority system and to "curb the abuse of power by entrenched committee chairmen."

Gardner called on Congress to pass an age limit for its own members.

"The speaker of the House is 78. Thirteen Senate and House committee chairmen are over 70, six of them over 75, two over 80.

"They are full of years and honors. They can serve their country best by stepping aside. That would be patriotism at its highest," he said.

Congress also "must put an end to the hypocrisy of tolerating grave conflicts of interest among its own members while attacking the same fault in others," said Gardner.

On other fronts, the Urban Coalition chairman drew a gloomy picture of Americans losing faith in their society while hanging onto old ways that help compound American problems. He spared few large institutions, suggesting specifically:

That industry in the 1970s address itself to three major problems—equal opportunity for minority groups, an end to pollution, and better consumer standards.

Calling industry's record on the environmental front "deplorable," Gardner said "it has lied to the public and to itself about the seriousness of the problem."

That labor unions act immediately to "root out racial discrimination, to eliminate restrictive membership practices that deny the opportunity to work or to advance beyond menial work."

That the health professions redesign the nation's health services system, which he called "outworn, expensive and outrageously inefficient."

Gardner said the best hope for reform lies in the "ferment among young health professionals."

That non-profit agencies of all kind "stop congratulating themselves" and examine their performance.

"Let them ask whether they are dabbling with a problem that calls for a massive assault," he added.

That government agencies do much the same thing.

"Let each government agency honestly appraise the extent to which it has built an empire rather than served the public. And let it ask how much risk it has taken in fighting for good causes.

"The natural state of the bureaucracy is to be unbloody but bowed. It would look better with some honorable scars."

Too many average citizens, Gardner added, are "apathetic, self-absorbed and self-serving."

"One thing the citizen can do—must do—is to reject fiercely and consistently all politicians who exploit fear and anger and hatred for their own purposes. He cannot rid himself entirely of those emotions. But he can rid himself of politicians who live by manipulating them."

Gardner also proposed that citizens throw the weight of public opinion against those who contribute to problems—industries, for instance, that will not hire minority members or that contribute to pollution.

UNDERDEVELOPED NATIONS PROVIDE MASSIVE POTENTIAL MARKET FOR U.S. EXPORTERS

HON. CHESTER L. MIZE

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 20, 1970

Mr. MIZE. Mr. Speaker, the International Trade Task Force has been impressed with the desperate need to increase U.S. exports. Our balance-of-payments deficit in calendar year 1969 was probably the most severe in our Nation's history. The only appropriate method of achieving a healthy surplus in both trade and payments is through export promotion.

This must be one of our great priorities for 1970 and beyond.

Mr. Speaker, the January 12 issue of International Commerce magazine carried an article which highlights the significant market potential in the developing nations of the world. I was particularly impressed that these nations purchase U.S. goods at rapidly increasing rates as their per capita GNP increases. The relation is geometric, not arithmetical. Our businessmen, the executive branch, and the Congress together must realize that export promotion in developing nations is as urgent as promotion in Europe and Japan. Our future economic stability and health depend upon across-the-board efforts. These efforts can be considered as investments now, for massive return in decades immediately ahead. If the United States enters these markets tactfully, understanding the special needs of each developing nation and its traders, the U.S. reward will be sustained foreign market growth for the indefinite future.

I include in the RECORD at this point the article from International Commerce magazine:

SEES MASSIVE MARKET AHEAD IN COUNTRIES MOVING UP LDC SCALE; AID OFFICIAL NOTES TENFOLD INCREASE THERE IN U.S. EXPORTS

"The underdeveloped nations of this world constitute a potential market of such enormity that to understand it will require the same kind of imagination that built the markets in our own country."

Offering this view, an Agency for International Development official cited statistics showing that the more advanced developing nations purchase about 10 times as much from the United States as the poorest group of countries, on a per capita basis.

Bert Tollefson, Jr., AID's Assistant Administrator for Legislative and Public Affairs, told an international business group in Chicago last month that "graduates" of the aid program continue to buy more and more U.S. goods and services year after year.

The AID official was addressing the Mild-America Committee for International Business and Government Cooperation, Inc.

The less developed world now provides markets for a third of U.S. exports, he pointed out. In 1968, he explained, they purchased $10.5 billion—a growth since 1958 of 42%.

Of the goods that went to the developing nations, he added, AID financed about 10% of the total—an indication of the stimulus generated by the U.S. aid program for U.S. business and the U.S. economy.

EIGHTY PERCENT BOUGHT IN UNITED STATES

Last year, aid policies assured that practically all—98%—of the commodities financed under the AID program were purchased in the United States, Tollefson noted.

AID financed the export of $106 million worth of fertilizer (45% of all the fertilizer exported), $129 million of chemicals and related products (15%), $279 million of machinery and equipment (almost 10%) and $107 million of iron and steel mill products (33%).

Tollefson told the business leaders that economic assistance is in large part responsible for the growth of the countries being assisted. An analysis of U.S. exports to 38 developing nations over a five-year period (1964–68) demonstrates that fact, he said.

Nations with per capita GNP averaging less than $200 a year during that period purchased less than $3 worth of American products per capita in 1968. Nations with GNP between $200 and $400 per year purchased $10 worth of American products per capita. Those with GNP between $400 and $900 purchased $29 worth of American products per person—roughly 10 times as much as the poorest group of nations.

"Furthermore," he added, "as these developing countries reach their period of self-sustaining growth—when they no longer need foreign aid—they continue to become better and better customers of U.S. exports."

ALL IN YOUR HEAD

HON. TIM LEE CARTER

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 20, 1970

Mr. CARTER. Mr. Speaker, the doomsayers continue to tell us how badly off we are and how little we have done in recent years to make things better.

Some of us who have wondered about the sometimes unreasonable indictment of our society now find we have some support in statistics. Things really are not as bad as they seem. And they are getting better. I call to your attention an editorial from the January 15 edition of the Wall Street Journal which, in turn quotes Ben J. Wattenberg.

Mr. Wattenberg thinks that, overall, the 1960's were wonderful. The editorial is as follows:

[From the Wall Street Journal, Jan. 15, 1970]

ALL IN YOUR HEAD

The 1960s were marvelous, concludes demographer Ben J. Wattenberg; the crises were all in your head.

Mr. Wattenberg, author of the book "This U.S.A.", could not be more serious. Upon reviewing the economic and social statistics, he writes in a syndicated article, "The 1960s, from which we have reaped so much self-pity, self-hate and self-doubt, have in most of the measurable aspects of life produced a sharp improvement in the human condition in the U.S. It is ironic that this improvement has been most rapid in the most recent years, just those years when the orgy of crisis and discontent reached its climax."

Are we troubled by poverty? In 1960, 40 million persons, or 22% of the population, earned less than the amount today known as the poverty line. In 1968, adjusted for price increases, the same figures were 25 million and 12% of the population.

Are we worried about a burgeoning "military-industrial complex"? In 1960, defense spending accounted for 50% of the Federal budget, domestic social programs for 23%. In 1970, even with the Vietnam war, the defense budget took 42%, domestic social programs 33%.

Are we worried about Negro slums? In 1960, among nonwhites living in central cities, 25% lived in substandard housing. In 1966 this figure had dropped to 16%, and later studies suggest it has continued to fall since.

Are we worried about moving into "two societies, one black, one white—separate and unequal"? In 1960, nonwhites earned 52% as much as whites, in 1968, 63%. In 1960, 39% of nonwhite youngsters completed four years of high school, in 1968, 58%. Between 1960 and 1968, the number of nonwhites in "craftsman and foreman" job classifications rose 57% while the number of such jobs rose 12%. The gaps remain large, but are closing, not opening.

Such material statistics do not measure everything, of course, but Mr. Wattenberg notes that those who talk of "crisis" in American society in fact do so precisely to promote material programs like Federal aid to cities. He says "statistics cannot very well measure human unhappiness or alienation. Nor, unfortunately, can most efforts of Government cure such ailments."

The real problem of the 60s, he concludes, was the rhetoric of the press and liberal politicians. They carried "crisis-mongering" beyond the point of conceivable usefulness, and far beyond the point of truth. Indeed, he asserts, "It is the irony of liberalism in America that it resorted to self-immolation at precisely the moment when it could demonstrate best that liberalism had worked."

Now, we strongly believe this gives far too much credit to the Government program of the 60s and far too little to the proven uplift of a relatively free economy. Yet the point is sound. Undeniably, liberals could claim credit for the progress of the 60s, when they held all the reins of power. Instead, they chose to berate American society. And in fact this fashion has spread beyond the press and liberal politicians to the vast bulk of the American intellectual class.

The disparity between this vicious indictment of American society and the actual record of American society is, in fact, what the revolt of Richard Nixon's "forgotten American" is all about. Mr. Nixon and his entourage have had the wit to recognize that our crisis today is mostly a crisis of inflated expectations, and that the best way to deal with it is directly—by deflating the expectations in line with reality.

The common man has responded to this appeal because he can look about him and see from tangible evidence that the indictment of America is a false one. His response is to fly the flag, to "stand up for America" and to vote for politicians who uphold rather than attack American society and American traditions.

Just as the intellectual often sees things the common man misses, so now and then the common man's natural instinct and grass-roots involvement give him insights denied the typical intellectual. And in this case we think the American intellectuals might do well to take a cue from the forgotten American. Not that they should necessarily fly flags, but that they should express in their own style the basic feeling that American society, warts and all, measures up fairly well against actual alternatives.

For the common man is on eminently solid ground, we think, in his instinct that what America needs to combat its current "crisis" is not denigration but affirmation.

RECLAMATION IN ECLIPSE?

HON. CATHERINE MAY

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 20, 1970

Mrs. MAY. Mr. Speaker, there recently appeared in the Yakima Herald-Republic of Yakima, Wash., a most perceptive editorial on the subject of the role of the Federal Government in helping people reclaim arid lands. The author of the editorial is known personally to many of my colleagues because for several years he represented the Gannett News Service and many newspapers around the country in covering the news events of our National Capital. I first got to know Bob Lucas as a competent news and editorial writer with the Yakima Herald and Republic in the 1940's. It was in the Pacific Northwest that Bob grew to recognize the great contribution that Government has to make in helping to reclaim arid lands.

Although Bob left the Yakima Valley and the Pacific Northwest in the early 1950's, he has always carried with him a conviction of the great worth of reclamation, and has written some excellent pieces on this subject. Now, he is back in Yakima as executive editor of the Yakima Herald-Republic, and it is in this capacity that he has published his particularly significant editorial, "Reclamation In Eclipse?"

I commend this editorial to all of my colleagues from all sections of the Nation, and that it be inserted at this point in the RECORD:

[From the Yakima Herald-Republic, Dec. 27, 1969]

RECLAMATION IN ECLIPSE?

(By Robert W. Lucas)

A most praiseworthy act of government—in this case the federal government—has been that of helping people reclaim arid lands. It has been going on for some 67 years. And it has added to the national storehouse of food and fiber (little of it "surplus" and thus subsidized).

Reclamation has also multiplied the income, employment and tax base of many regions in these United States. It has long been and remains the blue chip of government investment in the managed growth of this country.

But reclamation has fallen on evil days. Rep. Wayne N. Aspinall, the Colorado Democrat who is chairman of the House Interior and Insular Affairs committee, has said that reclamation is being "out-gunned in public opinion as it represents itself in the halls of Congress."

Sen. Alan Bible, Democrat of Nevada, reports that water resource projects "have become the whipping boy of budget cutters." And Sen. Len B. Jordan, Republican of Idaho, said current water project slashes of 25 to 30 percent "are causing the first hard look at reclamation since the thirties."

At the November meeting in Spokane of the National Water Resources Association (formerly the National Reclamation Association) the central theme was one of soul searching. "How," it was asked, "can we get the reclamation show back on the road again?"

There appeared to be considerable concurrence in one answer: Make some accommodation with the program's opponents, notably the "conservationists," and if possible "package" future water projects in a manner appealing to both urban and rural voters.

Washington State's Gov. Dan Evans said those committed to water development projects should switch from "defensiveness to aggressive action." And Sen. Henry M. Jackson, acknowledging the insistent demands of the 95 percent of our population that live in urban areas (with 70 percent crowded into 1 percent of the land), said, "Creation of a new and important role for reclamation in the development of new rural growth opportunities could be an undertaking more exciting than the exploration of outer space."

Well, what does this all mean? It means that unless we are going to be forced into reliance upon private irrigation to expand our watered empire, we must restate to the country as a whole the regional and national benefits of reclamation fund or treasury financed water projects. And then we must fight for them with every weapon at our command.

With federal reclamation operating at slow bell, within the last three or four years at least seven privately-financed irrigation pumping projects, composed of 18,000 acres, have been lifting water from the Columbia and Snake rivers within a 100-mile radius of Yakima.

Those projects are engineered for later enlargement. There are other pumping plans under study to bring hundreds of thousands of more arid acres under irrigation in Benton, Klickitat, Franklin and Walla Walla counties of Washington, and Umatilla and Morrow counties in Oregon.

Now even those projects have come under the cloud of a Department of Interior legal opinion which says that private irrigation, the water supply for which is pumped from a pool behind a federally-constructed dam, shall be subject to the 160-acre limitation in the Reclamation Act. This, however, is another issue and will be examined and tested at hearings during January and February.

It is defeatist to conclude, however, that the West's vital interest in federal water resource development has been irretrievably pre-empted by the demands for municipal and industrial water, anti-pollution programs or the new emphasis on preserving esthetic values. The three concerns can and should be reconciled. For example, Charles F. Luce,

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board chairman of Consolidated Edison, urges attention to "new goals that make the water program 'people oriented,' and—that water development be used as means of improving population distribution."

The Yakima Valley has always had a prominent part in promoting and illustrating the benefits of irrigation. It will continue to be so. And it is of more than passing significance that the new president of the National Water Resources Association is Lorin W. Markham, well-remembered as secretary of the Yakima Chamber of Commerce, and retiring secretary of the Chamber in Spokane.

The character, growth and balance of the Valley's economy is related strongly to the proposition that water flowed over wasteland adds wealth, promotes diversification and enhances the lives of people and the welfare of the country. We should restate our commitment to that conviction as a guideline for policy in the 70s.

POLLUTION

HON. EDWARD P. BOLAND

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 20, 1970

Mr. BOLAND. Mr. Speaker, President Nixon has aptly pointed out that this country's effort to clear away environmental pollution is a "now-or-never" proposition. The President's celebrated statement—made as he signed the National Environmental Quality Act—is a heartening affirmation of the principles conservationists have been citing for years.

Pollution is one of the most staggering problems this country faces. For years, we have been fouling our rivers, littering the landscape, tainting the very air we breathe with just about every noxious substance that can come out of a pipe or a smokestack. It is time to stop. Indeed, we must stop before pollution gets so far out of hand that it threatens our way of life.

Pollution is not just another one of those distant problems that give conservation clubs something to debate or Government commissions something to dissect in a dreary report. It menaces us all every day of our lives.

Newspaper headlines tell us about the spectacular pollution problems—the oil leak that blackened Santa Barbara's beaches, the smog that hovers over our major cities on windless days, the industrial waste that is slowly killing off life in the Great Lakes. But we do not need the New York Times or Walter Cronkite to learn about the routine pollution we encounter daily. You can see it in the gritty film that clings to the outside of your windows, the trash heaped up on a vacant lot down the street, the smarting and watering in your eyes every time you drive past a big industrial plant.

The threat pollution poses to our health is the most alarming. Just living in New York City—just breathing its air—is equivalent to smoking a significant number of cigarettes a day. Studies show that the cancer rate in highly industrial areas has slowly crept ahead of the rate in other areas.

Doctors say that anyone who falls into a polluted river—the Charles in Boston, for example, or the Hudson in New York—should take a battery of injections ranging from tetanus to antibiotics. So much chlorine is necessary to purify the water supply in many cities, that newcomers take weeks to get used to the startling pungency in the drinking water's taste and smell.

Yet pollution is much more than a health problem. It is making ugly a country that was once beautiful. It is commonplace to see the rusting hulks of old cars in vacant lots, trash heaps 20 feet high in city alleys, streaks of sewage swirling on the surface of our rivers.

Pollution threatens this country's greatest national resources—its lakes, its woodlands, its rivers, its very air.

I am pressing for the enactment of major new legislation to help stop pollution. And, as a ranking member of the House Appropriations Committee, I am doing my best to see that antipollution programs are amply funded.

We must stop fouling our own nest.

It is one of history's cruelest ironies that the wastes of civilization might destroy civilization.

With permission, Mr. Speaker, I put in the RECORD three articles from the New York Times—an editorial, a column by Tom Wicker, and another column by James Reston:

FIGHT FOR SURVIVAL

President Nixon's characterization of the battle against the pollution of the environment as a "now-or-never" fight offers new hope that this survival issue will be given top priority, not in discussion panels but in action.

With poisons pouring into the air at a rate of 130 million tons a year and great bodies of water turning into cesspools, the question is no longer one of comfort or esthetics but of life and death. The President's warning that huge areas may become unlivable by 1980 must be underscored with the observation that many urban regions already fit this description.

Creation of the Council on Environmental Qualities and the President's emphatic endorsement of the Democratic-sponsored National Environmental Policy Act should be the first step in a bipartisan partnership to avert the disastrous prospects so dramatically set forth by Mr. Nixon.

The question still to be answered—and gravely posed anew by Senators Jackson and Muskie at the very moment of the Administration's appeal—is whether the country and its leaders truly comprehend both the nature and the price of the task. This is not a clean-up job or a beautification project. It is not a patch-up effort to muzzle a few smokestacks and incinerators or to improve the existing sewage system. It is not a series of skirmishes against easily identifiable despoilers of air, water, land or forests.

Nothing short of a new understanding of the total pattern of man's use of the environment and its resources can keep the nation from drowning in the wastes of its own affluence. It would be fatal self-deception to welcome the new concern with the environment, in all branches of society and at all age levels, as a painless diversion from radical pressures for basic social reform. In many ways, the strategies required to check the destruction of the environment involve a more fundamental assault on all our normal modes of conducting industry, moving about for business or pleasure and establishing a balance between public and private interests than any involved in race relations or other phases of the urban crisis.

Private gain and public expenditures, deeply involved in polluting the environment, cannot remain untouched by realistic policies to stop that pollution. Nor can there be a coherent plan to deal with man's future environment without concern for the population pattern itself.

Sacrifice will be required and so will large-scale expenditure of governmental funds. Inflation and the drain of the Vietnam war will provide handy excuses for inaction. But the price of evasion will be self-annihilation, a stake bigger than any war.

IN THE NATION: MANAGEABLE PROJECTS FOR THE SEVENTIES

(By Tom Wicker)

WASHINGTON, January 3.—President Nixon struck an appropriate note, which he recognized, in making his first official act of the decade the signing of a bill that will strengthen efforts to make American air and water fit again for human consumption. That must be a "major goal" of the seventies, the President said: "It is literally now or never."

The new Environmental Council ought to assure that the subject is kept constantly before President and public, and it is supposed also to devise means of getting the job done. Given the vast array of problems competing for attention and solution, this is a major first step—vesting responsibility in one group equipped to find out what needs to be done as well as how to do it.

In fact, air and water pollution, while widespread and increasing, are relatively concrete situations that ought to be susceptible to counterattack. New York State, for instance, already is pouring millions into a water clean-up program; even the auto manufacturers have been bludgeoned into some interest in antipollution devices for their fume-gushing monsters, and Senator Proxmire of Wisconsin is pushing the interesting notion of taxing industrial polluters on a rising scale—the more they pollute, the more they would pay, with the proceeds going to help defray the costs of municipal sewage treatment plants.

There is not much question that we have, or can quickly develop, the required technology; that is almost the least of it, as the moon program shows. Moreover, this is apparently an area into which some of the energies of the peace movement are overflowing, and numerous scientific warnings about the environment seem at last to be having general effect; so something of a political constituency for an antipollution program now is available to a President who will take advantage of it.

A MANAGEABLE PROBLEM

Mr. Nixon did not minimize the size of the problem, which is considerable. Nevertheless, the environmental question, difficult as it is, must seem to him relatively manageable. As he locks at the manifold questions arising from the years of second-class status to which blacks have been assigned in America, only to emerge militantly demanding something better, at whatever cost; at the vast dilemmas besetting our huge and decaying cities; at the difficulties of paying for social advance while maintaining a stable dollar; at the mushrooming statistics of crime and violence, born of social and economic inequities that defy easy adjustment; at the kaleidoscopic pace of generational, technological and economic change, with its resulting dislocations of people and concepts—as Mr. Nixon looks at these extraordinarily complex realities, and the way they interact with and aggravate one another, the fight against air and water pollution must seem to him a front on which substantial progress can soon be made at reasonable cost.

There are others. For instance, the effort to clean up the air points directly to development of transportation alternatives to the automobile and the jet airplane, two of the most profligate polluters. Obvious alternatives are rapid rail transit within cities, and clean, fast, frequent trains—like the New York-Washington Metroliner—in heavily traveled corridors between cities.

ELIMINATING POVERTY

Similarly, while it may not be easily possible to eliminate poverty in America, as the Johnson Administration once thought could be done, and although the income approach that Mr. Nixon apparently has embraced is at best a long-range project, the elimination of hunger, even of most malnutrition, is by no means beyond economic and technological feasibility. This is another area of concrete practicability in which the Nixon Administration already has taken some important steps and can take more in the early seventies.

Here are three problems—pollution, transportation and hunger—which are neither too complex for imaginative solution nor too costly for a reasonable rate of attack, to which Mr. Nixon might well dedicate the nation in the seventies, just as John Kennedy made the conquest of the moon its goal in the sixties.

Such a dedication would be valuable in itself. It would promise, moreover, real and visible progress, in contrast to what can be expected in less tractable matters; and one salutary result, in addition to the actual progress made on the targets, might well be a demonstration to a skeptical younger generation that the nation can mobilize itself to achieve something other than weapons systems and space adventures.

While Mr. Nixon is at it, of course, he might also put some priority on the mail service, which is a literal disgrace to the wealthiest and technologically the most advanced nation in the world. This is not exactly a major social problem but wouldn't we all feel better about things if, somehow, with traditional American ingenuity and energy, we could eliminate at least the minor irritant of uncertain mail delivery?

Maybe, in fact, the best way to move against the hardest challenges of the new decade is to settle upon a few manageable projects, manage them first, and then go on to the next level of difficulty.

WASHINGTON: "IT IS LITERALLY NOW OR NEVER"

(By James Reston)

WASHINGTON, January 3.—A great deal is being made by the Democrats in Washington these days about the difference between President Nixon's soaring rhetoric on pollution control and his comparatively low budget requests to deal with the problem.

On the face of it, the opposition party can argue that he is talking big and spending very little. He requested $214 million to help clean up the nation's waters in the current budget; the Congress finally appropriated $800 million; and it is not yet clear that the Administration will spend the extra money.

Nevertheless, Mr. Nixon declared the other day that "the nineteen-seventies absolutely must be the years when America pays its debt to the past by reclaiming the purity of its air, its waters and our living environment. It is literally now or never."

THE NEW CONVERT

Despite this difference between language and cash, however, it would probably be a mistake to put the contrast down to political hypocrisy. It is only in the last year that Mr. Nixon, like many other Americans, has come to realize that a population increasing by over two million a year and an indifferent industry expanding even faster are poisoning the atmosphere of the nation and raising vast new political as well as social problems.

Accordingly, he is said to be devoting a major part of his forthcoming State of the Union message to the pollution problem and to the reorganization of local, state and Federal Governments to deal effectively with the larger appropriations he intends to request in the next budget.

Mr. Nixon is not a fisherman like Herbert Hoover, or a hunter or conservationist like Teddy Roosevelt, but he is from California, where pollution has been a lively political controversy for years, and Ed Muskie, who could be his opponent for the Presidency in 1972, is one of the real experts in the Senate on this vast and complicated subject.

THE WHITE HOUSE COUNCIL

In signing the bill to create an Environmental Council to advise the President in this field—as the Council of Economic Advisers assists him in the economic field—Mr. Nixon has at least assured that experts will be watching all executive and legislative actions for their potential influence on the environment.

Lord Ritchie-Calder, writing in the current issue of Foreign Affairs, defines pollution as "a crime compounded of ignorance and avarice," and he notes that the ignorance often exists at the very top of civilized governments simply because all the implications of government decisions are not clear to the men at the top.

For example, Prime Minister Clement Attlee, who concurred in President Truman's decision to drop the atomic bomb on Hiroshima, wrote in "Twilight of Empires" sixteen year later:

THE FORGOTTEN FACTOR

"We knew nothing whatever at that time about the genetic effects of an atomic explosion. I knew nothing about fallout and all the rest of what emerged after Hiroshima. As far as I know, President Truman and Winston Churchill knew nothing of these things either. . . . Whether the scientists directly concerned knew or guessed, I do not know. But if they did, then so far as I am aware, they said nothing of it to those who had to make the decision."

This may, as Lord Ritchie-Calder observes, sound absurd, since H. J. Muller had won the Nobel Prize in 1927 for his evidence of the genetic effects of radiation, but it is merely one dramatic illustration of a fact well known to anybody who has been around Washington or Westminster in the last thirty years, namely that governments are constantly making decisions without any serious study of the side effects of their actions.

Now, at least, there will be an early-warning post in the White House, and some expert advice on how money can be spent effectively in attacking the total problem rather than, as has happened often in the past, wasting it on piecemeal projects.

Besides, the new Environmental Council will serve, as the Economic Council does, as an educational agency, not only for the Administration, but for the Congress and the public as a whole.

THE BASIC CONFLICT

The real conflict will come between a conservative Administration's natural instinct to conserve and the opposition to expensive decontamination projects among the Republican party's supporters in American industry.

If Mr. Nixon sticks to his now-or-never battle against pollution, however, he will find a very large and powerful constituency in the public and the press at his side. This is one of those projects which, if well organized and financed, can be a major goal for the bicentennial celebrations of 1976, but it will have to be coordinated and pushed hard in the next few months, and the indications here are that the President intends to do just that.

AN ANNUAL SOCIAL AUDIT

HON. THOMAS P. O'NEILL, JR.

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 20, 1970

Mr. O'NEILL of Massachusetts. Mr. Speaker, today our Nation is faced with numerous social problems, many of which defy simple or quick solutions. These problems stem from deficiencies in our economy, our educational system, and from historical wrongs. In the 1960's the Federal Government and most State and local governments began programs that would bring an end to some of these problems and the beginnings of solutions for others. But it is apparent from the complexity of social ills and the depth of many longstanding inequities that governments alone cannot provide the whole answer and the means for ending all wrongs. Many segments of our society must cooperate and participate in a national effort to redress wrongs and perfect our society. The American business community and big business in particular, which have profited so much from our economic system, have an obligation to contribute something to those people who have not profited so much and who have not shared equally in the affluence of our society. It would be nice if industry would do so solely for altruistic purposes, but even if they are not so generous, they should feel an obligation to do some good and in the long run they, too, will benefit. If a large segment of the American population is poor, dissatisfied, or alienated, the entire Nation suffers. If there are divisions in our society, then all people are hurt because America will not be as wonderful as it could be. Therefore, business not only has an obligation to help solve some of the problems with which we are faced, but it is in their own interest to do so.

Dr. Clark C. Abt, president of Abt Associates, Inc., of Cambridge, has presented me with his proposal to create a system of social audits of private industry. I was impressed by the system Mr. Abt suggested and felt that it should be shared with my colleagues.

Everyone, I am sure, would agree that the Government alone cannot eliminate social problems. General planning can only do so much good, and then work must be done on an individual basis within each community. Since Mr. Abt feels that a business should mean more to a community than a means of collecting revenue, he suggests that industry take part in solving local problems.

Mr. Abt suggests a social audit to motivate business to work for social improvements. A plan of this type could encourage private industry to invest in such community endeavors as employment, education, housing, and crime control. In the long run, Mr. Abt feels that social improvements will be beneficial to business as well as the people of an area. Better incomes mean more consumption; better housing means less polarization. Improvement in education would mean better trained personnel. Thus, both the community and business benefit.

Most industries need some encouragement if social auditing is to be introduced and adopted. The Government should require social audits of private industries, at least for the operations of government contractors. In that way industry would be offering much more to the solution of our social problems than it does now. Thus, the employer would be helping to create a better life for his worker and the people. I have included Mr. Abt's description of his proposal, and I hope that my colleagues will realize the potential that it holds in solving some of societies most pressing problems.

The material referred to above follows:

AN ANNUAL SOCIAL AUDIT

The total impact of a major business enterprise is much more than sales, production, profits and a balance sheet suggests. Comprehensive measures must include the impacts on the surrounding society. To measure the beneficial and non-beneficial social impact a company has is the objective of the "social audit."

A rational policy of company investment in social and economic development requires quantitative analysis of the return on investment (ROI) of such projects. ROI is required for equalizing marginal utilities to optimize allocation of resources in budgeting. A project's ROI will depend critically on the degree to which it meets previously unmet social and economic needs. Thus some means is required for determining the degree to which these needs have been, and are being met by present company and/or external operations. This can be done by an annual "social audit."

The company social audit concept calls for a balance sheet of company current and long-term social assets and liabilities, and a statement of the social gains and losses in the current year. Social assets, liabilities, gains, and losses refer to the impact of both the company's direct operations, and the products and services it produces, on the company's socio-economic environment. This impact can be measured in terms of quality and quantity of standards of living, public health, nutrition, housing, education, employment, enterprise development, security, culture, community organization and the physical environment.

From a strictly business point of view a social audit offers both immediate and long-range benefits to a company.

The immediate benefits include:

Earnings increases made possible by improved labor productivity paying off more than the social overhead investment costs in labor. This would include both increase in productivity from education, motivation, social stability and reduced turnover, and decreased risk of losses due to strikes, boycotts, poor public image, and lost sales and recruitment.

Budgeting efficiency increases by assessment of social benefits in relation to social needs, for the identification of major needs-benefits mismatches for better allocation of resources.

Opportunity and risk early warning by identification of indirect social impacts of company operations, products, and services that may incur otherwise unnoticed effects.

Positive public and governmental relations that can reduce risks and costs, on an objective and measurable basis achieving authoritative status by being open to inspection.

Marketing improvements by advertising the company's low market prices in terms of both value of product and value of social overhead contribution per unit price. Positive effects on stock prices might also result.

The longer range benefits of a company social audit offer:

Capital gains resulting from farsighted investments in operations providing socially desirable products and services.

A rational basis for integrating corporate with national (including host nation) policy for the maximum benefit of both.

A quantitative basis for forecasting the always important and sometimes decisive response of the social, economic, and political environment.

A basis for optimal company investment planning to maximize returns within resources and risk constraints.

Development of minimum standards of company social gains.

Provision of a rational basis for tax deductions for social contributions, and tax penalties for socially counter-productive competing companies.

Development of an effective large-scale incentive program for private economic development of impoverished areas, resulting in indirect company benefits and higher living standards.

The short range earnings, planning, budgeting, marketing, and positive public relations benefits alone justify a company social audit of modest cost. Cost can be controlled by eschewing a completely comprehensive social audit, while concentrating on the most salient components such as housing, health, education and entrepreneurial development.

The complex theoretical problem of disaggregating the effects of a particular company's actions from the effects of actions by other enterprises, government, and various social groups in an area can be postponed until explicit comparisons are required among the various factors for socio-economic progress. The first order social impact of a specific company, particularly when it initiates or dominates a given product market in a given location, may be determined without recourse to the analysis of the entire economy and its sector interactions.

The professional staff to use in carrying out social audits should be social scientists who have had field experience in the impact areas of interest. Typical would be economists, sociologists, and political scientists, who have had field experience with the specific problem areas of housing, health, education, entrepreneurial development, and labor relations.

An estimated three man-months of professional level effort would be required for the social audit of each major operation. This would be a nonrecurring expense for setting up the social audit system. Subsequent annually recurring costs would probably range between 10 percent and 20 percent of this initial audit set-up cost. The results would be private unless elected to be made public, just as in a financial audit.

SOCIAL AUDIT

Employee Wages: real wages, probability of retention (a function of % layoff per year), percentage promotions, per capita production.

Housing: qualitative—$ value/person, quantitative—square feet/person, measure of privacy, percentage of common amenities by point system—windows, sinks, stoves, toilets, etc.

Health: number of MD's/1000, number hospital beds/1000, percentage innoculations/vaccinations local district, medical service responsive to special local needs, dental service responsive to needs.

Social State: illegitimacy rate, divorce/years; family stability, upward social mobility, in terms of % of lower status groups increasing their socio-economic level by given degrees.

Education: grade coverage—percentage dropouts, salary coverage—percentage graduates, placements—advanced education, jobs, literacy.

Entertainment: arts activity measures, sports events, social events, percentage participation.

BRIEF DESCRIPTION OF AN EXAMPLE OF A SOCIAL AUDIT

PROBLEM

A real estate development corporation faces a complex network of decisions to make when it enters a new market or community. It may use modern business techniques ranging from simple probability analysis to a sophisticated computer simulation in its careful analysis of the economic factors involved, but, unfortunately, the social variables are too often left to intuition and arbitrary weightings—the result: The company ROI criterion is often not fulfilled. To illustrate further, let's take the hypothetical example of the Red Division of the Wood Products Corporation, a large and diversified company.

This Division essentially purchases land for the development and subsequent sale of the developed property. In some of its previous operations it made development decisions which adversely affected the long-term value of property in a certain community as well as the prospects for the Division. The Newtown case involved the purchase of land enclosed by a single family dwelling unit area and construction of a not very attractive apartment complex. The result was the creation of more "through" streets in the community and significant increase in traffic in a neighborhood which contained many children of school age. In the years which followed, the character of the community changed with the migration of many families to safer, quieter, and more aesthetically pleasing neighborhoods, a factor which was reflected in lower land and property values. In subsequent marketing efforts in other locations, the Red Division was not allowed to forget what they had done in the community in Newtown, as was also the case with other subsidiaries of the Wood Products Corporation in related businesses. And, the parent company did not learn the true nature of the situation until quite a few roadblocks to growth had been erected.

APPROACH

The President of Wood Products Corporation, concerned about future similar situations, seeks the aid of his public relations consultant. The public relations consultant recommends that a social science consulting firm skilled in such matters be retained to conduct a social audit.

The corporation president, public relations consultant, and social audit consultant then meet to decide on objectives, schedules, and costs of the social audit. The basic options available are: one, some, or all company locations; one, some, or all company product lines and corresponding markets; one, some, or all social activity areas (employee benefits, health, housing, physical environment, etc.)

Since this is his first social audit, the president decides to try it out on a modest scale first: one location (Newtown), one product line and market (homes), and one social activity area (physical environment). He particularly hopes to learn from the social audit how to increase earnings by reducing costs and avoiding obstacles to good investments, and how to obtain early warning to avoid costly negative public reactions to projects affecting the environment. If the social audit of costs and risks looks enlightening and reliable, he plans to apply the same procedure across competing new project possibilities to develop a good portfolio analysis for corporate investment decisions.

PROCEDURE

The social audit team meets with company officials to gather background data. The team includes an economist familiar with the (home development) industry, a sociologist and/or political scientist experienced in community impact analysis, and a management analyst who knows corporate financial auditing procedures.

A potential development project that has worried the company president is selected for the social audit. This is a slightly more difficult audit problem than that presented by an actual, rather than a potential project. However, the information developed is expected to be more valuable because it will provide early warning of difficulties that can still be remedied at relatively modest cost, compared to later ameliorative efforts to correct environmental blunders already committed.

The social scientists carrying out the audit obtain data from company officials on the location, size, schedule, technical aspects, financial aspects, and labor force of the project under consideration. This is all data on the company project, the potential impact of which on the embedding community must next be assessed.

The potential community impact analysis is next carried out. The social and physical scientists of the social audit team estimate the primary environmental impacts and the probable secondary esthetic, social, and economic impacts of the company project on the surrounding community. They accomplish this by a variety of scientific techniques, including mathematical modeling, system analysis, social surveys, and political decision analysis.

After the community impacts of the company project have been projected, the costs and benefits of the project to the community are analyzed. These community costs and benefits are then subjected to an evaluation of the community's perceptions of them, to determine the probable community responses to the project.

These community responses to the potential project—favorable and unfavorable—are then fed into a cost-benefit analysis of the project from the *company's* point of view. If the community response is unfavorable and strong, this will naturally increase the cost of the project to the company. This phase of the analysis will identify various possible project modifications that may reduce the costs and increase the benefits of the project for both the company and the community.

A number of alternative project modifications will then be analyzed for relative community responses, until the modification with the highest cost-benefit ratio or payoff to the company is identified. At the same time, the risks of higher costs due to the original and other alternative projects will be identified.

The results are then presented to the company in a confidential report and briefing. These results include not only the findings of this particular social audit, but also the procedures set up to perform subsequent social audits using internal company staff.

CSM—THE CHILD-SAVING MEAL

HON. LESLIE C. ARENDS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 20, 1970

Mr. ARENDS. Mr. Speaker, millions of youngsters in many lands are alive today as a result of American compassion and American know-how—and as a result of a unique partnership between the public and private sectors of this country.

These youngsters are growing stronger, and more resistant to childhood diseases that take an abnormal toll among the young in most developing countries.

They have a better chance of survival to adulthood and a productive useful life; and, as a result, their countries have greater hope of economic progress—and the world a greater hope of peaceful existence.

They are the youngsters fortunate enough to be included among the organized child-feeding activities of America's great voluntary agencies for overseas relief and rehabilitation, organizations such as CARE, the Protestant Church World Service and Lutheran World Relief, Catholic Relief Service and its Charitas counterparts, the American Jewish Joint Distribution Committee, and a number of similar privately supported humanitarian organizations helping to carry out the U.S. Government's food for freedom program.

For the past 2 years, that program has made available a new food product for the world's hungry—CSM, a high protein formulated food made from gelatinized corn meal, soybean flour, nonfat dried milk plus vitamins and minerals, particularly designed to meet the protein deficiency of infants and children. It is sold to the government at less than 8 cents per pound.

As of latest reports, these programs are now reaching, for at least some supplemental feeding, some 45,000,000 school-age children and another 10,000,00 preschool infants, and pregnant or nursing mothers, scattered around the world in some 100 countries.

The following article from the November 13, 1969 issue of the New York Times gives some idea of the problems of famine and the use of CSM in meeting the problems attendant thereto:

FAMINE IS CALLED EPIDEMIC DISEASE—EXPERT SAYS CONTROL LIES IN USE OF MEDICAL METHODS

(By Lawrence K. Altman)

Famine is an epidemic of starvation that requires the same control methods as do epidemics of infectious diseases, a United States Public Health Service epidemiologist said here today. He applied such techniques in the Nigerian civil war.

The concept of applying epidemiologic methods to famine control is new and its success in Nigeria indicates that it may be useful elsewhere, Dr. William H. Foege of the National Communicable Disease Center in Atlanta said. Famine relief is a continuing problem and latest information indicates the United States supplies food to about eight other countries with famines, he said.

"In Nigeria, the measures Dr. Foege and others used to control famine prevented many deaths from starvation and from infectious diseases such as measles and smallpox," he said. He added, "Famine history indicates the terminal event in famine deaths is more often an epidemic disease rather than starvation per se."

Dr. Foege, in a paper to the 97th annual meeting of the American Public Health Association, said that he believed such measures helped preserve the social order in time of war.

Epidemiologic control of infectious disease involves surveillance, that is, accurate case reporting by such factors as age and geographic location.

NIGERIAN DATE CITED

"Nigerian famine surveillance included information on the ages and locations of deaths, severity of malnutrition in different areas, population movement during the war and food availability," Dr. Foege said.

"We were quite effective in getting the food to the right people in those areas where objective selection was made," he said in an interview.

The source of the famine reports were the many relief teams working with the Nigerian refugees behind the military lines. The relief teams consisted of groups of four to six doctors, nurses, and administrators from private and religious organizations.

The relief teams evaluated villages who assembled in lines that passed through three stations.

At the first station, the team recorded the individual's height and weight on a card. The villagers proceeded to a second station where this information was compared with that in a reference chart. Since weight is first affected in acute famine, the teams used this criterion to select which persons were entitled to the food supplements.

EDEMA STUDIED

They also examined for the abnormal accumulation of fluid in the villagers' feet. This fluid, known as edema, is a manifestation of a malnutrition disease called kwashiorkor. In some villages, edema was found in 50 percent of those examined.

At the third station, the teams gave smallpox vaccinations. These "served the dual function of reducing the risk of an epidemic and also effectively marked the person for several weeks to prevent him from being screened again in the same village or a neighboring village," Dr. Foege said.

On this basis, the teams distributed one week's ration of food-grain, powdered milk, dry fish and a *corn-soy-milk mixture*—to the villagers. They prepared the food in their homes. The supplements provided the malnourished people with about 1,000 calories a day (about one half their daily nutritional requirement).

These measures enabled the team to distribute the about 800 tons of relief food received weekly to those who needed it most. In the past, "food distribution programs frequently had favored the person with sufficient strength to reach one or several food distribution sites, penalizing the person too weak to aggressively seek food," Dr. Foege said.

Dr. Foege said that as of last July the United States supplied food to these eight additional famine areas: Gambia, Mali, Niger, Swaziland, Chile, the Dominican Republic, Paraguay and Korea.

PREVENTIVE DETENTION IV OR THE ADMINISTRATION VERSUS THE CONSTITUTION

HON. ABNER J. MIKVA

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 20, 1970

Mr. MIKVA. Mr. Speaker, one of the hallmarks of the American system of government has been its faithful reverence of the Constitution. Other nations claim to be constitutionally governed, but few pay more than lipservice to their respective constitutions.

Now the Congress is embroiled in a controversy over so-called preventive detention measures. Advocates of these measures wrap themselves in the mantle of social protectors. It may well be, however, that they will also have to carry the banner of constitutional vio-

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lators. That is, legal experts in Congress, distinguished lawyers, the American Bar Association, and legal scholars alike have raised serious questions about the constitutionality of preventive detention.

My own consideration of Nixon administration proposals for pretrial detention has been greatly enhanced by a memorandum prepared for my office by David Thomas. Mr. Thomas is a bright Chicago attorney who has carefully researched the issue and outlined the fundamental constitutional objections to the administration proposals. I insert at this point in the RECORD Mr. Thomas' memorandum for the reference of my colleagues:

CONSTITUTIONAL OBJECTIONS TO ADMINISTRATION PROPOSAL FOR FEDERAL DETENTION—H.R. 12806

(By David Thomas, Esq.)

I. EIGHTH AMENDMENT

Any discussion of pretrial detention must necessarily draw analogies to the bail system, as that is the only form of pretrial detention historically known to the American system of criminal justice.

In its discussion of the Eighth Amendment, the Administration memorandum misses the essential point by arguing the proposition that the constitutional prohibition of excessive bail has never been interpreted as establishing a right to bail in all cases.

This proposition is arguable, and the case of *Carlson* v. *Landon,* 342 U.S. 524 (1952), is weak authority for the Administration's position. The *Carlson* case was a civil proceeding involving deportation of aliens. Not only does the Eighth Amendment not apply to civil proceedings, but the persons detained in *Carlson* were aliens, not even citizens of the United States. Therefore, the statement cited by the Administration is mere diction. Moreover, the Supreme Court emphasized in the text of its opinion that Congress has exceptionally broad powers over the deportation of aliens. In addition, the case was decided during the 1950 Communist scare and it was a 5 to 4 decision. Finally, the case certainly seems to conflict in principle with the cases cited in this memorandum.

Thus it may be doubted whether *Carlson* v. *Landon* is good authority today. And adopting the Administration interpretation leaves criminal defendants in the anomalous situation of having a right to not have excessive bail, which is guaranteed by the Eighth Amendment, and yet which may be impaired by the legislature so as to grant no right to bail at all. It is basic doctrine, of course, that constitutional rights may not be impaired by legislation.

However, the important point is that whether a right to bail in all cases exists in our system of criminal justice is not the issue. The issue is, assuming for the purposes of argument that criminal defendants in some types of cases have historically been denied the right to pretrial freedom, why has this been done?

The answer to this crucial question is assumed by the Administration on page two of its memorandum: "Moreover, it is only reasonable to conclude that anticipated danger to other persons or the community was a substantial motivating factor in making these dangerous offenses non-bailable."

In fact this statement is simply not true, as will be shown below, and it is the fatal flaw in the Administration's argument, which argument precedes in the following manner:

1. That it has been and is a widely accepted practice to deny bail (that is, to detain defendants before trial) in capital and sometimes in certain non-capital cases.

2. That since bail has been denied in capital cases and for certain other "serious crimes", it is only reasonable to assume that it was done because of anticipated danger to other persons or the community by the defendant who is detained.

3. That all or most of the crimes for which the Administration now proposes pretrial detention are or were at one time capital cases.

4. That even though most of the crimes are not now capital cases, the reasons for making them non-capital crimes are not related to the constitutionality or unconstitutionality of pretrial detention.

5. That, therefore, pretrial detention on the basis of anticipated danger to other persons or the community does not violate the Eighth Amendment and is in fact not a new policy or practice in American criminal law.

It is apparent that once the second statement listed above is discredited (and the Administration does not cite any authority therefor), the Administration's argument breaks down.

In *Stack v. Boyle,* 342 U.S. 1 (1951), the Supreme Court stated quite clearly the *sole function* for bail and the sole basis for denial thereof, at 4–5:

"The right to release before trial is conditioned upon the accused giving adequate insurance that he will stand trial and submit to sentence if guilty . . . *Bail set at a figure higher than an amount reasonably calculated to fulfill this purpose is "excessive" under the Eighth Amendment*. . . . Since the function of bail is limited, the fixing of bail for any individual defendant must be based upon standards relevant to the purpose of assuring the presence of that defendant. The traditional standards expressed in the Federal Rules of Civil Procedure are to be applied in each case to each defendant . . . The Government asks the court to depart from the [normal bail for these charges] by assuming, without the introduction of evidence, that each petitioner is a pawn in a conspiracy and will, in obedience to a superior, flee the jurisdiction. *To infer from the fact of indictment alone a need for bail in an unusually high amount is an arbitrary act.*" (Italic Supplied)

This case may reasonably be read for the proposition that setting abnormally high bail on the basis of the offense charged, without a showing of evidence that the offense charged will cause flight even if a "substantial probability" of the guilt of the defendant were shown, would be "excessive bail" and in violation of the Eighth Amendment.

In *United States v. Foster,* 79 F. Supp. 422 (S.D.N.Y. 1948), the Court rejects the Administration's thesis in unequivocal terms, at 423:

"The office of bail in a criminal case is to secure the due attendance of the party accused, to answer the indictment, and to submit to a trial, and a judgment . . . *Clearly it is not the function of bail to prevent the commission of crimes between indictment and trial*; and manifestly admission to bail is never a judicial license to continue the commission of crime." (Italic Supplied)

In *Williamson v. United States,* 184 F. 2d 280 (CCA 2nd 1950), a Smith Act prosecution, the defendants were convicted and the government moved to have their bail revoked on the ground that the defendants would pursue a course of conduct dangerous to the United States. Justice Jackson denied the motion for the following reasons, at 281–282·

"If I assume that defendants are disposed to commit every opportune disloyal act helpful to Communist countries, it is still difficult to reconcile with traditional American law the jailing of persons by the courts because of anticipated but as yet uncommitted crimes. Imprisonment to protect society from predicted but uncommitted offenses is so unprecedented in this country and so fraught with danger of excesses and injustice that I am loath to resort to it, even as a discretionary judicial technique to supplement conviction of such offenses as those of which defendants stand convicted."

It is significant that Justice Jackson was speaking to a situation where the defendant had already been convicted and it was therefore not a question of pretrial detention, Justice Jackson went on to state, at 284:

"If, however, I were to be wrong on all of these abstract or theoretical matters of principle, there is a very practical aspect of this application which must not be overlooked or underestimated—that is the disastrous effect on the reputation of American justice if I should now send these men to jail and the full Court later decide that their conviction is invalid."

Justice Jackson was worried about international repercussions, but the same principles would apply if a defendant were detained before trial and then acquitted of the crime for which he was detained.

In *People* v. *Snow,* 340 Ill., 464 (1930), the defendant, whose past record included convictions for rape, robbery, murder, and conspiring against the government, and against whom indictments for drunken driving, carrying a concealed weapon, and assault with intent to murder were outstanding, was successful in reducing bail on a vagrancy charge from $50,000 to $5,000. The rationale, at 467, is set forth below:

"The object of bail is to make certain the defendant's appearance in court to abide the judgment of the court. Bail is not allowed or refused on account of the presumed guilt or innocence of the person accused, though the existence of a doubt as to the accused's guilt and the probability of his appearing for trial are questions which must be considered in determining the amount of bail to be required. It is also proper to take into consideration on that question the character of the person accused, and the fact, if it is a fact, that he has a criminal record, *but excessive bail is not to be required for the purpose of preventing the prisoner from being admitted to bail*. . . . This record may be taken into consideration in fixing the amount of bail which would be reasonably sufficient to insure his attendance to answer this comparatively minor charge. But bail to answer this charge cannot be fixed with reference to securing his appearance to answer the other crimes with which he is charged, or at an unreasonable amount for this charge, merely to detain and imprison him." (Italic supplied.) See also *State* v. *Konigsberg,* 33 N.J. 367, 164 and 740 (1960).

On the basis of these cases it is safe to say that the dangerousness of the defendant to the community based upon the seriousness of the offense charged and his record of past convictions has historically been a factor in detaining him before trial only insofar as it might influence his incentive to flee. And on this point it is important to note that, while the seriousness of the offense charged might influence the incentive to flee, 'its importance is questionable under modern conditions when the more serious the charge, the more likely it is that flight would be followed by a determined and usually successful attempt at apprehension. In Philadelphia it was found that most bail jumping was for minor crimes and that there was none for the most serious offenses." Note, "Compelling Appearance in Court: Administration of Bail in Philadelphia", 102 U. of Penn. L. Rev. 1031 (1954).

It is no idle distinction to talk of detaining a defendant prior to trial to prevent future crimes, as opposed to the historical justification of preventing flight. In the former case, there is an established method to protect against such acts—the threat of criminal sanctions. The system of criminal justice has made a policy decision that crimes are to be deterred by subsequent punishment rather than prior confinement. Since a part of this system is that threats must be effectively imposed, in some cases detention is proper to prevent flight and thus preserve the integrity of the system. But detention to preserve the integrity of the system does not justify detention as a substitute for the system. Pretrial detention to prevent future crimes serves to displace rather than preserve the established system of justice. See Note, "Preventative Detention Before Trial", 79 Harv. L. Rev. 1489 (1966). Penalties already exist to deter the prevention of crime by a defendant who is released while waiting trial. Pretrial detention would displace the established system, rather than strengthen it, as the Administration would have one believe.

Based on the principles set forth above, the rebuttal to the Administration's argument proceeds as follows:

1. There is only one legitimate purpose for denial of bail (pretrial detention) in a non-capital case, and that is to compel the appearance of the defendant in court. The offense charged is a factor only insofar as it relates to the likelihood of flight. See Rule 46(c) of the Federal Rules of Criminal Procedure.

2. If the amount of bail is higher than is reasonably necessary to fulfill its legitimate purpose, then it is "excessive", to use the language of the Eighth Amendment. That is, pretrial detention for any other purpose than compelling the attendance of the defendant at trial is excessive.

3. The Eighth Amendment prohibits "excessive bail".

4. Therefore, pretrial detention of defendants, based solely upon the nature of the offense charged, to prevent future crimes rather than to prevent flight is prohibited by the Eighth Amendment.

Thus, the Administration is not simply codifying the established practice, as it would have one believe, but rather it is proposing to detain defendants before trial for a reason never before thought proper and which, according to the cases cited above, is prohibited by the Eighth Amendment.

II. THE PRESUMPTION OF INNOCENCE

The Administration deals with the presumption of innocence in a remarkably shorthand manner, relegating it to the status of a mere rule of evidence.

In fact, the presumption of innocence is much more than a rule of evidence. It is the idea and spirit underlying the American system of criminal justice and is reflected in the following principles:

1. That criminal conduct be deterred by subsequent imprisonment rather than prior confinement.

2. That there be no imprisonment without conviction of a crime.

3. That a defendant is entitled to aid and assist in the preparation of his defense, in an unhampered fashion.

4. That it is preferable to release 10 guilty men rather than imprison one innocent person.

The Administration's proposal for pretrial detention violates each of these principles.

It seeks to deter criminal conduct by prior confinement rather than subsequent imprisonment.

It authorizes imprisonment with conviction of the crime for which the defendant is imprisoned.

The proposed new subsection (h)(2) to section 3146 of the Bail Reform Act of 1966 requires a defendant detained before trial to show "good cause" in order to "be released upon order of the judicial officer in the custody of the United States Marshal or other appropriate person for limited periods of time to prepare defenses . . ." This is a violation of defendant's right to aid and assist in the preparation of his defense because it puts a burden of proof upon him to show "good cause" in order to be granted what heretofore has been considered an absolute right.

The violation of the traditional notion that 10 guilty men will be released to protect one innocent man has been expressed by one commentator as follows: "The indications are that any system of predicting future crimes would result in a vastly larger number of erroneous confinements—that is, confinements of persons predicted to engage in violent crime who would not, in fact, do so. Indeed, all the experience with predicting conduct suggests that in order to spot a significant proportion of future violent criminals, we would have to reverse the traditional maxim of criminal law and adopt a philosophy that it is 'better to confine ten people who would not commit predicted crimes, than to release one who would'." Dershowitz, "Preventing 'Preventative Detention' ", vol. 13, no. 5, New York Review of Books, March 13, 1969.

An additional argument indicating that the Administration's pretrial detention proposal violates the presumption of innocence may be found in statistics indicating that the defendant at liberty pending trial stands a better chance of not being convicted, or, if convicted, or not receiving a prison sentence. A study of defendants detained pursuant to the bail system in Philadelphia showed a causal relationship between detention and conviction, and between conviction and sentencing. 48% of those defendants indicted but not in jail were acquitted, whereas only 18% of those indicted but detained were acquitted. Moreover, of those convicted, 22% who were released prior to trial on bail went to prison, while 59% of those who were detained were sent to prison. Note, "Compelling Appearance in Court: Administration of Bail in Philadelphia", 102 U. of Penn. L. Rev. 1031, 1051 (1954).

Likewise a recent study in New York yielded the following results:

PERCENTAGE OF DEFENDANTS CONVICTED

Charge	At liberty	Detained
Assault	23	59
Grand larceny	43	72
Robbery	51	58
Dangerous weapons	43	57
Narcotics	52	38
Sex crimes	10	14
Others	30	78

The same study showed a similar causal relationship between detention and imprisonment upon conviction:

PERCENTAGE OF DEFENDANTS IMPRISONED

Charge	At liberty	Detained
Assault	58	94
Dangerous weapons	70	91
Larceny	48	93
Narcotics	59	100
Robbery	78	97
Others	56	88

See, Ares, Rankin, and Sturz, "The Manhattan Bail Project: An Interim Report On The Use of Pretrial Parole", 38 NYU L. Rev. 67 (1963).

Thus, the presumption of innocence is not merely a rule of evidence but rather the root concept of American criminal justice, and it it is violated in every respect by the Administration proposal to detain defendants to prohibit the commission of crimes while such defendants are awaiting trial.

III. DUE PROCESS CLAUSE OF THE FIFTH AMENDMENT

In support of its argument that its pretrial detention proposal does not violate the Due Process clause of the Fifth Amendment, the Administration cites the following types of cases: Cases denying bail following conviction on the ground that the defendant may pose a danger to other persons or the community; cases authorizing the revocation of bail where a defendant has made threats against witnesses or jurors; indefinite commitment of persons deemed incompetent to stand trial; pretrial commitment for mental examinations; civil commitment for sexual psychopaths, narcotics addicts, chronic alcoholics, and the mentally ill; and civil cases involving deportation proceedings.

None of these citations is appropriate. For the reasons given above, detention following conviction presents a different situation than detention prior to trial.

Revocation of bail upon proof of threats against witnesses or jurors adheres to the principle of deterrence of crime by subsequent imprisonment, and supports the integrity of the system by allowing the orderly progress of the trial in the same manner denial of bail to prevent flight allows the system to operate by guaranteeing a trial.

The theory behind pretrial commitment for sexual psychopaths, persons incompetent to stand trial, narcotics addicts, chronic alcoholics, and the mentally ill is that, because of some mental or emotional abnormality, they are not responsible to the normal deterrence threat of criminal sanctions and cannot be dealt with through the usual processes of criminal law. There is no such claim made for pretrial detention to prevent potential recidivism because, except for the pretrial detention, such defendants will be dealt with through the normal criminal channels. Moreover, the purpose of the confinement of abnormal individuals is treatment and cure, and there is no such claim made for pretrial detention of potential recidivists.

Finally, deportation proceedings are civil cases.

The Administration memorandum then examines the proposed bill itself to anticipate due process objections. It is stated: "The Administration proposal limits the categories of defendants who may be detained to those charged with highly dangerous offenses (1) which all involve the threat of serious bodily injury or death, and (2) which are either (A) of the kind which common sense, experience, and available statistics indicate are not 'one-shot affairs' but involve repeated offenders, or (B) charges against persons who are either narcotics addicts or have recently been either convicted of or charged with other violent crimes."

It is instructive to examine the Administration bill for substantive and procedural Due Process objections. The term "dangerous crime" includes crimes such as unlawfully breaking and entering with an intent to commit *any offense*, and "taking or attempting to take immoral, improper, or indecent liberties with a child under the age of 16 years." Moreover, a "crime of violence" is defined to include "taking or attempting to take immoral, improper, or indecent liberties with a child under the age of 16 years", along with numerous other offenses. Even accepting the Administration's own thesis, the statute violates due process because it is too broadly drawn and includes within its ambit crimes which are neither "violent" nor "dangerous."

A person who has been charged with a "dangerous crime", or a "crime of violence" while released on a prior *charge* of a "crime of violence", or if the person has been convicted of a "crime of violence" within a *10 year* period preceding the alleged commission of the present offense, may be detained if there is "clear and convincing evidence" that he is a person charged with such a crime, and there are no conditions of release which will assure the safety of "any" other person or the "community" and there is a "substantial probability" that the person committed the offense.

In connection with the necessity for finding that there is "no condition or combination of conditions of release which will reasonably assure the safety of any other person or the community", it is important to note that the proposal would also amend section 3146 (a) to state that "no financial condition may be imposed to assure the safety of any other person or the community."

Thus the hearing as a practical matter would boil down to the question of whether there is a "substantial probability" that the person committed the offense. The Supreme Court has clearly indicated that it will look through the formality of procedures to the substance. *Miranda* v. *Arizona* 384 U.S. 436 (1966). As a practical matter the pretrial detention hearing would operate in substance like a grand jury hearing. Since the evidence "need not conform to the rules pertaining to the admissibility of evidence in a court of law" (section 3146 A (c) (5)), and whatever the defendant would say could be used against him for impeachment purposes in subsequent proceedings (section 3146 A(6)), the pretrial hearings would be in substance wholly *ex parte*, evidence for the prosecution alone being received. See *State* v. *Konigsberg*, 33 N.J. 367 164 A. 2d 740 (1960). In substance this hearing would be a sham because in the given setting the defendant could not present his evidence without prejudicing his rights at trial. A sham hearing is no hearing at all and violates the defendant's rights to procedural due process.

A further examination of the bill reveals the following objections:

1. A person who has been released may be arrested and brought back into court if "it subsequently appears that such person may be subject to pretrial detention." The potential for harassment by the filing of such an *ex parte* written motion is obvious.

2. Section 3146 (b) authorizes as considerations in determining the conditions of release which will assure the safety of any other person or the community, "such matters as" the nature and circumstance of the offense charged, etc. What other matters? Past arrest? The standards must be set forth with particularity or the statute violates the Due Process clause. See, *Richs* v. *District of Columbia*, D.C. App. No. 2919 (Dec. 23, 1968).

3. The standard of appellate review is that the pretrial detention order will be affirmed "if it is supported by the proceedings below." This comes very close to the familiar "abuse of discretion" standard and predictably will result in the affirmance of almost every pretrial detention order.

The necessity for showing "good cause" to aid and assist in the preparation of one's defense, along with the necessity of undertaking said preparation in the custody of a United States Marshal has previously been mentioned. Further objections along this line may be made. The assistance of counsel guaranteed by the Sixth Amendment means more than a room in which to consult with counsel. The guarantee of assistance of counsel cannot be satisfied by mere formal appointment, followed by denial of opportunity for counsel to consult with the accused and prepare a defense. *Avery* v. *State of Alabama*, 308 U.S. 44 (1940). The defendant must be given a reasonable opportunity to employ and consult with counsel. *Chandler* v. *Fretag*, 348 U.S. 3 (1954). An accused person has a fundamental right to representation by counsel, with a corresponding obligation on the part of the state not to deprive counsel and the accused of an opportunity to consult, prepare a defense, and secure witnesses. *O'Brien* v. *Lindsay*, 204 F. 2d 359 (1953). Experience with other statutes providing for a reasonable consultation with counsel while in police detention has indicated that the police constantly harass the defendant and counsel and in fact do not allow for reasonable consultation. See Note, "Compelling Appearance In Court: Administration Of Bail In Philadelphia", 102 U. of Penn. L. Rev. 1051, 1054 (1954).

In the portion of the Administration memorandum quoted above, the Administration attempts to compensate for its lack of statistics by talking about "common sense" and "experience". It is fundamental constitutional doctrine that the Due Process guarantee of the Fifth Amendment demands that a law shall not be unreasonable, arbitrary, or capricious; and that the means selected have a real and substantial relation to the object sought to be attained; and the objective be constitutionally permissible. *Standard Oil Co.* v. *City of Gadsden*, 263 F. Supp. 502 (D.C. Ala. 1967); *Coxsey* v. *Hallaby*, 231 F. Supp. 978 (D.C. Okla. 1964).

The Administration not only fails to show that pretrial detention has a real and substantial relation to the protection of the community or the deterrence of crimes committed while defendants are released awaiting trial, but the available statistics indicate that the incidence of criminal conduct while awaiting trial is very low. See Note, "Preventative Detention Before Trial", 79 Harv. L. Rev. 1489, 1496–1497 (1966).

The *Miranda* case, which primarily involved the right against self incrimination and the right to assistance of counsel, placed great emphasis on the psychological deprivation resulting from police confinement as indicated by the following quotation from an official police manual:

"The principle psychological factor contributing to a successful interrogation is privacy—being alone with a person under interrogation . . . If at all practicable, the interrogation should take place in the investigator's office or at least in a room of his own choice. The subject should be deprived of every psychological advantage. In his own home he may be confident, indignant or recalcitrant. He is more keenly aware of his rights and more reluctant to tell of his indiscretions or criminal behavior within the walls of his home. Moreover, his family and other friends are nearby, their presence lending moral support. In his own office, the investigator possesses all the advantages. The atmosphere suggests the invincibility of the law." 384 U.S. at 449–450.

The same considerations apply to pretrial detention, which detention suggests the following Due Process objections based upon confinement and/or psychological intimidation:

1. The defendant is subject to line-ups which can produce new evidence or charges of new crimes, whereas if he were free the police would have to obtain consent or a court order for line up.

2. To exist in jail one must adopt the attitudes and values of the criminal society, adversely affecting courtroom behavior.

3. The defendant is forced to enter the courtroom in the custody of the police. He is generally unkempt due to jailhoue conditions and attire, and he is invariably unhappy, suffering from what is commonly termed "jailhouse depression". These matters are extremely important because the trial judge may base his findings of fact upon the demeanor of the defendant.

4. If convicted, the defendant who was released during the pretrial period can point to his job record and good behavior while out on bail. These are highly important considerations in sentencing, while the defendant who has been confined most probably has lost his job and will be unable to get it back.

A proposal for pretrial detention is particularly sensitive to due process objections because, as stated in *Powell v. Alabama*, 287 U.S. 45, 57 (1932), the interlude between arraignment and trial is "perhaps the most critical period of the proceedings . . . when consultation, thoroughgoing investigation and preparation . . . are vitally important. . . . "

It is difficult to categorize the final objection to be presented in this memorandum but it is certainly worth stating:

"The most serious danger inherent in any system of pretrial detention is that it always seems to be working well, even though it is performing dismally; this is so because it is the nature of any system of pretrial detention to display its meager successes in preventing crime while it hides its frequent errors. . . . Judges, like psychiatrists, will rarely learn about their erroneous predictions of violence; for these defendants being confined, will not have an opportunity to demonstrate that they *would not* have committed the predicted crime. But every time a judge makes an erroneous prediction of *non-violence* every time he decides to release someone who then does commit a violent act—he learns about his mistake swiftly and dramatically . . . Thus if a statute is enacted authorizing pretrial detention on the basis of judicial predictions of violence, we will never know how many defendants are being erroneously confined. And as more and more information is accumulated, most of it concerning defendants who were erroneously released, judges will keep expanding the category of defendants to be detained. . . . What must be avoided is a simple solution that freezes existing knowledge at its low state. Derhowitz, "Preventing 'Preventive Detention' ", *supra*, at 816–818.

OUR DEMOCRATIC PARTY: A 1970 OUTLOOK

HON. LOUIS STOKES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 20, 1970

Mr. STOKES. Mr. Speaker, the Cuyahoga County Democratic Party has always been one of the strongest, most vibrant political organizations in the Nation. Its success has been almost unparalleled.

During the sixties, a great deal of credit for this record was attributable to the work of the chairman of the executive committee, Mr. Arnold S. Porter. Recently, however, Mr. Porter stepped down from his leadership post and was replaced by another fine Democrat and citizen, Dr. Samuel R. Gerber. At the opening meeting of the executive committee on January 6 of this year, Dr. Gerber delivered a most articulate address commemorating his predecessor and setting forth the party's goals for the decade to come.

I am inserting Dr. Gerber's message in the Record at this point:

Our Democratic Party: A 1970 Outlook

I welcome you to the first meeting in 1970 of the Executive Committee of the Cuyahoga County Democratic Party. Last year was an interesting and important one. We proclaimed to the nation that our Party could reelect a black Mayor who not only had maintained a totally viable city, but had generated new dynamisms—(the theories of the universe in terms of forces and their interplay), as he kept Cleveland on the Move!

It was consequently a very significant year for the Democratic Party and its organization. We rose to the challenge of a new era and responded with vigor. This is the test of organization—in fact of civilization itself.

In this connection we owe a great debt to the wise and able leadership of the Chairman of our Central Committee and the immediate past Chairman of this Executive

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Committee Albert S. Porter. He shouldered, practically alone, the weighty burdens of Party organization; endured the barbs and pressures of hostile critics from all sides, and strode forward with energy, integrity and uncompromising loyalty to our organization. It is too sad that many stood on the side lines and looked on.

I have known Albert Porter intimately for many years. I know profoundly of his unselfish devotion to his family and to our Party. Over the last decade he has been Mr. Democrat of Cuyahoga County, leading us locally and statewide.

I trust that this Committee will recognize his achievements in a truly appropriate fashion and set aside a major occasion at which we can render him the proper honors.

As the year 1970 and the Decade of the Seventies dawn, a time of appraisal, assessment and future outlook is opportune. It is fitting that tonight we take inventory of our *sinews* as the Democratic organization and of our ideas as the Democratic Philosophy in this City and County. Our primary purpose tonight is to designate our choice for a Democratic member of the Board of Elections. I now wish to discuss with you Party operation, program and philosophy.

It will be of no value, of course, if our appraisal is *euphoric;* that is merely accepting a sense of well being; if we shun a realistic measure of our deficiencies and needs; if we fail to set forth the necessary steps for a new enthusiasm and a new eagerness for action in Party activities.

Our Democratic organization is first of all comprised of people—thirty-three wards in Cleveland with a population of 809,022, and in areas in the rest of the County comprised of sixty jurisdictions with a population of 944,426. The organization functions in a general area which is at least 75% Democratic, because the Democratic Party nationally and locally represents liberal progress, humane response to human need, determined opposition to unemployment as an economic instrument, a willingness to change and meet the exigencies of the times.

This County has been Democratic for many years. We generally win our local elections and we contribute heavily in votes and money to the statewide Democratic effort. And in many ways we now take for granted the Democratic tendencies of our voters. This is our opportunity, but also our danger.

For an organization—any large organization—to have life and vibrance there are several essential elements.

There should be an underlying *Philosophy* and a program of specific *Goals* toward which to strive.

There should be a sense of *Enthusiasm* in personal interaction and in achieving goals.

There should be a sense of *Loyalty* and *Discipline* which help cement an overriding organizational *Cohesion*.

There must be a sustaining base of adequate *Financial Support*.

The achievement of organic unity must be combined with the retention of an intrinsic diversity—effectively expressed—in thought, customs, manners and mode of living.

I attempt now in brief fashion to make my early 1970 assessment of our Party against these criteria. We have many assets that I could list, but tonight I ask your indulgence to be critical of ourselves, not to praise us.

Frankly, I believe we have some serious weaknesses in the basic essentials of organization which I set forth earlier.

Over a period of many years we have enjoyed success under the leadership of Ray Miller and Bert Porter, (but because success has led to a sense of ease, inertia and indifference), the Democratic Party of Cuyahoga County now requires a new and substantial injection of *dynamism*.

Though we have had excellent leadership as evidenced by year to year successes, we have developed an attitude of laissez-faire resulting in many shortcomings.

What are these shortcomings?—As I see them—

1. We are a party today without a definable philosophy or attitude on County and City issues.

2. We do not have an adequate Executive staff and we do not have sound financial support for such a staff or for organizational requirements generally.

3. We are without an expressive sense of Party discipline and loyalty on basic decisions—whether dealing with candidates or issues.

4. We have an almost irresistible tendency toward diffusion and avoidance of cohesion. There is only a spasmodic sense of zest or enthusiasm in our organization as a whole.

5. We have not expressed our real or imagined diversities in adequate fashion within the Party organization to achieve the unity we need.

In some ways I am, of course, overstating the problems. I do so deliberately, to focus your attention on them, as we lead into the more constructive areas of discussion.

Nowadays advertising agencies have so accustomed us to being hit over the head in order to get our attention that we—as speakers and listeners—succumb to the trend.

I want to turn now to the steps we must take to inject vigor or maybe new life into the organism. We are not ready for basic heart transplants, but we can open our arteries and let the life blood of ideas and people move through them more quickly. We have become somewhat arteriosclerotic; but in collective affairs it is often easier to relieve hardening of the arteries than in individual cases.

There is of course no *first* step that we can take. Rather a number of important steps must be taken simultaneously. They are all first steps.

1. *We must move now to achieve an adequate and sustaining financial base for the organization.*

There is no reason why the Democratic Party of Cuyahoga County cannot use modern techniques of fund-raising and achieve the kind of funding that can make it effective year after year.

I shall appoint an important committee to head up this effort to raise funds from individuals and groups through contributions, special events or other effective methods. I shall request this committee to formulate systematic plans for the year and report to me within one month.

2. *We must move quickly to establish an executive staff organization.*

Very shortly, funds permitting or with volunteers, I shall appoint an executive director for the Party organization and provide him with the necessary secretarial and research assistance to insure an effective central operation.

As Chairman of the Party, I pledge to you that I will be at Headquarters practically every day, available for organizational decisions and for meetings and consultations with members of this executive committee and others. I intend to be a working chairman as I hope I have been—during my term. No party can function unless the chairman is available physically and mentally at all times for Party affairs.

3. *We must move to make meaningful the terms Party Loyalty and Party Discipline.*

Party Endorsements: The decision whether or not to endorse particular candidates for office will not be an easy or automatic process—whether for incumbent officeholders or non-incumbents.

I have appointed a Scanning Committee under the chairmanship of Paul Corey and I am directing the Committee to conduct its reviews carefully and thoroughly.

I do not intend for this committee to be just a pro-forma body.

Among the qualifications a candidate will need for endorsement are:

1. Record in office.
2. Ability and experience.
3. Degree of support for the Party's philosophy and candidates.
4. Vote-getting capacity.

Ward and Precinct Leadership: In the next several weeks I will be discussing with ward and precinct leaders their needs and obligations as the operational heads of our organization. We will make every effort to meet their requirements of leadership. We will also expect the loyalty and active support which accompany the obligations of leadership. I do not forsee now the need for any changes. But I will not shrink from change if Party discipline requires it.

4. *We will establish a process and a forum for the development of a specific Party program for the County.*

I am seeking a suitable individual to head up a Committee on a Program to develop—through wide discussion and debate—a meaningful, substantive program of local issues for which our Party will stand and fight.

This will involve meetings, workshops, research and conclusive discussions. This will be an undertaking of great importance to the whole dynamism of our organization.

I ask now for members of this Executive Committee to serve in a workshop discussion and program. It will be an all-afternoon session of workshop discussion on program, problems of organization and the general welfare of the Committee and the Party. We will conclude with reports to implement the workshop discussions. The meeting will be climaxed with a get-to-gether of all discussants at which time I expect to have an outstanding Democratic speaker.

5. *We must move to expand participation in Party matters.*

One of the great problems of majority status over time is that a Party becomes organizationally *inbred* with a small number of people meeting themselves on all occasions. We must broaden our base to include in the major decision-making sessions of our Party not only the grass roots of the Party, but those who can inject new insights, new enthusiasms, new bodies.

We have begun this process already in what I believe is an impressive manner. Several weeks ago I asked Helen Lyons to head a Women's Committee to increase feminine participation in the organization. The daytime heart and life blood of any political body today are the women of the community. We need them badly—and they need us.

Helen Lyons is well along in this process. We all know her ability to carry out an assignment in the most effective manner. I expect her to report shortly on progress and accomplishment in this area.

Equally important must be our effort to include the youth of our County in the development of Democratic philosophy and program and in the most important decisions this organization makes.

The Democratic Party is the major political group equipped to embody and nourish the aspirations and energies of today's youth. It is *our* Party which can articulate their idealism, their crusade for social justice, their drive for change in obsolete values and hypocritical moralities. They press for reforms in the system, but do so too ineffectively and too transitorily.

I speak not only of those youths who are old enough to vote, but those from 17–20, whose vibrations can shake a society. We want and need their participation in Our Party. In return, our Party will provide them with the effective instrument for attaining the basic social and moral changes which today's climate demands.

I am seeking a person with youth, possessed of energy and vision to head a Task Force on Youth Participation. He will help me with the important work of selecting the members of

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this committee. For the membership of this committee will determine its value. We want the young people themselves on the committee, along with those persons who understand our changing times and who can attract—because of their own personal qualities—the energies and interests of our youth. I know of no responsibility more basic to our Party's existence than this one.

In outlining this Party effort for 1970, I must enlist your support and work, for I shall not undertake it alone. There are many who are anxious to offer advice and join in so-called policy meetings. But I am asking not only for your verbal contributions, but primarily your working efforts. Please respond when I call.

Please remember as Democrats we can disagree, but not to the point of blood letting. In the end we agree to serve a purpose, that is the welfare of all the people. Our only opponents are Republicans.

I am optimistic about 1970. This is a great period in which tremendous progress is being made at a geometric rate. Our Party in this County can make its unique contribution to a future in which a child born today or tomorrow can look forward to a happy childhood, productive middle years and a creative old age.

ZAMBIA'S ATTITUDE TOWARD THE SALE OF ARMS TO SOUTH AFRICA COUNTRYMEN AND FRIENDS

HON. CHARLES C. DIGGS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 20, 1970

Mr. DIGGS. Mr. Speaker, on December 11, 1969, the eve of Zambia's second national convention, His Excellency, President Kenneth Kaunda spoke to his nation. Dr. Kaunda warned the Western World that the 1970's will be a decade of conflict unless South Africa is deterred from widening her economic and military commitments, and unless South Africa officially abandons her abhorent policy of racial discrimination.

I urge all people advocating freedom and justice and opposed to inequality, segregation, and exploitation to read Dr. Kaunda's speech entitled "Zambia's Attitude Toward the Sale of Arms to South Africa Countrymen and Friends":

ZAMBIA'S ATTITUDE TOWARD THE SALE OF ARMS TO SOUTH AFRICA COUNTRYMEN AND FRIENDS

Tomorrow the second National Convention meets to discuss some of the vital problems facing this nation. On the eve of this Convention it is necessary for me to make a statement on one of the most important subjects which could affect adversely the progress the nation is making in creating for the people of this country a more assured, secure and prosperous future.

We have in the past discussed the problems of Southern Africa in general terms. We have expressed our disagreement and condemnation of the policies which have led to the continued existence and entrenchment of the rebel regime in Rhodesia and of other minority regimes in this area.

We have clearly pointed out that external factors have greatly contributed to the strengthening of the minority regimes and those who have liberally advocated principles of democracy, freedom, self-determination and all other philosophies which give expression to man's individual liberty and the free choice of one's Government have been the greatest obstacles to the attainment of the goals of the majority of the people in Southern Africa.

Tonight I wish to respond to the campaigns which are current in Europe, to lift the ban on the sale of arms to South Africa imposed by the United Nations. In recent weeks press reports have indicated the increasing pressure in Britain and in Europe in general for various Governments to lift their bans in accordance with the United Nations resolution. We have known this to be a live issue in Europe and in America for some time—N.A.T.O. countries have particularly been the the centres for these campaigns. Government and business circles have been haunted by agents of South African interests in all these countries seeking political supports in furtherance of their oppressive and aggressive aims. Of late this search for political support has been centred on the battle for the lifting of the U.N. embargo on arms sales to South Africa. The South African Government together with its supporters in Britain, France, West Germany, Italy and the United States, has advanced.

First, economic arguments.—In this case some British businessmen and Conservative Party leaders in particular have argued that Britain has lost economically through the present Government policy. No doubt other Governments, who have participated in the sale of arms to South Africa, have used the profit motive as the reason behind the present stand. Britain, for example, has adopted a policy of no confrontation with South Africa. She has never completely imposed the ban on the sale of arms to South Africa. She has continued to supply certain military equipment and spare parts for South Africa's Army, Navy and Air Force. France is one of the biggest suppliers.

Second, military argument.—South Africa and her supporters in Britain in particular have of late stressed the strategic importance of South Africa in the defence of the West. They have used the concept of "the vacuum in the Indian Ocean" created by Britain's withdrawal east of Suez and the fear of the power of the Soviet Union in the area. They have either completely ignored or vehemently denied that the weapons being supplied to her will be used for political oppression of the millions of the majority of the people of all races who genuinely desire democratic government and peace in freedom and justice.

Third, political argument.—In this case it has been argued that the so-called "new outward-looking policy" adopted by the Vorster regime removes the danger that South Africa poses a threat to independent Africa. Indeed, a number of cases about countries, who have courted the South African friendship, have been cited frequently in various places.

Using these arguments South Africa is carrying out a campaign of an unprecedented magnitude both in effort and in money in Africa and the Western world in order to win support for all her objectives of keeping political, economic and military power completely in the white minority hands.

I want to make the position of my Government very clear today:

First. The aims of building South Africa's military capacity at the present moment cannot be divorced in any way from the major objective of the Vorster regime to keep political and economic power firmly and irrevocably in white hands. Internally, the Bantustan policy has the effect of dividing the people of South Africa, weakening their national spirit and rendering them completely impotent in pursuing their national objectives as one people under one Government. The Bantustan policy has had the effect of shepherding and concentrating the black majority into what are called Bantu homelands. This obviously, will make it easy for the South African Security Forces to deal with them ruthlessly without risking the loss of life of any white people in these areas. This will also make the use of military equipment supplied by the West possible within South Africa provided it is not against the white people. The argument, therefore, that the military equipment cannot be used for political oppression cannot be true.

Second. It has been argued that the equipment, which is being supplied by the Western countries, is interested for self-defense and to help South Africa in guarding western interests around the Cape. Quite obviously, South Africa and her friends in the West have deliberately exaggerated the threat in the Indian Ocean as an excuse to build her military capability with Western support, either materially or in form of technical skill. What threatens Western interests is not the so-called vacuum in the Indian Ocean but the policies pursued by Western nations in continuing to arm what is almost a band of desperadoes who have terrorised the masses in Southern Africa and threatened to widen their area of commitment in this region to those areas that still remain under minority rule. It is the view of my Government that to continue to sell arms to the minority regime in South Africa, who have shown all the manifestations of a ruthless clique determined to maintain their position of powers and control by whatever means in order to defend Western interests, if that is the real purpose, is like hiring murderers as one's defenders.

It is quite clear to us that South Africa will not use the buccaneers, the mirages, the shackletons, the impalas, etc., and all the missiles and various armaments supplied by the West or manufactured with Western technical skill for the defense of the Western interests. She will definitely use them against Zambia and all other independent African countries determined to make African independence a reality.

South Africa will give aid to some African countries. We know this will be done. But it is only one of the instruments for hoodwinking the world into believing that she has all of a sudden become "reasonable" and will stay so.

We cannot believe it. We cannot be party to a confidence trick. The outward-looking policy of South Africa is not intended to create real friends among the Africans in Africa. We regard it as exhibition and as exercise in hoodwinking the west about the readiness of the minority groups in control in Southern Africa to co-operate with independent Africa. This policy, which appears liberal abroad but reactionary and oppressive at home, does not impress us. South Africa must make friends with Africans in her own country and show respect for them and build an agreeable basis for co-operation with them at their own will. Only this will convince us about the sincerity of her efforts. We will not sit idly by and watch the West arm the South Africans who have made their intentions clearly known. They have not only threatened to attack us. They have, in fact, encouraged others to do so. Already equipment supplied by Britain, France and the United States has been used against us by the allies of South Africa. Aircraft supplied by western countries have been used to violate our airspace. The military capacity given to South Africa has enabled her to spare considerable military resources to rebel Rhodesia and the Portuguese forces in Angola and Mozambique. South Africa is entrenching her economic, military and political position in Southern Africa. Her intention is to deepen her commitment in this area—a situation which is bound to escalate the conflict in the event of an explosion of the time bomb the west has helped to plant in this area.

We cannot, therefore, believe that what is being supplied to South Africa will not be used against our economic and political in-

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terests in this country and in the rest of Africa.

I am aware that South Africa's campaign for support is being waged almost in every state in Europe. At the present moment her efforts are concentrated very highly in N.A.T.O. circles. Her views have been expressed through some very important organs of N.A.T.O. Indeed, she has succeeded in getting advocates for her to be included in the N.A.T.O. orbit. Furthermore, a number of countries in Latin America have been approached together with Australia and New Zealand to form a South Atlantic Treaty Organisation. We are generally aware of these developments. No one will convince us that the final objective is solely military, in terms of self-defence and defence of western interests. We know that all this is an instrument for gaining political support which will guarantee the continued retention of political power and control in the hands of minority and racialist cliques.

South Africa may be at the strategic junction of two oceans, but to imagine that she will control the coasts of the rest of Africa is more than a pipe-dream. Strategically it cannot be true that South Africa is more important to the West than gaining the political, economic and military support to the rest of Africa. The Continent of Africa is eleven million, six hundred and seventy-three thousand square miles. Its population is over three hundred million. Of this, South Africa is only four hundred and seventy-two thousand square miles with eighteen million people. Of these, less than four million whites form the group on which western business and political leaders would like to pin the hopes of the western world. Leaders of the British Conservative Party in particular apparently believe that the national interests of Britain depend on the four million whites and not on the three hundred million people on the African Continent with all their tremendous resources.

Over the past few years we have watched as the new western countries and major powers in particular have increasingly adopted a negative attitude towards issues concerning South Africa at the United Nations. It therefore appears that the economic and military support which the West is giving to the Vorster regime strengthens the basis of the political and moral support for apartheid which the South African regime greatly desires.

Compare this situation with the activities of certain European Governments and particularly Britain, who are advocating the expulsion of Greece from the Council of Europe. The reason behind this campaign is largely due to Greece's internal policies. Yet South Africa and Portugal will not be confronted when they have committed some of the worst acts of oppression on the majority of the people. The rebel regime in Rhodesia has deliberately been sheltered by the British Government over the last few years and indeed, today the campaign is growing for what amounts to recognition of the Smith regime. This double standard in approach to problems of oppression and injustice can only be explained in racial terms and we deeply resent it and condemn it in the strongest possible terms.

I am afraid we are increasingly reaching a situation in which British and the West must in their interests choose between South Africa on the one hand and the rest of Africa on the other in terms of investments now and in the future, and in terms of what they consider to be their strategic interests in the Continent of Africa now and in the future, Britain in particular must choose investing her interests in the four hundred and seventy-two thousand square miles or less in South Africa or in the eleven and a half-million square miles in the rest of Africa. We are sick and tired of being considered second in everything—the concept of "the silent majority" also exists in Africa. We are the silent "majority" in the continent but we have the power to build the destiny of this Continent in accordance with our interests. Now our interests appear to be completely and diametrically opposed to those of South Africa.

The current campaign to strengthen South Africa's military capability is against our interests and we must consider action to defend our own interests regardless of cost to Britain and the West if they are acting in their own national interests and which do not appear to coincide with ours. Therefore, those who advocate South Africa's military, economic and political moral objectives must know that they are working against the interests of Africa. Africa will, in turn, have to consider what action must be taken to defend her own interests. Our allies can only be people who are prepared to work with us, not against us. We will co-operate, but freedom and independence; justice and peace are not negotiable. We will not, therefore, accept any exercise in hoodwinking. We will accept no confidence trick. Our commitment is to our people in Zambia and in Africa and we have to act in fulfillment of our obligations to them.

I find it necessary to warn the nation and to give this response to those who are campaigning against the continued implementation of the United Nation's decision. The current campaigns in Britain to lift the embargo on the sale of arms to South Africa are against our national interests. We are aware that South Africa has already acquired sufficient technical skill to manufacture her own armaments, but let her carry her evil intentions alone and let not the friends of freedom and justice, democracy and all that it means to a man's life, be accomplices and accessories before the fact.

Therefore as the Second National Convention meets, it is important for the nation to be fully aware of what the 1970's have in store for all of us. It is important for me to warn that they will be very hard unless the West, with all its capacity to change the situation, makes a positive decision to ensure progress towards peace by preventing South Africa from widening her economic and military commitment in the minority held territories.

In the meantime, I want you to remember that the defence of Zambia rests with each and every one of you. Whether you are a member of the National Convention, or you are a farmer, a businessman, a school teacher or a member of the Government in one way or another you can make a contribution through your participation in the economic development of this country and in building unity in all sections of our community, regardless of race, colour, creed, or situation in life. We are all members of one Zambian team committed to our national goals. Economic development is an instrument of unity, so is the strength of the political party.

We are all members of one family, with one destiny. Let those who are being armed know that we have a destiny, and an obligation to fulfill our commitment to make Zambia truly one nation and one people.

Goodnight.

TAX REFORM MEASURE AND EFFECTS

HON. THOMAS L. ASHLEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 20, 1970

Mr. ASHLEY. Mr. Speaker, the Washington Post on December 31, 1969, carried an article detailing the provisions of the Tax Reform Act and stating in clear, concise language its effects on revenue.

I commend this excellent capsulization to the attention of my colleagues:

GIST OF TAX REFORM ACT'S PROVISIONS, EFFECTS ON REVENUE

(By Frank C. Porter)

Following are the major provisions of the Tax Reform Act of 1969 as signed by the President. None of them will affect the average taxpayer on his returns to be filed in April.

TAX RELIEF

Personal exemptions

This is the amount each taxpayer subtracts for himself and each dependent (along with personal deductions such as those for charitable contributions, mortgage interest, real estate taxes and the like) from his adjusted gross income before computing his tax. The exemption, at $600 for the last 21 years, would rise to $650 next July 1, at which time its effects would be reflected in withholding payments. For full calendar 1970 the exemption would thus be $625 and for 1971 it would be $650. It would rise to $700 in 1972 and to $750 in 1973 and thereafter. The revenue loss to Uncle Sam would be $816 million next year, $1.6 billion in 1971, $3.3 billion in 1972, $4.8 billion in 1973 and thereafter.

Standard deduction

In lieu of itemizing deductions individuals may use a standard deduction which is now 10 per cent of adjusted gross income (total income less business expense and non-taxable items such as municipal bond interest and the excluded half of capital gains) up to a ceiling of $1,000. This would increase to 13 percent with a ceiling of $1,500 in 1971 (reflected in returns filed in April 1972), to 14 per cent with a ceiling of $2,000 in 1972, and to 15 per cent with the same $2,000 ceiling in 1973. Revenue loss: $1.2 billion in 1971, $1.4 billion in 1972, and $1.6 billion in 1973 and thereafter.

Low-income allowance

To remove 5.5 million of the poor and the near poor from the tax rolls, the act provides a low-income allowance of $1,100. The sum of this allowance and total exemptions approximates the old federal poverty standard for each family size (recent revisions have pushed these standards a bit higher).

Thus there would be no taxation of a single person earning less than $1,700 a year, of a couple with less than $2,300 a year, or of a family of four with less than $3,500.

In 1971 the allowance would be shaved to $1,050 and in 1972 to $1,000 to offset increases in the personal exemption. In 1970 and 1971 there would be a special phase-out: That amount of the low-income allowance that exceeds the minimum standard deduction would be reduced by $1 for each $2 of income over the non-taxable level. This phase-out would be dropped in 1972. With the higher standard deduction fully implemented at 15 per cent in 1973, the $1,000 low-income allowance would be of no benefit to anyone making more than $6,666. (A taxpayer could not take both the allowance and the standard deduction.)

The revenue loss would be $625 million in 1970, $1.6 billion in 1971, and $2.1 billion a year subsequently.

Single persons

The act contains a new, lower rate schedule for single persons effective for 1971. It insures they pay no more than 20 per cent above the tax for married persons filing joint returns on the same amount of in-

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come. They pay as much as 40 per cent more under present schedules.

The savings will be greater proportionately in the middle income brackets than in the lower and upper. Since rates for heads of households are midway between those for single persons and joint returns, they will thus be adjusted downward somewhat. Total revenue loss: $420 million.

Withholding

Withholding tables, by which employers deduct income taxes on an installment basis, will be adjusted to reflect the foregoing relief provisions as they become effective.

Previously many part-time or sporadic workers (youngsters with summer jobs, for example) were subject to withholding even though they were not liable for taxes on an annual basis (and must file for refunds at the end of the year). The act provides that no wages shall be withheld if the employee certifies he expects to have no tax liability for the year and in fact had none the year before. It also provides that in the case of erratic wage payments, withholding may be on the basis of cumulative or annualized wages.

Filing requirements

Under the law applicable to 1969 income, an individual must file a return if his gross income is $600 or more, except if he is over 65, in which case the cutoff is $1,200.

To save considerable unneeded paperwork for both taxpayer and Internal Revenue Service, the act excuses single persons with income under $1,700 and married couples with $2,300 from filing. These amounts are increased by $600 for each additional exemption to which the taxpayer is entitled. (Thus a family of six with income less than $4,700 would not have to file.) In 1973 and thereafter the nonfiling limits would be raised to $1,750 for a single person and $2,500 for couples, plus $750 for each added exemption.

Taxpayers currently may have the Internal Revenue Service compute their taxes for them if they make less than $5,000 and meet certain other requirements. The act raises this to $7,500 and liberalizes some of the other requirements.

Maximum tax on earned income

A top rate of 50 per cent would be applied to earned income wages, salaries and fees as opposed to capital gains, accelerated depreciation and the like) in excess of $44,000 for married couples filing jointly, compared to the regular top rate of 70 per cent (not counting the surtax). But the amount of earned income subject to the 50 per cent maximum would be reduced by deductions under special tax preferences in excess of $30,000 (these preferences are the same as those appyling to the minimum income tax, which will be discussed later). Long-run revenue loss: $170 million a year.

Income averaging

To ease the burden of those whose income fluctuates widely from year to year—authors, athletes and the like—who therefore are victims of an exceedingly tough tax wallop in a particular year because of the progressivity of tax rates, a special device is now permitted where income exceeds 133⅓ per cent of the average of the past four years.

The excess over 133⅓ per cent is divided by five. The tax is then computed on this sum and multiplied by five, rendering an amount lower than if the total excess had been taxed as a unit at higher rates. In effect, it treats income as if it had been earned over five years.

The act lowers the 133⅓ figure to 120 per cent and makes averaging available to capital gains, income from gifts and wagering gains. Such averaging is prohibited under present law. But the maximum tax on earned income and the alternative capital gains rate of 25 per cent would not be available to those using averaging. Revenue loss: $300 million.

Moving expenses

To moving expenses presently deductible are added househunting expenses, transitional living costs up to 30 days and expenses incident to the sale or purchase of houses. The new deductions are not to exceed $2,500. The present rule that deductibility is contingent on moving at least 20 miles from the old work site is lengthened to 50 miles but both old and new deductions are extended to the self-employed for the first time. Revenue loss: $110 million.

FOSTER CHILDREN

Under previous law a taxpayer loses his exemption for a foster child to whom he contributes at least 50 per cent of support—but not for a natural child—if the child's income exceeds $600 in a year. The act extends the more favorable treatment to foster children. Revenue loss: Negligible.

SOCIAL SECURITY

Benefit increases

Benefits would be raised 15 per cent across the board effective Jan. 1 but not payable until April because of the time needed to make accounting changes. The minimum payment would thus be raised from $55 to $64 a month. There is no change in payroll taxes. Revenue loss of $3.90 billion in 1970, $4.4 billion thereafter.

Public Assistance

Persons receiving both social security and state public assistance payments generally suffer a reduction in the latter by any increase in social security benefits. Thus, in the absence of any qualifying rule, they would receive no benefit from the 15 per cent social security increase.

But the act in effect directs the states, who receive part of their public assistance funds, from the federal government, to disregard the lump-sum retroactive social security for January and February and the first $4 of the increase in subsequent monthly payments in computing welfare benefits. This provision is effective only to next July in expectation that the Congress will have worked out a permanent solution to the problem in welfare legislation before then.

There is nothing in the act binding the states to aid those receiving public assistance to the aged, blind and disabled but not social security. But the conferees noted that the average monthly social security increase for those receiving both kinds of payments will rise $9.50, which would result in a saving of $5.50 above the $4 increase in total benefits the states are required to honor. The conferees said they "hope" the states will use these savings to raise payments to welfare recipients not on social security by $4 a month. Revenue effect: Negligible.

(Note: Two substantial provisions voted by the Senate were knocked out in conference. See later section on omission from the bill.)

GENERAL FISCAL MEASURES

Income tax surcharge

The income tax surcharge of 10 per cent, which was enacted in June, 1968, and was due to expire Dec. 31, is extended at 5 per cent through June 30 as part of President Nixon's campaign to curb inflation, revenue gain: $3.1 billion.

Excise taxes

Present excise taxes were scheduled to be reduced from 10 to 5 percent on telephone calls and from 7 to 5 per cent on new cars on Jan. 1. with further phasing out set for subsequent years. The act postpones the schedule by one year, leaving these excises at their present levels for 1970. Revenue gain: $1.6 billion in the next 18 months.

Investment tax credit

The investment tax credit, which permits a business to deduct 7 per cent of the cost of new machinery or equipment from income taxes otherwise owed, is terminated for projects begun after last April 18. There are a number of phase-out provisions and exceptions too complex to detail here except for the three major offsetting provisions that follow. Revenue gain: $2.5 billion in 1970, $3.3 billion in the long run.

Railroads depend heavily on the investment tax credit because of their difficulty in generating enough internal funds and in borrowing outside money for capital outlays. As an offset to the credit's repeal, the act permits them and syndicates of individuals to amortize rolling stock over the unusually short period of five years and to depreciate gradings and tunnel bores over 50 years (previously they could not depreciate them because of uncertainty about their useful life). The provision authorizes the Treasury Secretary to determine at a later date what rolling stock is not in short supply and therefore ineligible for the fast write-off. Revenue loss: rising to $165 million in 1974, thence trailing off to $85 million in the long run.

The act carries a similar 5-year write-off for pollution control facilities installed in plants already in operation at the end of 1968 and placed in service before 1975 (in order to let Congress review the provision's effectiveness). The fast amortization deduction is liimted to that portion of the property's cost attributable to its first 15 years of useful life. Revenue loss: $15 million in 1970, rising to $120 million in the long run.

The five-year write-off is further extended to coal mine safety equipment, mostly for small mines, required to comply with the new Coal Mine Health and Safety Act. No estimate of revenue loss, but it is expected to be relatively minor.

TAX REFORM

Minimum income tax

In an attempt to redress the situation whereby many wealthy Americans pay little or no income tax on their considerable incomes, the act levies a flat 10 per cent tax on the total of 10 different kinds of presently untaxed income or special deductions that exceed the sum of $30,000 and the regular income tax. The provision applies to corporations as well as individuals. The ten classes of preference income subject to the levy include:

The excess of interest on loans to buy investment income. This applies only to individuals, personal holding companies and corporations treated as partnerships. It expires when limitations on such interest deductions are made effective in 1972.

The excess of accelerated depreciation or amortization over the straight-line accounting method for personal property subject to a net lease, real estate, railroad rolling stock, pollution control facilities and the rehabilitation of low-income housing.

In the case of stock options, the excess over the option price of the stock market value when the option is exercised.

The excess of a financial institution's fixed-formula bad debt reserves over its own loss experience.

Oil and other mineral depletion allowances to the extent they exceed the actual cost of acquiring and developing a property. (A provision subjecting intangible drilling costs to the minimum income tax was knocked out in conference. But in the final version these intangible costs are excluded from the actual property cost, thus widening the margin of depletion allowance subject to the tax.)

One half of capital gains for individuals and three eighths for corporations.

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The revenue gain from the minimum income tax would be $590 million in 1970, rising to $635 million in the long run.

Natural resources

The mineral depletion allowance—the percentage of gross income to be subtracted from net income before computing taxes but in no event to exceed 50 per cent of net income—is reduced from 27½ to 22 per cent for domestic and foreign oil and gas wells. Allowances for a number of other minerals receive a token cut: from 23 to 22 per cent and from 15 to 14 per cent. Those for gold, silver, oil shale, copper and iron ore remain at 15 per cent. That for molybdenum is actually raised from 15 to 22 per cent. Revenue gain: $235 million.

Various devices such as so-called "carved out" or "ABC" production payments are presently used to circumvent the 50-per-cent limitation on mineral depletion allowances by shifting costs and revenues from year to year. The act curbs the practice by treating such transactions as mortgages or other loans. Revenue gain: $200 million.

Capital gains

Alternative rate. Capital gains (from property held six months or more) have been taxed at half of ordinary rates up to a maximum of 25 per cent, called the alternative rate (this actually amounted to 27½ per cent under the 10 per cent income tax surcharge, which is reduced to 5 per cent as of Jan. 1 under the act and eliminated entirely on June 30).

The corporate rate is raised under the act to 30 per cent for all transactions after July 31, 1969.

In the case of individuals, the 25 per cent alternate rate is still available for gains up to $50,000 in a year. Above that the tax goes to 29½ per cent in 1970, to 32½ per cent in 1971 and to 35 per cent (half the top ordinary rate of 70 per cent) in 1972 and thereafter. The 25 per cent rate continues up to 1975 for gains in accordance with certain binding contracts and installment sales for corporations and individuals. Long-term gain: $275 million from individuals, $175 million from corporations.

Capital losses. Under previous law, individuals were taxed at only half the ordinary rate on long-term capital gains, but they could deduct net long-term capital losses in full from ordinary income up to $1,000 ($2,000 for a couple filing jointly with any excess eligible for deduction in future years. The act attempts to provide symmetrical treatment by allowing only half the net capital loss to be deducted from ordinary income. And in the case of couples filing jointly, only $500 of such deduction is available to each spouse. Long-run revenue gain: $65 million.

Corporations were permitted a three-year carryback on net operating losses (the losses may be applied retroactively against past earnings and a tax refund is claimed) but not on net capital losses, although a five-year carryforward was provided. The act extends the carryback to capital as well as operating losses. Revenue effect: Presumably neutral in the long run since use of the carryback would preclude use of the carryforward for the same loss.

Sale of Papers. Sale of literary, musical or artistic compositions by their creator as treated as ordinary income, but the old law did not include collections of letters, memoranda and the like of public officials. The sale of these have received capital gains treatment in the past. The act requires ordinary income treatment for sales of such collections after Dec. 31, 1968—a date that would presumably disallow the more favorable treatment for any state papers disposed of by former President Johnson. Revenue gain: less than $2.5 million.

Pension funds—Lump sum distributions from pension, profit-sharing and annuity plans have been taxed at capital gains rates. The act provides that that part of the distribution originally contributed by the employer (but not employee contributions, capital gains and accumulated dividends) after 1969 will be taxed at ordinary rates. As an offset, this portion may be averaged over seven years and other income of the employee in the year of the distribution is disregarded in computing the tax on the portion. Technicians say the provision will have little effect on more modest distributions—up to $100,000 say—but considerable impact of very big sums. Long-run revenue gain: $60 million.

Foundations

Excise tax. The act taxes private foundations for the first time—a levy of 4 per cent on annual investment income. Long-run revenue gain: $55 million.

Self-dealing. Prohibited are business transactions, loans, transfer of assets, payment of fees and the like between a private foundation and any "disqualified" persons. This includes substantial contributors, foundation managers, the families of either, business controlled by any of the foregoing and government officials at a policy-making level.

Payout. Foundations will be required to distribute to charity or other non-profit activities all of its investment income in the year after it is earned or an amount equal to 6 per cent of assets, whichever is larger. The latter requirement is phased in gradually, beginning at 4.5 per cent in 1972, rising to 5.0 per cent in 1973, 5.5 per cent in 1974 and 6 per cent in 1975.

Excess business holdings. In general, foundations and the disqualified persons mentioned above (excepting government officials, to whom only the self-dealing provisions apply) may not have a combined ownership in excess of 20 per cent of the voting stock of any business. One exception is the case where it can be proved a third party actually controls the business; then the limit is raised to 35 per cent.

Where existing ownership is between 50 and 75 per cent, the parties are given 10 years to scale down to 50 per cent, 15 years where ownership is between 75 and 95 per cent, and 20 years where it exceeds 95 per cent.

After the applicable period cited above, there need be no further divestiture if the foundation's holdings are less than 25 per cent. If they are more than 25 per cent and the total holdings of disqualified persons are less than 2 per cent, then the foundation has an additional 15 years to reduce its holdings to 35 per cent.

Prohibited activities. Expenditure of foundation money to "attempt to influence any legislation through an attempt to affect the opinion of the general public or any segment thereof" is in effect forbidden. To assuage fears that this would put such research organizations as Brookings Institution out of business, however, the managers of the legislation specified that it is not the intent "to prevent the examination of broad social, economic and similar problems of the type the government could be expected to deal with ultimately, even though this would not permit lobbying on matters which have been proposed for legislative action."

The act also bars direct communication by foundations with government personnel in an attempt to influence legislation except in response to a written request by a governmental body for technical advice or assistance.

Voter registration drives financed by foundations are permitted where the activity is "non-partisan," the organization's activities are carried on in five or more states, not more than 50 per cent of its support comes from gross investment income, no more than 25 per cent of its support other than investment income comes from any one tax-exempt organization in five consecutive years, and contributions to registration drives are not limited to one specific election period.

Disclosure. All tax-exempt organizations with gross receipt of more than $5,000 a year are required to file an annual information return showing the names, addresses and compensation of directors, trustees and top employes. Church groups would not have to report on religious activities. Private foundations must file more detailed reports, including a listing of assets and their value, lists of grants and the names of grantees. The latter reports must be made available to the public.

Penalties. Under past law, revocation of tax-exempt status was the only real punitive action that could be taken against private foundations for statutory violations. The act prescribes a complex formula of taxes (actually fines) for violation of any of the above regulations.

Other tax-exempt organizations

Debt-financed property. Under the old law, some types of tax-exempt organizations were able to buy businesses unrelated to their general function on credit at prices higher than the regular private market would command because of their tax exemption. The arrangement thus benefitted both the organization as buyer and the private seller, who continued to operate the business, usually at a higher profit.

The so-called Clay Brown provision of the act (referring to a precedent-setting Supreme Court case) taxes all income from an unrelated business acquired by any tax-exempt organization to the extent its purchase was financed by debt. Revenue effect: no estimate.

Unrelated business tax. Previous law taxed income from unrelated businesses owned by charitable and educational institutions; labor, and trade groups such as a Chamber of Commerce; profit-sharing plans and others. The act extends this tax to churches, social welfare organizations, social clubs, fraternal beneficiary societies, teachers' retirement fund associations, cemetery companies, credit unions, mutual insurance companies and farmers' cooperatives which finance crop operations. Long-run revenue gain: $20 million.

Investment income. The act would tax the investment income, presently exempt, of social clubs and employees beneficial associations except where such income is set aside for charitable contributions or for the exempt insurance function of these organizations. Revenue effect: no estimate.

Advertising and other activities. Advertising and some other activities of a tax-exempt organization would be taxed as unrelated business even when it is carried on within the framework of the organization's regular function. For example, advertising in the American Medical Association Journal or the National Geographic Magazine would be taxed. No revenue estimate.

Charitable contributions

The previous regular limitation on deductions of charitable contributions to 30 per cent of adjusted gross income is raised to 50 per cent. However, any deduction involving the unrealized appreciation in value of a gift must come under the 30 per cent limitation unless the donor pays tax on this appreciation. Contributions to private foundations must come under a 20 per cent limit unless they are made to a private operating foundation or, if made to a nonoperating foundation, they are distributed to charity within 2½ years after year of receipt.

The act phases out over five years the present special unlimited charitable deduction, available to those whose contributions plus income taxes exceed 90 per cent of taxable income in 8 out of 10 years. This device has

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permitted many wealthy Americans to escape taxation altogether.

Unrealized appreciation in value of gifts above the cost to the donor, even in the case where it comes under the 30 per cent deduction limitation, would be taxed in the following cases:

Gifts to a private nonoperating foundation unless it distributes within a year an amount equal to total gifts of appreciated property.

Donated property such as inventory or works of art created by the donor that would be taxed as ordinary income if sold.

Tangible personal property such as paintings and books which would result in capital gains if sold unless it is related to the exempt function of the recipient—a museum in the case of a painting, for example.

So-called bargain sales to charity in which part of the transaction would be taxable.

In addition, the act provides a number of complex rules governing gifts from estates and trusts.

Total long-run revenue gain from these provisions: $20 million.

REAL ESTATE

Accelerated depreciation at the 200 per cent rate, such as the double declining balance or sum-of-the-digits methods, formerly was available for all new construction. The act limits it to new housing and reserves the 150 per cent method, previously available for all used buildings. for all other new construction. Used construction must now be depreciated by the straight-line method (equal installments over the life of the structure), except for used housing with a useful life of 20 years or more, which may be depreciated at a 125 per cent rate.

A special five-year amortization deduction is provided for the rehabilitation of low-income housing under specified conditions.

Previous law "recaptured" excess depreciation by taxing the difference between accelerated and straight-line depreciation at ordinary income rather than capital gains rates at the time the property was sold. But the amount subject to ordinary rates were reduced by 1 per cent a month beginning after 20 months of ownership; thus after 10 years the entire gain from the sale was taxed at the more favorable capital gains rates.

The act modifies the recapture rules by allowing a 1-per-cent-per-month reduction in the amount subject to ordinary rates in the case of housing after 100 months of ownership. This means no part of the gain would be taxed at ordinary rates after 16⅔ years, But for other real property, the phaseout would be eliminated, meaning that excess depreciation would be subject to recapture whenever sale is made.

Net long-term revenue gain from these provisions: $930 million.

Financial institutions

Commercial banks. Previous law permitted banks to deduct an amount equal to 2.4 per cent of outstanding loans before computing taxes or an amount equal to actual bad debt losses (which for the period 1928-47) was only about a third of the 2.4 per cent figure on a national average).

Under the act, the deduction is reduced to 1.8 per cent for the next six years, to 1.2 per cent for the following six years, and to 0.6 per cent for another six years. After that, banks must deduct actual losses averaged over the present and preceding five years. Long-run revenue gain: $250 million.

Savings & loans and mutual savings banks. These institutions previously could deduct either 3 per cent of qualifying loans or 60 per cent of net income before computing taxes.

The act eliminates the 3 per cent method and reduces the 60 per cent deduction to 40 per cent over a 10-year period. Long-run revenue gain: $85 million from savings and loan associations, $35 million from mutual savings banks.

Capital gains. Financial institutions have been allowed to treat gains from the sale of bonds as capital gains but to deduct losses from them from ordinary income. The act would tax both as ordinary income or loss. On the sale of bonds held on last July 11, the gain would be taxed as capital gains in proportion to the time held before that date and as ordinary income in proportion to the time held after the date. Long-run revenue gain: $50 million.

Multiple corporations

Corporations are taxed at 22 per cent on the first $25,000 of net income and 48 per cent above that; the $25,000 cutoff is known as the surtax exemption. Many large businesses have reduced their tax bills by claiming this surtax exemption for each of a large number of affiliates or subsidiaries. They have also gained another benefit by claiming the $100,000 accumulated earnings credit—the amount permitted a single company without being subject to the penalty tax on earnings unreasonably accumulated to avoid the dividend tax on shareholders—for each of these affiliates or subsidiaries.

A family of corporations would be allowed only one $25,000 surtax exemption and one $100,000 accumulated earnings credit under the act, the limitation to be phased in over six years. Long-run revenue gain: $235 million.

Farm losses

Past practice permitted taxpayers to deduct "farm losses"—expenses which would be capitalized over a period of time in other industries—from non-farm ordinary income. The act seeks to curb this practice by taxing the gain from sale of farm assets to the extent that these "losses" exceed expenses under regular accounting rules. This provision would apply only where farm losses exceed expenses under regular accounting rules. This provision would apply only where farm losses exceed $25,000 in a year and non-farm income exceeds $50,000. Long-term revenue gain: $25 million a year.

The holding period for capital gains treatment on the sale of cattle and horses is lengthened from one to two years. The act tightens up on the deductibility of such "hobby losses" as from racehorses, and contains several smaller provisions affecting farm operations.

A requirement for capitalizing expenditures on developing a citrus grove within four years after it is planted would raise $10 million in added revenue.

Interest deductibility

Under previous law there was no limitation on the amount of interest that could be deducted from income. Beginning in 1972, the act disallows 50 per cent of interest on investment purchase loans that exceeds investment income plus capital gains plus $25,000. Revenue gain: $20 million.

Corporate mergers

Many mergers, and particularly the building of conglomerate corporations, have recently been financed mainly through borrowing. This has the advantage of interest payments that may be deducted from corporate income while dividends paid on stock issued on such mergers cannot be deducted.

The act generally provides that interest may not be deducted when such debt instruments take on the characteristics of equity financing. Several tests are applied: the subordination of bonds to trade creditors, the issuance of debentures convertible into stock or with stock warrants attached, a ratio of debt to equity of more than two to one, or earnings insufficient to cover interest expense by at least three times.

This and other technical provisions would raise an ultimate $40 million a year in new revenue.

Regulated utilities

A series of extremely complex provisions is designed to discourage the growing trend among regulated utilities to switch from straight-line to accelerated depreciation. In general these companies (electric, gas, water and telephone companies, Comsat and others) would be barred from using accelerated depreciation unless the resultant tax savings are "normalized"—i.e., retained and used in lieu of capital that would otherwise have to be borrowed or raised through stock issues. Long-run revenue gain: $310 million.

Accumulation trusts

Taxes on accumulated earnings are generally paid as earned by the trust at individual rates lower than the marginal rate the beneficiary would have to pay when he received the distribution. The act generally provides that the beneficiaries are to be taxed on distributions in substantially the same manner as if the income had been distributed to the beneficiary when it was earned by the trust. This also limits the advantages of multiple trusts, which presently benefit from lower tax brackets than their common beneficiary or a single trust. Long-run revenue gain: $115 million.

Arbitrage bonds

The act would remove the federal tax exemption for interest on state or local bonds, the proceeds of which are invested in major part in higher-yielding securities. Long-run revenue gain: $80 million.

Failure to pay taxes

Under present high interest rates, it is so often to the advantage of a taxpayer to file a return without paying the tax due, incurring the interest charge of 6 per cent a year. This in effect amounts to a government loan in that he can invest the money he owes the government at a yield of 9 per cent or more on, say, corporate bonds. The act would provide a penalty, in addition to the regular 6 per cent interest, of one half of 1 per cent a month up to a maximum of 25 per cent on tax reported but unpaid. Revenue effect: uncertain.

Miscellaneous

Other provisions (none of which would produce more than $2.5 million a year in revenue):

Provide heavier taxation on restricted stock plans for executives.

Tax stock dividends when the effect is to increase the holder's relative equity in a corporation.

Subject to taxation the excess over 10 per cent of income or $2,500 (whichever is higher) of contributions made by a shareholder in a Subchapter S corporation—which bears similarities to a partnership—toward his own retirement benefits. The 10 per cent and $2,500 figures are the limits on which a self-employed person can set aside income tax free for his own retirement.

UNITED STATES JAYCEES—A POSITIVE APPROACH

HON. ROBERT N. GIAIMO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 20, 1970

Mr. GIAIMO. Mr. Speaker, 1970 marks the 50th anniversary of the founding of an outstanding service organization, the United States Jaycees.

A list of the accomplishments of this fine organization and a list of the many great Americans who have been and who are Jaycees would take up many pages

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of this RECORD. In my opinion, however, one of the greatest contributions of the Jaycees in modern-day America is their positive approach to the problems which confront us.

We live in an era of negative thinking—a time when the concept of change through destruction has attracted far too many disciples; a time when too many Americans find it popular to criticize and downgrade our society rather than doing something constructive to improve it, and a time when too many Americans seem resigned to their fate. Mr. Speaker, the record of the Jaycees is a rebuttal to this kind of thinking.

The Jaycees are dedicated, involved young men who strive to make constructive changes in our society. This positive approach, exemplified by the ideals of the Jaycee creed and the actions of many of its members, has inspired people throughout the world. I believe we must take this approach if we are to solve our problems and contribute to the betterment of all mankind in the decades to come.

I am proud to salute the United States Jaycees. I wish them every success, and I hope that all of us can follow their example in the years ahead.

TOWARD A SOLUTION TO THE MIDDLE EAST CRISIS

HON. JOHN BUCHANAN

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Monday, January 19, 1970

Mr. BUCHANAN. Mr. Speaker, in a world filled with unrest and turmoil few crises have been of such continuing concern and present such a tremendous threat to world peace as that which exists in the Middle East. The right of self-determination, the fate of thousands of refugees, the growing involvement of the Soviet Union in this area, and the great potential for an escalation of the conflict are all involved in this crisis. It goes without saying, therefore, that it is in the best interests of every nation of the world for an effective long-term peace to be established in the Middle East.

The United States has long recognized this goal and its consistent Middle East policy, endorsed by President Nixon as well as his predecessor, has been one of exerting all possible effort toward bringing the parties to the dispute together in face-to-face negotiations. In my judgment, the only path to an effective, long-term peace in the Middle East lies in such direct negotiations.

It was with great concern, therefore, that I noted the statement by Secretary of State William Rogers last month in which he set forth a policy of suggested settlement terms and prior concessions in the Middle East dispute. The Secretary's recommendation that Israel cede part of the territory occupied during the 6-day war in 1967 and his call for a return of national boundaries established by the armistice agreements of 1949 would, in my considered judgment severely impair the bargaining position of Israel. The dismissal of Secretary Rogers' proposal, both by Israel and by the Arab States, furthermore, certainly demonstrates the futility of pursuing a policy of suggested settlement terms and prior concessions.

Since the Secretary's announcement of Middle East policy many Americans have similarly expressed great concern that the pursuit of such a policy can only advance Soviet interests, jeopardize our relations with Israel, and strengthen the hopes of Arab extremists for eventually weakening all support for Israel. Most unfortunately, the proposal has been interpreted by many as being motivated by an attempt to placate Soviet-Egyptian demands.

Mr. Speaker, peace in the Middle East cannot be dictated or suggested by other nations. A meaningful and lasting peace there can only be achieved through direct and honest agreement between the parties involved. It is because I firmly believe that the U.S. policy should be one of doing everything possible to bring about such direct negotiations among the parties to the dispute that I join with a number of my colleagues in the House of Representatives today in introducing a resolution which clearly affirms our support for such a policy. The resolution follows:

RESOLUTION

Resolved, whereas the continuing crisis in the Middle East is one of the greatest threats to world peace; and

Whereas the involvement of the Soviet Union in this area of the world has heightened tensions, and increased the possibility of a major outbreak of hostilities; and

Whereas the consistent policy of the United States has been to support the principle of self-determination for all of the peoples of the Middle East so that they may live in peace, justice and freedom;

Now, therefore, be it resolved that the House of Representatives affirms the longstanding United States policy calling for direct, face-to-face negotiations between the governments of the nations involved as the only path to an effective, long-term peace in the Middle East.

EAT MY BREAD, SING MY SONG

HON. JOEL T. BROYHILL

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 20, 1970

Mr. BROYHILL of Virginia. Mr. Speaker, a longtime friend and constituent of mine, Mr. Oliver F. Ramsey, of Arlington, Va., recently called my attention to an article which appeared in the December 22, 1969, issue of Barron's, entitled, "Eat My Bread, Sing My Song," as well as a letter Mr. Ramsey addressed to the editor of Barron's concerning the article.

As I believe all who read this RECORD will be interested in the subject discussed, I insert the text of both the article and letter at this point:

[From Barron's magazine, Dec. 22, 1969]

EAT MY BREAD, SING MY SONG: UNCLE SAM HAS NO BUSINESS PLAYING PATRON OF THE ARTS

"I believe we owe it to the nation to have a Center for the Performing Arts worthy of the ideals of the American people; one that will be a showplace. . . . The John F. Kennedy Center will provide such a facility. It will contain stages for music and drama. It will house an opera company, a symphony orchestra, a ballet troupe and a theater company. What is being requested in this bill is a relatively minor item in the total national budget. Yet the benefits we gain from this small sum will be great. The work on the John F. Kennedy Center can be carried to completion. Our political capital can become a spiritual and cultural capital as well. . . . Mr. President, this Center will put this city on a par with the other great capitals of the world. We need this Center as the moving, throbbing heart of culture in America."

The prosaic Congressional Record, which furnished the unexpectedly lyrical passage cited above, makes no mention of a musical accompaniment. Yet a month or two ago, when Senator Yarborough (D., Texas) got up to sing the praises of the John F. Kennedy Center for the Performing Arts, one could almost hear the strings and woodwinds on Capitol Hill. Politics being what it is, however, the harmony didn't last long. From across the aisle, indeed, soon came a chorus of complaint. The Kennedy Center, it appears, is rising majestically on the approaches to the National Airport, a curious choice of site which, despite a crash program of insulation, threatens to add a touch of Boeing to the classical Three B's. In drawing up the plans, someone understated the need for structural steel by thousands of tons, a shortfall that will add nearly $3 million to the project's cost. All told—if nothing else goes wrong—total outlays will approximate $66.5 million, nearly 45% more than anticipated and a cultural overrun that makes the so-called military-industrial complex look like pikers.

Designed as a fitting symbol of the U.S. commitment to culture, the Kennedy Center looms as an extravagant fiasco. The same holds true of the National Foundation on the Arts and Humanities, a brain child of the Great Society which President Nixon, in a recent message, has fulsomely embraced. "Few investments we could make," proclaimed the Chief Executive, "would give us so great a return in terms of human understanding, human satisfaction and the intangible but essential qualities of grace, beauty and spiritual fulfillment." Regulatory authority doubtless stops at the White House door, and a good thing too; otherwise the FTC could make a federal case out of a claim like that. While the nation may be spiritually enriched by endowing scholarly research into "Medieval Spanish Satire and Invective," or making a $10,000 grant to a writer to "travel the Buffalo River in Arkansas," the taxpayer is no better off. Far from bringing new appreciation of beauty into millions of American homes, moreover, the Foundation makes lavish handouts to a relatively precious few. Whether softened by the muses or wrapped in the flag, finally, subsidy, like censorship, poses an ugly threat to freedom of expression and ideas. Latterday totalitarians, like the absolute monarchs of old, make admirable patrons of the arts. Republicans and Democrats should be uncomfortable in the role.

So they were until January 1964, when a grief-stricken Congress, at the behest of the new White House occupant, hastily approved a $15.5 million grant to what was then known as the National Cultural Center (a project launched by President Eisenhower, to be financed solely by voluntary contributions), and irrevocably changed its name and status. Eighteen months later followed legislation creating the National Foundation of the Arts and Humanities, "to develop and promote a broadly conceived policy of support" for such pursuits, and endowing them with $10 million apiece for each of the next three fiscal years. Early in

1968 a drive for massive expansion of the program fell afoul of Congressional ridicule. However, under the supposedly conservative Nixon administration, things are looking up. Both House and Senate have now approved another $12.5 million to complete the Kennedy Center by 1971, three years later than planned. Two weeks ago, as noted, the President pulled out all the stops in a plea to extend the life of the Foundation for three more years (one bill would make it permanent) and to double, to $40 million annually, the taxpayers' contribution to culture.

A great investment, we are told, in "grace, beauty and spiritual fulfillment." Perhaps so—such qualities, after all, are largely in the eye (and heart) of the beholder. However, objective standards—to the extent that they apply at all—leave room for doubt. Thus, during last year's heated debate on the issue (the only one, by the way, that has so far been staged), some lawmakers were boorish enough to criticize a number of specific cutlays. To illustrate, they churlishly found fault with a $25,000 grant to the International Congress of Orientalists; $21,500 for "an annotated list of French prose fiction from 1700 to 1750"; and $10,000 to have a state official "rethink" public road signs. Politicians, to be sure, are neither intellectuals nor art connoisseurs. Yet even a dedicated lover of culture might lift an eyebrow at the waste of time and money so evident in the Kennedy Center Years after the advent of the Jet Age, its architects, as noted, failed to make adequate allowance for noise. Protracted delays in construction have given rise to a spate of contractors' claims running into millions of dollars. Since last March alone, the project's estimated cost has increased 10% (to more than twice the original one), and, to judge by the latest report of the General Accounting Office, no end to the over-runs is in sight.

The Kennedy Center illustrates another point about culture which its ardent wooers tend to ignore or suppress: the widespread lack of popular support. In its early years, as the National Cultural Center, the project lagged badly in raising money, to the point where it had to be voted a three-year extension for the needed fund-raising. Even the generous outpouring of sentiment for a martyred President—and a sizable inflow of gifts from foreign governments—failed to yield the original quota of $30 million. (At last count, "voluntary" contributions, including over $4 million advance payments from parking lot and food concessionaires, barely exceeded $21 million.) The unhappy fact is that many Americans don't give a hang about either the humanities or the arts—the total audience for culture has been estimated in a scholarly work published by the Twentieth Century Fund (and just the other day by economists of the Chase Manhattan Bank) at roughly five million. It also happens to include far and away the most affluent segment of society, one whose interests and pursuits, no matter how worthy, the ordinary working staff should scarcely be taxed to support.

As patron of the arts, finally, government commands a dangerous weapon in the struggle for men's minds. What most of us remember best about the Federal Theater Project in the 'Thirties is Pins and Needles, a raucously pro-union, antimanagement musical which may have permanently biased a generation of voters. It was only happenstance that LeRoi Jones' work of art, The Toilet, a flagrantly racist play, was financed by the Office of Economic Opportunity, rather than by the National Foundation. The latter, indeed, has subsidized stage productions which its staff—if not the ticket-buying public—viewed as boasting "merit and social significance." In painting and sculpture, the Foundation has openly favored the abstract and avant-garde over the traditional, and made generous personal grants to scholars and artists who are apt to be properly grateful. "Eat my bread," as the saying goes, "sing my song."

On this score Rep. John M. Ashbrook (R., Ohio), who led the successful fight against higher appropriations last year, had some trenchant things to say: "I am always a little amazed at my liberal friends who are not quite consistent on this. They always claim, for example, when we talk about censorship and when we talk about keeping pornographic literature from our children, or keeping lewd or indecent movies from being shown, that no government agency can possibly be set up which has the wisdom to determine what is proper and what is not. I tend to agree. Yet, when it comes to rewording or discouraging the arts, the same people seem to believe that such a government agency can be set up to do the same thing. . . . I happen to believe there is some inconsistency involved."

It strikes us as equally inconsistent for the Nixon Administration, which repeatedly has urged economy and austerity on Congress and the country, to espouse this bit of extravagance. While the Humanities and Arts are all very well in their place, they have no rightful place in the federal budget. The time to say so is now.

[From Barron's magazine, Jan. 12, 1970]

Kennedy Center

To the Editor:

I find your lead editorial, "Eat My Bread, Sing My Song," highly appropriate, re the Kennedy Center. I live opposite it, facing it, on the top floor of a high-rise apartment in Rosslyn (Arlington), Va.

From 7:00 a.m. to 11:00 p.m., I am bombarded with the fourth B—Boeing. The FAA considerately shuts down National Airport operations from 11:00 p.m. to 7:00 a.m.

More than the aircraft noise, I am concerned that the Kennedy Center will be mostly inaccessible to the public at large, except the Republicans who live in the posh Watergate Apartments, juxtaposed.

There is no public transportation. A proposed subway stop, years away and blocks away, will be of no use. Parking and access roads will be totally inadequate.

The grand opening night will be a major catastrophe.

Trying to have several events at one time in various auditoriums can only result in utter chaos.

Lincoln Center in New York is a much sounder approach—many separate buildings, each serving a specialized purpose, with a subway stop right there.

Let us demolish the Kennedy Center, return the area to parkland, and restore the touching Titanic monument to where it was.

Oliver F. Ramsey.

Arlington, Va.

GOD'S EQUIPMENT FOR HARD TIMES

HON. BILL D. BURLISON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 20, 1970

Mr. BURLISON of Missouri. Mr. Speaker, on occasion we hear from the pulpit messages which are extraordinary for their incisive and penetrating impact. It was my good fortune on the last Sunday preceding the dawn of the 1970's, in my home church, to be exposed to such a message. Please permit me to share this sermon by my friend, Dr. W. T. Holland, with my colleagues in the Congress:

God's Equipment for Hard Times

JEREMIAH 1:4–19 (V. 7)

In his Christmas letter, received two weeks before Christmas, Billy Graham said, "We are about to celebrate Christmas 1969. Our celebration will be in the midst of war, racial strife, unprecedented crime and lawlessness, drug taking, pornography on a scale that would have made the people of the days of Sodom and Gomorrah blush, a student rebellion that threatens the educational process, and in the midst of dress rehearsals for revolution and the overthrow of established governments" (Billy Graham, "Christmas Letter, 1969").

But now that Christmas 1969 is past we turn our thoughts to something else. "We are about to embark upon a new decade. According to some commentators the sixties have been the roughest period in American history since the Civil War. A decade ushered in amid glamour and promise, a decade of the New Frontier and the Great Society turned into one of rape and plunder, riot and rebellion, hatred and assassination" (R. Houston Smith, "Pineville Postscripts," December 19, 1969).

About the sixties Kenneth Auchincloss, writing in "Newsweek" for December 29, says, "Negroes rushed forward to demand their rightful place in a society that claimed to be equalitarian and plainly wasn't; their gains during the decade were considerable but the furies they loosed, both white and black, left America stained with a deeper sense of racism than ever before. The government plunged into a protracted war that awakened most Americans to the limits of their nation's power, immense as it had become, and persuaded many that it had been deployed with overweening arrogance. Assassination seemed to become a fact of political life: a President, a Presidential candidate, the two most gifted leaders of the Negro struggle were all shot down. The young questioned, confounded and occasionally renounced the world their elders had built; the new generation increasingly sought wisdom along paths where the old saw only folly. Scientists probed both the vast distances of space and the miniscule mysteries of the living cell; human life was transported to the moon and traced to its fundamental sources in the gene" (p. 12f).

The decade past was the time of the improbable. "There was a premium on the bizarre, the unexpected. Public events seemed to be happening this way. John F. Kennedy was shot by a nondescript madman: Lyndon Johnson withdrew from a political race (that he certainly could have won); Jacqueline Kennedy married Aristotle Onassis; the Mets won the World Series" (Kenneth Auchincloss, Op. Cit., p. 13).

The sixties were characterized by immaturity. Established authority was being defied, accepted notions were being contradicted. Sometimes, of course, this is necessary. But to assume that whatever is old is musty and probably corrupt, and whatever is new is, therefore, pure and alive is an unmistakable mark of immaturity. "University deans, trustees, Presidents of the United States, generals, policemen, parents—nearly every smybol of authority—had a rough time during the '60's. . . . As society's rulers were scorned, so were its rules" (Kenneth Auchincloss, Op. Cit., p. 13). This applied to boys' haircuts, girls' dresses, nudity, homosexuality, and what not.

But again, the decade past was a time of frustration. Negro leaders and white liberals made common cause in the struggle for civil rights, and for a time it was making progress at great speed. This reached its zenith in the 1963 March on Washington when the theme was "blacks and whites together." But this movement began to fall apart soon there-

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U.S. SENATE LIBRARY

after; and in 1966 the cry of "black power" was first heard, in the state of Mississippi. Now it seems that smaller minority groups feel it is a humiliation to be helped by a larger and more affluent group. This also is a part of the frustration of Vietnam.

Again, the sixties were characterized by impatience. Few seemed disposed to look very far ahead. Instant results, immediate gratifications were the goals. "What do you want?" "Freedom!" "When do you want it?" "Now!" ran the civil rights litany. And the same cry was taken up by the antiwar crusaders chanting, "Peace Now!" though they didn't say just how it was to be obtained.

But again (and we could go on and on for no one could really describe the sixties), the decade past was characterized by escapism. "Drugs enhanced the flight away from reason and into the regions of the mind. And if grass was scarce and you weren't into acid (you can look up the translation of those terms), rock music alone could also help in opening up the path" (Kenneth Auchincloss, Op. Cit., p. 19). (And just as an aside: If the doctor prescribes them I'll take the drugs but rather than the rock music I prefer to stay un-anesthetized.) But a few did escape from a technological society and the institutions of an industrialized civilization, and for them it was literal. Thus, the hippie movement, with its scattered encampments of drop-outs, sprang up everywhere.

Mr. Auchincloss closes his "Newsweek" article by saying, "It has become chic to say that the decade began in great hope and ended in deep despair, that it started out with idealism and wound up with racism, cynicism, violence and pollution. But it seems just possible that sometime in the future Americans will look back upon the '60's not as a time when we were beset with these afflictions more grievously than ever before, but as a time when we finally woke up in some useful way to their presence. And then the question will be: was self-knowledge a symptom of deepening paralysis or the first stage of cure?" (Op Cit., p. 19).

I appreciate an optimist. I also am an optimist. But, beloved, his morning, for the foreseeable future this is whistling in the dark. Our only problem is a religious problem. Our only problem is our accelerated drift toward secularism and toward a totally pagan society. This drift gains momentum every day and has unbelievably during the last ten years. A reversal of this trend, a change of our direction in this regard is all that can save us. And if there are any signs of wholesale repentance and a return to God on the horizon, I would like to know what they are.

I agree with those who say the sixties were the roughest period in our history since the Civil War, but, beloved, we haven't seen anything yet! We haven't seen anything yet!! The seventies, unless we repent, and we are not likely to repent, will make the sixties look like a period of sanity and religious revival. "Ah," you say, "you're just a pessimistic, fuddy-duddy, old man!" Well, that may be, but, brother, I'm willing to compare notes with you. Let me ask you a question, "Are the proportions of this congregation we have together here this morning a sign of repentance and religious concern on the part of the people who are members of this church?" "Oh," you say, "this is the Sunday after Christmas and all the churches everywhere are down; and besides the weather is bad." That is just my point! That is my point exactly! Our anemic, lack-a-daisical approach to the problems which are the problems of life and death will not even break the ice much less catch the fish in these cold waters. We are in for some hard times and I do not mean financially! Ere long those who make a pretense of religion, and they are in the vast majority, will drop this pretense and only the faithful few will remain.

Was there ever a time like ours, a day like this? Oh, yes! Yes, indeed! Though the settings and trappings and the pace at which life moves moves were different, the sins of the people and the core of the problem were the same when the call of God came to Jeremiah the prophet in 626 B.C. Like the people of Judah, we are caught up in the welter of world events. But like us, after a drift toward secularism and away from God, which had continued for more than half a century, they were ill prepared to survive.

The Assyrian empire began its mighty westward thrust in 745 B.C. and every kingdom in Palestine with the exception of Judah was destroyed. Samaria fell in 722 B.C. and the Northern Kingdom was carried into Assyrian captivity. In 701 B.C. Sennacherib came against Jerusalem when Hezekiah was king and Isaiah was God's prophet. Jerusalem was saved by divine intervention when 185,000 of the Assyrian soldiers died in one night in their camps round about Jerusalem. For three quarters of a century the power of Assyria slowly waned and the people of Judah felt secure. The good king Hezekiah, however, was succeeded by his son the wicked Manasseh in 698 and the drift away from God under his wicked leadership continued unabated for fifty-five long, tedious, painful years.

When the Assyrian empire finally gave way before the Babylonians, and when in 605 Pharaoh-Nechoh and his mighty Egyptian army were totally routed in the battle of Carchemish by Nebuchadnezzar and his Babylonians, Judah was in a hard way. They saw the most ruthless, the most merciless foe in the world on their borders—the Babylonians. This destroyed their false peace and prosperity and made them aware of the dangerous character of their world.

Yet, for all this, the people of Judah neither realized their need of God, nor returned to him. The prophet Zephaniah, an earlier contemporary of Jeremiah's, sounds God's warning: "And it shall come to pass at that time, that I will search Jerusalem with lamps; and I will punish the men that are settled on their lees, that say in their heart, Jehovah will not do good, neither will he do evil" (Zephaniah 1:12).

Now, to such a time was Jeremiah called to prophesy. How could he do it? Our scripture lesson for this morning gives both his call and his God-given equipment for service. After appraising Jeremiah of his election to service before he was born, and after brushing aside his plea of immaturity and lack of eloquence God said to Jeremiah, "Say not, I am a child; for to whomsoever I shall send thee thou shalt go, and whatsoever I shall command thee thou shalt speak" (Jeremiah 1: 7). Jeremiah was to fear nothing in his ministry save disobedience. "To whomsoever I shall send thee thou shalt go, and whatsoever I shall command thee thou shalt speak." God's promise of power and his assurance of protection apply only to those who obey. No one else can claim them at all.

God equipped Jeremiah by two visions and a promise. First, there was the vision of the budding shoot of an almond tree. In verses eleven and following we read, "Moreover the word of Jehovah came unto me, saying, Jeremiah, what seest thou? And I said, I see a rod (shoot) of an almond-tree. Then said Jehovah unto me, Thou hast well seen: for I watch over my word to perform it" (1: 11-12). We can't see it in the English, but there is a play on words here in the original Hebrew. The word for almond tree is "shaked", from a root meaning "to be awake." It was so named because it was the first tree to put out its shoots, or to bloom in the spring. When Jeremiah identified the almond shoot ("shaked"), God reminded him that he, too, was awake (and here the word is "shoked"). He was awake to the world situation and was about to act.

This is God's assurance of his constant watchfulness to perform what he has purposed to do. All during his turbulent career of forty years God stood above watching him.

The second vision was that of a boiling pot or caldron; it was tilted from the north and toward Judah. We read in the thirteenth and fourteenth verses, "And the word of Jehovah came unto me the second time, saying, What seest thou? And I said, I see a boiling caldron; and the face thereof is from the north. Then Jehovah said unto me, Out of the north evil shall break forth upon all the inhabitants of the land." In the succeeding verses (vs. 15-16) God describes the coming invasion, and interprets this as his judgment upon his people. And why? "And I will utter my judgments against them touching all their wickedness, in that they have forsaken me, and have burned incense unto other gods, and worshipped the works of their own hands" (v. 16). Jeremiah was being told that God is constantly at work in history, using the strong nation of a given period as a judgment upon other nations. In Jeremiah's day this nation was Babylon.

Now, in view of this Jeremiah is told to "Stand up and preach." God says, "Thou therefore gird up thy loins, and arise, and speak unto them all that I command thee: be not dismayed at them, lest I dismay thee before them" (v. 17). And then there follows the wonderful promise of God's empowering, the promise of his defense of his servant, the promise to see him through. Listen, "For, behold, I have made thee this day a fortified city, and an iron pillar, and brazen walls, against the whole land, against the kings of Judah, against the princes thereof, against the priests thereof, and against the people of the land. And they shall fight against thee; but they shall not prevail against thee: for I am with thee, saith Jehovah, to deliver thee" (vs. 18-19).

"But," someone says, "this was 2600 years ago." In point of actual fact—yes, in point of the principles—no. The principles, the morals are as up-to-date as this morning's paper, as relevant as the law of gravity. You say, "How does all this touch our lives?" As we return to our own times, as the sermon completes a circle, we see illustrated in Jeremiah's experience "God's Equipment for Hard Times."

First of all, for those who obey, God gives the eyes to see that a faithful God is watching over his people. "Thou hast well seen," God told Jeremiah, "for I watch over my word to perform it" (v. 12b). That was true 2600 years ago; that is true today!

Our God is faithful. He is to be depended upon. He is faithful when we are tempted. Paul says to the Corinthians, "God is faithful, who will not suffer you to be tempted above that ye are able; but will with the temptation make also the way of escape, that ye may be able to endure it" (1 Corinthians 10:13b).

He is faithful to forgive those who confess their sins. In his first epistle John says, "If we confess our sins, he is faithful and righteous to forgive us our sins, and to cleanse us from all unrighteousness" (1 John 1:9).

But above all, he is faithful in the operation of the laws he has ordained. Listen to one of them: "Be not deceived; God is not mocked: for whatsoever a man soweth, that shall he also reap" (Galatians 6:7). That is a statement of law, a law foreordained and predestined to work from before the foundation of the world. Since time began that has not failed to work one time—not even one time. It works now! And, beloved, that is why God's judgment upon our day is certain and sure.

I don't believe she was irreverent in her statement, or I wouldn't repeat it, for I too fear God, but I agree with Mrs. Billy Graham as she said recently in an address: "If God does not judge us for our sins in our day then he ought to apologize to Sodom and Gomorrah" (A recent quotation—source unknown). Oh, but he will! Judgment is sure! I can't tell you how; I can't tell you when, but he will! God is faithful!

Then, who will be able to stand? Those, like Jeremiah, who obey to do his will. This doesn't mean we will be exempted from the hard days that are coming, but it does mean that we will be preserved in them. This doesn't mean that we will not be opposed, but it means that we will be able to stand. This means that we will able to prevail. This means that we will be able to be true to him. Sometimes it does seem that the sky is as brass, that God is far away, and that the devil is running the show. But God is faithful! He watches over his people who do his will.

In a stanza of his poem, "The Present Crisis," James Russell Lowell states this exactly:

"Careless seems the great Avenger; history's pages but record
One death-grapple in the darkness 'twixt old systems and the Word;
Truth forever on the scaffold, Wrong forever on the throne,
Yet that scaffold sways the future, and, behind the dim unknown,
Standeth God within the shadow, keeping watch above his own."

But second, for those who obey, God gives the spiritual perception to discern the hand of God in history. I cannot conceive of a doctrine more absurd, a doctrine sillier than that proposed by some that they call "The Great Parenthesis," which is to the effect that God has created this world, he has left it alone to the workings of sin, and one day he will break in and set things straight. That simply is not so. God has not withdrawn his hand from this world he has made. Sometimes we cannot perceive his workings and his ways are past finding out. But he is master of the situation. He reigns! He will bring his people to judgment! And he will vindicate the faithful!

Surely our world in our time is a boiling caldron, a pot about to boil over, and it is tilting toward the United States. You say, "Why do you say that? Aren't there nations more wicked than we?" Conceivably, but I'll tell you why. The words of Jesus, "And to whomsoever much is given, of him shall much be required" (Luke 12:48), are a sound and ancient prophetic principle and they are still true. This being so, how shall WE be able to stand? Will God use Russia, that great, godless, communist monolith to pour out his judgment upon us? He has done things less remarkable. While we have been spending billions of dollars to put a man on the moon (and all the real estate up there isn't worth $400) Russia has been seeking to build a space platform (you remember they experimented with it just a few months ago), a space platform equipped with electronic devices which could paralyze and neutralize every nuclear weapon from every base and ship and submarine we have at the push of one button without disturbing their own. And when they have perfected that, or should this happen, they could simply say in a nice way, "Uncle Sam, give me your keys," and Uncle Sam would simply hand over the keys because there would be nothing else to do. And within the month those of you who continually exercise your option to neglect the house of the living God would be denied the privilege for this building, under our new masters, would be used for something else—it wouldn't be used for a church.

You ask, "Is God going to do this?" I don't know, he well might, he just might. But anyway, it's your question, you answer it. But whatever he does God is not going to be defeated. We may be defeated. We may be thrown on the discard heap of the ages like all others who have forgotten God. But God is going on to where he is going. It is our business to do the will of God, to stay in step with him.

According to the Greek view of history, "History constantly repeats itself; there is literally nothing new under the sun. The notion of purpose in history is completely alien to the Greeks, for history like the revolving shadow on a sundial, moves in circles, without beginning and without end" (Benhard Anderson, "Rediscovering the Bible," as quoted by Gerald Kennedy in "A Reader's Notebook," p. 236).

That isn't the Christian view. The Christian view of history is that "History is a progression of unique, creative, unrepeatable events in a purposive drama which has a beginning and an end. Moreover, the dynamic of the forward moving drama of human existence is the redemptive activity of God, discerned by prophets and fulfilled in Christ" (Ibid.). History is a straight line, it is moving toward a point, and that point is God's objective. We had better get on God's wagon or we are done for.

Tennyson states that the Christian view of history in majestic cadences in the final stanza of "In Memoriam":

"That God, which ever lives and loves,
One God, one law, one element,
And one far-off divine event,
To which the whole creation moves."

And last of all, and I can only mention it, for those who obey, God gives the faith to trust a God who defends those who do his will. If God could transform a sensitive spirit and shrinking personality like Jeremiah into a fortified city, with iron pillars and brass walls, he can do it with anybody who sincerely seeks to do his will. And, my friend, he can do it with you.

Jeremiah's people felt that God must save them or "lose face" before the nations. And the temple was to them almost a charm, or fetish (Jeremiah 7:4). Yet Jeremiah predicted that all this would be reduced to rubble and ashes. And it was. Jeremiah's God would stand, Jeremiah would stand, but not the organized government, not the empty religion, not the doomed city. The priests, the princes, the king, the people of Judah did fight against Jeremiah, but God was his defense. God fortified him against his enemies without by developing his character within. The city and the people who disobeyed God must go into captivity, and into captivity they went. But this man who obeyed God must stand. He did stand! Jeremiah suffered ridicule and hardship. He seemed to be on the losing side many times. And by our worldly standards he lost everything at every turn, for he preached to his people for forty years and not a soul repented; and they didn't do what he counseled.

But by God's standards Jeremiah was the greatest of the prophets. When Jesus appeared in Palestine and the thrill of his person awakened the hearts of the common people to joy again, some of them said, "This is Jeremiah." And no man's memory was ever more highly honored than that.

Hard times are coming, beloved. Are you ready for them? God will equip those who want to know and are willing to do his will.

Let us bow as we pray. "Our Father in heaven, we thank thee for the opportunity of thinking upon these things this morning. Our Father, we pray that we may continue to think about them soberly, earnestly, seeing that these are history-tested principles, and the word of God, that they operated 2600 years ago, they have operated in these years since that time, and they operate now. We pray, our Father, that somehow, someway thy Spirit, knocking at the doors of many thousands of hearts, may be heard, and that there may be repentance, genuine and wholesale, and that many who somehow excuse themselves from any part, any activity in the things of God, the things of Christ, may stop to ask, "Who excused me? Who made me an exception?"—that they may be brought to repentance, that they may return unto the Lord and again be faithful unto him.

Bless us, we pray, as we come to the close of this service, bless those in this presence who should come to accept Christ as Savior and Lord, those who should come to unite with the church by letter, or promise of letter, by statement or as a candidate for baptism. Give them the strength and grace to respond. In Christ's name we pray. Amen."

As we stand together to sing No. 235, "Only Trust Him," the opportunity is given to unite with the church by letter, the promise of letter, by statement or as a candidate for baptism. If you feel led to come for any other purpose, any at all, if the Lord is leading you, come and welcome. Let us stand as we sing.

NOTE.—This is the seventy-fifth new sermon for 1969, a new record. There were seventy-four in 1968.

RABBI JOSEPH S. SHUBOW

HON. PHILIP J. PHILBIN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, January 19, 1970

Mr. PHILBIN. Mr. Speaker, I was greatly saddened by the sudden, unexpected passing of my friend and Harvard classmate, the great and distinguished Rabbi Joseph S. Shubow of the Temple B'nai Moshe, Brighton, Mass. He will be greatly missed.

Rabbi Shubow was one of our greatest contemporary spiritual leaders, a man endowed with a great mind and great heart, a scholar and intellectual of first magnitude, a great Jew, an illustrious American, a dedicated, inspired leader, who devoted his life to his people, his holy cause, the welfare of his country and mankind.

While he was gentle of spirit and manner, he possessed an extraordinary understanding of human beings and their problems. He was known for the depth of his compassion for the lowly and underprivileged. His untiring zeal to serve and help them and the truly inspired leadership of numerous good causes designed to build up the potential of the people, improve their standards, lift up their hopes and their hearts, and point to a better and greater community, State, and Nation for human brotherhood and love were indeed prodigious.

Throughout his brilliant career, he worked tirelessly to check provincialism, narrowness, and irrational, racial, and religious hatreds, and provided wise guidance that was effective in helping to move the Nation and the world toward universal peace, justice, and brotherhood.

I feel a real sense of inadequacy in appraising Rabbi Shubow's great, enduring achievements, because I am shocked and very deeply grieved by his passing at a time when he appeared to be in good health and vigorous condition with years of constructive service ahead of him.

He was stricken without warning, and his passing has left a great void in his home, among his loved ones, his con-

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gregation and friends in the Nation and the world, wherever he was known.

It would be impossible to replace a great dedicated leader and devout humanitarian like Rabbi Joseph Shubow. He was possessed of great gifts of talent, intellectuality, understanding, compassionate regard and concern for his people and mankind, which inspired and projected him to great heights of moral influence and noteworthy accomplishment in virtually every segment of American life, yes, the world, since he was known, admired and listened to in widespread areas.

In truth, he has left a tremendous legacy for his family and dear ones, members of his congregation, his loving friends, and for all of us who knew and loved him, as well as for the noble, concerned forces of civilization, which recognize our primary needs and the urgency of pursuing them without delay.

We are all the poorer for Rabbi Shubow's passing. The Nation has lost one of its ablest, dedicated disciples and exponents of its truths, its precepts, and the democratic principles upon which our blessed freedoms are based.

The good done by this great man will long remain with us and the world. His family, and his temple, and the Nation itself, has lost a great, spiritual, patriotic leader, whose humanity and love for his fellowman knew no bounds, and will be inscribed and cherished in the hearts of this generation and minds of the American people for many years to come.

My heart goes out with most profound, personal sorrow for the irreparable loss they have suffered, to his beloved and loving family, his devoted wife, a loyal, effective helpmate, who gave him strength, courage, and invaluable guidance and assistance through the years.

He will be sorely missed by all of his beloved family and dear ones, whom he loved totally with unrestrained feeling and devotion, by the members of his great congregation where he did some of his most outstanding work, and where the commanding influence of his eminent leadership and good works of mercy, charity, justice, and spiritual guidance will always be deeply imprinted upon the annals of this famous Jewish shrine in the heart of our historic city of Boston and our beloved Commonwealth.

I am profoundly touched by the loss of such a dear, considerate, and loyal friend of my college days who rose by his own lofty motivations, merits, and gifts to do so much good in this world, and finally to offer his life so unselfishly to his people and his country and humanity. At the same time, I recognize that we all must bow in humble prayer and submission to the divine will.

The memorial exercises and services in his home, and the synagogue that he loved so much, and served so wholeheartedly, were most impressive and truly memorable.

Every segment of the synagogue's leadership and membership, every facet of Jewish-American life was represented, not only outstanding spiritual leaders of his own faith, very distinguished rabbis and other religious leaders, but in the ecumenical spirit, also present to pay tribute to his dear friend was that great spokesman of organized religion throughout this Nation and the world, his esteemed Excellency, his Eminence, Richard Cardinal Cushing, a warm compatriot and associate of his admired friend, Rabbi Shubow, in many great undertakings for the cause of better understanding, harmony, and true friendship between all groups and elements of our American society.

Prominent Protestant spiritual leaders and all segments of church and state were represented by a host of public leaders, headed by one of the greatest Speakers this Nation has ever had, the Honorable JOHN W. MCCORMACK, the Speaker of the U.S. House of Representatives.

Tributes paid to Rabbi Shubow by one after another of several outstanding, distinguished colleagues of his own faith were most eloquent, most heartfelt and among the most laudatory and emotionally moving that I have ever heard.

These tributes were simple, unadorned, but profound. They came from the depths of sorrowing hearts. They were very deeply felt by the esteemed leaders who uttered them—men and companions who knew the true worth of our great, departed leader, Rabbi Shubow, and they were expressed in most eloquent terms of pride, sense of loss, friendship and affection for this fallen spokesman of truth and justice, who served with such magnificent distinction and in a truly compassionate spirit in lifting and advancing the hopes and aspirations of his own group and the freedom-loving, spiritually minded people of America and the world.

All the tributes paid to Rabbi Shubow were expressions of deep, poignant grief, admiration, love and immeasurable honor by loving, devoted friends and admirers. These tributes came from every level of life, the exalted and the humble, the rich and the poor, from every segment of leadership, churchmen, businessmen, teachers, scientists, political figures, the rank and file—every group was represented, and everyone talked with such sincerity and sorrow about the qualities and accomplishments of this great, devoted leader.

The last speaker to lift his eloquent voice in prayer and farewell was his beloved brother, Rabbi Leo Shubow, also a beloved college friend of mine who touched the heartstrings of his listeners by his description of his brother's early struggles, his progress through sacrifice and travail, the steady march to the pinnacle of success in his revered calling.

When this wonderful grieving brother finished his moving words, every eye in the synagogue was tear-dimmed. He and his distinguished fellow rabbi and dear brother spent their lives together in the service of their God and their people and our country. Only the call of the Lord could have separated them.

Rabbi Shubow will live in the minds of the people he served, as few, if any, who have ever served the needs of any people.

The fame of Joseph Shubow is the nobility of his purpose, the grandeur of his idealism, the superb quality of his dedication and courage, the unselfish character of his devout service, as one so esteemed, admired and loved by so many people, and he will never be forgotten.

These things will comprise a lasting, living monument, an unfading memory of illustrious leadership, noble deeds, unyielding conviction, unfaltering courage, and lifelong devotion to the cause of the people that will ring down through the years with increasing impressiveness and inspiration for the proud sons and daughters of his faith, for all of us who stand for freedom, humanity, and justice and love of our fellow man.

May our dearly beloved friend and esteemed leader of his people and the Nation, Rabbi Joe Shubow, find in his eternal home that true peace that his restless, eager spirit never seemed to find in his busy life, so filled with labor and triumphs for his people, his faith, and our country.

And it is for us in this troubled world, and this great Nation of ours shaken as it is with war and civil dissension, to find in his example, his sacrifices, his determination and persevering spirit, some of the spirit and resolution that will lead us before long, with God's help, to the restored blessings of peace, the end of conflict and war, brotherhood, understanding and love for our great Nation and the world.

Mr. Speaker, under unanimous consent, I include press excerpts and other statements bearing on Rabbi Shubow's sad demise.

Truly, these words from Exodus fill our minds in this hour of sorrow:

> And they shall build for me a sanctuary, and I shall dwell in their midst.

The articles referred to follow:

[From the Boston Evening Globe, Aug. 21, 1969]

RABBI SHUBOW DIES AT 69

Rabbi Joseph S. Shubow, 69, spiritual leader of Temple B'nai Moshe, Brighton, and vice president of the Zionist Organization of America, died this morning at Beth Israel Hospital.

His secretary, Mrs. Frances Goldberg, said Rabbi Shubow was about to embark on a speaking tour in New Jersey last Tuesday when he was stricken with a coronary attack and taken to the hospital.

The nationally known clergyman served Congregation B'nai Moshe for over 35 years.

Born in Olita, Russia, in 1899, Rabbi Shubow came to this country as a boy and was graduated from Boston Latin School. He received a bachelor of arts degree cum laude at Harvard in 1920 and his master's degree a year later.

He was ordained at the Jewish Institute of Religion in New York.

During World War II he served as Chaplain for the 9th Army in Europe. One of the most unusual Passovers ever celebrated by Jewish soldiers during the war was the one held by Rabbi Shubow in 1945 in what had been Joseph Goebbels' castle near the Rhine.

He was decorated by Gen. John B. Anderson for meritorious service at the crossing of the Rhine.

A recognized scholar and linguist, Rabbi Shubow authored the Brandeis Avukah Volume, a Zionist treatise dedicated to the late Justice Louis D. Brandeis.

In 1959 he was awarded a doctor of philosophy degree by Harvard.

Rabbi Shubow was a past president of the American Jewish Congress, New England Division; honorary president of the New England Zionist Region and one of the founders and first president of Avukah

(Torch), American Students' Zionist Organization.

He was also one of two Boston delegates to the World Jewish Conference held at Geneva in 1936, and was a delegate to the assembly, American Jewish Congress.

He was a member of Hazel Lodge, Free Sons of Israel; the Olita Society, the American Red Cross, Associated Jewish Philanthropies, central Conference of American Rabbis, Jewish Institute of Religion, American Jewish War Veterans and the Army and Navy Chaplains' Commission.

Rabbi Shubow had planned to go to California next week to become a candidate for the national presidency of the Zionist Organization of America.

Surviving are his wife Beatrice (Citron); a son, Moshe Jehiel, now in Israel; a daughter, Mrs. Berton Steir, of Newton, and a brother, Rabbi Leo Shubow of Temple B'nai B'rith.

Funeral services will be held at noon tomorrow at Temple B'nai Moshe, 1845 Commonwealth Ave., Brighton.

[From the Boston Herald Traveler, Aug. 22, 1969]

RABBI JOSEPH SHUBOW DIES

Rabbi Joseph Shalom Shubow, 69, of Temple Bnai Moshe, Brighton, an international leader of the Zionist movement and an eloquent spokesman on local, national and world affairs, died yesterday morning at Beth Israel Hospital.

Funeral services will be held at noon today at Temple B'nai Moshe, 1845 Commonwealth Ave., Brighton.

Rabbi Shubow was stricken with a heart attack Tuesday at his home, 125 Holland Rd., Brookline, and taken to the hospital. A national vice president of the Zionist Organization of America, he was a candidate for election as president at the national convention in Los Angeles next week.

Dr. Shubow believed that the clergy of all faiths should become involved in political problems and public affairs. Practicing what he preached, he spoke out freely on all issues, with complete fearlessness as to whether he held the popular view.

He favored retention of capital punishment, praised Dr. Martin Luther King for his "great and noble sense of responsibility" but called on him to discontinue urging America to "forsake its moral duties" in Vietnam, attacked the Ku Klux Klan and the John Birch Society, deplored the injection of the religious issue against John F. Kennedy in the 1960 presidential campaign and proposed the Nobel Prize for his friend Cardinal Cushing.

The Cardinal was guest of honor at a dinner in 1959 celebrating the 25th anniversaries of Temple Bnai Moshe and Rabbi Shubow's ordination.

Dr. Shubow served as chaplain for the 9th Army in Europe in World War II. As such, he celebrated Passover in 1945 for Jewish soldiers in what had been Joseph Goebbel's castle near the Rhine.

He was born in Olita, Lithuania (now Russia), in 1899 and came to Boston as a boy. He was graduated from Boston Latin School and from Harvard with a bachelor of arts degree cum laude in 1920 and a master's a year later.

He was president of the Harvard Zionist Society in 1920 and 1921, and in 1925 was a co-founder of Avukah (Torch), American Students' Zionist Organization. In 1959, Harvard awarded him a doctor of philosophy degree.

Dr. Shubow had been rabbi of Bnai Moshe since 1933, the same year he was ordained by Dr. Stephen S. Wise at the Jewish Institute of Religion, where he received a degree of master of Hebrew Literature. He was the author of the Brandeis Avukah Volume, a Zionist treatise dedicated to Justice Louis D. Brandeis.

He was literary editor of the Boston Jewish Advocate from 1923 to 1935 and a correspondent and feature writer for the Jewish Telegraph Agency 1924–1931. He received national recognition in 1956 with the award of a plaque from the American Jewish Literary Foundation.

He was a past president of the American Jewish Congress, New England Division, and honorary president of the New England Zionist Region. He had been a delegate to World Jewish Conferences at Geneva, Switzerland, in 1936, and in South America in 1946.

He was a founder and second president of the Massachusetts Board of Rabbis and a founder of the Associated Synagogues of Massachusetts. He had been chaplain of West Roxbury Veterans Hospital since 1946 and of the Veteran's Administration Hospital, Jamaica Plain, since 1953.

Organizations of which he was a member included American Academy for Jewish Research, Associated Jewish Philanthropies, American Red Cross, American Society for Political Science, American Legion, Jewish War Veterans, AMVETS, B'nai B'rith, Harvard Club of Boston and many others.

Dr. Shubow leaves his wife, the former Beatrice Citron, to whom he was married in 1938, a son, Moshe Jehiel, now in Israel; a daughter, Mrs. Berton Steir (Judith Habibah) of Newton, and a brother, Rabbi Leo Shubow of Temple B'nai B'rith, Somerville.

Tributes to Rabbi Shubow included:

Atty. Gen. Robert H. Quinn: "With the death of Rabbi Joseph Shubow I have lost a friend, but the Commonwealth of Massachusetts sustains an even greater loss with the silencing of a soulful compatriot dedicated to justice, humanity and brotherhood."

Rabbi Murray I. Rothman, president, and Rabbi M. David Weiss, executive vice president, Massachusetts Board of Rabbis: "His wide scholarship, prophetic commitment to social justice and outstanding gift of oratory made him a respected and nationally known spokesman of the Jewish people and leader among his rabbinic colleagues."

Lawrence G. Lasky, general chairman, State of Israel Bonds: "The passing of Rabbi Joseph S. Shubow stills an articulate voice that for many years was raised eloquently in behalf of democracy and social justice. He was a great American, a most worthy champion of the Jewish people and an ardent and dedicated worker in the rebirth and preservation of the State of Israel."

Edward S. Redstone, president, Greater Boston Chapter, American Friends of Hebrew University in Jerusalem: "The New England Jewish community has lost an eloquent spokesman. The loss of Rabbi Shubow is one that immediately will be felt. He was an activist in American-Jewish life and in the cause of Israel."

Herman B. Cohen, president, New England Friends, Albert Einstein College of Medicine, Yeshiva University: "His steadfast interest in Jewish life, spanning an exciting period in modern history, is well known to those who are aware of his dedication to Zionism along with his unflagging loyalty and devotion to this nation which he served as a member of our armed forces in World War II."

Milton Berger, president, Hebrew Rehabilitation Center for Aged, Roslindale: "His eloquent voice and prolific pen will be remembered for the roles Rabbi Shubow played in fighting social injustice. He was a loyal friend and staunch supporter of this institution."

[From the Boston Globe, Aug. 22, 1969]

SCHOLAR, LINGUIST—RABBI JOSEPH SHUBOW, 69, FATALLY STRICKEN

Rabbi Joseph S. Shubow, 69, spiritual leader of Temple B'nai Moshe, Brighton, and vice president of the Zionist Organization of America, died yesterday morning at Beth Israel Hospital.

His secretary, Mrs. Frances Goldberg, said Rabbi Shubow was about to embark on a speaking tour in New Jersey last Tuesday when he was stricken with a coronary attack and taken to the hospital.

The nationally-known clergyman served Congregation B'nai Moshe for more than 35 years.

Born in Olita, Russia, in 1899, Rabbi Shubow came to the United States as a boy and graduated from Boston Latin School. He received a bachelor of arts degree cum laude at Harvard in 1920 and his masters degree a year later.

He was ordained at the Jewish Institute of Religion in New York.

During World War II he served as chaplain for the 9th Army in Europe. One of the most unusual Passovers ever celebrated by Jewish soldiers during the war was the one held by Rabbi Shubow in 1945 in what had been Joseph Goebbel's castle near the Rhine.

He was decorated by Gen. John B. Anderson for meritorious service at the crossing of the Rhine.

A recognized scholar and linguist, Rabbi Shubow authored the Brandeis Abukah Volume, a Zionist treatise dedicated to the late Justice Louis D. Brandeis.

In 1959 he was awarded a doctor of philosophy degree by Harvard.

Rabbi Shubow had planned to go to California next week to become a candidate for the national presidency of the Zionist Organization of America.

Funeral services will be held at noon today in Temple Bnai Moshe, 1845 Commonwealth av., Brighton.

On hearing of the rabbi's death, Lawrence G. Laskey, general chairman of the Greater Boston Committee, State of Israel Bonds, offered this tribute:

"The passing of Rabbi Shubow stills an articulate voice that for many years was raised eloquently in behalf of democracy and social justice throughout the world.

"He was a great American, a most worthy champion of the Jewish people and an ardent and dedicated worker in the rebirth and preservation of the State of Israel.

"He will be mourned by the community and the country. To those of us who knew him personally and were enriched by his friendship and counsel, he will be sorely missed."

Rabbi Murray I. Rothman, president of the Mass. Board of Rabbis, and Rabbi M. David Weiss, executive vice president, last night issued the following statement:

"We record with deepest regret the passing of one of our group's founders and its second president. In 1935 Rabbi Shubow, with a small group of local rabbis, organized the Greater Boston Rabbinical Assn., the forerunner of the Mass. Board of Rabbis, now numbering over 100 Jewish spiritual leaders.

"Rabbi Shubow also helped found the Associated Synagogues of Massachusetts in 1941, which brought together orthodox, conservative and reform congregations in this area to better serve the religious community. He was also instrumental in organizing the services of the Jewish chaplains, leading to the formation of the United Rabbinical Chaplaincy Commission.

His wide scholarship, prophetic commitment to social justice and outstanding gift of oratory made him a respected nationally-known spokesman of the Jewish people and a leader among rabbinic colleagues."

Only two weeks ago the Crosscup-Pishon Post of American Legion, of which Rabbi Shubow was a member, elected him post chaplain.

Rabbi Israel J. Kazis of Temple Mishkan Tefila in Newton will officiate at the services, assisted by Rabbi Leo Shubow of Somerville and Rabbi Charles Weinberg of Malden.

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[From the Boston Herald Traveler, Aug. 23, 1969]

1,200 Attend the Funeral of Rabbi Joseph Shubow

(By Tom Murray)

More than 1,200 attended the funeral of Rabbi Joseph Shalom Shubow, 69, an international leader of the Zionist movement, held yesterday in Temple B'nai Moshe, Brighton, where he was spiritual leader for 35 years.

Those in attendance included Richard Cardinal Cushing, House Speaker John W. McCormack, Rabbi Usher Kirshblum, vice president of the Zionist Organization of America, the Rev. Matthew P. Stapleton, chairman of the Archdiocese of Boston Ecumenical Commission, and a host of other religious and civic leaders.

"Rabbi Shubow," eulogized Edward Silverman, honorary president of the Temple, "was a man of great versatility, with compassion and love for all God's children.

"His goal was always to attack injustice wherever he saw it. No worthy cause found him indifferent. He challenged cruelty, lack of honor, and censured those who were responsible.

"He fought for righteousness, justice and equality. He exemplified the highest ideals of dignity and eloquence in the pulpit together with personal courage.

"In the pulpit, in the community, in Israel, his vision, his enthusiasm, his willingness to give of his ability, his warm human compassion for his fellow man, his selfless devotion to every cause that concerns our people, his love of Zion which was the core of his life—all these inspired us to deeds far beyond our own strength and capacity.

"He was a leader who never faltered or failed. His beacon light of understanding showed forth at times when the twilight was dim, and when others sometimes faltered.

"May his light continue to shine forth ever brilliantly, illuminating our synagogue and our community."

Other tributes were given by Rabbi Kirshblum, Rabbi Ephraim Bennett of Lynn, representing the Massachusetts Board of Rabbis, and Temple President Jacob Stone.

Officiating at the services was Rabbi Israel Kazis of Temple Mishkan Tefila in Newton, assisted by Rabbi Shubow's brother, Rabbi Leo Shubow of Somerville, and Rabbi Charles Weinberg of Malden.

Honorary bearers included Israeli Consul Moshe Ofer, House Speaker McCormack, Police Commr. Edmund L. McNamara, the Rev. Dana McLean Greeley, past president of the Unitarian Universalist Assn., Boston Municipal Court Chief Justice Elijah Adlow.

Also, Dr. Francis B. Carroll, Alexander Brin, publisher of the Jewish Advocate; James Kahn, publisher of the Jewish Times; Prof. Harry B. Wolfson of Harvard University, Governor's Councilor Herbert Connelly, New England Zionist Region President Julius Stone, Temple Honorary President Silverman, Temple President Stone, Lawrence G. Laskey, Dr. Jacob Yules, Bradford Saivetz and Marshall Marcus.

Burial was in Sharon Memorial Park.

Rabbi Shubow, who died Thursday in Beth Israel Hospital following a heart attack, leaves his wife, Beatrice (Citron), a son, Moshe, who with his wife and infant daughter arrived here Thursday night from Israel, and a daughter, Mrs. Judith Steir of Brookline.

Besides his brother, Rabbi Leo Shubow, he leaves a brother, Jacob, of Miami, Fla., and four grandchildren.

Memorial week will be observed at his home, 125 Holland Rd., Brookline.

At the Temple, Nathan C. Wyman, president of the B'nai B'rith Council of Greater Boston, told newsmen, "The B'nai B'rith mourns the loss of a fine and devoted 'Son of the Covenant'."

Rev. Leonidas C. Contos, president of the Hellenic College in Brookline, representing Greek Orthodox Archbishop Iakovos of New York, said, "We grieve with deep sorrow at the loss to Boston and the nation of this so gifted and gracious servant of God."

[From the Boston Globe, Aug 23, 1969]

1500 Pay Final Tribute To Rabbi J. S. Shubow

The body of Rabbi Joseph S. Shubow, 69, one of Boston's most revered spiritual leaders, was buried yesterday following services at Temple B'nai Moshe, Brighton, where he served for more than 35 years.

Several of the 1500 mourners at the services fainted as eulogies to the late rabbi continued for more than an hour. Richard Cardinal Cushing and House Speaker John W. McCormack led a large number of state and national leaders in religion, the professions, and politics.

Tributes to the nationally known clergyman, vice-president of the Zionist Organization of America, continued to come in. Rabbi Shubow died Thursday after being stricken with a coronary attack Tuesday.

Temple officials were forced to open all doors when several in the standing-room crowd collapsed. Many mourners, who arrived too late, stood patiently in the sun, some as long as two hours.

Others among those attending services for the Russian-born Rabbi were Msgr. George Kerr; Brig. Gen. Timothy Regan, representing Gov. Sargent; Rep. Philip Philbin (D-Clinton); President Nathan C. Wyman of the Greater Boston Council of B'nai B'rith, and Rev. Leondos C. Contos, president of Hellenic College, Brookline, who represented Archbishop Iakovos, North American primate of the Greek Orthodox Church.

Edward Silverman, a layman who serves as honorary president of Temple B'nai Moshe, called the late leader a man who "always attacked injustice, challenged cruelty and lack of honor, and censured those who were responsible. He exemplified the highest ideals of dignity and eloquence in the pulpit, together with personal courage."

Also attending the service was Louise Day Hicks, former Boston School Committee member; Rabbi Joseph B. Soloveitchik, acknowledged U.S. Talmudic scholar, and Barney Frank, representing Mayor Kevin H. White.

Among the eulogists was Rabbi Usher Kirshblum of New York, vice president of the national Zionist Organization of America. Rabbi Shubow was to be a candidate for the organization's presidency.

Other speakers included Jacob Stone, president of Congregation B'nai Moshe, and Rabbi Ephraim Bennett of Lynn.

The flag-draped traditional pine box coffin was carried from the temple amid a throng of mourners who pressed in to touch the coffin.

While honorary bearers surrounded the hearse the coffin was placed inside and the cortege was escorted on its way to Sharon Memorial Park in Sharon for burial.

Eulogy by Rabbi I. Usher Kirshblum, Spiritual Leader of the Jewish Center of Kew Gardens Hills and Vice President of the Zionist Organization of America

It is with deep shock and profound pain that I eulogize my late beloved colleague, Rabbi Joseph S. Shubow. Mine had been the privilege to have known him for a quarter of a century. Together we worked in the Vineyard of the Lord as graduates of the Jewish Institute of Religion and in the Rabbinical Assembly. And together we tilled the field of Zionism.

Rabbi Shubow was cast in a mold from which very few emanated. He possessed the strength of a lion when he grasped your hand or embraced you. He also was leonine as he jumped to his feet when he felt that a speaker, to whom he had given his undivided attention, had suddenly distorted the truth. And yet he possessed the heart of a child for he was so forgiving. He would never depart from a meeting without bidding Shalom to his strongest adversary. "A gesund oif dir," was an expression he used so frequently.

Rabbi Shubow was most charitable not only to the organized and communal philanthropies but to individuals who came from all parts of the country seeking his aid. And whenever someone solicited his help through the mail he was never satisfied just to send his generous contribution but always added a letter of warmth and encouragement to the solicitor. He always gave magnanimously and very often anonymously.

Rabbi Shubow was always the Rabbi. From his pulpit he preached some of his most passionate sermons on Zionism and from the Zionist platform he studded his lectures with Judaism. He was a great scholar who drank in thirst any word of Torah that came within his hearing. He was a great disciple of the immortal Stephen S. Wise. More than just imitating the speech of the great master he emulated him in all his ways through his passion for Zionism, his pursuit of justice and truth and his championing the cause of the oppressed.

Rabbi Shubow had a great love for his Synagogue. I can never forget the time when he telephoned me to let me know that he succeeded in having its mortgage burned. He loved his congregants and appreciated their understanding of his ways and works and their approval of his extensive travels on behalf of an Israel reborn. He felt eternally blessed by his life partner, Beatrice. He was always the strong eagle and she the sweet dove.

Rabbi Shubow was so proud of his friendship with your Eminence, Cardinal Cushing. He felt so comforted by your many words of sympathy for and courage to the State of Israel and the Jewish people everywhere. Equally proud was he of your friendship, Speaker of the House, Mr. McCormack. On many occasions you have raised your clarion voice in defense of Israel and Zionism. His proudest moments were when he sat in the audience listening to you speak on behalf of the Jewish State. How he must rejoice from his Heavenly Abode to find you both now sitting in his congregation!

The tear ducts refuse to remain dry as I bid you fond and final farewell, dearly beloved Joe. Your booming voice shall always ring in my ears. I shall always feel your warm handshake and strong embrace. Your sweet smile and ruddy cheeks shall always be before my eyes. You shall continue to live in the mountains of Judah and in the streets of Jerusalem.

Eulogy Delivered by Edward Silverman, Honorary President, Temple Bnai Moshe

It is with great sorrow in our hearts that we are gathered here this afternoon to pay tribute to our beloved friend and rabbi.

How fortunate is a people whose leader exemplified in his own person the noblest traditions and highest goals of its faith. Our rabbi was a man who lived and labored for his people.

He was a man of great versatility, with compassion and love for all G–d's children. His goal was always to attack injustice wherever he saw it. No worthy cause found him indifferent. He challenged cruelty, lack

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of honor, and censured those who were responsible. He fought for righteousness, justice, and equality. He exemplified the highest ideals of dignity and eloquence in the pulpit, together with personal courage.

He lived through a veritable torment of martyrdom and self-sacrifice, and yet through all the anguish and turbulence which we know he endured, he remained steadfast and true. Greatness comes to each of us in our own way when we recognize that life requires great choices and decisions. Character, and only character, can help us triumph over difficult circumstances, and real character grows from the roots of faith—real character enables us to face crises with inner strength.

In every age, there is a leader who possesses wisdom as well as piety, courage as well as loyalty. Such a leader was our rabbi. The story of our congregation is inter-woven and inter-mingled with the lifetime of his service. He has stood by the side of every administration, and has participated in every phase of activity from the building of the temple to the liquidation of our mortgage. In the pulpit, in the community, in Israel, his vision, his enthusiasm, his willingness to give of his ability, his warm human compassion for his fellow man, his selfless devotion to every cause that concerns our people, his love of Zion, which was the core of his life—all these inspired us to deeds far beyond our own strength and capacity.

It took vision, foresight, and courage in those early days of the 1930's, when our country's economy was at a low ebb, to establish a religious school and a house of worship. There is not a single person in this sanctuary, or outside it, who does not know that Temple Bnai Moshe is a tribute to the remarkable talents of one man, our rabbi, who consecfated our Temple by giving to it all that a man can give, and who has with unflagging tenacity, steered our congregation from its proud but humble birth for the past 35 years.

He was a leader who never faltered or failed. His beacon light of understanding showed forth at times when the twilight was dim, and when others sometime faltered. May his light continue to shine forth, ever brilliantly, illuminating our synagogue and our community.

We shall ever cherish the memory of our beloved Rabbi Joseph Shalom Shubow, servant of G-d, defender of Israel, and lover of humanity.

Eulogy by Mr. Jacob Stone, President of Temple Bnai Moshe

The whole Temple community is shocked at the sudden and untimely death of our late beloved Rabbi Joseph Shalom Shubow.

He was an outstanding champion and advocate of the less fortunate regardless of race, creed or color. His voice which was heard throughout the world in behalf of the State of Israel is now forever stilled, but his words will be long remembered.

He was a great American, a good Jew and never feared to take a position on the principles that he thought were correct.

Justice Oliver Wendell Holmes of the United States Supreme Court, eulogizing an outstanding eminent lawyer, said: "The best that could be said of him was that he was a lawyer, soldier and statesman." A similar eulogy can be made for our late Rabbi. It could be said of him that he was a Rabbi, soldier and statesman.

The demise of our Rabbi leaves a void which is irreparable and will be hard to fill. The whole Temple community is saddened.

May I, as President of Temple Bnai Moshe, in their behalf and in behalf of my wife and myself, express to you, Mrs. Shubow and your family, our heartfelt sympathy in your time of bereavement.

Eulogy by Rabbi Ephraim I. Bennett, Vice President of the Massachusetts Board of Rabbis

As a Vice-President of the Massachusetts Board of Rabbis, it is my sorrowful responsibility to extend, on behalf of the M.B.R. and myself, our heartfelt sympathy to Mrs. Joseph Shubow and her children, to Rabbi Leo Shubow and to all the members of the bereaved family on the profound loss which they as well as our entire community have sustained in the passing of Rabbi Joseph Shubow.

Rabbi Shubow was a past President of the Mass. Board of Rabbis who served our organization, as he did every worthwhile cause, with complete devotion and dedication. He always enriched our deliberations with his astute and creative insights, his firm convictions, the passion of his feelings, so powerfully and movingly articulated, and his clear vision of the proper role of the Rabbi in the community. He was a courageous champion of his people, his country and his G-d whose eloquence stirred the hearts of so many and lifted them to a higher dimension of spiritual existence. His vigorous, dynamic presence will be sorely missed by all who knew him.

Rabbi Murray Rothman, President of the M.B.R., would have been here but for a serious accident in which his daughter was involved yesterday. He asked me to read the following telegram:

"Auto accident prevents me from being present to pay homage to our beloved colleague and Past President, Joseph Shubow. Please express sincerest condolences on my behalf and on behalf of Massachusetts Board of Rabbis."

Eulogy by Rabbi Israel J. Kazis, Rabbi of Congregation Mishkau Tefila, Newton, Mass.

As we pay our final tribute to our distinguished colleague and beloved friend, Rabbi Joseph Shalom Shubow, there come to mind the Biblical words "How have the mighty fallen?" A mighty leader has fallen in the midst of the struggle for the creative survival of the Jewish people. He was a front line soldier who did not know the meaning of fear, who fought courageously and with passionate devotion on behalf of every cause in which he believed, who never retreated in the face of obstacles, who withstood many attacks only to return to the battle with increased vigor and determination. His weapons were the unusual spiritual faculties with which he was richly endowed: a brilliant mind, a brave and compassionate heart, an iron will, an eloquent voice, and a gifted pen. He was a leader of men who inspired others "to dare to follow where he dared to lead". When he enlisted in the service of a cause, his entire being was committed. His energy, which flowed from an inexhaustible source, and his time were expended with a dedication which transcended all personal considerations.

My warm friendship and association with Rabbi Shubow began some thirty-five years ago when I was a member of the Harvard Avukah, the American Student Zionist Organization. Rabbi Shubow was one of the founders of Avukah and before that had served as the president of the Harvard Zionist Society. His involvement in the Zionist Movement stretched back over a half-century during which time he became one of its leading spokesmen in our country. He pleaded the cause of Zionism from pulpit and platform and inspired a vast audience throughout the land with his unusual eloquence.

He wrote numerous articles and essays which enlightened his many readers with a deeper understanding of the vital need of a homeland for the Jewish people. And when the State of Israel was established, he redoubled his efforts to enlist the strength and the support of his fellow Jews. His convictions, zeal and ardor were communicated with great impact upon those who heard him speak or read his writings. The words of the prophet Isaiah come to mind as we recall Rabbi Shubow's indefatigable labors for the rebirth of Israel: "For Zion's sake I will not keep silent and for Jerusalem's sake I will not rest until her vindication goes forth as brightness and her salvation as a burning torch". Rabbi Shubow's enormous contribution to the furtherance of Zionism has become part of American Jewish history and will long be remembered by those who came under his wide influence.

When we consider the multiplicity of interests, loyalties, and activities which occupied Rabbi Shubow's time, thought and energy, we find it incredible that one man could have undertaken and achieved so much of lasting human value. As a rabbi he served his congregation not only as preacher, teacher and pastor but also assumed many of the administrative responsibilities so vital for the proper functioning of a synagogue. As a leader in our community he sought to achieve greater cooperation and unity by joining with some of his rabbinic and lay colleagues in founding the Rabbinical Association of Greater Boston, now known as the Massachusetts Board of Rabbis, and the Associated Synagogues of Greater Boston, now known as the Associated Synagogues of Massachusetts. Throughout the years he was a leading figure in these two organizations and gave of himself unstintingly to the furtherance of their programs. The many good causes which he served in the greater Boston community both Jewish and general are too numerous to mention. As a consequence he became a respected public figure and enjoyed the friendship and admiration of men and women of differing faiths and from all walks of life.

As busy as Rabbi Shubow was, he nevertheless found the time to give expression to his remarkable literary talent which began to manifest itself while a student at Harvard where he won several awards for his essays. He contributed numerous articles covering a wide range of subjects to various periodicals and newspapers. He served as literary editor of the Jewish Advocate of Boston and on the editorial staff of *Opinion*. He edited the Brandeis Avukah Volume, a very significant tribute to Justice Louis D. Brandeis on his seventy-fifth birthday. As a scholar, he pursued his studies throughout the years and received a Ph.D. at Harvard in the field of Political Science. His doctoral dissertation represents a valuable contribution to the history of Jewish thought and life and deals with the moral and spiritual antecedents of Zionism and the State of Israel.

As a human being Rabbi Shubow was blessed with a spacious and compassionate heart. Whoever was in need of aid, guidance or counsel knew that he could turn to Rabbi Shubow for help. The extent to which Rabbi Shubow gave of his time, energy and substance to countless human beings surpasses description. The story of what he did, while serving as an overseas chaplain in the U.S. Army during World War II, on behalf of the survivors of the concentration camps in Europe is yet to be told in its full dimensions. I have received many first hand reports from the survivors who settled in our community, the grateful beneficiaries of Rabbi Shubow's love, compassion and concern in the period immediately following their liberation. In their state of bewilderment they found in Rabbi Shubow a tower of strength, a compassionate leader and warm friend who infused their spirit with faith, courage and hope.

As we contemplate Rabbi Shubow's enormous contribution to the welfare of so many

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human beings and to the advancement of so many causes, we recall the words which the Lord spoke to Aaron, the High Priest and to his sons: "Yet shall keep the sacred charge". Rabbi Shubow kept and fulfilled the sacred charge with the complete dedication of his spirit. As a leader he belonged to that category of men who, in the words of the ancient rabbis, "light lamps to illumine the path of their fellow-men". Rabbi Shubow was indeed such a lamp-lighter. The lamps which he kindled brought light to countless human beings. It is a light which will not fail.

The concern which Rabbi Shubow manifested for the well-being of his fellowmen was but an extension of the love which he gave to the members of his dear family. The deep bonds of affection and devotion which united him and his beloved wife, Beatrice, engendered a relationship which can best be described in the words of the ancient Rabbis: "When a husband and wife prove worthy, the Divine Presence dwells in their home". Indeed the climate in the home of Rabbi and Mrs. Shubow was permeated with love and joy and warmth. It was in this happy atmosphere that the personality and character of their dear children Judy and Moshe were molded and fashioned. Rabbi Shubow was never too occupied to give of himself to his children. They were his delight and he was their refreshing source of love, devotion and guidance. And when the children were married, their wonderful mates, Bert and Mary Jane, and the grandchildren enriched the Shubow family with an added dimension of happiness and warmth. As husband, father and grandfather, Rabbi Shubow's heart and mind sustained the spirit of his dear ones with strength, wisdom and joy.

As we say farewell to our beloved Rabbi Shubow, there come to mind the words which, according to the Midrash, the Lord spoke to Moses as He said farewell to him: "Moses, you have toiled hard and labored much. Go now and rest". Rabbi Shubow labored hard and long, give the best of himself to his spiritual calling and has now gone to his eternal rest.

May G-d bless his dear wife Beatrice, the children and grandchildren, his brothers and the other members of his family with the strength and the fortitude to bear their great loss with courage. May the shining example of Rabbi Shubow's life serve as a source of inspiration and emulation for all of us. May his soul be bound up in the bond of eternal life.

THE RETIREMENT OF THE 34TH AIR DIVISION AND COLONEL GALLAGHER

HON. GARRY BROWN

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 20, 1970

Mr. BROWN of Michigan. Mr. Speaker, during the holiday recess I had occasion to participate in a none-too-festive ceremony at the Custer Air Force Station in my district. On December 30, ceremonies were held acknowledging the deactivation of the 34th Air Division and the retirement of its commander, Col. Raymond K. Gallagher. The deactivation of the 34th Air Division was a consequence of economy measures taken by the Department of Defense pursuant to the instructions of the Congress and the administration. Everyone appreciates economy in Government, necessarily including economy in the Defense Establishment, yet when those economy moves strike home and disrupt a fine relationship such as that which existed between the officers and personnel of the 34th Air Division and the Battle Creek community, economy becomes a bitter pill to swallow.

And, when such deactivation ceremonies are the occasion for the retirement exercises of the commanding officer of such deactivated unit, the hurt is even more sharply felt.

In my 3 years in the Congress, I have had many occasions to work with our friends in the military at Custer Air Force Station and have always been impressed with, and appreciated, the fine cooperation and assistance I have received. Colonel Gallagher has been a fine commanding officer of the 34th Air Division and has made an outstanding contribution to this Nation throughout his career. At the same time, he has helped tremendously in maintaining the warm and pleasant relationship which has existed between the military operations for which he has been responsible and the civilian community of nearby Battle Creek.

I could go on and on, for the nice things that can be said about the 34th Air Division and Colonel Gallagher are almost limitless, but others have expressed, better than I could, the history and accomplishments of the division and Colonel Gallagher. I, therefore, wish to insert in the RECORD at this point for proper appreciation by all of my colleagues the article by Stan Kaufman, the fine reporter of the Battle Creek Enquirer and News, concerning Colonel Gallagher's retirement and a brief history of the 34th Air Division which was incorporated in the program for the deactivation-retirement ceremonies. The article and history follows:

A CAREER BEGINS AND ENDS AT FORT CUSTER—COLONEL GALLAGHER EXITS WITH ENVIABLE RECORD

(By Stan Kaufman)

On a hot June day in 1938 a raw second lieutenant in the cavalry dropped his barracks bag in a tent at Camp Custer to begin his active duty with the Army.

Today, that same person is a "full bird" colonel preparing to retire at the Custer Air Force Station, concluding an illustrious 31-year military career.

He's Col. Raymond K. Gallagher, commander of the 34th Air Division, which offically will be deactivated Dec. 31.

Col. Gallagher also retires Dec. 31.

His recollections of old Ft. Custer?

"Hell, there was nothing out here. Only a few buildings were up. It was a tent world," Gallagher said.

"I remember our field trips. They usually were to Gull Lake, which was only a wild woods at that time. We used to swim our horses in the cool lake water. We'd bivouac there and return the next day.

"Most of our training was on the fort area. We had our cavalry charges through the woods and over the fields. Getting to town was not a frequent occurrence. We were tired and it was a long walk," Gallagher said.

Actually, Gallagher's first duty here was in 1937.

He came to Camp Custer for a two-week summer encampment while an ROTC cadet at the University of Illinois.

The Air Force colonel tells one on himself while still a horse soldier here.

"We just completed a charge and were taking a 10-minute break. Being near a strawberry patch, I strayed over with my horse, Queenie. I was picking berries when she became frisky . . . I didn't ride for several months," Gallagher said.

But Gallagher had another yen.

He traded his saddle for a new cockpit in August 1939 when he entered flight school at Kelly Field, Texas.

Thus he holds the distinction of having switched from horses to supersonic jet aircraft during his career.

Gallagher also takes with him an enviable flight record which veteran Air Force officers charge will never be broken.

The colonel has not missed a month's flying time in more than 30 years!

To be exact, he will have 365 months of consecutive flight time, including this, his last month.

During his career, Gallagher has logged more than 9,000 hours of flight time with a majority of that time in fighter aircraft.

Gallagher has flown 80 different aircraft in the nation's inventory—including being currently qualified to "jockey" the F102 "Delta Dagger" and the F106 "Delta Dart," both supersonic fighter aircraft.

Gallagher earned a bachelor's degree in industrial administration in 1937 from the University of Illinois. But the Air Corps was his first choice even in college. For a year before getting his commission in the cavalry, Gallagher worked for $13 a week as a cost estimator for a lumber company.

An early assignment after winning his aviator's silver wings was at Hickam Field in Hawaii. He was there Dec. 7, 1941 when the Japanese attacked the island outpost.

Gallagher flew one of the first combat missions in a P40 "Warhawk." He flew patrol missions against an anticipated enemy invasion.

Subsequently, Gallagher moved farther out into the Pacific where he logged 160 combat missions. He flew P40s, P38 "Lightnings" and P47 "Thunderbolts."

His kill for the Pacific war was one Japanese "Zero" fighter and one "Betty" bomber.

The Korean conflict saw him back in the thick of the aerial war. He was then commander of the 8th Fighter-Bomber Wing. Gallagher, then a colonel, flew 103 combat missions and logged 141 combat hours in F80 "Shooting Stars," the nation's first jet fighter.

On Aug. 29, 1952, Gallagher led the 8th on three consecutive raids against Pyongyang, the North Korean capital. The missions were described "as the most devastating destruction in a single day during the Korean conflict."

Gallagher said the three successive air strikes were made without loss of a man or aircraft despite intensive antiaircraft fire.

In all, 300 fighter-bomber sorties were flown while Gallagher circled over the target for three hours directing the strikes. For his action, Gallagher was awarded the Silver Star Medal for gallantry in action.

This September, Gallagher made a sentimental trip to Korea to visit the famed 94th Fighter Squadron from Selfridge Field, which was on rotation duty. While there, he flew three patrol missions with the "Hat in the Ring" squadron. The 94th is in the 34th Air Division.

Commands are not unusual for Gallagher. He has held many—including nine of squadron level or above—both in this country and overseas.

In addition to the Silver Star Medal, Gallagher holds the Legion of Merit with one oak-leaf cluster, the Distinguished Flying Cross with two oak-leaf clusters. The Air Medal with five oak-leaf clusters and the Air Force Commendation Medal.

He is to be awarded a second cluster to the Legion of Merit at retirement ceremonies.

Gallagher met his wife, Caroline, while both attended the University of Illinois at Champion. A daughter, Nancy, also a graduate of the university, is teaching in Atlanta,

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Ga. A son, Richard, is a junior at Springfield High School with hopes of attending the Air Force Academy at Colorado Springs, Colo.

Deactivation-Retirement Ceremony, December 30, 1969—Custer AFS, Michigan

PROGRAM

Invocation.
Welcome.
Reading of history.
Remarks by the commander.
Canadian National anthem.
U.S. National anthem.
Casing of the colors.
Retirement of Colonel Raymond K. Gallagher.
Reception.
Guest of honor: Major General Robert W. Burns, Chief of Staff, Aerospace Defense Command.

HISTORY OF THE 34TH AIR DIVISION

The 34th Air Division was originally activated 5 January 1951 at Kirtland Air Force Base, New Mexico, as part of the Western Air Defense Force, Air Defense Command. On 16 February 1953 command of the 34th was transferred from Western to the Central Air Defense Force. On 1 January 1960 the 34th Air Division was inactivated at Kirtland Air Force Base, New Mexico.

In 1951, just outside the main gate of a still active Fort Custer, Custer Air Force Station was established to support the 781st Aircraft Control and Warning Squadron, whose radar towers on the fort itself still stand. Fewer than a hundred Air Force personnel called Custer home.

Veiled in secrecy as "Project DADS", the Detroit Air Defense Sector of the new SAGE System approached reality as ground was broken on Custer Air Force Station in 1956 for a windowless blockhouse. The initial cost for the new facilities was $27 million. Two years later, nearly $20 million worth of advanced computers were installed, as the new defense center neared its operational date.

On 1 September 1959, without fanfare, the Detroit Air Defense Sector went operational. Its area of control was a small section of mid-America which included southern Michigan, northern Ohio, and Indiana. A total of 800 military and civilian personnel manned the system.

On 1 September 1963, the fourth anniversary of operations, the Detroit Air Defense Sector was expanded to 220,000 square miles, becoming the largest air defense sector in ADC. Its responsibility included the protection of 22 million people. Manning topped a thousand personnel.

In 1965 the sector was judged the best in the nation, topping all other ADC sectors in the Freddie Smith Trophy Competition.

On 1 April 1966 the Detroit Air Defense Sector was redesignated the 34th Air Division. By 1968 the area of responsibility of the 34th had grown to 391,000 square miles, including all or part of a dozen mid-American states and a portion of Canada. The Division stretched from the Straits of Mackinac to the Smokey Mountains of Tennessee, from Niagara Falls to the Mississippi. 54 million citizens were protected by a defense network controlled from the Custer Air Force Station Blockhouse.

Now with the great advances of the state of the art of aerospace defense, the new BUIC system and the remaining SAGE system, even vaster areas can be covered from one location and the 34th Air Division and Custer AFS can be retired. As of 31 December 1969 the 34th Air Division will be deactivated, and so ends an ERA in Aerospace Defense.

FORMER COMMANDERS

Colonel John W. Mitchell; Colonel Charles G. Chandler; Colonel Chester L. Sluder; Colonel Glendon P. Overing; Brig. Gen. George V. Williams; Colonel Stanton T. Smith Jr.; Colonel Raymond K. Gallagher.

NOISE CONTROL

HON. WILLIAM F. RYAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 20, 1970

Mr. RYAN. Mr. Speaker, the quality of life is an overwhelming concern of Americans today. The more visible signs of our deteriorating environment have drawn the greatest amount of public comment. We all are aware of the smog hanging over our cities and the filth-strewn rivers and lakes whose pollution is steadily increasing.

A serious but less publicized factor in the decline of our environment is the incessant, ever-present noise which assails us virtually 24 hours a day. There is scientific opinion that, not only is noise disturbing, it is also harmful to physical and mental health.

To attack the problem of noise, I have today introduced the Noise Control Act of 1970, which would establish an Office of Noise Control in the Office of the Surgeon General. Through this Office, grants will be made to States, counties, municipalities, and regional governmental bodies, commissions, and councils, to fund programs for noise control and for research into the causes, effects, control, and abatement of noise.

The bill further provides funds for research and demonstration projects to be conducted by public and nonprofit agencies and institutions. And third, the bill establishes the Noise Control Advisory Council in the Department of Health, Education, and Welfare, which shall report yearly on the activities of the Office of Noise Control, and of other agencies of the Federal Government working on the problem of noise, and of local governmental bodies.

Passage of the Noise Control Act of 1970 is essential. The problem of noise is increasing and must be addressed now. An article in the January 15 edition of the Washington Evening Star, written by Roberta Hornig and James Welsh, details in depth the problems which the Noise Control Act of 1970 attacks, and I commend it to my colleagues:

[From the Washington (D.C.) Evening Star, Jan. 15, 1970]

The Day L. B. J. Was Almost Speechless

(By Roberta Hornig and James Welsh)

Not long after he died in 1967 poet Carl Sandburg was honored at a ceremony at the Lincoln Memorial.

President Johnson sat there while one dignitary after another rose to speak. Johnson couldn't hear much of what they said. Almost all he could hear was the jets overhead, coming down the Potomac on their landing run to National Airport.

As his own turn to speak approached, Johnson turned to Interior Secretary Stewart Udall.

"Get rid of those jets," he ordered.

A startled Udall spoke to the nearest Secret Service man, who quickly telephoned the presidential command to the airport. By the time Johnson rose to speak the noise had stopped. And throughout his address, the jets remained miles upriver, circling.

As the story goes, this is a big reason Washington became as involved as it now is in trying to curb excessive noise. It wasn't long after the Sandburg ceremony that federal officials began speaking out much more strongly about "noise pollution" than they had in the past.

More substantial reasons aren't difficult to find. Largely they stem from the widespread introduction of jet aircraft to places like National Airport, and the fact that if a citizen is bothered by the sound, he can't order the jets turned around like Johnson did.

Protests and lawsuits over noise have been on the rise. Major lawsuits are under way contesting airport noise in New York, Chicago and Atlanta.

And so noise has become the latest environmental hazard to get the federal government's seal of disapproval. Springing from 1968 legislation, a new noise-abatement office is operating from the Department of Transportation. And a few of the states have similar offices.

But should noise, which is usually defined as unwanted sound, be equated with the widely prevalent and publicized forms of pollution?

Yes, say some specialists. They cite the warning of Nobel Laureate Robert Koch some 60 years ago: "The day will come when man will have to fight merciless noise as the worst enemy of his health." They warn that if noise levels continue to rise as they have in the recent past, what is now a threat could be lethal.

No, say others. In order of magnitude and concern, noise is not in the same class as what's happening to the air and water, they say. And it is not, in a technical sense, a pollutant, since to pollute means to soil or dirty. Noise does not soil or dirty, nor does it accumulate as waste accumulates.

Yet there is general agreement that excessive noise, if not pollution, nevertheless can be a menace to health and well-being.

Moreover, if it does not threaten the environment, it lowers the quality of the environment.

The same thing is often said of other byproducts of modern life, especially urban life. The billboards protrude; the power lines and freeways cut across the land; roadside commercial blight spreads; open land diminishes; ugliness prevails.

All of these things relate to the question of what can be done to make urban living more pleasant. It's a question that can lead to endless debate.

The answers are not easy. For example, if highway construction is halted. it creates greater traffic congestion. Or if housing development is blocked over a huge area, it drives prices up and contributes to the density of other areas.

One thing is certain: Concern for the amenities is assuming greater importance. It is inseparable from the over-all environmental issue.

Noise, unlike ugliness and blight, can be measured with great precision. For purposes, it is measured in decibels (db), which are units of acoustic pressure levels.

The numbers can be deceptive. The sounds inside a quiet residential home might average 40 db, the sounds of a busy downtown street 80 db, the sound of a pneumatic air hammer 120 db.

But this doesn't mean the street is twice as noisy or the air hammer three times as noisy as the home.

Decibels rise by logarithmic ratios, so that a 50 db noise is 10 times as intense as a 40 db noise. For each additional 10 dbs, multiply by 10. The busy street, then, is 10,000 times as loud, the air hammer 100 million times as loud as the quiet living room.

Not long ago, Malcolm C. Hope, the District's associate director for evironmental health, and Harry Gilbert, his specialist for noise problems, took a ride through the Washington area.

Inside the car on upper Connecticut Avenue, the needle of Gilbert's audiometer flickered in the 50 db range. Quiet enough. A window was open; the needle went past

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60 db, and when a truck passed, it went to the mid 70s.

"This is nuisance level, nothing dangerous," said Gilbert.

On to Washington Cathedral. Very quiet. Inside, the audiometer measured the hushed sounds at about 40 db, until the organ began playing. At the cathedral's great crossing, the organ measured 72 db.

Back downtown, the window open at Connecticut and K Street, the needle pointed up toward 80 db, higher when horns were sounded. It hit 95 when a bus revved up.

Hope noted that tribes in Africa living in a quiet isolated environment were found to have near-perfect hearing.

"Our 'normal' is really abnormal," he said.

Around to other parts of town:

From nearly 100 yards away, a pile driver in the Southeast measured about 100 db. On the Southwest Expressway, sounds ranged in the 80s. And at the 14th Street Bridge, it went into the 90s as a plane passed overhead.

Finally, to Gravelly Point in Alexandria on the direct landing pattern to National Airport. As a jet came over, the audiometer needle swung to 114. Afterward, the needle dipped, but not too much, for the airport itself is a noisy place. The meter registered 108, 102, 105, then back to 115 as another jet swung overhead.

"Let's face it, the jet is a noisy engine," said Hope. "Exposure to that kind of noise for any period of time is dangerous."

The effects of noise generally fall into four categories.

Noise annoys. A dog barking, a siren screaming, a motorcycle tearing around a corner—any or all can be an irritant. This is not a danger, but it helps degrade the quality of urban life.

Noise disrupts. Above 50 db, it can interrupt sleep. And it can make studying difficult. Above 80 db telephoning can be next to impossible.

Noise can cause loss of hearing. Federally adopted standards say a steady 85 db is about all anyone should be asked to absorb over the length of a workday. At 95 db, the listening limit should be four hours, according to Gilbert. At 115 db, it is more like 15 minutes.

Dr. Hayes Newby, head of the Maryland University speech and hearing clinic, says "There is no doubt of the damage that can be done. What is deceptive is that the noise levels that can cause damage are well below what is painful or uncomfortable."

Dr. Lloyd Bolling, of the George Washington University speech and hearing clinic, says an increasing number of people are reporting trouble hearing, many of them older persons. "Medical science is prolonging life," he said, "but the hearing mechanism deteriorates at the same rate. And we know that exposure to high levels of noise can help speed that deterioration."

Noise may be injurious to physical and mental health. But on this point, the specialists are in sharp disagreement.

The moderately alarmist side begins from this premise:

Man evolved in a relatively quiet world. When noise did occur, it could produce a healthy response. It was both signal and warning. Now noise abounds, with the abnormal, as Hope suggested, the normal.

Britain's Dr. John Anthony Parr, asked if man has become used to higher noise levels and whether he can get used to more, replied: "Yes, that is true, but only at a price. One cannot ignore a noise, only put oneself in a condition in which we do not make any obvious reaction. It means keeping all the muscles tense so that we are not jumping up and down like a human yo-yo, and keeping ourselves in this state of permanent tension leads on to mental stress."

But some specialists go farther.

At the annual meeting of the American Association for the Advancement of Science recently, a panel of scientists presented papers suggesting that sonic booms threaten the health of unborn babies and that noise may contribute to heart trouble and blood cholesterol. In other studies, noise has been blamed for a wide range of problems—from indigestion to an increase in the divorce rate.

But there is a conservative view, too, and it's widespread.

Drs. Newby and Bolling, for instance, say many of the claims that noise produces various ailments are highly speculative. Many scientists, too, question the validity of the research that led to these claims.

Dr. Leo J. Beranek of the Massachusetts Institute of Technology has long been one of the nation's leading acoustic experts. He believes that many people are unusually susceptible to noise, but many of the reports of the effects of noise are overplayed.

After talking with a reporter for some time, Beranek said:

"Maybe you've found I'm disappointing to interview. The stories that people might wind up dying in the streets with blood running out of their ears might be more exciting."

Beranek believes that 10 to 15 percent of any group of people are highly sensitive to noise. If they are unable to adapt, they should not live near sources of loud noise, he said.

All the experts agree that the world is getting noisier. Jets fly to once-quiet islands. Urban life and noise chase the suburbanite. The farmer uses loud new machinery.

Yet Beranek is one specialist who believes the noise levels in some cities—notably New York and Chicago—are leveling off.

"Transportation is the biggest source of rising noise levels—the planes and the road traffic," he said. "If some cities are getting no noisier, it's because they've absorbed all the traffic they can."

What angers the specialists in this field is that except for the sonic boom, excessive noise produced by technology can be suppressed by technology, and by regulation. The noise problem can't be completely solved, but it can be ameliorated.

A number of European nations are ahead of this country in reducing urban noise levels. (Not all of them, to be sure; Rome, for instance, is regarded as noisier than any American city.)

But the Swedes and the Danes, the British and the Swiss have set limits for such noise producers as motorbikes and machinery used outdoors. Moreover, while it's still a joke in this country to talk of paper-thin apartment house construction, much of the European housing industry is doing a good job with noise-cutting components.

Quiet jack hammers, air compressors and pile drivers are available. Blasting can be muffled. So can much of American industrial machinery. And the cost frequently is low.

Beranek estimates it would cost no more than $25 a car, in mass production, to turn out quieter mufflers, better enclosed engines and quieter tires to cut down on road noise.

Col. Charles Foster, chief of the federal Noise Abatement Office, believes the cost would be somewhat higher—but not by much.

Why not require such sound-softeners?

"It's a subject of debate at present," said Foster, "and it isn't that simple.

"Setting federal standards for cars would mean getting into all manner of maintenance problems—the question of how a muffler, for example, performs after the car is older."

Fosters' office now is discussing the problem with the auto industry. It hopes to produce noise-muffling recommendations upon which the government could, at the least, specify that when it purchases new vehicles for its own use they have the sound-softening devices.

Working with the National Bureau of Standards, the Noise Abatement Office also hopes to turn out recommendations and ratings for tires, which account for a big part of road noise at high speeds.

But that won't be easy either. A total of 654 tire-tread patterns are on the market today. Some are noticeably quieter than others. Foster fears that the quietest treads, avoiding horizontal indentations, will not be the safest treads.

For regulatory purposes, Foster's office currently is in business for only one reason: to cut down aircraft noise. With its authority spelled out in the 1968 legislation, it requires all new planes to be equipped with quieter engines.

Will noise around airports go down? No. For the foreseeable future, it will go up. Foster is the first to concede that.

All but the newest planes are as noisy as ever. To refit America's jet fleet with quieter engines—up to $5 million a plane for a 15db noise reduction is one estimate—would be economically prohibitive.

Beyond that one factor, the number of planes in the air will increase. To accommodate them, smaller airports will grow bigger and new airports will crop up.

"We're not going to improve this part of the environment fast enough to please the public," Foster said. "Someday, we may have planes making little noise at all. But right now it's tough. I think we'll see more complaints, more lawsuits."

Militancy is rising on other fronts where urban amenities are threatened. Local conservation groups are battling what used to be considered inevitable forces of development.

As often as not, open land is the focus of conflict.

In Montgomery County, Washington's wealthiest suburb, highway planners couldn't figure a better route for the new Northern Parkway than to run it through a lovely stream-valley park and Wheaton Regional Park. Public hearings in the last few days indicate a massive amount of citizen resistance.

This kind of save-the-land militancy goes beyond the crowded urban areas.

The Potomac Edison Co. wanted to build a 500 kilovolt transmission line across the Potomac about an hour and a half's drive from Washington. Citizen protests—contending the line would have ruined the scenic view of the Antietam battlefield—stopped it.

Now the power company, with the permission of the Interior Department, wants the power lines, with towers more than 100 feet high, to run adjacent to the proposed Potomac National Park. The public outcry continues, reaching a peak this week at congressional hearings.

Nationally, much of the concern for what's happening to the land focuses on parks and recreation holdings—preserving them and adding to them. This is a situation with bleak prospects.

The problem could be called simple—too many people, too few parks. And there isn't enough money to buy new parks.

This is another of the environmental issues that boils down to a question of what the government is willing to spend.

The Bureau of Outdoor Recreation has estimated it would cost more than $300 million to acquire national parks, including Point Reyes near San Francisco and Cape Cod National Seashore, that already have been authorized. This is to say nothing of the money required for such proposed new parks as the Potomac National River and Connecticut River National Recreation Areas.

This year the Nixon administration asked for $125 million—half of it to go to the states—and that's what Congress appropriated, despite congressional guarantees of last year earmarking $200 million a year for parkland purchases.

From what Budget Director Robert P. Mayo told congress, the administration apparently intends to ask no more than the $124

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million in the next fiscal year. And he told Congress in effect: Don't bother authorizing any new parks since it will take years to buy the land for those already authorized.

It's uncertain whether President Nixon, now increasingly aware of public concern for the environment, will raise the ante for buying parklands.

WHAT'S THE MATTER WITH THE U.S.A.?

HON. RICHARD L. ROUDEBUSH

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 20, 1970

Mr. ROUDEBUSH. Mr. Speaker, Mr. Eugene C. Pulliam, publisher of the Indianapolis Star, wrote a magnificent editorial for New Year's Day, 1970.

I would hope that this message could be given to every American who has suffered through the past decade of attack and attempted debasement of our Nation's principles.

Mr. Pulliam urges the American majority to shake off its apathy and realize that those who downgrade this country at every opportunity are a danger to the future of the Nation.

This forceful editorial should be examined by every Member of Congress and I submit it for the RECORD.

The editorial follows:

WHAT'S THE MATTER WITH THE U.S.A.?

What is the matter with us in America?

Here we stand, on the threshold of the Seventies—the strongest, freest, most compassionate and humane nation on earth; yet from all sides we daily hear intemperate assaults on our way of life, our cherished values, our inspired traditions and our national character. And millions of us in the "silent majority" tolerate those assaults.

For more than 10 years a hodgepodge of downgraders of America has tried to persuade us that everything we believe in, everything we have done in the past and everything we plan to do in the future is wrong. Their violent actions on college campuses, their desecration of public buildings, their despoliation in our cities—mostly unhindered and unchecked—are paraded before us in newspapers and magazines and on TV as though these people were the harbingers of some glorious future instead of destroyers of both necessary public institutions and private property. These downgraders are willing to shout out against everything that is wrong with America but they are unwilling or unable to see anything that is right with America.

The so-called "American Establishment" is accused of permitting poverty to continue in this country. Don't the accusers know that even an American living on welfare or unemployment insurance in the United States has a higher income than almost any Chinese, almost any Indian, almost any citizen of Africa or Latin America?

We are told by the downgraders of America that our system is oppressive of freedom. Can they name a country that permits more personal freedom, willingly extends more private charity (more than 6 billion dollars per year), guarantees more civil rights, has more democratic institutions, or free speech, more freedom to travel, more of every quality that makes life good, rewarding and promising?

We are told we should feel guilty for helping our allies in Korea and Vietnam maintain their independence from Communism. We may have made mistakes in the way we have conducted these wars; but assuredly we should not feel guilt for honoring our promises, for helping others to resist aggression, and for fighting—with no hope of material reward—for the right of these people to live in peace and freedom.

What is the matter with us?

Don't we know it is not fear that brings progress and achievement? It is faith—faith in God, faith in our country, faith in ourselves.

Don't we know that cowardice will not provide security and preserve peace? It is courage and confidence in the rightness of our course and the honor of our cause.

In 1837 Abraham Lincoln warned us "never to violate the laws of the country and never to tolerate their violence by others . . . let reverence for the law . . . be taught in the schools, seminaries and in colleges, let it be written in primers, spelling books and almanacs, let it be preached from the pulpit and proclaimed in the legislative halls, and enforced in the courts of justice . . . In short, let it become the political religion of the nation."

If we object to the law, let us amend it, modify it, repeal it—but while it is the law, let us obey it. The law is a protector of all citizens, white and black dissenters and supporters. Violence in expressing opposition to the law cannot be tolerated. A permissive attitude toward such violence is one of the real evils in American life today.

What is the matter with the USA? Nothing is the matter that cannot be corrected and cured if the great "silent majority" will throw off its apathy and become involved in restoring support for the government and respect for the law. The "silent majority" must speak out, stand up, and be counted—and demand action that will put an end to the destructive blackmail by the hodgepodge of America's downgraders who would destroy the democratic foundations, on which this country was founded.

OUR INLAND WATERWAYS

HON. CARL D. PERKINS

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 20, 1970

Mr. PERKINS. Mr. Speaker, at a meeting of the Ohio Valley Improvement Association held in Cincinnati, Ohio, last October 23, a distinguished resident of my congressional district made a splendid assessment of the progress we have made in developing our great, natural water resources in the Ohio Valley.

He was Mr. Rexford S. Blazer of Ashland, Ky., the chairman of the board of the Ashland Oil & Refining Co.

In order that the Congress may have an opportunity to study this thoughtful essay, I include it in the RECORD at this point:

RESPONSIBILITY AND PROGRESS

(By Rexford S. Blazer)

There are many different ways to measure progress in the short run, but in the long run results are obvious. In the long run, it is very easy to see where one area has moved forward or another area has fallen behind. Here in the United States, with our relatively brief history, we have had the opportunity—unique among nations—of being able to review all the experiments tried in other areas of the world and to assess for ourselves whether or not these experiments have succeeded. In political terms, that outstanding intellect among the Founding Fathers, John Adams, undertook such a survey to evaluate all the efforts that a republican form of government ever attempted in the past, to discover the reasons for consistent failure. As a result, Adams recommended—and his associates accepted—a number of checks and balances in our constitution devised to protect the government and the people against violent and hasty change.

For the first one hundred years, after the establishment of this Republic in 1789, Americans paid close attention to historical precedents in other parts of the world and maintained a steady interchange between our universities and those of Europe to ensure that we would not find ourselves unwittingly repeating errors committed in the past by other countries.

Recently, United States Senator Stephen M. Young in an essay published by the National Waterways Conference drew attention to some of these errors in regard to water resources. He mentioned, in particular, the Mesopotamian area where the great water resources of the Tigris and Euphrates rivers were allowed to deteriorate, to flood the countryside, and carry away the soil, until today they barely support two million people where once fifteen million prospered.

History recites many other instances, of course, where ignorance of proper methods of conservation has created deserts out of once fertile lands. The interior of China, a nation afflicted with virtually every ill conceivable, reveals vast deforested areas, and the annual floods of China have wrought havoc and continue to horrify the world.

When we review, therefore, the various regions of earth, we find all the information necessary for us to determine the best methods of preserving the water resources of this nation for the benefit of ourselves and future generations. It is remarkable, however, that in recent years the American educational establishment and Americans as a people have turned their backs, in an intellectual sense, on so many of the lessons and illustrations of history and seem, instead, to have embarked upon a course that repeats, instead of avoids, the errors of the past.

Some of these errors have been committed so recently that they provide contemporary examples. For instance, the City of New York is a seaport. When successive waves of immigrants from both abroad and interior agricultural areas poured into that metropolis, the city's need to improve its harbor facilities, its utilities, its water mains, its sewage system, and its subways, was completely obvious and imperative. However, the officials of the city, with an eye on the ballot box, chose instead to allocate tax funds for welfare and social-oriented programs that were both more popular and more immediately benevolent. As a consequence of this shortsighted policy, New York today constitutes a vast metropolitan area possessing the nation's largest percentage of unemployed, with one person out of every ten supported by the city itself, occupying a polluted and deteriorating environment. The once-beautiful Hudson River today is a stream so polluted that people are forbidden to enter its waters. The city is in a desperate financial condition and its press, unaware of the basic reasons for its unhappy condition, criticizes the remaining industry and its unhappy population alike.

The fact of the matter is that New York and its environment began with a great natural resource, which it dissipated. Today its position as a seaport is no longer paramount in the nation.

If we want to contrast the methods of the grasshopper with the methods of the ant, we can use New York as a grasshopper and we can use the Ohio River Valley as the ant. In this region, in 1895, it had already become apparent that insufficient attention had been paid to controlling and improving the waterways. The Ohio Valley Improve-

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ment Association, established without fanfare, chose to use the arduous, time-consuming methods of persuasion and study. It embarked upon a program, in cooperation with the U.S. Army Corps of Engineers, to improve and to use these waterways in a sensible manner.

The Republic itself was only a little over one hundred years old when the OVIA was founded to cope with a situation whose deterioration was already obvious. Over the decades, countless damaging floods had taken place and it was clear that the waterways would have to be improved if they were again to become commercially viable. Working along the lines of cooperation with the Engineers, the communities, representatives of industry, and members of Congress, the OVIA obtained—with great effort—funds for the improvement of a system of locks and dams to create a minimal nine-foot channel. By 1930, a period of thirty-five years or more than a generation later, the OVIA's initial program was completed, yet already in the early stages of obsolescence.

In the early '30s, as we know, the nation underwent a tremendous economic and political convulsion and new governmental attitudes began to emerge.

It is interesting to review, in retrospect, the course of events that began with the New Deal's efforts to assist the nation's unemployed. These efforts began first with public works, with reforestation programs, with projects of flood control, and with similar attempts to combine the needs of the poor with the needs of the nation. Over the years, the work element in these projects disappeared, leaving only largesse. Today, the sums expended in direct welfare would actually transform the physical inheritance of the nation—but that factor seems to have become lost in clouds of political rhetoric. There are historic parallels for this progression, but it is not fashionable to call attention to them. In Rome, the government shifted from roads and aqueducts to circuses.

In similar fashion, the press of this nation, which once examined the nation's behavior with both a critical and a constructive eye, priding itself upon detecting chicanery where it existed and calling attention to accomplishment, seems now to have forgotten accomplishment and devotes itself almost entirely to criticism. There are historical parallels to this progression, also, but again, it is considered unfashionable to recall them. Let us mention only Athens, where the Sophists destroyed freedom.

Among the more curious signs that the press as an institution has abandoned rational analysis, is the deep-rooted habit it has developed of decrying all improvements of rivers, harbors and inland waterways as "pork barrel" projects. Every year since this nation was formed, it has been confronted with floods in one region or another. Every year since the founding of the Republic, the waterways have seen an increase in both commercial and pleasure travel. In the middle 1930's, as in the centuries before, the Ohio River overran its banks and inundated a great region extending all the way from Pittsburgh to the Mississippi River, making thousands homeless and causing millions of dollars worth of damage. One would have thought such an immense tragedy would have created a great press outcry for better flood controls and a more far-sighted policy of improving the waterways—but no such outcry developed.

In fact, the snide references to "pork barrels" and the tendency to hold members of Congress in low esteem whenever they discuss such necessary projects, remain as deep-seated during floods as during sunny days. The press has determined, to its own satisfaction, that the nation's physical needs are met by castigation and denunciation, and not by constructive efforts long sustained. Nevertheless, the members of the OVIA and other organizations have persevered. For those who have studied this area know that there is no quick and easy way to improve an entire region; it must be done in a long-range, tireless and persistent manner.

From 1950 until 1968, the improvements of the Ohio Valley waterways have been a major factor in having attracted nearly $32 billion worth of industry into the immediate river valley area. Today we can view the largest navigable river system in the U.S., greater than the total of the Mississippi and all its other tributaries combined. More tons of freight are carried on this system than on any other in the nation. The communities it serves directly, Pittsburgh, Huntington, Cincinnati, Louisville, and others, have not only prospered but the entire region and the entire nation have benefited.

Ordinarily, one would imagine that activities so remarkably successful—and beneficial to so many—would have attracted praise and respect, but too often the opposite has been true. A drumbeat of criticism has sometimes accompanied the OVIA efforts. The criticism has centered around two basic propositions: One, that commercial users of the waterways should pay tolls, and two, that locks and dams themselves constitute a form of legislated corruption usually referred to as the "pork barrel."

The first proposition was anticipated by the Founding Fathers when they devised the Northwest Ordinance of 1787. It is one of the errors against which they made a specific provision, stated in words so blunt that they cannot be argued away, that the waterways are free. The second proposition has an odd ring at a time when governmental expenditures of great magnitude are being made for purely welfare purposes, with no press criticism.

Most recently the argument has arisen that the U.S. Army Corps of Engineers and such organizations as the Ohio Valley Improvement Association are insufficiently aware of what is called the ecological effects of their efforts.

Ecology today, the study of the total environment, has become a fad word. Many people refer to ecology who have neither studied the subject nor are expert in it. It is, like all subjects, worthy of study and its experts are worthy of respect. But it is odd that efforts clearly based on an understanding of ecological realities should be criticized and considered misplaced. One cannot escape the suspicion that the editorial writers of some newspapers are both using terms inaccurately and reasoning from an oddly wrong-headed position. Few communities have benefited more from the efforts of the OVIA and the U.S. Army Corps of Engineers than the principal cities along the Ohio River, and few newspapers have done less to assist these efforts than some of the major valley journals. In fact, if this area were to follow the editorial advice of some of these publications in matters affecting the inland waterways and in other directions, these cities would find themselves, in a relatively short time, in the same tragic situation as the City of New York.

In measuring the progress of the Ohio Valley through the years, one can only conclude that the critics of these efforts have determined not to regard the facts and they prefer to hug their prejudices, many of which are no longer valid.

The fact is that the proper development of the river basin is seriously behind schedule, and this delay can be partly attributed to uninformed and politically motivated critics.

Let us be clear when we consider the physical nature of the world in which we live. This physical environment is no respecter of human motives or political ambitions. Archaelogists tell us today that at one time Mesopotamia was traversed with a network of irrigation canals that kept the land fertile. The same was true in various sections of China, and in other parts of the world. The great City of Venice is, we understand, sinking into the sea because the descendants of those who created it dissipated their heritage and failed to keep up the necessary repairs and improvements to maintain their own homes.

We hear much today about the need for industry to become involved in our social problems. We hear much about the need for citizens to become involved in efforts to improve their environment. We hear much about the need for Congress and the government to become aware and responsive to national problems and we hear much about the need of the nation to change.

Yet the efforts of the Ohio Valley Improvement Association which have extended over a period almost one-half as long as the history of the United States—efforts that have consumed the time and the energies of generations of men involving the community, industry, Congress and agencies of the government—have been regarded as though they were insignificant. It seems to me, however, that the nation owes much to these efforts. It also seems to me that when the inevitable time arrives for this nation to be judged as to whether it has advanced or dissipated its unusual opportunity with respect to water resources, then history may well decide that through such far-sighted efforts as the Ohio Valley Improvement Association we have come out on the credit side of the ledger.

We must never allow ourselves to forget that those who have overcome nature to establish America must be succeeded by those who will improve nature in order to maintain America.

Let me, therefore, as one American citizen, thank everyone of you for what you have done, for what you are doing, and for what you will do in the future for our country and for the great valleys and basins which border our priceless resource—the inland waterways of America.

Thank you.

"OUR ENVIRONMENT" SEMINAR

HON. CHARLES E. BENNETT

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 20, 1970

Mr. BENNETT. Mr. Speaker, there is no more important domestic problem facing the next decades as the problem of our environment—how we want to live on earth.

It is important that all of us make sure our families and future generations have room to live and breathe the wonders of nature. Preserving what we still have is our greatest challenge.

On December 12, 1969, in Jacksonville, Fla., I sponsored the "Our Environment" Seminar, Federal officials from Washington, D.C., and Atlanta, Ga., discussed what the Federal Government is doing to improve our environment. Over 300 public officials, civic leaders, and interested citizens attended the half-day conference.

Because of the urgency of this problem and its importance to us all, I am including ir the CONGRESSIONAL RECORD the program for the "Our Environment" Seminar, speeches by the Federal officials, and editorial comment on the seminar:

"Our Environment" Seminar Program

(Friday, Dec. 12, 1969, Jacksonville, Fla.)

9:00 a.m. Opening Session (Auditorium South).

Moderator Harold R. Clark, Esquire.

Prayer Reverend Richard Roland, Minister, Riverside Avenue Christian Church.

Remarks Honorable Charles E. Bennett, U.S. Representative, Third District of Florida.

Welcoming Address Honorable Hans G. Tanzler, Jr., Mayor City of Jacksonville.

Presentations by Federal Officials.

Keynote Address Honorable James D. Braman, Assistant Secretary of Transportation for Environment and Urban Systems, Washington, D.C.

"Our Environment" and Water Pollution Honorable John R. Thoman, Regional Director, Federal Water Pollution Control Administration, Atlanta, Georgia.

"Our Environment" and Outdoor Recreation Honorable G. Douglas Hofe, Jr., Director, Bureau of Outdoor Recreation, Washington, D.C.

"Our Environment" and Air Pollution Honorable Gene B. Welch, Regional Director, National Air Pollution Control Administration, Atlanta, Georgia.

"Our Environment" and Housing and Urban Renewal Honorable Edward H. Baxter, Regional Administrator, Department of Housing and Urban Development, Atlanta, Georgia.

"Our Environment" and Defense Colonel John Redmond, Jr., Chairman, Department of Defense Environmental Pollution Control Committee, Washington, D.C.

10:30 a.m. Coffee will be served in discussion section rooms.

10:45 a.m. Discussion by federal officials.

Housing and Urban Renewal—Main Ballroom.

Water Pollution—Terrace Room.

Outdoor Recreation—Spanish Room.

Air Pollution—East Room.

Transportation Systems—Plantation Room.

12:15 p.m. Adjourn for luncheon.

12:30 p.m. Luncheon (Auditorium North).

Invocation Very Reverend Monsignor John J. Lenihan, Pastor, Christ the King Catholic Church.

Luncheon Speaker Honorable George B. Hartzog, Jr., Director, National Park Service.

Benediction Dr. Sidney M. Lefkowitz, Rabbi, Congregation Ahavath Chesed.

Remarks by Congressman Charles E. Bennett

I deeply regret that, because of legislative business here in Washington, it is impossible for me to be with you today. However, I very much appreciate your being there and participating in this important discussion about how we can improve our environment. Notes are being taken on this discussion and these will help me to accomplish what you wish for me to do in Congress; and perhaps the seminar will be helpful to aid local action too.

The purpose of this seminar, bringing together a wide cross section of our community, is primarily to find what the federal government is doing to improve the quality of our environment; to see how we, as good citizens, can best utilize these programs; and to see what further government action may be needed and at what levels of government.

We are all grateful to the officials who have assembled from long distances to join in this discussion.

The greatest hope in preserving and conserving nature's handiwork is through positive action at all levels of government, local, state and federal, working with all citizens.

We not only need to set aside lands which are unspoiled, and in their natural state, but we need to clean up and revive what we have already destroyed and polluted.

Preserving what we still have is our greatest challenge in conservation. This is particularly true in Florida, where the beauty of nature can be destroyed more easily and faster than in the sturdy mountains and deep ravines of the west.

Ridding ourselves of pollution and slums, and obtaining the preservation of natural resources, are things intertwined, and the solutions to these problems must come by coordinated efforts.

Truthfully: We have met the enemy and it is *us*.

We can see this here in Jacksonville and throughout Florida.

We have polluted, and are today polluting, the wonderful St. Johns River by dumping millions of gallons of waste into this waterway daily. Automobiles and factories pour pollutants into our air. Our agricultural insecticides need attention. We perpetuate slums and poor housing through inaction. We all must take part of the blame for these things. And we all must try to do something about them. That is the key reason for this meeting today.

There are many very expensive and yet unglamorous things that need to be done. I am pleased that there has been a cooperative effort between the City of Jacksonville and the federal government, and the State of Florida, to preserve, and to clean up what we have messed up.

For example, over $1 million in Federal grants have gone to water pollution control in the last year here in Jacksonville. The Congress this year has authorized $2,060,000 for a sewage treatment plant at the Naval Air Station, a significant step in cleaning up the St. Johns River. At the moment, the funding of this for this year seems uncertain; but it has been authorized by Congress and that it will soon be done is certain. The planned $90 million water pollution control program for Jacksonville, I am sure, will receive substantial help from the federal government. The Housing Act of 1969 included a provision which will allow the city to acquire nine million dollars credit in its Neighborhood Development Program.

The state's outdoor recreation board, the Department of Housing and Urban Development and the Bureau of Outdoor Recreation have this year contributed some $750,000 for the development of Seminole Beach as a recreation area—the Kathryn Abbey Hanna park. Yet this generous national gift fades in comparison with last week's million dollar lifetime savings gift of Willie Brown to our community and to future generations. He is truly Jacksonville's citizen of the year and for a lifetime. I dedicated this seminar to him in gratitude.

There are some exciting things we should do to preserve our natural beauty for ourselves and future generations:

We should establish the Thomas Creek Southernmost Revolutionary battlefield park, not only for its history, but even more to preserve the subtropical beauty and wildlife of the area. There are still deer and turkey there, in the limits of our bold new city; and right on Interstate 95!

The St. Augustine-Fort Caroline Trail, the only trail designated in Florida for inclusion in the national trails system, should become a walking trail—commemorating the oldest road in America.

The greatest immediate positive challenge we have in Florida is to make the Suwannee River valley a national park. Several national studies have indicated the feasibility of this.

The St. Johns River valley should also be considered as a scenic area for development and a scenic river parkway should be created running from the Mathews Bridge to Mayport. Such a beautiful roadway would run partly along the shore and partly on the islands which encircle Mill Cove. As part of the project, Mill Cove itself should be improved by increasing the water flow through it.

We must take care of our housing and urban problems, develop a transportation system which will blend in with the city and the town, solve the increasing air and water pollution crises, and set aside proper wildlife areas in their still existing natural state.

"Our environment" will not be worth living in if we don't meet these challenges.

Transportation, Progress, and the Environment

(Keynote speech by Assistant Secretary for Environment and Urban Systems, J. D. Braman, Department of Transportation, Washington, D.C.)

I welcome the opportunity to be with you today at the invitation of Congressman Bennett. His past activities in sponsoring protective legislation, as well as this series of seminars, are evidence that he is very much aware of the growing concern for our Nation's environmental quality.

There can be little doubt that these concerns are well justified.

T. S. Eliot, poet and critic, once said that he foresaw the end of the world as happening, not with a bang, but with a whimper. There is a growing body of opinion that he may have been right and that the first stage of the final crisis is already upon us—that the dying whimper of an environment burdened to the point of collapse may come before another 50 years have passed.

I do not necessarily subscribe to this gloomy prediction, but do believe that the time is here for all of us to face up to the monumental task ahead of us and get on with the job.

Ever since nomadic man first settled down and began scarring the soil with planting sticks, burning off the brush to win cropland, and chopping down trees to stoke his hearth fires, he has had some capacity to damage the environment. Only in the last few years, however, has mankind achieved the ability not merely to damage his environment locally, but to destroy it globally. This does not refer to the devastating ability of weapons of war, but rather to the "beneficial tools of peace".

We have termed this as progress or civilization and, through technology designed to improve our standard of living, we have created a toboggan-run down which we may be sliding to disaster—a slide smoothed by this very same technological excellence.

It is not my purpose here to dwell in great depth on the total question of environmental decay, which is beginning to concern deeply thinking people at all levels in our society. The effect of insecticides, fertilizers, and other deteriorating influences on the soil, the water, the atmosphere, and the health of the people, are indeed grave concerns and well merit the best thinking and research of which this country is capable.

As indicated in the title of my new office, environment takes a very high place. This is because the various elements used in the field of transportation do have a very serious effect either for good or evil on the environment in which we live.

It is not often that I have the chance to discuss transportation in the company of real environmental professionals like those on your agenda today. Not often enough is the subject of transportation placed in the context of environmental management. Too often transportation is considered an end in itself, rather than tool to be used to improve the quality of life.

Today, I would like to give you some thoughts on transportation and the environment, then describe briefly what we are doing in the Department, and finally, outline some ideas on which we think the Federal Government should be doing to promote a more enlightened environmental policy.

I think it would be useful at this point to describe the meaning of "environment"

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as I see it. Our environment is the total of all surrounding things and influences to which we, as humans, are sensitive. The natural resources which make up the environment are the things and processes available for us to use, not only to sustain life itself, but whose proper use provides the means for such life to be full and satisfying. Ecology is the science concerned with interactions between life and elements of the environment. It is the process of looking at systems, in our case at transportation systems, both as they exist and as they are planned, and to be concerned for the consequences of actions to change or build new systems. A simple case in point is the process of building a bridge over a natural stream, rather than filling in the stream, to provide for a road. I recommend to you, if you are not acquainted with it, Professor Ian McHarg's new book, "Design with Nature", as a leading exposition of what may be called ecological planning. We are trying to promote this "ecological mentality" in the Department, particularly as we can apply it to the planning process. Part of the reason for so many urban highway and other system disputes has been the lack of enough attention to environmental and social factors early in the planning process, as well as during design and construction. We want these considerations to become a formal and required part of the planning process. Only then will our new systems properly reflect the growing concern over our environment. This means that, among other things, the impact of the facility on the land through which it passes, particularly the already too scarce public open spaces, must have been considered. As Professor McHarg would say, we are after the "least social cost" solutions, rather than simply considering the lowest cost measured in dollars alone.

I believe my office of Assistant Secretary for Environment and Urban Systems, with its role devoted, in large part, to environmental concerns, sets an interesting precedent in Washington, not only for transportation, but for the Federal structure as a whole. The office which I head was established by Secretary Volpe to give the highest priority to environmental factors in planning, promoting and building transportation systems. This development stems from an awakening on the part of concerned people to an understanding that transportation is always a major land user, always a shaper of the physical environment, sometimes a polluter as well as a major factor in economic growth, and that we had better begin to give environmental concerns a higher priority. Of course, the presence of a new role in the Federal bureaucracy does not do much in itself. What we want to do is to see that, as the Department considers and decides national transportation issues, economic efficiency is balanced with social and environmental costs and benefits, and that the user's benefits are always compared to the total social costs of the system.

To bring the issue a little closer to home, take the Miami Jetport as an example of competing forces—one of them transportation—acting on a land use issue. As you undoubtedly know, the position of all elements of the Federal Government has been that the Everglades National Park shall not and will not be damaged.

However, here is a situation where two valid and demanding public programs come into direct conflict. The Department of Transportation finds itself responsible for assisting in the provision of adequate and, above all, safe facilities for air travel in an area experiencing phenomenal growth, while at the same time, fully recognizing the necessity of protecting a unique national asset, the Everglades. Ironically, were it not a fact that virtually all land between Lake Okeechobee and the Everglades has some contributing influence on the Everglades, all knowledgeable people would be applauding the Dade County Port Authority for their foresight in attempting to solve the demanding need for better and more safe air facilities.

I am pointing up this case not because anyone will turn up as the victor or loser in the process, but simply to show that the Department of Transportation and its Federal Aviation Administration will cooperate with other Federal Departments as well as with State and local governments to produce a sensible approach to promoting essential transportation facilities, in this case, airport development. You have, in this great State of Florida, the kind of high quality environment along with a high potential for economic growth that will undoubtedly lead to other confrontations of competing uses of land, as technology and growth pressures challenge us to come up with new ways to preserve land. The kind of analysis and consideration going into the Miami Jetport issue should be part of all such problem-solving.

We are living in paradoxical times. As our technological capabilities raise our economic standard of living, they also lower our environmental quality indicators, the air we breathe, the land we use, the overall physical conditions surrounding both the urban and rural dweller. For instance, in the field of transportation technology, the private auto and highway system—and we have the greatest highway system in the world—has developed to levels of efficiency and performance beyond our expectations. But this development has been a major factor in unplanned growth, isolation of non-auto owners, increase in air pollution, and other uncomfortable pressures of urban life. While the private auto provides millions with personal mobility, millions of persons have no automobiles and cannot use our great highway system. While it is clear that the costs to date of providing this highly developed private automobile/highway service has been well worth it, I think now it may well be time to consider other priorities, namely public transportation. Of this, I will speak later.

Congress has not been silent on the need for tempering transportation efficiency with environmental concerns. The 1969 Federal Aid Highway Act, for instance, contains an amendment to the basic 1956 highway law which broadens the required considerations for urban highway location from simply "economic" considerations to, and I quote, "social effects of such a location, its impact on the environment, and its consistency with the goals and objectives of such urban planning as has been promulgated by the community".

I have no doubt that the Federal Highway Administration recognizes the need for this approach, particularly as major highway construction centers more and more in congested urban areas. It is my observation, however, that this understanding is nowhere nearly as prevalent in State Highway Departments as in the Federal Bureau of Public Roads. All of these organizations, both Federal and State, are finding it difficult to move from their time-tried practices which are admittedly efficient by the standard of economic cost alone. They have not as yet fully reconciled themselves to the necessity of considering the non-quantitative social values, along with economic ones, in decision-making.

Another example of Congressional concern is in the basic legislation setting up our Department of Transportation in 1967. Section 4(f) of that law—and I shall paraphrase to save time—says that the Secretary shall not approve any transportation project which requires the use of any publicly owned land from a public park, recreation area or wildlife refuge, or any land from an historic site unless (1) there is no feasible alternative to the use of such land, and (2) such project includes all possible planning to minimize harm to these lands. The Secretary has asked my office to carry out that very important mandate and we are doing as well as we can. The problem immediately clear to you, I am sure, is that we need better criteria to support our judgments on the impact of various transportation systems on the environment. If I can draw an analogy at this point with the air pollution problem, control at the pollution source is the advisable route to take in transportation, but the source—as is true in most air pollution problems—also represents a valuable generator of economic and social activity. That is always our dilemma.

Another indication of Congressional concern is the 1965 Highway Beautification Law. As you may know, the Department is going through a re-evaluation of this program administered by the Federal Highway Administration. As you know, the objective of the program is to improve the quality of the environment by preserving and enhancing the highway corridor through the reasonable control of outdoor advertising and junkyards and to improve landscape outside the highway right-of-way.

We are considering alternative ways to accomplish without some of the friction which the 1965 Act has created. Of course, this program has shown us that no authorized program will be effective if Congress fails to follow authorization with money. The program has never been funded adequately.

We need new ways to deal with the inevitable confrontations of system and environment, economic progress and social cost. What has often been missing in transportation development is the consideration of alternatives which present varying impacts on the community and the environment. Let me be clear about this concept. It is apparent that we need to consider transportation systems which contribute to, rather than distract from, our environment. This is one reason why public transportation particularly bus transit, offers some interesting possibilities for using our current highway system more efficiently. The higher the quality of mass transit we can provide the less new ground we need to use to accommodate the private automobile. The less new ground we use for transportation, the more will be available for less consuming uses. While this is somewhat simplistic, it is the essence of the issue. I think that, above all, we must consider that in our urban areas, we must try some new ideas for improving traffic flow and efficiency.

This leads me to a current legislative program. The Administration has forwarded to the Congress the Public Transportation Assistance Act of 1969. Most of you are already familiar with this $10 billion, 12-year program. The signs are very hopeful that this program as amended by Senator Williams will be approved by the Congress. If so, we will finally have a tool to insure that public transportation investment will achieve a parity with the various highway programs. I have long been an advocate of balanced transportation. This program offers to make that a reality, rather than a slogan. We are hoping for early passage of this legislation to provide the first real long-term commitment of Federal resources to public transportation.

Let us reflect for a moment on the role of transportation in metropolitan development, in other words, on the way land is used and the way people relate to each other as urban areas grow. I would like to make four points which relate directly to environmental management.

1. *Transportation should be subordinate to the overall goals and objectives of an urban area.* It should be one of the means for reaching community objectives. If the objectives are not readily apparent, then the transportation planning process should be a medium for stimulating communities to join in formulating goals before making a

substantial commitment to any particular transportation component. Elected officials should be given real policy choices, not engineering choices. As one of the two former elected officials on the Federal transportation team (the other is, of course, my boss, John Volpe), I strongly urge that elected officials be given the facts on environmental impact as transportation systems are planned and built.

2. *Balanced transportation requires balanced funding.* The Department of Transportation, under the leadership of Secretary Volpe, has made a major step in this direction—the Public Transportation Assistance Act of 1969—about which I have just spoken.

In the past, the availability of funding has tended to distort planning and to limit the choice of the mixes of systems and modes. To compound this problem, the HUD 701 Program to support comprehensive planning appears to be drying up and no relacement has appeared on the scene. Ideally, every Federal dollar should bring an opportunity for the broad consideration of alternatives based on local values. No Federal transportation dollar should be so expensive or so cheap that it propels the decision toward one mode or another.

3. *We need better ways to relate planning to implementation.* Let us call this intermediate planning, defined as the steps following what we call comprehensive planning, but preceding detailed design and construction for a project. Too often, once general land use guidelines have been set, the next step is detailed planning, at which point elected officials and other policy makers often lose flexibility in determining:

Environmental and social factors and influences of various systems.

The mix of transportation systems.

The special needs of the pedestrian, the handicapped, and the poor.

Possibilities for new ideas and experiments.

The day of the single-purpose project is fast disappearing. The day of the multipurpose, multi-disciplinary approach to transportation planning and construction is here.

4. *The Federal Government must prepare and structure itself for the effective administration of complex environmental issues.* What Secretary Volpe has done is to give environmental concerns a high priority and exposure in the Department of Transportation. This kind of farsightedness should be manifest in every Federal activity where the principal mission is physical development. It is with this kind of office in every such agency that we can begin to build a community of environmental management and concern and, therefore, influence Federal policy in this area.

Now, I would like to be a little more specific as to the role of my office in the Department of Transportation. As I mentioned earlier, our office is a new resource for the Secretary of Transportation. It is a positive response to the growing national concern about human, engineering, and enviromental values which we have been discussing. We are trying to assure that transportation systems help to resolve social and physical development problems, rather than complicating them. We see our primary mission as one of providing a bridge between purely transportation objectives and the broader and more fundamental social, economic, and environmental goals of both individual communities and the Nation. Our office becomes by definition a coordinator and evaluator of the major operating Administrations of the Department—highways, rail, urban mass transportation, aviation, and the Coast Guard. We are, for instance, the focal point for the transportation components of the Model Cities programs.

Our office is also designed to be a focus for research in the environmental aspects of transportation system development. We have a clear mandate to improve the state of knowledge on the relationship between transportation and urban and environmental goals and problems. Further, we will be developing planning methods to assure that national urban and environmental policies are effectively implemented through Federal transportation programs. We have a real educational job, too, since what we learn must be communicated to those who plan and build transport systems, and those who are likely to be affected by them.

It has been good to speak with you today on the subject of transportation and the environment. As you can see, many of us in the Federal Government recognize the close relationship between mobility and our environment. Let us hope we can be more effective in applying what we know and what we learn to preserving and improving the environment upon which we and those who follow us must depend for a full and satisfying life.

LUNCHEON SPEECH BY GEORGE B. HARTZOG, JR., DIRECTOR, NATIONAL PARK SERVICE, WASHINGTON, D.C.

We meet here today at a time when public awareness of and concern with environmental abuse is at an all-time high.

The new Jeremiahs of conservation are abroad in the land and the spirit of their message is the same as that of the original prophet to the children of Israel.

The Old Testament Jeremiah, surveying the environmental havoc wrought by his people, conveyed the displeasure of Jehovah in these words:

"I brought you into a plentiful country, to eat the fruit thereof and the goodness thereof; but when ye entered, ye defiled my land, and made mine heritage an abomination."

Today, the message is even more grim, more direct and more personal.

Dr. Barry Commoner, the renowned ecologist puts it this way:

"The new technological man," he says, "carries strontium 90 in his bones, iodine 131 in his thyroid, DDT in his fat and asbestos in his lungs."

Dr. Commoner further warns:

"There is now simply not enough air, water and soil on earth to absorb man-made poisons without effect. If we continue our reckless way, this planet before long will become an unsuitable place for human habitation."

Through books, magazine articles, television programs and governmental action at all levels we are becoming increasingly aware of what we are doing to ourselves, our children and our grandchildren.

As the comic strip character "Pogo" so aptly put it: "We have met the enemy and they are us." And the only way to overcome this enemy is to change ourselves, our attitudes and our national priorities.

As a people, we are beginning to realize that through carelessness and greed, we are destroying the biosphere that supports us.

We are beginning to realize that it is entirely possible for the human race to commit suicide by poisoning our environment, as surely as by a nuclear holocaust.

We are beginning to realize that contrary to the gentle poet—John Keats—"A thing of beauty is NOT a joy forever." It can be obliterated by a bulldozer; buried under litter and rubble; trampled to death or polluted into extinction.

We are beginning to realize that we are faced today with a worsening health crisis of planetary proportions. DDT—that blessing turned bane—has spread throughout the earth. It is found in the flesh of penquins in the remote Antarctic, in the turkey bound for your dinner table, and in the flesh of nearly every living American.

Because of pollution massive fish kills occur in Europe's Rhine River as well as the Allegheny River of Pennsylvania and the Dog River at Mobile, Alabama.

Last year, in the United States alone, more than 15 million fish died in the polluted waters of this country, according to the Department of the Interior's Federal Water Pollution Control Administration. And this may well be a conservative figure.

Finally, we are beginning to realize that we must develop and define an ecological conscience for this fragile Space Ship Earth—and live by it—for without it, we will surely perish.

It has been said that there is no power on earth like that of an idea whose time has come.

I sincerely believe that the idea of an environmental ethic—embracing the concept of human ecology—the interdependence and the interplay of everything on this planet as it relates to the human condition—is an idea whose time is fast approaching.

There is encouraging evidence in support of this belief. A public opinion poll conducted earlier this year for the National Wildlife Federation reported that more than 85 percent of the people of the United States are concerned about the state of the environment; that 51 percent of the people expressed "deep concern" about the effects of air pollution, water pollution, soil erosion and wildlife destruction.

Perhaps even more important, the poll disclosed that three out of four people expressed a willingness to pay increased taxes for support of conservation efforts.

This concern also has been reflected in action by the leaders of our government.

Last May, President Nixon established an Environmental Quality Council composed of six Cabinet members and staffed by the President's Office of Science and Technology. Establishment of the Council is a milestone in conservation history, and the fact that the President will preside over it, emphasizes his interest and concern.

In his October 24 speech before the United Nations, President Nixon stated that "Increasingly, the task of protecting man's environment is a matter of international concern. Pollution of air and water, upsetting the balance of nature—these are not only local problems, and not only national problems, but matters that affect the basic relationships of man to his planet."

Repeatedly, the President has stressed that we must have not only a liveable environment—survival *per se* is not enough—but that we must re-create an environment that provides our people with a *quality* life.

Secretary of the Interior Walter J. Hickel, in a recent interview with *U.S. News and World Report*, asserted that "environment and the quality of life are close to becoming the No. 1 issue in America today."

He also pointed out that "An individual opportunity becomes someone else's problem," and has taken tough, hard-nosed action to reverse the degradation of our environment.

In the few months since he took office, he has issued regulations holding oil companies liable for cleaning up oil spills.

In September, he announced a plan to "prosecute the polluters" and took action against four steel companies, a mining company and the City of Toledo, Ohio.

He has established tough, new safety regulations for off-shore oil drilling operations.

And, as those of you here in Florida well know, he has been in the forefront of the fight to save the fragile ecology of Everglades National Park.

First, by declaring war on alligator poachers in an effort to save that ecologically valuable beast.

Second, by moving to assure the Park an adequate supply of water; and

Third, by strongly opposing the development of a commercial jetport that surely would destroy Everglades National Park as we have known it.

Yes, the development of an environmental ethic is an idea whose time is fast approaching—but it has not yet arrived.

Consider for example, that according to official figures from the U.S. Department of Commerce, Americans in 1968 spent:

$9.7 billion dollars for tobacco products.

$15.5 billion dollars for alcoholic beverages.

$5.2 billion dollars for cosmetics, toilet articles and other preparations.

$3.8 billion dollars on beauty parlors, barbershops and baths.

Over $800 million on horse-racing and other parimutuel events.

More than $19.1 billion dollars for gasoline and oil.

Consider, further, that during this same year—1968:

Federal government expenditures on Natural Resources, including agriculture, amounted to less than $3.2 billion dollars, and

Combined State and local government expenditures for Natural Resources (including agriculture) totaled some $3.7 billion dollars.

Thus, the combined governmental expenditure on natural resources, including agriculture, at *all* levels amounted to less than $7 billion dollars.

How, then, can it be said that our society is making the effort necessary to cleanse, to purify and to restore our abused environment when we spend more than twice as much on alcoholic beverages as we do on natural resources?

When we spend nearly three times as much on gasoline and oil?

When we spend almost as much on tobacco products as we invest in our total conservation-environmental preservation effort?

When the combined amount spent on cosmetics and toilet articles and pushed through the betting windows at the race tracks ($6.1 billion) almost equals the outlay for natural resources?

Edmund Burke once said that "Society is a compact between the living, the dead and the great unborn."

And so, when we consider the development of a national environmental ethic—refined into national environmental goals—we must consider not only the present and the future but the past as well.

The social distress we are experiencing today arises in large part from the mistakes of the past . . . mistakes compounded by greed, indifference and ignorance.

These failures of our society may be categorized as the four "P's"—population, poverty, pollution and personality.

The first three problems have been widely recognized and long discussed. Not so, the fourth.

Our dazzling technology has given us unprecedented affluence, mobility and creature comforts. But in the process, it threatens our individuality as human beings.

It seems to me that if we are to recapture our sense of individuality; restore our environment and re-establish control over our technological Frankenstein, we must first rediscover our personal identity:

"Who am I? Where did I come from? Where am I going?"

One starting point might be to critically re-examine some of the concepts we have taken for granted in the past.

And I would like to begin with the so-called "cost-benefit ratio" formula that so often has been used as a handy-dandy rationale for raping the environment in the name of "progress."

Most public works projects are analyzed in terms of their "cost-benefit ratio." Such factors as irrigation benefits, settlement opportunities, economic growth through flood control, power, area redevelopment and a broadened tax base are cranked into the formula and fed to the computer.

And the computer says "Go ahead."

The trouble with this electronic, slide-rule approach is that you get an answer based on tangible factors that can be measured in dollars and cents.

Most of what is *really* worth preserving in America—the intangible values—are omitted because they cannot be measured by a formula that expresses itself in cold, hard cash. They simply don't have a definable price tag.

How, for example, would you compute the cost-benefit ratio of Everglades National Park?

Here in the Everglades we are trying to perserve one of the greatest natural environment on the face of the earth—a unique ecological laboratory that took Nature millennia to create. Its value is truly without price.

And yet, by using the cost-benefit ratio to justify jetports, residential subdivisions and truck farms—with their increased tax bases and payrolls, we are in the process of destroying this irreplaceable national asset.

Or, consider the freeway in Philadelphia which has isolated Old Swedes' Church and decimated Southwark—the oldest community of Philadelphia's first settlers.

Charles E. Merriam, the political scientist, speaks of the love of locality as one of the roots of social cohesion. Our historic shrines offer us a sense of place, of identity, of locality in our increasing mobile and rootless society.

They can help nourish the deeper regard for both our history and our land that is essential to a heightened sense of environmental awareness.

This task is increasingly difficult because more and more, the children of America are being isolated from the roots of their cultural and natural inheritance. With more than 70 percent of all Americans now living in large cities our children find themselves trapped in concrete and asphalt, struggling against the onslaught of exhaust and smog.

In ever larger numbers, they grow up in congested, artificial environments deprived of the spiritual lift that comes from the song of a bird, the sight of a deer in the wild, or the quiet of a forest.

Last June, Secretary Hickel issued an 11-point policy guideline directive for the management of the National Park System. In this blueprint for action, the Secretary placed new emphasis on bringing "Parks to People" through establishment and development of new urban parks and by making existing parks more meaningful through improved and expanded programs.

He also stressed the importance of a vigorous, creative program of environmental education, starting with the very young, to increase environmental awareness throughout our society.

In an effort to provide a part of the answer to this challenge, the National Park Service has undertaken two educational programs to more effectively use our National Parks and historic sites as environmental education laboratories or outdoor classrooms.

One program is called National Environmental Education Development—or NEED, for short.

NEED is a curriculum-integrated program designed to create a greater sense of environmental awareness from the kindergarten through the 12th grade through visits to National Park areas.

Field testing of fifth-sixth grade NEED materials is currently being conducted at 25 locations across the nation in programs involving some 20,000 children of widely varied economic, social and cultural backgrounds. Pilot testing of third-fourth and seventh-eighth grade materials is underway with an additional 2,000 children at 12 sites.

The other is a nationwide network of Environmental Study Areas (ESA's) within the National Park System.

The ESA's—or Environmental Study Areas—are now operating in 44 locations throughout the National Park System. They are designed primarily for day use by school children, and are integrated with on-going education programs at nearby schools.

Through October 1969, the 44 ESA's handled some 900 groups of school children, totaling about 15,000.

Viewed against the total school population of the country, this pilot program now in its second year, may seem modest. But every journey of a thousand miles begins with a single step.

These programs are grounded in the fundamental belief that a National Park is more than a phyical resource. I believe that a National Park is an idea which in the fullness of its meaning is a link between the generations of men in their continuing search to be at home in their world.

I believe many people go to the National Parks and historic landmarks not simply to satisfy a need to get back to nature from crowded cities or for outdoor recreation. Many people go to the National Parks and landmarks to strengthen their identity with their country. "Seeing is believing," and touching the Liberty Bell or setting foot in Yosemite Valley is worth a long trip to experience a sense of identity with America where it is unchanging. It isn't subtle. It's the deep human need to know "I was there" at Independence Hall or Yosemite Valley; and, as a result, "I am a little more an American." This experience is especially needed in these times of war, turmoil, and technological change.

Beyond our need to identify with the nation is the urgent need to understand our place in the world environment and to join hands in doing our part to rescue it from impending ecological disaster. As Freeman Tilden put it, we need "to understand our place in nature and among men." We will reach this objective more quickly and we will heal our environment more rapidly if we develop social cohesion "at home" by learning we are one people with a common heritage well expressed in your National Park System. As we achieve social harmony we will do better in joining together to recover our natural heritage and that of the world around us.

Thank you.

OUR ENVIRONMENT AND WATER POLLUTION

(Speech by John R. Thoman, regional director, FWPCA, southeast region, Atlanta, Ga.)

I am very happy to have this opportunity to speak to you about our environment and water pollution.

Within the past few years a new phrase has emerged in our vocabulary—Quality of the Environment. Today, almost any discussion of metropolitan areas is bound to include in that context such problems as urban renewal, parks and open space, noise reduction, and waste disposal and pollution control. In terms of public recognition and support, water pollution control stands high on that list.

I have been asked to talk about some of the things the Federal government is doing to help control water pollution. But before doing that let me first give you some background on the conditions we face.

In the past, we treated our environment and our water resources as free sinks for our untreated wastes.

As long as our population size, density, and industrialization were low, our environment—our air, land and water—could absorb these wastes and no great problems arose. But now we are confronted with new conditions.

Population growth is rapid; predictions are that it will double in 50 or 60 years. And while population doubles the demand for water triples. We are confronted with a stag-

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gering increase in the output of wastes and in the pollution of our air, land, and water from all sources—municipal, industrial, agricultural, recreational. And there are new types of waste from industry—new chemicals which are more difficult to manage and control.

We are faced with increasing urbanization, industrialization, and use of technology, rising levels of income and increased outdoor recreation—all of which help to increase the output of waste and, at the same time, to increase demands for clean water, pure air, and unlittered land.

Although the demand for water is increasing, there is, at present, no overall shortage of water for the nation as a whole—and certainly not here in Florida. Our supply of water is relatively constant, but for many uses it is declining because of pollution.

The problem is primarily one of distribution, or wide and efficient use and management of water, as well as wise design and management of all our systems and institutions for waste disposal and water use.

Another fact we are faced with is the complexity of the problems of water management and of waste disposal, and complexity of the solutions to these problems. Many skills, levels, and sectors of society are involved in the problems and in their solution.

If we are to prevent further pollution of our waters and clean up what remains, we must look at the various sources of pollution—from our cities, industries, mines, and farms, from our recreation and our boating. At all levels of government—Federal, State, regional, and local—we must design our research, planning, and operational programs to cope with each source and type of pollution.

For instance, we need to remove the backlog in construction of municipal waste treatment plants—a backlog which accumulated over the past decades during which we dumped our raw sewage into our waters. I wish to add here that much progress is being made in this area and prospects for the future are encouraging.

We need to prevent and keep pace with the forms of pollution which industry dumps into our streams—the many powerful and exotic chemical compounds which are discovered and dumped in our streams, with effects unknown. Our laboratories, let me add, are working hard in this area, and with frequent success.

We need to learn to control pollution from our farms, and the growing threat of pollution from recreational boating as well as from commercial shipping. The effects of oil disasters—such as the recent incidents in the Caribbean, in the Mississippi River, and off Santa Barbara, California—may be felt long after the immediate ecological effects have disappeared. Our coasts are not immune to such oil pollution problems created either through accident, inadvertence, or intent.

As we cope with these varied sources of pollution, we must make sure that our actions to manage our waste and water make sense from the point of larger units—watersheds, river basins, and regions.

And we need to create the larger institutional structure—the river basin commissions—to manage wisely our waste, as well as our water.

Up to now I've been talking on the national level, although what I've said is applicable to our own region. Let's narrow it down now—what are some of the problems here in the Southeast, and in Florida?

Some people consider the Southeast as one of the last frontiers of natural bounty in this country. It is true that it is still mostly green, with fertile fields and dense forests well stocked with wildlife. And there is water—an abundance of it—and especially here in Florida.

The Southeast—and particularly Florida—is one of the most rapidly growing regions in the United States. As a result great changes are taking place. Like the rest of the nation, the population is increasing, the per capita use of water is skyrocketing, and the demand for outdoor recreation is staggering. But the most conspicuous change is the expansion and diversification of industry as the Southeast shifts from a predominantly rural-agricultural region to one that is predominantly urban-industrial.

Let me illustrate. In 1930, the population for the seven-state area of Florida, Georgia, Alabama, Mississippi, Tennessee, North Carolina and South Carolina was 16 and one-half million—and it was about evenly distributed between urban and rural. By 1960—30 years later—the population had not only tripled, but the gap between urban and rural had widened tremendously.

By 1990, the population distribution is expected to show even more startling contrasts. Of the projected 42 and one-half million population in the seven-state area, nearly 41 and one-half million will be living in urban or rural-nonfarm areas—five times the 1930 figure. Industrial expansion, of course, will continue to accompany this population growth—mostly in and around the metropolitan centers—such as here in Jacksonville.

This activity is expected to produce material prosperity, certainly. But at the same time it will put a heavy strain on the whole environment, especially on our water resources which, heretofore, have been a primary source of life, wealth, and enjoyment.

Much of the pollution will continue to stem from the tons and tons of waste discharged every day by the cities and the industries—some of which is inadequately treated or not treated at all. It would be unfair to say that industries are bigger offenders than municipalities, or vice versa, for one causes about as much water pollution as the other. However, some of the industrial wastes are more complex and more difficult to deal with than municipal wastes. Thermal pollution, caused by heated water discharged from cooling systems, also is an increasingly serious form of industrial pollution.

Let me emphasize here that the municipal sewer and the industrial plant are by no means the only sources of pollution. There are septic tanks, dredge and fill operations, agricultural fertilizers, raw sewage from yachts, houseboats and other watercraft. Builders, developers, contractors—everyone involved in disturbing the natural surface of the earth—add their bit. Highway construction, housing developments, shopping centers, these and a host of other projects that are constantly changing the face of the earth, result in serious water pollution problems when the rains come. And excessive use of pesticides and fertilizers, and the careless discard of trash and junk by ordinary citizens compound the problem.

Just what effect does all this have on our environment? Well, it doesn't take much imagination for that one—the answer is obvious to most of us.

Heavy concentration of bacteria is a hazard to health and renders water unfit for water contact recreation. Instant fish kills may result from deadly chemicals or poisons. Hot water discharged into a body of water may kill aquatic life or threaten the survival of certain species by interfering with reproduction.

In some cases, waste products do not directly kill or harm aquatic organisms but, instead, stimulate the growth of noxious plant life and micro-organisms that disturb the balance of nature.

Of increasing concern—especially here in Florida—is the spoilage of our estuarine areas. Such areas include sounds, river mouths, marshes, and all those areas where sea and fresh water meet and mix. They are etched along the hundreds of miles of coastline bordering Georgia, Florida, Alabama and Mississippi.

We all know of the tremendous importance these estuarine areas are to Florida. They are among the state's richest resources—richer than the land on one hand and the open sea on the other. But there is growing evidence that once they have been thoroughly poisoned, they can never be fully repaired.

Untreated sewage is particularly harmful to the shellfish industry. The estuary of the Altamaha River in Georgia—just north of here—once had the highest concentration of oysters anywhere along the Atlantic coast. Now it is closed to the oyster industry because of the high concentration of coliform bacteria.

Apalachicola Bay, known as the oyster capital of Florida, produces about 70 percent of the state's total harvest. But a sizable portion of the oyster beds at the mouth of the Apalachicola River is closed at times. The reason: excessive coliform bacteria. And I could go on and on—it's the same story in Mississippi's Pascagoula Estuary and Alabama's Mobile Bay, and in rivers, creeks, and lakes from Chickamauga to Miami and from Vicksburg to Savannah.

I've given you the highlights of what the situation is. Now let me tell you something about what has been—and is—being done to prevent pollution, and to clean up our waters.

On the national level, a massive nationwide clean-up is underway. Water pollution is being attacked on all fronts—in our industries and mines, in our cities and on our farms.

During the 89th Congress three important pieces of legislation were passed: the Water Resources Planning Act of 1965, the Water Quality Act of 1965, and the Clean Water Restoration Act of 1966.

The Water Resources Planning Act of 1965 is designed to help provide coordinated plans for water resources development through the establishment of the Federal Water Resources Council and of river basin commissions which will plan for water resource use, development, and pollution control.

The Water Quality Act of 1965 contained a requirement of historic significance that water quality standards for interstate waters be set by the states by June 30, 1967 and approved by the Secretary of the Interior.

The Clean Water Restoration Act of 1966, enacted by both bodies of Congress, contains a greatly increased authorization for Federal construction funds—three and one-half billion dollars for a five-year period of construction grants to help build sewage treatment plants.

The Water Quality Act of 1965 was a policy breakthrough for the future of the whole water pollution control effort in this country. It required the establishment of water quality standards for all of the nation's interstate streams and coastal waters—and authority for the enforcement of those standards.

The idea of establishing water quality standards was not new. A number of states has had standards of quality for some of their streams and lakes for a long time. And some had brought considerable pressure on communities and industries to provide sufficient treatment for their wastes to maintain the desired quality of these waters. But this had been little more than a hit and miss affair and there had been far more misses than hits. By and large, moreover, the hits involved relatively easy situations. For the most part, the tough ones were bypassed.

What is new about the concept of water quality standards is that they are now, for the first time, national policy, backed up by the full power and influence of the Federal establishment.

To be perfectly blunt about it, the Water Quality Act of 1965 is a stick, a big one. But

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Congress did not merely wield the big stick and promptly forget the whole matter. It was fully recognized, at the time of the passage of the Act, that there would need to be a massive infusion of Federal funds, if meaningful standards were to be established and enforced.

Accordingly, only a year later, the Congress passed the Clean Water Restoration Act of 1966. This Act authorized far larger expenditures for construction of waste treatment works than ever before. And it also greatly expanded the Federal role in water pollution control research, including, for the first time, direct Federal support of research on major industrial water pollution problems.

Thus, in the administration of the Federal-State-local water pollution control program we are now equipped not only with the stick but also with a large supply of carrots.

These two enactments alone—two monumental pieces of Federal legislation in two successive years—mean that we are now part way down the long road back to cleaner water across the country.

The Construction Grants Program alone is rather impressive. During the past fiscal year, FWPCA made seventy-three grants in the Southeast Region to construct adequate waste water treatment facilities. The total cost of these projects was more than 110-million dollars, the Federal share of which was more than 30-million dollars.

Bringing the regional construction grants picture into sharper focus, we will see that Florida has benefited greatly from this program. Since the present Construction Grants Program began, Florida has received nearly 32-million dollars in Federal funds to help construction projects estimated to cost a total of more than 123-million dollars. When, and if, the current recommended appropriation is approved, the state of Florida stands entitled to nearly 27-million dollars more.

How does Jacksonville and Duval County stand in this matter of Federal funds. Pretty high, I might say. Four projects—one in Atlantic Beach and three in Jacksonville, totaling nearly five million dollars—have been completed through the Construction Grants Program. The Federal share of these projects was nearly one-half million dollars.

In addition, two projects currently are in the works. One, in the city of Jacksonville, has a total construction cost of nearly two million dollars, of which the Federal share is over one-half million dollars. The other, in Jacksonville Beach, will cost nearly one and one-half million dollars. The Federal share of this is nearly 400-thousand dollars.

And that's not all. If the current recommended appropriations are approved, expected grants in the area include 101-thousand dollars for a project at Baldwin, Florida, and a grant to the city of Jacksonville in the amount of over 15 million dollars.

How about industry? Well, there have been a couple of firsts in the Southeast Region this year. In its largest industrial waste grant ever made, FWPCA offered St. Regis Paper Company a grant of nearly a million dollars to help develop a promising new method of water pollution control and water conservation. The first year's work on the jointly-funded FWPCA-St. Regis project will be carried on at the company's corporate technical laboratory at Pensacola, Florida. An additional two years will be required to build and operate a pilot plant in order to demonstrate the technical feasibility and economics of the process on a large scale. The pilot plant will be operated at one of the company's three southern kraft mills located at Pensacola, here in Jacksonville, and Monticello, Mississippi.

Also here in the Southeast Region, two pulp and paper mills undertook the first joint industry study in water quality improvement under an FWPCA grant. Interstate Paper Corporation and Continental Can Company are cooperating in a Federal demonstration project to provide further treatment of kraft mill effluent after it has been chemically treated to achieve color removal. The joint research project is being built just north of Jacksonville—at Riceboro, Georgia. As I said, the study is the first in the nation to be conducted jointly by two companies under funding from FWPCA. And it is a splendid example of cooperation by members of an industry to solve a common problem in water pollution control. We just hope it will be the forerunner of other joint projects.

This year we also saw the completion of one major technical assistance project in Florida and the beginning of another.

FWPCA, through the Southeast Water Laboratory at Athens, Georgia, completed the Hillsborough Technical Assistance Project in the late spring of this year. The project had been undertaken at the request of the city of Tampa and the Florida State Board of Health. The purpose was to develop the technical evaluations required for a water quality management plan and waste abatement program for Hillsborough Bay.

After this project was finished, FWPCA—at the request of the State of Florida—embarked on another one in South Florida. This far-reaching project is designed to protect the estuarine and coastal waters of Florida's lower east coast. It stemmed from a request by Governor Kirk for assistance in determining the effects of heated water discharges from a planned nuclear power plant on the water quality of Biscayne Bay. Later, the scope of the project was expanded. The Florida State Board of Health, acting as an agent for the Florida Air and Water Pollution Control Commission, requested an environmental study of Biscayne Bay and a comprehensive study of Lake Worth. This project is expected to take from three to five years.

Where do we go from here? First, let me say, we must keep in mind our overall goal: To enhance and preserve the quality of the water in our streams, lakes, estuaries and coastal areas so as to assure levels which will provide adequate supplies for all foreseeable and appropriate uses.

In the past, major emphasis has been on establishment of water quality standards, financial and technical assistance, continuation of enforcement actions, comprehensive planning and development, and demonstration of new technology through research. With all standards now set for interstate and navigable waters—subject to resolution of exceptions—we have a base line from which to move toward the overall goal. Emphasis now begins to shift to improvement and refinement of water quality objectives and of the technology required to achieve them.

In administering the water pollution control program, we don't want to pre-empt the States' prerogatives. Not only do the states have to come up with water quality criteria but they also have to enforce these criteria. This may require financial allocations by the State legislatures for sewage treatment plants and the passing of new laws for administering the program. These arrangements are up to the states. FWPCA will not dictate how they are brought about. We have, however, given the States broad guidelines for formulating their plans.

The sooner the various organizations involved in the pollution problem—the Federal government, states, local communities, industry, as well as private citizens—face up to their responsibilities in pollution abatement the better off everyone is going to be.

In closing, let me say this: We cannot relax in this effort. If we want to do more than just prevent pollution from becoming worse than it already is, we must run very hard because the problem is increasing more rapidly than population—with new industries, new sources of pollution, and increased demands for clean water.

An important ingredient, an indispensable and even optimistic one, in my opinion, is that we stop looking at the world as though it were some sort of haphazard conglomeration of independent things. We live in a pluralistic world and we ignore it at great risk. We have found, if we examine the situation, that there are systems of interacting phenomena that characterize the world. We must work with the systems.

Our salvation from pollution lies in cooperative and coordinate planning, building and operating for the benefit of all.

Outdoor Recreation and the Environment

(Remarks by G. Douglas Hope, Jr., Director, Bureau of Outdoor Recreation, U.S. Department of the Interior, Washington, D.C.)

Honored guests, ladies and gentlemen. Before proceeding with my remarks, I want to commend those who organized and arranged this seminar. Those of us in Washington count on grassroots support for conservation of our natural resources. This is one of the better ways we have of "getting the message" and then of getting the job done. Meetings such as this one today give officials of the Legislative and Executive branches of your government an exceptional opportunity to hear from the individual. I am particularly pleased to see so many young people here. Your concern and ideas are needed and most welcome.

Outdoor recreation, in all of its many forms, has become one of the most important features of the American way of life. Next to the basics of shelter, clothing, food, and education, most Americans want to be able to get out-of-doors. Our studies have found that 75 percent of all recreation occurs close to home, after work, and after school, and on short outings usually involving no more than a 90-minute round trip from home.

The problems are compounded by the fact that 75 percent of our population resides in urban centers which contain only 25 percent of the recreation facilities and only 3 percent of the recreation land base.

For millions of Americans, outdoor recreation is something sometimes thought of but not experienced or enjoyed as part of a way of life.

In order to correct our deficiencies and imbalances we are going to need money, more action at the local level, and more innovation to provide recreation facilities and experiences on an everyday basis.

President Nixon and Secretary of the Interior Hickel are acutely aware of the problems of providing more outdoor recreation opportunities especially in a quality environment.

As a major thrust of his Administration, President Nixon in May of this year created a new Environmental Quality Council. The Council replaces the former President's Council on Recreation and Natural Beauty, which was largely an advisory group which conducted some environmental studies and published a few reports.

The Environmental Quality Council is an active, viable working group composed of The President, who is Chairman, the Vice President, and the Secretaries of Interior, Agriculture, Commerce, Health, Education and Welfare, Housing and Urban Development, and Transportation.

The President likened the structure of the new Council to the National Security Council and the Urban Affairs Council. He charged the Council's members with examining the full range of variables which affect environmental quality, including a thorough review of existing policies and programs.

He expressed the hope that the new Council will foster greater inter-governmental

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cooperation and greater cooperation between government and private organizations. The President said: "The deterioration of our environment is in large measure the result of our inability to keep pace with progress. We have become victims of our own technological genius. But I am confident that the same energy and skill which gave rise to these problems can also be marshaled for the purpose of conquering them. Together we have damaged the environment and together we can improve it." He concluded by saying "We need a strategy of quality for the seventies to match the strategy of quantity of the past . . . I believe the Council will provide us with that strategy and will give us the means for implementing it."

At the first meeting of the full Council, President Nixon directed Secretary of the Interior Hickel to chair a standing Committee on Outdoor Recreation. Other members of this Committee are Secretary Hardin of the Department of Agriculture and Secretary Romney of the Department of Housing and Urban Development. Other key Departments and independent agencies are associate members.

The standing Committee's role is to encourage provision of adequate outdoor recreation opportunities in a quality environment. We must provide assurance that each American can engage in the type of leisure time activity which satisfies his particular need. We also are fostering a program of greater citizen awareness and involvement in environmental matters. Where inter-agency differences arise, we will attempt to resolve the problems and move forward to early solutions.

The Committee has already launched an aggressive program of identifying environmental quality problems affecting outdoor recreation. Coupled with this program is a parallel effort aimed at devising solutions to the problem.

As Executive Secretary of the standing Committee, I am able to report to you today that we have nearly completed several major policy guidelines for all appropriate Federal agencies.

The Committee is reviewing present Federal policies of disposal of real estate declared surplus to Federal needs. Present procedures and policies tend to limit opportunities for communities to acquire these areas for recreation and environmental protection. We are also examining the conversion of farm lands across the Nation which no longer are needed for growing crops to recreation facilities. Many such areas are close to population concentrations. We likewise are looking at needs for new towns, including their land, recreational, and environmental requirements. This project involves both public and privately owned lands.

Federal construction practices which may have a negative effect upon the environment are also being scrutinized. We are giving intensive review to the environmental effects of buildings and other public works which the Federal Government constructs and to other projects which the Federal Government assists through grants or otherwise. One particular example is stream channelization work carried out by several Federal agencies in conjunction with agricultural drainage efforts. We fear that in too many cases the ecology of an area is damaged as a result of unnecessary alteration of the natural environment.

Of direct interest to you as citizens of a rapidly growing State is what the Bureau of Outdoor Recreation is unable to do to assist in your most immediately pressing problems.

My Bureau administers the Land and Water Conservation Fund, which since 1965 has provided over $6.6 million to Florida for recreation land acquisition and development. A project just recently approved will assist in the acquisition of important beach lands here in Jacksonville.

We are considering program changes which will make greater amounts of money available to urban areas to enable them to improve the quality of their recreation environment.

We are also re-directing our efforts toward attacking today's problems and the problems of the 1970's and beyond.

Secretary Hickel has directed us to come up with new ideas and new programs which call for: innovation in planning and development; identification of potential environmental problems; better utilization of existing resources; and better use of available funds and programs.

Citizen awareness of the complex problems which confront us is one of our goals. Meetings such as this one today in the Bold New City of the South will help achieve this goal.

OUR ENVIRONMENT AND AIR POLLUTION

(By Gene B. Welsh, Regional Air Pollution Control Director, National Air Pollution Control Administration, Consumer Protection and Environmental Health Service, Public Health Service, Department of Health, Education, and Welfare, Region IV, Atlanta, Ga.)

It is a pleasure to participate in Congressman Bennett's seminar on Our Environment. I welcome the opportunity to talk about the air pollution problems and their impact on our environment with the concerned citizens of Jacksonville.

Air pollution poses a very serious and significant threat to the quality of our environment. Human beings must have air to sustain life, but just as the fish must use the water that is available human beings must use the air that is available. Although the air resource is not unlimited, there is a sufficient quantity available for our use. The main problem is not the quantity of air but the quality of the air that is available for us to breathe.

Air pollution comes from a variety of sources and activities. Many people feel that all of the air pollution problems come from industrial activities, not realizing that their own individual activities also contribute to the total air pollution problem. Automobiles contribute a very significant amount of air pollution to our environment and they are an outstanding example of the general public contribution to the problem. The goods and services we require for our way of life contribute directly or indirectly to the total air pollution problem. In addition to the automobile we need electricity, solid waste disposal, a wide variety of food, clothing, housing and other usable products. All of these may contribute to the total air pollution problem.

The air pollution threat to our environment is shown by two separate and distinct problems, namely a potential threat to our health and a great economic cost.

The air pollution disasters experienced in Donora, London, New York City, and other areas have shown that high levels of air pollution over a period of a few days can contribute to sickness and increased deaths. In addition to potential disasters caused by high levels of air pollution we must be greatly concerned about the low levels of air pollution that millions of people are exposed to day after day and year after year, especially in many of our large and complex metropolitan areas. We are not completely sure as to the possible health effects of long term low level exposures to many of the common air pollutants, but we are quite sure that this exposure does significantly contribute to respiratory problems such as emphysema, chronic bronchitis and lung cancer.

Various studies and estimates indicates that air pollution is imposing a great economic burden on the people of this country in the amount of 11 to 12 billion dollars per year or about 60 dollars per person per year. This figures does not include any estimate of health costs. This estimated cost is due to air pollution damage to property and materials; agricultural losses; reduced property values and reduced visibility that may contribute to automobile accidents and airport delays. Jacksonville has experienced two separate incidents of this type, in 1948 nylon blouses and stockings actually disintegrated on the wearers and in 1961 severe vegetation damage was experienced in the residential areas on both sides of the river. There is very little doubt that both of these incidents were caused by air pollution. We are faced with a problem that is costing about 11 to 12 billion dollars per year and yet we are spending less than 10 percent of this amount to control the problem.

Either one of these threats to our environment is adequate justification for public concern about the air pollution problem. When these threats are combined there can be no doubt that additional efforts are needed to prevent and control air pollution so that we can protect our environment. Although some additional research work is needed, for the most part the equipment and technology is presently available to control most of our current air pollution problems.

Many people find it hard to believe that there are significant air pollution problems in Jacksonville and the State of Florida. Granted, the air pollution problems in Jacksonville may not be as serious as they are in some cities, but on the other hand, it is worse than some other cities. As in many cities the Jacksonville air pollution problems are due to people, power, and production. In other words, the Jacksonville air pollution comes from automobiles (people), electric generation (power), and industrial activities that produce pulp and paper, paint, and phosphate fertilizer (production). In many respects this also outlines the type of air pollution problems experienced throughout the State of Florida. Air pollution problems of this type are usually shown by: suspended particulate material that reduces visibility and contributes to corrosion; sulfur oxides that damage vegetation and nylon materials and causes a high rate of corrosion; and other sulfur compounds that cause odor problems, silver tarnishing and paint damage. In general, this describes some of the more significant Jacksonville air pollution problems.

The Federal air pollution program was started in 1955 as a very modest effort. As the national air pollution problem continued to get worse it was apparent that a more vigorous effort would be needed. This led to the enactment of the Clean Air Act in 1963 with subsequent amendments in 1965, 1966, and 1967. All of this legislation has clearly stated that the prevention and control of air pollution is the primary responsibility of the State and local governments. Under this approach the Federal program is directed at the following efforts: (1) conducting research; (2) providing technical assistance and financial grants to the State and local programs; (3) control of air pollution emissions from new motor vehicles; (4) compilation and publication of the latest available information on air quality criteria and control technques; and (5) implementation of the air quality control region approach. As an example of the financial assistance we recently awarded a grant of $60,264 to the City of Jacksonville to improve the air pollution control program efforts. This is the first year of a three year project which will provide about $250,000 in Federal funds to improve and expand the city air pollution control efforts. In addition, Federal funds of about $135,000 per year are also being provided to the Florida Department of Air and Water Pollution Control. Another example is

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the Federal control of air pollution emissions from the new gasoline powered motor vehicles. Beginning with the 1968 models all gasoline powered motor vehicles, both American made and foreign imports, had to comply with Federal air pollution standards. More stringent Federal air pollution standards were recently adopted that apply to all of the 1970 model gasoline powered motor vehicles.

The 1967 amendment to the Clean Air Act outlines a comprehensive plan to control air pollution on a regional basis in a logical and orderly way. In brief, this approach requires that the Federal government designate specific air quality control regions after appropriate consultations with the State and local authorities. So far, 57 areas have been listed by the Federal government for air quality control region designation and we hope to have these all designated by the summer of 1970. This list includes the Miami area. The States are also being encouraged to propose additional areas to the Federal government for air quality control region designations.

At the same time, the Federal government is required to compile and publish air quality criteria and control techniques documents for a pollutant or a group of pollutants. On February 11, 1969 the air quality criteria and control techniques for suspended particulate material and sulfur oxides were officially released.

Following these actions the 1967 amendment of the Clean Air Act sets up a timetable for the States to adopt ambient air quality standards and develop implementation plans. After the official designation of an air quality control region, the State has 90 days to signify their intent to set air quality standards; an additional 180 days in which to hold public hearings and adopt air quality standards; and an additional 180 days to develop an implementation plan for the control of air pollution within the designated air quality control region. If the State air quality standards and implementation plans are inadequate the Federal government is empowered to initiate certain actions.

Although the Clean Air Act outlines a comprehensive and systematic approach for air pollution control on a regional basis it will not solve the problem immediately. The need for action, mutual understanding and cooperation in controlling air pollution has never been so great or more urgent than it is today. We have a great opportunity to take effective action to control air pollution and improve our environment, but this action cannot and will not be effective without public involvement. The air in Jacksonville or any other area will be as clean or as dirty as the public wants it to be.

Our Environment and the Department of Housing and Urban Development

(By Edward H. Baxter, regional administrator, Department of Housing and Urban Development, Atlanta, Ga.)

I am pleased to have this opportunity to participate in a seminar on "Our Environment" with so many distinguished associates from the Federal establishment. I am also impressed by the subjects covered here today.

The Department of Housing and Urban Development is the direct descendant of many Federal agencies of the past which pioneered in home mortgage insurance, public housing, slum clearance, community facilities, urban planning, and other related programs. When the Department was created in 1965, it was a logical attempt to bring all the programs for our cities under one roof where they could function more effectively, and where they could be supplemented by new programs and new concepts.

And supplemented they have been. The wide range and diversity of HUD programs, some dating back to 1934, illustrate how complex our problems have become. At latest count, I believe, HUD administers some 73 programs, of which over 20 were added in the Housing Act of 1968. While it would take too much time to discuss each one in detail, I would like to describe a few of the more significant programs.

First, let me give you some idea of Region III's scope and activities. The Region, currently one of seven in the Nation, includes the eight Southeastern states with boundaries from the Ohio River to the Gulf of Mexico and from the Mississippi River to the Atlantic Ocean. Nearly 1,800 communities from all eight states—Alabama, Florida, Georgia, Kentucky, Mississippi, both Carolinas, and Tennessee—have participated and are participating in HUD program activities.

The first public housing project built in the Nation is located in Region III. Atlanta's Techwood Homes were built under the Public Works Administration before the U.S. Housing Act of 1937. Today there are nearly 800 housing authorities in Region III—more than any other Region. They operate more than 20 percent of all the Nation's low-rent housing—more than 250,000 units, in management and development. In addition, Region III has been the first to promote new programs like turnkey, rent supplements and the Section 235 Home Ownership Program for Low-Income Families.

Urban renewal has also been a prominent feature in Region III's operations. Only the Northeast has more communities involved in renewal activities.

Fifty percent of all public facility loan projects have been handled in the Region III office. There are more active Workable Programs for Community Improvement in Region III than any other and 23 communities out of a 150 national total, are participating in Model Cities Programs. We also lead the Nation in providing homes for the elderly and handicapped. Yet, this is not enough. Our problems change and grow and while ongoing programs continue at an unabated rate—depending on funds—new programs are being added.

At this point, I would like to touch on one of the realities we live with every day at the Federal level. That is, the constant need to make hard decisions within tight constraints from among a wide-range of competing demands. We want to carry out the goals expressed by Congress on its level of authorization, but we also have to live within the funds they finally make available to us. We want to build houses, but we must also fight inflation. Because there is so much that needs to be done and because the search for reasonable and sensible resolutions to difficult problems is made more difficult by the seemingly limitless demands, we must concentrate on forging a partnership of mutual cooperation and understanding. Our problems at both the Federal and local levels are so big we simply must preserve an effective partnership if we are to make any headway at all.

I am sure you are aware of President Nixon's national goals, settling the war in Vietnam, curbing inflation, and meeting the problems of our cities. The goal of HUD is a decent home and suitable living environment for every American family. Measured out by Congress, this means 26 million units of housing in the next decade.

As Secretary Romney has repeatedly stated, "America's greatest physical need is housing." In total volume, the housing shortage is greater than ever in our history. We have experienced a dramatic decline in the rate of housing production during the course of this year. Millions of Americans are cut off from decent housing. Over half our families cannot afford to live in the new housing built at today's prices.

Yet, at the same time, housing is the greatest undeveloped market in this country today. Meeting the housing shortage offers us an unparalleled opportunity to reap economic and social benefits. Meeting the shortage in the right is essential not only to easing the explosive confrontation which threatens our cities but to providing a sound stimulant to accelerated economic growth, employment, and enterprise.

However, a total cooperative effort will be required; first, on the part of the Federal government to define the commitment and lead the Nation; second, on the part of all Americans to control inflation; third, on the part of State and local governments to move on restrictive zoning practices and outdated building codes; fourth, on the part of private industry to develop new techniques for volume production of housing; and fifth, perhaps the most important, for the Congress to provide the need to consider drastic reallocation of national resources.

Secretary Romney has taken several forward-looking steps recently in the mortgage field by increasing borrowing authority and releasing Special Assistance funds. Another effort to break the technological barrier and develop new ways of achieving volume production of good low-cost housing has been the new Operation Breakthrough. At his request, the Department invited and received some 650 separate prototype proposals from almost every major firm in the country. After HUD has decided which of the various proposals are more appropriate, we should be able to award production contracts. Successful test performance will lead to HUD approval for use of the concepts in HUD-financed and insured programs. Volume use of the concepts will be given priority under our loan and grant programs.

Perhaps it should be emphasized that the Department of Housing and Urban Development is a unique Federal agency. We do not build houses. We do not build or rebuild cities. Our efforts and achievements depend almost entirely on the action of State governments, municipal governments, community groups, non-profit sponsors and private individuals. We provide financial and technical assistance, but local initiative is necessary if anything gets done. Better than that, without it nothing can be done.

The Department is also diligently examining many of its regulations and procedures to see what can be simplified, streamlined, decentralized, or dropped. When the President addressed the American people two months ago, he spoke of a "New Federalism." This "New Federalism" is designed to improve the system—to provide more substantial results and simpler, more effective ways to get things done. It gives increased recognition to the importance of State and local political units in solving the Nation's problems. It seeks to decentralize the Federal effort and to restore a balance between local leadership and Federal assistance. HUD is taking a number of steps in this direction; there is increasing delegation of authority at the regional level.

Early in November, Secretary Romney announced some significant changes in the organization of the Department designed to make it easier for states, local units of government, and private organizations to do business with us. As of January 1, all responsibility for housing production and for rehabilitation programs will be concentrated under one Assistant Secretary for Housing Production and Mortgage Credit. Planning functions the Workable Program and Comm. Fac. Programs will be consolidated under an Assistant Secretary for Metropolitan Planning and Development. All research activities and Operation Breakthrough will be pulled together under an Assistant Secretary for Research and Technology. New emphasis on the management of our existing housing in-

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ventory along with Revenue programs will be placed under another Assistant Secretary.

At the same time, the Department will be giving long range consideration to decentralizing field operations by establishing HUD area office. Perhaps eventually in each State offering a broad range of Departmental services. To the greatest extent possible, decision-making responsibility and authority would be delegated to these area offices.

Further, the number of Regions will be expanded to ten. I must state, however, that this expansion will only affect Region III by giving it a new number. We will be the only Region that is not affected in area. We will retain our eight states and approximately 25% of the workload in the Nation.

The Department is also examining proposals which will place maximum trust, maximum responsibility, and maximum accountability upon local officials. Power did not accumulate in Washington simply because power goes where power is. It was simply a matter of local government ignoring the needs and desires of local people. We finally had our long hot summers. Now, it seems to be clear that the Federal government cannot dispense all the services we need. We must look to local government.

To summarize, emphasis in the future will be placed on housing, although other programs will be sustained. Modern management and technology will be adapted to solve housing and community development problems. All programs will be administered in a manner that will assure opportunities for all citizens to share in the development and the end product.

The problems are great, so are the opportunities, but with new ideas, new attitudes, and the application of ingenuity, I am confident we will achieve our goal of livable towns and cities.

OUR ENVIRONMENT AND THE DEFENSE DEPARTMENT

(Col. John Redmond, chairman, Department of Defense Environmental Pollution Control Committee)

I welcome this opportunity to tell you about the Department of Defense's Program of Environmental Pollution Control. In view of the time element, I will restrict my comments and make them brief.

The previous speakers have represented the Departments that are the proponents of programs dealing with the environment. The Department of Defense (DOD) on the other hand is a participant of those programs and is the largest participant in the Federal Government.

In earlier days it was the policy of DOD to stay abreast of the efforts of communities and industries in the field of environmental control. In many respects and in many areas we were actually the leaders in providing adequate environmental management techniques.

With the advent of the Clean Air and Clean Water Acts and Executive Orders from the President the Federal Government was charged with providing leadership in the practices of environmental control. In order to discharge this responsibility we have developed 5-year plans for both air and water pollution abatement at all existing DOD facilities. These plans are re-evaluated and updated annually to take into account changing requirements and projects that were not funded earlier. Included in the 5-year plans are such projects as the 2 million dollar Industrial & Domestic Waste System Project for the Naval Air Station, Jacksonville, that Congressman Bennett mentioned in his presentation.

Another area that is probably of significant interest to you and one that is certain of continuing study on behalf of DOD is the treatment of sewage from vessels. Studies are underway to provide the most economical approach to this problem and I can inform you that the Department of the Navy is planning to expend 200-400 million dollars over the next 5 years to accomplish adequate treatment of sewage from vessels. Both on-board treatment plants and shore disposal plnats are being considered.

In conclusion, the Department of Defense is very concerned with the prevention of pollution and is trying to do its part to preserve our environment. The Department of Defense consists of people who want to be good neighbors and we are pleased to be able to participate in discussing these important items of mutual interest with the people of the communities in which we live.

Thank you.

[From the Jacksonville Journal, Dec. 10, 1969]

SIX FEDERAL OFFICIALS TO SPEAK

Six key officials in federal agencies dealing with environmental problems, use and preservation of natural resources and conservation will speak at the "Our Environment" seminar to be held here Friday under the sponsorship of U.S. Rep. Charles E. Bennett.

The seminar, the fourth to be held here under Bennett's sponsorship, is designed to "explain and discuss what the federal government is doing to improve the quality of life and the environment in which we live" to Bennett's constituents in the 3rd Congressional District.

James D. Braman, of Washington, D.C., assistant secretary of transportation for environment and urban systems, will deliver the keynote address following the seminar's 9 a.m. opening in the Hotel George Washington.

Mayor Hans G. Tanzler Jr. will deliver a welcoming address to the group. Bennett will speak to the group during the morning session.

George B. Hartzog Jr., director of the National Park Service, will deliver the luncheon address.

Other federal officials appearing on the seminar program are: John R. Thoman, Atlanta, Ga., regional director of the Federal Water Pollution Control Administration, speaking on water pollution; G. Douglas Hofe Jr., Washington, D.C., director of the Bureau of Outdoor Recreation, speaking on outdoor recreation; Gene B. Welsh, Atlanta, regional director of the National Air Pollution Control Administration, speaking on air pollution, and Edward H. Baxter, Atlanta, regional administrator for the Department of Housing and Urban Development, speaking on housing and urban renewal.

Subjects for discussion during the morning session include housing and urban renewal, transportation systems, outdoor recreation, water and air pollution.

The seminar will end with the luncheon.

[From the Jacksonville Journal, Dec. 12, 1969]

CHALLENGE COMPUTER APPROACH TO PROJECTS

(By Joe Caldwell)

George B. Hartzog Jr., director of the National Park Service, today called for a critical examination of the "cost-benefit ratio" concept as the determining factor in deciding whether public projects should be undertaken.

Hartzog, delivering a luncheon speech to more than 200 persons attending today's "Our Environment" seminar under the sponsorship of U.S. Rep. Charles E. Bennett, declared that the nation's "dazzling technology has given us unprecedented affluence, mobility and creature comforts but in the process, it threatens our individuality as human beings."

The speaker suggested that the nation needs to restore its environment and reestablish control over "our technological Frankenstein" if it is to recapture a sense of individuality.

"I would like to begin with the so-called 'cost-benefit ratio' formula that so often has been used as a handy-dandy rationale for raping the environment in the name of 'progress.'

"Most public works projects are analyzed in terms of their 'cost-benefit ratio.' Such factors as irrigation benefits, settlement opportunities, economic growth through flood control, power, area redevelopment and a broadened tax base are cranked into the formula and fed to the computer.

"And the computer says 'Go ahead.'"

Hartzog said the trouble with "this electronic, slide-rule approach is that you get an answer based on tangible factors that can be measured in dollars and cents."

"Most of what is really worth preserving in America—the intangible values—are omitted because they cannot be measured by a formula that expresses itself in cold, hard cash. They simply don't have a definable price tag," he said.

The parks service director cited the Everglades National Park as a case where the formula fails to measure the true worth of "one of the greatest natural environments on the face of the earth—a unique ecological laboratory that took nature millennia to create."

James D. Braman, assistant secretary of Transportation for Environment and Urban Systems, also called for a balance between tangible and intangible benefits.

In the keynote speech to more than 300 registrants at the seminar, Braman said, "What we want to do is to see that, as the department considers and decides national transportation issues, economic efficiency is balanced with social and environmental costs and benefits and that the user's benefits are always compared to the total social costs of the system."

Bennett, who planned the seminar, delivered his address to the group by long distance telephone from Washington instead of in person so that he could maintain his long record of continuous voting in the House.

Bennett cited the pollution of the St. Johns River as one of the prime cases of a defiled environment and noted that "over $1 million in federal grants have gone to water pollution control in the last year here in Jacksonville." He added that the $90 million water pollution control program here "will receive substantial help from the federal government."

Mayor Hans Tanzler, in his welcoming speech to the group, cited figures on the local housing problem which he said he presented yesterday to Housing and Urban Development Secretary George Romney.

Tanzler said 63 per cent of the dwelling units in Jacksonville's core city area are substandard and in one area, 90 per cent are substandard. He noted that Jacksonville is the "last major city in the country to apply for federal housing assistance grants" and added that every effort is being made to recover the city's eligibility for the past four years of federal benefits in this area.

[From the Florida Times-Union, Dec. 13, 1969]

NONPOLLUTED AIR UP TO PUBLIC

(By Tom Longhurst)

Jacksonville can have federally controlled, pollution-free air—if an aroused and determined public pushes hard enough for it, says a top federal pollution control expert.

"The air here will be as clean or as dirty as the public wants it to be," Gene B. Welsh, regional director of the National Air Pollution Control Administration, said Friday at the "Our Environment" seminar held at the George Washington Hotel.

Welsh was one of six federal officials who addressed several hundred conservation-con-

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scious citizens at the seminar sponsored by U.S. Rep. Charles E. Bennett of Jacksonville.

Speaking at a separate discussion on air pollution following a formal presentation by each of the officials present, Welsh said an air quality control region, such as that recently announced for the Miami-Palm Beach area, will receive top priority for federal funding to combat air pollution.

Answering a question put to him by Mrs. Mimi Adams, a member of the Jacksonville Air Pollution Control Board, Welsh said the best way for the city to get a similar federal designation is to convince Gov. Claude Kirk of the need.

He indicated a request by Kirk would receive favorable consideration. "I predict the State of Florida will be knocking on our door in the next few months for additional air quality control regions," he said.

Among those attending the discussion were Mrs. Jean Hayes, president of the League of Women Voters; Tom Ard, head of the city's pollution control department; and Morton Kesler, newly appointed chairman of the Air Pollution Control Board.

At a luncheon following the discussions, about 200 persons heard George P. Hartzog, director of the National Park Service, condemn the dollar and cents approach taken to most public works projects affecting the environment.

In an obvious jab at the Army Corps of Engineers that brought a sharp burst of applause from a segment of the audience, Hartzog called the cost-benefit ratio formula used by the corps a "handy-dandy rationale for raping the environment in the name of progress.

"The trouble with this electronic, slide-rule approach is that you get an answer based on tangible factors that can be measured in dollars and cents," he said.

But most of the things really worth saving in America—the intangible values—cannot be measured in cold hard cash, he declared.

"How, for example, would you compute the cost-benefit ratio of Everglades National Park?" he asked. "Here in the Everglades we are trying to preserve one of the greatest natural environments on the face of the earth, a unique ecological laboratory that took Nature a millennia to create. Its value is truly without price."

Bennett, who was to address the gathering in person, was forced to do so by phone from Washington due to a heavy workload there, but his talk was delayed 45 minutes due to a communications snarl.

Mayor Hans Tanzler, who welcomed the visitors, commented on his trip Thursday to Washington where he sought federal urban renewal funds.

He said between 84 and 90 percent of all housing in the affected core area is substandard, 4,000 homes get along on an income of only $2,000 and 45 percent of the area's inhabitants are Negro.

"I know of no other city in greater need of funding to help solve its problems than the 'Bold New City of the South,'" Tanzler said.

[From the Jacksonville (Fla.) Times-Union, Dec. 13, 1969]

We Have Met the Enemy, It's Us!

Rep. Charles Bennett wasn't at the "Our Environment" seminar held yesterday in Jacksonville, yet he aptly provided the theme for the session, dedicated to combating pollution, via a telephone-loudspeaker hookup.

"We have met the enemy," he said, "and it is us."

He elaborated:

"We have polluted, and are today polluting, the wonderful St. Johns River by dumping millions of gallons of waste into this waterway daily.

"Automobiles and factories pour pollutants into our air. Our agricultural insecticides need attention. We perpetuate slums and poor housing through inaction.

"We must all take part of the blame for these things. And we must all try to do something about them. (We must) . . . clean up what we have mesesed up."

The congressman's pointed view, it is to be hoped, will remind all citizens that pollution truly is everybody's concern—not just the affair of the federal officials and public officials and concerned citizens who attended the seminar on pollution.

In such a seemingly innocent activity as driving to work or home, we pollute the air with our automobile exhaust.

By looking the other way when driving past a slum street, we compound the error of commission with one of omission, as poor housing grows poorer through public inattention.

Effective pollution control, assuredly, will require vast expenditures of money, from all levels of government—local, state and federal.

But it will require something more as well: a wide recognition that so vast a problem cannot be solved by only a few, that pollution is everybody's challenge, and will require the cooperation of all to save our imperiled environment.

The enemy, truly, "is us."

[From the Jacksonville (Fla.) Journal, Dec. 18, 1969]

Pollution Can Be Solved

Americans are beginning to awaken at last to the seriousness of the environmental problems the nation faces.

Additional evidence of the extent of this awakening was given last week when several hundred persons turned out to the seminar sponsored by U.S. Rep. Charles Bennett of Jacksonville.

Problems at the meeting—called a seminar on "Our Environment"—ranged from those of polution to the protection of natural resources.

The present concern over what is happening to our air, waterways, and the land itself seems, in general, to have been long in coming—too long, some fear. But the reasons are easy to discover.

It has not been too many years since the United States seemed almost boundless and its resources without end.

Great expanses of lands stretched out on all sides before the relatively small population—our ancestors. And the lands were filled in abundance with everything man needed to make his life better.

There were great forests on every hand, kept green and pleasant by countless clear streams and pure rivers. The air carried the scent of life and of things growing.

Vast acres of grasslands lay fallow, awaiting only the plow to turn them into fecund granaries.

Wildlife proliferated; the earth literally thundered under the hooves of migrating herds.

Everyone knew that it would last forever.

It was not until the rivers and streams were dark and odorous with pollutant, many of the forest lands laid bare, the wildlife decimated, the land eroded and the air foul with acred fumes that they realized it would not.

There is more to it than the fact that we have squandered a rich heritage; what we have done in many instances is to create conditions that are actual threats to health and even life itself.

Rivers that are cesspools and air that is laden with industrial effluvia are not only unsightly; they are the breeding places of disease, menaces to physical well-being.

Speaking on only one area of concern, air pollution, Gene B. Welsh, regional director of the National Air Pollution Control Administration, told the audience here that Jacksonville's air "will be as clean or as dirty as the public wants it to be."

The statement oversimplifies somewhat. But essentially it is true.

What we have created over several generations will not be wiped out overnight.

But it can be corrected. Concerted action, coordinated with neighboring communities who have interrelated problems, can restore many of our resources and prevent further damage to others.

Gatherings such as those sponsored by Congressman Bennett, which bring together those most interested to seek out workable solutions, are a first step.

SANTA BARBARA DECLARATION OF ENVIRONMENTAL RIGHTS

HON. JOHN V. TUNNEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 20, 1970

Mr. TUNNEY. Mr. Speaker, one of the most critical threats to our environment is the continued despoliation of ocean waters, shorelines, and marine life caused by ill-planned offshore oil drilling. Nowhere has this tragedy been more in evidence than within my State of California, in Santa Barbara. The continual stream of oil that has been emitted from the drilling rigs of the Union Oil Co. in the Santa Barbara Channel has caused irreparable harm to that portion of the magnificent California coastline. Esthetically, environmentally and materially the citizens of Santa Barbara have suffered continual losses.

In an effort to articulate their plight and help prevent these events from being repeated elsewhere, a group of citizens from Santa Barbara have drafted the "Santa Barbara Declaration of Environmental Rights." This declaration points out that "centuries of careless neglect of the environment have brought mankind to a final crossroads," and that, "the quality of our lives is eroded and our very existence threatened by our abuse of the natural world."

The declaration points out many of the ills that have caused the rapid deterioration of our ecological heritage. It is a declaration of action and of hope. Because of its importance and the importance of this issue, I have today introduced a concurrent resolution embodying this call to action which I am inserting at this point in the Record. I urge that my colleagues direct their attention to the text of the Santa Barbara declaration in the hopes that through our concerted attention this problem and further tragedies of this type might be avoided.

The resolution follows:

H. Con. Res. ——

Resolved by the House of Representatives (the Senate concurring), That the following declaration of environmental rights expresses the concern of Congress over the tragic desecration of our Nation's precious natural resources and the deterioration of our quality of life, and embodies the principles which should guide Congress in its legislation to protect, preserve and restore our environment.

"Santa Barbara Declaration of Environmental Rights

"All men have the right to an environment capable of sustaining life and promot-

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ing happiness. If the accumulated actions of the past become destructive of this right, men now living have the further right to repudiate the past for the benefit of the future. And it is manifest that centuries of careless neglect of the environment have brought mankind to a final crossroads. The quality of our lives is eroded and our very existence threatened by our abuse of the natural world.

"Moved by an environmental disaster in the Santa Barbara Channel to think and act in national and world terms, we submit these charges:

"We have littered the land with refuse.

"We have encroached upon our heritage of open space and wildland.

"We have stripped the forest and the grasses and reduced the soil to fruitless dust.

"We have contaminated the air we breathe for life.

"We have befouled the lakes and rivers and oceans along with their shorelines.

"We have exterminated entire species of birds and animals and brought others close to extermination.

"We have made much of the physical world ugly and loud, depriving man of the beauty and quiet that feeds his spirit.

"Recognizing that the ultimate remedy for these fundamental problems is found in man's mind, not his machines, we call on societies and their governments to recognize and implement the following principles:

"We need an ecological consciousness that recognizes man as member, not master, of the community of living things sharing his environment.

"We must extend ethics beyond social relations to govern man's contact with all life forms and with the environment itself.

"We need a renewed idea of community which will shape urban environments that serve the full range of human needs.

"We must find the courage to take upon ourselves as individuals responsibility for the welfare of the whole environment, treating our own back yards as if they were the world and the world as if it were our back yard.

"We must develop the vision to see that in regard to the natural world private and corporate ownership should be so limited as to preserve the interest of society and the integrity of the environment.

"We need greater awareness of our enormous powers on the fragility of the earth, and the consequent responsibility of men and governments for its preservation.

"We must redefine "progress" toward an emphasis on long-term quality rather than immediate quantity.

"We, therefore, resolve to act. We propose a revolution in conduct toward an environment which is rising in revolt against us. Granted that ideas and institutions long established are not easily changed; yet today is the first day of the rest of our life on this planet. We will begin anew."

THE 50TH ANNIVERSARY OF THE FOUNDING OF UNITED STATES JAYCEES

HON. WILLIAM D. FORD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 20, 1970

Mr. WILLIAM D. FORD. Mr. Speaker, this month marks the 50th anniversary of the founding of the United States Jaycees—a youth-oriented organization which has been the training ground for tens of thousands of our Nation's leaders during the past half century.

As a former Jaycee myself, I am proud to say that I am personally familiar with some of the ideals, goals, and purposes of this outstanding organization. Scattered throughout my congessional district are scores of public officials and civic leaders who received their introduction to public service through Jaycee activities. Their number includes State legislators, mayors, supervisors, councilmen, and businessmen. I know that this record is duplicated in each of the other 49 States, and even carries through into the Halls of Congress, where many former Jaycees now serve as Representatives and Senators.

The history of the Jaycees formally dates to a caucus held January 21 and 22, 1920, in St. Louis, where representatives of young men's groups from 29 cities gathered to discuss the possibility of a national organization for young men.

One of the key men in the caucus was Henry Giessenbier, head of a St. Louis social group founded in 1914, and later called the Junior Chamber of Commerce because of its affiliation with the St. Louis Chamber of Commerce.

Out of the January caucus in 1920 came the U.S. Junior Chamber of Commerce, which held its first convention the following June in St. Louis. Giessenbier was elected first national president, with an organization of 12 chapters and 4,000 members.

During the succeeding years, the Jaycee movement grew and prospered at an amazing rate—86 chapters and 15,000 members in 1930, 861 chapters and 64,000 members in 1940, 1,800 chapters and 124,000 members in 1950, and nearly 4,000 chapters with over 200,000 members in 1960. In 1965, the name of the group was formally changed to the United States Jaycees.

Today, there are 6,005 Jaycee chapters in the United States, with 309,614 members. In addition, the Jaycee idea has been carried throughout the world, with 2,546 chapters and 89,499 members in more than 80 nations.

The complete history of the Jaycees would be impossible to recount, for it would have to contain the dreams and achievemnets of hundreds of thousands of young men in thousands of chapters throughout the world. The success of their many projects is American democracy at work—the grassroots story of young men building a better world by developing themselves and their communities.

The Jaycee creed, written by C. William Brownfield in 1946, summarizes the faith and confidence of the Jaycees in God, in humanity, and in America:

We believe that faith in God gives meaning and purpose to human life;

That the brotherhood of man transcends the sovereignty of nations;

That economic justice can best be won by free men through free enterprise;

That government should be of laws rather than of men;

That earth's great treasure lies in human personality,

And that service to humanity is the best work of life.

Mr. Speaker, I am pleased to pay tribute to the Jaycees on this significant anniversary, and I want to offer my best wishes for many more years of service to humanity.

POVERTY TO PLENTY

HON. JOHN M. ASHBROOK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 20, 1970

Mr. ASHBROOK. Mr. Speaker, in 1968 Arlington House published a revealing and provocative book entitled, "Poverty Is Where the Money Is," by Sherley Scheibla, an enterprising reporter in the fields of finance, economics, and labor. The book reviewed the highly touted war on poverty, a program which appealed to the humanitarian instincts of all of us but which has garnered precious few results in practical applications. The Office of Economic Opportunity and its various programs are revealed as at times blundering and inadequate to the detriment of the needy poor, the supposed beneficiaries of the poverty campaign.

Sherley Scheibla again looks at the OEO and its operations, this time in an article published in the January 19 issue of Barron's, the business and financial weekly. The article is especially timely for the OEO has recently been mandated to come up with innovative approaches to the poverty problem. In a short paragraph Mrs. Scheibla gives us an insight into a bureaucratic agency at its bureaucratic best—or worst:

> Once OEO proceeds with an "innovative" program, it frequently hires outside consultants to furnish "technical assistance." After that, experts are hired to provide "evaluations" of what has been achieved. Then comes "monitoring" of contracts for the evaluations as well as for the technical assistance.

The article, "Poverty to Plenty," by Mrs. Sherley Scheibla follows:

POVERTY TO PLENTY: "MONITORING" AND "EVALUATION" PAY OFF FOR FORMER OEO STAFFERS

(By Sherley Scheibla)

WASHINGTON.—One of the first orders of business when Congress reconvenes this week will be to vote an appropriation for the Office of Economic Opportunity. The House already has approved $1.9 billion (the same as last year), and the Senate is expected to follow suit.

Watching the proceedings closely doubtless will be an elite group of professionals who have discovered that poverty pays very well, especially for those who once worked on programs from inside OEO and now have stepped outside to benefit from lucrative contracts with the agency.

Once OEO proceeds with an "innovative" program, it frequently hires outside consultants to furnish "technical assistance." After that, experts are hired to provide "evaluations" of what has been achieved. Then comes "monitoring" of contracts for the evaluations as well as for the technical assistance.

LAUNCHED THEMSELVES

In some notable cases, the outside consultants have evaluated programs that they launched or once ran. Some firms even have hired personnel still employed by OEO to serve as consultants in "outside" evaluations.

While OEO's own evaluation of the evaluations and monitoring has concluded that they are virtually worthless, they also happen to be big business for those involved. For instance, according to Rep. Edith Green (D., Oreg.), Head Start alone has been eval-

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uated 44 times, at a cost of $10 million. The Congresswoman puts the total cost of "outside" evaluations at $31 million, exclusive of technical assistance and monitoring.

Though opponents of unwise OEO spending, like Rep. Green and Rep. William J. Scherle (R., Iowa), concede that for all practical purposes the fight for fiscal 1970 is over, they already are preparing to take up the cudgels again. With fiscal 1970 already half gone, Congress soon must deal anew with the agency. Their hope is that it finally will take a hand in matters which to date it has virtually ignored.

One of the outstanding cases which Rep. Green has described (in the Congressional Record, issue of December 6, 1969) concerns Leo Kramer, Inc., organized by Mr. Kramer following his employment by OEO as associate director of the Selection and Training Division of Volunteers in Service to America (VISTA). Kramer has $1,944,681 worth of contracts for VISTA support services, involving seven different VISTA contracts, all but one awarded without competitive bidding. (On the seventh contract, OEO received a competitive bid from Policy Management Systems, Inc., headed by Gary Price, also a former VISTA official. Mr. Price, however, subsequently withdrew his proposal, thus making Kramer, "in effect a sole source supplier.")

OVER $1 MILLION

Contract B 89–4515 calls for Kramer to provide "Support for VISTA associate programs" for $1,214,216. It was negotiated by a Kramer official named James M. Harkless, former executive secretary of OEO. The firm's latest VISTA contract was awarded under OEO's new director, Donald Rumsfeld. Executed October 9, 1969, the estimated cost is $185,399.

In the Congressional Record, Rep. Green sets forth another example of veteran poverty warriors being paid "to evaluate the programs that they formerly administered." As acting deputy community action program regional administrator for the Mid-Atlantic region, Peter Davis "was responsible for assisting in the development of the first regional Community Action Agency evaluation system." He subsequently went to work for Cole, Sanchez & Associates and became project director for $86,158 worth of OEO contracts, which required the evaluation of CAAs in OEO's Mid-Atlantic region. One of the principals of Cole, Sanchez was Leveo Sanchez, former Mid-Atlantic regional director for OEO. Last July the firm was dissolved and Mr. Sanchez formed Development Associates, Inc., with Mr. Davis as vice president. Mr. Davis told Barron's that the new firm has three small contracts with OEO involving regional CAAs.

Another firm that handles evaluations for OEO is Fry Consultants, Inc. Its employes include Bertrand Harding, former acting director of OEO, so the General Accounting Office told Rep. Green. Fry's contracts with OEO come to a total of $367,348.

GAO also reported to the Congresswoman that Robert Levine, formerly associated with Rand Corp., went on to head Research, Plans, Programs & Evaluations for OEO. In this position he originated and supervised a procurement request which resulted in the award of a contract for $561,650 to Rand for a "study of manpower programs and their evaluation." The contract was let on a sole source basis and was the result of an unsolicited proposal. According to GAO, Mr. Levine resigned from his OEO post last January, but served as a $100-a-day consultant to the agency until the end of June.

Volt Information Sciences, Inc., which has a whopping $25 million worth of OEO contracts, has a new marketing director, William P. Kelly, GAO reported to Rep. Green. Mr. Kelly served on the task force which drew up the War on Poverty for presentation to Congress. Upon passage of the Economic Opportunity Act, he became assistant director of OEO for management and later headed the Job Corps. GAO informed Rep. Green that Job Corps contracts with Volt required Mr. Kelly's signature on procurement requests.

Among other things, Volt has contracted with OEO to evaluate its Legal Services Program. Rep. Paul G. Rogers (D., Fla.), asked GAO to investigate an evaluation of the South Florida Migrant Legal Services Program, Inc., of Miami done by Volt. The Congressman wrote GAO: "Of 46 people interviewed, 33 were employes, clients or inside directors. Only 13 others, including several outside directors, were included. I have wired these individuals, since by implication the report suggests they support the existing program. Every single one who has replied to date indicated opposition.

PAID EMPLOYEE

"The evaluation team consisted of four individuals. I was shocked to see that one was a paid employe of another OEO project and that another was a member of the firm of Arnold & Porter, when the deputy director of the program being evaluated was formerly an associate of the same Arnold & Porter."

GAO found that the evaluation team members were selected by an acting regional director for LSP who formerly had worked with SFMLSP under assignment from the University of Pennsylvania Law School. "The Volt regional representatives informed us," GAO said, "that the normal practice . . . was for OEO to select the evaluators, usually from the listing of Volt consultants." GAO explained that OEO does not object to its employes serving as paid consultants to Volt so long as they take leave to do so. GAO found that the "employe of another OEO project" mentioned by Rep. Rogers was a director of another LSP which had employed the former deputy director of SFMLSP. Moreover, it reported he accepted pay from Volt when not on leave from OEO, contending that he did the work at night and/or on a weekend.

The Representative also told the House that John G. Murphy, Jr., Professor of Law, Georgetown Law Center, Washington, D.C., headed the team of Volt evaluators at OEO request. "Yet the records of the OEO program being investigated show that this man was also the Washington representative of this same program (SFMLSP). And OEO required its supposedly independent evaluation firm to pay this man for his services and submit his report as his independent evaluation," Rep. Rogers revealed.

Without naming names, GAO reported that a private attorney on the evaluation team previously had discussed refunding SFMLSP at OEO headquarters and, according to a SFMLSP staff memo of March 18, 1969, "is doing all he can to help us work out a viable program for next year."

Last February, Fry Consultants, Inc., furnished OEO its evaluation of Volt's performance under an OEO contract calling for Volt to provide 18,000 man-days of technical assistance and support to Community Action Programs through the nationwide utilization of specialists' services.

FRY'S REPORT

Fry reported in part, as follows: "Volt has not fully met the contract specifications for training and orienting specialists. Only a limited number of the training conferences which were contractually required have been conducted. While there has been some confusion as to regional OEO expectations, the contractor has failed to establish minimum training requirements for its specialists and has taken little initiative to obtain clarification from OEO. . . . By the end of the contract year, February 15, 1969, actual administrative costs will exceed original estimates by $310,000-$340,000, or 80%–90%. . . . Since Volt was awarded the . . . contract largely because it was the low bidder, the actual cost experience raises serious questions about the validity of Volt's initial cost estimates and OEO's acceptance of them."

GAO reported to Rep. Green that in bidding for the cost-plus contract, Lear Siegler, Inc., estimated it would come to $1,176,456 and later modified the figure to $1,020,397. Volt gave an original estimate of $801,825 and a modified one of $917,825.

Dr. David Snyder, vice president of Volt, told Barron's the contract in question was B89–4391 and that the final price came to $4,595,783 (as reported to Rep. Green by GAO). Dr. Snyder explained that the contract was increased in scope to call for rural development programs and for over 30,000 man-days of technical assistance and support instead of the original 18,000. He said Volt does not have a breakdown to show the actual cost of services called for in the original contract. Asked for its comment on the substantial increase in the contract figure, OEO's reply was not yet forthcoming at press time.

Last July OEO announced that the Peoples Development Corp. (PDC) will contract with Volt for help in setting up business facilities. PDC is wholly owned by the People's Involvement Corp. (PIC), one of 14 community development corporations OEO has funded. It has $700,000 from OEO for a printing plant "and the training of indigenous private enterprise technicians," and another $93,384 to "attempt to show that residents of a poverty neighborhood can, with appropriate technical assistance, develop competence to assume responsibility for the neighborhood center program."

GAO reported to Rep. Green that OEO has approved around $1.5 million altogether to support PIC activities, including technical assistance from the Organization for Social & Technical Innovation, Inc. (OSTI). The latter, according to GAO, has an OEO contract for $473,032 for technical assistance in such community development. OSTI also has a cost-plus OEO contract estimated at $245,513 to develop a tenant management corporation in a large public housing project in Baltimore (Barron's, December 8, 1969).

In a feasibility study which preceded the latter contract award, OSTI said a council made up of tenants might use the threat of sanctions" to obtain requested changes. It also suggested they might form a development corporation to operate such commercial facilities as a laundromat, convenience store or drug store.

According to that study, the officers of OSTI include Thomas W. Firor and Joan Cole, both formerly with the United Planning Organization (the top community action agency for the District of Columbia, funded by OEO) and Carla Okigwe, formerly with Action for Boston Community Development (OEO-funded community action agency).

OEO maintains it lacks the staff to see that OSTI carries out its contract obligations for the Baltimore project. Accordingly, it has hired Urban America, Inc., to monitor that OSTI contract and 17 other projects for $490,548. On June 30, 1969, a contract modification provided an additional $219,000 for Urban America to provide training and technical assistance in housing to selected cities with populations of over 25,000, GAO reported to Rep. Green.

In the aforementioned OEO evaluation of its evaluations, titled "Evaluating OEO Programs" and completed a year ago, OEO itself concluded: "The only way to ensure that a contractor adheres to the original evaluation design is to have a strong monitoring capability within OEO itself—something which OEO has not had. . . . By placing the monitoring function in the hands of a contractor one merely adds another party to what ought to be a direct-line management relationship between OEO and the grantee. . . . It is no exaggeration to say that some grantees resent being monitored by third parties. Moreover, there is no guarantee that unsupervised consultants are doing an effective monitoring job, since what they say must be accepted on faith."

It went on: "Contractors are generally profit-minded, research-minded, or both, and thus are inclined to 'do their own thing' regardless of the original intent behind the evaluation outcome. . . . It is common practice (for contractors) to hire shorter specialists to write proposals and then, if the contract is won, to staff up. Consequently, the quality of the personnel hired to conduct an evaluation is not necessarily reflected in the proposal itself. The upshot of these observations is simply that contractors cannot be left to their own devices."

As for the many evaluations of Head Start, the report stated: "In a recent—and hotly contested—analysis of 30 Head Start impact evaluations, RPP&E (the Research, Plans, Programs & Evaluation branch of OEO) concluded that 'it is difficult to draw general, program-relevant conclusions from the evaluation research on Head Start.' They cited the absence of a guiding plan as the underlying reason."

Moreover, "from its inception, Head Start relied heavily on the independent Research Advisory Council for advice not only on setting up the programs, but also on plans for evaluating them. In effect, the same outsiders who had a vested interest in the structure and operations of the programs were determining the nature of the evaluations."

Regarding a three-year evaluation of three community action programs by eight different contractors, the study found that "only two have produced something that holds promise, and at least one has been dropped for refunding because of poor quality."

On April 28, 1969, Resource Management Corp. reported to GAO on OEO evaluations and concluded, in part, as follows: "The standards of meaningful evaluations of poverty programs are quite low, but we conclude that OEO has generally failed to meet these minimal standards. . . . Community action programs have such nebulous objectives as eliciting maximum participation of the poor which are not subject to quantitative evaluation under any presently available techniques of measurement. (Yet Rep. Green reports that OEO has spent over $6 million on 29 evaluations of community action programs and community action agencies.) . . .

"Only 25 of 200 OEO studies could be considered research and the vast majority of the 25 can best be characterized as 'moseying around.' . . . There is little agreement as to what constitutes a measure of program success primarily because there is little agreement as to what the program objectives really are."

In its own "Review of Economic Opportunity Programs," GAO found that information needed for evaluation was unavailable, incomplete or of doubtful reliability. Moreover, it said OEO has no procedure for relating evaluation studies to "the decision process."

BLUEPRINT FOR FINANCIAL DICTATORSHIP—THE TRAP IS SET

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 20, 1970

Mr. RARICK. Mr. Speaker, on December 19, 1969, this body marked an unusual and tragic anniversary in a startling manner. Without hearings or any other consideration, under the pressure to adjourn for Christmas, we adopted a conference report—CONGRESSIONAL RECORD, volume 115, part 30, page 40243—and enacted a bill entitled "The Credit Control Act," granting to the President an authority for which he had not asked and for which he claims no desire.

I should note that, despite the obvious excellent opportunity to prevent our error from becoming law by simply not signing the act, the President declined to utilize the pocket veto, and the Credit Control Act is now law, signed on December 23.

I am talking about a measure which bears the generally well intentioned title "An act to lower interest rates and fight inflation; to help housing, small business, and employment; to increase the availability of mortgage credit; and for other purposes." It is difficult to disagree with legislation purporting to achieve such universally desirable objectives as recited in the express elements of this title, but it is the "for other purposes" section that should be brought to the attention of responsible citizens.

The anniversary which we marked, although few of us noted it at the time, was the creation of the Federal Reserve System in 1913. This act was passed on December 23 of that year, by the adoption of a conference report, when Members were in haste to adjourn and return home for Christmas. In each case, many Members had already left Washington.

The tragedy of the event lies in the fact that the Congress in 1913 gave private bankers—not necessarily Americans—the full control over entire financial structure, abdicating its responsibility under the Constitution. Our people are being bled white by the cabal which we invested with such unheard of power. Last month we laid the foundation for granting the same privileged few total credit control, the last remaining link in our economic structure which was not in their hands.

What the Congress has done amounts to executing a blank check—payable to the private international bankers—and handing it to the President, to deliver at his pleasure. This check represents total power over our financial structure, and can be handed to the bankers by the President—or by any of his successors—without even the necessity of declaring a national emergency.

This is not a temporary measure. It is permanent law.

The trap is set. All that remains is for the opinion makers to sell an unsuspecting people on the idea that while tight credit controls may hurt a little, it is for their own good, and that the international bankers who can manipulate such esoteric things as "paper gold" will make it all come out well in the end.

When the trap is sprung, the United States will join Great Britain and France as victims of the new financial colonialism, while the Federal Reserve System gains the same dictatorial powers as the Bank of England and the Bank of France, owned by the same private citizens.

I include at this point in my remarks the full text of the Credit Control Act, together with a clever and readily understood allegory published in Conservative Viewpoint, in which the diabolical simplicity of the Federal Reserve scheme is exceptionally well described:

CREDIT CONTROL ACT

TITLE II—AUTHORITY FOR CREDIT CONTROL

Sec. 201. Short title

This title may be cited as the Credit Control Act.

Sec. 202. Definitions and rules of construction

(a) The definitions and rules of construction set forth in this section apply to the provisions of this title.

(b) The term "Board" refers to the Board of Governors of the Federal Reserve System.

(c) The term "organization" means a corporation, government or governmental subdivision or agency, trust, estate, partnership, cooperative, or association.

(d) The term "person" means a natural person or an organization.

(e) The term "credit" means the right granted by a creditor to a debtor to defer payment of debt or to incur debt and defer its payment.

(f) The term "creditor" refers to any person who extends, or arranges for the extension of, credit, whether in connection with a loan, a sale of property or services, or otherwise.

(g) The term "credit sale" refers to any sale with respect to which credit is extended or arranged by the seller. The term includes any rental-purchase contract and any contract or arrangement for the bailing or leasing of property when used as a financing device.

(h) The terms "extension of credit" and "credit transaction" include loans, credit sales, the supplying of funds through the underwriting, distribution, or acquisition of securities, the making or assisting in the making of a direct placement, or otherwise participating in the offering, distribution, or acquisition of securities.

(i) The term "borrower" includes any person to whom credit is extended.

(j) The term "loan" includes any type of credit, including credit extended in connection with a credit sale.

(k) The term "State" refers to any State, the Commonwealth of Puerto Rico, the District of Columbia, and any territory or possession of the United States.

(l) Any reference to any requirement imposed under this title of any provision thereof includes reference to the regulations of the Board under this title or the provision thereof in question.

Sec. 203. Regulations

The Board shall prescribe regulations to carry out the purposes of this title. These regulations may contain such classifications, differentiations, or other provisions, and may provide for such adjustments and exceptions for any class of transactions, as in the judgment of the Board are necessary or proper to effectuate the purposes of this title, to prevent circumvention or evasion thereof, or to facilitate compliance therewith.

Sec. 204. Determination of interest charge

Except as otherwise provided by the Board, the amount of the interest charge in connection with any credit transaction shall be determined under the regulations of the Board as the sum of all charges payable directly or indirectly to the person by whom the credit is extended in consideration of the extension of credit.

Sec. 205. Authority for institution of credit controls

(a) Whenever the President determines that such action is necessary or appropriate for the purpose of preventing or controlling inflation generated by the extension of credit in an excessive volume, the President may authorize the Board to regulate and control any or all extensions of credit.

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(b) The Board may, in administering this Act, utilize the services of the Federal Reserve banks and any other agencies, Federal or State, which are available and appropriate.

Sec. 206. Extent of control

The Board, upon being authorized by the President under section 205 and for such period of time as he may determine, may by regulation

(1) require transactions or persons or classes of either to be registered or licensed.

(2) prescribe appropriate limitations, terms, and conditions for any such registration or license.

(3) provide for suspension of any such registration or license for violation of any provision thereof or of any regulation, rule, or order prescribed under this Act.

(4) prescribe appropriate requirements as to the keeping of records and as to the form, contents, or substantive provisions of contracts, liens, or any relevant documents.

(5) prohibit solicitations by creditors which would encourage evasion or avoidance of the requirements of any regulation, license, or registration under this Act.

(6) prescribe the maximum amount of credit which may be extended on, or in connection with, any loan, purchase, or other extension of credit.

(7) prescribe the maximum rate of interest, maximum maturity, minimum periodic payment, maximum period between payments, and any other specification or limitation of the terms and conditions of any extension of credit.

(8) prescribe the methods of determining purchase prices or market values or other bases for computing permissible extensions of credit or required downpayment.

(9) prescribe special or different terms, conditions, or exemptions with respect to new or used goods, minimum original cash payments, temporary credits which are merely incidental to cash purchases, payment or deposits usable to liquidate credits, and other adjustments or special situations.

(10) prescribe maximum ratios, applicable to any class of either creditors or borrowers or both, of loans of one or more types or of all types

(A) to deposits of one or more types or of all types.

(B) to assets of one or more types or of all types.

(11) prohibit or limit any extensions of credit under any circumstances the Board deems appropriate.

Sec. 207. Reports

Reports concerning the kinds, amounts, and characteristics of any extensions of credit subject to this title, or concerning circumstances related to such extensions of credit, shall be filed on such forms, under oath or otherwise, at such times and from time to time, and by such persons, as the Board may prescribe by regulation or order as necessary or appropriate for enabling the Board to perform its functions under this title. The Board may require any person to furnish, under oath or otherwise, complete information relative to any transaction within the scope of this title including the production of any books of account, contracts, letters, or other papers, in connection therewith in the custody or control of such person.

Sec. 208. Injunctions

Whenever it appears to the Board that any person has engaged, is engaged, or is about to engage in any acts or practices constituting a violation of any regulation under this title, it may in its discretion bring an action, in the proper district court of the United States or the proper United States court of any territory or other place subject to the jurisdiction of the United States, to enjoin such acts or practices, and upon a proper showing a permanent or temporary injunction or restraining order shall be granted without bond. Upon application of the Board, any such court may also issue mandatory injunctions commanding any person to comply with any regulation of the Board under this title.

Sec. 209. Civil penalties

(a) For each willful violation of any regulation under this title, the Board may assess upon any person to which the regulation applies, and upon any partner, director, officer, or employee thereof who willfully participates in the violation, a civil penalty not exceeding $1,000.

(b) In the event of the failure of any person to pay any penalty assessed under this section, a civil action for the recovery thereof may, in the discretion of the Board, be brought in the name of the United States.

Sec. 210. Criminal penalty

Who ever willfully violates any regulation under this title shall be fined not more than $1,000 or imprisoned not more than one year, or both.

The Temple of the 13 Suns

(A mini-course in economics in a change-the-world effort.)

[The fraud of false-debt usury is perhaps the most astounding sleight-of-hand ever devised by man or devil. It is clearly revealed in the following fable written by the late R. H. Hemphill (an ex-banker) and amplified by L. E. Fleischer.]

Once upon a time to the Temple of the Thirteen Suns came the rich and powerful chief, Omar the Third, who said to the goldsmith of the temple, "I have much gold and am about to depart for a far country. Wilt keep this gold safely for me against my return a year hence?" I'll pay thee well."

The wily goldsmith coughed loudly and covered his countenance with a cloth lest the rich Omar the Third observe his joy to have this treasure in his possession. When he was calm and could look serious he said to Omar, "It's a very great responsibility and risk. But I'll undertake it for a tithe of one shekel in every ten (10%)." Then said the Chief Omar, "It's a deal." And forthwith his slaves delivered many bags containing in all a thousand shekels of gold for which the goldsmith gave the chief a parchment deposit writing (the forerunner of the banknote) payable "to whomsoever." And thereupon Chief Omar departed happily upon his journey.

As soon as he was well out of the country, the shrewd goldsmith called his confidential scribe and bade him thus: "Go thee now to the merchants whom I tell thee of and say to each that thy master hath a little gold for hire upon good security." And the servant departed swiftly.

Soon there came a great merchant who said, "Goldsmith, you old crook, I'm in a jam for a few shekels of gold. Wilt lend me?" And the goldsmith replied: "Money is very tight these days, but it might be so arranged. What is thy need?" The merchant answered, "Two hundred shekels." Then said the goldsmith, "It is much money. What security couldst thou pledge for so great a sum?" Then the merchant showed the goldsmith a writing of his possessions of merchandise to the amount of a thousand shekels. The goldsmith said, "It is not enough. Thou must also pledge thy dwelling and thy slaves and thy raiment." Whereupon the merchant, after much protest, pledged all his possessions, even to his innermost personal raiment. (Now watch this next part carefully because here is where the mischief starts; here is where the false debt gets created.)

Then said the merchant to the goldsmith, "I have no place to store so much money. Keep it safe for me but give me a writing, give me a deposit receipt, which will show that I have left the money I borrowed with you for safekeeping and that you now owe me the money that I owe you. Then when I buy something I'll give my deposit receipt over to the seller and let you owe him instead." And the goldsmith did even so.

[Note that it is mathematically impossible for a debt to exist between the so-called lender and the so-called borrower. Why? Because each owes the other exactly the same amount of money and each has the other's note to prove it. Equal debts between two parties cancel out, so there is no debt. Since there's no debt, there's no loan; there's only the illusion of a loan.]

The next day came another merchant and another and yet another. And to each the goldsmith loaned a portion of the gold of Omar the Third, taking from each as security his entire possessions, including his innermost personal raiment. And he gave to each in writing upon parchment (the equivalent of a banknote) showing that each had on deposit the money he had borrowed and that therefor the lender owed the borrower the money which the borrower owed the lender. Upon the tenth day he had given parchment deposit writings (banknotes) for the whole of the thousand shekels. But yet he had all the gold.

The goldsmith reflected much upon this curious state of affairs and said to himself, "These fools know not how much gold I possess. They obviously do not want the gold itself; what they really want is credit (barter credit), that is, a deposit writing which they may pass from hand to hand as money. Actually, all they need is the figure which appears on the gold, just a figure to pass from buyer to seller to show how much in goods or services the borrower-buyer owes to any holder of the money figure. *I have one grand idea.*

On the next day came another merchant and another and yet another. And to each the goldsmith showed the great store of gold of Omar the Third. And to each he pretended to loan a portion, altho he had previously loaned it all to the first ones who came. And it came to pass that, at the end of another ten days, the goldsmith had pretended to loan to many more merchants and had given special writings of deposit (banknotes) for another thousand shekels, making two thousand in all, altho he had only one thousand shekels of Omar the Third. And yet he had all the gold!

Whereupon the goldsmith reflected to himself: "What a cinch, what a leaden pipe cinch! I wonder I didn't think of this before; I can collect just as much interest, just as much usury, from the phony deposit writings as from the genuine. In other words, I can collect just as much ransom from fake loans as from genuine loans. Verily I am a financial wizard."

Thereupon the goldsmith caused it to be noised about that he possessed a vast store of gold for hire. And many more merchants came to borrow. And to each the goldsmith delivered writings of deposit (bank notes) and collected generous usury and demanded pledges from each of all his possessions, even to his innermost raiment, until he had issued writings of deposit (bank notes) for ten thousand shekels and held mortgages on substantially the whole city.

Then went the goldsmith to the Wise Man of the city and said unto him: "Verily, I have discovered the greatest racket of all time; I have learned the magic of making gold out of baloney thru fake loans and incidentally creating the public money supply. The process is as follows:

"A man cometh unto me to borrow. (Even the King!) I give him my writing upon parchment (or a ledger entry) which showeth him how much money I owe unto him. He likewise gives me his writing (even the king) which showeth that he owes unto me exactly as much money as I owe unto him, thus cancelling out the debt. But he's too stupid to comprehend this! (Even the king!) So therefor my writings, i.e., my notes (including my ledger-entry notes) then pass from buyer to seller as money, gathering for me, thru the so-called debtors, a perpetual ransom in usury which grows by a geometrical progression. Meanwhile their equivalent notes, even the king's lie immobilized in my strongbox, gathering for them only dust. [Note: Modern dust-free bank vaults prevent the immobilized notes from gathering even dust!]

"Furthermore, in addition to borrowers' notes I also buy property with my notes and ledger entries, which then circulate as money, thus giving me the counterfeiter's advantage, i.e., something for nothing.

"This is my fake-loan, my false-debt, formula. And if I can keep it a secret for a few years I'll collect a fortune that will make Solomon's treasury look like a secondhand store. And eventually I'll totally enslave the people thru false debt yet make them pay the costs of their own enslavement. Better yet, they won't even know they're enslaved, nor who enslaved them, nor how. Now tell me, Wise Man, tell me how I may keep secret this bonanza for mine own profit."

Then said the Wise Man: "Look wise and say little, and only upon little-known matters afar off. Obtain the ear of the town crier. Engage him to spread the impression that money is a mysterious subject which no one understands save thee alone. Be friendly with the king's counselors and grant their favors, that the king may smile upon thee. Have him declare thy notes, including thy ledger-entry notes, the lawful money of the land. And have him forbid the people to exchange thy notes for gold."

And the goldsmith did as he was bid and collected much usury from his phony loan deposits, from his fake loans and counterfeit investments. In fact, he collected the rental value of money, which is the difference in value between whole barter and split barter (i.e., between 2-party and multi-party barter, which money makes possible) which in turn is the value of the division of labor and of all labor-saving devices, which of course is the value of civilization itself. And since all new money created as fake loans can demand and collect that ruinous ransom, all existing money actually loaned or invested can likewise demand and collect the same ruinous ransom. That ruinous ransom is Usury (which the Bible condemns again and again and again. And for good reason; Usury is on the verge of totally destroying Christianity by transforming the world into a totalitarian slave state wherein Christianity will be systematically and ruthlessly destroyed, as was done by the same satanic swindlers who conquered Russia in 1917.) In other words, the goldsmith and his fellow money-creating usurers collected the value of communal living, i.e., the value of living in an organized society. In short, he collected an utterly ruinous ransom for providing the public with a money supply in the form of bank credit, a money supply created as a gigantic, colossal swindle, an utterly evil fraud!

And that is the reason most banks have great marble pillars and bronze doors, so that they may resemble, outside as well as internally, the "place of imaginary money," the false debt factory, if you please which the goldsmith, the banker, using modern banking principles, builded with phony loans and investments on the gold of Omar the Third in the Temple of the Thirteen Suns.

Postscript.—The goldsmith (and today's banker) soon discovered an even more potent and effective method than false-debt usury for dispossessing the public on a grand scale; he discovered the fleecing cycle known as the "Business Cycle." Here is how he explained it to his five sons:

"By increasing or decreasing the flow of my phony loans and investments, I increase or decrease the volume of money and cause a boom or a depression. I buy up and foreclose during the depression, then sell out later at high inflation prices during the following boom, which I create by rapidly increasing the flow of my fake loans and investments, thus increasing the money supply faster than the public can back it (i.e., earn it back) with goods and services; I repeat the cycle again and again, alternately granting and then withholding my phony loans and investments. The people are like unto a great flock of sheep, which I thus periodically fleece on an even grander scale than my constant fleecing of them thru false-debt usury."

Note.—When the volume of money increases faster than the volume of goods and services, we have inflation. But because of the false accounting of the banking system we must have inflation or perish. Why? Because bank credit, which we use almost exclusively as money, is nonexistent debt which carries a perpetual compound interest charge that must be added to prices, causing price inflation. If money inflation does not then follow, a depression does and we perish because businessmen and farmers cannot then recover their costs and so go bankrupt. When producers cannot recover their costs, consumers will have nothing to consume and will perish.

SENATE—*Wednesday, January 21, 1970*

(Legislative day of Monday, January 19, 1970)

The Senate met at 11 o'clock a.m., on the expiration of the recess, and was called to order by the President pro tempore (Mr. Russell).

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

Almighty God, whose mercies are new every morning, make all things within us new this day. Renew our faith and hope and love. Renew our wills that we serve Thee with all our soul and mind and strength. Renew our longing to know Thee in Thy fullness and to show it by service to all the people. Renew our love of country and give us wisdom to help make her good and great. So lead us through the day that when evening comes we may hear Thee say, "Well done, good and faithful servant."

In the Redeemer's name we pray. Amen.

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Journal of the proceedings of Tuesday, January 20, 1970, be approved.

The PRESIDENT pro tempore. Without objection, it is so ordered.

LIMITATION ON STATEMENTS DURING THE TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that there be a period for the transaction of routine morning business not to exceed 30 minutes, with statements therein limited to 3 minutes.

The PRESIDENT pro tempore. Without objection, it is so ordered.

COMMITTEE MEETINGS DURING SENATE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that all committees be authorized to meet during the session of the Senate today.

The PRESIDENT pro tempore. Without objection, it is so ordered.

ATTENDANCE OF SENATORS

The following additional Senators attended the session of the Senate today: Dominick, Tower, and Young of Ohio.

RECESS SCHEDULE FOR THE SENATE DURING THE NEXT SEVERAL MONTHS

Mr. MANSFIELD. Mr. President, for the information of the Senate, the joint leadership has approved a recess schedule for the Senate during the next several months.

It is an abbreviated schedule and does not go beyond the July 4 recess.

I ask unanimous consent that this schedule be printed in the Record.

There being no objection, the recess schedule was ordered to be printed in the Record, as follows:

Lincoln's Birthday (Thursday, February 12)—From conclusion of business Tuesday, February 10, until Noon, Monday, February 16.

Washington's Birthday (Sunday, February 22)—Reading of the Farewell Address on Monday, February 23, followed by normal legislative matters.

Easter (Sunday, March 29)—From conclusion of business Thursday, March 26, until Noon, Tuesday, March 31.

Memorial Day (Saturday, May 30)—From conclusion of business Thursday, May 28, until Noon, Monday, June 1.

July 4 (Saturday)—From conclusion of business Thursday, July 2, until Noon, Monday, July 6.

Mr. SCOTT. Mr. President, will the distinguished majority leader yield to me?

Mr. MANSFIELD. I am delighted to yield to the Senator from Pennsylvania.

Mr. SCOTT. Mr. President, I thank the distinguished majority leader. We on the minority side agree with the proposed truncated and abbreviated recess schedule. We believe that if we are to get our work done, we must stay on the job. If we are to get the work done, we will have to have long sessions. The distinguished majority leader has indicated that we may well have some Saturday sessions. If we do, it will be our responsibility to be on hand to help him.

Individual Senators will have to accept and assume the risk of being absent if they have already made engagements. Let me say that my heart goes out to all our colleagues who may find themselves in that predicament, and I may

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find myself in the same position. But this we must do.

As I said yesterday off the floor, we should drive hard to comply with the law. The law provides that we adjourn by July 31. We set a bad example for the country, it seems to me, in asking people to obey the law while we ignore it every year because of our superior right to do so.

Therefore, I am sure that the distinguished majority leader agrees with me that we should make our objective one of compliance with the statute and work out an adjournment on that day.

We, over here on this side of the aisle, will do all we can to help.

Mr. MANSFIELD. And we over here will do all we can to be of assistance in that respect.

TRIBUTE TO JOHN D. RHODES, FORMER CHIEF OFFICIAL REPORTER OF DEBATES

Mr. MANSFIELD. Mr. President, I should like to take this occasion to join in the remarks already made by the distinguished Senator from Maine (Mrs. Smith) and the distinguished Senator from North Dakota (Mr. Young), in extending congratulations and felicitations to our former associate, Mr. John D. Rhodes, who celebrated his 90th birthday anniversary on January 19.

He is now retired. He was an outstanding reporter. He was a gentleman. He was courteous. He was considerate. He was a man of great integrity.

I am delighted that this fine man is enjoying such good health in his retirement and that he has reached the age of 90.

I hope that this will be an occasion which will be marked for many years in the future, to show our regard and good will at all times to this outstanding man.

The PRESIDENT pro tempore (Mr. Russell). I hope that the distinguished senior Senator from Montana will permit the Chair to associate himself with those remarks.

Mr. MANSFIELD. I am delighted.

RAISED RATES TO BANK DEPOSITORS IS KNOCKOUT BLOW FOR HOUSING

Mr. PROXMIRE. Mr. President, last night at 5 p.m., the bank regulatory agencies increased the maximum rate payable on bank savings deposits.

According to the Federal Reserve Board and the FDIC, the ceiling on commercial bank passbook accounts was increased from 4 to 4½ percent, and on 1-year certificates of deposits from 5 to 5½ percent.

The increase in the rates which commercial banks can pay on time deposits can dry up the already dwindling supply of mortgage credit.

We already face a depression in the homebuilding industry, and the increase in the deposit rate ceiling can only make it worse. We are in the throes of the most severe housing shortage in 20 years, and the action by the banking agencies may send this staggering industry down for the count.

Higher deposit rates for commercial banks could divert funds from savings and loan associations which have been the mainstay of the mortgage market.

Since commercial banks only put 25 percent of their funds into mortgages and savings and loan associations put 95 percent of their funds in mortgages, a shift of $1 from a savings and loan association to a bank takes 70 cents out of the funds available for mortgage loans.

Even if savings and loan associations are granted a similar increase—and they will be—many of them could not afford to pay it because their earnings are tied to lower yielding mortgages acquired in earlier years.

Higher rates paid by commercial banks will attract funds away from savings and loan associations and deal the mortgage market another crippling blow.

Mr. President, I say this on the basis of having talked to scores of savings and loan association officials in my State and elsewhere. I am sure that this is the case. They use a very long word to describe what this does. It is "disintermediation." But what it means is the flowout of savings and loans, and that is out of the availability to the housing market, and into the commercial banks, where most of the loans are made to businesses.

It is also counterproductive for the Federal Reserve Board to raise the maximum rate payable on large denomination certificates of deposit to as much as 7½ percent. The restrictive policies of the Federal Reserve have just begun to exert real pressure on large money market banks, who continued to expand their business loans in record volume in 1969.

The increase in the rate paid on certificates of deposit will enable large commercial banks to attract more funds away from housing to feed the corporate investment boom. It is most unfortunate for the economy that the Federal Reserve Board has acceded to the pressures of large banks for an increase in the deposit ceiling.

ORDER OF BUSINESS

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

DEATH OF DAVID O. McKAY, PRESIDENT OF CHURCH OF JESUS CHRIST OF LATTER-DAY SAINTS

Mr. MANSFIELD. Mr. President, one of the world's great church leaders, David O. McKay, president of the Church of Jesus Christ of Latter-Day Saints has passed on to his reward at the age of 96.

Mr. McKay was an outstanding influence in the Rocky Mountain West; not only in the State of Utah, but also in Nevada, Arizona, Colorado, Montana, and Idaho.

He was responsible for the great expansion of his church; it had a membership of a little in excess of 1 million when he assumed the presidency, and at his death, I understand, the membership had grown to in excess of 3 million.

Furthermore, the number of wards or parishes had increased from 1,660 to approximately 4,500 during his tenure; the number of stakes from just under 200 to more than 500. Scores of new chapels and seminaries have been erected not only in this country but throughout the world.

The Mormons are a great missionary people. And their influence—and it has been most beneficial—has been felt not only in the Rocky Mountain West especially, but also in the islands of the Pacific, in the countries of the Orient, in Western Europe, in Latin America, and in Australia.

The Mormons are a thrifty and very conscientious group of people, who do their best to look after their own recognizing the rights of others to live among them and do as they think best. They have contributed much to the building up of the West as a whole.

They have suffered their share of persecution but they have survived and they have made of the State of Utah a mecca for the members of the Church of Jesus Christ of Latter-Day Saints.

President McKay, the ninth president of the church, was a man of great wisdom who made many contributions to the welfare of the region and to the benefit of his people.

I wish at this time to express my deep sorrow at the passing of this great man who represented such a fine church.

Mr. McGEE. Mr. President, tomorrow the beautiful and historic Mormon Tabernacle in Salt Lake City will be the scene of the funeral of a remarkable man and religious leader, David O. McKay, who died this week at the age of 96.

David O. McKay, who gave his life to the advancement of the Church of Jesus Christ of Latter-day Saints, presided as its president through a period of phenomenal growth which saw this church rise from persecution to a worldwide membership of nearly 3 million souls.

My own State of Wyoming is blessed to have among its citizens a goodly number of those who follow the tenets of the LDS Church for so long directed by Mr. McKay and his colleagues on the Council of the Twelve. To them, as to all of us, he stood as an example of sturdy leadership and enduring qualities through a time when both were in demand. His work and his example will carry on, I am confident, for many more than the 96 short years he was among us.

Mr. PACKWOOD. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. YOUNG of Ohio. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. Burdick in the chair). Without objection, it is so ordered.

PRESIDENT NIXON SHOULD WELCOME REPORT FROM CYRUS EATON

Mr. YOUNG of Ohio. Mr. President, Cyrus S. Eaton, chairman of the board

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of Chesapeake & Ohio Railroad, one of our Nation's leading industralists, and a great American, recently returned with his wife from 8 days in Hanoi. During their visit, Mr. and Mrs. Eaton talked at great length with top officials of North Vietnam. They saw every official they wanted to see, including Prime Minister Pham Van Dong, Communist Party leader Le Duan and National Assembly leader Troung Chin. They were entertained by Premier Pham Van Dong at a 4-hour dinner party.

The Eatons returned to the United States with the definite conviction that only President Nixon can end the Vietnam war, and that leaders of North Vietnam are convinced that he does not want the war to end. Mr. Eaton has presented a detailed plan which he believes would bring an end to our involvement in that immoral, undeclared war in Vietnam—a plan acceptable to Hanoi and in line with President Nixon's announced intentions. He has stated that he expected to transmit his own views and those of North Vietnamese officials to President Nixon and to Henry Kissinger, the President's special assistant for national security affairs.

Cyrus Eaton states that President Nixon could end the Vietnam war now by agreeing to withdraw 100,000 American troops within 60 days and all other U.S. forces in 18 months. He has said from his conversations in Hanoi he is sure if President Nixon agrees to those terms, "all other questions would resolve themselves quickly." He summarized the North Vietnam position this way:

> The people of north Vietnam are concerned that President Nixon really does not want the war to end. If they were convinced that he did, many of the problems would be solved. Leaders in Hanoi study the President's speeches, which are received two or three hours after he delivers them . . . They are disturbed by his statements that if he pulls U.S. troops out of Vietnam, he is going to equip others to continue the fight . . . They are troubled by the fact that President Nixon says he will withdraw combat troops—infantrymen—but that he will leave American support troops, ammunition, and our warplanes and U.S. air personnel and our helicopter crews and our fleet to continue the war.

Mr. Eaton said he told the North Vietnamese leaders that the Nixon administration "is sincere" in seeking an end to the war. However, he noted that they are prepared to continue the war indefinitely. Mr. Eaton stated he has every reason to believe and is optimistic the Vietnam war can be brought to a satisfactory conclusion. "The main task is to convince Hanoi we really want to end it," he stressed.

Mr. President, President Nixon has stated that he has a secret plan and a secret timetable for withdrawing the American forces from Vietnam. To date he has announced the eventual withdrawal of only 110,000 men. However, at the same time he has failed to face up to the fact that the only way this war will be brought to an end is for both sides to compromise on a political and diplomatic solution—a compromise that must include a coalition government in Saigon and free elections properly supervised.

It is obvious that there will never be peace in South Vietnam until and unless a coalition government is established in Saigon composed of all elements of South Vietnamese political life, including representatives of the National Liberation Front. It is equally clear that Thieu and Ky are not going to preside over their own removal from power, so negotiations in which they have a power of veto are doomed from the outset. There can be no escape from this hard truth.

The desire of those Saigon militarist leaders to remain in power is totally inconsistent with President Nixon's statement that "what is important is what the people of South Vietnam want." These incompatible policies hold out the prospect not of peace but of a prolonged military occupation which will continue indefinitely to drain American treasure and lives.

Mr. President, if leaders of the Nixon administration really wish to end the conflict in Vietnam, they should insist that representatives of the legislative body of South Vietnam participate in the peace conference. It appears that the members of the South Vietnamese legislative body do not see eye-to-eye with the Thieu-Ky regime and the clique of generals who control the executive department of that bleeding country. The legislators, I am sure, are closer to the people than the swaggering militarists in their luxurious palaces—palaces, I might add, which were paid for by American taxpayers and the sweat and blood of Vietnamese peasants and American soldiers.

The fact is that while professing a desire for peace, the Nixon administration has failed to create the political conditions in Vietnam under which peace is possible. This raises the question as to whether this administration really seeks to end this war despite the President's repeated statements to the contrary. Until the President begins to make a real effort to solve the central task of forming a coalition government in Saigon, he cannot begin to make good the pledge on which he was elected.

Leaders of North Vietnam are not convinced either by President Nixon's words or by his actions that he sincerely wishes to bring about an end to the war in Vietnam based on the political and military realities. From their point of view, President Nixon has not given a definitive sign of his determination to withdraw all American forces within a reasonable time period. Repeated statements by the President and more recently by Vice President Agnew lauding the militarist regime of Thieu and Ky and assuring our continued support of their corrupt government leave the impression with North Vietnamese leaders, according to Cyrus Eaton, that President Nixon "is not serious about ending the war."

There is a simple way that President Nixon can instantly dispel that impression.

If he really wishes to end the abominable war in Vietnam as soon as possible, he could prove it to the world and signal his sincerity to the North Vietnamese by immediately calling Cyrus Eaton to the White House for a firsthand report on the sentiments of the leaders of Hanoi.

Here is a golden opportunity—through Cyrus Eaton—to cut away the redtape, protocol, and senseless formalities and to begin direct negotiations to end our involvement in the Vietnam quagmire.

Cyrus Eaton has performed a major service to mankind by obtaining the views of the leaders of Hanoi in face-to-face conversations. Now, the responsibility for taking full advantage of this vital information rests squarely on the shoulders of the President.

History and humanity will never forgive the administration if it fails to seize this opportunity to achieve the goal of all sensible men and women throughout the world.

Cyrus Eaton has proposed a plan for ending the war that is not only acceptable to the North Vietnamese, but also affords the United States the opportunity to withdraw in an orderly fashion and to arrange a political compromise in the interim. Eighteen months is a long time. If the President sincerely desires to end our involvement in Vietnam by July 1, 1971, then he should announce that he is willing to accept the proposals brought back by Mr. Eaton and announce immediate steps toward implementing them.

Americans are tired of hearing about secret plans to end the war that do not bring results. They heard about a secret plan from Richard Nixon in October 1968. Now more than a year later, more than half a million American GI's, airmen, marines, and sailors remain in Southeast Asia, many of them fighting and dying each day. Americans are tired of diplomatic doubletalk while their sons and husbands risk their lives daily in Vietnam. Here at last is a positive sign from Hanoi on a way to end the war.

Cyrus Eaton's proposal is a workable plan to end the bloodshed in Vietnam—the continued killing and wounding and the maiming of American GI's and Vietnamese soldiers and civilians. President Nixon should make a forthright response to this plan at the earliest possible date.

Cyrus S. Eaton is one of the best known and most outstanding industrialists in our Nation. He is nationally known and highly respected not only in the United States but also in Canada and various European nations as a great and learned man and as an internationally known industrialist and capitalist who has throughout the last 20 years or more been the world's leading exponent of understanding and permanent peace between all nations of the world. He is a fellow of the American Academy of Arts and Sciences.

The Cleveland Press on December 26, 1969, published an editorial under the caption "Nixon Should Welcome Report From Eaton," I embody this as a part of my remarks and I ask unanimous consent that the editorial be printed in the Record at this point.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

Nixon Should Welcome Report From Eaton

President Nixon has said frequently he places top priority on his request to end the

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war in Vietnam—or, at least, to end the United States' deep involvement there.

Pursuing this cause, he should spare no effort to inform himself as fully as possible of the thinking of North Vietnam's leaders. That's a difficult feat, in the absence of diplomatic channels.

But Cleveland industrialist Cyrus Eaton has just returned from a unique eight-day visit to Hanoi, during which he talked at length with top officials. He said these leaders are convinced that only President Nixon can end the war—and that he does not really want it to end.

A report from Eaton on what he learned in Hanoi could be immensely valuable in Washington. President Nixon should invite him to the White House for a conference.

Mr. YOUNG of Ohio. Mr. President, this editorial, I believe, expresses the sentiments of all Americans who comprehend the terrible price our country and our civilization are paying for the agony of Vietnam.

Every day, every hour that the administration delays ending the Vietnam violence means that the lives of more brave men will be senselessly sacrificed—means that our national image throughout the world will be further tarnished—means that our young people will be further disgusted and disillusioned—means that our treasure and resources will continue to pour into the bottomless pit of a Southeast Asia war in which victory is impossible for anyone, while our whole society shudders and trembles under the stresses and strains of enormous problems that cannot be solved or even confronted without the billions of dollars that are being thrown away to the winds in Vietnam.

It is up to our Commander in Chief to rescue this Nation and this world from the terrible tragedy of Vietnam. It is the legal and moral duty of the Commander in Chief to take dynamic action that will free millions of American families from the threat that their sons will die in dubious battle thousands of miles from home, in a war that cannot be settled by force of arms, involving issues that can only be resolved at the conference table and in the minds of men and women.

Should the administration fail to seize this new opportunity to end a paroxysm that is wracking all humanity, I believe that Congress should seriously consider ending the Vietnam nightmare by cutting off the funds required for the continued conduct of the war.

Mr. President, I suggest the absence of a quorum.

The **PRESIDING OFFICER**. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. GRIFFIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The **PRESIDING OFFICER**. Without objection, it is so ordered.

THE POSTAL ACADEMY PROGRAM

Mr. GRIFFIN. Mr. President, earlier this month the Post Office Department, headed by Postmaster General Blount, announced a program to provide remedial education and training leading to job opportunities for the disadvantaged in six major cities of the Nation, including Detroit, Mich.

It is encouraging to note this further evidence of a determined policy on the part of the Nixon administration to assist the unemployed, the underemployed, and the dropouts through sound and imaginative new programs.

Mr. President, I ask unanimous consent to have printed in the RECORD two releases from the Post Office Department relating to this new program.

There being no objection, the releases were ordered to be printed in the RECORD, as follows:

GENERAL RELEASE NO. 2

A six city postal academy program to give remedial education and job opportunities to economically disadvantaged school dropouts aged 16 through 21 was unveiled today by Postmaster General Winton M. Blount.

In a joint Washington press conference, Postmaster General Blount, Labor Secretary George Shultz and Office of Economic Opportunity Director Rumsfeld announced the Post Office Department will establish postal academies in the ghettos of six cities to enable young school dropouts to attain basic educational skills, and to give educational help to postal employees who have been unable to qualify for advancement to clerk and carrier positions. The six cities are: Washington, D.C.; Newark, New Jersey; Atlanta, Georgia; Chicago, Illinois; San Francisco, California; and Detroit, Michigan.

Financing for the program will be shared by the three Government agencies. Staffing and operation will be the responsibility of the Postal Service.

Local volunteer postal people, familiar with inner-city conditions, will recruit and train the disadvantaged youths on a full-time basis in storefront academies.

Those enrolled as students in the postal academies will include dropouts without employment as well as underemployed young men and women now working at low-level chores in postal installations.

"The Post Office Department has great potential in manpower, talent and structure to open new doors to the urban youth of America who have dropped out of school," Postmaster General Blount said. "No other institution is so well situated and organized to do this job."

Among the Post Office's strongest assets are the fact that it is a multiple business operation in every city in the nation; employees walk every street, knocking on every door; many employees are known, trusted and respected by most individuals in or out of the ghetto; and employees walk daily in and out of every business establishment where employment opportunities exist.

Postal academies will be staffed by specially trained postal people familiar with the innercity way of life.

The postal academy program is aimed at helping to upgrade disadvantaged youth educationally by providing basic skills, for instance, in the three R's.

The postal academies will teach these basic skills, while at the same time providing enrolled students with money-earning opportunities at nearby postal installations.

Upon completing basic courses, students can go to work at better jobs in post offices, can be placed in business and industry, or can continue their education further.

Under the six-city pilot program, the new postal academies will have graduated or commenced training of 2,100 dropouts by the end of Fiscal Year 1971. During this time, the academies will also be in the process of training 720 lower-level employees for higher paying jobs.

Kenneth A. Housman, Assistant Postmaster General for Personnel, was credited by Mr. Blount as the organizing force behind the new program. During the past summer, Mr. Housman enlisted the support of 1,660 volunteer postal counselors who took 8,250 inner-city youngsters in tow and successfully kept 94 per cent of them on the job all summer.

"The summer work experience of our Department, when volunteer postal counselors each took personal responsibility for five disadvantaged young people, convinced us that our postal people are anxious to help economically disadvantaged youth if they are permitted to do so. Now we are not only going to ask them—we are also going to provide them with the help and facilities that will enable them to do a community jobs which they have shown they can and want to do," Mr. Housman said.

Cost of the new postal academy pilot program in six cities is estimated at $1,161,746 for Fiscal Year 1970; inclusive of training costs for postal employees, rental of neighborhood storefronts for instruction purposes, and maintenance of small staffs of postal street workers who will assist and counsel enrollees on a 24-hour-a-day basis. The program is jointly financed by the Post Office Department (10%) and the Department of Labor and the Office of Economic Opportunity (90%).

"The cost to the Post Office is justified because it is an excellent source for obtaining new employees as well as enabling large numbers of our fine present postal employees to advance within the service," the Postmaster General said.

After assessing the results of the six-city pilot program, the Department will consider further extension of the postal academy concept. Such expansion would permit postal academies to train thousands of young people and postal employees annually.

"The postal academy program in no way competes with established educational facilities," Mr. Blount said. "The thing to remember is that the youngsters we are going to train are those who have dropped out of the normal stream of education—they are living in the streets, largely unemployed, without the skills to satisfy their needs. The postal academies will give them a chance to work upward, right in their own neighborhoods, under the guidance of postal people who are old hands in the ghetto and who can speak the language of the underprivileged."

Youths eligible for the postal academies must meet certain main qualifications: be at least 16 and not over 21 years of age; be recommended by a postal academy street worker; and have parental permission to attend, if under 18.

The postal academies in the six pilot cities will get under way in May 1970. The intervening months will be used to train postal people to handle the new operation, select candidates for training, and equip neighborhood storefronts which will serve as the academy sites in each of the six pilot studies.

GENERAL RELEASE NO. 3

HIGHLIGHTS OF POSTAL ACADEMY PROGRAM

OBJECTIVES

To provide upward mobility into colleges, business and government for educationally disadvantaged youth and underemployed postal workers through educational units using Post Office Department resources.

THE PROGRAM

Philosophy: Train dedicated and talented Postal employees to provide school dropouts with immediate help through personal concern and by meeting personal needs with community resources.

Program

1. *Street Academy:* It provides motivation for youths 16 through 21 years of age to move

upward and gives them remedial educational help.

2. *Academy of Transition:* Courses to secure for each student either a higher pay level in the postal service or a high school equivalency certificate, making school dropouts eligible for further education and business or civil service employment.

3. *Postal Academy Training Institute:* An institute to train the postal personnel who will be involved in the program.

HOW WILL IT WORK?

It will work by establishing Postal Academies to educate the total youth and enable him to develop his talents.

It will train dedicated urban postal employees to reach and teach youth and be available to you 24 hours a day.

It will provide part-time employment in the Post Office for youth who attend the Academies.

It will involve the entire community in an action program.

TIME TABLE

The plan provides for an initial pilot program in six cities to begin in May 1970 with the extension of the activity to additional cities based on values achieved in the pilot program.

THE CITIES

The program will be instituted in Washington, D.C.; Newark, New Jersey; Atlanta, Georgia; Chicago, Illinois; San Francisco, California; and Detroit, Michigan.

THE COST

The pilot program will cost an estimated $1,161,746 in Fiscal Year 1970, including training costs for postal employees, rental of neighborhood facilities for instructional use, and staffing.

FUNDING

The initial funding, through Fiscal Year 1971, will be provided by the Post Office Department funding 10 per cent of the costs, the Department of Labor and the Office of Economic Opportunity funding the remaining costs. The cost to the Post Office is justified because postal employees will be qualifying for advancement and the program will provide a source for new employees.

WHY THE POST OFFICE?

The Post Office Department has a great existing potential in manpower talent and structure to help America's young urban school dropouts. No other institution is so well situated and organized in the ghetto to do this job:

A multiple business operation in every city and ghetto in the nation;

Employees visiting almost every street almost every day of the year;

Employees who live in the ghetto and have strong community interest and pride;

Employees known, trusted and respected by most individuals in or our of the ghetto; and

Employees in and out of every business establishment daily where employment potential exists.

DROPOUTS AND POSTAL EMPLOYEES AIDED

The Street Academies will operate on a tri-semester basis, with the first six Academies opening in May 1970 and a second Academy in each city opening September 1970.

By the end of Fiscal Year 1971 the postal academies will have graduated or commenced training of 2,100 dropouts and will be in the process of training 720 lower-level postal employees for higher paying jobs.

Academies of transition will be phased in as graduates from the postal academies are obtained.

BACKGROUND

Everyone is aware of the disproportionate unemployment among young minority people in urban areas who have dropped out of school. Their talents are being wasted. Through 14 years of experimentation in New York and New Jersey, a fine way to correct this has been found. Ghetto residents have been trained to motivate, discipline, and successfully operate street schools for drop-out youth in their communities.

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMUNICATIONS FROM EXECUTIVE DEPARTMENTS, ETC.

The PRESIDENT pro tempore laid before the Senate the following letters, which were referred as indicated:

Apprehension of Deserters, Prisoners, and Absent Without Leave Members of the Armed Forces

A letter from the Acting General Counsel, Department of Defense, transmitting a draft of proposed legislation to amend section 808 of title 10, United States Code, to clarify the application of that section to prisoners and members who are absent without leave from the armed forces (with an accompanying paper); to the Committee on Armed Services.

Report on the Progress of the Reserve Officer Training Corps Flight Training Program

A letter from the Secretary of the Air Force, transmitting, pursuant to law, a report on the progress of the Reserve Training Corps Flight Training program for the calendar year 1969 (with an accompanying report); to the Committee on Armed Services.

Annual Report of the Government Printing Office

A letter from the Public Printer, transmitting, pursuant to law, the annual report of the Government Printing Office for the fiscal year ended June 30, 1969 (with an accompanying report); to the Committee on Rules and Administration.

ELEMENTARY AND SECONDARY EDUCATION AMENDMENTS OF 1969—REPORT OF A COMMITTEE—SUPPLEMENTAL VIEWS (SENATE REPORT NO. 91–634)

Mr. PELL. Mr. President, from the Committee on Labor and Public Welfare, I report favorably, with an amendment, the bill (H.R. 514) to extend programs of assistance for elementary and secondary education, and for other purposes. I ask unanimous consent that the report be printed, together with supplemental views of Senators Javits, Prouty, Dominick, Murphy, Schweiker, Saxbe, and Smith of Illinois.

The PRESIDING OFFICER. The report will be received and the bill will be placed on the calendar; and, without objection, the report will be printed, as requested by the Senator from Rhode Island.

BILLS INTRODUCED

Bills were introduced, read the first time and, by unanimous consent, the second time, and referred as follows:

By Mr. MANSFIELD (for himself and Mr. Metcalf):

S. 3315. A bill for the relief of Warren Bearcloud, Perry Pretty Paint, Agatha Horse Chief House, Marie Pretty Paint Wallace, and Pera Pretty Paint Not Afraid; to the Committee on the Judiciary.

By Mr. SMITH of Illinois:

S. 3316. A bill requiring the Secretary of Health, Education, and Welfare to study and report annually to the Congress on the health hazards of environmental pollution and the availability of medical and other assistance to persons affected by such pollution, especially when such pollution reaches emergency levels, and for other purposes; to the Committee on Labor and Public Welfare.

(The remarks of Mr. Smith of Illinois when he introduced the bill appear later in the Record under the appropriate heading.)

By Mr. EAGLETON:

S. 3317. A bill for the relief of Dr. Jacques Sauvage, his wife, Jacqueline C. Sauvage, and their children, Dominique Jose J. Sauvage, Anne Michele Sauvage, and Jean-Jacques M. Sauvage; to the Committee on the Judiciary.

By Mr. PELL:

S. 3318. A bill to amend the Library Services and Construction Act, and for other purposes; to the Committee on Labor and Public Welfare.

(The remarks of Mr. Pell when he introduced the bill appear later in the Record under the appropriate heading.)

By Mr. MOSS:

S. 3319. A bill for the relief of Olga Quintas-Freijo and Susanna Alvarez; to the Committee on the Judiciary.

S. 3320. A bill to provide for the apportionment of funds in payment of a judgment in favor of the Shoshone Tribe in consolidated Dockets Nos. 326–D, 326–E, 326–F, 326–G, 326–H, 366 and 367 before the Indian Claims Commission, and for other purposes; to the Committee on Interior and Insular Affairs.

(The remarks of Mr. Moss when he introduced the bill appear later in the Record under the appropriate heading.)

S. 3316—INTRODUCTION OF THE HEALTH HAZARDS OF POLLUTION ACT

Mr. SMITH of Illinois. Mr. President, I introduce for appropriate reference The Health Hazards of Pollution Act. I ask unanimous consent that the text of the bill and a Chicago Tribune article on the air pollution emergency that gripped Chicago on January 15 be printed in the Record immediately following my remarks.

The PRESIDING OFFICER. The bill will be received and appropriately referred; and, without objection, the bill and article will be printed in the Record.

(See exhibits 1 and 2.)

Mr. SMITH of Illinois. Mr. President, nothing could be more encouraging than the popular concern about environmental matters that is everywhere evident. I have spent all of the time since adjournment in Illinois, visiting with constituents, seeking their views on the issues of the day, and expressing my own. From every corner of our State, the message was the same: "Do something about pollution, and do it now."

Every element of the population shares the urgency of the situation. Many of our young people have turned their boundless energies to the task of informing themselves and others of the pollution menace. Businessmen and housewives have created action programs. Farmers and laboring men are making their concern about the quality of the environ-

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ment vocal in co-ops and union halls. While many of our citizens differ on the specifics of how to do the job, all of them echo the President in his "now or never" call for pollution control.

The concern of the people has certainly reached Washington. Many in Congress have already introduced legislation relating to pollution problems. Others, including myself, are preparing constructive proposals. The President's state of the Union message is said to contain important new initiatives in environmental policy.

All of this is, as I said, most encouraging. Yet, sometimes, legislators, like men of every other walk of life, "can't see the trees for the forest." It seems to me, Mr. President, that in the number and variety of our pollution proposals, we have consistently overlooked the principal cause of our concern about the environment, the effects of pollution upon the health of our citizens. We have proposed the establishment of air and water quality standards and their enforcement, increased Federal aid for the construction of antipollution facilities—even the taxation of pollution by the pound.

Our proposals to date vary in scope and in merit, but they all have one thing in common. They all seek pollution abatement or control in the future. They cannot help people overcome the recognized health hazards of pollution now. During the time that we introduce these measures, conduct hearings on them, debate them, pass and begin to implement them—and the time they take hold and succeed in substantially removing the noxious agents now present in our land, air, and water—thousands, maybe scores of thousands, of Americans with respiratory or cardiac ailments will die because they are uninformed about the special hazards pollution creates for them. They will die because no one warned them to stay indoors on a certain day, or to avoid strenuous activity in a heavily polluted atmosphere. They will die because of a lack of personnel to treat them or of equipment to assist them. In times of lengthy temperature inversions and highly toxic air content, they will die—as did 4,000 in London in 1952, 62 in the Meuse Valley of Belgium in 1930, 22 in Donora, Pa., in 1948, as did scores in New York City around Thanksgiving Day in 1966—because their public officers have failed to create air pollution emergency plans.

Many, of course, will not be so dramatically affected. They will suffer aggravation of preexisting health conditions, or slowly develop new, chronic ailments. The strongest—or the luckiest—will sustain only headaches, smarting eyes and burning skin, or nausea. Like the greatest percentage of the thousands in Riverside, Calif.; who suffered attacks of gastroenteritis during May and June of 1965, while a Salmonella organism went undetected in the public water supply, they will recover, hopefully without permanent health damage.

All of this is not a very pleasant picture. I do not mean to paint it in a "sky is falling" fashion. But I do mean to start some people thinking about what we know about the health hazards of pollution, what we can do to help those affected, what we can do to cut down on death and disease caused by pollution—while we are fighting to eradicate it. Are our medical schools preparing our doctors to minister to rising populations concentrated in soot and gas-laden atmospheres in or near our urban and industrial centers? Do our family physicians and public health officers know enough about the health hazards of pollution? Are they equipped to alert us, to treat us, to take prompt, effective action especially in emergency situations? These are some of the questions we need answers to right now.

The situation in many ways parallels our concern in recent years over the health hazards of pesticides. For at least two decades researchers conducted independent studies of the effects of cigarette smoking on human health. The results of their work for a long time received only the limited attention of their scientific colleagues through publication in technical and professional journals. It took the initiative of the Surgeon General of the United States to produce the reports that in 1967 and 1968 began bringing the message of smoking's health hazards home to the American people.

Likewise, appreciation of the hazards of DDT was for many years restricted to the exchange of sophisticated technical data among researchers and technicians in professional journals and symposia. Again, it took the initiative of a public officer, Secretary of Health, Education, and Welfare, Robert Finch, to create the report authoritatively linking DDT with malformations of fetuses and the increasing incidence of cancers in experimental animals. The publication of the smoking and pesticides reports, together with the recommendations of those responsible for them, has already begun to save or extend human life, to prevent the onset or advancement of disease in millions. We need a similar rallying point to roll back the toll of avoidable deaths and diseases caused by air and water and other environmental pollution, and we need it now.

Mr. President, the Health Hazards of Pollution Act would require the Secretary of Health, Education, and Welfare to begin immediately three parallel inquiries: First, a study of the nature and gravity of the health hazards created by air, water, and other common pollution; second, a survey of the medical and other assistance available to persons affected by pollution, especially pollution at what might be called "emergency levels," and third, a survey of the measures, outside of pollution abatement, that may be taken to avoid or reduce the health hazards that lurk in the polluted environment. At the completion of his inquiries and within 9 months of the bill's enactment, the Secretary would report his findings, evaluations and recommendations to the Congress. I would hope that his report would result, as did both the Surgeon General's Report on Smoking and Health and the Secretary's Report on Pesticides and the Environment, in a forthright, dispassionate, and authoritative treatment of a vital health question. The Secretary has demonstrated commendable efficiency and industry in organizing and producing the pesticides report in only 8 months. I am sure he shares our sense of urgency about pollution and health.

That is another point, Mr. President. I believe we need the study and report contemplated by this bill, but I do not believe we need this bill to get the study and report. I introduce the bill as much to "sound the call" to the Department of Health, Education, and Welfare and to the medical profession, as to spark legislative action. I would be just as happy—people across the United States would profit as much—if Secretary Finch were to obviate the need for this legislation by beginning this study now, without legislation, and by showing the same efficiency and speed he demonstrated in producing the pesticides report. I urge him to do so. If he does not or cannot, I urge Senators to join me in seeking prompt action on the bill.

This session will surely see environment-related activity, but while we debate alternative methods of pollution control, while we haggle about how much money the Government ought to be making available to abate the fouling of our air and water, while we shuffle to the hopper with bills and resolutions of every variety, hoping to gain a consensus on a course of action, Americans will be suffering and dying. Someone ought to be informing them, warning them, planning to prevent or diminish the threat to their lives and health, while the pollution—and our debate—continues.

The bill (S. 3316) requiring the Secretary of Health, Education, and Welfare to study and report annually to the Congress on the health hazards of environmental pollution and the availability of medical and other assistance to persons affected by such pollution, especially when such pollution reaches emergency levels, and for other purposes, introduced by Mr. SMITH of Illinois, was received, read twice by its title, referred to the Committee on Labor and Public Welfare, and ordered to be printed in the RECORD, as follows:

EXHIBIT 1

S. 3316

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this act may be cited as the "Health Hazards of Pollution Act".

SEC. 2. The Congress finds that there is general agreement that air, water, and other common environmental pollution may be hazardous to the health of individuals resident in the United States, but that despite the existence of various research papers and other technical reports on the health hazards of such pollution, there is no authoritative source of information about (1) the nature and gravity of these hazards, (2) the availability of medical and other assistance to persons affected by such pollution, especially when such pollution reaches emergency levels, and (3) the measures, other than those relating solely to abatement of the pollution, that may be taken to avoid or reduce the effects of such pollution on the health of individuals.

SEC. 3. The Secretary of Health, Education, and Welfare shall immediately commence (a) a study of the nature and gravity of the hazards to human health and safety created by air, water, and other common environmental pollution, (b) a survey of the medical and other assistance available to persons affected by such pollution, especially when such pollution reaches emergency levels, and (c) a survey of the measures, other than those relating solely to abatement of the pollution, that may be taken to avoid or reduce the effects of such pollution on the health of individuals.

SEC. 4. The Secretary shall, within nine months of the enactment of this act, transmit to the Congress a report of the study and surveys required by Section 3, including (a) his conclusions regarding the nature and gravity of the hazards to human health and safety created by environmental pollution, (b) his evaluation of the medical and other assistance available to persons affected by such pollution, especially when such pollution reaches emergency levels, (c) his assessment of the measures, other than those relating solely to abatement of the pollution, that may be taken to avoid or reduce the effects of such pollution on the health of individuals, and (d) such legislative or other recommendations as he may deem appropriate.

SEC. 5. The Secretary shall, within one year of his transmittal to the Congress of the report required by Section 4, and annually thereafter, supplement that report with such new data, evaluations, or recommendations as he may deem appropriate.

EXHIBIT 2

[From the Chicago Tribune, Jan. 16, 1970]

FILTHY AIR BLANKETS CHICAGO; RELIEF IS DUE

Man and His Environment: The Developments Yesterday:

1. City suffers from the highest level of air pollution since last November; officials blame southeast winds that carried the dirty air from highly industrialized areas of South Chicago and Gary. A shifting wind was expected to bring relief.

2. Conservationists win long struggle to bar a huge jetport on the edge of Everglades; National park near Miami in Florida. President Nixon announces a long-sought intergovernmental agreement by federal, state, and county authorities.

3. Gov. Ogilvie creates a $35,000-a-year coordinator of environmental quality. Conservation Director William L. Rutherford to make major policy recommendations to the state on pollution and related problems.

HEALTH PERIL

(By Casey Banas)

A southeast wind carrying dirty air from the heavily industrialized South Chicago and Gary areas was blamed yesterday as the city's air pollution reached its highest level since November.

Relief is expected to begin this morning in the form of rain and drizzle because of warm, moist southerly air. A cold front sometime this afternoon or evening is expected to change the precipitation to snow flurries.

HIGH SULFUR DIOXIDE

City air pollution officials said the city-wide average of eight reporting stations at 11 a.m. for a one-hour period was a sulfur dioxide gas count of .26 parts per million. For the 24-hour period ending at 2 p.m. yesterday, the average was .13 parts per million.

The highest sulfur dioxide 24-hour average was .24 at Lake View High School, 4015 N. Ashland av. The highest one-hour reading at one station was .63, also at Lake View.

The United States public health service considers readings of .11 parts per million over a 24-hour period the point at which minor health problems develop for infants, elderly persons, and persons suffering from respiratory ailments.

Wednesday's count for the 24-hour average was .12 parts per million, compared with a normal seasonal reading of .07 to .09.

"We have had southeast winds bringing in considerable pollution from the highly concentrated industrial areas to the southeast," said Thaddeus Kason, deputy director of the city department of environmental control.

Kason explained that a temperature inversion complicated the pollution problem early in the day. A heavy layer of warm air over a cooler layer acted as a lid over the city, preventing the pollutants from escaping. But as the sun warmed the air later in the day, the pollution eased.

SUNLIGHT IS DIMMED

Even tho no clouds were overhead, the sunlight was dimmed by the polution.

"We'll have air pollution as long as we have winds from the southeast," a weather bureau spokesman said.

The city's last period of air pollution danger—from Nov. 6 thru 11—was caused by a stagnant mass of dirty air hanging over Chicago because winds were nearly calm.

On Nov. 6, the city-wide average for a 24-hour period was a sulfur dioxide gas count of .17 parts per million. The top one-hour city average was .63 parts per million, altho stations at Taft High school and Austin High School reported readings of .69 and .74 for a one-hour period.

DOCTORS TOLD TO ACT

The problem is becoming so serious that one medical expert urged doctors be given daily air pollution reports to guide them in helping patients with continuing respiratory ailments.

"If doctors are told the pollution levels, they can tell their patients to increase dosages of medicine or limit their activity," said Dr. Bertram Carnow, associate professor of preventive medicine at the University of Illinois. For example, certain medicines combat bronchial spasms.

S. 3318—INTRODUCTION OF THE LIBRARY SERVICES AND CONSTRUCTION AMENDMENTS OF 1970

Mr. PELL. Mr. President, I introduce for appropriate reference, a bill to amend the Library Services and Construction Act to be cited as the "Library Services and Construction Amendments of 1970."

This bill simply extends the programs authorized by the Library Services and Construction Act of 1966, Public Law 511, 89th Congress, for 4 years. The extension would be without substantive change in present law and without changes from present authorizations of appropriations. It is being introduced for the purpose of holding hearings on library services and construction programs which are to be held on the 27th of January in the Committee on Labor and Public Welfare hearing room.

The history of this act has been one of steady success. Since its initial enactment in 1956, all 50 States have supported library programs under its provisions. Even more gratifying is the fact that State funds for library improvements have expanded, stimulated by the availability of matching Federal grants. This legislation is helping public libraries meet the needs of the people of this Nation for educational and cultural information. It benefits adults, young people, and children, whatever their educational, cultural, or economic background.

I should like to highlight some of the accomplishments of this legislation since it was first enacted in 1956 as the Library Services Act:

Some 85 million people have benefited from new or improved library service. Every Federal dollar spent on library services has stimulated a $3 expenditure by the States and communities; for library construction, the ratio is 1 Federal dollar to 2 State dollars.

About 27 million books and other library materials were purchased under State plan programs with Federal, State, and local funds during the first 10 years of this program. In fiscal year 1968 alone, public libraries were able to purchase 6.5 million books and related materials.

The stimulation of Federal funds strengthened the State library agencies so that many of them now fulfill more effectively their leadership and supporting roles to the local libraries of the State.

Extension and improvement of library services to rural areas has been accomplished by many methods including the establishment and expansion of larger-unit library systems at the county and regional levels, of State library regional branches, and of area cooperative arrangements. Forty-five library networks were set up under LSCA title III during 1968.

A total of 56 bookmobiles was reported as purchased through the period fiscal year 1957 to fiscal year 1968, with the aid of Federal funds.

Inclusion of urban libraries within the scope of the act in 1964—Public Law 88–269—has resulted, among other things, in three major types of projects: First, improvement in library services to disadvantaged communities; second, extension of high-quality services to urban and suburban areas; and third, strengthening of metropolitan library collections to be used over larger regions of a State.

But despite the phenomenal progress, the need for library services continues to plague our Nation, with many communities still without any library service for their children and adults. Mr. President, it is in the public interest that this vital legislation be extended. Public libraries still lack the necessary financial resources, both from State and local funds, to enable them to perform their essential functions for this great Nation. Continuing advances in science, technology, education, business culture, and everyday life have increased the indispensability of the public library as a basic source of knowledge, understanding, and growing competency for people in all walks of life. Furthermore, the rapidly growing population with its diversity and new patterns of living has added to the complexity of daily life.

This legislation does not even begin to meet the needs for library services in this country, but it will help our people to continue moving toward the goal of quality library service.

To meet the growing needs of greater numbers of readers, public libraries, according to nationally accepted standards, must increase their employment of librarians by 40 percent within the next 12 months. Present employment levels—fiscal year 1969—of 24,700 persons make it unlikely that the 1970 goal of 35,000 positions can be met without additional help. In that year there will be a gap of 10,300 positions.

Americans were borrowing 3 million books daily from their public libraries in 1968. To meet the increasing need for books in the coming years of the 1970's, public library collections must increase substantially. By next year, 1970, there will be a deficit of 357 million volumes, slightly below 50 percent of recognized requirements—3.5 volumes per capita.

Public library income is expected to reach $575 million in 1970. Eighty-four percent of the library's support will remain at the local level. If income reaches its anticipated 1970 level, it will be far below minimum requirements for national public library development of $1,025,000,000—$5 per capita. A deficit of $450 million is expected in 1970. By 1975, if the present levels of support continue, a gap of approximately $600 million can be anticipated.

As written, the bill extends the Library Services and Construction Act, which expires on June 30, 1971, for an additional 4 years, and provides authorizations for each of those years at the 1971 funding level: Title I—public library services, $75 million for each fiscal year, 1972 through 1976; title II—public library construction, $80 million each year through fiscal year 1976; title III—interlibrary cooperation, $15 million each year through fiscal year 1976; title IV-A—State institutional library services, $15 million each year through fiscal year 1976; and title IV-B—library services to the physically handicapped, $7 million each year through fiscal year 1976.

Mr. President, the Library Services and Construction Act has helped the States and local communities to remedy, in part, some of the glaring deficiencies which still exist in the public library services and facilities of our country. Local communities have far exceeded the matching requirements of the act for the modest Federal funds provided as an incentive, and it is in recognition of this local effort that this legislation is proposed for a 5-year extension. It is my belief that so long as local communities and the States are willing to provide the matching funds, Congress should encourage this desire for good library services.

The **PRESIDING OFFICER**. The bill will be received and appropriately referred.

The bill (S. 3318) to amend the Library Services and Construction Act, and for other purposes, was received, read twice by its title, and referred to the Committee on Labor and Public Welfare.

S. 3320—INTRODUCTION OF BILL RELATING TO DIVISION OF SHOSHONE JUDGMENT FUNDS

Mr. MOSS. Mr. President, I am today introducing a bill which would apportion a $15,700,000 judgment of the Indian Claims Commission in favor of the Shoshone Indians of Utah, Idaho, and Wyoming. The entire amount of the judgment was appropriated by the act of June 19, 1968 (82 Stat. 239).

This bill is introduced with the hope of settling a controversy between the Northwestern Bands of Shoshones of Utah, the Shoshone-Bannocks of Fort Hall and the Wind River Shoshones of Wyoming in regard to the division of the judgment based upon their consolidated claims against the United States. The three groups consolidated their claims before the Indian Claims Commission in dockets Nos. 326-D, 326-E, 326-F, 326-G, 326-H, 366 and 367. However, they have not been able to agree among themselves how the judgment should be divided.

It is my belief that the equitable interest of the Indians of all three groups should be recognized and fully protected in any attempt at a division of the judgment. My bill is designed to expeditiously divide the judgment in a fair and equitable manner, thus allowing the distribution so long postponed by fruitless negotiations.

The **PRESIDING OFFICER**. The bill will be received and appropriately referred.

The bill (S. 3320) to provide for the apportionment of funds in payment of a judgment in favor of the Shoshone Tribe in consolidated dockets Nos. 326-D, 326-E, 326-F, 326-G, 326-H, 366 and 367 before the Indian Claims Commission, and for other purposes, introduced by Mr. Moss, was received, read twice by its title, and referred to the Committee on Interior and Insular Affairs.

ADDITIONAL COSPONSORS OF BILLS

S. 1812

Mr. ANDERSON. Mr. President, I ask unanimous consent that, at the next printing, the name of the junior Senator from Connecticut (Mr. Ribicoff) be added as a cosponsor of S. 1812, which would amend title XVIII of the Social Security Act so as to include chiropractors' services among the benefits provided by the insurance program established by part B of that act.

The **PRESIDING OFFICER**. Without objection, it is so ordered.

S. 2461

Mr. RANDOLPH. Mr. President, I ask unanimous consent that, at the next printing, the name of the Senator from Indiana (Mr. Hartke) be added as a cosponsor of S. 2461, to amend the Randolph-Sheppard Act for the blind so as to make certain improvements therein, and for other purposes.

The **PRESIDING OFFICER**. Without objection, it is so ordered.

S. 3092

Mr. BYRD of West Virginia. Mr. President, on behalf of the Senator from Maryland (Mr. Tydings) I ask unanimous consent that, at its next printing, the name of the Senator from Massachusetts (Mr. Kennedy) be added as a cosponsor of the Consumer Class Action Act (S. 3092), a bill to amend the Federal Trade Commission Act to extend protection against fraudulent or deceptive practices, condemned by that act, to consumers through civil actions, and to provide for class actions for acts in defraud of consumers.

The **PRESIDING OFFICER**. Without objection, it is so ordered.

S. 3238

Mr. PACKWOOD. Mr. President, on behalf of the Senator from New York (Mr. Javits), I ask unanimous consent that, at the next printing, the name of the Senator from New York (Mr. Goodell) be added as a cosponsor of the bill (S. 3238) to amend the National Foundation on the Arts and Humanities Act of 1965, as amended.

The **PRESIDING OFFICER**. Without objection, it is so ordered.

S. 3289

Mr. BYRD of West Virginia. Mr. President, on behalf of the Senator from Maryland (Mr. Tydings) I ask unanimous consent that, at its next printing, the name of the Senator from Pennsylvania (Mr. Scott) be added as a cosponsor of the National Court Assistance Act (S. 3289), a bill to encourage and help implement improvements in the judicial machinery of our State and local courts by creating an Institute for Judicial Studies and Assistance, the purpose of which shall be to make grants to State and local courts and nonprofit organizations to carry out the objectives of the act and to serve as a reservoir of up-to-date information on court management and organization.

The **PRESIDING OFFICER**. Without objection, it is so ordered.

SENATE RESOLUTION 313—RESOLUTION SUBMITTED RELATING TO DETOXIFICATION AND DESTRUCTION OF CHEMICAL WARFARE WEAPONS

Mr. PACKWOOD. Mr. President, during the past 2 months, the political leaders in my State have been attempting to devise an alternative to the plans of the Department of the Army to ship lethal chemical munitions from Okinawa to the Umatilla Army Depot near Hermiston, Oreg. Lethal chemicals have been stored at Umatilla for at least 8 years, but public knowledge of this fact was minimal. With local attention focused on the advisability of storing these weapons in Oregon, I sought to understand more clearly our total national posture with respect to chemical-biological warfare.

I was pleased with the initiatives taken by President Nixon in renouncing the first-use of lethal and incapacitating chemical weapons and in asking for the destruction of our stockpile of biological weapons. I now believe we should go further. I cannot see the value in maintaining a stockpile of lethal chemicals that I do not expect we will ever use. The United States is one of the last nations to ratify the Geneva Protocol of 1925. Our policy with respect to the use of tear gas agents in Vietnam has been questioned internationally. The report of the American Academy of Arts and Sciences and the Salk Institute study on chemical and biological warfare July 25, 1969, is very revealing in this respect. I am aware that the President ordered a serious reevaluation of our total national posture, however, the events surrounding this incident in Oregon make me believe that one problem has been overlooked.

Based on discussions with Pentagon officials and scientists in the academic community, I discover that if the decision were made today to eliminate our national stockpile of lethal chemicals, the task would not be accomplished very quickly, because the prospect has never even been studied. No adequate plant facilities exist to accomplish the task. No adequate cost estimates are available. No feasibility study has ever hassled with the total problem of where to build detoxification facilities and the various merits of transportation of chemicals to facilities versus building facilities at storage sites. I believe that it is in the interest to national defense—remember that if never used, these chemicals are only dangerous to us—to fund this study, that, due to the necessity for classified data, requires complete cooperation from the Defense Department. I want the President to join with the Senate in asking for the conducting of a thorough investigation of the process of storage, transportation, and detoxification of chemical munitions in this country. Within this study, of timely necessity, is the thorough review of the specific shipment from Okinawa to Oregon. I submit a resolution and ask my colleagues in the Senate to join in this resolution, designed primarily as a serious evaluation of and recommitment to the protection of our people from policies which endanger their lives.

I ask unanimous consent that a copy of the resolution be printed in the RECORD.

The PRESIDING OFFICER. The resolution will be received and appropriately referred; and, without objection, the resolution will be printed in the RECORD.

The resolution (S. Res. 313), which reads as follows, was referred to the Committee on Armed Services:

S. RES. 313

A resolution relating to the detoxification and destruction of chemical warfare weapons

Resolved, That it is hereby declared to be the sense of the Senate that the National Academy of Sciences should and is hereby requested to (1) promptly appoint a select committee of eminently qualified persons to develop a general plan for the detoxification and destruction of all stockpiles of chemical warfare weapons owned by the United States and to develop a special plan for the detoxification and destruction of those supplies of GB, VX, and HD chemicals planned for shipment by the Department of the Army from Okinawa to Umatilla Army Depot, Hermiston, Oregon, and (2) fully consider and discuss the plans developed by such select committee and submit to the President at the earliest practicable date, but not later than June 30, 1970, a written report on the feasibility, cost, and time required to carry out such plans together with such comments and recommendations as it deems advisable.

SEC. 2. It is further declared to be the sense of the Senate that the Secretary of the Army should delay the planned shipment of any toxic chemicals from Okinawa to Umatilla Army Depot, Hermiston, Oregon, until after the National Academy of Sciences has submitted a report to the President regarding a plan for the detoxification and destruction of such chemicals, and the Secretary is hereby requested to delay such planned shipment until after such report has been submitted to the President.

SENATE RESOLUTION 314—RESOLUTION SUBMITTED AND AGREED TO RELATING TO DEATH OF DAVID O. McKAY, LATE PRESIDENT OF THE CHURCH OF JESUS CHRIST OF LATTER-DAY SAINTS

Mr. BENNETT (for himself, Mr. Moss, and Mr. MANSFIELD) submitted a resolution (S. Res. 314) relating to the death of David O. McKay, late president of the Church of Jesus Christ of Latter-day Saints, which was considered and agreed to.

(The remarks of Mr. BENNETT when he submitted the resolution appear later in the RECORD under the appropriate heading.)

SENATE RESOLUTION 315—RESOLUTION REPORTED TO AUTHORIZE ADDITIONAL EXPENDITURES FOR COMMITTEE ON APPROPRIATIONS

Mr. RUSSELL, from the Committee on Appropriations, reported the following original resolution (S. Res. 315); which was referred to the Committee on Rules and Administration:

S. RES. 315

Resolved, That the Committee on Appropriations hereby is authorized to expend from the contingent fund of the Senate, during the Ninety-first Congress, $35,000, in addition to the amounts, and for the same purposes, specified in section 134(a) of the Legislative Reorganization Act, approved August 2, 1946, and Senate Resolution 204, agreed to June 16, 1969.

SENATE RESOLUTION 316—SUBMITTED CONTINUING, AND AUTHORIZING ADDITIONAL EXPENDITURE BY, THE SPECIAL COMMITTEE ON AGING

Mr. WILLIAMS of New Jersey. Mr. President, I submit a resolution, and ask unanimous consent that it be referred to the Committee on Rules and Administration.

The PRESIDING OFFICER. The resolution will be received; and, without objection, the resolution will be referred to the Committee on Rules and Administration.

The resolution (S. Res. 316), which reads as follows, was referred to the committee on Rules and Administration:

S. RES. 316

Resolved, That the Special Committee on Aging, established by S. Res. 33, Eighty-seventh Congress, agreed to on February 13, 1961, as amended and supplemented, is hereby extended through January 31, 1971.

SEC. 2. It shall be the duty of such committee to make a full and complete study and investigation of any and all matters pertaining to problems and opportunities of older people, including, but not limited to, problems and opportunities of maintaining health, of assuring adequate income, of finding employment, of engaging in productive and rewarding activity, of securing proper housing, and when necessary, of obtaining care or assistance. No proposed legislation shall be referred to such committee, and such committee shall not have power to report by bill or otherwise have legislative jurisdiction.

SEC. 3. The said committee, or any duly authorized subcommittee thereof, is authorized to sit and act at such places and times during the sessions, recesses, and adjourned periods of the Senate, to require by subpena or otherwise the attendance of such witnesses and the production of such books, papers, and documents, to administer such oaths, to take such testimony, to procure such printing and binding, and to make such expenditures as it deems advisable.

SEC. 4. A majority of the members of the committee or any subcommittee thereof shall constitute a quorum for the transaction of business, except that a lesser number, to be fixed by the committee, shall constitute a quorum for the purpose of taking sworn testimony.

SEC. 5. For purposes of this resolution, the committee is authorized (1) to employ on a temporary basis from February 1, 1970, through January 31, 1971, such technical, clerical, or other assistants, experts, and consultants as it deems advisable: *Provided*, That the minority is authorized to select one person for appointment, and the person so selected shall be appointed and his compensation shall be so fixed that his gross rate shall not be less by more than $2,400 than the highest gross rate paid to any other employee; and (2) with the prior consent of the executive department or agency concerned and the Committee on Rules and Administration, to employ on a reimbursement basis such executive branch personnel as it deems advisable.

SEC. 6. The expenses of the committee, which shall not exceed $215,000 from February 1, 1970, through January 31, 1971, shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee.

SEC. 7. The committee shall report the results of its study and investigation, together with such recommendations as it may deem advisable, to the Senate at the earliest practicable date, but not later than January 31, 1971. The committee shall cease to exist at the close of business on January 31, 1971.

ADDITIONAL COSPONSORS OF RESOLUTION

S. RES. 292

Mr. MANSFIELD. Mr. President, I ask unanimous consent that, at its next printing, the names of the Senator from Oregon (Mr. PACKWOOD) and the Senator from New Hampshire (Mr. COTTON) be added as cosponsors of Senate Resolution 292, expressing the sense of the Senate with respect to troop deployment in Europe.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORGANIZED CRIME CONTROL ACT OF 1969—AMENDMENTS

AMENDMENTS NOS. 446 THROUGH 448

Mr. KENNEDY submitted three amendments, intended to be proposed by him, to the bill (S. 30) relating to the control of organized crime in the United States, which were ordered to lie on the table and to be printed.

ADDITIONAL COSPONSOR OF AN AMENDMENT

NO. 440

Mr. BOGGS. Mr. President, I ask unanimous consent that at the next printing, the name of the Senator from

XUM

Maine (Mr. MUSKIE) be added as a cosponsor of the amendment No. 440 to S. 2838, a bill to establish a comprehensive manpower development program to assist persons to overcome obstacles to suitable employment, and for other purposes.

The **PRESIDING OFFICER**. Without objection, it is so ordered.

ANNOUNCEMENT OF HEARINGS REGARDING MEDICAL CARE FOR VIETNAM VETERANS

Mr. **CRANSTON**. I wish to announce, for the information of Senators, that the Veterans' Affairs Subcommittee will on January 27 hold its final day of hearings to inquire into the quality of medical care available in Veterans' Administration hospitals for our Vietnam and other veterans. Previous hearings were held in Washington on November 21 and 25 and December 15 and 16 and in Los Angeles on January 9.

The specific purpose of these hearings is to determine what level of funds and personnel are necesary to insure that VA hospitals are equipped to deliver first-quality medical care. Unfortunately, the subcommittee has received mounting evidence that in many VA hospitals the level of care is far from first quality, due not to a lack of desire and commitment but to funding and personnel shortages.

The hearings will begin at 9 a.m. in the New Senate Office Building, and it is expected that the following witnesses will appear:

Dr. F. Carter Pannill, dean, University of Texas Medical School, San Antonio, Tex.

Dr. Truman Blocker, president, University of Texas, Galveston branch.

Dr. Douglas J. Stewart, second-year resident in medicine, Veterans' Administration Hospital, Miami, Fla.

Dr. Jay Robert Lifton, Foundations' Fund Research, professor of psychiatry, Yale University, New Haven, Conn.

Dr. Joseph Backer, first-year resident in medicine, Veterans' Administration Hospital, Washington, D.C.

Mr. William Page, Jr., executive director, Kessler Institute, West Orange, N.J.

Dr. Stanley J. Dudrick, associate professor of surgery, University of Pennsylvania School of Medicine; chief of surgery, University of Pennsylvania division, Veterans' Administration Hospital, Philadelphia, Pa.

Mr. Ralph Rossignuolo, national programs director, AMVETS, Washington, D.C.

NOTICE OF HEARINGS BEFORE THE SUBCOMMITTEE ON SCIENCE AND TECHNOLOGY

Mr. **RANDOLPH**. Mr. President, I wish to give notice that the Subcommittee on Science and Technology of the Select Committee on Small Business will hold public hearings on Tuesday and Wednesday, February 10 and 11, to carefully review the technology transfer programs administered by various executive departments and agencies.

Although the committee is concerned with the mammoth sums of money which have been spent by a few giant corporations in this field, we are primarily interested in how the products of this research can be applied to improve the life of the greatest number of our citizens and the prospects of small business firms and other institutions throughout the country.

TRANSFER ACTIVITY SMALL FRACTION OF HUGE RESEARCH AND DEVELOPMENT PROGRAM

The Federal Government now invests approximately $17 billion a year of the taxpayer's money in research, development, testing, and discovery work. The total has reached almost $150 billion since World War II.

This research has been highly concentrated. In a recent year, the Department of Defense financed 47 percent of the total Federal research and development budget; NASA spent another 28 percent; and the AEC spent 8 percent—some of which was for military purposes. Thus, together these three agencies accounted for more than four-fifths of the research and development budget and directed to other-than-civilian applications. The top 10 corporations which perform this research control the spending of about one-third of all research and development money. The top five States account for more than one-half.

During these years the Nation spent perhaps $25 million, or one-twentieth of 1 percent of this amount to distribute the results to the rest of the country. This year, in several of the key programs, the executive branch has cut the effort and the funding to virtually nothing.

SOLUTIONS TO PROBLEMS HAMPERED

This standstill about which we have been hearing means that the country will have to grope for solutions to our most pressing everyday problems of hunger, health, housing, pollution, transportation, and human development largely without the light that could be shed by the $150 billion which American taxpayers have already devoted to what may be the greatest scientific effort the world has ever seen.

But, because a relatively small number of large companies conducted the bulk of research and development work, the great majority of our people have benefited very little from it. To help the average taxpayer, businessman, and citizen, there is an urgent need to turn the technology of warfare toward peace; to bring space technology down to earth; and to improve access to this storehouse of knowledge. With its vast scientific and technical resources, the United States could inspire the community of nations in the hope of the ages by demonstrating how to beat "swords into plowshares." We need a national commitment and a systematic program to do this. At present, it seems that we have neither.

As the Senators will recall, our subcommittee has produced two reports on this subject—"Prospects for Technology Transfer," May 1, 1968; and "Policy Planning for Technology Transfer," April 6, 1967. The reports called on the executive branch to develop such a coordinated system of technology transfer which could increase the participation of small businesses, regional government units, and the general public. Our February proceedings will provide an opportunity to review the response to those recommendations.

Those wishing to make a contribution to the hearings are encouraged to contact the subcommittee staff: Mr. Herbert L. Spira, 424 Old Senate Office Building, Washington, D.C. 20510, area code 202—225–5175.

PUBLIC WORKS COMMITTEE CHAIRMAN URGES GREATER DETERMINATION TO ATTACK PROBLEMS OF ENVIRONMENTAL POLLUTION AND THE NECESSARY FEDERAL FUNDING

Mr. **RANDOLPH**. Mr. President, the extent of the broadly based awareness of the plight of the Nation's environment and the growing determination to take more and more positive actions to improve environmental quality are not unexpected by those of us who have been serving during the past decade on the Senate Committee on Public Works.

As the committee which has prime jurisdiction over legislation in the fields of air and water pollution and solid waste disposal, our leadership and membership have become aware of the vastness of the pollution and waste accumulation problems. And ours has been a dedicated determination to continuously search for the valid, the practical, the feasible, and the effective solutions.

So, our committee has been a focal point for origination of a substantial portion of the progressive legislation which has been developing into a sound body of public laws pertaining to the identification of air and water pollution problems, to the control and eradication of the pollution creating the problems, and to legal enforcement procedures for abatement and elimination of pollution.

Progress in the development of the body of antipollution laws to which I referred has been more rapid and much greater than has been the funding of research and development to add to the technology available to make possible the control and eradication of the substances, the acids, the gases and other elements and conditions which defile the air, the water, and the land. The January 26 issue of Newsweek magazine is comprehensive in featuring "The Ravaged Equipment."

And the need for funds to provide the facilities so requisite to control of the wastes that contaminate the air, water, and land has been far greater than has been the actual provision of those funds—public and private.

The distinguished junior Senator from Wisconsin (Mr. NELSON) spoke eloquently on the opening day of the session in this body and detailed his version of a broad "environmental agenda for the 1970's." In the course of his discussion he asserted:

> It is possible to wage war on our environmental problems and win . . . In any such effort the continued commitment of millions of people is the most essential resource of all. But, lest anyone be misled or caught unaware, this war will be lost before it is begun if we don't bring other massive resources to it as well. A victory will take decades and tens of billions of dollars. Just to control pollution, it will take $275 billion by the year 2000. Although that sounds like a lot of money, it will be spent over the next 30 years and is

equivalent to the Defense expenditure for the next four years. . . .

The funding aspect of the environmental quality effort has been one of increasing concern to many of us—and especially to the Senator now speaking in the role of chairman of the Committee on Public Works and to the distinguished Chairman of our Subcommittee on Air and Water Pollution, the able Senator from Maine (Mr. MUSKIE).

Knowing that the President of the United States will present to Congress tomorrow his state of the Union message and subsequently will send to Congress his budget message and the budget document, I sent a message to him on January 15, 1970, urging equally high priorities on the Federal funding of environmental quality improvement and pollution abatement research as the priorities his administration will place on the substance of such programs.

Mr. President, I ask unanimous consent to have placed in the RECORD at this point the text of my January 15 letter to President Nixon.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
COMMITTEE ON PUBLIC WORKS,
Washington, D.C. January 15, 1970.

The PRESIDENT,
The White House.

DEAR MR. PRESIDENT: As Chairman of the Senate Committee on Public Works which has primary jurisdiction over legislation in the field of air pollution abatement and water pollution control, I share the urgency you expressed when you recently signed the National Environmental Policy Act. We in the Congress, and those under your leadership in the Executive Branch as well, must more aggressively attack the sources of pollution and strive ever harder to improve the quality of the environment for humans, for wildlife, and for plant life.

But, Mr. President, our Committee has heard much testimony and has accumulated much evidence concerning gaps in the technology necessary to the accomplishment of extensive improvements in pollution abatement and control. This evidence extends also to the costs of technological research and to the price to be paid for achievement of the kind of environmental quality demanded. I feel it is urgently necessary for all of us in leadership roles to be thoroughly forthright with the citizens of our country on these matters.

Our obligations go well beyond proposing and passing strong laws on pollution control—and beyond the verbal demand for more aggressive enforcement of such laws. The requirement is on us to do more than preach and pledge action to vastly improve the quality of the environment in which we live. Indeed, Mr. President, you and those of us in the Congress who urge environmental improvement actions have a joint responsibility to appropriate and allocate adequate funds for technological research in pollution control activities, and for enforcement of air and water quality standards. If we are to pledge massive programs for upgrading the quality of the environment we have the duty to tell the people of the country of the magnitude of the costs and to pledge to place the highest priority on the provision of the funds to meet those costs. We should compensate by lowering priorities on programs less urgent than are those for improving the quality of the environment.

It is neither practical nor feasible, in my view, to place inordinately high percentages of cost responsibilities for pollution control and technological research on the private sector of the economy or on the state and local units of government. On technological research, especially, I feel that prime responsibility for its coordination, program management, and a substantial part of funding, should reside in the Federal Government. I believe the inflationary impacts and implications will be greater if the private sector is overloaded with both research and abatement costs than would be the case if Federal revenues of adequate amounts were to be supplied. The private sector would undoubtedly attempt to recoup such added costs by increasing prices and the cost of living would rise at an accelerated rate.

In consequence of these beliefs and appraisals, I urge, Mr. President, that, in your State of the Union message, and in the Budget Message and Budget Document soon to be sent to the Congress, you place equally high priorities on *the Federal funding* of environmental quality improvement and pollution abatement research as you will place on the substance of such programs. Be assured of my support in the maximum if you do so.

Truly,

JENNINGS RANDOLPH,
Chairman.

Mr. RANDOLPH. Mr. President, yesterday, Senator MUSKIE, as chairman of the Air and Water Pollution Subcommittee, issued a statement in which he said:

> The Nixon Administration's warning to the nation's airlines that they must engage in voluntary action to reduce smoke emissions from jet engines or face punitive legislation would substitute private bargains and compromises for an effective public policy on environment improvement.

The Senator from Maine declared that he will continue to press for legislative regulation of jet aircraft emissions, and concluded his statement with this comment:

> Offering an alternative between voluntary action and punitive legislation is not an effective approach to achieve environmental quality. Regardless of the reaction of the airlines industry to this offer, I will continue to press for legislative action to develop standards and set effective controls on jet aircraft emissions.

A news story on the second page of today's Washington Post carries the headline: "Airlines Agree to '72 Deadline on Pollution." The first two paragraphs of the article are:

> The Nixon Administration and the nation's airlines yesterday agreed to sharply reduce by the end of 1972 the amount of air pollution caused by certain jetliners.
>
> Health, Education and Welfare Secretary Robert H. Finch said the agreement eliminates any need for legislative or regulatory action. "I do not favor further legislation for an industry which has met its responsibility," he said.

Mr. President, I commend Secretary Finch and Transportation Secretary John A. Volpe; Federal Aviation Administrator John H. Shaffer; and representatives of 31 scheduled and charter airlines for meeting yesterday and for agreeing on an objective.

But I am amazed that the Secretary of Health, Education, and Welfare, chief administrator of the air pollution control program for the Federal Government, would suggest that some pollutants and polluters of the air be subject only to "voluntary agreements" with the executive establishment while others are subject to the full impact of law. This is tantamount to categorizing the Clean Air Act and its legally adopted amendments as "class" legislation—applying only to some segments of the citizenry and the economy while others are free to operate under voluntary arrangements.

I am a believer in the validity of the voluntary approach wherever feasible. But the United States has embarked on a comprehensive environmental quality improvement program by law through the Clean Air Act and its amendments and through the Water Quality Act and its amendments.

Our Government cannot, as the Senator from Maine so appropriately said yesterday, "substitute private bargains and compromises for an effective public policy on environmental improvement." And, as Senator MUSKIE further declared:

> Offering an alternative between voluntary action and punitive legislation is not an effective approach to achieve environmental quality.

Mr. President, my participation in the antipollution legislative efforts have extended over many years of congressional service but has been especially concentrated during the past decade of membership on and more recent chairmanship of the Public Works Committee. I have been requested frequently to discuss problems of and programs for the environment and to write on the subject for newspapers and magazines.

Two of my most recent articles have been published in the December 1969, issue of the magazine, Outdoor West Virginia, and the January 1970, issue of Government Executive.

Mr. President, I ask unanimous consent that the two articles be printed in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From Outdoor West Virginia magazine, December 1969]

THE UGLY, COSTLY FACE OF POLLUTION

(By Senator JENNINGS RANDOLPH)

National awareness of the blight of our environment is growing. Americans have become concerned over the air they breathe, the water they drink, the land, the oceans, the atmosphere, even the depths of the earth's crust. They are making it abundantly clear that they will no longer tolerate the physical and psychological abuses of past decades.

In recent years, as the problems of environmental degradation and decay have mounted, we have watched the ledger grow—$10 billion to $100 billion estimated as the cost of cleaning a dying Lake Erie; $20 billion to clear the backlog in municipal sewage treatment plant construction; another $20 billion for the separation of storm and sanitary sewers.

Air and water pollution and solid waste loom as the major identifiable problems. By 1980 we will be producing enough sewage and other waterborne wastes to consume, in dry weather, all the oxygen in the 22 river systems in the United States. We are now generating 142 million tons of air pollutants each year. Our solid wastes continue to mount at a rate well over a billion tons a year.

This statistical barrage conjures a nightmare of our being buried in our own wastes.

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Despite this appalling display of figures, the picture is not complete. Today's population of 210 million will undoubtedly reach 250 million by 1980, and, if the population growth rate continues the same, will reach 320 million or more by the year 2000. With the continuing trend of urbanization, our present 145 million city people will be equal to the entire current population by 1980. Unless the trends are radically altered, there will be perhaps as many as 270 million persons on about one percent of our land in less than 30 years.

There is no question that the threat to the quality of life is being escalated at a serious rate. The wastes of our society are being dumped on nature with insufficient consideration of future generations of Americans. The question is whether the crisis can be averted in time.

Philosopher George Santayana wrote: "Those who do not understand history are doomed to repeat it." We have learned, to our sorrow, the wisdom of this statement, particularly when we look at the irrecoverable losses of some of our great natural resources which were plundered and destroyed by the thoughtlessness of preceding generations. As a nation, we are now at a point where, with will and purpose of effort, we can avoid the mistakes of the past in our stewardship over the natural resources of our land and air and water.

It is a sad fact that nearly all of the important and critical environmental health problems—air and water pollution, the growing pervasiveness of pesticides, mounting solid wastes, the effects of smoking—have emerged as health problems only after a series of crises have focused public attention. Each of these problems has been an undesirable and unforeseen by-product of goods or services which society has wanted.

In the past we have relied on the natural capacity of nature to reprocess or destroy most of the waste of our civilization, with little concern for its long-term capability to perform this function. Only recently have we become acutely aware of the fact that we are exceeding nature's ability and capacity to reprocess the kinds and quantities of wastes which are being produced by modern technology.

The majority of the nation's streams and rivers are no longers able to support the life which has for eons processed the wastes of man and the animals and plants upstream. Experience in the late 1950's and early 1960's with detergents which crusted a foamy froth on some of the most beautiful streams in the nation, dramatically underscored the lack of planning and understanding of our waste systems and the effects of our newly-developed materials on water resources.

The urgency of finding new solutions to the problems of water pollution is apparent when we reflect that by 1980 the need for fresh water will increase from our present consumption rate of 370 billion gallons per day to 600 billion gallons a day. Yet the supply of this water is limited. The total daily flow in the United States is approximately 1,100 billion gallons. By the year 2000, because of population growth and industrial expansion, our withdrawal rate will be almost four-fifths of the total available supply, and we will return approximately two-thirds of the total available supply with some degree of waste.

The illusion that man has conquered nature through science and technology has been abruptly challenged by nature herself.

There will never again be—on a nationwide basis—absolutely clean air or pristine pure water. There is a necessary and acceptable amount of each pollutant that society will understand and accept.

I have been encouraged by the increasing civic response and growing sense of social responsibility of the industrial community in recent years, as evidenced by the support of federal legislation in the fields of air and water pollution control.

Industry-government cooperation—particularly in the field of water pollution abatement—has been more than just verbal. A government study shows that an industrial investment of $1.8 billion will be needed during the next five years to compensate for the deficiencies in waste treatment facilities that existed in 1968.

While progress on this front has been promising there are still problems which we face: problems of performance reliability of control facilities, of thermal pollution of water, of noise pollution and the removal of gasses and particles from stacks. There continues a lengthy agenda of unsolved problems. There should be the same sense of urgency regarding the proper and continuing function of pollution abatement facilities and environmental control as there is in the production end of industry.

Other problems of environmental quality are of growing concern to members of the Senate Committee on Public Works, which I chair. The Subcommittee on Air and Water Pollution is looking into the broad problems of solid waste management, just now being recognized as a crisis of gigantic proportions. Americans throw away billions of tons of solid materials each year. The cost is more than $4.5 billion annually, and the figure will nearly double by 1980.

Efforts in air and water pollution by our Committee are more easily seen. We have been concerned with clean air and clean water for several years, and the results are beginning to merge in the quality of the streams and the air.

What we have come to realize however, is that environmental quality goes beyond air and water pollution and solid waste management. Assurance of environmental quality means that every man, woman and child, now and in the future, has the opportunity to live in a world which will in no way insult his body, mind or spirit.

Today, the Committee on Public Works is working with a newly-created advisory panel of experts—scientists, engineers and philosophers from a variety of disciplines—to help determine the problems of environment degradation before they become problems. They are helping us assess the impact of land mismanagement from highway construction, from urban redevelopment, from mining, or from sanitary landfills. We are looking at the question of biological imbalances created by dredging, thermal pollution, pesticides and air pollution. We are probing problems connected with flooding and dam construction, the effects of building reservoirs, ocean dumping, deep well disposal and the use of nuclear energy for power or construction.

Each of these constitutes a potential problem for the environment, and, again, we are trying to find answers before they develop into disasters.

I am aware that the solutions to many of these problems do not now exist and that the search for technology—economically feasible technology—may be a costly one. It is for this reason that I have emphasized so heavily the importance of federal coordination and support for research and development in all of these areas.

The problem is not one of research in itself. Nor can it rest solely on the federal government. Industry must take a big share in the solution, as its share in the product of a clean and wholesome environment will be large.

What we collectively must plan for is insurance for environmental quality for the future. Today, society places higher priorities on the value of our physical environment, and these priorities must be incorporated in the technology that serves us. Americans are ready, I believe, to improve the environment, and in so doing we will build a better society for ourselves and all mankind.

We have a long way to go in restoring the quality of our environment. If we move affirmatively toward the goal of purer water and air and a land uncluttered with society's wastes, we will provide the heritage for future generations that we, ourselves, have failed to achieve.

Man now has the power to control many of the elements of nature. He can destroy the soil, render air and water unusable through pollution, kill every form of life—himself included. He can now manipulate genetics and create life in a test tube.

If he has this power to destroy, he also has the means to conserve and protect. Whether he has the wisdom and self-determination to take effective action in the remainder of this century may well determine the course of man's future years on Earth.

[From Government Executive magazine, Jan. 1970]

Federal Coordination is Needed for R. & D. in Nation's Environment

(By Senator Jennings Randolph)

A widespread rebirth of responsibility is sweeping the Nation. While the methods are not always to be condoned, it is heartening that Americans are stirring to express their beliefs and assert their individual rights.

One right which was not spelled out in our basic laws, and yet is as vital as all others, is fast becoming the call of citizens across the Nation: that is the right to an improved quality of living, as expressed by the absence of pollution or environmental contamination.

Public agitaiton for environmental quality is a healthy sign of the times. The impact can be felt from Coast to Coast and very strongly in the Nation's Capital.

Last October, for example, a strange coalition of unionists, conservationists, health societies, ladies' garden clubs and college-age militants formed a so-called breathers lobby in Pennsylvania and turned the tide in that state against air pollution. With an unpredictable show of strength, this citizens' coalition pressured the state Air Pollution Commission to alter its proposed standards more than one-third to make them the most stringent standards in the Nation. The Commission had originally proposed standards weaker than those recommended by the Federal Government under the 1967 Air Quality Act.

In the states of Wisconsin and Oregon, mass public hearings have condemned the widespread use of DDT and other long-lived pesticides. California took the unusual step of banning the chemical completely because of the clamor.

Minnesota and other states have opened the question of pollution—thermal and radioactive—from nuclear power plants and the future of atomic energy for power may be swayed by the ultimate outcome.

Congress, in recent years, has been actively engaged in dealing with many of the problems of environmental contamination and quality. Though the basic Federal legislation for water pollution control was enacted in 1956, and for air pollution control in 1963, it is accurate to state that the national sense of urgency regarding environmental management began to achieve effective expression in Federal legislation largely in the last three or four years. Here are a few of the major advances enacted during the last four years in an effort to safeguard and enhance the quality of our environment:

The Water Resources Research Act of 1964, which authorized Federal assistance in the establishment of state water resources research centers.

The Water Resources Planning Act of 1965, which set up the Water Resources Council to help establish river basin commissions.

The Water Quality Act of 1965 and the Clean Water Restoration Act of 1966, which established a national policy of enhance-

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ment of water quality, required the development of state water quality standards and authorized a multibillion-dollar grant program for municipal sewage treatment plant construction.

The Highway Beautification Act of 1965, which controls junkyards and outdoor advertising, and the Federal-Air Highway Act of 1968, which requires that social and environmental factors be considered in public hearings on location and design in Federal-aid highway projects.

The Clean Air Act of 1965 and the Air Quality Act of 1967, which, among other things, required the establishment of state air quality standards and Federal automobile emission standards.

RELIEF IS ON THE WAY

This is quite a list of achievements. And, although the funding of virtually every one of these programs has suffered because of our heavy commitments in Vietnam, the legislative foundations have been laid on a number of fronts for the assault on pollution.

Yet, while we pride ourselves on our accomplishments, much remains to be done to insure every man, woman and child—now and in the future—the right to an environment which will not insult his body, mind or spirit. Quite obviously, what is needed is a continuing growth in responsibility by all Americans to work together to protect this environmental integrity which is so vital to the health and well-being of mankind.

We are still moving forward.

Recently, the Committee on Public Works, which I am privileged to chair, reported a strong, new water quality bill (S. 7). That bill will provide rigid penalties for such environmental assaults as the disastrous oil well blowout at Santa Barbara, Calif., which polluted the beaches and killed the fish and the wildlife there. In addition, it provides the states and the Federal Government better and broader control over water pollution, adding several categories to earlier legislation, including acid mine drainage, dredging spoils and oil pollution.

LEGISLATION EXPECTED SOON

Our Subcommittee on Air and Water Pollution, chaired by the able Sen. Edmund S. Muskie, has been holding the hearings on the problems of solid waste management, based on S. 2005, the "Resource Recovery Act of 1969," and Sen. J. Caleb Boggs' amendment which would establish a national materials policy. In the second session of the 91st Congress, we expect to report a bill which will help control the growing mountains of solid wastes and garbage that are both a health hazard and an economic waste.

Of interest, too, are the hearings into the air, water and other environmental effects of the underground uses of nuclear energy for excavation and other purposes. Based on a bill (S. 3042) introduced by Senators Mike Gravel, Muskie and myself, the hearings will be aimed at delineating the potential health aspects and environmental contamination of nuclear excavation among other things.

What we have come to realize, obviously, is that environmental quality goes far beyond air and water pollution and solid waste management. The problems of the environment overlap jurisdictional line within the Congress and the Executive Branch.

Assurance of environmental quality is an inalienable right of every citizen. Man was created in a world which was environmentally cleaner than it has become, and we must take steps to protect him from the harsh chemical, biological and psychological catalysts which are changing the total environment.

Today, the Committee of Public Works is taking a new, hard look at many of the environmental problems which have been identified, and some which have only begun to be recognized. Today, we are working with a newly created advisory panel of professionals—scientists, engineers and philosophers from a variety of disciplines—to help determine the problems of environmental degradation *before* they become crises. This is a new approach of obtaining guidance without the encumbrance of bureaucratic departmentalizing. These are "free souls" who serve because they have expertise on problems of national concern.

The environmental quality panel is helping the Committee and staff assess the impact of environmental stresses and strains. We are looking together at questions relating to the effects of nuclear energy for power or construction, the potentials of land management, of water resources, of rural-urban population shifts and a host of pollution questions. We are also looking into problems of biological imbalances created by dredging, thermal pollution, pesticides and solid wastes. And we are probing problems connected with flooding and dam construction, the effects of building reservoirs, ocean dumping deep well disposal and a variety of health-related problems.

I am aware that the solutions to many of these problems do not exist and that the search for technology or new prophylaxis may be a costly one. It is for this reason that I have, as chairman of the Committee on Public Works, emphasized so heavily the importance of Federal coordination and support for research and development.

But the problem is not one of research in itself. Nor can it rest solely on the Federal Government.

THE CITIZEN MUST ATTACK

No one can be exempted from the return to responsibility. While the Federal Government can continue to provide the vehicles for change, it is up to the citizen to press the attack for environmental quality.

It is clear that Americans are assuming the responsibility in this area. And I believe that it is being assumed willingly. We must understand that the material abundance and technical ability which we cherish and enjoy cannot of themselves make us a happy, healthy, stable and useful people.

In the final analysis, the destiny of this Nation and of the entire world rests on individuals and will be determined by their capacity and will to create a world free of the tensions that now tear mankind asunder. Only when this takes place will the soul of mankind have caught up with his engineering genuis. Only then will we be able to live at peace with ourselves and our world.

INTERNATIONAL ASPECTS OF THE SPACE PROGRAM

Mr. ANDERSON. Mr. President, many Senators have expressed great interest in the international aspects of the space program. While recognizing that there is already substantial cooperation in the space program, most would like to see an expansion of this cooperation.

The National Aeronautics and Space Administration has a continuing effort to expand international cooperation in all of its programs. Recently, the Administrator of NASA, Dr. Thomas O. Paine, wrote me about his recent efforts in this direction. I ask unanimous consent that Dr. Paine's letter be printed in the RECORD at the conclusion of my remarks. It is a short letter, and I urge all Senators to read it, as it summarizes the substantial recent effort by NASA to achieve more and better international cooperation in the space program.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

NATIONAL AERONAUTICS AND
SPACE ADMINISTRATION,
Washington D.C., December 17, 1969.

HON. CLINTON P. ANDERSON,
Chairman, Committee on Aeronautical and Space Sciences, Washington, D.C.

DEAR MR. CHAIRMAN: In view of your own continuing interest in NASA's international activities and in view also of recent discussions in the Senate, it is appropriate that I inform you of the principal current activities in this area.

At the President's request, I undertook a very brief visit in October to the major European capitals to inform ministerial and space agency officials, as well as the senior officials of the European Space Conference, of the nature of our planning for U.S. space activity in the next decades. Our objective was to lay a basis for European participation in our future programs in new and important ways. I made a similar brief trip to Canada this week, and hope to visit Australia and Japan in the next months.

To help the major foreign space authorities gain a base of information for defining their interests in augmented participation, we invited them to sponsor their own industrial participation in the NASA conference on space shuttle concepts held last October. Additional mechanisms are being developed to permit foreign space interests to keep in touch with and even contribute to our studies over the next year, especially in the space shuttle and station programs. They should then be in a position to determine whether and in what degree they wish to commit to extended participation.

With regard to the Soviet Union, I have over the past several months written a series of letters to President Keldysh and Academician Blagonravov of the Soviet Academy of Sciences to (1) invite proposals by Soviet scientists for experiments on our spacecraft, (2) offer for their use the laser reflector left on the moon by the Apollo 11 astronauts, (3) invite Soviet proposals for analysis of lunar surface material samples, (4) invite Soviet scientists to a conference on the Viking Mars 1973 mission and offer to discuss cordination of our respective planetary programs, (5) offer to hold a special meeting for the preceding purpose when President Keldysh said our first invitation came too late, and (6) reiterate our readiness to meet any time, any place, to consider any possibilities for cooperation or coordination between us.

Meanwhile, our established program of cooperation with dozens of other countries is continuing most satisfactorily. As you know, the agreement with Indian agencies for an experiment in broadcasting to five thousand Indian villages has been signed and should be a landmark in experimental approaches to communications development for the less-developed countries. We successfully launched Azur, the first of four cooperative German spacecraft, last month. New cooperative satellite projects are under negotiation with the UK, France, Canada, the Netherlands, and Spain. In close coordination with the Department of Transportation, we are exploring with the European Space Research Organization a potentially important project in pre-operational air traffic control by satellite.

In the field of earth resources survey, our cooperative arrangements with Brazil and Mexico are progressing well and serving increasingly as demonstration projects for other developing countries.

I shall be glad to provide any further information you may have interest in regarding these programs and will, of course, keep you further apprised of our progress from time to time.

Sincerely yours,

T. O. Paine,
Administrator.

KILPATRICK COLUMN SAYS THREE FEDERAL JUDGES ERRED

Mr. BYRD of West Virginia. Mr. President, syndicated columnist James J. Kilpatrick has written an extremely interesting analysis on the decision of three Federal judges to deny tax-exempt status to certain private schools in Mississippi. In his column, which appeared January 20 in the Evening Star of Washington, he calls their action "one more intolerable usurpation of judicial power."

Mr. Kilpatrick quotes the section of the U.S. Tax Code, which grants tax exemptions to about 50,000 private educational institutions in America; and he notes that the schools in Mississippi met the criteria for tax-exempt status.

The columnist does not question the sincerity of the three Federal judges; he questions the legality of their decision. Mr. Kilpatrick writes that the judges probably "felt they were following dutifully upon the obsessions of their masters, the Supreme Court of the United States." He adds that the Supreme Court "has commanded integration now, integration everywhere, integration without regard to law, commonsense, or the Constitution."

Mr. President, I ask unanimous consent that the column be printed in the Record.

There being no objection, the column was ordered to be printed in the Record, as follows:

Congress Must Undo Private-Schools Ruling

(By James J. Kilpatrick)

The decision by three federal judges here in Washington, denying tax exemption to certain private schools in Mississippi, comes as one more intolerable usurpation of judicial power. The action cannot be condoned; and it must be swiftly undone by the Congress.

The law could not be more clear. Under Section 501(c)(3) of the Tax Code, a nonprofit organization is exempt from federal taxes if it is organized and operated exclusively for religious, charitable, scientific, literary "or educational" purposes, provided only that it stays out of lobbying and politics. Roughly 50,000 such institutions have qualified formally for the cumulative list of exempt organizations maintained by the Internal Revenue Service.

These exempt organizations include institutions that are all black, all white, all Christian, and all Jew. Until the moment of this autocratic court decree, the act of Congress prevailed: It was necessary to ask only if the institution in question met the requirements of law. If so, it qualified automatically, and gifts to such institutions became deductible in computing one's income tax.

The effect of last week's injunction is to elevate the whims, caprices and obsessions of federal judges to a level never contemplated under our form of government. If a drastic change were to be made in the interpretation of Section 501(c)(3), such a change might first be the prerogative of the commissioner of Internal Revenue. No commissioner ever has sought such power. More precisely, such a change involves a profound question of legislative policy: It is the business of Congress. And in its recent comprehensive revisions of the Tax Code, Congress made no move whatever to limit tax exemptions to racially integrated institutions only.

Why did the three judges rule as they did? I do not challenge their sincerity, integrity or competence. Doubtless they felt they were following dutifully upon the obsessions of their masters, the Supreme Court of the United States. The high court repeatedly has commanded integration now, integration everywhere, integration without regard to law, common sense, or the Constitution.

Make no mistake: This profoundly complex question of public affairs has come fully under the sway of a judicial oligarchy. It might be possible, through ordinary political processes, to remove or to reverse a commissioner of Internal Revenue. It still is possible to elect a House and Senate that will insist upon a "Whitten amendment" positively to prohibit the busing of pupils and the closing of schools under the Civil Rights Act. But the judges are unreachable.

In a free country, it ought to be possible for parents in Mississippi, or anywhere else, to set up any kind of educational institutions they please, and to be entitled to the same privileges, immunities, and benefits of all other parents. If they choose to educate their children in factories, Sunday schools, private homes, or pup tents, subject merely to the general police powers of the state, this is—or was—their right.

No longer. Last week's decree was deliberately punitive, deliberately calculated to achieve a certain sociological end regarded by the judges as desirable. The decree, to repeat, is part of a pattern. In Atlanta, parents by the thousands have petitioned the judges for relief from arbitrary action. In Oklahoma City, a federal judge has threatened to jail a 14-year-old boy and his parents if the boy refuses to attend a certain integrated junior high. The high court itself, in royal disdain for practical problems of the real world, last week insisted on a Feb. 1 deadline for the integration of 300,000 children in five Deep South states.

It is just as Plato said, "The people always have some champion whom they set over them and nurse into greatness. . . . This and no other is the root from which a tyrant springs; when he first appears, he is a protector." So with the high court. An acquiescent people, having surrendered their liberties to the judges in what seemed a good cause, have watered the roots. We harvest tyranny now.

EFFECT OF A VETO OF HEW BILL ON CANCER AND HEART RESEARCH

Mr. MOSS. Mr. President, in the last 2 days we have centered our discussion mainly on the extent to which Federal education appropriations would be cut if the President carries out his threat to veto the HEW appropriation bill. Recently the columnist Sylvia Porter pointed out what would happen to both cancer and heart research if the Nixon budget figures prevailed, instead of the $10 million increase in the conference version of the bill for cancer research, and the $10 million for heart research. I ask unanimous consent that the Porter article be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

[From the Miami Herald, Jan. 12, 1970]

Nixon Cuts in Cancer, Heart Study Peril You

(By Sylvia Porter)

Surely, you know someone who has cancer or you have known a cancer victim—and surely, you dread the thought of ever having cancer yourself.

We still have not discovered a cure for cancer and it's estimated that in 1970 cancer cases will reach a peak of 625,000 while deaths will be at an all-time high. Yet, in the face of this and under the superficial excuse of fighting inflation, the Nixon Administration has proposed a budget for the National Cancer Institute nearly $4.5 million less than the 1969 appropriation.

Across the land, major research centers devoted to the study of cancer are slated to close. No funds are available for research on the feasibility of a vaccine for virus-caused cancers, a vitally important field.

We still do not know the cause of some of the most prevalent and debilitating forms of heart disease, such as atherosclerosis. Yet, in what seems astounding indifference to the cause for more than half the deaths in the United States each year, the Nixon Administration has proposed allocations for the National Heart Institute below even 1969's level.

If Nixon's budget holds, the NIH will have to cut by 40 per cent the number of research projects begun in 1966. An internationally known study of heart attack victims, launched 20 years ago, will have to end in June. Many projects will be axed altogether.

"We shall be courting bankruptcy of America's health if we simply freeze federal support of health research at current levels," warns Dr. Michael E. DeBakey, world-famed heart surgeon at Houston's Methodist Hospital and Baylor College of Medicine. "Unless the Nixon retrenchment is reversed, the great American investment in medical research since World War II stands the risk of crumbling."

Where and what are our priorities?

Funds allocated by the National Institutes of Health for research and training represent only one-tenth of one percent of our total spending (Gross National Product.) Will cutting these funds even more curb inflation? What nonsense!

Our fiscal 1970 budget allocates about $400 per person for defense and about $13 per person for all health. Will slashing the paltry $13 bring us economic balance?

The cut backs requested by the White House are not only for health research but also for health research training—a "subtle budget policy," says the Senate Committee on Appropriations, which implies that "the cutback in health research is not intended to be temporary." As DeBakey remarks, "the slight allocations for health by this administration defy understanding." Do you want to wipe out a whole generation of medical researchers, thereby undermine the chance that cures will be found for diseases of which you might die?

You may not give much thought to health care until illness strikes you or a loved one. But then you know and then you are grateful that the health research of which DeBakey speaks has in this century alone lengthened the life span from 50 to 70 years.

And if you want dollars-and-cents assurance, here's one: in arthritis, studies have shown that for every $1 invested in improved diagnosis and control, $38 comes back to our economy—a benefit-cost ratio of 38 to one. But what matter benefit-cost ratio when it's your life?

At the end of December, the Senate added substantially to Nixon's stripped-down budget for health, education and welfare—but then did not send the bill to the White House because of fear of a pocket veto while Congress was out of session.

Thus, the appropriations bill will come up again when Congress returns Jan. 19. Thus, you still have time to make it clear that you will not sit by and be a "silent" citizen while this administration threatens to paralyze health research in our country.

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MEMORIAL SERVICE FOR PAUL KENDALL NIVEN

Mrs. **SMITH** of Maine. Mr. President, the late Paul Kendall Niven was a good friend of mine just as his parents have been for many years. I watched him grow and mature into a television journalist of great distinction.

In his earlier years it was my good fortune to see him frequently. Although we were of different political persuasion, we found those differences to be stimulating in our friendly discussions. Paul had that extremely rare ability to disagree agreeably.

In 1954 and 1955 I had conferences with the leaders of two dozen nations of the world. Several of these conferences were filmed by Edward R. Murrow and Fred W. Friendly and shown on their "See It Now" regular weekly CBS–TV program. Paul was the manager of all of the filmed interviews in Great Britain, including my debate with Malcolm Muggeridge and Aneurin Bevan, which seemed to delight Paul.

I regret that in recent years I have not been fortunate enough to see Paul with the frequency of earlier years. But I felt a sense of contact with him as I followed with great admiration and interest his distinguished series of interviews on National Education Television Network.

A very moving eulogy was given by Daniel P. Moynihan, Counsellor to the President, at the memorial service for Paul on January 10, 1970, at the Washington Navy Chapel. Mr. Moynihan was chosen by Paul's parents to give the eulogy. That they chose most wisely is evident from the eulogy itself. I cannot imagine anyone having captured the true spirit of Paul Niven as did Mr. Moynihan in his eulogy to Paul.

I ask unanimous consent that it be printed in the Record.

There being no objection, the eulogy was ordered to be printed in the Record, as follows:

Memorial Service for Paul Kendall Niven

(Eulogy by Daniel P. Moynihan)

I rise to celebrate the life of Paul Kendall Niven. It was not, in the received sense, a happy life. Those of us who owe him so very much owe him first of all that standard of truth telling which he set himself, and which left us not untouched, much as a vital quality might flow through the permeable membranes of joined but separate lives.

Happy, no. But joyful, merry, mocking, teasing, laughing; it was that life. So much so, on so grander a scale than any of us contrive that it ought now at the end be acknowledged for what it was: an experience which Paul created and we shared, and which was unlike any most of us have ever known, or any we are likely ever to know again.

If we are lessened by his death, we were so much enlarged by his life as to make it unthinkable that we should do anything now but celebrate him. And so I rise.

Paul Niven was a journalist. That most underdeveloped, least realized of professions. Not a profession at all, really. Rather, a craft seeking to become such out of the need to impose form on an activity so vastly expanded in volume and significance as desperately to need the stabilizing influence of procedure and precedent and regularity. Events have overrun this quest, and the result is an occupation no longer the one and not yet the other. More singular then, more of consequence, is a man who in his work reflected both.

Paul's apprenticeship was prolonged and demanding, and in the hands of masters. First his parents, Paul and Dorothy, later John Beavan of the Manchester Guardian, then Edward R. Murrow and Howard K. Smith of the Columbia Broadcasting System. At CBS he moved from the age of radio to that of television, where of a sudden the potential and demands of technology altogether outreached the simple if arduously acquired disciplines of the written word and printed column. It became necessary in an instant, as the second hand swept past the hour, for him and a handful of other men like him to impose the standards of an older craft, on the swirling chaotic, unformed and unfathomable phenomenon which technology had let loose upon an unsuspecting and too welcoming public. More specifically, a phenomenon which was to penetrate and reshape the innermost processes of democratic society; a phenomenon with the capacity to create, and the capacity to destroy, and a destiny none knew, and even now none knows.

Yet it has gone well so far. Well enough. That this should be so was, to repeat, the work of Paul Niven and that small number on whom a most solemn trust devolved without either they or those who depended upon them ever quite realizing it.

A journalist's life revolves around stories, and stories of Paul will be heard so long as any who worked with him, or knew him, gather in those barrooms around the world where the day's brutality is somehow surmounted with laughter and a comradeship of equality and honor.

Paul was indeed forever bounding, barefoot, up pagodas in quest of some deliquescent Oriental prime minister. His insurance agent in Brunswick did indeed finally give up the account when a claim arrived for the loss of the most recent portable typewriter, this one alleged to have cascaded from the back of a donkey in a mountain pass near Kabul. His depiction of Sir Winston abed of the morning, replete with long Jamaica and short Scotch, added not a little to the dwindling store of rakishness in this dementedly purposeful time. But it is not so much for the practice of his calling as for the evolution of its form that he is to be treasured, and for which he will be remembered. He was perhaps the best television interviewer of his time. He helped create the mode, and in doing so I think can fairly be said to have added a dimension to American democracy. The ancient right of the people to judge their leaders grew immeasurably more significant when of a sudden the ability, the opportunity to do so was vastly enhanced by the extended television interview. Sam Rayburn was of an instant no longer a legend; he was, rather, an old gentleman in one's living room, talking of past Presidents and giving the viewer as much opportunity as any ought to have to speculate what he might be thinking of the newest one. This did not just happen. Men such as Paul, and Paul especially, enabled it to happen by their determined effort to master the new technology, and their unflinching insistence that it embody the ethical standards of the old craft.

He paid for that insistence. As others have. But he forgave those responsible, and so henceforth shall we. The truth of his life was not failure, but achievement. And so I rise to celebrate it.

Charity was for him more than a personal quality; it was a belief. Paul was in the largest and most useful sense a liberal. He believed in truth, not as an inheritance, but as a legacy, something to be acquired through effort and transmitted with pride. He had a simple hatred of injustice, and an altogether sophisticated sense of evil, of how evil is never absent anywhere, and is at times and places pervasive. He had a sense of fairness and of curiosity, such that his circle of friends was, if not more numerous, perhaps wider than any man or woman I, for one, have known, and I think this would be the judgment of many of us. He loved The Gaiety, and the Connaught Lounge, Lockport, New York, and The English Speaking Union; the 1789, Bowdoin College. He even managed not to dislike Moscow. But this I suspect simply reflects the fact he was there, and that meant that a measure of merriment was in the air.

If journalism was his calling, friendship was his art. And how rare it was. Not acquaintanceship, not interdependency, not mutuality of interest or activity, but friendship. Nothing absorbed him more. A few intervals of intense love affairs, perhaps, but such were the nature of his friendships that to separate them from love would be altogether not to understand.

His circle of friendship centered in his parents, and his brother. Their foibles, their provincialisms, their relish in the unexpected and new fangled, delighted him to the last moment of his life. At Christmas he presented his parents with airline tickets for a February trip to the Caribbean, confident he would be rejected with the scornful insinuation that having left Maine he had lost touch with virtue as embodied in endurance, or alternately that the tickets just might be used, but that the trip would be made in July when Jamaica could be counted upon to be uncomfortable. To his delight, the gift was accepted with the greatest pleasure and anticipation. Our regrets at this moment are many, but I suppose what I regret most is that I shall not hear Paul speculating on what hidden springs of sensuality, what prospects of antic orgy, were aroused in the minds of those decent citizens of Brunswick by his wicked and calculating temptation. For so it always was: and never of course without a touch of truth which made all that wild delight a form of plain speaking that each of us recognized and treasured, and by which we have been enlarged.

And so I rise to celebrate my friend, and, not for the last time, but simply for this special time, to think of him. Each of us will have special thoughts. Mine for some reason go back to Berlin in 1953 and the Hotel Kempinski. The abortive, crushed revolt of the workers of East Berlin had just occurred. Paul was there, as he would always be. The hateful thing, in the form it took for that time and that place, was on the other side of the Brandenburg gate. Journalists were forbidden passage. That for Paul simply delineated the difficulty to be overcome. A British friend offered a small car. Paul got hold of a tape recorder, stuffed it under the car seat, and pinned the microphone to the back of his suit lapel. Over they crossed into the East Zone, where they drove about for an hour or so recording for the Western world the first news of what East Berlin was then like. Nothing interferred until they returned to the Brandenburg gate when, of a sudden, a Volkspolizie stepped into their path, submachine gun at the ready. It was a moment of the gravest danger. The policeman-soldier came round to the driver's side and stuck his head into the car. The Briton rose to the moment. "Sir," he barked, "I am your conqueror." "Drive on!" said Paul.

And on and on he drove.

RISING LEVELS OF COMMUNIST ACTIVITY IN LAOS

Mr. **FULBRIGHT**. Mr. President, yesterday a spokesman for the State Department reportedly announced that the rising level of North Vietnamese and Pathet Lao activity in the Plaine des Jarres area of north central Laos—away from the

Ho Chi Minh Trail—was "sufficient for us to express concern."

The spokesman refused to comment on what the United States would do militarily to cope with what is being described as a large-scale Communist offensive.

The policy of secrecy which has cloaked U.S. military air activities in the Laotian war, which unhappily, the Nixon administration seems to have uncritically accepted from its predecessors, thus again is being invoked to prevent the American people from knowing and understanding a war that slowly but surely is escalating in its cost of money and lives.

By hiding the extent of U.S. military activities that preceded the current Communist buildup, the administration—as its predecessors before—effectively prevented public and objective debate on the merit of these activities and the extent to which they may bring about the very response which yesterday the administration declared as its "concern."

Mr. President, I am concerned about American as well as Pathet Lao and North Vietnamese activity in Laos.

I am concerned that our Government can send U.S. citizens to drop bombs in support of a country with which we have no treaty and blithely say "No comment" when asked to disclose the extent of such activity to the public.

I am concerned over the State Department's apparent desire yesterday to focus public attention on what the Communists are doing in Laos—without telling the same public what we have done in the past, are doing now, or plan to do in the future.

Though I have stated it before, I think it worth stating again what President Nixon said last November 3:

> The American people cannot and should not be asked to support a policy which involves the overriding issues of war and peace unless they know the truth about that policy.

I would hope that in his announced state of the world speech next month he drops the secrecy that has cloaked Laos, reestablishes the credibility he lost when he told the American public last month only that "we are interdicting the Ho Chi Minh Trail as it runs through Laos," and "beyond that I do not think the public interest would be served by any further discussion."

It is time the President frankly puts before the people the extent of our military activities, the reasons for them and the course for the future.

I ask unanimous consent that the article by Tad Szulc be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the New York Times, Jan. 21, 1970]

U.S. EXPRESSES CONCERN OVER THE RISING LEVEL OF FIGHTING IN LAOS

(By Tad Szulc)

WASHINGTON, January 20.—The United States expressed concern today over the "rising level of activity" by North . . . Department spokesman said it appeared that North Vietnam might be preparing to launch a "dry season offensive" there.

The spokesman, Robert J. McCloskey, said that the number of North Vietnamese troops in Laos had increased. He said the increase, together with Vietnamese and Pathet Lao forces in the strategic Plaine des Jarres area recently were "sufficient for us to express concern."

The dry season in Laos, as in South Vietnam, began last November. It will end in mid-spring.

Mr. McCloskey, had only a "no comment" to questions from newsmen as to how the United States proposed to show this concern militarily or diplomatically.

The extent of United States military involvement in Laos remains a highly sensitive issue here. Last month the Congress wrote into the defense appropriations legislation a prohibition against any commitment of American ground combat troops in Laos or Thailand without specific Congressional consent.

The Senate subcommittee on United States commitments abroad and the State and Defense Departments remain deadlocked over whether to make public a transcript of the proceedings at closed hearings on American military activities in Laos. The hearings were held last October before the subcommittee, which is headed by Senator Stuart Symington, Missouri Democrat.

The two Government agencies insist on making numerous deletions in the transcript for security reasons. The affected passages touch on the degree of direct American support for the Royal Laotian Army and a clandestine army of Meo tribesmen that is believed to be financed, equipped, trained and possibly led by United States officers and men.

The acknowledgment by the State Department today that the developing situation in Laos is a matter of concern to the Nixon Administration served to raise, therefore, the questions of whether and how the United States may assist the Laotian Government to resist the expected Communist offensive.

While enemy offensives during the dry season in Laos occur annually, Mr. McCloskey said today that this year the North Vietnamese will be attacking from "more advanced positions."

United States estimates are still that there are some 50,000 regular North Vietnamese troops in Laos—there are more than 100,000 such troops in South Vietnam.

To cope with a large-scale offensive, if one indeed develops, the Laotians will require some form of United States assistance, officials here conceded. But for political reasons American help in the foreseeable future is to be confined to air and logistic support.

MINNEAPOLIS TRIBUNE SUPPORTS HIGHER FUNDING FOR EDUCATION

Mr. MONDALE. Mr. President, yesterday I was proud to vote in support of the conference committee bill on HEW appropriations which provides a desperately needed $1¼ billion addition for education and health programs above what the President's budget requested. At that time, I summarized my reasons for supporting these added education and health funds. I pointed out that even with this needed addition the Congerss had made a net reduction of $5.6 billion in the President's total budget request, and was therefore acting responsibly to halt inflation. I pointed out that in the context of this major budget cutting in other less important programs, the additional funding for health and education represented a reordering of national priorities, not a question of inflation.

Recently an editorial and an excellent, in-depth two-part series on Federal aid to education appeared in the Minneapolis Tribune. They underscore the importance of these additional funds, and the need for the Congress to override the President's threatened veto of this appropriation. On the question of national priorities, the editorial concludes:

> The struggle between Congress and the President over the money is part of a long-needed effort to shift national priorities from spending on space and the military, to spending on urgent domestic problems. Congress did reduce other spending levels to help in the fight against inflation. The increase in the education outlays is a logical move to assist those who suffer most from this same affliction.

The conclusion reached by this editorial is supported by a thorough review of the impact of Federal aid to education in Minneapolis which appeared in two articles written by Joe Rigert. Mr. Rigert thoroughly documents the benefits that Federal assistance has brought the schools in Minneapolis in general, and to Lincoln Junior High School in particular. In addition to providing some 16,000 schoolbooks, hot lunches, opportunities in New Careers programs, Teacher Corps, and Headstart assistance, these funds have helped to produce 2-year gains in reading and arithmetic in a 1-year period for students at the Lincoln Learning Center.

While all the problems have not been solved, and some new ones have developed, Mr. Rigert's review indicates that important progress is being made.

I ask unanimous consent that the editorial entitled "The Need for Federal Education Aid" and Mr. Rigert's two articles entitled "Lincoln Junior High: From Conflict to a Basis for New Optimism" and "Federal Aid Begins To Show Results in City Schools" be printed in the RECORD.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

THE NEED FOR FEDERAL EDUCATION AID

The battle over federal spending on education is reaching a climax in Washington. Congress has added $1.1 billion to President Nixon's education request after cutting back on other budget requests. The President is expected to veto the bill on grounds that it is inflationary. Congressional leaders hope to over-ride the veto.

Our view is that the additional funds should be approved. One of the unfortunate results of the fight against inflation is that it hits so hard at low- and middle-income Americans. High interest rates raise housing costs. Deceleration of the economy increases unemployment. Cutbacks in federal spending often are applied to already-underfunded social programs.

The two-part series concluding today on this page points up the importance of one federal education program for one city. The Title I money for education of poverty pupils has enabled Minneapolis to begin to deal with what James Conant termed the "social dynamite" of educational deprivation. The improvements at Lincoln Junior High, which suffered such a crisis of confidence that it had a net loss of 215 white children in two years, would not have been possible without Title I money. Such funds also are being used to advantage in many other poverty-area schools of the city.

But the present levels of federal aid are far from adequate. Additional teachers hired

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through Title I money in Minneapolis reduced average class size in poverty-area elementary schools by only one pupil, in junior highs by 2.5 and senior highs by 4.1. Now that the money is being directed more heavily at aiding pupils with the most severe learning problems, it will reach only half of the 14,000 school children of AFDC and low-income families. Some pupils will benefit less than others because of the limited funds.

The additional money voted by Congress covers much more than poverty-area education. While a $300-million increase includes money for education of poor children, it also includes funds for supplies and innovative programs that can be used for all pupils. Among other increases for all students are $400 million for schools in federally-impacted areas, $209 million for vocational education, $84 million for higher education, and lesser amounts for equipment, libraries, the handicapped and teacher-development. Minneapolis could receive up to $1.5 million in additional funds—including $500,000 in "federal-impact" aid, $350,000 for poverty pupils, $300,000 for vocational education and $160,000 for innovative programs.

The struggle between Congress and the President over the money is part of the long-needed effort to shift national priorities from spending on space and the military, to spending on urgent domestic problems. Congress did reduce other spending levels to help in the fight against inflation. The increase in educational outlays is a logical move to assist those who suffer most from that same inflation.

Lincoln Junior High: From Conflict to a Basis for New Optimism

(By Joe Rigert)

The front office at Lincoln Junior High school, crowded two years ago with noisy students awaiting disciplinary action, is relatively quiet now. Principal Harvey Rucker interrupts a conversation to let a girl go through his office to see the school nurse.

"I hope we are on the upswing," Rucker says tentatively. "If the pendulum is swinging, I think it is swinging in the right direction." Two years ago Rucker, as assistant principal, was practically buried under a pile of blue discipline slips.

Upstairs, a teacher joshes with a student after class and comments to a visitor, "I'm optimistic. Things are going on that are good." Two years ago, that teacher was not optimistic.

Across town in the Minneapolis school system's central office, officials say that more parent involvement, more staff and more programs have helped Lincoln to "turn the corner." Two years ago, they were contending with racial incidents, a climate of tension and a "crisis orientation" at Lincoln—in the words of a task force study.

Lincoln revisited, after two years, is not the Lincoln that had gained a reputation for conflict and failure. Now there is a mood of hope—hope, as Rucker puts it, that the school is on the way to regaining the confidence of parents and students.

Part of that hope is based on parent interest. Half the parents turned out for an open house at the beginning of the year, nearly double the attendance of the previous year. Teachers visited parents in their homes and are making more contacts to keep them advised of student performance. Adult education has been expanded to attract hundreds of additional parents in the area.

Part of the hope is based on teachers. The staff has been increased from 61 to 71 even though enrollment has declined, and the number of black teachers has risen from 5 to 22. Average class size has been reduced from 25 to about 18 pupils. More teachers are living in the community. One teacher has turned part of his house over to a recreation center where students can play pool and talk over problems with him. Another teacher is experimenting with Montessori concepts in a class for slow learners.

Part of the hope is based on a new school structure. Each of the three grades is now a school within a school, with its own floor, its own assistant principal and its own social worker and counselor. No more is there the disruptive mixture of age groups in the halls—or the deluge of "problems" at the front office. Now there is more individual attention for each student and his needs.

Part of the hope is based on programs. Each grade has a learning opportunity center for pupils with problems in basic skills. A master teacher, a teacher for pupils with special learning disabilities, and tutors work with groups of 10 to 15 students at a time. Ability groupings that segregated students by race and class have been eliminated, and individualized instruction has been emphasized. The library has been stocked with $11,000 in new books, records and film strips.

And part of the hope is based on the students. "There is a different attitude,," says Rucker, son of a hotel porter. "They are not as hung up on problems as they once were, or on what is Black Power. We still have some of the 'get honkie' bit. But they are beginning to take a look at what education is all about. There is more pride in the school. They make more comments like, 'Let's shape up.' I think they see now they have to have the tools for achievement to go with the black pride."

School officials have some limited test data now to indicate that all this is leading to gains in student performance. Pupils in 8th and 9th grade basic classes showed a two year advance, on the average, in reading comprehension in 1967–68, although they reached only a mid-6th-grade level by the end of the year. Gains also were recorded last year in school-wide testing, after the ability groupings were eliminated.

Rucker says it is too early to make any flat assertions that Lincoln has solved its problems. "All we can do is hope that we continue to improve and have no incidents, so that people can have some confidence in the school again. I think 1970–71 will be the year to take a look at it."

Lack of confidence took a big toll in the past two years. The loss of 215 white students in that time caused the school to shift from 45 percent to 65 percent black. Many black parents also lost confidence in the school, as shown by the fact that 52 black children are busing to other schools this year under the voluntary transfer program.

Some problems, in fact, have become worse. The absentee rate climbed from 10.6 percent in 1967–68 to 13.2 percent last school year. Student turnover also has increased.

Faculty losses have remained high, too. Lincoln had to hire 22 new professionals this year. One encouraging development is that only two of the 22 were rookies without experience in the inner city or as teachers elsewhere.

One teacher expressed a continued concern about absenteeism, classroom disorder, turmoil in the halls, hostility of students. "I feel so frustrated and completely disappointed. There has been nothing significant in the way of change. I think I can understand the depth of the problem. It bothers me a great deal."

Rucker does not minimize the task ahead. "We still have a long way to go to meet the educational needs of the children. We've got to make changes in educational programs, in all schools. This is what we are doing."

Much of what is being done at Lincoln, and at a detached Lincoln Learning Center, is made possible through more than $200,000 in federal funds each year. Minneapolis school officials cite this as one example of the impact this money is exerting on poverty-area education.

Federal Aid Begins To Show Results in City Schools

(By Joe Rigert)

The Federal government has provided $4.3 billion for the teaching of poverty pupils in the past four years under the 1965 education act—about equal to the outlay in one year for the space program.

Critics including high officials in the Department of Health, Education and Welfare, contend that the money has been poorly used. One study in which the NAACP took part alleges that millions of dollars were wasted, diverted or otherwise misused by state and local authorities, thus depriving the children of the poor of another chance to close the educational gap between them and the affluent society.

Minneapolis has received $9.6 million in Title I poverty aid in the past four years—about equal to the police budget for one year. But school officials here cite tests and otherwise observable results to support their view that the money has been put to good use in this city.

EXAMPLES

Students at the Lincoln Learning Center, a detached facility with a low student-teacher ratio, showed a two-year gain in reading comprehension and arithmetic in one year. A similar center now is in operation at Bryant Junior High and the concept has been carried out partially in learning centers in Lincoln Junior High.

Grades 2 and 3 in all but two poverty-area schools showed the expected growth of one year from February 1967 to February 1968. The pupils at least were not slipping behind as they have been found to do in some school systems.

Children in kindergarten classes with teacher aides improved more on a readiness test than did children in classes without aides.

Preliminary evidence indicates that pupils in a talking-typewriter program, financed in part with Title I money, gained more on word and paragraph meaning than did a comparison group not participating in the program.

Ninety-four percent of the teachers who received training for inner-city work said the training made them feel more adequately prepared to teach in a poverty-area school.

Teachers say a hot-lunch program improved afternoon attendance for elementary schools; 87 percent of the parents of children receiving hot lunches said their children benefited from the program.

Pupils in a learning disabilities resource program, also financed partly under Title I, made normal or above normal progress in five of six tested areas, while children with similar learning problems who were not enrolled in the program failed to make average gains in any of the six areas.

Minneapolis also has received another $8.6 million in federal funds for other programs in the past four years. The money has helped the schools to buy 16,000 books, train 1,883 youths at a work opportunity center, increase the number of community resource volunteers from 100 to 900, launch low-income adults on new careers, enroll nearly 6,200 students in the neighborhood youth corps, expand adult education, operate a Head-Start project, provide human relations training for teachers, use teacher-corps interns, operate a music demonstration center and offer programs for talented youths.

Impressive as such results may be, however, the federal money has not yet produced any profound improvements in Minneapolis any more than the billions have left a deep imprint on the education of poor children nationally. Minneapolis officials concede that the money was dispersed too widely at first to be fully effective. The amount of money is not nearly enough to meet the problems. And the problems are increasing rather than diminishing.

Hence, while achievement levels have been rising on a national basis, they have not been rising in Minneapolis and other large cities. At Lincoln Junior High, the ratio of 7th grade students reading near or below the 4th grade level rose from 25 percent in 1966 to 40 percent this year. The percentage of Lincoln 8th graders who are three or more grades behind in reading comprehension doubled in three years.

Results like these, say officials, probably reflect the fact that cities like Minneapolis are getting more and more poverty pupils who have learning problems. The number of AFDC children (in and out of school) has nearly doubled to a total of 15,000 in Minneapolis since 1962 (see chart below).

While the educational problems mount, the amount of federal money fails to keep pace. The Title I money per child, in fact, dropped from $162 last year to $146 this year in Minneapolis.

Minneapolis used much of its Title I money in the beginning to reduce class size in poverty-area schools. The additional teachers did reduce class size, but not enough, and tests showed no academic gains from the reduction. Money also was dispersed to a wide range of other programs—a dispersal that again lessened its impact.

Partly as a result of this experience, and because of congressional insistence, the federal money is being concentrated now on the teaching of basic skills—reading, writing and arithmetic—to those students needing it most. The hope in Minneapolis is that the measured progress at the Lincoln Learning Center, for example, can be expanded to more students—especially at the elementary level.

The Board of Education, meantime, is using local funds to support many of the programs that had been financed under Title I—the additional teachers in poverty-area schools, field trips, symphony concerts, hot lunches and closed-circuit television.

Even with the concentration of effort, the overall impact of the federal money on poverty-school education will be limited, because the funds are limited. A fourth of the Title I money is being spent on Hay-Lincoln and Mann-Bryant concentrated education centers, mostly for more teachers, counselors, psychologists and social workers. Other poverty-area pupils do not receive the benefits of such concentrated spending.

The other poverty-area schools do share in the Title I money being used for 415 teacher aides, 20 special learning disability teachers for instruction in basic skills, reading teachers to supervise 600 tutors, an instructional materials center, in-service training in use of audio-visual equipment, and personnel in the talking typewriter program.

The results so far indicate it is a beginning, but not much more.

Poverty up, aid down in Minneapolis

NUMBER OF AFDC CHILDREN

1962	8,500
1967	12,600
1969	15,000

TITLE I FEDERAL AID

1962	$0
1966	2,500,000
1967	2,400,000
1969	2,300,000

IT IS TIME FOR GE MANAGEMENT TO BARGAIN

Mr. YOUNG of Ohio. Mr. President, all Americans have noted with concern the length and scope of the strike of employees of the General Electric Corp.

The lost production, continuing unemployment, and loss of wages, and the resultant loss of profits represent a tragedy for the workers, a heavy blow to stockholders, and a deepening economic setback to the Nation, especially to the communities where GE plants are located.

It is time for those who have no direct stake in the dispute to use their good offices to bring about a resumption of negotiations. The Communications Workers of America, AFL–CIO, has taken a responsible and constructive step in that direction by appealing to GE and its officials, through newspaper advertising, to return to the bargaining table. The advertisements I refer to appeared in the New York Times, the Washington Post, and the Schenectady Gazette. Union officials reminded GE executives that the strikers are loyal GE employees who want only to return to work on a fair and reasonable basis.

The long record of the Communications Workers of America as a responsible and civic-minded organization and of CWA President Joseph A. Beirne as a tough-minded and fair advocate of responsible trade unionism and community service makes the CWA plea especially compelling. The attempt to clear the air is all the more impressive because CWA itself has no direct stake in the strike, since it does not represent any of the striking workers.

The plea does not seek to force GE management to do anything. It merely asks GE to follow in the proven and traditional path for resolving labor-management disputes in this country: a fair and reasonable give-and-take that can produce an agreement satisfactory to both management and workers.

I ask unanimous consent that the full text of the CWA advertisement be printed in the RECORD.

There being no objection, the advertisement was ordered to be printed in the RECORD, as follows:

IT'S TIME FOR GE TO SETTLE THIS STRIKE!

After nearly three months of strike at General Electric, we think it's about time that reasonable people on both sides of the GE collective bargaining table find a way to bring the dispute to a satisfactory settlement.

The unions, in our opinion, have shown a reasonable approach. Their proposals for improvement in pay and benefits are in line with the going rate in other major American manufacturing industries. The unions have even offered to arbitrate the issues in dispute.

But General Electric has refused. Obviously, the company has felt that its position is justified. In our opinion, GE should give some serious top-level review to this whole matter.

As citizens interested in economic progress, we think GE's top management should take a fresh look at the strike, the issues in the strike, and—most of all—the attitudes of the people involved in this strike.

These people, after all, are loyal employees of General Electric.

These men and women have manned the picket lines for over ten weeks.

They have been on strike during the entire holiday season, and the coldest weeks of this cold winter season.

Pretty obviously, they believe in what they're doing. Pretty obviously, they believe there's justice in their cause. Pretty obviously, the offers that have been made by General Electric so far in this strike are not enough to meet their needs and produce an end to the strike.

Isn't it time, therefore, for top management of General Electric to take a fresh new look at this whole issue?

Doesn't the fact that nearly 150,000 men and women have stayed out on strike during this freezing winter make any impression on top GE decision-making executives?

Doesn't GE's top management realize that attacking the union leaders is irrelevant . . . that it's the deeply-felt grievances of the rank-and-file workers which caused this strike and which keep it going?

Doesn't GE's top management realize that these men and women on strike are not agitators or demonstrators or radicals but skilled company employees who, under decent conditions, would far prefer working to striking?

Doesn't GE's top management realize that millions of dollars in advertising obviously haven't convinced these hard-working men and women on strike that GE understands their problems, in these days of a rapidly rising cost of living?

In other words, doesn't GE's top management appreciate that propaganda is no substitute for realistic give-and-take negotiations that will produce a mutually satisfactory settlement? That kind of fair settlement would permit General Electric to move ahead as one of the great engineering and manufacturing corporations in this country. That kind of fair settlement would permit GE's thousands of workers to do their job turning out the products that have made the GE trademark a symbol of electronic excellence throughout the entire world.

For years, General Electric has proclaimed that progress is its most important product. In recent months, General Electric hasn't been producing products and it certainly hasn't produced any progress.

As citizens who believe that economic advancement is meaningful only when it is achieved by the great majority of the American people, we say it's time GE got back to economic reality . . . back to negotiating a fair settlement on realistic 1970 terms . . . back to producing the goods that have made it famous as a great American corporation.

That's why we appeal to GE's top executives to take another look at this strike situation . . . and to apply their creative talent to a satisfactory solution. On a reasonable basis. Now.

Communications Workers of America, AFL–CIO, 1925 K Street N.W., Washington, D.C. 20006.

Joseph A. Beirne, President.
Glenn E. Watts, Secretary-Treasurer.

PROPOSED VETO OF LABOR, AND HEW APPROPRIATIONS

Mr. MOSS. Mr. President, education groups throughout the country have been vocal in their opposition to President Nixon's threatened veto of the HEW appropriation bill which the Senate passed yesterday.

One such group, the American Council on Education, has issued a statement which expresses the various points of the controversy very well. I ask unanimous consent that the statement be printed in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT ON THE PROPOSED VETO OF LABOR AND HEW APPROPRIATIONS

The Board of Directors of the American Council on Education is profoundly distressed by reports that the President may veto the 1970 appropriations for Labor and Health, Education, and Welfare. Such a veto would be a direct and severe blow to education in this country. We believe that the

Congress, through its substantial and bipartisan votes, has accurately reflected the will of the country that the education of our people shall be a matter of first priority.

The President himself, when a candidate for the office to which he was later elected, stated on October 1, 1968, "When we talk about cutting the expense of Government—either Federal, state, or local—the one area we can't short-change is education." A year later a Harris poll indicated that of all Federal programs, 60 percent of those queried believed that Federal expenditures for education should be the last to be cut. No other programs received more than 38 percent support. Yet the first budget submitted by the President called for $454 million less for education than had been appropriated for the previous Fiscal year.

The Congress, we believe wisely and with a sense of fiscal responsibility, has seen fit to increase the budgeted figure for education by $1.3 billion—far less than the authorizations or the need, but closer to both. Charges that such an increase is inflationary are scarcely persuasive when it is considered that Congress has enacted appropriations totaling $5.6 billion below the President's budget.

The Congress, we believe, has acted responsibly and reflected the will of its constituency by giving education a higher place in a reordering of national priorities. We trust that its actions will be sustained and that if the bill is vetoed, the veto will be overridden.

THE NIXON BUDGET AND NATIONAL PRIORITIES

Mr. PROXMIRE. Mr. President, in a syndicated column by James Reston, published in the Wisconsin State Journal of Sunday, January 18, 1970, some very interesting and profound questions were raised about both our foreign and domestic priorities.

Mr. Reston points out that President Nixon is profoundly reducing our overseas commitments. At the same time, there is no comparable reduction in the total defense budget.

On the other hand, the rhetoric of the President indicates that while he is increasing our commitments at home on domestic matters—his words on environmental problems are a principal example—he is reducing our relative expenditures.

Ample proof of Mr. Reston's thesis abounds. Secretary Laird has told us that the Vietnam expenditures have dropped from $30 to $17 billion a year, or by $13 billion. Yet, at best, the defense budget will represent a $6 or $7 billion reduction over last year, and probably much less than that in actual outlays. When one considers that severe additional cuts should be applied in the non-Vietnam area, this fact has the most serious overtones.

What it indicates is that that both the peace dividend and the other cuts in defense spending are being usurped by the military-industrial complex. Instead of applying these long overdue savings to meet the urgent domestic needs at which the President's rhetoric is directed, they will continue to go to overruns on weapons systems, delays in deliveries, and malfunctioning avionics. New and ill-advised strategic weapons which raise the level of terror while they diminish the Government's exchequer will once again be forthcoming.

Meanwhile, the problems of pollution and welfare and health and education are relatively starved for funds. And when we attempt to reorder those priorities and right the balance, the President threatens to veto our efforts.

We in Congress, contrary to the overwhelming propaganda put out by the White House and gobbled up by much of the press, have made a beginning on reordering priorities. We cut $6 billion from President Nixon's request for military construction funds and for the Defense Department itself. We returned a small portion of those and other budget savings, which totaled $7.6 billion, to the problems of health and education. In addition, we cut the President's overall budget requests by $5.6 billion.

Mr. President, we should reduce the military budget in line with the reduction in our obligations and, even as important, to bring efficiency and productivity to the Pentagon's wasteful empire. We should match our commitments to domestic problems to the needs they represent and to the rhetoric by which they are described.

I commend Mr. Reston's article to the Senate and to the country. If I may add one additional note, I hope the President will both read and act on it.

I ask unanimous consent that it be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

[From the Wisconsin State Journal, Jan. 18, 1970]

Nixon's Budget Carving: A Question of Priorities

(By James Reston)

Washington.—The President has gone off to Camp David to work on the national budget.

It is not an ideal way to spend a weekend. Nevertheless, if we think of him as the head of our vast and diverse American family—which, poor man, he is—then we may be able to see his devilish task in somewhat simpler terms.

Like any other responsible husband, he has to provide for the family's needs in the order of their importance—only he has to think of his family in hundreds of millions of people and hundreds of billions of dollars and plan on the scale of the continent and even the world.

The Federal budget, which President Johnson was determined to keep below $100 billion only a few short years ago and President Nixon is trying to keep around $200 billion, is one of the great mysteries of American life.

The budget gets all mixed up in theories of taxation, the gross national product, inflation, the balance of payments, Communist intentions, weapons systems, and many other important but confusing concepts. But in the end it is primarily a question of good housekeeping—of matching the nation's money to its problems in the order of their importance.

There is an argument in the family this year, as usual, about how the President is cutting the pie, and the argument is a little noisier, because he doesn't seem to be following the logic of his own lectures.

He obviously is cutting his overseas promises. He is bringing men home from Vietnam, and telling our friends in Europe and Asia not to count on us unless there is some spectacular catastrophe, and almost everybody here agrees with his objectives but not with his mathematics.

For while he is cutting United States commitments overseas dramatically, he is reducing the military budget only marginally. While he is dramatizing the problems of the homefront and providing more money to deal with domestic problems, he still is proposing a military budget of more than $70 billion and this is what is producing the argument both about his logic and his budget.

The Allies overseas have got the message. They have listened to the President and the vice-president in Asia. They see the trend of American policy. They have been told to count on themselves unless there is a major Communist military aggression.

So Willy Brandt in Bonn, and Golda Mier in Israel, begin to count more on themselves, which is what the Nixon Administration wants.

But the U.S. military budget remains high while the U.S. overseas commitments are reduced, and even the President's own violence commission says the main threat to U.S. security is internal and not external, but the budget does not reflect this conclusion.

Accordingly, the argument over Mr. Nixon's budget this year is going to be sharp and even violent, especially in the light of the inflation and its effects on business and particularly on the poor. Is the President really providing for the nation's needs "in the order of their importance?"

Is he cutting the military budget as much as he is cutting his overseas commitments? OR is he merely reducing it a little and still over-financing the military overseas threat and underfinancing the internal threat of inequality and disorder within the American family?

If the President, who is writing his State of the Union Message at Camp David, would really answer these questions, the people and the Congress undoubtedly would accept his conclusions. But they don't have the answers now. There is a great deal of talk about reordering the priorities of the nation, which really means dividing up the money in a different way, but nobody in the Administration, from the President down, has yet explained why the overseas commitment should be reduced while the military budget remains higher than the domestic general welfare budget.

All of which brings us back to the central questions where does the chief threat to the U.S. lie at the beginning of the 1970's—from military aggression abroad or poverty and social turmoil and division at home?

Experienced men like Robert McNamara argue the military budget can be reduced safely to between $58 and $63 billion, rather than the $70 billion now being proposed, but the American people are divided on the question, and the President, who has the facts, has not yet explained "the needs of the nation in the order of their importance."

HOW TO SOLVE OUR PROBLEMS

Mr. TOWER. Mr. President, I ask unanimous consent to have printed in the Record an article written by Bill Gold and published in the Washington Post of January 14, 1970. Mr. Gold makes a point which I believe we should all keep in mind:

In order to solve our problems, we must understand them. This is particularly relevant in the case of our Nation's youth; surely understanding can help to erase the so-called generation gap.

There being no objection, the article was ordered to be printed in the Record, as follows:

XUM

[From the Washington Post, Jan. 14, 1970]

THOUGHTS ON THE CARE AND FEEDING OF HIPPIES

(By Bill Gold)

The ghastly Mattingly murder case has set many of us in the "straight" community to thinking about the hippie mode of life. Our ambivalence is noteworthy.

Believing as we do in freedom, we think that each of us should be free to indulge himself in any eccentricity that does not impinge upon the rights of others. On this basis, we find hippie conduct bizzare, but tolerable.

However, each time a sensational crime involves individuals whose lives are dominated by drugs and indolence, we must wonder anew where freedom stops and impingement begins. And what can or should be done about it.

I don't know the answer to that. I don't even know what a hippie is. Is he merely a carefree nonconformist who doesn't really bother anybody, or is he a potential danger to the community?

Are there two separate types? Do they remain so, or does the former tend to drift into the latter category?

Again: I don't know. I would not want to sit in judgement of one who is merely an individualist who has learned to meet his material needs with a minimal amount of work while I toil like a fanatic to meet mine. Maybe I'm the kook and he's the sound citizen, so who am I to be analyzing him?

On the other hand, one can wonder whether it is really possible in this hard world for anybody to spend his life smelling the flowers without impinging upon the rights of those who grow flowers and weed flower beds.

We straights work because we want the things work produces. Even minimal amounts of food, clothing and shelter require expenditure of effort. The Lord has given us the raw materials—and the free will to waste them or make something of them. By our standards, an able-bodied person who wants material things should be willing to work for them, and if he is not willing to exert himself he should be resigned to doing without.

We cannot envision a functioning economy in which any able-bodied individual who chose to would be free to exempt himself from the requirement for work without forfeiting the product of such work.

So there is inevitable conflict between us and the hippie philosophy that puts extremist emphasis on drugs and on devoting as little time as possible to work.

Drug-induced conduct is irresponsible, and often vicious. Supporting a drug habit creates a concurrent course of antisocial activity. One who has lost contact with the working world cannot rejoin it at will and immediately find a productive role that will earn enough for his wants or needs. In fact, productive employment is seldom capable of supporting a drug habit.

Police records throughout the nation make it clear how these stresses are resolved by addicts and indolents. They take to panhandling, then to shoplifting, "dealing" in narcotics, thievery of various kinds, pimping and prostitution, and finally to crimes of violence.

The innocent child who "just wanted to escape from the materialistic rat race" to ponder the grandeur of Love and Peace and Mankind ends up in a stinking jail cell.

I do not pretend to know what we can do about the situation as a community, but as an individual I took one small step some months ago. I stopped giving quarters to young hippies who looked as if they hadn't eaten recently.

One who grew up with patches on his pants finds it difficult to turn down even a whisky-nosed bum. But in this matter, I finally concluded that people like me have been encouraging a flight from reality among juvenile runaways.

I am now of the opinion that giving money to an able-bodied panhandler is more an act of folly than an act of charity. On this level, at least, I am opposed to giving material aid to runaway kids with hippie notions.

For parents of children who run away, the question of material aid is far more difficult. Parents must take into account such complex factors as the child's age, degree of maturity, readiness to make his own way and general attitude. Nevertheless, the same basic test needs to be applied, with the parent wondering: "If I keep sending him money, am I acting in an understanding and charitable manner to ease a difficult transitional period for a mixed up kid, or am I showing him how easy it is to become a permanent bum?"

And what of institutions dedicated to helping runaway juveniles? Is it humane and constructive to provide a temporary haven for runaways? Or does the easy availability of havens encourage children to run away—and stay away?

My guess is that it can work either way, depending on the child and the institution. And if my guess is right, then we "straights" have an important stake in the wisdom—or lack of it—with which these institutions are supervised.

But how much do we really know about them, or about the problem they are trying to help solve? Very little, I suspect. Perhaps the first thing we must do is admit that we don't really understand why so many young people dislike the world we built for them, yet even greater numbers of them like our world enough to want to take a hand in making it better. Why do so many children hate us while even greater numbers of them love us? Before we solve any problems, we're going to have to understand them.

PUNITIVE DRAFTING IS BARRED

Mr. KENNEDY. Mr. President, last November, in hearings before the Subcommittee on Administrative Practice and Procedure, on the administrative practices of the Selective Service System, several witnesses urged the abolition of punitive reclassification by local draft boards. Recognizing that there are adequate provisions in State and Federal law for registrants who violate selective service regulations or engage in illegal protests, these witnesses felt that the use of accelerated induction as an administratively imposed penalty raised serious constitutional questions. Foremost among these witnesses was former Attorney General Ramsey Clark who, urging the repeal of the delinquency regulations, stated that the "present delinquency regulations, history shows, have been invoked without clear standards set by Congress, have provided no adequate definition of what constitutes delinquency, and they have reached far beyond what may be necessary to the effective performance of local draft boards."

During the hearings Gen. Lewis B. Hershey stated that he does not consider the draft "punishment." I feel that if it is not to be considered punishment, however, then the draft should not be used as such. Based on these hearings, the Subcommittee on Administrative Practice and Procedure has prepared a study of the Selective Service System with recommendations which should be in print by the end of this month. One of the recommendations of the subcommittee is the termination of punitive reclassification and accelerated induction for delinquents. The subcommittee states that proper action could be taken immediately by the executive; as it has developed, however, the judiciary has acted first.

The U.S. Supreme Court the day before yesterday delivered its opinion in Gutknecht against United States, holding that accelerated induction for delinquents was not authorized by Congress. The opinion states:

> We search the Act in vain for any clues that Congress desired the Act to have punitive sanctions apart from the criminal prosecutions specifically authorized. Nor do we read it as granting personal privileges which may be forfeited for transgressions which affront the local board. If federal or state laws are violated by registrants, they can be prosecuted. If induction is to be substituted for these prosecutions, a vast rewriting of the Act is needed. Standards would be needed by which the legality of a declaration of "delinquency" could be judged. And the regulations, when written, would be subject to the customary inquiries as to infirmities on their face or in their application, including the question whether they were used to penalize or punish the free exercise of constitutional rights.

I believe that this is an important step in reforming the present draft system to the point where young men can have respect for it. I ask unanimous consent that the article in yesterday morning's Washington Post on this decision, as well as the opinion itself, be printed in the RECORD at the conclusion of my remarks, together with a second article in yesterday's Washington Post which focuses on another area of the draft reform, which has been discussed for many years: Student deferments.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibits 1, 2, and 3.)

Mr. KENNEDY. Mr. President, the American Council on Education yesterday urged that undergraduate deferments be discontinued and that inductions be made randomly from a national pool. Once again this follows closely recommendations made by witnesses at the hearings last November and recommendations to be released by the subcommittee later this month.

Equality of treatment of all registrants, wealthy or poor, is extremely important at all times. It becomes most critical however during time of war when those who are inducted face high risk of casualty, while others can defer service until time of peace. I think that while arguments can be made for retention of undergraduate deferments during peacetime, there can be no valid reasons for such deferments when this Nation is at war. The burden of casualties should be borne equally among all young men, regardless of wealth, education, or influence.

Congressional action will be needed to alter the present student deferment system. I hope that the hearings before the Committee on Armed Services next month will provide a forum for full discussion of this and other issues.

EXHIBIT 1

[From the Washington Post, Jan. 20, 1970]

PUNITIVE DRAFTING IS BARRED—COURT DENIES AUTHORITY TO LOCAL BOARDS

(By John P. MacKenzie)

The Supreme Court ruled yesterday that the Selective Service System may not speed a young man's induction as punishment for draft delinquency.

Reversing the conviction of a war protester who turned in his draft card and later resisted induction, the court noted that "punitive" regulations have been used since 1943, although Congress never conferred the punishing power on the system headed by Gen. Lewis B. Hershey.

The court's decision seemed certain to require massive readjustments by the nation's 4,000 draft boards—the kind of "litigious interruption" of the system's operation that Hershey has sought to avoid.

Latest government figures show that more than 31,000 young men were listed in the "delinquency" category among the 38 million men who are classified 1–A. It was assumed that these men will be entitled to regain the draft status they enjoyed before boards found them delinquent, though many may face criminal prosecution for other draft law violations.

By comparison with those declared delinquent, the number of men entitled to release from prison was expected to be quite small. Most draft violation prosecutions are not related to draft card turn-ins or other actions involving delinquency.

The court was unanimous in overturning the conviction and four-year prison sentence of David E. Gutknecht, 22, whose induction was accelerated after he dropped his draft papers at the feet of a deputy U.S. marshal during a 1967 demonstration in St. Paul, Minn.

Two justices—Chief Justice Warren E. Burger and Potter Stewart—refused to accept the broad ruling of the majority and filed concurrences based on the failure of Gutknecht's local board to observe its own regulations.

The court's opinion by Justice William O. Douglas was joined in full by Justice Hugo L. Black, William J. Brennan Jr. and Thurgood Marshall. Justice John M. Harlan filed an opinion agreeing that the regulations were illegally "punitive" but stating that new, non-punitive rules could be issued legally. Justice Byron R. White joined the majority in saying Congress never "delegated" so much power to the Executive Branch.

Hershey, who is leaving the Selective Service after nearly 30 years as director, has maintained that his rules never were designed for "punishment" but were a legitimate way to raise armies.

Civil liberties groups argued that Hershey's suggestion in 1967 that antiwar demonstrators be conscripted amounted to punishment and intimidation of dissenters. Douglas avoided that argument but said the history of the regulations showed that the Selective Service meant them to be used as added punishment.

But in the history of draft laws, said Douglas, "there is nothing to indicate that Congress authorized the Selective Service System to reclassify exempt and deferred registrants for punitive purposes." Instead, Congress repeatedly called for "impartial" conscription, he said.

Stewart's separate opinion, in which Burger said he joined "generally," said it wasn't necessary to reach the question of the systems legal authority since Gutknecht's local board had denied him a chance to appeal his delinquency finding.

Solicitor General Erwin N. Griswold split with the Nixon administration over the Gutknecht case, refusing to argue the government's position or sign its brief. Assistant Attorney General William D. Ruckelshaus argued for the government. Gutknecht's lawyer was UCLA law professor Michael E. Tigar.

The court has taken no action in a delinquency case in which a draftee failed to tell his board that he was not a member of a reserve unit. Harlan's opinion indicated that such a delinquent could still be legally inducted.

Still pending before the court is a challenge to the constitutionality of a 1967 law that forbids lawsuits challenging allegedly punitive reclassifications. The law said the draftee could contest his board's action only as a defense to a criminal prosecution—such as Gutknecht's—or in a habeas corpus petition filed after he was in uniform.

In a separate action yesterday the court agreed to hear a registrant's claim that he is entitled to conscientious objector status based on nonreligious beliefs.

EXHIBIT 2

[From the Washington Post, Jan. 20, 1970]

COLLEGE GROUP ASKS END TO DEFERMENTS

(By Eric Wentworth)

The American Council on Education, reversing a longstanding policy, called yesterday for an end to draft deferments for college students.

The council's switch swung important new support behind anti-deferment plans afoot within the Nixon administration. The council's members include some 1,556 colleges, universities and education associations.

In a statement released yesterday, it said that dropping II-S deferments would "bring us closer to equity" by according all young men of a given age "exactly the same probability of induction."

A council spokesman said the groups directors approved the new policy unanimously at a weekend meeting.

The council's statement said its previous position, dating back to the Korean War, "was based on the belief that the nation's welfare demanded a steady flow of highly educated young people through the colleges and into the civilian as well as the military economy."

However, the council continued, "Clearly, the situation has changed. The available pool of draft eligible men is so large as compared with the numbers likely to be called into service that a termination of student deferments cannot seriously affect the regular flow of highly educated manpower.

"Thus the question of the national welfare is no longer at issue. At issue is the question of equity."

The council said it supported the thrust of last year's draft law under which the Nixon administration has set up a lottery system.

Under this system, college undergraduates continue to enjoy deferments while enrolled but face the same draft prospects as 19-year-olds after they graduate. A council source said some 1,705,000 students had 11–S deferments as of last month.

The council proposed both an end to new deferments and a Presidential order providing a "transition period" for students already deferred.

"With a random selection system in place," it concluded, "and with the elimination of student and, we trust, occupational deferments, induction should be based on a national call-up in the order of randomly selected numbers."

Dropping undergraduate deferments would require amending the 1967 Selective Service Act, which eliminated deferments for most graduate students but guaranteed that undergraduates would stay immune.

The Senate Armed Services Committee is pledged to hold new draft-reform hearings this winter to satisfy lawmakers who want a broader overhaul than last year's measure provided. Defense Secretary Melvin R. Laird disclosed recently that the administration is planning moves toward eliminating student, occupational and parental deferments.

EXHIBIT 3

[Supreme Court of the United States, No. 71.—October Terms, 1969]

DAVID EARL GUTKNECHT, PETITIONER, *v.* UNITED STATES

On Writ of Certiorari to the United States Court of Appeals for the Eighth Circuit

[January 19, 1970]

MR. JUSTICE DOUGLAS delivered the opinion of the Court.

This case presents an important question under the Military Selective Service Act of 1967. 62 Stat. 604, as amended, 65 Stat. 75, 81 Stat. 100.

Petitioner registered with his Selective Service Local Board and was classified I–A. Shortly thereafter he received a II–S (student) classification. In a little over a year he notified the Board that he was no longer a student and was classified I–A. Meanwhile he had asked for an exemption as a conscientious objector. The Board denied that exemption, reclassifying him as I–A, and he appealed to the State Board. While that appeal was pending, he surrendered his registration certificate and notice of classification by leaving them on the steps of the Federal Building in Minneapolis with a statement explaining he was opposed to the war in Vietnam. That was on October 16, 1967. On November 22, 1967, his appeal to the State Board was denied. On November 27, 1967, he was notified that he was I–A.

On December 20, 1967, he was declared delinquent by the local board. On December 26, 1967, he was ordered to report for induction on January 24, 1968. He reported at the induction center, but in his case the normal procedure of induction was not followed. Rather, he signed a statement, "I refuse to take part or all [*sic*] of the prescribed processing." Thereafter he was indicted for wilfully and knowingly failing and neglecting "to perform a duty required of him" under the Act. He was tried without a jury, found guilty, and sentenced to four years' imprisonment. 283 F. Supp. 945. His conviction was affirmed by the Court of Appeals. 406 F 2d 494. The case is here on a petition for a writ of certiorari 394 U.S. 997.

I

Among the defenses tendered at the trial was the legality of the delinquency Regulations which were applied to petitioner. It is that single question which we will consider.

By the Regulations promulgated under the Act a local board may declare a registrant to be a "delinquent" whenever he "has failed to perform any duty or duties required of him under the selective service law other than the duty to comply with an Order to Report for Induction (SSS Form No. 252) or the duty to comply with an Order to Report for Civilian Work and Statement of Employer (SSS Form No. 153) . . . ." 32 CFR § 1642.4.

In this case, petitioner was declared a delinquent for failing to have his registration certificate (SSS Form No. 2) and current classification notice (SSS Form No. 110) in his personal possession at all times, as required by 32 CFR §§ 1617.1 and 1623.5 respectively.

The consequences of being declared a delinquent under § 1642.4 are of two types: (1) Registrants who have deferments or exemptions may be reclassified in one of the classes available for service, I–A, I–A–O, or I–O, whichever is deemed applicable. 32 CFR § 1642.12. (2) Registrants who are already classified I–A, I–A–O, or I–O, and those who are reclassified to such a status, will be given first priority in the order of call for induction, requiring them to be called even ahead of volunteers for induction. 32 CFR § 1642.13. The latter consequence deprives the registrant of his previous standing in the order of call as set out in 32 CFR § 1631.7.[1]

The order-of-call provision in use when petitioner was declared "delinquent"[2] is set out in 32 CFR § 1631.7(a). The provision lists, in order, six categories of registrants and provides that the registrants shall be selected and ordered to report for induction according to the order of those categories. The first category is delinquents; the next category is volunteers; the other four categories are comprised of nonvolunteers. In this case, the petitioner was in the third of the six categories at the time he was declared to be a "delinquent." By virtue of the declaration of delinquency he was moved to the first of the categories which meant, according to the brief of the Department of Justice, that "it is unlikely that petitioner, who was 20 years of age when ordered to report for induction, would have been called at such an early age had he not been declared a delinquent."

If a person, who is ordered to report for induction or alternative civilian service, refuses to comply with that order, he subjects himself to criminal prosecution. See 32 CFR §§ 1642.41, 1660.30.

There is no doubt concerning the propriety of the latter criminal sanction, for Congress has specifically provided for the punishment of those who disobey selective service statutes and regulations in § 12 of the Military Selective Act of 1967, 50 U. S. C. App. § 462. The question posed by this case concerns the legitimacy of the delinquency. Regulations, which were applied to the petitioner, so as to deprive him of his previous standing in the order of call.

II

There is a preliminary point which must be mentioned and that is the suggestion that petitioner should have taken an administrative appeal from the order declaring him "delinquent" and that his failure to do so bars the defense in the criminal prosecution.

The pertinent Regulation is 32 CFR § 1642.14, which gives a delinquent who "is classified in or reclassified into Class I–A, Class I–A–O or Class I–O" three rights:

(a) the right to a personal appearance, upon request, *"under the same circumstances as in any other case"*;

(b) the right to have his classification reopened *"in the discretion of the local board"*; and

(c) the right to an appeal *"under the same circumstances and by the same persons as in any other case."*

The right to a personal appearance "in any other case" is covered by 32 CFR § 1624.1 (a). That section gives the right to "every registrant *after his classification is determined by the local board*" provided a request is made therefor within 30 days. The action taken against this petitioner, however, did not involve classification. The term "classification" is used exclusively in the Regulations to refer to classification in one of the classes determining availability for service, *e.g.*, I–A, I–O. See 32 CFR Pts. 1621–1623. "Delinquency" is not such a classification, and a registrant is "declared" a delinquent, *not* "classified" as a delinquent. See 32 CFR Pt. 1642.

The right to reopen his classification is also irrelevant to petitioner as he is not attacking his classification, but only his accelerated induction.

The right to appeal "in any other case" is covered by 32 CFR § 1626.2(a). That section provides that "the registrant . . . may appeal to an appeal board *from the classification of a registrant by the local board*."

Again, since petitioner was not classified in conjunction with his delinquency, but only had his induction accelerated, it would mean that he did not have the right to an appeal under the Regulations.[3] We are not advised in any authoritative way, that this interpretation of the Regulations is contrary to the administrative construction of them or to the accepted practice.[4]

III

We come then to the merits. The problem of "delinquency" goes back to the 1917 Act, as shown in the Appendix to this opinion. The present "delinquency" Regulations with which we are concerned stem from the 1948 Act.

The Regulations issued under the 1948 Act were substantially identical to the present delinquency regulations, 32 CFR, Pt. 1642. Nothing in the 1948 Act or in any prior Act makes reference to delinquency or delinquents. The regulations purport to issue under the authority of § 10 of the 1948 Act. Section 10, however, relates neither to selection (§ 5) nor to deferments and exemptions (§ 6), but simply to the administration of the Act as delegated to the President: "The President is authorized—(1) to prescribe the necessary rules and regulations to carry out the provisions of this title." 62 Stat. 619.

The delinquency provisions of 32 CFR, Pt. 1642, survived the 1967 Military Selective Service Act largely intact. Again, however, there is nothing to indicate that Congress authorized the Selective Service System to reclassify exempt and deferred registrants for punitive purposes and to provide for accelerated induction of delinquents. Rather, the Congress reaffirmed its intention under § 12 (50 U.S.C. App. § 462), to punish delinquents through the criminal law.

It is true, of course, that Congress referred to "delinquents" in § 6(h)(1), 81 Stat. 102, 50 U.S.C. App. § 456(h)(1):

"As used in this subsection, the term 'prime age group' means the age group which has been designated by the President as the age group from which selections for induction into the Armed Forces are first to be made *after delinquents* and volunteers." (Emphasis added.)

This reference concerns only an order-of-call provision which institutes a call by age groups, 32 CFR § 1631.7(b), a provision which has never been used. This casual mention of the term "delinquents," moreover, must be measured against the explicit congressional provision for criminal punishment of those who violate the selective service laws, 50 U.S.C. App. § 462, the congressional provision for exemptions and deferments, 50 U.S.C. App. § 456, and congressional expressions emphasizing the importance of an impartial order of call, 50 U.S.C. App. § 455; H. R. Rep. No. 346, 90th Cong., 1st Sess., at 9–10. Thus it was that the Solicitor General stated in his brief in *Oestereich* v. *Selective Service Board*, 393 U.S. 233:

"'It is difficult to believe that Congress intended the local boards to have the unfettered discretion to decide that any violation of the Act or regulations warrants a declaration of delinquency, reclassification and induction. . . ." Brief for the United States, at 54.

Judge Dooling stated in *United States* v. *Eisdorfer*, 299 F. Supp. 975, 989:

"The delinquency procedure has no statutory authorization and no Congressional support except what can be spelled out of the 1967 amendment to 50 U.S.C. App. § 456(h)(1). . . . The delinquency regulations, moreover, disregard the structure of the Act; deferments and priorities-of-induction, adopted in the public interest, are treated as if they were forfeitable personal privileges."

Oestereich involved a case where a divinity school student with a statutory exemption and a IV–D classification was declared "delinquent" for turning in his registration certificate to the government in protest to the war in Vietnam. His Board thereupon reclassified him as I–A. After he exhausted his administrative remedies, he was ordered to report for induction. At that point he brought suit in the District Court for judicial review of the action by the Board. We held that under the unusual circumstances of the case, pre-induction judicial review was permissible prior to induction and that there was no statutory authorization to use the "delinquency" procedure to deprive a registrant of a statutory exemption. We said:

"There is no suggestion in the legislative history that, when Congress has granted an exemption and a registrant meets its terms and conditions, a Board can nonetheless withhold it from him for activities or conduct not material to the grant or withdrawal of the exemption. So to hold would make the Board's free-wheeling agencies meting out their brand of justice in a vindictive manner.

"Once a person registers and qualifies for a statutory exemption, we find no legislative authority to deprive him of that exemption because of conduct or activities unrelated to the merits of granting or continuing that exemption." 393 U.S. at 237.

The question in the instant case is different because no "exemption," no "deferment," no "classification" in the statutory sense is involved. "Delinquency" was used here not to change a classification but to accelerate petitioner's induction from the third category to the first; and it was that difference which led the Court of Appeals to conclude that what we said in *Oestereich* was not controlling here.

Deferment of the order of call may be the bestowal of great benefits; and its acceleration may be extremely punitive. As already indicated, the statutory policy is the selection of persons for training and service "in an impartial manner." 50 U.S.C. App. § 455(a)(1). That is the only express statutory provision which gives specific content to that

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[1] Under the terms of 32 CFR § 1631.7(a)(1) in effect at the time of petitioners trial, the first in line for induction were "Delinquents who have attained the age of 19 years in the order of their dates of birth with the oldest being selected first." That provision has been included in the new § 1631.7(a) promulgated after the random system of selection, discussed hereafter, was adopted.

[2] The order of call provided for by 32 CFR § 1631.7(b) concerned calls of designated "age group or groups," a system never used.

[3] Cf. *McKart* v. *United States*, 395 U.S. 185. In *McKart*, the petitioner, who challenged his I–A classification, was given a right to appeal under the Regulations but failed to exercise it. This Court held that this failure did not preclude the petitioner from raising the invalidity of his I–A classification as a defense to his prosecution for refusal to report for induction. The doctrine of exhaustion of remedies, we held, was inapplicable where the question sought to be raised was solely one of statutory interpretation, *id.*, at 197–199, and where application of the doctrine would serve to deprive a criminal defendant of a defense to his prosecution. *Id.*, at 197.

[4] The Department of Justice does not suggest that a registrant who has been declared a "delinquent" has administrative remedies for a review of that action. It points out, however, that the Regulations, 32 CFR § 1642.4(c), provide that "A registrant who has been declared to be a delinquent may be removed from that status by the local board at any time." It suggests that "at least up to the time of the issuance of the order to report for priority induction, it would be an abuse of discretion for a board to refuse removal in the case of a registrant who sought in good faith to correct his breach of duty." Whatever may be the ultimate reach of 32 CFR § 1642.4(c), it seems to be conceded that it has little relevance to the present case where the Department states, "the local board has solid evidence that petitioner had dispossessed himself of his draft card."

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phrase. That section does permit people registered at one time to be selected "before, together with, or after" persons registered at a prior time. Moreover, those who have not reached the age of 19 are given a deferred position in the order of call. But those variations in the phrase "in an impartial manner' are of no particular help in the instant case, except to underline the concern of Congress with the integrity of that phrase.

We know from the legislative history that, while Congress did not address itself specifically to the "delinquency" issue, it was vitally concerned with the order of selection, as well as with exemptions and deferments. Thus in 1967 a Conference Report brought House and Senate together against the grant of power to the President to initiate "a random system of selection"—a grant which, it was felt, would preclude Congress from "playing an affirmative role" in the constitutional task of "raising armies." H. Rep. No. 346, *supra*, at 9–10. It is difficult to believe that with that show of resistance to grant of a more limited power, there was acquiescence in the delegation of a broad, sweeping power to Selective Service to discipline registrants through the "delinquency" device.

The problem of the order of induction was once more before the Congress late in 1969. Section 5(a)(2) of the 1967 Act, 50 U.S.C. App. § 455 (a)(2) provided:

"Notwithstanding the provisions of paragraph (1) of this subsection, the President in establishing the order of induction for registrants within the various age groups found qualified for induction shall not effect any change in the method of determining the relative order of induction for such registrants within such age groups as has been heretofore established and in effect on the date of enactment of this paragraph, unless authorized by law enacted after the date of enactment of the Military Selective Service Act of 1967."

While § 5(a)(2) gave the President authority to designate a prime age group for induction, it required him to select from the oldest first within the group. S. Rep. No. 91–531, 91st Cong., 1st Sess., p. 1. The Act of November 26, 1969, 83 Stat. 220, repealed § 5(a)(2) pursuant to a request of the President that a random system of selection be authorized. See S. Rep. No. 91–531, *supra*, pp. 3–4; H.R. Rep. No. 91–577, 91st Cong., 1st Sess., pp. 2, 9.[5] The random system has now been put in force.[6] It applies of course only prospectively. But its legislative history, as well as the concern of the Congress that the order in which registrants are inducted be achieved "in an impartial manner," emphasizes a deep concern by Congress with the problems of the order of induction as well as with those of exemptions, deferments, and classifications.

While § 5(a)(1) provides that "there shall be no discrimination against any person on account of race or color," 50 U.S.C. App. § 455(a)(1), there is no suggestion that as respects other types of discrimination the Selective Service has free-wheeling authority to ride herd on the registrants using immediate induction as a disciplinary or vindictive measure.

The power under the regulations to declare a registrant "delinquent" has no statutory standard or even guidelines. The power is exercised entirely at the discretion of the local board. It is a broad, roving authority, a type of administrative absolution not congenial to our law-making traditions. In *Kent* v. *Dulles*, 357 U.S. 116, 128–129, we refused to impute to Congress the grant of "unbridled discretion" to the Secretary of State to issue or withhold a passport from a citizen "for any substantive reason he may choose." *Id.*, at 128. Where the liberties of the citizen are involved, we said that "we will construe narrowly all delegated powers that curtail or dilute them." *Id.*, at 129. The Director of Selective Service described the "delinquency" regulations as designed "to prevent, wherever possible, prosecutions for minor infraction of rules" during the selective service processing.[7] We search the Act in vain for any clues that Congress desired the Act to have punitive sanctions apart from the criminal prosecutions specifically authorized. Nor do we read it as granting personal privileges which may be forfeited for transgressions which affront the local board. If federal or state laws are violated by registrants, they can be prosecuted. If induction is to be substituted for these prosecutions, a vast rewriting of the Act is needed. Standards would be needed by which the legality of a declaration of "delinquency" could be judged. And the regulations, when written, would be subject to the customary inquiries as to infirmities on their face or in their application, including the question whether they were used to penalize or punish the free exercise of constitutional rights.

Reversed.

MR. CHIEF JUSTICE BURGER concurs in the result reached by the Court generally for the reasons set out in the separate opinion of MR. JUSTICE STEWART.

Mr. JUSTICE WHITE joins the opinion of the Court insofar as it holds that Congress has not delegated to the President the authority to promulgate the delinquency regulations involved in this case.

APPENDIX

Under the Selective Service Act of 1917, 40 Stat. 76, if a registrant failed to return his questionnaire or to report for physical examination, he was mailed a special order directing him to report for military service at a specified time. The registrant became a member of the service on the date specified in his order; any refusal to obey that order subjected him to prosecution under military law for desertion. "Since in most instances the delinquent registrant would never receive the order, due to not being in contact with his local board, he would normally acquire the status of a deserter without having any knowledge of his induction." Selective Service System, Enforcement of the Selective Service Law 13 (Special Monograph No. 14, 1950). Thus, enforcement of the 1917 Act rested principally with the military, with court martial being the main weapon of enforcement.

In passing the Selective Training and Service Act of 1940, 54 Stat. 885, Congress specifically ended the practice of subjecting delinquent registrants to military jurisdiction immediately upon receipt of their orders to report. Rather, § 11 of the Act provided that no registrant should be tried in a military court for disobeying selective service laws until he had been actually inducted, vesting criminal jurisdiction until such time in the United States district courts.

No mention was made in the 1940 Act of "delinquency" or "delinquents." These terms were first introduced by the Selective Service regulations issued under the Act, 32 CFR, c. VI (1940 Supp.), which prescribes various duties for registrants and defined a "delinquent" as one who fails to perform them:

"A 'delinquent' is . . . (b) any registrant who prior to his induction into the military service fails to perform at the required time, or within the allowed period of given time, any duty imposed upon him by the selective service law, and directions given pursuant thereto, and has no valid reason for having failed to perform that duty." 32 CFR § 601.106 (1940 Supp.).

Furthermore, the Regulations provided definite procedures for processing delinquents: after giving them notice of their suspended delinquency, 32 CFR § 603.389 (1940 Supp.), and after investigating those suspected charges, 32 CFR § 603.390 (1940 Supp.), the Selective Service System provided for two possible dispositions:

On the one hand—

"If the local board is convinced that a delinquent is not innocent of wrongful intent, or if a suspected delinquent does not report to the board within 5 days after the mailing of the Notice of Delinquency . . . , the board should report him to a United States District Attorney for prosecution under section 11 of the Selective Service Act." 32 CFR § 603.391 (a) (1940 Supp.).

On the other hand—

"If the board finds that the suspected delinquent is innocent of any wrongful intent, the local board shall proceed with him just as if he were never suspected of being delinquent." 32 CFR § 603.390(a) (1940 Supp.).

The February 1942 amendments to the Regulations added a provision by which local boards would advise the United States Attorney in the exercise of his discretion not to prosecute those who had violated the selective service laws:

"If it is determined that the delinquency is not willful, or that substantial injustice will result, the local board should encourage the delinquent to comply with his obligations under the law and, if he does so or offers to do so, should urge that any charge of delinquency against him or any prosecution of him for delinquency be dropped." 32 CFR § 642.5 (1938–1943 Supp.).

This process was called the "enforcement procedure of education and persuasion." Selective Service System, Enforcement of the Selective Service Law, *supra*, at 1–3.

"The first steps of the board were to try educating and persuading [the delinquent] to comply, but if such failed his case was referred to the United States attorney for further education and persuasion, or if such also failed, for prosecution." Selective Service System, Organization and Administration of the System 241 (Special Mono. No. 3, 1951).

If it was determined that the delinquency was "willful" or that for any reason the United States Attorney should not exercise his discretion not to prosecute, the registrant was given an opportunity to avoid prosecution by "volunteering" for induction.

"[T]he registrant could volunteer for induction from any classification, not just I–A, any time he so desired, and if he was a delinquent under prosecution such volunteering was often allowed from any stage of the proceedings." *Ibid.*

This procedure made it possible for the

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[5] And see Cong. Rec., vol. 115, pt. 24, p. 32077 *et seq., ibid.* October 30, 1969, pp. 32426 *et seq.*, 32438 *et seq., ibid.* November 19, 1969 p. 34828 et seq.

[6] The random selection was established by the President through Proclamation 3945, on November 26, 1969. 34 Fed. Reg. 19017 (November 29, 1969).

[7] "The escalation of the United States military involvement in Vietnam increased the draft calls, and there was an upsurge of public demonstrations in protest. Some of these protests took the form of turning 'draft' cards in to various public officials of the Department of Justice, the State or National Headquarters of Selective Service System, or directly to local boards. By agreement with the Department of Justice, registrants who turned in cards (as contrasted to those who burned cards) were not prosecuted under section 12(a) of the Military Selective Service Law of 1967, but were processed administratively by the local boards. In many instances, the local boards determined that a deferment of such registrant was no longer in the national interest, and he was reclassified 1–A delinquent for failure to perform a duty required of him under the Act, namely retaining in his possession the Registration Card and current Notice of Classification card." Hershey, Legal Aspects of Selective Service 46–47 (1969).

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boards to siphon into military service some delinquents who might otherwise have traveled to jail:

"Since the purpose of the [selective service] law is to provide men for the military establishment rather than for the penitentiaries, it would seem that when a registrant is willing to be inducted, he should not be prosecuted for minor offenses committed during his processing." Selective Service System, Legal Aspects of the Selective Service System, at 42 (1963).

In November 1943, a new and substantially different set of regulations were issued. These regulations did not rely upon a delinquent's "volunteering" for induction; instead they provided for reclassification of deferred or exempted delinquents into classes available for service, 32 CFR § 642.12(a) (1943 Supp.), and provided for their priority induction without regard to the order of call established elsewhere in the regulations, 32 CFR § 642.13(a) (1943 Supp.).

A deferred or exempted registrant who was reclassified into a class available for service was accorded the procedural rights of personal appearance and appeal to which he would otherwise have been entitled. 32 CFR § 642.14(a) (1943 Supp.). In the case of a registrant who was not reclassified as a result of his delinquency, the local board could "reopen" the classification and accord rights of personal apearance and appeal "at any time before induction." 32 CFR § 642.14 (b) (1943 Supp.). If the local board determined that the registrant "knowingly became a delinquent," however, it was directed to decline to reopen the registrant's classification. *Ibid.*

With respect to those registrants who were given appeal rights under § 642.14, the appeal board would determine if they had "knowingly" become delinquents. If they had, they were to be retained in a class available for service. If they had not, they were to be "classified on appeal in the usual manner" and their status as delinquents was to be "disregarded." 32 CFR § 642.14(c) (1943 Supp.).

The purpose of these regulations was "*to prevent delay* in the induction of apprehended delinquent registrants." Selective Service System, Enforcement of the Selective Service Law, *supra,* at 56 (1950). More important, the Service recognized that the procedure had little to do with the statutory exemptions delineated by Congress but, rather, was punitive in nature:

"[T]he Selective Service Regulations concerning delinquents were amended again on November 1, 1943. The purposes of these changes were . . . *To provide for the administrative penalty to a delinquent* of prompt classification into Classes I–A, I–A–O or IV–E, as available for service, *in addition to the existing criminal sanction.*" (*Ibid.*) (Emphasis added.)

The regulation of November 1, 1943, purportedly drew its authority from § 3 of the 1940 Act. 54 Stat. 885. Nothing in that section, however, gives the Service powers of punitive reclassification and accelerated induction. Moreover, to the extent that § 3 has been so construed, it would conflict with the spirit of § 4(a):

"The selection of men for training and service under section 3 . . . shall be made in an impartial manner, under such rules and regulations as the President may prescribe, from the men *who are liable for such training and service* and who at the time of selection are registered and classified *but not deferred or exempted.*" 54 Stat. 887 (emphasis added).

The delinquency provisions under the 1940 Act expired in March 31, 1947. The provisions issued under the 1948 Act are discussed in the text, *supra.*

[Supreme Court of the United States No. 71.—October Term, 1969]

DAVID EARL GUTKNECHT, PETITIONER, *v.* UNITED STATES

On writ of certiorari to the United States Court of Appeals for the Eighth Circuit

[January 19, 1970]

MR. JUSTICE HARLAN, concurring.

I join the Court's opinion with the following observations. First, as I see it, nothing in the Court's opinion prevents a selective service board, under the present statute and existing regulations, from classifying as I–A a registrant who fails to provide his board with information essential to the determination of whether he qualifies for a requested exemption or deferment. Section 1622.10 of 32 CFR provides that: "In Class I–A shall be placed every registrant who has failed to establish to the satisfaction of the local board, subject to the appeal hereinafter provided, that he is eligible for classification in another class." I assume, of course, that under this regulation a board has no authority to keep a registrant classified I–A once it has information which justifies some lower classification.

Second, I think it entirely possible that consistent with our opinion today the President might promulgate new regulations, restricted in application to cases in which a registrant fails to comply with a duty essential to the classification process itself, that provide for accelerated induction under the existing statute. However, in order to avoid those punitive features now found to be unauthorized under existing legislation, any new regulations would have to give to a registrant being subjected to accelerated induction the right (like a person held in civil contempt) to avoid any sanction by future compliance. In other words, while existing legislation does not authorize the use of accelerated induction to punish past transgressions, it may well authorize acceleration to encourage a registrant to bring himself into compliance with rules essential to the operation of the classification process.

[Supreme Court of the United States, No. 71.—October Term, 1969]

DAVID EARL GUTKNECHT, PETITIONER, *v.* UNITED STATES

On writ of the certiorari to the United States Court of Appeals for the Eighth Circuit

[January 19, 1970]

MR. JUSTICE STEWART, concurring in the judgment.

I do not reach the question whether Congress has authorized the delinquency regulations, because even under the regulations the petitioner's conviction cannot stand. After the petitioner's local board declared him delinquent, he had 30 days as a matter of right to seek a personal appearance before the board and to take an appeal from its ruling. Yet the board gave him no chance to assert either of those rights. Instead, it ordered him to report for induction only five days after it had mailed him a notice of the delinquency declaration.

The local board thus violated the very regulations it purported to enforce. Those provisions seek to induce Selective Service registrants to satisfy their legal obligations by presenting them with the alternative prospect of induction into the armed forces. The personal appearance and appeal are critical stages in the delinquency process. They enable the registrant declared delinquent by his local board to contest the factual premises on which the delinquency declaration rests, to correct his oversight if the breach of duty has arisen merely from neglect, or to purge himself of his delinquency if his violation has been willful. In any event, the regulatory objective is remedial. The board's authority to reclassify a registrant based on his delinquency and to accelerate his induction is analogous to the age-old power of the courts to pronounce judgments of civil contempt. In each case the subject of the order "carries the keys . . . in his own pocket" to the termination of the order's effect.[1]

The Government has advanced the civil-contempt analogy not only in this case, but also in others before the Court both this Term and last.[2] Such an interpretation of the delinquency regulations comports with the view of the agency charged with their administration—that their purpose is to provide young men for the armed services, not the penitentiaries.[3] It comports, as well, with the regulatory scheme itself, under which the local board may reopen its classification of a delinquent registrant without regard to the usual restrictions against such action,[4] and remove the registrant from delinquency status at any time, even after it has ordered him to report for induction.[5]

The civil-contempt interpretation draws further support from the historical development of the law of Selective Service delinquency. In the First World War, one who failed to fill out his questionnaire was simply inducted into the military, and his failure to report for duty led to a court-martial for desertion. See *United States ex rel. Bergdoll* v. *Drum,* 107 F. 2d 897, 899 By the Second World War, when the precursor of the present delinquency regulations first appeared, 32 CFR §§ 601.106, 603.389–603.393 (Supp. 1940), the law provided compliance procedures for registrants who offered to satisfy their obligations, even after their boards had referred their cases to the United States Attorneys for prosecution. 32 CFR § 642.5 (Supp. 1938–1943). However, from 1943 on, the regulations required denial of reopenings for knowingly delinquent registrants. 32 CFR § 642.14(b) (Supp. 1943). Under the present regulations even a registrant whose delinquency is willful may redeem himself before his local board. Surely this historical progression demonstrates that whatever may have been the punitive nature of the draft law's initial response to the delinquency problem, its present character is remedial: recalcitrant registrants are handled in civilian rather than military proceedings, and receive an opportunity to recant even where their dereliction has been purposeful.

Such an understanding of the delinquency regulations underlies recent decisions in the federal courts, *e.g., Wills* v. *United States,* 384 F. 2d 943, 945–946, cert.

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[1] Cf. *Shillitani* v. *United States,* 384 U.S. 364, 368–372; *Green* v. *United States,* 356 U.S. 165, 197–198 (BLACK, J., dissenting); *Penfield Co.* v. *SEC,* 330 U.S. 585, 590; *United States* v. *United Mine Workers,* 330 U.S. 258, 330–332 (BLACK and DOUGLAS, JJ., concurring in part and dissenting in part).

[2] The Government has spelled out the analogy in its briefs in *Oestereich* v. *Selective Service Local Bd. No. 11,* 393 U.S. 233; *Breen* v. *Selective Service Local Bd. No. 16, post,* p. —; *Troutman* v. *United States, No.* 623, cert. pending; and the present case. See also Griffiths, Punitive Reclassification of Registrants Who Turn in Their Draft Cards, 1 Sel. Serv. L. Rep. 4001, 4010–4012.

[3] L. Hershey, Legal Aspects of Selective Service 47 (1969).

[4] 32 CFR § 1642.14(b) (Supp. 1969); cf. 32 CFR § 1625.2 (Supp. 1969).

[5] 32 CFR § 1642.4(c) (Supp. 1969). Of similar import is the board's authority, before notifying the local United States Attorney that a registrant has failed to report for induction, to wait 30 days if it believes it may be able to locate the registrant and secure his compliance. 32 CFR § 1642.41(a) (Supp. 1969).

denied, 392 U.S. 908; *United States* v. *Bruinier*, 293 F. Supp. 666, including those upholding the constitutionality of the regulations, *e.g., Anderson* v. *Hershey*, 410 F. 2d 492, 495–496, n. 10, 498, nn. 15–16, 499, cert. pending; cf. *United States* v. *Branigan*, 299 F. Supp. 225, 236–237; but see *United States* v. *Eisdorfer*, 299 F. Supp. 975, 984–989, prob. juris. pending.

Accordingly, even though the regulations seem to say that such reopening and removal lie within the discretion of the local board,[6] the Government agrees that the board would abuse its discretion if it refused such remedial relief to a registrant who breached his duty inadvertently or carelessly, or who sought to correct the breach, even if originally willful, and to return to compliance with his obligations.[7] But the Government argues that in this case the petitioner cannot avail himself of these provisions in the delinquency regulations, because he made no effort to correct his delinquency. The fact is that the petitioner's local board never gave him a chance to purge his delinquency. It declared him a delinquent on December 20, 1967, sent him a notice to that effect the next day, and five days later ordered him to report for induction, more than two weeks before the expiration of the petitioner's time to seek a personal appearance or take an appeal.[8] In these circumstances the petitioner's failure to seek his local board's advice on what he should do, as suggested by the delinquency notice, does not detract from the force of his attack upon the validity of his criminal conviction.[9]

The Government also argues that the petitioner was not prejudiced by the local board's departure from the prescribed regulatory routine because when he was declared delinquent he was already classified I–A. But the Court of Appeals noted that the petitioner's induction date was advanced as a result of the declaration,[10] and the Government concedes that since the petitioner was only 20 years old at the time, it is unlikely that he would have been called at such an early date had he not been declared a delinquent. That the petitioner might eventually have been called—by no means a certainty, given the variations in draft calls and the possibility that he might subsequently have qualified for a deferment or exemption—does not mean he cannot complain that he was ordered to report for induction earlier than he should have been.[11]

Finally, it is said that the petitioner had no right to a personal appearance before the local board and an appeal from its ruling because its delinquency declaration did not entail his removal into Class I–A from some other category. Since the petitioner was already I–A, the argument runs, his local board never "reclassified" him; it just shifted him from a lower to the highest category within the I–A order of call.[12] Neither logic nor policy supports such a narrow reading of the regulations. Section 1642.14 specifically provides for a personal appearance and appeal not only upon a "reclassification into" I–A, but also upon a "classification in" that category.[13] The regulation thus covers precisely those registrants who are already "classified in" Class I–A, and whose declaration of delinquency automatically elevates them to the head of the order of call, as well as those registrants who are not yet in I–A, and who must be "reclassified into" that category before they can be put at the top of the list. The regulation, recognizing that the status of the registrant prior to his being declared delinquent and placed at the head of the order of call is irrelevant to the delinquency process, ensures that all registrants declared delinquent will enjoy the same rights of personal appearance and appeal without regard to their previous status.

Because the challenged regulations afford the petitioner procedural rights that his local board never gave him a chance to exercise, I would reverse the judgment of conviction.

GENOCIDE AND NIGERIA

Mr. PROXMIRE. Mr. President, the bloody Nigerian civil war is over. All war is hell; civil wars with brother pitted against brother are particularly brutal and ugly. Issues tend to be hazy and emotional; formal battlelines are hard to determine; and usually the civilian population suffers the greatest destruction.

It was not pleasant to watch the breakup of the Nigerian Federation when the eastern region withdrew to form the political entity of Biafra. To recall the assassination of northern leaders by a group of predominately Ibo army officers and the ensuing massacre of thousands of Ibos in the north leading to Biafra's succession is but to agonize over history.

The brutality and suffering is hopefully behind. I look to the reemergence of Nigeria as a strong united African nation—a model of how different tribal groups can live and work together developing a strong viable state.

My concern, though, is with the immediate problem of feeding the population in the eastern region, the Ibos as well as those from other tribes, the civilians as well as the military. I am concerned with sheltering the homeless and caring for the sick and wounded.

I shall not attempt to either refute or substantiate the charges of "genocide" which some Ibos in this country now raise. International observers, the Secretary General of the United Nations, and newsmen in Nigeria deny the existence of any policy of genocide and report that the Federal Government is taking immediate and effective steps to prevent death from starvation and disease. I support the efforts of the United States and other countries to send food, medical supplies, and relief equipment to Nigeria through the Federal Government. I only urge that we continue and increase these humanitarian efforts and do all in our power to cut through the redtape making certain all relief supplies benefit the intended recipients. The problem of distribution is both critical and crucial.

Given the traditional tribal animosity which has existed, it is understandable that the Ibos might fear and mistrust the Federal officials who are administering the relief aid and attempting to reestablish civilian government. But the statements of General Gowon eschewing genocide and holding out the hand of friendship to his Ibo countrymen are most encouraging. I am also heartened by reports that the Ibos are coming out of the bush to accept help from the Federal Government.

I am bothered, though, by the fact that Nigeria has not yet ratified the Human Rights Convention on the Prevention and Punishment of the Crime of Genocide; and as I have repeatedly urged the U.S. Senate to ratify the convention, I now strongly urge the Federal Nigerian Government to take immediate steps to ratify the Genocide Convention.

FINANCIAL STATEMENT OF SENATOR SPONG

Mr. SPONG. Mr. President, I ask unanimous consent to have printed in the Record a letter addressed to the Secretary of the Senate dated January 19, 1970, wherein I certified as true a complete statement of the financial assets of my wife and myself. I have done this each year since my service in the Senate began.

In addition to the information outlined in the letter, I should like to make an additional comment. For the 3 years I have served in Congress, my salary has been supplemented by income from the law firm with which I have been associated for many years. This has been reflected in the copy of my tax returns filed each year with the Secretary of the Senate. Although the income was limited as to source to avoid conflict of interest, I have elected to no longer participate financially in the firm's proceeds, regardless of source, and will not do so after the end of this month.

There being no objection, the letter was ordered to be printed in the Record, as follows:

U.S. Senate,
Washington, D.C., January 19, 1970.

Hon. Francis R. Valeo,
Secretary of the Senate,
Washington, D.C.

Dear Mr. Secretary: My purpose in writing this is to again report to you a statement of the financial status, holdings, and liabilities for my wife and myself. This statement is as of January 1, 1970.

ASSETS

Cash in checking and savings account (after provision for federal income tax for 1969 and other obligations) approximately ________________	$1,000.00
Life insurance policies with the following insurers (currently providing for death benefits	

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[6] Sec. 32 CFR §§ 1642.4(c), 1642.14(b) (Supp. 1969).

[7] The Government qualifies its interpretation by implying that a local board might not abuse its discretion in refusing removal in the case of a registrant who sought in good faith to correct his breach of duty *after* the board had issued its order to report for induction. But that limitation has no application in the present case, where the local board improperly issued the order to report before the petitioner had a chance to bring himself into compliance. In *Troutman* v. *United States, supra,* where the Solicitor General has conceded that the local board erred in refusing to remove the petitioner's delinquency after he sought to bring himself into compliance with his Selective Service duties, nearly six months intervened between the board's declaration of delinquency that the petitioner sought to cure and its order to report for induction that gave rise to the prosecution for failure to submit to induction.

[8] 32 CFR §§ 1642.14, 1624.1(a), 1642.2(d), 1626.2(c)(1) (Supp. 1969).

[9] Cf. *McKart* v. *United States*, 395 U.S. 185, 197.

[10] 406 F. 2d 494, 496.

[11] *United States* v. *Baker*, 416 F. 2d 202, 204–205; *Yates* v. *United States*, 404 F. 2d 462, 465–466, rehearing denied, 407 F. 2d 50, cert. denied, 395 U.S. 925; *United States* v. *Smith*, 291 F. Supp. 63, 67–68; *United States* v. *Lybrand*, 279 F. Supp. 74, 77–83.

[12] See 32 CFR § 1631.7(a) (Supp. 1969).

[13] Cf. 32 CRF §§ 1642.12, 1642.13 (Supp. 1969).

ASSETS—continued

totaling $129,500.00): Minnesota Mutual Life Insurance Co.; National Service Life Insurance Co.; Aetna Life Insurance Co.; Southwestern Life Insurance Co.; Jefferson Standard Insurance Co.; Continental Assurance Co.; Federal Employees Group Life Insurance: cash surrender value and accumulated dividends	$16,304.93
Stocks as listed on Schedule A	61,287.00
Note of Cherdel Corp. secured by deed of trust on 200 acres of unimproved property at Great Bridge, Chesapeake, Va	40,000.00
Real Estate: consisting of residence at 316 North St., Portsmouth, Va.; one-half interest in service station at Gosport Rd., Portsmouth, Va	35,000.00
Tangible personal property in Portsmouth home and rented home in Alexandria, Va., estimate	11,000.00
1968 Ford station wagon, Country Squire	2,000.00
Notes Receivable and accounts receivable, estimate	7,750.00
LIABILITIES	
Notes at First National Bank of Norfolk, Norfolk, Va	26,200.00
Note at American National Bank, Portsmouth, Va	5,000.00
Mortgage on home in Portsmouth, Va., at Norfolk Federal Savings & Loan Assn	8,926.94
These figures disclose a net worth of approximately	$134,214.99

The foregoing, Mr. Secretary, I attest as being a true and accurate statement of the financial holdings and liabilities of my wife and myself.

Yours very truly,

WILLIAM B. SPONG, Jr.

JANUARY 19, 1970.

Schedule A

Stocks:	*Number of shares*
Fidelity American Bankshares, Inc	2,113
Charter Co	150
Old Town Corp	15
Crawford properties	10
Poplar Hill Farm, Inc	21
Cedar Point Country Club	1
Russell Island Corp	3

REPORTS OF DANGEROUS RACIAL CRISIS IN THE NATION'S PUBLIC SCHOOLS

Mr. GURNEY. Mr. President, I have read a very disturbing article in this morning's Washington Post. It was written by Mr. Joseph Alsop and is entitled "Interracial Violence in Schools Requires a Nationwide Survey."

Mr. Alsop reports a recent survey of public schools was conducted by the U.S. Office of Education at the direction of Commissioner James Allen. The results, in Alsop's words, were "hair raising." It is estimated that half the Nation's urban schools and 30 percent of the suburban schools have serious hard-core drug problems. Equally serious is the report that racial tensions are heightening in all of our public schools, North and South.

We are, it seems to me, now confronted with a most urgent and a most dangerous national problem. Mr. Alsop suggests that a new nationwide survey is needed. Perhaps that is the first step; perhaps something more drastic is required. It is a situation that demands our attention and demands remedial action on the national level. It is my hope that this session of the 91st Congress will address itself to these problems immediately.

I ask unanimous consent that Mr. Alsop's penetrating article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

INTERRACIAL VIOLENCE IN SCHOOLS REQUIRES A NATIONWIDE SURVEY

(By Joseph Alsop)

It is a hundred to one bet that President Nixon's report on the state of the nation will take no note of a key fact so dangerous that everyone in this nation ought to be thinking about it.

The fact is that something perilously close to race war has now begun in just about every integrated high school in the United States. This is not a Southern problem. It is a nationwide problem, with future political implications so grave that we dare not go on being ostriches about it.

First, however, let us examine the facts, which are not easy to ascertain with absolute precision. This reporter began the attempt about 10 days ago. The spur was a talk with young men in the Office of Education, whom Commissioner of Education James Allen had told to go out and find out, on the spot what was really happening to the U.S. school system.

Their story, as some may remember, was downright hair-raising. They estimated that one-half the center city high schools and about 30 per cent of the suburban high schools had serious hard-drug problems. They further told a melancholy tale of widespread interracial violence in the high schools.

This seemed serious enough to call for further inquiry, and inquiries were duly made. School officials were queried. So were leading figures in the academic-educational world, like Dr. John Naisbitt, of the Urban Research Corporation, which is linked to the University of Chicago, and Prof. Mark Chesler, of the Institute for Social Research at Wisconsin University.

Concerning the racial problem, the results of these inquiries were so disturbing that a more scientific, high-school-by-high-school nationwide census is clearly in order. God pray such a census, if taken, will show different results from the spot checks thus far made.

One must make that prayer, because the spot checks failed to reveal *any* integrated high school, anywhere at all, that was free of the poison of simmering racial conflict. Mercifully, is mostly just simmering—taking the form, that is, of minor aggressions between whites and blacks.

In too many places, moreover, the simmering conflict has already boiled up, or may soon boil over, into major violence between whites and blacks. And in New York, Chicago and elsewhere, there are actually high schools where the race war is so serious that large numbers of police have to be continuously stationed in the school buildings.

The trouble centers in the high schools for two obvious reasons. One is the fact that high school pupils have reached fighting-age. The other is the fact that pupils from different neighborhoods, often with little prior experience of integrated schooling, naturally tend to be mixed up together when they go on to high school.

With reason, Commissioner Allen is deeply concerned about this problem. Last Monday, he held a meeting with men from other potentially interested federal agencies, in the Justice Department and elsewhere. The topic was possible federal leadership in the search for a solution of the problem.

In a few high schools again, although the conflict is still there, something is at least being done about it. In Cleveland, for instance, Shaker Heights High School has inaugurated what are called "dialogue groups" And it also offers human relations courses, and is experimenting with other ways to keep things cool.

Yet the widest inquiries have failed to locate any truly informed man of goodwill who is not deeply discouraged. If you consider the problem politically, moreover, this problem is not just a source of discouragement about the orneriness of human nature. It is a source of really frightening danger to the American political future.

Anyone ought to be able to figure out the automatic effect on racial attitudes of both parents and pupils of virtually omnipresent racial conflict in the integrated high schools. Even if there are no more than minor aggressions, requiring no outside intervention, causing no public clamor, the effect must still be the widespread promotion of prejudice and hatred.

The nauseous George C. Wallace has already spotted that. He is now out to solidify his Southern support by exploiting the special Southern school situation. But he will surely be heard from all over the country, unless the decent majority of both the races goes into action pretty quick.

DICK DUNHAM, RETIRED HEAD OF SPEECH AND DRAMA DEPARTMENT, UNIVERSITY OF WISCONSIN

Mr. McGEE. Mr. President, Dick Dunham, the retired head of the Speech and Drama Department at the University of Wyoming, is, I can attest, a friend of mine. More, he is a distinguished man of the theater whose observations on the modern theater bear some attention.

Recently, while Dunham was directing "Amdromache" at the Changing Scene in Denver, Colo., drama editor Frances Melrose of the Rocky Mountain News, exposed some of his opinions, and something of the man, to public view. I ask unanimous consent that Miss Melrose's article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

OPINIONS OF DICK DUNHAM: A FORCEFUL CHANGE FOR GOOD THEATER

(By Frances Melrose)

Underneath the nudity and the four-letter words which are one of the distinctive marks of modern theater, Dick Dunham sees a forceful change for good theater development.

Dunham, retired head of the Speech and Drama Department at the University of Wyoming, is directing his own colloquial English version of "Amdromache," which opens at the Changing Scene Friday night.

Dunham is a tall, tweedy kind of man with a craggy face and bushy mustache. He's a New York native who was "just lucky" and became a member of an East Coast stock company when he was barely out of high school.

After a few months of acting, he enrolled in Cornell University, majoring in literature and theater.

The theater class at the time included names that were to become famous—Sidney Kingsley, playwright; Franchot Tone and Dan Duryea, actors.

Following his graduation, Dunham went to Wayne State University, in Detroit, and later headed the university theater department. He also organized the Wayne State Civic Players which he directed.

"The Players group included Whitfield Connor (later leading man for several seasons at Elitch's Summer Theater in Denver, and now producer of the theater) and Shelley Winters," Dunham recalls.

"I can't claim credit for developing either of them; they just happened to be there. Shelley Winters was working in a nightclub in Detroit at the time, and she came and tried out for the role of Ariel in 'The Tempest.' She did a wonderful job for us."

A love of the out-of-doors eventually brought Dunham and his wife West, to wind up at the University of Wyoming.

Returning to the subject of modern theater, Dunham said: "The new theater that is developing will be different from any theater as we have known it. If you want reality and true-to-life stories, movies and TV are better at depicting them.

"Theater now is going toward the frankly theatrical. Theatricality is being stressed; the idea is to show you that this is a bunch of actors performing."

Dunham chose "Andromache" for his debut at the Changing Scene because he felt it might be of particular interest to members of the Modern Language Association which will be convening in Denver over Christmas.

"I've dabbled in poetry from time to time and decided to try translating these rather formal works into colloquial English," Dunham said.

The cast presenting the show at the Changing Scene will be comprised largely of former students of his.

"The characters of 'Andromache' are violently in love with the wrong persons," Dunham describes the drama. "Through their emotions they tend to show themselves in all their pettiness and spite. While the play is classed as a tragedy, there is a great deal of ironic humor in it."

Dunham will direct other shows at the Changing Scene, and next month will start acting classes there.

"Andromache" will be presented Friday and Monday at 8:30 p.m., and Saturday and Tuesday at 3:30 p.m.

The play is a part of the Changing Scene's Holiday Festival which will run through Dec. 30.

Other offerings in the festival include "Lightscapes," by Alfred Brooks, featuring paintings by Angelo di Benedetto, projections by Susan Maxwell, and music by Tony Scott; Dances, including a premiere by Maxine Munt; John Glam, percussionist in a duo with an electronic tape, and a live accompaniment to film; a monologue by Maria Irene Fornes, performed by Bob Breuler; and a selection of films by Stan Brakhage.

With the exception of "Andromache," which is presented alone, these presentations are offered in different groupings on different nights.

The Changing Scene, 244–5777, will tell you what's playing which night.

THE KIND OF THING YOU JUST DO

Mr. DODD. Mr. President, preoccupied as we are with a troublesome minority, we sometimes have a tendency to forget how many fine young people are making valuable contributions to our society.

Occasionally, however, an incident occurs which reminds us that most of our young people are good, conscientious, and at times, heroic.

Such an incident took place last week in Fort Lauderdale, Fla., where hundreds of college students gather annually to pay tribute to the institution known as "semester break."

Among these vacationers was a young man from Greenwich, Conn., named James Coleman. Mr. Coleman is a senior at American University, and, I am proud to say, he is a member of my staff.

Last Wednesday, a sailboat capsized off the coast of Fort Lauderdale, endangering the lives of four people. Jimmy Coleman happened to be nearby, and without hesitation he "threw my glasses down and ran in," because "it's the kind of thing you just do."

To counter the many stories of violence, drug use and criminal activity of young people and as a well deserved tribute to a fine young man, I ask unanimous consent that an article published in the Fort Lauderdale News be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Fort Lauderdale (Fla.) News, Jan. 15, 1970]

SWIMMERS REACH CAPSIZED BOAT; FOUR SAVED FROM SEA

(By Mike Ciochetto)

Two young bystanders have been credited by witnesses with savings the lives of four persons who nearly drowned yesterday afternoon when their boat capsized in the heavy surf just north of the port entrance channel.

Witnesses said the youths, Larry Allison and James Coleman, swam 300 to 400 yards through the pounding waves against heavy winds to reach the floundering boat.

Allison, 17, who lives at 1710 SW 24th St., Ft. Lauderdale, said he was working at the Point of Americas construction site when he saw a wave knock three persons from the boat.

"At first, I thought everything was okay, because two of the people managed to get back into the craft. But before the third person was taken aboard, another wave flipped the boat completely over."

Allison then ran 300 yds. across the sand, removing his boots as he went, and dove into the waves.

Coleman, 21, a winter visitor staying at the Atlantic Tower Apts., 1920 S Ocean Dr., was standing on the beach and joined Allison at this time.

Together, they swam past one of the boaters, Mrs. Eleanor Barsin, stopping only momentarily to assist her in reaching shore.

Once on shore Mrs. Barsin, of 2323 State Rd. 84, was aided by other bystanders.

The youths then swam to the boat and helped two men hang on until a Coast Guard cutter arrived. One of the men had to have his foot, which was caught under the boat, freed by Allison.

Once the boat neared the beach, bystanders grabbed Mrs. Cooney and pulled her to shore where she was taken by helicopter to Holy Cross Hospital.

Allison returned to work.

Asked later if he had given any thought to the danger involved in swimming in the heavy surf, "I thought about it, but I went out anyway."

Coleman, whose home is in Greenwich, Conn., said he has been swimming since he was three years old and when he saw the boat capsized he simply "threw my glasses down and ran in.

"I'm used to the ocean or I don't think I would have plunged in," he admitted today. "It was choppy and when you got about halfway out you wonder about yourself.

"There were big swells out there and just hanging onto the boat was a real effort," he said.

However, he did not consider those factors when he went to the aid of the four persons.

"It's the kind of thing you just do. You don't think about it," he said.

SUMMARY OF UNITED STATES-UNITED NATIONS INITIATIVE ON PRISONER-OF-WAR ISSUE

Mr. MONTOYA. Mr. President, as a followup to my November 20, 1969, statement before the Senate, I requested and have received from the U.S. Department of State a summarization of United Nations activity in behalf of proper treatment of prisoners of war which occurred during the omnibus debate in U.N. Committee III on violations of human rights and fundamental freedoms. Additionally, I have received from the U.S. Representative to the United Nations, Ambassador Charles W. Yost, a letter containing his thoughts on what of value transpired during that debate, and I ask unanimous consent that the text of his letter to me be printed in the RECORD at the conclusion of my remarks.

While I regret that the prisoner-of-war issue has not yet gone before the General Assembly for further debate and eventual adoption of a resolution, nevertheless it is useful and instructive to review efforts made thus far within the United Nations forum on this important humanitarian problem.

Mr. President, you will recall that Mrs. Rita Hauser, U.S. Representative to the Social, Humanitarian, and Cultural Committee of the 24th General Assembly of the United Nations, delivered a strong statement in the Committee on November 11, 1969, concerning American POW's held by North Vietnam, which, along with her November 12, 1969, reply to certain allegations made by Algeria, Cuba, and the U.S.S.R., appeared in the CONGRESSIONAL RECORD, volume 115, part 26, page 35104.

In addition to Mrs. Hauser's statement on the opening day of the Third Committee's omnibus debate, 57 U.N. representatives took part in the debate on the broad general subject of violations of human rights.

According to the summary furnished by the State Department:

> There were 18 of these 57 representatives who made statements which included favorable references either specifically to the United States initiative or, equally satisfactory, to the Geneva Convention on treatment of prisoners of war or the need for humanitarian treatment of victims of armed conflicts, including prisoners.
>
> Those 18 representatives were from Australia, Canada, Chile, Costa Rica, France, Greece, Honduras, Iran, Japan, Mexico, Nepal, Netherlands, Nicaragua, Norway, Peru, Tunisia, United Kingdom and Venezuela.
>
> Only the Soviets, some but not all of their Eastern European allies, Algeria, and Cuba spoke against the US initiative. The theme of their attacks generally was that the US, as the "aggressor" in the war, should not raise humanitarian problems since there were greater humanitarian problems for the Vietnamese and since the war ought not to be dealt with in the United Nations.
>
> Because the debate was of an omnibus nature, many delegations spoke only to the particular human rights violations of particular concern to them. Arab delegations spoke virtually exclusively to the Middle East,

and Africans were preoccupied with the problems of Southern Africa.

It was noteworthy that with the exception of some harsh Syrian comments, the Arabs ignored the US in their statements. In their arguments against alleged Israeli violations of human rights in the occupied territories, however, a number of them, particularly Kuwait, Lebanon, and the UAR stressed Israel's obligation to apply the Geneva Convention on treatment of civilian persons in broad language to the effect that a state of war is no excuse for the slightest deviation from a humaritarian convention adopted specifically to alleviate suffering in time of war. This arguments, while applied by the Arabs obviously to a different case than that raised by the US, is virtually identical to that made by the US.

Mr. President, I ask unanimous consent also to have printed in the Record, following my remarks today, the verbatim text of excerpts from statements by representatives of Nepal, France, and the Philippines. My November 20, 1969, statement included similar excerpts of statements delivered by representatives of the United Kingdom, Japan, the Netherlands, and Australia, in the Congressional Record, volume 115, part 26, pages 35102–35103.

The U.S. Department of State reports that several other statements were particularly helpful, as follows:

Norway's Ambassador Hambro stated just before Mrs. Hauser's speech that "We demand, and I must underline that, we demand full and complete implementation of the four Geneva Conventions by all."

Chile said that any war was a totally unsatisfactory way of solving an international problem but "until such time as combatants settled their disputes by peaceful means there was an obligation to alleviate in some way the disastrous effects of war, not only in relations to the prisoners but in respect of innocent civilian populations.

The *Greek* Representative, Mrs. Daes, spoke in a personal vein, recalling her Red Cross service during World War II as illustrative of the need for war-time enemies to treat their prisoners according to an international humanitarian standard.

Costa Rica said that without regard to political considerations the Committee should be able to express its humanitarian concern for prisoners in Vietnam, not the less because the U.S. appeal was in humanitarian terms and the political organs of the UN have refused to deal with that war.

Iran associated itself with Norway's statement and said it "earnestly hoped" that the Geneva Conventions of 1949 would be applied as the appropriate basis for protecting human rights in all armed conflicts.

Honduras referred to the U.S. statement, said all suffering stemming from an armed conflict was properly in the province of the committee, and that Honduras was impressed at the way the U.S. allows free expression of opposition to government policy on the war.

Tunisia referred to the U.S. statement and said it could not but support calls that the principles of the Geneva Convention be applied in armed conflicts as it had in the same spirit supported a similar call at the International Conference of the Red Cross in Istanbul in September.

There being no objection, the items were ordered to be printed in the Record, as follows:

U.S. Representative
to the United Nations,
New York, N.Y., December 2, 1969.

Hon. Joseph M. Montoya,
U.S. Senate,
Washington, D.C.

Dear Senator Montoya: Thank you for your most gracious letter of November 21 concerning our efforts on behalf of United States prisoners of war in North Vietnam. I have shown your letter to Mrs. Rita E. Hauser, who has done a superb piece of work in the careful preparation and explanation of our position.

We were particularly gratified with the response by other delegations to our presentation. The following countries made reference to the need for observance by parties of the provisions of the Convention on Protection of Prisoners of War: Australia, Canada, Chile, Costa Rica, France, Greece, Honduras, Iran, Japan, Mexico, Nepal, Netherlands, Nicaragua, Norway, Peru, Tunisia, United Kingdom, Venezuela. Several delegations referred specifically to American prisoners of war.

Although we were predictably attacked by the USSR, some other Eastern European countries and Algeria, we felt that these attacks were *pro forma* in nature and did not damage our position. On balance, we received an overwhelming measure of support and sympathy which we can only hope will have some impact on Hanoi.

We admire the efforts you are making on behalf of our prisoners of war and we will continue to do all we can at the United Nations to direct international attention to the need for respect for the Geneva Convention.

Sincerely,

Charles W. Yost.

Excerpt From Statement by the Representative of Nepal

References have been made in the course of these debates to the 1949 Geneva Convention on the Treatment of Prisoners of War. We are aware that differences of opinion exist regarding the categories of combatants entitled to the protection of that Convention as well as its applicability in differing situations of armed conflicts. The greatest merit of the Geneva Convention lies in the spirit of humanitarianism that pervades it. It lays down a minimum standard of international conduct to which all parties to an armed conflict are required to adhere. Without prejudice to the political position of my Government with regard to any particular conflict or conflicts, we have consistently maintained the view that the spirit of that Convention should govern the conduct of all parties to an armed conflict. We support the Secretary-General U Thant's renewed call to Hanoi to allow access to the prisoners by international humanitarian organization, the Red Cross for example. We cannot conceive that Hanoi would flout civilized practices and procedures by ignoring the humanitarian obligations after signing the convention on the Prisoners of War. May I also inform the Committee that my delegation has voted for General Assembly resolutions calling for an extension of the protection of that Convention to Political Prisoners held in course of their fight for freedom.

Excerpt From Statement by the Representative of France

"But apartheid is not, by any means, the only instance of serious violation of human rights. There are many others and among the most serious are those present in the minds of all and which have not even been cited here.

"Without wishing to encroach on the examination of a particular agenda item, the French delegation acknowledges that one could remedy most of the violations linked to the existence of armed conflicts if one applied strictly the humanitarian conventions as well as the modalities of control which they provide for. It is not in hurling mutual accusations that parties in conflict will find the solution to the most flagrant and cruellest violations of human rights which are the dishonor of our age. They can be, alas, difficult to dissociate from the contest in which they are found; it is in striving, on the contrary, for the pacification of spirits that one can create a favorable climate for their solution.

"The French delegation is anxious to record here its deep solicitude for all those who are the innocent victims of conflicts, to whichever side they belong. But it considers that it is not possible, that it can not be sound [légitime] to treat concrete cases of violations by abstracting them from the conflicts, the crises for which the violations are only the effects. I should like, with regard to this, to recall to the members of our Committee the text of paragraph 10 of the Proclamation of Teheran:

" 'Massive denials of human rights, arising out of aggression or any armed conflict with their tragic consequences, and resulting in untold human misery, engender reactions which could engulf the world in ever growing hostilities. It is the obligation of the international community to co-operate in eradicating such scourges . . .'

"If one considers the conflicts which are occasioning the most grievous violations of human rights, in the Middle East, in Vietnam and elsewhere, one realizes that my country is striving everywhere to contribute, as much as it can and in circumstances often very difficult for the creation of a climate which could permit or at least facilitate the settlement of conflicts. But it is clear, Madam President, that in such a domaine the limits of the competence of our Committee are rapidly reached, for in each of these cases is not the most serious violation of human rights the conflict itself?"

Excerpt From Statement by the Representative of the Philippines

As I turn to agenda item 57, the Question of the Violations of Human Rights, I am reminded that our Committee has not been quite as vigilant as it shoulld be in its continuing review of *all* violations of human rights and fundamental freedoms. While armed conflicts continue to break out, much to our regret, we have not given the question of protecting the human rights of prisoners captured in war the attention it deserves. Because of the number of prisoners that continue to be held captive by both sides of the war in Vietnam, this particular question has assumed important proportions. Deeply concerned with this question of the plight of the prisoners, no doubt, the Secretary-General has been impelled recently to address an indirect appeal to the "Government of North Vietnam" to give an international humanitarian organization such as the League of Red Cross Societies access to the Americans detained in North Vietnam.

My delegation cannot look with indifference at this vital question. The Philippines joins the urgent plea of the other members of this Committee for all governments of States Members of the United Nations to persuade the Governments of North Vietnam to allow at least the representatives of the League of Red Cross Societies to visit the prisoners in the Vietnam war under its detention. This humanitarian gesture on the part of North Vietnam will only be in keeping with the principle of reciprocity, since the other side in the war has done this and continues to do it.

War in itself alone is already horrible. It should not be aggravated by inhumane treatment of prisoners who no longer serve the purpose of the adversary.

THE SCHOOL LUNCH PROGRAM

Mr. HARRIS. Mr. President, the Committee on Agriculture and Forestry last year concluded hearings on several bills which would amend the National School Lunch Act and the Child Nutrition Act of 1966 in order to expand the provision of free or reduced cost lunches to needy children under the school lunch program.

According to an Elementary and Secondary Act statistical study, 6 million children in the United States come from families having incomes of $2,000 per year or less or receive aid to families with dependent children. Studies also show that these children are not receiving adequate diets and many of them are suffering from hunger and malnutrition. We are, at the present time providing free or reduced cost meals to approximately 2 million or one-third of these 6 million children through the school lunch program. I am sure we would all agree that this is grossly inadequate and that we must take the necessary steps to make funds available to State and local school districts for the provision of free and reduced cost meals for every child who is suffering from hunger and malnutrition. Every child has the right to a hot lunch at his school lunchroom, and we have an obligation to see that this right is fulfilled.

Mr. President, part of the problem is of an immediate nature and demands our immediate attention. Unless additional funds are made available right away, literally thousands of children who are now receiving free or reduced cost meals will be denied that right in the near future.

In order to point out the urgency of the matter, let me use my own State of Oklahoma as an example. In Oklahoma some 237 school districts are now serving free and reduced cost meals under the provisions of section 11 of the National School Lunch Act. As you know, in order to qualify for financial assistance under section 11 of the National School Lunch Act, a school district must show that 25 percent or more of the students enrolled in that school system come from families of incomes of $3,000 per year or less. There are 237 such school districts in Oklahoma and the percentage of students in some of these school districts which come from families with incomes under $3,000 reaches as high as 80 percent. Oklahoma schools are presently serving between 260,000 and 290,000 meals per day under the school lunch program. Of these meals, 90,000, or one-third, are served free or at a reduced cost, because these children come from families who cannot afford to pay full prices for their lunches.

Oklahoma's allocation of funds to help offset the cost of providing free and reduced cost meals for these 90,000 children under section 11 of the National School Lunch Act is $550,036 for the school year 1969–70. In the first 55 days of this school year Oklahoma has spent $549,382, or, for all practical purposes, Oklahoma has depleted its allocation of funds under section 11 for provision of free or reduced cost meals to needy children.

The State also receives $1,066,434 of section 32 funds which are used to supplement the section 11 funds and to assist the schools in purchasing equipment and other items necessary to conduct their school lunch programs. The State of Oklahoma, recognizing the need to first provide meals for those children who are hungry and who are malnourished, has chosen to use practically all of its section 32 allocation to offset the cost of providing free and reduced cost meals.

Mr. Al Jennings, State school lunch director for the State department of education, has informed me that at the present rate Oklahoma will run out of funds in the first part of March of this year and will have to discontinue their efforts to provide free and reduced-cost meals to needy children at that time. This would mean that 90,000 youngsters would no longer be able to look forward to a hot meal at lunchtime during the remainder of the 1969–70 school year.

I think this demands our immediate attention, and under the provisions of H.R. 11651, a bill which has already passed the House of Representatives and is pending in the Senate Committee on Agriculture and Forestry, an additional $100 million would be made available for allocation to the States during the 1969–70 school year in order to assist them in offsetting the cost of providing free and reduced-cost meals to needy youngsters. This $100 million would not require a new appropriation but would represent a transfer of funds now available under section 32 of the Agriculture Adjustment Act.

I think that this legislation should be enacted immediately in order to make funds available for local school districts to continue to provide free and reduced-cost meals to these children.

Legislation is also pending before the Senate Agriculture Committee which would provide us with the tools and the funds necessary to make free and reduced-cost meals available to needy children on a greatly expanded and long-term basis. The committee has under consideration S. 2548, which proposes significant changes in the present School Lunch Act and the Child Nutrition Act. Under the present law a needy child can receive the benefit of special assistance funds for a free or reduced-price lunch only if he attends a school designated as a special assistance school under section 11 of the School Lunch Act, and under present law, a school can only be designated as eligible for section 11 funds if 25 percent or more of its enrollment is made up of children who come from families with an income of $3,000 per year or less. But what of the school that has 23 percent or 24 percent of its enrollment made up of needy children? Are these children any less hungry than other needy children or are they any less entitled to a free or reduced-cost meal simply because 75 percent of the children in their school come from affluent families? I think not, and under the provisions of the legislation proposed by the distinguished Senator from Georgia (Mr. TALMADGE) funds would be available to provide free and reduced-cost meals to needy children regardless of where they attended school.

This legislation also suggests the appropriation of a minimum of $200 million in fiscal year 1970, $250 million in 1971, and $300 million in 1972 to meet the growing needs of the school lunch program under section 11 of the School Lunch Act. Although the original authorization for funding under section 11 was unlimited, the appropriations have amounted to only $2 million for fiscal year 1967, $5 million for fiscal year 1968, $10 million for fiscal year 1969, and approximately $44 million for fiscal year 1970. Even with these increases the funds are still grossly inadequate to meet the growing needs.

Senator TALMADGE's bill also suggests other changes in the free and reduced-cost school lunch program such as establishing a maximum price of 20 cents on reduced-cost school lunches and guarding against discrimination for children who receive free and reduced-cost lunches and changing the ratio of Federal-State matching funds. This legislation as I have previously stated would meet some of the long-range requirements of the school lunch program and would strengthen the program so that perhaps 4 million or more children who are not now receiving free or reduced-cost hot meals could be brought under the program and would be assured of receiving a nutritious lunch every day during the school year.

I am certainly hopeful that the pending legislation can be enacted and that continuing review of the school lunch program will take into consideration the increased costs and the increased demands on local school districts in providing this vital service to our Nation's children.

Mr. President, I ask unanimous consent to have printed in the RECORD the text of a letter I wrote last December 4 to the chairman of the Committee on Agriculture and Forestry (Mr. ELLENDER) on this subject. The situation is the same now as on December 4, and if we do not act now to provide additional funds, needy children all across the Nation will lose the benefit of free and reduced-cost meals and we will not be meeting our responsibility to reduce hunger and malnutrition in this country.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
December 4, 1969.

Hon. ALLEN J. ELLENDER,
Chairman, Agriculture and Forestry Committee, Washington, D.C.

DEAR MR. CHAIRMAN: The School Lunch program is vitally important to the health and education of young children throughout the United States. Your committee has recently concluded hearings on legislation which would significantly increase the funds available for providing nutritious meals to underprivileged children who otherwise might not be able to afford them.

House Bill 11651, which has passed the House, and S. 2548, which was introduced by Senator Talmadge, both make provision for additional funds for school lunches for needy children. While I am not tied to the specifics of either one of these pieces of legislation, I do feel very strongly that we must guarantee nutritious meals to all of our children regardless of their economic condition and ability to pay. My state of Oklahoma has launched on a bold program to make meals available to all our children, and without the additional funds provided in either H.R. 11651 or S. 2548 the program in Oklahoma will fall far short of its aims and funds will be depleted by March of 1970.

I, therefore, urge your committee to act

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expeditiously and favorably on either H.R. 11651 or S. 2548 or a combination of the two. We must not risk permanent damages to a child because of inadequate nutrition.

Sincerely,

FRED R. HARRIS

TWO GREAT LOSSES FOR CONNECTICUT

Mr. DODD. Mr. President, the State of Connecticut lost two outstanding leaders and fine citizens on Sunday, January 18, with the deaths of the Honorable Leroy D. Downs of Norwalk and the Honorable Alfred N. Phillips, Jr., of Darien.

Mr. Downs was elected to the U.S. Congress in 1940 and represented Connecticut's Fourth District for one term.

Born in Danbury, he began his career as a reporter with the South Norwalk Sentinel, of which he eventually became the publisher. He was also active in the American Legion, and he served as chairman of the State veterans home commission.

Mr. Phillips served for three terms as mayor of Stamford, and he represented Fairfield County in the House of Representatives for one term, which began in 1936. He was also publisher of the Darien Review and past president of the Connecticut League of Municipal Executives.

I knew Al Phillips and Leroy Downs well. They were good public servants, and they made a good record for themselves and for the people they represented.

All who remember them are saddened by their deaths.

MINNESOTA ENCOURAGES INNOVATION IN EDUCATION

Mr. MONDALE. Mr. President, the December issue of American Education contains an excellent article entitled "Swinging With Mini-Projects," written by Mr. Edwin Cain and Miss Anne St. Pierre.

In their article, the authors describe an exciting program in the Bloomington, Minn., public school system which encourages the teachers to develop and experiment with innovative approaches to education.

I believe experimentation in educational matters is terribly important. We simply must devote more of our time and resources to finding new and more effective ways to educate our children and ourselves. Title III of the Elementary and Secondary Education Act provides funds to encourage this type of innovation and experimentation. I am very proud that the town of Bloomington has developed its own "little title III" to supplement and reinforce the national goal of promoting educational innovation.

I commend this thoughtful article to the attention of the Senate and ask unanimous consent that it be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

SWINGING WITH MINI-PROJECTS

(By Edwin Cain and Anne St. Pierre)

A chance to try . . . even to try and to fail. This is what the Bloomington, Minn., public school system gives its teachers through a "little title III" program. Like title III of the Elementary and Secondary Education Act, the program encourages educators to develop ideas for innovative practices. But in contrast to the Federal title III program, Bloomington's version is run by the local board of education. Teachers need only have the board's approval to get money to put their best ideas into practice.

The miniature title III program is Bloomington's assurance that a teacher with a good idea for a new educational program or technique will have the resources to develop that idea, even if it serves only a relatively small group of students. Thus, classroom teachers can become initiators of educational change.

"We know that innovation costs money," explains Bloomington superintendent Fred M. Atkinson, "and because Federal funds are so competitive, we couldn't risk the chance that projects of value to our students would not be funded. We believe that if an idea is worthwhile then we should do it—if only on a limited basis."

Since the school system established a special projects office to handle the little title III program in 1967, ideas have been submitted for innovations at every grade level. Educators have thought up schemes for such things as individualizing math instruction, modifying the school-year structures, starting an artists-in-residence program, and adapting physical education exercises for handicapped youngsters.

When a teacher gets an idea for an innovative program he drops in to see Wallace Kennedy, coordinator of special projects for the school system. The two of them brainstorm the idea, making sure that it has a good chance of working as planned. Then the teacher sets out his ideas in a formal proposal which goes to a special projects committee composed of teachers, administrators, and other educators, who further develop and sometimes revise it.

Once past the special projects committee, the proposal must be recommended to the board of education by school administration officials. If the board approves it, the educator who thought up the idea gets the money he needs to carry it out, usually in time to start his project the following school year.

To finance the special projects, the board of education draws on a combination of Federal, local, and private foundation monies. Federal funds make up the bulk of the financial resources—$744,735 so far—but Bloomington has invested over $169,000 of local money in special projects during the last four years.

The school system treats the special projects as trial balloons. New techniques or programs are tried on small groups of students to see if they are feasible on a larger scale. "The main thing is to give teachers an opportunity to try," says Stanley Gilbertson, assistant superintendent in charge of curriculum and one of the originators of the special projects program. "They know that we want to learn with them and from them, and this program makes almost anything possible on a limited basis."

Reaction to the program has been enthusiastic. Of 22 special projects operating last year, 10 were originated by teachers, four by curriculum staff members, and eight by school administrators. By far the majority of all special projects funded have been started by persons who work directly with students.

Several projects initiated on an experimental basis have been so successful that they have been expanded to include additional students at various grade levels. Some that started out as pilot projects now have been established as a permanent part of the school system's curriculum. A family life education curriculum is a case in point.

With the ambitious aim of developing a kindergarten to grade 12 family life education program, the project was funded in 1966 with $3,500 of local money and some funds from the Elementary and Secondary Education Act for instructional materials. In the pilot project, 48 class groups were given family life education. Now, the materials are being taught to about 650 classes, K through 12, and have been integrated into the school system's entire curriculum.

As Bloomington's first attempt at interdisciplinary curriculum development for grades K–12, the family life education project involved science, social studies, and health education teachers. Several members of the community also helped plan the new curriculum. In fact, the idea for the program came from a physician and school board member, Harley Racer, who presented it to a board meeting in 1966.

As the family life education program took shape and demonstrated its value as part of the curriculum, the school system began looking for a means to guarantee that other innovative ideas could be put into practice. In 1967 the special projects office was established under Wallace Kennedy, and Bloomington became one of the first school systems in the Nation to run its own little title III program.

As coordinator of special projects, Kennedy is responsible for seeing that teachers have a channel for presenting their ideas. In addition he helps the teachers manage projects, once they are under way, and makes certain there are adequate provisions for evaluation. He encourages all staff members of the school system to submit proposals.

Of course, not all the proposals win board of education approval, and those that are approved don't always work out exactly as planned. "Nothing has been a total failure, though," says Kennedy. "Sometimes things don't turn out according to our expectations, but nevertheless, we still learn something from all the projects."

Enough special projects have succeeded to convince the school system of the value of the program. For example, an individualized math program, which started as an experiment in one school, is doing so well on the junior high level that its authors have been asked to write materials for grades four through 12.

The math program was the idea of Louis Cohen, mathematics coordinator, and Roger Nelson, teacher and mathematics department chairman at Portland Junior High School. They felt that even though the school was using curriculum materials and strategies based on the new math, a new teaching approach was needed. "We were teaching with the same approach that was used 30 years ago, and still didn't take into account that the student proceeds in understanding at his own pace, fast or slow, no matter what pace the teacher sets," Nelson explains.

Nelson, along with the whole math department at Portland, prepared individual institutional packets suitable for children at various levels of achievement. Each child starts at his own "packet level" as determined by pretests, and moves along at his own speed. The pretests also help teachers group together the children who have similar problems.

Students who finish the individualized instruction packets for their course in less than the allotted time are encouraged to try more advanced noncredit courses—slide rule techniques, vector problems, and exercises in the metric system. Next year the math program will include computer-assisted instruction.

The Portland teachers also converted a school hallway into a satellite educational resource-learning center just for math students.

The students can use the area for viewing film strips and other audiovisual math materials. The center is always staffed by someone who teaches on the grade level of those students using the center at a particular time.

Has the math project been a success?

"We think so," Nelson asserts. "We haven't had any superdramatic success stories—like a kid who couldn't add suddenly solving trigonometry problems—but for the first time over half the ninth-grade students finished the whole algebra book."

The special projects may take a few weeks—or a few years—to complete. In one project, physical education specialist Jerry Molosky spent three years developing courses that would permit students with physical handicaps to participate in recreational activities.

Molosky adapted exercises so that children with asthma, cardiac conditions, or orthopedic handicaps can do them despite their physical problems. For example, a child who is crippled from the waist down learns to play table tennis or wheelchair basketball. Youngsters with less severe handicaps often join in the regular physical education classes. When the activities get too difficult for them, a teacher takes them aside for small group instruction in feats they can perform.

The physical education project cost $139,383 in Federal funds, making it one of the most expensive special projects undertaken at Bloomington. Much of the money went to pay for the specialized equipment the handicapped children must have for physical education.

But the projects don't have to cost a lot of money to be successful, as Wallace Kennedy quickly points out. "One of the most interesting and satisfying projects we ever funded had a total cost of about $100," he explains.

"A local composer was commissioned to write an original musical composition for the all-city elementary school orchestra. He wrote the piece, rehearsed it with the children, and gave them instruction in composition and musicology. At the concert he personally conducted the orchestra for the first public performance of his composition. The kids loved it."

Of the projects operating last year, six cost more than $5,000, 13 cost between $1,000 and $5,000, one cost between $500 and $1,000, and two required less than $500. Previously there had been two special projects that cost nothing at all: Teachers donated their time for the extra activities and used materials already available in the school system. Youngsters also undertook "goodwill" projects of their own: Teenagers used scraps from shop class recently to make wooden toys for handicapped children.

Two of the major expenses that the special projects incur are for materials and equipment. The rest of the money usually goes to pay teachers and other project staff who often spend their weekends, afterschool time, and summer vacations developing their pet ideas.

Funds for the projects come from a wide variety of sources. Last year 16 projects were paid for with local money, and two of these were partially assisted by the Minnesota State Arts Council. Most of the Federal share for Bloomington's special projects comes from title I of the Elementary and Secondary Education Act, although support has also come from title II ESEA, title III of the National Defense Education Act, the National Foundation for the Arts and the Humanities, the provisions for assistance to federally impacted areas, and the Upper Midwest Region Educational Laboratory, a USOE-supported organization.

Bloomington has also explored private sources of money with some success. One of its major special projects was begun recently with support from the C. F. Kettering Foundation, which was interested in financing a human relations program that would create a more "humane" school climate, thus cultivating a positive attitude toward school on the part of the students.

With assistance from the special projects office, the staff at Penn Junior High School planned and put into operation a program that attempted to create this more humane school climate by generating understanding and empathy among teachers, students, and even parents. In one part of the program, teachers and parents meet together for classes in adolescent behavior. Another feature has students getting a 15-minute break every day to gather in a courtyard, the lunchroom, or some other place and talk—with no adults looking over their shoulders.

In another project, the Bloomington schools, nearby Augsburg College, and the Minneapolis public schools are cooperating to prepare teachers who are qualified to cope with the problems of race and poverty. Currently, Bloomington is helping prepare six young black men for the teaching profession. The men are enrolled in classes at the college, but their course work in education consists of on-the-job experience in Bloomington classrooms.

The Bloomington special projects illustrate how local, Federal, and private funds can be used cooperatively to provide the best possible education for children. "The projects are a manifestation of involvement and cooperation—involvement of the local community, the school system, the Federal Government, and private organizations," says Gilbertson.

For teachers, the small experimental projects are open doors to individuality: They allow teachers to be initiators—not passive observers—of educational change. "Change will come whether or not we are prepared for it," says superintendent Atkinson. "If we want to influence the direction of change, we have to create the best possible climate for it."

CONSTRUCTION FUNDS FOR THE TENNESSEE-TOMBIGBEE WATERWAY

Mr. ALLEN. Mr. President, shortly before the adjournment of the Congress last month, I was privileged to attend and be a part of one of the most unusual meetings ever to take place at the Bureau of the Budget. In an unprecedented, open-to-the-press meeting, an array of Senators, Representatives, Governors, and other interested officials from the States of Alabama, Mississippi, Tennessee, Kentucky, and Florida met with Budget Director Robert Mayo in behalf of the inclusion of funds in the new budget to begin the construction of the long-awaited Tennessee-Tombigbee Waterway. The meeting was the subject of wide television, radio, and newspaper and editorial comment throughout the South. I ask unanimous consent that several articles and editorials representative of the news media interest in the meeting and the Tennessee-Tombigbee project be printed in the RECORD at the completion of my remarks.

Mr. President, of all the waterways and rivers that pulse the lifeblood of commerce through our Nation, few share the vibrant excitement and promise of the Tennessee-Tombigbee. This project has been the objective of farsighted men for more than a century. From a look at a map, one is impressed by the fact that from the point where the Tennessee River turns north, the Tennessee and Tombigbee Rivers together form an almost direct line between the Port of Mobile and Paducah, Ky., where the Tennessee joins the Ohio River. It is as if Providence had preordained a connecting link between the two rivers.

For decades, however, a manmade link, consisting of a canal and locks to enable boats and barges to pass over the strip of high ground which separates the Tennessee River from the headwaters of the Tombigbee River was considered by the Army Engineers as economically unsound. It was not until the Tennessee Valley Authority built the Pickwick Landing Dam, which raised the water level in the Tennessee River by 55 feet, that the Army Engineers determined that the benefits to shippers and receivers on the two river systems and the benefits to industry, business, and agriculture in the regions would exceed the cost of constructing a waterway link to connect the Tennessee and Tombigbee Rivers.

Having won a favorable report from the Army Engineers, Congress subsequently authorized the construction of the Tennessee-Tombigbee Waterway in the Rivers and Harbors Act of 1946. Through the years the project has been confronted with many obstacles and hostile opposition. It has been deferred for restudy and subjected to numerous economic restudies and reevaluations in the hope of its opponents that the waterway would be killed. Yet, to their chagrin, every survey has produced the same result; to wit, that the project is economically feasible and that its development will contribute mightily to the continued economic growth and progress of our Nation, both at home and in the world market. In recent testimony, officials of the Corps of Engineers estimated the latest ratio of benefits to cost for the project at 1.6 to 1.

Mr. President, Congress has long recognized the importance of our inland waterways to the internal and foreign commerce and economic well-being of the United States and to our national defense effort. The development of our great waterways has returned rich dividends to our people from water transportation, electric power production, flood control protection, water supplies for municipalities and industrial use, from fish and wildlife programs, and from recreation developments.

When the Tennessee-Tombigbee Waterway is completed, it is abundantly clear that the benefits to the people of the Nation will be incalculable. This waterway will tie together in one protected inland waterway system the Tennessee, the Cumberland, the Ohio, the Illinois, the Monongahela, the Allegheny, the upper Mississippi, the Missouri, the Tombigbee, the Warrior, the Alabama-Coosa, and the Chattahoochie-Apalachicola-Flint Rivers. All will be connected by the Intracoastal Canal with such great gulf ports as Mobile, New Orleans, Galveston, and other port cities along the gulf coast from Texas to Florida. All will be tied to the Great Lakes.

Barge trains descending south to such cities as Mobile and New Orleans, carrying the products of midwestern farms and such midwestern cities as Minneapolis, Chicago, Detroit, St. Louis, Cincinnati, and Kansas City, may take advantage of the swift current of the Mississippi River.

Such barge trains may, along with other ascending traffic, return with the products of southern farms, forests, mines, factories, and oil fields, via the slack water route of the Tennessee-Tombigbee Waterway.

The new route will shorten the dis-

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tance between Mobile, Birmingham, and other points on the Warrior-Tombigbee system to the Tennessee River and the entire midwestern waterway empire by from 800 to 1,000 miles. Shorter hauls and the avoidance by ascending traffic of the swift current of the Mississippi River can cut the cost of transportation up to 75 percent. This means that producers, shippers, and consumers will enjoy millions of dollars a year in savings from lowered transportation costs.

Mr. President, I am sure that all will agree that America cannot afford the luxury of standing by and seeing her great resources and manpower used in a nonproductive fashion. Construction of the Tennessee-Tombigbee Waterway is a coefficient to the continued economic growth of our Nation. Areas now denied the benefits of low-cost water transportation will enter a new day of industrialization. New businesses and industries will be established and existing ones will be expanded. A more favorable balance between industry and agriculture will be achieved. Such a balance means new and better markets for the farmers' products, more and better jobs for our men and women, and a stronger, better, and more prosperous economic life for all our people.

Last year Congress appropriated $500,000 to complete the preconstruction design and engineering work on the Tennessee-Tombigbee project. The people of Alabama and Mississippi have already approved multi-million-dollar bond issues to meet and defray local cost contributions and obligations. They now expect, and rightfully so, Uncle Sam to fulfill his part of the covenant by making the first construction funds available this year. I feel that the Tennessee-Tombigbee dream is at last moving into focus, and I am delighted that the President has seen fit to include a request for construction funds for the project in the new budget.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

[From the Foley (Ala.) Onlooker, Oct. 30, 1969]

TODAY COULD BE THE DAY

This day, Thursday, Oct. 30, could be one of the biggest days ever in the long struggle of the Tennessee-Tombigbee Waterway Development Authority to bring about that short water route from the Midwest to the Gulf. This group is scheduled to make a plea before the Bureau of the Budget in Washington.

The plea is for funds to be included in the upcoming budget for a construction start on the often studied, often approved and much delayed project that will link the Tennessee and Tombigbee Rivers with a 253-mile connection which is a missing link in the 20,000 mile inland waterway system. We trust that all Alabama lawmakers will be using all the influence they can muster to get construction started on this project which will probably mean more to the area than any appropriation ever made. Its value towards aiding in improving the economy of the South could be worth many poverty programs.

Tennessee-Tombigbee has been a dream so long that it does seem unreal that at last action is close on the project. We hope the Nixon Administration will grant us this missing link which will truly mean greater development in five states of this nation. We hope that all delays are over.

The first work on the project will be in an area long plagued by underdevelopment and underemployment caused by transition from a cotton economy. It will provide an immediate boom in the economy of extreme western Alabama from construction alone.

The benefits of Tennessee-Tombigbee are for all to see.

[From the Mobile Press-Register, Nov. 2, 1969]

TENN-TOM PROSPECTS BETTER THAN EVER

Supporters of the Tennessee-Tombigbee Waterway came away from a Washington conference with Budget Director Robert Mayo the past Thursday without a promise to include the first construction funds for the project in the federal budget for the fiscal year beginning next July 1.

The budget director listened to the impressive representations of a four-state delegation, but was non-committal.

His failure to make even a tentative or conditional commitment may be considered disappointing, but it should not and will not discourage the effort to obtain a modest appropriation from Congress next year to get actual construction started.

Tennessee-Tombigbee supporters are asking only a few million dollars for this purpose, a manifestly reasonable request for a project as meritorious as this proposed new navigation route between the Gulf Coast at Mobile and inland mid-America.

In spite of the Nixon administration's uncommitted position on a smalll-scale construction start, optimism over the project is seemingly stronger today than ever, giving reason to believe it is gaining ground in Washington in recognized need.

The appearance before the budget director the past week was simply the opening round in presenting the case for a construction allotment for the next fiscal year.

As the Tennessee-Tombigbee Waterway Development Authority points out in a project fact report, this poposed new navigation route is "one of the most fascinating projects ever considered by the Army Engineers for construction."

Its navigational, industrial and recreational benefits would be far-flung and enormous. For example, it would "link mid-America's 10,000-mile plus inland waterway system with the southeastern Gulf area and bring sea and foreign markets as much as 700 miles closer to much of the nation's heartland."

It has been correctly described as the "major missing link" in the inland waterways of the mid-continent, and its construction not only would "provide a shorter route" to the Gulf Coast but "open up a vast area to accelerated economic and industrial growth."

The case for the Tennessee-Tombigbee Waterway is so convincing and conclusive that the indicated growing appreciation of its merit should come as no surprise. Instead, it should strengthen the hope for a construction start which already has been delayed much too long.

[From the Tupelo (Miss.) Daily Journal, Oct. 29, 1969]

OFFICIALS TO SEEK FUNDS FOR TOMBIGBEE WATERWAY IN STRONGEST BID TO DATE

WASHINGTON.—Officials of the long-pending but much delayed Tennessee-Tombigbee Waterway Project plan to make their strongest bid ever for construction funds Thursday at a Bureau of Budget hearing.

Glover Wilkins, administrator of the Tennessee-Tombigbee Waterway Development Authority, said the group would urge that funds be included in the upcoming budget for a construction start "now" on the project which would link the Tennessee and Tombigbee rivers with a 252-mile connection "that is the missing link in the 20,000 mile inland waterway system."

"We are not going to ask for a specific amount," said Wilkins, "we are just going to ask for all we can get."

Representatives of the five-state compact—composed of Alabama, Mississippi, Tennessee, Kentucky and Florida—will appear at the hearing conducted by Budget Director Robert Mayo.

The group, headed by Kentucky Gov. Louis B. Nunn—chairman of the compact—will include Govs. Albert Brewer of Alabama and John Bell Williams of Mississippi and more than 20 congressmen and senators from compact states. Also in the contingent will be Alex Chamberlain, chairman of the Ohio Valley Improvement Association and E. Michael Cassady, executive vice president of the Mississippi Valley Association, both of which have backed the project.

Wilkins said the Corps of Engineers "have the green light" and are ready to move when "we can obtain construction funds." He discarded the theory that beginning construction of the $316 million waterway would be inflationary.

"The earliest actual construction could begin would be the spring of 1971 and all of our economists tell us that the inflationary cycle will be curbed by this time," he said.

Wilkins added "the first work will be in an area long plagued by underdevelopment and underemployment caused by the transition from a cotton economy."

He said all feasibility studies had been made. Wilkins said three years ago the mobile district received $500,000 to do engineering work on the first lock and dam at Gainesville, Ala., and that the Nashville district did some work at Yellow Creek where the Tenn-Tom would go into the Tennessee River.

He also said the project was in the budget for $500,000 last year but was cut to $485,000 and the House has already approved that for engineering work.

Wilkins said "if we could get construction money the corps could call for bids in a relatively short period of time because we've done enough engineering work and the corps is sitting on go—they have the green light."

The administrator admitted that construction on the first lock and dam at Gainesville could not begin overnight but said land acquisition could begin almost immediately.

Plans call for the Mobile district to build locks and dams in the southern area while the Nashville district would do the same in the northern district.

"Theoretically what we would like to see happen and what the corps would like to do is for the Mobile district to start building on the lower end toward Columbus, and the Nashville district begin at Yellow Creek and work southward," Wilkins said, "That would be the ideal situation."

[From the Jackson (Miss.) Clarion-Ledger, Oct. 31, 1969]

LEADERS URGE FUNDING OF TENN-TOM PROJECT

(By Mary Ann Pardue)

WASHINGTON.—Gov. John Bell Williams Thursday urged the Nixon Administration to provide funds to start construction of the Tennessee Tombigbee Waterway in its budget for fiscal year 1971 commencing next July 1.

Testifying at a hearing before Budget Director Robert Mayo, Williams emphasized that the proposed project has been thoroughly studied and planned, and "the cost-benefit ratio becomes more favorable with every study made."

He said the sooner construction gets under way the sooner those benefits can be realized.

Williams told of his consistent support for the waterway project throughout his long Congressional career. He said as the ranking majority member of the House Commerce Committee and chairman of the transportation subcommittee he * * *. He said this study convinced him "in the development of our water resources we get perhaps most value (for the money spent) than for anything else except education."

The Mississippi Governor said the Tennessee-Tombigbee Waterway will not only "serve the heartland of America," but "will contribute greatly to the economy of the entire country. It will return potential profits to the people of America far in exces of its cost. When you benefit one region, other sections are automatically benefitted."

Williams was one of the spokesmen for the five-state Tennessee-Tombigbee Waterway development Authority, which is seeking funds to begin construction of the proposed Gainesville Lock and Dam in Alabama, near the southern termination of a proposed canal extending through northeastern Mississippi to connect the Tennessee and Tombigbee River.

Rep. Thomas G. Abernethy of Okolona conceded that the waterway, estimated to cost $316 million, is a "big" project, but he said other waterways costing much more have had less potential benefits. As an example, he cited the Arkansas River Basin Project which he said cost $1.2 billion, and said the Tennessee-Tombigbee would cost "about a third as much and serve a much larger area."

"We just want to get our foot at the table, where we know it's got a right to be," Abernethy told Mayo.

Then, expressing appreciation to Mayo for according the Authority the hearing, Abernethy added: "This is the farthest we've gotten, and we're going to remember you. We hope you will act on our project in such a way that we'll never forget you."

Mayo joined in the hearty laughter provoked by this comment.

Rep. Jamie Whitten (D-Miss.) 3rd ranking Committee member, stressed that continued planning would be necessary throughout the eight of ten years required to complete construction, and said additional money for "preliminary planning and engineering" should also be included.

Mississippi was also represented at the hearing by Sen. John Stennis, Rep. G. V. (Sonny) Montgomery of Meridian, John O'Keefe of Jackson, Clif Gookin of Tupelo, and State Rep. Jerry Wilburn, Mantachie.

[From the Commercial Appeal, Oct. 31, 1969]

OFFICIALS PRESS TOMBIGBEE CASE

(By Morris Cunningham)

WASHINGTON, October 30.—Budget Bureau director Robert Mayo was urged Thursday to include at least five million dollars in President Nixon's budget next January to begin construction on the 316-million-dollar Tennessee-Tombigbee Waterway.

An array of governors, senators, representatives and others from Kentucky, Mississippi, Alabama and Tennessee appeared before the budget director at an unprecedented public hearing in the executive office building.

A statement presented on behalf of Gov. Louie B. Nunn of Kentucky said the long-sought project will benefit 23 states and "is truly regional in scope."

Gov. John Bell Williams of Mississippi told Mayo "the time has come to stop studying this project and to start building it."

Gov. Albert Brewer of Alabama said the project "has tremendous significance" in respect to improving living standards in the depressed Alabama and Mississippi areas through which it will pass. He said it would dovetail perfectly with President Nixon's concept of "new federalism."

Hudley Crockett, executive assistant to Gov. Buford Ellington of Tennessee, stressed the project has bi-partisan backing and said Ellington would not support it if he felt it would fan the fires of inflation.

Representative Jamie L. Whitten (D-Miss.), a member of the House Appropriations Committee, pointed out that construction can be spread out over a period of 8 to 10 years or more, thus easing the inflationary impact. "The question," he said, "is when do we start?"

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[From the Columbus (Miss.) Commercial Dispatch, Oct. 31, 1969]

SOUTHERN OFFICIALS SEEK TENN-TOM FUNDS

WASHINGTON.—Officials of five Southern states, two of them governors, today asked the Nixon administration's budget watchdog for $3 million to start digging the Tennessee-Tombigbee waterway.

Govs. Albert Brewer of Alabama and John Bell Williams of Mississippi led the money-seeking expedition to the office of Budget Director Robert Mayo who thus far has okayed only $500,000 for more studies.

Kentucky Gov. Louie B. Nunn, current chairman of the five-state Tennessee-Tombigbee Waterway Development Authority, sent word to Mayo that the project has already been "studied, examined, evaluated, reanalyzed and scrutinized long enough."

The authority was formed to promote the long-planned idea of digging a canal to connect the Tennessee River with a river system that flows into Alabama and the Gulf. The canal and locks would cost $316 million.

The authority represents Kentucky, Mississippi, Alabama, Tennessee and Florida. Canal boosters say it would help the economies of 23 states.

Billing the conference as "one of the strongest pleas ever made before the Bureau of the Budget for an Army Engineers project," authority members argued that the project would not collide with Nixon administration anti-inflation commitments.

Brewer said that even if the project were okayed today nothing could start before the spring of 1971. It would take that long for Congress to act.

Williams said the first work would start in some of the most impoverished areas of the nation. He said the project has the full endorsement of the Appalachian Regional Commission.

[From the Florida Department of Agriculture Field Report, Oct. 9, 1969]

THE FARM FRONT

Many Florida agricultural and agri-business leaders among others were invited to Tampa October 5 and 6 to learn about the benefits Florida will receive with the completion of the Tennessee-Tombigbee Waterway.

As a member of the five-state Waterway Authority, I am vitally interested in working toward the fulfillment of this project because it will serve as a boon to our agricultural economy.

Projected benefits for farmers and agri-business in our state are but a few for Florida. Not only would it help in our industry, but the 253-mile canal and lock system would greatly increase the importance of our import-export programs at our ports in Jacksonville, Port Everglades, Miami, Tampa, Port Canaveral and Pensacola.

It would greatly assist new emerging ports, such as St. Marks; cut down traveling distance for Cape Kennedy space program rocket assemblies; promote greater pleasure craft use between the Atlantic Ocean and Gulf of Mexico tourist marinas, and give a big boost to our phosphate industry and our coal-using steam generating plants.

Governors Louis B. Nunn of Kentucky, authority chairman, John Bell Williams of Mississippi, Buford Ellington of Tennessee and Albert Brewer of Alabama, were guests of Gov. Claude R. Kirk Jr. at the Authority's quarterly meeting.

The governors from the four states brought about 75 other prominent citizens who also serve on the authority, to meet with 250 Floridians at a luncheon hosted by Governor Kirk.

Engineers have predicted Florida phosphate companies will be able to ship a half million tons more each year to mid-continent farmers at cheaper rates, providing reduced rates for fertilizers used in agriculture.

I am joined on the authority as Florida representatives by Gov. Kirk, Comptroller Fred O. Dickinson, Robert B. Fox of Port St. Joe, W. Guy McKenzie, of Tallahassee and C. A. Peacock Jr. of Miami.

We are being assisted by the Tampa Electric Co., Florida Phosphate Council, Florida Petroleum Council, Florida Citrus Mutual, Florida Citrus Commission, Tampa Port Authority and the Florida Department of Natural Resources in making our compact state members aware of our waterway, port and industrial interests so that we can mount a united campaign in bringing the Tenn-Tom project to reality.

[From the Birmingham Post-Herald, Oct. 31, 1969]

TENN-TOM WATERWAY PRAISED

(By Dale McFeatters)

WASHINGTON.—The Tennessee-Tombigbee Waterway is the greatest thing since sliced bread, a succession of witnesses told federal Budget Director Robert P. Mayo Thursday.

Governors, senators and congressmen said the 253-mile canal and lock system would be the key to massive development in poor areas of Alabama and Mississippi.

Mayo sat sphinx-like through the presentation. His job is preparing the federal budget, the equivalent of trying to divide a dollar so six people get a quarter each.

Only at the end, when Rep. Thomas G. Abernethy, D-Miss., cracked, "we hope you'll look upon this project in such a way that we'll never forget you," did the budget director laugh.

The delegation, which included representatives from Kentucky and Tennessee, wants the director to put $3.5 to $5 million in this year to begin construction on a lock and dam near Gainesville in Sumter County.

The waterway would eventually connect the Warrior and the Tennessee Rivers by a 10-lock waterway along the Tombigbee River.

The most discussed aspect of the project which is estimated will cost $356 million during the 10 years needed for completion, was the cost-benefit ratio.

Rep. Jack Edwards, Republican from Mobile, said, "this goes right through some of the poorest parts of our country; one area you (Mayo) and the people in Administration can't overlook.

Gov. Albert P. Brewer said the waterway would be "a true example of the new federalism the President has proclaimed to us."

Mississippi Governor John Bell Williams complained, "this project has been kicked around from time immemorial without getting anywhere."

Mayo, who must hear all demands on the government's money, responded enigmatically after the meeting.

"I could have stood up and said, forget it, but I didn't. But we're going to have this year—as we did last year—a very tight budget. There's a feeling in this country that we're taxing too heavily; we have to take that into consideration," he said.

The director will now take his impressions back to the Budget Bureau, combine them with staff recommendations and the President's spending guidelines, and decide whether to include the money in the budget to be submitted to the President.

The budget for fiscal year 1970–71 will be published at the end of January.

In addition to governors Brewer and Williams, senators Allen of Alabama and Stennis of Mississippi, all eight Alabama congressmen, and three of Mississippi's congressmen attended the meeting.

[From the Opelike Daily News, Oct. 31, 1969]

BREWER, CONGRESSMEN SEEK WATERWAY FUNDS—GREAT BENEFIT EXPECTED FOR STATE ECONOMY

WASHINGTON.—Gov. Albert Brewer and Alabama members of Congress have joined officials of four other states in petitioning the Budget Bureau to include $3 million in the 1971 federal budget for a start on construction of the Tennessee-Tombigbee waterway project.

The state officials met with Budget Director Robert P. Mayo for more than an hour Thursday in an effort to secure the funds. Mayo said afterwards, "This is a project we are looking at to see how it could fit into a tight budget." He gave no other encouragement.

Cost of the entire project is expected to run $325 million. It would link the north-flowing Tennessee River with the south-flowing Tombigbee River by means of canals and a system of locks and dams across northeastern Mississippi.

Brewer said the waterway would directly benefit 23 states and generally help the economy of the entire nation. He predicted that Mobile's present water freight tonnage of 23 million tons a year would be doubled by the waterway.

Sen. John Stennis, D.-Miss., and a score of House members from Tennessee, Mississippi, Kentucky and Florida, as well as Alabama, attended the hearing in a strong show of support for the project which is in this year's budget for $500,000 to complete planning.

Gov. John Bell Williams of Mississippi said the return profits to the people from the waterway would be far in excess of its cost.

Rep. Jack Edwards, R-Ala., coordinator for the Washington meeting, said a start on the project could be made for less than the sums the federal government now spends in a number of single localities in the area of temporary programs that have no long-range value.

Edwards said the project would be an opportunity to help an area, rather than to merely give money away.

Some observers said after the meeting they felt the Nixon administration will act favorably on the appeal since two of the states, Kentucky and Florida, have republican governors, and Alabama and Tennessee and Florida have GOP members in Congress.

[From the Florence Times]

Time To Make Tennessee-Tombigbee Dream Come True

During the past week two stories came out of Washington, D.C., regarding canals.

One of them had to do with the plea for funds (before Congress by the Tennessee-Tombigbee Waterway Development Authority) with which to get the Tennessee-Tombigbee Canal construction started.

The other told of how both traffic and the new big vessels have outgrown the Panama Canal.

The United States would be a lot better off if we were investing our money in the Tennessee-Tombigbee Canal and a new canal to serve the ocean traffic instead of investing in foreign wars and foreign aid and a lot of other fol-de-rol on the home front that to a very large extent is a wastage of public funds.

In fact, we think it would be in order right now to predict that just as booming business and larger vessels are threatening to clog the Panama Canal that the Tennessee-Tombigbee Canal, serving half the Nation directly and indirectly and absolutely vital to the continued development of the Southeast, will attract a lot more traffic and provide a lot more benefits than even the most optimistic engineers now predict.

Although on a somewhat lesser scale, we believe that the Tennessee-Tombigbee Canal experience, once it is constructed and put into use, will parallel the Panama Canal experience where traffic through the 50-mile-long waterway has greatly increased through the last few years, straining present facilities, although it has been a tremendous national and international asset throughout its half-century of existence.

And what is the history and experience of the Panama Canal?

Nearly 1,000 ships afloat or under construction are already too wide for the canal's locks, while another 1,200 squeeze through partially loaded because they cannot navigate the present channel with a full cargo.

To meet future Panama Canal traffic demands, engineers are studying the feasibility of a new sea-level canal even while planning and designing the Tennessee-Tombigbee Canal, for which limited planning funds have been provided the past few years as a result of the years-long-effective work of the Tennessee-Tombigbee Waterway Development Authority, the Congressional delegations from Alabama, Mississippi, Tennessee, Kentucky, Florida, and others.

In fact, an oceanographic vessel only recently completed a seven-month research cruise off Panama and Colombia for the United States Atomic Energy Commission. The study was part of an overall survey to determine whether a new canal site should be excavated by nuclear explosion, conventional dredging and excavating, or a combination of both, similar studies and proposals having been made regarding Tennessee Tombigbee Canal in the past.

The Atlantic-Pacific Interoceanic Canal Study Commission in Washington, D.C., will submit final recommendations to President Richard M. Nixon by Dec. 1, 1970.

Though it may be supplemented in the not distant future, the Panama Canal still ranks as one of the world's great engineering feats, a classification into which Tennessee-Tombigbee Canal will also fall when completed.

It took a multinational work force of 40,000 to battle the mountains, mud, and mosquitoes for 10 years to make the Panama Canal a reality. Up to that time, nowhere had man poured so much concrete, built a bigger artificial lake, or raised a larger dam. In fact, one English observer compared the project to the building of the Great Pyramids.

As with all great achievements of mankind throughout history, and as no doubt will prove the case with Tennessee-Tombigbee Canal in due time, the Panama Canal was not built without heartbreaks and obstacles. Tons of rock, dirt, and clay frequently wiped out days of effort. One 1913 slide dumped 47 acres of earth on the "Big Ditch," a misfortune that caused hardened laborers to weep openly at the setback for these men believed in what they were doing just as we who have fought so long for Tennessee-Tombigbee Canal believe in the great national merits of our project.

It is recorded that in the building of the Panama Canal, however, that boredom and homesickness succeeded malaria and slides as occupational hazards. One magazine writer in an American magazine said this about the United States' workers:

"Nearly everyone of the young unmarried men the first time he came back from leave brought a wife if he could get one."

Jamaican and Spanish laborers, Chinese launderers, Greek and Italian restaurateurs, even Sikhs from India augmented the enormous work force, making for foreign customs that were often confusing. For example, Americans watched dumbfounded as three Martinique natives loaded a wheelbarrow, two of them lifted it onto the head of a third, and then they all purposefully strode away together.

But the vast project submerged minor foibles and when, on Aug. 15, 1914, the Panama Canal opened its locks to global shipping, the big ditch linking the Atlantic to the Pacific sliced 8,000 miles off the New York-San Francisco sea trip, for the waterway was built wisely and well, and although the canal is now reaching the limit of its capacity after a half-century of service to mankind, essentially the same locks, gates, and machinery are still in use.

Let us build as wisely and well upon our Tennessee-Tombigbee dream here in the greater Muscle Shoals District and the Southeast for it is still true that without vision the people perish!

[From the Huntsville (Ala.) Times, Oct. 31, 1969]

Waterway Meeting Draws No Pledges

(By B. J. Richey)

Washington.—The proposed Tennessee—Tombigbee Waterway is closer today to being dug than it has ever been. But the biggest hurdle of all—getting construction money—still has to be cleared.

After an hour-long session Thursday with budget director Robert Mayo, southern politicians haven't the slightest notion whether President Nixon will ask Congress for $3 million in fiscal 1971 to start the 253-mile-long channel project.

Congressmen from four states, along with Govs. Albert P. Brewer, of Alabama, and John Bell Williams, of Mississippi, made on Thursday the biggest pitch yet for the canal. While Mayo's reception was sympathetic, he gave no sign funds for first-year construction would be in the budget.

Mayo, as is customary at a hearing of this type, made no statement following the mid-morning meeting.

Mixing politics and economics, the congressmen told Mayo connecting the Gulf of Mexico at Mobile with the Tennessee River in West Tennessee would be an economic boon to large portions of South Alabama, Mississippi and Tennessee.

In addition, it would save as much as $23.9 million in navigational costs alone to shippers from the mid-western industrial sectors to the Gulf Coast, eventually having an impact on 23 states.

Joseph R. Hartley, an Indiana university economist and consultant on the project, said the waterway is the single most important development today.

Hartley said over all economic benefits returned from the project once it's done are so high he hesitates to discuss them. One study he made showed an economic return of 38 to one on the investment.

The Tennessee-Tombigbee project has been studied and analyzed by the Army Corps of Engineers and pronounced a sound government investment. But in recent years Congress has made available only funds for further study and engineering planning.

Thursday's show of political strength behind the project is the strongest to date in the bid for funds to start work on the slack water canal.

Gov. Brewer told Mayo the project could be a "true example of the new federalism the President has told us about."

"This is an important project to our people," the Alabama governor said: "It offers the opportunity for economic development and holds hope for a new way of life."

Brewer said if the canal is built the 22 million tons of goods shipped through the port of Mobile annually would double.

Hartley supported this idea, saying New Orleans simply does not have the grain elevators, storage bins and other facilities to handle the shipping increase coming through Gulf Coast ports in the years ahead.

Almost the entire presentation to Mayo centered around favorable economics of the massive project.

"This project goes right through some of the poorest portions of our country," Rep. Jack Edwards (R-Mobile) said.

"This is an opportunity to bring legitimate federal help to take people off welfare, and your administration can't overlook the opportunity," Edwards said.

Hartley said just the nine-year task of building the canal, with its series of locks and dams, would be enough to give an economic face-lift to 38 of the 56 counties which would border directly on the channel.

"This area has suffered from chronic underemployment and unemployment for decades," he said.

One county in South Alabama, for in-

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stance, spends more on welfare than on education. It's in this area—Sumpter County—that the first dirt on the project would be moved.

If construction money is included in the budget for fiscal 1971, the project could get underway in the spring of 1971. Total cost is estimated at $356 million.

[From the Chattanooga Post, Nov. 3, 1969]

WATERWAY FUNDS URGED BY JOHNSON

David F. S. Johnson, an officer on the Tennessee-Tombigbee Waterway Association advisory board for Chattanooga, will appear before the U.S. Bureau of the Budget in Washington Thursday with a group seeking funds to start construction of the much-delayed Tenn-Tom inland waterway linkage.

Director of the Budget Robert Mayo will preside at the hearings. The Tenn-Tom delegation will be led by Kentucky Gov. Louis B. Nunn, chairman of the five-state compact made up of Alabama, Mississippi, Tennessee, Kentucky and Florida.

Also attending will be Gov. Albert Brewer of Alabama, Gov. John Bell Williams of Mississippi, more than 20 congressmen and senators from the compact state.

Plans for the budget hearing were formulated earlier this month in Tampa, Fla., at which time Glover Wilkins, administrator of the authority, contended the $316 million project would not be inflationary.

"The earliest actual construction could begin would be spring of 1971, and all our economists tell us that the inflationary cycle will be curbed by this time," he said.

[From the Birmingham (Ala.) News, Oct. 30, 1969]

BREWER ASKS TENN-TOM FUNDS

MONTGOMERY.—Gov. Albert Brewer testified today in Washington before the Bureau of the Budget, seeking construction funds for the Tennessee-Tombigbee Waterway Project.

Brewer will be joined by either the governor, or representatives of the chief executives of Kentucky, Tennessee, Mississippi and Florida in today's presentation.

The governor said that the group hopes to get construction funds for the waterway project in the budget recommendations of President Richard Nixon beginning July, 1970.

The project would link the Tennessee and Tombigbee rivers by a canal through Northeast Mississippi and West Alabama, a length of more than 200 miles.

Brewer will return to Alabama tonight.

[From the Dothan (Ala.) Eagle, Nov. 2, 1969]

BREWER, OTHERS ASK FOR RIVER MONEY

WASHINGTON.—Gov. Albert Brewer and Alabama members of Congress have joined officials of four other states in petitioning the Budget Bureau to include $3 million in the 1971 federal budget for a start on construction of the Tennessee-Tombigbee waterway project.

The state officials met with Budget Director Robert P. Mayo for more than an hour Thursday in an effort to secure the funds. Mayo said afterwards, "This is a project we are looking at to see how it could fit into a tight budget." He gave no other encouragement.

TO RUN $325 MILLION

Cost of the entire project is expected to run $325 million. It would link the north-flowing Tennessee River with the south-flowing Tombigbee River by means of canals and a system of locks and dams across northeastern Mississippi.

Brewer said the waterway would directly benefit 23 states and generally help the economy of the entire nation. He predicted that Mobile's present water freight tonnage of 23 million tons a year would be doubled by the waterway.

SHOW OF SUPPORT

Sen. John Stennis, D-Miss., and a score of House members from Tennessee, Mississippi, Kentucky and Florida, as well as Alabama, attended the hearing in a strong show of support for the project which is in this year's budget for $500,000 to complete planning.

Gov. John Bell Williams of Mississippi said the return profits to the people from the waterway would be far in excess of its cost.

Rep. Jack Edwards, R-Ala., coordinator for the Washington meeting, said a start on the project could be made for less than the sums the federal government now spends in a number of single localities in the area of temporary programs that have no long-range value.

TO HELP AREA

Edwards said the project would be an opportunity to help an area, rather than to merely give money away.

Some observers said after the meeting they felt the Nixon administration will act favorably on the appeal since two of the states, Kentucky and Florida, have Republican governors, and Alabama and Tennessee and Florida have GOP members in Congress.

It was stressed, however, that the program has strong bi-partisan support. It was emphasized also, that the ratio of benefits to cost of the waterway has gone up substantially since the project was restudied and reapproved by Army engineers.

[From the Clarion-Ledger, Jackson (Miss.), Oct. 29, 1969]

STRONGEST PLEA TO GO TO BUDGET BUREAU

WASHINGTON, D.C.—One of the strongest pleas ever to be made before the Bureau of the Budget for an Army Engineer project will be made Thursday by the Tennessee-Tombigbee Water Development Authority in Washington. Director of the Budget Robert Mayo will be presiding at the hearings along with expected White House aides.

The Tennessee-Tombigbee group will urge that funds be included in the upcoming budget for a construction start now on the often studied, often approved, and much delayed project that will link the Tennessee and Tombigbee rivers with a 253 mile connection that is the "missing link" in the 20,000 mile inland waterway system.

Kentucky Governor Louie B. Nunn, chairman of the five-state compact composed of Alabama, Mississippi, Tennessee, Kentucky and Florida, will head the large delegation at the 11 a.m. meeting in the Executive Office Building.

Governors Albert Brewer of Alabama and John Bell Williams of Mississippi will also attend the meeting to urge construction funds be made available next year. Governor Nunn will be accompanied by more than 20 Congressmen and Senators from the Compact states along with Alex Chamberlain, Chairman of the Ohio Valley Improvement Association and E. Michael Cassady, Exec. Vice Pres. of the Mississippi Valley Association. Both organizations will voice their strong support for the proposed Waterway.

Tennessee Governor Buford Ellington, a long-time supporter of the project, will be unable to attend but will be represented by his Executive Assistant, Hudley Crockett, who will present the Governor's views on getting funds for an immediate construction start.

Dr. Joseph R. Hartley, Vice President of Indiana University and economist for the Tenn-Tom Authority, will show the unquestionable economic justification of the project. Representatives from all of the five states in the compact will attend the meeting as will David Johnson, Chattanooga business executive who is an officer of the Tennessee-Tombigbee Advisory Board in that City.

Plans for the Bureau of the Budget appearance were formulated at a Tampa, Fla. rally held earlier this month attended by 250 Floridians and Authority members. Governors Nunn of Kentucky, Ellington of Tennessee, and Kirk of Florida along with Congr. Jack Edwards (Ala.) and William Cramer (Fla.) spearheaded the decision to move now in efforts to obtain a construction start. Congr. Edwards of Mobile, Ala. has acted as the Washington coordinator for the meeting.

Glover Wilkins, Administrator of the Authority, pointed out that beginning construction of the 316 million dollar waterway will not be inflationary. Wilkins said "the earliest actual construction could begin would be the Spring of 1971 and all of our economists tell us that in the inflationary cycle will be curbed by this time." Also, Wilkins added, "the first work will be in an area long plagued by underdevelopment and underemployment caused by the transition from a cotton economy." Wilkins, just returning from the Ohio Valley meeting in Cincinnati, voiced optimism over the upcoming hearings. His beliefs are shared by the many supporters of the project from over the Nation.

[From the Sun-Democrat, Nov. 3, 1969]

PADUCAH-TO-TAMPA WATERWAY PROJECT

What Gov. Louie Nunn has nicknamed the "Paducah-to-Tampa" waterway project has come a long way in the past few years. The Kentucky chief executive thus referred to the proposed Tennessee-Tombigbee waterway in testimony he filed last week with the federal budget bureau, urging approval of initial construction funds for a physical start on the improvement.

Early French settlers first proposed that the upper Tombigbee River, which flows from northeastern Mississippi down to join the Warrior in central Alabama, be joined with the Tennessee near its big northward bend at Pickwick Landing. That was about the year 1800. It would tie together two major river systems in the eastern United States, permitting navigation from the Gulf Coast at Mobile into the Tennessee, Cumberland, Ohio and upper Mississippi rivers. Interest has grown slowly in the idea until comparatively recent years. Today a five-state compact, composed of Mississippi, Alabama, Tennessee, Kentucky and Florida, has advanced the project to the point where President Nixon may very well call for a start of its construction in his next budget.

Gov. Nunn is this year's chairman of the interstate compact. He and his fellow-Republican, Gov. Claude Kirk of Florida, are no radical advocates of federal spending, but they have seen clearly the widespread benefits possible by linking the Tennessee with the Tombigbee. It would make possible the cheap transportation of millions of tons of bulk commodities which simply do not move at all, at present. These would include vast amounts of West Kentucky coal to the power plants of booming northwest Florida and the middle Gulf Coast. They would include huge tonnages of Florida phosphates for use in the fertilizer-hungry Midwest, as well as low-cost bauxite ore from Venezuela for the great new aluminum plants along the Ohio.

Dr. Joseph Hartley, a vice president of Indiana University and one of the nation's outstanding young transportation economists, who testified in favor of an immediate start on the Paducah-to-Tampa waterway. The 253-mile waterway would use 168 miles of existing rivers, some of which would be widened. It would include five new locks-and-dams plus five additional locks, all of standard dimensions to assure a minimum nine-foot depth and accommodate standard river tows. The cost is now estimated at $356 million, but Dr. Hartley said this would return yearly benefits of $30.8 million, or about 10 per cent.

Few undeveloped water resource proposals in the nation can offer anything like as high a ratio of public benefits to cost, as does the Ten-Tom project Gov. Nunn thinks that despite the tight federal money situation,

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now is the time to begin building it. We couldn't agree more.

[From the Nashville Tennessean, Nov. 2, 1969]

TIME FOR START ON TOMBIGBEE

Federal Budget Director Robert P. Mayo has promised that his department will try to find room in next year's budget for funds to begin construction of the Tennessee-Tombigbee waterway.

Officials from five states met with the budget director Thursday to urge some move on the long-awaited project. Rep. Joe Evins of Tennessee's Fourth District, a member of the House of Appropriations Committee, said the group would like to see $5 million in the budget for the beginning of construction.

Although there is no assurance that construction funds will be included in the new budget, Mr. Mayo's reaction is the most promising sign that has been seen in some time.

Even if the full $5 million figure mentioned by Mr. Evins is not realized, an amount of $2.5 to $3 million would be encouraging. The important thing is to make some beginning on construction. After this is done, it should be less difficult to accquire funds later for continuation of the construction.

The Tennessee-Tombigbee project—which would open up a direct water route from Middle Tennessee to the Gulf of Mexico—has been in the planning stage for many years. It is time that all the planning and hopes that have gone into this needed project are brought to fruition. It is hoped the budget director's try to include construction will be more than just another putoff.

[From the Jackson (Miss.) Clarion-Ledger, Oct. 31, 1969]

LEADERS URGE FUNDING OF TENN-TOM PROJECT

(By Mary Ann Pardue)

WASHINGTON. — Gov. John Bell Williams Thursday urged the Nixon Administration to provide funds to start construction of the Tennessee Tombigbee Waterway in its budget for fiscal year 1971 commencing next July 1.

Testifying at a hearing before Budget Director Robert Mayo, Williams emphasized that the proposed project has been thoroughly studied and planned, and "the cost-benefit ratio becomes more favorable with every study made."

He said the sooner construction gets under way the sooner those benefits can be realized.

Williams told of his consistent support for the waterway project throughout his long Congressional career. He said as the ranking majority member of the House Commerce Committee and chairman of the transportation subcommittee he * * * of the entire transportation system throughout the country. He said this study convinced him "in the development of our water resources we get perhaps most value (for the money spent) than for anything else execept education."

The Mississippi Governor said the Tennessee-Tombigbee Waterway will not only "serve the heartland of America," but "will contribute greatly to the economy of the entire country. It will return potential profits to the people of America far in excess of its cost. When you benefit one region, other sections are automatically benefitted."

Williams was one of the spokesmen for the five-state Tennessee-Tombigbee Waterway development Authority, which is seeking funds to begin construction of the proposed Gainesville Lock and Dam in Alabama, near the southern termination of a proposed canal extending through northeastern Mississippi to connect the Tennessee and Tombigbee Rivers.

Rep. Thomas G. Abernethy of Okolona conceded that the waterway, estimated to cost $316 million, is a "big" project, but he said other waterways costing much more have had less potential benefits. As an example, he cited the Arkansas River Basin Project which he said cost $1.2 billion, and said the Tennessee-Tombigbee would cost "about a third as much and serve a much larger area."

"We just want to get our foot at the table, where we know it's got a right to be," Abernethy told Mayo.

Then, expressing appreciation to Mayo for according the Authority the hearing, Abernethy added: "This is the farthest we've gotten, and we're going to remember you. We hope you will act on our project in such a way that we'll never forget you."

Mayo joined in the hearty laughter provoked by this comment.

Rep. Jamie Whitten (D-Miss.) 3rd ranking Committee member, stressed that continued planning would be necessary throughout the eight of ten years required to complete construction, and said additional money for "preliminary planning and engineering" should also be included.

Mississippi was also represented at the hearing by Sen. John Stennis, Rep. G. V. (Sonny) Montgomery of Meridian, John O'Keefe of Jackson, Clif Gookin of Tupelo, and State Rep. Jerry Wilburn, Mantachie.

[From the Mobile (Ala.) Register, Oct. 29, 1969]

TENN-TOM WATERWAY GROUP TO PLEAD CAUSE

A large delegation headed by governors and congressmen representing a five-state compact will appear before the Bureau of the Budget in Washington Thursday to urge inclusion of construction funds in next year's budget to start work on the proposed $316 million Tennessee-Tombigbee Waterway.

A spokesman for the Tennessee-Tombigbee Waterway Development Authority announced in Washington Tuesday Gov. Louie B. Nunn, of Kentucky, chairman of the five-state compact composed of Alabama, Mississippi, Florida, Tennessee, and Kentucky, will head the delegation.

Governor Albert Brewer of Alabama and Gov. John Bell Williams will be among delegation members scheduled to make a strong plea for construction funds for the project in next year's budget.

The often-approved and long delayed Tennessee-Tombigbee Waterway has been described as "the missing link" in a 20,000-mile inland waterway system that would connect with ocean-going vessels at the Port of Mobile.

The Tennessee-Tombigbee group will also have the support of Alex Chamberlain, chairman of the Ohio Valley Improvement Association, and E. Michael Cassady, executive vice president of the Mississippi Valley Association at Thursday's hearing. Both organizations have voiced strong support for the project.

Tennessee Gov. Buford Ellington, a longtime supporter for the Tennessee-Tombigbee Waterway, will not be able to attend, but will be represented by his executive assistant, Hudley Crockett.

Plans for the delegation to appear at Thursday's budget hearing were formulated earlier this month at a meeting at Tampa, Fla., attended by 250 Floridians, and authority members, including Governors Nunn, Ellington, and Claude Kirk of Florida.

Rep. Jack Edwards (R) of Mobile is in charge of coordinating the Washington meeting.

Dr. Joseph R. Hartley, vice president of Indiana University and economic adviser to the Tenn-Tom Authority, will offer data to show the economic justification for the project.

Glover Wilkins, administrator of the authority, pointed out that beginning construction of the $316 million waterway will not be inflationary. Wilkins said "the earliest actual construction could begin in the spring of 1971 and all of our economists tell us that the inflationary cycle will be curbed by this time." Also, Wilkins added, "the first work will be in an area long plagued by underdevelopment and underemployment caused by the transition from a cotton economy." Wilkins, just returning from the Ohio Valley meeting in Cincinnati, voiced optimism over the upcoming hearings. His beliefs are shared by the many supporters of the project from over the nation.

[From the Paducah (Ky.) Sun Democrat, Oct. 31, 1969]

TOMBIGBEE NOD SOUGHT BY GROUP

WASHINGTON.—A five-state delegation asked the Budget Bureau Thursday to approve a start on construction of the $325 million Tennessee-Tombigbee waterway project.

The group met for more than an hour with Budget Director Robert P. Mayo in an effort to have the administration budget for fiscal 1971 recommend at least $3 million in construction money for the proposed waterway.

Mayo told reporters later that "this is a project we are looking at to see how it could fit into a tight budget."

He said his bureau now is reviewing the entire fiscal program, the administration objectives, needs and allocation of national resources.

Governors John Bell Williams of Mississippi and Albert P. Brewer of Alabama both spoke glowingly of the project. It would link the north-flowing Tennessee River with the south-flowing Tombigbee River by means of canals and a system of locks and dams across northeastern Mississippi.

A score of House members from Alabama, Tennessee, Mississippi, Kentucky and Florida attended the hearing in a strong show of support for the project which is in this year's budget for $500,000 to complete planning.

Williams told Mayo the navigation project would serve 23 states and "will return profits to the people of the United States far in excess of its cost."

Brewer also noted that the project would offer an opportunity for economic development to a depressed area as well as contribute to the economic well being of the heartland of the country.

Inclusion of the project in the budget to be submitted to Congress by President Nixon in January would be a big boost to prospects of the project for receiving favorable action.

[From the Panama City News, Oct. 28, 1969]

SOUTH'S FUTURE ECONOMIC HOPES TIED TO PLAN—NIXON TO REVIVE MERCHANT FLEET

(By Ed Rogers)

WASHINGTON.—President Nixon can expect solid support of Southerners in Congress for the program he unveiled last week for reviving the U.S. merchant fleet with 10 years of shipbuilding.

The Nixon vision of restoring U.S. maritime life to the prospering position it held before its decline in the 1950s symbolizes the Roosevelt-era nationalism that the South still endorses.

Sen. Strom Thurmond, R-S.C. hailed the President's announcement in a Senate speech in which he said the nation's ultimate showdown with communism may well occur on the economic front.

Between 1950 and 1968 the U.S. merchant fleet declined from 1900 ships to 1.100 and now ranks sixth in world status while Russia's fleet increased to 1,400 and now carries half of U.S. foreign shipping.

The administration chose a merchant marine conference held the week before in Savannah, Ga., as a forum for giving the nation a preview of the Nixon plan for revitalizing U.S. shipping.

The President sent top governmental mar-

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itime officials—Mrs. Helen Bentley, chairman of the Maritime Commission, and Maritime administrator, A. E. Gibson—to the conference.

The officials sought to establish a parallel between the 1969 Savannah conference and an earlier meeting which served as a preview of the Roosevelt maritime program of 1936.

A more crucial reason for prospective strong southern support is an emerging picture of the South's future economic hopes tied to water commerce.

While the ports at Norfolk, Savannah, Jacksonville, Mobile and New Orleans have been in lively competition for more than a decade there is increasing interest in interstate barge traffic.

Canal projects under way or on the drawing boards will affect every Southeastern state.

A delegation of city officials from Wilmington, N.C., told Sen. B. Everett Jordan, D-N.C., last week that they expect a big upsurge in barge traffic if they can deepen Cape Fear channels.

The reason they gave for this belief is that the cross-Florida barge canal, already under construction, will link Atlantic ports to a growing network of barge shipping in the Gulf of Mexico.

This shipping network in turn is reaching deep into Georgia, Alabama and Mississippi through systems of dams, locks and channels being built in those states.

The ultimate proposal is to provide these states with an overland connection with the Tennessee and Mississippi rivers, Alabama and Warrior-Tombigbee rivers in Alabama and Mississippi.

The Atlantic and Gulf coasts already have protected barge routes in the so-called intercoastal waterway except for a gap along the Florida coast on the gulf side.

The U.S. engineers are gradually closing this gap with projects that are now being financed. This waterway will be tied in with the canal now being built across the upper Florida peninsula.

The ultimate proposal is to prove this system with an overland link with the Tennessee and Mississippi rivers via the Alabama and Warrior-Tombigbee rivers in Alabama and Mississippi rivers via the Alabama and Warrior-Tombigbee rivers in Alabama and Mississippi.

Doing this will require an extensive system of canals and locks that have been planned and debated since the early 1800s. But it was not officially stamped as feasible until three years ago.

The economic impact is expected to reach into Tennessee and Kentucky as well as Alabama and Mississippi. Governors of all these states have joined in forming an authority to promote the project.

At the so-called Tennessee-Tombigbee Waterway Development Authority's quarterly meeting last month in Tampa, Fla., the governors decided it was time to ask President Nixon for some money.

Kentucky Gov. Louis B. Nunn, a Republican who currently is the authority chairman, said a meeting has been scheduled with the Budget Bureau Oct. 30 to seek $500,000 in planning funds.

This means running against the President's announced policy of fighting inflation by cutting down on government spending.

But President Nixon committed himself to a $300 million outlay per year for his $3 billion shipbuilding subsidy program on grounds that it would help the nation economically.

The Tennessee-Tombigbee boosters hit a strategy of trying the same argument in their planned trip to the White House, with welfare costs as their target.

The proposed canal would transverse poor areas where government is now pumping in huge sums for welfare. Nunn said he will picture outlays for canal building as meaning jobs instead of dole.

NELLIE DANIELS MAYNARD—A GREAT WOMAN

Mr. DODD. Mr. President, a great lady, Mrs. Nellie Daniels Maynard, of East Lyme, Conn., died last Sunday at her home, at the age of 83.

Nellie Maynard was a lifelong Democrat. She was a woman who devoted a great deal of her time and energy and talent to public affairs, because of her interest in good government.

Only 2 weeks ago, Nellie Maynard and I spoke at a wonderful Democratic Party dinner in East Lyme. She was warmly received on that occasion, as she has been for so many years, by her fellow Democrats and fellow citizens.

I knew Nellie Maynard for many years. She was my friend and I, together with a great many others, mourn her passing.

In these days of awards for outstanding women, I nominate Nellie Maynard as a truly outstanding woman—indeed, as a great woman. She was in a real sense a successful woman.

She was a good woman who not only maintained an interest in civic affairs, but also found time to participate in church affairs and, along the line of her rich life, she had four children; 27 grandchildren; 74 great grandchildren; and 21 great, great grandchildren.

Nellie Daniels Maynard left her mark on several generations, and her good influence in her community will long be remembered.

THE NEW CONSERVATION

Mr. NELSON. Mr. President, the 1960's as related to science and technology can be credited with many major accomplishments. During that decade the American public has become aware for the first time that scientific advance is not always synonymous with progress. We now are weighing more carefully pros and cons associated with "scientific advances." We know now that bigger is not necessarily better, slower can be faster, and less can be more.

This is a healthy trend that deserves the utmost encouragement. We must not embrace all so-called "advances" of some technology as wholeheartedly as in the past because the adverse side-effects are everywhere apparent. Our polluted environment and the deteriorating quality of human life have placed man near the brink of survival as a specie.

For this reason, last session, I introduced the Environmental Quality Education Act.

From preschool through to adult and community education I believe we must intensify our search for better means to relate man's unquestioned interdependence with nature. The process of education can produce an enlightened citizenry that will, through expressions of public opinion and sentiment, provide the mandate to use an ecologic filter when making important policy decisions.

In that connection, I was very pleased to learn of the publication of a new journal, Environment Education, edited by Prof. Clay Shoenfield of the University of Wisconsin. The aim of the journal published by a private corporation, Dembar Educational Research Services, is to produce: "a citizenry that is knowledgeable concerning our biophysical environment and its associated problems, aware of how to help solve these problems, and motivated to work toward their solution. How better to achieve this pervasive ecological conscience is the focus of this professional journal."

The introduction describing the purpose and contents of the journal offers a succinct definition of environmental education. It is: "a recognition by man of his interdependence with his environment, and his responsibility for developing a culture which maintains that relationship through policies and practices necessary to secure the future of an environment fit for life and fit for living."

The appearance of Environmental Education is another important indication of the emergence of environmental quality as a national issue on a par with inflation, Vietnam, and crime. The Federal Government now has a fragmented, minimal, and rather unimaginative effort underway in environmental and ecological education. A bold, innovative, and comprehensive program as called for by the Environmental Quality Education Act is a high-priority item on the environmental agenda for the 1970's.

Mr. President, I ask unanimous consent that the introduction to the journal Environmental Education be printed in the RECORD.

There being no objection, the introduction was ordered to be printed in the RECORD, as follows:

INTRODUCTION

WHAT THIS JOURNAL IS

Environmental Education is a new quarterly devoted to discovery and dissemination in the emerging field of multidisciplinary conservation communications. Through a recording of insight and information about pioneer research and interpretation projects and programs, this Journal will act as a catalyst in encouraging and exchanging effective studies and developments toward broad public ecological awareness, understanding, and action.

WHAT IT'S ABOUT

To describe recent efforts to inculcate a concern for the conservation, redevelopment, and maintenance of environmental quality, the term "environmental education" is increasingly entering the lexicon of the country. Some might say the term has sprung into being merely at the whim of phrase-makers to lend a charismatic quality to the matters with which it is associated. On the contrary, the term implies both a more precise and a more comprehensive way of engendering "a recognition by man of his interdependence with his environment, and his responsibility for developing a culture which maintains that relationship through policies and practices necessary to secure the future of an environment fit for life and fit for living" (1). The content of environment education is the total physical environment of man—its social, cultural, economic, and esthetic, as well as its biological, aspects. The goal of environmental education is "the rational use of the environment to promote the highest quality of living for mankind" (2). The methods of environmental education encompass all types and levels of communications. Research and development in such contents, goals, and methods is the subject matter of this Journal—all with the aim of helping develop "a national philosophy which feels an inhibition against damaging our physical

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environment and a responsibility for leaving it better than when we arrived" (3).

WHOM IT'S FOR

This is a professional Journal for all those who are beginning systematically to study and practice the new interpretation of America's resources—their essential integrity, their inexorable relationships with modern man, their beauty, their bio-physics, their utility, their socioeconomics, their conservation: for researchers in education and communications, for conservation educators, for environmental designers, for interpretive naturalists, for regional planners, for resource investigators and managers, for practitioners of public relations in resource industries, for conservation information specialists, for outdoor writers, for lay leaders in land and water programs—for all those concerned with discovering and applying better ways of developing a viable "conservation conscience" (4) on the part of America's citizenry.

WHAT IT DOES

Environmental Education lends focus and thrust to the emerging American search for an environmental ethic—"a developing discipline concerned with elucidating all the relationships of humanity to the total environment" (5). Unquestionably a pervasive concern for environmental quality must be high on the American agenda. At the core of the problem of defining, restoring, and maintaining a sanative environment are public understandings, attitudes, and actions. There is, hence, a growing array of investigation, instruction, and consultation on the part of various individuals, groups, agencies, and institutions—all under the new rubric of "environmental education," for persons of all ages. To help professionalize this new field, this Journal will regularly publish reports about how better to communicate appropriate ecological and economic facts and esthetic dimensions that will "lay a basis for citizen action by clarifying public choices in land and water use, relating them to general values and social objectives, instilling a desire for constructive change, and suggesting practical guidelines based on integrated approaches" (6).

HOW

Environmental Education will offer a unique means of dissemination for such types of papers as these:

1. Original reports of experiments in educational content and methodology related to the incorporation of conservation concepts and materials in elementary, secondary, and adult curricula.
2. Original reports of studies in mass communications practice as related to the reporting of conservation news.
3. Original reports of research in public relations and public policy formation as related to resource management issues.
4. Case histories in the translation of ecological understanding into action programs on the land.
5. Essays defining the parameters and goals of ecological education and environmental communications.
6. Examples of multidisciplinary interpretive programs and materials.
7. Reports of current activities and future plans of organizations and groups engaged in environmental education.
8. Abstracts, bibliographies, and reviews of recent literature with implications for conservation communications.
9. Editorial comments suggesting fruitful avenues of investigation and action.
10. Profiles of past and present leaders in the public relations of environmental management.

WHY

The pervasive degradation of the American environment demands action. Building public interest, understanding, and support is at the heart of any quest for environmental quality. To preserve without penalizing, to develop without destroying, "to restore as well as to protect, to bring beauty to the cities as well as to keep it in the countryside, to handle the waste products of technology as well as the waste of natural resources, to husband those amenities which are linked not only to economic prosperity but to the inner prosperity of the human spirit" (7)—all this requires the emergence of a "man-land ethic" (8). Environmental educators in many forms are now at work—"encouraging people to appreciate their heritage, to become knowledgeable about problems that affect their environment, to understand how to be effective in helping solve these problems, and to work toward their solution" (9). To record compelling theories of content and methodology, to disseminate new concepts and materials, to help life conservation education out of any outmoded patterns, to bring to practitioners a sense of identity with the growing edge of research, to bring to researchers the needs of the field, to provide each with the stimulus that comes from knowing the experiences of others; in short, to pull together under one cover the chronicle of a new profession—this is the mission of *Environmental Education*.

REFERENCES

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2. *Russell Train, Undersecretary of Interior.*
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4. *Aldo Leopold.*
5. *Durward Allen, Professor of Wildlife Ecology, Purdue University.*
6. *Course Syllabus, Environmental Resource Management, The University of Wisconsin—Madison.*
7. *Lyndon B. Johnson.*
8. *Aldo Leopold.*
9. *William B. Stapp, Professor of Resource Planning and Conservation, The University of Michigan.*

RACIAL CONFLICT IN INTEGRATED SCHOOLS

Mr. BYRD of West Virgina. Mr. President, in the Washington Post for January 21, columnist Joseph Alsop notes that forced school integration in the United States has resulted in "something perilously close to race war—in just about every integrated high school."

The columnist mentions the recent spot checks of our high schools made by officials at the U.S. Office of Education, and he notes that their findings were "hair raising." At every integrated high school they visited, these officials found "the poison of simmering racial conflict."

I ask unanimous consent that Mr. Alsop's column be printed in the RECORD.

There being no objection, the column was ordered to be printed in the RECORD, as follows:

INTERRACIAL VIOLENCE IN SCHOOLS REQUIRES A NATIONWIDE SURVEY

(By Joseph Alsop)

It is a hundred to one bet that President Nixon's report on the state of the nation will take no note of a key fact so dangerous that everyone in this nation ought to be thinking about it.

The fact is that something perilously close to race war has now begun in just about every integrated high school in the United States. This is not a Southern problem. It is a nationwide problem, with future political implications so grave that we dare not go on being ostriches about it.

First, however, let us examine the facts, which are not easy to ascertain with absolute precision. This reporter began the attempt about 10 days ago. The spur was a talk with young men in the Office of Education, whom Commissioner of Education James Allen had told to go out and find out, on the spot what was really happening to the U.S. school system.

Their story, as some may remember, as downright hair-raising. They estimated that one-half the center city high schools and about 30 per cent of the suburban high schools had serious hard-drug problems. They further told a melancholy tale of widespread interracial violence in the high schools.

This seemed serious enough to call for further inquiry, and inquiries were duly made. School officials were queried. So were leading figures in the academic-educational world, like Dr. John Naisbitt, of the Urban Research Corporation, which is linked to the University of Chicago, and Prof. Mark Chesler, of the Institute for Social Research at Wisconsin University.

Concerning the racial problem, the results of these inquiries were so disturbing that a more scientific, high-school-by-high-school nationwide census is clearly in order. God pray such a census, if taken, will show different results from the spot check thus far made.

One must make that prayer, because the spot checks failed to reveal *any* integrated high school, anywhere at all, that was free of the poison of simmering racial conflict. Mercifully, it is mostly just simmering—taking the form, that is, of minor aggressions between whites and blacks.

In too many places, moreover, the simmering conflict has already boiled up, or may soon boil over, into major violence between whites and blacks. And in New York, Chicago and elsewhere, there are actually high schools where the race war is so serious that large numbers of police have to be continuously stationed in the school buildings.

The trouble centers in the high schools for two obvious reasons. One is the fact that high school pupils have reached fighting-age. The other is the fact that pupils from different neighborhoods, often with little prior experience of integrated schooling, naturally tend to be mixed up together when they go on to high school.

With reason, Commissioner Allen is deeply concerned about this problem. Last Monday, he held a meeting with men from other potentially interested federal agencies, in the Justice Department and elsewhere. The topic was possible federal leadership in the search for a solution of the problem.

In a few high schools again, although the conflict is still there, something is at least being done about it. In Cleveland, for instance, Shaker Heights High School has inaugurated what are called "dialogue groups." And it offers human relations courses, and is experimenting with other ways to keep things cool.

Yet the widest inquiries have failed to locate any truly informed man of goodwill who is not deeply discouraged. If you consider the problem politically, moreover, this problem is not just a source of discouragement about the orneriness of human nature. It is a source of really frightening danger to the American political future.

Anyone ought to be able to figure out the automatic effect of racial attitudes of both parents and pupils of virtually omnipresent racial conflict in the integrated high schools. Even if there are no more than minor aggressions, requiring no outside intervention, causing no public clamor, the effect must still be the widespread promotion of prejudice and hatred.

The nauseous George C. Wallace has already spotted that. He is now out to solidify his Southern support by exploiting the special Southern school situation. But he will surely be heard from all over the country, unless the decent majority of both races goes into action pretty quick.

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ORDER NO. 4 OF THE OFFICE OF FEDERAL CONTRACT COMPLIANCE OF THE DEPARTMENT OF LABOR

Mr. ERVIN. Mr. President, last Thursday I released for the Congress and the public the text of Order No. 4, an unpublished Department of Labor employment directive which would place a stricter version of the Philadelphia plan on virtually every Federal contractor in the Nation.

As you no doubt know, after the release of Order No. 4, the Office of Federal Contract Compliance and the Labor Department made several different explanations of its existence, finally concluding that the entire episode resulted from an administrative error.

Had that been the case, Order No. 4 would be easier to dismiss. But the issuance of that order by the OFCC, apparently without the knowledge or approval of the Secretary of Labor, involves more serious questions than the simple disregard of normal administrative channels.

In the eyes of the OFCC, its director, Mr. John Wilks, the Assistant Secretary of Labor Mr. Arthur Fletcher, Order No. 4 was an official directive from November 20, 1969, until shortly after 1 p.m. on Thursday. In the eyes of the OFCC, it had the force of law. It was not, as the Labor Department has asserted in the press, a draft sent out for criticism which was mistakenly marked as an order. Order No. 4 was a formal directive to the heads of all agencies, effective immediately. It superseded and invalidated an earlier order. It did not become a draft until Thursday afternoon.

I think there can be no serious question that Order No. 4 requires the acceptance of strict racial hiring quotas by Federal contractors. While it is correct, as the OFCC's senior compliance officer, Mr. Leonard Biermann, told the Washington Evening Star on Thursday morning, that the order does not itself set the precise numerical standards of the Philadelphia plan, it does require Federal contractors to set even more severe standards themselves. These standards are no less than flat quotas. Order No. 4 states that these quotas shall be mandatory, providing that "special corrective action must be taken" in the event of racial imbalance within work forces.

Order No. 4 makes no pretense of being satisfied with only "good faith efforts" by Federal contractors to reach flexible goals. This is despite the fact that the order's purported intent is to define what the OFCC considers acceptable "good faith efforts" and "affirmative action programs."

In Order No. 4, the "special corrective action" to be taken by Federal contractors is based upon racial population ratios. Phrases such as "should approximate or equal the ratio" are used in describing acceptable hiring efforts by employers. The OFCC's own examples of "acceptable goals" are themselves flat quotas. I quote two such examples which appeared in the press:

> Example: New York office plans to hire 20 sales representatives by March 1, 1970. Ten of the twenty will be minorities. Six of the ten will be Negro.
>
> Example: Fifteen percent of employees promoted into supervisory positions in 1970 will be minorities.

I ask you, Mr. President, if these are not quotas. They are, unless we believe the OFCC, which makes the artificial distinction that they are "goals" because the contractors "voluntarily" agree to them. I think we must examine not only the language of these OFCC examples, but also their effect upon Federal contractors. I think that effect is to imply to the contractors, quite distinctly, that unless they "voluntarily agree" to set quotas, they will be disqualified from contract awards. That is a peculiar sort of voluntary agreement.

I see no further need to argue with the OFCC about whether the Philadelphia plan and Order No. 4 require illegal racial hiring quotas. I argued that the plan did require them when the Subcommittee on Separation of Powers held hearings on it in late October. I cited the legislative history of title VII of the 1964 Civil Rights Act to butress my argument. But the legislative history was of no importance to the OFCC, which insisted that it was proceeding under an Executive Order.

I do not feel that I must argue again. I will simply quote one section of the Clark-Case memorandum on title VII, the section which appears in the CONGRESSIONAL RECORD, volume 110, part 6, page 7213, and ask you to compare its language with the requirements of Order No. 4:

> Any deliberate attempt to maintain a racial balance, whatever such balance may be, would involve a violation of title VII because maintaining such a balance would require an employer to hire or refuse to hire on the basis of race.

To me, that intent is clear. Any attempt to argue that Order No. 4 does not violate that intent is the legal equivalent to saying that the earth is flat.

Mr. President, the OFCC and other members of the Labor Department knew that Order No. 4 was in effect at the same time they assured the House and Senate that no quotas were required of Federal contractors under the Philadelphia plan. Perhaps in their own minds, Order No. 4 does not require quotas. Perhaps they sincerely believe that. I must assume so. But to me, Order No. 4 requires racial hiring quotas. It defines "good faith effort" in such a way as to evaporate any meaning which that term might have had.

I think that Congress was entitled to be told of the existence of Order No. 4 last December when it considered the rider amendment to the Supplemental Appropriations Act, particularly the Members of the House, where many supported the OFCC because they had been assured that it did not require racial hiring quotas. I say this without ascribing any lack of candor to the President or the Secretary of Labor, who apparently did not know that Order No. 4 had been issued. I am equally sure that the Philadelphia plan's congressional proponents did not know of the order. But the OFCC knew, and said nothing.

That is only the first item, in a bill of particulars against the OFCC's handling of Order No. 4. Second, we should ask why the OFCC did not make Order No. 4 public from the first, weeks before the rider amendment was debated.

It is true, as the Labor Department told the press, that Mr. Wilks mentioned Order No. 4 at a conference in Racine, Wis., on the day after the order was issued. It is not correct, however, for the OFCC to suggest that Mr. Wilks in any way publicly explained the provisions of Order No. 4. I have a copy of the transcript from that conference.

Surely, Mr. President, we cannot accept the OFCC's explanation that it would have been "redundant" to publicize the order. Order No. 4 extends to virtually every Federal contractor in the Nation. It requires of many contractors actions which they are not equipped to take. Yet the OFCC for 2 months kept the order from Congress and the press, sending it instead to the various Federal agencies and depending on them to parcel it out to individual contractors.

I think it is unacceptable conduct on the part of a Federal agency. The OFCC had an ethical responsibility to the Congress to place Order No. 4 in the Federal Register and to release it to the public, whether or not that publication was required by law. The OFCC is run by public funds. It should conduct its business in the open.

At the time of his death, our late beloved minority leader, Senator Dirksen, was deeply concerned about the future of this Office of Federal Contract Compliance. He was on the verge of seeking its abolition, and said as much in hearings before the Administrative Practices and Procedures Subcommittee.

Senator Dirksen was concerned because of exactly the kind of action which the OFCC took in issuing Order No. 4. He was concerned about respect for due process of law; Order No. 4 does not contribute to that bedrock principle. He was concerned about OFCC harassment of employers; one need only glance at the language of Order No. 4 to sense the harassment that it would produce. He was concerned that the OFCC did not transact its business openly. He was concerned that the OFCC's compliance officers haggled with employers, never told them precisely what was expected, and made them "agree" to quotas. Order No. 4 is a confirmation of Senator Dirksen's concerns.

Mr. President, we should ask why the OFCC apparently never held hearings or solicited outside views on the merits of the requirements in Order No. 4. Surely the OFCC's officials did not believe that they did not need any advice.

We should also ask whether the OFCC ever held hearings on the Philadelphia plan itself. I ask this not in argument, but for information. I do know that the OFCC held hearings in Philadelphia last August before Assistant Secretary Fletcher and Director Wilks. This hearing had the purpose of gathering information to fix the percentage "goals" of the Philadelphia plan. The Labor Department is presently reviewing the data gathered at this hearing to see if it is accurate.

But I do not know that a hearing was held on the Philadelphia plan itself: the June 27, 1969, version which is the basis for so much of this controversy. Perhaps the OFCC held hearings on the original

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plan, which was scrapped after the Comptroller General ruled it disrupted competitive bidding. But I ask—for the sake of information—whether it held hearings before issuing the plan of June 27. If no hearings were held, I think we should know. If they were, I think we should know who was invited and what was said.

There is another point in this bill of particulars, which also concerns the administration of the OFCC. Last Thursday afternoon, Order No. 4 was relegated to the status of a draft. It had been an official order until that time. Mr. Wilks subsequently has said that he plans to reissue it within the next 2 weeks without substantial change.

I have been informed that as of 20 minutes ago, the OFCC still had not acted even to temporarily pull back Order No. 4. To do so, the OFCC must issue a separate order stating that Order No. 4 is rescinded. They have not done so, unless we believe that the OFCC can set legal restrictions on Federal contractors on the word of an unnamed spokesman to a newspaper.

I wonder whether the activities of the OFCC officials in the case of Order No. 4 are typical of that agency's operations. Let us look at the record. First, those officials issued a formal order without the approval of the Secretary of Labor. Then they kept the order quiet for 2 months while its premises were under debate in the Congress. When the order was finally publicized, their first reactions were to deny and then to defend it. Then, after meeting with Secretary Shultz, they claimed that it was a "draft," but issued the contradictory statement that Mr. Wilks had spoken on it in Wisconsin. At one point, an OFCC spokesman told the Columbus, Ohio, Dispatch that the order had been printed in an obscure publication known as "Legal Services"—a publication so obscure, the Dispatch reported, that even the Library of Congress had not heard of it. Later, the OFCC said it would rescind the order, but as of 25 minutes ago, it had taken no such action.

Throughout these maneuverings, the OFCC has stuck by its claim that Order No. 4 does not require quotas—a ridiculous assertion. And as yet there has been no hearing.

Mr. President, the conclusion is obvious. The OFCC tells the Congress and the public that it is taking one action while at the same time it is actually doing the opposite. I believe the phrase for that situation is a credibility gap.

I just want my colleagues here and in the House to know, Mr. President, what the OFCC has done. I want them to know that while the Labor Department was insisting to the Congress that the OFCC did not require quotas, the OFCC was busy implementing Order No. 4. I want them to know that the OFCC still has every intention of keeping Order No. 4 in effect.

In Order No. 4, the OFCC has expressed its intent in the administration of the Philadelphia plan and other Federal employment programs. It has shown what it will and will not accept from Federal contractors. We must remember that even if Order No. 4 never again emerges from the OFCC, its intent is still present. It was present when we voted on the rider amendment, although the Labor Department assured us that no quotas were required. The same intent—the intent to impose illegal racial hiring quotas—will underlie the Philadelphia plan should we have the occasion to vote on it again.

Mr. President, I ask unanimous consent that the full text of the OFCC Order No. 4 be printed at this point in the RECORD, together with four newspaper articles which depict the events at the Labor Department after Order No. 4 was made public.

There being no objection, the text of the order and the four newspaper articles were ordered to be printed in the RECORD, as follows:

ORDER NO. 4

1. PURPOSE

Title 41, Subpart C, Chapter 60–1.40, Affirmative Action Compliance Programs, requires that each prime contractor or subcontractor with 50 or more employees and a contract of $50,000 or more develop a written affirmative action compliance program for each of its establishments. This section details the content required of these programs, and requires their maintenance within 120 days from the commencement of a contract since the effective date of the Rules and Regulations, or July 1, 1968.

A review of agency compliance surveys indicates that many contractors do not have affirmative action programs on file at the time an establishment is visited by a compliance investigator.

2. ACTION

If a contractor has entered into a contract subject to the current OFCC regulations at any of their establishments, over 120 days prior to the date of an investigation, and has no affirmative action plan on file, that contractor is not in compliance with the Regulations issued under Executive Order 11246. Until such a plan is developed and found to be acceptable, the contractor must not be found in compliance, and must therefore not be regarded as a responsible bidder.

In addition, if, during the compliance review deficiencies are noted not adequately corrected by the affirmative action plan, or no plan is available regardless of the findings of the review, the compliance agency shall immediately issue a notice to the contractor giving him 30 days to show cause as to why additional enforcement proceedings, leading to cancellation, suspension or debarment, should not be instituted. If no adequate response is given within such thirty days, the compliance agency shall immediately issue a notice of proposed cancellation, suspension or debarment pursuant to Section 60–1.26(b), giving the respondent ten days to request a hearing. If a request for hearing has not been received within ten days from receipt of such notice, such contractor will be declared ineligible for further contract consideration and current contracts will be cancelled or terminated. Pursuant to Paragraph — of this Order, no new contracts shall be awarded during these proceedings without the specific written approval of the Director OFCC.

Affirmative Action plans must contain the following information:

(a) An analysis of all major job classifications at the facility, with explanations as to why minorities may currently be under-utilized in any one or more job classes. "Under-utilization" is defined as having fewer minorities in a particular job class than their availability in the community;

(b) Goals and targets and affirmative action commitments designed to relieve any deficiencies identified by the company. Such goals and targets should be in terms of specific numbers, by jobs or job classes having similar content, wage rates and opportunities, with specific timetables for achievement. In establishments with over 1,000 employees, goals and targets may be presented by department;

(c) Support data for above analysis and program. Such data should include progression line charts, seniority rosters, applicant flow data, and applicant rejection ratios, indicating minority status.

In addition, the kinds of affirmative action to be taken, or the level of effort expected of Government contractors, is as follows:

Affirmative action, as related to equal employment opportunity, must be defined as specific and individual result oriented programs designed to materially increase the utilization of minorities at all levels and in all segments of the work force.

Effective Affirmative Action Programs shall contain, but not necessarily be limited to, the following ingredients:

I. Development or Reaffirmation of Company Policy of Non-Discrimination in all Personnel Actions.

II. Formal Internal and External Dissemination of Company Policy.

III. Establishment of Clear-Cut Responsibilities-Line/Staff Relationship.

IV. Identification of Problem Areas by Division, Department Location, and Job Classification.

V. Establishment of Company Goals and Objectives by Division, Department, Location and Job Classification; Including Target Completion Dates.

VI. Development and Execution of Action Oriented Programs Designed to Eliminate Problems and Further Designed to Attain Established Goals and Objectives.

VII. Design and Implementation of Internal Audit and Reporting Systems to Measure Effectiveness of Total Program.

VIII. Active Support of Local and National Community Action Programs.

Suggestions for action covering the above items follow:

I. Development or reaffirmation of company policy of non-discrimination in all personnel actions.

The company policy statement shall indicate the chief executive officer's attitude on the subject matter, assign corporate responsibility and provide for a reporting or monitoring procedure. Specific items to be mentioned include, but are not limited to:

1. Recruit, hire and promote for all job classifications without regard to race, creed, color, national origins, sex or age; except where sex or age is a bona fide occupational qualification.

2. Base decisions on employment solely upon an individual's qualifications for the position being filled.

3. Make promotion decisions only on the individual's qualifications as related to the requirements of the position for which he is being considered.

4. Insure that all other personnel actions such as compensation, benefits, transfers, layoffs, return from layoff, company sponsored training, education, tuition assistance, social and recreation programs, will be administered without regard to race, creed, color, national origin, sex or age; except where sex or age is a bona fide occupational qualification.

In keeping with the above policy, the company will periodically conduct analyses of all personnel actions to insure equal opportunity.

II. Formal internal and external dissemination of company policy.

A. Internal Dissemination:

1. Include in company policy manual.

2. Publicize in company newspaper, magazine, annual report and other media.

3. Conduct special meetings with executive, management, and supervisory personnel to explain intent of policy and individual responsibility for effective implementation,

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making clear the chief executive officer's attitude.

4. Schedule special meetings with all other employees to discuss policy and explain individual employee responsibilities.

5. Discuss policy thoroughly in both employee orientation and management training programs.

6. Meet with union officials to inform them of policy, and request their cooperation.

7. Include non-discrimination clause in all union agreements, and review all contractual provisions to ensure they are non-discriminatory.

8. Publish articles covering EEO programs, progress reports, promotions of minority employees, etc., in company publications.

9. Post policy on company bulletin boards.

10. When employees are featured in product or consumer advertising, both minority and non-minority employees should be pictured.

B. External Dissemination:

1. Inform all recruiting sources verbally and in writing of company policy, stipulating that these sources actively recruit and refer minorities for all positions listed.

2. Send written notification of company policy to all subcontractors, vendors and suppliers requesting appropriate action on their part.

3. Incorporate Equal Opportunity clause in all purchase orders, leases, contracts, etc.

4. Notify minority organizations, community agencies, community leaders, secondary schools and colleges, of company policy, preferably in writing.

5. When employees are pictured in consumer or help wanted advertising, both minorities and non-minorities should be shown.

III. Establishment of clear-cut responsibilities-line/staff relationships.

A. A corporate executive shall be appointed as Director or Manager of company Equal Opportunity Programs. Depending upon the size and geographical alignment of the company, this may be his sole responsibility. In addition, he shall be given the necessary top management support and adequate staff to execute his assignment. His responsibilities will include, but not necessarily be limited to:

1. Developing policy statement, affirmative action programs, internal and external communication techniques.

2. Assisting in the identification of problem areas.

3. Assisting line management in arriving at solutions to problems.

4. Designing and implementing audit and reporting systems that will:

a. Measure effectiveness of company programs.

b. Indicate need for remedial action.

c. Determine the degree to which company goals and objectives have been attained.

5. Serving as liaison between company and enforcement agencies, minority organizations, and community action groups.

6. Keeping management informed of latest developments in the entire equal opportunity area.

B. Line responsibilities should include, but not be limited to, the following:

1. Assisting in the identification of problem areas and establishment of local and unit goals and objectives.

2. Active involvement with local minority organizations and community action groups.

3. Periodic audit of hiring and promotion patterns to insure goals and objectives are met.

4. Regular discussions with local managers, supervisors and employees to be certain company policies are being followed.

5. Review of the qualifications of all employees to insure minorities are given full opportunities for transfers and promotions.

6. Career counseling for all employees.

7. Periodic audit to insure each location is in compliance in areas such as:

a. Posters are properly displayed.

b. All facilities, including company housing, are in fact, desegregated, both in policy and in use.

c. Minority employees are participating in all company sponsored educational, training, recreational and social activities.

8. Supervision must understand that their work performance is being evaluated on the basis of their EEO results, as well as other criteria.

IV. Identification of Problem Areas by Division, Department, Location and Job Classification.

A. Make an in-depth analysis of the following, paying particular attention to Apprentice, Craftsmen, and all White Collar categories:

1. Racial mix of work force.

2. Racial mix of applicant flow. (It is recognized that those states having Fair Employment Practices legislation expressly forbid the racial identification of individual applicants. However, during compliance reviews, companies are often required to furnish information as to the number of applicants, by position applied for, by race.)

3. Total selection process:
Position description;
Man specification;
Application forms;
Interview procedure;
Test administration;
Test validation;
Referral procedure; and
Final selection process.

4. Transfer and promotion practices.

5. Facilities, company sponsored recreation and social events, and special programs such as educational assistance.

6. Seniority practices and seniority provisions of union contracts.

7. Apprenticeship programs.

8. All company training programs, formal and informal.

9. Attitude of work force.

10. Technical phases of compliance such as poster and notification to labor unions, retention of applications, notification to subcontractors, etc.

B. If any of the following items are found in the analysis, special corrective action must be taken.

1. No minorities in specific work classifications.

2. Minorities in work classification but ratio of minority applicants below ratio of minority applicant community.

3. Lateral and/or vertical movement of minority employees occurring at a lesser rate (compared to work force mix) than that of non-minority employees.

4. The selection process eleminates a higher percentage of minorities than non-minorities.

5. Applicants and related pre-employment forms not in compliance with local, state or federal legislation.

6. Position descriptions inaccurate in relation to actual functions and duties.

7. Man specifications not validated in relation to position requirements and job performance.

8. Test norms not validated by location, work performance and inclusion of minorities in sample.

9. Referral ratio of minorities to the hiring supervisor or manager indicates an abnormal percentage are being rejected as compared to non-minority applicants.

10. Minorities are excluded from or are not participating in company sponsored activities or programs.

11. De facto segregation still exists at some facilities.

12. Seniority provisions contribute to overt or inadvertent discrimination, i.e., a racial disparity exists between length of service and types of jobs held.

13. Non-support of company policy by managers, supervisors or employees.

14. Minorities not included in apprenticeship programs, or are only participating on a "token" basis.

15. No formal techniques established for evaluating effectiveness of EEO programs.

16. Lack of access to suitable housing inhibits employment of qualified minorities for professional and management positions.

17. Labor unions and subcontractors not notified of their responsibilities.

18. Purchase orders do not contain EEO clause.

19. Posters not on display.

V. Establishment of company goals and objectives by division, department, location, and job classification; including target completion date.

A. Establish goals and objectives covering problem areas identified in preceding section.

B. Involve personnel relations staff, department and division heads, and local and unit managers in the goal setting process.

C. Goals should be significant, measurable and attainable.

D. Goals should be specific both for planned results and timetable (examples).

Completely desegregate facilities by January 1, 1970.

Increase flow of minority applicants for sales positions by at least 35 percent by March 1, 1970.

New York office plans to hire 20 sales representatives by March 1, 1970. Ten of the twenty will be minorities. Six of the ten will be Negro.

Fifteen percent of employees promoted into supervisory positions in 1970 will be minorities.

Total company white collar employment will increase by 40 percent by June 1, 1970.

VI. Development and execution of action oriented programs designed to eliminate problems and further designed to attain established goals and objectives.

A. Conduct detailed analysis of position descriptions to insure they accurately reflect position functions, and are consistent for the same position from one location to another.

B. Validate man specifications by division, department, location and job classification using job performance criteria. Special attention should be given to academic, experience and skill requirements to insure that the requirements in themselves do not constitute inadvertent discrimination. Specifications must be consistent for the same job classification in all locations and must be free from bias as regards to race, sex, or age except where sex or age can be proven to be a bona fide occupational qualification. Where requirements screen out a disproportionate number of minorities, such requirements should be professionally validated to job performance.

C. Approved position descriptions and man specifications shall be made available to all members of management involved in the recruiting, screening, selection and promotion process. Copies should also be distributed to all recruiting sources.

D. Evaluate total selection process to insure freedom from bias and attainment of goals and objectives.

1. All personnel involved in the recruiting, screening, selection, promotion, disciplinary and related processes should be carefully selected and trained to insure elimination of bias in all personnel actions.

2. Validate all selection criteria (Note Department of Labor Order of September 9, 1968 covering the Validation of Employment Tests and Other Selection Techniques by Contractors and Subcontractors Subject to the Provisions of Executive Order 11246). Key points in this order are:

Each contractor regularly using test to select among candidates for hire, transfer or promotion to jobs must have available for inspection, within a reasonable time, evidence that tests are valid for their intended purpose. Such evidence shall be examined during compliance reviews for indi-

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cations of possible discrimination, such as instances of higher rejection rates for minority candidates than non-minority candidates.

Evidence of a test's validity shall consist of empirical data demonstrating that the test is predictive of or significantly correlated with important elements of work behavior relevant to the job(s) for which candidates are being evaluated.

Empirical evidence in support of a test's validity must be based on studies employing generally accepted procedures for determining criterion-related validity, such as those described in the American Psychological Association's Standards for Education and Psychological Tests and Manuals.

When a concurrent validity study is conducted, the sample should be, so far as technically feasible, representative of the minority groups currently included in the candidate population.

Tests must be administered and scored under controlled and standardized conditions, with proper safeguards employed to protect the security of test scores and insure that scores do not enter into any judgments of individual adequacy that are to be used as criterion measures.

The work behavior or other criteria of employee adequacy must be fully described. Whatever criteria are used should represent major or critical work behaviors as revealed by careful job analyses.

Presentations of the results of a validation study must include graphical and statistical representations of the relationships between the test(s) and the criteria, permitting judgments of the test(s) utility in making predictions of future work behavior.

Data must be generated and results reported separately for minority and non-minority groups wherever technically feasible.

3. Selection techniques other than tests may also be improperly used so as to have the effect of discriminating against minority groups. Such techniques include but are not restricted to, unscored interviews, unscored application forms, arrest records, and credit checks. Where there are data suggesting that such unfair discrimination exist (e.g., differential rates of rejecting applicants from different ethnic groups or disproportionate representation of some ethnic groups in employment in certain classes of jobs), then the contractor may be called upon to present evidence of the validity of any of his unscored procedures.

E. The rate of minority applicants recruited should approximate or equal the ratio of minorities to the applicant population in each location. Suggested techniques to increase the flow of minority applicants follows:

1. Certain organizations such as the Urban League, Job Corps, Equal Opportunity Programs, Inc., Concentrated Employment Programs, Neighborhood Youth Corps, Secondary Schools, Colleges, and "City" Colleges with high minority enrollment, the State Employment Service, specialized employment agencies, Aspira, LULAC, SER, the G.I. Forum, and the Commonwealth of Puerto Rico are normally prepared to refer qualified minority applicants. In addition, community leaders as individuals shall be added to recruiting sources.

2. Formal briefing sessions shall be held, preferably on company premises, with representatives from these recruiting sources. Plant tours, presentations by minority employees, clear and concise explanations of current and future job openings, position descriptions, man specifications, explanations of the company's selection process, and recruiting literature should be an integral part of the briefings. Formal arrangements should be made for referral of applicants, follow-up with sources, and feedback on disposition of applicants.

3. Minority employees, using procedures similar to 2. above, shall be actively encouraged to refer applicants.

4. A special effort shall be made to include minorities on the Personnel Relation Staff.

5. Minority employees shall be made available for participation in Career Days, Youth Motivation Programs, and related activities in their communities.

6. Active participation in "Job Fairs" is desirable. Company representatives so participating shall be given authority to make on-the-spot hiring commitments.

7. Active recruiting programs shall be carried out at secondary schools, junior colleges, and colleges with minority enrollments.

8. Special employment programs shall be undertaken whenever possible. Some possible programs are:

a. Technical and non-technical co-op programs with the predominantly Negro colleges

b. "After school" and/or work-study jobs for minority youths.

c. Summer jobs for underprivileged youth.

d. Summer work-study programs for faculty members of the predominantly minority schools and colleges.

e. Motivation, training and employment programs for the hard-core unemployed.

9. When recruiting brochures pictorially present work situations, the minority members of the work force should be included.

10. Help wanted advertising should be expanded to include the minority news media on a regular basis.

F. Assure that minority employees are given equal opportunity for promotion. This can be achieved by:

1. An inventory of current minority employees to determine academic skill and experience level of individual employees.

2. Initiating necessary remedial, job training and work-study programs.

3. Developing and implementing formal employee evaluation programs.

4. Being certain "man specifications" have been validated on job performance related criteria. (Minorities shall not be required to possess higher qualifications than those of the lowest qualified incumbent if they were initially placed in a discriminatory manner.)

5. When apparently qualified minorities are passed over for upgrading, require supervisory personnel to submit written justification.

6. Establishing formal career counseling program to include attitude development, educational aid, job rotation, buddy system, etc.

7. Reviewing seniority practices and seniority clauses in union contracts to insure such practices or clauses are non-discriminatory and do not have a discriminatory effect.

G. Make certain facilities and company-sponsored social and recreation activities are desegregated. Actively encourage minority employees to participate.

VII. Design and implement internal audit and reporting systems to measure effectiveness of total program.

A. Monitor records of referrals, placements, transfers, promotions, and terminations at all levels to insure non-discriminatory policy is carried out.

B. Require formal reports from unit managers on a schedule basis as to degree to which corporate or unit goals are attained and time tables met.

C. Review report results with all levels of management.

D. Advise top management of program effectiveness and submit recommendations to improve unsatisfactory performance.

VIII. Actively support local and national community action programs.

A. Appoint key members of management to serve on Merit Employment Councils, Community Relations Boards and similar organizations.

B. Encourage minority employees to actively participate on the Plans for Progress Youth Motivation Task Force.

C. Support Vocational Guidance Institutes, Vestibule Training Programs and similar activities.

D. Assist secondary schools and colleges with significant minority enrollment in programs designed to enable graduates of these institutions to compete in the open employment market on a more equitable basis.

E. Publicize achievements of minority employees in local and minority news media.

F. Support programs developed by Plans for Progress, the National Alliance of Businessmen, the Urban Coalition and similar organizations.

3. SUPERSEDURE

Memorandum from this Office entitled "Affirmative Action Plans" dated September 15, 1969, is hereby superseded and rescinded.

4. AUTHORITY

This action is taken pursuant to Executive Order 11246 Sections 201, 205, 211; 41 CFR Sections 60–1.6, 60–1.28, 60–1.29, 60–1.40.

5. EFFECTIVE DATE

This Order is effective immediately.

[From the Washington Evening Star, Jan. 15, 1970]

UNITED STATES TIGHTENS HIRING GUIDES FOR CONTRACTS

(By Dana Bullen)

Tough new guidelines for minority hiring by all federal contractors have been established quietly by the Labor Department—guidelines that a critic claims make the controversial Philadelphia Plan "look like small potatoes."

Sen. Sam J. Ervin Jr., D-N.C., today released a copy of the guidelines—set up Nov. 20—and accused the Labor Department of "dirty pool" in not announcing the action sooner.

A department spokesman acknowledged there had been no public announcement and, so far, no publication of the guidelines in the official Federal Register. But he denied there was any effort to keep them quiet.

NOT A SECRET ORDER

"This is not a secret order, as some people have been saying," asserted Leonard Biermann, senior compliance officer with the Labor Department's Office of Federal Contract Compliance.

Asked about the order after Ervin disclosed it, Biermann agreed that its provisions are "tough," but he called them "different" rather than "tougher" than the Philadelphia Plan.

The Philadelphia Plan, which generated a bitter fight as Congress pressed to adjourn before Christmas, suggests specific percentages for minority hiring that critics contend are illegal racial quotas.

Administration spokesmen contend the Philadelphia Plan—which the Senate, but not the House, voted to block—merely requires "good faith" efforts to promote minority hiring. So far, the plan covers only six construction unions in the Philadelphia area.

NO PERCENTAGES

The new guidelines contain no required racial percentages, although several examples of the level of Negro hiring that would meet the standards do set numerical figures.

Biermann said the guidelines require a firm doing business with the government to set specific goals and targets for minority hiring but that these could be "reasonable" rather than a set percentage.

The guidelines, which Ervin said the government "quietly circulated" during the past two months while the Philadelphia Plan fight grew on Capitol Hill, go beyond that plan in a number of ways.

They apply to all federal contractors rather than just construction projects. They are nationwide, and a considerably wider range of firms is covered.

Under the Philadelphia Plan, a firm doing $500,000 worth of work for the government must promote minority hiring. The new

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guidelines reach firms that handle as little as $50,000 worth of federal work.

Biermann said the guidelines supplement a general requirement for steps to promote minority hiring announced last Sept. 15. A press release notified the public of that, he said.

He said it was thought it would have been "a bit redundant" to issue a subsequent press release on Nov. 20 when the specific guidelines implementing the earlier memorandum were ordered.

Administrative difficulties held up publication of the guidelines in the Federal Register, Biermann said. They will be placed in the Register shortly, he added.

As long ago as July 1968, Labor Department rules required government contracts to contain "an affirmative action plan" for minority hiring. Later surveys showed proper plans were not being filed, Biermann said, so the new rules were set up to strengthen the program.

The guidelines, carrying forward an earlier sanction, provide that a contractor who is not in compliance may be denied further federal business until he takes steps to meet the standards.

"It's very tough, there's no question about it," said Biermann. "It says if you don't have a plan, you don't get a contract. We're just not as specific (on what is required) as we were in the Philadelphia Plan."

Ervin said the new guidelines make minority hiring on federal jobs "flatly mandatory"—citing a section stating "special corrective action must be taken" if certain conditions are found to exist.

Among these, he said, are a lower percentage of minority workers in a work classification than in the "minority applicant community," lesser rate of minority promotions or "inadvertent discrimination."

Examples in the guidelines of suggested minority hiring practices include the following:

"New York sales office plans to hire 20 sales representatives by March 1, 1970. Ten of the 20 will be minorities. Six of the 10 will be Negro."

LACK OF PUBLICITY HIT

Another example states: "Fifteen percent of employes promoted into supervisory positions will be minorities."

In criticizing the guidelines, Ervin said he was concerned about the lack of publicity given them during congressional consideration of the Philadelphia Plan.

"My point is that the Department of Labor had already implemented (the new guidelines) at the time the administration was righteously accusing the Senate of playing 'dirty pool' in adopting" the rider to block the Philadelphia Plan, Ervin said, accusing the department, instead, of "dirty pool."

[From the Washington Post, Jan. 16, 1970]

UNITED STATES ISSUES, RECALLS NEW RACIAL JOB CODE

Tough new rules for minority hiring on all government contracts were abruptly pulled back yesterday after the Labor Department discovered its own solicitor had not passed on their legality or suitability.

The 28-page "Order No. 4" of the Office of Federal Contract Compliance was revealed by Sen. Sam J. Ervin Jr. (D-N.C.), who said it makes the controversial Philadelphia Plan for minority hiring on construction projects "look like small potatoes."

He accused the Labor Department of "dirty pool" for quietly circulating the order for nearly two months among its compliance personnel without any public announcement. At the same time, he said, the Department was fighting an unsuccessful Senate attempt to ban the Philadelphia Plan. The Department, denying the plan sets racial quotas, said then that all the plan requires is "good faith efforts."

"Unlike the Philadelphia Plan, Order 4 makes no pretense of requiring good faith efforts to raise the percentage of minority group employees in federal contract work," Ervin said. "The order makes such hiring flatly mandatory."

The senator cited the order's requirement that "special corrective action must be taken" when:

The "ratio of minority applicants (is) below the ratio of minority applicant community."

"Lateral and/or vertical movement of minority employees occurrs at a lesser rate (compared to work force mix) than that of non-minority employees."

"The selection process eliminates a higher percentage of minorities than non-minorities."

"Seniority provisions contribute to overt or inadvertent discrimination, i.e., a racial disparity exists between length of service and types of jobs held."

Shortly after Ervin's protest, Leonard Biermann, senior compliance officer of the OFCC, conceded issuance of the order but said no effect had been made to keep it secret. He said the new rules were set up to strengthen the progam because it was found that potential government contractors were not filing adequate "affirmative action programs" for minority hiring under the old guidelines.

Later in the day the Labor Department issued this statement:

"Through an administrative error, a draft was circulated prematurely, not secretly as an order. The circulated draft is not final."

Administration sources subsequently reported that the Labor Department's chief legal officer, Solicitor Laurence Silberman, had not even seen the order and that Secretary George P. Shultz, while aware of the draft, did not know that it had been disseminated without clearance.

The Philadelphia Plan had been attacked as unconstitutional for setting hiring "quotas" for minority employees in contravention of the 1964 Civil Rights Act. The plan itself makes no mention of quotas but sets "goals" requiring average minority employment of 20 per cent after five years among six higher-paid crafts on Philadelphia-area federal construction jobs of more than $500,000.

Order No. 4 is much broader in scope, applying to all federal contracts of more than $50,000.

Although Ervin contended that the order's corrective action really means "the imposition of racial hiring quotas," the order sets no "goals" of its own.

But it would require companies to set their own "goals and objectives by division, department, location and job classification, including target completion dates."

As examples of affirmative action goals that would be acceptable, Irvin quoted the following from the order:

"New York office plans to hire 20 sales representatives by March 1, 1970. Ten of the 20 will be minorities. Six of the 10 will be Negroes."

"Fifteen per cent of employees promoted into supervisory positions in 1970 will be minorities."

The order also proposes that affirmative action programs expand help-wanted advertising "to include the minority news media on a regular basis," publicize achievements of minority employees in local and minority news media, require written justification when "apparently qualified" minority workers are passed over for upgrading, and require management's active support of local and national community action programs.

The guidelines propose that "all personnel involved in the recruiting, screening, selection, promotion, disciplinary and related processes should be carefully selected and trained to insure elimination of bias in all personnel actions."

[From the New York Times, Jan. 16, 1970]

ERVIN CRITICIZES ORDERS ON HIRING—CALLS CONGRESS DECEIVED BY NEW RACIAL QUOTAS

WASHINGTON, January 15.—Senator Sam J. Ervin Jr. of North Carolina accused the Administration today of deceiving Congress with new orders setting racial quotas for Federal contractors.

The Labor Department denied that any such orders had been issued. After officials in the department issued conflicting statements as to whether the order had been made, the department concluded that "a draft was circulated prematurely."

In response to a question yesterday, Arthur A. Fletcher, assistant Secretary of Labor, denied that any "blanket" order had been issued requiring Federal contractors to meet certain racial hiring quotas.

Today, Senator Ervin made public the text of a Labor Department order. It outlined minority group hiring practices that contractors must follow in getting Federal contracts.

Confronted with the Ervin disclosure, John L. Wilkes, director of the department's Office of Federal Contract Compliance, confirmed that he signed the order Nov. 20 and that it had been circulated to all Federal contracting agencies.

But later today, the Labor Department issued a statement saying that "through an Administrative error, a draft was circulated prematurely, not secretly, as an order. The circulated draft is not final."

Senator Ervin, a Democrat, had charged that the order was secretly issued at the same time the Administration was telling Congress its Philadelphia Plan for minority hiring would require only "good faith" efforts by contractors and would not set quotas.

Senator Ervin's complaint was that the Administration's argument prompted Congress not to pass legislation giving the Comptroller General the right to forbid payment of such quota contracts.

Mr. Wilks, in his explanation of the confusion, said that he did not know of any companies that had been penalized for noncompliance with the order.

JOHNSON ORDER CITED

He said the order was based on an executive order issued in 1965 by President Johnson forbidding discrimination by Federal contractors.

Mr. Wilks said that the order did not "impose a goal or range" of minority hiring. However, the order as released by Senator Ervin said: "The rate of minority applicants recruited should approximate or equal the ratio of minorities to the applicant population in each location.

Senator Ervin noted that the order was issued before the Congressional debate. But he said that there had been no public notice of it, that Congress had been unaware of it, and that it had not been published in the Federal Register.

"Unlike the Philadelphia Plan," Senator Ervin said, "the order makes no pretense of requiring good faith efforts to raise the percentage of minority group employes in federal contract work. The order makes such hiring flatly mandatory."

Senator Ervin said he was not because they might result in more jobs for Negroes, "but because they are illegal."

[From the Columbus (Ohio) Dispatch, Jan. 16, 1970]

SENATOR SHAKES UP LABOR DEPARTMENT

(By Roulhac Hamilton)

WASHINGTON.—Stung by a senator's charges that the Labor Department had kept secret a sweeping equal-employment opportunities order to deceive Congress, jittery department officials first insisted the order had been published—then insisted no such order exists.

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The charges were leveled by Sen. Sam J. Ervin Jr., D-N.C., who said the order—first disclosed in a copyrighted Dispatch Washington Bureau article Wednesday—illegally imposed "flat quotas" for minority employment by federal contractors nationwide.

Ervin said the order, "unrevealed to Congress or to the public until now," was an "integral part of the Philadelphia Plan" and charged that the Nixon administration knew of the order's existence when it was assuring Congress last year that the Philadelphia Plan required no quotas but only "good faith efforts to employ minorities."

Questioned about the Ervin charges, Joseph A. Loftus, special assistant for communications to labor secretary George Schultz, said he had seen "the order" and that the department took "particular exception" to Ervin's charges that it had never been published.

It was, Loftus said, published in "a technical journal, 'Legal Services.'" The publication is so obscure that the Library of Congress said later it had never heard of it.

Loftus then told a newsman that "give me an hour and I can have a more complete story for you about the order."

Three hours later, the newsman was called by a departmental news branch aide "with the department's comment on Sen. Ervin's statement."

"Through administrative error, a draft, not a secret order, was circulated. This is not final," the aide said.

Asked if anyone was available who could explain why the 18-page "draft" was headed "order No. 4" and ended with the statement, "this order is effective immediately," the news branch aide replied, "not at this time."

Going against the department's abrupt shift from "order" to "draft" was the fact that on Wednesday afternoon, John E. Wilks, director of the Office of Federal Contract Compliance, had told an Ervin aide "the order is in effect and will be published in the federal register in a couple of days."

Also going against the department's newest position was the fact that a compliance officer had shown a copy of "the order" to a Pittsburgh steel manufacturing official and had told him, "This is what you are going to have to do. This is it."

There also was a reliable report the OFCC itself had held a meeting of its compliance officers at a conference center called "wingspread" late last year to explain the terms of "the order."

Ervin said in his statement that the order disclosed that "the true definition of 'good faith' and 'affirmative action' under the Philadelphia Plan (is) the imposition of racial hiring quotas."

He said he was concerned that OFCC had written "these flat quotas into order No. 4 not because they might result in more jobs for minorities, but because they are illegal."

But he said his major concern about the order was that "the Congress was misinformed by the Department of Labor" when, during consideration of an appropriations bill in December, it "assured the Congress that the Philadelphia Plan did not require the imposition of quotas."

At that time, Ervin asserted, the new order had been in effect for a full month and, in its scope, "makes the announced Philadelphia Plan look like peanuts."

The administration, the Senator said, "knew of order No. 4 when it assured the Senate and the House that no quotas were required under the Philadelphia Plan . . . the Department of Labor . . . played dirty pool."

BUSINESS AND THE URBAN CHALLENGE—ADDRESS BY JOHN W. KRESS

Mr. CASE. Mr. President, the selection of my longtime friend John W. Kress, president of the Howard Savings Institution of Newark, N.J., to receive the Americanism Award of the New Jersey Region of the Anti-Defamation League, gave me great pleasure.

In his remarks on this occasion, Mr. Kress emphasized the special responsibility which business has in helping to solve some of our urban problems, particularly in the areas of employment, education, and minority entrepreneurship.

I ask unanimous consent that the address by Mr. Kress, "Business and the Urban Challenge," be printed in the Record.

There being no objection, the address was ordered to be printed in the Record, as follows:

Business and the Urban Challenge

I am deeply honored that the New Jersey Advisory Board of the Anti-Defamation League of B'nai B'rith has seen fit to present this award to me.

To you, Mr. Sorkow,[*] and to the other active participants in the programs of your distinguished organization, I should like to say that I have had the opportunity, during the past several weeks, to learn more of the history and purposes of the Anti-Defamation League, and I have been sincerely impressed by what I have found.

A good part of your work has been in exposing instances of discrimination and defamation, and educating against prejudice. You have brought the infamy of defamation into the open so that it can be recognized for what it is. You have thus been pioneers in making us look at ourselves and our institutions. In doing this you have used reason and persuasion, and when necessary you have taken legal recourse. Through all of your struggles, it is obvious that you have cherished the democratic ideals of the American Society.

You have accomplished a great deal, and performed a very useful service. Your efforts represent determination, conviction, and not a little pride. While you undertook your work in the interests of your own people, you broadened your scope, many years ago, to include others who need your help. This is a great tribute to you, and an indication of the sincerity of your commitment.

I do not have to stand before this group to sing the praises of the Anti-Defamation League. I cite these few impressions for another reason. I believe the League can and should be an example to all of us in confronting the massive problems we face today.

URBAN DIFFICULTIES

Most of us are associated with a large city such as Newark, or a smaller community in the immediate proximity of a large city. We are part of a vast urban complex with all that that implies. We are a heterogeneous group of people—ranging over the entire socio-economic spectrum—with myriad backgrounds, customs and beliefs. We are part of an economic system which makes us very much dependent on the specialized abilities, skills, products and services of one another. Despite frequent claims to the contrary, we are very much tied to our cities, which provide the heart and life of our urban centers.

Yet when we think of our cities today, we think, with few exceptions, of decay. We think of crumbling bricks and broken sidewalks . . . smokestacks and pollution . . . unemployment and welfare . . . crime and violence.

Our cities are beset with difficulties, but I believe that at the heart of these difficulties there is one basic problem. This is the problems of an alienated people—a sometimes frustrated, sometimes despairing, sometimes angry people—people who are outside the mainstream of American life. It is on finding solutions to this human problem, above all others, that we are often dismayed. Yet I believe that a solution to this problem is the key we must find if we are to prevent urban blight from spreading and the bitter reactions of still another group of Americans from escalating.

It is to this issue that I should like to address my brief remarks this evening, since I believe this to be closely related to "Americanism" and to the goals of the Anti-Defamation League.

As a businessman and a banker, I believe that the solution to the complex problems of the cities—and ultimately of our country—lies within our grasp only if business and industry, and organized labor as well, are willing to make a full commitment to finding these solutions.

It goes without saying, of course, that whether we are supermarkets, banks or automobile dealers, we must give equal treatment to all of our clients, regardless of the neighborhood or section of the city from which they come.

We must go beyond this. Our basic social and urban problems can no longer be considered outside the scope of American business, for business and industry lie at the very heart of the American system. If the alienated, the frustrated, and the deprived are to gain access to all of the fruits of our American way of life, they must gain access through our doors and with our help.

In saying this I do not pretend to be a pioneer or a prophet. There is considerable evidence that segments of the private sector have already been successful in dealing with problems of education, training, employment, and housing. There is enough evidence, in fact, that programs and policies sponsored by industry, either independently or in cooperation with local or Federal Government agencies, ought to be commonplace instead of exceptional.

Let me point out the most important areas in which I believe business has a responsibility and an opportunity.

EMPLOYMENT

The first of these is in employment opportunities. We have come to understand—largely through the efforts of organizations like the Anti-Defamation League—that discrimination against any man, or group of men, because of race . . . or color . . . or religion . . . is contrary to the very principles on which our country was founded. Whether it is subtle or blatant, whether it is economic or social, discrimination is patently un-American.

Business has made great strides in this regard. I believe that cases of discrimination in employment because of color or religion must be unusual today, and I do not believe that this is so because discrimination is illegal. It is unusual because experience has taught us that color and religion have nothing to do with a person's ability as a worker.

To make jobs available to qualified people is not, however, a real social contribution. Our role, now and through the 70's, must take us farther. The large numbers of the disaffected and alienated are where they are precisely because they are not or do not seem to be qualified—either psychologically or in terms of skills—to perform the jobs which we have available. It has become obvious that we can no longer confine our interest only to those who initially meet our employment criteria. Rather, we must undertake to upgrade the basic skills and educational level of those who do not now qualify.

EDUCATION

The second important function we can perform, then, is an educational one. This is by far the most difficult, because if it is to be successful it will have to be a departure from our traditional approach to training. It will involve training in job skills and routines, of course, and in many cases it will have to include accelerated courses to upgrade basic reading, writing and mathematics levels.

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[*] Donald Sorkow, Chairman, New Jersey Regional Advisory Board of the Anti-Defamation League of B'nai B'rith.

Above all it will involve for us—for management, for those doing the training, and for the new employees' supervisors—an understanding of the disadvantaged people who will come to these programs. It will require a sensitivity to their backgrounds—to their suspicions . . . to their motivation or lack of motivation. It will require an understanding of alien attitudes and values which have been nurtured on experiences different from those with which we have been familiar.

In many cases we will be attempting, through our training programs, to absorb products of a life style which, although invisible to us for a long time, is nevertheless quite real and quite different from our own. We will be dealing with people who face day-to-day difficulties and obstacles which are foreign to our own experiences. Unless we can be flexible enough to understand and cope with these situations during what may be a difficult period of transition, we cannot hope to bridge the gap that now separates us. In this sense, the education which we need is as much for ourselves as for those whom we seek to help.

I shall not specifically refer to companies and industries which are experiencing success along these lines, although I have no doubt that many are represented here this evening. What I have in mind are programs similar to the Skill Escalation and Employment Development program, better known as SEED, sponsored by the Business and Industrial Coordinating Council. I mention SEED because I am most familiar with it, but there are many others like it operating in the greater Newark area, and countless such programs operating in other cities, all meeting with varying degrees of success. I think it important to note that according to some of those familiar with successful programs, the formula for success seems always to include one apparently indispensable factor. That factor is a commitment—a sense of commitment among those in charge of these efforts, or course; but just as importantly, a sense of commitment at the top management level.

What I am suggesting is that we, as businessmen, cannot meet our responsibilities merely by insisting that we will hire anyone who is qualified to hold a job. Nor can we settle, for the time being, for the traditional kind of training which assumes psychological and intellectual readiness for regular patterns of employment. Rather, we must stretch our resources and manpower so that our contribution lies not only in providing additional manpower for ourselves, but in assisting to qualify people to play a productive role in our economic life.

ENTREPRENEURSHIP

There is another area to which we must look in solving our urban problems. Just as the cities have long been the proving grounds for those in America—whether natives or immigrants—who are seeking a better life, so have they been the centers of commerce. It is here that our free enterprise system has flourished, and countless "new Americans" have made their way. Our great urban centers are testimony to the successes our cities have nurtured. They are the results of small investments, individual efforts, strong determination and considerable risk.

Times have changed, though. The will to succeed, with little or no business knowledge and very limited capital, is no longer the key to success it once was. Competition is high, business methods are sophisticated, and technological change is rapid. We are in the age of mass production, conglomerates, chain stores and discount houses.

New business ventures of any size are difficult under these conditions, and the difficulties are compounded for members of minority groups. Yet a reasonable degree of entrepreneurship among any group seems necessary if its people are to gain a sense of economic self-determination, dignity and respect in their community. The fact is that the percentage of minority group participation, even in the commerce of our inner cities, is extremely low. The increased business and technical sophistication provided by the employment and training processes which I have already mentioned will eventually ease this situation, but more direct action is needed now. President Nixon recently directed the Commerce Department to establish an office of minority business enterprise. Apparently such an office will coordinate Government efforts at encouraging minority group entrepreneurship. Business and industry will have to cooperate with such efforts if they are to succeed, but the task will not be easy.

Encouragement of minority group business ownership requires all the sensitivity which training does, as well as considerable professional knowhow. It will involve activities such as are now performed by the Small Business Administration, but what is also needed, once again, is a stronger commitment from the established business community. This commitment will involve our placing some of our resources and manpower at the disposal of those who need our help. It may mean technical or financial guidance. It may mean marketing, legal or managerial assistance. It certainly means a modified, innovative approach to initial credit and capitalization procedures.

HOUSING

One final point. I believe that no sincere approach to our urban problems can ignore the question of housing. A life of dignity requires more than a job opportunity and a regular paycheck. It requires adequate living space and decent neighborhoods. It requires freedom from living conditions pervaded by the odor of failure and decay.

This is a problem to which we in the financial industry have been turning our attention, and we have been making progress. Some major organizations have committed billions of dollars to inner city projects on a nationwide basis, and local institutions are coming more and more to recognize the role they can play in the rehabilitation and development of urban housing. I cannot emphasize too strongly that without Federal support, local leaders cannot possibly generate the funds necessary to effectively deal with the housing situation. Our efforts must be joint efforts if they are to be successful, and cutbacks in Federal aid to housing programs can have serious implications for our cities. Although the very nature of the undertaking requires strong Federal support at any time, the need is even more pronounced during tight money periods such as we are now experiencing.

In summary, I am suggesting that the urban crisis in America is too great to be dealt with by any one organization, whether it be as large as the Federal Government or as comparatively small as the Anti-Defamation League. It can be dealt with successfully only by a concerted effort, which must include the resources and stamina peculiar to established American business and industry. Some of these efforts will be independent, others will be on a local basis, and still others will involve some form of cooperative arrangement with agencies of the Federal Government.

I mentioned before that our efforts will require the commitment of labor organizations as well; I have dealt here with the role of business because it is business with which I am most familiar.

Our search for solutions will take us through many unexplored waters, and many of the hazards will not be conventional. Yet our American heritage from the very beginning tells us that it is in unexplored waters that the greatest discoveries are made, and it is through these discoveries that the brightest future lies.

GERMANY GUARANTEES U.S. TROOP WITHDRAWALS FROM EUROPE

Mr. PERCY. Mr. President, the actions of the German Government this week have insured passage of a Senate resolution for substantial U.S. troop withdrawals from Europe.

Germany has cashed in $500 million of U.S. Treasury bills this week that it had previously purchased to offset the balance-of-payments costs of American troops in Germany. Not only does this action throw the continuing U.S. commitment in NATO into serious doubt, but it also makes it absolutely clear that the German Government thinks the American taxpayer will continue to pay and pay for the privilege of having American troops in Europe.

Germany has now cashed in all loans negotiated in fiscal 1967 and fiscal 1968, 3 years ahead of time, and has indicated that it wants to cash in the remaining similar notes that it holds. With the U.S. balance of payments already deeply in deficit, this is a further blow to attempt to improve the U.S. balance of payments.

In 1969 the United States lost $1.5 billion on the balance of payments for its commitment to NATO, almost $1 billion in Germany alone. Germany has been covering part of that balance-of-payments loss through loans to the U.S. Treasury which would have to be repaid in 4½ years. Now Germany is even unwilling to loan money to help the U.S. balance of payments.

Unless the United States can have full balance-of-payments coverage for its NATO commitment, I see no alternative to substantial U.S. troop withdrawals from Germany and NATO.

ENVIRONMENT AND THE PUBLIC HEALTH: ONE AND THE SAME

Mr. BYRD of West Virginia. Mr. President, it is my pleasure at this time to take note of a well-deserved honor that has come to one of my State's outstanding citizens, Dr. Daniel Hale, of Princeton, W. Va.

Dr. Hale has been named by the Charleston, W. Va., Sunday Gazette-Mail as West Virginian of the Year for 1969. I heartily concur in the paper's choice.

In selecting Dr. Hale for this honor, the Gazette-Mail has done two things: It has given credit where credit is due; and it has thrown the spotlight strongly upon the challenge to all Americans for widespread improvement of the environment in which we live.

Dr. Hale is a practicing physician in West Virginia's Mercer County who sometimes deprecatingly refers to himself as a "country doctor." He is infinitely more than that.

Realizing long ago that the delicate balance which exists between the continued welfare of humanity and the preservation of the natural elements upon which man must depend for his life may be destroyed, he undertook specific and concrete action in his own area to improve environmental conditions.

Mercer County, as a result, has become

a model for other areas of our country to emulate in such things as water and land conservation, pollution abatement, and the upgrading of public health.

An editorial entitled "Follow Dr. Hale's Lead," published in the Sunday Gazette-Mail of January 18, commenting on the doctor's achievements, said he had recognized "that environment and public health are one and the same in many ways."

That is a fact which I believe shall find increasingly true, Mr. President, as we seek to improve environment nationwide.

What Dr. Hale and his coworkers have done in West Virginia, then, becomes of more than State or regional interest alone. The fact that the Brush Creek Watershed program—which Dr. Hale pushed to success—was judged the winner of America's Watershed-of-the-Year Award for 1969 indicates the national significance of what has been accomplished.

The editorial to which I have referred points out and commends other facets of the efforts in which Dr. Hale and his associates have been engaged.

It points to the obvious fact that others may do what has been done in Dr. Hale's area of West Virginia.

I salute this fine physician and citizen for his selfless and tireless work. He has not done it for public applause, I know, but for the good of the area in which he lives. If we are to win the battle to save our environment, we will need many, many more Dr. Hales.

I ask unanimous consent that the editorial be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

FOLLOW DR. HALE'S LEAD

Two weeks ago, this newspaper named Dr. Daniel Hale of Princeton as West Virginian of the Year for 1969. It proved to be one of the most popular choices yet made in the practice of some 20 years in singling out a West Virginian for special recognition.

Dr. Hale was selected because of his vision in creating a cleaner, safer and healthier environment, because of his total dedication, courage and skill in making his dream a reality, and because of his wisdom and sacrifice in restoring the quality of our environment for future generations.

Equally important was his foresight in recognizing that environment and public health are one and the same in many ways. So it was that he and other community leaders in a nine-county area of southern West Virginia have brought about a massive, comprehensive health care program into a region where dying the slowest kind of death has been a way of life in hundreds of sad coal towns and hollows.

We bring the matter up at this time because we feel there is a critical need for other people in other counties and regions in the state to recognize the example set by Dr. Hale and his coworkers, and to make a firm resolve to do likewise.

Dr. Hale's crowning achievement is the Brush Creek watershed, which embraces the city of Princeton and outlying areas and which won "America's Watershed-of-the-Year" award for 1969.

This took 13 years of hard work to build—but now Brush Creek, long cursed as "Princeton's sorrow" for its perennial rampages across a 1,150-acre flood plain, serves as the county's biggest water resource and generates an annual payroll of $6.7 million. Princeton, which was plagued by periodic droughts as well as floods when Brush Creek was a polluted cesspool of stench and filth, now sells water to the water company for distribution to city residents.

Side advantages included the opening of the area for industrial development, attracting industries that provide more than 1,000 jobs, including North American Rockwell, a space-age company that employs 450 high-wage workers with an annual payroll of about $3 million. Also located in the area are Princeton Memorial Hospital, Mercer County Vocational School and sites for the proposed regional mental health center and Princeton High School.

Dr. Hale sets a course for all areas and regions of the state to follow, and nothing points this up more dramatically than something that happened in Kanawha County at the start of 1970. Kanawha County hasn't been blessed with a Dr. Hale, and therefore is far behind Mercer County in watershed control. There has been a start on the Blakes Creek-Armour Creek watershed project with a partially built dam scheduled for completion by next May. But when heavy rains followed heavy snows at the start of the year, and serious floods threatened many sections of the state, this was sufficient to save many homes from flooding in Nitro.

West Virginia has many problems, but none more important than restoration of the environment and its protection for future generations. These and other problems can be solved by West Virginians if they just show enough dedication, selflessness and determination. Dr. Daniel Hale has pointed the way; can West Virginians in Kanawha County and elsewhere afford not to follow?

THE EFFECTIVENESS OF STATE AND LOCAL REGULATION OF HANDGUNS

Mr. KENNEDY. Mr. President, in the continuing debate over gun control legislation, one of the main issues has been the effectiveness of regulation. It has been argued that gun control would merely impose hardships on hunters and gun collectors, but would not reduce the number of firearm tragedies in this country.

I think it is important at this time to consider the experiences of communities who have enacted handgun regulations. The Duke Law Journal recently published an article by Martin S. Geisel, Richard Roll, and R. Stanton Wettick, Jr., on the effectiveness of State and local handgun regulation. This article presents a statistical analysis which demonstrates that there has been a decrease in deaths due to homicide, suicide, and accidents in cities and States with regulations. It seems clear to me, therefore, that the implementation of a national program could decrease the number of deaths still further.

I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

THE EFFECTIVENESS OF STATE AND LOCAL REGULATION OF HANDGUNS: A STATISTICAL ANALYSIS

(By Martin S. Geisel,* Richard Roll,** and R. Stanton Wettick, Jr.***)

(NOTE.—*One aspect of the continuing debate over weapons control, apart from Constitutional issues, is whether legislation is inherently capable of reducing crime and deaths by shooting. The opponents of increased control, tacitly admitting that empirical evidence is one means for measuring the effect of weapons regulation, have contended that "[e]xpert opinion and compelling evidence seem to indicate that the amount or kind of crime in a community is not substantially affected by the relative ease with which a person can obtain a firearm."* NATIONAL RIFLE ASSOCIATION OF AMERICA, THE GUN LAW PROBLEM 10. *In the following study the authors employ data analysis techniques to examine the efficacy of state and municipal controls on handguns. They conclude that many lives would be saved if all states increased their level of control to that of New Jersey, the state having the most stringent gun control laws.*)

The current controversy over gun control centers on the effectiveness of stringent gun control legislation.[1] Proponents of increased statutory control contend that rigorous laws will reduce death and crime rates by curtailing firearm possession by minors and such irresponsible adults as felons, mental incompetents, addicts and alcoholics. They argue that this justifies minor inconveniences imposed on responsible citizens who use firearms for hunting, target-shooting and protection.

Opponents of increased control, however, argue that gun control legislation is not of sufficient value in the prevention of crime to justify the restrictions it places on the responsible citizen.[2] They contend that death and crime rates are not perceptibly reduced through gun control because such legislation does not prevent the professional criminal—the alleged "root" of the problem—from obtaining firearms. Furthermore, even if these laws did reduce the number of firearms possessed by professional criminals, other equally lethal weapons are readily available as adequate substitutes.[3]

One possible reason for this polarity of opinion is the lack of reliable empirical information describing the relationship between gun control legislation and death and crime rates. This article will attempt to alleviate this deficiency by presenting an empirical study which correlates gun control with various death and crime rates for states and cities, while simultaneously accounting for the influence of other factors such as per capita income, education and population density.

DESCRIPTION OF THE STUDY

The study measures the effectiveness of gun control legislation by the extent to which differences in death and crime rates among the states and cities can be explained by the differences in gun control legislation while accounting for the effects of several other factors that may influence death and crime rates. Differences in death and crime rates among the states and cities were obtained by collecting data on the rates of homicide by firearm, total homicide, suicide by firearm, total suicide, aggravated assault by firearm, total aggravated assault, accidental death by firearm and robbery (hereinafter referred to as "death and crime rates") for the fifty states, the District of Columbia and the 129 United States cities whose population exceeded 100,000 in 1960. Differences in the other factors which may account for variations in the death and crime rates were obtained by collecting data relating to income, education, sex, police, race, population density, licensed hunters, age and temperature for the states and cities.

For the gun control legislation of the states and cities it was necessary to devise a method to measure the differences in state and city firearm legislation. Since there is a wide range of differences in weapons regulation among the states and cities, it was impossible to characterize adequately these differences by means of a dichotomous variable such as "weak gun control states" and "strong gun control states." It was possible, however, to classify the various gun control regulations into eight major categories. This permitted quantification of the gun control provisions of state statutes and city ordinances by assigning numerical weights to each of the eight categories in a manner to

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Footnotes at end of article.

be explained below. Once gun control legislation was so quantified, a well-known data analysis technique[4] was employed to obtain probabilistic estimates of the extent to which differences in the death and crime rates are related to the differences in gun control, while simultaneously accounting for other factors.

Data

The state death and crime data used in this study are 1960 and 1965 rates of homicide by firearm, total homicide, suicide by firearm, total suicide and accidental death by firearm and total aggravated assault; for cities, only 1960 rates for total homicide and total suicide were available.[5] In all instances the data are in rates per million population per year.

For states, the following *explanatory* variables were used: 1960 and 1965 income (thousands of dollars per capita); education (median school years completed by persons older than 24); sex (males per 100 females); police employees (employees per 10,000 population); race (non-white percentage of total population—1960, and black males per 50 population—1965); population density (thousands of persons per square mile); age (median age in years) and licensed hunters (number per capita—1965 only).

For cities, the variables were: 1960 income (thousands of dollars per capita); education (median school years completed by persons older than 24); race (non-white percentage of population); population density (thousands of persons per square mile); age (median age in years); temperature (minus thousands of mean annual degree days—65° base);[6] manufacturing employees (persons per 1000 population employed in manufacturing durable gods); and police expenditures (dollars per capita).[7]

Gun control legislation

Federal legislation. Since we are concerned with variations in firearm legislation among states and cities, federal legislation is relevant only to the extent that it sets minimum standards which exist throughout the United States. Prior to 1968, federal control over firearms was minimal: there were two federal statutes regulating the sale of firearms, both primarily aimed at the criminal purchaser. The National Firearms Act,[8] enacted in 1934, restricted trade in machine guns and short-barreled shotguns and rifles by imposing a prohibitive tax on their manufacture and transfer, and by requiring manufacturers, importers, dealers and transferees of such weapons to register. The Federal Firearms Act of 1938[9] extended federal control by requiring all firearm manufacturers, importers and dealers engaging in interstate commerce to obtain a federal license and to maintain permanent records of importation, shipment and other disposal of firearms; prohibited dealers and manufacturers from knowingly selling and delivering firearms to felons or to persons without a license to purchase where one was required by state or local law; and prohibited felons from receiving firearms and ammunition which had moved in interstate commerce. In addition, postal regulations prohibited shipments of hand guns through the mails, except between manufacturers and dealers and to certain public officers.[10]

In 1968, stronger federal gun control legislation was enacted.[11] Aimed at reinforcing state and local gun control regulations by barring interstate firearm transactions, the basic provisions of this Act include prohibitions against shipments of firearms in interstate commerce *except* between licensed dealers,[12] prohibitions against persons, except licensed dealers, transporting into or receiving in the state of their residence any firearms obtained outside the state,[13] prohibitions against sales to non-residents with certain exceptions for sales of rifles and shotguns to residents of a contiguous state[14] prohibitions against sales to or receipt by persons less than twenty-one years of age (eighteen years of age for rifles and shotguns), convicted criminals, drug users and persons adjudicated as mentally defective,[15] the imposition of licensing and record-keeping requirements on manufacturers, importers and dealers,[16] the imposition of controls over the manufacture, importation and sale of highly destructive weapons such as bazookas, mortars, grenades and bombs,[17] and the imposition of additional controls over weapons covered by the National Firearms Act.[18]

State and local legislation. There are substantial variations in state and local regulations over the sale, possession and use of firearms. States such as Ohio,[19] Minnesota[20] and Kentucky[21] impose almost no controls; while New Jersey,[22] Hawaii[23] and Michigan[24] strictly regulate such activities.

The present study was limited to state and local laws regulating ***handguns***, which are usually defined as firearms of less than three pounds and less than 12 to 20 inches. In addition, laws which regulate the use of firearms at *particular* times or places, laws which regulate the *discharge* of firearms, and laws which make the *use* of firearms *in connection with other illegal conduct* unlawful, were not considered.[25] Table 1 lists the eight categories of gun control legislation used in the study and the states[26] and cities[27] which have regulations in these categories. A city is shown within a category only if the state has no substantial equivalent regulation.

TABLE 1.—STATE AND CITY GUN CONTROL LAWS

State or city	1		2		3		4					5	6		7		8	Total index value
	a	d	a	b	a	d	a	b	c	d	e		a	b	a	b		
Alabama	×				×		×	×	×	×		×	×	×	×	×		31
Alaska		×						×	×	×								5
Arizona		×					×	×										4
Arkansas				×														4
California	×						×	×	×			×	×	×	0	×		28
Colorado	×												×					10
Connecticut			×				×	0				×	×	×	×	0		29
Delaware	×								×		×	×						20
Florida			×				×	×										6
Georgia		×	×				×					×						15
Hawaii			×				×	×	×			×	×	×			×	35
Idaho	×						×											3
Illinois		×					×	×	×				×					13
Indiana			×				×	×	×	×	×	×	×	×	×	×		32
Iowa	×				×		×					×		×				17
Kansas		×					×	×	×	×	×							7
Kentucky		×					×											3
Louisiana		×					×											3
Maine	×						×	×					×					12
Maryland		×					×	×	×	×	×	×	×	×	×	×		30
Massachusetts			×				×	×	×	×	×	×	×	×			×	37
Michigan	×				×		×	×			×	×	×	×			×	35
Minnesota							×											1
Mississippi		×							×	×			×					12
Missouri		×					×	×	×	×			×	×			×	26
Montana		×					×											3
Nebraska		×					×	×										4
Nevada	×						×	×										4
New Hampshire	×				×		×	×				×	×	×				26
New Jersey	×				×		×	×	×		×	×	×	×	×	×	×	39
New Mexico		×																2
New York			×					×	×	×	×	×	×	×			×	36
North Carolina		×					×	×	×	×	×		×	×			×	27
North Dakota			×				×	×	×	×		×	×	×				28
Ohio		×					×											3
Oklahoma				×			×	×										6
Oregon	×				×		×	×				×	×	×	×			27
Pennsylvania		×				×	×	×	×	×	×	×	×	×	×	×		32
Rhode Island			×				×	×	×	×	×	×	×		×	×		28
South Carolina				×			×	0	0	0	0	0	0					25
South Dakota		×				×	×	×	×	×	×	×	×	×	×	×		32
Tennessee			×				×	×	×	×	×	×		×	×	×		24
Texas			×				×	×										6
Utah		×			×		×											5
Virginia		×					×											3
Washington		×				×	×	×	×	×	×	×	×	×				29
Vermont							×						×					9
West Virginia				×														4
Wisconsin	×						×											3
Wyoming		×					×						×					11
District of Columbia			×				×	×	×			×	×	×	×	×		30
Duluth		×										×	×					18
Jacksonville													×	×				12
Kansas City (Mo.)				×														4

TABLE 1.—STATE AND CITY GUN CONTROL LAWS—Continued

State or city	1		2		3		4					5	6		7		8	Total index value
	a	b	a	b	a	b	a	b	c	d	e		a	b	a	b		
Louisville								×				×		×				13
Miami									×	×								2
Minneapolis								×	×	×				×				7
Nashville													×					8
New Orleans									×					×				5
Oklahoma City										×		×		×				13
Omaha												×	×	×				20
Richmond												×	×	×				20
Tulsa													×	×				12
Wichita	×																	2

× All. 0 1965 only.

Note: 1. Concealed a. license b. prohibition. 2. Carrying a. license b. prohibition. 3. Carrying in auto a. license b. prohibition. 4. Special prohibitions on possession a. minor b. felons c. addicts d. alcoholics e. mentally ill. 5. Dealer licensing. 6. Recordkeeping a. by dealers b. by governmental agencies. 7. Waiting period a. fixed time between purchase and delivery b. notification of authorities. 8. License to purchase.

The first three categories of Table 1 reflect state and city laws regulating the carrying of handguns. The first category covers laws restricting the carrying of concealed handguns; the second covers law restricting all carrying of handguns; and the third covers laws restricting the carrying of handguns in motor vehicles.[28] Each of the categories is divided into two sub-categories—one listing states and cities which permit such activities by licensed parties and the other listing states and cities which totally prohibit such activities.[29] In some states within the first sub-category, licenses to carry handguns are issued to all persons with the exception of felons, addicts, and minors.[30] Other states have requirements that the applicant be of "good moral character"; [31] or that he show a need to carry the weapon.[32] The issuing authority is usually a law-enforcement official, such as the chief of police.[33]

Category 4, special prohibitions, lists five types of persons against whom additional restrictions are frequently imposed: felons, addicts, alcoholics, the mentally ill and minors.[34] These restrictions usually prohibit transfers of handguns to, and ownership or possession by such persons.[35]

Dealer licensing, the fifth category, refers to the requirement that firearms dealers be licensed.[36] Most of the statutes falling within this category impose licensing qualifications based on good character, age and a permanent business location,[37] and thus contain more restrictions than were imposed under the Federal Firearms Act.[38] Under this Act dealer licenses were granted to anyone submitting a one dollar fee with an application stating that he was not a felon.[39]

Under category 6, record keeping, are listed the states requiring the maintenance of records of handgun sales. Sub-category (a) lists those states which require the dealer to keep such records; [40] and subcategory (b) lists those states which require the dealer to file information concerning his handgun sales with governmental officials—usually a local law enforcement agency.[41] The required records usually include the name and address of the purchaser, the date of the purchase and the description of the handgun, including its serial number.

Category 7, waiting period, refers to a prohibition against the delivery of handguns for a specified time period after an application for purchase has been filed with a dealer. Listed in sub-category (a) are those states which impose any waiting period, the duration of which usually varies between one and fifteen days.[42] Listed in sub-category (b) are those states having waiting periods which require the dealer to notify a law enforcement official of the application for purchase prior to delivery of the handgun.[43]

The final category lists a requirement that the purchaser of a handgun obtain a license.[44] Such licenses are usually issued by local law enforcement officers [45] and persons are excluded from obtaining licenses for a wide variety of reasons.[46] In several jurisdictions,[47] law enforcement officials have only a limited time to investigate the applicants.

Having categorized the gun control regulations, the next step was to quantify gun control legislation by assigning weights to each of the eight categories and summing the weights applicable to each state or city. Such a weighting procedure was necessary to permit the application of the multiple linear regression data-analysis technique [48]—the method used to analyze the differences in death and crime rates among the states and cities. Since some knowledge of multiple linear regression is essential to an understanding of the method of assigning numerical weights to the eight categories as well as to an interpretation of results, a brief description of the technique is presented at this time.

Description of Data Analysis Technique

Statistical methodology. The basic hypothesis of this study is that the variable of interest (*e.g.*, the homicide rate) is a linear function of the selected independent variables (*e.g.*, gun control index, income, population density) and a random error term.

That is,

$$Y_i = B_o + B_1X_{1i} + B_2X_{2i} + \ . \ . \ . + B_kX_{ki} + U_i \qquad i=1,2,\ . \ . \ . \ ,n$$

where

Y_i = value of the dependent variable (e.g., homicide rate) for the *i*th city or state;

$[X_{1i}, X_{2i}, \ . \ . \ . \ , X_{ki}]$ = set of values of the *k* independent variables (gun control index, etc.) for the *i*th city or state;

$[B_o, B_1, \ . \ . \ . \ , B_k]$ = set of unknown coefficients which we wish to estimate;

U_i = random error term for the *i*th city or state. This includes both truly random (not related to the independent variables) variation and the effect of any omitted variables; and

n = sample size (the number of states or cities in the sample).

The unknown coefficients, $[B_o, B_1, \ : \ : \ : \ , B_k]$, are estimated by the method of least squares. That is, that set of estimates is chosen, $[\hat{B}_o, \hat{B}_1, \ . \ . \ . \ , \hat{B}_k]$, which makes the sum of squared errors,

$$\sum_{i=1}^{n} \hat{U}_i^2 = \sum_{i=1}^{n} (Y_i - \hat{Y}_i)^2 = \sum_{i=1}^{n} (Y_i - \hat{B}_o - \hat{B}_1X_{1i} - \hat{B}_2X_{2i} - \ . \ . \ . - \hat{B}_kX_{ki})^2,$$

as small as possible.[49]

The estimated total variance of Y is defined as

$$S_y^2 = \sum_{i=1}^{n} (Y_i - \overline{Y})^2/(n-1)$$

where

$$\overline{Y} = \sum_{i=1}^{n} Y_i/n.$$

The estimated unexplained variance is

$$S_u^2 = \sum_{i=1}^{n} \hat{U}_i^2/(n-k-1).$$

Therefore, S_u^2/S_y^2 is the fraction of the total variance of Y not explained by the regression.

An estimate of the uncertainty associated with a particular estimated coefficient may be obtained by computing the ratio of the estimated coefficient to the square root of its estimated variance. From this ratio the probability of sign error (assuming the errors are normally and independently distributed), which is the probability that the true coefficient is negative (positive) if the estimated coefficient is positive (negative), is computed.[50] A related measure, the 95% confidence interval, is also reported. In non-statistical terms, there is a 95% probability that the true coefficient falls within this interval.

In addition to information about the individual coefficients, a measure of the overall adequacy of the assumed relationship is desirable. This is provided by:

$$\overline{R}^2 = 1 - S^2_u/S^2_y,$$

which measures the fraction of the variance of Y "explained" by the regression.[51]

Quantifying gun control legislation. One may have some intuitive feelings about the relative effectiveness of the various categories of gun control regulations listed in Table 1. Since opinions of this subject may vary substantially, however, numerical weights should be assigned to these categories on some basis more reliable than intuition. In the present study approximately thirty sets of weights were selected which displayed great variation in the relative importance of the eight different categories. For each death and crime rate thirty regressions were then computed. Since other explanatory variables were held constant for all thirty regressions, the only difference among the regressions was that each had a different index for gun control as an explanatory variable.

For a given death or crime rate the best index would be that which yielded the maximum value of $\overline{R}^2$, or, equivalently, the smallest probability of sign error in the estimated gun control coefficient. This index explains the greatest amount of variation in the death or crime rate, having accounted for other explanatory variables.

Footnotes at end of article.

Selection of the set of weights in this manner does not bias the results either in favor or against gun control. It simply chooses those weights which have the highest probability of measuring the true relative effects of various gun control laws, whether those true effects be positive, negative or null. For example, suppose that license to purchase legislation were twice as effective in reducing homicides as concealed weapons legislation. This would mean that part of the variation in homicide rates among the states is due to some states having none, some one, and some both of these laws. Our objective is to account for the homicide variation among the states and cities and, of course, the highest percentage of the variation will be explained by the set of weights that exactly matches the true cause of the variation. Reasoning backwards, this means that the index with the highest R^2 is most likely to be composed of the set of weights that most closely matches the true relative effect.

None of the thirty indices selected consistently produced the highest R^2 for the various regressions. Different indices performed better for different deaths and crimes. This is shown in Table A–2 of the Appendix which reports the estimated gun control coefficient and its probability of sign error for ten different indices which were selected to show substantial but systematic variation. However, while the magnitude of the effect of gun control legislation varied with the index chosen, the direction of the effect was (except for aggravated assaults by firearm and robbery) independent of the index chosen,[52] and thus inferences as to the effectiveness of gun control legislation may be made with confidence.

Results from the use of index 4 of Table A–2, the index which yielded the highest R^2 in the greatest number of death categories considered (five out of twelve), are reported in the text. This index is listed in Table 2. In terms of estimating the number of lives saved by gun control legislation, however, this index ranked seventh out of the ten reported in the Appendix. Another index, number 3, yielded the highest R^2 for four death categories and gave the highest estimate of the number of lives saved by gun control.[53]

Table 2.—WEIGHTS OF GUN CONTROL LEGISLATION CATEGORIES

[Index 4]

Legislative category	Numerical weight
1. Concealed:	
License	2
Prohibition	2
2. Carrying:	
License	4
Prohibition	4
3. Carrying in auto:	
License	2
Prohibition	2
4. Special prohibitions:	
Minors	1
Felons	1
Addicts	1
Alcoholics	1
Mentally ill	1
5. Dealer licensing	8
6. Record keeping:	
By dealers	8
By Government agency	4
7. Waiting period:	
Time	1
Notice	2
8. License to purchase	8

The text also reports the effects of other explanatory variables on death and crime rates. These coefficients do not vary substantially with different gun control indices.

RESULTS OF THE STUDY[54]

Results of the study are stated in terms of estimated coefficients which set forth the relationship between the various independent variables and the death and crime rates. Each coefficient indicates the estimated extent to which a one unit increment in an independent variable (e.g., gun control) will affect the dependent variable (a death or crime rate).

There is some uncertainty associated with the value of the estimated coefficient. As previously indicated, two measures were utilized to determine the degree of uncertainty; the 95% confidence interval and the probability of sign error.[55]

Homicide

The relationship between gun control and homicide by firearm and total homicide rates in the states and cities for 1960 and 1965 is given in Table 3.[56] The data in Table 3, presented in terms of the effect which a one unit increment in gun control will have on homicide rates, indicate that gun control probably has a negative effect on homicide by firearm and total homicide rates. In all five sets of equations the estimated gun control coefficient is negative and in only one case is there more than a fifteen percent chance that the coefficient's sign is positive (see total homicide rate for "States-1965"—Probability of Sign Error).

TABLE 3.—EFFECT OF GUN CONTROL ON HOMICIDE

Homicide rate (deaths/million/year)	Coefficient	95 percent confidence interval	Probability of sign error
By firearm:			
States:			
1960	−0.176	−0.464 to 0.113	0.113
1965	−.228	−.518 to .0623	.0602
Total:			
States:			
1960	−.228	−.647 to .191	.140
1965	−.0951	−.479 to .289	.310
Cities, 1960	−.261	−.758 to .237	.151

Table 4 presents the relationship of each of the independent variables to the death and crime rates. The results in Table 4 show that median income and population density are negatively related to homicides by firearm and total homicides; that the percentage of males, the number of police employees and the percentage of nonwhites have strong positive relationships with homicide rates; and that the correlation between education and homicide was negative in 1960 and positive in 1965.

Footnotes at end of article.

TABLE 4.—RELATION BETWEEN INDEPENDENT VARIABLES AND DEATH AND CRIME RATES

	Constant	Gun control	Income	Education	Sex	Race	Police	Population density	Age	Hunters	Mfg.	Temp.	$\bar{R}^2$
HF-60-S	−127.0	−.176 .113	−5.66 .224	−2.73 .109	1.81 $.0^{4}407$	1.30 $.0^{6}253$	.356 .270	−9.87 .198	.0965 .458				.7382
HF-65-S	−111.0	−.228 .0602	−17.8 .0175	.195 .471	1.33 $.0^{3}772$	1.96 $.0^{7}447$	1.73 $.0^{2}377$	−24.1 .0268	.819 .211	−23.0 .0816			.7967
HT-60-S	−122.0	−.228 .140	−1.65 .440	−4.00 .107	1.89 $.0^{2}157$	2.04 $.0^{7}894$	1.83 .0171	−31.9 .0316	−.371 .389				.7358
HT-65-S	−179.0	−.0951 .310	−20.7 .0310	.906 .400	1.93 $.0^{3}300$	2.87 $.0^{7}447$	2.87 $.0^{5}532$	−37.0 .0131	1.03 .223	−41.3 .0310			.8110
HT-60-C	149.0	−.261 .151	−9.14 .0660	−.499 .454		2.36 $.0^{7}894$	−.0301 .459	−.994 .126	−.908 .141		.0627 .256	5.29 $.0^{2}110$	.6234
SF-60-S	−86.8	−.488 .0221	−12.8 .150	3.39 .175	.961 .0832	.164 .322	1.08 .130	−64.5 $.0^{5}731$	1.41 .173				.4402
SF-65-S	−232.0	−.472 .0183	−17.3 .0860	5.41 .0957	2.05 $.0^{3}664$	.855 .0197	.680 .235	−41.3 .0154	2.34 .0671	36.6 .0731			.6037
ST-60-S	−249.0	−.389 .0814	4.70 .371	5.25 .108	1.67 .0210	−.0401 .461	2.13 .0303	−98.2 $.0^{4}307$	4.05 .0117				.5667
ST-65-S	−308.0	−.286 .163	−3.48 .416	13.1 $.0^{2}941$	1.48 .0327	.700 .0955	1.64 .0943	−77.6 $.0^{2}134$	4.45 .0167	23.9 .233			.5503
ST-60-C	−134.0	−.559 .0557	4.89 .280	10.7 .0366		−.135 .366	−.231 .284	.466 .350	4.64 $.0^{4}586$		.0915 .245	6.22 $.0^{2}451$	.1735
ACCI-60-S	−109.0	−.196 .0478	−16.1 $.0^{2}510$	2.29 .0997	1.42 $.0^{4}612$	.279 .0557	.722 .0636	−9.99 .144	−.393 .295				.6161
ACCI-65-S	−36.8	−.167 $.0^{2}726$	−9.19 $.0^{2}883$	−.219 .429	.753 $.0^{4}468$	.384 $.0^{2}135$	.533 .0321	−.241 .483	−.319 .246	.310 $.0^{4}756$			.7760
AGASF-65-S	−481.0	−.423 .327	−68.0 .104	19.2 .139	4.12 .0569	12.1 $.0^{7}447$	15.2 $.0^{6}255$	−223 $.0^{2}375$	−1.33 .420	−239 .0146			.7538
AGAST-65-S	246.0	3.00 .248	−282 .131	53.1 .259	2.27 .425	33.2 $.0^{4}829$	75.6 $.0^{3}115$	−857 .0126	−23.0 .229	−1919 .0227			.6048
ROB-65-S	846.0	−.418 .444	549 $.0^{2}109$	−96.7 .0430	−13.3 .0529	6.16 .131	62.2 $.0^{6}751$	−1286 $.0^{5}359$	−8.42 .344	−405 .116			.6594

Legend: H, homicide; S, suicide; ACCI, accidental death by firearm; AGAS, aggravated assault; ROB, robbery; F, by firearm; T, total; C, cities; S, States.

Note: The upper number of each pair is the estimated coefficient. The lower number is the probability of sign error.

Suicide

Table 5 reports the relationship between gun control and suicide by firearm and total suicide rates. For all five equations the sign of the estimated gun control coefficient is negative, significant and sizeable. For four of the five equations there is a less than ten percent probability that the sign is incorrect. In comparison with the results for total homicide, there is a much greater probability that the gun control coefficient of total suicide is negative and of a greater magnitude—the estimated gun control coefficients of total suicide are approximately twice as large.

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TABLE 5.—EFFECT OF GUN CONTROL ON SUICIDE

Suicide rate (Deaths/million/year)	Coefficient	95 percent confidence interval	Probability of sign error
By firearm:			
States:			
1960	−0. 488	−0.962 to −0.0132	0. 0221
1965	−. 472	−.913 to −.0309	. 0183
Total:			
States:			
1960	−. 389	−.940 to .163	. 0814
1965	−. 286	−.866 to .295	. 163
Cities—1960	−. 559	−1.25 to .131	. 0557

Under the heading Suicide-by-Firearm (SF) in Table 4, it can be seen that the number of years of school completed, median age, the number of licensed hunters, average temperature and the percentage of males have strong positive relations with suicides by firearm while population density has a strong negative relation. There is also an indication that median income is negatively related to suicides *by firearm* but not to *total* suicides.

Accidental deaths by firearm

Table 6, which shows the relationship between accidental deaths by firearm and gun control, indicates that the estimated gun control coefficients of accidental death by firearm are as significant (in terms of confidence interval and probability of sign error) as the suicide coefficients but only about the size of the homicide coefficients.

TABLE 6.—EFFECT OF GUN CONTROL ON ACCIDENTAL DEATH BY FIREARM

Accidental death rate (Deaths/million/year)	Coefficient	95 percent confidence interval	Probability of sign error
States:			
1960	−0. 196	−0. 429 to 0. 0361	0. 0478
1965	−. 167	−. 299 to −. 0349	. 0072

The relationship between accidental deaths by firearm and other variables as shown in Table 4 indicates that the only significant negative factor is income. Significant positive factors include the percentage of males, the percentage of non-whites, the number of police employees and the number of licensed hunters.

Aggravated Assaults

In Table 7 the relationship between gun control and aggravated assault is presented. There is a 67% probability that gun control is associated with a lower number of aggravated assaults by firearm (since the probability of sign error is .327), and about a 75% probability that gun control is related to a *higher* total of aggravated assaults (probability of sign error is less than .25).

Table 4 indicates that low income, a high percentage of nonwhites, a high number of police employees, lower population density and fewer licensed hunters are associated with a higher number of aggravated assaults.

TABLE 7.—EFFECT OF GUN CONTROL ON AGGRAVATED ASSAULT

Aggravated assault rate (Assaults/million/year)	Coefficient	95 percent confidence interval	Probability of sign error
States—1965			
By Firearm	−0. 423	−2. 32 to 1.47	0. 327
Total	3. 00	−5. 82 to 11.8	. 248

Robbery

The relation between robbery and gun control is set out in Table 8. The estimated gun control coefficient indicates that one unit of gun control will reduce the total number of robberies by less than one half robbery per million population per year (or about 100 fewer robberies per year in the U.S.) and that there is only a 56% chance that the coefficient's sign is correct.

TABLE 8.—EFFECT OF GUN CONTROL ON ROBBERY

Robbery rate (Robberies/million/year)	Coefficient	95 percent confidence interval	Probability of sign error
States—1965	−0. 418	−6. 38 to 5. 55	0. 444

Returning to Table 4, robbery is shown to be negatively related to education, population density, licensed hunters and the percentage of males; and positively related to income, the number of police employees and the percentage of non-whites.

Observations

The following observations may be drawn from the data presented in the previous section.

One: The data indicate that gun control legislation is related to fewer total deaths by homicide, suicide and accident by firearm. The estimated gun control coefficient is negative in the five homicide equations, the five suicide equations and both accidental death by firearm equations. Moreover, in seven of these twelve equations the probability of error is less than ten percent and in only one of the equations does it exceed seventeen percent (total homicides—States —1965—31.0%).

The estimated gun control coefficients of total homicide, total suicide and accidental death by firearm for the state in 1960 were −.228, −.389 and −.196, respectively; and for the states in 1965 were −.095, −.286 and −.167, respectively. On the basis of these results it is estimated that one unit of gun control saves between .548 and .813 lives per million population per year. Thus it can be estimated that the gun control legislation of New Jersey (39 units) saves between 21 and 32 lives per million population per year. On a nationwide basis such legislation would save between 4200 and 6400 lives per year.[57]

The average index value (simple arithmetic mean) of gun control for the states in 1965, using the weights contained in Table 2, was 17.5. If all 28 states whose indices were below 17.5 were brought up to that number, an estimate based on the results of this study would indicate that about 505 fewer lives per year would be lost due to homicide, suicide and accidental death by firearm in those states. Furthermore, if all states were *raised* to the 39-units level of New Jersey, about 1950 lives would be saved.

Two: A comparison of the results of the homicide and suicide *by firearm* rates with the *total* homicide and suicide rates provides an indication of the extent to which gun control legislation leads to the successful substitution of other weapons.[58] The similarity of the estimated gun control coefficients of homicide by firearm and total homicide for 1960 (−.176 and −.228) and of suicide by firearm and total suicide for 1960 (−.488 and −.389) would support a conclusion that other weapons are not successful substitutes for firearms. However, the differences between the estimated gun control coefficients of homicide by firearm and total homicide for 1965 (−.228 and −.0951) and of suicide by firearm and total suicide for 1965 (−.472 and −.286), would lead one to believe that other weapons are frequently *and* successfully substituted for firearms.

The results showing a 75% probability that the gun control coefficient of total aggravated assaults is positive give some indication that more stringent gun control laws tend to cause the use of less effective weapons rather than to discourage homicide attempts. One explanation for the positive relation is that the additional aggravated assaults which occur in stringent gun control states are homicide attempts which are unsuccessful as a result of the use of less lethal substitutes. This explanation, however, can only account for part of the large (3.00) gun control coefficient for total aggravated assaults.

Another explanation for the positive relation is that the felon armed with a gun, assuming that he is responsible for a significant portion of the aggravated assaults, has less need to use force to obtain the victim's cooperation and to effect his get-away and that in stringent gun control states the hardened criminal is less likely to be armed with a gun and hence more likely to use force.[59]

Three: The evidence indicates that gun control has little effect on "ordinary" crime. As mentioned previously, there is a positive estimated relation between total aggravated assaults and gun control; and while for robbery the estimated gun control coefficient is negative (−.418), there is a forty-four percent chance that the coefficient's sign is incorrect. Moreover, even if the estimated coefficient is correct, the enactment of strict gun control legislation will not substantially reduce the robbery rate which exceeded six hundred robberies per million population for the nation in 1965.

Four: Results for other variables show that with the exception of robbery and total suicide, there is a negative correlation between income and the death and crime rates considered by this study; that education as measured by median school years completed is an important factor only for suicides (positive correlation) and robbery (negative correlation); that with the exception of robbery the relation between the percentage of males and the death and crime rates is strongly positive; that with the exception of suicide—1960, there is a strong positive relation between the percent of non-whites and the death and crime rates; that the relation between population density and the death and crime rates is strongly negative; and that the relation between the number of police personnel per capita and the death and crime rates is generally positive.[60]

LIMITATIONS

One: As previously indicated, certain types of state and local gun control legislation were not considered; the comparison between the states did not take into account the additional gun regulations of local governments within the state; and the gun control categories of Table I contain within the same category laws which differ to some extent. Since the evidence derived from this study indicates that additional gun control reduces the number of deaths, this has probably caused the effects of gun control legislation to be understated.

Two: The data used by this study do not account for differences in the enforcement policies of the different states and cities and for inaccurate reporting of deaths and crimes.

Three: The coefficients of certain demographic variables may not indicate a *causal* relation. The ecology of crime is more complex than this study's simple equations portray. The relation between the number of police personnel per capita and the death and crime rates illustrates this point.

Also, it is possible that important explanatory variables have been omitted. Two that are frequently mentioned in FBI reports are the number of transient residents and the penalty ordinarily imposed for the crime committed. Others that may be important include regional differences in attitudes towards firearms, regional religious differences, differences in levels of frustration and differences in racial attitudes.[61]

Four: Since as of 1965 no state or city had totally prohibited the sale and possession of hand guns or imposed strict regula-

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Footnotes at end of article.

tions on the sale and possession of rifles, the study tells little about the effectiveness of such types of gun control regulation. On the basis of this study's findings that additional controls, meaning increased units of gun control, reduce the homicide, suicide and accidental death by firearms rates, it would be expected that more stringent gun control, such as the regulation of rifles and the total prohibition of sale and possession of hand guns, would lower these death rates—but to what extent it cannot be said.

Also, this study does not indicate whether more stringent types of gun control would reduce "ordinary" crime. Perhaps measures such as prohibitions against the manufacture, sale and possession of all or certain types of firearms would disarm the professional criminal, and perhaps the disarmed professional criminal would be more hesitant to engage in criminal activity.

Five: While this study concludes that increases in the units of gun control decrease rates of homicide, suicide and accidental death by firearm, it does not show whether all unit increases in the amount of gun control are equally effective. It may be that the extent of the effectiveness of an increased unit of gun control is related to the amount of gun control which already exists within the state or city, or that certain types of gun control are effective only if other types of gun control are also enacted.

Six: The percentage of explained variation (R^2) in the death and crime rates was very similar for index weights that differed considerably from the weights listed in Table 2. Thus uncertainty remains as to the relative importance of the different types of laws.

CONCLUSION

The finding of the present study that gun control legislation reduces the number of deaths by homicide, suicide and accidents by firearm is inconsistent with three related research papers by Alan S. Krug which have received important circulation. Each of Krug's papers has been introduced into the Congressional Record, and the papers are presently being circulated in pamphlet form by the National Shooting Sports Foundation under the billing of "the first comprehensive study on a national basis ever made on the relationship of firearms to crime in the United States."[62]

Each of Krug's papers claims to discredit the position that gun control legislation reduces crime. In his first paper, Krug reports that the homicide by firearm rate has shown a decided downward trend from 1910 to 1967 while gun ownership has steadily risen.[63] In a second paper a simple comparison is developed which shows no significant differences between the crime rates of states with and states without firearm licensing laws.[64] The third paper reports a negative correlation between firearm ownership, as measured by the number of hunting licenses, and various crime rates for the fifty states.[65]

Krug's second study is of primary interest here since it, like the present study, compares differences in crime rates among states with differences in gun control legislation. In this paper, Krug first places the states into two groups: licensing and non-licensing states. Next, using 1965 data, Krug calculates average (arithmetic mean) homicide, robbery, aggravated assault and serious crime rates for licensing and non-licensing states and finds that the average homicide, aggravated assault and serious crime rates for licensing states exceeded the non-licensing states' average.

As a vehicle for discrediting gun control legislation, this study by Krug has several major deficiencies. First, the only death rate it considered was the homicide rate by firearm, and, as Krug admits in another section of the same study, this accounts for less than one-third of the nation's deaths by firearm.[66] Thus the conclusion that licensing has no effect on the homicide rates does not discredit a position that licensing reduces death by firearm.

Second, by using only two groupings for the fifty states and by examining only licensing requirements, the *True Facts* study failed to account for differences in state licensing requirements or other statutory controls over firearms. Moreover, by including within the licensing group any state which prohibits carrying firearms without a license, the licensing category included many states with weak gun control legislation. The legislation of six of the thirty-six states Krug included as licensing states had an index value of seven or less on the basis of the criteria used in the present study, while four of the fourteen states included as non-licensing states had an index value of seven or more.

Finally, although Krug recognized that factors such as population density, geography, per capita income and education appear to be significantly related to crime rates, these factors were completely neglected in his "statistical study." Thus, for these reasons it is submitted that the evidence presented in this study invalidates conclusions concerning death rates presented in these earlier papers.

Krug's other studies conclude that there is no relationship between the number of firearms and crime rates. These conclusions are of dubious merit for the reasons stated in an in-depth analysis of the Krug studies by Franklin E. Zimring.[67] Professor Zimring criticizes the first study, which examines the homicide by firearm and gun ownership trends, because (a) Krug's assertion that the homicide by firearm rate has shown a decided downward trend is questionable; (b) Krug failed to establish that *per capita* gun ownership is rising—he asserted only that the *number* of guns owned is rising; and (c) Krug's findings, even if accurate, do not preclude the possibility that stringent gun control legislation would have further reduced the homicide by firearm rate. Krug's third study, which finds a negative correlation between gun ownership and various crime rates for the fifty states, is criticized by Zimring for the use of hunting licenses as a measure of firearm ownership. Zimring asserts that hunting is not the major use of firearms in many areas of the nation or the major use of handguns, the weapons most frequently used in crime.

Nevertheless, even if Krug's conclusion that there is no relationship between the number of guns and crime rates should be correct, this in itself does not establish that gun control laws are ineffective. Most firearm legislation, according to its proponents, is not aimed at and does not prevent the law-abiding citizen from acquiring firearms. Rather, the legislation's purpose and effect is to keep guns out of the hands of minors and irresponsible adults.

This article has made no attempt to explain why gun control legislation reduces the number of deaths by firearm. To the authors' knowledge there is no reliable data on gun ownership, and hence it is not possible to argree with or dispute the thesis that there is no relationship between the number of guns and the death and crime rates. The findings here do indicate, however, that gun control legislation is most effective in reducing the number of suicides and accidents by firearm, less effective in reducing the number of homicides and generally ineffective in reducing the number of other crimes—all of which suggests that stringent gun control legislation reduces the number of persons possessing firearms. It seems likely that a high percentage of suicides, accidents by firearms and homicides are committed by adults who have never been convicted of a crime adjudged mentally incompetent, or designated an addict or alcoholic.[68] Thus the most plausible explanation for the effectiveness of gun control in reducing these death rates is that the percentage of adults who could lawfully obtain firearms is reduced by stringent gun control legislation.

The concern of this study is with the effectiveness of gun control legislation. On this point evidence is presented that stringent gun control legislation reduces death by homicide, suicide and accidents by firearm. For each of ten varying sets of weights reported in the Appendix, the gun control coefficients of homicide, suicide and accidental deaths by firearm are negative. Thus the conclusions do not depend upon our choice of weights. The choice of weights does, however, make a difference as to the *size* of the gun control coefficients. Results based on the ten sets of weights reported in the Appendix ranged from 1520 to 3340 additional lives saved if all states were raised to the level of New Jersey.[69] Consequently, there is no doubt that gun control legislation saves lives but there is a question of *how many* lives it saves.

APPENDIX

Further results

As mentioned in the text, we tried ten different sets of weights, each set yielding a different gun control index. These weights are given in Table A-1. Table A-2 lists for each index the gun control coefficient and the probability of its sign error for each crime or death rate.

TABLE A-1.—WEIGHTS FOR THE TEN GUN CONTROL INDICES

Legislative category	1	2	3	4[1]	5	6	7	8	9	10
1. Concealed:										
a. License	2	2	2	2	2	5	2	5	5	2
b. Prohibition	2	2	2	2	2	5	2	5	5	2
2. Carrying:										
a. License	4	4	4	4	4	10	4	10	10	4
b. Prohibition	4	4	4	4	4	10	4	10	10	4
3. Carrying in auto:										
a. License	2	2	2	2	2	5	2	5	5	2
b. Prohibition	2	2	2	2	2	5	2	5	5	2
4. Special prohibitions:										
a. Minors	1	1	1	1	1	1	8	1	8	8
b. Felons	1	1	1	1	1	1	8	1	8	8
c. Addicts	1	1	1	1	1	1	6	1	6	6
d. Alcoholics	1	1	1	1	1	1	6	1	6	6
e. Mentally ill	1	1	1	1	1	1	6	1	6	6
5. Dealer licensing	2	2	2	8	8	2	2	8	2	8
6. Recordkeeping:										
a. By dealer	2	2	2	8	8	2	2	8	2	8
b. By Government agency	2	2	2	4	4	2	2	4	2	4
7. Waiting period:										
a. Time	1	1	1	1	1	1	1	1	1	1
b. Notice	2	2	2	2	2	2	2	2	2	2
8. License to purchase	8	4	12	8	4	8	8	8	8	8

[1] This index was reported in the text.

Footnotes at end of article.

TABLE A-2.—ESTIMATED GUN CONTROL COEFFICIENTS AND PROBABILITIES OF SIGN ERROR FOR ALL INDICES[1]

	Index									
	(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)
Crime or death:										
Homicide by firearm:										
States	−0.176	−0.188	−0.156	[2]−0.176	−0.185	−0.0514	−0.0537	−0.124	−0.0337	−0.0741
1960	.253	.266	.249	.113	.114	.392	.318	.176	.377	.195
States	−.333	−.365	−.287	[2]−.288	−.237	−.249	−.127	−.195	−.117	−.119
1965	.110	.115	.113	.0602	.0619	.138	.137	.0733	.143	.0876
Total homicide:										
States	−.220	−.220	−.204	[2]−.228	−.236	−.0684	−.0597	−.159	−.0335	−.0912
1960	.283	.307	.270	.140	.144	.417	.357	.205	.415	.233
States	−.787	−.0278	−.103	[2]−.0951	−.0866	−.0640	−.0210	−.0620	−.0753	−.0375
1965	.412	.471	.369	.310	.334	.491	.444	.361	.479	.371
Cities	−.418	−.436	−.374	−.261	−.260	−.370	−.0424	[2]−.245	−.0548	−.0749
1960	.176	.204	.164	.151	.167	.169	.419	.146	3.91	.318
Suicide by firearm:										
States	−.920	−.995	[2]−.808	−.488	−.491	−.770	−.368	−.448	−.359	−.288
1960	.0177	.0231	.0167	.0221	.0277	.0189	.0251	.0217	.0222	.0225
States	−.866	−.894	[2]−.785	−.472	−.470	−.689	−.322	−.420	−.307	−.261
1965	.0185	.0290	.0149	.0183	.2047	.0244	.0353	.0208	.0343	.0261
Total suicide:										
States	−.868	−.868	[2]−.803	−.389	−.365	−.742	−.369	−.368	−.362	−.259
1960	.0414	.0644	.0320	.0814	.107	.0400	.0424	.0741	.0377	.0573
States	−.783	−.744	−.747	−.286	−.251	−.693	−.351	−.287	[2]−.347	−.221
1965	.0702	.108	.0529	.163	.207	.0595	.0601	.139	.0518	.0995
Cities	−1.45	−1.34	−1.38	−.559	−.467	[2]−1.44	−.387	−.616	−.449	−.264
1960	.0100	.0334	.0044	.0557	.106	.0032	.0905	.0283	.0505	.115
Accidental death by firearm:										
States	−.429	−.436	−.391	−.196	−.187	−.323	−.192	−.170	−.178	−.135
1960	.0125	.0355	.0164	.0478	.0661	.0363	.0166	.0574	.0193	.0253
States	−.302	−.332	−.261	[2]−.167	−.171	−.239	−.124	−.148	−.117	−.0988
1965	.0084	.0099	.0089	.0073	.0087	.0122	.0107	.0088	.0107	.0075
Aggravated assault by firearm:										
States	.0732	−.0852	.162	−.423	[2]−.513	−.167	.253	−.428	.176	−.0116
1965	.483	.483	.457	.327	.302	.454	.366	.309	.401	.492
Total aggravated assault, robbery:										
States	10.3	10.5	9.38	3.00	2.65	7.09	[2]4.85	2.44	4.31	2.77
1965	.100	.123	.0903	.248	.284	.147	.0780	.272	.0917	.144
States	1.17	.168	[2]1.68	−.418	−.802	.483	.462	−.467	.336	−.0038
1965	.415	.489	.362	.444	.399	.458	.421	.432	.440	.499
Mean index:										
States	10.9	10.1	11.3	17.5	16.5	14.4	25.3	21.1	30.1	32.2
1965										
Estimated lives saved per year[3]	2,830	2,040	3,340	1,950	1,520	2,670	2,070	1,900	2,390	1,890

[1] The upper number of each pair is the estimated coefficient; the lower number is the probability of sign error.

[2] Highest R^2 of all indices.

[3] This number estimates the additional lives that would have been saved if the gun control laws of New Jersey had been applied nationwide in 1965.

The next to last line of Table A–2 gives the mean value of the index for states in 1965. Some variation among estimated coefficients is due to changes in this average value.

The probabilities of sign error indicate that some of our conclusions, viz., gun control cuts down suicide and accidental death by firearm rates and has little influence on robbery and aggravated assault by firearm, would have been reached regardless of the index chosen. Homicides and total aggravated assaults are a different matter. For these crimes, the choice of index can make a considerable difference in the estimated effect of gun control. In total homicides—states—1960, for example, all the estimated coefficients are negative but the probability that the true coefficient is negative ranges from .14 (index 4) to .42 (index 6).

We attempted to use variations among indices to make inferences about the relative effectiveness of different types of laws. Indexes 4 and 5, for example, which weight dealer licensing and record keeping relatively heavily, generally perform well for homicide. On the other hand, index 3, which weights license to purchase very heavily, seems to do well with respect to suicides.

Unfortunately, when we employed more refined techniques in an attempt to isolate the effect of each type of law, we could obtain no significant or even meaningful results.[70] This failure may have been due to multicollinearity among individual law categories (a statistical difficulty) or to some circumstance such as interactions of laws which make combinations more effective than the sum of effects of individual laws.

Finally, we should mention that standard tests of the regression model were made. We checked the assumption of normal disturbance terms with chi-square tests and normal probability plots of the residuals. Linearity assumptions were checked with residual plots. The regression assumptions were well approximated in all cases.

FOOTNOTES

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[1] For a general background to the gun control controversy see *Congress and "Gun Control" Proposals*, 45 CONG. DIG. 289 (1966); *Congress and the National Crime Problem*, 46 CONG. DIG. 193 (1967); Harris, *Annals of Legislation—If You Lose Your Guns*, THE NEW YORKER, Apr. 20, 1968, at 56.

[2] *See* "The True Facts on Firearm Legislation—Three Statistical Studies" (National Shooting Sports Foundation, Inc., 1968).

[3] Mr. Wolfgang, "Patterns in Criminal Homicide" (1958). "[F]ew homicides due to shootings could be avoided merely if a firearm were not immediately present . . . the offender would select some other weapon to achieve the same destructive goal. Probably only in those cases where a felon kills a police officer, or vice versa, would homicide be avoided in the absence of a firearm." *Id.* at 83.

[4] The basic statistical technique used in this study was multiple linear regression. See notes 48–51 *infra* and accompanying text. *See generally* A. Goldberger. "Econometric Theory" 1964).

[5] Sources of all data are available from the authors on request.

[6] Mean annual degree days are calculated as follows: If the temperature is below 65° F., subtract the temperature from 65. If the temperature is above 65°, a value of zero is assigned. These daily averages are then added to determine the total number of degree days for the year. Thus, the colder the climate the greater is the number of mean annual degree days.

[7] For "States 1965", only 1960 age, education, race and police data were available. Data for all other explanatory variables were for the same year as the death and crime data.

[8] Ch. 757, 48 Stat. 1236 (1934). *Presently codified as* Pub. L. No. 90–618, § 201 (1968 U.S. Code Cong. & Ad. News 1413–24), *amending* 26 U.S.C. §§ 5801–5862.

[9] Ch. 850, 52 Stat. 850 (repealed in 1968). The basic provisions of the Act are now contained in the Gun Control Act of 1968, Pub. L. No. 90–618, §§ 101–302 (1968 U.S. Code Con. & Ad. News 1397–1424). This Act amended Title IV of the Omnibus Crime Control & Safe Streets Act of 1968, Pub. L. No. 90–351, 18 U.S.C.A. §§ 921–28 (Supp. 1968), which had repealed the Federal Firearms Act of 1938.

[10] 39 C.F.R. 125.5 (1968). Prior to 1968 no restrictions were placed on interstate firearm shipments by common carrier. The chief effect of the postal regulations was to send the purchasers of handguns by mail to the Railway Express Agency rather than the post office.

[11] Gun Control Act of 1968, Pub. L. No. 90–618 §§ 101–302 (1968 U.S. Code Cong. & Ad. News 1397–1424), *amending* 18 U.S.C.A. §§ 901–28 (Supp. 1968).

[12] *Id.* (1968 U.S. Code Cong. & Ad. News at 1404–05) (18 U.S.C.A. §§ 922(d), (f) & (h)).

[13] *Id.* (1968 U.S. Code Cong. & Ad. News at 1401) (18 U.S.C.A. § 922(a) (3)).

[14] *Id.* (1968 U.S. Code Cong. & Ad. News at 1401–02) (18 U.S.C.A. § 922(a) (5)).

[15] *Id.* (1968 U.S. Code Cong. & Ad. News at 1404) (18 U.S.C.A. § 922(d)).

[16] *Id.* (1968 U.S. Code Cong. & Ad. News at 1406–09) (18 U.S.C.A. § 923).

[17] *Id.* (1968 U.S. Code Cong. & Ad. News at 1402, 1406–07) (18 U.S.C.A. §§ 922(b) (4), 923(a)).

[18] See note 8 *supra* and accompanying text.

[19] Ohio Rev. Code Ann. §§ 2923.01–.06 (Page 1954 & Supp. 1968).

[20] Minn. Stat. Ann. § § 609.66–.67 (1964).

[21] Ky. Rev. Stat. Ann. § 435.230 (1963).

[22] N.J. Stat. Ann. §§ 2A:151–1 to 151–56 (1953 & Supp. 1968).

[23] Hawaii Rev. Laws §§ 157–1 to –33 (1955).

[24] Mich. Comp. Laws §§ 28.421–.434, 750.222–.239 (1967 & Supp. 1968).

[25] *See, e.g.*, Conn. Gen. Stat. Ann. §§ 53–203, 53–204, 53–207 (1960); Iowa Code Ann. § 110.23 (1949); N.Y. Penal Law § 265.35 (McKinney 1967).

[26] State data was obtained from Rosentrater, Sayles & Conner, "State Firearms Control—A Compilation of Digests of State Laws" (Library of Cong. Legis. Reference Service, 1968). *See also* Note, *Firearms: Problems of Control,* 80 Harv. L. Rev. 1328, 1336–42 (1967); Note, *Firearms Legislation,* 18 Vand. L. Rev. 1362, 1366–69 (1965).

[27] City data was obtained through correspondence with city solicitors. Replies were received from 94 cities. Of the 94 replies, 58 stated that there were no local firearms regulations. The other 36 replies either summarized or enclosed copies of local firearms regulations. Only 14 of the cities with regulations fitting within the categories of Table 1 were located in states which did not have similar regulations.

[28] Category 3 (carrying—motor vehicle) includes only states and cities within category 1 (concealed) with laws which expressly restrict the carrying of firearms in motor vehicles. Category 3 does not include laws which generally prohibit the carrying of concealed weapons even though such laws may be construed to prohibit carrying concealed weapons in a motor vehicle, particularly if the weapon is within reach of occupants of the car. States within category 2 (carrying) usually prohibit the carrying of handguns on the person and in a motor vehicle.

[29] Generally, state and city laws within the first three categories of Table 1 exempt law-enforcement officers, military personnel, private guards and persons carrying firearms at their home or place of business. *See e.g.*, "Cal. Penal Code" §§ 12026–27 (West 1956); New York is the only state which requires a license to possess a handgun in the home or place of business. "N.Y. Penal Law" §§ 265.05(3), 400.00(2) (McKinney 1967).

[30] *See e.g.* Cal Penal Code §§ 12021, 12050, and 12072 (West 1956) (license to carry may be issued to person of good moral character, but restrictions as to minors, addicts and felons): Conn. Gen. Stat. Ann. § 29–29 (1960) (no permit shall be issued if the applicant has ever been convicted of a felony); "Iowa Code Ann," § 2695.26 (Supp. 1968) (sale to minors forbidden).

[31] *See e.g.*, Cal. Penal Code § 12050 (West 1956); "Me. Rev. Stat. Ann." tit. 25, § 2031 (Supp. 1967); N.Y. Penal Law § 400.00 (McKinney 1967).

[32] *See e.g.*, Wash. Rev. Code Ann. § 9.41.070 (1961) (for purposes of protection or while engaged in business, sport or while traveling).

[33] *See e.g.*, Iowa Code Ann. § 695.20 (1950); Wash. Rev. Code Ann. § 9.41.070 (1961).

[34] Minors, as defined by the various states, range from persons under fourteen to persons under twenty-one. Also, some states exclude from the law's prohibitions minors with parental consent to purchase and possess firearms. Certain states limit restrictions against felons to persons who were convicted of crimes of violence within a specified time; restrictions against addicts to persons convicted under narcotics laws, restrictions against alcoholics to persons under the influence of alcohol; and restrictions against the mentally ill to persons committed for mental disorder. Other states either do not define these terms or use broader definitions. *See generally* Note, *Firearms: Problems of Control,* 80 Harv. L. Rev. 1328 (1967).

A state is within a sub-category of category 4 (Table 1) if it requires a license to purchase handguns and prohibits the issuance of such a license to persons covered by the sub-category. A state is not included within a sub-category of category 4, however, if it only prohibits persons within the sub-category from receiving a license to carry handguns.

[35] *See* Cal. Penal Code §§ 12021, 12072 (West 1956).

[36] *See e.g.*, N.Y. Penal Law § 400.00(1) & (2) (McKinney 1967). A South Carolina law repealed in 1965 prohibited the sale but not the possession of handguns within the state. Since South Carolina was the only state to prohibit sales, Table 1 does not have a separate category to cover this type of restriction. Since category 5 appeared to be the most appropriate category, South Carolina was included therein.

[37] *See* N.Y. Penal Law § 400.00(1) (McKinney 1967).

[38] See note 9 *supra* and accompanying text.

[39] Hearings Before the Subcomm. to Investigate Juvenile Delinquency of the Senate Comm. on the Judiciary, 88th Cong., 1st Sess., pt. 14, 3209–10, 3426 (1963).

[40] *See, e.g.*, "Ill. Ann. Stat." ch. 38, § 24–4 (Smith-Hurd 1964); "Gen. Stat." § 14–406 (1953).

[41] *See, e.g.*, "Iowa Code Ann." § 695.21 (1950).

[42] *See, e.g.*, "Conn. Gen. Stat. Ann." § 29–33 (Supp. 1969) (one week waiting period following mailing of application for purchase); Ore. Rev. Stat. § 166.470 (1965) (fiream shall not be delivered to purchaser on the day of the application for its purchase).

[43] *See, e.g.*, "Wash. Rev. Code Ann." § 9.41.070 (1961).

[44] *See, eg.*, "N.Y. Penal Law." § 400.00 (McKinney 1967); N.C. Gen. Stat. § 14–402 (Supp. 1967).

[45] *See, e.g.*, "N.C. Gen. Stat." § 14–403 (Supp. 1967).

[46] For an example of a statute which is very specific as to who may obtain a license to purchase, see "NJ. Stat. Ann." §§ 2A:151–33 to 2A:151–39 (Supp. 1968). For a more "general" statute, see "N.C. Gen. Stat." §§ 14–402, 14–404 (Supp. 1967).

[47] *See, e.g.*, "N.J. Stat. Ann." § 2A:151–36 (Supp. 1968).

[48] For a description of multiple linear regression, see J. Johnston. "Econometric Methods" 106–42 (1960).

[49] *Id.* at 108–09.

[50] "Probability of sign error" is not the conventional interpretation of the members given here. They are usually termed "levels of significance," and the interpretation of them is somewhat different. The terminology used herein results from a Bayesian approach to the regression problem in which the parameters are considered random variables. The prior distributions which the authors have implicitly used here are locally uniform probability measures.

[51] The number is R^2 adjusted for degrees of freedom. *See* A. Goldberger, "Econometric Theory" 217 (1964).

[52] See Appendix, Table A–2.

[53] Set 4 best explained homicide by firearm (i.e., had the highest R^2), and total homicide for the states (1960 and 1965), and accidental death by firearm (1965). Set 3 best explained suicide by firearm for the states (1960 and 1965), total suicide (1960), and accidental death by firearm (1960).

[54] The material appearing in the Results section are based upon the use of the set of weights for the various categories of gun control legislation listed in Table 2 (Index 4).

[55] The 95% confidence interval is the range within which there is a .95 probability that the true coefficient will lie. The probability of sign error, as previously indicated, reflects the chance that the sign of the estimated coefficient is incorrect.

[56] All relationships reported in this study are conditional because the effects of other demographic variables are taken into account.

[57] The estimates on lives saved include lives *already* saved by existing gun control legislation. In 1965 in the United States there were approximately, per 100,000 population, 3.05 homicides by firearm, 5.5 total homicides, 5.02 suicides by firearm, 11.1 total suicides, and 1.2 accidental deaths by firearm. *See* 1967 "Statistical Abstract of the United States" 59, 168 (U.S. Dep't of Commerce).

[58] In Zimring, *Is Gun Control Likely to Reduce Violent Killings?* 35 U. Chi. L. Rev. 721 (1968), the author describes a study measuring the effectiveness of substituted weapons based on data from reported homicides and serious assaults.

[59] A third explanation for the direct relationship between gun control and aggravated assaults is that stringent regulation of weapons increases crime by reducing the number of persons possessing firearms for protection. However, the findings on robbery (see Table 8 and the textual discussion appurtenant thereto) are not consistent with such an explanation.

[60] Significant positive coefficients for the number of police personnel is not necessarily indicative of a causal relationship. Another explanation is that states and cities with high death and crime rates employ more police personnel in an attempt to reduce these rates, but that such additions to police forces are not significantly effective.

[61] In a separate tabulation, a dummy variable for the eleven states which formed the Confederacy was included. Results obtained indicated that homicides and aggravated assault rates are positively related to these eleven states; that accidental death by firearm is negatively related to these states; and that robbery and suicide are unrelated to these states.

These results do not weaken the conclusions of this paper concerning the effectiveness of gun control because the stringency of gun control legislation in the eleven Confederate states and in the remaining states is not dissimilar. The mean index value of gun control legislation for the fifty states based upon the set of weights reported in the text was 17.5. In comparison, for the eleven Confederate states the mean index value was 14.2, and for the seven Confederate states with the highest homicide rate the mean index value was 16.6.

[62] "The True Facts on Firearm Legislation—Three Statistical Studies" (National Shooting Sports Foundation, Inc., 1968), Congressional Record, vol. 114, pt. 2, p. 1495) [hereinafter cited as True Facts]. *See* Zimring, *Games with Guns and Statistics,* 1968 Wis. L. Rev. 1113.

[63] Krug, "The Misuse of Firearms in Crime," in True Facts.

[64] Krug, "The Relationship Between Firearms Licensing Laws and Crime Rates," in True Facts.

[65] Krug, "The Relationship Between Firearms Ownership and Crime Rates: A Statistical Analysis," in True Facts.

[66] See note 57 *supra.*

[67] Zimring, "Games with Guns and Statistics," 1968 Wis. L. Rev. 1113.

[68] During 1965, 79% of all murder victims were acquainted with the offender. Killings resulting from robberies, sex motives, gangland slayings, and other felonious activities accounted for only 16% of the total of reported homicides. *See* Report by the President's Commission on Law Enforcement and Administration of Justice, The Challenge of Crime in a Free Society 39 (1967).

[69] The index reported in the text, number 4, ranked seventh out of ten in terms of estimated total lives saved.

[70] We tried entering each legislative category as a "dummy variable" and we also split

the categories into blocks and attempted to measure the effect of each block independently.

CONCLUSION OF MORNING BUSINESS

Mr. BYRD of West Virginia. Mr. President, I ask that the morning business be closed and that the unfinished business be laid before the Senate.

The PRESIDING OFFICER. Without objection it is so ordered.

DEPARTMENTS OF LABOR, AND HEALTH, EDUCATION, AND WELFARE, AND RELATED AGENCIES APPROPRIATIONS, 1970—CONFERENCE REPORT

The Senate resumed the consideration of the amendment of the Senator from Wisconsin (Mr. NELSON) to the second part of the House amendment to the Senate amendment in disagreement numbered 83.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Wisconsin (Mr. NELSON) to the second part of the House amendment to the Senate amendment in disagreement numbered 83.

Pursuant to the unanimous-consent agreement, there is a time limitation of 1½ hours, to be equally divided and controlled by the Senator from Wisconsin and the Senator from Pennsylvania, or their designees.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that there be a brief quorum call, the time to be charged equally against both sides.

The PRESIDING OFFICER. Without objection, it is so ordered, and the clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. COTTON. Mr. President, I ask unanimous consent that further proceedings under this quorum call be dispensed with, because it is eating up our allocated time.

The PRESIDING OFFICER. Without objection, it is so ordered. Who yields time?

Mr. NELSON. Mr. President, I yield myself 3 minutes. As was stated yesterday, the amendment submitted by Representative MICHEL in the Appropriations Conference Committee was voted on by the House first and then sent to this body as a House amendment. That amendment would, I think, by all interpretations, result at a minimum in removing the mandatory reservations of funds for the drug abuse program authored by the Senator from Colorado (Mr. DOMINICK) and the alcoholism program authored by the Senator from Iowa (Mr. HUGHES).

These two programs were discussed at great length in the Poverty Subcommittee and approved there, discussed in the full Labor and Public Welfare Committee and approved there, and debated on the floor of the Senate and approved; and after lengthy discussions in the conference, the Senate and the House accepted and approved them. I think it would be a tragedy if these two programs were eliminated by accepting the House amendment that removes the requirement that the money be spent out of the fiscal 1970 appropriations.

What more that amendment might do is subject to debate and dispute. Certainly some people would interpret the amendment as eliminating all earmarking in the authorization act, and I think that is one of the risks we take. I now yield 10 minutes to the distinguished Senator from Iowa.

Mr. HUGHES. Mr. President, in order to again more clearly identify the problem, I ask the distinguished Senator from Wisconsin (Mr. NELSON) to participate in a clarifying discussion.

It is a fact, I believe, that in this earmarking we have not asked for 1 additional dollar over the administration request. Is that correct?

Mr. NELSON. That is correct. As a matter of fact, the total appropriation is $100 million below the request made by the administration. The authorization act's earmarking provisions apply to the actual appropriations and determine the basic allocations. In fact, we did not add any money for the alcoholism and drug abuse programs; we took it from within what was budgeted and earmarked for community action programs in general.

Mr. COTTON. Mr. President, will the Senator yield so that I may request the yeas and nays?

Mr. HUGHES. I am happy to yield for that purpose.

Mr. COTTON. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. HUGHES. I ask the distinguished chairman of the subcommittee if, in addition to clearly understanding that this is not a request for 1 additional dollar or for more funds than requested by the administration, Senators clearly understand that we are trying to assure that this money is appropriated for and used to meet what has been clearly identified by numerous subcommittees of this body, and by the administration itself as very critical problems; that this was a bipartisan effort; that the narcotic addiction and drug abuse section was introduced in the subcommittee by the distinguished Senator from Colorado (Mr. DOMINICK), and that the alcoholism recovery amendment was introduced by myself in subcommittee. Is that not true?

Mr. NELSON. Yes.

Mr. HUGHES. And is it not true that we had unanimous consent, in the subcommittee and in the whole Committee on Labor and Public Welfare, to these provisions?

Mr. NELSON. My recollection is that those two provisions for alcoholism and drug abuse programs were approved unanimously by the Republican and the Democratic members of the Poverty Subcommittee and then by the full Labor and Public Welfare Committee, when the full committee considered the amendment.

Mr. HUGHES. Is it not also true that the chairman of the Appropriations Subcommittee which reported the bill to the Senate floor supported the Senator's proposal and my proposal in a rollcall vote on the floor?

Mr. NELSON. Yes. The chairman of the Appropriations Subcommittee (Mr. MAGNUSON) voted for earmarking of the funds in a rollcall vote in the Senate on the authorization bill. Yesterday he stated that he had expected, when this amendment in controversy was brought up in the Appropriations Conference Committee, that they would expend all the money just exactly in the fashion that we earmarked it in the Authorization Act.

The problem is, I think, that the House amendment on this appropriations bill attempts to eliminate the authorizing legislation's earmarking, which we voted for in rollcall votes here in the Senate. Whether the House proviso applies only to the alcoholism program or the drug abuse program, so as to eliminate the mandatory funding for them, or removes all earmarking, there is some dispute. It certainly removes the mandatory funding requirement for the alcoholic counseling and drug abuse programs. On that I think everyone agrees. It may not apply to all the rest. If it does, we have wiped out 9 months of hearings, and so far as I am concerned, we need not bother about hearing testimony or justifying these various programs, because I do not intend to have subcommittee members engaged in hearing witnesses from all over this country seeking justification for specific programs, then have funds earmarked by Senate and House action, only to have them wiped out by a little amendment in the appropriations bill which says they do not have to spend it in accordance with the earmarking in the authorizing legislation. We might just as well give them $2 million in a bushel basket and say, "Spend it as you please."

Mr. HUGHES. Mr. President, I thank the Senator from Wisconsin for his efforts in these various directions. Yesterday we put in the RECORD the statistical evidence of what is happening in this country. In addition, all of us know in our own hearts that one of the deepest concerns of every family that has teenage children or children going to college—or even children going downtown in any major city of this country—is the abuse of drugs, narcotics addiction, as well as alcoholism.

We know the statistical facts of what has happened. Twenty-five percent of the patients in mental health hospitals in my State are alcoholics. It was testified before my subcommittee that up to 40 percent of the patients in the mental health hospitals in America are patients because of alcoholism. One of every six beds in our veterans hospitals, it has been testified, is occupied by an alcoholic patient.

I believe that up to 40 percent of the people in the prisons of this country, Federal and State, as well as the major city jails, are filled with persons who were incarcerated for a crime they committed while under the influence of alcohol. Over 25,000 people a year are dying on our highways in alcohol-related accidents.

Alcoholism has been called the No. 1 health problem in this country by Dr. Roger Egeberg, the Assistant Secretary of Health, Education, and Welfare. Yet, we are arguing about trying to assure that a few million dollars will be earmarked to be spent in these fields by the Office of Economic Opportunity.

To indicate why I am concerned with earmarking these funds, I am going to put into the Record certain information obtained from the Office of Economic Opportunity overnight. As nearly as we have been able to determine, these are the programs that have been instituted by OEO over the course of the last 4 years to deal with narcotics.

I have before me a schedule of figures which I will attempt to interpret. During fiscal year 1967, nine programs dealing with narcotics were initiated by the Office of Economic Opportunity. The total expenditure for those programs was $9,377,828.

At the end of fiscal 1969, there were seven programs, a reduction of two, and funding obligations of $2,355,504, a $7 million reduction during a time that the Nation was rapidly recognizing the most explosive drug and narcotics problem in the country.

Rather than intensifying their concern and doing something more about it, they have, in recent months, been reducing their concern and doing less about it. At the same time, the National Institute of Mental Health is trying to institute new programs, trying to get local people all over the Nation concerned enough to act. Apparently, the right hand does not know what the left hand is doing.

This is not entirely the responsibility of this administration. I will not say that. This began to occur under the last administration.

I could detail where those programs are and what they are, but I will not place that in the Record. It is public information, and it is available.

I want to speak for a moment on the alcoholism programs. OEO estimates that there are 11 identifiable OEO alcoholism programs involving an expenditure of $670,000. I believe that there are enough requests available to the department that they can easily expend the total earmarked request that we are discussing today, even with the time limitation of 4 or 5 months on the initial earmarking of $10 million in the field of alcoholism and $5 million in the field of narcotics and drug abuse, or a total of $15 million for fiscal year 1970.

Mr. GRIFFIN. Mr. President, will the Senator yield for a point of clarification?

Mr. HUGHES. I yield.

Mr. GRIFFIN. The distinguished Senator from Iowa has been providing very effective leadership and has indicated deep concern, as have many other Members of this body, about the problems of drug abuse and alcoholism.

The PRESIDING OFFICER (Mr. Byrd of Virginia in the chair). The time of the Senator has expired. Who yields time?

Mr. GRIFFIN. I yield 2 minutes from this side.

I want to make it clear, however, that while his discussion has been focused on this particular concern, the amendment of the distinguished Senator from Wisconsin (Mr. Nelson) is not limited to earmarking for alcoholic counseling and recovery and drug rehabilitation. Those programs, as I read his amendment, are mentioned; but his amendment reimposes all of the mandatory requirements as to all the programs in OEO—or, at least, including many others.

The implication might be taken here by many who have listened to the distinguished Senator from Iowa, because of his broad concern, that anyone who voted against the amendment of the Senator from Wisconsin somehow was not concerned or did not believe in the Federal Government doing anything in the field of alcoholic counseling or drug rehabilitation.

It should be made clear that this is only a part of what is involved in this very sweeping and broad amendment, and that it would be altogether possible that the Director of OEO, if he were given the flexibility which he would have under the conference report, might well allocate more funds for the particular concerns to which the Senator from Iowa has directed his remarks than would be the case if the earmarking were imposed.

I only state that for the Record so that those who follow the debate would see the dimensions of it and realize that it is not confined or limited to the particular points about which the Senator from Iowa is talking.

Mr. HUGHES. Mr. President, will the Senator yield?

Mr. GRIFFIN. I yield.

Mr. HUGHES. I should like to ask a question of the distinguished Senator from Michigan.

The PRESIDING OFFICER. Who yields time?

Mr. GRIFFIN. Mr. President, I wish to state for the Record that the time allocated to this side is under the control of the distinguished Senator from New Hampshire.

Mr. NELSON. I yield the Senator time.

Mr. HUGHES. I am glad for the clarification by the distinguished Senator from Michigan. I am sure that the distinguished chairman of the subcommittee will reply further to that, so I do not intend to reply to it. I am speaking to two particular concerns affected by the amendment.

I say to the distinguished Senator from Michigan that if he will get the director of the department to state publicly that he will try to allocate funds in reasonable amounts, at least for these programs, I will be glad to cease my debate on this issue now.

Mr. COTTON. If the Senator will yield, in approximately 5 minutes I am going to make a statement on behalf of the director, and he has authorized me to make that statement.

Mr. HUGHES. I will be very interested in listening to it.

Mr. COTTON. I did not mean to cut the Senator off.

Mr. HUGHES. I should like to conclude, if the distinguished Senator from Wisconsin will yield me 3 additional minutes.

Mr. NELSON. I yield 3 additional minutes to the Senator from Iowa.

Mr. HUGHES. I simply want to say that if these earmarking provisions are approved, the Department does, in my opinion, have the capability and the experience in these areas to begin to tool up for these programs. Our records indicate that less than $1 million is being expended this year in alcoholism recovery programs. This is an insignificant amount by comparison with the problems I described on the floor of the Senate yesterday afternoon. Alcoholism is one of the greatest contributors to poverty in this country, particularly among certain ethnic groups, such as the American Indians, for whom a few major projects are being undertaken by the Department—and I compliment them for it. I think the need for the expenditure for additional funds is imperative, and I am certain the Department would share that concern.

When it comes to the narcotics addiction and drug abuse programs, I am totally convinced, with the information we have been able to get from the Department, that they have the capability of tooling up or beginning the necessary programs of getting capable men and women involved so that we can get massive programs underway in the future.

But while I believe they have the capability, I contend that the earmarking is imperative, because the record of the Department does not indicate it has any intention of either improving, stepping up, or expanding programs in either of these critical areas.

Mr. NELSON. Is the Senator not aware, on that exact point, in the last revised budget for the proposed spending of the money, either in November or early December, that the last word of the Office of Economic Opportunity was that it would spend zero on alcoholism, and that it proposed to spend $1 million on drug rehabilitation? This was the position of OEO when we received the last, revised, proposed budget requests in November or early December.

Mr. HUGHES. I did not recall that. Perhaps the distinguished Senator from New Hampshire (Mr. Cotton) will clarify that further with additional information this morning.

Now, Mr. President, I should like to yield back the remainder of my time to the distinguished chairman.

Mr. NELSON. I yield myself 1 minute to make a comment in response to the distinguished Senator from Michigan, that there is no dispute, I do not think, among those who looked at the amendment we are discussing, but that it would knock out the alcoholism and the drug abuse programs. The OEO position is that it would knock out all of the earmarked amounts. At least, that is what their representatives are saying.

In my judgment, that would be a disastrous result.

The distinguished Senator will recall that the Senate voted down, by a rollcall vote of 50 to 36, an amendment to eliminate earmarking of funds for Headstart, and all these other antipoverty programs. We had a rollcall vote when an attempt was made on October 14, by an amendment of the distinguished Senator from New York (Mr. Javits) to knock out the earmarking. It loss by 50 to 36. All I am saying is that the will of the Senate should be followed and that if the House amendment stands, we would be elimi-

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nating our 9 months of effort on the subcommittee, authorizing legislation in the committee, on the floor of the Senate, in the House of Representatives, and in the conference committee. All that work on the authorizing legislation would be wiped out by the House appropriations amendment which very clearly would have been subject to a point of order as legislation in an appropriations bill if it had been submitted to this body in the first instance.

Mr. FULBRIGHT. Mr. President, will the Senator from Wisconsin yield?

Mr. NELSON. I yield.

Mr. FULBRIGHT. I want to support the Senator, especially on the matter of procedure, which he is discussing. Unless we can follow the procedure that the Senator is suggesting, then it strikes me that the legislative committees are of no consequence whatever. They are simply a waste of time. It would be simply a waste of time to hold hearings, and so forth, if all the recommendations which get finally to the Senate can be wiped out in this fashion.

This is similar to the problems that arose with the foreign aid bill—a little in reverse, perhaps—but in that case, the committee, from long practice, and in agreement with the former and present administrations, did not wish to earmark for specific foreign countries. That is the reason for that. We do not, normally, do that, unless forced to.

In their case, the Appropriations Committee undertook to earmark; in other words, to wipe out the well considered and long established custom of not earmarking for a foreign country. That is quite a different substantive case, but the main principle is still the same. Legislative committees should have some influence upon the course of legislation. Therefore, I think that the Senator should be supported.

Mr. NELSON. I thank the Senator. Of course, if I thought that an amendment would be finally enacted wiping out the earmarking, I would not have conducted hearings for 9 months and gone to all the extra work entailed.

Mr. FULBRIGHT. We might as well go further and let the Appropriations Committee do it from the beginning and we will have to go ahead and do something else.

Mr. COTTON. Mr. President, I yield myself 10 minutes.

The PRESIDING OFFICER. The Senator from New Hampshire is recognized for 10 minutes.

Mr. COTTON. Mr. President, yesterday afternoon and this morning, we have listened to the arguments for the amendment of the distinguished Senator from Wisconsin. I have been much impressed, as I am sure the Senate has, with the emphasis placed on the program of alcoholism and narcotics.

I do not believe that anyone in the Senate desires to do anything to curtail the efforts of the Federal Government in this field.

There are, however, some basic facts which should be shown in the RECORD.

The first is that the striking out of the earmarking was not done at the request of the OEO or of the administration. It was done by the representatives of the Appropriations Committees of the Senate and the House in conference, in connection with another action. It was the desire of the conferees, as the conference came to a close, to see to it that the HEW bill did not exceed the President's budget. Thus, it was finally determined by the conferees to recommend cutting the OEO appropriation by an even $100 million which brought the total sum under the President's budget by a razor-thin margin of $86 million, and this has been referred to again and again during the debate on the bill.

Having arbitrarily cut $100 million from the OEO appropriation, it was suggested that something be done to compensate that, to assist the OEO to stretch the remainder over their field of activities, therefore, as a compensating factor, seek to cut the $100 million. The conference committee recommended the abolition of the fixed minimums. Let me emphasize the fact that as a rule, legislative committees fix maximums, but they leave the minimums to the Appropriations Committee—they cut the fixed minimums.

Thus, to free the OEO Director and administration to use the remainder of the money, less the $100 million, we cut off the program to make it as effective as possible.

That is the history.

Now, Mr. President, I discussed this thoroughly with Director Rumsfeld this morning. I am perfectly aware of the fact that the President's budget did slight the alcoholism crusade.

I do not approve of that, and I doubt that anyone on either side of the aisle does. There is no one I know of here who does not regret it. It was not, however, the recommendation of Director Rumsfeld or the OEO organization. They were conforming, as they should conform, to the President's budget.

But this morning, Director Rumsfeld—and it was not in response to any urging or solicitation on my part—said to me, "I want it distinctly understood, and you are authorized to state on the floor of the Senate, that I and my associates in this program are enthusiastic about it, and are against curtailing programs on alcoholism and drug addiction, and it is our intention to spend every cent that is available that can be spent wisely and effectively in the 5 months remaining in the fiscal year, every cent that is available on these two programs, and still do justice to our other efforts."

As a matter of fact, sincere as are the motives of my friend, the Senator from Wisconsin, I think his amendment in some respects is self-defeating.

Let me cite one example. The followthrough program is presently scheduled to be funded during fiscal year 1970 in the sum of $56 million. If this amendment is agreed to and the earmarking is restored to the bill, there must be separated and held for the followthrough program not less than $70 million or more than $105 million. In other words, instead of $56 million, there must be money withheld up to the sum of $70 million.

If that happens, the difference between $56 million and $70 million is not available to be used in dealing with alcoholism or with dropouts.

That is only one example of what will happen. I do not mean that the attempts and efforts of my friends in support of this amendment are not sincere. They have been working for a long time and we respect them for it.

When we inject this after the conference report, we reject these categories, and these categories are based on the President's January budget, not on the revised budget. Under the bill, the OEO has been working thus far in the year and has been using those funds.

In the second place, the record should show and it should be emphasized that if the amendment is agreed to it is almost inevitable that certain other programs such as family planning, day care, and the aged are likely to suffer because it fixes these unchanged barriers and separates and places in compartments all the money available for OEO during the remainder of this year.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. COTTON. Mr. President, I yield myself an additional 5 minutes.

The PRESIDING OFFICER. The Senator is recognized for 5 additional minutes.

Mr. COTTON. I am sure that the distinguished author of the amendment, the Senator from Wisconsin, has no desire whatever to take any steps that would damage or cripple the efforts in any such programs as family planning, day care, the aged, and other vital projects of OEO.

Mr. FULBRIGHT. Mr. President, will the Senator explain why that would necessarily happen under the family planning?

Mr. COTTON. Family planning spending this year has been on the basis of the President's budget.

In the remaining 5 months, there would be an effort to set aside and fix an amount not only for alcoholism and narcotics, but also for various other projects, where money must be spent or at least reserved. That would almost inevitably interfere with family planning efforts, day care, and other projects.

It is inevitable. If the amendment is agreed to, that money would not be made available for some of these projects so dear to the hearts of the Senator from Wisconsin and the Senator from Iowa.

Mr. GRIFFIN. Mr. President, will the Senator yield for a brief observation?

Mr. COTTON. I yield.

Mr. GRIFFIN. The information has come to my attention that the OEO office reports that its family planning program was to have been increased to $22 million this year, but that it will have to be cut back by $4.4 million if it is required to stay within the earmarks which would be established by the amendment of the Senator from Wisconsin.

Mr. COTTON. I have the same information here.

Mr. NELSON. Mr. President, will the Senator yield so that I might make an observation on my time?

Mr. COTTON. I yield to the Senator from Wisconsin on his own time.

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Mr. NELSON. Mr. President, I yield myself 30 seconds.

Under title II funds not earmarked there is $75 million. They can take $4 million, $5 million, $6 million of the unearmarked funds and apply it to another program as a research and demonstration program for family planning. That is where they are proposing to find the funds for model day-care projects.

That is why we did that. We did it so that they would have flexibility. They have the vast flexibility that we have put in the bill. In addition, they can take 10 percent from any program and add it to any other program.

It is flexibility that we never gave to any previous administration in any previous authorization bill. There is no detriment to family planning, because they have $75 million in unearmarked funds they can tap for that purpose.

Mr. COTTON. Mr. President, in reply to that, let me observe that right or wrong it is the purpose and policy of this administration to make the OEO organization into an experimental, research and development agency for the purpose of testing the practicality and the effectiveness of new and existing programs and to try to weed out and be enabled in the future to use such funds as are available more effectively. If by those arbitrary classifications and these arbitrary limits, money is taken that has been allocated to such going programs as day care and family planning, they would have to dig into whatever amount is available and curtail those activities.

Furthermore, this money that is made available, as I understand it—and the Senator will correct me if I am wrong—this $75 million was based on the full appropriation that passed the Senate, not on the appropriation after the conference committee cut it by $100 million which reduced the funds available to be allocated at will.

Mr. FULBRIGHT. Mr. President, will the Senator yield?

Mr. COTTON. I yield.

Mr. FULBRIGHT. Is the Senator saying that the $75 million has been wiped out by that altogether?

Mr. COTTON. I am not saying it would be wiped out. I am saying, with respect to this $100 million, that the reason the conferees reported the bill in the form in which it was reported—and my chairman will correct me if I am wrong—was because they had reduced the total appropriation by $100 million. They did not want at the last minute to try to reallocate funds between programs. They desired some flexibility so that OEO could absorb that decrease across the board without injury to its various other programs.

I am not saying that it cut out the $75 million. But I am saying that it will be cut out somewhere, and it has to be cut out somewhere and thus reduce the funds that are available for the various programs.

Mr. GRIFFIN. Mr. President, will the Senator yield to me briefly?

Mr. COTTON. Mr. President, I ask unanimous consent that I may proceed for 2 additional minutes.

The **PRESIDING OFFICER.** Without objection, it is so ordered.

Mr. COTTON. I yield to the Senator from Michigan.

Mr. GRIFFIN. Mr. President, I know that the Senator from New Hampshire, of course, would undoubtedly defend the Committee on Appropriations on which he serves with great distinction. We heard a great deal about Congress setting priorities and making hard decisions. If I follow the statement of the Senator from New Hampshire, it sounds as though in the conference report $100 million was cut out, that the hard decisions were not made, and that the Director of OEO is left with the question of what he was going to do to absorb these cuts, that he would have to use $75 million to make up for cuts, and every dollar of it would be subtracted or deducted from the funds that were supposed to be made available to redirect this agency into lines of research in an experimental and developmental agency of the Government.

In other words, while the people and Congress have been critical of the OEO in the past and are expecting something new and different, we are, in effect, tying the hands of the Director of OEO and making it almost impossible for him to develop anything new within this agency, as I interpret the situation.

Mr. COTTON. That has been very well stated by the distinguished Senator from Michigan. It means these available funds, that were purposely planned to be flexible and used where needed, must suffer with that reduction along with other fixed funds.

In defense of the Committee on Appropriations I wish to say this.

The **PRESIDING OFFICER.** The time of the Senator has expired.

Mr. COTTON. Mr. President, I yield myself 3 additional minutes.

It has been true that through the years, if my memory serves me correctly, it has been the function of the legislative committee to fix the maximum. Only in rare instances has the legislative committee attempted to fix the minimum. That has been traditionally at the discretion of the Committee on Appropriations, which has to make appropriations and stretch the funds and make the money go around. This is nothing new because three times—this was so in 1967 and in 1968—these allocations, such as are presented this morning on the OEO fund, were not in the authorization bill but when they got to the Appropriations Committees and to conference, OEO was relieved of these arbitrary categories. It was done in the past. This is simply an attempt to restore something that has already been overridden in 2 previous years.

The point is this, Mr. President. Let it be crystal clear that combating alcoholism and drug addiction is essential, and no other program, in my opinion, is more important than these two programs. But let us be fair. I freely admit they were neglected in the President's revised budget. However the fact remains, that we are assured they will not be neglected by OEO if they have control of their own money; and, second, to come back and proceed to restore these fixed minimums that would compel the OEO to reserve money that is not spent—such as in the followthrough program, where it would be a difference between $56 million and $70 million that could not be used for any other purpose—by the adoption at this late date of this kind of restriction would be likely to serve to militate against these two programs rather than for them.

The **PRESIDING OFFICER.** The time of the Senator has expired.

Mr. COTTON. I yield myself 1 additional minute.

Mr. President, we have not gone over the entire list because this would arbitrarily restore a fixed allocation all along the line. We have only mentioned a few. When that is done it would make it more difficult for the agency to use funds available. Lastly, remember again that in this fiscal year only 5 months are remaining. As a matter of fact, I am informed by Mr. Rumsfeld that they are busily trying to staff their organization in the area of alcoholism and that they will continue to do so if they are so permitted. How much money can be effectively used in setting up this project that has been neglected and has to start almost from scratch in the 5 months remaining, whether $15 million can be effectively used or $20 million can be effectively used, are questions that we on the floor of the Senate this morning are utterly unable to determine.

I reserve the remainder of my time.

The **PRESIDING OFFICER.** Who yields time?

Mr. NELSON. Mr. President, I yield myself 5 minutes.

The **PRESIDING OFFICER.** The Senator from Wisconsin is recognized.

Mr. NELSON. Mr. President, first, I would like to take up the question of family planning to set the record straight. The administration came in with its bill. They came to my subcommittee and they did not ask for $22 million in family planning which they are now asking for. They asked for $15 million. The budget request for $15 million is on page 75 of the congressional presentation of the Economic Opportunity program submitted in May 1969. So, trying to accommodate the administration, we gave them exactly what they asked for. We came to the floor of the Senate and passed the $15 million they asked for. Then, in November after the bill had passed the Senate and then went to the House of Representatives, they said, "We have changed our minds. We want $22 million." The spokesmen for the administration return now and they criticize us for having accepted their word in the first place. What kind of nonsense is that? Certainly, they are entitled to change their minds but not to criticize what we put in for family planning when we put in what they asked for.

I stood on the floor of the Senate and fought for an appropriation equal to the President's budget request for a full year, and we passed it in the Senate on December 16. The appropriations conference committee, in its wisdom, cut out

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$100 million. We did a good job in getting as much as was appropriated for the Economic Opportunity program last year.

Under the earmarking we put in here, they could give $18 million, which is $4 million less than they asked for after the bill had passed the Senate. But this is no problem. They could go to the funds in title II not earmarked and take the $4 million out of there and then they would be at the $22 million they asked for. So the argument on family planning is not valid.

Let us look at the question of earmarking. The Senator said they had cut out $100 million. I wish to say to the Senator from Washington and the Senator from New Hampshire that I thought the Committee on Appropriations did a superb job in getting a reduction of only $100 million. I commend them for it. But the problem raised by cutting $100 million, suggested by the Senator from New Hampshire, I would respectfully suggest, does not exist. One hundred million dollars is cut from the $2.48 billion authorization and $1.948 billion is appropriated. All that has to be done is to prorate it, and the decisions that were made in acting on the authorization legislation on the floor of the Senate are thereby protected, as well as the decisions made on the floor of the House, in the committees, and in the conference committee. Just prorate the allocations to take care of the $100 million cut.

That does not tie the hands of the OEO program, because we did something for this administration that we refused to do in the authorization legislation for the previous administration. The previous administration had this flexibility: They could take 10 percent from any earmarked program and add a maximum of 10 percent to any other earmarked program. So if there were a $10 million program, they could take 10 percent and add $1 million. That was the limitation. We gave this administration more flexibility, because the administration thought they should have it. We supported it and the committee did. We said, "Instead of tying your hands and saying you can take only 10 percent from any single program and add only a maximum of 10 percent to another, you can take 10 percent from any program and add a maximum of 35 percent to any other program. The second year you can take 15 percent from any program and add 35 percent to any other program."

Based on the $1.6 billion which is proratable, the first year they could use for this purpose $160 million, which they could transfer around within this budget. In the second year it is almost one-quarter of a billion dollars—$240 million—that they can use by taking 15 percent from any one program and shifting it around, adding up to a maximum of 35 percent to another program.

What does that mean? It means that in the work training programs, they can take away from $770 million, which is the earmarked allocation, up to 10 percent; that is, down to $693 million. On the other hand, if they really liked that program and wanted to accumulate 35 percent additional, they could move from the earmarked allocation, $770 million, up to $853 million. So they can go from $770 million to $853 million in that program.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. NELSON. I yield myself another 3 minutes.

I think that is equitable flexibility. It still gives the Congress the right to say that we want to spend some money on this and some money on that, we want to do something for migrants and rural loans, for alcoholism and drug rehabilitation, for senior opportunities. We would like to have our judgment carried out. It has been accepted after debate on the Senate floor on the authorizing act.

Then we say to them, "If you think that is a little too much, take 10 percent away. If you think it is too little and want to add 35 percent, take 10 percent from some programs and add 35 percent to other programs."

I think that is a fine program. I think any person making a rational analysis of it would agree that this is a genuinely fruitful and cooperative effort between the Congress of the United States and the executive branch. We say we want some programs carried out. We conduct hearings for 9 months. We hear witnesses from all over the United States on these questions, hearing from mayors and people who administer the programs about the effectiveness of them, and then decide how the funds should be allocated, after we debate it.

A motion was made to knock out earmarking when the Senate acted on the authorization bill. That effort was defeated on the floor of the Senate and an effort to remove earmarking was defeated in the House of Representatives when they acted on the OEO authorization bill, and so earmarking was agreed to in conference.

I think this is the kind of cooperative effort we ought to have. But if the theory is that Congress should not and is not qualified, after holding hearings, to make a judgment on these matters, and decide that we want some programs in Mainstream and Headstart, if the theory is that Congress is not competent to make the judgment and the executive branch is more competent, fine. They are good people. Maybe they will do a better job. But let us stand up publicly and say that we think their judgment on all matters relating to poverty programs is better than ours, let us dispense with hearings, and give them $2 billion. Perhaps it will work better.

I have a high regard for Secretary Shultz and Mr. Rumsfeld. I have a high regard for all those people. I do not think they will do better than the Congress. But if that is what the Congress thinks, then give them all the money. But they will not do anything about alcoholism unless they are going to do it now, under pressure, because we are told now on the floor of the Senate that they like this alcoholism program.

On December 17, when we were sitting in conference with the House, they presented us their proposed budget. What did they think of it and how enthusiastic were they on December 17?

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. NELSON. I yield myself 1 minute. I will show the Senate how enthusiastic they were. They were so enthusiastic on December 17—30 days ago—that they had zero in their budget for alcoholism. Zero.

Now, when they are worried about the question before us now and the spot they are in for saying they did not want to do anything about alcoholism, and are worried about the marvelous points made by the Senator from Iowa, they say, "We want to show you we want to do something about alcoholism. We can add to these programs now." Nonsense.

Mr. COTTON. Mr. President, I yield myself 3 minutes.

In the first place, I do not think anyone is entitled to have his cake and eat it, too. As one member of the committee, I have emphasized exactly the opposite from what my friend from Wisconsin has just said. I have freely stated that alcoholism as a program was neglected, but not by OEO. The Senator knows, if he does not already know—and he would know if he served on the Appropriations Committee—that these departments and agencies do not make up the budget. In fact they are not allowed to ask for more than the President's Bureau of the Budget permits them to ask. The authority that squeezed out alcoholism was not OEO. It certainly was not the Director. It was the Bureau of the Budget, for which the President was responsible; and I have stated that.

Obviously, the distinguished Senator from Iowa said he would like to have some information in a proclamation about what OEO would do in regard to alcoholism, and I have given that to him, right from the Director. Admittedly, the administration did not treat it liberally in the revised budget or the January budget, but to belabor this point after that has been freely admitted, is simply beating a dead horse.

Right or wrong—and I think it is right, and I do not apologize for defending him on the Senate floor—the President of the United States has repeatedly stated that he wants to continue OEO, but he wants to test and know what programs have had effective results for the investment and what programs have not.

In my part of the country, some of the programs of OEO have not been good investments. I will not say they did not do some good, but they have not been adequate and good investments.

Neither the Senator from Wisconsin nor any other Senator here is in a position, other than hastily by some subcommittee having hearings, to go into the field and test these programs.

If anyone wants to freeze the agency to follow the same course and follow the same programs and put the emphasis in the same place, just go ahead and tie it up; but that is not an effective thing to do. The officials have to have some latitude, and more latitude, than has so generously been given them by the proponents of this amendment in order to make sure that justice is done by existing programs, but we should test and find out what programs should be emphasized and continued.

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The PRESIDING OFFICER. The time of the Senator has expired.

Mr. COTTON. I yield myself 3 minutes.

That is the basic policy of the administration. It is the basic policy of the Director.

Alcoholism is a new program. The Director says he is confident it is a good one, and he wants to do all he can to promote it. He did not make that statement under the whip. He did not come to that conclusion this morning. He had not even read the RECORD this morning; he asked me what had been said on the floor. So he was not terrified by the thundering of the Senator from Wisconsin and the Senator from Iowa, or anyone else. And I take his word for it, because I knew him as a reputable Member of the House of Representatives; I know him as one who appeared before the House committee and made a splendid presentation about the purposes and the plans of OEO, and I take his word that he does this in sincerity, and I for one resent that implication.

Mr. President, the fact remains that if, on the floor of either House of Congress, we try to pinpoint all these programs, as the Senator from Arkansas has so well stated in regard to foreign aid, if we try to tie them up, if we try to direct them, if we try to tell them in advance what to do, we simply destroy all the experimentation, all the research and development, and all the opportunities to improve.

OEO is of fairly recent vintage. It has only been in effect roughly, I think, 3 fiscal years, and it is its purpose to try to test these programs. The two programs advocated and emphasized here are not the only ones; and if you tie up all the rest, you of necessity limit what can be done for these two programs.

It is an absolute fact that there must be latitude. It is an absolute fact that some of the other programs have been tested and proven. Headstart, Upward Bound, and Follow Through are being pursued.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. COTTON. How much time do I have remaining?

The PRESIDING OFFICER. The Senator has 11 minutes remaining.

Mr. COTTON. I yield myself 1 additional minute.

Those programs are being supported, and the money turned over to follow them through. The rest of the programs are being tested. We have the assurance that the alcoholism program and the narcotics program will be given preferred attention.

I again say that this amendment endangers the forward movement and the promotion of efficiency, and the testing and experimentation, to make OEO come into its full fruition as a useful and effective agency.

The PRESIDING OFFICER. Who yields time?

Mr. NELSON. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator from Wisconsin has 11 minutes remaining.

Mr. COTTON. Let us see if we can get unanimous consent to have a quorum call, not out of our time.

Mr. NELSON. Mr. President, I take note of the absence of a quorum, and I ask unanimous consent that the time used for the quorum call not be taken from either side.

The PRESIDING OFFICER. Is there objection?

Mr. BYRD of West Virginia. Mr. President, reserving the right to object, it was stated yesterday by the Senator from West Virginia that there would be a vote at 1 o'clock. We did that to put Senators on notice that there would be a vote at 1 o'clock. If there is a quorum call not to be charged to either side, that quorum call could run for several minutes. It could go on for half an hour or even longer, if anyone objected to its being called off. I hope the Senator from Wisconsin will permit the time to be equally charged against both sides.

Mr. COTTON. Well, let us withdraw the request, and we will go to the vote with most of the Senators not having heard the debate.

The PRESIDING OFFICER. Does the Senator from Wisconsin withdraw his request?

Mr. NELSON. I withdraw my request.

The PRESIDING OFFICER. Who yields time?

Mr. NELSON. I yield myself 3 minutes.

First, I should like to say to the Senator from New Hampshire that I did not in any way suggest that the whip had been put to my highly regarded and respected friend, Mr. Rumsfeld. I simply said they came in here on December 17, 30 days ago, with zero for alcoholism; and for some reasons they are now expressing enthusiasm they did not have then.

It may well be that he has been enthusiastic all along, and the Bureau of the Budget was not, or someone else. I cannot account for that. I know the Senator from New Hampshire himself is sincerely dedicated to helping resolve this problem.

But there is more to it than that. It is not just the alcoholism and drug abuse programs. For example, we put $770 million in the bill for work and training. If it is not earmarked, they can take the whole $770 million and abolish work and training, if they want to. They can reach down here and take funds from Mainstream and New Careers. I happen to have been the author of the Mainstream amendment—one of the finest working aspects of the whole program, where everyone in the country, whether liberal or conservative, supports the amendment at the local level. Green Thumb operates under it—a highly successful, widely endorsed program. They can knock out that whole program, and there are those who oppose it. There are those who do not want to take advantage of a program such as Green Thumb, enabling older citizens to earn $1,500 working in city parks, village parks, or on highway beautification, so that they can make enough money so they do not have to go on relief. This program was opposed in the Labor Department by the past administration; I had to fight my way to get it.

They can knock out Mainstream; they can knock out New Careers. They do not have to spend a penny on them. They could knock out Headstart, or, if they did not dare do that, they could cut it in half. They could cut the Follow Through program, $78 million. Or Legal Services; there are a lot of people unhappy about that; they could knock out $50 million there. Health services, Senior Opportunities—all these things we have debated and conducted extensive hearings on.

The PRESIDING OFFICER. The Senator's 3 minutes have expired.

Mr. NELSON. I yield myself 2 more minutes.

They can be wiped out or substantially modified, in any fashion they desire.

It seems to me, when we gave them sufficient flexibility, that we have not tied their hands. We gave them more, as I say, than we gave the last administration. They can add as much as $120 million or $130 million to some of these programs, by adding up to 35 percent to a program and taking a maximum of 10 percent from other programs. Nobody's hands are tied. They have the opportunity to develop new programs, and take $75 million, as I said previously, of unearmarked money. As to this argument about family planning, I would be happy to support——

Mr. COTTON. Mr. President, will the Senator yield for a quick question?

Mr. NELSON. I yield.

Mr. COTTON. Will the Senator tell us which programs he advocates taking money away from?

Mr. NELSON. I do not advocate taking money away from anybody. We decided we did not want too much earmarking, and that we would say to Mr. Rumsfeld, "You can take 10 percent from any program you want to. You can accumulate as much as 35 percent of the total in any program. So if you have a $100 million program, and you would like it to go to $135 million without coming back to Congress, you take some money from places where you think it should not be spent, or too much is being spent, you add $35 million to the $100 million program, and you have got your $135 million."

We did that to give the administrator of the program flexibility that we had declined in the past to the previous administration.

Mr. BYRD of West Virginia. Mr. President, will the Senator yield me 2 minutes?

Mr. NELSON. I yield 2 minutes to the Senator from West Virginia.

Mr. BYRD of West Virginia. Mr. President, I understood the able Senator from New Hampshire to say earlier that if the earmarking of funds for programs for alcoholic counseling and recovery and for drug rehabilitation as proposed by the Senator from Wisconsin prevailed, the allocation of moneys for family planning might suffer.

Mr. President, I think that one of the matters of utmost concern, or that should be of utmost concern to Members of the Senate and the House of Representatives and the people of the country, is the subject of family planning. I hope to offer an amendment to the amend-

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ment offered by the able Senator from Wisconsin, which would earmark family planning funds also.

I very strongly endorse and support the position of the Senator from Wisconsin. At the same time, I would not want to see family planning funds made to suffer. So I intend to offer an amendment which would earmark funds also for family planning. Of course, when the time is up, there will be no time to debate my amendment to his amendment; but I wish to put the Senator on notice that it is my intention to offer such an amendment.

In the District of Columbia, if I recall correctly the figures as I last read them when I was chairman of the Appropriations Subcommittee on the District of Columbia, six mothers on the ADC welfare caseload had 61 illegitimate children on welfare. That is 10 apiece and one thrown in for good measure. There was another group of 10 mothers with 90 illegitimate children, nine each, all on welfare. Another group of 21 mothers had 168 illegitimate children on welfare. This would be eight for each mother.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. BYRD of West Virginia. Will the Senator yield me 1 additional minute?

Mr. NELSON. Yes.

Mr. BYRD of West Virginia. Forty-two percent of the ADC caseload in the District of Columbia was illegitimate. This statement is not made with criticism directed to the illegitimate child. The child cannot help its status.

But we have to do something in this country to confront this problem. We cannot stand idly by and just sweep it under the rug. It seems to me that if we can appropriate more money for family planning, which can be wisely spent, we will be doing something constructively about this problem, which is becoming more and more serious in this country.

So it will be my plan to offer an amendment to earmark family planning moneys also, along with the moneys that will be earmarked by the Senator's amendment.

Mr. BAKER. Mr. President, I would like to speak very briefly in support of part II of the House amendment to Senate amendment 83 and in opposition to the amendment offered by the distinguished Senator from Wisconsin.

As is occasionally the practice in this body, I think we have successfully obscured the issue at question with a lot of conversation about intrigue in the conference committee. If, as the Senator from Wisconsin said yesterday, the conference was unaware of the substance of Congressman MICHEL's amendment, we should not be looking at this bill but at the conference system itself.

The truth is that the committee on conference knew exactly what it was doing. And Congress has waived OEO earmarking provisions in the last 2 fiscal years through exactly the same mechanism: an appropriation bill.

The issue is very simply whether the President and the Director of the Office of Economic Opportunity will be allowed sufficient flexibility to operate the agency in an imaginative way. The amendment of the Senator from Wisconsin would lock the agency in to programs that have been largely discredited. The House amendment to the Senate amendment would permit the development of new and hopefully effective programs.

Any effort to depict a vote for the House amendment as a vote against poor Americans, a vote against compassion, a vote against reordering priorities, a vote against the future of our country is simply not the situation as this Member of this body sees it.

The money appropriated will be spent, and it will be spent on programs to alleviate the problems of low-income human beings. What is really at issue is the age-old question of whether social progress is measured by the quantity of tax revenue poured into a problem area or whether progress is measured by forward movement from one position to another in a direction useful to those receiving assistance.

I hope that Mr. Rumsfeld and his excellent organization will be given an economic opportunity to develop that kind of effective programs that have generally eluded the poverty programs in the past.

Mr. DOLE. Mr. President, I apologize for having been unable to be on the floor yesterday at the time the distinguished Senator from Wisconsin discussed his proposed amendment to restore earmarking to the OEO appropriations. However, I did read the Senator's remarks in the RECORD—and those of some of my other colleagues—and was somewhat surprised that the Senator feels that OEO or persons representing that agency are responsible for what the Appropriations Conference did on earmarking.

It does little good to fix responsibility on OEO. Whatever the conference did—good, bad or indifferent—was done by our colleagues who represented us on the conference. Whatever was accomplished, was accomplished with the consent of our colleagues. OEO does not have a vote in either House. OEO is not enabled to sit in on a conference. In essence, our conferees could have rejected the move to delete the earmarking; they did not.

So it does little good for any Member of this body, no matter how upset over a legislative happening, to point the finger of blame at a person, or persons unknown, in a Federal agency. We are responsible for our own actions and, hopefully, our actions will always be responsible.

The PRESIDING OFFICER. Who yields time?

Mr. COTTON. Does the Senator wish to yield back the remainder of his time?

Mr. NELSON. Do I have 2 minutes remaining?

The PRESIDING OFFICER. The Senator from Wisconsin has 2 minutes remaining.

Mr. COTTON. How much time do I have?

The PRESIDING OFFICER. The Senator from New Hampshire has 8 minutes remaining.

Mr. COTTON. I yield myself 2 minutes.

I commend the distinguished Senator from Tennessee for his statement. He is perfectly correct in saying that the members of the conference committee—of the Appropriations Committees of the House and Senate—did know what they were doing. They were doing the same thing that was done in fiscal 1968 and fiscal 1969. They were taking action—because a cut of $100 million was being placed on this agency—to enable the agency to spread the remainder of the money over the programs where they were most needed and not freeze them into existing programs.

I wish to reiterate that, without his intent to do so, in my humble opinion, the amendment offered by the distinguished Senator from Wisconsin will work against adequate financing for a program on alcoholism and narcotics because they are new programs and because money will be frozen to a great extent into existing programs.

I wish to reiterate that the adoption of this amendment would destroy the very highly justifiable and commendable project of the administration in seeking at the battle front, out in the States and in the cities, to test the programs and to shed those that are not good investments and to promote those that are.

I wish to emphasize particularly that maximum limits are always the function of legislative committees but minimum limits are a part of the function of the Appropriations Committee. We studied this matter. The Senator from Washington and the Senator from New Hampshire sat day after day listening to the evidence on this bill, and I am confident that what we are doing is for the best interests and the effectiveness of this agency.

Finally, I want to remind the Senate that this morning I stated on the floor of the Senate, with the authority of Mr. Rumsfeld, the Director of OEO, that he is and has been keenly aware of this matter, and it is his intention to devote all the money that can be effectively devoted and is available to the program against alcoholism and the program against drug addiction. We may depend upon that as his policy.

I yield to the Senator from Illinois.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. COTTON. All my time?

The PRESIDING OFFICER. The Senator has 6 minutes remaining.

Mr. COTTON. I yield 2 minutes to the Senator from Illinois.

Mr. PERCY. Mr. President, I am very pleased to hear the summary comments by the distinguished Senator from New Hampshire, and I wish to associate myself with his position on this matter. I will support the administration.

I know from firsthand conversations with the Director of OEO his dedication to the programs of alcoholism and drug abuse. There is no question that he feels these are good programs and is going to support them fully. There is no shrinking from this whatsoever. He does feel—and I feel very strongly, indeed—that once the executive branch hands have changed and the mandate of the people has been such that we have a new executive branch, that the new administration should not be held to rigid lines of the past administration. The new administration should be enabled to carry forward and be held responsible for their own programs with new guidelines. This is what the administration and Don Rumsfeld want to do with OEO. They want it to become an innovative and creative department. They want to test new programs and transfer proven programs to existing agencies that can carry on and administer these programs.

For this reason, I feel they should have the maximum flexibility in the administration of OEO.

I should also like to have printed in the RECORD a reply to my good friend from Wisconsin (Mr. NELSON) on the comments he and others made about the Director of OEO yesterday on the floor of the Senate. I just heard about those comments. I am sorry I was not present in the Chamber when they were made. But, I have such a personal and long-time association with Director Don Rumsfeld, and know intimately his thinking on the things he has been doing during this past year, that I should like at this point to make such a reply.

Mr. President, I was pleased to note the comments of the distinguished Senator from Wisconsin (Mr. NELSON) yesterday in which he said that he was "an admirer of Mr. Rumsfeld, Director of OEO. I think he is a fine public servant and an able fellow." I was distressed therefore when at the same time certain allegations have been made that OEO has engaged in "a rather sneaky procedure" on this appropriations bill before us. It is stated that an amendment was surreptitiously added to the conference report to eliminate the earmarking of poverty funds.

All of us here know the Director of OEO. We know he is an honorable man who would not tolerate the type of activities that have been charged against his agency. I do not know all the facts surrounding enactment of the House amendment but I have faith that what was done was done with the best interest of the poverty program and the poor in mind.

The poor need all the friends they can get. We who favor OEO, its principal programs and the work it is doing can ill afford to weaken our own ranks. At this point I would like to make some comments about the amendment now being considered, only 4 months remain in this fiscal year. If funds were to be earmarked for OEO, our efforts to help the poor could in my judgment be further harmed. If we were to enact an earmarking provision we could be in danger of forcing OEO to misallocate funds, forcing them to spend funds on lower priority areas. Therefore, I oppose the Nelson amendment.

Let me make it clear, I do not intend my vote to be interpreted as indicating that I favor granting blank checks to any department or agency in the expenditure of funds. We in the Senate have competency to determine how money should be spent and I commend the Labor and Public Welfare and Appropriations Committees for the excellence of their work. My vote here against the Nelson amendment shall in no way control how in this area I will vote on earmarking in the future. But, in order to avoid the misuse of funds, I believe that with only 4 months remaining OEO is in the best position to spend funds most effectively.

I would hope, however, the OEO will commit as much money as can feasibly and responsibly be spent on the development of an alcoholism and drug program as proposed by Senators HUGHES and DOMINICK. I would also hope that the agency would continue its work on the rural poverty program suggested by Senator PROUTY.

Mr. NELSON. Mr. President, I yield myself 2 minutes.

The PRESIDING OFFICER (Mr. ALLEN in the chair). The Senator from Wisconsin is recognized for 2 minutes.

Mr. NELSON. I would be very happy to discuss this matter with the distinguished Senator from Illinois.

Mr. PERCY. Let me say to the Senator from Wisconsin that I will be very happy to discuss this with him.

Mr. NELSON. I hope that the Senator will read the RECORD before he puts his reply in. I never said that the Director of the OEO sneaked in any amendment any place, any time, so that I would hope the Senator would read the RECORD and then if he has any comments to make, then, fine.

Mr. President, let me say to the Senator from Illinois, he says we have a new administration and that we should not be tied by the rigidities of the past administration.

I should like to call attention to the fact that we took every single program offered and requested by the new administration and earmarked it in the budget—every one of them. We added two, drugs and alcoholism. That is all. So when the Senator from Illinois says that we are being tied by the rigidities of the past administration, I emphasize that we took everything the administration asked for and then, in order to give flexibility, gave them the flexibility that Congress refused to give in the previous administration. We gave them $160 million of free flexibility so that they could transfer it overall, either for old or new programs, add to, or subtract. We gave them the $25 million unearmarked effective the first of the year. We gave them almost a quarter of a billion dollars—$240 million for the second year. There is more flexibility in this bill by far than the Democrats in Congress ever gave in the last administration.

I favored it. I supported it. We agreed upon it. So, just for the record, we gave the administration every category it asked for. We gave them considerable flexibility.

For instance, as to the family planning program, I will point out that they can get the $18 million in this budget earmarked, which is $3 million more than they came to my committee and asked for. They asked for $15 million. They can get $18 million. If they want to go to $22 million—but they changed their requirements when they got to the House. We gave them $15 million free money and they can take 4 and go to 22 or if they want to, they can go to 30. We have $75 million unearmarked. They can take it. So, that argument has no validity whatsoever.

The PRESIDING OFFICER. All time of the Senator from Wisconsin has now expired.

Mr. BYRD of West Virginia. Mr. President——

Mr. COTTON. Mr. President, how much time do I have left?

The PRESIDING OFFICER. The Senator from New Hampshire has 2 minutes remaining.

Mr. COTTON. Mr. President, I simply want to emphasize, for the benefit of those Senators who have just come into the Chamber, that it was not done at the request of the administration or at the request of the OEO. This action was taken by the conferees. It was taken because the conferees were cutting $100 million from the appropriation in order to enable the agency to stretch the remainder where it was most needed. It was adopted as a compensating factor for the reduction.

That is the whole story in a nutshell.

Mr. President, I yield back the remainder of my time.

Mr. BYRD of West Virginia. Mr. President, I call up an amendment at the desk and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

> *Provided further*, That of the sums appropriated, not less than $22 million shall be used for the family planning program.

Mr. BYRD of West Virginia. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

The PRESIDING OFFICER. All time has now expired on the amendment.

The question is on agreeing to the amendment of the Senator from West Virginia (Mr. BYRD) to the amendment of the Senator from Wisconsin (Mr. NELSON) to the second part of the House amendment to the Senate amendment in disagreement numbered 83.

On this question the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. KENNEDY. I announce that the Senator from Indiana (Mr. BAYH), the Senator from Idaho (Mr. CHURCH), the Senator from Tenneseee (Mr. GORE), the Senator from Alaska (Mr. GRAVEL), the Senator from South Carolina (Mr. HOLLINGS), the Senator from Minnesota (Mr. McCARTHY), and the Senator from South Dakota (Mr. McGOVERN) are necessarily absent.

I further announce that the Senator from Maryland (Mr. TYDINGS) is absent on official business.

Mr. GRIFFIN. I announce that the Senator from Hawaii (Mr. FONG), the Senator from New York (Mr. JAVITS), the Senator from Maryland (Mr. MATHIAS), and the Senator from Kansas (Mr. PEARSON) are absent on official business.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

If present and voting, the Senator

from Hawaii (Mr. **Fong**), the Senator from Kansas (Mr. **Pearson**), and the Senator from South Dakota (Mr. **Mundt**) would each vote "nay."

The result was announced—yeas 49, nays 38, as follows:

[No. 3 Leg.]

YEAS—49

Allen
Anderson
Bible
Burdick
Byrd, Va.
Byrd, W. Va.
Cannon
Cranston
Dodd
Eagleton
Eastland
Ellender
Ervin
Fulbright
Goodell
Harris
Hart
Hartke
Hatfield
Holland
Hughes
Inouye
Jackson
Jordan, N.C.
Kennedy
Long
Magnuson
Mansfield
McClellan
McGee
McIntyre
Mondale
Montoya
Moss
Muskie
Nelson
Packwood
Pastore
Pell
Proxmire
Randolph
Ribicoff
Sparkman
Spong
Symington
Talmadge
Williams, N.J.
Yarborough
Young, Ohio

NAYS—38

Aiken
Allott
Baker
Bellmon
Bennett
Boggs
Brooke
Case
Cook
Cooper
Cotton
Curtis
Dole
Dominick
Fannin
Goldwater
Griffin
Gurney
Hansen
Hruska
Jordan, Idaho
Metcalf
Miller
Murphy
Percy
Prouty
Russell
Saxbe
Schweiker
Scott
Smith, Maine
Smith, Ill.
Stennis
Stevens
Thurmond
Tower
Williams, Del.
Young, N. Dak.

NOT VOTING—13

Bayh
Church
Fong
Gore
Gravel
Hollings
Javits
Mathias
McCarthy
McGovern
Mundt
Pearson
Tydings

So the amendment of Mr. **Byrd** of West Virginia to Mr. **Nelson**'s amendment was agreed to.

The PRESIDING OFFICER. The question recurs on agreeing to the amendment of the Senator from Wisconsin (Mr. **Nelson**), as amended, to the second part of the House amendment to the Senate amendment in disagreement numbered 83. On this question the yeas and nays have been ordered and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. KENNEDY. I announce that the Senator from Indiana (Mr. **Bayh**), the Senator from Idaho (Mr. **Church**), the Senator from Tennessee (Mr. **Gore**), the Senator from Alaska (Mr. **Gravel**), the Senator from South Carolina (Mr. **Hollings**) the Senator from Minnesota (Mr. **McCarthy**), and the Senator from South Dakota (Mr. **McGovern**) are necessarily absent.

I further announce that the Senator from Maryland (Mr. **Tydings**) is absent on official business.

I further announce that, if present and voting, the Senator from Indiana (Mr. **Bayh**), the Senator from Alaska (Mr. **Gravel**), and the Senator from Maryland (Mr. **Tydings**) would each vote "yea."

Mr. GRIFFIN. I announce that the Senator from Hawaii (Mr. **Fong**), the Senator from New York (Mr. **Javits**), the Senator from Maryland (Mr. **Mathias**), and the Senator from Kansas (Mr. **Pearson**) are absent on official business.

The Senator from South Dakota (Mr. **Mundt**) is absent because of illness.

If present and voting, the Senator from Hawaii (Mr. **Fong**), the Senator from Kansas (Mr. **Pearson**), and the Senator from South Dakota (Mr. **Mundt**) would each vote "nay."

The result was announced—yeas 47, nays 40, as follows:

[No. 4 Leg.]

YEAS—47

Allen
Anderson
Bible
Burdick
Byrd, Va.
Byrd, W. Va.
Cannon
Cranston
Dodd
Eagleton
Ellender
Ervin
Fulbright
Goodell
Harris
Hart
Hartke
Hatfield
Hughes
Inouye
Jackson
Jordan, N.C.
Kennedy
Long
Magnuson
Mansfield
McClellan
McGee
McIntyre
Mondale
Montoya
Moss
Muskie
Nelson
Pastore
Pell
Proxmire
Randolph
Ribicoff
Sparkman
Spong
Stevens
Symington
Talmadge
Williams, N.J.
Yarborough
Young, Ohio

NAYS—40

Aiken
Allott
Baker
Bellmon
Bennett
Boggs
Brooke
Case
Cook
Cooper
Cotton
Curtis
Dole
Dominick
Eastland
Fannin
Goldwater
Griffin
Gurney
Hansen
Holland
Hruska
Jordan, Idaho
Metcalf
Miller
Murphy
Packwood
Percy
Prouty
Russell
Saxbe
Schweiker
Scott
Smith, Maine
Smith, Ill.
Stennis
Thurmond
Tower
Williams, Del.
Young, N. Dak.

NOT VOTING—13

Bayh
Church
Fong
Gore
Gravel
Hollings
Javits
Mathias
McCarthy
McGovern
Mundt
Pearson
Tydings

So Mr. **Nelson**'s amendment was agreed to.

Mr. NELSON. Mr. President, I move to reconsider the vote by which amendment was agreed to.

Mr. KENNEDY. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. Without objection, House amendment to Senate amendment numbered 83 as amended is concurred in.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Hackney, one of its reading clerks, announced that the House had passed, without amendment, the bill (S. 476) for the relief of Mrs. Marjorie Zuck.

The message also announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H.R. 1697. An act for the relief of Jack Brown;

H.R. 7161. An act for the relief of Leonard N. Rogers, John P. Corcoran, Mrs. Charles W. (Ethel J.) Pensinger, Marion M. Lee, and Arthur N. Lee; and

H.R. 9488. An act for the relief of Mrs. Ruth Brunner.

HOUSE BILLS REFERRED

The following bills were severally read twice by their titles and referred, as indicated:

H.R. 1697. An act for the relief of Jack Brown; and

H.R. 9488. An act for the relief of Mrs. Ruth Brunner; to the Committee on the Judiciary.

H.R. 7161. An act for the relief of Leonard N. Rogers, John P. Corcoran, Mrs. Charles W. (Ethel J.) Pensinger, Marion M. Lee, and Arthur N. Lee; to the Committee on Agriculture and Forestry.

DAVID O. McKAY

Mr. BENNETT. Mr. President, I send a resolution to the desk, and ask for its immediate consideration.

The PRESIDING OFFICER. The resolution will be read.

The assistant legislative clerk read the resolution (S. Res. 314) offered by Mr. **Bennett** (for himself, Mr. Moss, and Mr. **Mansfield**), as follows:

S. Res. 314

Resolved, That the Senate has learned with great sorrow and regret of the death of David O. McKay, late president of the Church of Jesus Christ of Latter-day Saints.

Resolved, That as a token of its respect and admiration for his long and dedicated service as humanitarian, missionary, church leader and president of the church, the Senate hereby expresses its sincere sympathy and sorrow at his passing to his beloved wife and family and to those people around the world for whom he was a great spiritual leader.

Resolved, That as a further mark of respect to the memory of President McKay, the Secretary of the Senate is directed to transmit a copy of this resolution to the family and to church headquarters in Salt Lake City.

The PRESIDING OFFICER. Without objection, the Senate will proceed to the consideration of the resolution.

The Chair recognizes the Senator from Utah.

Mr. BENNETT. Mr. President, I wish to inform the Senate that this resolution has been cleared with the leadership on both sides, and I am sure there will be no objection to it.

Mr. McKay was one of the great religious leaders of our time. He was a part of the governing body of the Latter-day Saints Church since 1936, representing nearly two-thirds of a century of service.

I consider myself very fortunate because he was one of the close personal friends of my father and was, therefore, in and out of my home as long as I can remember. He came to the presidency of the church just a few weeks less than 20 years ago.

He was a teacher before he entered that service, and the president of a junior college, and was one of the greatest and most inspirational speakers we have ever had in Utah.

Under his direction, during these past 20 years, the church he headed has more than doubled in size. In fact, it can be said that more than half of the members of the church have never known any other head except David O. McKay.

That he lived to be 96 is in itself remarkable; and I can say from personal experience that until very recently he had the mental and spiritual vigor to carry the responsibilities of his great office in spite of his age.

His passing leaves a real void in the lives and hearts of the members of the church he headed, two-thirds of whom, probably, live in the United States. The church membership is now nearing 3 million, and I think it is fitting that the Senate should express this respect for him. Three Members of this body, my colleague (Mr. MOSS), the Senator from Nevada (Mr. CANNON), and I, are members of the church. Two members of the President's Cabinet have the same privilege.

Mr. President, I am sure the Senate will approve the resolution.

Mr. MOSS. Mr. President, I am happy to join my colleague in sponsoring the resolution now before the Senate, and I certainly hope that it will be adopted promptly.

I echo what Senator BENNETT has said concerning the life of President David O. McKay. He was not only revered by all of the members of the LDS Church, but I think widely throughout the State of Utah and all the Western States of the United States, where he was best known, he was held in the highest respect in regard by all people, regardless of religious affiliation.

He enjoyed, during his lifetime, the acquaintance, the confidence, and indeed the friendship of high officials of the U.S. Government, including the current President of the United States, President Johnson before him, President Kennedy before him, and on back during the tenure that President McKay held as president of the LDS Church. He was invited to come to the White House and spend a full day and an evening with President Johnson shortly after he was inaugurated. I had occasion to be present there during a part of that visit, and I can say that there was the greatest of confidence, rapport, and response between those great men during that time, and I am sure during all of the time that President McKay held his position, when he was in constant touch with the President of the United States.

So I think it is fitting indeed that this body take note of his passing at a very venerable age, and express our sorrow at his passing, but our great admiration and affection for this leader in modern times of a caliber that is unequaled and unsurpassed in our time.

The PRESIDING OFFICER. The question is on agreeing to the resolution.

The resolution was unanimously agreed to.

THE DEMOCRATIC RECORD

Mr. SCOTT. Mr. President, I noted with interest the remarks of the majority leader to the Democratic Conference, inserted in the RECORD yesterday—with interest and a little sadness.

Interest, because he indeed touches on some things that affect all of us. Sadness, because a curtain of good resolutions conceals all that has not been done by the majority in Congress during their sway over the decade of the spendthrift sixties.

Mr. President, the majority leader touched on many things he tells us the Democrats in the Senate must insist upon.

I agree with him.

I think the Democratic majority in the Senate should have been insisting on these things for the last decade—before they got out of hand in 1966, 1967, and 1968.

I would like to ask: Where was the Democratic majority from the beginning of 1961 to the end of 1968 when they had control of the White House and both Houses of Congress?

Where were they when the national priority was to expand the war in Vietnam?

Where were they when their concept of priority was to devise and push through a whole series of poorly planned, poorly executed, but lavishly financed trickle-down welfare programs known euphemistically as the war on poverty?

Again, I ask, where were the Members of the majority party when their leaders were sowing the seeds of inflation on the grounds that "a little inflation is a good thing"?

The old, the sick, the disabled, and the returning veterans need an answer to that question.

Mr. President, I eagerly welcome the change in the attitude of the Democratic Party.

I welcome them to the battle for peace—a battle which a Republican President is waging and winning.

I wish to remind them that today the young men sent abroad under a Democratic President are being brought home by a Republican President.

I welcome them, too, to the war on crime, a crime war which was almost lost during the 1960's. I remind them that a Republican Attorney General is cracking down on organized crime and remind them also that a Republican President has sent a dozen crime bills to the Congress—and the Democratic majority of this Congress has not yet helped us enact a single one of them into law.

I welcome them, also, to the effort to reform welfare. For a generation, we have had more and more of the same old unsuccessful welfare that discouraged work, divided families and brought about the concept by some that welfare is a right and that work is for suckers.

I am just a little confused, however, about one thing—the majority leader's reference to foreign policy spending. Surely he does not imply that in our diplomatic dealings with the nations of the world, $398 million—the size of the State Department budget—is an exorbitant figure.

Mr. President, it is true that this administration has not yet halted inflation, although the Executive end of the Government is assuming its part of the responsibility. The inflationary actions of 8 years cannot be halted overnight without drastic effects on our economy.

And, in fact, they cannot be halted at all if this Democratic-controlled Congress does not give some thought to fiscal responsibility, if it does not recognize that appropriations increased to keep up with inflation only fuel that inflation; that it does no good to increase funds for health professions—which this administration has done—if inflation eats up the increase; that it does no good for the President to sign a social security increase if inflation nullified that increase; that it does no good to spend more and more if the spending only results in less and less for a person's money.

The President knows this.

I am sure that every Member of this body knows it.

If, in truth, we do, it is time now to reorder our priorities, to quit putting politics first and put the welfare of the entire Nation first, to recognize that today the No. 1 priority is control of inflation.

If we can control inflation, then we can get on in a meaningful fashion with the great job of improving the quality of life for all Americans.

If the majority insists on spending more of the public moneys than the Government has, the people will pay more and more to buy less and less with the money the Government leaves in their hands.

If we do not control the inflation's thieving from the private purse, the quality of American life can only deteriorate—and all the rhetoric of the majority party will not change that fact.

Mr. KENNEDY. Mr. President, will the Senator yield?

Mr. SCOTT. I am happy to yield.

Mr. KENNEDY. Since I happen to have been present on the floor at this time, when the distinguished minority leader chose to respond to the majority leader, I feel that some reply is in order.

I am aware, as is every Member of this body, that the majority leader is always prepared to speak for himself, and I would certainly not presume at this time to enter any plea in his behalf. But I am, as a fellow Member, somewhat distressed that these remarks of the distinguished minority leader would take place at a time when the majority leader is not present. As I think all of us are aware, the majority leader spends a great deal of time on the floor of the Senate, perhaps more than any other Senator, but was called into a conference with the House majority leader, where he is at the present time.

So I must say that I am somewhat distressed, particularly since I found the tone of the leader's remarks which were inserted in the RECORD yesterday, were made in the most positive and constructive way and were virtually free from any partisanship. As a member of the leadership, I find myself in agreement, and I believe every other Member on this side of the aisle does who listened to the remarks when the matter was open for discussion yesterday. His sentiments certainly expressed the will of the Democratic caucus.

So I say to my distinguished friend, the minority leader, that we are prepared on this side of the aisle—I am sure the majority leader is—to debate or discuss these matters at any time and to any extent that the minority leader desires.

Some of these matters have been brought up, and talked about, and debated at some length during the past 2 days—including the whole question of the causes of inflation. The administration and its Capitol Hill spokesmen, have attempted to label this Congress as reckless spenders who add to the fires of inflation, when the fact is that we actually appropriated less than was requested by the administration, $5½ billion less.

I note the distinguished Senator from Arkansas has entered the Chamber, which reminds me of one of the matters which is of the greatest importance, and which the administration has been committed to, is the whole question of organized crime.

The distinguished majority leader will respond if he feels it is necessary. I feel that his statement speaks for itself. I do not know whether he would want to respond to the Senator from Pennsylvania. But I am sure that if he does desire to do so, we will take the opportunity to give sufficient notice to the distinguished minority leader, so that the minority leader could at least be present and respond in any way he felt was necessary. This would be the smallest of courtesies which might be expected.

Mr. SCOTT. Mr. President, when the distinguished majority leader advised me of his report to the conference yesterday, he handed me the report just before he made it, so that I had no opportunity at that time to prepare some comments; and they naturally do take some time. I did submit it to a representative of the distinguished majority leader, in advance—very briefly in advance, but in advance.

The distinguished assistant majority leader is aware that we only make our speeches when we can get recognized. I have been waiting around a good part of the morning during the debates. Perhaps he has missed the temper of what I said. I was congratulating the distinguished majority leader upon a resolution expressed to the conference that certain very good things be done—that we get on with the business, that we bring up the bills, that we act on the bills. I said—which I believe is fair comment—that much of this might have been done during the decade of what I had called the spendthrift sixties.

I think it is entirely fair comment, when a party is in control of a legislature, that that party's actions or failure to act be submitted to public view in fair and full disclosure at any time. The tone of what I say is not malicious or bitter or unfairly critical. It is simply an attempt not to let go unnoticed or uncommented upon a statement of yesterday which does seem to imply that perhaps the executive department should have been sending up these bills earlier than they did.

I am glad that we are about to consider the organized crime bill. The message of the President on that matter came up last May. There is no criticism of our committee in that regard. The hearings have been held. A great deal of diligent work has been done. The report and the bill are the outgrowth of a bipartisan attempt to meet one of the most dangerous situations confronting the Nation.

I simply suggest that it is not enough to say piously that we cut this or we cut that, when every American who has to meet a grocery bill is fully aware that Congress has been controlled by the Democratic Party for a decade, that during that decade inflation has run rampant, that during that decade the cost of living has gone up, that during that decade the housewife has paid more at the supermarket regularly for something; and I was suggesting that the "something" consists in very large part of the heavy Government expenditures, and I do not think that either political party ought to be allowed to have it both ways.

Mr. KENNEDY. Mr. President, will the Senator yield?

Mr. SCOTT. I should like to finish my thought.

If a political party—in this instance, one of our two great parties, the Democratic Party—has asserted over the decade that they have done magnificent things for the American people—they have appropriated this, they have appropriated that, they have spent money for everybody conceivable in America and every group and every organization and every possible fragment of the electorate—that is all right; that is part of the business of government. But they cannot turn around and say, "We spent more than any other party could spend," and then say, "We refuse to take responsibility for the consequences of overspending." The consequences are inflation, and inflation is the thief of every person's pocketbook.

I yield.

Mr. KENNEDY. The distinguished minority leader pointed out the price index increase. Looking at the period of the last decade, it is interesting that the price index increased during the last year, since the minority party here assumed the responsible position of Chief Executive, more than during any other similar period of time.

The majority leader's remarks did not allege that this was the greatest Congress in history, although I personally feel that the legislative achievements during the sixties, from any fair historical basis, will stand up with any other period of time.

The fact remains—and then I will conclude my comment—that the time comes when the party which in seeking the responsible positions of leadership talked about and promised new and different concepts and leadership ability, has to begin to bear the responsibilities for the failures of their own leadership, they cannot always be looking back and finding new stalking horses on which to place the blame for their failures. As the Senator is fully aware, the American people, in the course of the fall elections, will have the opportunity to speak on whether that delegation of executive leadership was wise.

The period of the early 1960's, in terms of inflation, was one of the most stable periods in the history of this country. We had a greater period of economic growth and prosperity and less inflation than perhaps any other similar period in the history of our country, and that statement remains unchallenged. Now we are going through an extraordinary inflationary spiral, and I think we are all distressed by it.

Mr. SCOTT. Mr. President, may I perhaps, hopefully, conclude this particular dialog by referring to the word "momentum." I do not want to let the challenge go unchallenged. I do challenge the statement that in the last decade there was not in fact a great inflation, because the figures bear out that there was. At some point it was slower than others, but we have had for 10 years a great inflation period. This administration caught this inflation on a downhill slide. It entered the inflation at a time when the momentum was terrific. It has vigorously been seeking to apply the brakes, as the entire Nation is indeed well aware. As the President's attitude on the HEW-Labor bill indicates, he intends to try to continue the brake on inflation.

Surely we cannot turn around and set aside, within 1 year, the damage which has been done to the economy during the past 10 years.

That is the only point I am trying to make.

These are all very fair and just arguments. I assume that they will continue from time to time.

I do say that we intend to hold the feet of the majority to the fire on this question.

Can we have it both ways? Can we say we did so many great things for the American people, all of which costs money, and then deny that in the course of doing so, they have loosed the fearful forces of inflation upon the country, which we are now trying to stop?

Mr. KENNEDY. The facts belie the statement of my good friend, the distinguished minority leader.

As has been brought out by the distinguished Senator from Washington (Mr. MAGNUSON) and by others, the moneys actually appropriated this last year were less by some $5.6 billion than those which were actually requested by the administration. Those facts remain uncontested. They exist in all the records books and journals. They are facts put forward to this body by the appropriating committee.

I understand how the administration is having difficulty now in controlling the fires of inflation. There have been those who felt that the administration should have taken stronger action earlier to meet the problem. There are also those who reminded us that in the early 1960's we had a President who brought together the steel companies and the labor unions and halted an increase in steel prices.

Now we have a greater increase in the price of steel this past year than during the whole period of the 1960's and we find no Executive action taken.

We see a Democratic President in the middle 1960's bringing together the automobile companies and bringing about a turnaround to a reduction in an anticipated increase in the price of automobiles, one of the key economic indicators.

I am sure that the housewives of this country are beginning to wonder when they will have a President who will bring the great power, influence, and prestige of the most important office in this land to bear upon the problem of inflation.

The distinguished minority leader talks about housewives. I believe that they are best able to judge when prices have been most dramatically affected. Thus, I am not prepared to allow my good friend and colleague from Pennsylvania to go unchallenged when he says that this is a matter which is now the responsibility of the Democratic Party. As he has stated it, the minority party will "put the feet of the Democrats to the fire." I think the majority leader's statement, on yesterday, clearly indicated that the Democratic Party will respond in kind, most especially on the subject of inflation. We think we know the score on that issue.

Mr. SCOTT. May I conclude by saying that the financing of the past year has been financing as a result of a Democratic Congress and not a Republican President, under a continuing resolution rather than under the action of the appropriative process.

If the Democratic Party had cooperated more strongly with the Republican President during this past year, the fires of inflation could have been banked. But as the distinguished Senator himself knows, because he just cast his vote on this particular bill, there is over $1 billion in that bill which the President says is inflationary. So I think that those who voted for the amendment, which is alleged to be inflationary, will have to assume the risk which the President has raised.

Mr. MANSFIELD. Mr. President, I shall not take up very much time of the Senate, but I have just seen the statement made by the distinguished minority leader and I must say that I find it most interesting.

He says he was touched with a little sadness about my remarks on yesterday, and so too am I touched with a little sadness about his statement today.

As I read his statement, I note that he thinks—so he says—the Democratic majority in the Senate should have been insisting on these things for the last decade—before they got out of hand in 1966, 1967, and 1968.

"I would like to ask"—he says—"Where was the Democratic majority from the beginning of 1961 to the end of 1968 when they had control of the White House and both Houses of Congress?"

In return, let me say to the distinguished minority leader that we were here in this body, passing good legislation—perhaps too much of it on occassion, but good legislation, nonetheless; legislation, I might add, designed for the benefit of the people of this country.

To be more specific, we were here looking after the health of the people, looking after the education of the people, trying to face up to the many injustices in our society, and to the many problems of the ghettos, trying to do something about the low-income groups and even trying to do something about air and water pollution. To that endeavor, I should say, we are not Johnny-come-latelies. So I reiterate, during that period we were right here devoting our efforts and our labor to the improvement of the quality of life for all Americans.

Next, the question is asked, "Where were they"—the Democrats—"when the national priority was to expand the war in Vietnam?"

Well, I cannot speak for every Member of this body, but I know where the Senator from Montana was. He was out in front on this question in opposition to the war. He thought it was a mistake in the first place and continues to look upon it as a national tragedy. My basic views have not changed one whit in that respect.

Then the question is asked, "Where were the Members of the majority party when their leaders were sowing the seeds of inflation on the grounds that 'a little inflation is a good thing?' "

I do not know to whom that quote can be specifically attributed. Certainly not to the leader of the Democrats in this body. Not to the Democratic Members of the Senate. None of us has ever felt that a little inflation was a good thing, any more than some people have felt that a little unemployment might be a good thing for the economy and for the avoidance of a recession.

This statement says that "The old, the sick, the disabled, and the returning veterans need an answer to that question."

May I say that they got their answer. They got it during the time the Democrats were in control of the White House and both Houses of Congress. In fact they got their answer yesterday when the Senate voted 74 to 17 to expand the programs and measures so vital to their welfare. I would hope the administration would find it possible to demonstrate this same concern for the old, the sick, the disadvantaged, the poor, and the disabled.

This statement then says: "I welcome them to the battle for peace—a battle which a Republican President is waging and winning."

To that I say Amen. I have commended President Nixon time and again for at least shifting the direction of our policy in Vietnam; of changing it to one of getting out from one of keeping us there. I have commended him further for the promulgation of the Nixon Doctrine announced at Guam which, I think, is a step in the right direction with respect not only to its application to the Pacific, but to the Western World and, in time, to Europe where we have 600,000 troops and their dependents as well ensconced at the present time, a quarter of a century after the war has ended.

I make no bones about my pleasure in seeing young men who were sent abroad under a Democratic President being brought home by a Republican. That is not a partisan observation. It is simply a statement of how I feel.

I would hope that efforts to end the killing not be reduced. I would hope that a reduction in forces in Europe would likewise get under way as rapidly as possible.

Then, I note the statement says, "I welcome them, too, to the war on crime, a crime war which was almost lost during the sixties."

I am not too sure that the crime war is won even today. In 1969, crime almost doubled in many areas. Here in Washington a year ago it was said that this was going to be a model city in which crime was to be faced up to and conquered.

If memory serves me correctly, the Senate District Committee has reported out every crime measure asked for by the President of the United States and the Senate has passed those proposals. In other words we have faced up to our responsibility. Today we are considering the organized crime control bill which I am proud to say has been handled to date magnificently by the senior Senator from Arkansas (Mr. MCCLELLAN). I hope this measure takes in aspects of unorganized crime as well. In any case, I am delighted that this well-thought-out bill is about to be discussed. I hope that we will act on it speedily and effectively. And as far as Democrats are concerned, we are prepared to give the President of the United States the weapons which he and his Attorney General say they need to win the fight against crime. We hope in turn that the administration will provide in timely fashion the specific proposals they seek and the necessary testimony and studies that are so vital to crime fighting legislation.

The statement goes on to say: "I welcome them, also, to the effort to reform welfare."

I am delighted that the welcome mat is out in this respect. But it seems to me that we as Democrats have already gone through the door on this issue; as I recall every effort in our history to improve welfare programs. I know of no legislation which has been led by Democrats. I doubt that they will take a back seat on any future issues. In that respect, I know of no legislation which has yet been brought to the floor of the Senate this year which would tend to enforce this particular allegation. This matter I am confident will receive the most careful study by the committee.

As for what has been brought to the floor in this area I do recall that we raised social security benefits by 15 percent rather than the 10 percent that had been previously recommended. I was glad to go on record in favor of that proposal as, I am sure, was the distinguished minority leader.

In all, I do think we have done a good deal to help the people of this country, but not enough. I would fault us, perhaps, for being at times too eager and too overanxious. Never, could I say, have we been unwilling.

Then the statement says: "I am just a little confused, however, about one thing—the majority leader's reference to foreign policy spending. Surely he does not imply that in our diplomatic dealings with the nations of the world, $398 million—the size of the State Department budget—is an exorbitant figure."

My friend, the Senator from Pennsylvania, knows better than to raise that kind of a strawman. Frankly I have never thought the State Department has received enough in the way of appropriations, nor do I think they receive enough now. But I do think that $130 billion spending on foreign aid in all parts of the world is rather exorbitant. That is what I meant. And I shall keep saying it until something is done.

I am glad to note that at least the Senate and Congress in general have acknowledged the fact and accordingly trimmed down and reduced these expenditures.

In that connection, I am advised that the Congress this year has reduced the foreign aid bill, which is still in Congress,

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by $1.1 billion, almost the exact amount which the Senate (in looking after the interests of the people at home) added to the Labor-HEW bill, which passed this body this afternoon.

I am glad that the distinguished minority leader points out that it is true that this administration has not yet halted inflation, although the Executive end of the Government is assuming its part of the responsibility.

Surely, as a Member of this body he ought to know that we have been facing up to our responsibility and that we have been responsible for a reduction in expenditures of well over $5.6 billion. The minority leader himself was a part of the cooperative effort that brought about the reduction in expenditures. I want to give him and my Republican colleagues full credit for facing up to their senatorial responsibility in trying to stem the fight against inflation. Cooperatively, we shall continue in this endeavor.

I would say that in 1968, the last year of a Democratic administration, the rate of inflation was 4 percent a year. In 1969, the first year of the present administration, the rate of inflation was 6.1 percent a year. And there seems to be no diminution in sight at the present time.

But I assure my distinguished colleague, the minority leader, that the Democrats will be in there pitching all the time, trying to help our colleagues and the administration to reduce expenditures and cut out the fat wherever possible, but never forgetting the needs of our people at home.

There are some other statements made here. The minority leader does not seem to be enamored of the social security increase, although I am quite sure he was one of those who voted for the 5 percent more than originally recommended. In my judgment, it was long overdue.

All in all, it is probably a good thing that the minority leader has brought these matters to the fore. It is a good thing that politics is not involved in his summary.

It is a good thing that the prime issues are laid out, issues such as inflation, the cost of living, pollution control. There are no matters more important.

I want to assure the distinguished minority leader that I really have not had a chance to look over his speech, except in a sparse manner. I certainly will study it to see that we give every consideration to his suggestions.

If we have been at fault, we will try to overcome our disabilities. We will do our best to try and make the President a good President by acting responsibly here. And we would anticipate that the kind of cooperation, coordination, and accommodation which existed between the Senators on both sides of the aisle last year, and between the Senate and the administration, would be continued this year. As I said yesterday, I believe the welfare of the country must always come first, the responsibility of the Senate second. And as far as the respective parties are concerned, they must come last.

Mr. GRIFFIN. Mr. President, will the distinguished majority leader yield very briefly?

Mr. MANSFIELD. I yield.

Mr. GRIFFIN. Mr. President, I want to assure the distinguished majority leader that although some of his remarks, I think, invite a response, perhaps this is not the time to go on and on with this kind of a debate, as interesting and as spirited as it has been. No doubt there will be an appropriate rejoinder at the appropriate time.

Mr. MANSFIELD. Mr. President, may I say that the year is young and, as a Member of this body, I do not intend to ever be accused of eating our young, and that applies equally to Democrats and Republicans.

THE WATER SUPPLY AT THE EVERGLADES NATIONAL PARK

Mr. HOLLAND. Mr. President, a great deal has been said regarding the water supply at the Everglades National Park and recently efforts were made on the floor of the Senate to delete funds to continue construction of the Central and Southern Florida Flood Control District until such time as the Departments of the Interior and of the Army reach an agreement to provide a guaranteed amount of water to the park.

I believe every possible effort is being made to provide sufficient water to maintain the ecology of the park. To substantiate my belief, I ask unanimous consent to have printed in the RECORD two articles appearing in the December-January 1970 issue of the Water Management Bulletin put out by the Central and Southern Florida Flood Control District. The first article is entitled "570 Billion Gallons Water Discharged to Everglades," and the second article is entitled "Senate Defeats Move To Curtail FCD Funds."

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the Water Management Bulletin, December–January 1970]

570 BILLION GALLONS WATER DISCHARGED TO EVERGLADES

The Everglades National Park underwent a very wet year during 1969 when 1,762,200 acre feet of fresh water was discharged into it by the Central and Southern Florida Flood Control District from the Florida Everglades Wilderness Areas to the north of the park.

Fresh water continuously poured into the park throughout the year, as during the previous year, as a result of abundant rainfall over southern Florida, the only source of water in this region.

The water poured into the area amounted to more than 574,477,200 billion gallons. This is the greatest flow into the park ever recorded. It was made possible because of the levees and canals constructed by the FCD to channel all flood waters away from the populous east coast and divert it to the national park.

As much of the water as possible is conserved by the FCD in its Everglades Wilderness areas and Lake Okeechobee for use during dry periods. The amount supplied to the park during the year would have supplied the City of West Palm Beach for approximately 90 years.

This is the third year, out of the past four, that the FCD has given Everglades National Park more than a million acre feet of water, four times the annual total requested by the Park as a minimum.

In 1966, and again in 1968, the park received over 1,000,000 acre feet of water—discharged through a series of large spillways in the Tamiami Trail (U.S. Highway 41) west of Miami.

Flow of water southward in the Everglades has been more than doubled in recent years as a result of levees which divert flood waters away from Miami and Fort Lauderdale, and spillways which discharge excess amounts by gravity from one conservation area to another, and then into the park.

Almost 50 percent of the original Everglades teeming with alligators, fish, birds, and a diversity of other wildlife—are being preserved by the FCD in a pristine state north of the National Park.

A series of conveyance channels, costing more than $3 million, has also been constructed for the FCD to move water in dry seasons from Lake Okeechobee to the park, across the flat interior of Florida's Everglades.

[From the Water Management Bulletin, December–January 1970]

SENATE DEFEATS MOVE TO CURTAIL FCD FUNDS

Retiring U.S. Sen. Spessard Holland and Sen. Edward Gurney were successful in defeating an amendment to delete $10 million for continued construction of the Central and Southern Florida Flood Control District's project works by Wis. Sen. Gaylord Nelson during November.

The vote on the amendment was 33–55.

Nelson had made the amendment to compel the U.S. Army Corps of Engineers and the Department of the Interior to reach an agreement to provide a guaranteed amount of water to Everglades National Park regardless of the shortage of supply and the needs of man.

Nelson's amendment would provide funds for continued construction of a network of canals to control waterflow from Lake Okeechobee to the park.

Robert P. Blakeley, FCD chairman, accused Nelson of not trying to get both sides of the issue. He said Nelson has never once attempted to contact the FCD to hear its side of the story, and that contrary to Nelson's belief, the canal system delivers water to the park rather than diverting water from it.

Blakeley explained the canal system will deliver more than 1.5 million acre feet of water to the park this year, five times more than the minimum of 315,000 acre feet of water park personnel said is needed.

A report by the U.S. Geological Survey, which made surveys over 12 year periods with identical rainfall, the Everglades National Park has received more water since the creation of the FCD than it received under natural conditions. One survey covered a 12-year period before the creation of the FCD and the other was over a similar period of time following the creation of the project.

The $76 million water resources plan which calls for raising the levees around Lake Okeechobee and back-pumping canals into it will provide additional water during drought years for all users.

Mr. HOLLAND. Mr. President, in an effort to augment the water supply to the Everglades, Miami weather scientists are making final plans for a massive cloud-seeding test of south Florida. I ask unanimous consent to have an article by Richard Pothier appearing in the Miami Herald under date of January 15, 1970, entitled, "New Rainmaking Test Planned for Glades" printed in the RECORD at this point.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

New Rainmaking Tests Planned for Glades

(By Richard Pothier)

Miami weather scientists are making final plans for a massive cloud-seeding test over South Florida this spring, perhaps the last huddle before scientific "rainmaking" becomes a routine drought-fighting measure in Florida.

The seeding experiments, to be held from April 15 through May 31, will cover a 3,000-square-mile area of unpopulated interior land. Scientists are sure they'll be able to coax enough extra rain out of the clouds to put a big dent in any future droughts.

A similar, smaller-scale operation in May 1968 produced one of the year's scientific surprises when the test turned into the most successful rainmaking operation in history.

The operations this spring are designed to add more evidence to the 1968 results and to find out just how much rain scientists can wring from those puffy cumulus clouds so common in South Florida.

The 1968 tests, which involved intense silver-iodide seeding of 14 clouds over the Everglades, doubled or tripled the rainfall that the clouds, if they'd been left alone, would have produced.

In fact, the 14 seeded clouds produced a mass of extra rain equal to a depth of 30 feet of water over a square mile.

William Woodley, a research meteorologist at the Environmental Science Services Administration's Miami-based Experimental Meteorology Laboratory, said the 1970 tests will include seeding more clouds to give the 1968 results greater "statistical significance."

Technically, it means a reduction of the chance that all the extra rain could have been merely a coincidence. But he said the 1968 results seem so conclusive that it's almost certain man now knows how to seed clouds to produce huge quantities of rain.

"The 1968 experiment, however, involved a small cloud sample, only 14, because of the short testing period and uncooperative weather. The results, while highly promising and conclusive to many, did not have high statistical significance," Woodley said.

The 1970 tests should produce even more rain, he said, because instead of seeding just one or two selected clouds per day, the airborne scientists will seed all suitable clouds they can find in the test area.

The seeding itself is done by silver-iodide flares. The addition of uncounted trillions of silver iodide crystals to a cloud, under the right conditions, can cause raindrops to form around the nuclei and fall as precipitation that wouldn't have fallen under normal circumstances.

The 1968 tests also produced "explosive" growth of test clouds, Woodley said. The tests turned small, stable cumulus clouds into torrent-producing thunderclouds in a matter of minutes.

Because the 1968 test period was exceptionally rainy over much of South Florida, the ESSA meteorologists sponsored a University of Miami weather study of the entire weather pattern that month.

The UM study found that May 1968 was naturally one of the rainiest months in recent years and that the seeding tests had little or nothing to do with the heavy rainfall outside the Everglades. The month's rainfall was far above average as far away as Cuba and the Bahamas, both before and after ESSA's seeding tests, meteorologists said.

Woodley said a total of five planes from ESSA, the Air Force and the Navy will support this year's seeding operations.

And he said the results, if they confirm the 1968 test results, could have a role in the "eventual mitigation of severe storms in South Florida" since cumulus clouds also provide much of the "horsepower" for tornados, thunderstorms and even some hurricanes.

"We're also trying to find out whether what we can do to rainfall over Florida can be applied to other, drier regions of the world. We know this is successful in Florida, but can it be applied to other regions that need water even more critically than Florida?"

Rainfall rates are measured by a sensitive radar unit at the University of Miami's main campus. Because falling raindrops reflect radar beams back toward the radar unit, it's possible to tell from a sensitive radar instrument just how much rain is falling from a cloud.

Mr. HOLLAND. Mr. President, as I previously discussed on the floor of the Senate during the debate on the Public Works appropriation bill for fiscal year 1970, all efforts were being made to provide an adequate water supply to the Everglades National Park pending completion of the project modification which will provide the water requirements for the park as approved by the Department of the Interior and which is contained in the authorizing document for the project modification as passed by the Congress.

To further show the efforts being made to insure that the State of Florida is acting in good faith in this matter, I ask that there be inserted in the RECORD a copy of a telegram received today from the Honorable Randolph Hodges, executive director of the department of natural resources, stating that the Governor and cabinet have authorized the department of natural resources to negotiate an agreement with the Secretaries of the Army and Interior for delivery of water to the Everglades National Park as requested in the Senate Committee Report 91–528. It indicates that a revised interim water delivery schedule has been developed and asks that a conference be arranged with appropriate agencies concerned to negotiate and establish a memorandum of agreement.

There being no objection, the telegram was ordered to be printed in the RECORD, as follows:

TALLAHASSEE, FLA.,
January 20, 1970.

Hon. SPESSARD L. HOLLAND,
Senate Office Building,
Washington, D.C.

The Governor and Cabinet acting as the Department of Natural Resources have authorized this office to negotiate an agreement with the Secretaries of the Army and Interior for delivery of water to Everglades National Park as requested in Senate Appropriations Committee Report 91–528, November 10, 1969. A revised water delivery scheduled for ENP jointly developed by this office, the Central and Southern Florida Flood Control District, and the Jacksonville District Engineer of the U.S. Army Corps of Engineers is authorized for interim use pending completion of additional facilities for the project. Letter and water release schedule follows, requesting that you arrange a conference with appropriate agencies concerned to negotiate and establish a memorandum of agreement on the revised water delivery schedule for the park as requested in your committee report.

RANDOLPH HODGES,
Executive Director, Department of Natural Resources.

Mr. HOLLAND. I would also like to state, Mr. President, that the State of Florida has been making every effort to meet with officials of the Department of the Interior and the Department of the Army in order to arrive at a mutual interim agreement as to the water supply for the Everglades National Park. To this end, the Department of Natural Resources, State of Florida, sent letters under date of December 11, 1969, to the two Departments and interested committees of the Congress proposing such a meeting. Unfortunately, to date, no reply to the communications has been received although I have been unofficially advised that the Office of the Chief of Engineers has been endeavoring to reach an agreement with the Department of the Interior on such a meeting in order that a reply could be made. Unfortunately, the Department of the Interior is dragging its feet and apparently is not the least bit interested in cooperating, and unless some action is taken to move the officials of the Department of the Interior off dead center, there can be little accomplished. I am hopeful that they will cooperate in this matter, but if not, perhaps the Members of the Senate and the appropriate committees of the Senate will move to call a meeting to determine the basis for any further action.

Mr. President, for the benefit of the Senate, I ask unanimous consent that a copy of the letter to the Departments of Army and Interior I previously referred to be printed in the RECORD at this point.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

STATE OF FLORIDA,
DEPARTMENT OF NATURAL RESOURCES,
Tallahassee, Fla., December 11, 1969.

SECRETARY OF THE DEPARTMENT OF THE INTERIOR,
Interior Building,
Washington, D.C.

DEAR MR. SECRETARY: The desires of Congress concerning delivery of water to the Everglades National Park have been noted by the Governor and Cabinet, as head of the Department of Natural Resources of Florida. Under authority of Chapter 69–106, Section 25, Laws of Florida, this office accepts for the state of Florida the mission as enunciated on pages 24 and 25 of the Senate Report No. 91–528, to accompany H.R. 14159, the Appropriations Bill for Public Works for F.Y. 1970.

The concern of Congress in this matter of water requirements for the Everglades National Park is equally shared by the Florida Department of Natural Resources and has been the concern of the state government and the people of Florida for many years. We are prepared to extend our knowledge and abilities in an effort to reach an agreement on meeting the water needs of the Everglades National Park and the desires of Congress as expressed in the committee report referred to above.

We suggest a meeting after the first of the year with representatives of the agencies concerned, namely the Department of the Army, the Department of the Interior, and this office, in an effort to develop the desired operating agreements. C&SF District representation will be included with the state group. We also suggest for your preliminary consideration that the subject be studied on the basis of a revised interim schedule for the current status of project works, and procedures for further agreement to reflect operating regulations that may be implemented as the project works authorized by Congress are progressively completed. Preferably, the initial meeting should be held in Florida, either in Tallahassee or Jacksonville.

We await your response to this suggestion,

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with a proposed date and location for the meeting and designation of your representative who will attend.

Sincerely yours.

RANDOLPH HODGES,
Executive Director.

CONSTITUTIONAL RIGHTS SUBCOMMITTEE HEARING PROGRAM FOR FEBRUARY AND MARCH

Mr. ERVIN. Mr. President, the Constitutional Rights Subcommittee of the Senate Judiciary Committee has several important matters on its agenda for the early weeks of this second session of the 91st Congress. Each raises significant constitutional issues which demand careful consideration. Because of the great interest in these matters, I should like to announce the subcommittee's program for the immediate future.

Initially, the subcommittee will resume hearings on amendments to the Voting Rights Act of 1965. As announced last month, hearings are presently scheduled for January 27, 28, 29, and February 3, 4, and 5 in room 2228, New Senate Office Building. These dates are, however, subject to the hearing schedule of the full committee on the nomination of Judge Carswell. The Voting Rights Act of 1965, along with the administration's proposed amendments (S. 2507) which passed the House on December 11, 1969, and the proposed simple extension of 5 years (S. 818), were reprinted in the CONGRESSIONAL RECORD of December 19, 1969.

Therefore the subcommittee will resume hearings on the difficult subject of preventive detention of criminal suspects charged with Federal offenses. For 7 days in January and February of 1969 the subcommittee held initial hearings on that matter and heard testimony from a distinguished group of witnesses, including Members of Congress, judges, law enforcement officials, law professors and other interested and informed persons. Those hearings were the first step in a comprehensive study of the Bail Reform Act of 1966. The published record of those hearings is an invaluable aid for those who would understand the purpose and goals of the act, its provisions, its administration over the last 3 years, and the criticisms, both valid and invalid, that have been made of it.

In the course of the hearings, the subcommittee also considered very controversial proposals which would authorize preventive detention of criminal suspects believed to pose a danger to the community if released. Several bills embodying this approach have been introduced in the Senate during the 91st Congress, and a number of these proposals were examined in last year's hearings. Each of them represents a substantial departure from the theory underlying enactment of the Bail Reform Act of 1966, and from the principles that have governed the law of bail since before the Constitution was written. Each raises serious constitutional and policy questions.

The Constitutional Rights Subcommittee has continued its work on bail and preventive detention in the course of the past year. It has solicited the views of constitutional law experts and bar associations across the country. In addition, there have been a number of new developments over the past 12 months.

Six months after the subcommittee held its hearings, the Department of Justice introduced its own preventive detention bill, S. 2600. In addition, several useful independent studies have been undertaken on bail and related issues and a number of reports have also been published. At least one major national conference on preventive detention has been held, and a published report of that proceeding shoud be available soon. An effort commissioned by the Department of Justice and sponsored by the National Bureau of Standards and the Law Enforcement Assistance Administration to secure, for the first time, reliable statistics on bail recidivism in the District of Columbia is currently underway. Subcommittee No. 4 of the House Judiciary Committee has initiated and is continuing its hearings on bail reform legislation. Finally, a series of experimental procedural reforms have been taken in the District of Columbia Courts to speed up the trial of defendants, and thereby make a reality of the constitutional right to a speedy trial.

The extremely controversial and, to me, very dubious proposal to authorize preventive detention obviously must be studied carefully and, as much as is possible with a subject having such an emotional appeal, in an atmosphere of facts and not fear. In the relatively short period since the administration proposed its own preventive detention plan in midsummer, there has been a tremendous increase in public awareness and appreciation of the fundamental issues involved. This period has also been put to good use by the Department of Justice. They have recently prepared and submitted to the subcommittee a brief on the constitutional issues raised by their bill. Following the introduction of their proposal, they also sponsored the detailed and scientific study of the bail problem I mentioned. This should be completed in the next month or so and will, I hope, shed light on a subject which thus far has been largely confused by rhetoric about crime on bail. The study should provide for the first time the facts about the real need for preventive detention, if any, and hopefully will pinpoint the actual deficiencies and inadequacies which are present in the administration of criminal law. I strongly believe that these thus far unpublicized defects are the true reasons for the problems which have been improperly blamed on the Bail Reform Act.

It is my intention to call further hearings on proposed amendments to the Bail Reform Act of 1966 as soon as practicable after the amendments to the Voting Rights Act have been dealt with, assuming that the Department of Justice has by that time completed its study and is prepared to present its material at the hearings. Those persons desiring further information on the hearings should contact the subcommittee office.

A second important matter which the subcommittee will consider as soon as possible after disposition of the Voting Rights Act issue is pornography.

Two bills on this subject, S. 1705 and S. 1706, have been referred to the Constitutional Rights Subcommittee and five, S. 2073, S. 2074, S. 2676, S. 2929, and S. 2930, have been referred to the Subcommittee To Investigate Juvenile Delinquency, chaired by the Senator from Connecticut (Mr. DODD). He and I have discussed the perplexing pornography problem and share a deep concern over the flood of salacious material currently being distributed across the country. We are also concerned that the legislative solution to the problem be consonant with the constitutional guarantees of freedom of expression. Therefore, we have agreed that the Subcommittee To Investigate Juvenile Delinquency and the Constitutional Rights Subcommittee will hold joint hearings on the legal aspects of this matter.

Pursuant to Public Law 90-100, approved October 3, 1967, a Presidential Commission on Obscenity and Pornography was established. That Commission, headed by Dean William Lockhart of the University of Minnesota Law School, has been charged by Congress with the task of analyzing existing antiobscenity laws, exploring the nature and volume of traffic in pornographic materials, studying the effects of obscenity and pornography, and recommending appropriate legislative and administrative action. An interim report has already been released and a final report is now scheduled for early this summer. In addition Subcommittee No. 3 of the House Judiciary Committee has been holding comprehensive hearings on the pornography problem.

In light of these far-reaching general studies of the issues, the Senator from Connecticut (Mr. DODD) and I envisage these hearings to be limited to specific legal and practical issues raised by proposed legislation. We shall seek witnesses who can enlighten us on the existing state of the law, and on the constitutional, legal, and practical difficulties of the proposed obscenity control bills. These hearings will, therefore, be quite technical in nature, since their purpose is not to duplicate the inquiry being undertaken by the Commission and the House committee.

In order that the Members of the Senate may understand the seven bills pending before the Subcommittee To Investigate Juvenile Delinquency and the Constitutional Rights Subcommittee, I ask unanimous consent that they be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. ERVIN. Mr. President, in addition, I request unanimous consent that S. 1077, S. 2057, S. 2381, and S. 3220 be reprinted so that the Members may have before them the full panoply of antiobscenity bills introduced in the Senate.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 2.)

Mr. ERVIN. Mr. President, while these latter bills have not been referred to either of our subcommittees, they are

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necessarily related to our inquiry and constitute essential resource material as we enter this difficult field. Further information about the pornography hearings can be secured from the Subcommittee To Investigate Juvenile Delinquency or the Constitutional Rights Subcommittee.

The third matter the subcommittee will consider in the next few weeks is completion of the hearings on the rights of the mentally ill. These hearings commenced late last year, but because the executive departments concerned wished more time to coordinate their position, the testimony from the Department of Justice and the Department of Health, Education, and Welfare was postponed. The subcommittee hopes to conclude its hearings on this topic as soon as possible.

Specific dates for the hearings on these three subjects will be announced as soon as possible.

EXHIBIT 1

S. 1705

A bill to prohibit the dissemination through interstate commerce or the mails of materials harmful to persons under the age of eighteen years, and to restrict the exhibition of movies or other presentations harmful to such persons

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) chapter 71 of title 18, United States Code, is amended by adding at the end the following new section:

"§ 1466. Exposing minors to harmful materials

"(a) It shall be unlawful for any person knowingly—

"(1) to sell, offer for sale, loan, or deliver in interstate commerce or through the mails to any minor—

"(A) any picture, photograph, drawing, sculpture, motion picture film, or similar visual representation or image of a person or portion of the human body which depicts nudity, sexual conduct, or sado-masochistic abuse and which is harmful to minors; or

"(B) any book, pamphlet, magazine, printed matter, however reproduced, or sound recording which contains explicit and detailed verbal descriptions or narrative accounts of sexual excitement, sexual conduct, or sado-masochistic abuse and which, taken as a whole, is harmful to minors, or

"(2) to exhibit to a minor a motion picture, show, or other presentation which—

"(A) has moved in interstate commerce or through the mails,

"(B) depicts nudity, sexual conduct, or sado-masochistic abuse, and

"(C) is harmful to minors.

"(b) Whoever violates this section shall be fined not more than $5,000 or imprisoned for not more than five years, or both, for the first offense, and shall be fined not more than $10,000 or imprisoned for not more than ten years, or both, for any second or subsequent offense.

"(c) As used in this section—

"(1) The term 'minor' means any person under the age of eighteen years.

"(2) The term 'nudity' means the showing of the human male or female genitals, pubic area, or buttocks with less than a full opaque covering, the female breast with less than a full opaque covering of any portion below the top of the nipple, or the depiction of covered male genitals in a discernibly turgid state.

"(3) The term 'sexual conduct' means acts of masturbation, homosexuality, sexual intercourse, physical contact with a person's clothed or unclothed genitals, pubic area, or buttocks, or, in the case of a female, physical contact with her breast.

"(4) The term 'sexual excitement' means the condition of human male or female genitals in a state of sexual stimulation or arousal.

"(5) The term 'sado-masochistic abuse' means flagellation or torture by or upon a person clad in undergarments, a mask, or bizarre costume, or the condition of being fettered, bound, or otherwise physically restrained on the part of one so clothed.

"(6) The term 'harmful to minors' means that quality of any description or representation, in whatever form, of nudity, sexual conduct, sexual excitement, or sado-masochistic abuse, which—

"(A) predominantly appeals to the prurient, shameful, or morbid interest of minors;

"(B) is patently offensive to prevailing standards in the adult community as a whole with respect to what is suitable material for minors; and

"(C) is utterly without redeeming social importance for minors.

"(7) The term 'knowingly' means having general knowledge of, or reason to know, or a belief or ground for belief which warrants further inspection or inquiry of—

"(A) the character and content of any material described in subsection (a) which is reasonably susceptible of examination by the defendant, and

"(B) the age of the minor."

(b) The table of sections for chapter 71 of title 18, United States Code, is amended by adding at the end the following new item:

"1466. Exposing minors to harmful materials."

SEC. 2. (a) The Supreme Court shall not have jurisdiction under section 1252 or 1253 of title 28, United States Code, to review any determination made under section 1466 of title 18, United States Code, that any material described in subsection (a) of that section is harmful to minors.

(b) The courts of appeals shall not have jurisdiction under section 1291 or 1292 of title 28, United States Code, to review any determination made under section 1466 of title 18, United States Code, that any material described in subsection (a) of that section is harmful to minors.

SEC. 3. This Act and the amendments made by this Act shall take effect on the sixtieth day after the date of the enactment of this Act.

S. 1706

A bill to strengthen the antiobscenity laws in order to protect minors against the distribution or sale of obscene materials through the mails or interstate commerce, to establish the Division of Obscenity Control in the Department of Justice, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) chapter 71 of title 18, United States Code, is amended by adding at the end thereof the following new section:

"§ 1466. Exposing minors to obscene materials

"(a) It shall be unlawful for any person knowingly—

"(1) to sell, rent, lease, loan, or deliver for compensation, or advertise or offer to sell, rent, lease, loan, or deliver for compensation, through the mails or through any other facility or instrumentality of interstate commerce to any minor—

"(A) any picture, photograph, drawing, sculpture, motion picture film, or similar visual representation or image of a person or portion of the human body which depicts nudity, sexual conduct, or sado-masochistic abuse and which, taken as a whole, is harmful to minors; or

"(B) any book, pamphlet, magazine, printed matter, however reproduced, or sound recording which contains explicit and detailed verbal descriptions or narrative accounts of sexual excitement, sexual conduct, or sado-masochistic abuse and which, taken as a whole, is harmful to minors; or

"(2) to exhibit to a minor a motion picture, show, or other presentation which—

"(A) has moved in interstate commerce or through the mails,

"(B) depicts nudity, sexual conduct, or sado-masochistic abuse, and

"(C) is harmful to minors; or

"(3) to print, publish, create, manufacture, or reproduce any material described in clause (A) or (B) of paragraph (1) intending or knowing that such material will be disseminated or used in violation of this section; or

"(4) to deposit or cause to be deposited for mailing or delivery by mail any material described in clause (A) or (B) of paragraph (1) which is not labeled as such material on the envelope or outside cover or wrapper in accordance with regulations prescribed by the Postmaster General under section 4061 of title 39.

"(b) Whoever violates this section shall be fined not more than $5,000 or imprisoned for not more than five years, or both, for the first offense, and shall be fined not more than $10,000 or imprisoned for not more than ten years, or both, for any second or subsequent offense.

"(c) As used in this section—

"(1) The term 'minor' means any person under the age of seventeen years.

"(2) The term 'nudity' means the showing of the human male or female genitals, pubic area, or buttocks with less than a full opaque covering, the female breast with less than a fully opaque covering of any portion below the top of the nipple, or the depiction of covered male genitals in a discernibly turgid state.

"(3) The term 'sexual conduct' means acts of masturbation, homosexuality, sexual intercourse, physical contact with a person's clothed or unclothed genitals, pubic area, or buttocks, or, in the case of a female, physical contact with her breast.

"(4) The term 'sexual excitement' means the condition of human male or female genitals in a state of sexual stimulation or arousal.

"(5) The term 'sado-masochistic abuse' means flagellation or torture by or upon a person clad in undergarments, a mask, or bizarre costume, or the condition of being fettered, bound, or otherwise physically restrained on the part of one so clothed.

"(6) The term 'harmful to minors' means that quality of any description or representation, in whatever form, of nudity, sexual conduct, sexual excitement, or sado-masochistic abuse, which—

"(A) predominantly appeals to the prurient, shameful, or morbid interest of minors;

"(B) is patently offensive to prevailing standards in the adult community as a whole with respect to what is suitable material for minors; and

"(C) is utterly without redeeming social importance for minors.

"(7) The term 'knowingly' means having general knowledge of, or reason to know, or a belief or ground for belief which warrants further inspection or inquiry of—

"(A) the character and content of any material described in subsection (a) which is reasonably susceptible of examination by the defendant, and

"(B) except for purposes of paragraph (4) of subsection (a), the age of the minor.

"(8) The term 'interstate commerce' means commerce (A) between any State or the District of Columbia and any place outside thereof; or (B) between points within any

State or the District of Columbia, but through any place outside thereof.

"(d) It shall be an affirmative defense to a charge of violating subsection (a) of this section that the dissemination was to institutions or individuals having scientific, educational, or other special justification for possession of such material.

"(e) Nothing contained in this section shall be construed to (1) indicate an intent on the part of Congress to occupy the field in which any provision of this section operates to the exclusion of any State or local law on the same subject matter; nor shall any provision of this section be construed to invalidate any provision of State or local law unless such provision is inconsistent with any of the purposes of this section or any provision thereof, or (2) make lawful any act which is unlawful under any other statute of the United States or of any State."

(b) The analysis at the beginning of chapter 71 of title 18, United States Code, is amended by adding the following new item:

"1466. Exposing minors to obscene materials."

(c) This section and the amendments made by this section shall take effect on the sixtieth day after the date of enactment of this Act.

Sec. 2. (a) Title 28 of the United States Code is amended by adding immediately after chapter 37 the following new chapter:

"Chapter 38.—DIVISION OF OBSCENITY CONTROL

"Sec.
"581. Creation; Director.
"582. Functions.
"583. Assistance to the States.

"§ 581. Creation; Director.

"There is established in the Department of Justice a division which shall be known as the Division of Obscenity Control (referred to in this chapter as the 'Division'). The Division shall be headed by a Director who shall be appointed by the Attorney General. The Director shall receive compensation at the rate prescribed for level V of the Executive Schedule by section 5316 of title 5, United States Code.

"§ 582. Functions

"It shall be the function of the Division to administer the laws of the District of Columbia relating to obscenity (section 872 of the Act of March 3, 1901, 31 Stat. 1332; D.C. Code, sec. 22-2001), and the laws of the United States relating to the mailing of obscene or crime-inciting matter (18 U.S.C. 1461); the importation or transportation of obscene matter (18 U.S.C. 1462); the mailing of indecent matter on wrappers on envelopes (18 U.S.C. 1463); the broadcasting of obscene language (18 U.S.C. 1465); the exposure to minors of obscene materials (18 U.S.C. 1466); officers, agents, or employees of the United States aiding in the importation of obscene or treasonous books and articles (18 U.S.C. 552); obscene or harassing telephone calls in the District of Columbia or in interstate or foreign communications (section 223 of title II of the Communications Act of 1934); and such other related functions as the Attorney General shall prescribe.

"§ 583. Assistance to the States

"The Director of the Division is hereby authorized and directed—

"(1) to advise and make technical assistance available to the several States and local governments in the administration of their laws relating to the illegal trade in obscene matter; and

"(2) to conduct nationwide education and information programs on obscenity and its serious consequences."

(b) The table of contents to part II of title 28 of the United States Code is amended by adding after:

"37. United States marshals.......... 561"

the following new item:

"38. Division of Obscenity Control.... 581".

Sec. 3. (a) Chapter 53 of title 39, United States Code, is amended by adding at the end thereof the following new section:

"§ 4061. Material harmful to minors

"(a) Material labeled in accordance with section 1466(a)(4) of title 18 shall not be delivered from any post office or by any letter carrier except (1) to an addressee who is age seventeen or over, or (2) to a person age seventeen or over accepting delivery on behalf of an addressee age seventeen or over, and except upon the signing by such addressee or person of a receipt for such material which states that the person whose signature appears thereon is age seventeen or over.

"(b) The Postmaster shall prescribe regulations for the labeling and handling of material to which this section applies. Such regulations may require the payment by the sender of special fees to cover the additional costs of such handling."

(b) The analysis at the beginning of chapter 53 of title 39, United States Code, is amended by adding the following new item:

"4061. Material harmful to minors."

(c) The amendments made by this section shall take effect on the sixtieth day after the date of enactment of this Act.

S. 2073

A bill to prohibit the use of interstate facilities, including the mails, for the transportation of certain materials to minors

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That chapter 71 of title 18 of the United States Code is amended:

(1) By adding a new section 1466 as follows:

"§ 1466. Transportation or mailing of matter harmful to minors

"(a) As used in this section—

"(i) 'minor' means a person who has not attained the age of eighteen years;

"(ii) 'adult' means a person who is not a minor; and

"(iii) 'matter that is harmful to minors' means a book, magazine, pamphlet, sheet, card, photograph, drawing, film, slide, recording, or other thing constituting or containing visual, verbal, or auditory material that depicts describes, or represents, in actual or simulated form, nudity, sexual conduct, or sadomasochistic behavior and which is—

"(A) offensive to prevailing standards in the adult community concerning what is suitable material for minors; and

"(B) substantially without redeeming social value for minors.

"(b) No person shall knowingly deposit in the mail, or transport in interstate or foreign commerce, for delivery to a minor, matter which is harmful to minors, or matter constituting or containing an advertisement therefor or information as to where or how such matter may be obtained.

"(c) If deposited in the mail or transported in interstate or foreign commerce for delivery to a residence in which a minor permanently resides, matter which is harmful to minors, or which constitutes or contains an advertisement therefor or information as to where or how such matter may be obtained, shall be deemed to have been deposited in the mail or transported in interstate or foreign commerce for delivery to such minor unless contained in a sealed envelope or sealed wrapper that completely conceals the contents and clearly, specifically and personally addressed to an adult who resides at such residence.

"(d) It shall be an affirmative defense to a charge of violating this section that the defendant reasonably believed that the addressee of the matter in question was an adult residing at the address shown on the sealed envelope or sealed wrapper. Such reasonable belief may be based upon receipt by the person so charged of a purchase order or other declaration which such person reasonably and in good faith believed to have been executed by the addressee, representing such addressee to be an adult, or on other evidence.

"(e) Whoever violates this section shall be fined not more than $50,000, or imprisoned for not more than five years, or both, for the first offense, and shall be fined not more than $100,000, or imprisoned for not more than ten years, or both, for a subsequent offense."

(2) By adding to the table of contents thereof the following:

"1466. Transportation or mailing of matter harmful to minors.".

Sec. 2. The provisions of this Act shall become effective on the first day of the sixth month which begins after the date of enactment.

S. 2074

A bill to prohibit the use of interstate facilities including the mails for the transportation of salacious advertising

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That chapter 71 of title 18 of the United States Code is amended by adding a new section 1467 as follows:

"§ 1467. Transportation of salacious advertising

"No person shall knowingly deposit in the mail, or transport in interstate or foreign commerce, an advertisement or solicitation designed or intended to appeal to a prurient interest in sex.

"Whoever violates this section shall be fined not more than $50,000, or imprisoned not more than five years, or both, for the first offense, and shall be fined not more than 100,000, or imprisoned not more than ten years, or both, for a subsequent offense."

Sec. 2. The table of contents preceding chapter 71 of title 18 of the United States Code is amended by adding at the end thereof the following:

"1467. Transportation of salacious advertising."

S. 2676

A bill to prohibit the sale to minors of certain obscene materials transported in interstate commerce or by the United States mails, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That chapter 71 of title 18 of the United States Code is amended:

(1) by adding a new section 1466 as follows:

"§ 1466. Sale of matter harmful to minors

"(a) Definitions.—As used in this section—

"(i) 'Minor' means any person less than sixteen years old.

"(ii) 'Adult' means any person sixteen years old or older.

"(iii) 'Sexual conduct' means human masturbation, sexual intercourse, or any touching of the genitals, pubic areas, or buttocks of the human male or female, or the breast of the female, whether alone or between members of the same or opposite sex or between humans and animals in an act of apparent sexual stimulation or gratification.

"(iv) 'Sexual excitement' means the condition of human male or female genitals when in a state of sexual stimulation, or the sensual experiences of humans engaging in or witnessing sexual conduct.

"(v) 'Sado-masochistic abuse' means flagellation or torture by or upon a person clad in undergarments, a mask or bizarre costume, or the condition of being fettered, bound or otherwise physically restrained on the part of one so clothed.

"(vi) 'Harmful to minors' means that quality of any description or representation, in whatever form, of sexual conduct, sexual excitement, or sado-masochistic abuse, when it—

"(A) predominately appeals to the prurient interest of minors; and

"(B) is patently offensive to prevailing standards in the adult community as a whole with respect to what is suitable material for minors, and

"(C) is utterly without redeeming social importance for minors.

"(vii) 'Knowing' means having general knowledge of or reason to know, or a belief or ground for belief which warrants further inspection or inquiry of both of the following:

"(A) the general nature and content of any material described herein which is reasonably susceptible to examination by the defendant, hereafter referred to as the 'content' of the materials, and

"(B) the fact that the materials have been or will be shipped in interstate commerce or by the United States mails, hereafter referred to as the 'character' of the materials.

"(b) Selling Obscene Material to Minors.—

"(i) A person is guilty of selling obscene material to minors when knowing its character and content, he sells or loans to a minor for monetary consideration:

"(A) any picture, photograph, drawing, sculpture, motion picture film, or similar visual representation or image of a person or portion of the human body that depicts sexual conduct, sexual excitement, or sado-masochistic abuse, that is harmful to minors, and that has been or will be shipped in interstate commerce or by the United States mails; or

"(B) any book, paperback, pamphlet, magazine, or other written or printed matter however reproduced, or sound recording which contains any matter enumerated in paragraph (A) hereof, or explicit and detailed verbal descriptions or narrative accounts of sexual excitement, sexual conduct or sado-masochistic abuse, that, taken as a whole, is harmful to minors and that has been or will be shipped in interstate commerce by the United States mails;

"(ii) A person is guilty of selling obscene materials to minors when knowing the character and content of a motion picture, show or other presentation that, in whole or in part, depicts sexual conduct, sexual excitement, or sado-masochistic abuse, that is harmful to minors, and that has been or will be shipped in interstate commerce or by the United States mails, he:

"(A) exhibits such motion picture, show, or other presentation to a minor for a monetary consideration; or

"(B) sells to a minor an admission ticket or pass to premises whereon there is exhibited or to be exhibited such motion picture, show, or presentation; or

"(C) admits a minor for monetary consideration to premises whereon there is exhibited or to be exhibited such motion picture, show, or other presentation.

"(ii) An employer actively participating in the operation of a business may be held criminally responsible for the acts of those employees in such business that are in violation of this section when those acts are performed within the scope of the employee's employment.

"(iv) A person found guilty of selling obscene material to minors shall be punished by a fine of not more than $5,000 and/or imprisonment for not more than five years for the first offense and a fine of not more than $10,000 and/or imprisonment for not more than ten years for each additional offense.

"(v) Selling obscene materials to minors shall not be a violation of this section when—

"(A) the minor is accompanied by his parent or legal guardian, or when the minor is accompanied by an adult, and the defendant has no reason to suspect that the adult accompanying the minor is not the minor's parent or guardian; or

"(B) the defendant is charged with the sale of materials the obscene portions of which form merely a minor and incidental part of an otherwise nonoffending whole and which serve some purpose therein other than titillation.

"(vi) Nothing in this section shall be construed to render illegal the selling, lending, giving, or exhibiting to minors of the materials prescribed herein when—

"(A) the defendant is in a parental or guardianship relationship with the minor;

"(B) the defendant is a bona fide school, museum, or public library, or is acting in the capacity of an employee of such organization or of a retail outlet affiliated with and serving the educational purposes of such organization; or

"(C) the defendant is distributing, selling, or otherwise commercially marketing or renting a book, magazine, pamphlet, paperback, or other written or printed matter that is a serious and bona fide treatise or handbook on sexual functioning, guidance, hygiene, or problems, and is advertised and marketed as such; or is officially involved with legitimate research in these areas.

"(c) Presumptions.—The following rebuttable presumptions are applicable to this section:

"(i) Any person owning, operating, or employed in the business of selling, offering for sale, renting, or exhibiting any of the materials proscribed for minors by this subsection shall be presumed to have knowledge of which materials in the establishment have been transported by interstate commerce or by the United States mails.

"(ii) An employee who sells obscene materials to minors in or about his place of employment is presumed to have acted within the scope of his employment.

"(d) Defenses.—

"(i) In any prosecution for selling obscene material to minors, it is an affirmative defense that—

"(A) the defendant or his employee had reasonable cause to believe and did honestly believe that the minor involved was sixteen years old or older; and

"(B) such minor exhibited to the defendant a draft card, drivers license, birth certificate, or other official or apparently official document purporting to establish that such minor was sixteen years old or older.

"(ii) It shall be an affirmative defense to a charge of violating this section by filling a minor's mail order request for obscene material that the defendant made reasonable efforts to determine that the purchaser of the material was sixteen years old or older: *Provided*, That reasonable efforts shall not solely consist of the asking the minor to state he is sixteen years old or older."

(2) by adding to the analysis of chapter 71 of title 18, United States Code, the following new item:

"1466. Sale of matter harmful to minors."

S. 2929

A bill to prohibit the use of interstate facilities, including the mails, for the transportation of certain materials to minors

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That chapter 71 of title 18 of the United States Code is amended:

(1) By adding a new section 1466 as follows:

"§ 1466. Transportation or mailing of matter harmful to minors

"(a) As used in this section—

"(i) 'minor' means a person who has not attained the age of eighteen years;

"(ii) 'adult' means a person who is not a minor; and

"(iii) 'matter that is harmful to minors' means a book, magazine, pamphlet, sheet, card, photograph, drawing, film, slide, recording, or other thing constituting or containing visual, verbal, or auditory material that depicts, describes, or represents, in actual or simulated form, nudity, sexual conduct, or sadomasochistic behavior and which is—

"(A) offensive to prevailing standards in the adult community concerning what is suitable material for minors; and

"(B) substantially without redeeming social value for minors.

"(b) No person shall knowingly deposit in the mail, or transport in interstate of foreign commerce, for delivery to a minor, matter which is harmful to minors, or matter constituting or containing an advertisement therefor or information as to where or how such matter may be obtained.

"(c) If deposited in the mail or transported in interstate or foreign commerce for delivery to a resident in which a minor permanently resides, matter which is harmful to minors, or which constitutes or contains an advertisement therefor or information as to where or how such matter may be obtained, shall be deemed to have been deposited in the mail or transported in interstate or foreign commerce for delivery to such minor unless contained in a sealed envelope or sealed wrapper that completely conceals the contents and clearly, specifically and personally addressed to an adult who resides at such residence.

"(d) It shall be an affirmative defense to a charge of violating this section that the defendant reasonably believed that the addressee of the matter in question was an adult residing at the address shown on the sealed envelope or sealed wrapper. Such reasonable belief may be based upon receipt by the person so charged of a purchase order or other declaration which such person reasonably and in good faith believed to have been executed by the addressee, representing such addressee to be an adult, or on other evidence.

"(e) Whoever violates this section shall be fined not more than $50,000, or imprisoned for not more than five years, or both, for the first offense, and shall be fined not more than $100,000, or imprisoned for not more than ten years, or both, for a subsequent offense."

(2) By adding to the table of contents thereof the following:

"1466. Transportation or mailing of matter harmful to minors.".

Sec. 2. The provisions of this Act shall become effective on the first day of the sixth month which begins after the date of enactment.

S. 2930

A bill to prohibit the use of interstate facilities including the mails for the transportation of salacious advertising

Be it enacted by the Senate and House of Representatives of the United States of American in Congress assembled, That chapter 71 of title 18 of the United States Code is amended by adding a new section 1467 as follows:

"§ 1467. Transportation of salacious advertising

"No person shall knowingly deposit in the mail, or transport in interstate or foreign commerce, an advertisement or solicitation designed or intended to appeal to a prurient interest in sex.

"Whoever violates this section shall be fined not more than $50,000, or imprisoned not more than five years, or both, for the first offense, and shall be fined not more than $100,000, or imprisoned not more than ten years, or both, for a subsequent offense."

Sec. 2. The table of contents preceding

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chapter 71 of title 18 of the United States Code is amended by adding at the end thereof the following:

"1467. Transportation of salacious advertising."

Exhibit 2

S. 1077

A bill to amend title 18 and title 28 of the United States Code with respect to the trial and review of criminal actions involving obscenity, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) chapter 71, title 18, United States Code, is amended by adding at the end thereof the following new section:

§ 1466. Determinations of fact

"In every criminal action arising under this chapter or under any other statute of the United States determination of the question whether any article, matter, thing, device, or substance is in fact obscene, lewd, lascivious, indecent, vile, or filthy shall be made by the jury, without comment by the court upon the weight of the evidence relevant to that question, unless the defendant has waived trial by jury."

(b) The section analysis of that chapter is amended by inserting at the end thereof the following new item:

"1466. Determinations of fact."

Sec. 2. (a) Title 28, United States Code, is amended by adding at the end thereof the following new chapter:

"Chapter 176.—ACTIONS INVOLVING OBSCENITY

"Sec.
"3001. Judicial review.

"§ 3001. Judicial review

"(a) In any criminal action arising under any statute of the United States for the prosecution of any person for the possession sale, dissemination, or use of any obscene, lewd, lascivious, indecent, vile, or filthy article, matter, thing, device, or substance, no court of the United States or of the District of Columbia shall have jurisdiction to review, reverse, or set aside a determination made by a jury on the question whether such article, matter, thing, device, or substance is in fact obscene, lewd, lascivious, indecent, vile, or filthy.

"(b) In any criminal action arising under any statute of any State or under any law of any political subdivision of any State for the prosecution of any person for the possession, sale, dissemination, or use of any obscene, lewd, lascivious, indecent, vile, or filthy, article, matter, thing, device, or substance, no court of the United States shall have jurisdiction to review reverse, or set aside a determination made by a court of such State on the question whether such article, matter, thing, device, or substance is in fact obscene, lewd, lascivious, indecent, vile, or filthy."

(b) The analysis of title 28, United States Code, preceding part I thereof is amended by adding at the end thereof the following new item:

"176. Actions involving obscenity.....3001".

(c) The chapter analysis of part VI, title 28, United States Code, is amended by adding at the end thereof the following new item:

"176. Actions involving obscenity.....3001".

S. 2057

A bill to prohibit the use of the mails to send material harmful to minors and to regulate the use of the mails to send material which is sexually provocative

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) chapter 51 of title 39, United States Code, is amended by adding at the end thereof the following new section:

"§ 4011. Mailing sexually provocative material

"(a) A sender shall not deposit in the mails, or have deposited in the mails, any sexually provocative material—

"(1) if such material is addressed to a minor in a State which has a law prohibiting the dissemination of such material to minors; or

"(2) unless such material is addressed to a person to whom a letter, notice, or card has been sent in accordance with subsection (b) of this section, and who has requested such material and has furnished the information specified by such subsection; or

"(3) if information or notice of the type referred to in subsection (c) of this section has been received.

"(b)(1) Prior to sending any sexually provocative material to an addressee, a sender shall send or have sent to such addressee a letter, notice, or card containing the following:

"'1. State whether you desire to receive advertisements, material, or devices pertaining to nudity, sexual conduct, sexual excitement, or sadomasochistic abuse.

"'2. Give your name and address, and the month, day, and year in which you were born. (If you are acting as an officer, agent, or employee of a corporation, company, partnership, firm, joint venture, society, association, or other organization, give your own name and address and the name and address of your organization and the month, day, and year of your birth.)

"'3. Sign your name.'

"(2) A letter, notice, or card mailed by a sender shall be sent to an addressee only in the name of an individual or in the name of an organization. Such letter, notice, or card shall contain no other language, literature, graphic illustration, or device, except as the Postmaster General may otherwise deem necessary.

"(3) For the purposes of subsection (a) (1) of this section, the sender is entitled to rely upon information furnished by the addressee concerning the age of the addressee unless the sender has in his possession information which conflicts with the information furnished by the addressee.

"(c) If a sender of sexually provocative material—

"(1) receives information that an addressee is a minor and ineligible to receive such material because the State in which he lives has a law prohibiting dissemination of such material to minors; or

"(2) receives notice from an addressee that he no longer desires any such material;

such sender shall immediately remove the name of any such addressee from his mailing list, and cease distribution of such material to the addressee.

"(d) The Postmaster General shall have authority to promulgate rules and regulations to carry out the provisions of this section.

"(e) As used in this section—

"(1) 'nudity' means the showing of the human male or female genitals, pubic area, or buttocks with less than a full opaque covering, the female breast with less than a fully opaque covering of any portion below the top of the nipple, or the depiction of covered male genitals in a discernibly turgid state;

"(2) 'sexual conduct' means act of masturbation, homosexuality, sexual intercourse, physical contact with a person's clothed or unclothed genitals, pubic area, or buttocks, or, in the case of a female, physical contact with her breast;

"(3) 'sexual excitement' means the condition of human male or female genitals in a state of sexual stimulation or arousal;

"(4) 'sadomasochistic abuse' means flagellation or torture by or upon a person clad in undergarments, a mask, or bizarre costume, or the condition of being fettered, bound, or otherwise physically restrained on the part of one so clothed; and

"(5) 'sender' means a person who mails for himself, or on whose behalf there is a mailing; and

"(6) 'sexually provacative material' means any material which—

"(A) is tangible, including any device, and used or adapted, or capable of being used or adapted, to depict or arouse (through readings, sound, touch, or observation) interest in nudity, sexual conduct, sexual excitement, or sadomasochistic abuse; or

"(B) solicits or offers to send matter of the type described in subparagraph (A) of this paragraph."

(b) The analysis of chapter 5 of title 39, United States Code, immediately preceding section 4001, is amended by adding at the end thereof the following new item:

"4011. Mailing sexually provocative material.".

Sec. 2. (a) Chapter 71 of title 18, United States Code is amended by adding at the end thereof the following new section:

"§ 1466. Mailing sexually provocative material

"(a) A sender who deposits in, or causes to be deposited in, the mails any sexually provocative material in violation of section 4011 of title 39, or knowingly takes the same from the mails for the purpose of circulating or disposing of or aiding in the circulation or disposition of the same, shall be fined not more than $50,000 or imprisoned not more than five years, or both.

"(b) The terms 'sender' and 'sexually provocative material' shall have the same meaning given them in section 4011 of title 39.

(b) The analysis of chapter 71 of title 18, United States Code, immediately preceding section 1461, is amended by adding at the end thereof the following new item:

"1466. Mailing sexually provocative material.".

S. 2381

A bill to prohibit the mailing of pandering advertisements to deceased persons

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) subsection (b) of section 4009 of title 39, United States Code, is amended to read as follows:

"(b) Upon receipt of notice from an addressee or from a survivor of a deceased addressee, that mail matter, determined by such addressee or survivor in his sole discretion to be of the character described in subsection (a) of this section, has been delivered to the address of the addressee, the Postmaster General shall issue an order, if requested by the addressee or survivor, to the sender of the mail matter directing the sender and his agents or assigns to refrain from further mailings to the named addresses."

(b) Subsection (i) of such section is amended—

(1) by striking out the word "and" at the end of paragraph (1);

(2) by striking out the period at the end of paragraph (2) and inserting in lieu thereof a semicolon and the word "and"; and

(3) by adding at the end thereof the following new paragraph:

"(3) the term 'survivor' means a person who is the son or daughter, nineteen years of age or over, of a deceased person or who is the surviving spouse of a deceased person."

S. 3220

A bill to protect a person's right of privacy by providing for the designation of obscene or offensive mail matter by the sender and for the return of such matter at the expense of the sender

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) chapter 53 of title 39, United States Code, is

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amended by adding at the end thereof the following new section:

"§ 4061. Designation and return of obscene or offensive mail matter

"(a) (1) In order to protect a person's right of privacy, the envelope or cover of any mail matter that includes any obscene mail matter or any mail that may be obscene or offensive shall be marked by the sender with the words 'The Enclosed Material May Be Obscene or Offensive to the Addressee'.

"(2) For purposes of this subsection—

"(A) 'obscene mail matter' or 'mail matter that may be obscene or offensive' means any matter which—

"(i) is tangible, including any device, and used or adapted, or capable of being used or adapted, to depict or arouse (through readings, sound, touch, or observation) nudity, interest in nudity, sexual conduct, sexual excitement, or sadomasochistic abuse; or

"(ii) solicits or offers to send matter of the type described in clause (i) of this subparagraph.

"(B) 'nudity' means the showing of the human male or female genitals, pubic area, or buttocks with less than a full opaque covering, the female breast with less than a fully opaque covering of any portion below the top of the nipple, or the depiction of covered male genitals in a discernibly turgid state;

"(C) 'sexual conduct' means acts of masturbation, homosexuality, sexual intercourse, physical contact with a person's clothed or unclothed genitals, pubic area, or buttocks, or, in the case of a female, physical contact with her breast;

"(D) 'sexual excitement' means the condition of human male or female genitals in a state of sexual stimulation or arousal; and

"(E) 'sadomasochistic abuse' means flagellation or torture by or upon a person clad in undergarments, a mask, or bizzare costume, or the condition of being fettered, bound, or otherwise physically restrained on the part of one so clothed.

"(b) (1) In order further to protect a person's right of privacy, any mail matter received by an addressee, and determined by him in his sole discretion to be obscene, may be returned to the sender through the mails, without prepayment of postage by the addressee, by placing the words 'Obscene Mail Matter' in the upper right hand corner of the address area of the envelope or other cover used to return such matter.

"(2) The sender shall pay, for each piece of mail matter returned under this subsection as being obscene, postage at the rates of first-class mail plus an additional service charge.

"(3) The service charge, which shall not be less than 50 cents for each piece, shall be determined and adjusted at least once each year by the Postmaster General and shall approximate the cost incurred by the Department with respect to the delivery of such matter and the collection of postage and other expenses incurred. The service charge shall be in lieu of any other charges assessed under this title for unpaid or part paid mail.

"(c) A sender who fails to mark the envelope or other cover of mail matter as required by subsection (a) of this section, or who refuses to pay the postage or the service charge for any piece of mail matter, returned under subsection (b) of this section as obscene or offensive, shall be subject to a civil penalty of $5,000 for each piece of such matter which is not marked or refused. A civil action to collect any such civil penalty may be brought by the United States in the district court of the United States for any judicial district in which the sender resides, has his principal place of business, or is found, or in the district court for the judicial district to which mail matter, subsequently resulting in the civil action to collect the civil penalty, was sent. Process of any such court for any such district issued in any such action may be served in any other judicial district.

"(d) The Postmaster General may prescribe such rules and regulations as may be necessary to carry out the provisions of this section."

(b) The analysis of such chapter, immediately preceding section 4051, is amended by adding at the end thereof the following new item:

"4061. Designation and return of obscene or offensive mail matter."

Mr. MANSFIELD. Mr. President, I am encouraged by the remarks of the distinguished Senator from North Carolina. I hope it will not take to long before these pornography bills are considered. I think the literature coming through the mail now is getting worse and worse. It is creating a problem, not only among senior members of families, the parents, but also among children who open the mail. I think it is disgraceful.

I must say, in all candor, that I have not yet given up the idea of introducing my bill on pornography as an amendment to the pending measure. I think I should state that to the distinguished Senator from North Carolina because I think it has taken too long a time to face up to the situation. It is about time we put into effect some kind of law which would protect the innocent and unwilling recipients of this type of literature and impose appropriate punishment on those responsible for sending it out. I think it is about time to do what we can—as we have done in the case of cigarettes—with respect to putting a label and warnings on this literature so that the recipients can be informed ahead of time and the literature can be returned at the sender's expense. In that way, perhaps, we can mitigate a situation which is becoming dangerous to the morale and the morals of this Nation.

Mr. President, I suggest the absence of a quorum, and it may be a live quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

S. 3113—DISCHARGE OF COMMITTEE ON RULES AND ADMINISTRATION FROM FURTHER CONSIDERATION

Mr. JORDAN of North Carolina. Mr. President, I ask unanimous consent that the Committee on Rules and Administration be discharged from further consideration of Senate bill 3113, which was referred to it on November 4, 1969, and that the measure be re-referred to the Committee on Government Operations.

The bill would provide for a separate session of Congress each year for the consideration of appropriation bills, would establish the calendar year as the fiscal year of the Government, and would make certain amendments to the Budget and Accounting Act of 1921. The subjects encompassed by the proposal are mainly within the jurisdiction of the Committee on Government Operations. I have discussed the pending request with the chairman of that committee, Senator McCLELLAN, and he has no objection thereto.

The PRESIDING OFFICER. Without objection, it is so ordered.

TRANSCRIPT OF THE CLOSED SESSION

Mr. ELLENDER. Mr. President, on December 15, 1969, during the consideration of the Department of Defense Appropriation Act for fiscal year 1970, the Senate had a closed session at which time there was a lengthy discussion of our activities in Laos.

Pursuant to a unanimous-consent request of the distinguished majority leader (Mr. MANSFIELD), I was given the responsibility of reviewing the transcript of the proceedings during the closed session and deleting any classified material.

Mr. President, I have completed this task and I am today returning the transcript to the chief reporter of the Senate in order that the declassified transcript may be printed in the permanent CONGRESSIONAL RECORD in accordance with the unanimous-consent agreement.

In determining what material should be deleted, I have followed the usual procedures with respect to classified material, and the practices of this body with respect thereto. I have also had prepared a copy of the transcript with security deletions indicated, which will be returned to the Secretary of the Senate for the use of any Member who desires to refer to this transcript in the future.

ORGANIZED CRIME CONTROL ACT OF 1969

Mr. KENNEDY. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of S. 30.

The PRESIDING OFFICER. The bill will be stated by title.

The ASSISTANT LEGISLATIVE CLERK. Calendar No. 612, S. 30, a bill relating to the control of organized crime in the United States.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on the Judiciary with an amendment to strike out all after the enacting clause and insert:

That this Act may be cited as the "Organized Crime Control Act of 1969."

STATEMENT OF FINDINGS AND PURPOSE

The Congress finds that (1) organized crime in the United States is a highly sophisticated, diversified, and widespread activity that annually drains billions of dollars from America's economy by unlawful conduct and the illegal use of force, fraud, and corruption; (2) organized crime derives a major portion of its power through money obtained from such illegal endeavors as syndicated gambling, loan sharking, the theft and fencing of property, the importation and distribution of narcotics and other dangerous drugs, and other forms of social exploitation; (3) this money and power are increasingly used to infiltrate and corrupt legitimate business and labor unions and to subvert and corrupt our democratic processes; (4) organized crime activities in the United States weaken the stability of the Nation's economic system, harm innocent investors and competing organizations, interfere with free competition, seriously burden interstate and foreign commerce, threaten the domestic security, and undermine the general welfare of the Nation and its citizens; and (5) organized crime continues to grow because of defects in the evidence-gathering process of the law inhibiting the development of the legally admissible evidence necessary to bring criminal and other sanctions or remedies to bear on the unlawful activities of those engaged in organized crime and because the sanctions and remedies available to the Government are unnecessarily limited in scope and impact.

It is the purpose of this Act to seek the eradication of organized crime in the United States by strengthening the legal tools in the evidence-gathering process, by establishing new penal prohibitions, and by providing enhanced sanctions and new remedies to deal with the unlawful activities of those engaged in organized crime.

TITLE I—SPECIAL GRAND JURY

SEC. 101. (a) Title 18, United States Code, is amended by adding immediately after chapter 215 the following new chapter:

"Chapter 216.—SPECIAL GRAND JURY

"Sec.
"3331. Summoning and term.
"3332. Powers and duties.
"3333. Reports.
"3334. General provisions.

"§ 3331. Summoning and term

"(a) In addition to such other grand juries as shall be called from time to time, each district court which is located in a judicial district containing more than four million inhabitants or in which the Attorney General, the Deputy Attorney General or any designated Assistant Attorney General, certifies in writing to the chief judge of the district that in his judgment a special grand jury is necessary because of criminal activity in the district shall order a special grand jury to be summoned at least once in each period of eighteen months unless another special grand jury is then serving. The grand jury shall serve for a term of eighteen months unless an order for its discharge is entered earlier by the court upon a determination of the grand jury by majority vote that its business has been completed. If, at the end of such term or any extension thereof, a grand jury determines by majority vote that its business has not been completed, the court shall enter an order extending such term for an additional period of six months. No special grand jury term so extended shall exceed thirty-six months, except as provided in subsection (e) of section 3333 of this chapter.

"(b) If a district court within any judicial circuit fails to extend the term of a special grand jury upon application made by the grand jury pursuant to subsection (a) of this section, or enters an order for the discharge of such grand jury before it determines that it has completed its business, the grand jury, upon the affirmative vote of a majority of its members, may apply to the chief judge of the circuit for an order for the continuance of the term of the grand jury. Upon the making of such an application by the grand jury, the term thereof shall continue until the entry upon such application by the chief judge of the circuit of an appropriate order in conformity with the provisions of subsection (a) of this section. No special grand jury term so extended shall exceed thirty-six months, except as provided in subsection (e) of section 3333 of this chapter.

"§ 3332. Powers and duties

"(a) Each special grand jury when impaneled shall elect by majority vote a foreman and a deputy foreman from among its members.

"(b) It shall be the duty of each such grand jury impaneled within any judicial district to inquire into offenses against the criminal laws of the United States alleged to have been committed within that district which are brought to the attention of the grand jury by the court or by any person.

"(c) Whenever the special grand jury impaneled within any judicial district determines by majority vote that the volume of business of the grand jury exceeds the capacity of the grand jury to discharge its obligations, the grand jury may apply to the district court to impanel an additional special grand jury for that district. Upon any such application and a showing of need, such court shall order an additional grand jury to be impaneled. If the district court declines to hear such an application, or to grant such application after hearing, the grand jury may apply to the chief judge of the circuit for an order impaneling an additional special grand jury for that district. Such chief judge shall hear and determine such application at the earliest practicable time, and shall have jurisdiction to enter thereon such orders as may be required to provide for the impaneling of an additional grand jury within the judicial district for which such application was made.

"(d) Whenever the special grand jury determines by majority vote that any attorney or investigative officer or agent appearing on behalf of the United States before the grand jury for the presentation of evidence with respect to any matter has not performed or is not performing his duties diligently or effectively, the grand jury may transmit to the Attorney General in writing a statement of the reasons for such determination, together with a request for the designation by the Attorney General of another attorney or investigative officer or agent to appear before the grand jury for that purpose. Upon receipt of any such request, the Attorney General shall promptly cause inquiry to be made as to the merits of the allegations made by the grand jury and shall take whatever action he finds appropriate to provide for the United States' prompt and effective representation before such grand jury.

"§ 3333. Reports

"(a) A special grand jury impaneled by any district court, with the concurrence of a majority of its members, may, upon completion of its original term, or each extension thereof, submit to the court a report—

"(1) concerning noncriminal misconduct, malfeasance or misfeasance in office by a public officer or employee as the basis for a recommendation of removal or disciplinary action; or

"(2) stating that after investigation of a public officer or employee it finds no misconduct, malfeasance or misfeasance, or neglect in office by him, provided that such public officer or employee has requested the submission of such report; or

"(3) proposing recommendations for legislative, executive, or administrative action in the public interest based upon stated findings; or

"(4) regarding organized crime conditions in the district.

"(b) The court to which such report is submitted shall examine it and the minutes of the special grand jury and, except as otherwise provided in subsections (c) and (d) of this section, shall make an order accepting and filing such report as a public record only if the court is satisfied that it complies with the provisions of subsection (a) of this section and that—

"(1) the report is based upon facts revealed in the course of an investigation authorized by subsection (b) of section 3332 and is supported by the preponderance of the evidence; and

"(2) when the report is submitted pursuant to paragraph (1) of subsection (a) of this section, each person named therein was afforded an opportunity to testify before the grand jury prior to the filing of such report, and when the report is submitted pursuant to paragraphs (3) and (4) of subsection (a) of this section, it is not critical of an identified person.

"(c)(1) An order accepting a report pursuant to paragraph (1) of subsection (a) of this section and the report shall be sealed by the court and shall not be filed as a public record, subject to subpena or otherwise made public (i) until at least thirty-one days after a copy of the order and report are served upon each public officer or employee named therein and an answer has been filed or the time for filing an answer has expired, or (ii) if an appeal is taken, until all rights of review of the public officer or employee named therein have expired or terminated in an order accepting the report. No order accepting a report pursuant to paragraph (1) of subsection (a) of this section shall be entered until thirty days after the delivery of such report to the public officer or body pursuant to paragraph (3) of subsection (c) of this section. The court may issue such orders as it shall deem appropriate to prevent unauthorized publication of a report. Unauthorized publication may be punished as contempt of the court.

"(2) Such public officer or employee may file with the clerk a verified answer to such a report not later than twenty days after service of the order and report upon him. Upon a showing of good cause, the court may grant such public officer or employee an extension of time within which to file such answer and may authorize such limited publication of the report as may be necessary to prepare such answer. Such an answer shall plainly and concisely state the facts and law constituting the defense of the public officer or employee to the charges in said report, and, except for those parts thereof which the court determines to have been inserted scandalously, prejudiciously, or unnecessarily, such answer shall become an appendix to the report.

"(3) Upon the expiration of the time set forth in paragraph (1) of subsection (c) of this section, the United States attorney shall deliver a true copy of such report, and the appendix, if any, for appropriate action to each public officer or body having jurisdiction, responsibility or authority over each public officer or employee named in the report.

"(d) Upon the submission of a report pursuant to subsection (a) of this section, if the court finds that the filing of such report as a public record may prejudice fair consideration of a pending criminal matter, it shall order such report sealed and such report shall not be subject to subpena or public inspection during the pendency of such criminal matter, except upon order of the court.

"(e) Whenever the court to which a report is submitted pursuant to paragraph (1) of subsection (a) of this section is not satisfied that the report complies with the provisions of subsection (b) of this section, it may direct that additional testimony be taken before the same grand jury, or it shall make an order sealing such report, and it shall not be filed as a public record, subject to subpena or otherwise made public until the provisions of subsection (b) of this section are met. A special grand jury term may extend beyond thirty-six months in order that such additional testimony may be taken or the provisions of subsection (b) of this section may be met.

"(f) As used in this section, 'public officer or employee' means any officer or employee of the United States, any State, the District of Columbia, the Commonwealth of Puerto Rico, any territory or possession of the United States, or any political subdivision, or any department, agency, or instrumentality thereof.

"§ 3334. General provisions

"The provisions of chapter 215, title 18, United States Code, and the Federal Rules of Criminal procedure applicable to regular grand juries shall apply to special grand juries to the extent not inconsistent with sections 3331, 3332, or 3333 of this chapter.

(b) The table of contents of part II, title 18, United States Code, is amended by adding immediately after

"215. Grand Jury .... 3321"

the following new item:

"215. Special Grand Jury .... 3331."

SEC. 102. (a) Subsection (a), section 3500, chapter 223, title 18, United States Code, is amended by striking "to an agent of the Government" following "the defendant".

(b) Subsection (d), section 3500, chapter 223, title 18, United States Code, is amended by striking "paragraph" following "the court under" and inserting in lieu thereof "subsection".

(c) Paragraph (1), subsection (e), section 3500, chapter 223, title 18, United States Code, is amended by striking the "or" following the semicolon.

(d) Paragraph (2), subsection (e), section 3500, chapter 223, title 18, United States Code, is amended by striking "to an agent of the Government" after "said witness" and by striking the period at the end thereof and inserting in lieu thereof: "; or (3) a statement, however taken or recorded, or a transcription thereof, if any, made by said witness to a grand jury.".

TITLE II—GENERAL IMMUNITY

SEC. 201. (a) Title 18, United States Code, is amended by adding immediately after part IV the following new part:

"PART V.—IMMUNITY OF WITNESSES

"Sec.
"6001. Definitions.
"6002. Immunity generally.
"6003. Court and grand jury proceedings.
"6004. Certain administrative proceedings.
"6005. Congressional proceedings.

"§ 6001. Definitions

"As used in this part—

"(1) 'agency of the United States' means any executive department (as defined in 80 Stat. 948; 80 Stat. 378 (5 U.S.C. sec. 101)), a military department (as defined in 80 Stat. 378 (5 U.S.C. sec. 102)), the Atomic Energy Commission, the China Trade Act registrar appointed under 53 Stat. 1432 (15 U.S.C. sec. 143), the Civil Aeronautics Board, the Federal Communications Commission, the Federal Deposit Insurance Corporation, the Federal Maritime Commission, the Federal Power Commission, the Federal Trade Commission, the Interstate Commerce Commission, the National Labor Relations Board, the National Transportation Safety Board, the Railroad Retirement Board, an arbitration board established under 48 Stat. 1193 (45 U.S.C. sec. 157), the Securities and Exchange Commission, the Subversive Activities Control Board, or a board established under 49 Stat. 31 (15 U.S.C. sec. 715d);

"(2) 'other information' includes any book, paper, document, record, recording, or other material;

"(3) 'proceeding before an agency of the United States' means any proceeding before such an agency with respect to which it is authorized to issue subpenas and to take testimony or receive other information from witnesses under oath; and

"(4) 'court of the United States' means any of the following courts: the Supreme Court of the United States, a United States court of appeals, a United States district court established under chapter 5, title 28, United States Code, the District Court of Guam, the District Court of the Virgin Islands, the United States Court of Claims, the United States Court of Customs and Patent Appeals, the Tax Court of the United States, the Customs Court, and the Court of Military Appeals.

"§ 6002. Immunity generally

"Whenever a witness refuses, on the basis of his privilege against self-incrimination, to testify or provide other information in a proceeding before or ancillary to—

"(1) a court or grand jury of the United States,

"(2) an agency of the United States, or

"(3) either House of Congress, a joint committee of the two Houses, or a committee or a subcommittee of either House,

and the person presiding over the proceeding communicates to the witness an order issued under this part, the witness may not refuse to comply with the order on the basis of his privilege against self-incrimination. No such testimony or other information so compelled under the order or evidence or other information which is obtained by the exploitation of such testimony may be used against the witness in any criminal case, except a prosecution for perjury, giving a false statement, or otherwise failing to comply with the order.

"§ 6003. Court and grand jury proceedings

"(a) In the case of any individual who has been or may be called to testify or provide other information at any proceeding before or ancillary to a court of the United States, a grand jury of the United States or the Department of Justice, the United States district court for the judicial district in which the proceeding is or may be held shall issue, in accordance with subsection (b) of this section, upon the request of the United States attorney for such district, an order requiring such individual to give testimony or provide other information which he refuses to give or provide on the basis of his privilege against self-incrimination, such order to become effective as provided in section 6002 of this chapter.

"(b) A United States attorney may, with the approval of the Attorney General, the Deputy Attorney General, or any designated Assistant Attorney General, request an order under subsection (a) of this section when in his judgment—

"(1) the testimony or other information from such individual may be necessary to the public interest; and

"(2) such individual has refused or is likely to refuse to testify or provide other information on the basis of his privilege against self-incrimination.

"§ 6004. Certain administrative proceedings

"(a) In the case of any individual who has been or who may be called to testify or provide other information at any proceeding before an agency of the United States other than the Department of Justice, the agency may issue, in accordance with subsection (b) of this section, an order requiring the individual to give testimony or provide other information which he refuses to give or provide on the basis of his privilege against self-incrimination, such order to become effective as provided in section 6002 of this chapter.

"(b) An agency of the United States may issue an order under subsection (a) of this section only if in its judgment—

"(1) the testimony or other information from such individual may be necessary to the public interest; and

"(2) such individual has refused or is likely to refuse to testify or provide other information on the basis of his privilege against self-incrimination.

The agency may issue such an order ten days after the day on which it served the Attorney General with notice of its intention to issue the order or upon approval of the Attorney General.

"§ 6005. Congressional proceedings

"(a) In the case of any individual who has been or may be called to testify or provide other information at any proceeding before either House of Congress, or any committee, or any subcommittee of either House, or any joint committee of the two Houses, a United States district court shall issue, in accordance with subsection (b) of this section, upon the request of a duly authorized representative of the House of Congress or the committee concerned, an order requiring such individual to give testimony or provide other information which he refuses to give or provide on the basis of his privilege against self-incrimination, such order to become effective as provided in section 6002 of this chapter.

"(b) Before issuing an order under subsection (a) of this section, a United States district court shall find that—

"(1) in the case of a proceeding before either House of Congress, the request for such an order has been approved by an affirmative vote of a majority of the Members present of that House;

"(2) in the case of a proceeding before a committee or a subcommittee of either House of Congress or a joint committee of both Houses, the request for such an order has been approved by an affirmative vote of two-thirds of the members of the full committee; and

"(3) ten days or more prior to the day on which the request for such an order was made, the Attorney General was served with notice of an intention to request the order.

"(c) Upon application of the Attorney General, the United States district court shall defer the issuance of any order under subsection (a) of this section for such period, not longer than twenty days from the date of the request for such order, as the Attorney General may specify."

(b) The table of parts for title 18, United States Code, is amended by adding at the end thereof the following new item:

"V. Immunity of Witness .... 6001."

SEC. 202. The third sentence of paragraph (b) of section 6 of the Commodity Exchange Act (69 Stat. 160; 7 U.S.C. 15) is amended by striking "49 U.S.C. 12, 46, 47, 48, relating to the attendance and testimony of witnesses, the production of documentary evidence, and the immunity of witnesses" and by inserting in lieu thereof the following: "(49 U.S.C. § 12), relating to the attendance and testimony of witnesses and the production of documentary evidence,".

SEC. 203. Subsection (f) of section 17 of the United States Grain Standards Act (82 Stat. 768; 7 U.S.C. § 87f(f)), is repealed.

SEC. 204. The second sentence of section 5 of the Act entitled "An Act to regulate the marketing of economic poisons and devices, and for other purposes", approved June 25, 1947 (61 Stat. 168; 7 U.S.C. § 135c), is amended by inserting after "section", the following language: ", or any evidence which is obtained by the exploitation of information,".

SEC. 205. Subsection (f) of section 13 of the Perishable Agricultural Commodities Act, 1930 (46 Stat. 536; 7 U.S.C. § 499m(f)), is repealed.

SEC. 206. (a) Section 16 of the Cotton Research and Promotion Act (80 Stat. 285; 7 U.S.C. § 2115), is amended by striking "(a)" and by striking subsection (b).

(b) The section heading for such section 16 is amended by striking ": Self-Incrimination".

SEC. 207. Clause (10) of subsection (a) of section 7 of the Act entitled "An Act to establish a uniform system of bankruptcy throughout the United States", approved July 1, 1898 (52 Stat. 847; 11 U.S.C. § 25(a) (10)), is amended by inserting after the first use of the term "testimony" the following language: ", or any evidence which is obtained by the exploitation of such testimony,".

SEC. 208. The fourth sentence of subsection (d) of section 10 of the Federal Deposit Insurance Act (64 Stat. 882; 12 U.S.C. § 1820 (d)), is repealed.

Sec. 209. The seventh paragraph under the center heading "DEPARTMENT OF JUSTICE" in the first section of the Act of February 25, 1903 (32 Stat. 904; 15 U.S.C. § 32), is amended by striking ": Provided, That" and all that follows in that paragraph and inserting in lieu thereof a period.

Sec. 210. The Act of June 30, 1906 (34 Stat. 798; 15 U.S.C. § 33), is repealed.

Sec. 211. The seventh paragraph of section 9 of the Federal Trade Commission Act (38 Stat. 722; 15 U.S.C. § 49), is repealed.

Sec. 212. Subsection (d) of section 21 of the Securities Exchange Act of 1934 (48 Stat. 899; 15 U.S.C. § 78u(d)), is repealed.

Sec. 213. Subsection (c) of section 22 of the Securities Act of 1933 (48 Stat. 86; 15 U.S.C. § 77v(c)), is repealed.

Sec. 214. Subsection (e) of section 18 of the Public Utility Holding Company Act of 1935 (49 Stat. 831; 15 U.S.C. § 79r(e)), is repealed.

Sec. 215. Subsection (d) of section 42 of the Investment Company Act of 1940 (54 Stat. 842; 15 U.S.C. § 80a–41(d)), is repealed.

Sec. 216. Subsection (d) of section 209 of the Investment Advisers Act of 1940 (54 Stat. 853; 15 U.S.C. § 80b–9(d)), is repealed.

Sec. 217. Subsection (c) of section 15 of the China Trade Act, 1922 (42 Stat. 953; 15 U.S.C. § 155(c)), is repealed.

Sec. 218. Subsection (h) of section 14 of the Natural Gas Act (52 Stat. 828; 15 U.S.C. § 717m(h)), is repealed.

Sec. 219. The first proviso of section 12 of the Act entitled "An Act to regulate the interstate distribution and sale of packages of hazardous substances intended or suitable for household use," approved July 12, 1960 (74 Stat. 379; 15 U.S.C. § 1271), is amended by inserting after "section" the following language: ", or any evidence which is obtained by the exploitation of such information,".

Sec. 220. Subsection (e) of section 1415 of the Interstate Land Sales Full Disclosure Act (82 Stat. 596; 15 U.S.C. § 1714(e)), is repealed.

Sec. 21. Subsection (g) of section 307 of the Federal Power Act (49 Stat. 856; 16 U.S.C. § 825f(g)), is repealed.

Sec. 222. Subsection (b) of section 835 of title 18, United States Code, is amended by striking the third sentence thereof.

Sec. 223. (a) Section 895 of title 18 United States Code, is repealed.

(b) The table of sections of chapter 42 of such title is amended by striking the item relating to section 895.

Sec. 224. (a) Section 1406 of title 18, United States Code, is repealed.

(b) The table of sections of chapter 68 of such title is amended by striking the item relating to section 1406.

Sec. 225. Section 1954 of title 18, United States Code, is amended by striking "(a) Whoever" and inserting in lieu thereof "Whoever" and by striking subsection (b) thereof.

Sec. 226. The second sentence of subsection (b), section 2424, title 18, United States Code is amended by striking "but no person" and all that follows in that subsection and inserting in lieu thereof: "but no information contained in the statement or any evidence which is obtained by the exploitation of such information may be used against any person making such statement in any criminal case, except a prosecution for perjury, giving a false statement or otherwise failing to comply with this section."

Sec. 227. (a) Section 2514 of title 18, United States Code, is repealed effective four years after the effective date of this Act.

(b) The table of sections of chapter 119 of such title is amended by striking the item relating to section 2514.

Sec. 228. (a) Section 3486 of title 18, United States Code is repealed.

(b) The table of sections of chapter 223 of such title is amended by striking the item relating to section 3486.

Sec. 229. Subsection (e) of section 333 of the Tariff Act of 1930 (46 Stat. 699; 19 U.S.C. § 1333(e)), is amended by striking ": Provided, That" and all that follows in that subsection and inserting in lieu thereof a period.

Sec. 230. The first proviso of section 703 of the Federal Food, Drug and Cosmetic Act, approved June 25, 1938 (52 Stat. 1057; 21 U.S.C. § 373), is amended by inserting after "section" the following language: ", or any evidence which is obtained by the exploitation of such evidence,".

Sec. 231. (a) Section 4874 of the Internal Revenue Code of 1954 is repealed.

(b) The table of sections of part III of subchapter (D) of chapter 39 of such Code is amended by striking the item relating to section 4874.

Sec. 232. (a) Section 7493 of the Internal Revenue Code of 1954 is repealed.

(b) The table of sections of part III of subchapter (E) of chapter 76 of such Code is amended by striking the item relating to section 7493.

Sec. 233. (a) Subchapter (E) of chapter 75 of the Internal Revenue Code of 1954 is repealed.

(b) The table of subchapters for chapter 75 of the Internal Revenue Code of 1954 is amended by striking the item

"Subchapter E. . . . Immunity.'

Sec. 234. Paragraph (3) of section 11 of the Labor Management Relations Act, 1947 (49 Stat. 455; 29 U.S.C. § 161(3)), is repealed.

Sec. 235. The third sentence of section 4 of the Act entitled "An Act to provide that tolls on certain bridges over navigable waters of the United States shall be just and reasonable and for other purposes", approved August 21, 1935 (49 Stat. 671; 33 U.S.C. § 506), is repealed.

Sec. 236. Subsection (f) of section 205 of the Social Security Act (42 U.S.C. § 405(f)) is repealed.

Sec. 237. Paragraph (c) of section 161 of the Atomic Energy Act of 1954 (68 Stat. 948; 42 U.S.C. § 2201(c)), is amended by striking the third sentence thereof.

Sec. 238. The last sentence of the first paragraph of subparagraph (h) of the paragraph designated "Third" of section 7 of the Railway Labor Act (44 Stat. 582; 45 U.S.C. § 157), is repealed.

Sec. 239. Subsection (c) of section 12 of the Railroad Unemployment Insurance Act (52 Stat. 1107; 45 U.S.C. § 362(c), is repealed.

Sec. 240. Section 28 of the Shipping Act of 1916 (39 Stat. 737; 46 U.S.C. § 827), is repealed.

Sec. 241. Subsection (c) of section 214 of the Merchant Marine Act, 1936 (49 Stat. 1991; 46 U.S.C. § 1124(c)), is repealed.

Sec. 242. Subsection (l) of section 409 of the Communications Act of 1934 (48 Stat. 1096; 47 U.S.C. § 409(l)), is repealed.

Sec. 243. (a) The second sentence of section 9 of the Interstate Commerce Act (24 Stat. 382; 49 U.S.C. § 9), is amended by striking "; the claim" and all that follows in that sentence and inserting in lieu thereof a period.

(b) Subsection (a) of section 316 of the Interstate Commerce Act (54 Stat. 946; 49 U.S.C. § 916(a)) is amended by striking the comma following "part I" and by striking ", and the Immunity of Witnesses Act (34 Stat. 798; 32 Stat. 904, ch. 755, sec. 1),".

(c) Subsection (a) of section 417 of the Interstate Commerce Act (49 U.S.C. § 1017 (a)), is amended by striking the comma after "such provisions" and by striking ", and of the Immunity of Witnesses Act (34 Stat. 798; 32 Stat. 904, ch. 755, sec. 1),".

Sec. 244. The third sentence of section 3 of the Act entitled "An Act to further regulate Commerce with foreign nations and among the States", approved February 19, 1903 (32 Stat. 848; 49 U.S.C. § 43), is amended by striking "; the claim" and all that follows in that sentence down through and including "*Provided,* That the provisions" and inserting in lieu thereof ". The provisions".

Sec. 245. The first paragraph of the Act of February 11, 1893 (27 Stat. 443; 49 U.S.C. § 46), is repealed.

Sec. 246. Subsection (i) of section 1004 of the Federal Aviation Act of 1958 (72 Stat. 792; 49 U.S.C. § 1484(i)), is repealed.

Sec. 247. The ninth sentence of subsection (c) of section 13 of the Internal Security Act of 1950 (81 Stat. 798; 50 U.S.C. § 792(c)), is repealed.

Sec. 248. Section 1302 of the Second War Powers Act of 1942 (56 Stat. 185; 50 U.S.C. App. § 643a), is amended by striking the fourth sentence thereof.

Sec. 249. Paragraph (4) of subsection (a) of section 2 of the Act entitled "An Act to expedite national defense, and for other purposes", approved June 28, 1940 (54 Stat. 676; 50 U.S.C. App. § 1152(a)(4)), is amended by striking the fourth sentence thereof.

Sec. 250. Subsection (d) of section 6 of the Export Control Act of 1949 (63 Stat. 8; 50 U.S.C. App. § 2026 (b)) is repealed.

Sec. 251. Subsection (b) of section 705 of the Act of September 8, 1950, to amend the Tariff Act of 1930 (64 Stat. 816; 50 U.S.C. § 2155(b)), is repealed.

Sec. 252. In addition to the provisions of law specifically amended or specifically repealed by this title, any other provision of law inconsistent with the provisions of part V of title 18, United States Code (added by title II of this Act), is to that extent amended or repealed.

TITLE III—RECALCITRANT WITNESSES

Sec. 301. (a) Chapter 119, title 28, United States Code, is amended by adding at the end thereof the following new section:

"§ 1826. Recalcitrant witnesses

"(a) Whenever a witness in any proceeding before or ancillary to any court or grand jury of the United States refuses without just cause shown to comply with an order of the court to testify or provide other information, including any book, paper, document, record, recording or other material, the court, upon such refusal, or when such refusal is duly brought to its attention, may summarily order his confinement at a suitable place until such time as the witness is willing to give such testimony or provide such information. No period of such confinement shall exceed the life of the court proceeding or of the term, including extensions, of the grand jury before which such refusal to comply with the court order occurred.

"(b) No person confined pursuant to subsection (a) of this section shall be admitted to bail pending the determination of an appeal taken by him from the order for his confinement, unless there is substantial possibility of reversal. Any appeal from an order of confinement under this section shall be disposed of as soon as practicable, but not later than 30 days from the filing of such appeal."

(b) The analysis of chapter 119, title 28, United States Code, is amended by adding at the end thereof the following new item:

"1826. Recalcitrant witnesses.".

Sec. 302. (a) The first paragraph of section 1073, chapter 49, title 18, United States Code, is amended by inserting "or (3) to avoid contempt proceedings for alleged disobedience of any lawful process requiring attendance and the giving of testimony or the production of documentary evidence before an agency of a State empowered by the law of such State to conduct investigations of alleged criminal activities," immediately after "is charged,".

(b) The second paragraph of section 1073,

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chapter 49, title 18, United States Code, is amended by inserting immediately after "held in custody or confinement" a comma and adding "or in which a contempt referred to in clause (3) of the first paragraph of this section is alleged to have been committed,".

TITLE IV—FALSE DECLARATIONS

SEC. 401. (a) Chapter 79, title 18, United States Code, is amended by adding at the end thereof the following new section:

"§ 1623. False declarations before grand jury or court

"(a) Whoever under oath in any proceeding before or ancillary to any court or grand jury of the United States knowingly makes any materially false declaration or makes or uses any other information, including any book, paper, document, record, recording or other material, knowing the same to contain any materially false declaration, shall be fined not more than $10,000 or imprisoned not more than five years, or both.

"(b) This section is applicable whether the conduct occurred within or without the United States.

"(c) An indictment or information for violation of this section alleging that the defendant under oath has made contradictory declarations material to the point in question in any proceeding before or ancillary to any court or grand jury of the United States, need not specify which declaration is false. In any prosecution under this section, the falsity of a declaration set forth in the indictment or information shall be established sufficient for conviction by proof that the defendant while under oath made manifestly contradictory declarations material to the point in question in any proceeding before or ancillary to any court or grand jury. Where the contradictory declarations are made in the same continuous court or grand jury proceeding, an admission by a person in that same continuous court or grand jury proceeding of the falsity of his contradictory declaration shall bar prosecution under this section if, at the time the admission is made, the false declaration has not substantially affected the proceeding, or it has not become manifest that such falsity has been or will be exposed.

"(d) Proof beyond a reasonable doubt under this section is sufficient for conviction. It shall not be necessary that such proof be made by any particular number of witnesses or by documentary or other type of evidence."

(b) The analysis of chapter 79, title 18, United States Code, is amended by adding at the end thereof the following new item:

"1623. False declarations before grand jury or court."

TITLE V—PROTECTED FACILITIES FOR HOUSING GOVERNMENT WITNESSES

SEC. 501. The Attorney General of the United States is authorized to provide for the security of Government witnesses, potential Government witnesses, and the families of Government witnesses and potential witnesses in legal proceedings against any person alleged to have participated in an organized criminal activity.

SEC. 502. The Attorney General of the United States is authorized to rent, purchase, or construct protected housing facilities and to otherwise offer to provide for the health, safety, and welfare of witnesses and persons intended to be called as Government witnesses, and the families of witnesses and persons intended to be called as Government witnesses in legal proceedings instituted against any person alleged to have participated in an organized criminal activity whenever, in his judgment, testimony from, or a willingness to testify by, such a witness would place his life or person, or the life or person of a member of his family or household, in jeopardy. Any person availing himself of an offer by the Attorney General to use such facilities may continue to use such facilities for as long as the Attorney General determines the jeopardy to his life or person continues.

SEC. 503. As used in this title, "Government" means the United States, any State, the District of Columbia, the Commonwealth of Puerto Rico, any territory or possession of the United States, any political subdivision, or any department, agency, or instrumentality thereof. The offer of facilities to witnesses may be conditioned by the Attorney General upon reimbursement in whole or in part to the United States by any State or any political subdivision, or any department, agency, or instrumentality thereof of the cost of maintaining and protecting such witnesses.

SEC. 504. There is hereby authorized to be appropriated from time to time such funds as are necessary to carry out the provisions of this title.

TITLE VI—DEPOSITIONS

SEC. 601. (a) Chapter 223, title 18, United States Code, is amended by adding at the end thereof the following new section:

"§ 3503. Depositions to preserve testimony

"(a) Whenever due to exceptional circumstances it is in the interest of justice that the testimony of a prospective witness of a party be taken and preserved, the court at any time after the filing of an indictment or information may upon motion of such party and notice to the parties order that the testimony of such witness be taken by deposition and that any designated book, paper, document, record, recording, or other material not privileged be produced at the same time and place. If a witness is committed for failure to give bail to appear to testify at a trial or hearing, the court on written motion of the witness and upon notice to the parties may direct that his deposition be taken. After the deposition has been subscribed the court may discharge the witness.

"(b) The party at whose instance a deposition is to be taken shall give to every party reasonable written notice of the time and place for taking the deposition. The notice shall state the name and address of each person to be examined. On motion of a party upon whom the notice is served, the court for cause shown may extend or shorten the time or change the place for taking the deposition. The officer having custody of a defendant shall be notified of the time and place set for the examination, and shall produce him at the examination and keep him in the presence of the witness during the examination. A defendant not in custody shall have the right to be present at the examination, but his failure, absent good cause shown, to appear after notice and tender of expenses shall constitute a waiver of that right and of any objection to the taking and use of the deposition based upon that right.

"(c) If a defendant is without counsel, the court shall advise him of his rights and assign counsel to represent him unless the defendant elects to proceed without counsel or is able to obtain counsel of his own choice. If it appears that a defendant cannot bear the expense of the taking of the deposition, the court may direct that the expenses of travel and subsistence of the defendant and his attorney for attendance at the examination shall be paid by the Government. In such event the marshal shall make payment accordingly.

"(d) A deposition shall be taken and filed in the manner provided in civil actions. On request or waiver by the defendant the court may direct that a deposition be taken on written interrogatories in the manner provided in civil actions. Such request shall constitute a waiver of any objection to the taking and use of the deposition based upon its being so taken.

"(e) The Government shall make available to the defendant for his examination and use at the taking of the deposition any statement of the witness being deposed which is in the possession of the Government and which the Government would be required to make available to the defendant if the witness were testifying at the trial.

"(f) Objections to receiving in evidence a deposition or part thereof may be made as provided in civil actions."

(b) The analysis of chapter 223, title 18, Unted States Code, is amended by adding at the end thereof the following new item:

"3503. Depositions to preserve testimony."

TITLE VII—LITIGATION CONCERNING SOURCES OF EVIDENCE

PART A—SPECIAL FINDINGS

SEC. 701. The Congress finds that (1) hearing and reviewing claims that evidence offered in proceedings was obtained by the exploitation of allegedly unlawful acts and is therefore inadmissible in evidence are major causes of undue expense and delay in the administration of justice and distract effort, time, and emphasis of Government officials and the public from fundamental issues; (2) present rules and practices of disclosure incident to hearing and reviewing such claims can and will unduly permit parties to obtain much information unrelated to such claims and otherwise privileged, inhibit communication by Government informants, endanger the lives and safety of such informants, Government agents and others, cause unjustified harm to reputations of third persons, compromise national security and other criminal and civil investigations, interfere with prosecutions and civil actions, impair Federal-State cooperation in law enforcement and endanger the security of the United States; (3) when such claims concern evidence of events occurring years after the allegedly unlawful acts, those consequences of litigation and disclosure are aggravated and the claims often cannot reliably be determined; and (4) when the allegedly unlawful act has occurred more than five years prior to the event in question, there is virtually no likelihood that the evidence offered to prove the event has been obtained by the exploitation of that allegedly unlawful act.

PART B—LITIGATION CONCERNING SOURCES OF EVIDENCE

SEC. 702. (a) Chapter 223, title 18, United States Code, is amended by adding at the end thereof the following new section:

"§ 3504. Litigation concerning sources of evidence

"(a) In any trial, hearing, or other proceeding in or before any court, grand jury, department, officer, agency, regulatory body, or other authority of the United States, a State or a political subdivision thereof—

"(1) upon a claim, by a party aggrieved, that evidence is inadmissible because it is the primary product of an unlawful act or of lawful compulsion and grant of immunity, or because it was obtained by the exploitation of an unlawful act or of evidence given under lawful compulsion and grant of immunity, the opponent of the claim shall affirm or deny the occurrence of the alleged unlawful act or compulsion;

"(2) disclosure of information for a determination if evidence is inadmissible because it is the primary product of an unlawful act or of lawful compulsion and grant of immunity, or because it was obtained by the exploitation of an unlawful act or of evidence given under lawful compulsion and grant of immunity, shall not be required unless such information may be relevant to a pending claim of such inadmissibility and such disclosure is in the interest of justice; and

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"(3) no claim shall be considered that evidence of an event is inadmissible on the ground that such evidence was obtained by the exploitation of an unlawful act or of evidence given under lawful compulsion and grant of immunity, if such event occurred more than five years after such allegedly unlawful act or compulsion.

"(b) As used in this section—

"(1) 'State' means any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, and any territory or possession of the United States; and

"(2) 'unlawful act' means any act in violation of the Constitution or laws of the United States or any regulation or standard promulgated pursuant thereto."

(b) The analysis of chapter 223, title 18, United States Code, is amended by adding at the end thereof the following new item:

"3504. Litigation concerning sources of evidence."

SEC. 703. This title shall apply to all proceedings, regardless of when commenced, occurring after the date of its enactment. Paragraph (3) of subsection (a) of section 3504, chapter 223, title 18, United States Code, shall not apply to any proceeding in which all information to be relied upon to establish inadmissibility was possessed by the party making such claim and adduced in such proceeding prior to such enactment.

TITLE VIII—SYNDICATED GAMBLING

PART A—SPECIAL FINDINGS

SEC. 801. The Congress finds that (1) illegal gambling involves widespread use of, and has an effect upon, interstate commerce and the facilities thereof; (2) illegal gambling is dependent upon facilities of interstate commerce for such purposes as obtaining odds, making and accepting bets, and laying off bets; (3) money derived from or used in illegal gambling moves in interstate commerce or is handled through the facilities thereof; (4) paraphernalia for use in illegal gambling moves in interstate commerce; and (5) illegal gambling enterprises are facilitated by the corruption and bribery of State and local officials or employees responsible for the execution or enforcement of criminal laws.

PART B—OBSTRUCTION OF STATE OR LOCAL LAW ENFORCEMENT

SEC. 802. (a) Chapter 73, title 18, United States Code, is amended by adding at the end thereof the following new section:

"§ 1511. Obstruction of State or local law enforcement

"(a) It shall be unlawful for two or more persons to participate in a scheme to obstruct the enforcement of the criminal laws of a State or political subdivision thereof, with the intent to facilitate an illegal gambling business, if—

"(1) one or more of such persons does any act to effect the object of such a scheme;

"(2) one or more of such persons is an official or employee, elected, appointed, or otherwise, who is responsible for the enforcement of criminal laws of such State or political subdivision; and

"(3) one or more of such persons participates in an illegal gambling business.

"(b) As used in this section—

"(1) 'illegal gambling business' means a gambling business which—

"(i) is a violation of the law of a State or political subdivision thereof;

"(ii) involves five or more persons who participate in the gambling activity; and

"(iii) has been or remains in operation for a period in excess of thirty days or has a gross revenue of $2,000 in any single day.

"(2) 'gambling' includes pool-selling, bookmaking, maintaining slot machines, roulette wheels, or dice tables, and conducting lotteries, policy, bolita or numbers games, or selling chances therein.

"(3) 'State' means any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, and any territory or possession of the United States.

"(c) This section shall not apply to any bingo game, lottery, or similar game of chance conducted by an organization exempt from tax under paragraph (3) of subsection (c) of section 501 of the Internal Revenue Code of 1954, as amended, if no part of the gross receipts derived from such activity inures to the benefit of any private shareholder, member, or employee of such organization, except as compensation for actual expenses incurred by him in the conduct of such activity.

"(d) Whoever violates this section shall be punished by a fine of not more than $20,000 or imprisonment for not more than five years, or both."

(b) The analysis of chapter 73, title 18, United States Code, is amended by adding at the end thereof the following new item:

"1511. Obstruction of State or local law enenforcement."

PART C—ILLEGAL GAMBLING BUSINESS

Sec. 803. (a) Chapter 95, title 18, United States Code, is amended by adding at the end thereof the following new section:

"§ 1955. Prohibition of illegal gambling businesses

"(a) Whoever participates in an illegal gambling business shall be fined not more than $20,000 or imprisoned not more than five years, or both.

"(b) As used in this section—

"(1) 'illegal gambling business' means a gambling business which—

"(i) is a violation of the law of a State or political subdivision thereof;

"(ii) involves five or more persons who participate in the gambling activity; and

"(iii) has been or remains in operation for a period in excess of thirty days or has a gross revenue of $2,000 in any single day.

"(2) 'gambling' includes pool-selling, bookmaking, maintaining slot machines, roulette wheels or dice tables, and conducting lotteries, policy, bolita or numbers games, or selling chances therein.

"(3) 'State' means any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, and any territory or possession of the United States.

"(c) For the purposes of this section, if it is found that a gambling business has five or more persons who participate in such business and such business operates for two or more successive days, the probability shall have been established that such business receives gross revenue in excess of $2,000 in any single day.

"(d) Any property, including money, used in violation of the provisions of this section may be seized and forfeited to the United States. All provisions of law relating to the seizure, summary and judicial forfeiture procedures, and condemnation of vessels, vehicles, merchandise, and baggage for violation of the customs laws; the disposition of such vessels, vehicles, merchandise, and baggage or the proceeds from such sale; the remission or mitigation of such forfeitures; and the compromise of claims and the award of compensation to informers in respect of such forfeitures shall apply to seizures and forfeitures incurred or alleged to have been incurred under the provisions of this section, insofar as applicable and not inconsistent with such provisions. Such duties as are imposed upon the collector of customs or any other person in respect to the seizure and forfeiture of vessels, vehicles, merchandise, and baggage under the customs laws shall be performed with respect to seizures and forfeitures of property used or intended for use in violation of this section by such officers, agents, or other persons as may be designated for that purpose by the Attorney General.

"(e) This section shall not apply to any bingo game, lottery, or similar game of chance conducted by an organization exempt from tax under paragraph (3) of subsection (c) of section 501 of the Internal Revenue Code of 1954, as amended, if no part of the gross receipts derived from such activity inures to the benefit of any private shareholder, member, or employee of such organization except as compensation for actual expenses incurred by him in the conduct of such activity."

(b) The analysis of chapter 95, title 18, United States Code, is amended by adding at the end thereof the following new item:

"1955. Prohibition of illegal gambling businesses."

PART D—COMMISSION TO REVIEW NATIONAL POLICY TOWARD GAMBLING

ESTABLISHMENT

SEC. 804. (a) There is hereby established two years after the effective date of this Act a Commission on the Review of the National Policy Toward Gambling.

(b) The Commission shall be composed of fifteen members appointed as follows:

(1) four appointed by the President of the Senate from Members of the Senate, of whom two shall be members of the majority party, and two shall be members of the minority party;

(2) four appointed by the Speaker of the House of Representatives from Members of the House of Representatives, of whom two shall be members of the majority party, and two shall be members of the minority party; and

(3) seven appointed by the President of the United States from persons specially qualified by training and experience to perform the duties of the Commission, none of whom shall be officers of the executive branch of the Government.

(c) The President of the United States shall designate a Chairman from among the members of the Commission. Any vacancy in the Commission shall not affect its powers but shall be filled in the same manner in which the original appointment was made.

(d) Eight members of the Commission shall constitute a quorum.

DUTIES

SEC. 805. (a) It shall be the duty of the Commission to conduct a comprehensive legal and factual study of gambling in the United States and existing Federal, State, and local policy and practices with respect to legal prohibition and taxation of gambling activities and to formulate and propose such changes in those policies and practices as the Commission may deem appropriate. In such study and review the Commission shall—

(1) review the effectiveness of existing practices in law enforcement, judicial administration, and corrections in the United States and in foreign legal jurisdictions for the enforcement of the prohibition and taxation of gambling activities and consider possible alternatives to such practices; and

(2) prepare a study of existing statutes of the United States that prohibit and tax gambling activities, and such a codification, revision or repeal thereof as the Commission shall determine to be required to carry into effect such policy and practice changes as it may deem to be necessary or desirable.

(b) The Commission shall make such interim reports as it deems advisable. It shall make a final report of its findings and recommendations to the President of the United States and to the Congress within the four-year period following the establishment of the Commission.

(c) Sixty days after the submission of its final report, the Commission shall cease to exist.

POWERS

SEC. 806. (a) The Commission or any duly authorized subcommittee or member thereof may, for the purpose of carrying out the provisions of this title, hold such hearings, sit and act at such times and places, administer

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such oaths, and require by subpena or otherwise the attendance and testimony of such witnesses and the production of such books, records, correspondence, memorandums, papers and documents as the Commission or such subcommittee or member may deem advisable. Any member of the Commission may administer oaths or affirmations to witnesses appearing before the Commission or before such subcommittee or member. Subpenas may be issued under the signature of the Chairman or any duly designated member of the Commission, and may be served by any person designated by the Chairman or such member.

(b) In the case of contumacy or refusal to obey a subpena issued under subsection (a) by any person who resides, is found, or transacts business within the jurisdiction of any district court of the United States, the district court, at the request of the Chairman of the Commission, shall have jurisdiction to issue to such person an order requiring such person to appear before the Commission or a subcommittee or member thereof, there to produce evidence if so ordered, or there to give testimony touching the matter under inquiry. Any failure of any such person to obey any such order of the court may be punished by the court as a contempt thereof.

(c) The Commission shall be "an agency of the United States" under subsection (1), section 6001, title 18, United States Code for the purpose of granting immunity to witnesses.

(d) Each department, agency, and instrumentality of the executive branch of the Government including independent agencies, is authorized and directed to furnish to the Commission, upon request made by the Chairman, on a reimbursable basis or otherwise, such statistical data, reports, and other information as the Commission deems necessary to carry out its functions under this title. The Chairman is further authorized to call upon the departments, agencies, and other offices of the several States to furnish, on a reimbursable basis or otherwise, such statistical data, reports, and other information as the Commission deems necessary to carry out its functions under this title.

COMPENSATION AND EXEMPTION OF MEMBERS

SEC. 807. (a) A member of the Commission who is a Member of Congress or a member of the Federal judiciary shall serve without compensation, but shall be reimbursed for travel, subsistence, and other necessary expenses incurred in the performance of duties vested in the Commission.

(b) A member of the Commission who is not a Member of Congress or a member of the Federal Judiciary shall receive $100 per diem when engaged in the actual performance of duties vested in the Commission plus reimbursement for travel, subsistence, and other necessary expenses incurred in the performance of such duties.

STAFF

SEC. 808. (a) Subject to such rules and regulations as may be adopted by the Commission, the Chairman shall have the power to—

(1) appoint and fix the compensation of an Executive Director, and such additional staff personnel as he deems necessary, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates, but at rates not in excess of the maximum rate for GS–18 of the General Schedule under section 5332 of such title; and

(2) procure temporary and intermittent services to the same extent as is authorized by section 3109 of title 5, United States Code, but at rates not to exceed $100 a day for individuals.

(b) In making appointments pursuant to this subsection, the Chairman shall include among his appointments individuals determined by the Chairman to be competent social scientists, lawyers, and law enforcement officers.

EXPENSES

SEC. 809. There are hereby authorized to be appropriated to the Commission such sums as may be necessary to carry this title into effect.

PART E—GENERAL PROVISIONS

SEC. 810. Paragraph (c), subsection (1), section 2516, title 18, United States Code, is amended by adding "section 1511 (obstruction of State or local law enforcement)" after "section 1510 (obstruction of criminal investigations)," and by adding "section 1955 (prohibition of business enterprises of gambling)," after "section 1954 (offer, acceptance, or solicitation to influence operations of employee benefit plans),".

SEC. 811. No provision of this title indicates an intent on the part of the Congress to occupy the field in which such provision operates to the exclusion of the law of a State or possession, or a political subdivision of a State or possession, on the same subject matter, or to relieve any person of any obligation imposed by any law of any State or possession, or a political subdivision of a State or possession.

TITLE IX—RACKETEER INFLUENCED AND CORRUPT ORGANIZATIONS

SEC. 901. (a) Title 18, United States Code, is amended by adding immediately after chapter 95 thereof the following new chapter:

"Chapter 96.—RACKETEER INFLUENCED AND CORRUPT ORGANIZATIONS

"Sec.
"1961. Definitions.
"1962. Prohibited racketeering activities.
"1963. Criminal penalties.
"1964. Civil remedies.
"1965. Venue and process.
"1966. Expedition of actions.
"1967. Evidence.
"1968. Civil investigative demand.

"§ 1961. Definitions

"As used in this chapter—

"(1) 'racketeering activity' means (A) any act or threat involving murder, kidnaping, gambling, arson, robbery, bribery, extortion, or dealing in narcotic or other dangerous drugs, which is chargeable under State law and punishable by imprisonment for more than one year; (b) any act which is indictable under any of the following provisions of title 18, United States Code: Section 201 (relating to bribery), section 224 (relating to sports bribery), sections 471, 472, and 473 (relating to counterfeiting), section 659 (relating to theft from interstate shipment), section 664 (relating to embezzlement from pension and welfare funds), sections 891–894 (relating to extortionate credit transactions), section 1084 (relating to the transmission of gambling information), section 1341 (relating to mail fraud), section 1343 (relating to wire fraud), section 1503 (relating to obstruction of justice), section 1510 (relating to obstruction of criminal investigations), section 1511 (relating to the obstruction of State or local law enforcement), section 1951 (relating to interference with commerce, robbery, or extortion), section 1952 (relating to racketeering), section 1953 (relating to interstate transportation of wagering paraphernalia), section 1954 (relating to unlawful welfare fund payments), section 1955 (relating to the prohibition of illegal gambling businesses), sections 2314 and 2315 (relating to interstate transportation of stolen property), sections 2421–24 (relating to white slave traffic), (C) any act which is indictable under title 29, United States Code, section 186 (dealing with restrictions on payments and loans to labor organizations) or section 501 (c) (relating to embezzlement from union funds), or (D) any offense involving bankruptcy fraud, fraud in the sale of securities, or the manufacture, importation, receiving, concealment, buying, selling or otherwise dealing in narcotic or other dangerous drugs, punishable under any law of the United States.

"(2) 'State' means any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, any territory or possession of the United States, any political subdivision, or any department, agency or instrumentality thereof;

"(3) 'person' includes any individual or entity capable of holding a legal or beneficial interest in property;

"(4) 'enterprise' includes any individual, partnership, corporation, association, or other legal entity, and any union or group of individuals associated in fact although not a legal entity;

"(5) 'pattern of racketeering activity' requires at least two acts of racketeering activity, one of which occurred after the effective date of this chapter;

"(6) 'unlawful debt' means a debt (A) which is unenforceable under State or Federal law in whole or in part as to principal or interest because of the laws relating to gambling or usury, and (B) which was incurred in connection with the business of gambling or the business of lending money or a thing of value at a usurious rate, where the usurious rate is at least twice the permitted rate;

"(7) 'racketeering investigator' means any attorney or investigator so designated by the Attorney General and charged with the duty of enforcing or carrying into effect this chapter;

"(8) 'racketeering investigation' means any inquiry conducted by any racketeering investigator for the purpose of ascertaining whether any person has been involved in any violation of this chapter or of any final order, judgment, or decree of any court of the United States, duly entered in any case or proceeding arising under this chapter;

"(9) 'documentary material' includes any book, paper, document, record, recording, or other material; and

"(10) 'Attorney General' includes the Attorney General of the United States, the Deputy Attorney General of the United States, any Assistant Attorney General of the United States, or any employee of the Department of Justice or any employee of any department or agency of the United States so designated by the Attorney General to carry out the powers conferred on the Attorney General by this chapter. Any department or agency so designated may use in investigations authorized by this chapter either the investigative provisions of this chapter or the investigative power of such department or agency otherwise conferred by law.

"§ 1962. Prohibited activities

"(a) It shall be unlawful for any person who has received any income derived, directly or indirectly, from a pattern of racketeering activity or through collection of an unlawful debt in which such person has participated as a principal within the meaning of section 2, title 18, United States Code, to use or invest, directly or indirectly, any part of such income, or the proceeds of such income, in acquisition of any interest in, or the establishment or operation of, any enterprise which is engaged in, or the activities of which affect, interstate or foreign commerce. A purchase of securities on the open market for purposes of investment, and without the intention of controlling or participating in the control of the issuer, or of assisting another to do so, shall not be unlawful under this subsection if the securities of the issuer held by the purchaser, the members of his immediate family, and his or their accomplices in any pattern or racketeering activity or the collection of an unlawful debt after such purchase do not amount in the aggregate to one percent of

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the outstanding securities of any one class, and do not confer, either in law or in fact, the power to elect one or more directors of the issuer.

"(b) It shall be unlawful for any person through a pattern of racketeering activity or through collection of an unlawful debt to acquire or maintain, directly or indirectly, any interest in or control of any enterprise which is engaged in, or the activities of which affect, interstate or foreign commerce.

"(c) It shall be unlawful for any person employed by or associated with any enterprise engaged in, or the activities of which affect, interstate or foreign commerce, to conduct or participate, directly or indirectly, in the conduct of such enterprise's affairs through a pattern of racketeering activity or collection of unlawful debt.

"(d) It shall be unlawful for any person to conspire to violate any of the provisions of subsections (a), (b), or (c) of this section.

"(e) A violation of this section shall be deemed to continue so long as the person who committed the violation continues to receive any benefit from the violation.

"§ 1963. Criminal penalties

"(a) Whoever violates any provision of section 1962 of this chapter shall be fined not more than $25,000 or imprisoned not more than twenty years, or both, and shall forfeit to the United States (1) any interest he has acquired or maintained in violation of section 1962, and (2) any interest in, security of, claim against, or property or contractual right of any kind affording a source of influence over, any enterprise which he has established, operated, controlled, conducted, or participated in the conduct of, in violation of section 1962.

"(b) In any action brought by the United States under this section, the district courts of the United States shall have jurisdiction to enter such restraining orders or prohibitions, or to take such other actions, including, but not limited to, the acceptance of satisfactory performance bonds, in connection with any property or other interest subject to forfeiture under this section, as it shall deem proper.

"(c) Upon conviction of a person under this section, the court shall authorize the Attorney General to seize all property or other interest declared forfeited under this section upon such terms and conditions as the court shall deem proper. If a property right or other interest is not exercisable or transferable for value by the United States, it shall expire, and shall not revert to the convicted person. All provisions of law relating to the disposition of property, or the proceeds from the sale thereof, or the remission or mitigation of forfeitures for violation of the customs laws, and the compromise of claims and the award of compensation to informers in respect of such forfeitures shall apply to forfeitures incurred, or alleged to have been incurred, under the provisions of this section, insofar as applicable and not inconsistent with the provisions hereof. Such duties as are imposed upon the collector of customs or any other person with respect to the disposition of property under the customs laws shall be performed under this chapter by the Attorney General. The United States shall dispose of all such property as soon as commercially feasible, making due provision for the rights of innocent persons.

"§ 1964. Civil remedies

"(a) The district courts of the United States shall have jurisdicton to prevent and restrain violations of section 1962 of this chapter by issuing appropriate orders, including, but not limited to: ordering any person to divest himself of any interest, direct or indirect, in any enterprise; imposing reasonable restrictions on the future activities or investments of any person, including, but not limited to, prohibiting any person from engaging in the same type of endeavor as the enterprise engaged in, the activities of which affect interstate or foreign commerce; or ordering dissolution or reorganization of any enterprise, making due provision for the rights of innocent persons.

"(b) The Attorney General may institute proceedings under this section. In any action brought by the United States under this section, the court shall proceed as soon as practicable to the hearing and determination thereof. Pending final determination thereof, the court may at any time enter such restraining orders or prohibitions, or take such other actions, including the acceptance of satisfactory performance bonds, as it shall deem proper.

"(c) A final judgment or decree rendered in favor of the United States in any criminal proceeding brought by the United States under this chapter shall estop the defendant from denying the essential allegations of the criminal offense in any subsequent civil proceeding brought by the United States.

"§ 1965. Venue and process

"(a) Any civil action or proceeding under this chapter against any person may be instituted in the district court of the United States for any district in which such person resides, is found, has an agent, or transacts his affairs.

"(b) In any action under section 1964 of this chapter in any district court of the United States in which it is shown that the ends of justice require that other parties residing in any other district be brought before the court, the court may cause such parties to be summoned, and process for that purpose may be served in any judicial district of the United States by the marshal thereof.

"(c) In any civil or criminal action or proproceeding instituted by the United States under this chapter in the district court of the United States for any judicial district, subpenas issued by such court to compel the attendance of witnesses may be served in any other judicial district, except that in any civil action or proceeding no such subpena shall be issued for service upon any individual who resides in another district at a place more than one hundred miles from the place at which such court is held without approval given by a judge of such court upon a showing of good cause.

"(d) All other process in any action or proceeding under this chapter may be served on any person in any judicial district in which such person resides, is found, has an agent, or transacts his affairs.

§ 1966. Expedition of actions

"In any civil action instituted under this chapter by the United States in any district court of the United States, the Attorney General may file with the clerk of such court a certificate stating that in his opinion the case is of general public importance. A copy of that certificate shall be furnished immediately by such clerk to the chief judge or in his absence to the presiding district judge of the district in which such action is pending. Upon receipt of such copy, such judge shall designate immediately a judge of that district to hear and determine such action. The judge so designated shall assign such action for hearing as soon as practicable, participate in the hearings and determination thereof, and cause such action to be expedited in every way.

"§ 1967. Evidence

"In any proceeding ancillary to or in any civil action instituted by the United States under this chapter the proceedings shall be open to the public, and no order closing any such proceeding shall be made or enforced.

"§ 1968. Civil investigative demand

"(a) Whenever the Attorney General has reason to believe that any person or enterprise may be in possession, custody, or control of any documentary material relevant to a racketeering investigation, he may, prior to the institution of a civil or criminal proceeding thereon, issue in writing, and cause to be served upon such person, a civil investigative demand requiring such, person to produce such material for examination.

"(b) Each such demand shall—

"(1) state the nature of the conduct constituting the alleged racketeering violation which is under investigation and the provision of law applicable thereto;

"(2) describe the class or classes of documentary material produced thereunder with such definiteness and certainty as to permit such material to be fairly identified;

"(3) state that the demand is returnable forthwith or prescribe a return date which will provide a reasonable period of time within which the material so demanded may be assembled and made available for inspection and copying or reproduction; and

"(4) identify the custodian to whom such material shall be made available.

"(c) No such demand shall—

"(1) contain any requirement which would be held to be unreasonable if contained in a subpena duces tecum issued by a court of the United States in aid of a grand jury investigation of such alleged racketeering violation; or

"(2) require the production of any documentary evidence which would be privileged from disclosure if demanded by a subpena duces tecum issued by a court of the United States in aid of a grand jury investigation of such alleged racketeering violation.

"(d) Service of any such demand or any petition filed under this section may be made upon a person by—

"(1) delivering a duly executed copy thereof of any partner, executive officer, managing agent, or general agent thereof, or to any agent thereof authorized by appointment or by law to receive service of process on behalf of such person, or upon any individual person;

"(2) delivering a duly executed copy thereof to the principal office or place of business of the person to be served; or

"(3) depositing such copy in the United States mail, by registered or certified mail duly addressed to such person at its principal office or place of business.

"(e) A verified return by the individual serving any such demand or petition setting forth the manner of such service shall be prima facie proof of such service. In the case of service by registered or certified mail, such return shall be accompanied by the return post office receipt of delivery of such demand.

"(f)(1) The Attorney General shall designate a racketeering investigator to serve as racketeer document custodian, and such additional racketeering investigators as he shall determine from time to time to be necessary to serve as deputies to such officer.

"(2) Any person upon whom any demand issued under this section has been duly served shall make such material available for inspection and copying or reproduction to the custodian designated therein at the principal place of business of such person, or at such other place as such custodian and such person thereafter may agree and prescribe in writing or as the court may direct, pursuant to this section on the return date specified in such demand, or on such later date as such custodian may prescribe in writing. Such person may upon written agreement between such person and the custodian substitute for copies of all or any part of such material originals thereof.

"(3) The custodian to whom any documentary material is so delivered shall take physical possession thereof, and shall be responsible for the use made thereof and for the return thereof pursuant to this chapter. The custodian may cause the preparation of such copies of such documentary material as may be required for official use

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under regulations which shall be promulgated by the Attorney General. While in the possession of the custodian, no material so produced shall be available for examination, without the consent of the person who produced such material, by any individual other than the Attorney General. Under such reasonable terms and conditions as the Attorney General shall prescribe, documentary material while in the possession of the custodian shall be available for examination by the person who produced such material or any duly authorized representatives of such person.

"(4) Whenever any attorney has been designated to appear on behalf of the United States before any court or grand jury in any case or proceeding involving any alleged violation of this chapter, the custodian may deliver to such attorney such documentary material in the possession of the custodian as such attorney determines to be required for use in the presentation of such case or proceeding on behalf of the United States. Upon the conclusion of any such case or proceeding, such attorney shall return to the custodian any documentary material so withdrawn which has not passed into the control of such court or grand jury through the introduction thereof into the record of such case or proceeding.

"(5) Upon the completion of—

"(i) the racketeering investigation for which any documentary material was produced under this chapter, and

"(ii) any case or proceeding arising from such investigation,

the custodian shall return to the person who produced such material all such material other than copies thereof made by the Attorney General pursuant to this subsection which has not passed into the control of any court or grand jury through the introduction thereof into the record of such case or proceeding.

"(6) When any documentary material has been produced by any person under this section for use in any racketeering investigation, and no such case or proceeding arising therefrom has been instituted within a reasonable time after completion of the examination and analysis of all evidence assembled in the course of such investigation, such person shall be entitled, upon written demand made upon the Attorney General, to the return of all documentary material other than copies thereof made pursuant to this subsection so produced by such person.

"(7) In the event of the death, disability, or separation from service of the custodian of any documentary material produced under any demand issued under this section or the official relief of such custodian from responsibility for the custody and control of such material, the Attorney General shall promptly—

"(i) designate another racketeering investigator to serve as custodian thereof, and

"(ii) transmit notice in writing to the person who produced such material as to the identity and address of the successor so designated.

Any successor so designated shall have with regard to such materials all duties and responsibilities imposed by this section upon his predecessor in office with regard thereto, except that he shall not be held responsible for anv default or dereliction which occurred before his designation as custodian.

"(g) Whenever any person fails to comply with any civil investigative demand duly served upon him under this section or whenever satisfactory copying or reproduction of any such material cannot be done and such person refuses to surrender such material, the Attorney General may file in the district court of the United States for any judicial district in which such person resides, is found, or transacts business, and serve upon such person a petition for an order of such court for the enforcement of this section, except that if such person transacts business in more than one such district such petition shall be filed in the district in which such person maintains his principal place of business, or in such other district in which such person transacts business as may be agreed upon by the parties to such petition.

"(h) Within twenty days after the service of any such demand upon any person, or at any time before the return date specified in the demand, whichever period is shorter, such person may file, in the district court of the United States for the judicial district within which such person resides, is found, or transacts business, and serve upon such custodian a petition for an order of such court modifying or setting aside such demand. The time allowed for compliance with the demand in whole or in part as deemed proper and ordered by the court shall not run during the pendency of such petition in the court. Such petition specify each ground upon which the petitioner relies in seeking such relief, and may be based upon any failure of such demand to comply with the provisions of this section or upon any constitutional or other legal right or privilege of such person.

"(i) At any time during which any custodian is in custody or control of any documentary material delivered by any person in compliance with any such demand, such person may file, in the district court of the United States for the judicial district within which the office of such custodian is situated, and serve upon such custodian a petition for an order of such court requiring the performance by such custodian of any duty imposed upon him by this section.

"(j) Whenever any petition is filed in any district court of the United States under this section, such court shall have jurisdiction to hear and determine the matter so presented, and to enter such order or orders as may be required to carry into effect the provisions of this section."

(b) The table of contents of part I, title 18, United States Code, is amended by adding immediately after

"95. Racketeering .... 1951"

the following new item:

"96. Racketeer Influenced and Corrupt Organizations .... 1961"

SEC. 902. (a) Paragraph (c), subsection (1), section 2516, title 18, United States Code, is amended by inserting at the end thereof between the parenthesis and the semicolon ", section 1963 (violations with respect to racketeer influenced and corrupt organizations)".

(b) Subsection (3), section 2517, title 18, United States Code, is amended by striking "criminal proceedings in any court of the United States or of any State or in any Federal or State grand jury proceeding" and inserting in lieu thereof "proceeding held under the authority of the United States or of any State or political subdivision thereof".

SEC. 903. The third paragraph, section 1505, title 18, United States Code, is amended by inserting "or section 1968 of this title" after "Act" and before "willfully".

SEC. 904 (a) The provisions of this title shall be liberally construed to effectuate its remedial purposes.

(b) Nothing in this title shall supersede any provision of Federal, State, or other law imposing criminal penalties or affording civil remedies in addition to those provided for in this title.

(c) Nothing contained in this title shall impair the authority of any attorney representing the United States to—

(1) lay before any grand jury impaneled by any district court of the United States any evidence concerning any alleged racketeering violation of law;

(2) invoke the power of any such court to compel the production of any evidence before any such grand jury; or

(3) institute any proceeding to enforce any order or process issued in execution of such power or to punish disobedience of any such order or process by any person.

TITLE X—DANGEROUS SPECIAL OFFENDER SENTENCING

SEC. 1001. (a) Chapter 227, title 18, United States Code, is amended by adding at the end thereof the following new sections:

"§ 3575. Increased sentence for dangerous special offenders

"(a) Whenever an attorney charged with the prosecution of a defendant in a court of the United States for an alleged felony committed when the defendant was over the age of twenty-one years has reason to believe that the defendant is a dangerous special offender such attorney, a reasonable time before trial or acceptance by the court of a plea of guilty or nolo contendere, may sign and file with the court, and may amend, a notice (1) specifying that the defendant is a dangerous special offender who upon conviction for such felony is subject to the imposition of a sentence under subsection (b) of this section, and (2) setting out with particularity the reasons why such attorney believes the defendant to be a dangerous special offender. In no case shall the fact that the defendant is alleged to be a dangerous special offender be an issue upon the trial of such felony or in any manner be disclosed to the jury.

"(b) Upon any plea of guilty or nolo contendere or verdict or finding of guilty of the defendant of such felony, the court shall, before sentence is imposed, hold a hearing before the court alone. The court shall fix a time for the hearing, and notice thereof shall be given to the defendant and the United States at least ten days prior thereto. In connection with the hearing, the defendant and the United States shall be informed of the substance of such parts of the presentence report as the court intends to rely upon, except where there are placed in the record compelling reasons for withholding particular information, and shall be entitled to assistance of counsel, compulsory process, and cross-examination of such witnesses as appear at the hearing. A duly authenticated copy of a former judgment or commitment shall be prima facie evidence of such former judgment or commitment. If it appears by a preponderance of the information, including information submitted during the trial of such felony and the sentencing hearing and so much of the presentence report as the court relies upon, that the defendant is a dangerous special offender, the court shall sentence the defendant to imprisonment for a term not to exceed thirty years. Otherwise it shall sentence the defendant in accordance with the law prescribing penalties for such felony. The court shall place in the record its findings, including an identification of the information relied upon in making such findings, and its reasons for the sentence imposed.

"(c) This section shall not prevent the imposition and execution of a sentence of death or of imprisonment for life or for a term exceeding thirty years upon any person convicted of an offense so punishable.

"(d) Notwithstanding any other provision of this section, the court shall not sentence a dangerous special offender to less than any mandatory minimum penalty prescribed by law for such felony.

"(e) A defendant is a special offender for purposes of this section if—

"(1) on two or more previous occasions the defendant has been convicted in a court of the United States, a State, the District of Columbia, the Commonwealth of Puerto Rico, a territory or possession of the United States, any political subdivision, or any department, agency or instrumentality thereof for an offense punishable in such court by death or imprisonment in excess of one year, and for one or more of such convictions the

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defendant has been imprisoned prior to the commission of such felony; or

"(2) the defendant committed such felony as part of a pattern of conduct which was criminal under applicable laws of any jurisdiction, which constituted a substantial source of his income, and in which he manifested special skill or expertise; or

"(3) such felony was, or the defendant committed such felony in furtherance of, a conspiracy with three or more other persons to engage in a pattern of conduct criminal under applicable laws of any jurisdiction, and the defendant did, or agreed that he would, initiate, organize, plan, finance, direct, manage, or supervise all or part of such conspiracy or conduct, or give or receive a bribe or use force as all or part of such conduct.

A conviction shown to be invalid or for which the defendant has been pardoned on the ground of innocence shall be disregarded for purposes of paragraph (1) of this subsection. In determining under paragraph (1) of this subsection whether the defendant has been convicted on two more previous occasions, conviction for offenses charged in separate counts of a single charge or pleading, or in separate charges or pleadings tried in a single trial, shall be deemed to be conviction on a single occasion. In support of findings under paragraph (2) of this subsection, it may be shown that the defendant has had in his own name or under his control income or property not explained as derived from a source other than such conduct.

"(f) A defendant is dangerous for purposes of this section if a period of confinement longer than that provided for such felony is required for the protection of the public from further criminal conduct by the defendant.

"(g) The time for taking an appeal from a conviction for which sentence is imposed after proceedings under this section shall be measured from imposition of the original sentence.

"§ 3576. Review of sentence

"With respect to any sentence imposed on the defendant after proceedings under section 3575, a review may be taken by the defendant or the United States or both to a court of appeals. Any review by the United States shall be taken at least five days before expiration of the time for taking a review or appeal by the defendant and shall be diligently prosecuted. The sentencing court may, with or without motion and notice, extend the time for taking a review for a period not to exceed thirty days from the expiration of the time otherwise prescribed by law. The court shall not extend the time for taking a review by the United States after the time has expired. A court extending the time for taking a review by the United States shall extend the time for taking a review or appeal by the defendant for the same period. The court of appeals may, after considering the record, including the presentence report, information submitted during the trial of such felony and the sentencing hearing, and the findings and reasons of the sentencing court, affirm the sentence, impose or direct the imposition of any sentence which the sentencing court could originally have imposed, or remand for further sentencing proceedings and imposition of sentence, except that a sentence may be increased or otherwise changed to the disadvantage of the defendant only on review taken by the United States and after hearing. Any withdrawal of review taken by the United States shall foreclose change to the disadvantage but not change to the advantage of the defendant. Any review taken by the United States may be dismissed on a showing of abuse of the right of the United States to take such review.

"§ 3577. Use of information for sentencing

"No limitation shall be placed on the information concerning the background, character and conduct of a person convicted of an offense which a court of the United States may receive and consider for the purpose of imposing an appropriate sentence.

"§ 3578. Conviction records

"(a) There is established within the Federal Bureau of Investigation of the Department of Justice a central repository for written judgments of conviction.

"(b) Upon the conviction of a defendant in a court of the United States, the District of Columbia, the Commonwealth of Puerto Rico, a territory or possession of the United States, any political subdivision, or any department, agency or instrumentality thereof for an offense punishable in such court by death or imprisonment in excess of one year, the court shall cause to be affixed to a copy of the written judgment of conviction the fingerprints of the defendant together with certification by the court that the copy is a true copy of the written judgment of conviction and that the fingerprints are those of the defendant, and shall cause the copy to be forwarded to the central repository.

"(c) Copies maintained in the central repository shall not be public records. Attested copies thereof—

"(1) may be furnished for law enforcement purposes on request of a court or law enforcement or corrections officer of the United States, the District of Columbia, the Commonwealth of Puerto Rico, a territory or possession of the United States, any political subdivision, or any department, agency or instrumentality thereof;

"(2) may be furnished for law enforcement purposes on request of a court or law enforcement or corrections officer of a State, any political subdivision, or any department, agency or instrumentality thereof, if a statute of such State requires that, upon the conviction of a defendant in a court of the State or any political subdivision thereof for an offense punishable in such court by death or imprisonment in excess of one year, the court cause to be affixed to a copy of the written judgment of conviction the fingerprints of the defendant together with certification by the court that the copy is a true copy of the written judgment of conviction and that the fingerprints are those of the defendant, and cause the copy to be forwarded to the central repository; and

"(3) shall be admissible in any court of the United States, the District of Columbia, the Commonwealth of Puerto Rico, a territory or possession of the United States, any political subdivision, or any department, agency, or instrumentality thereof."

(b) The analysis of chapter 227, title 18, United States Code, is amended by adding at the end thereof the following new items:

"3575. Increased sentence for dangerous special offenders.
"3576. Review of sentence.
"3577. Use of information for sentencing.
"3578. Conviction records."

Sec. 1002. Section 3148 chapter 207, title 18, United States Code, is amended by adding "or sentence review under section 3576 of this title" immediately after "sentence".

TITLE XI—GENERAL PROVISIONS

Sec. 1101. If the provisions of any part of this Act or the application thereof to any person or circumstances be held invalid, the provisions of the other parts and their application to other persons or circumstances shall not be affected thereby.

PRIVILEGE OF THE FLOOR

Mr. McCLELLAN. Mr. President, I ask unanimous consent that the following members of the staff of the Subcommittee on Criminal Laws and Procedures be allowed on the floor of the Senate for the duration of the consideration of S. 30: G. Robert Blakey, Emon A. Mahoney, and Russell M. Coombs.

Mr. HRUSKA. Mr. President, may we add the names of Wallace Johnson and Dan Wherry on behalf of the minority members of the Senate?

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. McCLELLAN. Mr. President, I ask unanimous consent that the committee amendment to S. 30 in the nature of a substitute be agreed to, and that the bill as thus amended be considered as original text for the purpose of amendment.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. McCLELLAN. Mr. President, this is an important measure. It is quite lengthy. It has 11 separate titles, 10 of which are substantive. The measure deals with several vital aspects of our law enforcement machinery, and it is designed to strengthen and improve the evidence-gathering process in the field of organized crime and racketeering.

In view of what I conceive to be the importance of this measure, I shall discuss these various titles somewhat comprehensively in my remarks this afternoon. I do so because it is my hope—and I trust this is not a vain hope—that this measure will, on final passage, be unanimously approved by the Senate. I say this because this bill has been processed with most meticulous care, with consultations with most competent sources. I think I know the Members of this body—and, I believe, every Member of the Senate—want to enact whatever legislation is necessary to strengthen the arm of the law and law enforcement in this country, so that society may be protected, the impositions of organized criminals will not be placed on our people, and the streets of our communities may at least be made comparatively safe again someday.

At the outset, I ask unanimous consent that I may have printed in the Record at this point a brief synopsis of the bill.

There being no objection, the synopsis was ordered to be printed in the Record, as follows:

Synopsis of S. 30

TITLE I—GRAND JURY

Sets up a special grand jury to sit for extended terms, insulated from improper judicial influence and authorized, subject to careful safeguards, to issue grand jury reports.

TITLE II—IMMUNITY

Authorizes the grant of legislative, administrative and judicial immunity to obtain testimony over objections of self-incrimination.

TITLE III—RECALCITRANT WITNESSES

Provides for civil contempt proceedings to deal with recalcitrant witnesses.

TITLE IV—FALSE DECLARATIONS

Eliminates outmoded evidentiary and pleading restrictions (two-witness, direct evidence and contradictory statements rules) in prosecutions of those who give false testimony in grand jury or court proceedings.

TITLE V—WITNESS FACILITIES

Extends to organized crime witnesses and families physical facilities in which they may be protected.

TITLE VI—DEPOSITIONS

Makes possible, subject to constitutional protections, depositions from witnesses in danger of reprisal by organized crime.

TITLE VII—REGULATION OF LITIGATION CONCERNING SOURCES OF EVIDENCE

Sets aside Supreme Court's decision in *Alderman* v. *United States*, giving criminal defendants direct access to government files and establishes instead a court review procedure. Provides also for "statute of limitations" on suits alleging unlawful governmental conduct.

TITLE VIII—SYNDICATED GAMBLING

Makes bribery in connection with illegal gambling business affecting interstate commerce unlawful. In addition, prohibits the illegal gambling business affecting interstate commerce itself.

TITLE IX—CORRUPT ORGANIZATIONS

Prohibits infiltration of legitimate organizations by racketeers or proceeds of racketeering activities where interstate commerce is affected. Authorizes civil remedies comparable to anti-trust to prevent violation of law by divestiture dissolution or reorganization.

TITLE X—SPECIAL OFFENDER SENTENCING

Provides for imposition of increased punishment (up to 30 years) for convicted "habitual" criminals, "professional" criminals and "organized crime" leaders.

Mr. McCLELLAN. Mr. President, more than 3,000 years ago, an Egyptian king caused to be made a survey of the resources of his kingdom, in which he recorded with pride his achievements. One passage in the survey discloses to us his ideas of the fundamentals by which the soundness of a system of criminal justice might be tested:

> I made the land safe so that even a lone woman could go on her way freely and none would molest her.
>
> I rescued the humble from their oppressors.
>
> I made every man safe in his home.
>
> I preserved the lives of those who sought my court of justice.
>
> The people were well content under my rule. (Quoted in *The Illinois Crime Survey* at 5 (1929).)

Just 8 months ago, the President of this great Nation forwarded to the Congress his "Message on Organized Crime," in which he tragically observed:

> Today, organized crime has deeply penetrated broad segments of American life. In our great cities, it is operating prosperous criminal cartels. In our suburban areas and smaller cities, it is expanding its corrosive influence. Its economic base is principally derived from its virtual monopoly of illegal gambling, the numbers racket, and the importation of narcotics. To a large degree, it underwrites the loansharking business in the United States and actively participates in fradulent bankruptcies. It encourages street crime by inducing narcotic addicts to mug and rob. It encourages housebreaking and burglary by providing efficient disposal methods for stolen goods. It quietly continues to infiltrate and corrupt organized labor. It is increasing its enormous holdings and influence in the world of legitimate business. To achieve his end, the organized criminal relies on physical terror and psychological intimidation, on economic retaliation and political bribery, on citizen indifference and governmental acquiescence. He corrupts our governing institutions and subverts our democratic processes. For him, the moral and legal subversion of our society is a life-long and lucrative profession. (Doc. No. 91–105, House of Representatives 91st Con., 1st Sess. at 1–2 (1969).)

Mr. President, it is with these sobering contrasts in mind that we should begin debate today on S. 30, the Organized Crime Control Act of 1969, a debate which is the culmination of a year of detailed study, hearings, and consultations, and a result of one of the most thoroughly gratifying bipartisan efforts in which I have participated since coming to the Senate.

The process had its start on January 15, 1969, when, along with my distinguished colleagues, the Senators from Nebraska (Mr. Hruska), North Carolina (Mr. Ervin), and Alabama (Mr. Allen), I introduced S. 30, the "Organized Crime Control Act." It continued though the introduction of seven other bills designed to deal with organized crime, which now appear with revisions in the 10 substantive titles of S. 30. Senators Eastland (S. 2022), Mundt (S. 2022), Ervin (S. 30 and S. 2122), Hruska (S. 30, S. 1623, S. 1861, S. 2022, S. 2122 and S. 2292) and Tydings (S. 975 and 976) and the late Senator Dirksen (S. 2022) joined me in introducing some of these measures or introduced other bills that are now reflected in S. 30.

President Nixon, of course, added strength to our efforts to develop this legislation with his "Message on Organized Crime," of April 23, last year, in which he observed:

> For two decades now, since the Attorney General's Conference on Organized Crime in 1950, the Federal effort has slowly increased. Many of the nation's most notorious racketeers have been imprisoned or deported and many local organized crime business operations have been eliminated. But these successes have not substantially impeded the growth and power of organized criminal syndicates. Not a single one of the 24 Cosa Nostra families have been destroyed. They are more firmly entrenched and more secure than ever before.
>
> It is vitally important that Americans see this alien organization for what it is—a totalitarian and closed society operating within an open and democratic one. It has succeeded so far because an apathetic public is not aware of the threat it poses to American life. This public apathy has permitted most organized criminals to escape prosecution by corrupting officials, by intimidating witnesses and by terrorizing victims into silence.
>
> As a matter of national "public policy," I must warn our citizens that the threat of organized crime cannot be ignored or tolerated any longer. It will not be eliminated by loud voices and good intentions. It will be eliminated by carefully conceived, well-funded and well-executed action plans. Furthermore, our action plans against organized crime must be established on a long-term basis in order to relentlessly pursue the criminal syndicate. This goal will not be easily attained. Over many decades organized crime has extended its roots deep into American society and they will not be easily extracted. Our success will first depend on the support of our citizens who must be informed of the dangers that organized crime poses. Success also will require the help of Congress and the State and local governments. (Doc. No. 91–105, House of Representatives, 91st Cong., 1st Sess., at 2 (1969.))

Extensive hearings were begun in March and continued in June, and gradually the various bills were worked into S. 30 to form an integrated, comprehensive organized crime control measure. The subcommittee solicited the views of experts and interested organizations and worked closely with the Department of Justice. Indeed, the Department was most helpful and made a number of valuable suggestions that have now been incorporated in the bill.

Mr. President, the product of this process is a bill which has been carefully drafted to cure a number of debilitating defects in the evidence-gathering process in organized crime investigations, to circumscribe defense abuse of pretrial proceedings, to broaden Federal jurisdiction over syndicated gambling and its corruption where interstate commerce is affected, to attack and to mitigate the effects of racketeer infiltration of legitimate organizations affecting interstate commerce, and to make possible extended terms of incarceration for the dangerous offenders who prey on our society. In addition, the bill incorporates the best of the recommendations of the President's Crime Commission, the National Commission on Reform of Federal Criminal Laws, the American Bar Association Project on Minimum Standards of Criminal Justice, the Model Penal Code, the Model Sentencing Act, and witnesses who represented the National Council on Crime and Delinquency, the Association of Federal Investigators, the New York County Lawyers Association, the American Civil Liberties Union, the New York State Commission of Investigations, the National Association of Counties and the New York State Bar Association. The bill has been endorsed in principle by such diverse groups as the National Chamber of Commerce and the International Association of Chiefs of Police. I am pleased to say, too, that the Department of Justice now supports each and every title of S. 30 as reworked and amended in the subcommittee and the full committee. This bill embodies, in short, what the committee believes is the most appropriate response that this Congress can make to the special challenge that organized crime poses to the well-being of our Nation.

Mr. President, the Attorney General, in his testimony before the subcommittee, aptly observed:

> Too few Americans appreciate the dimensions of the problem of organized crime; its impact on all America, and what must be done to reduce—and ultimately eradicate—its sinister and erosive effects. (Hearings at 107–08.)

Mr. President, America has had to contend with some form of organized crime since the founding of our Republic. Nevertheless, it has only been in this last half century that these criminal groupings have begun seriously to threaten the very integrity of our Nation and the well-being of such large segments of our people.

"Organized crime groups," the President's Crime Commission observed in 1967, "are known to operate in all sections of the Nation." (The Challenge of Crime in a Free Society, Report on the President's Commission on Law Enforcement and Administration of Justice at 171 (1967).) The most influential of these groups, the 26 families of La Cosa Nostra, estimated to have a total membership of some 3,000 to 5,000, operate, however, primarily in New York, New Jersey, Illinois, Florida, Louisiana, Michigan, Pennsylvania, and Rhode Is-

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land. The internal organization of these families is patterned after the ancient Mafia groups of Sicily. They are, however, more than mere criminal cartels. The final report of the Permanent Subcommittee on Investigation's examination into the internal structure of organized crime put it this way:

> There exists in the United States today a criminal organization that is directly descended from and is patterned upon the centuries-old Sicilian terrorist society, the Mafia. This organization, also known as Cosa Nostra, operates vast illegal enterprises that produce an annual income of many billions of dollars. This combine has so much power and influence that it may be described as a private government of organized crime. (S. Rept. No. 72, *Organized Crime and Illicit Traffic in Narcotics*, 85th Cong., 1st Sess., at 117 (1965).)

These groups are chiefly active in syndicated gambling, the importation, and distribution of narcotics, and loan sharking, each an offense which is parasitic, corrupting, and predatory in character. Economically, the price tag of organized crime may be conservatively put at twice that of all other crime combined.

Organized crime groups, moreover, have not confined their villainy to traditional criminal endeavors, but have increasingly undertaken to subvert legitimate businesses and unions. For example, a leading young union leader—and founder of the new Independent Party in New York City—was identified in the subcommittee hearings by the Department of Justice as a captain in the Gambino "family."—Hearings at 127. More important, these criminals have, in some localities, established corrupt alliances within the processes of our democratic society: with the police, prosecutors, courts, and legislatures.

All of this is, of course, disturbing. But the most serious aspect of the challenge that organized crime poses to our society is the degree to which its members have succeeded in placing themselves above the law. Since 1960, the date meaningful statistics began to be collected, the combined efforts of the various Federal investigative agencies have resulted in only 235 indictments involving 328 defendants identified as members of La Cosa Nostra. These leaders, moreover, have been notoriously successful in "getting off" even in those relatively few cases in which the evidence has warranted the prosecution. Our studies indicate that members of La Cosa Nostra have obtained dismissal or acquittal on the charges leveled against them more than twice as often, for their numbers, as ordinary offenders: 69.7 percent as against 34.8 percent—See CONGRESSIONAL RECORD, page 34389. November 17, 1969. Indeed 17.6 percent of the group of La Cosa Nostra defendants we studied—representing the leadership structure of key families—were able to obtain acquittals or dismissals of cases against them five or more times each. The final report in 1965 of the Permanent Subcommittee on Investigations' examinations into organized crime and narcotics summed it up this way:

> The crime leaders are experienced, resourceful, and shrewd in evading and dissipating the effects of established procedures in law enforcement. Their operating methods, carefully and cleverly evolved during several decades of this century, generally are highly effective foils against diligent police efforts to obtain firm evidence that would lead to prosecution and conviction.
>
> The crime chieftains, for example, have developed the process of "insulation" to a remarkable degree. The efficient police forces in a particular area may well be aware that a crime leader has ordered a murder, or is an important trafficker in narcotics, or controls an illegal gambling network, or extorts usurious gains from "shylocking" ventures. Convicting him of his crimes, however, is usually extremely difficult and sometimes is impossible, simply because the top-ranking criminal has taken the utmost care to insulate himself from any apparent physical connection with the crime or with his hireling who commits it. (Report at 2.)

Mr. President, this intolerable degree of immunity from legal accountability must be put to an end. No civilized society can long permit the operation within it of an underworld organization as powerful and as immune from social accountability as La Cosa Nostra. The success story of this group is symbolic of the breakdown of law and order increasingly characteristic of our society. To hold the allegiance of the now law-abiding, society must show each man that no man is above the law. The loopholes through which the leaders of organized crime now escape the processes of our law must be closed. Justice and public safety demand no less, and it is to this end that S. 30 has been carefully drafted.

Mr. President, I have referred to the fact that this bill has 11 titles, and I shall now proceed briefly to discuss the separate titles of the bill.

TITLE I—SPECIAL GRAND JURY

Mr. President, title I of S. 30 establishes special grand juries in the major metropolitan areas of our Nation lying in judicial districts having in excess of 4 million in population. This would include these districts: Massachusetts, eastern and southern district of New York, New Jersey, eastern and western district of Pennsylvania, southern district of Florida, eastern district of Michigan, northern and southern district of Ohio, northern district of Illinois, and the northern and southern districts of California. Where the Attorney General determines a need in other locations, special grand juries may also be convened on a case-by-case basis. These grand juries are required to meet at least once each 18-month period. All grand juries are broad based in composition under present law; special grand juries will also elect their foreman and deputy foreman, as is currently the petit jury practice. To insure that there is no arbitrary hampering of grand jury efforts, the jury is given the right to seek review of any dispute between the jury and the judge or the prosecutor.

Mr. President, I believe that the history of our Nation, and of other nations, reveals that a government which is deprived of the support of its citizens cannot effectively combat activity which is deemed criminal. These grand juries, selected at random from the community, and free of external or internal pressures, will be properly regarded as objective citizenry in their evaluation of criminal activities in their community. They, of course, will be guided by the prosecutor in their investigations, and their findings will be subject to review by the judge, but the grand jury will not be controlled. They are empowered to report their findings on the standing of their community with respect to organized crime and official corruption and misbehavior. They will be empowered to make suggestions for legislative and executive measures which will alleviate these community problems, thus passing on the benefit of their investigations.

Mr. President, who can be more qualified to evaluate the problems of drug traffic in the ghettos than the citizen who is exposed to this depravity on a daily basis? I do not believe that we can stop the drug traffic or solve any other problem associated with organized crime without the cooperation and participation of those who are the victims of the criminal activity.

The reporting functions of the grand jury in title I are a revival of the grand jury reporting powers which were a reason for the creation of the grand jury in England. Originally, the grand jury was an administrative device to keep the King in touch with the state of affairs in each community, and to insure that his officials performed their functions correctly, as well as a means of accusing those who violated the King's peace. This was and is citizen participation in government at its most basic level. As we are all aware, the difficulty of a central government in evaluating the needs and problems of local communities are as great today as they have ever been.

Grand jury report powers, although a revival in our present Federal system, have been retained from common law or statutorily enacted in several of our States. Their effectiveness as an instrument of reform was affirmed at our hearings by Frank S. Hogan, District Attorney of New York County. Mr. Hogan set out several examples of grand jury reports, and evaluated these reports as follows:

> Since 1947, some 20 reports have been submitted by various grand juries of New York County disclosing either the noncriminal misconduct of public officers or the existence of conditions in public agencies or areas of public interest which required corrective legislative or administrative action. I cite a few instances of the exercise of this grand jury power which, I believe, demonstrate its effectiveness. (Hearings at 353–54.)

I have obtained copies of reports from New Jersey and elsewhere. On December 5, 1969, for example, I placed a copy of a New Jersey report in the RECORD—page 37195—so that each Member of this body could observe the work product of such a grand jury. At that time, I pointed out that the reports authorized by title I would be subject to even greater restrictions than those now obtaining in New Jersey. I believe, in short, that in title I we have fairly balanced the public need for disclosure with the individual's need for anonymity.

Mr. President, objections were voiced in our hearings and have been voiced on this floor to restoring to Federal Grand Juries these needed powers. These objections are not new. Indeed, they have been cogently analyzed and refuted before, particularly in the context of the enactment of the New York grand jury statute, on which title I is based. On December 18, 1969, I inserted in the RECORD—page 39908—a most scholarly article from the Columbia Law Review which effectively takes up and answers each of these objections. I commend this article to this body once again. Here, however, I think it necessary to do no more than quote the position of the Department of Justice on title I:

> The principal objections to the use of grand jury reports seem to be that they violate the traditional secrecy of grand jury proceedings, they expose grand jurors to libel actions, they violate the principle of separation of powers, and, perhaps most importantly, they charge wrongdoing while effectively denying the use of a judicial forum in which to reply. Upon close examination, the first three of these reasons do not appear to have much merit. The problem of secrecy under Rule 6(e) of the Federal Rules of Criminal Procedure may, of course, be solved by statutory amendment. There is in fact already ample precedent under Rule 6(e) for violation of grand jury secrecy when the general welfare requires it. See, for example, *In Re Petition for Disclosure of Evidence Before October 1959 Grand Jury,* 184 F. Supp. 38 (E.D. Va. 1960), where Federal grand jury minutes were made available to a Commonwealth attorney for use in State grand jury proceedings.
>
> The libel objection can perhaps be discounted as the least troublesome since, in light of recent Supreme Court decisions on this subject, grand jurors actions in this regard are undoubtedly privileged.
>
> The argument that the grand jury reports contravene the principle of separation of powers proceeds on the theory that the grand jury, being an appendage of the court, should not invade the province of the legislative or executive branches and charge them with misconduct or inefficiency. This argument loses much of its force, however, when it is considered that historically the grand jury has for centuries exercised both the reporting and indicting functions, and the exercise of its reporting function is logically no more violative of the separation of powers principle than is the indictment of a governmental official for criminal conduct in the performance of his duties. In criticizing public officers and calling for improvements in the legislative and executive branches, moreover, the grand jury performs a function analogous to the courts function when it notes statutory defects and suggests that the legislature consider amendment. As New Jersey's late Chief Justice Arthur T. Vanderbilt observed, success of the separation of powers doctrine depends to some extent on the interaction and cooperation of the arms of Government, not on their total isolation from each other. See Vanderbilt, *The Doctrine of the Separation of Powers and Its Present Day Significance,* 43–45 (1953).
>
> Finally, on this point, it may be observed that since so much of Title I changes the basic character of the grand jury that in effect it is no longer merely an arm of the court, but a more independent body, the separation of powers argument is no longer a valid objection.
>
> Perhaps the most serious objection to grand jury reports is the charge that they are essentially lacking in fairness since they make a charge of wrongdoing but deny the "accused" a judicial forum in which to reply. In an attempt to meet this criticism, the New York legislature enacted a statute, New York Code of Criminal Procedure, section 253–a, effective July 1, 1964, which contains elaborate safeguards such as allowing a named individual an opportunity to testify before the grand jury and file an answer prior to the filing of a report, as well as allowing an appeal to a higher court before filing. The constitutionality of this New York statute was upheld in *In Re Grand Jury, January 1967,* 277 N.Y.S. 2d 105 (1967).
>
> Since the present proposal is almost word for word identical in its substantive provisions with the New York statute, we feel that it meets the necessary test of fairness against the charge that it makes an accusation without providing an adequate judicial forum for a denial.
>
> In sum then, we believe this revival of the grand jury's historical report making power, as narrowly circumscribed in this proposal, is constitutionally sound and we support it as being in the interest of good and effective government. (Hearings at 368–69.)

Mr. President, the public is becoming increasingly aware of the problem posed by organized crime in our Nation. The President's Crime Commission noted in early 1967 that:

> All available data indicate that organized crime flourishes only where it has corrupted local officials. (Report at 191.)

Numerous public and private organizations have since expressed agreement with this statement, including the Attorney General as recently as December 10, 1969, in commenting to the press on the recent shocking events in the State of New Jersey. We all know of our own knowledge that any criminal situation in this country can only exist where either the community supports its existence or the community lacks effective weapons to combat its existence.

The President's Crime Commission went on to recommend the establishment of investigative grand juries to combat organized crime. A means of preventing official interference with the juries and a grant of the report power were also recommended. We have taken these broad recommendations and refined them to produce the present title I.

Title I would also bring within the protection of 18 U.S.C. § 3500, grand jury minutes. Presently, uniform statutory rules govern the pretrial discovery of witness' statements in criminal cases. Grand jury statements, however, are not included within these rules, and diverse practices have developed. Title I would bring the practices into line with the now time-tested procedures of section 3500.

Mr. President, the time has come to implement these recommendations. We must add to the weapons available against organized crime, and we must enlist the citizenry in the fight in an effective manner.

TITLE II—GENERAL IMMUNITY

Mr. President, title II of S. 30 is a comprehensive immunity provision designed to replace more than 50 immunity statutes now in operation. When S. 30 was originally introduced its scope was limited to grand jury and court proceedings. It was designed to implement the recommendation of the President's Crime Commission that such a provision not only was necessary in the general administration of justice, but also was essential in the fight against organized crime. During the course of the hearings, however, the National Commission on the Reform of Federal Criminal Laws issued a report recommending that comprehensive reform and codification action be undertaken in this field. Accordingly, title II was reexamined in this context, and the decision was reached to go forward and properly to treat the overall problem in the administration of justice. Title II now provides for judicial, administrative, and congressional immunity grants, subject to carefully framed safeguards for individual liberties, where information which may be necessary for the public interest is likely to be refused to be provided on the basis of the privilege against self-incrimination.

Mr. President, the relation between the privilege against self-incrimination and immunity grants has been examined by our courts over a considerable period of time. In *Counselman* v. *Hitchcock,* 142 U.S. 547 (1892), the Supreme Court invalidated an immunity statute which only prevented evidence from being used in subsequent court proceedings, where the evidence had been compelled under an immunity grant. The court stated:

> It could not, and would not prevent the use of his testimony to search out other testimony to be used in evidence against him or his property, in a criminal proceeding in such court. (142 U.S. at 564.)

In response Congress passed a "transaction immunity" statute, which provided that the person compelled to testify could not be prosecuted, under any circumstances, for the criminal activities concerning which he had testified. In *Brown* v. *Walker,* 161 U.S. 591 (1896), this statute was upheld, despite the argument that was made that the principle of *Counselman* should be extended to prevent self-degradation as well as self-incrimination. The court answered this contention:

> The authorities are numerous and very nearly uniform to the effect that, if the proposed testimony is material to the issue on trial, the fact that the testimony may tend to degrade the witness in public estimation does not exempt him from the duty of disclosure. A person who commits a criminal act is bound to contemplate the consequences of exposure to his good name and reputation and ought not to call upon the courts to protect that which he has himself esteemed to be of such little value. (161 U.S. at 605.)

The court also stated:

> Every good citizen is bound to aid in the enforcement of the law, and has no right to permit himself, under the pretext of shielding his own good name to be made the tool of others who are desirous of seeking shelter behind his privilege. (161 U.S. at 600.)

Immunity legislation remained at this point until 1964. In that year, the Supreme Court handed down *Malloy* v. *Hogan,* 378 U.S. 1 (1964), and *Murphy* v. *Waterfront Commission,* 378 U.S. 52 (1964). In order to make State immunity statutes valid, the court held that they must also protect against Federal prosecution. Drawing upon recently developed criminal procedure rulings on the derivative suppression of evidence, the court stated:

> We hold the constitutional rule to be that a state witness may not be compelled to give testimony which may be incriminating under federal law unless the compelled testimony and its fruits cannot be used in any manner by federal officials in connection with a criminal prosecution against him. (378 U.S. at 79.)

In a footnote, Mr. Justice Goldberg went on to state:

> The federal authorities have the burden of showing that their evidence is not tainted by establishing an independent, legitimate source for the disputed evidence. (*Id* at n. 18.)

This is the use-restriction immunity that is embodied in title II. Under it, once a witness has testified, he can only be prosecuted for the acts concerning which he has been immunized if the prosecution can "establish an independent, legitimate source for the disputed evidence."

The President of the United States on April 23, 1969, in his Message on Organized Crime, commended the basic concept of title II to the Congress, stating:

> I commend to the Congress for its consideration . . . [the proposal under which] . . . a witness could not be prosecuted on the basis of anything he said while testifying, but he would not be immune from prosecution based on other evidence of his offense. (Doc. No. 91-105, House of Representatives, 91st Cong., 1st Sess. at 5 (1969).)

Mr. President, in a concurring opinion in Murphy, Mr. Justice White stated:

> Immunity must be as broad as, but not harmfully and wastefully broader than, the privilege against self-incrimination. (378 U.S. at 107.)

This was but another way of saying that we ought not tolerate anything which gives, in the words of Mr. Justice Holmes in *Heike* v. *United States*, 227 U.S. 131, 144 (1913), a "gratuity to crime."

Mr. President, since Murphy, the trend in the laws of the States appears to be moving in escalating speed in the direction of "use-restriction" immunity. New York and California embraced use-restriction immunity in 1969. Today's New York Times contains a report of a unanimous decision of the New Jersey Supreme Court, which holds that the fifth amendment only requires protection from prosecution with regard to statements made under immunity and from "fruits" of compelled testimony. This is the theory embraced in title II of S. 30.

Mr. President, I ask unanimous consent that the text of The New York Times article appear at this point in my remarks.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the New York Times, Jan. 21, 1970]

JERSEY'S CRIME UNIT IS UPHELD ON RIGHT TO FORCE WITNESSES TO TESTIFY

TRENTON, January 20.—The power of the State Commission of Investigation to seek the indefinite imprisonment of witnesses who refuse to testify after being granted immunity from prosecution was unanimously upheld today by the New Jersey Supreme Court.

The decision by the state's highest court clears the way for an all-out investigation of organized crime and corruption and it places three reputed Mafia figures closer to prison terms on civil contempt charges sought by the state last summer.

The commission had been forced to hold off several new inquiries and the original one it undertook last year into charges of mob infiltration and political corruption in the Monmouth County shore community of Long Branch pending the outcome of its legal challenges to its most important power—its right to jail witnesses who refuse to talk after being assured that they would not be prosecuted for any disclosures they made.

The three reputed Mafia witnesses are Joseph (Joe Bayonne) Zicarelli, believed to be rackets boss in Hudson County; Anthony (Little Pussy) Russo, allegedly Mafia leader in Monmouth and Robert (Bobby Basile) Occhipinti, said to be a lieutenant in the Mafia family headed by Simone Rizzo (Sam the Plumber) DeCavalcante.

TROUBLE IS COMPOUNDED

The court decision only compounds Zicarelli's problems with the law since he was indicted by the statewide grand jury for conspiracy to murder late last year. As for Russo, he is free on bail pending an appeal of a six-year prison sentence on a perjury conviction for lying to a Monmouth County grand jury.

William F. Hyland, the investigation commission chairman, announced later that the full four-man commission would convene here tomorrow. Other sources reported that the commission would then ask Superior Court Judge Frank J. Kingfield to enforce the contempt citation ordered last summer and jail the three witnesses.

Although the lawyers for the three men could not be reached for comment tonight, commission sources said they expected the three men to appeal the Supreme Court decision in the Federal courts now that they had exhausted every legal remedy in the state.

The court's decision, which was delivered by Chief Justice Joseph Weintraub, rejected every argument made in behalf of the three men, including one in which their lawyers contended that the commission presented their clients with an impossible dilemma.

If their clients talked, the lawyers argued, they faced certain execution at the hands of the mob. If they did not talk, they faced prison terms that could conceivably run for the rest of their lives. The lawyers contended that such a choice deprived their clients of due process safeguards embodied in the Fourth Amendment to the Constitution.

At a hearing last December, the courts rejected this argument as "fantastic beyond belief," an affront to the court.

ARGUMENT IS REJECTED

As for the legal argument that witness immunity violated Fifth Amendment protection against self-incrimination, the court declared that it did not and cited other similar rulings.

"We are satisfied," the court said, "that the Fifth Amendment does not require immunity from prosecution. An immunity of that breadth exceeds the protections of Fifth Amendment accords. More importantly, to find that demand in the Fifth Amendment would in practical terms deny state government access to facts it must have to meet its duty to secure the well-being of all citizens. We heretofore deemed the Constitution to require immunity against use of testimony rather than immunity from prosecution."

In essence, the court said the Fifth Amendment protected the three witnesses from prosecution resulting from anything they might say, and not from prosecution entirely. The court also repeated the Federal Court rule that states that the "fruits" of any "compelled testimony" may not be used in connection with any Federal prosecution.

Moreover the court said, "The role of the S.C.I. is not accusatory and the rights accorded to the individuals concerned are appropriate and adequate in light of the agency's mission and powers."

Unlike grand juries that seek indictments and prosecutors who seek convictions, the Investigation Commission seeks to publicize crime and corruption and report its findings to the public, the Governor and the Legislature.

Mr. McCLELLAN. Mr. President, in light of present derivative-suppression techniques, and Supreme Court decisions, to refuse to enact use-immunity legislation is to give a "gratuity to crime." In a society which is beseiged by organized crime, the U.S. Senate is in no position to hand out such gratuities. Title II would revoke the gratuity that the member of organized crime and others now enjoy under present immunity legislation and substitute for it carefully drafted legislation that both reforms and codifies the law in this field.

TITLE III—RECALCITRANT WITNESSES

Mr. President, neither the compulsory process of the grand jury nor a grant of immunity assures that the testimony of the witness will be obtained. When a witness is not in a position to invoke the privilege against self-incrimination, this does not mean that he will give his full cooperation during the investigation. At this point, however, the investigation may be continued through use of the contempt power.

The contempt power has roots that run deep in Anglo-American legal history, and under modern law there is no question that courts have the power to enforce compliance with their lawful orders. Current Federal laws expressly confirm this ancient power. When subpenaed before a grand jury, the witness must attend. The grand jury, however, has no power as such to hold a witness in contempt if he refuses to testify without just cause. To constitute contempt the refusal must come after the court has ordered the witness to answer specific questions. Two courses are open when a witness then refuses to testify after a proper court order: civil or criminal contempt.

Under civil contempt, the refusal is brought to the attention of the court, and the witness may be confined until he testifies; he is said to carry, as the Court noted in *In Re Nevitt*, 117 Fed. 449, 461 (8th Cir. 1902), "the keys of the prison in his own pocket." Usually, where contempt is clear, no bail is allowed when an appeal is taken. The confinement cannot extend beyond the life of the grand jury, although the sentence can be continued or reimposed if the witness adheres to his refusal to testify before a successor grand jury.

Under criminal contempt, after a hearing, the witness may be imprisoned, not to compel compliance with, but to vindicate the court's order. Federal law requires a jury trial if the sentence to be imposed will exceed 6 months. No other limit is set.

Title III of S. 30 seeks to codify the civil contempt aspect of present law as it applies to grand jury and court proceedings in the area of the refusal to give required evidence. Upon such a refusal, the court is explicitly authorized to order the summary confinement of the witness, and it is provided that no bail shall be given to the witness pending the appeal, since this would undermine the coercive effect of the court's order and result in undue delay.

Mr. President, this is a vital investigative tool for the forces of law enforcement. The testimony of Mr. Paul Curran, chairman of the New York State Commission of Investigations, during subcommittee hearings on this title, underlines the necessity for such a provision:

> With this grant of immunity must be coupled the right of compulsory process to produce the witness, and also the right most importantly, to take meaningful action against recalcitrant witnesses. They must know that if after receiving immunity, they do not testify, they will go to jail until such time as they are prepared to testify. This provision of S. 30 for . . . [a] jail term will make it clear that the Government really means business. (Hearings at 178.)

Mr. President, title III also amends title 18, chapter 49, United States Code, section 1073, entitled "Flight to avoid prosecution or giving testimony" to include flight to avoid contempt proceedings. The pertinent changes in section 1073 read as follows:

> Whoever moves or travels in interstate or foreign commerce with intent either . . . (3) to avoid contempt proceedings for alleged disobedience of any lawful process requiring attendance and the giving of testimony or the production of documentary evidence before an agency of a State empowered by the law of such state to conduct investigations of alleged criminal activities, shall be fined not more than $5,000 or imprisoned not more than five years or both.

Mr. President, the need to make this change in the Federal Fugitive Felony Act was recently brought to light in organized crime investigations in New Jersey. Concerned over a growing awareness of the sinister influence of organized crime in the State, the New Jersey Legislature in 1968 created a State commission of investigation, which was modeled on New York's successful commission. In a hearing held in July of 1969, two mob figures, Robert "Bobby Basile" Ochipinti and Frank Cocchiaro, both lieutenants of Cosa Nostra boss Simone Rizzo "Sam the Plumber" De Cavalcante of New Jersey, after being subpenaed by the commission, walked out of the State House in Trenton during a break in the hearing and fled the State to avoid contempt charges for refusing to answer questions. Unlike a witness who flees to avoid grand jury or court testimony, these two mobsters could not be picked up by the FBI for unlawful flight. Instead, the time-consuming process of State extradition had to be undertaken.

Mr. President, this defect in the law may be easily remedied. With the addition of but a few words to the statute, it will be possible to use the FBI to help States such as New Jersey, now seeking to clean its own house, to help themselves.

TITLE IV—FALSE DECLARATIONS

Mr. President, title IV of S. 30 represents the best efforts of the committee to insure that truthful testimony will be given in our grand juries and courts.

Organized crime's defeat of investigations and prosecutions through the fabricated story has occasioned our reexamination of the law in this area. However, the reforms implemented by these rules of pleading and evidence ought not be artificially limited to organized crime cases. At present, Federal law interposes several impediments to securing truthful testimony. As we all are aware, the usual standard of proof in a criminal prosecution is proof beyond a reasonable doubt. Meeting that standard, however, is not sufficient to secure a conviction for perjury. If the proof is circumstantial and not direct, no conviction may be obtained. For reasons rooted in medieval law—possessing no contemporary relevance—the testimony of one witness, no matter how trustworthy, reliable or sufficient—standing alone—is not legally adequate for a perjury conviction.

To remedy this situation we have approved title IV, which implements the the President's Crime Commission recommendation:

> Congress and the States should abolish the rigid two-witness and direct-evidence rules in perjury prosecutions, but retain the requirement of proving an intentional false statement. (Report at 201.)

The Crime Commission reported that the incidence of perjury is higher in organized crime cases than in routine criminal matters. We all know that perjury prosecutions are rarely successful. The effect of this lack of success upon the initiation of prosecutions is obvious. Again, we can easily infer the likelihood of perjury in instances of organized crime prosecutions, due to well-established witness-intimidation efforts of the underworld. The Department of Justice endorsed this provision, stating:

> We . . . agree with the recommendation of the President's Commission that abolition of these rules is desirable. (Hearings at 371.)

There are at least two other barriers to obtaining truthful testimony. Under present law, even if a witness makes two statements which are so patently contradictory that one or the other must be false, the prosecution must nevertheless prove which of the statements is false and then prove an intentional falsehood. In accord with the commission recommendation, the committee rightfully retained the requirement that an intent to falsify be shown. However, if one of two statements logically must be false, then title IV recognizes that fact.

The last impediment to the telling of truth is that under present Federal law one is not allowed to recant, correct untruthful statements, and escape prosecution. Therefore, at present a witness is discouraged from correcting untruthful testimony. Title IV would allow one to avoid criminal liability by correcting his testimony, so long as it is not already apparent by other testimony that he is lying, or so long as he has not substantially misled the proceeding by his original untruthful testimony.

Mr. President, title IV encourages truth by facilitating the prosecution of those who have lied and by encouraging the correction of testimony without fear of prosecution. I am firm in my belief that this body should do everything in its power to make certain that there are no impediments to truthful testimony in the administration of justice in the Federal courts—in all cases as well as the more serious organized crime cases.

TITLE V—WITNESS PROTECTION FACILITIES

Mr. President, title V, providing witness facilities, was drafted in response to the overwhelming difficulty of insuring that witnesses in organized crime cases are produced alive and unintimidated at trial. If witnesses have a duty to give to society the benefit of their testimony, then surely society owes to them every protection it can offer. Title V affords broad power to the Attorney General to care for witnesses and their families as long as there is jeopardy to the life or person of a witness or a member of his family. The Attorney General may offer these facilities to witnesses, but of course cannot require them to accept his offer.

This title is also in response to a recommendation of the President's Crime Commission. It has the full support of the Department of Justice. It is not necessary for me to recount horror stories showing the extent of torture and terrorism practiced by organized crime in its efforts to prevent unfavorable testimony. Suffice it for present purposes to note the testimony of the Attorney General that between 1961 and 1965, the organized crime program, despite attempts to offer protection, lost 25 informants. Hearings before the Subcommittee on Administrative Practice and Procedure of the Senate Committee on the Judiciary, 89th Congress, first session, part 3, at 1158—1965. More need not be added. All Members of this body are aware of the need to protect Government witnesses against retribution by mob enforcers.

TITLE VI—DEPOSITIONS

Mr. President, title VI deals with the taking of depositions to preserve evidence in Federal criminal cases. Such a measure was included in S. 30 when it was introduced, and its provisions were revised and improved considerably while the bill was in committee.

The proposed section would expand the present right of a defendant under rule 15 of the Federal Rules of Criminal Procedure to seek court permission to take the deposition of his own witnesses, and would extend the same right to the Government. Like rule 15, the section would permit such depositions only for the purpose of preserving a party's own evidence, not for the purpose of discovering the opponent's evidence. At the same time, the proposed section contains full guarantees of the defendant's rights to counsel and to cross-examination of the deponent. Title VI is designed to fill a gap in our criminal procedure that sometimes is important in other than syndicate cases, but most frequently is a frustrating problem in organized crime prosecutions.

The leaders of organized crime daily conduct their criminal activities and shady businesses by intimidating citizens and bribing officials. In the rare case in which the Government can overcome the difficulties in gathering evidence and can obtain an indictment, it is an all too common step for the Mafia boss to resort to the same techniques, intimidation and bribery of witnesses, in order to obtain

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a dismissal of the charge or a not guilty verdict. Should witnesses prove stubborn and honest, some organized crime figures have shown little hesitation to murder witnesses. The distinguished senior Senator from Maryland (Mr. TYDINGS), in giving the subcommittee testimony based in part on his own experience as U.S. Attorney for Maryland, aptly stated:

> Unimplicated witnesses have been, and are now, regularly bribed, threatened, or murdered. Scores of cases have been lost because key witnesses turned up in rivers in concrete boots. Victims have been crushed—James Bond like—along with their automobiles by hydraulic machines in syndicate-owned junkyards. (Hearings at 161.)

Title VI is designed to protect that evidence, and evidence in other cases in danger of destruction or loss, in two ways.

By authorizing the taking and recording of evidence under full guarantees of counsel and cross-examination, title VI would preserve the evidence which a witness had to offer in a form which could be used at trial if and only if the evidence became otherwise unavailable. In addition, by preserving the evidence which an individual could give, title VI would largely eliminate any incentive of a defendant or his organized crime associates to threaten, injure, or kill the witness. Indeed, depositions may be more effective than stone walls and guards in protecting the lives of informants and other citizens with information concerning organized crime.

TITLE VII—LITIGATION CONCERNING SOURCES OF EVIDENCE

Mr. President, title VII is designed to regulate motions to suppress evidence.

Title VII recognizes that suppression of evidence litigation is a major cause of undue expense, delay and distraction of emphasis in criminal cases; that present rules for disclosure of information in connection with suppression claims result in the revelation of information which is irrelevant to the claims and seriously harms specified public interests; and that when the suppression motions concern evidence of events occurring years after the acts which are the bases of the motions, the adverse results are aggravated, the motions cannot reliably be resolved, and it is virtually certain that the evidence is not suppressible.

To remedy this disturbing situation, title VII requires the opponent of a suppression motion to admit or deny the occurrence of the unlawful act which the moving party claims renders the challenged evidence inadmissible. It also provides that disclosure of information in connection with a suppression motion may not be required unless the information may be relevant and disclosure is in the interest of justice and forbids consideration of a claim that evidence of an event is inadmissible because indirectly derived from an unlawful act occurring more than 5 years earlier. The combined effect of these provisions should be to mitigate many of the objectionable aspects of suppression litigation.

The most common situation which would be covered by title VII is a criminal trial in which a defendant who at some time, perhaps in the distant past, was the victim of illegal but unrelated police conduct seeks to delay and confuse the trial of whether he is innocent or guilty by filing, extensively litigating, and, if necessary, appealing a claim that the evidence to be used against him by the Government was in some way derived from the police violation.

Under present law, the defendant can pursue such a diversionary tactic with great success, since the Supreme Court this year established a broad and absolute rule for such cases in *Alderman* v. *United States*, 394 U.S. 165 (1969). In the Alderman case, the Court held that, once a defendant claiming evidence against him is the indirect fruit of electronic surveillance has established that his own interests were unconstitutionally invaded, he must be given confidential materials in the Government's files to aid him in establishing that evidence against him was derived from the surveillance. The Court declined to place any limitation upon the rule or to permit a trial court to screen the Government's confidential files for possible relevance, even in cases where the surveillance bears no possible relationship to the defendant's crime.

Because the Alderman decision is unqualified, it encourages defendants who at any time have been unlawfully surveyed to file motions to suppress the evidence in every case against them, however unrelated to the surveillance, knowing that the motion is certain to bring them either disclosure of confidential files or, if disclosure would be too harmful to the Government, dismissal of the charges against them. Thus, the Alderman case has begun to make a significant contribution to delay of criminal cases, which already had begun to reach crisis proportions. The President's Commission on Crime in the District of Columbia, for example, found that great increases in pretrial motions were a major cause of a doubling from 1960 to 1965 of the time required to prosecute a District felony case, and suggested that in view of "excessive" delays in criminal cases—greater priority should attach to efforts aimed at accommodating—judicial and legislative requirements, regulating the conduct of trials and securing the rights of defendants, with the goal of expeditious handling of criminal cases." Report at 256, 266–68—1966. Title VII is just an effort. Unlike the Alderman decision itself, title VII accommodates the interests of a defendant with those of society, and promises justice to both parties to a criminal case.

The urgency for the enactment of title VII has been stressed by the Department of Justice. The Department supports the measure and has informed the subcommittee that the sort of disclosure required by the Alderman decision often leads unnecessarily to flight by suspects who are under investigation, destruction of evidence, harm to the reputations of innocent third parties, danger to undercover agents and citizens informants, and deterrence of witnesses from coming forward with evidence. The Department also revealed that, in their experience, protective court orders to limit disclosure to defendants and their counsel have not been effective.

The existing law is an exercise in futility. It has been applied for example, in *Aiuppa* v. *United States*, 394 U.S. 310 (1969), to require disclosure to an organized crime figure who, after being overheard during an organized crime surveillance, was picked up by a forest ranger for violating migratory bird laws. The notorious cases of Alderman himself, Cassius Clay, and James Hoffa were all remanded to the district courts for hearings under Alderman. After ordering and supervising full disclosure and then sitting through full hearings in which the defendants tried to establish links between their electronic surveillance and the evidence in their cases, each of the three courts concluded that there was absolutely no relationship. Indeed, the judge in the Clay case, after evaluating what the disclosure and hearing had contributed to his consideration of the motion to suppress, concluded that he could reliably have made his ruling on the motion after a simple in camera inspection.

There is no constitutional obstacle to enactment of title VII, since the Alderman decision was an exercise of the Supreme Court's supervisory jurisdiction over the lower Federal courts and not a constitutional interpretation. Title VII fully protects the right of a defendant to challenge inadmissible evidence and grants to the Government only the two minimal safeguards necessary to prevent abuse of motions to suppress evidence. There is no reason to permit defendants to engage in such dilatory proceedings in extreme cases title VII will deal only with such marginal cases and will advance the public interests by protecting them from organized crime and by promoting efficient functioning of our courts.

TITLE VIII—SYNDICATED GAMBLING

Mr. President, the general consensus of opinion among law enforcement officials is that gambling is the greatest source of revenue for organized crime. The Permanent Subcommittee on Investigations' examination of gambling and organized crime, in the hearings of which I was privileged to be chairman, concluded:

> Although estimates of the revenue obtained through illegal gambling vary—it—was generally agreed—that the flow of money to bookmakers taking bets on horse races and sporting events totals billions of dollars annually. Report at 2.

Organized crime, of course, does not limit its illegal gambling operations to horse racing and sporting events. It also includes gambling in the form of lotteries, dice games, and illegal casinos. More recently, the President's Crime Commission estimated the annual gross revenue to organized crime from gambling in the United States at from $7 to $50 billion. Report at 189. The Commission indicated that an analysis of organized crime betting operations showed the profit to be as high as one-third of gross revenue and concluded that while it was difficult to judge the accuracy of these figures, even the most conservative

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estimates put a substantial amount of capital in the hands of organized crime leaders.

Mr. President, it is from these huge gambling profits that organized crime is able to finance other illicit operations such as narcotics, loan sharking, prostitution, and bootlegging. This large source of illegally gained revenue also makes it possible for organized crime to infiltrate and pollute legitimate business.

The President in his message on organized crime in April of last year, characterized gambling income as the "lifeline of organized crime," and suggested that if we can cut or constrict it we will be striking close to its heart. Document No. 91-105, House of Representatives, 91st Congress, first session, at 6—1969. I need not emphasize too highly that it is in the field of gambling that the mob leader is most vulnerable to honest law enforcement. If we can remove the syndicate gambler from circulation, we will have at the same time largely eliminated the extortioner, the corrupter, the robber, and the murderer—the gangster himself.

One of the inevitable byproducts of illicit gambling, moreover, is corruption—of the police, the prosecutor, the courts—indeed, the whole system of criminal justice. Gamblers and bookmakers, in order to be free to operate, must pay off someone. The President in his message on organized crime put it this way:

> It is gambling which provides the bulk of the revenues that eventually go into usurious loans, bribes of police and local officials, "campaign contributions" to politicians . . . and to pay for the large stables of lawyers and accountants and assorted professional men who are in the hire of organized crime. (*Ibid.*)

The report of the Permanent Subcommittee on Investigations on Gambling and Organized Crime described the problem as follows:

> It must be conceded that for various reasons, mostly justifiable and understandable, local law enforcement agencies cannot adequately cope with the grave internal threat posed by organized crime. Jurisdictional limitations and lack of sufficient funds to provide adequate manpower or modern equipment are among the most frequently cited obstacles to the attainment of this objective. While most local law enforcement officials and prosecutors are honest and dedicated in their efforts to stamp out organized crime, too often local criminal statutes are not vigorously enforced or prosecuted because a dishonest policeman or prosecutor is motivated solely by financial or political gain. (Report at 1.)

The junior Senator from Washington (Mr. JACKSON), in the course of those hearings, during an exchange with Jacob Grumet, a member of the Commission of Investigation of the State of New York, aptly expressed it this way:

> You and I know what the problem is. They buy off the judge, they buy off the prosecutor, they buy off the sheriff, and they buy off the law enforcement officers locally, directly or indirectly. (Hearings, Part 1, at 31.)

Today's corruption is less visible, more subtle and therefore more difficult to detect and assess than the corruption of the prohibition era. But organized crime flourishes only where it has corrupted local officials. And as the scope and variety of organized crime's activities have expanded, its need to involve public officials at every level of local Government has grown.

Mr. President, something must be done to stop this flow of money to organized crime from gambling enterprises, and we must stop the corruption of local officials and law-enforcement officers by organized crime. To do this we need new weapons. Title VIII would give the Federal Government two new means to aid the States in combatting large-scale gambling. Part A contains special findings on the character of syndicated gambling. Part B of title VIII would make it a felony for large-scale gamblers and law-enforcement officers or public officials to conspire to obstruct enforcement of State and local laws against gambling through bribery of governmental officials. Part C of this title would make it a Federal offense to engage in a large-scale business enterprise of gambling.

At this point, Mr. President, I want to make one thing very clear. No part of this title will, or is intended to, preempt local efforts in this area, but it will add to such local efforts the expertise, the manpower and the full resources of the Federal Bureau of Investigation, and other appropriate agencies of the Federal Government.

There is one other important point that I have not touched upon, and it is a point on which the Congress cannot legislate. I refer to public apathy about gambling—indeed, about organized crime in general. The public must be informed of the dangers of organized crime and must be made cognizant of the fact that each bet with the local bookie, no matter how small, is not a harmless diversion but is a part of a large-scale process leading to the eventual decay of his community, for the effects of apathy poison our whole wellbeing. The late Robert F. Kennedy, commenting on the relation between organized crime and street crime, put it well:

> Crime in the streets is directly related . . . to public apathy about organized crime. The young man in the ghetto who decides to steal rather than make that extra effort to find work is unquestionably influenced by the success which the numbers runner down the block has had. The bookmaker or the narcotics pusher is all too often the only conspicuous figure of success in the ghetto, the one who has demonstrated how to beat the system and gain wealth and prominence. Similarly, the worker who belongs to a corrupt union, or the businessman who must pay protection to keep his business or his life, are taught every day—as are their children—that our legal system has nothing to offer them. As long as the public cares too little about the racketeers who control the gambling and the narcotics and the prostitution that feed upon the poor and the weak, there will be youngsters who see the gangster's way as the model, the path to follow. (Address before the Columbia Law School Forum, Jan. 19, 1967, reprinted in 113 Cong. Rec. 1243 (Jan. 23, 1967).)

It is in this context, particularly, that the Senate must assess part D, which would set up, 2 years after the enactment of the bill, a Commission To Review National Policy Toward Gambling. Federal concern over gambling has a long history. Nevertheless, it is time to take stock of where our Nation is and what direction it should take in the future. We know too little about the full scope of the impact of syndicated gambling and attendant police corruption on our society, or about the most realistic way to respond to them. There is a need here for careful study and public enlightenment after the formulation of prudent action plans.

TITLE IX—RACKETEER-INFLUENCED AND CORRUPT ORGANIZATIONS

Mr. President, title IX of S. 30, originally introduced as S. 1861, was supported by the Department of Justice in these terms:

> The Department favors the objectives of S. 1861 and believes that with some possible revisions its combination of criminal penalties and civil remedies, which has been highly effective in removing and preventing harmful behavior in the field of trade and commerce, may be effectively utilized to remove the influence of organized crime from legitimate business. (Hearings at 404, 405.)

The subcommittee and the full committee have now agreed with the Department on their suggested revisions and, along with other improving amendments, have approved title IX.

The infiltration of legitimate business by organized crime has been increasingly documented in the past year. Once it invades a legitimate field of endeavor, the mob quickly brings with it a full range of corrupt practices. It sometimes uses terror tactics to obtain a larger share of the market. Labor unions are infiltrated, and then labor peace is sold to businesses. This does not inure to the benefit of the workingman. To the contrary, for example, as documented in the grand jury report I noted earlier and inserted in the RECORD on December 5, 1969, in New Jersey members of the mob recently required payments from a contractor so that nonunion men could work at lower wages on a project. In business, the mob bleeds a firm of assets, then takes bankruptcy. It steals securities and then uses the stolen securities to fraudulently obtain funds from lending institutions. It evades taxes and thereby gains an unfair advantage. It monopolizes goods and services and thereby raises prices. Through the violence used in its operations and its rigidly enforced code of silence, as well as exploitation of nonmembers in its schemes, the mob seeks to gain immunity from the rules of our society governing business and labor practices. We cannot afford to allow it to succeed in this endeavor.

Mr. President, title IX is aimed at removing organized crime from our legitimate organizations. Experience has shown that it is insufficient to merely remove and imprison individual mob members. Title IX attacks the problem by providing a means of wholesale removal of organized crime from our organizations, prevention of their return and, where possible, forfeiture of their ill-gotten gains.

Title IX uses three primary devices to achieve these ends—criminal forfeiture, civil remedies which have proven successful in the antitrust area, and a number of civil investigative procedures.

The concept of criminal forfeiture is an old one in our common law. It was

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extensively used in England and had some limited use in the Colonies. Title IX, drawing on this early history, would forfeit the ill-gotten gains of criminals where they enter or operate an organization through a pattern of racketeering activity. To bring this special criminal remedy into play, the offender must be chargeable in the commission of at least two racketeering acts, each of which is a crime apart from title IX.

Since enactment of the Sherman Antitrust Act in 1890, the courts have used several equitable remedies, and developed new ones to implement the language of 15 U.S.C. sections 1 and 2. I believe, and numerous others have expressed a similar belief, that these equitable devices can prove effective in cleaning up organizations corrupted by the forces of organized crime. The first step in cleaning up an organization will be to require the mob to divest itself of its holdings in legitimate endeavors, where its members have abused that right by the condemned practices. In some cases, the organization will no doubt be so corrupt that it will have to be dissolved. Once the mob is removed, an injunction against its members ever again entering that particular type of organization should prove effective to prevent its return to corrupt anew.

As the criminal process has a grand jury for investigations, the civil process will need an investigative arm to determine whether there have been violations. To accomplish this end, the Attorney General is authorized to use either a civil investigative demand or investigative powers now existing in other agencies.

Mr. President, I am sure that there are some who are not aware of the extent of infiltration of our legitimate organizations by the mob. The facts, however, are truly disturbing.

According to Internal Revenue sources, of this country's 113 major organized crime figures, 98 are involved in 159 businesses. In like manner, the President's Crime Commission in 1967 reported that racketeers control nationwide manufacturing and service industries with known and respected brand names. It has also been reported that the mob controls one of the largest hotel chains in the country, dominates a bank with assets of from $70 to $90 million, operates a $20 million yearly gross laundry, and so on. In an eastern State the mob burned several stores and killed employees of a large grocery chain—the venerable A. & P. Nevertheless, violence is not the mob's only technique. Approximately 200 syndicate-inspired bankruptcy schemes are perpetuated annually, each involving upward of $200,000 in merchandise or material. Organized criminals, too, have flooded the market with cheap reproductions of hit records and affixed counterfeit popular labels. They are heavily engaged in the illicit prescription drug industry.

This is just a sampling. I could go on at length in this fashion, but I think the necessary point has been made.

Mr. President, I ask unanimous consent that a partial list of businesses and industries in which organized crime has been active be printed at this point in the RECORD.

There being no objection, the list was ordered to be printed in the REORD, as follows:

PARTIAL LIST OF BUSINESS AND INDUSTRIES IN WHICH ORGANIZED CRIME HAS BEEN ACTIVE

Accounting, Advertising, Air freight, *Automobile agencies, Awnings, *Bakeries, Banking, Barber shops, Beauty shops, Bonding, Bowling alleys, Breweries, Catering, Charities, and Chemicals.

Cigarettes, *Coal, *Construction, Consulting, Copper, Country clubs, Credit cards, Dairy products, Demolition, Drugs, Electrotyping, Excavation, Factoring, and Flowers.

Foundations, *Funeral homes, Furs, Garages, Garbage removal, *Garments, *Grocery stores, Hardware, Hi-fi components, Hotels and motels, Ice cream, *Importing or exporting, Insurance, Jewelry, and Junk.

Laundries & dry-clean, 'Linen, Liquor, Lithography, Lumber, *Manufacturing, Metal plating, Newspaper distribution, Night clubs, Oil and gas leases, Oil prospecting, Paper, Paving, and Picnic groves.

Pipelines, Produce and meat, Public Relations, *Race tracks, Radio, Railway express, Ranching, Real estate, Recording, Resorts *Restaurants and bars, Roofing material, Savings & Loan assoc., Shopping centers, and *Show business.

Soft drinks, Sports generally, Steel, Stocks and bonds, Surplus property, Tailoring, Taxicabs, Television, *Trucking Vehicle leasing, *Vending machines, Waterfront services, Window washing, and Wire service.

(S. Rep. No. 307, 82d Cong., 1 Sess. at 170–81 (1951).)

TITLE X—DANGEROUS SPECIAL OFFENDER SENTENCING

Mr. McCLELLAN. Mr. President, title X would authorize extended prison sentences for carefully defined categories of particularly dangerous special offenders.

Title X authorizes a Federal prosecuting attorney to notify an adult felony defendant and the court before hearing any grounds for finding the defendant to be a dangerous special offender. The concept of dangerousness is defined, as are the types of special offender; recidivist, professional offender, and organized crime offender. The court determines the accuracy of the allegations upon a full hearing with substantial presentence report disclosure and rights to notice, counsel, compulsory process, and cross-examination, imposes sentence up to a special maximum of 30 years, and records its findings and reasons for the sentence. The title authorizes appellate review of the sentence at the instance of the defendant or the Government, preserves the right of a Federal court to consider the fullest information possible in determining an appropriate sentence, and establishes within the FBI a central repository for admissible copies of conviction records.

Title X would be a dramatic improvement of our law in the one area, sentencing, which is most important to the great majority of defendants and yet has received the least legal development by the Congress and the courts. The basic difficulties in our sentencing law have been that, for a given crime, every offender has been exposed to the single maximum authorized punishment set by the Congress, and that a trial court's selection of a particular penalty at or under that maximum has not been subject to appellate review. Those two factors have led the Congress, as it has fixed maximum sentences for individual offenses over the years, to set the maximums at compromise levels which curb somewhat the danger of excessive sentences for ordinary offenders, but are of insufficient length to protect society by incapacitating recidivists, professionals, and Mafia members or others engaged in organized crime.

The inadequacy of sentences imposed upon organized crime leaders has been well known to racket prosecutors for years. Our people, too, are aware of the facts. A Gallup poll early last year found that 75 percent of those interviewed thought that our courts did not deal harshly enough with criminals. New York Times, February 16, 1969, page 47, column 1. A recent staff study by the Criminal Laws Subcommittee based on FBI sentencing data, moreover, confirms that experience and the judgment of our people. That study appears in the CONGRESSIONAL RECORD, volume 115, part 25, page 34389, so it is necessary now to point out only that two-thirds of La Cosa Nostra members included in the study and indicted by the Federal Government since 1960 have faced maximum jail terms of only 5 years or less, and that nevertheless fewer than one-fourth have received the maximum sentences, 12 percent have received no jail terms, and the sentences of the remainder have averaged only 40 to 50 percent of the maximums.

Statistics, however, outline only bare bones. Several examples will flesh out this deplorable situation. One of the worst gangsters uncovered in the labor racketeering investigation of the Select Committee was Anthony "Tony Ducks" Corallo, then a captain in the Lucchese family of La Cosa Nostra. It was Corallo who helped James Hoffa gain control of New York City's 140,000 teamsters. Our hearing record showed how this thug brought in 40 hoodlums with records of 178 arrests and 77 convictions for crimes ranging from theft, robbery, burglary, and stinkbombing to extortion and murder. One New York employer told how he hired Corallo simply to walk into his plant and "glance at the employees to keep them in line." The late Robert F. Kennedy, our committee counsel, commented, "This seemed rather funny at the time. But when Tony Ducks appeared on the witness stand and turned his glare on us, I changed my mind." Kennedy, "The Enemy Within," at 81—1960.

It was just such experiences as this that led Kennedy, when he became Attorney General, to mount the first truly effective concentrated Federal attack in our Nation's history on organized crime, and by 1962 Corallo had been convicted under 18 U.S.C. § 1952, the Federal Anti-Racketeering Act, for conspiracy to pay a $35,000 bribe to a New York

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*Business connected with participants in the infamous 1957 Appalachin meeting (S. Rep. No. 1139, 86th Cong., 2d Sess, pt 3 at 487–88 (1960).)

judge and an assistant U.S. attorney to fix a cohort's sentence in a $100,000 bankruptcy fraud case. Despite Corallo's shocking public record as a vicious racketeer, he was sentenced to but 2 years out of a possible 5. He was actually released to the street within 18 months, and there is every indication that he and his associates control at least seven of the 56 Teamster locals in the New York area, piratically forcing millions of consumers to pay hidden tribute.

Nevertheless, this is only half of the deplorable story. In June of 1968, Corallo once again stood before the same judge, incredibly once again convicted under the same Federal statute. This time, by loan sharking a financially pressed city water commissioner, he had been able to arrange and share a $40,000 kickback on a city contract. In sentencing Corallo, the same judge who sentenced him a few years before observed:

> What the court noted then about him still remains true. His entire life reflects a pattern of anti-social conduct from early youth. It is doubtful that his money over any substantial period of his adult life came from honest toil. It is fairly clear that his means derived from illicit activities—bookmaking, gambling, shylocking and questionable union activities.

Nonetheless, the court this time—incomprehensibly—gave Corallo only 3 years out of a possible 5.

Mr. President, if we do not give gangsters such as Corallo the maximum, for whom then will we reserve it?

Tragically, the Corallo sentence is far from an isolated case. In 1966, Louis Taglianetti, a "soldier" in the Patriarca family which dominates New England, was convicted of income tax evasion, for which he could have received 5 years. Since Taglianetti's Mafia record was exposed in the organized crime hearings held by the Permanent Subcommittee on Investigations in 1963, the judge could not possibly have been unaware that he was dealing with an organized crime figure. Nevertheless, Taglianetti received only a 7-month sentence. Ironically, I add that the average sentence for the ordinary citizen sentenced that same year for tax evasion was 10 months in jail—almost half again as much as this hardened Mafioso.

The sentencing story of Arthur Tortorello fits into the same pattern. His criminal record, which now covers 4½ pages, began in 1929—four decades ago. A member of the Gambino family of New York City, he has collected arrests ranging from burglary, assault and battery, and forgery to a 1-year sentence for kidnapping. More recently, his forte has been the infiltration of legitimate business to commit the so-called "white collar" offenses, knowing perhaps that there he could lighten his sentencing liability. Our judges have fulfilled what must have been his fondest hopes. In a $750,000 stock swindle in 1960, he received 90 days out of a possible 5 years. In 1964, out of a possible 5 years for mail fraud, he received 1 year, and in 1967, for plotting an illegal sale of oil stock, instead of 5 years, he received 30 days in jail. Now, in July of 1969, Tortorello was picked up for conspiracy to transport more than $1 million in stolen securities in interstate commerce. The maximum is 10 years, but I ask, if the past is truly prolog, can we expect, can society expect, to receive the sort of protection it deserves from this kind of persistent, professional, organized crime offender?

Mr. President, I shall recount now only one more illustration of the inadequacies of present organized crime sentences. In the same vein with Corallo, the labor racketeering investigations of the Senate Select Committee on Improper Activities in the Labor or Management Field established that Joey Glimco, a top Chicago henchman of teamster boss James Hoffa and ruler of Chicago Teamster Local 777, embracing 5,000 taxi drivers and miscellaneous maintenance workmen, was a mobster who could match criminal careers with the worst: his record includes 36 arrests from robbery to murder. The committee's final report required 56 pages to detail his marauding, and concluded:

> Glimco was shown to be a common thug and criminal who gained control of this union by violence and by those strong-arm methods which are a stock-in-trade of the Chicago racketeer. Under Glimco, local 777 became a captive union. He ruthlessly stifled any opposition by the membership, while he ransacked the union treasury. (Report, pt. 3, at 564.)

In February of 1959, Glimco was allowed to plead guilty to having taken gifts—ranging from turkeys to a large sprinkler system, to his new $5,000 Jaguar—as payoffs for a bogus contract that protected a businessman from the organized efforts of legitimate unions. The investigation and prosecution cost the Government well over $200,000, and it resulted in a four-count indictment, which could have resulted in a 4-year prison term for Glimco. Nevertheless, he received only a $40,000 fine—no jail term whatsoever.

Mr. President, as these convicted organized crime offenders walked out free to resume their criminal careers, they were scoffing examples that for big-time mobsters, crime in America too often does pay—and richly.

Title X will begin to correct that situation by implementing the principle, approved by the Department of Justice, the American Bar Association, the National Council on Crime and Delinquency, the American Law Institute, and the President's Crime Commission, that the Congress should authorize one maximum sentence for ordinary offenders and a greater maximum for more dangerous offenders.

All three of title X's definitions of special offenders will apply in some cases to hard-core members of large criminal syndicates. For example, the staff sentencing study referred to previously indicated that almost 60 percent of La Cosa Nostra members included in the study would, upon conviction of another Federal felony, qualify under title X as recidivists. More importantly, the three definitions have been so drawn as to accurately define the three types of offenders who should be singled out for special sentencing treatment, regardless of their relationship to La Cosa Nostra. Again, recidivists are an obvious example. The National Commission on the Causes and Prevention of Violence recently reported that "by far the greatest proportion of all serious violence is committed by repeaters. While the number of hard-core repeaters is small compared to the number of one-time offenders, the former group has a much higher rate of violence and inflicts considerably more serious injury." (CONGRESSIONAL RECORD, volume 115, part 26, page 35546.) The staff sentencing study revealed that 68 percent of all persons arrested on Federal charges during the period of the study who would have qualified as recidivists under title X accumulated an average of 4.3 charges per offender following those Federal arrests. In view of modern knowledge of the role recidivism plays in our exploding crime problem, we have gone too long without a Federal general recidivist statute, and it would be intolerable if now we should reject this opportunity to enact a law making the distinction between aggravated offenders and ordinary ones for the vital purpose of sentencing.

The provision of appellate review of sentences is of great importance for offenders who are shown under title X to be unusually dangerous to society and are exposed to unusually long sentences. It will implement a recommendation of the President's Crime Commission that:

> There must be some kind of supervision over those trial judges who, because of corruption, political considerations, or lack of knowledge, tend to mete out light sentences in cases involving organized crime management personnel. Consideration should therefore be given to allowing the prosecution the right of appeal regarding sentences of persons in management positions in organized crime activity or groups. Constitutional requirements for such an appellate procedure must first be carefully explored. (Report at 203.)

The appellate review provisions of title X have been drawn with great care so as to avoid infringing individual rights under the due process and double jeopardy clauses. Supreme Court decisions rendered last term, and lengthy and detailed hearings into the legal and constitutional aspects of appellate review of sentences, have indicated that the concept can be implemented as title X does within constitutional bounds. Appellate review under title X will not only permit correction of unjust sentences in particular cases, it will also promote the evolution of sentencing principles and enhance respect for our system of justice. It promises a major improvement in the administration of criminal justice at a stage where that improvement long has been needed.

Mr. President, the President's Crime Commission in 1967 aptly summed up the history of law enforcement's overall efforts to deal with organized crime in these words:

> Investigation and prosecution of organized criminal groups in the 20th century has seldom proceeded on a continuous, institutionalized basis. Public interest and demands for action have reached high levels sporadically; but, until recently, spurts of concentrated law enforcement activity have been followed by decreasing interest and application or resources. (Report at 196.)

It then observed:

XUM

> Law enforcement's way of fighting organized crime has been primitive compared to organized crime's way of operating. Law enforcement must use methods at least as efficient as organized crime's. The public and law enforcement must make a full-scale commitment to destroy the power of organized crime groups. (Report at 200.)

Finally, it concluded:

> In many ways organized crime is the most sinister kind of crime in America. The men who control it have become rich and powerful by encouraging the needy to gamble, by luring the troubled to destroy themselves with drugs, by extorting the profits of honest and hardworking businessmen, by collecting usury from those in financial plight, by maiming or murdering those who oppose them, by bribing those who are sworn to destroy them. Organized crime is not merely a few preying upon a few. In a very real sense it is dedicated to subverting not only American institutions, but the very decency and integrity that are the most cherished attributes of a free society. As the leaders of Cosa Nostra and their racketeering allies pursue their conspiracy unmolested, in open and continuous defiance of the law, they preach a sermon that all too many Americans heed: The government is for sale; lawlessness is the road to wealth; honesty is a pitfall and morality a trap for suckers.
>
> The extraordinary thing about organized crime is that America has tolerated it for so long. (Report at 209.)

Mr. President, Americans everywhere have decided to put an end to that toleration. To achieve this goal, we need a new determination, more human resources, and finely honed legal tools.

As black as it all might appear, the picture is brighter today than it was only a year ago. The executive branch has found a new will to attack organized crime, particularly to use the tool that the Congress provided last Congress in the Omnibus Crime Control Act of 1968: court ordered electronic surveillance. Already, a major narcotic ring, involving two members of La Cosa Nostra and a Negro wholesaler, has been broken up here in the District of Columbia, while a nationwide gambling ring, headed by one of the bosses of the 26 Cosa Nostra families, has been broken up in New Jersey, while new indictments and trials are expected. The administration has asked for and received nearly double last year's appropriations in this field, and the personnel in the Department of Justice devoted to this effort has more than doubled.

The Congress should now provide the additional legal tools necessary to get the job done.

Mr. President, the Organized Crime Control Act of 1969 provides many of these additional tools. I most respectfully urge the Senate to pass this bill.

Mr. President, I should like now to insert several items in the RECORD at this point following my remarks:

On January 4, 1970, the New York Times printed a year-end review by Mr. Fred Graham of the activity of the Department of Justice in the crime area. Part of that review dealt with the Department's new initiatives in the organized crime field.

I ask unanimous consent that the text of that article appear in the RECORD at this point.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the New York Times, Jan. 4, 1970]

BOTH PARTIES PRESS CRIME AS 1970 CAMPAIGN ISSUE

(By Fred P. Graham)

WASHINGTON, January 3.—The new year is bringing an old problem—crime—to the forefront as a major issue of the 1970 Congressional campaign. But this year there seems to be a reverse twist. The Republican "ins," in contrast to the normal situation, appear most likely to benefit from the continuing crime controversy, and the Democratic "outs" are scrambling to build an anticrime image.

Today, Senator Fred R. Harris of Oklahoma, the Democratic national chairman, called a Democratic Action Conference on Crime, to be held in Washington under his party's sponsorship early this year.

In a statement, Mr. Harris sounded his party's theme for this year by accusing the Nixon Administration of playing on the public's fear of crime but failing to "come up with a comprehensive national effort against crime" while crime statistics continue to rise.

His party's primary antagonist, Attorney General John N. Mitchell, had thrown down the gauntlet last month by accusing the Democratic-controlled Congress of dragging its feet on President Nixon's crime proposals. Not one of the score of anticrime bills introduced or supported by Mr. Nixon was enacted, and Mr. Mitchell served notice that the Republicans would try to pin a "do-nothing" label on the Democratic Congress and blame it for failing to move against crime.

Some Justice Department officials say privately that the Nixon Administration "is not legislation happy" and did not bank heavily anyway on new anticrime laws. Of the 20 bills backed by the Administration, only about half were actually proposed by Mr. Nixon, and these are concentrated in the areas of gambling, obscenity and criminal justice in the District of Columbia.

Senator John L. McClellan, Democrat of Arkansas, has been a leading figure this year in drafting anticrime legislation, and much of the legislation backed by Mr. Nixon was proposed by him. Mr. McClellan has entered documents in The Congressional Record to show that the Justice Department itself often delayed weeks and months in commenting on the measures that Mr. Mitchell now says have been held up.

Privately, some crime experts within the Government concede that such complex legislation should not be rushed through in less than a year. Much of it is expected to be passed before the November elections, which could take the edge off the Republicans' allegation of delay by Democrats.

But Mr. Harris's complaint that reported crime "has gone up 11 per cent during the first year of President Nixon's term in office" is equally vulnerable. Crime statistics rose by 19 per cent during the comparable period of the prior Democratic administration.

REPUBLICANS CURB TEMPTATION

Sources within the Administration report that the Republicans have been tempted to exploit this slacking off of the rise in the Federal Bureau of Investigation's crime index since Mr. Nixon took office. But their experts have warned the White House that this phenomenon might be the result of extraordinary crime increases in 1967 and 1968, when there were widespread urban riots, and that the unpredictable crime index might spurt upward again despite their best efforts.

What this admits, in effect, is that despite the rhetoric from both sides, the crime problem is such a fundamental product of local conditions that a national administration can do little to affect it, especially in one year.

If the two parties do fail to score with their charges against each other, there is a likelihood that the Republicans will profit most from the general concern about crime. For they have taken pains to maintain a strong anticrime image, and Mr. Mitchell has put together a crime program that has impressed even some of its former critics and is likely to look better as time passes.

Mr. Nixon was elected partly on an anticrime platform that is almost unrecognizable when compared with the present Nixon program.

He promised "immediate" Executive action to establish a Cabinet-level national law enforcement council, to set up a national academy of law enforcement, to promote a series of "Town Hall" conferences on crime prevention and to set up a center to coordinate anticrime efforts by private groups.

The Justice Department now concedes that the plans for the council and the crime conferences have been discarded. Its spokesmen say that someone in the White House has been designated to act as the coordinating center but they do not know who. All academy of law enforcement will eventually be established, they say.

MITCHELL AND BURGER

Mr. Nixon has done considerably better on two other commitments that bore directly on crime. He did not appoint an Attorney General who had previous law enforcement experience, as he once said he would, but no one has criticized Mr. Mitchell for not being sufficiently hard-boiled about crime.

Mr. Nixon's pledge to appoint law-and-order advocates to the Federal bench has been most notably reflected in the selection of Warren E. Burger as Chief Justice. Also, officials in the Justice Department say that the men appointed to the Court of Appeals have been a distinctly conservative lot, and they predict that over the years this will have an immense impact on the administration of justice.

Within the Justice Department, Mr. Mitchell has undertaken an anticrime program that has three major elements, as follows:

1. A beefed-up organized crime effort aimed primarily at the crime syndicate's lucrative but vulnerable gambling operations.
2. Massive financial aid to the state and local police.
3. The use of the District of Columbia as a model to prove that urban crime can be brought within reasonable bounds.

Money and manpower seem to play a far larger role in Mr. Mitchell's plans than new ideas or legislative innovations, and his ability to win Budget Bureau approval of his requests is already producing results in the organized crime area.

The number of F.B.I. agents working on organized crime has been doubled from 400 to 800 agents. The authorized size of the organized crime section of the Criminal Division has risen from 70 to 89 lawyers and is scheduled to go up to 112 next year.

More investigations are also being added by the Customs Bureau, the Narcotics Bureau and the Labor Department to fight organized crime.

URBAN STRIKE FORCES

Mr. Mitchell adopted the Johnson Administration's idea of placing anti-Mafia strike forces in target cities. He has increased the number from seven to 11, and says he will have them operating in 20 cities next year.

The result has been to bring the organized crime section's activities before grand juries and in courts up to the approximate level that it reached in 1963 when Robert F. Kennedy was Attorney General. Mr. Kennedy's lawyers (there were then only 60) spent 1,552 days before grand juries and 1,490 in court compared with 769 days before grand juries and 1,550 in court last year.

The activity under Mr. Kennedy produced

many indictments and convictions in succeeding years.

Republican officials say that indictments and convictions are down slightly now because of a lack of Democratic initiative in prior years and because Supreme Court decisions knocked out a number of gambling and narcotics cases.

Will R. Wilson, the present chief of the Criminal Division, is now saying publicly that a spate of indictments will come in the next few months.

Mr. Wilson, a former Attorney General of Texas, conceived the strategy of concentrating on the crime syndicate's gambling operations in an effort to dry up its income. This has been questioned by some police officials, who believe that Mr. Wilson failed to appreciate the complexities of the urban crime syndicate.

However, the indictments in Newark, N.J., last month of 11 reputed Cosa Nostra members, including the head of one of the nation's 26 Mafia "families," have converted some former skeptics. They concede that if the Government can jail high-level racketeers for gambling, that is as good as any other conviction.

Mr. Mitchell has made much of the importance to the anti-Mafia drive of his decision to use court-approved wiretapping and electronic surveillance, which was approved by Congress in 1968 but eschewed by the Johnson Administration as destructive of the public's feeling of privacy.

The Justice Department disclosed yesterday that 21 court-authorized interceptions were conducted last year in organized crime investigations. This is surprisingly low, but Mr. Mitchell indicated in a recent interview that the use of listening devices had risen lately.

His emphasis on money to fight crime has been most pronounced in the program to aid the states. After the Democrats spent $63-million to get the program under way in 1968, Mr. Mitchell obtained an appropriation of $268-million for the current fiscal year, to be funneled to the states and local communities through the Law Enforcement Assistance Administration in the Justice Department.

Mr. Mitchell has talked about doubling the request for the law enforcement unit next year, and he has mentioned the figure of $1-billion for the program in the near future.

PROGRAM IN CAPITAL

One of Mr. Nixon's first acts as President was to issue a message on Jan. 31, 1969, describing a broad program to deal with the "raw, vicious violence" of crime in the District of Columbia.

The situation in the capital has been his most frustrating crime problem and has produced one of the odd incidents of his Administration.

On the day after Mr. Nixon lashed out at the city's lawlessness, which produced 102 bank robberies in the previous year and 19 in January alone, the bank robberies virtually stopped.

In February, two banks were robbed; in March, one; in April, two; and in May, none.

Puzzled officials noted that judges had taken Mr. Nixon's message to heart by keeping a number of accused stickup men in jail on high bail and by issuing stiffer sentences—including a few life terms—to convicted armed robbers. Special police surveillance of vulnerable banks also helped.

But Mr. Mitchell also began to associate this improvement with a psychological phenomenon that Nixon men still stress in discussing the Republican Administration's impact upon crime. The Government became "prosecution-minded," Mr. Mitchell explained, and the criminal element became less bold about violating the law.

It was several months later before statistics brought another facet of the crime picture to light. While bank stickups were declining, armed robberies of shops, liquor stores, service stations and individuals skyrocketed to a level 64 per cent above the previous year's level—suggesting that some of those who had been robbing banks had just moved on to less dangerous pastures.

DOUBLE FRUSTRATION

By the end of the year it was clear to all that aside from bank robberies, crime in the capital was still in a steep climb. This has been doubly frustrating to the Administration because its capital crime proposal contains much of its inventive ideas on crime, and Congress has failed to act on it.

The heart of this is the preventive detention proposal, which would permit the imprisonment of "hard-core" criminals without bail pending trial. It would also attempt to break the case logjam by adding judges, prosecutors and a public defender office. There would also be an increase in the police force and a crackdown on narcotics offenders.

The House and Senate committees for the District of Columbia moved sluggishly with the proposal, but Mr. Nixon has been assured that it will be forthcoming early in the next session of Congress.

With Congressional discussion at least on the heart of Mr. Nixon's crime proposals, the political dialogue can be expected to shift to a point that the Democrats have only hinted at so far, but that may be the core of the issue.

That is whether Mr. Nixon's proposal for preventive detention and his general enforcement approach is the best way to combat crime; or if it smacks of repression in a way that could be counterproductive, or at least ineffective, if not unconstitutional.

Mr. McCLELLAN. Mr. President, the August 22, 1969, issue of Time magazine contained a cover story on organized crime and its impact on our Nation.

I ask unanimous consent that the text of that story appear in the Record at this point.

There being no objection, the article was ordered to be printed in the Record, as follows:

The Conglomerate of Crime

(Nobody will listen. Nobody will believe. You know what I mean? This Cosa Nostra, it's like a second government. It's too big.
—Joe Valachi.)

At the beginning of the decade, even J. Edgar Hoover denied its existence. Its structure was a mystery, and if it had a name, no one on the outside was sure of what it was. Yet, almost unnoticed, it exerted a profound impact on American life. It still does. Small wonder that Valachi, the thug-turned-informer, doubted that anybody would believe or care when he talked about an organization called La Cosa Nostra.

Today people do care. Organized crime is suddenly a high-priority item in Congress. The Nixon Administration and several key states are striving to improve law-enforcement efforts. The Justice Department is sending special anti-Mob "strike forces" into major cities, more money is being spent by police forces, and more men are being thrown into the battle. Hollywood makes movies about it (*The Brotherhood*), and readers have put it on the top of the bestseller list (Mario Puzo's novel *The Godfather* and Peter Maas's *The Valachi Papers*). Organized crime is no longer quite the mystery that it was. It is a vast, sprawling underground domain impossible to trace fully; but there is no longer any doubt that its most important part, its very nucleus, is La Cosa Nostra (LCN), otherwise known as the Mafia.*

Its reality borders on fantasy. Many Americans still find it difficult to fully believe that their nation harbors an evil entity capable of stealing billions while destroying the honor of public officials, the honesty of businessmen and sometimes the lives of ordinary citizens. The evidence that it does these things and more has become all to credible. The image persists of the colorful gambler who speaks quaint Runyonesque, or the romantic loner—Jay Gatsby, say—who has his own somehow justifiable morality, or of the paternalistic despot who challenges society by his own peculiar code.

THE MULTIPLIER EFFECT

There are bits of truth in all the impressions, but all fall short. The biggest and most important truth is that La Cosa Nostra and the many satellite elements that constitute organized crime are big and powerful enough to affect the quality of American life. LCN generates corruption on a frightening scale. It touches small firms as well as large, reaches into city halls and statehouses, taints facets of show business and labor relations, and periodically sheds blood. It has a multiplier effect on crime; narcotics, a mob monopoly, drives the addicted to burglaries and other felonies to finance the habit. Cosa Nosta's ability to flout the law makes preachment of law and order a joke to those who see organized crime in action most often: the urban poor and the black. Says Milton Rector, director of the National Council on Crime and Delinquency: "Almost every bit of crime we study has some link to organized crime."

Yet La Cosa Nostra itself, the Italian core of organized crime, consists of only 3,000 to 5,000 individuals scattered around the nation in 24 "families," or regional gangs, each headed by a boss and organized loosely along military lines. There is no national dictator or omnipotent unit giving precise direction on all operations. Rather, the families constitute a relatively loose confederation under a board of directors called the Commission. From this soft center the mob's web spreads to many thousands of allies and vassals representing most ethnic groups. "We got Jews, we got Polacks, we got Greeks, we got all kinds," Jackie Cerone, a member of the Chicago gang, once observed with both accuracy and pride.

In many respects, says Ralph Salerno, who was the New York City police department's chief Mafia expert until his retirement in 1967, the leadership has always been a "happy marriage of Italians and Jews." Salerno adds: "It's the three M's—moxie, muscle and money. The Jews provide the moxie, the Italians provide the muscle, and they both provide the money." In the public mind, however, Cosa Nostra is identified with the Italians, and about 22 million Italian-Americans are being hurt in reputation by the depredations of a very few.

In money terms, the organization is the world's largest business. The best estimate of its revenue, a rough projection based on admittedly inexact information of federal agencies, is well over $30 billion a year. Even using a conservative figure, its annual profits are at least in the $7 billion-to-$10 billion range. Though he meant it as a boast, Meyer Lansky, the gang's leading financial wizard, was actually being overly modest when he chortled in 1966: "We're bigger than U.S. Steel." Measured in terms of profits, Cosa Nostra and affiliates are as big as U.S. Steel, the American Telephone and Telegraph Co., General Motors, Standard Oil of New Jersey, General Electric, Ford Motor Co., IBM, Chrysler and RCA put together.

HOW IT WORKS

Two years ago, the President's Commission on Law Enforcement and Administra-

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*"Mafia," literally, means swank, or dolled up, but it probably derives from a Sicilian term meaning beauty or pride. In the context of crime, Mafia applies to the older, strictly Sicilian element of the Mob. "La Cosa Nostra," or Our Thing, is a broader term that means the modern American-born organization.

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tion of Justice simply threw up its hands at the prospect of estimating the crime conglomerate's full penetration. "The cumulative effect of the infiltration of legitimate business in America cannot be measured," it said. Robert Kennedy, who began the first big push against the Mafia when he became Attorney General, warned that "if we do not on a national-scale attack organized criminals with weapons and techniques as effective as their own, they will destroy us." No one now disputes its potential for destruction.

Despite its continuing evolution, organized crime follows certain basic patterns that vary little. It must buy or force freedom from the law and from accepted rules of commerce. It must milk gambling, the narcotics trade, industrial relations and usury. It must find outlets for its accumulated profits. These are its main forms of activity:

The political fix takes many forms, but the most important, from LCN's view, is obtaining the cooperation of the policeman and the politicians. East of the Mississippi, particularly, it is the rare big-city government that is completely free of the fix. In Newark, corruption is rampant. One gangster recently confided to another that $12,000 a month flows to police superiors for protection—which sometimes goes beyond a shield for illicit activities. When he vacationed on the West Coast last spring, for example, Thomas Pecora, a boss of Teamsters Local 97 as well as a Mafia man, took along a Newark city detective as a bodyguard.

Newark Police Director Dominick Spina was recently indicted for failing to enforce gambling laws. He was acquitted. Mayor Hugh Addonizzio has refused to give his personal financial records to a grand jury that asked for them. So pervasive is the aura of corruption, a governors committee reported, that it contributed heavily to the Newark riot of 1967, in which black resentment of police was a major factor.

In Illinois, La Cosa Nostra exerts major influence in a dozen Chicago wards and dictates the votes of as many as 15 state legislators. Known as the West Side Bloc, a newspaper euphemism to avoid libel suits, the Mob opposes anticrime bills in the state legislature, forces gangsters onto the payroll of Mayor Richard Daley's Chicago machine, and corrupts the city police department. Salvatore ("Momo") Giancana may be hiding in Mexico, but his stand-ins, Tony ("Big Tuna") Accardo and Paul ("The Waiter") DeLucia still pack influence. Example: When a Justice Department report charged 29 Chicago policemen with being grafters, Daley pooh-poohed the allegations, took no action. Some of the 29 were subsequently promoted.

Protection can also mean death for informers. Richard Cain, once chief investigator for the Cook County, Ill., sheriff's office, gave lie-detector tests to a quintet of bank robbery suspects. Cain, now in prison, was not after the guilty man but in search of the FBI informant among the five. The tipster, Guy Mendolia, Jr., was subsequently murdered.

Three federal men arrived in Columbus last year to investigate gambling. They were soon arrested by local police, accused of being drunk in public. The G-men were acquitted and eight Columbus cops were indicted for taking $8,000 a month in bribes.

Ralph Salerno, co-author of an upcoming book on the Mob, *The Crime Confederation*, estimates that the votes of about 25 members of Congress can be delivered by mob pressure. New Jersey Congressman Cornelius Gallagher was an associate of Joe Zicarelli, a Cosa Nostra power in New Jersey. Zicarelli's command over Gallagher was strong enough, in fact, to bring Gallagher, whom Zicarelli calls "my friend the Congressman," off the floor of the House of Representatives to accept Zicarelli's telephone calls. Although Gallagher has denied the allegation with varying degrees of indignation, he has never bothered to sue Life for its disclosures about him. He has since been reelected, and remains a member of the House Government Operations Committee, which watches the federal agencies that watch the Mob.

Even the judiciary is not beyond reach, and the Mob has a special set of instructions for judges on the payroll. An FBI "bug" placed in the First Ward Democratic organization on La Salle Street, a favorite gathering place for Chicago gangsters, overheard the following conversation between Illinois Circuit Court Judge Pasqual Sorrentino and Pat Marcy, a friend of the Chicago LCN family. What should he do, Sorrentino asked, if federal agents questioned him about his associations with gangsters? Marcy's answer: "Stand on your dignity. Don't answer those questions. Tell them they're trying to embarrass you. Stay on the offensive. Remember, you're a judge." The trouble is, of course, that Sorrentino and some of his colleagues, on federal as well as state benches, have forgotten just that fact.

Nowhere has organized crime subverted more than a tiny minority of public officials. But a minority can be enough both to undermine law enforcement and to bend regulations, purchasing procedures and legislation to a shape pleasing to the mob.

Gambling is far and away the Mob's biggest illicit income producer, more than taking the place that bootleg liquor held during Prohibition. No one can more than guess how much money is bet illegally in the U.S. each year, but a conservative estimate is that about $20 billion is put down on horse racing, lotteries and sports events. Perhaps a third is pure profit for LCN and its affiliates.

In the slums, the bets are usually on "the numbers." The gambler picks the number that he thinks will come up in some agreed-upon tabulation—the total dollars bet at a race track, for example—and puts down as little as 25¢ or as much as $1. In some places $10 bets are allowed. The bet taker himself, called the policy writer, is too small—and too vulnerable—to be a formal member of La Cosa Nostra. He works instead under contract as a "sharecropper."

Bookmaking is next up the ladder from the numbers, and the bookmaker, who usually employs several solicitors, is a man of substance. When FBI agents seized Gil Beckley, the king of layoff men (a banker to smaller bookies), in Miami in January 1966, his records showed that on that day alone he had handled $250,000 in bets, for a profit, by his own reckoning, of $129,000. He is now appealing a ten-year prison sentence in the case.

An operator like Beckley is not necessarily a full member of LCN. Beckley has a kind of associate status, in which favors and profits flow back and forth. As in certain other areas, LCN is content to get a cut while leaving active management to a relative outsider. Another big layoff man, Sam DiPiazzo, once told of an attempt by Giancana's Chicago family to extort 50% of his six-figure take. As DiPiazzo related the story, he was forced to go before a committee in Chicago, where he haggled the bite down to a mere $35 a day. His big bargaining point was that he cooperated with "the Little Man," Louisiana Family Boss Carlos Marcello.

General affluence and increasing public interest in sports such as football and basketball hike the stakes and make the potential for corrupting athletes great. Even if he does not succeed in fixing a game, the Cosa Nostra agent finds information about a team's morale or physical condition priceless in helping him to set odds. On just such an information hunt, a scout for Chicago Handicapper Burton Wolcoff wangled his way into the clubhouse of the Los Angeles Dodgers a few years back. Learning that Sandy Koufax, who was scheduled to pitch that day, was having even more arm trouble than usual, the agent flashed the news to Wolcoff, who put down $30,000 against the Dodgers. Koufax gave up five runs in early innings and the Dodgers lost.

The National Football League has gone to considerable lengths to detect the fix, relying, ironically, on Gil Beckley. Apparently the league operated on the theory that it takes one to know one. "I want the games square," Beckley told league officials when he announced his proposition. "If I know that something's wrong, I'll give you the name of the club. But I won't give you names of the players." Tips from Beckley have touched off a number of secret investigations by the league.

Until the mid-60s, one of Costra Nostra's most profitable gambling operations was at one of the few places in the U.S. where most kinds of gambling are legal: Las Vegas. The Mob's technique there, known as "skimming," was as simple as larceny and as easy as shaking the money tree: a part of the cash profits from six LCN-controlled casinos was simply diverted before the figures were placed in the ledger books. How much cash was spirited away in this manner, eluding both state and federal taxes, no one can say precisely. After the Government became aware of mob influence and forced the gangsters out of most of the casinos in 1966 and 1967—LCN still has interests in two big casinos—revenue reported for tax purposes jumped by more than $50 million a year.

Loan-sharking or usury nets several billions—it is impossible to say how many—in revenue for the Mob. Dollar for dollar, usury is LCN's best investment; though the gross is lower than it is in gambling, profits is higher. Interest rates commonly run at 20% per week, or, in the Mob's words, "six for five"—borrow $5 on Monday and pay back $6 by Saturday noon, the normal deadline. Borrowers are frequently gamblers who have lost heavily or hope to make a big strike, but they also include factory workers, businessmen on the verge of bankruptcy, or anyone else who needs cash but cannot meet a bank's credit check.

Many of the Cosa Nostra's legitimate business fronts were acquired when the owner could not pay his debt. Some public officials were acquired in the same manner. Over his head in various business deals, James Marcus, the former Water Commissioner of New York City, took a loan at 104% annual interest. When he was unable to pay, the gangsters found him a willing victim for other schemes, including graft on city projects. In the case of Marcus, as with many other public officials, the loan was almost certainly a come-on for what the Mob really wanted; a good friend in a high place. Marcus, Mobster Anthony ("Tony Ducks") Corallo, and Contractor Henry Fried were convicted in the kickback scheme.

Narcotics traffic, chiefly in heroin, is less lucrative than gambling, but still profitable enough, bringing in more than $350 million in revenue and $25 million in profits. Because of the risks involved in peddling drugs directly, Cosa Nostra once again contracts the retail trade to its sharecroppers, saving for itself the less dangerous and infinitely more profitable role of importer and wholesaler. The sums involved are substantial. By the time opium from Turkey, the chief supplier for the U.S., is processed into heroin and shipped to New York, it is worth about $225,000 per kilogram. The price to society is beyond measure.

So far, there is no evidence that the Mafia has tried to penetrate the marijuana market. The source of supply in Mexico is too close, and the competition from travelers passing over the border too intense. One unforeseen byproduct of the Federal Government's crackdown on the marijuana trade, however, may be to create an LCN monopoly. If the "independents" are driven out, the mobsters might find pot as profitable as heroin. Just that happened in bookmaking, when police put many free-lance operators out of business.

Labor racketeering has no price tag, but obviously nets the Mob many millions. It takes several forms. One of the simplest is extortion. The gangsters might thus inform a small businessman, who has perhaps only a dozen employees, that from that minute on his enterprise is unionized. Though the employees may never know that they belong to a "union"—and never receive any of the benefits of being in a union—the employer nevertheless pays the "union organizers" the workers' initiation fees and monthly dues. In another variation, the bogus union settles for "sweetheart" contracts that are grossly unfair to the workers it is supposed to represent. The difference between what a legitimate union might win for the workers and what the Mob union actually obtains is split between the mobsters and the company owners. In one such contract, writes Donald Cressey in his definitive work, *Theft of the Nation*, the president of a paper local won his union only one paid holiday a year: Passover. His membership was exclusively Puerto Rican.

In other ways as well, union racketeering can be as profitable to a company as it is to the Mob. Once the gangsters have taken over a union—they find their easiest prey in unskilled and semi-skilled occupations—they can guarantee both labor peace and a competitive edge over other companies in wages and benefits. There is, of course, a fee, but that is often lower for the businessman than the real costs of strikes or higher wages.

Business infiltration is the organization's fastest-growing source of revenue. Its interests extend to an estimated 5,000 business concerns. Indeed, Cosa Nostra's penetration of the above-ground world of finance and commerce is probably the greatest threat that it poses to the nation today. A business can be acquired in any number of ways, from foreclosure on a usurious loan to outright purchase. LCN, after all, has more venture capital than any other nongovernmental organization in the world. New York's Carlo Gambino and his adopted family own large chunks of real estate in the New York area valued at $300 million. Until recently, they also ran a labor consulting service. Marcello of New Orleans, another real estate millionaire, has been buying up land in the path of the Dixie Freeway and hopes to make a bundle in federal highway funds.

Once brought under the Mob's umbrella, a business almost always ceases to operate legitimately. If it is a restaurant—favorite targets—or a nightclub, it buys coal or oil from one LCN affiliate, rents linen from another, ships garbage out through still another. Its entertainers, parking lot attendants and even its hat check girls must always be approved by the Mob—and sometimes they must kick back part of what they take in. When the gangsters were big in Las Vegas, they sometimes used skimmed cash to supplement the fees paid to featured performers. The under-the-table funds went untaxed and left the complaint performer with an obligation. This was repayed by appearances elsewhere at the Mob's request.

Unfortunately, the gang's business methods do not stop with such relatively innocuous, if illegal, tactics. The giant Atlantic & Pacific grocery can testify to that. Taking control of a company that manufactured detergent, the powerful New York-New Jersey gangster brothers, Gerardo and the late Gene Catena, tried to put the product on A. & P. shelves. When the A. & P. officials rejected the inferior Brand X, marketed by the Catenas' Best Sales Company, the brothers tried traditional means of persuasion. Four A. & P. employees died violently. Six stores were fire-bombed. Finally, two union locals threatened to strike, rejecting out of hand a contract that seemed more than generous.

Dumfounded by tactics not taught at the Harvard Business School, A. & P. officials seemingly never connected Catena detergent with strikes and terror. The government did, however, and impaneled a grand jury to investigate the Catena brothers' marketing procedures. Brand X was apparently not worth the bother of federal heat. The Catenas got out of detergents, the unions signed their contracts, and the A. & P. was left at peace.

Generally, the Mob favors businesses in the service and retail fields, particularly things like coin-operated machines, liquor stores and laundries. These offer, among other advantages, cash turnovers susceptible to skimming. With these companies the mobsters can rake off funds without anyone, particularly anyone in the Internal Revenue Service, being the wiser. When FBI agents searched the house belonging to the son of Buffalo Boss Stefano Magaddino last December, they found in a suitcase $521,020 in skimmed cash, most of it from Magaddino's 15 companies in the Buffalo area. It may not have been worth all of Magaddino's trouble. Not only has the Government confiscated his money, but the other mobsters are infuriated because Magaddino had told them that he had no funds to help them meet common expenses. This month, in fact, LCN's top hierarchy took the highly unusual step of sending a team to investigate Magaddino's finances. Mrs. Magaddino, who had never looked into the suitcase, was also upset. "Son of a bitch!" she muttered when the FBI carted the money away. "He said we have no money for Florida this year. $500,000!"

Jukeboxes, funeral parlors, small garment firms and other marginal enterprises that have long attracted gangsters have little effect on the general economy. Big-time construction is another matter, and by playing both the union and management side, LCN begins to exercise major impact. The Crime and Delinquency Council's Milton Rector says air-freight trucking operations have been so deeply penetrated that gangsters could bring New York's Kennedy Airport "to its knees at any time."

As the boodle piles up, repositories bigger than Magaddino's suitcase must be found. Many millions go to foreign banks. Switzerland, with its numbered bank accounts, is the favorite. Funds from these reservoirs often come back in the form of "loans" for investment purposes. Asked to produce collateral for a jukebox import deal, Philadelphia Boss Angelo ("Mr. A.") Bruno quickly came up with a certified check backed by a Swiss account. The amount: $50 million.

WHAT KIND OF MAN?

Cosa Nostra's business sophistication should not be surprising, since some of the bright young men in the Mob are as astute and innovative as their peers in any other field. What kind of man joins La Cosa Nostra today? To be in the organization itself—as distinct from its many affiliates—he must, first of all, be Italian or of Italian descent. Unitl 1952, he had to be a certified killer as well. That requirement has been dropped, and the recruiters look for a young man who has, besides the necessary venality, some protective coloring. The older men are not always happy about the change. "They shouldn't let nobody in this unless he's croaked a couple of people," New Jersey's Angelo ("Gyp") DeCarlo was once heard to mutter. "Today you got a thousand guys in here that never broke an egg."

There have been other, though less important changes induced by both shifting life styles and the desire to escape notice. Years ago, anyone could tell a mobster by his loud dress and, most particularly, his large, wide-brimmed, white hat. Now, the tendency is to dress like a businessman, in conservative Brooks Brothers gray.

One custom that had to be dropped was the kiss of greeting between members. "Charlie Lucky [also known as Salvatore Luciano or Lucky Luciano] put a stop to this and changed it to a handshake," Joe Valachi told Author Peter Maas. " 'After all,' Charlie said, 'we would stick out kissing each other in restaurants and places like that.' "

Ostentatious living has gone out as well, despite the fact that even the lowliest members are often millionaires. The Government provides one good reason. If a man spends much more than he shows on his income tax return, the IRS can nail him for tax fraud. Few of the bosses thus claim or openly spend much more than would a moderately successful businessman. The ancient, somewhat puritanical code of the Mafia, which dislikes display, provides another reason for simple style. The late New York boss Vito Genovese, for example, used to drive a two-year-old Ford, spent little more than $100 for his suits, and lived in a modest house in Atlantic Highlands, N.J. When his children and grandchildren visited him, Genovese, very much the kindly paterfamilias, would cook them up a huge pot of spaghetti.

Another legacy from the Sicilian Mafia is Cosa Nostra's almost mystical concept of respect. Something like the Oriental notion of "face," respect means more to a Cosa Nostra mobster than money. If he does not have the regard of his fellow members, he is nothing, even in his own eyes. An equally high value is placed on loyalty. It is not always honored, to be sure, but it nevertheless remains a powerful binding force within the organization. Indeed, the very human characteristics of respect and loyalty, together with the organization's dynastic structure, offer some clues to its remarkable durability. Son follows father, underboss follows boss, and the line continues over the decades.

Another element seems to be a sense of unity against a world viewed as hostile. The chaotic history of Sicily remains an unconscious memory. There, amid poverty and foreign intrusion, survival and prosperity depended on one's own immediate group and one's own rules. Does the younger generation have any qualms about what it is doing? It would seem not. In *The Godfather*, the Dartmouth-educated son of a New York boss gives his bride what is probably the typical rationale. Members of Cosa Nostra, he reasons, are no worse than any other Americans. "In my history course at Dartmouth, we did some background on all the Presidents, and they had fathers and grandfathers who were lucky they didn't get hanged."

Perhaps. They were not, however, likely to employ the sadistic methods that Cosa Nostra still finds useful. Despite the more businesslike image of the younger gang leaders, many mobsters are still animals in fedoras. If Sam Giancana moves, as he has, with Frank Sinatra on one level, his henchmen move on another. One of the most chilling conversations that the FBI has overheard involved two of Giancana's hoods telling a third, "Jackie," about the murder of one of their colleagues, a 350-pounder by the name of William Jackson.

James Torello: Jackson was hung up on that meat hook. He was so heavy he bent it. He was on that thing three days before he croaked.

Fiore Buccieri (giggling): Jackie, you shoulda seen the guy. Like an elephant, he was, and when Jimmy hit him with that electric prod . . .

Torello (excitedly): He was floppin' around on that hook, Jackie. We tossed water on him to give the prod a better charge, and he's screamin' . . .

Despite Cosa Nostra's obvious frightening strengths, new problems and challenges are coming at it from several sides. In the slums, for instance, its control of gambling and vice is being contested, sometimes success-

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fully, by the blacks, Puerto Ricans and Mexican-Americans who want a share of the action. In Buffalo, the blacks at first worked a bargain with Magaddino by which they would control the numbers racket, giving him only a 10% tribute. Later, when he ran into trouble with the authorities, they stopped the 10% entirely. That was nothing compared to the trouble that Ruggiero Boiardo had in Newark. There Negroes not only took over the lottery but also shook down Boiardo's numbers men and occasionally took shots at them.

There are, in addition, internal disputes, like the messy slaying of New York Boss Albert Anastasia in 1957. Even though he has never been east of Flatbush, a Cosa Nostra man still looks upon himself as a Sicilian or a Neapolitan, distrusting the other. Nor is the Commission itself what it once was. Two places, vacated by death, have not been filled. Two of the commissioners, Philadelphia's Angelo Bruno and New York's Joe Colombo, command little respect; Detroit's Joe Zerilli rarely attends meetings. A former commissioner, New York's Joe Bonanno, was kicked out in 1964 and his family reassigned when he attempted to kill off some of the other bosses.

THE LAW'S DELAY

Where is the law? Why, despite some troubles, does Cosa Nostra survive and thrive? Beyond its own inherent strength and tradition is its ability to corrupt civil officials. Probably no other group in history has made such a fine art of corruption. Without the fix, Cosa Nostra would not last out the year. Nor are local cops the only ones who yield to temptation. Three days after a report on skimming in Las Vegas was sent to the U.S. Attorney General's office in 1963, a complete copy was in the hands of the criminals cited in the report. The conduit for that leak has never been found.

Even in the absence of official dishonesty, law enforcement has often proved inept. Most city and state police agencies are still not equipped to deal effectively with clever, well-financed conspiracies that extend across city and state lines. The FBI is better trained, of course, but its special agents hardly constitute a national police force, and were never intended to do so. Until the beginning of the decade, federal authorities merely nodded while the mobsters nibbled away at the country. Besides, coordination among law-enforcement agencies at all levels is frequently weak or totally absent. Even when pressure is applied vigorously, resulting in arrests and convictions, LCN can quickly fill personnel gaps.

Not that prosecution is easy under the best of circumstances. The gangsters' well-paid legal corps takes full advantage of the Bill of Rights. The Mob's muscle often takes care of potential witnesses. It takes a brave citizen to call the police. Also, most of the evidence gathered by the FBI, until recently, was not admissible in court.

Much is changing. Though more vigilant observation might have detected it long before, a major revelation occurred in 1957, when New York state police happened upon a meeting of the Commission and its lieutenants at the estate of Joseph Barbara in upstate Apalachin. The authorities were able to find out who the mobsters were and, more important, that they were together. In 1962, Joe Valachi, the Cosa Nostra soldier-turned-informer, confirmed and explained what the FBI had been hearing from its bugs for months. Though he looked at the Mob from the bottom up, Valachi's remarkable memory nonetheless provided invaluable insights into its organization. From January 1961 to December 1968, the Government indicted 290 members of Cosa Nostra and obtained 147 convictions, with many cases still pending. Some of the bosses themselves have been jailed, while many have found their activities severely curtailed because of continuous scrutiny.

STRENGTHENING HAND

Most of the surveillance has come from electronic bugs and telephone taps, which have supplied something like 80% of the information the Government has on the Mob. While bugging is still the subject of considerable controversy—and can be a serious danger to civil liberties if misused—a law passed by Congress last year at least clarifies the Government's powers and gives the Justice Department broader jurisdiction. For the time being, electronic snooping seems to be a necessary, if risky weapon.

Federal funds are now available in increasing amounts to help city and state agencies prepare for the challenge. Two major bills now pending in Congress could have significant results. One would strengthen the hand of prosecutors and grand juries in mounting investigations and make involvement in organized crime generally—regardless of the specific violation—a federal offense. The second measure would invoke civil procedures, such as antitrust action, to attack organized crime behind its screen of bogus legitimacy.

Beyond new statutes and energetic reinforcement, the nation needs another, stronger weapon: public indignation. There is not nearly enough of that in the U.S. No other Western, industrial country in modern times has suffered criminal abuses on such a scale. America's porous, pluralistic and permissive society offers extraordinary opportunities, chances to hide and to advance, for the enterprising and imaginative criminal. But, most fundamentally, U.S. society helps the criminal by toleration (occasionally even admiration) and by providing a ready market for his services. Illicit gambling thrives because of the popular demand for it. Politicians of questionable integrity remain in office because the electorate allows it. Entrepreneurs who half-knowingly accept dirty money with the rationale that business is business are as corrupt as grafting politicians.

TOLERATING THE MOB

In large measure, the modern Mob lacks the traditional justification for crime—the bitter spur of poverty. It also lacks the occasional, near-heroic dimension of defying law and the established order for the sake of rebellion. It is by and large a middle-class sort of Mob, more or less tolerated by the affluent. Among the public there is often a certain psychological hypocrisy. Rage is great over conspicuous criminal acts, but there is less anger over the far more harmful depredations that are the specialty of organized crime. Until there is a popular revolt, La Cosa Nostra will probably endure.

UNITED BY OATH AND BLOOD

Centuries before La Cosa Nostra was heard of in the U.S., the Mafia operated—even as it does today—as a brigand government in much of Sicily. Though many Italian immigrants had come to the U.S. to avoid just such oppression as the Mafia offers, a few among them formed a new Mafia in the new country. In the crowded "Little Italys" of the late 19th and early 20th centuries, the thugs found easy prey among people who had been taught to dread the terrorists' Black Hand.

Prohibition offered the transplanted *Mafiosi* the chance they could not have made for themselves. Only they had the organization that could capitalize on the potential of bootlegging. Only they lived among people who already operated home stills that could quickly be converted into commercial distilleries. With fantastic profits, little crooks became big crooks, and the peculiar society of petty outlaws became the all-powerful Cosa Nostra.

There was enough intraorganizational feuding to fill a graveyard. Often the battle lines were drawn between Sicilians and Neapolitans—a distinction that causes ill feeling even today. But Sicilians from one area also fought Sicilians from another area, going so far as to take Neapolitans as allies. A particularly bloody period in 1930–31 called the Castellammarese War (the town of Castellammare del Golfo was home to one of the factions) killed about 60 gangsters. Thus the factions agreed to unite behind the Mob's modern founding father, Salvatore Maranzano.

A Castellammarese who borrowed his ideas from Julius Caesar's military command, Maranzano laid down the patterns that still, with minor modifications, hold today. To stop the killing, said Maranzano, the gangs that then existed would henceforth be recognized as families, each with its own territorial limits. Heading each family would be a boss, or *Capo*. Under him would be an underboss, or *Sottocapo*, and beneath the underboss would be any number of lieutenants, or *Caporegimes*, leading squads of soldiers, or "button men." One advantage of the scheme was the insulation it provided the men at the top. In the ordinary course of events, they would never put themselves within easy reach of the law.

The organization's code of conduct was partly Maranzano and partly Mafia *omertà*, a combination of such qualities as manliness, honor and willingness to keep secrets. Its requirements have never changed. The penalty for breaching the code: death. Except for the Chicago branch, which has always disdained the ornate, members are bound by an elaborate ceremony of medieval hocus-pocus. Flanked by the boss and his lieutenants, the initiate and his sponsor may stand in front of a table on which are placed a gun and, on occasion, a knife. The boss picks up the gun and intones in the Sicilian dialect: *"Niatri representam La Cosa Nostra. Sta famigghia è La Costa Nostra* [We represent La Cosa Nostra. This family is Our Thing]." The sponsor then pricks his trigger finger and the trigger finger of the new member, holding both together to symbolize the mixing of blood. After swearing to hold the family above his religion, his country, and his wife and children, the inductee finishes the ritual. A picture of a saint or a religious card is placed in his cupped hands and ignited. As the paper burns, the inductee, together with his sponsor, proclaims: "If I ever violate this oath, may I burn as this paper."

Brilliant as Maranzano's plan was, it had one major flaw: Maranzano himself. Like his hero Caesar, Maranzano suffered from overweening ambition. Above the family bosses, there was, under his scheme, to be a Boss of All Bosses, a *Capo di Tutti Capi*, by the name of Salvatore Maranzano. When several of the family bosses found out that he was plotting to kill them, they worked up an assassination scheme. Five months after he took power, *Il Capo di Tutti Capi* was murdered. The same day, Sept. 10, 1931, 40 leaders allied with him were slain across the country.

With Maranzano's death, a kind of peace did settle over Cosa Nostra. There have been skirmishes and murders aplenty since then, but never anything like the Castellammarese War. In place of the *Capo di Tutti Capi*, the mobsters formed a Commission made up of nine to twelve family bosses to guide the organization and settle disputes. While its powers have never been precisely spelled out, the Commission seems to be roughly analogous to the governing body of a loose confederation. It must approve each family's choice of boss, and it can, if it wants to, remove a boss—usually by assassination.

Often, the Commission's chief function seems to be preservation of the balance of power, making sure that no one boss gains too much power. In Cosa Nostra's terms, as in nations', that is guns. Theoretically, at least,

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the 24 families have not been allowed to increase their numbers since the '30s. They vary greatly in size now, as they did then, from Carlo Gambino's army of 1,000 in New York to James Lanza's tiny, ineffectual squad of twelve in San Francisco. Currently, several families are open to recruits, offering new opportunities for growth and power. United by oath and blood, Maranzano's organization may have as long a life as Caesar's.

Portrait of an Obsolete Mobster

Evicted from the Mob's top hierarchy in 1964, Joe Bonanno of New York—one of the bloodiest killers in Cosa Nostra's history—eventually retired to Tucson, Ariz., where, amid his fig and orange trees, he now lives modestly, reflecting on his days of power and plotting his comeback. His life is not entirely normal, however. The FBI tried, unsuccessfully, to recruit his confidant and all-round handyman, David Hill, 21, as an informer. Once a bomb landed in Bonanno's backyard. He thinks that an FBI agent may have prompted two young thugs to throw the bomb and start a fight between Bonanno and another mobster—a sequel to the "Banana War" that followed his downfall.

Bonanno may get support for his bizarre notion. Tucson authorities are preparing to try two men for attempting to dynamite Bonanno's house. A prosecution witness claims that an FBI man put them up to it. Thinking that Bonanno has been badly treated, young Hill last week volunteered to talk about his boss to Time Reporter James Willwerth. The following is Hill's portrait of an obsolete mobster:

Like many other retired executives, Bonanno finds the routine irksome. Most mornings Hill drives him into town, where Bonanno attends to errands until about noon. Returning home—a rather small, three-bedroom house at 1847 East Elm Street—he usually lunches on an Italian sausage sandwich, then puts on a "ghastly-looking" pair of Bermudas for a couple of hours of sun and reading in the yard.

Shortly before dinner, Bonanno changes into slacks and as a never-changing rule, sits down with a snifter of brandy and provolone. After dinner, preferably goat meat or *scampi* and Pouilly-Fuissé (1959 or 1961), he has a cigar, reads the newspapers and watches television newscasts, ending up with a late movie. His favorite stars are Alice Faye and—of course—George Raft.

Except for Hill, whose blond good looks, shaggy hair and modish clothes could easily mark him as a jet-setter, there is almost no one else around. It is a sad contrast to his high-rolling days, when prominent clergymen, judges and politicians felt it an honor to be entertained at the home of the mobster known as Joe Bananas. When the Government tried to deport Bonanno in 1954, for instance, among those who testified as character witnesses were the Most Rev. Francis Green, former Congressman Harold Patten and former Arizona Supreme Court Justice Evo DeConcini (the Most Rev. Francis Green is now the Roman Catholic bishop of Tucson).

Now Bonanno's heart condition keeps him close to Tucson—the fact that a grand jury in New York wants him for questioning may also be persuasive—but he is not really at home. Newspapers ride him. Substantial gifts to the Roman Catholic Church and philanthropies have somehow failed to make people forget about his background.

Bonanno often walks back and forth for hours, deep in thought. Hill says that he has seen him touch the tips of his fingers together, point them at the sky and moan: "I am in the world for 64 years, and only in the last five years have these things happened to me!" Other times he will be more philosophical: "I know it's my fault. It was impossible for me to foresee these things." He has only three ambitions now. One is to move closer to his children in Palo Alto, Calif. The second is to visit once more his birthplace and the graves of his parents in Castellammare del Golfo, Sicily, home of so many American Mafiosi. The third, which he apparently does not tell young Hill about, is to return to power, and, like Napoleon at Elba, he still dreams of the day when he can march home and reclaim his Costa Nostra family.

Mr. McCLELLAN. Mr. President, just yesterday, the Daily News carried a front page editorial calling for action to implement President Nixon's war on crime here in the District of Columbia. I recognize, of course, that the central thrust of S. 30 is directed against organized crime, but no careful student of organized crime can help but see a close relationship between it and street crime. It is, after all, as the recent narcotic bust here in the District showed, the New York Mafia leader who imports and distributes to the ghetto residents here in the District the narcotics that enslave them and lead them to mug and rob and yoke on our streets.

I ask unanimous consent that the text of that editorial appear in the RECORD at this point.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From the Daily News, Jan. 20, 1970]

The War on Crime: One Year Later—It Is Time for Action

President Nixon was inaugurated one year ago today. He had been elected two months earlier on a platform which featured his declaration of a War on Crime. In a front page editorial we welcomed the new President's return to the city he knew so well, and his selection of it as a principal battlefield in the War on Crime he had led us to expect.

It is time now, one year later, to take an accounting.

It is time for the rhetoric to end.

It is time for partisan fingerpointing to end.

It is time for some action.

During this interval, crime rates in the nation and in the Federal City have soared to unprecedented heights. In 1969, in Washington, one murder was committed every 30 hours, an armed robbery took place 20 times a day, a woman was raped each day.

In 1969, the Nixon Administration submitted to Congress, after some six months' preparation, an inventory of legislative weapons it said it needed to prosecute the War on Crime.

On Oct, 9, in response to mounting public outrage and to his own often-repeated concerns, Mr. Nixon summoned the leaders of Congress and officials of Washington to a White House strategy session. Its purpose was to get bipartisan momentum rolling for the stalled anti-crime bills.

Police Chief Jerry V. Wilson, as we noted daily on Page One in our ensuing "Crime Crisis Countdown," told this prestigious gathering: "The total system of justice must be treated . . . My greatest fear is that Congress may go home without this being done."

His fear was realized on Christmas Eve, 76 days after that emergency meeting. The Senate had acted. But the House of Representatives had not.

The second session of the 91st Congress opened yesterday. There has been speculation (based on the solemn promises of leaders on both sides of the aisle, that Congress will complete action on the War on Crime legislation this year.) Our hope that this will come to pass is mixed with skepticism because the same promises, made one year ago today, did not come to pass.

The victimized public can be reassured only by action.

We recognize that parts of the anti-crime package have raised some constitutional doubts . . . the provisions for greater license for wire-tapping and for pre-trial detention, for example. But much of the package is not controversial, or should not be . . . more police, more courts, a variety of attacks against syndicate crime, easing the lot of prosecutors, tougher penalties for the habitual criminal and for crimes of violence (particularly when guns are involved), and tougher measures against hard dope traffic.

There is no reason—no acceptable excuse—why the non-controversial bills should not be passed within the opening days of this session. In the past 365 days, ample attention has been paid to the problems of drafting this legislation by the Republican-controlled Department of Justice, and to its examination by the Democratic-controlled Congress. We'll buy the need to delay for those reasons—up to this point. But we will not buy any further delay. Congressmen reading the polls and weighing the outcome of recent off-year elections must realize that they may engage in further partisan bickering and legislative delay at their peril in the November general elections.

If further study is needed for those few controversial aspects of the proposed legislation . . . well, all right . . . but let's get on with committee study as the first order of business, and clear the way for prompt action on the floor.

It is time, too, to go beyond the cops-and-courts aspects of the War on Crime. We insist, as we did in that Open Letter to Mr. Nixon one year ago today, that the criminal be caught and prosecuted. We also want him, whenever possible, to be rehabilitated so that he will not return to the streets a more embittered and expert criminal.

In the heat of partisanship, the cause of law and order has suffered. Motives of both the "hardliners" and the "do-gooders" have been challenged. Justice, we repeat ourselves, means two things: it means that the innocent shall go free and that the guilty shall pay the price of their guilt.

No issue on the Hill has higher priority. No positive response will gain greater favor with the public.

To get very, very elementary, the physical well-being, the lives, even, of many Americans are at stake. So, of course, is the vitality of Our Town of Washington, and every other core of the great metropolitan areas of our nation. So, too, is the future of our democratic society.

Mr. McCLELLAN. Mr. President, I should like to bring to the attention of the Senate a touching letter that I just received from Mrs. Arthur J. McShane, who lives at 117 3d Street NE., here on Capitol Hill. Crime statistics are too often lifeless. We need to hear and read the personal testimony of how those who live daily in the fear of crime feel. If this bill and the other measures that Congress is now considering can in any way offer some measure of relief to our citizens who, like Mrs. McShane, live in daily fear of crime, we will have in some measure fulfilled our obligation as representatives of the people.

Mr. President, the letter is dated January 19, and is addressed to me:

DEAR SENATOR McCLELLAN: May we please enlist your assistance in obtaining an effective crime prevention program in the neighborhood of Third Street, Northeast, be-

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tween East Capitol and Massachusetts Avenue?

On Friday, January 16th, about 11:00 P.M., our good friends and neighbors were robbed at gun point in the 100 block of Third Street, Northeast, then forced to drive their abductor cross town. Last evening shortly after 8:00 P.M. a woman was attacked in front of our house.

These are just two of the recent crimes in our neighborhood. Our corner grocer at Third and Maryland closed because of many holdups, and the cleaners at Third and C is forced to keep their door locked. I would like to do an article entitled "Two Blocks From the Capitol" which would far surpass the title "Ten Blocks From the White House."

In my opinion the former precinct plan was much more effective than the present Districts. Our first need is beat men and officers from the Canine Corps. Scout cars are not the answer. I'm annoyed at being a prisoner in our home, and shall certainly appreciate any measures you can take so that we may all once more live with some feeling of security.

Sincerely yours,

Mrs. ARTHUR J. MCSHANE.

Mr. President, I do not know this lady and did not know of her plight until today. I did know of another similar story. One of my employees, a committee employee, was robbed within less than a block of the door where he enters the Senate Office Building in which he works, just before Christmas. It is all over town, and many such crimes are not reported.

Of course, this bill, as I say, is not directed primarily to the District of Columbia. But many of these robberies, many of these muggings, many of these crimes of violence that are taking place in the District of Columbia, Mr. President, are motivated primarily to get money to satisfy the appetite of the drug addict; and it is the Mafia, it is organized crime, that is supplying that poison to them. This bill can have a significant effect in reducing street crime in the District and across the Nation.

Mr. President, I wish to insert in the RECORD one other letter. I think all Senators received this letter, which is dated January 19, 1970, from Hon. Hilton Davis, general manager for legislative action, Chamber of Commerce of the United States. The chamber strongly supports this bill.

I ask unanimous consent to have printed in the RECORD the letter to which I have referred, together with an enclosure.

There being no objection, the letter and enclosure were ordered to be printed in the RECORD, as follows:

CHAMBER OF COMMERCE
OF THE UNITED STATES,
Washington, D.C., January 19, 1970.

Hon. JOHN L. MCCLELLAN,
U.S. Senate,
Washington, D.C.

DEAR SENATOR MCCLELLAN: In the next few days, I understand the Senate will consider S. 30, the Omnibus Organized Crime bill reported by the Judiciary Committee in December.

The Board of Directors of the Chamber of Commerce of the United States has approved support of many of the principal provisions of S. 30 as vitally needed legislation to help federal officers combat organized crime. A copy of this statement of approval is enclosed.

Every facet of our society is adversely affected by the extensive moral corruption resulting from the operations of organized crime. Particularly the youth of our Nation are being victimized by the illicit sale of narcotics and by gambling operations, both closely linked to organized crime.

This legislation is also needed to strengthen the legal tools for halting the infiltration of organized crime into legitimate businesses in our Nation. Many of its activities are now permeating legitimate businesses on an alarming scale.

The impact of organized crime on the national economy has reached phenomenal proportions. Latest estimates are that organized crime in America takes in more than $30 billion, and possibly as much as $60 billion annually, from its operations.

We urge you to give S. 30 favorable consideration when it reaches the Senate floor.

Cordially,

HILTON DAVIS,
General Manager, Legislative Action.

RECOMMENDATIONS ON ORGANIZED CRIME LEGISLATION AS APPROVED BY THE BOARD OF DIRECTORS OF THE CHAMBER OF COMMERCE OF THE UNITED STATES, NOVEMBER 13, 1969

COMBATING ORGANIZED CRIME

To strengthen Federal efforts to combat organized crime, the National Chamber supports legislation providing for:

1. Extension of the grand jury system allowing the issuance of a presentment or report on misfeasance, non-feasance or corruption of public officials or their institutions.

2. Increasing investigatory and prosecutorial tools by implementing a Federal immunity provision, allowing the taking of depositions of witnesses, permitting introduction into evidence of declarations of co-conspirators, and codifying existing civil contempt proceedings.

3. Improving the system for protecting witnesses through Federal financial and other assistance.

4. Strengthening the Federal Government's authority to eliminate organized crime's economic power base by combating interstate gambling operations and the infiltration of legitimate business; and by creating a Federal study commission to examine the extent and effects of gambling upon society and the economy.

Support of the foregoing principles is with the understanding that such legislation will provide appropriate protection to the rights of the individual under the Constitution, and that specific provisions of any bill that deals with the Internal Revenue Code will be referred to appropriate Chamber committees.

Mr. McCLELLAN. In conclusion, I say that this measure is open to amendment. Maybe some amendments can be adopted that will strengthen and improve it. But I do not think there is anything in the bill that should be taken out. Perhaps my colleagues will disagree with me.

However, when we finish with this bill, and come to a final vote, I want every Member of the Senate to stand up and vote "yea," to let the world know—to give some comfort to the victims of organized crime in this country, and the potential victims—and that is every one of us—wherever they are—to give some comfort and reassurance to the people that Congress is alert, that the Senate of the United States is becoming aggressive in this field, and that it is resolved and determined to enact any law within the framework of the Constitution that will strengthen law enforcement in this country, and deal with this criminal element effectively, to the end that it may be eradicated from our society.

I yield to the distinguished Senator from North Carolina.

Mr. ERVIN. Mr. President, I compliment the distinguished Senator from Arkansas and his principal cosponsor of this measure, the distinguished Senator from Nebraska (Mr. HRUSKA), and the members of the staff of the Subcommittee on Criminal Laws and Procedures, on the fine work which has brought this bill thus far along the legislative road.

I should like to make this observation: Last May, I became personally acquainted wth crime in the District of Columbia. There was a North Carolina boy, from Mecklenburg County, N.C., whom I had given a position in the Senate Post Office, in the Senate Office Building. He was stabbed, robbed, and killed on the streets of the District last May.

His roommate said he did not have more than $10 or $12 on his person at that time. In other words, here were people who were willing to take the life of a fellow human being, who was giving them no trouble and who was traveling peacefully along the streets of the District of Columbia, in order to get a few paltry dollars.

I reiterate that I think the distinguished Senator from Arkansas and the distinguished Senator from Nebraska, and the counsel of the subcommittee, deserve the thanks of the American people for bringing this bill thus far along the legislative road.

Mr. McCLELLAN. I thank the distinguished Senator. I want to express my appreciation to him as a member of the subcommittee which processed this bill for the valuable assistance he gave us, his wise counsel, and his enthusiastic support of these provisions of the bill, the titles that are now before us; and I certainly join with him in complimenting the staff, which I shall do more elaborately at the conclusion of the handling of this bill. We have been most fortunate in having a highly competent staff, and, with respect to the staff on both sides of the aisle and the Members on both sides of the aisle, as I said at the beginning, this has been a labor in which there has been less politics, I think, for a bill of this magnitude, than any I have participated in since I have been in the Senate.

There has been a concerted, united, dedicated effort on the part of all members of the committee to try to bring out a bill in this area of criminal justice that will be effective and productive in dealing with organized crime.

Mr. President, I yield the floor.

Mr. HRUSKA. Mr. President, those of us who are interested in the discussion and the passage of the pending bill appear in the Chamber today with a deep sense of assurance in the quality of the work product of the Committee on the Judiciary as seen in this bill, S. 30.

I am able to say this for a number of reasons. Perhaps the chief and most meaningful of those reasons is the diligence, the dedication, the persistence, the talent, and the genius of the chairman of the Subcommittee on Criminal Laws and Procedures, the Senator from Arkansas (Mr. McCLELLAN). His attributes as a legislator are well known to all of us. We have learned to admire him and to rely upon his judgment and upon his vast experience in the fields to which he devotes his efforts. In his functioning, he is always of an open mind. He is always constructive. He is always fair to all who come up with new ideas that they wish considered during the study of any measure.

A proof of his great effectiveness, I think, was illustrated this afternoon when Senator McCLELLAN proceeded with and concluded his explanation of this bill. It was an impressive and very fine presentation of a vital and highly necessary piece of legislation. As I sat here listening to his exposition, and later to his plea for early and effective action on this crucial legislation, I could not help but wish that all of the Members of this body as well as the Members of the House of Representatives had had a chance to listen to the eloquence and persuasiveness which he commands. I wish all Members of the Congress could capture the sense of urgency which he was able to impart for the consideration and early approval into law of the measure we are now considering.

Our feeling of assurance in presenting S. 30, however, is also based upon varied sources of its substantive and component parts and the careful processing accorded them before the bill was assembled into its final form. A number of other bills independently introduced in this body were resorted to for material that found its way into S. 30. In some instances they were incorporated into the bill as separate titles, and there are 10 titles in all in this measure. The result is a well-balanced and well-rounded approach to the problem at hand, a problem that finds its basis in a very grave and serious situation which confronts the Nation.

Mr. President, the Nation's crime problem has never been more acute than it is today. Crime of all kinds is on the increase. Crime and the very fear of crime are daily eroding the basic quality of life of millions of Americans. Nowhere is this erosion more critical than in the field of organized crime which, despite earnest efforts to control it, continues to grow at an alarming pace.

Mr. President, the measure before the Senate today is the result of many long hours and weeks of thoughtful analysis and toil. It is designed to correct a very serious malady. The organized crime problem has been of grave concern to me for many years, and all of us have been very distressed over the inability of the Government to make any significant gains in eradicating it. There are several reasons for this failure. The organized crime bill is an attempt to remedy these failures and to better equip the law enforcement community in dealing with the problem.

It has been my privilege to introduce some of the measures which now form separate titles of S. 30 and of cosponsoring the rest with the Senator from Arkansas (Mr. McCLELLAN). The bill was closely scrutinized in the Criminal Laws and Procedures Subcommittee and I am satisfied as to its practicality and constitutionality. I support the entire bill—subject, of course, to the caveat very properly suggested by the Senator from Arkansas, that, as we proceed in the consideration of this bill, together with any amendments that will be proposed, we certainly will hold an open mind and not consider that S. 30 in its introduced form, as now pending, is necessarily a perfect or even a final version.

Investigations conducted by Congress and the law enforcement agencies during the past two decades, and most recently by the President's Commission on Law Enforcement and Administration of Justice, have established beyond any doubt that organized crime is a reality which exists in our midst and pervades every section of the Nation. According to the National Crime Commission, while the core of the organized crime effort in the United States consists of 24 major groups operating as criminal cartels in large cities across the Nation, these groups are allied with other racket enterprises to form a loose confederation operating in both large and small cities. It involves thousands of criminals, and its actions are the result of intricate conspiracies carried on over many years. Its aim is the amassing of huge profits derived from control of such illegal activities as gambling, narcotics, and loansharking. It is also deeply involved in other activities such as robbery, larceny, and arson.

In recent years, organized crime has become increasingly diversified and has become entrenched in legitimate businesses and in labor unions where it employs terrorism, extortion, tax evasion, bankruptcy fraud and manipulation, and other measures to drive out lawful owners and officials. Also, wherever organized crime exists, it corrupts public officials and wields extensive political influence which insulate its activities from governmental interferences.

Corrupt officials and bribed law enforcement officers operate as "a silent conspiracy" in support of organized crime. The syndicate could not continue to operate without corrupt judges and prosecutors, or without the assistance of a handful of bribed police.

Testimony before the subcommittee during our hearings on this bill not only disclosed how prevalent corruption of local police is, but it furnished a striking illustration of the fact that it is not at all limited to the so-called crime centers of New York, Miami, Chicago, and Las Vegas.

The National Crime Commission, after analyzing the difficulties experienced by law enforcement agencies in bringing successful prosecutions against members of organized crime, concluded:

> From a legal standpoint, organized crime continues to grow because of defects in the evidence gathering process. Under present procedures, too few witnesses have been produced to prove the link between criminal group members and the illicit activities that they sponsor.

The Organized Crime Control Act of 1969, adopting as it does the best features of the recommendations of the National Crime Commission, seeks to remedy these defects by revising and strengthening the procedural aspects of the evidence gathering process.

Title I, for example, recognizes that the grand jury is without peer as an instrument of discovery against organized crime, and provides for the impaneling of special grand juries, in addition to regular grand juries, in districts containing more than 4 million inhabitants or where the Attorney General certifies that one is necessary because of criminal activity in the district. Such special grand juries would be empowered to select their own foreman, to extend their term up to 36 months, to request, in case of need, that an additional grand jury be empowered, and, most significantly, to have restored their ancient power to issue public reports regarding organized crime conditions in the district. These reforms would make this venerable institution less an arm of the court and more of an independent body with an unfettered duty to seek out and destroy organized crime.

The other procedural reforms contained in titles II through VII, dealing, respectively, with general immunity, recalcitrant witnesses, false declarations, protected housing facilities for housing Government witnesses, depositions, litigations, and title X, dealing with dangerous special offender sentencing, are all necessary complements of the reinforced grand jury powers. These provisions will insure the necessary quantity and quality of evidence sufficient for valid indictments and convictions of organized crime figures. They provide the imposition of appropriate sentences for such convicted professional or organized crime offenders. These long overdue remedies are indispensable legal tools for providing our law enforcement officials with the evidence necessary to bring consistently effective criminal sanctions to bear on the leaders and participants of organized crime.

In addition to these procedural reforms, this act contains two substantive provisions of major significance in the struggle against this fearsome national enemy. Title VIII recognizes that large-scale illegal gambling operations provide the chief source of revenue for organized crime and are dependent upon the facilities of interstate commerce. Therefore this bill strikes out at such activities by making it unlawful to engage in a scheme to obstruct the enforcement of State law to facilitate an "illegal gambling business." An "illegal gambling business" is defined as, first, violating State law, second, involving five or more persons, and third, operating in excess of 30 days or having a gross revenue of $2,000 in any single day. It also makes it unlawful to engage in the operation of such an "illegal gambling business" itself.

As President Nixon stated in his April 23, 1969, message on organized crime:

> The purpose of this legislation is to bring under Federal jurisdiction all large-scale illegal gambling operations which involve or affect interstate commerce. The effect of the law will be to give the Attorney General broad latitude to assist local and state government in cracking down on illegal gambling, the wellspring of organized crime's reservoir.

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(At this point Mr. GOLDWATER took the chair as Presiding Officer.)

Mr. HRUSKA. Mr. President, the second substantive provision of this act is contained in title IX, Racketeer Influenced and Corrupt Organizations. This title contains a rather novel, and in my opinion, a most promising and ingenious proposal for crippling organized crime's relatively recent, but spectacularly successful, emergence into the field of legitimate business and unions.

Some measure of the actual and potential impact of this facet of organized crime's activities on our economic system may be gaged from the report of the National Crime Commission which found that it has to an alarming degree acquired both open and concealed ownership in a broad variety of legitimate enterprises, including production and service industries where it has established strong footholds.

The New York Times in its edition of October 14, 1969, reported that a recent survey of the business interests of 113 of the major underworld figures in the Nation disclosed that 98 of them were found to be engaged in legitimate businesses, including extensive holdings in casinos and nightclubs, land investment and real estate, hotels and motels, vending machine companies, restaurants, trucking concerns, wholesale food distributorships, sports and entertainment, and financial institutions. The Wall Street Journal on January 12, 1970, reported the overwhelming penetration and control of legitimate business in the New Orleans area by organized crime figures.

When organized crime infiltrates a legitimate business, its whole method of operation counters our theories of free competition and acts as an illegal restraint of trade. Whether a business is purchased from funds derived from its many unlawful activities, or whether it is acquired by extortion and violence, its aim is monopoly. It employs physical brutality, fear and corruption to intimidate competitors and customers to achieve increased sales and profits. The vast economic power concentrated in this giant criminal conglomerate constitutes a dire threat to the proper functioning of our economic system.

Title IX of this act is designed to remove the influence of organized crime from legitimate business by attacking its property interests and by removing its members from control of legitimate businesses which have been acquired or operated by unlawful racketeering methods. Stated simply, this legislation makes it unlawful for any person to acquire an interest in or establish an enterprise engaged in interstate commerce by the use of income derived from "a pattern of racketeering activity" which is defined in terms of a number of existing criminal offenses characteristic of organized crime activity. It would also prohibit any person from acquiring or maintaining any interest or control of any such enterprise by a pattern of racketeering activity, and likewise prohibit any person employed by or associated with such an enterprise from conducting the enterprise's affairs by a pattern of racketeering activity.

These unlawful acts which I have just described would subject violators to strict criminal penalties of fines of up to $25,000 and prison terms of up to 20 years. But the principal value of this legislation may well be found to exist in its civil provisions which employ the time-tested antitrust remedies of injunction, divestiture, dissolution, and reorganization which have been highly effective in removing and preventing harmful behavior in the field of trade and commerce. There is abundant precedent for applications of these civil remedies to the conduct sought to be prohibited by this legislation in decisions of the Supreme Court upholding similar civil remedies in antitrust cases.

I believe that the combination of criminal and civil penalties in this title offers an extraordinary potential for striking a mortal blow against the property interests of organized crime. In his April 23, 1969, message on organized crime, President Nixon stated:

> The injunction with its powers of contempt and seizure, monetary fines and treble damage actions, and the powers of a forfeiture proceeding, suggest a new panoply of weapons to attack the property of organized crime—rather than the unimportant persons (the fronts) who technically head up syndicate-controlled businesses. The arrest, conviction and imprisonment of a Mafia lieutenant can curtail operations, but does not put the syndicate out of business. As long as the property of organized crime remains, new leaders will step forward to take the place of those we jail. However, if we can levy fines on their real estate corporations, if we can seek treble damages against their trucking firms and banks, if we can seize the liquor in their warehouses, I think we can strike a critical blow at the organized crime conspiracy.

These are new and innovative techniques. They have not been tried before against the racketeers. But this is just what is needed if any significant gains are to be made.

We must give no mercy to the soldiers of organized crime. If it takes an antitrust provision, or a concentrated effort to strangle the narcotics traffic, or a raid on the cartels of gambling, all of us, and citizens everywhere must be prepared to go forward with the programs which will make organized crime unprofitable, unacceptable, unattractive, and vulnerable to criminal prosecution on a wider scale.

The tone and the effectiveness of any government is set at the top. Though our Government must depend on the resources of its citizens, the example and the efficiency at the top level of Government can pattern the degree and the morale of our individual commitments to society's goals. I think we have a Chief Executive and an Attorney General who are thoughtful advocates of a persistent effort in the fight against crime. They have demonstrated that they are willing to use, and they have used, some of the tools recently conferred upon law enforcement officials by the Congress in the battle against organized crime. The most notable illustration in that regard is the use of electronic surveillance which was enacted as a part of the Omnibus Crime Control and Safe Streets Act of 1968, but which tool was not used until within the past 12 months.

But Mr. President, even those at the top cannot do the job alone. We here in Congress must do our part. We must equip the administration with the tools it needs. With favorable consideration of S. 30 we all will have taken a significant step in the proper direction.

It is my earnest hope that it will be promptly considered and that it will promptly ripen into a full-fledged and effective statute.

Mr. YARBOROUGH. Mr. President, the bill before us today, S. 30, the Organized Crime Control Act is designed to fulfill the first requisite of organized society: to protect its members from injury, crimes, and violence. The Subcommittee on Criminal Law and Procedure, chaired by the distinguished Senator from Arkansas (Mr. McCLELLAN), has held extensive hearings on this bill and the committee has prepared an excellent weapon for the fight against organized crime in our Nation. The bill, as amended and reported by the Committee on the Judiciary, evidences great diligence and care in its preparation for the war we must wage against this cancerous threat to our society. I would like to commend the distinguished Senator from Mississippi (Mr. EASTLAND) and the Committee on the Judiciary for the thoughtfully considered amended bill, which synthesizes a number of separate bills, all directed toward an attack against organized crime.

Organized crime threatens the very foundations of our society. Its victims are legion, but it preys primarily on the poor and the uneducated and adds further oppression to the social and economic disadvantages already borne by these people.

Organized crime threatens the security of the Nation by terrorizing, through physical and economic threats, the innocent businessman and the individual citizen. One of the most pernicious threats posed by organized crime is to our youth, by making a business out of corrupting the hope of our Nation with deadly narcotics and dangerous drugs. It is time for us to muster our forces and fight to save our society, through a full-scale attack on organized crime. This bill, S. 30, provides modern armament for this struggle.

The bill provides the law enforcement authorities essential tools to prepare their cases against organized criminals by making it possible to obtain witnesses, protect those witnesses, and to compel those witnesses to testify.

This bill realistically strikes at the economic roots of organized crime, and in title VII creates new substantive crimes defining and punishing the promotion of, and participation in an "illegal gambling business."

The approach of the bill is to define an "illegal gambling business" in terms of the number of people involved and in terms of gross receipts and length of operation. The gambling activity must be conducted by five or more people, either operating for 30 days or more or having a gross revenue of $2,000 a day. This is a sound and necessary approach. The bill recognizes that we only diffuse our law enforcement resources if we spread the net too broadly, and it focuses the attack on the large-scale gambling enterprises which are the bread and butter of organized crime.

Another commendable portion of the bill is designed to root out the influence of organized crime in legitimate business, into which billions of dollars of illegally obtained money is channeled and which is often used, along with violence, to drive out legitimate competitors. Title IX of S. 30 establishes new substantive crimes to prohibit racketeer influence and corruption of organizations and enterprises. Along with severe penalties, a unique criminal forfeiture provision will make it possible to divest the racketeer of any interest he may have obtained in the organization or business.

In closing, I would also like to commend that portion of the bill which defines the "dangerous special offender" and provides for increased sentences for those persons who are determined by the court to fall within the categories set out in title X. These categories include the three-time felony offender, the professional criminal who derives a substantial portion of his income from his life of crime, and the organized crime leaders, their "enforcers" and their "corruptors."

With this "dangerous special offender" provision, we will have a better chance to deal a mortal blow to organized crime by being able to incarcerate these people for more extended terms and effectively remove them from their permanent occupation of preying on innocent people.

This bill, S. 30, focuses the attack on organized crime and provides the necessary legal armament for the law enforcement authorities to pursue the enemy.

This is a commendable piece of legislation and I urge my fellow Senators to join me in its support.

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ORDER FOR ADJOURNMENT

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 12 o'clock meridian tomorrow.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR ROUTINE MORNING BUSINESS, UNFINISHED BUSINESS, AND RECESS ON TOMORROW

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that upon the completion of the prayer and the disposition of the Journal on tomorrow, there be a brief period for the transaction of routine morning business, not to exceed 15 minutes, that at the conclusion of the morning business the unfinished business be laid before the Senate, and that the Senate then stand in recess subject to the call of the Chair.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORGANIZED CRIME CONTROL ACT OF 1969

The Senate resumed the consideration of the bill (S. 30) relating to the control of organized crime in the United States.

Mr. ALLOTT. Mr. President, first of all I congratulate the distinguished Senator from Nebraska (Mr. HRUSKA) for the work he has done over the years in helping to effect new controls and new laws in the areas which are involved in S. 30 and which are involved here, as well as to pay my compliments also to the distinguished Senator from Arkansas (Mr. MCCLELLAN) the chairman of the committee.

Mr. President, one of the most pervasive problems facing our Nation today is the deep penetration into all phases of American life by organized crime. Financed primarily by illegal gambling, organized crime reaches out to embrace such varied activities as sale of narcotics, fraudulent bankruptcies, infiltration and corruption of labor unions, and loan sharking. It has recently begun to engage in legitimate business operations to which it brings its primitive code of terror and theft. Organized crime affects the average citizen not only by siphoning hard-earned money from the poor through its illegal gambling operations, but also by encouraging the addict to rob and mug to pay for his drugs, and the burglar to steal by providing an outlet for his stolen goods.

Organized crime has been the subject of much investigation and thought in recent years by those charged with combating crime. Much effort has gone into determining who the members of this organization are, what activities they engage in, the state of existing legislation and how it has been found wanting and, lastly, in devising new weapons to impede the spread of organized criminal activity and to put its members behind bars.

A culmination of this effort is the proposed Organized Crime Control Act of 1969. Encompassing some 10 substantive titles, it seeks to eradicate organized crime in this country both by strengthening the legal tools available in the evidence gathering process and by creating new criminal sanctions and penalties to deal with the widespread illegal activities of the present-day organized mobster.

This legislation is truly a nonpartisan product. Input has come from Members of both sides of the aisle. This is proper, because crime victimizes all members of the community.

As the President stated last spring:

> Organized crime's victims range all across the social spectrum—the middle-class businessman enticed into paying usurious loan rates; the small merchant required to pay protection money; the white suburbanite and the black city dweller destroying themselves with drugs; the elderly pensioner and the young married couple forced to pay higher prices for goods. The most tragic victims, of course, are the poor whose lack of financial resources, education and acceptable living standards frequently breed the kind of resentment and hopelessness that make illegal gambling and drugs an attractive escape from the bleakness of ghetto life.

S. 30 is the result of a concerted effort to stop the spread of organized crime. Each of its titles plays a role in reaching that goal. However, one title stands out because its proper enforcement could strike a crippling blow to its major source of revenue—illegal gambling.

I would like to devote the rest of my remarks then to title VIII—syndicated gambling.

Gambling may seem to most Americans to be the least reprehensible activity of organized crime, but in reality it is gambling that provides most of the funds that yearly pour into bribery of local officials, wholesale narcotics, usurious loans and the infiltration of labor unions and legitimate businesses.

Gambling, itself, is largely the creature of organized crime and is its principal source of revenue. It has been estimated that illegal wagering on horseraces, lotteries, and sporting events totals at least $20 billion each year and may reach as high as $50 billion. The scope of this source of revenue can be seen from the fact that the total amount of money bet legally in the United States at racetracks is but $5 billion. Analysis of organized criminal betting operations indicates that the profits on $20 billion worth of illegal gambling total some $6 or $7 billion annually. Almost 20 years ago the Kefauver committee pointed out:

> These profits provide the financial resources whereby ordinary criminals are converted into big-time racketeers, political bosses, pseudo businessmen, and alleged philanthropists.

If this source of revenue can be diminished substantially, organized crime will clearly suffer.

To help dry up this source of huge criminal revenues, title VIII will make it a Federal offense to engage in any large-scale business enterprise of illegal gambling. It does not purport to bring all illegal gambling activity within the control of the Federal Government. It deals only with those who are engaged in an illicit gambling business of major proportions, as distinguished from those whose operations are relatively small.

The statute defines an "illegal gambling business" as one including such forms of betting as bookmaking or numbers and which first, is a violation of State law; second, involves five or more persons who participate in the gambling activity; and third, which has been or remains in operation for a period in excess of 30 days or which has a gross revenue of $2,000 in any single day. As a practical matter cases in which this standard is met will ordinarily involve gambling operations of considerably greater magnitude, because it is usually possible to prove only a relatively small proportion of the total operations of a gambling enterprise. Thus, the proposal does not apply to gambling that is sporadic or of insignificant monetary proportions. It seeks to reach only those who prey systematically upon our citizens and whose operations are so continuous and so substantial as to be a matter of national concern. Even as to those, the Federal Government's enforcement effort will necessarily have to be centered on selected targets of special significance because of manpower limitations.

The size of the gambling enterprises prevalent in this Nation in recent years, and thus the scope of the problem title VIII seeks to cope with, can be seen from the following list made available by the Department of Justice:

In Cleveland and Detroit coordinated sweeps by FBI agents resulted in the arrest of four men allegedly running one of the largest bookmaking operations in the Midwest. The ring was handling approximately $100,000 a week;

In the San Diego area, Internal Revenue Service agents arrested three bookmakers handling an estimated $400,000 per month in bets;

In the Philadelphia area, police conducted five raids and arrested 30 persons in connection with gambling operations handling over $460,000 a month;

Of the FBI's 1966 gambling arrests, 72 occurred in the Chicago area, involving operations with a monthly gross of approximately $550,000;

Twelve in the Los Angeles area, including at least one operation handling an estimated $100,000 a month;

In the Louisville area 22 handling an estimated $56,000 a month;

On July 9, 1963, four men were convicted in the northern district of Indiana in connection with a bookmaking operation which reportedly grossed $750,000 a year;

Raids by various Federal, State, and local law enforcement agencies in late 1967 led to the breaking up of casino, lottery, and bookmaking operations, the largest being in the Buffalo and Chicago areas, handling an estimated $3,750,000 a month at the time;

Evidence seized during raids in the Philadelphia area indicated that the wagering operation there was grossing about $15,000,000 per year;

One individual's records reflected annual wagering receipts of over $1,600,000 with a net profit between $3,000 and $5,000 per week.

Mr. President, these sums are shockingly large. But they are cold and lifeless until we see how they can be brought to bear on individuals.

The examples I have just cited are only examples. They are the tip of the iceberg. Even so, the money involved in these examples amounts to yearly earnings of over $85 million.

Consider the men behind this money. Obviously they live their lives in contempt for the law. Obviously they have a unique concept of normal business operating expenses. Obviously the Internal Revenue Service does not figure importantly in their expenses. What, then, are their expenses?

One operating expense is graft. Corrupting public officials takes money.

America's crime empire is rich in slang as well as in money. One underworld slang word is "ice." This "ice" is bribe money paid to public officials to purchase protection for illegal activities. The word "ice" is very descriptive. Such "ice money" takes the heat off criminal operations and allows them to slide smoothly by any legal barriers.

Just consider the "ice" money available to the men involved in the examples just cited. These men—a small slice of the gambling racket—can spread a lot of "ice" with untaxed annual earnings of $85 million. If they devote only 1 month's earnings to bribery and corruption, this means that just these few members of the gambling empire can spread $7 million among strategic public officials. Seven million dollars can be broken down into 140 bribes of $50,000. But bribes of that size are rarely necessary. What keeps gambling going is often protection at the lowest level. Gambling exists when the local patrolman turns a blind eye to the corner bookie. Or when a city's prosecution staff mysteriously finds it "inexpedient" to follow through on cases. Seven million dollars prudently invested in bribes can work wonders in such matters. Seven million dollars can produce 7,000 bribes of $10,000 each.

Imagine what terrible temptation there can be for a young patrolman struggling to make ends meet on a salary which does not properly compensate him for the dangerous service he renders the community. Mr. President, nothing can make the acceptance of a bribe excusable. But corruption, and its attendant law enforcement problems, become understandable when we see how the underworld's money operates in real life; and it becomes understandable when we understand the vast amounts available to organized syndicates that exercise their ruthless power.

Mr. President, there is no doubt that the vast majority of American law enforcement officials, from the local patrolmen on up, are dedicated and incorruptible. But there can be no escaping the fact that organized crime and public corruption are inseparable.

Large-scale gambling operations, such as the ones involved in the examples just cited, will ordinarily violate State laws, will involve five or more operators, will operate over an extended period of time, and will handle at least $2,000 daily. This is the sort of gambling that title VIII of S. 30 will combat.

The Federal Government will not preempt the field of gambling regulation under this legislation. Federal authorities will continue in their traditional role of cooperating with local law enforcement officials who will continue to bear the primary responsibility in this area. The purpose of the statute is simply to make the Federal Government a more effective member of the established State-Federal law enforcement partnership which has long been waging a common war on organized crime and illegal gambling. It will, however, be possible for the Federal Government to intervene where local and State governments have been rendered powerless because of the corruption of the responsible officials, such as has recently been revealed in New Jersey.

In addition to being largely the creature of organized crime and its principal source of revenue, illegal gambling both involves and affects interstate commerce. People, information, funds and paraphernalia, without which gambling enterprises could not be conducted, move regularly across State lines. Moreover, by diverting expenditures from ordinary lines of commerce into its own coffer, gambling distorts the production of goods for commerce and the flow of goods in interstate commerce. These interstate aspects of gambling make it an appropriate subject of concern to the Federal Government.

There are numerous cases in the Federal courts that demonstrate the dependency of substantial gambling enterprises on the facilities of interstate commerce.

In one case (*United States* v. *Hawthorne*, 350 F. 2d 740 [Fourth Cir., 1966]), evidence has shown that the facilities of Western Union were used to transfer the proceeds from slot machines, owned by a defendant and operated by his partner in Indiana, from that State to a defendant in West Virginia.

In another case (*United States* v. *Barrow*, 363 F. 2d 64 [Third Cir., 1966]), the evidence indicated that gambling casino employees traveled to a Pennsylvania casino from their New Jersey homes.

In a third case (*United States* v. *Miller*, 379 F. 2d 483 [Seventh Cir., 1968]), the defendants operated wagering pools on the basis of information received through the Western Union sports ticker.

In a fourth case (*United States* v. *Spino*, 345 F. 2d 327 [Seventh Cir., 1965]), the testimony established that the defendant, in charge of certain gambling operations in East Chicago, Ind., was financed by sources in Chicago, Ill.

On November 14, 1957, suspected racketeers from California, Ohio, Texas and many other locations in the United States and even Cuba gathered at Joseph Barbara's home located in Apalachin, N.Y., for the now famous gangland meeting. (See *United States* v. *Bonnano*, 180 F. Supp. 71, 74 [S.D.N.Y. 1960]).

In October 1965, in Palm Springs, gamblers and underworld figures held what is referred to as the "Little Apalachin" meeting. In attendance were Ruby Lazarus, a Miami Beach and New York City bookmaker, Vincent Alo, Anthony Salerno, New York members of the Cosa Nostra "family" then headed by Vito Genovese, as well as Jerome Zarowitz, credit manager of a Las Vegas casino, Caesar's Palace. (See *In re Ruby Lazarus*, 276 F. Supp. (D.C. Calif. 1967)).

In another case (*United States* v. *Zambito*, 315 F. 2d 266 (Fourth Cir., 1963)), the defendant was convicted of causing others to travel and to carry in interstate commerce gambling paraphernalia to be used in, and with intent to promote, an illegal numbers operation.

Moreover, information available to the Government has disclosed that a system of couriers has been used to deliver funds which have been "skimmed" from Las Vegas casinos to points throughout the country. Profits from gambling are not only transported in interstate commerce but are also being funneled out of the country as well. Government agents are attempting to breach the wall of silence thrown up by foreign bankers to cover the millions of dollars of untaxed underworld money which is allegedly flowing to numbered accounts in banks in Switzerland.

Existing Federal statutes dealing with the interstate aspects of gambling—sections 1084, 1952, and 1953 of title 18 of the United States Code—are not broad enough to reach all harmful gambling activity which is milking the sustenance away from hundreds of thousands, and diverting huge sums away from productive use in the economy.

Despite existing statutes and despite the efforts of Federal and State governments, illegal gambling continues to exist on a large scale. A more effective effort

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is clearly required to eliminate illegal gambling. In that effort the Federal Government must be able not only to deny the use and facilities of interstate commerce to the day-to-day operations of illegal gamblers—as it can do under existing statutes—but also to directly prohibit substantial business enterprises financed by gambling, and the attendant corruption of local law enforcement officials.

Organized crime is intimately involved in substantial gambling enterprises which, of necessity, involve or affect interstate commerce. Thus, it is well within the power of the Congress to legislate simply and directly against such illegal activity, without requiring proof of interstate commerce as an element of the crime. This direct approach is a key feature of title VIII.

By supplementing existing Federal legislation in this manner and eliminating the requirement that an interstate element be proved in each case, investigative manpower requirements will be lessened. More important, investigations that were thwarted and cases that could not be prosecuted in Federal courts because of lack of proof of a specific interstate element will be placed within the Federal jurisdiction.

Under existing legislation, many Federal investigations of gambling operations end with no indictments because of the lack of evidence of an interstate element. For example, officials of the Department of Justice testified that in Brooklyn, N.Y., an extensive investigation ended in the indictment of only three out of 20 suspects because of the absence of evidence of an interstate activity by the other 17. The three who were indicted for violations of 18 U.S.C. section 1952, were involved with 17 others in running a multimillion-dollar gambling operation in Queens, Long Island, and Brooklyn, N.Y. The only interstate travel that could be proved was the travel of the three who were indicted from their homes in New Jersey to work in New York. The gambling operation itself involved no interstate travel and the other 17, who all lived in New York, could not, therefore, be prosecuted federally despite their known participation in this huge gambling operation. Clearly, such a large-scale gambling operation affects interstate commerce. Title VIII will provide a much needed weapon to prosecute organized gamblers speedily, effectively, and directly.

Another facet of the existing statutory attack on illegal gambling is the operation of the wagering tax and registration sections of the Internal Revenue Code of 1954 (26 U.S.C. 4401–23). In the enforcement of these Federal laws the Federal Bureau of Investigation, the Internal Revenue Service, the U.S. attorneys, and the Criminal Division of the Department of Justice for years worked in partnership with State and local law enforcement agencies throughout the country to coordinate the war on illegal gambling and organized crime.

In large measure the effectiveness of this partnership was dependent on the work of the Internal Revenue Service in implementing the wagering tax provisions. Much of this effectiveness was destroyed by the Supreme Court's decisions in *Marchetti* v. *United States* (390 U.S. 39 [1968]), and *United States* v. *Grosso* (390 U.S. 62 [1968]), as a result of which certain aspects of the Federal wagering tax and registration requirements were held unconstitutional as applied to the defendants. While pending legislation may make it possible to restore some of the effectiveness of this partnership between Federal agencies, particularly through the work of the Internal Revenue Service, the benefits flowing from this partnership will not be as effective as in the past. This is because it will be necessary to restrict the use of much of the information that the IRS obtains respecting illegal gambling to the enforcement of the tax laws alone. It may no longer be possible for IRS to turn over to the FBI or State or local law enforcement agencies information voluntarily disclosed by gamblers. It thus becomes even more urgent to permit a direct attack on illegal gambling by declaring the gambling business itself to be illegal under Federal law.

Other benefits flow from a direct approach, whereby specific proof of interstate commerce is not required in every case. For instance, a very effective law enforcement weapon against gambling activities is the police raid on a gambling establishment and the resultant seizing of evidence. In order to make such a raid, it is necessary to obtain a search warrant based on probable cause to believe that there is a violation of Federal law. Showing that gambling exists at a particular location can be done fairly easily through the testimony of agents who have closely watched the location and observed the kind of traffic in and out of it which is characteristic of a gambling operation. On the other hand, to show at this investigatory stage of the proceeding that the gambling activity in question involves the use of interstate commerce or its facilities is often far more difficult. Yet, under the existing statutes demonstration of this connection between the gambling activity and the use of interstate facilities is necessary at the very outset of Federal action before a warrant can issue.

On the other hand, if a Federal warrant can be obtained and a raid conducted, the Federal agents making the raid are entitled to confiscate and use as evidence documents or other things which they find on the premises. Moreover, the information thus obtained will often show a sufficient relationship of the gambling enterprise to interstate commerce to bring indictments under sections 1084, 1952, or 1953 of title 18 of the United States Code.

Because of the clear effect that large-scale gambling operations have on interstate commerce, the use of the gambling raid pursuant to a warrant for violation of title VIII will greatly enhance this law enforcement weapon. Its use in a locality where local officials are corrupted and controlled by the gamblers will make successful prosecutions possible where there may be no other practical means.

A second major feature of the syndicated gambling title of S. 30 will make it illegal for two or more persons to participate in a scheme to obstruct local law enforcement in order to facilitate an illegal gambling operation. This part of title VIII is aimed at corruption of local law enforcement officials by organized gamblers. As the President pointed out in his message on organized crime—

> For most large-scale illegal gambling enterprises to continue operations over any extended period of time, the cooperation of corrupt police or local officials is necessary.

Bribery and corruption destroy local law enforcement as an effective weapon against organized crime. The criminal activity that flourishes under such conditions affects not only the local community in which it occurs but also other parts of the country, thus becoming a matter of Federal concern. A grand jury investigation conducted by Justice Department attorneys uncovered evidence that local numbers operators had almost every member of the vice squad of a major midwestern city on their payroll. Shortly after this testimony, a Federal grand jury indicted eight Columbus, Ohio, policemen and one of the men alleged to have made monthly payoffs to them for protection of a numbers operation. Among those indicted were the chief of the intelligence squad of the Columbus police and the chief of the Columbus vice squad. These indictments charged a conspiracy to prevent the United States from lawfully collecting wagering taxes. Title VIII would permit a more direct attack on the basic corruption itself.

Additional grand jury testimony concerned another major city where extensive police corruption reportedly existed. Shortly after passage of the wagering tax laws in 1951, efforts were made by agents of the Internal Revenue Service to coordinate their activities with the city's vice squad, but after a large percentage of the joint raids were unsuccessful, investigation disclosed that the vice squad members, almost to a man, were being paid off by lottery operators and bookmakers. Federal authorities were unable to develop viable tax evasion cases, and, in the local trials of the police officers involved, many members of the local police force testified that they would not believe either the Federal or State officers who testified for the prosecution. None of the local policemen were convicted.

The effect of such police corruption has a stultifying effect on Federal-State cooperation in the campaign against organized gambling. This inability of Federal agencies to enforce the statutes within their jurisdiction is an important basis for the Congress to take action in this area. Bribery of State and local law enforcement officials is a necessary element to the success of a gambling business. It can even be said that it is an ordinary business expense of gambling. Clearly, no large-scale gambler can operate without the knowledge and consent of some local officials. The fact that gambling flourishes in this type of atmosphere and that large-scale gambling has a clear effect on interstate commerce requires that Congress make it a Federal crime to engage in such corruption and bribery.

Title VIII will strike at such corruption by making it a felony for two or more persons to participate in a scheme to obstruct enforcement of any State or local criminal law with the intent to

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facilitate an illegal gambling business. For the act to be invoked, it will be necessary, first, for one of the persons to do any act to effect the object of the scheme; second, for one of the persons to be an official responsible for execution or enforcement of criminal laws; and, third, for one of the persons to participate in an illegal gambling business.

Title VIII covers any person who is an official or employee, elected, appointed, or otherwise, who is responsible for the enforcement of criminal laws. It is intended to cover any and all State and local police, law enforcement and prosecution personnel from the police officer on the beat and the assistant district attorney to the highest State officials responsible for law enforcement. Thus bribing a local police officer to prevent enforcement of a State or local law against gambling will violate this statute.

For all these considerations—the vast size of the illegal gambling business in the United States and its unquestioned effect upon interstate commerce, the bribery and corruption of some local law enforcement officials, and the inadequacy of existing laws—it is essential to arm the Federal Government with the added weapons provided by title VIII.

While I have stressed the syndicated gambling title, it should be emphasized that this is but one of the 10 substantive titles of this bill. The entire bill represents a much needed and concerted attack on organized crime. I support S. 30 and call for its speedy enactment into law.

Mr. President, I ask unanimous consent to have printed in the RECORD at this point a letter addressed to me by the U.S. Chamber of Commerce, and the recommendations made by a resolution of that organization with respect to organized crime.

There being no objection, the letter and resolution were ordered to be printed in the RECORD, as follows:

U.S. CHAMBER OF COMMERCE,
Washington, D.C., January 19, 1970.

Hon. GORDON ALLOTT,
U.S. Senate,
Washington, D.C.

DEAR SENATOR ALLOTT: In the next few days, I understand the Senate will consider S. 30, the Omnibus Organized Crime bill reported by the Judiciary Committee in December.

The Board of Directors of the Chamber of Commerce of the United States has approved support of many of the principal provisions of S. 30 as vitally needed legislation to help federal officers combat organized crime. A copy of this statement of approval is enclosed.

Every facet of our society is adversely affected by the extensive moral corruption resulting from the operations of organized crime. Particularly the youth of our Nation are being victimized by the illicit sale of narcotics and by gambling operations, both closely linked to organized crime.

This legislation is also needed to strengthen the legal tools for halting the infiltration of organized crime into legitimate businesses in our Nation. Many of its activities are now permeating legitimate businesses on an alarming scale.

The impact of organized crime on the national economy has reached phenomenal proportions. Latest estimates are that organized crime in America takes in more than $30 billion, and possibly as much as $60 billion annually, from its operations.

We urge you to give S. 30 favorable consideration when it reaches the Senate floor.

Cordially,

HILTON DAVIS,
General Manager, Legislative Action.

RECOMMENDATIONS ON ORGANIZED CRIME LEGISLATION AS APPROVED BY THE BOARD OF DIRECTORS OF THE U.S. CHAMBER OF COMMERCE, NOVEMBER 13, 1969

COMBATING ORGANIZED CRIME

To strengthen Federal efforts to combat organized crime, the National Chamber supports legislation providing for:

1. Extension of the grand jury system allowing the issuance of a presentment or report on misfeasance, non-feasance or corruption of public officials or their institutions.

2. Increasing investigatory and prosecutorial tools by implementing a Federal immunity provision, allowing the taking of depositions of witnesses, permitting introduction into evidence of declarations of co-conspirators, and codifying existing civil contempt proceedings.

3. Improving the system for protecting witnesses through Federal financial and other assistance.

4. Strengthening the Federal Government's authority to eliminate organized crime's economic power base by combating interstate gambling operations and the infiltration of legitimate business; and by creating a Federal study commission to examine the extent and effects of gambling upon society and the economy.

Support of the foregoing principles is with the understanding that such legislation will provide appropriate protection to the rights of the individual under the Constitution, and that specific provisions of any bill that deals with the Internal Revenue code will be referred to appropriate Chamber committees.

Mr. ALLOTT. Mr. President, I yield the floor.

Mr. SPONG. Mr. President, it was my privilege to be in the Chamber when the distinguished Senator from Arkansas (Mr. MCCLELLAN) presented S. 30.

I want to commend him for his speech and also to recognize that he, more than any other Member of this body, has been most diligent in his recognition of the problem of organized crime and his efforts to combat it through effective legislation.

THE MENACE OF ORGANIZED CRIME

Mr. BYRD of West Virginia. Mr. President, if there is an American alive today who does not fear the consequences of organized crime in our society, then either he must be uninformed about the menace or he must be a part of it.

Organized crime is just as great a threat to the well-being of our Nation as are the continued upsurge of street violence and the work of militants who seek to burn down our cities or destroy our educational institutions.

Recent revelations from Government files suggest that a large northeastern city and perhaps a large part of the State in which that city is located have become a privileged sanctuary for crime and corruption of the most alarming sort.

A national magazine has alleged that the mayor of one of our Pacific coast cities has had intimate ties with the leaders of organized crime.

A study for the President's Crime Commission, still secret, reportedly details the infiltration of organized crime into local, State, and Federal Government, including, it is said, the control of several Federal district judges.

These recent revelations are simply a further indication that we are suffering from a bad case of moral rot and that we are allowing our cherished democratic institutions to crumble before our eyes. I hope the revelations will serve to shock some of our more complacent citizens into an awareness of the magnitude of the problem.

Syndicated gambling, loan sharking, prostitution, narcotics trafficking, and similar illicit enterprises each year sap billions of dollars from our economy. It appears that no segment of our society is safe and immune from the tentacles of such a crime octopus.

While precise figures are elusive, it has been estimated that illegal gambling operations gross anywhere from $20 to $50 billion annually. The net proceeds of such enterprises are said to be about $6 or $7 billion a year.

The gambling of which I speak undermines the economic strength of many thousands of low-income Americans who can ill afford the loss of even the pennies they wager in the vain hope that a lucky bet will land them on easy street.

The traffic in narcotics breeds related crimes of stealth and violence while degrading and destroying not only those at the bottom of our social structure but also the youth of all classes and economic backgrounds.

Prostitution feeds our continuing moral decline, and loan sharking paves the way for organized criminals to gain access to and eventually take over the control of thousands of legitimate businesses.

Americans have good cause for concern. They see the leaders of organized crime entertained by so-called "better" people, catered to by celebrities and public officials, and protected by legal technicalities.

Upon opening their newspapers, citizens learn that the Government possesses wiretap and other electronic surveillance information that reveals the most sordid details of murder and corruption involving figures in organized crime. Yet, while an occasional underling "takes the rap" and goes to prison, the leaders of organized crime, by and large, go free.

Part of the problem, of course, is that the Federal Government is powerless to use much of the information which it has. It is clearly the task of Congress, therefore, to close such legal loopholes as prevent an effective battle against organized crime and to provide our Federal investigative agencies and our citizens with the new weapons they need. I believe that the bill before us will go a long way in both directions.

I am especially optimistic about title I of S. 30—the special grand jury provisions. Time and time again in our history, aroused citizens have demonstrated their devotion to law and order in the face of official timidity and inaction. Prosecutors and judges may be scared or bought off, but citizens, properly empowered, can step in and do the job which their officials fail to do. I believe that title I represents the best opportunity for the average citizen to play a

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significant role in the war against organized crime.

It is encouraging that title I absolutely requires the convening of special grand juries in our major metropolitan areas at least once every 18 months and assures them sufficient longevity to probe deeply into organized crime. Perhaps this provision can overcome some of the official dilly-dallying which, I believe, is partly responsible for some of the public apathy which we have witnessed toward this problem.

These special grand juries would have the power to inquire into the violation of Federal laws and dig deeply into the activities and operations of organized crime, including whether appropriate law enforcement officials have been properly carrying out their jobs.

Significantly, these grand juries would be empowered to issue special reports concerning noncriminal misconduct, malfeasance, or misfeasance, by a public officer or employee as a basis for a recommendation of removal or disciplinary action.

The effect of this, I gather, would be to apply some much-needed heat in the right places and to jolt indolent prosecutors and overly sympathetic judges into action.

Title VIII of the bill calls for a coordinated national attack on organized gambling and, significantly, empowers the Federal Government to break up large-scale, local gambling operations without having to show an interstate connection.

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Most people, I am sure, do not realize that their small wagers on the horses, the petty numbers bet, or the punchboard chance, are part of the billions of dollars a year that swell the coffers of organized crime. They do not realize that their dollars are used to corrupt Government at all levels, to move mobsters into legitimate businesses and organizations, and to finance a wide variety of nefarious operations, including loan sharking and narcotics trafficking.

Too often, local officials either ignore the problem or, where they are properly diligent, end up getting only the small fry: the "runners," the corner bookie, the bottom echelon. Syndicated gambling stretches across the Nation and fragmented local authority needs to be supplemented by Federal action in order to combat it. I believe that title VIII can help to break the back of such gambling operations.

Another section of the bill which merits special attention, Mr. President, is title IX.

Recent studies of the phenomenon of organized crime, including that of the National Crime Commission, have identified its alarming expansion into the field of legitimate business as a major threat to our institutions. This penetration of legitimate business by organized crime poses two distinct but related dangers:

First, the economic strength of the underlying illegal operations of organized crime is perpetuated and made more profitable if tainted proceeds can be safely invested in legitimate enterprises, even if those enterprises are operated in a lawful manner.

Second, the free channels of trade are threatened by organized crime's propensity to obtain for itself monopoly control of its areas by whatever means are available, including brutal and strong-arm tactics.

The techniques and methods used in such infiltration of legitimate business enterprises are many and varied. A few case histories will demonstrate how easily a business can fall captive to its awesome power.

The New York Times edition of June 29, 1969, reported how New Jersey La Cosa Nostra leader Gene Catena gained a foothold in a detergent manufacturer's business, North America Chemical Corp. of Paterson, N.J., by serving as a "sales consultant." According to testimony released by the New York Harbor and Waterfront Commission, the owner of the detergent manufacturing company hired Catena's sales agency called Best Sales in 1964 under a 10-year contract which was not subject to cancellation. Catena and Best Sales through the medium of arson and murder attempted to force the A. & P. Tea Co. to buy a detergent that A. & P. tested and rejected.

Another method of acquiring such control is by cornering a market on essential goods or services and then withholding them from the legitimate businessman, until he surrenders an interest in his business or a related economic concession. This method is illustrated by recent testimony released by the New York State Investigation Commission. In this case an official of a major New York meat concern was compelled to use a Cosa Nostra controlled knife grinder service or face the loss of his pork supply which was controlled by Cosa Nostra leader Paul Gambino. The testimony also described how 2,000 customers of the New York Grinders Association, whose members rent knives to meat dealers, left the Grinders Association in 1959 for a new company whose principals included Paul Gambino, and how 100 of the grinding companies later had to pay $175,000 for the return of their own customers.

While prosecutions and convictions of leaders of organized crime and their confederates are increasing each year as the Federal Government's organized crime program gains momentum, it is becoming increasingly apparent that such convictions alone, which simply remove the leaders from control of syndicate-owned enterprises but do not attack the vested property interests whose control passes on to other Cosa Nostra leaders, are not adequate to demolish the structure of the surviving organizations which they run.

The legislative proposals contained in title IX of this act, entitled "Racketeer influenced and corrupt organizations," constitute a carefully structured program which can drastically curtail—and eventually eradicate—the vast expansion of organized crime's economic power which operates outside the rules of fair competition of the American marketplace. Broadly speaking, this title would create strict criminal penalties for using the proceeds of racketeering activity characteristic of organized crime to acquire an interest in businesses engaged in interstate commerce, or to acquire or operate such businesses by racketeering methods.

In addition, this title, by utilizing remedies heretofore applicable in the antitrust field—the remedies of injunction, dissolution, divestiture, and reorganization—would forge a powerful new weapon for putting the syndicate out of business. By removing its leaders from positions of ownership, by preventing them and their associates from regaining control, and by visiting heavy economic sanctions on their predatory business practices this legislation should prove to be a mighty deterrent to any further expansion of organized crime's economic power.

The civil remedies of this legislation patterned after the time-tested antitrust remedies, coupled with its heavy criminal penalties, should enable the Government to take effective action to eliminate the serious threat posed to the safety and well-being of our democratic institutions by the totalitarian dictators of organized crime's closed society.

Two other sections of the bill also particularly commend themselves to me. Last year in the unfortunate Alderman decision the Supreme Court again demonstrated its lack of concern for effective law enforcement and resolved to let defendants roam at will into the investigative records of law enforcement officials insofar as electronic surveillance is concerned. Despite the Government's absolute good faith in revealing examples of illegal surveillance and its 100 percent record in accurately determining when such surveillance was relevant to the indictment at hand, the Court ordered transcripts revealed which will endanger Government informers, embarrass or libel innocent third parties and hopelessly prolong criminal trials. Title VII will take care of that decision without in any way endangering the vital rights of defendants.

And title X will permit the Government to put away the worst organized crime offenders in the way they should be put away. It permits extended sentences upon adequate showings once a defendant has been convicted. It permits the Government to appeal inadequate sentences and undercuts those Federal judges unsympathetic to the Government's crime fighting activities.

Mr. President, we have it in our power today to begin to eradicate the menace of organized crime in America. A long, difficult fight is ahead. But I am frank to say that I do not believe the fight can be won unless we here today begin by furnishing the tools that our Government and our citizens need.

BIAFRA

Mr. THURMOND. Mr. President, Friday's edition of the State, the morning newspaper of Columbia, S.C., carried a fine editorial assessing the hypocrisy of the Western nations in dealing with the question of Biafra. The State asks:

> To what degree did Western hypocrisy contribute to the starvation of an estimated

This is indeed a serious question. It is clear that human lives have been sacrificed to abstract notions of political democracy. It is surely an extreme form of ideology when theory is allowed to overshadow reality. As the State commented:

> Western-style democracy, self-determination, minimum standards of ethical behavior, humanitarian considerations—all these things went by the board in the interest of maintaining a political mockery in Lagos.

Unfortunately, that hypocrisy has not ended. I have received word from several reliable sources that the present situation in the former Biafran territories is far more serious than the story presented in the press or in the statements of our own State Department. It is difficult to believe that the present Nigerian Government is capable of feeding the refugees on the scale necessary, or even that U.S. assistance is getting to the people that need it most.

One needs only to look at the geography of the situation. The Nigerian strategy was to drive the Biafrans into the center of a circle, with the Uli airstrip as the centerpoint. There are now 4 to 5 million persons in an area approximately 60 miles across, who have not had food for 10 days or more. At the advanced stage of starvation reported by medical observers, attrition can be figured at 10,000 per day at the present time.

Those who left during the collapse of Biafra have reported that Nigeria could not possibly be prepared to feed their former enemies. Yesterday, newspaper reporters were allowed to go into the territory where the refugees are gathered. The first story appears in today's Evening Star, and confirms what the missionaries have predicted.

The truck convoys planned by the Nigerian Government are inadequate to meet the need. They show that the Nigerian Government is somewhat responsive to the situation, but more is needed. The only feasible method is to reopen Uli airstrip, and begin a round-the-clock airlift. The facilities gathered by the Joint Church Aid relief agency are still in existence. There are 3,000 feeding stations in the area which could be operated. The planes are ready. The pilots are ready. The food is stockpiled on the island of Sao Torme and at Libreville.

The difficulty is that Nigeria views the Joint Church Aid group as a group that aided the enemy, and Uli airstrip as a symbol of rebellion.

The United States should make it clear that political symbolism cannot be allowed to cause the deaths of 5 million people. It appears that the U.S. State Department views the Nigerian policy as satisfactory. Spokesmen for the Department reiterate the view that Nigeria is doing all that it can. Only last week, U.S. Secretary of State Rogers termed our attitude toward the conflict as "very successful."

Such self-serving statements will not win the attention of the Nigerian military government. They can only help to prolong the period before something positive is done, and in effect, makes us accomplices in the deaths of millions more. If we are not able to help the people facing starvation, then we should say so plainly, but we should help to draw the world's attention to the problem. However, I think we could help the situation, if we would work to convince Nigeria that the facilities for feeding these people are ready to go into action, if only political symbolism can be set aside. But Nigeria will never be convinced she must do so, as long as she receives public praise from the United States.

Mr. President, I ask unanimous consent that the editorial entitled "Africa's Double Standard," published in the State of January 16, 1970, be printed in the RECORD at the conclusion of my remarks. I also ask unanimous consent that the article "Death, Not Food, Awaits Biafran Refugees," published in the Evening Star of January 21, be printed in the RECORD at the conclusion of my remarks.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Columbia (S.C.) State, Jan. 16, 1970]

AFRICA'S DOUBLE STANDARD

In the general rejoicing over the end of the civil war in Nigeria, the world will not stop to ask itself the question that cries out for attention: to what degree did Western hypocrisy contribute to the starvation of an estimated two million innocents?

One does not question the double standard. African nations, granted independence on the mistaken assumption that self-government is possible everywhere, are presumed to enjoy equality in all respects but one. They are not to be held to the same standards of behavior that apply, in theory at least, over most of the world.

In part, the Biafran tradegy can be traced to the original error. Except for British and Soviet military assistance, the Nigerian government might have come to terms with Biafra long ago, at who knows what saving in human lives? But Soviet motives are mischievous, and Great Britain could not fail to sustain its former colony in her time of trouble without conceding the central fallacy of the African independence movement.

The presumed legitimacy of the government in Lagos, in British eyes, had to be defended. In turn, the Ibos' fears of liquidation by that tyrannical military regime and the resulting Biafran rebellion had to be repudiated. Western-style democracy, self determination, minimum standards of ethical behavior, humanitarian considerations—all these things went by the board in the interest of maintaining a political mockery in Lagos.

Equality? It is a fiction, accepted at no small cost in human misery. The "emerging" nations of Africa are not accepted as equals, and euphemisms do not hide the deceit. Can anyone conceive, by way of illustration, that the deliberate starvation of two million European children would have caused no more stir worldwide than the Biafran slaughter? Could Britain's Labor government have survived an arms shipment to those responsible for starvation on such a scale? Not for a moment. But Nigeria is in Africa, and Africa is different, i.e., not equal.

Colonialism is dead—Western colonialism, at least—and no one would revive it if he could. There is no turning back. What needs to be questioned, however, is the egalitarian pretense responsible for supplying modern arms to governments whose moral restraints have been carried over, unchanged, from the Stone Age.

[From the Washington (D.C.) Evening Star, Jan. 21, 1970]

DEATH, NOT FOOD, AWAITS MANY BIAFRAN REFUGEES

(By Andrew Borowiec)

OWERRI.—The remnants of the Ibo tribe are dying a slow death in their devastated homeland they used to call Biafra.

No relief planes are landing at any of the airstrips in or around the former Biafran bastion which collapsed last week.

Despite a barrage of assurances in Lagos, there seems to be no coherent federal plan to feed the half-starved and dying population.

The relief agencies that used to operate in the secessionist area have been banned. Others are coping with an insurmountable problem of bringing scarce supplies by land through roadblocks of victory-groggy federal troops that often requisition Red Cross vehicles to carry loot.

Owerri, the last capital of Biafra, is a collection of gutted and dilapidated shacks with bullet-punctured billboards that used to advertise soft drinks and anti-malaria products.

Swarms of skeletal humanity mill along the main road, Douglas Street, hopelessly staring at foreign visitors and at piles of canned goods exhibited by enterprising trades. The prices are in Nigerian pounds, which no one has in Biafra where the secessionist money lost value overnight, leaving the entire population bankrupt.

Outside Owerri, vultures circle low over the macadam highway and the bodies there. No one has any thought of burying the dead.

The Red Cross representative in Owerri province has enough rations to feed 200,000 people for two days. There are an estimated 1 million starving people in the area. The food is being delivered by one truck and even this ramshackle vehicle is often commandeered by the army.

An extensive tour of the Biafran heartland showed no signs of massive federal atrocities, no genocide of the defiant Ibo tribe that wanted to be an independent African nation. Yet considering the conditions of the relief operation, the result may very well be the same.

Skeletal men and women, children with swollen bellies and malnutrition scabs, pathetic wrecks of humanity, are still waiting for a miracle which does not seem to come.

When a rare food supply does arrive, only the strongest reach it, fighting off the others.

Along the roads of former Biafra, now part of "one Nigeria," endless lines of refugees are stumbling along, carrying their meager belongings on their heads.

Federal officers waving golf clubs used as swagger sticks speed through the crowds in their limousines, hardly bothering to look.

There is no open hostility of the victors toward the vanquished. There is simply indifference. As far as the federal army is concerned the war has been won.

There was no plan for the present contingency, and the pathetic mass of humanity only brings despair to the hearts of rare white men still in the area.

"We are hungry master," cry Ibo children beseiging white visitors. It does not occur to them to appeal to federal soldiers who remain oblivious to the spectacle.

Here, in the heart of this tortured land, Africa's tragedy, gruesome contradictions and hopelessness are visible in their stark reality.

The Uli airstrip, a perfect concrete runway that handled Biafran food and arms shipments, is deserted. The federal government has made no move to send relief planes to Uli or Port Harcourt of Biafra's fringes.

The day the first Western reporters toured the occupied zone, the preoccupation of the authorities in Port Harcourt centered on a

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major event—marriage of Rivers Province Governor Commander A. P. Diete-Spiff to Miss Ethel Johnson.

One by one planes landed at Port Harcourt airstrip, bringing wedding guests and their ladies—men in impeccably pressed suits, women with elaborate hairdos, officers with sabres and golden epaulettes.

Sixty miles from the dying Ibo area, champagne corks popped, goats were turned on spits and suckling pigs were roasted. Waiters brought from Lagos swiftly moved among an estimated 500 wedding guests.

A day before the wedding, some of the visitors were given the tour of what used to be Biafra.

They sped in a limousine escorted by Landrovers carrying elite troops in camouflage uniforms.

At a bridge between Owerri and Aba, visiting Lagos Gov. Mobolaji Johnson stopped his Mercedes to repair a minor defect.

Waving his London-imported shooting stick, impeccably dressed in starched uniform, he pointed to the gutted shacks and the miserable stream of refugees and said: "In three months there will be no sign of war here. If you think this is bad, what about what the Americans are doing in Vietnam?"

Then he drove off, the siren of his car screaming, scattering crowds of refugees.

(Several foreign television cameramen threw Nigerian money in the air so the hungry masses would fight for it and they could film the scene, Associated Press writer Hugh Mulligan reported.)

The stories told by the Ibos seldom vary: When the frontline troops came, they distributed food and cigarettes and told the people not to fear. Then the war was over and the estimated 5 million Ibos were forgotten.

The phenomenon is not new or unusual in Africa. In every crisis, in every famine, there are invariably doctors and missionaries who come to help.

The Biafran war proved this again. As far as the federal troops are concerned, the problem is finished. Let somebody else take care of the rest.

NO AID FLIGHTS COME

But the federal government has banned all "unauthorized flights" from the stricken zone. Since no authorized flights are coming, this appears to mean that the area has been condemned to starvation.

Along the road outside Uli, men with limbs like match sticks carry stretchers in the hot, tropical sun. Occasionally they stop, putting down their wounded and sick who no longer cry. They are heading for a hospital hoping that a white doctor is still there, hoping that somebody would help.

In the villages around Orlu, Owerri and Uli, mainly old people and children have remained. Most young girls have fled to the bush fearing rape.

But there is little apparent friction between the occupiers and the occupied. The concept of Biafra is finished. It is now a question of surviving, of making the most of things.

There is no bitterness—just pathetic faces and weak voices pleading for some mercy and some food.

ILLEGAL DRUG USE

Mr. SPONG. Mr. President, a recent survey by the Young Lawyers Section of the Virginia State Bar Association underscores the alarming spread of illegal drug use.

According to this study, drug prosecutions in Virginia during the first 5 months of 1969 almost equaled the number for the entire preceding year.

For the State as a whole, the monthly increase was 134 percent, but for many cities and suburban counties it ranged as high as 300 and 400 percent.

Even some rural counties, which had not before experienced much of a problem, reported a significant number of prosecutions this year.

This report makes clear the pressing need for tightening our present drug laws and improving our research, treatment, and educational programs.

In this connection, I want to bring attention to a pamphlet entitled "What You Should Know About Drugs and Narcotics" which was prepared by the Virginia Beach City Public Schools to alert parents to the kinds of drugs in use today and to educate them on the symptoms of drug use and the steps to take in dealing with it.

It is a concise, factual treatment of the subject which merits wide distribution.

I ask unanimous consent to have printed in the RECORD a copy of the Young Lawyers drug abuse survey and a copy of the Virginia Beach pamphlet on drugs and narcotics.

There being no objection, the survey and pamphlet were ordered to be printed in the RECORD, as follows:

DRUG-ABUSE PROSECUTIONS, YOUNG LAWYERS SECTION, VIRGINIA STATE BAR ASSOCIATION DRUG-ABUSE SURVEY

City or county	1968	Through May 1969
Accomack	0	1
Albemarle	0	0
Alexandria	32	16
Alleghany	0	0
Amelia	0	0
Amherst	0	0
Appomattox		
Arlington		
Augusta	0	0
Bath		
Bedford	0	0
Bland	0	0
Botetourt	0	0
Bristol	0	0
Brunswick	0	0
Buchanan		
Buckingham	0	0
Buena Vista		
Campbell	4	0
Caroline	0	0
Carroll		
Charles City	0	1
Charlotte	0	0
Charlottesville		
Chesapeake	0	0
Chesterfield	12	6
Clarke	0	0
Clifton Forge		
Colonial Heights	1	0
Craig		
Culpeper	0	0
Cumberland	0	0
Danville		
Dickenson	1	1
Dinwiddie	2	0
Essex	0	0
Fairfax	66	70
Fauquier	2	0
Floyd	0	1
Fluvanna	0	0
Franklin	0	3
Frederick	0	0
Fredericksburg	1	0
Giles	1	0
Gloucester	0	0
Goochland	0	0
Grayson	0	0
Greene	0	0
Greensville	0	1
Halifax	1	0
Hampton	2	6
Hanover	0	0
Henrico		
Henry	0	1
Highland	0	0
Hopewell	1	5
Isle of Wight	0	0
James City	0	0
King George	0	0
King and Queen	1	0
King William	0	0
Lancaster	0	0
Lee	0	0
Loudoun	3	2
Louisa	0	0
Luenburg		
Lynchburg	0	2
Madison	0	0
Martinsville	0	0
Mathews	0	0
Macklenburg		
Middlesex		
Montgomery	5	0
Nansemond	0	0
Nelson	0	0
New Kent	0	0
Northampton	0	0
Newport News	16	5
Norfolk	62	111
Northumberland	0	0
Nottoway	0	0
Orange	0	0
Page	0	0
Patrick		
Pittsylvania	8	2
Petersburg	2	4
Portsmouth	26	13
Powhatan	0	0
Prince Edward	0	0
Prince George		
Prince William	29	3
Pulaski	0	0
Rappahannock		
Radford	0	0
Richmond	0	0
Richmond City	107	88
Roanoke	5	0
Roanoke City[1]		
Rockbridge	0	2
Rockingham	0	1
Russell	0	0
Scott	0	2c
Shenandoah	0	0
Smyth	0	0
Southampton	0	2
Spotsylvania	1	0
Stafford	0	0
Staunton	0	0
Suffolk	0	2
Surry		
Sussex	0	0
Tazewell		
Virginia Beach[2]		
Warren	0	0
Washington		
Waynesboro	0	1
Westmoreland	0	0
Winchester	1	0
Wise	0	0
Wythe	0	0
York	0	1

[1] Total of 40 prosecutions during survey period—no allocation between 1968–69.

[2] Total of 61 prosecutions during survey period—no allocation between 1968–69.

Note—Full year 1968 = 392 = 32.6 per month; monthly increase; 5 months 1969 = 75.4 per month or 134 percent.

WHAT YOU SHOULD KNOW ABOUT DRUGS AND NARCOTICS

(Prepared by Virginia Beach City Public Schools, Virginia Beach, Va.)

SEVEN SYMPTOMS OF ALL DRUG AND NARCOTIC USE

1. Rapid disappearance of clothing and personal belongings from home.
2. Signs of unusual activity around hangouts and other buildings.
3. Loitering in hallways or in areas frequented by addicts.
4. Spending unusual amounts of time in locked bathroom.
5. Inability to hold job or stay in school.
6. Rejection of old friends; taking up with strange companions.
7. Using jargon of addicts.

PARENTS

Recognize symptoms that point to probable drug use—

Deviations in established behavior patterns;

Deterioration in personal appearance, hygiene habits, or physical health;

Loss of interest in the classroom and school activities;

Lowering of academic grades;

Sudden secrecy about destinations;

Keeping odd hours;

Unexplained telephone calls;

Acquisition of new, questionable acquaintances;

Disappearance of personal and household items;

Noticeable breakdown in family communication;

Wearing of long sleeved garments and sunglasses at inappropriate times and places;

Cigarette paper and/or fragments of marijuana leaves or seeds in clothing pockets;

Unexplained hypodermic equipment;

Loose pills hidden in closets, clothing, or dresser drawers.

Recognize reasons for probable drug use—

Experimentation stemming from youthful curiosity;

Experimentation stemming from peer pressure;

Experimentation stemming from a need to fill an emotional gap.

Recognize your obligations in providing the guidance, security, love and companionship needed. Law enforcement may cut off the supply of drugs, but it is the parents who can best cut off the need for them.

Teach the dangers of drug use; the consequences that can follow experimentation; establish a set of rules and enforce them; make known your feelings about drug use and experimentation; show interest in your child's interests; listen to their problems; help find answers to their problems; find time to spend with your children; care.

Recognize the need for professional help to—

Provide information concerning drugs and narcotics;

Provide information to recognize potential and actual drug abuse;

Guide, advise, and counsel you and your child.

Recognize those who can help you: family doctor, spiritual adviser, local educators, youth counselors, law enforcement personnel.

GLUE

The voluntary inhalation of fumes from model airplane glue as well as from gasoline, lighter fluid, and paint thinner is known as "glue-sniffing." Model airplane glue and other compounds contain solvents such as toluene, chloroform, and alcohol which, through their powers of evaporation, are easily inhaled.

Normally, the glue is squeezed into a piece of cloth or into a bag from which the fumes are inhaled, although gasoline and paint thinner are often inhaled directly from containers. Regardless of the compound inhalation is continued until the desired effects, ranging from mild intoxication to more acute drunkeness, are achieved.

The immediate symptoms of glue-sniffing are like those of intoxication including: loss of coordination, poor speech, double vision, mild hallucinatin, and nausea. These effects occur for about 30 to 60 minutes, depending upon the amount inhaled. A second period, lasting more than an hour, usually follows. It is marked by drowsiness, sleep, or in some cases, unconsciousness. At the end of this second stage, usually the person will not be able to remember what occurred during this period of time.

MARIJUANA

A marijuana plant, cannabis satiua, is dried into small pieces. This product is then rolled into a cigarette, stuffed into the nostril, or taken in food. Call "it" weed, grass, pot, reefer, joint, stick, hay, tea; the effects are the same—unpredictable. The drug reacts quickly on the brain and nervous system as a stimulant, depressant or an hallucinatory agent. The taker may appear intoxicated or stable. The taker may get talkative, loud, unsteady, or drowsy. The taker may find it hard to coordinate the movements. Sights, sounds, time, space may become magnified and distorted. The power of concentration and depth perception is disorganized.

The sweetish odor of burnt rope or dried grass identifies marijuana smoke. Incense may be used to hide the odor.

Changes in attitude such as secrecy, disciplinary problems, school problems, lack of concern about appearance and personal hygiene are symptoms of the use of marijuana.

LSD

LSD, an ordorless, colorless, tasteless drug, is the most potent member of a group which includes dimethyl tryhamine, mescaline, and psiloaylion. The chemical, lysergic acid diethylamid, is found in ergot, a fungus which grows on grain, namely wheat and rye.

The drug is generally used in the liquid state and is taken after having been poured over a sugar cube or in a cookie. There have been cases, when individuals hoping to obtain a stronger and more immediate effect, have injected the drug directly into their veins.

The user may experience anxiety, depression, confusion, and hallucinations. Such sereve reactions like panic, suicidal attempts, uncontrolled agressive tendencies, and acute psychoses often result from the use of this drug. The effects may reoccur over a long period of time.

Although LSD doesn't appear to cause physical dependence, psychological dependence may result from its continued use.

AMPHETAMINES

Amphetamines are used to stimulate the nervous system, to curb the appetite, and to stay awake for long periods of time. The use of amphetamines "pep pills" results in excitability, unclean and rapid speech, restlessness, enlarged pupils of the eyes, sleeplessness, and profuse perspiration. There seems to be no power of addiction in the use of amphetamines but a user will generally continue on, or move on to a stronger drug. The user will not be able to recognize fatigue and therefore the user may push himself into a condition which remains undetected until it is too late, resulting in fatal accidents.

BARBITURATES

This drug is used as a depressant, generally in the form of sleeping pills and is referred to as "goof balls." The effect is to slow down the actions of the central nervous system and to produce a sense of security. Symptoms generally occur in the form of drowsiness, lack of muscular coordination, poor judgment, and a tremor of hands, lips, and tongue. The use of this drug is said to produce more suicides, intentional, and unintentional, than the use of any other substance.

THE FIGHT AGAINST INFLATION

Mr. GRIFFIN. Mr. President, earlier today, on the Senate floor, there was a rather spirited and partisan debate about inflation and who is to blame for it.

A carefully researched memorandum, prepared recently by the staff of the Senate Republican policy committee, contains facts and information which should be part of the dialog on this subject which is likely to be important in this election year.

I ask unanimous consent that a copy of the memorandum on this subject be printed in the Record.

There being no objection, the memorandum was ordered to be printed in the Record, as follows:

The Fight Against Inflation

(Note.—The study that follows was prepared by the staff of the Senate Republican Policy Committee and is not designed as a Republican Policy Statement, but for the presentation of facts and views relevant to this subject.)

INTRODUCTION

We are in an election year, a crucial election for the Nation. At stake, as always, is control of the Congress; but more important is the *direction* which our society will take, perhaps for the next generation.

The issue is summed up in one word:

INFLATION

Finger-pointing has begun, and the problem for Republicans is not so much rebuttal (the Democrats' monumental $25 billion deficit for 1968 speaks eloquently) as it is precision.

Republicans could simply quote Dr. Arthur Okum, Chairman of President Lyndon Johnson's Council of Economic Advisers, who in his new book, "The Political Economy of Prosperity," blames Mr. Johnson and the Democratic Congress for the inflation of today.

Mr. Johnson did not heed the unanimous recommendation of the Council in December 1965, to stem the obvious inflationary spiral by seeking a tax increase, Dr. Okun says, and the Democratic Congress failed to act in 1967 when Mr. Johnson did finally ask for a tax boost. (New York Times, January 9, 1970.)

An open and shut case.

It is more difficult, on the other hand, to pull together the tangled strands and hidden threads of Democratic spending and borrowing, yet the effort is worthwhile. For it reveals the determination with which Democrats continue today to over-fund old Great Society programs, to preserve the existing status-chaos, and to deny the Nixon Administration the necessary fiscal elbowroom to move forward with welfare reform, with revenue sharing, with the necessary revitalizing of anti-pollution programs, or with re-energizing State and local goals.

Today's fight against inflation is twofold:

First, a *monetary* attack—conducted by the independent Federal Reserve Board—which constricts the money supply, and hopefully acts to discourage inflationary new plant and equipment expenditures, new capital construction.

Second, a *fiscal* attack which seeks to limit Federal Government expenditure.

Monetary restraints have been applied, but the President's attempt to utilize fiscal tools to halt inflation is meeting resistance among Democrats who still run things in Congress.

THE DEMOCRATIC RECORD

Perhaps it is a matter of tradition within the Democratic Party. Certainly their record over seven of the past eight years does give evidence of, at the very least, a continuous tendency to overspend. But the eighth year was a fiscal disaster, the consequences of which are still incalculable.

[*Government surplus* (+) *or deficit* (−)]

Fiscal year:	
1960 (Eisenhower's last full year)	+$240,000,000
1961	−3,424,000,000
1962	−7,174,000,000
1963	−4,742,000,000
1964	−5,916,000,000
1965	−1,618,000,000
1966	−3,790,000,000
1967	−8,790,000,000
1968	−25,187,000,000

Nor would this propensity appear to have changed remarkably during the 91st Congress, 1st Session—at a time when President Nixon was attempting with every means at his command to overcome the cumulative effects of eight years of calculated inflationary policies.

How did inflation begin? These facts emerge from the economic wool-spinning of the Democratic-dominated Sixties:

Beginning in the summer of 1961, policies were followed that produced inflationary

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rates of growth in U.S. money supply. These were coupled with the stimulus of major tax reductions in the face of predicted deficits in the annual budget.

In 1965 huge hidden expenditures began to be incurred for the Vietnam war. In an effort to keep these extraordinary costs from the public, they were excluded from the regular appropriation and authorization bills; it was not until 1967 that the Republican Members of Congress, notably Representative Melvin Laird, forced full disclosure.

In 1967–1968, monetary policy was further eased with the promise of "light at the end of the tunnel" at the very time that military spending, and other Federal spending as well, were both still rising rapidly.

The resulting extraordinary $25 billion Federal deficit for FY 1968 was financed, in large part, through the commercial banking system, virtually as if the government had simply begun to print money. This use of the banking system provided a facade which hid the fact we were, in the 60's doing what France was doing in the 30's and which, as William L. Shirer points out in his "Collapse of the Third Republic," paved the way to disaster.

Given the urgency of military orders, corporations also resorted to the long- and short-term credit markets to replenish cash. They thus added private credit demand to government demand for money to finance budget deficits.

So the $25 billion budget deficit for 1968 alone locked in an immense inflationary pressure for the years immediately ahead.

To his credit, President Nixon has applied the brakes. Inflationary pressures are easing without the sudden shock of recession. Employment remains high, and there is none of the turbulence that accompanies hamhanded attacks on the economy.

THE JOHNSON BUDGET

In his Budget Message of January 15, 1969, former President Johnson stated that he had developed a budget which would yield a surplus of $3.414 billion in Fiscal 1970. This was based on anticipated revenues of $198.7 billion and anticipated expenditures of $195.3 billion.

President Nixon inherited that budget when he took office, studied it for approximately two months, and came up with a revised budget which was announced on April 15, 1969. In essence, his budget cut aggregate expenditures to $192.9 billion with the same figure for aggregate revenues, $198.7 billion. Initially, therefore, the Nixon Budget yielded an anticipated surplus of revenues over expenditures of $5.8 billion.

A good deal of discussion has already taken place with regard to the way in which the 1st Session of the 91st Congress addressed itself to discharging its appropriation responsibility in light of the revised Nixon Budget.

BUDGET "CUTS" OF THE DEMOCRATIC CONGRESS

Taking the narrow issue of appropriations alone, it has been argued that the Congress itself cut the Nixon budget by $7.6 billion in certain areas of governmental appropriations, added roughly $2 billion to other areas of appropriation, for a total aggregated reduction of $5.6 billion.

Not so, says Representative George H. Mahon's (D., Texas) Joint Committee on Reduction of Federal Expenditures, in its report on the impact of Congressional actions and inactions of the 1970 fiscal year Federal budget. *As shown in the following chart, this Congress cut a $5.9 billion surplus by $46 million.*

Specifically, Congress acted to reduce budget authority by $837 million, reduce budget outlays by $1.569 billion, and reduce budget receipts by $118 million, thus apparently producing a budget surplus of $1.451 billion.

But through Congressional *inaction* on other budget estimates, as the Committee pointed out, Congress at the same time added $1.313 billion to authority, $1.232 billion to outlays, and reduced receipts by $265 million, therefore:

The total net effect of Congressional action and inaction of the 1st Session of the 91st Congress, according to Chairman Mahon's Committee, was to reduce a $5.9 billion surplus by $46 million.

[In millions of dollars]

Summary totals	Budget authority (obligational and lending authority) (1)	Budget outlays (expenditures and net lending) (2)	Budget receipts (3)	Budget surplus or deficit (4)
Fiscal year 1970:				
Net total budget estimates as submitted Jan. 15, 1969	210, 116	195, 272	198, 686	+3, 414
Net total budget estimates as corrected by the new administration	211, 412	196, 921	198, 686	+1, 765
Net total budget estimates as corrected and revised to Apr. 15, 1969	205, 901	192, 899	198, 686	+5, 787
Net total budget estimates as revised and amended to date	[1] 204, 201	[2] 192, 885	[2] 198, 800	+5, 915
Adjustments for interfund and intragovernmental transactions and applicable receipts	+13, 714	+13, 714	+13, 714	
Total gross budget estimates	217, 915	206, 599	212, 514	+5, 915
Budget estimates not requiring further action by Congress (previously enacted or permanent)	80, 712	114, 896	202, 712	
Prior year's budget authority		(85, 165)		
Current (1970) budget authority	(80, 712)	(29, 731)		
Budget estimates requiring action by Congress	137, 203	91, 703	9, 802	
Effect of congressional action on budget estimates (net changes) to Dec. 23, 1969:				
House	−3, 687	+362	+158	−204
Senate	+2, 512	+767	−2, 173	−2, 940
Enacted	[3] −837	[3] −1, 569	−118	+1, 451
Effect of congressional inaction on budget estimates	+1, 313	+1, 232	−265	−1, 497
Total net effect of congressional action and inaction, 1st session, 91st Congress	+476	−337	−383	−46

[1] Budget authority estimates have not been revised since the May 30 withdrawal of $1.7 billion for the previously proposed social security program.

[2] The summer review of the 1970 budget reflected revised budget outlay estimates at $192,860 million and revised budget receipt estimates at $198,800 million. The revised outlay estimates reflect many increases and many offsetting decreases on which full details are not available. Since revised detailed estimates were not transmitted to the Congress, it must be assumed for scorekeeping purposes that the Congress was working with the April 15 budget appropriation and outlay estimates.

[3] Includes the effect of the Labor and Health, Education, and Welfare, and the Foreign Assistance Appropriation bills, on which Congress has not taken final action, in the amounts approved by the Committee of Conference.

CONGRESSIONAL INACTION

It may be history that the first session of this Congress set new records on the lateness of making appropriations—a history that may find its way into the trivia of the Guinness Book of World Records—but the fact of the matter is that retardation of appropriations has caused budgetary experts to estimate a loss of almost $3 billion. The cause was inefficient governmental expenditures because *none* of the 15 appropriation bills had yet been enacted when the fiscal year began.

Perhaps a comparison with the pace of appropriations bills during the first year of President Eisenhower's first term is in order. It should be recalled there was a slim Republican majority in both House and Senate in that year, 1953, and Congress adjourned August 4, having passed *all* appropriations bills.

This year, 1969, after the first six months, the Democratic-controlled Congress had failed to enact any of the FY 1970 appropriations bills; by September 30, Congress had enacted one bill; by October 31, the total was two; by November 30, it had risen to four. By adjournment time, December 22, 1969, most of the bills had been rushed through by a weary Congress—half a year late!

Hearings were still being held down to the last few days of the session on major appropriations bills.

THE INFLATIONARY EFFECT OF TAX "REFORM"

Compounding the difficulties facing President Nixon as a result of the appropriations slow-down, was the passage of an inflationary tax package.

Labeled a "reform" measure, the tax bill contained more rate changes than substantive reforms, and soon led critics to charge the bill was little more than a "Lawyers and Accountants Full Employment Act."

On April 21, 1969, President Nixon had sent his tax message to Congress.

Proposals with the biggest impact on revenue were:

(1) outright repeal of the 7 percent investment tax credit, and

(2) reduction of the 10 percent surcharge to 5 percent January 1, 1970, and elimination of the surcharge on June 30, 1970.

Comprehensive reform was to follow in 1970.

Instead, the House of Representatives August 8 passed a tax bill which would raise revenues by $6.9 billion by closing loopholes, but would grant tax relief in the amount of $9.3 billion. Result? A $2.4 billion deficit.

The Senate, on December 11, disregarding a threatened Presidential veto, passed the Tax Reform Act of 1969—in final form containing deficits of $2.7 billion for 1970, $11.2 billion in 1971, and $12.7 billion in 1972.

Both Houses of Congress are controlled by the Democratic Party, which was responsible for a total deficit of more than 60 billions of dollars during the previous eight consecutive years! Germany's deficit of 1923, when a common postage stamp cost billions of marks, was less.

ADJOURNMENT

Mr. BYRD of West Virginia. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the previous order, that the Senate stand in adjournment until 12 o'clock meridian tomorrow.

The motion was agreed to; and (at 5 o'clock and 8 minutes p.m.) the Senate adjourned until tomorrow, Thursday, January 22, 1970, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES—*Wednesday, January 21, 1970*

The House met at 12 o'clock noon.

The Chaplain, Rev. Edward G. Latch, D.D., offered the following prayer:

I will lift up mine eyes unto the hills from whence cometh my help.—Psalm 121: 1.

O Lord, our God, take our impatient spirits into Thy patient hands and breathe into them the power and the peace of Thy presence. Lift us above the clamor which is about us and the confusion which is around us and lead us to the high hills from whence cometh our help for the present and our hope for the future. O spirit of the living God make Thyself real to us as we pray.

Unto Thy loving care we commit our Nation. Make us worthy of the sacrifices which established on these shores a free people. Save us from the folly of our own foolishness and by sterling character, strong integrity, and steadfast faith may our Nation become a real blessing to the nations of the world.

In the spirit of Christ we pray. Amen.

THE JOURNAL

The Journal of the proceedings of yesterday was read and approved.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair would like to make an announcement.

On January 3, 1969, the House adopted an amendment to rule XV, clause 1, that eliminated the necessity for Members to "qualify" on a yea-and-nay vote. Since that time several Members have asked the Chair if it would be possible to make a signal system distinction between a yea-and-nay vote—either a constitutional vote or a vote under clause 4, rule XV—and a call of the House.

The Chair has given careful consideration and study to the matter and has reached the conclusion that the change would be of benefit to the Members. Accordingly, starting today, the Chair has directed that on all recorded votes the bells will be rung twice. On quorum calls, either in the House or in Committee of the Whole, the bells will be rung three times.

For the convenience of Members the Chair will insert in the RECORD at this point a revised schedule of the signal system:

HOUSE LEGISLATIVE ELECTRIC BELL AND LIGHT SIGNALS

Tellers: 1 ring and light on left.

Yeas and Nays (either when ordered by one-fifth of those present or under Rule XV, cl 4): 2 rings and lights on left.

Call of House; No quorum in Committee of the Whole: 3 rings and lights on left.

Adjournment: 4 rings and lights on left.

Recess: 5 rings and lights on left.

Civil Defense Warning: 6 rings and lights on left.

(The light on the far right—7—indicates that the House is in session.)

THE PUBLIC'S RIGHT TO BE HEARD ON AIR POLLUTION

(Mr. KOCH asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. KOCH. Mr. Speaker, I am introducing a bill today to provide for public hearings in the formulation of implementation plans for air pollution abatement. Currently, States throughout the country are devising such regulations for the control of sulfur and particulate matter; but, they are doing so without the benefit of public hearings.

In the near future the Department of Health, Education, and Welfare will issue criteria and control methods for carbon monoxide, hydrocarbons, and photochemical oxidant and the States will start a 460-day process of devising air quality standards and then implementation plans.

Under the Air Quality Act of 1967 public hearings are required before a State can submit its schedule of air quality standards to the Federal Government; and yet, no hearings are required during the second stage when implementation plans are devised.

I believe it is essential that there be some "public input" in this planning stage and so I propose to make a very simple change in the Clean Air Act of 1967 which would require that the public have an opportunity to be heard through public hearings before a State adopts a plan for the implementation, maintenance, and enforcement of air quality standards.

Indeed the implementation of regulations is the most important aspect of a pollution control program; it is the enforcement of the standards which will determine whether or not the standards are merely illusory, and whether or not we have clean air.

Too often States seem to be more sensitive to industrial and commercial interests than to protecting the public. Consequently air quality is compromised and the public continues to pay for pollution with their health and tax dollars. The cost of air pollution for Metropolitan New York in terms of maintenance and cleanup is an estimated $1 billion a year, or $70 per person, and, of course, it is incalculable in terms of injuries to the health of the very young and very old.

In addition to introducing my bill, I am writing to Gov. Nelson Rockefeller of New York today urging that he direct New York to take the lead and voluntarily go ahead with public hearings now before submitting its implementation plan for the control of sulfur and particulate matter to the Department of Health, Education, and Welfare on May 7. I hope that other States will do likewise.

A TRIP TO CANADA

(Mr. KOCH asked and was given permission to address the House for 1 minute, and to include extraneous matter.)

Mr. KOCH. Mr. Speaker, having been told by parents in my district of the growing exodus of draft-age Americans to Canada, I went to Canada on December 29 to see for myself and talk with some of the estimated 50,000 young Americans who have emigrated to that country primarily to avoid the draft and military service. Upon my return I issued a statement setting forth my observations and conclusions and I will append that statement with the thought it will be of interest to my colleagues.

As a result of that statement, I have received an enormous amount of mail, much of it critical, and it comes from all parts of the country. Those critical letters which attempt to enter into a rational dialog with me, as opposed to the obscenities that all of us at some time or other receive on controversial issues, make it clear that they find it repugnant to deal with the problem presented by these exiles in Canada while our young men are still drafted and are sent to Vietnam to fight and sometimes to die. I understand that feeling and so in responding to those writers, I state that our primary goal at this time must be to stem the flow of young men leaving the country. That can be done if we immediately terminate the draft. Pending its termination, we should provide that no draftee will be sent to Vietnam without his consent and add to the existing draft regulations the status of selective conscientious objector. One receiving such a classification would be required to perform noncombatant service in the Armed Forces or an acceptable form of alternative civilian service as that now performed by traditional conscientious objectors.

I also tell them that obviously there will not be an amnesty offered to those now in exile as long as the war in Vietnam continues. However, it is important to open up the discussion of that matter so that we can now begin to think of the options which should be made available to those young men.

To my colleagues I would like to say this is a most difficult problem but one which we must face and my major goal here in Congress with respect to it is to begin a dialog which does not resort to the harsh rhetoric that makes it often impossible for good Americans to rationally discuss the consequences of the war still growing like a cancer in the American body politic. If some do not think we owe such concern to the young men of this country, can they not at least agree that such concern is owed to the parents of these young men.

Nothing takes the place of firsthand observation. And I therefore hope that other Members of Congress will go to Canada to observe the situation and re-

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port back to this House their conclusions.

In addition to my original statement, I am also setting forth copies of some of the letters that I have received and a recent newspaper article by Mary McGrory. For the sake of their privacy, the names of the letterwriters have been omitted.

The material follows:

STATEMENT BY CONGRESSMAN EDWARD I. KOCH AT PRESS CONFERENCE JANUARY 1, REPORTING ON HIS TRIP TO TORONTO, OTTAWA, AND MONTREAL TO MEET WITH AMERICAN DRAFT-AGE MEN WHO HAVE EMIGRATED TO CANADA

Like it or not, it is time this country wakes up to the fact that there are at least 45,000 young Americans and as many as 60,000 who since 1965 have already emigrated to Canada and that thousands more are likely to follow.

With the cooperation of Clergy and Laymen Concerned About Vietnam, I traveled to Canada this week to meet with some of these young Americans and their Canadian hosts. They told me that I was the first U.S. Congressman to make a trip for this purpose. I visited Toronto, Ottawa, and Montreal to find out who these young people are, why they have emigrated, and how they are adjusting to the new life they have chosen.

We cannot lightly dismiss these Americans because they are draft resisters and deserters. For the most part they are sensitive and mature young people who emigrated from every section of the United States. They have been outraged by our prosecution of the Vietnam War; they have been victimized by the brutality of military training; and they have been alienated by what they see as intolerance and hypocrisy in American society.

I met with five members of the Canadian Parliament who are delighted that talented and educated young Americans have chosen to pursue their careers and raise their families in Canada. These same members were instrumental in getting the Canadian Government to liberalize its immigration policies last May, thereby opening the door to sincere, qualified Americans seeking landed immigrant status.

I talked with other Canadians who are eager to counsel, house and befriend these young people. It is apparent that their hospitality is of immense help during the initial period of adjustment. It quickly dispels the fears of persecution or hostility which the American emigres have been wrongly told awaits them.

Many of the young people I saw are deeply saddened by parents who have practically disowned them, while others are greatly strengthened by parents who have stood by them. In either case, they regret they can no longer visit their families in the U.S.

America has always welcomed immigrants from abroad who have fled religious and political persecution and paradoxically given sanctuary to Germans and Russians fleeing from service in the armies of the Kaiser and the Czar. Now ironically America drives out its own young men and women of conscience—it is a shame and a disgrace.

Those Americans who shout "America—love it or leave it," miss the point. The young Americans in Canada that I met nourish no hatred for their country. Neither are they cowards—some of them indeed have fought in Vietnam. What they do feel is that America has deserted them by forsaking its own heritage and ideals.

Strangely, they are not as concerned with eventual amnesty as I am. It is possible that many given the option will never come back. Yet amnesty surely should be considered and discussed by Americans—for our sakes as well as theirs—for what the Vietnam War has done to these young men and what it has forced them to do. In our own civil war where men in the South took up arms against their own country, amnesty was offered even before that struggle was concluded. We should do no less for these young men today who in their own minds at least, have fought in their own way for this country by refusing to take up arms and kill in a war which they feel is not in the defense of our country and which sullies our country's good name.

We must now undertake to do what we can to provide the options to these young men to return to this country. They should be welcomed back neither as heroes nor as criminals, but as young men who are doing their best to uphold the finest traditions of this country.

We must redouble our efforts to end the Vietnam War, to abolish the draft, and to insure the civil liberties of men in uniform. Most important, we must never abandon the goal of a free and just society.

I hope that other Congressmen and concerned citizens will make the trip I made and meet the young Americans I met. It is an education and far better than cursing or trying to ignore this historic and tragic exodus.

[From the New York Post, Jan. 16, 1970]

DRAFT'S FOES ON THE ATTACK

(By Mary McGrory)

WASHINGTON.—Almost two years ago, at the height of the New Hampshire primary, Sen. McCarthy suggested draft reforms to provide for selective conscientious objection to the Vietnam war.

Sen. McIntyre (D-N.H.), a leader of the pro-Johnson forces, promptly accused him of "wanting to honor draft dodgers and deserters."

Since then, the cause of selective conscientious objection has made little progress. The government has prosecuted draft resisters at the rate of 300 a month, and sentences upon conviction have averaged 41 months. Thousands of draft-age Americans have fled to Canada, Sweden and France.

Some appeals courts decisions have made exceptions. In Boston a judge ruled that "ethical" objections have religious force, and recently in San Francisco a judge decided in favor of a Roman Catholic objector who claimed that his religious beliefs excused him from fighting in what he regarded as an "unjust war."

The Administration has shown no signs of relenting in punishing draft resisters, and Vice President Spiro T. Agnew excoriated them in a November speech.

"Amnesty" is still a fighting word as applied to self-exiled draft evaders, as Rep. Koch (D-Man.), discovered when returning from a year-end study trip to Canada he defended the fugitives as "not drop-outs, cop-outs or hippies, but first-rate young men."

He received a flood of abusive mail from his own and other states. A typical letter said: "Instead of trying to get the traitors and the cowards who fled to Canada to return, why don't you go and join them."

Koch visited draft-resistance centers in three Canadian cities—Toronto, Ottawa and Montreal—and talked with fugitives who, he said, "were for the most part sensitive and mature young people, who have been outraged by our prosecution of the Vietnam war . . . victimized by the brutality of military . . . and alienated by what they see as intolerance and hypocrisy in American society."

Koch was told there are approximately 50,000 young Americans who have either settled permanently in Canada or are waiting for the end of the war. He was told by Canadian Members of Parliament that the Canadian government, which welcomes them, expects another 150,000 draft-age emigrants to seek shelter there until the end of the war or the draft.

He is going to try to persuade Congressmen from both parties to join him in other trips across the border, so that they can judge for themselves the quality of the refugees, some of whom deserted their service after fighting in Vietnam.

He hopes also to open a "rational dialogue" on the subject of amnesty, which he would offer in the form of "options." He has discovered that the most vehement objectors to amnesty are receptive to the idea of requiring the returnees do some alternative national service—for instance work in the ghettos.

Koch has a bill in Congress, providing for selective conscientious objection for past and present draft-eligibles. Rep. Ryan, another New York Democrat, has a bill providing that no draftee be sent to Vietnam without his consent. Either change could be made by executive order.

The Americans for Democratic Action, of which such things are expected, urged in its 1970 legislative proposals released yesterday that Congress grant amnesty "to those who conscientiously object to the Vietnam war."

The most prominent selective conscientious objector on the East Coast, David Hawk, a leader of the Vietnam Moratorium this week received word that government prosecutors have asked for an indefinite delay in the trial he was scheduled to undergo Jan. 26 in Scranton, Pa.

Reason cited was a U.S. 3d Circuit Court of Appeals decision in Pennsylvania striking down the "punitive reclassification of draftees who burned or turned in their draft cards."

Hawk's prominence as an antiwar leader, his exceptional looks and his record—he was an All-American diver at Cornell and a student at the Union Theological Seminary—would have made him a particularly sticky defendant and could conceivably touch off new agitations among the young, who have become morose in the wake of President Nixon's success in rallying the "silent majority" against peace demonstrations.

PLAINVIEW, N.Y.,
January 1, 1970.

Representative EDWARD KOCH,
House of Representatives,
Washington, D.C.

SIR: For the good of our country you should re-examine your conscience.

When you ask for amnesty for draft dodgers who, in my opinion are cowards, you encourage people to thumb noses at the law. When you were sworn in, you promised to uphold the Constitution of the United States. How in hell can you reconcile your present bleeding-heart position with the oath you took?

You are aware, of course, that more than 40,000 young Americans gave their lives because our country called them to arms. I am sure all these young men wanted to live long useful lives—and they might have had they chosen to turn tail and head for Canada. But, that is anarchy when you flout the law. These men put love of country and duty above love of themselves, knowing full well what the risk would be.

Those who fled to Canada know there are penalties for disobeying a law—that is why they have scurried away over the border. They are afraid to face the consequences either in uniform or in the courts.

Can you imagine how the families of our dead servicemen must feel when they hear a man in your position pat draft dodgers on the head with a plea to return home "because we need them."

Like hell we do.

I am so happy you do not represent my district.

Plainview, L.I., N.Y.

Toronto, Ontario, Canada,
January 3, 1970.

Representative Edward Koch,
House of Representatives,
Washington, D.C.

Dear Sir: I read the article in The Toronto "Globe and Mail" about your views on amnesty and the war.

We are Americans living in Canada for business reasons. We would like to see the American boys here permitted to return to their families and country, as free as the Canadian boys who can live, go to school, marry and raise their families in peace.

Keep working on your fine convictions. We need more people to feel as you do.

U.S. Army Training Center,
Fort Dix, N.J., January 1, 1970.

Dear Congressman: I have just viewed the evening television news and am elated to have seen an interview in which you put forth your views on the young men who have fled to Canada to avoid fighting in a truly immoral war. At long last someone of the legislative elite has seen fit to firsthand study this problem of conscience and moral conflict and further to intelligently propose a just (and, in fact, the only) solution. It is apparent that these emigrants had no alternative other than to follow the sagely advice of Albert Einstein who once said, "Never do anything against conscience, even if the state demands it."

As an American citizen, a member on active duty in the armed forces, and as an individual who heavily weighed all the alternatives to conscription, I wholeheartedly agree with your proposal and will, in turn, write to my own Congressman in an effort to solicit his support.

If I can in any way aid you in your fight for political amnesty, please feel free to contact me.

Thanking you for your concern, I remain, very truly yours.

Carlstadt, N.J.,
January 5, 1970.

Dear Representative Koch: I just cannot believe it. It just seems too ridiculous to be true, that you, a representative of the people could even think of giving amnesty to the draft dodgers and deserters who have turned their back on America and fled to Canada. They say that they do not believe in the whole American system. They are against the draft and the Viet Nam War. In fact, it is hard to determine if they are in favor of anything.

I would like to remind you of something. There are a lot of boys who would rather not be in the service, but they went when called. There are a lot of boys who do not want to die in Viet Nam, but they are dying there just the same, and many are coming back crippled for life. Now when you talk of the cream of our youth, or the boys who hold up to the finest traditions of patriotism, how the hell can you think about cowards and scum, the yellow bellies who went so far as to flee the country to Canada? Bear in mind that they do not even pay your salary so how is it they get the attention and concern of an elected official. If these idiots are having such a hard time in Canada then it's their own fault. Maybe they might discover what the value of a U.S. citizenship is, and realize that a few years of military service is not a bad price to pay for it. Can't you realize that your actions and public statements concerning these cowards tend to encourage more boys to flee responsibilities, and demoralize those that must stay and await the draft and those who are already serving. You also tend to get Veterans like myself good and mad.

Bronx, N.Y.
January 5, 1970.

Representative Edward I. Koch,
New York, N.Y.

Dear Representative Koch: How wonderful to hear and know that you are one of the interested government officials who really understand our American boys who have fled to Canada.

It is a shame that these good American boys who do not believe in killing should be forced to leave the land of their birth and families who love them all for doing what they feel is the right thing.

The best of good luck to you Rep. Koch in this endeavor. You certainly are a representative of the American people to bring the position of these boys to light.

Bergenfield, N.J.
January 4, 1970.

Dear Mr. Koch: As a young American, I was very pleased to read of your efforts to grant amnesty to those Americans who have left the country because of their moral commitments. President Lincoln knew the value of educated and principalled men to the success of a young country. He knew that despite the face that huge numbers of men actually tried to destroy the union, it would be most sensible to ask them back and have them use their strengths and abilities for America.

I will not point out my reasons for opposing the Vietnam War, but merely thank you for being open-minded enough to see the injustices of it. May your work for the real good of the nation be successful, and may you influence your constituents similarly.

Sea Cliff, N.Y.,
January 6, 1970.

Hon. Edward I. Koch,
House Office Building,
Washington, D.C.

Sir: I seldom write letters of this type. I have an American flag, but never wave it wildly about. I am not a member of a veterans organization, but did serve my country for five and one half years during World War II. I have fathered two sons who have both met their service obligations. I am not one to look for a Communist behind every tree, but sincerely believe there are still some about. You surely must have given them reason to rejoice when you advocated compassion and amnesty to our draft dodgers New Year's Day, on Channel 5 TV.

It is a matter of great concern to me that you, a lawmaker, would take such a position favorable to lawbreakers, rather than to devote your efforts to changing or remaking the laws. In my book, anyone who does not have the guts to stand up and fight for his country, does not deserve to be its citizen. These traitors belong beyond our borders. I fervently hope that in the future, you and all our representatives will speak out to strengthen rather than weaken our country.

Utica, N.Y.,
January 6, 1970.

Dear Sir: In the New York Daily News of Jan. 5 there was a news item concerning your visit to Canada.

My son, ———, is classified as a deserter from the U.S. Navy. I have no knowledge of his whereabouts. The last time I saw him was Nov. 11, 1969 when he was on liberty. He left our home in Utica, New York presumably to return to Portsmouth, Va. He never arrived there.

Since there is a Greyhound Bus leaving Utica for Toronto, Canada, I am tempted to believe he could be in Toronto.

According to the Naval officials he had an excellent record, and did not seem discontented to me. I am very anxious to locate him and will follow any lead.

Have you information as to location or addresses in Canada of organizations or people that would have contact with the American deserters?

Any help you can offer would be deeply appreciated. I might possibly be able to make a trip to Toronto next week.

Hamburg, N.Y.,
January 7, 1970.

Representative E. I. Koch,
House Office Building,
Washington, D.C.

My Dear Sir: You have been quoted as saying, in reference to the deserters in Canada, that "They should be welcomed back neither as heroes nor as criminals, but as young men who are doing their best to uphold the finest traditions of this country." Now let me ask you this. Those men who didn't desert their country but are now in Vietnam, are they "upholding the finest traditions of their country?"

You are also quoted as saying that there are at least 45,000 to 60,000 young Americans who have emigrated to Canada and that "thousands more are likely to follow." In that statement you are not sticking to the absolute truth. In fact, you are far afield from the truth. When these yellow-bellied cowards deserted this country they ceased to be Americans.

But I'm in favor of letting them return to the States. But I'm also in favor of slapping them into a stockade until there are enough to make it worthwhile to hang the punks at the rate of one an hour, on the hour. These cowardly deserters are something we can very well get along without. They would only pollute every thing they came into contact with.

My great grandfather, my grandfather and my father as well as myself and my two sons all went to war, not because we were in favor of it, but rather because we felt we could do no less. This is our country and as Stephen Decatur once said, "Our country, in her intercourse with other nations, may she always be right, but our country, right or wrong."

So why don't you stick to the job for which you are being paid and let these cowardly punks live in their own stink?

New Haven, Conn.,
January 10, 1970.

Hon. Edward Koch,
House of Representatives,
Washington, D.C.

Sir: I am writing this letter in regard to the enclosed article appearing in the *New York Post* a few days ago. I believe that your calling for amnesty for draft dodgers is a slap in the face to every decent American and a stab in the back to all our servicemen and veterans who have decided to face up to the responsibilities of citizenship.

Whether or not one supports the United States' policy in Vietnam, everyone is "victimized" by our draft system. Though you suggest amnesty only after the draft is abolished, even then it would be a travesty of justice, as you are, in effect, penalizing those who, faced with the same alternatives as the evaders, choose the lawful one. You also seem to forget that these exiles have broken the law. As you either ignore or belittle this fact, you will only serve to encourage more young men to choose the unlawful course.

All this is made worse because, as my Congressman, you are in a position of responsibility, a quality you have not shown in your statements and actions. Rather than waste our hard earned money on a trip to visit these cowards whom you make appear as noble and American, I suggest you spend your time and money, which I might add are paid for by those of us still in the country, on some program to benefit the G.I.'s. For example, the government could help those organizations and private citizens (see enclosed) who support our servicemen by enabling them to communicate with their families.

Such constructive measures will benefit our country; something we should all be concerned with in this time of turmoil. Until such time as you rearrange your priorities to the benefit of your constituents, who are law abiding and also "uphold the finest traditions of this country", I not only can't support you, but also can't consider you my representative.

NEW YORK, N.Y.,
January 11, 1970.

Hon. EDWARD I. KOCH,
Longworth Office Building,
Washington, D.C.

DEAR ED: We have your letter of the 9th enclosing a copy of your statement concerning the young men in Canada.

We feel it was most courageous of you to have issued the statement. Moreover, it was good to read that you urge others to open their eyes to this exodus. Being able to talk to these young people, and to learn their feelings about their country, should help others to realize what it is this war, and our present national aims, does to us.

If we consider that the exile that these people have imposed on themselves is similar to the political imprisonment that others have almost welcomed, we can see how much like non-democratic countries have become. We have been accustomed to reading about the "outs" in South American countries going into jail or into exile. It was accepted by us as a way of life in such areas of the world. How sad it is to see that it has become a way of life here too.

As you say, "most of all, we must never abandon the goal of a free and just society." Keep it up, Ed.

TORONTO, ONTARIO, CANADA,
January 12, 1970.

Hon. EDWARD KOCH,
House of Representatives,
Washington, D.C.

DEAR REPRESENTATIVE KOCH: I wish to express my support of your proposed bill on the floor regarding amnesty. I am an American professional living in Canada as a draft evader. I am a resident here 3 months—my date of induction was for October 7, 1969.

I was formerly a teacher with a Master's Degree with "Teacher Corps" in the ghettoes of South Side Chicago. I taught "slow learners" under the auspices of Title I, Department of HEW, in the Farmingdale Public Schools, Long Island. At this time I was being harassed by Local Board No. 3 of Manhattan because I was approaching the age of 26 and because Nixon was about to freeze the draft for the Nov. & Dec. dates preceding the new lottery. Accordingly Board No. 3 vindictively sent me my notice of induction.

At present I am employed as an educational researcher for a private marketing firm in Toronto. As to the question of whether America is losing its intelligentsia as a result of its blundering involuntary draft system—the answer is yes. You are correct in the statement that those who move up here with their families will settle here for the rest of their lives. Their loss of manpower should be made perfectly clear to the House of Representatives—in more mundane terms this is a "brain-drain" emigrating from the U.S.

Your bill for amnesty must be encouraged. No matter what happens, I am still an American citizen who wants to see his country and his family once again. The draft system was and still is barbaric. Intelligent Americans should not be penalized for their convictions in this situation.

Thank you and good luck!

NEW TAX WITHHOLDING TABLES PROVIDE FOR EXCESSIVE WITHHOLDING

(Mr. VANIK asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. VANIK. Mr. Speaker, it has come to my attention that the new tax withholding tables for 1970 provide for excessive withholding for millions of taxpayers. As a result of these improper tax tables, many taxpayers have less take-home pay in spite of tax reduction, enacted by Congress.

I hope that these excessive withholdings are not a deliberate effort to increase Treasury receipts at the expense of needy families. Up to the present time, no satisfactory explanation has been offered as to why the full 5-percent surtax should be withheld during the first 6 months of 1970 instead of a 2½-percent withholding throughout the year.

I am advised that the excessive withholding is applicable to over 6.5 million American taxpayers. Whether it is designed to increase Treasury revenues for the remainder of fiscal 1970 or whether it is designed to prepare the taxpayers for a proposal to extend the 5-percent surtax throughout 1970, it is wrong and contrary to law.

I have requested the Treasury Department to immediately correct the withholding table to comply with Federal law. It is improper and irregular to withhold more than is due. The withholding tables must be reduced to reflect the January 1, 5-percent reduction in the surtax, the June 30, 1970, termination of the surtax, and the $25 increase in personal exemptions.

Following is a letter on this subject which I directed yesterday to the Secretary of the Treasury, David Kennedy:

JANUARY 20, 1970.

Hon. DAVID M. KENNEDY,
Secretary of the Treasury,
Washington, D.C.

DEAR MR. SECRETARY: In a series of articles by Ray DeCrane, Business Editor of the Cleveland Press, one of which is enclosed herewith dated yesterday, January 19, 1970, attention is directed to excessive withholding tables on certain income groups.

I hope that these excessive withholdings are not a deliberate effort to increase Treasury receipts at the expense of needy families. Can your office provide any satisfactory explanation as to why the full 5% surtax should be withheld during the first six months of 1970 instead of providing a 2½% withholding throughout the year?

I am advised that the excessive withholding is applicable to over 6½ million taxpayers. Whether it is designed to increase Treasury revenues for the remainder of fiscal 1970 or whether it is designed to prepare the taxpayers for a proposal to extend the 5% surtax throughout 1970, there is no justification for excessive withholding.

I therefore request your department to immediately correct the withholding table to comply with federal law. It is improper and, I believe, irregular for withholding schedules to withhold more than is due. The withholding tables must be reduced to reflect the January 1 five per cent reduction in the surtax, the June 30, 1970 termination of the surtax, and the $25 increase in personal exemptions.

Sincerely yours,
CHARLES A. VANIK,
Member of Congress.

MARTIN LUTHER KING'S BIRTHDAY—JANUARY 15—SHOULD BE A NATIONAL HOLIDAY

(Mr. RYAN asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. RYAN. Mr. Speaker, the birthday of the Reverend Dr. Martin Luther King, Jr., January 15, was observed by official proclamations, the closing of schools and offices, and religious services throughout the country. It is appropriate that this day be commemorated in honor of a man who has left all Americans a legacy of justice, compassion, and human dignity. No man can deny Dr. King's greatness, nor disclaim him as his brother, without diminishing his own self. For, as Dr. King said:

> All humanity is caught in an inescapable network of mutuality, tied in a single garment of destiny. All life is interrelated. To the degree that I harm my brother, to that extent I am harming myself.

Dr. King's path to greatness began when he dedicated his life to the struggle for freedom and dignity—a struggle which his death shows is yet unwon. Yet his path was never one of hatred, as evidenced by his words to white America:

> We will match your capacity to inflict suffering with our capacity to endure suffering. We will meet your physical force with soul force. We will not hate you, but we cannot in all good conscience obey your unjust laws . . . (W)e will soon wear you down by our capacity to suffer. And in winning our freedom we will so appeal to your heart and conscience that we will win you in the process.

Consider the remarkable charity of this man who decried hatred, despite the evils inflicted upon black people which he described in the letter which he wrote from the Birmingham jail on April 16, 1963, to several Alabama clergymen who had urged black people in Birmingham to press their cause in the courts and not in the streets:

> I guess it is easy for those who have never felt the stinging darts of segregation to say wait. But when you have seen vicious mobs lynch your mothers and fathers at will and drown your sisters and brothers at whim; when you have seen hate-filled policemen curse, kick, brutalize, and even kill your black brothers and sisters with impunity; . . . when you are humiliated day in and day out by nagging signs reading "white" men and "colored"; when your first name becomes "nigger" and your middle name become "boy" (however old you are) and your last name becomes "John," and when your wife and mother are never given the respected title "Mrs."; when you are harried by day and haunted by night by the fact that you are a Negro, living constantly at tiptoe stance never quite knowing what to expect next, and plagued with inner fears and outer resentments; when you are forever fighting a degenerating sense of "nobodiness"; then you will understand why we find it difficult to wait.

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The evils which Martin Luther King, Jr., fought still exist. Segregation still exists. Employment opportunity is still denied to blacks and Spanish-speaking Americans and Indians. The Vietnam war continues to take the lives of Americans and Vietnamese and to divert our resources from the tasks which Martin Luther King set for himself, and for us all.

Meaningful school integration is still to be achieved. Figures released by the Secretary of Health, Education, and Welfare on January 4 all too dramatically attest to this: 76.6 percent of the 6,282,173 black elementary and secondary school students attend schools in which they make up more than half the population; 54.7 percent of the 2,002,776 Spanish-surnamed elementary and secondary school students attend schools in which they make up more than half the population; 38.3 percent of the 177,464 Indian elementary and secondary school students attend schools in which they make up more than half the population; 1,188,268 of the 1,363,254 black elementary and secondary school students in Alabama, Georgia, Louisiana, Mississippi, and South Carolina attend schools which are 99 to 100 percent black; 879,367 of the 1,817,615 black elementary and secondary school students in Illinois, Indiana, Michigan, New York, Ohio, and Pennsylvania attend schools which are 95 to 100 percent black.

The black man is still a second-class citizen—excluded from equal educational opportunity and equal employment opportunity.

But I am not going to recall Martin Luther King's birthday as a prologue to polemic. Rather, I would honor this man—who brought honor to his country and his people and himself through the greatness of his life, and I would recall the words he spoke:

> For some strange reason I can never be what I ought to be until you are what you ought to be. And you can never be what you ought to be until I am what I ought to be. This is the way God's universe is made, this is the way it is structured.

Mr. Speaker, our able colleague, Congressman JOHN CONYERS, who has led our efforts to have January 15 declared a national holiday, has submitted H.R. 7703, which I and several of my colleagues have cosponsored. H.R. 7703, if enacted, would designate January 15 a legal public holiday. It is essential that this bill be passed.

By honoring Dr. King, we honor all the minority groups and individuals in this country who have struggled against prejudice and disadvantage. And by honoring him, we commit ourselves to his ideals—brotherhood, compassion, and concern for his fellow men.

LEGISLATION TO CURB ILLICIT TRAFFIC IN DANGEROUS DRUGS

(Mr. VAN DEERLIN asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. VAN DEERLIN. Mr. Speaker, I have today introduced two bills which I believe would help the Government curb the illicit traffic in dangerous drugs.

One measure would require that prescription drugs be distinctively marked and the other would empower the Justice Department to regulate the export of amphetamines and barbiturates.

I was prompted to offer the labeling bill by reports I have received of the difficulties encountered by the Bureau of Narcotics and Dangerous Drugs in attempting to identify contraband tablets and capsules.

In the Bureau's testing and research laboratory, drugs of unknown origin are subjected to basically the same kind of ballistics tests as rifle bullets. I understand this method of identification works about 80 percent of the time, because the presses that stamp out tablets leave unique "signatures"—microscopic imprints that can come from only one press.

But, to be 100-percent effective, the Bureau would have to accumulate samples from every pill press, legitimate and clandestine, in the country, a practical impossibility. And capsules pose an even stiffer challenge to the Bureau's investigators, since they lack the minute markings left by punches and dies on all tablets.

Coded labels would facilitate identification and discourage counterfeiters seeking to capitalize on the reputations of legitimate drug manufacturers.

Besides facilitating identification, coded symbols on individual tablets and capsules would also tend to discourage counterfeiters from seeking to capitalize on the reputations of legitimate drug manufacturers.

Under the circumstances, the Bureau of Narcotics and Dangerous Drugs is performing its investigative functions extremely well. But existing law does not require that pills carry identifying markings, and my proposal, I feel, would close this gap by requiring that every tablet and capsule be clearly marked with symbols representing the identities of both the manufacturer and the drug itself.

Another benefit of a regulation of this sort would be quickly evident in medical emergencies caused by overdosage of drugs. In these situations, moments can be precious, if treatment is to be effective. Speedy identification of the drug that has been ingested can literally make the difference between life and death.

My second bill would give the Justice Department a new tool to control the export of amphetamines and barbiturates, by providing that these particular drugs could be shipped abroad only under conditions stipulated by the attorney general, who could and presumably would authorize exports for genuine medical and health purposes. The two categories of drugs covered by this measure account for at least 90 percent of the dangerous drug smuggling trade, and I have accordingly tried to apply an admittedly strong remedy to that area where the problem is most severe.

In combination, the two bills would not totally eliminate the illicit import traffic in dangerous drugs but they would certainly discourage it. Smugglers will keep trying, even if improved detection methods are available to Federal authorities. And many of the drugs shipped or taken illegally into this country would be outside the purview of the new regulatory authority over exports which my second proposal would give the Justice Department, since many of the contraband tablets and capsules which eventually find their way to the United States are produced in foreign lands. But the bills would help, I think significantly, and I hope they or similar legislation can be considered at an early date in this session.

GULF COAST JUNIOR COLLEGE

(Mr. SIKES asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. SIKES. Mr. Speaker, Panama City, Fla., has, among others, two institutions in which I take particular pride. One is the Panama City News-Herald, whose editor is Mr. Mike Darley and whose publisher is Mr. Lawrence S. Gibb. The other is the Gulf Coast Junior College. The News-Herald has published a most interesting commentary on Gulf Coast Junior College. It is well worth reading and I submit it for reprinting in the RECORD and with it a statement from the masthead of the News-Herald which also is well worth reading, from the issue of December 21, 1969:

PANAMA CITY NEWS-HERALD

This newspaper is dedicated to furnishing information to our readers so that they can better promote and preserve their own freedom and encourage others to see its blessings. Only when man is free to control himself and all he produces, can he develop to his utmost capabilities.

We believe that freedom is a gift from God and not a political grant from government. Freedom is neither license nor anarchy. It is self-control. No more. No less. It must be consistent with the truths expressed in such great moral guides as the Coveting Commandment, the Golden Rule and the Declaration of Independence.

THAT CRAZY GULF COAST!

Panama City's Gulf Coast Junior College just doesn't seem to be able to match up to several new vogues currently sweeping the collegiate world.

Gulf Coast students have not staged a single demonstation or riot, burned a building, kicked out the administration, trampled the American flag in the ground or burned the first draft card.

There's been no drug or sex scandals at Gulf Coast and it's even possible to tell the sexes apart on the campus. The boys look like boys and the girls are pretty, dainty, feminine little creatures who like being females.

Judging by current standards at many institutions of higher learning, there's some other strange things going on at Gulf Coast.

For example, Dr. Rick Morley, the president, and his faculty insist on running the college. Students are pretty much in charge of a great many of their activities, including student government, but all are subject to approval of college officials.

These GCJC students really are a strange crowd. A survey was conducted the other day and it showed that a great majority of the students have respect for law and order, and even respect law enforcement officers and consider them to be on their side.

The greatest surprise of all is the "crazy" attitude of these Gulf Coast students. It seems that the vast majority of them actually are attending college to get an education! Imagine this, if you can.

Why there are reports that just about all of these students think quite highly of the Establishment and intend to carve a niche in it for themselves. We have not heard of a single one of them plotting a revolution to destroy the system.

They're crazy, man, crazy, that Gulf Coast crowd!

One college official tells us that GCJC students are so interested in obtaining an education that the college has trouble getting them to participate in extracurricular activities. This is a downright insult to such "great" centers of learning as the University of California at Berkeley, San Francisco City College, Columbia and our own University of Florida, which also has been pretty much taken over by the "new breed."

This guy Morley is really a throwback to the "modern" presidents of a great many of our "progressive" universities. He's absolutely archaic in his thinking. Dr. Morley is so "behind the times" that he insists on running his college, calling all the shots . . . refereeing the ball game, dad. And if you don't like it, Buster, he'll put you on the road.

Well, the "progressive educators" wouldn't give Morley much of a grade as a college president in the first place. You see, he worked his way through college with his hands, mostly as a printer's devil, and this kinda disqualifies him for ever being a real egghead educator. It's doubtful if Dr. Karl Marx would have Morley on his faculty in any capacity. Morley is a believer in the dirty old capitalistic, free enterprise system and even goes around bragging about it.

Jumping Josef Stalins, what's this educational world coming to anyhow!

There are some other "weirdos" in positions of high responsibility at Gulf Coast Junior College.

Take George Tapper of Port St. Joe, chairman of the college's board of trustees. He's the son of a fisherman, a World War II flying hero, former state senator and self-made multimillionaire.

The other trustees also are a bunch of hard-headed businessmen and professionals. They include Ed Bandjough of Wewahitchka, a weekly newspaper publisher and city commissioner; Dr. Bob King, Port St. Joe dentist; Ellis Fowhand, Panama City businessman; Dr. Bill Carter, local physician; Bill Welliver, Panama City banker-businessman; Dayton Logue, Panama City lawyer and staunch Republican; and T. Woodie Smith, local funeral home owner.

Then there's Whitey Urquhart, the college's attorney and one of its original trustees. Born in abject poverty, he is one of the city's leading attorneys and businessmen. What kind of system is this that catapults a man from a peon to the top of the ladder?

What a bunch to have running a college! They've spent the tax-payers' money so wisely on class-rooms and real education facilities that Gulf Coast will not share in the State's construction fund bonanza for the next couple of years. This money will go to colleges which went in for frills and now need classrooms.

Now, seriously speaking, and we mean very seriously, Gulf Coast Junior College is truly a great asset to Bay and Gulf Counties, the two areas it primarily serves.

We are extremely proud of Gulf Coast and the tremendous contribution it has made to our area. We're grateful for educational leaders like Dr. Morley and his outstanding faculty. We're deeply appreciative of the hard work the trustees have done to make the college what it is, and are cognizant of the fact that they've never received any reward for their efforts other than the satisfaction of knowing they have done a good job, which is enough.

Lastly, and of most importance to us, we want to let the thousands of Gulf Coast students, both past and present, know that the community is very, very proud of these fine, decent young citizens and the records they have established.

The record will show that the college has turned out thousands of out-standing students since its doors opened 12 years ago, and a great many of them have become outstanding leaders in the community. The record also will reflect that those who went on to higher institutions of learning have been above average students.

Gulf Coast opened in 1957 with a mere handful of students and it now has over 2,000 fulltime students enrolled. The school serves nearly 6,000 persons in one capacity or another during any given 12-month period and will offer courses in almost anything if community need justifies it.

Yes, Gulf Coast Junior College is truly a Panama City establishment and probably is making the most important contribution to the community of any existing facility.

THE LATE HONORABLE FRANKLIN ORTH

(Mr. SIKES asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. SIKES. Mr. Speaker, those who love the outdoors and who value sound programs for sportsmen and sportsmanship are saddened by the death of the Honorable Franklin Orth, executive vice president of the National Rifle Association and president of the U.S. Olympic Committee.

He was an outstanding sportsman and conservationist and his contributions to the Nation he loved so well are many and great.

I knew Mr. Orth well and counted him one of my closest friends. I personally feel a great sense of loss at his death, and Mrs. Sikes and I extend our deep and earnest sympathies to all the members of his family.

It is my privilege to submit for the RECORD a release from the National Rifle Association, which outlines some of the major points in his career.

I include also a more detailed summary of his career, appearing in the January 16 issue of Gun Week:

[National Rifle Association of America News Release, Jan. 4, 1970]

RIFLE ASSOCIATION EXECUTIVE VICE PRESIDENT AND OLYMPIC COMMITTEE PRESIDENT PASSES AWAY

WASHINGTON, D.C., January 4.—Franklin L. Orth, 62, Executive Vice President of the National Rifle Association and President, U.S. Olympic Committee, died suddenly Sunday morning, January 4, at Suburban Hospital, Bethesda, Md.

Mr. Orth had just completed ten years as the top administrator of the NRA at the time of his death. Known throughout the world as an ardent hunter, sportsman and conservationist, he guided the million-member NRA through years of growth when the shooting sports and the recreational use of firearms expanded throughout the country. Mr. Orth was elected President of the United States Olympic Committee in 1968, after many years of activity in international sports competitions.

Prior to his appointment as NRA Executive Vice President in 1959, Mr. Orth served his country in important posts for more than 18 years. From August, 1953, through October, 1959, as Deputy Assistant Secretary of the Army, he directed the activities of the Office of Manpower, Personnel and Reserve Forces. Other important government positions held by him were Head of Operations Control of the Bureau of Internal Revenue from 1952 to 1953; Assistant Chief Counsel of the Office of Price Stabilization from 1951 to 1952, and Legal Consultant to the Administrator of Veterans Affairs from 1946 to 1951.

During World War II, Mr. Orth distinguished himself as a gallant soldier, serving with the famed Merrill's Marauders in Burma. During his tour in the Burma-China Theater, he served as a Battalion Commander and later commanded a regimental combat team fighting seasoned Japanese troops in the jungles. He was on active duty as a Colonel until August, 1946, and continued in the Army Reserve.

Born in Milwaukee, Wisc., Mr. Orth was graduated from the University of Wisconsin in 1928, taking his law degree from the same institution in 1931. It was during his collegiate years, that his participation in sports became, what was to be in his later life, his major interest, the shooting sports and the U.S. Olympic program. At the University of Wisconsin he was prominent in many sports, excelling as captain and stroke on the varsity crew.

Woodson D. Scott, NRA President, today said, "The passing of Franklin Orth is a great loss to his family, many friends and to our nation. He was a great American, dedicated to the ideals of our country for which he worked zealously and which he served so long. He was a great man, loved and respected by all who knew him."

Mr. Orth is survived by his widow, Helen, 15708 White Rock Road, Gaithersburg, Md., and seven children; Marilyn Orth Loman, Snyder, N.Y.; John F. Orth, Buffalo, N.Y.; Rosalie Orth Harrison, Saltspring Island, B.C.; Pamela Orth Peters, New Orleans, La.; Helen Orth Roundtree, Miami, Fla.; and Elizabeth Margot and Franklin L., Jr., of the home address.

Services at the U.S. Army Chapel, Ft. Meyer, Va., and interment at the Arlington National Cemetery will be held January 7, 1970.

[From Gun Week, Jan. 16, 1970]

FRANKLIN ORTH, NRA LEADER, DIES JANUARY 4

Franklin L. Orth, 62, executive vice president of the National Rifle Association and president of the U.S. Olympic Committee, died suddenly of a heart attack Jan. 4 at the Suburban Hospital in Bethesda, Md. Mr. Orth had just completed 10 years as the top administrator of the NRA at the time of his death.

He was buried Jan. 6 in Arlington National Cemetery, following services in the Ft. Meyer Chapel.

Known throughout the world as an ardent hunter, sportsman and conservationist, Mr. Orth led the million-member NRA during its most hectic years, when the organization stood firmly against efforts to impose national registration of firearms and the licensing of gun owners.

During his 10-year career with the NRA, Mr. Orth appeared countless times before Congressional investigating committees to plead the case of America's gun-owning sportsman against illogical gun control laws. He also appeared several times on nationwide television and radio as an opponent of firearms registration and owner licensing, and at the same time supported civilian marksman and hunter-safety programs, wildlife conservation and the value of private possession of firearms.

Woodson D. Scott, NRA president, described Mr. Orth's death as "a great loss to his family, his many friends and to our Nation." Scott said Mr. Orth was "a great American, dedicated to the ideals of our country, for which he worked zealously and for which he served so long. He was a great man, loved and respected by all who knew him."

Mr. Orth began his public service in World War II with a 5½-year tour with the U.S. Army. In 1943, he volunteered for extra-hazardous duty with Merrill's Marauders assigned to long-range penetration operations behind the Japanese lines in Burma, and in China where he served as a Battalion Commander and later commanded a Regimental Combat Team. He was discharged in August, 1946, with the rank of Colonel.

For 10 years prior to entering military service, Mr. Orth was engaged in the general practice of law in partnership with his father in Milwaukee, Wis.

He attended elementary and high schools in Milwaukee and in 1928 received a B.A. degree from the University of Wisconsin. He received his Bachelor of Law Degree from the same school in 1931.

During his undergraduate days, he was prominent in athletics and was captain and stroke oar on the varsity crew. He was one of 10 of his class of 2,000 elected to the senior honorary society, Iron Cross.

Before assuming the executive vice presidency of NRA in 1959, Mr. Orth served in several important posts for the U.S. Government for 18 years. He was Legal Consultant to the Veteran's Administration from 1946 to 1951; was head of the Operations Control Staff of the Bureau of Internal Revenue from 1952 to 1953, and was with the Army Secretariat for Manpower Personnel and Reserve Forces from 1954. He was Deputy Assistant Secretary of the Army when he resigned to take the NRA post.

An ardent big game hunter, Mr. Orth traveled to Asia and Africa in quest of trophies such as tiger, leopard, black panther, lion, elephant and Cape Buffalo.

In addition to his NRA activities, Mr. Orth was very active in his work for the U.S. Olympic Committee, the presidency of which he assumed in 1968, after serving several years as vice president.

Another area of interest for Mr. Orth was the promotion of junior marksmanship programs, which he felt are essential if the shooting sports are to survive.

"I believe that we must reach far more youngsters—giving them essential instruction and introducing them to the enjoyment of hunting and target shooting," Mr. Orth told Gun Week during an October, 1967, interview.

At the same time, Mr. Orth also explained his outlook on firearms legislation. He said:

"Some reasonable legislation is inevitable, but the main problem arises over the differing definitions of that word 'reasonable.' The NRA firmly believes that effective legislation must be aimed directly at the misuse of firearms, and we support severe penalties in instances where guns become an instrument of violence.

"All concerned persons agree that there are some groups which should be denied ownership or possession of firearms. These include the criminal, the mental incompetent, the unsupervised juvenile, the drug addict, the habitual drunkard. Controls on ownership and possession should be directed at these groups, rather than at the law-abiding sportsman.

"We must be alert to be certain that any enacted legislation does not include vague provisions or broad administraive authority which will permit it to be applied in a fashion never intended."

Mr. Orth is survived by his widow, Mrs. Helen Orth, and seven children: Mrs. Marilyn (Orth) Lowman of Snyder, N.Y.; John F. Orth, Buffalo, N.Y.; Mrs. Rosalie (Orth) Harrison of Salt Spring Island, British Columbia; Pamela Alice Peters of New Orleans, La.; Franklin L. Orth Jr., Helen Martin and Elizabeth Margo, at the Orth home in Gaithersburg, Md.

SPORTSMEN SADDENED BY ORTH'S DEATH

Sportsmen throughout the country were saddened, Jan. 4, when they learned of the death of Franklin L. Orth, executive vice president of the National Rifle Association.

James M. (Jim) Lee, Jr., Dallas, Texas, acting director of the National Skeet Shooting Association, said, "Mr. Orth will be missed by all gun-owning sportsmen. You just don't find qualified people to take his place. The NSSA is indebted to the work Mr. Orth has done for the shooting sports."

Hugh McKinley, Vandalia, Ohio, Amateur Trapshooting Association director, said, "Mr. Orth's death is a tragic loss to the NRA and to every sportsman in the United States. The ATA offers its sincere sympathies. It will be tough to fill his position."

Charles Dickey, Riverside, Conn., National Shooting Sports Foundation director, said, "Franklin Orth and I were sincere personal friends and hunting companions as well as being associated in the welfare of the shooting sports. The entire shooting fraternity has suffered a tremendous loss in losing this champion of the sportsman's causes. Millions of sportsmen are indebted to the many years of work that Franklin Orth devoted to all phases of the shooting sports."

RESOLUTIONS BY THE ASSOCIATION OF THE UNITED STATES ARMY

(Mr. SIKES asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. SIKES. Mr. Speaker, I am pleased to submit for reprinting in the RECORD a copy of the resolutions adopted by the Association of the United States Army at its 1969 annual meeting. This great organization, which is headed by the Honorable Frank Pace, distinguished former Secretary of the Army, has long stood for patriotic support of the Nation's democratic principles and its Armed Forces.

The resolutions follow:

CERTIFICATION

OCTOBER 15, 1969.

I certify that the Preamble and Resolutions Numbers 1 through 12 were adopted at the Annual Business Meeting of the Association of the United States Army held this date.

Resolutions from previous years, specified in Resolution Number 12, follow that Resolution.

ARTHUR SYMONS,
Secretary.

PREAMBLE—WHEN AMERICANS CLOSE RANKS

One year ago, in the preamble to its 1968 resolutions, this Association warned that following the end of the war in Vietnam there would come "a period of great challenge and turmoil" in which there would be a "clamor for imprudent reductions in our armed forces."

That warning was not premature. In recent months, the clamor has exceeded the predictions of a year ago. The criticism persists even in the face of the plain fact that American fighting men continue to be engaged in difficult and dangerous combat in Southeast Asia.

The outcry has created a climate of uncertainty and suspicion that imposes great strains on the military and gnaws at the fabric of American society.

This perilous course must be reversed and the national compass reset on a course that reaffirms the tradition of Americans closing ranks and marching together in a common cause.

The Association of the United States Army pledges its support to the attainment of the nation's world-wide objectives. In carrying out this vow, it deems it essential to remind critics that our military and foreign policy objectives are established by officials elected by the people, and the duty of the military is to carry out missions to achieve those objectives.

On the home front, the Association notes with grave concern that the stability of American society is being severely strained by continuing reckless and unreasoned dissent. It recognizes that, whatever the causes of this feeling, it will not be dissipated by the creation of an equally ugly counter-movement in the streets and on the campuses. The solution lies in patient reliance on traditional American methods: vigorous discussion of issues raised by dissenters and on even-handed justice in invoking the law when the opposition goes beyond legal limits.

The Association is specifically concerned with unwarranted criticism directed at the military leadership of the nation and at the so-called "military-industrial complex." No person or institution is immune to error nor should be exmept from honest censure, but unfounded criticism foments an atmosphere of distrust that is inimical to the best interests of the nation and breaks faith with American fighting men who are performing so valiantly for the cause of freedom. There is a vital need for a continous program designed to remind the American people of the duties and contributions of our military leadership and of the essential role of American industry in providing the nation's armed forces with the tools necessary to insure adequate military security.

The Association of the United States Army, confident in the American public's historic ability to study both sides of the issues and then to decide wisely in the nation's best interest, pledges to devote its resources to such a program in the months and years ahead.

In support of this program and with the firm conviction that never before in our history has America had a greater need for a citizenry which understands the vital challenges that confront us, the Association of the United States Army adopts the following resolutions in its 1969 Annual Meeting assembled.

NO. 1. LEVEL OF COMBAT READINESS

The United States and the Free World continue to face an indeterminate period of international tension highlighted by communist-exploited political instability, including aggression and insurgency in Southeast Asia, and backed by massive and diversified military power. International stability and order require a level of armed forces-in-being commensurate with our world-wide responsibilities. The national military policy of the United States requires a strategy which includes deterrence, collective security and flexible response, and which employs appropriate elements of military power to help counter any threat.

Expansion of the Active Army has been necessary to insure the preservation of independent non-communist countries and to meet communist aggression, as is being done in Southeast Asia where our soldiers continue to fight gallantly. The well-trained, adequately equipped and combat-ready Reserve and National Guard components of our Army are essential to the security of the United States. United States Army units and advisory groups deployed in key areas overseas, and those maintained in the strategic reserve, must be sufficient to cope with crises in widely separated areas.

The advent of mutual nuclear deterrence increases the possibility of non-nuclear combat, with the attendant requirement for continued emphasis on, and improvement

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of, United States Army capabilities in conventional and counter-insurgency warfare.

The United States, as the leading power in the Free World, provides modern, combat-ready forces to support United States' and Free World strategy to deter or stop aggression at any level or scale of armed conflict.

We therefore resolve that in order to fulfill its key role in defending the United States and reinforcing Free World security, the United States Army, including the Reserve and National Guard components, be maintained at sufficient strength to provide modern, well-trained and well-equipped forces capable of meeting our national commitments.

No. 2. Support of Army ROTC Program

The military security of the United States is largely dependent upon educated and trained leadership. The Army Reserve Officers Training Corps program is a positive contributor to this need. It is a source of young, well-trained men, experienced in citizenship, leadership and self-discipline. All of the traits developed in the ROTC program are requisites to the qualifications of a commissioned officer of the United States Army.

The ROTC program presently provides at least half of the commissioned officers who enter the Army each year. Approximately 300 educational institutions participate in this program, which last year had an enrollment of more than 150,000 cadets. These institutions are representative of a cross-section of American life including all geographic, economic, social, ethnic and educational disciplines which are a vital part of our society and national image.

To clarify existing misconceptions resulting from a lack of knowledge and understanding of the purpose and vital importance of ROTC, it is necessary to educate and inform the public of the compelling need for the continued existence of the ROTC program which provides the high-caliber leaders so necessary to the military establishment.

It is imperative that all Americans recognize the need for the ROTC program as a means of providing well-educated, free-thinking and capable leaders for the armed forces.

We therefore resolve to support the concept and purpose of the Army ROTC program and to support an active campaign publicizing its continuing need and importance to our national defense and the preservation of our way of life.

No. 3. Equity in Service Pay

The present communist threat, with its many forms of potential aggression, requires the United States to maintain a variety of responses.

Modern weapons of advanced design demand new techniques of employment, which in turn need highly skilled and trained professional people to operate and maintain them. To have less than the best available skills and mature judgment would be expensive and possibly disastrous.

The need to attract and retain our most highly educated and trained citizens for the military service is a continuing one. Loyalty and dedication can never be completely rewarded by monetary and other benefits. However, much can be done to offset the hardships imposed by a military career through making monetary compensation and other benefits as nearly equitable as possible with comparable civilian skills, education and responsibilities. Financial hardships imposed by creeping inflation in our present economy, the ever-spiraling cost of education and high industrial demand for specialists trained in the service are resulting in increasing losses of military personnel.

Further, the once-attractive retirement benefits of the military services are disappearing through inflation and the limitations imposed by the federal government on retired pay computation.

Corrective measures should be taken to maintain and support restoration of the historic system of computing pay of retired personnel on the basis of current active duty rates.

Another area of inequity is in flight pay for aviation warrant officers. In aviation units, warrant officers and company grade officers fly side by side, experiencing the same risks and facing the same responsibilities. Equalization of flight pay would signifiantly improve retention of warrant officers.

The Dual Compensation Act also discriminates against the retired regular Army officer in federal employment.

We therefore resolve that existing inequities in pay policies be eliminated. These include, but are not limited to, the following:

(1) The relationship of retired pay to active duty pay.

(2) Equal risk flight pay for warrant officers.

(3) The Dual Compensation Act as it discriminates against retired regular officers in federal employment.

We further resolve to continue to support strongly a modernization of the military pay system that will provide remuneration comparable to that of civilians of equal skill, education and responsibility.

No. 4. Military, Family, and Off-Post Housing

The provision of decent, adequate and livable housing for military personnel is an important factor in maintaining morale and in retaining the skilled military personnel required for maintaining effective United States military forces. Moreover, in overseas areas where dependents are permitted to accompany military personnel the best possible housing should be provided.

On-post housing and furnishings should conform to satisfactory standards. Where on-post housing does not exist, civilian housing should be offered by the United States Army, utilizing a workable rental guarantee program. We further believe that all off-post housing should be available to everyone, regardless of race, color, creed or national origin.

We therefore resolve:

(1) That this organization indorse and support all actions essential to acquire sufficient funds to provide appropriate housing for military personnel, world-wide.

(2) That this organization support the idea that where sufficient and adequate on-post housing does not exist in overseas bases, contractual arrangements should be made to provide off-post housing for military personnel and their dependents in nearby civilian communities, such housing to conform completely to United States standards.

(3) That this organization support—in the strongest possible manner—the concept that all off-post housing should be free of any vestige of discrimination because of race, color, creed or national origin.

No. 5. Defense Against Ballistic Missiles and Aircraft

The Association of the United States Army has continuously supported an adequate air defense for the United States and has recognized the need for deployment of an anti-ballistic missile defense system.

A positive step has been taken by the President of the United States to direct the initial deployment of the Safeguard system, subject to the approval of Congress.

Among other actions taken in respect to air defense during the past year, there has been a reduction in the Army's contribution to the defense against manned bombers by the inactivation of a number of Hercules missile sites. At the same time, deployment of Vulcan and Chaparral missile units has added to the air defense capability of the field army. The effectiveness of air defense weapons, guns and missiles, as demonstrated in Southeast Asia, points out the necessity of these weapons in the defense of the field army and critical installations against an enemy equipped with large numbers and types of combat aircraft capable of being employed against ground targets. The SAM-D, now under advanced development, is presently the best answer to defense against very low-altitude aircraft and tactical ballistic missiles and will provide a highly mobile, multiple engagement defense capability for use by the field army.

The potential threat to the United States continues to include manned bombers as well as intercontinental ballistic missiles. These bombers could be converted supersonic transports in addition to existing medium- and long-range bombers with air refueling capability. Considering these threats, the principle of defense in depth remains essential to an effective air defense of the United States.

We therefore resolve:

(1) To indorse the favorable action of Congress to authorize the deployment of the Safeguard system as a protection for a minimum number of retaliatory offensive missiles, as defense against an accidental missile launch from outside of the United States and as minimum protection against possible future blackmail by unsophisticated nuclear powers.

(2) To urge the maintaining of strong air defenses of the United States based upon a balanced force of area defenses by fighter-interceptors and terminal surface-to-air missile defenses against bombers.

(3) To favor expedited action to complete research and development of the SAM-D weapon system.

(4) To urge an increased effort to improve the field army air-defense capability through interim deployment of Vulcan and Chaparral units until the SAM-D system becomes operational, and the continued development of advanced antiaircraft gun systems to complement the SAM-D defense against low-flying aircraft and tactical ballistic missiles.

No. 6. Military-Civilian Defense Team

In an era of world tensions and the precarious balance of power in which we are now living, the continued superiority of the equipment and capability of our armed forces over those of potential enemies is essential to the defense of our country and the free world.

To obtain the most modern equipment available requires contributions of effort on the part of many elements of our nation, including the military, industrial, labor, academic, scientific and political.

The military must establish realistic and feasible requirements based on the needs of a modern army.

Our universities, colleges and the scientific community have played a vital role in contributing to scientific and technological advancements.

Further, a strong industrial base capable of developing and producing effective and reliable materiel and equipment is necessary to our national survival.

In addition, the American working man has consistently produced the finest materiel for our fighting men.

Finally, the teamwork generated by each of these elements and backed by the far-sighted political support required to fund this important effort has allowed the United States to successfully achieve its objectives in all of the conflicts in which it has been involved by providing well-motivated troops

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with the most modern and effective equipment.

We therefore resolve that the Association of the United States Army strongly support the principle of the military-industry-labor-academic-scientific and political team so that United States servicemen can be assured they will not be outgunned by any future enemy.

No. 7. ALL-VOLUNTEER ARMY

Throughout the history of the United States, military security has depended upon the willingness of all able-bodied citizens to serve in the armed forces, either as volunteers or through some form of selective service when the necessity has arisen.

It is recognized that the present selective service system has accomplished the following:

(1) Provided sufficient manpower to the active Army to enable it to accomplish the varied and difficult missions with which it has been charged.

(2) Increased the number of voluntary enlistments for longer periods among those who perhaps would not have considered military service had there been no selective service obligation.

(3) Insured the availability of individuals with varied skills and experience vital to the mission of the Army.

(4) Provided a source of trained manpower for Army Reserve and Army National Guard forces and has created a reservoir of battle-experienced citizens who could be counted on in any emergency requiring rapid expansion of the armed forces.

It is recognized that under future circumstances which might place a lower manpower requirement on the Army, an all-volunteer system of service could be practicable and desirable. However, it does not appear that the personnel requirements under present conditions could be maintained through an all-volunteer system. With an all-volunteer Army, it would be essential to provide a back-up of trained reserve elements in larger numbers than now exist to insure an effective force sufficient to meet any national emergency.

We therefore resolve to support the continuation of a selective service system as long as required, to function in concert with a strong volunteer system.

No 8. RETIRED MILITARY PERSONNEL

In view of the ever-increasing numbers of retired military personnel, it is desirable that their interest in the Army be maintained. Their special knowledge, experience and loyalty should be better utilized by the United States government and the Army.

We therefore resolve that the Association of the United States Army continue to indorse and support the removal of limitations on the employment of retired military personnel by the federal government; and

We further restate the position of our AUSA president that this great number of retired military, both enlisted and commissioned, be used for the betterment of our country through an effective overall plan and program devised to insure utilization of these men and women; and

We further resolve that, in the interest of providing assistance to retiring and retired personnel, the AUSA urge Department of the Army to continue the Retired Activities Program and expand it as conditions warrant.

No. 9. THE ONE-ARMY CONCEPT

The Association of the United States Army continues to recognize the concept of "One-Army" composed of the active Army, the Army National Guard and the Army Reserve.

There is a continuing need for National Guard and Reserve forces, properly organized, trained and equipped, and ready to support the active Army in present and future commitments.

To maintain the required level of operational readiness and to insure a smooth transition to active duty of Army National Guard and Army Reserve units, mobilization designees and other individual reservists every effort must be made to provide needed equipment, technical support and provisions for training and participation in maneuvers and field training exercises.

We therefore resolve to continue our strong support of Army National Guard and Army Reserve forces as vital and essential members of the One-Army team.

No. 10. STABILITY OPERATIONS AND MILITARY ASSISTANCE

In order to prevent or defeat communist-inspired insurgency in developing nations it is necessary to promote stability by establishing and maintaining internal security and by encouraging and supporting those nations in the achievement of needed social, economic and political reforms. The internal security of developing nations is basically the responsibility of their own police, military or paramilitary forces.

Through the use of stability operations and the Military Assistance Program, the United States Army can do much to deter threats to peace by helping small, developing nations meet communist aggression and in the maintenance of internal security and stability. These programs provide an opportunity for developing nations to accelerate their social, economic and political progress. They also promote the foreign policy, national security and strategic objectives of the United States.

The United States Army is deeply involved in the Military Assistance Program and has taken positive steps to deal with communist-inspired insurgency by designating stability operations as one of its principal missions.

We therefore resolve that the Association of the United States Army indorse and support the Army's stability operations and Military Assistance Program as a measure of assisting, at their request, friendly developing nations in preventing or defeating aggression, and urge the full exploitation of our military capabilities for such assistance.

No. 11. ADVANCED DEGREE IN MILITARY ART AND SCIENCE

The program for awarding the degree of Master of Military Art and Science to qualified graduates of the U.S. Army Command and General Staff College is a tangible recognition of the need for stimulating military scholarship within the Army.

The broader significance of proposed legislation authorizing this degree lies in the program's explicit recognition of military art and science as the learned discipline of the military profession, in its assertion that this discipline is worthy of serious scholastic study by the academic community, and in the promise that such recognition will lead to formal academic accreditation of the college and its educational programs.

We therefore resolve that the Association of the United States Army indorse and support the proposal to authorize the commandant of the Command and General Staff College to confer the degree of Master of Military Art and Science (MMAS) upon qualified graduates of that institution.

No. 12. CONTINUING RESOLUTIONS

Ten resolutions adopted at preceding annual meetings are still valid and remain in force.

We therefore resolve that the following continuing resolutions receive the full support of every member of the Association of the United States Army:

Principles of Freedom
Modern Equipment and Tactical Mobility
Research and Development
United States Military Academy
Civil Defense
Strategic Airlift and Sealift
Army Civilian Employees
National and Post Cemeteries
Medical and Dental Care
Retirement Pay Credit for Enlisted Men

PRINCIPLES OF FREEDOM

Whereas, the right of peaceable assembly is one of the most cherished rights guaranteed by the founding fathers of this nation; and

Whereas, it is a right for which today thousands of young Americans are standing guard to protect at danger points around the world and are fighting and dying in Vietnam; and

Whereas, the right to disagree also is a cherished right, but it is accompanied by a corollary that this is a nation wherein the majority rules, and those who disagree must do so under due process of law and not violate the principle of freedom which the great majority accept; and

Whereas, in this nation today we have small minorities which have used the right to disagree as a cloak to participate in flagrant demonstrations which violate the principle of liberty under law; and

Whereas, by their actions and their statements, such demonstrations of the minorities constitute a clear and present danger to the accomplishment of the will of the majority and in some instances they have approached treason; and

Whereas, such irresponsible actions of some groups have furnished the material which could damage national morale, provide aid and comfort to the enemy, and grist for the enemy's propaganda machinery;

Now, therefore, be it resolved, that the Association of the United States Army, whose membership is composed of military and civilians alike, reaffirms that the rights of all must be protected and preserved, and also declares that the will of the people must prevail to preserve and protect the foundation stones of our government, our way of life, and our civilization; and

Be it further resolved, that the Association of the United States Army continue its efforts to instill in all Americans a deep sense of responsibility as individual citizens, a profound sense of patriotism, and willingness to fight to preserve our freedom and our way of life, not only for ourselves but for all generations to come. (Resolution No. 6, 1965)

MODERN EQUIPMENT AND TACTICAL MOBILITY

We therefore resolve to urge the fullest possible exploitation of tactical mobility by the Army, with special stress on the development of air vehicles capable of extending the combat effectiveness of airmobile units.

We further resolve that procurement of the most modern aircraft, weapons and equipment for the United States Army should be continued at a level to insure sufficient stocks of superior materiel to deter or defeat any potential enemy. (Resolution No. 2, 1968)

RESEARCH AND DEVELOPMENT

We therefore resolve to support restoration of basic and advanced research and exploratory development portions of military budgets to a level adequate to provide those major new weapon systems necessary to achieve and maintain the qualitative superiority of the United States armed forces. (Resolution No. 3, 1968)

UNITED STATES MILITARY ACADEMY

We therefore resolve to continue and emphasize a program to encourage outstanding youth to seek appointments to the United

States Military Academy and to search for new ideas leading to its further development and effectiveness. (Resolution No. 8, 1968)

CIVIL DEFENSE

Now, therefore, be it resolved, that the Association of the U.S. Army supports civil defense authorities in their efforts to provide the American people with adequate shelter against the effects of nuclear attack. (Resolution No. 6, 1967)

STRATEGIC AIRLIFT AND SEALIFT

Now, therefore, be it resolved, that actions be taken to provide continued improvements in, and sufficient amounts of, strategic airlift and fast deployment logistic ships for sealift to meet the operational needs for support of U.S. Army forces. (Resolution No. 9, 1967)

ARMY CIVILIAN EMPLOYEES

Now, therefore, be it resolved, that this Association extends special commendation and gratitude to the civilian employees of the Army and recommends that dynamic career programs be maintained to recruit, retain and encourage the continued service of dedicated public servants in consonance with the command responsibilities and missions of the U.S. Army. (Resolution No. 11, 1967)

NATIONAL AND POST CEMETERIES

Now, therefore, be it resolved, that it is the considered opinion of the Association of the U.S. Army that the best interests of the nation and the members of our armed forces and their dependents will be served by the expansion of national and post cemetery facilities immediately to insure that the members of our armed forces who have served honorably will be provided a resting place in a military cemetery as a tribute to their service. (Resolution No. 14, 1967)

MEDICAL AND DENTAL CARE

Now, therefore, be it resolved, that the Association of the United States Army requests the Department of Defense to take action to provide adequate medical and dental care for dependents of active duty personnel and eligible retired personnel, including adequate facilities for this purpose. (Resolution No. 13, 1964.)

RETIREMENT PAY CREDIT FOR ENLISTED MEN

Now, therefore, be it resolved, that this Association encourage and indorse measures which will permit enlisted personnel to receive credit for inactive reserve duty prior to 1 June 1958 for retirement pay purposes. (Resolution No. 15, 1964.)

RESOLUTIONS COMMITTEE, 1969

CHAIRMAN

Col. Dan E. Craig, USA Ret., Fort Riley-Central Kansas-Victory Division Chapter.

MEMBERS

Col. Ray Bagley, USA Ret., Mother Lode Chapter.

SGM Everett M. Bailey, USA Ret., George Washington Chapter.

Mr. Dales M. Boatman, Southern Arizona Chapter.

LTC David F. Boyd, Jr., USAR, Albuquerque Chapter.

LTC Robert W. Dorsey, USAR, Dallas Chapter.

BG William J. Gallagher, PARNG Ret., Blue Mountain Chapter.

Col. John W. Oswalt, USA Ret., Fort Worth, Chapter.

Col. Peter S. Peca, USA Pet., Buckeye Chapter.

Mr. J. Francis Raunch, Fort Monmouth Chapter.

Col. Ralph Saenz, USA Ret., Southwest Oklahoma Chapter.

SGM John W. Whitlock, USA Ret., Braxton Bragg Chapter.

HON. G. HARROLD CARSWELL

(Mr. SIKES asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. SIKES. Mr. Speaker, my warm and sincere congratulations have been extended to the Honorable G. Harrold Carswell and to all the members of his family for the merited recognition which has been given to him as Florida's first nominee to the U.S. Supreme Court. I am one of those who have been privileged to know Judge Carswell throughout his career, from his initial appointment as U.S. Attorney, through his service as District Federal Judge and, subsequently, as Judge of the 5th U.S. Circuit Court. His work in each of these responsible positions has been effective and his ability unquestioned. Throughout his career, he has given outstanding service and his fitness for the highest Court of the land has been established beyond doubt. We in Florida are particularly proud of our fellow citizen and happy for the recognition which has been extended to him. I am confident that his contributions will improve the decisions and the standing of the Court.

NATIONAL JAYCEE WEEK AND 50TH BIRTHDAY

(Mr. HENDERSON asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. HENDERSON. Mr. Speaker, the week of January 18 has been designated as National Jaycee Week. This fine and dynamic organization is celebrating its 50th birthday this year.

Last week I had the pleasure of spending a couple of hours with the president of one of the local Jaycee clubs in my district. He took me to meet some of his friends, who like him, were young business and professional men in his community. They included the operators of a paint store, a dentist, an optometrist. Without exception, these were keen, progressive minded individuals. Most were members of the Jaycees and were, I believe, typical of that organization.

Over the years, as I have observed it in operation, I have been greatly impressed with its dedication to community service and the development and encouragement of leadership by young men.

Individual Jaycee projects in various communities have made remarkable contributions to community progress.

Jaycee programs such as the Distinguished Service Award—DSA—the Outstanding Young Farmer Award—OYF—the Ten Outstanding Young Men—TOYM—and others have recognized, encouraged, and developed leadership and leadership training.

The organization has kept its youth and vitality and insured the influx of new blood and new ideas by limiting its membership to the young men between the ages of 21 to 35.

In these days when it is somehow considered old fashioned to profess openly and unashamedly a deepseated faith in God, a belief in the soundness of the free enterprise economic system, in the basic brotherhood of all men, and a dedication to the concept of a government of laws rather than of men, the Jaycees stand out like a beacon to remind us that not all of our Nation's young men have "dropped out and turned on."

Congratulations to one of our finest civic organizations.

PERMISSION FOR SPECIAL SUBCOMMITTEE ON INVESTIGATIONS, COMMITTEE ON INTERSTATE AND FOREIGN COMMERCE, TO SIT TODAY

Mr. STAGGERS. Mr. Speaker, I ask unanimous consent that the Special Subcommittee on Investigations of the Committee on Interstate and Foreign Commerce be permitted to sit at 2 o'clock this afternoon.

The SPEAKER. Is there objection to the request of the gentleman from West Virginia?

There was no objection.

CANDY LABELING ACT, 1970

(Mr. ROONEY of Pennsylvania asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. ROONEY of Pennsylvania. Mr. Speaker, a great controversy and much concern surround the issue of cigarette smoking and health. On one point, at least, both the antismoking forces and the cigarette industry find themselves in agreement. Both agree that cigarette promotions should not be directed at children.

Yet it is not necessary to search for very long to find candy cigarettes in the marketplace packaged and promoted to simulate cigarettes and to encourage very small children to imitate the smoking habits of adults.

I am convinced this type of appeal is wrong. Therefore, I am introducing today a bill I believe is a vitally important legislative proposal, the Candy Cigarette Act of 1970. It is designed to halt the packaging and promotion of candy cigarettes to simulate real cigarettes, or in any way associate candy with cigarettes.

Children are invited to consume a wide variety of candy cigarette brands—they can choose "Salems," or "L. & M. 100's," or "Marlboro," or "Kent," or any of the familiar brands of real cigarettes. While such promotions are directed at the very young, Federal and State agencies and private organizations expend vast sums to make the youth of our Nation aware of the potential health hazards associated with smoking. The tobacco industry, itself, has sought to avoid making special appeals to the young in promoting its product.

Congress is presently nearing the completion of its consideration of amendments to the Federal Cigarette Labeling and Advertising Act of 1965, which contains additional provisions to assure that children will not be unduly exposed to cigarette advertisements.

Those who manufacture candy cigarette simulating cigarettes made of tobacco thereby indirectly encourage the smoking of real cigarettes by the youth of the Nation. It is essential that they be similarly restricted.

Congressional legislation is the only answer.

While the tobacco industry, aware of its responsibilities, is opposed to the marketing of candy cigarettes and has wished for a number of years to procure its end; it cannot do the job alone. As the law of trademarks now stands, it is not clear that the manufacturers of cigarettes could successfully sue those candy manufacturers who are busy reproducing cigarette trademarks on the packages of such a dissimilar product as candy cigarettes. In any event, neither the tobacco industry nor anyone else in the private sector can halt the sale of candy cigarettes if the manufacturer avoids reproducing on the package any trademark actually used in connection with cigarettes.

Nor may this matter be left to the States. The cigarette and health controversy is a national problem that the Congress has twice found necessary to deal with on the national level. Candy cigarettes are a small but important and integral part of this whole controversy.

The responsibility in this area clearly lies with the Congress.

This bill I am introducing today is very carefully drawn to effect its stated purpose and no more.

It will only apply to those manufacturers who market candy cigarettes. It will not in any way deprive even those manufacturers of the right to market any kind of candy they wish. The children of America will still be able to enjoy their favorite candy. The only effect of the bill will be to remove from the candy counters and from advertising all package labeling or promotional material which reproduce or simulate the trademarks of any brand of cigarette, or which in any other way associates the eating of candy with actual smoking of tobacco cigarettes.

In my view, this bill is vital to the welfare of the children of this country. For their sake, I respectfully request that all members of this body give the bill their most thoughtful and careful attention.

H.R. 15497

An act to further the general health and welfare by regulating the sale to children and to the general public of candy products portrayed as resembling cigarettes and for other purposes

Be it enacted by the Senate and House of Representatives of the United States in Congress assembled, That this Act may be cited as "the Candy Cigarette Act of 1970."

Sec. 2. As used in this Act—

(1) The term "candy product" means any candy or confectionary product sold as food for man.

(2) The term "trademark" includes any word, name, symbol, or device or any combination thereof adopted and used by a manufacturer of cigarettes to identify his goods and distinguish them from those manufactured or sold by others.

(3) The term "labeling" means all written, printed, or graphic matter (1) affixed to any candy product or any of its containers or wrappers or (2) accompanying any candy product.

(4) The term "promotional material" includes all advertising material used at the point of sale or in any media of communications, whether or not approved by the manufacturer, importer or packager of the candy product.

(5) The term "person" means an individual, partnership, corporation, or any other business or legal entity.

(6) The term "cigarette" has the same meaning as in the Cigarette Labeling and Advertising Act (79 Stat. 282, 15 U.S.C. 1331).

Sec. 3. It shall be unlawful for any person to manufacture, import, package for sale or distribution, or promote for sale within the United States any candy product—

(a) When any labeling or promotional material used in connection with the product employs the word "cigarette" or "cigarettes" to identify the product.

(b) When any labeling or promotional material used in connection with the product displays a reproduction, counterfeit, copy, or colorable imitation of any trademark that is registered for use in connection with cigarettes under the United States Trademark Act, as amended (15 U.S.C. 1051, 60 Stat. 427), or the trademark laws of any other country; or when any labeling or promotional material used in connection with the product displays a reproduction, counterfeit, copy, or colorable imitation of any valid trademark used in connection with cigarettes.

(c) When any labeling or promotional material used in connection with the product displays any pictorial representation that suggests or implies any similarity between the product and cigarettes; or when the design, dress, construction, or general appearance of such labeling or promotional material suggests or implies any similarity between the product and cigarettes.

Sec. 4. Any person who violates the provisions of this Chapter shall be guilty of a misdemeanor and shall on conviction thereof be subject to a fine of not more than $10,000.

Sec. 5. The several district Courts of the United States are invested with jurisdiction for cause shown, to prevent and restrain violations of this chapter upon the application of the Attorney General of the United States acting through the several United States attorneys in their several districts, or upon the application of any party engaged in the manufacture of cigarettes.

Sec. 6. If any provision of this chapter or the application thereof to any person or circumstances is held invalid the other provisions of this chapter and the application of such persons to other persons or circumstances shall not be affected thereby.

Sec. 7. The provisions of this Act shall take effect on July 1, 1970.

EVERYONE WILL SUFFER IF RAMPANT INFLATION IS NOT CHECKED

(Mr. BERRY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BERRY. Mr. Speaker, I shall vote to support the President's veto even though the bill would mean a few extra million dollars of Federal money for South Dakota schools, OEO, and welfare programs.

I shall vote this way because I know, as every Member knows, that no school in the Nation will suffer as a result of this veto. Since July 1, 1969, they have been operating on a continuing resolution which has given them the same payments they received in the previous fiscal year, and under another continuing resolution which will be passed following the veto, the same amount will be available for the remainder of this fiscal year.

I think President Nixon was elected with a mandate to stop inflation. How can any administration halt this shrinking dollar with a hostile Congress hellbent for politics instead of the national welfare?

No school, no welfare program, no social security recipient will be hurt if the veto is sustained, but everyone will suffer if rampant inflation is not checked.

BLOOD DONATIONS AT THE CAPITOL ON JANUARY 30

(Mr. CARTER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CARTER. Mr. Speaker, Congress, on the 20th of December, 1969, passed a resolution declaring the month of January "Blood Donor Month" which President Nixon signed into law. Because of the holiday season and the frequent occurrence of upper respiratory infections, January has been a month during which it has been difficult to obtain sufficient blood to help our unfortunate brothers who are victims of disease and accidents.

On January 30, in room B–344, of the Rayburn Building, blood will be taken from those of us who are willing and able to give. A careful record will be made of the donors and from it will be determined which side of the aisle is more thoughtful of the unfortunate sick who need blood. It may well be said "greater love hath no man than he that giveth his blood to his fellowman."

The distinguished gentleman from Ohio (Mr. Brown), and I urge all our plethoric Republican colleagues to participate. The blood you give might help your own family or friends.

Our distinguished colleagues, the gentleman from Hawaii (Mr. Matsunaga) and the gentleman from Pennsylvania (Mr. Rooney) will spark the drive on the Democratic side of the aisle.

THE 50TH ANNIVERSARY OF THE JAYCEES

(Mr. CEDERBERG asked and was given permission to extend his remarks at this point in the Record.)

Mr. CEDERBERG. Mr. Speaker, at a time when the antics of a few irresponsible young people in the United States compete daily for headlines, it is a real pleasure to take note of the 50th anniversary of a great organization dedicated to recognizing the needs of people and assisting them in solving the problems of their communities. I refer to the U.S. Jaycees and Jaycees all over the world.

In 1920, in St. Louis, Mr. Henry Giesenbier formed a group of young men dedicated to meeting the community problems about which many people were complaining but little was being done From this small start the organization has grown to encompass over 6,000 chapters and 300,000 young men in the United States alone. Another 100,000 Jaycees from all parts of the world join

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U.S. Jaycees in an organization which is now celebrating its 10th birthday, Junior Chamber International.

As a young man just returning from service with the Army during World War II, I joined the Jaycees and I look back with pride on my part in the achievements of my local chapter in Bay City, Mich. I know that this sense of accomplishment is shared by my colleagus who have had the good fortune to be associated with the Jaycee movement. As Jaycees many of us first learned those principles of leadership, and a sensitivity to the problems of our communities, which inspire us to greater efforts in meeting the problems of our great Nation.

Here in the District of Columbia, especially, the Jaycees have made a great number of contributions to the improvement of the community. At the present time over five hundred young men participate in the Jaycee program in the District, and it is heartening to know that here in our Nation's Capital there are dedicated men from every walk of life who work quietly and effectively to meet the many and varied difficulties which are faced by the local citizenry.

I think that we could do no better than to recognize at this time that the motto which has been taken by District of Columbia Jaycees for this 50th Anniversary Jaycee Week, "Young Men Can Change the World," is singularly appropriate in this age of emphasis on youth. We should certainly lend our support to an organization which has dedicated its members to service in the finest tradition of our American way of life.

At this time I would like to commend to the attention of my colleagues the Jaycee creed, with the observation that it contains a great deal of food for thought for each of us as we carry on our work here in the Congress:

> We believe—
>
> That faith in God gives meaning and purpose to human life;
>
> That the brotherhood of man transcends the sovereignty of nations;
>
> That economic justice can best be won by free men through free enterprise;
>
> That government should be of laws rather than of men;
>
> That earth's great treasure lies in human personality;
>
> And that service to humanity is the best work of life.

ISRAEL AND THE ARABS

(Mr. SNYDER asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. SNYDER. Mr. Speaker, on Monday, several of my colleagues in the House introduced a resolution calling for direct negotiations between Israel and the Arab States. I can appreciate the fact that the Israelis and their supporters are concerned that a four-power gaggle of busybodies may attempt to impose an outside solution on the situation—a solution which many fear would be unfavorable to Israel. However, Mr. Speaker, I did not join in sponsorship of the resolution. Recognizing that Israel is a stanch—and perhaps the last—ally and bulwark against Communist expansion in the Middle East, my reasoning on the problem is as follows:

The Arabs, Mr. Speaker, attacked Israel.

The Arabs, Mr. Speaker, lost.

The Jews, Mr. Speaker, won.

The war, Mr. Speaker, is over.

The present boundaries of the State of Israel are delineated today by how far the Arabs could run in 6 days.

There is an instructive analog in this suprisingly simple chronology; namely:

To demand negotiation from the Israelis seems to me the equivalent of approaching the New York Mets after the seventh game of the world series and requesting that they now negotiate the outcome of the world championship with Baltimore: Or, to use a contemporary example, would the House of Representatives feel competent to request the Kansas City Chiefs to negotiate the outcome of the Super Bowl with the Minnesota Vikings after the Chiefs had just trounced the Vikings by a considerable margin?

I wonder how the victorious Kansas City locker room would have greeted the news that the House of Representatives had just resolved that the Super Bowl trophy was now subject to direct negotiations.

If I were an Arab, which I am not, I think I would watch my language and behavior since the next time around they may find themselves pushed back against the Mediterranean and looking for an island somewhere to occupy.

If this matter comes to a vote, I will probably vote for a resolution calling for direct negotiations as a more acceptable alternative to attempts at imposing a solution from outside, but I believe we must all remember that Israel did not start the war and thus may quite correctly view with skepticism any overtures which could conceivably compromise her existence. There appears to be little to negotiate.

THE 50TH ANNIVERSARY OF THE JAYCEES

(Mr. SNYDER asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. SNYDER. Mr. Speaker, 1970 marks the 50th anniversary of the founding of the U.S. Jaycees. The people of America and of Kentucky have long recognized the civic virtue and usefulness of this great service organization, and I believe it is only fitting that it be recognized formally during this, its golden anniversary year.

All of us are familiar with the good works of the Jaycees and with the countless selfless projects in which its members participate. The activities of the Jaycees typify in an exemplary way the good work which private initiative, motivated by sincere human and personal concern, can serve to build stronger communities and, subsequently, a stronger and freer America.

In an age when words, studies, and commissions represent the approach to problems, it is indeed heartening to witness the activities of the Jaycees, "young men of action." The ideals of the Jaycee creed, and the dedication to service which are characteristic of this organization, have inspired young men throughout the world in solving problems which face man and society.

So, on behalf of myself—and on behalf of the people of the Fourth District of Kentucky, whom I represent—I am pleased today to recognize the 50 years of service which the Jaycees represent and to thank them sincerely for being concerned enough to get involved. Based on their record of the first 50 years, I believe that we can look forward confidently to many more years of the great tradition of service to the Jaycees.

THE THREATENED VETO OF THE HEALTH, EDUCATION, AND WELFARE-LABOR DEPARTMENTS APPROPRIATION BILL

(Mr. McCLORY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. McCLORY. Mr. Speaker, it is my understanding that the President intends to veto the appropriation bill—H.R. 13111—which provides the funds for the 1970 fiscal year for the Department of Health, Education, and Welfare, the Department of Labor, as well as funds for the Office of Economic Opportunity and several other agencies. I hope that the President reconsiders his position and gives his approval to this measure which was passed by this House and by the other body by substantial majorities.

A principal basis for the threatened veto is the increase in funds appropriated for so-called impacted school aid. This subject was debated fully and fairly by the House, as well as in the other Chamber, and the increase of some $398 million above the President's budget was approved overwhelmingly. Indeed, a small additional amount was added in the other body to the amount which the House had approved.

Mr. Speaker, I do not question that the existing formula for providing impacted school aid funds for the so-called (b) category students is inequitable as applied to some school districts. The formula for computing impacted school aid should be revised. But it would seem most unwise to cut off such impacted school aid before such a new formula is developed.

In the case of my own congressional district, more than $2.5 million is involved. The school districts which receive the largest dollar amounts are those which have the greatest need for these funds. These are school districts which provide education to many students from disadvantaged backgrounds. I am confident that other similar losses will be experienced in other parts of the Nation, and that many schoolchildren will be the sufferers. Mr. Speaker, I cannot feel that a veto of this bill, with the funds which it provides for impacted school aid, and various other educational, health, and other benefits, is an essential part of the President's program to curb inflation. I hope the President will reconsider this step and approve the bill which the House and Senate have passed.

HOUSE BLOODMOBILE

(Mr. BROWN of Ohio asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. BROWN of Ohio. Mr. Speaker, the Red Cross Bloodmobile is scheduled to visit the House side of Capitol Hill January 3—a week from Friday.

All Members have received a pledge card and details of the opportunity to donate blood in a letter signed by TIM CARTER, FRED ROONEY, SPARK MATSUNAGA, and myself.

To reiterate, the opportunity to donate will begin at 9:30 a.m., and go until 3:15 p.m., in the Rayburn first aid station, room B-344. Pledge cards from Members should be returned to Congressman CARTER's office—room 1202—by noon this coming Friday so the Bloodmobile workers will have an idea of their manpower and facility needs throughout the day. Members will be rushed through when they arrive so as to take as little time and inconvenience as possible.

Office and committee staff who plan to donate blood on the 30th should call extension 3780 prior to the drawing so they can be scheduled around Members.

Those of us who are encouraging the rest of the House to make a special effort to donate blood during this drawing feel there is an added significance to donating this year because of the passage of House Resolution 911 during the last session, authorizing the President to declare January as National Blood Donor Month. The President did so on December 30th. This gives us a chance to follow our words with deeds.

January has traditionally been a difficult month in which to fill blood quotas because of poor weather and colds which reduce the physical ability of many to give blood. At the same time, the requirements for donated blood and its derivatives generally increase during the month because of accidents, fires, and illness. We can show our awareness of this need, and encourage others to make greater efforts to fill blood quotas during this time of year, by exemplifying our concern through deeds on January 30.

Along with my colleagues I propose that the aims of this worthy cause will be further promoted if Republicans and Democrats will display some of the historical rivalry between the parties to see which can produce the best record during the January 30 visit of the bloodmobile.

Those who feel that all the Nation's problems cannot be solved by Government in this way are given an opportunity to get involved in the most personal way possible to solve the problem of the need for blood.

And for those who bleed verbally for the needs of society can really bleed on January 30.

Political blood is sometimes drawn right here in this well. Now let us see which side of the aisle bleeds best—and what color the blood is. The lines of challenge are drawn—now let us draw the blood.

"HOPE" WALK

(Mr. DEL CLAWSON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DEL CLAWSON. Mr. Speaker, a form of organized community effort for a worthwhile cause took place last year in Downey, Calif., and I believe it deserves to be called to the attention of my colleagues at a time when so much attention seems to be devoted to demonstrations which are less constructive in nature and particularly since the project in question was sponsored by a youth group. The Downey High School Interact Club took up the cause of Project HOPE and proceeded to sound out the community through its parent organization the Downey Rotary Club, receiving active encouragement from police and civic leaders for a "HOPE walk." Walkers were sponsored and paid an amount of money by their sponsors for each mile completed of a 20-mile course. It is worthy of mention that Dr. Arnold Finch, Downey superintendent of schools, led the walk. Interact club members patrolled the route, Rotary members served water and orange juice to the walkers and police helped watch the route. The walkers have collected over $3,300 with additional funds still coming in. A donation of 80 percent of the money collected will be made to the SS *Hope* with the remaining 20 percent divided between the Downey Community Hospital and the Downey Children's Theater. The phenomenal success of the Downey HOPE walk demonstrates the outstanding contribution which youthful vigor, enthusiasm, and new ideas can make to a community which is willing to encourage its idealistic young people to become involved.

PRISON REFORM

(Mr. GUDE asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. GUDE. Mr. Speaker, during the recess, the Washington Star published an excellent editorial on prison reform, which merits the attention of my colleagues. We all know that crime, and especially crime in our Nation's capital, has aroused the concern of all our citizens. Crime and public safety rank first on the list of problems calling for action according to the citizens of Maryland's 8th District who responded to my recent opinion poll. I strongly support legislation to strengthen our police force and our courts, and to give the courts the authority to deny bail to persons shown to be dangerous if released. These measures are vital if we mean to cut down on crime in the streets right now. I am equally convinced, however, that we cannot reverse the rising crime rate over the longer run without thorough reform of our correctional system.

The Star editorial reveals the failure of our prisons to rehabilitate criminals, and points to new programs now being undertaken by the Corrections Department to try to improve this record. It is encouraging that this year's funding for the President's crime program included expanded resources for new correctional programs in the District of Columbia, including the community correctional centers or halfway houses, some of which I toured last fall. We need greater public understanding of the importance of corrections in increasing our safety, and more serious consideration by the Congress of ways to upgrade the system. I hope the Star editorial will provoke some of the thoughtful discussion we need. It follows:

[From the Washington (D.C.) Star, Jan. 11, 1970]

PRISON'S ROLE: TO SALVAGE, NOT BURY

The most discouraging of Washington's maze of spiralling crime statistics is this: Of the thousands of felons who serve time in the District prison complex at Lorton, Va., some 60 percent will resume a life of crime on their release—many to turn up again in due course at Lorton.

And at the Women's Detention Center on North Capitol Street, one recent returnee wearily told a Star reporter that she had encountered almost precisely the same faces she had left 11 months before. "I hate to make the picture perfect," she said, "by adding my own."

These are not isolated examples of criminal recidivism, unique to Washington. They illustrate a dismal truth: That the familiar word used to describe prison facilities in this country—institutions of "correction," with the implication that they salvage large numbers of inmates for more productive lives—is in most instances, a misnomer.

For if the term "correction" implies anything in this usage, it is that an earnest, comprehensive effort is being made by prison authorities and by communities-at-large to equip inmates with new job skills, to help them gain greater confidence in their own worth, and to provide them, both in and out of prison, with continuing coordinated forms of aid. Actually, where such programs exist, they very seldom meet all these criteria.

To his credit, the District's director of corrections, Kenneth L. Hardy, is committed to these concepts of human retrieval. During his few years in office, moreover, we think some encouraging advances have been made. But the fight for effective rehabilitation still is uphill. The programs remain imperfect. In fact, even the substantial potential rewards to the community, in terms of reduced crime and fewer taxpayer dollars spent, remain largely unrecognized.

President Nixon's voluminous 1969 package of District anticrime legislation, for example, which leaned heavily on vital improvements in court, police and juvenile needs, virtually ignored the role of corrections. And in responding to the President's specific requests, the Senate has passed four District anticrime bills which likewise avoided the subject.

But Hardy's sharpest setback ironically came not from being ignored, but from a surfeit of attention from a House District subcommittee chaired by Representative John Dowdy of Texas.

In the weeks preceding Congress' recess for Christmas, this little band of legislators, dominated by southern conservatives, went after the D.C. corrections systems in general, and its Negro director in particular, with a fervor unusual even among Capitol Hill investigators.

In substance, the inquiry ranged over dozens of criticisms of Hardy's administrative policies and practices—many passed along by prison guards to their own Northern Virginia congressmen. The most significant of the complaints, for our purposes of discussion here, accused Hardy of coddling prisoners, of allowing too much "permissiveness." In the course of the inquiry, furthermore, Hardy was subjected to a series of harassments and indignities so flagrant that they could have had no purpose other than to humiliate the man and make him an object of public ridicule.

This is not to say that the District correction facilities are faultless, or that the Dowdy subcommittee failed to find some valid points of criticism. Nor are we arguing that Kenneth Hardy is the world's best prison administrator.

But we are saying, first, that the manner of Hardy's persecution—as detailed at length in The Star's news columns—was an outrageous abuse of congressional power. And we are saying also that some members were on the weakest possible ground in suggesting that Hardy might do better to substitute Chairman Dowdy's theories of penal administraiton for his own.

The true depth of their difference was plainly disclosed in a single brief colloquy. Dowdy's at one stage, had commented that a treatment of prisoners which he considered too lax was inconsistent with the fact that, after all, inmates had been sent to the Lorton prison "for punishment." Hardy replied that the prisoners had not, in fact, been placed in his care *for* punishment, but *as* punishment.

The distinction is what much of the fight is really all about, and it is one which ought to be more widely recognized. Dowdy hardly is alone in his views. Indeed, the concept of prisons merely as human storage bins for creatures too dangerous to be cut loose is centuries old. We suspect that a large percentage of the American people has not bothered to look very far beyond that point today. And this is, of course, what gives the Dowdy-Hardy split a vital significance. For if one thing about the anticrime war seems eminently clear to us, it is that little permanent progress will be made until a good many more people place a higher priority on rehabilitating criminals.

This is not to suggest that the most effective rehabilitation operation imaginable will salvage every criminal. But that is quite a pointless consideration in the debate over what now is to be done.

The Dowdy hearings focused principally on a bill sponsored by Representative Scott of Virginia to turn the District corrections department over to the U.S. Bureau of Prisons—an idea which, in fact, has considerable superficial appeal. Since the presumption is that the federal system now is moving toward more enlightened forms of rehabilitation, it may be argued that this could be one means by which the District, so heavily strapped for cash already, might avoid a considerable expense.

But there seems to us little beyond this fiscal consideration to recommend the bill. Hardy contends the fatal flaw in the proposition is that effective rehabilitation is so intimately entwined with community and local governmental programs that a total separation from municipal control would be disastrous. We think that is right. Hardy pleads, also rightly, for more public understanding of what already is being done.

On the sensible theory that rehabilitation is apt to be more effective and less costly outside prison walls than within, for example, the department now is involved with eight halfway houses, which encourage prisoners to work their way gradually back into the community. During the 1969 fiscal year, only about 9 percent of the department's budget was allocated to such community-based facilities. The plan in the 1971 fiscal year is to boost this level beyond 26 percent—considerably above that in most other systems in the country.

Hardy also has made a major effort to substitute, for prison make-work projects, job training which is more relevant to civil employment. At Lorton, courses in data processing and mechanical drafting are among those recently added; funds are being sought for 10 more vocational shops. There is a new Lorton college, with 75 enrolled freshmen. On the drawing boards is a less formal "university of the streets," designed to give post-high school training to potential community leaders.

According to Stuart Adams, the department's research chief, a new methadone project is the first such prison-based antidrug addiction program to be launched. And for the first time here, a determined effort now is under way to measure the practical effectiveness of this whole broadening spectrum of rehabilitation.

These things are a start. Greater cooperation is needed everywhere, most especially, perhaps, within the community itself. Those who doubt the efficacy of the efforts, or who resist the idea of community-based rehabilitation for prisoners, should at least examine the failures of the present system. For the fact so often overlooked is that the prisoner in any event, sooner or later, does return to the streets. The issue is his condition when he returns.

Hardy, in one congressional appearance, said he didn't want "to bury," without hope for the future, even "one person in that jail system." That is a tall order—too tall to fulfill. But it is a proper goal toward which to strive.

CHRISTMAS IN VIETNAM

(Mr. FINDLEY asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. FINDLEY. Mr. Speaker, for the third year in a row, gifts obtained through contributions to the Christmas in Vietnam project were transported from Capitol Hill to servicemen in Vietnam.

This was due to the very able coordination of Mrs. Evelyn Pali, of my staff, who originated the project 3 years ago and has carried it through successfully each year since then, and to the many other Capitol Hill volunteers who worked so diligently.

These included the elves, usually one girl from each floor of each office building who accompanied Santa Claus on his collection rounds; purchasers of gifts, and wrappers, who assembled the items once they had been purchased.

Santa came to us in the person of Joe Dougherty, a Capitol Hill policeman, who visited every office on both sides of the Hill, calling attention of the Congressmen and their staffs to the objectives of the project. This year, the focus was on monetary contributions, with the final total amounting to $3,100, and the purchasing was divided into several categories: sporting equipment, $500, which included boxing gloves, football, baseball and basketball equipment, dart boards, and chess sets; utilitarian items $450, such as shaving cream, soap, Kodak film and mailers, transistor batteries, sewing kits, and so forth; recreational items, $640, including Christmas trees, card games, paint-by-the-number sets, jigsaw puzzles, playing cards, pocket games, and so forth, and food items $1,510, which included hams, cheeses, fruitcakes, nuts, lemonade, ice tea, and chocolate flavoring to enhance the taste of the water, potted meat, crackers, Life Savers, chewing gum, hard candy, and so forth.

Individual gifts consisting of about seven items were assembled from this collection in the Agriculture Committee room and placed in plastic bags, tied together with a red ribbon and candy cane. Approximately 20 of these packages were assembled in packing boxes along with a canned ham, cheese, and a fruit cake—with the boxes totaling 140. A special debt of gratitude for this task goes to George Misselbach, GPO representative on the Agriculture Committee staff, who singlehandedly accomplished most of the packing effort. The boxes sent included 18 for the hospitals, consisting mostly of games and other recreational items, and 29 Christmas trees with all the trimmings, also addressed to the hospitals.

These boxes were carried by Bekins Van Lines free of charge to Dulles Airport on December 19, where American and Pan American Airlines picked them up on December 20 and transported them without charge to Vietnam. These accommodations were arranged this year by Jeff Sconyers of Senator SPARKMAN's staff. Without his service, the project might well have been impossible.

Other special debts of gratitude go to Jean Morrow, of Representative McCLORY's office, and Philip Aylward, of Representative HANLEY's staff, who spent much time and effort in purchasing many of the items; to Army Diamond, of Representative CLAUSEN's office; and Clara Posey, of Representative RHODES' office who were able to secure sports equipment and fruit cakes at considerable discount; to Grace Hussie and Barb Lissie, of Senator SCOTT's office, who organized the collection effort on the Senate side; to Dorothy Bork, of Representative MIZE's office, who secured all the necessary packing items from the folding room; to Pat Wichser, of Senator PERCY's office, for preparing letters to the units receiving gifts; to members of the nearby naval air facility who helped with the final packaging for overseas shipment; and to other members of my own staff—Madelyn Evans, Vickie Torbeck, and Marijo Gorney—who devoted considerable effort to the project.

Our very special thanks goes, of course, to all Congressmen, Senators, and their staffs, whose generous donations made this year's project the most successful of all.

I am including the text of a telegram from Creighton Abrams, commanding general of American Forces in Vietnam; and also letters from individual recipient units of the gifts, expressing their appreciation:

> On behalf of the United States Military Assistance Command, Vietnam, I express to you and the members of the Congress of the United States our thanks and deep appreciation for the generous donation of gifts to the servicemen and women here in Vietnam.
>
> These gifts have been distributed to the

members of our Armed Forces throughout the Republic of Vietnam.

May I wish you a happy and rewarding New Year.

Sincerely,

Gen. Creighton W. Abrams.

I'd like to take this opportunity to say thank you for changing the entire mood of Christmas 1969 for the people in the Seventh Air Force Directorate of Information.

As you can imagine our spirits were somewhat low on Christmas Eve spending Christmas some 10,000 miles away from our families. For many of our younger troops it was their first Christmas away from home.

When our boss, Lieutenant Colonel Ellis C. Stewart Jr., returned from the mail room with the huge load of "Christmas" from the Congressional Staff, the entire office staff suddenly had a somewhat different attitude towards Christmas.

It's certainly comforting to know that there's so many good people at home who really care about us over here. Again, thank you and all the people who helped make our Christmas a little brighter.

Sincerely,

M. Sgt. Herbert W. Vaughn,
Combat News Division.

On behalf of our Commanding General, allow me to express our sincere appreciation for the gifts which you sent to the men of the 25th Division. These gifts have been distributed to our wounded servicemen in hospitals throughout our area.

Thank you for your help and best wishes for this holiday season.

Maj. F. D. Bangasser,
Assistant Adjutant General.

I wanted to write sooner to let you know that I think it was very thoughtful of Members of Congress and their office staffs and the volunteers to take time out to think of sending gifts to the men over here. I know it took a lot of time and money to do it but it helps the spirit of the men to get something no matter how small it is. It's knowing that some one cares enough to do things for him.

Thanks from all of us to all of you.

Pfc. David A. Meisenheimer.

BROADCAST NETWORK NEWS ANALYSIS

(Mr. HALL asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. HALL. Mr. Speaker, to say that Vice President Spiro Agnew's November speech, calling attention to the lack of balance in broadcast network news analysis, has received favorable response, is an understatement of both years—1969 and 1970.

The Vice President's candid and forthright appraisal of the lack of perspective by a handful of eastern-based commentators, was long overdue.

To back up this contention, I offer as evidence a group of editorials that have appeared in Missouri newspapers relative to the Vice President's remarks made in Des Moines, Iowa, on Thursday, November 13, 1969:

[From the Joplin (Mo.) Globe, Nov. 18, 1969]

TV's Immaturity

Springing from public charges of bias, the television industry's current self-appraisal of its ability to present balanced news coverage is long overdue.

Vice President Agnew's haymaker tirade on TV commenators, needed to be said. The Veep of late has fearlessly voiced a number of observations on various topics that needed to be aired. Television's method of news handling and post-Presidential speechmaking comment, was the bulls-eye Mr. Agnew hit squarely. But still debatable is whether the tube's difficulties evolve mostly from purposeful intent, or apprenticeship-like mistakes.

Now, TV executives reportedly are concerned that they evidently have misread the preference of American viewer majority. In striving apparently to ferret out the most on-spot "newsworthy" views on certain events and subjects, they have overemphasized the irrelevant and lent tacit approval to the generally disdained.

Yet this may be unfair to the relative newcomer media to the journalism scene. After all newspapers, journals and magazines have been around for a long time. Television is in its infancy. The sad fact is in so many respects television seems perfectly content to wear journalistic diapers. Herein might be the trouble that the media has encountered running counter to the true tastes and desires of their public, whose delayed reactions now are being made known.

Television's advantages of entertainment are undeniable. Their influence on public opinion, especially that formed by people whose main news source is TV, is equally undeniable. There admittedly are flashes of communications near-brilliance on the television screen, such as chronicling space achievements.

But to the seasoned, experienced newspaper and magazine editors and reporters, some of whom by the way certainly are not completely blameless of bias either, the journalistic endeavors of television generally are at best mediocre. And with mediocrity the opportunities are greater for bias, news slanting and over-glamorizing the unglamorous intentionally or otherwise.

Possibly time will correct TV's journalistic shortcomings and ball-fumblings. The industry may learn by doing but it never will profit by wrongdoing. Then, too, as we say it might merely be a case of growing up, a matter of graduating from puberty to newsmanship adulthood. We shall see.

[From the Hannibal (Mo.) Courier-Post]

Vice President Agnew

Vice President Spiro Agnew is fast becoming one of the most colorful political figures of the past several years.

His sharp tongue, backed by a Funk and Wagnall's vocabulary, is getting more and more space in the news media.

One national news magazine referred to him as "mighty mouth," and although snide, the description is not entirely uncomplimentary.

The average American seems to have taken Agnew as his champion.

Within a few hours after his speech attacking biased television news reports, stations across the country were being bombarded with phone calls in support of what the Vice President said.

And newspapers are getting letters to the editor praising Agnew.

Agnew probably reminds people a little of Harry Truman, the Missouri mule, who had some interesting battles with newsmen and who also had a penchant for saying what he thought in an unequivocal way.

Ignoring partisan politics, the major difference between Agnew and Truman is that Agnew's language is highly literate, while Truman's is earthy.

Both are devastatingly precise.

It's nice to see that "give 'em hell" is not a lost art in American politics.

Unfortunately, most of you will not have access to the entire Agnew speech on television news. It is an intelligent, though parochial, criticism.

Here are some excerpts. . .

"Every American has a right to disagree with the president of the United States and to express publicly that disagreement. But the President has a right to communicate directly with the people who elected him and the people of this country have the right to make up their own opinions without having the President's words and thoughts characterized through the prejudices of hostile critics before they can even be digested." Here Agnew was speaking of the instant analysis by television commentators immediately following President Richard Nixon's Vietnam address.

"In the networks' endless pursuit of controversy, we should ask what is the end value . . . to enlighten or to profit? What is the end result . . . to inform or to confuse? How does the on-going exploration for more action, more excitement, more drama, serve our national search for internal peace and stability?

"Bad news drives out the good. The irrational is more controversial than the rational. Concurrence can no longer compete with dissent. One minute of Eldridge Cleaver is worth 10 minutes of Roy Wilkins. The labor crisis settled at the negotiation table is nothing compared to the confrontation that results in a strike—or, better yet, violence along the picket line. Normality has become the nemesis of the evening news.

"What has this passionate pursuit of controversy done to the politics of progress through logical compromise, essential to the functioning of a democratic society?

"And the people of America are challenged, too . . . challenged to press for responsible news presentations. This is one case where the people must defend themselves . . . where the citizen—not government—must be the reformer . . . where the consumer can be the most effective crusader."

[From the Columbia (Mo.) Daily Tribune, Nov. 18, 1969]

Agnew's Speech on TV News

It is certainly legitimate for a public official to comment on the way the television networks cover the news, but there is no excuse whatsoever for him to accompany such discussion with veiled threats of government intervention.

We are referring, of course, to Vice-President Agnew's now famous speech in Des Moines in which he criticized television news, and to the subsequent commentary it engendered.

In discussing this sensitive subject, it is necessary to tip-toe the tenuous route between legitimate comment and the threat of dangerous government control.

In Agnew's speech, his allegation about objectivity is certainly a legitimate commentary. He is entitled to his opinion. But the grave danger surrounding all of this is the fact that he is a highly placed government official and it is hard to separate such commentary from the suspicion that he and the administration might like to see their concerns made into something surer, through some sort of official control.

The federal government has a unique hold over the broadcast media because of the Federal Communication Commission's power to allocate airwave frequencies. The challenge of walking the tightrope between this regulation and freedom of the press is a constant one. Whenever the government interprets its job as one of judging news content, a seriously grave danger exists.

Agnew said after his speech that he did not have such control in mind, and we will give him the benefit of the doubt.

But the report Monday that Herb Klein, Nixon's director of communication, had said

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the televisoin industry should scrutinize itself or it would "invite the government to come in," is simply too much. The question of the "government coming in" should not even be raised even though the right of government officials to have their say about the quality of news reporting is legitimate.

There is no doubt Agnew is expressing Nixon's feeling in this attack on television, and when the full weight of the Presidency and Vice-Presidency are put into such an enterprise, one wonders how deep the feelings of antagonism must go and what actions they might promote.

We thought Agnew was particularly far off base in one aspect of his critique; the part having to do with the commentaries of newsmen immediately after Nixon's Vietnam speech of November 3. Here was a case in which the public knew full well opinions were being expressed. In every case the discussions were labelled as analysis. Would the Vice-President take away the right of news commenators to comment on something as public as a President's speech? If the comments had all been favorable would Agnew have made his speech?

In addition, his charge that television commentary of that type somehow poisons the public mind is ridiculous. One need look no farther than the same Nixon speech and its aftermath. Despite the considerable questioning of its merits by television commentators, public opinion polls shortly thereafter scored high marks for Nixon's Vietnam policy, a direct measure of public feeling which gives the lie to Agnew's expressed fears.

The Vice-President and the President should go about their business without worrying so much about the press. The people are smart enough to think for themselves. The television news broadcasts are not so powerful and misleading that they will take us down the primrose path like a nation of ninkompoops.

No doubt, every news gathering and disseminating organization should feel a massive responsibility to present the news fairly. No doubt there are times when this job is done better than others. And no doubt newsmen should constantly strive for a better performance in this area.

But in no case is the threat from erratic news coverage as great as that of a public official who would take steps to correct it.

One is freedom and the other is oppression; it's as simple as that.

[From the Warrensburg (Mo.) Daily Star-Journal, Nov. 18, 1969]

WHO, WHAT, WHERE, WHEN, AND WHY

No one takes kindly to criticism, despite the fact it may be well-intentioned and objective.

The press is no exception. The recent storm blown up by Vice President Spiro Agnew's assessment of the news media is a case in point.

Usually after an onslaught by so high ranking a public official there is a brief and pointed period of denial and protest followed by a long and blunted period of quiet.

Not so in this case.

The television networks are still smarting over the scathing given them by Agnew. Possibly for good cause, and not simply for the more obvious reason that it was criticism.

Agnew posed a question that has long been an integral part of news reporting . . . .

"How far can a report go and still remain factual?"

Certainly, there is no pat answer to the question which demands an answer at every level of reporting.

It is a question that can only be answered by the news media itself.

Frequently, almost invariably, reporters find themselves in possession of facts and/or information relative to a story which may or may not contribute to the accuracy of what is being reported. Just as frequently the reporter and his or her editor is faced with the decision of how much detail to use.

It is not always good reporting to be objective, but it is always bad reporting to be unfair.

The test of the equity of news reporting is not whether each and every aspect of an issue is thoroughly reported, but whether it was reported in context and in its proper proportion.

The Daily Star-Journal and its counterparts have long ago adopted a means by which a dividing line between objective and subjective reporting can be drawn.

We call it an editorial. When we have something to say, over and above the facts essential to an accurate news report, it will be found here, in this column, on this page.

It is clearly labeled as an editorial. Further, we have adopted a similar policy relative to so called "in depth" reporting. It is set aside from routine news columns and identified by a reporter's "by-line".

We try very hard to keep all three separate. We impose our own restrictions . . . not because we seek to avoid criticism, but because we honestly try to be fair.

Yes, we are opposed to government censorship of all news media, flatly, emphatically.

We are not opposed, however, to the self censorship imposed by fair reporting. We would suggest that if the broadcast networks are truly seeking to avoid criticism, both from official sources and from the public, that they look to their own and adopt a firmer policy of "fair reporting."

[From the Mexico (Mo.) Ledger, Nov. 22, 1969]

THE ATTACKS BY THE VICE PRESIDENT

Vice President Spiro Agnew is making headlines criticizing the press and television.

More power to him.

Fundamental to America is the right of everyone of us to speak up for what we like, and to speak up against what we don't like.

That includes the Vice President.

Even more, we think there is a lot of truth in what he has been saying.

One thing he has been saying is that he does not favor government censorship.

We take him at his word.

His critics say that because he is Vice President and criticizing television and the press, he is threatening government controls.

We're against government controls. We believe he is. We believe most Americans are. We think his critics are on the wrong line of attack when they hide behind such an accusation.

He says too many network commentators are biased. Are they?

Yes, most of them are. There are a few, rare exceptions, who are not. But a majority of the commentators we hear show too much bias in their so-called news reports.

However, we know of no commentator who can be accused of being pro-Nixon or pro-Agnew. A vast majority are aggressively against Mr. Nixon, Mr. Agnew and a great deal of the present administration.

That is the right of commentators as people to have an opinion. And they have the right to express their bias, their prejudice as long as they do not do it under the guise of news.

In newspapers, there is a place set aside for opinion, bias, prejudice or whatever name you want to use for it. That place is the editorial column—this column—or the column signed by the writer. Thus the reader is forewarned that whatever he reads under Editorials, or in a signed column is the opinion of the editor or the writer.

Television should use the same technique more.

It is honest.

What isn't honest is for television commentators to use their opinion as news when it isn't news. When it is editorial opinion.

What about prejudice soiling the news columns of newspapers—the Vice President now accuses the Washington Post and the New York Times of this sin. Also Newsweek magazine. He should have included Time magazine which is famous for the opinion—prejudice—it puts in its so-called news columns.

There have been times when both The Post, The Times and Newsweek have been guilty, too. Perhaps, there have been too many times. But guilty or not, the Vice President, you, I, all of us, have every right to demand still more from whatever newspaper we read, whatever news magazine we read, whatever television station or network we watch.

Actuallly, the higher the standards of responsibility demanded by the public, the still higher the standards they'll get from our free press. That's the way it ought to be, that's the way it is.

And none of this changes another overwhelming fact:

The free press of America today is the best it has ever been and also the best in the world today.

[From the Springfield (Mo.) Leader and Press]

SPIRO SPEAKS

At the Republican national convention in 1968, where he was nominated for vice president, Spiro Theodore Agnew, then governor of Maryland, acknowledged that his name was not a household world.

Now, a little more than a year later, the name of Spiro Agnew is definitely a household word—and not too nice a word in some households.

How did this self-made middle-brow suburbanite, the son of a Greek immigrant father (the family name originally was Anagnostopoulos) achieve such prominence in such a short time?

Obviously, by speaking what was in his mind, regardless of the possible consequences. By "telling it like it is," say his proponents. By "putting his foot in his mouth at every opportunity," say his detractors.

He has made, no doubt, a considerable number of enemies for himself as well as for the Nixon administration as a result of some of his observations. One of the most widely quoted—"misquoted," the vice president charges—of these was his famous characterization of those who encourage the Vietnam war moratorium as "an effete corps of impudent snobs."

On the other hand, he has also made a very considerable number of friends for himself and the President in some quarters of the nation, notably in the middle west, where demonstrations against the war policy are not one of the more popular outdoor sports.

At any rate, the chances are excellent that Mr. Agnew will continue to speak his mind and let the chips fall where they may. Only President Nixon can stop him, and he shows no indication of wanting to do so.

[From the Jefferson City (Mo.) News-Tribune, Nov. 16, 1969]

VICE PRESIDENT AGNEW HITS TV NETWORKS' ACHILLES HEEL

It is one of the great tragedies of our time when the Vice President of the United States has to speak out forcibly against the biased and unbalanced news reporting and commentaries of our three television networks.

We commend Vice President Agnew, a man of perceptiveness and courage, for doing it.

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Our readers will recall that it was the Vice President, who also exposed the leaders of the harmful Moratorium anti-war demonstrations.

The Vice President's latest bombshell has been building up in the minds of the viewing public for almost a decade now. Perhaps, the first big spark came when some network commentators were denounced during the 1964 Republican National Convention in California. There have been many other examples since, including the Chicago riots during which the TV cameras focused on the so-called brutality of police but ignored the confrontation, stone-throwing, etc., of the radicals. The sniping at President Nixon's Vietnam speech by commentators and most recently the contrasting coverage of the Communist-saturated Moratorium Day movement and Veterans Day ceremonies, are other examples.

Some of the network documentaries also have reeked with Communist propaganda.

Mr. Agnew's speech at Des Moines was a measured, documented one, which ought to alert all Americans. For as the Vice President noted the networks hold an unprecedented concentration of power over American public opinion.

If Mr. Agnew wanted to completely document his case, he would be still talking now. He did point to several cases, including the self-appointed commentator "experts" who immediately criticized Mr. Nixon's speech, one which he had given time, talent and the best intelligence estimates of this country.

Moreover, most TV news program viewers, we believe, know they are receiving neatly "packaged" news reports blended to the left with confrontation, violence among their principal ingredients every evening. They are not balanced, unbiased news reports.

There are some obvious, although condemnable, reasons for this. For the networks' commentators and producers are in the main in the liberal or left-wing spectrum. The networks also resort to a sensational-type of reporting because of keen competition. All three have their eyes on Neilsen and other ratings.

The response to Mr. Agnew's speech is highly in his favor—about three to one. In some areas, the support was almost 100 per cent. Moreover, Dean Burch, chairman of the Federal Communications Commission, strongly endorsed the speech. The FCC has received numerous complaints against the networks.

It is quite evident that Mr. Agnew also drew blood in the TV networks' hierarchy. Presidents of CBS, NBC and ABC came running in defense as if a fire alarm had rung.

Dr. Frank Stanton, CBS president, charged the Vice President was trying to intimidate the electronic news medium, which he says depends for its existence upon government licenses. Mr. Stanton is pretty much off base. Local stations must be licensed. But the networks, including CBS, have virtually a free hand. Moreover, we think the networks try at times to intimidate the government and even the people. Their coverage of racial and other issues is a good example.

Vice President Agnew's condemnation is not news to the TV networks. For as Edith Efron suggests in the Sept. 27 issue of TV Guide the networks have known and discussed the growing disdain the public has for their biased, sensationalized reporting. Some officials acknowledge their errors. Obviously, key ones don't and won't.

Contrary to the laments of some network officials, Mr. Agnew did not suggest censorship. Rather, he placed the main responsibility on the networks to correct their erring ways and on the public to let their voice be heard.

In the final analysis, the airways belong to the people and the networks must be responsible to the views of all the people of this nation. However, we don't think the networks will change easily.

Therefore, we strongly urge the public to begin a strong movement against biased national television network reporting by sending letters in support of President Agnew to local TV outlets for forwarding to the TV network headquarters. We hope the letters, telegrams and telephone calls become a flood which will convince the network moguls that the American public wants responsible, balanced and fair news reporting, commentaries and documentaries.

[From the Lamar (Mo.) Daily Democrat]

VICE PRESIDENT AGNEW

The television network brass, in responding to the accusations leveled at them by Vice President Spiro Agnew, apparently believed that they were letting the viewing public in on a dark secret, when they made much of the fact that the speech had been prepared at the White House, and that President Nixon knew all about its content ahead of time. This was of course no news to anyone except the most politically naive. Almost everyone would understand that a vice president doesn't roam around the country making speeches of which his chief knows nothing. This was another sample of the cavalier opinion the network officials entertain of their viewing public. First they slant the news in the belief that they can mould public opinion to their own way of thinking. Then they believe that the public hasn't got enough sense to realize that a vice president speaks for the administration. It is true that there are many television viewers as gullible as the brass believes. But there is a sufficient number, not so naive, as the networks are beginning to find out to severely shake them up.

[From the Macon (Mo.) Chronicle-Herald, Nov. 15, 1969]

IT SEEMS TO B.

(By Frank P. Briggs)

Vice president Agnew may not be too diplomatic in some of his speeches but in my corner he was as right as rain Friday night when he charged the large news media with a lion's share of the blame for the unrest "rampant" in the nation.

I have said before that if the news media would cease, stop and forget the lavish publicity some of the marches and the riots get, that they'd become unpopular over night.

It is admitted that a small percentage of the young people are "mixed up" in these ados but this small majority gets more publicity than all the good students get for their deeds of accomplishment. Where's the "one-man one vote" idea in this publicity?

I know that the unusual is news. I know that people want to read of unusual events and care little about the regular run of the mill happenings. But there's a stopping place somewhere in these publicity seeking outrages and I believe, with the Vice President, that we've reached, if not in truth passed that point.

We, of the press, gloat in freedom of the press along with freedom of speech and freedom of worship, but if any of the freedoms are abused they can be withdrawn just as they were accorded. It's time for all of us, big, little old and young, in the news business, to take stock of ourselves and see whether we are on the right—or the wrong—track.

[From the Kennett (Mo.) Daily Democrat]

MR. AGNEW'S TV CRITICISM

When a representative of this newspaper returned from the 1968 Democratic National Convention in Chicago, The Daily Democrat commented at great length about the news distortions of the three national television networks. We were critical of the outright distortion of what occurred in Chicago, for we came to realize that many of our readers, exposed to the convention only through the comments of so-called television commentators, possessed a distorted view of the attempted hippie-yippie take-over of the convention and the alleged police brutality that seemingly occurred without provocation.

All of this comment leads to still another comment, this one made by the Vice-President of the United States, Spiro T. Agnew, whose recent speech in Des Moines, Ia., has sent TV network officials and ultra-liberals on the warpath. The Vice-President said that perhaps the time has come for the networks to be "made more responsive to the views of the nation."

Mr. Agnew was distressed, it turned out, over the comments made by TV commentators after President Nixon's much-heralded but nothing-new speech on Vietnam earlier this month. That speech, which didn't exactly win many plaudits—although The Daily Democrat seemed to like it better than most—was rather severely criticized by the commentators who were on hand in television studios to add their generalized observations, some of which were helpful and most of which were verbal platitudes.

When Mr. Agnew suggested that perhaps the television industry might give a little thought to news balance, or at least to commentator balance, he was treading on tender and dangerous ground. Dr. Frank Stanton, the head of CBS, promptly declared that Agnew's suggestion was an "unprecedented attempt by the Vice-President of the United States to intimidate a news medium which depends for its existence upon government licenses." Some believed that Agnew was flicking the whip of possible government repression should the networks and affiliated stations not behave as he wishes them to; others doubt that he had anything like this in mind. It's hard to tell what Mr. Agnew really did mean, and we're not about to put words in his mouth. He's perfectly capable of doing that, all by himself with the aid of his speech-writers.

But we do concur in at least part of his view that television networks, like newspapers, can distort the news, can give only one side of the news, can direct the news so that it gives an impression that is erroneous. To insist that this is not done would be foolish; to insist that it should not happen again is like demanding of a physician that no one be permitted to die.

The U.S. Supreme Court ruled recently that the television industry does not come under the provisions of the freedom-of-the-press protection of the federal Constitution. The basis for this decision was that airways belong to the public, and that regulation of these airways is a proper prerogative of the government. This may be a regrettable decision, as far as TV objectivity is concerned, but it does reflect logic.

Just how the networks can obtain objectivity while not possessing the responsibility of freedom-of-the-press is difficult to imagine. This, in our opinion, is the larger question raised by the Vice-President. Mr. Agnew doesn't have the reputation of implication; what he means he usually says, even if it's wrong. To see him now as a bogey-man of the "independence" of the television networks to misrepresent facts is simply calling upon spectres that don't exist.

There are legitimate grounds for criticism of network reporting; there are also legitimate grounds for criticism of network pontification of the news, and we suggest that it is in this latter category that Mr. Agnew's criticism best fits.

[From the Rolla (Mo.) Daily News]

Mr. Executive Vice President Agnew Speaks Up for America

(By Edward W. Sowers)

The man looked kinda big and sorta fatty-soft as he walked into the big news conference room on Miami Beach. I had never seen him before or heard of him. Nor had some veteran Washington and New York correspondents. That made him truly a man relatively unknown. The other man on the stage was Richard M. Nixon, nominee for President.

"This is Ted Agnew, my choice as running-mate for vice-president", Nixon said, as Herb Klein, his press aide, handed correspondents hastily-prepared biographies of Agnew.

"I intend that Ted Agnew will be a working vice-president—I'll give him plenty to do, particularly in the cities and away from Washington", the confident Nixon said.

That happened a little over a year ago. That much of Nixon's promises has, indeed, come true. Spiro (or Ted, as Nixon calls him), Agnew has become more like an "executive vice-president" in a big corporation than like a figureheaded vice-president which has so often been the case in U.S. history.

Mr. Executive Vice-President Agnew (the way I shall address him if I ever get the chance) is beginning to speak up for "that great silent majority" of Americans. We are led to believe from sources close to the President that Agnew does, indeed, reflect the President's views as well as his own.

First, in New Orleans, Agnew blunted the so-called "moratorium" movement when he characterized its leadership, variously, as "intellectual snobs", "communist-oriented anarchists" and "some well-intentioned citizens misled by that type of leadership". Then, at Des Moines, he got at the root of the problem when he lashed out at television's unbalanced coverage and hasty analysis of the news.

"A small group of men", said Agnew, "numbering no more than a dozen anchormen . . . settle upon the film and commentary that is to reach the public. . . . Such vast and unchecked power in the hands of a small and unelected elite has served to distort traditional rhythms of normality—our national search for internal peace and stability".

As one engaged for over 40 years in the business of news coverage and interpretation—but not included in Agnew's "unelected elite"—I have long been concerned with what Agnew is now spotlighting so forcefully. I start out day-after-day taking in the "Today" show with my breakfast, for example, and find I cannot digest either the show or my breakfast when I witness Hugh Downs, the "host" presenting the prejudiced commentators immediately after Frank Blair has given a reasonable summary of straight news. It irks and frustrates me no end to see and hear Mrs. Norman Vincent Peale for three minutes and Mrs. Coretta King 30 minutes rebuttal. It is maddening when Bill Graham gets five minutes (and even the president or vice-president no longer time) when a dirty, long- or bushy-haired Carmichael or some smelly, despicable anarchist get 15 minutes as prime time to shout or demonstrate before the cameras with their equally obnoxious followers. Then, on comes the "panel of experts" to cut to pieces the well-thought-out words of our President, our Vice-President, Senators, Congressmen and other authoritative leaders.

When television "editors" (and newspaper and magazine editors, too) present the news and comment in such poor balance, no wonder it confuses the public and tends to lead our system of democracy into a system of "echlocracy" or "government by the mob—mobocracy," as the dictionary defines the term.

A couple of years ago I got the opportunity for an "eyeball-to-eyeball" confrontation with Hugh Downs on this subject of "mobocracy" (when Downs came to M. U. to receive a journalism medal which I would never have approved). I asked Downs why he persisted in presenting so much violence and anarchistic dissent and so little worthwhile citizenship.

He said, "I am seeking justice without violence, but, if necessary, justice with violence".

I quoted him on that statement and sent NBC a copy, and have heard no more about it. More recently, I asked Downs' associate, Frank McGee, why Downs (and the people who arrange his programs) contribute to "mobocracy" with such programs. His answer may provide a key to much that is wrong with television's influence upon our nation.

"Downs is a showman, not a newsman", said McGee. So, perhaps much of what we see as news and commentary on the news—and the resultant "mobocracy" is showmanship and entertainment.

So, as Agnew says, it is up to television—and newspaper—editors, and to the public—not the government with some kind of censorship—to recognize the cancerous evil of the "mobocracy" they are creating, and take steps to eliminate it with honest, truthful, balanced presentation and interpretation of the news.

VETO OF HEW APPROPRIATIONS BILL

(Mr. ECKHARDT asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. ECKHARDT. Mr. Speaker, President Nixon's threatened veto of the HEW appropriations bill flies in the face of the wishes of the American people as well as the official conclusions of the Congress. By way of illustration, I would like to quote from Life magazine's August 15, 1969, presentation of a Louis Harris poll on Federal spending priorities:

> The most ominous aspect of the public's unhappiness over the economy is not simply that two-thirds of all those polled feel taxes are "unreasonable." This is up 15% in a decade, but most people always feel taxes are unreasonable no matter what their level. The more disturbing factor is the public loss of faith in the government's judgment about priorities. In Harris' words, "the central motive for paying taxes has begun to disintegrate." As the table below shows, people's traditional dislike for foreign aid programs is now followed closely by their opposition to Vietnam spending, the space program and defense costs in general. By contrast, their spending priorities are all oriented toward domestic programs, with aid to education and various aspects of urban aid the new choice causes.

Where to cut federal spending first:

	Percent
Foreign aid	69
Vietnam	64
Space program	51
Federal welfare	37
Other defense spending	26
Farm subsidies	24

Where to cut federal spending last:

	Percent
Aid to education	60
Pollution control	38
Federal poverty program	34
Federal aid to cities	26
Federal highway financing	24

The President seeks to defraud the American people when he says that he must veto the HEW appropriations bill because of its inflationary impact, for this is the same President whose own budget requests for fiscal 1970 have been cut by over $5 billion by this Congress. We cannot let him deny the American people desperately needed funding in the critical areas of health and education.

ISRAEL

(Mr. MADDEN asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. MADDEN. Mr. Speaker, I am today joining my colleague, Congressman CLAUDE PEPPER, and a number of other Members of the House in sponsoring a joint concurrent resolution in behalf of fair and just cooperation on the part of our State Department with the free democracy of Israel. A great number of our Members are very much alarmed over the statement made by Secretary of State William P. Rogers, that the American-Jewish leaders approve of the administration's position pertaining to Israel and its Arab enemies. I received much criticism by mail, and from articles in the newspapers. I am satisfied that the attitude of the State Department, as related by Secretary Rogers, does not meet with Prime Minister Golda Meir's approval nor with the American Jewish leaders who have been supporting and working for the future of Israel's freedom and independence. The Soviets are making every effort to create further dissention in the Middle East and are constantly working toward the impeding of Israel's self-government and progress.

The newspapers also record that David Rockefeller, president of one of New York's largest banks, and some of his associates have made visits to the Middle East and conferred with Egypt's President Nasser and Jordan's King Hussein. Upon his return to this country, Rockefeller took advantage of a visit to the White House to report on his talk with Middle East leaders. He is reported to have urged the President to avoid offending President Nasser and some of his associates who have such power over huge oil reserves under their domain.

It is also reported that the Nixon administration has propounded and submitted to Moscow, London, and Paris a series of proposals to pacify the Middle East without any prior consultation with Israel. Everybody wants peace in the Middle East, including Israel and the attitude of our Government to make deals and agreements with the Soviet and Arab leaders without consulting directly with the Israeli leaders is beyond comprehension. This performance of our State Department, leaning toward a one-sided negotiation must bring joy to the leaders of the Soviet Union. Israel has already won great victories in her fight for independent government and democracy and our Nation should insist that there be no one-sided move on the part of

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her enemies. The free world, I do not sacrifice Israel to the greed of powerful think, will tolerate any move that might and rich neighbors who would destroy the only true democracy in the Middle East.

Mr. Speaker, I am hereby incorporating with my remarks a copy of the concurrent resolution filed by our colleague, Congressman Claude Pepper, and of which I am one of the sponsors:

> H. Con. Res. 479
>
> Whereas, deep concern has been aroused by the statement of the Secretary of State of the United States of December 9th, making certain proposals for peace in the Middle East between the State of Israel and the Arab States, and
>
> Whereas, such statement of the Secretary of State has been understood as contrary to the previous policy of the United States in the Middle East and to the expressed sentiment of approximately two-thirds of the Senate and the House of Representatives; Now, therefore be it
>
> *Resolved by the House of Representatives (the Senate concurring)*, That it is the sense of the Congress that the policy of the United States for the promotion of peace in the Middle East should be to exert its best efforts to arrange for direct face-to-face negotiations between the State of Israel and the Arab States; and, further, that neither the United States nor any other power should attempt to impose a settlement in the Middle East nor attempt to induce a settlement other than through direct face-to-face negotiations between the State of Israel and the Arab States.

DEMOCRATIC CAUCUS ADOPTS RESOLUTION OPPOSING HIGH INTEREST RATES

(Mr. PATMAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. PATMAN. Mr. Speaker, today the Democratic caucus of the House adopted unanimously a resolution firmly establishing the Democratic Party's position against high interest rates and urging action to correct the monetary mismanagement of the Nixon administration.

Mr. Speaker, I hope that the appropriate committees and the Members of this House will follow up this resolution with concrete action during this second session to bring economic relief for the American people who are sorely pressed by the highest interest rates in the history of this Nation. It will take action by this Congress because it is apparent that the Nixon administration will do nothing.

The Nixon administration has embarked on the same old discredited course of high interest rates and tight money followed by the two preceding Republican administrations headed by President Hoover and President Eisenhower. The Republicans never learn, they just keep plodding along allowing the banking and big business community to make the real decisions in the economy. The people who profit most from high interest rates are calling the shots on monetary policy in this administration.

Mr. Speaker, I place in the Record a copy of the resolution adopted by the Democratic caucus this morning:

> Whereas, a decade ago, the Democratic Party stated:
>
> "As the first step in speeding economic growth, a Democratic President will put an end to the present high-interest, tight money policy.
>
> "This policy has failed in its stated purpose—to keep prices down. It has given us two recessions within 5 years, bankrupted many of our farmers, produced a record number of business failures, and added billions of dollars in unnecessary higher interest charges to Government budgets and the cost of living";
>
> Whereas, this policy of low interest and plentiful credit has been a mainstay of the Democratic Party throughout its modern history; and
>
> Whereas, interest rates have skyrocketed to their highest levels in history, crushing the housing market, blocking school construction, water and sewage facilities and the revitalization of our urban and rural communities, and creating unemployment and inflation; and
>
> Whereas, these high interest rates have placed a heavy burden on the low and middle income family; and
>
> Whereas, these high interest rates have gone hand in hand with high prices; be it therefore
>
> *Resolved*, That the Democratic Caucus of the House of Representatives reaffirms the Democratic Party's support of policies and programs to bring about reasonable interest rates and adequate credit; and be it further
>
> *Resolved*, That the Democratic Caucus urges the appropriate Committees of the House, in lieu of leadership from the Executive Branch, to draft a specific program to combat high interest rates and to bring about a more equitable and effective monetary policy for the Nation; and be it further
>
> *Resolved*, That the Members of the Democratic caucus use every means at their command to explain to the American people the causes and the results of the high interest, tight money policies of the Nixon Administration.

As the Members will note, this resolution calls for the appropriate committees of Congress to take action to bring down interest rates. Mr. Speaker, the Banking and Currency Committee will move immediately to follow up the letter and the spirit of this resolution. We will schedule early hearings to seek alternative means of financing housing for the millions of Americans who have been priced out of decent homes by the Nixon administration and the Federal Reserve System. We will seek alternatives to the 9-percent interest rates imposed by the Republican Secretary of Housing and Urban Development, George Romney. We are preparing these hearings right now.

We also will move early in this session on H.R. 11, a bill designed to reform the Federal Reserve System and to coordinate its policies with the broad economic goals of the Nation. This legislation would make the Federal Reserve System responsive to the elected representatives of the people rather than to the banking community which stands to profit from most of the decisions of the Federal Reserve System.

Also, Mr. Speaker, I want to call attention to the fact that this Congress in the closing days of the first session passed legislation which gave the President of the United States adequate and broad powers to control excessive use of credit in inflationary areas of the economy and to control interest rates on that credit. The President has not used that power and we have seen new actions by administration officials to force up interest rates.

The President should use his powers and should come to Congress if he needs additional tools with which to fight inflation and high interest rates. It is apparent that he is reluctant to take on his friends in the banking and business communities. Until this administration is willing to disturb its banker friends, we will continue to suffer from inflation and high interest rates.

Mr. Speaker, the resolution adopted by the Democrats today can be fairly regarded as the first shot in the 1970 campaign. The country has waited 12 long months for the Nixon administration to do something about high interest rates. Instead, the Nixon administration has allowed interest rates to rise further and faster in a single year than in any previous year in the history of the United States.

The Republicans are refusing to protect the people; the Democrats must now go out and make a crusade on this issue and protect the American public from usurious interest rates.

Mr. Speaker, a great number of people deserve credit for bringing this issue so forcibly before the Democratic caucus. Last August 13, nine members of the Democratic caucus, including myself, were named to study the growing problem of high interest rates.

The interest rate committee appointed by the caucus includes Edward Boland, of Massachusetts; Thomas L. Ashley, of Ohio; Mrs. Edith Green, of Oregon; Jim Wright, of Texas; Robert G. Stephens, Jr., of Georgia; James M. Hanley, of New York; Sidney R. Yates, of Illinois; and William "Bill" Clay, of Missouri. All of these Members participated in bringing this issue before the caucus.

Also, I want to commend the great leadership of Speaker McCormack, Majority Leader Carl Albert, Majority Whip Hale Boggs, Chairman Ray Madden, of the steering committee, and the chairman of the caucus, Mr. Dan Rostenkowski, for their support and counsel on this issue.

CRAMER, AUTHOR OF THE ANTIBUSING AMENDMENT TO THE 1964 CIVIL RIGHTS ACT, PROPOSES CONSTITUTIONAL AMENDMENT TO OUTLAW BUSING AND INVOLUNTARY TRANSFER OF STUDENTS

(Mr. CRAMER asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. CRAMER. Mr. Speaker, due to the justifiable public protest, particularly in view of the February 1 deadline ruling of the Supreme Court, over the unwarranted and statutorily prohibited intrusion of the Federal Government in our local school systems, I feel constrained to propose the most meaningful long-range step left to the American people, the passage of a constitutional amendment, which the Court as well as the executive branch must follow, outlawing the busing

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of students or the destruction of the neighborhood school system in order to racially mix beyond reason and to accomplish the balancing, rather than the desegregation, of races, and to spell it out in terms no court or bureaucrat can misconstrue. I have therefore today introduced a constitutional amendment, calling upon the State legislatures to act in that it is possible Congress will not, and to call a constitutional convention on this amendment, a procedure that almost succeeded with the Dirksen prayer in schools amendment.

I successfully offered the antibusing and antipupil assignment to accomplish racial balance amendments to the 1964 Civil Rights Act—sections 2000c(b) and 2000c–6(a), United States Code Annotated.

When these amendments were offered, I stated on the House floor:

> The purpose of the amendments is to prevent any semblance of congressional acceptance or approval of inclusion in the definition of "desegregation" any balancing of school attendance by moving students across district lines—or between schools within the same district—to level off percentages where one race outweighs another.

Congress clearly intended to protect the rights of students to attend neighborhood schools, to protect the students' rights to not be bused from that neighborhood in order to force a closer approximation in mixing of students to the percentage of population of the races within or in the vicinity of any school district. I am convinced, after following the guidelines and court rulings, that this stated intent of Congress is being subverted, ignored and circumvented.

This has nothing to do with the integration of schools within a school district where the intended purpose of nonmixture is to perpetuate all-black or all-white schools. Brown against Board of Education dealt with such intentional or planned perpetuation of dual school systems.

But the Office of Education has intentionally established quotas and required busing to accomplish quota compliance in a manner that can only result in the eventual congressionally prohibited balancing of the races in all schools on a percentage basis equal or approximating the percentage of mixing in the entire district. This racial balancing is specifically prohibited by my amendments and by the 1964 Civil Rights Act.

The Fifth Circuit Court of Appeals, in implementing Brown against Board of Education a few years ago, wrote these guidelines into its decisions. The court did so despite the congressional mandate outlawing busing and declaring that any plan or program to force increases in percentages of races in already-mixed school systems to more closely approximate the population mixing was contrary to public policy and going beyond any requirement of integration.

Incidentally, and often overlooked, is the fact that this set of guidelines applies only to the South—or to quote the 1966 Commissioner of Education Howe, to "dual school system" States. He so stated before the Select Committee on the Judiciary, on which I was the ranking minority member, which was appointed in 1966 to look into and try to make some sense out of the guidelines that had just been published by the executive, supposedly to carry out the 1964 Civil Rights Act but which guideline, it is obvious, went far beyond that act or the Supreme Court decisions. The hearings indicated that the purpose of one set of the guidelines was directed at the South and all other States could continue to have de facto segregation in all-black or all-white neighborhoods, or could get away with some mixing but not to increase the percentage of mixing to closely approximate the percentage of blacks and whites in the district. This was done on the theory that those States outside the South had not intentionally, historically, perpetuated separate-but-equal schools.

Thus, the discriminatory, anti-south, "more stringent increase in the quotas required until balance is approximated"—rule became the requirement in the South. Any method to accomplish it was required of the school boards. Busing, transporting outside the neighborhood school areas, even against parents' wishes, eventual elimination of all-white and all-black schools regardless of all-black or all-white surrounding areas—de facto segregation—became the necessary steps forced on school boards in the South to accomplish the goals of the quota system. This was what I clearly intended to prohibit by my amendments. I intended to prohibit the violation of a student's right to go to his neighborhood school when those schools had already been mixed on a "natural" basis of integration. To require busing in order to force an "artificial" increase in percentage of mixing that more closely approximates the balancing of the races in a larger geographical areas outside the neighborhood was what Congress intended, and I intended, to prohibit.

Because of the intolerable situation that has developed, unwanted by blacks or whites, and the tremendous public protest, I am transmitting to the members of the Florida Legislature copies of this amendment, asking for immediate action, thus leading the way for the needed 33 other States to act before it is too late to overcome the bureaucratic and judicial tampering with our local school systems. This tampering has gone far beyond the objective of accomplishing desegregation or the reasonable and prudent mixing of the races. The amendment reads as follows:

H.J. RES. 1056

Joint resolution proposing an amendment to the Constitution of the United States relating to the busing or involuntary assignment of students

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), That the following article is proposed as an amendment to the Constitution of the United States which shall be valid to all intents and purposes as part of the Constitution when ratified by the legislatures of three-fourths of the several States within seven years from the date of its submission by the Congress:

"ARTICLE —

"Nothing in the Constitution of the United States shall empower any official or court of the United States to issue any order requiring or encouraging, or directing or permitting any funds to be used or withheld to require or encourage, the transportation or busing of pupils or students from one school to another or one school district to another or to force any student or students attending any elementary or secondary school in their own neighborhood, where such school is not established purposely to perpetuate segregation, to attend any other school against the choice of his or her parents, parent or guardian, in order to accomplish any objective or purpose, express or implied under this Constitution.

The February 1 date set in Carter against School Board required unreasonable conformance to standards that are clearly contrary to the 1964 Cramer amendments.

Due to this unjustifiable intrusion by the Federal Government into an area which I thought was statutorily prohibited—the administration of our local school systems—I strongly feel this necessitates the introduction of this amendment and the consideration of it by the State legislatures, as well as the Congress. This is the effective means available for the people of the country to speak through their legislatures and the Congress.

The passage of this constitutional amendment, which the courts as well as the Executive would have to follow, appears to be the most effective long-range answer for the legions of citizens in this country, most of whom have accepted the basic position of the Court in Brown against Board of Education, who do not believe that any and all rights of citizens can be trampled upon to accomplish what now appears to be the obvious objective of balancing the races in the schools despite the violation of other equally important rights that results.

My colleagues from Florida, the Honorable LOU FREY, JR., and the Honorable J. HERBERT BURKE, join me as cosponsors of the constitutional amendment.

INTEREST RATE CONTROL ACT OF 1970

(Mr. ECKHARDT asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. ECKHARDT. Mr. Speaker, Representative LEONARD FARBSTEIN, of New York, and I have introduced legislation today to help curb high interest rates, improve the home mortgage situation, and reduce the excessive profits of the banking industry. Unofficially, we call our bill the Interest Rate Control Act of 1970.

One of the most serious manifestations of the inflation we are now experiencing is extremely high interest rates. This is due primarily to the administration's undue emphasis on monetary policy to curb the wage-price spiral. By restricting the supply of money and raising the discount rate, Federal Reserve officials have succeeded in driving up interest rates to their highest levels in history.

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Certainly we cannot put the full blame for the monetary situation directly on the Federal Reserve. The inflationary psychology and situation is largely due to poor economic planning in the past and the continued heavy spending on the war in Vietnam. When people and businesses expect prices to continue to rise they will borrow more to buy now. The rise in consumer debt shows no signs of slowing down; plans for business expansion defy all predictions. The demand for all goods, including money, is too high.

When the supply of a commodity is restricted and the demand is expanding the only result possible is an increase in price. In the case of money this happens to be the interest rate. Now, we fully comprehend the meaning of the market and how unwise it is to tamper with the market mechanism. We do not wish to put any artificial barriers in the way of the free market forces.

While most people, especially home buyers and small businessmen, suffer when interest rates are high, there is one sector of our economic structure that does benefit. This is the banking industry where profits continue to grow at an unparalleled rate. There can be no doubt that the high money rates are a result of market pressures and cannot be condemned sweepingly as an explicit effort by the banking industry to raise its profits. We could not support legislating a ceiling on interest rates—we feel that that would only serve to disrupt what is an orderly, but very tight market.

What we propose is that the Congress pass our legislation to put a tax on interest rates, as on excess profits. Such a tax would drain off the excess income engendered by the tight money market, just as excess profits from the inflationary war stimulus is drained off by an excess profits tax.

We are not criticizing the banks for all the recent increases in the prime interest rate. They are simply reacting to the huge loan pressure and the constricted supply of money. We are willing to accept the fact that the huge growth in bank earnings—largely due to the higher rates charged on loans—is incidental. But, just as we feel that it is unfair for corporations to earn extraordinary profits from the war, we feel that it is unfair for the banks to retain a fortuitous, incidental benefit from inflation and measures to curb it. Unlike other industries, the costs of doing banking business during inflation do not rise as rapidly, or more rapidly, than revenues. Their major cost is that of interest on deposits. These particular interest rates are regulated by the Federal Government. The conversion to data processing has also eliminated much of the overhead expense. Therefore, as the price the banks charge for use of their money goes up, so must their profits. Recent bank statements of earnings confirm this:

Percentage increase in net earnings from 1968 to 1969

Long Island Trust	38.8
First National of New Jersey	29.4
United States Trust	21.4
Suburban Trust	20.7
Northern Trust	18.2
Fidelity Union	18.1
U.S. National of Oregon	17.1
Riggs National	15.8
Security Pacific	15.5
Citizens & Southern National	15.3
Maryland National	15.1
Mercantile National*	14.6
Connecticut Bank & Trust	14.5
First National*	14.0
Manufacturers Hanover	12.8
Virginia National	10.8
Bank of the Southwest*	10.5
Republic National*	9.4
First National City	9.3
J. P. Morgan & Co	7.6
Chase Manhattan	2.5

* Texas bank.

It must be noted that there is an inconsistency between the 1968 figures and the 1969 income figures due to new accounting methods. Standard & Poor's estimates that this reduces the actual percentage increase in growth by 4 percent.

It can be seen that banks in all locations and of all sizes showed considerable increases in earnings. As Standard & Poor's puts it:

> Bank revenues . . . are at a record level, and they are likely to hold up well, reflecting a high volume of loans carrying satisfactory interest rates, relative to money costs.

The huge rise in earnings is inextricably tied to the growth of the prime interest rate from 6 percent in 1968 to 8½ percent in 1969.

If, as the banks say, they must raise their loan rate in order to ration their loanable funds, our plan would offer no hindrance. Once economic conditions and the interest rate structure returned to normalcy, our tax plan would cease to be operative.

The tax, or as we call it, the "interest stabilization fee," applies to anybody that extends credit of at least $10,000 at an interest rate over 8 percent. The tax will be equal to 1 percent of the annual interest charge for each 0.1 percentage point by which the annual loan interest rate exceeds 8 percent. Thus, a $10,000 loan at the current 8½-percent interest rate would bring in $850 per annum in interest which would be taxed $42.50—5 percent of $850. The lender in this case would have a net yearly income on this loan of $807.50, just slightly more than it would have earned at the lower 8 percent rate. The following table demonstrates how this tax would work over a range of interest rates, assuming a loan of $10,000:

Interest rate (percent)	Total interest payment	Rate of tax (percent)	Bank earnings	Tax
8	$800	0	$800.00	$0.00
8½	850	5	807.50	42.50
9	900	10	810.00	90.00
9½	950	15	807.50	142.50
10	1,000	20	800.00	200.00
10½	1,050	25	787.50	262.50

As you see, the interest earnings cease to grow after a certain point while Government revenues from the tax rise rapidly. There would be no profit incentive for the banks to raise their rates although there would be nothing to prevent them from doing so if the pressures of the market made such raises expedient.

Several additional points must be emphasized. First, the tax is meant to be operative only in times of extremely high interest rates. Once the rate charge drops below 8 percent there ceases to be an interest stabilization fee. Second, because so many small loans and loans entailing high risk have traditionally, with good cause, earned higher rates of interest, we have specifically exempted such loans from the tax. We are by no means sanctioning such high interest rates but we do recognize that there are differences in the structure of the interest rate pattern. Finally, we are talking about the annual effective rate of interest rather than the nominal rate. We have adopted the provisions of the Truth in Lending Act for this purpose.

Perhaps the most important feature of this plan is the ultimate use of the funds raised from the collection of the fee. We have decided to make the Government National Mortgage Association the recipient of these funds and to use these funds to further the objectives of their office. In other words, we have great concern for the housing market and we are most eager to ease the pressure for mortgage funds, especially for low- and middle-income families. The recent increases in the VA and FHA mortgage rates are another indication of the problem facing our constituents and potential home buyers around the country.

In conclusion, we sincerely believe that our bill will achieve several ends:

First, increase the flow of funds into the mortgage market;

Second, limit the unfair excess profits of the banking industry; and

Third, ease the continual spiral of interest rates upward.

TRUTH IN LENDING: A PRELIMINARY REVIEW

The SPEAKER. Under a previous order of the House, the gentleman from Texas, Mr. PATMAN, is recognized for 60 minutes.

Mr. PATMAN. Mr. Speaker, the Board of Governors of the Federal Reserve System has submitted to the Congress their annual report on truth in lending for the year 1969 as required by the act. The report is appended to these remarks and the Members are earnestly urged to examine it in detail.

The value of the report is not an accurate reflection of the impact of truth in lending on business and consumer interests because it covers only the 6-month period in which the act was effective.

Mr. Speaker, the Federal Reserve Board is to be commended on its excellent work in implementing this novel, and sometimes complicated, legislation.

Regulation Z, the truth-in-lending regulation, was promulgated by the Board only after long and painstaking consultation with all interested parties including the Members of Congress and the appropriate congressional committees.

After the regulation was promulgated the Board established a program designed to explain to the business community the meaning and effect of the new law. The Board quite sensibly directed its program primarily at small- and moderate-size creditors who could not afford the counsel of expense involved in a self-education program. In connection with the program, the Board prepared a number of documents in pamphlet form which explain the terms of the act in simplified and easily understood language. Also established was a procedure within the Board to handle the multitude of requests for information and complaints which quite expectedly would result from a new law involving new concepts.

As part of its thorough preparation for the effectuation of truth in lending, the Board conducted a consumer awareness survey in order to gage the work that needed to be done and to serve as a yardstick of the usefulness of the law for future reference. The results of the consumer awareness survey are quite remarkable and are set forth in the report. A few of the more salient points made in the survey are that knowledge of credit is much broader among higher income groups than among low-income groups. The most common area where those surveyed knew the exact interest rates being paid was in the first mortgage field. In other consumer credit transactions those surveyed were often not aware of the rate of credit charges which they were paying.

The latter fact amply justifies the concern of those of us who supported truth in lending in the very beginning. For it is in the first mortgage field that the annual percentage rate formula has been common practice. Hopefully, truth in lending will extend this concept to all of the areas of credit.

The report referred to follows:

Annual Report to Congress on Truth in Lending for the Year 1969 by the Board of Governors of the Federal Reserve System

ADMINISTRATIVE FUNCTIONS

Truth in lending

On May 29, 1968, the Truth in Lending Act was signed into law. Section 114 of that Act states:

"Not later than January 3 of each year after 1969, the Board and the Attorney General shall, respectively, make reports to the Congress concerning the administration of their functions under this title, including such recommendations as the Board and the Attorney General, respectively, deem necessary or appropriate. In addition, each report of the Board shall include its assessment of the extent to which compliance with the requirements imposed under this title is being achieved."

This is the first annual report on Truth in Lending by the Board and covers not only the period since July 1, 1969, when the Act went into effect but also the period prior to that date when the Board and other Federal enforcement agencies made their initial preparations to meet requirements imposed under the Act.

Task force established

Early in 1968 when it became apparent that Truth in Lending would be enacted into law and that the Board would be entrusted with the responsibility of drafting regulations, the Board established a task force of personnel from several Federal Reserve Banks and from the Board's own staff. This task force was assisted by consultants who were specialists in the many aspects of consumer credit, including consumer loans, retail credit, banking, and real estate mortgage lending.

The initial job of the task force was to familiarize itself with the legislative history of Truth in Lending, with the legislation as enacted by both Senate and House and finally with the report filed by the Conference Committee of the Senate and House of Representatives. Following the signing of the Act (Public Law 90-321; 82 Stat. 146 et seq.) on May 29, 1968, the task force was absorbed into the Board's Division of Supervision and Regulation, and the job of drafting implementing regulations was begun immediately.

It was necessary to publish regulations within as short a time as possible because creditors affected by the Act needed as much advance notice as possible to acquaint themselves with the Act and regulations, to prepare and print new forms, to establish new procedures, and to train their personnel before the effective date of the Act on July 1, 1969.

Formulation of the regulation

Because of the large number of creditors affected by the Act, many of whom had never before been subject to government regulation of such a technical nature, it became clear early in the program that the Truth in Lending regulations should be drafted in a form that would serve not only as a legal directive for implementing the Act, but also as an operating handbook. It was therefore decided to make the regulation self-contained and to incorporate provisions of the Act into it.

Views of other agencies

Section 109 of the Act states:

"In the exercise of its functions under this title, the Board may obtain upon request the views of any other Federal agency which, in the judgment of the Board, exercises regulatory or supervisory functions with respect to any class of creditors subject to this title."

In keeping with this provision, the Board sought views of other Federal departments and agencies. Many valuable suggestions were obtained, and the Board is grateful for the cooperation and assistance provided by staff personnel of the Department of Agriculture, Farm Credit Administration, Federal Deposit Insurance Corporation, Comptroller of the Currency, Federal Home Loan Bank Board, Bureau of Federal Credit Unions, Interstate Commerce Commission, Civil Aeronautics Board, and the Federal Trade Commission. In addition, many trade associations and consumer organizations provided useful suggestions.

Advisory Committee on Truth in Lending

Section 110 of the Act states:

"The Board shall establish an advisory committee to advise and consult with it in the exercise of its functions under this title. In appointing the members of the committee, the Board shall seek to achieve a fair representation of the interests of sellers of merchandise on credit, lenders, and the public. The committee shall meet from time to time at the call of the Board, and members thereof shall be paid transportation expenses and not to exceed $100 per diem."

Pursuant to this provision, the Advisory Committee on Truth in Lending was appointed by the Board in August of 1968. This Committee reviewed the early drafts of the proposed regulation before it was issued for public comment. Committee members also reviewed the public comments received by the Board and offered many suggestions that were ultimately incorporated into the final regulation. Dr. Richard D. Holton, Dean of the School of Business Administration at the University of California at Berkeley, was named the first chairman of the Committee and still serves in that capacity. The complete list of Committee members together with the dates and purposes of the five Advisory Committee meetings held during 1968 and 1969 is attached to the end of this report as Appendix A.

Publication of regulation for public comment

After months of drafting and redrafting, a proposed regulation, entitled "Regulation Z of the Board of Governors of the Federal Reserve System," was issued for public comment on October 16, 1968. More than 1,000 written comments and suggestions were received from individuals and from commercial, trade, creditor and consumer groups. Although 30 days were allowed for comment, the Board considered all communications it received up to the time the final text of the regulation was completed and issued on February 10, 1969.

Rate tables and interpretations

The determination of the annual percentage rate on each consumer credit transaction is one of the key requirements of the Truth in Lending Act and Regulation Z. Mathematical equations and formulas for determining annual percentage rates were developed by the Board and incorporated into a separate Supplement I to Regulation Z. The purposes of the supplement are to establish precise criteria under which computer programs may be written and to aid commercial chart publishers in compiling tables that conform to standards of accuracy set forth in Regulation Z.

In addition the Board published two volumes of annual percentage rate tables that not only serve as tools in the consumer credit field, but also serve as standards for comparison by customers and enforcement officials.

Following the publication of Regulation Z in final form, the Board received numerous requests for clarification of the Regulation as it applied to specific types of transactions. Since the Regulation is written in broad, general terms, it became advisable to issue clarifying interpretations with respect to its application in certain specified cases. Through the end of 1969, 41 interpretations and 2 amendments to Regulation Z were issued by the Board. One additional proposed amendment was issued for public comment. The deadline for comment expires January 22, 1970. As the need arises, further interpretations and amendments will be issued.

State exemption—Procedure and criteria

Section 123 of the Truth in Lending Act states:

"The Board shall by regulation exempt from the requirements of this chapter any class of credit transactions within any State if it determines that under the law of that State that class of transactions is subject to requirements substantially similar to those imposed under this chapter, and that there is adequate provision for enforcement."

In order to implement this provision, the Board set forth certain procedures and criteria as Supplement II to Regulation Z which was published for public comment on March 27, 1969. The relatively few comments received came primarily from consumer groups rather than State governments and, for the most part, urged the Board to adopt and enforce stringent requirements for State exemption. Supplement II was published in final form on July 2, 1969.

The Board believes that after an exemption for classes of transactions within a State has been granted, customers should have continued access to Federal or State courts in seeking redress for alleged violations of the disclosure provisions of State statutes, including the right to rely upon Federal or State rules relating to class actions. Accordingly, the Board has published for public comment, as indicated above, a proposed amendment to Regulation Z which would provide that no exemption shall be construed to extend to the civil liability provisions of section 130 and 131 of the Act. The effect of this amendment would be to substitute the applicable disclosure requirements of State law for the requirements of Chapter 2 of the Act following an exemption, thus retaining a basis for liability in the Federal courts.

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State exemption—Applications received

Formal applications for exemption have been received from Maine, Virginia, Connecticut, Oklahoma and Massachusetts. The Maine and Oklahoma[1] applications have been reviewed for completeness, and notices of their filings have been published in the Federal Register pursuant to Supplement II to Regulation Z (Section 226.12 Supplement). A notice relating to each of the other applications will be published in the Federal Register as soon as the Board determines each to be complete.

INFORMATION, ENFORCEMENT, COMPLIANCE AND RECOMMENDATIONS

Distribution of regulation Z to creditors

The Truth in Lending Act implemented by Regulation Z created new concepts and procedures in the field of consumer credit. The definitions of creditor and consumer credit in the Act and Regulation Z include many persons who had never before considered themselves regularly engaged in consumer credit. No single source was available to provide a reliable list of those who would be affected by the Act and Regulation Z, but estimates varied from 250,000 to more than 1 million.

One of the first projects of the task force was to make a reasonable estimate of the number of copies of Regulation Z needed to serve the persons affected and to arrange for its distribution when published. The problem was simplified substantially when the enforcement agencies agreed to distribute the Regulation to those creditors under their respective jurisdictions.

Development of the pamphlet "What You Ought To Know About Truth in Lending"

Regulation Z, no matter how detailed and elementary in its form, could not be relied upon by itself to explain to those affected just what they must know and do to comply with the Act and Regulation. This is particularly true with respect to the thousands of creditors who are not in a position to employ full time legal counsel and who do not have sophisticated equipment to aid them in their accounting and billing. Because of this anticipated information gap, the Board concluded that something more than a regulation drawn in formal terminology would be needed.

To help meet this challenge, the Board employed specialized assistance to aid in preparing the pamphlet, "What You Ought to Know About Truth in Lending." This pamphlet includes the text of both Regulation Z and the Truth in Lending Act. Questions of general application are followed by answers explaining the requirements which are cross referenced to the appropriate section of Regulation Z. In addition, illustrative forms are provided to guide creditors in the development of the new forms needed to comply with Regulation Z and the Act.

Subsequent printings of the pamphlet have included amendments and interpretations issued up to the time of each printing. More than 1,300,000 copies of the pamphlet have been distributed.

Meetings and seminars

During the past year, members of the Board's staff and personnel from the Federal Reserve Banks, other enforcement agencies, and many trade associations have responded to requests for speakers at meetings and seminars throughout the nation. The Federal Reserve System and the other enforcement agencies are continuing their efforts in this area.

Visual aids were also provided by the Board. A professionally produced filmstrip with an accompanying recorded discussion was made available through the Federal enforcement agencies and the Federal Reserve Banks to anyone who expressed interest. Projection slides to be used by speakers were also produced and made available.

Continued informational effort

Generally, creditors want to comply with the requirements of Regulation Z. The Act and the Regulation have been in effect for six months, and the program to help the business community comply is continuing and will be fostered by the Board as long as may be necessary to achieve the objective contemplated by the Act.

A valuable tool in the informational program has been the direct correspondence which the various enforcement agencies have had with interested creditors and consumers. By the end of 1969, it is estimated that, collectively, the enforcement agencies under the Act will have replied to more than 20,000 inquiries. Copies of a number of the more significant replies have been published by a commercial publisher in its loose-leaf service on consumer credit.

Informational programs for the consumer

At the outset, the Board emphasized information for creditors, since they are subject to civil and criminal penalties for failure to make the required disclosures. Even more important, the entire success of the Act depends upon creditors making meaningful disclosures, and this can be done only if the creditor understands the Act and Regulation Z. However, if the purposes of the Act are to be realized, the consumer must be able to utilize effectively the information given to him. He must have an understanding of the new standardized language of consumer credit brought about by Truth in Lending.

There are numerous consumer organizations throughout the nation capable of reaching a large segment of consumers. These organizations have done a commendable job of explaining Truth in Lending to those within their reach, but the problem remains of reaching the many consumers who have no contact with such organizations.

The Board, with outside professional help, has developed a filmstrip designed to acquaint consumers with the major provisions of Truth in Lending. The filmstrip will be available for public use in January of 1970 and will be distributed by a number of agencies, including the Federal Reserve Banks and field offices of the Federal Trade Commission. The Board seeks the widest possible distribution of this audio-visual tool.

The Federal Trade Commission has prepared three television spot announcements introducing the consumer to the basic facts about Truth in Lending. These spots are to be shown on a pilot basis throughout the country, and it is understood that if a positive response is elicited, this medium of consumer information may be expanded.

Consumer awareness survey

Early in 1969, the Board authorized a survey of consumer awareness of the finance charges and interest rates paid on consumer credit transactions. The purpose of this program is to provide a basis for evaluating the effectiveness of the Truth in Lending Act in achieving its goal of assisting consumers in the informed use of credit through the comparison of credit costs charged by the various lenders and retailers. In authorizing this consumer survey program, the Board was motivated by the belief that an appraisal of the effectiveness of Truth in Lending will require something more than knowledge of creditor compliance, namely, some investigation of consumer awareness of finance charges and interest rates.

Most of the interviewing for the initial survey was done in June 1969, just prior to the effective date of the Truth in Lending Act, with a few of the interviews completed during the first week of July. This timing was intended to establish a benchmark of consumer knowledge before the Act became effective against which the hoped for improvements in the level of consumers' knowledge and awareness could subsequently be measured by another comparable survey.

The 1969 survey was also intended to provide useful information on the existing state of consumer awareness. Knowledge of the extent to which consumers know about credit charges and interest rates and how this knowledge varies among different groups of consumers is necessary for the effective direction of educational efforts in this area. It is also important to know the extent to which consumers are misinformed about such matters as interest rates and the provisions of the Truth in Lending Act.

A specific description and the results of the initial survey are attached to the end of this report as Appendix B.

Enforcement and compliance

Under section 108 compliance with the requirements of the Act is enforced by nine separate Federal agencies including the Board. Except for creditors subject to the authority of the Federal Trade Commission, creditors generally come within the jurisdiction of the agency that has general supervision authority over them. The Act spreads enforcement in this way:

The Comptroller of the Currency for National banks.

The Board for State chartered banks that are members of the Federal Reserve System.

The Federal Deposit Insurance Corporation for insured nonmember banks.

The Federal Home Loan Bank Board for institutions under its supervision.

The Director of the Bureau of Federal Credit Unions for Federal credit unions.

The Interstate Commerce Commission for common carriers subject to its jurisdiction.

The Civil Aeronautics Board for air carriers, foreign and domestic, subject to its jurisdiction.

The Secretary of Agriculture for activities subject to the Packers and Stockyards Act, 1921, with certain exceptions.

The Federal Trade Commission for all other creditors not specifically subject to the jurisdiction of one of the above named agencies.

Each of the enforcement authorities as well as each of the twelve Federal Reserve Banks filed with the Board a report covering its respective administrative function under the Act and its assessment of the extent to which compliance is being achieved.

Reports from the Federal Reserve banks

In carrying out its enforcement functions under the Act, the Board prepared an examiner's questionnaire for use by System examiners. This questionnaire suggests particular problem areas to be covered in each examination concerning the calculation of the finance charge and annual percentage rate as well as procedures to determine the extent of a bank's compliance with the specific disclosure requirements under various types of credit plans, rescission provisions, and advertising requirements.

Prior to July 1, 1969, each Reserve Bank conducted an intensive training course for its examiners. These sessions were designed to instruct the examiners in the basics of Regulation Z and the use of the Board's annual percentage rate tables and examiner's questionnaire. Without exception, the Reserve Banks report that their examiners have been able to do an effective job overseeing compliance by State member banks.

From the reports received from the Federal Reserve Banks, a compliance pattern can be identified. In the opinion of the Board, State member banks generally are making a conscientious effort to comply, but as might

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[1] Oklahoma has adopted the Uniform Consumer Credit Code. In connection with the Oklahoma application, the Board's review of the Code as enacted in that State and its implementing regulations is limited to those provisions which relate directly to Truth in Lending, inasmuch as the other provisions of the Code do not relate to the granting of an exemption.

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be expected, the larger banks, with their access to full-time legal advice, are having less difficulty than the smaller banks. While some violations have been detected by bank examiners, they generally result from misunderstandings concerning the requirements of Regulation Z. The Board feels that as its informational efforts continue, all State member banks will attain a high degree of proficiency in the application of Regulation Z.

Reports from other enforcement agencies

In response to a request from the Board, the other enforcement agencies have indicated the methods they are using to enforce the Act and Regulation Z, their opinions as to the effectiveness of those methods, and assessments of the level of compliance being attained.

The Board has furnished a copy of its examiner's questionnaire to each of the other enforcement agencies. The Comptroller of the Currency, the Federal Home Loan Bank Board, the Bureau of Federal Credit Unions, and the Federal Deposit Insurance Corporation have undertaken procedures similar to those used by the Federal Reserve Bank. The remaining agencies—Federal Trade Commission, Civil Aeronautics Board, Secretary of Agriculture, and Interstate Commerce Commission—are to date relying primarily on complaints and subsequent investigations of those complaints to enforce the Act.

However, because the provisions of the Act and Regulation Z have been in effect for only six months, any over-all evaluation of the extent of compliance must be qualified. The Act and Regulation are new; they cover a larger area than the conventional concept of consumer credit; they affect a large number of creditors, many of which are small businesses or are located in remote areas of the nation.

Recommendations

Section 114 of the Act requires the Board to make in each annual report such recommendations as it may deem necessary or appropriate. Since the Act and Regulation Z have been in effect only six months, it is too early to assess fully the extent to which amendments may be necessary or appropriate. However, there are several matters which the Board would like to bring to the attention of Congress.

Agricultural Credit

Under section 104 of the Act, credit extended to natural persons for agricultral purposes is subject to the provisions of the Act if the amount is $25,000 or less, and without limit if a security interest in real property is involved. It has been asserted that activities of farmers, especially those with large operations, are more like those of business than those of consumers and that the requirements of the Act make it difficult for the farmer to conduct the financing of his business of agriculture in a manner in which other businessmen, whose loans are exempt, conduct their financial affairs. Delay because of the right of rescission in many instances works a hardship upon the farmer. The Board believes that credit primarily for agricultural purposes in excess of an appropriate amount [2] should be exempt from the provisions of the Act, irrespective of any security interest in real property.

Administrative Enforcement

The Farm Credit Administration is not specified in section 108 of the Act as one of the Federal authorities responsible for administrative enforcement, and therefore the Federal Land Banks, Federal Land Bank Associations, and Production Credit Associations are subject to administrative enforcement of the Federal Trade Commission. We suggest that Congress amend section 108 of the Act so as to delegate to the Farm Credit Administration the administrative enforcement responsibility with respect to those creditors which are chartered under Acts which that agency administers. The Farm Credit Administration and the Federal Trade Commission concur in this suggestion.

Stipend of Advisory Committee Members

Under section 110 of the Act, members of the Advisory Committee on Truth in Lending are paid transportation expenses and not more than $100 per diem. In Government service, "transportation expenses" exclude the cost of subsistence (e.g., hotel and meals) while in travel status. Thus, under section 110 each member receives his air, rail, or other fare and a specified sum out of which he must pay his expenses for hotel, meals, and other items incidental to his travel status. To eliminate inequities, section 110 of the Act could be amended to provide that each member receive "travel expenses" and a stipend not to exceed a specified sum per day.

Regulatory Function Under the Act

The Board of Governors of the Federal Reserve System has completed the task of writing the Regulation to implement the Act, a function delegated to it in section 105 of the Act. The Board therefore suggests that the Congress consider reassigning the Board's regulatory function (as distinguished from its enforcement function) to another agency whose primary function encompasses consumer protection.

Conclusions

The consensus among the enforcement agencies is that with few exceptions creditors wish to comply with requirements. There are, however, as is true with any new requirements affecting business procedures, the problems of adapting existing forms and procedures or adopting new forms and procedures.

Generally, where problems of compliance have been encountered, they were found to be products of misunderstanding, and compliance has been achieved following the necessary explanation of the requirements. There is a great deal of work to be done in the informational field, but with the generally prevailing cooperative attitude, there seems little doubt that an even higher degree of compliance can be achieved within the forthcoming year.

Advertising appears to be the most troublesome single problem area. There seems to be some misunderstanding as to limitations on advertising credit terms. There is some feeling that the restrictions are unnecessarily severe and tend to eliminate all advertising of credit terms. As a consequence, customers are said to be unable to shop for credit by reading advertisements; they must physically go from creditor to creditor to ascertain credit terms. We are watching developments in this area closely, but at the present time we are recommending no change in the advertising provisions of the Act.

Finally, it should be emphasized that legitimate business in this country has accepted as reasonable the purposes that led Congress to enact this statute. Translating those general purposes into specific disclosures has meant that virtually every businessman extending credit has had to modify his credit procedures. Although we have tried to avoid needless complexity, the average businessman has been confronted with formidable challenges as he sought to find out which of his procedures had to be changed and how to make sure his new procedures were in compliance with the statute and the regulation. If, as we hope, the difficult changeover period can be completed at a reasonable cost in relation to ultimate benefits, it will be because those who are subject to the new rules have tried to make them work, rather than make work out of them.

Appendix A.—Advisory Committee on Truth in Lending

Chairman, Dr. Richard H. Holton, Dean, School of Business Administration, University of California, Berkeley.

Mr. James M. Barry, Managing Director, Texas Credit Union League, Dallas, Texas.

Mr. Clark W. Blackburn, General Director, Family Service Association of America, New York, New York.

Mr. W. H. Bowman,* Credit Sales Manager, Davison-Paxon Co., Atlanta, Georgia.

Mr. O. C. Carmichael, Jr., Chairman of the Board, Associates Investment Company, South Bend, Indiana.

Mr. Dick Christman, Dick Christman, Inc., Oklahoma City, Oklahoma.

Dr. Jean A. Crockett, Department of Finance, University of Pennsylvania, Philadelphia, Pennsylvania.

Mr. George H. Dixon, President, First National Bank of Minneapolis, Minneapolis, Minnesota.

Mr. John E. Eidam, President, Omaha Bank for Cooperatives, Omaha, Nebraska.

Professor David I. Fand, Department of Economics, Wayne State University, Detroit, Michigan.

Mr. Richard G. Gilbert, President, Citizens Savings Association, Canton, Ohio.

Mr. William F. James, President, Bill James Chevrolet Co., St. Louis, Missouri.

Mr. Robert J. Klein, Economic Editor, Consumers Union of the U.S., Inc., Mt. Vernon, New York.

Mr. William F. Melville, Jr., Vice President, Maryland National Bank, Baltimore, Maryland.

Mr. Irving S. Michelman, Executive Vice President, Budget Finance Plan, Los Angeles, California.

Mrs. Doris E. Saunders, Director of Community Relations, Chicago State College, Chicago, Illinois.

Mr. Miles C. Stanley, President, West Virginia Labor Federation, AFL–CIO, Charleston, West Virginia.

Mr. T. G. While, Consultant, The Goodyear Tire and Rubber Company, Akron, Ohio.

Professor William F. Willier, Department of Law, Boston College Law School, Brighton, Massachusetts.

Miss Barbara A. Zimmelman, Executive Director, Central Houston Association, Houston, Texas.

During 1968 and 1969, the Advisory Committee on Truth in Lending has held five meetings at the Board's Building in Washington, D.C., as follows:

DATES OF MEETINGS AND PRINCIPAL PURPOSES

September 12–13, 1968: Organization, layout, and major topics of Regulation Z in preparation for publication for public comment.

December 12–13, 1968: Review of public comments received and recommendations for the final draft of Regulation Z for the Board's consideration.

February 27, 1969: Education of creditors with respect to the application of Regulation Z.

September 3, 1969: Educational effort, State exemptions, and problem areas in Regulation Z.

November 20, 1969: Consumer awareness and education with respect to Regulation 2 and State exemption under section 123 of the Act.

Appendix B.—The 1969 Survey of Consumer Awareness of Finance Charges and Interest Rates

PURPOSE OF SURVEY

The 1969 Survey of Consumer Awareness of Finance Charges and Interest Rates was conducted by the Board of Governors of the Federal Reserve System for two purposes. The general purpose of the survey is to provide a basis for evaluating the effectiveness of the Truth in Lending Act in achieving its goal of assisting consumers in the informed use of credit through the comparison of credit costs charged by various lenders and retailers. Specifically, it is designed to provide information on the extent of consumer awareness of credit charges and interest rates.

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[2] The limit applicable to most consumer credit transactions under the Act is $25,000.

*Resigned February 3, 1969; vacancy not yet filled.

This survey is based on information gathered primarily during June 1969, just prior to the effective date of the Truth in Lending Act.

SURVEY DESCRIPTION

The 1969 Survey of Consumer Awareness of Finance Charges and Interstate Rates was conducted by a private research firm under contract to the Board of Governors of the Federal Reserve System. The private researcher developed the sample design, conducted the interviews and prepared the tabulations. The questionnaire was developed by the researcher in consultation with staff members of the Board and of the Federal Reserve Bank of Philadelphia. A Research Subcommittee of the Advisory Committee on Truth in Lending reviewed the questionnaire and made suggestions as did the Office of Statistical Standards of the Bureau of the Budget.

The 1969 Survey of Consumer Awareness included completed interviews with 5,149 households throughout the nation. In all cases the interview was conducted with the head of the household. The interviewers attempted in every case to interview the male head, but if none existed, the female head was interviewed.

The sample design consisted of two independent probability samples. One was an area probability sample drawn from poverty areas within ten metropolitan areas. The second sample was a random probability sample selected from the telephone universe outside the defined poverty areas. The reason for the dual sample selection was to insure an adequate representation of households in low income areas since many of these households do not have a telephone. The total of 5,149 completed interviews included 4,726 from the telephone sample and 423 from the poverty area sample. Most of the poverty area sample was obtained through personal interviews, but 76 were completed by telephone after the interviewer had been unable to reach the head of the household in person.

QUESTIONNAIRE COVERAGE

The questionnaire was designed to cover several major areas or knowledge about consumer credit contracts. Households with first mortgage debt contracted within the past five years, debt for home improvements made within the past three years, debt for automobile and household furniture and appliance purchases, within the past twelve months and cash loans made within the past twelve months, were asked about their installment contracts, including the finance charge and interest rate and whether they had shopped for their credit. Those households without automobile or furniture and appliance debt or cash loans contracted within the last twelve months were asked where they would try to obtain such credit if needed and what interest rate they would expect to pay. All sample households were asked about their use of retail charge accounts and credit cards and the interest rates charged on such accounts.

In order to determine the extent to which consumers were aware of the Truth in Lending Act and its provisions, the sample households were asked whether they had heard of a Federal law that requires that consumers be given certain information when they borrow money or finance purchases and whether they knew the name of the law. Those who failed to respond correctly to this question were further prompted by being asked if they had heard of a Federal law called the "Truth in Lending" law. The consumers who had heard of such a law were asked about the general provisions of the law to determine the extent and accuracy of their knowledge. Finally, all consumers were asked a general question to test their knowledge of the difference between the stated or contract rate of interest and the true annual percentage rate.

SURVEY RESULTS

Summary tabulations of the more significant survey questions have just become available. These tables are set forth on pages 10 through 35 of this Appendix.

Initial questions in the survey were designed to determine the homeownership status of the respondents. Homeowners who had contracted first mortgages on their property within five years of the survey—either newly acquired at the time of purchase, takeovers of mortgages held by previous owners, or refinanced mortgages—were asked to indicate the annual percentage rate of interest or finance charge on the mortgage. Similarly, homeowners who had made improvments or repairs on their homes costing $500 or more within three years of the survey, and had contracted debt to finance the work, were asked the interest charge for this financing. All survey respondents were queried as to other major types of debt incurred within twelve months of the interview date—auto loans for new or used vehicles, household appliance or furniture loans for purchases of items costing $100 or more, or personal cash loans regardless of purpose.

In the majority of instances, respondents with existing loans thought they knew the true annual percentage rate of interest that had been incurred on the borrowed funds. Not surprisingly, the greatest degree of knowledge related to first mortgage loans; nearly three-fourths of the **homeowners** thought they knew the interst rate on their morgage. Approximately one-half of these respondents indicated their rate was between 5¾ per cent and 6½ per cent, while the remainder were about equally divided above and below this range. In view of the known structure of mortgage interest rates during the past five years, these answers appear to present a fairly realistic evaluation by the respondents.

There was a rather marked decline in the extent and degree of knowledge of interest rates for other types of credit. Approximately two-thirds of those with home improvement or automobile loans, three-fifths of those with personal cash loans, and less than one-half of those with appliance and furniture loans thought they knew the interest rate on their debt.

However, with the possible exception of home improvement loans, the rates given by these borrowers appear unrealistically low—probably a reflection of thinking the contract rate of interest represents the true annual percentage rate. Fully 70 per cent of those who indicated they knew the annual rate on their automobile loan indicated it was 7 per cent or less, while approximately three-fifths of those starting rates on personal loans and more than one-half of those giving rates for appliance and furniture loans reported similarly. Only in the case of appliance and furniture credit did as many as one-fourth of the respondents report a rate above 11 per cent.

In order to have some basis for comparison, respondents with no outstanding credit balances for autos, appliances or furniture, or personal loans were asked the approximate annual percentage rate of interest they thought they would have to pay in obtaining credit from their preferred lender for such loans. More than three-fifths of the respondents without credit were willing to make such estimates in each instance. As may be seen in the table below, the estimates made by nonborrowers showed a striking similarity to the replies provided by those with outstanding loans.

Interest rate (percent)	Type of loan (percentage of households)					
	Automobile		Appliance or furniture		Personal	
	With loan	No credit	With loan	No credit	With loan	No credit
Up to 7	70	61.0	52.4	55.0	60.9	61.4
Over 7	30	39.1	47.6	45.1	39.2	38.6
Total	100	100.0	100.0	100.0	100.0	100.0

The survey obtained information on the income and education levels of the heads of households interviewed. Those with low incomes or low education levels showed a high proportion of "don't know" answers when asked their actual or anticipated interest rates for credit. This was especially true in the case of outstanding credit for appliances or furniture, more than three-fourths of the respondents with annual incomes of less than $5,000 did not know the annual percentage rate of interest on their loan, and nearly three-fourths with grade school education or less did not know.

It is rather significant, however, that a high income or high education level—while substantially reducing the proportion of "don't know" answers—did not markedly "improve" the interest rate estimates given. Using the reported figures on existing automobile loans as an example, the 5 to 7 per cent interest rate range was most frequently reported by all income levels. Approximately three-fifths of those with incomes under $5,000 who reported an interest rate thought they were paying what appears to be an unrealistically low true annual percentage rate of 7 per cent or less, and about three-fourths of the respondents in each of the other income groups thought likewise.

A somewhat more pronounced difference is observed in terms of education. Using the example of reported rates on appliance or furniture loans, it may be seen that only about one-eighth of those with grade school educations or less thought they were paying more than 11 per cent interest, while one-third of those with at least some college thought they were paying interest charges over 11 per cent.

Consumer awareness of interest rates appeared to increase with regard to retail charge accounts and bank credit cards. The survey indicated that nearly 65 per cent of the households interviewed had arrangements with department stores, gasoline companies, or other retail stores to charge purchases, with two-thirds of these respondents reporting accounts with service charges and time limits. Nearly 50 per cent of the households did not know the annual percentage rate of interest that was imposed on their most active retail charge account if not paid-up within the "free-ride" period. However, among those who thought they knew, the largest relative proportion—one-third—indicated an interest rate above 17 per cent, and another one-fifth thought their rate was in the 11 to 17 per cent range.

Since most accounts of this type incur interest charges at an annual rate of between 12 per cent and 18 per cent on unpaid balances, it may be said that there was a relatively significant degree of awareness of interest rates for such credit.

In contrast to retail charge accounts, only one-fourth of the respondents indicated ownership of a bank credit card. Slightly more than 50 per cent of those with bank credit cards admittedly did not know the interest rate charged, while another 11 per cent either did not use their card or incurred no interest charge because they paid their balances on a timely basis; a majority of the remainder reported interest rates above 11 per cent with the bulk of this group indicating annual rates in excess of 17 per cent.

Awareness of Truth in Lending was quite limited among respondents to the survey. Less than 50 per cent of the heads of households reported hearing of a Federal law requiring consumers be given certain credit information, and fewer than one-fourth of this group indicated they knew the name of the law. Those who had not heard of such a law were then asked directly if they know of a "Truth in Lending" law, and approximately one-third said that they had heard of such a law.

All of those who indicated they were aware of Federal legislation on Truth in Lending were asked about the provisions of the law. Only a very small proportion of respondents—less than 5 percent—indicated the lender was required to specify both the dollar cost and the true annual percentage rate of interest on credit, although nearly two-fifths of the respondents specified one or the other of these features. A relatively large proportion of respondents—approximately 20 per cent—incorrectly thought the law provided for ceilings on interest rates and charges. Knowledge about Truth in Lending was found to be higher among those with higher levels of income.

One of the final questions on the survey was designed to examine consumer knowledge of the difference between a stated or contract interest rate and a true annual percentage rate of interest. Given a contract rate of 6 per cent, well over one-half of the respondents did not know what the true annual rate would be. Of those giving a figure, a little over one-third properly placed the true rate in the 10 to 12 per cent range.

TABLE 1.—ANNUAL PERCENTAGE RATE OF INTEREST REPORTED ON 1ST MORTGAGE LOANS

	Total [1]	Income: Under $5,000	$5,000 to $7,999	$8,000 to $9,999	$10,000 to $14,999	$15,000 and over
Number reporting new or refinanced 1st mortgage loans within past 5 years	878	59	179	188	254	174
Number answering interest rate question	802	55	159	173	235	159
Interest rate (percent): [2]						
3 to 5.50	19.7	19.1	15.9	14.8	19.1	27.1
5.75 to 6.50	35.7	27.3	30.3	33.8	38.1	42.9
6.75 and over	18.1	16.4	18.7	17.5	20.1	14.8
Don't know	26.6	37.3	35.2	34.0	22.7	15.1
Total	100.0	100.0	100.0	100.0	100.0	100.0

[1] Sum of the number of households reporting by income does not equal total since not all respondents indicated income level.
[2] Percentage distribution of those answering interest rate question.

TABLE 2.—ANNUAL PERCENTAGE RATE OF INTEREST REPORTED ON HOME IMPROVEMENT LOANS

	Total [1]	Income: Under $5,000	$5,000 to $9,999	$10,000 and over
Number reporting home improvement loans within past 3 years	341	42	144	147
Number answering interest rate question	303	40	127	130
Interest rate (percent): [2]				
Up to 5	13.9	5.2	13.2	17.8
5.01 to 7	37.0	29.2	31.7	41.4
Over 7	13.9	4.2	17.4	15.8
Don't know	35.3	61.4	37.7	25.0
Total	100.0	100.0	100.0	100.0

[1] Sum of the number of households reporting by income does not equal total since not all respondents indicated income level.
[2] Percentage distribution of those answering interest rate question.

TABLE 3.—ANNUAL PERCENTAGE RATE OF INTEREST REPORTED ON AUTOMOBILE LOANS

	Total [1]	Income: Under $5,000	$5,000 to $7,999	$8,000 to $9,999	$10,000 to $14,999	$15,000 and over
Number reporting new or used car loans within past 12 months	952	118	238	225	209	140
Number answering interest rate question	908	114	224	216	199	134
Interest rate (percent): [2]						
Up to 5	14.5	12.4	12.8	11.8	17.3	22.3
5.01 to 7	32.0	12.9	29.4	38.4	40.5	38.3
7.01 to 10	11.9	10.7	12.4	8.9	8.4	16.4
Over 10	8.0	7.7	4.3	9.6	9.1	6.6
Don't know	33.5	56.2	41.2	31.3	24.6	16.4
Total	100.0	100.0	100.0	100.0	100.0	100.0

[1] Sum of the number of households reporting by income does not equal total since not all respondents indicated income level.
[2] Percentage distribution of those answering interest rate question.

TABLE 4.—ANNUAL PERCENTAGE RATE OF INTEREST REPORTED ON APPLIANCE AND FURNITURE LOANS

	Total [1]	Income: Under $5,000	$5,000 to $7,999	$8,000 to $9,999	$10,000 and over
Number reporting appliance or furniture loans within past 12 months	622	114	187	123	179
Number answering interest rate question	607	112	182	119	175
Interest rate (percent): [2]					
Up to 5	12.2	5.8	8.7	13.8	17.5
5.01 to 7	11.9	8.9	8.7	17.8	16.7
7.01 to 11	10.4	4.7	12.0	10.7	11.0
Over 11	11.5	2.7	15.8	8.3	15.9
Don't know	54.0	77.9	54.8	49.4	38.9
Total	100.0	100.0	100.0	100.0	100.0

[1] Sum of the number of households reporting by income does not equal total since not all respondents indicated income level.
[2] Percentage distribution of those answering interest rate question.

TABLE 5.—ANNUAL PERCENTAGE RATE OF INTEREST REPORTED ON PERSONAL LOANS

	Total [1]	Income: Under $5,000	$5,000 to $7,999	$8,000 to $9,999	$10,000 to $14,999	$15,000 and over
Number reporting cash personal loans within past 12 months	705	86	195	138	177	91
Number answering interest rate question	639	77	180	121	166	83
Interest rate (percent): [2]						
Up to 5	6.9	9.4	7.9	8.5	5.7	3.1
5.01 to 7	28.2	29.8	26.0	21.8	34.3	25.9
7.01 to 11	13.5	7.7	16.5	15.5	11.4	11.1
Over 11	9.1	3.3	6.3	8.8	11.4	13.6
Don't know	42.4	49.7	43.3	45.4	37.0	46.3
Total	100.0	100.0	100.0	100.0	100.0	100.0

[1] Sum of the number of households reporting by income does not equal total since not all respondents indicated income level.
[2] Percentage distribution of those answering interest rate question.

TABLE 6.—ANNUAL PERCENTAGE RATE OF INTEREST ANTICIPATED FOR AUTOMOBILE LOANS

	Total [1]	Income: Under $3,000	$3,000 to $4,999	$5,000 to $7,999	$8,000 to $9,999	$10,000 to $14,999	$15,000 and over
Number reporting no existing new or used car loans	3,911	480	479	893	615	734	472
Number answering interest rate question	3,767	440	455	875	597	720	465
Interest rate (percent): [2]							
Up to 5	12.3	7.8	9.4	12.6	13.5	16.0	12.1
5.01 to 7	26.6	18.4	20.4	29.2	25.8	29.1	29.0
7.01 to 11	19.5	12.4	11.6	16.3	20.4	20.8	31.7
Over 11	5.4	1.7	1.7	4.7	6.4	8.1	8.2
Don't know	36.3	59.7	56.9	37.2	33.8	26.0	19.1
Total	100.0	100.0	100.0	100.0	100.0	100.0	100.0

[1] Sum of the number of households reporting by income does not equal total since not all respondents indicated income level.
[2] Percentage distribution of those answering interest rate question.

TABLE 7.—ANNUAL PERCENTAGE RATE OF INTEREST ANTICIPATED FOR APPLIANCE AND FURNITURE LOANS

	Total [1]	Income					
		Under $3,000	$3,000 to $4,999	$5,000 to $7,999	$8,000 to $9,999	$10,000 to $14,999	$15,000 and over
Number reporting no existing appliance or furniture loans	3,977	466	466	873	666	758	524
Number answering interest rate question	3,785	409	440	843	649	737	513
Interest rate (percent): [2]							
Up to 5	10.3	9.0	8.4	10.7	9.5	12.6	9.4
5.01 to 7	23.0	13.5	17.9	23.4	23.7	25.9	28.3
7.01 to 11	18.9	10.3	10.3	14.6	20.6	22.1	28.6
Over 11	8.4	2.6	4.1	6.8	9.7	13.2	11.4
Don't know	39.4	64.7	59.3	44.4	36.4	26.4	22.3
Total	100.0	100.0	100.0	100.0	100.0	100.0	100.0

[1] Sum of the number of households reporting by income does not equal total since not all respondents indicated income level.

[2] Percentage distribution of those answering interest rate question.

APPENDIX B

TABLE 8.—ANNUAL PERCENTAGE RATE OF INTEREST ANTICIPATED FOR PERSONAL LOANS

	Total [1]	Income					
		Under $3,000	$3,000 to $4,999	$5,000 to $7,999	$8,000 to $9,999	$10,000 to $14,999	$15,000 and over
Number reporting no existing cash personal loans	4,222	507	526	951	702	769	520
Number answering interest rate question	3,991	444	496	910	678	735	508
Interest rate (percent): [2]							
Up to 5	11.2	7.6	10.8	11.7	9.8	13.9	11.7
5.01 to 7	27.6	19.6	20.8	28.5	29.3	30.0	30.1
7.01 to 11	19.2	9.7	12.9	13.7	20.6	22.8	31.1
Over 11	5.2	2.2	2.3	3.3	6.9	7.9	7.7
Don't know	36.8	60.9	53.1	42.7	33.3	25.3	19.5
Total	100.0	100.0	100.0	100.0	100.0	100.0	100.0

[1] Sum of the number of households reporting by income does not equal total since not all respondents indicated income level.

[2] Percentage distribution of those answering interest rate question.

TABLE 9.—RETAIL CHARGE ACCOUNTS

	Total [1]	Income					
		Under $3,000	$3,900 to $4,999	$5,000 to $7,999	$8,000 to $9,999	$10,000 to $14,999	$15,000 and over
Number reporting arrangements for retail charge purchases	3,259	220	290	703	582	762	535
Percent	63.4	36.2	47.0	59.4	67.9	79.5	85.1
Number reporting no arrangements for retail charge purchases	1,885	389	327	481	275	197	94
Percent	36.6	63.8	53.0	40.6	32.1	20.5	14.9
Number indicating accounts with service charges and time limits	2,405	111	185	508	440	622	444
Interest rate (percent): [2]							
Up to 5	12.9	5.6	16.8	10.5	14.6	13.3	13.3
5.01 to 11	11.2	5.6	8.3	12.4	11.4	13.3	8.9
11.01 to 17	10.4	3.6	5.7	8.5	8.8	12.5	14.9
Over 17	17.4	4.0	7.7	13.3	19.8	18.7	25.6
Don't know	48.0	81.1	61.5	55.3	45.4	42.2	37.4
Total	100.0	100.0	100.0	100.0	100.0	100.0	100.0

[1] Sum of the number of households reporting by income does not equal total since not all respondents indicated income level.

Annual percentage rate of interest reported on retail charge accounts (percentage distribution).

TABLE 10.—BANK CREDIT CARDS

	Total [1]	Income				
		Under $3,000	$5,000 to $7,999	$8,000 to $9,999	$10,000 to $14,999	$15,000 and over
Number reporting ownership of a bank credit card	1,324	166	241	243	313	266
Percent	25.8	13.6	20.4	28.4	32.7	42.3
Number reporting no bank credit card	3,813	1,058	939	613	645	363
Percent	74.2	86.4	79.6	71.6	67.3	57.7
Interest rate (percent): [2]						
No interest	4.6	2.4	2.2	2.9	6.1	5.5
0.01 to 5	7.7	4.5	7.2	7.4	9.3	9.1
5.01 to 11	9.3	3.2	11.8	8.7	10.7	11.4
11.01 to 17	8.7	3.7	4.0	10.7	9.6	14.4
Over 17	11.2	5.1	11.8	11.4	13.9	14.4
Do not use	7.1	15.0	8.4	6.7	4.3	5.9
Don't	51.4	66.0	54.6	52.2	46.2	39.2
Total	100.0	100.0	100.0	100.0	100.0	100.0

[1] Sum of the number of households reporting by income does not equal total since not all respondents indicated income level.

[2] Annual percentage rate of interest reported on bank credit cards (percentage distribution).

TABLE 11.—KNOWLEDGE OF TRUTH IN LENDING

	Total [1]	Income					
		Under $3,000	$3,000 to $4,999	$5,000 to $7,999	$8,000 to $9,999	$10,000 to $14,999	$15,000 and over
Number reporting hearing of a Federal law that requires consumers be given certain credit information	2,289	132	189	474	426	547	416
Number indicating they knew name of the law	546	12	18	75	92	167	158
Percentage distribution: [2]							
Truth in Lending	80.4	60.7	60.0	78.6	75.6	86.5	81.4
All others	6.7	32.1	5.7	2.8	11.0	3.6	7.2
Don't know	12.9	7.1	34.3	18.6	13.4	9.9	11.4
Total	100.0	100.0	100.0	100.0	100.0	100.0	100.0

[1] Sum of the number of households reporting by income does not equal since not all respondents indicated income level.

[2] Name of law given by those indicating they knew name of the law.

TABLE 12.—KNOWLEDGE OF PROVISIONS OF TRUTH IN LENDING LAW

	Total [1]	Income					
		Under $3,000	$3,000 to $4,999	$5,000 to $7,999	$8,000 to $9,999	$10,000 to $14,999	$15,000 and over
Number answering affirmative when asked directly if they had heard of a Truth in Lending law	1.631	89	140	361	304	386	270
Number indicating they knew name of the law (from table 11)	546	12	18	75	92	167	158
Total answering question on provisions of the law	2,145	96	157	428	391	545	426
Lender must specify: [2]							
Dollar cost and annual percentage rate of interest of credit	4.9	3.3	3.2	5.8	4.1	4.9	6.8
True interest rate	20.2	10.4	10.7	12.5	22.7	24.6	26.8
Dollar basis cost	15.0	7.4	16.6	16.5	13.6	15.5	17.5
Interest on loan	18.4	11.2	20.1	18.2	21.4	20.3	15.0
Other disclosure to borrower	9.2	8.3	6.5	7.3	8.7	10.2	12.0
Law provides protection against excessive interest rates and charges, or otherwise protects consumer	16.0	18.3	18.1	16.7	17.2	15.0	13.1
All other answers	3.8	3.7	2.6	3.2	4.2	3.6	4.9
Don't know	18.2	45.4	26.6	24.4	23.9	12.0	10.0
Total [3]							

[1] Sum of the number of households reporting by income does not equal total since not all respondents indicated income level.

[2] Provisions of the law as indicated by those who had heard of truth in lending (percentage distribution).

[3] Will not total to 100 since more than 1 answer was possible.

TABLE 13.—KNOWLEDGE OF INTEREST RATES

	Total [1]	Income					
		Under $3,000	$3,900 to $4,999	$5,000 to $7,999	$8,000 to $9,999	$10,000 to $14,999	$15,000 and over
Number estimating the true annual percentage rate of interest if the stated or contract rate was 6 percent	5,142	607	617	1,184	857	959	629
Interest rate (percent): [2]							
6 percent or less	12.3	6.6	11.3	12.8	17.2	12.5	11.9
6.01 to 9	6.0	2.7	4.5	6.4	6.8	5.7	7.2
9.01 to 12	15.1	3.1	6.3	11.9	16.5	24.6	30.1
12.01 and over	9.6	1.4	5.3	8.6	9.3	13.9	17.7
Don't know	57.1	86.1	72.5	60.3	50.2	43.2	33.0
Total	100.0	100.0	100.0	100.0	100.0	100.0	100.0

[1] Sum of the number of households reporting by income does not equal total since not all respondents indicated income level.

[2] Estimates of true annual percentage rate of interest (percentage distribution).

TABLE 14.—ANNUAL PERCENTAGE RATE OF INTEREST REPORTED ON 1ST MORTGAGE LOANS

	Total [1]	Education			
		Some high school or less	Graduated high school	Some college	Graduated college or higher
Number reporting new or refinanced 1st mortgage loans within past 5 years	878	237	317	137	183
Number answering interest rate question	802	219	289	119	171
Interest rate (percent): [2]					
3 to 5.50	19.7	21.0	14.7	21.6	21.1
5.75 to 6.50	35.7	29.9	34.4	36.9	44.8
6.75 and over	18.1	14.2	18.0	25.9	16.3
Don't know	26.6	34.8	33.0	15.7	17.7
Total	100.0	100.0	100.0	100.0	100.0

[1] Sum of the number of households reporting by education does not equal total since not all respondents indicated highest education completed.

[2] Percentage distribution of those answering interest rate question.

TABLE 15.—ANNUAL PERCENTAGE RATE OF INTEREST REPORTED ON HOME IMPROVEMENT LOANS

	Total [1]	Education		
		Some high school or less	Graduated high school	Some college or higher
Number reporting home improvement loans within past 3 years	341	124	116	100
Number answering interest rate question	303	113	101	89
Interest rate (percent): [2]				
Up to 5	13.9	14.2	15.1	12.7
5.01 to 7	37.0	28.7	36.2	45.0
Over 7	13.9	11.5	16.5	16.9
Don't know	35.3	45.6	32.1	25.4
Total	100.0	100.0	100.0	100.0

[1] Sum of the number of households reporting by education does not equal total since not all respondents indicated highest education completed.

[2] Percentage distribution of those answering interest rate question.

TABLE 16.—ANNUAL PERCENTAGE RATE OF INTEREST REPORTED ON AUTOMOBILE LOANS

	Total [1]	Education				
		Grade school or less	Some high school	Graduated high school	Some college	Graduated college or higher
Number reporting new or used car loans within past 12 months	952	111	202	325	151	159
Number answering interest rate question	908	106	195	310	144	149
Interest rate (percent) [2]						
Up to 5	14.5	11.3	14.6	15.3	14.7	16.2
5.01 to 7	32.0	20.9	32.8	34.4	35.8	38.7
7.01 to 10	11.9	8.7	5.6	13.7	13.4	13.3
Over 10	8.0	3.1	5.1	7.4	11.7	8.6
Don't know	33.5	56.1	41.8	29.3	24.4	23.2
Total	100.0	100.0	100.0	100.0	100.0	100.0

[1] Sum of the number of households reporting by education does not equal total since not all respondents indicated highest education completed.

[2] Percentage distribution of those answering interest rate question.

TABLE 17.—ANNUAL PERCENTAGE RATE OF INTEREST REPORTED ON APPLIANCE AND FURNITURE LOANS

	Total [1]	Education			
		Grade school or less	Some high school	Graduated high school	Some college or higher
Number reporting appliance or furniture loans within past 12 months	622	109	136	218	155
Number answering interest rate question	607	109	133	213	148
Interest rate (percent): [2]					
Up to 5	12.2	2.9	9.0	14.5	15.4
5.01 to 7	11.9	12.3	10.4	15.6	11.9
7.01 to 11	10.4	8.2	11.1	8.0	14.1
Over 11	11.5	3.3	8.0	11.7	21.5
Don't know	54.0	73.4	61.6	50.3	37.0
Total	100.0	100.0	100.0	100.0	100.0

[1] Sum of the number of households reporting by education does not equal total since not all respondents indicated highest education completed.

[2] Percentage distribution of those answering interest rate question.

TABLE 18.—ANNUAL PERCENTAGE RATE OF INTEREST REPORTED ON PERSONAL LOANS

	Total [1]	Education			
		Some high school or less	Graduated high school	Some college	Graduated college or higher
Number reporting cash personal loans within past 12 months	705	204	235	111	153
Number answering interest rate question	639	185	213	99	142
Interest rate (percent): [2]					
Up to 5	6.9	5.0	5.8	7.0	11.7
5.01 to 7	28.2	30.3	24.2	29.6	27.4
7.01 to 11	13.5	9.5	19.2	12.2	8.8
Over 11	9.1	6.2	8.1	10.8	10.6
Don't know	42.4	49.1	42.7	40.4	41.6
Total	100.0	100.0	100.0	100.0	100.0

[1] Sum of the number of households reporting by education does not equal total since not all respondents indicated highest education completed.

[2] Percentage distribution of those answering interest rate question.

TABLE 19.—ANNUAL PERCENTAGE RATE OF INTEREST ANTICIPATED FOR AUTOMOBILE LOANS

	Total [1]	Education					
		Grade school or less	Some high school	Graduated high school	Some college	Graduated college	Post-graduate college
Number reporting no existing new or used car loans	3,911	705	875	1,165	504	400	231
Number answering interest rate question	3,767	655	843	1,137	491	386	229
Interest rate (percent): [3]							
Up to 5	12.3	10.9	10.6	13.0	12.5	15.2	12.6
5.01 to 7	26.6	19.7	25.7	28.9	28.6	24.3	30.9
7.01 to 11	19.5	12.6	13.6	16.8	27.0	26.6	30.7
Over 11	5.4	2.7	4.0	4.7	6.4	10.9	10.0
Don't know	36.3	54.0	46.2	36.7	25.5	23.0	15.8
Total	100.0	100.0	100.0	100.0	100.0	100.0	100.0

[1] Sum of the number of households reporting by education does not equal total since not all respondents indicated highest education completed.

[3] Percentage distribution of those answering interest rate question.

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TABLE 20.—ANNUAL PERCENTAGE RATE OF INTEREST ANTICIPATED FOR APPLIANCE AND FURNITURE LOANS

	Total[1]	Education					
		Grade school or less	Some high school	Graduated high school	Some college	Graduated college	Post-graduate college
Number reporting no existing appliance or furniture loans	3,977	668	875	1,191	545	419	252
Number answering interest rate question	3,785	603	838	1,148	533	399	244
Interest rate (percent):[2]							
Up to 5	10.3	8.5	9.2	10.6	10.9	9.6	12.0
5.01 to 7	23.0	16.8	21.2	24.4	27.6	24.4	28.7
7.01 to 11	18.9	11.4	13.3	18.8	21.4	27.0	23.9
Over 11	8.4	4.4	4.3	7.2	13.3	14.9	15.6
Don't know	39.4	58.9	52.0	39.0	27.0	24.1	19.9
Total	100.0	100.0	100.0	100.0	100.0	100.0	100.0

[1] Sum of the number of households reporting by education does not equal total since not all respondents indicated highest education completed.

[2] Percentage distribution of those answering interest rate question.

TABLE 21.—ANNUAL PERCENTAGE RATE OF INTEREST ANTICIPATED FOR PERSONAL LOANS

	Total[1]	Education					
		Grade school or less	Some high school	Graduated high school	Some college	Graduated college	Post-graduate college
Number reporting no existing cash personal loans	4,222	774	961	1,269	550	420	214
Number answering interest rate question	3,991	694	916	1,215	533	401	204
Interest rate (percent):[2]							
Up to 5	11.2	8.5	11.4	11.2	11.4	12.7	12.5
5.01 to 7	27.6	20.8	24.9	27.8	33.2	27.9	33.5
7.01 to 11	19.2	12.5	12.8	18.0	23.8	28.7	29.5
Over 11	5.2	3.0	2.5	5.0	7.3	9.5	10.0
Don't know	36.8	55.2	48.3	38.0	24.4	21.1	14.5
Total	100.0	100.0	100.0	100.0	100.0	100.0	100.0

[1] Sum of the number of households reporting by education does not equal total since not all respondents indicated highest education completed.

[2] Percentage distribution of those answering interest rate question.

TABLE 22.—RETAIL CHARGE ACCOUNTS

	Total[1]	Education				
		Grade school or less	Some high school	Graduated high school	Some college	Graduated college or higher
Number reporting arrangements for retail charge purchases	3,259	389	595	1,049	500	696
Percent	63.4	42.3	52.3	67.7	73.8	85.1
Number reporting no arrangements for retail charge purchases	1,885	530	543	501	178	122
Percent	36.6	57.7	47.7	32.3	26.2	14.9
Number indicating accounts with service charges and time limits	2,405	215	407	775	419	580
Interest rate (percent):[2]						
Up to 5	12.9	6.9	11.6	12.1	16.6	13.8
5.01 to 11	11.2	10.6	11.5	12.4	12.3	7.7
11.01 to 17	10.4	3.0	7.0	10.3	12.7	14.2
Over 17	17.4	4.9	10.9	14.7	22.2	26.3
Don't know	48.0	74.7	59.0	50.5	36.3	38.0
Total	100.0	100.0	100.0	100.0	100.0	100.0

[1] Sum of the number of households reporting by education does not equal total since not all respondents indicated highest education completed.

[2] Annual percentage rate of interest reported on retail charge accounts (percentage distribution).

TABLE 23.—BANK CREDIT CARDS

	Total[1]	Education					
		Grade school or less	Some high school	Graduated high school	Some college	Graduated college	Post-graduate college
Number reporting ownership of a bank credit card	1,324	126	215	427	204	197	121
Percent	25.8	13.7	18.9	27.6	30.2	37.9	40.6
Number reporting no bank credit card	3,813	791	921	1,121	472	324	176
Percent	74.2	86.3	81.1	72.4	69.8	62.1	59.4
Interest rate (percent):[2]							
No interest	4.6	2.2	3.6	3.7	4.1	6.0	8.9
0.01 to 5	7.7	7.0	7.1	6.2	9.2	9.9	8.9
5.01 to 11	9.3	12.5	8.0	10.1	7.6	8.6	9.7
11.01 to 17	8.7	0.4	7.5	6.3	9.9	13.0	17.8
Over 17	11.2	1.8	7.1	8.2	17.7	17.5	22.4
Do not use	7.1	13.6	11.1	8.1	4.6	2.9	3.5
Don't know	51.4	62.5	55.6	57.5	47.0	42.1	29.0
Total	100.0	100.0	100.0	100.0	100.0	100.0	100.0

[1] Sum of the number of households reporting by education does not equal total since not all respondents indicated highest education completed.

[2] Annual percentage rate of interest reported on bank credit cards (percentage distribution).

TABLE 24.—KNOWLEDGE OF TRUTH IN LENDING

	Total[1]	Education					
		Grade school or less	Some high school	Graduated high school	Some college	Graduated college	Post-graduate college
Number reporting hearing of a Federal law that requires consumers be given certain credit information	2,289	187	393	739	413	333	214
Number indicating they knew name of the law	546	9	42	144	130	119	99
Percentage distribution:[2]							
Truth in lending	80.4	35.0	69.1	83.6	82.4	79.5	83.1
All others	6.7	45.0	9.9	3.1	4.3	8.4	7.8
Don't know	12.9	20.0	21.0	13.2	13.3	12.0	9.2
Total	100.0	100.0	100.0	100.0	100.0	100.0	100.0

[1] Sum of the number of households reporting by education does not equal total since not all respondents indicated highest education completed.

[2] Name of law given by those indicating they knew of the law.

TABLE 25.—KNOWLEDGE OF PROVISIONS OF TRUTH IN LENDING LAW

	Total[1]	Education					
		Grade school or less	Some high school	Graduated high school	Some college	Graduated college	Post-graduate college
Number answering affirmative when asked directly if they had heard of a truth in lending law	1,631	157	272	560	277	232	127
Number indicating they knew name of the law (from table 24)	546	9	42	144	130	119	99
Total answering question on provisions of the law	2,145	162	304	695	405	346	224
Lender must specify (percent):[2]							
Dollar cost and annual percentage rate of interest of credit	4.9	1.4	3.9	4.7	5.3	7.0	6.3
True interest rate	20.2	8.2	13.0	16.7	26.6	26.1	31.2
Dollar basis-cost	15.0	7.6	15.1	16.5	18.2	12.9	14.5
Interest on loan	18.4	11.9	21.3	20.0	16.8	17.2	19.8
Other disclosure to borrower	9.2	2.8	7.6	8.4	11.2	12.8	10.0
Law provides protection against excessive interest rates and charges, or otherwise protects consumer	16.0	25.2	19.0	14.8	12.4	15.3	12.8
All other answers	3.8	.9	4.2	3.7	4.6	4.4	4.0
Don't know	18.2	44.6	21.3	21.8	11.0	10.3	8.0
Total[3]							

[1] Sum of the number of households reporting by education does not equal total since not all respondents indicated highest education completed.

[2] Provisions of the law as indicated by those who had heard of truth in lending (percentage distribution).

[3] Will not total to 100 since more than 1 answer was possible.

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TABLE 26.—KNOWLEDGE OF INTEREST RATES

	Total[1]	Education: Grade school or less	Some high school	Graduated high school	Some college	Graduated college	Postgraduate college
Number estimating the true annual percentage rate of interest if the stated or contract rate was 6 percent	5, 142	918	1, 138	1, 550	678	521	297
Interest rate (percent):[2]							
6 percent or less	12. 3	7. 3	11. 4	13. 7	15. 7	15. 1	11. 0
6.01 to 9	6. 0	4. 0	4. 8	6. 5	6. 7	6. 9	5. 2
9.01 to 12	15. 1	4. 1	11. 1	14. 9	23. 3	27. 4	32. 6
12.01 and over	9. 6	4. 1	6. 6	11. 2	13. 7	11. 1	15. 8
Don't know	57. 1	80. 5	66. 2	53. 7	40. 5	39. 6	35. 4
Total	100. 0	100. 0	100. 0	100. 0	100. 0	100. 0	100. 0

Footnotes at end of table.

[1] Sum of the number of households reporting by education does not equal total since not all respondents indicated highest education completed.

[2] Estimates of true annual percentaga rate of interest (percentage distribution).

REPORT ON SOUTHEAST ASIAN VISIT

The SPEAKER. Under a previous order of the House, the gentleman from Mississippi (Mr. MONTGOMERY) is recognized for 60 minutes.

Mr. MONTGOMERY. Mr. Speaker, I appreciate being given this opportunity to report to my colleagues on my recent trip to Southeast Asia. My visit to the U.S. servicemen in South Vietnam this Christmas was actually my third Christmas in Vietnam. I am pleased to report that after careful analysis of the current military situation I am convinced that President Nixon's policy of Vietnamization is working and will continue to work.

Of course, it is easy to become overly optimistic about the outcome of the war when one observes the progress made by the South Vietnamese forces in just this last year. For this reason I have tried to analyze my findings as objectively as possible in order to make certain my conclusions were based on fact and not wishful hoping.

One reason I believe we will continue to withdraw troops is the proficiency of the four South Vietnamese divisions plus improvements of other South Vietnam military units. These troops realize the U.S. forces are withdrawing, and consequently they have prepared themselves for the day when the defense of South Vietnam will rest entirely on their shoulders, and the shoulders of their fellow countrymen.

It was also reassuring to learn that the regional and populace forces are able to perform their assigned tasks of protecting the provinces and the villages.

I can also report to you, Mr. Speaker, that President Thieu's policy of issuing guns or weapons to the individuals who make up the people's self-defense force is working very well. It would not have been possible to pursue such a policy a year ago, but fortunately the South Vietnamese with the help of American troops have managed to free 92 percent of the population from Communist domination.

And I might say, Mr. Speaker, 2 years ago if you would have tried to give guns to individuals more than likely these guns would have ended up in the hands of the VC. That is not the case now.

The vast majority of the South Vietnamese people realize that democracy is by far the most preferable form of government. The South Vietnamese have also come to realize that the Vietcong are the ones responsible for their misery and suffering. For these reasons President Thieu's policy of arming the people has proved successful.

Mr. Speaker, when I reported to you and my colleagues last year I recommended and urged that the United States withdraw a minimum of 100,000 U.S. troops from South Vietnam. I know that I cannot take credit for what has taken place, but by April 1 of this year America will have withdrawn 110,000 servicemen from South Vietnam. I believe that we can continue to withdraw troops during 1970 until we have withdrawn an additional 75,000 to 100,000 men by January 1, 1971. Although I feel it would be a very serious mistake for President Nixon to publicly state a withdrawal timetable I do believe we should work toward a goal of withdrawing most of our combat troops by mid-1972.

I would hasten to point out however that the United States will have military forces in South Vietnam for many years to come, as has been the case in Europe where we still have well over 100,000 troops and which has been the case in South Korea where we have around 50,000 Americans there—and they have been there for almost 20 years. I believe it will be necessary to retain a force of 50,000 to 75,000 men in South Vietnam for technical and support purposes.

In spite of what you might have read in the newspapers or hear over the television or radio the morale of the U.S. servicemen is excellent. These are fine fighting young men we have in Vietnam. They are about 25 pounds heavier and about 2 inches taller on the average than their fathers were in World War II.

Their major concern—and I am talking about these young Americans fighting in Vietnam—seems to be the continued antiwar protests in America. They are worried about these protests.

Many of the servicemen with whom I visited—and there have been quite a few for the last 3 years—99 percent of them understand that our flag is committed in Vietnam and they understand their obligation to this flag.

One disturbing thing I did find on my trip was the lack of unity among the elected leaders in South Vietnam. Some Members of the National Assembly have accused President Thieu of being a dictator. I would admit that President Thieu has taken a hard-nosed approach in some matters but I feel it was necessary for him to do so under the circumstances.

My personal observations and communications that I have received from our American advisers indicate that President Thieu is doing a commendable job and is the best man for the position.

While in Vietnam I also investigated the alleged killings at Mylai. I can say without equivocation that whatever did happen at Mylai was an isolated incident. It has not affected the morale of our troops nor the people of Vietnam. It will not have any effect on the outcome of the war. Frankly I cannot quite understand why the Army has handled the situation in the manner that they have. The national press has also forgotten to mention the untold number of atrocities and mass killings committed by the Vietcong and the North Vietnamese. Mr. Speaker, I believe it is also right and proper that we not be too quick to judge the men implicated in this alleged massacre.

I found our pacification program to be working very well in Southeast Asia. Our servicemen in pacification are showing the Vietnamese people that the United States is truly trying to help them achieve a democratic form of government through free elections. As a consequence the South Vietnamese are realizing that the Vietcong is the real enemy.

Mr. Speaker, I might say if any of my colleagues would like to comment as I touch on these different subjects on Vietnam I certainly would like to have their opinions or comments.

Mr. Speaker, I yield to the gentleman from Colorado (Mr. ROGERS).

Mr. ROGERS of Colorado. Mr. Speaker, will the gentleman yield?

Mr. MONTGOMERY. I yield to the gentleman from Colorado.

Mr. ROGERS of Colorado. First, I wish to commend the gentleman from Mississippi for taking the time during the recess between the first session and the second session of the 91st Congress to go to Vietnam and make the study which he has made. Those of us in the Congress who have had the opportunity to observe the gentleman from Mississippi in his studies in connection with Vietnam recognize that he is a student who is interested in trying to help solve the problem. I for one want to commend him for his action and giving us the benefit of his thinking in that regard.

Naturally we are all concerned as to how soon we can bring an end to the situation in South Vietnam. I would appreciate it if the gentleman could give us the benefit of his thinking on this

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question. While the gentleman says that he does not think we should have a timetable, he has pointed out that the Vietnamization program of the President is working. Does the gentleman think it is working to the point that at sometime soon we may be assured of the end of the casualties in that area? What are your thoughts in that regard?

Mr. MONTGOMERY. First, I thank the gentleman for his comments. I know he has been interested in my trip and he has been very patient in letting me talk with him at different times about my thoughts on the subject of Vietnam.

I believe that if other nations, such as China and Russia, do not become heavily involved in Vietnam—in North Vietnam or South Vietnam—the way the war is presently progressing, I have set a timetable for myself to have most of our combat fighting ground troops out of Vietnam by mid-1972. I think such a target will give the South Vietnamese enough time to completely take over the fighting.

As I mentioned in my remarks, it seems to me, as we have done in Europe and Korea, that we shall have to keep some type of advisory and technical support in South Vietnam to help these people for some time to come. But I would say that by mid-1972, the way the war is progressing now, we should have most of our combat fighting forces out of Vietnam, in my opinion.

Mr. ROGERS of Colorado. I thank the gentleman.

Mr. BRINKLEY. Mr. Speaker, will the gentleman yield?

Mr. MONTGOMERY. I yield to the gentleman from Georgia.

Mr. BRINKLEY. Mr. Speaker, I, too, wish to commend my colleague from the State of Mississippi for his taking the time today to speak on the subject of Vietnam, and in permitting us to participate with him; furthermore, I wish to commend him for his trip to Vietnam.

I share the gentleman's concern over the Mylai incident and the hasty condemnation of Lieutenant Calley. In criminal justice in this Nation we have the rule that a man is presumed innocent until proven guilty beyond a reasonable doubt. We believe in that rule. Certainly we should apply that standard in this case also.

In the civil law of this country we also have a provision called the emergency doctrine. Under that doctrine if one, while driving a car or engaging in other pursuits, is confronted with a sudden emergency not of his own making, he is not held to the same standard of care to which he is normally held. Applying that standard to a situation of war, we certainly should withhold judgment in order to guarantee this soldier a fair and equitable trial.

Mr. MONTGOMERY. I certainly agree with the gentleman from Georgia. I appreciate very much his comments on the Mylai incident.

Mr. TAYLOR. Mr. Speaker, will the gentleman yield?

Mr. MONTGOMERY. I yield to the gentleman from North Carolina.

Mr. TAYLOR. Mr. Speaker, I, too, would like to commend the gentleman from Mississippi and the gentleman from Georgia on the statements they have made in regard to the Mylai incident.

Lieutenant Calley's home of record is Waynesville, N.C., which is in the congressional district I represent.

However, he spent most of his life in Miami, Fla. He entered the service with a fine civilian record. He was promoted from a private to a lieutenant. He was decorated in service six times.

Mr. Speaker, I have been greatly concerned that he was being tried by the press and being convicted without being given a fair trial. Witnesses have been interrogated and their testimony has been published nationwide on the front pages of newspapers, and pictures of horror and death and destruction have appeared in papers with insinuations that Lieutenant Calley caused this. Of course, one man's service cannot cause such destruction. Lieutenants do not make military policy.

Mr. Speaker, I hope the press will discipline itself and will give this young man an opportunity for a fair trial in a proper court without trying him and convicting him in the newspapers.

Mr. MONTGOMERY. Mr. Speaker, I certainly thank the gentleman from North Carolina for his remarks. They are certainly appropriate at this time.

Mr. Speaker, further commenting on the Mylai situation, in response to the gentleman from North Carolina, while in South Vietnam I had arranged to go to Mylai, but the day before my scheduled visit there had been some VC activity in that area, and it was recommended that we not go into Mylai. However, we did fly over that area, although it is one of the few places in South Vietnam which still cannot be entered with any fair amount of safety.

Mr. TAYLOR. Mr. Speaker, will the gentleman yield further?

Mr. MONTGOMERY. I yield to the gentleman from North Carolina.

Mr. TAYLOR. Mr. Speaker, would the gentleman from Mississippi agree with me that the war in Vietnam is a very peculiar war, one in which we cannot tell our friends from our enemies? An innocent civilian by day becomes a deadly killer by night, and all this complicates the situation when we start accusing the GI's of murder when they shoot what they think are enemies.

Mr. MONTGOMERY. That is certainly true. I may say that whatever happened in Mylai, it has had no effect on the Vietnamese people themselves. I visited various hamlets and villages. They like the Americans and they know what type job the Americans are doing. Mylai has had no effect on the morale of the American troops.

Mr. Speaker, I met the three top American officials in Vietnam, Admiral McCain, General Abrams, and Ambassador Bunker, and all three were optimistic about our being able to turn a large share of the war and the fighting over to the South Vietnamese. General Abrams was optimistic and expressed his opinion, in that down-to-earth language for which he is so well known when he told me:

> I will eat the fatigues I am now wearing if the two South Vietnamese divisions below the DMZ cannot repel any Communist attack that comes through the DMZ.

Of course, I would like to add that this is dependent on our air support in the event of such an attack. Mr. Speaker, all indications are there will be some type of Communist offensive during the Tet which comes in February. It is my opinion that with our air and artillery and helicopter support the South Vietnamese will be able to repel any attack.

Mr. Speaker, I would also like to share with the Members my experience in attempting to visit the U.S. servicemen being held as prisoners of war in North Vietnam. I must admit the idea of going to North Vietnam and trying to visit with American prisoners was not original with me. The idea was suggested to me by a member of the armed services stationed at the Pentagon. By the same token, I was most sincere in my request for a visa to enter North Vietnam. As expected, my attempts were rejected. A radio broadcast came out of Hanoi denying my visit with American prisoners.

Mr. Speaker, the Hanoi message I received was a typical North Vietnam propaganda blast. I also received a message from the DRVN representatives to the Paris peace talks, and under permission I have obtained, I will read this message. I might add that I received a similar reply from the Foreign Ministry of North Vietnam.

It came to me, a Member of Congress. This is from the North Vietnamese Ministry:

> Mr. GILLESPIE V. MONTGOMERY,
> *Member of Congress,*
> *Washington, D.C.:*
>
> Waging war aggression on Viet Nam, U.S.A. has committed monstrous crimes against Vietnamese people.
>
> U.S. airmen held in North Viet Nam have bombed and killed many civilians and destroyed many villages and towns in North Viet Nam. Yet after capture they have received humane treatment pursuant to policy DRVN Government: They enjoy medical care when they are ill, and are allowed on regular basis to receive letters and packages from their families.
>
> To our deep regret it is not now convenient for your coming to Hanoi in view of continued U.S. attacks on D.R.V.N.
>
> HEAD OF SECRETARIAT,
> *Foreign Ministry, D.R.V.N.*

Members can see just how ridiculous this message is.

Even though I was rejected in this attempt, I intend to continue to harass the North Vietnamese in any way possible until they abide by the Geneva Convention on the Treatment of Prisoners of War.

Another military matter I should like to bring to the attention of my House colleagues is the announced decision to return Okinawa to the Government of Japan. I feel very strongly this would be a very serious mistake on the part of the United States.

In addition to the fact that Okinawa holds a great deal of historical and sentimental value for all Americans, the island is of strategic importance from a military and financial standpoint.

Its historical and sentimental value stems from the loss of 12,000 U.S. servicemen who gave their lives to capture

Okinawa. It is valuable militarily, since this island is the only United States territory within a reasonable distance of Peking, Tokyo, Seoul, Saigon, Bangkok and Hanoi. Okinawa is the site for nuclear and modern conventional weapons needed for the preventive defense of the Pacific. If we were to lose possession of Okinawa it would mean removing these sophisticated weapons back to Guam, back to Hawaii, or even back to the west coast.

Since Okinawa is where we repair all of our wheeled and tracked vehicles used in South Vietnam and Southeast Asia, the financial consequences of returning the island will not make the U.S. taxpayers very happy. We can repair these vehicles at Okinawa at the rate of $2.50 an hour, whereas the cost stateside would be in the neighborhood of $8.50 an hour. This does not include the additional 2 months of deadlining the vehicle or the added cost of transporting the equipment a further distance.

Mr. Speaker, I have tried to touch on some of the high spots of my trip and to give some insight into my findings on the Vietnam war and on other military situations, following visits to Southeast Asia for 3 successive years. If any other Member would like to make any comment at this time I shall certainly be glad to yield to him.

Mr. McKNEALLY. Mr. Speaker, will the gentleman yield?

Mr. MONTGOMERY. I yield to the gentleman from New York.

Mr. McKNEALLY. I thank the gentleman for yielding.

I greatly enjoyed the gentleman's report on his trip to South Vietnam. I certainly approve and endorse everything he has said with reference to the Mylai incident and all the other subjects about which he spoke.

I am pleased to join with the gentleman in praising the high quality of the service of our men there. Certain it is that this war, while it may be one that is fought in a peculiar way, is one that also is received back home in a peculiar way.

I would like to emphasize, while I have the opportunity to do so, the fact that our soldiers are going about the business of doing their job well although they may not like the job they are doing. In typical American fashion they have taken on a responsibility by delegation of their country, and they are doing it. I was greatly impressed not only with the ordinary resourcefulness which is always a characteristic of the American soldier, but once again by his great compassion. Because the American soldier is always interestingly compassionate to his enemy and those he meets and fights with and identifies with, I might say it comes as rather an odd thing that all of a sudden we have discovered that some of our soldiers have gone haywire and adopted the tactics of our enemy. It seems to me we should do a little factfinding. I was staying in the same place with General Peers, an extraordinary capable gentleman, and Mr. Robert McCrate, who is from my own State, and Mr. Walsh, who are investigating this incident. It seems to me it would be rather appropriate and a credit to us if we allowed factfinders and legal processes to deal with this subject, which has been so much in the newspapers. I had occasion, also, while I was there to visit many hospitals.

It is probably the most inspiring thing in the whole world to visit a military hospital and see the men and see how quickly they recover not only their health but their sense of humor and sense of balance. It is most heartening and inspiring to see this. I must pay tribute, as well, Mr. Speaker, to the helicopter crews which take a healthy man who has been struck down by hostile enemy action and transport him quickly to the hospital, ministering to him on the way, deliver him to our doctors who operate, and return him to his hospital bed almost in full and brimming health, just as he was when he was attacked. That is what was so arresting about going to these hospitals. You see all of these smiling faces of the men who are in command of themselves despite the fact that they had an amputation which followed the hostile enemy action. So we pay tribute here to the hospital people and all of those people who have come together in that country to help make sense out of the situation in which we have been involved.

I cannot fail also to note before I finish that my own returning sentiment and conviction was one of cautious optimism. Nobody wants to make predictions about this war. Too many people were previously frosted by predictions which they made and which misled us, so nobody does it any more. But through the actions and statements of our people we find a measure of optimism based on, I might say in a generous sort of way, the eagerness of the South Vietnamese to take command of their war as well as the new training and new spirit which derive from the Tet offensive of 1967. This offensive had the reverse effect of what the enemy hoped for. So I say to the House and to the Members and to you, Mr. Speaker, I do believe we are in a sound position there and are well organized. All of these voices which are raised on our campuses and voices raised in this House indeed are not of course doing us any benefit and, as a matter of fact, they are not even reporting the situation down there at all accurately.

Mr. MONTGOMERY. I thank the gentleman from New York for his very fine and appropriate remarks. I know the gentleman was in Vietnam for around 5 days also during the Christmas season.

Mr. Speaker, I yield to the gentleman from New York (Mr. PIRNIE).

Mr. PIRNIE. Mr. Speaker, I thank the gentleman for yielding to me.

I take this opportunity to commend the gentleman in the well not only for his excellent use of his time during the period between our sessions so as to make this hazardous and difficult trip to Southeast Asia, but also for his contribution to the morale of our servicemen whom he visited there.

The reports which we have received are full of praise for the manner in which he conducted himself, the sincerity of his interest and the depth of his inquiry. He contributed a great deal and his report here today to his colleagues will be deeply appreciated.

I, too, have been concerned about the impact of events and careless comments here at home have upon the fighting men far away. People are willing to make great sacrifices if they feel that their efforts are understood and that the results that they are seeking are applauded. It is not simply for praise or recognition, it is because they like to feel that they are part of a great tradition in which men have sacrificed their comfort and their security in behalf of the Nation they love. So I am sure that the presence of the gentleman from Mississippi was a gesture of recognition and appreciation that gave a great deal of inspiration and courage. I know that some of the personal visitations which he made were most timely and were deeply appreciated. I congratulate the gentleman upon this service to his country. His efforts were not in vain.

Mr. MONTGOMERY. Mr. Speaker, I thank the gentleman from New York (Mr. PIRNIE) for his very kind remarks. I know of his great and strong interest in the war in Vietnam. I know of his military background, and again I thank the gentleman for his comments.

Mr. Speaker, I yield back the balance of my time.

Mr. DICKINSON. Mr. Speaker, I rise once again to voice my concern for the well-being of over 1,400 Americans who are listed as "missing in action" or "prisoner of war." I commend the gentleman from Mississippi (Mr. MONTGOMERY) for his efforts to visit North Vietnam in order to visit with American prisoners of war.

Unfortunately, Mr. Speaker, his request for a visa was denied. The Hanoi government issued a typical statement of propaganda when it rejected the request. Hanoi insists that American servicemen are "war criminals" who have committed monstrous crimes against the Vietnamese people.

The North Vietnamese in their propaganda blast claim that—

> They [POW's] have received humane treatment pursuant to policy DRVN Government and they enjoy medical care when they are ill, and are allowed on regular basis to receive letters and packages from their families.

Mr. Speaker, nothing could be further from the truth. The North Vietnamese and the Vietcong have violated and continued to violate every provision of the Geneva Convention. Former POW's who were released or escaped have testified, in detail, violation after violation committed by the North Vietnamese and the Vietcong.

The North Vietnamese and the Vietcong have refused to identify the prisoners they hold; they refuse to allow impartial inspection of camps; they will not permit free exchange of mail between prisoners and their families; they have not released the seriously sick or injured prisoners; and they refuse to negotiate seriously for the release of all prisoners. The North Vietnamese and the Vietcong have volated the requirements of the

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1949 Geneva Convention in every conceivable way.

Mr. Speaker, I strongly commend the gentleman from Mississippi's action. I also commend those members who voted unanimously, 405 to 0, for the resolution expressing that—

> The Congress strongly protests the treatment of United States servicemen held prisoner by North Vietnam and the National Liberation Front of South Vietnam, calls on them to comply with the requirements of the Geneva Convention, and approves and endorses efforts by the United States Government, the United Nations, the International Red Cross, and other leaders and peoples of the world to obtain humane treatment and release of American prisoners of war.

GENERAL LEAVE TO EXTEND

Mr. MONTGOMERY. Mr. Speaker, I would like to ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on this particular subject.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

THE NEED FOR ASSISTANCE TO THE EDUCATIONALLY DISADVANTAGED

The SPEAKER pro tempore (Mr. HAGAN). Under a previous order of the House, the gentleman from Kentucky (Mr. PERKINS) is recognized for 60 minutes.

Mr. PERKINS. Mr. Speaker, yesterday I was pleased to share with my colleagues the results of inquiries I have made throughout the Nation with local school districts concerning the operation of Elementary and Secondary Education Act title I programs for disadvantaged children.

Today in addition I am placing in the CONGRESSIONAL RECORD following my remarks more responses from that inquiry.

Mr. Speaker, I continue to be appalled at the attitude of some of my well-meaning colleagues and some spokesmen for the White House who continue to damn ESEA with something less than faint praise.

This is an obvious device to cast doubt upon a program without the facts to support a direct criticism of it. Thus the question is asked: Is the money we are spending really making any difference in the education of children?

While I have no doubt from the results of the questionnaires I have received that the answer to this question is a positive yes, and while the hearings that we have held in each of the last four sessions of the Congress indicate that the answer is a positive yes, the question continues to be posed.

I can positively state from the evidence at hand that any lack of effectiveness is directly due to the unwillingness of the executive branch and the Congress to commit funds to enable these programs to operate at the level the authorizing legislation contemplates.

Mr. Speaker, if the Congress were presented with evidence that a certain type of aircraft would cost $1 million to build, what kind of aircraft do you suppose we would obtain if we were to provide only $250,000 with the instruction to the builder to build the airplane according to his $1 million design.

This is precisely what we are asking the educators to do with the Elementary and Secondary Education Act. When we do not provide enough funds to a local school system to implement its programs the school system is left with two choices. Either it must limit the program operation to a very small number of children, thus denying the program to many who need and would benefit from it or it must devise programs that apply to all of the target children in which case the affect on achievement of the student will be considerably reduced. I believe that the time is long overdue when we should fully fund these programs. The additional funds provided in the bill the President threatens to veto does not approach full funding but it does enable school districts to maintain at the 1968 operational level programs for the disadvantaged.

Mr. Speaker, during our discussion yesterday, questions were asked as to the effectiveness of title I in raising the achievement levels of disadvantaged children. My response then—and my response now—is that local school superintendents, those people best able to evaluate local programs, overwhelmingly advise us that their title I programs are effective.

I asked my colleagues to read carefully the questionnaires which I made part of the RECORD yesterday. If they have done so, they will see that of the 64 school officials who responded to the question of whether their title I program program is effective in meeting special education needs of educationally disadvantaged children, 64—or 100 percent—responded affirmatively.

Let us review some of the responses. To the question: "Is your program effective?"

Dallas County, Ala., responded:

> Yes, we are confident that our Title I programs have been very effective in meeting the needs of disadvantaged children.

From Tuscon, Ariz., "A resounding success."

From San Antonio, Tex.:

> Yes, the few programs we have are very effective in helping the educationally disadvantaged child.

From Seattle, Wash.:

> Yes, our Title I programs have demonstrated success among the members of our target population.

From Norfolk, Va.: "To a vast degree."

From St. Joseph, Mo.: "Absolutely."

The questionnaires which I will place in the RECORD today follow the same pattern:

From Grand Rapids, Mich.:

> Yes. No question about it.

From Davidson County, Tenn.: "Definitely."

And Mr. Speaker, contrary to what some allege, these evaluations are not mere observations. They are not just off the top of the head comments from school administrators, as some allege. A further review of the responses reveals that such evaluations are made on the basis of scientific studies and recognized testing.

From Florence, Ala.:

> Yes. Studies and research data relative to services and activities in our local system indicate great progress of pupils participating in Title I activities, progress to the extent achieved impossible without these supplementary programs and services. Items which are hard to measure such as attitude toward school, a pupil's image of himself and his opportunities, etc., have been emphasized with remarkable progress being achieved.

From San Jose, Calif.:

> Yes; and we have test data to prove it. . . . We can document who is getting services—what the services are—and that these services are effective. We can show community support for expansion of services if needed.

From Brunswick, Ga.:

> Our Title I programs are showing concrete results in meeting the needs of educationally disadvantaged children in *the areas* that we have funds for implementary of the special programs. Program evaluation: Glynn County, Georgia, pupils participating in the Title I, ESEA, Reading Improvement Program during the 1968–69 school term were given a standardized pre and post test (California Reading Achievement Test). 363 elementary pupils were tested in October, 1968, and again in April, 1969. The average pupil grade placement gain was .72. The average normal pupil grade progress for this period of time would be .55. The above average gain in pupil grade placement progress of .17 alone points out the significant value of this program. Six weeks, summer, 1969, reading program for 678 pupils who were tested (California Reading Achievement Test) pre and post showed an average gain of .42 grade. This was about ½ year progress. Six weeks, summer 1969, dropout program has shown positive results. Dropouts during *summer (between school terms)* has been reduced as follows: Summer 1967, 237 dropouts; summer 1968, 256 dropouts; summer 1969, 91 dropouts.

From Wichita, Kans.:

> Yes. We have had annual evaluations of our Title I program. The results have shown a consistent pattern of progress in regard to the improvement of reading. About 50 percent is spent in supportive programs and activities that have contributed to pupil educational progress.

From Shelby, Miss.:

> We can and are reaching the disadvantaged. Substantial improvement in reading, math, and language arts achievement, plus more regular attendance is borne out by the results of standarized achievement tests. The greatest obstacle is civil rights groups which try to make Title I into a welfare program.

Today I will insert the questionnaire from Charlestown, W. Va., a school district operating a substantial title I program, with an annual allotment for this program in excess of $1 million. Their title I program is avaluated as follows:

> Recent audit by HEW indicates that funds in Kanawha County are reaching the disadvantaged and are not being misdirected. They further conclude that the only way we can have a more effective program is to receive adequate funding.

In order to obtain the most current information possible on the status of vocational education programs throughout the Nation, I asked the American Vocational Association to do a telephone sur-

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vey of State vocational education agencies to obtain the latest information.

That survey was conducted on January 19 and information continues to be assembled which I will share with my colleagues when I receive it.

To date it discloses the following situation in the States indicated.

MARYLAND

Two letters of credit from U.S. Office of Education have been received but no Federal funds for vocational education have been allocated to any county in Maryland. The counties have been told that unless additional Federal money is appropriated, they will be cut one-third from what they received last year on their Federal reimbursement.

Thus far, the State of Maryland has maintained an open admissions policy to vocational education; however, unless new programs are added, a selective admissions policy must be employed next year in some counties to take care of demands.

Every county in Maryland has prepared an annual and a long-range plan for vocational education. Annual plans show that each county could spend six times more than they will get under the present level of funding. Baltimore City could use the entire Federal allotment.

Paperwork for projects has been completed and new starts can be made now if funding is available.

WISCONSIN

Wisconsin made a commitment for programs for this fiscal year based on the assumption that Federal funding would be available. Local programs are now started and underway.

If funds are cut from last year, the school districts will be forced to borrow funds to make up the deficit. This means that State and local taxes must be raised. Subsequently, programs for the next year will be cut unless Federal funding is available.

NEW YORK

New York does not operate under a system of reimbursement, so there has been no reason to cut back; however, what has happened is simply that the vocational programs were not started. Thus the State has been limited this year in moving toward the goals outlined in the State plan for vocational education. Adult programs in particular have been tremendously limited.

The amount available to New York under the $488 million allocation can be wisely spent for parts D and H, and in all cases where there is 2-year money. The State is presently in process of budgeting for 1971, and the State plan for vocational education is virtually a meaningless exercise unless the State knows in advance what the level of Federal funding will be.

KENTUCKY

Requests for vocational funds far exceed the amount of Federal funds available to reimburse on programs. The 40-percent set-asides have made it necessary for Kentucky to spend $1,911,000 less than was spent on regular programs last year. Cuts have been particularly heavy in terms of postsecondary and adult programs. Additional cuts will be made in travel and equipment. The next 10 days will be crucial to expenditure of funds in Kentucky at the level of $488 million. Acceptable programs can be planned and generated if Federal funding at that level is available by February 1.

TENNESSEE

The cutback in Federal funds this year has virtually eliminated adult vocational programs in Tennessee. A 75-percent reduction was necessary and this has affected some 18,000 adults. This was the only flexible funding where cuts could be made.

Additional Federal funds can be spent if available in the next 2 weeks. The only place where Tennessee might have difficulty is in the cooperative program which serves primarily an inschool group of students.

NEW JERSEY

Approximately $1 million will be cut from on-going programs of last year. The setasides for postsecondary are going to junior college programs. There has been virtually no expansion in secondary programs this year.

Twenty-seven area vocational school projects are awaiting Federal funding for construction, State, and local matching funds were made available last year in a $27 million bond issue.

New Jersey is prepared to wisely spend additional funds this fiscal year. There is now a $25 million backlog in applications that are approvable and awaiting funding. Work study money is badly needed. Part G funds—cooperative—could be used with virtually no problem. New Jersey could easily use three times the amount it will be allocated under the $488 million appropriation.

CALIFORNIA

After passage of the 1968 amendments, California changed its concept of Federal funding for vocational education from a project basis to that of an entitlement basis. Two requirements must be met by school districts: they must offer bona fide vocational programs and they must generate the excess costs above the average daily attendance costs. This new concept for funding has created unprecedented demands for vocational programs. Last year California spent $54 million in State and local funds for vocational education. This year, State and local expenditures are expected to approximate $300 million.

Thus, California is prepared, under this new concept for funding, to wisely spend and commit all Federal funds for vocational education that could be made available in this fiscal year, and spending will not be on a "crash basis." In fact, unless additional Federal funds are available, the local school districts must get the funds, which are already committed for programs, from State and local sources. This can only mean an increase in State and local taxes.

California, given present funding is doing only a portion of the job that needs to be done in vocational education. If programs are to expand, funding must also expand.

MASSACHUSETTS

Under the existing Federal allocation, very, very few expansions in vocational education programs will take place. A $24 million in project requests are now awaiting funding based on the planning and projections asked for in the 1968 vocational education amendments.

If $488 million is available, Massachusetts can allocate funds in this fiscal year for projects that are already on hand.

GEORGIA

The State of Georgia has been traveling on faith that Federal vocational funds would continue, at a minimum, equal to that of last year. The State has already extended itself in supporting $200,000 in cooperative education programs; additional cuts must be made in equipment used in vocational education programs for youth and adults.

If $488 million is available, the State of Georgia will have no difficulty in committing the funds this fiscal year. At the present time, operational costs and construction are being held up pending Federal funding.

OHIO

At the present level of funding—1969—Ohio is cutting back in construction, supplemental equipment, training programs for vocational personnel, and adult vocational programs.

If $488 million is available Ohio would have no difficulty in committing funds this fiscal year. It would be spent in areas mentioned, and would be most useful in preparing teachers to take care of the anticipated growth in enrollments.

ILLINOIS

At this time no action has been taken to cut programs. This will not be done until the level of Federal funding is known. Illinois this year doubled its State commitment to vocational education and is now in a period of growth and expansion which is in keeping with the spirit of the 1968 amendments. A decrease in Federal expenditures will create a serious setback.

If $488 million is made available, Illinois will have no difficulty in committing its share of these funds wisely.

PENNSYLVANIA

The existing 1969 level of Federal funding for vocational education finds Pennsylvania in this situation: 12 relatively new community colleges which have created demands for vocational-technical education. These institutions have been through a period of remarkable growth and development, but no help can be given them for programs of vocational-technical education beyond that now committed.

Ten branch campuses of Pennsylvania State University that are anxious to sponsor vocational programs for adults, particularly in rural areas, will receive no Federal funds for vocational education purposes.

Secondary programs are in a serious dilemma. The second semester has already begun, and no new programs can now be started in the 622 local school districts in the State.

Teacher education has been curtailed. Plans had been made to train teachers

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for disadvantaged, the handicapped, and for working in cooperative programs. Likewise, State staff has been curtailed and there is no help available to local districts to serve these particular needs identified in the 1968 amendments.

Pennsylvania will be hard pressed to keep programs going that are already underway. There will be no new programs, or new starts.

If $488 million is available, Pennsylvania will have no difficulty in wisely committing its funds. There is a backlog of construction projects and adult programs that could be started.

TEXAS

The most serious cutbacks made thus far have been in adult education programs and in the purchase of equipment. There is on file, and approved, 43 applications for area schools. Only four can be funded at the present level of Federal funding. Teacher training programs have been drastically curtailed.

If $488 million is available, Texas will have no difficulty in committing funds. Adult classes will be reopened; area schools will be designated, and new programs equipped.

MICHIGAN

Ongoing programs have been cut clear across the board; there is no money for equipment; no new programs; no upgrading of ongoing programs.

Requests are approved for $11 million in construction; only $3 million will be funded. Of particular importance is a facility to provide vocational instruction to delinquent youngsters. It is impossible to operate vocational programs in the existing setting.

Requests have been approved for $10 million in equipment, pending the availability of funding.

If funds are available by February 1, at the level of $488 million, Michigan can easily use all the Federal funds that will be allotted.

NORTH CAROLINA

This State is in the process of reorganizing all of vocational education within the State, including a revision of the middle school curriculum—junior high school—to provide occupational information and work experience. In addition to the secondary programs, there are post-secondary institutions strategically located throughout the State. Only the provision of State funds has enabled North Carolina to make progress this year.

North Carolina can use the Federal funds that will be available this fiscal year if the $488 million is appropriated.

The questionnaires referred to follow:

RESPONSE OF ORRIN J. SMUCKER, COLUMBUS CITY SCHOOLS, COLUMBUS, OHIO, JANUARY 20, 1970

How many children in your district are benefitting from education programs funded Under Title I of ESEA?

Answer: 9,030 pupils in year long programs.

What is the ADA in your school district grades K–12?

Answer: Title I Programs.

What was the amount of your ESEA Title I grant in each of the following fiscal years?

Answer: 1968 $2,343,945.58; 1969 $2,291,174.41; 1970 $2,036,788.98.

What additional funds, if any, could you effectively apply to your Title I programs in fiscal year 1970 over and above the present level of funding? In fiscal year 1971?

Answer: 1970 $750,000; 1971 $2,500,000—only if received early enough in the fiscal year to obligate it within the time limits.

In your judgment, do you believe that the Title I programs are needed to meet the special needs of educationally disadvantaged children?

Answer: Large numbers of pupils are not experiencing academic success. There is a higher rate of absence in high priority schools. There is a comparatively high rate of staff mobility. There is a high percentage of above age pupils.

Do you regard your present Title I programs as effective in meeting special education needs of educationally disadvantaged children?

Answer: More than two-thirds of the participants in ESEA Title I programs have shown measurable growth in the areas of identified needs.

Recent hearings in Washington disclosed that inadequate funding was the greatest obstacle in the path of more effectively reaching the disadvantaged. Others now contend that we cannot effectively utilize extra funds contained in the HEW Appropriation Bill because the funds are being misdirected and are not reaching the disadvantaged contemplated under Title I ESEA. Your brief comments on these contentions would be appreciated.

Comment:

RESPONSE OF GARY A. CRISSMAN, COORDINATOR OF FEDERAL PROGRAMS, CENTRAL DAUPHIN, HARRISBURG, PA., JANUARY 20, 1970

How many children in your district are benefitting from education programs funded under Title I of ESEA?

Answer: 477.

What is the ADA in your school district grades K–12?

Answer: 12,353.

What was the amount of your ESEA Title I grants in each of the following fiscal years?

Answer: 1968 $95,367.78, 1969 $78,774.40, 1970 $58,000.36.

What additional funds, if any, could you effectively apply to your Title I programs in fiscal year 1970 over and above the present level of funding? In fiscal year 1971?

Answer: 1970 $25,000, 1971 $25,000.

In your judgment, do you believe that the Title I programs are needed to meet the special needs of educationally disadvantaged children?

Answer: YES!

Do you regard your present Title I programs as effective in meeting special education needs of educationally disadvantaged children?

Answer: Yes, our programs are as effective as humanly possible within the limited budget prescribed for us by the Department of Education, Harrisburg, Pennsylvania.

Recent hearings in Washington disclosed that inadequate funding was the greatest obstacle in the path of more effectively reaching the disadvantaged. Others now contend that we cannot effectively utilize extra funds contained in the HEW Appropriation Bill because the funds are being misdirected and are not reaching the disadvantaged contemplated under Title I ESEA. Your brief comments on these contentions would be appreciated.

Comment: The educationally disadvantaged child is being "touched", not reached. However, we need to go beyond this to "reach" this type of child.

The upward inflationary economical trend in the United States cannot continue another year. But education is not the place to cut appropriations. Education is the real "growth, strength, development and success" of these United States of America! Our children need an education to survive in *this* world! Local Educational Agencies need additional funds to meet the needs of these students.

These specially labeled students need the services of highly qualified personnel. Eminent professionals demand costly salaries. However, in our particular school district we have been most fortunate. The salaries of our staff have remained the same since the inception of our ESEA I program. However, this trend cannot continue another year.

Prices of educational materials and equipment have soared way out of proportion (manufacturers, dealers and suppliers have used the education of our children to fatten their own pocketbooks). Therefore, additional subsidies are required to support these phases of our educational endeavors.

RESPONSE OF FREDERICK C. BOMBERGER, ASSISTANT TO SUPERINTENDENT, LEBANON, PA. JANUARY 20, 1970

How many children in your district are benefitting from education programs funded under Title I of ESEA?

Answer: 400 economically disadvantaged.

What is the ADA in your school district grades K–12?

Answer: 4963.061.

What was the amount of your ESEA Title I grant in each of the following fiscal years?

Answer: 1968 $62,961, 1969 $72,029, 1970 — Have not received our entitlement figures!

What additional funds, if any, could you effectively apply to your Title I programs in fiscal year 1970 over and above the present level of funding? In fiscal year 1971?

Answer: 1970 $10,000, 1971 $10,000—Additional program for Spanish-speaking children.

In your judgment, do you believe that the Title I programs are needed to meet the special needs of educationally disadvantaged children?

Answer: Very definitely—The effect has provided an up-dating of our curriculum.

Do you regard your present Title I programs as effective in meeting special education needs of educationally disadvantaged children?

Answer: Yes, but it could be expanded.

Recent hearings in Washington disclosed that inadequate funding was the greatest obstacle in the path of more effectively reaching the disadvantaged. Others now contend that we cannot effectively utilize extra funds contained in the HEW Appropriation Bill because the funds are being misdirected and are not reaching the disadvantaged contemplated under Title I ESEA. Your brief comments on these contentions would be appreciated.

Comment: More realistic funding is necessary if we are to meet the needs of these children. The Federal Government must assume a greater proportionate share of the educational program.

RESPONSE OF R. KEITH UDALL, SUPERINTENDENT, APACHE COUNTY HIGH SCHOOLS DISTRICT NO. 90, SPRINGERVILLE, ARIZ., 85938, JANUARY 20, 1970.

How many children in your district are benefitting from education programs funded under Title I of ESEA?

Answer: 355.

What is the ADA in your school district grades K–12?

Answer: 645.185—9–12 only in District.

What was the amount of your ESEA Title I grant in each of the following fiscal years?

Answer: 1968 $30,243.00, 1969 $30,499.96, 1970 $27,163.10.

What additional funds, if any, could you effectively apply to your Title I programs in fiscal year 1970 over and above the present level of funding? In fiscal year 1971?

Answer: 1970 $10,000.00, 1971 $15,000.00.

In your judgment, do you believe that the Title I programs are needed to meet the

special needs of educationally disadvantaged children?

Answer: Yes, we are a low income County with the majority of the children that are helped coming from the Navajo Reservation.

Do you regard your present Title I programs as effective in meeting special education needs of educationally disadvantaged children?

Answer: As effective as possible on a limited scale—and where funding is late in coming.

Recent hearings in Washington disclosed that inadequate funding was the greatest obstacle in the path of more effectively reaching the disadvantaged. Others now contend that we cannot effectively utilize extra funds contained in the HEW Appropriation Bill because the funds are being misdirected and are not reaching the disadvantaged contemplated under Title I ESEA. Your brief comments on these contentions would be appreciated.

Comment: The funds that come to our district are reaching the disadvantaged. We could do a better job if we were sure from year to year what amounts we would secure.

Response of Burton Froberg, North Kingstown School Department, North Kingstown, R.I., January 20, 1970

How many children in your district are benefitting from education programs funded under Title I of ESEA?

Answer: 220.

What is the ADA in your school district grades K–12?

Answer: 1–12, 5,800.

What was the amount of your ESEA Title I grant in each of the following fiscal years?

Answer: 1968 $53,959.00, 1969 $62,965.00, 1970 $56,466.00.

What additional funds, if any, could you effectively apply to your Title I programs in fiscal year 1970 over and above the present level of funding? In fiscal year 1971?

Answer: 1970 $75,000, 1971 $100,000.

In your judgment, do you believe that the Title I programs are needed to meet the special needs of educationally disadvantaged children?

Answer: Yes. Local tax revenues inadequate.

Do you regard your present Title I programs as effective in meeting special education needs of educationally disadvantaged children?

Answer: Yes.

Recent hearings in Washington disclosed that inadequate funding was the greatest obstacle in the path of more effectively reaching the disadvantaged. Others now contend that we cannot effectively utilize extra funds contained in the HEW Appropriation Bill because the funds are being misdirected and are not reaching the disadvantaged contemplated under Title I ESEA. Your brief comments on these contentions would be appreciated.

Comment: None.

Response of H. B. Geister, Gering City Schools, Gering, Nebr., January 20, 1970

How many children in your district are benefiting from education programs funded under Title I of ESEA?

Answer: 93.

What is the ADA in your school district grades K–12?

Answer: 2,200.

What was the amount of your ESEA Title I grant in each of the following fiscal years?

Answer: 1968, $36,847; 1969, $30,377; 1970, $27,690.

What additional funds, if any, could you effectively apply to your Title I programs in fiscal year 1970 over and above the present level of funding? In fiscal year 1971?

Answer: 1970, $38,000; 1971, $41,000.

In your judgment, do you believe that the Title I programs are needed to meet the special needs of educationally disadvantaged children?

Answer: Yes.

Do you regard your present Title I programs as effective in meeting special education needs of educationally disadvantaged children?

Answer: Yes.

Recent hearings in Washington disclosed that inadequate funding was the greatest obstacle in the path of more effectively reaching the disadvantaged. Others now contend that we cannot effectively utilize extra funds contained in the HEW Appropriation Bill because the funds are being misdirected and are not reaching the disadvantaged contemplated under Title I ESEA. Your brief comments on these contentions would be appreciated.

Comment: If funds were available we could maintain present programs effectively.

Response of Jim Cherry, Superintendent, DeKalb County, Decatur, Ga., January 20, 1970

How many children in your district are benefitting from education programs funded under Title I of ESEA?

Answer: Approximately 2,000 pupils.

What is the ADA in your school district grades K–12?

Answer: 78,742.

What was the amount of your ESEA Title I grant in each of the following fiscal years?

Answer: 1968, $308,651; 1969, $302,730; 1970, $230,746.

What additional funds, if any, could you effectively apply to your Title I programs in fiscal year 1970 over and above the present level of funding? In fiscal year 1971?

Answer: 1970, $750,000—$1,250,000; 1971, $900,000—$1,500,000.

In your judgment, do you believe that the Title I programs are needed to meet the special needs of educationally disadvantaged children?

Answer: Yes, very definitely. Funds from this program have made it possible for the DeKalb School System to develop programs especially designed to assist the disadvantaged child. Without these funds, such programs would not be possible.

Do you regard your present Title I programs as effective in meeting special education needs of educationally disadvantaged children?

Answer: It is effective so far as the limited amount of funds that are available. However, additional funds would make it possible to do so much more for these children. Additional remedial reading programs would be established, programs with specialists in other areas of instruction, expand programs for emotionally and physically handicapped children, and a much more substantial reduction in the pupil-teacher ratio for disadvantaged children.

Recent hearings in Washington disclosed that inadequate funding was the greatest obstacle in the path of more effectively reaching the disadvantaged. Others now contend that we cannot effectively utilize extra funds contained in the HEW Appropriation Bill because the funds are being misdirected and are not reaching the disadvantaged contemplated under Title I ESEA. Your brief comments on these contentions would be appreciated.

Answer: All the funds for Title I Grants are used for instructional salaries for remedial reading in disadvantaged areas. The cost of administration is paid by local funds. This school system has insisted on placing such funds in a program where it would be the most effective. If additional funds were available, of course these programs would be greatly expanded and enriched.

Response of A. C. Woodburn, Alamogordo Public Schools, Alamogordo, N. Mex., January 20, 1970

How many children in your district are benefitting from education programs funded under Title I of ESEA?

Answer: 653.

What is the ADA in your school district grades K–12?

Answer: 9,586.

What was the amount of your ESEA Title I grant in each of the following fiscal years?

Answer: 1968 $135,718, 1969 $119,934, 1970 $109,455.

What additional funds, if any, could you effectively apply to your Title I programs in fiscal year 1970 over and above the present level of funding? In fiscal year 1971?

Answer: 1970 $24,480, 1971 $32,640. Program cost increase=6%/year. These additional amounts would permit us to implement the programs as planned in 1968 and cover inflation cost increases.

In your judgment, do you believe that the Title I programs are needed to meet the special needs of educationally disadvantaged children?

Answer: Yes, some special earmarked allocation is required or all the money is applied equally for all the pupils. Public pressure does not consider disadvantaged pupils.

Do you regard your present Title I programs as effective in meeting special educacial needs of educationally disadvantaged children?

Answer: Yes, our programs were, for the most part, in the areas of self-image and communication arts to improve self-image and self-realization.

Recent hearings in Washington disclosed that inadequate funding was the greatest obstacle in the path of more effectively reaching the disadvantaged. Others now contend that we cannot effectively utilize extra funds contained in the HEW Appropriation Bill because the funds are being misdirected and are not reaching the disadvantaged contemplated under Title I ESEA. Your brief comments on these contentions would be appreciated.

Comment: Funds in our program have reached the disadvantaged in their entire path through school, grade 1 through 12. Irresponsible accusations should not be allowed to jeopardize this program regardless of politics, budget or selfishness.

Response of Richard Pheatt, Director of Research, Toledo City, Toledo, Ohio, January 20, 1970

How many children in your district are benefitting from education programs funded under Title I of ESEA?

(Answers to these questions are being given from home, over a weekend. Thus they are close estimates. Office data not available.)

Answer: About 10,800.

What is the ADA in your school district grades K–12?

Answer: Enrollment 62,145, ADA about 58,000.

What was the amount of your ESEA Title I grant in each of the following fiscal years?

Answer: 1968 $1,300,000, 1969 $1,200,000, 1970 $1,100,000.

What additional funds, if any, could you effectively apply to your Title I programs in fiscal year 1970 over and above the present level of funding? In fiscal year 1971?

Answer: 1970 $450,000, 1971 $500,000. These funds should and could go for research into better assessment of achievement levels and into summer school classes alone.

In your judgment, do you believe that the Title I programs are needed to meet the special needs of educationally disadvantaged children?

Answer: Very much so. I think it is true that there has been some ineffective expenditure, but this is always true of experiment.

research and development. It does not represent waste. We are exploring, all of us.

Do you regard your present Title I programs as effective in meeting special education needs of educationally disadvantaged children?

Answer: Much of it very effective, I believe. Some does not *seem* to be effective, but measurement of achievement has not been dramatic nor efficient as it should be. We work at this.

Recent hearings in Washington disclosed that inadequate funding was the greatest obstacle in the path of more effectively reaching the disadvantaged. Others now contend that we cannot effectively utilize extra funds contained in the HEW Appropriation Bill because the funds are being misdirected and are not reaching the disadvantaged contemplated under Title I ESEA. Your brief comments on these contentions would be appreciated.

Comment: Adequate funding is essential. It must be continued, at least, and expanded as costs go up. There should be more research into more efficient expenditure of funds, as well as better auditing of books for better accounting in expenditures. *Congress* should have "better news!"

Response of E. L. Phillips, Associate Superintendent, Durham City Schools, Durham, N.C., January 20, 1970

How many children in your district are benefitting from education programs funded under Title I of ESEA?

Answer: 2,500.

What is the ADA in your school district grades K–12?

Answer: 13,733.

What was the amount of your ESEA Title I grant in each of the following fiscal years?

Answer: 1968 $439,561. 1969 $424,188. 1970 $395,891.

What additional funds, if any, could you effectively apply to your Title I programs in fiscal year 1970 over and above the present level of funding? In fiscal year 1971?

Answer: 1970 $75,000, 1971 $75,000.

In your judgment, do you believe that the Title I programs are needed to meet the special needs of educationally disadvantaged children?

Answer:

Do you regard your present Title I programs as effective in meeting special education needs of educationally disadvantaged children?

Answer:

Recent hearings in Washington disclosed that inadequate funding was the greatest obstacle in the path of more effectively reaching the disadvantaged. Others now contend that we cannot effectively utilize extra funds contained in the HEW Appropriation Bill because the funds are being misdirected and are not reaching the disadvantaged contemplated under Title I ESEA. Your brief comments on these contentions would be appreciated.

Comment: In our unit the funds definitely are reaching the disadvantaged children.

The uncertainty as to the amount of funds to be received makes it difficult to plan. For example, under our regular budget we are already beginning to look for personnel for 1970–71, because we have a fairly accurate idea about how much money we will have. We do not know often until very near the end of a current fiscal year what we may expect for the next year from Title I funds. It would also be a great help if funds not used in one fiscal year could be carried forward and spent in the next fiscal year.

Response of George G. Kerr, Board of Education of Kanawha County, Charleston, W. Va., January 20, 1970

How many children in your district are benefitting from education programs funded under Title I of ESEA?

Answer: 8,628.

What is the ADA in your school district grades K–12?

Answer: 52,252.65 (1968–69).

What was the amount of your ESEA Title I grant in each of the following fiscal years?

Answer: 1968 $1,491,183, 1969 $1,327,166, 1970 $1,202,580.

What additional funds if any, could you effectively apply to your Title I programs in fiscal year 1970 over and above the present level of funding? In fiscal year 1971?

Answer: 1970 $100,000 (small amount due to lateness in school year), 1971 $2,500,000.

In your judgment, do you believe that the Title I programs are needed to meet the special needs of educationally disadvantaged children?

Answer: Yes.

Do you regard your present Title I programs as effective in meeting special education needs of educationally disadvantaged children?

Answer: Yes.

Recent hearings in Washington disclosed that inadequate funding was the greatest obstacle in the path of more effectively reaching the disadvantaged. Others now contend that we cannot effectively utilize extra funds contained in the HEW Appropriation Bill because the funds are being misdirected and are not reaching the disadvantaged contemplated under Title I ESEA. Your brief comments on these contentions would be appreciated.

Comment: Recent audit by HEW indicates that funds in Kanawha County are reaching the disadvantaged and are not being misdirected. They further conclude that the only way we can have a more effective program is to receive adequate funding.

Response of Laurence W. Jenkins, Weber District, Ogden, Utah, January 20, 1970

How many children in your district are benefitting from education programs funded under Title I of ESEA?

Answer: 206 children directly, 9,563 children grades K–6 indirectly.

What is the ADA in your school district grades K–12?

Answer: 17559.22 ADA—18426 ADM.

What was the amount of your ESEA Title I grant in each of the following fiscal years?

Answer: 1968 $58,000, 1969 $51,366, 1970 not declared.

What additional funds, if any, could you effectively apply to your Title I programs in fiscal year 1970 over and above the present level of funding? In fiscal year 1971?

Answer: 1970 $65,000, 1971 $65,000.

In your judgment, do you believe that the Title I programs are needed to meet the special needs of educationally disadvantaged children?

Answer: Yes.

Do you regard your present Title I programs as effective in meeting special education needs of educationally disadvantaged children?

Answer: Yes.

Recent hearings in Washington disclosed that inadequate funding was the greatest obstacle in the path of more effectively reaching the disadvantaged. Others now contend that we cannot effectively utilize extra funds contained in the HEW Appropriation Bill because the funds are being misdirected and are not reaching the disadvantaged contemplated under Title I ESEA. Your brief comments on these contentions would be appreciated.

Comment: Weber County's disadvantaged are scattered throughout 30 schools in our district. Combined they amount to about 500 students but it is hard to point to any particular school or schools with large numbers of disadvantaged. Consequently, we have designed our project to serve 11 of the elementary schools having the largest numbers of the disadvantaged. Title I has made possible health and library services which we could not ordinarily have provided.

Response of Leonard G. Steinle, Superintendent USD 348, Baldwin City, Kans., January 20, 1970

How many children in your district are benefitting from education programs funded under Title I of ESEA?

Answer: 44 directly, an additional 50 indirectly.

What is the ADA in your school district grades K–12?

Answer: 948.

What was the amount of your ESEA Title I grant in each of the following fiscal years?

Answer: 1967–1968 $7,598, 1968–1969 $6,990, 1969–1970 $6,400, estimated.

What additional funds, if any, could you effectively apply to your Title I programs in fiscal year 1970 over and above the present level of funding? In fiscal year 1971?

Answer: 1970 ½ Psychologist $5,000+, ½ Speech and Hearing, 1971 Therapist $4,500, additional reading teacher $6,500. Total additional $16,000.

In your judgement, do you believe that the Title I programs are needed to meet the special needs of educationally disadvantaged children?

Do you regard your present Title I programs as effective in meeting special education needs of educationally disadvantaged children?

Answer: Yes.

Recent hearings in Washington disclosed that inadequate funding was the greatest obstacle in the path of more effectively reaching the disadvantaged. Others now contend that we cannot effectively utilize extra funds contained in the HEW Appropriation Bill because the funds are being misdirected and are not reaching the disadvantaged contemplated under Title I ESEA. Your brief comments on these contentions would be appreciated.

Comment: I have been an administrator in two different systems and feel that the Title I funds were well used for the educationally deprived.

Response of Salem School District, Main St., Salem, N.H., January 20, 1970

How many children in your district are benefitting from education programs funded under Title I of ESEA?

Answer: 36.

What is the ADA in your school district grades K–12?

Answer: 4307. 6.

What was the amount of your ESEA Title I grant in each of the following fiscal years?

Answer: 1968 $7,907, 1969 $7,262, 1970 $9,375.

What additional funds, if any, could you effectively apply to your Title I programs in fiscal year 1970 over and above the present level of funding? In fiscal year 1971?

Answer: 1970 at least $1,000, 1971 same as above.

In your judgment, do you believe that the Title I programs are needed to meet the special needs of educationally disadvantaged children?

Answer: Yes.

Do you regard your present Title I programs as effective in meeting special education needs of educationally disadvantaged children?

Answer: Yes.

Recent hearings in Washington disclosed that inadequate funding was the greatest obstacle in the path of more effectively reaching the disadvantaged. Others now contend that we cannot effectively utilize extra funds contained in the HEW Appropriation Bill because the funds are being misdirected and are not reaching the disadvantaged contemplated under Title I ESEA.

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Your brief comments on these contentions would be appreciated.

Comment:

Response of Dr. Douglas S. Ritchie, Superintendent, Jt. No. 8, City of Madison, Madison, Wis., January 20, 1970

How many children in your district are benefitting from education programs funded under Title I of ESEA?

Answer: 721.

What is the ADA in your school district grades K–12?

Answer: 30,602.

What was the amount of your ESEA Title I grant in each of the following fiscal years?

Answer: 1968 $371,000, 1969 $362,000, 1970 $362,000.

What additional funds, if any, could you effectively apply to your Title I programs in fiscal year 1970 over and above the present level of funding? In fiscal year 1971?

Answer: 1970 $37,000, 1971 $58,000.

In your judgment, do you believe that the Title I programs are needed to meet the special needs of educationally disadvantaged children?

Answer: Yes.

Do you regard your present Title I programs as effective in meeting special education needs of educationally disadvantaged children?

Answer: Yes.

Recent hearings in Washington disclosed that inadequate funding was the greatest obstacle in the path of more effectively reaching the disadvantaged. Others now contend that we cannot effectively utilize extra funds contained in the HEW Appropriation Bill because the funds are being misdirected and are not reaching the disadvantaged contemplated under Title I ESEA. Your brief comments on these contentions would be appreciated.

Comment: All new programs have problems. If this has been true it needs correction. Confusion leads to indirectness. I firmly believe that federal control and federal direction of ESEA Title I is the answer to the above charges. A good start has been made to date under Title I ESEA to help disadvantaged pupils—don't curtail the program! We think it to be the best of the ESEA Titles.

Response of Walter R. Schwarz, Pendleton County Schools, Franklin, W. Va., January 20, 1970

How many children in your district are benefitting from education programs funded under Title I of ESEA?

Answer: 399.

What is the ADA in your school district grades K–12?

Answer: 1,517.52.

What was the amount of your ESEA Title I grant in each of the following fiscal years?

Answer: 1968 $105,226, 1969 $93,959, 1970 $83, 360.

What additional funds, if any, could you effectively apply to your Title I programs in fiscal year 1970 over and above the present level of funding? In fiscal year 1971?

Answer: 1970 $10,000, 1971 $30,000.

In your judgement, do you believe that the Title I programs are needed to meet the special needs of educationally disadvantaged children?

Answer: In Pendleton County approximately one fault of the children can be concretely identified as educationally disadvantaged with that many students an impoverished district as ours cannot possibly raise the revenue and attract competent teachers to meet the special needs in the manner suggested by authorities.

Do you regard your present Title I programs as effective in meeting special education needs of educationally disadvantaged children?

Answer: With the information and instruction that were given at the advent of Title I ESEA, I feel that Title I has had an effect on the educationally disadvantaged children of Pendleton County.

Recent hearings in Washington disclosed that inadequate funding was the greatest obstacle in the path of more effectively reaching the disadvantaged. Others now contend that we cannot effectively utilize extra funds contained in the HEW Appropriation Bill because the funds are being misdirected and are not reaching the disadvantaged contemplated under Title I ESEA. Your brief comments on these contentions would be appreciated.

Comment: Very few local districts are deliberately misdirecting funds. Agencies such as community action of the OEO with little training and background report I suppose what they think they know or see. All of the funds are being used for the disadvantaged here. A lot of the misunderstanding comes in the debate over what is disadvantaged or deprived. Many times too many people have views all based on experience and training or lack of it.

ESEA Title I would best be utilized if local education agencies were given more funds and help on how to best use the funds and then to give them funds in advance with some assurance that funding will continue. It is extremely difficult to plan outstanding programs without any idea of how much money you will have or when you will get it and what kind of cuts you will have to endure because of political necessity or expedience.

Make it a long range program. Fund it properly, have a resource center to help develop local guidelines and keep politics out of the educational wellbeing of these disadvantaged students and we will show you what we can do.

Response of J. Herschel Morgan, Superintendent, Mingo County Schools, Williamson, W. Va., January 20, 1970

How many children in your district are benefitting from education programs funded under Title I of ESEA?

Answer: 5427.

What is the ADA in your school district grades K–12?

Answer: 9660.

What was the amount of your ESEA Title I grant in each of the following year?

Answer: 1968 $487,523, 1969 $752,178, 1970 $679,880.

What additional funds, if any, could you effectively apply to your Title I programs in fiscal year 1970 over and above the present level of funding? In fiscal year 1971?

Answer: 1970 No additional funds, 1971 No additional funds.

In your judgment, do you believe that the Title I programs are needed to meet the special needs of educationally disadvantaged children?

Answer: All funds should be used for all children in the school system. This country was founded and has prospered on that principal.

Do you regard your present Title I programs as effective in meeting special education needs of educationally disadvantaged children?

Answer: Yes, except that county school systems are boxed in by the guidelines and restricted as to the use of the funds.

Recent hearings in Washington disclosed that inadequate funding was the greatest obstacle in the path of more effectively reaching the disadvantaged. Others now contend that we cannot effectively utilize extra funds contained in the HEW Appropriation Bill because the funds are being misdirected and are not reaching the disadvantaged contemplated under Title I ESEA. Your brief comments on these contentions would be appreciated.

Comment: None.

Response of H. B. Mitchell, Seminole Independent School District No. 1, Seminole, Okla., January 20, 1970

How many children in your district are benefitting from education programs funded under Title I of ESEA?

Answer: 707.

What is the ADA in your school district grades K–12?

Answer: 1584.761.

What was the amount of your ESEA Title I grant in each of the following fiscal years?

Answer: 1968 $79,840, 1969 $62,167, 1970 $50,192.

What additional funds, if any, could you effectively apply to your Title I programs in fiscal year 1970 over and above the present level of funding? In fiscal year 1971?

Answer: 1970 $15,000, 1971 $20,000.

In your judgment, do you believe that the Title I programs are needed to meet the special needs of educationally disadvantaged children?

Answer: Yes.

Do you regard your present Title I programs as effective in meeting special education needs of educationally disadvantaged children?

Answer: Yes, for the programs we have. But we need more programs than our money will permit us to have.

Recent hearings in Washington disclosed that inadequate funding was the greatest obstacle in the path of more effectively reaching the disadvantaged. Others now contend that we cannot effectively utilize extra funds contained in the HEW Appropriation Bill because the funds are being misdirected and are not reaching the disadvantaged contemplated under Title I ESEA. Your brief comments on these contentions would be appreciated.

Comment: Our money is being directed to the disadvantaged children. There are so many more things we could do if we had the money.

Response of Superintendent Archie Brecht, Highmore Public School District, Highmore, S. Dak.

Dear Superintendent:

Reckless charges are being made that Title I ESEA funds are being misdirected or wasted or are not effective in accomplishing the purposes for which they are provided. It would be appreciated if the following questions could be responded to as briefly and as quickly as possible to facilitate their current use and analysis.

How many children in your district are benefitting from education programs funded under Title I of ESEA?

Answer: 36.

What is the ADA in your school district grades K–12?

Answer: 496.

What was the amount of your ESEA Title I grant in each of the following fiscal years?

Answer: 1968, $17,256; 1969, $15,759; 1970,

What additional funds, if any, could you effectively apply to your Title I programs in fiscal year 1970 over and above the present level of funding? In fiscal year 1971?

Answer: 1970, $10,000; 1971, $20,000.

In your judgment, do you believe that the Title I programs are needed to meet the special needs of educationally disadvantaged children?

Answer: Yes.

Do you regard your present Title I programs as effective in meeting special education needs of educationally disadvantaged children?

Answer: Yes, but can be improved.

Recent hearings in Washington disclosed that inadequate funding was the greatest

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obstacle in the path of more effectively reaching the disadvantaged. Others now contend that we cannot effectively utilize extra funds contained in the HEW Appropriation Bill because the funds are being misdirected and are not reaching the disadvantaged contemplated under Title I ESEA. Your brief comments on these contentions would be appreciated.

Comment: Advance funding is our greatest need for well planned programs.

Response of Edward L. Hutchcroft, Superintendent, West Branch Schools, West Branch, Iowa, January 20, 1970

How many children in your district are benefitting from education programs funded under Title I of ESEA?

Answer: 131.

What is the ADA in your school district grades K–12?

Answer: 962.9.

What was the amount of your ESEA Title I grant in each of the following fiscal years?

Answer: 1968, $26,689; 1969, $23,589; 1970, $21,847.

What additional funds, if any, could you effectively apply to your Title I programs in fiscal year 1970 over and above the present level of funding? In fiscal year 1971?

Answer: 1970, $10,000; 1971, $11,800.

In your judgment, do you believe that the Title I programs are needed to meet the special needs of educationally disadvantaged children?

Answer: Yes.

Do you regard your present Title I programs as effective in meeting special education needs of educationally disadvantaged children?

Answer: Yes.

Recent hearings in Washington disclosed that inadequate funding was the greatest obstacle in the path of more effectively reaching the disadvantaged. Others now contend that we cannot effectively utilize extra funds contained in the HEW Appropriation Bill because the funds are being misdirected and are not reaching the disadvantaged contemplated under Title I ESEA. Your brief comments on these contentions would be appreciated.

Comment: I cannot speak for other districts. As for our district, we feel we are using the funds as was intended under the title I, ESEA bill. It is doubtful that our program under title I can be continued unless more adequate funding is forthcoming.

Response of Ted R. Redhair, Excelsior Springs Public Schools, Excelsior Springs, Mo., January 20, 1970

How many children in your district are benefitting from education programs funded under Title I of ESEA?

Answer: 185.

What is the ADA in your school district grades K–12?

Answer: 2,790.

What was the amount of your ESEA Title I grant in each of the following fiscal years?

Answer: 1968 $35,999, 1969 $35,381, 1970 $27,416.

What additional funds, if any, could you effectively apply to your Title I programs in fiscal year 1970 over and above the present level of funding? In fiscal year 1971?

Answer: 1970 $5,000, 1971 $10,000.

In your judgement, do you believe that the Title I programs are needed to meet the special needs of educationally disadvantaged children?

Answer: Some program is definitely needed but I believe each district can design a program best—I would favor a less restrictive type of aid.

Do you regard your present Title I programs as effective in meeting special education needs of educationally disadvantaged children?

Answer: As effective as we can devise a program within the framework of the present law.

Recent hearings in Washington disclosed that inadequate funding was the greatest obstacle in the path of more effectively reaching the disadvantaged. Others now contend that we cannot effectively utilize extra funds contained in the HEW Appropriation Bill because the funds are being misdirected and are not reaching the disadvantaged contemplated under Title I ESEA. Your brief comments on these contentions would be appreciated.

Comment: We could utilize a somewhat higher level of funding effectively. Funds for general aid such as P.L. 824 Impact Aid have been much helpful to our district.

Response of Luther M. Barrett, Superintendent, Escanaba Area Public Schools, Escanaba, Mich., January 20, 1970

How many children in your district are benefitting from education programs funded under title I of ESEA?

Answer: 1969, 310.

What is the ADA in your school district grades K–12?

Answer: 4478.9.

What was the amount of your ESEA Title I grant in each of the following fiscal years?

Answer: 1968 $64,030, 1969 $65,350, 1970 $53,679.

What additional funds, if any, could you effectively apply to your Title I programs in fiscal year 1970 over and above the present level of funding? In fiscal year 1971?

Answer: This depends upon how many restrictions might be placed on the use of such funds. If we could determine our own uses, we could well twice what we have been receiving, and apply it all to the educationally disadvantaged.

In your judgement, do you believe that the Title I programs are needed to meet the special needs of educationally disadvantaged children?

Answer: Yes, because of the lack of other funds for schools, the Title I funds are needed. However, I feel the guidelines should be more flexible because the present format does not apply to all areas.

Do you regard your present Title I programs as effective in meeting special education needs of educationally disadvantaged children?

Answer: Yes. The comments of teachers involved in the program as well as the statements made by the parents of children enrolled would lead us to believe that what we are doing is effective.

Recent hearings in Washington disclosed that inadequate funding was the greatest obstacle in the path of more effectively reaching the disadvantaged. Others now contend that we cannot effectively utilize extra funds contained in the HEW Appropriation Bill because the funds are being misdirected and are not reaching the disadvantaged contemplated under Title I ESEA. Your brief comments on these contentions would be appreciated.

Comment: Money should be allocated on what a local community determines it needs. It bothers me when we are told that we should spend the same per child for a six-weeks summer program as we spend per child for our school year program of 38 weeks. I feel this is a waste of money. We could benefit many more children with the same allocation of funds if we were not "guided" so much.

Response of Dr. Roy A. Alcorn, Superintendent, Roanoke City, Roanoke, Va., January 20, 1970

How many children in your district are benefitting from education programs funded under Title I of ESEA?

Answer: 3132.

What is the ADA in your school district grades K–12?

Answer: 18,037.93 as of December 30, 1969.

What was the amount of your ESEA Title I grant in each of the following fiscal years?

Answer: 1968 $586,238, 1969 $497,325, 1970 $438,572.

What additional funds, if any, could you effectively apply to your Title I programs in fiscal year 1970 over and above the present level of funding? In fiscal year 1971?

Answer: 1970 $100,000, 1971 $140,000.

If your judgment, do you believe that the Title I programs are needed to meet the special needs of educationally disadvantaged children?

Answer: Yes.

Do you regard your present Title I programs as effective in meeting special education needs of educationally disadvantaged children?

Answer: Yes.

Recent hearings in Washington disclosed that inadequate funding was the greatest obstacle in the path of more effectively reaching the disadvantaged. Others now contend that we cannot effectively utilize extra funds contained in the HEW Appropriation Bill because the funds are being misdirected and are not reaching the disadvantaged contemplated under Title I ESEA. Your brief comments on these contentions would be appreciated.

Comment: Additional funding would permit more individualized, thus more effective instruction for the disadvantaged. Some programs by their very nature upgrade all instruction, thus helping non-Title I pupils. This could be prevented only by having segregated schools for the disadvantaged. This is neither feasible nor desirable.

Response of Mr. Chris D. Corbin, Superintendent, Special School District, Fort Smith, Ark.

How many children in your district are benefitting from education programs funded under Title I of ESEA?

Answer: 8,934 students are enrolled in Title I schools and receive benefit of instructional materials, etc. 2,146 of these students receive direct personal services (food, clothing, medical and dental care, etc.).

What is the ADA in your school district grades K–12?

Answer: 12,230.

What was the amount of your ESEA Title I grant in each of the following fiscal years?

Answer: 1968, $313,836; 1969, $294,354; 1970, $269,655.

What additional funds, if any, could you effectively apply to your Title I programs in fiscal year 1970 over and above the present level of funding? In fiscal year 1971?

Answer: Conservative estimates, 1970, $75,000; 1971, $100,000.

In your judgment, do you believe that the Title I programs are needed to meet the special needs of educationally disadvantaged children?

Answer: Very definitely, yes. In our opinion, this district could effectively utilize a much larger appropriation than we are now receiving.

Do you regard your present Title I programs as effective in meeting special education needs of educationally disadvantaged children?

Answer: Yes, but because we have to spread a relatively small amount of money over a large area our program's effectiveness is hampered.

Recent hearings in Washington disclosed that inadequate funding was the greatest obstacle in the path of more effectively reaching the disadvantaged. Others now contend that we cannot effectively utilize extra funds contained in the HEW Appropriation Bill because the funds are being misdirected and are not reaching the disadvantaged contemplated under Title I ESEA. Your brief comments on these contentions would be appreciated.

Comment: In our case we have followed the guidelines outlined by HEW and feel that we have been effective in reaching and helping our disadvantaged students. We also believe we could do more with more funds.

Response of E. R. Lyon, Barre City School, Barre, Vt.

How many children in your district are benefitting from education programs funded under Title I of ESEA?

Answer: 159.

What is the ADA in your school district grades K–12?

Answer: 2,863.

What was the amount of your ESEA Title I grant in each of the following fiscal years?

Answer: 1968 $22,139, 1969 $18,810, 1970 $22,545.

What additional funds, if any, could you effectively apply to your Title I programs in fiscal year 1970 over and above the present level of funding? In fiscal year 1971?

Answer: 1970 $20,000, 1971 $40,000.

In your judgment, do you believe that the Title I programs are needed to meet the special needs of educationally disadvantaged children?

Answer: Yes.

Do you regard your present Title I programs as effective in meeting special education needs of educationally disadvantaged children?

Answer: Yes, as far as they go. Funds are inadequate.

Recent hearings in Washington disclosed that inadequate funding was the greatest obstacle in the path of more effectively reaching the disadvantaged. Others now contend that we cannot effectively utilize extra funds contained in the HEW Appropriation Bill because the funds are being misdirected and are not reaching the disadvantaged contemplated under Title I ESEA. Your brief comments on these contentions would be appreciated.

Comment: The funding is inadequate, they are effective as far as they go.

Response of Larry O. Wilson, Bessemer, Ala.

How many children in your district are benefitting from education programs funded under Title I of ESEA?

Answer: 8,174.

What is the ADA in your school district grades K–12?

Answer: 7,717.

What was the amount of your ESEA Title I grant in each of the following fiscal years?

Answer: 1968 $388,041, 1969 $357,180, 1970 $321,427.

What additional funds, if any, could you effectively apply to your Title I programs in fiscal year 1970 over and above the present level of funding? In fiscal year 1971?

Answer: 1970 $75,000, 1971 $75,000.

In your judgment, do you believe that the Title I programs are needed to meet the special needs of educationally disadvantaged children?

Answer: Yes.

Do you regard your present Title I programs as effective in meeting special education needs of educationally disadvantaged children?

Answer: Yes.

Recent hearings in Washington disclosed that inadequate funding was the greatest obstacle in the path of more effectively reaching the disadvantaged. Others now contend that we cannot effectively utilize extra funds contained in the HEW Appropriation Bill because the funds are being misdirected and are not reaching the disadvantaged contemplated under Title I ESEA. Your brief comments on these contentions would be appreciated.

Comment: Our school district could more effectively utilize not only additional funds but the initial grants if there were appropriated and funded for a 3–5 year period rather than a fiscal year. This type funding would allow for projection and planning which presently is impossible under the present law.

Response of James R. Bacher, Rome City Schools, Rome, N.Y.

How many children in your district are benefitting from education programs funded under Title I of ESEA?

Answer: 722.

What is the ADA in your school district grades K–12?

Answer: 4,500.

What was the amount of your ESEA Title I grant in each of the following fiscal years?

Answer: 1968 $158,709, 1969 $228,973, 1970 $276,523.

What additional funds, if any, could you effectively apply to your Title I programs in fiscal year 1970 over and above the present level of funding? In fiscal year 1971?

Answer: 1970 $50,000, 1971 $75,000.

In your judgment, do you believe that the Title I programs are needed to meet the special needs of educationally disadvantaged children?

Answer: Yes.

Do you regard your present Title I programs as effective in meeting special education needs of educationally disadvantaged children?

Answer: Yes.

Recent hearings in Washington disclosed that inadequate funding was the greatest obstacle in the path of more effectively reaching the disadvantaged. Others now contend that we cannot effectively utilize extra funds contained in the HEW Appropriation Bill because the funds are being misdirected and are not reaching the disadvantaged contemplated under Title I ESEA. Your brief comments on these contentions would be appreciated.

Comment: Extra funds can always be used. I suggest that early appropriations would aid school districts in planning expenditures. As of Jan. 16 we are still waiting to hear what monies are available.

Response of L. G. Derthick, Superintendent, Monongalia County, Morgantown, W. Va.

How many children in your district are benefitting from education programs funded under Title I of ESEA?

Answer: 2,396.

What is the ADA in your school district grades K–12?

Answer: 10,249.

What was the amount of your ESEA Title I grant in each of the following fiscal years?

Answer: 1968 $305,989, 1969 $270,263, 1970 $247,695.

What additional funds, if any, could effectively apply to your Title I programs in fiscal year 1970 over and above the present level of funding? In fiscal year 1971?

Answer: 1970 not available, 1971, $204,000.

In your judgement, do you believe that the Title I programs are needed to meet the special needs of educationally disadvantaged children?

Answer: Yes.

Do you regard your present Title I programs as effective in meeting special education needs of educationally disadvantaged children?

Answer: Yes.

Recent hearings in Washington disclosed that inadequate funding was the greatest obstacle in the path of more effectively reaching the disadvantaged. Others now contend that we cannot effectively utilize extra funds contained in the HEW Appropriation Bill because the funds are being misdirected and are not reaching the disadvantaged contemplated under Title I ESEA. Your brief comments on these contentions would be appreciated.

Comment: Target area schools are presently identified by the number of low income students rather than by the number of educationally disadvantaged children. If this were reversed, the educational program could be enhanced tremendously.

Response of Franklin W. Sanders, Associate Superintendent for State and Federal Programs, Fayette County Public Schools, Lexington, Ky.

How many children in your district are benefitting from education programs funded under Title I of ESEA?

Answer: 9,500.

What is the ADA in your school district grades K–12?

Answer: December 16, 1969—32,794.

What was the amount of your ESEA Title I grant in each of the following fiscal years?

Answer: 1968 $424,932, 1969 $519,287, 1970 $488,753. Tentative.

What additional funds, if any, could you effectively apply to your Title I programs in fiscal year 1970 over and above the present level of funding? In fiscal year 1971?

Answer: 1970 $300,000, 1971 $500,000.

In your judgment, do you believe that the Title I programs are needed to meet the special needs of educationally disadvantaged children?

Answer: Yes. We are able to do more for these children than we normally could do with this added money.

Do you regard your present Title I programs as effective in meeting special education needs of educationally disadvantaged children?

Answer: No, because the funds are inadequate. However, the programs we have are providing sound educational programs as far as they go, for our children.

Recent hearings in Washington disclosed that inadequate funding was the greatest obstacle in the path of more effectively reaching the disadvantaged. Others now contend that we cannot effectively utilize extra funds contained in the HEW Appropriation Bill because the funds are being misdirected and are not reaching the disadvantaged contemplated under Title I ESEA. Your brief comments on these contentions would be appreciated.

Comment: We will be able to utilize extra funds in the correct legal manner and for those students that are intended to receive the benefits from the law. Also, we would invite an inspection by any fair-minded person.

Response of William C. Kelly, School District No. 1, Superior, Wis.

How many children in your district are benefitting from education programs funded under Title I of ESEA?

Answer: 1,004.

What is the ADA in your school district grades K–12?

Answer: 7,736.

What was the amount of your ESEA Title I grant in each of the following fiscal years?

Answer: 1968 $146,569, 1969 $153,701, 1970 $115,000. We have only been allotted $95,864 to date.

What additional funds, if any, could you effectively apply to your Title I programs in fiscal year 1970 over and above the present level of funding? In fiscal year 1971?

Answer: 1970 $160,000 or $45,000 over the present $115,000, 1971 $200,000.

In your judgment, do you believe that the Title I programs are needed to meet the special needs of educationally disadvantaged children?

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Answer: Yes.

Do you regard your present Title I programs as effective in meeting special education needs of educationally disadvantaged children?

Answer: No.

Recent hearings in Washington disclosed that inadequate funding was the greatest obstacle in the path of more effectively reaching the disadvantaged. Others now contend that we cannot effectively utilize extra funds contained in the HEW Appropriation Bill because the funds are being misdirected and are not reaching the disadvantaged contemplated under Title I ESEA. Your brief comments on these contentions would be appreciated.

Comment: A greater percentage of the school districts are trying to do the best job possible for the disadvantaged than are not. Look at the total picture not just isolated cases.

Response of L. C. Cozzens, Superintendent, Portales Municipal Schools, New Mexico

How many children in your district are benefitting from education programs funded under Title I of ESEA?

Answer: 1,327.

What is the ADA in your school district grades K–12?

Answer: 2,860.

What was the amount of your ESEA Title I grant in each of the following fiscal years?

Answer: 1968 $128,141, 1969 $133,128, 1970 $110,137, plus $25,794 expected in February.

What additional funds, if any, could you effectively apply to your Title I programs in fiscal year 1970 over and above the present level of funding? In fiscal year 1971?

Answer: 1970 $40,000, 1971 $50,000.

In your judgment, do you believe that the Title I programs are needed to meet the special needs of educationally disadvantaged children?

Answer: Yes.

Do you regard your present Title I programs as effective in meeting special education needs of educationally disadvantaged children?

Answer: Yes. With additional funds we could provide better programs to meet the needs of the educationally disadvantaged.

Recent hearings in Washington disclosed that inadequate funding was the greatest obstacle in the path of more effectively reaching the disadvantaged. Others now contend that we cannot effectively utilize extra funds contained in the HEW Appropriation Bill because the funds are being misdirected and are not reaching the disadvantaged contemplated under Title I ESEA. Your brief comments on these contentions would be appreciated.

Comment: Our programs are directed toward meeting the needs of the disadvantaged. Additional funding is necessary. Earlier funding is necessary to effectively plan and reach the needs of the disadvantaged.

Response of Wallace L. Norgrove, Director Specal Programs, Grand Rapids Public Schools, Grand Rapids, Mich., January 20, 1970

How many children in your district are benefitting from education programs funded under Title I of ESEA?

Answer 2650 students.

What is the ADA in your school district grades K–12?

Answer: 31,280.

What was the amount of your ESEA Title I grant in each of the following fiscal years?

Answer: 1968 $696,409, 1969 $710,618, 1970 $647,488 tentative.

What additional funds, if any, could you effectively apply to your Title I programs in fiscal year 1970 over and above the present level of funding? In fiscal year 1971?

Answer: 1970 $70,000, for summer programs, dropout programs and special education programs, health services, 1971 $74,000.

In your judgment, do you believe that the Title I programs are needed to meet the special needs of educationally disadvantaged children?

Answer: Yes, no question about it.

Do you regard your present Title I programs as effective in meeting special educationally disadvantaged children?

Answer: In most cases all components of our title I program are effective. Of course experimental or pilot programs must be evaluated at the end of the year for effectiveness.

Recent hearings in Washington disclosed that inadequate funding was the greatest obstacle in the path of more effectively reaching the disadvantaged. Others now contend that we cannot effectively utilize extra funds contained in the HEW Appropriation Bill because the funds are being misdirected and are not reaching the disadvantaged contemplated under Title I ESEA. Your brief comments on these contentions would be appreciated.

Comment: I believe inadequate funding, combined with uncertain and hate funding are really the biggest problems in title I or any of the other ESEA titles. It is very difficult to plan ahead, work with community groups, hire people, purchase materials etc; when one does not know what resources are available.

Response of Sam Storall, San Marcos, Tex.

How many children in your district are benefitting from education programs funded under Title I of ESEA?

Answer: 1,800.

What is the ADA in your school district grades K–12?

Answer: 4,000.

What was the amount of your ESEA Title I grant in each of the following fiscal years?

Answer: 1968 $193,000, 1969 $187,000, 1970 $178,000.

What additional funds, if any, could you effectively apply to your Title I programs in fiscal year 1970 over and above the present level of funding? In fiscal year 1971?

Answer: 1970 $50,000, 1971 $50,000.

In your judgment, do you believe that the Title I programs are needed to meet the special needs of educationally lisadvantaged children?

Answer: Yes.

Do you regard your present Title I programs as effective in meeting special education needs of educationally disadvantaged children?

Answer: Yes.

Recent hearings in Washington disclosed that inadequate funding was the greatest obstacle in the path of more effectively reaching the disadvantaged. Others now contend that we cannot effectively utilize extra funds contained in the HEW Appropriation Bill because the funds are being misdirected and are not reaching the disadvantaged contemplated under Title I ESEA. Your brief comments on these contentions would be appreciated.

Response of Paul H. Blair, Superintendent, of East Liverpool City, East Liverpool, Ohio

How many children in your district are benefitting from education programs funded under Title I of ESEA?

Answer: Approximately 600 each year since its inception in our district in fiscal 1966.

What is the ADA in your school district grades K–12?

Answer: 5,900.

What was the amount of your ESEA Title I grant in each of the following fiscal years?

Answer: 1968 $62,114, 1969 $57,154, 1970 $49,345.

What additional funds, if any, could you effectively apply to your Title I programs in fiscal year 1970 over and above the present level of funding? In fiscal year 1971?

Answer: 1970 $50,000, 1971 $70,000.

In your judgment, do you believe that the Title I programs are needed to meet the special needs of educationally disadvantaged children?

Answer: Yes! Specific programs for disadvantaged youth are sorely needed so that educational and cultural deprivation may be reduced.

Do you regard your present Title I programs as effective in meeting special education needs of educationally disadvantaged children?

Answer: Yes! However, more financial aid is needed to expand and improve present and proposed Title I projects.

Recent hearings in Washington disclosed that inadequate funding was the greatest obstacle in the path of more effectively reaching the disadvantaged. Others now contend that we cannot effectively utilize extra funds contained in the HEW Appropriation Bill because the funds are being misdirected and are not reaching the disadvantaged contemplated under Title I ESEA. Your brief comments on these contentions would be appreciated.

Comment: Since most school districts are apparently complying with Title I regulations, it seems unwise and unfair to penalize all school districts because of a few who misuse or misdirect Title I funds. Extra funds can certainly be utilized and to the intent of the law.

Response of M. E. Acocks, Port Clinton, Port Clinton, Ohio

How many children in your district are benefitting from education programs funded under Title I of ESEA?

Answer: 140.

What is the ADA in your school district grades K–12?

Answer: 3400.

What was the amount of your ESEA Title I grant in each of the following fiscal years?

Answer: 1968 $31,872, pupil helped, 325. 1969 $27,819, pupil helped, 157. 1970 $24,298, pupil helped, 140.

What additional funds, if any, could you effectively apply to your Title I programs in fiscal year 1970 over and above the present level of funding? In fiscal year 1971?

Answer: 1970, $15,000; 1971, $20,000.

In your judgment, do you believe that the Title I programs are needed to meet the special needs of educationally disadvantaged children?

Answer: Yes.

Do you regard your present Title I programs as effective in meeting special education needs of educationally disadvantaged children?

Answer: Yes. Weakness is lack of adequate funds.

Recent hearings in Washington disclosed that inadequate funding was the greatest obstacle in the path of more effectively reaching the disadvantaged. Others now contend that we cannot effectively utilize extra funds contained in the HEW Appropriation Bill because the funds are being misdirected and are not reaching the disadvantaged contemplated under Title I ESEA. Your brief comments on these contentions would be appreciated.

Comment: Total enrollment grows—more pupils that qualify but less funds each year. We can't do the job without help!

Response of Dr. Jack Hornback, Superintendent, San Diego Unified School District, San Diego, Calif.

How many children in your district are benefitting from education programs funded under Title I of ESEA?

Answer: Compensatory Education, 9,761;

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Neglected Children, 70; total benefitting, 9,831.

What is the ADA in your school district grades K–12?

Answer: 123,702.98.

What was the amount of your ESEA Title I grant in each of the following fiscal years?

Answer: 1968, $2,227,688; 1969, $2,065,084; 1970, $1,867,667 (includes neglected and delinquent).

What additional funds, if any, could you effectively apply to your Title I programs in fiscal year 1970 over and above the present level of funding? In fiscal year 1971?

Answer: 1970, Restore to the level of 1968, i.e., $2,227,688; 1971, $2,450,456.

In your judgment, do you believe that the Title I programs are needed to meet the special needs of educationally disadvantaged children?

Answer: Yes.

Do you regard your present Title I programs as effective in meeting special education needs of educationally disadvantaged children?

Answer: Yes.

Recent hearings in Washington disclosed that inadequate funding was the greatest obstacle in the path of more effectively reaching the disadvantaged. Others now contend that we cannot effectively utilize extra funds contained in the HEW Appropriation Bill because the funds are being misdirected and are not reaching the disadvantaged contemplated under Title I ESEA. Your brief comments on these contentions would be appreciated.

Comment: Above comments not applicable to this district.

Response of M. D. Neely, Coordinator of Special Projects, Metropolitan Public Schools, Nashville-Davidson County, Tenn.

How many children in your district are benefitting from education programs funded under Title I of ESEA?

Answer: 10,989.

What is the ADA in your school district grades K–12?

Answer: 88,216.47 (June, 1969).

What was the amount of your ESEA Title I grant in each of the following fiscal years?

Answer: 1968 1,577,915.12, 1969 1,433,949.76, 1970 1,301,363.00 (Initial 1969–70 grant).

What additional funds, if any, could you effectively apply to your Title I programs in fiscal year 1970 over and above the present level of funding? In fiscal year 1971?

Answer: 1970 $250,000, 1971 500,000.

In your judgment, do you believe that the Title I programs are needed to meet the special needs of educationally disadvantaged children?

Answer: Definitely: for teacher training, parent involvement, program innovations and revisions, and instruction materials designed to raise the achievement level and social adjustment of disadvantaged pupils.

Do you regard your present Title I programs as effective in meeting special education needs of educationally disadvantaged children?

Answer: The program is only partially effective. An expanded program in language arts and social development is needed to further meet the needs of the disadvantaged children.

Recent hearings in Washington disclosed that inadequate funding was the greatest obstacle in the path of more effectively reaching the disadvantaged. Others now contend that we cannot effectively utilize extra funds contained in the HEW Appropriation Bill because the funds are being misdirected and are not reaching the disadvantaged contemplated under Title I ESEA. Your brief comments on these contentions would be appreciated.

Comment I support the first sentence in the above paragraph. The Metropolitan Board of Education aspires the philosophy of compensatory education and would encourage the use of additional funds for disadvantaged children.

Response of Clifford Lowdenback, Greenup County, Ky., January 20, 1970

How many children in your district are benefitting from education programs funded under Title I of ESEA?

Answer: 1,420.

What is the ADA in your school district grades K–12?

Answer: $4,497.46.

What was the amount of your ESEA Title I grant in each of the following fiscal years?

Answer: 1968 $253,031, 1969 $229,345, 1970 $217,898.

What additional funds, if any, could you effectively apply to your Title I programs in fiscal year 1970 over and above the present level of funding? In fiscal year 1971?

Answer: 1970 $125,000, 1971, 125,000.

In your judgment, do you believe that the Title I programs are needed to meet the special needs of educationally disadvantaged children?

Answer: Yes. Without Title I funds our program for these children would be almost nil.

Do you regard your present Title I programs as effective in meeting special education needs of educationally disadvantaged children?

Answer: Yes, especially in the areas of reading, health, and science.

Recent hearings in Washington disclosed that inadequate funding was the greatest obstacle in the path of more effectively reaching the disadvantaged. Others now contend that we cannot effectively utilize extra funds contained in the HEW Appropriation Bill because the funds are being misdirected and are not reaching the disadvantaged contemplated under Title I ESEA. Your brief comments on these contentions would be appreciated.

Comment: More funds are needed to expand present programs and add new ones. Present funds enable us to provide the disadvantaged with food, clothing, medicine, and increased interest and accomplishment in education.

Response of Leon Harris, Jr., Clarendon District No. 2, Manning, S.C., January 20, 1970

How many children in your district are benefitting from education programs funded under Title I of ESEA?

Answer: 2,739.

What is the ADA in your school district grades K–12?

Answer: $3,481.

What was the amount of your ESEA Title I grant in each of the following fiscal years?

Answer: 1968, $410,618; 1969, $442,817; 1970, $398,004.

What additional funds, if any, could you effectively apply to your Title I programs in fiscal year 1970 over and above the present level of funding? In fiscal year 1971?

Answer: 1970, none; 1971, none.

In your judgment, do you believe that the Title I programs are needed to meet the special needs of educationally disadvantaged children?

Answer: Yes.

Do you regard your present Title I programs as effective in meeting special education needs of educationally disadvantaged children?

Answer: Yes.

Recent hearings in Washington disclosed that inadequate funding was the greatest obstacle in the path of more effectively reaching the disadvantaged. Others now contend that we cannot effectively utilize extra funds contained in the HEW Appropriation Bill because the funds are being misdirected and are not reaching the disadvantaged contemplated under Title I ESEA. Your brief comments on these contentions would be appreciated.

Comment: Our district has never spent all the Title I money allotted to it. The reason is that we cannot secure all of the competent personnel that we need. We have limited our Title I activities to those areas in which we can find capable personnel. In other words, we are not spending the money just to be spending it.

Response of Wm. A. Cheek, Lawrence County, Louisa, Ky., January 20, 1970

How many children in your district are benefitting from education programs funded under Title I of ESEA?

Answer: 1,157.

What is the ADA in your school district grades K–12?

Answer: $2,586.

What was the amount of your ESEA Title I grant in each of the following fiscal years?

Answer: 1968, $266,324; 1969, $237,767; 1970, $212,068.

What additional funds, if any, could you effectively apply to your Title I programs in fiscal year 1970 over and above the present level of funding? In fiscal year 1971?

Answer: 1970, $425,000; 1971, $425,000, plus $1,500,000 for construction.

In your judgment, do you believe that the Title I programs are needed to meet the special needs of educationally disadvantaged children?

Answer: Yes.

Do you regard your present Title I programs as effective in meeting special education needs of educationally disadvantaged children?

Answer: Yes.

Recent hearings in Washington disclosed that inadequate funding was the greatest obstacle in the path of more effectively reaching the disadvantaged. Others now contend that we cannot effectively utilize extra funds contained in the HEW Appropriation Bill because the funds are being misdirected and are not reaching the disadvantaged contemplated under Title I ESEA. Your brief comments on these contentions would be appreciated.

Comment: All the money from Title I does reach the economically and educationally deprived children in the Lawrence County School District; however, more than twice the appropriated amount could be used advantageously for our children.

Response of C. W. Hanchey, Calcasieu Parish School Board, Lake Charles, La., January 20, 1970

How many children in your district are benefitting from education programs funded under Title I of ESEA?

Answer: 2,517.

What is the ADA in your school district grades K–12?

Answer: $37,838.1.

What was the amount of your ESEA Title I grant in each of the following fiscal years?

Answer: 1968 $762,549.65, 1969 $692,461.83, 1970 $561,030.

What additional funds, if any, could you effectively apply to your Title I programs in fiscal year 1970 over and above the present level of funding? In fiscal year 1971?

Answer: 1970 $180,000, 1971 $530,000.

In your judgment, do you believe that the Title I programs are needed to meet the special needs of educationally disadvantaged children?

Answer: Yes.

Do you regard your present Title I programs as effective in meeting special education needs of educationally disadvantaged children?

Answer: Yes, within limitations of limited and late funding.

Recent hearings in Washington disclosed

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that inadequate funding was the greatest obstacle in the path of more effectively reaching the disadvantaged. Others now contend that we cannot effectively utilize extra funds contained in the HEW Appropriation Bill because the funds are being misdirected and are not reaching the disadvantaged contemplated under Title I ESEA. Your brief comments on these contentions would be appreciated.

Comment:

(1) Inadequate funding is definitely the greatest obstacle in the path of more effectively reaching the disadvantaged.

(2) Allegations of misdirection of funds might be true in isolated cases, but it is our contention that such charges are unwarranted against the total program.

Response of Alice M. Neilan, Assistant Superintendent of Schools, New London Public Schools, New London, Conn., January 20, 1970

How many children in your district are benefitting from education programs funded under Title I of ESEA?

Answer: 300.

What is the ADA in your school district grades K–12?

Answer: 4,865.

What was the amount of your ESEA Title I grant in each of the following fiscal years?

Answer: 1968 $108,094.84, 1969 $117,519, 1970 $112,032.

What additional funds, if any, could you effectively apply to your Title I programs in fiscal year 1970 over and above the present level of funding? In fiscal year 1971?

Answer: 1970 $25,000, 1971 $25,000.

In your judgment, do you believe that the Title I programs are needed to meet the special needs of educational disadvantaged children?

Answer: I absolutely recommend the Title I programs as vital if schools are to meet the *special* needs of educationally disadvantaged children.

Do you regard your present Title I programs as effective in meeting special education needs of educationally disadvantaged children?

Answer: Without question.

Recent hearings in Washington disclosed that inadequate funding was the greatest obstacles in the path of more effectively reaching the disadvantaged. Others now contend that we cannot effectively utilize extra funds contained in the HEW Appropriation Bill because the funds are being misdirected and are not reaching the disadvantaged contemplated under Title I ESEA. Your brief comments on these contentions would be appreciated.

Comment: We feel that the funds are going to the disadvantaged children in our district, for there has been careful identification of students. *We could use extra funds.*

Response of James T. Burch, Charlotte-Mecklenburg, Charlotte, N.C., January 20, 1970.

How many children in your district are benefitting from education programs funded under Title I of ESEA?

Answer: 3,542.

What is the ADA in your school district grades K–12?

Answer: $82,971.

What was the amount of your ESEA Title I grant in each of the following fiscal years?

Answer: 1968 $992,920, 1969 $1,228,787, 1970 $1,139,147, includes funds allocated for children in institutions for the neglected.

What additional funds, if any, could you effectively apply to your Title I programs in fiscal year 1970 over and above the present level of funding? In fiscal year 1971?

Answer: 1970 $150,000, 1971 $150,000.

In your judgment, do you believe that the Title I programs are needed to meet the special needs of educationally disadvantaged children?

Answer: Yes.

Do you regard your present Title I programs as effective in meeting special education needs of educationally disadvantaged children?

Answer: Yes.

Recent hearings in Washington disclosed that inadequate funding was the greatest obstacle in the path of more effectively reaching the disadvantaged. Others now contend that we cannot effectively utilize extra funds contained in the HEW Appropriation Bill because the funds are being misdirected and are not reaching the disadvantaged contemplated under Title I ESEA. Your brief comments on these contentions would be appreciated.

Comment: If the accusations are true, then a better job of Federal supervision should be instituted. Additional funds are needed to better serve the added number of children who could benefit from the services.

Response of Mr. Harry B. Singer, Pittsburgh, Pa., January 20, 1970

How many children in your district are benefitting from education programs funded under Title I of ESEA?

Answer: There is an additional group of children who benefit to a lesser degree by virtue of their attendance in the schools in which the program is operating. This additional number of children equals 27,470. Therefore, the total number of children participating is 54,005.

What is the ADA in your school district grades K–12?

Answer: $65,211—as of November 25, 1969.

What was the amount of your ESEA Title I grant in each of the following fiscal years?

Answer: 1968 $3,263,959.82—Final entitlement, 1969 $3,384,937.59—Final entitlement, 1970 $3,193,028.19—Tentative entitlement.

What additional funds, if any, could you effectively apply to your Title I programs in fiscal year 1970 over and above the present level of funding? In fiscal year 1971?

Answer: 1970 $3½ million, 1971 $5 million.

In your judgment, do you believe that the Title I programs are needed to meet the special needs of educationally disadvantaged children?

Answer: Yes.

Do you regard your present Title I programs as effective in meeting special education needs of educationally disadvantaged children?

Answer: Yes, however, constant evaluation requires to continually change the design and operation of our programs.

Recent hearings in Washington disclosed that inadequate funding was the greatest obstacle in the path of more effectively reaching the disadvantaged. Others now contend that we cannot effectively utilize extra funds contained in the HEW Appropriation Bill because the funds are being misdirected and are not reaching the disadvantaged contemplated under Title I ESEA. Your brief comments on these contentions would be appreciated.

Comment: Our present operations based upon experience since the Title I Law was enacted has provided us with greater knowledge to develop programs which meet the needs of most disadvantaged children. Our present operations include an emphasis on: (1) programs for the Early Childhood Years; (2) dropout prevention; (3) greater emphasis on fewer children; and (4) increasing involvement of parents in the evaluation and development of programs. Delay in receiving approval of total allocation is detrimental to effective planning prior to program implementation.

Response of Dr. Robert L. Chisholm, Superintendent, Arlington County Public Schools, Arlington, Va., January 20, 1970

How many children in your district are benefitting from education programs funded under Title I or ESEA?

Answer: 1,335.

What is the ADA in your school district grades K–12?

Answer: $24,191.

What was the amount of your ESEA Title I grant in each of the following fiscal years?

Answer: 1968 $187,636.30, 1969 $175,185, 1970 $142,694.08.

What additional funds, if any, could you effectively apply to your Title I programs in fiscal year 1970 over and above the present level of funding? In fiscal year 1971?

Answer: 1970 $67,000, 1971 $70,000.

In your judgment, do you believe that the Title I programs are needed to meet the special needs of educationally disadvantaged children?

Answer: Yes, definitely. The problems which disadvantaged children pose to school systems can only be resolved by special programs designed to cope intensively with them and funded separately so that they are justified as unusual additional expenditures.

Do you regard your present Title I programs as effective in meeting special education needs of educationally disadvantaged children?

Answer: The programs which we have in operation presently are achieving positive results. Unfortunately because of limited funding we are only reaching 54% of the children eligible for help under Title I guidelines.

Recent hearings in Washington disclosed that inadequate funding was the greatest obstacle in the path of more effectively reaching the disadvantaged. Others now contend that we cannot effectively utilize extra funds contained in the HEW Appropriation Bill because the funds are being misdirected and are not reaching the disadvantaged contemplated under Title I ESEA. Your brief comments on these contentions would be appreciated.

Comment: —.

Response of Dr. M. T. Anderson, the School District of Greenville County, Greenville, S.C., January 20, 1970

How many children in your district are benefitting from education programs funded under Title I of ESEA?

Answer: 11,500.

What is the ADA in your school district grades K–12?

Answer: $54,114.

What was the amount of your ESEA Title I grant in each of the following fiscal years?

Answer: 1968 $1,088,047, 1969 $1,030,302, 1970 $889,811.

What additional funds, if any, could you effectively apply to your Title I programs in fiscal year 1970 over and above the present level of funding? In fiscal year 1971?

Answer: 1970 $100,000, 1971 $500,000.

In your judgment, do you believe that the Title I programs are needed to meet the special needs of educationally disadvantaged children?

Answer: Yes.

Do you regard your present Title I programs as effective in meeting special education needs of educationally disadvantaged children?

Answer: Yes.

Recent hearings in Washington disclosed that inadequate funding was the greatest obstacle in the path of more effectively reaching the disadvantaged. Others now contend that we cannot effectively utilize extra funds contained in the HEW Appropriation Bill because the funds are being misdirected and are not reaching the disadvantaged contemplated under Title I ESEA. Your brief comments on these contentions would be appreciated.

Comment: Concur that inadequate funding is an obstacle. The total program could be planned and executed more effectively with long range (5 year) program assurance, early annual funding advice (90 days preceding fiscal year) and annual one-year advance funding.

Response of Charles L. Davis, Assistant Superintendent, Kinston City Schools, Kinston, N.C., January 20, 1970

How many children in your district are benefitting from education programs funded under Title I of ESEA?

Answer: 2,107.

What is the ADA in your school district grades K–12?

Answer: $6,016.

What was the amount of your ESEA Title I grant in each of the following fiscal years?

Answer: 1968 $282,330.36, 1969 $265,014, 1970 $237,389.

What additional funds, if any, could you effectively apply to your Title I programs in fiscal year 1970 over and above the present level of funding? In fiscal year 1971?

Answer: 1970 $100,000, 1971 $100,000.

In your judgment, do you believe that the Title I programs are needed to meet the special needs of educationally disadvantaged children?

Answer: Yes.

Do you regard your present Title I programs as effective in meeting special education needs of educationally disadvantaged children?

Answer: Yes.

Recent hearings in Washington disclosed that inadequate funding was the greatest obstacle in the path of more effectively reaching the disadvantaged. Others now contend that we cannot effectively utilize extra funds contained in the HEW Appropriation Bill because the funds are being misdirected and are not reaching the disadvantaged contemplated under Title I ESEA. Your brief comments on these contentions would be appreciated.

Comment: Kinston City Schools' Title I funds are not being misdirected. I am sure you realize that the first year of Title I was confusing to everyone on a local, State, and National level. Funds were permitted to be used unwisely during this period. I feel that *most* school systems have realized the problem and have readjusted to place Title I funds in specific disadvantaged categories. May we keep in mind that Title I is only five years old. The first year or two was confusing to everyone from the "grass roots" to Washington because of the interpretation and communication problems that developed as we tried to organize.

The problems related to the educationally disadvantaged child are many and complex to the point that we should not expect immediate results. Medical doctors have worked years on the prevention and cure of diseases such as cancer. Do we start cutting the program after a few years because the cure is not found? The same is true of the disadvantaged child. He has been neglected for many years and we do not have the immediate cure. I think most educators will readily admit that it will be deterimental to the progress already made if future funding of Title I is cut. I see a definite need for increasing Title I funds and for specific guidelines demanding concentration on the disadvantaged student in areas that have not adhered to this part of the Title I guidelines.

Response of Sylvan Thomas, Instructional Leader, Title I, Roseville School District, Roseville, Mich., January 20, 1970

1. How many children in your district are benefitting from education programs funded under Title I of ESEA?

Answer: 332 benefitting.

2. What is the ADA in your school district grades K–12?

Answer: $13,572.

3. What was the amount of your ESEA Title I grant in each of the following fiscal years?

Answer: 1968 $132,493, 1969 $109,786, 1970 $104,859.

4. What additional funds, if any, could you effectively apply to your Title I programs in fiscal year 1970 over and above the present level of funding? In fiscal year 1971?

Answer: 1970 $30,000, to maintain current restricted program, 1971 $80,000, to strengthen successful programs and extra personnel.

5. In your judgment, do you believe that the Title I programs are needed to meet the special needs of educationally disadvantaged children?

Yes, statistics in our district, show that 30% of our students are educationally disadvantaged, i.e. they either perform poorly in elementary schools or in later grades of education, drop from school. Partly because most programs are accented toward the college bound students. North Central Association takes care to provide accreditive criteria in high schools but Title I programs have focused on this kind of need for quality in elementary grades and for those students who eventually drop from school before high school graduation.

6. Do you regard your present Title I programs as effective in meeting special education needs of educationally disadvantaged children?

Yes, and they are the single hope that has emerged for many of these children. Our program has been effective to the extent that colleges and universities have provided the kinds of trained personnel needed in these programs and the federal agencies have provided the means to pursue them locally. At the present time we have only five kinds of general education personnel available that have a competence in dealing with this problem and around which such programs can be structured, especially in elementary schools. They are the academic teacher, the child guidance teacher (counselor) the remedial reading teacher and the social worker and perhaps teachers' aids. There are also very few facilities designed for these students.

7A. Recent hearings in Washington disclosed that inadequate funding was the greatest obstacle in the path of more effectively reaching the disadvantaged.

Yes, I do. We have three phases, (1) elementary counseling, that is very effective, (2) remedial reading and (3) summer activities programs that has replaced unsupervised yard and street activities of students in our communities.

7B. Others now contend that we cannot effectively utilize extra funds contained in the HEW Appropriation Bill because the funds are being misdirected and are not reaching the disadvantaged contemplated under Title I ESEA. Your brief comments on these contentions would be appreciated.

I would not agree. Inadequate funding has prevented us from extending our present programs in areas of strength and prevented us from implementing a summer phase that is so strongly supported by the parents of the disadvantaged in our district.

Response of Dr. Michael V. Woodall, Charleston County, Charleston, S.C., January 20, 1970

How many children in your district are benefitting from education programs funded under Title I of ESEA?

Answer: 14,943.

What is the ADA in your school district grades K–12?

Answer: $54,536.

What was the amount of your ESEA Title I grant in each of the following fiscal years?

Answer: 1968 $2,170,638, 1969 $2,054,094, 1970 $1,792,773.

What additional funds, if any, could you effectively apply to your Title I programs in fiscal year 1970 over and above the present level of funding? In fiscal year 1971?

Answer: 1970 $300,000, 1971 $300,000.

In your judgment, do you believe that the Title I programs are needed to meet the special needs of educationally disadvantaged children?

Answer: At the present, yes.

Do you regard your present Title I programs as effective in meeting special education needs of educationally disadvantaged children?

Answer: Yes, however there are other areas not covered under our present program which could and should be developed.

Recent hearings in Washington disclosed that inadequate funding was the greatest obstacle in the path of more effectively reaching the disadvantaged. Others now contend that we cannot effectively utilize extra funds contained in the HEW Appropriation Bill because the funds are being misdirected and are not reaching the disadvantaged contemplated under Title I ESEA. Your brief comments on these contentions would be appreciated.

Comment: Inadequate *advanced* funding is the greatest obstacle in the path of a more effective program. Educational programs cannot be developed over a short period of time. Effective programs require several years of planning and developing. Title I has just reached the point where an evaluation would be a true picture of its success. Talk of a reduction in Title I funding is disturbing to those of us who have first-hand knowledge of the good it is doing.

Response of Dr. Louis D. Monacel for Superintendent Norman Drachler, Detroit Public Schools, Detroit, Mich., January 20, 1970

How many children in your district are benefitting from education programs funded under Title I of ESEA?

Answer: 27,641. (This is based on high concentration of effort within schools that have greatest saturation of eligibility.)

What is the ADA in your school district grades K–12?

Answer: Approximately $280,000.

What was the amount of your ESEA Title I grant in each of the following fiscal years?

Answer: 1968 $11,281,162, 1969, $10,460,289, 1970 $9,470,929 (pending).

What additional funds, if any, could you effectively apply to your Title I programs in fiscal year 1970 over and above the present level of funding? In fiscal year 1971?

Answer: 1970 $30,000,000, 1971 $50,000,000.

In your judgment, do you believe that the Title I programs are needed to meet the special needs of educationally disadvantaged children?

Answer: Yes. Title I is of critical importance and requires enormous expansion.

Do you regard your present Title I programs as effective in meeting special education needs of educationally disadvantaged children?

Answer: Yes. However, funds are so minimal that we exist only with models of what must be done.

Recent hearings in Washington disclosed that inadequate funding was the greatest obstacle in the path of more effectively reaching the disadvantaged. Others now contend that we cannot effectively utilize extra funds contained in the HEW Appropriation Bill because the funds are being misdirected and are not reaching the disadvantaged contemplated under Title I ESEA. Your brief comments on these contentions would be appreciated.

Comment: Inadequate funding is *the* obstacle in the path of more effectively reaching the disadvantaged. The contention that funds are misdirected and are not reaching the disadvantaged are false in the case of

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this school district. We now know what to do for the disadvantaged, given a proper funding base. Inadequate funding remains the source of our problem. Legislative aspirations made clear by authorization levels have never been met via appropriations.

THEATER: A HISTORIAN TAKES A HARD LOOK AT "WILSON AND THE PROMISE LAND"

(Mr. TIERNAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. TIERNAN. Mr. Speaker, recently an article appeared in the Sunday New York Times which praises the work of the Trinity Square Repertory Co., in Providence, R.I. This company has received numerous acclaims in the past, including being the first American resident company to perform at the Edinburgh International Festival in Scotland.

I believe that the National Council on the Arts made a grave mistake in refusing to give Federal funds to Trinity Square last year. Mr. Clive Barnes, in his article in the Times, states that "its record of producing new plays, often by new authors, is exemplary." Such a record certainly deserves recognition by the National Council on the Arts. It is my hope that this year the council will see fit to reward such excellence with a Federal grant.

At this point in the RECORD, I would like to insert a copy of Mr. Barnes' article:

[From the New York Times, Jan. 11, 1970]

THEATER: A HISTORIAN TAKES A HARD LOOK AT "WILSON AND THE PROMISE LAND"

(By Clive Barnes)

The Trinity Square Repertory Company in Providence, R.I., can lay claim to being one of the best and the most adventurous in the country. Its standards of acting and staging are very high indeed, it has already enjoyed a remarkable international success at the Edinburgh Festival, and its record of producing new plays, often by new authors, is exemplary.

It was a new play, "Wilson in the Promise Land," that took me to Providence last week, and it proved an exceedingly worthwhile journey. The play, written by a historian, Roland Van Zandt, and staged by the Trinity Square director, Adrian Hall, is a tendentious portrait of Woodrow Wilson and a highly controversial glance at what has made American foreign policy tick over the years from Washington to Franklin D. Roosevelt and, by implication, until our present day.

The style of the play is boldly and successfully theatrical. It starts with Wilson in his final years at the White House—his health is broken by a thrombosis, the 14th of various breakdowns that punctuated his life, his commitment to his dream of a League of Nations has been frustrated, and the country is drifting along with no firm hand at the helm.

From here we move into a dream fantasy where Wilson is accused by a symbolic son representing the young America and by a group of hippies of placing his personal ambitions, his religious convictions and his masochistic desire for sacrifice above the best interests of the nation.

The author is totally unsparing of Wilson—he is depicted as a paranoid religious fanatic, totally obsesesd with himself and totally unfit to govern. His life, seen in vignettes often acted out by the hippie troupe, is traced from the years of the revolution, the firm influence of father, a strict Presbyterian minister in Augusta, Ga., to the time when he leads America into the first World War.

The elements that made his life are symbolized by the bell of the church and the cannon of the Revolution. We see him at his beloved Princeton finding his vocation not, as he had first hoped, as a minister of God but as an orator and statesman, God's chosen instrument of government on earth.

The author's judgment on Wilson is uncompromisingly harsh, and although it makes for fascinating theater, the dialectic of its very evidently slanted propaganda will not only stimulate, it may well also annoy. Wilson never gets an even break. For example, America's entry into the war is seen as almost a personal whim on the President's part, quite ignoring the German U-boat campaign of the time and the mounting sense of outrage in country and government alike.

Nor is Wilson the only President exposed to the author's baleful eye and scornful tongue. As part judges, part witnesses and part fellow-accused to this fantasy of a President and his lost promises (the play is called, revealingly, "Wilson in the Promise Land" not "Wilson in the Promised Land" six other Presidents stand in the same phantasmagorical courtroom—Washington, Jefferson, Jackson, Lincoln, Theodore Roosevelt and Franklin D. Roosevelt.

Mr. Van Zandt seems to have two main contentions. The first is that all political leaders are led to their position of power by overweening ambition and are at their most dangerous when at their most self-righteous. He accuses all of these Presidents of making war—including Lincoln and the second Roosevelt.

His second contention is that all war is bad—and be particularly wary when men lead you forward to what they claim is a morally justified war. Well, of course, all war is bad, but there are many, including myself, who, while pacifist by nature, believe that at certain points the best interests of one's beliefs must be defended. The author seems to think that Lincoln and F.D.R. led us into unnecessary bloodshed—but one wonders whether without that bloodshed Mr. Van Zandt would today be in a position to present his interesting, if debatable views.

He links this with the war in Vietnam—at one point the cast re-enacts the candle ritual of the Washington moratorium—but one wonders whether such blanket pacifism does much to further the present cause of peace. Also, the author does protest too much. Is there never a sincere politician—is every statesman an empty demagogue? When, by deliberate anachronism, the author melds one of Wilson's more highly flown rhetorical speeches with phrases from President John F. Kennedy and Martin Luther King Jr., I detected the chill of easy cynicism lowering the fervor of genuine political passion.

In a way, it is greatly to Mr. Van Zandt's credit that he forces you to discuss his philosophy before discussing his play. He is superbly controversial, magnificently annoying. You agree with some of his points, you snort with indignation at his political special pleading, but the debate—or manifesto if you prefer—is carried out is in splendidly gripping dramatic terms. Not for a moment does he lose your your interest, and not for an instant does his historical insight become less than arresting and brilliant.

It is a play that deserves to be seen in New York, in, if possible, the present staging. Mr. Hall and his designer, Eugene Lee, have set the play in a chapel (one is so used to having chapels converted into theaters, it seems almost like sacrilege to have a theater converted into a chapel) and Mr. Hall's free-style staging is absolutely right for the play. The acting has a perfect ensemble edge to it, as well as containing many individual performances of great quality.

William Cain's Wilson is a tour de force, beautifully calculated and projected. George Martin as Teddy Roosevelt and Ronald Frazier as F.D.R. also contribute perfect character studies, but the entire company works its way surefootedly through the maze of Mr. Van Zandt's vision. I cannot always agree with Mr. Van Zandt's view of America, but I admire the way he puts it.

INTERNATIONAL COMMUNISM ON TRIAL

(Mr. RARICK asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. RARICK. Mr. Speaker, the enemy of free people is international communism.

While Americans are dying in Vietnam—and Korea—fighting the Vietnamese and Korean puppets of international bolshevism, our leaders are busily engaged in attempting to improve relations with the enemy.

There is but one enemy and it was clearly exposed to world public opinion in a trial held right here in Washington, D.C., in 1968.

International communism was accorded every constitutional safeguard guaranteed any defendant under our judicial system in an adversary proceeding.

The uncontroverted evidence adduced at the trial is damning and proved the case against international communism beyond all shadow of doubt:

I submit a summary of the proceedings and evidence following my remarks:

BACKGROUND MEMORANDUM

International Communism on Trial was conceived January 1967 by a group of distinguished Americans concerned about the one-sided glowing propaganda of the Communist apparatus about the 50th anniversary of the Bolshevik Revolution. These Americans, who included author Eugene Lyons, Fr. Daniel Lyons, S.J., editor and lecturer, David Jones, Executive Secretary of YAF, Herbert Philbrick and Richard Lindmark, St. Thomas College, noted that the Communists made much of the various scientific and material "achievements" of communism while neglecting to mention the costs of communism in such areas as freedom of speech, freedom of religion and national self-determination. They decided that an educational antidote was urgently needed to counteract that massive doses of Communist propaganda, particularly among young Americans.

They agreed that a moot trial was an appropriate format in which to publicize the more serious wrongs and crimes of communism during the last 50 years. *Twin Circle—The National Catholic Press* and Young Americans for Freedom volunteered to serve as the initial coordinators of the moot trial. A steering committee was appointed, a trial date set, a list of witnesses, Tribunal members and prosecuting attorneys drawn up.

On November 7, 1967, a "summons" was served on the Communist Party of the Soviet Union at the Soviet Embassy in Washington, D.C. On January 22, 1968, copies of the "indictment" were sent by registered mail to 15 national Communist Parties, in care of the appropriate embassies. Those Parties with neither diplomatic representation to the U.S. nor the United Nations (East Germany, North Vietnam, Peoples Republic of China, North Korea) were sent care of the Embassy of the USSR, Washington, D.C. No response was re-

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ceived except that the Soviet Embassy returned by mail all copies of the "indictment" sent through the USSR, including its own, which had been opened and resealed. On February 2, 1968, telegrams were sent to 12 leading American communists, inviting them to testify and/or to question witnesses of the prosecution (see enclosed news release). Notices were also carried in the *Los Angeles Times* and *International Herald Tribune*. By February 14 no response had been received to the above efforts to obtain defense counsel and, therefore, Leonard Joseph Kelip was appointed as defense counsel by the Court.

The sponsors of International Communism on Trial wish to stress that no fees or honorariums are being paid any of the witnesses, Tribunal members or prosecuting attorneys. The sessions of the moot trial are free and open to the public. The sponsors are deeply indebted to Georgetown University for the use of its Hall of Nations as a locale. However, it should not be concluded that Georgetown University is in any way a sponsor or endorser of International Communism on Trial. The proceedings of International Communism on Trial will be published in paperback book form and a documentary of the proceedings produced.

IN THE COURT OF WORLD PUBLIC OPINION
DISTRICT OF COLUMBIA DIVISION

People of the Free World v. *The Communist Parties of the Soviet Union, Albania, Bulgaria, Czechoslovakia, the Communist Party of that part of Germany referred to as East Germany, the Communist Parties of Hungary, Poland (also known as the Polish United Workers' Party), Rumania (also known as the Rumanian Workers' Party) Yugoslavia, North Korea, (also known as the Korean Party of Labor), North Vietnam (also known as the Vietnam Workers' Party), the Communist Parties of that part of China referred to as the Peoples Republic of China, Algeria, Cuba (also known as the Popular Socialist Party of Cuba) and the Communist Party of the United States of America.*

Indictment for participation in a conspiracy to commit the following acts: Planning and preparation of overt and covert wars of aggression, invasions and subversive activities as a general policy; participation in the waging of overt and covert wars, invasions and subversive activities; participation in a conspiracy and activities intended to deprive individuals of freedom of religion; participation in a general policy and conspiracy to deprive individuals of freedom of thought and speech; participation in a general policy of promoting slave labor practices; participation in a conspiracy to deprive independent nations the right of national self-determination.

You are hereby summoned to appear before the Court of World Public Opinion for the District of Columbia Division in the Hall of Nations, Georgetown University, in the City of Washington, D.C. on the 19–21 days of February, 1968, at 10 o'clock a.m. to answer to the attached Indictment.

Dated January 19, 1968.

PHILIP WAYNE CRAMER,
Clerk of the Court of World Public Opinion.

The indictment charges:

A. The defendants are the Communist Parties of the Soviet Union, Albania, Bulgaria, Czechoslovakia, the Communist Party of that part of Germany referred to as East Germany, the Communist Parties of Hungary, Poland (also known as the Polish United Workers' Party), Rumania (also known as the Rumanian Workers' Party), Yugoslavia, North Korea (also known as the Korean Party of Labor), North Vietnam (also known as the Vietnam Workers' Party), the Communist Parties of that part of China referred to as the Peoples Republic of China, Algeria, Cuba (Also known as the Popular Socialist Party of Cuba), and the Communist Party of the United States of America, which with their fellow conspirators, the other national Communist Parties of the Free World Nations, engaged in a joint and several campaigns of espionage, terror, deceit, murder as charged in the counts below. (These defendants have essentially juridical character and occupy the position of international persons existing separate from the national sovereignty of the respective states due to their autonomy in relation to the states in which they are located and due to the political nature of the mission entrusted to them. (Cf. Nanni et al v. *Pace and the Sovereign Order of Malta*; Court of Cessation: Italy: March 13, 1935 (1935–37) Am. Dig. 2,4–6 (no. 2).

B. The defendants and their co-conspirators, the aforesaid Communist Parties, have over a period of years preceding November 7, 1967 conspired with each other in common plans and actions and have also singly or jointly planned and acted for the following purposes:

Count I. The defendants and their co-conspirators contrary to the principles of humanity and its peace and dignity have participated singly or collectively over a period of years preceding November 7, 1967, in the planning and preparation of a general policy aimed at overt and covert wars of aggression, invasions and subversive activities against the free countries of the world.

1. The planning and preparation of the aforementioned wars, invasions, and subversive activities referred to above included: the attempted coup in Indonesia during 1965–66, the arming of Arab nations in the Middle East culminating in the Arab-Israeli War of 1967 and the continuing agitation for civil guerrilla warfare in the United States.

2. These acts and conduct of the defendants set forth in this count were committed unlawfully, willfully, knowingly, and constituted violations of international law, treaties, agreements, and assurances.

Count II. The defendants and their co-conspirators contrary to the principles of humanity and its peace and dignity have participated singly or collectively over a period of years preceding November 7, 1967, in the waging of overt and covert wars, invasions and subversive activities.

1. The waging of the overt and covert wars, invasions and subversive activities referred to above included: the invasion of South Korea in 1950, the brutal suppression of the Hungarian Revolution of 1956, the invasion and takeover of Tibet in 1959, and the continuing aggression within South Vietnam.

2. As a result of the aforesaid acts of overt and covert aggressive warfare, invasions and subversive activities, many millions of people were murdered, tortured, starved, enslaved and robbed; countless numbers became diseased; millions of homes were left in ruins; resources for raising the standards of living of people all over the world were destroyed.

3. These acts and conduct of the defendants set forth in this count were committed unlawfully, willfully, knowingly, and constituted violations of international law, treaties, agreements, and assurances.

Count III. The defendants and their co-conspirators contrary to the principles of humanity and its peace and dignity have participated singly or collectively over a period of years preceding November 7, 1967, in their own countries and in the countries of the free world in a general policy of atheism intended to deprive individuals of the right to manifest their religions, their belief, the worship, the teaching, practices and observances thereof.

1. This planning, preparation and execution of the aforementioned general policy included: the arrest, imprisonment, torture and execution of clergymen of all faiths. The records of the Pontifical Gregorian University in Rome alone show that defendants and their co-conspirators have closed 31,779 churches, 3,334 seminaries, and 1,600 convents.

2. This planning and preparation of the a forementioned general policy included: The State University of Scientific Atheism in Alma Ata was officially designated by *Kazakstansakaia Pravada* on March 3, 1967, as "the School of Those Who Will Never Make Peace."

3. The acts and conduct of the defendants set forth in this count were committed unlawfully, willfully, knowingly, and constituted violations of international law, treaties, agreements and assurances.

Count IV. The defendants and their co-conspirators contrary to the principles of humanity and its peace and dignity have participated singly or collectively over a period of years preceding November 7, 1967, in a general policy to deprive individuals of the freedom of thought and speech.

1. The action of the aforementioned general policy included: the extermination of hundreds of intellectuals and artists during the Stalin era including Alexander Voronsky, Isaac Babel and Pavel Bespalov; the persecution of Boris Pasternak in the 1960's the trial and imprisonment of Andrei Sinyavsky and Yuri Daniel in 1966, and the imprisonment in an insane asylum of Vladimir Butovsky and his subsequent sentence to a Soviet labor camp in 1967.

2. The acts and conduct of the defendants set forth in this count were committed unlawfully, willfully, knowingly, and constituted violations of international law, treaties, agreements, and assurances.

Count V. The defendants and their co-conspirators contrary to the principles of humanity and its peace and dignity have participated singly or collectively over a period of years preceding November 7, 1967, in a general policy of holding individuals in servitude and requiring them to perform forced or compulsory labor.

1. The action of the aforementioned general policy included: the imprisonment of between 10 and 15 million people according to Brooks Atkinson of the *New York Times* under the most inhuman conditions as described by survivors like John Noble of the United States of America, Elinor Lipper of Germany and Fr. Walter J. Cizek, S.J.

2. The acts and conduct of the defendants set forth in this count were committed unlawfully, willfully, knowingly, and constituted violations of an individual's human rights, international law, treaties, agreements, and assurances.

Count VI. The defendants and their co-conspirators contrary to the principles of humanity and its peace and dignity have participated singly or collectively over a period of years preceeding November 7, 1967, in acts or conduct depriving the following nations of their freedom and independence: Russia, Ukraine, Georgia, White Ruthenia, Byelorussia, Latvia, Estonia, Lithuania, Poland, Albania, Bulgaria, Rumania, Hungary, East Germany and Czechoslovakia.

All the foregoing acts were willfully committed against the peace and dignity of the peoples of the world.

A true bill.

THE GRAND JURY OF THE WORLD'S CONSCIENCE,
By BRUCE WEINROD,
Foreman.

The following telegram was sent to Gus Hall, Herbert Aptheker, Albert Jason Lima, Mrs. Dorothy Healey, Michael Zagarell, Claude Lightfoot, Carl Winter, and Arnold Johnson of the Communist Party, USA; Carl Bloice of "the Worker" and Hyman Lumer of "Political Affairs", Communist Party USA;

Milton Rosen of the Progressive Labor Party, Fred Halstead of the Socialists Workers Party. Text of telegram:

"As you know from our communication of January 22, a moot trial of International Communism will be held at Georgetown University, Washington D.C., February 19–21. More than 20 experts and eye witnesses will analyze and discuss various aspects of communist history since 1917. Areas include religious freedom, national self-determination, free thought and speech and wars of national liberation.

"The purpose of this three-day symposium in the form of a moot trial is to present the American public with as complete and accurate a picture as possible of communism.

"To that end, we invite you to appear as a witness to discuss any aspect you choose and to submit such exhibits, documents, photographs, etc. as you think pertinent. We also offer you or anyone of your choosing the opportunity to question any of the experts or eye witnesses who will appear.

"The sponsors of the moot trial-symposium are solely interested in obtaining and presenting the truth about communism and solicit your cooperation to achieve that goal.

"Lee Edwards,
"Coordinator."

Cost of Communism Questioned at International Communism on Trial

Washington, D.C., February 19, 1968.—More than 45 million people have died at the hands of Soviet Communism in its 50 years of existence, a former American correspondent to Moscow testified today in a moot trial of International Communism.

Eugene Lyons, the first witness at a three-day trial to publicize the more serious wrongs and crimes of Communism, cited his figures in answer to questions on Communism's cost of life.

The trial, held at the Hall of Nations on the campus of Georgetown University in Washington, D.C., is bringing to the witness stand a distinguished list of witnesses that include exiles from communism, professors, journalists, clergymen, and key diplomats.

In his testimony this morning, Mr. Lyons stated that the Soviet Union, still today, has the largest secret police organization in the world made up of its own air force, army, and armored units. He pointed out that Communism's failure in agriculture could be solved by ending collectivisation and returning to private ownership.

Mr. Lyons said that while the Soviet Union is recognized as the second largest industrial nation, it ranks around 20th when applied to the status of individuals. He used a food-cost comparison between Russian families and American families what he termed a "food basket." A Russian must work 59 hours for the same quantity of food that an American can buy with 7 hours of work.

The Organizers of the trial, of which Eugene Lyons was one, noted that the Communists made much of the various scientific and material achievements of communism while neglecting to mention the costs of communism in such areas as freedom of speech, freedom of religion and national self-determination.

When the trial began this morning no Communist representatives appeared to testify or ask questions.

Five distinguished jurists representing backgrounds in law from several areas of the world compose the Tribunal. The presiding Judge is a prominent Ohio jurist. Dr. D. S. Chen is a distinguished lawyer from both Mainland China and The Republic of China (Taiwan). Dr. Emilio Nunez Portuondo, is a former national leader and diplomat from Cuba and twice President of the United Nations Security Council. Dr. Stefan Osusky is a member of the International Commission of Jurists, Geneva, and a former diplomat from Czechoslovakia. Dr. Carlos Marquez Sterling is a former two-term Speaker and three-term member of the Cuban House of Representatives, and was Presidential Candidate of the Free People's Party in 1958.

[Highlights, afternoon and evening session, International Communism on Trial, Monday, Feb. 19, 1968]

Hungarian Freedom Fighter Details Torture, Imprisonment

In 1949, Josef Szalay refused to sign a confession that his church youth work was a conspiracy against the Community Party of Hungary. He was immediately tortured and subsequently imprisoned for seven years.

Mr. Szalay was one of nearly a dozen witnesses who testified at a moot court where International Communism was on trial. The trial, held on Georgetown University's campus, brought together educators, journalists and government leaders who described life under Communism.

Mr. Szalay told the court that he was arrested by the Communist authorities during the presentation of a play for which his Catholic youth group had a permit to perform. He was ordered to stop the play and later the Communists ordered him to confess to conspiracy.

He was beaten and endured the most inhumane torture. When he still refused to sign the confession, he was offered the chance to commit suicide. At first he felt it would be better to die today than be tortured tomorrow. Then he changed his mind and decided against giving his tormentors the satisfaction.

Others to participate in the first of three days of testimony included: Dr. You Chan Yang, South Korean Ambassador-at-Large; Dr. Joseph Dunner, a professor of political science and international law at Yeshiva University in New York; Phillip Abbott Luce, a former leader of the Progressive Labor Party; The Rev. Raymond J. De Jaegher, S.J., a former professor at the Major Seminary of Suanhwa in China; Major Robert L. Watson, who served in the Army in Vietnam; Major Edgar C. Bundy, executive secretary of the Church League of America: Monika Flidr, a high school teacher in Czechoslovakia, and Dr. Laszlo Varga, a former member of the Hungarian Parliament.

Father de Jaegher described in vivid detail the beheading of 13 young people in China who refused to admit to their Communist rulers that they were traitors to China. He reported that children were forced to watch the executions while singing patriotic songs.

The priest, who spent many years in both China and Vietnam told a court-appointed defense counsel that he had never seen any executions by the Nationalist Government forces in China or by the Diem Government of South Vietnam except for one bandit. But he said he knew of priests that were buried alive in China by the Communists who said they were not worth a bullet.

Ambassador Yang discussed the current status of relations with the North Korean regime. He said that about 2,400 men are trained by that regime as infiltrators and subversives. He pointed out that there were 50 armistice agreement violations in 1966 but that these had increased to 550 in 1967. He said that he once predicted that if a truce were made with North Korea, there would be a bigger war in South Vietnam. "And I predict that if you have a cease fire in Vietnam, there will be a bigger war in Thailand next," he added.

Dr. Dunner, born in Germany but for many years a U.S. citizen, described the persecution of the Jewish community in the Soviet Union as "deliberate cultural genocide." When asked by the Tribunal if there were any other countries that persecuted the Jews, he replied, "The Arab countries." He denied that treatment of the Jews in Spain was "persecution" despite recognition of Catholicism as the state religion.

The professor said the Soviet Union prohibits the printing of the Hebrew Bible and will not allow the teaching of Judaism and its history. He said there are now only four Rabbis in all of Russia for the 3–4 million Jews.

Major Bundy, an ordained Baptist minister and a veteran of the U.S. Air Force for which he was an intelligence officer, told the tribunal that more than 200 Baptist clergymen had been arrested in the Soviet Union for holding services even in homes. He stated that many of the religious leaders now heading churches in the Soviet Union were not true Christian ministers but rather puppet appointees of the State.

Phillip Abbott Luce admitted to the counsel that he had been a Communist for six years in which time he told college students many glowing things about Communism that he said were untrue. Much of Luce's testimony centered around his activities as one of the "students" that went to Cuba illegally in 1963 and 1964. He described his efforts in setting up a demonstration in New York's Times Square in August 1964. He said his Party was trained in karate and street fighting. They had practiced techniques in disarming police and even dismounting police who attempted to break up their demonstrations from horseback. He also showed the court a poster he had printed to enflame ghetto residents after the shooting of a young boy by police during the Harlem riots of 1964.

[Highlights of Tuesday afternoon session, International Communism on Trial, Feb. 20, 1968]

Minister Shows Scars of Communist Beatings

"I brought here the screams of one billion enslaved people." The Reverend Richard Wurmbrand, a Jew ordained as a Rumanian evangelical minister, shouted these words at a moot court at which International Communism was on trial.

As the prisoner of 14 years at the hands of the Communists stood and began to remove his upper garments, the defense counsel appealed to the court, "I object."

Rev. Wurmbrand continued his partial disrobing and replied, "I don't care what anyone objects. I object to what the Communists are doing and to the apathy in America."

At this point the court requested the clergyman to wait for a ruling. "I will not wait," the minister yelled. He said he had waited 14 years to tell the world of the cruelties of the Communists.

The emotional scene came in the afternoon session of the second of three days in which a host of witnesses have described their experiences of life under Communism in the moot court held on Georgetown University campus.

Others that testified this afternoon were: John Noble of Detroit who spent nine years in a Nazi prison and later in a Soviet slave labor camp in Siberia; Luis Gonzales-Grajales, head of the Cuban Resistance Aid Committee; Dr. Lev E. Dobriansky, a professor at Georgetown University, and Manuel R. Alonso, a Cuban survivor of the Bay of Pigs episode and subsequent imprisonment in Cuba.

Mr. Noble gave details of his experiences in the prison camps and then told of the method by which he finally obtained his release from a Soviet camp. He managed to slip a post card past censors to a relative in West Germany, signing it "Your noble nephew." It was the clue that finally reached his parents who recognized his handwriting. After eight State Department notes to the Soviets, Mr. Noble obtained his release through the personal intervention of President Eisenhower.

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In his testimony, Mr. Noble stated that the Russians ran Buchenwald even worse than had the Nazis. He said the Soviets' torture involved many sexual varieties—too disgusting to detail—"they really went in for this." More conventional torture included whipping, "not with whips but with copper tubing."

Another witness, Mr. Gonzales, speaking through an interpreter, told the court of anti-Castro feeling among the Negro race of Cuba. He said, however, there is no discrimination in Castro's Cuba and that the government is cruel to whites and Negroes alike. He said he could not reveal some of the sources by which he still obtains information within the Castro Government but did say that some of them are still members of that Government.

Mr. Alonso told the court of the miseries suffered by the prisoners captured in the failure of the Bay of Pigs operation in April 1961.

Dr. Dobriansky, in a statement to the court urged that "in this International Human Rights Year, the United States observe the year with a full-scale Senate review of U.S. policy toward the USSR by concentrating on Soviet Russian genocide and imperio-colonialism in the USSR itself." He also said that popular periodicals that reported the progress made in the past 50 years in the Soviet Union ignored the incredible cost in human life and individual consumptional utilities to achieve military and world political power.

[Highlights of morning session, International Communism on Trial, Feb. 20, 1968]

Hungarians Still Want Free Elections; Communists Only by Proximity to Soviet Power

"The Hungarians are a romantic people," Dr. Nicholas Nyaradi told a moot court today. "They wanted free elections." Instead the Russians came in "killing, murdering and raping."

Dr. Nyaradi, Tuesday's first witness before the Court of World Opinion where International Communism was on trial, told how he secreted himself from both Nazis and Communists by hiding behind a huge coal pile in the basement of his home in Budapest in 1945.

Dr. Nyaradi, who later became Minister of Finance in the Hungarian Government stated to the court that the Russians ordered the people to vote and 94 percent of them did. But he said 83 percent of the people voted against Communism.

Four other witnesses testified in the morning session. They included: Edward Scannell Butler, executive vice president of the Information Council of the Americas and calls himself a theoretician and consultant in conflict management (the development of practical answers to the techniques of agitation and propaganda); Gerhard A. Buschmann, national chairman of the Legion of Estonian Liberation and a member of the Estonian World Council and the Estonian National Committee in the U.S. Ahmadullah Donto, a student from Tibet and a former interpreter to the Dalai Lama; and Dr. Anthony T. Bouscaren, professor of political science at Le Moyne College in New York and a specialist in the fields of international relations and comparative governments.

Speaking to the second-day audience in the Hall of Nations on Georgetown University campus, Dr. Nyaradi said the Governments of Eastern Europe have become Communist, not by free choice but by the proximity of Soviet forces. He detailed the methods by which the Russians illegally arrested and executed Prime Minister Imre Nagy though he was in fact a Communist.

Dr. Nyaradi denied before cross examination that the United States had assisted in the Communist take over of his native country but admitted that the U.S. armistice agreement in effect tolerated the regime. He told also of returning to the bank at which he was an official at the end of the war and witnessing the Russian theft of bank securities which he said were carried away in American-made trucks.

The former Hungarian Finance Minister called the Warsaw pact nations of Bulgaria, Hungary, Rumania and Czechoslovakia captive nations which have a record of voting identically to the votes of the Soviet Union in the United Nations.

Dr. Nyaradi said that since the legalization of abortions in Hungary, abortion rates rank with death rates, both exceeding birth rates. He told the court that women no longer want to raise children under the present regime. "In 150 years at this rate, there will be no Hungarian nation."

Mr. Butler told the court of his debate with Lee Harvey Oswald on a radio broadcast in New Orleans 93 days before the assassination of President John F. Kennedy. Mr. Butler refused to budge from his statement that a violent revolution was triggered on the death of President Kennedy and is still in progress.

Mr. Butler said that Oswald never admitted to being a Communist but said he was a Marxist. When asked to explain the difference, Oswald went into what Mr. Butler described as subject expansion in which he used the phraseology of Communist but trailed off into discussions of other subjects.

Mr. Butler said it was an aim of these engaged in psychopolitical warfare in the United States to smash a high figure of national policy, which they did with the assassination of the President. He stated that it has influenced others that they could get away with murder and they have turned to a violent revolution still in progress in the United States.

Mr. Donto, who was forced in live in Communist China from 1955 to 1958 told the court that in Communist family affairs, there are no emotions, no affections, no love. The only love permitted is love with the Communist Party. Children are told to report on their parents and on family life to Communist bosses.

Mr. Donto said there is no freedom of speech but rather everyone is forced to make confessions of any small act which might be against the state. He said stealing an egg was a big crime because an egg could become a chicken and the chicken could lay many eggs which could become many more chickens.

In 1957, Mao Tse-Tung said, "Let 1,000 flowers blossom." This was meant to allow the people to speak freely. But when they did, they soon disappeared, if they said anything against the government, according to Donto.

Mr. Buschmann told the Court of his experiences in Estonia at the time of the Soviet takeover in 1939. He said the Estonian foreign minister was summoned to Moscow ostensibly to sign a trade agreement; but when he arrived, it turned out to be a "mutual defense pact." Under the pact the Soviets established military bases and were then prepared in June 1940 to issue an ultimatum for the creation of governments friendly to Russia in all three of the Baltic states.

Dr. Bouscaren read a statement to the court in which he cited 45 violations of international agreements by Communist countries. He said there were actually more than 93 major violations during the 50 years of Communist government.

[Highlights, morning session, International Communism on Trial, Feb. 21, 1968]

Herbert Philbrick Details Communist Conspiracy in United States

It remains fundamental Communist doctrine and teaching Communist victory will not be complete until they control the world, Herbert Philbrick told the Tribunal at International Communism on Trial today.

Mr. Philbrick, who spent nine years as a Communist counterspy for the FBI, said communism's aim is to create strife between the classes in the United States which would eventually bring about revolution and war between those classes.

Telling of his experiences, Mr. Philbrick said there are about 12,000 members in the Communist Party in the United States. Most of them operate subversively, treasonably and their aim is the violent overthrow of the United States Government, he added.

Mr. Philbrick told the court there was no evidence of lessening or moderation in their activities, but, if anything, they were increasing.

Mr. Philbrick brought to the trial the story of his activities from 1940 to 1949. In 1949, he surfaced from his secret work and contributed to the conviction of 11 top Communists including Gus Hall who served his five year term and is now General Secretary of the Communist Party in the United States.

Through official documents of the Communist Party, he was able to show that the American Communist Party is a part of the world-wide Communist movement of which there are more than 50 million members.

In testimony by another of this morning's five witnesses, Mr. Duane Thorin, an American prisoner of war in North Korea during the Korean War, said that he was interrogated by officers dressed in Russian uniforms.

After the week-long questioning, Mr. Thorin was taken to a slave camp, where he worked unloading supplies, handling gasoline, and working in military target areas.

While riding supply trucks he frequently observed Chinese and Russian uniformed personnel.

During his periods of captivity, he escaped once and was recaptured, was pressured to confess, and finally underwent brainwashing treatment.

Dr. Rorminio Protell-Vila, a former professor, diplomat and journalist from Cuba begin his testimony with the introduction of several documents he obtained while with the Cuban Embassy in Lima, Peru. They suggest methods for promoting revolution in Peru and other Latin American countries, Portell said.

He told the court that it was a general policy of international communism to espouse the destruction of order through revolution and bribery. His documents included blueprints printed by the Castro regime for creating ferment in the United States and urging the people to respond to violence.

Father Daniel Lyons, S.J., Chairman of the Free Pacific Association and director of the East Asian Research Institute said he had examined munitions used by North Viet Nam and related that the most sophisticated weaponry came from Russia and her satellites. He said that 70 per cent of the equipment came through Haiphong Harbor. Father Lyons stated also that Red China has cooperated by allowing Russian rail and air shipments to cross over Red China enroute to North Viet Nam. The Russians, Lyons said, send almost one billion dollars worth of equipment to North Viet Nam each year. Father Lyons said the leaders of free Asia are unanimous in stating that the Communists are cooperating to subvert Asia.

In other testimony, Dr. Roman Smal-Stocki, a former Ambassador of the Ukrainian Democratic Republic in Berlin and Vice Prime Minister in the Ukrainian Exile Government cited the history of the Ukrainians oppression by the Communists. Most of his remarks were in the nature of historical background.

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[Highlights of afternoon session, International Communism on Trial, Feb. 21, 1968]

SOVIETS AIM FOR NUCLEAR WARFARE TO OVERTHROW UNITED STATES

The Soviet Union cannot achieve world dominion without the overthrow of the United States Government. Dr. Stefan Possony, lecturer and faculty adviser at the National War College and other military war colleges of the United States, said today.

Dr. Possony added that since international Communism is not capable of knocking out the United States by means of peoples wars, it may in the end be forced to subject this country to genocidal attacks with nuclear weapons.

Director of International Studies at the Hoover Institution on War, Revolution and Peace at Stanford University, Dr. Possony pointed out to a moot trial court that Communist objectives range from peoples wars, which include such takeovers as occurred in China, Cuba, and Vietnam, and extend through a mixture of military warfare, national demoralization and nuclear warfare.

During the third afternoon session of the trial of International Communism at Georgetown University, Dr. Possony described the various efforts Communists apply at each level to gain their final goal of world domination.

He began by defining the word "violence" as used by the Communists. To them, he said, it is a means of creating a favorable situation for the seizure of power. This appears in the guise of terror and physical coercion or through psycho, political and economic warfare and subversion, infiltration and finally reach the ultimate of international war. Often these goals are achieved through proxy by non-Communists.

Dr. Possony, who is an expert in Communist strategy went into great detail about the comparable nuclear strengths between the United States and the Soviet Union. He said that the United States is the sole defense of the free world. He said that the United States was not now adding any new missiles to its arsenal, but that the Soviets have engaged in a very rapid expansion of their missile capability during the past 15 months, nearly doubling their number of long range missiles.

Though the United States one year ago signed a treaty banning the use of nuclear weapons in space, Dr. Possony said the Russians have two space weapons. One is a missile capable of orbiting and another is a sub-orbital weapon. These have been acknowledged by the U.S. Defense Department, Possony said. While not presently deployed, they could be in a very short time giving the United States, in some cases, little more than three minutes warning.

The only other afternoon witness at the court's final session was H. T. W. Blockley, the acting head of the Canadian delegation to the International Control Commission in Hanoi in 1956. He told of conversations with both the Red Chinese and the North Vietnamese leaders, as well as of his experiences in Hanoi.

Mr. Blockley reiterated the often heard statement of other witnesses that the Asian Communists use terror, murder, deceit, subversion, and seduction of the national and individual will to achieve their ends, which, he said, is world domination by the Communists.

He described an episode in Hanoi in which 20 university students complained about a certain problem at the school. For this, they were sent out to the countryside and disappeared. In addition, the entire student body was removed and sent to labor in the fields. Included in this body were the final year medical students who were denied graduation. Instead, the university was filled with students from the farms who were more docile.

He stated to the court that he had talked with Chou En-Lai of Red China in the presence of Ho Chi Minh. Chou said that while China is the "elder brother" of North Vietnam in Communism, Ho is the elder brother of Asian Communist individuals. Ho returned to the Far East from Moscow in the early 1920's and was the agent by which Chou and Mao Tse-Tung were both brought to Communism.

HUMAN RIGHTS VIOLATIONS IN SOVIET OCCUPIED UKRAINE

(Mr. RARICK asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. RARICK. Mr. Speaker, the uncontroverted evidence introduced by Ukrainians in exile before the Court of World Public Opinion at the trial of international communism is a damning indictment of the Soviets tyrannical occupation of the Ukraine.

Not only have the Soviets preempted the Ukrainian people of their culture, religion, and self-determination but they have added insult to injury by exploiting the Ukrainian vote in the General Assembly of the United Nations Organization.

The evidence against international communism is so conclusive, I am introducing a concurrent resolution expressing the sense of Congress that the President, acting through the U.S. Ambassador to the United Nations Organization, take such steps as may be necessary to place the question of Human Rights violations in the Soviet-occupied Ukraine on the agenda of the United Nations Organization.

Mr. Speaker, I urge that all Members who believe in human rights join me in this humanitarian endeavor. The memorandum of the evidence presented on behalf of the people of the Ukraine at this point:

MEMORANDUM

(Submitted by American Friends of Antibolshevik Bloc of Nations, Washington Metropolitan Chapter, and Organization for the Defense of Four Freedoms for Ukraine, Washington, D.C.)

FEBRUARY 21, 1968.

To: The Court of World Public Opinion, Washington, D.C.

As members of the original delegation which presented the summons and indictment to the Soviet Embassy in Washington, D.C., on November 7th, 1967 but were denied the opportunity to present competent witnesses at the moot trial of International Communism we, the Organization for the Defense of Four Freedoms for Ukraine and the American Friends of Antibolshevik Bloc of Nations in Washington, D.C., submit to the court the following evidence of overt and conspiratorial crimes by the Russian Communist Party against Ukrainians and humanity, and plead that this evidence be fully exmined by the Court of World Public Opinion and considered in the arrival at a verdict.

We accuse the Russian Communist Party and equally the Russian Communist Government of the following crimes against the Ukrainian people:

ARMED AGGRESSION

Armed aggression against the Ukrainian National Republic, an independent and sovereign state, in 1918. (see Exhibits: A; B; C; D, pp. 14–19; O; P.)

POLITICAL SUBJUGATION AND PERSECUTION

a. The invasion and occupation of the Ukrainian National Republic by Russian Communist forces in 1918–20 (see Exhibits: A; B; C; D, pp. 7–48; N; O; P.) in full violation of international treaties and solemn agreements as follows:

Treaties of Brest Litovsk (Feb. 9, 1918) and (March 3, 1918). (see Exhibits: A, pp. 80–133, 185–198; B; C; D, pp. 16–17; O.)

De facto recognition of Ukraine by France and Britain. (see Exhibits: A; B, pp. 182–3; C; D.)

De Jure recognition of the Ukrainian National Republic by the Russian Soviet Government, Dec. 17, 1917. (see Exhibits: A, 22–25, 128–133, 158–9, 186–198; B, pp. 184–5; C; D, pp. 14–15; O.)

b. The invasion and occupation of Ukraine in the Second World War in 1939–45. (see Exhibits: B; C; D, pp. 36–42; O; P.)

c. The imposition by force of arms of a puppet Communist Government upon people of Ukraine. (see Exhibits: A; B; C; D, pp. 15–20; G; O; P.)

d. The destruction of democratic political and social forces in Ukraine by forcibly imposing an alien, totalitarian, one party system. The Communist party became the only legal party in the new political structure and non-members of the communist party reduced to second class citizens. (see Exhibits: B; C; D, pp. 19–23; G; O; P.)

RELIGIOUS PERSECUTION

a. The destruction of the Ukrainian Autocephalous Orthodox and the Ukrainian Catholic Churches. (see Exhibits: C; D, pp. 111–138; E; F, pp. 5–51; O; P.)

b. The deaths, through brutality, imprisonment or execution, of the Ukrainian Catholic and Orthodox hierarchy and clergy. (see Exhibits: C, pp. 32–3; D, pp. 111–138; E; F, pp. 5–51; O; P.)

c. The closing of substantially all churches in Ukraine. (see Exhibits: C, p. 21; D, pp. 119, 125; I; F, pp. 5–51; G; M; O; P.)

d. The closing of all Ukrainian Seminaries and religious institutions, schools, and publications. (see Exhibits: C; D; E; F; G; O; P.)

e. The stripping of Ukrainian Churches of their religious and art treasures (see Exhibits: D, p. 119; E, pp. 43–45; M; O.)

f. The destruction of many ancient and historical church buildings in Ukraine. (see Exhibits: C, p. 21; D, p. 119, pictures; E; M; O; P.)

g. The persecution of other Ukrainian Christian denominations, Ukrainian Jews and adherents of the Islamic faith; the closing of their houses of prayer; and arrest of religions in Ukraine. (see Exhibits; C; D, pp. pp. 111–138; F, p. 58; G, pp. 23–25; O; P.)

h. The creation of militant atheist institutions for waging a relentless war against all religions in Ukraine. (see Exhibits: C, D, pp. 111–138; E. p. 44; F., pp. 5–51; G.)

GENOCIDE

a. Creating a famine in 1932–33 to subdue the entire Ukrainian nation and to force collectivization on the Ukrainian farmers resulting in the deaths by starvation of seven millions Ukrainians. (see Exhibits: C; pp. 17–20; D, pp. 69–84; G, pp. 15–18; H; I; O; P.)

b. The executions of hundreds of thousands of Ukrainians for political dissent by the State Security Police (Cheka, GPU, NKVD, NVD, & KGB). (see Exhibits: C; D, pp. 49–68, 85–110, 139–146, 169–198, 207–450; G; O; P.)

c. The deportation of millions of Ukrainians to Asia (Khrushchev stated at the XXth Communist Party Congress in 1956 that Stalin wanted to "deport all Ukrainians"). (see Exhibits: C; D; F, pp. 52–59; G, pp. 15–22, 65–66; O; P.)

d. The murder of 12,000 Ukrainians in Vinnytsia by NKVD. (see Exhibits: C, pp. 26–28; D, pp. 147–168; J, see The Court—Medical Report on pp. 15–18; G; O; P.)

e. Executions, imprisonment and the de-

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portation of members of the Union for the Liberation of Ukraine (SVU), the Association of Ukrainian Youth (SUM), the Ukrainian Military Organization (UVO), the Organization of Ukrainian Nationalists (OUN) and the Ukrainian Insurgent Army (UPA). (see Exhibits: C; D, pp. 49–68, 85–110, 139–146, 169–198, 207–450; G; O; P.)

POLITICAL MURDERS

Murders of Ukrainian leaders by the Soviet Security Police operating in the free countries:

a. Simon Petlure, head of the Ukrainian government-in-exile, assassinated on May 25, 1926 in Paris, France. (see Exhibits: D, pp 451–82; L; O; P.)

b. Col. Eugene Konovalets, head of the OUN, assassinated on May 23, 1938 in Rotterdam, Holland. (see Exhibits: D, pp. 451–466, 483–90; L; O; P.)

c. Dr. Lev R. Rebet, a Ukrainian nationalist writer, assassinated on October 12, 1957 in Munich, Germany. (see Exhibits: D, pp 451–466; K; L; O; P.)

d. Stepan Bandera, head of the OUN, assassinated on October 15, 1959 in Munich, Germany. (see Exhibits: D, pp. 451–466, 525–8; K; L; O; P.)

CULTURAL PERSECUTION AND RUSSIFICATION

a. The waging of a relentless war against Ukrainian cultural and social institutions, and progressively limiting the number of Ukrainian language publications. (see Exhibits: C; D, pp. 49–68, 85–110; G; O; P.)

b. The down-grading of the Ukrainian language. The imposing of the Russian language upon Ukrainian schools, institutions and administration in Ukraine. (see Exhibits: C; D; G; O; P.)

c. Denial of the enjoyment of Ukrainian cultural life to 8 million Ukrainians residing in the Russian Soviet Federal Socialist Republic and other parts of the USSR by prohibiting Ukrainian schools, Ukrainian language publications and the development of Ukrainian institutions. (see Exhibits: C; D; G; O; P.)

d. Conducting a population policy detrimental to the Ukrainians. (see Exhibits: C; D, p. 291; G; O; P.)

e. Conducting purges against Ukrainian intellectuals resulting in the death of thousands of Ukrainian scientists, writers, poets and educators. (see Exhibits; C; D, pp. 49–68, 85–110; 139–146, 280–282; G; O; P.)

f. The deliberate destruction of Ukrainian historical documents and records; archival treasures; and historical and ancient monuments. (see Exhibits: C, p. 21; D, pp. 110–138; E; G; M; O; P.)

ECONOMIC EXPLOITATION

a. The economic exploitation of Labor and National resources of Ukraine by the Russian Communist Government and the Russian Communist Party. (See Exhibits: C; D, pp. 119–124, 219–223; G; O; P.)

b. The destruction of a traditional free farming system in Ukraine and imposing collectivization against the will and welfare of the Ukrainian people. (See Exhibits: C; D, pp. 24–29, 69–84; G; O; P.)

c. Taking indiscriminately from Ukraine all industrial and agricultural output with little or no return. (See Exhibits: D; D, pp. 24–29, 69–84, 219–224; G, pp. 15–18; O; P.)

SECRET TRIALS IN 1965–67

For conducting illegal secret trials (1965–67) at which hundreds of Ukrainian intellectuals (writers, scientists, and educators) were sentenced to imprisonment or deported to slave labor camps. (See Exhibits Q and R.)

Volodymyr Y. Mayewsky,
Chairman, Organization for the Defense of Four Freedoms for Ukraine, Inc., Washington, D.C., Branch 17.
Colonel William Rybak,
Acting Chairman, American Friends of Antibolshevik Bloc of Nations, Washington Chapter.

LIST OF EXHIBITS

Exhibit A: Stachiw, Matthew. *Ukraine and Russia.* New York: The Ukrainian Congress Committee of America, 1967.

Exhibit B: Margolin, Arnold D. *From a Political Dairy: Russia, The Ukraine, and America, 1905–1945.* New York: Columbia University Press, 1946.

Exhibit C: U.S. House of Representatives. Select Committee on Communist Aggression. *Communist Takeover and Occupation of Ukraine.* Special Report No. 4. H. Res. 346 and H. Res. 438., 83rd Cong, 2nd Sess Washington: GPO, 1954

Exhibit D: *Russian Oppression in Ukraine: Reports and Documents.* London: Ukrainian Publishers, 1962.

Exhibit E: Luznycky, Gregory. *Persecution and Destruction of the Ukrainian Church by the Russian Bolsheviks.* New York: The Ukrainian Congress Committee of America, 1960.

Exhibit F: "The Destruction of the Ukrainian Catholic Church in the Soviet Union," *Prologue,* New York Vol. IV (Spring-Summer 1960).

Exhibit G: U.S. Senate. Committee on the Judiciary *The Soviet Empire: Prison House of Nations and Races.* A study in Genocide Discrimination, and Abuse of Power. Eighty-Fifth Cong., 2nd. Sess., August 18, 1958. Washington: GPO, 1958.

Exhibit H: U.S. House of Representatives. *Famine in Ukraine;* A. H. Res. 399. 73rd Cong., 2nd Sess., May 28, 1934. New York: United Ukrainian Organizations of the United States, 1934.

Exhibit I: Solovey, Dmytro. *On the 30th Anniversary of the Great Man-Made Famine in Ukraine.* Jersey City, N.J.: Svoboda, 1963.

Exhibit J: *The Crime of Moscow in Vynnytsia.* Edinburg: Scottish League for European Freedom, 1952.

Exhibit K: Germany. The German High Court. *Opinion of Federal High Court of West Germany in the Trial of Soviet Agent Bogdan Stashynsky for Murder in Munich, Germany, of Ukrainian Leaders Stepan Bandera and Lev Rebet. Karlsruhe,* October 19, 1962.

Exhibit L: U.S. Senate. Committee on the Judiciary. *Murder International, Inc. Murder and Kidnaping as an Instrument of Soviet Policy.* Hearing before the Subcommittee to Investigate the Administration of the Internal Security Act and Other Internal Security Laws of the Committee on the Judiciary United States Senate, Eighty-Nine Congress, First Session, March 26, 1965. Washington: GPO, 1965.

Exhibit M: Sichynsky, Volodymyr. *Destruction of Ukrainian Monuments of Art and Culture Under the Soviet Russian Administration Between 1917–1957.* New York: The Ukrainian Congress Committee of America, 1958.

Exhibit N: Smal-Stocki, Roman. *The Captive Nations.* New York: Bookman Associates, 1960.

Exhibit O: World Congress of Free Ukrainians. *Captive Ukraine: Challenge to the World's Conscience.* New York, November 16–19, 1967.

Exhibit P: World Congress of Free Ukrainians. *Memorandum.* Submitted to the Secretary General of the United Nations. New York, November 16–19, 1967.

Exhibit Q: Worthington, Peter. "New Russian Injustices." *The Weekend Telegram,* Toronto, January 6, 1968.

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STARVATION IN BIAFRA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Wisconsin (Mr. Schadeberg) is recognized for 15 minutes.

Mr. SCHADEBERG. Mr. Speaker, I have had the occasion in the past 24 hours to meet with several gentlemen who have convinced me that my knowledge of the situation in Biafra is limited. I have become convinced that what we have been reading in the newspapers, what we have seen on the television screens and what our own leaders have told us, is not the full story.

My enlightenment in these matters has come from the experiences of two Catholic priests, brothers by blood and brothers by mission, Fathers Michael and Kevin Doheny. These men have spent a combined total of 29 years working with the men, women, and children of that part of Nigeria which we have come in recent months to call Biafra and which, as of next week, is no more.

I have spent considerable time listening to these two men who fled from that part of the world in the last blazing moments of that revolution. They fled from Biafra on one of the last planes to leave from Uli Airport. Their last effort in serving these people was to feed over 5,000 children their last breakfast before their short-lived revolution failed.

I do not stand before this body today to argue the politics of Biafra and Nigeria. Nor did these men come to me to argue the politics of this internal struggle. These men have come to me with a story that must be told. A story that is so terrifying, that it strikes deeply into the hearts of Christian people throughout the world.

These men have convinced me that strong effort is needed to see that the people of the former State of Biafra are fed and clothed. These men are convinced that the means to feed these starving millions exist, today, only a few miles from the hungry. Yet these quantities of foodstuffs, medical supplies, and material, are being kept from these needy because of the policy of the Nigerian Government which declares this help persona non grata.

These men and women who have served the needy for so long under the direction of the Joint Church Aid, members of the combined faiths which serve in that country as missionaries, are here today in America, in Washington, pleading with Members of Congress to be allowed to finish their God-appointed task. They are willing to work with the Government of Nigeria, yes even willing to give up their quantities of stored and ready foodstuffs to Government-appointed agents, if only they will have the assurance of that Government that those foodstuffs will be used to feed the starving and dying millions.

These men have told me of the 3,000—I repeat, 3,000—feeding centers which this church aid group sponsored every day. They have told me of the airlifts which each night brings over 300 tons of food, every night, into these centers. They have convinced me that there is no way that the Nigerian Government, which boasts of one feeding center, of 40 tons of food, daily, can match this humanitarian output.

I have been privileged to hear these men and hear their story, but I am anxious to have other Members of this body of Representatives of the American people hear of this appeal also.

It is my sincere desire that as many of

you as possible hear a report of these attempts to feed the millions, first hand. A special news conference will be held at 10:30 a.m., on Thursday, called by Senator STROM THURMOND, to question and examine more closely the witnesses to this tragic injustice.

There will be a report from the Princess Cecile deBourbon Parme, the sister of the Spanish pretender to the throne, Don Carlos, who herself worked for over 15 months among the poor and starving of this tragic nation. As her nationwide appearance on television last Friday reported, she was among the last also to leave the former State of Biafra. She will fill in the gaps of fact which I feel has been lacking in the reports of that country's struggle within itself.

She will tell of the 5 million people, located within a 60-mile square area, who have no food whatsoever. She will tell of an attrition rate of 10,000 men, women, and children per day at this stage.

She will tell us that the food, the planes and the pilots are available and are ready to start these errands of mercy. And she will tell us of the frustration of these humanitarians who can do nothing but stand hopelessly by, while these people starve and die.

I hope you will be in the audience tomorrow at this all-important conference. I hope that you will ask questions as I have asked and I hope that this conference will move this body to action and that this action will contribute to the salvation of a nation's people.

AFL–CIO PRESIDENT GEORGE MEANY SPEAKS ON PHILADELPHIA PLAN

(Mr. PERKINS asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. PERKINS. Mr. Speaker, the Nixon administration's so-called Philadelphia plan has been the subject of extensive newspaper, radio, and television coverage and comment. The House had occasion to address itself to the Philadelphia plan recently in connection with its consideration of the supplemental appropriation bill for fiscal 1970.

One can hardly read a newspaper or listen to radio and television comments without realizing that there is considerable misunderstanding as to what the matter is all about. I think the Members of the House would be interested, therefore, in having a clear view of the position of the AFL–CIO with respect to the Philadelphia plan.

Therefore, I insert the text of a speech by the AFL–CIO president, Mr. George Meany, in the RECORD as part of my remarks. The speech was delivered to the National Press Club here in Washington on January 12, 1970.

SPEECH BY AFL–CIO PRESIDENT GEORGE MEANY

Thank you very much, Mr. Heffernan. Mr. Heffernan referred to honorary degrees and that sort of thing and I just can't but help tell you a little story about honorary degrees.

I got an honorary degree from a college up in Philadelphia a few years back and I met a very good friend of mine, also a labor fellow with a real keen sense of humor. He said to me, "Did you hear the story about this little college up in the state of New York that had quite a discussion about honorary degrees?" I said, "No." He said, "Well, it seems they had a faculty committee to pass on honorary degrees which they would give out on commencement day. By virtue of seniority, there was a lady professor who was on this committee—a little old lady. And after listening to the discussion of the various names that were bruited about, she said, "Why don't we do something different, something novel this year." So they said to her, "fine, what?" She said, "Let's give Native Dancer an honorary degree." So they kind of laughed for a minute and they said, "Native Dancer. That is novel, isn't it?" She said, "Oh, yes, we would be the first academic community giving an honorary degree to a whole horse."

I want to talk to you this afternoon generally about the question of civil rights as it relates to labor and, in particular, as it relates to the Building Trades and the so-called Philadelphia Plan.

I have seen more misinformation and confusion about the Philadelphia Plan from columnists, editorial writers and from public officials than anything I have seen or heard in a long time.

One fellow wrote a column that the dispute on the Philadelphia Plan is splitting the civil rights movement—meaning splitting labor away from the civil rights group. Of course, this is not true. We have worked with the civil rights groups for many years—we have worked very closely with them—with the NAACP, the Philip Randolph Institute, with other groups. We have worked here with the Leadership Conference on Civil Rights and we expect to continue that sort of work.

Then there was a reference to the dispute over the rider in regard to the Philadelphia Plan from one Administration official who said that, "this vote is the most important civil rights vote in the history of this country. Nothng that has happened before in the field of civil rights has any meaning unless this particular rider is eliminated."

Another columnist said this is the most dynamc and constructive step taken by any President of the United States over the past 25 years.

Well, that is just plain ordinary bunk.

The Philadelphia Plan is a concoction and contrivance of a bureaucrat's imagination. It makes tremendous publicity. It attracted a lot of attention. And, when it gets right down to operating, there is no substance to it whatsoever.

Secretary of Labor Shultz even went so far as to say that the AFL–CIO was engaged in an effort to block affirmative steps to open skilled and high paying jobs to black minority groups. Well, my comment on that is very simple: George knows better. He knows that is not true.

Since the merger of the AFL and CIO, back in 1955, we have been active in the field of civil rights under the Constitution of the AFL–CIO which declares—as a major policy of the combined trade union movement—that there shall be no discrimination in employment, upgrading and so on and so forth.

We have worked with the civil rights group on the Civil Rights Act of 1964, the Voting Rights of 1965, Fair Employment Practices, eliminating discrimination within the trade union movement itself, establishing civil rights committees in all of our large international unions and working in every possible way in this field to bring opportunity to those to whom opportunity is denied.

In 1963 the Kennedy Administration gave up—and I say this advisedly—gave up on the question of including a Fair Employment Practices Clause in the civil rights bill.

The AFL–CIO did not give up. We went ahead on our own, with the cooperation of Clarence Mitchell of the NAACP and we were able to have this clause included in the bill, despite the fact, as I say, that the Kennedy Administration despaired of getting this clause in. They felt they might jeopardize the bill if they insisted upon it.

Now, we refused to concede and we pushed ahead and got this clause in the bill. The power to issue a cease-and-desist order was eliminated from the bill before it was finally passed. And, at the present time, the AFL–CIO and all of the civil rights groups are fighting side by side to re-establish these powers under the bill and the Nixon Administration, including the Secretary of Labor and the Assistant Secretary of Labor, are opposing these powers.

We cooperated—I, myself, cooperated—as a member of the President's Committee on Equal Opportunities long before the passage of the civil rights bill back in the 1950's during the Eisenhower Administration when the chairman of the committee was the man who is now the President of the United States. We have helped finance the Philip Randolph Institute, the LEAP program of the Urban League and so forth.

Now, on the question of admitting minority groups to the Building Trades, I would like to point out that there seems to be a belief among a large number of people in this country that anybody can be a plumber, anybody can be a sheet metal worker, anybody can be an electrician, with very little preparation or training.

Well, my international union has an apprenticeship training program in cooperation with employers across this country and that apprenticeship training program embraces 900 separate instructors. And my international union spends more money on apprenticeship training in this one industry than does the government of the United States in its whole apprenticeship training program.

The program is a continuing one. It not only brings in apprentices, it upgrades the journeymen. And, believe it or not, these 900 instructors go to the engineering school at Purdue University in the month of August every year so that they may be up-graded in the new techniques of the business.

So anyone who feels that a plumber is just a guy who put washers on faucets or fixes leaks, is just wrong. The plumber is something much beyond that. And this is true of sheet metal workers. People think of a sheet metal worker as a tin smith or a tinker, as we used to call it. Well, the sheet metal worker is something much more than a tinsmith or a tinker.

Let me give you a sample. Here is the manual for instructions for apprentices in the sheet metal industry which has been published for the last 10 years by the industry itself. I am telling you that if you looked at this you would realize that the requirement for skill still prevails in these trades.

If you went down to Cape Kennedy and saw the thousands of electricians, plumbers, machinists, pipe fitters, dealing with electrical and mechanical installations, you would realize that what they are doing bears no comparison to the generally accepted idea as to qualifications for the industry and for these particular skills.

Five or six years ago, the civil rights people in the AFL–CIO came to a consensus of opinion on this question of bringing the minority groups into the so-called skilled building trades. And the consensus was that the only way you could bring these people properly into this job area—into this establishment, if you want to call it that, of mechanics which exist in every city and locality in this country—was by way of the apprenticeship training program. There was no other way to do this. We found out, five or six years ago, that contrary to the opinion of a good many people, we did not have a situation where large numbers of minority

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groups were knocking at the door. This was just not so.

Whatever the reason, we found out that very few young Negroes, who could qualify to enter existing apprenticeship programs, were interested in entry. Now what the reasons might be, I don't know. Maybe some of them just didn't believe that the doors were going to be open to them. But this is a fact and this is why we set up this so-called apprenticeship "Outreach Program"—reaching out and bringing these people in. And the AFL–CIO and its affiliates in the Building Trades inaugurated an official apprenticeship "Outreach Program" about 2½ years ago, working with the Building Trades international unions, with their locals and Building Trades local councils and outside groups like the Workers' Defense League, the A. Philip Randolph Educational Fund, the Urban League's LEAP Program and others. We have brought into this field, on an area-wide basis, many, many hundreds of these young men.

Now the Philadelphia Plan has nothing to do with an area-wide basis. It is on a single job basis. This program of the AFL–CIO is accepted completely by all of the international unions in the AFL–CIO, including the Building Trades internationals. And our activity is not directed toward the laborers or the so-called trowel-trades, where there is a large black membership, but it is directed especially to iron workers, plumbers, carpenters, steam fitters, sheet metal workers and electricians.

And I would also like to clear up another erroneous impression that people have in regard to the Building Trades. You hear it said, "Well, you don't let the black boys into the highly skilled trade. They only do the low wage, dirty jobs."

Well, there are no low wage jobs in the building trades.

If you could see the pay scale of the building laborers throughout this country, you would agree that they are way, way ahead of many white collar groups.

And, as far as the dirty jobs are concerned, there are no clean jobs in the building trades. They are all dirty.

In 1967, in December, the Outreach Program had spread to 16 states. The report was made to the AFL–CIO convention and the convention decided to go ahead. Now we have these programs, administered by the AFL–CIO civil rights department, in cooperation with local building trades councils, in cooperation with the building trades international unions, and we have these programs operating in 55 major cities of the country, with the cooperation of the United States Department of Labor.

As of November, 1969, just a short five weeks ago, 5,304 apprentices had been placed by this program—4,998 of those in the building and construction trades and 2910 in the so-called higher skills I mentioned a moment ago. Incidentally, in the regular apprenticeship federally serviced programs, the percentage of minority apprentices is higher in construction than in metal manufacturing, non-metal manufacturing, public utilities and transportation.

The 1960 census showed that in the total United States apprenticeship programs, non-whites comprised 2.5 percent of the total. In 1968, the last half of 1968, the only figures we have up to date, show that this percentage has gone up to 9.4 percent. It has gone up four times in that period.

Now let me give you the official attitude of the Building Trades Department of the AFL–CIO, unanimously endorsed by all of its unions at the convention a few months ago in Atlantic City. They adopted a unanimous policy for increasing employment for minority workers on this basis:

1. Acceleration and extension of the Outreach Program which has been tested and which has succeeded.

2. Invitation to qualified journeymen to apply for membership in locals and acceptance if they meet ordinary and equally administered requirements for membership. This is to bring people in who picked up the trade outside of the unions with the same rights and under the same conditions as anybody else.

3. The development of training programs for the up-grading of minority workers who are not of apprentice age. This would mean minority workers in the various trades who are working as helpers or assistants or laborers and to up-grade them, to train them and bring them in as full-fledged journeymen.

This Building Trades policy is being carried out. The instructions have gone out from the international unions to their local unions to follow this policy and the policy is being followed.

I would like to take note of a particular place where we can say that there has been some definite progress. It was a local union in New York of the sheet metal workers and it was on the front page of the papers for several years. And, to put it very frankly, they did not want any black members. It was as simple as that. And, of course, in this southern city of Washington, we understand that attitude. But as it has changed in Washington so it has changed with regard to this particular local union.

This local union, after the Outreach Program was adopted and started, agreed finally to cooperate, and they now have 109 apprentices in that very local union—109 black apprentices—and a dozen or so have already graduated to journeyman status.

Now let me turn to this so-called Philadelphia Plan. The Plan simply is that where federal money is involved to the extent on one job of over half a million dollars, you get the contractor to make a commitment. And this commitment is made on a percentage basis, arbitrarily arrived at by the Labor Department and the contractor is expected to have a percentage of minorities on the job equal to what his contract calls for.

Before getting into this, I think I should explain, so there will be no misunderstanding, the type of collective bargaining contract that has been traditionally negotiated and signed over the years by the Building Trades. The Building Trades workers work for employers who do not initiate employment. They do not have permanent mechanics on their payrolls.

Yes, they have white collar people. They will have an estimator, a buyer and a bookkeeper and people like that, but they do not have a permanent group of job-site employees. When they bargain with the building trades unions, the contractors are bargaining for what I would call an employment agency type of contract. They lay down the conditions, the wages and so forth. And they say to the union, if we get work we will hire you. And the union says, in return, if you get work we will work for you under these conditions.

So this is the type of contract that they all sign. No contractor, not even the largest in the so-called higher skilled trades, have a permanent job-site labor force. They couldn't possibly have it because it would be economically impossible for them to do that.

As a practical matter, they couldn't afford it. And, also as a practical matter, the contractor knows where he is going to get his labor supply. He doesn't have to have it laying in his backyard on his own payroll. He has got a collective bargaining contract and the labor supply is there.

This Philadelphia Plan was first issued as an order of the Labor Department on June 27, 1969. There was no hearing of any kind prior to the issuance of the order. The order sets up quotas or goals in percentage figures to be a contract requirement on federally-involved construction to an amount exceeding $500,000. Subsequent to the issuance of the order, the hearing took place on August 26. The Assistant Secretary of Labor in charge of this activity stated that the hard research on the plan was done after the plan had been announced on June 27th. Later on, another order was issued on September 23, setting up employment ranges for minority workers based on, and this is a quote, "The most reliable data available relating to minority participation in members of the six so-called skilled building trades." The order refers to surveys conducted by the Department on this subject. It refers to testimony that establishes that there were 5,000 to 8,000 prospective minority craftsmen who would be prepared to accept training in the Philadelphia area if they could be assured of jobs.

The order makes the flat statement that a survey by the Manpower Administration of the Department shows, and I quote, "the total membership of the Iron Workers Craft in the Philadelphia area in 1969 was 850, twelve of whom—1.4 percent—are minority group representatives. The order also states that a survey by the Manpower Administration indicated that there were 302 iron workers from minority groups now in the Philadelphia labor market. Nowhere is there any indication that the information presented can be verified by official surveys of any kind. There is none shown by whom the surveys were conducted; no data was presented. We were merely told that these figures were the result of testimony presented.

After careful investigation of one so-called key survey, it was found that the key survey consisted of a memorandum by one government employee quoting the "conservative estimate" of another government employee.

Now, in regard to the union membership in the Philadelphia area of iron workers, which the Department stated as being 850 with 12 from the minorities, our figures from our official union records show a different situation.

We show, for instance, that there is not one iron worker local union in Philadelphia, there are five. The total membership is not 850, it is 3575, of whom 690 or 19 percent are from minority groups.

For instance, in the so-called construction and ornamental local union, there are 20 from the minority groups out of a total of 750. In the ship riggers group, with a total membership of 226 members, 171 are black. In the shopman's group, with a total of 1961, 248 are black and 30 are Spanish-speaking.

Of the rodmen, which is a straight construction local with no other work except construction, out of 448 members there are 140 who are from the so-called minority group.

Construction riggers have 25 out of a total of 190.

Now, in regard to the 302 qualified iron workers which were reported by the Administration's survey in its September 23 order, the president of the Iron Workers International, which has for the last five years been engaged in a campaign to increase minority group representation, wired Secretary Shultz on September 30 requesting specific information relating to the 302 persons, asking for names and addresses and pledging that these persons would be given every assistance in securing employment.

Two weeks later a reply came from Secretary Shultz to the president of the Iron Workers International and I quote from his letter: "Because of the nature of the information-gathering techniques used by the Department of Labor in arriving at specific numbers outlined in section 3B, it would be impractical to provide you with the names, addresses and work experience data which you request."

This is really bureaucracy at its best. And it seems reasonable to suggest that the Secretary of Labor might look over the fact-finding process that prevails in his department.

Now, the Philadelphia Plan, as outlined by the official documents released by the Department of Labor setting up these quotas or percentage targets, will make no contribution to the overall problem of increasing minority group representation in the total labor force in the area.

A contractor, for instance, could achieve compliance by an arrangement which transfers minority workers, already in the area work force, to the government contractors, because the Philadelphia Plan only covers the government contracts, without in any way increasing minority participation in the trades.

For instance, the first year's quota for iron workers under this plan is 5 percent.

Since the plan went into effect five or six months ago, there has been one government contract and that government contract calls for 5 percent of the iron workers to be minority members. This means this job will take 70 workers, so 5 percent of 70 workers comes to 3½ workers. This job could be manned from the hundreds of iron workers that are available and even if you look to the strictly structural local union, where there are 16 minority workers, they would more than fill the government requirement.

Suppose they were not available. Where would the contractor go to fulfill his commitment under this contract, if they were not available in the field where he is dealing with the union involved. Would he go out in the street and say, to the first young Negro that comes along, "Say, are you a structural iron worker? Would you like to be? Do you think you could be a structural iron worker?" This is complete nonsense.

Of course, he can achieve compliance without putting anybody on the job by making what is called a "good faith effort." Now, a good faith effort could mean a telephone call to some source—maybe to the Urban League, maybe to one of the employment agencies, maybe to one of the groups trying to help minority groups, maybe to the union. And if they fail to come up with a qualified minority group representative, then the contractor has played his part and this would be considered good faith.

The only sound method to bring minority representatives into the skilled construction trade is the comprehensive program outlined by the Building Trades and backed up in every way by the AFL–CIO. That is the apprenticeship program, the inviting into the unions of the qualified journeymen under the same terms as anyone else and upgrading those already employed in the building trades at a lower category. This would take care of those who are above what we call apprenticeship age.

The Philadelphia Plan is directed solely to construction, sponsored and financed in some way by the federal government. It can be applied only on a job basis, which means, in some cases, employment for a few months. It would not bring a single minority worker into the area labor force. If you want to help these minority people get into these jobs, you have got to get them into the area force. In this city there are thousands of building trades mechanics. They are here. The contractors know they are here. The unions know that they are here and there are some non-union people, of course. But they are here and they are available. And this is the establishment, if you want to put it that way. This is where you have got to get the minority workers, into that group, so that they will be available for employment when it comes along just the same as anyone else.

Even Secretary Schultz, after singing the praises of this Plan, recognized its limitations just a few days ago and he strongly endorsed what he called an area-wide multi-employer program. This is what we have. This is what Outreach is and this is financed by Uncle Sam. The Labor Department is spending the money for this Outreach Program. It is there.

But, it was started under a previous Administration. It started under a different Secretary of Labor and, of course, it doesn't have the attraction of being something that can be attributed to this Administration.

And when we contemplate the record of this Administration in the civil rights field, the softening on Voters' Rights, delayed desegregation of the schools in the South, the attempt to put Strom Thurmond's baby on the Supreme Court, the cutting back of programs that could be helpful to the black community—it would seem that this attempt to use the Building Trades as a whipping boy could be designed to give the Nixon Administration a few brownie points to off-set their short-comings in the civil rights area as a whole.

There is a rather strange contrast in the attitude of the Secretary of Labor as expressed in an interview just about three days ago. He pointed with pride to the increased minority employment in the three big textile giants in the Carolinas—J. P. Stevens, Burlington and Dan River Mills. And they, of course, they have no Philadelphia Plan for them. They have what they call a little persuasion. They got a promise that they would try to do something. So the report came in. In six months, minority employment in the mills of these groups—maybe 40 or 50 but controlled by these three companies—had risen nine tenths of one percent, reaching an overall ratio as of September 30 of 18.3 percent under the pressure of the Labor Department.

Big deal. They came up to 18.3 percent in their employment of minority groups. This could be compared to the employment in Philadelphia of the building trades of over 30 percent of minority groups.

But, this doesn't mean anything because they attacked the Building Trades figures as being meaningless—oh, they are true but they are meaningless—because the ratio is much lower when you make a separate assessment of the highly skilled workers in the upper brackets.

Well, that is what we are talking about and that is true. But it would seem reasonable to expect that the same logic would apply to the textile giants of North and South Carolina; that a survey could be made by the Department to find out how many black faces are to be found in the skilled crafts in the textile industry and to whom the Philadelphia idea could apply because of the huge contracts these people get from the federal government. Well, that isn't done. They don't break down the figures. They take the whole thing en masse and if you took the whole thing en masse, the building trades would be number one in this area in the entire country.

Nobody, nobody would be ahead of them—no manufacturers, no industrial set up, not the auto workers or anyone else. The building trades would be number one.

And what does that mean? That means that the building trades of this country have provided more jobs for more minority people at manual occupations at high wages than any other industry in this country.

Still, they try to make a whipping boy out of them because the percentage of the skilled trades is not as high as they would like to see it. Well, we would like to see it higher. And the unions in the skilled trades are doing what they can to make it higher. But if they take the building trades and say, oh, we don't want to talk about laborers, we don't want to talk about plasterers, we don't want to talk about bricklayers, we don't want to talk about anybody where the percentage is good. We only want to talk about those fellows like the plumber and the iron worker. Well, why not try that on Mr. J. P. Stevens? Why not try that on Dan River Mills? And Burlington industry? Why not break them down and find out how many white faces are at the top and how many black faces are at the top—among the skilled mechanics and the supervisory help.

No, this would not fit in with the Southern strategy, I am afraid.

We welcome in the AFL–CIO any plan that will increase the number of minority group people in the highly skilled trades. We could use them. We need them. The Philadelphia Plan, with its individual contract basis, will make no contribution whatsoever toward that end because it is quite possible for a contractor to fully comply with its commitments without bringing a single new employee into the area-wide job pool.

Perhaps the greatest drawback to the plan is that it diverts attention from the real solid task of training and qualifying minority workers for a permanent place in the ranks of skilled workers who are available and qualified for employment on all the construction work in an area, not just the federally-financed work.

So I can say to you we don't like this plan. We feel it is political in nature. We feel that it was set forth on the basis of very poor information. We are quite sure that it served its purpose when it got the Madison-Avenue publicity job that was done on it. We, of course, will have to watch it and see how it goes. We won't get in its way. We know it will fall of its own dead weight.

In the meantime, we expect to move forward on the plan that we have. We make no apology for our attitude and our work in this field. We make no attempt to deny that there was discrimination in unions—lots of unions in this country; that the trade union movement in this country really is a picture of the whole country. We have southern members. We have members with all sorts of prejudices, not just prejudice against the color of a person's skin. And we have unions that have lived in the fear of unemployment; fear of short work all their lives.

You know, my union when I was a young man, discriminated against everybody. It had an even-handed policy of discrimination—they wouldn't take anybody in.

Well, that has been changed. Times change.

And what was the reason? Certainly no prejudice of any kind. They were sharing the work that was available. And the work that was available didn't give them very much work.

If they got laid off in September, at the conclusion of the speculative building year, they didn't go to work until the following March. And they didn't like to see new people coming into the union with whom they would have to share an amount of work that was not sufficient for even those that were, at the time, in the union. So, of course, they discriminated against anyone and everyone.

Well, those unions today have plenty of members in the minority groups. They are training them, training more and they are going to continue to do this. Despite what anyone else may feel, we feel kind of keenly about this Philadelphia Plan. It was promulgated by the Department of Labor under a presidential order. There was never a hearing. There was never an investigation. There was never a complaint. All there was, was an Administration determination of guilt—that the Building Trades unions in Philadelphia were guilty of discrimination.

We resent that.

However, I am not going to worry much about the plan because I know it won't work and I get the impression that insofar as the sponsors are concerned, it has about served its purpose so far—it got on the front page and got a lot of good notice.

We will watch the developments. But, in the meantime, we are going to push forward on the plans that we have to bring new apprentices into this field, to upgrade those who are already working at the trade at one of these lower-paid jobs—and lower-paid at $7 an hour, is not too much lower-paid. And we are going to try and upgrade those who have some knowledge and have had some experience and see if we can't bring them in as journeymen.

We are going to push forward with that program and we will just keep a wary eye on the Philadelphia Plan.

Thank you.

QUESTIONS AND ANSWERS FOLLOWING THE SPEECH BY AFL–CIO PRESIDENT GEORGE MEANY

Mr. Meany, what if the Philadelphia Plan survives all legal tests? Will the Building Trades then change apprentice plans for all?

A. Of course the Building Trades will not change their apprentice plans. It would be ridiculous to throw out a plan that has brought in 5,000 apprentices in a couple of years and is bringing them in in increasing numbers every month. And bringing them into the mainstream—bringing them into the area groups—available for all jobs. Why should we do away with it? If the Philadelphia Plan works and I don't think it will, it will work alongside of this. It won't displace it by any means. For the Philadelphia Plan only applies to government jobs.

Q. Do you believe that the Administration purposely set up a confrontation setting a 20% black quota at the same time it called for 75% cutback in federal construction? Wouldn't this create job fears among white workers and build false hopes among blacks?

A. Well, I don't know if it was deliberate but, of course, the two definitely go together. I think that the Administration and the Labor Department in particular was playing on this popular misconception about the evils in the Building Trades. I think they had a convenient whipping boy and I'm convinced that this was an attempt to offset the Administration's very, very poor record on civil rights—a very bad record over the last year—by taking a crack at the Building Trades.

Q. Why does it take five years to train a craftsman in the building trades when the Air Force found it can take a boy off the farm and train him to be a bomber and navigator in six months?

A. Well, it takes much more knowledge to be an all around plumber than it takes to be a navigator.

Q. You may have given this answer already, I'm not sure, Mr. Meany—you mentioned the unions' Outreach program started sometime ago. How has it worked out? Any figures?

A. I quoted those figures—5,300 or so as of the end of November with all but 300—4,900 odd from the Building Trades and of those, 2,900 from the so-called high skilled trades. And it is growing every month.

Q. Many liberal, pro-labor senators voted for the Philadelphia Plan, namely Javits, Ribicoff, Hart, McGovern, Griffin, Muskie, Scott—how do you explain their misunderstanding?

A. They had no misunderstanding. They were quite aware of what they were doing. But they were faced with a threat, not only of a Presidential veto, but they were also faced with the threat that they were not going to be allowed to go home for Christmas. That was a very, very strong threat.

Q. If I can change the subject for one moment, Mr. Meany. What ramification, if any, do you see for organized labor as a result of the Yablonski assassination?

A. Well, I know nothing about the assassination. I regret it. It was a vicious act that I can't understand. But I would say that there will be an investigation of some kind by committees of Congress—not to try to find out anything about Yablonski and the United Mine Workers but to see if there isn't a good excuse to put some new screws to labor.

Q. You mentioned the interview with Mr. Shultz over the weekend. He indicated Mr. Nixon will prepare an overhaul or elimination of the Railway Labor Act and changes in the Taft-Hartley Act in dealing with major disputes. What were your reactions to these proposals?

A. Well, my reaction is that the three Presidents that preceded Mr. Nixon made the same type of statement sometime in their Administration and we are still here. We will see what comes over to the Hill. We will take a good look at it.

Q. A shipping question. The shipping industry wants many new merchant ships in a hurry. Would American labor unions go along with building some U.S. ships in foreign yards to rebuild the American fleet in a hurry?

A. I think that that question would have to be answered by the unions in the shipping field. I do know that the American fleet needs to be rebuilt. When you talk about building in a hurry, you are talking about building 30 large ships a year. I'm quite sure that the American shipyards could take care of them. I don't see any necessity for going to foreign shipyards for that. Now, I don't know what the unions' attitude would be, but that would be my attitude.

Q. Does George Wallace still appeal to trade union voters as much as in the last Presidential election?

A. Well, I'm hopeful that he appeals to them just about as much as he did when he got to Election Day.

Q. Can you honestly state that the minorities have shared in the great pay raises of construction workers?

A. I can honestly state that the minorities have not shared because they have not been in construction work to the extent that they should be. But those who are in got the same share as anyone else. Now I hope that we get more in so that they can share in these pay raises.

Q. In general terms, what can union leadership do to diminish on-the-job friction between white and Negro laborers?

A. Well, I don't know. That is something you have got to leave to the good, common sense of the people involved. I see no friction in union leadership. We have plenty of people, both blacks and whites, in the offices of unions here—in our own offices. This runs to the conduct and behavior of individuals. All we can do, I suppose, is preach the idea of working together with these people as an official policy of the American trade union movement.

Q. What are the odds that Paul Hall of the Seafarers International will succeed you as head of the AFL–CIO?

A. I'd say they are pretty long.

Q. What is the AFL–CIO policy toward local Building Trades Councils who refuse to cooperate with Outreach programs beyond token acceptance?

A. Well, that will have to be handled by the various internationals. I can say the internationals have made their policies clear and naturally whatever action they take would have to be under their constitutions. I'm quite sure that none of these internationals are going to stand for any local union getting in the way of this program. That is their attitude—that is their sentiment.

Q. A question on the Middle East. You recently made a speech attacking Secretary of State Rogers' new Middle East policy against Israel as being tied to American banking and investments in oil. Can you name names?

A. Well, when I made the statement I named some names. There was a report in the press that there was an interview in the White House in which John McCoy was present and David Rockefeller and that they represented banking interests who had a tremendous stake in Middle East oil. I took the position that our country had a tremendous stake in that area of the world and that if the American producers needed Arabian oil then the Arabian countries also needed American cash. It would be a two-way street. Now I mentioned Mr. Rockefeller and John McCoy because they had been mentioned in the press and over the radio and there had been no denial. Since I've made that statement, I received a letter from David in which he said that I misunderstood his interest there. Well, I'm going to talk to him—maybe I did. But I do know that we, as a nation, certainly have an interest in that part of the world. We have an interest in the maintenance of some kind of a free society in a part of the world that has known so little of freedom. I certainly object very much to our State Department, in conjunction with the Soviet Union and the British, sitting down to give away something that the Israelis have. I think that this thing has got to be settled by the Israelis and the Arabs sitting down. And I think the best contribution our country could make—not to set up any terms—not to make any unilateral suggestions—but just insist that the big powers of the world tell the Arabs and the Israelis to sit down. I think that is where it has got to be settled.

Q. What can unions do to stem the onrush of inflation?

A. Well, we look at this inflation as a profit inflation. We've got good sound documentation on that. We know that each time our people come up to renew contracts, they merely are trying to restore what has been taken away from them by increased prices since the last contract. I have no solution. I'm no economist. I don't see the present policy doing the job. I think that we're getting to the point where, within a short time, we may see a very strange phenomenon—a recession and inflation at the same time. That's going to take a lot of doing but it looks like Nixon may be able to do it.

Q. Before I ask the final question, sir, I would like to add to your collection of certificates of appreciation. Mr. Meany last had one when he spoke here in June of 1967, but here is another certificate of appreciation, sir, for your appearance here today and for all of you services to correspondents over the years.

A. Thank you.

Q. Someone just asked: does your choice of apparel today indicate your belief that you hold a blue collar job. In case it does, I'm presenting you with a blue tie of the National Press Club.

A. Thank you, very much. Thank you.

Q. And the final question. As an artist, how do you rate Phryne the beautiful Athenian on the wall of the main lounge of the National Press Club?

A. I didn't even see it.

UNSUPPORTED ANSWERS TO QUESTIONNAIRES RELATIVE TO TITLE I

The SPEAKER pro tempore (Mr. Hagan). Under previous order of the House, the gentleman from Minnesota (Mr. Quie) is recognized for 30 minutes.

Mr. QUIE. Mr. Speaker, yesterday the gentleman from Kentucky (Mr. Perkins) had inserted in the Congressional Record the results of a questionnaire he had sent out to schools across the country. I understand similar questionnaires will be inserted in the Record each day as we go along.

I wish to take this time to point out to my colleagues that, as we look through the answers to those questions, we really do not learn very much about the way title I funds have been utilized. The charge is, as the last question indicates, that increased fundings cannot be effectively utilized.

I also have heard the charge many times from the Advisory Committee on

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Disadvantaged Children and from some other groups who have looked at title I that we have not seen the kind of results that should have been expected from title I funds.

I have looked over the questions and responses which the gentleman from Kentucky asked me to look at. I should like to speak about some of the answers to those questions which I do not feel adequately answer the charges.

For example, let us consider the response of Orville M. Bailey of Lauderdale County, Florence, Ala., when he was asked the question:

> Do you regard your present title I programs as effective in meeting special education needs of educationally disadvantaged children?

His answer was:

> Yes. Studies and research data relative to services and activities in our local system indicate great progress of pupils participating in Title I activities, progress to the extent achieved impossible without these supplementary programs and services. Items which are hard to measure such as attitude toward school, a pupil's image of himself and his opportunities, etc., have been emphasized with remarkable progress being achieved.

That is pretty much the answer throughout. Really the answer throughout is "Yes."

However, there does not seem to be any substantiating evidence such as the number of children who are reading at grade level now as compared to those who were reading at grade level before the title I program started, or a report of the general improvement in reading that would indicate what has been achieved.

We should take a look not only at the improvement in childrens' reading ability but also at their increased knowledge. We should take a look at what has happened to the number of dropouts from the school, and the number who go on to postsecondary education after this program. Also we should have comparisons between those who are counted in order to secure the money and those on whom the money is expended. I note that Frank F. Dixon, coordinator of compensatory education, Las Vegas, Nev., answered:

> Students serviced are roughly only 13% of those qualifying according to Title I regulations.

There are no details that I can see in any of these questionnaires as to the results of their programs. We would expect the answers to all these questions to be yes, because I imagine if the answer is no, the superintendent would probably be fired, and they would probably get a superintendent who could produce the answers desired.

Mr. PERKINS. Mr. Speaker, will the gentleman yield?

Mr. QUIE. I yield to the gentleman from Kentucky.

Mr. PERKINS. Mr. Speaker, I will say to my distinguished colleague that the title I results, in general, have been significant since the enactment of the Elementary and Secondary Education Act. I am sure the distinguished gentleman will agree that the hearings we conducted last year were extensive and thorough. He sat by my side, and the hearings disclosed the tremendous educational opportunities the youngsters were getting. The disadvantaged youngsters were benefiting, and sometimes they had gained a half year of extra knowledge within a year's period.

The questionnaires, I feel, speak for themselves. I reiterate my suggestion and call upon Members of this body to closely scrutinize those questionnaires. There is no other group of people to whom we can turn to find out about the progress, no people who would know more than the educators and school superintendents themselves. If we cannot trust the school superintendents and educators who are in charge of the school programs of this country, as to the effectiveness of programs, then there is no one that can provide us with the answers.

But, Mr. Speaker, the important point as I see it is that 98 questionnaires out of 100 that come back from the school superintendents clearly point out how the programs are underfunded. There has been a loss of funds since 1968. The funds dipped in 1969 and dipped again in 1970. If we give them all the money that is at stake in this HEW appropriation bill under title I, we will only be restoring the expenditure to the 1968 level, considering inflation and increased costs of school services. That is all this increased appropriation does.

If the President does veto the bill, I personally feel it is absolutely essential for Members of this body to override the veto. The welfare of millions of students in elementary schools, secondary schools, vocational schools, and colleges in this country is at stake. We are financially strangling all levels of education.

Mr. QUIE. Mr. Speaker, I would say to the gentleman from Kentucky, the chairman of the Education and Labor Committee, that I know he is trying to do his very best. I sat beside him through the long hearings, and we did have many people at the hearings. I say this not as a reflection on the chairman nor as a reflection on the superintendents, but I say this rather because we have not had presented to us the kinds of facts to prove what has been said.

Again, the chairman has said that we heard, from long hearings, there have been tremendous results. I should like to see what those results are. It still bothers me that we find children today, say in the second grade, who do not reach a certain reading level, do not automatically have some remedial programs made available for them. It seems to me we ought to have the second, fourth, and sixth grades as benchmarks. If the children are not at the grade level and do not receive remedial help, they will probably never achieve the education they need.

It is impossible for a young person to get an adequate education if he or she cannot read. If a person learns to read well, he can educate himself. A number of people who never went to school beyond high school, and in fact some who did not finish high school, have educated themselves extremely well.

One of the key advantages is that they learned to read. Few people have made it without learning to read.

I know the other parts of education are necessary, so that the disadvantaged child will no longer be disadvantaged, but it is difficult to reach them if they cannot read.

I should like to see the results. One of the things has to be how many children are reading at grade level now as compared to before the title I program. If schools cannot show they are doing better, then there is something wrong, despite all the assurances.

It is not whether we might believe the money is well expended. Too many people are saying it was not well expended, as the questionnaire implies.

I want to read down through here some of the answers that were given. I am not questioning them as though they were untrue. I just say they have not produced the kinds of facts on which we can make our judgment.

Look at the response of Thomas L. Lee, superintendent, Tucson No. 1, Tucson, Ariz. His answer is, as to whether their title I programs have been effective:

> As effective as possible with the limited funds available. Costs continue to rise and funds continue to be cut back.

That does not tell us anything.

Next is George Alice Motley, superintendent, Menifee County Board of Education, Frenchburg, Ky. His answer to the question is just the word "yes," with no elaboration at all.

C. B. Garrison, superintendent, Pine Bluff District No. 3, Pine Bluff, Ark. His answer is:

> Yes, within the limit of the present inadequate funding.

Henry R. Evans, Russell Independent School, Russell, Ky. His answer is just "Yes," with no elaboration.

William A. Doyle, San Jose Unified, San Jose, Calif. His answer is:

> Yes; and we have test data to prove it.

I should like to see that test data. That is what I am driving at. He says he has it. I believe it is really unfair to the people in education that we have not had presented to us the results of that test data.

I am convinced that with the expenditure of better than a billion dollars a year, schools could not help themselves but do something good. I should like to see the test results as to what good was accomplished.

I am convinced also that school systems have done more than just spend the money where they could not help but do some good. I believe some of them must have some outstanding exemplary programs. If they do, we ought to know about it and to see the results that have been accomplished, so that the Office of Education and the State departments of education and the Congress can point to that with pride, to secure some additional money because they are doing that kind of a job, and also to help publicize around the country, to schools which are still questioning what they ought to do to reach the disadvantaged children, to say, "Here is where great results were produced. How about other schools going out and looking at those programs to see if your money cannot be expended in that way."

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Mr. PERKINS. Mr. Speaker, will the gentleman yield?

Mr. QUIE. I yield to the gentleman from Kentucky.

Mr. PERKINS. I certainly want to request my distinguished colleague to continue to read these questionnaires, as well as our hearings last session, because they require a reading, in my judgment, and disclose many exemplary programs in the local school systems.

If there is anything that our hearings proved last year, it was the fact that this program has tremendously affected the dropout rate. I think the distinguished gentleman from Minnesota——

Mr. QUIE. Could the gentleman present for the record——

Mr. PERKINS. I think the distinguished gentleman from Minnesota will agree——

Mr. QUIE. Could the gentleman present the results of these?

Mr. PERKINS. The gentleman will agree that they have improved considerably percentagewise since we enacted the Elementary and Secondary Education Act. Educator after educator who came before the committee made that statement. I do not know how to get behind the statement of the educator unless we ask him to bring in the books both before and after, the ADA records, and put it down in black and white.

Mr. QUIE. That is why I am asking for it.

Mr. PERKINS. And I do not question the integrity of an educator who makes the statement that this program improved the dropout rate in his school.

Mr. QUIE. Mr. Speaker, I do not yield to the gentleman for a few moments.

I recall back in World War II there were awards given in agriculture, comprising a little banner with a letter A to show that a farm increased production in World War II. I know one individual who got an A because he doubled his production. Previously he had one rooster. Then he got a hen and doubled his production.

So if the statement of the superintendent said that there was a lower dropout rate than they had before, I would like to find out just how much it was. It may not be substantial and then it may.

Mr. PERKINS. The gentleman had all of that data when we conducted the hearings. If he wanted to bring in the superintendent and question him, he had the opportunity, because they had the records which would prove conclusively.

Mr. QUIE. Do you know what the usual reaction to that was? They responded that reading is not the whole thing. That reading is not the only thing that is important. I want to see any specific results, because everybody knows that reading is not the whole answer. Also we know——

Mr. PERKINS. I am talking about it across the board.

Mr. QUIE. Actually if they do read now a little better and tests are being conducted and are available, I would like to see them put in the RECORD.

Mr. PERKINS. They are, and that is what the questionnaires disclose to my good friend.

Mr. QUIE. I would like to have the chairman, if he would, compile some of that data and give it to us, because I have been reading through these questionnaires.

Mr. PERKINS. Let me say to my distinguished friend that I will select some of these questionnaires on my time tomorrow and I request that the gentleman be on the floor and discuss this very point. Let me state here that the educators throughout America and all the groups that came before our committee last year in our lengthy hearings which we held gave testimony to the effect that their chief obstacle was underfunding and the inordinate delay in funding. That is the problem here. We cut back some 20 percent since 1968 and scattered the funds very thinly. The children that you mention migrating to the cities are all there. The questionnaire discloses that. They can only take care of a portion of the disadvantaged. That is the reason why we should work to override this veto.

Mr. QUIE. Mr. Speaker, I will go on to some of the responses and I will look forward to looking over the questionnaires that the gentleman from Kentucky has presented today. John Crowe, the director of grants for Waterbury, Conn., gave an answer of a flat "yes," with no elaboration to the question about the effectiveness of this title I program. Sidney Boswell, superintendent of schools at Brunswick, Ga., gave the answer:

> Our title I programs are showing concrete results in meeting the needs of the educationally disadvantaged children in the areas we have funds for implementation for these special programs.

So what I would like to have presented to us are these concrete results. I would like to see what the tests show as to what the concrete results are because our judgment has to be made on the extent of the results.

Now, we go down to the response of Kendall Boggs, superintendent, Letcher County Schools, Whitesburg, Ky.—and if I pronounce any of these names wrong I am sure the gentleman from Kentucky can correct me on them. And in Mr. Boggs answer he says:

> Yes, without question in our district. We have received national recognition, by press and other media on doing an outstanding job.

I think that is tremendous. I think that the Congress ought to know this. Evidently I have missed some of the press comments and the comments of other media on the outstanding job. I would like to know what that outstanding job is, because I would like to help distribute that information so that some other schools can do the outstanding job that that Kentucky school did. And what I am doing here is not condemning the program or condemning the money that is being spent. As I said yesterday, so far as spending money for education, I am convinced we do not do enough on the part of the Federal Government, and I have set my goal as to the Federal Government spending at about 25 percent on elementary and secondary educational costs, and we do not even get up to 10 percent now. So you can see my viewpoint on it.

I should also add that I think we have a serious problem of inflation in this country, and the President has that to bear in mind as well as funding education, and that turns out to be another question.

But let us go on, then, to James T. Akers, superintendent, U.S.D. No. 203, Kansas City, Kans., and his answer is:

> Yes, our Title I program has been a real help in providing needs that the District regular budget could not provide for.

But he does not say what they are doing.

We go down to Dr. Alvin E. Morris, Wichita Public Schools, U.S.D. 259, Wichita, Kans. His answer:

> Yes. We have had annual evaluations of our Title I program. The results have shown a consistent pattern of progress in regard to the improvement of reading.

So here again they have conducted that evaluation. The results are available. I would like to have somebody present it for the RECORD so that we can see it.

He goes on to say:

> About 50 percent is spent in supportive programs and activities that have contributed to pupil educational progress.

This must mean that the other 50 percent was used for some other purpose, but he does not elaborate on it.

Here is the report of Beckham Combs, superintendent, Knott County Schools, Hindman, Ky. His answer is:

> Yes, through special reading teachers, equipment, teaching supplies, food and community services.

Well, here we have one from Kentucky who says specifically what they are spending the money on. I would say that this is helpful to us. But, he has not shown us any of the results of the special reading programs, teachers and equipment and teachers' supplies for providing better education, but at least I would say that he has done better than any of the others have done in giving us something meaningful to look at.

Next, Selma W. Black, school projects coordinator, Portland Public School, Portland, Maine. Her answer is:

> Very much so. Our only regret is that we cannot extend services to more children or add new programs desperately needed.

I wish she would tell us what they are doing and how effective they have been.

Then we have an interesting response from Lloyd D. Hatfeld, South Portland, Maine, and his answer is no surprise but no help:

> Absolutely, only we need more funds.

That is all he says.

Then Harding J. Stewart, supervisor of Federal and State projects, Springfield Public Schools, Springfield, Mass. His answer is:

> Yes, however, the funding restrictions prevent broader and greater depth in implementation.

In other words, he says he does not have enough money, but he does not tell us what they have accomplished with $700,000 to $800,000, which they have received each year under title I.

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Next is Joel A. Chapman, Bolivar County School, District III, Shelby, Miss. His answer is "Yes," and no elaboration.

Walton Jones, superintendent, Morgan County, West Liberty, Ky. His answer is:

> No, due to insufficient funds. Due to this fact we are unable to enact programs for Fine Arts and Special Programs to enrich the students' educational needs.

So he has a program in mind that he cannot fund. He does not say what he does fund with the money he does have amounting to $242,000 in 1968, $221,000 in 1969 and $195,000 in 1970, or the results of those programs.

Next, Robert Stinson, who is coordinator of Federal activities, St. Joseph School District, St. Joseph, Mo. And his answer is:

> Yes, but only to the extent that we can operate under the amount of money allocated, and only within the State's rigid guidelines.

I wish he would elaborate on the problems that they have in Missouri with regard to some of the rigid guidelines that prevent him from doing what he wants to. But again he does not say what he is doing, or the results of that program.

Next is Guy Carter, Independence, Mo. He does not say whether he is the superintendent or the coordinator or what he is. But his answer is:

> Yes . . . We see educational growth commensurate with ability and home environment, but as stated above an important factor is the improved attitude toward learning. (See attached comments.)

Those attached comments are not included but those "attached comments" may provide us with the results that the chairman of the committee was alluding to earlier.

However, Mr. Carter indicates that educational growth is only commensurate with ability and home improvement and to me that raises questions: Is not title I expected to raise young people above the level which their home environment holds them and can the schools really know the real ability of the students?

So I think that that is not an adequate answer.

The next is from John Prasch of the Lincoln Public Schools, Lincoln, Nebr.

His answer to the question about the need of title I programs is:

> Yes, concentrated educational effort should continue. These programs, difficult to measure objectively, are improving the attitudes of disadvantaged children and their families in my opinion.

His answer to the effectiveness of title I programs is:

> Yes, I am convinced we are meeting the special education needs of many of our disadvantaged children. With more funding we could do better, however.

I could read down the rest of these giving similar answers that we see throughout. But my point, and I would like to reiterate, is that we ought to see the results of the use of this money and see where the young people now are achieving higher educational standards in their school sytem. Just because the superintendents who answered are convinced does not mean we should be convinced without the facts. Too many outside evaluators are not convinced.

I think one of the main keys is reading and if a child learns to read better because of these programs I think then all the other problems of adjustment will be easier for the child. And if anybody wonders, then, saying reading is difficult to test—there are reading tests available now and the results of such tests could be extremely helpful to us.

I also know that some educators are very fearful that if we start producing test results that might lead to national testing—and they are concerned about that.

But I believe that the Congress needs to know some answers about the billions of dollars that we have already expended and what it has achieved. And I doubt that we would ever find out from a superintendent that he thought that a program funded by the Federal Government was not achieving enough and that we should not be spending money any more. I do not think it is surprising to have them say that we need more money—that is nothing new at all. I think that we need to see concrete results before we can say that more money is needed than the administration requested so more children can achieve a better education which would not be possible without the additional title I money. If we could have that I think then that we could expect to see substantially increased funding in future years.

I yield to the gentleman from Kentucky (Mr. PERKINS) if he desires me to do so.

Mr. PERKINS. Mr. Speaker, I would like to say to our distinguished colleague who has contributed so much in behalf of educational programs on the statute books that the questionnaires are satisfying me as to the result obtained and that the achievements in the administration under title I have been outstanding.

I think that if the Members in this body will carefully read the questionnaires they will find that the responses are accurately reporting on the true facts. The answers to those questionnaires are certainly authoritative conclusions, pointing out the real necessity for additional funds.

Now, I do not know how, in the time available, to go behind 98 favorable responses that came back out of 100 educators. I, myself, am satisfied, and I think the vast majority of the Members of this body will be satisfied, with these responses. But I wish to say to my distinguished colleague, who likes to explore every viewpoint so thoroughly, that we will conduct hearings and let the distinguished gentleman call any of these educators he wishes to call, and ask the educators to bring with them the attendance records before and after to show how the dropout rate has been affected and the tests that have been given to measure these results. And, so far as I am concerned, I will go day after day with the distinguished gentleman from Minnesota to get that technical material that he raises a question about presently. In fact the gentleman knows full well he had this opportunity and the committee in fact did extensively study these matters in our hearings last year.

But the real point in issue here is providing additional funds to really make more effective these special educational programs throughout America. I do not think that we can afford to be swayed by vague doubts when we have in the RECORD already conclusive proof that the achievements and the results obtained have been tremendous. But I do wish to give my distinguished colleague assurance that I shall continue to look into all educational programs over which our committee has jurisdiction and see that the gentleman has an opportunity to the *n*th degree to get any testimony necessary to satisfy his own mind. I am sure that 98 out of 100 educators that the gentleman from Minnesota calls will verify the statement that the chief obstacle to more progress under title I is the lack of funds and, above everything else, we should restore these funds to the 1968 level. That is all we are doing here.

Mr. QUIE. I will say to the gentleman that I have been in Congress now for 12 years, and we heard educators say that 12 years ago, and to that extent I agree. But the amount expended for education in the last 12 years from all sources has doubled. Yet we hear that same statement being made. So I would like to see what the facts are, the results of studies, and determine what has been accomplished with a billion dollars a year from title I. I would like to know that so I could then help secure money in the areas where it will do the greatest amount of good. Otherwise this is only general aid and it would then have to be justified as such.

HAIL TO THE KANSAS CITY CHIEFS

(Mr. RANDALL asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. RANDALL. Mr. Speaker, on Monday, January 19, when the House convened after the holiday recess, you were good enough to recognize me among the first under the 1-minute rule which gave me the exceptional opportunity to remind my colleagues that the Kansas City Chiefs, a portion of whose home city it is my honor and privilege to represent, are the new champions of the football world.

Then, yesterday, under a special order, speaking on the floor of the House, I recounted for the benefit of the membership and to perpetuate for the RECORD the concensus of what constituted the highlights of the Chiefs-Vikings contest and what the experts have concluded were the key plays of that great game. Perhaps my own analysis may have been somewhat slanted in favor of the Chiefs but I honestly tried to be as objective as humanly possible under trying circumstances.

Today, Mr. Speaker, I am asking to perpetuate for the RECORD some accounts of that great championship game in New Orleans as written by the members of the Kansas City Star sports staff and other newspapers in our congressional district which are published in metro-

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politan Kansas City and its adjoining area.

On Monday morning, January 12, the Kansas City Times, which is the morning edition of the Kansas City Star, with headlines 2 inches high all the way across the top of the paper proclaimed "Chiefs Champions of the World," and as a second headline, "Sing: 'We're No. 1 in Celebration.' " There was an excellent résumé of the game by Bill Richardson, a member of the Star's sports staff and then a story of the jubilant Kansas City fans celebrating Sunday night in the French Quarter of New Orleans.

In the regular sports section the big headline was "Super Chiefs Ambush Minnesota." Our distinguished Joe McGuff, the Star's sports editor, writing from New Orleans, told the story that Hank Stram had found vindication for his football system. On the same page, Gary D. Warner, a member of the Star's sports staff, authored a story entitled "Chief's Happy for Selves and Len Dawson," and on the same page was an article by the Associated Press entitled "Stenerud Was Tense." Actually, the only real Viking on the field was the Chief's Jan Stenerud, a native of Norway.

Over on another page was an article by Joe McGuff whose headline certainly portrayed the really big story of the game, headed "Len Dawson Triumphs Despite Adversity." And, then, an article by Dick Wade, associate sports editor for the Star, entitled "Vikings Give Full Credit to the Chiefs."

While every one of these well-written articles mentioned above are deserving of inclusion in this permanent RECORD, I shall not include their content verbatim. Instead, at this point I shall briefly describe some of the very excellent cartoons which appeared in the Kansas City Star and the Kansas City Times preceding the game and following the game. One cartoon by Chapman preceding the game was headlined "Victory just a stone's throw away." In that cartoon there was a huge Viking standing in the Super Bowl with his horned helmet. He had reached down and grabbed the tommyhawk from the tiny Kansas City Chief pictured standing in front of him. But the diminutive Kansas City Chief had managed to find a little stone, and like David, threw the rock directly at the temple of the huge Viking, causing the huge creature to collapse backward. Truly, as this cartoon depicted the victory by the underdog Kansas City Chiefs was a kind of replay of the David and Goliath battle of Biblical times.

Then, again following the game, a cartoon writer for the Kansas City Star on the Monday following the game depicts three players, No. 16, Len Dawson, in the position of holding a ball for No. 3, Jan Stenerud, who is making a kick. But, instead of kicking the ball he is kicking at one of the Purple Gang, as the Minnesota Vikings have been sometimes described. And, the third player that is being kicked high in the air, has across the back of his jersey, "National Football League Mystique." Like the cartoon shows it, the mystique of the supremacy of the NFL now has been completely shattered following the victory of the New York Jets in the Super Bowl last year, repeated by the Kansas City Chiefs in the 1970 Super Bowl game.

To have lived in the Greater Kansas City area Sunday night, January 11 after the game and on that following triumphant Monday, January 12 when the Chiefs returned to Kansas City is to have had the privilege to listen to many comments of loyal fans and to see and observe some of the things that happened at that great reception at the Liberty Memorial Mall preceded by the parade from Mid-Continent International Airport.

Sunday night the land of mid-America was jubilant. A sort of delirium prevailed. The reason the victory was so sweet is that Kansas City had to win over Oakland in the playoffs after being previously defeated by Oakland. Kansas City just had to make their second chance work.

Just about everybody you passed on the street would raise the index finger of his right hand signifying we are "No. 1." The reason for this great enthusiasm was that the Kansas City Chiefs had to play the Jets in New York and proceeded to defeat the world's champions of 1969. Then, our Chiefs had to play in Oakland, not once but twice, recalling that of the last eight times Kansas City had played Oakland the west coast team had been victorious seven times. That was why the game that led to the American Football League championship played on January 4 was so sweet a victory over Oakland. When it was all said and done Kansas City had defeated the world's champions of 1969, the Jets; the champions of the American Football League of 1969, the Raiders; and finally in the Super Bowl game the champions of the National Football League of 1969, the Vikings. While it was a point of pride it was also a substantive fact that after these three triumphs, the Kansas City Chiefs were in truth and in fact No. 1 in the football world.

Because of our national basketball tournaments and great indoor track meets as well as important football contests played in the area surrounding Kansas City, our prairie town now grown big, meaning Metropolitan Kansas City has for years been referred to by some as the sports capital of the world. On Sunday night, January 11 this description came true. Ours was the first great sports story of the decade.

It was a satisfying conclusion to 10 years of the Kansas City Chiefs who in their first year or two of existence had been known as the Dallas Texans. Everyone agreed the Chiefs were true champions because they had defeated all the other champions. Len Dawson had performed under adversity. Hank Stram had been an ingenious coach but perhaps one of the finest things that happened was when Lamar Hunt, the owner of the Chiefs, modestly disclaimed any personal credit for the victory or for bringing the Chiefs to Kansas City several years ago. He was most humble and unpretentious when he said "the world championship trophy belongs not to me but to all the people of Kansas City."

In Kansas City on that memorable Sunday night one could hear such comments as "Dawson proved his personal fortitude." Some of his fellow-teammates later said it was their opinion, that after the rumor of his involvement in the Detroit grand jury investigation he appeared to them to age somewhat in the 2 or 3 days preceding the game. But in the Sugar Bowl, during all the 60 minutes of the Super Bowl game playing for the championship of the world, Len Dawson cleared himself and proved his greatness.

I can report how that several loyal fans approached their Congressman and said they would be glad to contribute $100 each to finance a lawsuit against Huntley and Brinkley to establish once and for all the innocence of Len Dawson.

Then on Monday about 2:30 p.m. the Chiefs came home. It was my personal misfortune that I could not be at the airport when they arrived but I was able to reach the Liberty Memorial Mall for the public reception. I shall never forget the placards carried by the enthusiastic fans and the signs mounted on cars and trucks. I made some notes late that Monday afternoon and I list them as a part of these remarks to share with my colleagues and to perpetuate for the RECORD as follows:

Kansas City Capped Joe Kapp.
The Underdog Bites Back.
Chiefs Scalp the Vikings.
The Men Who Made the Odds Could Not Play.
What Does Vince Lombardi Think Now?
If Only Lombardi Was Coaching the Vikings.
We Beat the Best.
Ya' Done It 'Good Guys'.
We Love 'Um Chiefs.
How Sweet It is.
Happiness Is Trusting Len Dawson.
Too Many Chiefs, Not Enough Vikings.
They Said It Couldn't Be Done.
Lennie We Love You.
NFL, What Is That?
Lennie's No. 1 Guy, No. 1 Quarterback.
Dawson for President.

Then on the Sunday 1 week after the game the Kansas City Star printed a souvenir special edition about the Chiefs.

Because of this outstanding journalistic effort by the Star's sports editor and his staff I have asked unanimous consent to include such extraneous matter as a part of these remarks. The souvenir edition of Sunday, January 18, contained two outstanding articles. The lead article was by Bill Richardson, a member of the Star's sports staff entitled "The Chiefs: No. 1 . . . The Hard Way" which follows:

THE CHIEFS: NO. 1—THE HARD WAY

(By Bill Richardson)

Always before it was something that happened to other teams.

Then on January 11, 1970, everything changed for the Kansas City Chiefs. That was the day they went out and slammed the Minnesota Vikings, 23–7, to win the world championship of professional football.

They did it with such workmanlike finality that the expiring American Football League earned a new measure of respect for its membership, and the Chiefs' way of operation gained acceptance as the system by which winning teams should be built.

How did it all happen? Was it inspiration rising from the adversity of the previous months or was it a continuing link in a building program begun a decade before and nourished to maturity through the organizational genius of Hank Stram?

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Probably some of the former, but a lot more of the latter went into the success story that was climaxed on Super Sunday in the Sugar Bowl Stadium in New Orleans.

INJURIES TAKE A TOLL

For inspiration this year, the Chiefs fought a running battle with adversity. Len Dawson, the 34-year-old quarterback who knows how to run a pro offense, was an almost continual victim of injury and traumatic experiences.

Dawson suffered an injury to his left knee against Boston in the second game of the season and his availability to the Chiefs the rest of the year hung in doubt.

One noted orthopedic surgeon recommended an operation. Another said Dawson might be able to avoid an operation through a process of rehabilitative treatment. Dawson chose the latter course. He returned to action in November after an absence of five games, replacing young Mike Livingston who had provided the leadership inspiration as the Chiefs moved to the top of the A.F.L.'s Western Division.

Dawson sparked a comeback victory over Buffalo and a convincing triumph over San Diego. He led the Chiefs to a 34–16 victory over New York only two days after the death of his father.

On Thanksgiving Day Dawson staked the Chiefs to a lead over Denver and then was forced out of the game when he reinjured his knee in the second quarter. He returned when the Chiefs played Oakland for the Western Division Championship. Dawson was restricted in maneuverability and the Chiefs lost, 10–6, although a ground-oriented attack almost pulled the game out for them. Oakland won the Western Division title but the Chiefs had the play-offs to fall back on.

A SUPER DETERMINATION

On the plane ride home from Oakland, Stram set the theme for the post-season surge. He emphasized the loss to the Raiders did not deter the Chiefs from their original goals.

"Back in training camp I said our ambition was to win the American Football League championship and return to the Super Bowl. We can still accomplish this."

With renewed hope, the Chiefs rode a magnificent defensive effort, two big pass plays by Dawson and the kicking of Jan Stenerud and Punter Jerrel Wilson to a 13–6 triumph over the Jets. It was an inspiring victory, one in which New York was stopped on the one-yard line. Joe Namath didn't produce a touchdown.

But the greatest inspiration may have been supplied by the Oakland rivalry. The Chiefs had lost seven of their previous eight games to the Raiders, a discouraging trend that gnawed at the pride of the players and the entire organization.

As the club flew west on December 29 for a week of training in the mild climate of Santa Barbara, Calif., the players took with them a different kind of feeling toward the Raiders. In the past, the Chiefs had felt they were superior, and Oakland had won only because it was given the ball too often on mistakes. There was an undertone of animosity toward the black-shirted division rivals.

But after the 10–6 loss, and a look at the Oakland record (four losses in three years) the Chiefs developed a new attitude toward the Raiders. They concluded that Oakland had a great football team, and the Raiders were winning on hitting, execution and ability rather than on an unending chain of fortunate bounces.

SECOND-HALF VICTORY

With these thoughts in mind, the Chiefs moved into the bay area the weekend of January 4 prepared for an afternoon of inspirational football . . . determined that mistakes would not be costly. Not only would they swipe the Raiders' motto of pride and poise, they would throw it back at them.

Kansas City won, 17–7, coming back from a first half that was so much Oakland dominated it appeared the Raiders should be taking a 21–0 advantage to the dressing room. Just before the half, the Chiefs struck on a 42-yard pass from Dawson to Frank Pitts and Wendell Hayes crashed into the end zone for a score.

In the second half, Robert Holmes swept left end for five yards and a touchdown, and although their 14–7 lead was periled by three fumbles, the Chiefs held on and secured the victory when Stenerud kicked a field goal.

The strong front four exerted tremendous pressure on Daryle Lamonica and the secondary intercepted four Oakland passes.

The Oakland jinx had been broken, an event not to be paled by the realization the Chiefs had won their way into the super bowl.

"There was a lot of inspiration in that game," said Jerry Mays, who with Aaron Brown used inside rushes to harass Lamonica.

Brown called it the end of a frustrating period for the Chiefs. "If we had lost, it would have been unbearable," Brown said.

The feeling that beating Oakland was a pinnacle itself in pro football was reflected by Chiefs' players in private conversations before and after the super bowl game.

"Really, we should be playing Oakland again in New Orleans for the world championship," one player confided.

NEW CONFIDENCE ARISES

The inspiration built up for the Oakland game subsided slowly, and out of it was born a new confidence for the meeting with Minnesota.

Another crisis involving Dawson developed during super bowl week. A story broke that the quarterback might be called as a witness in a gambling probe because of a casual acquaintanceship with Donald Dawson, no relation, of Detroit.

Chiefs players came out strong in support of Dawson. Stram, quick to meet the crisis head on and Dawson talked about it with the squad at breakfast, thus clearing the air. By Thursday, with the incident losing its intensity, the players began working toward a new emotional peak for the Super Bowl game.

"We haven't been so terrifically emotional as we were for the Oakland game," linebacker Jim Lynch said on the eve of the New Orleans showdown. "For all the distraction we've had down here we're real relaxed—just the way we want to be."

The Minnesota game was a study in workmanlike football. Coach Stram and his aides did their homework well and the players were ready for the task of shutting off 14-point favorite N.F.L. champions.

There was a source of inspiration obtained from the 13–10 exhibition victory scored over the Vikings in August, 1968. "We felt confident we could take them," tackle Buck Buchanan said the night after the big victory. "After all, we'd beaten them before and they didn't outhit us then."

For some of the older hands, vindication for the loss to Green Bay in the inaugural Super Bowl in January, 1967, was important. But generally the game followed a theory advocated by Stram that the upcoming game was the most important.

LEVEL EMOTIONS SOUGHT

Hank's effort to eliminate the peaks and valleys had met with notable success during the season. Unlike 1968 when the Chiefs had been routed twice by Oakland, there were no pulverizing losses in 1969. The three Chiefs' defeats had been by a total of 12 points.

This brings up the second important factor in the rise to the world championship—the formulation of a strong defense, a unit that would keep the Chiefs in every game, and no matter what offensive misfortune might befall the club, there would be a defensive unit that could be counted on for resiliency and clutch plays.

It was written long ago that the offense sells tickets, the defense wins games. Stram, an innovator par excellence on offense, began moving toward defensive excellence in 1965. But the real push came the year after the loss to Green Bay.

The Packers had riddled the Kansas City defense for four touchdowns. Age had crept into the defensive unit, and Stram sought to rebuild through the draft.

His most fantastic stroke came in the 1967 draft. Although the club was low in the selection order, and college scouts said it was a poor year for linebackers, the Chiefs came up with a pair of gems in the second round. They picked Willie Lanier, a hard-hitting middle linebacker from Morgan State of Maryland and Jim Lynch from Notre Dame. Both were to become regulars at the start of the 1968 season, a campaign that saw Stram engineer eight key positional switches. These moves were to be the keystone upon which a championship was to be built the following year.

E. J. Holub, whose knees had been in surgery a total of seven times, moved from outside linebacker to center in 1968 and won the starting job.

VITAL JOB FOR BROWN

Aaron Brown, the talented athlete from the University of Minnesota who had played only one full game in two years as a defensive tackle, then saw a trial at running back ended by a training camp injury was placed at defensive right end. "Brown is the key to our season," Stram said when discussing 1968 prospects. Brown adapted well to the position, and by the end of the 1969 season, Sid Gillman of San Diego flatly stated that Brown was the best defensive right end in the league.

Stram had used Buck Buchanan at defensive end during the latter part of the 1967 season, but when 1968 rolled around, Buck returned to tackle, a position where he had won all-league honors.

Emmitt Thomas, a gifted study in versatility as a free agent rookie in 1966, was entrenched at the right cornerback spot after playing both sides on a continuing emergency basis in 1967.

Jim Kearney, a quarterback in college picked up as a free agent when released by Philadelphia in 1967, was placed at strong safety. He had a brief run as a cornerback in the final three games of 1967. With all the switches it appeared the Chiefs would spend a year of trial and error waiting for the revamped defensive unit to jell. It came through sooner than expected. The club set a league record by allowing only 170 points in the 1968 season.

But there was the matter of a 41–6 loss to Oakland in a playoff for the western division championship. The Raiders struck through the air with such proficiency that Stram dedicated 1969 toward improving the secondary.

MARSALIS IS NO. 1 CHOICE

The No. 1 draft selection was James Marsalis, who unlike the majority of colleagians entering the pros was well trained at cornerback in college. He played the position all four years at Tennessee State. "Marsalis will have to play himself out of the position" somebody remarked. Needless to say, he stayed in it all the way surrendering only three touchdown passes in the regular season.

Another solid link in the defense was built with the development of Curley Culp, a tackle. Culp was acquired the previous year from Denver in exchange for a draft choice. Stram stationed him at tackle, and when Ed Lothamer was injured in an exhibition game in St. Louis, Culp took over as a starter, never to yield his starting position again.

The defensive starters were set with Mays and Brown at ends; Buchanan and Culp at tackles; All-Leaguer Bobby Bell, Lanier and Lynch at linebackers; Marsalis and Thomas on the corners; Kearney at strong safety, and

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John Robinson, a heady veteran completing a full-time second season at free safety.

Beginning with the exhibition finale against Atlanta, the starting defensive unit remained intact. Injuries crept up here and there, but always on Sunday the same 11 familiar faces answered the starting bell.

Stram, meanwhile, strengthened his offensive unit with the addition of Mo Moorman at right guard. The rugged dedicated Kentuckian, a No. 1 draft choice after the 1967 season, became a regular as a rookie, and many believe he will become a pro great.

Holub's switch to center solidified that position. Even though his knees were drained twice a week, he came to play every weekend. The offensive line had a cast of sturdy veterans in tackles Dave Hill and Jim Tyrer and guard Ed Budde, along with Fred Arbanas, who returned to tight end for an entire season after an early training camp switch to tackle. Arbanas had another top year at the position he had dominated in recent seasons in the league.

With Dawson, Jacky Lee and Livingston at quarterback, the Chiefs operated their versatile offense, featuring the tight end-I. Stram used Mike Garrett's effectiveness at running out of the I as a key in the attack, and worked two other 5-foot-9 backs, Robert Holmes and Warren McVea, into the system of concealment—and swish!

Wendell Hayes, an effective blocker and slashing runner, was the other running back and he became more valuable as Stram balanced out the size in his backfield in the stretch run.

Otis Taylor, the club's premier receiver who streaked for the knock-out touchdown in the Super Bowl, finished strong after an injury sidelined him for several games during the season. Frank Pitts and Gloster Richardson added to the versatility of the receiving corps with clutch catches in post-season competition.

The Chiefs were fortunate in having a good bench. Speciality performers Ceaser, Belser, Chuck Hurston, Remi Prudhomme, George Daney, Curtis McClinton, Ed Podolak, Bob Stein, Tom Flores, Goldie Sellers, Willie Mitchell, Gene Trosch and Lothamer were capable of filling in for the starters.

Since Stram stresses the kicking game, the Chiefs carried two specialists and both were valuable. Stenerud, the Norwegian soccer stylist, led the club in scoring and at one stretch booted 16 consecutive field goals while Wilson came through in numerous clutch situations where his punts meant vital field position.

It was a well-balanced club, one capable of overcoming adversity and reaching the heights. The victory over Minnesota last Sunday was a combination of inspiration, organization and determination. On such was a world championship built.

Then Mr. Speaker, the popular sports editor of the Star, Joe McGuff, authored as another lead story his recapitulation of how Len Dawson overcame adversity His article follows:

LEN DAWSON'S CAREER—ADVERSITY MOLDS A HERO

(By Joe McGuff)

It was a scene that left its imprint on the mind just as a flash of white light burns itself into the eye.

The Super Bowl game between Kansas City and Minnesota had been over for 30 minutes or so. Len Dawson stood on a rubbing table in the trainer's room with reporters around him. His son, Len Dawson, Jr., 11, was at his side. A reporter asked Len, Jr., what he thought of his dad.

"He's good" the boy replied with that great gift of candor that only the young possess.

This was the moment that Len Dawson, Sr., had lived and worked for since he was a scrawny high school quarterback in Alliance, O. He was the quarterback of a world championship professional football team. Only he, the members of his family and a few close friends could be fully aware of the disappointments, sufferings, and personal slights he had endured to achieve his goal.

"He may not look like it," one of his friends observed earlier in the week, "but Lord is he tough inside."

A FIGHT FOR ACHIEVEMENT

Were it not for that quite inner toughness Dawson would never have been standing on that rubbing table explaining how the Chiefs won the Super Bowl game. He is a man to whom nothing has come easily.

In high school he had to overcome the handicap of size. After he was graduated from Purdue University he spent two seasons with the Pittsburgh Steelers and three with the Cleveland Browns. In those five seasons he started only two games, including exhibitions. Never did he start and finish a game.

At this point it appeared he might be finished as a professional football player but his career was rescued when he got an opportunity to go with the Dallas Texans, who were later to become the Chiefs.

He soon developed into an outstanding pro quarterback but he was unable to achieve the recognition to which he was entitled. His critics sneered at him as an N.F.L. cast-off. Even within the A.F.L. he suffered slights. A year ago just ahead of the A.F.L. All-Star game Joe Namath made some comments about the outstanding quarterbacks in the A.F.L. He mentioned Daryle Lamonica, John Hadl and by implication himself but he ignored Dawson.

At the start of the 1969 season Dawson was third on the all-time A.F.L.-N.F.L. list in percentage of completions. He led all quarterbacks in touchdowns per passing attempt. He also led in most touchdowns per completion. He was tied for third place with Bart Starr and Johnny Unitas in the category of average gain per attempt. He ranked seventh in career touchdown passes and 18th in all-time passing yardage despite sitting on the bench for five years at Pittsburgh and Cleveland.

Regardless of his accomplishments Dawson's image was still that of an N.F.L. cast-off. His only chance of changing it was to play on a Super Bowl champion.

TEAM SENSES YEAR OF FAME

When the Chiefs reported for the start of practice at William Jewell College in July Dawson and most of his teammates had a feeling that this was going to be their year. Athletic teams seem to have a sixth sense about such things. Sometimes it comes early in the season and sometimes it comes late. With the Chiefs it was there all season.

In the end the Chiefs' premonition was right but little did Dawson realize how difficult his year of vindication was going to be. Seldom if ever has an athlete had to endure what Dawson did.

In the Chiefs' final exhibition game Dawson injured his right hand diving for a fumble. The injury was painful and made it difficult for Dawson to grip the ball but even so he started the season opener against San Diego and led the Chiefs to victory.

The hand slowly improved but against Boston in the second game of the season Dawson was hit while throwing a pass and suffered a knee injury. The knee did not appear to be unusually sore at the time and Dawson did not think too much about it.

The team flew back to Kansas City immediately after the game and it was during the plane trip that the knee began to swell. The pain became severe after Dawson arrived home and he slept fitfully that night.

He was examined the following morning by Dr. Joseph Lichtor, the team orthopedist, who said it appeared Dawson had suffered damage to a tendon. Dr. Lichtor recommended that another opinion be obtained before a decision was made regarding surgery.

Dawson and his wife Jackie, flew to Oklahoma City where he was examined by Dr. Don O'Donoghue, one of the Nation's foremost orthopedic surgeons. Dr. O'Donoghue said the medical collateral ligament, which is located on the inner side of the knee was partly torn and recommended immediate surgery.

THIRD OPINION IS SOUGHT

A third examination was performed in Kansas City by Dr. Fred Reynolds of St. Louis, another noted orthopedist. Dr. Reynolds said in his opinion the knee did not require surgery, at least for the time being. He said that if all went well Dawson would be able to play again in five to six weeks. That was what Dawson wanted to hear.

"I wanted to play," Dawson explained near the end of the season. "I had never been out before except for a game or two and I couldn't believe the injury was that bad.

"When you play football you have to live with injuries, I've had a lot of things wrong with me and they have always responded, I felt this injury would react the same way. I've had several injuries that were more painful. I got kicked in the calf of my leg once. It hemorrhaged and I couldn't walk for five days. Last season I bruised my thigh when I was thrown into a goal post. It hemorrhaged, too, and I had a lot of pain with it. I've played with broken ribs and my hands so jammed that I couldn't take the snap from center.

"Since the knee wasn't as painful as those injuries I couldn't register in my mind that it wasn't going to respond. Besides that I don't think anybody likes to be operated on. Football players are no tougher than anyone else when it comes to going under the knife."

Dawson also was influenced by the Chiefs' chances for a winning season.

"I had worked awfully hard this year and things were going well," Dawson explained. "I had a jammed hand earlier but the pain was clearing up. We were going so well as a football team that I couldn't stand the thought of being out an entire season.

"In making my decision I thought it would be better to be out five or six weeks rather than an entire season. I asked myself, If I take five weeks and the knee doesn't respond how much worse am I going to be? Medically I knew it was best to have surgery immediately, but I wasn't 24—I was 34—and I knew I wouldn't be playing this game muh longer. If I laid out an entire season I would be a 35-year-old quarterback with a knee operation and that's not a very good position to be in. In the end I guess my strongest motivation was the possibility of us winning and going to the Super Bowl."

TO ACTION IN WINTER

Dawson missed five games. He returned to action November 2 against Buffalo, entering the game just before half time. He played the entire second half and led the Chiefs to a 29–7 victory. Dawson went on to start against San Diego, New York, Oakland and Denver.

Dawson suffered a personal tragedy two days before the Jet game when his father passed away. Dawson played one of his greatest games against the Jets and then flew to Alliance, Ohio, for the funeral.

He reinjured his knee in the Denver game and was held out of a December 7 game with Buffalo. The Chiefs ended the season against Oakland in the now famous three-yards and a cloud of controversy game. Dawson went all the way but threw only six times. He went into the game with his knee aching.

The Chiefs met the New York Jets in the first round of the A.F.L. playoffs. The game was played in New York on a cold windy afternoon. Dawson took one of his worst physical beatings, but he outpassed Joe

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Namath in the churning winds and the Chiefs played brilliant defense to win, 13–6. Asked afterward if his knee ached Dawson said. "My whole body aches."

Then it was back to Oakland for the A.F.L. championship. By this time Dawson's knee was improved. Oakland scored first but the Chiefs won 17–7, and were back in the Super Bowl.

Just as Dawson was beginning preparations for what was to be the most important game of his life NBC News carried an unsubstantiated story that he and four other professional football players would be called to testify before a Detroit grand jury that was conducting a gambling investigation.

"I was shocked," Dawson said later when asked to give his reaction. "I didn't know what it was all about. I'll bet 90 per cent of the people don't know what it means to be subpoenaed. I wasn't sure myself. As I understand it anyone who has information of any type can be called before a grand jury. The names of most people who are to appear before a grand jury are never made public."

MAINTAINS HIS COMPOSURE

Dawson issued a statement in which he said he was innocent of any wrongdoing. Commissioner Pete Rozelle came to his defense. The public lined up solidly behind him. Before the Super Bowl game President Nixon called Hank Stram to say that he knew the rumors involving Dawson were unfounded.

The night before the Super Bowl Dawson came down with the 24-hour virus. He had little or no sleep. Prior to the game he was able to eat a bowl of milk with crackers and a candy bar.

Despite the illness, his lack of sleep and the pressure he played one of his finest games as the Chiefs defeated the Vikings, 23–7. Dawson completed 12 of 17 passes for 172 yards, threw for one touchdown and had only one interception. Dawson was named the game's most valuable player and was awarded a car by Sport Magazine.

This was the same Len Dawson who was so light his sophomore year in high school he wanted to give up football.

"I didn't even want to go out but all of my brothers played football so I did," Dawson recalls. "I was nothing more than a dummy. I held the bag and I was so light they knocked me down and the bag too. The line averaged 200 pounds. I weighed 125. I didn't feel like going on."

This was the same Len Dawson who seldom got off the bench in Pittsburgh and Cleveland.

"I blame myself more than Buddy Parker or Paul Brown for not getting a chance to play with the Steelers and Browns," Dawson explains. "It was a matter of not being aggressive enough. Bobby Layne was at Pittsburgh when I first went there. He had won a championship for Parker. Brown had Milt Plum and he was successful. Both Parker and Brown are one-quarterback coaches. How could I expect them to start me over Layne or Plum."

This was the same Len Dawson who, after establishing himself in the A.F.L. answered N.F.L. people who criticized him by saying, "How can they tell. They haven't seen me play."

Through courage and perseverance Dawson has made it to the top but it has been a long trip for the kid from Alliance who got knocked over with the blocking dummies.

Not to be outdone by our great metropolitan daily, the Kansas City Star, the paper of my home city of Independence, Mo., the Examiner, on its editorial page on Thursday, January 15, carried a well-written editorial bearing the title, "There's No Doubt: Chiefs Are No. 1," which follows:

THERE'S NO DOUBT; CHIEFS ARE NO. 1

> Those magnificent Chiefs earned the right to say "We're No. 1."
>
> Hank Stram's Warriors went into the Sugar Bowl Sunday and took command of the game against the Vikings right from the start. The Chiefs' deeds on the Sugar Bowl gridiron were all the more fantastic because they were, in effect, playing on the Vikings' home field.
>
> New Orleans has a team in the National Football League and it is only natural that local sentiment there would lie with the NFL representative.
>
> The word coming back from New Orleans indicates that the New Orleans city officials and promoters of the Super Bowl were more than prejudiced toward the Vikings.
>
> It seems that only the Chiefs and the people supporting them from Kansas City expected the Chiefs to win. This may have been an important factor in the outcome of the game.
>
> The Chiefs beat the Jets in New York and the Raiders in Oakland during the playoffs.
>
> The American Football League went out of existence in a blaze of glory by the Chiefs trouncing the NFL champions.
>
> Last year, the Jets won the Super Bowl game, but the feats of Joe Namath were seized by the news media and emphasized during subsequent accounts of the game.
>
> This year, the Chiefs' victory was a gigantic team effort which apparently caused the eastern and southern sportswriters and announcers to falter when it came around to writing about a 40-man star.
>
> Let there be no doubt about what all of us out here in the "sticks" know—the Chiefs are No. 1.

In another county of our congressional district which it is my privilege to represent, Bates County, Mo., there is an excellent paper published in Butler, Mo., named the Bates County Democrat. In its editorial of January 15, 1970, headed "It's All Been Said," the editor agreed that after the deluge of accolades there is very little more that can be said except to say congratulations to the Chiefs for a devastating win over the Vikes. That editorial as it appeared in the Bates County Democrat is as follows:

IT'S ALL BEEN SAID

> The Kansas City Chiefs—world champions of professional football—have been deluged with accolades since their Super Bowl victory until it seems there is little that can be said.
>
> Yet we join the thousands of fans from the Midwest in saluting the mighty Chiefs for an outstanding season, capped, of course, by their 23–7 shellacking of the Minnesota Vikings Sunday.
>
> Throughout most of the fall they performed like the champions they are despite numerous injuries and other adversities. We hope the odds makers, Eastern sportswriters and those who tried to implicate Len Dawson in a gambling scandal, are eating a generous portion of crow, for Hank Stram's crew made chumps out of the lot of them.
>
> Sunday's devastating win over the Vikes unquestionably shows that the AFL's finale was loud and right on tune.
>
> Congratulations, Chiefs, for a tremendous showing!

Over in one of the eastern counties of our district at Warrensburg in Johnson County, Mo., there is published the Daily Star-Journal. This paper has received many honors and recognitions in the past. In my opinion the paper's journalistic excellence was shown again by its editorial of January 12 entitled "Hail to the Chiefs" which appeared in that paper as follows:

HAIL TO THE CHIEFS

> The Kansas City football Chiefs defeat of the Minnesota Vikings in Super Bowl action yesterday was a victory for all Missouri.
>
> Winning the classic play-off for the world championship of professional football was more than bringing home the title to Kansas City. It was bringing it to Missouri, it was winning for all of us . . . and for that reason we can all well afford to be justly proud.
>
> Perhaps more important than the title, the Chiefs brought to Missouri no small amount of attention. Long considered an underdog in many other aspects, Missouri, through the Chiefs, proved that fighting spirit can and does come through.
>
> The Daily Star-Journal believes that the fighting spirit displayed in the Sunday football game by the Kansas City Chiefs was indicative of the same spirit of the State of Missouri.
>
> Perhaps we are not the most populous state in the Nation, nor even the most affluent in financial or natural resources . . . but we use what we have, fighting hard to achieve success even against difficult odds.
>
> Perhaps what Hank Stram, head coach of the Chiefs, said about the team holds true of Missouri. He said that it was adversity which had molded the character of the team, that had made it strong.
>
> Perhaps adversity too, will continue to keep Missouri strong, keep it pitched to a winning fever in many ways.

Before I conclude these remarks it should be observed again that football is the king of sports in the Kansas City area. Other sports have their place. Baseball, ice hockey, and even soccer flourish in Kansas City. Someone has said it was because of Hank Stram, Dawson, and the great Chiefs' organization that it is possible for all Kansas City to bask in the assurance that the 1970 Super Bowl champions represent a city that has elevated sports from a pastime to something close to a religious experience. There is a strong relationship in our area between the team and the fans. Each relies upon the other to gain strength. I feel certain our great team would have been given a warm reception had they returned to Kansas City not as champions but as gallant losers.

The Chiefs of Kansas City on Sunday, January 11, reached the peak of the pro-football world. Let us hope that years from now as the historians look into the archives they will take a close look at the events of Sunday, January 11, 1970, in the city of New Orleans. The careful historian will record that the second Sunday in January of the first month of the new decade will forever be known in the hearts and minds of everyone in Mid-America as Super-Sunday 1970.

ENVIRONMENTAL POLLUTION

The SPEAKER pro tempore. Under previous order of the House, the gentleman from Texas (Mr. PRICE) is recognized for 15 minutes.

Mr. PRICE of Texas. Mr. Speaker, my active interest in environmental pollution is a matter of public record. As I stated in the first session of this Congress—

> Pollution is a lethal menace to all mankind, and its eradication can best be accomplished if the world works together. Pollution cannot be stopped on a nation-by-nation trial and error basis. The nations of the world

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> must work together; the stakes are too high for any other approach.
>
> The responsibility of the United States for environmental control is great. As a nation and as people, we have carelessly and thoughtlessly set in motion forces that threaten to ruin the air we breathe and the water we drink.

Fortunately for mankind, the Nation and the world is awakening to the menace that pollution poses to our very existence. Through the worldwide activities of the international biological program, which the United States supports, more than 50 concerned nations are striving to provide a truly international basis for managing the environment and preventing its further deterioration.

On the domestic front there are certain encouraging signs that the pollution problem is being upgraded in terms of national priorities. While Congress was in recess President Nixon, in his first official act of 1970, signed into law legislation to establish a three-member Council on Environmental Quality. The Council will pursue and recommend policies and programs designed to improve the quality of our environment. During the same period Secretary of State William Rogers announced the creation of an Office of Environmental Affairs in the State Department. The Secretary also urged all American ambassadors to watch for opportunities for the United States to take the initiative in both conserving the natural resources of the world and enhancing the environment.

These actions mark but the beginning of a series of administration attacks on pollution. In this connection, the President's impending state of the Union message should provide the Nation with more of an idea how the Federal Government plans to cope in the seventies with this growing menace.

Our citizens are looking to the Congress and their elected officials for guidance and initiative on this issue. Unfortunately, the Congress has not responded with adequate speed or diligence. One of the chief reasons for this failure lies in the fact that in the House, responsibility for environmental legislation is shared among the Committees on the Interior, Public Works, Merchant Marine and Fisheries, Government Operations, and Science and Astronautics. Given this congressional fragmentation, there is small wonder that the legislative attack on pollution is in such a state of disarray.

In an effort to rectify this condition, I propose that congressional responsibility on the House side be focused in a new Standing Committee on the Environment. As I conceive it, and I know my view is shared by a number of my colleagues, this committee would have jurisdiction over key environmental problems which presently beset the Nation and the world. Within its jurisdiction, the committee would investigate causes and consequences of environmental pollution and would be charged with recommending legislation designed to combat this growing menace.

I believe that the establishment of a House Committee on the Environment would constitute a significant step toward combating the problems caused by environmental pollution. For this reason, I am today introducing, for appropriate reference, legislation which would establish such a committee in the House of Representatives. I urge the House Rules Committee to hold early hearings on this proposal as well as those submitted by other concerned Members of Congress. We must set our legislative house in order if we expect to save our environment for the use and benefit of ourselves and our posterity.

The legislation referred to follows:

H. Res. ——

A resolution to amend the Rules of the House of Representatives to create a standing committee to be known as the Committee on the Environment

Resolved, That clause 1 of Rule X of the Rules of the House of Representatives is amended by redesignating paragraphs (g) through (u) as paragraphs (h) through (v), respectively, and by inserting immediately after paragraph (f) the following new paragraph:

"(g) Committee on the Environment, to consist of twenty-five members."

Sec. 2. Rule XI of the Rules of the House of Representatives is amended by redesignating clauses (7) through (31) as clauses (8) through (32), respectively, and by inserting immediately after clause (6) the following:

"7. Committee on the Environment.

"(a) All measures relating to the quality of the physical environment of the United States and its possessions, including—

"(A) Water quality,

"(B) Air quality,

"(C) Weather modification,

"(D) Waste disposal,

"(E) Pesticides and herbicides, and

"(F) Acoustic problems."

Sec. 3. Redesignated clause 17 of Rule XI of the Rules of the House of Representatives is amended by striking out paragraph (f) and redesignating paragraphs (g) through (j) as paragraphs (f) through (i), respectively.

Sec. 4. (a) Redesignated clause 28(j) of Rule XI of the Rules of the House of Representatives is amended by striking out "clause 27" and inserting in lieu thereof "clause 28".

(b) Clause 2 of Rule XIII of the Rules of the House of Representatives is amended by striking out "clause 22 of Rule XI" and inserting in lieu thereof "clause 23 of Rule XI."

GENERAL ELECTRIC CORP. LABOR DISPUTE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. DENT) is recognized for 30 minutes.

Mr. DENT. Mr. Speaker, many of the workers in my area are very much disturbed over the reported position of the General Electric Corp., in the present labor dispute between the workers and their employer.

As an indication of their attitude, they refuse to accept a proposal made by Senator JAVITS of New York, approved by the workers, whereby a disinterested outside factfinding group would try to lay the basis for an early settlement.

When a situation becomes as stalemated as this dispute has, something must be done before severe and adverse conditions set in which may cost many jobs due to a declining market for American made goods at this moment. There is a growing suspicion that the administration is not disturbed over this long shutdown by GE since it apparently falls into the President's plan for what is called a "slight recession." What the President, or his economic advisers do not seem to understand is that while General Electric, as a company, will not suffer too much, workers who have no other source of income can be pushed to the brink of financial difficulty since the products they would normally produce can be, and in many instances are, produced by foreign workers, and are distributed in the United States without any restraint.

The dispute is no longer between two parties, labor and industry, for there is an unseen man at the bargaining table, and that is the low-waged worker whose goods are tumbling over our custom walls at an unrestricted volume.

Unless something along the lines of Senator JAVITS' proposal is put to work in the interest of a solution to this long drawn out dispute, it is feared that other corporations in the same area of production and activity will follow the GE workers and a complete shutdown of this particular industry may come about shortly.

Congress may be forced, if this situation becomes more acute, into passing legislation forbidding any corporation, or any production facility engaged in a labor dispute, from importing from foreign countries, or from American industries domiciled abroad, products to meet their consumer demands.

A strike has long been recognized as a legitimate, legal endeavor by workers to better their working conditions, and to maintain their cost of living income. A strike, however, to be effective must have within it ingredients of solution, namely the desire by the industry to expedite the settlement, and to work out the differences at the grievance and bargaining table.

In the worldwide trade economy, however, this normal procedure is no longer obtainable, especially so when so many companies like GE have foreign sources of product supply while the unions have no tools at their command to compel foreign workers to join in their efforts, and to protect their work rights and job rights during a labor dispute. In fact, foreign workers would take advantage of labor disputes in this country to encroach upon the American marketplace, and it is well known that once establishing its place of supply the American businessman is reluctant to let go of the high selling price of low waged foreign imports.

It is interesting to note that in the first months of 1969, television sets, one of GE's major consumer items, reached a dangerous level of low sales because of Japanese penetration into the American marketplace. The first 10 months of 1969 importation of colored and black and white television sets, from Japan, reached an astonishing volume. The total U.S. television sales of domestic TV sets for the first 10 months of 1969 was 8,690,000. which was a decrease of 3.2 percent of that same period in 1968. While these sets are of a domestic level they include many thousands of sets, made, entirely or in part, in Japan, Taiwan, and so

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forth. This gives some clue to what happened to the American TV and TV components industry, and why there are only six large and twc small plants left making TV sets and tubes.

During these same 10 months Japan exported to us 2,700,000 sets and increased their sales by 32.8 percent.

Those of us who live in the Westinghouse valley realize that the GE strike has cast a long shadow. I would ask that GE, at this time, look at the Javits proposal, or some similar arrangement whereby an outside factor could establish a basis for settlement in which both sides could reach a mutual agreement. The longer it goes the more dangerous and more costly it will become to the American economy.

The Government's own figures, just released, shows a letdown in production of 3.2 percent in the last quarter of 1969, and attributed over one-half of the letdown in production to the strike.

While it may serve the Nixon administration to cool off the economy by letting the workers walk the streets, and to spend millions of dollars to retrain workers for jobs that may not be there when the job training is over, it is not equitable to the worker. For example: the Department of Labor gave grants to 11 cities, to train 426 persons, totaling $871,000. One of the contracts went to three firms in Washington, D.C., for a total of $130,000 to train 53 hard-core jobless persons. Most of these people are receiving training in electrical supplies, and expect to work for electric supply companies, the very product that GE is not making at the moment. With the cutback of this type of supply, where will these people go when they finish their training?

If this GE strike continues, labor may find itself in a position where they may have to review their longstanding position on free trade.

The right to strike is useless if the company prospers while the workingman starves, and the worker realizes that he has to pay for any advance he makes in his working conditions. If the GE strike continues, other American industries, with foreign affiliations, will follow the GE pattern; and labor negotiations, as we have known them to be in this country, will disappear and instead we will have unemployment and a depression that can shake the very foundation of our democracy. Unless this situation is resolved, and an attempt is made along the lines of Senator JAVITS' proposal, I intend to propose to Chairman PERKINS, of our committee, that he hold hearings on the matter to see what type of legislation is needed to protect a worker's job in a labor dispute.

NINE BLIND MEN

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Georgia (Mr. BRINKLEY) is recognized for 30 minutes.

Mr. BRINKLEY. Mr. Speaker, I wish to quote one famous man and paraphrase another in an advocacy for justice in the field of education.

Robert E. Lee once said:

> True patriotism sometimes requires of men to act exactly contrary, at one period, to that which it does at another, and the motive which impels them—the desire to do right—is precisely the same. The circumstances which govern their actions change; and their conduct must conform to the new order of things.

Many of you, on an earlier day, were involved in the fight to end the dual system concept of schools. Today, when opposite extremes are sought to be achieved through quotas and busing, will you—motivated by a desire to do right—join in ending social experiment and reform in the classroom?

Rightness requires judicial equity within the Union of the States; *rightness* requires uniform decrees under a nationwide standard; *rightness* requires one set of rules, rather than two.

My appeal, first, is for the right of choice; or in the alternative, my appeal is for neighborhood schools—for *every* child the right to attend the school nearest his home.

Earlier this week I introduced a joint resolution proposing an amendment to the Constitution. It would provide as follows:

ARTICLE —

SECTION 1. The involuntary busing of any student to a school or the required attendance of any student at a school outside the student's local school zone for the purpose of achieving racial balances or quotas is prohibited.

SECTION 2. For the purposes of this article, the term 'local school zone' shall mean the area within which a student resides.

Would you consider supporting this resolution? It would prevent our schools from becoming laboratories for social experiment and reform. It would retain educational institutions as places for the pursuit of scholastic excellence and achievement. Its *goal* is quality education.

Reasonable men, men of good will, please take cognizance of nine blind men on a courthouse bench, ought for ought, and in 1970 one last chance for justice!

I would like to quote at this point a column written by me earlier in the session:

DATELINE WASHINGTON

(By Jack Brinkley, Third District Representative in Congress)

PURSE STRING BILL

On November 5, 1969 I introduced the following bill, Number H.R. 14691, designed to prohibit the use of Federal funds to force busing of students, abolishment of schools, or attendance of students at particular schools. The measure would provide as follows:

"*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That (a) no part of any funds appropriated by any Act of Congress may be used to force busing of students, the abolishment of any school, or to force any student attending any elementary or secondary school to attend a particular school against the choice of his or her parents or parent.

"(b) No part of any funds appropriated by any Act of Congress shall be used to force busing of students, the abolishment of any school, or the attendance of students at a particular school as a condition precedent to obtaining Federal funds otherwise available to any State, school district, or school."

This legislation would make permanent the provisions contained in Sections 408 and 409 of H.R. 13111, as it passed the House, which Bill provides persuasive precedent. Thus, federal agencies such as the Justice Department and HEW would be prohibited from spending federal funds to force the busing of students, the abolishment of any school or to force any student to attend a particular school against the choice of his parents.

The bill would in no way affect or question the legality of Supreme Court decisions but as a practical matter it would prevent enforcement by the Executive Branch of decrees conflicting with the Act, since persons receiving compensation from the federal government could not be used for enforcement purposes.

This measure reiterates the Constitutional prerogative of the Legislative Branch of government to provide funding where deemed wise and equitable, and serves to emphasize that the schools of the southern United States are not to be used as *laboratories for social experiment and reform.*

The thrust of educational institutions should be the pursuit of scholastic excellence for every child. We must never voluntarily permit our schools to become a vehicle for racial balance or for any objective other than quality education.

I would like to include at this point the following news article:

[From the Washington Daily News, Dec. 17, 1969]

AMENDMENT ON APPROPRIATION BILL—HEW SCHOOL FUND CONTROL PERILED

(By William Steif)

The Nixon Administration—after months of inaction—was lobbying hard today to stop a Southern-inspired Senate drive aimed at revoking the power of HEW to force school districts to abide by the civil rights act of 1964.

The revocation of HEW's power was contained in a seemingly innocuous amendment to the $21.5 billion appropriations bill for HEW, the Labor Department and 11 related agencies.

The so-called Whitten amendment—named after Rep. Jamie L. Whitten, D-Miss., and already approved by the House—would forbid HEW from using any of its appropriation "to force any school district to take any actions involving the busing of students, the abolishment of any school, or the assignment" of any grade or high school student to a school against his or his parents' choice. Nor could such actions be forced on a school district "as a condition" to getting federal funds.

Under the 1964 civil rights act, HEW has the power to cut off federal funds to school districts which do not comply with the desegregation law.

Thus, the amendment also would nullify the May, 1968, Supreme Court ruling which said that where "free choice" of schools by pupils did not result in desegregation, further steps would have to be taken. Those steps are busing of students, abolishing black or white schools, or arbitrarily assigning pupils.

HEW Secretary Robert H. Finch sent telegrams and then wrote letters to members of the appropriations sub-committee which handled his money bill about his "deep concern" over the Whitten amendment. HEW has followed this up with an intensive arm-twisting effort by Assistant Secretary Creed C. Black, director Leon Panetta of the Office for Civil Rights, and congressional liaison officials.

But yesterday the full appropriations committee approved the Whitten Amendment, 13–8, according to Sen. John C. Stennis, D–Miss., a committee member who led the floor fight for its adoption by the Senate.

The issue hung in the balance today, as the Senate Republican leader, Sen. Hugh Scott, Pa., fought to hang six simple words in front of the Whitten phraseology in order to negate the amendment's effect.

The six words were: "Except as required by the Constitution."

> Sen. Scott explained that "the issue is simply whether or not we will abide by the constitution." He said that "if there were any question in anyone's mind about the propriety" of the Whitten amendment, the Oct. 29 Supreme Court decision—demanding desegregation "at once"—should remove that question.
>
> "If we leave the Whitten amendment intact," Scott added, "we will produce a double standard of law enforcement . . . what HEW will not be able to do, the courts will still be forced to do."

As we now know, the Whitten amendment was not left intact; the Scott amendment was adopted.

King David said:

> I have been young, and I have been old, but I have never seen the righteous forsaken.

Will we be forsaken? Will our children be bused? Forbid it, Almighty God!

AMEND VETERANS' PATENT EXTENSION ACT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Indiana (Mr. Hamilton) is recognized for 10 minutes.

Mr. HAMILTON. Mr. Speaker, an act to provide for the extension of the term of certain patents of persons who served in the military or naval forces of the United States during World War II was approved June 30, 1950. An act providing similar patent-extension privileges to veterans of World War I was approved May 31, 1928. No similar legislation, either retroactive or prospective in application, has been approved for veterans honorably discharged since World War II. It is only equitable that these privileges now be extended to all veterans.

Hearings were held in the 82d Congress on bills to extend the benefits of this legislation to all veterans, rather than only to those of the two World Wars, as well as to nonveterans who were not able to exploit their patents fully due to wartime controls. Although there was no objection to making the relief provisions available to all veterans, objection was made to extending the privilege to corporations and other individuals, with the result that the legislation was never acted upon.

H.R. 15793, introduced by the gentleman from Virginia (Mr. Poff) in the last Congress, provided for the extension of the privileges to all veterans honorably discharged while at the same time omitting extension of the privilege to corporations and other individuals. On February 18, 1969, Mr. Bayh introduced a similar bill, S. 1064, in the other body. On November 17, 1969, I introduced H.R. 14833, identical to that introduced by Mr. Bayh. These bills, in my judgment, meet the obligations raised in hearings held by the 82d Congress.

Veterans deserve extensions of time for patents they have not been able to exploit because of military service. They would not gain an advantage over patent holders who have not served in the Armed Forces of their country.

To be eligible, any veteran would have to be honorably discharged and would have to prove, to the satisfaction of the Commissioner of Patents, that his military service had indeed "substantially reduced" any benefits he might have been able otherwise to receive from his patent. The ultimate burden of proof rests upon the veteran. There would be no cost to the Government.

Unlike laws extending similar privileges to veterans of the two World Wars, the bill introduced in the 91st Congress includes two new provisions. First, their application would not be limited to those who served during specific years. Rather, all veterans who have not yet benefited from earlier legislation would be eligible in the future. Second, a veteran could count as active service, for the purpose of this bill, all time which elapsed between his initial induction and his final honorable discharge. This second new provision would extend coverage to those unfortunate veterans who, because of erroneous charges and action taken against them, have been forced to live under the shadow of a less-than-honorable discharge until able to have such judgment reversed and an honorable discharge granted.

Rather than considering this question anew following the end of each conflict in which we participate, let us act now to extend the provisions to all veterans who have not benefited from previously enacted legislation.

H.R. 14833, as introduced November 17, 1969, follows:

H.R. 14833

A bill to provide for the extension of the term of certain patents of persons who served in the military forces of the United States

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 1 of the Act entitled "An Act to provide for the extension of the term of certain patents of persons who served in the military or naval forces of the United States during World War II," approved June 30, 1950 (64 Stat. 316), as amended, is amended to read as follows:

"Any person who is the inventor or discoverer of an invention or discovery for which a patent was granted to him during his performance of active service in the military or naval forces of the United States resulting in an honorable discharge and who has not received a patent extension under any previous Act, and who during such service was not receiving income from said patent or patented invention or discovery, or whose income therefrom was substantially reduced as a result of his said service, may obtain an extension of his patent for the term specified herein, upon application to the Commissioner of Patents within one year after the enactment of this Act or within one year after the termination of such service, whichever is later, and upon complying with the provisions of this Act. The period of extension of such patent shall be a further term from the expiration of the original term thereof equaling the length of the said service during which his patent was in force, but in no event shall exceed a period equal to the term of the original patent. Any period of time required following said service to obtain recognition of the right of such a person to an honorable discharge shall be considered part of such service."

Section 5 of said Act is amended by striking out "(a) No" and by striking out subsection (b).

WALLACE CIVIC CENTER

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Massachusetts (Mr. Philbin) is recognized for 20 minutes.

Mr. PHILBIN. Mr. Speaker, on Sunday night in Fitchburg, Mass., in my district, I attended the first of several programs to be held during this week marking the dedication of the George R. Wallace, Jr., Civic Center and the Alice G. Wallace Planetarium in that beautiful city.

The building which houses the center of which the planetarium is a part, was donated by Mr. George R. Wallace, Jr., an outstanding industrial civic leader of Massachusetts and the Nation, in behalf of his wife and himself, the planetarium to be named in honor of his wife, Alice R. Wallace.

This gift, which would be extraordinary in any event, is all the more so, because in September 1965 Mr. Wallace had donated $500,000 for the construction of the modern, new Wallace Library and later gave additional sums for both the library and the civic center, so these highly valuable public buildings could be completed for his home city. The gifts totaled several million dollars without Government grants.

George Wallace's colorful business career has been an exceptional success story pinpointed by a series of most generous benefactors and public, charitable donations that are not fully known and, therefore, cannot be accurately reported. His recent gift of the civic center in itself has cost to date $2,035,000, to which the cost of the library is not added, and the total final cost is at the present time not available. The present final cost may well run into higher figures. The public spirit and wholehearted generosity of this great man and his lovely wife are truly almost incredible.

To one who knows this extraordinary leader in so many fields of endeavors and his charming, delightful wife, who is also a great leader in several fields, particularly as the well-known originator and developer of basic local, State, and National library programs, these benefactions come as no surprise, because George Wallace has been a doer and a giver all his life. He is endowed with a restless spirit with energy and drive that tolerate no delay, and his wife, like himself, is known for the way she has given so much of herself to provide more and better libraries for children, and for the people of Fitchburg, central Massachusetts, and all of the Nation.

I have known these wonderful Americans a large part of my lifetime. They really defy adequate appraisal for the many fine things they have done for humankind, and for their many achievements and many contributions to so many causes immeasurably beneficial to community, State, and Nation, and for many people.

George Wallace never seeks praise and credit for his great work. In fact, he tries to minimize, and even conceal, the great things that he has done, and his wife takes the same attitude.

For example, when he announced his most recent large gifts to the city, he purposely left the city on a trip with his wife rather than face the applause and the praise for his generosity.

His makeup is not only many sided, but in many ways unpredictable, because he moves fast and brooks no delay. He is a master of details as well as broad pictures, and has everything thought out in advance. The library and civic center were rushed to completion in true Wallace style, the latter large building in a little over 200 days.

His astonishing success in business has been a family saga in itself, and his very active life has pressed him into many other various activities.

He is an accomplished musician, and plays the piano and organ with great gusto and expertise. His performance as mystery soloist with the Boston Pops Orchestra led by the great Arthur Fiedler, featuring a routine of lively ragtime, swing-beat music, and other popular hits, brought the large crowd of 4,600 people at the dedication to their feet with wild applause. A conquering hero never received such terrific ovations.

He is an expert photographer; in fact, he may even be considered a professional in this field, because his work has been done on African safaris featuring still and movie productions of highest quality.

George Wallace is a veteran of World War II, decorated for gallantry in battle. He has been a widely known aviation enthusiast. He has owned and flown his own planes and helicopters. At his office building at the Fitchburg Paper Co. he has a heliport on the roof. I had the honor of attending the dedication of that beautiful new building and was present when George came in on one of his helicopters, landed on the roof, and casually walked down the stairway to his business office.

On another occasion, I had lunch with him at the Sterling Inn in Sterling, Mass., with N. V. "Swede" Nelson, a Harvard football great, and some others, and when he arrived by helicopter with some of his guests he landed in the parking space and hurried into the inn. "Swede" Nelson, a noted wit, quietly observed, "A lovely entrance."

George Wallace ranks with the greatest businessmen of the Nation. He is a great American and a great patriot. Indeed, with his truly spiritual faith, and charitable impulses, he sets the finest example for all citizens, because his life has been devoted to getting things done, and giving unselfishly of himself. It is his avowed practice to help his people in every way given him, and to share his good fortune with his community and with people.

His devoted, lovely wife, Alice, is of the same mold. She has not only supported her husband in his great work, but has also pursued a career of her own, which has led her to the path of high achievement for the children and people of her own community and for the Nation. She is recognized as one of the greatest national leaders of library programs and has been an outstanding member of the President's National Commission on Libraries. She has also ably devoted herself to many fine causes in many fields.

I could talk at great length about the extraordinary George Wallace and his lovely wife. I am proud to know such great Americans, and am proud to have them for dear friends, because they represent a public conscience and an ethic of charity and humane accomplishment for people that cross all barriers and reconcile human problems.

They are concerned, outstanding, generous Americans, truly striving to contribute the substance of their advantages, potentials and wealth to make this a better nation in which to live.

Hail and salute to George and Alice Wallace. They will long be remembered by Fitchburg and its people, and by all those who search and seek in life the opportunity to help others. The Lord will bless them, and the people will always remember them.

The exercises were brilliantly conducted by the very able, distinguished, outstanding young mayor, the Honorable William G. Flynn, of Fitchburg, whose fine introductory speech set the stage for this memorable dedicatory event.

Under unanimous consent, I insert the following material from the Worcester Sunday Telegram, and other publications bearing upon the dedication:

[From the Worcester (Mass.) Sunday Telegram, Jan. 18, 1970]

THE GEORGE R. WALLACE CIVIC CENTER: A CULTURAL INJECTION

FITCHBURG.—He's floated 50 feet beneath the surface of the Caribbean and glided over Mt. Washington in a sailplane.

He's raised chinchillas and collected antique cars.

He's an explorer, world traveler . . . a former industrialist and a builder of companies.

And in his spare time he and his wife give away things like money.

His wife has served on former President Johnson's National Advisory Commission on Libraries and was a founder of the Massachusetts Library Trustees Association.

IN "WHO'S WHO"

She's listed in "Who's Who of American Women" and has served on road study and beautification committees.

She is an accomplished interior decorator and an extensive traveler.

Like her husband, she enjoys giving away money.

These are the Wallaces—George and Alice—of Fitchburg and their generosity is proving a boon to this community.

Wallace, born in 1889, has been described as "peppery and forthright" and is noted for his freewheeling business style.

ENTERED MIT

He entered Massachusetts Institute of Technology in the class of 1913. His stay was short.

"I was the first member of my class to be kicked out," he said. "They couldn't take me for more than a year.

"But I did get in a lot of banjo playing."

Wallace still retains an irrepressible sense of humor and an irreverence for the accepted way of doing things.

He had one urge—"to be first"—and a lifelong concern "with the idea of failure" and those two thoughts have governed his life.

The former owner-president of Fitchburg Paper Co. (now a subsidiary of Litton Industries), Wallace is a fan of airplanes and helicopters and used them both extensively during his years as head of Fitchburg Paper Co.

He enlisted in World War I as a private and even though he "didn't like saluting" he ended up a major in the Field Artillery, receiving the Silver Star for exceptional gallantry in the Meuse-Argonne offensive.

Wallace is also an avid photographer and has thousands of feet of film of African safaris and Arctic Circle crossings with his wife to prove his photographic ability.

BUILDING THINGS

And when not traveling or attending board meetings or playing the electric organ in his home, Wallace is building things.

Both he and his wife have spent millions financing construction of a library, aiding in the establishment of a golden age center and now, with the construction of a $2.35-million combination civic center and planetarium.

In announcing his intention to finance construction of the civic center Wallace had stated, "as we are now penetrating the frontiers of outer space . . . I propose to include in this civic center complex a space transit planetarium."

CONDITION FOR GIFT

A condition for the gift was that the planetarium be named for his wife.

"Her tremendous interest in the welfare of the people in this community and her understanding and help to me over the years makes it an extremely rewarding experience for me to offer this gift to the city," he said.

And after he announced that he and his wife were donating the funds to build the center, they left immediately for Florida.

"He gets embarrassed when people thank him for what he does," one city official explained.

A scale model of the $2.35-million George R. Wallace Civic Center sits on a small table in the outer office of Fitchburg Mayor William G. Flynn.

The model, complete with shrubs and grass and a truck parked at the rear delivery ramp of the center, is protected by a heavy plastic covering.

The plastic is wiped down frequently because of the number of sets of fingerprints left by those who stop and stare at the model complex. The attention lavished upon the civic center is making Mayor Flynn a happy man.

CULTURAL INJECTION

"It's almost difficult to comprehend the full meaning of the center," Mayor Flynn said. "The center will give us a cultural injection . . . something which is needed by any older city. It will give us the prodding to stick our heads out of the door and see what the rest of the world looks like."

Mayor Flynn said the civic center should cause a greater cohesiveness within the city than is now apparent.

"We're going to have to reassess our community image, because when the center opens for business, we're going to find ourselves being stared at by many outside groups."

MIND-BODY CONCEPT

Flynn added that he was "very excited" about the complex, which will contain a "true mind-body concept."

The multipurpose civic center, financed entirely by the local philanthropist George R. Wallace Jr., contains facilities for skating, ice hockey and basketball. It has a seating capacity of 4,500.

The recreation area is but half of the total mind-body concept. Included in the package is a 150-seat planetarium.

"The educational possibilities offered by the planetarium are staggering," Mayor Flynn said. "We expect many school children from Central Massachusetts will be visiting the planetarium."

A panoramic view of the galaxies—in color and costing some $10,000—will grace the planetarium dome.

GIFTS BY WALLACE

The civic center is a monument to a dapper, white-haired octogenarian whose love of life has never slackened.

About a year ago Wallace called a press conference to announce, "I am donating to the city of Fitchburg the sum of $1.1 million to build a civic center and planetarium." When bids were submitted and the cost was seen to be more than double the original gift,

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Wallace contributed an additional $1.2 million to cover construction costs.

In the auditorium, across from the Registry of Motor Vehicles, workmen are completing the job in record time. The ladders and shovels will be gone tonight. Missing, too, will be scraps of wood and brushes and cans and carpenters' tools.

In only 13 months an idea was born and a building was erected.

"That has to be some sort of a record," one of the subcontractors said, "when you can plan and put up a thing like this in 13 months."

OTHER GIFTS

The complex, about the size of a football field, is not the only contribution of the Wallaces (the planetarium is named the Alice G. Wallace Planetarium after Wallace's wife) to the cultural progress of their community.

In 1964 they had donated $500,000 for construction of a new library and three years later contributed another quarter-million dollars for improvements in the public library.

[From the Worcester (Mass.) Sunday Telegram, Jan. 18, 1970]

WEEK'S ACTIVITIES

SUNDAY

Dedication ceremonies at 8 p.m. with a performance by the Boston Pops Orchestra conducted by Arthur Fiedler (sold out).

MONDAY

A repeat of the dedication ceremonies at 8 p.m. with a performance by the Pops which will play a new selection. Tickets, $4, $5 and $7, may still be available at the Book Shop and Fitchburg Music Store.

WEDNESDAY

A country and western show at 8 p.m. Featured are Loretta Lynn and Faron Young and his Deputies, Carl Smith, Peggy Sue, Sonny Wright and Roy Drusky. Tickets are $2, $3 and $4.

SATURDAY

A children's 12:30 p.m. show with Bozo the Clown, a five-piece circus band, Joe Phillips and his dancing horse and wonder dogs, and the Six Amandis, an acrobatic act. Tickets are $1.50 for adults and 50 cents for children. The Vanilla Fudge and Bacchus will play hard rock starting at 8:30. Master of ceremonies will be Ron Landry of Radio Station WBZ. Tickets are $3.50, $4.50 and $5.50.

SUNDAY

Dedication ceremonies at 8:15 p.m. for the Alice G. Wallace Planetarium. Featured will be Richard Gordon, command pilot of the Apollo 12 moon flight. Apollo 12 movies of the moon landing and walk will be shown. Sen. Edward W. Brooke will be present, as will the Kingsmen and the Fitchburg High School Band. There is no admission charge.

GEORGE R. WALLACE JR., CIVIC CENTER, ALICE G. WALLACE PLANETARIUM

Tomorrow and the day after have always been uppermost in the mind of George R. Wallace, Jr. He has never been one to sit back and dream of what used to be; instead he has always searched to do that which is unique and unusual.

The history, spirit, and purpose of the George R. Wallace, Jr. Civic Center and the Alice G. Wallace Planetarium reflects in every way the enthusiasm, creativeness, and adventuresome spirit that is George R. Wallace, Jr.

On September 13, 1965, Mr. Wallace donated $500,000 for construction of the modern new Wallace Library on Main Street. It was during the process of constructing the Wallace Library that a discussion concerning the need for a community facility for general purpose meetings and activities developed. At that time Mr. Wallace donated $300,000 for a community center. This money was to be matched with $600,000 in federal funds for construction of the facility.

After much work by the Fitchburg Neighborhood Facilities Commission, a general concept of an arena style building was developed. However, federal funds were not available. After a three year delay, it was Mr. Wallace's desire to have construction actually begin on an appropriate Civic Center Complex.

Following discussions with Mayor Flynn, Mr. Wallace announced his desire to have a Civic Center that would serve as a generator of community activity and involvement. Preliminary concepts were prepared for Mr. Wallace by Whitman & Howard, Architects and Engineers of Boston. The original design included only an arena area.

Early in December of 1968, Mr. Wallace related his desire to have a planetarium included as part of the Wallace Library, but when site limitations at the library became obvious the idea was dropped. More recently he felt that a planetarium would be an outstanding addition to the Civic Center Complex and asked that it be named in honor of his wife Alice. Thus the Alice G. Wallace Planetarium is given to the citizens of Fitchburg as a gift from George Wallace to honor his wife Alice.

The Wallace Center Complex, as presently constructed, was conceived in December 1968, designed from January to April 1969, put out for bids from April to May 1969, and constructed from June 1969 to January 1970.

The planning, construction and operation of the building itself is one of the finest examples of community organization and of the cooperation of many dedicated citizens that could be cited today.

In every way the George R. Wallace, Jr. Civic Center and Alice G. Wallace Planetarium has already become a living tribute to the uniqueness, aggressiveness, creativity, enthusiasm, and kind spirit that is George R. Wallace, Jr.

TRUSTEES

The trustees of the George R. Wallace, Jr. Civic Center and the Alice G. Wallace Planetarium are Robert A. Shaughnessy, Joseph R. Madonia, Leo J. Bedard, Mayor William G. Flynn, Ronald M. Ansin, Councillor Joseph Albert, Matthias W. Pappas. Back row left to right: James J. Hammond, James M. Moran, Geldert S. Brown, Robert L. Halstead, Robert R. Humphreys, George I. Chatfield, Donald M. Crocker, Andre A. Gelinas. Trustees who were not present when the picture was taken: Walter E. Bennett, Charles J. Sala.

LEGISLATIVE INCORPORATION OF THE CIVIC CENTER AUTHORITY

The George R. Wallace, Jr. Civic Center and the Alice G. Wallace Planetarium is an unusual building in many ways. Legally it is the property of the City of Fitchburg. However, unlike other city departments and buildings, the Wallace Center does not operate under the control of the Mayor or City Council, nor does it receive operating funds from the city government.

Under the provisions of Chapter 695, Acts of 1996 of the Commonwealth of Massachusetts, the George R. Wallace, Jr. Civic Center and Alice G. Wallace Planetarium Corporation was created. This Act, which was initiated by the Mayor and City Council on April 29, 1969, provides for the Center to be administered by a seventeen member Board of Trustees. The Mayor serves as ex-officio chairman of the Board and the City Council President is an ex-officio member. As a special feature of the act, three members of the Board may be non-residents of Fitchburg. This provision was included to signify the regional character of the Wallace Center.

On September 8, 1969, Mayor William G. Flynn appointed, and the City Council confirmed, the original seventeen member board.

Members of the Wallace Center Trustees may not hold any other appointive or elective position in the City Government. Seven members of the original board resigned positions in the City Government to serve as Trustees of the Wallace Center.

GOVERNMENTAL ACTIONS

August 30, 1965: George R. Wallace, Jr. gives first gift for Civic Center.

October 7, 1965: City Council accepts Wallace Gift.

December 18, 1968: Mr. Wallace gives second gift for Civic Center of nearly 757 thousand dollars to bring total to 1.1 million dollars.

January 7, 1969: City Council accepts Wallace second gift.

January 7, 1969: Civic Center Building Authority Created.

January 31, 1969: Whitman and Howard Architects Hired.

March 25, 1969: Park Commission votes to give Coolidge Park Land to City Council for use for Civic Center.

April 29, 1969: Request for Special Legislative Act to Create Board of Trustees for Civic Center and Planetarium.

May 30, 1969: Mr. Wallace gives third gift for Civic Center to bring total to 2.35 million dollars.

June 3, 1969: City Council accepts third Wallace gift.

June 19, 1969: Construction contract signed with P. Madonia Company of Fitchburg.

June 19, 1969: Groundbreaking held at Civic Center site.

June 20, 1969: Special legislative act approved transferring park land for Civic Center.

August 13, 1969: Special legislative act for trustees approved by Governor.

September 8, 1969: Special legislative act for Board of Trustees accepted by City Council.

September 8, 1969: Trustees confirmed by City Council.

December 6, 1969: Fourth gift of $20,000.00 given by Mr. Wallace.

December 10, 1969: Council accepts fourth Wallace gift.

PEACE IN THE MIDDLE EAST

The **SPEAKER** pro tempore. Under a previous order of the House, the gentleman from Florida (Mr. PEPPER) is recognized for 10 minutes.

Mr. PEPPER. Mr. Speaker, the recent statements of the Secretary of State relative to peace in the Middle East have created widespread concern in the United States, as well as in Israel, because of the strong suggestion in the Secretary's remarks that the United States is willing to concede to outside powers the right to determine the terms for peace in this explosive area.

I strongly believe that the best interests of peace in the Middle East depend upon the United States making it unmistakably clear that true peace in this area can come only through direct, face-to-face negotiations and honest agreement between the principals—Israel and the Arab States. For this reason, I have proposed the following resolution of the Congress to clarify the stand of the American Government and the American people:

Whereas, deep concern has been aroused by the statement of the Secretary of State of the United States of December 9th, making certain proposals for peace in the Middle East between the State of Israel and the Arab States, and

Whereas, such statement of the Secretary of State has been understood as contrary to the previous policy of the United States in the Middle East and to the expressed sentiment of approximately two-thirds of the Senate and the House of Representatives; Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That it is the sense of the Congress that the policy of the United States for the promotion of peace in the Middle East should be to exert its best efforts to arrange for direct face-to-face negotiations between the State of Israel and the Arab States; and, further, that neither the United States nor any other power should attempt to impose a settlement in the Middle East nor attempt to induce a settlement other than through direct face-to-face negotiations between the State of Israel and the Arab States.

I am very pleased that so many of my colleagues agree in the sentiments expressed in this resolution. On initial introduction, on relatively short notice, the following Members have joined in this resolution:

Mr. Howard, Mr. Brasco, Mr. Corman, Mr. Fallon, Mr. Karth, Mr. Macdonald of Massachusetts, Mr Helstoski, Mr. O'Neill of Massachusetts, Mr. Adams, Mr. Mikva, Mr. Tunney, Mr. Biaggi, Mr. Hicks, Mr Tiernan, Mr. Baring, Mr Anderson of California, Mr. Blatnik, Mr. Daddario, Mr. Carey, Mr. Ryan, Mr Wright, Mr. Stratton, Mr. Conyers, Mr. Hechler, Mr. Flood, Mr. Gray, Mr. Gallagher, Mr. Smith of Iowa, Mr. Waldie, Mr. Dent, Mr. Leggett, Mr. Pike, Mr. Poage, Mr. Farbstein, Mr. Dulski, Mr. Foley, Mr. Gibbons, Mr. Cabell, Mr. Garmatz, Mr. Rosenthal, Mr. Patten, Mr. St Germain, Mr. Ottinger, Mr. Gaydos, Mr. Harrington, and Mr. Lowenstein.

I have been advised that other Members wish to join in this resolution and I regret that time prevented them from being listed today. I intend to reintroduce my resolution as these Members advise me of their support and I invite all of our colleagues to join with us in making clear the support of the American people for a just peace in the Middle East based upon face-to-face negotiations between the parties directly involved.

LEGISLATION TO TAX BANK PROFITS FROM HIGH INTEREST RATES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. FARBSTEIN) is recognized for 20 minutes.

Mr. FARBSTEIN. Mr. Speaker, Representative BOB ECKHARDT and I have today introduced H.R. 15487, legislation to tax the excess profits of banks directly attributable to high interest rates. To ease the pressure on mortgage funds, the revenue raised by the tax would go to help low- and moderate-income families obtain mortgages.

The bill will lead to a slowdown in the continual upward spiral of interest rates and ease the especially susceptible home mortgage market.

While most people, especially homebuyers and small businessmen, suffer when interest rates are high, there is one sector of our economy that benefits. This is the banking industry where profits continue to grow at an unparalleled rate.

This is demonstrated by the following recent bank statement of earnings:

Percentage increase in net earnings from 1968 to 1969	*Percent*
Long Island Trust	36.8
First National of New Jersey	29.4
Mercantile National	14.6
United States Trust	21.4
Suburban Trust	20.7
Northern Trust	18.2
Fidelity Union	18.1
U.S. National of Oregon	17.1
Riggs National	15.8
Security Pacific	15.5
Citizens & Southern National	15.3
Maryland National	15.1
Mercantile National	14.6
Connecticut Bank & Trust	14.5
Manufacturers Hanover	12.8
Virginia National	10.8
Bank of Southwest	10.5
First National City	8.4
J. P. Morgan & Co	7.6
Chase Manhattan	2.5

According to Standard & Poor's "Bank revenues—are at a record level, and they are likely to hold up well, reflecting a high volume of loans, carrying satisfactory interest rates, relative to money costs." The huge rise in earnings is inextricably tied to the growth of the prime interest rate from 6 percent in 1968 to 8½ percent in 1969.

While the high rates of interest are no doubt the result of market pressures and cannot be condemned sweepingly as an explicit effort by the banking industry to raise its profits, this legislation would remove any potential incentive to raise interest rates solely for profits.

The tax, or as we call it, the "interest stabilization fee," applies to anybody that extends credit of at least $10,000 at an interest rate over 8 percent. The tax will be equal to 1 percent of the annual interest charge for each 0.1 percentage point by which the annual loan interest rate exceeds 8 percent. Thus, a $10,000 loan at the current 8½ prime interest rate would bring in $850 per annum in interest which would be taxed $42.50—5 percent of $850. The lender in this case would have a net yearly income on this loan of $807.50, just slightly more than it would have earned at the lower 8 percent rate. The following table demonstrates how this tax would work over a range of interest rates—assuming a loan of $10,000:

Interest rate (percent)	Total interest payment	Rate of tax (percent)	Bank earnings	Tax
8	$800	0	$800.00	$0.00
8½	850	5	807.50	42.50
9	900	10	810.00	90.00
9½	950	15	807.50	142.50
10	1,000	20	800.00	200.00
10½	1,050	25	787.50	262.50

As you see, the interest earnings cease to grow after a certain point, while Government revenues from the tax rise rapidly. There would be no profit incentive for the banks to raise their rates although there would be nothing to prevent them from doing so if the pressures of the market made such raises expedient.

Several additional points must be emphasized. First, the tax is meant to be operative only in times of extremely high interest rates. Once the rate charge drops below 8 percent there ceases to be an interest stabilization fee. Second, because so many small loans and loans entailing high risk have traditionally, with good cause, earned higher rates of interest, we have specifically exempted such loans from the tax. We are by no means sanctioning such high interest rates, but we do recognize that there are differences in the structure of the interest rate pattern. Finally, we are talking about the annual effective rate of interest rather than the nominal rate. We have adopted the provisions of the Truth in Lending Act for this purpose.

Perhaps the most important feature of this plan is the ultimate use of the funds raised from the collection of the fee. We have decided to make the Government National Mortgage Association the recipient of these funds and to use these funds to further the objectives of their office. In other words, we have great concern for the housing market and we are most eager to ease the pressure for mortgage funds, especially for low- and moderate-income families. The recent increases in the VA and FHA mortgage rates, another indication of the problem facing our constituents and potential home buyers around the country, emphasizes this point.

The text of the bill follows:

H.R. 15487

A bill to increase the actuarial soundness of the Government National Mortgage Association

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. (a) Except as provided in subsection (b) of this section, every person who makes a finance charge for any extension of credit at an annual percentage rate in excess of 8 percent shall pay an annual interest stabilization fee to the Government National Mortgage Association in an amount equal to 1 percent of the amount financed for each 0.1 percentage point by which the annual percentage rate exceeds 8 percent. Where the amount financed varies during the year, or the period of repayment is less than a year, the amount of the fee shall be ratably adjusted. Where the period of repayment is more than a year, the fee shall be paid with respect to each year during which there is at any time an unpaid balance outstanding, but need not be paid in advance of receipt of the finance charge.

(b) The provisions of subsection (a) do not apply to any loan meeting all of the following conditions:

(1) The amount of the loan is under $10,000, and

(2) the making of the loan is regulated by an agency of a State under a small loan law or similar statute.

SEC. 2. For the purposes of this Act, the terms "finance charge", and "annual percentage rate" shall be defined as in sections 106 and 107 of the Truth in Lending Act, but shall not be restricted to consumer and agricultural transactions.

SEC. 3. The Government National Mortgage Association shall prescribe such regulations as may be necessary or appropriate to carry out the provisions of this Act.

SEC. 4. Any fees paid pursuant to this Act shall be held by the title III of the National Housing Act, as amended, to stabilize and strengthen the national housing market.

SURGICENTER

The SPEAKER pro tempore. Under a previous order of the House, the gentle-

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man from Arizona (Mr. Rhodes) is recognized for 10 minutes.

(Mr. RHODES asked and was given permission to revise and extend his remarks, and to include extraneous matter.)

Mr. RHODES. Mr. Speaker, the skyrocketing cost of medical care has been a cause for serious concern to us all. Most of us, however, have been frustrated and overwhelmed by the magnitude of the problem; so have done nothing.

I have recently learned of a new concept in health facilities which sets forth a positive approach toward reducing the cost of medical care and hospitalization in particular. Significantly, this concept represents an innovative response from the private sector—a task that is all too often thought to rest exclusively with government.

Dr. John L. Ford and Dr. Wallace A. Reed of Phoenix became convinced that something had to be done about the increasing cost of hospitalization. They lamented the fact that, for example, such minor operations as tonsillectomies were costing patients upward of $200 for hospital care alone. To meet the challenge of a more economical delivery of quality medical care, Drs. Ford and Reed developed the concept of a privately run ambulatory surgical facility—they called it Surgicenter.

Surgicenter is a medical facility designed to provide quality surgical care to the patient whose operation is too demanding for a doctor's office, yet not of such proportion as to require overnight hospitalization.

Construction of a Phoenix Surgicenter facility began on August 8, 1969, in handy proximity to Good Samaritan Hospital and is now nearing completion.

The use of the Surgicenter by patients and their surgeons will, in the opinion of Doctors Reed and Ford, bring about a reduction in the cost of medical care without sacrifice in quality.

In addition, there are these other benefits:

No Government funds, Federal, State or local, are required.

Hospital beds will be freed for use by more seriously ill patients.

The need for requiring additional hospital beds through new construction will be reduced in proportion to the extent the Surgicenter is utilized.

Hospitals will be encouraged to reduce their charges. Four major hospitals in Phoenix, incidently, have recently announced reduction in the charges to patients using their outpatient surgical facilities.

It was obvious to Drs. Reed and Ford from the outset that in order to have an effective facility they would need approval from major insurance carriers to guarantee that such coverage would include services rendered at the Surgicenter.

Until recently, many insurance companies have required their clients to be hospitalized before benefits for such procedures could be obtained. Now, however, many leaders in the industry are realizing that this requirement is resulting in the unnecessary expenditure of a considerable sum of money. Consequently, as in the case of Aetna Life and Casualty Co., they are seeing an advantage in covering patients who avail themselves of an in-and-out surgical facility.

Drs. Reed and Ford had hoped to qualify their facility for payment in lieu of hospitalization by medicare through an administrative liberalization of the provisions of that act pertaining to hospital services.

Unfortunately, I have been informed by the General Counsel of the Department of Health, Education, and Welfare that this course of action is not possible. In his words:

> The (Medicare) Act authorizes payment for the cost of institutional health care service of the type supplied by Surgicenter only when such service is supplied by a facility which meets the definition of a hospital, as that term is defined in Section 1861(n) of the Act. Surgicenter both in concept and in operation is designed to function as an alternative to hospital care, and does not meet the definitional requirements for hospitals. If Surgicenters are to be given federal assistance, (i.e., qualify for Medicare payments in lieu of hospitalization) legislation will be required.

I think it is an encouraging sign when private citizens take on the job of solving one of this country's most difficult problems—the rising cost of medical care—without immediately calling for the institution of another massive Government program.

This program makes good economic sense as well as improving the quality and availability of first-rate hospital care.

If private insurance companies see it in their best interests to recognize this type of facility as a substitute for hospitalization, I see no reason why the Federal Government should not do likewise—and as soon as possible.

Accordingly, I am introducing legislation today which makes no change in present medicare coverage except to provide that approved ambulatory surgical centers will, for these specified purposes, be subject to the same provisions relating to hospitals.

This legislation is designed to insure that the quality of medical care to be provided by such centers be of the highest caliber. For example, surgery must be performed by a physician who is also authorized to perform such procedure in an area hospital; anesthesia must be adminstered by a licensed anethesiologist; the center must be equipped to perform diagnostic X-ray and laboratory examinations in connection with any surgery as well as to provide for the full-time services of professional registered nurses.

In addition, the center must have the necessary equipment and trained personnel available to handle forseeable emergencies and must maintain a written agreement with area hospitals for immediate acceptance of patients who develop complications. This legislation also provides for the periodic inspection and review of the center and its operations by a group of impartial physicians. Finally, the Secretary is authorized to establish such other requirements as he finds necessary in the interest of the health and safety of prospective patients.

Mr. Speaker, I strongly urge my colleagues who are also interested in the soaring costs of medicare and hospitalization to join me in support of this needed amendment. For those who are interested in knowing more about the Phoenix facility in particular, I am including an informative article by Drs. Ford and Reed that appeared in the October 1969 issue of Arizona Medicine as well as an article that appeared in the December 16 issue of the Arizona Weekly Gazette:

The Surgicenter: An Innovation in the Delivery and Cost of Medical Care

(By John L. Ford, M.D., and Wallace A. Reed, M.D.)

"I believe that whether we continue as an honored profession, self-governing and independent, or become a sort of scientific trade under the supervision and domination of others, depends absolutely on the efforts of the medical profession.

"Our future, in other words, will be determined by how fast and how well the medical profession recognizes its responsibilities, and how fast and how well it discharges these responsibilities." So was AMA Past-President Dr. James J. Appel quoted in the June 1969 issue of *Massachusetts Physician*.

"The Modern hospital is rapidly becoming an intensive care unit with all the fantastically expensive equipment and procedures that are required. It costs too much; it costs too much because many who are hospitalized do not need all this and should be cared for in much less expensive surroundings. Thus, the hospital must be surrounded with a number of closely associated special purpose facilities." This is Dr. Russell V. Lee's quotation from *Medical World News* of July 11, 1969.

The Surgicenter is one such special purpose facility, an effort by members of the medical profession, the prime objective of which is to discharge well some of our "responsibilities."

The building to house the Surgicenter is under construction at 1040 East McDowell Road, Phoenix, in handy proximity to Good Samaritan Hospital. The heart of the facility will be the four operating rooms and the large recovery room. Appropriate ancillary equipment and rooms are included in 5240 square feet encompassed in the building.

Among the responsibilities which the authors hope to discharge with the concept of the Surgicenter are these:

To make the "ambulatory patient" a matter of greater concern.

To streamline the delivery of his medical services.

To reduce the cost of his care.

To work for a broadening of his insurance coverage.

Two facilities similar to the Surgicenter are already operational in Los Angeles, California and in Washington, D.C. Each is under the jurisdiction of hospitals maintained by medical schools. In each instance the expense of the delivered care, compared with inpatient cost has been appreciably reduced without sacrifice of quality.[1, 2]

Dr. William Dornette, an authority in the field of health planning, has stated that a Surgicenter type facility can operate independently of a hospital, and the authors subscribe to this view:

"One facility about which little has been written is the outpatient service offering general anesthesia for minor surgical procedures. Such a facility, properly designed,

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[1] Cohen, D. D. A. and Dillon, J. B.: Anesthesia for Outpatient Surgery, J.A.M. 196:1114–1116.

[2] Levy, Marie-Louise and Coakley, Charles S.: Survey of In and Out Surgery—First Year, in a report made in 1967 by the Department of Anesthesiology of the George Washington University Hospital, Washington, D.C.

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staffed, and operated, has several advantages. A significant patient load is removed from the inpatient bed and operating facilities. There is a distinct savings in the cost to the patient or to the patient's hospitalization insurance carrier. The operation of one such facility (at UCLA) as part of a hospital's out-patient department, and the advantages accrued to such operation, are well documented. *But a safe and efficient facility for performance of general anesthesia and minor surgical procedures need not be affiliated either administratively or geographically with a hospital.*"[3]

While the concept as suggested by Dr. Dornette is simple in principle, infusing it with life is another matter altogether. There has been no precedent to follow, and many obstacles presented themselves as the project was developed. One thing that was certainly obvious from the outset was that we needed approval from major insurance carriers. Also, we wanted to establish an effective means for quality control. As it turned out, our interest in achieving quality control proved to be the key to a workable formula: We gained the cooperation and approval of the Comprehensive Health Planning Council of Maricopa County; and with their help, developed an "Agreement" which outlines a method for maintaining high standards. Chief among the stipulations is that a Medical Audit Committee consisting of at least three physicians "will regularly review the medical and surgical procedures and practices employed in our facility with the power to recommend and to enforce standards which are on a par with those employed in an accredited community general hospital in the metropolitan-Phoenix area and who will also recommend practices designed to avoid overutilization of our facility. These physicians will receive a nominal fee for serving on this Medical Audit Team and will accept appointment to such team in writing, wherein they will state that they have no economic or other vested interest in the facility. Persons selected for this Medical Audit Team will receive prior endorsement from the appropriate local professional-specialty or general practice society or in its absence the Board of Directors of the Maricopa County Medical Society."[4]

We used the Agreement worked out with the Comprehensive Health Planning Council of Maricopa County as the basis for our discussions with various insurance carriers. We received official recognition from a major carrier in April, as is evident from Figure 1.

Several other carriers have made similar changes in their contracts, and many have indicated their willingness to cooperate when the Surgicenter opens. CHAMPUS (Military Medicare) has endorsed the concept wholeheartedly as evidenced by a Memorandum dated 16 May 1969, the full text of which is shown in Figure 2.

As of this writing, we have not met with the Arizona Blue Cross Board of Directors, which has set a date in September as the time to review the Surgicenter concept. However, it is worthy of note that in the State of Arizona, Blue Cross is the fiscal agent for CHAMPUS, which has approved our proposal. The authors are encouraged to believe that Blue Cross will also endorse the idea, since there are already signs pointing in that direction. One such sign is that in New York, Blue Cross has asked the State Insurance Department to approve a change in benefits in certain policies to encourage use of outpatient facilities and discourage unnecessary use of inpatient beds. In addition, Mr. Walter J. McNerney, President of the National Blue Cross Plans, has stated in reference to methods of delivery of health care that, ". . . all laws standing in the way of experimentation should be struck down."[5] He has recognized that, ". . . we in this country are going to stay with a pluralistic system of providing and financing medical care—a system involving both Government and private operations," and we should ". . . exploit fully the assets of the private sector."[6]

At its meeting in September, the Arizona Blue Cross Board will consider these features which make the Surgicenter unique:

1. It is more than a doctor's office, yet less than a hospital; and is independently operated. (However, transfer agreements with two major hospitals provide for the patient's continued care if indicated.)

2. It has been designed "from the ground up" to suit the particular requirements of the come-and-go patient, a fact which helps to keep the cost of care at a minimum.

3. With the exception of the physicians' fees, a single, all-inclusive charge will be made for each procedure. While the charge for an infant herniorrhaphy will be greater than for a cystoscopy, there will be a pre-set charge for each. This means that each patient, each surgeon, and each insurance carrier will know in advance of the operation exactly what the cost for a given procedure will be.

Since the Surgicenter is not a hospital in the legal sense, no licensure by the State Department of Health is required. Nevertheless, the authors asked State Health Department officials to review the project, with the result that several excellent suggestions made by them were incorporated into the final plans. The Acting Commissioner, Henry D. Smith, M.D., wrote under date of May 23, 1969, as follows:

"We feel your facility is both structurally and functionally sound. It is indeed refreshing to see new approaches being made in the delivery of health care services."

The above instance is in keeping with the policy of the authors to inform all interested parties of our plans, and invite their questions and comments.

Thus, early in the year, we discussed our ideas with three different hospital administrators, all of whom assured us we can count on their cooperation. On February 11, the Board of Directors of the Maricopa County Medical Society were apprised of our plans. Dwight Wilbur, M.D., when President of the American Medical Association, wrote that he was interested in reading about the plan and wished us success in implementing it. In a recent communication with Mr. Chris N. Theodore, Director of the A.M.A.'s Division of Health Services, we provided him with pertinent information; and a copy of his letter with enclosures was sent to Arizona's A.M.A. delegation.

We have welcomed suggestions from our colleagues, and have discussed with them in detail the ways in which this facility can serve the needs of surgeons and their patients. Their enthusiastic response indicates clearly that, contrary to current popular opinion, doctors *are* interested in the cost of medical care. Nurses with whom we have discussed the matter have shown a similar interest; and those who are to help us launch the project have spent many hours on the plans and in the selection of the instruments to be made available to surgeons using the facility.

Gerald D. Dorman, M.D., currently President of the American Medical Association, wrote in JAMA of August 11: ". . . we must foster innovation in delivery of health care, we must improve our efficiency, and we must develop our highest possible level of ethics and self-discipline . . . we need local answers to local problems in each area."

We submit the concept of the Surgicenter as a step in the direction pointed out by Dr. Dorman; and emphasize that it is being constructed and will be maintained without cost to the taxpayer, local, state, or federal.

The Surgicenter concept certainly appears to fit into the "basic philosophy" of the current administration, judging from remarks attributed to former HEW Secretary John Gardner. Mr. Gardner is quoted by the *American Medical News* (August 18, 1969) as stating we need more fruitful relationships between the public and private sectors. Forces now at work tend, says Mr. Gardner, "to squeeze out pluralism, and to move us toward one comprehensively articulated system of power. We must work against that trend . . . As I contemplate that trend, I find myself treasuring every remaining bit of pluralism, everything that stands between us and the one all-embracing system . . ." Herbert Marcuse favors a more "directed" society, Gardner said. "In doing so, he makes the assumption made by all who fall into authoritarian doctrines—that, in the 'directed' society he envisages, people who shares his values will be calling the tune. So thought the businessmen who supported Hitler."

While the primary function of the Surgicenter is to serve the particular needs of the ambulatory patient and his surgeon, it is not intended to be used as an emergency-care center. Experiences elsewhere indicate that the real emergency belongs in the hospital environment. Nevertheless, it is worth noting that the facility would be readily available and immediately useful to the community in time of a major disaster of any kind.

In summary, the Surgicenter is a response from the private sector to the many urgent appeals from the government, labor, industry, and the medical profession to streamline the delivery of medical care and reduce its cost. It is designed to provide quality surgical care to the patient whose operation is too demanding for the doctor's office, yet not of such proportion as to require hospitalization. Numerous advances in surgical technics, together with new local and general anesthetic agents, have been utilized successfully at teaching hospitals to treat the come-and-go patient. The authors intend to demonstrate with the Surgicenter that an independently-operated facility can function as successfully with even greater savings to the patient while maintaining high standards of care.

FIGURE 1

AETNA LIFE & CASUALTY,
Hartford, Conn., March 21, 1969.

To Whom It May Concern:

This is to certify that most of the group medical expense benefit policies issued by Aetna Life Insurance Company provide, among other benefits, payment in whole or in part of hospital charges for ancillary services rendered by the hospital in connection with the performance of a surgical procedure in its out-patient department. It further certifies that for purposes of the above benefit the ambulatory Surgicenter proposed by Drs. Wallace A. Reed and John L. Ford of Phoenix, Arizona, as approved by the Comprehensive Health Planning Council of Maricopa County, will be deemed to be a hospital outpatient department with respect to surgical procedures performed therein that require anesthesia other than by means of local infiltration of the anesthetic. While the Aetna Life Insurance Company expects to so recognize the proposed Surgicenter indefinitely, it reserves the right to discontinue doing so without notice anytime after December 31, 1971.

Sincerely,

D. W. PETTENGILL,
Vice President, Group Division.

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[3] Dornette, William: Planning Tomorrow's Hospital Today, title of a paper given at the A.S.A. meeting in Washington, October, 1968.

[4] Agreement of Conditions for the Establishment of an "Ambulatory Surgicenter" Submitted to the Board of Directors, Comprehensive Health Planning Council (and approved by the Board) March, 1969.

[5] McNerney, Walter J., as quoted in a news release published on p. 3 of "Medical Group News," April, 1969.

[6] McNerney, Walter J., as quoted in a news release published in "U.S. News and World Report," March 24, 1969.

FIGURE 2

ASSISTANT SECRETARY OF DEFENSE,
Washington, D.C., May 16, 1969.

Memorandum for: The Surgeon General of the Army; The Surgeon General of the Navy; and The Surgeon General of the Air Force.

Subject: "Surgicenters."

We have recently learned of a new concept in health facilities which is now under development, known as "surgicenters." Under the concept involved, such facilities would be staffed and equipped to do surgery either of the type presently performed in a physician's office or, more importantly, of the type which frequently results in an expensive admission to a hospital for from 12 to 36 hours. In essence, it would be an ambulatory surgical facility.

We think this is an interesting and worthwhile concept. We intend to add it to DoD Directive 6010.4, plus a definition of what a surgicenter shall consist of in order to participate in the CHAMPUS. In this connection, attached is a copy of an agreement between a health planning council in Arizona and two physicians in that State who are now developing a surgicenter. Also attached is a copy of the standards regarding such a facility recently prescribed by a large health insurance company.

For planning purposes we have concluded that while a surgicenter would be neither a hospital nor a physician's office, it is closer to the former and that, therefore, it should be considered as a hospital for cost-sharing purposes under the CHAMPUS.

LOUIS M. ROUSSELOT, M.D.,
Deputy Assistant Secretary
(Health and Medical).

NEW INNOVATION DEVELOPED BY LOCAL DOCTORS MAY BRING CHANGE IN HOSPITAL LICENSING ACT

(By Paul Singer)

The astronomical rise in the cost of hospitalization is of great concern not only to the paying public but also to the organizations that underwrite these costs on a prepared basis, such as insurance companies, Medicare and Blue Cross-Blue Shield. It is of little comfort to the premium payers that this great rise is due to the escalation of salaries to the hospital employees and the rising cost of supplies, medications, equipment and food and that the hospitals are justified in raising their daily rates to meet these costs.

One facet of this tremendous cost is seen in the charges made to the non-hospitalized surgical patient who comes to the hospital, has his surgery and goes home after a period of recovery from the anesthesia. Part of this high charge is the pro-rating of the over-all hospital costs to this segment of the hospital function, a prorating that from an actuarial basis is fully justified.

In order to make out-patient surgery less costly to the patient as well as the insurers, an innovation was undertaken by two local physicians, Drs. Wallace Reed and John Ford, anesthesiologists, by creating a strictly non-hospitalized surgery, calling it the Phoenix Surgicenter. Since the charges made here will reflect only the strict cost of the service, which includes amortization, operation, and a certain profit (this is not a non-profit but a private enterprise) it will be considerably less than the same service would cost in one of the regular hospitals even though a profit will be made on the charges. The two physicians pledged and invested about a third of a million dollars in this venture, and so interesting is this idea that inquiries have come in from all parts of the country desiring to copy this method of medical care on a reasonable cost basis. Since the inception of the Surgicenter there has been a reduction in the outpatient charges in some of the hospitals in order to meet the competition. In this way the public is already benefiting from this idea.

The cloud that covers this sunshiny picture is the problem that Arizona Blue Cross states that it cannot pay for this service, since its charter states that only accredited hospitals can be under contract with it. Some lawyers feel that the charter has sufficient leeway that would permit payment, and others argue against the payment. It must be assumed that Blue Cross would be glad to pay the charges since it would save them a lot of money and would enable them to reduce the premiums.

The only way the Surgicenter will receive Blue Cross funds will be if the legislature amends the hospital licensing act and declares the Surgicenter a short-term-stay hospital. This would not be too formidable a task, provided that the hospital lobby stays out of the matter and does not torpedo the act. It would be a shame to deprive the public of cheaper medical care. It is to be hoped that the legislature will act in the interests of the public, and promptly.

H.R. 15496

A bill to amend title XVIII of the Social Security Act to provide coverage under the supplementary medical insurance program for surgical services furnished in certain facilities which are established to perform surgery without inpatient hospitalization

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 1861(s)(2) of the Social Security Act is amended—

(1) by striking out "and" at the end of subparagraph (C);

(2) by adding "and" after the semicolon at the end of subparagraph (D); and

(3) by adding at the end thereof the following new subparagraph:

"(E) ambulatory surgical services;".

(b) Section 1861 of such Act is further amended by adding at the end thereof the following new subsection:

"Ambuatory Surgical Services; Ambulatory Surgical Center

"(z)(1) The term 'ambulatory surgical services' means services and supplies (including drugs and biologicals which cannot, as determined in accordance with regulations, be self-administered), other than physicians' services, which are furnished by an ambulatory surgical center to an individual who is a patient therein, but does not include such services and supplies furnished in connection with surgery which requires anesthesia by means of local infiltration of the anesthetic, except in the case of surgery for cataract removal, rhinoplasty performed for other than cosmetic purposes, first-stage tympanoplasty, and other comparable procedures authorized by the Secretary.

"(2) The term 'ambulatory surgical center' means a public or private institution which—

"(A) is established, equipped, and operated primarily for the purpose of performing surgical procedures;

"(B) is operated under the supervision of a staff of physicians;

"(C) permits a surgical procedure to be performed only by a physician who at the time is legally authorized to perform such procedure and is privileged to perform such procedure in at least one hospital in the area;

"(D) requires (in all cases other than those requiring only local infiltration anesthetics) that a licensed anesthesiologist administer the anesthetics and remain present during the surgical procedure;

"(E) provides at least two operating rooms and at least one post-anesthesia recovery room;

"(F) is equipped to perform diagnostic x-ray and laboratory examinations required in connection with any surgery to be performed;

"(G) does not provide beds or other accommodations for patients to stay overnight;

"(H) provides full-time services of registered professional nurses for patient care in the operating and post-anesthesia recovery rooms;

"(I) has available the necessary equipment and trained personnel to handle foreseeable emergencies (including a defibrillator for cardiac arrest, a tracheotomy set for airway obstruction, and a blood bank or other blood supply);

"(J) maintains a written agreement with one or more hospitals in the area for immediate acceptance of patients who develop complications or require post-operative confinement;

"(K) provides for the periodic review of the center and its operations by a utilization review or other committee composed of physicians having no financial connection with it;

"(L) maintains adequate medical records for each patient; and

"(M) meets such other requirements as the Secretary finds necessary in the interest of the health and safety of individuals who are furnished services."

SEC. 2. (a) Section 1832(a) of the Social Security Act is amended—

(1) by striking out "paragraph (2)(B)" in paragraph (1) and inserting in lieu thereof "paragraphs (2)(B) and (2)(D)";

(2) by striking out "and" at the end of paragraph (2)(B);

(3) by striking out the period at the end of paragraph (2)(C) and inserting in lieu thereof "; and "; and

(4) by adding at the end of paragraph (2) the following new subparagraph:

"(D) ambulatory surgical services."

(b)(1) Section 1835(a) of such Act is amended—

(A) by striking out "and (D)" in paragraph (2)(B) and inserting in lieu thereof "(D), and (E)";

(B) by striking out "and" at the end of paragraph (2)(B);

(C) by striking out the period at the end of paragraph (2)(C) and inserting in lieu thereof "; and ";

(D) by inserting immediately after paragraph (2)(C) (and above the last sentence of paragraph (2)) the following new subparagraph:

"(D) in the case of ambulatory surgical services, (i) such services are or were medically required, and (ii) such services are or were furnished while the individual is or was under the care of a physician.";

(E) by inserting before the period at the end of the last sentence of paragraph (2) the following: ", and shall include an ambulatory surgical center"; and

(F) by striking out "(A) or (B)" in the last sentence and inserting in lieu thereof "(A), (B), or (C)".

(2) Section 1835(b) of such Act is amended—

(A) by striking out "even though such hospital" and inserting in lieu thereof ", or made to any ambulatory surgical center for ambulatory surgical services furnished by it to such an individual, even though such hospital or center";

(B) by inserting "or center" after "hospital" to clause (B) of paragraph (1);

(C) by striking out "such hospital" in clause (C) of paragraph (1) and inserting in lieu thereof "in the case of a hospital, such hospital";

(D) by inserting "or center" after "hospital" in the last sentence of paragraph (1); and

(E) by inserting "furnished by or under arrangements with a hospital as" after "services" where it first appears in paragraph (2).

(3) Section 1835 (c) of such act is amended—

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(A) by inserting "or ambulatory surgical center" after "hospital" where it first appears;

(B) by inserting "or by such center" after "outpatient";

(C) by inserting "or centers" after "hospitals" in the last sentence; and

(D) by inserting "or center" after "hospital" in the last sentence.

(c) Section 1861 (u) of such Act is amended by striking out "or home health agency" and inserting in lieu thereof "ambulatory surgical center, or home health agency".

(d) Section 1864 (a) of such Act is amended—

(1) by striking out "is a hospital or extended care facility" in the first sentence and inserting in lieu thereof "is a hospital, extended care facility, or ambulatory surgical center";

(2) by striking out "or home health agency" in the second sentence and inserting in lieu thereof "ambulatory surgical center, or home health agency"; and

(3) by striking out "or home health agencies" in the third sentence and inserting in lieu thereof "ambulatory surgical centers, or home health agencies".

(e) Section 1866(e) of such Act is amended by inserting before the period at the end thereof the following: ", and shall include an ambulatory surgical center".

Sec. 3. The amendments made by this Act shall apply with respect to services furnished on and after the first day of the second month which begins more than ten days after the date of the enactment of this Act.

CONGRESS MUST UNDO PRIVATE-SCHOOLS RULING

Mr. ABERNETHY. Mr. Speaker, I ask unanimous consent to include at this point in the Record an article by James J. Kilpatrick entitled "Congress Must Undo Private-Schools Ruling."

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

The article is as follows:

Congress Must Undo Private-Schools Ruling

(By James J. Kilpatrick)

The decision by three federal judges here in Washington, denying tax exemption to certain private schools in Mississippi, comes as one more intolerable judicial usurpation of power. The action cannot be condoned; and it must be swiftly undone by the Congress.

The law could not be more clear. Under Section 501(c)(3) of the Tax Code, a nonprofit organization is exempt from federal taxes if it is organized and operated exclusively for religious, charitable, scientific, literary "or educational" purposes, provided only that it stays out of lobbying and politics. Roughly 50,000 such institutions have qualified formally for the cumulative list of exempt organizations maintained by the Internal Revenue Service.

These exempt organizations include institutions that are all black, all white, all Christian, and all Jew. Until the moment of this autocratic court decree, the act of Congress prevailed: It was necessary to ask only if the institution in question met the requirements of law. If so, it qualified automatically, and gifts to such institutions became deductible in computing one's income tax.

The effect of last week's injunction is to elevate the whims, caprices and obsessions of federal judges to a level never contemplated under our form of government. If a drastic change were to be made in the interpretation of Section 501(c)(3), such a change might first be the prerogative of the commissioner of Internal Revenue. No commissioner ever has sought such power. More precisely, such a change involves a profound question of legislative policy: It is the business of Congress. And in its recent comprehensive revisions of the Tax Code, Congress made no move whatever to limit tax exemptions to racially integrated institutions only.

Why did the three judges rule as they did? I do not challenge their sincerity, integrity or competence. Doubtless they felt they were following dutifully upon the obsessions of their masters, the Supreme Court of the United States. The high court repeatedly has commanded integration now, integration everywhere, integration without regard to law, common sense, or the Constitution.

Make no mistake: This profoundly complex question of public affairs has come fully under the sway of a judicial oligarchy. It might be possible, through ordinary political processes, to remove or to reverse a commissioner of Internal Revenue. It still is possible to elect a House and Senate that will insist upon a "Whitten amendment" positively to prohibit the busing of pupils and the closing of schools under the Civil Rights Act. But the judges are unreachable.

In a free country, it ought to be possible for parents in Mississippi, or anywhere else, to set up any kind of educational institutions they please, and to be entitled to the same privileges, immunities, and benefits of all other parents. If they choose to educate their children in factories, Sunday schools, private homes, or pup tents, subject merely to the general police powers of the state, this is—or was—their right.

No longer. Last week's decree was deliberately punitive, deliberately calculated to achieve a certain sociological end regarded by the judges as desirable. The decree, to repeat, is part of a pattern. In Atlanta, parents by the thousands have petitioned the judges for relief from arbitrary action. In Oklahoma City, a federal judge has threatened to jail a 14-year-old boy and his parents if the boy refuses to attend a certain integrated junior high. The high court itself, in royal disdain for practical problems of the real world, last week insisted on a Feb. 1 deadline for the integration of 300,000 children in five Deep South states.

It is just as Plato said. "The people always have some champion whom they set over them and nurse into greatness. . . . This and no other is the root from which a tyrant springs; when he first appears, he is a protector." So with the high court. An acquiescent people, having surrendered their liberties to the judges in what seemed a good cause, have watered the roots. We harvest tyranny now.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. Bob Wilson (at the request of Mr. Gerald R. Ford), for today, on account of death in family.

Mr. Grover (at the request of Mr. Gerald R. Ford), for the balance of the week, on account of death in family.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. Cowger) and to revise and extend their remarks and include extraneous matter:)

Mr. Schadeberg, for 15 minutes, today.

Mr. Schadeberg, for 30 minutes, on January 22.

Mr. Price of Texas, for 15 minutes, today.

(The following Members (at the request of Mr. Brinkley); to revise and extend their remarks and include extraneous matter:)

Mr. Pepper, for 10 minutes, today.

Mr. Farbstein, for 20 minutes, today.

(The following Members (at the request of Mr. Montgomery) to revise and extend their remarks and include extraneous material:)

Mr. Dent, for 30 minutes, today.

Mr. Brinkley, for 30 minutes, today.

Mr. Hamilton, for 10 minutes, today.

Mr. Pryor of Arkansas, for 60 minutes, on January 28.

Mr. Perkins, for 60 minutes, January 22, to revise and extend his remarks and include extraneous material.

(The following Members (at the request of Mr. Weicker); to revise and extend their remarks and include extraneous matter:)

Mr. Rhodes, for 10 minutes, today.

Mr. Schwengel, for 1 hour, on January 28.

Mr. Philbin, for 20 minutes, today; to revise and extend his remarks and include extraneous matter.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. Gross in two instances and to include extraneous matter.

Mr. Madden and to include extraneous matter.

Mr. Randall in two instances and to include extraneous matter.

(The following Members (at the request of Mr. Cowger) and to include extraneous material:)

Mr. Steiger of Wisconsin.

Mr. Wampler.

Mr. Ayres.

Mr. Price of Texas.

(The following Members (at the request of Mr. Weicker) and to include extraneous matter:)

Mr. Whitehurst in two instances.

Mr. Derwinski.

Mr. Rhodes in five instances.

Mr. Edwards of Alabama.

Mr. Wyman in two instances.

Mr. Steiger of Arizona in two instances.

(The following Members (at the request of Mr. Montgomery) and to include extraneous material:)

Mr. Monagan in two instances.

Mr. Powell in three instances.

Mr. Patman.

Mrs. Chisholm.

Mr. Long of Maryland in six instances.

Mr. Biaggi in 10 instances.

Mr. Cohelan.

Mr. Philbin in four instances.

Mr. Fascell in three instances.

Mr. Mahon in two instances.

Mr. Fuqua in two instances.

Mr. Ryan in two instances.

Mr. Hagan in two instances.

Mr. Gonzalez in two instances.

(The following Members (at the re-

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quest of Mr. Brinkley) and to include extraneous matter:)

Mr. Vanik in two instances.

Mr. Daniel of Virginia.

Mr. Dulski in six instances.

Mr. Rarick in three instances.

Mr. Bingham in four instances.

Mr. Jones of North Carolina in two instances.

Mr. Galifianakis.

Mr. Dent.

Mr. Hathaway.

Mr. O'Neal of Georgia.

ADJOURNMENT

Mr. BRINKLEY. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 1 o'clock and 45 minutes p.m.), the House adjourned until tomorrow, Thursday, January 22, 1970, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1523. A letter from the Secretary of the Air Force, transmitting a report on the progress of the Reserve Officer Training Corps flight training program for the calendar year 1969, pursuant to the provisions of section 2110(b) of title 10, United States Code; to the Committee on Armed Services.

1524. A letter from the Comptroller General of the United States, transmitting a report on the questionable payment of taxes to other governments on U.S. defense activities overseas, Department of Defense and Department of State; to the Committee on Government Operations.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. STAGGERS: Committee on Interstate and Foreign Commerce. Activity of the Committee on Interstate and Foreign Commerce, 91st Congress, first session (Rept. No. 91–795). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. BENNETT:

H.R. 15479. A bill to provide for uniform and equitable treatment of persons displaced from their homes, businesses, or farms by Federal and federally assisted programs and to establish uniform and equitable land acquisition policies for Federal and federally assisted programs; to the Committee on Public Works.

By Mr. BIAGGI:

H.R. 15480. A bill to clarify and strengthen the cargo-preference laws of the United States, and for other purposes; to the Committee on Merchant Marine and Fisheries.

By Mr. BIAGGI (for himself, Mr. Bingham, Mr. Don H. Clausen, Mr. Dingell, Mr. Garmatz, Mr. Helstoski, Mr. Hosmer, Mr. Lujan, Mr. Mikva, Mrs. Mink, Mr. Pettis, Mr. Podell, Mr. Rodino, Mr. Tiernan, Mr. Widnall, and Mr. Wolff):

H.R. 15481. A bill to provide for the protection of children against physical injury caused or threatened by those who are responsible for their care; to the Committee on Ways and Means.

By Mr. BURTON of UTAH:

H.R. 15482. A bill to provide for the apportionment of funds in payment of a judgment in favor of the Shoshone Tribe in consolidated Dockets Nos. 326–D, 326–E, 326–F, 326–G, 326–H 366 and 367 before the Indian Claims Commission, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. BUSH:

H.R. 15483. A bill to revise the Federal election laws, and for other purposes; to the Committee on House Administration.

By Mr. DENT:

H.R. 15484. A bill to amend title XVIII of the Social Security Act to provide payment for chiropractors services under the program of supplementary medical insurance benefits for the aged; to the Committee on Ways and Means.

H.R. 15485. A bill to amend the Internal Revenue Code of 1954 to provide that pensions paid to retired law enforcement officers shall not be subject to the income tax; to the Committee on Ways and Means.

By Mr. DIGGS:

H.R. 15486. A bill to amend title XVIII of the Social Security Act to provide payment for chiropractors' services under the program of supplementary medical insurance benefits for the aged; to the Committee on Ways and Means.

By Mr. ECKHARDT (for himself and Mr. Farbstein):

H.R. 15487. A bill to increase the actuarial soundness of the Government National Mortgage Association; to the Committee on Banking and Currency.

By Mr. FLYNT:

H.R. 15488. A bill to define the application and effective date of court orders effecting desegregation of faculty and students in public school systems; to the Committee on the Judiciary.

By Mr. KOCH:

H.R. 15489. A bill to amend the Military Selective Service Act of 1967 to prohibit the assignment of any person inducted under such act to active duty in Vietnam unless he consents to such assignment; to the Committee on Armed Services.

H.R. 15490. A bill to amend the Urban Mass Transportation Act of 1964 to authorize certain grants to assure adequate commuter service in urban areas, and for other purposes; to the Committee on Banking and Currency.

H.R. 15491. A bill to amend the Clean Air Act to require a State to hold public hearings prior to the adoption by such State of a plan for the implementation, maintenance, and enforcement of air quality standards; to the Committee on Interstate and Foreign Commerce.

By Mr. LATTA:

H.R. 15492. A bill to amend the Internal Revenue Code of 1954 to provide an investment credit for small business (including the business of farming) for property constructed or acquired after April 18, 1969; to the Committee on Ways and Means.

By Mr. PUCINSKI (for himself, Mr. Brademas, Mr. Scheuer, and Mr. Clay):

H.R. 15493. A bill to provide a program to improve the opportunity of students in elementary and secondary schools to study cultural heritages of the major ethnic groups in the Nation; to the Committee on Education and Labor.

By Mr. QUILLEN:

H.R. 15494. A bill to amend the Railroad Retirement Act of 1937 to provide a 15 per centum increase in annuities; to the Committee on Interstate and Foreign Commerce.

H.R. 15495. A bill to amend title XVIII of the Social Security Act to provide payment for chiropractors' services under the program of supplementary medical insurance benefits for the aged; to the Committee on Ways and Means.

By Mr. RHODES:

H.R. 15496. A bill to amend title XVIII of the Social Security Act to provide coverage under the supplementary medical insurance program for surgical services furnished in certain facilities which are established to perform surgery without inpatient hospitalization; to the Committee on Ways and Means.

By Mr ROONEY of Pennsylvania:

H.R. 15497. A bill to further the general health and welfare by regulating the sale to children and to the general public of candy products portrayed as resembling cigarettes and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. ST. ONGE:

H.R. 15498. A bill to amend title XVIII of the Social Security Act to provide that a chiropractor, naturopath, podiatrist, or other licensed practitioner of the healing arts shall be considered a physician for purposes of health insurance benefits thereunder; to the Committee on Ways and Means.

By Mr. TIERNAN:

H.R. 15499. A bill to provide an exemption from the draft for persons serving in the Peace Corps or Volunteers in Service to America; to the Committee on Armed Services.

By Mr. VAN DEERLIN:

H.R. 15500. A bill to aid in the control of drug abuse by establishing a code for the identification of prescription drugs, to be printed on individual tablets or capsules; to the Committee on Interstate and Foreign Commerce.

H.R. 15501. A bill to amend the Federal Food, Drug, and Cosmetic Act to impose restrictions upon the exportation of barbiturates and amphetamines; to the Committee on Interstate and Foreign Commerce.

By Mr. WYDLER:

H.R. 15502. A bill to provide that certain employment restrictions on players or teams in professional sports are illegal restraints of trade; to the Committee on the Judiciary.

By Mr. CHAPPELL (for himself, Mr. Sikes, Mr. Haley, Mr. Rivers, and Mr. Daniel of Virginia):

H.J. Res. 1054. Joint resolution proposing an amendment to the Constitution of the United States with respect to freedom of choice in attending public schools; to the Committee on the Judiciary.

By Mr. CHAPPELL (for himself, Mr. Sikes, Mr. Haley, Mr. Rivers, and Mr. Daniel of Virginia):

H.J. Res. 1055. Joint resolution proposing an amendment to the Constitution of the United States with respect to freedom of choice in attending public schools; to the Committee on the Judiciary.

By Mr. CRAMER (for himself, Mr. Burke of Florida, and Mr. Frey):

H.J. Res. 1056. Joint resolution proposing an amendment to the Constitution of the United States relating to the busing or involuntary assignment of students; to the Committee on the Judiciary.

By Mr. ST. ONGE:

H.J. Res. 1057. Joint resolution to provide for the designation of the third week in May of each year as "Municipal Clerk's Week"; to the Committee on the Judiciary.

By Mr. SCHERLE:

H.J. Res. 1058. Joint resolution to require the continuation of payments for the 1970 crop of feed grain; to the Committee on Agriculture.

By Mr. PEPPER (for himself, Mr. Harrington, Mr. Flood, Mr. Gray, Mr. Gallagher, Mr. Smith of Iowa, Mr. Waldie, Mr. Dent, Mr. Leggett, Mr. Pike, Mr. Poage, Mr. Farbstein, Mr. Dulski, Mr. Foley, Mr. Gibbons,

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Mr. Cabell, Mr. Garmatz, Mr. Lowenstein, Mr. Rosenthal, Mr. Patten, Mr. St Germain, Mr. Ottinger, and Mr. Gaydos):

H. Con. Res. 479. Concurrent resolution to express the sense of the House with respect to peace in the Middle East; to the Committee on Foreign Affairs.

By Mr. PEPPER (for himself, Mr. Howard, Mr. Brasco, Mr. Corman, Mr. Fallon, Mr. Karth, Mr. Macdonald of Massachusetts, Mr. Helstoski, Mr. O'Neill of Massachusetts, Mr. Adams, Mr. Mikva, Mr. Tunney, Mr. Biaggi, Mr. Hicks, Mr. Tiernan, Mr. Baring, Mr. Anderson of California, Mr. Blatnik, Mr. Daddario, Mr. Carey, Mr. Ryan, Mr. Wright, Mr. Stratton, Mr. Conyers, and Mr. Hechler of West Virginia):

H. Con. Res. 480. Concurrent resolution to express the sense of the House with respect to peace in the Middle East; to the Committee on Foreign Affairs.

By Mr. ASPINALL:

H. Res. 786. Resolution to provide further funds for the expenses of the investigations authorized by House Resolution 21; to the Committee on House Administration.

By Mr. CRAMER:

H. Res. 787. Resolution to express the sense of the House with respect to peace in the Middle East; to the Committee on Foreign Affairs.

By Mr. DERWINSKI (for himself, Mr. Crane, Mr. Buchanan, Mr. Biester, Mr. Brock, Mr. Fish, Mr. Goodling, Mr. Harvey, Mr. Hastings, Mr. Hogan, Mr. Horton, Mr. Hunt, Mr. Johnson of Pennsylvania, Mr. Jonas, Mr. Kleppe, Mr. McClory, Mr. McDonald of Michigan, Mr. McEwen, Mr. Pettis, Mr. Railsback, Mr. Scott, Mr. Steiger of Wisconsin, Mr. Whitehurst, Mr. Williams, and Mr. Zion):

H. Res. 788. Resolution to express the sense of the House with respect to peace in the Middle East, to the Committee on Foreign Affairs.

By Mr. PERKINS (for himself and Mr. Ayres):

H. Res. 789. Resolution providing for the expenses incurred pursuant to House Resolution 200; to the Committee on House Administration.

By Mr. TAYLOR:

H. Res. 790. Resolution to express the sense of the House with respect to peace in the Middle East; to the Committee on Foreign Affairs.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. CAREY:

H.R. 15503. A bill for the relief of Domenico Marrone, his wife, Luisa Marrone, and their minor child, Luigi Marrone; to the Committee on the Judiciary.

By Mr. RYAN:

H.R. 15504. A bill for the relief of Cynthia Maude Robinson; to the Committee on the Judiciary.

By Mr. THOMPSON of Georgia:

H.R. 15505. A bill for the relief of Jack B. Smith and Charles N. Martin, Jr.; to the Committee on the Judiciary.

By Mr. UTT:

H.R. 15506. A bill for the relief of Krikor Garabed Ayvasian, Marian Ayvasian (wife), Leon Ayvasian, Sita Ayvasian, Artini Ayvasian, and Tgohi Ayvasian (children); to the Committee on the Judiciary.

EXTENSIONS OF REMARKS

FANNIN NOTES INDUSTRY PROBLEM

HON. SAM STEIGER

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 21, 1970

Mr. STEIGER of Arizona. Mr. Speaker, in the midst of an extremely difficult inflationary situation it is ironic that we are also facing an international trade problem of such burgeoning proportions that it may threaten our domestic economy.

In last Sunday's Arizona Republic, business and financial editor Don Campbell printed an interview with Arizona's Senator Paul Fannin outlining the scope of this problem and some of the actions which must be taken if a trade crisis is to be avoided.

Senator Fannin notes some of the complexities which have gotten us into our current international logjam and puts forth some interesting and innovative ideas on how the problem may be attacked.

Mr. Speaker, I include the article to which I have referred, which appeared in the Arizona Republic on Sunday, January 18, in the Record at this point:

Industry at the Crossroads?—Implacable Pincers of Soaring Costs, Low Tariffs Strangling Manufacturers in the Marketplace

(By Don G. Campbell)

With the possible exception of performing brain surgery in the back of a truck camper while negotiating the Coronado Trail, few things come quite so close to sheer impossibility as that of understanding our tariff laws.

And yet, ironically, few international arrangements strike so decisively at the-man-in-the-street's pocketbook and arouse so much emotionalism as this complex network of duties that each country erects to protect its domestic commodities and products from imports.

Ideally, of course, all countries should be so constituted that tariffs wouldn't be necessary and there would be, literally, "free trade" with everyone competing—no strings attached—with everyone else. But life is one thing, art is another, and free trade is an art that is as elusive today as it was when international commerce began.

The fact that the United States is, day by day, getting into an increasingly critical position in its foreign trade is no particular secret, but the very complexity of how we got into our current jam helps to obscure the seriousness of it. As our production costs soar, the fewer goods we sell overseas. The fewer goods we sell overseas, the more jobs are lost domestically.

And, at the same time, the more foreign markets we lose, the more American manufacturers are tempted to move some of their operations abroad to compete more evenly. The result: the loss of even more jobs here in the United States.

One of the more vocal advocates of taking action in this area before the damage is irreversible is Arizona's senior U.S. Senator, Paul J. Fannin, whose concern is underscored by the fact that Arizona's role as a foreign exporter is growing by leaps and bounds—up to $98.2 million in 1966 (the latest year available), exclusive of agricultural items, from $63 million just six years earlier. It was in 1966 that Arizona finally nosed Colorado out of the No. 1 spot in exports among the Mountain States.

The key to the crisis, Sen. Fannin said this past week in an interview, is the inflationary cycle in the United States and, in particular, the soaring cost of labor—which, since 1965, has risen at twice the rate of output per man hour.

As a case in point, Sen. Fannin cites the disparity between labor costs among the major auto producing countries. In the United States, according to Fannin's figures, labor costs in the industry amount to about $5.31 an hour as against:

Argentina, $1.19; Australia, $1.92; Brazil, $0.96; Germany, $2.20; Italy, $1.99; Japan, $1.40; Mexico, $2.04; South Africa, $1.05; United Kingdom, $1.57.

Undoubtedly, too, Fannin feels, labor considerations are also the prime factor in the explosive growth of imports currently crippling the domestic shoe industry. As recently as 1959, for instance, shoe imports equaled only 3.5 per cent of U.S. shoe production but, last year, they equaled 37.5 per cent of it, and the industry estimates that by 1975 one out of every two pairs of shoes sold in the United States will be foreign made.

The industry, Fannin said, also reckons that for every 10 million shoes imported (and there were 200 million of them in 1969), there are roughly 3,000 job opportunities lost for domestic shoe workers.

Hurt even more, of course, is the consumer electronic industry. Of the total market of 12.5 million television sets last year, for instance, a full 4.2 million of them, 33 per cent, came from abroad. The industry estimates that the import share of this will rise to 43 per cent of the market in the current year.

In the case of tape instruments, the battle already has been decisively lost—a full 10.8 million of the 11.9 million tape machines sold last year, 90 per cent—were imported. This year, the industry expects the import share of the market to rise to 92 per cent.

But, while "Cheap foreign labor" is the traditional rallying cry of the protectionists, Fannin said, the whole problem is a bit more complex than that. The disparity in labor costs, is further complicated by unfavorable tariff structures coming out of the "Kennedy Round" of tariff negotiations—a drastic reduction in the tariffs on about 100,000 products involved in world trade and a move that was decidely overdue.

The negotiations were the result of congressional action in 1963 giving the late President the authority to slash import duties up to 50 per cent across the board. The knotty details of the authorization, however, kept all 46 nations involved in the matter busy clear up until it was finally signed into law on Nov. 13, 1967.

"The trouble is," Sen. Fannin said, "that the tariffs worked out were supposed to even up the productive capacities of the countries involved. Countries like Mexico, with a much lower productive capacity than the United States, were protected from a flood of imports with relatively high tariffs."

The trouble is, the Arizona senator said, the situation changed quickly and, by the time the nonstop negotiations on the Kennedy Round had been completed, the pro-

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ductivity capacity of such countries as Japan and Germany had drastically changed—they no longer needed the "protection" that the high tariff still gave them.

Meanwhile, of course, inflation in the United States had continued at a dizzy pace and—between soaring costs and disadvantageous tariff barriers—American goods were rapidly being priced out of the market. (In France, for instance, tariffs are based on "horsepower units" which makes the duty on a Volkswagen only $16 while on a Chevy II, with only twice the "horsepower units," the duty is $180).

In order to sell abroad, at all, then, American manufacturers have been fleeing to such free-port assembly zones as Mexican border, Taiwan and Singapore—not merely to pick up lower priced labor, but to execute an end-run around the tariff barriers, too. The result: plants that should be built in the United States ("You can train an American Indian," Sen. Fannin said, "to assemble a part just as easily as you can teach a Korean.") are being built abroad and staffed by foreigners.

By the end of 1970, the electronic industry estimates, all but two of the major American manufacturers will be importing complete TV sets, or substantially finished chassis, from their own foreign plants for sales in the United States.

No one, Fannin said, wants to try to counter this by launching a drive for a return to the isolationistic high tariffs associted with the disastrous Smoot-Hawley Tariff Act of 1931 which would simply result in retaliatory tariffs around the world, shutting us completely out of all markets.

The solution, Arizona's senior senator believes, has to be a return to realism on the part of organized labor in the United States, plus legislation that would give American industries the same incentives for building plants in the United States as they now have for building them abroad.

"I don't see how labor can take much satisfaction in getting workers a $5-an-hour scale," Fannin said, "if there aren't any jobs to be filled—and that's the direction we're going."

Currently under study by the Treasury Department, he added, is proposed legislation that he has drafted that would domesticate some of the incentives—such as tax deferments on funds reinvested in plants—that American manufacturers now enjoy in setting up foreign subsidiaries.

But the time is short, and the squeeze is rapidly becoming a stranglehold.

J. EDGAR HOOVER, PATRIOT

HON. MASTON O'NEAL

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 21, 1970

Mr. O'NEAL of Georgia. Mr. Speaker, the Albany Herald, a distinguished newspaper in my district, on January 5, 1970, paid a most deserved tribute to one of America's most dedicated and respected public servants, Mr. J. Edgar Hoover, Director of the Federal Bureau of Investigation.

A little over 5 years ago this body unanimously adopted a resolution expressing the hope that Mr. Hoover would "continue in his present office for many years to come." I would like to reiterate that hope now.

Mr. Speaker, I include in the RECORD the editorial entitled "J. Edgar Hoover, Patriot":

J. EDGAR HOOVER, PATRIOT

J. Edgar Hoover has reached age 75, an occasion his friends have chosen as a signal to salute his 45 years of dedicated service as director of the Federal Bureau of Investigation, while his enemies have inveighed against him on the grounds of advanced age and anachronism.

As far as we are concerned, and we daresay as most Americans are concerned, the former have all the best of it.

Mr. Hoover is the one American in whom most other Americans have the greatest degree of confidence and respect. What is true today has been valid through the Administrations of eight Presidents of the United States. Because of it, Mr. Hoover, who is five years past the mandatory retirement age for Federal Government employes, could announce quietly that he has no intention of retiring, a decision in which the President concurs and which he, like Lyndon Johnson, made possible through a special Executive order.

Nor is this feeling confined merely to the Executive Branch of Government. On May 7, 1964, when Mr. Hoover completed 40 years as FBI director, the House of Representatives adopted a unanimous resolution expressing the hope that he would "continue in his present office for many years to come."

Certainly we cannot call to mind immediately any other American who has served his Government so long and so well as this by now familiar figure. Upon assuming his office, Mr. Hoover erased the vestiges of a veritable Augean Stable of corruption and scandal which he was named to correct, then proceeded to write a record of achievement in the area of law enforcement that became the envy of Scotland Yard and the French Surete and much, much older agencies of Western Europe which long had been adjudged the ne plus ultra in this field.

In so doing, Mr. Hoover, by dint of personal example, carved into the pillars of his bureau a reputation for honesty, integrity and flinty character, individually and collectively, that has often stood in stark contrast to other agencies and departments and even Branches of the Government. The Congress, both House and Senate, have been ensnared in scandals in the last 45 years; the FBI has not. The White House has had its deep freezes and minks and vicuna coats; the FBI has not. The Supreme Court has had the probity of some of its Justices questioned; the FBI has not endured any such tribulation.

Mr. Hoover would never permit it. It is as simple as that.

Consequently the only criticism that is leveled against him, except by those criminal sources which he himself has said would cause him great concern if they did not attack him, is that he over-concentrates on the threat of Communism to the American system. His critics charge that his expressed view in 1919, that Communist "doctrines threaten the happiness of the community, the safety of every individual, and the continuance of every home and fireside," has not altered in 50 years. Yet they contend that the nature of Communism is not today what it was 50 years ago.

We suggest that Mr. Hoover is right and they are wrong. For the Hoover critics would have a difficult time selling their view to, let us say, a quadruple amputee of the Vietnam War or the Korean War; to a horribly crippled East Berliner pulled bleeding to safety across the barbed wire of the Berlin Wall by humane West Berliners; to the political prisoner lying rotting in one of Senor Castro's dungeons, and to at least two brilliant Russian writers now undergoing Soviet incarceration for the offense of exercising the right of free speech which the U.S.S.R. Constitution guarantees to them—on paper only, it seems.

The "Communist menace" is only a "myth," say the Hoover critics, and the FBI director does the nation a disservice when he calls attention to it. What fuzzy-headedness! What nonsense!

It may not be politically chi chi these days to speak strongly on behalf of America, to express fealty and devotion to her principles of freedom—in short, to be a patriot. It may not be popular, but thank God for those who do so. And no American does so more forcefully, more convincingly, and then acts to give substance to these principles, than J. Edgar Hoover.

THE ARAB-ISRAELI DISPUTE

HON. G. WILLIAM WHITEHURST

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 21, 1970

Mr. WHITEHURST. Mr. Speaker, I have already joined with some of my colleagues in expressing concern over the recent statements of Secretary of State Rogers with respect to the Arab-Israeli quarrel in the Middle East. I have consistently stated that I believe that face-to-face discussions between Israeli and Arab representatives afford the best chance for permanent peace in that part of the world. Last week I had the opportunity to talk to representatives of the United Jewish Federation of Norfolk and Virginia Beach, the Jewish Community Council of Newport News-Hampton, and the Jewish Community Council of Portsmouth, along with other distinguished representatives of the Jewish community in Tidewater. These organizations have prepared a paper which I believe would have particular interest to my colleagues in the Congress. The paper sets out clearly past resolutions and analyzes the statements made by Secretary Rogers, as well as the positions adopted by the great powers with reference to the Arab-Israeli dispute.

The material follows:

PREPARED BY DIRECTION OF THE UNITED JEWISH FEDERATION OF NORFOLK AND VIRGINIA BEACH, THE JEWISH COMMUNITY COUNCIL OF NEWPORT NEWS-HAMPTON, THE JEWISH COMMUNITY COUNCIL OF PORTSMOUTH, AND THE COMMUNITY RELATIONS COMMITTEE OF THE ABOVE BODIES, JANUARY 9, 1970

I. Introduction:

This paper will attempt to outline our understanding, as interested citizens of the key points of disagreement between the United States, Israel, USSR and the Arab nations resulting from Secretary of State William P. Rogers' recent speech. We will attempt to evaluate these positions relating to the *best interests of the U.S.* and the free people of the world.

II. The UN resolution of 1967—the Six Day War:

(1) Advocated withdrawal of Israel armed forces from certain newly occupied territories,

(2) Stated that all nations should respect and acknowledge the sovereignty, territory integrity and political independence of every state in the area,

(3) Stated that all peoples have a right to live within secure and recognized boundaries without fear of war,

(4) Guaranteed freedom of navigation through international waterways,

(5) Required a just settlement of the refugee problem,

(6) Stated that Jerusalem must be available to all religions.

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III. U.S. interpretation and position prior to Secretary Rogers' speech is as follows:

(1) Territorial integrity must be secured for all.

(2) Direct negotiations are necessary with the Rhodes Formula as a possibility.

(3) Israel is a sovereign nation and has a right to eixst.

(4) International waterways are open to all.

(5) Refugee problem must be solved.

(6) Israel military position must be maintained at a level necessary for defense.

(7) Within the city of Jerusalem, the religious rights of all religions must be protected and guaranteed.

During subsequent Big Four conferences, the U.S. till now has continued to maintain these positions, specifically reiterating that direct negotiations are paramount, and further adding that no settlement would be imposed, and the U.S. would draw no maps of territory adjustments. Secretary Rogers' speech changes these positions.

IV. The Russian position has been as follows:

(1) All occupied territories must be returned.

(2) An imposed peace by the giant powers is the only possible solution.

(3) Waterways are to be internationalized.

(4) Refugees from Israel must all be repatriated.

V. The position of Israel has been and is:

(1) First, peace treaties must be signed between the belligerents, then the UN resolution of 1967 can be implemented.

(2) Israel is willing to cooperate in solving the refugee problem.

(3) Territory and other advantages won by Israel are negotiable and can be discussed.

(4) Direct negotiations are a necessity; the Rhodes Formula as used by Dr. Ralph Bunche is acceptable.

VI. Position of the Arab nations is:

(1) First, withdrawal by Israel from all occupied territories, then negotiation through the UN is possible.

(2) No direct negotiations with Israel.

(3) Israel's sovereignty is not recognized.

(4) The Rhodes Formula is not acceptable.

(5) The Arab nations are unalterably dedicated to the destruction of Israel.

VII. The positions held by the U.S. prior to Secretary Rogers' changes *have been advantageous to the best interests of the U.S.* as follows:

(1) The USSR moved into the area in strength, arming and rearming the Arab nations. The USSR dispersed a fleet into the Mediterranean; the USSR began a program of economic aid, and military advisors, chiefly to Egypt. The obvious and ultimate goal of the USSR was to nullify the U.S. influence in the area and to threaten the NATO alliance. A free and strong Israel has prevented USSR influence from engulfing the Near East and the NATO alliance, especially Turkey.

(2) The wishes of the American people have been fulfilled in their desire to succor the survivors of the European holocaust of the Hitler era.

(3) Even though diplomatic relationship between certain oil producing Arab nations and the U.S. were severed immediately after the Six Day War, these nations *continued* to sell their oil to their most valuable customer, the U.S. The U.S. has continued to secure oil as needed from the Middle East without having to commit troops to defend American interests. Contrary to Messrs. Rockefeller, McCloy and Anderson, there is no reason to believe these nations will discontinue selling oil to the U.S. now.

(4) Although the USSR has been able to extend its influence into certain Arab nations, this influence has been held to a reasonable degree by the existence of Israel, a staunch ally of the U.S.

(5) Obviously the U.S. believes its best interests are served by a strong Israel. For example, the hot line between the U.S. and the USSR was used during the Six Day War to cool the action. Secretary Rogers' proposal for admission of all refugees would create an enemy within that could eventually destroy Israel and deprive the U.S. of Israel's Mid East strength.

(6) The USSR can only be deterred by strength. This is one area of the world where strength by Israel has held the Russians in check throughout that part of the world without committing U.S. troops. Israel has specifically gone on record as not requiring or even considering U.S. troops.

(7) The democracy of Israel which supports, defends and strengthens the U.S. position in the Middle East has accomplished this without grant-in-aid from the U.S. in dollars or manpower.

VIII. Does Secretary Rogers' new position further the best interests of the United States? Will it bring peace? We think not.

(1) These new proposals represent a continued softening of the U.S. offers at the Big Two Conferences without any reciprocal proposals from Russia. The reverse is true; Arab and Russian intransigence becomes more evident. Their tactics most obvious; wait long enough and Israel's cards available for negotiation and compromise will have all been played by the U.S.

(a) Historically, only negotiations from positions of strength have been successful in containing Russian ambitions. The deterioration of Israel's bargaining position, i.e., imposed boundaries, refugee solution, city of Jerusalem, etc. ceded to the Arab world for very little in return by Secretary Rogers, weakens the possibility of peace in the Middle East.

(2) An "even-handed" policy on the part of the U.S. is excellent, provided it does not create an imbalance of military power in the Mid East. If the Arab nations continue to receive arms, money and advisors from Russia and also receive arms and aid from the U.S. in its "even-handed" policy, the end result is that Israel, receiving arms only from the U.S. will not be as strong as Arab nations. She will become vulnerable to attack as the Arabs receiving more material grow stronger. Inevitably this will weaken U.S. influence, strengthen USSR presence and create a salutary climate for Arab attack.

(3) The most recent addendum to Rogers' position which allows Jordan and/or Egypt to nullify any bilateral treaties between Israel and either of her neighbors, will emasculate present hope of peace between Israel and any of her neighbors willing to take a moderate tone.

(4) A potential threat to escalation is Israel forced to the wall by continued border warfare and terrorist tactics, stripped of its materials for negotiation (other than the methods of implementing Rogers' "giveaway" proposals) seeing its enemy growing stronger and foreseeing no hope for peace being forced to take additional military action to keep Russia off-balance and the Arab nations from getting strong enough to carry out Nasser's recent and continual threats of extinction.

5. If a nation refuses to negotiate it does not want peace. Traditionally the only successful way to end a war is for the parties to negotiate a viable peace treaty. The Arab nations have refused repeatedly to negotiate under any circumstances, while Israel continues to offer to negotiate. As long as Arabs believe U.S. will accept "no direct negotiation", peace will not come.

IX. Secretary of State Rogers omitted discussion of certain dynamics in the situation and changed others:

(1) El Fatah was not considered nor their continued use of UNWRA refugee camps, supplied mostly by U.S. funds, as recruiting and training centers for terrorists.

(2) Omitted was financial adjustment to those Jews forced to flee Arab nations leaving possessions behind. These refugees number approximately the same as Arab refugees.

(3) Omitted was provisions for releasing present Jews in Arab countries who wish to leave and are not allowed to do so.

(4) The Rhodes Formula was changed from that used by Dr. Ralph Bunche so that indirect negotiations through Rogers' recommendations means little. Direct negotiations between belligerents dropped. Provisions for enforcing Rogers' position vague and unworkable partly depending upon Russia and France as guarantors.

(5) Enforcement provisions still allow Arab nations to force withdrawal of policing troops under certian circumstances. Jordan and Egypt can nullify bilateral treaties with Israel.

X. We believe the U.S. should return to its positions prior to Secretary Rogers' speech and use its good offices, with others to bring these belligerents together and negotiate a political settlement.

Therefore we respectfully ask our Senators and our Representatives to reaffirm their position of April 24, 1969 wherein they recognized the necessity for direct negotiations between Arabs and Israel.

We further request that they ask President Nixon to reaffirm his statement of March 4, 1969 wherein he indicated there would be no "map drawing" of territories or imposed settlements on Israel by the U.S. and other nations.

A course requiring direct negotiations by the U.S. must eventually lead to peace. Historically any other course would not be lasting. Peace would help preserve the NATO alliance by lessening USSR pressure on Turkey and eventually Greece. A refuge for Jews would be preserved for Jews without placing a humanitarian strain for their rescue and resettlement in the Western world. Peace would permit the expansion of U.S. economic interest in the Near East. It will encourage Israel to remain and grow stronger as the only democratic nation in the Middle East, and a friend of influence of the U.S.

Newsweek, January 5, 1970 capsules the results of Secretary Rogers' position:

"But for the moment, Washington seems to be backing the policy that offended the Israelis, did little to improve relations with the Arabs and with Moscow with no reason to increase the pressure on its Arab clients to come to terms. All this underscored an unavoidable drawback to Mr. Nixon's low profile stand—namely, that it spells out how much Washington will allow its opponents to get away with. By applying that policy to the Middle East, Mr. Nixon was running the risk that his administration might dissipate its influence without achieving a settlement that serves the national interests."

HIGH INTEREST RATES AND SCHOOLCHILDREN

HON. WRIGHT PATMAN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 21, 1970

Mr. PATMAN. Mr. Speaker, high interest rates have hurt nearly everyone in this Nation, but no group has been hit harder or more tragically than the schoolchildren.

The high interest, tight money policies, which do not seem to worry anyone in the Nixon administration, are striking at the heart of our great public school system. Outrageous interest rates are forcing hundreds of school districts to forgo much-needed bond issues to finance new schools. Others are find-

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ing it impossible to market bonds already voted.

Mr. Speaker, as a result, schoolchildren are being faced with greatly overcrowded classrooms and, in some areas, the students are being forced into a half-day schedule because of rising interest rates.

Surely this Nation is not willing to see its school systems destroyed by high interest rates. It is a terrible shame that we have allowed this situation to reach this point. Mr. Speaker, apparently the situation in California is among the worst in the Nation. Recently, the Domestic Finance Subcommittee of the Banking and Currency Committee conducted "grassroots" hearings in Los Angeles and much of the testimony came from school officials who expressed great concern about what rising interest rates were doing to their schools.

Last week, the Daily Bond Buyer, a publication which follows school district bond issues closely, reported that high interest rates had stalled new school construction in California to the point where more than 100,000 elementary and high school students will be without adequate classroom space this year.

The publication reported that no funds are available for 225 building projects in 125 different California school districts.

Mr. Speaker, I insert in the Record a copy of the article from the Daily Bond Buyer of January 15, 1970.

Mr. Speaker, I also insert in the Record testimony by Mr. Monroe Sweetland, legislative assistant for the National Education Association, Western States, before the Domestic Finance Subcommittee on December 2, 1969, along with his pertinent insertions:

[From the Daily Bond Buyer, Jan. 15, 1970]

The $275 Million School Bonds Not Salable in California Due to 5 Percent Interest Limit

San Francisco.—The State's inability to market its bonds due to high interest rates has stalled new school construction to the point where more than 100,000 elementary and high school students will be without adequate classroom space this year, a new report states.

The report, the work of the State Allocation Board, warns the Legislature that no funds are available for about 225 building projects in 125 school districts. More than $275 million in school construction bonds, authorized by the voters, are unsalable because the interest rate has soared above the maximum 5 per cent limit.

The board, which makes loans to school districts under the State's school building aid program, said that since last March 13 it has been forced to fund only projects actually under construction or in site condemnation proceedings. And to assure completion of these projects existing monies in the State School Building Fund are being augmented by a loan from the General Fund, the report says.

Board executive officer Don Anderson said the main concern is for the spiraling number of non-funded projects. These have been listed according to a complicated priority point schedule, he explained, adding:

"When State bonds can be sold again and additional funds become available, this backlog will be financed in such priority order."

Of the $275 million in unsold bonds, $185 million has been committed to approved projects, leaving $90 million for new loan applications.

The report states that Proposition 7, which will be on the June 2 ballot, would increase the ceiling on State bond interest from 5 to 7 per cent. Bond interest rates now are averaging 6.7 per cent—highest in history. But even if the measure passes, Mr. Anderson said school districts will be hard pressed to fit construction bids into budgets approved a year or more before, when costs were less.

Then too, he said if the bonds again become salable, they will be competing with other State water, education, veterans and park bonds.

He urged establishment of priorities for scheduling bond sales in accordance with a coordinated policy.

Statement of Monroe Sweetland, Legislative Consultant, National Education Association, Western States

Mr. Sweetland. Thank you, I certainly will, Mr. Chairman.

The other day a columnist in one of the leading California newspapers, a financial columnist, took off on your distinguished chairman and quoted in some disparagement I think at the height of his emotion about the subject of high interest rates.

He quoted Congressman Patman as referring at times to highway robbery and a boarding house reach and the swindlers, and so forth. I have been on the telephone talking to school administrators in California, and I began to make notes after I talked to a few of them and I came up with the following words from them: users, pound of flesh, scalpers, legalized larceny, and bank robbery in reverse.

Now, this arises because probably the most devastating assault on our schools at the moment is the strike of the moneylenders and the bond houses. Their refusal to buy the bonds voted for our new schools by local taxpayers unless they can somehow exceed the present legal interest and force the States to hike the return to the lenders has set back our schools in a time of great need and is doing uncounted damage to the education of children.

In California, as Mr. Hanna well knows, it is aggravated by a game of Russian roulette we are playing with the children in the schools because of the fact that we built years ago many schools that were not earthquake proof. Under California's field act our district has been required under State law to eliminate the unsafe schools within a short period of time. That time has now run out and yet even when the local district passes a bond issue in response to that demand of the State of California they cannot build their buildings because they cannot sell the bonds.

I am here to report for the National Education Association and for our principal California affiliate, the California Teachers Association, that our leadership is not only aroused and determined to do something about this, but we are more than a little frightened at the impact of the skyrocketing interest rates on our school bonds.

I was dismayed this morning to see in the New York Times that the impoverished State of West Virginia yesterday sold a $90 million road bond issue but it received only one bid, and it accepted a record interest rate of 6.89 percent.

Mr. Hanna. Those are tax-free bonds.

Mr. Sweetland Yes, sir. They are comparable to the bonds we are talking about for our public schools in this State. When the California voters vote next June on raising the interest rate from 5 to 7 percent with all of its multi-million-dollar inflationary impact on our economy, and they may well turn it down, but when they vote they will be setting a limit of 7 percent. And already we see in the State of West Virginia, we saw in Silverton, Oreg., earlier this week that they are touching the 7-percent-interest rate anyway. So what are we doing? Are we engaged in a game that cannot lead us anywhere?

The Governor's principal consumer adviser, Mr. Valory. I thought her testimony was deplorable as indicating a lack of appreciation of the gravity of this problem. She pointed out what a powerful weapon the consumer has in leaving the product which he doesn't like or she doesn't like right there on the grocery shelf as if this was some solution. Well, you can't tell that to the children in the California schools, some of them are two and three shifts a day, disrupting the whole family schedule, destroying the efficacy of teaching. And yet, the best we could get out of our leadership in the State is a statement deploring the situation and saying that maybe we should leave the goods on the shelf.

Well, I want quickly to just mention I work in a number of Western States, in 13 of them, and I thought your committee might be interested in hearing a little about, just a word from each of several of them.

Washington State. Its 1969 State legislature, with a gun at its head, because of the refusal of the bond sellers to bid at 6 percent, hiked its rate to 8 percent, and bonds voted since March 31, 1969, may now go to 8 percent; 7 and 8 percent mean that on 25-year bonds the face value of the bonds doubles in the lifetime, more than doubles in the lifetime of the payroll.

Washington has to resubmit many bond issues and these are expensive special elections, and in that State they have to somehow attract 40 percent of the voters to a special election, and then 60 percent of them have to say "Yes," in order to ever raise the interest rate on these bonds.

Oregon. Oregon State Treasurer Bob Straub summed it up by saying, "High interest rates in 1969–71"—he told me I could say this to you—"tragically will cost Oregon schools and cities millions of dollars that could be much more usefully spent to meet greater needs for education and public health. However, we seem to have no choice. With extreme reluctance, our legislature has raised these limits on interest rates from 5 to 7 percent on the advice of our State bond attorney."

Nevada. Mr. Lincoln Liston, the finance officer of the State department of education reports the legislature raised the interest rates from 5 to 6 percent back in 1967, and in 1969 raised it to 7 percent.

Arizona. Governor Williams has requested the legislature to raise the rate.

California. And I have attached to my report a number of newspaper stories on the acute crisis in California as a result of the boycott of school issues by the financiers.

Mr. Hanna. At that point may I say that all of your testimony together with the attachments and the newspaper articles will be received and placed in the record.

Mr. Sweetland. I won't show you the—I won't try to read here or recite the many letters from school districts telling what havoc this thing is committing on the children in their districts.

Now, that isn't something you can correct next year. Once these kids have lost a year in school or have operated under very disadvantageous circumstances, you don't make that up.

Now, I want to say in conclusion, Mr. Chairman, that we welcome Mr. Patman's bill, and there is other legislation—you have made some proposals, Mr. Hanna, and I know Mrs. Sullivan and others have proposals, but we are looking for a way out and we hope either through the establishment of the Reconstruction Finance Corporation or something like it, the RFC, we will find a way in which the Federal Government can come to the rescue of State and local governments in this crisis. Nothing is more subversive to local government about which we hear so much than to have absentee faceless bond houses say they won't buy the bonds and won't carry out the policies which the local school district, the people in the district and the States ask for. It appears

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that they feel immune from public responsibility. They force their high interest rates through our legislatures. They are coercing the parents and the taxpayers to go along with these usurious proposals. And we welcome your hearings in the hope that it is going to lead to the only solution we can see and we wish the Governor of this State had asked for it, and that is Federal intervention to provide the massive infusion of funds at modest low interest rates which the people need and have to have. We wait eagerly an opportunity to work with your committee and we would like to be told, Mr. Chairman—and of course I mean Mr. Patman in this respect also because he is chairman of the full committee, and we like his initiative in this matter—we want to be told how can we tie in and gear in. We have no small political strength. We have considerable strength. How can we help to find some way out of this terrible situation which California and all of our States face?

Mr. HANNA. Thank you, Mr. Sweetland. Let me assure you of this, that your testimony together with others that we have heard here and probably will hear as indicated to this committee—and I am sure Mr. Gettys agrees with me—one of the most serious threats that the schools of the United States have faced since its full inception both to quality and quantity is today's high interest rate and the shortage of funds to carry on this most important activity; am I not correct?

Mr. SWEETLAND. Thank you very much. You will find, for instance—maybe you knew this already—in your folio a letter from Newport Mesa, that is in Orange County, is it, and from other districts in the State, I think there are 20 letters or so in their showing what this does at the local level, what it actually means.

Mr. HANNA. Thank you very much, sir.

Mr. SWEETLAND. We certainly feel encouraged by your holding these hearings.

Mr. HANNA. Thank you.

Mr. SWEETLAND. Thank you.

PREPARED STATEMENT OF MONROE SWEETLAND, LEGISLATIVE CONSULTANT, NATIONAL EDUCATION ASSOCIATION, WESTERN STATES

On November 22nd, the financial editor of one of the principal California daily newspapers headed his column: "Patman's Cure—Roll Back Interest." Referring to your committee's distinguished Chairman, he went on to say, "The Old Populist * * * demonstrated yesterday that he hasn't changed his mind one bit. He flailed out at his favorite whipping boys with plenty of the old verbal vim, remarking that he sees no signs of the Administration really checking the inflation trend. Patman declared: 'They'll never reduce the cost of living until they roll back interest rates. Interest rates are so high now they are really against conscience.' * * * The Congressman, who has made a career out of battling banks, lards his comments freely with phrases like "highway robbery" and "boardinghouse reach," and "swindlers."

In the course of my preparation for this testimony I have heard again and again, from usually restrained and judgmatic school administrators and state officials, as well as teachers, words far more explosive than those attributed to you, Mr. Chairman, by the columnist who sought to disparage your leadership. Among the epithets spit out by school leaders whom I interviewed this last week across several Western States, and I quote from my notes, occurred the following colorful verbiage: "usurers," "pound of flesh," "scalpers," "legalized larceny," "blackmail," and bank robbery in reverse."

What is the situation with our Western schools which can provoke such unaccustomed vehemence and expletive? It is simply that at a time of great population growth there has been an intensification of local property-tax-payer resistance to the rising cost of new schools. Probably the most devastating current assault on our schools is the strike of the money lenders. Their refusal to buy the bonds for our new schools voted by the local taxpayers, unless they can exceed the present legal interest and force the States to hike the rates for the lenders, has set back our schools in time of great need, and is doing uncounted damage to the education of several million children.

Attached to this prepared statement is a chart showing the growing resistance to taxpayer-approval of sorely-needed new classrooms. A big new factor in these rejections is the skyrocketing interest rate which kites the cost of new schools far beyond previous years. The cost of construction has risen materially, to be sure, but the greatest increase by far is in one single item—the interest rate—and this factor lays no bricks, nor raises a roof, nor provides a single laboratory.

I am here to report, and I speak for the National Education Association, that our leadership is both aroused and more than a little frightened at the sky-rocketing interest rates on school bonds.

When the bond merchants refuse to bid on bonds authorized by the voters, they subvert self-government itself. These same money hucksters have been traditional opponents of general Federal support for local school Districts, and have on occasion struck a holy pose as defenders of State and local school control. Yet nothing is more destructive, more subversive of local control, than to have disregarded the expressed will of the local taxpayers unless and until they accede to the demand of these same bond-buyers for greatly increased rates of interest.

I am submitting herewith some examples from our survey of several Western States which make clear the harm being done to our schools by these usurious demands of the bond merchants:

WASHINGTON

Washington's 1969 Legislature, with a gun at its head because of the refusal of bond-sellers to bid at the legal 6% rate, hiked its rate to 8%. Bonds voted since March 31, 1969 may now go to 8% interest.

In suburban Seattle, an area of great growth, we find schools operating on double shifts, shortened class time and with severe disruption of both family and teacher schedules.

Last year in the *Kent School District* the voters approved a $3-million bond issue at the legal rate of 6%, but there were no bids from the striking bond houses.

In *Renton School District* the voters approved $18-million in bonds, but only $12-million were sold. The authority has expired on the remaining $6-million and an expensive second election must be held at the new interest level. It may or may not be approved.

In *Puyallup District* an issue of $490,000 at 6% was voted but not a single bid ensued.

Under Washington's strict election law, it takes at least a 40% voter turnout and a 60% "yes" vote to approve a bond issue. I do not need to tell you Congressmen what an onerous law this is. Only when the public is deeply aroused and informed can a special election attract 40% of the presidential year voters, and 60% approval is a huge majority. Yet the decision of the taxpayers can be set aside by faceless absentee brokers who simply sit it out until their terms are met. Moreover, Washington law provides that if bonds are not sold within two years, the authorization expires. Therefore, Washington Districts are now engaged in re-submitting their bond issues in expensive special elections. These elections are paid for by the taxpayers but they are caused by the boycott of the bond agents who have no responsibility for these extra costs to the local taxpayers. Who pays for the campaign materials and promotion necessary to inform and re-sell the public? It is the PTA's, the teachers, the local businessmen, and the parent who know and care about their children's education.

Even when the Legislature in Washington and other States gave in to the bond merchants' boycotts, and hiked the legal rate, this act, too, precipitates still another local election.

In *Kitsap County*, where the local school board prepared a $425,000 issue, the bid call has been canceled by the board because they felt the new interest load made their cause hopeless.

In *Pasco District* No. 1, in Eastern Washington, the voters this year passed a $1,630,000 issue at the legal 6% rate. Only $600,000 of this was sold and when the balance was re-submitted for bids last week (November 25), the boycott by the bond houses was complete and not a single bid was made. Here, too, in the face of urgent need by the children, another expensive election and delay will be required to approve a hike to 8% interest.

In the small rural districts of Deer Park and Kettle Falls, the school boards have twice decided, in the face of pathetically inadequate local school conditions, to call off proposed bond issues because in their judgment the voters would not approve it at these exorbitant interest rates.

The State of Washington presents many more grave local crises, of which the above are only a few examples.

OREGON

Oregon's 1969 Legislature, like Washington, felt it had no choice but to hike the legal interest rate. Oregon State Treasurer Robert Straub expressed the sentiment heard all across the Western States and he authorized me to use this comment: "High interest rates in 1969–71 tragically will cost Oregon schools and cities millions of dollars that could be much more usefully spent to meet greater needs for education and public health. However, we seem to have no choice. With extreme reluctance our Legislature has raised these statutory limits on interest rates from 5% to 7% on the advice of our State bond attorney, who has predicted that no construction bonds can be sold below that figure during the coming two years."

The *Lake Oswego Unified District* offered its bonds, but was shocked to receive a bid of 6.14%. Early in 1969 the board rejected this bid as exorbitant. The bonds were then re-submitted to the market and were sold at 6.24%. This effort by the local board to save their taxpayers some money actually cost the District an additional $140,000 over the life of the issue.

At *Albany Union High School* this year the board has declined all bids as too high, even though they were under the new 7% ceiling.

At *Silverton, Oregon,* a reluctant school board recently accepted a bid at 6.8% interest, which clearly indicates that even the 7% ceiling cannot long withstand the demands of the bond-buyers.

NEVADA

Mr. Lincoln Liston, Finance Officer for the State Department of Education reports that the Legislature raised the legal interest rate limit from 5% to 6% in 1967, and in 1969 raised it to 7%.

ARIZONA

Governor Williams has requested the Legislature to raise the 6% limit now in effect. There has been a serious problem in the Tucson District, but we will have to check every county in Arizona to compile precise information because the State Department of Education does not collect the records on local bond issues.

CALIFORNIA

At the end of this prepared statement are newspaper stories summarizing the acute crisis in California as a result of the boycott of school bond issues by the financiers. (See particularly the *New York Times* story attached herewith.)

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Because the interest rate is a constitutional provision in California, it is necessary to submit it to the vote of the people, which is being done at the time of the primary election in June, 1970. Most California Districts in which the voters have recently approved bonds, have been unable to sell them. I am attaching herewith statements from the superintendents and fiscal officers of a wide variety of California Districts in which they relate their local problems. The statements referred to may tbe found at the end of the prepared statement.

Also attached to this testimony I am presenting a table which will indicate to you why this boycott is so devastating to the financial position of our local schools. You will note that a $2-million bond issue with interest of 5% for 20 years increases the cost of the total issue by more than 50%. When the interest rate is raised to 7% for 20 years the total cost is increased to about 80%. If the interest rate is 8%, as in Washington, the $2-million issue is more than doubled—it becomes in fact a $4-million boad issue.

If the pay-off period is 25 years, which is very common in public bond issues, the face value of the bonds sold is greater by more than 100% by the time the 25 years have elapsed and this would be true at both California's 7% ceiling and Washington's 8%.

Mr. Chairman, we welcome your proposal as embodied in H.R. 14639 to establish a Development Bank to aid in financing public agencies. We in the National Education Association hope that either through this or some similar program the people may find a way whereby our Federal Government can come to the rescue of State and local Governments in this crisis of our schools. This Legislation may also serve to remind these banks and bond houses that the public established them and accredits them, and that they must not operate without a sense of public responsibility. It appears to us that they now feel immune from public responsibility. They have forced their high interest rates through our Legislature. They have coerced the parents of our children into acquiescence with usurious interest rates. We welcome your hearings and the opportunity it provides to bring this crisis to the attention of the Congress and the public. Only action by the Federal Congress can save this situation. We await eagerly an opportunity to work with your committee in persuading the Congress and the executive departments of the Federal Government that this problem must have an immediate priority.

[From the San Francisco Chronicle, Nov. 22, 1969]

PATMAN'S CURE—ROLL BACK INTEREST

(By Sidney P. Allen)

It has been indelibly established over a period of about 40 years now that Congressman Wright Patman (Dem-Texas) holds that "big banking" is basically suspect. In his view, it is responsible for many—maybe even most—of our troubles.

The old Populist, here to address the California Credit Union League, demonstrated yesterday that he hasn't changed his mind one bit. He flailed away at his favorite whipping boys with plenty of the old verbal vim.

Remarking that he sees no signs of the Administration really checking the inflation trend, Patman declared:

"They'll never reduce the cost of living until they roll back interest rates. Interest rates are so high now they are really against conscience."

He was particularly critical of the big city banks that defied precedent and increased the prime bank rate from 7½ to 8½ per cent last June. To illustrate one effect of high interest he used this analogy:

"A 1 percent increase, if charged on all public and private debts in the Nation amounts to about $12 billion a year . . ."

Patman wasted no time coming forth with two predictions:

(1) We're going to have a bad depression if we don't hold back interest; (2) If they attempt to raise the 8½ per cent prime rate (and there's talk of it) "I predict Congress will take some action toward a rollback."

Two other targets came into the Congressman's focus.

House approved banking control legislation (ushered through by chairman of the House Banking and Currency Committee Patman) is "just about perfect." It would turn the clock back for one-banking holding companies, confine their activities to banking. (It has bankers up tight, even though the Senate has yet to approve the House legislation.)

Argues Patman: "Banks do have confidential relationships and information. They also have that most valuable franchise—the right to create money. We don't want them to be grabbing up all the businesses . . ."

He also took a dim view of bank operations on certain military installations, implying they took advantage of servicemen even though the U.S. Treasury subsidized their operations to insure them against losses. (He said the subsidy was $10 million in five years and included $1.4 million to Bank of America.)

The Congressman, who has made a career out of battling banks, lards his comments freely with phrases like "highway robbery" and "boardinghouse reach," and "swindlers." It helps to raise the hackles.

[From the New York Times, June 28, 1969]

CALIFORNIA BONDS ARE NOT SELLING

5 PERCENT INTEREST-RATE CEILING PUTS STATE OUT OF MARKET

(By John H. Allan)

SACRAMENTO, CALIF.—California, which runs neck and neck with New York as the nation's biggest borrower in the tax-exempt bond market, has not been able to sell bonds since April 28 because of high interest rates, and it may not be able to sell any for another year.

This became apparent after talks this week with Mrs. Ivy Baker Priest, the state treasurer; Caspar W. Weinberger, director of finance, and investment bankers and bond analysts in Los Angeles and San Francisco.

California has a 5 per cent maximum rate on its general obligation bonds and similiarly rated issues currently are being sold at borrowing costs three-quarters of a percentage point or more higher than that. Because of the high cost of special elections, a vote to lift or eliminate the 5 per cent ceiling is not likely to take place until next June 2, the date of a statewide primary election.

In the meantime, the continuously prospering state is being squeezed for capital to finance its huge water-resources development program and other projects.

At the beginning of September, the state will need funds to continue its water program, and it is planning to sell an issue of one-year or two-year bond-anticipation notes, a type of short-term financing used only rarely in the past in California. According to Mr. Weinberger, the size of the issue would be $100-million.

Ordinarily, recently, California has been selling $500-million to $600-million a year of general obligation bonds. At least 60 per cent of this financing has gone to pay for the water program, a $2.8-billion project to distribute water from the Sierras north of Sacramento as far south as the Mexican border.

So far in 1969, the state has sold only $7.5-million of bonds to develop San Francisco's harbor; $30-million for higher education facilities; $94,995,000 for the water program, and a few small issues sold directly to the Federal Government under special programs that charge rates well below the current market.

To sell the $30-million, however, the state had to reduce the issue by $10-million and shorten the life of the bonds.

The selling of the $94,995,000 required an act of the Legislature lifting the interest-rate ceiling on revenue bonds of the Central Valley Project of the water program to 6½ per cent from 5½ per cent. The issue utilized all the available electric-power revenues from the project, preventing additional bond sales of the same type.

To get through the next 12 months until the 5 per cent ceiling could be changed, California is counting on several stratagems. The most important is the bond-anticipation note issue, which "very possibly" could be sold under the 5 per cent limit in the current tax-exempt securities market, according to Mrs. Priest.

In addition, the administration of Gov. Ronald Reagan has cut back spending "as much as possible," Mrs. Priest said. Schools have been able to borrow directly from the state's general funds to pay for capital facilities needed for the school year starting in September. Nearly $30-million has been advanced so far, according to Mr. Weinberger.

The bond market also could change enough to permit bond sales under the 5 per cent ceiling, Mrs. Priest added hopefully, although investment bankers hesitate to predict rates will come down that much.

"I'm an optimist, I really am," she declared, "I look to see interest rates dropping toward the latter part of the summer . . . Toward the latter part of the year at least."

Mr. Weinberger mentioned two other "mechanisms" that might be utilized to bridge the gap until more bonds could be sold. At a meeting of the California Group of the Investment Bankers Association earlier this week (6-22-69) at Santa Barbara, he spoke of a system of exchanging state bonds for land acquisition and to pay contractors' bills. He also said construction programs were to be rescheduled.

Both state financial officials were optimistic about the chances for changing California's interest rate limit. "I can't really see the need for a ceiling," Mrs. Priest remarked, and Mr. Weinberger spoke out sharply at the investment bankers' meeting against "legislative log-rolling" that might impede getting the limit change on the ballot next June.

APPROVAL HELD LIKELY

California voters will most likely pass the change in the 5 per cent ceiling after the Legislature puts the measure on the ballot, asserted Mrs. Priest, who was Treasurer of the United States in the Eisenhower's Administration.

"The reasons for raising the ceiling must be very thoroughly given to the voters," she said. "It is very necessary to remove the 5 per cent ceiling, I think the voters will accept this."

Many California municipalities have also been impeded by a 5 per cent rate limit. The Bank of America so far this year has purchased 64 local bond issues that totaled $52.7-million. These sales would otherwise have attracted no bids.

The purchases have been made, it is said, because of the bank's sense of civic responsibility and partly in hope of getting deposits from the localities selling the bonds. If the squeeze on the banking system is continued very much longer, however, it will become that much more difficult for such bond purchases to be continued.

[From the Wall Street Journal, Aug. 29, 1969]

BANK OF AMERICA CEASES BUYING SCHOOL BONDS AT 5 PERCENT

Bank of America notified California school districts "about 10 days ago" that it would

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no longer consider buying their bond issues at 5% interest.

In what officers had said was a goodwill gesture, the bank during the past several years acquired about $100 million of bond issues at that rate, often bidding alone on issues other institutions wouldn't touch.

However, the California legislature recently removed the state's 5% interest ceiling on bond issues and permitted localities to resubmit bond issues for authorization to sell them at up to 7%.

That legislation and the continued "tight" money conditions led to the bank's decision. Leland S. Prussia Jr., vice president, investment and securities, said yesterday. "It was a great sacrifice on our part to support the 5% level," he said. The bank, the nation's largest, "really" doesn't "have the money" to continue the practice, he said.

Bank of America's practice of purchasing bonds at rates below market dates back to the Depression, when it began buying public works issues of various California localities. The bonds the bank currently would be buying under such a practice should be selling for "6% or more," Mr. Prussia said.

[From the San Francisco Examiner, Oct. 19, 1969]

THE 1.3 BILLION IN BONDS GO BEGGING

(By Harold V. Streeter)

California is banging its head so hard against a bond ceiling that it now has a $1.3 billion headache.

That's the total, as of this past week, of authorized state bonds unsold because of a legal limit of 5 percent. This threatens a delay or slowup of such efforts as the $2.8 billion State Water Project and new construction for universities, colleges and public schools.

With the national interest going rate closer to 7 percent, the water project has $600 million in bonds it can't market. It is in such trouble that Governor Reagan is expected to have his director of finance borrow $100 million from the general fund by year's end.

There's a $275 million bond hangup for public school building which has its impact in the Bay Area. In San Mateo County alone, the high interest rates have blocked the sale of more than $10 million in modernization bonds in 11 school districts. These are State bonds subject to the 5 percent limit.

The unmarketed water project and public school bonds are the biggest in the $1.3 billion total. The remainder, in totals ranging from $80 million down to $50 million, encompass such areas as state building construction, the state part system and junior college construction.

TAX ABANDONED

San Francisco has been more fortunate. Its bond limit, imposed by municipal vote, is 6 percent, and despite the tight-money situation, it has remained among the nation's cities with top credit rating, according to William Dwyer, assistant general manager for financing with the Public Utilities Commission.

"The City will be marketing $26 million in bonds for airport expansion next January and also $3 million for the water department," he said.

"We expect no difficulty."

Dwyer said there were a number of reasons, including the recent decision of the U.S. Senate Finance Committee to abandon a proposal to impose a tax on municipal bonds.

Also Dwyer said the airport bonds were so strongly backed by City business interests that he anticipated no problem in selling the bonds within the present rate average of 5.95 percent interest.

SOMETHING NEW

That's below the 6.37 percent national average for such bonds reached last month as banks curtailed purchases of municipals to conserve funds for loans to corporate clients.

But the state bond limit of 5 percent has created serious problems. The state even considered issuance of bond anticipation notes for such programs as the State Water Project as recently as last summer.

"We have not issued any of these nor are there any current plans to do so," a spokesman in the office of State Treasurer Ivy Baker Priest said.

This month something new was tried to help break the logjam. Three school district bonds totaling $5,975,000 were sold at 5 percent through land developers interested in having the new construction.

There are two alternative solutions to the situation. One, to raise the interest limit to 7 percent, already has passed the Legislature but, by constitutional provision, must be approved by the electorate next June.

The other alternative is for rising inflation to be halted and decrease the high interest. President Nixon says that is in prospect.

A Bank of America authority on the bond situation, Leland S. Prussia Jr., a vice president in the investment and security division, is inclined to agree.

"We have an overheated economy," he said.

[From the Salinas (Calif.) Californian, Nov. 25, 1969]

WASHINGTON UNION BOND VOTE CALLED

Washington Union Elementary School District trustees last night called a $200,000 bond issue election for Feb. 17, 1970.

If the bond issue passes, it will keep the state-aided district bonded to capacity through 1970–71 and enable it to build more classrooms to keep pace with enrollment growth.

Although the district is now eligible for four classrooms, it hasn't the money to build them, because $70,000 in bonds voted in September, 1968, are unsaleable. The district put the bonds out to bid recently at five percent interest and got no bidders.

The bonds for which the board of trustees seeks approval on Feb. 17, 1970, will bear seven percent interest and will presumably be saleable.

The board last night decided to cancel the $70,000 in unsaleable bonds if the bond issue passes in February.

Washington Union is a state-aided school district, which must keep itself bonded to capacity to continue receiving state school building assistance.

The district grew from 452 students on Oct. 1, 1968, to 507 last Oct. 1.

WHAT SCHOOL BONDS COST

EXAMPLES OF A $2,000,000 BOND ISSUE AND A $16,000,000 BOND ISSUE FOR 20- AND 25-YEAR TERMS

	Repaid at 5 percent interest		Repaid at 7 percent interest		Repaid at 8 percent interest	
	Total	Interest	Total	Interest	Total	Interest
20-year bond issue:						
$2,000,000	$3,168,000	$1,168,000	$3,722,420	$1,722,420	$4,015,240	$2,015,240
$16,000,000	25,344,000	9,344,000	29,779,360	13,779,360	32,121,920	16,121,920
25-year bond issue:						
$2,000,000	3,510,000	1,510,000	4,242,000	2,242,000	4,631,000	2,631,000
$16,000,000	28,080,000	12,080,000	33,936,000	17,936,000	37,048,000	21,048,000

Source: Monroe Sweetland, legislative consultant, Western State National Education Association, Burlingame, Calif.

CALIFORNIA TEACHERS ASSOCIATION 3-YEAR CHART OF TAX AND BOND ELECTION RESULTS

TAX ELECTIONS

Year	Elections held	Passed	Failed	Percent passed	Percent failed
1968-69	237	121	116	51.1	48.9
1967-68	123	81	42	65.8	34.2
1966-67	240	128	112	53.3	46.7

BOND ELECTIONS

Year	Elections held	Passed	Failed	Percent passed	Percent failed	Amount passed	Amount failed
1968-69	227	81	146	35.7	64.3	$280,076,335	$862,268,430
1967-68	175	79	96	45.1	54.9	213,216,000	329,145,870
1966-67	207	85	122	41.1	58.9	175,852,750	375,588,748

SAN JOSE UNIFIED SCHOOL DISTRICT,
San Jose, Calif., November 21, 1969.
Mr. MONROE SWEETLAND,
Legislative Consultant, National Education Association, Burlingame, Calif.

DEAR MR. SWEETLAND: In reply to your communication of November 20 relative to the ability of this district to sell bonds, we can indicate that of a $9,500,000 bond issue voted in February 1969, we have been able to dispose of only $2,500,000. This bond issue was voted to replace schools that do not comply with the California Field Act. Consequently, failure to dispose of the bonds at the current five per cent limitation makes it impossible for us to proceed with the implementation of replacing these pre Field Act schools.

Obviously, the district would welcome any effort on the part of the federal or state government that would make it possible to dispose of these bonds.

Sincerely yours,
GEORGE M. DOWNING,
Superintendent of Schools.

RINCON VALLEY UNION
SCHOOL DISTRICT,
Santa Rosa, Calif., November 21, 1969.
Mr. MONROE SWEETLAND,
Legislative Consultant, National Education Association, Burlingame, Calif.

DEAR SIR: At the present time the district has authorized bonds that we were unable to sell at a bond sale that was conducted on August 19, 1969. No bids were received.

We are in the process of preparing a campaign to ask the voters to authorize bonds at no more than 7% interest. This election

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will be held on February 10, 1970.

Our district is growing fairly rapidly, and our housing is falling behind this growth. We are using relocatable buildings which our operating budget can ill afford. We have a building program with plans, specifications and approval, all ready to go but no funds.

Sure hope we get some help from someone, as we are not sure we can continue to pass the same bonds the second time.

Respectfully,

DOUGLAS L. WHITED,
District Superintendent.

NEVADA CITY SCHOOL DISTRICT,
Nevada City, Calif., November 24, 1969.
Mr. MONROE SWEETLAND,
Legislative Consultant, National Educational Association, Burlingame, Calif.

DEAR MR. SWEETLAND: The voters authorized $900,000 in building bonds in an election held February, 1969. State Aid was approved for $600,000 at the same election.

We have sold $805,000 of the bonds and are now eligible to sell the remaining $95,000 because of increased assessed valuation. We have not been able to find buyers at the present 5% interest rate.

Our assessed valuation has risen to an amount that might cause us to lose our eligibility for state aid if we can not sell the bonds soon.

We have sixteen classes in every type of structure we can cram them—three on auditorium stages, three in the auditorium, one in a book room, one in a teachers room, three in a cafeteria, two in a converted home, one in a library, and our remaining classes are overcrowded. We have problems!

We have started construction plans but without the remainder of the bond funds and state aid we will not be able to complete our school.

Anything that can be done will be appreciated.

Sincerely,

DAN C. WOODARD,
Superintendent.

PATTERSON UNIFIED SCHOOL DISTRICT,
Patterson, Calif., November 24, 1969.
NATIONAL EDUCATION ASSOCIATION,
Burlingame, Calif.
(Attention Monroe Sweetland).

DEAR SIR: The Patterson Unified School District voters approved a $1,880,000 bond issue on May 20, 1969 at a legal maximum interest rate of 5 percent. In spite of every effort at our disposal, we have not been able to sell the bonds and there are no prospects that we will.

The situation in the District is serious. Classes are meeting in multipurpose rooms and other areas not adequate for classrooms.

Many of the buildings were constructed prior to the Field Act. As an example, the high school was erected in 1914 and a large elementary school in 1921.

When the high school was built in 1914, it contained eight classrooms. Today the same building houses fifteen classrooms in the basement and other areas not adequate for classrooms.

Yours very truly,

EUGENE MAXWELL, Ed.D.,
District Superintendent.

TEMECULA UNION SCHOOL, DISTRICT,
November 24, 1969.
MONROE SWEETLAND,
National Education Association,
West Coast Region Office, Burlingame, Calif.

DEAR MR. SWEETLAND: On December 1, 1969, the bid opening on $90,000.00 of approved bonds will be held. We are not optimist about our chances since other recent attempts to sell school bonds in Riverside County have failed.

Please call us December 2, for the latest development in Temecula.

Sincerely yours,

LEROY R. SMALL.

CANYON UNION SCHOOL, DISTRICT,
Lakehead, Calif., November 24, 1969.
NATIONAL EDUCATION ASSOCIATION,
West Coast Regional Office,
Burlingame, Calif.

DEAR SIR: The district has not sold any of the bonds. Our prospects for selling all of the bonds are nil. We are attempting to sell a small amount of the bonds to individuals that live in the community. However, our success of selling them is problematical.

The Canyon Union School District has grown from 98 students in the 1968–69 school year to 135 students in the 1969–70 school year. Therefore, we are in need of more classroom space.

Sincerely yours,

DON GOODYKOONTZ,
Principal.

LOMA PRIETA JOINT UNION
ELEMENTARY SCHOOL DISTRICT,
Los Gatos, Calif., November 24, 1969.
NATIONAL EDUCATION ASSOCIATION,
West Coast Regional Office,
Burlingame, Calif.
(Attention Monroe Sweetland).

DEAR SIR: The following letter is in regards to your letter of November 20, 1969 requesting information on the bonding for school construction.

"Have you been able to sell the bonds which the voters authorized?"

In July of 1969, Loma Prieta Joint Union School District sold $175,000 worth of bonds at 5%. The sole bidder was Bank of America. On November 18, 1969, the Loma Prieta Joint Union School District attempted to sell $40,000 worth of bonds on a nine-year sale, first year being deferred, the next eight years of $5,000 per year. There were no bidders on this issue.

"Can you tell us briefly what needs of the children or other situation necessitated new bonding? Is your need urgent?"

The Loma Prieta Joint Union School District has one school. This school has a capacity of approximately 380 children and at the present time we have 480 students enrolled. The former cafeteria is being used for two classrooms, and the former kitchen has been changed into a school Library. The District has been having an increase in school population from 10% to 14% per year. With this continued growth, I see the possibility of double sessions within the year. I feel I can say our need is definitely urgent. I do not feel that the children in the District will benefit either from double sessions or loaded classes.

If I can be of any further assistance, please contact me.

Respectfully,

JAMES HARRINGTON,
Superintendent.

VISTA UNIFIED SCHOOL DISTRICT,
Vista, Calif., November 24, 1969.
Mr. MONROE SWEETLAND,
Legislative Consultant, National Education Association, Burlingame, Calif.

DEAR MR. SWEETLAND: Presently we are held up on the construction of an elementary building planned for 22 classrooms and a high school of 68 classrooms, both of which are qualified for State loans if we could now sell our local bonds up to the 10% of assessed valuation. We are now short of these sales by almost $1,000,000 and the State would loan us $5,500,000 if they could sell bonds.

Your help would be appreciated.

Yours sincerely,

G. C. EIKERMANN,
District Superintendent.

SONORA ELEMENTARY SCHOOL,
Sonora, Calif., November 24, 1969.
Mr. MONROE SWEETLAND,
National Education Association,
Burlingame, Calif.

DEAR MR. SWEETLAND: In answer to your query of November 20, 1969, we wish to advise that we did pass our bond issue, however, since we were unable to sell our bonds at the 5% interest rate, we are going to go back to the voters on December 16 for permission to sell the bonds at 7% interest.

We are presently leasing 19 relocatable classrooms to fill our present needs.

Sincerely,

PAUL MIEROP,
District Superintendent.

MURRAY SCHOOL DISTRICT,
Dublin, Calif., November 24, 1969.
Mr. MONROE SWEETLAND,
Legislative Consultant, National Education Association, Burlingame, Calif.

DEAR MR. SWEETLAND: In April, the voters of the Murray School District authorized the sale of $750,000 in local construction bonds. These bonds were to bear an interest of 5%.

In August, the legislature authorized districts, by a vote of the people, to sell bonds at 7%. Shortly thereafter, we received a letter from the Bank of America announcing their decision to discontinue the practice of bidding on school issues. As they have been the only bidder on such issues, it was decided not to put the bonds on the market. Consequently, we have scheduled an election to authorize $1,500,000 in bonds at a 7% rate. This election is scheduled for December 16.

The Murray District is a rapidly growing suburban district. Our growth has been about fifteen or twenty per cent each year. We have grown from 50 students to over 5000 in eight years. Currently, we have twenty rooms of children in rented facilities, some of them substandard. Our projections indicate that we will need at least one new school per year for the next five or six years.

Our Board and Administration have worked hard to remain off double sessions. Being a low-wealth district, we are dependent upon State School Building aid. The State's inability to sell bonds has caused State funds to be unavailable.

At the present time, we have two complete schools qualified that we cannot build, due to a lack of State and local funds. I estimate that our program has been set back at least eighteen months and, perhaps longer. The situation is black, indeed.

Sincerely,

KENNETH D. BRADSHAW,
Superintendent.

SAN PASQUAL ELEMENTARY SCHOOL,
Escondido, Calif., November 24, 1969.
Mr. MONROE SWEETLAND,
National Eudcation Association,
Burlingame, Calif.

DEAR MR. SWEETLAND: The following information is submitted in reply to your letter of November 20, 1969:

1. Have you been able to sell the bonds which the voters authorized? If not, what are your prospects?

Answer: No, we are having another bond election on Dec. 9.

2. Can you tell us briefly what needs of the children or other situation necessitated new bonding? Is your need urgent? (We want to inform the Congress of the nature of the local need for new construction.) Copies of the campaign folders or letters from the Bond Campaign might be useful in this connection.

Answer: Increased enrollment. We have 3 teachers and only 2 classrooms.

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SANTA BARBARA JUNIOR CITY COLLEGE,
Santa Barbara, Calif., November 24, 1969.
Mr. MONROE SWEETLAND,
National Education Association,
Burlingame, Calif.

DEAR MR. SWEETLAND: The following information is submitted in reply to your letter of November 20, 1969:

1. Have you been able to sell the bonds which the voters authorized? If not, what are your prospects?

Answer: $1,500,000 Bank of America, August 1969, 5%.

2. Can you tell us briefly what needs of the children or other situation necessitated new bonding? Is your need urgent? (We want to inform the Congress of the nature of the local need for new construction.) Copies of the campaign folders or letters from the Bond Campaign might be useful in this connection.

Answer: $4,000,000 outstanding. Urgent need to meet union enrollment requirements. If interest rate does not recede below 5%, will have to submit 7% interest rate to the people.

Sincerely yours,
JULIO BARTOLAZZO,
Superintendent.

EVERGREEN SCHOOL DISTRICT,
San Jose, Calif., November 24, 1969.
Mr. MONROE SWEETLAND,
Legislative Consultant, National Education Association, Burlingame, Calif.

DEAR MR. SWEETLAND: In answer to the questions in your letter of November 20, 1969, regarding the delay in needed school construction due to the inability to sell school bonds at the current interest rate, I submit the following:

1. We have not been able to sell the bonds which the voters authorized by an 84% approval at the April 15, 1969 election due to the fact of the limit of 5% interest. However, we are holding an election on December 9 asking the voters to increase the interest rate of 7% on those bonds authorized at the April 15 election.

2. Our construction needs are very urgent. We are a fast growing school district experiencing additional enrollment of 500–600 children each year. Therefore, we need to build a minimum of one school building or 30,000 square feet of classroom space per year. Currently, we had planned to call for bids on 30,000 square feet of space in October or November, but unfortunately, due to the inability to sell local school bonds and the State's inability to do the same, our school building program is at a standstill.

Our District is located on the southside of San Jose in an area which has been primarily agricultural oriented, however, it is rapidly becoming a suburban area of San Jose. In the past 7 years we have constructed 6 schools and during the periods of 1970–1975, we expect to build or have need to build an additional 10 schools. Our enrollment is estimated to be 9,416 in September 1976.

Enclosed is a copy of our letter to Parents and Voters used in the April 15, 1969, Bond Election Campaign.

Sincerely,
GEORGE V. LEY, VA,
District Superintendent.

SCHOOL BOND ELECTION, TUESDAY, APRIL 15, 1969

DEAR PARENT AND VOTER: The purpose of the information included in this printed material is to better acquaint you with the School Board Bond Election to be held Tuesday, April 15, 1969.

1. To permit the District and Board of Trustees to issue and sell *Local School Bonds* up to $2,000,000 for the construction of elementary school buildings and the purchase of land for school sites.

2. To authorize the District to accept State Loans up to $8,000,000 (as needed) for school buildings and land.

WHY IS THIS BOND ELECTION NECESSARY?

Evergreen School District has had increased enrollments of 19.5% to 27% over the past three years, or a total of 1150 youngsters.

New construction of subdivisions and the Eastridge Shopping Center is expected to increase our Assessed Valuations by 20–25%.

Evergreen School District will continue to qualify for State Loans up to $8,000,000 as needed; *ONLY* if the District remains *Bonded to Capacity* as required by law.

Increase in home construction is currently requiring your DISTRICT to plan and build 1½ schools per year to accommodate *Pupil Enrollment.*

It is predicted that by 1970 your District will have to build 2 to 3 new schools per year.

Therefore, ten new K–6 schools and another 7th–8th intermediate school will be necessary to accommodate expected enrollments of 9100 youngsters by September 1975.

Purchase school sites in advance of construction will result in substantial Savings to Taxpayers.

BONDS ARE THE FAIR WAY

School bonds are the fair way to finance and provide schools for your children, now and in the future. The only other way to finance the construction of schools is a "pay as you go" tax increase plan. This certainly would be an *"unfair"* financing plan for it would place all the burden on current residents, and would not allow for fair sharing of costs of schools by the thousands of people who will move into the Evergreen Area in the next few years.

LOCAL SCHOOL BOND REQUIREMENT

For school construction and school site acquisitions, *State Law* only allows taxpayers of a school district to bond the district up to a maximum of 5% of the district's *Assessed Valuation.*

Therefore!! if we apply the 5% law to our estimated assessed valuation, we could realize approximately $315,000 per year.

However, to provide school sites and buildings for two schools per year, it will cost approximately $1,430,000.

Therefore, you can see Local Bonds on a pay as you go basis would not allow the District to construct the necessary school facilities needed in our growing District, and would force us to go on *"Double Sessions."*

But, by passing the *State Aid Building Loan* (proposition 2 on your ballot) along with the *Local Bonds,* the State of California will allow us to borrow the additional funds needed and provide the necessary schools.

WHAT IS THE STATE SCHOOL BUILDING LOAN?

The State School Building Fund is the result of a State Bond Election of $250,000,000 approved by the voters of California. This money is available to districts who are unable to finance their own school construction and purchase school sites from the revenue from local bonds. The Evergreen School District is unable to finance the building of new schools and acquire sites from local bond sales; therefore, we must depend on the State School Building Loan Program.

In order to provide the necessary school facilities for the children of Evergreen School District, we ask *you* to authorize your Board to borrow up to $8,000,000 of State Funds.

A yes vote is needed on both issues so that your children may benefit from available State Funds already approved by *You!! A ⅔ vote is necessary!!*

HOW WILL THE DISTRICT SPEND AUTHORIZED BOND AND STATE AID?

Immediate needs

1. Continue to sell required "Local Bonds" to maintain the District's eligibility for State Loans.

2. Construct the District's eight K–6 school by May 1970. Also, provide 12 additional classrooms, lockers and showers and a multi-use facility at Quimby Oak Intermediate School.

3. Purchase three additional K–6 school sites, and develop working drawings for two more K–6 schools to be constructed by August 1971.

Future needs to 1975

1. Construct eight additional K–6 schools and one intermediate 7th–8th grade school.

2. Purchase additional school sites in advance of construction schedule.

HOW MUCH WILL IT COST?

The present tax rate for the repayment of Bonds is 46¢ and 15¢ for State Loans. These figures should remain fairly constant because the formula for State Aided School Districts set a *"Maximum"* tax for repayments of loans and bonds. *However,* we estimate a 4¢ increase per $100 of Assessed Valuation.

EXAMPLE

Four cents per $100 of Assessed Valuation = *Increased in Taxes Per Year*

$18,000 Home assessed at $4,500 × .04 = $1.00 tax increase

$28,000 Home assessed at $7,000 × .04 = $2.80 tax increase

YOU HAVE ASKED?

I thought I just voted on a Bond Election February 11, 1969?

Answer: Yes, you did vote for the East Side High School District Bond Election, February 11, 1969. However, these bonds approved by the voters were for the construction of high school facilities *only.*

What happens if the School Bond Election fails to pass?

Answer: The building program will be delayed longer and schools will not be built at our present schedule. This would result in half-day sessions in the future, which would harm your child's "Educational Opportunity."

Why does it take so long to build schools?

Answer: The State building program is conservative and schools cannot be built before children are enrolled or houses in the district are under construction. Also, your *approval* of Local Bonds and State Loans is necessary to continue the *District's Building Program.*

What happens if Evergreen doesn't grow as predicted?

Answer: The Local Bonds will not be sold and we will not borrow any money from the State School Building Fund until the need exists.

WHEATLAND HIGH SCHOOL,
Wheatland, Calif., November 26, 1969.
Mr. MONROE SWEETLAND,
National Education Association,
West Coast Regional Office,
Burlingame, Calif.

DEAR MR. SWEETLAND: 1. Wheatland Union High School District passed its third bond issue in the past ten years in May of 1969.

2. Bids were not received at the time of the called sale which was August 1969.

3. Our prospects to sell these bonds at the present time appear to be very dismal.

4. What are our needs? The need of this district is most urgent. We have No. 1 priority under School House Building laws of the State of California with 221 points. What this means is that currently the district is the highest rated district in the State of California by the State system of rating. (In need for building.)

5. Our need is urgent! We are on a triple session schedule with students coming to school at 8:00, 9:00 and 10:00 in the morning and going home beginning with 2:00 p.m. and at 3:00 p.m., 4:00 p.m., and 5:00 p.m.

6. In our case 78 students out of each 100 are connected with the military base. The Congress has appropriated no money at all to pay their share of the bill under Public Law 815. The State of California has approved us for $1,400,000 when and if we can sell our bonds.

With our school 78% impacted why should the remaining 22% who are the property owners in the district vote bonds to build a school? Well, the people did vote them and they passed by five votes; despite the ⅔ majority necessary and now—we cannot sell the bonds.

Very sincerely,

VICTOR C. LEDBETTER,
Superintendent.

SANTEE SCHOOL DISTRICT,
Santee, Calif., November 25, 1969.

MONROE SWEETLAND,
National Education Association,
West Coast Regional Office,
Burlingame, Calif.

DEAR MR. SWEETLAND: In reply to your November 20, 1969 letter requesting facts relative to the recently approved Bond Authorization, the Santee School District held a bond election on April 15, 1969. This election was successful in that 75% of the voters authorized a $3,000,000 bond issue to cover construction in the school district for a period of eight to ten years. This bond issue was at 5% and we were suddenly faced with the situation that bonds could not be sold at this interest rate.

The Santee School District is located approximately twenty miles east of San Diego City in San Diego County. It is considered a bedroom community with very low assessed valuation ($4.00 per a.d.a.) and is unable to provide the necessary construction for school facilities without help from the State of California. Even by bonding to capacity the district does not have sufficient funds to construct needed school facilities. There is tremendous growth in the area in that 300 new students have enrolled since the last day of school in June. We expect another 500 students prior to the end of the 1969–70 school year.

The District Board of Education, realizing the problem that we are faced with, has ordered another bond election to be held on December 9 to authorize a $3,000,000 bond issue at 7%, hoping that we can be successful and thereby put the district in the position to start construction of schools as soon as the state can solve its problems of providing bond money. As you know, the state has an issue on the June 2 ballot to raise the interest rate to sell state bonds. However, the district feels helpless in trying to solve the problem of providing facilities for school children in the area in that if the State Proposition is successful it is our understanding that a school district such as ours could not receive the state aid that is necessary for the construction of facilities prior to September 1971.

With the type of growth we are experiencing in this small school district, you can understand that the problem has just begun if we are forced to wait until September 1971 to build any new facilities. We currently have one school on double session and will most probably establish double sessions at two other schools prior to February of 1970. I think you can quickly see the difficult position that our school district is in and can appreciate the hardships the students in our district will have to experience during the next two years, which should be avoided, if at all possible.

If there is additional information needed to support your request for federal action to assist public agencies to finance needed improvements, we will be happy to provide it. You can see that our need is urgent.

Sincerely,

CHARLES E. SKIDMORE,
District Superintendent.

ESCONDIDO UNION SCHOOL DISTRICT,
Escondido, Calif., November 25, 1969.

MONROE SWEETLAND,
National Education Association,
Burlingame, Calif.

GENTLEMEN: Following are our answers to the two questions asked in your letter of November 20:

1. We have $2,000,000 of unissued five percent interest bonds, passed by the voters April 15, 1969. We are presently attempting to sell through the San Diego County Board of Supervisors $385,000 of these bonds.

The Bank of America, our only buyer, has written a letter saying they will not bid. The Board of Supervisors has tried to discourage us, but our Governing Board is going ahead, mainly to prove to the voters that five percent bonds will not sell.

2. The Escondido Union School District is growing at the rate of about one school every eighteen months. We are already six or eight months behind in our schedule, due both to our and the State's bond selling ability.

Our need for new bonds (seven percent interest bearing) is urgent. We intend to have another bond election on March 17, 1970, probably for $2,000,000 again. We must have salable bonds in order to stay bonded to capacity (five percent of our assessed valuation) in order to qualify for State Aid funds.

By the time our bond issue is passed and the bonds have been sold we will be over a year behind our building needs, and we will have additional double sessions above the 35 or 40 we now have.

Very truly yours,

T. F. MILLER,
Financial Director.

NEWPORT-MESA UNIFIED SCHOOL DISTRICT,
Newport Beach, Calif., November 26, 1969.

MR. MONROE SWEETLAND,
National Education Association,
Burlingame, Calif.

DEAR MR. SWEETLAND: The following information is submitted in reply to your letter of November 20, 1969.

In February 1969, voters of the Newport-Mesa Unified School District approved a fifteen million nine hundred thousand dollar bond issue. Since that time, the district has been able to sell only six million nine hundred thousand dollars and this on a single and, we believe, somewhat gratuitous bid from the Bank of America of exactly 5%, the maximum authorized interest rate. We now see no possibility whatever of selling the remaining nine million dollars at 5% interest in the foreseeable future.

This is a growing school district and sale of the remaining bonds in the immediate future is essential if the district is to provide adequate facilities for a steadily growing enrollment.

On February 10, 1970, the district is going to seek voter approval for the sale of the remaining nine million dollars in bonds previously approved at an interest rate not to exceed 7%, the newly established maximum allowable in the State of California. Should voter approval not be forthcoming, the district's ability to meet the educational needs of the community in the near future will be severely impaired.

Sincerely,

ROY O. ANDERSON,
Administrative Assistant,
School Facilities.

TRUCKDRIVING PROGRAM

HON. LOUIS STOKES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 20, 1970

Mr. STOKES. Mr. Speaker, there are so many discouraging notes sounded these days about the future of America's cities, that it is always refreshing to see and be a part of a vigorous, young project that seems destined to succeed in assisting in the solution of these multifarious ills.

Such a project will be beginning soon in Cleveland. It is a job-training program in truckdriving for young inner-city men. The idea was conceived by Mr. George Purefoy, a Cleveland postal official, and the program will be directed by Mr. Craft Carter, Jr., a former city councilman. It will be located at Cleveland's Cuyahoga Community College, and has the complete cooperation of the school, the trucking industry, and the Teamsters Union. Joint funding from the Departments of Labor and Health, Education, and Welfare should be announced in the near future.

I relate the parties involved, Mr. Speaker, because I want my colleagues to note the diversity of men and groups dedicated to making this project a success. My congratulations and best wishes to each of them. If more projects in our urban areas could elicit this kind of total cooperation, I am certain we would all have a greater amount of good news to report.

The following is a radio and television editorial concerning the school recently broadcast by WJW in Cleveland. I include it in the RECORD for the attention of my colleagues:

A CLASSIC EXAMPLE OF THE IMPORTANCE OF VOCATIONAL TRAINING

In a recent editorial, we called for greatly increased vocational education in Ohio to prepare our young people who don't go to college for the countless skilled jobs that are available.

A classic example of the importance of training people for jobs that require special skills can be found at Cuyahoga Community College. About 20 young men are currently enrolled in a truck driver training program that will last two months and will lead to a union job in the trucking industry at a starting salary of about $10,000.

This new course, the only one of its kind in Ohio, is the brainchild of George Purefoy, an official of the U.S. Post Office in Cleveland. We commend him for his efforts, and former Cleveland city councilman Craft Carter, Jr., who directs the program.

The cooperation of the trucking industry, the Teamsters Union and Cuyahoga Community College also is noteworthy. Vocational training programs of this nature are essential in the fight against unemployment.

At a time when thousands of skilled jobs go begging, every effort should be made to provide the training that is necessary to fill these jobs. Effective vocational education in our high schools can open the door to a meaningful, good-paying job for the student who cannot or does not want to go to college.

Because our society is essentially college oriented, we are faced with a great shortage of skilled workers in dozens of different trades, many of which now pay far better than some of those prestige white-collar jobs.

In short, vocational training should be im-

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proved and expanded in Ohio. It must become a major part of our educational system.

HOUSING CRISIS—30 YEARS OF SOCIALIST FAILURE

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 20, 1970

Mr. RARICK. Mr. Speaker, our people are being deluged with propaganda to the effect that there is a desperate housing shortage, especially in the cities and in the so-called ghettos which we used to call slums. The same propaganda barrage calls for the expected solution—huge expenditures of taxpayers' funds from the Federal level. The theory seems to be that honest citizens who are working for a living have an obligation to house the parasites in the style to which they would like to become accustomed, even if it means that the workers themselves cannot afford to care for their own homes.

It is about time that someone is honest enough to tell the American people that economics is governed by definite laws and that the violation of those laws results in disaster. When we violate any natural law, we pay the price. There are no smart words which will make water run uphill and there are no clever schemes which will produce something for nothing.

The physical deterioration of the housing in our cities is the direct, expected, and oft-predicted result of such dishonest economics as rent controls, rabble-rousing demagoges, subsidized dwellings, and planned obsolescence. Urban renewal and the ward politics of the cities play their role. More infusion of the hard-earned dollars of working citizens will not extinguish the flames, but will only make rich politicians worsen the real problem.

While free enterprise is admittedly not perfection, it has always proven to be infinitely superior to socialized housing under any name. I include newsclippings which show the total failure of the very measures loudly proposed to correct the same conditions which they caused:

[From the Washington (D.C.) Evening Star, Jan. 19, 1970]

HOUSING SHORTAGE BECOMES PROBLEM FOR MANY IN THE UNITED STATES

(By Leroy Pope)

NEW YORK.—A generation ago finding a place to live was the least of the average American's worries. Today it's likely to be his biggest headache.

The reason is that housing has become the nation's sickest industry. It is falling short of meeting pent up demand by an estimated 1 million units a year and many in the business blame the federal government.

No one appears to believe the private building industry can do anything to cure the housing shortage in the face of inflation and tight money without federal subsidies and government leadership.

The criticism falls on Congress and on George Romney, the Secretary of Housing and Urban Development, who only recently got around to serious negotiations with prospective mass producers of modular housing.

Typical is the view of Samuel Paul, a New York architect. He presently has in the works public and private apartment building projects which will house 25,000 persons in the Northeastern and Middle Atlantic states.

Paul says Romney's long range policies are commendable but that he is putting too much faith in prefrabricated and factory-built modular housing and in radical changes.

"What is needed from Washington is more funding and less red tape for immediate projects under Sections 235 and 236 of the housing code, which provide interest subsidies on mortgages of new homes and new rental properties," Paul said.

HUD DENIES PREFAB BIAS

At least 40 percent of urgent housing demand not being met is in lower middle class brackets, houses and apartments in the $17,000 to $22,000 range, to be built by traditional methods, he said.

HUD denies it is putting too many eggs in the prefab or very low income housing baskets. For the fiscal year that began last July 1, the authorization for public housing is $473.5 million. For rent subsidies, it is $50 million. For interest subsidies under Sections 235 and 236, the authorizations are $90 million and $85 million, respectively.

On the other hand, only $15 million has been authorized for operation breakthrough Romney's long range plan to turn out mass produced low cost factory housing. "So," said a HUD spokesman, "the bulk of our money is going into low-and-middle-income housing."

This doesn't satisfy critics like Paul. They think the Nixon administration should break out a crash program to build interest subsidized rental housing because anything like a reasonable supply of rental housing is fast becoming only a memory in much of the country.

BRITISH TOWNS CITED

Another critic of HUD is Joseph Timan, head of Horizon Corp of Tucson, a major developer. Timan blames Congress more than Romney. "Our whole national housing and taxing policy discourages the building of rental housing for the poor and lower middle classes," he said.

Timan would like to see the Nixon administration do more to push federally subsidized rental housing and follow the example of the British in developing towns complete with industries.

"We should move the industries into the new towns and create one or more permanent jobs right in the community for each new housing unit put up, as the English do," he said. "Instead we are building luxury communities for the rich."

The sickness of the housing industry hinges on high interest. The National Association of Home builders points out that a 5½ percent mortgage a few years ago with a monthly payment of $100 would buy a $16,280 house. At today's rate of 9 percent, the $100 a month will buy only $11,916 worth of house. This falls 25 to 50 percent short of meeting the needs of a lower middle class family.

[From Newsweek magazine, Jan. 12, 1970]

HOLLOW SHELLS

"It used to be," said one Atlanta landlord, "that you could make a fortune in slum housing. But now the tenants tear up the place as fast as you fix it up. The city gets on your back and you just can't afford to keep it up. Every time you fix up a place the insurance and taxes go up. You've only got two choices: either raise the rent—and then people have to move out—or tear it down."

To most people, such a view of housing the poor is cynical in the extreme. But to knowledgeable real-estate men, the Atlanta landlord is simply retelling a truth that has been apparent for years: it is no longer profitable to house the urban poor—even by housing them badly. In the face of the worst housing crisis in history, the number of slum buildings abandoned by their owners as a bad investment is reaching catastrophic proportions, and the trend has yet to reach its height.

In Chicago, 140 landlords walk away from their buildings every month. In Baltimore, 4,000 structures now sit idle. In Boston, 1,000 dwelling units have been abandoned. In New York, where whole stretches of the Bedford-Stuyvesant ghetto look like Berlin the day after World War II, 100,000 individual apartments were left to rot in the years between 1965 and 1968. Since then, the rate has increased to a point where each year landlords jettison enough buildings in New York to house the entire population of Jersey City—275,000 people. "We've thrown away more housing in the past few years," says Frank S. Kristof, director of housing research for the New York State Urban Development Corp., "than we destroyed in twenty years of slum clearance."

Reasons for the increase in abandonment become quickly apparent from the economics of slum ownership. According to housing experts, the big operators left the slums ten or fifteen years ago, turning over to small-timers a dilapidated supply of housing that had already been milked dry. At the same time, cities began enforcing housing codes more stringently, and the new owners found themselves financially unable to keep up. Costs of rehabilitation have skyrocketed (a Rand Corporation project director estimates that in New York it takes $24 a room a month to keep a slum tenement up to snuff), while rent control or ghetto economics make rental income a static figure.

As a result, many slum landlords resort to what is called "dead ending" their buildings—stopping all repairs, failing to pay taxes and hoping the city will delay taking over the building until they recoup their investment from rents. In Boston, this means three years; in New York, four. "I haven't paid taxes on some of my buildings for two years," says Bronx landlord Jacob Haimowitz. "Now I'm beginning to get my original investment back, since I don't plan to make any repairs. As far as I'm concerned the city can take them after another two years."

Abandonment, thus, is the final step, a circumstance that leaves hapless tenants high and dry without essential services. Until they can find other quarters, some residents of abandoned tenements in New York have been known to descend to the street every day to draw water from fire hydrants. Those who have no place to go often hang on, enduring the vandals who rip up vacant apartments for the valuable brass and lead plumbing, the junkies who haunt the deserted hallways and the rats and vermin until they can stand it no longer.

HULKS

Solutions to the problem are woefully inadequate. In Chicago, a nonprofit organization has begun taking over abandoned buildings and fixing them up. But while the Chicago Dwelling Association started renovation work in 247 structures last year, 1,000 more were plowed under. Other cities are trying to fix the buildings themselves. Baltimore is using Federal money to renovate 1,400

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deteriorated houses at a cost of $13,400 each. But skeptics see little future in spending that much money on isolated houses when surrounding hulks sell for $3,000 and the economics of the surrounding slum continues to drag down the whole area.

As some experts see it, one possibility for relief lies in a sort of urban homesteading law, similar to one proposed last year by Sen. ——. Under this proposal, poor people themselves could take over abandoned buildings, and with low-cost government construction loans and looser housing-code enforcement, make them reasonably fit for human habitation. As it stands now, money can often be found for buying buildings, but precious little is available for renovation.

Few housing experts, however, see even a homesteading act as a permanent solution. "The bulk of improved housing for the poor," says George Sternlieb, director of the Urban Studies Center at Rutgers University, "has always come in a trickle-down way from increased housing for the middle-class, and I'm afraid it will always be that way. When you try to provide new housing for the poor, you either end up with prohibitive costs or high-rise jails."

[From the Washington (D.C.) Post, Dec. 16 1969]

Public Housing: It Makes Animals Out of People

(By Robert C. Maynard)

Garbage is scattered in the stairwells. Acres of windows are broken. Even at noon there is an empty silence.

The place is the Pruitt-Igoe Public-housing development, home to more than 4,000 St. Louis poor people who say they are ashamed of where they live but they can find no better place.

Often the water pipes burst because large portions of Pruitt-Igoe are unoccupied and therefore heatless. Sometimes, when the pipes burst, two inches of water stand on the floors of some apartments and the garbage-laden staircases become totally impassable.

Pruitt-Igoe was built in 1954 as a series of modern high-rise towers to house low-income families. Today it has become synonomous with the worst of public housing in the United States.

EFFECT ON TENANTS

It is not just the physical appearance of the place (not more than a dozen window panes are intact in some buildings). It is also the effect the atmosphere has on the residents of Pruitt-Igoe that has caused deep concern in St. Louis and elsewhere among those who know public housing.

St. Louis Mayor A. J. Cervantes has called the housing complex "a terrible mistake."

But there are others who argue that what has happened to Pruitt-Igoe happens in one degree or another to just about all public housing in this country, that public housing bears in its design and population pattern the seeds of certain social disaster.

Jean King, the brilliant black woman who led the successful rent strike against the St. Louis Public Housing Authority, dismisses those who deplore Pruitt-Igoe with an impatient wave of the hand.

"The rest of them," Mrs. King says, "are just as bad as Pruitt-Igoe. It's a concentration camp. They all are. It's wrong for people to be stocked up like that."

A SERIES OF ZOOS

And Chicago Judge Franklin I. Kral, a specialist in urban housing problems, says:

"Just about all public housing is a series of zoos. It makes animals out of people."

George Orwell in England and Hubert Selby in the United States are two of the writers—from vastly different perspectives—who have decried the effect of public housing on the spirits of the inhabitants, but the issue has only recently surfaced in this country.

The issue is likely to grow for several reasons.

One of them is the emergence of the tenants' rights movement, many of whose members are living in public housing and are demanding that it should be much more like home than it is. For one thing, public housing costs a minimum of a fourth of the income of its residents, about the proportion of income that middle class people pay for rent.

NIXON HOUSING AIDE

Another reason public housing is gaining attention is Lawrence Morgan Cox, President Nixon's director of renewal and housing assistance, which covers public housing. Cox, a Norfolk native, is a public housing administrator of years' standing, mainly in Norfolk.

He is a man with some very definite ideas about public housing and most of them bring the blood of tenant activists to a vigorous boil.

Tony Henry, long a social action organizer in Chicago and for the Southern Christian Leadership Conference, has some ideas of his own on public housing. Henry is director of the National Tenants Organization, the umbrella for the growing tenant activist movement.

WHO SHOULD BE ACCEPTED?

The two disagree most vigorously over the question of who should be permitted to live in public housing.

Cox first:

"St. Louis had the policy of accommodating the lowest of the low in its public housing, and you can't disassociate that fact from what happened to Pruitt-Igoe.

"I cannot find any hope for a public housing community to be comfortable as a place to live if it is going to bear the stigma of being a welfare concentration camp. Why should people have to bear that stigma? Why do we have to put them all together?

"With the tremendous demand for housing in St. Louis, 900 units of housing in Pruitt-Igoe were vacant. I suggest to you that these units were less desirable because of the conditions in the project.

"Now, what relationship did the high percentage of abnormal families have to those conditions in that project?"

Tenant organizer Henry:

"He is correct, public housing was not originally aimed at the permanently poor class, which is a class that is newly recognized in this country. Initially, the program was for upwardly mobile whites, temporary people. As the housing authorities began to admit low-income blacks—not "abnormal" families—they began to realize they were dealing with the permanently poor."

STIGMA FROM POOR

Cox feels the "permanently poor" should be only a portion of the public-housing mixture, that too many of them—he doesn't specify—will bring a stigma to the housing project and lower the incentive of those living there to find decent housing elsewhere.

Henry feels:

"There should be some economic mix in all neighborhoods. For example, Watergate should be 20 per cent poor. However, since that concept has not developed yet, poor people have to be housed somewhere and the only program, inadequate as it is, that comes anywhere near meeting the need is public housing."

Henry's solution is a massive building program coupled with a requirement that all newly constructed housing complexes be required to provide a fifth of their units to poor people, subsidized by the government if the rent exceeds 25 per cent of their income.

"When that kind of commitment is taken on by the nation," Henry says, "then we can talk about diversifying the income of people in public housing because there will be adequate housing for the poor elsewhere."

THREAT TO STABILITY

Until then, Henry argues, the major concern should be on housing poor people because the lack of housing is "merely aggravating the social stability of the community as a whole."

Cox points out that the fiscal soundness of public housing—the need to charge adequate rent and the ability of the tenant to pay it—would be enhanced by having some solvent tenants among public housing residents.

The adequate rent problem may be on the way to a solution. A House-Senate conference has accepted an amendment by Sen. —— that provides a federal payment to housing authorities for those tenants whose rents exceed 25 per cent of their income. Until the Brooke amendment, housing authorities either took the loss or charged rents that often far exceeded 25 per cent of the incomes of many of their tenants.

Cox maintains that public housing "is not welfare and was never intended to be welfare. That was not the intent of the legislature when they created public housing."

There is some evidence that public housing is beginning to be accepted as the servant of the permanently poor. Its quality and the quality of its maintenance, first of all, give every evidence of being geared to those who must take what they can get. Whether public or private, the low-income housing market in the United States is one in which competition by raising the quality and lowering the cost is unheard of.

Further evidence of the accommodation of public housing to the permanently poor is the extent to which the poor are clamoring for a voice in policy-making—and beginning to get it. Boston has a majority of tenants on its public-housing board and other cities are considering similar moves. St. Louis, however, is the most cited example because it is the scene of the most dramatic housing stories of the century.

INCREASE SPARKS STRIKE

A rent increase last January that would have carried rents for some families to 72 per cent of their income was the last straw for tenants who said they had been putting up with very haphazard management in any case. The rent strike in St. Louis went through most of October, but in the last couple of days of that month, Mayor Cervantes announced the strike was over and the tenants and their supporters were in charge of the board of commissioners of St. Louis Housing Authority.

Not surprisingly, the first move of the victors was to lower their rents, where applicable, to 25 per cent of their incomes, and less for unemployed people.

But after the exhultation, the serious question remained whether local control of public housing will solve any of the problems.

CONDITIONS ARE DISCOURAGING

Conditions at Pruitt-Igoe are discouraging to consider in that regard.

Ivory Perry is a tenant organizer with a St. Louis community center. Ruth Thomas is the mother of four sons and a part-time tenant organizer. She lives in Pruitt-Igoe. So does Mattie Mason, another tenant organizer.

They took a newsman on a tour recently. It began at noon on a grey fall day. The wind had a mean kick to it. Trash and dust swept across the vacant front parking lots and drives.

But the big first impression is of the enor-

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mous number of broken windows, hundreds and hundreds of them.

As the visitor stood staring at the acres of broken glass, Ivory Perry tugged at his arm. "Don't stand out there like that in the open, brother. These dudes'll start snipin in a minute." Several persons, for reasons that are not altogether clear, have been shot on Pruitt-Igoe's grounds.

ASSAILED BY ODOR

In a vestibule the first of the odors assailed the visitor, a mixture of garbage, urine and other decaying things. The hallways, the stairwells, the doorways, all of them crammed with refuse.

"My sister lives on the eighth floor," Ruth Thomas said in a soft voice. "Wanna go see her?"

The group started for the stairway that leads to the sister's apartment and stopped cold, literally. Water was pouring from everywhere. A water main had been broken for days, making the stairway impassable without full flood gear.

"On my sister's floor," Ruth Thomas announced, "there is two inches of water on the floor. I mean you have to walk around in rubbers all of the time."

Mattie Mason had heard all of this before and she was bitter. "People don't have no place to go, no place. It's live here like an animal or don't live nowhere," she said.

Mattie Mason is what the old folks used to call "stout," solidly built and obviously a veteran of many troubled scenes. "I was here when it was mostly white," she said in her heavy voice. "They took pretty good care of it then, but then it got to be mostly colored, seemed like they didn't give a damn no more."

[From Life Lines, Jan. 21, 1970]

HOUSING IN A WELFARE STATE: HOW SOCIALISM DEPRIVES THE PEOPLE

(By Nils-Eric Brodin)

(NOTE.—Swedish-born Nils-Eric Brodin has written widely on social, religious and political topics in both Swedish and American journals. He is Founder and former Director of the Center for Conservative Studies at Stanford University, and a former Western Director of the Intercollegiate Studies Institute.)

One of the first things young men and women will do in today's Sweden on going to work after graduating from high school is to place their names on a waiting list for an apartment. There are in Sweden today more than 400,000 persons on such lists. In Stockholm the waiting time may be 10 or 11 years. This long wait may be responsible for the relatively late age at which Swedish couples get married.

During their waiting period they live in crowded conditions with their families, or they rent rooms at high prices, or they occupy wholly unsatisfactory housing units. It is significant that the housing shortage primarily hits the young families.

But the old are also affected. Of the 800,000 pensioners in Sweden, no less than 130,000 are living in apartments or rooms without a bath. Forty percent of these apartments do not even have a flush toilet. Every third Swede wants to move away from his present apartment, often into something larger or more modern. It has been estimated that the size of apartments in Sweden is smaller than anywhere else in Europe. No less than 450,000 families with more than one child are living in apartments with only two rooms and a kitchen. As a result of the housing shortage the black market is flourishing with an "under the table" tab of more than $2,000 per room for a tenancy lease.

There is a new aristocracy in Sweden, a so-called housing aristocracy. These "aristocrats" own homes or apartments, which they can sublet or rent at a tremendous profit while they themselves live elsewhere, often in other countries. In fact, rental of rooms in apartments has become such a big business that in central Stockholm there are 22,000 persons whose rental payments for a room cover the rent for the entire apartment. Thus, 23,000 landladies and their families live free free of charge.

How could conditions such as these arise in a modern society with no lack of building material, or skilled labor, and which suffered no damage as a result of the last two wars?

The answer is to be found in the socialists' dogmatic insistence that housing is within the jurisdiction of the state, or possibly some cooperative organization under the control of the central government. It has recently been restated that it is still a socialist policy that private ownership of land is inherently evil. The central government has encouraged municipalities to take over land wherever possible. A recent law has been passed which demands that any sale of property be first submitted to the municipality if it is valued at over $40,000 or exceeds a size of 3,000 square meters.

The continued government interference in housing has brought about a reduction in housing built by the private sector from 80 percent to less than 20 percent. The government is also discouraging the practice of owning one's own home, and privately owned units have declined from 80 to 55 percent of the total. The government would rather have the people rent units which are owned by municipal or central governments, or owned by the cooperatives, or other so-called "nonprofit" housing-owners. Many of these "nonprofit" organizations are owned by labor unions, especially in the building unions. With the majority of the renters associated (often compulsorily) with the Renters' Association, which has ideological ties with the socialist government, it is understandable why the socialists are discouraging privately owned and privately built housing units.

The state has extended its control over the building industry through stiff rental control laws in effect since 1942 and by a stiff licensing system. The system of double licensing required hard-to-get permission from the government for a building permit and then for permission to employ labor. Finally, since the government has close control over all loans for building, including those issued by private banks, it can select those projects which may be financed through loans. At its annual meeting in June, 1968, the Socialist Party proposed to establish a state-owned, building-credit bank, taking financing for housing completely away from commercial banks and thus assuring even greater control by the state over housing.

Recently, after two decades of pressure by the democratic opposition, the socialists agreed to submit a bill to the parliament revoking the unrealistic and unpopular rent controls. Then at the last moment, at the behest of the Communist Party, on whom the socialists are increasingly dependent, the bill was removed.

The critical housing situation has greatly aggravated the already existing social ills in Sweden. Overcrowded family dwellings have pushed young people into the streets, and it is no accident that Sweden has the highest increase in juvenile delinquency and crime in the world. Tight housing has also caused severe domestic tensions. The divorce rate rose from 26 per 100,000 in 1925 to 119 in 1964. In the case of divorces or separations, the husband has often been forced to accept housing in so-called "bachelor hotels," a euphemistic name for a mission dormitory. The prevalence of narcotic addicts and alcoholics in these hotels has contributed substantially to the soaring crime rate.

Another curious side effect of the housing situation is what in effect amounts to religious discrimination. Long committed to the total secularization of the state, the socialists are practicing a policy in which they regard churches and chapels as "nonessential" buildings. Recently, because of the rights of municipal pre-emption, a Free Evangelical Church and a Roman Catholic Church were forced to vacate buildings and sites they had occupied for a hundred years. They were each given choices of two sites outside of the city on which to build. A 25 percent tax of the value of the new edifices was imposed, making it impossible for them to build. This high tax apparently does not affect the State Lutheran Church. They have recently built four new churches in the Stockholm area alone, but there are also complaints among the State Lutherans of inadequate and antiquated church facilities.

It is a conscious policy of the government to discourage private ownership of housing and of land. The municipal pre-emption rights have recently been extended, and in the case of one denomination in Sweden, no less than seven chapels have thus been "expropriated." Older villas in central areas are also a favorite target of this type of "urban renewal." Checking the largest daily newspapers in Sweden, one will find perhaps no more than 10 apartments and houses for sale or rent, with purchase prices quoted much higher than for comparable property in the United States.

The right to one's own home is further delimited. If one buys a villa, for example, in which a previous owner has rented out a room, he is not able to take possession of that room until he has supplied the renter with a room or apartment meeting the renter's approval. Thus, in a variety of ways, the socialists are able to undermine what the late Professor Richard Wheeler has called "the last metaphysical right."

The right to own property and the right to feel that one can be "king in his own castle" is an essential part of freedom. The political dissatisfaction which the socialists are currently facing, and which might yet bring down their government, has not induced the socialists to abandon their ruinous policy of socialist control over housing. It is peculiar how they will hold on to this socialist cliche even in the face of its obvious impracticality.

If we are wise enough to learn from the mistakes of other nations, we might well take warning from the signs we see of a similar development in the United States. Urban Renewal and municipal pre-emption are to be found also in our cities. The rules and regulations by the government in their so-called "anti-discrimination clauses" for all housing built by federal subsidies are more subtle, but no less real than the restrictions placed on the private sector and the individual citizens in Sweden.

The inviolate right to own, protect, and dispose of one's own property is a proper part of the American tradition and heritage. Let us protect this privilege which may indeed be "our last metaphysical right."

APARTHEID IN SOUTH AFRICA: A CRIME AGAINST HUMANITY

HON. CHARLES C. DIGGS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 20, 1970

Mr. DIGGS. Mr. Speaker, as the world embarks upon a new decade and as we convene a new session of Congress, we are all nevertheless confronted with our old sins and inhumanities. The poison that has plagued mankind the longest is the virus of racial discrimination. South Africa is a nation where injustice triumphs over justice; where honesty, freedom, and equality are the forgotten, unwanted, and unnecessary virtues. South Africa is the only sovereign state in our world where doctrines of race superiority have been elevated to the status of constitutional dogma. The United Nations General Assembly has declared apartheid and the philosophy underlying it to be a crime against humanity. If our society ever hopes to achieve peace we must recognize apartheid as a perverse and twisted system—a system that denies the common dignity of the human race.

I am thus including in the RECORD two articles from the January 1970 United Nations publication entitled "Objective Justice" which both succinctly and accurately reveal the evils of apartheid. In the words of the editors of this periodical:

> Objective Justice seeks to delineate the various features which go to make up the physiognomy of apartheid and which reveal the spiritual deformity of any society which proclaims and practises it.

The articles follow:

APARTHEID: SLAVERY IN THE TWENTIETH CENTURY

(By Ambassador Abdulrahim Abby Farah, U.N. Permanent Representative of Somalia and Chairman of the Special Committee on *Apartheid*)

It is now 17 years since the United Nations established its competence to take action against *apartheid* policies of the Government of South Africa and to bring to world attention one of the most challenging moral issues afflicting the 20th century. It is reminiscent of the persecution of Jews in Europe under the Nazi regime, if one seeks a parallel situation. But perhaps a more apt comparison can be made between *apartheid* and slavery in the 19th century.

After all, in the case of the abominations committed under Hitler, the full extent of that crime against humanity was not generally known until the liberation of Nazi-occupied territories. It is true also that when slavery was a flourishing institution, there was no world Organization which could bring an issue directly before its Member States; nor were there mass communications media which could bring into homes all over the world details of suffering endured on the "middle passage" of the slave trade triangle or in the plantation barracks.

But there are fundamental similarities between the campaign that eliminated slavery and the United Nations endeavours against *apartheid*. There was then, and there is now, a group of people committed to opposing a system that denies common humanity binding all men, regardless of race or colour, and which denies the most elementary human needs of one group of people in order to cater to the convenience of another.

Let there be no mistake about the nature of *apartheid*. If we think that slavery was an evil of the past, overcome and shelved into history books, we are wrong. *Apartheid* is slavery in twentieth century dress transported to new surroundings. And this fact presents us with a great irony. Here we are in the second half of the twentieth century, when the concept of human rights has been articulated in more detail and is almost universally accepted. Yet, if the experience of the past 17 years is any indication, it seems that in spite of our United Nations Charter and Universal Declaration of Human Rights—with all the sophisticated media of persuasion at our command—we are not likely to be as successful against *apartheid* as those nineteenth century evangelists who led the campaigns against slave trade and slavery.

Of course they were greatly helped by the fact that the slave trade and the plantation system had declined as sources of wealth for influential people who had the power to end those institutions. Unfortunately in the case of *apartheid*, the opposite is true. Three of South Africa's main trading partners—who find it increasingly profitable to continue and augment their trading connexions with South Africa—sit on the Security Council which alone has the authority for mandatory economic sanctions, or for any other forceful measures which are available under the Charter to combat *apartheid*.

There are also other Member States of the United Nations that, together with the United Kingdom, France and the United States, not only continued their economic co-operation with the Government of South Africa, but by 1966 had increased their total investments in the country from $4,434 million to $5,313 million. Reports indicate that in the past three years that figure has been greatly exceeded. A recent study shows that the United Kingdom, the United States, the Federal Republic of Germany and Japan, between them, provide markets for approximately 60 per cent of South Africa's exports and supply it with 60 per cent of its imports. At the same time the United States, the United Kingdom and the Federal Republic of Germany have provided 80 per cent of the increase in foreign investment in South Africa since 1964.

The General Assembly resolution calling on all States to end economic cooperation of any kind with South Africa does not have the mandatory force of a Security Council resolution, but the resolution adopted in 1964 calling for an arms embargo is a Security Council resolution and is mandatory. Yet, despite the embargo, the South African newspaper the *Cape Times* of 25 April 1969 reported that "South Africa is beating the arms ban. This is one of the most heartening things to emerge from Mr. P. W. Botha's White Paper on Defence. What we are not building ourselves, we are successfully buying from countries with a more realistic attitude than Britain".

The report went on to show how the close economic co-operation of certain Powers has enabled South Africa to move towards independent production of conventional armaments. In the meanwhile this co-operation has ensured a steady supply of conventional and more sophisticated weapons; for example, helicopters and supersonic jet fighters, submarines, and financial support for a ground-to-air missile installation have been procured from France.

PROFIT OUTWEIGHS PRINCIPLE

To these States, and particularly to those whose national economies would not be disrupted by a cessation of trade with South Africa, profit is more important than principle. By their trade, their investment and their supply of arms, they are contributing directly to the subjugation of the African majority in South Africa, to the extension of *apartheid* beyond the borders of South Africa to Namibia and Southern Rhodesia, and to the suppression of the movement for self-determination in the territories controlled by Portugal.

It was probably true in the nineteenth century—and it certainly seems to be true now—that moral considerations alone will not persuade Governments to take actions which would entail financial sacrifices. In the case of *apartheid*, the moral considerations are clear. We cannot claim ignorance today of what *apartheid* really means. It has been condemned by all United Nations Member States—with the obvious exceptions of South Africa, and Portugal, the other bastion of colonialism. *Apartheid*, like slavery, denies the humanity of those against whom it is directed.

Slavery involved the uprooting of people against their will; thereafter, they were used and exchanged at the will and convenience of their masters. Since the Group Areas Act of 1950 was passed in South Africa, hundreds of thousands of Africans have been forcibly moved from their homes to tribal areas with which they had little or no contact in the past, or to other areas where they have been relocated against their desire or interest.

Pass laws and the system by which Africans are allowed into "white areas" on sufferance only and are at any time liable to be forced out of the area, afflict their lives with a permanent element of insecurity.

Under slavery, family life was destroyed. Similarly, under *apartheid*, the family life of millions of Africans is being destroyed by the regulations controlling African residence in white areas. An African has the right to live with his wife and family only in the particular areas reserved for his tribe. If his work takes him elsewhere, his wife may not join him. Even if he was born in a town, has lived there continuously for 14 years, and has worked continuously with one employer for nine years, neither his wife, his unmarried daughters or his son aged 18 is entitled, as of right, to live with him for more than 72 hours. These are only a few of the restrictions that have been imposed on African family life.

Basically, the African has two choices under *apartheid:* either to live on the fringe of a white urban or industrial area where his existence has no validity except in so far as it provides a service for white men and where the most ordinary arrangements of his daily life and his most fundamental aspirations as a human being are all restricted and hemmed in by the laws which subjugate him and provide for the white man's comfort. A complex of laws dictate to him where he can live, where he can work, what education and what skills he can acquire, what friendships he can make, how he can worship God, and most inhuman of all, what family life he can have. The consequence is a restricted standard of living which gives rise to such statistics as a 25 per cent higher death-rate among black than among white children. The other choice is to live in a reserve or in a Bantustan which is poor in natural resources and where, on only 13 per cent of the total area of South Africa, it is planned to relocate those of the 14 million Africans who are not engaged in the white man's service. It is estimated that these areas could only support 30 per cent of the African population.

The slave in the nineteenth century could not hope to change his situation by political, legal or any other peaceful means. Whenever he could outwit the system and plan rebellion he did so. This resulted in degrading punishment, increasingly restrictive laws and sporadic outbreaks of savage violence which reflected the unendurable frustrations of the slave's existence.

In South Africa today there is no redress possible for the black man's situation as he has been deprived of political rights and his legal rights have been reduced to a sham. Numerous provisions introduced by the South African Government authorize arbitrary arrest and arbitrary detention with no means of recourse to the courts. Freedom of association is severely restricted by law. The recent trial of South African journalists who criticized the prison system gave substance to the growing body of evidence that Africans in prison are subjected to cruel and inhuman punishment.

It is not only the lesson of history, but also of our own times, that failure to bring about social change in a society which is suffering from the cumulative effect of long standing injustices, results in revolution and violence.

There are those who argue that social change will be brought about in South Africa through the present expansion of the

country's economy. They point to the many instances when leaders of industry in South Africa have called for an upgrading of the level of technical training for Africans which is presently restricted by law.

This argument ignores the fact that the South African Government has clearly made the choice between logical procedures which will support the country's fast moving economy on the one hand, and its ideological position on the subjugation of the black people on the other. The continued development of *apartheid* policies is evidence of which alternative has been chosen. Unfortunately it is an alternative which will lead inevitably to bloodshed and racial conflagration.

Apartheid has been applied in equally virulent form to the illegally held territory of Namibia, for which the United Nations has assumed legal responsibility. Its application in Rhodesia by the illegal Smith régime is being supported by South Africa to the extent that South African police and military units are helping the Smith régime to maintain its position. South Africa's support of the Portuguese authorities in their attempt to suppress the desire of the African people of Angola and Mozambique for self-determination completes the picture of racism allied to colonialism in southern Africa.

Thus, all the ingredients for a violent explosion exist in that large area. The black majorities in South Africa, Rhodesia and Namibia, faced with the alternative of remaining permanently enslaved in their own countries or opposing the situation by resorting to force have made their choice and have set in motion resistance campaigns.

The people of these territories would prefer to achieve their liberation by peaceful rather than by violent means. This is very much the view of the African nations, but as the Organization of African Unity recently stated in its Manifesto on Southern Africa: "While peaceful progress is blocked by actions of those in power in the states of southern Africa, we have no choice but to give to the peoples of these territories all the support of which we are capable in their struggle against their oppressors.

The international community has formulated a third alternative which is also described by the Manifesto when it says that South Africa "should be ostracized by the world community until it accepts the implications of man's common humanity. It should be isolated from world trade patterns and left to be self-sufficient if it can. The South African Government cannot be allowed both to reject the very concept of mankind's unity and to benefit by the strength given through friendly international relations."

Speaking of slavery, Thomas Jefferson said: "The hour of emancipation must come: but whether it will be brought on by the generous energies of our own minds, or by the bloody scenes of St. Domingo is a leaf of our history not yet turned over."

It is this same challenge which *apartheid* poses for us today.

The Lawless Laws of South Africa

Like other modern States, the Republic of South Africa is a country governed by laws. And the laws by which a country chooses to live are normally matters with which the United Nations not only does not concern itself, but which, in fact, it is expressly forbidden from interfering with by its own Charter.

However, a feature that gives to the laws of South Africa the character and dimension which have caused concern throughout the world and which have made them the subject of formal denunciation by the world Organization can be simply stated: while these laws apply to all the people of South Africa—white and non-white alike—they are laws of the white man alone, enacted by the white man alone, for the benefit of the white man alone. Neither in the formulation nor in the execution of these "laws" do the Africans, who form 70 per cent of the population, nor the Asians and the Coloured, have any voice or influence.

It is this character, according to the United Nations, which makes many of the "laws" of South Africa, in effect and in reality, instruments of inequity and oppression.

The following examples are drawn from a study prepared by Professor Leslie Rubin of Howard University, Washington, D.C., a former Senator in South Africa, representing Africans, for the United Nations Secretariat's Unit on *Apartheid*, showing how legislation described by the South African Government as being designed to promote "separate development", amounts in reality to a legalized contempt for all human beings of the non-white races.

The case-laws cited derive, for the most part, from the Bantu (Urban Areas Consolidation) Act No. 25 of 1945; the Bantu (Abolition of Passes and Co-ordination of Documents) Act No. 67 of 1952; the Bantu Labour (Settlement of Disputes) Act No. 48 of 1953; the Bantu Building Workers Act No. 27 of 1951; the Workmen's Compensation Act No. 30 of 1941; the Bantu Education Act No. 47 of 1953; the Extension of University Education Act No. 45 of 1959 and Proclamation No. 333 of 1 November 1957 issued under the Group Areas Act No. 77 of 1957.

HOME, FAMILY AND RESIDENCE

An African who was born in a town and lived there continuously for 50 years, but then left to reside elsewhere for any period, even two weeks, is not entitled as of right, to return to the town where he was born and to remain there for more than 72 hours.

An African who has lived continuously in a town for 20 years and is still living there, has no right to remain there for more than 72 hours, once he has accepted a job outside that town.

An African who has, since birth, resided continuously in a town is not entitled as of right, to have living with him in that town for more than 72 hours, a married daughter, a son who has reached the age of 18, a niece, a nephew or a grandchild.

If an African was born in a town, has lived there continuously for 14 years and has, during that period, worked continuously for the same employer for nine years, his wife commits a criminal offense by living with him for more than 72 hours, if she had not received a permit to do so.

Any policeman is entitled, without warrant, to enter and search "at any reasonable time of the day or night" premises on which he has reason to suspect that an African boy 18 years of age is committing the criminal offence of residing with his father without having been issued with the necessary permit to do so.

MOVEMENT

A proclamation in the Government Gazette may, at any time, prohibit any African from being in any town during such hours of the night as are specified, unless he is in possession of a written permit signed by his employer or by an authorized official. The permit must be produced on demand made by any policeman.

Unless he has been issued with a Certificate of Exemption, an African who is a University graduate, must have his fingerprints taken and may not, instead, furnish his signature to the appropriate official, when he applies for a Reference Book.

A visiting American Negro walking in a street in a city in South Africa may be stopped by a policeman who believes that "he in appearance obviously is a member of an aboriginal race or tribe of Africa". Required to produce his Reference Book, he will be presumed to be an African and therefore liable to arrest for failure to produce it, unless he proves that "he is not in fact and is not generally accepted as" a member of an aboriginal race or tribe of Africa.

WORK

A labour Officer may, at any time, cancel the employment of an African who works in a town, no matter how long he has been employed, even though his employer opposes the cancellation. An African whose employment has been cancelled, may be removed from the town where he worked, and prohibited from returning to that town for such a period as the Labour Officer specifies.

It is unlawful for an African worker to take part in a strike for any reason whatsoever.

An African factory worker who calls on other workers to strike for an increase in pay commits a criminal offense.

An African who, as a personal favour and without receiving payment, repairs a defective electrical fitting in the living quarters of a friend who resides on his employer's premises in a town, is guilty of a criminal offense.

An African is prohibited from doing skilled work in the building industry in any town in white South Africa, but a white man may be employed in skilled work in a Bantu village as a supervisor of Africans who are working on a building.

An African factory worker who is absent from work for 24 hours without permission, *in addition to being dismissed*, is guilty of a criminal offence.

A white workman who is permanently 100 per cent disabled is entitled to a monthly pension based on his earnings; an African similarly disabled is entitled to a lump sum based on his earnings, *but not to a monthly pension*.

If a white workman dies as a result of an accident, his dependents are entitled to a lump sum *and* a monthly pension based on his earnings; the dependents of an African workman who dies as a result of an accident are not entitled to a monthly pension, but only to "such lump sum as the Workmen's Compensation Commissioner deems equitable."

EDUCATION

No school for the education of African children may be conducted anywhere in South Africa unless it is registered by the Government, and the Minister of Bantu Education has an unfettered discretion to refuse to register it.

The Minister of Bantu Education may at any time, and without being required to give any reason for doing so, withdraw any subsidy previously granted by him to a school maintained by an African tribe or community.

An African living in a town who, without being paid for his services, conducts in his own home, a class in reading and writing for a few of his African friends, is guilty of a criminal offence.

A white man who spends a few hours each week, in his own home, teaching his African servants to read, is guilty of a criminal offence.

An African student who attends even a single lecture in a course at the University of Cape Town, is guilty of a criminal offence.

MARRIAGE, ASSEMBLY AND ASSOCIATION

An African born in a town, who has lived there continuously for 50 years, is not entitled as of right to have an African friend visit and remain with him more than 72 hours.

It is unlawful for a white person and a non-white person to drink a cup of tea together in a cafe anywhere in South Africa unless they have obtained a special permit to do so.

If an Asian (or a Coloured person or an

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African) sits on a bench in a public park (the bench being set apart for the exclusive use of white persons), by way of protest against the *apartheid* laws, he commits a criminal offence.

If there is only one waiting-room in a railway station, it is lawful for the stationmaster to reserve that waiting-room for the exclusive use of white persons, and any non-white person wilfully entering it commits a criminal offence.

An unmarried man who "in appearance obviously is or who by general acceptance and repute is a white person" and who attempts to have sexual intercourse with a woman who is not "obviously in appearance or by general acceptance or repute a white person", is guilty of a criminal offence punishable by imprisonment with compulsory hard labour for not longer than seven years.

TAXATION

Every African, male and female, who has reached the age of 18 years is liable to pay an annual tax (known as the "general tax") of at least $4.90, *in addition to the ordinary Income Tax payable by all South Africans,* unless he satisfies the authorized official that he has reached the age of 65 years.

Every African who is the occupier of a dwelling in an African township is liable to pay an annual tax (known as the "local tax") of $1.40.

In certain defined areas, any white policeman may, at any time, stop an African walking in a city street, if he believes him to be liable to pay these taxes, and ask him to produce a receipt for his general tax or local tax, and inspect such receipt.

If the African fails to comply with such demand, the policeman may arrest him and have him brought before a Bantu Affairs Commissioner who may then order his detention until arrangements have been made for payment of such tax as may be due.

OWNERSHIP OF LAND

No African is entitled as of right to acquire freehold title to land anywhere in South Africa, nor is it the intention of the present Government ever to grant such right to the African, even in his own Bantu areas.

RELIGION

The Minister of Bantu Administration and Development may, provided that the urban local authority concurs, by notice in the Gazette, prohibit the attendance of Africans at a Church service in a town.

No church may be established for Africans in any town without the prior approval of the Minister of Bantu Adiministration and Development.

OPINION AND EXPRESSION

A white man who tells a group of Africans that the *apartheid* laws are unjust and should be disobeyed, is guilty of a criminal offence.

The South African Publications Control Board consists of nine persons (all of them white) appointed and paid by the Government. The function of the Board is *inter alia* to prevent the showing of any film which depicts white and non-white children sharing the same classroom; or white and non-white adults dancing with one another; or white and non-white men and women embracing and kissing one another.

Another function of the South African Publications Control Board is to prevent the showing of any educational documentary film which expresses approval of racial integration or disapproval of discrimination based on race or colour.

It is a criminal offence for a newspaper to publish an article which is held by the Court to have harmed relations between whites and Africans because it used strong language to assert that *apartheid* is unjust to the African people.

A photographer who—without the authority of the Commissioner of Prisons—photographs any prison or any group of prisoners, is guilty of a criminal offence.

An African who writes "Down with *Apartheid*" on the wall of the house of any other person, is guilty of a criminal offence.

In certain specified areas throughout South Africa, any person who, without the written approval of a Government official, addresses any meeting at which more than 10 Africans are present, is guilty of a criminal offence.

LEAVING AND RETURNING

An African may not leave South Africa to take up a scholarship at an American university unless he is in possession of the permit required by law. The Secretary for the Interior may refuse to issue the permit unless the applicant undertakes to leave South Africa permanently.

RULE OF LAW

An African who has been required by an order of Court to leave a certain area must do so, and no Court of law may grant an injunction preventing such removal, nor may appeal or review proceedings, stay or suspend such removal, *even when it has been established beyond all doubt that the order of Court was intended for some other person and was served upon him in error.*

If an African ordered to leave an area, refuses to do so, the State President has an unfettered discretion to order that, without trial in a Court of law or further investigation of any kind, he be summarily arrested, detained, and removed from that area.

Any person who breaks the window of a building in the course of a demonstration calling for the grant of increased rights to the African people, is guilty of the offence of *sabotage,* unless he proves that his act was not calculated or intended to encourage feelings of hostility between white persons and Africans. The offence is punishable by a sentence of death.

No African may serve as a member of any jury empanelled for any criminal trial, even where the accused is an African.

Any police officer of or above the rank of Lt. Colonel who has reason to believe that a person is withholding from the police information relating to "terrorists" may arrest and detain such person for an indefinite period.

No person other than the Minister of Justice or an official may have access to such detained person, *nor is any person* (*not even members of his immediate family*) *entitled to any information as to what has happened to him or where he is.*

No court of law may order the release of such detainee or pronounce upon the validity of any action which has been taken against him.

An African living in a Bantu area may not, without special permission to do so, carry a knife whose blade is more than 3½ inches long, while outside the allotment of which he resides.

BAN HANDGUNS

HON. ABNER J. MIKVA

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 20, 1970

Mr. MIKVA. Mr. Speaker, assassinations of great Americans, robberies of retail stores, and assaults in streets have not eliminated the "frontier mentality" from the U.S. citizenry. Apparently, too many Americans harbor the outmoded belief that everyone is solely responsible for his own protection. That premise may be true in a society without law. But in a nation governed by laws, which are enforced by constitutional authorities, the citizen's responsibility should be shared with the authorities. And what is the proper division of responsibility?

The citizen bears the responsibility of living vigilantly and lawfully and of cooperating fully with law enforcement officers. The latter, in turn, serve with the charge of protecting society—with guns, if necessary. Handguns owned by private citizens "are the inevitable companions of crime, violence, and death." In the hands of law enforcement officers, however, weapons can be the instruments of protection, enforcement, and tranquillity.

It is my earnest conviction that Congress must ban handguns from private citizens before handguns banish us from our own society. In this line, I commend to my colleagues the eminently sensible editorial, "Ban Handguns," which appeared in the December 18, 1969, issue of the Christian Science Monitor.

The editorial follows:

BAN HANDGUNS

The time will come when a civilized nation like America will find it incomprehensible that it ever let private citizens own tackle specifically designed to cause death. To Milton Eisenhower, chairman of the National Commission on the Causes and Prevention of Violence, that time has already come. It has also come with us. We thus fully and enthusiastically endorse Mr. Eisenhower's demand that pistols be taken from everyone in the nation other than those "who need them."

The former president's brother, and in his own right one of America's most thoughtful and distinguished citizens, calls for a system of restrictive licensing. The result would be that pistols, the main standby of today's criminal, would be fully and forever stripped out of the hands of private citizens.

We have not in the past, and we cannot today see a single valid argument against such a step. No one, but no one, other than the lawfully designated guardians of public order need handguns. In the hands of such wardens pistols are, at the present state of affairs in the United States, a necessary and valuable instrument of public protection. In the hands of private citizens they are the inevitable companions of crime, violence, and death.

Mr. Eisenhower exempted both rifles and shotguns from his plea. He did so almost certainly out of deference to farmers' needs and hunters' desires. This, at the present time, is a valid exemption. But if, once a ban on handguns took place, criminals turned to the use of longguns, then public welfare might necessitate a like action against them. But we call for one step at a time.

In the meanwhile, however, there should be stricter action against the unlawful possession of sawed-off shotguns, hand grenades, and machine guns. The arsenals collected by the Black Panthers—regardless of the rightness or wrongness of police methods taken against this group—are totally impermissible and should be seized and their possessors punished.

America is a gun-ridden, gun-terrified, gun-oriented, gun-wounded, and gun-slaughtered society. This is a disgrace which stinks to high heaven. It is something which every homeland-loving American should be bitterly ashamed of. It is something which any public official worthy of holding office should seek to mend. It is a moral imperative.

WILBUR D. SPARKS, HEAD OF BARBERSHOP HARMONY

HON. JOEL T. BROYHILL

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 20, 1970

Mr. BROYHILL of Virginia. Mr. Speaker, the 10th District of Virginia, which I have the honor to represent, will be the world capital of barbershop harmony singing during 1970, and the sovereign ruler will be Wilbur D. Sparks, 6724 26th Street North, Arlington.

After the past 2 years as international vice president, Sparks assumed the office of international president on January 1 of the 32,000-member Society for the Preservation and Encouragement of Barbershop Quartet Singing in America, Inc.

He is the first personality on Capitol Hill ever to receive this distinction. Mr. Sparks was named assistant counsel of the Senate Antitrust Subcommittee in 1956, and has continued until today as a specialist in Federal antitrust legislation. He originally came to Capitol Hill in 1941 when he joined the staff of U.S. Senator Harry S. Truman, whose Special Senate Committee Investigating the National Defense Program was making World War II headlines, serving to 1946.

During 10 years in private law practice in Washington, the year 1954 has a special significance for my constituent as well as the society he now leads, for he joined the Alexandria chapter on that date, and almost immediately joined his first quartet, the Professors of Harmony. Sparks, Oz Newgard, and Don Braisted formed the Harmoni-Chords with Burt Young as lead in 1958, and were enjoyed by scores of audiences with seven leads altogether until 1967.

Wilbur helped make the Alexandria Harmonizers tick as vice president, president, bulletin editor, newsletter publisher, assistant chorus director, baritone section leader, coach of quartets, as well as a myriad of other tasks.

In 1959 he was certified as a society judge in voice expression. Mid-Atlantic district, the society's largest, with 5,000 barbershoppers and 95 chapters, put Wilbur to work in 1958 as historian and archivist, and later elected him successively district secretary, vice president, executive vice president, and president for 2 years. He started international service with the society's 750 chapters in the United States and Canada as vice president and later president of PROBE, composed of public relations officers and bulletin editors. He was also editor of Probemotor, and took on various committee tasks.

Born in Savannah, Mo., in 1918, Wilbur was educated in Savannah public schools, and became a champion trumpet player. At the University of Missouri at Columbia, he not only earned A.B. and LL.B. degrees but also sang in college and fraternity glee clubs and quartets, and played in marching, concert, and dance bands. Married to Elizabeth Hartley, also of Savannah, in 1942, they have two daughters, one in college and the other married and living in Louisville, Ky. Wilbur and his family are members of the Columbia Baptist Church, Falls Church, where he is a deacon, has served as chairman of the music committee several times, and has sung in the chancel choir since 1957.

Two of Wilbur's big responsibilities in 1970 will be staging the annual international contest and convention in Atlantic City, June 22–27, and helping build the society's contributions for the Institute of Logopedics in Wichita, Kans., beyond the half-million-dollar mark. SPEBSQSA has always had the motto "Keep America Singing," but in 1960 added "We Sing That They Shall Speak" when the society chose a major charitable cause.

Barbershopping is flourishing in the Metropolitan Washington area, which now has eight chapters with the new Bowie, Md., contingent, others being Alexandria, Arlington, Fairfax, Manassas, Montgomery County, Prince Georges County, and the daddy of them all, the District of Columbia.

Washington public relations man Ed Place, who transferred from Louisville, Ky., chapter to the District of Columbia early in 1946, worked on Capitol Hill for the Republican National Committee before and during the 80th Congress, and quartets were bombarding each other with chords and swipes in all directions. Ed staged a contest at the Statler Hilton Hotel for the Republic House quartet, led by Whip Les Arends of Illinois as tenor, and the Democratic House quartet led by its then Whip Percy Priest of Tennessee, also a tenor. Representative Samuel K. McConnell from Pennsylvania was the master of ceremonies, and the contest was a draw, but the quartets were on a nationwide radio hookup later.

Ed's own quartet, the Diplomats, scored a big victory in Carnegie Hall, New York City, and qualified for the international quartet championship at Oklahoma City in 1948. While competing at Oklahoma City, the Diplomats were selected by the entertainment committee of the Republican National Convention to be held in Philadelphia a few weeks later to be the first barbershop quartet ever to sing at a national political convention. Tenor of the Diplomats was Howard Cranford, the assistant supervisor of English in the District of Columbia schools. Place and Cranford were called one morning to Vice President Richard Nixon's office to harmonize with the Vice President and Howard Mitchell, conductor of the National Symphony Orchestra, to publicize an attraction at Constitution Hall.

During December when Ed Place was again working on the Hill as a press assistant, he was asked by E. Homer McMurray, who presides at the House staff members' prayer breakfasts in the Capitol, to organize a musical program for Wednesday morning, February 4, and get his District of Columbia Keys quartet if possible.

The Keys will be there, with International President Wilbur Sparks and Ed Place, both Baptists, as baritone and bass, respectively. Howard Cranford, a Methodist, will sing tenor with another Methodist as the other tenor, Millard—Mickey—Beall, soloist for the 34th year with the Chesapeake & Potomac Telephone Co. Glee Club. This foursome represents a total of 86 years of SPEBSQSA quartet singing and as much or more choir singing. They are confident of getting all those present singing and, perhaps, forming gospel and barbershop quartets the coming year all over the Hill as in 1948.

TRIBUTE TO WOMEN

HON. PAUL J. FANNIN

OF ARIZONA

IN THE SENATE OF THE UNITED STATES

Wednesday, January 21, 1970

Mr. FANNIN. Mr. President, in my State of Arizona we are favored with the presence of a most remarkable and wonderful woman in the person of Miss Bess Stinson, a member of the Arizona House of Representatives.

Miss Stinson, from District 8–M of Marizopa County, is serving her second term, having been elected from a district in which the registration runs 3 to 1 in favor of the opposition party. I think this is a tribute to her well recognized sense of fairness and the outstanding contributions she has made to her community, her State, and the Nation over the years.

She has been active in public and community relations for one of the major banks in Arizona; she has been active in church and civic life; and has served her country well as a member of the Armed Forces.

She is an active member of the Cactus Wren Club of Republican Women, and in addition has been nationally recognized as the featured speaker during the awards luncheon of the National Federation of Republican Women.

Mr. President, Miss Stinson's speech has received wide acclaim as a tribute to women. I ask unanimous consent that it be printed in the Record.

There being no objection, the speech was ordered to be printed in the Record, as follows:

[From the Republican Arizona, December 1969]

TRIBUTE TO WOMEN

"For everything there is a season, and a time for every matter under heaven . . . a time to plant and a time to harvest . . ."

Women have waited the long, bleak centuries through, but there has been little harvest for them. Theirs was the role of planting, cultivating, tending and enduring. The wheels of time turn slowly, but they do turn, and today the star of women is in the ascendency even though we still have a long way to go.

At times in history the strong winds of change alter the world's course. Such a period followed the landing of the Pilgrims at Plymouth Rock. The winds then blew for freedom and in the next century the first government based upon the proposition that governments derives their just powers by consent of the governed was launched.

It began with a virgin country, the wealth and extent of which the founders were unaware. They only knew that theirs was the opportunity to choose the essence of the best that the science of government had produced and give it to a new land.

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And it began with a virgin society which keenly felt its moment in destiny.

Before the next hundred years had passed, miracles had been wrought, and man's horizon of freedom and the new world had dramatically widened. Slaves were freed and in 1869 were enfranchised.

Nothing was done about women. But the spirit of freedom and the winds of change had touched them too—and the wind came from the West, although the movement had started at Seneca Falls, New York in June 1848 with the first national convention for women's suffrage. Susan B. Anthony and Elizabeth Cady Stanton were its prime movers. They were determined to change the statutes which bound women in legal, financial and voiceless servitude.

The road to emancipation was long and heartbreaking. Its foremost heroines did not live to see its full achievement, but rejoiced in the small victories and exciting anticipation of things to come. Against the opposition of the clergy, ridicule by the press, and unyielding political hostility the pioneers endured, sacrificed and persevered. They were magnificent!

And it finally came to pass that in the Territory of Wyoming, in the year 1869, the first victory was won. Women were acknowledged as separate independent beings. It was a victory guided by the determined efforts of Mrs. Esther Morris of South Pass, Wyoming, who was shortly afterward appointed justice of the peace of South Pass—a truly Western salute to what the West always admires—sheer grit.

Hard on the heels of Wyoming, the Territories of Utah and Washington granted women suffrage. The ladies fought on—Colorado, Idaho and California joined the ranks, then Arizona, Kansas and Oregon. It was almost a phenomenon of the West—and with good reason. Nowhere had women worked, struggled and borne misfortune with the tenacity, fortitude and endurance that this part of our Nation demanded of its women.

They could look back on generations—on sod dug-outs, on mere shells of cabins, on Indian wars—years of living in apprehension, most of them fighting—the droughts, the locusts, the snows, the prairie fires, the blizzards, and all of this under a crushing burden of toil. Some broke under the strain. There was not very much to eat and no money, but there was always the indomitable spirit, always the love that kept families together and made do, always the dreams of a better day. The dreams lived on in the hearts of the children and eventually they carried them out.

The settlement of the West, or any other part of this country for that matter, owes more to the endless toil of pioneer women than to all other factors in its history. A character in Edna Ferber's Cimarron tells it this way:

"You can't read the history of the United States, my friend . . . without learning of the great story of those thousands of unnamed women . . . women in mud caked boots and calico dresses and sunbonnets, crossing the prairie and the desert and mountains, enduring hardship and privation. Good women with a terrible and rigid goodness that comes of work and self-denial. Nothing picturesque or romantic about them, I suppose . . . No, their story's never really been told, but it's there just the same. And if it's ever told straight, you'll know its the sunbonnet and not the sombrero that's settled this country."

That is how it was, and how America was built. No one stopped to count the cost—they threw themselves blindly into the impossible, accomplished the unbelievable. The human race has not known such faith and self-confidence since history began. America! No other land can match this conquest of the unknown, the untried—and the major role of its women.

The greatest of all observers of the American scene, de Toquevile, agreed. Over 100 years ago he said, "If I were asked . . . to what the singular prosperity and growing strength of the United States ought mainly to be attributed, I should have to reply 'To the superiority of its women'."

This was a great man's highest tribute, richly and nobly deserved by women who were more than great.

Today we celebrate the 100th anniversary of that victory in Wyoming and the 50th anniversary of the passage of the 19th Amendment by Congress. In the interim, life has greatly changed in America, but the quest goes on. Equality now is the goal—not just the vote, but equal rights.

No one knowledgeable in the history of America's women, their trumph over adversity, steadfastness in character and fidelity to purpose doubts the outcome.

And so, we pay tribute to American Women, past and present. We honor all that they have been, take pride in all that they have become.

The slogan of those early, intrepid leaders has the same meaning, the same validity today:

"Principles, not policy; justice, not favor; men, their rights and nothing more; women, their rights and nothing less."

It is still a time for planting that the harvest may be more bountiful for all and Freedom more secure.

Our Country still needs the devotion, the effort, yes—even the sacrifice—of women to insure that "this Nation under God shall not perish."

BURDEN NAMED

Arizona Third District Congressman Sam Steiger has announced the appointment of Dana Burden to serve as a regional technician for the 1970 census in Utah and Arizona. Burden will take a six months leave of absence from Steiger's staff where he has been serving as an Arizona aide.

The 36 year old Wickenburg resident is one of the former owners of the Remuda Guest Ranch. He attended Wickenburg High School, Phoenix College and the University of Arizona.

Burden will resume his duties on Steiger's staff as soon as the census in the two states is complete.

THE ESTABLISHMENT

HON. JACK EDWARDS

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 21, 1970

Mr. EDWARDS of Alabama. Mr. Speaker, so often today we hear comment about the "establishment" which is allegedly running or ruining our society depending upon who you are talking to. Just what the establishment is, what are its aims, what are its strengths and weaknesses are discussed in the following speech delivered by the Honorable J. V. Clyne, chairman, MacMillan Bloedel Ltd.

In his speech, Judge Clyne, who was a justice of the Supreme Court of British Columbia from 1950 to 1957, characterized the "establishment" as a group in the vanguard of change, attuned to all the ideas of a rapidly changing age yet subject to more gratuitous insults than any other group. I highly recommend the following text to my colleagues:

"THE ESTABLISHMENT"

(By the Honorable J. V. Clyne)

I have come here today to say a few kind words about a very much maligned group of people—the members of the Establishment, many of whom are probably in this room. They are subjected to more gratuitous insults than any other group I know, yet they are often loath to answer their attackers. Nothing I can say is likely to dam the flow of abuse that is directed at the Establishment because Establishment-sniping is a very popular pastime. However, I think it is about time someone spoke for the defense and that is what I intend to do with the time you have given me today.

You need not look very far today for examples of the anti-Establishment attitude. It is in front of you all the time, as the subject of television talks, in the press and periodicals, and on the signs that are carried through the streets in such large numbers nowadays.

The Establishment I refer to is in the vanguard of change . . . change that is human and vital because it is based on law rather than nihilism. I am speaking of an Establishment attuned to all the ideas of a rapidly changing age, ready to seize on the best the current ferment produces and to implement it. No Establishment worthy of the name ever rejected an idea merely because it was radical and what I am about to say to you is based on a philosophy of affirmation, not of rejection.

It has become fashionable to attack the Establishment without knowing what the term means . . . and it is dangerous to use terms having a social significance unless you have an understanding of their true meaning. Confusion in thinking leads people to attack the wrong targets. The Prime Minister of Australia, for instance, on becoming elected recently, said, "I am not of or in the Establishment." If a Prime Minister is not a member of the Establishment, in its true sense, I don't know who is, and the fact that he made such a statement indicates the extent to which the concept has been discredited and misunderstood.

If instant reforms are not provided for all mankind's chronic ills, it is alleged to be the fault of the Establishment which is seen as standing four-square against progress, freedom, peace and all things good. One of the conveniences of using the Establishment as a whipping boy is its characterization as a great impersonal "they" to whom all sins can be ascribed without the necessity of a bill of particulars. Arrayed against this wicked "they" is a great collective "we" who are invariably righteous and noble-minded. This is according to the popular liturgy.

In order to see beyond this rather naive view of life, it might help to stop and consider just who the Establishment are. The term itself is presumed to have come from England where the established families traditionally placed their sons in the service of the church or the State. Since those families formed a relatively close-knit segment of the community, they came to be referred to as the Establishment. The levels of service to which young men were admitted depended on their performance at examinations at a university—usually Oxford or Cambridge—or the civil service examinations. A "first" in university examinations was a guarantee of a high level appointment. Therefore, the Establishment very early was marked by its devotion to intellectual excellence because this identified a man as a leader—or at least one with leadership qualities. In addition to excellence, great stress was also placed on civil order, public service and personal honour. The British Establishment in its development owed a great deal to the philosophy of the Greeks who, for the first time in history, thought of their civilization as the conscious pursuit of an ideal. Any civilization thus motivated would, of course, collapse without a body, or an Establishment, devoted to excellence in the law, philosophy, the arts and sciences; and the citizens of

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ancient Greece elevated their scholars and thinkers to positions of authority in the social and political hierarchy.

Time has diluted the purity of the Greek ideal but its essential elements survived Italy's Renaissance man, in France's "honnete homme" or cultivated man, and in the British concept of a gentleman. Today it has a very limited public appeal and is sometimes referred to in the vernacular as "square."

This is unfortunate and self-defeating because we in the western world—old and young alike—are still moved by ideals, whether or not we agree on what they are. The young, in fact, believe themselves to be more idealistic than the old, and it is a fact that necessary reforms have frequently been brought about by the ideal of youth. But the one irreplaceable attitude necessary to hold those ideals aloft—the pursuit of excellence—is being ignored. The negative cults of confusion and whimsy are honoured in its place.

The American historian, Henry Steele Commager, has declared that it is absurd to credit mere chance for the "outbreaks of genius" which occurred in the Athens of Pericles, the Florence of Michaelangelo, the England of Shakespeare and Bacon, the Vienna of Mozart, or the Philadelphia of Franklin. Why should the little colony of Virginia have produced, in one generation, such statesmen as Washington, Jefferson, Madison, Monroe, Marshall and Whyte? Surely it was because they were intellectually and morally equipped to respond to the challenges which confronted them at their moment in history, just as your astronauts and space scientists are equipped to respond to the challenge our times have given them. Those distinguished Virginians are an example of an Establishment which not only accepted reform, they initiated it. If we are to offer the world new hope based on western ideals, from what soil is a modern flowering of leadership to grow? It is for this reason—a concern for a leadership vacuum—that I have chosen to use the term Establishment in a somewhat different context than the one in which it is popularly used today to refer to any group which has succeeded in building a power structure around itself. We lose the meaning—and the lesson—of the classic Establishment when we define the term so casually.

I am not quite certain where my remarks will place me in relationship with your Vice-President, Mr. Agnew, who by virtue of his office certainly is now a member of the Establishment. No matter.

The Establishment consists of those who set themselves to master their disciplines according to rigid standards of excellence. As an ideal they subscribe to a moral code based on an obedience to the unenforceable, and they have a highly developed sense of public service, though it may no longer be based on family traditions. Members of the Establishment are not necessarily outstanding public figures but they are the doers in the community. The true Establishment is the instrument of all constructive change.

The key to the Establishment's function is the rule of law because excellence cannot thrive in a state of civil disorder. I do not say this simply because the law was my profession but because our legal system is undergoing a series of challenges by those who are unmindful of the dangers in the game they play. We are the beneficiaries of great bodies of law, from Moses and Hammurabi, the Greeks, the Romans, Napoleon and the English common law. Our objective, based on that heritage, is to preserve the safety of the state while protecting the liberty of the individual. In the case of the United States, your goal, according to your own constitution, has been to "insure domestic tranquillity" while securing for yourselves the blessings of liberty. Your founders sought to protect the new nation from a tryranny of the majority by providing for a system of checks and balances, such as two senators from each state, regardless of population. It is one of the paradoxes of our times that so much of the initiative seems now to have passed to a militant minority which threatens with a loud voice the tranquillity and the liberty of the majority which is now referred to by your President as a "silent majority." Speaking of the tongue in his general epistle St. James says, "It is a small member but it can make huge claims." Utilizing the arts of publicity, the minority seeks to subvert the very constitutional processes which are actually necessary to preserve minority rights. Furthermore, the zeal for individual rights sometimes obscures the true interests of the nation. The intent of the law—to insure domestic tranquillity—is altered to provide aid and comfort to those who break it—a trend which gives great satisfaction to the criminal element.

Lawyers today must be criminal lawyers if they are to win much public attention. But things were not always this way. In 14th century Italy, for example, even law teachers were revered and one, named Bartolus, was so highly thought of by the Emperor that he was given royal authority to grant legitimacy to any bastard who might attend his law classes. I do not mean to imply that the legal profession attracts more bastards than any other calling!

Challenges to the law today take the beguilingly innocent form of a defense of conscience. Now, conscience is an admirable thing and men who are ruled by their consciences are universally respected. This innocent word, however, has been put to a more sinister use by our new breed of revolution. We are told that the truly free man can be bound by no laws except those which his conscience tells him to obey. He need accept no obligations except those which depend on individual consent. This is a doctrine that has widespread appeal because it sounds so very moral yet it is used to give the appearance of high principle to lawlessness. One may say he refuses to pay taxes because, deep in his conscience, he disapproves of the way they are spent. One may even justify theft on the grounds that he doesn't hold with notions of private property. There is no idea more dangerous to the existence of an orderly human community than the doctrine that among the duties that are placed upon him the citizen is free to pick and choose those that he will perform.

Two distinguished residents of Los Angeles, Will and Ariel Durant, have expressed the danger very clearly in their book, "The Lessons of History."

"The first condition of freedom," the Durants say, "is its limitations; make it absolute and it dies in chaos. So the prime task of government is to establish order; organized central force is the sole alternative to incalculable and disruptive force in private hands."

It must also be understood that aspects of freedom change with changes in environment. You cannot give the same noisy midnight party in a city apartment that you can in a house in the country. The freedom of one person is always conditioned by the freedom of another. This concept is recognized at all times by law but is not recognized by demonstrators in the universities, in the streets and elsewhere who seek to impose their opinions by violence upon the rest of the community. In this sense, the citizens of the United States are in danger of losing their freedom.

We appear to have moved from one dangerous fallacy to another—from the fallacy that all men are created equal to the one which preaches the absolute importance of the individual. Thomas Griffith of Life Magazine wrote that universal equality "is a denial of the truth of an inequality of merit; but worse, it is also a repudiation of the value of unequal effort." He speculates as to how many school children fail to demand the best of themselves "for fear of the unpopularity that goes with wanting to excel."

The second fallacy, which carries the cult of individuality of an extreme, is reflected in Thoreau's famous doctrine of civil disobedience which is being widely followed in North America today by people who probably have never heard of its author. Here the individual decides that certain laws—and the choice is his alone—are to be violated as part of the process of reform. Obviously, the whole body of the law is attacked when any part of it is systematically contravened, yet civil disobedience is widely condoned today by a public which has allowed itself to become too passive and permissive. When force becomes a necessary alternative to violence there is always a large segment of the community ready to proclaim police brutality.

"It is good," according to the Durants, "that new ideas should be heard, for the sake of the few that can be used; but it is also good that new ideas should be compelled to go through the mill of objection, opposition, and contumely; this is the trial heat which innovations must survive before being allowed to enter the human race."

What we need today is not a continuing war between the young and the old, the radical and conservative but, as your President has said, "a lowering of our voices." We need a new synthesis of conservatism and radicalism, "holding fast to that which is good," rooting out that which is not so good and replacing it with new ideas for creative excellence in society. Inevitably, the agent for that change will be the Establishment. In a world of rapid, complex and technological evolution, North America will not be competitive without a strong, intelligent and innovative Establishment.

THE 146TH ANNIVERSARY OF THE BIRTH OF STONEWALL JACKSON

HON. JENNINGS RANDOLPH

OF WEST VIRGINIA

IN THE SENATE OF THE UNITED STATES

Wednesday, January 21, 1970

Mr. RANDOLPH. Mr. President, today marks the 146th anniversary of the birth of Gen. Thomas Jonathan "Stonewall" Jackson, one of America's most distinguished military strategists. Stonewall Jackson was born in the western region of Virginia in what is now the city of Clarksburg, W. Va. He lived as a boy and young man in what is now Lewis County in the Mountain State. History has recorded well the outstanding accomplishments of this Civil War general on the battlefield. Much has been written on Stonewall Jackson's numerous military feats, particularly on his unique conduct of the famous valley campaign. To this day, the movements and the tactics of Jackson in the valley campaign furnish teachers of military art and strategy throughout the world with the elements of success on the battlefield. The successful military maneuvers, the leadership, and the strong character of Stonewall Jackson were eloquently recognized by the great victorian military leader, Field Marshal Viscount Wolseley, who stated:

> The fame of Stonewall Jackson is no longer the exclusive property of Virginia and the South; it has become the birthright of every man privileged to call himself an American.

XUM

XUM

Mr. President, in the civic-conscious city of Clarksburg, historic and service organizations appropriately continue to commemorate the anniversary of the birth of Stonewall Jackson.

I ask unanimous consent to insert in the RECORD an article from the Clarksburg Exponent of January 18 on this year's ceremony.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

JACKSON WAS BORN HERE 146 YEARS AGO

Wednesday, Jan. 21, will mark the 146th anniversary of the birth of General Thomas Jonathan (Stonewall) Jackson. He was born in Clarksburg Jan. 21, 1824.

S. J. Birshtein, chairman of the Stonewall Jackson Historical Committee of the Chamber of Commerce, announced that two local organizations are honoring the historic occasion with appropriate wreaths.

The United Daughters of the Confederacy will place a wreath on the bronze plaque erected on the birthplace site in the 300 block of West Main Street in downtown Clarksburg. Mrs. E. B. Dakan, Jr. is president of the local U.D.C.

The Stonewall Jackson Civic Club will remember the renowned general by placing a wreath on the equestrian statue on the plaza of the Harrison County Court House. Mrs. Fray G. Queen, Jr. heads the civic organization.

The Clarksburg Chapter of the U.D.C. erected the bronze plaque in August, 1911, to commemorate the General's birthplace.

On Sunday, May 10, 1953, the famous bronze equestrian statue was dedicated. This was made by the late Charles Keck, widely known sculptor of New York City. His widow attended the unveiling and impressive dedicatory ceremonies. The base of the statue was designed by William Grant, a Clarksburg architect.

The equestrian statue is a three-quarter life-size bronze original model casting for the Stonewall statue at Charlottesville, Va., dedicated Oct. 19, 1921.

Stonewall Jackson is enshrined in the Hall of Fame for Great Americans at New York University. A striking statue by Moses Ezekiel of Richmond, Va., a graduate of Virginia Military Institute of Lexington, Va. and a personal friend of General and Mrs. Robert E. Lee, was dedicated at Charleston, W. Va. on Sept. 27, 1910. A similar statue was erected two years later on the grounds of V.M.I. and dedicated June 19, 1912.

Following the election of General Jackson in 1955 to the Hall of Fame, Bryant Baker, the sculptor, was commissioned to prepare the bronze bust, and this is in effect the model from which Mr. Baker made the bust later placed in the Capitol Building in Charleston, W. Va. and dedicated Sept. 13, 1959.

At V.M.I. Stonewall Jackson was professor of Natural and Experimental Philosophy, and Instructor of Artillery Tactics for 10 years, from 1851 to 1861. Then he was called upon to enter that career of distinction which in two years made the name of Stonewall Jackson immortal.

Between April 29, 1861 and May 1, 1863, Stonewall Jackson distinguished himself as one of the greatest military strategists that ever lived.

General Jackson was a master of the art of war. He used his two great elements, initiative and surprise, in unsurpassed applications.

Swift and sure of attack, dogged and determined in defense, undismayed by adverse odds, he was the ideal battlefield commander.

One of the finest tributes to Stonewall Jackson was sent in a telegram by the great general of World War II, Douglas MacArthur, at the unveiling of the bronze bust of "Stonewall" by Sculptor Bryant Baker in the Hall of Fame for Great Americans at New York University, May 19, 1957.

In his telegram General MacArthur stated: "Perhaps the most prized message I ever received came from the famous historian, Douglas Southall Freeman, who wrote me at the close of my campaigns in the Southeast Pacific area of World War II, 'The *mantle* of Robert E. Lee and Stonewall Jackson has now fallen on your shoulders.' "

Two of Jackson's favorite maxims were "You May Be Whatever You Resolve To Be" and "Never Take Counsel of Your Fears."

Stonewall Jackson's paternal grandparents, his father Jonathan and Stonewall's sister, Elizabeth, are buried in the historic cemetery in Jackson Park, located on East Pike Street, Clarksburg.

The General's mother is buried in Ansted, W. Va. His sister Laura lies at rest in Buckhannon, and his brother Warren is buried near that city.

Stonewall's wife, Mary Anna Morrison, died at Charlotte, N.C., March 24, 1915.

Jackson died May 10, 1863 at the age of 39 near Guinea Station, Va. and is buried in Lexington, Va.

EDUCATOR NOMINATED TO BE U.S. AMBASSADOR TO SWEDEN

HON. THADDEUS J. DULSKI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 21, 1970

Mr. DULSKI. Mr. Speaker, after leaving the post vacant for a year, President Nixon has nominated a distinguished educator and former All-American football end at Cornell University as the U.S. Ambassador to Sweden.

He is Dr. Jerome H. Holland, now president of Hampton Institute in Virginia.

A Buffalo family is particularly proud of the President's selection. Dr. Holland's sister, Mrs. Lydia Sims, and her family are residents of my home city.

Some interesting highlights in the background of Dr. Holland are related in the story which appeared January 13 in the Buffalo, N.Y. Courier-Express, as follows:

BROTHER OF BUFFALO WOMAN NAMED ENVOY TO SWEDEN

The brother of a Buffalo woman was nominated by President Nixon Monday to be ambassador to Sweden. He is Dr. Jerome H. Holland, president of Hampton Institute in Virginia for the last 10 years.

Dr. Holland, 54, is the brother of Mrs. Lydia Sims of 29 Ada Pl.

FOOTBALL STAR

"Brud" Holland, as he is known to friends, worked his way through Cornell University stoking furnaces, and was an All-American end on the Big Red football teams of 1938 and 1939, the year he received his bachelor's degree.

After earning a master's degree in sociology at Cornell in 1941, he taught social science and coached football at Lincoln University, Tennessee Agricultural College, and Iowa State University.

He earned a doctorate in sociology from the University of Pennsylvania in 1950.

"HARD-WORKING PERSON"

"I was very delighted to hear of the nomination," Mrs. Sims told the Courier-Express Monday night. "He is a very congenial, hard-working person.

"It demonstrates what you can accomplish if you really want to," she said of her brother, one of five children of an Auburn, N.Y., gardener and hanydman.

"We all helped him through Cornell," Mrs. Sims recalled. The 6-foot 2-inch 200-pound, college student later was named to the National Football Hall of Fame.

NAMED TO CORNELL BOARD

After working two years as a social research assistant in Philadelphia, Dr. Holland was named president of Delaware State College where he spent seven years before he was named president of Hampton in 1960.

In 1965 he became the first Negro member of the Cornell University Board of Trustees.

In his book, "Black Opportunity," published last year, Dr. Holland said, "Negroes are never going to solve their greatest problem by demanding equal job opportunities if they are not, in fact, equal to whites in their ability to perform the job."

STUDENTS HIT STAND

His views made him unpopular with some militant students at Hampton who demanded his resignation as president during student demonstrations last April.

There has been no American ambassador in Sweden since William H. Heath left Stockholm last January. White House Press Secretary Ronald Ziegler said that the President believes appointment of Holland "will end some of the tension existing between the two countries."

Sweden has been openly critical of U.S. involvement in Vietnam.

SUBJECT TO CONFIRMATION

Dr. Holland becomes the fourth Negro ambassador named by Nixon. The nomination is subject to Senate confirmation. Another Negro, Carl T. Rowan, served as ambassador to Finland under the late President John F. Kennedy.

Dr. Holland last visited Buffalo in October, 1968, to attend the wedding of his niece, Mrs. Charles Jones of Buffalo.

Dr. Holland's brother-in-law, the Rev. W. J. Sims, an African Methodist Episcopal Zion church minister, has worked for 29 years at Buffalo State Hospital where he is a staff attendant. Mrs. Sims works part-time at the hospital.

TWO OTHER CHILDREN

Mr. and Mrs. Sims have two other children, Walter of Henrietta, and James of Buffalo.

Dr. Holland has two other sisters, both of New York City, and a brother in Syracuse.

Dr. Holland is married and has a son and a daughter.

FEDERAL CIVILIAN EMPLOYMENT, NOVEMBER 1969

HON. GEORGE H. MAHON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 21, 1970

Mr. MAHON. Mr. Speaker, I include a release highlighting the November 1969 civilian personnel report of the Joint Committee on Reduction of Federal Expenditures:

MONTHLY REPORT ON FEDERAL PERSONNEL AND PAY FOR NOVEMBER 1969

Executive agencies of the Federal Government reported civilian employment in the month of November totaling 2,926,139. This was a net decrease of 14,274 as compared with employment reported in the preceding month of October.

Civilian employment reported by the executive agencies of the Federal Government, by months in fiscal year 1970, which began July 1, 1969 follows:

Month	Employment	Increase	Decrease
July 1969	3,062,319	9,276	
August	3,028,521		33,798
September	2,958,386		70,135
October	2,940,413		17,973
November	2,926,139		14,274

Total federal employment in civilian agencies for the month of November was 1,654,212, a decrease of 955 as compared with the October total of 1,655,167. Total civilian employment in the military agencies in November was 1,271,927, a decrease of 13,319 as compared with 1,285,246 in October.

Civilian agencies reporting the largest decreases were Interior Department with 1,690, Veterans' Administration with 1,139, Agriculture Department with 999 and Commerce Department with 937. The largest increase was reported by Department of Health, Education and Welfare with 3,955.

In the Department of Defense the largest decreases in civilian employment were reported by the Navy with 6,272, Army with 5,320 and Air Force with 1,160.

Total employment inside the United States in November was 2,681,872, a decrease of 12,753 as compared with October. Total employment outside the United States in November was 244,267, a decrease of 1,521 as compared with October. Industrial employment by federal agencies in November was 571,068, a decrease of 2,395 as compared with October.

These figures are from reports certified by the agencies as compiled by the Joint Committee on Reduction of Federal Expenditures.

FULL-TIME PERMANENT EMPLOYMENT

The total of 2,926,139 civilian employees reported for the month of November 1969 includes 2,609,014 full-time permanent employees. This represents a decrease of 12,994 in full-time permanent employment from the preceding month of October. These figures are shown in the appendix (p. 17) of the accompanying report.

FOREIGN NATIONALS

The total of 2,926,139 civilian employees certified to the Committee by federal agencies in their regular monthly personnel reports includes some foreign nationals employed in U.S. Government activities abroad, but in addition to these there were 110,933 foreign nationals working for U.S. agencies overseas during November who were not counted in the usual personnel reports. The number in October was 111,344.

WAVE OF ANTIMILITARISM IN AMERICA

HON. G. WILLIAM WHITEHURST

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 21, 1970

Mr. WHITEHURST. Mr. Speaker, recently I spoke to the graduating class of the Armed Forces Staff College in Norfolk, Va. In that address to 269 officers of the 46th graduating class I spoke of the current wave of antimilitarism in America, and I referred to the actions of some of my colleagues. In the speech I also comment on the most serious threat to the American Military Establishment in this century. At this time I offer the entire speech for publication at this point in the RECORD:

REMARKS BY G. WILLIAM WHITEHURST

I must confess that it is a high honor for me this morning to speak to so distinguished a group. As you know, I am a Member of the House Armed Services Committee and over the past year I have had considerable contact with professional officers of our Armed Forces. Without exception, they have impressed me by their dedication to duty and devotion to their country.

I have recently been reading William L. Shirer's, "*The Collapse of the Third Republic*" . . . a remarkable work, which I recommend to you. In his book, Shirer gives an excellent and easily understood account of the Dreyfus Case, in which the commanders of the French Army succeeded in convicting an officer with forged evidence and endeavored to make the conviction stick in order that they would not be embarrassed.

Shirer goes on to describe the role that the Army played in the affairs of the Republic, a role that would seem strange to us in America.

All of you are familiar with the role of the German Army in the old empire and in the days of the Weimar Republic, when General von Seeckt held the balance of power in the life of that short-lived regime

In more recent times, we know that the Soviet Army has played a role in Kremlin politics. In Communist China, it is the army that holds the key to balance.

This Republic has never experienced a period in its history when military power affected a decision in the national government, except when its advice was solicited to provide the Commander-in-Chief with information to reach a decision. It has always been this way with us.

When the Revolution ended, many of our officers formed a brotherhood, in honor of their Commander-in-Chief, George Washington, who emulated the name of the man for whom the organization was named . . . Lucius Quintius Cincinnatus. And why Cincinnatus? Because he was the legendary Roman hero, who was called twice to the dictatorship of Rome to lead the armies against their enemies, but who forsook personal gain and returned to work his farm. From his example was born the Society of the Cincinnati.

The pattern, once established, has persevered in our history. It is the common citizen who has usually borne arms . . . minutemen . . . milita . . . Johnny Reb or Billy Yank, doughboys and G.I.'s . . . all were essentially citizen soldiers.

In the long periods of peace that we knew before our own time, our attitude was not too different from that of the British who were indicted by Kipling in his poem, "Tommy" . . .

Do you recall the words?

> "It's Tommy this, an' Tommy that, an'
> 'Chuck him out, the brute!'
> But it's 'Savior of 'is country,' when
> The guns begin to shoot."

Public opinion has a loud voice but a short memory. We have a new name for "Tommy" now . . . the military industrial complex. It doesn't rhyme with anything, but it means the same thing.

In the last few months, I have heard more than one officer say that he was chucking it and getting out. Some are leaving because they are fed up with the bureaucracy which exists within the defense structure . . . and I would caution you about this. Lower grade officers tell me that they are not given the authority to make decisions as used to be the case. It may be that we have so many generals and admirals, that we must permit them to make those decisions. I suspect that this is not really the case but that there is a growing unwillingness to stick one's neck out.

I think, however, that we have entered an era of discontent and frustration, in which the military profession is being used as a convenient target . . . and how ironic . . . one that can't shoot back.

The factors behind this phenomenon are obvious to all of us . . . a war which our commanders have been restricted in conducting . . . domestic priorities, which are almost endless and which require more and more of our resources, inflation, which by itself demands a cut in Federal spending.

When I sat in the House last year, I heard some of my colleagues talk about these other needs and listened to them as they talked of slashing the defense budget to find the money for what they felt were more pressing projects.

This is tempting to any legislator, especially when that budget represents the largest piece of the pie. And these legislators are not speaking for themselves alone. They are voicing the sentiments of many Americans who do not understand why weapons of the 1970's should be so costly, who cannot appreciate the sophistication of a modern arsenal.

This Administration has not been able to ignore this sentiment. A heavy cut was made in the defense budget this past year and another one will apparently be forthcoming in fiscal 1971.

The impact has been felt in every community where there is a military base. Hopefully, we will not compromise our national security in making these cuts. I am sure that the President and Secretary of Defense share this concern and are trying to make the right choice in military spending while reducing the overall budget.

This cutting of funds of itself is not an indication of a loss of confidence in our military establishment, but the cries that there exists a military-industrial complex which would absorb a disproportionate portion of our resources, represent a segment of thought that is in the vanguard to weaken the military establishment.

I am more alarmed by the direct attacks that have been made to discredit the Reserve Officer Training programs at some of our universities. First, credit has been withdrawn from courses where it was formerly granted and in some cases, particularly in the Northeast, R.O.T.C. has been discontinued altogether.

Perhaps even more serious than this is what has happened at the Lincoln and Instrumentation Laboratories at the Massachusetts Institute of Technology, where defense research has been under serious attack. Dr. Charles Draper, a noted physicist, who played the key role in development of the inertial guidance system which we use in our ICBM's, has been forced out as director of the Instrumentation Laboratory.

The verbal assaults made upon him, not only by S.D.S. students but by some of his own colleagues on the faculty, are symptomatic of something far deeper than simple frustration that our national defense costs a lot of money that might be spent on more peaceful needs.

They represent the most serious threat to the military establishment in this century. They strike at our centers of learning, which have always supplied a reservoir of trained leadership to supplement the military academies. And they would deprive our military defense of the talents and research skills which our great universities have always supplied.

Some months ago, in a speech, I touched upon this point, emphasizing that if this movement succeeded, it would accelerate the creation of a true military-industrial complex, by forcing all military research and development into private industry, which would be military-oriented.

The universities have provided almost a system of checks and balances in doing military research, because they have invariably also produced peaceful benefits.

A purely military-oriented Research and Defense might not be as concerned with the vital by-products which spin off.

The tragedy of this development is that the threat to our Nation is undiminished. Perhaps we have for too long grown accustomed to our ability to meet the crises that occasionally confront us. Our people have come to expect, that our defense is invincible and that like Kipling's Tommy, the military forces will always appear like the "Savior of his country, when the guns begin to shoot."

I do not need to stress the change in military balance between the United States and the Soviet Union which has occurred since the Cuban missile crisis of 1962.

In less than 10 years, the Soviets have built up a formidable naval force, to challenge us in the Mediterranean . . . a submarine fleet which can operate from the seven seas . . . and an arsenal of ICBM's, which is larger than our own.

Imagine the difference in our bargaining positions if the Cuban missile crisis were to occur now.

All of you were chosen to attend this Staff College because your previous record indicated that you had the qualities of professionalism that have enabled us to enjoy effective leadership in time of war. Any visitor who enters these grounds is reminded of the splendid tradition over our foes . . . Anzio, Guadalcanal, Tarawa, Eniwetok, Normandy.

There our treasure was spent and the blood of our youth spilled . . . but not in vain. Freedom's battles were won . . . the courage of our young men and the tremendous resources of this great Republic carried the day, but it was the imagination and skill in strategy and tactics of our soldiers who bore arms as a profession, that brought victory.

Your superiors saw something in each of you along the way in your career, something that marked you as a leader, someone in whom the nation could repose its trust in time of national peril. The past few months which you have spent here should have helped further refine your talents in the military arts.

It would seem superfluous for me to remind you on this occasion of all this, but I appeal to your sense of responsibility . . . to duty, that word that Lee called the noblest in the English language.

Be not dismayed by the sophisticates in our society who scorn your calling, be not impatient with the mass of good citizens who take you for granted. Recall the oath which you took when you put on your uniform and stand fast in the tradition like Cincinnatus who sought no personal gain, but found satisfaction in service to the Republic.

For if you do these things, you will have fulfilled the trust that has been given to you. The experience of learning at this institution will have new meaning and you will end your military career with those intangible qualities of honor and integrity which all men have cherished through the ages.

My congratulations and best wishes to each of you. May God be with you always.

FEDERAL REPUBLIC OF CAMEROON

HON. ADAM C. POWELL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 21, 1970

Mr. POWELL. Mr. Speaker, the Cameroonians attained their independence on January 1, 1960. On that day some 5 million Cameroonians became masters of their collective destiny, even though the country was to remain divided in two parts until late 1961.

This rather large country in west-central Africa was a German colony from the late 19th century until 1919. Then for nearly four decades it was under British and French administration. Meanwhile, soon after the end of the last war the peoples in the British Cameroon and in the French Cameroun clamored for independence and worked hard for their goal.

From 1946 through 1959 the British Cameroon and the French Cameroun were under the trusteeship of the two governments, and fortunately these governments did not hinder the proposed union of the two parts of the country. This union was brought about in October 1961, thus giving birth to the Federal Republic of Cameroon.

Today the Federal Republic of Cameroon has become a full-fledged member of the international family of sovereign states, and I gladly salute the Cameroonians on the 10th anniversary of their Independence Day.

A DANGEROUS PLACE TO SCRIMP

HON. NICK GALIFIANAKIS

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 21, 1970

Mr. GALIFIANAKIS. Mr. Speaker, I should like to share with my colleagues the content of a thought-provoking editorial which appeared recently in the Raleigh, N.C., News & Observer.

Since the budget slowdown on educational spending so specifically affects my own congressional district in North Carolina's research triangle area—and many similar ones across the Nation—I think the incisive logic of this editorial comment assumes an added dimension, and I respectfully suggest that the line of reasoning pursued here be thoughtfully considered. The editorial follows:

A Dangerous Place To Scrimp

President Nixon is still engaged in a tough and tricky duel with inflation, one in which he has not been granted an unlimited choice of weapons. Still, it seems strange that out of those available to him, he would grasp his veto power and threaten to use it on the HEW appropriations bill.

This measure, set at different spending levels by House and Senate, has settled at approximately $20 billion after conference committee action. Nixon considers this too much for an inflationary time. He is said to be especially put out over the way the administration's request for education funds has been upped by $1 billion.

One way to particularize this general spending tussle between President and Congress is to study how some people here at home will be affected by the final outcome—for example, Tar Heel youngsters who need U.S. financial assistance in getting a college education. Roy Parker Jr., Washington correspondent for *The News and Observer*, looked at this angle in a Sunday story.

Tar Heel institutions of higher learning, Parker reported, say they need about $20.2 million (at least) this school year to make loans, work-study programs or outright grants available to needy students. The money sought for these programs by President Nixon would yield about half of what the state needs. Even the higher national appropriation by Congress would send North Carolina only about three-quarters of the minimum needed. Thus, at best, some students are going to have a hard time getting financial aid for colleges. At worst, many more of them will not get this kind of assistance, and some may see their only opportunity for college vanish with a veto.

Granted, all government spending is inflationary. It seems fair to say, however, that some expenditures are more inflationary than others. What the President proposes to scrimp on, for a cooler economy's sake, are medical programs, employe safety efforts, health services, mental health projects, campus and community libraries, better schools, expanded educational opportunities. This economizing could be exceptionally dangerous. Nixon ought not to insist upon it until he has carefully considered the consequences and exhausted all other, more appropriate areas for government cost-cutting.

TRIBUTE TO DR. LEO JENKINS

HON. WALTER B. JONES

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 21, 1970

Mr. JONES of North Carolina. Mr. Speaker, on Tuesday, January 27, many citizens of North Carolina will gather together to hold an appreciation dinner for Dr. Leo Jenkins, president of East Carolina University in Greenville, N.C. I suppose it would be most difficult to define the qualifications of an ideal university president; but, in the opinion of all who know him, Dr. Leo Jenkins possesses qualities which certainly must be considered when we think of the ideal university president.

He came into this high office with a background of experience possessed by few men. He attended Rutgers, Columbia, and New York Universities. During the Second World War, he served in the Pacific with the U.S. Marine Corps, attaining the rank of major. He came to East Carolina College in 1947 as dean of the school; later he also served in the capacity of vice president, with a great emphasis on the business affairs of the college. He is the father of six children, which obviously gives him a deep insight into the problems of youth. He is a lay preacher in the Methodist denomination, active in scouting and politics, and is an avid sports enthusiast. Certainly, Mr. Speaker, I feel that one must agree that Dr. Jenkins does indeed possess the qualifications and experience for making an ideal university president.

Finally, and most important, is the fact that in this day of dissention and rioting on the campuses, under his leadership, East Carolina University has not experienced the disruption as has others, but rather, has steadily grown in enrollment and educational stature. Indeed, from a moderate-size college, Dr. Jenkins has successfully led the fight to create a great university.

So, it is fitting that those of us who appreciate the outstanding service of Dr. Jenkins, should honor him with an appreciation night and I am privileged and happy to have a part in this event.

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THE CONGRESSIONAL BUDGET PROCESS: INEXPLICIT, CLOSED, AND UNINFORMED

HON. JEFFERY COHELAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 21, 1970

Mr. COHELAN. Mr. Speaker, I highly recommend a perceptive and thought-provoking speech, "The Congressional Budget Process: Inexplicit, Closed, and Uninformed," given recently by my colleague, Congressman WILLIAM S. MOORHEAD, Democrat, of Pennsylvania, to any of my colleagues who are seriously interested in realining our national priorities.

Congressman MOORHEAD points out that the Congress will not be able to substantially shift our priorities unless the spotlight of economic analysis is placed on full range of programs which we have inherited from the past and unless decisions are based on the results of this analysis.

I would like to highlight just one shocking example of inequity which the Congressman illustrates. He points out that the budgetary costs plus the costs to the consumer of higher prices involved in the farm program, interestingly enough, comes to about the same dollar amount as the annual cost of our strategic nuclear weapons programs. This is something like $8 to $9 billion per year.

It turns out that 60 percent of the farm subsidies, roughly, go to the upper 16 percent of the farmers in terms of income. I find it most difficult to justify this program on equity grounds.

It is analysis like this which must be encouraged. The facts of efficiency and equity in public programs must be laid out with clarity for all to see. These facts must be brought home in open and explicit fashion to the American people.

The speech follows:

THE CONGRESSIONAL BUDGET PROCESS: INEXPLICIT, CLOSED, AND UNINFORMED

(Remarks of Congressman WILLIAM S. MOORHEAD to the Association of Public Program Analysis, Oct. 14, 1969, Washington, D.C.)

I would like to begin my remarks by expressing appreciation to you for your efforts in implementing policy and issue analysis in the context of the Program Planning and Budgeting System.

As you are well aware, the Government sorely requires the yardstick of social costs and benefits to be applied to those programs supported by taxpayers' money. Only by determining those programs which have outlived or attained their original objectives; those programs whose objectives have become outdated; and those programs whose costs are far in excess of social benefits can we lay a basis for reordering our national priorities. I would argue that the application of sound economic anaylsis to all public programs is the first and basic step in reordering national priorities. Your leadership in both doing policy analysis and publicizing the role which it must play in an effective government has been most valuable.

As you, I believe that responsible government must adopt a more rational approach to public policy decisions. We can no longer continue with a system which fails to undertake the quantitative evaluation of the economic benefits and economic costs of program alternatives, both now and in the future, in relation to analyses of similar programs. To continue to ignore the careful consideration of gains and losses is equivalent to saying that we have no objective; no goals which we are attempting to achieve. While it is true that the objectives of the Federal Government are less tangible and more complex than those of a business firm, they do exist, and analysis should be carried out to determine which of our alternatives will allow us to satisfy these objectives at least cost to the taxpayers. I would add that the very effort of attempting to evaluate alternatives is of substantial assistance in determining what our objectives really are. To neglect a conscious and quantitative appraisal of policy alternatives is the recipe for continued unresponsiveness and ineffectiveness of government.

While your efforts have been most important, I would emphasize that efforts to institute effective economic anaylsis of policy issues is not completed. In fact, only the very barest start has been made. The concrete of tradition, which protects many outworn institutions and outlooks, must be broken down if policy analysis is ever going to be made an effective decision tool within the public sector of our economy.

I know and I am sure that you appreciate the resistance to your efforts that you have met and will continue to meet. No doubt one of the most serious of these is opposition to those in the bureaucracy who fear that sound and quantitative policy analysis will upset their comfort and, more significantly, their power and influence if it becomes effective in the decision-making process. Such forces exist in both the Executive Branch and the Legislature. You must not be discouraged by them. As time erodes vested positions and as the value of program analysis becomes more widely understood, their ability to deny analysis and information its due will be reduced.

In urging you to remain optimistic, I am arguing that one of your next steps must be to increase your efforts in publicizing the importance of the PPB System. The worst thing that could happen would be for you to withdraw into the comfortable warmth of the society of analysts—where you could discuss with fellow believers the fine points of analysis. You must make the education of nonanalysts both inside and outside of Government one of your primary missions. To fail to do so would play into the hand of those in the bureaucracy who retain their power only by keeping the spotlight of analysis away from their decisions.

THE CONGRESSIONAL NEED FOR POLICY ANALYSIS

As you may surmise, in advocating an increased role for "Missionary activity" on your part, I have a particular group in mind. While many in the Executive tend to forget the fact, the Congress plays an important role in the budget and decision process. Decision-makers in the Legislative Branch require sound policy analysis and a broad consideration of alternatives fully as much as do Executive decision-makers. I would like to give you my assessment of the present role of policy analysis in the Congress and describe what you can do to improve this situation.

In my judgment, the congressional budgetary process is one of the world's great anachronisms. In a very real sense, the congressional appropriation process is a classic example of an *inexplicit, closed,* and *uniformed* decision process.

This does not mean that the executive budgetary process is perfect, or that it is, in fact, very good on any absolute scale of balance. But it is both informed and open compared with the budgetary process which exists in the Legislative Branch.

In the Congress, with its committee and subcommittee system, there is very little explicit consideration of program objectives, of tradeoffs, or alternative means of achieving objectives, or of the benefits and costs of budget proposals this year and in the future. In short, Congress does not really give the budget a meaningful review because it fails to ask the right questions. Indeed, in program area after program area, the Congress does not even know what the right questions are.

I would argue that a primary reason for this is the traditional policy of the Executive Branch dealings with the Congress. In my view, the Executive has been irresponsible in its budgetary dealings with the Congress. The basic presumption of the Executive is that it can govern itself without interference of the Legislature. Consequently, it divulges to the Congress as little information as it can get away with. The Executive Branch comes to the Congress with only one budget, with only one set of program proposals, and typically with no quantitative information on the benefits and the costs of even their own proposals. There are no budget projections; there is no description of the characteristics of the beneficiaries of programs; there is typically no indication of alternative ways to satisfy an objective.

I should emphasize, however, that much of the responsibility for this void rests on the Congress. We should demand alternatives and more sophisticated program analysis. We have not done this. For the first time in my memory, both the House and the Senate has been demanding this kind of analysis in the military area, and for reasons I will discuss later, the analyses were not made available. This effort, I believe, signals a new era in the demands of the Congress for analysis and policy studies.

One of the reasons why the Congress has performed so badly in the budgetary and appropriation areas has to do with the interest of Congressmen and Senators. Many in the Legislative Branch have little interest in or patience for careful deliberations on budgetary matters. A careful consideration of alternatives requires much effort and concentrated study of the relative merits and demerits, the costs and benefits, of alternative policy proposals. This is hard and grubby work. Many legislators not used to thinking in such terms have found it easier simply to rely on the Executive agency. Unfortunately these agencies are often more interested in selling their programs regardless of the merits than in having Congress analyze them. Other legislators, some in powerful positions, fear that the spotlight of analytical information will diminish their power to set policy in a particular area. Irrespective of the basis for the lack of interest by particular members of Congress, those of us concerned with improving the effectivenes of government must demand more and better analysis.

I would mention a further reason for Congress' poor performance in this area—the severe staffing constraints under which the Legislative Branch operates. Currently we do not have the staff either to interpret or to evaluate the analyses done by the Exectuive Branch if it were presented to us. More significantly, we have no staff to do program analysis on its own. An official of the Bureau of the Budget, in viewing congressional capability, stated:

"You (the Congress) have some outstanding people who can provide program evaluation, but very few. I frankly think that Congress is not very well equipped to provide that evaluation."

In addition to this lack of interest and staff, there is a further serious problem. The very organization of the Congress is such as to discourage the establishment of an effective public expenditure decision process. A primary difficulty is the organizational structure of the legislative and appropriations committees. A Congressman has strong incentive to get on a committee which would serve his own best interests and those of his constituency. The net result of this, of course, is that the committee structure develops a built-in bias toward higher budgets. Because the people who serve on each committee have an interest in seeing the budget for which they are responsible increase, they often fail to encourage a careful evaluation and analysis of expenditures. When this is combined with the well-known problems of the seniority system in combination with virtual fiefdoms in some areas, the stage is set for "power without information."

Largely as an outgrowth of this built-in committee bias, the relationship between the staffs of the committees and their counterparts in the executive agencies is hardly one of arm's length dealing. The degree of mutuality of interest between the executive staff and those on the Legislative Branch committees is substantial. I would add that this problem is not peculiar to Legislative-Executive relationships. The serious lack of an adversary climate between Budget Bureau examiners who work on the military budget and their counterparts in the Pentagon has recently been of much concern to me.

The response of the Executive to the congressional situation has not been encouraging. Indeed, realizing the organizational, staff, and incentive problems in Congress, the Executive has used its monopoly on information and analysis to retain real decision-making power inside of the Bureaucracy. The failure of the Bureau of the Budget to attempt to educate the Congress to the purposes, methods, and benefits of the PPB System is only one manifestation of the Executive tendency. In preparing for my discussions with you tonight, I had my staff query a random sample of House legislative and administrative assistants as to their level of understanding of the PPB System. It is noteworthy that only about 10 percent could identify what the letters "PPB" stand for. This is appalling. If either the Executive or the Congressional leadership had been concerned with a better decision process, this result would not have occurred.

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THE CONGRESS, THE MILITARY, AND ROLE OF ANALYSIS

The question of domestic priorities versus military priorities has not been a subject for discussion in the highest councils of the National Government. This is one of the primary reasons the American people today face what some call "the military juggernaut." It is one of the primary reasons for the extended talk on the "failure of government" which has manifested itself in the taxpayers' revolt.

The Legislative Branch has not developed even the beginnings of a rational decision-making process as regards the military budget. The Executive Branch, and particularly the Department of Defense, has at least formally adopted a system of analysis and evaluation for their spending programs. The Secretary of Defense never comes to the Hill without a satchel full of analytic studies evaluating the cost-effectiveness of proposed decisions. These studies which estimate costs and effectiveness enable the Secretary to understand the effects of a variety of alternative ways of reaching similar goals and enable him to well defend his proposals.

Congress has lagged far behind the Executive in developing this capability. Indeed, Congress does not even go through the motions of systematic analysis and evaluation. This is especially serious in face of a military policy which is distorted by bloated views of contingencies, a tendency to over plan for even the most improbable contingency, and unhealthy relationships between military planners, procurement personnel, and contractors.

The problems of Congressional decision-making, it should be noted, are not often discussed in Congress. It is a taboo here, and the committee structure with all of its inadequacies and shortcomings is regarded by many as some sort of a holy cow.

Yet the vast majority of us know that the authorization and the appropriation process often does not produce rational or good decisions, and this is especially true in the area of military spending.

My point that the Congressional appropriation process is a classic example of an inexplicit, closed, and uniformed decision process is doubled in spades as regards the military budget.

In the case of the military budget, as with others, the Executive comes before Congress with a single budget and a single set of programs. The committees might change the budget somewhat, and sometimes programs are modified. But changes and modifications are relatively slight. The Pentagon knows it will get from Congress more or less what it requests. Moreover, it knows that it will be able to guide whatever marginal changes do get made. Especially in the area of military spending, the Congressional committees have played a passive, noncritical, and overly permissive role. As John Kenneth Galbraith pointed out in the Economy in Government Subcommittee hearings on "The Military Budget and National Economic Priorities," Congress has sorely neglected the economics of defense.

In sum, the Pentagon and defense contractors have used fear, secrecy, propaganda, and monopolization to obtain fat budgets and fat contracts. Congress, up to this year, has acquiesced.

Many who defend the status quo argue that military affairs are so technical and complicated that decisions about weapons systems and military policy are best left to the experts. They point out that the experts reside only in the Executive Branch and in the Pentagon, and that Congress is misinterpreting its role if it tries to second-guess these experts. For many years, Congress has succumbed to the temptation to delegate its authority to the Executive Branch using this "technical expertise" argument to rationalize its inaction. In fact, this argument has been carried so successfully that many in Congress now feel their responsibility fulfilled when Congress, relying upon the knowledge of the experts in the Executive Branch, exercises only common sense judgments about the broader policy questions with the aid of its own wisdom and the political pressures it perceives.

I emphatically reject this argument. In my view, it represents the abdication by Congress of its constitutional responsibility to provide for the common defense.

In my view, the function of the Legislative Branch is to make decisions on matters of public policy within its jurisdiction. Under the Constitution, national defense policy is clearly under the jurisdiction of Congress. However, and this is my main point, in order to make intelligent decisions about these matters, Congress must be informed. Currently the main obstacle to intelligent Congressional decisionmaking on the military budget is the lack of information, analysis, and qualified staff necessary to evaluate Pentagon assertions.

In point of fact, the Congress has often been misinformed by the Pentagon. Indeed, Pentagon misinformation is only exceeded by Pentagon noninformation. The numerous and shocking cases of large cost overruns, poor performance, and late delivery of weapons systems reflects very poorly the Pentagon's ability to manage the affairs entrusted to it. They also reflect on the ability of Congress to keep itself informed and to oversee Executive performance. It is such inept management and misuse of the public interest which has fostered the current lack of confidence in the ability of the public sector to serve the people.

This serious shortfall in both Executive and Legislative performance is best illustrated by the C–5A affair. Among other things, this affair triggered what could be called "The year that the Congress discovered the usefulness of systems analysis, but lacked the capability of doing anything about it." Because of the groundswell of public outrage generated by the initial investigations of the Subcommittee on Economy in Government, there has arisen a genuine feeling among many Congressmen and Senators that the Congress sorely needs an analytic capability for program evaluation across the board.

Based on the findings of the Subcommittee on Economy in Government, I began questioning the requirement for the fourth squadron of 23 C–5A's. This was as early as March. It seemed to be a perfect system to question because:

The C–5A was an integral part of a new system for airlift—sealift capability with the FDL's. If the FDL's are cut out, do we still need the C–5A's?

The fantastically increased cost of the C–5A from $21 million to $45 million per plane. How does this escalation affect the cost effectiveness of the system vis-a-vis existing capabilities of C–141's, C–130's, and the new Boeing 747?

In the Senate debate over the fourth squadron of C–5A's, a great deal of debate focused on the conclusions, methods, and implications of two policy studies done in the Office of Systems Analysis in OSD. One study was made in November 1968; the other in June 1969. In general, both of these studies found little if any military or economic justification for purchase of these aircraft beyond the third squadron. As is now well-known, Mr. Laird decided to override the findings of these studies. In other words, he overruled the only studies that were made in determining the justification for an additional 23 aircraft which in total will probably cost American taxpayers over $1 billion. While some might label such a decision "tough-minded," it seems to be more appropriately called "knot-headed."

Having made his decision, Secretary Laird came to the Congress fully expecting *carte Blanche* ratification. And his expectation was justified. We, in the Congress, confronted his decision with no independent analysis of our own and with no capability to generate it. In truth, all we possessed was some driblets of information from the leaked reports. Moreover, because the Pentagon had classified these reports, their usefulness in Congressional debate was minimized.

As ultimately became known, Secretary Laird had rejected the assumption of the first study concerning the utilization rates of the aircraft under emergency conditions. He also rejected the assumptions of the second study regarding the availability of other transports and the availability of prepositioned material. I was and still am baffled concerning why the Pentagon undertakes such studies using analytical assumptions which are later going to be rejected as unrealistic.

The lesson of this sordid experience is clear. Congress finally saw itself as awkward and helpless and wholely unprepared to manage and control that for which it has constitutional responsibility. Because of the frustrating debate over the military procurement authorization bill, there is a growing consensus among those who are concerned about efficient and responsive government that the Congress should insist that the Administration undertake careful and quantitative studies of the programs which they are proposing and submit these to the Congress for its scrutiny. As an aside, it is interesting to note that I talked with a member of the Defense Appropriations Subcommittee staff about whether or not they had seen the Systems Analysis studies of the C–5A. He said neither the Subcommittee nor its staff had seen them but that, if they requested, they could be briefed on them. I asked if they had demanded any study justifying this additional buy so that they could see the assumptions on which it was based, as well as the effectiveness of the alternatives. They had not. This example, it seems to me, gives stark evidence of the ability of the Pentagon to do what it wants without interference from the Congress. The up-shot of this affair is that there is now a strong feeling in the Congress that we need a substantial increase in staff capability in the systems analysis or program analysis area so that we may develop the capability to ask the right questions concerning both military and civilian programs.

THE FORM OF INSTITUTIONAL REFORM

If it is ultimately decided that the Congress should develop an increased analytical capability, the basic questions will have to be confronted. Where should it be housed? How large should it be? What should its responsibilities be? To whom should it report? These are tough questions.

Some argue for a straight increase in committee staffs. Although I agree that the committee staffs, and especially the appropriation committees, should have increased capability available in this area, this will not answer the basic need. There needs to be some capability available to all members of Congress desiring independent analysis and study of programs which are not prepared by existing substantive committees.

My initial feeling was that the GAO could perform this role. I have had a number of both private and public discussions with Mr. Staats about this matter. However, I grow increasingly less optimistic about this alternative. There is a basic problem of the capability becoming institutionalized and controlled by certain segments of the Congressional establishment. The danger that the staff of an independent analytic office in GAO would be severely restricted is a very real one.

A second alternative is the establishment of a semi-autonomous staff unit of say, 10 professional analysts to the Joint Economic Committee. This is a realistic solution and, in fact, Senator Proxmire has stated his intention to introduce a resolution to this effect within the next few weeks. In Senator Proxmire's view, the services of this staff unit would be available to all members of Congress. It would have responsibility for:

(a) Stimulating and drawing from policy analysis work done in the entire analytical community;

(b) Staying abreast of analysis information and results as these develop in the Exexutive Branch;

(c) Establishing Congressional liaison with university analysts and those in research institutions;

(d) Monitoring in the sense of testing assumptions and checking data of studies forthcoming from any source;

(e) Translating into a form appropriate for open Congressional debate the results of complex and technical analytical studies; and

(f) Providing evaluation information and analysis to Members of Congress, Congressional committees, and their staffs.

However, even if this staff capability were achieved, the Congress would find itself at a serious disadvantage. We would be assisted in asking the right questions, but we still would not have access on an on-going basis to the wealth of studies and staff capability available to the Executive. In my view, the Congress needs to be provided by the Executive with certain basic kinds of PPB-type information on an on-going basis. The Executive Branch must be asked to develop this information and submit it regularly to the Congress in a form appropriate for use in Congressional debate. As a Report forthcoming from the Subcommittee on Economy in Government will document, we need a substantially improved budget document which will enable any member of Congress, indeed any citizen, to determine in short order the nature of any Federal program and the administering agency, the past budgetary costs of the program and the future budgetary implications of decision already made, the economic costs of the program, and the economic and social characteristics of the recipients of the program benefits. This means that the budget document must include:

(a) A Breakdown of the Federal budget by detailed, government-wide program categories;

(b) Five-year budget projections for each major Federal expenditure program, describing the future implications of commitments or decisions made and proposed, of the sort required by Public Law 85-801 for new programs;

(c) An experimental regional budget covering those Federal programs of a grant, construction, investment, or project-type nature;

(d) A detailed analysis of "tax expenditures" including a functional and agency breakdown of these "expenditures;"

(e) A detailed analysis of the full economic and distributive impact of subsidy and subsidy-like programs, including those involving loans and guarantees.

ECONOMIC ANALYSIS AND NATIONAL PRIORITIES

As I mentioned earlier, it is my belief that the public sector will not be able to accommodate flexibility to new national priorities unless the spotlight of economic analysis is placed on the full range of programs which we have inherited from the past and unless decisions are based on the results of this analysis. We need to engage in true zero-based budgeting so as to eliminate or severely reduce programs with outdated and obsolete missions and those with negative net benefits.

Although the tools of economic analysis have been with us for some time, we, for one reason or another, have failed to apply them rigorously to public expenditure policy decisions. This fact was made crystal clear in the recent Economy in Government Subcommittee hearings on "Economic Analysis and the Efficiency of Government."

In these hearings, the Subcommittee turned the spotlight of economic analysis on several government programs, and what we found was highly disturbing. Among the programs discussed in these hearings were Federal maritime policy, aviation policy, navigation policy, highway construction policy, urban renewal policy, water policy, water pollution control policy, and programs for institutional aid to higher education. In case after case, distinguished analysts confronted the Subcommittee with disturbing evidence of the waste, inefficiency, resource misallocation, and inequity of public expenditures and rulemaking decisions. Some examples will make this clear.

"Many of the nation's largest and reknowned corporations and their stockholders received, free of charge, publicly-supported and publicly-produced goods and services—subsidies which are neither economically efficient nor available to middle-income citizens and the poor."

"Federal rulemaking and regulatory policy, we were told, undertakes no analysis of the economic impact of the decisions which they make. Moreover, they are supposed to be the object of regulation in the public interest.

"Enormous spending programs with little economic justification are established and supported for decades with no challenge to their existence or increased funding. This is true of Federal highway and water policy."

"Some public programs incorporates reverse incentives for program efficiency and thereby foster inefficiency and inflation. The stucture of incentives in Medicare reimbursements and the Maritime programs are examples."

"Some public programs designed to achieve social objectives in fact impose higher costs on low-income citizens, costs of which are neither compensated nor considered in program decisions."

"Many Federal programs generate serious overproduction and resource misallocation because they distribute public outputs free of charge or at a price substantially below cost."

"Public policy subsidizes those who generate pollution and congestion rather than making them bear the costs which they impose on society. Through this strategy, the Government fails to induce altered private behavior which would eliminate enormous pollution and congestion costs."

The conclusion of this miserable record is that open and explicit economic analysis has not been rigorously applied to public decisions. Consequently, although the Nation's needs and priorities have changed, the Federal budget has not responded. While the social demands which justify the creation of many public programs have been met or have evaporated, the tax dollars poured into these outmoded, outdated, inefficient, and inequitable programs expand as though driven by an "invisible hand." New concerns, new responsibilities, and new commitments requiring new programs or lower taxes are no match for old subsidies for supporting entrenched interests. It is clear that this new "invisible hand" does not have the properties which were attributable to its predecessor. It neither serves the public interest nor guides the economic system to respond to new demands and new needs.

Although discouraged, I am not pessimistic with regard to the future of the public sector to improve its performance. I am convinced that we can increase the efficiency, equity, and responsiveness of Government if we begin using analysis as a guide to decisions. Currently the Congress itself actually prohibits much economic analysis, and the Executive Branch expects the Congress to ratify the pre-cooked decisions with little economic justifications or open consideration of alternatives. In many cases, the instrument of Executive privilege is wheeled out to justify Executive unresponsiveness. This syndrome of bureaucratic unresponsiveness cloaked in secrecy must give way to the open and explicit consideration of alternatives based on analysis and study.

In my view, one of the first things we must do is to communicate efficiency and equity distortions to the people in clear, unmistakable terms. So far we have not done so. I have a feeling that the time is right. There is now widespread acceptance of the proposition that our national priorities are seriously out of line. To capitalize on these sentiments, we have to put the economic case against inefficient and inequitable government programs in terms people can understand and then encourage widespread debate on the issue, as was done in the case of the ABM.

Some of these cases are astonishing and could be made very popular. I would like to very quickly run through the farm subsidy case as presented to the Subcommittee by Charles L. Schultze, former Director of the Bureau of the Budget. He prefaced his comments by pointing out two interesting things. First, that very often, we undertake programs which admittedly reduce the efficiency of the economy presumably for purposes of welfare or income distribution. And that is a perfectly legitimate objective at times. But some programs, as a matter of fact many of them, tend to reduce efficiency, but don't even redistribute income in a way in which most of us would think proper—mainly, toward the poor. They tend to redistribute income upward.

If we measure the budgetary costs plus the costs to the consumer of higher prices involved in the farm program, interestingly enough it comes to about the same number as the annual cost of our strategic nuclear weapons programs. This is something like 8 to 9 billion dollars per year. This volume of

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subsidy tends to be distributed among farmers on the basis of production; the more that is produced, in general, the higher the subsidy. It turns out that the largest 16 percent of American farmers produce about two-thirds of all farm output and get about 60 percent of the subsidies. So 60 percent of the subsidies, roughly, go to the upper 16 percent. In turn, the upper 16 percent is a group of farmers whose average net income is about $19 to $20 thousand per year. Two-thirds, therefore, of this $8 to $9 billion subsidy, direct or indirect, goes to 16 percent of the largest farmers making something in the neighborhood of $19 to $20 per year. Calculated out, this comes to about $7 to $8 thousand per farmer. I find it most difficult to justify this program on equity grounds.

It is analysis like this which must be encouraged. The facts of efficiency and equity in public programs must be laid out with clarity for all to see. These facts must be brought home in open and explicit fashion to the American people.

THE ROLE OF THE COMMUNITY OF POLICY ANALYSTS

As I have tried to make clear, the decision-making process in the Congress operates with little information and under severe institutional constraints. For all intents and purposes, policy and program analysis plays little if any role in Legislative deliberations. In essence, the problems is one of contagious and spreading ignorance as a basis for decisions. I believe that this condition can over time be changed. The basic ingredient for change must be a strong and effective educational program directed at Congress and Congressional staff.

This is where I see the community of public policy analysts playing a vital role. As a first step, I would suggest that the Association of Public Program Analysts set up a seminar series of Congressional staff along the lines of the seminar program on military procurement undertaken last spring. This series should focus on the role of analysis in spotlighting waste, inefficient policy strategies and inequity in government programs. I would propose that the recent hearings of the Subcommittee on Economy in Government on "Economic Analysis and the Efficiency of Government" be used as a text book.

This seminar series can be run with little or no money, and the response on the Hill is usually pretty good. Some political appeal, of course, has to be provided in terms of egregious examples of unproductive programs and interesting and well-known speakers, such as Charles Schultze, and others, who have highly significant insights on the failure of Government to perform in the public interest.

I would hope that the explanation of the systems or programs would be in laymen's terms—stressing simplicity and common sense rather than complexity and sophistication. Moreover, the sessions would have to be geared toward recommendations for changes in public policy so that the staff can elicit action from their Congressmen or Senators on specific issues that have some immediacy.

I hope that you will seriously consider these suggestions. I will do what I can to assist you in making policy analysis relevant to the Congressional decision process.

PRAISE FOR JAYCEES

HON. WILLIAM C. WAMPLER

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 21, 1970

Mr. WAMPLER. Mr. Speaker, the United States Jaycees celebrates its 50th anniversary in 1970. There are 6,000 chapters in America with 300,000 members. In my own State of Virginia there are 139 chapters with 9,000 members. I am proud to have been selected an honorary member of the Norton-Wise, Va., Jaycees at its charter night banquet, January 9, 1970.

I would like to commend the Jaycee organization for its outstanding service. Jaycees are men of action. They not only voice their concern about solving the problems we face, but they also take constructive action toward this end. Their leadership is felt in individual communities, in entire States, in our whole Nation, and throughout the world.

As Virginia Jaycee President Lewis Walker recently said:

> Jaycees offer a handup, not a handout.

They build better men and a better world. Surely these dedicated people deserve all the praise we can give them.

ADMINISTRATION FLAGRANTLY VIOLATES CIVIL RIGHTS ACT AGAIN

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 21, 1970

Mr. RARICK. Mr. Speaker, it is indeed unfortunate that it is necessary to arise again and again and call to the attention of the House the continuing and flagrant violation of the law of the land by agents of the Federal Government.

It is more than unfortunate; it could prove to be disastrous to the Nation. The philosophy that we need obey only the laws with which we agree, sold to an innocent public by rabble-rousers and subversives in the decade of the sixties, seems to have reached the point of no return, when Government officers feel free to defy the law and utilize the terrifying power of Government to accomplish their own devious purposes. Tyranny and anarchy are indefensible.

The Civil Rights Act of 1964 clearly prohibited racial quotas in either labor union membership or in hiring. The same law clearly prohibited racial quotas in school desegregation. In each case the law is being openly violated by the very people sworn to uphold it. I include as part of my remarks a pertinent newsclipping:

[From the Chicago Tribune, Jan. 11, 1970]

EXPECT UNIONS TO QUICKLY O.K. NEW JOBS PACT—PROVIDES FOR HIRING MORE NEGROES

(By Joseph Boyce)

Ratification by building trade unions of an agreement to put 4,000 Negroes to work in Chicago construction jobs is expected to come within the next two weeks, Thomas J. Murray, president of the Chicago Building Trades council, said yesterday.

The agreement was signed Friday by 11 representatives of various black organizations. It originally was offered Nov. 6 but was rejected then by the black groups after weeks of negotiations with the Building Trades council and the Building Construction Employers association, representing 19 construction unions.

CALLS IT A GOOD PACT

"I don't see any difficulty in getting ratification," said Murray, who stressed that Friday's agreement was "practically identical" to the one submitted by the unions Nov. 6.

"I think the organizations [member unions] understand the situation and recognize this as a good agreement," Murray said.

Once ratified, implementation of the agreement would begin immediately, he said.

Under the pact, the Building Construction Employers association and the council will find 1,000 jobs immediately for qualified Negro journeymen. Another 3,000 will be placed in on-the-job or apprentice training.

A formal announcement of the accord will be made tomorrow in the office of Mayor Daley.

REMOVE FEDERAL CURBS

Meanwhile, the pact removed the federal ban on five Chicago contracting firms ordered by the federal government in October to hire more minority workmen. The companies agreed to hire Negroes for 20 per cent of their work forces in 1970.

The five firms were among 17 Chicago contractors whom the labor department said were suspected of being in violation of government requirements for equal employment opportunity.

PLAN CLOSE SCRUTINY

John L. Wilkes, director of the office of Federal contract compliance, said the government would review the hiring practices of the five firms within 60 days to "assure good faith" on their part.

The companies are the Advance Heating and Air Conditioning corporation, 117 N. Desplaines st.; Thomas H. Litvin Plumbing company, 1355 Washington blvd.; Shannon Plumbing Company, Inc., 8550 Genoa av.; S. N. Nielson Construction company, 3059 Augusta blvd.; and Waner Heating and Air Conditioning corporation, 5414 Archer av.

JAYCEE WEEK

HON. WILLIAM D. HATHAWAY

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 21, 1970

Mr. HATHAWAY. Mr. Speaker, the week of January 18 has been designated as "Jaycee Week" across the Nation in commemoration of the 50th anniversary of the founding of the U.S. Junior Chamber of Commerce.

The junior chamber has been an outstanding service organization since its inception, providing excellent leadership opportunities for its members, and offering to the many American localities served by its chapters groups of sincere young men actively dedicated to the concept of community betterment.

Earlier this month, I was honored to be the guest of the Maine Jaycees at a statewide membership meeting held in Westbrook, Maine. And as on other such occasions, I was impressed by the members' interest in public affairs and their obvious resolve to effect progressive change in their social and economic environment.

Surely, we have benefited greatly from the selfless and dedicated work of the thousands of loyal Jaycee organizations across the country.

On behalf of the people of the Sec-

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ond Congressional District of Maine, therefore, I want to commend the efforts of the United States Jaycees and to express both congratulations and gratitude for their tremendous achievements in the first 50 years of service to their fellow man.

A TRIBUTE TO THOMAS J. "STONEWALL" JACKSON

HON. ROBERT H. MOLLOHAN

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 21, 1970

Mr. MOLLOHAN. Mr. Speaker, there is enough glory in the dramatic history of the War Between the States to last our country for the next thousand years. It was the last of the old wars and the first of the new; the last involving muskets and large-scale cavalry operations; the first involving airborne reconnaissance and the full employment of rifles and trenches. It was not the last, perhaps, in which brave men could write their names in history, but it did produce a remarkable number of heroes, and the State of West Virginia has the honor of association with one of the greatest and bravest of them all: Gen. Thomas J. "Stonewall" Jackson.

In the eastern theater of operations, the war involved a long series of assaults against the Confederate Army of Northern Virginia, protecting the Confederate capital at Richmond. Time after time, Confederate forces under Gen. Robert E. Lee repulsed the northern armies, in front of Richmond, to the astonishment of the world. Outnumbered on every occasion, Lee fought back brilliantly, to hold his own against extraordinary odds. But he was not conducting a one-man show. He had help, in great quantity, from West Virginia's outstanding contribution to the Confederate cause, the redoubtable "Stonewall" Jackson, a native of Clarksburg.

In the battle of First Bull Run, Jackson earned his nickname by standing, it was said, "like a stone wall," against the Federal attack. In the peninsula campaign of 1862, he entered the Shenandoah Valley, in a move threatening Washington, D.C., compelling the withdrawal of many Union troops from the assault on Richmond. Pursued by several Union armies in the Shenandoah, Jackson met them separately, defeating them one at a time in what has been called the most remarkable display of strategic science, based on accurate reasoning, correct anticipation of the enemy's plans, rapid marches, and judicious disposition of an inferior force, in all American military history. It also was largely responsible for the Union defeat on the peninsula.

At Second Bull Run, in 1862, Jackson's forces overwhelmed one wing of the Union army, disrupting its advance and forcing the retreat of the entire force. To Jackson, more than to any of his other lieutenants, General Lee owed the success of the turning movement which enabled him to continue the offensive and carry the war into the North.

Stern in discipline and fierce in combat, Jackson drew from his associates that special burning respect reserved for military genius. One of Jackson's junior officers once observed that he never saw one of the general's couriers approaching without expecting an order to assault the North Pole.

Jackson was once again effective in the Antietam campaign and the battle of Fredericksburg, before engaging the Union forces in the final battle of his life, at Chancellorsville. Before daylight on May 2, 1863, he began the last of his great marches, one of the most effective of its kind in the history of warfare. Flanking the Union army, Jackson struck, routing one corps and driving it back upon another, compelling the precipitous retreat of the entire Union army, across the Rappahannock River.

Once again victorious, General Jackson had hopes again of ultimate Confederate success, but fate would not allow it. In the twilight, returning from the front, he was mistaken for the enemy and fired upon by his own men. Overcome by shock and cold, he died of pneumonia, May 10, 1863. And from the moment of his departure, the Confederate Army of General Lee was never capable of the same miraculous performance. As Lee himself observed, Jackson's death had virtually deprived him of his strong right arm.

In all American history, no hero outshines Thomas "Stonewall" Jackson, the pride of West Virginia. He was a man among men, overshadowing the ablest of his contemporaries, and ranking with the greatest of American military leaders.

THEY DESERVE PRAISE

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 21, 1970

Mr. DERWINSKI. Mr. Speaker, one of the outstanding local publications serving my congressional district is the Riverdale-Dolton Pointer which is known for its support of outstanding community efforts. Therefore, I am pleased to submit for the RECORD a Pointer editorial of January 8 in which the local volunteer fire department is eulogized.

May I take this opportunity to point out that the volunteer firemen across the country display the type of spirit and responsibility that has helped build the wonderful communities that in turn comprise our great Nation.

The editorial follows:

THEY DESERVE PRAISE

The local volunteer fire department is a corps of local men banded into an effective organization to control and extinguish any fire in the district it serves. We have commented many times on the vital work done by local volunteers, the aspect of training, and equipment needed for fire fighting.

But we have never thought before to mention the personal sacrifice made by the employers who make it possible for each volunteer to answer a call for help.

In our small communities, a number of business people and their employees are members of the volunteer fire department. When these people are called away from their work, their income stops for that period, for they cannot be selling merchandise or giving their customers service when they are fighting a fire.

When the alarm sounds, there is no telling how long these people might be gone. Sometimes it is just a matter of minutes until a fire is out and the firemen can return to their homes or jobs. Sometimes it is a matter of hours, and we can recall some which lasted the better part of a full day.

Firemen receive a tiny compensation for their great work, about enough to take care of cleaning the smoke from their clothes. There is no reimbursement for the time they lose from their occupations, sales they missed by not being in their stores, or help in catching up on the backlog of work which accumulates during the time they devote to fighting fire.

We commend the volunteer firemen and their employers for their unselfish efforts in serving on the fire department.

NORTH APOLOGIZES TO SOUTH: CORRECTING THE RECORD

HON. DONALD M. FRASER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 21, 1970

Mr. FRASER. Mr. Speaker, I noted with interest a statement appearing in the December 12, 1969, CONGRESSIONAL RECORD, volume 115, part 29, page 38880.

Inserted in the RECORD at that point was an editorial comment apologizing for supposedly having "distorted and slanted" news about the South. The apology was attributed to the Chicago Tribune.

The apology was inserted in the RECORD for the benefit of, among others, historians. If historians are not to be misled, a correction is in order. The Tribune has asserted, according to a news article appearing January 14, 1970, in the Washington Post, that they never printed the editorial in question.

The Post news article reports that since 1966 the Chicago newspaper has been denying authorship. The spurious Tribune editorial has been widely circulated through the South and Southwest.

I include in the RECORD the news article denying Tribune authorship as it appeared in the Washington Post:

PAPER ASKS BAN ON USE OF EDITORIAL

CHICAGO.—The Chicago Tribune said today it had asked a federal District Court in Memphis, Tenn., to bar use of its name with an editorial which it said has been falsely attributed to the newspaper.

The suit asked an injunction against Betty Furness and the Memphis Citizens' Council. The suit said the council paid for publication of the editorial in the Dec. 16 issue of the Memphis Press-Scimitar.

The Tribune said the editorial apologizes for coverage of racial incidents in the South by Northern newspapers.

It quoted the editorial as concluding, "Dear Dixie, perhaps we have not learned to appreciate what you have been trying to do to defeat revolution—but for whatever belated comfort it may be, from our glass

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house we will not be throwing any more stones."

The Tribune said that since 1966, the editorial has been attributed to the Tribune and circulated widely through the South and Southwest. The Tribune never printed the editorial and has sent letters to editors of newspapers and other publications calling it a hoax, the newspaper said.

The suit quoted a 1966 Tribune editorial which said, "It is our understanding that it (the 'apology' editorial) was a radio editorial read over the air by Paul Harvey, a news commentator. We trust that from now on it will be credited to the proper source."

LEAD US NOT INTO INFLATION

HON. MORRIS K. UDALL

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 21, 1970

Mr. UDALL. Mr. Speaker, I am amazed as I read the papers each day how widespread is the belief that the Congress has substantially increased the fiscal year 1970 Health, Education, and Welfare Department budget requested by the President. This belief emanated from the White House where it has become popular to cite this appropriation bill as the Armageddon for the administration's belated counteroffensive on inflation. If we lose this one, the President tells the press, we will forever be the prisoners of a free-spending Congress, welfare mothers, and little children with books.

The fact is the total sum appropriated by Congress for HEW is slightly less than that requested by the President. According to the Legislative Reference Service, Mr. Nixon asked Congress for $19.834 billion for the Department's fiscal 1970 programs, and has received by virtue of the bill now on his desk $19.747 billion—a cut of $87 million. He now threatens to veto a sum which is less than he originally requested.

The administration complains bitterly about a $1 billion increase approved by Congress for education and charges it is inflationary. On that basis, the President vows to veto the entire HEW appropriation.

This is simply a numbers game. While the President may choose to disagree with the high priority the Congress has assigned our education programs, he will have a hard time arguing that the total HEW budget Congress sent him is more inflationary than the even higher figure he asked for. The fact is that Congress made substantial cuts in other areas of the HEW budget which offset the billion dollar increase for education.

Moreover, even with the increase in education funds proposed by Congress, my State and others will receive less money than last year. When I voted for the now famous billion-dollar increase, what I was saying in effect is that my State was prepared to accept a 4-percent cutback in education money, but not the 30-percent slash envisioned by the Nixon administration—a slash that would necessitate higher property taxes, double sessions in some districts, and tremendous reductions in badly needed vocational training programs.

The following is a breakdown of the moneys contemplated for Arizona education programs by Congress and the Nixon administration:

	1969 actual (millions)	Congress	Nixon	Difference
Elementary and secondary education	$12.78	$12.35	$11.19	$1.16
Impacted area	10.28	11	6.7	4.3
Higher educational programs and construction	2.435	.993	.669	.32
College student loans and direct aid	5.517	4.556	3.965	.60
Total higher education	7.95	5.55	4.63	.92
Vocational education	2.133	4.804	2.827	1.977
Libraries and community services	1.517	1.048	.807	.240
Education for handicapped	.819	.224	.224	0
Total	37.6	36.07	26.63	9.438

Mr. Speaker, I am appending to this statement a study of how the Federal education programs affect our economy. The study, prepared by Gerald O. Bryan of Arizona State University, disputes President Nixon's thesis that the education budget is inflationary. It is an especially thoughtful piece, and I recommend it to the Members:

FEDERAL AID—EXPENDITURE OR INVESTMENT?

(By Gerald O. Bryan)

(NOTE.—The author is associate in executive programs, Center for Executive Development, Arizona State University. Before assuming his present position he spent six years as teacher-coordinator of distributive education in Des Moines and in Tucson. He is immediate past president of the Arizona Vocational Association.)

Government, through its taxing, spending, and policy making activities, plays a vital role in the economy of this country. Increased taxes reduce the income available for private consumption. Increased spending tends to stimulate business activity. Combined, these two expedients can provide for a complete redistribution of income.

Government policies, such as those initiated by the Federal Reserve System, can stimulate or retard saving and investment. Because of its strategic role, it is no surprise that government is asked to correct, and blamed for causing, the many economic problems that exist in our system. One of these is unemployment.

The Keynesian economists would say that unemployment conditions can be corrected by creating more jobs through increased investment or government spending. They would advocate government policies encouraging private investment as well as deficit spending by government agencies. Whether this spending was used for highways, schools, war, or water-wings would be irrelevant as long as it stimulated productive activity. The increased activity alone would produce the jobs necessary to eliminate unemployment.

CURE LOSES EFFECT

As income rises, however, this system becomes more difficult to maintain. Larger and larger amounts of investment are needed to offset the increased savings in the system. In addition, this larger investment tends to raise the level of technology. The effect of this may be that many people are left behind because they lack the skills and education to compete at such a high level of technology. This can result in the paradox of a labor shortage and unemployment occurring at the same time.

Many feel that this is the situation currently faced by our economy. They feel that for all practical purposes, we are at full employment. The unemployed are simply those who have been left behind. Any Keynesian attempt to provide further employment produces more inflation than jobs.

The solution to this dilemma seems to lie in "directed" rather than general government spending. The direction of expenditures toward the problems of the unemployed can obtain two results. The unemployed are given a chance to catch up. At the same time the rest of the economy enjoys the indirect effects of government spending.

VACCINE VERSUS ASPIRIN

Government spending directed toward unemployment seems to have taken two forms; expenditures for "aspirins" and expenditures for "vaccine." The first is for the temporary relief of the symptoms of unemployment. The second is an attempt to cure the disease of unemployability.

This article will discuss the effects produced by one of the government's vaccine expenditures—specifically, a study of the results produced by the government-supported distributive education program in the State of Arizona.

The use of federal money for such programs has been the subject of much controversy in recent years. Some consider such aid to be just another expenditure of limited tax revenues. Others feel it is a sound investment in the future.

There is only one sure way to distinguish an investment from an expenditure—measuring the returns that are produced. If the dollar returns are greater than the original dollar input, then that input must be considered an investment. If not, it must be classified as an expenditure.

THREE ASSUMPTIONS

The following paragraphs are devoted to identifying, in the form of increased tax revenues, the dollar returns produced by the distributive education program in Arizona. In plotting such returns, it was necessary to make several assumptions. The three used in this analysis are as follows:

1. According to the Chambers of Commerce, every dollar that is injected into the business system creates approximately two and one-half times its value in additional income before it runs its course. This is how the Chambers determine the effects of a new industry in a community.

2. Even though the lowest rate levied by the Internal Revenue Service is 20 percent, a ten-percent average rate was used in this analysis. This reduction was made to allow for any deductions and exemptions that might be claimed by the taxpayers involved. The only exception was in the case of student earnings where the tax was plotted more directly. The Arizona state income tax averages approximately five percent of the federal figure. Therefore a five-percent rate was applied in this analysis.

3. Finally, in order to apply the state's four-percent sales tax, an estimate had to be made concerning the amount of income expended for goods and services. National income statistics show that consumption is equal to approximately two-thirds of the national income totals.[1] Therefore the sales tax was applied to only two-thirds of the income totals listed. An exception was again made in the case of student earnings. The

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Footnotes at end of article.

writer's experience with the students involved prompted the adoption of 80 percent as a consumption rate for them while they were in school.

Of course this analysis is only an informal look at the situation. More accurate figures could have been achieved if the amounts had been plotted rather than estimated. For this reason, conservative estimates were used.

"DE" EXPENDITURES

In the 1966–67 school year, the federal expenditure for distributive education in the State of Arizona was $247,940.[2] To this amount was added some $731,525 of state and local funds.[3] Thus a total of $979,465 was used to support distributive education in the state that year.

All of this money was used for the purchase of goods and services. Hence if we assume a turnover of two and one-half times as indicated by the Chambers of Commerce, a total income of $2,348,664 was generated. The taxes on this income represent the first return on the original investment.

If we assume that two-thirds of this amount was used for consumption, we can estimate that $62,631 was collected by the state in sales tax. If we further assume that an average of 10 percent of the total income was collected for income tax, the federal government received a return of some $234,866. With state income tax equal to approximately five percent of the federal tax figure, Arizona collected an additional $11,743 in state income taxes. These returns are the result of simply spending the money.

STUDENT EARNINGS

However, this money was invested for a purpose. What were the returns produced by the program itself? A total of 763 high school seniors were given part-time employment through the distributive education program during the 1966–67 school year. During the course of that year, those students earned a total of $630,000.[4]

Assuming that the students consumed 80 percent of their income, we can figure that a total of $20,160 was collected from them in the form of sales tax. The average earnings per student were $826; of that, $226 represented taxable income. A 20-percent tax rate applied to this figure shows that the students paid a total sum of $34,487 in federal income taxes. When the two-and-one-half turnover rate is applied to the students' earnings after taxes, and the 10-percent average tax is applied to the resulting sum, it can be shown that the federal government received an additional income tax return of $94,500. The five-percent state average applied to this figure amounts to approximately $4,725 paid to the state in income taxes. Finally, an additional $25,200 in state sales tax was collected as a result of the turnover of the students' original earnings.

AFFECTS UNEMPLOYMENT

Another return produced by the DE program was its impact on unemployment. The national unemployment rate for 16- and 17-year-olds was 14 percent in 1966 and 1967.[5] The unemployment rate for the 763 students graduated from the Arizona DE program during that same period was 6.9 percent.[6] When these two rates are applied to the 763 individauls in question, the program is shown to have reduced the number of potentially unemployed from 107 to 50. Therefore, the earnings of 57 people saved from unemployment represent another investment return. (This conclusion is based on the supported assumption that employment of the DE graduates resulted from their distributive education experience.)

Observations have shown that most employed DE students receive a raise during their senior year. Another raise is usually forthcoming when they become full-time employees after graduation. If we assume the minimum wage of $1.40 as a starting base and an average raise of ten cents per hour, we can plot the increased earnings of these workers.

At 40 hours per week for a 50-week year, the 57 additional employees produced by this program earned a total of $171,000. With the turnover, this sum creates some $427,500 in additional incomes. From this, the federal government received $42,750, and Arizona received $2,137 in income taxes and $11,400 in sales tax.

INCREASED EARNING POWER

Each of the remaining 706 employees earned an average of $400 over the amount earned by their peers who waited until after graduation to begin their employment. This figure is arrived at by assuming a $1.40 hourly rate for the beginning workers as compared with a $1.60 hourly rate for the 706 experienced workers who had already received two raises of ten cents per hour. Working 40 hours per week in a 50-week year, these experienced workers achieved a total of $282,400 in increased wages. The turnover raises this amount to $706,000 of generated income. From this, the federal government collects $70,000, while the state receives $3,530 and $18,826 in income taxes and sales tax respectively.

Moving on to the second year of full-time employment for DE graduates, we find that more returns are produced. National statistics show the unemployment rate for 18- and 19-year-olds to be 22 percent lower than the rate for 16- and 17-year-olds.[7] The adjusted national rate is 10.9 percent, while the adjusted rate for DE graduates in Arizona is 5.5 percent. (Both of these rates are for the 1966–67 school year.)

Application of these rates to the 763 graduates shows that the program produced 41 additional workers in the second year. Continuing on the assumptions used above, we can estimate that these 41 individuals earned $131,200 during the year, creating a total of $328,000 in additional income. The federal government's share was $32,800 while the state collected a total of $10,387.

The increased earnings of the remaining 722 individuals come to a total of $228,800. This figure is arrived at by assuming the same $400 differential used to plot the increased earnings during the first year of full-time employment. With turnover, these earnings produced incomes of $722,000. Federal income tax amounted to $72,200, and the state collected $3,610 in income taxes and $19,253 in sales tax.

INVESTMENT RETURNS

It is evident that these tax returns will continue into the third, fourth, and fifth years of full-time employment. However, it is interesting to note that in just three years from the date of investment, a total of $6,107,164 income was generated. From this, the federal government received a return of some $582,203 and the State of Arizona received $193,602. In other words, the federal government received over two dollars for every dollar invested, while the state reduced its expenditure by 26.5 percent.

It should be noted that the 763 individuals studied here represent only 11.3 percent of the total number of people served by this government expenditure. Also served were 1,184 high school juniors, 391 junior college students, and 4,364 adults.[8] Many of these people also received employment as a result of the distributive education program. However, the unavailability of data prevents an analysis of the returns produced by these individuals.

There are many returns from this program that cannot be equated with a dollar sign. But the fact that no dollar value is placed upon them does not make them less important.

The first of these benefits is derived from the fact that during 1966, some 13,659 hours of instruction were offered to the people in the program. If 25 students per class is assumed, this represents about 64 hours of instruction for each student. If this instruction were left for employers to perform after these people had been placed on their payrolls, and if these employers were able to provide this instruction at a cost of one dollar per person per hour, which is doubtful, it would have cost them a total of $341,475.

In addition to the above, distributive education graduates tend to be promoted faster than their peers. Numerous success stories can be cited to verify this fact. It is not uncommon to find these graduates in positions of responsibility and authority early in their careers.

A MATTER OF DIRECTION

With our economy near full-employment and with a rising level of technology, government spending must be carefully directed to be effective. Spending, such as that for properly directed distributive education programs, becomes an investment rather than an expenditure.

The problems of the unemployed is an area where directed government spending can be used to an advantage. The unemployed are those who have been ill-prepared or those who have been left behind by the technological advances of our times. Thus, programs to help them keep in step can prevent the problem from becoming more acute in the future.

The aspirin tablet programs are temporary relief, although they may be necessary as an immediate measure, should not become permanent. Vaccine programs, such as distributive education, should be encouraged as a more permanent cure for the disease of unemployability.

These educational programs clearly pay returns that are greater than the investment made in them. In fact, such investments can be compared with those made by business firms on capital goods. Both pay for themselves in increased productivity. In addition, a broader economic base is created by converting potential economic liabilities into economic assets.

FOOTNOTES

[1] U.S. Department of Commerce, *Statistical Abstract of the United States,* July 1966, pp. 321–22.

[2] Controller, State Department of Vocational Education, Phoenix, Arizona. Personal interview.

[3] "Annual Descriptive Report," Arizona State Department of Vocational Education, 1966–67.

[4] Statement by Charles E. Hulse, Assistant State Supervisor, Office of Distributive Education, Arizona State Department of Vocational Education, in a personal interview.

[5] U.S. Department of Labor, Bureau of Labor Statistics, *Monthly Labor Review,* August 1967, p. 83.

[6] "Annual Descriptive Report," Arizona State Department of Vocational Education, 1965–66.

[7] U.S. Department of Labor, Bureau of Labor Statistics, *Monthly Labor Review,* August 1967, p. 83.

[8] Annual Descriptive Report, Arizona State Department of Vocational Education, 1966–67.

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TABLE I.—RETURNS ON DISTRUBUTIVE EDUCATION INVESTMENT

Explanation	Actual income	Created income	Federal income tax (10 percent average)	State income tax (5 percent of Federal)	State sales tax (⅔ total income)
Federal investment	$247,940				
State and Local	731,525				
Total investment	979,465				
Turnover Total		$2,348,664	$234,866	$11,743	$62,631
Student earnings (senior year)	630,000				
Turnover Total		1,575,000	[1] 128,987	4,725	[2] 45,360
Added employees (First year)	171,000				
Turnover total		427,500	42,750	2,137	11,400
Increased wages (First year)	282,400				
Turnover total		706,000	70,600	3,530	18,826
Added Employees (2nd year)	131,200				
Turnover Total		328,000	32,800	1,640	8,747
Increased wages (2nd year)	288,880				
Turnover total		722,000	72,200	3,610	19,253
3-year grand total		6,107,164	582,203	27,385	166,217

[1] Students' original earnings plotted on a 20-percent tax rate.

[2] Students' original earnings plotted on the basis of an 80-percent consumption rate.

THE MORE THINGS CHANGE, THE MORE THEY ARE THE SAME

HON. JOHN J. RHODES

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 21, 1970

Mr. RHODES. Mr. Speaker, the sounds of the demonstrators we hear so much about today are very similar to those which we heard a generation ago. I include for the benefit of my colleagues an article which appeared in the San Francisco Examiner entitled, "The More Things Change, the More They're the Same."

THE MORE THINGS CHANGE, THE MORE THEY'RE THE SAME

(By Charles L. Gould)

Do these news items sound familiar? Do they sound current?

"Ripe tomatoes, rotten eggs, gas bombs and fist fights distinguished peace demonstrations held by students throughout the nation."

"Anti-war strikes with more than 300,000 students participating on more than 100 campuses are set for next Wednesday."

"Eggs, vegetables and water filled paperbags were hurled at San Jose State College during a student anti-war demonstration."

"Sponsored by the American Students Union, thousands of college undergraduates and high school students left their classrooms to participate in the third annual demonstration against the war."

"Aiming for an initial operating budget of more than a million dollars, Ray Newton, executive director of a new combination of anti-war groups, asserts it is 'the most ambitious program ever attempted by the peace movement in the United States.' "

"A shouting, chanting mob of UC students estimated at more than 3000 blocked traffic and broke windows as they conducted a massive anti-war demonstration outside Sather Gate at the Berkeley campus."

"Anti-war demonstrators in New York claim moral support from dozens of congressmen, thousands of teachers and tens of thousands of clergymen."

"For the hundredth straight day, pickets marched in front of the White House chanting 'Peace' and protesting the draft and war."

Actually they were taken from newspapers of nearly 30 years ago. They are typical of thousands of reports that were published in papers from coast to coast in the late 30's and early 40's.

Long before the current crop of young protesters came on the scene, an earlier generation of activists was chanting anti-government slogans in peace demonstrations on campuses across the Nation.

Then, as now, authorities who attempted to disperse the "peace" demonstrators were charged with "police brutality."

The protesters of a generation ago were anti-government, anti-establishment and anti-law-and-order.

They fought the draft. Although England and France were locked in a life and death struggle with Hitler, the peace agitators in the U.S. screeched and screamed and demonstrated against our aid to our historic allies.

The loudest protests came when the U.S. gave 40 over-age destroyers to England.

Then came June 22, 1941.

For two years prior to this landmark date, Hitler and Stalin had been joined together as allies.

While the pact was on, the Communists in this country—and throughout the world—recognized Hitler as a blood brother.

It was the Communists in this country who masterminded most of the peace demonstrations of a generation ago.

The same red leaders travelled from campus to campus, from coast to coast. They were past masters at wooing and winning the support of starry-eyed idealists.

Then came June 22, 1941.

It was on this date that Hitler marched into Russia. The German dictator, flushed with a series of victories against Poland, Austria, France and England, turned on Stalin.

Even as Hitler launched his war against the Communists, the peace demonstrators in this country were marching in front of the White House and conducting protest meetings on a hundred campuses throughout the 48 States.

They were caught flat-footed. They were caught with their signs up and their signals down. Quickly they retreated and regrouped. Then they got the message on the party line.

The next day the home-grown demonstrators were back on the job. They renewed their picketing and demonstrating.

Now, though, their signs urged "More Aid to Great Britain."

Some of the true idealists were shocked and saddened. They were sincere in their peace protests. Tens of thousands were disillusioned. They realized they had been manipulated and used.

Today, the average age in our Nation is 27. Nearly 60 percent of our people were not alive during the hectic years that preceded World War II. Today's young people can have no direct knowledge of the peculiar divisiveness that was promoted among our people.

It was a divisiveness that endured only so long as it served the best interests of the Communists.

Who is served by today's divisiveness?

IN RECOGNITION OF MILLS COLLEGE OF EDUCATION

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 21, 1970

Mr. BIAGGI. Mr. Speaker, we are all aware of the feelings of anxiety that exist on the part of the youth of America. Therefore, I wish to remind you that the elementary school students of today are the Nation's future leaders and the nursery school toddlers are the voting citizenry in the year 2000. With this in mind, it is of particular importance that we examine those people who hold most of the responsibility for molding the minds of these youngsters and thereby shaping their future and the destiny of our Nation. Those people to whom I refer are our educators and those who will become teachers.

Recently, I learned of a very unique college in New York City that specializes in educating these future teachers by combining their major subjects with an overall program designed to prepare the students for a meaningful life as a person, citizen, and educator. Therefore, I would like to bring to your attention Mills College of Education, an independent, nonsectarian, accredited 4-year women's college whose graduates go on to teach in nursery school, kindergarten, and the elementary classes through grade six.

Founded in 1909, Mills has pioneered in the field of early childhood education for almost six decades and through its halls have passed young ladies who have gone on to teach in schools throughout the world. Graduates have come from Central and South America, Jamaica, Puerto Rico, England, and as far away as the Philippines, Australia, India, and the Orient. In most cases, foreign students have returned to teach in their native lands, taking with them a greater understanding and appreciation of our American way of life.

In addition to its regular curriculum, the college also operates two day-care centers in Harlem for more than 200 youngsters ages 3 through 8. Both centers are located in large city housing projects and cater to children of working parents and to those unable to provide weekday care. The students of Mills College operate the centers on a year-round basis and are, therefore, able to sharpen their teaching skills while providing a

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much needed community service. The Mills Theater Workshop also makes an admirable contribution to the community by performing productions, semiannually, before audiences comprised of disadvantaged children; thereby giving them their first, and possibly only, opportunity to be exposed to the realm of live theater.

The philosophy of Mills, reflected by its graduates, will most certainly be a beneficial influence on tomorrow's students. This college strives to endow each student with essential nonacademic tools; to cultivate a deep understanding and respect for the children they will teach, to become widely aware of the world's social structure, to become instilled with a working knowledge of human behavior. Each student is encouraged to be an informed citizen with a genuine desire to participate in civic and community life. As a result of this democratic approach to life, serious unrest has not hit the Mills campus; the students already possess many of the freedoms for which militant students are fighting; it has a participating student body and cooperating student-faculty government.

I feel that the continuous contribution being made by Mills College is without bounds and is to be commended and appreciated by all of us. The policy set by its president, Dr. Margaret Devine, the example set by the faculty, the dedication of Mills' students, and the responsibilities assumed by its graduates all have a vast effect on what our world of tomorrow will be; and set an example that could well be followed by other institutions of learning and their educators and students.

MARYLAND MARINE KILLED IN VIETNAM

HON. CLARENCE D. LONG

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 21, 1970

Mr. LONG of Maryland. Mr. Speaker, Lance Cpl. Michael Soltys, a fine young man from Maryland, was killed recently in Vietnam. I wish to commend his courage and to honor his memory by including the following article in the RECORD:

ENEMY HAND GRENADE KILLS LANCE CPL. MICHAEL SOLTYS

The Defense Department announced yesterday that Marine Lance Cpl. Michael Soltys, 19, was killed December 17 by an enemy hand grenade while on a search and clear mission with his platoon in Quang Nam province, 375 miles north of Saigon. Corporal Soltys had lived at 1200 Gleneagle road.

Corporal Soltys joined the Marine Corps November 7, 1968. He was sent to Vietnam on July 13, and was promoted to lance corporal October 25.

The recipient of an award as the best marksman in his platoon, he told his mother, Mrs. Thaddeus Soltys: "This is nothing mom, wait until you see all the medals I bring home."

In his last letter home from Vietnam he wrote, "For all the lousy weather, and the lousy food and everything, I don't mind it. Freedom 'tis sweeter to those who sacrifice a slight bit for it."

He attended Calvert Hall college, where he played lacrosse and junior varsity football. On his 18th birthday, he enlisted in the Marine Corps. While waiting to be called to duty, he worked for three months as a cashier in a grocery store.

An avid Colts fan, he had hoped to try out for the team after he left service.

Born in Salisbury, he was brought to Baltimore as a small child by his parents, Mr. and Mrs. Thaddeus Soltys, of Baltimore, who survive him.

PRESIDENT NOMINATES NEW ASSOCIATE JUSTICE

HON. ROBERT PRICE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 21, 1970

Mr. PRICE of Texas. Mr. Speaker, I would like to take this opportunity to heartily commend President Nixon on his nomination of Judge G. Harrold Carswell, of Tallahassee, Fla., to be an Associate Justice of the Supreme Court of the United States.

By judicial standards, G. Harrold Carswell is a conservative. He sees his judicial responsibilities in clear and simple terms. He considers himself to be charged with upholding the terms of the Constitution of the United States and strictly enforcing the laws of the land. I agree with this philsophy, as does President Nixon.

Judge Carswell, presently a distinguished member of the Fifth Circuit Court of Appeals, stands squarely in the hallowed legal tradition of adherence to prior legal precedents. As an Associate Justice of the Supreme Court, he would not be tempted to engage in judicial legislation. Neither would he be tempted to pervert the Constitution of the United States to satisfy his own political leanings.

In my judgment, Harrold Carswell represents the type of judicial philosophy that is desperately needed on the High Court; moreover, I believe Harrold Carswell to be the right man to help implement that philosophy.

By nominating Judge Carswell, President Nixon also served clear notice that he does not intend to be intimidated or controlled in his choice of key Federal appointees by labor bosses, civil rights agitators, or the eastern liberal establishment. The President's duty, in this regard, lies to the American people and not to special interest groups that would further imbalance the Supreme Court by placing on the High Bench political disciples of liberalism who could impose their warped philosophy on the citizens of the United States.

Mr. Speaker, in my view, President Nixon has clearly fulfilled one of his responsibilities to the American people by his nomination of Judge Carswell. I call upon the Senate to fulfill theirs by promptly passing on this nomination so that the membership of the Supreme Court can once again be raised to its full strength and effectiveness.

JAYCEE'S GOLDEN YEAR

HON. W. C. (DAN) DANIEL

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 21, 1970

Mr. DANIEL of Virginia. Mr. Speaker, in this Jaycee golden anniversary year, this outstanding service organization should be placed in national focus. As a former member of the Jaycees, I have a personal knowledge of the work performed by this dedicated group of young Americans.

It is entirely appropriate that their achievements be given due recognition in the highest legislative body of our land. The creed of the Jaycees embodies the ideals of true Americanism. Yet, the members of this organization are bound to American goals by more than the lofty language of a fraternal pledge. Each individual member possesses inherently the personal characteristics which motivate him in the service of others.

Throughout the United States, Jaycees possess a common bond. Northerners, westerners, southerners—all are "young men of action." Since the founding of the organization, these men have worked either individually or collectively for the betterment of their community and its citizens. In a time when the need for responsible leadership is frighteningly evident, these young citizens represent the hope of tomorrow. These are men who face the crises of our modern times, unpleasant as they may be, with an aim to solving or alleviating the problems. These are the kind of men our Nation's youth deserve to witness in everyday life and whom, hopefully, they will seek to emulate. These are men who have banded together in the hope that a unified effort will preserve the free American system that was the dream of their forebears.

Countless public service programs have been undertaken by Jaycees in every State. Whether local, statewide, or nationwide, the projects of this vigorous organization are predestined for success. Recently, a highly commendable national Jaycee movement was designated as "Project Prayer." Representative members from Virginia, Minnesota, Ohio, and Tennessee visited my office seeking support of a constitutional amendment designed to return voluntary prayer to public schools and public life. The responsible manner of conveying their opinions on vital issues, as well as the timeliness of this project, is indicative of the caliber and perceptiveness of their leadership. Their efforts illustrate an awareness of the tremendous impact that prayer had in the birth of freedom on this continent and of the necessity for withstanding bitter attacks on religion by improperly motivated groups.

The United States Jaycees, a service organization in the truest sense of the word, has upheld successfully through 50 years the noble principles upon which it was founded. Made up of tireless workers dedicated to common goals, this national association of devoted young men has become a moving force in community life today. On its 50th aniversary, this worthy civic association should be hailed as a true friend of freedom, for it is actively seeking to "keep America America."

THEY GOT THE FEELING THAT EVERYBODY'S SOMEBODY

HON. CLARENCE D. LONG

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 21, 1970

Mr. LONG of Maryland. Mr. Speaker, education is one of the soundest investments we can make. A presidential veto of the Labor-HEW appropriation bill may rob many children of high-quality education and create a severe burden for our schools. I should like to share with my colleagues a description of one of the federally financed programs which has proven a great success in Baltimore County. The program was highlighted in the December issue of the HEW magazine, American Education. It is vital to encourage such educational opportunities by providing the funds to sustain them

The article follows:

THEY GOT THE FEELING THAT EVERYBODY'S SOMEBODY

(By Mary Pat Pfeil)

Seven-year-old David has been separated from his parents for almost six months. They could no longer provide for him or his brother and younger sister, and so the children now live in an institution—Villa Maria in Baltimore County, Md.

But David is luckier than many of the more than 75,500 neglected and dependent children in State and local institutions throughout the country. He not only gets the love and attention of the institutional staff, but he also has one very special person to love him.

David's special friend is Will, who is 14, has long blond hair, wears Levi's, and goes barefooted. Will was David's private tutor last summer and in many ways had as many problems as his young charge. He too lives in an institution, committed there because he could not get along in his upper-middle-class home. Last year he was suspended from school eight times. As he helped David, Will was trying to find himself.

Will was one of 36 tutors, most of them from the Methodist Home in Baltimore County, who worked with younger institutionalized children in a summer project at Pinewood Elementary School in Timonium, a suburb of Baltimore. The project, financed under title I of the Elementary and Secondary Education Act, involved some 220 children from four institutions in the county—Villa Maria, a Catholic home for children aged six to 13; the Methodist Home, administered by the Methodist Board of Child Care; the General German Orphan Home; and the Augsburg Lutheran Home.

The six-week tutorial program that got under way last spring was an outgrowth of disciplinary problems that had occurred during the previous summer. At that time the Baltimore County Board of Education operated two separate summer programs for institutionalized children: one for teenagers at Johnnycake Junior High School, the other for younger children at Pinewood. Three youths were dismissed from the Johnnycake program for disruptive behavior and became teacher aides at Pinewood. Five other teenagers volunteered as aides too. All of them worked out well.

From this experience, Donald E. Snodderly, then director of Baltimore County's title I ESEA program, decided to expand the tutorial concept, but not without some apprehension. He admitted the idea that the tutors, many of them with records of delinquency, might be a bad influence on the younger children "entered our minds a little bit." A few of the volunteers used foul language and tended toward disrespect for adults, but Snodderly decided to "give them all a chance and if they didn't work out, we'd have to tell them they couldn't come back."

Twenty youths signed up to tutor in the 1969 project at Pinewood, and during the first few days of school, there were some raised eyebrows over the tutors' bare feet, long hair, and cigarette smoking. The teenagers themselves took care of some of the apprehension. They decided not to smoke in front of the younger children and, though smoke often clouded their faculty room, few lit cigarettes around their charges. Soon teachers and officials visiting the school dismissed the tutors' mod appearance and began to see them in terms of how they had drawn some of the youngsters out, how they were giving each child some individual attention, how, in brief, they were making the program work. Only one tutor was asked not to return—and that happened in the final week of school.

The fears were not all on the side of the project administrators and teachers, however. The teenagers too had some suspicions about the project for which they had volunteered.

"When we first came, we sort of figured it would be like a regular school—rules, checks, with everything set out for us," said one of the girl tutors. "But then we found out we could be free. We had our own faculty room to work and talk in and freedom to think, to find out what we were, and to express ourselves."

The tutors' feeling of freedom was largely a result of the treatment they received from the regular teaching staff. Eugene Thomas, a title I staff member in Baltimore County and a teacher at the Pinewood summer project, told the teenagers on their first day that they were starting with a clean slate. "I didn't want to know their backgrounds," he said. "What mattered was what they were going to do here. At first they didn't believe me. It took a while to prove my point."

The Pinewood teachers were hand-selected by Snodderly. Since only a few of them had worked with institutionalized children before, they received extensive preservice and inservice training on the background and problems of these children. Although the teachers varied widely in age and experience—some were just two years out of college, some had 20 years of teaching experience—they had one quality in common for which Snodderly had chosen them: All could react toward children and make them feel loved.

"These children are starved for affection," said Rhys Carter, a summer teacher at Pinewood and a remedial teacher in the Baltimore County school system during the year. He praised the tutorial program for providing more attention for the youngsters. The tutors were often seen hugging their children, holding hands while they walked, or giving them piggyback rides to the bus. The teachers too established physical contact with the children, from a reassuring tap on the head to a squeeze just before they left for the day.

When the children arrived on buses each morning, their tutors were often there waiting to escort them to their classrooms. Holding hands, they skipped down the hall and entered a room decorated with numbered fish used in arithmetic games, pictures from the last field trip, and puzzles to be filled in for a vocabulary drill.

In most cases the children chose their own tutors. David adopted Will, who had lifted him onto the bus the first day. At first many of the tutors had several charges, but as more tutors came into the program, the children were reassigned. Some of the original tutors fought hard to keep all their children: "She needs me," said a tutor, objecting to the transfer of one of her charges.

A surprising and unexplainable feature of the program was that many youngsters chose tutors of another race. The mixing was neither deliberate nor anticipated.

The rapport between the tutor and his student grew quickly. Will missed a day during the second week of the project. The next day no faculty member reprimanded him or questioned his absence, but David did. "He really gave me the going over," said Will. "At first I thought I could put him off by saying I missed the bus. But then the kid wanted to know why I missed the bus. So I explained that I had been horsing around at the home. I guess that took care of him. But, gee, telling that to a little kid."

Later that same day David's teacher told Will how lost David had seemed without him. "Things like that kind of get to you," Will said. "He thinks I'm his big brother."

Other tutors got the same reaction from their children. "My little girl won't listen to the teacher until I get there," said one. Another teenager, while talking to visitors at the project, was delayed in meeting her charge. Soon there was a knock at the door and in walked the youngster, promptly plunking herself in her tutor's lap where she was welcomed with a big hug.

The teenagers were paid $1.50 a day for one hour of work, although many, like Will, worked the full three hours they were at Pinewood. In addition to the hour they spent with their private charges, the tutors usually spent an hour in one of the classrooms helping one group of youngsters to work the slide projector, reading a story to a few children, or rhyming words with a child who was poor in phonics. Usually the tutors themselves spent an hour getting instruction in reading skills and teaching methods from project staff members.

But it was the hour the tutor spent alone with his charge that was most rewarding—and most flexible. "The teachers usually tell you to work on something—like reading maybe. But when you've done what they wanted, then you're pretty much on your own," said Will. "You can take your kid outside to catch crayfish in the stream or work in the garden or just walk. You can sit inside and play a game or just talk."

For some of the tutors, trying to teach their charges meant learning themselves. "I told Mr. Thomas I couldn't read," said one 15-year-old tutor who returned home this fall. "He said there wasn't anything I couldn't do. And when I saw my little kid reading, I knew he was right. My little kid couldn't show me up. Now I'm reading a book on Germany."

But there was much more to the program than improving academic skills. Snodderly said the purpose of the project was to improve reading and the children's attitudes toward school and themselves. Will put it another way. "I'm trying to teach David that he's somebody. Everybody's somebody. You just got to let him know it," he said.

In some cases it was the child who taught the tutor that he was somebody. Dorothy Reiser, a project teacher, said the biggest improvement she saw during the summer was social improvement because of the close relationship between the tutors and their charges. She pointed to one teenager whom she said had been very withdrawn at the beginning of the summer. "But the child he tutored was so outgoing that some of it rubbed off on him too."

The tutors themselves realized they got a lot out of the program. According to Will, "Each person gets something out of this. I

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probably won't mess up like I did last year in school. I've learned these teachers have a lot to put up with. Little kids hit you. They yell too. I wouldn't ever been a teacher."

He was more specific on an evaluation form filled out at the end of the project. When asked whether he felt the summer project had been worth his effort, Will answered: "Yes, I have experienced a little of what a teacher goes through in school. I'll try not to sass the teacher and fight in front of the younger kids in school. It also made me feel that I was needed by the faculty and worthwhile to the program."

Some of the tutors finished the project determined to be teachers themselves some day. "It really helped me," said one girl. "I was so nervous at first. But those little kids don't let you be nervous for long. They're all over you. It made me feel good—and needed."

The teachers also saw the program as a success. Carter, who had David in his classroom, described the relationship between the youngster and Will as "great." "David waited patiently for him every morning. He was withdrawn at first, but he has really blossomed out. Will can be given the credit," he said.

"I don't know who's done more," said Mrs. Reiser, "the tutors for the little children or vice versa." As a teacher, she appreciates having the tutors. "Otherwise we could never give that much attention to the children," she said.

Snodderly viewed the success of the program from the tutor's standpoint. "It would be hard for counselors in counseling sessions to give these kids the insights they've reached by just being here," he said. In addition to their function as tutors, the teenagers spent some time each day just talking among themselves, and the conversations—some of them taped for study—ranged from problems of married life to the failures of today's schools. "They're getting a lot out of their systems," Snodderly said.

Efforts were made to validate the success of the Pinewood project statistically. Gary L. Brager, research assistant for Baltimore County's title I projects, said pretesting and post-testing within a six-week period would not produce reliable results. Therefore, the children's latest test results prior to the summer were taken, and the students were again tested after returning to the institutions at the end of summer. The tutors were pretested the first week of the summer program and were tested again in early October. The results are being analyzed.

"We expect the tutors will gain in reading by the very act of tutoring," Brager said. But even if the statistical results aren't overly impressive, few staff members involved with the project would be willing to question its success. "I'm extremely proud of what the tutors accomplished," said Thomas. "The change can't be measured by a few grade points. They realized now that each one is a person who can do what he wants in life, even though it will be hard."

The tutors' attitude changes were reflected in their answers to the written questionnaire at the end of the project. Will stated, "I found out that I can get along with people and make friends both with children and adults." He voiced a stronger opinion in a conversation with project visitors in which he mentioned that his father used to call him a hood. "I hope," he said, "that we've proved we're not a bunch of bad kids, that we can be nice."

Snodderly and Thomas were convinced. Both said they would try to see that the program was continued in some way during the school year. "It would be hard just to cut it off now that we know what teenagers can do," said Thomas, who will continue his work with the institutions during the regular school year under the county's title I program.

William S. Sartorius, superintendent of schools in Baltimore County, was so impressed with the project that he encouraged principals and teachers at the beginning of the school year to implement some of the Pinewood project's concepts. He urged them to find ways for teenagers to be useful, even those who had been troublemakers in the past.

John Gist, who succeeded Snodderly as project director, has introduced the tutorial practice in regular title I projects in the county. Teenagers at Sparrows Point High School in the southeast portion of the county go to school on a flexible schedule that allows them to tutor at Edgemere Elementary School part of the day. They are paid for their services by the Neighborhood Youth Corps.

Will returned to the public school near the Methodist Home this fall determined to make it. He hopes to see David on a continuing basis during the school year and to keep in contact with Mr. Thomas. He knows now how the person on the other side of the desk feels.

STATEMENT BY SPEAKER McCORMACK IN CONNECTION WITH THE 1970 HEW-LABOR OEO APPROPRIATIONS BILL

HON. CHARLES A. VANIK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 21, 1970

Mr. VANIK. Mr. Speaker, recently, while this Congress was out of session the counselors to the President indicated to certain Members of Congress that the President intended to veto the critical and important 1970 HEW-Labor OEO appropriations bill.

This bill is extremely important because it contains within it sums of Federal funding which are essential to vital programs like NDEA, the Elementary-Secondary Education Act, cancer research, and other measures of similar critical nature to the country.

The Presidential counselors have indicated that the President plans to veto this measure because he claims it is inflationary.

This level of funding, which is $1 billion more than the President requested, happens to be at the very level that the Congress funded these programs at in 1968. This is not an increase above and beyond the 1968 level.

If this funding cutback, which the President seeks, is to go forward it will mean that the greater Cleveland area will suffer cuts of millions of dollars for these programs. In some instances these programs will have to be closed down completely and thousands of children will suffer.

It is inconceivable that one can define this kind of spending as inflationary while at the same time the President goes forward with these requests for massive subsidies for the supersonic transport and merchant marine which are indeed inflationary and have little bearing on the general welfare of the country.

I wish to include at this point in the RECORD a full statement by Speaker McCORMACK which he made on January 6, 1970, which eloquently states his views on the HEW-Labor OEO appropriations bill. Speaker McCORMACK's statement follows:

STATEMENT OF SPEAKER McCORMACK

It has been called to my attention that Bryce Harlow, Counsellor to the President, has written to a Republican member of the House, and probably all Republican members of Congress, that "it happens that a very early event of the new Congressional year is likely to be Senate action on the still pending 1970 HEW-Labor-OEO appropriations bill—followed by a Presidential veto of that bill, should it pass in its present form—this followed by Senate and House consideration of the veto."

This is a most unusual letter, that of a President announcing before a bill is presented to him that he intends to veto it, and, secondly, that the announcement is not made by the President but by the Counsellor to the President.

The HEW-Labor-OEO appropriation bill contains many important appropriations of deep interest to the people of the United States. This is a most unusual procedure in announcing in advance that any bill would be vetoed by the President. It is one thing during debate that a President is likely to veto a bill, but it is another thing to definitely state that a bill will be vetoed, and the announcement made by someone other than the President. It must be borne in mind that Congress got the same threat of a veto on the Tax Bill but the President signed it. And Congress also received a threat of a veto on the Mine Safety Bill, as well as one or two other bills, and the President signed them. However, in none of these bills was there a definite threat as written by Mr. Harlow. I am sure that members of Congress, both Democrats and Republicans, will be interested in having knowledge of this particular letter.

If this bill is vetoed, every effort will be made to over-ride the President's veto.

The appropriations contained in this particular bill affect the lives of millions of Americans. It will be necessary for Republican votes to over-ride the veto.

I hope that national interest of partisan considerations (will be) displayed by Republican members if this appropriation bill is vetoed. In any event, the letter of Bryce Harlow is a most unusual one.

THE UNION OF BURMA

HON. ADAM C. POWELL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 21, 1970

Mr. POWELL. Mr. Speaker, among the scores of new independent states born since the end of the last war, the Union of Burma was one of the first in Southeast Asia. Its independence was proclaimed on January 4, 1948; thus came into existence the sovereign Union of Burma.

A parliamentary form of government was set up soon after its birth, with a president and two houses of parliament. For about 14 years this large and important country, with an area of about 260,000 square miles and a population exceeding 26,000,000, was governed under a parliamentary democracy. In March 1962, a revolutionary council of military leaders was instituted as the country's supreme authority. Today the Union of

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Burma is austerely but high-mindedly governed by the revolutionary government headed by Gen. Ne Win, Chairman of the Council of Ministers.

The Burmese Government has recently relaxed restrictions against foreign visitors and travelers will now find it easier to see the wonders of this beautiful country. Mandalay, Pagan, and other centers of traditional Burmese culture are filled with Buddhist temples, pagodas, and shrines. The country is world famous for teakwood, rubies, sapphire, and jade.

On the 22d anniversary of the independence of the Union of Burma we salute the Burmese people.

CANVAS AND RUBBER FOOTWEAR CRISIS

HON. JOHN S. MONAGAN

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 21, 1970

Mr. MONAGAN. Mr. Speaker, increases in the importation of rubber and canvas footwear continue to threaten a principal employer in my district. The volume and low sale price of the imports have already forced several domestic manufacturers to close down their operations, and I do not wish to see that misfortune befall the industry in my district.

Several thousand working men and women in the district are looking to the Federal Government for some positive action in the direction of allowing them to continue to earn a living. I have asked the State Department to assist by working out agreements to limit imports of these products.

The low cost of foreign produced canvas and rubber footwear is making a mockery of domestic competition in this area. Domestic manufacturers of these articles just cannot compete on an even basis with foreign producers of these items. It is time we implemented the economic realities of our high standard of living into the trade policies which give rise to this grave situation.

In the first session of the 91st Congress I introduced two bills which could remedy the present situation. H.R. 11148, my first bill in this area, is to amend the Trade Expansion Act of 1962 to assist domestic industries in unfair competition from foreign imports. My bill would accomplish that result by substituting more flexible relief criteria for the rigid criteria now embodied in the act. Upon introducing the bill, I pointed out that the act, in practice, contains no workable standards for determining at what point the advantages gained from increased imports diminish to the point of damaging domestic industries.

H.R. 15213, my second bill in this area, is designed to encourage the growth of trade on a fair and equitable basis by providing domestic industries with a remedy against the adverse effects of an undue rise in imports on industrial growth, employment, and profits. This bill amends the Trade Expansion Act of 1962 by relaxing the criteria for determination of the question of serious injury to domestic industry and would insure the actual availability of a remedy to industries that have suffered or stand to suffer from rising imports.

The trade policies now in effect may have at one time carried out a national objective of encouraging world trade while fostering, or at the very least, maintaining domestic production, but we now have reached the point of diminishing returns. Both of my bills would make effective again the original congressional intent of promoting foreign trade while maintaining a true reciprocity of economic benefit to all parties involved.

Last week, upon receiving the latest information on the new inroads being made in the domestic market of rubber and canvas footwear, I wrote to the Secretary of State recommending that the Secretary take immediate action toward obtaining voluntary agreements limiting imports of rubber and canvas footwear. Failing action on my legislative proposals to deal with this critical problem, I think agreements for voluntary limitations of imports are absolutely necessary and should be concluded at the earliest possible date.

The text of my letter to Secretary of State Rogers follows:

DEAR MR. SECRETARY: I am writing this letter because a principal industry in my district is threatened by the rapidly increasing volume of imports of rubber and canvas footwear. The increases in volume of these imports have been tremendous and their import threatens the stability of our industry and employment in this area.

While everyone approves of a reasonable amount of reciprocal trade the volume in the rubber footwear industry has been permitted to increase to an unreasonable and damaging degree.

Statistics provided me by the President's Special Representative for Trade Negotiations show that during the first ten months of 1969, 25.5 percent of the canvas footwear sold in the United States was imported. For the same period 40 percent of the rubber footwear sold in this country was imported. These figures compare with 30 percent for rubber footwear and 22.5 percent for canvas footwear imports in 1967.

It is my suggestion, therefore, that a voluntary agreement limiting imports in a fashion similar to voluntary agreements now in effect be negotiated with the countries who are principally responsible for the abnormal flow of these articles.

Your cooperation in this matter and the referral of this suggestion to the proper area of the State Department will be appreciated by me. I shall also be happy to have your response to this suggestion at your convenience.

Sincerely yours,

JOHN S. MONAGAN,
Member of Congress.

I also include a copy of an editorial on this subject from the Waterbury, Conn., American of January 16, 1970:

UNIROYAL'S CRISIS

The rumors of a pending shutdown of Uniroyal's Footwear plant were squelched by a management statement which in itself is ominous. "No decision has been made at this time" is the way a company official put it. This means, of course, that the general topic has been and is still under discussion.

This semi-denial of the rumor, which is not an outright denial at all, should give incentive for immediate action by the state, the Borough of Naugatuck, the City of Waterbury, and the region's civic and business leaders to look into Uniroyal's problems and find ways of solving them.

Retention of this plant in Naugatuck is necessary for the regional economy. Displacement of some 3,000 production workers and another 1,000 office and supervisory personnel would create an employment crisis which could be detrimental to thousands of families directly and to businesses and the tax bases of many towns.

This is an area which demands involvement by U.S. Rep. John S. Monagan of the 5th Congressional District, as well as Gov. John Dempsey, municipal officials, the Chamber of Commerce and other groups dedicated to promoting regional growth and prosperity.

Uniroyal has disclosed that the footwear plant is in an unfavorable economic position. Increased foreign competition, changes in consumer preferences, and competition from domestic plants paying lower wages were cited as the principal reasons which are making the Naugatuck plant's future here uncertain.

Monagan and other legislators should look immediately into the effect foreign competition has on this domestic industry. Federal aid, if it is warranted, could be arranged through tariff revision. Labor officials can give assistance to Uniroyal in assessing the effect of the wage scales on the future existence of the plant and recommend a form of hold-the-line plan if careful study determines it to be essential.

The changes in consumer preference constitute a problem which only management and its product development officials can solve. Diversification has long been advocated as a means of keeping an industry financially secure. Development of new products should be a perpetual requirement. When consumer interest and taste change, a company should get ready to meet the new demands.

This century-old Naugatuck plant has been a national leader in the footwear field because of the ingenuity of its founders and skills and capabilities of its employes. It does not seem possible, that with outside help and cooperation by everyone affected, it would have to close its doors as a victim of changing times.

INDIANA-ILLINOIS POLLUTION

HON. RAY J. MADDEN

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 21, 1970

Mr. MADDEN. Mr. Speaker, the Calumet industrial region of Indiana adjoining the industrial area of South Chicago is one of the most outstanding localities for industrial and defense production and manufacturing in the Nation. These huge industries extend for miles in both directions—north and south—on the shores of Lake Michigan. The Illinois-Indiana State line separates these huge industrial complexes. Permeated air and water from the Illinois side blows and seeps across the line into the Indiana area and vice versa. It all depends on the direction the wind happens to be blowing on a certain day. It would be futile for either Indiana or Illinois to clean up its industrial air and water pollution if the other State did not.

Therefore, the cleaning up of air and water pollution in this Indiana-Chicago area is almost essentially the responsi-

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bility of the Federal Government. The Federal Government should take complete charge of the air and water pollution menace in this industrial area adjoining and including Illinois and Indiana. As a further explanation of the crisis, I include with my remarks an editorial in the Gary, Ind., Post-Tribune of January 19, 1970:

Crying Uncle for Clean Air

Habitues of the Loop and other residents of Chicago choked out cuss words and cried soot-streaked tears late last week as a south wind bore in unusual quantities of pollution from the industrial areas of that city's south side and our own Lake County. Sometimes it works the other way. Often northwest winds mix Chicago contamination with our own to complicate Northwest Indiana's breathing processes.

What these contrasting realities prove is that air pollution is no one city's or community's problem. Air borne noxious chemicals and particulate matter have even less respect for state boundaries than do big time gamblers. The answers lie not in trading castigations, but in working together. Sometimes that working together will require a super authority.

Chicago, the three major cities of Lake County and, now, Lake County itself all have air pollution ordinances. They are much alike. They also all continue to have air pollution.

Lake and Porter counties of Indiana and the Illinois block of counties surrounding Chicago have been designated as one air pollution area by the federal government. The two states have reciprocal enforcement provisions. Despite those precautions the affected counties all have days of troubled breathing.

Part of the difficulty lies in the obvious fact that it takes years to correct a situation which was so long an accepted part of the industrial scene. Industries insist they try—and they do—but they do not try at a pace which satisfies residents of this area concerned with their own longevity. Part of the trouble lies in inadequate teeth in the air pollution laws.

President Nixon is generally expected to devote considerable portions of his State of the Union message Thursday to various national pollution and other environmental problems. We don't know what he will say. We hope he says that it's time to get tough. We hope that if he does, Congress hears him and acts.

We apologize for besmogging Chicago's skies. We hope they feel the same concern when they help befoul ours. But it may take our mutual Uncle to give meaning to the apologies.

LEADERSHIP FOR THE 1970'S

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 21, 1970

Mr. CONYERS. Mr. Speaker, on January 19, I was fortunate enough to have been a guest at the National Press Club luncheon where my good friend, the distinguished Senator from South Dakota, George McGovern, was the speaker.

His remarks, which follow, show a perceptive concern for the problems facing this Nation and a great understanding for the solutions we so badly need.

I commend to my colleagues Senator McGovern's address:

Leadership for the 1970's: Unifying the Coalition of Silence and the Coalition of Conscience

The beginning of a new decade, with the Congress reconvening and the Administration starting its second year, is a good time for a man in public life to speak to the National Press Club.

As we enter the 1970's, our nation is in trouble, primarily, I believe, because we still follow a leadership focusing its major energies on external fears instead of internal neglect.

For thirty years—since the traumatic shock of Pearl Harbor, we have been preoccupied with war and preparation for war. Most of our national energy, most of our federal taxes, most of our national debt, most of the inflation, most of the dissension—all of these have been the handmaidens of war and the arms race.

Meanwhile, the nation's most serious internal weaknesses have been allowed to fester until they threaten our survival as a society of dignity and freedom. In the name of national defense, we have been exhausting the sources of national defense.

The key question of 1970 is the same one I raised as a freshman Senator seven years ago: Can we turn away from endless war and contain the military monster that is devouring our resources so greedily as to disarm the nation against its most serious dangers at home.

The first duty of a public man in 1970 is to recognize that if we do not seriously address ourselves to this question with a radical new urgency and restructuring of our policies and institutions, we may well lose our sense of community and nationhood.

Yet, the present Administration, like its predecessor, continues to govern the nation as though our chief dangers were from abroad rather than at home.

Thus, in 1969, the President fought for new billions to build the ABM and a whole range of doubtful new weapons systems. Now he has vowed to veto the Health, Education and Welfare bill because the Congress has added a billion dollars more than he requested. This is done in the name of fighting inflation, although the Congress cut the President's military requests by nearly $6 billion. Instead of vetoing urgently needed education funds, the President should abandon his expected request for another $1.5 billion for additional ABM sites.

It is true that our President has expressed concern about the nation's problems. In his 1968 campaign, he dwelt on four of them—crime, inflation, division and Vietnam. But 1969 again offers clear proof that more than rhetoric is needed to heal the nation's troubles.

The President kept his pledge to fire Attorney General Ramsey Clark as a prescription for law and order. But the crime rate increased another 10% in 1969 and rose even more alarmingly in the Nation's Capital.

Inflation now races ahead at the highest annual rate in 20 years, and interest rates are at an all-time high. The 1969 cost of living advanced nearly 6%, as compared to 4% in 1968.

The southern strategy has further divided blacks and whites, while the harsh indictments of the Vice President and the Attorney General have widened the gap between the nation's idealists and their government.

Meanwhile, the war in Vietnam continues with another 11,000 Americans dead in 1969—and with no end in sight.

The Administration in its first year has dealt not so much with our problems as with the politics of those problems. It has sought not to end mistaken policies and priorities but to end criticism. Its goal has been to isolate the dissatisfied citizens of the nation, while claiming to represent the nation's majority interests.

The hallmark of this Administration is the politics of manipulation, when what is most needed is the reconciliation of the nation behind more constructive goals.

There is both an official, front-door policy and an unofficial back-door policy.

The official policy has been to elevate a cheerful blandnees to the status of a national virtue. Voices are lowered, silence is encouraged, earnestness is emphasized, controversy discouraged.

Studies become a substitue for action. Conferences are more important than programs. Decisions take a back seat to coordination. Policy councils become ends in themselves rather than preludes to action. Public relations replaces performance.

The official theme is, thus, ordered sweetness and light. It seeks to allay the fearful and disarm the concerned.

But the bland face of the Administration also serves to distract attention from its unofficial policy. And that policy is anything but bland.

It works the backstreets. It seeks to discredit those who disagree. It sets group against group. It tries to frighten the news media, turn old against young, and isolate those who oppose its war policy.

While the President walks the high ground, the Vice President and the Attorney General execute the strategy of fear and division. A few weeks ago, the Attorney General's wife suggested that her husband regarded the liberals of America as Communists whom we would be better off trading for the Russian variety. We were told that the Attorney General would have phrased it in more restrained language. The evidence of that came this past weekend when Mr. Mitchell referred to the younger, liberal members of his own party as "little juvenile delinquents." I leave it to you to judge the relative restraint of the Mitchells.

The Attorney General is the admitted political strategist of the Administration, just as he was the top strategist of the Presidential campaign. He has filled the key posts of the Department of Justice—not with eminent lawyers, but with shrewd political manipulators whose chief public experience, like his own, is in the management of political campaigns. Little wonder that the best law graduates of the nation who were attracted by the leadership of former Attorney General Ramsey Clark are now avoiding the Department of Justice.

The Attorney General, unlike his predecessor, has told us that his Department's mission has nothing to do with policy; rather the Department of Justice is simply a lawyer for its client—the United States Government. Any proper view of the Department of Justice would hold that its clients are the American people, and especially those who have not achieved a full measure of justice. But Mr. Mitchell gives clear indication that he is far more interested in the instruments of political manipulation than the instruments of justice.

The alternating techniques—blandness and divisiveness—go hand in hand. They are the prime ingredients of a politics of manipulation.

Each is indispensable to the other. By itself, an official policy of blandness could not hope to long hold popular support in a period of problems and tensions. Similarly, an open strategy of divide and conquer, by itself, would soon repel an American people who are basically idealistic and principled. Together, however, these political strategies—and that is what they are—complement each other in securing a temporary popularity.

But this kind of leadership reflects a retreat from responsibility. Appearances are placed above reality. Form is exalted above substance. Values play second fiddle to techniques. Principles yield to strategems.

What I object to most strongly is the method the Administration has chosen to repress the interaction of dissent and response that is so vital to the survival of a democratic system.

The President summons forth in his support what he calls the silent majority—an exercise that presumes silence to be a virtue and outcry a sin. It presumes further that silence is respectable and protest the threatening howl of the mob.

The Vice President, as always, is willing to put it more bluntly. He calls what is happening in America today *"positive polarization."* In effect, Americans are asked to choose sides—*against each other*. We are asked to eliminate those who dissent too vigorously as we would rotten apples in the barrel.

The President's pledge "bring us together" now appears a determination to bring the *right* people together. And the right people, presumably, are those who are content with things as they are and hostile to those who would change them. It follows that the wrong people must be those who are dissatisfied, who seek change.

Some might find comfort in this polarization, but it frightens me. It frightens me that we are witnessing the beginning of political apartheid in this country, which casts the silent as Brahmans and those who dissent as untouchables.

That the Administration consciously encourages one citizen to dispute another's right to direct involvement in the affairs of this nation is both dangerous and thoughtless.

In recent months, the news media—and most particularly television—was guilty, by Administration standards, of excessive criticism. The media has the power to resist Administration intimidation aimed at the concept of a free press.

Unfortunately, the young who oppose the war—and the poor, the black and the brown who oppose their continuing exclusion from this most affluent of all societies—do not always have the power or the skill to defend their right to question policies or priorities. And day by day, their activities are distinguished as a little less respectable, a little less patriotic.

If the demands of dissenting Americans were unjust or ignoble, then we could turn away. But what they seek is an end to a foolish war, an end to racial injustice, an end to hunger and misery and ugliness and pollution. They seek, in short, to probe the nation's conscience by underscoring the gap between rhetoric and reality.

Is not this coalition of conscience on higher ground than the coalition of silence?

Let us understand that the consequences of spurning the legitimate claims of the young and other disaffected citizens of our land would be enormous. America was conceived and developed by the idealism and driving energy of the young, combined with the efforts of the dissatisfied who settled the country. We need to ponder what it means to live in a society that has lost the confidence, the enthusiasm, and the contributions of yearning minds. Let us remember that this nation was conceived, its independence won, and its Constitution constructed by a vigorous minority who carried the day against the hostility or apathy of the majority.

What would it cost our nation now for dissatisfied Americans to turn away from participation in our public life because of disillusionment over our political process?

Conversely, silent majorities have not always been right, as witness Hitler's debauchery of the German nation while the people applauded or stood silent. This was the same nation that produced Beethoven, Goethe, and Einstein. History is filled with the wreckage of foolish or barbaric policies that were temporarily accepted by silent majorities. I find silence a questionable virtue in the presence of injustice, hypocrisy and neglect.

Frankly, I reject the notion that there is a silent majority of Americans satisfied with the present state of our society. As a middle-class, middle-aged man from middle America, I find my neighbors and constituents dissatisfied with the quality of life in 1970. Their taxes are also being squandered on wasteful military spending. Their sons are also going off to Vietnam. They are also paying the heavy price of inflation, high interest, shoddy merchandise, and a disorderly society.

All Americans are victimized by the present policies and priorities of the nation. Millions of Americans who may be silent are nevertheless ready for a leadership that would unite them with their dissenting fellow Americans in a common effort to face up to the nation's needs.

What would be the agenda of such a leadership? I suggest the following:

(1) An end to our involvement in the Vietnam war, beginning with an immediate ceasefire, including the cessation of bombardment that is now destroying the Vietnamese countryside. Our forces should be deployed entirely in maximum defensive arrangements with their withdrawal taking place as soon as we arrange for the release of prisoners and asylum in friendly countries for those Vietnamese who might feel threatened by our withdrawal.

"Vietnamization"—the Administration's current policy—is simply a new slogan for an old discredited policy. It involves keeping American forces in Vietnam until the Thieu-Ky regime is ready to assume the military burden. That regime has never had the respect of its own people. It will not come to terms either with the rebels who resist it or unify its own silent but hostile majority until we cease our support and begin a definite, systematic removal of all our forces. Even if Vietnamization brought military successes by means of massive U.S.-sponsored bombardment in support of the South Vietnamese mercenaries we have recruited, trained and paid, we should still oppose this policy. This concept of war by proxy is itself barbarism that uses our technology to increase the slaughter in a civil struggle that can only be resolved by the Vietnamese people.

The President could have ended the war in 1969. There is nothing to be gained by indefinitely prolonging it.

(2) A reduction in the military budget of $50 billion in the next three years with a cut of $20 billion in the coming year. The time has come to discard the notion that Russia is about to roll across Western Europe, or that a primitive China barely able to defend itself is about to conquer the world. We could begin by withdrawing five of our six divisions from Europe. The Europeans are now perfectly capable of providing their military manpower. We should also abandon the ABM, MIRV, AMSA and other needless new weapons systems.

(3) We should establish a National Economic Conversion Commission to assist the transition of our economy from war activities to peaceful pursuits. I introduced such legislation seven years ago and have reintroduced it in this Congress.

(4) We should create a Council of Social Advisers comparable to the Council of Economic Advisers who would draw up social goals for the nation to be measured in an annual report. Those goals would include an adequate diet, housing, education, and health care for our citizens. They would include a "Second Chance Peacetime G.I. Bill of Rights" for every American to permit any adult a new opportunity to change or improve his career by going back to school, college, or other training opportunity. We need also to greatly expand the public service activities for the young. The nation's social goals should envision doubling our efforts to end crime and disorder, not only by improved law enforcement, but also by cleaning up the ghetto squalor which breeds delinquency and disorder. Every American who is able to work should have the opportunity, with the government serving as "the employer of last resort." Those unable to work who are in need should be assured a dignified method of adequate assistance.

(5) The Council of Advisers on the Environment, created by the Congress in 1969, should be fully staffed and strongly backed by the President. It is imperative that we halt the contamination which now threatens to destroy the thin layer of soil, water and air that sustains life around our planet. This is a central concern for the 1970's which can be the most unifying goal of all.

(6) We need to establish a powerful, well-backed consumer protection agency. That agency should have the power to set high standards for consumer goods. It should be empowered to press consumer cases before the regulatory agencies. Consumers should be able to bring actions in the federal courts for consumer abuses, just as do the victims of anti-trust violations. It is preposterous that one brilliant, dedicated young man, Ralph Nader, is now trying to carry the burden for American consumers that the U.S. Govermnent should carry.

(7) Finally, I urge needed reforms of our increasingly archaic political institutions, notably our political parties and the Congress. As these institutions must help to translate popular will into public action, the elimination of their defects and shortcomings is essential to a vital and healthy democracy.

For too long, the national political parties and the Congress have been insulated from the grassroots, too unresponsive to the ordinary citizen, and too indulgent to special interests. The procedures and practices of the national parties and the Congress are not democratic. Only drastic reformation from top to bottom will make them again effective instruments of grassroots America. As far as our political parties are concerned, the recommendations of the Commission on Party Structure and Delegate Selection, which I have been honored to head, are important steps in the right direction. The Commission has urged an open nomination process that will insure rank-and-file party members the opportunity to freely and fairly influence the choice of the 1972 Democratic Convention. Devices which concentrate the effective decision in the hands of a few self-perpetuated party leaders have no place in either party.

Delegates to the 1972 conventions should be openly and fairly selected by rank-and-file party members, and they should be chosen in 1972—not two or three years ahead of the convention. I hope that party members who seek office in 1970 and 1971 will pledge themselves to support the guidelines my Commission has recommended, with special awareness that we must never again have a Chicago-type convention.

Similarly, Congress needs a thorough-going overhaul if it is to become a truly effective and respected political body.

Laws on lobbying need to be tightened up. Seniority should be abolished in committee assignments and positions. Congressmen should make full disclosure of their assets, income, and professional associations. The inefficiency and log-rolling which dominates the Appropriations Committee process should be ended by upgrading the staffs of the authorizing committees and then abolishing the Appropriations Committees.

I believe the American people are prepared to follow a leadership that challenges them with such an agenda for the 1970's. In short, they would respond to a leadership that called upon them to turn away from military adventurism to the reconstruction of American society. That is a leadership of reconciliation which could unite the coalition of silence and the coalition of conscience for the common good.

JUDGE CARSWELL WILL BE CREDIT TO COURT

HON. DON FUQUA

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 21, 1970

Mr. FUQUA. Mr. Speaker, the nomination of U.S. Circuit Judge G. Harrold Carswell, of Tallahassee, to the U.S. Supreme Court has given me more personal pleasure than any that I can remember.

I am doubly pleased because of the high regard I have for Judge Carswell as a jurist, and second, because of my personal friendship.

He will become the first Floridian ever to serve on the Nation's highest court and his nomination is viewed with pride by all of the people of our great State.

It is my considered judgment that no finer man could have been named and I commend President Nixon for the wisdom of his selection.

Judge Carswell comes from my congressional district and perhaps the best tribute I could pay to him would be to include in my remarks the very excellent portrait written by the editor of the Tallahassee Democrat, Malcolm B. Johnson. It follows:

[From the Miami (Fla.) Herald, Jan. 20, 1970]

JUDGE CARSWELL HAS COMMON, HUMAN TOUCH

(By Malcolm B. Johnson, editor, the Tallahassee Democrat)

It is hard to imagine how becoming a Supreme Court justice would pump up the pomp of Harrold Carswell, this friendly fellow who already has risen high in the judiciary without losing his common, human touch.

You should know more about this neighbor, his family and associates—whether or not he ever rises to sit with the almighty.

If he is confirmed, it will be the most important government position ever held by a Floridian.

He has just turned 50, after a momentous year in which his first grandchild was born the day (last June 27) he stepped up from the U.S. District Court bench and took the oath as a member of the U.S. Fifth Circuit Court of Appeals.

Twelve years as a federal trial judge, after five years as a U.S. prosecutor (experience unmatched by any present member of the U.S. Supreme Court, by the way) has weathered him into a character who looks, acts and talks as you expect from a judge of the old school.

He presides over court with gentle firmness and good humor. There's nothing aloof or arrogant about him, no taciturnity. In chambers, lunching at Angelo's with whomever sits down with him, or socializing at a party, he's quick to conversation.

He likes the legal anecdote, and he likes it to the point. He gets around with people, talking and listening. Last year, during some of those student fracases at Florida State University, he went out and stood in the background—just to keep attuned to the situation.

Given a few more years on the trial court bench, Judge Carswell could have turned into one of those venerable jurists who regale you as a story-teller or bore you to death with their memoirs.

He's already past that, new sitting on the appellate court where authority is divided and personality subdued. We might expect him, then, to develop a literary touch—a guest for the proper phrase to lighten and enlighten his judicial opinions in the old manner that has been lost in the recent rush to shuck out rulings as fast as possible for everyone who fancies he has an issue. Some of the Carswell opinions already show the flair over it, without sacrificing lucidity.

I know him better as a man off the bench than on. The judicial bench, that is. We've occupied adjoining seats on the bench of Row 82, Campbell Stadium, for maybe 10 years as coincidental holders of season tickets acquired under long term commitments to help finance the stands.

There's nothing impartial about U.S. Circuit Judge George Harrold Carswell on that bench. He's for FSU all the time, for alma mater Georgia against Florida, and for alma mater Duke with a detached sort of loyalty.

He and his wife, Virginia (a petite Southern belle cheerleader type with a husky "Way to go" yell) play the game hard from those seats, but they don't seem to let it ulcerate them the way it does some friendly Gators the judge especially enjoys gigging. They love the game, and if they move to Washington, the Redskins can make room for a couple more regular fans.

But even in such a prejudical setting, the Judge is the temperate, deliberate type who never joins in fussing at the referee, coach or quarterback—not even when they seem to ignore our deliberate advice from the top bench.

About that "G. Harrold," with the double-r. A Cracker politician will tell you voters won't take to anybody who's ashamed of his first name and doesn't know how to spell his second.

But the judge has a sufficient explanation:

He's the son of George Henry Carswell of Irwinton, Ga., not far from Macon. (His daddy was for 30 years a member of the Georgia Legislature, Georgia Secretary of State, and lost the governorship in a run-off to now Sen. Richard B. Russell. There's a monument to him in the courthouse square at Irwinton, raised by public subscription when he died during the depression.)

Anyway, Sen. George Henry Carswell and Mrs. Carswell had only daughters who had grown to teenage before our Judge was born. His brother, in the meantime, had given the name "George Henry" to his son so the distinguished name would not expire.

When our Judge was born, his parents wanted another "G.H." but not another George Henry to get mixed up with his cousin. They named him George Harrold (two rs because that's the way Harrold family, kin of Mrs. Carswell spelled it). They called him Harrold to distinguish him from cousin George. Simple, isn't?

Sorting out the Judge's immediate family relationships (as we Crackers love to do) is a tiny bit more complicated. He married his brother-in-law's niece. Let's not go into the kinship possibilities of that.

The Judge's older sister Ellen, married Ramsay Simmons of Bainbridge, one of the four brothers who inherited a crate and box mill business from their father. Ramsay runs the mill in Bainbridge, Jack the one in Tallahassee, William the one in Macon and Thomas the mill in Tennille, Ga. Together, they probably produce more wooden fruit and vegetable containers than anyone in the world.

When the future judge's mother died, he went to live with his sister and Ramsay Simmons and to attend high school in Bainbridge. From that visit sprung his romance and marriage with Virginia, daughter of Jack Simmons, in 1944.

Most members of the family live in the same neighborhood, on Lake Ridge drive, in houses fronting on Lake Jackson. The Carswells live in a fine house, but not a mansion, compatible with the salary of a federal judge and big enough for the family of four children they had when it was built.

The two girls are married. Ramsay (Mrs. Fenton Langston), whose husband has recently graduated from FSU Law school and now is on Governor Kirk's legal staff, lives next door and the Judge plays daily with his little granddaughter. Nan (Mrs. Radford Cherry) lives in Tampa, where her husband is with a national accounting firm. The two boys, George Harrold, Jr., and Scott, are in college in Tallahassee.

Solid, proper, estimable people—good enough and smart enough to sit with anyone on the Supreme Court; and a whole lot more respectable than some who have been sitting there.

POLITICAL SENSITIVITY OF U.S. TROOPS IN VIETNAM

HON. JONATHAN B. BINGHAM

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 21, 1970

Mr. BINGHAM. Mr. Speaker, I recently received a letter from a young New Yorker who served for 2 years in Vietnam as a volunteer development worker in Khanh Hoa Province. He makes some rather critical observations about the conduct of American troops in Vietnam—particularly with regard to their political sensitivities. He also offers some proposals for change which I think are well thought out and bear careful consideration by responsible officials. The letter from Mr. Dyle G. Henning, now a graduate student at Columbia University, follows:

DEAR SIR: I have been challenged to write this letter by a friend, a United States AID representative, who thinks people have too many complaints about the war in Viet Nam, without supplying realistic conclusions and constructive recommendations. Herein I hope to cogently describe what I have seen of American conduct in Viet Nam, suggest the consequences of that conduct, give some possible reasons for it, and provide a series of recommendations that perhaps could help to correct negative aspects of our conduct abroad. These recommendations are relevant, I believe, to Viet Nam and to other nations where the United States is involved, both for the present and for the future.

The writer recently ended a two-year tour as a volunteer development worker in Khanh Hoa Province, living closely with the Vietnamese, while maintaining contact with the Americans. I speak Vietnamese adequately. My work in a rural-suburban area has been in education and youth activities. I have considered myself generally in favor of the theory of American aid to Viet Nam, excluding combat troops.

Intelligent people concerned with the Viet Nam War consistently have talked about the interplay of political-socio-economic factors in this conflict; they have also often stressed this type of warfare is really to be fought and won in political, not battlefield contests. Certainly this is the underlying premise of the American support for the Land-to-Tiller Program, and of the Chieu Hoi Program. But in practice it seems the American effort here rests on its military conduct, and falls on its lack of consistent positive individual and group conduct as it affects the political-socio-economic arena of the war. It is through our individual conduct, as well as through our group conduct, that we Americans manifest understanding and appreciation for the Vietnamese people and culture, or lack of it. I stress individual conduct, that of one person or a small group, because it is this conduct that combines to create an image of general group conduct, and is the way individual Vietnamese are in turn affected. Our actual conduct is approximately opposite the values maintained by our adversary, who in practice fights a more intelligent political-psychological war than he does a military one. His practice follows both his values and what we express our values to be in theory.

The American effort is obviously at an initial tactical disadvantage; we are strangers, foreigners, to the Vietnamese. Our adversary knows not only the geographical terrain, but also the customs, history, and sensitivities of the Vietnamese people. Whether he is Viet Cong or North Vietnamese, he is Vietnamese. Others have faced situations similar to ours. What did the British do in Malaya? T. E. Lawrence is famous for his exploits in Northern Africa. Writing in the August 1917 issue of the *Arab Bulletin*, he emphasized: "Learn all you can about . . . the tribes . . . get to know their families, clans, friends and enemies, wells, hills, and roads . . . get to speak their dialect . . . not yours."

The American presence is a very obvious one. Not only do we now represent between three and four percent of the population in Viet Nam, but many areas, especially urban ones, have much more significant concentrations. Certainly this is true of Nha Trang. The areas of infrequent direct contact are in the countryside, and are those areas where Viet Cong propaganda is most effective. (As proximity increases, the Vietnamese tend slightly to see us more as people—good and bad—but they still exhibit great difficulty in understanding us.) Moreover, our presence is magnified by our direct and indirect control of communication resources, by our massive introduction of military and civilian aid, by our scale of employment of Vietnamese nationals, and by our constant mobility throughout Viet Nam.

Therefore, it is unargued that our conduct in Viet Nam strongly affects the Vietnamese. If that conduct were uniformly positive, there would be tremendous positive pressures. But I must agree with many American and Vietnamese observers that our behavior is at best mixed (and, therefore, rather confusing to the Vietnamese) and more realistically on balance negative, with resulting political repercussions.

Every day many examples of American civilian and military conduct are to be observed. I believe that most Americans are generally good people. I have observed such widely varying types of conduct as giving Vietnamese hitch-hikers rides, helping accident victims, helping with school construction, giving scholarships and materials of all sorts, learning about customs and language, training people for jobs, and generally creating real friendships. But most Americans have no significant involvement with the Vietnamese. In some cases that is perhaps preferable, given problems of difference in customs, age, and education.

On the other hand, I have witnessed conduct of other sorts—conduct which doesn't occur so overtly in our own nation. Civilians sometimes have been the actor, but military men are the majority of the American population in Viet Nam, as well as the youngest and least educated segment. While good people and good actions may be a plurality or a majority, the Vietnamese impression of our conduct can still be negative. First, some of the conduct we think is good or natural, may be seen as negative by the Vietnamese. After all, it is not really what we do or say that is important; rather it is what the Vietnamese think about what we do not say. They perceive things differently in ways we don't often seem able to understand. For example, many soldiers like to give candy and cigarettes to children, because they like children and want to make friends. But many Vietnamese parents resent this, because it suggests to their children that the parents don't give them enough, because it makes some children into beggars of a sort, and finally because it weakens the authority of the family and has an adverse effect on the conduct of the children. The second characteristic of conduct is that normal conduct is in unequal competition with bad conduct. Examples of bad conduct, though small in proportion, stand out to form the image for Vietnamese not closely associated with Americans of good conduct. Of course, our adversary helps his cause along by picking out the conduct Vietnamese see as bad and blowing it up. That, of course, is intelligent political warfare—magnifying your enemy's weaknesses in the eyes of the contested, and that, of course, we do also by making the North Vietnamese appear more villainous to the Southerners.

Let us briefly review the various types of American conduct that might be considered negative by the Vietnamese; most of these are things I have observed and have been told about by my more forthright Vietnamese friends. Most Vietnamese tell us what we want to hear; our real friends tell us the truth from their viewpoint. Such criticism comes hard for Vietnamese friends, because they feel criticism is very dangerous to personal relationships.

On some main Nha Trang streets it is a common sight to see drunken soldiers, often with sloppy dress, swearing and yelling; this, of course, is most common in late afternoon and evenings, especially on weekends. Fights, including use of firearms, and angry discussions among Americans or Americans and Vietnamese, often occur. Rumors of such happenings soon pass from town to countryside, although quite changed in form or in degree. In Nha Trang the most obvious American presence in the central city is in and around the bars that consistently have grown in number and location. The next most obvious, and probably greatest point of individual contact, is in the surrounding off-base or compound residential areas where hostesses, "housekeepers," and plain prostitutes make their rather highly-paid living. Adult friends have been upset, not only over the actual behavior, but also the realization that they are getting so little comparatively for socially desirable work. Since no area of Nha Trang is off-limits to soldiers or civilians (in my observations), and since seemingly thousands are allowed to live off base, legally or not, there is no area where Americans aren't seen visiting or living with their "wives."

Many Vietnamese remark about how few Americans seem to try to speak Vietnamese or to learn about Vietnamese customs or to eat their food. Although this may have been said to back-handedly congratulate me for trying to learn, it also represents the quite natural Vietnamese belief that they have a long and often valuable culture, worthy for foreigners to learn something about, as we expect of foreign visitors to our own country. Many will use "papa-san," "number one," "beaucoup," "chop-chop" to deal with the Americans they contact, but what impressions are left? Americans seem to forget that the Vietnamese are *not* a backward, uneducated, and simple people.

Indeed, even the very ubiquitousness of Americans is a point of irritation; the Vietnamese feel that they can't escape. They are always reminded of our large foreign presence. Nights of curfew in Nha Trang are nights of relief, nights for taking walks and for relaxation. On these nights *ao dais* once again outnumber the mini-skirts, which are most frequently worn by prostitutes in Nha Trang. Young ladies and young people in general are everywhere, because this night they know there are no soldiers to create incidents. But this night, and every night, they can find shops full of American PX goodies, and they know and have seen both Americans and our local allies, the Koreans and the Filipinos, selling these goods or paying off their prostitutes, who sell to black-market operators. They find others exchanging piasters and MPC and dollars. And they no doubt recall that we often say that they are corrupt. They, of course, think most of us are already fairly well off financially. Several students have asked me about the illogic of this corruption among an affluent people. They then asked how with such corruption (and with racial intolerance) we can hope to "help" their country to be better than that. The Viet Cong manage a distinctly more disciplined image.

But let me mention a few specific incidents that I saw in the countryside, where contact is more infrequent and stereotypes more prevalent. A number of times soldiers riding in trucks or jeeps have reached out to touch or grab girls, country girls who don't even publicly hold hands with their husbands. A few may not mind, but most do. In any case, the reaction of their boy friends, husbands, brothers, and fathers is stronger and more important. I find anti-Americanism much stronger among the men, especially the younger ones. No Vietnamese man has actually spoken to me of it, but indirectly a number have said things that clearly show that they feel inferior to and in competition with American men. This probably seems amusing and ego-building to most American men, but it shouldn't be. Men often act on a basis related to their feelings of masculinity. How exactly Vietnamese men are reacting deserves serious study.

On other occasions, soldiers have struck people on bicycles or motorcycles with hands or objects (e.g., sticks and cans). At other times, a person has thrown a beer can at a roadside altar or houses near the road. The wife of a Vietnamese friend went to interview for a job at an American installation in Cam Ranh, and not one, but two, different civilian interviewers insisted on trying to hold her hand.

Various friends have given, directly and indirectly, some subtler, but perhaps more damaging observations. They see the amount of goods, the size of houses, and the amount of playtime, and they wonder if we really come to fight a war or to enjoy the good life at their expense. They see the great quantity of goods and money we use for their benefit, but wonder why we don't give more of ourselves. "Could it be because the Americans consider us inferior, or because they don't care?" The Vietnamese see us allow ourselves to be taken advantage of (from bad bargains to governmental corruption), and they wonder if we are stupid, if we are so rich we don't miss it, or if, again, we simply don't really care whether these materials actually help anyone. They see so much go for war materials and much less for building; they question our priorities, our understanding of guerrilla warfare, and our motivation for being there. They see us giving so much away for which we ask or require no cooperative effort on their part. They notice everything from the numbers of Vietnamese employed by Americans to all the things we build and do for them. "Do the Americans not understand this makes beggars of our people?" Moreover, the Vietnamese see us and GVN begin to talk of doing so many things that they never see begun, or if begun, never finished, that they don't feel that they can trust what we say. Finally, the sins and virtues of our allies are often pinned on us. No doubt you know the general reputation of the Koreans and Filipinos in our area.

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So what are the consequences of our conduct, remembering the important thing is how the Vietnamese perceive it, rather than what we may intend? As suggested above, some types of American conduct strongly suggest condescension, weakness, insensitivity, and/or corruption. The sense of superiority often comes across strongly even from advisor to advisee, and they question whether we are any different from the French. Putting aside the ways that the Viet Cong use our conduct against us, all conduct must strongly affect the pro-NLF, the uncommitted, and the pro-government Vietnamese's respect, trust, liking, and corresponding negative attitudes toward us. Most Americans to whom I suggested this replied, "So what!" or words to that effect. Some said they were owed the right to anything they wanted to do for risking their lives, and these men indicated the Vietnamese also thought they deserved it. Many more in fact said that most Vietnamese didn't care, or that individual conduct was of almost no importance in the war situation. But they misjudge the Vietnamese and the nature of modern psychologically-oriented warfare. Most people will put up with it, because they don't feel that they have any immediate alternative. But one major group of people within this group are the nationalists, who are needed to support a viable GVN, but who stay neutral and uninvolved, not only because they don't see GVN performing effectively, but because they don't have any, or enough, respect for, or trust in, the Americans who are keeping this government afloat. Some of the most potentially effective people in my area remain uncommitted or only marginally involved, not only from fear of the Viet Cong, but for inability to support the present non-Communist alternative. These are the real nationalists, whom we must reach in Viet Nam or any other nation, to build a strong non-Communist movement or government. Some other nationalists perhaps can't justify waiting in an uninvolved way and join the Viet Cong, like the Viet Minh before, as the only active alternative.

What, I have often thought, are the possible reasons we too often present the appearance of poor conduct to the Vietnamese? Are they right that we really don't care, either because we think that only military action affects the outcome of this war, or because we really don't care about the Vietnamese? Are we only fighting against Communists and not for the Vietnamese? Are we too weak, unable to discipline ourselves to the extent necessary in political warfare? (If so, consider what this means for any further effort in Viet Nam and for future involvement in national development and/or counterinsurgency warfare in other nations.) Could it be that we lack sufficient leadership of a high caliber to control our actions? Does it mean that our effort somehow has resulted in a quantity of people and goods to the detriment of quality results? Or could it be that we are prejudiced, paternalistic, and superior in such a way that we can't interact equally with a Vietnamese? Is it our bigness and richness that seems to magnify our mistakes in Vietnamese eyes? Is it that the Vietnamese do not understand what we are really like?

Whatever reasons you might find to be more important or more right than others—probably they all have some validity—it can't be disputed that most Vietnamese find some of our conduct offensive, and that some, perhaps the most influential people, find it intolerable. What then am I venturing to recommend could be done to change this reaction, to build and strengthen human bonds between Americans and Vietnamese, and thereby change the psychological climate of conflict in Viet Nam (and other countries)? Below let me suggest some general and specific ideas for the present in Vietnam and perhaps for future United States development and/or counter-insurgency involvements elsewhere.

1. The most logical recommendation would be to remove from Viet Nam most of the combat and support troops, who by youth and background may be more unaware and undisciplined. For counter-insurgency commitments anywhere that would require a continued and lengthy American involvement, this means few regular combat troops and at the most, highly trained and highly psycho-politically sensitive advisors. (Many of the Special Forces soldiers that I met in the Khanh Hoa area would not qualify. Only a handful could speak Vietnamese, or tried to. The interpersonal relations between the majority of these soldiers and their Vietnamese CIDG troops were poor; a number of Vietnamese actually told me how much they disliked individual American soldiers. At the same time, the local people generally viewed the CIDG, and by association their American sponsors, as the local "cowboys"—that is, wild, aggressive, bad-mouth youth. Before I left, one Special Forces officer moved his Vietnamese "girl friend" into my small town, despite a clear understanding that it was "off limits" for such activity. Many soldiers seemed to think they had to constantly prove to the Vietnamese the image of Green Beret virility. I must note, however, I did know several highly competent Special Forces officers and soldiers.)

2. Thorough political education of soldiers and civilians seems desirable. The Viet Cong and NVA use highly developed techniques, but we seem to think that either our soldiers already understand, or if taught, it wouldn't matter or would not do much good. On the contrary, perhaps if the individual could see his role more clearly, understand the people with whom he will relate, and appreciate the effect of his behavior on people of another culture, he would be more concerned with his actions.

This education should cover history, language, customs, religion, and any matter likely to influence relations. This is the subject matter of a political education program; our programs should not and need not be the type of highly propagandistic and distorted exhortation so evidently used by our adversary. Our strength is in dealing in a more open way with all areas of problem and opinion. This general program could be constructed to include a general orientation for people just coming to the foreign nation and continued required study while in that nation. For example, courses with and without university credit could be taught on any one or several aspects of Viet Nam, Vietnamese life, and the United States role in Viet Nam. Special lectures, by Vietnamese teachers, as well as American, could be arranged on pertinent topics. Radio and TV broadcasts could include frequent shows for Americans on Vietnamese life and culture. (I saw almost no such things on TV and heard very little on radio. The few presentations I did see here, mostly originating in Saigon, were quite good.) Naturally, the various educational programs would vary according to educational level and roles of the various participants. They would not be mass lectures, pro forma and inane in quality; study would be done in small groups.

I don't suggest the reverse situation, where we directly undertake to educate the people of a host nation, because there is already a great amount of learning going on, although subtle, and sometimes too much of the wrong type. A few open and intelligent radio discussions of American and Vietnamese life styles and problems in working together might be useful for everyone. Of course, the fact that it is done is of much greater significance. But we should always remember to prove to them that we do consider ourselves friends and guests, and polite guests, as good friends do, always seek to find out more about their hosts than they tell about themselves.

3. Living arrangements need re-structuring. Seeing the general negative effects of so many soldiers, and sometimes civilians, living throughout Nha Trang, it could be recommended under the current situation that all soldiers be required to live on base or in restricted military housing. Civilians could also possibly be checked from time to time to see if they are causing negative impacts in their neighborhood, and if so, assigned to restricted housing. This may be a curtailment of personal freedom, but a highly political war requires consistent, intelligent political action. However, some highly politically sensitive and disciplined soldiers and civilians could be selected to live among the population.

4. Corruption involving Americans and their allies or American goods should be tackled diligently, forcefully, and consistently. A few visible improvements have been made in the past year, but the situation in Khanh Hoa and other parts of Viet Nam still appears to be out of control. This has important consequences, not only on the war, but on the Americans, Filipinos, Thais, or Koreans returning to their own country. So many soldiers (and civilians) were talking about making fast money out of the war, and too often in illegal form. This kind of atmosphere and learning experience is hardly a healthy one for American or Vietnamese society.

5. Off-base bars should be put off limits to Americans. Enough American installations exist to quench a thirst. Some prostitution seems to be inevitable, especially where large numbers of soldiers exist, but it should be restricted and supervised for health and political reasons. Most especially, it should be kept away from center city, residential areas and rural communities. More American women in-country might also take some of the pressures off and create a more normal "community" environment. Men and boys away from family and women in general develop a quite distinctive set of social values.

6. General restrictions on access to towns and cities are needed. Seeing what the bars and blackmarkets are doing to the Vietnamese, and to us as well, our leaders should make the hard decision to heavily restrict or put them off-limits to soldiers. Depending upon the situation, this perhaps could be done in a number of ways and degrees: (a) Total restriction, some officers have said, is too hard on their men, but it would be the most honest and perhaps the most effective way of minimizing negative contact, especially if combined with programs to foster positive contacts, as suggested below. (b) Restrict all the city, except an area around the base (if not in center city), which removes some of the continuous abrasion on the Vietnamese. (c) Restrict most of the city and especially residential and central-city business area. (d) Restrict the city on all nights, the weekend, and perhaps most days of the week. There are no doubt more approaches to this, but in all cases (e) Restrict all small towns, villages, and hamlets for all Americans, except those with legitimate and carefully approved work there, e.g., doctors, priests, ministers, community developers.

7. On the positive side, there should be programs for encouraging American—host-country national relationships. As some of the previous ideas, this may sound somewhat idealistic or unnecessary, but in situations of cross-cultural inter-relationshps, it is very much a vital concept. Small group tours and individual home visits could be arranged for those soldiers and civilians judged to be disciplined, politically sensitive, and interested. A goodly number of Vietnamese now speak some English; interpreters and students are available. Similar programs are organized in other nations, including Southeast Asia. A center could be set up on bases where Vietnamese would be invited to come and share

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their thoughts on Vietnamese life and other topics. Such a program could be coordinated through specially chosen staffs, set up independently of the psychological warfare, civic action, or special services divisions.

A number of special programs could be initiated to further the interest, capability, and atmosphere for mutual inter-action and understanding. Special days would be organized with activities to emphasize aspects of Vietnamese life. Musical concerts and other cultural presentations would be given; more Vietnamese conversational classes would be organized (even on TV and radio); picnics and athletic contests would be planned to bring families together with small, selected groups of Americans. Again, radio and TV provide an excellent medium for reaching the American community. They are not really used for much of value now. For those Americans who learned Vietnamese and/or studied various Vietnamese subjects, special tours and programs could be organized as incentive and reward. I am certain you are aware of ways that better personal relationships between American soldiers and Vietnamese soldiers could be developed. All of this programming should (a) educate and sensitize us (b) educate and sensitize the Vietnamese, and (c) provide a more healthy environment of inter-action in personal, and therefore, working relationships.

8. Propaganda and information should be made more credible for American and US–GVN programs. In general, we could talk less about what is going to be done and discuss more honestly what has been and what is being done, what hasn't been accomplished, and what the problems are. Many Vietnamese do not believe the Viet Cong, but they also have trouble believing us and GVN. How can the balance of credibility be swung strongly to the American side?

9. "Giving" things away should be stopped. "Are these things really needed or desired," we should ask ourselves. In all things that we decide to give the Vietnamese, from cement to candy, we should expect and ask them to do something to earn their receipt. If the goods are useful, they will act. For example, if a school is to be be built, the Vietnamese should always put up some of the money for materials and/or for the workmen, or do some of the work themselves. Each situation will determine how much would be done. A settled community has different needs and resources than a newly-arrived refugee group. Not only does the Vietnamese contribution allow them to earn that aid which is needed, but it requires them to organize and to work together. Both organization and cooperation are values that need to be built and reinforced in Vietnamese society. If our aid is too freely given, it strongly decreases the incentives for the Vietnamese to organize and to cooperate among themselves. This I saw happen all too often in my area, an area of generally moderate income.

If we gave less, but made sure of its use, our effort would have greater results. Strong action is needed when goods are diverted by the Vietnamese; for example, either the situation is immediately corrected or we withdraw some aid they want, but which doesn't harm the people who lost out in the first place. Even on the simplest level, we can learn to give things in the proper manner, so we do not appear to concerned Vietnamese to be creating a beggar nation.

Finally, we should find ways of implementing the following guidelines, given by T. E. Lawrence, but equally relevant today: "Do not try to do too much with your own hands. Better your allies do it tolerably than you do it perfectly. It is their war, and you are to help them, not to win for them. . . ."

Admittedly, there is so much more that could be suggested as recommendations for action. But all the good ideas and good intentions are of no value unless the people having them attempt to make them effective. So in the end, both our problems and our possible means of diminishing them are tied to our will to discipline and to commit ourselves to doing the very hard things that must be done. In the present changing Viet Nam situation or in other present and future involvements, the question remains: Are we willing to structure our behavior to achieve our stated goals?

Thank you for your consideration. These views are solely my own responsibility, and I hope they have been clear and perhaps constructive. I am certainly ready for further discussion of the problem if you so desire.

Sincerely yours,

DYLE G. HENNING.

AND TO ALL A GOOD NIGHT

HON. THADDEUS J. DULSKI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 21, 1970

Mr. DULSKI. Mr. Speaker, the 1969 Christmas season has passed, but I would like to share with my colleagues and others the text of the very interesting and original greeting which I received from the Washington correspondent for the Buffalo, N.Y., Evening News.

Lucian C. Warren, a native of western New York, has been on the Washington scene for the past quarter century. Since becoming head of the News bureau a year ago, he has focused his attention upon coverage of the White House and the new administration.

In poetic form, he has referred lightly to some of the developments of the year and I include his full text as follows:

THE NIGHT BEFORE CHRISTMAS

(With apologies to Clement C. Moore and Santa Claus)

'Twas the time before Christmas, when all 'round White House,
Many creatures were stirring, but mostly to grouse.
Nixon's stockings were hung by the chimney with care
In the hope they would bulge with just more than hot air.

Men in Congress were meeting, not yet gone to bed,
As some visions of tax cutting danced in their head.
But in White House the boys were avoiding the rap
And had settled their brains for a long winter nap.

When below on the street there arose such a clatter
They all sprang to TV to see what was the matter.
"Stay away from the window, and away from the bash,
And close tight all those shutters, and nail down the sash.

"For it's certain John Mitchell and Martha will know
How to handle the liberals' protesting below."
Just then what to their wondering eyes should appear
But a mammoth parade, with some marchers sincere.
There were marshals a-plenty so lively and quick
But a few, without doubt, were sure full of old Nick.
From the north, south, east, west—from all over they came—
And they chanted and shouted and cheered some by name:

"Now Ben Spock, Coretta, McGovern, Goodell
"And Peter, and Paul, and Mary as well.
"At the top of our lungs, at top pitch we do bawl
"For cease firing, withdrawal, no troops there at all."

As dry leaves that before the wild hurricane fly
When they meet with an obstacle, mount to the sky
So quite close to the White House protestors updrew—
Many girls, many boys and some elderly, too.

But at Justice, the view as was seen from the roof
Was alarming John Mitchell, who felt there was proof
That those violence-prone pinkoes were too much around.
As they stormed at the flagpole they had to rebound

When the riot squads gassed 'em from head to the foot.
But now hark, someone else is all tarnished with soot.
As one Spiro T. Agnew goes forth to attack,
It's the media press that is taken aback.

TV Comment, unsound, surely biased, unmerry,
And the Washington Post, New York Times he would bury.
Very droll Spiro's talk 'gainst unchosen elite,
'Gainst the instant reactions from snobs so effete.

Let us face it, old friends, he hit hard in our belly—
It's shaking from shock like a bowlful of jelly.
'Twas not clubby to fire upon such as our self,
And he's hardly the type to be jolly old elf.

One cold look from his eye, baleful shake of his head
Surely gave us to know we had something to dread.
But enough about Agnew, our duty not shirk:
Let us fill Nixon's stockings, drive Congress to work

By our giving unslanted all sides of the news,
Let us live and let live and give everyone's views,
USA is the land where must none blow the whistle
On our freedom of speech, even sharp like the thistle.

And we're here to proclaim, 'ere we drop out of sight:
"Happy Christmas to all, and to all a good night!"

The LUCIAN WARRENS.

DAVID O. McKAY

HON. JOHN J. RHODES

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 21, 1970

Mr. RHODES. Mr. Speaker, the Nation has lost a truly great American and a distinguished spiritual leader with the passing of Mr. David O. McKay, president of the Church of Jesus Christ of Latter-day Saints.

Mr. McKay has been described as "the missionary president" and the growth of the Mormon Church during his tenure has been impressive indeed. Prior to Mr. McKay's administration, for example, there were only eight Mormon temples throughout the world—one of which. I am proud to say, is located in my hometown of Mesa, Ariz.—Whereas today there are 13 temples situated from Switzerland to New Zealand, not to mention the thousands of places of worship throughout the globe.

David O. McKay made the Mormon Church a worldwide organization, but he will also be remembered by people of all faiths as a warm, decent man having a lifelong devotion to those values which are the very foundation of this country.

COURT WITHOUT A COMPASS

HON. DON FUQUA

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 21, 1970

Mr. FUQUA. Mr. Speaker, Florida is a great State made up of good people. We have problems like any other section of our Nation and we are making good-faith efforts to correct those problems.

I refer in this instance to the chaos which has erupted in our school systems. School boards have been ordered to bring about artificial integration by February 1.

It is the timing which is so severe and which has created such havoc and ill will among the people of a State which I believe is one of the leaders in the Nation in honestly and sincerely meeting the very serious social problem of school integration in our time.

Boards which went to the courts with plans that were praised were not given time to implement them. Children are being uprooted, teachers are being summarily transferred, and the parents are so frustrated and angry that they find it difficult to be reasonable.

The courts of this land can only operate as long as they have the respect and support of the people. This one action has done more to cause ill will than any of which I know. It is the indifference with which children of all races are being treated that makes the situation so heartrending.

We need the understanding and compassion of the people of this Nation. We have men of good will on our county school boards and officials who have made and will continue to make honest efforts to comply with the law of the land.

In this instance, they have been dealt a staggering blow of intolerance and indifference. It is a sad situation and our educational system is suffering because of it.

The Tampa Tribune of January 14 had an editorial which I think makes a very valid point in this regard, and I would like for the other Members of Congress to ponder on the situation expressed therein. The editorial follows:

COURT WITHOUT A COMPASS

There is a greater degree of segregation of Negroes in the public schools of Chicago than in Miami.

Cleveland, Ohio and Washington, D.C., have proportionately as many all-black schools as Tampa.

Segregation in Gary, Ind. schools exceeds that in Polk County (Bartow).

These statistics from a survey by the Federal Health, Education and Welfare Department illustrate the inconsistency of Federal court orders which are creating turmoil in Southern education.

The orders are designed to force artificial integration of the races in schools which, by normal attendance patterns, would be almost wholly white or black.

And the orders are directed only at Southern schools, despite the fact that the same type of segregation exists in Northern cities with substantial Negro populations.

Schools in Florida and other Southern states are under court command to achieve complete integration by February 1.

It is patently foolish to order a change involving radical transfers of students and teachers in the middle of a school year.

As State Education Commissioner Floyd Christian pointed out yesterday, such a move may require some schools to close temporarily; it will also impose unanticipated new costs, especially in busing, upon already hard-pressed school systems. It will, too, intensify the resentment among parents whose children are uprooted in such a fashion.

The timing is bad enough.

The principle is worse.

While the Constitution clearly forbids discrimination against any race or class of citizens by forced segregation, by no reasonable interpretation does it *compel* integration. If a school is all white or all black because of the racial character of the neighborhood, no discrimination exists and there is no ground for court intervention.

Moreover, in adopting the Civil Rights Act of 1964, Congress wrote a specific prohibition against integration for integration's sake. Nothing in that law, it said, "shall empower any official or court of the United States to issue any order seeking to achieve a racial balance in any school by requiring the transportation of pupils from one school to another or one school district to another."

Yet lower Federal courts have ignored the law and so has the Supreme Court. This week it refused to disturb an order of the Fifth Circuit Court of Appeals rejecting neighborhood attendance zones for the schools of Indianola, Miss.

The court conceded the attendance zones were drawn without regard to race—but since they resulted in little integration the judges said some other plan must be used to eliminate segregation.

Governor Kirk asked the Cabinet yesterday for advice on legal moves to seek a delay of the Supreme Court order for Florida schools until next September. A delay would be helpful; but it would not reach the basic problem.

That problem is the indifference of the Supreme Court to the realities of human relations and the principles of law. It is a problem which must concern both Congress and President Nixon. The President, by judicial selection, and Congress, by legislation, should seek to return a Constitutional compass to a court which now seems to be guided by the misty stars of social theory.

EUROPEANS STILL HAVE CHEERS FOR HEROIC AMERICANS

HON. SAM STEIGER

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 21, 1970

Mr. STEIGER of Arizona. Mr. Speaker, we hear so much about anti-American feelings abroad, I felt it would be heartening to learn of just the opposite among a great number of Europeans.

Under the leave to extend my remarks in the RECORD, I include the following:

[From the San Diego Union, Jan. 17, 1970]

EUROPEANS STILL HAVE CHEERS FOR HEROIC AMERICANS

(By Alice Widener)

BRUSSELS, BELGIUM.—The weather outside the movie theater here in Brussels was the same as inside on the screen—bitter cold and snowing.

Filled with viewers of every European nationality, Brussels is now as international as Rome and all roads lead here.

The theater was filled to capacity and the scenes on screen went straight to the heart and soul of each adult.

Only the little children and teenagers looked at the events on screen as incomprehensible or merely historical.

The documentary film was about an American general—George Patton, by name—and our GIs in the Battle of the Bulge after the Nazi breakthrough against Allied forces in the dead of winter at Christmastime in the Ardennes during World War II.

There he was, Gen. George Patton, bundled up to the ears in a greatcoat, standing knee-deep in snow, his jaw jutting out over a turned-up collar in invincible determination, unconquerable spirit and immortal courage at a time of near despair for our side.

Tanks rolled by with near-frozen GIs huddled on top.

Black-faced, white-hooded gunners fired heavy weapons into thick naked forests. General Patton lifted both arms high, clasped hands, and gestured in praise and encouragement at a group of wounded men crouched in an icy ditch.

"Bravo!" suddenly called out a man sitting directly in front of me at the cinema. "Ils ne passeront pas!" (They shall not pass!)

"Bravo! Bravo!" The whole audience was cheering.

"Bravo, Patton" called out a little boy, imitating his father and not knowing why.

Now, on screen, there were scenes of the American cemetery at Ardennes—rows and rows of white crosses as far as the eye can see. Then came a close-up of the "Nuts" Museum in honor of General McAuliffe, who sent the famous message "Nuts!" to a Nazi commander demanding that the surrounded Americans surrender.

"Nuts!" called out a middle-aged Belgian woman sitting back of me.

"Nuts! Nuts!" went up a chorus of young and old voices in the movie theater.

Again there were scenes on the screen of exhausted, grim-faced GIs trudging along in the snow, each step an heroic effort. Again there was General Patton, urging them on, calling out to them, putting an arm around a limping GI born with a black face.

Suddenly I felt my face. It was wet with tears.

How good it was to be in a jam-packed movie theater at one in spirit with hundreds of foreigners, no one of whom booed or jeered or made an obscene gesture at sight

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of the American military and American flag and American generals—Patton, Eisenhower, Bradley, McAuliffe.

"Si nous avons eu un si bon Reveillin, c'est du a lui," said a mother to her son sitting next to me, as a close-up of the Patton Memorial appeared on screen. ("If we had such a Happy New Year, it's due to him.")

Out in the narrow Brussels streets, as some Belgian friends and I walked home from the movies, I didn't mind the penetrating cold and snow blowing in my face. We had such a warm feeling of kinship and exhilarating optimism, we who have lived through so much of the worst in life.

Going along single file on a cobbled, 16th Century sidewalk not more than two feet wide, we came face to face with a longhaired, bearded young hippie in a thick, swinging cape and a bareheaded girl with long straight hair parted in the middle and an Indian band around her forehead.

"Conformistes ignorants et irresponsables," commented a French newspaper reporter. "Next to a Patton—zero!"

It seems there is in this international city of Brussels a not-so-silent majority.

THE FAILURE OF THE REPUBLICAN PARTY ON CONSERVATION ISSUES

HON. CHARLES A. VANIK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 21, 1970

Mr. VANIK. Mr. Speaker, tomorrow, the President will address the Nation. He will imply that he and his party are the party of conservation.

But obviously, if the President calls for new conservation legislation, he has not looked at the record of his own party in the House of Representatives on conservation and pollution. I am sure that the majority party will support the strongest possible pollution control and conservation recommendations. Unfortunately, the record shows that the President's own party will not.

During the past 15 years the Republican Party has been the party of recommittal, not the party of conservation. Time and time again the Republicans in this Chamber have sought to make conservation bills as weak and underfunded as possible. It has been only through the vigilance and dedication of the House Democrats that real conservation bills have passed the Congress.

Mr. Speaker, I am submitting for the record a list of votes taken from the CONGRESSIONAL RECORD on major conservation issues before the House since 1956. A majority of the House Republicans voted against stronger efforts against water pollution in 1956, 1959, 1961, 1967, 1968, and 1969. A majority of the Republicans in the House voted against the Air Pollution Act of 1963 and voted to cut air pollution funds in 1966. A majority of the President's party voted against estuary preservation in 1966, and the creation of three new parks—including Indiana Dunes Lakeshore Park—in 1966.

The Republican record on conservation has not been the result of any revolt in the ranks; it is the result of the efforts of the Republican leadership which has voted with the party on nearly every issue. But these are surprising times: a Republican Governor in California tries to claim that he is a conservationist and a Republican President tries to provide congressional leadership on conservation but his own party does not follow.

Conservation has become a life-and-death issue, a bipartisan issue. Yet the President who claims to be for conservation has just "realined" the Federal Water Pollution Control Administration and created a new post of Associate Commissioner—and filled that post with the former deputy staff director of the U.S. Senate Republican policy committee. In addition, in a news release of January 9, four regional directors of the FWPCA were rotated—with only a few days notice to them—and the Great Lakes region post, which has had an excellent and devoted expert director since 1956—is left vacant. A leadership post in the most polluted area of the country is left vacant.

It is my hope that in the future, Mr. Speaker, more Republican support will be given for pollution control and conservation. In the meantime, the Democratic Party will, I am confident, be the party concerned for the American environment.

The vote record on major conservation issues for the period 1956 through 1969 is as follows:

1956

WATER POLLUTION

May 21: The House Public Works Subcommittee (Rivers & Harbors) reported a bill to strengthen the Water Pollution Control Act. H.R. 9540 authorized $5 million in each fiscal (1957–1961) to states and interstate agencies to develop water pollution control programs. It is also authorized an appropriation of $500 million (in amounts no more than $50 million a year) to help pay for state and interstate agency sewage treatment plants.

Floor Action—June 13—The House passed S. 890 to authorize federal money to help states fight water pollution. A recommital motion by J. Harry McGregor (R-Ohio) was defeated by a 165–213 roll call vote. He moved to eliminate the section regarding grants for sewage disposal plants because it would be an expensive precedent.

A conservation vote is a nay vote:

Yeas:	
Democrats	25
Republicans	140
Total yeas	165
Nays:	
Democrats	176
Republicans	37
Total nays	213

Then the House on June 13 passed H.R. 9540.

A conservation vote is a yea vote:

Yeas:	
Democrats	190
Republicans	148
Total yeas	338
Nays:	
Democrats	5
Republicans	26
Total nays	31

On June 27, the House and Senate adopted by voice vote the conference report on S. 890. Eisenhower signed S. 890 into Public Law 660. He said the bill, by providing federal grants to localities to pay part of the cost of constructing sewage treatment works, went beyond legislation he recommended.

The 1956 amendments to the Water Pollution Control Act of 1948 (P.L. 845, 80th Congress) increased federal funds available to states for development of water pollution control programs and authorized a maximum of $500 million to assist communities to build sewage treatment works.

1959

WATER POLLUTION CONTROL ACT AMENDMENTS

H.R. 3610 was to subsidize the building of municipal sewage treatment plants, up to 30% or $500,000 whichever is smaller. The total authorization was $100,000,000, twice the previous authorization. The House rejected an amendment by Cramer (R-Fla.) to require matching state funds.

On Amendment—A nay vote is a vote for conservation:

Cramer Amendment, June 9:

Yeas:	
Democrats	29
Republicans	127
Total yeas	156
Nays:	
Democrats	227
Republicans	13
Total nays	240

Final Vote on H.R. 3610:

Yeas:	
Democrats	187
Republicans	27
Total yeas	228
Nays:	
Democrats	28
Republicans	115
Total nays	143

H.R. 6441 increased sewage treatment allotment from $50 million to $80 million for fiscal 1962, $90 million for 1963, and $100 million for 1964–1967. The Federal Government is to pay 30% of costs or $600,000 whichever was less only after state aid had been applied for. An effort was made to recommit with instructions to cut final (1964–1967) authorizations from $100 million to $75 million.

On recommittal a nay vote is a vote for conservation:

Recommital:

Yeas:	
Democrats	21
Republicans	144
Total yeas	165
Nays:	
Democrats	232
Republicans	24
Total nays	256

Final vote on H.R. 6441:

Yeas:	
Democratic	229
Republicans	79
Total yeas	308
Nays:	
Democratic	22
Republicans	88
Total nays	110

H.R. 5786 Cape Cod Seashore: To establish a national seashore and provide funds for the purchase of land.

A yes vote is a vote for conservation:

Final vote on H.R. 5786, June 10:

Yeas:	
Democrats	198
Republicans	80
Total yeas	278
Nays:	
Democrats	14
Republicans	68
Total nays	82

1962

LABOR-HEALTH, EDUCATION AND WELFARE FUNDS

In bill H.R. 10904, the House Appropriations Committee endorsed the President's February 27 Health Message proposal for a joint government-industry effort to solve air pollution and added one million dollars for an $11,069,000 total for research in air pollution. It also added one million dollars to funds for studying water supply and water pollution control, declaring that "more needs to be done than can be accomplished with the budget request ($23.6 million)."

The House on March 27 passed H.R. 10904, amended, by voice vote. Prior to passage, the House rejected by a 24 to 373 vote, a motion by Representative August Johansen (R-Michigan) to recommit the bill. A nay vote is a vote for conservation.

Yeas:	
Democrats	1
Republicans	23
Nays:	
Democrats	231
Republicans	142

1963

AIR POLLUTION CONTROL

H.R. 6518, Air Pollution Control, to replace the 1955 Act. H.R. 6518 increased funds from $5 million per year to $25 million for 1965 to $30 million for 1966 and to $35 million for 1967. A motion to recommit the bill by Representative Harvey (R-Indiana) was defeated by 29–41 in a standing vote. The bill was passed on November 7; a Conference version was passed on December 10, 1963.

Bill passage, November 7, 1963:

Yeas:	
Democrats	206
Republicans	67
Total yeas	273
Nays:	
Democrats	10
Republicans	92
Total nays	102

Conference passage, December 10, 1963:

Yeas:	
Democrats	204
Republicans	69
Total yeas	273
Nays:	
Democrats	15
Republicans	94
Total nays	109

1966

LABOR-HEALTH, EDUCATION AND WELFARE FUNDS

H.R. 14745—Some provisions were: Environmental health services, $24,298,000; Air pollution control, $35,561,000; Federal Water Pollution Control Administration, $233,063,000.

There was a motion by Representative Bow to recommit the bill to the Appropriations Committee with instructions to amend it to limit the expenditures for agencies and programs funded by H.R. 14745 to 95 per cent of the total expenditures estimated in the 1967 Budget for these programs. The motion was rejected by a 143–236 vote. A nay vote is a vote for conservation.

Yeas:	
Democrats	35
Republicans	108
Nays:	
Democrats	216
Republicans	20

INTERIOR FUNDS

H.R. 14215—Some provisions were: National Park Service, $118,068,800; Office of Water Resources Research, $6,894,000; Indian Health Activities, $73,671,000; Land and Water Conservation Fund, $110,000,000; Forest Service, $780,000.

By a 157–233 roll call-vote, the House defeated a motion by Representative Frank Bow to recommit the bill to the Appropriations Committee with instructions to require an overall five per cent cut in spending by agencies covered by the bill. A nay vote is a vote for conservation.

Yeas:	
Democrats	30
Republicans	127
Nays:	
Democrats	227
Republicans	6

ESTUARY PRESERVATION

The House on October 3 rejected by a 209–108 roll call the Administration-backed bill (H.R. 13477) to authorize the Secretary of the Interior to select and preserve certain areas surrounding estuaries. It established a National System of Estuarine Areas, which was to include Federal, state, and local areas which the Secretary determined needed protection. Most of the opposition came from Republicans. A ⅔rd's vote was needed under suspension of the Rules.

Yeas:	
Democrats	175
Republicans	34
Nays:	
Democrats	31
Republicans	77

WOLF TRAP FARM PARK

S. 3423—P.L. 89–671 established under the National Park Service, a cultural center and recreation area at Wolf Trap Farm in Fairfax County, Virginia. It was the first National park to be devoted primarily to the performing arts. The House, prior to passing the bill October 10, had rejected it September 19 by a 195–105 roll call-vote—again under suspension of the Rules, requiring a ⅔rd's vote.

Yeas:	
Democrats	153
Republicans	42
Nays:	
Democrats	46
Republicans	59

PICTURED ROCKS NATIONAL LAKESHORE

(H.R. 8678—P.L. 89–668) This bill provided for a 67,000 acre park along the south shore of Lake Superior.

The House passed the bill September 19 by a 248–70 roll call vote:

Yeas:	
Democrats	206
Republicans	42
Nays:	
Democrats	10
Republicans	60

INDIANA DUNES LAKESHORE

"Congress in 1966 climaxed one of the most emotional battles in the 50-year history of the National Parks System" by passing a bill (S. 360 P.L. 89–761) creating the Indiana Dunes National Lakeshore along 13 miles of Lake Michigan shorefront.

The House passed H.R. 51 by a 204–141 roll call vote:

Yeas:	
Democrats	187
Republicans	17
Nays:	
Democrats	45
Republicans	96

By voice vote the House then substituted the provisions of H.R. 51 for those of S. 360, passed S. 360, and returned it to the Senate.

1967

H.R. 9029 INTERIOR DEPARTMENT APPROPRIATION

The appropriation was 1,256,365,350, which was 95% of the executive request. There was a proposal to recommit by Bow (R–Ohio) with instructions to make a 5% across-the-board cut. The bill was passed later that day, 6/12. A nay vote on recommittal is a vote for conservation funds.

Recommittal:	
Yeas:	
Democrats	24
Republicans	134
Total yeas	158
Nays:	
Democrats	192
Republicans	39
Total nays	231
Bill:	
Yeas:	
Democrats	214
Republicans	163
Total yeas	377
Nays:	
Democrats	0
Republicans	11
Total nays	11

1968

H.R. 17354 INTERIOR DEPARTMENT APPROPRIATION

The appropriation was 1,415,789,300 which was 90% of the executive request. A motion to recommit by Rumsfeld (R–Ill.) with instructions to limit expenditures to 1,383,432,068 was offered. The bill was passed the same day, 6/11.

Recommittal:	
Yeas:	
Democrats	30
Republicans	144
Total yeas	174
Nays:	
Democrats	178
Republicans	29
Total nays	207
Bill:	
Yeas:	
Democrats	207
Republicans	157
Total yeas	364
Nays:	
Democrats	0
Republicans	14
Total nays	14

1969

H.R. 14159 (DATE: 10–8–69) WATER POLLUTION CONTROL APPROPRIATION

The vote in this case was on the previous question, which if approved, would prevent an amendment to raise the appropriation from $600 million to its full authorization of $1 billion.

Yeas:	
Democrats	92
Republicans	123
Total yeas	215
Nays:	
Democrats	135
Republicans	52
Total nays	187

A Nay vote was a vote for conservation.

ARROGANCE OF THE PEACENIKS

HON. H. R. GROSS

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 21, 1970

Mr. GROSS. Mr. Speaker I am pleased to report that in retirement, our former colleague, the Honorable August E. Johansen, continues to take an active interest in the problems with which our Nation is confronted.

With justifiable pride, his daughter, Mrs. Judy Rush, recently provided me with the text of an address my good friend delivered on Veterans Day, November 11, 1969, before the Winter Park, Fla., University Club.

It is a fine speech, and I am glad to have an opportunity to share it with my colleagues—particularly those who had the honor, as I did, of serving with this distinguished American. The speech follows:

Arrogance of the Peaceniks

Doubtless it can be attributed to a hardening of the arteries—and of my own prejudices—but I still prefer to think of this historic date of November 11 as Armistice Day.

I have an incorrigible addiction to the goal of victory in war, and for me Armistice Day, 1918, remains a shining symbol of such victory.

Certainly that armistice was a true "ceasefire." It was not unilateral. And it worked.

Sometimes it seems that our Communist enemies are the sole remaining, practicing adherents to the Douglas MacArthur doctrine that in war there is no substitute for victory. Every pronouncement the enemy makes reaffirms the goal of total victory—a total propaganda, diplomatic, political and/or military victory.

I have no quarrel with so-called Vietnamization of the war, providing this is not a semantic disguise for peace at any price or haste at any cost. But I see little point or purpose in Vietnamization if its objective is anything less than victory—victory in the sense of successful resistance to Communist takeover.

Do not misunderstand my reference to Armistice Day. I do not begrudge designation of November 11 also as Veterans' Day. But the richly merited tribute to those gallant men and women who have served their Nation in time of war is most appropriate, it seems to me, when it is linked with an event symbolic of their dedication to victory.

My topic for today, "Arrogance of the Peaceniks," is prompted by both long-term and immediate developments: (1) Revolutionary activities of recent years in this country—on the campuses, in the streets, and at focal points of governmental operations; and (2) the newest round of so-called anti-war protests scheduled for later this week. These include mass demonstrations in Washington, D.C. sponsored by NEW MOBE (the New Mobilization Committee to End the War in Vietnam), a unique, radical united front of more than a dozen Old and New Left organizations, including both the Communist Party USA and the Students for a Democratic Society.

Perhaps a more appropriate title for these remarks would be "Arrogance of the Revolutionaries," or "Arrogance of the New Left," as you may well conclude after you hear me out. I say this because I intend to talk about the broad spectrum of revolutionary leadership and activities, rather than about the anti-war aspect exclusively.

Let me also say something about the first word of my announced topic—"Arrogance."

From the outset of my preparation of these remarks I had wondered about the connection in meaning, if any, between the noun "Arrogance" and the verb "to arrogate." Fortunately, from my standpoint at least, I pursued this point early in my efforts.

I consulted "A Modern Guide to Synonyms," published in 1968. My curiosity was promptly and most effectively satisfied. "Arrogance" is synonymous with "overbearing," an attitude prompted by "an exaggerated sense of self." To "arrogate" is to "usurp." And then the clincher: "Arrogate means to claim, demand, or take that which belongs to another. . . . The arrogant person takes upon himself more power or authority than is rightly his."

What began as passing curiosity became the central theme of this presentation.

(As an interesting footnote, I should comment that the editor of the book I consulted was a former Professor of English and Speech at San Francisco State College. If he ever finds time or opportunity to prepare a revised edition of his book on synonyms, he will bring unusual and totally new credentials to the subject of arrogance and arrogating. This gentleman is probably the outstanding single leader on the front line of the mortal struggle against the forces of revolutionary arrogance and usurpation. His name? Dr. S. I. Hayakawa, battle-scarred, brilliant and courageous President of San Francisco State College.)

To put it in simplest terms, then, arrogance is primarily an *attitude;* arrogation is an *action* word. Arrogation is activated, implemented arrogance—it is arrogance at work.

And it is about both the attitude of arrogance, the overbearing egotism of the contemporary American revolutionist, and the effort at usurpation, the attempt to translate that attitude into "more power or authority than is rightly his," which is producing audacious and all-too-successful ventures in arrogation, (it is about these) that I speak today.

This analysis and appraisal of the contemporary revolutionaries is presented under two main headings, as already intimated:

I. Arrogance in attitude and approach—

Which, inevitably and increasingly, moves beyond that to

II. Arrogance in action which, of course, is arrogation or usurpation.

By way of a necessarily condensed documentation, I propose to offer three categories of illustrations and examples under each of these two headings.

1. *The first evidence of the revolutionaries' arrogance in attitude and approach is found in the steadily increasing openness of their activity and advocacy.*

This openness is really the newest thing about the New Left. Sometimes it seems as though it is carried to the point of cockiness. For example:

In the October, 1966 issue of the FBI Law Enforcement Bulletin, Director J. Edgar Hoover described SDS as "a militant youth group which receives support from the Communist Party and which in turn supports Communist objectives and tactics."

Just a week later, the official SDS newspaper, "New Left Notes," ran an article containing this statement:

"Well, for once J. Edgar Hoover is right. There are some communists in SDS. Every regular reader of 'New Left Notes' must be fully aware of that fact, and he must also know that some of these communists have openly admitted their membership in both organizations . . . SDS is an open organization which welcomes all who seek for solution to the problems of our day."

No doubt clandestine conspiratorial activity persists, but there has been a dramatic switch from the covert to the overt. Presumably this new arrogance of openness is a necessary price of staging open violence on the campus and in the streets.

Perhaps it is also the measure of the New Left's confidence in its strength and success.

And not only the New Left. Gus Hall, secretary of the Communist Party, U.S.A.—openly branded a square by some of the exuberant crop of new revolutionaries—has recently said: "Fronts are things of the past—we don't need them." And he added:

"We've got the DuBois Clubs, the Student Non-Violent Coordinating Committee, the Students for a Democratic Society. We have them going for us and they are not fronts in the usual sense of the word."

In the 1969 FBI Annual Report, Mr. Hoover says:

"Several SDS leaders publicly identified themselves as revolutionary communists. The SDS openly espouses the overthrow of our institutions of free society (called the 'Establishment') through violent revolutionary action."

Thus David Dellinger, one of the eight (now seven) defendants in Federal Judge Hoffman's Court, SDS leader, MOBE chairman, and a key figure in the NEW MOBE, has declared: "I am a communist, but I am not the Soviet-type communist."

There has been, also, an increasing openness of revolutionary advocacy with respect to specific activities or objectives. Another SDS leader and co-defendant with Dellinger is Rennie Davis. Speaking at a rally in Grant Park, Chicago, August 28 of this year, he said:

"The reason we are here tonight is to try to figure out how we can get the kind of mutiny that Company A started in South Viet Nam and spread it to every army base, every high school and every community in the country."

Bernardine Dohrn, inter-organizational secretary of the SDS, is quoted, in a report in "New Left Notes" on an SDS delegation conference with North Vietnam representatives in Cuba, as pledging "to open another front in the United States . . . to speed up complete defeat of U.S. forces" in Viet Nam.

And Martin Jay, teaching fellow in social science at Harvard's School of General Education, Harvard University, told the Fifth Annual Conference of Socialist Scholars, in September of this year:

"Our movement is a movement which, in effect, is a total break with America."

Even in 1964, during my last year on the House Committee on Un-American Activities, the new and arrogant openness of the new breed of revolutionaries was becoming evident. It is an ominous sign of the times.

2. A second current phenomenon is the arrogance of obscenity and vituperation, the hate technique.

Talk about arrogance being a synonym of "overbearing"!

Public documentation of this form of arrogance, by all the rules of decency, has to be very much condensed, censored is the proper word.

Unfortunately the public—men and women alike—are increasingly being exposed to this tactic.

I'm talking, of course, about the villification of police as pigs . . . the bombardment of a U.S. District Judge in open court with such epithets as "liar," "fascist dog," "rotten low life."

But I have in mind other, unprintable, unquotable epithets directed at the judge.

I have in mind the lead sentences of a news story by a woman staff writer for the Washington Post in the newspaper's Sunday, June 1, 1969, issue, and I quote:

" '. . . or get off the pot.'

"The full, obscene demand was shouted over a seized microphone last Sunday night as more than 5,000 of the Nation's social welfare leaders convened to hear an opening address by their president."

This "invasion" occurred in the grand ballroom of the New York Hilton at the National Conference on Social Welfare annual forum. There was a three-hour confrontation that night and when delegates undertook to walk out en masse they found exits blocked by pickets. Harrassment continued for three remaining, turbulent days . . . Upshot of this pressure tactic by the militants was approval of a $35,000 contribution to pay the way for 250 "poor" to attend next year's conference in Chicago where a similar confrontation has already been "promised", according to the news report.

I have in mind the confrontation at George Washington University in April dur-

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ing SDS seizure and occupancy of the Institute for Sino-Soviet Studies, accompanied by demands for termination of this and other government supported activities on the university campus.

This particular episode involves a personal friend of mine, the University vice president for student affairs. His late father was a Washington attorney and one of my most loyal supporters and advisers during my ten years in Congress. His grandfather was a predecessor of mine in the U.S. House of Representatives from the Third District of Michigan.

When this University official gave notice to the group of sit-in trespassers that an injunction would be served upon them if they failed to vacate within 15 minutes, the mob's response was an incredibly vicious and obscene blast.

An excerpt from an SDS underground publication, boasting of this vile outburst appears in printed hearings of the House Internal Security Committee, titled "Investigation of Students for a Democratic Society."

This House document is replete with other SDS articles from which similar obscenities have been deleted and the footnote added: "The deleted word appears in original exhibit retained in committee files." In the instance of the exhibit I have just cited, presumably through oversight, the deletion was not made.

Al Capp, in recent testimony before the McClellan Committee of the Senate, referring to similar overbearing obscenity observed that it involves—

"(A) new and most cowardly form of brutality—because you can't show the scars they inflict on your manhood or your reverence for your mother in court, and collect damages . . ."

And in referring to the obscene, vituperative, hate vocabulary of the revolutionaries, I have in mind the Rennie Davis speech already quoted. This speech is published by the indomitable Alice Wagner in "U.S.A." and contains a reference by Davis to the SDS insistence on a program which "kicks the ——— of every Hayakawa, every Reagan, every Nixon every Daley in this country."

I recall the eloquent plea before a Washington church group of the liberal Washington Post editor, J. R. Wiggins in February, 1968 for both majorities and minorities to extend "to each other that decent deference and toleration without which no society of origins as diverse as ours can long survive."

The revolutionaries' overbearing arrogance of obscenity and vituperation has no place, obviously, for such bourgeois concepts as "decent deference and toleration."

3. *My final "exhibit" under the heading of "arrogance in attitude and approach," I describe as "the arrogance of the blank-check demand."*

In an interview published in the Feb. 24, 1969 U.S. News & World Report, Dr. Hayakawa said:,

"Insofar as the white revolutionaries are concerned—the SDS—it is becoming increasingly clear by their record over the past few years they simply want to destroy for the sake of destruction. In their view this society is thoroughly corrupt and hypocritical, and deserves to be 'blown apart'. When you ask: 'What kind of society would you like to see in its place?' they answer vaguely or are silent."

J. Edgar Hoover has said of the New Left: "Their chief aim . . . is to destroy, annihilate."

William A. Stanmeyer, associate professor of law at Georgetown University, describing the "ideological criminals" of the violent New Left, whose heroes are Che, Mao and Lenin, says he is "driven by a vision . . . (a vision) that his destructive action will bring about a better world" . . . (He has) blind confidence in the constructive power of tearing things down."

James Forman and the Black Manifesto adopted by the National Black Economic Development Conference in Detroit last April reveal not only a goal of "reparations" financially but Black seizure of state power . . . "total control of the U.S." The U.S., it is declared, "is the most barbaric country in the world and we have a chance to help bring this government down."

Total control, it is added, means placing "the total means of production . . . into the hands of the state for the welfare of all the people." As for any other details of "the type of world we want to live in", reliance is to be placed exclusively on the plea that once in control "we (the Blacks) must exercise the humanity which is inherent in us."

Here, as with the SDS, the silence and the vague generalities add up to a demand for a blank check of acquiescence—voluntary or enforced.

I am reminded of the familiar advertising slogan of a prominent American transportation system—and I apologize for paraphasing it: "Go Communist and leave the driving to us."

There is no greater arrogance of attitude and approach than this demand for blind and stupid faith: Smash whatever is, and trust the future to us.

Make no mistake about it . . . these revolutionaries are not only against the government—they intend to become the government.

Forget the horsefeathers about a generation gap. Target of this arrogance is not we old fuddy-duds but today's youth and the next and succeeding generations of citizen. To convey this understanding to this category of Americans is the best hope and promise possible that these tyrannical ambitions will be defeated.

Enough about arrogance in attitude and approach.

More ominous than what the revolutionaries *say* is what they have done and *are doing* . . . their arrogrance in action—action which, in 1968, included major disruptions on some 225 campuses. Here we get down to cases in the arrogance of arrogation, of usurpation, of taking power and authority not rightfully or lawfully theirs.

Here I can offer only two or three broad propositions—generalizations, however, for which you and I can fill in the specifics of actual happenings which continue to this hour.

1. Freedom out of hand, the license of the revolutionaries and their mobs, can match, and has matched, any of the potential excesses and abuses of government out of hand—the very excesses and abuses the Constitution and Bill of Rights forbid to government.

Are the guarantees of freedom of speech and peaceable assembly any less abrogated when it is done by mobs than when it is done by government? Ask, I suggest, Robert McNamara, driven from the speaker's dais at Harvard; or pundit Jimmy Reston at New York University; or Mayor Alioto of San Francisco at George Washington University early this spring.

Are the safeguards against "unreasonable searches and seizures" or the "right of the people to be secure in their persons, houses, papers and effects" any less abrogated when it is done by revolutionary mobs than when it is done by officials or agents of government? Ask college deans and presidents of scores of universities whose offices have been seized, papers stolen or destroyed, wastebaskets filled with human excrement, and they themselves held hostage.

Is the citizen, as an individual or as a member of a church, a welfare workers' conference, medical convention or a bankers association, any less deprived of life, liberty or property without due process of law because it is done by a mob, seeking for example, to extort reparations for past wrongs, real or alleged, rather than by government? (Incidentally these guarantees are part of the revolutionaries' favorite Amendment—the Fifth).

I think the point is adequately made. It underscores the ominous answer given a panel member on "Face the Nation" (CBS television program May 11) by SDS Secretary Klonsky. Klonsky was asked apropos of radicals arming themselves, "whether my home is going to be safe."

His answer:

"It depends on what side you take. If you think you have got something to protect in the society—if you think you have got a stake in being white, for example—then it might not be so safe."

(Mr. Klonsky, I hasten to add, is not—repeat *not*—a black man.)

2. Revoluntary arrogation involves a literal usurpation of legislative power and authority and exercise of an extra-legal and illegal veto power.

Civil disobedience is, itself, just such an arrogation. And so is mob-imposed abolition of voluntary ROTC; physical disruption of selective service operations; violent prevention of military or industrial recruiting; and, with respect to local government and legislative powers, this quaint phrase, "OFF the Pig", which, being translated means, prevention by force or coercion of police training courses on campus, one of the current SDS demands. Incitement to mutiny, to desertion, even to physical attacks on superior military officers, overt interference with defense research contracts—is clear usurpation or frustration of the Constitutional mandate to Congress to "raise and support" the nation's armed forces.

Even the Constitutional responsibility of the House and Senate, respectively, to impeach and try a President has been arrogated to themselves by the revolutionaries. Don't take my word for it. Take the testimony and solmen warnings of a Dean Acheson or the columnist David Broder. And take the boastings of revolutionaries themselves.

Acheson has denounced the "habit of destroying Presidents" and warned that "we're going to have a major constitutional crisis" if we persist in this habit.

Broder's judgment is that "it is becoming more obvious with every passing day that the men and the movement that broke Lyndon B. Johnson's authority in 1968 are out to break Richard M. Nixon in 1969"—with this most important difference; that Johnson was broken at the end of his term whereas now the attempt is to break the President within the first year of his administration.

Broder further makes very clear he is not talking about legitimate dissent but about "mass movements aimed at breaking the President by destroying his capacity to lead the nation or to represent it at the bargaining table."

The conclusion drawn by Mr. Broder is that the president-breakers, the "Nixon-next" lynchers I would call them, should either put up or shut up by resort—if their convictions or objectives so dictate—to an effort to impeach him.

I'm sure this suggestion evokes no enthusiasm from the president-breakers. Look who they'd be getting if this procedure worked! (I say that, I hasten to add, with no purpose of derogating the able and courageous Spiro Agnew.)

With the mounting evidence of arrogation of legislative powers by the revolutionaries, perhaps Congresswoman Edith Green of Oregon now better understands the full import of the arrogant answer she received from militant student leaders when she invited them to testify at a congressional hearing on campus unrest. That answer, which Mrs. Green found incredibly shocking, was, in her words:

"They informed me that if they accepted

the invitation it would indicate they recognized the legitimacy of Congress."

3. The third form of arrogance by arrogation and usurpation is, of course, in the crucial area of foreign policy. It is not just being talked about by the revolutionaries—it is being actively exercised. Its manifestations are many—the mass demonstrations; the campus moratoria; the overt assurances, direct and indirect, to enemy representatives of plans for "staging a series of turbulent massive disturbances" specifically designed to aid the enemy; the enthusiastic reception by domestic militants of exhortations of North Vietnamese leaders "to pool your efforts in achieving great success in the fall struggle phase" and the enemy plea for "active and massive participation of the American youths and students in this fall struggle movement."

This brazen arrogation of diplomatic authority is typified by the role assumed by, and permitted to, revolutionaries or their counsel to negotiate with the enemy in Paris or in Hanoi over possible release of American war prisoners. This procedure reached an ultimate of outrage and indecency the other day when Communist spokesmen in Paris bluntly told wives of American prisoners that if they hoped to see their husbands again they should "go back home and join the demonstrations."

Through all this the revolutionaries have reserved their venom for those who, like Vice President Agnew, have ventured to suggest that American peaceniks repudiate the blandishments and the blackmail and unprecedented intervention in American debate and decision-making.

Let all true Americans, including the silent majority which is becoming increasingly vocal and articulate, face the facts about the revolutionaries and their arrogance of attitude and approach and their catatrophic arrogance of arrogation.

And let these Americans—all Americans—heed the warning and sustain the valiant stand of the President of the United States:

"As President of the United States, I would be untrue to my oath of office if I allowed the policy of this nation to be dictated by the minority who . . . attempt to impose it on the nation by mounting demonstrations in the street.

"For almost 200 years, the policy of this nation has been made under our Constitution by those leaders in the Congress and in the White House who were elected by all the people. If a vocal minority, however fervent its cause, prevails over reason and the will of the majority, this nation has no future as a free society."

MANPOWER PLANNING AND VOCATIONAL EDUCATION

HON. WILLIAM A. STEIGER

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 21, 1970

Mr. STEIGER of Wisconsin. Mr. Robert Ristau, program administrator for vocational education of the Wisconsin Department of Public Instruction, has written an excellent article on the importance of manpower policy in the development of vocational education.

Mr. Ristau has reviewed the implementation of vocational education systems in several foreign countries and in the United States. He notes that:

> **As society tends to advance technologically, demand for manipulative, skill-based operations decreases, and demand increases for workers with broader backgrounds of knowledge and skill. In advanced countries, Education and training tend to be geared to flexibility rather than to specialization, since rapid changes in technology affect skills and occupations at all levels. Adjustments to do job changes will be easier if young people have an education which enables them to learn new skills rapidly, and to develop an understanding of modern science and technology as a part of their training.**
>
> A central and vital challenge to vocational education is that it "stay in tune" with the labor market needs and requirements of today and tomorrow. Basic to this challenge being met is the availability of a system of occupational analysis and manpower planning that provides the kinds of information needed.

Because Congress will be considering legislation to improve our manpower planning and policy during the coming year, I commend this article to my colleagues. Vocational education and manpower policy have a reciprocal role to play in the development of our economy and an understanding of the function of each will, I think, prove valuable in the work ahead. At this point I would like to include the complete text of Mr. Ristau's article, "Manpower Planning and Vocational Education" which appeared in the August 1969 edition of the Delta Pi Epsilon Journal:

MANPOWER PLANNING AND VOCATIONAL EDUCATION—A COMPARATIVE STUDY OF THE RESPONSE TO AN ECONOMIC REFORM BY VOCATIONAL EDUCATION IN SEVERAL COUNTRIES

(By Robert A. Ristau)[1]

(ABSTRACT.—A vital challenge to vocational education is that it reflect labor market needs of today and tomorrow. Manpower planning systems, operational in many countries today, provide needed information and have an impact on the development of vocational education.)

Vocational education is characterized by programs of education and training which have as their primary objective the preparing of young people for entrance into the labor market. Although in some circles vocational education may be relegated in concept to basic programs in farming and to shop-type courses which teach only manual skills, in other circles it may be associated with high-prestige and technical occupations.

Vocational education historically has been associated with public systems of schooling, yet there has been some controversy concerning the extent to which the private business and industrial sector should provide its own training. Another common concern is with the extent to which all students in public schools should be served by vocational education, although it is also generally recognized that most forms of basic and general education contribute to the development of competences needed by beginning workers.

In this discussion, vocational and technical education will be considered as a single program and will be treated as a program of education and training which specifically provides a preparation for a wide range of occupations and operates within the public school system.

A central and vital challenge to vocational education is that it "stay in tune" with the labor market needs and requirements of today and tomorrow. Basic to this challenge being met is the availability of a system of occupational analysis and manpower planning that provides the kinds of information needed.

It is the premise of this paper that manpower planning systems are operational in many countries and that the results of manpower planning have an observable impact on the development of vocational education. More specifically, it is hypothesized that an economic reform, characterized by an increasing demand in the labor market for workers with greater cognitive abilities and a lessening demand for manipulative skills, has a particular impact on vocational education. This impact is manifested in vocational education becoming a more integrated put of the total system of public education, with an accompanying increase in emphasis on other than formal skill training as well as a tendency to offer more vocational education programs at a post-secondary level. This impact is assumed to be particularly observable when a society moves into advanced stages of economic and technological development.

MANPOWER PLANNING

General considerations

As a practice in various nations, the manpower planning concept is a relatively new one. Economists for some time have advocated it on behalf of furthering the development of the economy, and many suggest the need for relating it to education for the total well-being of the nation.

In the United States, a report on a recent Princeton Manpower Symposium concluded that manpower planning was necessary for the effective development and full utilization of the nation's human resources.[2] Following extensive testimony in 1965 before a subcommittee of the U.S. Senate, the Symposium chairman reported: "We are coming to the time when we shall have to engage in some of the same long-range national planning and coordination which nearly all of the nations of Western Europe have adopted since the end of World War II." In analyzing the situation in partially developed countries, Harbison and Myers noted a "widespread consciousness of the need" for rapid economic development, yet they say "no clear-cut strategy for achieving it."

Even when manpower planning systems are operative, problems are inherent in providing the kind of information which permits manpower needs to relate to education. Parnes, in discussing the relation of occupational and educational qualifications, cites the problem of the heterogeneity of occupational classification. He explains that "once one moves outside of the relatively few occupations for which there are legal educational requirements, it becomes very difficult indeed to establish rigid links between education and occupations." Often manpower information is quantitative rather than qualitative and falls short of the education planner's expectations. Harbison and Myers point out that the conversion of occupational requirements into educational requirements is one of the most perplexing problems in manpower analysis. They further point out that the relationship of occupations to educational levels varies from one country to another and that frequently the manpower analyst must rely on judgment rather than precise data. A report on the economics of manpower planning in India states that manpower planning and educational planning should be closely related but they seldom are.

Efforts in various countries

In spite of the difficulties involved, manpower planning efforts, both formal and informal, have provided educational planners with certain kinds of data that have been of use to them. Through a variety of working relationships with employment security bureaus, ministries of labor, and various national and international economic groups, as well as through advisory committees with which vocational educators have traditionally worked, critical areas of employment needs, demands, and expectations have been made known. Dr. Walter Arnold, formerly the United States Office of Education's Assistant Commissioner for Vocational-Technical Education, wrote that a good master plan permits vocational education to be revised when significant changes occur in the labor market, in industrial development, and in other aspects of the economy. Dr. Grant Venn, currently an Associate Commissioner of Education in the United States Office of Education, states that "no longer can manpower needs or manpower preparation be considered apart from the national problem. Education and work have become directly related and inter-dependent on a national scale. Kazamais, reviewing educational development in Greece, noted that economic development plans and manpower studies and reports by foreign experts stressed education's role in economic growth and development, and education as a form of investment. A coordinated manpower planning program has been developed in Egypt, and manpower planning which involves both economic planning and educational planning has recently evolved in Latin America. In Nigeria, an economic development report, known as "The Ashby Study," served as "a guide for the educational development programme" which was drawn up coordinately with the report. In India, manpower planning is cited as a relatively recent concept, but it is pointed out that it complements the generally accepted concept of economic planning, with quality of the work force now being given as much attention as the quantity of labor required. A system of committees on technical education in France "permits the adaptation of vocational training to real needs on the local as well as the national scale. It is reported that in Brazil there is a "national plan for vocational education intimately linked to the country's economic development"; and in Yugoslavia, as is true in many nations with a highly centralized form of governmental control, there is an orientation of the educational system to the requirements of national planning for the Communist society.

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[1] Mr. Ristau is Program Administrator for Vocational Education of the Wisconsin Department of Public Instruction.

[2] Frederick H. Harbison and Joseph D. Mooney (eds.), *Critical Issues in Employment Policy*, A Report of the Princeton Manpower Symposium, May 1966 (New Jersey; Princeton University Press, 1966), p. vii.

The economic reform

Efforts to report manpower needs and requirements reflect an economic reform which is particularly observable in the developed countries where the economy is at or advancing toward a significantly high level of automation and technical development. In general, as an economy advances and achieves a higher level of technological development, there is a generally decreasing demand for workers who are prepared with physical manipulative skills and an accompanying shift to a demand for a greater development of cognitive powers.

The United States, with its advanced technology, is analyzed by the economist Ginzberg as having significant signs that point to the increasing dependence of the economy on people with a high order of skills and competence. He points out that the advancement of workers based on education in industry demands a broadening of the accessibility of education and training opportunities provided within the educational system. Ginzberg cites that our rate of economic progress depends more than ever on the availability of educated and broadly-trained people than on any other factor in the economy. A report of the International Labour Organisation reveals that in 1956 for the first time in the United States non-manual workers exceeded manual workers. The Clark Subcommittee concluded that "a complex revolution is underway in the kind of labor force needed to man the American economy" with men moved from production to services.

United States Secretary of Labor, Willard Wirtz, reporting before the Clark Subcommittee, referred to the shift away from unskilled jobs, with virtually all occupations which provide expanding employment opportunities requiring "long periods of education and formal training." Much of this reform is related to developments in automation, and Childs Killingsworth testified that "the effect of automation on jobs is to reduce greatly the number of simple repetitive jobs where all you need is your five senses and an untrained mind."

Dr. Grant Venn issued a plea for greater flexibility in the total program of vocational education in the United States. He notes that the former emphasis on blue-collar operative and skilled tradesmen has given way to a "new technology which has led us into a further state of work activity in which the emphasis on manipulative powers has shifted to an emphasis on cognitive powers."

Analyses of work requirements in other advanced technological societies produce simillar kinds of observations. Economists and labor representatives viewing the situation in the U.S.S.R. make many references to the general trend toward less manual labor as automation in industry increases. The International Labour Organisation in its study of the Soviet metal-working industry observed great need for developing theoretical knowledge, for enlarging the scope of knowledge application, and for stressing the mental component of work.

In England, it is observed that intellectual powers will be in increasing demand in the skilled manpower labor market. It is further cited that in the United Kingdom the technological advance is bringing about a decline in the emphasis on "physical strength and purely manual skill" and that it is necessary for workers to develop skills in the use of words and figures. In Sweden, it is cited that technical progress and a changing economic structure have brought with them an increasing demand for qualified workers with a good educational background. A manpower report for Japan states "technological change has created a demand for a new type of technicians and skilled workers" with an emphasis on higher levels of education and training. In Poland, changing emphasis in economic planning of consumer goods, services, and research is affecting various levels of education and occupations.

General conclusion

Manpower planning, though not as refined as it might be, has an important relationship with the educational system and has an input of consequence for vocational education. As a society tends to advance technologically, demand for manipulative, skill-based operations decreases and demand increases for workers with broader backgrounds of knowledge and skills.

VOCATIONAL EDUCATION PROGRAMS

General responsiveness

The response by vocational education programs to manpower needs and requirements can occur in various ways. Individual instructional programs typically are modified through joint efforts of teachers and advisory committees as curricula are reviewed and evaluated; however, such modifications are not normally visible in the absence of an exhaustive and intensive analysis of the individual content of specific courses. A more deliberate and visible response is the tendency to broaden the base of vocational preparation programs, to integrate vocational education into a comprehensive educational program at both the secondary and post-secondary levels, and to encourage the development of more programs at the post-secondary levels.

The response within the society as a whole also can be observed in the tendency to extend compulsory education to higher age levels while at the same time strengthening vocational education programs within the total general public education program. Vocational education programs become more broadly oriented to clusters or families of occupations and generally become more flexible in nature. The relationship between manpower demands and requirements and the extension of compulsory education can be observed in various educational and manpower planning reports.

Harbison and Myers observe a heavy commitment by advanced countries to education. They note that education and training tend to be geared to flexibility rather than to specialization, since rapid changes in technology affect skills and occupations at all levels. They further note that in western countries and in post-war Japan is a conviction that broadly trained people may be more effective participants in an advanced industrial society.

A basic objective in the general change pattern in vocational education is that of providing flexibility in the training of graduates who become entrants into the labor market. Harbison and Myers observe that adjustments to job changes will be easier if young people have an education which enables them to learn new skills rapidly and to develop an understanding of modern science and technology as a part of their training.

Testimony before the Clark Sub-committee in the United States reflected on the demand for a higher level of educational attainment and an accompanying need to have vocational education in the mainstream of education. Support was also given to the development of vocational education at the post-high school level and for expanded programs of continued education for persons in all occupations.

The Fifteenth International Conference on Education held in Geneva in 1962 showed a tendency to give gradually more importance to scientific and technical education at an advanced level, with a view to satisfying the growth demands for qualified personnel in industry.

The United States

The United States, one of the most advanced nations in terms of technological and economic development, has historically given federal legislative support to vocational education. Beginning with the Morrill Act of 1862 and the Smith-Hughes Act of 1917, and with further acts up to the Vocational Education Act of 1963, there was a pattern of categorical aid provided to support identified areas of needed vocational education and training. Early acts provided funds earmarked for programs which provided training in such areas as agriculture, mechanics, and home economics; beginning with the period represented by the George-Barden Act in 1946, other occupations including retailing and selling, were included.

Dr. Grant Venn, following his extensive research on education in the United States, observed that the hope of providing the quantity of workers demanded by advancing technology is in the educational system.

In 1963, the 88th Federal Congress wrote a vocational education act that provided funds for vocational education in light of current and projected labor market requirements. Previous categorical-aid legislation remained on the books, however. The impact on the general and the vocational education systems in the United States can be observed in part by a wider variety in the types of occupational courses offered. Business and office education, emphasizing courses which pointed toward clerical, secretarial, and data processing positions, flourished under the new act. Enrollments in all areas of non-manual work increased substantially. Enrollments in post-secondary programs also increased significantly.

The 90th Federal Congress, following a report by the National Advisory Council which evaluated vocational education after five years of implementation under the 1963 act, enacted sweeping vocational education legislation at the close of its Congressional session. The new legislation passed unanimously in both Houses, and it repealed all previously enacted vocational education laws. The new act, known as the Vocational Education Amendments of 1968, provides for significantly increased authorization for funds in terms of a block grant, with monies to be used for the general support of vocational education as dictated by current needs and requirements of the labor market without any categorical aid for specific occupational areas. At least 15 percent of the available funds to each state must be used for post-high school programs, and annual evaluation of the total vocational education program in each state has been made mandatory. A provision in the new bill calls for funding some manpower planning activity in cooperation with the U.S. Department of Labor, and manpower planning agencies are to be included in the compulsory state advisory councils.

The movement of vocational education into the mainstream of the United States educational system can be observed by efforts in states, such as New York, to put an end to their separate vocational schools and to incorporate vocational education in the comprehensive high schools. In the State of Wisconsin, a massive effort was begun to develop programs of flexible vocational education within the comprehensive high schools of the state. An evaluation of the Wisconsin program conducted in 1968 revealed that those programs adapted themselves well to the philosophy of the comprehensive high school; both a general and vocational education were provided for the school's graduates, and those programs were developed in harmony with current and projected employment requirements.

XUM

In general, vocational education in the United States has responded to the manpower needs and requirements for workers with higher cognitive powers by generally moving vocational education into the latter years of the secondary school program, while at the same time developing vastly improved programs of vocational education at the post-high school level. Comprehensive high schools have moved toward a system of broader-based courses with elements of the general or academic portion of the school program linked with the training of young people for occupations.

Other advanced countries

The Soviet system of vocational education, under the direction of a highly centralized government, is responsive to labor market needs, with 25 percent of all workers trained in the vocational schools. Considerable study of automation has resulted in a reorganization of technical institutes which have then developed a "broader output." A response to the development in technology which leads to a cultural and technical advance of all working people is "polytechnization of the school in which the process of education is closely linked with productive labor."

A reorganization of public education in the U.S.S.R. in 1958, which was adopted by the Supreme Soviet, increased compulsory education to eight years, with the objective of providing fundamentals of general and polytechnical knowledge to all people. The new "P.T.U." school, a new and unified type of technical school, provides general education as determined by the demands of the occupations concerned, in addition to high levels of theoretical and practical training. The International Labour Organisation, in studying the impact of the Soviet metalworking industry on education, noted the trend toward training for broad skill profiles, with vocational education including subjects normally coming within the competency of engineers.

In Sweden, the International Labour Organisation observed growing pressure in favor of prolonging general education and postponing occupational choice. They further noted that the majority of young people chose more theoretical courses reflective of the desire for broad educational backgrounds to better meet changing requirements of modern technology.

The major objective of the French National Plan is full employment and a corrected distribution of employment by occupations and skills to achieve the greatest possible social welfare and economic growth for that country. The decree of January 6, 1959, introduced reforms to relieve the congested lycees and to guide pupils who were not adapted to traditional classical education to more practical and technical studies. The reforms reportedly will produce a greater diversity of education courses and at the same time introduce a greater specialization. The new program aims at providing a broad basis for specialized training in a number of related trades; to give a background for careers in management, public service, secretarial, and so forth; and to provide general background for semi-skilled jobs.

In the United Kingdom, "the early allocation of children to different types of schools at a relatively early age was disputed and noted to be particularly undesirable under modern technological and social conditions." Vocational training, as such, does not form part of the general school course during the years of compulsory education up to age 15, and an increasing number of children are staying beyond the compulsory attendance period to take advantage of vocational training. In the United Kingdom, the problem of training for flexibility is being faced and vocational education will extend the scope of training into the broader realms of education. The division between vocational and nonvocational activities is ending.

Other countries

Kazamais, in writing on Turkish education, reported that the Gymnasia had perpetuated a narrow conception of humanistic education and contained a curriculum emphasis which contributed to unemployment and underemployment among its graduates. Reform plans initiated in 1964 stressed the need for more coordinated and expanded systems of technical and vocational education within the public schools.

Pakistan's First Five-Year Plan noted that narrow training required for specific occupations tended to sacrifice essential objectives of the educational system, and suggestions were made that pressure be put on the employers to provide training which is needed.

In Egypt, vocational education was expanded greatly by law in 1956. The secondary schools aim to provide the market with highly skilled technicians with backgrounds of technical and general knowledge to help facilitate an expansion of industrial, commercial, and agricultural projects.

In India, the general training of the mind is too closely connected with preparation for occupational life to permit attention only to specialized training and not to general education. There is a tendency today to postpone specialization and to provide a broad-based program.

In Hungary, a long-range plan for education aims at an extraordinary extension of education and vocational training so that young people who enter the labor market for the first time will have a smooth initiation.

In the Federal Republic of Germany, there is growing recognition of rapidly changing occupational requirements and a shift in vocational education from instruction and skill perfection in one specific trade to broader training in more general skills. Increasing demands on workers has lead to an extension of compulsory education."

Harbison and Myers, in discussing countries which are in the early stages of economic and technological development, note some tendency to combine academic, technical and teacher-training institutions into one.

SUMMARY AND CONCLUSIONS

Many indicators point to an advancing technology which requires workers with greater emphasis of cognitive rather than manipulative abilities. Manpower planning reports, as well as reports from various economists and labor organizations, document the above trend and establish current and projected needs for consideration by the vocational educational system.

Vocational education systems in the various countries examined in this study vary considerably in structure and in approach; nevertheless, there can be noted a trend in most countries toward a more general approach to vocational education in which the more highly specialized training programs are postponed until late in the compulsory educational pattern or until on-the-job training is available. General education and vocational education tend to be offered in the same institutions or they are both given an important emphasis within specialized institutions.

Warren's comparative study of vocational and technical education brought out some common trends based on numerous educational reforms which occurred in the last seven years; among the trends are increasing emphasis since 1945 to integrate vocational education into the general secondary education system, an increasing emphasis in all countries on liberal studies as a necessary complement to vocational studies, and a rapid expansion of post-school full-time education of a vocational character.

This study also has provided evidence that the public system of education is looked to more and more by an advanced technological society to provide for its labor market workers who are well-educated and well-trained.

It is generally concluded, then, that the vocational education system does show visible signs of responding to the economic reform in manpower needs although the response has been observed to exist in a variety of ways.

Vocational education is a viable program within public education; it must be so to achieve its objective and to make its contribution to furthering of the economic development of the nation and the people which it serves. The General Conference of UNESCO in 1962 adopted a recommendation that seems to sum up well much of the thought that has pervaded this discussion:

Technical and vocational education should be an integral part of an overall system of education and, as such, due consideration should be given to its cultural content. It should do more than train an individual for a given occupation by providing the persons concerned with the necessary skills and theoretical knowledge; it should also, in conjunction with general education, provide for the development of personality and character and foster the capacity for understanding, judgment, self-expression and adaptation to varying environments. To this end, the cultural content of technical and vocational education should be set at such a level that the inevitable specialization in technical and vocational education does not stifle broader interests.

THE WOMEN'S REVOLUTION

HON. SHIRLEY CHISHOLM

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 21, 1970

Mrs. CHISHOLM. Mr. Speaker, not only am I a black, but a woman. Therefore, I feel I have a responsibility to speak out in behalf of the unrepresented female majority, as I did in the following article, which appeared in the Baltimore Afro-American.

I have had numerous requests for copies of this article; therefore, I am inserting it in the CONGRESSIONAL RECORD, so that it will be readily available to the general public and to bring it to the attention of the male "majority":

THE BLACK WOMAN IN CONGRESS

(Article for Afro-American Newspapers, by Shirley Chisholm, U.S. Democratic Congresswoman from the 12th District of Brooklyn, N.Y.)

(NOTE.—In 1968, New York City sent its second Negro to Congress and it marked a first in American life. The second Negro was a woman, Mrs. Shirley Chisholm. A small number of white women with outstanding political records had successfully run the gauntlet of discrimination against sex, and served in the House of Representatives. Only one had been successful enough to reach the United States Senate, Mrs. Margaret Chase Smith of Maine. Mrs. Shirley A. Chisholm goes down in the annals of history as the first Black woman to achieve such a national post by election. She was a Democrat, born in Brooklyn, New York, graduated from Brooklyn College with the bachelor of arts degree, *cum laude*, and the Master of arts degree from Columbia University. Her educational training in early childhood education made children the center of her interest. She became a nursery school teacher and later a director, 1946–1953, moving on to the directorship of the Hamilton-Madison Child Care Center of New York City, 1953–1959; and subsequently educational consultant in the New York Division of Day Care, 1959-1964.

(Her first legislative experience was in the New York State Legislature, a victory she achieved in 1964. Because of reapportionment, she ran again in 1965 and 1966.)

For those of you who may have forgotten, there are revolutions going on throughout the world. It is true that some of them are false—designed to build the ego—cleverly camouflaged in order to sell a product that in the final analysis may be harmful to the purchaser's health.

But some of them are revolts by people who are refusing to accept age-worn patterns of doing things and who are carving new ways that are more suitable and satisfactory to their needs.

And finally some of them are revolutions in deadly earnest—designed to strike off the shackles of oppressed people throughout the world.

Both the so-called Black Revolution and the Women's Liberation Movements fall into these last two categories. Black people are in deadly earnest about freedom from oppression and women are beginning to refuse to accept traditional and stereotyped roles.

Because I am both Black and a woman I would like to make some comments and observations about both.

First the Black Revolution is not solely Black. I think that what Black people in America are doing, is participating, in a world-wide rebellion that encompasses all aspects of human life.

Therefore when we talk about the "Black" Revolution we immediately attempt to limit the goals of the Black man, attempt to strip black revolutionaries of the right to be idealistic, attempt to strip the Black man of the right to feel that what he wants is not just freedom for himself but wants a totally new—totally free world.

When we separate the so-called Black Revolution in America from the other revolutions; in literature, in the Church, in the arts, in education and throughout the world we attempt to maintain our own peculiar form of slavery.

One of the most noted and most quoted black revolutionaries in this day was Malcolm X. While Malcolm was on a trip to Africa he sent back a letter that read in part:

"You may be shocked by these words coming from me, but I have always been a man who tries to face facts and accept the reality of life as new experiences and knowledge unfold it. The experiences of this pilgrimage have taught me much and each hour in the Holy Land opens my eyes even more . . . I have eaten from the same plate with people whose eyes are the bluest of blue, whose hair was the blondest of blonde, and whose skin was the whitest of white . . . and I felt the same sincerity in the words of these "white" Muslims that I felt among the African Muslims of Nigeria, Sudan and Ghana."

As Eldridge Cleaver so aptly pointed out there were many blacks in America who were outraged and felt that Malcolm had betrayed them with that statement. It may very well have been Malcolm's signature on his own death warrant but the point that I want you to bear in mind is that it is exactly that type of personal courage and integrity that marks the true revolutionary.

Malcolm X was certainly aware that as an established Black leader who consistently and continually assailed the "white devil" here at home he was jeopardizing his position. But I think that he also knew what a Roman slave, Epictetus, had in mind when he said: "No man is free unless he is master of his own mind."

Almost no one in America is yet free of the psychological wounds imposed by racism and anti-feminism. A few weeks ago while testifying before the Office of Federal Contract Compliance, I noted that anti-feminism, like every form of discrimination, is destructive both to those who perpetrate it and to their victims; that males with their anti-feminism maim both themselves and their women. Bear in mind that this is also true in terms of black and white race relations.

In *Soul on Ice* Eldridge Cleaver pointed out how America's racial and sexual stereotypes were supposed to work. Whether his insight is correct or not it bears close examination.

Cleaver, in the passage "The Primeval Mitosis", describes in detail the four major roles; there is the white female who he considers to be "Ultrafeminine" because ". . . she is required to possess and project an image that is in sharp contrast to . . ." the white male's image as the "Omnipotent Administrator . . . all brain and no body."

He goes on to identify the Black female as "Subfeminine" or "Amazon" by virtue of her assignment to the lowly household chores and those corresponding jobs of tedious nature. He states that the Black male is expected to provide society with its source of brute power through his role as the "Supermasculine Menial"—all body and no brain.

What the roles and the strange interplay between them have meant to America, Cleaver goes on to point out quite well. There is only one thing that I want to point out; because of the bizarre aspects of the roles and the strange influence that non-traditional contact between them has on the general society—blacks and white—males and females—must operate almost independently of each other in order to escape from the quicksands of psychological slavery. Each—black male and black female—white female and white male must escape first from their own historical traps before they can be truly effective in helping others to free themselves.

I have pointed out time and time again that the harshest discrimination that I have encountered in the political arena is anti-feminism—from both males and brainwashed "Uncle Tom" females.

When I first announced that I was a candidate for the United States Congress last year, both males and females advised me, as they had when I ran for the New York Assembly, to go back to teaching, a woman's vocation, and leave politics to the men.

I did not go back then and I will not go back as long as there exists a need to change the politics of this country.

On May 20th of this year I introduced legislation concerning the equal employment opportunities of women. At that time I pointed out that there were three and one-half million more women than men in America but that women held only two percent of the managerial positions; that no women sit on the AFL–CIO Council or the Supreme Court; that only two women had ever held Cabinet rank and that there were at that time only two women of ambassadorial rank in the Diplomatic Corps. In the Congress there were only ten Representatives and one Senator. I stated then as I do now that this situation is outrageous.

In my speech from the Floor that day I said:

"It is true that part of the problem has been that women have not been aggressive in demanding their rights. This was also true of the black population for many years. They submitted to oppression and even cooperated with it. Women have done the same thing. But now there is an awareness of this situation, particularly among the younger segment of the population.

"As in the field of equal rights for blacks, Spanish-Americans, the Indians and other groups, laws will not change such deep-seated problems overnight. But they can be used to provide protection for those who are most abused, and begin the process of evolutionary change by compelling the insensitive majority to reexamine its unconscious attitudes."

In a speech made a few weeks ago to an audience that was predominantly white and all female I suggested the following if they wanted to create a change:

"You must start in your own homes, your own schools and your own churches . . . I don't want you to go home and talk about integrated schools, churches or marriage when the kind of integration you are talking about is black and white.

"I want you to go home and work for—fight for—the integration of male and female—human and human. Franz Fanon pointed out in 'Black Skins—White Masks' that the Anti-Semitic was eventually the Anti-Negro. I want to point out that both are eventually the Anti-Feminist. And even further, I want to indicate that all discrimination is eventually the—Anti-Humanism."

Women in this country must become revolutionaries. We must refuse to accept the old—the traditional—roles and stereotypes.

Because of the present situation the tactics of revolution used by black women will be, as they must be, slightly different than those used by white women but the long-range goals can be the same.

The goal must be more than equality of the sexes, political freedom or economic freedom. It must be total freedom to build a society that is predicated on the positive values of all human life. It must be freedom from the waste and ravages of all natural resources including human resources.

Our task will not be easy—it will be hard but it must be done. Perhaps the greatest power for social change—for a successful Social Revolution is in our hands.

But it is not an unlimited power nor is it an invincible power. We must further understand that the exercise of power will always cause a reaction, therefore we must use our power well and we must use it wisely.

A.T. & T. MANAGEMENT MUST TAKE THE BLAME

HON. JONATHAN B. BINGHAM

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 21, 1970

Mr. BINGHAM. Mr. Speaker, I have spoken out on a number of occasions in the recent session decrying the decline in telephone service in New York City and other urban areas throughout the country. Accompanying this decline in service has been a history of rising local rates while interstate long distance rates, which benefit primarily the more affluent users of telephone service, have been reduced. The most recent reduction in interstate rates went into effect on January 1, 1970, and was the largest such reduction in history. A further reduction is scheduled for February 1.

These trends must stop. Having a telephone in the home has become a necessity in modern urban life. The cost of this service should be kept as low as possible.

The following article from the December 27, 1969, issue of Business Week documents very well the decline in the quality of service in New York. It also outlines the history of recent telephone rate increases granted by or pending before State regulatory bodies. The growing size of A.T & T. has made it almost impossible to regulate. I urge my colleagues to take a moment to read the following article:

COMMUNICATIONS: WHY YOU HEAR A BUSY SIGNAL AT A.T. & T.

At 195 Broadway in New York, executives of American Telephone & Telegraph Co. are sitting in the middle of a disaster. It is not the normal kind, caused by a labor dispute or an act of God. Instead, it is a catastrophe brought about by the drastic decline of telephone service in New York City.

The current chaos is so vast that it cannot be patched over or swept under the rug. And the painful fact is that the blame seems to lie squarely in the lap of the management of New York Telephone Co. and its parent, AT & T.

Until early this year, New York telephone users, accustomed to good service, shrugged off the increasing incidence of delayed dial tones and circuit-busy signals as a temporary annoyance.

Deterioration. But as spring wore into summer, service got worse. In the first eight months of 1969, the New York Public Service Commission received more than 4,000 "serious" complaints about service—three times as many as in the whole of 1968.

On streets and in stores, more and more pay phones fell into disuse as they broke or were vandalized and nobody fixed them. Today, even in posh midtown areas, brightly colored "Out of Service" stickers are a common sight, a dubious distinction formerly reserved for New York's ghettoes.

Businessmen have been as hard hit as the general public. Told by telephone company representatives to expect installation delays, they have warned their office managers to count on two to three months' lead time for changes in phone service.

New York's telephone troubles have had more than local impact because of the city's strategic position as a business and communications center. In San Francisco, Phoenix, Houston, and other cities, phone users have suffered through scrambled signals, unintelligible beeps, or just plain silence as they called New York. Ironically, it has sometimes been hard to raise the Bell System's headquarters in Manhattan.

CHALLENGES

Unfortunately for AT&T, if there was ever a time the Bell System needed to be reliable and efficient, this is it. The communications giant faces change and challenge on many fronts. Demand for all kinds of telephone service—local, long distance, data and record services, and private lines—is rising rapidly. With Picturephone service due to begin in 1970, the company will have the task of virtually rewiring the whole country in the next 10 years.

In the 1970s, AT&T not only must go to the financial community and the public for the tens of billions of dollars it needs to grow, but must push through dozens of unpopular rate increases just to stay even with the rising costs of wages and materials.

In its 91 years of existence, AT&T has survived political hostilities and financial depressions. But it has never been confronted with problems of today's staggering size. A lineup of the crises and hurdles ahead:

Pressures are intensifying in Washington, where voices are demanding a whole new look at telecommunications policy in the light of new elements on the scene. These include communications satellites, cable television, and computer networks, all of which are clawing for growing and changing markets. Ultimately, new laws will be needed to clarify policy and establish regulatory boundaries.

Public scrutiny, exemplified by hearings at state and federal regulatory agencies, once the lonely preserve of AT&T lawyers and technical advisors, is heating up. Such hearings are now thronged with consumer protection groups, labor unions, industry associations, computer companies, the Defense Dept., new communications service competitors, and the Antitrust Div. of the Justice Dept. Everybody, in fact, seems to be minding Ma Bell's store these days, with the result that hearings often drag interminably as each participant has his day in court. State regulatory commissions are now even objecting to closed-door negotiations between Bell and the Federal Communications Commission.

The spark of competition for domestic communications services and products has already been struck. Some AT&T adversaries have won decisions before the FCC that have had a direct impact on Bell's protected domain. Among them are the right to connect non-Bell devices to the telephone network, and the still hotly contested right of carriers to offer private line services in competition with existing interstate facilities.

Labor shortages, especially in the centers of big cities, core of the company's business, are growing worse. There is a particular lack of a steady and dependable supply of people to fill the lower-echelon jobs. Computers and automated equipment are of little use in stringing wires, splicing cable, or calming a frantic housewife whose house is on fire. AT&T and its subsidiaries which employ 900,000, need tens of thousands of recruits and replacements each year. Training new people, many of whom are barely literate, is hardly a job that the telephone system can handle alone.

The threat that Bell might sink under this complex burden carries its own irony: The U.S. communications system, which has led the world in innovation and service for decades, is largely the product of the management skills of the Bell System. It was developed, engineered, manufactured, installed, and operated by AT&T and its operating company and subsidiaries. A single management produced fantastic machines and fabulous success. Now that very success threatens to pull its creators under. At least part of the trouble is that the telephone itself changed from a luxury convenience to a necessity of mid-century society.

With its size, the Bell System (made up of AT&T, a holding company that also operates the Long Lines Div., Bell Telephone Laboratories, Inc., Western Electric Co., Inc., which manufactures equipment, and 24 regional operating companies) now seems likely to find it progressively more difficult to respond to change, stay loose, and be alert to the early warnings that signal trouble.

AT&T executives, from Chairman H. I. Romnes down, scoff at suggestions that the giant corporation is suffering either dinosaurian decline or hardening of the arteries. Yet the critical case of New York telephone service is certainly a disturbing symptom, even though the management of New York Telephone Co. is autonomous and runs its own show.

THE NEW YORK CRISIS

The surprising thing is that management didn't see the New York crisis coming until it blew up in their faces.

That happened when the Plaza-8 exchange in midtown New York simply choked on its overload last June. It was particularly dismaying to New York Telephone and AT&T, since Plaza-8 has a spanking new electronic switching system, of a type the whole Bell System is counting on to perform a number of new, revenue-producing services. But it was too much regular traffic that virtually shut down Plaza-8. Enraged at the lack of service, one large Plaza-8 customer, Benton & Bowles, Inc., advertising agency, ran a full page advertisement in The New York Times containing the names of all its 800-odd employees, explaining that they were still there, even if unreachable by telephone.

Since then, a number of others have copied Benton and Bowles' idea.

In July, New York Telephone brought in 1,500 reinforcements from other telephone companies to help its New York metropolitan maintenance crew. It also put an emergency infusion of money in the construction budget and promised that things would get better next year. But New Yorkers find service is still getting worse. After working a 13-hour day last week, one tired telephone installer sighed: "We're never going to catch up."

New York Telephone is under heavy pressure, and undoubtedly will restore good service, given time. Company spokesmen hope things will return to normal by the end of 1970.

Spreading blight? In other cities, AT&T service is almost universally better than in New York, at least according to most businesses and state regulatory commissions queried recently. There have been, and still are, some problems in the Boston area, most of which can be attributed to the aftermath of a lengthy installers' strike and to a sudden concentration of computer-communications systems in the Cambridge-Route 128 area. Portions of Florida, where residential housing has been booming, have suffered installation delays, and Bell called for emergency troops. Otherwise, most complaints seem about isolated incidents.

New York's problem has increased nationwide sensitivity to telephone performance, however. The California Public Service Commission, for example, reports a moderate rise in service complaints, and some businessmen in Philadelphia say their system is beginning to show signs of mimicking New York's crankiness.

It is almost impossible for an individual or even a company to get much of a handle on how the telephone system is actually performing. It is hard enough for the Bell System's own management to plow through the blizzard of performance figures that the system generates day by day. One critical document, a monthly report on performance and status of all 24 operating companies in the Bell System, runs to more than 50 pages of detailed charts and graphs alone. Although it is confidential and contains instructions that it should be destroyed after use, some 7,000 copies are reportedly distributed.

WESTERN UNION

One customer with a national system big enough to yield significant data on the Bell System's service level is Western Union, which leases about 80% of its communications lines from AT&T and has facilities in virtually all telephone territories. According to Russell McFall, president of WU, New York is the outstanding mess. "We might have a couple of leased lines inoperative for 24 hours or more in Chicago on a typical day," he says, "but in New York last week it was over 400. And some of those lines have been inoperative for a long time."

Hubert L. Kertz, vice-president of the Operations Dept. of AT&T, insists that the New York situation is unique, correctible, and has been effectively quarantined so that other operating companies won't catch the bug. "I simply cannot emphasize enough that fears of the New York situation spreading are groundless," he says. Nevertheless, New York City's reputation as a leading indicator of the problems associated with large concentrations of people makes New York Telephone's problems a justifiable concern of those in other cities. "I won't be satisfied that it won't spread," says Western Union's McFall, "until I hear a rational explanation of what happened in New York City. So far, I haven't heard one."

Such a "rational explanation" does not exist yet but AT&T executives are hunting for it, and hunting hard. "We aren't presenting excuses," says John D. deButts, vice-chairman of AT&T, "we are exposing the reasons." So, far there seem to be almost too many for tight analysis.

In 1967, for instance, New York Telephone, expecting a flat spot in the gross national product growth curve for 1968, and at most a continuation of a 4% growth trend in its own services, cut its construction budget. The company admits to its forecasting error.

The trading boom on the stock market also contributed. It boosted telephone traffic unexpectedly in New York's financial district. "The Wall Street central office is almost totally different from any other," says AT&T Chairman Romnes. "Demand changes very quickly, and in the Wall Street area we may have to develop more flexible systems."

Owing to its melange of private wires and data lines and its wild swings of telephone usage, New York's financial district may not have totally satisfactory service until 1971. The problem is aggravated because lower Manhattan is one of the toughest places in the world to lay cable or install new switching facilities; there is simply no room left under the streets.

Unexpected changes in calling patterns apparently caused as much trouble as the surprise increase in the volume of calls. Normally, telephone cables are installed to meet slowly growing demand. Much of that demand is predictable. Business centers tend to talk to business centers, for example, and high-income suburbs tend to call other high-income suburbs.

But New York's residential and business area have been changing more quickly lately, and on top of that, welfare clients in New York were recently allowed to have telephones paid for by the city. Typical of the changes was the huge increase of calling between Brooklyn's Bedford-Stuyvesant district and Manhattan's East Harlem. The change affected the whole system because calls that could not go directly because of blocked lines were automatically switched through other offices and circuitous routes.

Urban blight. "Changes in the infrastructure of the city undoubtedly contributed to the over-all increase in telephone traffic," says Henry Boettinger, director of AT&T's new management-science department. Boettinger theorizes that as New York's traffic snarls intensified, as its subways grew uglier, and as its streets grew more dangerous, people stayed home and telephoned more. His management-science group is working on ways to include such effects in simulations.

The change in city environment leads to other new problems as well. For example, Boettinger says, as robberies of homes and apartments increase, more people tend to leave their telephones off the hook when they go out. That's to fool thieves who may call to check if anyone is at home. In older exchanges with stepping switches, such off-hook conditions can seriously tie up central office equipment.

WHY DID IT HAPPEN?

With the benefit of hindsight, many outside critics claim New York Telephone was caught because it depended too heavily on historical trend-line planning. "Our companies do use trend lines," says deButts, "but we also try to talk to everyone we can to improve our forecast. We're well aware that it is possible to drown in a stream that is an average of six inches deep."

Boettinger claims that the spurt in New York's telephone usage was completely atypical of the behavior of "large statistical populations." He says, "The curve took a sudden jump that looked like a temporary aberration, but it never came down as expected. It went up and stayed up." As an extra preventive measure against more forecasting bloopers, AT&T's Operations Vice-President Kertz is making sure that operating company managers are trained in "four different planning techniques."

The New York embarrassment has consumed an inordinate amount of executive time at AT&T headquarters, but by bringing top management face-to-face with an operations crisis, it could expose some open circuits in the communications system of the giant organization. Though management's pep talks constantly repeat the theme of Bell System's grave responsibility to the individual subscriber, top management has been isolated from all but the gravest crises.

Some remoteness at the executive level is necessary, of course, but AT&T is so big, so specialized, and so set in its traditions that the managerial hierarchy tends to treat its customers as if they were merely parts of the smooth contour of a distribution curve.

Corridors of power. The 26th floor of 195 Broadway is where the long climb through the hierarchies of Bell System management bureaucracy ends. There, bare corridors wind past dark metal door frames inset with frosted glass lettered in the old style: Mr. H. I. [for Haakon Ingolf] Romnes, chairman; Mr. de Butts, vice-chairman; Mr. Gilmer, president; Mr. Moulton, vice-president and general counsel; and a dozen more.

Beyond the doors lie spacious suites of offices, which, though tastefully carpeted and paneled for ther tenants, have a pervasive institutional flavor. Indeed, the ultimate prerequisites of top AT&T executives—the largest offices, roomy secretarial areas with widely separated heavy wooden desks, private baths and sitting rooms, fine china and silver luncheon services—have scarcely changed since 1916, when builders completed the first half of W. Welles Bosworth's design for a pillared palace of industry in downtown New York.

Like its unchanging executive suites, much of AT&T is cast in a rigid mold of its own traditions that outsiders find unfamiliar and stultifying. A key element of that mold is a strict policy of promoting from within middle and top managerial ranks. Those jobs are occupied by career men, almost none of whom have ever worked for any significant time for any other company. In 1970, there will be some changes at the top, when Ben S. Gilmer, president, reaches mandatory retirement age. But at AT&T such shifts are smooth.

Chairman Romnes, who rose to his $295,800 job from Bell Laboratories through the presidency of Western Electric, is aware that the personnel policy has faults. "But in the balance," he says, I believe its advantages outweigh its deficiencies. Above all, we need the kind of people who can honestly devote themselves to providing a service to the public. If a man wants to buy companies and is primarily interested in speculative gain, he should be in the conglomerate business."

Conservatism. Unquestionably, AT&T has attracted a remarkably loyal and capable staff that believes it is serving the country and its customers in the best way over the long haul. But it has also created a closed society that sometimes shows symptoms of parochialism.

Understandably, perhaps in view of its responsibility for providing service that can be critical to national and individual security, the emphasis at AT&T is on operating, protecting, and improving the basic telephone service. As a result, the company has little resemblance to giants such as IBM and General Motors, where management ranks are loaded with marketing men. "Telephone service representatives don't always know what is available," says a telephone consultant. "If you want something special, you have to pry it out."

Gauntlet. New products and services must travel a long, rough road before they get Bell System's grudging nod of approval. For example, although Bell Laboratories invented the transistor in 1948, it took 10 years for the device to win general approval for use in equipment. And only in the last few years has solid-state circuitry begun to replace the system's electromechanical equipment. Bell expects it will take 40 years to complete the changeover to electronic exchanges.

New products or services for customers are viewed with the same caution. Where most companies would be overjoyed at finding a winner, AT&T managers speak of the difficulties of satisfying the "avalanche effect": If an innovation is made anywhere in the system, it must be made everywhere.

Red tape. Marketing at AT&T is undeniably hobbled by the regulatory environment. In charge is William M. Ellinghaus, whose title, vice-president of marketing and rate plans department, is a firm reminder that whatever AT&T sells must be priced out and meticulously described in the small print of tariffs filed with federal and state regulatory agencies. "Pricing was simpler where we had only two or three service offerings," says Ellinghaus. "Now we are offering a much wider variety of rate structures and services so the customer can tailor-make the services he needs. Tbat complicates planning enormously."

Because it is a regulated utility and its profits are limited to a percentage of investment on plant and equipment, AT&T's marketing motivations have more of an internal focus than those in a company whose profits are limited only by its performance.

Legally, AT&T's monopoly and utility status is based on the changing interpretations of the loose definition of "communications" for "convenience and necessity" of the public. It is not easy for the company to judge which of many clamoring voices it should serve. Critics suggest that too many regulatory decisions have been made for the "convenience of Bell and the necessity of profits." At the same time, most admit that the company does have a deep sense of service and that only because it has dominated regulatory policy has it been able to produce the finest telecommunications system in the world.

Bullying. But Bell System acquired a fearsome reputation for using its power during its great acquisition and consolidation periods from the 1880s to the 1930s. Then, it gave no quarter, and to gain leverage against potential competition expanded into such areas as electric appliances and motion picture sound services. Now, under the Communications Act of 1934 and an antitrust consent decree signed in 1956, it is limited to providing communications services, manufacturing products used in those services, and performing government work.

The limitations have hardly hurt corporate growth, and the outlook for more use of more kinds of communications services has never been more bullish. If anything, the huge corporation will be pressed to meet demand.

Bell executives become defensive and resentful when critics suggest that their company may not be able to meet that demand. But they do not look kindly on competitors operating in their regulated domain.

Unintentionally, perhaps, Bell's self-protective reflexes have created an atmosphere of fear that may well muzzle deserved criticism. Few companies dare take on the behemoth in direct litigation.

THE GROWING COLOSSUS

The cost of building and rebuilding AT&T's interstate and local networks during the next decade produces figures that compare to other nation's gross national products. AT&T's deButts estimates the tab at $70-billion, but admits upward revisions are likely.

The interstate network must provide much more capacity, and according to deButts, "75% of the total interstate facilities required in 1980 have yet to be built." The company expects voice traffic alone to double in the next decade, and Romnes believes business data communications traffic will continue to increase at 25% per year for the foreseeable future. At that rate, by 1980 7% to 10% of the company's enlarged network capacity will be occupied shuttling data.

Nice to see you. In the wings, of course, is Picturephone, which will begin commercial service in 1970 in New York and Pittsburgh. Romnes calls it development a "speculative investment"; most businessmen would consider it a sure bet.

"It will be expensive," warns Romnes. It could add billions of dollars to the company's financial burden DeButts hopes a large part of the money will come from bond issues, providing the company is permitted to earn a "reasonable" rate of return that is high enough to attract investors.

The "reasonable rate" AT&T would like is between 8% and 9% on its invested capital. But the FCC and state regulatory agencies believe rates between 6½% and 8% will suffice. In the communications utility field, rate of return is a never-ending argument.

One extra source of money that AT&T hopes to draw on for rewiring the country in the 1970s is accelerated depreciation. The company has never used it in the past since, from a utility standpoint, it simply reduces the rate base more quickly, and the regulators usually insist that the savings it yields flow back to the telephone customer.

What telephone utilities prefer, and are generally willing to use, is "accelerated depreciation with normalization." This permits companies to reinvest savings in new plant so that the money goes back into the rate base. FCC approves of this concept, but most state regulators, faced with the largest rate increases in a decade (chart), are adamant that accelerated depreciation savings should go to customers.

Rate rows. This is not the only battle between states and the FCC in which AT&T finds itself in the middle. State agencies are opposing the recent $150 million rate reduction on interstate toll calls worked out by AT&T and FCC and effective from Jan. 1. Instead of reducing tolls, the states say, AT&T's Long Lines Dept. should pay local telephone companies more for the use of facilities involved in interstate traffic.

They have taken their case directly to Congress, where they are likely to get a favorable hearing, particularly in an election year.

This battle over the disposition of long-distance revenues is another conflict that AT&T will have to wrestle with indefinitely.

Technology. "Technology has smiled on transmission," says Richard Hough, vice-president of AT&T's Long Lines Dept. "The trend is toward more circuits and less switching." On high-density routes high-capacity microwave and coaxial cables have dropped circuit costs by as much as 80%. With even more capacious waveguides undergoing installation tests—each pipelike guide will carry 250,000 voice circuits or hundreds of Picturephone signals—there is no doubt that Long Lines will be able to meet capacity requirements.

The interstate network has always been the backbone and mainstay of the Bell System. It is the least likely to be disturbed in the turbulent times AT&T will face in the next few years. They will be years, Chairman Romnes admits, in which the Bell System will change. It will carry the signals from other companies' devices on the ends of its lines; it will compete, if necessary, for private line business; it may have to endure another reexamination of its right to control the manufacture of its equipment; and it will struggle to clear the lines of communication in its own management hierarchies, whether it takes computers or educational facilities of unprecedented scope.

The question only the 1970s will answer is whether, in the midst of conflicts and turbulence, this conservative leviathan of a company can react fast enough and be sensitive enough to change to prove that New York's troubles are truly an isolated circumstance. "We can't invent everything," says Romnes, "but I think we will be able to continue to move toward our main business purpose: providing a channel that will carry any kind of information from any place to anywhere."

THE EMPIRE RULED FROM "195"

"What's the word from 195?" is what most communications and financial men ask when they're looking for news about AT&T. Whatever they hear, it most probably emanated from the landmark Broadway skyscraper from which AT&T controls its vast empire.

Behind that numeral lies the bellwether of the securities business, the largest corporation in the world, a monolith whose 900,000 employees make up more than 1% of the entire U.S. labor force.

The company of more than 3-million stockholders has issued $14-billion worth of triple-A bonds, more than any other corporation. The book value of its nationwide plant, soon to include its 100-millionth telephone, is $45-billion. It transmits about 350-million telephone calls a day, with New York generating more than one call in ten. In 1970 it will spend $6.5-billion just to expand its physical facilities.

And AT&T is still growing vigorously: In 10 years, its annual operating revenues have nearly doubled, from $7.9-billion to $15.5-billion. Indeed, its power and wealth make it one of the strongest political forces in state and federal government.

Even apart from size, AT&T is unique. It is a double monopoly.

It has exclusive rights to serve customers in its operating areas.

Its subsidiaries make most of the equipment it buys; its Bell System consumes about 90% of the telephone equipment sold in the United States.

The system has firm control over its marketplace. It can determine the rate of introduction and obsolescence of its products and services. It also has direct control over the definition and pricing of its product offerings. (It carefully calls them services and meticulously describes them in reams of highly technical, small-print documents known as tariffs, which it must file with more than half a hundred federal and state regulatory agencies.)

So big. Entrusted with a U.S. vital necessity, the national communications system, AT&T maintains extraordinary corporate stability. Its creators—pioneering executives, such as its early President Theodore N. Vail, as well as the powerful New York bankers who backed the Bell interests before and after the turn of the century—purposely designed the corporation to be almost impregnable to the thrusts of competition or the hazards of financial raids.

AT&T's stock is now too widely held for any group of individuals or institutions to attain control. Its debt ratio, though controversially low for a utility (less than 40% bonded indebtedness), keeps its bonds top-rated in the securities markets. And direct competition is discouraged or prohibited by the government's regulatory policy and by AT&T's dominance of its industry.

Giant brain. Of all companies in the world, AT&T has perhaps the best access to the basic technologies it needs—and the greatest mastery of them. No other organization has even come close to making as many and varied contributions to technology as have been produced by its Bell Telephone Laboratories.

Achievements range from the invention of sound movies, to the transistor and laser, and onward into vital abstractions of information theory and network analysis.

Outspoken critics, such as FCC Commissioner Nicholas Johnson, claim that AT&T has grown so large and so complex that its activities simply cannot be regulated in detail—at any rate, not by under-staffed, low-budget agencies. Now, an even more disquieting fear is rising among some of Bell's big-city customers. As AT&T grows ever larger, they spot symptoms that the system is getting too unwieldy and unmanageable—even for AT&T.

State phone rates go up and up—Increases granted (date, State commission, and company)

[In millions]

	Rate increase
1/68, California, Pacific Tel	$50.2
2/68, Florida, Southern Bell	5.8
2/68, North Dakota, Northwestern Bell	1.2
3/68, Montana, Mountain States Tel	2.9
3/68, New Mexico, Mountain States Tel	2.9
9/68, Nevada, Bell of Nevada	1.9
2/69, Colorado, Mountain States Tel	5.8
5/69, Utah, Mountain States Tel	2.1
9/69, North Dakota, Northwestern Bell	.5
10/69, Missouri, Southwestern Bell	30.6
11/69, Washington, Pacific Northwest Bell	14.0
11/69, Maryland, Chesapeake & Potomac Tel	22.7
4/69, Rhode Island, New England	9.2
Total rate increases on file	653.0
1968–69 total rate increases	137.7
INCREASES PENDING	
8/68, Michigan, Michigan Bell	$59.0
11/68, Louisiana, South Central	17.0
12/68, Washington, Pacific Northwest	26.7
12/68, Wisconsin, Wisconsin Tel	21.6
2/69, Oregon, Pacific Northwest Bell	11.8
3/69, New York, New York Tel	175.0
4/69, Connecticut, Southern New England Tel	23.9
7/69, Massachusetts, New England Tel	52.2
8/69, Ohio, Ohio Bell	80.0
8/69, Georgia, Southern Bell	29.5

XUM

8/69, Florida, Southern Bell	$32.0
11/69, D.C., Chesapeake & Potomac	13.2
12/69, Illinois, Illinois Bell	86.5
12/69, Ohio/Kentucky, Cincinnati Bell	15.4
Total rate increases on file	653.0

A LESSON OF THE PAST—RACE MIXING GUARANTEES VIOLENCE

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 21, 1970

Mr. RARICK. Mr. Speaker, few Americans take time to study the lessons taught by history which produced our laws and the unwritten customs of society.

Barely 100 years ago the Southland lay in stark devastation, her leaders and patrons were either dead or political prisoners of the Union Army. Confederate servicemen and participants in the "cause" were denied voting rights by Federal occupational decree.

Louisianians, like citizens of other Southern States, found themselves at the guided mercy of a new society composed of collaborators, moderators, and the newly freed black vengeance. Such a coalition of forces sat down to organize a biracial State government, with the express intent of creating a "State ordered under the law" to remove forever the racial barriers between white and black.

The efforts of the new biracial experiment of government in Louisiana is to be found in the Louisiana Constitution of 1868. Its forceful laws and regulations far exceeded the race-mixing provisions of the Federal Civil Rights Act of 1964. Yet there—just over one lifetime ago—native southerners were by their own act establishing laws for permanent extinction of racial distinction. And for 11 years, Louisianians, under their constitution calling for forced equality, tried to solve the color problem.

Consider that the Louisiana Constitution of 1868 provided, article I:

> All men are created equal, and have certain inalienable rights; among these are life, liberty, and the pursuit of happiness. . . .

Article 13, public accommodation:

> All persons shall enjoy equal rights and privileges upon any conveyance of a public character; and all places of business or of public resort or for which a license is required . . . and shall be open to the accommodation and patronage of all persons, without distinction or discrimination on account of race or color.

Article 98, voting rights:

> Every male person of the age of twenty-one years . . . resident of this state one year . . . ten days in the parish . . . shall be deemed an elector . . . except those disfranchised . . . (Constitution provided that those disfranchised were all who held office, civil, or military for one year or more in the Confederacy, those who registered themselves as enemies of the U.S., those who were leaders of guerrilla bands, and those who in the advocacy of treason, wrote or published newspaper articles or preached sermons, etc.)

Article 100, oath of equality:

> Members of the General Assembly and all other officers . . . shall take the following oath. "I (John Doe) do solemnly swear that I accept the civil and political equality of all men, and agree not to deprive any person or persons, on account of race, color or previous condition, of any political or civil right, or immunity enjoyed by any other class of men. . . ."

Article 113, biracial adoption:

> The General Assembly may enact general laws regulating the adoption of children, and emancipation of minors . . . but no special law shall be passed relating to particular or individual cases.

Article 135, integrated schools:

> The General Assembly shall establish at least one free public school in every parish throughout the state. . . . All children of this state between the ages of 6 and 21 to the public schools, or other institutions of learning . . . without distinction of race, color, or previous condition. There shall be no separate schools or institutions of learning established exclusively for any race by the State of Louisiana.

Louisiana Statutes of the 1868, section 2177, biracial marriage:

> The said right of making private or religious marriages legal, valid and binding . . . shall apply to all marriages of all persons of whatever race or color, as well as to marriages formerly prohibited by Article 99 of the Civil Code . . .

Think—a mere 100 years ago by Louisiana law, our ancestors were subjected to a public accommodation law, universal voting rights for all without educational qualifications, all elected State officials were forced to take an oath of belief in equality, all public schools were integrated, and racially mixed marriages were legalized. All in hope of a lasting peace by abolition of the colored problem. A removal of discrimination and white supremacy forever.

Was it successful? Read the pages of history, not burned, for yourself. Ask your preacher, your lawyer, or elected official why such a wondrous government of equality ordered by law was not preserved and passed down to this generation.

Why, if the racial problem had been solved a mere 100 years ago, are we and our institutions again under cultural attack under the purported guise of resolving the racial problem?

The Louisiana Constitution of 1868 suffered trial until 1879. Its 11 years were beset with a record of blood, violence, and suffering by all Louisiana citizens.

Race riots, strife, and lawlessness became the rule of the day, not the exception.

The ordinary citizen came to realize that social laws, when enforced, compel honest men to rebel and become social law violators if for no other reason than personal conviction and pride. Oppression can but breed contempt and disrespect for law and order. The racial problem worsened rather than becoming solved.

Eventually, good men, of all colors, were by reason compelled to agree that the theory of an ordered equality of men was for the classroom and theoretician, but that peace of mind, and security of person and property was a far more desired role of government—even if it called for a society separated by color.

The new constitution of 1879, prepared by men who socially experimented for 11 years to make biracial government a reality, contained at article I a restatement of the role of government:

> All government of right originates with the people, is founded on their will alone, and is instituted solely for the good of the whole, deriving its just powers from the consent of the governed. Its only legitimate end is to protect the citizen in the enjoyment of life, liberty, and property. When it assumes other functions it is usurpation and oppression.

What a dynamic lesson from history by the trials and errors of those who preceded us. Yet, the intellectual heretic and the social experimenter refuse to profit from history. In fact, they would conceal these lessons and sufferings from our children.

History, when honestly studied, and clearly appreciated, reveals for all times that the race-mixers but create the problem and offer no solution.

Just average people who must live day by day and look to peace of mind and the protection of their homes and loved ones have many times in history solved the racial problem. Their answer to us, "equal but separate facilities."

SIGNOFF FOR "THE VACHER"

HON. JOHN J. RHODES

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 21, 1970

Mr. RHODES. Mr. Speaker, "Sports today with Bob Vache." So opened the best of Arizona sports broadcasts for more than 25 years.

Before an automobile accident brought his career to a tragic end last Sunday, Bob Vache was sports director for KTAR Radio-TV in Phoenix and was known throughout the State as the "voice" of the Phoenix Suns basketball team since that club was organized, as well as an impartial broadcaster of major college football and basketball games.

"The Vacher," as he is known by his colleagues, was born in Phoenix 45 years ago and started his broadcasting career there after serving as a combat bomber pilot in World War II.

Bob Vache took his work seriously and was selected five times as the State's most outstanding sports announcer by the National Sportscasters and Sportswriters Association. He also served as the energetic president of the Phoenix Press Box Association.

But objective marks of achievement are never the full measure of a man, as the Arizona sports world knows. Dave Hicks, of the Arizona Republic has given us an insight into the professional character of this individual and the loss that the people of Arizona feel in his passing. His article follows:

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[From the Arizona Republic, Jan. 18, 1970]

SIGNOFF FOR "THE VACHER"

(By Dave Hicks)

"Sports today with . . ."

My God—with who?

A telephone call at 3 a.m. jackhammers an icy wedge of disbelief into the overnight.

As effectively as a 45-year-old Tolleson native met a career rife with radio and television deadlines, unreality seizes the night as if its absolute "air time" is 3 a.m.

The "Vacher" is gone.

No, damnit, he's not, but yes, dammit, he is, and the tragedy is related until a reluctant final accord with fact.

And in the muddled hours that follow, an ethereal tape recorder, always slightly out of reach, unwinds a decade of sharing hotel rooms, cab rides, sports tales, airplane small-talk, a deepness shared with few (if, indeed, any others), a mutual professional admiration a stronger personal esteem.

Bob Vache, of course, would condemn the maudlin.

Knowing that, one would congratulate himself, in retrospect, that during a 3 a.m. telephone call he sounded merely aghast. Strong, calm in adversity, collected in the face of shock.

The "Vacher" would have appreciated that, so there is little need to add that the strong, calm, collected came apart afterward, because a man prefers to do his crying in private.

Let me tell you how Bob Vache regarded himself professionally.

"I'm not the most knowledgeable," he would say, "so I have to do it with preparation."

Whatever his adopted attack, the "Vacher" came to be, rightfully so, the acknowledged best sportscaster in Arizona.

This did not materialize from his routine daily broadcasts via radio and TV. Because Vache always was engaged in a struggle to get more air time, and if you knew him, this was never a selfish play to get more Vache before the public—just more sports.

One timely and towering tribute to Vache (there was forever the problem of making that come out, in print and TV-radio on the road as Vash-a, rather than Vash), crops up, ironically, in TV Guide for the week Jan. 17-23.

An article points up that, in today's sports world, slanted accounts of games are not only allowed, but encouraged. This is irrefutably true.

What this is, is extremely and unforgiveably bush.

Let this be said: Vache did not concur with this juvenile approach, simply because he was a conscientious newsman who told it like it was.

To him, or their, inescapably discredit, someone or some few asked Vache to become this sort of shill during his broadcasts for the Phoenix Sun.

Do you know what he said: NO.

That simple, endearing gesture cannot be adequately appreciated in this era when, as TV Guide indicates, the club broadcaster is a shill.

The "Vacher" never would have succumbed to that.

He was a self-admitted "14th man on a 14-man Tolleson basketball squad" way back when few people were granted the privilege of getting close to this someone special.

"Sports today with . . ."

My God—with who?

HOUSE OF REPRESENTATIVES—*Thursday, January 22, 1970*

The House met at 12 o'clock noon.

The Chaplain, Rev. Edward G. Latch, D.D., offered the following prayer:

Thou shalt remember all the way the Lord thy God led thee.—Deuteronomy 8: 2.

Eternal God, who didst lead our fathers to these shores that they may bring forth a just and a free nation, give Thy grace to us their children that we may be ever mindful of Thy presence and ever eager to do Thy will, without whom people cannot prosper, races cannot reason reasonably, and nations cannot live together in peace.

Grant that by the aid of Thy spirit true democracy may come to new life in our land, that government and industry and labor shall faithfully serve our people, and that our people in a real spirit of unity shall love our country with undying devotion.

Bless our President as he speaks to us and to our Nation this day. Make him wise with Thy wisdom, strong in Thy strength, good through Thy goodness and may he lead us in the paths of peace.

Bless our Nation abundantly and make her a blessing to all the peoples of the world.

In the spirit of the Pioneer of Life we pray. Amen.

THE JOURNAL

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate agrees to the conference report on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 13111) entitled "An act making appropriations for the Departments of Labor, and Health, Education, and Welfare, and related agencies, for the fiscal year ending June 30, 1970, and for other purposes."

The message further announced that the Senate agrees to the amendments of the House of Representatives to Senate amendments numbered 4, 50, 51, and 56 to the above-entitled bill.

The message also announced that the Senate agrees to the amendment of the House of Representatives to Senate amendment numbered 83 to the bill (H.R. 13111) entitled "An act making appropriations for the Departments of Labor, and Health, Education, and Welfare, and related agencies, for the fiscal year ending June 30, 1970, and for other purposes," with an amendment as follows:

> In lieu of the language proposed to be inserted by the second part of the House amendment insert: ": *Provided further*, That those provisions of the Economic Opportunity Amendments of 1967 and 1969 that set mandatory funding levels, including mandatory funding levels for the newly authorized programs for alcoholic counseling and recovery and for drug rehabilitation, shall be effective during the fiscal year ending June 30, 1970: *Provided further*, That of the sums appropriated not less than $22,000,000 shall be used for the family planning program."

RECESS

The SPEAKER. The Chair declares the House in recess subject to the call of the Chair.

Accordingly (at 12 o'clock and 2 minutes p.m.), the House stood in recess subject to the call of the Chair.

AFTER RECESS

The recess having expired, the House was called to order by the Speaker at 12 o'clock and 19 minutes p.m.

JOINT SESSION OF THE HOUSE AND SENATE HELD PURSUANT TO THE PROVISIONS OF HOUSE CONCURRENT RESOLUTION 477 TO HEAR AN ADDRESS BY THE PRESIDENT OF THE UNITED STATES

The SPEAKER of the House presided.

The Doorkeeper, Hon. William M. Miller, announced the Vice President and Members of the U.S. Senate who entered the Hall of the House of Representatives, the Vice President taking the chair at the right of the Speaker, and the Members of the Senate the seats reserved for them.

The SPEAKER. The Chair appoints as members of the committee on the part of the House to escort the President of the United States into the Chamber the gentleman from Oklahoma, Mr. ALBERT; the gentleman from Louisiana, Mr. BOGGS; the gentleman from New York, Mr. CELLER; the gentleman from Michigan, Mr. GERALD R. FORD; and the gentleman from Illinois, Mr. ARENDS.

The VICE PRESIDENT. Pursuant to order of the Senate, the following Senators are appointed to escort the President of the United States into the House Chamber: Senator RICHARD B. RUSSELL, of Georgia; Senator MIKE MANSFIELD, of Montana; Senator EDWARD M. KENNEDY, of Massachusetts; Senator ROBERT C. BYRD, of West Virginia; Senator HUGH SCOTT, of Pennsylvania; Senator ROBERT P. GRIFFIN, of Michigan; Senator MILTON R. YOUNG, of North Dakota; and Senator GORDON ALLOTT, of Colorado.

The Doorkeeper announced the ambassadors, ministers, and chargés d'affaires of foreign governments.

The ambassadors, ministers, and chargés d'affaires of foreign governments entered the Hall of the House of Representatives and took the seats reserved for them.

The Doorkeeper announced the Chief Justice of the United States and the Associate Justices of the Supreme Court.

The Chief Justice of the United States and the Associate Justices of the Supreme Court entered the Hall of the House of Representatives and took the seats reserved for them in front of the Speaker's rostrum.

The Doorkeeper announced the Cabinet of the President of the United States.

The members of the Cabinet of the President of the United States entered

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the Hall of the House of Representatives and took the seats reserved for them in front of the Speaker's rostrum.

At 12 o'clock and 32 minutes p.m., the Doorkeeper announced the President of the United States.

The President of the United States, escorted by the committee of Senators and Representatives, entered the Hall of the House of Representatives, and stood at the Clerk's desk.

[Applause, the Members rising.]

The **SPEAKER**. Members of the Congress, I have the great pleasure, the high privilege and the distinct and personal honor of presenting to you the President of the United States.

[Applause, the Members rising.]

THE STATE OF THE UNION—ADDRESS BY THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 91-226)

The **PRESIDENT**. Mr. Speaker, Mr. President, my colleagues in the Congress, our distinguished guests, and my fellow Americans.

To address a joint session of the Congress in this great chamber, in which I was once privileged to serve, is an honor for which I am deeply grateful.

The State of the Union Address is traditionally an occasion for a lengthy and detailed account by the President of what he has accomplished in the past, what he wants the Congress to do in the future, and, in an election year, to lay the basis for the political issues which might be decisive in the fall.

Occasionally there comes a time when profound and far-reaching events command a break with tradition.

This is such a time.

I say this not only because 1970 marks the beginning of a new decade in which America will celebrate its 200th birthday. I say it because new knowledge and hard experience argue persuasively that both our programs and our institutions in America need to be reformed.

The moment has arrived to harness the vast energies and abundance of this land to the creation of a new American experience, an experience richer and deeper and more truly a reflection of the goodness and grace of the human spirit.

The seventies will be a time of new beginnings, a time of exploring both on the earth and in the heavens, a time of discovery. But the time has also come for emphasis on developing better ways of managing what we have and of completing what man's genius has begun but left unfinished.

Our land, this land that is ours together, is a great and a good land. It is also an unfinished land, and the challenge of perfecting it is the summons of the seventies.

It is in that spirit that I address myself to those great issues facing our nation which are above partisanship.

When we speak of America's priorities the first priority must always be peace for America and the world.

The major immediate goal of our foreign policy is to bring an end to the war in Vietnam in a way that our generation will be remembered, not so much as the generation that suffered in war, but more for the fact that we had the courage and character to win the kind of a just peace that the next generation was able to keep.

We are making progress toward that goal.

The prospects for peace are far greater today than they were a year ago.

A major part of the credit for this development goes to the members of this Congress who, despite their differences on the conduct of the war, have overwhelmingly indicated their support of a just peace. By this action, you have completely demolished the enemy's hopes that they can gain in Washington the victory our fighting men have denied them in Vietnam.

No goal could be greater than to make the next generation the first in this century in which America was at peace with every nation in the world.

I shall discuss in detail the new concepts and programs designed to achieve this goal in a separate report on foreign policy, which I shall submit to the Congress at a later date.

Today, let me describe the directions of our new policies.

We have based our policies on an evaluation of the world as it is, not as it was twenty-five years ago at the conclusion of World War II. Many of the policies which were necessary and right then are obsolete today.

Then, because of America's overwhelming military and economic strength, because of the weakness of other major free world powers and the inability of scores of newly independent nations to defend—or even govern themselves, America had to assume the major burden for the defense of freedom in the world.

In two wars, first in Korea and now in Vietnam, we furnished most of the money, most of the arms, most of the men to help others defend their freedom.

Today the great industrial nations of Europe, as well as Japan, have regained their economic strength, and the nations of Latin America—and many of the nations who acquired their freedom from colonialism after World War II in Asia and Africa—have a new sense of pride and dignity, and a determination to assume the responsibility for their own defense.

That is the basis of the doctrine I announced at Guam.

Neither the defense nor the development of other nations can be exclusively or primarily an American undertaking.

The nations of each part of the world should assume the primary responsibility for their own well-being; and they themselves should determine the terms of that well-being.

We shall be faithful to our treaty commitments, but we shall reduce our involvement and our presence in other nations' affairs.

To insist that other nations play a role is not a retreat from responsibility; it is a sharing of responsibility.

The result of this new policy has been not to weaken our alliances, but to give them new life, new strength, a new sense of common purpose.

Relations with our European allies are once again strong and healthy, based on mutual consultation and mutual responsibility.

We have initiated a new approach to Latin America, in which we deal with those nations as partners rather than patrons.

The new partnership concept has been welcomed in Asia. We have developed an historic new basis for Japanese-American friendship and cooperation, which is the linchpin for peace in the Pacific.

If we are to have peace in the last third of the century, a major factor will be the development of a new relationship between the United States and the Soviet Union.

I would not underestimate our differences, but we are moving with precision and purpose from an era of confrontation to an era of negotiation.

Our negotiations on strategic arms limitations and in other areas will have far greater chance for success if both sides enter them motivated by mutual self-interest rather than naive sentimentality.

This is the same spirit with which we have resumed discussions with Communist China in our talks at Warsaw.

Our concern in our relations with both these nations is to avoid a catastrophic collision and to build a solid basis for peaceful settlement of our differences.

I would be the last to suggest that the road to peace is not difficult and dangerous, but I believe our new policies have contributed to the prospect that America may have the best chance since World War II to enjoy a generation of uninterrupted peace. And that chance will be enormously increased if we continue to have a relationship between Congress and the Executive in which, despite differences in detail, where the security of America and the peace of mankind are concerned, we act not as Republicans, not as Democrats—but as Americans.

As we move into the decade of the 70s, we have the greatest opportunity for progress at home of any people in world history.

Our Gross National Product will increase by five hundred billion dollars in the next ten years. This increase alone is greater than the entire growth of the American economy from 1790 to 1950.

The critical question is not whether we will grow, but how we will use that growth.

The decade of the sixties was also a period of great growth economically. But in that same ten-year period we witnessed the greatest growth of crime, the greatest increase in inflation and the greatest social unrest in America in a hundred years. Never has a nation seemed to have had more and enjoyed it less.

At heart, the issue is the effectiveness of government.

Ours has become as it continues to be—and should remain—a society of large expectations. Government helped to generate those expectations. It undertook to meet them. Yet, increasingly, it proved unable to do so.

As a people, we had too many visions—and too little vision.

Now, as we enter the seventies, we should enter also a great age of reform of the institutions of American government.

Our purpose in this period should not be simply better management of the programs of the past. The time has come for a new quest—a quest not for a greater quantity of what we have—but for a new quality of life in America.

A major part of the substance for an unprecedented advance in this nation's approach to its problems and opportunities is contained in more than two-score legislative proposals which I sent to the Congress last year and which still await enactment.

I will offer at least a dozen more major programs in the course of this session.

At this point I do not intend to go through a detailed listing of what I have proposed or will propose, but I would like to mention three areas in which urgent priorities demand that we move and move now:

First, we cannot delay longer in accomplishing a total reform of our welfare system. When a system penalizes work, breaks up homes, robs recipients of dignity, there is no alternative to abolishing that system and adopting in its place the program of income support, job training, and work incentives which I recommended to the Congress last year.

Second, the time has come to assess and reform all of our institutions of government at the Federal, state, and local level. It is time for a New Federalism, in which, after 190 years of power flowing from the people and local and state governments to Washington, D.C., it will begin to flow from Washington back to the states and to the people of the United States.

Third, we must adopt reforms which will expand the range of opportunities for all Americans. We can fulfill the American dream only when each person has a fair chance to fulfill his own dreams. This means equal voting rights, equal employment opportunity, and new opportunities for expanded ownership because in order to be secure in their human rights, people need access to property rights.

I could give similar examples of the need for reform in our programs for health, education, housing, transportation, as well as other critical areas which directly affect the well-being of millions of Americans.

The people of the United States should wait no longer for these reforms that would so deeply enhance the quality of their life.

When I speak of action which would be beneficial to the American people, I can think of none more important than for the Congress to join this Administration in the battle to stop the rise in the cost of living.

Now, I realize it is tempting to blame someone else for inflation.

Some blame business for raising prices.

And some blame unions for asking for more wages.

But a review of the stark fiscal facts of the 1960s clearly demonstrates where the primary blame for rising prices must be placed.

In the decade of the sixties the Federal government spent fifty-seven billion dollars more than it took in in taxes.

In that same decade the American people paid the bill for that deficit in price increases which raised the cost of living for the average family of four by $200 per month in America.

Now, millions of Americans are forced to go into debt today because the Federal government decided to go into debt yesterday. We must balance our Federal budget so that American families will have a better chance to balance their family budgets.

Only with the cooperation of the Congress can we meet this highest priority objective of responsible government.

We're on the right track.

We had a balanced budget in 1969.

This Administration cut more than seven billion dollars out of spending plans in order to produce a surplus in 1970.

And, in spite of the fact that Congress reduced revenues by three billion dollars, I shall recommend a balanced budget for 1971.

But I can assure you that not only to present but to stay within a balanced budget requires some very hard decisions. It means rejecting spending programs which would benefit some of the people when their net effect would result in price increases for all the people.

It is time to quit putting good money into bad programs. Otherwise we will end up with bad money and bad programs.

I recognize the political popularity of spending programs, and particularly in an election year. But unless we stop the rise in prices, the cost of living for millions of American families will become unbearable and government's ability to plan programs for progress for the future will become impossible.

In referring to budget cuts, there is one area where I have ordered an increase rather than a cut, and that is the requests of those agencies with the responsibilities for law enforcement.

We've heard a great deal of over-blown rhetoric during the sixties in which the word "war" has perhaps too often been used—the war on poverty, the war on misery, the war on disease, the war on hunger. But if there is one area where the word "war" is appropriate it is in the fight against crime. We must declare and win the war against the criminal elements which increasingly threaten our cities, our homes and our lives.

We have a tragic example of this problem in the nation's Capital, for whose safety the Congress and the Executive have the primary responsibility. I doubt if many members of this Congress who live more than a few blocks from here would dare leave their cars in the Capitol Garage and walk home alone tonight.

This year this Administration sent to the Congress thirteen separate pieces of legislation dealing with organized crime, pornography, street crime, narcotics and crime in the District of Columbia.

None of these bills has reached my desk for signature.

I am confident that the Congress will act now to adopt the legislation I placed before you last year. We in the Executive have done everything we can under existing law, but new and stronger weapons are needed in that fight.

While it is true that state and local law enforcement agencies are the cutting edge in the effort to eliminate street crime, burglaries, and murder, my proposals to you have embodied my belief that the Federal government should play a greater role in working in partnership with these agencies.

That is why 1971 Federal spending for local law enforcement will double that budgeted for 1970.

The primary responsibility for crimes that affect individuals is with local and state rather than with Federal government. But in the field of organized crime, narcotics, and pornography, the Federal government has a special responsibility it should fulfill. And we should make Washington, D.C., where we have the primary responsibility, an example to the nation and the world of respect for law rather than lawlessness.

I now turn to a subject which, next to our desire for peace, may well become the major concern of the American people in the decade of the seventies.

In the next ten years we shall increase our wealth by 50 percent. The profound question is—does this mean we will be 50 percent richer in a real sense, 50 percent better off, 50 percent happier?

Or does it mean that in the year 1980 the President standing in this place will look back on a decade in which 70 percent of our people lived in metropolitan areas choked by traffic, suffocated by smog, poisoned by water, deafened by noise, and terrorized by crime?

These are not the great questions that concern world leaders at summit conferences. But people do not live at the summit. They live in the foothills of everyday experience. And it is time for all of us to concern ourselves with the way real people live in real life.

The great question of the seventies is, Shall we surrender to our surroundings, or shall we make our peace with Nature and begin to make reparations for the damage we have done to our air, to our land, and to our water?

Restoring Nature to its natural state is a cause beyond party and beyond factions. It has become a common cause of all the people of this country. It is a cause of particular concern to young Americans—because they more than we will reap the grim consequences of our failure to act on programs which are needed now if we are to prevent disaster later.

Clean air, clean water, open spaces—these should once again be the birthright of every American. If we act now, they can be.

We still think of air as free. But clean air is not free, and neither is clean water. The price tag on pollution control is high. Through our years of past carelessness we incurred a debt to Nature, and now that debt is being called.

The program I shall propose to Congress will be the most comprehensive and costly program in this field in America's history.

It is not a program for just one year. A year's plan in this field is no plan at all. This is the time to look ahead not a year but five years or ten years—whatever time is required to do the job.

I shall propose to this Congress a $10 billion nationwide clean waters program to put modern municipal waste treatment plants in every place in America where they are needed to make our waters clean again, and do it now.

We have the industrial capacity, if we begin now, to build them all within five years. This program will get them built within five years.

As our cities and suburbs relentlessly expand, those priceless open spaces needed for recreation areas accessible to their people are swallowed up—often forever. Unless we preserve these spaces while they are still available, we will have none to preserve. Therefore, I shall propose new financing methods for purchasing open space and park lands now, before they are lost to us.

The automobile is our worst polluter of the air. Adequate control requires further advances in engine design and fuel composition. We shall intensify our research, set increasingly strict standards, and strengthen enforcement procedures—and we shall do it now.

We can no longer afford to consider air and water common property, free to be abused by anyone without regard to the consequences. Instead we should begin now to treat them as scarce resources which we are no more free to contaminate than we are free to throw garbage into our neighbor's yard. This requires comprehensive new regulations. It also requires that to the extent possible the price of goods should be made to include the costs of producing and disposing of them without damage to the environment.

Now, I realize that the argument is often made that there is a fundamental contradiction between economic growth and the quality of life, so that to have one we must forsake the other.

The answer is not to abandon growth, but to redirect it. For example, we should turn toward ending congestion and eliminating smog the same reservoir of inventive genius that created them in the first place.

Continued vigorous economic growth provides us with the means to enrich life itself and to enhance our planet as a place hospitable to man.

Each individual must enlist in this fight if it is to be won.

It has been said that no matter how many national parks and historical monuments we buy and develop, the truly significant environment for each of us is that in which we spend eighty percent of our time—in our homes, in our places of work, the streets over which we travel.

Street litter, rundown parking strips and yards, dilapidated fences, broken windows, smoking automobiles, dingy working places, all should be the object of our fresh view.

We have been too tolerant of our surroundings and too willing to leave it to others to clean up our environment. It is time for those who make massive demands on society to make some minimal demands on themselves. Each of us must resolve that each day he will leave his home, his property, the public places of the city or town a little cleaner, a little better, a little more pleasant for himself and those around him.

With the help of people we can do anything and without their help we can do nothing. In this spirit, together, we can reclaim our land for ours and generations to come.

Between now and the year 2000, over one-hundred-million children will be born in the United States. Where they grow up—and how—will, more than any one thing, measure the quality of American life in these years ahead.

This should be a warning to us.

For the past thirty years our population has also been growing and shifting. The result is exemplified in the vast areas of rural America emptying out of people and of promise—a third of our counties lost population in the sixties.

The violent and decayed central cities of our great metropolitan complexes are the most conspicuous area of failure in American life today.

I propose that before these problems become insoluble, the Nation develop a national growth policy.

In the future, Government decisions as to where to build highways, locate airports, acquire land or sell land should be made with a clear objective of aiding a balanced growth for America.

In particular, the Federal Government must be in a position to assist in the building of new cities and the rebuilding of old ones.

At the same time, we will carry our concern with the quality of life in America to the farm as well as the suburb, to the village as well as to the city. What rural America needs most is a new kind of assistance. It needs to be dealt with, not as a separate Nation, but as part of an overall growth policy for all America. We must create a new rural environment which will not only stem the migration to urban centers but reverse it.

If we seize our growth as a challenge, we can make the 1970s an historic period when by conscious choice we transformed our land into what we want it to become.

America, which has pioneered in the new abundance, and in the new technology, is called upon today to pioneer in meeting the concerns which have followed in their wake—in turning the wonders of science to the service of man.

In the majesty of this great chamber we hear the echoes of America's history, of debates that rocked the Union and those that repaired it, of the summons to war and the search for peace, of the uniting of the people and the building of a nation.

Those echoes of history remind us of our roots and our strengths.

They remind us also of that special genius of American democracy, which at one critical turning point after another has led us to spot the new road to the future and given us the wisdom and the courage to take it.

As I look down that new road which I have tried to map out today, I see a new America as we celebrate our two hundredth anniversary 6 years from now.

I see an America in which we have abolished hunger, provided the means for every family in the nation to obtain a minimum income, made enormous progress in providing better housing, faster transportation, improved health and superior education.

I see an America in which we have checked inflation, and waged a winning war against crime.

I see an America in which we have made great strides in stopping the pollution of our air, cleaning up our water, opening up our parks, and continuing to explore in space.

And most important, I see an America at peace with all the nations of the world.

This is not an impossible dream. These goals are all within our reach.

In times past, our forefathers had the vision but not the means to achieve such goals.

Let it not be recorded that we were the first American generation that had the means but not the vision to make this dream come true.

But let us, above all, recognize a fundamental truth. We can be the best clothed, best fed, best housed people in the world, enjoying clear air, clean water, beautiful parks, but we could still be the unhappiest people in the world without an indefinable spirit—the lift of a driving dream which has made America from its beginning the hope of the world.

Two hundred years ago this was a new nation of three million people, weak militarily, poor economically. But America meant something to the world then which could not be measured in dollars, something far more important than military might.

Listen to President Thomas Jefferson in 1802: "We act not for ourselves alone, but for the whole human race."

We had a spiritual quality then which caught the imagination of millions of people in the world.

Today, when we are the richest and strongest nation in the world, let it not be recorded that we lack the moral and spiritual idealism which made us the hope of the world at the time of our birth.

The demands on us in 1976 are even greater than in 1776.

It is no longer enough to live and let live. Now we must live and help live.

We need a fresh climate in America, one in which a person can breathe freely and breathe in freedom.

Our recognition of the truth that wealth and happiness are not the same thing requires us to measure success or failure by new criteria.

Even more than the programs I have described today, what this nation needs is an example from its elected leaders in providing the spiritual and moral leadership which no programs for material progress can satisfy.

Above all, let us inspire young Americans with a sense of excitement, a sense of destiny, a sense of involvement in meeting the challenges we face in this great period of our history. Only then are they going to have any sense of satisfaction in their lives.

The greatest privilege an individual can have is to serve in a cause bigger than himself. We have such a cause.

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How we seize the opportunities I have described today will determine not only our future, but the future of peace and freedom in this world in the last third of this century.

May God give us the wisdom, the strength and, above all, the idealism to be worthy of that challenge, so that America can fulfill its destiny of being the world's best hope for liberty, for opportunity, for progress and peace for all peoples.

[Applause, the Members rising.]

At 1 o'clock and 10 minutes p.m., the President of the United States, accompanied by the committee of escort, retired from the Hall of the House of Representatives.

The Doorkeeper escorted the invited guests from the Chamber in the following order:

The members of the President's Cabinet.

The Chief Justice of the United States and the Associate Justices of the Supreme Court.

The ambassadors, ministers, and chargés d'affaires of foreign governments.

JOINT SESSION DISSOLVED

The SPEAKER. The Chair declares the joint session of the two Houses now dissolved.

Accordingly at 1 o'clock and 15 minutes p.m., the joint session of the two Houses was dissolved.

The Members of the Senate retired to their Chamber.

The SPEAKER. The House will be in order.

MESSAGE OF THE PRESIDENT

Mr. ALBERT. Mr. Speaker, I move that the message of the President be referred to the Committee of the Whole House on the State of the Union and ordered printed.

The motion was agreed to.

PERMISSION FOR COMMITTEE ON RULES TO FILE CERTAIN PRIVILEGED REPORTS

Mr. COLMER. Mr. Speaker, I ask unanimous consent that the Committee on Rules may have until midnight tonight to file certain privileged reports.

The SPEAKER. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

U.S. POLICIES IN THE MIDDLE EAST

(Mr. TIERNAN asked and was given permission to address the House for 1 minute, to revise and extend his remarks and to include extraneous matter.)

Mr. TIERNAN. Mr. Speaker, I have become increasingly concerned lately over the path our Government has been traveling with respect to U.S. policies in the Middle East. I refer specifically to the current debate over Secretary of State Rogers' statement on December 9, which alluded to certain proposals for peace in the Middle East. Regrettably, the Congress is not being told what the intentions of the administration are, and our allies are being left in the dark.

It is my feeling that the House of Representatives should again reaffirm its sentiment for direct negotiations between the State of Israel and the Arab States. Accordingly, I have joined yesterday with the distinguished gentleman from Florida (Mr. Pepper) in submitting a concurrent resolution which makes clear our position with respect to a settlement in the Middle East. This resolution expresses the position that our Government should continue to press for direct face-to-face negotiations, that the United States should not attempt to impose a settlement in the Middle East and the conviction that peace will only come about by direct negotiations.

The administration has an obligation to the Congress to keep us informed as to their intentions in the Middle East. It is my hope that the confusion that now exists will be cleared up. Hopefully, the enactment of this resolution will let the administration know exactly how we feel.

UKRAINIAN INDEPENDENCE DAY

(Mr. BARRETT asked and was given permission to extend his remarks at this point in the Record.)

Mr. BARRETT. Mr. Speaker, on this occasion of the 52d anniversary of Ukrainian independence, I wish to pay tribute to those valiant people and their struggle for freedom. A freedom which they enjoyed for a very short period of time, when along with many other peoples they benefited from the principles of national self-determination enunciated by Woodrow Wilson.

They have struggled for freedom and independence for centuries; against the Mongol hordes, the Russian czars and now against the Russian Communists when the Red army in early 1920 overran the independent nation of Ukraine. And, to this date it remains chained to the Soviet Union.

There in their homeland millions of sturdy and stout-hearted Ukrainians lead a miserable life. Like prisoners held behind the Iron Curtain, they are deprived of all forms of freedom, and cannot even celebrate their independence day. In all the centuries and despite the adversities they have maintained their heritage and true nationality.

We of the free world, and in this great Republic in celebrating the 52d anniversary of that memorable event, hope and pray for their deliverance from Communist totalitarian tyranny.

NATIONAL LEAGUE OF CITIES ISSUES POLICY STATEMENT ON ORGANIZED CRIME

(Mr. FASCELL asked and was given permission to extend his remarks at this point in the Record, and to include extraneous matter.)

Mr. FASCELL. Mr. Speaker, the National League of Cities represents more than 14,600 cities throughout the United States. It enunciates its national municipal policy at its annual Congress of Cities. Recently at its 46th annual congress, the league, for the first time, announced a policy statement directly addressing the organized crime problem.

The organized crime statement, which is part of its comprehensive public safety policy, reads as follows:

> The special challenge presented by organized crime makes Federal, State and local cooperation particularly vital in this field. To improve coordination against organized crime, the Attorney General of the United States should work with State and local officials to develop and implement a national plan to curb organized crime. This plan should identify the capabilities and responsibilities of the Federal, State and local governments regarding organized crime and suggest how these various capabilities can be most effectively used, provide for coordination and centralized analysis of intelligence about organized crime, and insure cooperation in enforcement activity against organized crime.

Under our system of law the primary responsibility for law enforcement rests with local officials. However, it is equally clear that organized crime respects no local or State boundaries in carrying out its corrupt work. Therefore, the need for coordination and cooperation among Federal, State, and local regulatory and law enforcement units in this area is quite evident.

Its policy statement on organized crime typifies the concern historically shown by the National League of Cities for solving the Nation's problems. A unified and forceful effort against organized crime by the league's 14,600 member cities could make the 1970's the decade in which that menace was finally overcome.

As part of its recent annual Congress of Cities, the league was addressed by the Honorable Charles H. Rogovin, Administrator of the Law Enforcement Assistance Administration. Mr. Rogovin, clearly and forcefully articulates the threat posed by organized crime. His address follows:

Address by the Honorable Charles H. Rogovin Before the Special Concurrent Session on Organized Crime, National League of Cities, December 4, 1969

I want to start with a couple of assumptions. I would assume we can all agree that organized crime is not a myth, a figment of somebody's imagination. It exists. No one can close their eyes to it any longer. The question is what is to be done about it.

The second assumption: Nobody here labors under the delusion that there is some ethnic monopoly on organized crime in the United States. Let me state as a fact that there is no such thing as a total ethnic monopoly in organized criminal activity. It is not composed exclusively of men of Italian extraction, or any other racial or ethnic group. As a matter of fact, it is probably one of the most democratic kinds of enterprise. Everybody goes into the swimming pool—black, white, Italian, Polish, Jewish, catholic, protestant, take your pick. It is just a question of where you go in the country. The best in organized crime—La Cosa Nostra or the Mafia, depending upon which terminology you want to adopt—happen to be, in terms of complete membership in the group, men of Italian descent. But the total membership, according to the best available estimate, is some 3,000 to 5,000 men. In any event, the bugaboo that this is a reflection on any single ethnic group nationally is nonsense. And that is one of the assumptions that I hope you would adopt with me as we discuss this topic today.

But the proposition that much of that

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kind of myth reflects is the unwillingness that has prevailed in many quarters, including your own, to acknowledge the existence of organized crime in this country. It is very interesting to note that, to the best of my knowledge, for the first time at the recent International Association of Chiefs of Police Annual Convention, your Chiefs of Police went on record with declarations regarding the activity, existence, and the results of the presence of organized crime in this country. And they are your Chiefs of Police.

They were quite realistic in what they said and I would commend to you the resolutions which emerged.

There is a clear declaration at the Federal level—a declaration of concern about the phenomenon of organized crime in this country—in statutory form in June of 1968 with the passage of the Omnibus Crime Control and Safe Streets Act. The act created the Law Enforcement Assistance Administration to generally address the problem of criminal justice in this country. In that statute, the Congress flatly declared there were two priority areas for activities: riot control-civil disorders (and I hyphenate that) and organized crime. And you may be interested to note as financial managers—one of the many responsibilities of mayors—that the concern of the Congress was expressed in very concrete terms. The matching ratio requirements built into the statute are far more favorable to encourage the development of anti-organized crime activity than in any other area except civil disorders.

President Nixon and Attorney General Mitchell have gone on the line in terms of the commitment of the National Administration with regard to organized crime. I don't come here as a partisan. I am talking of the documented record of interest and concern. It was expressed, despite budget squeezes in other areas, by the request to Congress by the President and Mr. Mitchell for a supplemental appropriation to the Congress for fiscal 1970 of an additional 25 million to increase the Federal effort in the organized crime area. The terminology "strike force" may be familiar to some of you, particularly those in the Buffalo area, the Detroit area, New York, and other major cities. The Strike Forces, which are regional anti-racketeering team efforts at the Federal level are being expanded to additional cities throughout the country. This should give pause to some of you or your colleagues—that the Federal effort has to constantly expand because there is a local failure to keep abreast of the problem.

One can perhaps quickly describe the phenomenon of organized crime in these terms: A conspiracy in most jurisdictions is an unlawful agreement among two or more persons to do something. The agreement may not be unlawful in some jurisdictions but the objective is unlawful. So it is one or the other. Either the agreement to do something unlawful to achieve a lawful objective or an agreement to achieve an unlawful objective. Conspiracy.

Organized crime is, in essence, a self-perpetuating criminal conspiracy, the objective of which is the acquisition of money by any means, legal or illegal, including bribery and murder. In this society, as I think we can all agree, the acquisition of money accomplishes something. And that is the acquisition of power. And that is what organized crime is all about.

Rich and Powerful. To those of you complacent to organized crime—and where it is particularly violent, as in the Northeast, and have tended to the view "what the hell, it is just bad guys killing bad guys," I suggest you re-appraise your concept. It is not just a question of bad guys killing bad guys. If those were the only consequences, one could look hopefully toward the revolutionary demolition of the membership. But such has not been the case. It is interesting that the actual acts of violence are far lower than the threats to use violence. Let me point something out.

In 1961, the Federal Government offered an anti-racketeering legislative program to Congress. The then Attorney General Kennedy, testifying before a Senate Judiciary subcommittee, was asked: "What have you done with people who are willing to cooperate?" And he stated quite accurately: "We have changed their names, changed their identities, found them new jobs, moved them and their families to totally new areas, in order to protect them." And that is commendable. But what was the real point which emerged? It was what the United States Government, with all of its power and authority, had to do with regard to Joe Smith, cooperative witness, to protect him against organized crime. Obliterate a man's identity, tear him and his family up by the roots, change the manner in which he earned his living, and even move him out of the country, exile him. I suggest then that one might well consider, under those circumstances, where does the balance of power lie, if it takes all of that to protect a man who, was, in effect, a ward of the Federal Government?

Some suggested that the approach be changed at one point. Since exile was not desirable, people were being moved to military reservations, like SAC bases, where you could walk for miles on concrete, protected by high wire fences, and a large German shepherd. I don't find that a terribly desirable prospect. But I mention this to you to indicate what you are contending with or what I hope some of you are contending with and others will be disposed to contend with. We have for years and for generations stated time and time again that law enforcement—police, courts, corrections, but most particularly police—is primarily a local and state responsibility. That is the thrust of the Omnibus Crime Bill, and it is the philosophy of this administration that efforts in the field must, in fact, be conducted on a partnership basis.

These partnership efforts are broad. Even the anti-racketeering strike forces are not to be an exclusive federal activity. Efforts are now underway and will be expanded, to integrate state and local investigative agents, prosecutive personnel, and other support people into the strike forces. I point to the effort underway in New York City. For the first time, out of the Federal Organized Crime and Racketeering Section come prosecutors; from the Federal investigative agencies come supervisory level personnel; from the District Attorneys offices of Mr. Hogan and Mr. Roberts, in Manhattan and the Bronx, and from New Jersey and other states come participating personnel. So, it is to become a partnership where such is possible. In that regard, my own agency has a distinct organized crime program division which has undertaken a national effort to develop training capabilities and provide expert information to local and state personnel, police agents, prosecutive officials, judges, and hopefully, local elective officials. We have had two separate training programs already, each of a week's duration, one in Illinois and one in Georgia, and I propose to do one in the West of Southwest and another in the Northeast. These efforts are designed to develop the skills on the part of those local and state personnel who currently lack them to work effectively in the organized crime field. We also are proposing the development of inter-state regional anti-organized crime efforts. We have technical assistance, consultants, and in-house capability available for activity anywhere in the country where there is an interest in developing the kinds of units that will be effective against organized crime. But there is a more essential question. One can have all kinds of facilities and programs available but if there is a failure of commitments on the part of the Chief Executive at whatever the appropriate level of government it may be, there will be no bonafide effort made to take advantage of such facilities or opportunities. And it then becomes your responsibilities—collectively and individually—to see that these efforts are undertaken. Municipal police forces are *your* police forces.

There is no Federal police; we should not have one; we don't need one. The police in this country are competent to discharge their responsibilities but political leadership has the responsibility to undertake the commitments to do something in this field. Some Mayors, interestingly enough, and in a perfectly bonafide way, will respond with a denial on the question of whether there is organized criminal activity in their jurisdiction. And if one examines the basis of the denial, one can very clearly and fairly conclude that the Mayor was perfectly honest in his response, because he lacked the necessary information to reach the opposite conclusion. One can understand that, but I am dubious that one should have to observe that for much longer.

And then there are other situations, where, when asked about the presence and activity of organized crime, there is a denial. While one explanation may be actual, direct corruption, another may well be that as soon as the presence and activity of organized crime is acknowledged, someone invariably begins to ask: "Well, if we have it, what are you doing about it?" And comes next election time, there must be an accounting, so it becomes more convenient to deny rather than to affirm and undertake an affirmative program to meet the needs. The principal strategy and the tactics accompanying the attempt to achieve a strategic goal of eliminating or containing organized crime has been what is characterized as "headhunting". This is identifying a figure that intelligence reports disclose to be involved in organized crime, attempting to develop evidence of a violation of the law, then prosecution and incarceration. I think it was Professor G. Robert Blakely, Chief Counsel to Senator McClellan Criminal Laws and Procedure Subcommittee of the Senate Judiciary Committee, who made an interesting point in this regard. He said that since development of the intensive Federal effort, and the development of some concomitant state and local interest, more organized crime figures have been disabled through heart attacks, automobile accidents, and death due to natural causes than by the results of investigation and prosecution.

What can be done? What should be done? I respectfully commend to you at least this much—that you direct the chief operating officials of your police agencies, if they have not already done so, to develop and maintain an on-going organized crime intelligence unit, so that you will at least be informed. In addition, you should direct that the personnel involved in such activities be maintained there and not spend two months in that program and the next 19 months on something else. We don't want a situation of crisis response but rather an attempt to institutionalize rational responses.

What do you do with regard to the backgrounds of the persons that you are, under the law, able to appoint to positions in your jurisdiction? As a matter of self-preservation, if nothing else, and I would hope that it would be something more than that, you can encourage the development of a background investigation procedure so you know who the persons are that you are proposing to appoint, perhaps to the Board that controls the issuance of your liquor licenses or handles zoning activities in your community, town or city. If you are not doing it, I suggest you should because the desirablity

I believe is clear. If you fail to assume the responsibility now, you will assume the criticism later, whether you like it or not, if something goes wrong. At least those of you as chief executives of the cities, and perhaps all of you, have counsel available, whether it is the city solicitor or a township attorney. Who among you or your colleagues have ever directed that your solicitor undertake a review of the ordinances which govern your community under which you act to determine where there are deficiencies with regard to the penetration into your legitimate business enterprises by organized crime? I don't ask it rhetorically; I ask it in the hope that you will do so. The kind of action undertaken by the Attorney General in Florida, an anti-trust type law suit, is the kind of thing that could serve as a model at the local level. There is no mystique in this. It is a question of putting your lawyers to work in this capacity. But there is above all, I believe, two critically essential basic elements in this field: Number one, the declaration, and number two, the continuing commitment to the institutionalization of anti-organized crime efforts on the part of the jurisdiction's chief executive. Without it, the bureaucracy—and I don't use that term in a bad sense—below the mayor does not respond. But if they find a sense of commitment, I believe they will. The first level for that is the police administration. Only with your declared commitment and effort to continue that commitment can you develop a consistent, local response to the problem, which will permit you to address the needs in your immediate jurisdiction and further permit you to undertake cooperative activity with sister cities and towns within the state and perhaps outside it.

I was interested when Dr. Cressey suggested some thing to you about the study entitled "Wincanton." "Wincanton" has been publicly identified by its own Mayor as Reading, Pennsylvania. It was a totally organized crime community and after a massive five year Federal effort, the back of the rackets was broken in Reading. The racketeering boss—who was not of Italian extraction but happened to be of Russian-Jewish origin—was put into the penitentiary and a number of others went to jail and the former police chief who had been indicted for perjury but became a government witness was out of office, and a reform element was elected. And the follow-up survey of the citizens of Reading established that they were very happy not to live under the organized crime cloud, not to have to pay for the things they were entitled to get as citizens. But they raised one small concern. The consensus of the majority polled was that after the effort which has disclosed the terrible corruption—that principally illegal gambling revenues had engendered—the populace felt that they would like to have a little gambling.

I suggest to you that a little gambling is like being a little bit pregnant. One element often lost sight of by those wrestling with the terrible public concern—and in some cases hysteria—over street crime, is the connection between organized crime and street crime. Those of you whose cities have a hard narcotics problem ought to give this some thought. I am not speaking of bennies or amphetamines or pot. I am talking about heroin. There is no domestic development of heroin. It is all imported. Every ounce. It comes from outside the country. There is a highly effective investigative agency called the Bureau of Narcotics and Dangerous Drugs and there is the Customs Service, which work enormous numbers of hours while attempting to impede the flow of heroin to this country. Distribution channels are as sophisticated and expensive as any ever conceived for illegal activities. I cannot find anyone who will dispute that the importation of heroin is the province of the hard core in organized crime—La Cosa Nostra or the Mafia.

But to indicate their "smarts" they are no longer responsible for the street-level distribution. They will bring it in, finance its importation, and arrange the basic wholesale distribution. The story of the junkie is as well known to you as it is to anybody in the Federal Government. And how the junkie supports a habit? It may be prostitution for a woman; it may be shoplifting for men or women; it can be robberies or burglaries, larcenies of an infinite range. But how are these things recorded in your crime statistics? They are not recorded as organized crime activities. They are recorded as street crimes. When you look at the descriptions, for example, in Harlem in New York City and you look at the enormous dollar loss due to the drug addicts, then I would suggest it is very obvious what the connection is between organized crime and street crime.

Let me ask those of you who are business men: What does one do with a hi-jacked truckload of 100 cases of color television sets? The answer is that you or I don't know what to do with them. But they move, and they move with no serious difficulties because one of the principle activities of high revenue generation in organized crime is the fencing of large volumes of stolen property. How does it happen that a product being sold out of factories in the Northeast appears on the shelves of retail stores in the South before the salesmen for the company have been into the territory. It has to be very clear. Organized crime has better distribution channels than the manufacturer of the particular product I am referring to. And by the truckload. Those are not recorded as organized crime incidents. They are recorded, just as the larceny of a television set on an individual basis from your apartment or mine may be—as a street crime. And yet there is a connection.

I came here to make a point I hope you will leave with, or at least question me about: The issue of commitment and whether you are prepared to make it; whether you are prepared to direct your police agencies to respond to this problem of organized crime. There are a variety of opportunities available that have never been available before. It has been said that every idea has its time. Those of us who have worked in organized crime enforcement over the years have been delighted because we believe that this is the time to start making legal progress. But the question is not whether 200 or 300 or 600 people working at state and local and Federal levels alone are going to get this job done. Either those who are political leaders in this country are going to generate the response or we will face a time when the problem will become so impossible to deal with we may not even be able to identify it any longer.

PATENT RIGHTS FOR EMPLOYEE INVENTORS

(Mr. MOSS asked and was given permission to extend his remarks at this point in the Record and to include extraneous material.)

Mr. MOSS. Mr. Speaker, for the past year and a half I have been researching legislation to more adequately protect the rights of employee inventors. I am pleased to say that today I am introducing the result of that research. For the benefit of my colleagues there also follows an article by Robert J. Kuntz, a constituent, which describes the need for such legislation:

Patent Rights for Employee Inventors

(By Robert J. Kuntz, P.E., first vice president, California Society of Professional Engineers)

The idea of a patent means many things to many people. Sometimes, it is good to clinically examine the meaning of terms before proceeding with a concept. The World Book Encyclopedia defines a patent as "an official paper issued by a national government to indicate ownership of property. The term letters patent, or simply patents, refers to the right to control the manufacture and sale of a product. This monopoly, limited in time and type, *is given to the inventor of a device, or a process, to reward him for his genius.*" The World Book further relates that "France adopted its first patent legislation in 1791. It believes that the patent law should be based on the idea that the *inventor's right is a natural right.*"

The founders of the U.S. Constitution were aware of the dependence of a free society on the creativity and genius of its people. As a result, the Constitution of the United States gives Congress the power to enact laws relating to patents in Article 1, Section 8, which reads:

"Congress shall have power—to promote the progress of science and useful arts, by securing for limited times to the authors and inventors, the exclusive right to their respective writings and discoveries."

In each of the above references, attention is called to the emphasis given to the rights of the inventors. It is very plain to see that the original intent of patent law was to grant a legal right and monopoly to an inventor as a reward for his genius. Daniel Webster successfully prosecuted an infringement of Charles Goodyear's patent on vulcanization over 100 years ago. Webster told the court:

"What a man earns by thought, study, and care is as much his own as what he obtains by his hands. It is said that by natural law, the son has no right to inherit the estate of his father or to take it by device. Invention, as a right of property, stands higher than inheritance or device, because it is personal earning."

Webster made special note of the personal ownership of invention.

Many other documents illuminate the intrinsic nature of patent rights, the least of which is not the "ethics for engineers" (Canons of Ethics, Creed, Rules of Professional Conduct). Rule 24 states:

"A customer, in designing apparatus, does not acquire any right in its design, but only the use of the apparatus purchased. A client does not acquire any right to the ideas developed and plans made by a consulting engineer, except in the specific case for which they were made."

It must be noted that the rule specifically mentions "consulting engineers", however, this is the only reference made to the rights of inventors in the Code. If engineering is a true profession, then every engineer is a consultant. An engineer-employee should be considered as practicing on the basis of a retainer. The practice and ethics of the profession should not change with the nature of employment.

The California Society of Professional Engineers considers the rights of an inventor to be intrinsic in nature. The U.S. Patent Law clearly states that financial assistance in developing a patent in no way grants the provider of that assistance a position as co-inventor. This position is upheld in every patent prosecution even with the employment preassignment agreements. The patent must be filed in the name of the inventor even though the inventor is required by his employer to assign all of his rights in the patent to his employer. In most cases, the employer assignment agreement calls for the payment of $1.00.

Most engineering employees consider that their employers must have some rights in the employee's invention; however employees also feel that the employer should not have exclusive rights.

Employers feel that their financial contribution, and the fact that the employee is retained on a salary basis, is sufficient justification for the employers taking 100% of patents that are a direct outgrowth of the job assignment. Many employers even claim full rights to inventions made by employees outside of their job assignments and on their own time.

EMPLOYEES' POSITION

The problem of the employed inventor was considered in depth by a Congressional investigation during the 87th Congress. At that time, a study was conducted by the Committee on the Judiciary, Sub-Committee on Patents, Trade-Marks and Copyrights. During this time, laws protecting the rights of employed inventors in Europe were investigated. In the final report, it was stated that "the Corporations themselves in pressing for the policy of the Government, leaving with the research contractor the patents that stem from Government-financed research, vigorously contend that money compensation alone is *not* sufficient to bring forth the best efforts of the researcher and that they (the corporations) should receive patent rewards as well. Assuming, without conceding, that this be true in the case of Government research contracts, corporations have not made it clear why it should be any less true in the case of their own employee contracts."

ALL AFFECTED

Nearly every corporation, Government Agency and Educational Institution, requires their prospective employees to assign all rights to future inventions to the employer as a condition of employment. Engineers have experienced this situation so consistently that they have become accustomed and reluctantly resigned to it. Many engineers have been sufficiently "conditioned" that they even support the employer's position that preassignment of all invention rights is moral and just as a consideration of salary paid. Many engineers, however, have noted well the "6 months clause" (most preassignment agreements are binding from the date of hire to 6 months after termination) in many of these preassignment agreements. When an invention is conceived, many engineers document it and subsequently put it into their "idea file". These engineers consider that some day they will be "on their own" and will be able to make a fortune from their "idea bank". These individuals feel that there is no incentive for them to document their ideas and disclose them to their employer when they will get nothing out of it. Consequently, many excellent concepts are buried forever and no one benefits.

WHO WINS?

The employer believes that preassignments of inventions protects his interest. Actually, these agreements are indirectly costing the employer fortunes through lost inventions and incentives of employees. Strangely, employers are initiated "suggestion plans" to increase the incentives of shop personnel, technicians, and other non-professionals. It is assumed that creativity is part of the job for professionals and thus additional compensation or rewards are not warranted. Some suggestion plan awards amount to in excess of $2,000. It is interesting to compare this to the $1.00 that each of the inventors of the transistor received from Bell Laboratories; or, in another case, the inventor who received $12.50 for his innovation that subsequently netted, with spin-off inventions, his company over $5,000,000 in sales.

How many other ideas such as these have gone undisclosed because of of the lack of incentive for the engineer employees? The potential sales value of ideas buried in "idea files" would be astronomical. It is just good business to stimulate the engineer-employee to invent and disclose, and the monetary reward for these inventions would be minuscule compared to the ultimate value to the employer.

In the majority of cases, the engineer-employee in the United States has no legal position with respect to his inventions. The preassignment agreement is binding, total, and unilateral. Many companies have patent reward programs which are instituted company policy. These programs are subject to change by the company without notification of the employees. These policies vary from company to company. Some companies provide remuneration to the inventor based on a percentage of the net profits derived from the patent. Other companies provide a percent of the royalties if the company licenses another company to produce the invention. The company patent reward polices are not binding on the company and in many cases terminate with the termination of the inventor's employment. Many employees are required to disclose inventions that are the product of their own efforts independent of their company assignments (after hours and not in the company business line). The preassignment agreement requires that the employee disclose these to his company granting all rights to the employer.

Many companies delay the processing of the patent disclosure over a period of years, and refuse to grant rights to the employee to proceed with his invention on his own. Many employers grant release from the preassignment agreement on specific inventions in which they have no interest, and yet retain a license-free-use of the invention. This action, in essence, stymies any further action by the employee inventor, since the marketability of an encumbered patent of this nature is questionable.

NEED FOR CHANGE

Employees feel that there is a need for a complete re-evaluation of the present unilateral preassignment of patent rights as a condition of employment. Most feel that these agreements should be supplanted with bi-lateral agreements that recognize the rights of both the employee and employer.

H.R. 15512

A bill to create a comprehensive Federal system for determining the ownership of and amount of compensation to be paid for inventions and proposals for technical improvement made by employed persons

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION. 1. Title 35, United States Code, is amended by adding at the end thereof the following new part:

"PART IV—EMPLOYEE INVENTIONS

"Chap.	Sec.
"40. Definitions and scope of application	401.
"41. Service inventions	411.
"42. Patent on service inventions	421.
"43. General provisions	431.

"CHAPTER 40.—DEFINITIONS AND SCOPE OF APPLICATION

"Sec.
"401. Scope of application.
"402. Definitions.

"§ 401. Scope of application.

"This part applies to all inventions, and proposals for technical improvement made by—

"(1) employees of private persons or organizations,

"(2) military personnel and employees of Federal, State, territorial, and local governments, and

"(3) other persons who consent by contract to be treated as employees under this part for the purpose of determining the compensation to be paid for their inventions or proposals for technical improvement,

except that nothing in this part shall apply to an invention made by an employee which is subject to an agreement between the employee and his employer to the effect that the invention shall be a free invention which is the exclusive property of the employee and with respect to which the employer has no rights.

"§ 402. Definitions.

"As used in this part, the term—

"(1) 'employee' means any person who, under the usual common law rules applicable in determining the employer-employee relationship, has the status of an employee; and any member of the military;

"(2) 'invention' means an invention which is patentable under Chapter 10 of this title;

"(3) 'proposal for technical improvement' means a proposal for a new and useful technical innovation in connection with an existing process, machine, manufacture, or composition of matter which innovation—

"(A) is not patentable under Chapter 10 of this title by reason of its inclusion within the scope of a prior patent;

"(B) is an application of a secret process or trade secret; or

"(C) uses products which cannot be analyzed;

"(4) 'service invention' means an invention made by an employee at any time during his period of employment which either—

"(A) has grown out of the type of work performed by the employee, or

"(B) is definitely based on experiences gained during his employment or on operations carried out by the employer; and

"(5) 'free invention' means any invention made by an employee which is not a service invention.

"CHAPTER 41—SERVICE INVENTIONS

"Sec.
"411. Duty of giving notice.
"412. Claiming the invention.
"413. Service inventions which become free.
"414. Compensation for service inventions.

"§ 411. Duty of giving notice.

"(a) An employee who has made a service invention must give written notice of the service invention to his employer without undue delay. If several employees shared in making the service invention, they may give notice either independently or jointly to the employer. Upon receipt of the employee's notice, the employer shall without undue delay provide the employee with a written statement of the exact time when the notice was received.

"(b) The employee's notice shall conspicuously indicate that it relates to an invention and shall contain a complete description of the invention including—

"(1) a description of the technical problem, its solution, and the way in which the invention originated,

"(2) sketches, drawings, and other documents or records to the extent necessary to understand the invention,

"(3) the instructions, directions, and rules officially given to the employee by the employer which relate to the invention,

"(4) the experiences of the employee gained from the employment and the operations of the employer which were utilized in the invention, and

"(5) the names of coworkers who contributed to the invention and a description of the nature and degree of their contribution (pointing out what the employee considers to be his own share).

"(c) An employee's notice which does not conform to the requirements of subsection (b) shall nevertheless be deemed complete if the employer does not advise the employee in writing, within two months after receipt of the employee's notice, in what respects the notice is incomplete. At the request of the employee, the employer shall assist the employee in completing the notice.

"§ 412. Claiming the invention.

"(a) An employer may claim an employee's service invention by giving a written declaration of his claim to the employee as

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soon as is practicable but not more than four months after the employer has received a complete notice of the service invention from the employee in conformity with section 411.

"(b) Upon receipt by the employee of a declaration of the employer's claim to the employee's service invention, the employee shall assign all rights to the service invention to the employer in writing.

"(c) Any disposition of a service invention by an empoyee prior to the time of the declaration of a claim by the employer which would impair the employer's rights under this secton is invalid to the extent that it impairs such rights.

"§ 413. Service inventions which become free.

"(a) A service invention becomes free when—

"(1) the employer releases it in writing;

"(2) the employer does not claim the service invention within four months after receiving the employee's complete notice in conformity with section 411; or

"(3) the employer does not comply wth his obligation under section 421(a) to apply for a patent on the service invention.

"(b) A service invention which becomes free under this section is not subject to the provisions of section 431.

"§ 414. Compensation for service inventions.

"(a) An employee is entitled to adequate compensation for his service invention as soon as his employer has claimed the invention. Such compensation shall represent the fair market value of the employers' right to the invention adjusted to reflect the following factors: (1) the position and duties of the employee, and (2) the degree to which the operations of the employer contributed to the making of the invention.

"(b)(1) The kind and amount of compensation to be paid for a service invention shall be determined by agreement between employer and employee within a reasonable period of time prior to the expiration of three months after a patent on the service invention has been granted, or in the case of the issuance of a secrecy order with respect to the service invention under section 181 of this title, within three months after the issuance of such secrecy order. The agreement reached between the employer and employee shall be based on the regulations issued by the Secretary of Labor under section 439.

"(2) If agreement is not reached within such reasonable period of time, the employer shall determine the compensation and pay of the employee and shall give the employee a substantiated written declaration of how the amount of compensation was determined. If the employee does not object in writing within two months following the employer's declaration, the employer's determination becomes binding on both parties.

"(c) When several employees contributed to making a service invention, each employee shall notify the employer of the portion to which he is entitled and the compensation shall be determined by agreement separately with each. The determination of compensation to be paid to other contributing employees does not bind any employee who objects to the determination of his share.

"(d) When there has been a substantial change in the circumstances upon which the determination of compensation was based, the employer or employee may demand in writing that another determination of the compensation be agreed to within three months following such demand, but the employee shall in no case be obligated to return compensation which he has received.

"CHAPTER 42.—PATENT ON SERVICE INVENTIONS

"Sec.
"421. Patent application.
"422. Patent application abroad.
"423. Obligations of employer and employee when acquiring patents.
"424. Abandonment of patent application or patent.
"425. Trade secrets.

"§ 421. Patent application.

"(a) Within six months following an employer's declaration of a claim to a service invention under section 412(a), the employer shall apply, in the name of the inventor, for a patent on the service invention unless—

"(1) the service invention has become free under section 413(a)(1) or (2); or

"(2) the employee agrees in writing that no patent application shall be made; or

"(3) section 425(a) applies.

When an employer does not comply with his obligation to apply for a patent on a service invention within six months following his declaration of a claim to the invention, the invention shall become free (section 413(a)(3)).

"(b) When a service invention has become free, if the employer has already applied for a patent on such invention, the rights on the application pass to the employee when the invention becomes free."

"§ 422. Patent application abroad.

"The employer may apply for patents on a service invention with respect to which he has made a claim in such foreign countries as he desires and shall release the service invention in favor of the employee in all other foreign countries. The employer's release shall be timely to permit the employee to take advantage of the priority periods of international treaties in the field of legal protection of industrial property.

"§ 423. Obligations of employer and employee when acquiring patents.

"(a) When an employer applies for a patent on a service invention, he shall provide the employee who made the service invention, at the time of such application, with copies of the application documents, and shall keep the employee informed concerning the proceedings and permit the employee to examine all correspondence in connection with the application.

"(b) At the employer's request, the employee who made the service invention shall assist the employer in the acquisition of a patent with respect to the invention and shall make such statements as may be necessary to document the employer's application.

"§ 424. Abandonment of patent application or patent.

"(a) When, prior to satisfying an employee's claim for adequate compensation with respect to a service invention, the employer abandons the patent application or permits the lapse of a patent already granted, he shall notify the employee in writing and assign the rights to the invention to the employee, if the employee so requests. The employer shall make available to the employee all documents necessary to preserve rights in the invention.

"(b) The employer may dispose of all rights to the invention if the employee does not request assignment of the rights within three months after receiving the employer's notice of abandonment.

"§ 425. Trade secrets.

"(a) When legitimate interests of the employer make it necessary to prevent a service invention, with respect to which notice has been given, from being known, the employer need not apply for a patent on the invention if he makes a written declaration to the employee to the effect that he recognizes the patentability of the invention. If the employer does not recognize the patentability of the invention he remains under the obligation to apply for a patent, but he may withdraw the application after a decision on the patentability has been made by the Patent Office.

"(b) In determining the compensation to be paid for an invention with respect to which the employer need not apply for a patent under subsection (a), the employee shall receive additional compensation for the fact that no protective right has been granted with respect to the service invention.

"(c) Nothing in this section shall prevent the application of section 432 to a proposal for technical improvement which is utilized by the employer.

"CHAPTER 43.—GENERAL PROVISIONS

"Sec.
"431. Free inventions, notice, duty of making an offer.
"432. Proposals for technical improvement.
"433. Advisor on inventions.
"434. Exclusion of change by agreement.
"435. Secrecy.
"436. Employer-employee relationship.
"437. Arbitration.
"438. Judicial review, exhaustion of remedies.
"439. Secretary of Labor; regulations.

"§ 431. Free inventions; notice; duty of making an offer.

"(a) Unless, in the judgment of the employee, the invention is obviously of no use in the activities of his employer, an employee who has made a free invention during the period of his employment shall promptly give written notice of the invention to his employer containing such information as may be necessary to enable the employer to determine whether or not the invention is free. Unless the employer makes a written declaration to the employee contesting that such invention is free within three months after receiving such notice from the employee, the employer may not claim the invention as a service invention.

"(b) If a free invention comes within the existing or proposed scope of the employer's operations, the employee shall not utilize the invention elsewhere during his period of employment unless he first offers his employer an exclusive option to utilize the invention in exchange for adequate compensation. If the employer does not accept such offer within two months, the employee is free to utilize the invention elsewhere without restriction. If the employer declares within such two months his desire to acquire such exclusive option except for his disagreement as to the terms of compensation, the Arbitration Board shall fix the terms of compensation, upon petition of the employer or employee. The employer or employee may apply to the Board for adjustment of the compensation when the circumstances upon which the determination of compensation have substantially changed.

"§ 432. Proposals for technical improvement.

"An employee who has made a proposal for technical improvement is entitled to adequate compensation for the proposal when the employer utilizes it. Such compensation shall represent the value (in terms of increased profit or reduction in costs for the employer) of the proposal for technical improvement adjusted by the factors referred to in section 414(a) (1) and (2). The kind and amount of compensation shall be determined by agreement between employer and employee within a reasonable period of time prior to the expiration of three months after the date upon which the employer began utilizing the proposal. If agreement is not reached within such period of time, the compensation shall be determined in the same manner as provided by section 414(b)(2). Section 414 (c) and (d) shall apply to proposals for technical improvement in the same manner as to service inventions.

"§ 433. Advisor on Inventions.

"Within the Department of Labor there shall be an Advisor on Inventions appointed by the Secretary of Labor to assist employees in the drafting of their notices under sections 411 and 431 and to assist employers and employees in determining the compensation to be paid for service inventions and proposals for technical improvement.

"§ 434. Exclusion of change by agreement.

"The provisions of this part may not be altered at any time by agreement.

"§ 435. Secrecy.

"(a) An employer may not disclose any employee's invention with respect to which he has received notice long as the legitimate interests of the employee require such nondisclosure.

"(b) Except as otherwise provided by this part an employee may not disclose any service invention which has not become free.

"§ 426. Employer-employee relationship.

"The rights and duties of employer and employee under this part are not affected by the termination of the employment relationship.

"§ 437. Arbitration.

"(a) There shall be an Arbitration Board in the Patent Office which shall meet at the Patent Office and at such other locations as may be necessary and which shall attempt to bring about amicable agreement in any dispute relating to this part which is referred to the Board by an employer or employee. The Board shall be composed of a chairman and two associates. The chairman shall be appointed from the examiners-in-chief of the Patent Office by the Commissioner of Patents to serve for one year, and the two associates shall be appointed for each case by the Commissioner of Patents, or by an assistant commissioner, from the officers and employees of the Patent Office with expertise in the general field to which the invention or proposal for technical improvement relates. The Board shall be enlarged by two members upon the petition of the employee or employer, one such additional member to be selected by the employee from a labor or professional group of his choosing and one selected by the employer from the national or regional organization which represents the employer's interests.

"(b) An employer or employee may petition the Arbitration Board to settle a dispute by filing with the Board two copies of a petition containing a brief description of the circumstances of the case and the name and address of the other party. The Arbitration Board shall send the petition to the other party with a request that such party express its opinion in writing with respect to the petition within a designated period of time.

"(c) Except as otherwise provided in this section, proceedings before the Arbitration Board shall be conducted according to such rules and regulations as the Commissioner of Patents may determine.

"(d)(1) When the Arbitration Board has reached a decision by majority vote, it shall serve on the parties (by registered or certified mail) a proposal for conciliation which is substantiated by reasons and signed by all concurring members of the Board. The proposal shall contain a statement of the parties' right to object and of the consequences of a failure to object or request an extension of time within the sixty-day period referred to in paragraph (2).

"(2) The proposal for conciliation shall be deemed accepted by both parties unless the Board receives a written objection or request for extension of time from one of the parties within sixty days after the date upon which the proposal was served on such party. The Board may grant an extension of time for a designated period not to exceed ninety days when the circumstances require such an extension. In the case of an extension of time, the proposal for conciliation shall be deemed accepted by both parties unless the Board receives a written objection from one of the parties within the designated period.

"(3) The Arbitration Board shall terminate its proceedings and notify the parties of such termination in any case in which—

"(A) a party has not responded to a request under subsection (b) within the designated period of time;

"(B) a party has refused to enter proceedings before the Board; or

"(C) a party files a written objection to a proposal for conciliation under paragraph (2).

"(e) No fees or costs shall be charged against any party to proceedings before the Arbitration Board.

"§ 438. Judicial review; exhaustion of remedies.

"Suit may be brought in a United States district court in any case arising under this part (including a suit for the determination of adequate compensation) only after a proceeding before the Arbitration Board has taken place except that suit may be brought without regard to such proceeding when—

"(1) six months have passed since the petition was filed with the Board; or

"(2) the suit is for attachment or injunction.

"§ 439. Secretary of Labor; regulations.

"After affording all interested persons the opportunity to make their views known, the Secretary of Labor shall issue regulations under sections 414 and 432 providing specific rules for the determination of the compensation to be paid for service inventions and proposals for technical improvement. These regulations shall be published for the guidance of employers and employees, the Advisor on Inventions, the Arbitration Board, and the courts."

SEC. 2. (a) Section 281 of title 35, United States Code, is amended to read as follows:

"§ 281. Remedies.

"A patentee shall have remedy by civil action for infringement of his patent and any person damaged by a violation of his rights secured by part IV of this title shall also have remedy by civil action."

(b) Section 283 of title 35, United States Code, is amended by inserting immediately after "patent" the following: "or any right secured by part IV of this title".

(c) Section 284 of title 35, United States Code, is amended as follows:

(1) In the first sentence immediately after "Upon finding for the claimant" insert the following: "in an action for infringement".

(2) At the end thereof insert the following new paragraph:

"In an action arising out of the violation of rights secured by part IV of title 35, the court shall award the claimant damages adequate to compensate for the violation."

(d) Section 286 of title 35, United States Code, is amended by adding at the end thereof the following new paragraph:

"No recovery shall be had for any violation of rights secured by part IV of this title committed more than six years prior to the filing of the complaint or counterclaim in the action."

(e) The table of sections for chapter 29 of title 35, United States Code, is amended by striking out the item relating to section 281 and inserting in lieu thereof the following:

"281. Remedies".

SEC. 3. Section 1338 of title 28 is amended by adding at the end thereof the following:

"(c) The district courts shall have original jurisdiction exclusive of the courts of the States of any civil action arising under part IV of title 35, United States Code, relating to inventions and proposals for technical improvement."

SEC. 4. (a) The provisions of sections 1 and 2 of this Act apply to any invention or proposal for technical improvement made at any time six months or more after the date of enactment of this Act.

(b) In the case of a patent application filed at any time after the date of enactment of this Act by the employer of the person who made the invention, the Commissioner of Patents shall notify such employer of the provisions of this Act by making available to such employer a copy of the Act.

FOURTH ANNIVERSARY OF CUBAN EXILES' DECLARATION OF FREEDOM

(Mr. FASCELL asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. FASCELL. Mr. Speaker, January 23, 1966, is a date recorded in the contemporary history of the noble Cuban people. On that day, in Key West, Fla., 1,500 Cubans met to proclaim their faith in the principles of freedom and justice for the Cuban people.

Numerous Cuban exile organizations as well as prominent Cuban leaders of the fight against Castro's communism, went to Key West to endorse, with their signature, the "Declaration of Freedom."

Among the leaders participating was Gen. Generoso Campos Marquetti, leader of the Cuban independence war.

With the declaration, Cubans were trying to follow the formula for freedom of Jose Marti, the great Cuban patriot:

> When a country is called to war, it must know towards what it is going, where it is going, and what is to follow.

Therefore, the basic principles were set down in Key West and they included: dedication to God, country, and family; the respect of human rights, the law, and private property; the freedom of learning, religion, expression, and free enterprise; the appropriate balance between capital and work; and the eradication of any kind of totalitarianism in the future's new Cuba.

After the signing of the declaration, reunions—or "tertulias"—were held in the homes of Cubans living in south Florida to explain its ideological significance and its principles. More than 50 such reunions were held, and the declaration was forwarded around the country—to New Jersey, New York, Chicago, Washington, and throughout Florida. Only several months ago 25,000 copies of the declaration were distributed in Cuba.

The Declaration of Freedom represents the unity of purpose of all Cuban exiles—their dedication to freedom and their united efforts for the liberation of Cuba. Many Cubans are carrying on the task. And the Declaration of Freedom conceived by one of the most dedicated leaders, Monolo Reyes, has a tremendous universay support. Because Cubans realize its purpose it is not to make a leader, but to make Cuba free. It is not surprising to learn, therefore, that the only attack on this great document of principle has come from the Castro regime through Red Radio Havana.

Mr. Speaker, tomorrow is the fourth anniversary of the signing of this important document, and I would like again to bring the Declaration of Freedom to the attention of our colleagues:

DECLARATION OF FREEDOM

In the City of Key West, Monroe County, State of Florida, United States of America, we, the Cuban exiles in the United States, in the name of God Almighty, and speaking both for ourselves and the oppressed people in Cuba, the Martyr Island, do say:

That on January 1st, 1959, the slavery yoke that came from Europe and was extinguished in Cuba at the end of the 19th century, was resumed.

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That those responsible for this high treason to our Fatherland and to our People are just a score of traitors who, usurpating the Government of the Country have been acting as mercenary agents for the Sino-Soviet imperialism, and have surrendered to that imperialism our Freedom and our Dignity, also betraying the American Hemisphere.

That as a consequence of this high treason, those who are usurpating the Power in Cuba (as they were never elected by the People), are imposing a regime of bloodshed, terror and hate without any respect or consideration to the dignity of the human being or the most elementary human rights.

That in their hunger for Power, these traitors, following the patterns of totalitarian regimes, are trying, within Cuba, to separate the Family, which is the cornerstone of actual society, and at the same time, are poisoning the minds of the Cuban children and youth, in their hope of extending the length of time for this abominable system.

That the rule of the Law has been wiped out in Cuba, and it has been replaced by the evil will of this score of traitors, who are acting under orders from their masters, the Sino-Soviet imperialists.

In view of the aforegoing, we declare

First: That the actual Cuban regime is guilty of high treason to our Fatherland and to the ideals of the Freedom Revolution which was started on October 10th, 1868.

Second: That this score of traitors who have committed treason against our Fatherland, in case they survive the downfall of their regime, will have to respond, even with their lives before the Ordinary Courts of Justice of Cuba.

Third: That as the Noble Cuban People will not ever surrender, because that Nation was not born to be slave, we, the Cuban People, hereby make the present Declaration of Freedom.

We hereby swear before God Almighty to fight constantly, until death comes to us, to free Cuba from communism.

The fundamentals of this Revolution for Freedom are:

First: God Almighty, above all things, in Whom we believe as the essence of Life.

Second: The Fatherland, with all of its Laws, traditions, customs and history as a spiritual value, only surpassed by the concept of God.

Third: The Family, as the cornerstone of the Human Society.

Fourth: Human Rights, for each and every citizen, regardless of race or creed.

Fifth: The Law, as the foundation for the proper development of the Human Society.

Sixth: Democratic Government, with its three independent branches: Legislative, Executive and Judicial.

Seventh: Representative Democracy, through the exercise of Universal Suffrage, Periodically, Free and Secretive, as the expression of Popular Sovereignty.

Eighth: Freedom of Worship, Freedom of Teaching, Freedom of the Press and Free Enterprise.

Ninth: Private Property and Ownership, as the basic expression of Liberty.

Tenth: The improvement of living conditions for both rural and city working masses, with the just and necessary measures, keeping in mind the legitimate interests of both Labor and Capital.

Eleventh: The derogation and eradication of anything which is opposed to the political and religious fundamentals aforementioned, and specifically, the abolition of Communism and any other form of totalitarian manifestation.

Signed and sealed in Key West, Florida, on the 23rd day of January, 1966.

DAVID STOPPELWERTH IS DEAD

(Mr. SNYDER asked and was given permission to address the House for 1 minute, to revise and extend his remarks, and to include extraneous material.)

Mr. SNYDER. Mr. Speaker, David Stoppelwerth is dead.

For most members of the House of Representatives this event does not register; but for me, Mr. Speaker, I rise to pay tribute to my friend.

I remember well first meeting David in the spring of 1966. I was engaged in a primary election campaign for Congress and the odds were heavily against my nomination.

Virtually every political power in the Commonwealth of Kentucky opposed my candidacy. So far as I knew every member of the Kenton County Young Republicans supported my opponent. You can imagine the surprise, then, when the official publication of the Kenton County Young Republicans carried an official endorsement of my candidacy by the entire editorial staff. The turmoil was great. It turned out that the "editorial staff" was none other than David H. Stoppelwerth. Of course, he was taken to task by his associates on the front page of the local daily newspaper.

Dave was the editor and his courage then in standing against what appeared to be insurmountable odds was characteristic of this young man whom I grew to know and admire. We stood together in that campaign—and together we won. His was not a popular cause with his associates, but he stuck with his principles and his convictions.

Then, as in the life of most young men, it came time to serve his country. David wrote me regularly—from Ft. Lewis, Wash., to Vietnam. In every letter, Dave's prime concern was that he make a valuable contribution to his country and that he do his new job well.

And so he fought in Vietnam. Again, the cause was unpopular with many of his young associates; but consistent with his patriotic beliefs, he went to stand with his country. He and his country stood together on the battlefield and on Sunday, January 18, 1970, he and his country suffered a tragic loss. David lost his life and the Nation lost one of the strongest, bravest, and finest young men I have ever known.

To his friends and family I extend my sincere sympathy; but more than that, I join them in knowing that their lives and my life are much richer for having known Dave Stoppelwerth as he passed this way.

THE RESULT OF A JUDICIAL NUMBERS GAME

(Mr. EDWARDS of Alabama asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. EDWARDS of Alabama. Mr. Speaker, I would like to bring to the attention of this body the name of Ray York, a 14-year-old boy from Oklahoma City. This boy is guilty of that insidious crime of going to school. Five days a week he goes to Taft Junior High School which until August 13 was his school. Now the courts say he must go to another some six additional blocks away from his home.

Why, you may ask? Well, it seems the integration figures of the two schools were not just right. They were not quite the same as the ratio of the community at large. So for the sake of a judicial numbers game Ray York must be bused to a new school.

But Ray York, backed up by his mother, refused to be the victim of this game of statistical roulette. So now the judge has ordered the Federal marshals to arrest Ray when he shows up for classes at Taft Junior High, cart him off from the schoolgrounds and hold him in custody during school hours.

Well, it is really great to see the Federal marshals cracking down on these criminals. Let us lock up all these schoolchildren who cannot afford the time or money to be bused across towns to please the ivory-towered Federal judges. And if that does not stop them let us order the school officials to take away their books and stop giving them grades. That will prevent them from getting these illegal educations.

Mr. Speaker, I think it is quite clear that this whole business of busing children and juggling figures has gone a bit too far. The original Supreme Court order was aimed at providing a quality education for all children, regardless of race, creed, or color. "Place of attendance" was not mentioned in the Court's mandate.

This is the typical end result of the efforts of social engineers who just do not really seem to care about education.

I hope that better minds will prevail soon, for the only outcome of this ridiculous action by the courts is complete collapse of our public school system.

McGOVERN'S "BABY BONUS" PLAN

(Mr. ANDERSON of Illinois asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. ANDERSON of Illinois. Mr. Speaker, I was rather disturbed to read in yesterday morning's New York Times that the distinguished junior Senator from South Dakota (Mr. McGOVERN) has proposed a $35 billion baby bonus plan as an alternative to President Nixon's family assistance program. According to the article, every family in America would receive a $50 to $65 monthly allowance per child. It seems to me that such a program would not only discourage responsible family planning, but would further exacerbate the problems of population and the environment, not to mention fiscal policy and national security.

At a time when the experts are warning against the impending population explosion, it is rather ironic that a Democrat would be running around lighting the fuses. The McGovern "baby bonus" would replace the President's "work incentives" with "birth incentives." This is a highly irresponsible alternative to the administration's family assistance plan.

Senator McGOVERN is obviously trying to disprove the adage that, "you can't fool all of the people all of the time." But the American people are not that easily fooled; they will recognize that the McGovern "baby bonus" is nothing more than a political bogus designed to capture votes rather than solve problems.

When Secretary Finch of HEW chided the Democrats for their obvious lack of interest in welfare reform, which has bordered on a conspiracy of silence, and their failure to suggest any alternative to the current bankrupt system, I never dreamed that the result would be so ill-conceived and irresponsible. The responsible debate on the merits of the President's family assistance plan will not be furthered by proposals such as this one. Let us hope that the Democratic national chairman, who has said he plans to announce his own welfare plan, will not try to play "Can You Top This" with Senator McGOVERN.

At a time when the Nation faces its most severe inflationary crisis since the Korean war period, it is almost inconceivable that anyone could be advocating additional programs costing $10 billion in the first year and $35 billion in 1976. After participating in Senate actions that have reduced revenue available to the Federal Government, Senator McGOVERN is now proposing huge additional expenditures which would fall into that so-called uncontrollable category, whose costs we have found so difficult to accurately predict.

The national security implications of Senator McGOVERN's proposal are irresponsible and frightening. To finance his program, Senator McGOVERN would cut the defense budget by $50 billion. Secretary Laird has already announced additional defense cuts which will bring the Nixon administration's defense spending $10 billion below the Johnson administration projections for fiscal year 1971. This is responsible budget cutting that will not endanger our national security. But the $50 billion cut Senator McGOVERN is reported to be advocating would not even enable the Department of Defense to meet the past commitments made during the Kennedy and Johnson administrations.

Mr. Speaker, I am on record in favor of cutting the defense budget and reordering our national priorities. But responsible budget trimming is one thing; dismantling the Defense Department is quite another. And that is just what we would have to do if we cut defense funds by $50 billion to finance the McGovern "baby bonus."

Let me elaborate on the implications of the $50 billion defense spending cut Senator McGOVERN is reported by the New York Times to have advocated to finance his welfare plan. Of the current $77 billion of defense spending, $17 billion is absolutely fixed and cannot be reduced. Of that $17 billion, $14.5 billion is required to pay obligations incurred in past years, primarily during the Kennedy and Johnson administrations. I would assume that the Senator from South Dakota would not want the Government to default on those obligations. An additional $2.5 billion is required to pay retirement benefits of the military. Can the Senator be advocating a reduction in those benefits?

That leaves $60 billion which might theoretically be cut from the defense budget. The McGovern objective, remember, is a $50 billion reduction. If all personnel expenditures of the Department of Defense were eliminated, expenditures could be cut $40 billion. Such a cut would necessitate the closing of military installations, military hospitals, stranding 470,000 American men in Vietnam, and making instant civilians of other servicemen around the globe. Even after having done all this, the South Dakota Senator would have to find an additional area in which to cut the defense budget by $10 billion.

Mr. Speaker, I believe this welfare plan and its budgetary implications can only be viewed as an absurdity and I am certain that the American people will so view it.

At this point in the RECORD I include the New York Times article of yesterday which reports on this bizarre proposal. The article follows:

MCGOVERN OFFERS PLAN ON POVERTY: SEEKS U.S. GRANT OF $50 A MONTH FOR EACH CHILD

(By Deirdre Carmody)

Senator George S. McGovern proposed last night that the Federal Government give parents an allowance of $50 to $65 a month for each child in an attempt to eliminate poverty.

The allowance would be given to every child in the country regardless of the family's income level.

In a speech prepared for delivery at the 25th anniversary dinner of the Citizens' Committee for Children at the Biltmore Hotel, the South Dakota Democrat critized President Nixon's welfare reform proposals and outlined his own program, which he said he would submit to Congress early this year.

Mr. McGovern, who is chairman of the Select Senate Committee on Nutrition and Human Needs, is the first Democrat to present a major alternative program. Last week, Robert H. Finch, Secretary of Health, Education and Welfare, criticized liberal Democrats for their silence.

At a news conference preceding the dinner, Mr. McGovern was asked if his program was a distant trumpet heralding his entry into the 1972 Presidential race. He replied:

"I don't want it to be a distant trumpet. I would hope that it will be a contribution to a genuine national debate that will bring results in 1970."

Mr. McGovern's main criticism of the President's Family Assistance Program to provide aid for 10 million of the working poor is that, he said, it perpetuates poverty by isolating poor people and treating them as a group separate from the rest of the nation.

As part of his program, the Senator also proposed a guaranteed job with a decent wage for every able-bodied citizen of working age, improved Social Security benefits and a small federally administered public assistance plan for the few who would remain in need of additional income.

He estimated that the cost for a children's allowance would be $10-billion the first year. The cost for the full program would come to $35 billion a year by 1976.

The Senator, a dove on the Vietnam war issue, has already suggested that the present war budget of $80-billion could be cut by $50-billion without endangering national security.

Mr. Nixon's welfare proposals, which are now before the House Ways and Means Committee, are estimated to cost $4.2-billion above the $4-billion cost of the present welfare program.

Mr. McGovern had some words of praise for the President's program. He said that it would lead to a fully federalized guaranteed income plan that would dispense a uniform national payment "generous enough to lift every family out of poverty within a very few years." He said that he would support amendments along these lines.

The United States is the only major industrial nation in the world that does not have a children's allowance program. Nearly all European countries, most Latin American countries and most of the French-speaking countries of Africa have such a program.

The possibility of such a program in this country has been studied by various welfare experts. The Citizens' Committee for Children has long been promoting the system. Another supporter is Daniel Patrick Moynihan, the President's adviser on urban affairs.

Mr. McGovern's program would work this way: If every child received $50 a month, a family of four whose head earned only $2,400 would receive $1,200 a year more from the children's allowance.

For a welfare family headed by a woman with five children, the allowance would mean at least $3,000 a year. If she worked, she would be allowed to keep her entire income.

Under Mr. Nixon's proposal, an employed family with marginal earnings would keep the first $720. For every dollar earned above that, the minimum Federal payment of $1,600 a year would be reduced by 50 cents. Therefore, a family earning $2,000 would receive $960 in Federal funds.

ALLOWANCE SCHEDULE

Under Mr. McGovern's plan, the present $600 tax exemption for each child (soon to be raised to $750) would be eliminated. The children's allowance would be taxed. However, not until a family's income was well over $25,000 would the benefits of the allowance be canceled out by the loss of the existing income tax exemption, which it would replace.

The details have not been completely worked out, but Mr. McGovern presented this tentative schedule for a family with one child:

A family with an income of $3,600 a year (which would be tax free) would receive $600 more annually. A family with an income of $4,000 to $6,000 would receive benefits of $420; with an income of $10,000 to $15,000, benefits of $360; with an income of $20,000, benefits of $300; with an income of more than $45,000, there would be no benefit.

"Yet—though not a poverty program—the Children's Allowance would prevent a great deal of poverty simply because so many children are poor," Mr. McGovern said. "It would in fact, very nearly wipe out poverty among most families with children. It would also provide a critical boost in the incomes of those young middle American families of whom I have spoken."

WORLD ENVIRONMENTAL LEGAL AND RESEARCH CENTER ESTABLISHED

(Mr. WRIGHT asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. WRIGHT. Mr. Speaker, major good news was announced Tuesday by the National Pollution Control Foundation, a nationwide organization with principal offices at 866 United Nations Plaza in New York.

This private group, which seeks to enlist the support of industry and individual citizens in providing useful and effective support for the Nation's battle against environmental pollution, announced the establishment of a World

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Environmental Legal Data Bank and Research Center.

The foundation already has enlisted the law professors from some 25 universities and the American Bar Association in the program to create a computerized data center at Pittsburgh, where information concerning all State and Federal laws relating to all forms of pollution, including abatement ordinances in American cities and towns, will be available to lawmakers, businesses, and private citizens.

This data bank already has begun operation under the direction of Dr. John Horty, president of Aspen Systems Corp., and has been hailed by Dr. Richard A. Prindle, Assistant Surgeon General of the United States.

Additionally, a worldwide research center will be established at the University of Texas Law School in Austin under the direction of Dean Page Keeton. Many American law schools, as well as the University of Toronto in Canada, are cooperating in this endeavor, and several years of legal data research in Europe will be incorporated in the data bank.

This announcement was made in Washington by Edgar Shelton, Jr., a long-time personal friend and former classmate of mine from the University of Texas. Along with Max N. Edwards, former Assistant Secretary of Interior for Water Quality and Research, who will coordinate these endeavors and issue a monthly environmental law report, Mr. Shelton has been working for some months in helping to organize this major undertaking.

It provides for all of us, I think, a heartening assurance of the growing interest and dedication in both the academic community and the business community toward the massive effort which all of us recognize as commanding the first priority—the necessity to reverse the deadly poisoning of the human environment in this country.

CUBAN DECLARATION OF FREEDOM

(Mr. PEPPER asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. PEPPER. Mr. Speaker, on January 23, 1969, I introduced House Joint Resolution 294 commending the Cuban Declaration of Freedom adopted on January 23, 1966, by 1,500 Cubans in exile meeting in Key West, Fla.

This noble Declaration of Freedom is intended to be an embodiment of the principles of liberty, freedom, and democracy which shall be the principles to govern the great Republic of Cuba when Castroism and all the foul roots of communism have been wiped out of that beautiful Isle of the Caribbean, and liberty, freedom, and democracy shall again be established in that ancient and noble land.

A government espousing these lofty principles is a government which will be a worthy member with the United States of the constellation of free and independent states.

I congratulate all of the eloquent authors of this Declaration, remindful of the eloquence of Thomas Jefferson in the drafting of our own Declaration of Independence.

I commend these principles to all who seek the restoration of a free government in Cuba. I commend these eternal principles to the executive branch of our Government, to the Congress, and to our fellow countrymen.

Let us together determine that we shall hasten the day when a government dedicated to these immortal principles shall again govern the great people and the lovely Isle of Cuba.

Mr. Speaker, I include my resolution—House Joint Resolution 294—in the RECORD:

H.J. RES. 294

Joint resolution commending the Cuban "Declaration of Freedom"

Whereas on January 23, 1966, a "Declaration of Freedom" was adopted by one thousand five hundred Cubans in exile meeting in Key West, Florida; and

Whereas this declaration was written at the San Carlos Club from which the great Cuban patriot, Jose Marti in 1898, turned the course of history by proclaiming the ideological basis of a free Cuba; and

Whereas Cuba once again has fallen victim to a totalitarian regime as embodied by Castro communism; and

Whereas the "Declaration of Freedom" reads as follows:

"In the city of Key West, Monroe County, State of Florida, United States of America, we, the Cuban exiles in the United States, in the name of God Almighty, and speaking both for ourselves and the oppressed people in Cuba, the martyr island, do say:

"That on January 1, 1959, the slavery yoke that came from Europe and was extinguished in Cuba at the end of the nineteenth century, was resumed.

"That those responsible for this high treason to our fatherland and to our people are just a score of traitors who, usurpating the government of the country have been acting as mercenary agents for the Sino-Soviet imperialism, and have surrended to that imperialism our freedom and our dignity, also betraying the American hemisphere.

"That as a consequence of this high treason, those who are usurpating the power in Cuba (as they were never elected by the pople), are imposing a regime of bloodshed, terror and hate without any respect or consideration to the dignity of the human being of the most elementary human rights.

"That in their hunger for power, these traitors, following the pattern of totalitarian regimes, are trying, within Cuba, to separate the family, which is the cornerstone of actual society, and at the same time, are poisoning the minds of the Cuban children and youth, in their hope of extending the length of time for this abominable system.

"That the rule of the law has been wiped out in Cuba, and it has been replaced by the evil will of this score of traitors, who are acting under orders from their masters, the Sino-Soviet imperialists.

"In view of the aforegoing, we declare:

"First. That the actual Cuban regime is guilty of high treason to our fatherland and to the ideals of the freedom revolution which was started on October 10, 1868.

"Second. That this score of traitors who have committed treason against our fatherland, in case they survive the downfall of their regime, will have to respond, even with their lives before the ordinary courts of justice of Cuba.

"Third. That as the noble Cuban people will not ever surrender, because that nation was not born to be slave, we, the Cuban people, hereby make the present declaration of freedom.

"We hereby swear before God Almighty to fight constantly, until death comes to us, to free Cuba from communism.

"The fundamentals of this resolution for freedom are:

"First. God Almighty, above all things, in whom we believe as the essence of life.

"Second. The fatherland, with all of its laws, traditions, customs, and history as a spiritual value, only surpassed by the concept of God.

"Third. The family, as the cornerstone of the human society.

"Fourth. Human rights, for each and every citizen, regardless of race or creed.

"Fifth. The law, as the foundation for the proper development of the human society.

"Sixth. Democratic government, with its three independent branches: Legislative, executive, and judicial.

"Seventh. Representative democracy, through the exercise of universal suffrage, periodically, free, and secretive, as the expression of popular sovereignty.

"Eighth. Freedom of worship, freedom of teaching, freedom of the press and free enterprise.

"Ninth. Private property and ownership, as the basic expression of liberty.

"Tenth. The improvement of living conditions for both rural and city working masses, with the just and necessary measures, keeping in mind the legitimate interests of both labor and capital.

"Eleventh. The derogation and eradication of anything which is opposed to the political and religious fundamentals aforementioned, and specifically, the abolition of communism and any other form of totalitarian manifestation.

"Signed and sealed in Key West, Fla., on the 23d day of January, 1966."

Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That it is the sense of the House of Representatives that this inspiring declaration should be patriotically considered by all Cubans in exile and by all who wish to end the tyranny of Castroism and communism in Cuba and that the "Declaration of Freedom" should serve to unite those pledged to restoring Cuban liberty and independence, and that it should be the objective of the United States to commend and encourage recognition and respect for the declaration.

THE MIDDLE EAST

(Mr. PEPPER asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. PEPPER. Mr. Speaker, yesterday I introduced a resolution cosponsored by 46 of our colleagues which called on the Nixon administration to abandon and reverse its month-old policy for seeking peace in the Middle East through indirect, rather than face-to-face negotiations between the principals—Israel and the Arab States.

It is my firm belief and the belief of many Americans that the only way to secure an end to hostilities and begin mapping a strategy for peace is through direct, face-to-face negotiations between Israel and the Arab States.

Today I am reintroducing this resolution with the support of additional Members. I am very pleased to be joined in this resolution by Mr. MADDEN, Mr. DELANEY, Mr. MOORHEAD, Mr. KYROS, Mr. SISK, Mr. ADDABBO, Mr. ST. ONGE, Mr. GIAIMO, and Mr. CHARLES H. WILSON. I am taking this occasion to invite our other colleagues who share the expressions of this resolution to join the 55 initial sponsors of this vital statement for peace.

THE FICKLE FRENCH

(Mr. BRINKLEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. BRINKLEY. Mr. Speaker, in 1955, as an Air Force pilot, I flew in to Wheelus Field in Tripoli, Libya, North Africa. I wrote home that it was "the Florida to the south" of Rhein-Main Air Force Base where I was TDY to a NATO assignment.

The people there were not our friends. They are not today.

En route over the ocean called the Mediterranean Sea we monitored Jerusalem Airways. Israel was our friend then. It is our friend today.

France recently refused delivery of 50 Mirage jets which Israel had bought and paid for. France today sells 100 of these sophisticated jet fighters to revolutionary Libya.

What say we on a balanced approach? What shall we urge upon our Secretary of State?

As for me, I say let us recognize that our self-interest lies with Israel. We should no more be neutral than Russia is neutral.

The very term, "negotiation," implies the having of some room to give. Thus, in order that the final agreement between Israel and her hostile neighbors be just, the first proposals certainly should incorporate every item favorable to Israel.

So that those negotiations may be fruitful, the United States must guarantee that Israel bargain from a secure position, uneroded by the fickle French.

LEGISLATIVE PROGRAM FOR WEEK OF JANUARY 26

(Mr. GERALD R. FORD asked and was given permission to address the House for 1 minute.)

Mr. ALBERT. Mr. Speaker, will the distinguished gentleman yield?

Mr. GERALD R. FORD. I yield to the distinguished gentleman from Oklahoma.

Mr. ALBERT. Mr. Speaker, we have no further program for this week, but the program for next week is as follows:

Monday is District Day, but there are no District bills.

On Monday we expect to have consideration of the so-called Nelson amendment to H.R. 13111, the Department of Labor and Department of Health, Education, and Welfare appropriation bill, fiscal year 1970.

On Tuesday we will consider H.R. 860, to provide employer contributions for joint industry promotion of products, under an open rule with 1 hour of debate.

On Wednesday we will have H.R. 13111, the Department of Labor and Department of Health, Education, and Welfare appropriation bill, fiscal year 1970, for consideration of a possible veto message. Of course, this is subject to change, but I have been advised this morning that will probably be back for action by the House on Wednesday.

For Thursday and the balance of the week, we will have H.R. 14864, the Defense Facilities and Industrial Security Act of 1970, under an open rule with 2 hours of debate.

This announcement is made subject to the usual reservations that conference reports may be brought up at any time and any further program may be announced later.

Mr. Speaker, will the gentleman yield further so that I may make a statement?

Mr. GERALD R. FORD. I yield to the gentleman from Oklahoma.

Mr. ALBERT. Mr. Speaker, I would also like to advise Members that after consulting with the distinguished minority leader it has been decided that the Lincoln Day recess will be from the close of business on Tuesday, February 10, until Monday, February 16.

Mr. GERALD R. FORD. Mr. Speaker, would the gentleman from Oklahoma clarify the latter statement? We would go into recess from close of business on Tuesday, February 10, and we would resume business on Monday, February 16?

Mr. ALBERT. Mr. Speaker, the gentleman is correct.

PARLIAMENTARY INQUIRIES

Mr. GERALD R. FORD. Mr. Speaker, a parliamentary inquiry. In the consideration of the Nelson amendment, which was an amendment in disagreement, when it comes back, will there be 1 hour of debate in the control of the chairman of the committee or the chairman of the subcommittee?

The SPEAKER. The Chair will state in response to the parliamentary inquiry that any Member who makes the motion will be entitled to 1 hour, and the question of the allocation of time will be in his discretion.

Mr. GERALD R. FORD. One further parliamentary inquiry, Mr. Speaker. The consideration of a veto message and the action of the President in vetoing means we have 1 hour of debate during the consideration of that?

The SPEAKER. The same response would be that whoever makes the motion would be entitled to be recognized for 1 hour, and if he so desires, he can use any portion thereof he desires to use.

Mr. GERALD R. FORD. I thank the Speaker.

ADJOURNMENT OVER TO MONDAY, JANUARY 26

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that when the House adjourns today it adjourn to meet on Monday next.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

DISPENSING WITH BUSINESS IN ORDER UNDER THE CALENDAR WEDNESDAY RULE ON WEDNESDAY NEXT

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with on Wednesday next.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

U.S. POLICY IN THE MIDDLE EAST

(Mr. FASCELL asked and was given permission to extend his remarks at this point in the RECORD and to include the text of a resolution.)

Mr. FASCELL. Mr. Speaker, the situation in the Middle East today is the worst it has been since the June 1967 war, and it is deteriorating every minute. In my judgment, the grave crisis there threatens the peace and security of the world.

As a member of the House Foreign Affairs Committee I have repeatedly urged the administration, through the State Department, to exert its leadership to bring about a peaceful solution in the Middle East. It is my strong belief that there can be no imposed settlement; rather, the United States must be prepared to exert its influence in order to bring about face-to-face negotiations between Israel and the Arab States. Further, we must recognize that Israel should not be required to give up a single inch of territory as a precondition to negotiations.

With these facts in mind, I have today introduced a resolution calling on the United States to exert its influence and efforts in order to promote such face-to-face negotiations between the State of Israel and the Arab States with no preconditions. We must work in this direction if we are to achieve a meaningful and lasting peace in the Middle East.

However, in order for such negotiations to be meaningful, consideration should be given to Israel's right to exist as a nation and respect its territorial integrity; guarantee freedom of navigation by Israel and all other nations through the Suez Canal and the Straits of Tiran; a permanent settlement of the border issues, including those which relate to the status of the Gaza Strip and Jerusaleum; and the principle of the peaceful settlement of all other disputes within the Middle East area.

Mr. Speaker, a stable and durable peace in the Middle East is essential to the foreign policy interest of the United States and to the common interest of all nations in furthering world peace. May I again urge that the United States make every effort in this direction. The text of House Concurrent Resolution 481 follows:

H. CON. RES 481

Whereas the grave crisis in the Middle East threatens the peace and security of the world: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That it is the sense of the Congress that the policy of the United States for the promotion of peace in the Middle East should be to exert its influence and efforts in order to promote direct face-to-face negotiations between the State of Israel and the Arab States without any preconditions.

THE LATE FRANCIS M. LEMAY

(Mr. POAGE asked and was given permission to address the House for 1 minute.)

Mr. POAGE. Mr. Speaker, I ask unanimous consent to include in the RECORD a resolution adopted unanimously today by the Committee on Agriculture.

The **SPEAKER.** Is there objection to the request of the gentleman from Texas?

There was no objection.

The resolution is as follows:

COMMITTEE RESOLUTION IN MEMORIAL OF FRANCIS M. LEMAY

Whereas this committee was saddened by the untimely death of Francis M. LeMay; and

Whereas Mr. LeMay in his capacity as a distinguished journalist earned the respect and admiration of his colleagues and the Congress; and

Whereas Mr. LeMay was for a period of fourteen years a member of the professional staff of this committee following his service as the first coordinator of information in the House of Representatives; and

Whereas Mr. LeMay served both the House and this committee with great honor and distinction: Therefore, be it

Resolved, That this the Committee on Agriculture of the United States House of Representatives does hereby express to Mrs. Jeannette LeMay our most sincere condolences and sympathy for the passing of our friend, Francis M. LeMay.

Adopted unanimously January 22, 1970.

THE TRUE STATE OF THE UNION

(Mr. RARICK asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. RARICK. Mr. Speaker, most Americans awaited the state of the Union message with the sincere hope that it would contain the dynamic expression of leadership for which the "silent majority" have long been ready. Unfortunately, the carefully prepared and rhetorical presentation is unrealistic in its approach to the manifest problems of 1970 and unbelievably naive in its proposed solutions. The message will look well written in the archives, but it is obviously what lawyers know as a self-serving declaration, totally devoid of credibility.

The President properly recognized the need to restore to the people the powers which have been usurped and amassed in Washington. He gave lipservice to a desire to do so. Then he totally ignored the most damaging current abuse, one which he himself could end immediately if he wished, and gave forth with the same discredited "more Federal money" solution to the other most pressing domestic problem.

The emergency ignored is the educational crisis in the South—and impending in the cities of the rest of the land. Parents who believed his campaign promises had been looking to him for help in the school problems created by the Federal bureaucracy—and I am not talking about the totally phony liberal bogeyman of the so-called southern strategy.

All the President need do to end this crisis is live up to his oath of office by instructing his own appointees, Secretary Finch and Attorney General Mitchell to obey the laws enacted by the Congress.

It has now become all too apparent to the American people that the whole stream of Supreme Court decisions, and their shameful progeny from the lower courts, have been only political decrees—finding no basis whatsoever in either the Constitution, the law, or reputable jurisprudence. Propaganda has trumpeted continually about "the law of the land" to give the mask and dignity of lawful acts to total lawlessness.

Americans are not too stupid to notice that while the Supreme Court declared that the Constitution prohibited the school assignment of pupils to one school or another merely because of their race in 1954, the same Constitution requires such an assignment in 1970, although it has not been amended.

Americans are not too stupid to notice that Congress, in the Civil Rights Act of 1964, prohibited pupil assignment and busing for the purpose of bringing about racial balance, but that the President, the Department of Health, Education, and Welfare, and the Attorney General, protected by the courts, have deliberately and wilfully violated the law.

Americans are intelligent enough to realize that the law is not the means by which we correct political power plays, especially those which have found in the courts the willing tools of lawlessness. Such political wrongs are corrected by political means—at the ballot box.

When the President proposed to make Washington an example to the Nation and to the world for law and order, we were reminded of the similar promise of President Eisenhower to make our Nation's Capital a model and an outstanding example of the good to be accomplished by desegregating the public schools. It certainly has become an example—one to avoid at all costs.

As a direct result of such integration, the public schools of the District are 94.3 percent Negro. The population of the District is nearly 75 percent Negro. These thoroughly mixed schools—from which decent parents of both races have taken their children—are now so frequently the scene of violence, hard drug peddling, marihuana, armed robbery, and forcible rape of teachers and pupils alike, that it has become necessary to employ 500 guards to patrol the corridors and station 75 additional armed police officers in the schools.

Washington itself is a virtual jungle, where new crime records are established weekly. The President was correct when he said that it is unsafe to walk on the streets right at the Capitol after dark. Indeed, only this morning three armed thugs robbed a safe at the Department of Commerce—within sight of the White House—of $100,000 in cash.

The "more Federal money" solution was advanced as a means of advancing one of the President's major priorities—the return of power now concentrated in Washington back to the people. This laudable objective is immediately compromised by the announcement that Federal assistance to local and State police will be doubled in 1971 over the 1970 figure.

We of the South know all too well—and we warn our fellow Americans elsewhere—that with Federal money come Federal bureaucrats, with Federal aid comes Federal control. Federal money to operate local and State police departments means the centralization of control over all police will be in the hands of the Washington bureaucrats—the establishment of the very national police force which the Founding Fathers so properly feared and so carefully avoided.

The dimout approach to the problem of the no-win war in Vietnam was sorely disappointing. As long as Americans are exposed to death and injury there, and as long as brave Americans languish in barbaric captivity, this matter must be the No. 1 issue in the Nation.

The President had the ear of the world. He had full access to the thing called "world public opinion" today. He completely failed to take advantage of this unparalleled opportunity to focus attention on the plight of these captive Americans, to demand that the Reds accord them humane treatment and live up to the other provisions of the Geneva Convention and to solicit the support of the other civilized nations of the world in achieving this end.

The President's performance fell far short of the hopes of the great majority of Americans. This disappointment has demonstrated, however, that Republican socialism is no different from Democratic socialism—formal party identity is meaningless—there is not a dime's worth of difference.

Pro-American Congressmen of both parties hold the balance of power—and the American people expect us to recognize this truth and depend on us to accept our responsibility.

FIGHTING CRIME

The **SPEAKER.** Under a previous order of the House, the gentleman from Texas (Mr. PATMAN) is recognized for 60 minutes.

Mr. PATMAN. Mr. Speaker, January 15, 1970, was Robert Morgenthau's last day in office as U.S. attorney for the southern district of New York. His resignation from this office came only after ill-advised, politically motivated, and unfortunate pressures from the administration. Law enforcement everywhere can only lose when an administration removes a U.S. attorney of such excellent caliber for such mundane reasons.

The House Banking and Currency Committee has obtained a copy of Mr. Morgenthau's biennial report to the U.S. Department of Justice. This report is a more than adequate testimonial of the tremendous service this man has rendered to the Nation. It is a litany of cases ranging from convictions of the "high and mighty" to the exposure of petty gyp artists and the consumer frauds field.

Of particular interest to the House Banking and Currency Committee of course is the all too frequent reference to secret foreign bank accounts by many criminals involved. We can only hope that the administration will not yield to political pressures from the big banks to quash our efforts to produce legislation curbing the use of these secret foreign bank facilities for illegal purposes in the same manner that it yielded to get rid of Mr. Morgenthau.

The report, as could be expected from Mr. Morgenthau, is quite lengthy. Therefore, I am inserting the more pertinent

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extracts from it and commend it to the reading of my colleagues who are interested in the real threat that crime poses to our institutions. Should any member want to examine the report in detail, it is available at the House Banking and Currency Committee.

The material referred to follows:

[U.S. Department of Justice, U.S. Attorney, southern district of New York]

EXTRACTS FROM REVISED BIENNIAL REPORT—CRIMINAL DIVISION—JULY 1, 1967 TO DECEMBER 31, 1969

THE LEGAL STAFF

The professional staff of the United States Attorney in this District consists of 74 Assistant United States Attorneys. The Assistants are selected from numerous applicants. The office has consistently hired Assistants of outstanding academic background with valuable prior legal experience in private practice, government service, clerkships to Federal judges, or other legal work.

During the period covered by this report, the Assistants worked a total of 57,732 hours in addition to the regular work week, without additional compensation.

Each Assistant has the responsibility among other duties to recommend the appropriate position for the Government to take regarding pending or prospective litigation to which the United States is a party in this District, to present matters to United States Commissioner, Federal Grand Juries and pre-trial examiners, argue pre-trial motions, interview witnesses, try civil and criminal cases before the United States District Court, brief and argue cases in the United States Court of Appeals for the Second Circuit, and submit material needed by the Solicitor General for handling cases in the Supreme Court of the United States.

The Civil and Criminal Divisions are each headed by a Chief, and have Units in specialized areas of responsibility. The Chief Appellate Attorney is responsible for supervision of all appeals.

U.S. attorney's office, southern district of New York,

Legal Staff

Robert M. Morgenthau, United States Attorney.

Silvio J. Mollo, Chief Assistant.

John S. Allee, Executive Assistant.

Albert J. Gaynor, Executive Assistant.

Peter E. Fleming, Jr., Administrative Assistant.

Paul B. Galvani, Chief Appellate Attorney.

Charles P. Sifton,[2] Chief Appellate Attorney.

Pierre N. Leval,[2] Chief Appellate Attorney.

Michael W. Mitchell,[2] Chief Appellate Attorney.

Criminal Division

Albert J. Gaylor,[1] Chief.

Stephen E. Kaufman,[2] Chief.

John H. Doyle, III, Assistant Chief.

Andrew M. Lawler, Jr.,[2] Assistant Chief.

John E. Sprizzo,[2] Assistant Chief.

Michael S. Fawer,[2] Chief, Sp. Proc. Unit.

William M. Tendy, Chief, Narcotics Un.

Frank M. Tuerkheimer, Chief, Sec. Fraud Unit.

Paul R. Grand,[2] Chief, Sec. Fraud Unit.

Michael F. Armstrong,[2] Chief, Sec. Fraud Unit.

Richard A. Givens, Chief, Consumer Fraud Unit.

Elkan Abramowitz, John H. Adams,[2] Lee A. Albert,[2] John R. Bartels, Jr.,[2] Richard Ben-Veniste, James W. Brannigan, Jr., David M. Dorsen,[2] Charles J. Fanning,[2] Thomas J. Fitzpatrick, Harold F. McGuire, Jr., Kevin J. McInerney,[2] J. Edward Meyer, III,[2] Robert G. Morvillo,[2] Arthur A. Munisteri, Daniel R. Murdock.[2]

William Gilbreth, Jay Gold, Roger Goldburg,[2] William B. Gray, Frederick F. Greenman, Jr.,[2] John H. Gross, Stephen L. Hammerman,[2] Roger J. Hawke,[2] Jay S. Horowitz, Hugh C. Humphreys,[2] Sterling Johnson, Jr., Jack Kaplan, John J. Kelleher, Lars I. Kulleseid, Robert L. Latchford,[2] Michael W. Leisure, Terry F. Lenzner,[2] Douglas S. Liebhafsky,[2] David A. Luttinger, Andrew J. Maloney, Leonard M. Marks, Maurice M. McDermott.

Gary P. Naftalis, Lawrence W. Newman,[2] John W. Nields, Jr., Otto G. Obermaier,[2] Paul L. Perito, Walter M. Phillips, Jr., John F. Pollard, Peter F. Rient, John R. Robinson,[2] Paul K. Rooney, Jon A. Sale, Ross Sandler, James Schreiber, Edward M. Shaw,[3] Abraham D. Sofaer,[2] John A. Stichter,[2] Daniel J. Sullivan, James T. B. Tripp, Peter L. Truebner, Allan A. Tuttle, Charles B. Updike, Max Wild,[2] Stephen F. Williams,[2] John R. Wing, Peter L. Zimroth, James D. Zirin.

Special Assistant United States Attorney Jack W. Ballen in charge of Criminal Division Clerk's Office.[2]

Civil Division

Lawrence W. Schilling, Chief.

Laurence Vogel,[4] Chief.

Arthur, S. Olick,[4] Chief.

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Richard M. Hall, Chief, Civil Tax Unit.

Grant B. Hering,[4] Chief, Civil Tax Unit.

Irwin B. Robins,[4] Chief, Civil Tax Unit.

Michael W. Hess, Asst. Appellate Attorney (Civil).

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David M. Brodsky, Joseph D. Danas, Peter R. DeFilippi, Samuel M. Eisenstat,[4] Joel A. Forkosch,[4] Susan Freiman, Ezra H. Friedman,[4] Brian J. Gallagher, Simon P. Gourdine,[4] James G. Greilsheimer,[4] Peter A. Herbert.

Patricia M. Hynes, David L. Katsky, Alvin H. Meadow,[4] Alan B. Morrison, David Paget, Yale L. Rosenberg, Richard S. Rudick, Michael C. Silberberg, Martin P. Solomon, Judith N. Stein,[4] Richard S. Toder.

Special Assistant United States Attorney (Immigration and Naturalization): Daniel Riesel, Francis J. Lyons.

CRIMINAL DIVISION

The Criminal Division is responsible for the prosecution of all violations of Federal Criminal laws within the Southern District of New York.

During the period from July 1, 1967 through December 10, 1969, a total of 2219 criminal cases were commenced. During the same period, 2524 cases were closed including 1774 convictions by plea of guilty, 627 convictions after trial and 123 acquittals.

A total of 235 criminal appeals were argued, of which 189 were decided in favor of the Government, 19 were reversed, 4 were decided in different ways as to different defendants or issues, and 23 remain open.

During this period 52 Grand Juries of 23 citizens each including a Foreman, Deputy Foreman and Secretary set in this District and held 1,433 separate sessions to investigate violations of Federal criminal laws. The Grand Jurors not only served the vital functions of voting for or against indictments, but also of investigating patterns of conduct suggesting that crimes may have been committed. The Assistants handling these investigations were aided by the Jurors themselves who, drawing upon their own diversified backgrounds, often suggested critical lines of inquiry.

In view of the pernicious influence of organized crime, intensified efforts have been made to prosecute and investigate cases involving members of known organized criminal syndicates.

We have found that the detection of organized and other criminal activity is increasingly inhibited by the use of banks in foreign countries which refuse to make their records available, and by the growing practice of some domestic banks of failing to keep microfilm records of checks processed. The United States Attorney for this District gave testimony in connection with these problems before the Committee on Banking & Currency of the House of Representatives in 1968 and again in 1969. Despite obstacles posed by foreign bank secrecy laws, we have steadily increased the number of indictments in this area.

In addition, we have found that organized criminal activity flourishes where legitimate competition for a desired commodity is excluded by law. Important successful prosecutions occurred in the areas of narcotics and organized gambling, and also in the areas of stolen securities, securities frauds, and labor racketeering.

Our investigations indicate that organized crime is also active in the fields of "white collar" crime where large amounts can be obtained with less danger of exposure or of severe penalties than in the areas of more traditional types of crime.

The Office mounted a major effort during the period under review in the field of consumer protection through the Consumer Fraud Unit formed in 1968. A majority of the consumer fraud cases were brought under the mail fraud statute.

A significant achievement by this unit was its success in prosecuting process servers who were falsely alleging service of process ("sewer service") and who were responsible for thousands of default judgments entered annually in those courts.

Set forth below is a summary of significant cases that were prosecuted during this period.

A. Prosecutions relating to oragnized crime

The destructive influence of organized criminal activity is of critical concern to all law enforcement today. Attacking organized crime requires not merely traditional law enforcement techniques, but also painstaking investigations into corruption of public officials, infiltration of syndicate funds into legitimate enterprises and abuses of legal forms to attain illegal ends. Successful prosecutions against many significant figures in organized crime syndicates have been mounted and action has also been taken against operations controlled by organized crime. Some problems, such as the ready availability of foreign banks to U.S. racketeers, may require legislative steps to supplement what can now be done by law enforcement agencies.

* * * * *

1. Bribery and Fraud Involving Government Contracts

During the period covered by this report, a number of successful prosecutions were brought involving the corruption of governmental officials by organized criminal elements.

In *United States* v. *Corallo, et al.*, involving bribery of a former New York City Water Commissioner, James L. Marcus, to fix a water supply contract, four defendants were convicted of unlawful use of interstate facilities.

Antonio "Tony Ducks" Corallo received a 3-year sentence; Daniel J. Motto, President of Local 350 of the Bakery & Confectionary Workers Union, received a 2-year sentence;

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[1] Became Chief, Crim. Div. 1-27-69

[2] Resigned during period July 1, 1967-December 15, 1969.

[3] Returned Dec. 28, 1968.

[4] Resigned during period July 1, 1967-Dec. 10, 1969.

[5] Became Chief, Civ. Div. May 1969.

[6] Bcame Chief, Civ. Div. March 1968.

[7] Became Asst. Chief, Civ. Div. March 1968.

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Henry Fried, who controlled construction and other companies doing many millions of dollars of business annually with New York City, received a 2-year sentence; and Marcus received a 15-month sentence. The convictions were affirmed on appeal.

In *United States* v. *Carmine DeSapio, et al.*, both DeSapio, former New York County Democratic Chairman, and Antonio "Tony Ducks" Corallo, were convicted of use of interstate facilities in connection with the bribery of former Water Commissioner James L. Marcus. In addition, DeSapio was found guilty of conspiring to bribe Marcus and to obstruct interstate commerce by extorting construction contracts and scrap metal from the Consolidated Edison Co. of New York.

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2. Labor Racketeering

The evil activities of organized crime in the labor field include (a) obtaining funds from employers through extortion, (b) selling out the interests of employees in exchange for bribes, and (c) embezzlement and misuse of union funds. These practices are inimical to the interests of both employers and employees and of the public.

In *United States* v. *Jack McCarthy*, the defendant, named by the McClellan Committee as a notorious labor racketeer, was tried and convicted for filing a false union officer report with the Department of Labor. The charge centered around the fact that during the period that McCarthy was supposed to be representing the interests of his union, Local 1430 of the International Brotherhood of Electrical Workers, he was also receiving substantial income from National Consultants Associated, Ltd., a two-man labor consulting firm which represented the interests of management.

In *United States* v. *Jack Cohen*, the conviction of a former President of Plumber's Union Local 1 for accepting illegal employer payments was affirmed.

In *United States* v. *DiBrizzi*, the conviction of an International Vice President of the International Longshoremen's Association for embezzlement of union funds was affirmed.

In *United States* v. *Silverman*, the President of Local 810 of the International Brotherhood of Teamsters was convicted on 16 counts of an indictment charging the defendant with the illegal use of union funds in a political campaign and with misappropriation of union funds for the defendant's own use.

In *United States* v. *Berger, et al.*, five defendants were convicted in the first successful prosecution under a statute prohibiting payment of kickbacks to obtain loans from labor-management welfare and pension funds.

The payments were made to obtain a $1.5 million loan by the Central States Southeast and Southwest Area Pension Fund of the International Brotherhood of Teamsters to a near-bankrupt firm. The firm had issued a $135,000 check which was converted into cash through a Bahamian Bank.

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Other indictments brought during the period and pending include charges of bribery, extortion and kickbacks. In a number of these cases, and cases set forth in the previous report for 1967 (p. 14–16), a limitation on the effectiveness of enforcement is the fact that giving or taking of bribes to influence in union-management cases in violation of Title 29, United States Code, Section 186, is only a misdemeanor and conviction does not disqualify the defendant from continuing to hold union office.

3. Narcotics

Narcotics sales enable organized racketeers to utilize addicts as their agents to commit the thefts, robberies and burglaries necessary to amass the monies required to buy drugs. The addict, once hooked on the habit and unable to obtain any drug or substitute legally, is in virtual peonage to the syndicate.

In dealing with this tragic picture Federal law enforcement has concentrated on seeking to bring to book the organized elements who provide the source of illicit drugs.

During the period covered by this report, a total of 443 narcotics offenders were convicted in this District.

The largest single narcotics shipment ever uncovered was involved in *United States* v. *Desist, et al.*, in which 209 pounds of pure heroin worth approximately $25 million on the illegal market was shipped into the country in a freezer unit. One of the proposed buyers was Frank Dioguardi, who was convicted along with four other defendants. During the period covered in this report, the conviction of the defendants and the sentences including terms of 10, 15 and 18 years, were affirmed by the Supreme Court of the United States in a decision holding that a ruling applying search and seizure rules to non-trespassory electronic eavesdropping did not apply retroactively.

A major problem in large-scale narcotics conspiracy cases has been that one or more defendants frequently jump bail and become fugitives while the cases are awiting trial. One reason for this is that the penalty for bail jumping is less than that for more serious substantive narcotics offenses, and the defendants often hope that witnesses to the basic offense will be unavailable for a second trial or afraid to testify.

United States v. *Armone, et al.*, involved $120 million in narcotics, and the conviction of several defendants were reported in the previous report. Four defendants who jumped bail were tried and convincted for bail jumping and also for the basic narcotics offenses during the period covered by this report.

A major feature of many narcotics investigations is the use by the defandants of foreign secret accounts to hide their use and distribution of funds. For example, in *United States* v. *Hysohion, et al.*, two defendants were convicted and received 30 year sentences after a 2½ year investigation into the importation of heroin into the United States in cans labelled as food products imported from Spain. The proceeds were forwarded through New York money brokers to a numbered Swiss bank account. During one 3-week period $950,000 was processed in this manner.

While two defendants who were convicted were in custody, they arranged with another prisoner about to be released on bail to dispose of heroin in $50,000 lots. An elaborate system of communications was arranged with this inmate, who was actually an informant, and with a co-conspirator who was arrested for possession of two kilograms of heroin. A subsequent search of the location where the arrest took place uncovered ten additional kilograms in hollowed out portions of 200 ski poles imported from France the previous week.

Many other substantial narcotics cases were also successfully developed during the period, including *United States* v. *Bennett*, et al., ($22 million in heroin) (conviction affirmed on appeal); *United States* v. *Mitnik, et al.* ($6 million in heroin) and *United States* v. *Grandi, et al.* ($30 million in heroin).

In *United States* v. *Rao*, John Vincent Rao, "Counsel" to the Luchese Family, was convicted of perjury before a Grand Jury investigating narcotics distribution by the Luchese Family and was sentenced to five years.

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4. Stolen Securities

Thefts of securities and their subsequent sale or use as collateral for loans are a major source of income for organized crime. In a modern variant, such securities may be "rented" to be used as collateral as well. Discovery is impeded by the lack of a central data bank available to ordinary bank officers to check the serial numbers of missing or counterfeit securities. Disposition of stolen securities is also facilitated by the fact that many of them are originally made payable to whoever is the bearer. Convictions in three cases, *United States* v. *Izzi*, *United States* v. *Von Zamft*, *United States* v. *DiLorenzo*, grew out of the transportation on January 25, 1967 of 2600 shares of stolen IBM stock worth $1,038,700 from New York, where they had been stolen from a firm of stock brokers, to Gettysburg, Pa., where they were utilized in the continuation of a fraud which cost two insurance companies over $2.4 million and eventually threw them into receivership.

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In *United States* v. *Cataldo, et al.*, six defendants were convicted in a case involving conspiracy to transport in interstate commerce portions of $500,000 in securities stolen in November 1967 from a Los Angeles brokerage firm. Two women who actually carried the securities to Florida were murdered and Jack "Murph the Surf" Murphy and Jack Griffith were convicted of the murder of one of them. Through an associate of Murphy's the securities came into possession of a defendant who mailed them to another defendant in New York.

In *United States* v. *Potenza, et al.*, *United States* v. *Spgnuolo, et al.* and *United States* v. *Cervino, et al.*, 22 defendants were convicted on pleas of guilty to charges involving transportation of approximately $425,000 of American Express travelers checks stolen from John F. Kennedy Airport, although a principal witness was murdered prior to trial. Two defendants are fugitives and a third has been hospitalized.

In *United States* v. *Farris, et al.*, two defendants were tried and convicted for interstate transportation of approximately $225,000 worth of stolen securities. They were arrested when they attempted to sell the securities to an undercover agent in New York. Farris was sentenced to a term of eighteen months imprisonment and Mainer received three years; both are now serving their sentences.

In *United States* v. *Scandifia*, the conviction of defendant, an alleged murderer, for transportation of counterfeit bonds was affirmed. While the trial in that case was taking place, Scandifia committed further similar crimes with which he was charged in a subsequent indictment.

In *United States* v. *Pergola, et al.*, three defendants have been convicted and one is presently on trial for possession of $800,000 in securities stolen from the mail.

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Secret foreign accounts are often used in connection with these crimes. For example, *United States* v. *Bradford, et al.*, involved transportation of stolen Treasury bills to a Swiss bank. Although the Swiss bank refused to cooperate, the defendants were convicted.

5. Stolen Credit Cards

The theft and subsequent fraudulent use of credit cards is a "growth industry" controlled by organized crime. The mailing of untold numbers of unsolicited credit cards has greatly facilitated the theft of the cards (a) by tremendously expanding the number available to be stolen from the mails, and (b) by creating a large number of card addressees who do not know the cards have been stolen. The victims of the thefts often are required to expend legal fees to prove they did not authorize expenses run up by racketeers.

Federal jurisdiction in cases involving stolen credit cards rests on the use of the mails or interstate facilities, and hence federal law does not reach many of the cases. The wide dissemination of unsolicited cards creates a problem relevant to the Consumer

Fraud Unit (*see infra*) as well as to the drive against organized crime.

In *United States* v. *Confessore, et al.*, five defendants were convicted of mail fraud involving $700,000 obtained through use of 1,500 stolen blank Diner's Club credit cards and a stolen embossing machine. Three defendants were sentenced to imprisonment for two years, and one was placed on probation. The fifth defendant was murdered between the date of conviction and the time of sentencing.

In *United States* v. *Bonanno, et al.*, Salvatore Bonanno and Peter Notaro were convicted of conspiracy, mail fraud and perjury in connection with the use of stolen Diner's Club cards.

In *United States* v. *Fincke, et al.*, three defendants were indicted for charging $126,000 in telephone calls through fraudulent use of a credit card.

In *United States* v. *David Cohn, et al.*, twenty-five defendants were indicted for a theft of $400,000 in blank American Express travelers checks, of which $300,000 were cashed by a syndicate using forged American Express cards. Two defendants were sentenced to five years each; others are awaiting trial.

These federal prosecutions represent a substantial impact on syndicate operations using credit cards, but so long as the flow of unsolicited cards continues unabated it will continue to be difficult to deal with this problem, which may well expand rather than contract in scope.

6. Hijacking

Armed robbery and hijacking of trucks is likewise a major source of income for organized racketeers.

In *United States* v. *Baglino, et al., United States* v. *Calarco, et al.*, and *United States* v. *Acunto, et al.*, 22 defendants were convicted of conspiracies to hijack interstate shipments and actual hijacking of 7 tractor-trailers carrying $500,000 in goods during a period of three months and using dangerous weapons. The convictions of six defendants were recently affirmed, one appeal was dismissed and the appeals of three defendants are pending.

In United States v. Maccardi, et al., 15 defendants including a high associate in the Carlo Gambino family were convicted in a fur hijacking ring and were sentenced to terms ranging from 2 to 10 years. In *United States* v. *Del Purgatorio*, a major bookmaking figure in the Bronx was convicted in a hijacking conspiracy and sentenced to two years.

7. Organized Gambling

The largest illegal gambling prosecution ever brought in the District resulted in the conviction of two defendants in *United States* v. *Marquez, et al.* for operating a policy racket taking in $100,000 per day in bets. The defendants were sentenced to five and three year terms, respectively. At the time of their arrests, a total of more than $15,000 in cash, together with gambling records, were found in their automobiles. While on bail pending appeal, Marquez was rearrested for subsequent illegal gambling and extortion.

In *United States* v. *Bell*, a conviction was obtained against a major numbers operator for evasion of $14,000 in taxes on income from gambling. In *United States* v. *Longo*, a conviction was obtained against one defendant for conspiracy to defraud the government of taxes on the cashing of $1 million of "Twin Double" racetrack tickets; trial of other defendants is pending. An indictment was obtained for similar violations in *United States* v. *Lombardozzi*.

In *United States* v. *Max Courtney, Frank Reed and Charles Brudner*, defendants successfully operated one of the most lucrative bookmaking syndicates in the United States until their departure for the Bahamas in 1964 where they played a major role in the operation of the Lucayan Beach Hotel Casino. Between 1964 and 1966 they were indicted on four separate occasions for violation of the federal wagering tax laws, the anti-racketeering statutes and the filing provisions of the income tax code. In early 1967 they were told to leave the Bahamas and later that year returned to New York where they were finally arraigned on the pending charges. In November 1968 Courtney and Reed pleaded guilty to conspiring to violate the anti-racketeering laws and to the substantive violation of failing to file partnership returns in connection with their bookmaking activities. Brudner is seriously ill and no date has been set for his trial.

In *United States* v. *Manfredonia*, the defendant was convicted of committing perjury while testifying on his own behalf during his trial where he was charged with violating the wagering tax statutes. The Court of Appeals reversed the wagering tax conviction, but the perjury conviction was affirmed. In its opinion the Second Circuit rejected Manfredonia's argument that the Government was estopped from proceeding against him on perjury charges once his original conviction had been reversed.

In *United States* v. *Covello*, the convictions of three defendants for illegal bookmaking activities utilizing interstate instrumentalities were affirmed. One defendant had been sentenced to 3 years and two to six months each.

In *United States* v. *Dello-Russo, et al.*, convictions of close associates of Sam DeCavalcante for interstate gambling activities were affrmed.

8. Infiltration of Legitimate Business

A number of cases illustrate our efforts to prosecute abuses of legitimate channels of trade for illegal purposes.

Such abuses may often involve the use of foreign banking secrecy. They also involve transfers of large amounts of cash, which by its very nature is generally most difficult to trace. Thus, in *United States* v. *Swinson*, after being given immunity and ordered to answer, the defendant falsely testified concerning the exchanging of several hundred thousand dollars in small bills for $100 bills. He was convicted on a plea of guilty.

In *United States* v. *Dioguardi, et al.*, John "Johnny Dio" Dioguardi (a number of the Luchese family), Thomas Plumeri, David Perlman and First National Kosher Provisions, Inc. were convicted of bankruptcy fraud. The convictions centered around the looting of the assets of a bankrupt delicatessen and kosher provisions manufacturer, Consumer Kosher Provisions, Inc. Dioguardi received a sentence of five years.

In *United States* v. *Marino, et al.*, seven defendants were convicted of conspiracy to obtain $1,350,000 from businessmen who were falsely told the money was needed to obtain Cadillac distributorships. When refunds were requested, threats of death were used to seek to silence the victims. The sentences in the case included one of 7½ years and four other prison sentences.

In *United States* v. *Radochia*, a Suffern car dealer was convicted of his part in a $680,000 bank embezzlement. Operating through his co-defendant, the trusted Treasurer of a small Suffern bank, insured by the Federal Deposit Insurance Corporation, Radochia overdrew his account with countless checks. The overdrafts were covered with the connivance of the bank official who falsified bank records. Radochia and his co-defendant were both convicted, and Radochia received a five-year prison sentence.

In *United States* v. *Benigno, et al.*, five of six defendants were convicted of causing a bank official to accept payments to influence loans. In connection with the sentences of two of the defendants to terms of imprisonment, Judge Edmund L. Palmieri stated on the record that the offense justified a greater penalty than he had the power to impose and that the statute involved (Title 18, United States Code, Section 215) was deficient in failing to provide for more than a one year penalty.

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9. Loansharking

As part of the Truth-in-Lending Act, Congress enacted a Federal criminal provision prohibiting extortionate loans. In *United States* v. *Shulman*, the first prosecution under the law, the defendant was convicted of making $1,000 loans on which $4,400 in interest was collected, and threatening violence to collect the loans.

B. Role of foreign banking secrecy

In numerous instances use of secret bank accounts and fictitious corporations in Switzerland, Lichtenstein, the Bahamas and other foreign locations have been used to conceal criminal activities. I testified on two occasions on this subject before the Committee on Banking & Currency of the House of Representatives, in 1968 and again in 1969. Some of the more significant prosecutions in this area follow.

In *United States* v. *Coggeshall & Hicks, et al.* the brokerage firm of Coggeshall & Hicks, its senior partner, the heads of its Geneva office and Foreign Department, and other employees were convicted of violating Federal Reserve Board margin regulations by arranging for employees and customers of the firm to trade $20,000,000 worth of stock illegally through secret numbered Swiss bank accounts. Under this scheme customers for the brokerage firm would obtain loans from the Arzi Bank of Zurich, Switzerland and speculate in the securities market. Customers' identities and potential tax evasion were concealed by placing all orders on the books of the firm in the name of the Swiss bank. Coggeshall and Hicks received the maximum $50,000 fine for participating in and encouraging these margin violations. The 5 individual defendants were sentenced to pay fines exceeding $50,000. The Arzi Bank also pleaded guilty.

In *United States* v. *Orovitz*, a former Treasurer of General Development Corporation, a Florida land firm, was convicted of failure to file required "insider" reports with the Securities & Exchange Commission on a sale of $250,000 in General Development bonds which had been held in the name of a Swiss bank. A total of $500,000 in such bonds was held in the name of the Swiss bank at the defendant's instructions. The defendant admitted at the trial receiving $50,000 in cash from the Swiss bank in the mail but allegedly did not know the details of the origin or purpose of the funds.

In *United States* v. *Hayutin, et al.*, the Government proved that defendants sold unregistered stock of a company in which they were insiders to the public by delivering the shares to a bank in Munich which in turn sold them through brokerage firms where it had accounts. The proceeds of the sales were then mailed to insiders in the United States in $5,000 and $10,000 sums in envelopes falsely marked "securities." The convictions and prison sentences were affirmed on appeal.

In *United States* v. *Laurence*, et al., an indictment filed in March, 1969, six defendants are charged with selling unregistered stock of VTR, Inc., a company listed on the American Stock Exchange, by placing 85,000 shares in Swiss and German banks for sale on the exchange while trading the stock throughout the United States, Europe and the Far East. A Liechtenstein Trust was used in transferring the stock to the German bank.

United States v. *Houston Oil Field Material Co., et al.*, charges that the Houston Oil Field Material Co. (HOMCO), now known as International Systems and Controls, violated the margin requirements of the Federal Reserve Board in purchasing a substantial interest in Holly Sugar Corp., a much larger firm, by obtaining over $1 million worth of Holly stock for only about $300,000 in cash. The scheme was accomplished by purchasing the stock for the account of a Uruguayan brokerage firm which was acting on behalf of HOMCO. HOMCO has pleaded guilty.

In *United States* v. *Giampola*, a former employee of the Chase Manhattan Bank was convicted of conspiracy to defraud the bank by sending a fraudulent cable authorizing the transfer of $11,000,000 to a Swiss bank.

In *United States* v. *Blackwood, et al.*, six defendants, including a law professor, were indicted for taking stolen securities out of the country to be sold through a Swiss bank.

In *United States* v. *Braverman, et al.*, two sales representatives for firms selling to military post exchanges were indicted for evading taxes on $3 million of income by diverting commissions to a Liechtenstein company that were then deposited in a Swiss bank.

In *United States* v. *Dolin, et al.*, the Executive Vice President of Realty Equities Corp. and a consultant to the company are named as defendants. This indictment charges that through a series of transactions an opportunity became available to Realty Equities to repurchase a note with warrants attached at a price substantially below its fair market value. This opportunity was not utilized for the benefit of the corporation, but instead, the indictment charges, the note was purchased by a Swiss bank for the benefit of the consultant. The purchase was for $531,250; very soon thereafter, the note was sold for $988,542—a quick $450,000 profit.

In *United States* v. *Lerner, et al.*, the indictment charges that significant amounts of three new issues, one of which was Weight Watchers International, Inc., were purchased by a Panamanian company through several Swiss banks, including such giants as Credit Suisse. The defendant owned 48% of the Panamanian company used to violate the U.S. Securities laws.

In *United States* v. *Rayward*, an indictment charged a defendant with siphoning off funds earned in this country into a dummy Panamanian corporation to evade income taxes. The defendant is a fugitive in Switzerland and is continuing to conduct business here through another name. A search warrant executed at the premises was upheld but this failed to halt the operation.

Other cases involving abuse of foreign accounts for illegal ends are referred to elsewhere in this report including those contained in the preceding section on prosecutions related to organized crime such as narcotics. However, other members of society also use such accounts to cheat the Government out of taxes and to conceal other criminal conduct.

C. Consumer fraud

Protection of the public against consumer fraud is of primary importance both to the reputation of legitimate business and the protection of the public—particularly the poor—against oppressive practices. In order to utilize existing federal statutes more effectively in this field, a new Consumer Fraud Unit was established by the Office in 1968.

The primary federal criminal statute, applicable to fraud against consumers is the mail fraud statute.

Under the mail fraud statute, any scheme to defraud or to obtain money by false representations is covered if the mails are used. The false pretenses themselves need not be contained in anything sent by mail. It is enough if the mails are used in any respect for the purpose of executing the scheme.

In *United States* v. *Zovluck*, three defendants were convicted in a scheme involving deceit and intimidation in the operation of a "chiropractic" establishment falsely promising "free" treatments handling some 20,000 new patients annually and processing about 160 persons per day. Witnesses testified that they were told upon arrival that they needed treatment, in one case, because the patient would soon die, and in another, because he would end up in a wheelchair shortly. Patients who failed to pay for their "treatment" sometimes lasting two to three minutes received printed notices that they would be found "guilty" by a Judge and that "we are . . . notifying your family, your friends . . . your employer, your church, etc. . . ."

The principal defendant in this case was sentenced to a term of four years, and two co-defendants to lesser terms. A co-defendant was also convicted in a separate trial of assaulting federal marshals who were executing a search warrant and an arrest warrant on the premises.

Instrumentalities of the offense charged were seized under federal search warrants when the indictment was filed. The warrants were upheld by the Court. In its opinion, the Court pointed out that defendants appeared to continue the activity charged in the indictment even after the indictment was filed. Convictions were obtained under a separate indictment covering such subsequent acts. The convictions were unanimously affirmed from the bench on appeal.

In *United States* v. *Armantrout* and *United States* v. *Sterngass*, convictions were obtained for "chain referral" swindles in which purchasers of merchandise, who paid from several hundred dollars up to $1,200, were falsely told that by solicitors visiting the victims in their homes that the victims could obtain the items at no cost by furnishing names of other potential customers. It is mathematically impossible for such promises to be true for the average customer.

In *United States* v. *Monroe Caine, et al.*, three defendants were indicted for mail fraud in connection with their promotion of the "Unitron", an alleged gasoline saving device which sold for $4.95 on which the defendants allegedly grossed over $800,000 in their first ten months of operation.

In *United States* v. *Lopez*, a conviction was obtained for fraud involving the obtaining of deposits from Spanish-speaking automobile insurance applicants and then substituting bad checks sent to the insurance companies, while falsely using the name of another insurance broker, to conceal the fact that the defendant had no valid license.

In *United States* v. *Regent Office Supply Co.*, the Court found two corporations guilty of mail fraud where salesmen posing as doctors or lawyers falsely told purchasing agents that office supplies were on distress sale due to the death of a friend, and the mails were used to bill the purchasers.

A conviction was obtained in *United States* v. *Feldman* for shipment of 24,300 pounds of meat with false Department of Agriculture inspection "choice" stamps, to the United States Military Academy at West Point.

In *United States* v. *Currier*, a conviction was obtained and a four year sentence imposed for forty-five counts of bilking twenty-two college, high school and social organizations across the nation of tens of thousands of dollars by falsely representing that the defrauded groups would be provided such show business personalities as The Beach Boys, The Kings Men, The Lettermen, Roy Orbison, Peter, Paul and Mary, The Clancy Brothers and Tommy Makem, Dave Brubeck, The Miracles, Stan Kenton, Mitchell Trio, The Four Freshmen, Josh White, The Four Preps and Gail Garnet.

In *United States* v. *Kalkin*, an indictment was returned against a collection attorney for fraudulently adding collection fees to judgments.

"Sewer Service"

As a result of many complaints the Office began an investigation into possible violations of Federal laws in conneciton with a practice known as "sewer service".

"Sewer service" refers to the practice of process servers or process serving agencies of falsely alleging service of process on individuals. Default judgments are then entered with such results as the executions of income and attachments of property. Since the overwhelming majority of persons victimized by sewer service are unable to hire attorneys to move to set aside judgments entered against them without notice, the judgments remain in effect and serve to significantly burden the lives of the judgment debtors.

Under the supervision of Postal Inspectors, post office employees compiled a schedule of default judgments entered in the Civil Court of the County of New York over a randomly selected 3-week period: the last two weeks of February 1968 and the first week of March. Every default judgment entered in that period was recorded as well as the name of the process server, the date and place of the alleged service, the names of the parties and the name of the plaintiff's attorney. The completed schedule revealed that about 1,000 judgments were entered in each of the 3 weeks in the Civil Court.

Once the schedules were completed, postal inspectors wrote letters to each of the persons against whom the 3,000 default judgments were entered, addressing the letters to the place where the alleged service took place. Although mailed but a few weeks after the alleged services, approximately 900, or 30%, of these letters were returned to the Post Office with a stamp revealing an inability to deliver the letter as addressed for reasons such as the non-existence of the addressee at the address indicated, his previous departure to another address or the non-existence of the address. Thus, before any issue of the credibility of the judgment debtor was reached the investigation disclosed that approximately 30% of the judgments entered in the Civil Court were entered without notice.

In *United States* v. *Wiseman*, the defendant was convicted under the Civil Rights Act of 1866 for falsely stating he had served summonses, thus causing default judgments to be entered without notice, constituting a deprivation of property without due process of law, contrary to the 14th Amendment. Thereafter, five other process servers (all in the survey referred to above) as well as the principal of a process serving agency were indicted for similar violations. In *United States* v. *Rick*, one of these five process servers was also convicted for violation of the Civil Rights Act by falsely swearing that he had served a summons in a civil case.

A search warrant for documents kept by a process serving agency yielded about 6,300 affidavits signed in blank by about 100 different process servers. About 150 of these affidavits had also been notarized in blank. Process servers who have gone to trial have testified as to signing over 100,000 of these blank affidavits of service.

Process servers are also required by Federal law to certify that they have reason to believe the person served is not in military service. A complaint in *United States* v. *Kaufman* charges the filing of a false affidavit in violation of this provision.

Investigations also revealed a repeated practice of bringing suit in a county where a finance company is located even though the sale was made elsewhere and the buyer lives elsewhere, depriving customers of their day in court.

D. Securities fraud

The Securities Fraud Unit, created in 1961, devotes its time to the discovery and prosecution of stock frauds and manipulations perpetrated on the public. During the period covered by this report, 48 convictions were obtained in this District for such offenses. In addition to prosecuting cases referred to the Department of Justice by the Securities Exchange Commission, investigations have been instituted into areas previously receiving little prosecutorial attention. For example, a Grand Jury investigation into possible manipulation of securities traded on the

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American Stock Exchange led to 5 separate indictments in 1967–68. And a current Grand Jury investigation into the use of Swiss Bank accounts to conceal illegal securities transactions executed in this country has already resulted in a number of cases which are reported in Section B above.

A description of some of the more significant securities fraud cases prosecuted during the period follows.

In *United States* v. *Louis Wolfson, et al.* (I), Louis Wolfson and his chief business associate, Elkin Gerbert, were convicted of conspiracy and eighteen violations of the Securities Act arising out of the illegal sale of approximately $3,000,000 worth of unregistered common stock of Continental Enterprises, Inc., a company controlled by Wolfson. Wolfson was sentenced to a prison term of one year and fined $100,000 and the costs of the prosecution. Gerbert received a six months sentence and $50,000 fine. The convictions were unanimously affirmed by the Court of Appeals.

In *United States* v. *Louis Wolfson, et al.* (II), Wolfson, the chairman of the Board of Directors of Merritt Chapman & Scott Corporation; Staub, the president; Gerbert, a director; and Kosow, a Boston financier, were convicted of conspiring to commit perjury, suborn perjury and obstructing justice in connection with an SEC investigation into stock transactions totalling over $15,000,000 entered into between Kosow and Wolfson on behalf of Merritt Chapman & Scott. Wolfson and Gerbert were also convicted of perjury and, with Staub, of causing Merritt Chapman & Scott to file false reports with the SEC. Wolfson and Gerbert each received prison sentences of 18 months to be served after the completion of their earlier sentences and were each fined $32,000. Kosow was sentenced to one year in prison and fined $10,000. Staub was fined $30,000.

In *United States* v. *Simon, et al.*, two partners and a senior associate of the national accounting firm of Lybrand, Ross Bros. & Montgomery were convicted in June, 1968, for conspiracy and mail fraud in connection with the 1962 financial statements of Continental Vending Machine Corp. The defendants were found guilty by a jury of concealing the fact that the President of the corporation had siphoned off over $4 million from the corporation through an affiliated company and the fact that the "marketable securities" purportedly securing the debt consisted of the President's own controlling interest in the company itself. In addition defendants were found guilty of attempting to diminish the size of the defalcation by falsely stating that the "debt" to the corporation could be reduced by an offsetting payable which was in fact not available as an offset. The convictions were affirmed by the Court of Appeals.

In *United States* v. *Birrell*, Lowell M. Birrell, the stock promoter who fled the country in 1957 and returned from Brazil in 1964, was found guilty of conspiracy and substantive violations of the Securities Act of 1933 in connection with the sale, for approximately $3,000,000, of unregistered stock of American Leduc Petroleums, Ltd. A hearing is presently pending on the issue whether any evidence used at Birrell's trial derived from certain files, estimated to contain from two to four million documents, which were seized in 1959 while he was a fugitive and suppressed as evidence against Birrell in 1965. The maximum sentence which could be imposed on Birrell is 55 years imprisonment and a $60,000 fine.

In *United States* v. *Kane and Freudberg*, the defendants were convicted of conspiring to sell approximately 1½ million dollars worth of unregistered stock of the American Dryer Company during 1959. The defendant William Kane, the owner of the stock, was the president of American Dryer Company in Philadelphia. The defendant Myron Freudberg, a bank president, assisted Kane in disposing of the stock through various brokers in New York. To accomplish this scheme Kane transferred his stock into the names of over 40 fictitious persons and nominees. Freudberg, as bank president, guaranteed the purported signatures of these persons on stock certificates, delivered the stock to the purchasing brokers and paid the proceeds over to Kane.

In *United States* v. *Arzi Bank*, an indictment was filed in December 1968 against the Arzi Bank, A.G., Zurich, Switzerland, charging in one count that Arzi, as a broker and dealer transacting business within the United States, had extended credit to customers in violation of the margin requirements of Regulation T of the Federal Reserve Board. The bank pleaded guilty on the same day, and was fined $2,500.

In November 1968 about $2 million worth of securities at three brokerage houses in New York City was seized on the ground that the securities were both the fruits and the instrumentalities of crime. This seizure was not challenged by either the defendant or the brokerage houses.

In *United States* v. *Eugene Ross, et al.*, the President and owner of Ross Securities, Inc., and two other defendants were convicted of conspiring to manipulate the price of Pan Alaska Fisheries, Inc. common stock from $4 to $8.75 in the over-the-counter market. The injury to the public exceeded a quarter of a million dollars.

In *United States* v. *Samuel Goldberg, et al.*, the manager of the Biltmore Securities Corp. and a number of its salesmen were convicted for sale of about $1 million of worthless Utah Uranium and Oil Company stock and that of its successor Shelton-Warren Oil Co. The convictions were affirmed on appeal except for that of a salesman found to have withdrawn from the conspiracy.

In *United States* v. *Donald Mullany*, the first prosecution for violation of the reporting regulations as to commodity futures under the Commodity Exchange Act, a margin clerk was convicted for trading potato futures in the accounts of customers without their knowledge.

In *United States* v. *Parrott, et al.*, two defendants were convicted of conspiracy to sell unregistered stock by fraud. Petron Corporation owned a worked-out uranium mine and an oil lease that had never produced any net income. The printed brochures distributed by the conspirators depicted the company as having a "pro forma" net worth of nearly $70,000,000 based on two options which the company had no funds to exercise.

In *United States* v. *Allen, et al.*, three defendants were convicted of engaging in a national and international scheme to manipulate the price of Pentron Electronics Corporation on the American Stock Exchange in early 1963. The defendants, who included two former stock exchange salesmen and a Canadian investment adviser then living in Paris, France, allegedly created demand for Pentron stock through the use of under-the-table payments of cash to persons who recommended the purchase of the stock.

In *United States* v. *Peltz, United States* v. *Karp, United States* v. *Mandell* and *United States* v. *Jacobson*, four defendants were indicted in the first cases charging illegal "short sales" in violation of S.E.C. rules requiring that such sales be made when the price of the securities are going up or holding steady. The four, according to the Government, did not tell their brokers that they did not own the stock when they gave orders for the brokers to sell. A further indictment charges Peltz was given confidential information by an SEC employee for whom he secured the services of prostitutes. The Court upheld the validity of the statute and regulations against attack on a motion to dismiss the indictments. In *United States* v. *Weiner*, a former SEC Branch Chief was indicted for perjury before a Grand Jury investigating the receipt of inside information by the four defendants charged with the short sales. Peltz has been convicted; trial of the other defendants in these cases is pending.

In *United States* v. *Victor Muscat*, the defendant, who was president and chairman of the board of Fifth Avenue Coach Lines, Inc. and Defiance Industries, Inc., and also an officer and director of numerous other corporations, was indicted and charged in 7 counts with prejury before a Federal Grand Jury and filing false and misleading reports with the Securities and Exchange Commission.

Muscat pleaded guilty to the two counts of the indictment relating to the filing with the SEC of false and misleading reports of Fifth Avenue Coach Lines.

In *United States* v. *Edward Krock*, the defendant was indicted and pleaded guilty to all three counts of an indictment charging him with causing to be made false and misleading statements in annual reports and proxy statements of Fifth Avenue Coach Lines, Inc. and Defiance Industries, Inc.

Krock, a Massachusetts financier, was an officer and director of Fifth and Defiance. At that time, Fifth's stock was listed on the New York Stock Exchange and Defiance stock was listed on the American Stock Exchange.

In *United States* v. *Roy M. Cohn*, a Federal Grand Jury returned a 10-count indictment against Roy M. Cohn. Counts 1 through 5 charged Cohn with mail fraud and wire fraud violations relating to several public companies, including Fifth Avenue Coach Lines, Gray Lines Corp., Defiance Industries, Inc., and American Steel and Pump.

Counts 6 through 9 charged Cohn with making false statements in reports and proxy statements of various public companies including Fifth Avenue Coach Lines, Inc.

Count 10 charges that Cohn conspired with others to use interstate facilities, including the mail, to defraud certain public companies and to file false and misleading statements and reports with the SEC.

In *United States* v. *Sinclair N. Robinson*, the defendant is charged in a 7-count indictment with mail and wire fraud, concealment of assets in bankruptcy proceedings of several public corporations, and concealment of facts relating to those public corporations from the Securities and Exchange Commission, and conspiracy. The principal company whose stockholders were allegedly defrauded by Robinson was Pantex Manufacturing Corporation, a Rhode Island dry cleaning equipment company which went into bankruptcy in 1963.

Mr. Robinson was a fugitive for 2½ years and was apprehended by the FBI in March of 1968. He is under indictment in the United Kingdom and in Switzerland for defrauding British and Swiss corporations of millions of dollars.

In *United States* v. *Whorl*, the defendant was convicted of a violation of the margin requirements. This was the first criminal prosecution for a violation of Regulation U since its promulgation in 1934.

E. Fraud against Government funds in housing and renewal and other programs

Under Federal housing programs, benefits are generally provided indirectly through payments or guarantees to third parties. A number of cases have uncovered fraud in such programs including the following:

In *United States* v. *Schwartz, et al.*, two partners in a moving and trucking firm, and a customer of the firm were indicted for submission of false expenses for relocating the customer incident to a renewal program financed in part by Federal funds.

In *United States* v. *Aaronson, et al.*, an accountant and an attorney, promoters of a

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$2 million FHA insured housing project in Brooklyn which went into default causing a loss to the Government of $400,000, were indicted for falsifying their working capital and number of subscribers.

In *United States* v. *Mayer, et al.*, an assistant vice president of a bank and three contractors were indicted for fraudulently obtaining FHA insured loans.

In a related type of fraud involving housing financing, in *United States* v. *Deaton, et al.*, three defendants were indicted for fraudulently obtaining $150,000 in advance fee payments from mortgage applicants.

In *United States* v. *Crisona*, an extensive mortgage swindle defrauded victims out of more than $110,000. Frank Crisona, a former Queens County Assistant District Attorney, received advance fees from borrower victims which he said he would hold in escrow pending the funding of mortgage loans. All of the defendants received prison sentences which were upheld by the Court of Appeals.

Prosecutions also were pressed for fraud against other federal programs. In *United States* v. *Schueler* a conviction was obtained for false statements to AID authorities where $18,000 was billed for transformers at $550 each, whereas the catalog price was $25 each. In *United States* v. *Gubbay*, an indictment was returned for false statements to AID as to the origin of goods made abroad and labeled as U.S. origin.

In *United States* v. *Bzura, et al.*, six men, and Professional Health Services, Inc. and its subsidiary Rugby Funding, Ltd., which purchased medicaid accounts from doctors, were indicted for fraudulent sales of $2 million in securities to the public without disclosing secret misuse of corporate funds. This indictment grew out of a continuing investigation of abuses involving medicaid funds, fifty percent of which are provided by the Federal Government.

In *United States* v. *Adams*, as a further outgrowth of its investigation into corruption into the administration of the State Medicaid Program, the Grand Jury indicted State Senator William E. Adams, Chairman of the Senate Committee on Social Services and an author of the original medicaid bill, for perjury and obstruction of justice in connection with his receipt of $5,000 in cash from two officials of Professional Health Services, Inc.

In *United States* v. *Harry Lightstone*, the General Counsel of the Pennsylvania Turnpike Commission was arrested for attempting to receive bribes and extort some $25,000 from Merritt-Chapman & Scott Corp. for the settlement of a million-dollar construction claim pending before the Commission.

F. Bombing and other crimes of violence

While most "street crime" is a violation of local rather than Federal law, crimes of violence against federal property, interstate hijacking (discussed in the section concerning organized crime) and certain other crimes of violence come within the Federal Criminal Code.

In *United States* v. *Compton*, the defendant was convicted of threatening the life of President Nixon in two telephone conversations in which he stated he had a gun and would kill the President within a month.

In *United States* v. *Lazarus, et al.*, two defendants were convicted of conspiring to inflate the world copper price by blowing up a bridge in Zambia in East Africa. The charge was the first under a 1917 law prohibiting conspiracies to destroy public property in countries at peace with the United States.

In *United States* v. *Coleman, et al.*, two women were convicted of kidnapping a 3-year-old girl and transporting her to South Carolina for sale.

In *United States* v. *Lombard*, the first federal indictment for illegal shipment of mail order guns resulted in a conviction for unlawful transportation of pistols and revolvers.

In *United States* v. *Melville, et al.*, four defendants are charged with conspiracy to place bombs in two Federal Buildings and in four United States Army trucks located in New York City.

United States v. *Joseph D'Amico, et al.*, involved convictions for a White Plains bank robbery by three members of a New Haven gang, believed to number between 30 and 40, which specialized in robberies. The robbers all wore Navy watchcaps pulled down over their faces to prevent identification. One robber was arrested just outside the bank, was convicted on his plea and was sentenced to 12 years. D'Amico went to trial. He was not apprehended at the scene and none of the witnesses were able to identify him. He was identified by comparison of hair from D'Amico's scalp with hair left in a watchcap discarded outside the bank. D'Amico was convicted by a jury and received a sentence of 14 years.

G. Water pollution

During the last year this office has filed indictments or informations against several railroads and oil firms depositing oil, acid and other wastes in navigable waters.

In *United States* v. *Spearin, et al.*, the defendants engaged in a land-fill operation for the World Trade Center in lower Manhattan, and were convicted of causing wooden timbers to flow into the Hudson River on two different days. In *United States* v. *Federated Homes, Inc.*, the defendant was convicted of causing wooden timbers to be deposited on the banks of the East River in such a way that they were liable to be washed into the East River, a navigable water, by tidal action and storms.

H. Income tax fraud and bribery

During the period 62 defendants were convicted in income tax cases, including both figures involved in other illegal activities and affluent members of society who chose to cheat on their taxes.

In *United States* v. *Charles Marcus*, defendant was convicted for income tax evasion and filing of false income tax returns. Marcus, a Certified Public Accountant, earned the bulk of his unreported income as an unlicensed check cashier. The evidence established that Marcus cashed more than $10,000,000 worth of checks, receiving a commission of at least 1%, most of which he failed to report on his income tax return. To effect his check cashing operation, Marcus opened more than fifty bank accounts in ten banks under twenty different names. A substantial amount of the check cashing was done for bookmakers, who discounted with Marcus the checks they received in payment of gambling debts. Much of the balance consisted of checks Marcus received from persons engaged in textiles and related businesses, who used Marcus' services to evade their own taxes by listing as expenses money they in fact pocketed.

The Court of Appeals affirmed the conviction. Investigations into Marcus' affairs led to the indictment or conviction of a number of bookmakers and gamblers who were exposed by tracing the checks deposited in Marcus' account.

In *United States* v. *Kornstein*, a former officer of a real estate brokers association was convicted of tax evasion. The evidence indicated he had accumulated almost $200,000 in a "reserve" in savings accounts without paying tax on it.

In *United States* v. *Aberson*, the defendant was convicted and sentenced to one year's imprisonment for failing to report over $60,000 in commissions he earned for assembling oil leaseholds in the Southwestern United States on behalf of Canadian stock promoters.

In *United States* v. *Bernstein, et al.*, two defendants in the millinery business were convicted of a tax fraud in which they caused inflated bills to be submitted by a supplier of hat decorations. The convictions and prison sentences were affirmed on appeal.

In *United States* v. *Proner*, the conviction and 3-year sentence of an importing firm owner was affirmed. While negotiating a settlement of $1 million in back taxes, Proner filed false statements of current income with the IRS concealing secret profits in a flower importing business.

A new development in criminal tax cases has been the expanding assertion of the insanity defense. Defendants who have never been committed to a mental institution are increasingly claiming that although their mental condition was such that they could amass large sums at the same time it prevented them from meeting their tax obligations. In some cases past "temporary" insanity is claimed.

In *United States* v. *Baird*, the Court of Appeals held, however, that when an insanity defense is raised the Government may obtain an order for its psychiatrist to examine the defendant and testify at trial. In that case the defendant, a floor broker and partner with a leading New York stock brokerage firm, was convicted of failing to file his Federal income tax return for a five-year period.

In *United States* v. *Hagedorn*, a wealthy newspaper publisher was convicted on two counts of income tax evasion. The Government proved that Hagedorn had charged substantial personnel expenditures ranging from a trip to Europe to works of art in his home to three closely held corporations controlled by him. Hagedorn received substantial fines following his conviction by a jury.

From July 1, 1967 up to October 1, 1969, this office has indicted 34 Internal Revenue employees, 27 tax practitioners and 16 taxpayers for bribery and attempted bribery. During this period, 12 employees and 32 accountants and taxpayers have been convicted of these offenses.

An intensive investigation of corruption in the Internal Revenue Service in the New York area was carried on by the Inspection Service of the Internal Revenue Service working in collaboration with this office. One phase of the investigation involved undercover work which resulted in the arrest of 36 individuals during 1968, of which 31 have been indicted and 8 convicted.

During the course of the investigation a Special Grand Jury was empanelled, and more than 220 individuals were subpoenaed to testify before it. More than 900 tax returns have been selected for reaudit and to date approximately 417 have been assessed with an additional total tax deficiency of more than $3,000,000.

Since July 1, 1967 to October 1, 1969, approximately 185 overtures of attempted bribery and other misconduct were reported by employees. Prior to this office's commitment to root out corruption in the tax area there were not more than 10 attempted bribes reported for a comparable period of time.

I. Miscellaneous Federal crimes

1. Theft of Welfare and Social Security Checks

During 1968, the City of New York, Department of Social Services, discovered that somewhere in the neighborhood of two million dollars' worth of Welfare checks were being reported stolen each month. Since these checks are sent through the mails, the United States Postal Service began to investigate to determine if rings of individuals were receiving and handling large numbers of stolen checks. During the later part of 1968, the Post Office was able to determine that most of these stolen checks were being removed by addicts from hallway mail boxes on welfare check days, which fall regularly on the 1st and 16th of each month. These addicts were then selling these checks at 20%

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of their face value to operators of businesses. The buyers of stolen checks would then deposit the checks in their bank accounts to finance other business operations. The City, suffering from a huge overload of work, in many cases paid these checks and only months later was able to return these checks to the banks in which they were deposited. Numerous indictments and convictions have been obtained.

In *United States* v. *Joseph Bastone, et al.*, two individuals pleaded guilty to buying and receiving stolen checks on the morning their trial was scheduled to begin. During the trial against Joseph Bastone, the Government called in excess of 75 Welfare recipients to the stand to prove that the checks deposited by Bastone had been removed from mailboxes. Bastone was found guilty by his jury and sentenced to fifteen years.

Altogether the cases brought involved the theft of over a million dollars worth of welfare checks.

In *United States* v. *Jose Gonzales, et al.*, two defendants have been convicted and others are awaiting trial in a case involving stealing Federal Social Security as well as welfare checks. Drug addicts and juvenile delinquents were used to steal checks, which defendants would purchase at a large discount from their face value, and then deposit in bank accounts maintained by bakery and grocery businesses.

2. Counterfeiting

During the period involved, 291 convictions were obtained for printing and passing counterfeit money.

In *United States* v. *Spitalieri, et al.*, four defendants were convicted of transporting $500,000 of counterfeit $20 United States bills although a Government witness' family was threatened and he refused to testify.

In *United States* v. *Gonzalez-Carta et al.*, two former Government Officials of Cuba, were among six defendants convicted of conspiring to counterfeit $1 million in United States currency for the purported purpose of purchasing arms allegedly for use in revolutionary activities. Over $500,000 in counterfeit 20-, 50-, and 100-dollar bills were recovered before they could be distributed. The convictions were affirmed on appeal and Gonzalez-Carta, a former Cuban Congressman, and Perez-Carril, formerly the Postmaster of Oriente province, are serving sentences of 5 and 3 years respectively.

3. Official Misconduct

Several prosecutions during the period involved official misconduct.

In *United States* v. *Ballard* and *United States* v. *Spratley*, a former Secret Service agent and a former Federal Bureau of Narcotics Agent were convicted in jury trials of dealing in counterfeit money, in a scheme to use the proceeds of the counterfeit to buy and sell heroin.

In *United States* v. *Bell, et al.*, two former federal narcotics agents were convicted of conspiring to commit extortion. The two agents remained in the vicinity of a suspect's apartment after other surveilling agents had terminated activities for the night. They thereafter made a forced entry to the apartment, masquerading a "police officers" and showing their federal badges, and tried to shake down the suspect.

4. Pornography

Despite controversy over what is sufficiently harmful pornography to be prohibited and under what circumstances, the Office was able to bring important prosecutions in which the lack of redeeming social value of the material was so clear that the issue of obscenity was not even raised on appeal. In *United States* v. *Saks, et al.*, two defendants were convicted in a case involving distribution of 50,000 photographs and thousands of reels of film. Obscenity was not an issue raised on the appeal which is now pending.

In *United States* v. *Tourine, et al.*, two defendants were convicted of conspiring to bribe a Customs inspector to admit allegedly pornographic booklets invoiced as "cups and saucers." Two other defendants are awaiting trial.

In *United States* v. *Wild, et al.*, a landmark decision was rendered by the Court of Appeals affirming the convictions of two defendants for distributing photographs showing homosexual acts being commited. The material was sent unsolicited to some recipients. The Court held that expert testimony was not needed to show the nature of the appeal of the exhibits.

5. Copyright Violations

In *United States* v. *Slapo, et al.*, two men and a corporation were convicted for publishing "fake" musical books in violation of Title 17, United States Code, Section 104 which makes it a crime to infringe for profit a valid copyright. The defendants were charged with publishing large quantities of collections of popular songs without the permission of the true copyright owner. At the trial, in order to prove the similarity between the fake book songs and the copyrighted sheet music, composers and musical experts testified and played the piano. The defendants were convicted on all 45 counts and received fines in the aggregate amount of $22,500.

6. Bootlegging of Untaxed Cigarettes

In *United States* v. *Paladino, et al.*, the first indictment of its kind in the country was returned charging the defendants with cigarette smuggling operations which caused losses to the New York State and New York City Government of tax revenue in millions of dollars. Investigations into other companies operating in the same fashion are continuing.

7. Payola

In *United States* v. *Alasco, et al.*, four disc jockeys on two radio stations have been indicted for receiving bribes from manufacturers in return for playing particular records.

8. Illegal Gold Transactions

In *United States* v. *Brown*, a conviction was obtained for violation of gold laws by possession of a bar of 20-carat gold worth approximately $1,400 without a license.

9. Immigration Fraud

A substantial number of the 76 convictions obtained during the period for Immigration violations involved fraudulent marriages.

In *United States* v. *Artry, et al.*, four defandants were convicted of conspiring to defraud the Immigration and Naturalization laws by arranging fraudulent marriages between Jamaican aliens and United States citizens. After the "wedding ceremony" petitions were filed with the Immigration Service on behalf of the aliens to obtain permanent residence for them in the United States by virtue of the marriages. At the trial it was proven that the marriages were never consummated and that the parties never lived together. Howard Artry, the chief defendant who headed the operation was sentenced to 18 months imprisonment. In *United States* v. *Moratis* and *United States* v. *Surrantos*, a lawyer and a travel agent were also indicted for arranging several fraudulent marriages.

In *United States* v. *Abrams*, defendant, an attorney, was convicted for counseling clients to make false statements to the authorities and to conceal themselves while remaining in the United States illegally. In addition, Abrams was convicted of attempting to obstruct justice by causing a Government witness to recant her testimony.

United States v. *Williams*, involved a conviction for fraud in the entry of dancers into the United States from Middle Eastern countries. The defendant an agent for dancers in New York City, filed spurious contracts with the Department of Justice.

10. Military

In addition to cases based on failure to comply with Selective Service laws, the Office had to contend with a number of instances in which persons in violation of such laws fled the country and with situations involving obstruction of selective service functions, including draft-card burning cases. In *United States* v. *William Daniel Roberts, Jr.* a civilian employee of the Army Reserve was convicted in March, 1968 of accepting bribes in connection with the enlistment of applicants into the six-month Army Reserve program. He received a six-month sentence and his conviction was affirmed on appeal.

11. Customs Fraud

Convictions for violations of the Customs laws were obtained in 12 cases during the period. Among the noteworthy prosecutions were the conviction in *United States* v. *George* for bringing in tablecloths from the Far East falsely invoiced as figurines, the convictions in *United States* v. *Tourine, et al.* mentioned previously (involving allegedly obscene booklets invoiced as cups and saucers) and the indictment in *United States* v. *Cassotta*, in which a Customs inspector was charged with falsely initialing documents to indicate that he had checked merchandise which he had not in fact inspected, and with accepting bribes to pass the merchandise involved in the *Tourine* case.

12. Other Stolen Property

In *United States* v. *Louis Edelman*, the defendant was convicted for the interstate transportation of 250 stolen paintings worth more than $25,000. After stealing the paintings from his employer, Herbert Arnot, a leading importer of commercial European paintings, Edelman sold them across the country to help set up his own business. Proof at the trial established that Edelman was aided in this venture by his wife who was subsequently indicted. A sentence of two years and a $10,000 fine was imposed and the conviction was affirmed by the Court of Appeals.

In *United States* v. *Olsen*, defendant was convicted of interstate transportation of $15,000 worth or rare coins and currency stolen from a Minneapolis Department store.

13. Other Frauds

In *United States* v. *Eskow*, two officers of Yale Express Systems, were convicted of 23 counts of mail fraud. The defendants fraudulently obtained loans of $2,350,000 from eight insurance companies through the use of false financial statements of Yale and its subsidiaries. The false information was also distributed in reports of the company. Shortly after the loans were obtained, the company went into reorganization.

In *United States* v. *Haggett, et al.*, a Vice-President of the Meadowbrook National Bank, and a TV executive who borrowed money from the bank to finance his companies, were convicted of misapplication of federally insured bank funds. Proof at trial showed that Haggett, the banker, made loans of nearly one-half million dollars on the basis of fraudulent and worthless accounts receivable invoices pledged with the bank. The bank eventually lost over 1½ million dollars in connection with this and other loans made by Haggett. Both defendants were sentenced to five years imprisonment and Dahlman was placed on probation for five years to commence at the end of his prison term.

In *United States* v. *Fassoulis, et al.*, three New Yorkers and the president of an Oklahoma insurance company were indicted for defrauding by mail banks and lending institutions, in a scheme whereby life insurance policies were fraudulently used as collateral in obtaining loans.

In *United States* v. *Friedland*, a former SEC investigator was convicted and sen-

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tenced to two years for obtaining bank loans through false financial statements.

In *United States* v. *Hsu,* a conviction was obtained for a scheme to defraud $250,000 by borrowing funds from victims while posing as a friend of Chiang Kai-shek and offering participation in fictitious business ventures. The defendant was sentenced to eight years imprisonment.

In *United States* v. *Perin,* a whiskey futures merchant was charged with concealing $140,000 in securities and monies in connection with the bankruptcy of Arden Perin & Co., a brokerage firm.

In *United States* v. *Sovak,* the defendant was indicted for falsifying bank records to permit overdrafts by Pontiac and Cadillac agents.

In *United States* v. *Roth,* the defendant was convicted for mail fraud through false solicitation of charitable contributions purportedly for philanthropic use.

J. Attempts to defeat the processes of justice

Attempts to defeat the processes of justice through obstruction, intimidation and the murder of witnesses, perjury, bail jumping and similar means have been discussed in the substantive sections of this report. Use of these means recurs with tragic uniformity. During the period covered by this report for example, 14 bail jumping convictions, and 6 perjury convictions were obtained. Even more serious is the pattern of intimidation of witnesses which is often known and clear even where specific guilt of the particular defendant is difficult to prove.

Requirements for disclosure before trial of information yielding the names of prospective witnesses, for example through bills of particulars stating the participants in transactions, have created severe problems for witnesses in some of these cases.

Lack of adequate provision for any governmental agency to provide protection or emergency housing for such witnesses in case of need has likewise created difficulties. Lack of provision for taking the testimony of a witness who may be threatened or murdered is also a difficulty in such instances.

K. Conclusion

Both effective and fair law enforcement are essential to the welfare of society and of all citizens. Neither can exist without the other. New ways must constantly be sought to enhance both the effectiveness and fairness of the enforcement of our laws.

Yet law enforcement alone is not enough to secure either order or justice. Positive efforts are needed to deal with deeper roots of conditions which breed crime, disrespect for law, and disregard for the rights of others. This, of course, requires many steps which are outside the scope of this report.

At the same time, Federal law enforcement can help to create a climate within which other efforts to deal with the problems of citizens can occur. In this connection, I believe that every effort must be made to assure that crimes which affect large numbers of citizens because of the pivotal positions of the perpetrators are dealt with effectively. In this category are the activities of organized criminal syndicates, and also the perpetrators of large-scale consumer frauds, securities frauds and other misconduct affecting entire groups of our citizens. It is easy to permit these serious types of crimes to take second place on the enforcement agenda, because it takes painstaking, expensive and persistent investigation to bring the wrongdoers to justice. And once charges are brought, the defendants in such cases have the resources to exploit every means of delay permitted by our procedures.

It is especially the large-scale and continuing type of violation which is appropriate for Federal enforcement efforts. As well as assisting directly in combatting the evils produced by the illegal activity involved, effective prosecution in these areas can help generate a greater respect for legal standards throughout the entire community.

THE BIG BUSINESS OF ORGANIZED PORNOGRAPHY

The SPEAKER. Under a previous order of the House, the gentleman from Wisconsin (Mr. SCHADEBERG) is recognized for 15 minutes.

Mr. SCHADEBERG. Mr. Speaker, I take the floor this afternoon to direct the attention of my colleagues and the interest of this Nation to a growing problem which threatens the very fiber of organized society—the involvement by organized crime in the highly lucrative business of the preparation, printing, and distribution of pornography.

Organized crime is taking advantage of recently relaxed standards for books, magazines, and movies, and is adding the profits of this business to its coffers and thereby furthering drug addiction, prostitution, loan sharking, and illegal gambling. In so doing, a threat is being posed not only from the material itself, but from the involvement of merchants of crime in respectable businesses, institutions, and commerce.

Ever since the relaxation of legal standards for literature, this Nation has seen a tremendous growth of sexually orientated and erotically arousing material. Most Americans have become aware of this trend through unsolicited mailings of smut material that enters the threshold of the home with the unwanted assistance of the U.S. Post Office.

In order to combat this trend, Congress recently passed legislation designed to curb the pandering of sexually orientated advertisements by allowing the individual to judge whether or not the mail which he receives is objectionable. If he so finds, he can file protest with the Post Office Department and have the distributor take the individual's name off of the mailing list.

What has been the consequence? Nothing, except that the U.S. Post Office now has the largest pornographic file in the Nation.

This law has not been able to stop the mailings because the persons engaged in this business hide themselves behind an ever-changing corporate shield, organizational structure, front men, and post office box numbers. Whenever the business is threatened with prosecution under existing law, the name of the business is changed, a new post office box is obtained, and the material is changed either entirely or by the addition or deletion of some pictures and words.

A possible prosecution against the XYZ Corp. is dropped because the legal entity no longer exists. A possible indictment against alleged obscene mailings fails because the material is no longer printed in the same format. But the individuals and the financial interests are still at work, cranking out new smut and using the same mailing lists which may contain the name of a person who objected to receiving the prior material.

To the person who objected to receiving what he regards as obscene advertisings from Private Collectors, Post Office Box 4660, Los Angeles, Calif. 90046, he must file new objection to similar material received only months later from Love Co., 7472 Melrose Ave., Los Angeles, Calif. 90046. The same is true with Cybertype Corp., New York City 10011, and Stemar Press, Ltd., New York City 10011. Perhaps the occurrence happens with Barbara Martine in Los Angeles 90046 and Wendel & Spears in the same location, Los Angeles 90046.

In recognition of the possible illicit connections of these businesses which pander pornography, on January 28, 1969, I introduced H.R. 4850, a bill designed to require each business engaged in mass mailings which use easily obtainable mailing lists, to state the names and addresses of the directors and chief executives and all individuals who have a financial interest in the organization. Failure to comply would result in a violation of Federal law.

I have also joined with many of my colleagues in introducing H.R. 13478, a bill which would prohibit the use of the U.S. mails to send sexually provocative materials to any home unless the occupant specifically asked for the materials, and to minors in any State having laws prohibiting dissemination of obscene materials to minors.

Both pieces of legislation would place the administrative workload where it belongs; that is, on the purveyor of smut material rather than on the Post Office Department or on the Department of Justice.

The enactment of these needed measures will assist us greatly, but will only scratch the surface of the problem. They will do nothing to curb the shift taking place to bookshops and stores which are springing up on Main Street, U.S.A. Crimes' involvement, which began with mass mailings, is branching out and is pandering the materials elsewhere. The evidence is mounting.

I am concerned about the reports I have of pornography production which stretches across this land of ours, involving literally hundreds of small printshops and publishing firms. I am told that the manufacturing of alleged pornographic materials is spread throughout the printing world so that no producer is too large as to attract the attention of the local citizenry or authorities. This takes organization.

Sheets of materials are produced at one shop, sent to another location for the finishing touches, collected at another shop, collated and bound elsewhere, and finally sent to a large city for mailing and distribution by a front organization. Thus, a photograph produced in the Los Angeles area may be engraved and printed somewhere in the South and distributed throughout the country from somewhere on the east coast.

An authority with whom I have had an opportunity to discuss this matter, a ranking official of the Los Angeles County Sheriff's Department, has information from his investigations which shows that production of this hard-core pornography on a cash-and-carry proposition is centered in the Los Angeles area of old Haight-Ashbury district and in the New York area of Greenwich Village.

This production work, the inspector tells me, is achieving sophisticated treatment by specialists in the filmmaking and photography professions. Highly skilled technicians are responsible for the production of the films and the photographs and that for subjects, these purveyors of filth are using the addled and confused degenerates of that segment of young people who prostitute their bodies and minds for a few dollars with which to nurture a growing drug habit.

The same ranking officer of this highly qualified police agency informed me that one individual in the San Fernando Valley area, a known and admitted producer of hard-core pornography, has admitted in testimony that his business in 1968 grossed $10 million. And he is a small operator.

I questioned whether or not this lucrative business was connected with the syndicates and the crime families of this Nation. The officer responded in the affirmative. He told me that the Cosa Nostra were in California with more and more takeovers expected to follow. He said that the pornography business in California alone provides an easy living for organized crime.

This situation as related by the officer is occurring throughout the Nation. I have reports from Chicago where members of the Cook County Sheriff's Department raided adult book store outlets in Chicago, Maywood, Calumet City, and Chicago Heights not only to arrest sellers on charges, but to make arrests based on the discovery that the sellers were in violation of State tax laws and other tax violations. The investigations show that the prime source of the smut that has been moving into Chicago is the crime syndicate.

In Washington, D.C., over the previous weekend police in an organized move against some 19 sellers, made raids on District of Columbia stores. Not only did they confiscate armloads of alleged pornography, but they appropriated the business records of the stores with the intent of discovering the sources and dealings the men arrested had with others in this widespread business. One of the individuals participating in the raid stated that many of the magazines that are being produced are put into circulation for only a month and then are withdrawn to reappear later with new titles.

In Milwaukee, Wis., three moving vans which had crossed the State line from Chicago were found in a parking lot. They were loaded with coin operated viewers containing alleged obscene materials. These moving vans, which were used because of their appearance of a household in transit, and therefore less subject to inspection and regulations than other types of semitrailers, had been rented by one person. Connections—Chicago.

The Racine Police Department in Racine, Wis., which is in my district, has informed me that they are currently conducting a John Doe investigation into a dealer in alleged obscene materials and that the person under investigation is from out of State. They also stated that the material being produced is shipped from Cincinnati.

In Janesville, Wis., also in my district in Wisconsin, a bookstore was recently opened on the main street by two persons from Illinois. On 3 successive days the store was raided and the materials confiscated. On the day following each raid, the store had been fully restocked and was in full operation. Upon the arrest of the two individuals, a New York attorney was hired. The investigation showed evidence that the lease on the Janesville store was held by a man in Illinois with known underworld connections. This person, upon notice of the arrests, placed immediate calls to Washington, D.C.

This and other evidence gained from an investigation which I have been conducting for several months, and which has included an examination into the distribution of film and books, as well as mail literature, has shown that the iceberg operation of this insidious industry has prevented Congress and the rest of the Nation from determining which laws and which controls we can use against it. This is why I am concerned.

I am extremely worried that our current knowledge of the makeup of the entire crime link is so insignificant that we are fighting an uphill battle by depending upon the small communities against organized pornography. The local police chief, the sheriff, the mayor, and the district attorney do not have the legal apparatus, the technical skill, and the knowledge of their adversary with which to carry on this fight.

Unfortunately, Congress has been approaching the problems which pornography poses to our society through the concept of "obscenity." As a result, our efforts have been unable to stem the tide of smut or to help the local law enforcement personnel.

The legal definition of "obscene" is one that many writers have discussed, but few can agree on its essential nature. Although the Supreme Court has recognized that clearly drawn regulatory legislation which is designed to protect society from the evils inherent in the dissemination of obscene matter is allowable, the nature of the precious freedom of speech under the first amendment makes regulatory legislation in this area very hard to draft. We do not know how to describe it, but we know it when we see it. As a result, we who believe in the freedoms of this Nation are being attacked by those who have little respect for these freedoms.

I suggest, that in order to halt the threat of organized crime into this business, which takes on the guise of the Main Street merchant who becomes lost in the areas of respectability in which it attempts to hide, we need the creation of an ad hoc House committee to determine just how big the big business of pornography has become. With the formation of this committee, with the power to call witnesses, including police officers and businessmen, to Washington in order to examine investigations of alleged pornographic distribution, business records, tax receipts, and any other information, Congress will have the necessary information to unmask this enterprise and the extent of its operation in this Nation.

On Monday I will introduce appropriate legislation for the creation of this special committee. The intent of this committee will be to examine existing laws to see if they cannot be enforced so as to establish controls over the industry, and to determine if new laws are needed. It will also examine existing laws to determine if they have built-in loopholes through which these purveyors ooze.

America's law-enforcement personnel are waiting in the wings to go after these so-called businessmen. They want to see that the rights of citizens are not being infringed upon as the iceberg level business carries out its enterprise. These law-enforcement personnel need our assistance. Toward this end, I ask for the favorable consideration by the House of Representatives in the formation of the committee, and for the assistance on the part of all Americans in sharing with me the further evidence which is needed to enable a case to be made for the committee's consideration.

I do not intend to convey to this Congress the intent of a witch hunt among the publishers and printers of this country. I do not intend to be accused of wanton harassment against men who are legitimate producers of art pieces and literature. Yet, I will be.

Pornography is taking on the guise of a Main Street merchant, gaining respectability among members of my society, mingling with the community leaders and planners and the dreamers of the future. It is this that I fear the most and it is this that I request Congress guard against.

Mr. BUCHANAN. Mr. Speaker, will the gentleman yield?

Mr. SCHADEBERG. Yes, I am glad to yield to the gentleman from Alabama.

Mr. BUCHANAN. Mr. Speaker, I want to commend the gentleman from Wisconsin for his leadership in this important matter and say that I share his concern and applaud his efforts.

BIRMINGHAM AND THE BIG RED ONE LEAD THE WAY

(Mr. BUCHANAN asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. BUCHANAN. Mr. Speaker, the announcement last week that the 1st Infantry Division, also known as the Big Red One, is coming home from Vietnam was welcome news across the country and especially in my city of Birmingham, Ala.

During the 1st Division's tour of duty in Vietnam, the people of Birmingham corresponded with and sent Christmas packages to the courageous soldiers of that division. Various community organizations adopted specific units of the division and participated in the units' civic action programs in Vietnam. One organization, for example, supplied needed medical supplies which were dispensed by 1st Division soldiers to South Vietnamese civilians.

Now that the Big Red One is returning, Birmingham residents and those from throughout Alabama have found another way in which to show their appreciation for the courage and dedication of these men.

Earlier this week, under the sponsorship of the Alabama Junior Chamber of Commerce, a drive was launched to help provide $1,500 college scholarships for the children of each 1st Division soldier killed in Vietnam.

The Big Red One has already established such a program itself, but the efforts of the people of Birmingham to aid in this very worthwhile project is the first contribution to the scholarship fund from sources outside the 1st Division.

As has been the case before in its long and gallant history, the Big Red One is leading the way with this meritorious project and Birmingham is glad to lead the way in assisting it.

It is our hope that other units of the Armed Forces will follow the example of the 1st Division and that other cities will aid them so that college scholarships can be provided for every child of a serviceman killed in Vietnam.

I would like to commend the people of my district and Alabama Jaycee President Frank Parsons for their fine effort in support of the men of the 1st Division.

THE JAYCEES—50 YEARS OF SERVICE

(Mr. BUCHANAN asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. BUCHANAN. Mr. Speaker, today marks the silver anniversary of an organization which has helped mold the future of this Nation through continual community action—the United States Junior Chamber of Commerce.

This outstanding group of young men has focused its eyes on the future while solving the problems of the present.

Our fine Jaycee organization in Birmingham is just one example which can be seen in every State throughout the Nation. Like the national Jaycees, Birmingham's chapter is also celebrating the 50th anniversary of its founding this year.

The Birmingham Jaycees, with their variety of activities, in my judgment, are highly representative of the efforts on a nationwide scale.

Recently they conducted a survey to pinpoint Birmingham's three largest problems and, as a result of this study, are analyzing these problems and undertaking to present proposals for constructive solutions to the city council.

When hurricane Camille wracked the gulf coast last summer, the Birmingham Jaycees provided aid for victims of that storm.

Annually they host Christmas parties for hundreds of underprivileged children and those in State industrial schools in the Birmingham area. Their efforts during the Christmas seasons have brightened what otherwise would have been a bleak season for many disadvantaged families.

The Jaycees this past year conducted a charity horse show with the proceeds going to the Lurleen Wallace Courage Crusade, which is a drive to raise money for the construction of a greatly needed cancer hospital in Birmingham.

Just last weekend, the Birmingham Jaycees, under the leadership of their president, A. J. Benintende, assisted with a clean-up program in the city designed to help the disadvantaged help themselves.

Earlier this week the Alabama Jaycees, headed by State President Frank Parsons of Birmingham, launched a drive to assist the 1st Infantry Division, known as the Big Red One, in its efforts to provide $1,500 scholarships to the children of 1st Division soldiers killed in Vietnam.

This effort, sponsored by the Alabama Jaycees and backed by the 11 Jaycee chapters in the Birmingham area, is just another example of the fine work this organization is doing in my State. Reports I have received indicate many fine community-oriented programs in effect across the country by other Jaycee chapters.

The United States Jaycees and their local chapters are to be commended for their impressive record of past accomplishments and for their efforts to prepare for the future.

THE NEED FOR ASSISTANCE TO THE EDUCATIONALLY DISADVANTAGED

The SPEAKER pro tempore (Mr. Pucinski). Under a previous order of the House, the gentleman from Kentucky (Mr. Perkins) is recognized for 60 minutes.

Mr. PERKINS. Mr. Speaker, again today I will place in the Record responses which I have received to the questionnaire on title I of ESEA. Between yesterday at noon and this morning, I received an additional 93 responses from concerned school officials. Because this is the most current information available with regard to title I, I wish again to share these comments with my colleagues.

Mr. Speaker, the responses today contain no great surprise. Rather, they conform with the responses placed in the Record during the last 2 days. They further substantiate my contention—rather, the contention of school people across the country—that:

First, title I programs and services are desperately needed;

Second, that such programs and services are effective in meeting the needs of disadvantaged children, but that they have been severely limited because of inadequate financing and untimely funding; and

Third, that additional funds are desperately needed and can be effectively utilized.

Mr. Speaker, it is of great concern to me that the record which is being established by the questionnaire is being ignored by some. It appears to me that such persons are more impressed with a few isolated incidents of alleged abuses and misappropriations of funds. The questionnaires, Mr. Speaker, clearly indicate that this indictment of school administrators across the Nation has no basis in fact. And thus, I do not understand the atttiude of those who question the judgment of not one or two school superintendents, but several hundred who have responded to the questionnaire. Why today do we question the judgment of those whose judgment we have valued in the past?

It is my deep hope that the Members of this House will not follow those who wish to dismiss with the flick of a hand the evaluations and comments of recognized leaders from congressional districts throughout the country. If we cannot honor the judgment of those to whom we entrust the education of our youth—then, I do not know to whom we can turn.

The basis of criticism has been that the questionnaires do not provide hard data which demonstrates what virtually every superintendent has attested to—that title I is effective in meeting special educational needs of educationally disadvantaged children. Those who criticize ask for reading test results, statistics as to dropouts and follow up on title I students who go on to postsecondary education.

May I respond to these charges with information which I received this very morning in telegrams and telephone calls to my office from State departments of education.

The State department of education in California advised that in the past year in the California ESEA title I program, 27,500 students, or 14 percent, made 1½ or more years' gain in remedial reading programs; 97,500, or 50 percent, made gains of 1 to 1½ years; 51,500, or 27 percent, made gains of 7 months to 10 months per 10-month school year; 18,210, or 9 percent, could not be classified as to specific rate of gain. Prior to ESEA title I, they advised, the average rate of gain for these students was 6 months per 10-month school year.

The Arkansas State Department of Education reports that in the Hughs School District, 200 children, working daily in two reading labs using two special teachers and two teacher aides, showed gains in reading from 1 to more than 2 years in 9 months.

In Pulaski County School District, the average gain last year for title I students who received special help in reading was 2½ grade levels in 9 months.

In the Tyronza School District, children are showing reading gains of from 1 to 3.7 grades in 9 months, as a result of special reading laboratories financed under title I.

A representative of the Washington State Department of Education advises this morning that during the 1968–69 school year in Spokane, 339 title I participants, grades 2 to 6, attained an average growth of 1.78 in comprehension and 1.57 in vocabulary. He also stated that during the same period, in the Lake Washington School District in Kirkland, 85 title I students in grades 2 to 6 achieved average growth of 1.56 in comprehension, and 1.75 in vocabulary. In Prosser, children in all grades 1 to 12 achieved an average growth of 1.2 in title I reading programs. The Washington State official also stated that measurable objectives in all reading improvement programs

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funded under title I for fiscal year 1970 reflected an anticipated growth by the local school districts in Washington State from .75 to 1.5 years.

A representative of the New Jersey State Department of Education called just 2 hours ago to state that with regard to achievement of title I participants in remedial reading, they find that in the sampling of some 2,780 children the average growth is approximately 1.1 years. The representative stratified sampling included urban, suburban, and rural school districts.

And from Ohio we learn that in the title I reading programs conducted during school year 1968–69, in which 121,369 children were served, 63 percent achieved more than 1.0 grade level improvement, and 34 percent achieved more than 1.5 grade level improvement.

Mr. Speaker, I must say that the questions raised yesterday and the day before were most surprising to me. For in addition to the information I have just discussed, the record of the first session of the 91st Congress is replete with data and statistics on the effectiveness of title I. Taking into account what was said yesterday and the day before, one would think there were no hearings on the Elementary and Secondary Education Act last year; that there were no hearings on the fiscal year 1970 appropriation bill. Let us turn first to the latter hearing record, and review the testimony of those representing the present administration. In May, the Associate Commissioner of the Bureau of Elementary and Secondary Education advised the House Labor-HEW Appropriations Subcommittee:

> Evidence exists of steady progress made in schools located in each of the States and territories which have reported upon their title I activities for fiscal year 1968. For example, California has reported that the average growth of pupil achievement in medium sized and large urban districts ranged from 1 to 2 years for each year of instruction. A gain of 7 months was expected. In Kentucky, the fiscal year 1968 average per pupil expenditure increased to $143.32 from $114.76 the previous year. Along with this there was a marked improvement in the academic performance of second and third grade disadvantaged children in the State. One out of three Ohio students participating in all grades of title I programs showed more than 1.5 months progress per month and two of every three revealed more than 1 month of growth for each month in attendance. There are several other reports of title I projects indicating that achievement gains for disadvantaged children during fiscal year 1968 exceeded the records of similar children in previous years and even, in some cases, the achievement of more affluent children.

In the justification materials submitted to the House Appropriations Committee for title I requests, the present administration had this to say:

> For the first four years of the program, local State and National evaluation efforts indicate:
>
> (a) Title I programs have prevented many disadvantaged youngsters from falling behind their more fortunate peers in scholastic progress. Where in the past they lost ground each month, youngsters are now improving, sometimes gaining a full month of learning for every month spent in the classroom.
>
> (b) Reading-test data from a sampling of the States indicate that Title I youngsters are attaining higher levels of achievement based upon National testing scores than expected.
>
> (c) The serious dropout rate in Title I schools has decreased, and more poor children continued their education beyond high school in 1967 than they did in 1966.

Turning now to the hearing record of the Committee on Education and Labor, let us review the comments of school superintendents as they presented their evaluations—evaluations containing hard data on on the effectiveness of title I.

Dr. Joseph Manch, superintendent of the Buffalo public schools, testified:

> I can now state that in Buffalo, and in New York State as a whole, ESEA Title I is effective. The evidence is far from complete, but it indicates that disadvantaged children erasing that disadvantage.
>
> In our largest single project, utilizing nearly $2.5 million of the $4.9 million title I funds, 27,000 children, an average of over 1½ years retarded in reading and mathematics, were provided remedial assistance during or after the schoolday. It has been our experience that a 6- or 7-month gain over 10 months in such programs can be expected. These children averaged a gain at the rate of a full year.
>
> In another program—a prekindergarten program cited as one of the State's 10 best ESEA projects and cited further by the Office of Education in "Profiles in Quality Education"—I think you may have seen this report, and this program is cited on page 1. Preschool boys and girls in the target area were exposed to a wide range of educationally and culturally stimulating experience. A pretest and post-test measurement showed a gain of 8 and 9 points in intelligence quotient.

Although Dr. Manch did not cite additional hard data, I should like to continue with his statement for just a moment as his next paragraph is most pertinent to the present controversy.

> These are so-called hard data indicating effectiveness. They make no reference to the anecdotal, observational, and other subjective judgments of teachers, pupils, and parents which, though they are exhilarating, highly encouraging, and useful for the professional educator, have become suspect by lay people and, hence unpopular to the report.

Let us review the statement of Dr. Paul W. Briggs who indicated to the committee the effectiveness of title I programs in the Cleveland public schools as follows:

> However, the data we have been able to gather do indicate a very hopeful trend. For example, there has been a significant consistent gain in reading skill among pupils in our reading improvement projects; boys particularly have shown strong improvement. One good example here is that during the past 2 years the number of books taken home by children from our libraries has increased, in our target area schools, by over 60 percent. In fact, last year the children in the inner city of Cleveland took home over 1,300,000 volumes out of our library. This is great.
>
> Children who have participated in our prekindergarten project have performed in kindergarten and first grade well beyond the rates of comparable children without such services. Headstart is working.
>
> In a special project for seriously intellectually underdeveloped though not mentally retarded children between 5 and 8, there was an increase in IQ from five to 19 points for one-third of the children participating.
>
> Children in remedial mathematics groups have shown significant gain as compared to similar children not receiving such special attention. We now have a group of 30-odd mathematicians, specialists in the elementary schools, that move in the areas where we have our greatest problems and work especially with those children.
>
> At the senior high school level, schools receiving title I services experienced a 10-percent decrease in the dropout rate last school year, as compared to the preceding year.
>
> One of our most impressive results has been achieved in our job development project where nine out of every 10 participants secured full-time employment in Cleveland business and industry. We have over 100 businesses who have opened their doors to the Cleveland inner-city high school graduates. We followed this group 1 year after their placement to see what had happened to them. In 90 percent of those placed, 1 year later they were still on the job and half of those placed on jobs had received promotions.

Dr. Shedd, superintendent of schools for Philadelphia, evaluated the effectiveness of title I in his schools as follows:

> Other impacts, of course, do occur systemwide. At the Sayre Junior High School in Philadelphia, for instance, the principal and staff, urged on by a community weary of watching its children progress from grade school to high school without learning how to read, established a basic skills center last year, using title I funds. In 1 year the center served some 200 youngsters with severely retarded reading levels, and one semester the average pupil enrolled in this program, improved almost three levels in reading as measured by standard achievement tests.
>
> Teachers as well as students and their parents have been really amazed at the outcome. Seven teachers have volunteered their services each afternoon, and there is a waiting list of other teachers anxious to try their hand at this after-school experience on top of the regular day experience.
>
> In North Philadelphia, to cite another illustration, the combination of a dynamic principal and modest increment of title I funds for curriculum and staff development has completely turned around Simon Gratz High School. Only 3 years ago Gratz was widely regarded, and justifiably so I believe, as the worst school in the city. Three years ago only 13 students from a graduating class of 600 went from Gratz to college. The dropout rate at the school was in excess of 40 percent. Rate of attendance was the lowest in the whole city.
>
> Last year, 168 Gratz graduates went to college—an improvement of 1,300 percent. The dropout rate has been halved. Teachers are vying for transfer assignments in rather than out. And virtually all 4,000 students are wearing large "Gratz is Great" buttons in their lapel.
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> * * * * *
>
> The Gratz achievement is mirrored across the city in many of our high schools by the results of our motivation program. This title I program, which is costing $470,819 this year, operates in 10 inner city high schools. Its aim is to provide low achieving children who do have potential with the supports and the extra stimulation they need to go on to college. In the last 2 years alone, 2,400 motivation pupils have gone to higher education.
>
> This program has played a key role in increasing the percentage of high school graduates going to college or advanced training from 28 to 38 percent, an increase of 10, all in 3 years. And it has spurred new collaborative relationships with business and industry as well as the universities and cultural and scientific institutions in the whole metropolitan area.

From Los Angeles we heard the following:

> What has it done? Has it been any good? The California State Department of Education evaluation of title I projects, identified this as an exemplary project in California. The senior high school students averaged more than 1 year of growth on the reading tests used for evaluation, the Gates-MacGinitie reading test. The average growth of students in reading improvement classes was 1.3 a year. You remember the average expected growth, the average observed growth is 0.7. We have doubled that. Basic reading students averaged 1 year's growth.
>
> Greater gains were demonstrated by various schools on various subsections of the reading tests. For example, in one group of schools the students improved by 2.9 years in reading vocabulary while the students in reading improvement classes showed a growth of 2.5 years in reading vocabulary. We found that the junior high school students did not score as well as the senior high school students. Junior high school students averaged, on the main, 0.9 years. Parent responses to a questionnaire that we sent to them showed that 74 percent noticed improvement in their children's study habits, 80 percent of the parents said their children's attitude toward school had improved, and 78 percent thought their children learned more than they had during previous years.

From St. Louis:

> Two years ago we found that our slowest group of seven, eight, and nine year old children were achieving 70 per cent of normal progress each year in the basic skills of reading, language, and arithmetic. These children were in classes of 35, too large for youngsters who need as much personal attention as these children do. With the help of Title I funds, we placed 556 of these children in rooms with only 20 children, taught by a teacher who had been trained to work with them individually in overcoming their learning deficiencies.
>
> Within a period of a year, these children were able to improve their rate of learning 40 per cent over their previous rate.

From Fort Worth, Tex.:

> A comparison of pre-test and post-test results on a group of 2454 students in our preschool program showed an average gain in mental age of nine months in a seven-month period.
>
> I should point out that normally they show a three-month gain because of these lack of opportunities for enrichment expenses.
>
> In a similar comparison of youngsters in our secondary remedial reading program, pupils showed a vocabulary growth of twelve months, an increase in comprehension ability of 13 months, and an increase in speed and accuracy of 14 months in a 9-month period. It is also interesting to note that these students' average educational growth previously was only eight months a year.
>
> In the five-week summer club program this past summer, the participants had an average reading growth of six months and an increased math proficiency of four months.
>
> * * * * *
>
> Our fourteen visiting teachers, through home visitation and personal counseling, were able to readmit 30 per cent of our hardcore Title I dropouts.

This recitation of the hard data now being requested came not only from large school superintendents, the superintendent of Carnegie public schools in Oklahoma, a school system enrolling only 860 students, said this:

> A kindergarten is being financed from Title I funds and our elementary teachers are enthusiastic about the difference it makes in the entering first grade students. The Indian students, coming from homes slightly different in culture, are greatly benefitted by the kindergarten classes. Last year's class has an average grade placement score of 1.6 on a standardized reading readiness test given on May 10.
>
> A special education class for the mentally handicapped in grades 1–3 is financed by Title I funds. This program has been highly successful in our school with some students making gains of more than one grade during a year as shown on the California Achievement Test. The class is kept small and the students are given plenty of individual attention.
>
> We have a counseling program in both our elementary and secondary school financed partially by Title I funds. The counseling program has been especially effective with our Indian students. The counselor has been effective in helping keep the Indian students in school and in giving them educational and vocational guidance. He reports that 65% of our graduating Indian students continue their education beyond high school. In our top three grades, we had 5, 14, and 6 students drop out of school the past 3 years. This is a drop-out rate of only 12.5%.
>
> A developmental reading program is financed in our school by Title I funds. The reading program is carried on at all levels of our school. As a result of this program, the means for all our grades for reading grade placement on the California Achievement Test are at or near the national averages, whereas several years ago, achievement tests showed our school low in reading achievement.

A school official from Floyd County schools in rural Kentucky advised the committee:

> Our major program effort has been one of improving reading, which, we feel, is paramount to the overall success of a child in school. We have been advised that children in remedial reading gain slightly less than 7 months within a 9¼-month school year in the State.
>
> Tests records in Floyd County for the school year of 1966–67 show that children gained 9 months in special reading classes and 7 months in the regular classroom.
>
> In the school year of 1967–68, those children who had the services of a special reading teacher for both semesters gained 11 months, and those children who had the services of the special reading teacher for one semester and then the services of the regular classroom teacher for the other semester gained 9 months.

Mr. Speaker, I have quoted only a part of the five volumes of hearings compiled by the Committee on Education and Labor on the Elementary and Secondary Education Act during the last session. A review of all of the testimony will reveal still greater evidence, statistics, reports, and observations to substantiate the comments of school superintendents this week.

One of the questionnaires to be inserted today is from the superintendent of schools from Portland, Oreg. To the question of whether title I programs are effective, he responded:

> Yes, progress was slow initially, but our evaluations indicate substantial progress is now being made, especially in the basic skills of arithmetic and reading.

As my colleagues review the questionnaires, they will see that the evaluation and enthusiasm for the title I program voiced by Dr. Blanchard—a man responsible for the education of close to 75,000 students—is shared almost to a man by responding school officials.

Before closing, let me just mention one other response to be inserted today. It is from a school official with the Bibb County board of education in Macon, Ga., a school system enrolling more than 33,000 students. The respondent states:

> As an educational leader for more than 18 years working directly with the disadvantaged as a teacher, counselor, principal and administrator, the effective use of Title I funds has enhanced quality education for our children.

Mr. Speaker, I do not question the validity of his further response that "Yes, positive results have been noticed in the achievement of all children who participated in title I programs and activities." And I do not think that this Nation can afford to question, as some are now doing, the validity of statements from experts like this school official.

The questionnaires referred to follow:

RESPONSE OF DR. JOHN F. STEPHENS, SUPERINTENDENT, ST. VRAIN VALLEY PUBLIC SCHOOLS, LONGMONT, COLO., JANUARY 22, 1970

How many children in your district are benefitting from education programs funded under Title I of ESEA?

Answer: 345.

What is the ADA in your school district grades K–12?

Answer: 9642.9.

What was the amount of your ESEA Title I grant in each of the following fiscal years?

Answer: 1968 $82,194, 1969 $77,596, 1970 $79,945.

What additional funds, if any, could you effectively apply to your Title I programs in fiscal year 1970 over and above the present level of funding? In fiscal year 1971?

Answer: 1970 $100,000, 1971 $100,000.

In your judgment, do you believe that the Title I programs are needed to meet the special needs of educationally disadvantaged children?

Answer: They have been essential in our district since enrollment growth and increasing costs have made it nigh impossible to start new programs.

Do you regard your present Title I programs as effective in meeting special education needs of educationally disadvantaged children?

Answer: Very definitely. I just wished the programs could be more comprehensive in scope and available to all disadvantaged children within the district

Recent hearings in Washington disclosed that inadequate funding was the greatest obstacle in the path of more effectively reaching the disadvantaged. Others now contend that we cannot effectively utilize extra funds contained in the HEW Appropriation Bill because the funds are being misdirected and are not reaching the disadvantaged contemplated under Title I ESEA. Your brief comments on thee contentions would be appreciated.

Comment: I have personal knowledge that our Title I funds are being used in accordance with ESEA guidelines.

RESPONSE OF MARVIN WARD, SUPERINTENDENT WINSTON-SALEM/FORSYTH COUNTY, WINSTON-SALEM, N.C., JANUARY 22, 1970

How many children in your district are benefitting from education programs funded under Title I of ESEA?

Answer: 2,817.

What is the ADA in your school district grades K–12?

Answer: 45,347.

What was the amount of your ESEA Title I grant in each of the following fiscal years?

Answer: 1968 $1,037,475, 1969 $939,115, 1970 $878,227 (preliminary allocation).

What additional funds, if any, could you effectively apply to your Title I programs in fiscal year 1970 over and above the present level of funding? In fiscal year 1971?

Answer: 1970 $150,000, 1971 $250,000.

In your judgment, do you believe that the Title I programs are needed to meet the special needs of educationally disadvantaged children?

Answer: I am persuaded beyond any doubt that compensatory education programs hold the solution to the plight of educationally deprived children. I must point out, however, that these programs must be truly compensatory, not "add ons" to existing programs.

Do you regard your present Title I programs as effective in meeting special education needs of educationally disadvantaged children?

Answer: While our Title I programs are being constantly researched and appraised, I feel that we have much work to do in the direction of making our programs more relevant. During the past 4 years, however, we have made much progress in designing more relevant programs for disadvantaged children.

Recent hearings in Washington disclosed that inadequate funding was the greatest obstacle in the path of more effectively reaching the disadvantaged. Others now contend that we cannot effectively utilize extra funds contained in the HEW Appropriation Bill because the funds are being misdirected and are not reaching the disadvantaged contemplated under Title I ESEA. Your brief comments on these contentions would be appreciated.

Comment:

1. Inadequate funding is undoubtedly a great obstacle in the path of reaching educationally deprived children. It should not be concluded, however, that inadequate funding is the only obstacle. While the problem of relevancy has been partially overcome, it still looms large as a factor in rendering many Title I programs impotent.

Another obstacle which has served as a deterrent to the effective conduct of many Title I programs is the large number of children embraced by many Title I projects. This practice has resulted in dilution and a complete loss of the program's effectiveness. The ideal Title I program should not be too large to prevent a significant impact on participating children. If the evaluation shows program activities to be successful, then school officials should endeavor to enlarge the project to cover additional children.

2. In response to the charge that Title I funds have been misdirected and are not reaching the disadvantaged population, I can only point out that I am familiar with the charges of Mrs. Ruby Martin and the NAACP Legal Defense and Education Fund. I am sure that during the four year history of Title I of ESEA there have been examples of misdirection of funds, both wittingly and unwittingly. I am also sure that these irregularities are not as prevalent now as they were in past years. Irrespective of their prevalence, however, they should be corrected and not offered as an excuse to curtail the program.

We are quite proud of the fact that there is no misdirection or inappropriate expenditures of Title I funds in this school system, and we sincerely trust that the Appropriations Bill will at least maintain the present level of funding. A cutback beyond the present level would have grave implications for this school system.

Response of Superintendent, Clay County, Manchester, Ky., January 22, 1970

How many children in your district are benefitting from education programs funded under Title I of ESEA?

Answer: 4,326.

What is the ADA in your school district grades K–12?

Answer: 5,076.9.

What was the amount of your ESEA Title I grant in each of the following fiscal years?

Answer: 1968 $641,359, 1969 $584,779, 1970 $525,434.

What additional funds, if any, could you effectively apply to your Title I programs in fiscal year 1970 over and above the present level of funding? In fiscal year 1971?

Answer: 1970 $179,701.90, 1971 $250,610.39.

In your judgment, do you believe that the Title I programs are needed to meet the special needs of educationally disadvantaged children?

Answer: Absolutely. Large numbers of children would continue to be educationally deprived without Title I funds.

Do you regard your present Title I programs as effective in meeting special education needs of educationally disadvantaged children?

Answer: Yes. However, we are continually seeking ways to make our programs more effective.

Recent hearings in Washington disclosed that inadequate funding was the greatest obstacle in the path of more effectively reaching the disadvantaged. Others now contend that we cannot effectively utilize extra funds contained in the HEW Appropriation Bill because the funds are being misdirected and are not reaching the disadvantaged contemplated under Title I ESEA. Your brief comments on these contentions would be appreciated.

Comment: We agree with the first sentence above. Advanced funding should be provided so better planning could be done.

Response of Bob Ashworth, Amarillo, Tex.

How many children in your district are benefiting from education programs funded under Title I of ESEA?

Answer: 1,150.

What is the ADA in your school district grades K–12?

Answer: 28,000.

What was the amount of your ESEA Title I grant in each of the following fiscal years?

Answer: 1968 $288,438, 1969 $272,779, 1970 $237,140.

What additional funds, if any, could you effectively apply to your Title I programs in fiscal year 1970 over and above the present level of funding? In fiscal year 1971?

Answer: 1970, more than double present amount; 1971, more than double present amount.

In your judgment, do you believe that the Title I programs are needed to meet the special needs of educationally disadvantaged children?

Answer: This has been one of the most effective of the Federal aid programs and it has been needed and used to meet the special needs of educationally deprived children.

Do you regard your present Title I programs as effective in meeting special education needs of educationally disadvantaged children?

Answer: Yes, with our concentration on reading and language development it has helped meet the needs. More money is needed in this and in other areas.

Recent hearings in Washington disclosed that inadequate funding was the greatest obstacle in the path of more effectively reaching the disadvantaged. Others now contend that we cannot effectively utilize extra funds contained in the HEW Appropriation Bill because the funds are being misdirected and are not reaching the disadvantaged contemplated under Title I ESEA. Your brief comments on these contentions would be appreciated.

Comment: They have not been misdirected in our programs. We have concentrated on the educationally deprived and the area of concentration is much too small to serve all those who need the special assistance.

Response of John A. Murphy, Superintendent, Collier County School Board, Naples, Fla., January 22, 1970

How many children in your district are benefitting from education programs funded under Title I of ESEA?

Answer: Title I ESEA 89–10: 280. Title I ESEA 89–10 as amended by 89–750: 2,130.

What is the ADA in your school district grades K–12? As of December 1, 1970.

Answer: ADM, 8,584; ADA, 8,092.

What was the amount of your ESEA Title I grant in each of the following fiscal years?

Answer: 1968, $105,440, $216,900; 1969, $99,352, $432,849; 1970, $97,008, $453,920.

What additional funds, if any, could you effectively apply to your Title I programs in fiscal year 1970 over and above the present level of funding? In fiscal year 1971?

Answer: 1970, $100,000, $100,000; 1971, $300,000, $500,000.

In your judgment, do you believe that the Title I programs are needed to meet the special needs of educationally disadvantaged children?

Answer: Yes.

Do you regard your present Title I programs as effective in meeting special education needs of educationally disadvantaged children?

Answer: Yes.

Recent hearings in Washington disclosed that inadequate funding was the greatest obstacle in the path of more effectively reaching the disadvantaged. Others now contend that we cannot effectively utilize extra funds contained in the HEW Appropriation Bill because the funds are being misdirected and are not reaching the disadvantaged contemplated under Title I ESEA. Your brief comments on these contentions would be appreciated.

Comment: Funds in Collier County have been used in accordance with Federal and State guidelines. We appreciate these extra funds for special programs to reach the educationally disadvantaged. In view of the large number of low-income and culturally diverse population in the county, these funds are far from adequate to meet the many needs.

Response of Joseph S. Wright, Director of Title I, Board of Education, Cohoes, N.Y., January 22, 1970.

How many children in your district are benefitting from education programs funded under Title I of ESEA?

1967–68

Answer:

School remedial reading	221
After school tutorial	34
Summer physical fitness	233
Summer music	167
Total	655

1969–70

Maximum by year's end	260

What is the ADA in your school district grades K–12?

Answer: Our enrollment for the city is nearly 50% in public schools and 50% in parochial. Total enrollment for both is approximately 4500 pupils.

What was the amount of your ESEA Title I grant in each of the following fiscal years?

Answer: 1968 $81,000, 1969 $70,000, 1970 $66,000 pending final Federal Action.

What additional funds, if any, could you effectively apply to your Title I programs in fiscal year 1970 over and above the present level of funding? In fiscal year 1971?

Answer: 1970 $15,000, 1971 $18,500.

In your judgement, do you believe that the Title I programs are needed to meet the special needs of educationally disadvantaged children?

Answer: yes, I do.

XUM

Do you regard your present Title I programs as effective in meeting special education needs of educationally disadvantaged children?

Answer: A definite step in the right direction but we have not yet reached our ultimate goal.

Recent hearings in Washington disclosed that inadequate funding was the greatest obstacle in the path of more effectively reaching the disadvantaged. Others now contend that we cannot effectively utilize extra funds contained in the HEW Appropriation Bill because the funds are being misdirected and are not reaching the disadvantaged contemplated under Title I ESEA. Your brief comments on these contentions would be appreciated.

Comment: New York State regulations are "tight" and provide a good framework in an effort to direct the program in the proper channels. However, can you do an effective job in planning when, as now—half way through the school year, you do not know what your budget figure is?

RESPONSE OF MR. R. N. STATEN, SUPERINTENDENT, BROWARD COUNTY PUBLIC SCHOOLS, FORT LAUDERDALE, FLA., JANUARY 22, 1970

(Prepared by: James Gardener)

How many children in your district are benefitting from education programs funded under Title I of ESEA?

Answer: 7,443.

What is the ADA in your school district grades K–12?

Answer: 104,398.

What was the amount of your ESEA Title I grant in each of the following fiscal years?

Answer: 1968 $1,372,530, 1969 $1,278,054, 1970 $1,182,092.

What additional funds, if any, could you effectively apply to your Title I programs in fiscal year 1970 over and above the present level of funding? In fiscal year 1971?

Answer: 1970 $1,000,000, 1971 $1,500,000.

In your judgment, do you believe that the Title I programs are needed to meet the special needs of educationally disadvantaged children?

Answer: Yes.

Do you regard your present Title I programs as effective in meeting special education needs of educationally disadvantaged children?

Answer: Yes.

Recent hearings in Washington disclosed that inadequate funding was the greatest obstacle in the path of more effectively reaching the disadvantaged. Others now contend that we cannot effectively utilize extra funds contained in the HEW Appropriation Bill because the funds are being misdirected and are not reaching the disadvantaged contemplated under Title I ESEA. Your brief comments on these contentions would be appreciated.

Comment: Inadequate funding and late notification are the greatest obstacles in the path of effectively reaching the disadvantaged.

RESPONSE OF CHARLES F. GARD, NEWARK, OHIO, JANUARY 22, 1970

How many children in your district are benefitting from education programs funded under Title I of ESEA?

Answer: 573.

What is the ADA in your school district grades K–12?

Answer: 10,278.

What was the amount of your ESEA Title I grant in each of the following fiscal years?

Answer: 1968, $110,533; 1969, $112,871; 1970, $96,083.

What additional funds, if any, could you effectively apply to your Title I programs in fiscal year 1970 over and above the present level of funding? In fiscal year 1971?

Answer: 1970, $15,000; 1971, (?).

In your judgment, do you believe that the Title I programs are needed to meet the special needs of educationally disadvantaged children?

Answer: Yes.

Do you regard your present Title I programs as effective in meeting special education needs of educationally disadvantaged children?

Answer: Yes.

Recent hearings in Washington disclosed that inadequate funding was the greatest obstacle in the path of more effectively reaching the disadvantaged. Others now contend that we cannot effectively utilize extra funds contained in the HEW Appropriation Bill because the funds are being misdirected and are not reaching the disadvantaged contemplated under Title I ESEA. Your brief comments on these contentions would be appreciated.

RESPONSE OF GERALD CARROLL, DISTRICT NO. 2 AND JOHNSON COUNTY HIGH SCHOOL DISTRICT, BUFFALO, WYO., JANUARY 22, 1970

How many children in your district are benefitting from education programs funded under Title I of ESEA?

Answer: 122.

What is the ADA in your school district grade K–12?

Answer: 1,161.

What was the amount of your ESEA Title I grant in each of the following fiscal years?

Answer: 1938, $16,776, District 2 only; 1969, $20,555, District 2 and JCHS; 1970, $19,487, District 2 and JSCH.

What additional funds, if any, could you effectively apply to your Title I programs in fiscal year 1970 over and above the present level of funding? In fiscal year 1971?

Answer: 1970 $40,000, 1971 $60,000.

In your judgment, do you believe that the Title I programs are needed to meet the special needs of educationally disadvantaged children?

Answer: Yes.

Do you regard your present Title I programs as effective in meeting special education needs of educationally disadvantaged children?

Answer: I think so in this community. More needs to be done through.

Recent hearings in Washington disclosed that inadequate funding was the greatest obstacle in the path of more effectively reaching the disadvantaged. Others now contend that we cannot effectively utilize extra funds contained in the HEW Appropriation Bill because the funds are being misdirected and are not reaching the disadvantaged contemplated under Title I ESEA. Your brief comments on these contentions would be appreciated.

Comment: Individualizing instruction, in my opinion, is one of the best ways to help the disadvantaged. In order to do this you can not separate the classification of pupils; you work with all students. Therefore I do not feel that the money can always be wisely spent just for the disadvantaged. At least this is the case in small districts since the disadvantaged and the others are all in the same school.

RESPONSE OF LESTER L. GRILE, SUPERINTENDENT, FORT WAYNE, IND., JANUARY 22, 1970

How many children in your district are benefitting from education programs funded under Title I of ESEA

Answer: 5,871.

What is the ADA in your school district grades K–12?

Answer: 41,044.

What was the amount of your ESEA Title I grant in each of the following fiscal years?

Answer: 1968, $485,685.32; 1969, $459,973; 1970, $423,490.

What additional funds, if any, could you effectively apply to your Title I programs in fiscal year 1970 over and above the present level of funding? In fiscal year 1971?

Answer: 1970, $75,000 to restore reduced funds; 1971, $300,000 for inner-city preschool programs.

In your judgment, do you believe that the Title I programs are needed to meet the special needs of educationally disadvantaged children?

Answer: Yes.

Do you regard your present Title I programs as effective in meeting special education needs of educationally disadvantaged children?

Answer: Yes, to extent of funding.

Recent hearings in Washington disclosed that inadequate funding was the greatest obstacle in the path of more effectively reaching the disadvantaged. Others now contend that we cannot effectively utilize extra funds contained in the HEW Appropriation Bill because the funds are being misdirected and are not reaching the disadvantaged contemplated under Title I ESEA. Your brief comments on these contentions would be appreciated.

Comment: The Title I ESEA funds used in our Target Area Schools are providing extra services for the inner-city, educationally deprived pupils and for them only.

RESPONSE OF UNION FREE SCHOOL DISTRICT, OSSINING, N.Y., JANUARY 22, 1970

How many children in your district are benefitting from education programs funded under Title I of ESEA?

Answer: 300.

What is the ADA in your school district grades K–12?

Answer: 324, November 1969; 468, December 1969.

What was the amount of your ESEA Title I grant in each of the following fiscal years?

Answer: 1968, $67,626; 1969, $70,269.66 1970, $96,398.

What additional funds, if any, could you effectively apply to your Title I programs in fiscal year 1970 over and above the present level of funding? In fiscal year 1971?

Answer: 1970, $50,000; 1971, $50,000.

In your judgment, do you believe that the Title I programs are needed to meet the special needs of educationally disadvantaged children?

Answer: Evidence has proven locally that Title I programs have met some of the needs however the indefinite funding allocation makes it difficult to plan and follow through.

Do you regard your present Title I programs as effective in meeting special education needs of educationally disadvantaged children?

Answer: Yes, in most instances.

Recent hearings in Washington disclosed that inadequate funding was the greatest obstacle in the path of more effectively reaching the disadvantaged. Others now contend that we cannot effectively utilize extra funds contained in the HEW Appropriation Bill because the funds are being misdirected and are not reaching the disadvantaged contemplated under Title I ESEA. Your brief comments on these contentions would be appreciated.

Comment: Our experience agrees with the first statement. Recruitment and selection of students for the program and the purchase of well trained personnel has allowed our district to reach the hard core disadvantaged.

RESPONSE OF HAMILTON R. BAILEY, SCHOOL ADMINISTRATIVE DISTRICT NO. 8, VINALHAVEN, MAINE, JANUARY 22, 1970

How many children in your district are benefiting from education programs funded under Title I of ESEA?

Answer: 75 directly—all to some extent. 244 enrolled in SAD No. 8.

What is the ADA in your school district grades K–12?

Answer: 238.

What was the amount of your ESEA Title I grant in each of the following fiscal years?

Answer: 1968 $5.670, 1969 $4,943, 1970 $4.805, 1971 no allocation as yet.

What additional funds, if any, could you effectively apply to your Title I programs in fiscal year 1970 over and above the present level of funding? In fiscal year 1971?

Answer: 1970 $5,000, 1971 $5,000. (Total of $10,000, 1971.)

In your judgment, do you believe that the Title I programs are needed to meet the special needs of educationally disadvantaged children?

Answer: Yes.

Do you regard your present Title I programs as effective in meeting special education needs of educationally disadvantaged children?

Answer: Yes, except too limited in what they can be used for.

Recent hearings in Washington disclosed that inadequate funding was the greatest obstacle in the path of more effectively reaching the disadvantaged. Others now contend that we cannot effectively utilize extra funds contained in the HEW Appropriation Bill because the funds are being misdirected and are not reaching the disadvantaged contemplated under Title I ESEA. Your brief comments on these contentions would be appreciated.

Comment: Could use funds for construction of vocational space and library space.

RESPONSE OF TERRELL PONDER, SUPERVISOR, JOHNSON CITY PUBLIC SCHOOLS, JOHNSON CITY, TENN., JANUARY 22, 1970

How many children in your district are benefitting from education programs funded under Title I of ESEA?

Answer: 813.

What is the ADA in your school district grades K–12?

Answer: 6.400.

What was the amount of your ESEA Title I grant in each of the following fiscal years?

Answer: 1968 $61,001.60 + $84,680.73 + $12,987.32 = $158,669.65; 1969 $144,158.19; 1970 $129,823.03.

What additional funds, if any, could you effectively apply to your Title I programs in fiscal year 1970 over and above the present level of funding? In fiscal year 1971?

Answer: 1970 $28,846.62, 1971 $40,000.

In your judgment, do you believe that the Title I programs are needed to meet the special needs of educationally disadvantaged children?

Answer: Yes.

Do you regard your present Title I programs as effective in meeting special education needs for educationally disadvantaged children?

Answer: Yes.

Recent hearings in Washington disclosed that inadequate funding was the greatest obstacle in the path of more effectively reaching the disadvantaged. Others now contend that we cannot effectively utilize extra funds contained in the HEW Appropriation Bill because the funds are being misdirected and are not reaching the disadvantaged contemplated under Title I ESEA. Your brief comments on these contentions would be appreciated.

Comment: Title I is a very fine program well planned and working effectively. Our program is very strong on serving the 5 year old boys and girls in a pre-school program. More money is needed to followup these same children.

RESPONSE OF M. A. ULLAND, UPHAM PUBLIC SCHOOL, UPHAM, N. DAK., JANUARY 22, 1970

How many children in your district are benefiting from education programs funded under Title I of ESEA?

Answer: It is so few—it is not worth looking up.

What is the ADA in your school district grades K–12?

No answer.

What was the amount of your ESEA Title I grant in each of the following fiscal years?

No answer.

What additional funds, if any, could you effectively apply to your Title I programs in fiscal year 1970 over and above the present level of funding? In fiscal year 1971?

No answer.

In your judgment, dó you believe that the Title I programs are needed to meet the special needs of educationally disadvantaged children?

No answer.

Do you regard your present Title I programs as effective in meeting special education needs of educationally disadvantaged children?

No answer.

Recent hearings in Washington disclosed that inadequate funding was the greatest obstacle in the path of more effectively reaching the disadvantaged. Others now contend that we cannot effectively utilize extra funds contained in the HEW Appropriation Bill because the funds are being misdirected and are not reaching the disadvantaged contemplated under Title I ESEA. Your brief comments on these contentions would be appreciated.

Comment: Our school district wouldn't suffer if it was cut out. It appears that County Seat towns are getting Federal money. We do get on the school lunch program.

RESPONSE OF OTIS M. ELLENBURG, JR., ASSISTANT SUPERINTENDENT, GAINESVILLE, GA., JANUARY 22, 1970

How many children in your district are benefitting from education programs funded under Title I of ESEA?

Answer: 300.

What is the ADA in your school district grades K–12?

Answer: 3,561.

What was the amount of your ESEA Title I grant in each of the following fiscal years?

Answer: 1968 $165,158, 1969 $147,201, 1970 $106,090.

What additional funds, if any, could you effectively apply to your Title I programs in fiscal year 1970 over and above the present level of funding? In fiscal year 1971?

Answer: 1970 $100,000, 1971 $100,000.

In your judgment, do you believe that the Title I programs are needed to meet the special needs of educationally disadvantaged children?

Answer: Yes.

Do you regard your present Title I programs as effective in meeting special education needs of educationally disadvantaged children?

Answer: Since most of our funds are spent on pre-school programs for disadvantaged children, I believe special needs are being met.

Recent hearings in Washington disclosed that inadequate funding was the greatest obstacle in the path of more effectively reaching the disadvantaged. Others now contend that we cannot effectively utilize extra funds contained in the HEW Appropriation Bill because the funds are being misdirected and are not reaching the disadvantaged contemplated under Title I ESEA. Your brief comments on these contentions would be appreciated.

Comment: Many needs are not being met due to inadequate funds from all sources—state, local, and federal. If local school officials could know in advance of actual financing, we could do more effective planning. I know this system can use Title I ESEA funds for our students.

RESPONSE OF EARL A. WOOD, ASSISTANT SUPERINTENDENT, NO. 1 ALBANY COUNTY, LARAMIE, WYO., JANUARY 22, 1970

How many children in your district are benefitting from education programs funded under Title I of ESEA?

Answer: 109.

What is the ADA in your school district grades K–12?

Answer: 4,042.

What was the amount of your ESEA Title I grant in each of the following fiscal years?

Answer: 1968 $41,746, 1969 $45,820, 1970 $37,941.

What additional funds, if any, could you effectively apply to your Title I programs in fiscal year 1970 over and above the present level of funding? In fiscal year 1971?

Answer: 1970 $15,000, plus capital outlay for facilities; 1971 $15,000.

In your judgment, do you believe that the Title I programs are needed to meet the special needs of educationally disadvantaged children?

Answer: Yes.

Do you regard your present Title I programs as effective in meeting special education needs of educationally disadvantaged children?

Answer: Yes.

Recent hearings in Washington disclosed that inadequate funding was the greatest obstacle in the path of more effectively reaching the disadvantaged. Others now contend that we cannot effectively utilize extra funds contained in the HEW Appropriation Bill because the funds are being misdirected and are not reaching the disadvantaged contemplated under Title I ESEA. Your brief comments on these contentions would be appreciated.

Comment: Our funds are meager but they are helping us to enable many children to read and thus further their education with some hope of success.

RESPONSE OF MR. WALTER A. COMMONS, SPRINGFIELD SCHOOL DISTRICT NO. 19, SPRINGFIELD, OREG., JANUARY 22, 1970

How many children in your district are benefitting from education programs funded under Title I of ESEA?

No answer.

What is the ADA in your school district grades K–12?

Answer: 9,638.

What was the amount of your ESEA Title I grant in each of the following fiscal years?

Answer: 1967–68, $101,825.36, 1968–69, $106,508.00, 1969–70, $100,708.00.

What additional funds, if any, could you effectively apply to your Title I programs in fiscal year 1970 over and above the present level of funding? In fiscal year 1971?

Answer: An increase of 35% would allow for a maximum effort in the regular program and allow a much needed summer program; 1970, $35,000, 1971, $40,000.

In your judgment, do you believe that the Title I programs are needed to meet the special needs of educationally disadvantaged children?

Answer: Title I funds are much needed—in fact, essential—if District No. 19 is to provide a maximum effort in working with disadvantaged children. Statistics on children from low-income families, welfare lists, those working below grade level, and the 860 children on free lunch in the District point out the need.

Do you regard your present Title I programs as effective in meeting special education needs of educationally disadvantaged children?

Answer: An evaluation from the buildings where Title I funds are being used indicates that our Title I program is effective. The demand is for more services from this program, not less.

Recent hearings in Washington disclosed that inadequate funding was the greatest obstacle in the path of more effectively reaching the disadvantaged. Others now contend that we cannot effectively utilize extra funds contained in the HEW Appropriation Bill because the funds are being misdirected and are not reaching the disadvantaged contemplated under Title I

ESEA. Your brief comments on these contentions would be appreciated.

No comment.

RESPONSE OF DR. ARDELL L. FEELEY, ASSISTANT SUPERINTENDENT, ALTOONA, PA., JANUARY 22, 1970

How many children in your district are benefitting from education programs funded under Title I of ESEA?

Answer: 1,500.

What is the ADA in your school district grades K–12?

Answer: 14,000.

What was the amount of your ESEA Title I grant in each of the following fiscal years?

Answer: 1968 $274,151.37, 1969 $258,475.90, 1970 $226,586.47.

What additional funds, if any, could you effectively apply to your Title I programs in fiscal year 1970 over and above the present level of funding? In fiscal year 1971?

Answer: 1970 $100,000, 1971 $150,000.

In your judgment, do you believe that the Title I programs are needed to meet special needs of educationally disadvantaged children?

Answer: Yes.

Do you regard your present Title I programs as effective in meeting special education needs of educationally disadvantaged children?

Answer: Yes.

Recent hearings in Washington disclosed that inadequate funding was the greatest obstacle in the path of more effectively reaching the disadvantaged. Others now contend that we cannot effectively utilize extra funds contained in the HEW Appropriation Bill because the funds are being misdirected and are not reaching the disadvantaged contemplated under Title I ESEA. Your brief comments on these contentions would be appreciated.

Comment: We are not effectively serving the disadvantaged due to lack of funds. If we concentrate our funds on one or two locations many deserving students are not served since our disadvantaged are not in "pocket" areas but are distributed throughout the city.

RESPONSE OF GEORGE M. BALLARD, SUPERINTENDENT, HARRIMAN CITY SCHOOLS, HARRIMAN, TENN., JANUARY 22, 1970

How many children in your district are benefitting from education programs funded under Title I of ESEA?

Answer: 399.

What is the ADA in your school district grades K–12?

Answer: Average for the first three months: 2,608.

What was the amount of your ESEA Title I grant in each of the following fiscal years?

Answer: 1968 $64,497.38, 1969 $59,195.39, 1970 $53,309.

What additional funds, if any, could you effectively apply to your Title I programs in fiscal year 1970 over and above the present level of funding? In fiscal year 1971?

Answer: 1970 $25,000, 1971 $40,000.

In your judgment, do you believe that the Title I programs are needed to meet the special needs of educationally disadvantaged children?

Answer: Yes, Title I funds are absolutely necessary to meet some of the needs of the educationally deprived children in our system.

Do you regard your present Title I programs as effective in meeting special education needs of educationally disadvantaged children?

Answer: Yes, we feel our present Title I programs are effective in meeting certain special needs, but it does not go as far as it should.

Recent hearings in Washington disclosed that inadequate funding was the greatest obstacle in the path of more effectively reaching the disadvantaged. Others now contend that we cannot effectively utilize extra funds contained in the HEW Appropriation Bill because the funds are being misdirected and are not reaching the disadvantaged contemplated under Title I ESEA. Your brief comments on these contentions would be appreciated.

Comment: Since first receiving Title I funds in this system, all school personnel have become more aware of the educational needs in our school and community, and there is a greater demand for meeting this need. Our program could certainly be improved and expanded by use of additional funds. We have designed our programs to help meet the needs of the educationally deprived children.

RESPONSE OF HENRY A. WHITE, ALLENDALE COUNTY, ALLENDALE, S.C.

How many children in your district are benefitting from education programs funded under Title I of ESEA?

Answer: 1,845.

What is the ADA in your school district grades K–12?

Answer: 2,692.

What was the amount of your ESEA Title I grant in each of the following fiscal years?

Answer: 1968 $197,856, 1969 $292,045, 1970 $241,583.

What additional funds, if any, could you effectively apply to your Title I programs in fiscal year 1970 over and above the present level of funding? In fiscal year 1971?

Answer: 1970 $150,000, 1971 $100,000.

In your judgment, do you believe that the Title I programs are needed to meet the special needs of educationally disadvantaged children?

Answer: Yes.

Do you regard your present Title I programs as effective in meeting special education needs of educationally disadvantaged children?

Answer: Yes.

Recent hearings in Washington disclosed that inadequate funding was the greatest obstacle in the path of more effectively reaching the disadvantaged. Others now contend that we cannot effectively utilize extra funds contained in the HEW Appropriation Bill because the funds are being misdirected and are not reaching the disadvantaged contemplated under Title I ESEA. Your brief comments on these contentions would be appreciated.

Comment: Allendale County needs *more* funds. The school population is 70% Negro, a majority of whom are educationally disadvantaged. This is a poor (financially) school district with little industry.

Sincerely,

CARL D. PERKINS,
Chairman.

RESPONSE OF FORREST L. FRAZIER, SUPERINTENDENT OF BEDFORD COUNTY SCHOOLS, BEDFORD, VA., JANUARY 22, 1970

How many children in your district are benefitting from education programs funded under Title I of ESEA?

Answer: Over 1,000.

What is the ADA in your school district grades K–12?

Answer: 7,200.

What was the amount of your ESEA Title I grant in each of the following fiscal years?

Answer: 1968 $200,000, 1969 $180,000, 1970 $188,000.

What additional funds, if any, could you effectively apply to your Title I programs in fiscal year 1970 over and above the present level of funding? In fiscal year 1971?

Answer: 1970 $20,000 or more, 1971 $20,000 or more.

In your judgment, do you believe that the Title I programs are needed to meet the special needs of educationally disadvantaged children?

Answer: Yes.

Do you regard your present Title I programs as effective in meeting special education need of educationally disadvantaged children?

Answer: Yes.

Recent hearings in Washington disclosed that inadequate funding was the greatest obstacle in the path of more effectively reaching the disadvantaged. Others now contend that we cannot effectively utilize extra funds contained in the HEW Appropriation Bill because the funds are being misdirected and are not reaching the disadvantaged contemplated under Ttitle I ESEA. Your brief comments on these contentions would be appreciated.

No comment.

RESPONSE OF DR. JAMES F. REDMOND, CHICAGO PUBLIC SCHOOLS, CHICAGO, ILL., JANUARY 22, 1970

How many children in your district are benefitting from education programs funded under Title I of ESEA?

Answer: Fiscal 1969, 63,641; fiscal 1970, 53,002.

What is the ADA in your school district grades K–12?

Answer: As of September 1969, 515,667.

What was the amount of your ESEA Title I grant in each of the following fiscal years?

Answer: (Basic grant) 1968 $23,396,381.34 1969 $21,750,487.50, 1970 $20,235,046.00.

What additional funds, if any, could you effectively apply to your Title I programs in fiscal year 1970 over and above the present level of funding? In fiscal year 1971?

Answer: 1970 $6,000,000, 1971 $35,000,000.

In your judgment, do you believe that the Title I programs are needed to meet the special needs of educationally disadvantaged children?

Answer: Title I programs are most assuredly needed to meet the special needs of educationally disadvantaged children; however, guidelines should be broad enough to enable the local school district to make a direct attack upon the problems.

Do you regard your present Title I programs as effective in meeting special education needs of educationally disadvantaged children?

Answer: Yes; however, it can be more effective with a modification of guidelines.

Recent hearings in Washington disclosed that inadequate funding was the greatest obstacle in the path of more effectively reaching the disadvantaged. Others now contend that we cannot effectively utilize extra funds contained in the HEW Appropriation Bill because the funds are being misdirected and are not reaching the disadvantaged contemplated under Title I ESEA. Your brief comments on these contentions would be appreciated.

Comment: Funding is inadequate to meet needs; however, the full and effective use of the funding now available is limited by the literal interpretations of federal guidelines to the extent that that questionable legality of giving Title I service to all pupils in any one classroom in any one grade in the city at any one time on the basis that aid would not then be categorical; further, any shift in the use of local funds for more effective utilization jeopardizes Title I programs on the concept of supplanting rather than supplementing programs.

RESPONSE OF JOHN E. ALBRIGHT, SALT CREEK SCHOOL DISTRICT NO 48, JILLA PARK, ILL.

How many children in your district are benefitting from education programs funded under Title I of ESSA?

Answer: None at present. We had program in 1967, 1968, 1969.

What is the ADA in your school district grades K–8?

Answer: 1,150.

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What was the amount of your ESEA Title I grant in each of the following fiscal years?

Answer: 1969 $3,171.25.

What additional funds, if any, could you effectively apply to your Title I programs in fiscal year 1970 over and above the present level of funding? In fiscal year 1971?

Answer: 1970 $10,000.

In your judgment, do you believe that the Title I programs are needed to meet the special needs of educationally disadvantaged children?

Answer: Something is needed!

Do you regard your present Title I programs as effective in meeting special education needs of educationally disadvantaged children?

Answer: Some needs—but not all.

Recent hearings in Washington disclosed that inadequate funding was the greatest obstacle in the path of more effectively reaching the disadvantaged. Others now contend that we cannot effectively utilize extra funds contained in the HEW Appropriation Bill because the funds are being misdirected and are not reaching the *disadvantaged* contemplated under Title I ESEA. Your brief comments on these contentions would be appreciated.

Comment: I believe in direct aid to schools, without any strings attached.

Response of H. B. Ashbaugh, Superintendent, Vermillion, S. Dak., January 22, 1970

How many children in your district are benefiting from education programs funded under Title I of ESEA?

Answer: 115.

What is the ADA in your school district grades K–12?

Answer 1,451.1 in the 1968–69 school term.

What was the amount of your ESEA Title I grant in each of the following fiscal years?

Answer: 1968 $30,604.70, 1969 $32,589.00, 1970, $30,146.00.

What additional funds, if any, could you effectively apply to your Title I programs in fiscal year 1970 over and above the present level of funding? In fiscal year 1971?

Answer: 197C $500, 1971 $1,000.

In your judgment, do you believe that the Title I programs are needed to meet the special needs of educationally disadvantaged children?

Answer: Definitely. The use of Title I funds in S. Dak. have not been misdirected in my opinion.

Do you regard your present Title I program as effective in meeting special education needs of educationally disadvantaged children?

Answer: Yes.

Recent hearings in Washington disclosed that inadequate funding was the greatest obstacle in the path of more effectively reaching the disadvantaged. Others now contend that we cannot effectively utilize extra funds contained in the HEW Appropriation Bill because the funds are being misdirected and are not reaching the disadvantaged contemplated under Title I ESEA. Your brief comments on these contentions would be appreciated.

Comment: Title I funds are being used effectively in S. Dak. We had to limit our program this year.

Response of J. H. McBride, Bartlesville, Okla., January 22, 1970

How many children in your district are benefitting from education programs funded under Title I of ESEA?

Answer: 410.

What is the ADA in your school district grades K–12?

Answer: 9,228.

What was the amount of your ESEA Title I grant in each of the following fiscal years?

Answer: 1968 $60,797, 1969 $52,857, 1970 $48,770.

What additional funds, if any, could you effectively apply to your Title I programs in fiscal year 1970 over and above the present level of funding? In fiscal year 1971?

Answer: 1970 $20,000, 1971 $20,000.

In your judgment, do you believe that the Title I programs are needed to meet the special needs of educationally disadvantaged children?

Answer: Yes, if used properly.

Do you regard your present Title I programs as effective in meeting special education needs of educationally disadvantaged children?

Answer: To some extent.

Recent hearings in Washington disclosed that inadequate funding was the greatest obstacle in the path of more effectively reaching the disadvantaged. Others now contend that we cannot effectively utilize extra funds contained in the HEW Appropriation Bill because the funds are being misdirected and are not reaching the disadvantaged contemplated under Title I ESEA. Your brief comments on these contentions would be appreciated.

Comment: I think, in general, Title I funds are used effectively in the areas for which they were intended. I also think money is being wasted in some of the other Title programs. Specifically in innovative programs, research and testing, training of teachers, and Title III NDEA.

Response of Henry A. Barbarick, Superintendent, Mingus Union High School, District No. 4, Jerome, Ariz., January 22, 1970

How many children in your district are benefiting from education programs funded under Title I of ESEA?

Answer: 86.

What is the ADA in your school district grades 9 through 12.

Answer: 410.

What was the amount of your ESEA Title I grant in each of the following fiscal years?

Answer: 1968 $5,631, 1969 $4,039.42, 1970 $4.514.

What additional funds, if any, could you effectively apply to your Title I programs in fiscal year 1970 over and above the present level of funding? In fiscal year 1971?

Answer: 1970 $2,000, 1971 $7,000 total.

In your judgement, do you believe that the Title I programs are needed to meet the special needs of educationally disadvantaged children?

Answer: Yes—it helps individualize the learning process.

Do you regard your present Title I programs as effective in meeting special education needs of educationally disadvantaged children?

Answer: Yes—reading improvement and study habit improvement.

Recent hearings in Washington disclosed that inadequate funding was the greatest obstacle in the path of more effectively reaching the disadvantaged. Others now contend that we cannot effectively utilize extra funds contained in the HEW Appropriation Bill because the funds are being misdirected and are not reaching the disadvantaged contemplated under Title I ESEA. Your brief comments on these contentions would be appreciated.

No comment.

Response of L. C. McArthur, Jr., Superintendent, Sumter School District No. 17, Sumter, S.C., January 22, 1970

How many children in your district are benefiting from education programs funded under Title I of ESEA?

Answer: 5,483.

What is the ADA in your school district grades K–12?

Answer: 10,918 ADA, 11,602 Enrollment, ADA=94% of Enrollment.

What was the amount of your ESEA Title I grant in each of the following fiscal years?

Answer: 1968 $616,405, 1969 $623,700, 1970 $475,025.

What additional funds, if any, could you effectively apply to your Title I programs in fiscal year 1970 over and above the present level of funding? In fiscal year 1971?

Answer: 1970 $250,000, 1971 $300,000. ($500,000 if pre-school commitments are to be met.)

In your judgment, do you believe that the Title I programs are needed to meet the special needs of educationally disadvantaged children?

Answer: Yes. School districts have been aware of the needs of these children, but the cost of necessary program have been too great for the local tax base.

Do you regard your present Title I programs as effective in meeting special education needs of educationally disadvantaged children?

Answer: Yes. Additional funds would permit more effective programs for these children. In-depth and follow-up activities would help assure greater success.

Recent hearings in Washington disclosed that inadequate funding was the greatest obstacle in the path of more effectively reaching the disadvantaged. Others now contend that we cannot effectively utilize extra funds contained in the HEW Appropriation Bill because the funds are being misdirected and are not reaching the disadvantaged contemplated under Title I ESEA. Your brief comments on these contentions would be appreciated.

Comment: Inadequate funding limits the effectiveness of programs. Our system is committed to the fact that in order to make a difference intervention with these children must be made early. We have determined that there are about 300 each 3, 4, and 5-year-old children who need pre-school. We are presently offering this opportunity to approximately 450 or one-half this number. More funds would permit our meeting our goal earlier thus salvaging some children we are presently missing. Uncertain funding is a major problem for most school systems.

Response of Frank Rose, Superintendent, Wolfe County Schools, Campton, Ky., January 22, 1970

How many children in your district are benefitting from education programs funded under Title I of ESEA?

No answer.

What is the ADA in your school district grades K–12?

Answer: 1,690 (1,775 membership.)

What was the amount of your ESEA Title I grant in each of the following fiscal years?

Answer: 1968 $225,595, 1969 $204,816, 1970 $182,675 (tentative).

What additional funds, if any, could you effectively apply to your Title I programs in fiscal year 1970 over and above the present level of funding? In fiscal year 1971?

Answer: 1970, $50,000, since the greater part of year is gone; 1971 $100,000.

In your judgment, do you believe that the Title I programs are needed to meet the special needs of educationally disadvantaged children?

Answer: Definitely & Critically. Words cannot express our need in Wolfe County, Kentucky.

Do you regard your present Title I programs as effective in meeting special education needs of educationally disadvantaged children?

Answer: Very Definitely.

Recent hearings in Washington disclosed that inadequate funding was the greatest obstacle in the path of more effectively reaching the disadvantaged. Others now contend that we cannot effectively utilize extra funds contained in the HEW Appropriation Bill because the funds are being misdirected and

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are not reaching the disadvantaged contemplated under Title I ESEA. Your brief comments on these contentions would be appreciated.

Comment: Inadequate funding is no doubt the greatest obstacle in more effectively reaching the disadvantaged in Wolfe County, Kentucky. Without observation at first hand the needs cannot be described.

Response of Dr. Wes Measel, Director of Title Programs, Canton Public Schools, Canton, Ohio, January 22, 1970

How many children in your district are benefitting from education programs funded under Title I ESEA?

Answer: 1,789.

What is the ADA in your school district grades K–12?

Answer: 21,395.

What was the amount of your ESEA Title I grant in each of the following fiscal years?

Answer: 1968 $326,424, 1969 $325,262, 1970 $291,786.

What additional funds, if any, could you effectively apply to your Title I programs in fiscal year 1970 over and above the present level of funding? In fiscal year 1971?

Answer: 1970 $90,000 to $100,000, 1971 same.

In your judgment, do you believe that the Title I programs are needed to meet the special needs of educationally disadvantaged children?

Answer: Very definitely.

Do you regard your present Title I programs as effective in meeting special education needs of educationally disadvantaged children?

Answer: Yes.

Recent hearings in Washington disclosed that inadequate funding was the greatest obstacle in the path of more effectively reaching the disadvantaged. Others now contend that we cannot effectively utilize extra funds contained in the HEW Appropriation Bill because the funds are being misdirected and are not reaching the disadvantaged contemplated under Title I ESEA. Your brief comments on these contentions would be appreciated.

Comment: This apparently is true of at least several large cities and especially some States such as Mississippi (and undoubtedly others). The funds are necessary; some tighter controls *also*.

Response of Mrs. Loyd Shaw, Title I Coordinator, Lanier County, Lakeland, Ga., January 22, 1970

How many children in your district are benefitting from education programs funded under Title I of ESEA?

Answer: 275.

What is the ADA in your school district grades K–12?

Answer: 1,364.

What was the amount of your ESEA Title I grant in each of the following fiscal years?

Answer: 1968, $84,168, 1969, $78,871, 1970, $58,813.

What additional funds, if any, could you effectively apply to your Title I programs in fiscal year 1970 over and above the present level of funding? In fiscal year 1971?

Answer: 1970 $35,000, 1971 $50,000. (Needed specifically for summer programs.)

In your judgment, do you believe that the Title I programs are needed to meet the special needs of educationally disadvantaged children?

Answer: Yes.

Do you regard your present Title I programs as effective in meeting special education needs of educationally disadvantaged children?

Answer: Yes.

Recent hearings in Washington disclosed that inadequate funding was the greatest obstacle in the path of more effectively reaching the disadvantaged. Others now contend that we cannot effectively utilize extra funds contained in the HEW Appropriation Bill because the funds are being misdirected and are not reaching the disadvantaged contemplated under Title I ESEA. Your brief comments on these contentions would be appreciated.

Comment: With as many requirements as are placed upon the spending of Title I funds, it seems impossible that funds are being misdirected. Certainly, our school system could much more effectively reach the disadvantaged through more adequate funding.

Response of Robert W. Blanchard, Superintendent, Portland Public Schools, Portland, Oreg., January 21, 1970

How many children in your district are benefitting from education programs funded under Title I of ESEA?

Answer: 6,600.

What is the ADA in your school district grades K–12?

Answer: 74,439.4; includes special Sept.

What was the amount of your ESEA Title I grant in each of the following fiscal years?

Answer: 1968 $1,649,000, 1969 $1,401,000, 1970 $1,327,534.

What additional funds, if any, could you effectively apply to your Title I programs in fiscal year 1970 over and above the present level of funding? In fiscal year 1971?

Answer: 1970 $250,000, 1971 $1,000,000.

In your judgment, do you believe that the Title I programs are needed to meet the special needs of educationally disadvantaged children?

Answer: Absolutely. Through a combination of Title I, State, and local funds this district is able to expend roughly twice the amount per pupil in disadvantaged areas, and our experience indicates that every cent is required to make programs of this kind truly effective. Title I funds alone will not do the job, but their contribution to the total effort is essential.

Do you regard your present Title I programs as effective in meeting special education needs of educationally disadvantaged children?

Answer: Yes. Progress was slow initially, but our evaluations indicate that substantial progress is now being made, especially in basic skills at arithmetic and reading. The key to improvement appears to be organizational arrangements and curricular modifications that lead to more effective individualization in teaching. Higher per pupil costs are essential to provide this type of instruction.

Recent hearings in Washington disclosed that inadequate funding was the greatest obstacle in the path of more effectively reaching the disadvantaged. Others now contend that we cannot effectively utilize extra funds contained in the HEW Appropriation Bill because the funds are being misdirected and are not reaching the disadvantaged contemplated under Title I ESEA. Your brief comments on these contentions would be appreciated.

No comment.

Response of Robert Bulleit, Seymour Community Schools, Seymour, Ind., January 22, 1970

How many children in your district are benefitting from education programs funded under Title I of ESEA?

Answer: 300.

What is the ADA in your school district grades K–12?

Answer: 4,050.

What as the amount of your ESEA Title I grant in each of the following fiscal years?

Answer: 1968 $48,450, 1969 $41,775, 1970 $40,963.

What additional funds, if any, could you effectively apply to your Title I programs in fiscal year 1970 over and above the present level of funding? In fiscal year 1971?

Answer: School systems need additional funds but there should be better ways of distributing and applying federal funds than through the ESEA programs.

In your judgement, do you believe that the Title I programs are needed to meet the special needs of educationally disadvantaged children?

Answer: No. Schools have been meeting these needs long before Title I.

Do you regard your present Title I programs as effective in meeting special education needs of educationally disadvantaged children?

Answer: Partially.

Recent hearings in Washington disclosed that inadequate funding was the greatest obstacle in the path of more effectively reaching the disadvantaged. Others now contend that we cannot effectively utilize extra funds contained in the HEW Appropriation Bill because the funds are being misdirected and are not reaching the disadvantaged contemplated under Title I ESEA. Your brief comments on these contentions would be appreciated.

Comment: Each community has different problems. Funds should be available but local boards and administrators should be entrusted to use funds to meet local needs.

Response of Len Brittelli, Beloit City School District, Beloit, Wis., January 22, 1970

How many children in your district are benefitting from education programs funded under Title I of ESEA?

Answer: 263.

What is the ADA in your school district grades K–12?

Answer: 9,797.

What was the amount of your ESEA Title I grant in each of the following fiscal years?

Answer: 1968 $98,000, 1969 $101,000, 1970 $108,450.

What additional funds, if any, could you effectively apply to your Title I programs in fiscal year 1970 over and above the present level of funding? In fiscal year 1971?

Answer: 1970 $100,000, 1971 $125,000.

In your judgment, do you believe that the Title I programs are needed to meet the special needs of educationally disadvantaged children?

Answer: Yes, if utilized properly.

Do you regard your present Title I programs as effective in meeting special education needs of educationally disadvantaged children?

Answer: Yes.

Recent hearings in Washington disclosed that inadequate funding was the greatest obstacle in the path of more effectively reaching the disadvantaged. Others now contend that we cannot effectively utilize extra funds contained in the HEW Appropriation Bill because the funds are being misdirected and are not reaching the disadvantaged contemplated under Title I ESEA. Your brief comments on these contentions would be appreciated.

Comment—

Response of Dr. J. M. Hanks, Ysleta Independent School District, El Paso, Tex., January 22, 1970.

How many children in your district are benefitting from education programs funded under Title I of ESEA?

Answer: 2042 directly and many others benefit from carry over of the Title I Program.

What is the ADA in your school district grades K–12?

Answer: 28,599.33 as of November 21, 1969.

What was the amount of your ESEA Title I grant in each of the following fiscal years?

Answer: 1968 $327,565, 1969 $302,096, 1970 $271.609.

Summer Program: 1968 $188,755, 1969 $199,475.

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What additional funds, if any, could you effectively apply to your Title I programs in fiscal year 1970 over and above the present level of funding? In fiscal year 1971?

Answer: 1970 $500,000, 1971 $500,000.

In your judgment, do you believe that the Title I programs are needed to meet the special needs of educationally disadvantaged children?

Answer: Yes.

Do you regard your present Title I programs as effective in meeting special education needs of educationally disadvantaged children?

Answer: Yes.

Recent hearings in Washington disclosed that inadequate funding was the greatest obstacle in the path of more effectively reaching the disadvantaged. Others now contend that we cannot effectively utilize extra funds contained in the HEW Appropriation Bill because the funds are being misdirected and are not reaching the disadvantaged contemplated under Title I ESEA. Your brief comments on these contentions would be appreciated.

Comment: The greatest obstacle in the path of reaching the disadvantaged is inadequate funding. Also, funds are coming so late in the school year that the administration is handicapped in planning on a firm basis.

Response of Howard S. Volden, Superintendent, Audubon Public School District 21, Audubon, Minn., January 22, 1970

How many children in your district are benefiting from education programs funded under Title I of ESEA?

Answer: 41.

What is the ADA in your school district grades K–12?

Answer: 330.7.

What was the amount of your ESEA Title I grant in each of the following fiscal years?

Answer: 1968 $14,690, 1969 $13,510, 1970 $12,118.

What additional funds, if any, could you effectively apply to your Title I programs in fiscal year 1970 over and above the present level of funding? In fiscal year 1971?

Answer: 1970 okay, 1971 okay, for the program we have now, but we would like to do more.

In your judgement, do you believe that the Title I programs are needed to meet the special needs of educationally disadvantaged children?

Answer: As a whole we are trying, rules, guidelines, and red tape do not give the leeway to conduct the best programs.

Do you regard your present Title I programs as effective in meeting special education needs of educationally disadvantaged children?

Answer: We have a two phase program in math and reading. We are doing a good job for a few, to me, this program is only a start and should be carried on to a greater degree.

Recent hearings in Washington disclosed that inadequate funding was the greatest obstacle in the path of more effectively reaching the disadvantaged. Others now contend that we cannot effectively utilize extra funds contained in the HEW Appropriation Bill because the funds are being misdirected and are not reaching the disadvantaged contemplated under Title I ESEA. Your brief comments on these contentions would be appreciated.

Comment: We need this program. I feel we can use more money. We are hemmed in when adapting programs for our school and the effectiveness of our program is very hard to test to show accomplishments. Many more things than grade accomplishments should be considered attitudes, getting along, etc.

Response of Dr. J. H. Lawter, Director—Special and Auxiliary Services, Oklahoma City Public Schools District I–89, Oklahoma City, Okla., January 22, 1970

How many children in your district are benefitting from education programs funded under Title I of ESEA?

Answer: 9 to 12,000.

What is the ADA in your school district grades K–12?

Answer: 68,706.4.

What was the amount of your ESEA Title I grant in each of the following fiscal years?

Answer: 1968 $1,764,948, 1969 $1,727,085, 1970 $1,606,229.

What additional funds if any, could you effectively apply to your Title I programs in fiscal year 1970 over and above the present level of funding? In fiscal year 1971?

Answer: 1970 $3,000,000*, 1971 $4,000,000*.

*These amounts would be enough to make an impact on the 9,000 AFDC cases we have and help some other poverty children with education problems, too.

In your judgment, do you believe that the Title I programs are needed to meet the special needs of educationally disadvantaged children?

Answer: Definitely.

Do you regard your present Title I programs as effective in meeting special education needs of educationally disadvantaged children?

Answer: Yes, however, "proof" in terms of academic achievement as required by certain Washington Bureaus can not be made available, yet, because of the slow process of overcoming long endured disadvantagement.

Recent hearings in Washington disclosed that inadequate funding was the greatest obstacle in the path of more effectively reaching the disadvantaged. Others now contend that we cannot effectively utilize extra funds contained in the HEW Appropriation Bill because the funds are being misdirected and are not reaching the disadvantaged contemplated under Title I ESEA. Your brief comments on these contentions would be appreciated.

Comment: Funding is a problem. First, it is inadequate. In comparison, other agencies (particularly Community Action Programs, Private Industry, and Higher Education) get $1,500 to $5,000 per each individual in programs designed to overcome poverty effects. The public schools, on the other hand, are expected to take about $150 to $200. (We have never received more than $180) to do the same kind of tasks, and we are expected to be more effective. Second, funding is generally too late. We have had to return thousands of dollars because the funding process did not get the money to us in time to be used. The policy of service more disadvantaged students, for we cannot, under our State laws, hire personnel or make commitments until funds are in our accounts. Since we hire personnel from one to six months before the school year starts, late funding causes Title I projects to have to use leftovers.

As to the effective utilization of extra funds, the schools of the nation have the experience of doing a good job on limited budgets and can challenge any critic to do as effective job using the same amount of funds and serving the same number of students which the schools legally and morally have an obligation to serve. The schools are doing an effective job and can change to be more effective if permitted.

Response of Bayonne Board of Education, James H. Murphy, Bayonne, N.J., January 22, 1970

How many children in your district are benefitting from education programs funded under Title I of ESEA?

Answer: 1969, 1,070 students; 1970, 350 students.

What is the ADA in your school district grades K–12?

Answer: 9,053.

What was the amount of your ESEA Title I grant in each of the following fiscal years?

Answer: 1968 $196,000, 1969 $168,458, 1970 $102,898.

What additional funds, if any, could you effectively apply your Title I programs in fiscal year 1970 over and above the present level of funding? In fiscal year 1971?

Answer: 1970 $66,000, 1971 $96,000.

In your judgment, do you believe that the Title I programs are needed to meet the special needs of educationally disadvantaged children?

Answer: Absolutely! These programs have enabled the school district to provide individualized instruction to carefully selected Public and Parochial school children with excellent results. Regression will be tragic.

Do you regard your present Title I programs as effective in meeting special education needs of educationally disadvantaged children?

Answer: The programs have been effective. However, the low funding level preclude the inclusion of several hundred educationally disadvantaged children in early elementary school. Also, the yearly uncertainty concerning the programs hampers effective planning.

Recent hearings in Washington disclosed that inadequate funding was the greatest obstacle in the path of more effectively reaching the disadvantaged. Others now contend that we cannot effectively utilize extra funds contained in the HEW Appropriation Bill because the funds are being misdirected and are not reaching the disadvantaged contemplated under Title I ESEA. Your brief comments on these contentions would be appreciated.

Comment: The Bayonne school district has been forced to curtail a substantial part of the Title I program because of a $66,000 cut in federal funds. As a result, several hundred children will be deprived of instruction. Every child in the program is in severe need of individualized remedial instruction and special services. Last year, funded at the higher level, we could not provide instruction for all eligible children. The Title I staff is demoralized by the constant games being played with the education of these children.

Response of C. Hines Cronin, Duval County, Jacksonville, Fla., January 22, 1970

How many children in your district are benefiting from education programs funded under Title I of ESEA?

Answer: 9,644 pupils are benefiting (12,805 are eligible for benefits).

What is the ADA in your school district grades K–12?

Answer: 116,539 for October, 1969.

What was the amount of your ESEA Title I grant in each of the following fiscal years?

Answer: 1968 $2,392,809, 1969 $2,209,778, 1970 $1,967,962.

What additional funds, if any, could you effectively apply to your Title I programs in fiscal year 1970 over and above the present level of funding? In fiscal year 1971?

Answer: 1970 $276,796, 1971 $3,559,790.

In your judgment, do you believe that the Title I programs are needed to meet the special needs of educationally disadvantaged children?

Answer: Yes. Funds made available under ESEA Title I provide for the essential supplementary education for those children whose educational deprivation stems from poverty by striking at both the roots and consequences of disadvantaged.

Do you regard your present Title I programs as effective in meeting special education needs of educationally disadvantaged children?

Answer: Yes. ESEA Title I supplementary

efforts have favorably influenced the education achievement of recipients of the services. However, additional funds would provide for a more concentrated program to meet those needs of the disadvantaged.

Recent hearings in Washington disclosed that inadequate funding was the greatest obstacle in the path of more effectively reaching the disadvantaged. Others now contend that we cannot effectively utilize extra funds contained in the HEW Appropriation Bill because the funds are being misdirected and are not reaching the disadvantaged contemplated under Title I ESEA. Your brief comments on these contentions would be appreciated.

Comment: Extra funds can be effectively utilized by this county to fully implement the total program planned for ESEA Title I target area. The rising school costs coupled with cutback in ESEA Title I funds, however, have resulted in a reduction of services available for the disadvantaged. In addition, effective program planning and implementation is dependent upon information regarding the amount of funds to be available and receipt of funds at the appropriate time.

Response of S. Clay Coy, Superintendent, School District No. 271, Coeur d'Alene, Idaho, January 22, 1970

How many children in your district are benefitting from education programs funded under Title I of ESEA?

Answer: Hard question to answer since we have duplication in numbers. Quite a few might be enrolled in two or three different phases of the project. Approximately 3,000 are directly benefitting and the rest benefit from side-effects of the main projects.

What is the ADA in your school district grades K–12?

Answer: 1969–70 school year, 4,943, School District No. 271; 750, private schools (church).

What was the amount of your ESEA Title I grant in each of the following fiscal years?

Answer: 1968 $59,040, 1969 $58,962, 1970 $50,170.

What additional funds, if any, could you effectively apply to your Title I programs in fiscal year 1970 over and above the present level of funding? In fiscal year 1971?

Answer: 1970 $25,000, 1971 $50,000—if we can know in time for adequate planning.

In your judgment, do you believe that the Title I programs are needed to meet the special needs of educationally disadvantaged children?

Answer: Yes—We have done more to improve the quality and quantity of education for the disadvantaged children under Title I than was ever accomplished under any other program. The district is one of the poorest in Idaho and lacks funds to take care of the disadvantaged pupils.

Do you regard your present Title I programs as effective in meeting special education needs of educationally disadvantaged children?

Answer: Yes—I believe that most school districts are using Title I funds to improve educational opportunities for the disadvantaged children. The method of funding leave something to be desired. Districts lack time to properly plan the use of the funds. Congress is slow in acting.

Recent hearings in Washington disclosed that inadequate funding was the greatest obstacle in the path of more effectively reaching the disadvantaged. Others now contend that we cannot effectively utilize extra funds contained in the HEW Appropriation Bill because the funds are being misdirected and are not reaching the disadvantaged contemplated under Title I ESEA. Your brief comments on these contentions would be appreciated.

Comment: Anyone can take isolated cases and build a defense for his belief. If Congress would act and give the schools adequate time for planning the use of the funds you would see many excellent projects develop that are not doing the job at the present time.

Response of Mr. Charles E. Jones, Superintendent of Schools, Manitowoc Public Schools, Manitowoc, Wis., January 22, 1970

How many children in your district are benefiting from education programs funded under Title I of ESEA?

Answer: Currently there are 210 pupils receiving service in our Title I program. We anticipate serving another 80 students in our planned summer programs.

What is the ADA in your school district grades K–12?

Answer: The most recent figure (July 15, 1969) is 6,922.

What was the amount of your ESEA Title I grant in each of the following fiscal years?

Answer: 1968, $87,230; 1969, $92,597; 1970—At this time we do not know. We were told by the Wisconsin Dept. of Instruction not to encumber beyond $65,998.

What additional funds, if any, could you effectively apply to your Title I programs in fiscal year 1970 over and above the present level of funding? In fiscal year 1971?

Answer: 1970, $26,500.00*; 1971, $30,000.00*.

* This is based on the $65,998.00 which the Wisconsin Dept. of Instruction has indicated as our present allocation.

In your judgment, do you believe that the Title I programs are needed to meet the special needs of educationally disadvantaged children?

Answer: Yes. This legislation provides a school district with funds that can and must be used on a concentrated population.

Do you regard your present Title I programs as effective in meeting special education needs of educationally disadvantaged children?

Answer: Yes. We have indications that the children we have served in this program are benefiting from the special services which we are providing.

Recent hearings in Washington disclosed that inadequate funding was the greatest obstacle in the path of more effectively reaching the disadvantaged. Others now contend that we cannot effectively utilize extra funds contained in the HEW Appropriation Bill because the funds are being misdirected and are not reaching the disadvantaged contemplated under Title I, ESEA. Your brief comments on these contentions would be appreciated.

Comment: The greatest problem which we face is not knowing the level of funding soon enough to plan and hire the staff for the programs which we would like to operate. We are halfway through the present school year and do not know what our allocation will be for this year.

While it is true that additions to the HEW Appropriations Bill contains items that are not directed toward the disadvantaged (Titles II and III) these funds are needed to help improve the educational opportunity of all pupils in the nation's schools.

Response of James R. Brown, Superintendent, Mountainaire Public Schools, Mountainaire, N. Mex., January 2, 1970

How many children in your district are benefitting from education programs funded under Title I of ESEA?

Answer: All children are benefitting through reduction of class sizes and offering of additional programs made possible through Title I funding.

What is the ADA in your school district grades K–12?

Answer: 461.841.

What was the amount of your ESEA Title I grant in each of the following fiscal years?

Answer: 1968 $46,722, 1969 $42,152, 1970 $39,192.

What additional funds, if any, could you effectively apply to your Title I programs in fiscal year 1970 over and above the present level of funding? In fiscal year 1971?

Answer: 1970 $46,722, restoration of previous funding, 1971 $75,000.

In your judgment, do you believe that the Title I programs are needed to meet the special needs of educationally disadvantaged children?

Answer: It is imperative that federal funds be appropriated to public schools for facilities and programs to further reach the needs of the above children. Example: Vocational Programs.

Do you regard your present Title I programs as effective in meeting special education needs of educationally disadvantaged children?

Answer: The effectiveness of the programs is related to the amount of funding. Assurance of funding for future planning, etc. The present programs are only a start in what needs to be done.

Recent hearings in Washington disclosed that inadequate funding was the greatest obstacle in the path of more effectively reaching the disadvantaged. Others now contend that we cannot effectively utilize extra funds contained in the HEW Appropriation Bill because the funds are being misdirected and are not reaching the disadvantaged contemplated under Title I ESEA. Your brief comments on these contentions would be appreciated.

Comment: There may be instances of abuses in the intent of the program, but the entire program should not be jeopardized due to the above charges. Some of the abuses may be due to the lack of continuity of funding which affects planning.

Response of Theodore E. Glado, Tiverton, R.I., January 22, 1970

How many children in your district are benefitting from education programs funded under Title I of ESEA?

Answer: 100 to 150.

What is the ADA in your school district grades K–12?

Answer 93 to 95.

What was the amount of your ESEA Title I grant in each of the following fiscal years?

Answer: 1968 $20,000, 1969, $17,000, 1970 $16,000, figures approximately.

What additional funds, if any, could you effectively apply to your Title I programs in fiscal year 1970 over and above the present level of funding? In fiscal year 1971?

Answer: 1970 $5,000, 1971 $10,000.

In your judgment, do you believe that the Title I programs are needed to meet the special needs of educationally disadvantaged children?

Answer: Without question.

Do you regard your present Title I programs as effective in meeting special education needs of educationally disadvantaged children?

Answer: They have been proven as being a definite advantage. Records prove it.

Recent hearings in Washington disclosed that inadequate funding was the greatest obstacle in the path of more effectively reaching the disadvantaged. Others now contend that we cannot effectively utilize extra funds contained in the HEW Appropriation Bill because the funds are being misdirected and are not reaching the disadvantaged contemplated under Title I ESEA. Your brief comments on these contentions would be appreciated.

Comment: Reaching the disadvantaged reduces itself to small pupil-teacher ratios. Materials we have plenty of, its the manpower we can't afford.

Response of Clay Evans, Fleming County, Flemingsburg, Ky., January 22, 1970

How many children in your district are benefiting from education programs funded under Title I of ESEA?

Answer: 825.

What is the ADA in your school district grades K–12?

Answer: 2,182.

What was the amount of your ESEA Title I grant in each of the following fiscal years?

Answer: 1968 $123,093, 1969 $108,971, 1970 $98,017.

What additional funds, if any, could you effectively apply to your Title I programs in fiscal year 1970 over and above the present level of funding? In fiscal year 1971?

Answer: 1970 $50,000, 1971 $50,000.

In your judgment, do you believe that the Title I programs are needed to meet the special needs of educationally disadvantaged children?

Answer: Yes.

Do you regard your present Title I programs as effective in meeting special education needs of educationally disadvantaged children?

Answer: Not all disadvantaged children!

Recent hearings in Washington disclosed that inadequate funding was the greatest obstacle in the path of more effectively reaching the disadvantaged. Others now contend that we cannot effectively utilize extra funds contained in the HEW Appropriation Bill because the funds are being misdirected and are not reaching the disadvantaged contemplated under Title I ESEA. Your brief comments on these contentions would be appreciated.

Comment: Fleming County needs funds for construction purposes more than for any other area. We need additional space for all children, including disadvantaged. However, we feel we could do more than we are for disadvantaged if we had more non-construction funds!

Response of Portsmouth Public Schools, Portsmouth, Va., January 22, 1970

How many children in your district are benefitting from education programs funded under Title I of ESEA?

Answer: 1,937.

What is the ADA in your school district grades K–12?

Answer: —.

What was the amount of your ESEA Title I grant in each of the following fiscal years?

Answer: 1968 $679,797, 1969 $780,341, 1970 $702,458.

What additional funds, if any, could you effectively apply to your Title I programs in fiscal year 1970 over and above the present level of funding? In fiscal year 1971?

Answer: 1970 $200,000, 1971 $250,000.

In your judgment, do you believe that the Title I programs are needed to meet the special needs of educationally disadvantaged children?

Answer: Yes, in our local situation of limited local funds (next to bottom at cities in the ability to pay for education).

Do you regard your present Title I programs as effective in meeting special education needs of educationally disadvantaged children?

Answer: Yes, our Reading Program under Title I has been selected by the U.S.O.E. as a model for the entire nation.

Recent hearings in Washington disclosed that inadequate funding was the greatest obstacle in the path of more effectively reaching the disadvantaged. Others now contend that we cannot effectively utilize extra funds contained in the HEW Appropriation Bill because the funds are being misdirected and are not reaching the disadvantaged contemplated under Title I ESEA. Your brief comments on these contentions would be appreciated.

Comment: With about 50% of families in inner core of Portsmouth earning less than $2,000 per year, we are faced with tremendous task of providing pre-school classes and special programs for these disadvantaged. Practically all of our Title I funds now go to the operation of these programs. The need is so great the city is attempting to supplement the work being done in the inner city with its meager resources. To date, no Title I funds have been used except to provide special programs for the disadvantaged.

Response of R. A. Berry, Berkeley County, Monack Corner, S.C., January 22, 1970

How many children in your district are benefitting from education programs funded under Title I of ESEA?

Answer: 5,727.

What is the ADA in your school district grades K–12?

Answer: 18,970.

What was the amount of your ESEA Title I grant in each of the following fiscal years?

Answer: 1968 $831,495, 1969 $622,962, 1970 $605,648. Additional allocation for summer program. Allocation, approved $549,143. County in deferred status.

What additional funds, if any, could you effectively apply to your Title I programs in fiscal year 1970 over and above the present level of funding? In fiscal year 1971?

Answer: 1970 $300,000, 1971 $350,000.

In your judgment, do you believe that the Title I programs are needed to meet the special needs of educationally disadvantaged children?

Answer: Definitely needed.

Do you regard your present Title I programs as effective in meeting special educataion needs of educationally disadvantaged children?

Answer: Yes.

Recent hearings in Washington disclosed that inadequate funding was the greatest obstacle in the path of more effectively reaching the disadvantaged. Others now contend that we cannot effectively uilize extra funds contained in the HEW Appropriation Bill because the funds are being misdirected and are not reaching the disadvantaged contemplated under Title I ESEA. Your brief comments on these contentions would be appreciated.

Comment: There are cases where the funds are not adequately used but this is true of any program as large as this one is. This Title I help is badly needed.

Response of Van W. Emerson, Superintendent, Intermediate School District No. 101, Nine Mile Falls, No. 325, Orchard Reserve No. 123, Great Northern No. 312, Spokane, Wash., January 22, 1970

How many children in your district are benefitting from education programs funded under Title I of ESEA?

Answer: 1968, 35; 1969, 31; 1970, 21.

What is the ADA in your school district grades K–12?

Answer: 1968, 158; 1969, 159; 1970, 166.

What was the amount of your ESEA Title I grant in each of the following fiscal years?

Answer: 1968, $3,712; 1969, $3,586; 1970, $3,104.

What additional funds, if any, could you effectively apply to your Title I programs in fiscal year 1970 over and above the present level of funding? In fiscal year 1971?

Answer: 1970, $3,000; 1971, $3,000.

In your judgment, do you believe that the Title I programs are needed to meet the special needs of educationally disadvantaged children?

Answer: Very definitely: We were able through special experience opportunities widen the horizons of these elementary children.

Do you regard your present Title I programs as effective in meeting special education needs of educationally disadvantaged children?

Answer: In our experience—yes!

Recent hearings in Washington disclosed that inadequate funding was the greatest obstacle in the path of more effectively reaching the disadvantaged. Others now contend that we cannot effectively utilize extra funds contained in the HEW Appropriation Bill because the funds are being misdirected and are not reaching the disadvantaged contemplated under Title I ESEA. Your brief comments on these contentions would be appreciated.

Comment: The three school districts named above are what we can serve by establishing a cooperative program for the three through our office since they have no actual administrative Superintendent. We have had representative community adult participation in the planning and in this sense the procedures of "working together" have been very valuable. Personally, I feel that categorical aid does improve education where needed until general aid is sufficient to really give true coverage. Thank you for the opportunity to comment.

Response of Scott Ousley, Marlow, Okla., January 22, 1970

How many children in your district are benefitting from education programs funded under Title I of ESEA?

Answer: Approximately 125.

What is the ADA in your school district grades K–12?

Answer: 918 (68 to 69).

What was the amount of your ESEA Title I grant in each of the following fiscal years?

Answer: 1968 $20,099, 1969 $22,560, 1970 $20,017.

What additional funds, if any, could you effectively apply to your Title I programs in fiscal year 1970 over and above the present level of funding? In fiscal year 1971?

Answer: 1970 $20,000, 1971 $20,000.

In your judgment, do you believe that the Title I programs are needed to meet the special needs of educationally disadvantaged children?

Answer: Yes. Indirectly and directly.

Do you regard your present Title I programs as effective in meeting special education needs of educationally disadvantaged children?

Answer: Yes. If Title I money was used only for added teaching personnel it would help.

Recent hearings in Washington disclosed that inadequate funding was the greatest obstacle in the path of more effectively reaching the disadvantaged. Others now contend that we cannot effectively utilize extra funds contained in the HEW Appropriation Bill because the funds are being misdirected and are not reaching the disadvantaged contemplated under Title I ESEA. Your brief comments on these contentions would be appreciated.

Comment: Late funding has caused poor planning. The uncertainty of available funds causes programs especially new programs to suffer.

Program needs to be stabilized so as schools can plan programs for what they are intended.

Response of Wendell McNeely, Director of Federal Programs, Yankton, Ind., School District No. 1, Yankton, S. Dak., January 22, 1970

How many children in your district are benefitting from education programs funded under Title I of ESEA?

Answer: 350 students benefit.

What is the ADA in your school district grades K–12?

Answer: 3,150.

What was the amount of your ESEA Title I grant in each of the following fiscal years?

Answer: 1968 $97,735, 1969 $93,917, 1970 $84,600.

What additional funds, if any, could you effectively apply to your Title I programs in fiscal year 1970 over and above the present level of funding? In fiscal year 1971?

Answer: 1970 $12,000, 1971 $15,000.

In your judgment, do you believe that the Title I programs are needed to meet the

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special needs of educationally disadvantaged children?

Answer: Yes—very well received and used. South Dakota has educational finance problems.

Do you regard your present Title I programs as effective in meeting special education needs of educationally disadvantaged children?

Answer: Yes.

Recent hearings in Washington disclosed that inadequate funding was the greatest obstacle in the path of more effectively reaching the disadvantaged. Others now content that we cannot effectively utilize extra funds contained in the HEW Appropriation Bill because the funds are being misdirected and are not reaching the disadvantaged contemplated under Title I ESEA. Your brief comments on these contentions would be appreciated.

Comment: Continual reduction of funds each year has caused us to drop a very successful summer program. Twelve 70–71 teaching contracts depend on early funding of fiscal 1971.

Response of Henry Drechsler, Kaukauna Public School District, Nicolet Elementary School, Kaukauna, Wis., January 22, 1970

How many children in your district are benefitting from education programs funded under Title I of ESEA?

Answer: 26, regular school year, 60 preschool (summer session), 90, summer math program.

What is the ADA in your school district grades K–12?

Answer: 3,051.

What was the amount of your ESEA Title I grant in each of the following fiscal years?

Answer: 1968 $19,430, 1969 $16,432, 1970 $12,323.

What additional funds, if any, could you effectively apply to your Title I programs in fiscal year 1970 over and above the present level of funding? In fiscal year 1971?

Answer: 1970 $24,000, 1971 $36,000.

In your judgment, do you believe that the Title I programs are needed to meet the special needs of educationally disadvantaged children?

Answer: Yes.

Do you regard your present Title I programs as effective in meeting special education needs of educationally disadvantaged children?

Answer: Yes, but funding (adequate) has limited it.

Recent hearings in Washington disclosed that inadequate funding was the greatest obstacle in the path of more effectively reaching the disadvantaged. Others now contend that we cannot effectively utilize extra funds contained in the HEW Appropriation Bill because the funds are being misdirected and are not reaching the disadvantaged contemplated under Title I ESEA. Your brief comments on these contentions would be appreciated.

Comment: The Wis. Dept. of Public Instruction has developed a most equitable system of distribtution:

Response of Dr. Marvin Lansing, Eau Claire Area Schools, Eau Claire, Wis., January 22, 1970

How many children in your district are benefitting from education programs funded under Title I of ESEA?

Answer: 225 to 250 Elementary, 90 to 100 secondary.

What is the ADA in your school district grades K–12?

Answer: 10,700.

What was the amount of your ESEA Title I grant in each of the following fiscal years?

Answer: 1968 $125,000, 1969 $116,000, 1970 $116,000.

What additional funds, if any, could you effectively apply to your Title I programs in fiscal year 1970 over and above the present level of funding? In fiscal year 1971?

Answer: 1970 $100,000, 1971 $125,000.

In your judgment, do you believe that the Title I programs are needed to meet the special needs of educationally disadvantaged children?

Answer: Yes.

Do you regard your present Title I programs as effective in meeting special education needs of educationally disadvantaged children?

Answer: Yes.

Recent hearings in Washington disclosed that inadequate funding was the greatest obstacle in the path of more effectively reaching the disadvantaged. Others now contend that we cannot effectively utilize extra funds contained in the HEW Appropriation Bill because the funds are being misdirected and are not reaching the disadvantaged contemplated under Title I ESEA. Your brief comments on these contentions would be appreciated.

Comment: This is not true here; all our funds (about $116,000) are being used to pay salaries to professional staff members who work directly with pupils who are educationally disadvantaged.

Our emphasis at the elem level is to improve the pupils attitude towards himself (self concept development) and towards learning and school in general. Included in this program are home visits, parent involvement materials and a specific attack on reading and language problems. Feed back that we have to date certainly justify continuing the program—even expanding it.

At the secondary level we have a Guidance—tutorial program at North High School that has received recognition as an exemplary ESEA program. It is directed at the disadvantaged potential dropout. We are confident that this program has saved many high school pupils from dropping out of school.

Future: We need to have an impact on the child from the time he is born until he reaches school. Too much damage is done by the time he is five or six years of age. State educational T.V. could do wonders. For example, Sesame Street.

Response of Warren A. Smith, Assistant Superintendent, Joint School District No. 1, Chippewa Falls, Wis., January 22, 1970

How many children in your district are benefitting from education programs funded under Title I of ESEA?

Answer: 425.

What is the ADA in your school district grades K–12?

Answer: ADA—Total enrollment 4,778; average daily membership, 4,456.

What was the amount of your ESEA Title I grant in each of the following fiscal years?

Answer: 1968, $85,032; 1969, $76,418; 1970, $73,581.

What additional funds, if any, could you effectively apply to your Title I programs in fiscal year 1970 over and above the present level of funding? In fiscal year 1971?

Answer: 1970, $12,000 for more staff for summer school; 1971, $15,000 summer school and regular year staffing.

In your judgement, do you believe that the Title I programs are needed to meet the special needs of educationally disadvantaged children?

Answer: Definitely, yes. Our general budget had been cut so that we have trouble meeting the needs of the disadvantaged children.

Do you regard your present Title I programs as effective in meeting special education needs of educationally disadvantaged children?

Answer: Yes—the multisensory technique for teaching reading to grades 1–3 and play therapy for emotionally disturbed children grades K–4.

Recent hearings in Washington disclosed that inadequate funding was the greatest obstacle in the path of more effectively reaching the disadvantaged. Others now contend that we cannot effectively utilize extra funds contained in the HEW Appropriation Bill because the funds are being misdirected and are not reaching the disadvantaged contemplated under Title I ESEA. Your brief comments on these contentions would be appreciated.

Comment: All our funds have been carefully applied to the analysis of needs as evaluated by our staff. All funds are used for grades K–4 educationally disadvantaged. We must curtail our Title I Summer School because of inadequate funding.

Response of William H. Babb, Richland County School District No. 2, Columbia, S.C., January 22, 1970

How many children in your district are benefitting from education programs funded under Title I of ESEA?

Answer: All children who reside within the district are benefitting directly or indirectly from Title I programs.

What is the ADA in your school district grades K–12?

Answer: 8,052.

What was the amount of your ESEA Title I grant in each of the following fiscal years?

Answer: 1968 $119,000, 1969 $108,000, 1970 $90,000.

What additional funds, if any, could you effectively apply to your Title I programs in fiscal year 1970 over and above the present level of funding? In fiscal year 1971?

Answer: 1970 $90,000, 1971 $200,000.

In your judgment, do you believe that the Title I programs are needed to meet the special needs of educationally disadvantaged children?

Answer: Any amount which the Congress would allocate could be used to improve and enlarge our Title I program. 1970 $90,000, 1971 $200,000.

Do you regard your present Title I programs as effective in meeting special education needs of educationally disadvantaged children?

Answer: There is no doubt but what this district would be hard pressed to maintain the current level of operation without Title I funds. Those children with special needs would have to be adapted to our regular program of operation.

Recent hearings in Washington disclosed that inadequate funding was the greatest obstacle in the path of more effectively reaching the disadvantaged. Others now contend that we cannot effectively utilize extra funds contained in the HEW Appropriation Bill because the funds are being misdirected and are not reaching the disadvantaged contemplated under Title I ESEA. Your brief comments on these contentions would be appreciated.

Comment: Our Title I program is as effective as the limited funding will allow. The effectiveness is in direct proportion to the amount of money appropriated.

Response of Dr. Dwight M. Davis, Superintendent, Des Moines Independent Community School District, Des Moines, Iowa, January 22, 1970

How many children in your district are benefitting from education programs funded under Title I of ESEA?

Answer: 3,107.

What is the ADA in your school district grades K–12?

Answer: 42,765.

What was the amount of your ESEA Title I grant in each of the following fiscal years?

Answer: 1968 $792,341, 1969 $764,373, 1970 $710,237.

What additional funds, if any, could you effectively apply to your Title I programs in

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fiscal year 1970 over and above the present level of funding? In fiscal year 1971?

Answer: 1970 $100,000, 1971 $150,000.

In your judgment, do you believe that the Title I programs are needed to meet the special needs of educationally disadvantaged children?

Answer: Definitely, yes.

Do you regard your present Title I programs as effective in meeting special education needs of educationally disadvantaged children?

Answer: Beginning to show many more positive effects. Continued and forward funding could provide for more comprehensive planning and evaluation and assure more stability in programming.

Recent hearings in Washington disclosed that inadequate funding was the greatest obstacle in the path of more effectively reaching the disadvantaged. Others now contend that we cannot effectively utilize extra funds contained in the HEW Appropriation Bill because the funds are being misdirected and are not reaching the disadvantaged contemplated under Title I ESEA. Your brief comments on these contentions would be appreciated.

Comment: We must continue the effort to concentrate funds on fewer children. Further a continued reassessment of objectives and needs is warranted. We feel we are serving the appropriate children, but must constantly guard against trying to serve too many, which tends to reduce program impact.

RESPONSE OF DONALD L. PARKER, DIRECTOR, TITLE I, KINGS MOUNTAIN CITY, KINGS MOUNTAIN, N.C., JANUARY 22, 1970

How many children in your district are benefitting from education programs funded under Title I of ESEA?

Answer: 612.

What is the ADA in your school district grades K–12?

Answer: 3,921.

What was the amount of your ESEA Title I grant in each of the following fiscal years?

Answer: 1968 $123,158.72, 1969 $108,472, 1970 $97,784.

What additional funds, if any, could you effectively apply to your Title I programs in fiscal year 1970 over and above the present level of funding? In fiscal years 1971?

Answer: 1970 $25,000, 1971 $40,000, (this would provide for a summer remedial program for these students who need this extended period of instruction so badly).

Priority needs for additional funds:

1. One additional class of students (6 years old), who, because of lack of readiness experiences in the home cannot adjust to the first grade and need an extended period of readiness and ungraded instruction.

2. One full time social worker to visit the homes of the deprived and to work closely with the parents in relating the school program to the child and to involve them in the school program. Encouragement for adult education, (courses in budgeting, health and nutrition for the child) are so desperately needed to help these families overcome the problems they are faced with due to economic handicaps.

3. Additional funds for medical and dental services. Because of inadequate diets these children have very poor teeth and are anemic.

4. A summer remedial program to give the disadvantaged child an extended period of instruction.

5. Additional equipment to effectively carry out the program now in operation. In order to offer the maximum amount of services, we have purchased almost no equipment for the kindergarten program, using home constructed and donated equipment to carry out the program. This is worked very satisfactorily but in order to extend the activities, we need additional equipment and supplies.

In your judgment, do you believe that the Title I programs are needed to meet the special needs of educationally disadvantaged children?

Answer: Yes, definitely. This is the only hope that we have for these students from economically and culturally deprived homes.

Do you regard your present Title I programs as effective in meeting special education needs of educationally disadvantaged children?

Answer: Yes.

Recent hearings in Washington disclosed that inadequate funding was the greatest obstacle in the path of more effectively reaching the disadvantaged. Others now contend that we cannot effectively utilize extra funds contained in the HEW Appropriation Bill because the funds are being misdirected and are not reaching the disadvantaged contemplate under Title I ESEA. Your brief comments on these contentions would be appreciated.

Comment: We are presently concentrating on the kindergarten-grade 3 child. We feel that this is the greatest area of need but we are not able to continue helping the child beyond this level. This is needed so badly if he is to continue this progress and to overcome the many handicaps he has been placed in because of his home environment.

We have spoken to a large number of civic and professional clubs, explaining our program and the effect it has on the deprived child. Through question and answer periods they have indicated great interest and enthusiasm for the Title I program and feel strongly that it should be continued and expanded.

It is also felt that without all federal funds which have been provided, the smooth transition from a dual to a unitary school system could not have been accomplished in our area. We desperately need additional funds to overcome deficiencies in the past educational experiences of these children and to assure them of equal educational opportunities, regardless of their background and home environment.

RESPONSE OF A. L. ALBERT, SCHOOL DISTRICT NO. 1, NEWCASTLE, WYO., JANUARY 22, 1970

How many children in your district are benefitting from education programs funded under Title I of ESEA?

Answer: 59.

What is the ADA in your school district grades K–12?

Answer: 1312.

What was the amount of your ESEA Title I grant in each of the following fiscal years?

Answer: 1968 $10,339, 1969 $10,316, 1970 $9,005.

What additional funds, if any, could you effectively apply to your Title I programs in fiscal year 1970 over and above the present level of funding? In fiscal year 1971?

Answer: 1970 $15,000, 1971 $15,000.

In your judgment, do you believe that the Title I programs are needed to meet the special needs of educationally disadvantaged children?

Answer: Yes. I do not believe all of the educationally disadvantaged children reside in the ghettos, however, this seems to be case as far as approvement of projects are concerned.

Do you regard your present Title I programs as effective in meeting special education needs of educationally disadvantaged children?

Answer: Yes. We can document some of our students becoming average and above achievers because of our program.

Recent hearings in Washington disclosed that inadequate funding was the greatest obstacle in the path of more effectively reaching the disadvantaged. Others now contend that we cannot effectively utilize extra funds contained in the HEW Appropriation Bill because the funds are being misdirected and are not reaching the disadvantaged contemplated under Title I ESEA. Your brief comments on these contentions would be appreciated.

Comment: There will always be some waste, this shouldn't eliminate the total program and stop the efforts of improvement. A realistic evaluation of programs by a team of educators (and others if preferred) from various levels in education and from different areas of the country (all on the same team) would help spot excellent programs and recommend the discontinuance of others.

The educators in Wyoming might come up with a program for the disadvantaged in our sparsely populated areas that might work just as well in the cities, however, because we are not playing the numbers game this opportunity does not present itself. I can show you a proposed program that was commended all the way but because of the few students was disallowed. (Only $10,000.)

RESPONSE OF ALEX EVERSOLE, SUPERINTENDENT, PERRY COUNTY, HAZARD, KY., JANUARY 22, 1970

How many children in your district are benefitting from education programs funded under Title I of ESEA?

Answer: 4,265.

What is the ADA in your school district grades K–12?

Answer: 7,655.

What was the amount of your ESEA Title I grant in each of the following fiscal years?

Answer: 1968 $655,152, 1969 $599,546, 1970 $534,665.

What additional funds, if any, could you effectively apply to your Title I programs in fiscal year 1970 over and above the present level of funding? In fiscal year 1971?

Answer: 1970 $100,000, 1971 $110,000.

In your judgment, do you believe that the Title I programs are needed to meet the special needs of educationally disadvantaged children?

Answer: Yes, our statistics and records prove that Title I funds have accomplished much for the educationally disadvantaged children in our school system.

Do you regard your present Title I programs as effective in meeting special education needs of educationally disadvantaged children?

Answer: Yes, but should be broadened into other areas such as art, music, and recreation.

Recent hearings in Washington disclosed that inadequate funding was the greatest obstacle in the path of more effectively reaching the disadvantaged. Others now contend that we cannot effectively utilize extra funds contained in the HEW Appropriation Bill because the funds are being misdirected and are not reaching the disadvantaged contemplated under Title I ESEA. Your brief comments on these contentions would be appreciated.

Comment: The Title I program has been vital in meeting the needs of our disadvantaged children in such areas as: health services, food lunch services, special remedial reading, library services, elementary physical education, guidance, nursing services such as screening and corrections of physical defects (including purchases of glasses and hearing aids), social work (including purchases of shoes and clothing), and other audio visual equipment, materials, and supplies. The Perry County Board of Education could not carry on necessary existing programs for these disadvantaged children without Title I funding. Our hot lunch programs in the small 1, 2, and 3 room schools for the children up the hollows and creeks could not function.

Response of DeFore Cramblitt, Superintendent, Intermediate School District No. 114, Port Orchard, Wash., January 22, 1970

How many children in your district are benefitting from education programs funded under Title I of ESEA?

Answer: 24,560.

What is the ADA in your school district grades K–12?

Answer: 23,127.

What was the amount of your ESEA Title I grant in each of the following fiscal years?

Answer: 1968, $63,000; 1969, $167,000; 1970, $119,000.

What additional funds, if any, could you effectively apply to your Title I programs in fiscal year 1970 over and above the present level of funding? In fiscal year 1971?

Answer: 1970 will remain about the same as in 1969; 1971 will remain about the same as in 1970.

In your judgment, do you believe that the Title I programs are needed to meet the special needs of educationally disadvantaged children?

Answer: Yes, by all means.

Do you regard your present Title I programs as effective in meeting special education needs of educationally disadvantaged children?

Answer: Yes, in this area.

Recent hearings in Washington disclosed that inadequate funding was the greatest obstacle in the path of more effectively reaching the disadvantaged. Others now contend that we cannot effectively utilize extra funds contained in the HEW Appropriation Bill because the funds are being misdirected and are not reaching the disadvantaged contemplated under Title I ESEA. Your brief comments on these contentions would be appreciated.

Comment: To my knowledge none of the Federal Funds have ever been abused or misused.

Response of Nat Williams, Superintendent, Lubbock Public Schools, Lubbock, Tex., January 22, 1970

How many children in your district are benefitting from education programs funded under Title I of ESEA?

No answer.

What is the ADA in your school district grades K–12?

Answer: 31,357.

What was the amount of your ESEA Title I grant in each of the following fiscal years?

Answer: 1968, $442,426; 1969, $408,148; 1970, $347,895.

What additional funds, if any, could you effectively apply to your Title I programs in fiscal year 1970 over and above the present level of funding? In fiscal year 1971?

Answer: 1970, $69,200; 1971, $436,000; Total, $783,895.

In your judgment, do you believe that the Title I programs are needed to meet the special needs of educationally disadvantaged children?

Answer: Yes, to our knowledge no other comprehensive program is so designed to meet the needs of educationally disadvantaged children.

Do you regard your present Title I programs as effective in meeting special education needs of educationally disadvantaged children?

Answer: Yes. There is statistical evidence that children in Title I program have shown improvement in communication skills and attendance. There is improvement in self-concept, attitude toward school and society and general educational achievement.

Recent hearings in Washington disclosed that inadequate funding was the greatest obstacle in the path of more effectively reaching the disadvantaged. Others now contend that we cannot effectively utilize extra funds contained in the HEW Appropriation Bill because the funds are being misdirected and are not reaching the disadvantaged contemplated under Title I ESEA. Your brief comments on these contentions would be appreciated.

Comment: We urgently need firm commitment well in advance of the beginning of the fiscal year to facilitate effective planning and avoiding waste of money and effort.

Response of Ruben H. Porch, Superintendent, City Board of Education, Sylacauga, Ala., January 22, 1970

How many children in your district are benefitting from education programs funded under Title I of ESEA?

Answer: Title I Activities & Services:
English-reading 1004.
Music, 309.
Physical Ed. 309.
Library services, 3,196.

What is the ADA in your school district grades K–12?

Answer: 2,949.41

What was the amount of your ESEA Title I grant in each of the following fiscal years?

Answer: 1968 $138,229, 1969 $129,152, 1970 $116,054.

What additional funds, if any, could you effectively apply to your Title I programs in fiscal year 1970 over and above the present level of funding? In fiscal year 1971?

Answer: 1970 $35,000, 1971 $200,000.

In your judgement, do you believe that the Title I programs are needed to meet the special needs of educationally disadvantaged children?

Answer: Yes.

Do you regard your present Title I programs as effective in meeting special education needs of educationally disadvantaged children?

Answer: Yes.

Recent hearings in Washington disclosed that inadequate funding was the greatest obstacle in the path of more effectively reaching the disadvantaged. Others now contend that we cannot effectively utilize extra funds contained in the HEW Appropriation Bill because the funds are being misdirected and are not reaching the disadvantaged contemplated under Title I ESEA. Your brief comments on these contentions would be appreciated.

Comment: We agree that inadequate funding is the greatest obstacle that we face in reaching the disadvantaged. As it is shown above, the funds appropriated have been spent for equipment, materials and personnel. Experience has shown us that there is much to be done and it is impossible to do it without funds available to support these items.

Response of Virgil F. Belue, Tupelo Municipal Separate, Tupelo, Miss., January 22, 1970

How many children in your district are benefitting from education programs funded under Title I of ESEA?

Answer: 1,021.

What is the ADA in your school district grades K–12?

Answer: 5,306.

What was the amount of your ESEA Title I grant in each of the following fiscal years?

Answer: 1968 $135,505, 1969 $115,178, 1970 $113,641.

What additional funds, if any, could you effectively apply to your Title I programs in fiscal year 1970 over and above the present level of funding? In fiscal year 1971?

Answer: 1970 $900,000, 1971 $1,250,000.

In your judgment, do you believe that the Title I programs are needed to meet the special needs of educationally disadvantaged children?

Answer: Yes.

Do you regard your present Title I programs as effective in meeting special education needs of educationally disadvantaged children?

Answer: Yes.

Recent hearings in Washington disclosed that inadequate funding was the greatest obstacle in the path of more effectively reaching the disadvantaged. Others now contend that we cannot effectively utilize extra funds contained in the HEW Appropriation Bill because the funds are being misdirected and are not reaching the disadvantaged contemplated under Title I ESEA. Your brief comments on these contentions would be appreciated.

Comment: The only way that we can meet the needs of disadvantaged children is by having Federal funds. The reason for ineffectiveness is the failure of the Congress to make the appropriations far enough in advance so that adequate planning is available to school personnel. Also, school personnel never know from one year to the next whether or not they will get Title I funds or how much they will be allocated. Effective educational planning cannot be done with the lack of security.

Response of Ace Alsup, Superintendent, Temple Independent School District, Temple, Tex., January 22, 1970

How many children in your district are benefitting from education programs funded under Title I of ESEA?

Answer: 1,115.

What is the ADA in your school district grades K–12?

Answer: $7,165.40.

What was the amount of your ESEA Title 1 grant in each of the following fiscal years?

Answer: 1968 $175,313, 1969, $153,490, 1970 $149,231.

What additional funds, if any, could you effectively apply to your Title I programs in fiscal year 1970 over and above the present level of funding? In fiscal year 1971?

Answer: 1970 $153,000 (approx.), 1971 $195,000 (approx.).

In your judgment, do you believe that the Title I programs are needed to meet the special needs of educationally disadvantaged children?

Answer: Yes.

Do you regard your present Title I programs as effective in meeting special education needs of educationally disadvantaged children?

Answer: Yes?

Recent hearings in Washington disclosed that inadequate funding was the greatest obstacle in the path of more effectively reaching the disadvantaged. Others now contend that we cannot effectively utilize extra funds contained in the HEW Appropriation Bill because the funds are being misdirected and are not reaching the disadvantaged contemplated under Title I ESEA. Your brief comments on these contentions would be appreciated.

Comment: None.

Response of F. Gail Massey, Westran R–1, Huntsville, Mo., January 22, 1970

How many children in your district are benefitting from education programs funded under Title I of ESEA?

Answer: 90.

What is the ADA in your school district grades K–12?

Answer: 603.

What was the amount of your ESEA Title I grant in each of the following fiscal years?

Answer: 1968, no answer; 1969, 18,000; 1970, 13,000.

What additional funds, if any, could you effectively apply to your Title I programs in fiscal year 1970 over and above the present level of funding? In fiscal year 1971?

Answer: 1970, $5,000; 1971, $7,000.

In your judgment, do you believe that the Title I programs are needed to meet the

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special needs of educationally disadvantaged children?

Answer: By all means.

Do you regard your present Title I programs as effective in meeting special education needs of educationally disadvantaged children?

Answer: It could be and is being improved.

Recent hearings in Washington disclosed that inadequate funding was the greatest obstacle in the path of more effectively reaching the disadvantaged. Others now contend that we cannot effectively utilize extra funds contained in the HEW Appropriation Bill because the funds are being misdirected and are not reaching the disadvantaged contemplated under Title I ESEA. Your brief comments on these contentions would be appreciated.

Comment: I believe guidelines should be more flexible and adaptable to each locale. Perhaps some funds have been misused; however, any system having title I funds will deteriorate if funds are unavailable. We need more!

Response of Warren Andrews, Three Rivers School District, Three Rivers, Mich., January 22, 1970

How many children in your district are benefitting from education programs funded under Title I of ESEA?

Answer: 200.

What is the ADA in your school district grades K–12?

Answer: 3,200.

What was the amount of your ESEA Title I grant in each of the following fiscal years?

Answer: 1968, $25,000, 1969, $22,000, 1970, $7,800.

What additional funds, if any, could you effectively apply to your Title I programs in fiscal year 1970 over and above the present level of funding? In fiscal year 1971?

Answer: 1970, $15,000, 1971, $15,000.

In your judgment, do you believe that the Title I programs are needed to meet the special needs of educationally disadvantaged children?

Answer: Yes.

Do you regard your present Title I programs as effective in meeting special education needs of educationally disadvantaged children?

Answer: No.

Recent hearings in Washington disclosed that inadequate funding was the greatest obstacle in the path of more effectively reaching the disadvantaged. Others now contend that we cannot effectively utilize extra funds contained in the HEW Appropriation Bill because the funds are being misdirected and are not reaching the disadvantaged contemplated under Title I ESEA. Your brief comments on these contentions would be appreciated.

Comment: None.

Response of F. A. Dahlen, Assistant Superintendent, No. 1, Winslow, Ariz., January 22, 1970

How many children in your district are benefitting from education programs funded under Title I of ESEA?

Answer: Elementary, 386; high school, 165; total, 551.

What is the ADA in your school district grades K–12?

Answer: Elementary, 1825.800; high school, 730.450; total, 2556.250; as of January 16, 1970.

What was the amount of your ESEA Title I grant in each of the following fiscal years?

Answer:

1968—Elementary, $138,577.56; high school, $49,895.72; total, $188,473.28.

1969—Elementary, $126,551.69; high school, $45,475.51; total, $172,027.20.

1970—Elementary, $119,224.00; high school, $42,591.00; total, $161,815.00.

What additional funds, if any, could you effectively apply to your Title I programs in fiscal year 1970 over and above the present level of funding? In fiscal year 1971?

Answer: 1970, $27,000; 1971, $27,000 (to expand vocational training and remedial reading).

In your judgment, do you believe that the Title I programs are needed to meet the special needs of educationally disadvantaged children?

Answer: Yes.

Do you regard your present Title I programs as effective in meeting special education needs of educationally disadvantaged children?

Answer: Yes. We would provide more remedial help if personnel were available, and we would like to expand our vocational training.

Recent hearings in Washington disclosed that inadequate funding was the greatest obstacle in the path of more effectively reaching the disadvantaged. Others now contend that we cannot effectively utilize extra funds contained in the HEW Appropriation Bill because the funds are being misdirected and are not reaching the disadvantaged contemplated under Title I ESEA. Your brief comments on these contentions would be appreciated.

Comment: I feel that most schools in Arizona with which I am familiar do a pretty good job in reaching the educationally disadvantaged.

Response of Fred E. Allen, School Administrative District No. 43, Mexico, Maine, January 22, 1970

How many children in your district are benefitting from education programs funded under Title I of ESEA?

Answer: 112.

What is the ADA in your school district grades K–12?

Answer: 1,336 ADA in public schools; enrollment of 268 in parochial school.

What was the amount of your ESEA Title I grant in each of the following fiscal years?

Answer: 1968, $30,058; 1969, $26,639; 1970, $23,762.

What additional funds, if any, could you effectively apply to your Title I programs in fiscal year 1970 over and above the present level of funding? In fiscal year 1971?

Answer: 1970, $1,000 for supplies and equipment—present program covers salaries only; 1971, $9,000 add another teacher to the program with more needed supplies. With cuts in budgets due to increased taxes this is essential to keep the program.

In your judgment, do you believe that the Title I programs are needed to meet the special needs of educationally disadvantaged children?

Answer: Definitely—we have accomplished a great deal in a poor district, which would not have been done without the Title I funds. With increasingly more property taxes, we need to continue such programs even more than before.

Do you regard your present Title I programs as effective in meeting special education needs of educationally disadvantaged children?

Answer: Yes—Our program was designed to meet the needs of these children, particularly, in the reading area and the associated problems that these disadvantaged children have in their home environment.

Recent hearings in Washington disclosed that inadequate funding was the greatest obstacle in the path of more effectively reaching the disadvantaged. Others now contend that we cannot effectively utilize extra funds contained in the HEW Appropriation Bill because the funds are being misdirected and are not reaching the disadvantaged contemplated under Title I ESEA. Your brief comments on these contentions would be appreciated.

Comment: This is not a true statement underlined in regards to the programs that I know of in Maine, and to our own program. The disadvantaged in reading are being reached, and as a result it benefits the whole district in their program. With additional funds we can do an even better job in correcting problems before they reach the upper grade levels.

Response of Floyd W. Parsons, Little Rock School District, Little Rock, Ark.

How many children in your district are benefitting from education programs funded under Title I of ESEA?

Answer: Education programs, 2,987; personal services, 1,463.

What is the ADA in your school district grades K–12?

Answer: 23,324.

What was the amount of your ESEA Title I grant in each of the following fiscal years?

Answer: 1968 $651,585, 1969 $593,601, 1970 $533,287.

What additional funds, if any, could you effectively apply to your Title I programs in fiscal year 1970 over and above the present level of funding? In fiscal year 1971?

Answer: 1970, $118,000 (the difference between the amount allocated now and the amount allocated in 1968); 1971, $200,000 (if the money is received in time to make adequate plans for its efficient use).

In your judgment, do you believe that the Title I programs are needed to meet the special needs of educationally disadvantaged children?

Answer: Yes. There is a tremendous gap between many of the disadvantaged children and children from the so-called affluent families—often they are in competition in the same classroom since full integration has taken place.

Do you regard your present Title I programs as effective in meeting special education needs of educationally disadvantaged children?

Answer: It is effective but limited somewhat in scope and depth.

Recent hearings in Washington disclosed that inadequate funding was the greatest obstacle in the path of more effectively reaching the disadvantaged. Others now contend that we cannot effectively utilize extra funds contained in the HEW Appropriation Bill because the funds are being misdirected and are not reaching the disadvantaged contemplated under Title I ESEA. Your brief comments on these contentions would be appreciated.

Comment: Most programs are good but inaedquate funding and not enough time to plan are the two main reasons for poor programs. In fact, if it is impossible for Congress to make appropriations to permit advance planning on the use of funds, I would suggest a one-year moratorium on Title I funds to permit us to have the benefits of advance funding.

Response of Michael L. Cassetto, of School District No. 171, Orofinos, Idaho, January 22, 1970

How many children in your district are benefitting from education programs funded under Title I of ESEA?

Answer: 2,886.

What is the ADA in your school district grades K–12?

Answer: 2,575.

What was the amount of your ESEA Title I grant in each of the following fiscal years?

Answer: 1968, 28,290; 1969, $29,410; 1970, none received in 1970 (estimated $28,741).

What additional funds, if any, could you effectively apply to your Title I programs in fiscal year 1970 over and above the present level of funding? In fiscal year 1971?

Answer: 1970, $10,000; 1971, $15,000.

In your judgment, do you believe that the Title I programs are needed to meet the special needs of educationally disadvantaged children?

Answer: Yes.

Do you regard your present Title I programs as effective in meeting special education needs of educationally disadvantaged children?

Answer: Yes.

Recent hearings in Washington disclosed that inadequate funding was the greatest obstacle in the path of more effectively reaching the disadvantaged. Others now contend that we cannot effectively utilize extra funds contained in the HEW Appropriation Bill because the funds are being misdirected and are not reaching the disadvantaged contemplated under Title I ESEA. Your brief comments on these contentions would be appreciated.

Comment: We have been able to purchase instructional equipment which improved our program—along with a Teacher Aid program. This along with stipends for sending a few teachers to summer school in remedial reading—all of these programs gives the teacher more opportunity to help disadvantaged pupils.

RESPONSE OF L. W. DWYER, SUPERINTENDENT, BERLIN, N.H., JANUARY 22, 1970

How many children in your district are benefiting from education programs funded under Title I of ESEA?

Answer: 287.

What is the ADA in your school district grades K–12?

Answer: 2,337.

What was the amount of your ESEA Title I grant in each of the following fiscal years?

Answer: 1968 $40,481, 1969 37,477, 1970 31,737—$39,455 requested.

What additional funds, if any, could you effectively apply to your Title I programs in fiscal year 1970 over and above the present level of funding? In fiscal year 1971?

Answer: 1970 $7,718 plus $3,000 for summer program, 1971 25,000 or more.

In your judgment, do you believe that the Title I programs are needed to meet the special needs of educationally disadvantaged children?

Answer: In our area, yes.

Do you regard your present Title I programs as effective in meeting special education needs of educationally disadvantaged children?

Answer: Yes, but we need more of the same and follow-up programs.

Recent hearings in Washington disclosed that inadequate funding was the greatest obstacle in the path of more effectively reaching the disadvantaged. Others now contend that we cannot effectively utilize extra funds contained in the HEW Appropriation Bill because the funds are being misdirected and are not reaching the disadvantaged contemplated under Title I ESEA. Your brief comments on these contentions would be appreciated.

Comment: The funds in our area are well directed in our opinion. The money has helped do badly needed remedial work and has served to indicate new directions for helping the disadvantaged in this region.

RESPONSE OF W. DOUGLAS HARTLEY, SUPERINTENDENT, ST. JOHNS COUNTY, ST. AUGUSTINE, FLA., JANUARY 22, 1970

How many children in your district are benefiting from education programs funded under Title I of ESEA?

Answer: 1,497 low income.

What is the ADA in your school district grades K–12?

Answer: 6,399 (close of 3d month).

What was the amount of your ESEA Title I grant in each of the following fiscal years?

Answer: 1968 $244,816, 1969 $28,575, 1970 $194,754.

What additional funds, if any, could you effectively apply to your Title I programs in fiscal year 1970 over and above the present level of funding? In fiscal year 1971?

Answer: 1970, $245,000; 1971, $250,000. (Total population growth in schools only 2% to 3% per year).

In your judgment, do you believe that the Title I programs are needed to meet the special needs of educationally disadvantaged children?

Answer: Yes.

Do you regard your present Title I programs as effective in meeting special education needs of educationally disadvantaged children?

Answer: Yes, but we are not meeting all of the needs of these children. More money and additional programs will be needed to do the work.

Recent hearings in Washington disclosed that inadequate funding was the greatest obstacle in the path of more effectively reaching the disadvantaged. Others now contend that we cannot effectively utilize extra funds contained in the HEW Appropriation Bill because the funds are being misdirected and are not reaching the disadvantaged contemplated under Title I ESEA. Your brief comments on these contentions would be appreciated.

Comment: At the outset of the program instructions given were not complete enough to portray the true picture of the purpose of the funds for the disadvantaged. In helping the disadvantaged in one school it reflects on all students enrolled in that school through the use of special materials or equipment. In no way can I say that funds have intentionally been misused. Had the directions been more explicit at the beginning of the program the purpose of Title I would have been better understood. In this county, we have attempted to stick to a basic program—primarily testing, food, health, reading, materials, etc., rather than the utopian program of teaching machines, additional housing, the ultimate in scientific equipment, because these "economically and educationally deprived" don't need Cadillacs to begin the improvement.

RESPONSE OF HERBERT C. PEARSON, HANOVER TOWNSHIP, WILKES-BARRE, PA.

How many children in your district are benefitting from education programs funded under Title I of ESEA?

Answer: 293.

What is the ADA in your school district grades K–12?

Answer: 2160.

What was the amount of your ESEA Title I grant in each of the following fiscal years?

Answer: 1968 $54,515.76, 1969 $42,535.89, 1970 $38,747.13.

What additional funds, if any, could you effectively apply to your Title I programs in fiscal year 1970 over and above the present level of funding? In fiscal year 1971?

Answer: 1970 $7,000, $1971 $8,500.

In your judgment, do you believe that the Title I programs are needed to meet the special needs of educationally disadvantaged children?

Answer: Yes.

Do you regard your present Title I programs as effective in meeting special education needs of educationally disadvantaged children?

Answer: Yes.

Recent hearings in Washington disclosed that inadequate funding was the greatest obstacle in the path of more effectively reaching the disadvantaged. Others now contend that we cannot effectively utilize extra funds contained in the HEW appropriation Bill because the funds are being misdirected and are not reaching the disadvantaged contemplated under Title I ESEA. Your brief comments on these contentions would be appreciated.

Comment: None.

RESPONSE OF WALTER C. WOOD, SUPERINTENDENT, WILKES-BARRE CITY, WILKES-BARRE, PA., JANUARY 22, 1970

How many children in your district are benefiting from education programs funded under Title I of ESEA?

Answer: 2,908.

What is the ADA in your school district grades K–12?

Answer: 18,024 or approximately 94% of a 19,175 total membership in the 16 districts.

What was the amount of your ESEA Title I grant in each of the following fiscal years?

Answer: 1963 $444,860, 1969 $415,373, 1970 $349,927.

What additional funds, if any, could you effectively apply to your Title I programs in fiscal year 1970 over and above the present level of funding? In fiscal year 1971?

Answer: 1970 $52,000, 1971 $68,750. To balance Instructional Service Costs and continue summer school program. For more Reading specialists and special ed. teachers.

In your judgment, do you believe that the Title I programs are needed to meet the special needs of educationally disadvantaged children?

Answer: Yes.

Do you regard your present Title I programs as effective in meeting special education needs of educationally disadvantaged children?

Answer: Yes, very much so.

Recent hearings in Washington disclosed that inadequate funding was the greatest obstacle in the path of more effectively reaching the disadvantaged. Others now contend that we cannot effectively utilize extra funds contained in the HEW Appropriation Bill because the funds are being misdirected and are not reaching the disadvantaged contemplated under Title I ESEA. Your brief comments on these contentions would be appreciated.

Comment: The Wilkes-Barre City School District is in a cooperative program with 15 other districts. The program is multifaceted and includes the following:

1. Day Care Center for severely retarded children,
2. Readiness Classes for mentally retarded children of kindergarten and first grade age,
3. An Adaptive Physical Education and Recreation Program for physically handicapped children,
4. A Kindergarten Aide Program for children needing special attention,
5. A Remedial Reading and Enrichment Program for Emotionally Disturbed Children
6. A Speech Therapy Program for handicapped children,
7. A Supportive Elementary Library Service Program,
8. A Tutorial Program for Children Operating Below Grade Level.

These services would have to be curtailed if ESEA I funds were not available.

RESPONSE OF DR. JOHN W. ZORELLA, ASSISTANT SUPERINTENDENT OF SCHOOLS, PASSAIC COUNTY, N.J., JANUARY 22, 1970

How many children in your district are benefiting from education programs funded under Title I of ESEA?

Answer: 1969/70—Winter 845 pupils, Summer, 280.

What is the ADA in your school district grades K–12?

Answer: 1968/1969 ADA $7,500.5, ADE $8,481.8.

What was the amount of your ESEA Title I grant in each of the following fiscal years?

Answer: 1968 $253,525, 1969 $245,304, 1970 $259,594.

What additional funds, if any, could you effectively apply to your Title I programs in fiscal year 1970 over and above the present level of funding? In fiscal year 1971?

Answer: 1970 Est. $50,000, 1971 Est. $100,000.

In your judgment, do you believe that the Title I programs are needed to meet the special needs of educationally disadvantaged children?

Answer: Yes. It is unrealistic, and frequently impossible to teach 30–35 educationally disadvantaged children in a classroom. Small group, and individual instruction, in many cases has proven to be very helpful.

Do you regard your present Title I programs as effective in meeting special education needs of educationally disadvantaged children?

Answer: Title I programs have been helpful. They would be more helpful if we had the physical facilities in terms of classrooms. Many of our classes are being taught in hallways, basements and closets. Four successive budget defeats.

Recent hearings in Washington disclosed that inadequate funding was the greatest obstacle in the path of more effectively reaching the disadvantaged. Others now contend that we cannot effectively utilize extra funds contained in the HEW Appropriation Bill because the funds are being misdirected and are not reaching the disadvantaged contemplated under Title I ESEA. Your brief comments on these contentions would be appreciated.

Comment: This certainly is not true in Passaic! We are hampered in making our program more effective because we do not have a sufficiency of classroom space. We intend to rent additional quarters commencing September 1970. Our remedial reading and bilingual program have for the first time been geared to helping the disadvantaged children, who prior to the advent of ESEA funding were literally "vegetating."

Response of Richard W. Hislop, Superintendent, Bristol, Va., January 22, 1970

How many children in your district are benefitting from education programs funded under Title I of ESEA?

Answer. 532 (About 16% of the students).

What is the ADA in your school district grades K–12?

Answer: 3,234.69.

What was the amount of your ESEA Title I grant in each of the following fiscal years?

Answer: 1968 $148,982.01, 1969 $128,179.56, 1970 $108,071.60.

What additional funds, if any, could you effectively apply to your Title I programs in fiscal year 1970 over and above the present level of funding? In fiscal year 1971?

Answer: 1970 $10,000 (Summer School), 1971 $100,000 for a permanent summer camp facility for SMR and EMR and economically deprived children.

In your judgment, do you believe that the Title I programs are needed to meet the special needs of educationally disadvantaged children?

Answer: If it had not been for Title I funds, the needs of our disadvantaged children could not have been met.

Do you regard your present Title I programs as effective in meeting special education needs of educationally disadvantaged children?

Answer: Title I funds have been absolutely necessary to meet the following needs of our deprived: free lunches, dental and medical including speech and hearing, psychological tests, remedial math and reading, EMR classes, Music, Art, etc.

Recent hearings in Washington disclosed that inadequate funding was the greatest obstacle in the path of more effectively reaching the disadvantaged. Others now contend that we cannot effectively utilize extra funds contained in the HEW Appropriation Bill because the funds are being misdirected and are not reaching the disadvantaged contemplated under Title I ESEA. Your brief comments on these contentions would be appreciated.

Comment: At least 85% of our funds have reached the disadvantaged children. The only exception has been that in our art and music classes and some of our field trips where the advantager may have also been benefitted along with the disadvantaged children.

Response of Daniel Mortenson, Green River School District No. 2, Green River, Wyo., January 22, 1970

How many children in your district are benefitting from education programs funded under Title I of ESEA?

Answer: 110 to 120.

What is the ADA in your school district grades K–12?

Answer: 1,283.

What was the amount of your ESEA Title I grant in each of the following fiscal years?

Answer: 1968, $11,314; 1969, $10,491; 1970, $8,561.

What additional funds, if any, could you effectively apply to your Title I programs in fiscal year 1970 over and above the present level of funding? In fiscal year 1971?

Answer: 1970, $2,500; 1971, $2,500.

In your judgment, do you believe that the Title I programs are needed to meet the special needs of educationally disadvantaged children?

Answer: Yes.

Do you regard your present Title I programs as effective in meeting special educational needs of educationally disadvantaged children?

Answer: Yes.

Recent hearings in Washington disclosed that inadequate funding was the greatest obstacle in the path of more effectively reaching the disadvantaged. Others now contend that we cannot effectively utilize extra funds contained in the HEW Appropriation Bill because the funds are being misdirected and are not reaching the disadvantaged contemplated under Title I ESEA. Your brief comments on these contentions would be appreciated.

Comment: Increased costs in education limit educational advantages.

Response of Dr. Charles E. Davis, Elmira City District, Elmira, N.Y., January 22, 1970

How many children in your district are benefitting from education programs funded under Title I of ESEA?

Answer: Approximately 1,200.

What is the ADA in your school district grades K–12?

Answer: 12,980.

What was the amount of your ESEA Title I grant in each of the following fiscal years?

Answer: 1968 $322,230.93, 1969 $290,773.35, 1970 $335,055.00.

What additional funds, if any, could you effectively apply to your Title I programs in fiscal year 1970 over and above the present level of funding? In fiscal year 1971?

Answer: 1970 $157,000, 1971 $217,000.

In your judgment, do you believe that the Title I programs are needed to meet the special needs of educationally disadvantaged children?

Answer: Definitely! We are finding out more and more how specialized, varied and numerous are the problems of these children. Local funds could not begin to be adequate to meet them effectively.

Do you regard your present Title I programs as effective in meeting special education needs of educationally disadvantaged children?

Answer: Our programs are relatively effective. We need more funds and highly trained personnel to do more justice to the special problems these children have. Advance funding would also help in more effective planning of programs.

Recent hearings in Washington disclosed that inadequate funding was the greatest obstacle in the path of more effectively reaching the disadvantaged. Others now contend that we cannot effectively utilize extra funds contained in the HEW Appropriation Bill because the funds are being misdirected and are not reaching the disadvantaged contemplated under Title I ESEA. Your brief comments on these contentions would be appreciated.

Comment: Perhaps in a few isolated cases there is some foundation to the criticism. Shall we kill the baby because he cries now and then? The money is badly needed and we enclose a study I ordered to be sure no money was being improperly used. I ask the critics—"has one superintendent been accused of misappropriating 1 cent?" Perhaps some programs have been ill-advised—but in one agency or home or office is this not so.

Resfonse of Dr. Ralph Goitia, Superintendent, Phoenix Elementary School District No. 1, Phoenix, Ariz., January 22, 1970

How many children in your district are benefitting from education programs funded under Title I of ESEA?

Answer: 2,855.

What is the ADA in your school district grades K–8?

Answer: 9,900.

What was the amount of your ESEA Title I grant in each of the following fiscal years?

Answer: 1968 $402,000, 1969 $403,239, 1970 $413,513.

What additional funds, if any, could you effectively apply to your Title I programs in fiscal year 1970 over and above the present level of funding? In fiscal year 1971?

Answer: 1970 Anywhere from ½ million to 1½ million to improve present programs now contemplated and which must be done in a piece-meal manner due to a lack of funds.

In your judgment, do you believe that the Title programs are needed to meet the special needs of educationally disadvantaged children?

Answer: Yes. Rationale. Arizona like many other states does not have equitable funding for local districts from the state level. Although steps are being made in this direction, they still fall short of the mark. Phoenix Elementary School District No. 1 is an inner city school which has serious financial problems facing it. The problems of educational benefits for children are even more pressing. The educational needs of boys and girls in the inner city simply are not being met. Money alone will not solve the problems, such as the low reading level of students matriculating to the high school. However, if the answers are to be found, programs which will be soundly evaluated must be instituted. If a partial answer to the solution does indeed lie in more and better preschool experiences for boys and girls, funds from sources other than state and local must be utilized. It is difficult to convince many people that it simply costs more money to educate the type of boys and girls which are found in the inner city. If the educational output of boys and girls in the inner city is to be measured effectively with those of the suburbs, the many special needs of these boys and girls must be met. Presently, it is almost impossible to do so with existing funds.

Do you regard your present Title I programs as effective in meeting special education needs of educationally disadvantaged children?

Answer. Yes, to a degree. Rationale. Although this district like many others has made several attempts in different directions to meet the special education needs of these children, the main objectives and goals are now coming into focus which allows us to pinpoint our most critical needs. Those needs, incidentally, revolve around prekindergarten, prefirst and postfirst education with sizable portions of our budget being channeled into special education, i.e., the emotionally disturbed and the mentally handicapped. Again, state funds are simply not sufficient to mount the type of programs which are so desperately needed by these children. The amount of money received by this district has been, I feel, utilized in a sound manner; however, experience has sharpened our preception of what we feel should be offered to these boys and girls. The big problem facing most districts is the uncertainty of such funding and, therefore, the big question arises whether or not these funds should be put into programs rather than materials and supplies. The problem facing districts such as this one which has placed large amounts into programs is one of recruitment and retainment of personnel. If the districts knew that the funds would be automatically coming to them they could do a more comprehensive job of planning. In my own opinion, if there is one important aspect which has been brought about by Title I, it has been that it has forced school people to at least look at their problems and to try to plan as far as possible for them. It is my opinion that in many cases, educators in the past have failed to really scrutinize the educational problems within their districts.

Recent hearings in Washington disclosed that inadequate funding was the greatest obstacle in the path of more effectively reaching the disadvantaged. Others now contend that we cannot effectively utilize extra funds contained in the HEW Appropriation Bill because the funds are being misdirected and are not reaching the disadvantaged contemplated under Title I ESEA. Your brief comments on these contentions would be appreciated.

Comment: Again, it is my contention that the funds have not been large enough in amount to concentrate on any one given problem to the extent of being able to measure adequately and efficiently the results of those funds. In short there are so many programs which need extra funds, not only in the preschool phase of education but in the areas of the mentally retarded, the emotionally disturbed, areas such as music, art, etc. Districts have been prone to "scatter" their funds in order to give a much needed emphasis in these areas, and thereby not obtaining full results. It is difficult to speak for other districts regarding the misdirection of funds and funds not reaching the disadvantaged child. However, one of the realities is that although the funds can be focused and directed into several schools, it is most difficult to say that the 3% or 5% of the children who do not fit the disadvantaged category be completely excluded from the ongoing programs covered by Title I and expressly designed for those children. I, personally, do not feel that the funds have been misdirected in our district and that, notwithstanding the experience needed to grow into such programs, the district has done a creditable job of seeing that the funds were used for the children for whom they were intended.

Thank you sincerely, Representative Perkins, for this opportunity to express our feelings regarding this most important program.

Response of Neil J. Boyle, Bennett Community, Bennett, Iowa, January 22, 1970

How many children in your district are benefitting from education programs funded under Title I of ESEA?

Answer: 115 directly, all of them indirectly.

What is the ADA in your school district grades K–12?

Answer: 475.5.

What was the amount of your ESEA Title I grant in each of the following fiscal years?

Answer: 1968 $26,155, 1969 $20,684, 1970 $15,310.

What additional funds, if any, could you effectively apply to your Title I programs in fiscal year 1970 over and above the present level of funding? In fiscal year 1971?

Answer: 1970 $10,000, 1971 $10,000.

In your judgment, do you believe that the Title I programs are needed to meet the special needs of educationally disadvantaged children?

Answer: Yes, definitely.

Do you regard your present Title I programs as effective in meeting special education needs of educationally disadvantaged children?

Answer: Yes. As far as they go. We need to have additional funds for summer and additional building space to use the present funds effectively.

Recent hearings in Washington disclosed that inadequate funding was the greatest obstacle in the path of more effectively reaching the disadvantaged. Others now contend that we cannot effectively utilize extra funds contained in the HEW Appropriation Bill because the funds are being misdirected and are not reaching the disadvantaged contemplated under Title I ESEA. Your brief comments on these contentions would be appreciated.

Comments: These funds are reaching the disadvantaged, however, more adequate funding in the area and additional building space or leased space can make the present programs more efficient.

Response of Wayne Dent, Bay-Brown, Bay, Ark., January 22, 1970

How many children in your district are benefitting from education programs funded under Title I of ESEA?

Answer: 358.

What is the ADA in your school district grades K–12?

Answer: 686.

What was the amount of your ESEA Title I grant in each of the following fiscal years?

Answer: 1968 $50,552, 1969 $44,071, 1970 $38,899.

What additional funds, if any, could you effectively apply to your Title I programs in fiscal year 1970 over and above the present level of funding? In fiscal year 1971?

Answer: 1970 $12,000, 1971 $15,000. This still would do a limited job.

In your judgment, do you believe that the Title I programs are needed to meet the special needs of educationally disadvantaged children?

Answer: Yes.

Do you regard your present Title I programs as effective in meeting special education needs of educationally disadvantaged children?

Answer: Yes.

Recent hearings in Washington disclosed that inadequate funding was the greatest obstacle in the path of more effectively reaching the disadvantaged. Others now contend that we cannot effectively utillilize extra funds contained in the HEW Appropriation Bill because the funds are being misdirected and are not reaching the disadvantaged contemplated under Title I ESEA. Your brief comments on these contentions would be appreciated.

Comment: I feel we have just begun to realize how much could be done for disadvantaged children if we had sufficient funds. I have not known of any instances where funds have not been used to the best advantage for these children.

Response of Julian Brewer, Paris Special School District, Paris, Tenn., January 22, 1970

How many children in your district are benefitting from education programs funded under Title I of ESEA?

Answer: 50.

What is the ADA in your school district grades K–12?

Answer: 1,450.

What was the amount of your ESEA Title I grant in each of the following fiscal years?

Answer: 1968 $34,821.23, 1969 $30,920.88, 1970 $27,971.

What additional funds, if any, could you effectively apply to your Title I programs in fiscal year 1970 over and above the present level of funding? In fiscal year 1971?

Answer: 1970 $50,000, 1971 $50,000.

In your judgment, do you believe that the Title I programs are needed to meet the special needs of educationally disadvantaged children?

Answer: I am not an advocate of categorical aid to education. It would be better for the Federal Government to go to block grants or foundation aid. The present Title I program is patterned for large cities, not small towns and rural areas.

Do you regard your present Title I programs as effective in meeting special education needs of educationally disadvantaged children?

Answer: My opinion is that most of them are worth while, however, the dollar spent in Title I is not buying as much educational value on the dollar from state and local sources.

Recent hearings in Washington disclosed that inadequate funding was the greatest obstacle in the path of more effectively reaching the disadvantaged. Others now contend that we cannot effectively utilize extra funds contained in the HEW Appropriation Bill because the funds are being misdirected and are not reaching the disadvantaged contemplated under Title I ESEA. Your brief comments on these contentions would be appreciated.

Comment: This is not directly to above, but a complaint. In my judgment in Tennessee, procedures to identify the low income children are not adequate for purposes of splitting funds between systems within a county. We are in Henry County, our system enrolls about 1,550 children K–12, the Henry County system enrolls about 3,600: they receive about $170,000—we are receiving about $30,000.

Response of Emerson W. Roman, Superintendent, Harrison Local School District, Scio, Ohio, January 22, 1970

How many children in your district are benefitting from education programs funded under Title I of ESEA?

Answer: 335.

What is the ADA in your school district grades K–12?

Answer: 2,695.

What was the amount of your ESEA Title I grant in each of the following fiscal years?

Answer: 1968 $47,209, 1969 $40,796, 1970 $36,779.

What additional funds, if any, could you effectively apply to your Title I programs in fiscal year 1970 over and above the present level of funding? In fiscal year 1971?

Answer: 1970 $10,000, 1971 $10,000.

In your judgment, do you believe that the Title I programs are needed to meet the special needs of educationally disadvantaged children?

Answer: Yes.

Do you regard your present Title I programs as effective in meeting special education needs of educationally disadvantaged children?

Answer: Yes.

Recent hearings in Washington disclosed that inadequate funding was the greatest obstacle in the path of more effectively reaching the disadvantaged. Others now contend that we cannot effectively utilize extra funds contained in the HEW Appropriation Bill because the funds are being misdirected and are not reaching the disadvantaged con-

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templated under Title I ESEA. Your brief comments on these contentions would be appreciated.

Comment: None.

RESPONSE OF JAMES G. BUSICK, SUPERINTENDENT, DORCHESTER COUNTY BOARD OF EDUCATION, CAMBRIDGE, MD., JANUARY 22, 1970

How many children in your district are benefitting from education programs funded under Title I of ESEA?

Answer: 377 are receiving full impact while an additional 1,033 are receiving fringe benefits: nursing and health, library, psychological.

What is the ADA in your school district grades K–12?

Answer: 6,149.1 as of Oct. 31, 1969.

What was the amount of your ESEA Title I grant in each of the following fiscal years?

Answer: 1968 $272,558.79, 1969 $233,601.35, 1970 $210,530.

What additional funds, if any, could you effectively apply to your Title I programs in fiscal year 1970 over and above the present level of funding? In fiscal year 1971?

Answer: 1970, at least $105,000 in order to operate the Pre School program through June. We operate our program only through March. We start in October. 1971 $145,000.00.

In your judgment, do you believe that the Title I programs are needed to meet the special needs of educationally disadvantaged children?

Answer: Without hesitation, the Title I programs in Dorchester County have laid the foundation for the successful integration of our total school program, have upgraded children, have promoted better school-family-community relations, have improved our total program through revision of traditional programs, and remediated many influences: socio-economic, socio-cultural, medical, dental, psychological that would have had a retarding and debilitating effect.

Do you regard your present Title I programs as effective in meeting special education needs of educationally disadvantaged children?

Answer: Not only would I state the effectiveness of our Title I programs in meeting the stated objectives, but I would share the excellent philosophy and programming with others to validate its worth.

Recent hearings in Washington disclosed that inadequate funding was the greatest obstable in the path of more effectively reaching the disadvantaged. Others now contend that we cannot effectively utilize extra funds contained in the HEW Appropriation Bill because the funds are being misdirected and are not reaching the disadvantaged contemplated under Title I ESEA. Your brief comments on these contentions would be appreciated.

Comment: Where the State Department of Education has been the intermediate agency for federal programs, the greatest gains and benefits for Dorchester County's children, families and community have accrued.

Major weakness: Not knowing the extent of funding to allow for long range, optimal planning.

RESPONSE OF DR. JOE R. ANDREWS, SUPERINTENDENT, BOLING INDEPENDENT SCHOOL DISTRICT, BOLING, TEX., JANUARY 22, 1970

How many children in your district are benefiting from education programs funded under Title I of ESEA?

Answer: 1,005.

What is the ADA in your school district grades K–12?

Answer: 970.26.

What was the amount of your ESEA Title I grant in each of the following fiscal years?

Answer: 1968, $57,432; 1969, $54,630; 1970, $49,830.

What additional funds, if any, could you effectively apply to your Title I programs in fiscal year 1970 over and above the present level of funding? In fiscal year 1971?

Answer: 1970, $10,000; 1971, $13,000.

In your judgment, do you believe that the Title I programs are needed to meet the special needs of educationally disadvantaged children?

Answer: Definitely.

Do you regard your present Title I programs as effective in meeting special education needs of educationally disadvantaged children?

Answer: Our basic program is effective but it should be expanded to provide additional service to secondary pupils.

Recent hearings in Washington disclosed that inadequate funding was the greatest obstacle in the path of more effectively reaching the disadvantaged. Others now contend that we cannot effectively utilize extra funds contained in the HEW Appropriation Bill because the funds are being misdirected and are not reaching the disadvantaged contemplated under Title I ESEA. Your brief comments on these contentions would be appreciated.

Comment: All of our Title I funds (plus local funds) are used to provide remedial reading and math to the disadvantaged. Additional funds could be utilized in language arts.

RESPONSE OF GEORGE S. WILLARD, SUPERINTENDENT, WILSON CITY SCHOOLS, WILSON, N.C., JANUARY 22, 1970.

How many children in your district are benefitting from education programs funded under Title I of ESEA?

Answer: 2,385.

What is the ADA in your school district grades K–12?

Answer: 7,392 (end of 4th school month).

What was the amount of your ESEA Title I grant in each of the following fiscal years?

Answer: 1968 $301,795, 1969 $337,051, 1970 $298,961.

What additional funds, if any, could you effectively apply to your Title I programs in fiscal year 1970 over and above the present level of funding? In fiscal year 1971?

Answer: 1970 $190,000, 1971 $210,000. These are conservative estimates.

In your judgment, do you believe that the Title I programs are needed to meet the special needs of educationally disadvantaged children?

Answer: Emphatically yes!

Do you regard your present Title I programs as effective in meeting special education needs of educationally disadvantaged children?

Answer: The programs have helped greatly, but not all needs have been met.

Recent hearings in Washington disclosed that inadequate funding was the greatest obstacle in the path of more effectively reaching the disadvantaged. Others now contend that we cannot effectively utilize extra funds contained in the HEW Appropriation Bill because the funds are being misdirected and are not reaching the disadvantaged contemplated under Title I ESEA. Your brief comments on these contentions would be appreciated.

Comment: In our school district, I am convinced that the greatest obstacle is inadequate funding.

RESPONSE OF MRS. SAXON P. BARGERON, ASSISTANT SUPERINTENDENT SAVANNAH-CHATHAM COUNTY, SAVANNAH, GA., JANUARY 22, 1970

How many children in your district are benefitting from education programs funded under Title I of ESEA?

Answer: 5,839.

What is the ADA in your school district grades 1–12.

Answer: 40,268.

What was the amount of your ESEA Title I grant in each of the following fiscal years?

Answer: 1968, $1,010,777; 1969, $995,867; 1970, $894,866.

What additional funds, if any, could you effectively apply to your Title I programs in fiscal year 1970 over and above the present level of funding? In fiscal year 1971?

Answer: 1970 $347,061, 1971 $381,767.

In your judgment, do you believe that the Title I programs are needed to meet the special needs of educationally disadvantaged children?

Answer: Yes.

Do you regard your present Title I programs as effective in meeting special education needs of educationally disadvantaged children?

Answer: Definitely.

Recent hearings in Washington disclosed that inadequate funding was the greatest obstacle in the path of more effectively reaching the disadvantaged. Others now contend that we cannot effectively utilize extra funds contained in the HEW Appropriation Bill because the funds are being misdirected and are not reaching the disadvantaged contemplated under Title I ESEA. Your brief comments on these contentions would be appreciated.

Comment: Too much money is being spent by the United States Office of Education on Consolidated Program Information Reports and Nationwide Surveys which are costly and are not valid on the local level. This money could be more effectively utilized in programs for the disadvantaged on the local level.

RESPONSE OF MR. CORDELL WYNN, ASSISTANT SUPERINTENDENT, FEDERAL PROGRAMS, BIBB COUNTY BOARD OF EDUCATION, MACON, GA., JANUARY 22, 1970

How many children in your district are benefitting from education programs funded under Title I of ESEA?

Answer: 15,014.

What is the ADA in your school district grades K–12?

Answer: 33,095.

What was the amount of your ESEA Title I grant in each of the following fiscal years?

Answer: 1968 $1,115,647, 1969 $1,170,361, 1970 $760,561.

What additional funds, if any, could you effectively apply to your Title I programs in fiscal year 1970 over and above the present level of funding? In fiscal year 1971?

Answer: 1970 $961,135, 1971 $980,439.

In your judgment, do you believe that the Title I programs are needed to meet the special needs of educationally disadvantaged children?

Answer: Yes, positive results have been noticed in the achievement of all children who participated in Title I Programs and Activities. Additional funds are needed to provide more services.

Do you regard your present Title I programs as effective in meeting special education needs of educationally disadvantaged children?

Answer: Yes, however, more funds are needed to provide for special needs in the education for the disadvantaged children in our school system. Individualized instruction, building of self-image, et cetera.

Recent hearings in Washington disclosed that inadequate funding was the greatest obstacle in the path of more effectively reaching the disadvantaged. Others now contend that we cannot effectively utilize extra funds contained in the HEW Appropriation Bill because the funds are being misdirected and are not reaching the disadvantaged contemplated under Title I ESEA. Your brief comments on these contentions would be appreciated.

Comment: Title I has had a positive and far reaching effect on the total educational progress of educating the disadvantaged children in our system. As an educational leader for more than 18 years, working directly with the disadvantaged as a teacher, counselor, principal, and administrator, the effective use of Title I funds has enhanced quality education for our children. Without these funds, it would be difficult for these children to have had quality education in the many areas of achievement.

Response of Carlton C. Moffett, Dallas Independent School District, Dallas, Tex., January 22, 1970

How many children in your district are benefitting from education programs funded under Title I of ESEA?

Answer: 14,369.

What is the ADA in your school district grades K–12?

Answer: 141,731.62 for 1968–69, grade 1–12.

What was the amount of your ESEA Title I grant in each of the following fiscal years?

Answer: 1968 $2,316,094, 1969 $2,232,229, 1970 $2,053,966.

What additional funds, if any, could you effectively apply to your Title I programs in fiscal year 1970 over and above the present level of funding? In fiscal year 1971?

Answer: 1970 $4 to $5 million, 1971 $4 to $5 million.

In your judgment, do you believe that the Title I programs are needed to meet the special needs of educationally disadvantaged children?

Answer: Yes.

Do you regard your present Title I programs as effective in meeting special education needs of educationally disadvantaged children.

Answer: Yes.

Recent hearings in Washington disclosed that inadequate funding was the greatest obstacle in the path of more effectively reaching the disadvantaged. Others now contend that we cannot effectivly utilize extra funds contained in the HEW Appropriation Bill because the funds are being misdirected and are not reaching the disadvantaged contemplated under Title I ESEA. Your brief comments on these contentions would be appreciated.

Comment: In my opinion the accusation of misdirected funds has probably arisen from a few isolated cases. Our state department monitors these funds closely. It would be difficult to knowingly misdirect these funds if a school district should choose to do so.

Response of Alfred G. Gordon, City of Tonawanda, N.Y., Tonawanda, N.Y., January 22, 1970

How many children in your district are benefitting from education programs funded under Title I of ESEA?

Answer: 315 children (approximately).

What is the ADA in your school district grades K–12?

Answer: 5094.3 K–12.

What was the amount of your ESEA Title I grant in each of the following fiscal years?

Answer: 1968 $58,355.20, 1969 $47,656.34, 1970 $44,700 (estimated).

What additional funds, if any, could you effectively apply to your Title I programs in fiscal year 1970 over and above the present level of funding? In fiscal year 1971?

Answer: 1970 $6,700 (15%), 1971 $15,750 (35%). (Late appropriation would preclude effective planning of expenditures.)

In your judgment, do you believe that the Title I programs are needed to meet the special needs of educationally disadvantaged children?

Answer: Yes. Corrective programs always cost more than preventive programs. (An area not yet explored under Title I ESEA.)

Do you regard your present Title I programs as effective in meeting special education needs of educationally disadvantaged children?

Answer: Yes. I feel we are doing a better job of meeting the special needs of the educationally disadvantaged, as we modify our program each year.

Recent hearings in Washington disclosed that inadequate funding was the greatest obstacle in the path of more effectively reaching the disadvantaged. Others now contend that we cannot effectively utilize extra funds contained in the HEW Appropriation Bill because the funds are being misdirected and are not reaching the disadvantaged contemplated under Title I ESEA. Your brief comments on these contentions would be appreciated.

Comment: There is no doubt in my mind that much of the testimony your committee is taking relative to the use of ESEA Title I funds is contradictory and unclear. I am sure there are some very valid reasons for this confusion. I am also sure that virtually every school district in the United States could use more Federal funds to meet the added demands placed on their instructional resources by the educationally disadvantaged children they serve. As a person responsible for the preparation, operation and evaluation of ESEA Title I programs for this School District, I feel there are three major areas of confusion relative to the ESEA Title I program that could lead to the assumption that funds were being wasted or misdirected.

Item 1, Terms: The designation educationally disadvantaged and economically disadvantaged are used all too often synonymously. This kind of comparison, along with culturally disadvantaged, may apply in a broad sense to large city school districts, but for the most part there is not a one to one correlation between the educationally and economically disadvantaged in small cities, villages, suburban and rural school districts. If it is a case of educational disadvantagement then fund the schools to meet this need. We are in existence to perform this service. If it is a case of economic disadvantagement, then I'm not sure that the schools should assume the total responsibility for correcting it.

Item 2, Guidelines: Each state provides the local districts with guidelines for the development of innovative programs to meet the needs of the educationally and/or economically disadvantaged. These guidelines are by necessity somewhat restrictive but for the most part they lend themselves to large city school districts. If waste has been evident in some ESEA Title I programs I'm sure much of it was brought about by school districts trying to develop programs according to some inflexible guidelines not appropriate to the real needs they faced in their own school districts. For example, I am sure the school districts that serve Louisville, Kentucky and Bardstown, Kentucky are both faced with meeting the needs of educationally disadvantaged children. I am equally sure that the most efficient way of meeting this need with federal funds would not be the same in Louisville that it would be in Bardstown. Each school district is in the best position to know what programs would be more effective for them. They should be given the *freedom to plan* for thier needs and the *responsibility to evaluate* the effectiveness of their programs.

Item 3, Federal and State Funding: Though this is a situation that should have improved since 1965, it has not. Not once since the ESEA Title I program started have school districts known how much money would be available for their programs before the start of the school year. These delays have either been brought about by late congressional appropriations or indecision on the formulas for distribution of funds at the state level. Because the bulk of any ESEA Title I program consists of services (peoples' salaries) most school districts are reluctant to commit local non-budgeted money (usually not available under local tax structures) to Title I projects when they have no assurance that their proposals will be approved or what amount they will receive until well after the start of the school year. Add to this the delay in payment of ESEA Title I funds (this school district received its first 25% payment for our 1969–70 project on January 15, 1970—almost at mid-year) and you get some idea of the fiscal problems faced by local school districts.

I hope the comments made in this letter will be received as constructively as they were intended. Federal funds are needed and are being used effectively by school districts to meet the needs of educationally disadvantaged children. Those of us in education are concernd with need for special programs and services for the educationally disadvantaged. We hope you will continue to give us the opportunity to show what we can do when we have the adequate resources needed.

Response of W. C. Mundy, Superintendent, Americus Public Schools, Americus, Ga., January 22, 1970

How many children in your district are benefiting from education programs funded under Title I of ESEA?

Answer: 1,100 to 1,800. Materials and equipment are used to enhance educational programs in the two project area schools only.

What is the ADA in your school district grades K–12?

Answer: 3,189.

What was the amount of your ESEA Title I grant in each of the following fiscal years?

Answer: 1968 $244,186, 1969 $246,110, 1970 $208,361.

What additional funds, if any, could you effectively apply to your Title I programs in fiscal year 1970 over and above the present level of funding? In fiscal year 1971?

Answer: 1970 $90,000, 1971 $100,000.

In your judgment, do you believe that the Title I programs are needed to meet the special needs of educationally disadvantaged children?

Answer: Disadvantaged children have been helped immensely through funds provided under Title I, ESEA.

Do you regard your present Title I programs as effective in meeting special education needs of educationally disadvantaged children?

Answer: Yes, this is evidenced through higher achievement scores, better health through free lunches, and improved self-image.

Recent hearings in Washington disclosed that inadequate funding was the greatest obstacle in the path of more effectively reaching the disadvantaged. Others now contend that we cannot effectively utilize extra funds contained in the HEW Appropriation Bill because the funds are being misdirected and are not reaching the disadvantaged contemplated under Title I ESEA. Your brief comments on these contentions would be appreciated.

Comment: Funds for the two project area schools have been adequate for meeting the needs of disadvantaged children. Additional funds should be provided to meet the needs of all children. No funds have been misdirected, *but have been used only for* children in the project area schools.

Response of Leslie C. Bernal, Assistant Superintendent of Schools, Methuen Public Schools, Methuen, Mass., January 22, 1970

How many children in your district are benefitting from education programs funded under Title I of ESEA?

Answer: 380.

What is the ADA in your school district grades 1–12?

Answer: 4,816.

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What was the amount of your ESEA Title I grant in each of the following fiscal years?

Answer: 1968 $42,050, 1969 $42,100, 1970 $28,788.

What additional funds, if any, could you effectively apply to your Title I programs in fiscal year 1970 over and above the present level of funding? In fiscal year 1971?

Answer: 1970 $22,000 (additional), 1971 $51,000.

In your judgment, do you believe that the Title I programs are needed to meet the special needs of educationally disadvantaged children?

Answer: A resounding yes! Without Title I funds the compensatory program initialed for the educationally deprived children in Methuen would not have come to fruition in 1967 or any other year.

Do you regard your present Title I programs as effective in meeting special education needs of educationally disadvantaged children?

Answer: We have hard data as well as subjective analysis that indicated our program is meeting the needs of the disadvantaged.

Recent hearings in Washington disclosed that inadequate funding was the greatest obstacle in the path of more effectively reaching the disadvantaged. Others now contend that we cannot effectively utilize extra funds contained in the HEW Appropriations Bill because the funds are being misdirected and are not reaching the disadvantaged contemplated under Title I ESEA. Your brief comments on these contentions would be appreciated.

Comment: I can speak only for Methuen. We invite close scrutiny of our program and allocation of money. There is no question in my mind that these funds have been misdirected.

Response of Dr. John A. Bertrand, Superintendent, Acadia Parish School Board, Crowley, La., January 22, 1970

How many children in your district are benefitting from education programs funded under Title I of ESEA?

Answer: 5,107.

What is the ADA in your school district grades K–12?

Answer: 10,713.

What was the amount of your ESEA Title I grant in each of the following fiscal years?

Answer: 1968 $808,885.73, 1969, $709,042.12, 1970 $581,734.

What additional funds, if any, could you effectively apply to your Title I programs in fiscal year 1970 over and above the present level of funding? In fiscal year 1971?

Answer: 1970 $300,000, 1971 $400,000.

In your judgment, do you believe that the Title I programs are needed to meet the special needs of educationally disadvantaged children?

Answer: Yes.

Do you regard your present Title I programs as effective in meeting special education needs of educationally disadvantaged children?

Answer: Yes.

Recent hearings in Washington disclosed that inadequate funding was the greatest obstacle in the path of more effectively reaching the disadvantaged. Others now contend that we cannot effectively utilize extra funds contained in the HEW Appropriation Bill because the funds are being misdirected and are not reaching the disadvantaged contemplated under Title I ESEA. Your brief comments on these contentions would be appreciated.

Comment: Situations where funds are being misdirected should be investigated. We feel that Title I funds are being used effectively in our district. One significant problem—late funding of programs (during last half of fiscal year) make it extremely difficult to plan and implement effective programs for current school year.

Response of E. L. Brown, Superintendent, Davidson County Schools, Lexington, N.C., January 22, 1970

How many children in your district are benefitting from education programs funded under Title I of ESEA?

Answer: 1,096.

What is the ADA in your school district grades K–12?

Answer: 12,896.

What was the amount of your ESEA Title I grant in each of the following fiscal years?

Answer: 1968 $174,250, 1969 $163,826, 1970 $145,579.

What additional funds, if any, could you effectively apply to your Title I programs in fiscal year 1970 over and above the present level of funding? In fiscal year 1971?

Answer: 1970 $20,000, 1971, $50,000.

In your judgment, do you believe that the Title I programs are needed to meet the special needs of educationally disadvantaged children?

Answer: Yes.

Do you regard your present Title I programs as effective in meeting special education needs of educationally disadvantaged children?

Answer: Program too limited because of limited appropriations.

Recent hearings in Washington disclosed that inadequate funding was the greatest obstacle in the path of more effectively reaching the disadvantaged. Others now contend that we cannot effectively utilize extra funds contained in the HEW Appropriation Bill because the funds are being misdirected and are not reaching the disadvantaged contemplated under Title I ESEA. Your brief comments on these contentions would be appreciated.

Comment: Some school systems cannot effectively utilize the large allotment of funds allotted their systems. Provisions should be made to re-allocate these funds to school systems which can effectively use more funds.

Response of Mr. A. P. Wildman, Director of Curriculum, Sharon School District, Sharon, Pa., January 22, 1970

How many children in your district are benefiting from education programs funded under Title I of ESEA?

Answer: 266.

What is the ADA in your school district grades K–12?

Answer: 4,679.

What was the amount of your ESEA Title I grant in each of the following fiscal years?

Answer: 1968 $68,534, 1969 $70,066.71, 1970 $66,423.

What additional funds, if any, could you effectively apply to your Title I programs in fiscal year 1970 over and above the present level of funding? In fiscal year 1971?

Answer: 1970 $35,000, 1971 $35,000.

In your judgment, do you believe that the Title I programs are needed to meet the special needs of educationally disadvantaged children?

Answer: Very definitely.

Do you regard your present Title I programs as effective in meeting special education needs of educationally disadvantaged children?

Answer: Additional money would reach more disadvantaged pupils and enable us to have a more effective program, especially if we knew in sufficient time about the funding.

Recent hearings in Washington disclosed that inadequate funding was the greatest obstacle in the path of more effectively reaching the disadvantaged. Others now contend that we cannot effectively utilize extra funds contained in the HEW Appropriation Bill because the funds are being misdirected and are not reaching the disadvantaged contemplated under Title I ESEA. Your brief comments on these contentions would be appreciated.

Comment: We have always felt that additional funding would enable us to reach many more pupils who are in need of such help. We strongly urge the passage of this legislation in order to meet the needs of our disadvantaged pupils.

Response of Hicksville Public Schools, U.F.S.D. No. 17, Hicksville, N.Y., January 22, 1970

How many children in your district are benefitting from education programs funded under Title I of ESEA?

Answer: 291.

What is the ADA in your school district grades K–12?

Answer: 232.

What was the amount of your ESEA Title I grant in each of the following fiscal years?

Answer: 1968 $84,521.81, 1969 $68,710.33, 1970 est. $67,777.

What additional funds, if any, could you effectively apply to your Title I programs in fiscal year 1970 over and above the present level of funding? In fiscal year 1971?

Answer: For every $75 per pupil cost, we could accommodate one more pupil.

In your judgment, do you believe that the Title I programs are needed to meet the special needs of educationally disadvantaged children?

Answer: Yes.

Do you regard your present Title I programs as effective in meeting special education needs of educationally disadvantaged children?

Answer: Yes.

Recent hearings in Washington disclosed that inadequate funding was the greatest obstacle in the path of more effectively reaching the disadvantaged. Others now contend that we cannot effectively utilize extra funds contained in the HEW Appropriation Bill because the funds are being misdirected and are not reaching the disadvantaged contemplated under Title I ESEA. Your brief comments on these contentions would be appreciated.

Comment: Due to the lack of monies available to us last year in the summer remedial project, we were forced to double the class size and thereby impede the intent and effectiveness of the program. Additional money provided would allow teachers to give more individual teaching to students who have failed and would have benefited by it.

Response of B. A. Cunningham, Rogersville, Tenn., January 22, 1970

How many children in your district are benefitting from education programs funded under Title I of ESEA?

Answer: About 150, 1969–70.

What is the ADA in your school district grades K–12?

Answer: Our system only has grades K–8. 1968–69, 591.

What was the amount of your ESEA Title I grant in each of the following fiscal years?

Answer: 1968 $31,189, 1969 $28,692.25, 1970 $25,839.

What additional funds, if any, could you effectively apply to your Title I programs in fiscal year 1970 over and above the present level of funding? In fiscal year 1971?

Answer: We need a kindergarten program and a music program for all children which would involve total salaries of $14,000.

In your judgment, do you believe that the Title I programs are needed to meet the special needs of educationally disadvantaged children?

Answer: The special personnel, speech, hearing, reading and psychiatist have never been available to us on State and local level in sufficient numbers to help so many of the special cases.

Do you regard your present Title I programs as effective in meeting special education needs of educationally disadvantaged children?

Answer: It has helped but never enough to do a good job.

Recent hearings in Washington disclosed that inadequate funding was the greatest obstacle in the path of more effectively reach-

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ing the disadvantaged. Others now contend that we cannot effectively utilize extra funds contained in the HEW Appropriation Bill because the funds are being misdirected and are not reaching the disadvantaged contemplated under Title I ESEA. Your brief comments on these contentions would be appreciated.

Comment. In our small system there is lack of manpower to over come the paper work to get a federal dollar. There needs to be more leeway in meeting our diverse local needs which categorical aid limits. There has been short term authorization and short term planning which has been undesirable.

INFLATION

(Mr. SCHADEBERG asked and was given permission to address the House for 1 minute.)

Mr. SCHADEBERG. Mr. Speaker, the President's state of the Union address has made it perfectly clear that he is willing to make the hard, unpopular decisions needed to end our seemingly endless spiral of inflation.

In fact, he has already begun to do so. As he pointed out a little while ago, we had a balanced budget in 1969, this administration cut more than $7 billion out of spending plans in order to produce a surplus in 1970, and he will present a balanced budget for 1971.

Mr. Speaker, he also made it crystal clear that much of the blame for inflation lies with the Federal Government and the Congress. As he pointed out, the Federal Government in the 1960's ran $57 billion in the red at a cost to the average family in lost spending power of $200 a month. The Federal Government may request, but we all know that the Congress decides what will be spent.

Finally, Mr. Speaker, the President laid a good share of the responsibility for ending the inflation in the lap of Congress—where it rightly belongs.

The President said:

> Only with the cooperation of the Congress can we meet this highest priority objective of responsible government.

Mr. Speaker, in this election year we can only hope that the Congress will do what the President urges and rejects programs which benefit some people at the expense of all of the people.

STATE OF THE UNION MESSAGE—PROMISE FOR RURAL AMERICA

(Mr. RUPPE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RUPPE. Mr. Speaker, we have just listened to a magnificent address by the President of the United States.

This was an address that touched on both the problems and the promises of America—the problems of today and the promises of the future. The President has given us his vision, not for the year 1970 alone, but for the decade of the seventies.

I was particularly gratified by the high priority given the need for a revitalization of rural America. This portion of the state of the Union message was of particular importance to me since one of my major activities since my election to the 90th Congress has been an effort to develop a viable program to redress the economic imbalance that exists between urban and countryside America.

During my first 4 months of service in the House of Representatives I introduced legislation to create a Presidential Commission on Balanced Economic Development. On April 6, 1967, I said in this Chamber:

> I am not simply calling for a new Presidential Commission to study yet another national problem. I am calling for a common sense approach to a problem we have ignored too long. I am calling for a new national goal.

The Huntington, W. Va., Advertiser said this bill "could become one of the most important pieces of legislation in many years."

It was not, however, until Richard Nixon became President of the United States that a national administration took note of the serious decline in an important segment of America. The President's creation of a Rural Affairs Council at the very highest level of Government in fact accomplished much of the objective of the Commission on Balanced Economic Development that I originally proposed.

Today the President has followed up on his establishment of a Rural Affairs Council with a second vital step. He has declared balanced growth throughout America to be a new national goal of this decade. For the first time, a President of the United States has dedicated the Federal Government to the task of creating a new rural environment that will reverse the migration from our countryside areas to our urban centers.

In his address this afternoon the President said, "What rural America needs is a new kind of assistance." Mr. Speaker, on December 18, I introduced legislation which I believe, if adopted, would be a major conduit for bringing to rural America that "new kind of assistance" the President has requested. I have designated this bill the Regional Development Incentive Act of 1970. It provides a tax incentive to attract industry into rural America, and in my view would go far toward revitalizing the countryside areas of this great Nation. During the coming week I intend to request that the President consider endorsing the Regional Development Incentive Act as the next step in his program to encourage balanced growth throughout the United States.

THE PROBLEMS OF THE INDEPENDENT OIL PRODUCERS

The SPEAKER pro tempore (Mr. MADDEN). Under a previous order of the House, the gentleman from Illinois (Mr. SHIPLEY) is recognized for 30 minutes.

Mr. SHIPLEY. Mr. Speaker, I have, from time to time, attempted to bring the facts to the Congress with regard to the problems that the independent oil producers from my district in Illinois and surrounding areas have had and are presently experiencing. The oil import program will have significant effect on this vanishing breed of explorers.

On Tuesday, January 20, 1970, there was a full-page ad carried in the Washington Post and sponsored by the Independent Oil Producers and Land Owners Association of Indiana, Illinois, and Kentucky, Inc. This article clearly and plainly expresses the views of myself and many others who want to save the independent oil producers. It follows:

> TO OUR PRESIDENT, RICHARD M. NIXON
>
> Volumes of testimony have been presented to your Task Force on Oil Imports. You have received hundreds of letters and telegrams. All generally following the same line of thought.
>
> We, the Independent Oil Producers and Refiners from America's heartland, Indiana, Illinois and Kentucky take this opportunity of calling the attention of yourself and the American oil consumer to a few facts and realities which others have probably heretofore not had the temerity to face.
>
> Some forces and influences have, knowingly or otherwise, falsely misled the American laborer, labor unions, the public generally, and now are making misleading representations to yourself, after having intimidated Congress with a vote threat. Many Senators and Representatives have been so beset with pressure from these sources that they have already adopted tax measures very detrimental to us. They are now pressing for a lifting of limitations on crude oil imports and for tariffs.
>
> Why? They try to convince the public and laboring man that it would mean cheaper gasoline for his automobile. There was never a greater fallacy.
>
> Premium gasoline today sells out of the refinery at 12 to 13 cents per gallon, depending on the location. This includes our expenditure of untold millions looking for oil, wildcatting if you please, with 80 to 90 percent of our attempts to find being failures; it includes our cost of drilling production wells when once a discovery is made and a large percent of discoveries prove to be financial failures in the end; it includes the cost of completion of wells, equipping wells; treating the crude; transporting crude to the refineries; the cost of refining; the cost of blending and treating with additives and the cost of storage. For all these costs and many others incidental and not enumerated, we the producers and refiners receive 12 to 13 cents per gallon for high grade gasoline.
>
> Sure, the consumer pays over 40 cents per gallon. Why? In Indiana for example, and it is typical, 12 cents per gallon is immediately added for taxes. This equals the cost of search and discovery, production and refining. Next, the jobber adds his cost. After that, the retailer adds his margins. We, in the aggregate who do the lion's share of the work and spend most of the money, receive 12 to 13 cents per gallon. Yet, the independent producer and refiner in particular have become the whipping boys.
>
> Tax benefits which helped furnish capital for wildcatting, drilling and production have been repealed in part. The gospel is preached that if import limitations are removed or greatly relaxed, crude oil will go down as much as $1 per barrel. It may temporarily. They say gasoline would reduce 2 cents per gallon, this too would be temporary at the most. Do not forget, gasoline leaves the refinery now at only 12 to 13 cents per gallon. You pay over 40 cents per gallon, but the great bulk of this money does not go to us as they would lead you to believe. Is anyone so naive as to think that if crude were reduced $1 per barrel, that the 2-cent reduction in the price of gasoline would ever reach the consumer except temporarily. The odds are heavy that from the beginning it would be absorbed somewhere along the line. The governments themselves are already talking of raising the tax on gasoline 2 cents per gallon or more. Labor leaders who have been misled into putting pressure on their Senators and Representatives must further realize that wildcatting, production and refining employs thousands of men and women.

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The wildcatter, producer and refiner receive scarcely any more for their product than they did during World War II and all the years subsequent. The loud proclamation of inflation has not found its way to them.

So bad has the financial squeeze and threat of an uncertain future become that hundreds of drilling rigs have been and are being scrapped and stacked; drilling crews have and are finding their way into other industry and more leave the oil fields and refineries every day because of the pending governmental threat to our industry; stripper wells are being plugged; wildcatting and production have and are losing their incentive. We operate on a narrow margin now and the lifting of import limitations, thus lowering the price of crude, will destroy us. We are not the "fat cat" of the industry as we so often hear. If any of this breed of cat exists, we do not know where they are and at best they would be the relics of an already bygone age. More properly, we could be called the "alley cats" if anyone desires to characterize us with a feline expression.

Consumption of petroleum has now exceeded 14,000,000 barrels per day. We are without a doubt an importing nation, such importing must be orderly and with restraint commensurate with the need. We cannot become a wholly importing nation of petroleum. This not only from the standpoint of national security as we so frequently hear, but also from the standpoint of peace. If we are destroyed as an industry, many large international producers (there are some exceptions) and the governments of those countries from whence comes so-called cheap crude, would jump to the opportunity and crude would no longer be cheap. Foreign cartels and monopolies, over which our government would have no control, would develop rapidly and the American consumer could soon look forward to the day when he would pay 80 cents to $1 per gallon for gasoline, as they did in Europe for many years and still do in many parts of the world. No, neither would we have petroleum for defense. Alaska is still conjecture and myth, far away, and presently and for many years to come, impractical to many parts of the United States.

Natural gas shortage is already being widely discussed. This because gas in the past has been discovered by the oil wildcatter largely by accident and not design. Gas price itself made drilling for it unattractive. When wildcatting for oil ceases, gas discovery will cease. Transportation of gas by tanker from foreign lands would cause it to be priced beyond the reach of most of us.

How will those in labor who are helping destroy us feel when that day arrives? How will the Senators and Representatives, wherever they may be, who have helped destroy us feel when that day arrives?

America can only survive by keeping a strong domestic producing and refining industry. The domestic search for oil must continue. The lifting of import limitations will be the death of American wildcatting and production. By the same token such would well be the death of America. To say the least, it would mean economic disaster to the petroleum consuming public.

We are small people but it is we who have traditionally found over 80% of America's new oil. We are not rich people but we know how to find oil and have the guts to try if we can be allowed to have just enough money to do so.

We are pleased that some major International oil companies have seen fit recently to come forward and declare that the Independent Oil Producer and the Independent Refiner must be preserved for the welfare of our nation and its Petroleum Industry.

We, the Independent Producer, cannot subsist on $2.50 or even $3.00 crude oil based on acceptable gravity. At such prices, we simply must quit the business of search and production. This is not argumentative but an economic statement of fact.

Mr. President, you alone can save us as an industry and to you we appeal for the opportunity to continue our work and help you save America as an economically independent and secure nation.

STATE OF THE UNION MESSAGE—THE BUILDING OF A BETTER TOMORROW

(Mr. STEIGER of Wisconsin asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. STEIGER of Wisconsin. Mr. Speaker, today, in his state of the Union message, the President presented us with a vision of a better America.

He told us that it has become a fundamental truth that:

> We can be the best clothed, best fed, best housed people in the world, enjoying clear air, clean water and beautiful parks, but we could still be the unhappiest people in the world without that indefinable spirit—the lift of a driving dream which has made America from its beginning the hope of the world.

Mr. Speaker, we are indeed the hope of the world and have been for 200 years.

It is up to us now to be worthy of that hope.

The President has outlined the tasks before us—peace for this generation and the next, an end to inflation, a major assault on crime, and an end to the polluting of our environment—in sum, the building of a better tomorrow.

We can help in those tasks, in fact we must help if they are to be accomplished.

It is my urgent hope that the Members of this Congress will seize the challenge the President has laid before us and join him in doing what must be done to make this a better world for us and for our children.

STATE OF THE UNION MESSAGE—WE ARE BOUND TOGETHER IN SPACE AND TIME

(Mr. MILLER of Ohio asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MILLER of Ohio. Mr. Speaker, this state of the Union message today by the President of the United States concerned itself not only with our Federal union—but with other unions as well:

The union between man and nature.

The union between one generation and another.

The union between our country and the world.

The union between the present and the future.

President Nixon has spoken of those unions, has seen them as they are—and as they should be.

The state of the union between man and nature has been shattered in our time; the President offers programs to do something about this rupture.

The state of the union between one generation and another in our time is chaotic; the President knows this and seeks to restore the natural state in which the young and the old combine in a mutual effort of affection and common purpose.

The state of the union between our country and the world is, in some cases, based on old premises, rarely reexamined since their foundation; the President seeks to build a new union in the world, one based on reality and mutual concern for all.

The union between the present and the future is now marred by pollution in our environment, hostility between generations, suspicion among nations—and war. The President has pledged to make our time a bridge between a past that promised much and a future that will offer much.

This state of the Union address was historic. It is the first that ever recognized the fundamental truth: no man—and no nation and no time—is an island entire of itself—each is a part of the whole.

This recognition that we are bound together in space and time and that what we do now affects all men—this recognition is the striking and historic theme of this great address.

PRISONERS IN NORTH VIETNAM

(Mr. BENNETT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BENNETT. Mr. Speaker, all good Americans are concerned about the treatment and welfare of the Americans who are prisoners in North Vietnam. This is a tragic situation not only for the families and the men involved, but for our Nation and decent persons everywhere.

Over the last year, I have spoken out on this grave problem many times. I joined with the other members of the Florida congressional delegation in urging the President to do everything in his power to secure the release of the prisoners, inculding using his influence to get allied nations to stop trading with the North Vietnamese enemy until the Geneva Convention is complied with.

I have also cosponsored a resolution passed by the House of Representatives calling for humane treatment and release of American prisoners of war held by North Vietnam and the National Liberation Front.

Mr. Speaker, on several occasions I have asked the President to make further troop reductions of our forces in Southeast Asia conditional upon the release of American war prisoners. This seems to me to be a step our Nation should take in this appalling situation at this time.

OMISSION OF REFERENCE TO THE MIDDLE EAST SITUATION IN THE STATE OF THE UNION MESSAGE

(Mr. PUCINSKI asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PUCINSKI. Mr. Speaker, I was impressed with most of the President's speech that we heard here a little while ago. But I was disappointed that the President omitted any reference to the most explosive spot in the world today, the Middle East. The President talked about the SALT negotiations. He talked

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about Vietnam. He talked about the resumption of talks with Red China and Warsaw. But the part of the world that needs our most urgent attention today, the Middle East, which is boiling over and is a tinder box ready to explode at any minute, apparently did not get any consideration from the Chief Executive in his state of the Union message today.

I must tell you, Mr. Speaker, that I find this very disappointing. I would have been very much more impressed if the President had addressed himself to this problem.

I just came back from Paris. I was shocked to learn that the French Government has added another 50 Mirages on top of the first 50 Mirages that they are selling to Libya.

I have said previously, and I say again now, that the policy of the French to rearm the Arab States without giving the Israelis parity in power to defend themselves is an invitation to disaster in the Middle East.

It would be my hope that the Chief Executive would have addressed himself to that problem. I am not impressed by the fact that he said he is going to send an overall statement on foreign policy to the House in a few days. The situation in the Middle East today deserves our highest priority.

Because while right now this involves a conflict between the Arab States and Israel, the fact of the matter is if there is another explosion of hostilities there, it will involve the major powers whether they wish to become involved or not. I think the American people want to avoid this conflict at all possible costs.

Mr. Speaker, it would be my hope the President would seriously reconsider, in the light of the French action to rearm the Arab States and the Soviet action to rearm the Arab States, in which the Soviet Union gave Egypt 460 fighter bombers and Syria 267 fighter bombers and tankers, our Nation's policy toward Israel and for the United States to give Israel 200 bombers now to defend itself. The only way to keep a major conflict from erupting in the Middle East, in my opinion, is to make sure Israel is strong enough to defend herself so the Arab States will not dare to make another attempt on that country. We are now selling Israel Phantom jets but I believe we should also consider giving her some additional jet fighters to defend herself.

One thing is certain. Israel has stated repeatedly she does not want any American personnel; she has the manpower for her defense. What Israel desperately needs is the equipment and I believe we should help. This is the only way to preserve peace in the Middle East.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. Stratton, for January 26 to February 9, on account of official committee business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

Mr. Steiger of Wisconsin (at the request of Mr. Ruppe), for 15 minutes, today; to revise and extend his remarks and include extraneous matter.

(The following Members (at the request of Mr. Pryor of Arkansas); to revise and extend their remarks and include extraneous matter:)

Mr. Shipley, for 30 minutes, today.

Mr. Gonzalez, for 10 minutes, today.

Mr. Perkins, for 1 hour, on Monday, January 26, to revise and extend his remarks and to include extraneous matter.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. Ruppe) and to include extraneous matter:)

Mr. Bush in two instances.
Mr. Price of Texas.
Mr. Brown of Ohio.
Mr. Mathias in two instances.
Mr. Wyatt.
Mr. Goldwater in three instances.
Mr. Pelly in three instances.
Mrs. Reid of Illinois.
Mr. Andrews of North Dakota.
Mr. Ashbrook in two instances.
Mr. Schneebeli.
Mr. Cowger.
Mr. Brotzman.
Mr. Scherle in two instances.
Mr. McDonald of Michigan.
Mr. Collins in five instances.
Mr. Skubitz in three instances.
Mr. Reid of New York.
Mr. Snyder in two instances.
Mrs. Heckler of Massachusetts.
Mr. Derwinski in two instances.
Mrs. Dwyer.
Mr. Goodling in two instances.
Mr. Bow.
Mr. Arends.
Mr. Devine.
Mr. Nelsen.
Mr. Gerald R. Ford.
Mr. Langen.

(The following Members (at the request of Mr. Pryor of Arkansas) and to include extraneous matter:)

Mr. Rodino in five instances.
Mr. Rosenthal in five instances.
Mr. Gaydos in three instances.
Mr. Eilberg.
Mr. Rooney of New York.
Mr. Helstoski.
Mr. Howard.
Mr. Dingell.
Mr. Hébert.
Mr. Garmatz in two instances.
Mr. Blanton in two instances.
Mr. Rogers of Florida in four instances.
Mr. Rarick in three instances.
Mr. Olsen in two instances.
Mr. Brown of California in five instances.
Mr. Wright.
Mr. Gonzalez in two instances.
Mr. Griffin in two instances.
Mr. Johnson of California in three instances.
Mr. Sisk.
Mr. Preyer of North Carolina in two instances.
Mr. Koch.
Mr. Ryan in three instances.
Mr. Kastenmeier.

ADJOURNMENT

Mr. PRYOR of Arkansas. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 1 o'clock and 56 minutes p.m.), under its previous order, the House adjourned until Monday, January 26, 1970, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1525. A letter from the Secretary of Agriculture, transmitting a report covering the activities of the Rural Electrification Administration for the fiscal year 1969; to the Committee on Agriculture.

1526. A letter from the Assistant Secretary of Defense, transmitting the quarterly report of receipts and disbursements pertaining to disposal of surplus military supplies and for expenses involving the production of lumber products for the first quarter, fiscal year 1970, pursuant to the provisions of section 612, Public Law 91–171; to the Committee on Appropriations.

1527. A letter from the Director of Civil Defense, Department of the Army, transmitting the quarterly report on property acquisitions of emergency supplies for the quarter ending December 31, 1969, pursuant to the provisions of subsection 201(h) of the Federal Civil Defense Act of 1950, as amended; to the Committee on Armed Services.

1528. A letter from the Chairman, Board of Foreign Scholarships, transmitting the seventh annual report under the Mutual Educational and Cultural Exchange Act of 1961 for the period September 1, 1968–August 30, 1969, pursuant to the provisions of Public Law 87–256; to the Committee on Foreign Affairs.

1529. A letter from the Comptroller General of the United States, transmitting report on the construction of industrial facilities at Government-owned plants without disclosure to the Congress, Departments of the Navy and Air Force; to the Committee on Government Operations.

1530. A letter from the Attorney General, transmitting a report of the activities of the Community Relations Service for fiscal year 1969, pursuant to the provisions of section 1004 of Public Law 88–352 and Reorganization Plan No. 1 of 1966; to the Committee on the Judiciary.

1531. A letter from the Librarian of Congress, transmitting a report of positions in grades GS–16, GS–17, and GS–18 in the Library of Congress, pursuant to the provisions of 5 U.S.C. 5114; to the Committee on Post Office and Civil Service.

1532. A letter from the Librarian of Congress, transmitting a report of positions in grades GS–16, GS–17, and GS–18 in the Legislative Reference Service of the Library, pursuant to the provisions of 5 U.S.C. 5114; to the Committee on Post Office and Civil Service.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. ANDERSON of Tennessee: H. Res. 791. Committee on Rules. A resolution providing

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for the consideration of H.R. 860. A bill to amend section 302(c) of the Labor-Management Relations Act, 1947, to permit employer contributions for joint industry promotion of products in certain instances. (Rept. No. 91–796). Referred to the House Calendar.

Mr. COLMER: H. Res. 792. Committee on Rules. A resolution providing for the consideration of H.R. 14864. A bill to amend the Internal Security Act of 1950 to authorize the Federal Government to institute measures for the protection of defense production and of classified information released to industry against acts of subversion, and for other purposes. (Rept. No. 91–797). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. BENNETT:

H.R. 15507. A bill relating to the control of organized crime in the United States; to the Committee on Judiciary.

By Mr. EDWARDS of Alabama:

H.R. 15508. A bill to amend title 5, United States Code, to correct inequities resulting from the exclusion from entitlement to severance pay of employees who, at the time of separation from the service, decline to accept employment in equivalent positions in different commuting areas, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. HAGAN:

H.R. 15509. A bill to amend title 5, United States Code, to correct certain inequities in the crediting of National Guard technician service in connection with civil service retirement, and for other purposes; to the Committee on Post Offie and Civil Service.

By Mr. HORTON:

H.R. 15510. A bill to amend chapter 83, title 5, United States Code, to eliminate the reduction in the annuities of employees or Members who elected reduced annuities in order to provide a survivor annuity if predeceased by the person named as survivor and permit a retired employee or Member to designate a new spouse as survivor if predeceased by the person named as survivor at the time of retirement; to the Committee on Post Office and Civil Service.

By Mr. MATSUNAGA:

H.R. 15511. A bill to authorize the U.S. Commissioner of Education to establish educational programs to encourage understanding of policies and support of activities designed to enhance environmental quality and maintain ecological balance; to the Committee on Education and Labor.

By Mr. MOSS:

H.R. 15512. A bill to create a comprehensive Federal system for determining the ownership of and amount of compensation to be paid for inventions and proposals for technical improvement made by employed persons; to the Committee on the Judiciary.

H.R. 15513. A bill to amend title 18, United States Code, to prohibit the establishment of emergency detention camps and to provide that no citizen of the United States shall be committed for detention or imprisonment in any facility of the U.S. Government except in conformity with the provisions of title 18; to the Committee on the Judiciary.

By Mr. RANDALL:

H.R. 15514. A bill to amend the Railroad Retirement Acts of 1935 and 1937 to provide a 15-percent across-the-board increase in pensions and annuities paid thereunder; to the Committee on Interstate and Foreign Commerce.

By Mr. RIVERS:

H.R. 15515. A bill to amend the act of August 11, 1959, Public Law 86–155 (73 Stat. 333), as amended, and for other purposes; to the Committee on Armed Services.

By Mr. STAGGERS:

H.R. 15516. A bill to provide for the transfer to the Federal Power Commission of all functions and administrative authority now vested in the Securities and Exchange Commission under the Public Utility Holding Company Act of 1935; to the Committee on Interstate and Foreign Commerce.

By Mr. ULLMAN:

H.R. 15517. A bill to consolidate the administration of grants and loans for basic public water and sewer facilites and waste treatment works; to the Committee on Banking and Currency.

By Mr. UTT:

H.R. 15518. A bill to amend the Tariff Act of 1930 to eliminate, in the case of shrimp vessels, the duty on repairs made to, and repair parts and equipments purchased for, such vessels in foreign countries, and for other purposes; to the Committee on Ways and Means.

By Mr. BENNETT (for himself, Mr. Brock, Mr. Broomfield, Mr. Chappell, Mr. Cleveland, Mr. Daddario, Mr. Dulski, Mr. Edmondson, Mr. Foley, Mr. Helstoski, Mr. Hull, Mr. Kee, Mr. Kuykendall, Mr. McCloskey, Mr. Mikva, Mrs. Mink, Mr. Olsen, Mr. Pryor of Arkansas, Mr. Purcell, Mr. Rarick, Mr. Reifel, Mr. Ruppe, Mr. Saylor, Mr. Scherle, and Mr. Skubitz):

H.R. 15521. A bill to amend the act of June 27, 1960 (74 Stat. 220), relating to the preservation of historical and archeological data; to the Committee on Interior and Insular Affairs.

By Mr. BENNETT (for himself, Mr. Stephens, Mr. Tiernan, Mr. Tunney, Mr. Udall, Mr. Waldie, and Mr. Vanik):

H.R. 15522. A bill to amend the act of June 27, 1960 (74 Stat. 220), relating to the preservation of historical and archeological data; to the Committee on Interior and Insular Affairs.

By Mr. FASCELL:

H. Con. Res. 481. A resolution to express the sense of the Congress relating to the Middle East; to the Committee on Foreign Affairs.

By Mr. MOORHEAD:

H. Con. Res. 482. A resolution to express the sense of the House with respect to peace in the Middle East; to the Committee on Foreign Affairs.

By Mr. PEPPER (for himself, Mr. Madden, Mr. Delaney, Mr. Moorhead, Mr. Kyros, Mr. Sisk, Mr. Addabbo, Mr. St. Onge, Mr. Giaimo, and Mr. Charles H. Wilson):

H. Con. Res. 483. Concurrent resolution to express the sense of the House with respect to peace in the Middle East; to the Committee on Foreign Affairs.

By Mr. RODINO:

H. Con. Res. 484. Concurrent resolution to express the sense of the House with respect to peace in the Middle East; to the Committee on Foreign Affairs.

By Mr. CRANE (for himself, Mr. Buchanan, Mr. Derwinski, Mr. Addabbo, Mr. Cowger, Mr. Cramer, Mr. Dent, Mr. McCulloch, Mr. MacGregor, Mr. Pollock, Mr. Sikes, Mr. Whalley, and Mr. Wydler):

H. Res. 793. A resolution to express the sense of the House with respect to peace in the Middle East; to the Committee on Foreign Affairs.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. MATSUNAGA:

H.R. 15519. A bill for the relief of Ignacio Gebella Espanola; to the Committee on the Judiciary.

H.R. 15520. A bill for the relief of Fukumatsu Sato; to the Committee on the Judiciary.

MEMORIALS

Under clause 4 of rule XXII,

273. The SPEAKER presented a memorial of the Senate of the General Assembly of the Commonwealth of Kentucky, relative to establishing January 15 as a legal holiday honoring Dr. Martin Luther King, Jr.; to the Committee on the Judiciary.

PETITIONS, ETC.

Under clause 1 of rule XXII,

377. The SPEAKER presented a petition of the chairman, National Association of State Universities and Land Grant Colleges Water Resources Committee, Pullman, Wash., relative to proposed legislation to amend the Water Resources Research Act of 1965; to the Committee on Interior and Insular Affairs.

SENATE—*Thursday, January 22, 1970*

The Senate met at 12 o'clock meridian and was called to order by the Vice President.

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

Almighty God, source of our being, sovereign ruler of men and nations, bless this land which Thou has given us. Abide in our hearts and in our homes. Strengthen our institutions. Visit our cities, towns, and countryside with a new and lofty patriotism and with pure religion. Guide us in the use of natural resources and in the employment of the new revelations of science. Spare us from violence, panic, and enervating fear. Grant us poise and peace and spiritual power. Unite the people with their government in common devotion to the higher order and better world Thou hast promised to all who seek first the kingdom of God and His righteousness.

Bestow Thy blessing upon the President. Give him wisdom and strength for his solemn responsibilities, that he may grow in the knowledge of Thee and of Thy kingdom.

Through Jesus Christ our Lord. Amen.

WELCOME TO THE VICE PRESIDENT

Mr. MANSFIELD. Mr. President, welcome back.

The VICE PRESIDENT. Thank you, sir.

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THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Wednesday, January 21, 1970, be dispensed with.

The VICE PRESIDENT. Without objection, it is so ordered.

TRANSACTION OF ROUTINE MORNING BUSINESS—UNFINISHED BUSINESS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that there be a period for the transaction of routine morning business, with statements therein limited to 3 minutes; that at the conclusion of 13 minutes past 12 o'clock, the period for the transaction of morning business be brought to a conclusion; and that at that time the unfinished business be laid before the Senate.

The VICE PRESIDENT. Without objection, it is so ordered.

COMMITTEE MEETINGS DURING SENATE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that all committees be authorized to meet during the session of the Senate today, after the state of the Union message of the President of the United States.

The VICE PRESIDENT. Without objection, it is so ordered.

ATTENDANCE OF A SENATOR

Mr. HIRAM L. FONG, a Senator from the State of Hawaii, attended the session of the Senate today.

JOINT DEMOCRATIC LEADERSHIP'S STATEMENTS ON POLLUTION AND THE ENVIRONMENT

Mr. MANSFIELD. Mr. President, I ask unanimous consent that a statement on pollution which I made at a press conference on yesterday with the distinguished Speaker of the House, Mr. McCormack, and a statement made by the distinguished majority leader of the House, Mr. Albert, on that occasion be printed in the Record.

There being no objection, the statements were ordered to be printed in the Record, as follows:

Statement of Hon. Mike Mansfield, Majority Leader of the Senate

Mr. Mansfield. It is my understanding that "progress" in this nation adds up each year to 200 million tons of smoke and fumes, 7 million junked cars, 20 million tons of paper, 40 billion cans and 28 billion bottles. Under our fiscal 1970 budget, the amount allocated per person for defense amounts to about $400 and for all health programs about $13. Surely somewhere in the defense expenditures, which are marked by costly overruns, poor preparation on contracts and much in the way of obsolescence before a weapon or a missile is acceptable, we can find the few dollars necessary to undertake the anti-pollution programs which will save our lakes, such as Lake Erie and others which are on the way to disintegration; we can save our rivers and our creeks which are even affected in my own state of Montana. Such programs are needed to protect our environment and to protect the health of all our people because if we do not, the cost will be astronomical, and we may be too late. The time is now, and I repeat "now" to face up to this problem of blight caused by our own blindness and recognize the fact that not millions, not hundreds of millions, but billions of dollars will have to be spent to cope with this problem which affects all of us. We have been too free and easy in the acceptance of our environment. We have looked on our air and water as free without recognizing the need for control and care.

The cost will be stupendous. We have littered the countryside with beer bottles and beer cans. We have created auto dumps in every direction. In other words, we have just taken too much for granted, and the time and the place is here and now to push this program of pollution control through a coordinated effort on the part of the Administration and the Congress on the Federal level, on the part of the states and the municipalities, and on the part of industry which should divert some of its profits to cope with this problem which they have helped create.

I want to commend Senators Muskie, Nelson and Jackson for their pioneering efforts in trying to save the environment, and I want to extend my thanks also to Congressman Blatnik, House Majority Leader Albert and all those other Members of the House who have become aware of this problem—a problem which is non-partisan, non-political, but not non-faceable.

The purpose of this meeting this morning is to indicate the growing concern of the Democratic leadership for the quality of life in this nation today and as it will affect future generations and to try to publicize the frightening variety of hazards and environmental offenses over which we have had to this time little or no control.

Remarks of the Hon. Carl Albert, Majority Leader of the House of Representatives

Mr. Albert. We believe this Congress of 1970 must, and will, show its continuing concern for those things troubling most Americans. A dominant question, and one of growing concern, is the quality of life for present and future generations. The contemporary American is surrounded by a frightening variety of hazards, and environmental offenses over which he has little or no control. We must attack these problems with full commitment or forever lose the chance to make this continent, indeed this planet Earth, a fit or even tolerable place to live, for us, for our children and for generations beyond.

The Congress has initiated much major environmental legislation. These measures include the Clean Air Act, the Water Quality Act, the Land and Water Conservation Fund Act, the Water Resources Planning Act, Solid Waste Disposal Act, and the National Environmental Policy Act.

Presently the Water Quality Improvement Act, another Congressionally-initiated measure, is pending in a joint House-Senate Conference Committee. That legislation would provide the President with broad new enforcement powers to deal with oil pollution, bring federally supported or authorized projects or activities into compliance with water quality standards, would require control of sewage discharges from vessels and would authorize the staff necessary for effective functioning of the President's Council on Environmental Quality.

We hope and expect the Water Quality Improvement Act to be sent to the President for signature by the Lincoln's Birthday Recess.

We are committed to provide the full $1.25 billion authorized for the Water Quality Improvement Program to meet Sewage Treatment construction grant needs.

Similarly, we must seek increased funding for preservation of America's natural heritage, to clean the air, to provide intelligent control for new technologies, and to insure a better quality life in healthy and attractive surroundings.

We propose the establishment of a joint House-Senate committee on the environment to expand the congressional capacity to deal with environmental problems. The Joint Committee would be a non-legislative Committee, organized to provide a clear focus on the difficult environmental decisions which must be made, and to provide the legislative Committees with the necessary background to insure effective action on short-term and long-term environmental problems and needs. While the Congress is acting to meet its needs in this area, the time has come for the Executive Branch to reexamine its structure as it relates to environmental protection and improvement programs.

Congress is aware of its responsibility to act on pending legislation which is designed to improve the quality of the environment. We must, this year, extend and broaden the environmental programs which deal with hazardous substances, solid waste, noise, and air quality. We must examine water pollution measures which will provide innovative means to finance the cost of pollution control beyond 1971.

We must begin to develop a considered national land use policy and examine the need to replace the present haphazard methods of site selection for major industrial facilities with a system designed to assure environmental balance. Closely related to these questions are the problems of population growth and concentration in urban areas, and the need for continuation of the expansion of our national wilderness, park and recreation system to meet the nation's responsibilities. All of these problems must be dealt with in terms of our domestic concerns and the opportunities for international cooperation in the quest for a more livable world.

Finally, we have asked the Chairman of concerned committees to expedite consideration of authorizing legislation and appropriations, and to hold public hearings to seek new ideas for Environmental Improvement Act programs.

Confronted with the problems we face and the need for commitment and for an immediate counterattack, Congress is ready. We have begun, and we must, with the necessary concern, continue.

We in Congress have listened to the concerns of the American people, especially the young. For those who would listen, as we in Congress have, the majority has not been silent on this issue.

We are ready to expand the legislative beginnings we have made into a comprehensive national program committed to the investment of time, resources and funds which must be made to secure the birthright of every American to have a clean, safe and pleasant nation in which to grow and enjoy life.

We are ready to make the investment which must be made in this decade of the 1970s if the contemporary American and his children are to have a clean, safe and pleasant nation in which to live and grow and prosper.

WELCOME BACK, MR. VICE PRESIDENT

Mr. SCOTT. Mr. President, I join with the distinguished majority leader in saying welcome back to our Presiding Officer.

At the risk of possible embarrassment to our distinguished Presiding Officer, let me seize this occasion to say briefly that the trip to many Asian countries by our distinguished Vice President was met everywhere with notable success, and that we are proud of his achievements in advancing the foreign policy of the United States in making clear our firm position and friendly attitude toward those nations.

It was my great privilege to be with the distinguished Vice President in Taiwan at the time of the state dinner and interview with His Excellency, the President of the Republic of China, Chiang Kai-shek. I was impressed—as all observers, American and Asian, were impressed—with the very fine work which the Vice President did. We are very proud of that and very happy to have him back with us.

The VICE PRESIDENT. The Chair thanks the distinguished Senator from Pennsylvania.

INFLATION—PORK BARREL PRIORITIES

Mr. WILLIAMS of Delaware. Mr. President, at a time when so much lipservice is being given to the problem of inflation, I believe it would be well for all Members of the Senate to read a very appropriate editorial published in today's Wall Street Journal entitled, "Pork Barrel Priorities," and I ask unanimous consent to have it printed in the Record.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

Pork Barrel Priorities

We can understand that Senate Democrats would want to spent a lot more Government money on education, and for that matter nearly everything else, just as they have every year for 40 years. We're more than a little confused, though, by their talk about "national priorities."

We used to think there was general agreement that the current priorities of this nation are: Doing something about Vietnam first, doing something about inflation second, and everything else a long ways third. Before this latest round of talk, we thought we had it pretty clear.

Now the Senate comes along with an extra billion-plus dollars in aid to education and health, and the lawmakers think maybe they can override the Presidential veto that might result from the spending's inflationary potential.

The biggest single increase, the political grease that has helped move the bill, and the political stick that creates the possibility of overriding a veto is an increase in Federal aid to "impacted" schools. Which is to say, more spending for schools near Federal installations in the districts of key Congressmen.

Or in other words, pork barrel first, inflation control last, and then talk a lot about priorities. Some gall.

S. 14465—REFERRAL OF BILL TO COMMITTEE ON FINANCE

Mr. MAGNUSON. Mr. President, on December 5, my Committee on Commerce reported to the Senate the House-passed airport/airways bill, H.R. 14465. After being reported the bill was placed on the Senate Calendar. At the same time, the Commerce Committee also reported the committee-drafted and approved airport/airways program, S. 3108. At that time I asked unanimous consent that the Senate bill be referred to the Senate Committee on Finance for consideration and application of tax provisions which are necessarily a part of the total program. It was my hope that the Finance Committee would add to S. 3108 tax provisions and language after which it would be reported to the Senate floor for final action.

It had been our plan, following final Senate passage of S. 3108 to seek unanimous consent to substitute the language of that bill for that of the House passed bill, H.R. 14465 and send the bill back to the House in order to initiate a conference.

Pursuant to an agreement I have reached with the distinguished chairman of the Finance Committee, the junior Senator from Louisiana, I seek unanimous consent from the Senate to also refer to the Senate Committee on Finance, H.R. 14465 so that that committee might consider the tax aspects of the airport/airways development legislation approved by the House. Senator Long has assured me that his committee will report to the Senate Calendar, without amendment, S. 3108, where it will reside until such time as the Finance Committee completes action on the tax provisions of H.R. 14465.

At that time the Senate will be able to consider the substantive aspects of S. 3108 as the first three titles of a complete legislative package; then consider the Finance Committee approved tax provisions of H.R. 14465 as title IV of the program.

I am delighted that Senator Long and his committee are moving ahead so expeditiously on consideration of this important matter and have been assured that the airport/airways development program will be cleared for floor consideration at a very early date.

At this point, I ask unanimous consent that H.R. 14465 be referred to the Senate Committee on Finance.

The VICE PRESIDENT. Without objection, it is so ordered.

COMMUNICATIONS FROM EXECUTIVE DEPARTMENTS, ETC.

The VICE PRESIDENT laid before the Senate the following letters, which were referred as indicated:

Reviewing the Commitment—A Report on Academic Exchanges

A letter from the Chairman, the Board of Foreign Scholars, transmitting, pursuant to law, their annual report, "Reviewing the Committee—A Report on Academic Exchanges," dated October 1969 (with an accompanying report); to the Committee on Foreign Relations.

Reports of the Comptroller General

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on construction of industrial facilities at Government-owned plants without disclosure to the Congress, Department of the Navy and Department of the Air Force, dated January 21, 1970 (with an accompanying report); to the Committee on Government Operations.

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on the questionable payment of taxes to other governments on U.S. defense activities overseas, Department of Defense and Department of State, dated January 20, 1970 (with an accompanying report); to the Committee on Government Operations.

Report of Activities of the Community Relations Service

A letter from the Attorney General of the United States, transmitting, pursuant to law, a report of the activities of the Community Relations Service for fiscal year 1969 (with an accompanying report); to the Committee on the Judiciary.

PETITIONS AND MEMORIALS

Petitions, etc. were laid before the Senate, or presented, and referred as indicated:

By the VICE PRESIDENT:

A resolution adopted by the Quarterly Court of Sumner County, Tenn., petitioning the General Assembly of the State of Tennessee to adopt and forward a joint resolution to the Senate and House of Representatives of the United States praying for the enactment of a constitutional amendment, prohibiting the enactment of legislation permitting taxation on State or local bonds; to the Committee on the Judiciary.

A resolution adopted by the City Council, City of Seattle, praying for the repeal of Title II of the Internal Security Act of 1950; to the Committee on the Judiciary.

SENATE RESOLUTION 317—RESOLUTION REPORTED AUTHORIZING THE COMMITTEE ON POST OFFICE AND CIVIL SERVICE TO MAKE CERTAIN INVESTIGATIONS (S. REPT. NO. 91-635)

Mr. McGEE, from the Committee on Post Office and Civil Service, reported the following original resolution (S. Res. 317), and submitted a report thereon; which was referred to the Committee on Rules and Administration:

S. Res. 317

Resolved, That the Committee on Post Office and Civil Service, or any duly authorized subcommittee thereof, is authorized under sections 134(a) and 136 of the Legislative Reorganization Act of 1946, as amended, and in accordance with its jurisdiction specified by rule XXV of the Standing Rules of the Senate to examine, investigate, and conduct such studies as may be deemed necessary with respect to any and all aspects of—

(1) the postal service, with particular emphasis upon inquiries into the desirability of major organizational restructuring and modernization. Included in these investigations, directed toward improving postal service in the United States, are mechanization, labor-management relations, ratemaking, capital funding, wages, hours, work schedules, management techniques, and utilization of manpower;

(2) the Federal civil service, including retirement, life and health insurance, and general consideration of legislation to improve the quality of Federal employment and Federal personnel policies and practices; and

(3) committee jurisdiction concerning the census and the collection of statistics.

Sec. 2. For the purposes of this resolution the committee, from February 1, 1970, until January 31, 1971, inclusive, is authorized (1) to make such expenditures as it deems advisable; (2) to employ on a temporary basis technical, clerical, and other assistants and consultants: *Provided,* That the minority is authorized to select one person for appointment, and the person so selected shall be appointed and his compensation shall be so fixed that his gross

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rate shall not be less by more than $2,700 than the highest gross rate paid to any other employee; and (3) with the prior consent of the heads of the departments and agencies concerned and the Committee on Rules and Administration, to utilize the reimbursable services, information, facilities, and personnel of any of the departments or agencies of the Government.

SEC. 3. The committee shall report its findings, together with its recommendations for legislation as it deems advisable, to the Senate at the earliest practicable date, but not later than January 31, 1971.

SEC. 4. Expenses of the committee under this resolution, which shall not exceed $275,000, shall be paid out of the contingent fund of the Senate upon vouchers approved by the chairman of the committee.

SENATE RESOLUTION 318—RESOLUTION REPORTED PROVIDING FOR A STUDY OF MATTERS PERTAINING TO THE FOREIGN POLICY OF THE UNITED STATES BY THE COMMITTEE ON FOREIGN RELATIONS

Mr. FULBRIGHT, from the Committee on Foreign Relations, reported the following original (S. Res. 318); which was referred to the Committee on Rules and Administration:

S. RES. 318

Resolved, That the Committee on Foreign Relations, or any duly authorized subcommittee thereof, is authorized under sections 134(a) and 136 of the Legislative Reorganization Act of 1946, as amended, and in accordance with its jurisdiction specified by rule XXV of the Standing Rules of the Senate, to examine, investigate, and make complete studies of any and all matters pertaining to the foreign policies of the United States and their administration.

SEC. 2. For the purposes of this resolution the committee, from February 1, 1970, to January 31, 1971, inclusive, is authorized (1) to make such expenditures; (2) to employ, upon a temporary basis, technical, clerical, and other assistants and consultants; (3) to hold such hearings to take such testimony, to sit and act at such times and places during the sessions, recesses, and adjourned period of the Senate, and to require by subpena or otherwise the attendance of such witnesses and the production of such correspondence, books, papers, and documents; and (4) with the prior consent of the heads of the departments or agencies concerned, and the Committee on Rules and Administration, to utilize the sessions, recesses, and adjourned periods of the Senate, and to require by subpena or otherwise the attendance of such witnesses and the production of such correspondence, books, papers, and documents; and (4) with the prior consent of the heads of the departments or agencies concerned, and the Committee on Rules and Administration, to utilize the reimbursable services, information, facilities, and personnel of any of the departments or agencies of the Government, as the committee deems advisable.

SEC. 3. In the conduct of its studies the committee may use the experience, knowledge, and advice of private organizations, schools, institutions, and individuals in its discretion, and it is authorzed to divide the work of the studies among such individuals, groups, and institutions as it may deem appropriate, and may enter into contracts for this purpose.

SEC. 4. Expenses of the committee, under this resolution, which shall not exceed $300,000, shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee.

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BILLS INTRODUCED

Bills were introduced, read the first time and, by unanimous consent, the second time, and referred as follows:

By Mr. INOUYE:

S. 3321. A bill to amend certain maritime legislation affecting the transportation by water of property in the domestic Hawaii trade; to the Committee on Commerce.

(The remarks of Mr. INOUYE when he introduced the bill appear later in the RECORD under the appropriate heading.)

By Mr. McGEE:

S. 3322. A bill to require that the appointment of decennial census employees be based upon open, competitive examinations; and

S. 3323. A bill to prohibit the Postmaster General from requiring the labeling of mail matter containing mailable firearms; to the Committee on Post Office and Civil Service.

By Mr. GOODELL:

S. 3324. A bill to amend the Military Selective Service Act of 1967 to establish a National Selective Service Commission to head the Selective Service System;

S. 3325. A bill to amend the Military Selective Service Act of 1967 to establish a National Conscientious Objector Appeals Board, and for other purposes; and

S. 3326. A bill to amend the Military Selective Service Act of 1967 to eliminate student deferments; to the Committee on Armed Services.

(The remarks of Mr. GOODELL when he introduced the bills appear later in the RECORD under the appropriate heading.)

By Mr. DODD:

S. 3327. A bill for the relief of Panagiotis Laladelis; to the Committee on the Judiciary.

By Mr. BURDICK:

S. 3328. A bill to authorize the establishment of the Fort Buford Unit of the Fort Union Trading Post National Historic Site in the State of North Dakota, and for other purposes; to the Committee on Interior and Insular Affairs.

S. 3321—INTRODUCTION OF THE HAWAII WATER CARRIERS ACT

Mr. INOUYE. Mr. President, I introduce today a bill which I believe will have a major and beneficial impact upon the development of my State and the economic welfare of all Hawaii's residents.

For many years we have discussed the role of transportation in increasing Hawaii's living costs. Studies have been undertaken, reports have been prepared and filed, but we have seen no action. It is in the hope that this proposal may act as a vehicle for moving forward to concrete action that I now introduce the Hawaii Water Carriers Act.

Hawaii needs and deserves a special regulatory and promotional program for the domestic ocean transportation system that plays so unique and vital a role in the State's life and economy. General Federal regulation designed to meet the interests and problems of the mainland's oceanborne transportation service can no longer be accepted as appropriate for special problems and interests of Hawaii's domestic service.

One of Hawaii's major assets is its strategic location in the Pacific between the mainland United States, Canada, and Mexico on the east, and Japan, the Far East, Australia, and New Zealand on the west. It is the natural hub of the rapidly developing Pacific Basin. Hawaii's opportunity to develop as a foreign trade center, through which would pass goods from all corners of the Pacific and beyond, offers potential not only for more jobs and more dollars for the citizens of Hawaii but also for greater U.S. participation in this huge trade pool to the benefit of the Nation's export trades, its balance-of-payment situation, and its merchant marine. The proposed Hawaii Water Carriers Act will enhance this development.

At the same time, many of the State's problems are linked to the central fact of Hawaii's location in the middle of the Pacific. Unlike any other State with the possible exception of Alaska, Hawaii cannot rely on rail or motor carrier transportation to connect it with the rest of the United States, and for all but a few commodities air transportation is not an economically feasible alternative. The result is that the quality and cost of the ocean transportation system that serves Hawaii critically affect its basic economy and have a direct bearing on the availability of job opportunities and the State's cost of living. Promotion and constructive regulation of the ocean transportation system can insure that Hawaii's present and future needs will continue to be satisfied and would attract new industry to Hawaii, aid the further development of existing industry and insure fair and equitable treatment to Hawaii's consuming public.

The assurance that full transportation service will continue to be provided the neighbor islands is needed to spur their development, reverse the population drain to Honolulu and promote social and economic balance.

Finally, there is the critical problem of insuring the continued use of modern vessels in the mainland-Hawaii trade. Taxes paid by Hawaiian citizens help finance the Nation's subsidized shipbuilding program. However, this program does not help reduce Hawaii's transportation costs or improve the efficiency of its transportation service because the program excludes subsidization of vessels for use in the mainland-Hawaii trade, except incidentally where the vessels serve Hawaii as an intermediate point in foreign trade operations. Equitable treatment of Hawaii's taxpayers requires that construction subsidy be made available for the State's special transportation needs.

A. CERTIFICATION

The proposed Hawaii Water Carriers Act would require Federal Maritime Commission certification of all common carriers by water in the domestic Hawaii trade. Except for "grandfather" carriers presently serving the trade, applicants for certification would have to satisfy a public convenience and necessity standard, pursuant to which a public hearing would be conducted. The hearing procedure would allow participation by shipper and local citizen interests and help assure that new operators in the domestic Hawaii trade will be responsible and that their service will be in the public interest.

Grandfather rights are normal provisions in such certification schemes. Thus, presently operating carriers would be exempted from the act's hearing requirements on the ground that they have already demonstrated their ability to serve the trade. But, since these rights will be limited to the service provided by the operators in the past, changes in that service would have to undergo the full public convenience and necessity test. Moreover, the grandfather operators would have to provide service in accordance with other provisions of the act.

Under the act each operator's certificate would specify the route or routes and ports which the carrier would have to serve and whether the carrier would serve Hawaii in a strictly domestic turnaround operation or as an intermediate point in foreign trade. Deviation from these service requirements would be allowed only in emergency or temporary situations. Abandonment of part or all of an operator's service would be possible only upon prior FMC approval after hearing with provision for the protests and comments of local groups. Transfer of an operator's certificate would similarly be subject to a requirement of prior Commission approval.

One of the serious potential abuses which the bill would curb is carrier concentration on high profit segments of the Hawaii trade, to the exclusion of less-than-containerload shipments and less dense traffic areas. Such specialization would handicap business in Hawaii dependent on the transportation services thus discriminated against and increase the prices paid by citizens of the State for certain commodities; it would also deprive carriers providing comprehensive service of their proportionate share of the high value trade, without which their ability to provide full service would be severely impaired. Accordingly, under the act all certificated carriers would be required to carry breakbulk and less-than-containerload shipments, unless excused from this requirement by the Commission for a period not to exceed 6 months from the date of issuance of their certificates. Certificated carriers would also be required to hold themselves out to serve the neighbor islands of Hawaii, Kauai, Maui, and Molokai. This requirement could be satisfied by transshipment or interline arrangements.

Since the operations of contract carriers could be disruptive of the stability, efficiency, and comprehensiveness sought for common carrier operations in the domestic Hawaii trade, it is necessary that they be included within the ambit of the proposed legislation. Accordingly, contract carriers would be subject to regulations similar to but less comprehensive than those governing common carriers.

The proposal to vest in the Federal Maritime Commission certification and regulatory authority over the domestic Hawaii trade by water assures the trade's regulation by that agency of the Federal Government most experienced in and responsive to ocean transportation needs and problems. The Federal Maritime Commission already has jurisdiction over Hawaii's ocean transportation service as part of its authority over domestic and worldwide waterborne commerce. Congressional judgment that jurisdiction over Hawaii water carriers should be allocated to the FMC was incorporated in the Hawaii Statehood Act and that judgment continues to be valid. The Interstate Commerce Commission's primary concern with land transportation strongly suggests that it would not be the appropriate Government body to administer this portion of the proposed Hawaii Water Carriers Act.

B. GOVERNMENT CARGO

The problem of transportation services specializing in certain cargoes to the detriment of other cargoes is also posed by Government-impelled traffic which constitutes a large and discrete cargo pool readily susceptible to separate carriage. Such cargo aggregations are particularly prone to special rate or preferential service arrangements, with the cost of such preferential treatment inevitably borne by commercial shippers in the form of high rates or less efficient service. The consuming public served by these commercial shippers should not have to subsidize military shipments.

The proposed legislation would amend section 6 of the Intercoastal Act of 1933, which now permits special rates on the carriage of Government cargo in the domestic Hawaii trade, so that Government cargoes in this trade, like the cargoes of all other shippers, would be subject to the principle of nondiscriminatory rates and services. Since Hawaiian domestic offshore rates are subject to economic regulation, the Government would still receive full protection against excessive charges; and it would still be possible for the Government to secure reduced rates for high volume shipments in the same manner as any other shipper.

C. FACILITATION OF THROUGH SERVICE

The most important recent development in cargo transportation is the so-called container revolution. Containerization makes possible the transportation of goods from an inland point to dockside, by ship to another dockside and then to another inland point, all without the delays and costs of unpacking and repacking at each step in the process. The economies and time savings made possible by this process have been particularly dramatic in transportation involving ocean carriers. Given Hawaii's dependence on ocean transportation, it is manifestly in the interest of the State's industries, their employees and the consuming public that the potential of containerization be realized to the fullest possible extent in the Hawaii domestic trade.

Full realization of the potential of containerization would result in a system of single through rates covering all of the services of the underlying carriers, regardless of the transportation modes involved. However, the development of joint rates and through services where the overland phases of the transportation process in question are merely incidental to its oceangoing phases—as is often the case in the domestic Hawaii trade—has been hindered by two recent court decisions. *Alaska S.S. Co.* v. *FMC*, 399 F. 2d 623 (9th Cir. 1968) and *Sea-Land Service, Inc.* v. *FMC.*, 404 F. 2d 824 (D.C. Cir. 1968). Under these decisions full FMC jurisdiction over such through services can be avoided where the arrangement is structured so as to involve an oceangoing common carrier and a motor carrier as joint participants, even though the latter performs only incidental pickup or delivery services, and even though the FMC has jurisdiction if the water carrier itself contracts for the incidental ICC-motor carrier services.

These decisions invite forum shopping between Government regulatory agencies, discrimination, rate instability, and other potential abuses which threaten to prevent realization of the full benefits of containerization. Because of Hawaii's vital interest in the development of through service arrangements involving FMC-regulated water carriers, the act would, in effect, reverse the Alaska S.S. and Sea-Land opinions by vesting in the FMC complete authority over through service in the domestic Hawaii trade in cases where the underlying motor carrier service is merely incidental to the water carriers service. The FMC is better equipped than the ICC to exercise this authority because of the predominate role of the FMC-regulated water carriers in such service and because of the ICC's traditionally more narrow interest in water transportation and its primary concern with motor and rail carriage.

With respect to through service involving more substantial operations by ICC-regulated common carriers, regulatory authority would be vested in a joint board consisting of appointees named by the Chairman of the FMC and ICC. Patterned after a provision of the Federal Aviation Act, this arrangement would permit coordinated regulation of joint land-water through service by both the responsible agencies.

D. AVAILABILITY OF SHIPS FOR HAWAIIAN TRADE AT WORLD PRICES

No State is so exclusively dependent on ocean transportation as Hawaii. Yet for the most part it is excluded from Government programs designed to promote the ready availability of modern and efficient ships—the all important ingredient in providing and maintaining a low-cost water transportation system to serve the Hawaiian public. Steps must be taken to enable the prompt introduction of increased numbers of modern ships into the domestic Hawaiian trade at reasonable prices.

Section 27 of the Merchant Marine Act of 1920 restricts the Hawaii-mainland ocean trade to American-built ships. But the cost of constructing modern vessels in U.S. shipyards is high—more than twice as much as construction costs in foreign shipyards.

The dilemma posed by the need for modern vessels and the high costs of their construction in American shipyards has been met in the U.S. foreign trade by the construction differential subsidy program—CDS. Under this program ships are constructed in U.S. shipyards but the Government pays the difference between the actual U.S. shipyard cost and the cost if constructed abroad.

Hawaiians pay taxes to finance the construction subsidy program, and, because of their unique dependence on domestic ocean transportation, they should enjoy its benefits. Accordingly, under the

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proposed act CDS would be made available to certificated operators in the Hawaii trade pursuant to the same procedures currently applicable to vessels subsidized for use in the foreign trade. Ships constructed with CDS for use in the Hawaii trade would be committed for their useful life to this trade, thereby protecting Hawaii's interest in their continued use in this trade and avoiding potential abuses in the CDS program.

But expanding the CDS program to include the Hawaiian trade is not enough. CDS funds are limited. The goal of improved, lower cost mainland-Hawaiian service should not be frustrated by the unavailability of sufficient CDS funds. Accordingly, the act provides that, if CDS funds are not available and if the Secretary of Commerce determines that the ships covered by an application for CDS cannot be constructed in U.S. shipyards at a cost or within a delivery period which is within 50 percent of the cost or delivery time for foreign-built ships, the use of U.S.-flag, U.S.-owned, foreign-built ships will be permitted in the domestic Hawaii trade. Such foreign-built vessels would also have to be committed to that trade for their useful life unless a waiver is granted by the Secretary of Commerce for use of the vessel in foreign trade. In this way ocean transportation in the domestic Hawaii trade would be placed on a footing similar to that of other modes of transportation—airlines, railroads, and motor carriers—where there is no similar restriction against foreign building.

Finally, the act provides that carriers already serving the trade on a turnaround mainland Hawaii basis will receive payment equivalent to CDS on any new or reconstructed vessels on which construction was commenced prior to introduction of the act and completed after January 1, 1969, and used by the carrier only in the domestic Hawaii trade since completion. When such payments in the nature of CDS are made, the sum received by the operator would be placed in a construction reserve fund for use in purchasing an additional new ship or ships for use in the domestic Hawaii trade. Both the original ships and any new ship would be committed to the Hawaii trade for their useful lives unless a waiver allowing use of the vessels in the foreign trade were obtained from the Secretary of Commerce. This provision would allow operators who have recently undertaken expensive construction or conversion of ships for the trade to compete fairly with new ships in the Hawaii trade built with CDS assistance or in foreign shipyards at less than half the U.S. shipyard cost. It would also provide an incentive for operators presently serving the domestic Hawaii trade to continue with their present shipbuilding programs and to place those vessels when completed into the domestic Hawaii trade, rather than into some other operation.

HAWAII AS A TRANSSHIPMENT CENTER

The provisions of the proposed act have thus far been described primarily in terms of how they would promote an improved Hawaii ocean transportation system which would help overcome certain impediments to business development, expand employment, and lower living costs. The reasoning has been that, since the quality and costs of transportation services are important economic factors, it is necessary to assure existing and potential business ventures in Hawaii of efficient, dependable, and low-cost service. The Hawaiian public is also entitled to living costs which reflect such a transportation service.

These proposals for a revitalized Hawaiian transportation policy are also designed to aid in the development of Hawaii as a foreign trade or "transshipment" center. Under such a transshipment system, cargoes bound from such diverse places as Japan, New Zealand, Australia, and other Far East ports would be consolidated in Hawaii for subsequent transportation to the west coast, the gulf area, the east coast, Europe, Alaska, and Mexico. And westbound cargoes would undergo a similar unloading, consolidation, and transshipment process. Additional efficiencies would be accomplished by combining the transshipment system with land-bridge transportation arrangements, whereby cargoes from the Pacific area consolidated in Hawaii would be shipped to west coast terminals to be met by special unit trains destined for cargo depots in various regions of the United States, some for susbequent shipment abroad. Such a system would provide vastly expanded employment opportunities in the transshipment process itself and the related service industries that would inevitably develop.

Many of the principal provisions of the proposed act would facilitate or strongly promote the development of such a transshipment service. The certification procedures would assure that reliable operators would launch and conduct the service. The prohibition against specialization in high-profit operations would assure that the full benefits of the transshipment process would be available to all shippers. The Federal Maritime Commission's jurisdiction over the domestic Hawaii trade would keep the entire ocean transportation segment of the system under the authority of the one agency which has the necessary specialized interest and expertise in this area. Extending that jurisdiction to incidental overland transportation service would facilitate the development of through service and single rates. Providing for a joint board to have jurisdiction over through routes involving more substantial overland operations would insure coordinated regulation by the Interstate Commerce Commission and Federal Maritime Commission.

Under a transshipment system the Hawaii-mainland operation would be the central link on which all other links would depend. As such, this service would have to be efficient, wholly reliable, up-to-date; hence, the necessity for the certification procedure. The Hawaiian-mainland service would have to be subject to the same regulatory scheme as the rest of the ocean transportation part of the system; hence, the need for Federal Maritime Commission jurisdiction over the domestic Hawaii trade. Finally, to implement such a system, additional modern vessels would have to be available to the domestic Hawaii trade at reasonable cost; hence, the need for extending CDS to ships to be used in this trade, or, if CDS is not available and ships cannot be constructed in U.S. shipyards on reasonable terms, for allowing U.S.-owned, U.S.-flag, foreign-built vessels in the trade.

The VICE PRESIDENT. The bill will be received and appropriately referred.

The bill (S. 3321) to amend certain maritime legislation affecting the transportation by water of property in the domestic Hawaii trade, introduced by Mr. INOUYE, was received, read twice by its title, and referred to the Committee on Commerce.

S. 3324, S. 3325, AND S. 3326—INTRODUCTION OF BILLS ESTABLISHING A CIVILIAN NATIONAL COMMISSION TO ADMINISTER THE DRAFT, REVISING THE STANDARDS AND PROCEDURES RELATING TO CONSCIENTIOUS OBJECTORS, AND ELIMINATING STUDENT DEFERMENTS

Mr. GOODELL. Mr. President, our draft law is still unfair and completely out of date. In time of peace, this is bad enough; in time of war—when it determines who may live and who may perish—it is intolerable.

Eight months ago—in a speech entitled "Draft Reform Now" delivered in the Senate on May 6, 1969—I proposed a number of far-reaching reforms of the Selective Service System.

I am gratified that Congress and the President have in the meantime adopted two of the reforms I was urging—the selection of the youngest first, rather than the oldest first; and the establishment of a lottery system for selection.

This, however, is only a first step toward a fair and workable draft system.

The new lottery system has grave defects. It has not eliminated the sense of uncertainty, even for the young men who draw the highest numbers. It still fails to provide equal treatment: young men who draw a given number in the lottery—say, the number 100—have a greater or less chance of being called depending on the size and composition of the local manpower pool.

I am hopeful that workable measures for correcting the defects of the lottery system will emerge from the coming Senate draft reform hearings—and I will be submitting my own recommendations on this subject.

Three other basic reforms which I proposed last May have yet to be considered or implemented by Congress. These are:

The establishment of a civilian national commission to administer the draft, instead of a single national director;

The adoption of a fairer, more workable standard of conscientious objection; and

The abolition of the student deferment.

Today, I am introducing three bills to implement these proposals.

Every day, we hear politicians, professors, principals, and parents calling

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upon the young to abide by the law. Yet how can we seriously expect young men to listen to this advice without cynicism, when the law that most vitally affects their lives and futures—the draft—is so patently unfair and out of date?

Any draft system—even the most carefully and fairly drawn—can be no better than a necessary evil. For any draft system entails involuntary servitude, in a sense. It requires young men to serve and to risk their lives, whether they will or not. Any system of conscription raises the question put so well by Representative James F. Byrnes, of South Carolina, over 50 years ago:

> Must we Prussianize ourselves to win democracy for the people of the world?

In the long run, the only good way to recruit men for our Armed Forces is on the basis of their free will. I wholeheartedly support the President's directive to proceed with the formulation of plans for an all-volunteer Army which would end reliance on the draft. Any volunteer Army should, of course, be subject to strict civilian control.

A voluntary Army, however, cannot be established immediately. There will be a period of years—which will be longer or shorter depending on the duration of the war in Vietnam—when we will have to use conscription to fulfill our military manpower needs. We will have to accept the draft as a necessary evil for a time.

Since the draft cannot be abolished immediately, it must be reformed immediately. We simply cannot afford to continue the obvious inequities of the present draft system while awaiting a volunteer Army.

Moreover, even when we reach the point of creating an all-volunteer Army, we will need to have a draft law in reserve to meet situations of national emergency.

Draftees are being killed in Vietnam now. The time for draft reform is now.

S. 3324—A BILL TO CREATE A CIVILIAN NATIONAL COMMISSION TO ADMINISTER THE DRAFT

For nearly 30 years, the Selective Service System has been the domain of a single individual—the Director of the System. This no longer makes sense.

We simply cannot afford to have a "czar" of the draft.

The man who served in this office for 29 years, General Hershey, was widely—and in many instances, I believe, justly—criticized for the manner in which he administered the Selective Service System.

Conceivably, another, younger man could have demonstrated more flexibility, more concern for individual rights, and more sympathy for the aspirations of the young.

However, the potential for abuse exists as long as the draft remains the fiefdom of one man.

Even the wisest and best intentioned individual can misuse the tremendous power that now resides in the Director of the Selective Service System. No one man can adequately represent the enormously diverse interests that are affected by the draft.

Moreover, we cannot afford to have military men run our draft system at the top level.

Even the Pentagon has civilian leadership. Only the Selective Service System does not. The Director of the System is a career officer, as are almost all of the division chiefs and top-level assistants. As long as the System has this purely military orientation, it cannot hope to be attuned to the profound social effects of the draft upon millions of civilians.

Another present abuse is the lack of uniformity on the part of 4,000 local draft boards in the standards used for classifications of registrants.

This lack of uniformity is glaringly apparent, for example, in the administration of the hardship deferment. The deferment of actor George Hamilton a few years ago because his mother allegedly was dependent on him for support is a well-publicized instance of loose construction of the hardship principle. On the other hand, I see examples of extremely strict construction in my own State every day. Young men, whose parents will actually have to go on welfare if they are inducted, are refused the hardship classification.

To reform the draft leadership, my first bill, S. 3324, would place a national civilian board in charge of the System and make it responsible for developing more uniform procedures of administration throughout all levels of the System.

The bill would abolish the office of the Director of the Selective Service System. In its stead, it would create a civilian, bipartisan five-man National Selective Service Commission to direct the operation of the draft.

The five members of the Commission would be appointed by the President with the advice and consent of the Senate for staggered 5-year terms. No member of the Armed Forces could serve. Not more than three members could be of the same political party. No member could be appointed for more than two terms—that is, for more than a total of 10 years.

This five-man civilian body avoids the dangers of arbitrary action inherent in a single "czar" of the draft. It would be more representative of the diverse interests affected by the draft. It would adopt the principle of civilian rule that is now basic to all our institutions, including the Department of Defense.

Limiting the maximum tenure of members to 10 years will help avoid an entrenched leadership, insensitive to change.

To help secure greater uniformity of administration in the draft system, the Commission would be required "to develop and implement procedures to assure that standards and criteria for classification and deferment are to the maximum extent feasible administered uniformly throughout all parts of the Selective Service System.

S. 3325—A BILL TO REFORM THE STANDARDS AND PROCEDURES RELATING TO CONSCIENTIOUS OBJECTORS

One of the worst inequities of the draft system is that it has attempted to induct literally hundreds of young men who truly object to war on grounds of conscience.

Some of the finest, the most idealistic, the most dedicated young men of this Nation are cast into prison or forced to leave their native land rather than fight in a war that to them is morally repugnant to conscience. When a society thus turns upon its very best, it is in profound danger of spirit.

Present law, it is true, purports to contain an exemption for conscientious objectors from military service. It is, however, so narrowly drawn and often so flagrantly misapplied by local boards as to be largely useless.

Three things are basically wrong with the present rules on conscientious objection.

First, existing law discriminates—in violation of constitutional guarantees of freedom of worship—against those whose moral objection to war is based on other than religious grounds.

Since the early days of World War I, Congress has recognized the principle of conscientious objection. Initially, most conscientious objectors were members of Quakers, Brethren, and other pacifist sects.

Under the 1940 Selective Service and Training Act, the exemption for conscientious objectors was limited to those whose objection to war was based on religious training and belief. This reflected the historical fact of the religious origin of conscientious objection.

It soon became apparent, however that those who objected to war on grounds of conscience included persons with humanist attitudes not rooted in formal religion.

From 1943 to 1965, the Federal courts broadened the construction of the conscientious objector's exemption. This trend culminated in the Supreme Court's 1965 decision in the Seeger case; there, the Court held that the exemption was applicable to any person whose antiwar convictions occupied a place in his life parallel to that filled by the "Supreme Being" of the religious conscientious objector.

Unfortunately, Congress in effect overruled the Seeger decision 2 years later. The 1967 Selective Service Act specifically excluded those whose objection to war was based on "essentially political, sociological, or philosophical views or a merely personal moral code." As a result, persons whose objection to war was not based on formal religion generally were barred from classification as conscientious objectors.

On April 1, 1969, Chief U.S. District Judge Charles W. Wyzanski, Jr., ruled that the 1967 act "unconstitutionally discriminates because it fails to recognize persons claiming conscientious objector status on other than religious grounds." He pointed out that such discrimination violates the provision of the first amendment that "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof."

He said:

> Congress unconstitutionally discriminated against . . . men like [the defendant] who, whether they be religious or not, are motivated in their objections to the draft by profound moral beliefs which constitute the general convictions of their beings.

The National Council of Churches, commenting on this subject in February 1967, aptly made the same point:

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> Conscience is not a monopoly of Christians or of the religious traditions. Neither is there one kind of conscience that is "religions" and another that is "non-religious"; but only the human conscience.

Under the1967 law, young men, American citizens, are denied freedom of conscience—in violation of the U.S. Constitution.

Second, the statutory requirement that the registrant must establish his conscientious objection to "all war" is much too sweeping. A more selective standard is urgently needed.

A young man who wishes to qualify for conscientious objector status now must do more than establish his moral opposition to war in the present historical context. He must answer all sorts of hypothetical questions about what his attitudes would have been to wars in other historical situations. He is asked whether he would have fought in the Revolutionary War or whether he would have fought Hitler.

But how can he honestly answer questions like these? A 20-year-old's attitudes toward war can only really be formed on the basis of wars in his own lifetime—like the Vietnam war. How can he really know how he would have acted in World War II, which happened before he was born? We who are over 40 can remember World War II and can talk meaningfully about whether we would have served in it. But can any of us really say how we would have acted in the Civil War; in the Mexican-American War; in the Revolutionary War? These are hypothetical questions without any real meaning to a decision as profoundly personal as a matter of conscience.

We must bear in mind that conscientious objectors have to serve their country in other ways. A conscientious objector must serve in a noncombatant capacity in the military—for example—as a medic in the battlefield—or else he is assigned by his draft board to work for 2 years in "alternative civilian service in the national interest" at military pay—for example, as an attendant in a mental institution.

In administering the exemption for conscientious objectors, the emphasis should be not so much on the applicant's attitude toward hypothetical or long-past wars, but to war as it is now fought. The basic question should be whether his objection to war in its present historical context is truly based upon conscience—upon a profound moral repugnance against killing.

In short, it is spurious to attempt to distinguish "selective" conscientious objection from "total" conscientious objection. No man can honestly say what his conscience dictates, except in the situation with which he is actually confronted.

Third, the present law permits local draft boards to disregard the law and deny conscientious objector status even to those legally entitled to it.

Local boards now decide whether a registrant is entitled to draft exemption as a conscientious objector. If a board rules against a registrant, he may appeal to the State appeal board. If, however, the State appeal board unanimously sustains the local board, there is no further administrative remedy. The registrant's only recourse, in that event, lies in the courts.

It is an open secret that many local boards are overtly hostile to registrants claiming conscientious objector status. The fact that so many boards are composed of older persons, often themselves veterans, tends to create an atmosphere in which conscientious objector claimants are regarded as "cowardly" or "unpatriotic." This attitude—coupled with the fact that conscientious objection to war is a subjective matter not easily capable of proof—often makes it difficult to get a fair hearing at the local level. Moreover, the determination of the local board has a considerable degree of finality, as State appeal boards are reluctant to reverse local board's decisions in the absence of the clearest evidence.

In some instances, local boards have adopted standards of their own that clearly contravene the law.

Some boards, for example, have taken the view that no registrant who is not a member of a traditional pacifist sect can qualify for exemption. This summer the New York Times reported a particularly flagrant case where members of a Long Island local board admitted that they routinely denied conscientious objector status to Protestant, Catholic, or Jewish applicants, on the grounds that these religions have not adopted pacifism as a dogma. The board simply disregarded the fact that the law clearly makes the registrant's own personal religious convictions, rather than the official tenets of his religion, determinative of his right to the exemption.

My second bill, S. 3325, would seek to reform these abuses by adopting a more selective standard for conscientious objection, and changing the procedures for appealing a local board's denial of conscientious objector status.

The bill would exempt from military training and service any person "who, by reason of profound moral conviction, is conscientiously opposed to war in the historical context" at the time the registrant is applying for exemption.

This change in the statutory standard would accomplish two results.

It would, in the first place, eliminate the unconstitutional religious test that exists in present law.

The proposed standard would only require the registrant to establish that he was conscientiously opposed to war "by reason of profound moral conviction." There would be no requirement that this conviction has to be religious in nature.

It would, in the second place, drop the unrealistic present requirement that the registrant prove his opposition "to war in any form."

Instead, it would require him to establish his opposition to war "in the historical context" of the time his application is being considered.

This makes his attitude toward war as he actually knows it—war in the current historical context—determinative of his claim to conscientious objector status. He would no longer have to answer questions about his views about hypothetical or long past wars—views which hardly would affect his real moral attitudes toward military service.

The bill would also establish a "National Conscientious Objector Appeals Board." The Board, consisting of five civilian members appointed by the President for terms of 5 years, would have the sole function of hearing appeals by applicants for conscientious objector status.

If an applicant were refused conscientious objector exemption by a local board, and this refusal were upheld by the State appeal board, the registrant would have further appeal as of right to this national review agency.

The function of the National Board would be to assure that local boards are applying the statutory standards of conscientious objectors in a fair and lawful manner. Because the Board would deal exclusively with conscientious objector cases, it could develop some real familiarity with this field of law. If men of stature are appointed to the Board, it could do much to remedy the abuse that now exists in this sensitive area.

An additional provision would guarantee an applicant for conscientious objector status a reasonable time to prepare his case and the right to be represented by counsel both at the local board and the appeals levels. These elementary rights have not always been observed under present law.

S. 3326: ELIMINATION OF UNDERGRADUATE STUDENT DEFERMENTS

Under the present system, a student successfully pursuing an undergraduate degree is entitled to a student deferment until graduation. This automatic deferment should be abolished.

When a young man serves should not depend upon whether his parents' wealth or his intellectual abilities enable him to go to college. The draft system should not be used as an incentive for college education. Any automatic student deferment tends to discriminate against the less educated and less affluent.

The inherent unfairness of undergraduate deferments becomes particularly striking in times like today, when a war is going on. The young man who does not qualify for a student deferment is faced with being drafted to fight in Vietnam and possibly, being killed. The young man who qualifies for the deferment may postpone his service for 4 years, at which time the Vietnam war may be over.

My third bill, S. 3326, would abolish the undergraduate student deferment for students other than those already in college.

Under the bill, every young draft eligible young man who becomes of draft age after its effective date would be placed in the lottery, whether or not he plans to go to college. If he is chosen before he enters college, he will have to serve immediately, even though he wants to go to college. If he is already in college when he is chosen, he will have to interrupt his studies—but will under another provision of existing law, be entitled to a short deferment to enable him to complete his current year.

However, the bill would continue to

preserve deferment for students now in college. This is necessary to prevent those who are in the midst of their college careers from having their studies disrupted. Specifically, all students who had already entered college at the time of enactment of the bill would be entitled to the undergraduate deferment as long as they are successfully pursuing their studies.

Mr. President, I ask unanimous consent that the text of my bills be printed in the Record.

The VICE PRESIDENT. The bills will be received and appropriately referred; and, without objection, the bills will be printed in the Record.

The bills (S. 3324) to amend the Military Selective Service Act of 1967 to establish a National Selective Service Commission to head the Selective Service System;

(S. 3325) to amend the Military Selective Service Act of 1967 to establish a National Conscientious Objector Appeals Board, and for other purposes; and

(S. 3326) to amend the Military Selective Service Act of 1967 to eliminate student deferments, introduced by Mr. Goodell, were received, read twice by their titles, and referred to the Committee on Armed Services, as follows:

S. 3324

A bill to amend the Military Selective Service Act of 1967 to establish a National Selective Service Commission to head the Selective Service System

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That paragraphs (1) and (3) of section 10(a) of the Military Selective Service Act of 1967 are amended to read as follows:

"(1) There is hereby established in the executive branch of the Government an agency to be known as the Selective Service System and a National Selective Service Commission which shall direct the operations of the Selective Service System."

"(3) The National Selective Service Commission shall consist of five members appointed by the President by and with the advice and consent of the Senate. The terms of the members first appointed to the Commission shall be as follows: one shall be appointed for a term of one year; one for a term of two years; one for a term of three years; one for a term of four years; and one for a term of five years. All members of the Commission subsequently appointed shall be appointed for five-year terms except that any member appointed to fill a vacancy occurring before the expiration of the term for which his predecessor was appointed may be appointed only for the unexpired term of his predecessor. No member of the Commission may be appointed for more than two consecutive terms. No more than three members of the Commission may at any time be registered members of the same political party. Only citizens of the United States shall be appointed to the Commission and no member of the Armed Forces shall be eligible for appointment to the Commission. Each member of the Commission shall hold office for the term for which he was appointed and until his successor shall have been appointed and taken office. The President shall designate one of the members of the Commission to serve, during the term of such member, as chairman of the Commission."

Sec. 2. The Military Selective Service Act of 1967 is further amended as follows:

(1) Section 10(a) is amended by adding a new paragraph (5) to read as follows:

"(5) It shall be the responsibility of the National Selective Service Commission to develop and implement procedures to assure that standards and criteria for classification and deferment of persons registered under this title are to the maximum extent feasible administered uniformly throughout all parts of the Selective Service System."

(2) The first sentence of Section 4(g) is amended by striking out "Director of the Selective Service System" and inserting in lieu thereof "National Selective Service Commission"; and by striking out "Director of Selective Service" and inserting in lieu thereof "Commission".

(3) Section 12(c) is amended by striking out "Director of Selective Service System" and inserting in lieu thereof "National Selective Service Commission".

(4) Section 16(f) is amended to read as follows:

"(f) The term 'National Selective Service Commission' means the Commission established pursuant to section 10(a) of this title."

Sec. 3. (a) Section 5314 of title 5, United States Code, which prescribes executive pay rates for positions at level III, is amended by adding at the end thereof the following:

"(54) Chairman of the National Selective Service Commission."

(b) Section 5315 of such title, which prescribes executive pay rates for positions at level IV is amended by striking out

"(70) Director of Selective Service."

and inserting in lieu thereof the following:

"(70) Members, National Selective Service Commission."

S. 3325

A bill to amend the Military Selective Service Act of 1967 to establish a National Conscientious Objector Appeals Board, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 6(j) of the Military Selective Service Act of 1967 is amended by striking out the first and second sentences of such section and inserting in lieu thereof the following: "Nothing contained in this title shall be construed to require any person to be subject to combatant training and service in the armed forces of the United States who, by reason of profound moral conviction, is conscientiously opposed to participation in war in the historical context of the time such person would otherwise be subject to such combatant training and service."

(b) The third sentence of such section is amended by striking out "local board shall" and inserting in lieu thereof "local board or by an appeal board shall".

(c) Such section is further amended by adding at the end thereof the following: "Any person claiming exemption from combatant training and service because of conscientious objections shall, if such claim is not sustained by the appeal board for the area in which the local board having jurisdiction over the registrant is located, be entitled to an appeal to the National Conscientious Objector Appeals Board established pursuant to section 10(b)(3) of this title. Such National Conscientious Objector Appeal Board shall have the power to review the decision of such local board and such appeal board for such area with respect to such claim for exemption, on both the facts and the law."

Sec. 2. Section 10(b)(3) of the Military Selective Service Act of 1967 is amended by inserting after the fifth sentence following the second proviso the following: "There shall be an appeals board known as the 'National Conscientious Objector Appeals Board'. Such Board shall hear appeals from decisions of appeal boards below the Presidential level relating to claims of registrants for exemption from combatant training and service because of conscientious objection. Such Board shall be composed of five members appointed by the President from the public and private sector. The terms of members first appointed to the Board shall be as follows: one shall be appointed for a term of one year; one for a term of two years; one for a term of three years; one for a term of four years; and one for a term of five years. All members of the Board subsequently appointed shall be appointed for five-year terms except that any member appointed to fill a vacancy occurring before the expiration of the term for which his predecessor was appointed may be appointed only for the unexpired term of his predecessor. No member of the Board may be appointed for more than two consecutive terms. No member of the Armed Forces shall be eligible for appointment to the Board. Each member of the Board shall hold office for the term for which he was appointed and until his successor shall have been appointed and taken office. The President shall designate one of the members of the Board to serve, during the term of such member, as chairman of the Board. Members of the Board not otherwise employed by the Federal government shall receive compensation at the rate of $100 per day for each day they are engaged in the performance of their duties as members of the Board. All members shall be entitled to reimbursement for travel, subsistence, and other necessary expenses incurred by them in the performance of their duties as members of the Board."

Section 3. There are hereby authorized to be appropriated such sums as may be necessary to carry out the provisions of Section 2 of this Act.

S. 3326

A bill to amend the Military Selective Service Act of 1967 to eliminate student deferments

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 6 (h) (1) of the Military Selective Service Act is hereby repealed.

Sec. 2. The repeal made by the first section of this Act shall not apply in the case of any person who was granted a student deferment under section 6(h) of the Military Selective Service Act of 1967 if such deferment had not been terminated prior to the date of enactment of this Act.

ADDITIONAL COSPONSORS OF BILLS

S. 2804

Mr. MAGNUSON. Mr. President, I ask unanimous consent that, at the next printing, the names of the senior Senator from Colorado (Mr. Allott), the senior Senator from North Dakota (Mr. Young), and the senior Senator from Illinois (Mr. Percy) be added as cosponsors of S. 2804, to permit a compact between the several States relating to taxation of multistate taxpayers.

The VICE PRESIDENT. Without objection, it is so ordered.

S. 3113

Mr. MAGNUSON. Mr. President, I ask unanimous consent that, at the next printing, the names of the senior Senator from Maryland (Mr. Tydings) and the senior Senator from West Virginia (Mr. Randolph) be added as cosponsors of S. 3113, to provide for a separate session of Congress each year and to establish the calendar year as the fiscal year.

The VICE PRESIDENT. Without objection, it is so ordered.

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SENATE RESOLUTION 319—SUBMISSION OF A RESOLUTION ESTABLISHING A SELECT COMMITTEE TO INVESTIGATE IMPROPER ACTIVITIES IN LABOR-MANAGEMENT RELATIONS

Mr. GRIFFIN submitted a resolution (S. Res. 319) establishing a Select Committee To Investigate Improper Activities in Labor-Management Relations.

(The remarks of Mr. GRIFFIN when he submitted the resolution appear later in the RECORD under the appropriate heading.)

URBAN MASS TRANSPORTATION ASSISTANCE ACT OF 1969—AMENDMENT

AMENDMENT NO. 449

Mr. CRANSTON submitted an amendment, intended to be proposed by him, to S. 3154, to provide long-term financing for expanded public transportation programs, and for other purposes, which was ordered to lie on the table and to be printed.

ORGANIZED CRIME CONTROL ACT OF 1969—AMENDMENT

AMENDMENT NO. 450

Mr. HART (for himself and Mr. KENNEDY) proposed an amendment to the bill (S. 30) relating to the control of organized crime in the United States, which was ordered to be printed.

(The remarks of Mr. HART when he proposed the amendment appear later in the RECORD under the appropriate heading.)

COURTS BRING CHAOS TO SOUTHERN SCHOOLS

Mr. RUSSELL. Mr. President, a recent column by David Lawrence, one of our Nation's most distinguished journalists, provides a penetrating insight into the chaos that has resulted from the recent decisions of the Federal courts, demanding instant integration throughout the Southern States.

Mr. Lawrence focuses his attention on a letter to the President from an Atlanta schoolteacher of some 14 years. It would be hard to find even a hint in this letter to indicate that this teacher possesses any of the prejudices critics of the South seem to think are so prevalent among southerners. Her concern is clearly with education and like many others in our part of the country, she apparently finds it difficult to comprehend how reasonable men can so arbitrarily place the achievement of racial balance in public education ahead of every administrative and educational consideration.

Atlanta is a unique city in many ways, but from the standpoint of economics and demography, Atlanta is only different from other cities throughout the United States like Newark, Cleveland, and Detroit because of its location on the map. But this difference seems to be sufficient for the Federal courts to impose one set of standards on Atlanta, while ignoring blatant segregation in northern cities.

Mr. President, the pusillanimous attitude of the Federal courts that they must accede to the demands of anyone asking for punitive treatment for the South has created great confusion in every town and county, but its impact on Atlanta is particularly ironic.

This city has been regarded by many as a model in the field of race relations. Many of the citizens who are responsible for this apparent atmosphere of tolerance and understanding are the ones who are most enraged by the current situation. They have even received support in their position from such unlikely persons as Congressman ADAM CLAYTON POWELL who said last week that the courts are mistaken in setting an arbitrary deadline of February 1, and that total integration should be delayed until the school year begins in September.

It is difficult to conceive of the chaos that has resulted from these forcible requirements. Educators—men and women who given their lives to developing good local school systems—are being treated with insolence and contempt. A new racism is being imposed on schoolchildren who are, in some cases, being transported great distances in order to achieve some arbitrary racial quota. The imposition of these requirements during midyear has been so disruptive that it is highly unlikely that any semblance of an atmosphere conducive to learning can be restored during this academic year.

Mr. President, I have been a close observer of American politics for many years, and I have seen the political pendulum make the full cycle many times. Although I have had reasons for concern, I have never lost my faith in the willingness of the American people to protect the basic freedoms that have made this country unique among the nations of history. I believe they recognize dangerous precedents and are alert to indications of totalitarianism. They realize that everyone's rights are placed in jeopardy when there is an imposition on the rights of anyone. They understand what may happen on another day in another situation.

Senators who maintain an attitude of indifference on the basis that their States are not bothered by these requirements may dangerously underestimate the concern of their constituencies.

I do not believe the people of the West and the North are going to stand by and watch public education destroyed in the South by judicial tyranny without realizing that their school systems may be eventually imperilled. And if I have any power over the situation, their fears will be well founded. I am opposed to permitting the Federal courts to take over public education, but I strongly favor equal treatment under the law. If they are determined to take over the schools of Georgia, I intend to exert every effort to insure that equal treatment is accorded to the systems of public education throughout the entire United States.

I do not believe I have ever been guilty of attempting to deceive the people of Georgia or to hold out false hopes. There is a great feeling of hopelessness and pessimism among my people over the future of public education and little can be said to dispel their despair. I have practically exhausted myself in attempting to prevent and postpone the arrival of the present state of affairs.

And now the only resort remaining for the people of the South rests with their fellow countrymen in other regions of the Nation and in their ability to perceive the threat to the future of public education in the country that these arbitrary edicts represent.

Mr. President, I ask unanimous consent that this article by David Lawrence be inserted in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

FRUSTRATION IN SOUTHERN SCHOOLS

Probably few people realize the feeling of helplessness and frustration that pervades the public-school systems in the South today, particularly among the teachers. A woman who has been for 14 years a teacher in Atlanta, Ga., has written a letter to President Nixon to tell him what is really happening to education because of the failure of the courts to give adequate time for the adjustments necessary to deal with racial desegregation in the public schools.

The teacher points out that Atlanta has made every effort to meet each requirement by the federal government, and the school system at large has adopted the 58 percent white to 42 percent Negro ratio required for the faculty. But it appears this isn't enough as the federal court now is ordering that the faculty of each individual school must be integrated to that percentage and, as the Atlanta teacher writes, "worst of all, in the middle of a school year." She adds:

"Mr. Nixon, how can anyone fail to see what complete havoc will result from the transferral of approximately 1,700 teachers from one school to another in midyear. Any teacher can tell you what emotional turmoil this will create in the classrooms of Atlanta for both teachers and students alike. It surely would not take a teacher to understand the delay in the learning situation itself which would, of necessity, result from a change of this type.

"Any educator can tell you that a teacher spends much time and effort building up a good 'class climate' and an inter-relationship with his or her students which is conducive to good learning. This is not to mention the obvious fact that it takes time for a teacher to achieve a knowledge of the learning differences, both abilities and difficulties, of each of the children in the class. This is true not only with an elementary teacher with her average of 35 pupils, but more especially with a high-school teacher with a daily load of perhaps 150 different students.

"I mention this to try to bring out the point that if it is quality education—the type of situation that is best for each child in a school system—that the federal government is concerned about and is making an effort to achieve, then there needs to be some rethinking done, because such a step as this cannot fail to bring about the opposite result."

The teacher not only speaks of the disastrous effects of the changes taking place in the middle of the school year, but emphasizes also the inconveniences to the teachers of both races in finding it necessary to travel considerable distances twice each day to go to a school far from their own neighborhoods. This, she declares, has "built up a resentment which is unequal to any we have yet felt." She says:

"To be forced to change one's place of employment is against all that we, as Americans, have always held dear, and the fact that it is actually happening to us here in America is unbelievable."

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There are some points which the Atlanta teacher didn't mention. Is the federal government, for instance, taking over the running of the public schools of the country? Originally the states were supposed to manage and operate the educational system. If fundamental changes are to be made, certainly ample time for readjustments would seem to be logical. But the courts also have stepped in and even fixed dates on which specific steps must be taken. Never has the judiciary so arbitrarily interfered with the operations of the educational system as it has in the last few months.

The bitterness in the South is deep, not because of desegregation, but because of the unfair tactics being used to accomplish it. Most of all, the people resent the fact that schools in other parts of the country are permitted to have segregation—in suburban areas as well as in the cities—and nothing is being done to apply the same rules outside the South that are being imposed in the South.

The situation is complicated even more by the confusion among local lawyers who are conscientiously trying to advise the school systems. They find that Congress has flatly stated that federal funds must not be used to "correct racial imbalance," and that no presidential regulation or law stipulates racial quotas for public schools. Indeed, the present administration has been inclined to let the courts take the full responsibility. But from a legal standpoint, the rights and obligations of the states and of the federal government are by no means clear.

THE C-5A WING FAILURE

Mr. STENNIS. Mr. President, on Monday of this week I announced that I had instructed the staff of the Preparedness Investigating Subcommittee to broaden its inquiry into the C-5A transport aircraft so as to include its structural soundness in view of the discovery of a large crack in the wing of one of these giant jet transports. As a part of this, I immediately dispatched a member of the staff to the manufacturer's plant at Marietta, Ga., for a firsthand and on-the-spot investigation. After visiting the plant, and after reviewing the problems associated with the aircraft with officials of the Air Force and Lockheed Aircraft Corp., the staff member has now returned and furnished me a report.

What I shall say is not final or conclusive but is based on the best information available at this time. I make this statement today because of the interest of the Congress in this plane and because of my own responsibility to do what I can to see that the Air Force gets a good and efficient aircraft at the lowest possible cost. This is of particular importance in view of the past problems with respect to the C-5A and the cost overruns the program has experienced.

It appears now, and it is the opinion of engineers and technical experts of both the Air Force and Lockheed, that the structural failure in the wing last week involved the same problem which resulted in the previous wing failure during the static test in July 1969. They believe that the same "fix" or modification which was tenatively developed as a result of last year's failure will also be applicable to the recent failure. However, this problem is still being studied, and restrictions have been placed on the operation of this aircraft until an approved modification is finalized and completed.

While the tentative fix is currently being placed on aircraft No. 3, it is not expected that the modification will be incorporated into production aircraft until aircraft No. 32 is delivered. Aircraft delivered before No. 32 will then have to be returned to the Lockheed plant to be retrofitted. I am concerned that so many aircraft will have been delivered and will be flying without having the wing structure beefed up. However, the Air Force asserts that, with the load restrictions in effect, flying the aircraft does not present a safety problem. I sincerely hope and pray they are right. In the meantime, I understand that the Air Force and the manufacturer are considering plans which may improve the modification schedule and I will follow this closely.

The Air Force states that the load limits or restrictions on this aircraft are not of great importance or significance at this time because the plane is involved in training only and is not operational. If the restrictions are still in effect when the plane joins the operational fleet, they will then become important.

We made inquiry as to who would bear the cost of the modification, which is tentatively estimated at about $80,000 per aircraft. The answer received was that the first 58 aircraft—known as run A—the entire cost would fall on the contractor. Because of the repricing formula in the contract, a portion of the cost for the remaining 23 aircraft—run B—will probably be borne by the Air Force. This, of course, is a preliminary conclusion.

The staff is aware of and is following two other potential problems affecting the development and delivery schedule of the C-5A, and I think that they should be brought to the attention of the Senate at this time.

One possible problem reported to me involves the radar system which I understand is not operating completely in all of the modes and conditions for which it is designed. Both Lockheed and the Air Force have been requested to present complete details with respect to this to the subcommittee staff.

The second problem involves the possibility of a program delivery schedule slippage for these aircraft. The extent of the slippage is not known at this time but the staff will follow up on this matter to determine how significant and serious it is. I have also been told that a labor strike at General Electric, the engine manufacturer, could soon have an adverse effect on the delivery schedule of the C-5A.

As I said at the outset I intend to do everything that I can to see that the Government receives a good and effective aircraft at the lowest possible cost, and I hope that the Air Force and Lockheed will marshal all the forces and resources which are necessary to eliminate these problems as promptly as possible. In the meantime, the staff will follow up on these matters vigorously and I will keep the Senate advised of all significant developments.

THE NEED FOR UNIFORM ACCOUNTING STANDARDS ON DEFENSE CONTRACTS

Mr. DODD. Mr. President, it is welcome news that the General Accounting Office has now recommended to Congress that uniform accounting standards be established on defense contracts.

Newspaper accounts which reported this development earlier this week made the point that the GAO report represents a personal victory for Adm. Hyman Rickover over the defense industry and over certain elements in the Defense Department.

Our Nation already owes a great debt to Admiral Rickover for inspiring our nuclear submarine program and for giving us a vital lead over the Soviet Union in this critical area of defense technology. In putting through this program, Admiral Rickover also had to overcome the opposition of some of the more conservative elements in our Defense Establishment.

The Nation owes Admiral Rickover recognition of an altogether different order for his personal crusade against waste in our Defense Establishment.

Admiral Rickover has long been urging the establishment of uniform accounting standards to check on the price of defense contracts and, in some cases, to prevent contractors from charging the Government twice for the same costs. In testimony before various congressional committees in recent years, he has hammered away at the argument that inconsistent and ill-defined standards were being used in determining costs of defense contracts, and that this practice inevitably made for overcharging and waste.

As a result of Admiral Rickover's campaign, the House Committee on Banking and Currency in 1968 inserted a provision in the Defense Production Act requiring the establishment of uniform accounting standards for defense contracts. Unfortunately, this proposal was defeated because of opposition in the Senate.

It is my hope, now that the General Accounting Office itself has recommended the establishment of uniform accounting standards, that Congress will act affirmatively on this request.

I believe this hope is realistic because the Defense Department itself, apparently, now shares the opinion of the General Accounting Office that uniform accounting standards are both feasible and desirable.

Admiral Rickover has estimated that uniform cost accounting could save the Pentagon as much as $2 billion a year. Clearly, here is a reform that we can no longer afford to neglect.

Citizens are complaining bitterly, and rightly so, of high taxes.

Other Government departments are being compelled to cut back even on essential programs because of the budgetary squeeze.

Under these circumstances, it seems to me all the more imperative that we do everything in our power to eliminate waste in the Defense Department and in other Government departments, and to

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keep the cost of all Government contracts to a minimum.

Mr. President, I ask unanimous consent to have printed in the RECORD an article, captioned "New Check Asked on Defense Work," and published in the New York Times of January 19.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the New York Times, Jan. 19, 1970]

NEW CHECK ASKED ON DEFENSE WORK—G.A.O. URGES CONGRESS TO ORDER UNIFORM ACCOUNTING STANDARDS TO CUT COSTS

(By John W. Finney)

WASHINGTON, January 18.—The General Accounting Office has recommended to Congress that uniform accounting standards be established as a check on the price of defense contracts and to prevent contractors from charging the Government twice for certain costs.

The proposal was hailed today by Senator William Proxmire, Democrat of Wisconsin, who said it would "represent a long step toward bringing skyrocketing military costs under control."

In view of the continuing opposition of the defense industry, the proposal is certain to encounter controversy. But the respect commanded by the accounting office in Congress, combined with the new critical attitude in Congress toward defense spending, may be enough this year to tip the balance in favor of the proposal.

While the General Accounting Office made no estimate of potential saving. Vice Adm. Hyman G. Rickover, who has championed the establishment of uniform cost accounting standards in the negotiation of defense contracts, has said that the step could save the Pentagon $2-billion a year.

In a report on an 18-month study ordered by Congress, the accounting office—Congress' watchdog agency on Government spending—found, as had long been reported by Admiral Rickover in testimony before Congressional committees, that inconsistent, variable and ill-defined standards were being used in determining costs of defense contracts.

As a result, it said, Government procurement officers were at a disadvantage in negotiating the price of a defense contract, and defense contractors sometimes were able to charge the Government twice for the same cost.

Under the accounting office proposal uniform cost accounting standards would be established at Congressional direction to help to detemine the price on so-called negotiated contracts. The Pentagon uses this type of contract for the procurement of most of its weapons and materials.

HOW CONTRACTS ARE LET

Negotiated contracts are let on a noncompetitive basis, with Government procurement officials and the contractor sitting down to determine the price of the contract, based largely on expected costs submitted by the contractor.

In determining the cost, the accounting office's report said, accounting principles are presently being used that are designed primarily to determine the taxes or financial conditions of a company but that are "quite foreign to the purposes of contract costing."

In emphasizing the need for uniform cost accounting standards, the report said that a growing proportion of Defense Department purchases was made through negotiated contracts rather than by advertised competitive bids. In the last fiscal year, for example, 89 per cent of military procurement totaling more than $36-billion was made through negotiated contracts.

The accounting office's report, submitted to Congressional committees last week and to be made public tomorrow, represents in some way a personal victory for Admiral Rickover over the Defense Department and the defense industry.

As a result of the Rickover campaign, the House Banking and Currency Committee in 1968 inserted a provision in the Defense Production Act requiring the establishment of uniform accounting standards by the accounting office.

But in the Senate Banking Committee, the proposal ran into concerted opposition from the Pentagon and the defense industry. The Defense Department objected that uniform standards were "neither feasible nor desirable"—a position it has now reversed—and defense industry associations maintained they were unnecessary and impractical.

COMPROMISE REACHED

As a result, in extending the Defense Production Act in 1968, the Senate Banking Committee struck a compromise, ultimately adopted, calling upon the accounting office to study the feasibility of applying uniform accounting standards in negotiating a defense contract of more than $100,000.

In its report on the study, the accounting office said it was "feasible to establish and apply cost accounting standards to provide a greater degree of uniformity and consistency in cost accounting as a basis for negotiating and administering procurement contracts."

ACROSS-THE-BOARD PROGRESS IN THE TENNESSEE VALLEY

Mr. ALLEN. Mr. President, giving emphasis to the widespread benefits to people in and out of the Tennessee Valley is the 36th annual report of the Tennessee Valley Authority which was transmitted to the President and the Congress during the adjournment period just ended.

As always, the report is a story of progress—past, present, and future. It is an account of the amazing transformation that has been, is being and will be wrought in the great Tennessee Valley. For almost 37 years now, this river valley has been a pilot plan to show how men can develop their resources by democratic means and for the benefit of all the people.

The report tells us:

> A river has been controlled and a region has been electrified.
>
> The region has achieved a balance between outmigration and immigration, reflecting widening economic opportunity for its people. Industry has become the region's principal employer and new opportunities await development in the trades and service sector of the economy.

Mr. President, the Tennessee Valley Authority and the people of the region can take justifiable pride in their achievements. The unified development of the natural resources of the Tennessee River Basin by TVA is an inspiring record of accomplishments that skeptics and critics once said were impossible. Yet, the facts and figures are those for all to see.

During 1969 the number of customers served by TVA and the 160 municipal and cooperative distributors which retail TVA power in parts of seven States passed the 2 million mark. When TVA started in 1933, the entire region which is now served by TVA electricity used 1.5 billion kilowatt-hours in that year. Last year TVA sold 86.4 billion kilowatt-hours of electricity. To meet the region's increasing requirements for electricity, TVA is now engaged in the largest construction program in its history to add 9.7 million kilowatts of generating capacity within the next 5 years.

The report tells us that shipments of commercial freight on the Tennessee River Waterway totaled a record high tonnage for the seventh consecutive year—nearly 23 million tons. In addition, the waterway saved nearly $40 million in transportation costs to shippers. This is another record and more than five times the Federal costs of maintaining and operating the waterway. The report also revealed that private investment in new and expanded waterfront plants totaled $263 million. This is another high, and since 1933 nearly $1.8 billion has been invested by private industry along the waterway.

TVA reported that three floods were regulated during 1969, averting some $373,000 in damages. It pointed out that since TVA's first flood control project went into operation in 1936, more than $369 million in flood damages had been averted.

Turning to coal, TVA reported that during the last fiscal year it brought in 28.9 million tons from fives States to power furnaces at its steam generating plants. The agency also awarded coal contracts during the year for 159.7 million tons at a cost of more than $600 million.

Another boost to private enterprise came through the shipment of coal, with railroads carrying the heaviest tonnage, 14,681,000. Other methods of shipment included all barge, 5,669,000 tons; all truck, 4,986,000 tons; and rail-barge, 3,528,000 tons.

TVA continued to put increased emphasis on its splendid tributary area development program during 1969. The agency completed the first of four dams and reservoirs planned in the Bear Creek Watershed of northwest Alabama and continued construction on the multiple-purpose Tims Ford Dam on the Elk River. An agreement of particular significance in the future was reached on arrangements for building and developing a proposed river terminal and related industrial complex on the Yellow Creek embayment of Pickwick Reservoir. This long-range development program will unfold in the vicinity of the northern end of the connecting link of the long-awaited waterway to tie together the Tennessee and Tombigbee river systems. When the Tennessee-Tombigbee Canal is built, the benefits to the people of the entire Southern and Midwestern waterway empire will be incalculable. Water transportation will increase by millions of tons a year and great areas now denied the benefits of low-cost water transportation will enter a new day of economic growth.

TVA long ago proved its ability to pay its own way. Out of earnings, TVA is steadily repaying all U.S. Treasury funds employed in its power program and is consistently ahead of schedule. Last year TVA paid $68.1 million to the U.S. Treasury. In addition, 5 percent of TVA's gross proceeds from the sale of power is paid to States and counties as in-lieu tax

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payments. Last year State and local governments received $37.4 million from TVA.

Mr. President, I have mentioned just a few highlights of TVA during the last fiscal year. In other areas, such as recreation, TVA continued to develop new concepts and improve existing programs. Continued progress was made on the development of urea-based products at the giant National Fertilizer Development Center at Muscle Shoals. In forestry, land and forest conservation is being practiced and taught in the Tennessee Valley as in perhaps no other region in the world. TVA is also undertaking programs of research and related actions to protect and improve the quality of the natural environment.

Yes, Mr. President, across-the-board progress continued to be the rule last year as TVA and the people of the Tennessee Valley marked the 36th year of their cooperative partnership to develop the natural resources of the area on a unified basis and to put them to work for all the people.

I commend the 36th TVA annual report to the Senate. I hope it will be carefully read by every Member of the Congress. For breadth of vision and accomplishment, for engineering excellence and social improvement, TVA is the one shining piece of American enterprise unquestionably admired and increasingly emulated throughout the world.

HUNGER IN AMERICA

Mr. **KENNEDY**. Mr. President, hunger in America has been highlighted as a national shame. In the midst of the greatest affluence, the most fantastic technological achievements, and the maximum in individual freedom known to man, one-third of our population is poor and by definition—hungry. The tremendous hope that we all have for correcting this shame is constantly renewed by the increasing concern that is being expressed by thoughtful Americans.

Youthful students, professors, scientists, parents, and government officials are being heard in their plea for effective action to end hunger in America. Official recognition from the Federal Government for the need to improve our food assistance efforts has been voiced in the councils of the Senate Select Committee on Nutrition and Human Needs, in the recent White House Conference on Nutrition and Health, and in the emergency food and medical programs administered by the Office of Economic Opportunity. I have worked constantly to help make the kind of changes in our Federal food assistance programs that are necessary to deliver needed help to the poor.

Today, Mr. President, I would like to present for the Record a recount of the comments and suggestions recently obtained from my very distinguished colleague from Indiana, Senator Bayh. In a TV interview on January 4, Senator Bayh offered his outlook for the future of our need for improved food assistance for those who cannot purchase an adequate diet. He explained the need to guarantee that every American citizen has a birthright to all the glamorous and glittering benefits of our Nation. But, each American also deserves full opportunity to enjoy and consume a healthy, nutritious diet. In that interview, the Senator from Indiana gives an eloquent discourse on why he supports the demands for guarantees to nutritious health, for every American citizen.

I am pleased, therefore, to ask for unanimous consent to enter in the Record, a copy of the transcript of the Senator's interview on the NBC–TV program, "Guideline."

There being no objection, the transcript was ordered to be printed in the Record, as follows:

[From the National Catholic Office for Radio and Television, Guideline, Jan. 4, 1970]

Hunger: Whose Problem?

Moderator: Prof. Charles Riker, with United States Senator Birch Bayh.

Produced by Joe Gallagher.

In association with the National Broadcasting Co.

Producer-Director for NBC: Martin Hoade.

Announcer. "Guidelines", the first in a series of four programs about life and its problems. The topic of today's program, "Hunger—whose problem?" On today's program, brought to you live from our studios in Washington, Senator Birch Bayh, Democrat of Indiana and Professor Charles Riker of Purdue University will discuss the issue of hunger and poverty from a moral and ethical point of view. Professor Riker.

Prof. Charles Riker. From a moral and ethical point of view, what is your major concern about hunger and poverty in our nation today, Senator Bayh?

Senator Birch Bayh. Well, Professor Riker, I suppose I'd have to say that not just as a Senator but as an American citizen who has been fortunate in being reared in a home that didn't know poverty, and as a father of a 14 year old son who has never been hungry, my number one concern is that hunger exists. Here we live in a nation that has more of everything material than any civilization's ever had before, and yet there are some 30 million of our fellow Americans who live and breathe and look very much like you who do not have enough to eat, who do not have adequate shelter and clothing and the things you and I take for granted.

Riker. There are empty bellies in the land, huh?

Bayh. There are a number of empty stomachs, with all of the fallout and detrimental aspects.

Riker. From visiting with you, Senator, I get the very strong impression that you care about this issue, you care about the have-nots.

Bayh. Oh, I do, very much. I certainly do.

Riker. Could you tell us why you care?

Bayh. Well, I suppose I care for many reasons. First of all, a very personal one, I suppose. Whenever I have a chance to view first hand in my capacity as a member of the Senate some of these conditions that exist, I say to myself down in the bottom of my conscience, there but for the grace of God go I. Or my son.

Secondly, I've had the good fortune that the people of my state have elected me to public office. This is my 16th year in government, and the reason I'm in government, I suppose, is that I'm not content to be silent, to remain on the sidelines saying nothing, just criticizing, but I want to be where the action is and want to do something about these problems. This is really a sad chapter in America's history. We have to admit that in this great system that is otherwise better than any man has ever devised we do have these shortcomings, that we haven't focused in on and haven't really properly dealt with yet.

Riker. Senator, I have here a statement endorsed by all the bishops of New York State, read in all the churches in New York State, Catholic Churches on December 7th, 1969. Selected portions of that pastoral letter: "An affluent society contains shocking evidence of poverty. It is not only the existence of 30 million poor people that astounds us but the growing bitterness and resentment of their presence among us. Rather than seeking out the root causes of poverty and distributing the goods of creation, we tend to engage in invectives about the poor and malign their moral character." And then a plea at the end, the bishops say, "We urge you to support legislation and public and voluntary programs directed at alleviating the miseries of poor people."

My question to you, Senator, how would you account for the good, God-fearing church attending people acting in an apparently rejecting and unloving fashion to those who need help?

Bayh. First, I think it's because many of these God-fearing, good American citizens don't realize what poverty is, what hunger is. They haven't had the chance to see the shrivelled Indian babies on a Navajo Reservation. This is the real irony. Our first Americans now are suffering more than any other class of people because of poverty and hunger. Most Americans haven't seen the hollow faces of the economically deprived on an Appalachian ridge, where the parents are underemployed or totally unemployed. They haven't been in the ghettoes.

And one of the real ironies is that here within a stone's throw of where we're talking, right in the shadow of the nation's capital, with all that that means in the finest American tradition, there are those families who live with the number one fear in their heart of how to keep their newborn baby from being bitten by rats at night. Most Americans haven't had the chance to look in the stark face of hunger. So they don't know it exists.

Second, they don't really realize what it means to them and to our nation when we talk about hunger. When we talk about statistics, it's so easy to say things, and the bishops hit the nail on the head there, I think, about our attitudes. It's so easy to say there are the 30 million impoverished in our cities and in rural America. But what does this mean? Well, it means more than poverty in the traditional sense. It means more than empty bellies, as you described earlier. It means mental retardation, because we now have abundant statistics to prove that if a child does not get adequate protein and vitamins, is not adequately nourished through the first three or four very important years of life, he is going to be permanently affected and affected mentally. He's not going to be able to take advantage of first class opportunities that are prevalent for most of us. They don't realize what this means from the standpoint of unemployment, welfare, increase in mental retardation, increased cost of crime, all of this blight on society.

Riker. I get the impression that both the bishops and you would—you'd like me to be different, wouldn't you? You'd like me to change my attitude about the poor?

Bayh. Well, I think it's absolutely imperative that the average American realize that we have a national responsibility to do something about this condition that exists.

Riker. Well, I get your message, Senator, but why should I change? What's in it for me?

Bayh. Well, I think most of us in this country still are willing to look at this problem in a greater perspective than what's in it for me or for you personally. I think most of us are willing to look at it from the standpoint of what's in it for our country. And

I think this is one of the real, one of the basic problems we have today—making equal opportunity, making the American dream possible and real for these 30 million people.

There's a tendency, I think, in the minds of many Americans today to say, well, people who are poor get what they deserved. They don't want to work. They're lazy. Well, indeed, there are some people who fit into this category. But the irony, the real sad thing about poverty today is that most of those who live in Poverty, U.S.A., are children. And although it is easy for us to say, well, Mom and Dad are getting what they deserve, I defy anyone to say that a child born into environmental conditions almost beyond description has anything to do about his birth and those conditions. That's where I get back to "there but for the Grace of God go I." And we need to decide for ourselves today, it seems to me, that you and I as American citizens are going to do something about these babies, about these children that are born in the conditions beyond their control. We're going to make it possible for them to know a better life; we're going to give them the ingredients of adequate nutrition, adequate education, so that they'll have an adequate job, and we can break this vicious poverty cycle that has become almost self-consuming today.

Riker. I'm out of breath.

Bayh. So am I.

Riker. I'm impressed with your data and statistics, and I sit here, Senator, and I think—I wonder if this man realizes that the good people who trained me reminded me that they were poor, but they put their hand out and said, give the money to us, we'll help the poor. I don't recall in my training people saying to me, be concerned about the individual poor with one person, with one face. And then I have another distraction. I think in the past we were taught what we reap we sow. This is our puritan ethic and one of the very good qualities in our history.

Now, in the past we said there was opportunity in this nation for anyone to be—we're all created equal, anyone has a chance to earn a living. Now, that stands here very prominently in my vision. Then I hear you saying to me that I should be concerned about people who are either unwilling or incapable of doing what has been the tradition in the nation. What's happening? Is there a split? And when did it occur? And could you help me understand that, please?

Bayh. I'll try.

Riker. Thanks.

Bayh. And I'm not certain that there is any one magic answer. All I can give you are Birch Bayh's thoughts on this; and I do not have infinite wisdom, unfortunately. I think we need to tailor-make the governmental approach today to today's problems. I think we need to be very careful as we program governmental response to problems that we don't destroy some things that are indispensable in our American system. One of these is incentive.

I think we need to be very careful that as we deal with the problems of the poor we don't destroy the incentive of the average man to do better for himself without governmental programing. I think that this can be done.

I think we need to be very careful that we don't destroy the bootstrap opportunity where many Americans who were born in poverty, through their own incentive and their own hard work, now live in suburbia and know a better life.

But basically what we have to recognize is that we are no longer a simple society. When we were primarily a rural society, it was much easier for the average person born in poverty to find the ingredients of a better life than it is now several decades—several generations later where this problem has been significantly compounded. We could spend the entire program talking about the mistakes that have been made, the emphasis that should have been placed on education, preschool education, better nutrition, better health care, all of these things, in past generations. This is to little avail; we need to start now. Fortunately I think some momentum has been started previously, but I think we need to start now, and we need to recognize that there are these 30 million people who are living in poverty, and the great preponderance of them are children that have no control over their own destiny. And the place for government to use its influence is to program resources to allocate priorities, monies, programs, talents, all of these things that go to effecting public policy.

Riker. Senator, excuse me. In that direction, may I be specific about a current policy? Our government pays farmers four billion dollars a year not to grow food. And often in areas where many persons are hungry. Would you speak to that apparent contradiction?

Bayh. Well, it's a very decided contradiction. We do have a problem today of controling agricultural production. We have the ingredients in rural America to produce in such abundance that it would bring about, in my judgment, another depression like we had in the late 20's and late 30's. But I think it's unfortunate that we had not realized that this depressing aspect of our rural economy, if it is handled properly, can deal with the problem of hunger. And so we are spending these billions of dollars to control production; and we have not yet found a formula for distributing the productive capacity of our farms to those who have the capacity to consume. And so I think it is very possible to govern a program of agricultural production so that we don't bring about rural depression, and to do it in such a way that we find that the productive acres find the hungry stomachs, but we haven't been able to do that yet. We just have not.

Riker. Would you consider our policy collectively immoral to some extent?

Bayh. Well, I think rather than immoral, which connotates something calculated in some mental design, I think it's insensitive. We just haven't realized the inconsistency. I don't think anyone in Congress really is sitting there calculating or trying to devise a way to keep people from getting at the productive wealth of our farms—oh, there may be a few, but I don't think there are very many; I don't think very many citizens want this to exist. But we must realize we have the productive capacity on our farms to feed everyone in this country adequately if we would just do it.

Riker. I'd like to change our direction slightly. You indicated before that you believe in God, and I assume that that's your basis for acting in a moral fashion. When we talk about morality and ethics in our nation, many young adults immediately interpret this as an appeal to religious standards. Religious people are moral, that's their hangup. Many of them have tunedout religion as inappropriate in today's complex world. Is there a reason other than religious that a person should be moral?

Bayh. Well, I think so. I think so. In fact, here one assumes a rather egotistical stance if one attempts to appraise both religion and government, but let me risk that for just a moment, since you asked the question.

I very frankly, Professor Riker, feel that there's a great deal of similarity behind the reason why many people have tuned out religion and God and why many people have tuned out government. I think it is absolutely important to make religion meaningful, and the love of God and following the concepts of God and religious code—meaningful in terms of today's problems.

Some of our religious institutions have not done this. Some are very doctrinaire and don't make religion a meaningful, purposeful exercise. And so it is with governmental institutions, in which we spend so much time looking at the past and cherishing our heritage, which I think we must. But our forefathers had the foresight not just to fashion a doctrine and documents that were unheard of at the time that were really revolutionary in character—but they made them alive and breathing and living concepts, and they did not intend for America of the 1970's to try to govern America in the world of the space age by still using some of the doctrine and some of the structure that were designed for a horse and buggy economy and horse and buggy America. And yet some people are intent on doing this very thing.

Riker. I come to you and I say, I've quit the church and I doubt that God exists. Why should I be moral?

Bayh. Well, I think you should be moral because I personally believe, and you're asking for my personal belief here.

Riker. But you've got a religious base there, and I can't buy that one right now. . . .

Bayh. I happen to believe that the moral code, let's say the ten commandments are based on good common horsesense, that it is important if 200 million Americans are going to live together that we have some sense of order. Now to me, these fit in a religious, moral context. I think you or someone else who does not believe in God can put them in a scientific, practical context, a pragmatic context. Thou shalt not kill; thou shalt not covet thy neighbor's wife. Do unto others—all of these that some of us have learned since we were babes in a moral, religious context I think make common sense in a scientific context.

Riker. Are you suggesting——?

Bayh. You have to have some degree of order, if 200 million Americans are going to live in a society as we know it today.

Riker. Are you suggesting that there's a reason other than a moral reason why I should help the poor?

Bayh. Oh, yes, I think so. I certainly do. I feel that we need to help the poor because they're human beings, and I'd like to see them be better human beings and share some of the experiences that the rest of us share. But to those who aren't humanitarians, to those of you who may say, why should I help them, let me suggest you have a very personal and perhaps even a selfish reason for wanting to help see that a hungry child gets enough to eat. We have adequate data today, as I said earlier, to prove conclusively that a child in its early years of life, born into these environmental conditions over which it has no control, if it does not receive adequate nourishment, in all probability will be a problem for the rest of its life. It's going to be mentally retarded. The chances of it being on the welfare roll, of being unemployed or underemployed, of it being in a mental institution or a penal institution—all these chances are significantly increased. You know, I look at many things from a political standpoint. Look at the last campaign in 1968. One of the campaign issues—it was almost an all-consuming, all-encompassing campaign issue—was this whole issue of law and order, whether it was Governor Wallace, whether it was President Nixon or Vice President Humphrey—whether it was law and order—whether it was law and order with justice. I think it was the recognition of the fact that many, many Americans today are deeply concerned about the lawless element in society. They were concerned about the fact that they felt insecure in their own homes, in their own neighborhoods, that many people were afraid to go out in the finest neighborhoods, in their own hometowns, their own home communities, on the streets at night.

Yet this concern for doing something about law and order in the traditional po-

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lice sense, although I think it is important, very frankly, to bring a higher degree of professionalism into our police force and to do something to compensate to a greater degree those who are giving of their time and their talent and their very lives to protect us—still those people who look at law and order from that standpoint do not realize how much better off we would be, and they would be, if we did something a little earlier in life, to try to keep a criminal from becoming a criminal in the first place.

Riker. How will that affect me right now? What would I need to do earlier in a criminal's life? How would I participate as a citizen?

Bayh. Well, there are many things.

Riker. What toll would it take on me? That's my concern about this. I hear you saying all this, and I'm wondering what it's going to cost me.

Bayh. It's a matter of how we're going to invest our national resources. Not just your personal time, but what our national goals are going to be. Are we going to say that we're going to feed all babies? We're going to see that this great productive capacity that we have in America produces the foodstuffs necessary and needed, that we're going to also develop a distribution system so that it reaches the hungry stomachs. I say we must see that all of our children get enough to eat, whether it's through the school lunch program or food stamps or whatever it might be—surplus commodities. I think we need to be more inventive, more creative. I think we can do this.

Secondly, I think we need to realize that the educational opportunity is the foundation of life and that we need to make educational opportunity available in a different form at an earlier age to those youngsters who live in the environmental conditions they know today.

Thirdly, I think we need so realize that idle hours are the hours in which young people become involved in criminal activity and juvenile delinquency. You and I as citizens have the opportunity of keeping playgrounds open, working with little league and police boys clubs and things like this to see that young people have the opportunity to expend normal, God-given youthful energy in a wholesome manner. These are just a few things that you and I can do. Basically what we need to do is change national directions.

Riker. I have no doubt that you can do it, but I'm still concerned about myself. Please excuse my apparent selfishness, but I, as your constituent—I may be tunedout with government, and I may be tunedout with religion, and maybe I do need these things you tell me I need. But what I need to know is if you—when you come back into our state and talk with me, and you discover that I have tuned what you stand for out, are you going to tune me out personally? If I come to your office in the Senate Office Building, will you choose not to greet me? That's what I'm concerned about. You know, do I have to seem to be playing your game in order to get your services? Are you going to shut me out because I don't agree with you, Senator?

Bayh. No, of course not. One of the great things about our country, as you well know, is that we have differences of opinion. We need not all look at everything with the same set of values. I am going to do everything I can to convince you that what I feel about this is right, let me say that.

Riker. I believe that; I believe that.

Bayh. Because I think it's important to the country that more and more Americans realize the futility—the futility of spending 30 billion dollars a year in Vietnam, for example, and less than two billion dollars a year to deal with this problem of hunger, to see that everyone gets an adequate balanced diet so that they'll develop mental capacity and skills, the way we're still unwilling to invest the amount of resources in educational opportunity for all youngsters that determine the whole future of these young people. I think our priorities are out of whack, and I'm going to try to convince you. And all—I think all—of our citizens need to recognize that we get out of our expenditures what we put into them.

Riker. Most of our conversation so far, unfortunately, has been kind of depressing. Is there cause for hope, Senator Bayh?

Bayh. Oh, I think so. If my responses have been depressing, I apologize. I think——

Riker. No, when you—by depressing, I meant when you face me with the facts.

Bayh. Right. Well, I think, you know, the young people today have this slogan, "tell it as it is."

Bayh. And I think most of us in America want that. They want it told as it is, and I think one of the reasons we haven't been able to deal with the problems today is that we've tried to sweep some of them under the rug instead of looking them in the eye. I believe America is stirring today. I think there is reason for hope. I think more and more Americans are becoming aware. There've been a number of studies—NBC did a tremendous documentary on hunger. There's a great deal of discussion today in the political forum about the silent majority. I don't know who that majority is. The people that I represent are not silent, certainly they're not blind; they're not deaf. I think they want to do what's right. I think what we need today is leadership, to point out what is right, not just what's politically expedient.

This whole subject that we've been discussing today is fraught with a great many political liabilities. But I think the people of America today are yearning for the type of leadership that "tells it as it is," that says this is what we need to do, and when we get this kind of leadership, they're going to follow and they're going to do what's right. I think the young people of today, very frankly, are a sign of great hope. There are a far-out few that I am not able to understand, very frankly, but most of them—most of them have a greater sense of social consciousness than any other generation. They're unwilling to sweep under the rug what we were when I was younger.

And I think we need their talents; we need their energies. And were living in extremely challenging times. We're living in vital times. To those of us in government—let me do a little soul searching here. I think each of us must remember that there are significantly large numbers of people who are beginning to drop out of our system because it won't respond to the problems—not just the problems of hunger, but the problems of how we bring this war to a close, how we deal with better environment. And I think we need to find a way to tune them in, to get them in the system, working in the system, and show them that this system will respond.

Riker. We must quit, Senator. Thank you very much. That's all for today's "Guideline." Our thanks to United States Senator Birch Bayh of Indiana for discussing the issues of hunger and poverty.

Next week's program on hunger and poverty will feature a panel of three outstanding Catholic women: Mrs. Janey B. Hart, wife of United States Senator Philip Hart of Michigan; Sister Ruth Dowd, Vice Principal of Harlem Prep, a unique school and Miss Jane Vaya, a graduate student of theology at Marquette University in Milwaukee, Wisconsin. We hope you will join us then.

Announcer. Today, "Guideline" has presented the first in a series of programs about life and its problems. The topic for today was "Hunger—Whose Problem?" And came to you live from our studios in Washington.

THE DETROIT AUDUBON SOCIETY FAVORS 100,000-ACRE BIG THICKET NATIONAL PARK

Mr. YARBOROUGH. Mr. President, on December 13, 1969, the Detroit Audubon Society passed a resolution supporting my bill, S. 4, to create a Big Thicket National Park in southeast Texas. This respected organization has joined with an ever-increasing number of civic organizations and public-spirited citizens who are concerned about the fate of one of America's great wilderness areas.

One of the many reasons that the Big Thicket is of interest to naturalists is that the Big Thicket is the last known refuge of the legendary ivory-billed woodpecker. This beautiful and unusual bird is the largest woodpecker in America. It is the size of the crow and resides in hardwood trees that are found in river bottoms of the Big Thicket.

For many years the ivory-billed woodpecker was thought to be extinct until one was sighted in the Big Thicket. This was the first sighting of this bird in 62 years.

Unfortunately, the Big Thicket is in danger of being lost forever. Each day another 50 acres is destroyed by the operations of large lumber and real estate companies.

My bill would create a 100,000-acre national park and thus insure the preservation of at least a portion of this beautiful area for future generations.

Mr. President, I ask unanimous consent that the resolution be printed in the Record.

There being no objection, the resolution was ordered to be printed in the Record, as follows:

A Resolution

Whereas The area known as Big Thicket in the eastern part of the State of Texas, covering parts of Hardin, Polk, Tyler, Liberty and San Jacinto Counties, is beautiful, wild, covered with dense vegetation and big trees, and

Whereas Big Thicket is the last stronghold of the Ivory-billed and Red-cockaded Woodpeckers and other rare birds, animals and wildlife, and

Whereas Big Thicket is now threatened with development and exploitation, therefore

Be it hereby resolved by the Detroit Audubon Society, that all possible consideration and support be given to Senate Bill 4, to create a Big Thicket National Park of at least 100,000 acres, as proposed by Senator Ralph W. Yarborough.

Unanimously approved by the Board of Directors of The Detroit Audubon Society, at its regularly scheduled meeting on December 12, 1969.

Submitted by the Conservation Committee of The Detroit Audubon Society, James A. Hewins, Chairman.

Duplicates of this resolution to be sent to:
Senator Philip A. Hart, of Michigan.
Senator Robert P. Griffin, of Michigan.
Senator John Tower, of Texas.
Senator Ralph W. Yarborough.

DRUG ADDICTION AND ABUSE

Mr. McINTYRE. Mr. President, as we begin the second session of the 91st Congress, there are many important and burning issues which we must try to resolve. In my opinion, however, there is no more serious problem this Congress must

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face than the evergrowing menace of drug abuse.

As I traveled in my own State during the adjournment period, I found that people are more concerned about this problem than they are about the Vietnam war, inflation, or any of the other great issues of the day.

Despite the efforts of Congress in enacting the narcotics laws, the Drug Abuse Control Act of 1965, the Narcotic Rehabilitation Act, and other legislation, and of the executive branch in attempting to implement these laws, the drug abuse problem has steadily worsened. This fact is well demonstrated by the recent investigations of both the Senate Juvenile Delinquency Subcommittee and the House Select Committee on Crime. But in point of fact, one has to do little more than read the daily newspapers to realize that this is true. Each day their pages are filled with stories concerning crimes of violence and other human tragedies related to drug usage.

In view of this situation, it is my hope that the Senate will give prompt consideration to S. 3246, the Controlled Dangerous Substances Act, which has now been reported by the Judiciary Committee. In my opinion, the bill goes a long way toward solving at least the legal problems associated with drug abuse. It attempts to provide a more rational classification of drugs of abuse, related to the degree of danger involved. It also attempts to bring some order to the present tangle of penalties provided in the various statutes. Most importantly, however, it provides much harsher penalties for those convicted of trafficking in narcotics and other dangerous drugs, particularly where such sales involve minors or constitutes a continuing criminal enterprise.

But legislation and law enforcement do not alone provide a panacea for the drug abuse ill. They must be accompanied by massive efforts in the areas of education, prevention, and rehabilitation. Nor can the job be done by the Federal Government alone, or even by the Federal, State, and local governments combined. Private groups of parents, teachers, civic organizations and others must become involved at the grassroots level.

Such groups are already springing up in my own State of New Hampshire and I am certain that the same thing is happening in other parts of the country. To be successful, however, they will need strong finanical and other support from those of us in the Federal Government. I hope it will be forthcoming.

Mr. President, I believe that nothing short of a 100 percent national commitment will suffice to rid our society of the ugly blight of drug addiction and abuse.

ADDITIONAL DEATHS OF ALABAMIANS IN VIETNAM

Mr. ALLEN. Mr. President, I have previously placed in the Record the names of 950 Alabama servicemen who were listed as casualties of the Vietnam war through November 5, 1969. In the period from November 6 through December 31, 1969, the Department of Defense has notified 19 more Alabama families of the death of loved ones in the conflict of Vietnam, bringing the total number of casualties to 969.

I wish to place the names of these heroic Alabamians in the permanent archives of the Nation, paying tribute to them, on behalf of the people of Alabama, for their heroism and patriotism. May the time not be distant when there will be no occasion for more of these tragic lists.

I ask unanimous consent to have printed in the Record the names and the next of kin of these 19 Alabamians.

There being no objection, the list was ordered to be printed in the Record, as follows:

List of Casualties Incurred by U.S. Military Personnel From the State of Alabama in Connection With the Conflict in Vietnam, November 6 Through December 31, 1969

ARMY

Sp4. William A. Anderson, son of Mr. and Mrs. Eddie D. Pugh, Route 1, Box 91, Mt. Vernon, 36560.

Sp4. Larry W. Robison, son of Mr. and Mrs. Osbon L. Robison, Box 555, Winfield, 35594.

Sfc. Vernon G. Holbrook, husband of Mrs. Sara F. Holbrook, 111 Sauage Street, Piedmont, 36272.

Pfc. James R. Lindsay, husband of Mrs. Brenda S. Lindsay, Box 20, Maylene, 35114.

Sp4. Joseph M. Ragsdale, son of Mr. and Mrs. Otto B. Ragsdale, Route 4, Box 85, Oneonta, 35121.

Sp4. Johnny W. Trainham, son of Mrs. Annie L. Green, Route 1, Box 70C, Thomasville, 36781.

Pfc. Adolphus Hall Jr., son of Mr. and Mrs. Adolphus Hall Sr., 1120 22d Avenue, North Birmingham, 35204.

Sgt. Larry A. Brown, husband of Mrs. Patricia C. Brown, 1014 Bebrah Street, Dothan, 36301.

Sp4. Raymond K. Dismukes, son of Mr. and Mrs. Robert L. Dismukes, 4167 49th Court, North, Birmingham, 35217.

Ssg. Grady L. Lewis, son of Mr. and Mrs. Robert Lewis, 4218 12th Street, NE., Tuscaloosa, 35401.

2nd Lt. Ray F. Long, son of Mr. and Mrs. Adam A. Long, 314 Hoffman Street, Athens, 35611.

Sp5. James L. Ferrell, son of Mrs. Ruby Brock, Route 1, Boaz, 35957.

Sp4. Stephen D. Lynn, son of Mr. and Mrs. Odell Lynn, 1111 Bruce Street, Albertville, 35950.

Sp4. John S. Ash, husband of Mrs. Lois M. Ash, 1626 Short 16th Street, Bessemer, 35020.

Sgt. Truman J. W. Gilbert, son of Mr. and Mrs. Howard T. Gilbert, 729 Haven Place, Birmingham, 35214.

Pfc. Otis Carthage Jr., son of Mr. and Mrs. Otis E. Carthage Sr., Star Route, Box 13, Northport, 35476.

MARINE CORPS

Pfc. Michael T. Rutherford, son of Mrs. Frances W. Rutherford, 106 Wooland Drive, Greenville.

L.Cpl. Ira E. McGowan, son of Mr. and Mrs. Jack McGowan, 5440 67th Street, South Birmingham.

Sgt. Thomas E. Askew, son of Mr. William O. Askew, 1407 Circle Drive, Tuscumbia.

SAN DIEGO TRIES PERFORMANCE CONTRACT APPROACH IN EDUCATION

Mr. MURPHY. Mr. President, in 1967 I authored the dropout prevention program. This program, whose merits have been recognized by both the previous administration and the Nixon administration, shows great promise and potential in helping to improve the performance of the educationally disadvantaged students.

One project funded under the dropout prevention program and one that has received so much national attention is the Texarkana project. Yesterday, in the Senate, I made, I believe, the first public announcement on the preliminary results, which are most favorable, of this project.

In the Texarkana project, the local school system has subcontracted on a performance contract basis with private industry to raise basic reading and math scores of emotionally disadvantaged students. In this form of contract, one must produce in order to get paid. Preliminary results show that 30 youngsters in the program have been tested and have evidenced a one-grade-level increase in math and approximately a two-grade increase in reading in 50 hours of instruction. The performance contract had stipulated a one-grade-level increase for 80 hours of instruction. Similarly, there are other exciting dropout prevention projects in the country, all of which are closely monitored and evaluated. Yet, the conferees for some reason did not look with favor on this program.

Today, in the Los Angeles Times I read a story by Mr. Harold Keen indicating that the city of San Diego plans to hire private industry on a performance contract, also. This will be the first large urban district in the country to try this approach.

I ask unanimous consent that this article be printed in the Record following my remarks.

Once again, this illustrates the potential for change that the dropout prevention program offers and points out, in my judgment, the tragic mistake that the conferees to the Labor-HEW appropriations bill made in not increasing the funding for the program.

Mr. President, I testified before the Appropriations Committee, urging $24 million, the amount requested by the administration, for this program, and the Senate committee provided $20 million. The conferees reduced the dropout prevention program funds to $5 million.

Mr. President, I ask unanimous consent that that portion of my testimony before the Senate Appropriations Committee dealing with the dropout prevention program be printed in the Record.

There being no objection, the items were ordered to be printed in the Record, as follows:

Exhibit 1

[From the Los Angeles Times, Jan. 21, 1970]

Contract To "Insure" Results: San Diego Will Hire Firm To Improve Student Reading

(By Harold Keen)

San Diego.—The San Diego city schools announced plans Tuesday to contract with a private company which will guarantee reading improvement of minority children or face financial penalty.

The agreement would be the first of its kind in the nation involving a large urban school district, according to Supt. Jack Hornback who negotiated the contract with Educational Development Laboratories of New York.

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A second private firm, Science Research Associates of Chicago, would sign a "cost commitment agreement" with the district to upgrade the reading level of other minority students.

But SRA would only face damage to its reputation rather than financial loss if it failed to meet its goals, school officials said.

EDL would not be paid the full amount of the proposed $1.4 million contract if pupils' reading disabilities were not reduced by 25% the first year, 50% the second year and 100% by the third year, under terms of the agreement.

Details of the contract pertaining to the size of the financial penalty which would be leveled against the firm if it fails to meet its commitment were not revealed pending completion of the contract.

The overall $2.4 million plan was unveiled Tuesday before the San Diego school board, which is scheduled to take action next Tuesday. If approved, an application for federal funds to run the program would be made to the U.S. Office of Education.

Hornback said the experiment with the private firms is being attempted because federal compensatory programs in predominantly minority schools of the district have not made sufficient progress in improving reading skills.

The district released its first school-by-school scores of statewide reading tests Tuesday, showing the most serious reading problems are at schools in the minority area of southeast San Diego.

EDL, a subsidiary of McGraw-Hill Publishing Co., would work with 9,600 students and 195 teachers at five district elementary schools and one Catholic elementary school in this area.

The firm would provide in-service training for teachers on how to use its techniques, consultants and materials.

A district spokesman said EDL's program would feature a reading laboratory equipped with such things as a reading pacer, which projects reading material on a screen to help pace students, as well as various tape recorders and visual aids.

Improvement among the students would be determined by an "evaluation plan" which was not revealed, a spokesman said.

SRA, a subsidiary of International Business Machines, would provide similar services at the same number of elementary schools in the minority area. About 6,000 students and 163 teachers would be involved in its $779,477 program.

In addition the district would launch a third project of its own, called the Maximum Effort Program. It would concentrate new techniques and materials in reading and mathematics at five elementary schools at a cost of $270,000.

Whether or not the projects meet their goals would be determined by results of the statewide reading tests, officials said.

EXHIBIT 2

TESTIMONY BY SENATOR MURPHY

Mr. Chairman. First, I want to thank the Subcommittee for giving me this opportunity to testify again this year. I want to discuss and strongly urge increased funding for the Dropout Prevention and the Bilingual programs. I believe that these two programs will prove themselves to be among the most significant, far-reaching, and wise investments that this nation has ever made.

Last year, when the House failed to provide a single cent for either program, I testified before this Subcommittee making a personal plea that the "shortsighted" action of the other body be reversed. The Committee, realizing both the magnitude of the problems and the merits of these two programs, responded, and in the HEW Appropriations measure passed by the Senate last year included $20 million for the Dropout Prevention program and $10 million for the Bilingual program. We were able to retain only $7.5 million for the Bilingual program and $5 million for the Dropout Prevention program in conference with the House.

This year, the House has come around somewhat and in the Labor/HEW Appropritions bill passed by the House, $10 million was provided for the Bilingual program and $5 million for the Dropout Prevention program. Given the size and seriousness of the problems to which these two programs are addressed, the sums provided by the House are clearly inadequate.

I am fully aware of the fiscal problems that we are facing, but nevertheless I believe that we must increase the funding of these two programs. I strongly urge $24 million for the Dropout Prevention program, which is the same figure recommended by both President Johnson and President Nixon in this year's budget. For the Bilingual program, I strongly recommend full funding—$40 million—which is in excess of the budget of $10 million, but which is fully justified.

Mr. Chairman, I authored the Dropout Prevention program, which was added to the Elementary and Secondary Education Amendments of 1967. The program is aimed at preventing and reducing dropouts. It was drafted in consultation with some of the nation's leading educators, including Dr. James Conant. Members will recall that Dr. Conant warned the nation in 1961 that "social dynamite" was accumulating in our cities. The accuracy of his warning is now history. Much of this "social dynamite" results from those who drop out of school and who are out of work. At one time the dropout posed no problem since those leaving school were able to find jobs in agriculture and industry demanding frequently little or minimum skill or education requirements. The knowledge explosion and the technological advances in the country have dramatically altered our national picture. That is why it is so alarming that approximately one million students are dropping out of school each year. In our nation's fifteen largest cities, the dropout rate varies from a high of 46.6 per cent to a low of 21.4 per cent. As high as these percentages are, they are for the entire city district. To really comprehend the seriousness of the problem, it is necessary to focus on the poverty-area schools within these cities. In these poverty-area schools, seventy per cent drop out.

Mr. Chairman, it is these statistics and these schools which prompted me to author the Dropout Prevention program. It is these statistics and these schools which prompted me to label the dropout problem as the Achilles' heel of our educational system. It is these statistics and these schools which compel me to urge the Congress to substantially increase the funding of the Dropout Prevention program.

Mr. Chairman, the Dropout Prevention program is based on the premise that answers have not as yet been found which will make dramatic changes in the poverty-area schools. The program provides maximum freedom and flexibility at the local level for experimentation. Under the program local and state educational agencies submit innovative proposals which zero resources on a particular school or on a particular classroom in an effort to have a major impact on the dropout problem. Eligible schools must be located in urban or rural areas having a high percentage of children from low-income families and a high percentage of children who drop out of school. The local educational agency, in addition to securing the approval of the state educational agency, is required to identify the dropout problem, analyze the reasons the students are leaving school, and tailor programs designed to prevent or reduce dropouts. Furthermore, the most significant, the program requires objective evaluation.

Mr. Chairman, the Dropout Prevention program is a no-nonsense approach to education. Dropout prevention projects must spell out clearly their objectives. Having stated their objectives, they will be held accountable for achieving them. Most importantly, and I believe this is a first for the Office of Education, an educational audit will be done on each dropout prevention project. This educational audit will seek to determine, in terms of student learning, what the taxpayer is getting for his tax dollar. This educational audit will be done by an independent organization outside of the project and will attempt to verify the project's performance. This is in addition to intensive in-house evaluations that will be done on the Dropout Prevention program.

In the National Education Journal of December 1966, the following statement appeared with respect to educational change and reform: "One often gets the eerie impression of huge clouds of educational reform drifting back and forth from coast to coast and only occasionally touching down to blanket an actual educational institution."

The Dropout Prevention program is causing educational waves. The Dropout program is "touching" actual educational institutions. The Dropout Prevention program will produce change, will bring about reform that will not only touch the particular educational system involved but also educational programs throughout the country. Although dropout projects are now underway, I would like to discuss two of them so that the Committee might judge their significance and the momentum of their educational waves for improvement in our educational programs.

The project perhaps that has generated the most national interest is the Texarkana one. In this program, the school districts of Texarkana, a Texas and Arkansas border community, have called on private industry in an effort to raise basic levels of potential dropouts. The school system has entered into what is called a performance contract with a private corporation to bring potential dropouts up to grade level in academic performance. As the name of the contract implies, the companies must perform or they do not get paid. In addition to this phase of the project, the Texarkana project is experimenting with a system of rewards and incentives for students. For example, successful students will receive coupons redeemable for merchandise and students who successfully complete two grade levels of achievement will receive transistor radios.

Another exciting project, Project STAY, in St. Louis, Missouri, places great emphasis on the work-study approach. St. Louis found that a desire to work and earn money and a lack of interest in our dissatisfaction with the school and the curriculum were among the major reasons for dropouts. In its attack, the community and the real world have been made part of the curriculum. Industry has warmly responded by providing positions wherein skills may be acquired, where the relevance of the classroom can be both seen and tested by the student and the system.

Some of the approaches are very unconventional, Mr. Chairman. For example, twenty students have been assigned to the McGraw-Hill Publishing Company where they will receive training in various job areas within the plant, including the operation and production of machinery used in the printing business. A teacher will accompany the students. This is rather unique because they will receive both academic instructions and job training here. For these students McGraw-Hill will be their school, home and their work assignment. This meant that the State Department of Education of Missouri had to relax somewhat their course requirements to permit this experiment. This they did.

The school system also has leased a Sinclair Oil service station. At this station, students will receive on-the-job training leading to such jobs as mechanics, service sta-

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tion management, and even to service station ownership. The Sinclair Company has provided a trailer which will be located at the gas station for conducting demonstrations of functions of the service station business.

In addition, the City of St. Louis has purchased an apartment building with local funds and 64 students—32 in the morning and the other half in the afternoon—will learn skills useful in construction work under the supervision of industrial arts teachers. After the apartment is rehabilitated, it will be returned to the City of St. Louis, which will then use the building to help solve some of the housing needs of the city. This may have potential both for skill acquisition and city rehabilitation. The union and real estate interests have responded well to this educational pioneering.

The interest and potential of the program, Mr. Chairman, can be seen by the fact that over a thousand requests from local educational agencies to submit preliminary Dropout Prevention programs has been received by the Office of Education. To fund all of these programs would take over $700 million. Of course, I am not recommending the funding of all of them. The Dropout Prevention program was not intended to take care of all the dropouts. Rather, its intent was to identify and attack some of the worst situations in the country by establishing highly visible demonstration projects that are large enough to have a significant impact, while at the same time enough in number to be carefully monitored and evaluated so that, insofar as possible, success could be assured. Thereafter, it was hoped that the success of the program would be duplicated in other sections of the country. This educational R & D effort, the Dropout Prevention project, then are live local educational laboratories whose work has both great national interest and implications in solving one of the most persistent problems in American education.

Mr. Chairman, in my testimony before this Committee last year, I cited the growing realization of the relationship of education and income. I cited a study by Dr. Harold Kastner, a consultant for the Florida State Office of Education which divided individuals based on the 1960 census into levels of educational achievement as follows: Less than 8 years, 8 years, 1 to 3 years of high school, and 4 years of college. Dr. Kastner then projected the aggregate income gain if the individual had been able to complete the next income level. If those who had not completed the eighth grade and had been able to do so, and if those who had completed the eighth grade had been able to complete 1 to 3 years of high school, the national income would have increased annually by 6.5 per cent. A 6.5 per cent increase would have added $50 billion to our national wealth. These calculations help convey the monetary costs to society.

In addition to the earning loss to individuals and tax losses to the country, the dropout reappears in our crime statistics, on our juvenile delinquency rolls, in our corrective and penal institutions, and on our welfare rolls.

The investment of $24 million in this program with its great promise and potential is thus a small amount of money compared to the total money costs and waste of human potential. I am convinced that an investment of $24 million might save society billions of dollars in keeping dropouts from being a burden—or as the crime statistics indicate, even a menace—to our society.

PERSONAL STATEMENT OF SENATOR YOUNG OF OHIO

Mr. YOUNG of Ohio. Mr. President, as has been my practice from January 1959, throughout every year following, during the period of my service as U.S. Senator representing Ohio and the Nation I have regularly prepared and mailed an open letter to the Secretary of the Senate fully disclosing to the citizens of Ohio my financial holdings in stocks, bonds, and real estate and also from January 1960 on my income for the preceding year. It is my custom to send with such letter a certified copy of my income tax return, giving the Secretary of the Senate authority to make these reports and documents public.

Mr. President, in 1958, while a candidate for my first term, I learned that my opponent, Senator John W. Bricker, who prior to serving two terms as a Senator of the United States had been a three-term Governor of my State and the Republican nominee for Vice President of the United States, in January 1959, at the same time he became U.S. Senator, organized a law firm in Columbus, Ohio. His law firm not only represented the Pennsylvania Railroad, the Baltimore & Ohio and other railroad corporations, but I regarded it as significant that of all Ohio Representatives in Congress, Republican and Democrat alike, he alone spoke out against and voted against the St. Lawrence Seaway and at the same time continued to profit from huge fees paid to his law firm by railroad corporations with whom the traffic on the St. Lawrence Seaway would directly compete. I denounced this conduct as a clear conflict of interest.

In campaigning in every area of Ohio, I constantly pledged that if citizens elected me I would withdraw altogether from the active practice of law and would fully at all times disclose my financial status, selling such stocks as I had the possession of which might raise the question of conflict of interest.

So for the final time I make this public disclosure.

Mr. President, I ask unanimous consent that there may be printed at this place in the RECORD the text of the letter I wrote the Secretary of the Senate, setting forth a complete statement of my financial status and holdings.

There being no objection, the letter and statement were ordered to be printed in the RECORD, as follows:

U.S. SENATE,
Washington, D.C., January 21, 1970.

HON. FRANCIS R. VALEO,
Secretary of the Senate,
Washington, D.C.

DEAR MR. SECRETARY: Early in 1959, directly following taking the oath of office as U.S. Senator and to keep a campaign pledge made in denouncing Senator Bricker for conflict of interest in remaining as head of his law firm representing the Pennsylvania Railroad Company and other railroad corporations and then voting as Senator against the St. Lawrence Seaway, I fulfilled my pledge to completely withdraw from the practice of law and to disclose my financial holdings and status.

In filing with your office a complete statement of my financial holdings I became the very *first* member of either branch of the United States Congress to make full and complete disclosure of my financial status.

The purpose of this letter is to fully disclose my income for the entire year of 1969 and my present financial status including all of my assets and all of my indebtedness. Therefore, citizens are in position to judge accurately whether or not at any time there was, and whether there is, any conflict of interest and whether for selfish personal aggrandizement I yielded to some improper demands and voted or conducted myself as a Senator of the United States at any time other than for the best interests of citizens I represent and of our Nation.

Mr. Secretary, I make the following complete financial disclosure. This is true and correct, and directly after the income tax return I shall file with the Internal Revenue Service for the year 1969 has been prepared and filed I shall mail you a copy to be attached to this letter.

During the year 1969 my income was as follows:

Salary as U.S. Senator	$40, 416. 67
Total income from long and short term capital gains on stocks and bonds sold in excess of long and short term capital losses incurred on sale of stocks and bonds	23, 521. 77
Net amount received as honoraria for speeches outside Ohio	500. 00
Subtotal	64, 438. 44
Interest paid out on loans for which stocks and bonds are collateral including advanced payment of $16,931.54 to the Union Commerce Bank of Cleveland for interest payable for the period to June 1970 on recommendation of bank counsel	38, 450. 57
Amount received from interest on government and other bonds and dividends on stock holdings	32, 527. 68
Subtotal	5, 922. 89
Total net income for 1969 before making required deductions for Federal and State taxes	58, 515. 55

You will note not one cent was received by me for legal fees. For many years I engaged in the practice of law in Ohio and tried law suits also in other states. My law practice was very lucrative and satisfying as my financial records and income tax returns over the years disclose.

Also, Mr. Secretary, it may be of interest that much of my stock holdings and also bonds are in oil and gas producing corporations. Of course, in letters accompanying dividend checks earlier this year as in previous years, I read the usual propaganda "Write your Congressman and urge him to vote to retain the 27½% depletion allowance for oil and gas producing corporations." I never did that. In fact, in 1949 as a member of the Committee on Ways and Means of the House of Representatives and later on numerous occasions as U.S. Senator, I spoke out and voted to abolish this depletion allowance. I did so last year.

I withdrew from my law firm December 15, 1958.

In addition to the net income received in 1969 I report financial holdings as follows:

Real estate: Residence in Washington, D.C. and equity in dwelling in Florida, real estate in Ohio and Mississippi. Total approximate value, $98,000.

Life insurance: Substantial amount paid up life insurance including $10,000 GI World War policy. Total value in excess of $65,000.

Personal property: Including paintings, jewelry, furniture and 1969 Oldsmobile Cutlass. Estimated value, $30,000.

Bonds: As of January 1, 1970, I own U.S. Government bonds and bonds of W. R. Grace & Co., Gulf & Western Industries, Lerner Stores, AMK Corp., Radio Corp. of America, Tenneco, Inc., Lucky Stores, Inc. and Offshore Co. with a total value in excess of $200,000.

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Preferred and common stocks owned by me: 100 Ashland Oil & Refining Co.; 100 Atlantic Richfield; 200 Braniff Airways; 300 British Petroleum; 100 Central Illinois Public Service; 100 Central Soya; 443 Continental Airlines; 1660 Continental Oil; 500 Delta Airlines; 300 Federal Pacific Electric pfd.; 300 General Fireproofing; 1710 W. R. Grace & Co.; 314 ITT Consumer Services pfd.; 300 Lamb Communications; 8128 Lucky Stores; 200 Manor Care; 500 Martin Marietta; 851 Monsanto; 100 Montana-Dakota Utilities; 200 Northern Pacific Rwy.; 1405 Occidental Petroleum; 100 Offshore Co.; 1200 Ohio Radio Inc.; 200 Peoples Gas Co.; 1900 Phillips Petroleum; 200 Radio Corp. of America; 600 Roan Selection Trust; 1550 Robbins & Myers; 700 Safeway Stores; 100 G. D. Searle; 200 Seilon, Inc.; 800 Stauffer Chemical; 600 Steel Company of Canada; 400 Trans World Airlines and 200 Del E. Webb Corp.

Indebtedness: I owe no individual or any corporation any unsecured loan. I do owe current bills to Ohio and Washington stores in a substantial amount, some representing recent purchases. Also, to Samuel Ready Boarding School, Baltimore, approximately $1100 as balance due for tuition for adopted daughter, Soon-Hie Young.

Am indebted to the Union Commerce Bank of Cleveland approximately $355,000 and the National Bank of Washington approximately $105,000. This indebtedness is amply secured by deposit of stocks and bonds.

The foregoing statement is just, true and correct and includes representing all the assets and liabilities and the entire financial status of Mrs. Young and me.

Mr. Secretary, you, of course, have my permission to make this statement public if you wish. It is my intention to follow my custom of reporting it in the Congressional Record.

My income tax return for 1969 has not been prepared. When it is prepared a copy will be mailed you.

Sincerely,

STEPHEN M. YOUNG.

RETIREMENT OF WILLIAM McCHESNEY MARTIN

Mr. SYMINGTON. Mr. President, it is with regret that the people of his home State of Missouri, along with many other citizens of the country, noted the retirement of one of the most able public servants of our time.

Any future financial history is bound to feature the contribution made to its security and prosperity by William McChesney Martin.

In this connection, I ask unanimous consent to insert at this point in the RECORD a column by Vermont Royster in the Wall Street Journal of January 21 and an article by Marquis Childs, entitled "The Nation Will Sorely Miss Fed's Uncompromising Martin," which appeared in the Washington Post of the same day.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the Wall Street Journal, Jan. 21, 1970]

BOY WONDER

(By Vermont Royster)

It was so long ago that it's hard now to remember him as the lanky, somewhat gangling young fellow who looked like a Charles Lindbergh with glasses and hid a militant mind behind a deceptive mien of shyness. He certainly didn't look like anybody's idea of a president of the New York Stock Exchange.

As a matter of fact, right now he doesn't look like most people's idea of the world's most powerful banker, although his hair has grayed a bit and time has furrowed his face. The shyness is still there, even though nobody is any longer fooled by it.

At the time, Wall Street couldn't quite take it in that William McChesney Martin, then barely 31, should have been picked for the Street's most prestigious post. The Age of Aquarius hadn't dawned in 1938, and the young were expected to defer to their elders and await their turn.

Of course there had been that business about Richard Whitney, who looked very much like a president of the Stock Exchange but who had tarnished the image by dipping into assorted tills. Moreover, the odor of the great crash hadn't blown off the Street, the memory of past high jinks lingered, and down in Washington the Roosevelt crowd seemed to be in a vengeful mood. Maybe it seemed like a good ploy to put a clean-cut boy up front.

All the same, there was some cynicism in the canyons hereabouts. The financial reporters, most of whom were older and scarred by experience, suspected that he might have been put up as a Patsy, useful for his image but otherwise malleable.

If that were the idea, everybody was quickly disabused. Settling into his new office, Bill Martin remarked, "I have no particular objection to Government intervention."

That suggested a surprising kind of stubbornness from a young man who came out of St. Louis to study for the ministry at Yale, who neither smoked nor drank and whose idea of whooping it up with the boys was to share a cup of hot chocolate. Indeed, around the newsrooms he was sometimes referred to as "Mr. Chocolate."

But even the Army found out he wasn't soft. Spurning deferment, he turned buck private after Pearl Harbor, and before it was through had bucked the Army all the way up to colonel. After the war President Truman appointed him to the Export-Import Bank, normally a quiet refuge. When he next surfaced he was Assistant Secretary of the Treasury.

In 1951 Harry Truman and Secretary Snyder were having their bouts with the Federal Reserve Board. They wanted the Fed to gear all of its policies to the needs of the Treasury and come what may to support Government bonds at par. They picked Martin for liaison man with the Board.

And that's where they got fooled. Bill Martin thought his elders' idea a bad one, that the Fed ought to have some independence and that it would be disastrous to pump out money just to support the Government bond market. So he negotiated his bosses into a surrender and then in a marvelous piece of diplomatic legerdemain passed it all off as an "accord" acceded to by the Fed.

He really should have been called down for deceptive advertising. Instead, in the aftermath Mr. Truman called on him to be chairman of the Federal Reserve Board. He's been giving Presidents trouble ever since, but the kind that usually left them grateful afterwards.

Part of the trouble was that recent Presidents have tended to be inflationists by political instinct if not by philosophy. That is, their interest has been in keeping the economy bubbling along, by pumping out money if necessary. Moreover, Secretaries of the Treasury have the mighty problem of financing a huge public debt; naturally they want to do it as easily and cheaply as possible.

Bill Martin, on the other hand, is a man with the long view. While he knew that the central bank could not, and indeed should not, stand aloof from the rest of the Government, he could not be persuaded that a casual "easy money" policy was in the long-range interest of the country, or the world, for that matter. So again and again he proved stubborn to political pressure.

Of course you win some, lose some. For one thing, the Fed's chairman isn't the whole works; there are other members and even other forces in the System outside the board itself. There have been times, too, when Martin himself seemed to waver, or maybe just misguessed. But all in all, he's been pretty stubborn.

Lyndon Johnson certainly found him so. In 1965 when the Fed raised the discount rate, the President had him down to the ranch for what was reported to be an arm-twisting session. Whatever happened, Bill Martin emerged with his tennis arm intact and the Fed's policy unchanged.

In spite of all this, William McChesney has been a strong supporting girder for every President, and the slightest suggestion that he might grow tired and quit has sent shudders through the executive offices. For in his 19 years at the Fed Mr. Martin built a worldwide reputation for integrity and ability in that small but powerful circle of central bankers. Time and again in times of crisis men have said his just being there was worth a billion dollars to U.S. reserves, and the rhetoric wasn't too much exaggerated.

Now he is stepping down because his term has run as long as the law allows, and the other evening President Nixon gave him a farewell White House dinner, which isn't bad for a young fellow from St. Louis. People got up and said things, all sorts of nice things. Listening, he must have had the feeling they were talking about some sort of institution, like a cathedral, maybe. He may also get the feeling, reading the newspaper pieces about him, that he's reading his own obit.

But Mr. Martin himself stays right in character. Most men leaving office like to leave the impression that they have solved all the problems and leave everything nice and tidy for their successor. Not our Bill. Ask him what he thinks and you'll get no rosy valedictory. He'll tell you—or the President—that he leaves behind, unsolved, "the worst inflation since the Civil War."

So maybe he doesn't qualify any longer as a Boy Wonder. He still is stubborn, honest, forthright and just as militant behind that mien of shyness. The difference between now and then is that everybody knows it.

And if you were Arthur Burns, how would you like to follow that act?

[From the Washington Post, Jan. 21, 1970]

THE NATION WILL SORELY MISS FED'S UNCOMPROMISING MARTIN

(By Marquis Childs)

In the hugger-mugger over the so-called tax reform bill that is now law, the White House and the congressional conference committee played a final round of threat and counter-threat. The President's aides insist that the massive 100-page bill would have been vetoed if the committee had not trimmed back certain benefits, conspicuously the individual exemption which the Senate had raised from the current $600 to $800.

Through it all there was one uncompromising voice. Twice, during the days when the decision presumably hung in the balance, President Nixon put in urgent calls for William McChesney Martin Jr., chairman of the Federal Reserve Board, at Harbour Island in the Bahamas where Martin was vacationing.

Asked for his advice, Martin recommended a veto. He was convinced the bill was inflationary. When the pluses and minuses are set off one against the other the total of tax reduction in the fiscal year 1971 adds up to $2.7 billion. As the Nixon budget-makers rave on candle ends to try to get a balanced budget, that sum looms very large.

At one point Martin believed the President, would veto the bill. But, given the great effort of the tax specialists in Congress over many months and the angry outcry which would have greeted a veto, that was more than could be expected of any President.

Now Martin is departing. Retiring at the end of the month, he has so long been a landmark that Washington will not be the same. In the era of affluence and inflation he stands out as a kind of rustic nay sayer, an early American artifact carved out of some tough, resistant wood.

The tight money policy that Martin has carried through with the considerable powers of the Fed's chairmanship is in large part responsible for the slowdown of the economy and the falling off of housing starts. The Wall Street community would cheerfully boil him in oil. Even some conservative economists believe the money supply has been turned down so tightly by the Fed's action that a recession is all but inevitable.

Often during his 19 years heading what has been, in effect, a fourth and autonomous branch of government, Martin has stood up to both President and Congress. His complaint has been that the burden of stemming inflation rests far too heavily on money policy—money and credit—as against fiscal policy where budget balancing is subject to irresistible political pressures. In 1965 Martin defied Lyndon Johnson, and the Federal Reserve Board raised the discount rate. The prime interest rate steadily climbed since then to today's record 8½ percent.

Yet he conducts himself with such evident goodwill, not to mention political skill, that he has remained on close terms with the five Presidents with whom he has dealt. James Reston dubbed him aptly The Happy Puritan. While his views often sound like those of an early Christian surveying the decadence and the runway economy of ancient Rome, he keeps a cheerful countenance.

When he goes to an occasional cocktail party (he neither smokes nor drinks) at his Bahamian retreat he is the sign and symbol of an earlier America. The other males are decked out in brilliant colored slacks and fancy blazers. Wearing a gray business suit off the rack of a department store, Martin is the model of the sober businessman who keeps a close eye on the books. Yet he enjoys life. At 63 his tennis is as fast as that of most players half his age.

His sombre thoughts on inflation are well-grounded. Prior to his service at the Fed, as president of the Export-Import Bank he knew at firsthand the plague that a price explosion can mean to a swiftly developing economy. He speaks of Brazil where seesawing—mostly upward—inflation threatens the nation's stability. The infusion of American government loans and private investment started the upward, largely unrestrained, spiral.

The disparity between extreme wealth and extreme poverty here at home widens despite what seem to be stringent tax laws. The number of billionaires has increased astonishingly in the past decade. Martin views this development with profound concern. Many of these newly made billionaires are comparatively obscure men who, thanks to shrewd and knowledgeable lawyers, have had the advantage of tax gimmicks beyond the reach of most.

THE MIDEAST CRISIS: OUR MISTAKES AND OUR RESPONSIBILITIES

Mr. DODD. Mr. President, on January 12 it was my privilege to address an overflow meeting in New Haven convened under the auspices of the New Haven Jewish Community Council. The members of the council had told me that they were concerned over U.S. policy in the Middle East and that they would therefore welcome an opportunity to discuss this problem with me.

In my remarks I set forth what I believe to be the four basic mistakes we have made in our approach to the Arab-Israel problem, under both Republican and Democratic administrations.

I was particularly critical of the Big Four conferences. I said that they held out no hope because the Soviet Union had no interest in terminating the Mideast conflict; on the contrary, the continuation of this conflict helps them to expand their influence in the Middle East at the expense of the free world.

In my closing remarks I outlined what I described as a new approach to the Mideast conflict.

First, I said we must seek to use all of our influence to bring about direct negotiations between the Arabs and the Israelis.

Second, while we should seek to act as a go-between and catalyst, we should not take it upon ourselves to draw up any detailed plans for the settlement of the Arab-Israel conflict.

Third, I urged that in cooperation with the other NATO countries, we should seek to provide Israel with modern arms to counterbalance the massive shipments of arms by Moscow to the Arab extremists. To this I added that I would be in favor of giving arms to Israel instead of selling them, as we have frequently given arms to other nations when we considered it to be in our national interest. Israel, I said, does not need any American expeditionary force to help her fight. She is quite capable of defending herself if she is only given the weapons with which to do so.

Fourth, I urged that we mount an energetic campaign of information to the Arab countries to make them realize that they are being used as pawns by Soviet imperialism, and to warn them that their very sovereignty is endangered by their growing dependence on Russia.

Finally, I said that, in order to discourage any miscalculations or any adventures, we should make it unmistakably clear that we could not remain indifferent to any effort by the Arab extremists and Communists to crush the State of Israel.

Mr. President, I ask unanimous consent to insert into the RECORD the complete text of my statement before the New Haven Jewish Community Council on January 12.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

THE MIDEAST CRISIS: OUR MISTAKES AND OUR RESPONSIBILITIES

(By Senator THOMAS J. DODD, January 12, 1970)

As we meet today, the guns are blazing across the Suez Canal and the Jordan River. Arab terrorists attack Israeli settlements with bombs and mortar shells; and the Israeli forces respond with retaliatory strikes against terrorist bases.

It is not a state of all-out war. But the continuation of terrorist activities and of limited military actions by both sides carries with it the danger that a new and much larger Mideast war may erupt at any time.

This danger has been enormously aggravated by the massive shipments of Soviet arms to Nasser and the other Arab extremists, shipments which have now given the Arab powers 150 per cent of the military strength they had before the June, 1967, war.

The danger has been further aggravated by the reluctance of the Western powers to sell modern weapons to Israel.

It is tragic to think that France, which was for so long a friend of Israel, has been the worst offender in this respect. Not only has France refused to send Israel the 50 Mirage jets which were ordered and paid for several years ago, but now comes the news that the French government has decided to sell 50 Mirages to the new revolutionary government of Libya.

In view of the fact that the tiny Libyan air force has only six men who are qualified to fly jet trainers, many people are asking whether these high-performance jets will not ultimately wind up in the hands of the Nasser air force. Certainly, it's no secret that Nasser has been thinking of annexing Libya with its billion dollars a year in oil income.

The purpose of this meeting is to discuss the Mideast crisis, its implications for America, and what can be done about it.

It is proper that you should want to have my thinking as your representative. For my part, I want to tell you how much it means to me to be able to discuss this problem with a group of informed constituents, and to get the benefit of their thinking.

On the surface it appears that everyone believes in the need for a stable settlement of the Mideast conflict. The UN has expressed its concern in repeated resolutions and has appointed a special representative to serve as mediator. The Big Four powers have met repeatedly to discuss the issue.

But instead of improving, the situation has become increasingly acute with each passing month.

Before we consider whether there is any new approach that might offer greater promise, it might be a good idea to go back in history a very short while, and reexamine our entire policy of recent years. This will also have the advantage of letting me tell you where I have stood, and where I stand today.

OUR FOUR BASIC MISTAKES

I believe that we have been guilty of four basic mistakes in our approach to the Arab-Israeli problem.

The first mistake is that we have sought to appease the Arab extremists or to avoid antagonizing them. I say this in no partisan sense, because I believe this has been equally true of Republican and Democratic Administrations ever since the Suez crisis of 1956.

Our second mistake has been that we refuse to face up to the fact that the Soviet Union is committed to the subjugation of the free world, that it has been the principal architect of the Mideast crisis, and that it has a vested interest in perpetuating the Arab-Israeli conflict and no interest in terminating it.

Our third mistake has been that we have relied too heavily on the United Nations.

Finally, I think that our policy has suffered from an inadequate appreciation of the human and spiritual significance of the State of Israel and of its basic political importance to the entire free world.

NUREMBERG

I do not say these things as a matter of hindsight.

I was a believer in the Jewish homeland before it came into existence.

As Executive Trial Counsel at Nuremberg, I had spread before me in nightmarish detail the whole incredible story of Nazi barbarism, and of the gas chambers and crematoria that snuffed out the lives of so many millions of European Jews.

I could not escape the feeling that all of this would not have happened if Britain and France and America had had the foresight and determination to deal with Hitler's lunatic regime in a timely manner.

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This entire situation created an inescapable moral obligation to encourage the creation of the Jewish homeland in Israel and to give it our continuing assistance.

THE APPEASEMENT OF NASSER: SUEZ AND AFTER

At the time of the Suez crisis, and many many times after, I spoke up against our failure to give Israel the support to which she was entitled, and against the folly of attempting to appease Nasser.

For it was the United States, and not the Soviet Union, that saved Nasser at the time of the Suez crisis. In fact, if it had not been for our intervention at the United Nations, the Nasser regime would probably be as defunct today as King Tut's mummy.

And I am equally certain that Nasser would not be the threat he is today if we had not continued to provide him with foreign aid, to the tune of almost 2 billion dollars over the years, despite his military preparations against Israel and the help he was giving the Soviet Union in expanding its influence throughout the area.

In May of 1962 I introduced a Senate resolution calling upon the American government to exercise all of its influence to bring about a just and final settlement of the Arab-Israeli conflict.

In doing so, I urged that we substitute firmness for appeasement; and I said that it does not encourage moderation on the part of the Arabs when we quietly accept Nasser's prohibition of the Suez Canal to Israel, in violation of the UN resolution.

Speaking the following year before the Connecticut Zionist Conference, I called for a frank reassessment of the consequences of our "do nothing" policy in the Mideast. This policy, I said, had not preserved the peace or fostered stability. It had, on the contrary, seen Soviet arms and Soviet agents brought into the Middle East in dangerous quantities; it had resulted in an upward spiraling arms race between Israel and the Arab States; it had encouraged Nasser in his extremist and imperialist tendencies. And I warned that if the United States and the United Nations continued to do nothing, we would not be able to escape the burden of responsibility when bloodshed did arrive.

In 1965, Nasser's conduct became so outrageously anti-American that both the House and Senate voted against the continued shipments of food aid to the UAR under Public Law 480. However, as a result of a last-minute request from the Administration, the Senate passed an amendment which left PL 480 shipments to the discretion of the Executive Branch.

I was one of the Senate minority who spoke and voted against this amendment. In doing so, I urged that the continuation of such shipments be made dependent on Nasser's good behavior. My appeal, I regret, was to no avail.

THE FINAL FAILURE OF THE UNITED NATIONS

I said in my earlier remarks that it has been a mistake to rely so heavily on the United Nations in the Middle East crisis. If this needed any further proof after the UN's failure to enforce its own resolution in the Suez, we were given this proof in the critical days that proceeded the June war of 1967.

In late May, with the Arab armies openly threatening to invade Israel, I introduced a Senate resolution urging that the UN Emergency Force should refuse Nasser's demand that it withdraw from the UAR, and that it should, instead, be reinforced. But when Secretary General U Thant capitulated adjectly to Nasser's demand and withdrew the UN Emergency Force, this marked the end of any illusion that the UN could serve to keep the peace between Israelis and Arabs.

THE FAILURE OF THE BIG FOUR CONFERENCES

The Big Four Conferences have been just as abject a failure as the UN in dealing with the Mideast crisis. They have failed for the simple reason that they have been based on the completely erroneous premise that the Soviet Union and the United States share a common interest in seeing the Arab-Israeli conflict settled.

When the possibility of Big Four action on the Mideast crisis was first broached just before the June 1967, war, I said that, while this approach might be an essential diptlomatic enterprise, there was little reason to be optimistic about the possibility of Soviet cooperation.

Instead of Big Four action, I introduced a Senate resolution on May 25, 1967, calling for joint action by the U.S., Britain, and France to keep the Gulf of Aqaba open and to prevent a Mideast war.

Today we are still pursuing the will-of-the-wisp of Soviet cooperation in resolving the Arab-Israeli conflict.

It is high time that we put an end to this fruitless and self-defeating exercise.

I am reasonably certain that the Soviet Union wishes to avoid all-out war with the United States. On the other hand I am even more certain that the Soviets want to keep the Mideast crisis at fever pitch because this makes the Arab extremists more heavily dependent on them. It helps them in expanding their own influence in the area and in undercutting the influence of the free world. Their ultimate goal, of course, is to drive the free world completely out of North Africa and the Arab countries and establish a Soviet monopoly over all the vast Middle East oil reserves that are so crucial to the economy of Western Europe and the free world.

A NEW APPROACH

When Congress reconvenes, I intend to suggest the following approach to the problem of peace in the Middle East.

First and foremost we must seek to use all of our influence to bring about direct negotiations between the Arabs and the Israelis. As Secretary of State Rogers, himself, pointed out, only the nations directly involved can make a durable peace; other powers can help, but an agreement among them cannot be a substitute for an agreement freely negotiated between Arabs and Israelis.

Second, while we should maintain maximum contact with all the parties to the conflict and seek to act as a go-between and a catalyst, we should not take it upon ourselves to draw up any detailed plans for the settlement of the Arab-Israel conflict.

The proposals which Secretary Rogers made in his speech of December 9 were well intentioned, and while I have differences with a few of them, a lot of them made sense. But the Israelis say, quite understandably, that they want to be in a position to make their own concessions and their own demands, in direct negotiations with the Arabs. If everything is spelled out in detail by the Big Powers in advance of their negotiations, there would be nothing left for the Arabs and the Israelis to negotiate.

In taking this stand the Israelis are not saying, "Take it or leave it." In February of last year, Prime Minister Eskhol told a *Newsweek* correspondent who questioned Israeli intentions: "Try us out, and you'll be surprised on the degree of give and take we are prepared for." I believe this to be true.

I want to emphasize again that I believe Secretary Rogers' proposals were well intentioned, that they reflected no hostility to Israel, and that many of them made sense. But I hope that we have learned something from the reaction to them.

We were criticized by our Israeli friends for conceding too much to the Arabs and for seeking to impose a settlement. And we were vehemently attacked by the Arabs and the Communists for being too pro-Israeli.

So let's avoid detailed public plans, and let's seek instead to serve as simple catalysts and go-betweens.

Third, I believe, that in cooperation with the other NATO countries, we must seek to provide Israel with modern arms to counter-balance the massive shipments of arms by Moscow to the Arab extremists. To leave the situation as unbalanced as it is today is an open invitation to renewed aggression.

In fact, I have often said that we ought to *give* arms to Israel instead of insisting on cash payment because an independent, democratic Israel provides a check to the Soviet conquest of the Middle East, and it is therefore in our interest that Israel should be able to defend herself.

We have given vast quantities of arms to other nations because we considered it to be in our interest. We have, for example, invested billions of dollars' worth of military assistance in South Vietnam because Vietnam, like Israel, was seeking to defend its independence against Communist-inspired aggression.

This much the Israel and Vietnam situations have in common. But here the resemblance ceases.

Because Vietnam was a primitive country lacking a strongly developed sense of nationhood, we have had to back our commitment there to the tune of 40,000 American war dead and several hundred thousand other casualties.

In the case of Israel, however, we are dealing with a solidly united, highly advanced and cultured people, sharing our commitment to democratic ideals. Because of this Israel does not need any American expeditionary force to help her fight. She is quite capable of defending herself, if she is only given the weapons with which to do so.

This, in my opinion, is the final and clinching argument in favor of *giving* arms to Israel rather than selling them.

My fourth proposal is that we mount an energetic campaign of information to the Arab countries to make them realize that they are being used as pawns by Soviet imperialism; that the interests of their peoples can best be served by calling off the ruinous arms race and by negotiating a just peace with Israel; that their sovereignty is endangered by their growing dependence on Communist Russia; that they stand to gain far more from cooperation with the free world.

Finally, in order to discourage any miscalculations or any adventures, I believe we should make it unmistakably clear that we could not remain indifferent to any effort by the Arab extremists and Communists to crush the State of Israel.

It is not just that the free world could not stand idly by and watch the Nazi genocide of the Jews repeated in Israel.

The fact is that, in the context of the world struggle between freedom and Communism, the survival of Israel is essential to the cause of freedom and to our own national security.

UKRAINIAN INDEPENDENCE DAY

Mr. BURDICK. Mr. President, today is the 52d anniversary of Proclamation of Independence of the Ukrainian National Republic and the 51st anniversary of the uniting of all Ukrainian lands into one independent and sovereign nation. I would like to take this opportunity to pay tribute to the people of Ukraine in whom the desire for freedom has been kept alive. I am proud that more than 75 years ago Ukrainians first came to North Dakota and since that time have continued to make important contributions to its development. The Honorable William L. Guy, Governor of North Dakota, has likewise recognized the Ukrainians by issuance of a proclamation declaring January 22 "Ukrainian Independence Day." I respectfully request unanimous consent that the Governor's

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proclamation be printed at this point in the RECORD.

There being no objection, the proclamation was ordered to be printed in the RECORD, as follows:

PROCLAMATION

Whereas, On January 22, 1970, Ukrainians in North Dakota and throughout the free world will solemnly observe the 52st anniversary of the proclamation of a free Ukrainian state, and

Whereas, After a defensive war lasting 4 years, the Ukrainian state was destroyed in 1920 and a puppet regime of the Ukrainian Soviet Socialist Republic was installed, later becoming a member state of the Soviet Union, and

Whereas, The once free Ukraine is now no more than a colony of Communist Russia and its vast human and economic resources are being exploited for the purpose of spreading communism, and

Whereas, The United States Congress and the President of the United States of America have recognized the legitimate right of the Ukrainian people to freedom and national independence by respectively enacting and signing the Captive Nations Week Resolutions in July, 1959, which enumerated Ukraine as one of the captive nations enslaved and dominated by Communist Russia, and

Whereas, Some 25,000 Americans of Ukrainian descent now living in North Dakota have made significant contributions to both state and nation.

Now, therefore, I, William L. Guy, Governor of the State of North Dakota, do hereby proclaim Thursday, January 22, 1970, as "Ukrainian Independence Day" in North Dakota and urge all citizens to demonstrate their sympathy with an understanding of the aspirations of the Ukrainian nation to again achieve its rightful inheritance of freedom and independence.

In witness whereof, I have set my hand and caused the Seal of the Great State of North Dakota to be affixed this 19th day of January, 1970.

WILLIAM L. GUY,
Governor.

FOR BUSINESS, A CALL TO COMMITMENT

Mr. MUSKIE. Mr. President, the gap between our aspirations and our achievements is of increasing concern to millions of Americans. It has contributed to the divisions in our society, and it has raised doubts about the capacity of our political and economic institutions to meet the needs of all our people and to make our aspirations a reality.

I was encouraged to read in the Wall Street Journal today a speech by Gaylord A. Freeman, Jr., chairman of the First National Bank of Chicago, dealing with the need for a greater business commitment to making the benefits of our society available to all our citizens. I ask unanimous consent that the text of Mr. Freeman's speech be printed in the RECORD.

There being no objection, the portion of the speech was ordered to be printed in the RECORD, as follows:

FOR BUSINESS, A CALL TO COMMITMENT

(By Gaylord A. Freeman Jr.[1])

If we were to step back from the immediate and consuming interest in our business and look at the conditions necessary for our success, we would realize that in order to make a profit—which is the basis of our present economy—we need a political system in which private property is respected and private profits are legally permitted, and economic conditions sufficiently stable that profits are possible and have continuing value.

We take these two conditions for granted and just assume their continuation—but we should not do so.

There is nothing in either the Ten Commandments or the United States Constitution that guarantees private property. There is nothing in the history, or present condition, of man that assures stability in the value of our currency or a continuation of our economic assumptions. If at any time the majority of our citizens—including our sons and daughters—should conclude that they would be better off under some other economic system, then our system will be changed.

If the majority of our people place full employment and rapid national growth ahead of monetary stability and, later, ahead of economic stability, then profits will no longer be economically possible or of continuing value.

Any fundamental change in our society seems so improbable that it may appear foolish to worry about the possibility. Perhaps so. But I do have some concern about the attitude of many honest, conscientious citizens—and not just those who are young or black—who see in the war in Vietnam, the continuing poverty of millions in this most affluent of societies, the pollution of our air and water, evidence of failure of our entire system and a reason for fundamental change.

I think our people are capable of understanding the merits of freedom, which is the basis of our system, if someone reminds them of its values, and someone improves the existing conditions (of inequality, poverty and pollution).

That "someone" has to be us—or it is no one. Who else has an equivalent motivation of self-interest to try to accomplish this?

JUSTIFYING CORPORATE SPENDING

The question is properly asked: "What right does a corporate executive have to spend his corporation's funds (or the time of his executives, who are paid by the stockholders) to achieve a cause which he thinks is appropriate?" My point is that the use of stockholders' assets to improve the society can be justified if the societal improvement redounds to the benefit of the corporation and redounds in some reasonable relationship to the expenditure—hopefully, at least, dollar for dollar. If by an expenditure of $25,000 or $2,500,000 or $25,000,000 (depending on its size) a corporation could substantially contribute to the continuation of the opportunity to conduct a profitable business for the next 100 years, the investment clearly would be justified.

If, on the other hand, the cause is just "a good cause," with no prospect of enhancing future earnings, then (unless it causes others to bring you additional profitable business—or it induces others to make social contributions which do enhance your earnings—or it can be supported as a form of compensation to your employes), it is an unjustified gift of funds belonging to the stockholders.

Much of the student criticism, the black criticism, the academic criticism of business is not a criticism of our business or our profit motivation, but, on the contrary, a criticism of our failure to utilize our magnificent business organizations to achieve ever-widening public purposes.

Whether or not we want to improve the society, whether or not we are motivated by self-interest in doing so, it is now expected of us. And if we fail to accept this responsibility, we will lose much of the public's confidence in the value of our private enterprise system.

The entrepreneurs who built the railroads were the giants of a century. They may not have observed all of the niceties of our current mores but they bullied through their lines; they built cities; they set the tax rates; they chose the Senators; and they built a nation. Magnificent! But they didn't care about the customer. Their social attitude was reflected by Vanderbilt when he exploded—"The public be damned!" That was a mistake. The individually insignificant farmers banded together and founded the Grange movement. One of their first purposes was to get the power of the railroads curtailed and their rates regulated. The railroads have suffered ever since. Caught between rising labor costs and government regulated rates, they are being squeezed to death. Only the entry into other, less regulated fields offers them a future.

Let's not let that happen to the rest of us.

We businessmen are so completely absorbed by our businesses that we don't take time to think much about the non-business problems facing our society. "Why study these problems when we don't have the time? Besides, in the last analysis, they are pretty simple."

There is a great temptation for us overcommitted businessmen to accept the ready-made convictions of our friends in the company or at the country club and, consequently, to avoid the necessity for the hard analytical thought which we reserve for our business problems.

This isn't a new phenomenon. As James Harvey Robinson pointed out many years ago: "Few of us take the pains to study the origin of our cherished convictions; indeed, we have a natural repugnance to so doing. We like to continue to believe what we have been accustomed to accept as true, and the resentment aroused when doubt is cast upon any of our assumptions leads us to seek every manner of excuse for clinging to them. The result is that most of our so-called reasoning consists in finding arguments for going on believing as we already do."

A Secretary of the Treasury once said to me that he thought that we should terminate the tax exemption of all universities because they were all full of liberals ("Pinkos" I think he called them). Think just a minute. If all the university people had to follow one line of thought, who would suffer the most? We would. We, the less than one per cent who have the greatest benefits in this society. All that is required is to destroy freedom of thought, and we go down the drain with it. I don't know the solution to campus demonstration or the indefensible destruction of property or the disruption of teaching of those who want to learn, but I do know that the universities are our greatest defense—not because professors or students like us (generally they don't), but because they preserve the anarchy of freedom of thought and expression without which we could never demonstrate the importance of the freedom of individual initiative and the resulting social benefits.

THE FREEDOM TO DIFFER

And I suspect that related to our tendency to accept standardized, simplistic attitudes is a similar tendency to lump many quite heterogeneous groups into one mold. At the same moment that we cheer for individual freedom, we may criticize the boy who grows a beard or the girl who demonstrates for peace. We must be careful to preserve the freedom to differ as well as the freedom to conform.

Many of us lived through the depression. Those of us older ones who had to walk the streets looking for a job will never forget the experience. Perhaps that makes security, hence job tenure, hence conformity, too important. The young people today want "to do their own thing." They want to dress and live their own way, at least, for a while. They don't have our fear of losing a job—they can

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[1] The author is chairman of the First National Bank of Chicago. This article is part of an address to the annual meeting of the St. Paul Chamber of Commerce.

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get another one without missing a day's pay. Some of these attitudes will change as they grow older, but some will not.

We are, undoubtedly, entering a period with less emphasis on production of goods and with greater emphasis on culture, leisure, individual self-expression—on the quality of life. Even our labor negotiations will have to offer individual employees more individual options at the expense of our paternal security. This rattles us. But it shouldn't. It is merely an expression of the wider affluence—a recognition by a larger number of our people of the very values which we have always defended for ourselves—individual freedom.

We have all read of "powerful business interests" and figured it referred to some people we didn't know. We have had acquaintances refer to our positions as positions of power and influence and we have tried to look a little important while secretly we thought the remarks greatly exaggerated.

But the fact was brought home to me a little while ago when, with a few other business leaders, I was negotiating with a group of blacks. One of them said:

"I don't like you honkies, but we have to deal with you. City Hall has got it made, and they don't want to change nuthin'. The guys in the churches are soft-hearted, but they are also soft-headed and have no power. The professors study everything but never follow through with any conclusion. The Federal Government guys are interested, but when it comes right down to the punch, they're afraid to take action for political reasons. So there's nobody else left to talk to but you guys who represent the Establishment that we're supposed to be fighting. The fact is, you cats got the clout."

I have thought about that a good deal since. We do have some clout, some power. We have the economic power to hire, to invest, to locate a plant, etc., which decisions are invariably made on such a strict dollar and cents basis that we don't think of it as power. We never think of using this for our personal benefit so we never think of it as personal power.

BUSINESS PREROGATIVES

As the head of a business, you can ask other leaders to lunch (at company expense), and if they are free, they will come. If it is inconvenient for them, you can send a car (with a company driver) to get them. If you want to urge the Mayor or the Governor to take a certain action, you can call him on the phone and he will at least listen to you. Or you can get the chamber of commerce or your trade association to mobilize other opinions and communicate with the official.

The fact is, "we cats do have clout." We don't have as much as outsiders may think and we don't use it indiscriminately, but we do have it.

But we have it only when we feel committed. We influence others only if we are willing to put up the first $25,000 or give the time of two vice presidents or otherwise indicate that this project is of great importance to us.

Thus, the message is: "Let's get committed. This is our country. This is our society. Let's improve it and, by improving it for all of the people, we can preserve it not only for ourselves but for all citizens. The job is expected of us, and its accomplishment will be deeply rewarding."

THE 51ST ANNIVERSARY OF UKRAINIAN INDEPENDENCE

Mr. KENNEDY. Mr. President, today marks the 51st anniversary of the independence of the Ukrainian State. Ukrainian Americans across the Nation will gather today to recall the proud—though brief—accomplishment of their people and their nation.

For one brief moment in modern history, the freedom-loving people of the Ukraine achieved their independence from the foreign powers which had held them subject for centuries. The opportunity for national freedom came—and was grasped—with the overthrow of the Russian czarist regime in 1917 and the dissolution of the Austro-Hungarian Empire. On January 22, 1918, in defiance of a newly emerging Soviet nation, independence was declared and 300 years of Russian domination was ended.

But in less than 3 years—a new Russian government—one dedicated to a goal of world domination—withdrew its recognition of the fledgling National Ukrainian Republic, invaded its territory, and conquered its people once again.

Not satisfied with domination of the country, the Soviets—recognizing the threat inherent in those who have tasted freedom—began a systematic destruction of Ukrainian nationalism. Leaders of the Republic—even those who had fled to other nations—were assassinated. National religions were persecuted and destroyed; 600,000 people perished in famines organized by the Kremlin to force acceptance of collective farming; language and culture were Russified and the economic viability of the people was ruined.

And let, through it all, and through the 48 years of the "Ukrainian Soviet Socialist Republic", the people of the Ukraine have resisted spiritual domination and a flame of hope still burns in their hearts that one day they will again be free.

Mr. President, as our great Nation moves toward the 200th anniversary of its own independence—happily a constant and continuing independence—it is well that our people pause to give tribute and support to those people once free who are now enslaved.

It is an honor for me to join with Ukrainian Americans in support and hope for a great people who refused to be bowed.

Taras Shevchenko, one of the most honored of the Ukrainian poets, has expressed the intense nationalistic feeling of his people and described their yearning for freedom in the beautiful poem, "The Legacy":

When I shall die, pray let my bones
  High on a mound remain
Amid the steppeland's vast expanse
  In my beloved Ukraine:
That I may gaze on mighty fields,
  On Dnieper and his shore,
And echoed by his craggy banks
  May hear the Great One roar.
When from Ukraine that stream shall bear
  Over the sea's blue sills
Our Foemen's blood, at last shall I
  Forsake the fields and hills
And soar up to commune with God
  In his eternal hall.
But till that Day of Liberty—
  I know no God at all.

AN APPEAL TO THE GOVERNMENT OF NIGERIA

Mr. DODD. Mr. President, when the Nigerian-Biafran war was drawing to a close, the Nigerian Government assured the defeated Ibo tribesmen of a general amnesty, and it issued stringent directives to the Nigerian forces against the maltreatment of civilians and prisoners. The Ibos were told that they would be welcomed back as brothers into a reunited Nigerian nation.

I know that we are all greatly encouraged by these statements. But the acid test of Nigerian intentions will be the manner in which the Lagos Government handles the problem of mass hunger in the area of recent hostilities.

A week ago there were assurances from a small team of neutral officers, as well as from the Nigerian Government, that the situation was under control and that there was no problem of mass starvation. These assurances, I must say, were rather difficult to believe in view of the unchallenged facts that 2 million Ibos have died of starvation over the past 2 years and that millions more have been kept alive only by an emergency airlift of food to Uli airstrip.

Within the last 48 hours foreign correspondents have been permitted to visit the former territory of Biafra. Despite the fact that their movements were subject to some restriction, the stories they dispatched and the films they transmitted via satellite TV do not bear out the assurances that the situation is under control and that the Nigerian Government is able to cope without the assistance of the major relief organizations which previously functioned in the area.

On TV last night we saw the same hordes of starving children, with their skeleton-like bodies and swollen bellies. We were told that there was no serious apparatus of distribution, even in the city of Owerri, and that in most cases food was being sold for Nigerian currency only, which very few Ibos possess.

All the indications were that the situation in the area of recent hostilities is already catastrophic and that it is getting worse by the day.

Under these circumstances, I hope that Major General Gowon, the chief of state of Nigeria, will reconsider his decision banning the operations of Joint Church Aid, Caritas, and the International Red Cross.

These three great organizations, which have borne the brunt of relief in the previous territory of Biafra, have large stockpiles of food in nearby centers. They have a readymade apparatus and experienced personnel who are familiar with the problem of food distribution in the area.

If this apparatus is now dismantled, it may take months before a new apparatus can be assembled to take over from it.

In that period of time, millions of innocent civilians can die.

I know that the Nigerian Government is disposed to believe that Joint Church Aid and the International Red Cross were sympathetic to the Biafran cause. However, I know of no statement by either organization that warrants this judgment; so far as I am aware, their only concern has been the feeding of starving people.

If the Nigerian Government is truly prepared to welcome the Ibos back into a reunited Nigeria and to treat them as brothers, then it seems to me that it should also be willing to forget any complaint it may have had about the attitude or policies of those international relief agencies which sought to prevent mass civilian starvation in Biafra.

The Nigerian Government will have to pay a heavy price in world opinion if hundreds of thousands of women and children were to die in coming months because of its refusal to accept the cooperation of all those organizations which wish to help and can help.

Conversely, I believe that the Nigerian Government would inspire confidence in its intentions and win new good will for itself if it frankly recognized the gravity of the situation, permitted the resumption of the airlift to Uli, and invited the continued cooperation of all foreign relief agencies, to head off the possibility of mass starvation.

The essential requirement of Nigerian control could be adequately met by requiring that foreign relief agencies, both public and private, operate under the supervision of the Nigerian Red Cross or some other competent Nigerian agency.

I have been assured that the major agencies involved would accept such supervision gladly and without reservation, and that they would be prepared to cooperate loyally with the Nigerian Government.

As our own Civil War was drawing to a close, President Lincoln, in his most memorable address, called for charity for all and malice toward none. Let us all hope that the Nigerian Government will find the wisdom and the strength to conduct itself in this spirit in dealing with its defeated foes.

STARVATION IN BIAFRA

Mr. RIBICOFF. Mr. President, it is a great tragedy that over 2 million Biafrans have already died in the 30 months of the Biafran-Nigerian conflict. It is even more tragic that no one knows for sure just how many more Biafrans will unnecessarily continue to die in the aftermath of this war. To the 1.5 million Biafrans in need of immediate relief, the end of the war has not meant an end to their starvation. It could be a week, a day, or perhaps just a matter of hours before they too will become part of the statistics of Biafran war victims.

As a sponsor for the Food for Biafra Relief Committee, I was deeply concerned by the plight of starving men, women, and children during the course of the conflict.

And I am equally concerned with their plight now.

After the surrender of Biafra to Nigeria, the Nigerian Government promised that it would provide full emergency relief measures to meet the needs of the victims of the war.

But the Nigerian Government has also insisted that it will not accept aid from nations and foreign agencies that aided Biafra during the war.

Mr. President, this is no time to put political grudges above the preservation of human life.

This is no time to be more concerned with whose label is on the package, or whose hands are giving out the food, than with the efficient distribution of this food.

What is most crucial is the speed with which food supplies are being distributed to the Biafran population.

But the dimensions of this relief program are too vast for one nation to manage alone.

In barring the assistance of Joint Church Aid, Caritas, Canairelief, and the Nordic Red Cross, the Nigerian Government is barring the assistance of those very people who could make this relief program a more organized and efficient operation. It is these relief personnel who are familiar with the management of the food centers, and the best means of getting supplies to the population. It is they, and not the Nigerian Government, who have been most familiar during the past 30 months with the needs of the victims of starvation.

There have been conflicting reports as to how successfully the Nigerian relief program is actually operating. Many of us have been hesitant to speak up without being able to verify certain facts. But it has been practically impossible to obtain accurate information on whether or not supplies are being delivered into the enclave area, and on the number of people in critical condition.

But U Thant has stated, just returning from Nigeria, that there is need for further assistance. And the latest news reports have also indicated that although there are adequate stocks of emergency food in various Nigerian centers, the distribution of that food is "hopelessly inadequate."

Mr. President, I have always felt that it would be far better to provide too much assistance, rather than too little, too much relief rather than not enough.

I commend the work of the Senate Judiciary Subcommittee on Refugees for currently holding hearings on the status of Biafran relief. We need to ask questions and we need to obtain answers.

It is most unfortunate that there has been such a conspiracy of silence surrounding the present situation. It is also unfortunate that the figures released by the State Department are those of a report made in October. Dr. Karl Weston, in that report, stated that the enclave's civilian population was then 3.24 million, and of that number, 1 million had edema—a swelling of the body indicating severe protein deficiency.

But that survey was made in October, and it is only logical to assume that conditions would have worsened since that time.

We need more accurate information. We need to know how many feeding centers are in the enclave area, how many people are in the last stages of starvation, and how adequately the food is getting to those who need it most.

But we cannot afford to wait too long. We cannot underestimate a situation where human lives are at stake.

Our Government has responded to the urgency of the situation. I was most pleased to learn that President Nixon authorized the allocation of $10 million in foodstuffs, and medicine, up to $2 million to the United Nations Children Fund for the care of children in Nigeria, and has readied eight C–130 cargo aircraft and four helicopters to assist deliveries to the refugees.

I was also pleased to note that the United States is providing three portable hospitals, 50 jeeps, and 50 trucks at the request of the Nigerian Government.

But the Nigerian Government has still refused to allow the assistance of foreign relief agencies.

And they have still refused to accept the offer of C–130 aircraft because they are military rather than commercial aircraft.

I believe that the relief effort could be vastly speeded up if the Nigerian Government were to allow more personnel assistance and were to use helicopters and aircraft in getting supplies into the enclave and bush areas.

If the Nigerian Government continues to insist that no supplies be utilized from previously pro-Biafran sources, then I suggest that such supplies be funneled through the United Nations. If it is the label on the package that the Nigerian Government is worried about, then let them use whatever label they desire. We will not object, even if they choose the Nigerian stamp. As for us, our immediate concern is the relief of the Biafran population.

Mr. President, I ask unanimous consent that the following article, "Ibos Need Food Badly, Reporters Find" from this morning's Washington Post be inserted in the Record.

There being no objection the article was ordered to be printed in the Record, as follows:

Ibos Need Food Badly, Reporters Find

(By Bridget Bloom)

Owerri, January 21.—There is no evidence of mass starvation in the former Biafran enclave, but many of the people here are very hungry.

They are hungry because the Nigerian relief machine is not geared to feed and care for them. There are adequate stocks of emergency food in various centers outside the worst-hit areas. Within these areas, as well as outside them, there is plenty of local food. But, for the time being, transport to ferry the food to the needy is hopelessly inadequate.

This is the immediate conclusion correspondents drew from a 12-hour, 150-mile journey along many of the major roads of what until a week ago was Biafra. We traveled, except for a brief detour of a few miles, only along main roads, from Aba on the southeast tip of the former enclave through Owerri, its provisional capital, to Orlu, home of Radio Biafra, and back through Ihiala and Uli.

The Nigerians' press tour did not include the rural areas, where the situation may be quite different from the towns. Neither was it possible to get reliable information of the medical effects and gravity of the widespread hunger.

The worst situation, because the majority of the hungry are refugees from other towns, is in Owerri.

The road from Aba to Owerri was remarkable, considering the circumstances, for its normality. Small groups of people trekking in both directions, interspersed with obvious refugees, appeared to be engaged in normal farming or trading activities. Well established and freshly tilled patches of cassava, the staple food, abounded. In several places land was being burnt in preparation for new planting.

In Owerri itself, however, which before the war was a town of only some 20,000 people, the situation was dramatically different. It was impossible to know how many people lined the town's main street—they were at least ten deep for at least half a mile. Although all were not refugees in the strict

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sense, all had returned to the town since it was captured, empty of people, on Jan. 10. Most appeared to be housed, after a fashion, in abandoned houses and shops.

There were very few "living skeletons" and most people were reasonably clad. But any stranger to the town is besieged by hungry faces and the unvaried plea—"Can we get something to eat, we have not eaten for two, three or four days."

In the other area seen, the refugee problem seemed to be less severe. At the main Orlu crossroads, the crowds were much smaller and the complaints of hunger fewer, while on the roads within the enclave—from Owerri to Orlu, from there to Ihiala and back to Owerri through Uli airstrip—the numbers trekking were relatively few. Again, even on these roads there were many signs of normal life.

The shooting war apparently has stopped. But the federal government's program—of sending the army back to barracks and of leaving the maintenance of law and order in the hands of the police as the initial stage in rebuilding the IBO civilian confidence—is far from being achieved.

The army's presence is everywhere and in some areas there appears to be considerable indiscipline.

There is a good deal of looting. As we stood in Owerri's main street soldiers commandeered furniture from refugees and drove it away. A young widow said soldiers had taken her belongings and food and threatened to take her, too.

There have been many stories of rape. It was noticeable that in the groups along the roads there were few young women. They are apparently in hiding for fear, as the local phrase apparently goes, of "being conscripted."

Asked about allegations of rape, looting and other indiscipline, Lt. Col. Akinrinade, second in command of the 3d Division, to whom Biafra fell, admitted that some soldiers had "behaved outside the general pattern."

So soon after Biafra's collapse, he said, officers could not always be present to discipline troops, but any reported cases were investigated and in one case, a soldier attempting rape had been shot (in the foot, according to later reports).

Correspondents on the tour heard as many reports of correct behavior by federal troops as of indiscipline.

The international observer team, which is again touring the former enclave, was in the Owerri-Orlu area today. Its leader said the team had no reason to change its opinion, published in an interim report in Lagos last week, that the behavior of troops was in general correct, and that incidents reported were being investigated and offenders punished.

Food, not looting or rape, is the major problem. There seem to be three main reasons for the hunger at Owerri in particular and for the failure of the federal administration so far to cope wtih it.

Everyone, from the federal administration in Lagos to the federal army in the field and the skeletal (ex-Biafran) relief administration on the spot, was disorientated by Biafra's collapse. No one expected it to be so sudden or so soon.

Relief workers estimate that within the enclave itself there are between 1.5 and 2 million people, but there has been no census of people even in Owerri. While it is widely believed that a high proportion need to be supplied with full rations, no one is sure.

The same goes for the medical condition of the people within the enclave. Medical attention is undoubtedly very inadequate, but no one seems to know how many people need drugs or clinic or hospital treatment.

The federal government's contingency plans all but collapsed with Biafra's sudden demise. The new plans, announced last week and involving the Ministry of Economic Development in a co-ordinating role over the whole operation, have yet to have any significant effect in the field.

Red Cross officials we met in the field all complain about the critical lack of transport. Donated trucks and Land-Rovers are not likely to reach the scene before the end of this week.

Another reason why refugees are going hungry is more complex. Biafran currency now is worthless. Only Nigerian currency is acceptable. This has led to an absurd and tragic situation.

Probably 90 per cent of the refugees here have enough Biafran money to buy essential food. The food is here, too—traders, mostly from parts north of here, have moved in. But, because they have only Biafran currency, the refugees are unable to buy.

PROPOSED SALE OF 100 MIRAGES TO LIBYA

Mr. CRANSTON. Mr. President, the French Government's plan to sell 100 Mirages to Libya is a sad commentary on the policies and current politics of a country that has traditionally been our oldest ally.

Against the wishes of the vast majority of its own people, the Government of France—the France of Lafayette and Emile Zola—is peddling weapons to the Arab world to curry favor for advantages when oil concessions open up. This is a selfish and short-sighted policy.

Coming at a time when tensions in the Middle East are at a peak, such a sordid, contemptible case of influence peddling makes a mockery of the Pompidou government's pretense of promoting peace in the Middle East.

The French logic escapes me. On the one hand, the French Government declares an arms embargo against all nations involved in the 1967 war in the Middle East, even at the price of failing to honor commitments already made to Israel. On the other hand, France sees no inconsistency in selling approximately $800 million worth of sophisticated, offensive military weapons to Libya.

Libya, having recently experienced a bloodless coup, is hardly in a position to utilize these weapons. Furthermore, the Libyan air force is ill equipped and poorly trained in the use of these highly technical weapons of war. It is difficult to imagine any possible use of these planes except in a war against Israel. Though there is a clause in the arms contract against the sale of these planes to third parties—notably Egypt, Jordan, and Syria—there can be no real enforcement of this provision once the sale has been made.

Whatever reasons the French Government has for this sale, they obviously do not include a desire to promote peace. France is clearly motivated solely by a short-sighted desire to maintain and improve her position in the Mediterranean and continue the Gaullist policy of seeking to consolidate French political and economic interests in the Arab countries. Oil is a crucial commodity in the Middle East and France is an important buyer. Arms sales constitute one way of balancing French trade in that area.

Through its unilateral action, the French Government has dramatically and drastically increased the tensions in what is already a tense and dangerous area of the world. When these jets arrive, the balance of power in the Middle East will be significantly and critically shifted in favor of the Arab nations. The recurrence of the larger scale war the Arabs constantly threaten will be closer to becoming a tragic reality.

The one clear task which confronts the nations of the Middle East is to find ways to reduce hostilities and tensions so a viable peace can be negotiated. This precipitous action by France can only be seen as harmful to that end. The people of France would have wished that its government took the path of the peacemaker. The Pompidou government has chosen the path of the influence-peddler instead.

I am sure that Senators will remember this episode the next time there is a run on the French franc.

RISING LEVEL OF VIOLENCE IN PUBLIC SCHOOLS

Mr. SPONG. Mr. President, the rising level of violence in our public schools is an aspect of the crime problem which up to now has received little legislative attention; yet, it poses a serious threat to our whole educational system.

As chairman of the Subcommittee on Education of the Committee on the District of Columbia, I conducted hearings last October on the situation in Washington schools. I was appalled by what I heard.

For example, the principal of a junior high school reported 30 cases of extortion, 20 assaults, 23 locker break-ins, two school burglaries, and innumerable cases of vandalism in just one 3-week period this year.

Another principal testified that his school experienced an average of two or three purse snatchings a day and had recently had a mugging on the building's front steps.

At another high school, an assistant principal was murdered by youths fleeing after robbing the school bank, and last month, a junior high school student was shot and killed in a hallway.

In common with other school systems in this country, the District is also experiencing a growing drug abuse problem.

School crime is an extremely complex and many-sided phenomenon and there are no simple solutions. Still, I am disappointed that in the 4 months since our hearings, District school authorities have not yet done more to come to grips with it.

After reviewing the situation with school and community leaders, however, I have concluded that the problem has grown beyond anything our school personnel are trained or equipped to handle. Traditional methods of discipline simply cannot cope with the new levels and types of crime occurring in schools today, nor can they come to grips with the problem of drugs and narcotics.

We are not talking any longer about simple truancy and schoolboy pranks. We are talking about criminal behavior—about assaults, robberies, murder, extortion, and drug peddling. And, frankly, the schools are not equipped to control it.

This is not a problem which is confined to the District but one which afflicts schools across the Nation.

Let me read a few excerpts from the Report of the President's Task Force on Urban Education:

> It is estimated that the public school systems in the Nation's 193 largest urban areas have suffered at least $70 million from school vandalism each year since 1960 . . .
>
> In Philadelphia . . . there was a 500 percent increase in the number of reported assaults on or threats to school personnel in the period 1962 to 1967.
>
> In Chicago . . . the assaults upon teachers during the first six months of the September 1968 term were up to 30 percent over the same period in 1967.

In its most shocking note, the task force reports that three out of four of East St. Louis' 900 teachers are today carrying guns.

Clearly we are faced here with a crisis of national proportions. And, I have written today urging President Nixon, Commissioner of Education Allen, and Attorney General Mitchell to assign the highest priority to meeting it.

I believe there is need for some kind of safe schools legislation to provide grant assistance for special training of teachers and other school personnel, development of better counseling techniques, research into the connection between school violence and the drug abuse, curricular reviews and development of new kinds of community-school organizations.

Crime in the schools is only one facet of our overall crime problem, but it must be recognized that education is the key to everything we hope to accomplish in this field. If we cannot provide a safe environment in our schools, if we cannot protect our schools, if we cannot protect our children from attacks, intimidation, and corruption in their very classrooms, then I submit we are beaten in the war on crime before we begin.

DEVELOPMENT OF THE MIRV

Mr. CRANSTON. Mr. President, the issue of development of the multiple independently targetable reentry vehicle—MIRV—is indeed a critical one, for it relates directly to the prospects for progress in the crucial arms limitation talks we have now begun with the Soviet Union. These talks represent what I hope will be the beginning of significant and substantial arms reductions by the major powers of the world. For when we have mutually reversed the spiraling arms race we will have taken a critical step away from the abyss of annihilation and the destruction of mankind.

MIRV, furthermore, represents only the latest addition to the alphabet nightmare of weapons of war. It is wonderfully deluding to refer to these weapons as ABM, MIRV, and others. In this way we blind ourselves to the deadly, insane nature of their destructiveness.

I am totally opposed to the further development of MIRV and have joined many of my colleagues in cosponsoring my good friend Senator Brooke's resolution, Senate Resolution 211, which is designed to achieve this end.

Thus, I am pleased to ask unanimous consent to have printed in the Record the editorial from the Christian Science Monitor which analyzes the issue and its implications so well. It is good to note that while I may disagree with Dr. DuBridge on the matter of offshore oil drilling in California, I can readily agree with his reported desire to halt the development of this destructive weapon of war.

There being no objection, the article was ordered to be printed in the Record, as follows:

A Step Full of Promise

We have long felt, and stressed, that the first major opening step of the forthcoming American-Russian arms limitation talks should be a joint agreement to halt development of the MIRV (multiple independently targetable reentry vehicle). We feel that neither side would run any grave risk in doing so, since each already has overwhelming deterrent striking power.

But this is only a negative argument. There is, more importantly, a positive argument for such a MIRV testing moratorium. This is the impetus which any such American-Russian agreement would give to the whole search for arms control and peace. Were the coming April conference in Vienna opened with such a dramatic step, it could have a remarkably healthy influence on all subsequent decisions. It would have pointed the conference in the right direction, that is towards agreement and positive action. In short, a MIRV standstill would create a foundation of forward-movement and success, upon which further and even more important decisions could be built.

Thus we are delighted to note reports that President Nixon's scientific adviser, Dr. Lee DuBridge, has become convinced that such a moratorium is not only feasible but desirable. Dr. DuBridge is a man of no little influence, and his decision, made after a long period of weighing pros and cons, could be of very considerable weight. Nor can Dr. DuBridge be accused of being merely airily optimistic, since he is understood to be strongly opposed to a one-sided American stopping of MIRV development.

The step-off meetings between Americans and Russians in Helsinki went encouragingly well. Both sides seemed to demonstrate a basic wish to reach some kind of an agreement which would lift both the burden and the danger of the present arms race from their shoulders. Each, in the interim between Helsinki and Vienna, have repeated their hopes for agreement.

But there is universal recognition that, on an issue of this nature, an immense distance remains to be trodden. What is needed is some bright mark that can serve as a beacon lighting the path to further progress. Such a beacon would be a moratorium (first temporarily, then, hopefully, permanent) on this hydro-headed weapon of destruction. The American and Russian people, along with the rest of crucially interested mankind, long for progress on weapons control. They are ready to see their governments take a reasonable chance on peace. A moratorium on MIRV could, and we believe would, be as a step full of promise.

ENVIRONMENTAL QUALITY: PLANNING WASTE MANAGEMENT

Mr. TYDINGS. Mr. President, the consideration of proper waste management is a vital factor in environmental planning. We have increasing evidence of the crucial role sewage disposal plays in maintaining delicate ecological balances.

The wise use of effluents to benefit rather than damage the environment is the subject of a thorough and thoughtful article written by Lee Berton and published in the Wall Street Journal of December 2, 1969. In studying the critical problem of recycling nutrients in wastes and sewage into nature, ecologists find that effluents which pollute lakes and streams can enrich the soil as well; phosphates from sewage plants which cause pollution of lakes can be sprayed on forests to encourage plant growth. A major threat to Maryland's Chesapeake Bay is pollution by noxious substances, such as organisms found in white perch which could cause typhoid fever and dysentery.

As John Cantlon, former president of the Ecological Society of America, says:

> We've got to plan our cities and rural areas so that waste management is one of the major elements, and we put in enough green space or swamp land to absorb our effluents through enrichment of the soil rather than pollution of our lakes and streams.

I ask unanimous consent that the article be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

[From the Wall Street Journal, Dec. 2, 1969]

Ecology and Problems Beyond Pollution

(By Lee Berton)

"U.S. cities are mining the productive soils of the prairies and dumping useful nutrients into places like New York harbor, where they are harmful, and the Hackensack Meadows in New Jersey, where they are useless."

That, says University of Pennsylvania Professor Ian McHarg, is perhaps the most pressing environmental problem uncovered in a just-completed five-year aerial and ground-level inventory of natural resources in the Delaware River Basin. Mr. McHarg is chairman of the department of landscape architecture and regional planning at Penn, and the survey taken under his direction is one of the most extensive projects yet in the fledgling science of ecology, or the study of man's relationship with his total environment.

The problem of environment, ecologists stress, goes far beyond merely pollution, for all its current popularity in headlines and on television screens. For too long, they contend, man has thought merely of disposing of wastes, preferably in some innocuous way. But, Mr. McHarg declares, "burning garbage at incineration plants or burying it in landfill is stupid and senseless. All we get for our troubles are poisonous methane gas and poor foundations."

The real solution to waste management, the ecologists say, is to use sewage and other effluents wisely, so they benefit rather than damage the environment. By and large, wastes are fertilizers and foods needed by some organisms. Put in the right place they can be useful; but put in the wrong place they entirely upset the balance of the environment.

SEWER DISPOSAL DIFFICULTIES

The problem is particularly obvious, and particularly pressing, in the treatment and disposal of sewage. Current treatment depends heavily on aeration to kill harmful bacteria and remove offensive odors. The resulting effluent is released into lakes and streams.

The process breaks sewage down into its constituent compounds of phosphorous, nitrogen and the like. These compounds are

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food for many organisms, and releasing too much of them into waters stimulates a clogging overgrowth. The much publicized "pollution" of Lake Erie, for example, does not actually result from inherently noxious chemicals. Rather it comes from an overabundance of generally beneficial ones, stimulating an excessive plant growth that uses up so much of the available oxygen fish can no longer survive.

John Cantlon, former president of the Ecological Society of America, says "We've got to plan our cities and rural areas so that waste management is one of the major elements, and we put in enough green space or swamp land to absorb our effluents through enrichment of the soil rather than pollution of our lakes and streams."

Ecologists generally support that opinion strongly. The principle is clear enough. Rather than run phosphates from sewage plants into Lake Erie, for example, spray them on green belts or forests surrounding cities, where more plant growth is needed. In working out the details, though, many projects remain only in the idea stage, and others serve mostly to suggest the difficulties and expense involved.

George M. Woodwell, a senior ecologist at Brookhaven National Laboratories in Upton, N.Y., suggests building small marshes and ponds as "great sinks for these nutrients." In these water bodies, Mr. Woodwell would harvest carp and rice, which he describes as excellent crops for absorbing sewage plant effluent. He has asked the Atomic Energy Commission for a grant of several million dollars to conduct a 10-year study of these "terrestrial and aquatic swamps," which he describes as similar to Southeast Asia's "paddy-and-fish" irrigation systems.

At Lake Mendota near Madison, Wis., University of Wisconsin researchers have been removing aquatic plants with special harvesting equipment for the past three years. "Before the city of Madison stopped spewing its sewage into the lake three years ago, the waters became so thick with milfoil, a spruce-like underwater growth, that boats and canoes couldn't sail and fish and humans couldn't swim," recalls Arthur Hasler, director of the university's Laboratory of Limnology (the study of fresh inland waterways).

Professor Hasler says these aquatic plants are being cut up after harvesting and are being used for hog feed and compost. "But we are removing the plants choking up Mendota with only three machines, which is like using one lawnmower on all our city parks," he says. "We need at least 10 of these weed harvesters or we're simply making a gesture rather than a real effort." The harvesters, however, cost $40,000 each and the city of Madison and surrounding Dane County can't afford more than three, he adds.

Michigan State University in East Lansing began a project two years ago to absorb the sewage effluent from its 40,000 students without polluting nearby lakes. Researchers at the university's Institute of Water Research discovered that if they construct a system of connected ponds and small plots of woods and specific crops, they could absorb the nutrients in the effluent without upsetting the ecological balance of the landscape.

Marvin E. Stephenson, an associate professor working on the project, says five pounds and 200 acres of three-to-five acre plots of hardwoods or corn and alfalfa cover 450 acres. Pollution of the ponds decreases as each is drained into another and the final pond, which is five times the size of the other four, is clean enough for swimming. The first few ponds, which get the brunt of the sewage, are occasionally harvested of overgrowths of water weeds and plants.

Nutrients from the smaller ponds are used to fertilize small plots of land and each plot is being studied to see which plants or vegetables absorb phosphates or nitrates quickest. The budget for the project is $1.4 million.

At present the project is infeasible for large cities. Professor Stephenson estimates that 350 square miles of ponds and plots would be needed to treat all New York City's effluent; the city itself covers only 320 square miles. "The land area needed to absorb without pollution the 15 billion gallons of treated sewage of the U.S. daily would encompass 3,500 square miles, or more than Rhode Island and Delaware together," he points out.

Some communities are diverting effluent from nearby lakes to distant irrigation reservoirs used by farmers. Professor Hasler is a consultant to the South Tahoe Public Utility District, which raised $9 million locally and received a $10 million Federal grant to pipe treated sewage over the mountains into California rather than into Lake Tahoe in Nevada. He recalls, "At first the farmers weren't too keen on using 'night soil' to fertilize their fields, but they've discovered it doesn't smell that bad and is much better than commercial chemicals."

USE THE OCEANS?

While methods of recycling nutrients into nature are being studied and perfected, some ecologists believe a useful stopgap would be dumping sewage far out into the oceans, well beyond the continental shelf. William Niering, a botany professor at Connecticut College in New London, suggests isolating sections of the oceans with plastic barriers for dumping contaminants. "We could create self-contained ponding areas that wouldn't spread sewage," he says, adding that the open ocean is now a "biological desert" that could absorb organic fertilizers without harmful pollution.

To promote better handling of wastes. David Gates, a St. Louis ecologist, has asked Congress to establish a National Institute of Ecology. He also recommends the creation of ecosystem analysis task forces, which would study certain geographical areas and try to save animal and plant species being eliminated by pollution or competing, less desirable species.

Ecologists concede that improving waste management will require huge spending. To manage the nation as an orderly ecosystem, Mr. Gates says, would be "like fighting a major war," and would cost billions of dollars. He adds that while this sounds expensive, so, a decade ago, did sending a man to the moon. "Attacking pollution is more important than space travel and we've got to abandon the notion we can't afford new ecosystems. We're poisoning our world and we can't afford not to spend the money as soon as possible."

Most ecologists are discouraged over whether such funds will become available, for they see the Federal Government as the only logical source. Total national expenditures for disposing of solid wastes, both public and private, now run about $4.5 billion a year. Robert Finch, Secretary of Health, Education, and Welfare, concedes that these outlays "have simply not been effective in preserving or improving the quality of our landscape." But he told a Senate subcommittee recently that the Administration wants industry rather than Government to pay for coping with the nation's growing mountains of trash.

INADEQUATE AND UNSANITARY

Much of today's waste disposal, moreover, is inadequate even from the traditional standpoint of simple sanitation, let alone from the more modern perspectives of the ecologists Federal officials say that 75% of the country's municipal incinerators are "unsatisfactory from the standpoint of public health, efficiency or protection of natural resources."

Instances of pollution by noxious substances also remain a serious problem. White perch caught in Chesapeake Bay were found to contain organisms that could cause typhoid fever, dysentery and tuberculosis. Coho salmon caught in the Great Lakes were found to contain dangerously high levels of DDT.

It seems clear, through, that the ecologists' point that the old standards are not enough will demand more attention in tne future. Whatever the level or source of funding for waste management, the problem will be not merely waste disposal but proper use of the resulting nutrients.

"If man continues to degrade his land by dumping nutrients into the wrong places," says Brookhaven Labs' Mr. Woodwell, "We'll eventually kill off all species of fish, fowl, birds and animals that we like, while species we don't like will survive." Crab grass, rats, crows and inedible fish will survive, he warns, "but eagles, pine trees and trout will disappear."

PRESIDENT NIXON EMPHASIZES NATIONAL NEEDS AND GOALS IN PLEDGING ACTION ON URGENT PROBLEMS

Mr. RANDOLPH. Mr. President, the President's state of the Union message was a broad assessment of the problems facing our Nation. I commend the President for his assurance to the American people that the administration will move forward on several fronts to achieve results in areas of concern to all citizens.

I welcome the President's endorsement of programs to cope with the staggering problems of pollution, which have brought about the degradation of our environment. The Congress has acted positively on many aspects in this area since 1965, and the Public Works Committee is considering legislation to extend these efforts. With the experience thus gained, we can accurately judge the changes that are necessary.

The President recognizes the tremendous and continuing rise in crime throughout the Nation, and he will have my active cooperation in attacking this menace.

He correctly evaluated the need for revitalizing our rural areas. The Appalachian development program has made strides in meeting the needs of a largely rural section and may well serve as a model for a broader undertaking.

I concur that peace is our foremost priority and hope that the President will advance on every avenue which might lead to peace—peace with justice. It is a must.

I hope the President will send to the Congress strong, positive programs dealing with the urgent challenges that he outlined. And if he is willing to give them unqualified endorsement and adequate financing, I believe the Congress will respond positively. He will also need the full participation of Federal agencies to bring these programs to reality.

FEDERAL ROLE IN ENVIRONMENTAL PROTECTION

Mr. GOODELL. Mr. President, our once-beautiful earth is becoming a wasteland of refuse. Planless industrialization, sprawling urbanization and the population explosion threaten our environment—and the future of civilization itself.

In the last decade, the Federal Government has made some tentative attempts to respond to the crisis of our environment—but they continue to be woefully inadequate. These Federal programs have suffered from inadequate funding and more importantly, from failure to impose sufficiently rigorous Federal standards and controls.

If we are to stem the tide of pollution that is engulfing us, Congress and the President will have to be willing to fund Federal environmental programs at adequate levels and adopt stringent Federal controls and rigorous enforcement procedures.

On January 13, I delivered the Abbott Memorial Lecture at Colorado College, Colorado Springs entitled "The Federal Role in a National Strategy for Environmental Protection." In that lecture, I urged that the Federal Government take a far more active role in the entire pollution control field—especially in the implementation and enforcement of nationwide environmental quality standards. I ask that the full text of my remarks be included in the RECORD for the benefit of my colleagues.

There being no objection, the remarks were ordered to be printed in the RECORD, as follows:

THE FEDERAL ROLE IN A NATIONAL STRATEGY FOR ENVIRONMENTAL PROTECTION

(By Senator CHARLES E. GOODELL)

The wastes of civilization today threaten to consume civilization itself.

Standing on the moon, in the glow of a magnificent earthrise, we know that our world is an oasis in the vastness of space, supporting the only known life in the universe.

Yet, we see our own verdant planet pillaged and disfigured—by a "no deposit, no return" philosophy which threatens the integrity, stability and beauty of the entire biosphere.

Can man survive the offal of his civilization?

Is man willing to tame the three-headed Cerberus of our age—planless industrialization, sprawling urbanization and the population explosion?

The answer is surely in doubt.

The polluted, paralyzed and overpopulated environment of the American megalopolis is a clear and present danger to the health and well-being of its inhabitants.

Ever-expanding metropolitan areas such as "Boswash"—the formless and oozing urban complex stretching almost five hundred miles from Boston to Washington—are but harbingers of a still more constricted, more suffocating life for the future.

To document the gravity of the ecologic backlash, we need only use our eyes and noses and ears.

We need only see the rotting slums of a hundred ghettos; the decaying downtown centers of cities large and small across the nation; the industrial wastelands that disfigure our countryside.

We need only smell—and, alas, see—the filthy air of New York City and Los Angeles.

We need only hear the deafening noise around every big jetport in the nation.

We need only look at the junkyards, billboards and abandoned car lots that litter our highways.

We need only travel on congested highways through vast and chaotic suburban settlements that have sprung up around so many of our cities.

We need only regard the blackened and dying waters of our great rivers and lakes.

No more dramatic examples may be cited than the Potomac River.

We have seen photographs of President William Howard Taft a half a century ago taking his recreation by floating on the Potomac. Only last summer, a member of my staff fell into the same river while canoeing and had to be hospitalized overnight for observation and treatment.

The known facts and figures grimly confirm the evidence of our senses.

Americans spew 150 million tons of pollutants into the atmosphere every year, principally from the burning of fossil fuels. The resulting damage amounts to about $12 billion annually.

Much of our fresh water supply is unfit for human or animal consumption, for agricultural use, or even for industrial purposes. It has been rendered unsuitable for recreational use or as a habitat for fish or aquatic life. Two of the largest bodies of fresh water in the world, Lake Michigan, and Lake Erie bordering my own State of New York, have been overtaken by advanced "eutrophication"—that is, ecological aging.

Noise pollution, thermal pollution—the ecological disturbance caused by the warming of our sources of fresh water—and the dangers of radioactivity posed by the proliferation of nuclear power plants are other serious threats to our environment.

The gravity of the crisis of our environment demands vigorous and comprehensive governmental action now. A tough, realistic and effective commitment to the solution of the problem today will forestall the need for far more drastic measures tomorrow.

Moreover, if we act now, we can still meet the problem in the context of our democratic traditions and free institutions. If we wait too long—if we delay until the problem becomes an immediate one of life or death—this will no longer be possible.

We can still meet the problem of the population explosion in America by voluntary programs, not by government compulsion. If after several decades such growth continues unchecked, it is likely that our immediate needs for survival will no longer allow this approach.

We can still meet the problem of industrial wastes by imposing emission standards, not by limiting the amount of waste-producing goods that can be manufactured or consumed. If after several decades of inaction our air or water supply is in immediate danger of annihilation, the more drastic approach will inevitably prove necessary in the interests of sheer survival.

In recent years, we have seen some initial attempts to respond to the crisis of the environment, but they continue to be woefully inadequate.

The last decade has witnessed the entry of the Federal government into the field of pollution control. Congress passed the Clean Air Act, the Water Quality Act, the Motor Vehicle Pollution Control Act, the Solid Waste Disposal Act, the Clean Waters Restoration Act and the Air Quality Act, which established our basic Federal programs for the treatment of air, water and solid waste pollution.

With the enactment of these programs, Federal spending on environmental programs has risen to over half a billion dollars in fiscal 1969. The Federal Water Pollution Control Administration in the Department of the Interior operated last year with a budget of $300.8 million; the Air Pollution Control Administration in the Department of Health, Education and Welfare with a budget of $88.5 million; and the Office of Solid Waste in the same Department with a budget of $15 million.

Despite this effort, the existing Federal programs have suffered from fundamental flaws.

A major weakness lies in the financing. Congress and the Executive have created some ambitious programs, but have defaulted on their commitment to fund these programs adequately.

A drastic example of this failure is seen in the funding of the largest federal water pollution control program, of Federal grants for the construction of municipal waste treatment plants. In fiscal 1969, this important program was authorized at the level of $700 million, but actually funded by Congress at less than one-third of this amount, $214 million. In earlier years, there were similar gaps between authorization and appropriation. As a result, municipalities are moving far below the rate necessary to begin meeting water quality standard goals.

This failure of funding has not only slowed down the implementation of Federal programs; it has undermined confidence in the programs themselves. Many states and localities have proven reluctant to embark upon costly pollution control projects, in view of the risk that the Federal government will fail to meet its share of the costs. Others—such as New York—that have had the commitment to proceed with their projects have had to shoulder the main cost burden themselves.

A still more fundamental weakness has been the failure to impose truly effective Federal standards and controls.

In some vital fields, there simply are no Federal standards or enforcement procedures. This is true in the case of solid waste pollution.

Municipalities and industrial operations generate over 190 million tons of solid wastes annually, and this figure is expected to rise to 340 million tons by the end of this decade. Traditional disposal of municipal solid waste is by landfill and incineration, which often result in pollution of land, water and the atmosphere. About 90 per cent of the total disposal is in landfills, only a small percentage of which are satisfactory from the standpoint of pollution control. And in the areas where volume of solid waste is the highest, land for this purpose is becoming extremely scarce.

Existing law provides for Federal demonstration grants to states and municipalities for construction of solid waste disposal facilities. However, the sums available—under $6 million in fiscal 1969—are negligible in relation to the problem.

There is no provision in Federal law requiring municipalities and industries to live up to any standards for their treatment of solid wastes. This is simply left to state and local regulation. As a result, the incentive for municipalities and industry to develop and implement adequate disposal procedures is small, indeed.

Even where present Federal law seeks to impose standards, serious inadequacies are evident.

In some cases, the enforcement responsibility is given to the wrong agency. This is true of the Federal noise abatement legislation enacted in 1968, which empowers the Federal Aviation Agency to set noise and sonic boom requirements as part of its authority to certify aircraft. The FAA is essentially an aviation development agency, with close ties to the aircraft industry. Giving this agency the responsibility to set noise standards is like putting the cat in charge of the canary cage.

In other instances, too much authority is left to the states, given the fact that pollution is a phenomenon which transcends state lines. This is true of the Federal Water Quality Act, which requires each state to adopt its own water quality standards, subject to Federal approval. At least two states, Iowa and Virginia, still have not developed water quality standards acceptable implementation plans to the Federal authorities, for their interstate waters. A regional approach to water quality standards—one that took into account the great interstate river systems that exist in this nation—would have been far more rational and effective than this state-by-state approach.

Another weakness is that of too many built-in delays. This is true of the Federal Air Quality Act. With all the procedural and due-process delays inherent in the legislation, more than five years could pass from the time of the law's enactment in 1967 before air quality standards would be in use.

Another defect of existing legislation has been the inadequacy of the standards actually imposed. This is true of the present motor vehicle exhaust criteria adopted under the Clean Air Act. The Senate Commerce Committee's March 25, 1969, report on low-emission vehicles says "present emission standards will not stabilize, much less reduce, vehicular air pollution . . . Under existing controls, automobile air pollution in the United States will more than double in the next 30 years because of the projected increase in both the number of vehicles and miles driven by each vehicle."

A last weakness is the absence of swift and effective enforcement procedures. Under Federal air quality legislation, for example, the Federal agency administering the program has no power to issue cease and desist orders against industries violating air quality standards. In fact, enforcement is simply delegated to the states, with an elaborate and time-consuming procedure for the institution of suit by the Attorney General in the event a state fails to enforce the quality standards.

How, then, can we make reforms that will assure a more effective Federal role in the protection of our environment? It is by the adoption of much tougher Federal standards.

The treatment of wastes is an extremely costly process. It is one in which our market system—which ordinarily works so well for distributing and pricing goods and services—operates in reverse. The cheapest and competitively most effective way for a private producer to dispose of residuals is often the most harmful way—that of dumping them untreated into the air or water or soil. The ordinary safeguard of quality in a market economy—the demand of the consumer to be served well—does not operate because the individual consumer does not feel directly affected by such pollution.

Because of these economic factors, pollution can never be effectively controlled on a voluntary basis. The costs to the individual producer are too great and the returns too small. It can be controlled only if government intervenes—and imposes standards.

The Federal government is the only one that can impose pollution control standards which are uniform and fair.

As a general philosophical matter, I am by no means an advocate of further centralizing decisions in Washington. In fact, my preference has been just the opposite—for decentralizing the decision-making process to the extent feasible. For the last ten years, for example, I have been a strong supporter of Federal revenue sharing—a plan to strengthen the fiscal base of states and localities by returning to them a portion of Federal revenues without Federal controls.

Pollution, however, is a special case. It is one where Federal initiative and Federal control are essential.

Pollution is a problem which is national in scope and which shows no respect for state or local boundaries.

A river system flowing through several states should have one standard of water quality for the entire system. It also needs one system of enforcement under which those located downstream who suffer the effects of pollution have a clear and effective remedy against those located upstream in a different state who are guilty of causing the pollution. It simply makes no sense to have overlapping standards or enforcement procedures for the different states through which the river flows.

The same holds true for air pollution. Industrial wastes discharged into the air in New Jersey inevitably affect the quality of the air in New York City. A single rule and a unified enforcement procedure must be applicable for the entire metropolitan region.

Some states, I might vote, have attempted to deal with the regional nature of pollution problems through interstate compacts. New York State, for example, has joined in a compact with its neighbors for controlling the pollution of the Delaware River. Other states, unfortunately, have not been willing to follow this approach. For example, California and Nevada have still been unable to agree on measures for abating the pollution of Lake Tahoe.

Federal standards are also made necessary by the realities of interstate and interarea competition.

Pollution control is, as I have said before, extremely costly. The expense should be borne on a fair basis by competing producers throughout the nation. If not—if stricter standards are in force in one area than in another—those industries located in the area of greater leniency will have the unwarranted competitive advantage of being able to sell their products more cheaply.

Interstate and interarea competition sharply limit the ability of states and localities to take the initiative in imposing effective pollution controls. Because of expense factors, industry will tend to gravitate away from jurisdictions which make the greatest effort to protect their environment and toward the jurisdictions which make the least effort.

In short, if the primary burden of environmental controls rests with states and localities, a competition in laxity among these jurisdictions will undermine effective environmental protection.

Present law reflects a timid and tentative attempt to develop Federal standards in some areas. There is an urgent need, however, for much greater Federal initiative, stricter Federal standards and uncompromising and uniform Federal enforcement procedures.

Reform is particularly needed in the following areas:

First, Congress should authorize the imposition of Federal pollution control standards for the disposal of solid wastes and for other serious environmental hazards of national scope that are now left purely to state and local regulation.

Second, Federal standards should aim toward a reasonable degree of uniformity throughout the nation, with appropriate regional variations to reflect regional ecologic differences. Only by such an approach can we avoid creating unfair competitive disparities among producers in different sections of the country, while taking into account diversities in regional needs.

Third, states and localities should be consulted in the formulation of Federal standards, but the main initiative should come from the Federal level. Effort should be made to avoid discrepancies and delays in the formulation of standards—such as those inherent in the state-by-state approach of the present water quality legislation, where each state formulates its own standards and submits them for Federal approval.

Fourth, enforcement of Federal standards should also be primarily a Federal function, not automatically turned back to state and local governments. Provision should be made for adequate enforcement powers at the Federal level, including in appropriate cases the authority to issue cease and desist orders.

Fifth, the Federal agency administering the standards should be adequately and competently staffed and should develop simple and effective procedures that avoid delays and red tape. Still more important, the agency should avoid identification with the industry it regulates. In short, the Federal standards have to be vigorously and impartially administered—or else they are useless.

In making these suggestions, I do not mean to minimize in any way the pioneering efforts of states such as New York, which led the fight against pollution long before the Federal government entered the field.

Where a state, such as my own, has taken the initiative to develop effective pollution control programs, it can perform an invaluable role in supporting the Federal efforts. Its enforcement machinery can be used on a cooperative basis to police Federal standards. Its research and grant-in-aid programs will provide a much-needed supplement to the Federal funding programs.

The costs to industry of meeting rigorous and effective Federal controls will undoubtedly be in the order of many billions of dollars. Given the other demands upon the Federal budget, a portion of these costs will undoubtedly have to be borne by industry itself—and ultimately shared by the entire economy as producers pass costs on to consumers.

However, Federal grant-in-aid and research programs can continue to play an important supplementary role in helping industry to meet some of the extraordinary initial investment expense of developing and installing pollution control equipment to comply with Federal standards.

In addition, special Federal subsidies or tax incentives might in certain instances be needed for industries whose conversion to pollution control procedures are shown to impair their capacity to compete in international commerce.

Federal support is also urgently needed for a major campaign of public education.

A large segment of the public still has not fully understood the proportions and urgency of our environmental crisis and the threat it represents to the quality of human life.

The nature of environmental problems is not easy to grasp in personal, immediate terms. The threat that pollution represents to health, for example, is not broadly and fully understood.

Air and water pollution become progressively worse at imperceptible rates, making it easier to accept living in a polluted environment. In many communities, industrial smokestacks belching waste into the air have traditionally symbolized prosperity and jobs, making it harder for the inhabitants to recognize its offensive and dangerous side effects.

The United States can never hope to succeed against the problems of the environment without broad public understanding and support.

During the last session of Congress, I introduced in the Senate a bill, "The Environmental Reclamation Education Act of 1969" (S. 3237). This proposed legislation authorizes the Secretary of Health, Education, and Welfare to develop a $37 million national environmental-ecological education program ranging from the pre-school to the graduate level. The bill would also establish a National Commission on Technology and the Environment to examine the capacity of the Federal government to manage technological change consistent with our national environmental goals.

Environmental education can be the catalyst to an informed citizenry able and willing to act to meet the threat of our degraded environment.

Unlike so many problems that are confronting America today, the environment is not a black problem or a white problem, a class, regional or sectional problem. It is not "their" problem, but "our" problem. It is a problem which we can unite to solve and from which we can draw strength and renewed confidence in solving.

Given the steadily deteriorating condition of the earth's delicate biota, how many years have we left before the tide of pollution and poison engulfs us all?

At stake is the very balance of life on this planet.

Sealed in our tiny ship of earth in the vastness of space, we must now all be stewards in the preservation of the cargo of life.

CONCLUSION OF MORNING BUSINESS

The VICE PRESIDENT. Is there further morning business? If not, morning business is concluded.

ORGANIZED CRIME CONTROL ACT OF 1968

The VICE PRESIDENT. The Chair, pursuant to the previous order, lays before the Senate the unfinished business which will be stated by title.

The LEGISLATIVE CLERK. A bill (S. 30) relating to the control of organized crime in the United States.

ORDER OF BUSINESS

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The VICE PRESIDENT. Without objection, it is so ordered.

RECESS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate stand in recess subject to the call of the Chair for the purpose of having the Senate proceed in a body to the Hall of the House of Representatives to hear the President of the United States deliver his state of the Union message.

The VICE PRESIDENT. Is there objection? The Chair hears none, and it is so ordered.

At 12 o'clock and 12 minutes p.m. the Senate took a recess subject to the call of the Chair.

Thereupon the Senate, preceded by the Sergeant at Arms, Mr. Robert G. Dunphy; the Chief Clerk of the Senate, Mr. Darrell St. Claire; and the Vice President of the United States, proceeded to the Hall of the House of Representatives to hear the address by the President of the United States on the state of the Union.

(The address by the President of the United States, delivered by him at the joint session of the two Houses of Congress, appears in the proceedings of the House of Representatives in today's RECORD.)

At 1:19 p.m., on the expiration of the recess, the Senate, having returned to its Chamber, reassembled, and was called to order by the Presiding Officer (Mr. HUGHES in the Chair).

Mr. PROXMIRE. Mr. President, I ask unanimous consent that I be permitted to speak for 5 minutes notwithstanding rule VIII.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

FLYING FICKLE FINGER OF FATE AWARD PRESENTED TO THE AIR FORCE

Mr. PROXMIRE. Mr. President, a year ago last November, A. E. Fitzgerald testified before the Subcommittee on Economy in Government of the Joint Economic Committee that there was a $2 billion overrun on the C–5A.

Soon things began to happen to him. His newly won career status in the civil service was withdrawn on grounds that it was a "computer error." He was no longer invited to important meetings. Colleagues snubbed him. His major duties over the cost of major weapons systems were withdrawn and he was given the "important" job of examining the cost overruns in bowling alleys and military mess halls in Thailand. He was wrongly and spitefully charged with leaking classified information to Congress—a charge which is utterly untrue for he was absolutely meticulous in going through channels in presenting information to my committee. After publicly denying it, the Air Force in fact conducted a one-sided investigation into his past, hoping they might turn up something derogatory. They did not. All they found was that he was a cost-conscious civil servant who drove a Rambler to prove how parsimonious he really was. Incidentally, that investigation file failed to include some very favorable comments about Fitzgerald from those who were interviewed. I know this because I saw the file.

In addition to testifying truthfully about the overruns, Fitzgerald warned the committee last June about structural defects and poor performance of the C–5A. The Air Force denied this, but last week the few existing planes were grounded when a crack developed in the wing. Fitzgerald was right on this count too.

Finally, the Air Force, in an alleged economy move, abolished his job. The truth was that in turn he was harassed, ostracized, investigated, and fired.

In November when Secretary of the Air Force Seamans testified before my subcommittee, I asked him with whom he had consulted before he fired Fitzgerald. The Secretary demurred.

He said:

> I did not decide to fire Mr. Fitzgerald. I prefer to use the term, the correct term, "to abolish his job."

When the Secretary said that, the audience laughed. In fact, the staff laughed, the press laughed, and the committee laughed. In my almost 13 years in the Senate, I remember no occasion in which a witness was so obviously embarrassed by his own statement.

On January 12, 1970, a few days ago, the Rowan and Martin "Laugh In" show on NBC memorialized that occasion. They gave the Flying Fickle Finger of Fate Award to the Air Force.

Mr. President, I will read the transcript of that portion of the program where Dick and Dan presented Secretary of the Air Force Seamans with the Flying Fickle Finger of Fate Award:

FLYING FICKLE FINGER OF FATE AWARD, AS BROADCAST JANUARY 12, 1970

Boys enter, Dick holds award.

Music: Fanfare.

DAN. Well, as they used to say on "My Little Margie" . . . It's time for the Flying Fickle Finger of Fate.

DICK. Tell me . . . who gets the potent prober this time?

DAN. Just about to tell you . . . The United States Department of the Air Force.

DICK. They go a little wild in the old blue yonder?

DAN. In a way, yes . . . Mr. A. E. Fitzgerald, a top efficiency expert for the Air Force said that the cost of the C5A transport project would go two billion dollars over budget.

DICK. Ah ha . . . so the Air Force commended him for his good work, uh?

DAN. Not quite! You see, Mr. Fitzgerald blamed the extra cost on bad management and inadequate cost control on the part of the Air Force . . . And he said so before the Senate Subcommittee.

DICK. But isn't that his job?

DAN. Not any more.

DICK. He got fired for *that*?

DAN. Not according to an Air Force spokesman.

DICK. Well, it *sounds* like he got fired for *that*.

DAN. What the Air Force *did* was to eliminate his job.

DICK. He got *fired* for that alright.

DAN. Air Force secretary Robert Seamans said Mr. Fitzgerald's job was abolished in an effort to save money.

DICK. Whoops . . . watch it, Mr. Secretary. You know what happened to Mr. Fitzgerald . . . for trying to save money!

DAN. Better be careful . . . So here it is, Air Force Department . . . Take good care of it.

DICK. With proper management and adequate cost control this can really help you take off!

GENOCIDE CONVENTION IN PERSPECTIVE

Mr. PROXMIRE. Mr. President—

For centuries, the advance of civilization has been measured by the progress made in securing human rights.

Writing to the U.S. Commission for the observance of Human Rights, candidate Richard M. Nixon continued:

> It is America's role and responsibility . . . so to conduct itself as to provide an example that will truly light the world.

I strongly share these sentiments expressed by Richard Nixon and I urge him now as President of the United States to take the lead in giving his active support to persuade the Senate to ratify the several human rights conventions now before it.

In particular, I am concerned with the Human Rights Conventions on Genocide, Forced Labor, and Women's Rights.

Recently Bruno V. Bitker, a distinguished Wisconsin lawyer, chairman of the Wisconsin advisory committee of the U.S. Commission on Civil Rights, and a member of the U.S. National Commission for UNESCO, discussed the problems of ratification of the genocide convention. In an article appearing in the January 1970 issue of the American Bar Association Journal, Mr. Bitker traces the history of the genocide convention, examines and disposes of arguments used in the past by the bar association to sustain its reservations on the convention, and urges the bar association to now forcefully take the initiative in getting the convention ratified.

I warmly endorse Mr. Bitker's thoughts

and ask unanimous consent that Mr. Bitker's article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

Genocide Revisited

(By Bruno V. Bitker)

(NOTE.—More than two decades have passed since the United Nations General Assembly unanimously adopted the Convention on Genocide. At that time the United States signed the convention, but it has yet to ratify it. In 1949, the year the convention was submitted to the Senate, the American Bar Association went on record as opposing approval of the treaty as submitted. It is time the Association reconsidered whether such charges as that the convention would abridge American citizens' freedom of speech and right to a jury trial are valid.)

The time has come for the American Bar Association to take a new look at the United Nations Convention on Genocide. More than twenty years have elapsed since the convention was unanimously adopted by the United Nations General Assembly on December 9, 1948, and signed by the United States. The convention came into force on January 12, 1951, for those nations that ratified it. By the beginning of 1970 no less than seventy-five nations had ratified or acceded.

The convention was transmitted by President Truman to the United States Senate on June 16, 1949, for its advice and consent to ratification. In due course the Senate referred the treaty to its Foreign Relations Committee, which invited interested parties, including the American Bar Association, to testify for or against the treaty.

Two entities within the Association originally presented reports on the treaty to the House of Delegates: the Section of International and Comparative Law [1] and the Committee on Peace and Law Through United Nations.[2] The former recommended ratification with certain understandings or reservations, and the latter opposed ratification. When the House of Delegates had the two conflicting reports before it in September, 1949, it appointed its own special committee. This committee reported back to the House recommending that the proposed convention not be approved as submitted because it "involves important constitutional questions" and "raises important fundamental questions but does not resolve them in a manner consistent with our form of Government".[3] This resolution was adopted by the House. That was the last time the matter has been considered by the Association.

Hearings before a subcommittee of the Senate Foreign Relations Committee were held in 1950.[4] The American Bar Association's position was presented, as were those of the Committee on Peace and Law Through United Nations and of the Section of International and Comparative Law. A brief was presented in favor of ratification by an ad hoc legal advisory committee headed by the Honorable Robert P. Patterson. Testimony in support came from high government officials and a number of private citizens and organizations. Opposition was voiced by individual lawyers.

On May 23, 1950, the Senate subcommittee reported out the convention favorably with one declaration and four understandings.[5] The declaration was to the effect that the Senate was acting pursuant to Article I, Section 8, Clause 10 of the Constitution "and, consequently, the traditional jurisdiction of the several States of the Union with regard to crime is in no way abridged".[6] The understandings, subsequently discussed by the full committee as reservations, were to the effect that a state could not be held liable in damages for injuries inflicted by it on its own nationals; the intent to destroy a group must affect a substantial portion of the group; mental harm means permanent physical injury to mental faculties; and "complicity in genocide" means "participation before and after the fact and aiding and abetting in the commission of the crime".[7]

TABLED 20 YEARS AGO, IS THE CONVENTION BURIED?

The full Senate committee subsequently tabled the matter, and no further action has been taken in the Senate since 1950. The chairman of the Senate Committee on Foreign Relations, Senator Fulbright, in April, 1969, stated that it was his view that the committee could resume consideration at any time the members wish. He noted, too, that "the Committee's disposition may be influenced if the American Bar Association were to recommend ratification".[8]

The convention defines genocide to mean certain acts committed with the intent to destroy, in whole or in part, a national, ethnic, racial or religious group, as such. The acts include killing, causing serious bodily or mental harm, inflicting conditions of life calculated to bring about physical destruction, imposing birth prevention measures and forcible transfer of children. The parties undertake to punish guilty persons and to enact the necessary implementing legislation. There is a provision for trial by a court of the state where the act was committed or by any international penal tribunal that may have jurisdiction. Extradition is provided for in accordance with laws and treaties, with genocide not to be considered a political crime. Submission of disputes to the International Court of Justice is recognized.

The "important constitutional questions" that are claimed to be involved or what "important fundamental questions" are raised but not resolved "in a manner consistent with our form of Government" are not explicitly spelled out in the 1949 American Bar Association resolution. However, everything that could be said, pro and con, was probably said at the Senate hearings in 1950.[9]

The United States' basic commitment to the subject matter of the convention goes back to 1945. The United States, by an almost unanimous vote of the Senate, ratified the United Nations Charter and thereby assumed the obligation to further its objectives. One of these (Article 1) was to achieve "universal respect for, and observance of, human rights and fundamental freedoms for all". Articles 13, 55, 56, 62 and 68 of the charter spell out the commitments in greater detail.

As Phillip C. Jessup, a former member of the International Court of Justice, has said:

"It is already law at least for members of the United Nations, that respect for human dignity and fundamental human rights is obligatory. The duty is imposed by the Charter, a treaty to which they are parties." [10]

The objections to ratification of the Convention on Genocide may be summarized as follows: The treaty is unconstitutional because it deals with a matter not of international concern and, therefore, beyond the treaty-making power; being self-executing, it would interfere with our accepted federal-state relationship by acting on matters of state and local concern; by making "direct and public incitement to commit Genocide" a punishable act it would conflict with our constitutionally protected freedoms of speech and press; the treaty would deprive American citizens of their constitutional right to a jury trial; an American citizen would be tried by an unfriendly foreign court in a foreign land. Another objection, more political than legal, is that the whole effort toward protecting human rights internationally is a subtle but basic attack on our form of government. It is argued, too, that if the door is opened to one human rights treaty, which might be innocuous in itself, then the engulfing flood follows. This is the "opening wedge" objection. It is obviously meaningless in light of American hesitancy to approve other human rights treaties.

The treaty-making power is covered in the Report of the Special Committee of Lawyers of the President's Commission for the Observance of Human Rights Year published in October, 1969. The committee's findings are best summarized by Justice Tom C. Clark, its chairman, in his letter of transmittal of August 20, 1969, wherein he says in part:

"I would like to reiterate here, however, our findings after a thorough review of judicial, Congressional and diplomatic precedents, that human rights are matters of international concern; and that the President, with the United States Senate concurring, may, on behalf of the United States, under the treaty power of the Constitution, ratify or adhere to any international human rights convention that does not contravene a specific constitutional prohibition."

The treaty-making power under our Constitution (Article II, Section 2) is very broad.[11] The power does not, of course, rise above the Constitution. But, subject to that limitation, it is extensive. As the Supreme Court said in *Geofroy* v. *Riggs*, 133 U.S. 258, 267 (1890):

"It would not be contended that it extends so far as to authorize what the Constitution forbids, or a change in the character of the government or in that of one of the States, or a cession of any portion of the territory of the latter without its consent. But with these exceptions, it is not perceived that there is any limit to the questions which can be adjusted touching on any matter which is properly the subject of negotiations with a foreign country."

It has been suggested that the subject matter of a treaty must be wholly "foreign" or "international" or "external". But a long line of decisions dealing with such subjects as debts, land titles and escheat, establishes the rule to be otherwise.[12]

MANY SUBJECTS ARE COVERED BY TREATIES

Antisocial conduct and the denial of human rights are proper subjects of international concern. This view was accepted and acted on long ago by the United States. We have made treaties prohibiting white slave traffic, traffic in arms and traffic in narcotic drugs and treaties concerning the nationality of women and the suppression of the slave trade and slavery. Most recently, the United States entered into two human rights treaties—the Supplementary Convention on Slavery (1967) and the Supplementary Convention on Refugees (1968).

Significantly, the recent slavery treaty *inter alia* obligated the United States to abolish practices whereby "a woman, without the right to refuse, is promised in marriage on payment of a consideration of money or in kind to parents, guardian, family or any other person . . ." and to abolish any institution whereby "a woman on the death of her husband is liable to be inherited by another". It is hard to conceive of something more likely to be an exclusively domestic subject than the right of inheritance. Yet, in this instance, because of humanitarian issues, inheritance is considered a proper subject for an international treaty. This treaty was specifically endorsed for ratification by the American Bar Association in 1967.

TREATIES CAN REGULATE AMERICAN CITIZENS

The action of the United States Senate in ratifying a slavery treaty in 1926 and broadening its coverage in 1967 recognized that what is of domestic concern can also be of international concern. It also lends support to the proposition that treaties can regulate the activities of United States citizens within the United States.[13] The American Bar Asso-

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Footnotes at end of article.

ciation likewise recognized this fact by its 1967 approval.

An analysis of whether human rights are proper subjects for treaties is contained in the *Restatement (Second) of Foreign Relations Law of the United States* (1965). The reporter's note to Section 118, "Scope of Treaty", reads:

"Treaties relating to human rights. Proposed treaties dealing wtih human rights have raised questions in the U.S. and, indeed, in other countries as to whether or not they deal with matters that are appropriate for settlement by agreements between nations. The issues are not unlike those presented by international labor conventions under the constitution of the International Labor Organizations. Although such conventions generally specify standards already observed in the U.S. it has an interest in seeing that they are observed by as many states as possible, not merely to protect its own standards but to promote conditions abroad that will foster economic development and democratic institutions that are conducive to prosperity in the United States and achievement of its foreign policy objectives. It cannot effectively urge other states to adhere to such conventions without doing so itself."

Fear has been expressed by opponents of the treaty that, being self-executing, it could result in criminal prosecution without Congress having provided for any such action. The convention is not self-executing because criminal prosecution under it would not be possible without subsequent legislation. "It is not the function of treaties to enact the fiscal or criminal law of a nation. For this purpose no treaty is self-executing . . .".[14]

The treaty would obligate the United States (a) not itself to engage in genocide and (b) to attempt, in accordance with its constitutional system (Article V) to obtain legislation that would make committing genocide an offense. Congress is free to prescribe the offenses punishable or to use the definitions under international law as it did with piracy.[15] There is nothing novel about the United States becoming a party to a convention that requires the Government to suppress criminal conduct that has become a matter of international concern. The United States has signed treaties dealing with submarine cables, fur seals, and slavery and other antisocial conduct by which it obligated itself to make certain actions criminal, and the Congress has enacted the necessary criminal legislation.

PROTECT PEOPLE IN ADDITION TO SEALS AND BIRDS

If our country can protect the lives of seals and migratory birds through agreements with other nations, it should be able to prevent mass murder of human beings.

It has been asserted that because Article III(c) declares "direct and public incitement to commit Genocide" to be punishable, it, therefore, conflicts with our constitutionally protected freedom of speech. The convention itself does not make an act punishable under United States law. The convention, Article V, specifically provides that the contracting parties shall "undertake to enact, in accordance with their respective Constitutions, the necessary legislation to give effect to the Convention."

The convention does not mandate any precise legislation. Obviously, if the Congress adopted statutes abridging constitutional freedom of speech, or if authorities applied legislation so as to produce such a result, the United States courts could strike down the legislation or halt the improper application of proper legislation. However, there is no constitutional prohibition against making it a crime to incite criminal action. As the Court stated in *Frohwerk* v. *United States*, 249 U.S. 204, 206 (1919):

"We venture to believe that neither Hamilton nor Madison, nor any other competent person then or later, ever supposed that to make criminal the counseling of a murder within the jurisdiction of Congress would be an unconstitutional interference with free speech."

And again in *Giboney* v. *Empire Storage Company*, 336 U.S. 490, 498 (1949), it said:

"It rarely has been suggested that the constitutional freedom for speech and press extends its immunity to speech or writing used as an integral part of conduct in violation of a criminal statute. We reject the contention now."

Another objection asserted is that an American citizen could be deprived of his constitutional right to a trial by jury because he would be tried in some foreign court under procedures not American. This fear is asserted despite the clear language of Article VI of the convention. It provides:

"Persons charged with Genocide or any of the other acts enumerated in Article III shall be tried by a competent tribunal of the State or by such international penal tribunal as may have jurisdiction with respect to those Contracting Parties which have accepted its jurisdiction."

Since no such international tribunal now exists, the accused would be tried by a United States court. Nothing in the convention makes mandatory American participation in an international tribunal. In the more than twenty years since the adoption of the convention no such tribunal has come into being. Although a proposal for one was presented to the United Nations, it was last discussed by the Legal Committee in 1957, and the project was indefinitely postponed.

If at some future date such a court is in fact created, and if an appropriate treaty is adopted by the United Nations, and if the President of the United States decides to submit it to the Senate for its advice and consent, then and only then will this country, through its elected Senators, by open debate and after full consideration of the merits, determine whether it wishes to agree to the court's jurisdiction.

WOULD THE PRESIDENT AND SENATE DIMINISH CONSTITUTIONAL RIGHTS?

It seems most unlikely that any President with the support of the Senate would ratify a convention that in any way diminished the constitutional rights of Americans. Perhaps more attention is given to this objection than it deserves. However, it had such an emotional appeal at the time of the Senate hearings in 1950 that it seems desirable to again dispose of it.

One other objection, more of phraseology than of substance, goes to the definition of genocide (Article II(b) as including acts "causing serious bodily or mental harm to the members of the group". It is asserted that this is too vague to describe a crime.

It is clear, however, that the opening portion of Article II is specific enough to describe the crime and the victims. It reads: "In the present convention, Genocide means any of the following acts committed with intent to destroy, in whole or in part, a national, ethnical, racial or religious group, as such."

The drafting history of the convention (debates on Committee 6 and Plenary of the 3d General Assembly) establishes that serious mental harm would have to be inflicted on the group with intent to destroy it. As was said by the State Department: "The destruction of a group may be caused not only by killing. Bodily mutilation or disintegration of the mind caused by the imposition of stupefying drugs may destroy a group. So may sterilization of a group, as may the dispersal of its children."[16]

Article 2 (7) of the United Nations Charter provides that "nothing contained in the present charter shall authorize the United Nations to intervene in matters which are essentially within the domestic jurisdiction of any state or shall require the members to submit such matters to settlement under the present charter."

This article, of course, is a limitation upon the United Nations itself and upon such activities as depend on the charter for their authority. This does not prevent the member states from making any agreements they wish to make by a specific treaty to carry out one of the basic purposes of the United Nations. If any meaning is to be given to the principles expressed in the purpose clause (and elsewhere) in the charter, obviously it would not be an interpretation that prevents members from carrying forward those objectives; on the contrary, it is conceivable that member states may be found to be obligated to do so without a separate document.

GOVERNMENTS THAT DISREGARD THE RIGHTS OF THEIR OWN PEOPLE

Tomes have been written on genocide as an international crime. But its international aspect was most clearly and simply stated by General George Marshall when, during the 1948 debates on the convention in the United Nations, he said: "Governments which systematically disregard the rights of their own people are not likely to respect the rights of other nations and other people and are likely to seek their objectives by coercion and force in the international field."[17]

It might be recalled, too, that the 1949 resolution of the American Bar Association, which opposed ratification, is prefaced by the statement:

"That it is the sense of the American Bar Association that the conscience of America like that of the civilized world revolts against Genocide (mass killing and destruction of peoples); that such acts are contrary to the moral law and are abhorrent to all who have a proper and decent regard for the dignity of human beings, regardless of the national, ethnical, racial, religious or political group to which they belong; that Genocide as thus understood should have the constant opposition of the government of the United States and of all of its people."

In December 1968, Chief Justice Earl Warren noted that:

"We as a nation should have been the first to ratify the Genocide Convention. . . . Instead we may well be the last to ratify the Genocide Convention which has about 80 parties to it already.[18]

Although speaking in more general terms, President Nixon—then a Presidential candidate—pointed out the role of the United States in this field. In a message in October, 1968, to the United States Commission for the Observance of Human Rights Year he said:

"For centuries, the advance of civilization has been measured by the progress made in securing human rights. It is America's role and responsibility, as the brightest beacon of freedom, so to conduct itself as to provide an example that will truly light the world."

It is difficult to find any weaknesses in the genocide treaty that would subject it to successful attack on constitutional grounds; it seems equally difficult to find specific provisions that are not supportable on a legal basis. If the objections are legal only, then there is no reason for delaying ratification. If there are justifiable policy reasons for not ratifying, they have not been advanced.

In the interest of the international community and in our own national interest, the treaty should be ratified. The American Bar Association should now assume leadership to achieve that objective.

FOOTNOTES

[1] 74 A.B.A. Rep. 146 (1949).

[2] 74 A.B.A. Rep. 316 (1949).

[3] 74 A.B.A. Rep. 146 (1949).

[4] *Hearings on Executive O Before a Subcomm. of the Senate Comm. on Foreign Relations*, 81st Cong., 2d Sess. (1950).

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[5] Summarized in LEGISLATIVE HISTORY OF THE COMM. ON FOREIGN RELATIONS, S. DOC. No. 247, 81st Cong., 2d Sess. 27 (1950).

[6] *Id.* at 28.

[7] *Id.* at 28.

[8] Letter to the author, April 2, 1969.

[9] There is no lack of references in support of the convention. See McDougal & Leighton in 14 LAW & CONTEMP. PROB. 490 (1949); McDougal & Arens, 3 VAND. L. REV. 683 (1950); Chafee, 1951 WISC. L. REV. 389, 623; Henkin, 116 U. PA. L. REV. 1012 (1968).

[10] JESSUP, MODERN LAW OF NATIONS 91 (1968).

[11] For recent comment on the extent of the treaty power under the Constitution, see Henkin, 63 AM. J. INT'L L. 272 (1969). This brief article traces the history of the phrase "international concern". The author argues that since the Constitution places no limits on the treaty-making power, there is no implication that restricts bona fide agreements between two nations to certain subjects.

[12] *Ware* v. *Hylton*, 3 Dall. 199 (1796); *Fairfax's Devisee* v. *Hunter's Lessee*, 7 Cr. 603 (1813); *Chirac* v. *Chirac*, 2 Wheat. 259 (1817); *Haverstein* v. *Lynbain*, 100 U.S. 483 (1879); *Geofroy* v. *Riggs*, 133 U.S. 258 (1890); *Missouri* v. *Holland*, 252 U.S. 416 (1920); *Asakara* v. *Seattle*, 256 U.S. 332 (1924); *Perlson* v. *Johnson*, 279 U.S. 47 (1929).

[13] A partial list of such treaties is presented in the *Hearings on the Slavery Treaty Before a Subcomm. of the Senate Comm. on Foreign Relations*, 90th Cong., 1st Sess., pt. 2, at 89 (1967).

[14] *The Over the Top*, 5 F. 2d 838 at 845 (D. Conn. 1925).

[15] *United States* v. *Smith*, 5 Wheat. 157 (1820).

[16] *Hearings on Executive O Before a Subcomm. of the Senate Comm. on Foreign Relations*, 81st Cong., 1st Sess., at 4 (1950).

[17] DEPT OF STATE PUB. No. 3416, February, 1949, at 27.

[18] Address before the Conference on Continuing Action for Human Rights, Washington, D.C., December 4, 1968.

PRESIDENT NIXON'S STATE OF THE UNION ADDRESS

Mr. PROXMIRE. Mr. President, I was particularly pleased and gratified that the President, in his state of the Union address, indicated support for a method to control water pollution that I recently introduced in the Senate; namely, a user, or effluent charge. His remarks were so generalized that it was not clear he was talking about this kind of charge, but in context it is clear he supports my bill.

My bill, S. 3181, entitled the Regional Water Quality Act of 1970, would establish a system of national effluent charges. S. 3181 was introduced on November 25, 1969, and 12 of my colleagues in the Senate, including Majority Leader MANSFIELD and Majority Whip KENNEDY, have added their support as cosponsors.

The charges would be imposed on industries that pollute the water, in proportion to the amount of waste they discharge. Imposing these charges will provide industry with an economic incentive to cut down on the waste that discharges into the water.

The proposal, therefore, cuts two ways. First, it will place the burden of cleanup on those responsible, which was clearly and emphatically enunciated by the President just a few minutes ago. The polluter will be held accountable for cleaning up his mess. Second, huge governmental expenditures will not be required. This will enable us to attack pollution while permitting us to avoid undue pressures on the budget.

Those of us who advocate the user charge as a method of controlling pollution have been greatly encouraged today to receive President Nixon's support and endorsement for the principle behind this proposal.

PRESIDENT NIXON'S ADDRESS ON THE STATE OF THE UNION

Mr. MANSFIELD. Mr. President, I wish to make a few remarks on the speech just made by the President of the United States. I consider it a hopeful speech and an impressive speech.

I appreciated the emphasis he placed on welfare reform. I hope we can get to specifics in our Senate committees on these reforms which, in my opinion, are long overdue. Something must be done about that area of our economy and our social life—as the President said, as I recall—to give dignity, to give substance, and to give hope to the people who all too often become degraded and lose their dignity and their well-being as a result.

Mr. SCOTT. Mr. President, before the Senator proceeds will he yield to me briefly?

Mr. MANSFIELD. Surely. Perhaps I should ask that my remarks follow those of the distinguished Senator from Pennsylvania.

Mr. SCOTT. I shall speak more at length in a moment. However, I want to note that I have introduced the President's Family Assistance Act, as has Representative BYRNES of Wisconsin in the House of Representatives. I am sure the majority leader knows the President is referring to that measure, among other matters, in reference to welfare reform.

Mr. MANSFIELD. Yes. When was that measure introduced?

Mr. SCOTT. That was introduced immediately following the message of the President on welfare assistance. I believe that was last August.

Mr. MANSFIELD. What action has been taken by the committee since that time?

Mr. SCOTT. The Senate is not in a position to take action, as the majority leader knows, because it being a fiscal matter it must be brought up first in the Ways and Means Committee of the other body. Requests have been made for action over there and we are waiting for the chairman of that committee to schedule hearings. I understand something will move on that matter this year and I hope it will be as soon as possible.

Mr. MANSFIELD. To make the RECORD clear, as far as the Senate is concerned we are powerless to act on this piece of legislation until and unless the Ways and Means Committee of the House and the House itself act. But as every American knows the Ways and Means Committee of the House and the Finance Committee of the Senate were extraordinarily busy and productive last session producing the most mammoth tax reform—tax relief bill in decades. I am sure that this session those committees will produce an equally impressive record.

Then, I was interested in what the President had to say about inflation. I would hope that something would be forthcoming in the way of specific legislation in addition to the Congress reducing the President's request for appropriations and the President's reducing expenditures, because while both of those elements play a very important part in curbing inflation, they are not the total answer.

I would hazard the assumption that something which I have been talking about for the past 3 years might be worth considering—wage, price, and profit controls, and legislation on restoration of regulation W, which would put a curb on consumer credit buying, which I understand today is far in excess of $130 billion. It has become so easy to get credit that I shudder to think what would happen to the economy as a whole if we had even a minor recession and payments could not be made to banks, merchants, and so forth.

So these are matters which I think ought to be given consideration in addition to the President's sponsorship of a balanced budget, which I am sure we all join in hoping for.

Then he mentions, of course, crime, and especially in the Nation's Capital. Fortuitously, the organized crime bill is now before the Senate. I would hope we would consider unorganized crime as well. There is a great deal to be done in the area of crime. It is with a great sense of accomplishment that the Senate can point with pride to the passage in the Senate of legislation dealing with every area recommended by the President to deal with crime in the Nation's Capital—and that in the first session of this Congress.

I hope the bill which has been introduced in the Senate by the Senator from Arkansas (Mr. MCCLELLAN) and other Senators, on which a good deal of time has been spent, will be tough enough and harsh enough to bring about an end to the escalating crime wave which is engulfing not only the Nation's Capital, but the Nation as well.

And I would like to see something done soon on the question of drug control. That matter is on the calendar and will be taken up before too many days have passed.

Then there is the question of pornography, which I think is the hidden issue in all of this. Coming from a small State as I do, I must assess what I receive from my constituents with respect to the growing menace of pornography in the mails. It must be a more serious problem in the metropolitan areas and the industrial States. I think that this particular problem is getting entirely out of control. It has gone way beyond the bounds of human decency. I hope, either in this bill or shortly, legislation will be considered to cope with the problem of pornography and to see to it that those who are responsible for it—the pushers of pornographic literature and the like—are given punishments which I believe are their due.

I was delighted with the President's emphasis on clean air, clean water, open spaces, and the fact that he intends to ask for $10 billion to face up to these particular situations. It will take at least $10 billion—in my opinion, more, but at least $10 billion will give us a start to do something about the smog, about the pollution caused by jet planes and automobiles, about the use of beer cans and beer bottles, on a throwaway basis, which are today seen along all our highways, along the estuaries, along the gulfs, and along the ocean shores. This is something which should be considered, not on the basis of beautifying the countryside, because legislation designed to solve the pollution problem is not a beautifying measure, but an effort to do something about the cleansing of the air, the cleaning of our water, and the clearing of the countryside as a whole.

I would hope that the partnership which is now evident between Congress and the Executive will proceed posthaste.

I would hope also, on the basis of the remarks made by the President of the United States, which I found impressive and which I found hopeful, that very shortly—and I mean in a matter of days, not weeks or months—messages and specific proposals in the form of legislation will be sent from the executive branch implementing what the President said today. As soon as these specific recommendations are received they will be placed before the appropriate committees so that we can do our share to bring into being our full support of the President of the United States in the most worthwhile objectives which he has outlined.

We would like to join him in making the 1970's a decade of hope, a decade of understanding, a decade of purification, so to speak, and a decade in which we can once again restore some of the ideals which made this Republic great in the beginning, and which we can make great again in the years ahead.

Mr. SCOTT. Mr. President, the distinguished majority leader has been very generous and very fair, as he always is, in his analysis of the President's speech. I shall have more to say, at some other time, about certain features of it. I think it is useful for us to note again that the President has stressed the importance of control of inflation, control of crime and of the criminal element, and control of our environment.

First of all, there is evidence, on the control of inflation, that the President is continually moving in that field and in that area. His expected veto of the HEW-Labor bill will be accompanied, I am sure, by some further exposition of his views on how to put the brakes on inflation.

The crime bills are here, and have been since May, and I am glad to see that we are now considering one of the most important of those bills. They do not lack for reports from the Department.

As regards environmental quality legislation, on which the distinguished Senator from Wisconsin (Mr. PROXMIRE) has been speaking, I think I ought to say I do not think I understand it to be exactly in line with any present proposal before the Senate. I believe there will be some interesting and innovative approaches as to the means of financing this decade-long program, during our anniversary decade, the decade of the 1970's, when we celebrate our bicentennial.

I would expect that the necessary specific recommendations will soon follow. I intend personally to introduce that legislation along with, in all probability, the distinguished assistant Republican leader, the Senator from Michigan (Mr. GRIFFIN), and other Senators. I believe the means of financing being contemplated will prove to be no burden on the economy, but, on the contrary, means by which there will be a return to the economy—State, local, and Federal—of more than is taken from the economy in this approach; and certainly what is returned to the environment in cleanliness and in the improvement of the quality of life will be the kind of dividend on which you cannot perhaps make a fiscal estimate.

I think the distinguished majority leader is quite right. We are entitled to reports. We are entitled to specifics. We are going to get them as soon as that can be done; and I think that needs to be done in the very near future. That is the way to get action.

Then it would go to the appropriate committee, and I would hope the committee would meet promptly and act promptly and come in with its recommendations.

ORGANIZED CRIME CONTROL ACT OF 1969

The Senate resumed the consideration of the bill (S. 30) relating to the control of organized crime in the United States.

Mr. SCOTT. Mr. President, if the distinguished chairman of the subcommittee, the Senator from Arkansas (Mr. McCLELLAN), will permit, I now should like to say something on organized crime and on the pending bill.

Organized crime, as I have stated, is a national problem. It must be given the highest priority by Congress because the total elimination of organized crime is a problem of utmost importance and concern to every American citizen. The corrosive effects of organized crime are beginning to attack the foundations of our society. The Organized Crime Control Act, S. 30, is designed as a first giant step in meeting this problem head on. Its purpose is to eradicate organized crime in the United States. It strengthens the legal tools available to prosecutors. It establishes new penal sanctions and it provides new remedies to deal with the unlawful activities of those engaged in syndicated crime.

S. 30 is a long-needed systematic counterattack upon the organized society of criminals who have "institutionalized" crime in our society and who have taken billions of dollars from the American public each year through their activities. Only a nationally directed campaign against organized crime—including legislation such as S. 30—can contain this national menace.

Because organized crime presently poses one of the most dangerous threats to the American way of life, S. 30 must be acted upon by this body. President Nixon has committed himself to eliminating the menace of organized crime from America.

Effective enforcement of existing laws by the Justice Department attorneys is helping somewhat to curtail the spread of organized crime, but if organized crime is to be eliminated entirely, significant new legal weapons are needed in the crime fighters' arsenal. S. 30 will provide those essential tools and will be a dramatic step toward preventing crime in America. It will correct several defects in the evidence-gathering process and will close the gaps in existing law which presently prevent successful prosecution of all members of organized crime.

The bill has been carefully and thoroughly studied and has received strong bipartisan support. Its provisions will help all citizens, and will especially help the poor who are the primary victims of organized crime. It will help eliminate illegitimate gambling which saps billions of dollars from ghetto residents each year. It will help get rid of the narcotics pushers who thrive on the misery of ghetto life. And, it will help to prosecute loan sharks who prey on the desperate poor.

Too few Americans appreciate the dimensions of this problem. Syndicated crime operates outside legitimate government. It involves thousands of criminals in structures as complex and large as any corporation with laws rigidly enforced through terror. Its operations are national and international. Its aims are to monopolize whole fields of activity—legal and illegal—in order to amass huge profits, currently estimated at several billion dollars each year.

Investigation discloses that the organized crime fraternity has a national membership of over 5,000. The crime syndicate exerts influence over countless nonsyndicate gangsters throughout the Nation who must secure consent to continue their local criminal activities. Thus, petty criminals in the ghettos fall within the control of organized crime.

The core of organized crime depends on the illegal supply goods and services—gambling, loan sharking, narcotics, prostitution, and other forms of vice—to countless numbers of citizens. But syndicates are also involved in legitimate business, employing illegitimate techniques—bankruptcy frauds, tax evasion, extortion, terrorism, arson, and monopolization.

To maintain its exclusive markets for such illegal goods and services and to insulate its activities from governmental interference, organized crime corrupts public officials and wields extensive political influence. These are problems which are acutely felt in the ghettos.

As I pointed out in the Judiciary Committee report on S. 30, the President's Crime Commission has found corruption common in areas marked by organized crime. It is a means of protecting organized crime's profitable operations and must be recognized as a distinct evil, one which is especially abhorrent to our national values. However, the overwhelming majority of our law enforcement personnel are dedicated and hard working. For this we should all be extremely thankful.

A society in which organized crime and corruption openly flourish cannot foster morality or order among its members. A pattern of successful organized rack-

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ets, with the lesson it teaches slum children who see hardworking and honest adults fail economically in the face of racial and educational barriers, is not uncommon in urban areas.

Among the most threatening implications of the failure to rebut that cynicism is the suggestion of the Riot Commission that—

> The high ghetto crime rate . . . not only creates an atmosphere of insecurity and fear throughout Negro neighborhoods but also causes continuing attrition of the relationship between the Negro residents and police. This bears a direct relationship to civil disorder.

We must hear that warning. We must try to relieve the unfair burden on slum residents, and the intolerable strain on the fabric of our society, imposed by organized crime and corruption.

Of course, to agree upon that goal is not the same as to achieve it. In view of our imperfect knowledge of causation and prevention of crime and our complex procedures for identifying and dealing with criminals, it is difficult to formulate laws which will be effective against organized crime.

But S. 30 accomplishes its objectives without unduly infringing on or limiting anyone's constitutional rights. The Constitution requires that we consider individual liberties as well as the common good of society. S. 30 strikes the appropriate balance.

S. 30 would help clear America of organized crime. It is an extraordinarily constructive piece of legislation. An example of its constructive nature is title IX dealing with racketeer influenced and corrupt organizations. That title would help the poor through its adaptation of forfeiture and equitable remedies long used for economic ends in the antitrust laws. In urban ghettos where black capitalism offers hope for local self advancement, title IX may be a means to excise syndicate-infiltrated businesses which use force to eliminate local competition and then charge extortion prices for staple commodities and services.

While the other titles of S. 30 approach the organized crime problem in a variety of ways, each of them is the product of a long, painstaking process of bipartisan development by the Subcommittee on Criminal Laws and Procedures and Judiciary Committee, with the help and support of the Justice Department.

Areas for improvement may exist; but the bill as a whole is a careful attempt to accommodate the public interest with individual rights in a specific and complex area of criminal law.

I believe that S. 30 is a thoughtful and sound vehicle for such action and urge that it be given prompt and constructive consideration. The people of our Nation deserve no less.

Perhaps the most insidious feature of organized crime is its ability to victimize many millions of citizens who are largely unaware of its effects. The housewife, for example, has no way of knowing that price increases for meat, bread, vegetables, or dairy products, may be the result of an organized crime conspiracy. The wage earner may be unaware of misuses of his union pension fund. The investor may be unaware of stock market manipulations resulting from massive purchases and/or sales of securities by organized crime syndicates. The taxpayer is unaware of the revenue losses from organized criminal activity which his taxes must make up. The ghetto resident who looks upon the numbers game as an opportunity to escape poverty fails to realize that organized crime drains millions of dollars each year from the poor through this operation.

Organized crime cannot be tolerated. Effective action can curtail its activities and minimize its impact. Ultimately, we must eradicate organized crime. I believe the responsibility for sustained efforts against organized crime rests on all government—local, State, and Federal. All levels of government must coordinate their efforts to deal with this problem.

As President Nixon said in his message on organized crime last April—I stated earlier that the message came up in May, but actually it was last April:

> Organized crime's victims range all across the social spectrum—the middle-class businessman enticed into paying usurious loan rates; the small merchant required to pay protection money; the white suburbanite and the black city dweller destroying themselves with drugs, the elderly pensioner and the young married couple forced to pay higher prices for goods.

The President continued, and I want to especially emphasize this sentence for I think it illustrates one of the most pressing reasons for supporting S. 30:

> The most tragic victims of course, are the poor whose lack of financial resources, education, and acceptable living standards frequently breed the kind of resentment and hopelessness that make illegal gambling and drugs an attractive escape from the bleakness of ghetto life.

Because of the drastic effects of syndicated crime, let us give this legislation the attention it deserves.

Mr. President, I suggest, with some reason, the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR ADJOURNMENT TO 11 A.M. TOMORROW

Mr. MANSFIELD. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 11 o'clock tomorrow morning.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR RECOGNITION OF SENATOR MANSFIELD TOMORROW

Mr. MANSFIELD. Mr. President, I ask unanimous consent that I be recognized tomorrow morning, at the conclusion of the prayer, for not to exceed 20 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECOGNITION OF SENATOR HANSEN ORDERED FOR TOMORROW

Mr. MANSFIELD. Mr. President, I ask unanimous consent that following the conclusion of my remarks tomorrow morning, the distinguished Senator from Wyoming (Mr. HANSEN) be recognized for not to exceed one-half hour.

The PRESIDING OFFICER. Without objection, it is so ordered.

TRANSACTION OF ROUTINE MORNING BUSINESS TOMORROW

Mr. MANSFIELD. Mr. President, I ask unanimous consent that, at the conclusion of the remarks of the distinguished Senator from Wyoming (Mr. HANSEN) tomorrow, there be a period for the transaction of routine morning business, with a limitation of 3 minutes on statements made therein.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER OF BUSINESS

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. TYDINGS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORGANIZED CRIME CONTROL ACT OF 1969

The Senate resumed the consideration of the bill (S. 30) relating to the control of organized crime in the United States.

AMENDMENT NO. 443

Mr. TYDINGS. Mr. President, I call up my amendment No. 443 to S. 30 and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

On page 99, strike all printed matter on lines 15 through 20, insert in lieu thereof the following:

"TITLE XI—ASSISTANT ATTORNEY GENERAL FOR ORGANIZED CRIME"

SEC. 1101. Section 506 of title 28, United States Code, is amended by—

(a) striking the word "nine" and inserting in lieu thereof the word "ten" and

(b) adding at the end thereof the following new paragraph:

"One of the Assistant Attorneys General shall be designated Assistant Attorney General for Organized Crime Control and shall be appointed from among persons who are especially qualified to assist the Attorney General in the supervision and conduct of investigations, prosecutions, and other activities relating to organized crime activities."

SEC. 1102. Section 5315(19) of title 5, United States Code, is amended to read as follows:

"(19) Assistant Attorneys General (10)."

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"TITLE XII—GENERAL PROVISIONS

"SEC. 1201. If the provisions of any part of this Act or the application thereof to any persons or circumstances be held invalid, the provisions of other parts and their application to other persons or circumstances shall not be affected thereby."

ADDITIONAL COSPONSORS

Mr. TYDINGS. Mr. President, I ask unanimous consent that the names of the Senator from North Dakota (Mr. BURDICK), the Senator from Missouri (Mr. EAGLETON), the Senator from Oklahoma (Mr. HARRIS), the Senator from West Virginia (Mr. RANDOLPH), and the Senator from Texas (Mr. YARBOROUGH), be added as cosponsors of amendment No. 443.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. TYDINGS. Mr. President, at this time I wish to register my support for the general thrust of S. 30, because I believe it represents a significant advancement in our law enforcement efforts against organized crime.

However, I want to reiterate my firm belief that an additional measure is necessary in order to give effective leadership and proper organization to the war against organized crime and to make the effort a visible, ongoing commitment. My amendment is designed to do just this. It creates an Assistant Attorney General to head the Organized Crime Division in the Justice Department.

If the Federal Government is to mount a serious full-scale effort against organized crime with the aid of the anticrime weapons made available by S. 30, it is essential that this effort be institutionalized and placed under the direction of one prestigious law enforcement officer who may command the manpower and resources which are equal to the complexity and importance of the task and which will not be diluted by other responsibilities.

It is important to remember that the President's Crime Commission has suggested that the Justice Department's antiorganized crime efforts be made a division level operation directed by an Assistant Attorney General. That recommendation was made close to 3 years ago, but no heed has been paid to it. As Congress launches a new effort against organized crime with S. 30, it is time to implement the crime commission's recommendation. As a matter of fact, it should have been implemented several years ago.

An Assistant Attorney General heading an orgainzed crime division is essential to our Federal effort for a number of reasons.

First, an Assistant Attorney General in charge of an organized crime division will have the clear responsibility of directing an intensive and comprehensive effort, undiluted by other responsibilities, to control organized crime. Presently, the Justice Department's organized crime activities are charted in the Organized Crime Section of the Criminal Division. Administratively, the section stands on the same level as a number of other sections in the Criminal Division, such as Administrative Regulations, Fraud, Appellate, General Crime, Legislation and Special Projects and Administrative. As a result, the Assistant Attorney General for the Criminal Division is placed in a situation where he is forced either to concentrate his efforts on orgainzed crime or the general crime fighting activities or to dilute his efforts by trying to concentrate on both.

Second, the creation of a new Assistant Attorney General and an Organized Crime Section can assure an ongoing, institutionalized commitment to a war on organized crime. History has shown that the interest and intensity of effort in combating organized crime has not remained constant through the changes in top echelon personnel. Indeed, at times the effort has waned. Since 1966 and the Presidential directive of that year, the Organized Crime Section has again been spurred into action. However, the recent momentum does not detract from the history of ebb and flow of the section's activities.

Mr. President, another decline in interest and activity should not be risked. The legislative creation of a permanent Assistant Attorney General whose paramount responsibility will be to fight organized crime would obviate this risk.

Third, the present size and anticipated growth of the Organized Crime Section calls for its elevation to division status. The section, at the present time, is larger in manpower than the Internal Security Division of the Department of Justice, and comparable to the Civil Rights Division and the Lands Division.

Mr. President, I ask unanimous consent to have printed in the RECORD, a table outlining the divisions of the Department of Justice and the sections of the Criminal Division.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

Organized crime section attorneys as compared with other divisions and sections in criminal division

DIVISIONS

Antitrust	319
Tax	240
Civil	200
Criminal (100 minus organized crime section)	189
Civil rights	119
Land and natural resources	109
Organized crime section	89
Internal security	54
Consumer (projected)	25

SECTIONS

(Authorized fiscal year 1970)

Organized crime	112
General Crime	22
Apellate	20
Fraud	15
Legislative and special projects	15
Government operations	12
Administrative regulations	13
Narcotic drugs	10

Mr. TYDINGS. Mr. President, presently, the authorized strength of the Organized Crime Section is 89 attorneys. For fiscal year 1970, this is scheduled to increase to 112 attorneys. In contrast, the Internal Security Division has 54 attorneys. The Land Division has 109 attorneys. The Civil Rights Division has 119 attorneys. Moreover, the administration is now seeking to establish a Consumer Protection Division, which, according to Assistant Attorney General Richard McLaren in his testimony before the Senate Subcommittee on the Consumer, will have a staff of only from 25 to 30 lawyers and economists.

It is also significant to note the contrast in the number of attorneys expected for fiscal 1970 in the Organized Crime Section, 112; with the number expected to be in the Criminal Division's next largest section, 22. That is in the general crime section.

Good management alone suggests that law enforcement activities which necessitate 112 lawyers demand at least the same administrative stature, level of leadership and concentrated effort as activities employing 25 or 50 lawyers, and clearly should not be on the same administrative level as activities which require 22 and less attorneys.

Finally, and perhaps most important, an Assistant Attorney General in charge of an Organized Crime Division will appreciably enhance the accountability and visibility of the organized crime effort. The Assistant Attorney General for Organized Crime would be a Presidential appointee subject to Senate confirmation. In addition, the Organized Crime Division would have a separate, definable budget.

I am aware that some months ago the Attorney General asked that congressional action be deferred until the completion of a study by the President's Council on Executive Reorganization. On the other hand, however, the Attorney General is currently calling for legislation to create a Consumer Division in the Justice Department headed by an Assistant Attorney General. In this light, I take it that he no longer considers the pending study to be a major obstacle to the creation of an Organized Crime Division if Congress determines it is so warranted. If such an opposition is still voiced and I understand it will be—it is clearly inconsistent with the Attorney General's request for the creation of an Assistant Attorney General for consumer matters.

The Attorney General has also stated that the creation of an Organized Crime Division would produce "complex problems of determining which division, either the Criminal Division or the Organized Crime Division should have jurisdiction". This is, indeed, a poor reason to deny the Federal struggle against organized crime with leadership, stature and continuity. Granted such problems may occur, but they occur in the Criminal Division itself as the sections vie for control of a particular prosecution. Yet, those problems are worked out regularly and without undue difficulty. They occur within the Department of Justice itself on a daily basis.

The real opposition, I believe, to creating an Organized Crime Division led by an Assistant Attorney General is bureaucratic inertia and an attempt within the Department to preserve parochial interests.

Let me add that this problem is not peculiar to the present administration. This problem was also present within the last administration. They, too, refused to heed the mandate of the Crime Commission report to set up a separate division within the Department of Justice for organized crime.

I am aware that the Attorney General presently has the authority to redesignate a vacant post of Assistant Attorney General. If he were to designate such a vacancy as the Assistant Attorney General for Organized Crime, congressional action would obviously not be necessary. In the absence of such initiative on his part, it is incumbent upon Congress to provide the leadership and organization so necessary to win the struggle against organized crime.

Mr. President, organized crime in this Nation is pervasive. It has an annual income of untold billions of tax-free dollars; it has an impact at every level of our society.

An effective effort against organized crime requires clear Federal leadership. Yet, the fight against organized crime has waxed and waned over the years. This is because it has depended upon the individual interest of the particular Attorney General who headed the Department of Justice.

The present Organized Crime Section in the Criminal Division of the Department of Justice has outgrown "section" status long since. With the addition of new anti-organized crime weapons made available by S. 30, the need for strong direction of leadership is magnified

An Assistant Attorney General and a Division for Organized Crime Control in the Department of Justice can provide the necessary Federal focus.

An Assistant Attorney General and a Division for Organized Crime Control has been supported by the President's Crime Commission, the ABA, and many individuals thoroughly familiar with both the needs for an effective effort against organized crime and the internal organization of the Department of Justice.

I might say that I am one of those individuals.

During my tenure as U.S. attorney for the district of Maryland, I was involved in the prosecution of organized crime. On the basis of this experience, I concluded that an Organized Crime Division under an Assistant Attorney General would appreciately enhance the Government's chances of controlling organized crime. I repeatedly asked why the administration resisted the creation of an Assistant Attorney General for organized crime in the Department of Justice when the Crime Commission requested it, and when the top law enforcement officials knew it was needed.

I discovered that the real impediment to the needed action was the bureaucracy within the Criminal Division itself. Much needed administrative changes were being blocked by administrative inertia and jealousy. That was true under a Democratic administration, and it is still true today under a Republican administration.

The Department of Justice, although recognizing persuasive arguments in favor of the creation of an Organized Crime Division under an Assistant Attorney General, wishes to defer action pending further studies.

Mr. President, I think we have had enough studies and hearings.

What we need today is action.

Mr. President, in 1954, the Department of Justice first created the organized crime and racketeering section in the Criminal Division. However, by 1960, that organized crime section still had only 17 attorneys on its staff, for the fair and obvious reason that there was no real pressure, no force of leadership, to direct the activities of that section during those years.

However, in 1961, under a new Attorney General, Robert Kennedy, the Federal effort in the field of organized crime took a new direction. The Department of Justice, under the direct and personal leadership of the Attorney General of the United States, began to develop a staff and the resources which were needed then, and which must be marshaled now, if we are to cope with the syndicates of organized crime.

By 1963, there were 60 attorneys in the organized crime section, and the investigative prosecutorial activities of the section reached unprecedented heights.

However, when Attorney General Kennedy left the Department of Justice, there was a marked decrease in the active indictments and convictions involving organized criminal activities. We still had the section on organized crime within the criminal division trying its best, but without the leadership of an Attorney General interested in organized crime or an Assistant Attorney General leading an organized crime division the Federal effort suffered.

Fortunately, the Organized Crime Section was spurred into action in 1966 as a result of a Presidential directive.

Mr. William George Hundley, a former chief of the organized crime section, has voiced his support for my proposal.

Mr. President, I ask unanimous consent that a dialog between the Senator from Arkansas (Mr. McClellan) and Mr. Hundley at the Senator's hearings on S. 30, be printed at this point in the Record.

There being no objection, the material was ordered to be printed in the Record, as follows:

Statement of William G. Hundley, Formerly Chief of the Organized Crime and Racketeering Section, Department of Justice

Mr. Hundley. My name is William George Hundley, and I am in private practice now. I was the chief of the Organized Crime Section from 1958 until 1966, wtih a 1-year break in 1960.

After I left the Organized Crime Section, I worked for the National Football League, and one of my jobs as an assistant to Mr. Rozelle was to set up a protective system up there that would protect professional football from the influence of gambling.

Senator McClellan. How long were you in the Department?

Mr. Hundley. I was in the Department of Justice for 17 years, from 1951 to 1966.

Senator McClellan. How long were you the head of the Organized Crime Section?

Mr. Hundley. Seven years.

Senator McClellan. Very well.

We welcome you and appreciate your cooperation with this committee in our efforts to determine what legislation if any, is needed to aid in the war on crime at this critical period in society.

Mr. Hundley. Thank you, Senator.

Senator, I would like to comment briefly on two bills that are before the committee for consideration. One is S. 1624 and the other is S. 2022.

Senator McClellan. S. 1624?

Mr. Hundley. Yes, sir.

Senator McClellan. And the other?

Mr. Hundley. S. 2022.

With reference to the first bill, S. 1624, I have strong feelings, as most of the other people in law enforcement, that this is a very effective bill and that it has, in my judgment, remedied the Supreme Court decision in *Marchetti-Grosso* by adding these very tight nondisclosure provisions. It even has sanctions for anybody who would violate the disclosure provisions for the new bill.

As the Senator knows, this wagering tax was very effective for years, and since it was struck down by the Supreme Court I think it is really incumbent upon the Congress to enact this bill, with the tight disclosure provisions, because then the very effective agents of the Intelligence Division of IRS can pick up where they left off and make very good use of this bill.

I would have one comment. I notice on page 11 of this bill that although you repeal the posting requirement of the tax stamps, you still have a requirement in the proposed bill, that the person engaged in the business of gambling, still has to keep conspicuously in his establishment or place of business, the stamps.

Now, I would think that the requirement that he keep those stamps conspicously in his place of business—I would think that the court, in line with their reasoning in *Marchetti*[1] and *Grosso*,[2] could hold that that could still possibly incriminate the taxpayer here under those opinions. This is just a suggestion. I think you are buying a problem with that. I don't think it is really essential. I think it will be better if you just indicated, that the taxpayer would be required to keep the stamps in a safe place, something like that.

The idea that he would have to keep them conspicuously, is also subject to the argument, that a local law enforcement officer would come in, he could see the stamps; that would give him the lead the fellow was a gambler and he could go out and make his case.

I think there is a very good possibility if that isn't changed, that the court, in line with the *Marchetti-Grosso*, could hold that provision still was incriminating.

The only other thought I have on that bill is that I notice that the proposed bill grants exemption to parimutuel betting, and I was reading in the Washington Post that we now have 29 States that have parimutuel betting. It gives an exemption to State lotteries such as New York and New Hampshire. It gives an exemption to casino wagering in Las Vegas. It gives an exemption to charitable drawings. It gives an exemption to social gambling.

Now, I think what the proposed bill is trying to do, which I agree with, is that whenever a State or political subdivision decides that their people want some type of regulated and taxed gambling that the Congress should defer to the wishes of that State or political subdivision and grant an exception.

Now, the only already taxed gambling I can think of that you haven't given an exception to—and it might be an oversight—are the legalized bookmaking parlours out in Las Vegas—I don't know why they have been left out.

But I think that the Congress, in a bill like this, would recognize the wishes of the people who were closest to State government. If the State governments decide they want some

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[1] *Marchetti* v. *United States*, 390 U.S. 39 (1968).

[2] *Grosso* v. *United States*, 390 U.S. 62 (1968).

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type of legal gambling, then there should be an exception.

I think that rather than delineating the different types of legalized gambling that you want to exempt, that you just ought to put in an overall provisions, that would exempt from the overall statute, any type of gambling that has been authorized or sanctioned or legalized, by the State or political subdivision and subjected to a tax, and then that will take care of any future situation, let's say 2 or 3 years from now, if some other State says they want to legalize and tax a different type of gambling, and you wouldn't have to come in and get a different type of amendment.

They were the only points on that bill. I think it is a very valuable and salutary bill.

Senator McCLELLAN. Before you go to the other bill, let me say that I think you made at least one very constructive suggestion. I think the committee will certainly consider it.

Senator Bible has suggested in a statement he filed with the committee yesterday, that this bill should be amended, to give relief to approximately 11 licensed bookmakers in the State of Nevada. That is what you were trying to——

Mr. HUNDLEY. Yes.

Senator McCLELLAN. You suggest that any bookmaker licensed in the State and there subjected to a State tax, should be exempt from the special wagering occupation tax, or that the tax should not be increased for licensed operators. You have already commented, and that is the same position he has taken. I assume you endorse his position?

Mr. HUNDLEY. Yes. I agree with him. If you are going to exempt all other types of State legalized gambling, you know—I have to use this word—"discriminate" against the legal bookmaking, what happens out there is you don't really get at the operator of the place anyway. If you go into one of those legal bookmaking parlors in Las Vegas and you want to bet $5 on a horse, you pay the 10-percent tax, you see. In other words, you pay $5.50. To me it just doesn't make much sense.

I think the policy of the Congress in the field of gambling has been wise. I think it is a recognition of the fact that some people like some type of legalized gambling and are willing on the State level to tax it, and that this type of legislation should not reach it. If the State of Nevada favors this, then I think the Congress should, in fairness go along with them.

Senator McCLELLAN. Thank you very much. Now, if you wish to pass on to the next one, 2022 is it?

Mr. HUNDLEY. It is S. 2022, Illegal Gambling Business Control Act of 1969. I find at least title I somewhat troublesome. Title I, of course, is the part of the bill that would strike at police corruption.

Now, I think that if this bill is enacted, even with the jurisdictional limitations in the bill in title I, that we have got to recognize that this puts the Federal Government rather squarely into the business of policing local corruption, which is quite a task. I would hope, and I am confident from my experience in the Department of Justice, that this statute, if enacted by the Congress, would be used on a highly selective basis by the Justice Department. I am sure that the gentlemen from the Justice Department can cite chapter and verse of situations where their legitimate operations were hampered by police corruption. Now, if it is used in that fashion it is useful and helpful. But I think there has to be a recognition on the part of Congress that if you pass title I, which is very broad and literally gives the Federal Government jurisdiction to move into situation where you might have a policeman and five other gamblers in a 30-day business—if we were ever unfortunate enough to have an unwise Attorney General or an unwise Assistant Attorney General who decided he wanted to apply this thing across the board, he could almost throw darts at the map of the United States and start checking on this police department and that police department and the other.

It is very broad. It is an area that the Federal Government has not had direct jurisdiction on before, I think it is necessary, but I think that it has got to be very selectively used.

We had no success in the Department of Justice when I was down there trying to reach corrupt local officials by income tax investigation. We just couldn't make the case. I am sure that is why they want this. They want a direct approach. You have got a lot of ancillary problems here. You are going to have the Federal Bureau of Investigation moving into areas where you have got local police departments. I would think that you would want to very carefully solicit the views of the FBI on this and see how they feel about it. I would think you would want to see how prominent police chiefs and perhaps prominent local prosecutors feel about it. I think that would be useful.

I tend, of course, to look at this from the angle of when I was Chief of the Organized Crime Section, and I would have liked to have had a bill like this to reach certain situations. But there are some problems here.

Senator McCLELLAN. How could you write into the statute a provision that would compel this sort of selective use?

Mr. HUNDLEY. That is the problem, Senator. I have talked with your able counsel up here, and they said why don't you try to write something in. I said I just don't know how to do it. I don't think there is any way. I think you are going to have to rely on the Justice Department.

Senator McCLELLAN. The Justice Department.

Mr. HUNDLEY. And I think they are reliable. I don't want to create the inference at all that they will use it in other than selective situations where you have an overriding situation.

Mr. BLAKEY. Mr. Hundley, do you think it would be feasible to write into this bill some sort of disclosure provisions comparable to those appearing in the Omnibus Crime Act which deal with wiretapping that would require periodic public accounting to the Congress of how this particular statute is administered? It wouldn't prevent an abuse directly, but it might give us the information on which we could judge whether or not an Attorney General is using this in an improper fashion?

Senator McCLELLAN. It might serve as a deterrent.

Mr. HUNDLEY. I think so. I think that is a good idea. I think that the Justice Department would realize that they are going to have to account for their actions in this regard, and that is a good way to insure it. I am satisfied that, you know, just about any State in the United States where you have illegal gambling, that there probably are violations of this proposed statute.

There is no doubt in my mind. I know that there is no intention on the part of the Justice Department to enforce this provision, if it is enacted, across the board. They just wouldn't have the manpower to do it.

I think there is always the possibility that this could be used unwisely, and that is the thing you have to guard against. I suppose you have that problem whenever you trust prosecutors with added responsibilities.

As far as title II of S. 2202 is concerned, I would think that probably the only area where that would be helpful would be in getting at big numbers rackets, because in my experience in the Justice Department any gambling operation that was worth Federal concern had an interstate aspect, and that you could proceed under 1953 and the other bills. But some of the really big numbers operations, particularly in a place like New York, can be, by the nature of the operation, self-contained, and you wouldn't have the interstate aspect and you could use this new title II against those. I don't see that it would be really of much use otherwise in the gambling area.

I would think, again to repeat myself, in most gambling situations where the Federal Government ought to get involved, there is an interstate aspect, and with the new wiretapping bills and things like that, if you can't prove the interstate aspect you ought not get involved in it. Numbers is the one exception.

The immunity provision, of course, is fine, although I understand you have before this committee now an across-the-board immunity bill.

Those are the only initial comments I have. I would be glad to answer any questions, Senator.

Senator McCLELLAN. Do you have any questions, counsel?

Mr. BLAKEY. I have one or two.

Mr. Hundley, Senator Tydings introduced a bill, S. 974, which would raise the organized crime and racketeering section in the Department of Justice to a division. Do you feel that there are inherent organization difficulties in separating organized crime investigations from the other activities of the Criminal Division?

Mr. HUNDLEY. I, of course, favor elevating the section to a division status. I favored it when I was down there. When I left as Chief of the section we had about 60 attorneys in the section and it was becoming unmanageable as a section then. I understand they have over 70 now, and that, if they receive supplemental appropriation they will have 89 and if they receive the requested appropriation for next year, they will have 140 attorneys.

Now, it just doesn't make any sense to me to ask for $65 million for an organized crime drive, which I agree with, by the way—ask for 140 attorneys, and then seem to quibble on whether or not it ought to be a division. It just seems to me that it just flows naturally that it ought to be a division. I agree with Senator Tydings' bill on that.

Senator McCLELLAN. The question is, How can you separate organized crime activities from ordinary criminal law activities?

Mr. HUNDLEY. Right.

Senator McCLELLAN. Will there be overlapping? It is an administrative problem?

Mr. HUNDLEY. Senator, when I was down there—with the question as big as it is today or as it is going to be—there were difficulties, but I would say it worked in practice that any case in the Criminal Division that had racketeer overtones was transferred to the organized crime section, and thereafter the organized crime section whether it be a fraud case or what, had jurisdiction over the case.

I would think it would be pretty much the same proposition if you make them both divisions.

Now, I know the argument that you really don't have anything left in the Criminal Division. That was the argument that was always put forth. I don't subscribe to that. I think there would be abundant work for the Criminal Division.

Senator McCLELLAN. If you create a criminal division and a division on organized crime, who would you have over them?

Mr. HUNDLEY. Excuse me?

Senator McCLELLAN. Who would you have over each division, the Deputy Attorney General?

Mr. HUNDLEY. Yes, sir.

Senator McCLELLAN. What would be the next link in command.

Mr. HUNDLEY. Well, I would think the next link in command would be the Attorney General.

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> Now, I did read something——
>
> Senator McClellan. You would have each of these Assistant Attorneys General reporting to the Deputy and on up to the Attorney General. That seems to me the only way it could be done.
>
> Mr. Hundley. Yes. I read somewhere where somebody had proposed a separate Deputy Attorney General for the administration of justice.
>
> Senator McClellan. You cannot completely divorce them. I think they have got to be kept under one source of authority.
>
> Mr. Hundley. You see, there are a lot of things—I don't think I have to explain to the Senator—sometimes you get involved in bureaucratic infighting in agencies. Now, I remember one of the first things I did when I became Chief. I wrote a memo saying I thought it would be a good idea if all tax cases involving racketeers would be transferred from the Tax Division to the Organized Crime Section. Well, nobody in the Tax Division would talk to me for about the next 6 months. You know, they just didn't want to give it up.
>
> Senator McClellan. I thought you folks who were appointed in office never had any political problems.
>
> Mr. Hundley. It seems to me that there has always been some reluctance down there to take this step, but it seems to me that now the step just has to be taken, because what you have in the section now—bear in mind you are going to have over 100 attorneys in a short period of time, you have got one section chief and he has two deputies——
>
> Senator McClellan. I am inclined to favor it. Nevertheless, if you give the Department something it doesn't want then you have a problem, too.
>
> Mr. Hundley. Yes.
>
> Senator McClellan. I would not want to elevate the Organized Crime Section to a Division that would, in any sense, outrank the regular Crime Division. Certainly it has to be kept, in my judgment, on a level.
>
> Mr. Hundley. I agree with that. I will take it one step further. I would think that the Attorney General, if he agreed that it was a wise thing to do to set it up as a division—it is a highly specialized field of work, anyway—I would think the Attorney General would take one of those top career fellows down there who really knows something about this and put him in charge of the division. There is precedent for that in the Department.
>
> When they created the Internal Security Division they had a man, Walter Yeagley, as head of that division, and he served under three administrations. Why not take this out of the political arena? It takes a couple of years before the attorneys down there really know how to run an organized crime program, anyway.
>
> Take a good career guy, make him the Assistant Attorney General.
>
> Senator McClellan. I think that is an excellent idea, because law enforcement is a very serious and difficult task, and I can't see where there should be any partisanship. I think partisanship will detract from the success of any program designed to strengthen law enforcement.
>
> Mr. Hundley. I would feel more comfortable if title I of S. 2022—if you had a nonpartisan career Assistant Attorney General deciding which police departments were liable to be investigated.
>
> Mr. Blakey. Mr. Hundley, that covers my questions.
>
> Senator McClellan. I thank you. I appreciate your being with us and coming up here. You have had the experience and the knowledge and you have made a contribution in our work.
>
> Again, this is an effort to meet our responsibility here as Members of the Senate to deal with a very grave problem in our country today.
>
> Mr. Hundley. Thank you very much, Senator. It was a pleasure to be here again.
>
> Senator McClellan. Thank you. I have always had great respect for you in your work down there, and I am glad to find that you have remained interested in government and law enforcement even after you left office.
>
> Thank you.
>
> Mr. Hundley. Thank you very much, Senator.

Mr. TYDINGS. Mr. President, I would like to emphasize part of his remarks:

> Mr. Hundley. I, of course, favor elevating the section to division status. I favored it when I was down there. When I left as Chief of the section we had about 60 attorneys in the section and it was becoming unmanageable as a section then. I understand they have over 70 now, and that, if they receive supplemental appropriation they will have 89 and if they receive the requested appropriation for next year, they will have 140 attorneys.

At the present time, today, there are 89 attorneys in the organized crime section. It is my understanding that under the new budgetary proposal, the number will reach 112 attorneys for fiscal year 1970.

I continue with Mr. Hundley's testimony before the committee:

> Now, it just doesn't make any sense to me to ask for $65 million for an organized crime drive, which I agree with, by the way—ask for 140 attorneys, and then seem to quibble on whether or not it ought to be a division. It just seems to me that it just flows naturally that it ought to be a division. I agree with Senator Tydings' bill on that.

By the provisions of S. 30, a number of new weapons will be given to the Department of Justice to fight organized crime. These new weapons will need high level impetus, direction, and control from the Department, if they are to be properly utilized against organized crime. Some of these weapons include: First, title I—convening special grand juries in a judicial district with fewer than 4 million inhabitants; second, title II—grant authority for a testimonial immunity order; title V—protective housing facilities; fourth, title IX—civil investigative demands almost identical to those used in antitrust matters under the supervision of the Assistant Attorney General for Antitrust; fifth, title IX—forfeiture proceedings against one convicted of a designated racketeering offense.

In other words, we are providing in title IX almost the same investigative powers, as those used in antitrust matters. It is noteworthy that effective utilization of these powers has required the supervision of an Assistant Attorney General in the Antitrust Division.

Title IX is one of the more ingenious provisions of Senator McClellan's committee. It is a very important provision. It will be most effective if it has to direct its use an Assistant Attorney General rather than section chief.

Mr. President, an Assistant Attorney General and an Organized Crime Division can assure a commitment to a "war on organized crime." The ebb and flow of effort need not be continued. If, however, the organized crime fight is left within the Division charged with general criminal problems, the present subservient status of the section will be perpetuated and there would be no administrative manifestation of a drive against organized crime.

An Assistant Attorney General for Organized Crime would make the Federal commitment firm and visible. He would be required to go before the Committee on the Judiciary of the Senate. He would be required to receive Senate confirmation. The Division would have a separate and definable budget.

Mr. President, I am not the only person speaking in this regard. My voice is not an isolated voice requesting permanent status, direction, and authority in the drive against organized crime.

I would like to refer the President's attention to page 206 of the President's Crime Commission report in 1967, "The Challenge of Crime in a Free Society."

I would like the President to consider the words of Rufus King that the creation of a division for organized crime would be a good change within the Department of Justice. I might add that Mr. King was the chairman of the Criminal Law Section of the American Bar Association for many years. He is the author of many books on this subject. He is a distinguished criminologist in his own right, as well as an able lawyer.

Mr. President, during the hearings held by the Senator from Arkansas (Mr. McClellan) he left no stone unturned in his effort to get able witnesses to testify on the organized crime proposals. He had among his witnesses Prof. Henry S. Ruth of the University of Pennsylvania School of Law.

Take note of the question of the distinguished Senator from Arkansas (Mr. McClellan) and Professor Ruth's response:

> Senator McClellan. Senator Tydings has proposed in S. 974, which is now before this committee, that there be created in the Department of Justice a position known as Assistant Attorney General for Organized Crime. Based on your personal experience and the studies of the Crime Commission, do you think this suggestion is a good one?
>
> Mr. Ruth. Yes, sir; I do. I think, as the Organized Crime Section expands, it is going to swallow the Criminal Division, so I think there should be two separate entities, and I think the head of the organized crime endeavor should have direct access to the Deputy Attorney General and the Attorney General and have his own budget.

I have already quoted from the testimony of William G. Hundley. I shall now read from the testimony of John P. Diuguid, General Counsel of the Association of Federal Investigators. His testimony is found at page 277 of the hearings:

> Other bills which, we believe, deserve the careful consideration of this subcommittee are S. 974, S. 975, and S. 976 introduced on February 1, 1969, by the honorable Senator Joseph Tydings. The first of these measures, S. 974, would elevate the organized crime and racketeering section of the Department of Justice to division level by creating the position of Assistant Attorney General for Organized Crime, S. 975, which would compel testimony in certain cases, and S. 976, which would provide increased sentences in certain cases where a felony is committed as part of a continuing criminal activity in concert with one or more other persons are also, in the association's view, deserving of this subcommittee's careful consideration.

Others testified at the hearings in support of an Assistant Attorney General and a division for organized crime and

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control. On page 531 of the hearings will be found a letter from Edwyn Silberling. He was one of those persons entrusted with the authority for directing the organized crime drive within the Department. His letter states:

NEW YORK, N.Y.,
June 17, 1969.

Hon. JOHN L. MCCLELLAN,
Committee on the Judiciary,
U.S. Senate
Washington, D.C.

DEAR SENATOR MCCLELLAN: Thank you so much for requesting my views on the legislation introduced by Senator Tydings to improve the combat against organized crime. I have read Senator Tydings' bill with great interest and I am strongly in favor of it. Based upon my experience in the Department of Justice, I would say that it is essential for the man charged with the responsibility of directing the prosecutorial attack against organized crime to have the flexibility and power which is provided for in Senate 974.

Because of the peculiar nature of racketeering activities normal categories which can be neatly pigeonholed in particular divisions such as the Criminal Division do not apply. Experience has shown the need for utilizing the vast range of powers vested in Federal government in what are ordinarily non-criminal fields, such as the Federal Housing Regulations or Small Business Administration Regulations. By creating an Assistant Attorney General for Organized Crime it would be much easier for the man in that position to deal with other branches of the executive department. Further, he would command greater respect from other executive branches of the government all to the benefit of an effective antiracketeering program. It would also enhance the opportunities for closer relationships with the United States Attorneys. In addition, since there will be an increasing partnership between the Federal and State governments in this field, it would be of value to clothe Department of Justice representatives with enhanced status. For example it would be much more meaningful if the man in charge of the Justice Department's program in the field of Organized Crime to correspond directly in his own name to the local District Attorney rather than go through another Justice Department official. I believe, too, that having the status of Assistant Attorney General, would subject the Department of Justice official to the approval of the Senate prior to his appointment. This would tend to increase Senate interest in the activities of his Division and also lead to closer ties between the Legislature and the Department of Justice in this field.

Sections 4 and 5 of subdivision (a) are meaningful, necessary, and carry the promise of bearing fruit on a longterm basis.

Very truly yours,
EDWYN SILBERLING.

Ed Silberling was one of those men on the firing line in the fight on organized crime.

I would like to read the letter of Milton R. Wessel, special assistant to the Attorney General. The letter appears on page 533 of the hearings of the McClelland committee:

DEAR SENATOR MCCLELLAN: This is in reply to your June 6, 1969 letter, asking for my comments with regard to S. 974.

Enclosed is a copy of the Report submitted by the Attorney General's Special Group on Organized Crime on February 10, 1959. The Report was based upon a special eleven-month nation-wide study of problems related to syndicated crime enforcement. It concluded that significant benefits could be achieved by creating a separate Office on Syndicated Crime within the Department of Justice. S. 974 would have similar effect.

Although I have not served actively as a prosecutor since early 1960, the problems of syndicated crime enforcement seem no less serious today than they were in 1959; the causes of ineffective law enforcement also seem much the same. I would accordingly favor the passage of S. 974 for all the reasons set forth in our 1959 Report.

One of the reasons why the Department of Justice refuses to give the Organized Crime Section division status is that they say they would have to have another study. That is bureaucratic nonsense. In 1959, under Attorney General Rogers, now Secretary of State of the United States, they had such an investigation. They had such a bureaucratic effort. Their own man, in 1959, made the recommendation that they needed to give organized crime full division status. That is over a decade ago. His letter, which is in the hearing record of the McClellan committee, says he supports my proposal for the same reason he recommended it in the Department of Justice.

At the same time, the Department of Justice says, "We cannot give organized crime division status now because we are having a total reorganization plan." However, at the same time they have asked for legislation creating an Assistant Attorney General to head a consumer division, with 25 attorneys. Yet, they turn their back on an organized crime division with 112 attorneys and say they have to have a study.

There is the same bureaucratic inertia in the Department of Justice that there was in prior administrations. They just do not want it because they want to keep the power within the Criminal Division in the Department of Justice. I ran into it when I was U.S. attorney for 3 years. U.S. attorneys today run into it.

I say it is time for the Congress, if it really means what it says about having an organized attack on organized crime, to give it an institutionalized effective focus. If we do not, and the issue of organized crime drops from the headlines and we do not have an Attorney General who is concerned with it, we will see happen what happened when Attorney General Kennedy left the Department of Justice. We will have a new Attorney General, with new ideas, new imperatives, new directions, new focuses, new concerns, and we will see the emphasis within the organized crime section fall back to where it had stood before. We cannot tolerate that.

I stood with the Senator from Arkansas (Mr. MCCLELLAN) last year and supported him and helped put through legislation providing in certain instances for court-ordered electronic wire taps because the problem of organized crime had gotten so far out of hand in this Nation that we had to give our law enforcement officials the necessary prosecutorial tools to combat it.

I support S. 30 on the Senate floor today, and will tomorrow, for the same reasons—because we need those tools. At the same time we must not turn our back on the recommendation of the President's Crime Commission, on the American Bar Association section on criminal law, on the recommendation of every director and former assistant director on organized crime, and listen instead to the bureaucrats in the Department of Justice.

Mr. MURPHY. Mr. President, will the Senator yield for a question?

Mr. TYDINGS. I yield.

Mr. MURPHY. Has the Senator found that there has been any objection to his suggested amendment? Has any objection been voiced? Is there any objection that some of us may not have heard of? The amendment seems to make good sense to me. I wondered what the opposition was.

Mr. TYDINGS. I may say to the Senator from California that there is objection from the Department of Justice, and its objection will be outlined—to my dismay—by my friend and colleague the Senator from Nebraska (Mr. HRUSKA). There will be opposiiton and it will be expressed by my distinguised colleague from Nebraska.

I think perhaps at this time I will yield the floor and permit the Senator from Nebraska to give the Department's position in opposition.

Mr. HRUSKA. Mr. President, we have under consideraiton in the Senate today an excellent piece of proposed legislation. It has been carefully thought out, and it has been very deliberately composed and drawn. I join the chairman of the subcommittee in the hope that we will have an end product which will receive the unanimous approval of the Members of the Senate.

This is not saying we should not consider amendments that are proposed from time to time. The amendment the Senator from Maryland proposes today is one we are gong to debate and decide upon.

The proponents and the opponents of the amendment have one thing in common, and that is a desire and a goal of vigorous and effective implementation of an anti-organized-crime program. The question is, "How can we best achieve it?"

I shall begin by stating that the Subcommittee on Criminal Laws and Procedures considered a bill proposed and introduced by the Senator from Maryland, the essence of which is contained in the amendment now before us. It was rejected. It has some good arguments in its favor. Those were recited in a letter sent to the committee on August 5 of this year from the Attorney General.

It was pointed out in testimony by the Attorney General that to create an organized crime division with an assistant attorney general in charge would have some advantages. It would lend emphasis to the program against organized crime. It would result in an institutionalization of that particular activity with its own structure, and it would add stature to the effort against organized crime.

It is contended—and I think it can be reasonably assumed—that with an independent budget for use against organized crime, there would also be some increase in stature.

It might also give some protection

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against a possible future deemphasis in Federal efforts in this area.

From a management point of view, it is asserted that the anticipated size and present growth of the Organized Crime Section would warrant establishing a division.

I think a reasonable argument can be made for creating a Division on Organized Crime.

The Senator from Maryland has related some of the arguments in favor of it.

Notwithstanding these arguments, the subcommittee and later the full committee turned this proposal down. Here are four reasons, in capsule form, why it did so; and there are many details that support each of these reasons.

First. The Department of Justice is opposed to it. The Department of Justice, under the administration of Mr. Mitchell's predecessor, was also opposed to it. Mr. Ramsey Clark's predecessor, Mr. Katzenbach, was opposed to it.

Second. There is currently under consideration the matter of creating a separate Organized Crime Division. That study is being conducted by the President's Advisory Council on Executive Organization, and is also a matter under constant review by the Attorney General and his staff.

Third. There is inherent in this amendment an unwarranted intrusion into the area of the internal policies of the Department of Justice.

Fourth. The amendment would introduce an element of inflexibility and difficulties in administration of the affairs of the Department of Justice. There would be an unnecessary and even harmful limitation of administrative flexibility.

Fifth. Finally, it is contrary to current policy and thinking in the field of public administration, in view particularly of the 1966 amendments that are contained in chapter 5 of title 28 of the United States Code, concerning the Department of Justice.

Now I should like to return to and discuss the Department of Justice's opposition to this kind of proposal.

First of all, it is pointed out that a decisive factor in the organizational problems of the Department of Justice would result. It is pointed out that a Federal crime is a Federal crime, regardless of whether it is committed in the field of organized crime or in the field of any of the other criminal statutes. If a separate division were created, there would be a furthering of the complex problems of determining which division, the Criminal Division or the Organized Crime Division or the Tax Division should have jurisdiction.

It should also be noted that the creation of divisions such as those that I have just mentioned would result in losing the existing advantages of having a single Assistant Attorney General supervising the criminal work of the U.S. attorney. If there is to be a competition between the Organized Crime Division and the Criminal Division for the efforts, the staffs, and the talent of these 93 district attorneys in the 50 States, we will readily find ourselves in a state of confusion and chaos. It would certainly impair the effectiveness of an organized crime drive, rather than help it.

As to the matter of flexibility, all of us are aware that in a department, particularly one of the nature which we find in the Department of Justice, there must be flexibility. There has to be flexibility, and there are times when one phase of crime or one phase of law enforcement will supersede, and be accorded much greater emphasis than at other times. There has to be an ability of the department to shift its forces and its strength one way or the other.

These arguments are set forth, Mr. President, in a letter of August 5, 1969, written to the chairman of the subcommittee by Attorney General Mitchell. That letter was reconfirmed, and the position of the Department of Justice was reaffirmed in a letter dated January 20, just the day before yesterday, over the signature of the Attorney General, Mr. Mitchell. Again he points out the arguments that he made last summer. These arguments were reiterated by Mr. Will Wilson, the head of the Criminal Division, in the testimony that he gave on June 3, 1969.

Mr. President, I ask unanimous consent to have printed in the RECORD at the conclusion of my remarks the letters of the Attorney General dated August 5, 1969, and January 20, 1970, and excerpts from the testimony of Will Wilson regarding S. 974, which is the bill introduced by the Senator from Maryland, the essence of which is now contained in the amendment under consideration, being an excerpt of the testimony given on June 3, 1969, on that particular bill by the head of the Criminal Division.

The **PRESIDING OFFICER.** Without objection, it is so ordered.

(See exhibits 1, 2, and 3.)

Mr. **HRUSKA.** In that statement, Mr. Wilson says:

> While it is good to emphasize the organized crime work by dignifying this work in the Organizational scheme of the Department of Justice, it is thought that the danger of competing offices having jurisdiction of the same subject matter will more than offset the advantages. This is particularly true with increases in the Strike Forces or field offices devoted to organized crime work, and great care must be taken that these do not become competing prosecutorial offices to those of the United States Attorneys.

He goes on to point out that there should be a close connection and a close working together of all these component parts, that can be achieved best under the leadership and the supervision of only one man, rather than to have it divided among others.

In June of this year, pursuant to request by the chairman of the subcommittee, Mr. Ramsey Clark, formerly the Attorney General of the United States, gave his opinion that such a division should not be created.

He says, in a letter of June 25:

> The proposal has been discussed within the Department for many years. In my opinion, it is unwise. Criminal conduct does not fall into tidy compartments. To separate organized crime prosecution from the rich experience and resourceful manpower of the Criminal Division would injure both.

He goes on to say:

> Creation of new divisions limits flexibility in enforcement priorities and manpower allocation. It often demoralizes the staff, which is removed from the more exciting activity of the moment, and results in stagnation in special areas of high interest when that interest passes.

I ask unanimous consent that that letter also be printed in the RECORD at the conclusion of my remarks.

The **PRESIDING OFFICER.** Without objection, it is so ordered.

(See exhibit 4.)

Mr. **HRUSKA.** Then there was a request sent to the former Attorney General of the United States, Nicholas Katzenbach, and on July 10 of last year he also addressed a letter to the chairman of our subcommittee. I ask unanimous consent that that letter be printed in the RECORD at the conclusion of my remarks.

The **PRESIDING OFFICER.** Without objection, it is so ordered.

(See exhibit 5.)

Mr. **HRUSKA.** He said, among other things, after saying that there are both virtues and vices to the bill (S. 974) that:

> On the other side of the scales is the fact that responsibility for Federal prosecution of crime would, with a new division, be split four ways: The Criminal Division, the Organized Crime Division, the Internal Security Division, and the Tax Division. I think this would make the Attorney General's job of supervision somewhat more difficult than it is now. In addition, I think with organized crime removed, it would be much more difficult to get the high quality person to head the Criminal Division which it is important to have. During the Kennedy and Johnson Administrations, the Attorney General himself spent much of his time dealing with organized crime, and the Assistant Attorney General in charge of the Criminal Division probably spent in the neighborhood of 80 percent of his time dealing wtih it.

Mr. President, that makes sense. It is the tone at the top that is going to determine the effectiveness of any program, whether it is an antitrust program, a tax prosecution program, a civil rights program, or any other program.

To the extent that the demands of the day will require, we can reasonably expect that the Attorney General sitting in that office, will be receptive to demands for prosecution on a vigorous basis of organized crime as of the moment. It may be something else 2 years from now or 4 years from now. There may be hills and valleys even in the organized crime business. He should have the opportunity to deal with it in a flexible fashion, without being tied up by the particulars that are going to be foisted upon him in the event of the adoption of this amendment.

Herbert J. Miller is the former Assistant Attorney General in charge of the Criminal Division. He wrote a letter to the chairman of our subcommittee, under the date of June 19, which appears on page 530 of the hearings. He said, among other things:

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> I have long felt criminal law enforcement activities in the Department of Justice should be centralized rather than decentralized.

He goes on to say, in a later paragraph:

> Experience dictates that one of the reasons for the strength of the organized criminal element has been the "splintered" law enforcement jurisdiction of the federal government.

Mr. President, the formation and the functioning of the strike forces which we have working today is an attempt to get away from that splintering. We gather under the hearing of one attorney, all the legal and investigative activities of the Federal Government concerning organized crime. We put them under the special ad hoc control of a special counsel and they go to work with all the law enforcement resources. They round all investigative functions in one package and really lower the boom. That is what will be necessary in order to get away from the splintering to which Herbert J. Miller, Jr., referred in his letter of June 19.

I ask unanimous consent that the text of that letter be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 6.)

Mr. TYDINGS. Mr. President, will the Senator yield.

Mr. HRUSKA. I am happy to yield.

Mr. TYDINGS. I like the "splintering" argument. Indeed, that is one of my arguments. To whom does the Senator feel the Federal Bureau of Investigation, the postal inspectors, the agents of the Fish and Wildlife Service, or the Treasury agents of the IRS would be most responsive in an effort to stop the splintering of, say, multiple investigations in the district of Nebraska or the district of Maryland, if a directive were passed out ordering them to combine and meet regularly each week and coordinate their investigative efforts? Does the Senator think they would be more responsive to a letter from a section chief in the Criminal Division who could not even sign the letter in his own right. Does not the Senator recognize that they would be more responsive to a letter which came from the Assistant Attorney General of the United States, who was nominated by the President and whose nomination was confirmed by the Senate?

Mr. HRUSKA. No, they would not be less responsive. They would respond just as readily to a section chief as they would to a division chief or anyone else so long as he has the support of the Attorney General.

But that misses the point. It is what is done with the results of their responses. Under the Organized Crime Division amendment, that division would be deprived of the manpower experience, the allocation of manpower, and all the other things pointed to by former Attorney General Katzenbach, former Attorney General Ramsey Clark, and former Assistant Attorney General Miller.

The point is, what do you do with this information, with all this evidence, after the responses are made by these various law enforcement agencies out in the field? And how do you use it most effectively? These people, who have headed the department, not out in the field, not on a bureaucratic level, say that is not the way to do it, that we ought to have it under one man, who would be in charge of the Criminal Division.

Mr. TYDINGS. Mr. President, will the Senator yield?

Mr. HRUSKA. I yield.

Mr. TYDINGS. The Senator responded to my question with regard to splintering, that a letter from the section chief would be just as effective as a letter from the assistant Attorney General or the Director. How does the Senator account, therefore, for the historic refusal or failure of the Federal investigative agencies to coordinate efforts in the organized crime section before the Attorney General of the United States himself got involved in 1961.

The period of time about which the Senator is talking was when we had as head of the section on organized crime Milton R. Wessel, appointed by Attorney General Rogers, a distinguished attorney in his own right, a great prosecutor, who developed the charge in the Appalachia case. What did he tell the Senate committee? He told them that they ought to adopt our amendment and give it division status. He was on the firing line. He was the one trying to get cooperation back in early 1969.

What about Bill Hundley? Bill Hundley worked there under Milton Wessel, under Attorney General Rogers. As a matter of fact, he worked under Attorney General Brownell when the whole section began. He later worked under Attorneys General Kennedy and Clark. What was his testimony? His testimony was, that you needed division status if you really wanted to have muscle, direction, and continuity to fight organized crime within the Department of Justice.

The Attorney General, Mr. Mitchell, with all respect to him, is merely giving the testimony which the bureaucracy within the Department of Justice has prepared for him. Mr. Mitchell has never tried an organized crime case. He has never directed an organized crime investigation. Does the Senator think he is as knowledgeable as Milton Wessel, who put together the Appalachia trials? Does the Senator think he is as knowledgeable as Ed Silberling, the chief of the Organized Crime Division under Attorney General Kennedy? Does the Senator think he is as knowledgeable as Prof. Henry Ruth, of the University of Pennsylvania Law School, Deputy Director of the President's Crime Commission and a member of the Organized Crime Section under Attorney General Rogers?

Does the Senator think the President's Crime Commission was just groping in the air when they recommended division status? No, they were not. Henry Ruth knew of the bureaucratic opposition when he was in the organized crime section. The Senator from Nebraska put his finger on it when he said it might be difficult to get a good Assistant Attorney General for the Criminal Division.

Mr. President, if the Assistant Attorney General in charge of the Criminal Division did not want the job for himself, he would not be opposing it now. It is the same bureaucratic jealousy which has bogged down the anti-organized crime effort in the Department of Justice under three preceding Presidents. It has caused the opposition message to be sent up today to the floor of the Senate.

I think it is time for Congress to follow the recommendations of the men on the firing line, the men who directed the organized crime section in the field under Republican and Democratic Attorneys General alike. I think it is time for the Senate to follow the recommendation of the President's Crime Commission report, of the criminologists who testified before Senator MCCLELLAN, and not listen to the bureaucracy within the Department of Justice, who have their own petty, selfish jealousies which are concerning them and which are motivating their opposition today.

Mr. HRUSKA. Mr. President, the Senator from Maryland is a very able debater, and he has lived the cause of this amendment a long, long time. He knows all the arguments. But they do not ring true when he asks for a comparison between men in the field—Hundley and all these other people. Great credit should be given to them, and they did an excellent job. But they were not in charge of the Department. Ramsey Clark was. Katzenbach was. John Mitchell is.

There is no magic in saying there will be a man in charge of this department by statute and that from there on we are going to have happy and forceful and most effective prosecution. There is no magic in that. That man could be just as indifferent to it as anyone else who might be in charge of the work, and could well be so. There is no magic in that at all.

Mr. President, nine Assistant Attorneys General are now authorized by statute. Section 28 U.S.C. 506 says there shall be nine.

It does not say one will be in charge of land, another of tax, another of legal counsel, another on civil rights, another on antitrust. It is left to the Attorney General to do. The Attorney General will separate the work of the Department into such categories as the occasion of the time requires, in his best judgment. Congress should not invade that area of internal policy and say, "You must put a man in here."

As a matter of fact, it would not be necessary for the Attorney General to fill that post even if we passed this amendment.

There is a vacancy there now. There is a place there. There is a slot for an Assistant Attorney General which is not being used for anything. It was formerly occupied by an Assistant Attorney General, Custodian of the Alien Property Division. That spot has not been filled for a long time. There is no way to force the Attorney General to go one way or the other in that respect if, in his best judgment, the administration of his department will be more to the public interest by doing it the way he is doing it now. That is the way it should be.

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Reference was made to the last paragraph of Mr. Katzenbach's letter and I will read an excerpt from it for the record:

> Frankly, I think on organizational matters of this kind the views and preference of the incumbent Attorney General should be given great weight. I believe that if I were now Attorney General I would not request this authorization from Congress. But if the present Attorney General desires it, I would, were I a member of Congress, support him.

Mr. President, that carries in it the implication from Congress that if the Attorney General does not want him, then I, as a Member of Congress, would oppose that kind of post. I think that is a very good point for those who oppose the amendment.

I should like to suggest that there was a reference made to the 1959 commission report, appointed by Attorney General Rogers, now Secretary of State, which was considered, and which was considered by Congress, and which was considered together with many other things in 1966 when the Reorganization Act was passed, on chapter 5 of title 28 of the Code. An Assistant Attorney General for Organized Crime was disregarded. They did not buy it.

I believe that the amendment is unwise. The Department of Justice is opposed to it. Study and consideration are in progress. We should await determination of that. If the Attorney General wants it, let us give it to him, and if he does not want it, let us not give it to him. It is an unwarranted interference in the area of the internal policy of the Department of Justice. It introduces an element of inflexibility in Congress and in the administration of the Department of Justice. It would actually be harmful and finally, contrary to the current policy thinking in the field of administration of Department of Justice affairs, particularly in view of the 1966 amendment.

Mr. TYDINGS. Mr. President, the President in his state of the Union message today stated that he looked to the Congress to help fight the war against crime. Organized crime is one particular version of crime. The Senator from Arkansas (Mr. McClellan) set forth properly and put the entire recources of his committee to work last year in perfecting Senate 30, a bill which works out the prosecutorial techniques, the investigative techniques, and the resources to fight organized crime. I know that the reason the Senator from Arkansas did that was the same reason he and I fought shoulder to shoulder on the floor of the Senate for the titles in the Omnibus Crime and Safe Streets Act which related to the war against organized crime.

Congress today has a mandate from the people to do what is necessary to protect them against the perils of organized crime. We must not fail in this important responsibility.

Mr. President, I should like to yield at this time to the Senator from Arkansas, then I would like to ask for the yeas and nays, and would be prepared to vote at any time convenient to the Senator from Nebraska (Mr. Hruska).

Mr. HRUSKA. Mr. President, if the Senator will permit me to make a brief observation about the suggestion that our President just an hour or so ago advanced; namely, the proposition that the people should fight crime. I fully agree we should help fight crime; but I submit that is not the same as the proposition which is advanced whether the people should interfere in the internal affairs of the Department of Justice. That is for the Attorney General to decide. The fight of the people against organized crime is in another arena and in another respect altogether.

Mr. McCLELLAN. Mr. President, I shall be rather brief. I regret to announce my opposition to the amendment because, in the first place, I do not regard it as a debilitating amendment. I do not regard it as a destructive amendment. I do not regard it as an amendment that will cripple the bill as such. I am going to oppose the amendment, however, for reasons which I shall now state.

Mr. President, first, I wish to compliment and congratulate the Senator from Maryland (Mr. Tydings). He has made reference to the fact that on this floor, 2 years ago, in the Congress of 1968, we battled together, shoulder to shoulder, to give to the Department of Justice and to the law enforcement arm of our Government a weapon, a vital tool, badly needed in the war against organized crime.

That was title III of the Omnibus Crime Control Act, which was enacted into law and which the new administration has used—although, I regret to say, the preceding Attorney General did not, during the remainder of his term of office.

I have already made reference in my speech yesterday to the effectiveness of that title here in the District of Columbia, where its use has broken up and exposed and caused the arrest of persons involved in an apparently well organized and functioning dope ring, which included two Mafia leaders out of New York.

Now, that is a tool we gave the Department of Justice which is being used effectively.

A number of us voted for that here, and helped to develop legislation and fought for its enactment, not because the Attorney General wanted it—he did not want it, and indicated that he would not use it, and he did not—but because it was made manifest that organized crime organizations within this country—the Cosa Nostra and others—have acquired such tremendous power and such tremendous influence. Their tentacles reach out into so many communities around the country, that their power and force had to be dealt with, so that we had to resort to this method. It was advisable to do so, and we did it. It is effective. It is getting results.

Mr. President, we find now that we need some more tools with which to combat this devastating force in our society. The committee has worked hard to bring out a bill. It has a number of provisions in it giving vitality and force to the will of the people that want to stamp out crime, and particularly organized crime, the parasitic crime by which people live off profits as professional criminals, organized crime which milks the life substance and force of humanity.

Mr. President, the pending amendment has an appeal. It has a legislative appeal. To me, it has a rather strong appeal, because of the importance that the menace of organized crime represents today.

Nevertheless, if we set up another division on organized crime, and then we have ordinary crime—if that is the proper title—does that include organized crime?

Now, where are we going to draw the line? How are we going to differentiate?

Surely, we know that we have this organized effort, and we are going to try to deal with it more effectively. And that is one of the prime purposes of the pending bill.

But, in organizing the administration of the law, in setting up the administration of the law and effectively to enforce it and make use of it, I do not know whether there should be a separate division for organized crime and another division for ordinary crime. And, if so, I do not know which should have priority over the other or which should have the highest status.

If they have equal status, who is going to determine when conflict arises, as it certainly will, whether this particular crime to be investigated comes under the heading of organized crime or ordinary crime?

I do not know. However, I can see that confusion might arise and conflict could arise.

The present Attorney General says as of now that he does not want it.

What are we going to do?

I have a policy with respect to some appointments in my State, not at the present time under this administration, but under past administrations. I have had a little influence in making recommendations as to who would be the U.S. Attorney. And I can say that when I was instrumental in getting someone appointed as U.S. Attorney, I did not later send him a bunch of sorry lawyers and tell him that he had to take them as assistants to do his job.

Anyone who applied to me for an assistant U.S. Attorney's job was told by me to go and convince the U.S. Attorney that he needs him and then I would give him my endorsement.

I did not believe it was fair to give him the responsibility and then say, "Do it with the tools I have furnished you."

That same rule applies here.

I am reluctant to say to the Attorney General that he has to set up his organization, that he has to divide his responsibility, and do such and such in this way, and then hold him accountable if he cannot do the job as it is now or does not want to do it. After a fair opportunity and trial, and it is pointed out—it may well be, but I do not know—that this is what we should do, whether he wants it or not. Until that has been determined to our satisfaction I am not certain what we should do.

There is a conflict of evidence in the

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hearing. One can take a position for the amendment. We have strong testimony for it. But we have strong testimony against it, and the difference is in the weight that comes from the man who has the responsibility to do this job now.

We can pass a law, but we cannot execute the law. We can pass a law, but we cannot administer it. We can pass a law, but we cannot by law insure that we will get better results by imposing on an Attorney General a certain kind of organization than if we let the Attorney General say how he will organize his own effort, how he will administer it, and how he will direct it, and what assistants he needs to the job.

At the moment, I would leave it with the Attorney General. But I commend the author of the amendment for the great contribution he has already made in this fight against organized crime.

The bill before us today is going to make a further contribution to the expediting of that necessary effort in this country.

I shall not be unhappy personally if the amendment is agreed to. I personally do not care except that I do feel that there can be complications, and I can see that there might be complications. When the man in charge says, "Do not impose it on me, because I will have those complications," I think we should let them do it this way a while longer while we study the matter further.

I feel constrained under the circumstances to go along with that. The general idea has an appeal to me. Organized crime is of such magnitude and is such a danger and a menace of great proportions in this country today, there ought to be an Assistant Attorney General at the head of the division.

Whether we can separate the Department's crime efforts into two divisions is the issue. There is some doubt about it, and in view of the Attorney General's present position, I shall not vote to make that separation.

Mr. HRUSKA. Mr. President, I commend the Senator from Arkansas for his splendid analysis of this. I agree with him fully.

This is not a debilitating or harmful amendment in and of itself.

I want to join the Senator from Arkansas in his praise of the work and the effort and the great assistance rendered by the distinguished Senator from Maryland in this field.

He has been of tremendous help. Certainly, his experience as a U.S. attorney in the district of Maryland has been called on for guidance as we have gone along. However, the ultimate position reached by the Senator from Arkansas is that the Attorney General is the head of the criminal division.

The Attorney General in his letter of August 5, said:

> Upon completion of that study appropriate recommendations will be made to the President on how to accomplish lasting improvements in executive operations, including the fight against organized criminal activity.

He also said:

> Let the action on this proposal be deferred until the Attorney General has completed his plans for reorganization of all work of the Department of Justice, including that now performed by the tax and antitrust division.

I am happy to hear the suggestion of the Senator from Arkansas that it should be turned down at this time to await the further guidance and recommendation of the Attorney General.

I yield the floor.

EXHIBIT 1

Hon. JOHN L. MCCLELLAN,
U.S. Senate,
Washington, D.C.

DEAR SENATOR: Your Subcommittee on Criminal Laws and Procedures is presently considering S. 974, a bill which would create a position of Assistant Attorney General for Organized Crime. As you will recall, I discussed the proposal briefly during my testimony before your subcommittee on March 18 of this year. Assistant Attorney General Wilson, during his appearance before the Subcommittee on June 3, 1969, presented additional department views on the measure.

There are some very persuasive arguments in favor of the creation of an Organized Crime Division under an Assistant Attorney General. Such action would give emphasis, institutionalization, and added stature to the effort against organized crime. It would provide for an independent budget for the organized crime program of the Department. It would give some protection against a possible future de-emphasis of Federal effort in this area of unique Federal concern. From a management view, the present size and anticipated growth of the Organized Crime Section would warrant elevating it to division status.

There are, however, also persuasive practical reasons for not creating a separate Organized Crime Division at this time. A decisive factor is the organizational problem which would result. A Federal crime is, in short, a Federal crime, regardless of whether or not it is committed as a part of organized criminal activity.

If a separate division were created, there would be complex problems of determining which division, either the Criminal Division or the Organized Crime Division, should have jurisdiction. To resolve such problems it has been suggested that there also be created a new Deputy Attorney General for Criminal Justice. While this seems like a possible answer, the creation of such a position raises additional problems of the role of this new Deputy vis-a-vis the existing operation of the Deputy's office.

It must also be noted that the creation of two divisions with similar and related jurisdiction would result in losing the existing advantages of having a single Assistant Attorney General supervising the criminal work of the United States Attorneys. This unity in supervision permits the Assistant Attorney General to achieve a priority for the organized crime work which might be more difficult if two assistant attorneys general were, in effect, competing to have the United States Attorneys expedite their criminal prosecutions. Finally, I must question the wisdom of creating a division through detailed legislation which would unnecessarily limit the administrative flexibility of such a unit in meeting contingencies that cannot be anticipated at this time. Legislation, in fact, is unnecessary to create an Organized Crime Division. The Attorney General presently has the authority to re-designate a vacant post of Assistant Attorney General (which formerly was designated for the Alien Property Division) as head of such a new division.

It is because of these competing advantages and disadvantages that I hope that the Committee on the Judiciary will defer action on S. 974. The questions raised by S. 974 and the entire question of improving the effectiveness of the Executive Branch in combating crime are presently under active review by the President's Advisory Council on Effective Organization. The Deputy Attorney General and myself are personally working with this Advisory Council on these matters. Upon completion of that study appropriate recommendations will be made to the President on how to accomplish lasting improvements in executive operations, including the fight against organized criminal activity.

With warmest regards, I am,
Sincerely,

JOHN MITCHELL,
Attorney General.

EXHIBIT 2

JANUARY 20, 1970.

Hon. ROMAN L. HRUSKA,
U.S. Senate,
Washington, D.C.

DEAR SENATOR: I understand that during consideration by the Senate of S. 30, the Organized Crime Control Act of 1969, the question of whether to create in the Department of Justice a division headed by an Assistant Attorney General for Organized Crime may be brought up. As you know, I have set forth the issues both favorable and unfavorable in this regard in a letter dated August 5, 1969, which appears at page 391 of the printed hearings before the Subcommittee on Criminal Laws and Procedures of the Committee on the Judiciary, United States Senate. At that time I asked that action be deferred on the question pending review by the President's Advisory Council on Executive Organization, and stated that upon completion of that study appropriate recommendations would be made to the President on "how to accomplish lasting impovements in executive operations, including the fight against organized criminal activity".

I would like to reiterate the principal difficulties which would result from the creation of an Organized Crime Division. As I stated in the aforementioned letter, an organizational problem would result. A Federal crime is, in short, a Federal crime, regardless of whether or not it is committed as a part of organized criminal activity. If a separate division were created, there would be complex problems of determining which division, either the Criminal Division or the Organized Crime Divison, should have jurisdiction. To resolve such problems it has been suggested that there also be created a new Deputy Attorney General for Criminal Justice. While this seems like a possible answer, the creation of such a position raises additional problems of the role of this new Deputy vis-a-vis the existing operation of the Deputy's office.

A further objection is that creation of two divisions with similar and related jurisdiction would result in the loss of the existing advantages of having a single Assistant Attorney General supervising the over-all criminal work of the Department of Justice, including that of the 93 United States Attorneys and their more than 800 assistants. This unity in supervision permits the Assistant Attorney General to achieve a priority for the organized crime work which might be more difficult if two Assistant Attorneys General were, in effect, competing to have the United States Attorneys expedite their criminal prosecutions.

Let me assure you, however, that we have been and are continuing to inquire into methods to improve the efficiency of the operations of the Federal effort to combat organized crime. I, therefore, urge that the Senate not adopt any amendment to S. 30 which will create an Organized Crime Division in the Department of Justice.

Sincerely,

JOHN MITCHELL,
Attorney General.

XUM

EXHIBIT 3

EXCERPT FROM TESTIMONY OF ASSISTANT ATTORNEY GENERAL WILSON ON S. 30 AND OTHER RELATED BILLS (INCLUDING S. 974) CONCERNING THE CONTROL OF ORGANIZED CRIME, JUNE 3, 1969

S. 974

I would next like to discuss S. 974, a bill to create a position of Assistant Attorney General for Organized Crime, which was introduced on February 7, 1969, by Senator Tydings. In his testimony before this Subcommittee on March 18, Attorney General Mitchell stated that we have been studying the merits of various proposals involving an effectively structured organization dealing with organized crime, including the creation of a separate organized crime division, or the consolidation of all of the criminal activities of the Department of Justice, including the Tax and Antitrust Divisions, in one new division whatever it might be called. This same general subject is also being considered by the newly appointed Advisory Council on Executive Organization which the President in his special message to the Congress on organized crime of April 23, 1969, directed to examine the effectiveness of the Executive Branch in combatting crime—in particular, organized crime. Pending the results of this study, therefore, we request that consideration of S. 974 be delayed.

It should be pointed out that there are inherent organizational difficulties in any plan of organization which takes the organized crime intelligence, cases, defendants and materials out of the functional sections to which they would normally be assigned and sets up a special organizational unit to handle the particular defendants, irrespective of the particular crime under investigation. The immediate effect of this is to create two separate units having jurisdiction of the same subject matter; for instance, most mail fraud cases go to the Fraud Section but those involving organized crime go to the Organized Crime Section. Someone has to make a decision, and in order to keep the Fraud Section and the Organized Crime Section working in smooth harmony, this work has to be closely correlated. It is the present feeling of the Department that this correlation and coordination can best be done by leaving the organized criminal work in the present Criminal Division. The effect of creating a special division will be to transfer the coordination of all criminal work to the level of the Deputy's office and will make necessary the creation of an additional staff section in the Deputy's office.

While it is good to emphasize the organized crime work by dignifying this work in the Organizational scheme of the Department of Justice, it is thought that the danger of competing offices having jurisdiction of the same subject matter will more than offset the advantages. This is particularly true with increases in the Strike Forces or field offices devoted to organized crime work, and great care must be taken that these do not become competing prosecutorial offices to those of the United States Attorneys.

It is the determined purpose of this Administration to have the Organized Crime Section of the Criminal Division work in closer harmony with the Criminal Division than it has in the past and to have the Strike Forces or field offices of the Organized Crime Section work in close connection and close harmony with the United States Attorneys. For these and other reasons, it is respectfully requested that consideration of S. 974 be deferred until the Attorney General has completed his plans for the reorganization of all of the criminal work of the Justice Department, including that now performed by the Tax and Antitrust Divisions.

EXHIBIT 4

FALLS CHURCH, VA.,
June 25, 1969.

Hon. JOHN L. MCCLELLAN,
U.S. Senate,
Washington, D.C.

DEAR SENATOR MCCLELLAN: By letter of June 10, 1969, you have asked my views on S. 974, a bill which would create the position of Assistant Attorney General for Organized Crime, in effect, raising the Organized Crime and Racketeering Section of the Criminal Division to divisional level.

The proposal has been discussed within the Department of Justice for many years. In my opinion, it is unwise. Criminal conduct does not fall into tidy compartments. To separate organized crime prosecution from the rich experience and resourceful manpower of the Criminal Division would injure both.

Inter-divisional coordination has always been difficult. Inter-divisional jealousies and rivalries must be anticipated where different divisions are enforcing the same statutes. The Criminal Division will retain narcotics, fraud and general crime responsibilities. Organized Crime figures are frequently prosecuted under such statutes.

Common issues of law, both substantive and procedural, would necessarily arise in two divisions. Uniformity in interpretation at both the trial and appellate levels would be difficult to insure.

Liaison with investigative agencies, critically important to any prosecutorial effort, is more easily effected when one Assistant Attorney General is responsible for all prosecutions.

Creation of new divisions limits flexibility in enforcement priorities and manpower allocations. It often demoralizes the staff which is removed from the more exciting activity of the moment and results in stagnation in special areas of high interest when that interest passes.

The need is more manpower for the Criminal Division and the United States Attorneys' offices to enable them to fulfill all of their important duties.

Sincerely,

RAMSEY CLARK.

EXHIBIT 5

ARMONK, N.Y.
July 10, 1969.

Hon. JOHN L. MCCLELLAN,
Committee on the Judiciary, Subcommittee on Criminal Laws and Procedures, U.S. Senate, Washington, D.C.

DEAR SENATOR MCCLELLAN: You have asked me to comment on S. 974, a bill introduced by Senator Joseph Tydings which would raise the Organized Crime and Racketeering Section of the Criminal Division to divisional level. You have asked for my views as a former Attorney General.

In my judgment there are both virtues and vices to the bill. There is a great deal of merit to taking any step which would concentrate attention upon, and make more efficient, the drive of the Federal Government against organized crime. Raising the Section to divisional level would have this effect. It would underline the importance which is attached to the drive against organized crime; it would also make it easier, in terms of prestige, titles, and salary, to attract and keep able personnel. All of this would be helpful.

On the other side of the scales is the fact that responsibility for federal prosecution of crime would, with a new division, be split four ways; the Criminal Division, the Organized Crime Division, the Internal Security Division, and the Tax Division. I think this would make the Attorney General's job of supervision somewhat more difficult than it now is. In addition, I think with organized crime removed it would be much more difficult to get the high quality person to head the Criminal Division which it is important to have. During the Kennedy and Johnson Administrations the Attorney General himself spent much of his time dealing with organized crime, and the Assistant Attorney General in charge of the Criminal Division probably spent in the neighborhood of 80 per cent of his time dealing with it.

Frankly, I think on organizational matters of this kind the views and preference of the incumbent Attorney General should be given great weight. I believe that if I were now Attorney General I would not request this authorization from Congress. But if the present Attorney General desires it, I would, were I a member of Congress, support him.

With personal best wishes, I am

Sincerely,

NICHOLAS DEB. KATZENBACH.

EXHIBIT 6

WASHINGTON, D.C.,
June 19, 1969.

Hon. JOHN A. MCCLELLAN,
U.S. Senate,
Washington, D.C.

DEAR SENATOR MCCLELLAN: In response to your inquiry with respect to S. 974, which would raise the Organized Crime and Racketeering Section of the Criminal Division to a divisional level, this concept has been considered for some time. I can recall such suggestions as early as 1963.

I was then, and still am, opposed to making the Organized Crime Section a separate division. To the contrary, I have long felt criminal law enforcement activities in the Department of Justice should be centralized rather than decentralized. Specifically, I am referring to the criminal enforcement jurisdiction which is currently lodged in the Tax, Civil Rights, Internal Security, and Antitrust Divisions.

I know of no field in which close coordination is more important than the organized crime field. Experience dictates that one of the reasons for the strength of the organized criminal element has been the "splintered" law enforcement jurisdiction of the federal government. This includes the fact that there are over 26 federal investigative agencies with as many jurisdictions and the fact that on one division in the Department of Justice has authority to prosecute for all types of federal crimes. Organized crime—while it may deal to a large extent with specific types of unlawful activity—nevertheless involves individuals and syndicates engaging in conduct which runs the gamut of activities prohibited by the Criminal Code of the United States. Obvious examples are the SEC frauds and so-called SCAM situations where organized crime figures participate in planned bankruptcies.

It has been my experience that in order to establish overall policies permitting all types of prosecutorial activities to have the benefit of experience gleaned from one type of crime and to ensure a close working relationship among those various sections assigned the responsibility of dealing with particular crimes, it is absolutely necessary to have all of the criminal functions coordinated under one official at the working level.

In the past, unfortunately, as the various crime problems have achieved an increased significance, the tendency has been to break out that type of prosecution from the Criminal Division and to place it in a separate division, thus moving coordination of the attorneys working on the prosecutions from a sectional level to the office of the Deputy Attorney General or the office of the Attorney General. Two recent examples are, of course, the Civil Rights Division and the Internal Security Division.

Consequently, it would be my strong recommendation that this practice be discontinued and that the Organized Crime Section remain a part of the law enforcement functions of the Criminal Division. As stated before, I would further recommend that the criminal functions of the other divisions be incorporated into the Criminal Division.

I trust that the foregoing is of some help in the deliberations of your subcommittee. If further expansion on the above is desired, I stand ready to give whatever aid I can.

Sincerely yours,

Herbert J. Miller, Jr.

Mr. HARRIS. Mr. President, I support the amendment of the distinguished Senator from Maryland to the Organized Crime Control Act of 1969 which calls for the creation of a new Assistant Attorney General to head an Organized Crime Division in the Justice Department. I think the adoption of this amendment is essential if we are to fight in the most effective manner organized crime.

In the past, the Civil Rights Section in the Justice Department was made into a divisional level activity headed by an Assistant Attorney General. The administration is currently asking Congress to create a Division of Consumer Affairs in the Justice Department handled by an Assistant Attorney General. I think the facts justify giving the anti-organized crime program divisional status in the Justice Department.

The distinguished senior Senator from Maryland (Mr. Tydings) has in his remarks most ably set forth the need to provide top-level leadership and proper organizational structure for the program to control organized crime. The fact that organized crime is working, as Senator Tydings stated, "within structures as complex as those of any large corporation, subject to laws more rigidly enforced than those of legislative government," demands that our efforts to fight these activities be highly organized and led by top-echelon personnel.

The seriousness of organized crime can perhaps best be highlighted by the profits made by the society comprising organized crime. It has been estimated that from gambling activities alone organized crime makes profits in excess of $50 billion and that from loan-sharking activities the profits may even be higher. Profits from the importation and wholesale distribution of drugs produce over $21 million a year in profits and it is estimated that imported opium costing $350 is valued at $225,000 on the streets in the United States. From illegal betting in the United States, it is estimated that untaxed profits of $600,000 an hour are being made by organized crime.

The impact of organized crime on this country is indeed serious. Our commitment to control organized crime must include a commitment to fight it in the most effective manner. Senator Tydings' amendment would provide the best administrative structure for the war against organized crime; I therefore urge its adoption.

Mr. TYDINGS. Mr. President, it is my intention to ask for the yeas and nays on my amendment as soon as a sufficient number of Senators are present in the Chamber.

I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. Boggs in the chair). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. TYDINGS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. TYDINGS. Mr. President, I ask for the yeas and nays on the pending amendment.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Maryland (Mr. Tydings). On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. MANSFIELD (after having voted in the affirmative). Mr. President, I have aready voted in the affirmative, but on this vote I have a pair with the distinguished Senator from Tennessee (Mr. Gore), who, if he were present and voting, woud vote "yea." If I were permitted to vote, I would vote "nay." Therefore, I withdraw my vote.

Mr. KENNEDY. I announce that the Senator from Idaho (Mr. Church), the Senator from Tennessee (Mr. Gore), the Senator from Alaska (Mr. Gravel), the Senator from Indiana (Mr. Hartke), the Senator from South Carolina (Mr. Hollings), the Senator from Minnesota (Mr. McCarthy), the Senator from South Dakota (Mr. McGovern), and the Senator from Utah (Mr. Moss) are necessarily absent.

On this vote, the Senator from Alaska (Mr. Gravel) is paired with the Senator from Kentucky (Mr. Cook).

If present and voting the Senator from Alaska would vote "yea" and the Senator from Kentucky would vote "nay."

Mr. GRIFFIN. I announce that the Senator from Utah (Mr. Bennett) is necessarily absent to attend the funeral of a friend.

The Senator from Florida (Mr. Gurney), the Senator from Arizona (Mr. Goldwater), the Senator from New York (Mr. Javits), the Senator from Maryland (Mr. Mathias) and the Senator from Illinois (Mr. Percy) are absent on official business.

The Senators from Vermont (Mr. Aiken and Mr. Prouty), the Senator from Kentucky (Mr. Cook), the Senator from New York (Mr. Goodell), the Senator from Ohio (Mr. Saxbe), the Senator from Illinois (Mr. Smith), and the Senator from Texas (Mr. Tower), are necessarily absent.

The Senator from South Dakota (Mr. Mundt) is absent because of illness.

The Senator from Kentucky (Mr. Cooper), is detained on official business, and, if present and voting, would vote "nay."

On this vote, the Senator from Alaska (Mr. Gravel) is paired with the Senator from Kentucky (Mr. Cook). If present and voting, the Senator from Alaska would vote "yea" and the Senator from Kentucky would vote "nay."

On this vote, the Senator from New York (Mr. Goodell) is paired with the Senator from Illinois (Mr. Smith). If present and voting, the Senator from New York would vote "yea" and the Senator from Illinois would vote "nay."

On this vote, the Senator from Florida (Mr. Gurney) is paired with the Senator from Illinois (Mr. Percy). If present and voting, the Senator from Florida would vote "yea" and the Senator from Illinois would vote "nay."

On this vote, the Senator from Ohio (Mr. Saxbe) is paired with the Senator from Texas (Mr. Tower). If present and voting, the Senator from Ohio would vote "yea" and the Senator from Texas would vote "nay."

Also the Senator from Oregon (Mr. Hatfield) and the Senator from Kansas (Mr. Pearson) are necessarily absent, and if present and voting would each vote "nay."

The result was announced - yeas 29, nays 45, as follows:

[No. 5 Leg.]

YEAS—29

Bayh
Burdick
Byrd, W. Va.
Case
Cranston
Eagleton
Harris
Hughes
Inouye
Jackson
Kennedy
Magnuson
McGee
McIntyre
Mondale
Montoya
Muskie
Nelson
Packwood
Pastore
Pell
Proxmire
Randolph
Ribicoff
Spong
Symington
Tydings
Williams, N.J.
Yarborough

NAYS—45

Allen
Allott
Anderson
Baker
Bellmon
Bible
Boggs
Brooke
Byrd, Va.
Cannon
Cotton
Curtis
Dodd
Dole
Dominick
Eastland
Ellender
Ervin
Fannin
Fong
Fulbright
Griffin
Hansen
Hart
Holland
Hruska
Jordan, N.C.
Jordan, Idaho
Long
McClellan
Metcalf
Miller
Murphy
Russell
Schweiker
Scott
Smith, Maine
Sparkman
Stennis
Stevens
Talmadge
Thurmond
Williams, Del.
Young, N. Dak.
Young, Ohio

PRESENT AND GIVING A LIVE PAIR, AS PREVIOUSLY RECORDED—1

Mansfield, against.

NOT VOTING—25

Aiken
Bennett
Church
Cook
Cooper
Goldwater
Goodell
Gore
Gravel
Gurney
Hartke
Hatfield
Hollings
Javits
Mathias
McCarthy
McGovern
Moss
Mundt
Pearson
Percy
Prouty
Saxbe
Smith, Ill.
Tower

So Mr. Tydings' amendment was rejected.

Mr. HRUSKA. Mr. President, I move to reconsider the vote by which the amendment was rejected.

Mr. THURMOND. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 439

Mr. CASE. Mr. President, I call up my amendment No. 439, and ask that it be stated.

XUM

The PRESIDING OFFICER. The amendment will be stated.

The ASSISTANT LEGISLATIVE CLERK. The Senator from New Jersey (Mr. CASE) proposes amendment No. 439, as follows:

On page 52, line 13, following the word "avoid", insert "service of, or".

On page 52, line 14, after the word "of", insert a comma and strike the word "any".

On page 52, line 22, after the word "which" insert "and avoidance of service of process or".

Mr. CASE. Mr. President, I modify the last line of my amendment, line 6, by changing the word "and" to "an". That merely corrects a typographical error.

The PRESIDING OFFICER. The amendment will be so modified.

Mr. CASE. Mr. President, I ask unanimous consent that these three amendments, if they are technically three, be considered en bloc.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CASE. Mr. President, the language in the bill as it now stands would make it a criminal offense to flee across a State line to avoid presenting testimony, or if one has been subpenaed by a duly authorized State crime investigating agency.

My amendment would strengthen that language by also making it a crime to flee across State lines to avoid the service, or contempt proceedings brought by such an agency.

Mr. President, in this connection, I ask unanimous consent to have printed in the RECORD the following items:

A letter from the U.S. attorney for the district of New Jersey dated December 18, 1969.

A letter from the chairman of the New Jersey State Commission of Investigation, dated October 13, 1969, addressed to me, enclosing a copy of a letter of the same date to the Attorney General of the United States.

An article entitled "Two in Jersey Flee Inquiry on Mafia," written by Walter H. Waggoner and published in the New York Times of July 30, 1969.

An article entitled "Mafia Fugitive Due To Surrender Here," published in the New York Times of August 9, 1969.

All of these items show the need for this amendment.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

U.S. DEPARTMENT OF JUSTICE, U.S.
ATTORNEY FOR THE DISTRICT OF
NEW JERSEY,
Newark, N.J., December 18, 1969.

Hon. CLIFFORD P. CASE,
U.S. Senator,
U.S. Senate, Washington, D.C.

DEAR SENATOR CASE: My apologies for the delay in answering your letter of November 7, 1969.

I have reviewed your proposed amendment to Section 1073 of Title 18 of the United States Code. I have also reviewed the legal decisions respecting this Section. I wholeheartedly endorse your proposal to include a subsection (3) in this law. As you know, this criminal act was originally enacted "to assist the enforcement of state laws particularly in imposing penalties upon roving criminals who would be subject to extradition." *United States v. Brandenburg,* 144 F.2d 656 (3rd Cir. 1944). Your proposal obviously is in the spirit in which the Congress initially enacted this legislation.

The experience that the State Investigation Commission had this past July and August proves that your proposal will assist such a duly constituted body in enforcing their subpoena power and in allowing them to conduct legitimate and proper investigations into statewide criminal activities.

Since I consider the problems faced by the State Investigation Commission similar to those which the Special Statewide Grand Jury has faced and will face in the future, I believe that we should similarly assist them in enforcing their subpoena power. Recent disclosures of the far-flung interest of numerous individuals currently under investigation, establish conclusively their facile ability to establish themselves in other states with easy access to their assets, while mocking the subpoena power of properly constituted state investigative agencies.

Certainly any witness called before either the State Investigation Commission or a state grand jury need only to realize that all he has to do to avoid testifying or to be immune from a contempt citation is to flee the state's jurisdiction. Then at best, the state authorities would face a stiff legal fight in order to extradite him.

I believe your proposed legislation to be invaluable in light of the problems faced by state investigatory panels and I strongly endorse it.

Sincerely,

FREDERICK B. LACEY,
U.S. Attorney.

STATE OF NEW JERSEY,
STATE COMMISSION OF INVESTIGATIONS,
Cherry Hill, N.J., October 13, 1969.

Hon. CLIFFORD P. CASE,
U.S. Senate,
Washington, D.C.

MY DEAR SENATOR: Enclosed you will find a copy of a letter to Attorney General Mitchell in which we propose that statutes be amended to make it a federal violation to flee across state lines to avoid questioning by agencies such as ours.

Sincerely,

WILLIAM F. HYLAND,
Chairman.

Enclosure.

STATE OF NEW JERSEY,
STATE COMMISSION OF INVESTIGATION,
Cherry Hill, N.J., October 13, 1970.

Hon. JOHN N. MITCHELL,
The Attorney General,
Department of Justice,
Washington, D.C.

MY DEAR MR. ATTORNEY GENERAL: The New Jersey State Commission of Investigation is hereby urging consideration of amendatory legislation relating to the provisions of Title 18, United States Code, Section 1073. It is submitted that this section, which has proven so instrumental in the apprehension of felons and witnesses fleeing single state jurisdiction to avoid prosecution or the giving of testimony in that state, would be of invaluable aid to a body such as ours, which is charged with, *inter alia,* the investigation of organized crime and its relationship to any unit of government within a particular state.

The New Jersey Commission was the first body to be formed in direct response to the recommendations of the President's Commission on Law Enforcement and Administration of Justice. Pursuant to the authority granted in New Jersey Statutes Annotated 52: 9M–1, et. seq., the Commission commenced an investigation in April, 1969. Subsequently numerous individuals were subpoenaed to testify before that Commission in July, 1969. Included among those subpoenaed to testify were one Frank Cocchiaro (also known as Frank Condi) and one Robert Occhipinti (also known as Bobby Basile), who have both been identified by various law enforcement officials as both being closely associated with organized crime. In due course both Cocchiaro and Occhipinti appeared and asserted their Fifth Amendment privileges, were offered immunity under the appropriate provisions of the New Jersey Act, refused again to testify and, prior to being brought before the New Jersey Superior Court and charged with contempt, fled the jurisdiction of New Jersey.

New Jersey's remedies relating to contumacious acts before a governmental authority are statutorily limited to the misdemeanor category (as opposed to New Jersey's high misdemeanor or "felony" provision) with a maximum punishment of three (3) years imprisonment and/or a $1,000.00 fine. This limitation, of course, prevents any application by the appropriate authorities for "unlawful flight" assistance under the aforementioned provisions of the United States Code.

Therefore, in light of circumstances which permit witnesses to avoid appearing or testifying before an investigation commission by simply stepping over state lines into a different jurisdiction, it would appear that the requested legislation is absolutely essential if the purposes of such a commission are to be effected.

We have taken the liberty of submitting language which we believe would be in accord with the objectives herein sought. (See attached enclosure) It should be noted that the suggested phraseology makes no reference to the usual felony-misdemeanor dichotomy, inasmuch as the suggested statute should provide for interstate flight to avoid testifying before a state-wide commission regardless of the label afforded that act by each of the several states.

Very truly yours,

WILLIAM F. HYLAND,
Chairman.

[From the New York Times, July 30, 1969]

TWO IN JERSEY FLEE INQUIRY ON MAFIA—ALLEGED UNDERWORLD FIGURES FACED CONTEMPT CHARGES

(By Walter H. Waggoner)

TRENTON, July 29.—Two reputed Mafia leaders walked out of a state building today and disappeared after they were threatened with contempt charges for refusing to answer questions in an inquiry into organized crime in New Jersey.

In defiance of commission orders to remain at the scene, Robert (Bobby Basile) Ochipinti left a waiting room with his lawyer, Marvin Preminger of New York, and drove across a nearby bridge spanning the Delaware River into Pennsylvania. He was followed by a New Jersey state policeman.

Frank Cocchiaro, also known as Frank Condi, disappeared from the State House Annex, where the State Commission of Investigation was questioning alleged Mafia members and associates. Cocchiaro had received permission to take a brief coffee break.

Andrew Phelan, executive director of the commission, said that "it would not seem unlikely" that Cocchiaro also had left the state.

Both men were under subpoena for questioning by the commission for the duration of the investigation, and it was the second appearance so far for both of them.

Superior Court Judge George Barlow ordered the immediate issuance of arrest warrants, charging the two men with contempt, after a brief but rapid-fire summary of events by Mr. Phelan in the fourth-floor courtroom of the Mercer County Court House Annex.

Mr. Phelan related how the two men, in separate sessions this morning with William

F. Hyland, commission chairman, and Glen B. Miller Jr., a member, had refused to answer "certain questions." They refused again after the commission, in accordance with state law, had granted them immunity from prosecution on the basis of information they might divulge in their testimony.

At that point the commission said it would seek an immediate court order requiring the two to show why they should not be cited for contempt. It was while this motion was being conveyed to Judge Barlow several blocks away that the two witnesses were ordered to remain on the premises. Presumably the motion would then be argued before the judge by the lawyers for the two. Instead, they disappeared.

It was the first time that the commission, which began its questioning of Mafia figures on July 8, had restored to a showcause order charging contempt, although in its several sessions it has heard from both cooperative and uncooperative witnesses.

Andrew M. Andaloro, a state police detective assigned to the investigation, testified before Judge Barlow that he had seen Ochipinti, Mr. Preminger and an unidentified lawyer from New Jersey leave the building and head for the visitors' parking lot.

The unidentified lawyer then left, and the two others drove away in a blue 1969 Chevrolet, with New Jersey license number PLG 412, according to Mr. Andaloro. With the trooper trailing it, the car crossed the bridge into Morrisville, Pa.

[From the New York Times, Aug. 9, 1969]

Mafia Fugitive Due to Surrender Here

TRENTON, August 7.—Robert Occhipinti, the reputed Mafia figure who fled New Jersey while under subpoena to testify before a state crime investigation, agreed today to surrender to New York authorities tomorrow.

His lawyer, Marvin Preminger of Brooklyn, said he would fight attempts to extradite Occhipinti to New Jersey, where he faces trial for criminal contempt for leaving a State Investigation Commission hearing in Trenton.

Gov. Richard J. Hughes is scheduled to sign the request for Occhipinti's extradition at 2 P.M., four hours after the time set by Mr. Preminger for surrender of his client in the Brooklyn District Attorney's office.

However, Jersey officials were taking a wait-and-see attitude toward Mr. Preminger's promise to surrender Occhipinti. A commission spokesman pointed out that the lawyer had made a number of statements and had failed to follow through.

Meanwhile a second fugitive wanted for alleged contempt of the commission is believed to be in Florida. A commission source said there were indications that Frank Cocchiaro, a reputed lieutenant in the Simone Rizzo (Sam the Plumber) DeCavalcante Mafia family, had gone to the Miami area after fleeing the commission hearings on July 29.

Mr. CASE. Mr. President, I have discussed this matter with the chairman of the subcommittee. I believe he finds it appropriate to the general purpose of the bill, and in line with it, and is pleasantly disposed toward it. Am I correct in that understanding?

Mr. McCLELLAN. Yes.

Mr. CASE. Then, Mr. President, there being as far as I know no objection to the amendment, I am happy to grant the floor to the chairman of the subcommittee.

Mr. McCLELLAN. Had the Senator finished?

Mr. CASE. Yes, I have finished.

Mr. McCLELLAN. Mr. President, I have no objection to this amendment. My interpretation of it is that it is a strengthing amendment. It reaches further than the bill now reaches in dealing with these people who undertake to avoid meeting their responsibilities to their country by trying to evade the process of the law and to try to keep from testifying.

This amendment carries the provisions a little further than we have them in the bill. I have no objection to it. I said earlier in the course of our discussion of this measure that I would support any suggestions which improve and strengthen this bill. I regard this amendment as a strengthening amendment.

I am particularly pleased that it is the Senator from New Jersey who is offering the amendment, especially in view of some problems that he has had in his State, with which we are all familiar. I feel that this particular amendment will enable law enforcement officials in his State to meet the challenge that confronts them in dealing with some problems that they now have.

But it will not only help meet the problem there, Mr. President, it will help in other places to deal with this practice—and they often get away with it—of avoiding process or evading subpena, and getting away so their testimony cannot be produced to support law enforcement or to bring out the facts. Often those who take flight are the only ones who know the facts and can testify, and they try to escape and evade that responsibility. I favor strengthening our statutes in any way we can to get citizens to meet their duties and responsibilities as citizens and to give that cooperation to law enforcement agencies that is required and necessary for us to have effective law enforcement in this country.

Mr. President, I have a number of newspaper clippings describing some of the conditions that have prevailed in New Jersey, and I ask unanimous consent that they be printed in the RECORD at this point.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the New York Times, Oct. 15, 1969]

Sinatra's Arrest Sought in Jersey—Warrant Issued as He Fails To Appear at Inquiry

(By Ronald Sullivan)

TRENTON, October 14.—A warrant for the arrest of Frank Sinatra was issued here today, after he failed to appear before the State Commission of Investigation to answer questions about organized crime.

The warrant, thought to have no legal power outside New Jersey, directed that the singer be brought here "to answer the charge of contempt," which carries a maximum penalty of six months in jail.

Mr. Sinatra could not be reached for comment on the charge, and a secretary in his lawyer's office in Los Angeles said, "We have no information to give out."

Andrew Phelan, executive director of the state commission, declined to disclose what his staff wanted to question Mr. Sinatra about.

GIVEN SUBPOENA IN JUNE

According to a petition filed by the commission in Superior Court, Mr. Sinatra was handed a subpoena on the night of June 25 aboard the 80-foot power yacht Roma, berthed at Bahr's Landing Restaurant in Atlantic Highlands.

The singer was offered a $2 subpoena fee and $2 as a travel allowance for the trip here, both of which he refused.

Originally, Mr. Sinatra was ordered to appear here Aug. 19. But Milton A. Rudin, his lawyer in Los Angeles and the owner of record of the Roma, successfully got a one-month postponement because "of certain business commitments."

However, Mr. Phelan told Superior Court Judge Frank J. Kingfield that neither Mr. Rudin nor Mr. Sinatra had ever called back. Mr. Phelan produced a letter to Mr. Rudin that he said had been mailed Sept. 8.

It said: "Should your client fail to meet the agreed-upon conditions, then this commission would have no alternative but to go forward and petition for a warrant of arrest for contempt."

Judge Kingfield granted the petition this morning and signed an order for Mr. Sinatra's arrest.

Mr. Phelan conceded this evening that the warrant probably had no legal power outside of New Jersey, but he said his petition was "no grandstand play."

The petition said the state investigation was seeking to determine "whether the laws of New Jersey are being faithfully executed and effectively enforced with particular reference to organized crime and racketeering; whether public officers and public employes have been properly discharging their duties with particular references to law enforcement and relations with criminal elements; and whether and to what extent criminal elements have infiltrated the political, economic and business life of New Jersey."

The commission was created by the Governor and the Legislature in the wake of charges that New Jersey was the most corrupt state in the nation. It opened its investigation with an inquiry on alleged racketeering in the Monmouth County community of Long Branch, which is south of Atlantic Highlands.

Mr. Sinatra is a native of Hoboken and has frequently visited the state. He was in Jersey City last January for the funeral of his father, a former Hoboken fire captain, who had died of a heart attack. His mother is living in Fort Lee.

[From the New York Times, Dec. 18, 1969]

Sinatra's Subpoena Is Argued in Jersey

(By Richard J. H. Johnson)

NEWARK, December 17.—Lawyers for Frank Sinatra and the State Investigation Commission argued for nearly two hours this morning about whether the singer should be forced to appear before the commission to tell what, if anything, he knows about organized crime in his home state.

The lawyers appeared here before Federal District Judge James A. Coolahan.

Last June 24 the commission subpoenaed Mr. Sinatra—the son of a Hoboken fire captain—to appear before it, serving the paper on him while he was a guest aboard a yacht moored at Atlantic Highlands. The singer and actor not only ignored the subpoena but denounced the commission's action as an effort to stage a "circus," featuring him in the center ring.

Subsequently Superior Court Judge Frank J. Kingfield issued an order for Mr. Sinatra's arrest for contempt of the commission should he set foot in New Jersey again.

Last Dec. 1, at the request of Mr. Sinatra's lawyers, the United States Third Circuit Court of Appeals in Philadelphia reversed an order that had been issued by Judge Coolahan; the order refused to restrain the commission from taking action against the performer.

Bruce W. Kauffman, a lawyer from Philadelphia who is representing Mr. Sinatra in this action, asked today that a three-judge panel of Federal judges be convened to rule on whether the State Investigation Commission is a constitutionally valid body.

XUM

Mr. Kauffman said the commission was merely an "accusatory" body without "legislative purpose," before which Mr. Sinatra would be bereft of the advice of counsel and of the right to cross-examine accusers or accusatory material.

Andrew Phelan, executive director of the commission, argued that constitutionality of the commission was in fact unchallengeable.

Mr. Phelan told the court that Mr. Sinatra was "thumbing his nose" at the laws of his native state.

Mr. Kauffman retorted that Mr. Sinatra was merely seeking equal protection and justice under the law.

"If anybody," declared Mr. Phelan, "can come before the court with more filthy hands and less clean hands than this individual it is beyond me. It is beyond belief. No court beyond should sanction such conduct."

He said he referred to the "procedural tactics," Mr. Sinatra appeared to be using to avoid an appearance before the commission.

"Frank Sinatra is saying, 'I am above the law,'" Mr. Phelan told Judge Coolahan.

Mr. Kauffman argued that Mr. Sinatra "has yet to be told" why he was subpoenaed in the first place. He charged that Mr. Sinatra was merely the subject of the commission's fishing expedition."

The lawyers and Judge Coolahan reached agreement that no action will be taken by the commission concerning Mr. Sinatra until Judge Coolahan had arrived at a decision on the motion to set up the three-man court.

Judge Coolahan did not indicate how long he would take to reach a decision.

Mr. Phelan said outside the courtroom that the warrant for Mr. Sinatra's arrest on the contempt charges remained in force as did the original subpoena.

Mr. Sinatra was reported tonight to be staying in New York at the Waldorf Towers and planning to attend the Broadway premiere tomorrow night of "Coco" at the Mark Hellinger Theater.

[From the New York Times, Jan. 13, 1970]

Jersey Inquiry Considers Move To Indict Sinatra for Contempt

(By Lesley Oelsner)

Newark, January 12—The State Commission of Investigation, which for seven months has tried in vain to question Frank Sinatra about organized crime, is debating whether to seek the singer's indictment for criminal contempt.

Bolstered by a Federal judge's decision last Friday that rejected Mr. Sinatra's legal objections to the inquiry, commission members are planning to meet Wednesday in Trenton.

They are waiting to see if Mr. Sinatra changes his position because of the court ruling. But even if he decides to testify before them voluntarily, they say, they still may ask a grand jury to indict him.

"What we're primarily interested in is getting his testimony," the commission's chairman, William F. Hyland, said in an interview today. "But aside from that, the commission will have to decide whether to seek indictment so that he will be appropriately punished for having defied us in the past."

COULD FACE EXTRADITION

If indicted, Mr. Sinatra would face extradition to New Jersey. Once here, said the commission's lawyer, Kenneth Zauber, he could be brought before the commission "in handcuffs, if need be." He could also be arrested under a state warrant issued for contempt under a statute different from the one under which the grand jury could now indict him.

And if convicted under the indictment that the commission is contemplating, he could be sentenced to three years in prison.

The entertainer's troubles with the four-member investigating group began on a sunny day last June when a process server boarded a yacht docked at Highlands on which Mr. Sinatra was a guest. The server presented the singer with a subpoena to appear before the commission on Aug. 19; Mr. Sinatra ignored it.

"I am not willing to be part of any three-ring circus," he asserted later. "Notwithstanding the fact that I am of Italian descent, I do not have any knowledge of the extent or manner in which organized crime functions in New Jersey or whether there is such a thing as organized crime."

In October a warrant was issued for his arrest under a state statute that says failure to answer a subpoena is a "petit offense" subject to a six-month jail term. But Mr. Sinatra was out of the state at the time, and his offense was not sufficient ground for extradition.

Then, when it seemed that the commission might seek his indictment under a separate statute under which contempt is a crime—and thus sufficient grounds for extradition under the extradition agreement between New Jersey and other states—Mr. Sinatra brought suit in Federal Court here to have the commission's inquiry ruled unconstitutional.

He also sought to restrain the commission's investigation until its constitutionality could be adjudicated.

The lower court judge, James A. Coolahan of the Newark District Court, denied the request, but the Court of Appeals for the Third Circuit reversed this decison.

The appellate court ordered the commission to halt its inquiry until Mr. Sinatra had gone back to Judge Coolahan and asked him to convene a three-judge panel to consider the question of the commission's constitutionality.

It was this request that Judge Coolahan decided last Friday. In a six-page opinion, the judge said that no substantial constitutional questions had been raised and that, thus, a three-judge panel need not be summoned. The practical effect of the decision was to nullify the restraining order previously issued against the commission.

Mr. Sinatra's lawyers declined today to comment on the decision. The commission's lawyer, Mr. Zauber, remarked, "Any block to our going forward has been removed."

[From the Newark (N.J.) Evening News, July 30, 1969]

Mafia Client Didn't Flee, Says Lawyer

(By Peter Carter)

Trenton.—The attorney for reputed Mafia leader Robert "Bobby Basile" Occhipinti denied today that his client "fled" from a State Investigation Commission hearing yesterday.

Expressing anger at reports that arrest warrants have been issued for his client, attorney Marvin Preminger of Brooklyn said that both he and his client had every right to leave yesterday's hearing.

Preminger, a 41-year-old former Brooklyn assistant district attorney, said that Occhipinti had appeared voluntarily. "He wasn't subpoenaed."

The attorney said that although he could not state what happened at the hearing preceding Occhipinti's departure because it was not a public hearing, it was common knowledge that his client had pleaded the Fifth Amendment in refusing to answer questions.

The SIC yesterday obtained arrest warrants for Occhipinti and Frank "Condi" Cocchiaro, both of Long Branch, after they left a commission hearing although allegedly ordered to remain by Andrew Phelan, SIC executive director.

LEAVES IN AUTO

Occhipinti left in an auto with his attorney while Cocchiaro went into the State House Annex cafeteria for coffee and did not return. The warrants signed by Superior Court Judge George H. Barlow charged the two men with contempt of court for failing to obey commission orders while under subpoena.

Preminger insisted that at no time did he or Occhipinti flee the hearings. He pointed out that after Occhipinti made his appearance, Phelan asked Occhipinti to remain. He contended Phelan gave no reason for insisting Occhipinti remain.

The attorney, who was reached at his Brooklyn office, said he then advised his client to leave and both departed from the State House Annex accompanied by a state trooper.

Preminger said the trooper told him he had orders to follow them, but made no attempt to stop them as they drove across the Delaware River bridge into Pennsylvania.

The attorney said he drove to Philadelphia to meet another client involved in a federal court case heard this morning in New York.

Preminger said that the SIC is "so anxious to make a name for itself that it is oblivious of the nature of laws and oblivious of the fact that all men have equal rights. If Mr. Occhipinti has done so many bad things, why is it he was never arrested or charged with any crime?"

"This trial by investigation is as dangerous as we saw with the late Sen. (Joseph) McCarthy hearings," Preminger said.

He argued his client appeared several weeks ago before the commission under subpoena, was given a routine fee for showing up and later was instructed to return yesterday. Occhipinti did so voluntarily and without subpoena, the attorney insisted.

"However, even if he had been subpoenaed, we would not have remained because Phelan refused to indicate why he wanted us to wait," Preminger said.

PLANS MOTION

Preminger said he will move in association with New Jersey counsel for Occhipinti to vacate any bench warrant or contempt orders that were signed as a result of the "lawful departure of my client."

Preminger declined to state where Occhipinti is, but said he can reach him at any time.

He said if papers are served on him to produce his client, he will appear with Occhipinti "any place we are legally required to appear."

Preminger said: "My client has done nothing wrong and has committed no crime. It would be stupid for him to become a criminal because of an investigation."

Occhipinti and Cocchiaro yesterday left the State House Annex, scene of the commission's hearings, after the panel let it be known it was going to court to attempt to get an order compelling each of them to answer questions or face the prospect of being jailed for contempt of court.

After their departure, Phelan immediately obtained bench warrants for the arrest from Superior Court Judge George H. Barlow. The warrants charge contempt of court for failing, while under subpoena, to obey the commission's order to remain in the annex pending further proceedings.

Cocchiaro, after his appearance before the commission, asked through his lawyer, Anthony C. Blasi, who has offices in Newark, for permission to take a coffee break in the cafeteria on the first floor of the annex.

Blasi about a half-hour later went back into the hearing room to tell the commission that while he was in a men's room, Cocchiaro had disappeared.

Blasi told Phelan that he did not advise Cocchiaro's unauthorized departure and did not approve of it. His apology was well taken, Phelan said later.

This morning, Blasi said he still had not heard from his client.

Occhipinti, a cousin of Simone "Sam the

Plumber" De Cavalcante of Princeton, is said to be a Mafia enforcer. He lives in the same Long Branch apartment house as Anthony "Little Pussy" Russo, said to have formerly run Mafia-controlled rackets in the Long Branch area.

Cocchiaro is said to have taken over as rackets boss for the Mafia in the Long Branch area after Russo decided to spend most of his time in Florida.

Both De Cavalcante and Russo have appeared before the commission. De Cavalcante is head of a Mafia family operating in New Jersey.

Occhipinti and Cocchiaro were told in the closed-door hearing yesterday that the commission was granting them immunity from prosecution for any responsive answers made to the panel's questions and any evidence flowing from those questions.

The conferring of immunity denies witnesses the right to remain silent on grounds of possible self-incrimination. When the two men refused to answer after they were granted immunity, William F. Hyland, commission chairman, told newsmen the panel would go to court to get an order directing them to answer.

The motion for that order was filed with Judge Barlow yesterday, along with the request for arrest warrants. If Judge Barlow had ordered them to answer questions and they continued to balk, the commission was prepared to ask that they be held in contempt of court and sent to jail.

The two men, therefore, were faced by what was, for them, the nasty dilemma of talking about the mob or going to jail. Their unauthorized exits from the annex appeared to be at least their temporary answer to that dilemma.

But now Phelan is asking police to return the two men, if and when they are found, to Judge Barlow's court to face possible prosecution for contempt of the commission's subpoena powers by their unauthorized departure from the annex.

STUDYING EXTRADITION

Phelan said the commission's staff is doing research on whether the two men can be extradited if they are apprehended in another state and refuse to return voluntarily to New Jersey.

He said the commission itself has no authority to prosecute, but noted that the bench warrants represent the authority of a New Jersey State court before which the commission can ask for prosecution.

Yesterday was the first time the commission has used its power to grant witness immunity to the 14 Mafia leaders and their associates, who are being subpoenaed to appear and re-appear in closed sessions before the panel. The probe into organized crime's influence in Long Branch and of Monmouth was begun last May.

Federal Judge James Coolahan yesterday in Newark upheld the basic constitutionality of the commission and also its power to grant witness immunity. He said the grant of immunity offers a total shield from prosecution for answers given.

Hyland said the commission, despite the threat of appeals of Judge Coolahan's opinion all the way to the U.S. Supreme Court, intended to continue to use its full power until such time as it is enjoined by a court from so doing.

Phelan said the alleged flight yesterday by Occhipinti and Cocchiaro would in no way slow the pace of the commission's probe.

The commission is going to ask a doctor of its own choosing to examine the medical records of Thomas "Tommy Ryan" Eboli of Fort Lee, who entered New York University Hospital in New York after suffering another in a series of heart attacks. Eboli was said to be in line to inherit the Mafia empire headed by the late Vito Genovese before he suffered so much coronary trouble.

Eboli was scheduled to appear before the commission yesterday, but was granted a continuance because the hospital listed him in serious condition.

[From the Newark (N.J.) Evening News, July 30, 1969]

TO APPEAL RULE ON CRIME UNIT

(By Michael J. Hayes)

The attorney for two reputed Mafia leaders said yesterday he will appeal a decision by a U.S. district judge in Newark which upheld the constitutionality of the State Investigation Commission.

As the commission was continuing its investigation yesterday into organized crime in New Jersey, Federal Judge James A. Coolahan denied a challenge against the statute creating the SIC. Judge Coolahan said it was not proved in court that the commission violated the rights of witnesses who might be called to testify.

However, Daniel Isles of Orange, attorney for Joseph "Joe Bayonne" Zicarelli and Angelo "Gyp" De Carlo, said he will appeal the ruling in the Third Circuit Court of Appeals in Philadelphia. He said he will go up to the Supreme Court, if necessary, to overturn the powers of the year-old commission.

De Carlo and Zicarelli are among 14 persons recently called before the SIC to answer questions about criminal activities in the state, especially in Monmouth County. The investigation blossomed as a result of the release in June of transcripts of electronic surveillance made by the Federal Bureau of Investigation, including conversations in the office of Simone "Sam the Plumber" De Cavalcante in Kenilworth.

Joining De Carlo and Zicarelli in the motion to test the legality of the commission's statutes was William Pollack, attorney for Anthony "Little Pussy" Russo, also one of those subpoenaed by the SIC. Pollack said he would take it under advisement whether to appeal Judge Coolahan's ruling.

In a two-hour hearing yesterday, Isles argued that the statute creating the commission was unconstitutional, mostly because the provisions in it for witness immunity were not broad enough.

BLANKET IMMUNITY

He contended that "blanket immunity" should be granted to witnesses who are compelled to testify before the four-man commission. Isles said that if someone is forced to testify under the threat of contempt of court he should not be liable to prosecution for the entire scope of the questions.

At one point, the Orange attorney took strong issue with an opinion by Chief Judge William H. Hastie of the Third Circuit Court of Appeals, which stated that "present formal challenges to the constitutionality (of the SIC) have no substantiality as would warrant convening a statutory court."

Last week Isles asked that a three-judge tribunal be established to rule on the existence of the SIC.

"Judge Hastie is 100 per cent wrong" Isles said. "He is dead wrong."

Besides the immunity question, Isles also argued the statute was illegal because it provided for penalties if a witness gave a "nonresponsible" answer; it does not give the witness "unfettered" right to counsel, and it provides that anyone disclosing questions or answers made before the commission could be charged as a "disorderly person."

CITES CONSTITUTION

Isles said the statute essentially violates the First (right to freedom of speech), Fifth (right against self-incrimination), Sixth (right to public trial with counsel) and 14th (right to due process of law) Amendments to the Constitution.

Both Isles and Pollack also argued that the commission was an "accusatory" body with no powers of indictment, prosecution or punishment. Isles said the SIC was "out to smear" individuals.

Kenneth P. Zauber, attorney for the commission, argued that the agency's statute with regard to immunity is "coexistent" with the privileges provided in the Fifth Amendment. He said the testimonial immunity which the commission provides is sufficient.

"They (Isles' clients) not only want to hide in the testimony, they want to bathe in it," Zauber said. "This is what has become known as a total bath."

In announcing his decision, Judge Coolahan said he felt that the immunity provided by the SIC was equivalent to that of the Fifth Amendment. "I feel the statute gives the full protection the Constitution calls for," he said.

Isles said he will file his appeal shortly after a written order by Judge Coolahan is delivered. He said it should be within a week.

[From the Newark (N.J.) Evening News, July 31, 1969]

CRIME PROBERS TO ANSWER CHALLENGE IN COURT

(By Peter Carter)

TRENTON—The State Investigation Commission today promised "to do our talking in court" in response to a challenge to its authority from an attorney representing one of two Mafia figures accused of running away from the panel.

Andrew F. Phelan, executive director of the commission, said the panel intends "to move in proper legal channels" against the two men. But he declined to specify what further legal steps the Commission has in mind.

Marvin Preminger, Brooklyn lawyer representing Robert "Bobby Basile" Occhipinti of Long Branch, one of the two missing men, said he intended to move to vacate a bench warrant for the arrest of Occhipinti.

The warrants for the arrest of Occhipinti and Frank "Condi" Cocchiaro, also of Long Branch, were issued Tuesday by Superior Court Judge George H. Barlow.

The commission asked for the warrants when Occhipinti and Gocchiaro left the State House Annex, scene of the commission's closed-door hearings, after they had been directed to remain in the building "pending further proceedings."

The proceedings were a move by the commission to get a court order from Judge Barlow to compel the two to answer questions, since the panel had granted them immunity from prosecution for their answers.

The bench warrants charge the two men are in contempt of court for violating a directive of the commission while under the panel's subpoena power.

Preminger, reached in Brooklyn where he has his law office, denied his client had fled from the commission. Preminger claimed his client had been under subpoena when he first appeared before the panel July 8 but that Occhipinti's second appearance Tuesday was voluntary and not subject to subpoena.

REFUSED REASON

He said that when Phelan was asked specifically why Occhipinti should remain in the building, Phelan refused to give a reason.

After leaving the hearing, Preminger said he and Occhipinti, followed by a state trooper, walked to Occhipinti's car. He said Cocchiaro was not with them and he had no knowledge of or interest in what became of him.

XUM

"We invited the trooper to join us when he said he was under orders to follow us, but the trooper declined," the attorney said. "There was no attempt to stop us."

Preminger said Occhipinti drove him to Philadelphia where the lawyer had an appointment with a client in a federal court case hearing which was held yesterday morning in New York. The attorney said Occhipinti had no connection with the court case and drove him there because Preminger's car was in New York. Afterward, the lawyer said, Occhipinti drove back through New Jersey to New York, leaving him by his auto.

"I intend to move with New Jersey counsel for my client to vacate any bench warrant or contempt orders signed as a result of the lawful departure of my client," Preminger said.

Edward Wacks, Morristown lawyer who is the New Jersey lawyer of record, said he did not know exactly when the motion would be made to vacate the arrest warrant, since Preminger is directing legal affairs for Occhipinti. New Jersey law requires that New Jersey counsel appear in cases where clients are represented by out-of-state lawyers. Wacks was with Preminger and Occhipinti when they left the building Tuesday. But he did not drive across a bridge over the Delaware River into Pennsylvania as Preminger did with Occhipinti.

Asked, that if like Preminger, he had advised Occhipinti to leave the annex when Phelan allegedly did not specify a reason for staying, Wacks said, "I have no comment on that."

The search for the two men, meanwhile, extended into New York City as well as New Jersey and Philadelphia.

Police believe Cocchiaro may have headed for New York so that he, like Occhipinti, would be out of state and out of the jurisdiction of the bench warrants. Police familiar with the ways of organized crime said they suspected the two men might be conferring with higher-ups in the Mafia about what their next steps should be.

Occhipinti is a cousin of Simone "Sam the Plumber" DeCavalcante of Princeton, who is the reputed head of a Mafia family that is extending its influence into the Long Branch area of Monmouth County, focus of the commission's probe of organized crime.

Cocchiaro is said to have taken over operation of Mafia-controlled rackets in "the Long Branch area after Anthony "Little Pussy" Russo of Long Branch stepped down from that role to spend most of his time in Florida.

Phelan rejected Preminger's contention that Occhipinti was a voluntary witness before the commission Tuesday. The executive director said the subpoena reads Occhipinti must appear not only on the first date specified but also on "any adjourned date thereof."

Tuesday's hearing was such an adjourned date and Occhipinti was under direction by subpoena to appear and answer questions, Phelan said.

He added that when Occhipinti returns to New Jersey, it is the commission's intent to arrest him. That goes for Cocchiaro, too, he said.

Police are keeping a check on the homes and known New Jersey haunts of the two men. So far they have not been sighted in New Jersey.

Phelan said that since the contempt charge is only a misdemeanor, he doubts the two men can be extradited should they be found out of state and refuse to return to New Jersey. But he said attempts are still being made to locate them out of state, as well as in New Jersey.

Phelan declined to answer much of Preminger's attack on the commission on the grounds that the courtroom was the place the commission likes to talk

Preminger, a 41-year-old former Brooklyn assistant district attorney, charged that the commission was "so anxious to make a name for itself that it is oblivious to the nature of the laws and oblivious to the fact that all men have equal rights."

RAPS PROCEDURES

He called, the commission's procedures "trial by investigation" and said that is dangerous "as we saw in the hearings by the late Sen. McCarthy." He said the commission members should stop "acting like vigilantes."

Preminger contended the commission only has powers of subpeona and questioning and added that when the panel acts beyond the scope of that authority, "we will have objections."

The Brooklyn lawyer said he knows where Occhipinti is and could produce him any time. Phelan said he would be happy if Occhipinti was produced in New Jersey soon.

Cocchiaro's lawyer, Anthony C. Blasi, who has offices in Newark, told the commission he did not counsel or advise his client to leave the building. He said Cocchiaro left while Blasi was in men's room in the annex. He told newsmen yesterday he has not since heard from Cocchiaro.

[From the Newark (N.J.) Evening News, July 31, 1969]

GANG FIGURE IS INDICTED

NEW YORK.—Anthony Di Lorenzo, reputed heir apparent to the Vito Genovese Cosa Nostra family, was indicted by a federal grand jury today on charges of conspiracy and transporting of 2,600 shares of stolen International Business Machines stock worth over $1 million.

Di Lorenzo, 41, of 230 Durie Ave., Closter, N.J., was arrested by FBI agents last night while driving a 1969 Cadillac at 12th Street and 1st Avenue, Manhattan.

He is president of Anthony J. Di Lorenzo Associates, which had a $25,000-a-year trucking subcontract with the Metropolitan Import Truckmen's Association, of which he was a director.

KENNEDY MONOPOLY

MITA is an association of trucking companies which have a virtual monopoly on all air freight activities at Kennedy Airport, including gasoline and catering supplies for airlines.

Di Lorenzo has not been involved in any federal crime prior to this indictment but has been convicted on three state charges of grand larceny and for aggravated assault with a baseball bat as well as a violation of parole.

He is the third person to be indicted for illegal transportation of stock. In this instance the shares were stolen from the New York office of Hayden Stone & Co., a brokerage firm, in the summer of 1966.

TWO CONVICTED

Two others, Rudolph Izzi, 36, of Brooklyn, was given an eight-year jail sentence and is out on bail pending appeal of his conviction.

The other was Martin Von Zamft, 51, an attorney of Manhattan, who is out on bail of $25,000 awaiting sentence following his conviction in June.

The stolen stock allegedly was used as collateral for loans on an assurance company—Bankers and Telephone Employes of Gettysburg, Pa., which is now in receivership.

The stolen securities were recovered by FBI agents from a safe deposit box in Harrisburg, Pa., in February 1967.

PLEADS INNOCENT

Di Lorenzo pleaded innocent to the indictment when he appeared before Federal Judge John M. Cannella, who had issued a bench warrant for his arrest.

Di Lorenzo sought in vain to have the $200,000 bail reduced on the grounds that he was not running away from anybody and would appear whenever he was wanted.

If convicted, Di Lorenzo faces a maximum penalty of 10 years in jail and a $10,000 fine or both.

[From the Newark (N.J.) Evening News, July 31, 1969]

EBOLI TAKEN OFF HOSPITAL CRITICAL LIST

NEW YORK.—Reputed acting Cosa Nostra boss Thomas Eboli was taken off the serious list today at New York University Medical Center where he is recovering from his third apparent heart attack this year.

Eboli, 59, of Fort Lee, N.J. was moved from the medical center's intensive care section to another wing of the hospital and is now listed in fair condition, according to a hospital spokesman.

Eboli suffered the attack immediately after returning home Saturday from a Teaneck, N.J., hospital where he was recovering from a July 17 heart seizure.

The latest attack came three days before Eboli was scheduled to appear before New Jersey's state investigation commission.

[From the Newark (N.J.) Evening News, Aug. 1, 1969]

MOVE TO TRY MAFIA PAIR

(By Peter Carter)

TRENTON.—The State Investigation Commission today moved to set the stage for trial of two reputed Mafia figures, should they return to New Jersey.

The commission obtained an order from Superior Court Judge George H. Barlow appointing two of the panel's attorneys as special prosecutors in contempt of court charges against Robert "Bobby Basile" Occhipinti and Frank "Condi" Cocchiaro, both of Long Branch.

The appointment of Kenneth Zauber and Wilbur Mathesius as special prosecutors was a preliminary step toward an attempt next Wednesday to get an indictment from the statewide grand jury charging criminal contempt of court against the two men.

VANISHED TUESDAY

The two men varnished from New Jersey Tuesday after the commission announced it was going to court to get an order compelling them to answer questions since they had been granted immunity from prosecution for any responsive answers they might give.

Bench warrants charging that they left the building where the commission was holding its hearings in violation of an order to remain in the building have been issued for their arrest.

Meanwhile, Marvin Preminger, Brooklyn-based attorney for Occhipinti said yesterday he will have a motion filed with the U.S. District Court calling for a prompt hearing of a suit already filed.

That suit asks for a permanent restraint against the use by the State Investigation Commission of any parts of the more than 2,000 pages of transcripts of electronically "bugged" conversations of Simone "Sam the Plumber" DeCavalcante of Princeton, head of a Mafia family operating in New Jersey.

Preminger said today that Occhipinti is still in New York and that he has spoken to him frequently by phone. Police believe Cocchiaro may be in Philadelphia.

The SIC does not believe it can get a serious enough charge lodged against the two men to extradite them to New Jersey, should they be located out of state and refuse to return voluntarily.

Zauber said the SIC does not fear Preminger's motion for an immediate hearing in federal court on an injunction against the use of the De Cavalcante transcripts.

Zauber said the commission advanced arguments successfully against that challenge and others aimed at its authority during the first week of July, when District Court Judge James Coolahan denied a temporary injunction request by Preminger and lawyers for some of the 14 Mafia leaders and their associates subpoenaed by the commission.

Preminger also said he would have a New Jersey attorney for Occhipinti move before Judge Barlow in Trenton next week to have the bench warrant for Occhipinti vacated. Preminger contends his client was not under subpoena Tuesday and that the commission is exceeding its powers in charging him with contempt and trying to have him arrested.

The commission, with wording of the subpoenas to back it up, contends Occhipinti and Cocchiaro are both under continuing subpoena.

Preminger said yesterday that be believes the commission, as well as any grand jury or court action, is "not only tainted but obliterated" by use of the illegally obtained De Cavalcante transcripts. Electronic eavesdropping was illegal when the conversations were taped from 1961 to 1965.

He said he will take the position that the U.S. attorney's office in Newark erred in making all of the transcripts public record in court when DeCavalcante's lawyer, S. M. Chris Franzblau, asked for release of the transcripts in the hope they would taint a federal extortion charge pending against his client.

Preminger said only those portions dealing with DeCavalcante should have been released. He said U.S. Supreme Court decisions have held that illegal wiretap information must be guarded closely and kept secret.

Occhipinti and Cocchiaro, both said to be members of DeCavalcante's underworld family, are mentioned in those transcripts.

Preminger said he felt the commission was entirely wrong in continuing to barge ahead with its investigation before the question of the legality of using the transcripts is settled.

"They should be the first ones to want a legal test, because it will be a great waste of time and money if they get knocked down in court at some later date," Preminger said.

[From The Evening News, Newark, N.J., Aug. 2, 1969]

Move to Indict Mafia Pair

(By Peter Carter)

Trenton.—The State Investigation Commission intends to seek indictments next week charging two Mafia figures with criminal contempt of court.

That intent was made clear yesterday when the commission got an order from Superior Court Judge George H. Barlow designating two of the panel's attorneys as special prosecutors in the cases against Robert "Bobby Basile" Occhipinti and Frank "Condi" Cocchiaro, both of Long Branch.

The attorneys, Kenneth Zauber and Wilbur Mathesius, are expected to seek the indictments from the new statewide grand jury Wednesday.

Judge Barlow already has issued bench warrants for the arrest of the two men on a charge of contempt of the commission's subpoena power.

The two vanished from the State House Annex scene of hearings by the commission, after they had been ordered to stay in the building pending further proceedings.

They also vanished from the state. Occhipinti has been staying in New York. Cocchiaro is suspected of being somewhere in Pennsylvania.

LEFT ANNEX

They left the annex after the commission announced it was going to court to get an order to compel them to answer questions.

But the commission believes that, despite the bench warrants, indictments for criminal contempt, will give them a stronger hand in dealing with the two men, if and when they return to New Jersey.

The panel believes that going through the indictment process and a jury trial would, if the two are convicted, permit the two special prosecutors to ask for jail sentences of up to three years for the two men.

The commission does not believe even the criminal contempt charge will be sufficient basis to extradite the two men back to New Jersey, should they be located out of state and refuse to return voluntarily.

But the panel is known to believe that the two are so deeply involved in the operations of the Mafia family headed by Simone "Sam the Plumber" De Cavalcante of Princeton that they cannot afford to stay out of the state indefinitely.

Occhipinti is said to be a lieutenant in the Mafia family and an enforcer of some of the mob's decisions. Cocchiaro is said to have taken over operation of Mafia rackets in the Long Branch area, focus of the commission's probe into organized crime.

[From the Newark (N.J.) Evening News, Aug. 5, 1969]

Occhipinti Stalled

(By Audrey A. Fecht)

Alleged Mafia figure Robert "Bobby Basile" Occhipinti of Long Branch ran into a procedural snag yesterday in seeking a trial date for a federal court suit challenging the use of FBI tapes containing his electronically "bugged" conversations.

Occhipinti's Brooklyn lawyer, Marvin Preminger, failed to have a New Jersey attorney sign motion papers for the trial date as required by the rules of the U.S. District Courts for New Jersey. The purpose of the rule is to facilitate speedy communication between litigants and the court and to avoid the necessity to reach out-of-state for a lawyer involved in a proceeding.

The clerk of the U.S. District Court returned the papers for signature to the Morristown law firm of Vogel, Chait and Wacks, which is serving as local counsel.

Occhipinti and another reputed Mafia figure, Frank "Condi" Cocchiaro of Oakhurst, left the state last Tuesday after the State Investigation Commission announced it would seek a court order to compel them to answer questions. The SIC is using FBI tapes involving several alleged Mafia figures in its probe of organized crime.

Preminger has said that Occhipinti is in New York. Cocchiaro is believed to be in Philadelphia.

[From the Newark (N.J.) Evening News, Aug. 4, 1969]

Occhipinti Suffers Setback on Suit

A Brooklyn lawyer for reputed Mafia figure Robert "Bobby Basile" Occhipinti of Long Branch today encountered procedural problems in his attempt to file a federal court motion calling for a trial date on a suit already filed.

The aim of the suit is to obtain a permanent restraint against the use by the State Investigation Commission of transcripts containing the electronically bugged conversations of Simone "Sam the Plumber" De Cavalcante of Princeton, alleged Mafia leader for Union and Middlesex Counties. Occhipinti is mentioned in the conversations.

The motion papers sent to the Federal District Court in Newark by Marvin Preminger of Brooklyn were returned for signature to his New Jersey counsel, the Morristown law firm of Vogel, Chait and Wacks.

REQUIRED

Rules for the Federal District Court in New Jersey require signature by local counsel to facilitate speedy communication between litigants and the court and to avoid the necessity to reach out-of-state for an attorney involved in a proceeding.

Occhipinti and another reputed Mafia figure, Frank "Condi" Cocchiaro of Oakhurst, left the state last Tuesday after the SIC announced it was going to seek a court order to compel the two men to answer questions after they were granted immunity from prosecution. Preminger has said that Occhipinti is in New York. Cocchiaro is believed to be in Philadelphia.

[From the Newark (N.J.) Evening News, Aug. 6, 1969]

Crime Unit Witnesses Indicted

Trenton.—The statewide grand jury today indicted two reputed Mafia figures on charges of criminal contempt for "wilfully" refusing to comply with the subpoena powers of the State Investigation Commission.

The two are Robert "Bobby Basile" Occhipinti of Long Branch and Frank "Condi" Cocchiaro of Oakhurst. They left the State House Annex, scene of closed-door hearings of the investigation commission, last week after being ordered to remain in the building "pending further proceedings."

Those proceedings turned out to be a move by the commission to get a Superior Court order compelling the two to answer questions. They had been granted immunity from prosecution for any responsive answers.

Occhipinti, according to his lawyer, Marvin Preminger, is in New York City. Police believe Pennsylvania may be out-of-state refuge for Cocchiaro.

A criminal contempt charge is not considered serious enough to support a move to extradite the two men back to New Jersey, should they be found out of state and refuse to return voluntarily.

COULD BE JAILED

But the commission, through the state Organized Crime Unit, obtained the indictments so that if the two are ever apprehended in New Jersey, they could be brought to trial before a jury. The commission believes jail sentences of up to three years could be requested, if the two were convicted of criminal contempt.

Announcement of the indictments was made by Peter R. Richards and Edwin H. Steir, co-directors of the Organized Crime Unit.

They said staff members of the commission testified before the grand jury earlier today.

The indictments are the first obtained from the proceedings of the commission which is not a prosecutive agency but which by statute is required to refer to law enforcement officials any evidence that appears to be prone to prosecution.

Richards and Stier said they were pleased by the prompt action of the grand jury today and added they hoped cooperation between their unit and the commission will "continue to be productive."

Richards and Stier noted that Cocchiaro, 48, and Occhipinti, 49, left the State House Annex when they were faced with the ultimate prospect of going to jail if they continued to refuse to answer the commission's questions, once the panel got a court order compelling them to respond.

They said Occhipinti is a cousin of Simone "Sam the Plumber" De Cavalcante of Princeton whose name dominated the FBI "bugged" transcripts which were filed in Federal Court in Newark in connection with an extortion charge against De Cavalcante. They said Coc-

XUM

chiaro also is reputed to be a close associate of De Cavalcante.

[From the Newark (N.J.) Evening News, Aug. 7, 1969]

Occhipinti Surrenders

(By Peter Carter)

New York.—Robert "Bobby Basile" Occhipinti of Long Branch, N.J., one of two reputed Mafia figures accused of fleeing from the New Jersey State Investigation Commission, today surrendered voluntarily to law enforcement authorities in the Kings County (Brooklyn) district attorney's office.

He was immediately arraigned before Judge Julius Hellenbrand and, as his lawyer, Marvin Preminger, had announced previously, refused to return to New Jersey.

The judge set bail of $75,000 pending an extradition hearing. That hearing will be held Monday before the judge, unless Occhipinti can raise the $75,000.

Wilbur Mathesius, an attorney for the New Jersey commission, who has been named a special prosecutor, urged that no bail be allowed for Occhipinti since he had allegedly defied the commission's subpoena power and vanished from the State House Annex in Trenton and the state July 29.

The commission that day was holding a closed-door hearing in the annex. The panel directed Occhipinti and Frank "Condi" Cocchiaro of Oakhurst, N.J., another reputed Mafia figure, to remain in the building "pending further proceedings." The two, however, left the building and the state.

Kenneth Zauber, another New Jersey investigation commission attorney also named a special prosecutor, said the papers requesting extradition of Occhipinti to New Jersey would be signed later today by Gov. Hughes and hand carried to Lt. Gov. Malcolm Wilson in New York State.

Occhipinti and Cocchiaro were indicted earlier this week on charges of criminal contempt of the commission's subpoena powers.

They were faced with the prospect of either answering the commission's questions or going to jail. The commission had granted them immunity from prosecution for their answers and was going to court on the day they disappeared to get an order directing them to testify. They could have been found guilty of contempt if they had defied such a court order.

The New Jersey Commission also has subpoenaed 12 other alleged Mafia figures and their associates in its probe into organized crime's influence in the Long Branch area of Monmouth County.

Preminger contended again yesterday that the commission was exceeding its powers and that Occhipinti had not been handed a subpoena directing him to remain in the State House annex July 29.

Preminger, who has his office in Brooklyn, said he prefers to fight his legal battles in New York because "we won't feel so much political pressure here."

Mathesius and Zauber will argue the case for extraditing Occhipinti. They were named special prosecutors by order of Superior Court Judge George H. Barlow who sits in Trenton.

[From the Newark (N.J.) Evening News, Aug. 7, 1969]

Will Oppose Extradition

(By Ladley K. Pearson)

New York.—Robert "Bobby Basile" Occhipinti of Long Branch, N.J., one of two reputed Mafia leaders sought by New Jersey authorities on criminal contempt charges plans to surrender to police here, probably tomorrow, but will fight extradition to New Jersey.

Occhipinti's attorney, Marvin Preminger, said today his client will surrender as soon as police receive a warrant for his arrest from New Jersey authorities. He said he expects the warrant tomorrow.

Preminger, however, added that his client has "absolutely no intention" of waiving extradition and return to New Jersey voluntarily.

"We, of course, will fight extradition," Preminger said in his cluttered office at 66 Court St.

INDICTED BY JURY

Occhipinti and Frank "Condi" Cocchiaro of Oakhurst, N.J., were indicted yesterday by New Jersey's statewide Grand Jury on charges of contempt for "willfully" refusing to comply with the subpoena powers of the State Investigation Commission. Cocchiaro's whereabouts also are not known.

The indictments occurred after the pair vanished from the State House Annex, scene of closed-door hearings of the commission after they were told they faced the prospects of answering the panel's questions or going to jail for contempt.

The two special prosecutors appointed by the court to try the men on contempt charges decided last night the indictments were sufficient grounds to ask for extradition proceedings, should the two not volunteer to return to New Jersey.

Preminger has contended that Occhipinti was not under the subpoena powers of the commission last week and, therefore, was free to walk away from the panel.

Preminger, however, said he has made arrangements with the New York City police department to surrender Occhipinti when the warrant is received by the police. He declined to say where he would surrender his client.

The attorney said he was somewhat bewildered by the indictment. He said the tone of the indictment indicated that his client had ignored a subpoena. "He was never handed a subpoena ordering him to stay in the building," Preminger said.

He said if there are any legal battles to be fought, he preferred fighting them in New York rather than in New Jersey because "we won't feel so much political pressure here."

PLANS NO RETURN

Preminger said that his client had not been in New Jersey for some time and does not plan to return. If he should return and is tried for criminal contempt he could receive a jail sentence of up to three years.

Occhipinti, 49, is a cousin of Simone "Sam the Plumber" De Cavalcante of Princeton, whose name dominated the FBI "bugged" transcripts filed in Federal Court in Newark.

The commission, backed up by the indictments returned yesterday, contends that the two men and 12 others subpoenaed by the panel are under continuing directive to obey its orders.

DA NOTIFIED

Kenneth Zauber and Wilbur Mathesius, the commissions lawyers, have notified the district attorney's office in Brooklyn to arrest Occhipinti, if he is not produced today by his lawyer.

They have also notified police in the Miami area of Florida to arrest Cocchiaro on the contempt charges. Zauber and Mathesius last week were designated by Superior Court Judge George H. Barlow as special prosecutors to handle the cases against the two men.

The commission has been investigating organized crime's influence in the Long Branch area of Monmouth County.

ANNOUNCEMENT MADE

Cocchiaro, 48, is said to have strong connection with De Calvacante and to have taken over operation of rackets in the Long Branch area.

The announcement of the indictments of Occhipinti and Cocchiaro was made yesterday by the Organized Crime Unit of the State attorney general's office. The co-directors, Peter Richards and Edward Stier, said staff members of the commission had testified before the statewide grand jury earlier in the day.

The indictments are the first obtained from the proceedings of the commission, which is not a prosecutive agency but which by statute is required to refer to law enforcement officials any evidence that might be used in prosecution. Richards and Stier said they were pleased by the prompt action of the grand jury today and added they hoped cooperation between their unit and the commission will "continue to be productive."

[From the Trenton (N.J.) Evening Times, Aug. 8, 1969]

Occhipinti Due to Surrender

New York.—Robert Occhipinti, the runaway witness wanted for contempt of New Jersey's State Investigation Commission (SIC), was to surrender to authorities here today.

SIC officials said they might take legal action against Occhipinti's lawyer, Marvin Preminger, if he doesn't keep his pledge to bring the reputed underworld figure to the Kings County Brooklyn District Attorney's office today.

Preminger promised the commission yesterday that he would surrender Occhipinti, but added he would fight attempts to extradite his client to New Jersey.

However, SIC Chairman William F. Hyland said he was skeptical about Preminger's promises, and claimed that the lawyer has failed to follow through on several statements.

Gov. Richard J. Hughes was to sign Occhipinti's extradition papers today and forward them immediately to New York Gov. Nelson A. Rockefeller for approval.

Occhipinti, alias Bobby Basile, and Frank Cocchiaro, alias Frank Condi, were indicted in Trenton Wednesday for contempt of the SIC. The charge stems from the pair's unauthorized departure 10 days ago from commission hearings on organized crime.

They were to be taken to Mercer County Court July 29 and charged with contempt because they refused to answer questions after being granted immunity in return for testimony.

SIC officials believe Cocchiaro, a reputed lieutenant in the Simone R. (Sam) DeCavalcante Cosa Nostra family, is hiding in the Miami, Fla., area.

Cocchiaro, a resident of Ocean Township is a frequent visitor to Miami.

Occhipinti, who has homes in Long Branch, and Brooklyn, is a cousin of DeCavalcante, alleged boss of one of the nation's 24 Cosa Nostra families.

Meanwhile, it has been learned that the SIC has been conducting secret hearings at a motel in Monmouth County. Monmouth is the focal point of the commission's probe.

Police say Cocchiaro oversees DeCavalcante's gambling and loansharking activities in the Jersey shore area. Anthony Russo, a SIC witness two weeks ago, reputedly is the Monmouth County underworld boss for the Cosa Nostra family of the late Vito Genovese.

More than a half dozen secret SIC hearings are believed to have taken place at the Monmouth County Motel. Names of witnesses could not be learned.

The commission's next announced crime hearing is in Trenton Tuesday.

[From the Newark (N.J.) Evening News, Aug. 9, 1969]

Occhipinti Behind Bars

(By Peter Carter)

New York.—Robert "Bobby Basile" Occhipinti, accused of fleeing from the New Jersey State Investigation Commission, had his bail reduced yesterday from $75,000 to $50,000 but couldn't raise the lower amount immediately.

Unless he does raise the money, he will spend the weekend in a Brooklyn jail. He is due to face extradition proceedings Monday in Kings County Criminal Court.

At that time, Kenneth Zauber and Wilbur

Mathesius, commission attorneys who have been named special prosecutors, will argue that Occhipinti should be forced back to New Jersey to face trial on an indictment for criminal contempt of the commission's subpoena powers.

The papers requesting extradition of Occhipinti were signed yesterday by Gov. Hughes and hand carried to New York State Lt. Gov. Malcolm Wilson. He is expected to approve them and pass them on to the Brooklyn Court.

Occhipinti surrendered voluntarily yesterday in the Kings County district attorney's office to the warrant charging him with being wanted in New Jersey on a criminal contempt indictment.

Judge Julius Hellenbrand of Kings County Court set bail at $75,000 when Occhipinti was arraigned before him.

Occhipinti's lawyer, Marvin Preminger, argued unsuccessfully that the bail was excessive for a man who had surrendered voluntarily. But Mathesius argued that Occhipinti should not even be granted bail since he had proved his unreliability by walking out on the commission and leaving New Jersey.

Preminger, however, moved later in the day before the next highest court, the New York State Supreme Court to have the bail reduced. Preminger has promised a court fight against extradition of his client to New Jersey.

INDICTED LAST WEEK

Occhipinti and Frank "Condi" Cocchiaro, both of Long Branch and both said to be in the crime family headed by Simone "Sam the Plumber" De Cavalcante of Princeton, were indicted last week by the statewide grand jury.

They left the State House Annex and the state July 29, when they were faced with either answering the commission's questions or going to jail. The commission had granted them witness immunity and was going to court to get an order compelling them to testify or face contempt charges.

The commission contends the two were under continuing subpoena and should have stayed in the annex as ordered "pending further proceedings."

Cocchiaro is believed to be in Florida where police are searching for him.

[From the Newark (N.J.) Evening News, Aug. 10, 1969]

LEGAL TANGLE ON OCCHIPINTI

(By Peter Carter)

TRENTON.—New Jersey will be venturing in the law when it moves tomorrow in Kings County Court in Brooklyn to force the return to this state of Robert "Bobby Basile" Occhipinti of Long Branch.

Occhipinti, a cousin of Simone "Sam the Plumber" De Cavalcante of Princeton, head of a Mafia family, is under indictment in New Jersey for criminal contempt of the subpoena powers of the State Investigation Commission.

Criminal contempt is in New Jersey a misdemeanor. Forcible extradition of a person from one state to another usually is allowed only in the more major crime classification of felonies.

However, lawyers for the commission are expected to argue that certain misdemeanors in New Jersey, including an indictable criminal contempt offense, carry jail sentences of up to three years.

EXPECTED ARGUMENT

In most other states, the lawyers are likely to argue, any offense carrying more than a year in jail is normally a felony and subject to extradition proceedings. Therefore, the criminal contempt charge should be considered serious enough to warrant extradition.

Whether this argument can be sustained will be determined by the hearing in the Brooklyn court. Occhipinti's lawyer, Marvin Preminger, has promised a vigorous fight against extradition of his client back to New Jersey.

A hearing on extradition does not involve the merits of the criminal case against Occhipinti or his guilt or innocence.

The state, however, must prove that Occhipinti is indeed the accused, which should cause no difficulty, and that the charge against him is actually a serious crime in New Jersey, which is where the arguments are expected to center.

Occhipinti and Frank "Condi" Cocchiaro, both of Long Branch left the State House Annex and New Jersey after they were faced with the prospect of either answering the commission's question or going to jail for contempt of court.

IMMUNITY GRANTED

The commission had granted them immunity from prosecution and was going to court to get an order compelling them to testify or face contempt charges. The commission in closed-door hearings in the annex has been questioning 14 Mafia leaders and their associates about the influence of organized crime in the Long Branch area of Monmouth County.

Occhipinti and Cocchiaro both left the annex when they had been instructed that they were to remain in the building pending further proceedings. The commission contends that the men were under continuing subpoena and, therefore, were contemptuous when they did not obey the order to stay in the annex.

Cocchiaro is thought to be hiding out in Florida. Police there are searching for him.

Occhipinti, accompanied by Preminger, surrendered voluntarily in the Kings County district attorney's office in Brooklyn Friday. His bail pending tomorrow's hearing was set at $50,000.

If Occhipinti is extradited to New Jersey, he could be tried before a jury in a court in Mercer County on the criminal contempt charge.

[From the Newark (N.J.) Evening News, Aug. 11, 1969]

OCCHIPINTI GETS HEARING DELAY

(By Peter Carter)

NEW YORK.—Extradition proceedings against Robert "Bobby Basile" Occhipinti, a Mafia figure accused of running away from the New Jersey State Investigation Commission, were postponed today in Kings County Criminal Court in Brooklyn.

The postponement came when the extradition papers could not be forwarded from the New York State governor's office in Albany in time to hold the hearing as scheduled.

Wilbur Mathesius, commission attorney acting as special prosecutor, said he was trying to work out an acceptable date for holding the hearing either late this week or early next week.

Occhipinti, of Long Branch, N.J., and a cousin of Simone "Sam the Plumber" De Cavalcante, head of a New Jersey Mafia family, surrendered voluntarily to law enforcement authorities in Brooklyn Friday. Bail of $50,000 was set for his appearance for the extradition proceedings.

MAKES BAIL

He raised that bail over the weekend, and he appeared at court today briefly with his lawyer Marvin Preminger. They left once it became clear a postponement would be arranged.

Occhipinti and Frank "Condi" Cocchiaro of Oakhurst, N.J., walked out of the State House Annex in Trenton July 29 when they faced the prospect of going to jail or answering, with immunity from prosecution, the questions of the commission in its probe into organized crime.

The commission charges that the walkout from the building and the disappearance from New Jersey flaunted the subpoena powers of the panel. Both men have been indicted in New Jersey for criminal contempt of those powers.

Cocchiaro is believed to be in Florida where police have been asked to search for him.

[From the Newark (N.J.) Evening News, Aug. 12, 1969]

EXTRADITION WARRANT ISSUED FOR OCCHIPINTI

TRENTON.—New York City police have been asked to arrest Robert "Bobby Basile" Occhipinti of Long Branch on an extradition warrant issued yesterday by the New York State governor's office.

The request was made by two special New Jersey prosecutors through the Kings County district attorney's office in Brooklyn after issuance of the papers calling for Occhipinti's extradition to New Jersey to face a criminal contempt charge.

The extradition warrant did not arrive in time yesterday for a scheduled hearing for Occhipinti in Kings County Criminal Court on a previous warrant charging him with being a fugitive from the New Jersey criminal contempt indictment.

Occhipinti, cousin of Simone "Sam the Plumber" De Cavalcante of Princeton, head of a Mafia family, had been freed in $50,000 bail on the fugitive warrant after surrendering voluntarily in New York on that charge last Friday.

TAKES PRECEDENCE

But attorneys for the State Investigation Commission, who are acting as special prosecutors, said the extradition warrant takes precedence and they want Occhipinti arrested. They said an extradition warrant is not subject to bail, so Occhipinti will have to go to jail if arrested on it.

However his lawyer, Marvin Preminger could have him freed on bail for a few more days, if he institutes a habeas corpus proceeding attacking the validity of the extradition warrant. The bail would be allowed for the few days needed to prepare arguments on the habeas corpus proceeding.

The swift move to have Occhipinti arrested on the extradition warrant was seen as a step to try to forestall any further flight by the Mafia figure.

Occhipinti and Frank "Condi" Cocchiaro, also of Long Branch, were indicted by the statewide grand jury for criminal contempt after they left the State House Annex and New Jersey July 29, when faced with either going to jail or answering the commission's questions.

IMMUNITY GRANTED

The commission, probing organized crime in the Long Branch area of Monmouth County, had given the two men immunity from prosecution for any answers they gave and was going to court to get an order compelling them to testify.

Preminger later produced Occhipinti at the district attorney's office in Brooklyn. But Cocchiaro is believed to be hiding in Florida where police have been asked to look for him.

Occhipinti, though he surrendered voluntarily last week, has vowed through Preminger to go to court to fight the extradition move to force his return to New Jersey.

The fugitive warrant hearing scheduled for yesterday was postponed until Monday. But Kenneth Zauber, one of the special prosecutors, said any habeas corpus move by Occhipinti would now supercede that hearing.

Occhipinti accompanied by Preminger, went to the Kings County courtroom yesterday and lingered outside for a few minutes. The two men left when it became apparent the hearing would be delayed.

GROUNDS FOR FIGHT

The only three grounds for fighting the extradition warrant signed and issued by Gov.

Rockefeller's office are that the offense charged is not an actual and serious crime in New Jersey, that Occhipinti's identity has been mistaken, or that he was not in New Jersey at the time of the offense.

Meanwhile, the commission has surrounded what it has said is the necessarily private phase of its probe with even more mystery.

The panel cancelled a scheduled appearance behind closed doors today for Louis "Killer Louie" Ferrari of Long Branch said to be a Mafia underling and bodyguard. A panel spokesman said no firm date has been established for what will be Ferrari's second appearance before the commission.

The commission has promised that sometime later this year it will go into the second of public phase of the investigation and will issue public reports, or hold public hearings, or do both.

[From the Trenton (N.J.) Evening Times, Aug. 12, 1969]

THREE WITNESSES TO RETURN AT NEXT WEEK'S SIC HEARINGS

The State Investigations Commission (SIC) will resume hearings here next week when three high-ranking reputed Cosa Nostra figures are scheduled to make second appearances concerning alleged underworld infiltration in Long Branch.

The SIC postponed a session slated for today in the State House Annex, where Louis (Killer Louie) Ferrari, the reputed bodyguard of Anthony (Little Pussy) Russo of Long Branch, was to have made his second appearance.

Russo, who allegedly runs shore-area rackets for the Cosa Nostra family of the late Vito Genovese, will be joined by Angelo (the Gyp) DeCarlo of Mountainside and Joseph (Bayonne Joe) Ziccarelli at the Aug. 20 hearing in the State House Annex, a commission spokesman said.

They are among 14 Cosa Nostra members and associates originally subpoened by the SIC.

EXTRADITION

At the same time, the commission is still trying to extradite from New York a reputed Mafia enforcer who fled SIC hearings last month after being cited for contempt for failing to answer questions.

Attorneys for Robert (Bobby Basile) Occhipinti, who surrendered to the Brooklyn District Attorney's office Friday, are preparing to fight extradition at a court hearing set for Monday.

Frank (Frank Condi) Cocchiaro, who left the SIC hearings along with Occhipinti, is still at large. Unconfirmed reports have placed him in the Miami, Fla., area.

Both Occhipinti and Cocchiaro are associated with the Cosa Nostra family of Simone R. (Sam the Plumber) DeCavalcante of Princeton Township.

An SIC spokesman said he expected the inquiry to continue another "couple of months" before a final report is isued.

[From the Trenton (N.J.) Evening Times, Aug. 13, 1969]

BROOKLYN HUNT ON: NO SIGN OF OCCHIPINTI

(By Peter Carter)

TRENTON.—The whereabouts of Robert "Bobby Basile" Occhipinti of Long Branch, a Mafia figure accused of fleeing from the State Investigation Commission, was a mystery today.

Commission attorneys acting as special prosecutors said an effort by the Kings County district attorney's office in Brooklyn to locate Occhipinti in that borough has been unsuccessful.

They reported the district attorney's office as saying Occhipinti was not at the house he had been staying at in Brooklyn when a law enforcement official called there.

They also said the district attorney had asked Occhipinti's lawyer, Marvin Preminger, to find his client. Preminger was quoted as saying he would try but if he was unsuccessful, as he apparently was, the police would have to locate Occhipinti and arrest him on a New York State governor's warrant calling for his forcible extradition back to New Jersey.

Commission officials were known to believe that Occhipinti may stay in hiding at least until Monday, when his postponed hearing on a previous warrant charging him with being a fugitive from a New Jersey criminal contempt indictment is due for a hearing in Kings County Criminal Court.

Occhipinti is still under $50,000 bond for that scheduled appearance and probably would not like to have it forfeited by failing to show up.

Wilbur Mathesius and Kenneth Zauber, the special prosecutors, have requested the Kings County district attorney's office to apprehend Occhipinti on the extradition warrant.

Mathesius said he was "disappointed" that Occhipinti had not been apprehended Monday night when the request was first made to the district attorney.

DISLIKED CHOICE

Occhipinti and Frank "Condi" Cocchiaro, also of Long Branch, left the State House Annex in New Jersey July 29 when they were faced with the prospect of answering the commission's questions or going to jail for contempt.

The commission had granted them immunity from prosecution for answers and was going to court to get a court order compelling them to testify. The panel is probing organized crime in the Long Branch area of Monmouth County.

The two were subsequently indicted by the statewide grand jury for criminal contempt of the commission's subpoena powers. Preminger surrendered Occhipinti in Brooklyn last Friday on the fugitive warrant.

But the later extradition warrant is not subject to bail, probably a reason why there is no surrender this time by Occhipinti.

Cocchiaro is believed to be hiding out in Florida where police have been asked to look for him.

Occhipinti is a cousin of Simone "Sam the Plumber" De Cavalcante of Princeton, head of the Mafia family operating in New Jersey. Cocchiaro is said to be an official in that same crime family.

[From the Newark (N.J.), Evening News, August 15, 1969]

OCCHIPINTI SURRENDERS AT PRINCETON

(By Joseph Sullivan)

PRINCETON.—Robert "Bobby Basile" Occhipinti surrendered to State Police here today rather than sit in a New York jail while fighting extradition to New Jersey.

Occhipinti walked into State Police headquarters on Route 1 at 11:40 a.m. accompanied by his attorney, Samuel Bozza of Newark, and two bail bondsmen. He is scheduled to be arraigned later today in the Mercer County courtroom of Judge George Barlow.

Occhipinti and another reputed Mafia figure, Frank "Condi" Cocchiaro, are under indictment by the Statewide Grand Jury for allegedly being in contempt of the subpoena powers of the State Investigation Commission.

Both men ducked out on a commission hearing last month. Cocchiaro is still at large and believed to be in Florida.

Occhipinti, cousin of reported Mafia leader Simone "Sam the Plumber" De Cavalcante of Princeton, had been freed in $50,000 bail on a fugitive warrant after surrendering voluntarily in New York last Friday.

Two special New Jersey prosecutors had requested the Kings County district attorney's office in Brooklyn to arrest Occhipinti on an extradition warrant signed by Gov. Hughes. This move apparently led to Occhipinti's decision to surrender today.

Attorneys for the investigation commission said an extradition warrant is not subject to bail, and Occhipinti would have to go to jail if he were picked up on it.

Marvin Preminger, Occhipinti's New York attorney, had said his client would surrender on the extradition warrant Monday in Brooklyn.

[From the Trenton (N.J.) Evening Times, Aug. 15, 1969]

BASILE ARRANGES TO GIVE SELF UP

PRINCETON.—Robert (Bobby Basile) Occhipinti, one of the two runaway witnesses of the State Investigations Commission, (SIC) was set to come back today.

Basile, who has been identified as a member of the Simone R. (Sam) DeCavalcante family of the Cosa Nostra, fled from the State House Annex during an SIC hearing July 29.

The SIC had been seeking to extradite Basile from Brooklyn, where he went after fleeing New Jersey. But he notified authorities he would surrender today at the Princeton State Police Station.

No explanation of Basile's voluntary surrender was given, but it was suspected that it might be an attempt to assure his release on bail.

CONTESTING BAIL

The SIC had anounced it would seek to have Basile held without bail upon extradition to New Jersey. SIC attorneys Kenneth Zauber and Wilbur Mathesius said they still would ask that Basile be held without bail when he is arraigned, probably this afternoon before Superior Court Judge Arthur Salvatore.

Had the state been forced to present a full case for extradition from New York, it might have strengthened an attempt to have him held without bail.

But a voluntary surrender carries with it a certain implication of cooperation, and assuredly would weaken the SIC's case for no bail.

The Princeton Station of the New Jersey State Police was selected as the site for Basile's surrender because the State Police detective handling the search for Basile is stationed there, it was explained.

FORMAL PROCEDURE

After being booked, he would be taken to the Mercer County Court House for formal court proceedings and argument on the issue of bail.

The actual charge against Basile is contempt of the State Investigations Commission's power of subpoena. Basile's attorney, Marvin Preminger of Brooklyn, claims there was no subpoena outstanding at the time Basile "left" the SIC waiting room. But the SIC contends its original subpoena for Basile, issued before the initial SIC hearing several weeks ago, still stands.

This presumably will be the main point at issue if Basile's contempt charge reaches trial.

The SIC wants it to be a jury trial and that now is possible, since he was indicted by the Statewide Grand Jury.

The extradition proceeding, which now will be dropped, was to have taken place Monday in a Brooklyn courtroom.

SECOND WITNESS

The other witness who fled the SIC hearing on the same day as Basile is Frank (Big Frank Condi) Cocchiaro, reputed lieutenant in the DeCavalcante family.

Cocchiaro, who lives in Ocean Township, Monmouth County, but originally came from Brooklyn, has not been seen since his flight. He is believed to be in Florida.

Like Basile, he has been indicted for contempt.

[From the Newark (N.J.) Evening News, Aug. 16, 1969]

Occhipinti Freed on Bail

(By Joseph F. Sullivan)

Trenton.—Robert "Bobby Basile" Occhipinti was freed in $25,000 bail yesterday only to learn moments later he will be back in court Monday.

Agents of the State Investigation Commission tagged the Mafia figure with an order directing him to show cause why he shouldn't be held in civil contempt for refusing to answer the commission's questions about organized crime in New Jersey.

Occhipinti and another underworld figure, Frank "Condi" Cocchiaro, walked out on a commission hearing July 29 and set in motion the chain of legal moves that led to his surrender yesterday at the Princeton state police barracks.

Cocchiaro is still at large, presumably in Florida where police have been alerted to look for him.

The two men left the hearing last month during a recess called because they refused to answer questions. During the recess, commission attorneys petitioned Superior Court Judge George H. Barlow for a court order directing the men to testify.

At this point, Occhipinti and Cocchiaro, both of Long Branch, decided they had more pressing business elsewhere and walked out of the state house annex.

RIGHT QUESTIONED

During this time, Occhipinti, who also has a home at 1060 81st st., Brooklyn, was represented by New York attorney Marvin Preminger, who publicly doubted the commission's right to hold Occhipinti under continuing subpoena and the weight of the subsequent statewide grand jury indictment for criminal contempt.

Preminger said his client would surrender in Kings County Court Monday to fight extradition to New Jersey, but Occhipinti arranged to surrender to SIC prosecutors Kenneth Zauber and Wilbur Mathesius at the Princeton barracks yesterday and hired a new lawyer in the process.

Samuel Bozza of Newark, who accompanied Occhipinti when he surrendered, and also at his arraignment later before Judge Barlow, told the court he disagreed with Preminger concerning the strength of the SIC subpoena powers. He said part of Occhipinti's present troubles stem from the fact he was "ill advised."

Barlow set $25,000 bail at Mathesius' request and a tentative date for a jury trial on the criminal contempt charge of Sept. 9. If convicted, Occhipinti could be fined $1,000 and sentenced to three years in jail.

As he left the courtroom, SIC agents James Lacey and Edward O'Neill served him with papers concerning the civil contempt action, including a bill of particulars on what the commission wants him to talk about.

Bozza was not at his side and Occhipinti was nonplussed by the sudden service at the courtroom door. He accepted the papers with a wry smile and said, "are you sure you guys don't have any more of these things."

Zauber said if Occhipinti is convicted on the civil contempt charge he could be jailed until he decides to purge himself of the contempt citation by answering the commission's questions.

This move could set the stage for the awaited court test of the commission's power to confer immunity from prosecution on a witness in order to force him to testify.

COMMISSION AVAILABLE

Zauber said the commission will be available Monday to listen to Occhipinti if he decides to cooperate. The next scheduled commission hearing is Wednesday, when Joseph "Bayonne Joe" Zicarelli, Angelo "Gyp" DeCarlo of Mountainside, and Anthony "Little Pussy" Russo of Long Branch are scheduled to appear.

Occhipinti paid a $5,000 preminum on a $50,000 bond to remain free in New York after he surrendered on a fugitive warrant, and he paid $2,500 yesterday for the $25,000 bail money to stay out of jail.

Since he walked out of the hearing 18 days ago it has cost Occhipinti $7,500 to remain on the street and he faces an entirely new challenge to his freedom Monday.

[From the Trenton (N.J.) Evening Times, Aug. 18, 1969]

Condi Plans Surrender to New Jersey Cops

(By Paul Nini)

Frank Cocchiaro, alias Frank Condi, was expected to surrender to state police at Princeton today.

Cocchiaro and Robert "Bobby Basile" Occhipinti fled from the State House Annex where the State Investigations Commission (SIC) was conducting hearings into organized crime almost three weeks ago.

Although the surrender was scheduled to take place at 11 a.m., neither Cocchiaro nor SIC attorneys appeared at the appointed hour.

Cocchiaro, 48, was to be processed at Princeton before being arraigned later today on contempt charges at the Mercer County Court House. SIC attorneys Wilber Mathesius and Ken Zauber were expected to ask for "no bail".

The expected surrender was to come three days after Cocchiaro's business associate, Occhipinti, gave himself up at the Princeton station.

PLEADED INNOCENT

Occhipinti, 49, of Brooklyn, pleaded innocent to the criminal contempt charges and was released on $25,000 bail pending a trial September 9. The cousin of reputed Mafia figure Simone R. (Sam) DeCalvalcante, Basile was to appear before Judge Arthur A. Salvatore today on a motion to show cause why he should not be held in contempt for not answering the SIC questions.

Mathesius said that if Basile refuses to answer questions about his alleged relationship with suspected Mafia members in the state, the judge can imprison him "until he does."

The maximum penalty for criminal contempt is three years in prison and a $1,000 fine. SIC attorneys said both men could purge themselves of civil contempt if they answer the SIC's questions.

CONTEMPT INDICTMENTS

The statewide grand jury returned contempt indictments against both men, August 6. Basile and Cocchiaro were granted immunity from prosecution during the SIC hearings which are scheduled to resume Wednesday.

Cocchiaro was believed to have been in Florida since fleeing from the State House Annex July 29. Basile has been in Brooklyn.

Cocchiaro and Basile are partners in a Long Branch air conditioning firm, which authorities say is a front for DeCalvalcante's rackets at the shore.

The FBI has identified Cocchiaro as a lieutenant in the DeCalvalcante Cosa Nostra family.

[From the Newark, N.J. Evening News, Aug. 19, 1969]

Probers' Showdown in Occhipinti Case

(By Joseph F. Sullivan)

Trenton.—The State Investigation Commission's power to force witnesses to testify is on the line today.

Superior Court Judge Arthur A. Salvatore is hearing arguments on a commission move to have Robert "Bobby Basile" Occhipinti held in civil contempt for refusing to answer questions about Cosa Nostra operations in Long Branch.

The court hearing marked the first revelation of the questions posed by the SIC at its closed door hearings. The questions were revealed as the commission sought to bolster its case before Judge Salvatore.

While a portion of the interrogation that was read into the record produced no surprises, it provided the first glimpse into the commission's line of questioning, which up until now has been cloaked in secrecy.

Judge Salvatore ordered the questions read because he said it was pertinent to the determination of Occhipinti's guilt or innocence on the civil contempt charges.

Andrew Phelan, SIC director, told Judge Salvatore yesterday Occhipinti should be jailed until he decides to purge himself of civil contempt by answering questions under the umbrella of witness immunity conferred upon him prior to a closed hearing July 29.

At that time, SIC Chairman William Hyland notified Occhipinti the commission had granted him immunity from prosecution based on any information he might give in the hearings.

In the face of this, Occhipinti steadfastly refused to answer Hyland's questions as to whether he is a Cosa Nostra member, whether he was sent to Long Branch by his Cosa Nostra boss and whether it is the policy of Cosa Nostra members to corrupt officials and "insinuate themselves into the functions of labor groups in Monmouth County."

Occhipinti also was asked if he had been a member of the Carlo Gambino Cosa Nostra family and whether he knew or had met a number of reputed underworld figures such as Gerardo "Gerry" Catena, Thomas "Tommy Ryan" Eboli, Vito Genovese, Simone "Sam the Plumber" De Cavalcante and Anthony "Little Pussy" Russo.

He also refused to tell, citing his lawyer's advice and his constitutional right against self-incrimination, whether he had ever talked to Long Branch Police Chief Joseph D. Purcell, either on the telephone or in person.

The commission chairman also asked Occhipinti how many Cosa Nostra families operate in Monmouth County and whether he had ever witnessed the payment of any "ice" to any official in Long Branch. The term "ice" was not defined but investigators indicated referred to protection payoff money.

Occhipinti sat stony-faced as his new attorney, Samuel Bozza of Newark, argued unsuccessfully for a postponement of yesterday's hearing. New York attorney Marvin Preminger represented Occhipinti at the July 29 hearing and Bozza said he wanted time to catch up with his client's problems.

Salvatore turned down Bozza's request but recessed the hearing until later today after permitting Phelan time to get the 76 questions put to Occhipinti on the record.

Occhipinti and Frank "Condi" Cocchiaro, both of Long Branch, left the State House Annex during a recess in the July 29 hearing and were later indicted by the statewide grand jury for being in criminal contempt of SIC subpoena powers.

Occhipinti surrendered Friday at the Princeton state police barracks and is free in $25,000 bail for a Sept. 9 trial on this charge.

SIC attorneys Kenneth Zauber and Wilbur Mathesius waited at the Princeton barracks for an hour yesterday on a tip Cocchiaro was ready to surrender in the same manner as Occhipinti. Instead Bozza showed up alone to say Cocchiaro would not keep his appointment.

Cocchiaro and Occhipinti are partners in a Long Branch air conditioning company. Both men also have been identified by SIC spokesmen as members of the Cosa Nostra family headed by De Cavalcante.

The court move that began yesterday attracted the attention of attorneys representing other alleged Cosa Nostra members called by the SIC.

XUM

[From the Newark (N.J.) Evening News, Aug. 19, 1969]

SILENCE TODAY MAY BRING JAIL TERM: BASILE FACES CONTEMPT CLUB

(By Thomas H. Greer)

Robert (Bobby Basile) Occhipinti, reputed member of the Cosa Nostra family of Simone R. (Sam the Plumber) DeCavalcante, was scheduled to return to Mercer County Court today to answer civil contempt charges for his refusal to answer questions before the State Investigation Commission (SIC).

If Occhipinti continues his silence, SIC attorneys say the Mafia enforcer can be jailed until he agrees to answer.

The questions which Occhipinti refused to answer in the closed SIC session on July 29 were made public for the first time in court yesterday. There was no real surprises, but Occhipinti remained silent. He pleaded his rights under the fifth Amendment and an argument (not disclosed) presented by his lawyer. He refused to answer 73 questions in all.

COCCHIARO MYSTERY

Meanwhile, the whereabouts of Frank (Frank Condi) Cocchiaro, who fled from the State House Annex and the SIC hearing on July 29 with Occhipinti, remains a mystery.

Cocchiaro, 48, was expected to surrender to state police at Princeton yesterday. However, he failed to appear.

Occhipinti, 49, of Brooklyn, surrendered Friday. He pleaded innocent to criminal contempt charge for leaving the SIC hearings and was released under $25,000 bail. His trial on the charges is set for September 9.

Occhipinti and Cocchiaro are partners in a Long Branch air conditioning firm which the SIC contends is a front for the underworld activities of DeCavalcante's family.

The SIC yesterday asked Mercer Judge Arthur A. Salvatore to find Occhipinti guilty of civil contempt.

Salvatore adjourned the hearing until today to permit Occhipinti's lawyer, Samuel Bozza of Newark, more time to prepare a legal brief in his client's defense.

Bozza said there is a fine line between civil and criminal contempt and he is not sure that his client should not be charged with criminal contempt for defying a public body (SIC). He said many "intricate and complex legal problems" are anticipated.

The outcome of the court hearing may have an important bearing on the SIC's investigation of organized crime and official corruption. It will provide a test of the commission's powers in seeking jail terms for alleged Cosa Nostra figures who decline to answer the SIC's questions.

"We are not interested in prosecuting this man," said Andrew Phelan, SIC special prosecutor. "We are only interested in answers. We are seeking that he answer the questions—and if he fails that he be incarcerated."

Judge Salvatore ordered the questions from the closed session read. He said this information is pertinent to his determination of Occhipinti's guilt or innocence on the civil contempt charges.

Many of the questions involved alleged Mafia activities in Monmouth County and in the City of Long Branch. Both Monmouth and Long Branch have been focal points of the commission's investigation.

Occhipinti, a cousin of Mafiia overlord DeCavalcante, now lives in the Long Branch area.

[From the Newark (N.J.) Evening News, Aug. 20, 1969]

OCCHIPINTI HEARING TO RECESS 3D TIME?

(By Thomas H. Greer)

Mercer County Judge Arthur A. Salvatore today was expected to recess the civil contempt hearing of Robert (Bobby Basile) Occhipinti for the third consecutive day.

Judge Salvatore revealed his plans yesterday and said this third delay would be for him to review legal briefs before returning a decision on the reputed Cosa Nostra enforcer's refusal to answer questions before the State Investigation Commission (SIC).

The judge adjourned the hearing each of the past two days, first to permit Occhipinti's attorney, Samuel Bozza of Newark, to prepare legal briefs and yesterday to permit SIC lawyers to prepare similar briefs.

The SIC has asked Salvatore to find Occhipinti guilty of civil contempt for his refusal to answer questions at the July 29 SIC session. SIC says if Occhipinti continues his silence, he can be jailed until he agrees to answer.

Meanwhile Frank (Frank Condi) Cocchiaro, who fled the SIC hearing on July 29 with Occhipinti, remains at large.

Cocchiaro, a Long Branch business partner of Occhipinti and an alleged underworld figure himself, was expected to surrender to state police at Princeton two days ago. However, he failed to appear.

Occhipinti, who surrendered last Friday, also is charged with criminal contempt for leaving the SIC hearing. He is under $25,000 bail and faces a jury trial on the charge Sept. 9.

Yesterday, Salvatore requested legal briefs from Andrew Phelan, SIC executive director. He said they would be necessary because Bozza had filed similar briefs earlier in the day.

Bozza said he would have no witnesses in the hearing. There was some indication Occhipinti might take the witness stand.

UNANSWERED QUESTIONS

The SIC's only witness was Leo Meile, the SIC court reporter, who read from the transcript of the hearing the questions Occhipinti refused to answer.

Bozza's brief, although not made public, is believed to challenge the SIC's power to grant to all underworld figures who testify immunity from prosecution as a result of their testimony.

He also is expected to question why his client is charged with civil contempt and not criminal contempt.

SIC's brief is expected to attempt to justify the commission's actions under the law.

Occhipinti is a cousin and reputed enforcer of Simone R. (Sam the Plumber) DeCavalcante's Cosa Nostra family.

[From the Newark (N.J.) Evening News, Aug. 21, 1969]

JAIL FOR SILENT WITNESSES? SIC HALTS HEARINGS, AWAITS COURT RULING

The State Investigation Commission (SIC) hearings into organized crime in New Jersey have been halted until the courts rule on the Commission's contention that it can throw reluctant witnesses in jail.

William F. Hyland, the SIC's chairman, said yesterday that the hearings will be postponed until after September 10, when three reputed Mafia figures will appear in court. They are charged with contempt for failing to answer the Commission's questions after being granted immunity from prosecution.

"No important purpose would be served by hearings between now and the tenth," Hyland said. "We want the courts to clear up the matter."

Andrew Phelan, the SIC's executive director, said he had expected an even earlier court test of the Commission's immunity power, under which a witness who doesn't answer can be charged with civil contempt and thrown into jail unless he decides to talk.

"I'm surprised it wasnt' taken to court two months ago," Phelan told newsmen.

The halt in hearings came after the Commission had heard three witnesses—Anthony ("Little Pussy") Russo, Joseph Arthur ("Joe Bayonne") Zicarelli and Ruggierio ("Richie the Boot") Boiardo.

Russo and Zicarelli, who hearings, were charged with contempt and their cases were set for September 10, along with that of a third reputed Mafioso, Robert ("Bobby Basile") Occhipinti.

Boiardo, who law enforcement officials consider one of North Jersey's top crime figures, was appearing for the first time and left after a short hearing. His appearance had not been advertised by the SIC, which has held several sessions without publicity.

Meanwhile, Mercer County Judge Arthur A. Salvatore adjourned the contempt hearing of Occhipinti at Judge Kingfield's request so that a decision on his case would not proceed the Zicarelli-Russo hearing.

In announcing suspension of the hearings, Hyland said he did not anticipate any long delay.

Later, SIC officials discounted any permanent crimp in the hearings, although they conceded that whatever court decision came out of the September 10 hearings would be appealed. Some appeals, particularly those that go to the U.S. Supreme Court, can take several years.

The Commission's hearings began July 8, prompted by tapes released in federal court of conversations held by Simone Rizzo ("Sam The Plumber") DeCavalcante, reputed Mafia boss of Central Jersey. Since then, more than a dozen alleged mob figures have appeared, along with several other persons mentioned in the DeCavalcante tapes.

Hyland said after yesterday's proceeding that he believes the Commission's activities so far have put a crimp in mob activity in the state.

"I have a very firm conviction that the activities of many governmental agencies have had a disquieting effect on those in our state who are part of organized crime," he said. "It has had results all the way down the line, although some may be difficult to measure."

[From the Newark (N.J.) Evening News, Aug. 21, 1969]

INVESTIGATION AGENCY'S POWERS HINGE ON SEPTEMBER 10 COURT TEST

(By Joseph F. Sullivan)

TRENTON.—The State Investigation Commission has gone as far as it can in the probe of organized crime in New Jersey until the court test of its powers Sept. 10.

The commission has extended its controversial immunity protection to three reputed Mafia members and, when they still refused to testify, petitioned the courts to find the witnesses in civil contempt.

If the moves are successful the witnesses Joseph "Bayonne Joe" Zicarelli and Robert "Bobby Basile" Occhipinti and Anthony "Little Pussy" Russo, both of Long Branch, could be sent to jail until they cooperate with commission interrogators.

If the court decision goes against the commission it would effectively lessen the agency's value as an investigative force since no one could be compelled to testify.

Commission Chairman William F. Hyland said yesterday that whatever the outcome of the court test the commission's activities in its first months of existence "have had a disquieting effect on the operations of organized crime in New Jersey from the top to bottom."

PREPARING LEGAL CHALLENGES

Hyland said all of the commission's energies in the coming weeks would be aimed at preparing for the legal attacks expected to be launched by attorneys for the uncooperative witnesses.

Michael Querques of Orange, attorney for Zicarelli, has promised a broad-based attack on the commission and its statutory ability to proceed as it has against the witnesses. Querques yesterday said he would raise "nine or 10 points" in his attack and predicted the court battle would last "a long time."

Andrew Phelan, SIC executive director welcomed the opportunity to dispose of all the untested legal questions surrounding the young state agency.

Phelan said, "I'm confident we're on good ground," and said he believed the appeals would be processed quickly.

Superior Court Judge Frank J. Kingfield yesterday set the date for the court hearing after SIC attorneys asked him to hold Zicarelli and Russo in civil contempt. Both men had been granted immunity from self-incrimination by the Commission and directed to answer questions about Costa Nostra infiltration of legitimate businesses and corruption of public officials.

REFUSED TO TESTIFY

When they still refused to testify the men were escorted to Kingfield courtroom on the same third floor of the State House Annex and processed for the coming hearing.

The swiftness of the procedure prompted Querques to tell Kingfield "You caught us with our pants down."

William Pollack, attorney for Russo, also assured Kingfield his client would be available for the Sept. 10 hearing. He said Russo "is not going to run away like some others did." He was referring to Occhipinti and Frank "Condi" Cocchiaro, also of Long Branch, who left the State House Annex July 29 while under orders to stay and await further questioning.

Occhipinti turned himself in last Friday but Cocchiaro is still at large and Hyland declined to comment yesterday when asked if he knew of Cocchiaro's whereabouts.

The unauthorized leave of the two men prompted the assignment of extra state police at yesterday's hearings. Troopers in uniform and plainclothes were in the third floor corridor and at all building exits in case a witness tried to leave before he was excused.

The appearance of Kingfield, who is technically on vacation, surprised Querques, and the arrival of Ruggerio "Richie the Boot" Boiardo of Livingston as a witness caught newsmen covering the hearings off guard. He was not among those scheduled to appear before the commission.

WITHOUT COMMENT

The 80-year-old Boiardo was accompanied by Washington attorneys Thomas Wadden and Thomas Dyson with Querques sitting in as New Jersey counsel.

Hyland refused to comment on Boiardo's testimony or lack of it following a pattern set with other witnesses. Since this was Boiardo's first visit, no attempt was made to give him immunity or force him to testify.

The witness immunity protection offered by the commission will be one target of legal attack Sept. 10. Hyland noted the state cannot grant immunity from federal prosecution but said that because of federal immunity statutes similar statutes in other states have been upheld.

He also said the commission will have some anti-crime recommendations for the New Jersey Legislature and possibly for Congress, in the months ahead.

Mercer County Court Judge Arthur A. Salvatore was prepared yesterday to rule on the commission's move to cite Occhipinti for contempt but he adjourned until Sept. 10 "for practical reasons." Although Salvatore retains jurisdiction in the Occhipinti case it is expected that Kingfield will deliver the opinion on the validity of the commission's strategy when he decides the cases of Zicarelli and Russo.

Hyland said the next scheduled commission hearing is Sept. 17 when Angelo "Gyp" De Carlo is the only scheduled witness. De Carlo underwent surgery Tuesday for internal complications.

[From the Newark (N.J.) Evening News, Aug. 21, 1969]

"Bayonne Joe" is Camera Shy

Trenton.—Joseph "Bayonne Joe" Zicarelli has an aversion for news photographers and he found a way to duck them when his appearance before the State Investigation Commission ended yesterday.

Zicarelli gave an elevator operator a $10 bill and said, "Get me out of here." He was brought to a basement level and left, while the photographers waited elsewhere.

Anthony "Little Pussy" Russo of Long Branch, another witness found more trouble awaiting him when he was excused by the commission. His car was ticketed for overtime parking at a meter while he was questioned about organized crime in a State House Annex hearing room.

[From the Newark (N.J.) Evening News, Oct. 16, 1969]

Sinatra Ignores Jersey Warrant, Goes Yachting

Freeport, Bahamas.—Frank Sinatra has arrived in the Bahamas for a stay, apparently not heeding an arrest warrant issued for him in an investigation of organized crime in New Jersey.

The warrant, enforceable only in New Jersey, was issued Tuesday at the request of the New Jersey State Investigation Commission.

Sinatra and his retinue arrived Tuesday night and took up residence in an 8-room suite at the Lucayan Beach Hotel. He went yachting yesterday abroad a chartered boat, then gambled at several casinos.

[From the Newark (N.J.) Evening News, Oct. 22, 1969]

Sinatra Won't Star in New Jersey "Circus"

Los Angeles.—Singer Frank Sinatra, subpoenaed by New Jersey investigators of organized crime, said yesterday he won't appear voluntarily because "I am not willing to become part of any three-ring circus."

Sinatra, 53, said he would answer "any and all appropriate questions" by deposition or personal interview—but that investigators would have to force him to appear before any hearing, open or closed.

He explained that he is "tired of being considered an authority on organized crime," saying the implication that he knows about the underworld is baseless.

A warrant was issued last week for Sinatra's arrest after he failed to answer the subpoena from the New Jersey State Investigation Commission which is probing organized crime in Monmouth County. The subpoena said Sinatra was being called to talk about organized crime in the entire state. It did not elaborate.

PREPARED STATEMENT

In a prepared statement on the warrant—which is not enforceable outside New Jersey—Sinatra said: "Notwithstanding the fact that I am of Italian descent, I do not have any knowledge of the extent or the manner in which organized crime functions in the state of New Jersey or whether there is such a thing as organized crime.

"In short," he said, "I could not and cannot now understand how or in what manner I could qualify as a witness with respect to the subject the commission claims it is investigating."

Sinatra was served with the subpoena last June 25 while he was aboard his yacht, the Roma, off Bahr's Landing Restaurant in Highlands, N.J. He said his attorney telephoned the commission to ask the reason for the subpoena.

"The commission's attorney refused to give any information which could lead any reasonable person to believe that the commission could gain anything other than publicity by requiring me to attend its hearing," Sinatra said. "While protesting that they are not seeking publicity, the commission has insisted that I make an appearance before the commission, which appearance would result in extensive publicity.

LEGAL ACTION

"I have instructed my attorney that I would not voluntarily appear before the New Jersey State Commission of Investigation. If the commission seeks to enforce my appearance, all proper and lawful means will be ulitized to determine whether or not, under the present circumstances, my appearance can be compelled.

"I have been, and still am, willing to answer any and all appropriate questions by deposition or personal interview, but I am not willing to become part of any three-ring circus which will necessarily take place if I appear before the State Commission of Investigation in New Jersey, whether the hearings be public or private."

Sinatra was ordered to appear at a private hearing last Aug. 19 but was granted a month's delay, after which the commission said it heard nothing more from him.

"I am tired of being forced to interrupt my professional and personal life to appear and testify about matters which have the same strange blend of fiction and partial facts as are related in some of the current works of fiction," he said in the statement.

"Authors and their publishers appear to be of the opinion that they can publicize and increase the sales of a book if a fictional character having some relationship to organized or unorganized crime is portrayed in such manner as to suggest that my life is being depicted.

"Similarly, if an investigatory body has not achieved any results and desires some publicity to show they are accomplishing something, I am subpoenaed, with the knowledge that my appearance or nonappearance will result in extensive publicity."

[From the Newark (N.J.) Evening News, Oct. 22, 1969]

Claims Aide Was Paid for Influence

Washington.—A longtime friend of House speaker John W. McCormack was paid between $45,000 and $52,000 to try to win favored treatment for a convicted embezzler, it was reported today.

The latest report on the alleged activities of lawyer Nathan Voloshen was carried by both the Washington Star and the Washington Post. Both newspapers said a federal grand jury in New York will be told Voloshen tried to intervene on behalf of Edward M. Gilbert, a one-time Wall Street wonder who was convicted on charges involving the embezzling of almost $2 million.

INVOLVED IN CONTRACTS

The reports also said McCormack's recently suspended administrative assistant, Martin Sweig, was involved in the contacts with prison officials involved in Gilbert's case.

McCormack suspended Sweig last weekend after the Securities and Exchange Commission alleged Sweig arranged for Voloshen to meet with the SEC to plead for an end to a ban on trading of Parvin Dohrmann Co. stock. The SEC has accused some Parvin Dohrmann stockholders of fraudulent activities.

McCormack said he knew nothing of any attempt by Sweig or Voloshen to intervene in the Gilbert case.

The newspapers said Voloshen and Sweig tried to talk New York parole officials into granting Gilbert an earlier parole. One of the telephone calls, the report said, was made in a voice that was intended to sound like McCormack's. The Star said Sweig in the past has imitated McCormack in telephone conversations.

Mr. McCLELLAN. I am glad to accept the amendment. If the senior minority member of the subcommittee would like to make a comment, I yield the floor to him.

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Mr. HRUSKA. Mr. President, the amendment proposed here is a good one. I hope it will be adopted. It covers an area that, frankly, we had not quite thought about and had not considered to a point where we were prepared to include it.

As the paragraph, section 302, is now written, it applies to witnesses who flee to avoid testimony before a State investigating commission after they have been served with process. That provision is good. It does not cover, however, the situation where individuals flee before they are served with process, and where they flee in order to avoid the service of process upon them, in order that they will be required to appear to testify.

As I understand it, it is a very salutary amendment, and I would urge its adoption.

Mr. McCLELLAN. Mr. President, will the Senator yield?

Mr. HRUSKA. I yield.

Mr. McCLELLAN. Mr. President, let me add this comment: To secure a conviction under this amendment, it would have to be shown that the party left the jurisdiction with the intent to evade process. I do not know whether such intent can always be proved, but when it can be proved, there ought to be a penalty for it.

I commend the Senator for having offered the amendment, and I trust that it will be adopted.

Mr. CASE. I thank the Senator from Arkansas and the Senator from Nebraska.

I do not intend to ask for a rollcall vote.

The PRESIDING OFFICER. The question is on agreeing to the amendment, as modified.

The amendment was agreed to.

Mr. CASE. I move to reconsider the vote by which the amendment was agreed to.

Mr. HRUSKA. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. KENNEDY. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. KENNEDY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MAGNUSON. Mr. President, I want to address an inquiry to the distinguished chairman and the Senator from Nebraska. I do this at the behest of the members of the Committee on Commerce. We have a special interest in the provisions of title 9 of the Organized Crime Control Act of 1969.

Title IX creates a new chapter in title 18 of the code to deal with racketeering activity to acquire an interest in or establish an enterprise engaged in interstate commerce.

The impact of organized crime on interstate commerce is an issue about which the Committee on Commerce has been concerned in specific ways, particularly as it might relate to getting into any form of the transportation business.

The Senator from Nebraska will recall that we had a problem last year in which a group of gambling interests were trying to achieve control of Pan American Airways. We have done some preliminary work in trying to establish the volume of this activity and its impact on our system of commerce.

As my colleagues are probably aware, pursuant to Senate Resolution 202 of the 81st Congress the hearings of the Special Committee To Investigate Organized Crime—the so-called Kefauver Crime Committee of the 81st and 82d Congresses—were transferred to the Senate Commerce Committee upon dissolution of the special committee.

All the papers and all the files have been sent to the Archives, and they are still there. We have some problems once in a while with respect to people who want to look at them. They are not people who are simply curious. They are mainly researchers and writers who want to write about this matter.

The committee has authorized me to say that we recognize the responsibility and jurisdiction of our committee to protect the channels of commerce from the influence of organized crime. I am hopeful that as our scheduling and time permit, we will be able to go into this matter in some depth. I would state, however, that the preliminary data we have at our disposal at this time indicates that organized crime does indeed have a substantial impact upon interstate commerce. In short, organized crime is big business today.

Mr. HRUSKA. It is a big industry.

Mr. MAGNUSON. I can understand the Committee on the Judiciary going into the matter. I am wondering whether title IX is directed mainly at a situation in which money from criminal activities is tranferred into some kind of business that may be legitimate, in interstate commerce, but the proceeds from crime would be used to get into the business.

I wanted it clear that we would have some jurisdiction, hopefully, in a situation in which gambling interests, where they are illegitimate, went into interstate commerce, that we would have to take a look at it. I am wondering whether the Senator from Nebraska and the Senator from Arkansas would interpret title IX to try to stop what should be stopped, where the proceeds of organized crime are used to get into a business. Much of that is not so much interstate commerce as it is a local business. It might be, as we used to see in the gangster movies, a florist shop or a gravel pit, or something of that kind.

But when it gets into the field of transportation, we feel that we should take a look at it. I refer to a situation in which the proceeds can be traced to some illegal action. Robbery would be the extreme example.

If the Senators could clarify that, I would be glad to inform my committee. There is a fine line.

Mr. McCLELLAN. There is a fine line. It is certainly not the purpose or intent of the Committee on the Judiciary or the subcommittee to encroach upon the jurisdiction of other committees. However, organized crime does generally involve interstate commerce.

One purpose of title IX is directed to funds which are received from illicit activities, funds that ought play no role in interstate commerce. For example, if it is organized gambling——

Mr. MAGNUSON. If it is illegal gambling.

Mr. McCLELLAN. Yes; if it is illegal gambling, engaged in by syndicates or shylocking or whatever, and those funds are used for investment in legitimate business in interstate commerce that would constitute a crime under title IX. That kind of activity is what we are trying to prevent.

Mr. MAGNUSON. I think that clears up the matter. Also, I suppose the proceeds from illegal activities in one State that are transported to another State, to be used in further illegal activities would be included?

Mr. HRUSKA. They might be involved in title IX. I agree with the comments of the Senator from Arkansas.

Mr. McCLELLAN. We hope that the Committee on Commerce, of which the distinguished Senator from Washington is the chairman, will go further into the subject.

Mr. MAGNUSON. Mainly in the field of transportation—small airlines and trucklines, and operations of that kind. There are many instances of illegal operations in those fields.

I hope the amendment will be a deterrent, that the effects of the bill will be salutary, and that our committee will not have too much to do in this field.

Mr. KENNEDY. Mr. President, organized crime is a blight on our Nation. It has tainted our politics, our business, our unions. It has promoted our drug traffic, which is perhaps the single factor most responsible for the frightening increase in street crime.

Organized crime affects all Americans, black and white, rich and poor. But its impact falls most heavily on the urban poor. They are usually the special target of illicit gambling and narcotic activities, and they are the most frequent victims of crime in the streets.

All of us are deeply committed to the fight against organized crime. And despite some recent campaign rhetoric, that fight did not begin just yesterday. The Federal organized crime drive began and reached its presently accelerated pace from 1961 to 1968.

In 1961, Attorney General Robert Kennedy told the Senate that—

> Because many rackets are conducted by highly organized syndicates whose influence extends over State and National borders, the Federal Government should come to the aid of local law enforcement authorities in an effort to stem such activity.

The Attorney General requested and secured passage of legislation which prohibited interstate travel and the use of interstate facilities for the purpose of engaging in gambling operations, narcotic operations, extortion, bribery or arson. This legislation provided an important new arsenal for Federal officials in their war against organized crime.

Attorney General Kennedy also vastly increased the number of lawyers in the

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Organized Crime Section of the Criminal Division of the Department of Justice. And he established the first intelligence unit on organized crime capable of monitoring and coordinating information from the over 20 Federal agencies whose operations touch on this crucial problem.

A few years later President Johnson established a National Crime Commission under the chairmanship of Attorney General Nicholas Katzenbach. I suggest that every Member of the Senate read the Commission's 1967 Report. They will find that the Commission recommended special grand juries to investigate organized crime, a general immunity statute to assure compulsion of testimony, the abolition of rigid evidentiary rules in perjury prosecutions, protective facilities for witnesses in organized crime trials and extended sentences for organized crime leaders. In short, the Crime Commission dealt with nearly all of the problems which S. 30 is now trying to meet.

Urged on by the Crime Commission, the Johnson administration secured passage of the law enforcement assistance program, which in my view is one of the most important contributions the Federal Government has ever made to the fight against organized crime. As all of us know, organized crime has thrived in this Nation in large measure because our local law enforcement agencies have been undermanned, undertrained and underpaid. An undermanned and undertrained police force is simply not capable of combating the sophisticated operations of the crime syndicate. And an underpaid police force is tragically susceptible to the kind of corruption which makes widespread gambling and narcotics operations possible. The law enforcement assistance program began to meet this problem. If authorized grants for "the organization, education, and training of special law enforcement units to combat organized crime, including the establishment and development of State organized crime prevention councils, the recruiting and training of special investigative and prosecutive personnel, and the development of systems for collecting, storing, and disseminating information relating to the control of organized crime." Twenty-six States have already submitted comprehensive plans for dealing with organized crime under the law enforcement assistance program.

Finally, the special strike forces established by Ramsey Clark in several major cities have proved a particularly potent weapon against organized crime. They are at the core of the present administration's efforts to combat organized crime.

I recite this history in order to emphasize that we should not approach the present legislation, or any other crime legislation, in a partisan manner.

The fight against organized crime is not a fight only by those of one party or one philosophy. It is a fight in which all of us must continue to participate. At the same time it is vital that we not be misled into thinking there is a panacea, that we not accept uncritically any bill entitled "Organized Crime" and that we appraise the merits of each piece of legislation calmly and candidly. For my part I believe the legislation before us today may make some valuable contributions to the fight against organized crime. Title VI on depositions may help prevent the intimidation of witnesses and thus increase the number of successful criminal prosecutions. Title VIII, and particularly the proposed National Gambling Commission, may give us a new means of dealing with and understanding the gambling problem. And title IX, on racketeer-influenced and corrupt organizations, may provide us with new tools to prevent organized crime from taking over legitimate businesses and activities. The Senator from Arkansas (Mr. McCLELLAN) is certainly to be commended for his work in these areas.

But there are certain aspects of S. 30 which I find objectionable. As both the Senator from Michigan (Mr. HART) and I stated in the committee report the reach of this bill goes far beyond organized criminal activity. Many of its features propose substantial changes in the general body of criminal procedures. For example, the dangerous special offender provisions are a dramatic new departure for Federal law. Yet, they are not limited to the area which the Judiciary Committee studied for so long—organized crime. They can be applied to any major Federal crimes—from violations of our civil rights laws to violations of our selective service laws. Now perhaps the special sentencing procedures should apply to all major Federal crimes. But this is certainly not a question which has been thoroughly studied by the committee.

I also object to title VII of the bill which expressly overrules the recent decision of the Supreme Court in Alderman against United States. I think it is clear that Alderman is a constitutional decision, and I do not think we serve the cause of law and order by ignoring the mandate of the Nation's highest court.

Finally, I object to the section of title IX which authorizes judges to use even the most blatantly illegal evidence for sentencing purposes under the new dangerous special offender provisions. I think this section will encourage law enforcement officials to engage in illegal conduct.

I am offering three amendments which remove these objections. I hope that Senators will support them and will pass a bill which deals specifically with the problem of organized crime and which does not infringe on the basic constitutional rights of our citizens.

AMENDMENT NO. 447

Mr. President, I call up my amendment No. 447 and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

On page 92, it is proposed to strike out lines 10 and 11, and insert the following: "of a defendant in a court of the United States for a felony enumerated in title 18, United States Code, section 1961(1), as amended by title IX of this Act, and committed when the defendant was over the age of".

Mr. KENNEDY. Mr. President, the purpose of the amendment is to limit the sentencing provisions of title X to organized crime offenders. My amendment accomplishes this by making title X applicable only to those convicted of the crimes listed on pages 74 and 75 of S. 30.

The dangerous special offender of title X are a dramatic new departure for Federal law. Yet they are not limited to the area which the Judiciary Committee studied for so long—organized crime. They can be applied to any major Federal crimes—from violations of our civil rights laws to violations of our Selective Service laws. For example, there is soon going to be a trial in Detroit of four policemen accused of conspiring to deprive citizens of their civil rights during the Detroit riots. Under title X these defendants might be subjected to special sentencing. And the defendants in the well-publicized Chicago conspiracy trial might also be subjected to special sentencing. Now perhaps this is good. Perhaps the special sentencing procedure should apply to all major Federal crimes. But certainly this is not a question which has been studied by the committee. And I think it deserves thorough study before it becomes an integral part of Federal criminal law.

I would like, if I could, to get some reaction from the distinguished Senator from Arkansas on this provision and see if it might be acceptable.

As I mentioned, the scope and the purpose of the amendment is really to limit the special sentencing provisions to those crimes which have been included on pages 74 and 75 of the legislation. That is the thrust of my amendment, and if it were the opinion of the distinguished manager of the bill that there ought to be included additional crimes that relate to organized crime, I would certainly be most willing to see those crimes included.

The amendment I have offered would, I believe, be consistent with the scope of the legislation. I think it strengthens the bill.

Mr. McCLELLAN. Mr. President, I do not know, in dealing with criminals and organized crime, whether we should omit any felony. We might be able to identify some of the areas in which organized crime is active today, but what it might be doing tomorrow may be something else.

If we undertake to do that, we might very well leave another loophole from which no one benefits except the criminal.

Why do it? It is not necessary. Who would be protected in this? It is not the public. It is not the victims who are protected. No one is protected except the very men we seek to control.

I hope this title will not be weakened to that extent. It seems to me that it would be a grave mistake to restrict dangerous offender sentencing to any list of specified offenses supposedly typical of organized crime.

If we put down murder and leave out assault with intent to murder, the latter offense would not be covered.

Tomorrow we may have a new crime on pornography enacted. Perhaps they will find it a very fruitful field and engage in it. We would be able to do nothing

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about it because we would not have specified it in the bill.

Nobody would benefit from such a limitation except the criminal.

I do not propose to support an amendment from which no one will benefit except the criminal.

We cannot specify everything. We cannot anticipate everything; we have to make a statute general.

If there is any group, any category that we ought to deal with from a broad standpoint, it is those engaged in organized crime.

If we name one crime, they will commit another. We run the risk of leaving a loophole and saying that it can be taken into account in imposing additional sentences.

I believe the statute is badly needed. I gave the illustrations in my opening remarks on the bill about the Mafia leaders, the Cosa Nostra leaders, who have been convicted time and time and time again. And they are not getting adequate sentences. The same judge that sentenced Corallo in New York to 2 years for a $40,000 or a $50,000 bribery charge, sentenced him later, when he again came before him for a kickback charge, and gave him only 3 years.

This bill is meant to put some starch in the judges who are doing the sentencing and to give the U.S. attorneys some leverage to secure sentences, to obtain sentences that are commensurate with the crime committed.

I cannot go along with the proposed amendment. It confers no benefit except upon the man we are trying to punish.

Mr. KENNEDY. Mr. President, I would like to respond to the comments made by the distinguished Senator. I do not think it does us any good to reiterate the purposes and the thrust of this legislation and even to suggest that anyone who is trying to provide any kind of an amendment is not interested in attacking the problem of organized crime.

That is not what is being suggested by the distinguished Senator from Arkansas, I am sure.

I would like to ask the Senator about the case of the four policemen who were involved in that incident in the course of the riot in Detroit. They are now being tried for engaging in a conspiracy in violation of civil rights. If they are convicted of a conspiracy to violate civil rights, then they can be sentenced for three times as long because of title X.

What about Dr. Spock, who was tried under a conspiracy charge for violation of the Selective Service Act? If he was convicted of violating the Selective Service Act on the basis of a conspiracy, then he was susceptible to a much higher sentence under the provisions of this act.

Does this country feel so strongly about Dr. Spock that it wants to have him included? If it did, it is very interesting. I think that everybody ought to know it before voting on the measure.

We will cover every kind of felon and provide additional sentences for them, whether it is Dr. Spock or Lester Maddox of Georgia, if he were to be found guilty of a conspiracy for failing to go ahead with the integration of the schools, or Governor McKeithen if he were found guilty of a conspiracy. We could sentence them for a much longer period?

Why not eliminate this possibility.

I did attend some of the hearings, although I did not have the opportunity to attend all of them that I should have liked to attend, but there was never any evidence introduced in the course of those hearings that such a broad sentencing statute was needed.

Mr. McCLELLAN. I am not after Dr. Spock. I do not know that he would come within this bill. Certainly, for only one offense neither Dr. Spock nor anyone else would normally come within this title X. I do not know why his name becomes so important or relevant to this debate. This measure refers to several categories. It would include anyone who is engaged in organized crime, anyone who is a professional criminal, and anyone who is a repeat felony offender.

I do not know why anyone should not count violations of the Civil Rights Act, the draft laws, or anything else that is a felony. However, I do not think we should enumerate in a statute every offense that might occur in an aggregate fashion.

Mr. KENNEDY. Mr. President, the Senator has expressed the matter well.

What I am saying is that if we do not want to include every conspiracy felony we should pass amendment No. 447.

Mr. McCLELLAN. Mr. President, I wish to read a part of the Judiciary Committee report on S. 30. I refer to the FBI's statistical analysis summarized in table 3, on page 43, which reveals that 68.4 percent of those arrested by Federal authorities after receiving two or more felony convictions went on after their Federal arrests to accumulate an average of 4.3 new arrests per offender. Since that analysis discloses also that nearly 60 percent of La Cosa Nostra members upon new convictions of Federal felonies would qualify as "recidivists" under title X, it would have a major impact upon both La Cosa Nostra and other hardcore repeaters. It is just not true, therefore, to say that we did not intend to have this bill operate beyond a narrow definition of organized crime.

Yesterday I read an article in my hometown newspaper about a fellow who had been convicted at least two and perhaps three times. He had been in the penitentiary once for murder, as I recall. He served 4 or 5 years. When he got out he committed another crime and he has now been sentenced to life in prison. The point is that in sentencing these people who are hardened criminals, who are engaged in this kind of activity, we ought to be able to give out appropriate sentences. Some judges will not sentence criminals as they should. The court should identify people who are incorrigible. Many times they are set free, further to endanger society; they are given an opportunity to commit other crimes.

In looking at the record, I do not know why any felony that has been committed should be excluded. I do not know why any felony should be excluded in considering the aggravation of his possible sentence.

I do not know Dr. Spock and I do not know that he ever received a conviction that was sustained. I understand that there was an appeal in connection with his conviction, and the conviction was set aside. He was not a man who had three or four felony convictions. Nor was he a person who engaged in crime as a profession.

What he is supposed to have done would not normally be considered organized crime. It is certainly different from what those people do who perpetrate heinous crimes and live on the fruits of crime.

Mr. KENNEDY. Directing the attention of the Senator from Arkansas to page 94 where we get into special offenders, it is stated:

> A defendant is a special offender for purposes of this section if—
>
> (3) such felony was, or the defendant committed such felony in furtherance of, a conspiracy with three or more other persons to engage in a pattern of conduct criminal under applicable laws of any jurisdiction, and the defendant did, or agreed that he would, initiate, organize, plan, finance, direct, manage, or supervise all or part of such conspiracy or conduct, or give or receive a bribe or use force as all or part of such conduct.

That is sufficiently broad to include the example I gave of either the policemen being tried in Detroit at the present time or Dr. Spock or Reverend Coffin.

The thrust and the purpose of this amendment is to insure that this law is not made so broad, so expensive and so all-encompassing as to catch people it was not intended to catch.

We have had the study by the Crime Commission. That study is one of the most exhaustive and expansive studies ever made on the subject of crime. We also have available the hearings held by the distinguished Senator from Arkansas who is the expert in this body on this subject. If we cannot enumerate the kinds of criminal activities that make up organized crime, then I do not think we further the cause of justice by enacting a statute so all-encompassing that we pick up groups we never intended to pick up. I think that runs contrary to the purpose, scope, and direction of this very worthwhile legislation.

Mr. HRUSKA. Mr. President, in title X, to which this amendment is directed, we have a brand new concept in Federal jurisprudence. It is a brand new concept, it is considered very important, and is a necessary tool to deal with the types of crime characteristic of the syndicate. This title deals with a dangerous special offender. That dangerous special offender has led such a life and has continued to live a life of illegal activity so as to qualify for treatment under title X. It is not everyone who can qualify for this treatment.

I am confident that Dr. Spock would not qualify for membership in the club that is known as title X. As far as I know from what I have read about him, he has never been convicted of any other crime in his life. He would not qualify.

Mr. KENNEDY. Mr. President, will the Senator yield?

Mr. HRUSKA. No, I do not yield until I have made my statement and my explanation. When I have done so I will be happy to yield.

If a man has engaged in the type of criminal activity to a point he is a dangerous special offender as defined by this act, if he has found criminal conduct to be so profitable and attractive and so irresistible that there is no hope for his rehabilitation, immediately upon getting less than a maximum sentence for the crime, at the end he gets out and resumes his criminal career. It is that kind of man that title X is directed toward. He should be incapacitated. The purpose of title X is to put that kind of fellow behind the bars and keep him in custody for as long as is reasonable under the circumstances and keep him out of circulation. To that extent, the purposes of public interest will be subserved, and well subserved.

Who can qualify for membership, for being treated in this special way? Dangerous special offenders. Page 94 of the bill defines, in subsection (e), what a special offender is. Here is what it says. It says that for the purposes of this section a defendant is a special offender when "on two or more previous occasions the defendant has been convicted in a court of the United States, a State, the District of Columbia, the Commonwealth of Puerto Rico, a territory or possession of the United States, any political subdivision, or any department, agency or instrumentality thereof for an offense punishable in such court by death or imprisonment in excess of 1 year, and for one or more of such convictions the defendant has been imprisoned prior to the commission of such felony."

That does not apply to many people. Not many people are convicted of serious crimes that will warrant imprisonment for more than a year on two or more occasions. That is a special brand of person, and he, therefore, should be treated specially. Title X tries to do that.

Here is another man coming under that definition: a person who "committed a felony as part of a pattern of conduct"—not an isolated example, not where he slipped or did something ill-advisedly or precipitately, but where it was a part of a pattern of conduct—"which was criminal under applicable laws of any jurisdiction, which constituted a substantial source of his income, and in which he manifested special skill or expertise."

That is the special criminal. That is the kind who will never be rehabilitated. There is no hope for him, because he has participated in a life of illegal conduct and has developed a skill and expertise to come by his funds in an illegitimate and illegal way.

There is a third category: "Such felony was, or the defendant committed such felony in furtherance of, a conspiracy with three or more other persons to engage in a pattern of conduct criminal under applicable laws of any jurisdiction, and the defendant did, or agreed that he would, initiate, organize, plan, finance, direct, manage, or supervise all or part of such conspiracy or conduct, or give or receive a bribe or use force as all or part of such conduct."

That is the only way it can be described with sufficient particularity to warrant a court to say that if that man has been engaged in that kind of activity, he qualifies for the special treatment of additional punishment provided under title X.

What does the amendment propose to do? In the case of that type of special dangerous offender, the guy who is engaged in helping organized crime to run the mechanism or apparatus of organized crime, or who has been convicted two or more times of a felony which would result in a sentence of more than a year, we are going to say, "Oh, don't let us be hard on him; we must excuse him and limit the areas in which he would be guilty of committing a felony and give him a sort of loophole because, poor fellow, maybe he did not know what he was doing."

After he has been through the mill twice, after he has engaged, knowingly, and consistently, in a pattern of conduct in which he develops an expertise and an ability to come into income without honest labor, in which he would be capable, it seems to me at that point we should not be charitable to him; we should be charitable to the members of the public upon whom he will prey if he is turned loose at too early a time and if we give him the benefit of a loophole of this kind.

I say this amendment should be rejected, and resoundingly rejected, because it would impair the effectiveness of the dangerous special offender sentencing, provisions. The illustrations given on the floor by the chairman of the committee should convince anyone who was in sufficient possession of the facts to give the proposal proper consideration.

It has been suggested that the proposal has not been thoroughly considered in committee or subcommittee. Mr. President, it was debated extensively in the subcommittee—very extensively—and we weighed it very carefully. The minutes will so show. It is deserving of that kind of treatment because it is a new and novel approach which is badly needed in dealing with the problem of organized crime.

Now I yield to the distinguished Senator.

Mr. KENNEDY. I prefer to get the floor in my own right.

Mr. HRUSKA. Very well. The Senator asked me to yield.

Mr. KENNEDY. I intended to ask some questions at the time the points were being made.

My good friend and colleague read from subsection (e), which defines a defendant who is a special offender for the purposes of this section. The Senator reviewed subsection (1). He talked about two or more previous convictions.

The Senator read subsection (2), which refers to a defendant who committed such felony as part of a pattern of conduct in which he manifested special skill.

But, just before subsection (3) appears the word "or," and it states "such felony was, or the defendant committed such felony in furtherance of," and so forth.

One felony—the first felony. It is not, as the Senator from Nebraska suggested, that he has to be convicted of two or more felonies. This is the defendant who gets convicted for the first time. It says so right there.

I know the Senator from Nebraska did not intend to leave the RECORD with the impression that the only people we are trying to reach, even if they were guilty of a conspiracy, would be those who were guilty of a conspiracy two or three times. This gets at Dr. Spock or Sloan Coffin. Dr. Spock was tried for a violation of the Selective Service law. He was found guilty, although his conviction was overturned by the appellate court. Rev. Coffin may conceivably be tried again. If he is tried and convicted on a conspiracy charge, I ask the distinguished manager of the bill, or the Senator from Nebraska, why, under subsection (e) paragraph (3), he would not fall into the special offender class.

I do not think that was the purpose of this provision or this legislation. The amendment I have proposed would limit it to those who are described on pages 74 and 75 of the bill. If my friend will put other crimes of the organized crime variety in there, I will cosponsor the proposal.

But let us not just broaden this language out to include anybody who has been a part of a conspiracy, any conspiracy.

That is what we are doing. And I think it is important that every Member of this body understand that any person who is guilty of any kind of conspiracy may now face a much longer penalty.

Mr. President, this legislation was never meant for that purpose. As explained so well by my two distinguished colleagues, we are interested in organized crime, not whom we can pick up in this net. Therefore, Mr. President, having in mind the purpose for which this measure was introduced, with all due respect to my friend from Nebraska, I fail to see why someone who is in violation of conspiring to evade the Selective Service laws, or those police officials who are being tried out in Detroit now for violating civil rights—if they are found guilty—should be included together in this provision.

Mr. McCLELLAN. Mr. President, just briefly, I should like for the RECORD to be clear on this: that the provisions of the bill that the distinguished Senator from Massachusetts is objecting to are not just a brainstorm of this committee or members of this committee. They are not something we just thought up and threw into the bill. They have the support of very competent authority and very reliable sources.

The many bodies that have recommended adoption or use of special offender sentencing statutes have not found it wise to restrict them to lists of offenses. The first American special offender sentencing statutes, of course, were the State general recidivist laws. At the present time, such laws are found in some 45 States. There has been no movement away from the approval of those statutes, and they are not confined, in their operation, to lists of specified crimes.

In addition, it now has become generally accepted that the concept of special sentencing should be extended beyond recidivists to professional or organized crime offenders. And in the past

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7 or 8 years, a number of qualified bodies have strongly recommended it.

First, in 1962, there was the Model Penal Code promulgated by the American Law Institute, whose council of some 42 leading lawyers and jurists was chaired by Harrison Tweed, and included Judge Henry J. Friendly and Prof. Samuel Williston.

In 1963, such a proposal was made in the Model Sentencing Act adopted by the Council of Judges of the National Council on Crime and Delinquency. Among the members of the Council of Judges were Justice William J. Brennan, Jr., Judge Irving R. Kaufmar, Chief Justice Paul C. Reardon, and Justice Joe W. Sanders.

The President's Crime Commission, which, of course, was chaired by Attorney General Katzenbach, and included Judges Charles D. Breitel, William P. Rogers, and Herbert Wechsler, reached the same conclusion in 1967; and, in the same year, the American Bar Association approved such a proposal on the recommendation of committees chaired by Judges J. Edward Lumbard and Simon E. Sobeloff.

What is significant, it seems to me, at this point, is that none of the proposals made by those distinguished bodies recommended that special sentencing be limited to a list of offenses. On the contrary, each proposal was made to cover all felonies.

After thorough subcommittee hearings and study, the Committee on the Judiciary agreed, for good reasons. The inadequacies and defects which title 10 will correct in our existing laws and procedures for sentencing in aggravated cases are common to all Federal felonies. To correct them only for certain crimes would distort the basic concept of special sentencing. It would permit inconsistent, unequal, and unfair treatment of defendants who are similarly situated, and it would not get the job done of protecting honest citizens from all unusually dangerous felons.

Mr. President, that is the issue here, whether we are going to soften this up. Again I say, in all kindness, I do not know who on earth is going to benefit from this except perhaps the man who ought to be in the penitentiary. If anyone else on earth is going to benefit from it, I do not know who it is. The problem is that too many judges are not giving the sentence the law permits them to give for these heinous crimes. That is why the legislatures of the several States, and why this body today, are considering this kind of a statute: In order to try to protect society against these dangerous criminals.

That is what we are driving at, to try to prevent crime, to try to punish those who commit crime, to try to bring this thing under control, to where it will be safe in America again for our people to walk the streets without fear of violence, where legitimate businesses will be free from infiltration by the crooks, the extortionists, the racketeers, and the gamblers, and where we can improve our society and its quality and afford greater protection to our people from the ravages of organized crime.

I hope we will not weaken this proposal.

Mr. HRUSKA. Mr. President, will the Senator yield?

Mr. McCLELLAN. I yield.

Mr. HRUSKA. Mr. President, this being a new concept in penology, as it is, providing for additional sentencing for the especially dangerous offender, is it not true that the subcommittee and the committee paid special attention to placing in this title X those constitutional safeguards and those constitutional limitations which are necessary in order to give a man an effective and proper day in court on this issue of additional sentencing?

Mr. McCLELLAN. Yes, it is. I think we have taken due care. Here, in this bill, before these additional penalties can be imposed, the man is entitled to a hearing. He is even entitled to an appeal. Strict rules of evidence with respect to convictions are not enforced, but he has his day, he can be heard, and he can appeal from the judgment of that court on this sentence.

In other words, we try to protect him, Mr. President, against abuses. We try to preserve the rights of anyone caught in the meshes of the law, to give him his fair trial, and then to give him his fair sentencing hearing. We go further than what the law requires now, because we are going further than the present penalties go. We are imposing an additional penalty because he is dangerous, because he ought to be removed from society; but we are giving him his day to be heard.

I do not know how we can do better. If we are going to deal with organized crime, with these violent offenders, with these professionals, with those who live off crime, we had better use every legitimate weapon under the Constitution of the United States and invoke that power, because, as the President said today, and as has been said repeatedly on the floor of the Senate and in reams of newspaper comment, we have a war on our hands, a war on crime.

Are we going to soften up and say, "Let them commit one kind of felony and they will get off"? I do not know whether all the offenses can be named. If a law is passed to create a new crime somewhere the sentencing law would have to be amended. I am advised that no State of the 45 States which have passed recidivist laws has done that. Nobody recommended it, in a competent source, from the evidence we have. Why should the Senate retreat? I hope it will not.

Mr. KENNEDY. Mr. President, I am just about prepared to vote on this amendment.

I am further distressed that the manager of the bill and the ranking minority member of the committee are unable to meet what I think have been the legitimate challenges that have been presented by this amendment, and that is that those who are involved for the first time in any felony, involved in a conspiracy, fall within the general definition of the special offender.

I think it is important, since it has been made a part of the issue here this afternoon, what sort of offenders would not be affected by my amendment. My amendment has no effect on persons convicted under any of the provisions of title XVIII relating to bribery; relating to sports bribery; relating to counterfeiting; relating to theft from interstate shipment; relating to embezzlement from pension and welfare funds; relating to extortionate credit transactions; relating to the transmission of gambling information; relating to mail fraud; relating to wire fraud; relating to obstruction of justice; relating to obstruction of criminal investigations; relating to the obstruction of State or local law enforcement; relating to interference with commerce, robbery, or extortion; relating to racketeering; relating to interstate transportation of wagering paraphernalia; relating to unlawful welfare fund payments; relating to the prohibition of illegal gambling businesses; relating to interstate transportation of stolen property; relating to white slave traffic; restrictions on payments and loans to labor organizations; embezzlement from union funds; any offense involving bankruptcy fraud, fraud in the sale of securities, or the manufacture, importation, receiving, concealment, buying, selling, or otherwise dealing in narcotic or other dangerous drugs, punishable under any law of the United States.

No one convicted of a felony involving those crimes would be touched by this amendment.

If there are other kinds of relevant crimes which should be included, I would cosponsor an amendment including them.

Mr. HRUSKA. I ask for the yeas and nays.

Mr. KENNEDY. I ask for the yeas and nays.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Massachusetts. On this question the yeas and nays have been ordered, and the clerk will call the roll.

The bill clerk called the roll.

Mr. KENNEDY. I announce that the Senator from Idaho (Mr. Church), the Senator from Connecticut (Mr. Dodd), the Senator from Tennessee (Mr. Gore), the Senator from Alaska (Mr. Gravel), the Senator from Indiana (Mr. Hartke), the Senator from South Carolina (Mr. Hollings), the Senator from Minnesota (Mr. McCarthy), the Senator from South Dakota (Mr. McGovern), the Senator from Utah (Mr. Moss), and the Senator from New Hampshire (Mr. McIntyre), are necessarily absent.

Mr. GRIFFIN. I announce that the Senator from Utah (Mr. Bennett) is necessarily absent to attend the funeral of a friend.

The Senator from Florida (Mr. Gurney), the Senator from Arizona (Mr. Goldwater), the Senator from New York (Mr. Javits), the Senator from Maryland (Mr. Mathias), and the Senator from Illinois (Mr. Percy) are absent on official business.

The Senators from Vermont (Mr. Aiken and Mr. Prouty), the Senator from Kentucky (Mr. Cook), the Senator from New York (Mr. Goodell), the Senator

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from Oregon (Mr. HATFIELD), the Senator from Kansas (Mr. PEARSON), the Senator from Ohio (Mr. SAXBE), the Senator from Illinois (Mr. SMITH), and the Senator from Texas (Mr. TOWER) are necessarily absent.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

The Senator from North Dakota (Mr. YOUNG) is detained on official business.

If present and voting, the Senator from Kentucky (Mr. COOK), the Senator from Florida (Mr. GURNEY), the Senator from Ohio (Mr. SAXBE), the Senator from Illinois (Mr. SMITH), the Senator from Kansas (Mr. PEARSON), and the Senator from Texas (Mr. TOWER) would each vote "nay."

The result was announced—yeas 11, nays 62, as follows:

[No. 6 Leg.]

YEAS—11

Cranston
Harris
Hart
Hughes
Kennedy
McGee
Mondale
Muskie
Nelson
Ribicoff
Young, Ohio

NAYS—62

Allen
Allott
Anderson
Baker
Bayh
Bellmon
Bible
Boggs
Brooke
Burdick
Byrd, Va.
Byrd, W. Va.
Cannon
Case
Cooper
Cotton
Curtis
Dole
Dominick
Eagleton
Eastland
Ellender
Ervin
Fannin
Fong
Fulbright
Griffin
Hansen
Holland
Hruska
Inouye
Jackson
Jordan, N.C.
Jordan, Idaho
Long
Magnuson
Mansfield
McClellan
Metcalf
Miller
Montoya
Murphy
Packwood
Pastore
Pell
Proxmire
Randolph
Russell
Schweiker
Scott
Smith, Maine
Sparkman
Spong
Stennis
Stevens
Symington
Talmadge
Thurmond
Tydings
Williams, N.J.
Williams, Del.
Yarborough

NOT VOTING—27

Aiken
Bennett
Church
Cook
Dodd
Goldwater
Goodell
Gore
Gravel
Gurney
Hartke
Hatfield
Hollings
Javits
Mathias
McCarthy
McGovern
McIntyre
Moss
Mundt
Pearson
Percy
Prouty
Saxbe
Smith, Ill.
Tower
Young, N. Dak.

So Mr. KENNEDY's amendment was rejected.

Mr. HRUSKA. Mr. President, I move to reconsider the vote by which the amendment was rejected.

Mr. BYRD of West Virginia. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. Are there any further amendments?

Mr. MANSFIELD. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The ASSISTANT LEGISLATIVE CLERK. The Senator from Montana (Mr. MANSFIELD) proposes an amendment: At the end of the bill add the following new section entitled, "Designation and Return of Obscene or Offensive Mail Matter."

Mr. MANSFIELD. Mr. President, I ask that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered; and the amendment will be printed in the RECORD.

The amendment, ordered to be printed in the RECORD, reads as follows:

That (a) chapter 53 of title 39, United States Code, is amended by adding at the end thereof the following new section:

"§ 4061. Designation and return of obscene or offensive mail matter

"(a) (1) In order to protect a person's right of privacy, the envelope or cover of any mail matter that includes any obscene mail matter or any mail matter that may be obscene or offensive shall be marked by the sender with the words 'The Enclosed Material May Be Obscene or Offensive to the Addressee'.

"(2) For purposes of this subsection—

"(A) 'obscene mail matter' or 'mail matter that may be obscene or offensive' means any matter which—

"(i) is tangible, including any device, and used or adapted, or capable of being used or adapted, to depict or arouse (through readings, sound, touch, or observation) nudity, interest in nudity, sexual conduct, sexual excitement, or sadomasochistic abuse; or

"(ii) solicits or offers to send matter of the type described in clause (i) of this subparagraph.

"(B) 'nudity' means the showing of the human male or female genitals, pubic area, or buttocks with less than a full opaque covering, the female breast with less than a fully opaque covering of any portion below the top of the nipple, or the depiction of covered male genitals in a discernibly turgid state;

"(C) 'sexual conduct' means acts of masturbation, homosexuality, sexual intercourse, physical contact with a person's clothed or unclothed genitals, pubic area, or buttocks, or, in the case of a female, physical contact with her breast;

"(D) 'sexual excitement' means the condition of human male or female genitals in a state of sexual stimulation or arousal; and

"(E) 'sadomasochistic abuse' means flagellation or torture by or upon a person clad in undergarments, a mask, or bizarre costume, or the condition of being fettered, bound, or otherwise physically restrained on the part of one so clothed.

"(b) (1) In order further to protect a person's right of privacy, any mail matter received by an addressee, and determined by him in his sole discretion to be obscene, may be returned to the sender through the mails, without prepayment of postage by the addressee, by placing the words 'Obscene Mail Matter' in the upper right hand corner of the address area of the envelope or other cover used to return such matter.

"(2) The sender shall pay, for each piece of mail matter returned under this subsection as being obscene, postage at the rates of first-class mail plus an additional service charge.

"(3) The service charge, which shall not be less than 50 cents for each piece, shall be determined and adjusted at least once each year by the Postmaster General and shall approximate the cost incurred by the Department with respect to the delivery of such matter and the collection of postage and other expenses incurred. The service charge shall be in lieu of any other charges assessed under this title for unpaid or part paid mail.

"(c) A sender who fails to mark the envelope or other cover of mail matter as required by subsection (a) of this section, or who refuses to pay the postage or the service charge for any piece of mail matter, returned under subsection (b) of this section as obscene or offensive, shall be subject to a civil penalty of $5,000 for each piece of such matter which is not marked or refused. A civil action to collect any such civil penalty may be brought by the United States in the district court of the United States for any judicial district in which the sender resides, has his principal place of business, or is found, or in the district court for the judicial district to which mail matter, subsequently resulting in the civil action to collect the civil penalty, was sent. Process of any such court for any such district issued in any such action may be served in any other judicial district.

"(d) The Postmaster General may prescribe such rules and regulations as may be necessary to carry out the provisions of this section."

(b) The analysis of such chapter, immediately preceding section 4051, is amended by adding at the end thereof the following new item:

"4061. Designation and return of obscene or offensive mail matter."

Mr. MANSFIELD. Mr. President, I will be brief.

The amendment is in effect the bill, S. 3220 which I introduced on December 9 of last year and which was read twice and referred to the Committee on Post Office and Civil Service.

Mr. President, just as the "pushers" are the ones most responsible for and, therefore, the most guilty in the traffic of narcotics so is the "pusher" who distributes pornographic material through the mails the most responsible and the most guilty in that area.

It is not a question so much of being the recipient of narcotics or pornographic materials, although that is a vital question, but, rather, it is more a question of how we must deal with those who have the primary responsibility. In that respect, I am glad to note, very glad to note, that the Judiciary Committee has reported out a narcotics control bill which will be brought up on the floor of the Senate very shortly.

This pending amendment deals with pornography. It seeks to put the "fix" on those who are primarily responsible for the propagation and continuation of the distribution of unsolicited pornographic materials into the homes of our people.

This traffic in smut must cease and those who are responsible for it must be punished.

Mr. President, pornography, obscenity, filth, and perversion: that is the package that is sent to my constituents in Montana. That is what is being sent to citizens across the land. And its distributors reach into the privacy of one's home through an instrumentality of the Federal Government—the U.S. Post Office Department.

Much is said lately about our first amendment. Freedom of religion and of the press; the right to assemble peaceably and to speak out—these are fundamental guarantees under our Constitution. But what is also protected is our right of privacy and that right, though long recognized as equally fundamental, is perhaps the least enforced of all of our freedoms when it comes to the filth and dirt that is brought to our homes by the Post Office.

I do not criticize the Post Office Department. Its hands are tied. But we in the Congress could untie them if we act now—this year—to crack down on the peddlers of filth.

I note that the President of the United States in the state of the Union message today said:

> Last year this Administration sent to the Congress 13 separate pieces of legislation

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> dealing with organized crime, pornography, street crime, narcotics and crime in the District of Columbia.

The latter have all passed the Senate already; the pending bill deals with organized crime—my proposal deals with pornography.

The President said further on:

> My proposals to you have embodied my belief that the Federal Government should play a greater role in working in partnership with these agencies.

The sending of obscene materials through the mails is purely a Federal matter, as I see it.

My proposal would compel the filth peddler to mark the envelope he uses—the one that is now often blank—with a warning that the enclosure could be obscene or offensive. With such a warning there can be no mistake. The addressee is fully protected. He would be put on notice, as would his entire household. He would know and his family would know that what is inside may violate his standards of decency and those he wishes to impress upon his children. And that is his right.

May I say that such a warning is not new to the legislative field. It has already been imposed by the Congress in the case of cigarettes. Indeed, without even deciding that there is a danger involved in smoking, cigarette manufactuers are compelled to warn each purchaser of a possible hazard. By the same token, under my bill, it need not be decided that the material enclosed is obscene, per se. But if there is that possibility, then the envelope must say in plain and simple words, "The Enclosed Material May Be Obscene or Offensive to the Addressee."

A second feature of my proposal would permit the addressee of obscene mail to return the matter to the sender, without charge. And it is left up to the addressee himself to decide what violates his standard of decency. The return mail fee would be paid by the original sender—the pusher, in other words—with an additional handling charge.

Finally, violators of either of these provisions would be met with a penalty of $5,000.

Perhaps my proposal is not a perfect solution. It is one, however, that I believe brings into proper balance the right of privacy on the one hand and the right of the press to use the mails on the other. If enacted it will for the first time impose an effective check on the distribution of obscenity in our society and place the burden where it belongs—on the filth peddler.

Mr. McGEE. Mr. President, will the Senator yield?

Mr. MANSFIELD. Yes, indeed. I yield to the chairman of the Committee on Post Office and Civil Service, in whose committee S. 3220, the bill now in the form of an amendment, is resting.

Mr. McGEE. Mr. President, the Committee on Post Office and Civil Service is very deeply concerned with this matter to which the distinguished majority leader has addressed himself. We have received a good bit of voluntary advice in this area. It would be my first impression that if we were to label a matter obscene in advance without some kind of an agreement on tests we might have some difficulties in definition, as this simple illustration will make clear.

We receive a great deal of this so-called obscene mail from our constituents around the country. They want us to do something about. I received a very thick packet from a women's club in an unnamed city. It contained pages that had been torn from a magazine called Charm and another magazine called Harper's Bazaar, in which they showed perfume ads and ads for supporting clothing of one sort or another. The request was that we get my committee busy and ban this pornography from the mail. For someone it was offensive, but for most persons, I suppose it was salesmanship, advertising, or whatever one may call it.

To my mind there is a pretty clear line that one can draw beyond which things are pornographic, but I am not a dictator. This is the problem of the committee in responding to this situation.

I remember receiving in another envelope the colored pages from a prominent mail order house—well, it was Sears, Roebuck—that contained ads for all the unmentionables they refer to. To someone that was so pornographic that they wanted Sears, Roebuck to stop those ads.

What this means is that we must have a little more latitude there. I suggest to the Senator that to stamp an article that is being mailed for advertising purposes as obscene, and that it may be offensive, perhaps would require a very careful look so that one could say it is obscene.

In this way we would get at what the distinguished majority leader is talking about. I would like to say to him that the Committee on Post Office and Civil Service would be willing to look at the majority leader's proposed amendment, in order to come up with a recommendation to this body that might be approved by Members of this body to assist in what I think is a very meritorious curbing of the attitude of laxity and permissiveness that seems to be taking advantage of the householder, who has no name in many of these mailings, and most of all, the children in the household. However, we have psychiatrists who testify that none of this material is looked at by anyone except men over 50. I do not mean to attach any significance to that age, but was merely giving my age category as an example. Whatever the age, it is still an intrusion on privacy. I believe we would have to have a very careful weighing of the language that would be required in the circumstances.

My committee is willing to move right now to have a look at this matter. I do not think it would be next week or the following week. At the moment we are preparing to go to conference on a postal pay bill left over from last session and a postal pay matter which is a measure of some considerable urgency.

However, between those matters, I say to the Senator from Montana and I pledge, we will make every effort to take up the matter and make a constructive recommendation along the lines the majority leader has set out in the amendment.

Mr. MANSFIELD. I appreciate the position in which the chairman of the Committee on Post Office and Civil Service finds himself. I know that he will give this matter his prompt attention. I hope it would be possible to report out legislation dealing with obscenity through the mail—not the Sears, Roebuck type but the real type—within the next month or two. If the Senator could give me a definite assurance that something would be done within 1 or 2 months, I would be appreciative and I would withdraw my amendment.

Mr. McGEE. Within that 1- or 2-month time interval I am sure we can have adequate opportunity for the committee to consider this matter and report back to this body and make a recommendation. I will make every effort to move in that direction and encourage any action in that direction.

Mr. MANSFIELD. I appreciate the remarks of the Senator from Wyoming, who is chairman of the Committee on Post Office and Civil Service. His word is always his bond.

Mr. President, I withdraw my amendment.

The PRESIDING OFFICER (Mr. PROXMIRE in the chair). The amendment is withdrawn.

The bill is open to further amendment.

Mr. MANSFIELD. Mr. President, I wish to inform the Senate, and I have discussed this matter with the acting minority leader, as well as the chairman of the committee and the ranking minority member of the committee, that it would be our intention to dispose of as many amendments as possible tonight. Senators who have amendments should be ready to offer them.

I thank the Senator from Michigan.

Mr. HART. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. HART. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. SPONG in the chair). Without objection, it is so ordered.

Mr. HART. Mr. President, I send an amendment to the desk and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The ASSISTANT LEGISLATIVE CLERK. On page 58, strike out all of title VII and insert in lieu thereof the following: Section 701.

Mr. HART. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. HART. Is there not included in the document I sent forward the addition of some language?

The PRESIDING OFFICER. Yes.

The ASSISTANT LEGISLATIVE CLERK. The Senator from Michigan proposes an amendment for himself and Mr. KENNEDY.

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Mr. HART. Mr. President, I suggest we start over again. I send an amendment to the desk, for myself and the Senator from Massachusetts (Mr. KENNEDY), and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read the amendment, as follows:

> Strike all of Title VII—Litigation Concerning Sources of Evidence—and substitute the following:
>
> "Section 701. Chapter 223, title 18, United States Code, is amended by adding at the end, thereof, the following:
>
> "'3504, Disclosure of Evidence. Any evidence or material disclosed to a party solely for the purpose of permitting a determination as to the admissability at trial of that or other evidence and material shall not be disclosed by any party or by the court except to the extent that the placing of such evidence or material in the court record is required for the purposes of court rulings.'"

The PRESIDING OFFICER. Does the Senator from Michigan offer the second amendment as a modification of the first?

Mr. HART. Mr. President, as far as the offerers are concerned, it makes no difference. I was under the impression that the document I sent forward the first time contained in full the language that was reported in the second document just read. The intention of the offerers is to strike title VII, but to add the language that is contained in the second document. I would appreciate a suggestion from the Chair as to which is the most convenient way to proceed.

The PRESIDING OFFICER. The initial amendment was reported. Therefore, it would have to be modified or withdrawn.

Mr. HART. Mr. President, I withdraw the first stated amendment, and offer the second instead.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HART. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. HART. We are now proceeding on an amendment offered to strike title VII and to add the language with respect to the limited disclosure. Is that correct?

The PRESIDING OFFICER. The Senator is correct.

Mr. HART. Mr. President, some of us feel that the amendment offered is of substantial importance. I shall not, unless it is desired, detain the Senate at this hour.

I would hope, however, that overnight, and as our colleagues read the RECORD, they will consider the desirability, as this amendment would do, of preserving the decision of the Supreme Court in *Alderman* v. *United States*, 394 U.S. 165. This case, the opinion in which was written by Mr. Justice Byron White, was handed down in 1968. The committee bill, by title VII, would overrule that decision, and that, in the judgment of those of us offering the amendment, would be both unconstitutional and undesirable.

I would suggest, Mr. President, that while the majority report of the committee argues that the Alderman decision was based on the supervisory power of the Supreme Court over other Federal courts, and hence an action which Congress can override, actually the Alderman case was based on constitutional requirements, and hence is something which Congress, absent a constitutional amendment, cannot act to override.

I suggest that the cause of law and order is really not advanced by ignoring the mandate of the highest Court in the Nation. I would hope that tomorrow we will be able to persuade a majority of our colleagues that this is a worthwhile approach and recommendation.

I yield now to the Senator from Massachusetts, actually the original drafter of the amendment, who has now permitted me to offer it as a cosponsor.

Mr. KENNEDY. Mr. President, I think the explanation of the Senator from Michigan is complete. The Supreme Court has stated a position, and I share the belief of my distinguished colleague from Michigan that it is inappropriate, if not actually unconstitutional, to retain the present provisions of title VII the organized crime bill.

I feel that the amendment he has offered for himself and for me brings this legislation into conformity with the Supreme Court decision, and I share his hope that it will be accepted.

Mr. HART. I thank the Senator.

Mr. McCLELLAN. Mr. President, let me add a few comments before we quit tonight. It is well within the affirmative power of the Congress to enact proposed section 3504(a)(2) of title VII. It is not, as suggested, unconstitutional. Paragraph (2) would overrule the Supreme Court's decision in *Alderman* v. *United States*, 394 U.S. 165 (1969), which held that Government records of any illegal electronic surveillance which a criminal defendant has standing to challenge must be given to him without a preliminary judicial determination that they have possible relevance to his case.

The reason why Congress can reverse the rule laid down by the Alderman case is that that decision was not an interpretation of the Constitution, but an exercise of the Court's power to supervise the administration of Federal criminal justice.

That power was described by Mr. Justice Frankfurter for the Court in *McNabb* v. *United States*, 318 U.S. 332, 340 (1943), in these terms:

> [T]he scope of our reviewing power over convictions brought here from the federal courts is not confined to ascertainment of Constitutional validity. Judicial supervision of the administration of criminal justice in the federal courts implies the duty of establishing and maintaining civilized standards of procedure and evidence.

It is a basic rule of practice of the Supreme Court to place its decisions upon nonconstitutional grounds, such as statutory interpretation or the supervisory power, whenever doing so permits avoidance of a constitutional issue. See, for example, *Peters* v. *Hobby*, 349 U.S. 331 (1955). It must be presumed, therefore, that the Court followed this practice in the Alderman case unless the contrary can be affirmatively shown.

In its statement of the holding of the case, the Court declared:

> We conclude that surveillance records as to which any petitioner has standing to object should be turned over to him without being screened *in camera* by the trial judge. *Alderman* v. *United States, supra* at 182.

Nowhere did the Court explicitly say that this practice was mandated by the fourth amendment. Instead, the Court merely ruled that this practice would "substantially reduce" the incidence of error by guarding against the "possibility that a trial judge acting in camera would be unable to provide the scrutiny which the fourth amendment exclusionary rule demands"—394 U.S. at 184. In short, the fourth amendment guarantees freedom from unreasonable searches and seizures, and this freedom must be enforced by the suppression sanction, but the disclosure rule implementing that sanction is not constitutional doctrine, as it is well settled that the details of implementation of constitutional guarantees often lie below the threshold of constitutional concern. (See *Ker* v. *California*, 374 U.S. 23, 34 (1963).) The significance of the use of the word "should" in the Alderman holding is emphasized by the Court's later concession that its decision "is a matter of judgment" on which "its view" was that in camera inspection by the trial court is inadequate—394 U.S. at 182. Indeed, the Court expressly based its decision in part upon its desire to "avoid an exorbitant expenditure of judicial time and energy," 394 U.S. at 184, a consideration most appropriate in the exercise of the supervisory jurisdiction. Thus, the Court's language indicates that the ruling was supervisory. Nothing in it may be used to make the necessary affirmative showing that the Court was reaching out needlessly to decide a constitutional issue.

A supervisory decision by the Supreme Court is subject to change or overruling by the Congress. Exactly such a course was followed when the Congress enacted the Jencks Act, 18 U.S.C. 3500 (1958), modifying the Supreme Court's decision in *Jencks* v. *United States*, 353 U.S. 657 (1957). Thus, the Congress is equally free to enact title VII of S. 30 despite the Supreme Court's supervisory decision in the Alderman case.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Michigan.

Mr. McCLELLAN. No; it is to go over until tomorrow. I understood we wanted it to be the pending business tomorrow.

Mr. HART. We merely wanted this brief explanation in the RECORD.

Mr. McCLELLAN. We have nothing further on this matter at this time.

Mr. YOUNG of Ohio. Mr. President, the proposed Organized Crime Control Act of 1969 reported by the Committee on the Judiciary supposedly provides precedures necessary to abolish organized crime. However, in doing so the bill also presents one of the most serious attacks in our Nation's history against individual privacy and the concept of due process of law.

The bill proposes substantial changes in the general body of criminal procedures. It establishes new rules of evidence and procedures applicable to all criminal jurisprudence. Unfortunately,

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these provisions do not restrict themselves solely to organized criminal activities. They also seriously threaten the civil liberties of all Americans. While this proposal does contain some meritorious features, I would prefer to see no legislation at all rather than to vote for the bill as reported by the Judiciary Committee.

As a former chief criminal prosecuting attorney, I believe now as I believed then that certain punishment, like a shadow, should follow the commission of a crime. However, I also believe that in determining whether or not an individual is guilty of a crime he be afforded every protection assured him in the first 10 amendments to our Constitution.

Very definitely, I think all Americans would do well to reread the first 10 amendments to the Constitution of the United States, which we affectionately term the Bill of Rights. These amendments were adopted on demand of those patriots who won our War of Independence. Except for the fact that these demands were adopted by the Congress and by the legislatures of the Thirteen Original States, that Constitution adopted by the members of the Constitutional Convention sitting in Philadelphia, presided over by George Washington, would not have been adopted and ratified by the several States at the time it was.

An example of the flagrant flouting of constitutional guarantees is contained in title II which establishes a general immunity statute applicable to any Federal court, grand jury, or administrative proceeding, as well as congressional proceeding. It replaces a host of carefully drawn and limited specific immunity provisions and makes inroads on the fifth amendment protection against self-incrimination which are both undesirable and unconstitutional. Being a blanket provision, title II obviously is not limited to organized crime. Furthermore, the bill restricts immunity to protection of an individual against use of compelled testimony or documents but not against prosecution for matters as to which a person was compelled to testify or produce documents.

In 1892, the Supreme Court held a similar immunity statute unconstitutional because it protected against use of evidence but not against prosecution. Since that time Federal immunity statutes have typically provided immunity against prosecution as well as use. This provision of the bill is a serious erosion of the rights guaranteed all Americans in the fifth amendment to the Constitution of the United States.

As another example, title VII creates a drastically altered procedure for considering any claim—in any Federal, State, or local court or agency—that evidence is inadmissible because it is the direct or indirect product of a violation by anyone of the Constitution, or any Federal law or regulation. These novel provisions, which are not limited to organized crime cases, are clearly an overreaction to recent Supreme Court decisions concerning the unique problem of unlawful electronic eavesdropping or wiretapping.

Rather than to encourage greater invasion of individual privacy, I would favor enactment of legislation to prevent law-enforcement or other officials of our Government from engaging in or authorizing so-called bugging of conversations between any persons whatever. We should outlaw all wiretapping, public and private. I am opposed to any legislation permitting wiretapping, even if such wiretapping were authorized by a U.S. district judge, except only when clear and convincing proof is offered and it is determined by the U.S. district judge that the security of the Nation itself would be jeopardized and endangered unless such action were taken.

Supreme Court decisions since 1914 have established the so-called exclusionary rule under which physical or oral evidence obtained directly by, or as the fruit of, activity that violates the Constitution is inadmissible in Federal and State proceedings. In addition, with respect to the peculiar problem of unlawful electronic eavesdropping or wiretapping the Supreme Court held last year in Alderman against United States that once illegal surveillance is established the Government must disclose all records thereof to a defendant so that defendant may determine what other evidence may be inadmissible as being the fruit of such illegal surveillance.

Title VII seeks to change both of these principles which were adopted by the Supreme Court to protect constitutional rights.

Mr. President, these are just two examples of the possibilities in this bill for flagrant violation of the constitutional rights of each and every American citizen. There are many more.

While the bill does contain some features which would assist law-enforcement officials in controlling crime, it is, as reported from the Judiciary Committee, in essence, an assault on liberty in the disguise of crime control.

Those sections which would restrict and seriously endanger the civil liberties of Americans should be rejected unless the bill is amended to restrict their scope solely to organized criminal activities.

Mr. President, the Washington office of the American Civil Liberties Union recently prepared a detailed analysis of the manner in which the provisions of the proposed bill run counter to the law and spirit of the Constitution and contain manifold possibilities for abuse. I ask unanimous consent that this analysis be printed in the RECORD.

There being no objection, the analysis was ordered to be printed in the RECORD, as follows:

ORGANIZED CRIME CONTROL ACT—S. 30

TITLE I—SPECIAL GRAND JURIES

Section 101 of Title I seeks in a variety of ways to increase the autonomy and expand the powers of federal grand juries. However, like most provisions of S. 30, § 101 is in no way limited to the needs of the fight against organized crime. The ACLU objects to the grant of power under Title I for federal grand juries to issue reports and presentments critical of public employees when there is insufficient evidence to support indictments. Any individual, group or organization made the subject of a grand jury report has no adequate means of defending himself against criticism issued by this official body which has secured its information by using subpoena power and compulsory testimony, and whose proceedings are secret. Such a procedure is fundamentally unfair and inherently abusive. The attempts to provide safeguards in § 101 are simply not adequate to protect against unfairness and abuse.

Particularly objectionable is the authority in proposed § 3333 of 18 U.S. Code for submitting reports concerning "noncriminal misconduct, malfeasance or misfeasance in office by a public officer or employee" (defined to include any Federal, state, territorial, or local government officer or employee). There is no limitation on the nature of the "misconduct"; there is only a requirement that the facts have been revealed in the course of an investigation into offenses of any sort against the federal criminal laws. Thus, a jury investigating alleged bribery of police officers could apparently report on whether particular policemen may have breached some non-criminal regulation, such as being improperly uniformed. The breadth of this new power is intolerably great.

Though a person named in a report of "noncriminal misconduct" is given an opportunity to testify, the value of that right is critically undercut by the fact that he does not know the identity of his accusers, and has no right to cross-examine or present witnesses or to obtain and present documentary evidence.

A further principle defect to be noted is that the provision for judicial review of such reports is largely illusory. A report may be made public if it is supported by "a preponderance of the evidence." However suitable that standard is in an adversarial civil proceeding, it is a plainly inadequate safeguard where, by and large, only one side may present evidence. For the same reason the provision for an appeal by a person named is also an illusory safeguard.

Finally, though a criticized public employee is given an opportunity to answer before a report is made public, it is doubtful in the extreme that 20 days will be sufficient where the grand jury may have had over three years to investigate and need not reveal the basis for its allegations.

Two other "report" provisions deserve brief comment. The provision for proposing recommendations for legislative, executive or administrative action is inconsistent with the doctrine of separation of powers. *See, e.g., United Public Workers* v. *Mitchell,* 330 U.S. 75 (1947); *Application of United Elec. Workers,* 111 F. Supp. 858, 864 (S.D.N.Y. 1953). A grand jury is an arm of the court, and its members, like members of the judiciary, are not accountable to an electorate and are ill-equipped to render political decisions, particularly since their secret proceedings prevent the public from evaluating the bases of their recommendations. Since the grand jury has no power to act upon its recommendations, the risk of "exposure for the sake of exposure" is even greater, *see, e.g., Watkins* v. *United States,* 354 U.S. 178, 200 (1957), even if identified persons are not specifically criticized.

The provision for reports "regarding organized crime conditions in the district" has the unusual virtue of being related to the stated purpose of S. 30, but is vague and undefined. The lack of any clear meaning creates a serious possibility of abuse.

Section 102 of Title I, which purports to make "minor language changes" and clarifications in the so-called Jencks Act (18 U.S.C. § 3500) concerning production of statements by government witnesses, actually appears to make profound and retrogressive changes in the law relating to grand jury transcripts and Rules 6 and 16 of the Federal Rules of Criminal Procedure.

Under the Jencks Act, "statements" by a government witness to a government agent and in the possession of the government are

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not producible prior to trial and may be produced only after the witness has testified. Under § 102, this restriction on pretrial discovery would be extended in two ways. First, it would apply to "statements" made by a witness to anyone, if they happen to be in the possession of the government. Second, "statement" is redefined to include grand jury testimony.

Under present law either type of "statement" is in some circumstances producible before trial pursuant to Federal Rules 6(e) and 16 (a) and (b). *See, e.g., United States* v. *Hughes,* 413 F. 2d 1244 (5th Cir.), *cert. granted, sub nom. United States* v. *Gifford-Hill-American, Inc.,* 38 U.S.L.W. 3222 (U.S. Dec. 15, 1969) (No. 515, O.T. 1969); *United States* v. *American Oil Co.,* 386 F. Supp. 742, 751–53 (D.N.J. 1968). The amendments of the Federal Rules in 1966 and the recent court decisions, *see, e.g., Dennis* v. *United States,* 384 U.S. 855, 870 (1967), have reflected and furthered a widespread recognition that the proper trend should be toward "disclosure, rather than suppression" and more, rather than less, pretrial criminal discovery. In running counter to that salutary and enlightened trend, § 102 does not even have the benefit of a stated rationale or demonstration of supposed need. It was added to S. 30 in Committee and was not the subject of comments at the hearings. The Committee Report mentions an intention to substitute "a uniform statutory procedure" for the "varying practices" of the courts. But § 102 establishes that uniform procedure on perhaps the very lowest level of pretrial discovery, requiring little discovery that would not be permitted in any event under *Dennis* and amended Rule 16, and curtailing substantial discovery now routinely available. As drafted, the provision is ill-considered and unjustified.

TITLE II—GENERAL IMMUNITY

Title II establishes a general immunity statute applicable to any federal court, grand jury or administrative proceeding, as well as Congressional proceeding. It replaces a host of carefully drawn and limited specific immunity provisions and makes inroads on the Fifth Amendment protection against self-incrimination which are both undesirable and unconstitutional.

Being a blanket provision, Title II obviously is not limited to organized crime. But there are defects more striking than its unselective breadth, particularly the restriction of immunity to protection against *use* of compelled testimony or documents (or the "fruits" thereof) against a person in a criminal case, rather than protection against *prosecution* for matters as to which a person was compelled to testify or produce documents.

In 1892 the Supreme Court held a similar immunity statute unconstitutional because it protected only against *use* of evidence but not against *prosecution*. *Counselman* v. *Hitchcock,* 142 U.S. 547 (1892). Since then federal immunity statutes have typically provided immunity as to prosecution, not only use. *Counselman* is still the law. *See Stevens* v. *Marks,* 383 U.S. 236, 244–45 (1966). Only a few years ago the Judiciary Committee reported an anti-racketeering bill (S. 2190) with immunity against prosecution rather than just use because of doubts that otherwise the law would be unconstitutional. *See S. Rept. No. 1498,* 89th Cong., 2d Sess. 19–20 (1966). Nothing has happened since then to lessen those doubts.

Title II may be of doubtful constitutionality on another ground. It only gives protection against the use of compelled testimony against the witness "in any criminal case." Although the Fifth Amendment is also framed in terms of "any criminal case" it has long been the law that the Fifth Amendment offers protection as to a variety of penalty or forfeiture proceedings. *Boyd* v. *United States,* 116 U.S. 616 (1886); *cf. One 1958 Plymouth Sedan* v. *Pennsylvania,* 380 U.S. 693 (1965). If Title II is intended to apply to anything less than what is covered by the Fifth Amendment it is unconstitutional, for the scope of the immunity must at least equal the scope of protection of the Fifth Amendment. *E.g., Brown* v. *Walker,* 161 U.S. 591 (1896).

Title II has other defects. Although a court order must be obtained in order to require a witness to testify in court proceedings, the requirement is a sham since the court "shall" issue the order if requested by the district attorney, and therefore it has no discretion. If he has the approval of the Attorney General, the Deputy Attorney General or an Assistant Attorney General, a district attorney may request such an order anytime *he* thinks a person has refused *or is likely to refuse* to testify on self-incrimination grounds and if *he* thinks the testimony *may be necessary* to the public interest. Such elastic standards leave enormous uncontrollable leeway and possibility for abuse.

In addition, the power of the district attorney to compel a witness to testify is not even limited to cases in which the government is a party. It is apparently available in any case in a federal court, including civil actions between private parties. The need for or propriety of such power in any civil proceeding, and particularly in a nongovernmental proceeding, is highly questionable. This unjustifiable breadth—coupled with the lack of any effective court review or control, and the power granted under Title III to incarcerate a witness who refuses to testify—compounds the potential for abuse.

Finally, in requiring that a witness must refuse to testify and specifically claim his Fifth Amendment privilege, Title II creates unnecessary pitfalls for the unwary or unsophisticated, particularly where the district attorney, agency or committee has already obtained or issued an order compelling testimony. A naive or ill-advised witness may well feel that there is no point in claiming his privilege because he can be ordered to testify, and for even the fullest, most incriminating testimony he would receive no immunity whatsoever.

TITLE III—RECALCITRANT WITNESSES

Section 301 of Title III provides that any witness in any court or grand jury proceeding who refuses to testify after being ordered to pursuant to Title II may be summarily confined by the court, without a jury trial, until he is willing to testify. Again, § 301 is not limited to proceedings relating to organized crime nor even, due to the breadth of Title II, to criminal proceedings initiated by the government.

Moreover, since Title I extends the life of a grand jury to up to 36 months—and at times more—and since § 301 does not require that the investigation in question still be in process, such a provision seems punitive, rather than merely an attempt to get a witness to talk.

Section 301 also seems to alter the usual rule on bail. Under Rule 46(a)(2) of the Federal Rules of Criminal Procedure, bail pending appeal may be allowed "unless it appears that the appeal is frivolous or taken for delay." Under present practice the standards of Rule 46 are currently applied in appeals from civil confinement of the sort authorized by § 301. *See, e.g., United States* v. *Coplon,* 339 F. 2d 192 (6th Cir. 1964) (denying bail where appeal is "clearly frivolous").

Section 301 contains a provision which, according to the Committee Report (p. 149), is merely "designed to make mandatory what is now present practice" as to bail pending appeal. In fact, however, § 301 institutes a novel standard: a person shall not be admitted to bail pending appeal "unless there is a substantial possibility of reversal." If that provision is intended to mean no more than Rule 46, it is unnecessary and confusing. If it does mean more it is unjustified and objectionable, as it imposes an unduly great burden on an incarcerated appellant and unnecessarily circumscribes a court's discretion.

TITLE IV—FALSE DECLARATIONS

Title IV contains provisions plainly designed to make it easier to convict people for perjury, with a corresponding erosion of the present protections against unwarranted perjury convictions.

Although Title IV does not appear to cover any false statements not already covered by the existing perjury laws (18 U.S.C. §§ 1621–22), it does abrogate three long-established, time-tested rules designed to protect against unwarranted perjury proceedings. It does away with the historic two-witness rule. See *Weiler* v. *United States,* 323 U.S. 607 (1944). It permits convictions to be based solely on circumstantial evidence rather than direct evidence of falsity. It relieves the government of the obligation to prove that a statement was in fact "knowingly false," by permitting a conviction to be based on nothing more than allegedly "contradictory declarations." Such a procedure is inconsistent with the presumption of innocence.

Finally, although Title IV properly bars prosecution if a witness admits in a continuous proceeding the falsity of a contradictory statement in that proceeding, it limits that bar to situations where at the time of the admission the false statement "has not substantially affected the proceeding, or it has not become manifest that such falsity has been or will be exposed." These conditions are too vague and subjective to provide sufficient notice and guidance to a person as to whether he is committing a crime. Indeed, if contradictory statements standing alone are sufficient for a conviction beyond a reasonable doubt, then it is difficult to see how the same contradictory statements, once made, have not made manifest that the falsity has been or will be exposed. As a result no admission would be soon enough to bar prosecution.

As usual, Title IV is not limited to proceedings involving organized crime.

TITLE V—PROTECTED FACILITIES FOR HOUSING GOVERNMENT WITNESSES

Title V, which authorizes the Attorney General to provide facilities for the safety and security of government witnesses concerning organized criminal activity, appears to be a useful tool for securing needed testimony. However, in light of the concern felt recently about detention facilities under the Emergency Detention Act of 1950, it would be desirable to make it perfectly clear that no witness can be unwillingly confined or detained in such facilities.

TITLE VI—DEPOSITIONS

Title VI provides for the taking of pretrial depositions from witnesses when "due to exceptional circumstances it is in the interest of justice." Although many of the provisions of Title VI are identical to the existing provisions of Rule 15 of the Federal Rules of Criminal Procedure, which authorize a defendant to take a prospective witness' deposition in certain circumstances, there are important differences which make Title VI objectionable.

While Rule 15 permits depositions to be taken only in limited specified circumstances (*e.g.,* where testimony is "material" and the witness may be unable to attend trial), Title VI adopts a vague standard which tends to carry us unduly close to a "paper record trial." This risk is heightened by the absence of any provision in Title VI governing the *use* of a deposition. (Rule 15 specifies carefully how and when a deposition can be used at trial.)

There are even more fundamental objections. Title VI does not substantially ex-

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pand a defendant's right to pretrial discovery. However, it does force defense counsel to cross-examine government witnesses long before trial, and hence long before it has been possible to learn the full scope of the evidence. As a result, unlike in a civil case, such pretrial depositions will tend to impair a defendant's constitutional right to cross-examine witnesses. This impairment exists even though Title VI requires the government to produce at the deposition any statement of the witness which it would be required to produce if the witness testified at trial. Title VI is premature until a defendant is given substantially greater rights to pretrial discovery.

Finally, though it is largely justified in the Committee Report (pp. 60–61) by problems in cases concerning organized crime, Title VI is not limited to cases involving organized crime.

TITLE VII—LITIGATION CONCERNING SOURCES OF EVIDENCE

Title VII creates a drastically altered procedure for considering *any* claim—in *any* federal, state or local court or agency—that evidence is inadmissible because it is the direct or indirect product of a violation *by anyone* of the Constitution, or *any* federal law or regulation. These novel provisions, which are not limited to organized crime cases, are clearly a reaction to recent Supreme Court decisions concerning the unique problem of unlawful electronic eavesdropping or wiretapping, but in applying to all unlawfully obtained evidence they are equally clearly an overreaction. Even the Justice Department concedes that constitutional problems may exist under Title VII and urges that it be limited to claims involving electronic eavesdropping and wiretapping.

Supreme Court decisions since 1914 have established the so-called exclusionary rule under which physical or oral evidence obtained directly by, or as the fruit of, activity that violates the Constitution (*e.g.*, an unlawful search or coerced confession) is inadmissible in federal and state proceedings. *See, e.g., Weeks* v. *United States*, 232 U.S. 383 (1914); *Silverthorne Lumber Co.* v. *United States*, 251 U.S. 385 (1920); *Mapp* v. *Ohio*, 367 U.S. 643 (1961); *Wong Sun* v. *United States*, 371 U.S. 471 (1963); *Katz* v. *United States*, 389 U.S. 347 (1969). In addition, with respect to the peculiar problem of unlawful electronic eavesdropping or wiretapping, the Supreme Court held last year in *Alderman* v. *United States*, 394 U.S. 165 (1969), that once illegal surveillance is established the government must disclose all records thereof to a defendant with standing to complain so that the defendant may determine what other evidence may be inadmissible as being the fruit of such illegal surveillance.

Title VII seeks to change both of these principles which were adopted by the Supreme Court to protect Constitutional rights. As to the fruits of illegal action, Title VI arbitrarily bars any claim of inadmissibility if five years have elapsed between the unlawful act (or unlawful compulsion of testimony and grant of immunity) and the event as to which the evidence is sought to be admitted. In other words, Title VII seeks to make the extraordinary—and plainly unconstitutional—determination that, in *all* types of cases and in *all* types of federal, state and local courts or agencies, after five years a person no longer has a Constitutional right to exclusion of the fruits of illegal action as evidence of subsequent events.

Title VII also explicitly seeks to overrule *Alderman*. Under Title VII no disclosure of illegally obtained evidence or the fruits thereof may be required unless the information "may be relevant" to a pending claim of inadmissibility *and* such disclosure is in the interest of justice. Although a stated purpose of Title VII is to reduce the burden of suppression motions on the courts, the reinstitution of an "any relevancy" requirement inevitably returns to the judiciary the screening burden which *Alderman* sought to remove. Moreover as *Alderman* recognized, disclosure is often needed in order to show even "arguable relevance."

The requirement that disclosure be in the interests of justice may be thought to place a burden on the aggrieved party rather than the opponent of disclosure. Any such standard should require disclosure unless it is shown by the opponent of disclosure that, even with the use of protective provisions, it would not be in the interest of justice. *Compare* Fed. R. Civ. P. 16(e).

The exclusionary rule has been a favorite target of those critics of court decisions who cry in dismay, "the criminal goes free because the constable blunders." But in the case of illegal electronic eavesdropping or wiretapping, the government engages in a deliberate violation of the rules which under the Constitution law enforcement officers are bound to obey. Furthermore, of all the methods by which we attempt to insure that law enforcement officers act in accordance with the Constitution, only the exclusionary rule has been at all effective. Its withdrawal would greatly diminish the protection from this type of government activity which the Constitution guarantees to all.

Underlying Title VII is a disturbing disregard for constitutional rights—covering privacy, unlawful searches, self-incrimination, among others—and an equally disturbing assumption that the people who will be affected by Title VII are all guilty criminals seeking only delay and "technicalities" to avoid conviction. Such an assumption is not only inaccurate but totally inconsistent with our traditional presumption of innocence.

TITLE VIII—SYNDICATED GAMBLING

Title VIII makes it a Federal offense to engage in "an illegal gambling business" or to participate in a "scheme to obstruct" state criminal laws with the intent to facilitate such business, without regard to any connection with interstate commerce. In addition, Title VIII provides for a Commission on the Review of the National Policy Toward Gambling, which is not to be established until two years after the effective date of the bill.

Because Title VIII is aimed at a single type of crime, one commonly associated with organized crime, its defects are not as glaring as are those in other Titles. But its provisions are needlessly broad and encompass far more than the "large-scale illegal gambling enterprises" at which Title VIII is ostensibly aimed.

As the Committee Report (p. 155) makes clear, the provision making it a crime to "participate in a scheme to obstruct" state criminal laws with the intent to facilitate an illegal gambling business deliberately uses the vague term "scheme" in order to reach a wider range of activity than would be encompassed in the more traditional concept of a "conspiracy." The bill thus disregards the constitutional mandate that a criminal law must be sufficiently specific to give notice of the prohibited conduct and goes beyond even the dragnet concept of conspiracy, which Supreme Court Justice Jackson (a former Attorney General) characterized as an "elastic, sprawling and pervasive offense . . . so vague that it almost defies definition." *Krulewitch* v. *United States*, 336 U.S. 440, 445–6 (1949) (concurring).

The breadth and vagueness of the "scheme to obstruct" provision are matched by the lack of precision in defining "illegal gambling business." Although the Report states that the law is not intended to cover sporadic or small-scale gambling or to apply to "players" in illegal games (pp. 73, 115), the staute itself easily encompasses such petty crimes and criminals and by its terms could apply to two men who park illegally on their way to an all-night poker game. Also, because an "illegal gambling business" need only be in violation of the law of "a State or political subdivision thereof," Title VIII might be read as affecting gambling operations which are lawful in one place but would violate the law elsewhere. The New York State lottery is an example.

In addition, Title VIII creates a conclusive legislative presumption that any "gambling business" which is operated for two or more successive days by five or more persons has a gross business revenue in excess of $2000 in a day, which brings it within the coverage of Title VIII. Here too, the Report claims that the provision is intended only to facilitate a showing of probable cause for obtaining a search or arrest warrant (p. 156). However, Title VIII itself includes no such limitation and on its face is equally applicable to creating a presumption of a statutory violation in the context of a finding of guilt or innocence at trial. In any event, the determination of probable cause is a matter of Constitutional dimension and cannot be conclusively determined for all cases by legislative fiat.

There is another disturbing feature of Title VIII, at least as viewed in the Committee Report. In the Report (pp. 74–75) it is frankly suggested that Title VIII will permit cases to be won that are now lost for want of proof of the required "interstate" element (which is the only basis for federal intervention in matters otherwise subject to state or local control) and will permit warrants to be obtained and raids made which may produce sufficient evidence of the interstate element to support prosecution under existing laws. Such jurisdictional bootstrapping and obvious willingness to play fast-and-loose with Constitutional requirements strike a dire warning as to the future of our civil liberties. As Justice Brandeis said, "the greatest dangers to liberty lurk in insidious encroachment by men of zeal . . ." *Olmstead* v. *United States*, 277 U.S. 438, 485, 1928). Here the Report's approach sanctions and encourages open encroachment. Such tendencies accelerate if unchecked and should be unequivocally rejected.

TITLE IX—RACKETEER INFLUENCED AND CORRUPT ORGANIZATIONS

Title IX of the bill attempts to use civil and criminal substantive and procedural provisions developed in the anti-trust field to attack the infiltration of legitimtate business by organized crime. Persons found guilty of a "pattern of racketeering activity" may be fined, imprisoned and required to forfeit all property acquired through the prohibited activity. In addition, courts may impose civil remedies on the business enterprises of such individuals by ordering divestiture, prohibition of business activities, or dissolution, and reorganization. Although Title IX represents an imaginative and novel approach to a most serious problem, it is not without its flaws.

The substantive prohibitions of Title IX have been substantially revised so as to eliminate most of the previously objectionable features. However, there are still some unintended problems of undue breadth or lack of clarity. Thus, Title IX creates various prohibitions on what a person may do through, or with income derived directly or indirectly from, "a pattern of racketeering activity" or "collection of an unlawful debt." The breadth problems arise from the definitions of those terms.

"Pattern of racketeering activity" is defined as two or more acts of "racketeering activity," *i.e.*, any of various specified federal or state offenses. Although it is necessary that one of the acts occur after enactment of the Act, here is no limitation on how far in the past the other may have occurred. This is particularly troublesome because Title IX does not seem to require that income be drived from both acts in a "pattern of racketeering activity," nor does it clearly require that a person have "participated as a principal" in each of the two or more "racketeering activities" which make up the "pattern of racketeering activities." Thus, Title IX might be read as applying to an individual who in the 1930's "participated," but not as a principal, in an offense "involving" some sort of "bankruptcy fraud," and, entirely on his own, thirty-five years later, participated as a principal in a minor mail fraud. Title IX would appear to subject such a person to a possible 20 year sentence, $25,000 fine, and forfeiture of any interstate business interest he may have acquired to any degree, even "indirectly," with the proceeds of the mail—all of this in addition to the penalties provided by law for the underlying offenses. While such a case may not necessarily arise, it is the duty of the draftsman to provide limitations in the law itself, and not leave the matter to the possible benevolence or abuse of a prosecutor.

A further problem of undue breadth is the inclusion of acts or offenses "involving" "dealing in narcotics or other dangerous drugs" in the definition of "racketeering activity." Surely the law is not aimed at offenses involving mere possession or purchase of drugs for one's own use, but the words "dealing in" are not words of fixed meaning and could be read as covering mere possession or purchase of drugs for one's own use.

The final problem caused by the breadth of coverage relates to the definition of "unlawful debt," which is defined as (among other things) a debt "which is unenforceable under State or Federal law in whole or in part as to principal or interest because of the laws relating to gambling . . . and was incurred in connection with the business of gambling. . . ." Due to the variation in gambling laws from state to state, Title IX might be read as covering gambling debts which some states would regard as lawful and others as unlawful. Under such circumstances a person has inadequate notice of the possible criminal nature of his actions.

A number of other serious questions are raised by the procedural provisions because of the virtually unrestricted powers of investigation and exposure they bestow on law enforcement agents.

Under proposed § 1968, the Attorney General may issue a "civil investigative demand" requiring the production of documentary material whenever he "has reason to believe" that any person or enterprise has possession or custody of material relevant to "a racketeering investigation." Although the section is adapted from similar provisions in the antitrust laws, its scope has been considerably extended in the process of adaptation. Thus the proposed provisions apply to natural persons as well as corporations, and they are not limited to individuals or entities "under investigation" as are the comparable antitrust laws.

Although Title IX clearly contemplates that the records obtained in this dragnet fashion may be used in subsequent criminal as well as civil proceedings, no provision in the statute safeguards the individual's Fifth Amendment privilege against self-incrimination in a later proceeding. If material acquired in connection with a civil investigation can be used in a subsequent criminal case, any Fifth Amendment privilege would thereby be destroyed. Unless this privilege covers all prosecutions which result from the gathering of this information, broad civil investigative powers in an area involving criminal activity would clearly be unconstitutional. The question of availability of the privilege in such a case is currently pending in the Supreme Court, *United States* v. *Kordel,* 407 F. 2d 570 (6th Cir. 1968), *cert. granted,* 395 U.S. 932 (1969) (O.T. 1969, No. 87). Because the inquiries may be directed at a group "inherently suspect of criminal activities" they create a significantly greater danger of encroachment on the Fifth Amendment privilege than do those in "an essentially non-criminal and regulatory area of inquiry" like the antitrust laws. *Marchetti* v. *United States,* 390 U.S. 39, 57 (1968).

Title IX requires that all civil proceedings thereunder be open. However justifiable as to the antitrust laws, such a requirement seems particularly inappropriate in an area where there are likely to be threats to the safety of the persons involved and widespread publicity.

Moreover, "exposure for exposure's sake" as a means of punishing individuals not under indictment has been condemned by the Supreme Court. See *Watkins* v. *United States,* 354 U.S. 178 (1957). Where the exposure provision is combined with unlimited civil investigative powers, the resulting opportunity for government harassment of individuals is boundless. Such a system of informal and unsafeguarded punishment not only violates due process but also undermines the Fifth Amendment privilege against self-incrimination, a privilege which reflects, in the words of Justice Stewart, "the concern of our society for the right of each individual to be let alone," *Tehan* v. *Shott,* 382 U.S. 406, 415–16 (1966), and a privilege which may be exercised by *every* individual.

Despite the constitutional uncertainties created by the broad scope of the civil investigative demand, no court order is required for its issuance. An individual wishing to protest the scope or manner of the demand must himself initiate court proceedings and then bear the burden of justifying his non-compliance with the demand. Protection of individual rights in the sensitive Fifth Amendment area is therefore, left to the discretion of prosecuting authorities, who will understandably be more interested in a successful attack on organized crime than in protecting the targets of that attack. As the Supreme Court has made amply clear in another context, preservation of constitutional rights should not be left to the self-restraint of law enforcement agents, no matter how commendable their actual behavior. *See Katz v. United States,* 389 U.S. 347 (1967).

While Title IX represents a potentially fruitful approach to the problem of organized crime, its grant of virtually unlimited investigative powers to the government creates a serious danger that the government's understandable zeal in the pursuit of organized crime may result in a pervasive undermining of important civil liberties, an erosion that would inure to the detriment of us all.

TITLE X—DANGEROUS SPECIAL OFFENDER SENTENCING

Title X permits punishment of up to 30 years imprisonment for so-called "dangerous special offenders". A "special offender" includes a person previously convicted two or more times in any court (and imprisoned one or more times) of offenses punishable by imprisonment for more than one year—regardless of how long ago the convictions occurred or for what crimes, or whether the person was over or under juvenile court age.

A "special offender" is also defined as including a person whose present felony was "part of a pattern of conduct which was criminal under applicable laws of any jurisdiction, which constituted a substantial source of his income, and in which he manifested special skill or expertise . . . ," with the government being permitted to show "that the defendant has had in his own name or under his control income or property not explained as derived from a source other than such conduct." Even the Justice Department opposed a similar proposal in the original bill as being so vague as to create due process problems and, being unable to suggest constitutionally acceptable language, called for its deletion. *See, e.g., Lanzetta* v. *New Jersey,* 306 U.S. 451 (1939). The present version is not materially better. For example, it is unclear whether a "criminal" pattern of conduct includes misdemeanors as well as felonies. Moreover, the criminal conduct need not have been previously established beyond a reasonable doubt, but can be established in the sentencing hearing (or the trial itself) by a mere preponderance of the evidence, on the basis of *any* type of evidence, even if obtained in violation of the defendant's constitutional rights. Finally, to permit an *adverse* inference to be drawn from *any* unexplained income or property is a plain violation of the Fifth Amendment privilege against self-incrimination. See generally, *Marchetti* v. *United States,* 390 U.S. 39 (1968); *Grosso* v. *United States,* 390 U.S. 62 (1968).

Some of the same objections may be made to treating a person who commits a felony as part of a conspiracy with three or more persons "to engage in a criminal pattern of conduct" as a "special offender" if he agreed to or did (1) "initiate, organize, plan, finance, direct, manage or supervise" part of the conduct or (b) use force or give or receive a bribe as part of the conduct. Again there is a problem of undue breadth. In addition to organized crime cases, this provision might be read as applying to civil rights activists or political demonstrators (where a pattern of "criminal" conduct might be a series of technical trespasses). The Dr. Spock case and the pending case of the Chicago 7 come to mind.

A defendant is defined as "dangerous" if a longer period of confinement "is required for the protection of the public from further criminal conduct by the defendant." That provision gives a judge no standards by which to assess whether a thirty year sentence may be thus "required" instead of a five or ten year sentence. Such breadth and discretion create grave risks of abuse. *See Minnesota ex rel. Pearson* v. *District Court,* 309 U.S. 270, 276–77 (1940).

Title X also provides for appellate review of sentencing under the "dangerous special offender" provisions. Such review, while particularly apt in that context, should not be so limited and should be extended to all cases.

However, though the general principle of appellate review is sound, the particular provisions of Title X are not. Specifically, authorizing the appellate court to *increase* the sentence on the government's appeal raises serious Constitutional problems under both the due process clause and the double jeopardy clause of the Fifth Amendment. *See Trono* v. *United States,* 199 U.S. 521 (1905); *Kepner* v. *United States,* 195 U.S. 100 (1904). The Supreme Court has never upheld such an increase in sentence. In the recent case of *North Carolina* v. *Pearce,* 37 L.W. 4605 (June 23, 1969), the Supreme Court held that due process barred a judge from increasing a sentence *after a new trial* unless the defendant's identifiable conduct subsequent to the original sentencing supports the more severe sentence and is made part of the record. These same due process considerations should limit the government's right to have a sentence reviewed on appeal. The defendant would be deterred from appealing if he knew the government could then appeal as well and have his sentence increased.

The constitutional problems are heightened because of the apparently broad scope of review given to the appellate court. The appellate court is not limited to considering the appropriateness of the sentence in light of the fact that the defendant *is* a "dangerous special offender." Rather, in an appeal by the government the appellate court could review a district court's determination that

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a defendant is in fact *not* a "dangerous special offender." Since that determination is in effect the equivalent of a determination that the defendant is not guilty of a crime, appellate review provisions in effect authorize the government to appeal an acquittal by the district court. Such appeals are plainly unconstitutional. *Kepner* v. *United States, supra.*

Finally, Title X would permit a court to receive and consider in connection with sentencing information of any sort from any source about a defendant's "conduct," subject to "no limitation." This provision covers sentencing of all defendants, not just "dangerous special offenders." More importantly, it would purportedly permit a court to consider—without regard to relevance—a coerced confession, evidence seized in violation of the Fourth Amendment, or the rankest hearsay, all of which would be plainly inadmissible in a trial to determine guilt or innocence. Yet due to the scope of the "dangerous special offender" provisions, the sentencing proceeding will often be tantamount to, and far more important in terms of possible consequences, than such a trial. Thus, the sentencing judge will have to determine whether there has been a "pattern" of criminal conduct or a "conspiracy" to engage in such a pattern of conduct, and he will be able to impose a sentence that may be five or ten times as long as would follow a conviction for the underlying felony alone.

Mr. KENNEDY. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. GRIFFIN. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

SENATE RESOLUTION 319—SUBMISSION OF A RESOLUTION TO ESTABLISH A SELECT COMMITTEE TO INVESTIGATE IMPROPER ACTIVITIES IN LABOR-MANAGEMENT RELATIONS

Mr. GRIFFIN. Mr. President, the controversy surrounding the recent United Mine Workers' election and related events have focused attention on the need for congressional investigation in the field of labor-management relations, as well as the need for a reexamination of the laws in this field to determine whether existing laws are adequate.

Last week I wrote to the distinguished chairman of the Permanent Subcommittee on Investigations, the Senator from Arkansas (Mr. McCLELLAN), urging that his subcommittee investigate the charges growing out of the recent election, as well as other charges of improper activities in the labor-management field.

The special investigative talents necessary for such a task, as well as the outstanding contribution in this field made by the Senior Senator from Arkansas, indicate that his subcommittee would be uniquely qualified to delve into current problems facing some rank and file union members.

Of course, I recognize that the Committee on Labor and Public Welfare of the Senate has legislative jurisdiction in this area. The request I directed to the distinguished Senator from Arkansas was not intended to overlook the interest of the Committee on Labor and Public Welfare in this field. However, I sought to recognize that the legislative committee has many legislative items on its agenda and lacks the investigative manpower necessary to undertake such an inquiry.

Mr. President, back in 1957, Congress was faced with reports of improper activities in the field of labor-management relations. Then, as now, there was a conflict or a question of jurisdiction as between the permanent investigating subcommittee and the Labor and Public Welfare Committee. It was obvious at that time that many rank and file workers were being shortchanged by some union leaders and by some practices in the labor-management relations field.

The select committee established in 1957, was a bipartisan committee made up of four Democratic and four Republican Members of the Senate. It was headed, of course, by the distinguished Senator from Arkansas (Mr. McCLELLAN).

I am introducing today, Mr. President, a resolution calling again for the establishment of a similar select committee to investigate improper activities in labor-management relations. The resolution follows the pattern of the 1957 resolution that created the select committee which was headed by Senator McCLELLAN. It will be recalled that the work of that select committee culminated in the enactment of the Labor-Management Reporting and Disclosures Act of 1959, sometimes referred to as the Landrum-Griffin Act.

Of course, when the work of that select committee was completed, it went out of existence. My resolution would provide that this select committee would operate until February 1971, and that it would make legislative recommendations for strengthening the laws in this field.

I am aware of the fact that the Labor Subcommittee of the Committee on Labor and Public Welfare may choose to proceed with its own investigation of the mine workers election. In that event, of course, the junior Senator from Michigan could not prevent it. But I believe that the interests of rank-and-file union members and the interests of the public could be better served by again establishing a select committee as proposed in my resolution, following along the lines of the select McClellan committee established in 1957.

I believe experience has demonstrated that this would be the way to proceed in order to provide for the kind of an investigation which rank-and-file union members as well as the American public expects and will demand of Congress.

Mr. President, I ask unanimous consent that the text of the resolution be printed in the Record at the conclusion of my remarks.

The PRESIDING OFFICER. The resolution will be received and appropriately referred; and, without objection, the resolution will be printed in the Record.

The resolution (S. Res. 319), establishing a Select Committee to Investigate Improper Activities in Labor-Management Relations, was referred to the Committee on Labor and Public Welfare, and is printed in the Record as follows:

S. Res. 319

Resolved, That there is hereby established a select committee which is authorized and directed to conduct an investigation and study of the extent to which criminal or other improper practices or activities are, or have been engaged in in the field of labor-management relations or in groups or organizations of employees or employers to the detriment of the interests of the public, employers or employees, to determine whether any changes are required in the laws of the United States in order to protect such interests against the occurrence of such practices or activities.

Sec. 2(a) The select committee shall consist of 8 members to be appointed by the Vice President, 4 each from the majority and minority Members of the Senate, and shall, at its first meeting, to be called by the Vice President, select a chairman and vice chairman, and adopt rules of procedure not inconsistent with the rules of the Senate governing standing committees of the Senate.

(b) Any vacancy shall be filled in the same manner as the original appointments.

Sec. 3 (a) The select committee shall report to the Senate by February 15, 1971, with such interim reports as may be appropriate, and shall, if deemed appropriate, include in its report specific legislative recommendations.

(b) Upon filing of its final report the select committee shall cease to exist.

Sec. 4. For the purposes of this resolution the select committee is authorized as it may deem necessary and appropriate to:

(1) make such expenditures from the contingent fund of the Senate;

(2) hold such hearings;

(3) sit and act at such times and places during the sessions, recesses, and adjournment periods of the Senate;

(4) require by subpena or otherwise the attendance of such witnesses and production of such correspondence, books, papers, and documents;

(5) administer such oaths;

(6) take such testimony, either orally or by deposition;

(7) employ on a temporary basis such technical, clerical, and other assistants and consultants; and

(8) with the prior consent of the executive department or agency concerned and the Committee on Rules and Administration, employ on a reimbursable basis such executive branch personnel as it deems advisable; and further, with the consent of other committees or subcommittees, to work in conjunction with and utilize their staffs, as it shall be deemed necessary and appropriate in the judgment of the chairman of the select committee.

Sec. 5. The expenditure authorized by this resolution shall not exceed $750,000, and shall be paid upon vouchers signed by the chairman of the select committee.

ADJOURNMENT TO 11 A.M. TOMORROW

Mr. KENNEDY. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the previous order, that the Senate stand in adjournment until 11 o'clock tomorrow morning.

The motion was agreed to; and (at 5 o'clock and 50 minutes p.m.) the Senate adjourned until tomorrow, Friday, January 23, 1970, at 11 a.m.

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EXTENSIONS OF REMARKS

HOPE FOR ARTHRITIS SUFFERERS

HON. THADDEUS J. DULSKI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 21, 1970

Mr. DULSKI. Mr. Speaker, there have been great strides in medical research in recent years, with a considerable assist from the Federal Government.

This is a proper role for government and the National Institutes of Health has given assistance through grants over the years in many areas of medical research. The return has been manifold, providing not only relief for sufferers, but development of cures in many cases.

Recently, there was an international conference in Prague on rheumatic diseases. Attending was one of our distinguished Buffalo, N.Y., physicians, Dr. L. Maxwell Lockie.

An excellent and revealing report on the conference was assembled in a feature story in the Buffalo Courier-Express on December 28. Following is the text of the article:

Hope for Arthritis Sufferers

(By Anne McIlhenney Matthews)

There is hope spelled high in capital letters for sufferers of rheumatoid arthritis.

This is the word brought back from Prague in Czechoslovakia by Buffalo's Dr. L. Maxwell Lockie, world-renowned expert on the subject, who recently returned from the 12th International Congress on Rheumatic Diseases. Dr. Lockie who has pioneered in treatment of the more than 80 kinds of arthritis, was enthusiastic about the progress that has been made and extolled the reports presented there by doctors from all parts of the world.

There was a stunning attendance of 800 experts at the congress, and Dr. Lockie said that not only was there sufficient opportunity for discussion of some sensational benefits obtained by drugs but that "even the disagreement was valuable."

The value of a worldwide interchange of ideas, experiments, research, reports on painstaking laboratory adventures, and the recitation of the acid tests of time-proven case histories was never more pointed up than at a convention of this size and importance, Dr. Lockie declared. Unlike most conventions where just getting together and getting acquainted and getting ideas in an aura of conviviality is thematic, the International Congress on Rheumatic Diseases differs as an ultimate workshop where medical experts gather every four years to update the communal knowledge in their all-out war against the causes of this crippling pain.

PARTICIPANTS SHOW DEEP INTEREST

Few attendants missed the reading of the reports and papers and participation in the various seminars. All took home treasure in new knowledge of the advancements in experiments, new ideas for experimentation, and new concepts of treatment, Lockie said.

The last convention was held in Argentina at Mar-del-Plata near Buenos Aires. Prague was the scene this year in tribute to the eminence of Prof. F. Lenach, a Czech, who is a world-renowned expert on arthritis. The attendance of Dr. Lockie and the contingent of American doctors was approved by the State Dept., he said.

"Our trip behind the Iron Curtain was both stimulating and fruitful," Lockie commented.

"Primarily, it was because of the discussions of the number of new drugs being used experimentally throughout the world. Of these only one is 'on trial' in the United States—Ibuprofen."

Dr. Lockie took the papers and obligingly ran down the list of reports to summarize the information on effectiveness or noneffectiveness of two of these once-hailed "wonder drugs" for this nonmedical-type reporter. The score card follows:

Ibuprofen—reported by Dr. N. Cardoe of England—as compared with phenylbutazone in rheumatoid arthritis and degenerative arthritis of the hip, it was noted there was more pain relief, very few side effects.

Myalex—reported by Drs. W. Hepworth and F. D. Hart of England and Dr. A. Brees of Belgium—research discontinued with this effective drug used in the treatment of rheumatoid arthritis due to appearance of jaundice in four patients.

BUFFALO USING GOLD

Buffalo is one of the world centers using gold in the treatment of rheumatoid arthritis and it has been generally approved for reversible rheumatoid arthritis, Lockie said.

"It was used earlier here, but there is now a more effective program of management," he said. "Doctors also may use other things: bed rest, physical therapy, exercise programs, aspirin; sedation for the patient depending on the degree of activity permitted. There also is extensive use of cortisone products or derivates by mouth or injection.

"Reports on surgery in juvenile rhematoid arthritis were very stimulating (children 3–14), but not much had been reported on the after-effects. Papers were presented by W. M. Granberry and E. J. Brewer Jr. of Houston. Listeners all wanted to know what the effect was on growth.

"There was considerable interest in synovectomy, where surgery removes the linings of joints, especially bad knees (including the so-called dry knees). There were not-so-good results here as in knees where there is a lot of fluid present. All agreed that a short hospital stay is the thing—get them (the patients) up and get them walking within a day or two, no holding back."

Granberry reported on 18 patients (3½ to 14½ years) with two years or more follow-up. He stated: "Good results. Nonfluid type not as good result as the fluid-filled joints." Drs. S. Jakubowski and J. Ruszczynska of Poland said their results were most encouraging and no interference with growth was noted.

EXPERIENCE IN HIP OPERATION

Dr. E. S. Eyring of Columbus, Ohio, reported on 48 operations with a generally short hospital stay and generally good results.

"Total hip replacement operations were accepted generally as good achievement everywhere," Locke continued. "This has been done for 10 years in England and several years in the United States. In Buffalo there have been more than 100 operations, scattered in all the hospitals, and all generally with excellent results. This involves cementing metal or plastic cups into the pelvic bone and replacing part of the femur with vitallium. These are machined to fit perfectly. Usually patients are out of bed in 10–15 days, home in three weeks, first on crutches, then walkers and canes. Generally the relief is spectacular.

"The operation is additionally noteworthy in that the cups are fitted into the pelvis, and prosthesis is cemented into the femur, after the bone marrow has been cleaned out, with acrylic cement. This hardens in seven minutes so the work must be fast. The cement is new in the United States and can only be used for this purpose with the permission of the Food and Drug people.

"The total time of the operation is approximately 1½ hours. It started with people over 60, now it is being done on people in their 20s. Reports from England are favorable, with citations of success extending five years with no rejection from the body."

COMPLICATIONS REPORTED

Reports on steroid vasculitis indicated some serious complications on dosage with cortisone derivatives by mouth. These were numbness, tingling in feet, and sometimes severe pain. Dr. A. L. Rosenberg et al., of Denver, reported that a gradual dosage was the most effective form of treatment.

A whole day of the convention was taken up with discussion of the use of computers in collection, storage and retrieval of data on arthritic patients. Dr. Lockie, one of four councillors representing the U.S., who had presented a paper on this in San Francisco in 1958, was the presiding officer and papers were presented from Spain, Italy, England, United States, Soviet Russia, Sweden and Canada.

A paper on immunology was presented by Dr. Elias Cohen, Bernard M. Norcross and Dr. Lockie, "Photoelectrically Quantilated Rheumatoid Factor Precipitin," and Drs. F. A. Green and M. T. Hays of Buffalo presented one on "Joint Scanning:"

Some of the new drugs reported on included these: Trimethagon, Azauridine-triacetate, Prednisolone Stearoyl Glycolate, Bucolome, Mervan, Benorylate, Droxaryl, Artrisol, and new derivative of phenylbutazone. The reports ranged from "very effective," "definite improvements," "well tolerated," "pain relief," to some negative results. Gold obviously is in use for treatment all over the world.

NEXT MEETING IN JAPAN

The convention was held in Julius Fucik Park in Prague. The next convention four years hence will be held in Kyoto, the old capital city of Japan.

Lockie, who is a world traveler and a gourmet member of Le Chains des Rotisseurs, spent days after the conclusion of the conference exploring Prague and the surrounding area.

"Prague is a beautiful city," he said. "It is filled with monuments, palaces and museums, and there are magnificent paintings still there. The libraries are beautiful. I saw no evidence of Russian soldiers.

"But there is little in the stores to buy, and there is a considerable black market. The main currency is a crown, officially at seven to our dollar. If you are a tourist you get 16. On the black market you can get 40, but one out of three pushers of this coinage is a policeman, and if you get caught it is rough and a long time in jail no matter who you are. Food was excellent in the small restaurants, not expensive and service was excellent."

Dr. Lockie and his wife also toured the wine region of France, particularly in the Bordeaux (red wine) areas. They spent a delightful week in Innsbruck, and visited Vienna for superb food and the sight of the Lippizaner Horse Ballet.

"There is no unemployment in Austria," he said, "and France is once again gracious to Americans. We were treated well in Paris, and things are notably less expensive for American buyers."

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AWAY FROM APPEASEMENT AND TOWARD PEACE IN THE MIDDLE EAST

HON. LEONARD FARBSTEIN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 21, 1970

Mr. **FARBSTEIN**. Mr. Speaker, my esteemed colleague from New York, the Honorable JONATHAN BINGHAM, spoke at the City Club of Rochester on United States-Israel relations. His subject, "Away From Appeasement and Toward Peace in the Middle East" is a most vital one and I am happy to bring it to the attention of the Members of this body:

AWAY FROM APPEASEMENT AND TOWARD PEACE IN THE MIDDLE EAST: UNITED STATES-ISRAEL RELATIONS, 1970

Originally I had planned to talk to this distinguished audience, in this your first session of the new year, on a very broad topic: "Which way America: Goals for the 1970s." With the permission of your President, I have decided to forego any such ambitious undertaking. I am going to deal today with only one goal for the decade: Peace in the Middle East.

At this hour, I cannot think of any more urgent topic. For I believe in recent months the Nixon Administration has embarked on a disastrous course in the Middle East. The latest moves by the United States in the big-power negotiations that have been going on in New York and Washington amount to nothing less than an attempt to appease the Arabs.

Now I know that appeasement is an ugly word. I do not use it lightly, but I say to you that if the present trend continues the necessary word will be an even uglier one: betrayal. The Administration's refusal is also a slap in the face to the Congress, which just last month, in action on the foreign aid bill, reaffirmed its support of the ideas of direct talks between the parties as the way to achieve peace.

Before I go on to give my bill of particulars in support of these charges, perhaps I ought to confess that I am by no means an impartial observer.

I not only admire the Israelis enormously for their courage, their incredible effectiveness, and their determination to remain as an island of democracy in a sea of terror and authoritarianism, but I am emotionally deeply involved.

In 1948 my wife and I gave blood for the Haganah. In 1952 we visited the struggling young country for the first time and wondered how her leaders could sleep at night, not knowing how they were going to pay for the next shipload of goods to arrive in Haifa harbor. We saw the cruel division of Jerusalem and the exclusion of Jews from their holy places. We went out on Lake Tiberias (Galilee) in a boat with Teddy Kollek and marveled at the courage of the Kibbutzniks who lived on the eastern shore a few yards from the border and directly below the Syrian guns mounted on the Golan Heights.

In 1964 we went back. The frontiers were still the same (Israel had given up the lands won in the Sinai in 1956, in return for assurances that proved worthless), but miracles had been accomplished in absorbing a host of immigrants, in building new cities and ports, in bringing water from Tiberias to the Negev.

Then, in 1967, after Nasser had chased out the U.N. forces and seized Sharm el-Sheik, we sweated out the first hours of the six-day war and rejoiced at the incredible Israeli successes. (I might add that, among my colleagues in the Congress at that time, I detected no pro-Arab sentiment; they were all, as far as I could judge, rooting for the Israelis.)

An additional personal word: While I am pro-Israeli, I am not anti-Arab. In my capacity as Deputy Administrator of President Truman's "Point 4" program of technical assistance to developing countries, I visited most of the Arab countries in 1952 and listened at length to their side of the Palestine story. I worked closely with many Arab representatives during my three years at the United Nations with Adlai Stevenson and came to like and admire many of them. To turn a familiar expression around: "Some of my best friends are Arabs."

My quarrel with the Arabs is with their leaders' unwillingness to accept Israel as a fact of life, to recognize that Israel is here to stay. There are many deplorable aspects of that policy—the Arab leaders' sacrifice of home-front needs in pursuit of disastrous military adventures, their insistence on perpetuating the wretched refugee camps to serve as a focus of bitter hatred of the Israelis. But at the root of it all is the dream that some day they will be able to drive Israel into the sea. Today the Palestinian liberation front makes that dream their stated goal, and the Syrians, and sometimes Nasser, openly concur. Hussein and most Lebanese leaders probably do not feel that way, but out of weakness they have made terrible mistakes, and the Israelis, understandaly, have not been willing to let them escape the consequences of those mistakes.

One final word by way of explaining my personal point of view: I am deeply concerned by the Soviets' obvious ambition to become the dominant power in the Middle East, and I believe we must stand fast against this ambition. But I am convinced the Soviets do not want a major war in the area and hence will not send massive Soviet forces to support an Arab attack on Israel because they realize this would almost surely bring the United States in on the other side. In addition to their unwillingness to risk war with us, I believe there is another reason why they would not join fully in a drive to crush Israel: the Soviets have no reason to want to see Israel destroyed; on the contrary, it is the continued existence of Israel which gives the Soviets the leverage they want with the Arabs. With Israel gone, that leverage would be gone. The Kremlin, to increase its influence with the Arabs, is willing to spend billions on supplying arms, but the Kremlin knows very well that, with those arms alone, the Arabs will not be able to achieve victory. Thus the present turmoil and instability will remain, which ideally suits the Communist leaders, those avid fishers in troubled waters.

Ever since 1967, the Israelis, established for the first time on defensible frontiers, have insisted that they would not retreat from any of those frontiers except as a result of negotiations with the Arabs.

Some observers and some participants in the U.N. negotiations have said from the beginning that this was an unrealistic position, that the Arab leaders would never negotiate with the Israelis, that they could not survive politically if they did.

The Israelis' reply has been very simply—and it seems to me incontestably sound—"All right then; if that's the way it is, then there can be no peace; but meanwhile don't expect us to give up the security we have gained at great cost in lives as a result of a war which we did not bring on and sought to avoid."

How can you argue with the Israeli position? As they say—and here I quote from a recent Israeli memorandum—"If there is to be peace there has to be reconciliation. If there is to be reconciliation there has to be negotiation."

Now until this past year the U.S. firmly supported the Israeli insistence on negotiations between the parties as the only way to achieve a permanent settlement. But during the past few months there has been a basic change: while we still give lip-service to this position, we have in fact virtually abandoned it, because we have put forward a whole series of specific proposals as to what the settlement should involve. In other words, we are still saying there must be negotiations, but we are also saying how we think the negotiations should come out.

Clearly this undercuts the Israelis' bargaining position before the talks have even started.

We have spoken, for example, of the Israelis giving up substantially all the territory they won in 1967. Now I have no doubt the Israelis do not want to hold on to all that territory. They are probably ready to trade away vast areas of the Sinai and a large part of West Jordan, especially if some form of externally guaranteed demilitarization of these areas were agreed upon. But they very naturally say to us: "Let us make our own concessions; don't go making concessions for us, before talks are even in sight."

Incidentally, it was just such a development as this that the Israelis feared when they expressed their concern over the big-power talks: they were afraid that, in an effort to reach big-power agreement, the U.S. would make concessions that the Israelis would then find very difficult to resist. In other words, they saw a new effort emerging to impose a settlement, as was done in 1956.

It is bad enough that we have abandoned our support of the essentiality of negotiations by putting forward specific proposals. What makes matters worse is that we have made proposals which are totally unrealistic and which call for concessions by the Israelis that they clearly will not accept and should not be asked to accept, after the history of the last twenty years.

According to the New York Times (and the Administration has not questioned or denied the story), our proposals for a settlement with Jordan call for an arrangement whereby Israel would not only give up substantially all of the lands won in 1967 but would have to share control of Jerusalem with Jordan and would have to undertake to receive into Israel those Palestinians who fled in 1948 and now may want to return.

The Israelis have made perfectly clear that they are obviously not going to give up the Golan Heights, they are not going to let the Arabs send into Israel hundreds of thousands of potential terrorists in the guise of refugees wanting to return, and they are not going to give up Jerusalem. In each instance, they are not about to let the Arabs escape the consequences of their own mistakes, and who can blame them?

Take the case of Jerusalem, where now for the first time in twenty years there is free access by all faiths to the holy places. If the Arabs had accepted the decision of the U.N. General Assembly in 1948, Jerusalem would have been an international city; but the Arabs did not; they chose to fight instead, and Jerusalem ended up a divided city. In 1967, if Hussein had not chosen to join Nasser in his foolhardy adventure, Jerusalem would have remained divided. But Hussein ignored Israel's plea to stay out, and he attacked. He gambled and lost. He lost not only Old Jerusalem but all of West Jordan as well. The fighting, here and on the Golan Heights, was costly to Israel, especially in terms of brave and effective officers. The fighting was not Israel's fault. Can anyone fairly say that Israel, in these circumstances, should act as if there had been no war, no history of terrorism against her citizens, no endless parade of Arab speeches vowing Israel's destruction?

The question arises, what caused the shift in the U.S. position? How did we get into this position, which undercuts our only good friend in the area, and which accomplishes nothing because it is also rejected by the

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Arabs for their own domestic political reasons?

There is no one explanation. Several factors have contributed.

First, there has been the constant pressure of those Americans, within the Government and outside of it, who have been sympathetic to the Arab point of view, including of course the great American oil interests.

Now I have no means of knowing how much influence the big oil companies have had on the Nixon Administration, but I do remember that Mr. Nixon has been a defender of the oil depletion allowance in the tax laws. And it was interesting, to say the least, that the very day the New York Times uncovered the U.S. proposals for an Israel-Jordan settlement, a high-powered oil company delegation visited Mr. Nixon to express their concern about the deterioration of America's influence in the Arab world.

The oil companies and their friends are always stressing the importance of America's oil interests in the Middle East, but they never bother to point out that what is involved is profits, not national security. The U.S. does not need the Middle East's oil, any more than the U.S.S.R. does. The Arabs' main market for oil is Western Europe, and if they lost that market they would have a tough time finding another one.

The line of the Arab sympathizers has never been overtly anti-Israeli or pro-Arab. It has always been that the U.S. should be "more even-handed in its approach." This idea of even-handedness, expressed for example by former Governor Scranton when he returned from a survey trip for the President-Elect a year ago, is superficially very appealing. But it overlooks the fundamental fact that, ever since the U.N. decision creating the new state, Israel has wanted peace and the Arabs have not. To be even-handed in such a situation is like a policeman being even-handed between a hold-up man and his intended victim.

The other thing that is wrong with the even-handed approach is that the Soviet Union has given tremendous support to the Arabs. Thus balance, even a precarious balance, requires that the Israelis have corresponding support.

A second factor underlying the Nixon Administration's recent activities must necessarily have been the belief—or at least the hope—that the Soviet Union shared our desire to achieve a permanent peace in the Middle East and would work with us to that end. If we had not entertained that hope, we would hardly have devoted as much effort as we have to the quadripartite and bilateral big-power talks.

But I would submit to you that in this regard we have been engaging in wishful thinking. As I have suggested earlier, it seems clear that the continuance of the Arab-Israeli dispute is ideal from the Soviet point of view.

If the Soviets were afraid of a general war erupting in the area, they might have a reason for wanting to see an Arab-Israeli settlement, but they no doubt feel that a general war will not occur so long as they and the other big powers are determined to avoid it.

At this point I want to say a word about the two Americans who have been most directly involved in the big-power negotiations, Ambassador Charles W. Yost in New York and Assistant Secretary of State Joseph Sisco in Washington. I know these men well and I have strong feelings of respect and affection for them. They are both experienced professionals and I do not for a moment question their motivation or their integrity. But I think they have been displaying a typical American complaint, that of impatience with the continuance of a messy, unpleasant situation and a refusal to accept the fact that for the present no solution is possible. The American side has simply been too anxious to try to promote a settlement, not recognizing that the time for a settlement has not yet come.

By contrast, the Israelis have shown themselves to be masters of the waiting game, as well as extraordinarily brave and capable fighters. They have shown an admirable steadfastness, a willingness to get through the present difficult period, no matter how long it takes, until the Arabs come to their senses. They sorely want peace, but they are not over-anxious for it. Thus, the elderly Uncle Sam would have done well to display the same patience—the same "cool"—as the young Abraham (or should I say as the grandmotherly Golda).

The Israelis seem to see clearly—as we have failed to do—that the present situation, disagreeable and difficult as it is—is not nearly as intolerable for them as it is for the Arabs.

As the astute American columnist Joseph Kraft recently pointed out, "There is really no good reason why the United States should be forcing the pace for settlement in the Near East. This country can afford to sit tight there. It is the Russians and their Arab friends who are in trouble, who need to recover territory and reopen the Suez Canal."

There is another possible factor behind the recent U.S. moves which has little to do with our intense desire to promote a settlement and which may explain our putting forward ideas that we know will be unacceptable to the Israelis.

Perhaps we are concerned merely with very short-range political objectives. Perhaps we are trying to placate the Arabs and somehow to strengthen the relatively moderate elements against the extremists. It must be said in fairness that the recent Arab summit conference broke up in near-total confusion and dissension, and quite possibly Secretary Rogers' speech and the other U.S. moves are partly responsible.

But to explain U.S. policy this way is really to put the worst face on it. It may appear subtle, but it is in reality wholly dishonest, representing old-fashioned power politics at its worst.

Certainly we have seen some of this desire not to make the Arabs too angry at work in our posture at the U.N., and it is not a pretty sight. We have acquiesced in a series of one-sided U.N. resolutions condemning Israel's reprisals but never as sharply the acts that provoked them. And last fall, at a time when Syria was outrageously holding two Israeli citizens after a highjacking, we failed effectively to stop the election of Syria to the Security Council, a shameful travesty of what U.N. elections ought to represent.

For us to fail to stand up for the Israelis when we know they are right is bad enough. But the irony is that our efforts at placating the Arabs—appeasing them is the proper term—will not accomplish the desired result in the long run. So long as we give Israel even minimum support, the Arabs will blame us for helping their enemy.

Once the Arab-Israeli dispute is settled we will have no trouble reestablishing good relations with the Arabs, as we have with our erstwhile World War II enemies. And it will make little difference to the speed of this process how angry they got with us beforehand.

What then is our proper course?

The Administration should very simply stop trying to play Mr. Fix-It in the Middle East. Instead, it should follow last month's Congressional directive and stand loyally by our friends the Israelis, returning to our prior support of the direct negotiations position.

To the extent the Israelis are unable to obtain the necessary arms and equipment elsewhere—by air-lifting them out of Arab territory or James Bond-ing them away from faithless friends—we should make arms and equipment available.

We may have to help Israel economically also. The current semi-war creates a serious financial drain. Through UJA and Israel bond campaigns, the American Jewish community has been responding to Israel's needs with heartwarming generosity, but all Americans should be prepared to join in giving to this gallant democracy the wherewithal to defend itself against those who would destroy it.

How much will it cost? No one can say. It depends largely on how soon a new generation of Arabs will rise up in anger and demand an end to the fruitless policy of military adventurism. But however much it will cost, it will be far less than the billions the Soviets are pouring in to the area, and only a tiny fraction of what we have been spending to keep a military oligarchy in power in Vietnam (and we will not be asked to do the Israelis' fighting for them).

There is another step I believe we must take, however hard it may be. For 20 years, the U.S. has been supplying more than two-thirds of the funds for UNRWA, the agency that operates the Arab refugee camps. The Arabs have refused to let these refugees resettle elsewhere because the Arab leaders knew that the camps would serve as breeding grounds for a new generation of Israel haters. In recent months many of the camps have actually come under the domination of the Palestinian terrorists.

We should embark on a policy of phasing out U.S. support for pure relief, and indicate our willingness to spend the same amount of money, or even more, in actual resettlement and retraining activities. Israel could take a limited number, on a carefully screened basis. Some might find homes, if assisted, in other parts of the world. Probably the great majority will want to build new lives somewhere in the Arab world, and they should be given the opportunity to do so. In the coming session of Congress I intend to press for legislation to give effect to such a policy.

In addition to these moves, I believe we should indicate our willingness to enter into firm commitments, by treaty if necessary, to guarantee any settlement that is negotiated between the Arabs and the Israelis. Such a guarantee could and should be even-handed, applying to both sides. If other big powers were willing to do the same, so much the better.

In the event of such an agreement, the U.N. would be the logical instrumentality to see that the terms are observed, for example by patrolling demilitarized zones. In that case, the Secretary General should be given a firm mandate to act by the Security Council, not subject to termination by one side acting alone.

We should also indicate our willingness, indeed our eagerness, to help the Arab countries conquer their age-old problems of poverty, disease, illiteracy and hunger, once they have indicated that they are turning their own swords into plowshares. Israel, of course, has long been ready, willing and able to do the same.

Most important of all, we should make more clear than we ever have before our determination not to let the Arabs drive Israel into the sea. If once the Arabs could be persuaded that their dream cannot be realized, then hopefully they would come to their senses and a new day of peace and friendship could dawn.

One final word: I have been very free with criticism and advice for the U.S. Do I have none for the Israelis? Yes, I do. Recognizing the terrible provocations they suffered, I nevertheless hope they can resist the temptation to escalate the intensity of their retaliations against terrorist attacks. Overreaction, however understandable, may well be counter-productive, both on the ground and in terms of support from overseas. Moreover, some Israeli leaders, no doubt feeling the euphoria of success, are showing signs of *hubris*, and a lessening of interest in dis-

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playing "a decent respect for the opinions of mankind." These tendencies are human, but they are worrisome too.

I am sure that many Americans—devoted to Israel's welfare—feel the same way. We do not want to see the widespread support that Israel has enjoyed in America jeopardized. But let us also in fairness recognize that at the moment our advice may seem somewhat gratuitous. If we Americans want our advice to be heeded, let us start by extending assistance to Israel at perhaps a third the level of what the Russians are doing for the Arabs.

WE SUPPORT THE PRESIDENT ON VIETNAM

HON. WILLIAM O. COWGER

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 22, 1970

Mr. COWGER. Mr. Speaker, in the January 3, 1970, issue of the Kentucky Labor News, there appeared an editorial entitled "We Support the President on Vietnam." The author, Mr. Sam Ezelle, is the executive secretary of the Kentucky State AFL–CIO. I think that Mr. Ezelle's remarks are food for thought and would be enjoyed by my colleagues.

The editorial is as follows:

WE SUPPORT THE PRESIDENT ON VIETNAM

A Kentucky state senator and three state representatives have sponsored an advertisement in the public press demanding that the United States get out of the war in Viet Nam—"Now"!

Since our communist enemies do not agree to any peace terms proposed by our country, those who say "pull out now" are saying we should surrender. They may deny this of course, but we will leave members of this unhappy group to play their word games among themselves. If the United States should order an immediate cessation of our activities and order the troops home—"now"—with no conditions imposed upon an army we have fought for ten years, it would be so identical to an "unconditional surrender" that even Professor John Kenneth Galbraith of Hahvud could not find a scintilla of difference . . .

Some say that our country should ignore the strife in other lands. Our thoughts go back to the years preceding World War II. We remember the year 1931, when Japan seized Manchuria from China. China protested to the League of Nations, but a year later Manchuria became the Japanese puppet state of Manchukuo. It was a far away problem in a far away land. America stood by . . .

In 1935, Adolph Hitler violated the Versailles Treaty, and ordered the conscription of a German army. America stood by . . .

The same year, Italian dictator Benito Mussolini invaded Ethiopia. His son, Vittorio, described with sadistic delight the scene of Italian war planes dropping bombs on the black warriors below, armed only with shields and spears. Of the explosions bursting their bloody bodies, Vittorio Mussolini chortled, *"I still remember the effect I produced on a group of Gala tribesmen. I dropped an aerial torpedo right in the center, and the group opened up like a flowering rose. It was most entertaining."* The African monarch, Haile Selassie, appealed to the world for help against the cruel Italian marauders, who sprayed mustard gas on the wells, ponds, and villages until the air, water, and ground were equally contaminated. America stood by . . .

In 1936, heel clicking Nazi legions under Hitler marched into the demilitarized Rhineland, further violating the armistice agreement with America and our allies. America stood by . . .

In 1938, Germany marched into Austria, and later that year Hitler demanded Sudetenland from Czechoslovakia and took it all without firing a shot as America stood by . . .

Hitler then took Poland, Norway, Denmark, the Netherlands, Belgium, Luxembourg and France. Armadas of German bombers tried to erase England. America stood by . . .

The massive attack on Pearl Harbor then swept away the great American dream that we could grow fat on war profits from desperate friends as we stood by without standing up!

We know now that America stood by too long. We could have lost World War II because of the pacifists who were unwilling for us to face an unpleasant truth.

What is the price—the total price of a pullout surrender in Viet Nam?

Are those who buy the "peace now" advertisements prepared to pay it?

ANNIVERSARY OF THE 1863 POLISH INSURRECTION, JANUARY 22, 1970

HON. JOHN J. ROONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 22, 1970

Mr. ROONEY of New York. Mr. Speaker, mankind has become somewhat callous to the significance of insurrections and revolts throughout the world. Hardly a week goes by but what some group somewhere rises up against the ruling power or seeks to break away from regimes alleged to deny man's fundamental liberties. Some of these most recent uprisings are but the vocal outbursts of a small group of dissidents which have been given undue publicity by avid news mongers. Many of the insurrections, however, are of great significance and may have lasting influence upon the shaping of future world affairs. Few of them can ever approach the historic significance of the 1863 Polish insurrection, the anniversary of which falls on today, January 22.

I am always impressed with the special significance which our fine Polish-American organizations attribute to this occasion. When one reads again the story of the valiant struggle of Polish patriots to oppose the czar's detested educational and political reforms, one can appreciate why Polish Americans today revere the courageous stand taken by their forefathers over a century ago.

During the period when our own Nation was torn with internal conflict over the question of slavery and States rights, the youth of Poland waged an unremitting war against the puppet regime of Czar Alexander II. Their hit-and-run tactics from well-concealed hideouts throughout the country became so increasingly effective that the czar had to utilize his massive military establishment to wipe out those who sought to oppose his rule and his dictates. To this end he was successful and the secret national government in Warsaw was eradicated. So, too, were hundreds of patriotic Polish citizens made to pay the supreme penalty for their efforts to win freedom and independence for their countrymen.

Mr. Speaker, this date serves as a firm reminder that the Polish people then and now have a deep yearning for independence and a fierce determination to remove the shackles of serfdom. Today as was true 100 years ago, the people of Poland are engaged in a struggle to regain control of their own destinies. The cry of the 1863 insurrectionists of "Poland for the Poles" is as vibrant today as it was a century ago. I know this to be true because of my return visit to Poland last August. Once again I had first-hand contact with fine sturdy Polish citizens who demonstrated their dislike for the Soviet yoke and their lack of appreciation and respect for economic, political, and cultural reforms imposed upon them by the Russians.

Both in Poland as well as at the great convocation commemorating the 25th anniversary of the capture of Monte Cassino in Italy, I met the cream of today's loyal and patriotic Poles. The dogged determination of Poles from the four corners of the earth as well as from the homeland itself demonstrated the same love for Poland and the same ambition for the attainment of a free Poland as that which typified the Polish patriots of 1863.

All America can be proud to share with our Polish Americans the observance of this important anniversary. All America can be proud of the sons and daughters of the Polish insurrectionists who were able to escape to this country. For it is from the descendants of these patriots that so many of this Nation's most loyal and dedicated citizens have come.

As I join my Polish-American friends on this occasion I want both to congratulate them on their magnificent ongoing contribution to the life and growth of this country and to pledge anew my own determination to strive for the attainment of that independence for Poland for which so many patriots died 107 years ago this date.

YOUNG PEOPLE WALK TO FIGHT HUNGER

HON. ARNOLD OLSEN

OF MONTANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 22, 1970

Mr. OLSEN. Mr. Speaker, I have received a report from Miss Karen McBroom, Montana's lone representative to the recent National Young World Development Conference. This group is related to the American Freedom From Hunger Foundation. Miss McBroom writes "The basic goal of the group is to educate the American people, or make them realize that unless the problems of hunger, population, and pollution are brought under control, all mankind will suffer." The group conducts "Walks for Development" during which contributors pledge a certain amount of money per mile walked by its members; the funds are then donated to worthy causes. I wish to commend the efforts of this fine young people's organization before my distinguished colleagues.

THE JOURNEY AHEAD

HON. THOMAS M. PELLY

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 22, 1970

Mr. PELLY. Mr. Speaker, the dawn of a new day, after years of decline of the American maritime industry, was indicated by an unprecedented attendance of the Propeller Club, Port of Washington, D.C., luncheon meeting on January 21, at the Rayburn Building special dining room. The occasion was significant especially because one of the speakers was the Maritime Administrator, A. E. Gibson, the architect and author of the new proposal of the Nixon administration to rebuild and restore the sadly deteriorated American merchant marine, hearings on which are scheduled for next week in the House Committee on Merchant Marine and Fisheries.

Mr. Gibson's talk to the Propeller Club will be of great interest to all Members of Congress and the public, and accordingly, Mr. Speaker, I insert the text of his remarks at this point in the CONGRESSIONAL RECORD:

THE JOURNEY AHEAD

We at the Maritime Administration deeply appreciate the honor done us today by the Propeller Club, Port of Washington. I am particularly pleased to share the honors with my charming colleague from the Federal Maritime Commission. Mrs. Bentley's staunch advocacy of a strong U.S. Merchant Marine has been instrumental in winning the support of the Nixon Administration for the revitalization of our industry.

We often lament our tendency to talk to ourselves, but today I am glad to have the opportunity that this occasion affords of speaking to representatives of all the groups that comprise our many-sided Merchant Marine. The Propeller Club alone brings them all together in one friendly gathering—representatives of ship builders and operators, labor unions, suppliers of components, congressional committees, government agencies—the lions and the tigers (there are no lambs in this industry) eating, drinking, and talking together amicably in this no-man's land.

I believe we have much to celebrate today. Just a year ago President Nixon took office, and already we have a maritime program hammered out which we believe is workable and acceptable to all the agencies of the Government, with their diverse interests, and which has been, at least initially, received with almost unanimous support by congressional and industry spokesmen. Considering the backing and filling, the frustrations and furor that accompanied previous attempts to work out a maritime program, I think we can count this as a significant step forward.

But let's face it—it is only the first step on the long, hard journey that lies ahead. The Administration proposes, but Congress disposes. It disposes in accordance with the democratic process—its understandinng of what its constituents want. These constituents are represented by the groups which appear to testify before the Committees considering legislation, by the interest shown by individuals as reflected in their letters, and by editorial comment throughout the country. Certainly we do not expect complete unanimity of support for every detail of the President's program and the enabling legislation we have presented. But if the program and the legislation are torn to bits by groups seeking a little more for themselves or a little less for someone else, the result can well be, once again, no program at all.

Let us say, however, hopefully, that the program is enacted promptly, with little substantive change. This will be only the second step toward the goal of a revitalized Merchant Marine.

Fundamental to the program is the building of new ships—some 30 a year for 10 years. But they must be productive ships, designed and built for multiple orders at a cost that will result in sharply lowering government subsidy. The shipbuilders have assured us that, given a chance to participate in the design of these ships, and given assurance of large enough orders over a long enough period of time, they can indeed substantially lower the cost in the 7 years ahead.

The Maritime Administration has taken the first steps to make this possible by letting contracts for development of basic designs for American ships of the 1970's. The teams working on these designs include naval architects, shipbuilders, suppliers, and operators. The new designs should be ready by this spring.

We have also sought industry advice on long-range plans for research and development projects that can most usefully be undertaken by the Government as a means of meeting the challenge of the future, leaving to the industry those projects which show promise of near-term pay-off.

Ships on the drawing boards carry no cargo. Steamship lines must place orders for the ships and put them into operation. They must work out schedules and services that meet the needs of our trade in a better way than ever before. The operators have assured us that they need and want new and more productive ships and will order them if they are given the chance to do so at competitive prices.

We will give them the chance to carry out their plans. We expect to contract for 13 to 16 ships by next June to get the program underway with the use of multi-year procurement and an additional 20–25 ships in the following year. By the year after, the 30-ships-a-year program should be in full swing, including not only liners but bulk carriers and tankers as well.

We have also taken a number of actions to reduce the paperwork burden on the operators, to simplify subsidy accounting systems, and to remove the heavy hand of government from their shoulders wherever it can be done without risk to the taxpayers' interests. These steps have been designed to make more efficient operation possible and profitable.

In order to put new ships into service, however, the unions and management must be able to resolve the manning scale problem that will make it possible to realize the full potentialities of the improved designs on an equitable basis without resort to work stoppages. A number of unions have given assurance that with a meaningful long-range program, giving promise of a strong and growing industry, they will cooperate in this effort.

Ships are only a means to an end—the transporting of cargoes. Without the willingness of American and foreign shippers to consign their cargoes to U.S. ships, we will have a lot of fine ships sailing half empty or tied up at the pier. It is my belief that the industry can depend on the support of American importers and exporters if they can continually provide fast, dependable, uninterrupted service on which shippers can rely to deliver their goods when and where needed.

The Maritime Administration has already undertaken to step up our trade promotion efforts and to give greater encouragement to intermodal transportation. In the final analysis, our efforts must be geared to providing more and better service for those who engage in foreign trade.

If then we have the new ships, built and placed in operation, properly manned, loaded with cargo—what more shall we need? The answer has to be reasonable expectation of profits. If we have all this and yet lose money, investors will look elsewhere, and the whole structure will collapse for want of the necessary support from the private sector that must balance the government's investment. We have no assurances from investors. Their interest is not in the Merchant Marine as such but in return on their capital. Yet we know that when an industry is soundly based and healthily growing, the funds for investment will be available. Our programs for Federal Ship Mortgage Insurance and Ship Exchange have shown that capital is available for economically justifiable shipping projects.

The pitfalls ahead on our journey are clearly marked. In the past single groups have blocked forward progress for many others. But no one group can bring about success by itself. It will take all of them, each making its own special contribution to the forward movement of all. The process is of course not so simple and clear-cut as I have pictured it here. Many of the decisions and actions of various groups must be taken simultaneously. Interactions among all the groups will be going on all the time. The attitudes and plans of one will affect the responses and programs of the others. But the important thing is to recognize that we are all taking this journey together, and none of us will make it to the end unless we all do.

I cannot believe that any of us are willing to be responsible even in part for the consequences of failure. Without an adequate Merchant Marine, the world's greatest trading nation must surrender her trade to her business rivals. Without responsibilities be at the mercy of those who, for their own reasons, might or might not wish to see them carried out.

We are setting out together on a voyage as adventurous as that of Columbus. The dangers are many, but the rewards can be great. The young people keep telling us that this is the Age of Aquarius. All us old navigators know that yesterday the sun entered the sign of Aquarius. The stars are with us. This is our decade—the decade in which we shall build a Merchant Marine of which we can speak with pride rather than apology.

As the leaders of all the groups within the maritime industry on whose cooperation our success depends, I call upon you to back the President in his efforts to revitalize the U.S. Merchant Marine. I urge you to accept the challenges and the opportunities he has offered to save from oblivion an industry on which our nation's economic and military strength depends.

The stars are with us—all we need now is the will to pull together to reach our goal.

CABINET COMMITTEE ON OPPORTUNITIES FOR SPANISH-SPEAKING PEOPLE

HON. ROBERT PRICE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 22, 1970

Mr. PRICE of Texas. Mr. Speaker, just before the close of the first session of the 91st Congress the House and Senate passed legislation establishing a Cabinet Committee on Opportunities for Spanish-Speaking People. This action dramatically demonstrates the concern of the Congress and the administration for those Spanish-speaking people living throughout the Nation.

This legislation provides the new Cab-

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inet Committee with several responsibilities, chief among them being:

First, to advise Federal departments and agencies regarding appropriate action to be taken to help assure that Federal programs are providing the assistance needed by Spanish-speaking and Spanish-surnamed Americans; and

Second, to advise Federal departments and agencies on the development and implementation of comprehensive and coordinated policies, plans, and programs focusing on the special problems and needs of Spanish-surnamed and Spanish-speaking Americans.

The President will also facilitate the Committee's operation by appointing an Advisory Council on Spanish-Speaking Americans, which will counsel the Committee on a wide range of issues.

Mr. Speaker, in perspective, the Cabinet Committee on Opportunities for Spanish-Speaking People will strive to assure that Federal programs reach all Spanish-speaking and Spanish-surnamed Americans. In addition, the Committee will work to develop new programs designed to make the great American dream a reality to this group of valued Americans. These twin goals are worthy of our dedication and our concerted efforts.

ADVANCE FEED GRAIN PAYMENTS

HON. WILLIAM J. SCHERLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 22, 1970

Mr. SCHERLE. Mr. Speaker, today I have introduced legislation which would require the Secretary of Agriculture, Clifford M. Hardin, to allot advance feed grain payments of a minimum of 50 percent this year. Congressmen who are interested in advance feed grain payments can now join me in calling for an immediate hearing before the Agriculture Committee to consider this vital legislation.

Advance feed grain payments have my total and unequivocal support. The benefits derived from early payment and for the full amount per acre have historically given the agri-business community a seasonal economic shot in the arm. The spring of the year brings many expenses to the farmer, and to delay feed grain payments until July or August would work an economic hardship upon the Nation's food producer. Failure to make advance payments would force the farmer to sell his crop in early spring when the prices are low, or would necessitate the borrowing of money, if available, at high interest rates.

The logic expressed by the Bureau of the Budget in recommending delayed feed grain payments is based on fuzzy financial reasoning. The Bureau contends that savings in Federal expenditures could be made by delaying payments. However this would in reality be only a paper savings, since the funds would simply be carried from one fiscal year to another. This is merely an attempt to manipulate the books by shifting the expenditure of Federal money.

As a Member of Congress, I have heard the word "discrimination" used frequently. However, when it comes to the interests of the agricultural minority, representing only 5 percent of the population, the Government treats this group as a stepchild. Whenever the Budget Bureau swings the economic ax, it is the food producer and the agri-business community that suffer. Why is it always the farmer? Why make the agri-business community the fall guy? For the past 20 years, billions of dollars have been spent on countless wasteful programs. The Government has pumped billions into the economy of foreign countries. The Office of Economic Opportunity has been given a virtual blank check in promoting extremely questionable programs. Why sock it to the farmer?

The time has come to put things back into proper perspective. If the feed grain program is to serve the purpose for which it was intended, the farmer must be offered an adequate inducement to participate.

THE U.S. JUNIOR CHAMBER OF COMMERCE

HON. RAY BLANTON

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 22, 1970

Mr. BLANTON. Mr. Speaker, there are countless volunteer organizations across the United States which contribute to the total environment of our lives. Volunteer participation in civic action groups is a tradition in this country, and we can all be thankful for it.

This week, one of the largest, and one of the most important volunteer civic organizations in America is celebrating its 50th anniversary. I speak of the U.S. Junior Chamber of Commerce, an organization of young men which I believe exemplifies the spirit of dedication and pride in our way of life.

The Jaycees have a commendable record for concern about the problems of our towns, cities, and Nation. But they have transferred this concern into action, and you will always see a Jaycee group in the forefront of most important civic action work in any town in this Nation.

Worldwide they have inspired young men to volunteer their time and skills and imaginations to tackle the problems which face us. Their selfless attitude of freely giving of their time for the betterment of society has motivated vast improvements throughout all sectors of our lives.

I rise, Mr. Speaker, to pay tribute to these fine young men. I congratulate them on a half century of service to mankind. And I wish to them success in all their future undertakings as they embark on another half century of service to their communities.

THE UKRAINIAN NATIONAL REPUBLIC

HON. MARK ANDREWS

OF NORTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 22, 1970

Mr. ANDREWS of North Dakota. Mr. Speaker, today marks the 52d anniversary of the proclamation of independence of Ukrainian National Republic and 51st anniversary of the act of union, whereby all Ukrainian lands were united into one independent and sovereign nation. The independence and the act of union were proclaimed in Kiev, capital of Ukraine on January 22, 1918, and 1919, respectively.

The Ukrainian National Republic was recognized by a number of foreign governments including that of Soviet Russia. The latter, however, almost simultaneously with recognition declared war and began invasion of Ukraine. For almost 3½ years, Ukrainian people waged a gallant struggle in defense of their country, alone and unaided. The free Ukraine was subdued to a puppet regime of Soviet Socialistic Republic.

The freedom-loving people of Ukraine have not accepted Soviet Russian domination and regardless of harsh persecutions, artificial famine and genocide Russian policy have been fighting for reestablishment of their independence by all means accessible to them for the last 50 years. During World War II, the Ukrainian people organized a powerful underground Ukrainian Partisan Army—U.P.A.—which fought against Nazi regime and against the Soviets as well.

Stalin and Khrushchev unleased bloody persecutions and reprisals against the Ukrainian people in the late 1940's.

Relentless and severe persecutions of Ukrainians continued after the death of Stalin and after the ouster of Khrushchev from the top leadership in the Kremlin. Brezhnev-Kosygin leadership is bent on keeping the Soviet Russian empire intact by persecutions and deportations of Ukrainian youth, students, scientists, and Ukrainian intellectuals.

Recently the international press has been providing a vast amount of documentation of the suppression of Ukrainian culture. Briefly, the Kremlin rule in Ukraine can be described as follows: Exploitation of Ukraine's economic resources for the benefit of Moscow and its imperialistic ventures in Asia, Middle East, Africa, and Latin America; genocide and systematic deportation of Ukrainians to central Asia; arrest and trials of Ukrainian patriots including Ukrainian Communists defending freedom of their country.

Persecutions of all religions in Ukraine and enforced Russification aiming at the cultural and linguistic genocide of the Ukrainian people.

All the available evidence of the Western observers shows that ever-increasing tempo of repression has failed to intimidate the Ukrainian people, therefore, the Russian leadership in the Kremlin took brutal measures against liberal movement in Czechoslovakia, since Kremlin

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leaders were convinced the liberal ideas of Czechoslovakia would help Ukrainian liberals and other captive nations.

Both the U.S. Congress and the President of the United States have expressed their concern over captive non-Russian nations in the U.S.S.R. by enacting the Captive Nations Week resolution in July 1959.

The American-Ukrainian community in North Dakota and in the whole United States will observe the forthcoming 52d anniversary of the Ukrainian independence and the 51st anniversary of the act of union in fitting celebration.

This anniversary provides an appropriate occasion not only for the U.S. Government and American people but the free world to demonstrate their sympathy and understanding of the aspirations of the Ukrainian people.

DEFICIT SPENDING FEEDS INFLATION

HON. CHARLOTTE T. REID

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 22, 1970

Mrs. REID of Illinois. Mr. Speaker, inflation is one of the major concerns of citizens everywhere, and on January 19 the Streator, Ill., Daily Times-Press commented editorially on the causes and cure for rising prices. Under leave to extend my remarks in the RECORD, I wish to include this timely editorial herewith so that colleagues in the House might read it also:

DEFICIT SPENDING FEEDS INFLATION

Federal budget deficits and inflation are kissing cousins, with excessive government spending a keystone in the inflationary frame of U.S. economics. Both deficit spending at Washington and inflation is a potent opiate, attractive and pleasing to the citizen who is not aware of the dangerous consequences.

High prices and high labor rates go hand in hand up the spiral until there comes a time when money ceases to have value. There have been times, not too many years ago, when the citizens required a wheelbarrow full of Marks to buy a loaf of bread in Germany. France, Italy, England and other countries around the globe have felt the lash of inflation's demanding whip.

For years in this country we have experienced continuing higher prices for goods and wares, higher labor, higher taxes, higher cost of services. Up and up and up has gone the gross national product when measured in dollars. And with each impetus given inflation the dollar has been reduced in its buying power.

Contributing grossly to inflation has been government spending at Washington in excess of national income. Uncle Sam has been a most liberal spender, ignoring deficits which have been piling up to plague future generations, and to be a vicious factor in lowering the value of the dollar.

The government has set the example and every business and every worker has voluntarily or involuntarily participated in the economic spending spree.

It will be interesting to note how much favorable response President Nixon receives as a result of his drastic attack on deficit spending at the capital, and its effect. Since his inauguration, he has been attempting to find ways and means to slow down the runaway which has been exhilarating but which leads to tragedy.

The President is insisting that spending be limited to income and there be a balance, something which has been possible only a very few times in past decades. He has ordered cuts in every department of government, in the military, in the space program and other areas where savings could be effected. Surplus employes are feeling the axe and contracts are being restudied in the effort to economize.

Congress must cooperate, but of even greater importance, Americans in toto must cooperate if inflation is to be successfully battled. It is the citizenry which puts the pressures on Congress and the administration to spend without regard to costs.

The greedy hand of inflation plays no favorites, for it reaches out to every individual, employer or employe, to the professions. The problem is not one alone for the President, but he is making good his promise to do something about halting the rising trend of everything. It will not be an easy conquest. He is entitled to credit.

A CONGRATULATORY ADDRESS TO THE JAYCEES ON THE OCCASION OF THEIR 50TH ANNIVERSARY

HON. HAROLD T. JOHNSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 22, 1970

Mr. JOHNSON of California. Mr. Speaker, today I would like to commend the Jaycees of the United States on this, their 50th anniversary. It is an organization whose lifeblood is this Nation's young men and whose work has benefited countless facets of our lives.

From its very beginning in 1920, the Jaycees have illustrated an ability to maintain activities contemporary with the thoughts and issues of the times. It began as a small nucleus of men with few chapters and limited funds. One of its first themes with which these men concerned themselves was "Know America." An impressive expansion has taken place over the past 50 years, resulting in a membership numbering well over 300,000 people and resulting in a corresponding expansion of activities. From the simple "Know America" emphasis, this organization has moved toward grappling with more complex issues such as community development, mental health facilities, and physical fitness, to name just a few.

The Jaycees impress me also with its continued recognition of problems and its dealing with them before the general public is moved to take action. The Jaycees' emphasis on conservation in 1932, for example, helped achieve the formation of the National Wildlife Federation in 1936, long before conservation became the great concern of today. Another example is the willingness of the Jaycees to voice the thoughts of American youth. At the time the Jaycees were first established, relatively few young people were given serious consideration as to what they thought about certain issues. The Jaycees have been consistently youth-oriented in their programs and they have exemplified a positive trend toward developing human resources. Their motto: "Creating an Environment for Change Through People," is proof of their desire to achieve progress by way of the people.

With the prevailing atmosphere of confusion and turbulence of thought on the part of our young people today, the Jaycees have provided an invaluable channel through which ideas may be aired and constructive action can be taken. Today's youth clamors for programs to solve relevant problems. Current Jaycee activities zero in on improvements of city transportation, race relations, and adequate housing, as well as supplying aids to finance education and programs of rehabilitation.

Their record of extraordinary success speaks for itself; it presupposes good leadership and keen imagination applied to programs which benefit the people of this Nation and abroad.

Mr. Speaker, I again heartily congratulate the Jaycees on their auspicious 50th anniversary. They have more than proven their worth and I sincerely hope that with the continued support of the people we may enjoy the good they are doing for many years to come.

ENGLAND AND HER YOUNG

HON. JAMES J. HOWARD

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 22, 1970

Mr. HOWARD. Mr. Speaker, as the sponsor of House Joint Resolution 18, which would amend the Constitution to allow persons who reach their 18th birthday to vote, I have been keeping a close eye on a similar move in Great Britain.

As my distinguished colleagues know, England reduced its voting age requirements from 21 to 18 on January 1, 1970.

WABC Radio has a most interesting editorial on this subject. I am placing it in the RECORD, and asking my colleagues to take a few moments to read it. I am sure they will benefit from this editorial. It follows:

ENGLAND AND HER YOUNG: GREAT BRITAIN MOVES AHEAD OF THE UNITED STATES IN GIVING EQUAL RIGHTS TO 18 YEAR OLDS

The United Kingdom has not fallen in the past three weeks . . . much to the surprise of many people who don't trust teenagers. On January first . . . the legal age in England dropped from 21 to 18. Some 3 to 4 million young people now have the right to vote . . . Marry without parental consent . . . Take out loans . . . In fact do everything their parents do. This is an important move . . . in the opinion of WABC. We are strongly in favor of lowering the voting age to 18. So far the adult voters have turned down the idea at the polls. If you have any doubts about lowering the age . . . pay close attention to what's happening in England. There has been no rush to the altar . . . no bankruptcies and the government hasn't been toppled. During the next year . . . follow the events in Great Britain. Maybe you'll agree with us the next time you vote on the question.

XUM

ASSAULTING THE ARISTOCRACY

HON. ANCHER NELSEN

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 22, 1970

Mr. NELSEN. Mr. Speaker, a perceptive editorial from the Wall Street Journal discusses the important role of Vice President AGNEW, in "assaulting the aristocracy" of the United States—an aristocracy which has in some ways separated itself from the mainstream of American life, through arrogance and contempt for "ordinary Americans."

This article points up the sometimes narrow outlook of this so-called aristocracy—an unwillingness to recognize its own mistakes, or to accept all Americans as essential parts in a democratic society. I commend this thoughtful article to the attention of my colleagues:

[From the Wall Street Journal, Jan. 12, 1970]

ASSAULTING THE ARISTOCRACY

From a political-social-cultural viewpoint, the most arresting news of the past year was the advent of Spiro Agnew. An understanding of this phenomenon almost certainly will tell us a good deal about this juncture in time, if not indeed about a dawning era.

All the more so because the Vice President excites such intense passion among both his supporters and his critics. Dr. Gallup tells us Mr. Agnew now ranks third, behind Richard Nixon and Billy Graham, among the nation's most admired men. This popularity among the masses, though, is mirrored by apoplectic convulsions among the elite. No doubt the elite generally views the Vice President the way a friend of our does, as rallying "the rednecks" against "the thinking people."

Take away the loaded phraseology and he is not far wrong. Indeed, the phraseology is unconsciously revealing. The heart of the Agnew phenomenon is precisely that a class has sprung up in this nation that considers itself uniquely qualified ("thinking people"), and is quite willing to dismiss the ordinary American with utter contempt ("the rednecks"). Mr. Agnew has merely supplied a focus for the inevitable reaction to this arrogance.

Mr. Agnew's targets—the media, war protesters, rebellious youth—are representatives of a class that has enjoyed unusual moral and cultural authority through the 1960's. Seldom before has such wide influence been wielded by the highbrows, the intellectual-beautiful-people-Eastern-liberal elite. Yet how well have the members of this elite discharged this authority. What has been the record of their decade?

Oh, the highbrows can write off the war as due to a Texan, conveniently ignoring from whom he inherited it and from whom he took advice. But the elite policies were followed, insofar as practically possible, in such domestic programs as the new economics and the war on poverty. Has the economy been well managed? Have the cities prospered?

Even more telling are the results in the many fields where moral authority is exercised directly, without the dilution of the political process. Whose theology culminates in the death of God? Whose artistic advice culminates in pornography? Whose moral advice culminates in "anything goes" with sex and drugs? Whose children sack the universities?

Coupled with this record has been the contemptuous approach so well described to a Harper's reporter by S. I. Hayakawa: "When the PhDs from a prestige university try to impose on the natives a sophisticated culture, they're like Parisian intellectuals trying to bring enlightenment to Algeria, and they despise the cultural forms of Algeria which they don't respect or understand. If the teachers are successful, the Algerian wants to become a Parisian, and looks down on the culture from which he sprang.

"And as soon as the American college student is successfully propagandized by the American intellectual, he looks down on the mainstream of American culture—the American Legion, the Grange, the Rotary, the Lions Club—because he's all wrapped up in Beckett, Camus, Pound. But the American Legion and the Rotary Club have just as much importance in a democracy as the New York Review of Books. Damn sight more, maybe."

Naturally, all this has left a raw nerve in the body politic, and quite justifiably so. Raw nerves nearly always have a potential for danger, and at the extremes this one spills over into outright hatred of the highbrow. It could turn into a period of nasty anti-intellectualism; and as part-time highbrows ourselves, we hope the Vice President starts to give this danger a little thought. But it is far better the nerve be touched by him than by, say, George Wallace. If history is a guide, as such feelings are incorporated into the two-party mainstream, their worst excesses usually are pared away from their legitimate core.

In this case that core is substantial; Moral authority used both badly and arrogantly by the prevailing elite. The battle is over whether that authority should now be withdrawn, and Mr. Agnew has placed himself at the vortex. He deals with politics on the grand scale, raising an issue transcending that of who should hold office. He raises the issue of who shall allocate the status and rewards this society provides, who shall have prerogative to separate the good guys from the bad guys, who shall decide which is the thinking person and which the redneck.

That is why Spiro Agnew attracts such intense feelings. He has hold of that most primeval political cause, the assault on the perquisites of a vested aristocracy. And it is an assault this particular aristocracy has brought upon itself.

JAYCEE WEEK

HON. HERMAN T. SCHNEEBELI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 22, 1970

Mr. SCHNEEBELI. Mr. Speaker, during the past 50 years the United States Jaycees has been an exciting force in our society, channeling the energy of young men into constructive action.

I am proud of the many young men of Pennsylvania and this Nation who have participated in, and who now are participating in, this outstanding organization.

Congratulations to the Jaycees on their golden anniversary. May the next 50 years be just as productive and beneficial to our local communities and to our Nation as a whole. As a former member of this fine organization, I salute its great accomplishments.

RESPECT, PATRIOTISM, AND LOVE

HON. GEORGE A. GOODLING

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 22, 1970

Mr. GOODLING. Mr. Speaker, just recently Mr. Jim Bishop of the King Features Syndicate, Inc., reflected on some of the dimensions of American life as it is today in an article entitled "Respect, Patriotism, and Love." Because this article reaches into some interesting corners of the United States and raises some rather important questions with respect to the future of America, I submit the article to the CONGRESSIONAL RECORD and recommend it to the attention of my colleagues:

RESPECT, PATRIOTISM, AND LOVE

(By Jim Bishop)

Respect, patriotism and love are gone. I mourn them; I grieve for their passing. The United States of America was a straight, tall redwood among a world of nations which seemed, for a time, to be ferns around her roots. The tall tree, I am convinced, is infested with dry rot and great sections of the bark are falling off.

I am not one of those everything-is-going-to-hell men. It requires a great deal of evidence for me to condemn a person, an institution, or a land. In retrospect, it seems to me that America has become turbulent, tempestuous and unreliable within the past 15 years.

This would take us back to the May, 1954, decision of the Supreme Court which gave to all of us, black and white and red and brown, a legal equality of services. Anyone who argues that this has advanced the case of the American Negro had better speak to some of the blacks who have been burned out, bombed out, shot at, harassed and unemployed.

The ruling was intended to be a good thing for all Americans. Neither side was adult enough to live with it, and it is in the finest traditions of irony that the ones who might have profited most by a new standard of equality—black youth—fought with fury against it. Name for me which blacks, which whites, are living more a peace today.

Nor is this the only sign of America's failure to rise to the challenge of the last half of the 20th century. Events now dictate to men. Elect any President you please, but he will inherit the same problems; and worse—the same superficial solutions as his predecessor. Party doesn't mean anything any more. A conservative Democrat and a conservative Republican are brothers.

A liberal Republican and a liberal Democrat are identical twins. Politicians are wearing the wrong masks. Can anyone explain why it is that the dollar we had a few years ago is worth 84 cents now? Can they do anything about your grocery bills and mine? Everything we need is out of reach.

The president says that we will phase out of Vietnam by 1973. Phase out means that the last of our youngsters—except a heavy cadre of advisers—will be home by then. If so, our little foray into Southeast Asia will have cost us about 60,000 dead and about two hundred and ten billions of dollars.

We will have been in it about a decade—the longest war in our history. No one wanted it. No one wants it now. No one wants to live with it until 1973. And our young men, by the thousands, perhaps millions, schemed with their parents regarding ways and means of keeping out of it.

No war is popular. In World War II, we put 14,000,000 persons in uniform. Today we must devise new ways of dragooning whimpering bearded boys to report for duty. They run off to Canada, they hide, they beg off, the heavyweight champion of the world weeps that he is a minister—military, America is only as strong as its cold weapons.

Our young preach love as though they invented the word. No generation within my purview shouts "love!" with so much venom. Their emotions are so flaccid that they require drugs to make their world palatable. To them, sex is not God's blessing upon an honorable union. They use it for the opening handshake.

I do not require respect from any man, except from myself. In my past is a trail of sin like old embers, but there was never a solitary day of my life that I didn't try to hitch up my pants and be just a little bit better than yesterday. I can't find youths who will even look at me when they speak. They study the mud on their shoes.

All through the repetitive debates in the churlish congresses, I have kept faith in this land because, in all history, none has been so blessed. But now my spirits flag and I study an expensive do-nothing Congress and I think those senators and representatives owed it to our President to give his plans a chance. They rammed bills down his throat which he dared not veto. His own party made him look bad.

It doesn't matter whether a man is in Nixon's corner or not—he's every American's President. He works for all of us and gets paid by all of us. He was entitled to one year of cooperation—and now the year is gone.

Isn't it about time that all of us, every last one of us, returned to fundamental virtues of respect, patriotism and love? Would it hurt so much to try, or is this land of milk and honey to be like ancient Rome—a few fluted columns, a history book of desolation, a forest of blackened trees?

LAND OF THE FREE

HON. F. EDWARD HÉBERT

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 22, 1970

Mr. HÉBERT. Mr. Speaker, I received a poem in the mail recently, and I was deeply impressed with its message.

Its author is Miss Helen Thayer of New Orleans, who lives in my congressional district. Her poem was indeed heartwarming, and I wanted to share it with all Americans.

Therefore, I insert Miss Thayer's work, "Land of the Free," at this point in the RECORD:

LAND OF THE FREE

(By Helen Thayer)

I am a free American; I own a portion of
this land.
I'm free to speak and free to pray. I'm
thankful that it is this way.

I'm free to cherish what is mine; accept an
offer—or decline.
I'm free to go where e're I may. I'm thankful
that it is this way.

I'm free to work, or idle be. I'm free to
differ—or agree.
I'm free to vote and have my say. I'm thankful
that it is this way.

If this you take away from me, in bondage
I would surely be.
I'm thankful for the U.S.A.; God grant 'twill
always be this way.

UNBELIEVABILITY OF CHARGES AIRED

HON. B. F. SISK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 22, 1970

Mr. SISK. Mr. Speaker, we are being exposed these days to a great deal of emotional talk about the dangers of DDT. Unfortunately, the reaction of the press and the public seems to be more based on emotion than reason. It seems that these days we are ready to follow any piper who can play a tune, and the anti-DDT pipers are building up a substantial following.

I was pleased, therefore, to read a report in the Portland Oregonian recently which seems to put this whole matter in a better perspective. The article was written by a professor of entomology at San Jose State College in California and it brings out some of the facts that we would all do well to keep in mind as we listen to the noise being made all around us about DDT.

Because of the importance of the subject matter and the timeliness of the information in the article, I ask to have it placed in the RECORD:

[From the Portland Oregonian, Dec. 28, 1969]

DDT DEFENDED: "UNBELIEVABILITY" OF CHARGES AIRED

(By J. Gordon Edwards)

The author of this hard-hitting defense of DDT, the "miracle insecticide" hailed for a quarter-century but now under attack by environmentalists, is professor of entomology at San Jose State College. He is a leader among a group of scientists opposing all-out bans on DDT and questioning the safety of substitutes. He wrote this article at The Orgeonian's request. We believe the case for DDT should be heard in consideration of the need for controlled use of all insecticides and pesticides.

For 25 years DDT has been a great benefactor of mankind, and it seems incredible that anyone could deliberately seek to deprive us of this remarkable ally in our fight against death, disease and starvation. Recently, however, we have been exposed to a barrage of anti-DDT propaganda which is remarkably untruthful and misleading.

Scientists who are thoroughly familiar with the facts could scarcely believe that anyone would take such accusations seriously. After all, we thought, there are some things (like motherhood, patriotism, and DDT) that simply do not need defending . . . at least, not until recently. Alas, we now hear many shallow-thinking counterparts of the anti-vaccination, anti-iodized salt, anti-chlorinated water radicals pointing at DDT and shouting "wolf."

Unfortunately some of their most preposterous claims have been publicized by "sensationalist" news media, and the public came to believe that some of them are "scientific facts." Documented rebuttals by famed scientists with a lifetime of experience in toxicology, nutrition, cancer research, and other pertinent specialties were accorded very little attention (after all, who gets excited about statements that "DDT is proven not to cause cancer?")

Statements by the chief toxicologist for the U.S. Public Health Service and by the chief of toxicology for the Food and Drug Administration were entirely discounted by many news media, but an assistant professor of chemistry (who never had a course in ecology) became recognized as a "leading authority" on toxicology, nutrition, and ecology.

Similarly, the testimony of leading cancer specialists has often been discounted, in favor of unfounded charges by non-medical men that "DDT may cause cancer," actually, cancer has steadily declined ever since the advent of DDT (except lung cancer, of course), and no cancer has been caused among the hundreds of employes in the huge DDT factory in California during more than 20 years of operation. The other anti-DDT charges appear to rest on equally shaky ground.

Irresponsible persons often state that: "DDT is everywhere, and is not broken down in the environment," yet this is demonstrably false. Numerous scientific investigations have proven that DDT is broken down by environmental heat, cold, bacteria, alkaline soil or water, soil micro-organisms, aquatic plants, and chemicals within insects and vetebrate animals. It seldom persists more than a few days or weeks, under natural environmental conditions.

Many official agencies regularly analyze our soil, air and water, and the majority of samples contain "no trace" of DDT, even in the Columbia River and in the Mississippi and its tributaries (draining some of the most heavily-sprayed fields in the world).

Methods of detecting DDT and other insecticides were very crude until recently, but gas chromatography now provides a very sensitive means of detecting their presence. Unfortunately, different chemicals sometimes give identical readings, which last resulted in some gross errors.

Apparently about half of the material identified as DDT in many recent analyses actually is not DDT, but may be PCB (polychlorobiphenyl compounds), which are not of insecticidal origin but are very widespread in the environment.

DDT experiments with mice and birds are very misleading, for they always involve DDT concentrations thousands of times stronger than those ingested by any humans. (We only take in about 0.0005 p.p.m., or "parts per million, daily.)

On long-term diets with 10.0 p.p.m. of DDT (20,000 times as much as in our diet) mallards reproduced much better than those with no DDT, and pheasants fed 50.0 p.p.m. (100,000 times the concentration in our food) were more successful than the "control" birds. Birds are certainly not being "extincted," as the "scare-mongers keep insisting . . . in fact, they seem to thrive because there is more food available and because they have fewer insect parasites to transmit diseases such as avian malaria, fowlpox, and Newcastle disease.

The Audobon Society bird census shows that robins, blackbirds, doves, quail, pheasants and ducks are much more abundant now than during the pre-DDT years, as every outdoorsman will confirm. In November, 373 bald eagles were counted in a single morning by park rangers at West Glacier, Montana, and in 1969 ospreys were increasing in uninhabited areas (but decreasing where towns and resorts have ruined their habitas).

As for fish, the Columbia River salmon run in 1969 was the greatest since counts began, and the Coho salomn in the Great Lakes have multiplied beyond all expectations. In Wyoming tests, young trout fed on DDT diets for more than a year grew bigger than the "controls. Corvallis (Oregon) tests recently showed that aflatoxins (molds, not pesticides) in hatchery food were responsible for liver tumors in rainbow trout being reared.

The President recently launched a campaign to "end hunger and malnutrition in the United States. That program is doomed, unless DDT and its allieds remain available for use against destructive agricultural pests. Food prices will soar if DDT is banned, for substitute insecticides must be applied 4 to 15 times more often and each application costs 2 to 5 times as much as a DDT treatment.

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In October, 8,000 Washington orchardists' petitioned the Department of Agriculture not to ban DDT in that state, and California cotton-growers have found that production costs increased seven-fold when substitutes for DDT were used. In 1969, 13 spray pilots have been killed in California by those deadly substitutes and dozens of farm-workers and children became ill from phospate pesticide poisoning.

Substitutes for DDT also eradicated 83,000 colonies of honey-bees in southern California this year (an effect DDT never had) and thousands of pheasants died there from ingesting Azodrin (a highly-recommended substitute for DDT). Last month the American Beekeeping Federation and the American Honey Producers Association told the USDA that substitutes for DDT are decimating bee colonies in Arizona, California and Washington, and expressed great concern for the agricultural future of those states after the insect pollinators have been killed off.

The condition of Oregon's forests is of great concern to Oregonians, and DDT plays a most important role there. When Douglas-fir Tussock Moths threatened thousands of acres near Burns, Forest Service officials used DDT to control them. An excellent "Surveillance Report" (1968) documented the lack of ill effects on fish, wildlife and cattle. It was stated that: "DDT still remains the only known effective insecticide for control of the Douglas-fir Tussock Moth" (ultimate losses prevented by the spray program were estimated to be more than $16 million). Another excellent report, in 1969, dealt with the highly successful Willapa Hemlock Looper control program, and proved that DDT did not adversely affect non-target organisms in the forests, streams or bays.

Fortunately, many sincere citizens are now becoming concerned enough to listen to the scientific evidence that refutes the charges against DDT. The anti-DDT campaign is faltering because of its own unbelievability, and the public is becoming more aware of the truth about this marvelous chemical compound.

As a result, housewives, tradesmen and business executives will surely join agriculturists, foresters, nutritionists, toxicologists and public health authorities in a belated recognition of DDT for exactly what it is—the safest, most dependable, and most economic ally of mankind in the struggle against environmental waste, pestilence, disease, and starvation.

TRIBUTE TO THE JAYCEES

HON. JACK H. McDONALD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 22, 1970

Mr. McDONALD of Michigan. Mr. Speaker, this year marks the 50th anniversary of the U.S. Jaycees. Because of my past membership in this organization, I am well aware of the tremendous service the Jaycees can provide and the high ideals they uphold as stated in their creed. The Jaycees have exemplified the results of what can be accomplished when people are conscious of the problems in their community and are energetic enough to solve them. I have always felt that young people have the ability to plant the seeds for growth and prosperity. The activities of the Jaycees have certainly strengthened my conviction in this belief. I want to congratulate the Jaycees for their fine record of achievement and to wish them many more successful years.

THE REQUIRED VETO

HON. LESLIE C. ARENDS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 22, 1970

Mr. ARENDS. Mr. Speaker, though every thoughtful person agrees on the necessity for improving our Nation's educational system, there is a tendency on the part of some to think that merely spending more and more money will solve any problems. The fallacy of this belief—especially in the area of impacted aid—is clearly explained in an editorial from the Washington Star of January 15.

The inequities of this program alone would be sufficient grounds for a complete reexamination and revamping of this area, before any additional funds are added. But combined with the dangerous inflation confronting our country today, the addition of $1.3 billion—half a billion dollars to this faulty impacted aid program—would be disastrous. Therefore, a Presidential veto would become an absolute necessity.

I urge my colleagues to consider carefully the points raised in the following editorial:

[From the Washington Star, Jan. 15, 1970]

THE REQUIRED VETO

Everyone is in favor of better education. Everyone is in favor of curbing inflation. These two universal drives have converged at the opening of this congressional election year, putting Congress and the President on seemingly unalterable collision courses.

The issue is the $19.7 billion appropriation bill for the Departments of Labor and Health, Education and Welfare. The House has tacked an additional $1.3 billion to the administration's request. The Senate is almost certain to follow suit. The President has announced his intention to veto the bill. And Congress, from all present indications, will try to override the veto.

It would be easy enough to write off the actions of Congress as a cynical shirking of fiscal responsibilities in a quest for short term political gain. Conversely, the President's anticipated veto can be attacked as a cold-hearted disregard of basic human needs, an accountant's approach to government. Both charges are oversimplifications.

The social needs are real. So is the inflation. Both have political potential. The reality of the inflation cannot be used as an argument against all social, health and educational programs. But it does make it mandatory that the vast sums of money required in these areas must be spent wisely and well.

In the case of the $1.3 billion in dispute, the bulk of it—approximately $1 billion—would go for increased funding of education programs. Half of this sum would be spent on an increase in grants to schools in federally impacted areas.

Aid to impacted areas was initiated in 1950 to help school districts shoulder the cost of educating children whose parents lived and worked on federal property. It was needed at that time, when newly created federal installations reduced the taxable properties of many local jurisdictions and simultaneously provided more children to be educated.

It has largely outlived its usefulness. And the fact that the richest county in America—Montgomery County—received $5.8 million impact aid in 1968 while the 100 poorest counties were dividing up $3.2 million, testifies to the inequities of the program.

Presidents Eisenhower, Kennedy and Johnson tried in turn to trim impacted area aid and ran into the political reality that the aid is funneled to some 400 congressional districts, none of which was or is anxious to give up the income. Appropriations have been steadily increased.

The time has come to reverse the trend, to accept the urgency of the inflationary crisis and to start phasing out impacted area aid. It must be realized, too, that the other programs involved are, for the most part, not going to be materially improved by an increase in funding at this late date. Qualified teachers cannot be found, constructive educational programs cannot be instituted during this school year. And the money would have to be spent in the next six months, before the end of this fiscal year.

The proposed increase in spending fails to meet the requirements of urgency and effectiveness. The Senate should decline to follow the House's lead. Failing that, the President should veto the measure. And the veto should stand.

FOUR CHEERS FOR NIXON

HON. SAMUEL L. DEVINE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 22, 1970

Mr. DEVINE. Mr. Speaker, President Nixon's efforts to trim the Federal budget, cutting out unnecessary, ineffective programs and restoring Federal spending to more realistic levels, are being recognized as a substantial step toward relieving the American taxpayer.

This "spending reform" is praised in an editorial from the Miami Herald. I insert this editorial in the RECORD:

FOUR CHEERS FOR NIXON AS HE CUTS THE BUDGET

Not content with present budget levels for fiscal 1971 (which begins in July) President Nixon has repaired to Camp David to comb over the figures and cut them further.

This calls, we think, for a minimum of four cheers.

At its very lowest the Federal budget probably will cross the $200 billion mark for the first time. As the President's former economic counselor and new chairman of the Federal Reserve System, Dr. Arthur F. Burns, has pointed out, eight years ago the rising curve of federal expenditures first went above $100 billion; thus at $200 billion "we will be adding as much to the federal spending rate in a mere nine years as it took nearly two centuries to achieve previously."

In an expanding economy beset by population pressures there can be no objection to substantial taxation if taxes are properly levied and tax dollars are properly spent.

This is Mr. Nixon's objective. But realizing it will be difficult. War and its rumors have provoked heavy spending. Recently a Senate committee detected some $20 billion in inflated prices for military hardware. Yet the fact remains that defense outlays have accounted for only about one-sixth of the increase in the cost of government since the end of the Korean war.

We hope that Mr. Nixon will be guided and will act upon two suggestions of Dr. Burns.

The economist, educator and author believes that spending reform is even more important than tax reform. The need is particularly acute in areas of domestic spending.

One spending reform is the new congressional ceiling on expenditures, adopted in 1968 and reaffirmed last year. An effort to resist pressure for special appropriations, it will require firmness on the part of Congress in its mandate to the President.

The second reform is the proposed concept

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of "zero-base budgeting." Formerly the bureaucracy began its budgeting with what it raked in last time and simply added to this base in the new budget year. The zero routine would compel government departments to go back to the beginning and justify all that they requested, not just the new programs.

To this end, as Dr. Burns has pointed out, President Nixon's request of the Budget Bureau for "a list of programs judged to be obsolete or substantially over-funded" is a "first step toward zero-base budgeting."

At long last there appears to be some daylight on the horizon of federal spending. We hope it can be reflected in a smile, so many years overdue, on the countenance of the American taxpayer.

HOUSING BREAKTHROUGH IN AKRON, OHIO

HON. WILLIAM H. AYRES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 21, 1970

Mr. AYRES. Mr. Speaker after 8 years of promises without fulfillment, it is with the greatest satisfaction that I can report the fantastic change in the housing picture for Akron, Ohio, under the Republican administraton. As you all know, when selected by President Nixon to head the Department of Housing and Urban Development, Secretary George Romney promised this Nation that the desperate need for housing would be met by bringing American technology and American industry into this long neglected sector.

The first city to respond to Secretary Romney's call was Akron, Ohio, and, in particular, the Akron Metropolitan Housing Authority. This authority, under the leadership of its executive director, Mr. Jack Saferstein, went into the American marketplace to find a company ready and willing to respond to the challenge of instant quality homes—for performance to replace the tons of paper planning of the previous administration.

Mr. Saferstein found for Akron such a space age manufacturer in the Stirling Homex Corp. of Avon, N.Y. It seems that Mr. David Stirling, Jr., the corporation's chairman of the board, had already answered the challenge. Discarding the old methods, Stirling Homex had commenced the construction of modular housing units in a plant near Rochester, N.Y., which was literally capable of building a neighborhood of fine homes overnight or as many in 1 week as many builders I know can produce in a year.

But, it may be asked, "What about the unions?" On June 17, 1969, an agreement was signed before Secretary Romney between Stirling Homex and the 900,000-member carpenters union to supply labor to erect Stirling's factory-built houses at job sites throughout the Nation, including those forthcoming in Akron. In keeping with President Nixon's call for training and not charity for the unemployed, this same agreement called for the establishment of training centers under an arrangement with the National Urban League.

I am delighted to report that the promises of last June have become the proud homes of December. In Akron, 315 families spent Christmas in their own fine homes. These 315 dwellings are a part of the total of 2,000 that have been added by Mr. Saferstein to the housing inventory of metropolitan Akron through leasing, acquisition, and turnkey to provide housing for families and our senior citizens. This is splendid evidence of what local leadership and American industry can produce when it knows that the administration in Washington respects these great American institutions and has confidence in them. Neither Mr. Saferstein nor Mr. Stirling have made a secret of the fact that the progress in these townhouse units and the incentive to open new technologies can be traced to the inspirational leadership of Secretary Romney and Operation Breakthrough which was developed by the Secretary at HUD.

Significantly, Mr. Saferstein's program in Akron has not dried up as so many others in the country once did under the previous administration. In less than 2 years, Mr. Saferstein has progressed from president of a chain of Akron supermarkets to the Nation's pace setter in housing. He is a true product of the pride and initiative of this great Ohio city.

Thus, under financial assistance contracts approved by Secretary Romney, an additional 850 housing units will be produced for the Akron municipal area in 1970. These astounding figures, which would once have represented a city's 10- or 20-year plan, may soon be taken as typical when the full impact of Secretary Romney's Breakthrough program becomes apparent on the American scene.

PRESIDENT NIXON'S STATE OF THE UNION MESSAGE

HON. GERALD R. FORD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 22, 1970

Mr. GERALD R. FORD. Mr. Speaker, the Congress has heard many great and inspiring speeches, but President Nixon's state of the Union message today will rank high among them.

It was a summons to action to a Congress which has been slow to act. Yet he rose above narrow partisanship and called for a common advance on behalf of all Americans. He placed our priorities the way the great majority of citizens place them—peace, solvency, safety, and improvement of the quality of life.

There was hope and inspiration in the President's eloquent speech. His are not impossible goals but we can achieve them only by working together in a fresh climate. I hope Congress, even though majority control is in the hands of the President's political opposition, and this is an election year, will rise and respond to President Nixon's statesmanlike appeal in the same constructive and conciliatory spirit. I am sure the American people applaud and support this style of leadership from the White House.

STUDENTS AT THE UNIVERSITY OF WISCONSIN SHOW CONCERN ABOUT DETERIORATING ENVIRONMENT

HON. ROBERT W. KASTENMEIER

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 22, 1970

Mr. KASTENMEIER. Mr. Speaker, as the Representative from the Second District of Wisconsin, which includes the University of Wisconsin at Madison, I was particularly pleased to read in the January 22 Washington Post, a report by Colman McCarthy regarding the concern of University of Wisconsin students about the deteriorating environment.

The student body in Madison is rapidly emerging as the Nation's most active college group that is involved in dealing with environmental problems, whether they be found on the university campus, in the city of Madison or throughout the State of Wisconsin.

Sparking the student interest in environmental issues are the Ecology Students Association, the Daily Cardinal, the student newspaper, and faculty members, such as my good friend, Prof. Harold "Bud" Jordahl.

Mr. Speaker, the motivation and constructive efforts of the Wisconsin students and faculty in preserving and enhancing the quality of our environment can serve as a model for all the Nation's colleges and universities to follow. I strongly commend the McCarthy article to the attention of my colleagues:

STUDENTS DIGGING IN FOR ECOLOGY FIGHT

(By Colman McCarthy)

MADISON, WIS.—No group is more concerned, or more disgusted, about the growing destruction of the American environment than the young—the largely voteless and powerless kids in high school and college coming into their first push to adulthood. Their concern and disgust is based on two facts: first, they are less guilty than anyone in the current crime wave against America's air, land and water. This is not because the young are morally superior to the old, as some middle-aged cheerleaders for the kid-cult seem to believe; but mainly because they haven't been around long enough to become accomplices in the pollution violence, assuming they might want to. Second, the young are more concerned about saving the environment because they will be the worst casualties if it is *not* saved. They have more years to go on the ecologically damaged planet than the middle and elderly aged .

Although many student environmental activists are using little more than the scream method that a few in the antiwar movement could never rise above, others are digging in for a long siege. They are finding out exactly what the environmental problems are: the politics, the economy and the technology of it all.

Among the nation's most active campuses in environmental issues is the University of Wisconsin at Madison. On a recent Friday afternoon from 4 to 7 p.m., 19 students met in a seminar on environmental problems. Under the direction of Professor Harold C. Jordahl, the seminar was vocal and highly intelligent. During the three hours, the students discussed and evaluated each other's term papers on such subjects as the hazards of a proposed nuclear power plant in Minnesota, the planning vacuum behind the recently rejected proposal for the Everglades

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jetport, the politics behind the SST—"it really makes sense," said one student, "we spend billions of dollars getting to London 3,000 miles away in half the time when we'll soon need twice the time getting to and from the airport 10 miles away"—the U.S. Army Corps of Engineers' Great Lakes dredging controversy, the lack of regional and national power planning in the U.S.

Prof. Jordahl, delighted to be working with students who bring brains as well as passion to the course, says: "This is the nuts and bolt work of recovering the environment. When a student has enough sense to go beyond outrage, then he is on the way to doing something, not just shouting something, about a given problem. In a few years, most of the students in the seminar will be working in government, in politics, in journalism, the park systems. They're learning the fundamentals now, so that when the time comes and they have the power to act, they'll know what to act for.

"On a deeper level, courses like these aren't only about the environment. They're survival courses."

Aside from the classrooms, numerous campus organizations actively lobby and agitate for antipollution goals. The Ecology Students Association recently sent a report to the University's hierarchy recommending several measures for local control of "resources and pollution." The ESA report said that since the internal combustion engine was the main cause of air pollution, cars and buses on campus should be limited—with a final goal of excluding them entirely. The University steam generating plant, described by ESA as "one of the pollution landmarks of Madison," should be controlled. The University's open space and greenery, or what remains of it, should be respected—despite the administration's "apparent urge to pave every square foot of land."

Further recommendations urged immediate action from the administration to restrict the use of pesticides, to cease using high phosphate detergents, to control silting of nearby Lake Mendota and "ending the use of university property for field testing of pesticides." The first position paper of the ecology students was a condemnation of U.S. militarism in Vietnam; it linked the destruction of life and property in that country to the exploitation and damage to the environment in this country.

One reason the University of Wisconsin is perhaps the country's most environmentally active campus is The Daily Cardinal, the lively and crisp campus newspaper. It regularly runs front page stories on pollution and ecology. Last November, it reported extensively on a group of underdog Madison residents trying to save a local wooded area from the inevitable commerecialists, who wanted it for an apartment house site. "The fight," wrote the Cardinal, "might be called a mini-battle, for across the nation it is much the same story. It's the old struggle between those who would develop and build in the name of 'progress' and those who would save and preserve what little is left of our American landscape." Other recent stories in The Cardinal included ones on the city planning commission, Madison's air pollution problems, the Navy's Project Sanguine which threatened the ecology of northern Wisconsin.

Several editors of the Cardinal will come to Washington in late February for the U.S. Student Press Association's annual meeting of college editors. The entire meeting this year will be on ecology and the environment.

On April 22, E-Day will occur on hundreds of campuses, a teach-in on environmental problems and the options for survival. E stands for ecology, environment, earth, perhaps most basically, existence Many believe that the new awareness will replace Vietnam as the main issue of campus activism. If so, it would figure. Wars come and go, but so far pollution just comes, comes and comes.

DIRECT TALKS IMPERATIVE FOR MIDDLE EAST PEACE

HON. GEORGE E. BROWN, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 22, 1970

Mr. BROWN of California. Mr. Speaker, the conflict in the Middle East is of concern to all citizens. Solutions to the problem are not easy. One thing is certain, however. Peace must come to this war-torn area. All our efforts must be guided by this objective. I am convinced that direct negotiations between the hostile nations are essential for lasting peace in the Middle East.

President Johnson, shortly after the 1967 "6-day war" expressed similar sentiments. He said:

> Clearly, the parties to the conflict must be the parties to the peace. Sooner or later, it is they who must make a settlement in the area.

In other words, if the nations of the Middle East are to live in peace, they must negotiate their own peace.

In supporting the direct talks, I do not discount any role which might be taken by either the United Nations or by the major powers. All nations must play an active role through economic assistance and international leadership if there is to be permanent peace in the Middle East.

Within this context, the United States must assume a steadfast position in its continuing search for peace—in the Middle East as in the rest of the world.

Presidents Truman, Eisenhower, Kennedy, and Johnson all committed unequivocal allegiance and support to Israel. Two years ago, candidate Richard Nixon pledged continued support of this commitment. Mr. Nixon said:

> The United States has a firm and unwavering commitment to the national existence of Israel, repeated by four Presidents, and after Inauguration Day next year, it will be repeated by another President.
>
> America supports Israel because we believe in the self-determination of nations: America supports Israel because we oppose aggression in every form; America supports Israel because it is threatened by Soviet imperialism; and America supports Israel because its example offers long range hope to the Middle East.
>
> We recognize Israel's predicament; its enemies can afford to fight a war and lose, and come back to fight again. Israel cannot afford to lose once. America knows that. And America is determined that Israel is here in the family of nations to stay.

Now, however, recent statements by Secretary of State Rogers—who must be judged as a spokesman of the Nixon administration—seem to indicate a change in America's commitment. In his December 9 speech last year, Secretary Rogers severely undermined the direct talks approach when he asked that other parties be involved in negotiations and that some vague and unidentified binding agreements be attached to the ultimate settlement.

Undermining the possibility of direct negotiations significantly weakens the possibility of a lasting peace—and, more dangerously, threatens Israel's stability and survival.

I do not agree with the Nixon administration's new direction on the Middle East, and I feel that as long as the administration continues this approach, chances for a quick and just settlement are remote.

My concern in this regard is not limited to the problems of the Israeli people themselves. All will benefit from a peaceful settlement—both Arab and Jew.

And my concern for the Jewish people also does not apply to Israel alone. Jews around the world—within Arab nations, within the Eastern bloc—still encounter stiff government-sponsored discrimination. Late last year, along with 56 of my colleagues, I called upon the United Nations to recognize the existence of just one of the many current forms of anti-Semitism—the persecution within the Soviet Union—and to take appropriate action through the U.N. Human Rights Commission.

The world must know that the United States will not overlook or close its eyes to the threats upon Israel's survival or upon the rights of Jewish people anywhere.

WHO REALLY PAYS?

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 22, 1970

Mr. DERWINSKI. Mr. Speaker, there has been abnormal attention given the Rumanian Government since President Nixon's stop there last summer.

The domestic situation in Rumania, which, of course, relates to its diplomatic behavior, is of interest. In a column in the Joliet, Ill. Herald-News, the distinguished international correspondent of the Copley Press, Dumitru Danielopol, discusses the situation in that Iron Curtain country. It follows:

[From the Joliet (Ill.) Herald-News, Dec. 29, 1969]

Who Really Pays?

(By Dumitru Danielopol)

Washington.—A recent letter from a Romanian to a friend in Western Europe asked for a kilogram of potatoes.

It was no joke.

Romania, once the most productive country in the breadbasket of Eastern Europe, is now facing disastrous food shortage.

Farm problems have been chronic ever since the Communists applied Marxism to agriculture. Dairy products, fish and meat always were hard to come by for the man in the street as the regime hoarded such items for export or foreign tourists.

This year however, the situation has reached desperate proportions. Even bread, flour, onions and potatoes are hard to find.

In his harvest speech last October, Party Secretary Nicolae Ceausescu depicted the state of Romanian agriculture in the gloomiest terms. He blamed this year's mediocre crop on the weather but he added that low yields in an important number of collectives were due "less to the weather than to organization and technological failure."

He accused both the Higher Council on Agriculture and the National Union of Agricultural Production Co-operatives of bungling.

Poor organization, bad planning, carelessness, lack of technicians and lack of incentives on the part of the farmers cost much of the harvest to be lost, he intimated.

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Ceausescu grumbled also that 30,000 agricultural experts with university and secondary school education prefer working at the desk rather than "where the harvest is gathered." He warned farmers that "their work could not be limited to certain hours but must be done, if necessary, by day and night."

That is a far cry from Marxist dogma. It sounds more like "capitalist exploitation of the workers" . . . But without the profit incentive.

Agriculture was not the only target of his attacks. He berated the farm implement industry. Breakdowns and poor equipment cost Romania 6–8 per cent of the 1969 harvest, Ceausescu said.

He blamed the Ministry of Chemicals for a shortage of fertilizer.

But, characteristically, Ceausescu did not attack the real culprit which caused this debacle—Marxist theory.

Both in industry and on the collective farms the workers have so little incentive that they work only part-time. Farmers concentrate their efforts on the little private plots they are allowed. These meet their families' needs, but do little for the man in the city.

"Whether we work or not," one farmer recently told an American newsman, "we get the same pay so why bother?"

Meanwhile Ceausescu negotiates to buy food processing factories in the West. And he proposes to pay for them in exports of food.

You figure who will really pay.

THE BANNING OF HIGH POLLUTION INTRACITY VEHICLES

HON. LEONARD FARBSTEIN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 22, 1970

Mr. **FARBSTEIN**. Mr. Speaker, former New York City Councilman Eugene P. Connolly recently proposed a practical way of cutting air pollution in New York which has implications for other cities as well.

Mr. Connolly suggested that high polluting intracity vehicles be phased out over a 5-year period and replaced by vehicles with low pollution power sources.

Trucks, delivery vans, buses, and taxis are major sources of air pollution in urban areas. Almost everyone has experienced the vile emissions of a bus or truck. At the same time, their fleet operation makes their conversion to low polluting alternative power sources most easily achieved.

Here is a practical step cities and States can take now to insure that the dire predictions we have been hearing about our future do not come true.

The full text of Mr. Connolly's suggestion follows:

PHASE OUT POLLUTANTS

Former City Councilman Eugene P. Connolly today called upon City Council President, Sandford A. Garelik, Majority and Minority Leaders Thomas J. Cuite and Eldon R. Clingan, to take immediate steps to plan a phase out of one of the city's worst pollutants.

"New York might as well face the fact that it is losing the battle against pollution. While much brave talk takes place, many avenues where bold, forward-looking action can be taken now are ignored and the problem continues to grow in intensity," he said.

Every study clearly indicates that the internal combustion engine is a major factor in pollution. With the constant increase in use of such vehicles, we must realize that unless we act at once to curb such pollution, it will overwhelm us in the coming decade. In the city of London over 40,000 electric-powered vehicles are in daily operation. In New York City at least 150,000 vehicles so powered could be placed in use.

I propose that, beginning at a period five years from the date of passage of the legislation, no gasoline or allied powered vehicles, used only in intracity traffic, be permitted to operate. The legislation would apply to trucks, delivery vans, busses and taxis operated within the city limits, while passenger cars which present a special problem would be exempt at this time. The five-year phase out would enable owners of vehicles involved to replace present equipment with battery-powered, steam or other non-internal combustion vehicles without hardship as most such vehicles would have reached obsolescence within the period designated. Costs would be comparable to present prices of gasoline or diesel powered equipment, and no problem of speed exists because of existing speed limits for city traffic.

New York City could take the lead in this area and passage of such legislation would immediately stimulate manufacturers to escalate research and production of the needed equipment.

INFLATION AND MEDICARE

HON. BENJAMIN S. ROSENTHAL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 22, 1970

Mr. **ROSENTHAL**. Mr. Speaker, the Congress is under heavy attack these days by the President and by the Secretary of Health, Education, and Welfare for suggesting a strong money bill for those social services. The Members of Congress are being accused of fanning the fires of inflation. Actually, the administration itself is contributing to inflation by doing such things as raising the costs of part B coverage under medicare and looking the other way when insurance carriers and doctors fleece the public under that program.

Recently, the American Patients Association, a national consumer health organization, protested the Secretary's action. The APA's letter was widely quoted in part by the press, but I think it would be instructive for the Members to have the full text available in order to see how inflationary Secretary Finch's medicare action really was.

I include below the APA letter with an extract from the November 26 issue of the organization's publication, American Patient. The letter refers to certain insurance carrier information which is well explained and documented in that extract.

The material follows:

AMERICAN PATIENTS ASSOCIATION,
Washington, D.C., December 26, 1969.

Hon. ROBERT H. FINCH,
Secretary, Department of Health, Education, and Welfare, Washington, D.C.

DEAR MR. SECRETARY: We appreciated being informed in advance of your decision to raise the monthly premium for Part B coverage under Medicare. However, we are deeply disturbed at the size of the increase, the justification given for it, and the effect this increase will have upon this Nation's major domestic problem: inflation.

The new rate—a rise from the present $8.00 per month to $10.60—is to be borne half by the taxpayer and half by the elderly citizen. Both these constituents of your Department, as of July 1, will have tolerated a 77% increase in Part B premiums in less than four years. However, neither HEW nor the medical profession can document in any way that service to patients has also increased 77% in volume or quality. Your December 27 announcement demonstrates that Part B is to be administered as a benefit primarily for physicians who wish to escalate their personal incomes.

Mr. Secretary, the President of the United States has repeatedly asked workers and managers in every other industry to exercise maximum restraints to control inflation. Our Association finds your announcement for the health industry directly contravenes the President's view. It stimulates inflation in the $60 billion health industry. While you say you "estimate" a 6% increase in doctor fees next year, what you have actually done is invite doctors to raise their fees no less than 6%. Three years of Medicare experience—during which office visit fees have risen 23% and house calls have disappeared—ought to prove that Medicare "estimates" are in reality non-negotiated guaranteed annual income raises to doctors, with no strings.

As if this were not enough, you announced that your Department is also providing a 4% "margin for contingencies" because "the estimates are based upon minimum reasonable assumptions," etc. Again, past experience amply proves that the medical community will use every political and economic weapon available to seize all "cushion" monies provided by any governmental agency—Federal, State, or local. *It is clear that your announcement is a self-fulfilling prophecy that doctor fees will rise no less than 6% and as much as 10% next year.*

We also question which "minimum reasonable assumptions" you have reviewed. Your Department has already revealed to our Association that of the 50 insurance carriers reimbursing doctors under Part B, 11 have insufficient administrative controls or fee data (Metropolitan, Nationwide, Pan American, and 8 Blue Shield plans). In other words, your own Department has enough evidence to indicate that doctor fees under Medicare will rise with no controls by public or private agencies; the "contingencies" have been—and apparently will continue to be—built into this program, which is the key "minimum reasonable assumption" in this entire inflationary announcement.

We are fully aware, Mr. Secretary, that you are required by law to set a premium rate each year that is actuarially sound. You have acquitted yourself of this legal requirement, but in the narrowest of terms. Your decision may be actuarially sound, but it is fiscally and administratively irresponsible. You set a new rate that will take not $4.00 but $5.30 from the pocket of each older American who needs and wants Part B protection. But you did not direct the carriers to immediately install the administrative controls they still lack after three years of participation. Neither did you direct the medical profession to hold the line on fees unless it could prove an increase in the volume and quality of health service. And neither did you seek the counsel of the one who will actually contend with this fiscal and medical chaos: the consumer of health service, the patient.

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There is, of course, time to amplify your announcement to include these and other vital elements of cost control and better medical management. In addition, we strongly recommend that the Department conduct an in-depth study of Part B between now and July 1. This study should have a major contribution by consumers of health service. We would hope that from such a study would come recommendations for making Part B a rational, non-inflationary component of the health industry or suggestions for its abolition. Certainly the present structure and mechanisms of the program, reflected throughout your announcement of December 27, are totally out of keeping with the health needs of the elderly citizen today or the health planning for all citizens tomorrow.

The American Patients Association, respectful of your Office and its grave responsibilities, stands ready to provide whatever assistance or counsel it can to help resolve these and other serious issues affecting the lives and well-being of all our countrymen.

Cordially,

THEODORE O. CRON,
President.

A Special Report: Medicare part B—Is it a program living on borrowed time? Future is in doubt.

Part B is pricing itself out of existence. Who says so? The American Hospital Assn., in testimony recently to the House Ways and Means Committee. Next month, when HEW announces the new Park B rate—probably $10.40 monthly (half paid by the old folks and half by the Treasury)—a political storm will intensify. Fiscal conservatives, aghast at the rising costs, and liberals, who see costs precluding expansion of Medicare to outpatient drugs, are unhappy with Part B.

AHA wants Parts A and B combined in the long run, with prepayment over the working years covering hospital and physician expense in retirement. AHA sees the two-part separation of Medicare "cumbersome and quite wasteful in terms of administrative costs."

Administered by the friends of physicians, as Part A is by friends of hospitals, Part B is an administrative nightmare from the consumer viewpoint. Some $211 million annually is paid through carriers that lack adequate control data on doctor fees.

On request of American Patient, SSA named 11 of the 50 carriers as having insufficient data. They include 8 Blue Shield plans and Metropolitan, Nationwide and Pan American life insurance companies. The table below, first publication of '69 experience, shows enormous variation in ratio of administrative cost to benefits. On analysis, 20 BS and 7 other carriers are more than 20% higher than or less than the ratio of New York City BS, picked as a "standard" carrier.

In enacting Part B Congress believed carriers had the necessary control data on doctor fees. In early 1966, SSA found they did not. Last year, more than two years after Medicare began, 18 did not. Early this year, most carriers still lacked the data or technical capacity to effect an SSA-ordered freeze on doctor fees as recognized for reimbursement.

Foot-dragging and resistance to public accountability have characterized many carriers, insiders say. SSA has had to overcome carrier resistance to making doctor fee profiles available for Medicaid use. Even the Senate Finance Committee met resistance when it asked carriers to list physicians with high Medicare earnings.

SSA Actuary Robert Myers has yet to calculate the new Part B rate or get instructions on any reimbursement thaw. The two go hand in hand: the bigger the thaw, the higher the rate. HEW can elect to keep the freeze, end it, or reduce it; the last seems most likely now.

Evidence to prove the freeze really held down Part B expense is hard to find. Putting a lid on fees but not number of billed units of service seems futile.

Using fee schedules might be a last resort to keep Part B intact. For example, Medicare could set ceilings for each type of service, the patient paying the difference between them and physician's total bill. The ceilings could be set unilaterally by Medicare or by negotiation with organized medicine, a prospect former HEW Secretary Wilbur Cohen dreaded.

Perspective: Part B's record will figure in the debate over national health insurance. The big lesson may be that political expediency in 1965 has exhausted any usefulness in 1969. Appeasing physicians who fought Medicare enactment by letting them and their carrier friends be judges of reimbursement may have been a costly experiment. Will patients have a voice in the next go-round?

WHERE YOUR PT. B MONEY GOES, FOR ADMINISTRATIVE AND BENEFIT COSTS—BY BLUE SHIELD AND OTHER CARRIERS IN FISCAL YEAR 1969

[In millions of dollars]

	Administrative	Benefit
Blue Shield:		
Alabama	1.0	57.3
Arkansas	.7	51.8
California	16.8	161.9
Colorado	5.7	16.3
Delaware	.4	2.6
District of Columbia [1]	1.1	13.5
Florida	5.4	98.2
Illinois	3.7	49.3
Indiana	1.9	25.9
Iowa	1.8	16.1
Kansas	1.5	13.8
Maryland	1.3	11.9
Massachusetts	4.3	50.7
Michigan	4.5	50.3
Minnesota	.8	8.9
Missouri	1.3	13.3
Montana	.4	4.0
New Hampshire-Vermont [1]	1.0	8.1
Buffalo, N.Y.[1]	1.1	10.7
New York City	8.9	119.2
Rochester, N.Y	.6	6.0
North Dakota	.3	4.2
Cleveland, Ohio [1]	1.0	12.5
Pennsylvania	5.6	83.6
Puerto Rico [1]	.3	5.3
Rhode Island	.6	8.3
S. Carolina	.7	9.3
South Dakota [1]	.4	4.0
Texas	5.5	82.2
Utah	.4	4.4
Washington [1]	2.4	23.3
Madison, Wis	1.6	18.6
Milwaukee, Wis	.7	8.4
Subtotal	75.8	934.0
Others:		
Aetna Life	3.0	50.0
Connecticut General	1.2	20.7
Continental	1.8	20.6
Equitable	2.3	31.5
General American	1.9	23.9
G-H-I (New York)	1.6	15.4
John Hancock	1.9	19.6
Metropolitan [1]	3.4	38.2
Mutual Omaha	.8	10.7
Nationwide [1]	4.0	52.4
Occidental	5.5	72.0
Pan American [1]	1.7	17.7
Pilot Life [2]	2.0	19.2
Prudential	3.5	60.3
Travelers	2.5	50.3
Union Mutual	.5	5.9
Oklahoma DPW [3]	.7	7.8
Travelers RRB	4.4	60.3
Subtotal	42.6	576.4
Total	118.4	1,510.3

[1] Carrier lacks full fee control data.
[2] No longer a carrier.
[3] Oklahoma Department of Public Welfare.

OIL IMPORT QUOTAS

HON. SILVIO O. CONTE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 22, 1970

Mr. CONTE. Mr. Speaker, shortly before our Christmas recess a remarkable statement, cataloging the many unjustified special privileges enjoyed by our domestic oil industry, was made in Montpelier, Vt. by State Representative John T. Alden, of Woodstock.

Mr. Alden, who now serves as the assistant majority leader in the Vermont House of Representatives, began his statement with a dramatic, symbolic gesture—the burning of $200 in stage money. This sum represents the average cost in artificially high oil prices the average Vermont household must pay as a result of the intolerable oil quota system which has cost the American consumers in the neighborhood of $50 billion since its creation in 1959.

If significant reform of that inequitable program is forthcoming in the wake of the report of the Cabinet Task Force on Oil Import Control, it will be due in no small measure to the leadership of many able people in government at the State level. And Mr. Alden's role in that effort has been considerable.

In a concise and hard-hitting fashion, the Alden statement explodes the myth promoted by the oil barons and their special pleaders that reforms such as the limited reduction in the depletion allowances, and the hoped-for reform of the quota system will cause them undue economic hardship. Mr. Alden makes crystal clear that no segment of our society has benefited more from unwarranted Government largess than the oil industry.

For the information of my colleagues I now include a copy of Mr. Alden's statement:

STATEMENT TO THE PRESS BY JOHN T. ALDEN, ASSISTANT MAJORITY LEADER, VERMONT HOUSE OF REPRESENTATIVES, MONTPELIER, VT., DECEMBER 16, 1969

Gentlemen, I am now going to proceed to burn two hundred dollars.

I fully understand the Federal Law and more fully understand the economy of The John Alden Family, thus will not burn legal currency, but will use two hundred dollars of stage money. The act will be symbolic, but the message will be loud and clear. And that message is: My family, your family, and every family in Vermont will actually burn $200 a year—not in *stage* money, but in hard earned cash right out of their wallets.

In the Christmas season, when parents are stretching budgets to provide a merry Christmas to their children . . . in an inflationary period when heads of households are striving to make ends meet, isn't it almost a state and national disgrace for me to have to sit here and report that the people of Vermont are required to send up in smoke more than $20 million needlessly every year to feed a greedy industry which is entitled by Federal Law to earn unprecedented profits at the expense of every Vermonter who drives a car or heats his home with oil.

I cite—and indict—specifically, the Federal Law that permits the oil industry in the United States, under the oil import quota system to limit the import of less expensive foreign oil to 12.2%. This system affects the Vermonter in these three ways:

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1. It costs the average Vermont household $195.92 per year.

2. It costs the Vermont consumer nearly $21 million a year.

4. It prevents the establishment of an oil refinery in the entire New England area which would substantially reduce the cost of gasoline and heating oil to every New England State.

Sitting here in the tiny State of Vermont, I cannot stand by idly and watch my neighbors pay sucker money to the oil interests who have manipulated Federal laws to the disadvantage of the hard working people of Vermont. My role in this matter should be clearly defined. I am a Representative in the State Legislature of Vermont. If a local situation presents itself in Woodstock, I will act. If a state situation in Montpelier presents itself I will act. But if a situation outside our state boundaries affects the livelihood of any Vermonter I will not hesitate to use every resource to act on behalf of the people who elected me.

If some outside power chooses to tell us that we must pay $21 million in tribute to their greed, then I will act to expose them, and do everything within my limited power to correct a Federal law that is oppressive and unfair to the people I represent.

Who is this power that drains off $21 million from Vermont pocketbooks? I have spent, personally, countless hours to learn the nature of the creature that, legally, plucks hard earned dollars from us. That creature is the oil industry. Let me now review for you how they conduct their business:

1. Oil depletion allowances: In essence the oil depletion allowances, permitted through Federal Law are the greatest license to steal in the history of American government. Since its inception, the oil depletion allowance has cost about $140 billion—paid at the expense of the American taxpayer. No industry in New England has ever been the beneficiary of such largesse.

Yet, no region has been hit harder by such federal largesse than New England.

As a human being, I fully understand that it is difficult to paint a broad picture of an avaricious industry. Industry, like all activity, is people. Let me, therefore, describe the personal appetite of the man who was successful in selling this oil depletion allowance theory to our United States Senate. His name was Boise Penrose, from Pennsylvania. One evening he consumed for dinner a dozen oysters, chicken gumbo soup, a terrapin stew, two ducks, six kinds of vegetables, a quart of coffee and several cognacs. Another time he consumed nine cocktails, five highballs, twenty-six reed birds in a chafing dish, wild rice and a bowl of gravy.

It is not surprising that he weighed 350 pounds. Nor is it surprising that he was an equal gourmand in his requests for the oil industry. But it is of utmost importance to the people who are paying each day for his efforts to know that he was paid many dollars to defeat the Federal Child Labor Law. He also has the questionable distinction of having handpicked, as a kingmaker, two Presidents of the United States. Does he sound like the kind of man who would be interested in how much a Vermonter would be required to pay for the products of his clients?

2. Import quota system: This inequitable system of permitting the oil industry in America to limit to 12.2% the amount of cheaper imported oil has caused the State of Vermont to pay an unnecessary premium of $21 million a year. By forcing New England to pay Federally supported high prices, this area of the United States is unable to have an oil refinery located here.

The additional cost to Massachusetts is $206 million, New Hampshire, $29 million, Connecticut, $95 million, Rhode Island, $31 million, Maine, $43 million. If we are to be a nation of fifty states, where in the literature of The United States Senate, is any act that works to the advantage of The New England States, as the oil quota system works to the advantage of the oil producing states?

3. Taxes: This oil industry, with such liberal allowances for the conduct of its business, has been assailed by Senator Proxmire of Wisconsin, "A man making $600 of taxable income has to pay 14 per cent. But the big oil companies, making hundreds of millions of dollars and in some cases billions of dollars in net profits, pay an average of 7.7 per cent, or half of what the poorest income taxpayers in this country pay."

To extend Senator Proxmire's statement, I submit these verified percentages and I would like every Vermonter to compare them to his own personal tax obligation: In 1967 Standard Oil of California paid 1.2%; Texaco, 1.9%; Mobil, 4.5% and Atlantic-Richfield paid absolutely zero in Federal income taxes although they had an earning of $130 million. To the Vermonter I would like to ask, "Did you pay zero in taxes? Did you earn $130 million profit?" Of course you didn't. But this industry grows fat while you cough up $21 million a year. No wonder they grow fat!

4. Ghost foundations: In addition to the Santa-like tax breaks the oil industry is getting, they further feather their nests with shadowlike foundations that are nothing more than tax-evasive structures that skim $100 million out of the normal tax revenues of the Federal Government every year. As one Federal official described them, bluntly, "Frequently the only purpose of these foundations is tax avoidance." The indictment of the oil industry could go on.

5. I cite the fraudulent advertising games in which they participate. I will bring just one statistic to your attention, there are many more: The Gulf Oil Corporation offered $1,366,800 in prizes in a nationally advertised sweepstakes. That's what they offered. Here's what they paid: $77,750, or a 5.7% payoff of what they offered.

6. I cite the oil industry's reluctance to bring more than 12.2% of import oil into the United States yet over 80% of the non-petroleum related sales (radios, cookware, etc.) of these companies are imported.

7. I cite the recent oil leases they have purchased in the State of Alaska for $1 billion from which they anticipate retail sales of over $100 billion in petroleum products.

8. I cite the continued pollution of our shore lines which pours millions of gallons of oil onto our beaches, killing fish, wildlife and our natural playgrounds. It got so bad recently in Santa Barbara, California, that a group of individuals had to band together to attempt to stop the rape of the seacoast in Santa Barbara. No Federal agency was able to prevent the oil companies from damaging the shoreline with the leakage from their oil towers.

Santa Barbara citizens, known to be very conservative in their political leanings, all of a sudden became vocal activists in their disapproval of the very companies in which they held substantial shares of stock.

9. I cite the shortage of fuel oil which, every winter, threatens the homeowners of Vermont and all of New England. This, then, is the nature of the adversary who, with governmental blessing, tells you in Vermont that you must pay a $21 million a year tribute while they enjoy a tax ride without precedent nor equal in the history of our country.

I am just one lone Representative in the Legislature of the State of Vermont. But I cannot stand still for this condition. I will act within the limits of my position. But I will act.

These are the steps I have taken:

1. I have discussed this inequitable situation with Governor Curtis of Maine, Governor Sargent of Massachusetts, Governor Light of Rhode Island, Governor Peterson of New Hampshire, Senators Aiken and Prouty of Vermont, Senator Proxmire of Wisconsin, Peter Flanigan of the White House Task Force on Oil Imports, Congressman Silvio Conte of Massachusetts, Congressman Robert Stafford of Vermont and Public Service Board Commissioner Ernest Gibson who represented Vermont at the November 24th White House conference of New England States on the Oil Import Quota System.

In my personal communications with these people they have authorized me to make these public statements in their behalfs:

Senator Aiken: "The administration must not condone previous policies which cut off imports and forced Vermont to pay tribute to the domestic oil industry in the form of discriminatory prices." Senator Aiken also noted that the Northeast is the only section of the country without a refinery.

Senator Prouty: "I know you will appreciate the intensity of feeling that occurs where the economic interests of one region are placed ahead of the interests of another. Precisely that situation now obtains in connection with the impact of oil import controls on New England."

Senator Proxmire: "If we should ask the first hundred people we met on the street to name the most notorious loophole—the least justifiable loophole in our tax law, 85% to 90% would promptly say, 'The oil depletion allowance.' "

Governor Peterson: "The citizens of my state have paid artificially high prices for petroleum products for too long and the time has come to remove the barriers to free trade that support these prices."

Governor Curtis: "It is certainly important that all New Englanders be aware at this time of the high costs of the present oil import program."

Governor Light: "For too long, Rhode Islanders and other residents of the northeast section of our nation have been forced to pay more for heat and gasoline than other citizens of The United States. The reason for this unfair situation is our import control program, which limits the importation of foreign crude oil so severely that it is not feasible to construct New England-based oil refineries."

Governor Sargent: "The result of the present system is that we pay more than we should for oil, and that we risk not having enough of it."

Public Service Commissioner Gibson: "How can the Presidential Task Force ignore New England?"

Congressman Stafford: "Vermont has suffered too long the burden of the highest heating oil prices in the country. We need immediate relief from this intolerable situation."

Congressman Conte: "If anyone had any doubts that winter is here, the oil industry erased them with its almost annual cold weather announcement that once again prices will go up. It's getting so the oil barons jacking up prices is just as good an indicator of when winter will begin as the groundhog is of how long it will last."

2. Further, I have discussed this with other significant administrative and legislative leaders throughout the country to gather information and find what course I should follow to correct an obivous discrimination against the people of Vermont.

This is the course I will follow:

1. I will place this document in the hands of every Vermont State Legislator.

2. I will introduce a resolution in the Vermont Legislature to call for the repeal of the Federal Oil Import Quota System.

3. I will call on the two United States Senators and one Congressman from Vermont to exercise their legislative influence to rescind the Oil Import Quota System.

4. I will place this document in the hands of every New England governor.

5. I will place this document in the hands of all New England members of the U.S. House of Representatives.

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6. I will place this document in the hands of every United States Senator, the Secretary of the Interior, the Secretary of Labor, the head of the White House Task Force on Oil Imports, the director of the Office of Emergency Preparedness and President Richard Nixon.

7. I will further offer copies of this document to every head of a Vermont household so that he can see in tangible form what his burden is and what steps are being taken on his behalf to relieve him of what I consider to be an unfair picking of his pocket.

It has been widely announced that the White House Task Force's recommendation on the Oil Import Quota System is imminent. If this goes against the best interests of Vermont then I strongly suggest that all Vermonters regardless of political philosophy or party, rally their best talents of articulation and persuasion to eliminate this system.

I know the heat is on today in Vermont homes. I think greater heat should be put on Washington. Thank you.

UNITED STATES JAYCEES—YOUNG MEN OF ACTION

HON. ROBERT B. (BOB) MATHIAS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 22, 1970

Mr. MATHIAS. Mr. Speaker, this week marks the 50th anniversary of the founding of the United States Jaycees, an organization that has given our Nation hundreds of thousands of outstanding leaders. Scattered throughout my congressional district are scores of public officials, civic leaders, businessmen, educators, farmers, and professional men, who received their introduction to public service through Jaycee activities. Each of them has made a contribution not only to their community, but to California and the Nation.

There are eight chapters in my district with an approximate membership of 385 men. As I said, each of these chapters and their members have made notable contributions to their communities. For example, the Forterville chapter saw the need for a city park, so they took it upon themselves to construct and equip such a park; the Lindsay chapter had a project that lead to the improvement of the downtown area of Lindsay; the Visalia chapter has worked with the Mexican-American community to make them feel more a part of the total community; the Bakersfield chapter was influential in the election of one of its members to the California State Legislature in 1966; and numerous other projects that have contributed so much to the communities and to the entire State.

I know this record of accomplishments and achievements can be duplicated throughout the United States and the world. Because since its beginnings 50 years ago, Jaycee chapters have spread to all the 50 States and to more than 80 foreign countries. They have increased not only in numbers, but in their services to God, humanity, country, and world brotherhood.

As a nation, we owe a great deal to the Jaycees. Their record of achievements and accomplishments is endless. The success of their many projects is American democracy and the free enterprise system at work. It is the story of young men building a better world by developing themselves and their communities.

I believe their positive approach of involvement in making constructive changes in our society should be more universally applied to the many problems facing our Nation. They have set an excellent example that we would be wise to follow.

I am proud to salute the United States Jaycees. I wish them continued success.

ON THE WATERFRONT

HON. EDWARD I. KOCH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 22, 1970

Mr. KOCH. Mr. Speaker, crime on the waterfront in New York City is as pervasive today as it was 17 years ago when the Waterfront Commission of New York Harbor was created to combat it. I am certain that what is taking place in the harbor of New York takes place in many other ports of our great Nation and something must be done about it. I am appending for the interest of our colleagues an article by Mary Nichols, of the Village Voice, exposing some of the corruption. That article in my opinion was responsible for the long awaited report of the Waterfront Commission on a case involving the Mafia. I am setting forth the New York Times January 22, 1970, digest of that report as well as an article in the same paper bylined by Martin Arnold. The articles follow:

MAFIA ON THE WATERFRONT: WHO'S KEEPIN THE LID ON?

(By Mary Perot Nichols)

Various assorted "new politics" liberals were quite shocked when the New York Times reported in August that the name of Anthony Scotto appeared on the FBI list of Mafia families as a member of Carlo Gambino's tribe. They were shocked because Scotto has enjoyed a liberal public image as president of the powerful Brooklyn Local 1814 of the International Longshoremen's Association, and because Mayor Lindsay had only a few weeks earlier announced Scotto as a founder of his new Independent Party for re-election and as a member of his Committee on Vacancies in that party.

Scotto's reputation had already been sullied by articles in Life magazine about the power of organized crime on the Brooklyn waterfront in 1967 and by a story by Milton Lewis (now on Channel 7's "Eyewitness News") in the World-Journal-Tribune in 1966. The Lewis story reported that Scotto, in the company of Anthony Anastasio, president of Local 1716 of the ILA, had paid a visit for help in a personal matter to the Mafia chief of Utica, Joe Falcone. At the time, Scotto denied to Lewis that he had made the trip, and said, "I wouldn't know Joe Falcone if I fell over him. I feel I'm sophisticated enough not to be with the wrong people." (See The Voice articles of September 11 and 25, 1969, on this subject.)

At any rate, the naming of Scotto as an alleged capodecima in the Gambino family did not come as a surprise to a number of Mafia-watching newspaper reporters or to law enforcement officials. In September, when I was writing those Voice articles about Scotto, I learned of an unusual secret hearing before the Port of New York Waterfront Commission the previous fall in which a waterfront carpenter had sworn that Scotto had tried to recruit him into the Gambino family. The Waterfront Commission case, which goes by the innocuous name of the Romano-Crivello hearing, also established that Scotto did indeed make the visit to Falcone.

Along with others watching the situation, I had expected the Waterfront Commission to have concluded its determination on the Romano-Crivello hearing by now. But a determination in the case would make the minutes of the hearing, which are politically hot stuff, available to the press. The foot-dragging on the case is coming, according to reliable sources, not from the New Jersey commissioner, Stephen Bercik, but from the New York one, Joseph Kaitz. Bercik is a tough anti-Mafia lawyer who has received the Mafia seal of disapproval. In the De Cavalcante tapes, a labor union "biggie" in New Jersey assured "Sam the Plumber" De Cavalcante that Bercik, who had been defeated for reelection as mayor of Elizabeth, would never get to be prosecutor of Union County. And he didn't. But, unfortunately for the Mafia, Bercik did get appointed later, by Governor Richard Hughes, to the Waterfront Commission.

Kaitz is a Republican Party wheelhorse who was appointed to the Commission in 1962 by Governor Nelson Rockefeller. He was known as "Walter Mahoney's boy" (Mahoney was the former majority leader of the State Senate) and was for some years in the insurance business with Mahoney. If the Crivello-Romano case remains suppressed, it may come to haunt Governor Rockefeller in the upcoming gubernatorial campaign where the subject of organized crime is expected to be a big issue.

What is it that the Waterfront Commission has been sitting on for well over a year? First, there is the detailed, sworn testimony of one Salvatore Passalacqua, formerly head cooper at Pier 1 at the Brooklyn Port Authority. Passalacqua says that Gasparo Romano, a union hiring agent, not only pressured him to join the Gambino family, but, on a Sunday in July of 1965, actually invited him to a meeting at the union office with Carlo Gambino, Anthony Scotto, Joe Colozzo (one of Gambino's strong men, according to Life magazine), and various Scotto or Gambino relatives and others.

Passalacqua testified that there, in a large room, across a table loaded with food and drink, he was issued a formal invitation by Colozzo, and seconded by Scotto, to join Gambino's family. In September, after Passalacqua made it clear he wasn't joining the family, he claims he was fired on a trumped-up charge that he left his post at the pier without permission. Passalacqua claims he had permission to leave to sharpen a saw.

Now the Passalacqua testimony was only the word of one man over others, but the fact that two defense witnesses, including one New York City official, tripped all over their stories in trying to discredit Passalacqua's, gives his story considerable credibility. The New York City official's testimony should be read carefully by the city's Department of Investigation because it was to him that Passalacqua originally went for help when he lost his job. In fact, this official did get Passalacqua a job for a time through Scotto at the Brooklyn Army Terminal. One might speculate that if Passalacqua had been such a bum on his original job, he would not have been given another one on the waterfront, unless it was hoped to silence him.

The second important revelation in the Crivello-Romano hearings was testimony by former State Police Sergeant Edgar D. Croswell, presently the city's Deputy Commissioner of Sanitation. (Croswell, then an upstate police sergeant, unveiled the famous 1957 underworld convention at Apalachin.) Croswell testified to the Waterfront Commission that Scotto and Anastasio had visited

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Falcone, who had been a delegate to the Apalachin convention. There was other testimony to the same effect which I would think was irrefutable but which will have to come out when and if the hearing minutes are made public.

Oddly enough, late Friday afternoon while I was still checking into all the above, I received an unsolicited phone call from one Anthony Scotto. He called me ostensibly because I had mentioned him in a Voice story the week before, but he seemed remarkably unsurprised about what I was working on. (Could there be a leak to him at the Waterfront Commission?) He even speculated as to my source, whom he claimed was a Villager who "had an obsession about him." The fact is there has been a lot of chattering about this case not only among law enforcement officials but among legislators because Passalacqua also testified a few months later at the Joint Legislative Committee on Crime headed by Senator John H. Hughes of Syracuse. The Waterfront Commission hearings, although closed to the press, were attended by other law enforcement officials.

Scotto then made a comment, which The Voice lawyer says may be libelous, on the state of Passalacqua's mental health. What could Passalacqua's motives have been? Scotto answered,"This is about the third story he concocted about me. . . . I got his job back for him three or four times. . . . He got fired. He's a disgruntled worker."

Scotto said Passalacqua's story had been discredited by a packet of information he had presented to the Hughes Committee. I promised to see Scotto's lawyer and inspect the information this week. The Hughes Committee took its testimony in executive session and it is not yet open to the press.

The ILA leader also claimed that the Waterfront Commission hearing officer had refused to take testimony from a witness who would have alleged that Passalacqua had tried to shake him down.

I asked Scotto why, if it weren't true, a man like Passalacqua would want to make a career out of testifying about something that he might get killed for saying. Said Scotto, "I think he really believes it. That's why he makes such a good witness."

Then Scotto proffered the thought that if he were the Mafia chieftain Passalacqua was claiming he was, what Passalacqua was doing "wasn't exactly normal" in that he was risking his life and limb. There are people, I suggested, who simply have to tell the truth no matter what kind of trouble it gets them into. I asked him if he'd seen the movie "Z" where there was another carpenter who just might be like Passalacqua. Scotto said he hadn't but promised that he would go see the movie.

There still remains the second problem—whether or not Scotto went to see Falcone. I told Scotto of Croswell's testimony. Scotto's answer: "I've testified before the grand jury in the Eastern District on that." Well, I said, if your testimony before the Eastern District grand jury exonerates you on that charge, would you sign a letter to the United States Attorney there requesting that I be allowed to see your testimony? Scotto's answer: "No."

The talk turned to Scotto's listing as a Mafia capodecima on the FBI list. I asked why he didn't make efforts to get his name off. "I know it's not true," said Scotto, "I'm not going to run around for the rest of my life being psyched by that. There are plenty of articles around saying I'm a knight in shining armor but I'm not that either." He also said, "If my name was O'Malley, I wouldn't be on there." I couldn't resist saying that a man named O'Malley would hardly have been named a capodecima by any Mafia family.

The Waterfront Commission was set up in 1953 to try to shake the hold of organized crime on the waterfront of the New York port. The exceptional delay in the Crivello-Romano case raises serious questions. Perhaps it's time for some superior law enforcement agency—or a Congressional committee—to look into just how effective the Commission has been against organized crime.

Waterfront Agency Is Split Over Testimony on Mafia

The two members of the bistate Waterfront Commission of New York Harbor split yesterday over a dock worker's charge that Brooklyn longshore leaders, including Anthony Scotto, wanted him to join a so-called Mafia family led by Carol Gambino. The split meant Commission dismissal of that charge.

The New Jersey commissioner, Steven J. Bercik, declared that "but for the courage of a single witness, Salvatore Passalacqua, this web of criminal domination might have gone undetected."

But the New York commissioner, Joseph Kaitz, declared Mr. Passalacqua was an "inconsistent, contradictory and untruthful witness" with "a strong motivation to lie," and refused to accept his story that he lost his job as a foreman-cooper because he wouldn't join the Gambino group.

This was the first split between the two states' commissioners in the regulatory agency's 17-year history. But in a joint decision, they barred two respondents, Gaspar Romano, a hiring agent, and Thomas J. Crivello, a longshoreman, from licenses for six months.

The two men were held to have acted wrongfully to discharge one worker, Francesco Pinto, a cooper, so his job could be given to Mr. Crivello's son, Peter. The original proceeding had also charged Mr. Romano with having set up the Gambino bid to Mr. Passalacqua.

SCOTTO DENIES CHARGE

Mr. Scotto, a vice president of the International Longshoremen's Association and president of Brooklyn Local 1814, was listed as a Gambino family captain by the Department of Justice last August. He has bitterly denied this, and last night he again insisted he had never attended the meeting portrayed by Mr. Passalacqua.

In fact, Mr. Scotto said, he had never attended "any such meeting." Long at odds with the commission, he also said he regretted that its new ruling would deprive two men and their families "of a living wage" for six months.

Mr. Scotto, whose name was mentioned many times in the long hearings, was never called by the commission to testify. Asked why, a commission spokesman said:

"He was not part of the case, and we assumed that because of the nature of the case, he would be a hostile witness, so we didn't call him."

The release of the decisions, along with disclosure of 1,678 pages of closed-door testimony, showed that Ralph Salerno, a former expert on the Mafia for the New York City Police Department, had testified that Gambino led a so-called family that had a "sphere of influence on the Brooklyn waterfront."

Mr. Salerno said Federal authorities estimated the Gambino family had 800 persons in it, and he said members, included labor consultants, labor expediters and suppliers of service.

The testimony showed David Jaffe, the hearing examiner, had asked Mr. Salerno whether he believed Mr. Scotto was a Gambino family member. Mr. Salerno replied that Joseph Valachi, a Federal informant, "indicated in 1963 he believed him [Mr. Scotto] to be a member," but said he himself would want more than statements by Mr. Valachi and Mr. Passalacqua "before I would make that my opinion."

In his 16-page separate opinion, Mr. Bercik, the New Jersey commissioner, said: "I have carefully examined the testimony of Salvatore Passalacqua and supplementing this with the fact of his firing in September of 1965, which was based on the flimsiest of reasons, I find it to be entirely credible"

Mr. Bercik said he considered that Mr. Jaffe, the hearing examiner, "believed Passalacqua," because Mr. Jaffe wrote that "if the commission had corroborated Passalacqua's testimony of the July, 1965, meeting in any manner whatsoever, I would have found that the commission proved the allegations."

However, Mr. Kaitz of New York held this meant Mr. Jaffe had made a determination of Mr. Passalacqua's "credibility" on "testimony standing alone and without corroboration."

DOCK HIRING DESCRIBED

Mr. Passalacqua, who will be 63 years old on Feb. 8, testified in hearings between June and October, 1968, that he had gotten a job as foreman-cooper in April, 1959, on Pier 1, Brooklyn, through the late Anthony Anastasio, then a longshore local president.

He contended he had paid $30 a month for the job to Mr. Anastasio, making this payment through other individuals, including Mr. Scotto, "when I could not see Anthony Anastasio."

He testified—in Italian through an interpreter—that in July, 1965, Mr. Romano, then his pier superintendent called him and "told me that the next Sunday Mr. Joe Colozzo wanted to see me at the office of the union."

Mr. Colozzo has been president of I.L.A. Ship's Maintenance Workers Local 1277. During the proceeding, Mr. Salerno had characterized him as a Gambino family member.

Mr. Passalacqua, questioned by Anthony Piazza, then assistant counsel for the Waterfront Commission, said he went to the union office that morning, and a Tito Balsamo "came with a key and opened the door."

About 15 persons were upstairs with "all kinds of foods and drinks," he said, adding that among them, were Mr. Scotto and Gambino. The testimony went on:

Q. Now, who spoke to you when you first went into that room?

A. Joe Colozzo.

Q. What did he say to you?

A. He told me that the reason of this meeting—for this meeting was to introduce me to the boss, Joe Gambino—Carlo Gambino, excuse me—because if there was anybody who deserved to become a member of the honorable family, the Costa Nostra, then he should know about it, so that we could, after following the tradition of the laws of the Cosa Nostra, and if I was willing to accept an invitation, they were ready to take me into the family as one of their peers.

I told them that I was not ready to give an answer on the spot because that was not the reason why I had gone in the first place at the meeting. I asked for time to think it over, to think it over, I need some time to think it over.

But Mr. Colozzo asked: 'Why do you need to think about it? Why don't you answer me right now?' But I insisted that I needed some time to think it over.

Q. Did Mr. Anthony Scotto say anything to you at that time?

A. He asked me: 'Why don't you give an answer? What are you thinking so long about it?'

Q. Did Mr. Scotto participate, in any way, in the introductions, Anthony Scotto, that is?

A. Yes, he took part in it.

Q. What did Mr. Anthony Scotto say to him?

A. Just what I have said.

Q. Would you please state what Mr. Scotto said?

A. He asked me: 'Why don't you accept his invitation? After all, we also belong to the same family?'

Q. Now, did Mr. Carlo Gambino say anything to you?

A. He said: 'Give him time so he can think about it.'

Q. Did Mr. Carlo Gambino say anything about any kind of conditions?

A. . . . He told me: "When you leave this room, don't say anything to anybody, and that, so that what we speak about here is between us."

Q. Did Mr. Gambino say anything about Anthony Scotto and you?

A. Yes, he told me that if I accepted his conditions, then I would have to submit to his orders at the risk of my life.

Q. Whose orders?

A. To Anthony Scotto's orders.

Q. Did you have any conversation with the respondent, Gaspar Romano, at that meeting?

A. Yes. He told me: "What are you waiting to accept? I am a member, too, of this family."

Mr. Passalacqua testified that a week to 12 days afterward, Mr. Romano "asked me: 'What are you waiting to give an answer and to accept? After all, I am also a member of this group. So give an answer.' "

Later, he said, he saw Mr. Colozzo after he had vainly asked a union delegate to give him more coopers to help on the pier.

"And I told him that," Mr. Passalacqua testified, "and I asked whether he could help me somehow, but he answered that he could not do anything for me. He asked me: 'You give the answer that you are expected to give to Mr. Gambino?' And I said no. Then he said: 'I don't have anything to do with you.' And then I left."

Mr. Passalacqua said he was then dismissed on Sept. 23, 1965, by Mr. Romano for having left his post, although he contended he had been given oral permission by timekeepers to sharpen a saw.

Mr. Passalacqua testified he had appealed to Mr. Scotto to get his job back. He said Mr. Scotto replied, "For you, Mr. Gambino will think about it," and told him to come back.

Four or five days later, Mr. Passalacqua went on, he went to Mr. Scotto again. He asserted that Mr. Scotto told him he had gone to Gambino, and had said he had gone down on his left knee with his hands together in front of his face to "pray" to Mr. Gambino to get a job for Mr. Passalacqua.

Mr. Passalacqua said, "I told Mr. Scotto that Mr. Gambino was a scoundrel." He declared Mr. Scotto had put his index finger to his nose and rejoined, " 'Don't let anybody hear about it' . . . that he was a scoundrel, because I had insulted him.

Mr. Passalacqua testified he then complained to the Mayor's Committee on Exploitation of Workers, and eventually Mr. Scotto sent a letter dated Dec. 30, 1965, which led to his regaining a job at another pier for a year until the company lost a contract. Since then he indicated that he had worked irregularly.

Commissioner Kaitz, in his 33-page opinion, declared that Mr. Passalacqua had told different versions of the story, including initial complaints to the Mayor's committee and an arbitration proceeding.

In these, the commissioner said, Mr. Passalacqua attributed his dismissal to his opposition to the ousting of Mr. Pinto and the hiring of Mr. Crivello's son on June 21, without mentioning "the alleged Cosa Nostra meeting."

After a decision against him by Burton M. Turkus, industry arbitrator, Mr. Passalacqua then gave a statement to the Mayor's committee dated Nov. 19, 1965, charging that he had been "harassed" and that Mr. Pinto had discharged him because he would not accept the Gambino group "criminal offer."

During the testimony, Mr. Passalacqua contended, he first intended not to describe the Gambino incident because he thought the Pinto story would be sufficient to win his reinstatement.

The far-ranging testimony included an account by Anthony Anastasio, secretary-treasurer of I.L.A. Local 1716 and nephew of the late leader of the same name, of a visit in Mr. Scotto's company to Joe Falcone in Utica in 1966. Falcone has been described as a Cosa Nostra associate.

Mr. Anastasio irately protested questioning on this, but said he had sought help in a court fight to get custody of his children. He said Falcone "was not a friend of mine," but "if the devil lived in Utica and he could help, I would go to see him."

SEVENTEEN YEARS AFTER WATCHDOG UNIT BEGAN, PIER CRIME STILL THRIVES

(By Martin Arnold)

The Waterfront Commission of New York Harbor was created in 1953 to combat half a century of crime and corruption on the waterfront, of kickbacks, usury and labor racketeering, of bloodied heads and murder.

Now, 17 years later, the commission concedes publicly that there are "still certain Mafia influences on the waterfront" and its members privately believe that every facet of the Brooklyn waterfront is run by organized crime.

"We are powerless to move against these people just because they are alleged members of the Mafia," a spokesman for the commission said yesterday. "It is beyond our jurisdiction. It's not illegal to be a member of the Mafia."

This almost casual attitude can be seen in the case of Salvatore Passalacqua, a Brooklyn dockworker. He has told the New York-New Jersey commission that he was once asked to join the Mafia and lost his job after he refused.

NO PLANS TO FOLLOW UP

After 1,678 pages of testimony—in which the question whether the Mafia operated on the waterfront was raised or at least hinted at or nearly every other page, and in which the names of a few reputed Mafia members were mentioned time after time—the two members of the bi-state commission split yesterday over Mr. Passalacqua's charge.

And the commission said that it had no plans to refer the testimony to the District Attorney's office, the United States Attorney's office or any other investigative agency.

The commission was created by the Legislatures of New York and New Jersey, and has two functions: law enforcement along the harbor's 650 miles of shoreline and the regulation of waterfront labor.

Its jurisdiction is limited to an area called the New York Port District, which covers about 1,500 square miles with 200 municipalities and a population estimated at 18 million people.

The two commissioners are appointed, one each by the Governors of New York and New Jersey, for three-year terms. Those of the current commissioners end June 30, 1971.

The present commissioners are Joseph Kaitz of Cedarhurst, L.I., former director of investigation and enforcement for the agency, who was first appointed a commissioner in 1962 by Governor Rockefeller, and Steven J. Bercik of Elizabeth, N.J., first appointed by former Gov. Richard J. Hughes of New Jersey in 1966.

Mr. Kaitz has served as chief investigator for the New York State Crime Commission and was an investigator in the office of Thomas E. Dewey when the former Governor was special rackets prosecutor and District Attorney of New York.

Mr. Bercik, a lawyer, served three terms as Mayor of Elizabeth. He was first elected there in 1957 at the age of 35, making him the youngest Mayor in that city's history.

After World War II, various agencies in New York and New Jersey became concerned about the port's loss of prestige and economic influence. Investigations were begun, particularly into criminal control of the port's labor force, and these inquiries culminated in the formation of the current commission.

The dominant union on the waterfront is the International Longshoremen's Association, whose vice president and Brooklyn leader, Anthony M. Scotto, was identified last year by the Justice Department as a captain in the Mafia. Mr. Scotto denied the charge.

CRIME MARCHES ON

Ralph Salerno, a specialist on the Mafia and formerly with the city's Police Department, has said publicly he would want corroboration before accepting it as a fact that Mr. Scotto was a member of the Carlo Gumbino Mafia "family," as has been charged.

Despite the bi-state commission's efforts to clean up the waterfront, and despite the efforts of Mr. Scotto's union to give the waterfront a better name, there have been continual eruptions of crime in the jurisdiction.

A year ago, for example, Brooklyn District Attorney Eugene Gold said that a large-scale pilferage ring was operating on that borough's piers, with the complicity of the pier guards.

He said that the $500,000 in thefts attributed to the ring represented only "an infinitesimal fraction" of the looting on the waterfront—indicating that 17 years of more intensive policing than nearly any other industry ever received had not changed things radically on the piers.

"THE GOVERNOR AND J.J."

HON. BARRY M. GOLDWATER, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 22, 1970

Mr. GOLDWATER. Mr. Speaker, many of my colleagues have, from time to time, drawn attention to some of the fine contributions of business and industry in their districts. I would like to take a moment to acknowledge two of the major industries in my district, motion pictures and television.

Every day, on television and in movie theaters across our Nation, millions of Americans are entertained by the products of these industries. These industries include NBC and CBS television, Disney Productions, Warner Brothers-Seven Arts and Universal Studios.

Occasionally their productions concern themselves with our business, politics. I, therefore, respectfully wish to briefly comment on a new CBS television program, "The Governor and J.J." At least a half dozen Governors of various States have journeyed to the CBS Studio Center in my congressional district, which embraces North Hollywood, to appear as themselves on the program.

Dan Dailey, long one of our top motion picture and stage stars who is appearing on television for the first time, portrays Governor William Drinkwater of the 51st State. He is nonpartisan, aware, dedicated. The image he portrays each week is both credible and creditable. Miss Julie Sommars, the Governor's daughter, J.J. is a fine young performer whose character on the air gives young people an image to emulate and to admire.

"The Governor and J.J." is a credit to television, to Leonard Stern, its creator and executive producer, to his company, Talent Associates and last, but not least, to television as a medium. I join the millions of my fellow Americans who each week laugh and sometimes learn with "The Governor and J.J." We wish William B. Drinkwater and his lovely daughter a long residence in the Governor's Mansion of our "51st State."

JOSEPH PICONE—JERSEYAN OF THE WEEK

HON. PETER W. RODINO, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 22, 1970

Mr. RODINO. Mr. Speaker, I was very pleased to learn that my good friend, Joseph Picone, chairman of the board of Evan-Picone, has recently been selected Jerseyan of the Week. I want to add my own congratulations, for his contributions have been humanitarian as well as artistic. Mr. Picone is indeed an asset to his industry and a credit to our State. And, I would like to include at this point the following article from the Newark Sunday Star-Ledger:

PICONE FASHIONS IDEAS ON STRICTLY "HIS" AND "HER"

(By Nancy Razen)

When it comes to fashion, Joseph A. Picone's philosophy may sound a little old-fashioned.

"A woman should look like a woman, and a man should look like a man," Picone insists.

But it is this point of view that has kept Evan-Picone Inc. of North Bergen a leader in the field of women's sportswear for years, And the same philosophy put Picone, the firm's Italian-born chairman of the board, on the 10 best-dressed list issued last week by the Custom Tailors Guild of America.

NOT SURPRISED

Picone, a trim, neat figure with youthful blue eyes was cited as best-dressed businessman. Others who won the tailors' approval were New York Gov. Nelson A. Rockefeller, quarterback Joe Namath, actor Omar Sharif and surgeon R. Denton Cooley.

The nominations may have surprised some of the men on the list, but not Picone.

"I've always been in the fashion business," he said in a voice still accented by his native Italian. "And I started out in men's fashion."

As a little boy in Sicily, Picone was apprenticed to a tailor. When he came to the United States with his parents, he had his first job in a custom tailoring shop at the age of 16.

A LITTLE EXTRA

"It was my background in men's tailoring," he explained, "that enabled me to succeed in ladies' fashion."

Picone left the world of men's custom tailoring to mass produce ladies' sportswear in 1948 when he founded Evan-Picone with Charles Evans.

"By applying the techniques of custom tailoring, we were able to give a little extra," he went on, "to produce a garment at a better price and give very good value for that price."

The formula must have been good. Evan-Picone was a success almost from the first.

In 1948 the company's product consisted of slacks, skirts and blouses. The look, throughout the fifties, was separates, Picone pointed out. A woman bought a skirt and then she went out to buy a blouse to wear with it.

"Today everything is coordinates. You have to make skirts, pants, sweaters, blouses, shirts, and they all must be coordinated," he said. "Today women buy the whole outfit together."

For most of the past 20 years Picone has served as president of Evan-Picone, even during the brief period following sale of the firm to Revlon. Picone has since bought it back and moved up to chairman of the board.

"It's important to make room for other people," the dapper executive stressed. "I want to be sure that Evan-Picone will go on even without me, though I have no immediate intention," he smiled, "of retiring."

If anything Picone seems recently to have taken a new lease on life. He married last June for the first time. And he is looking forward to raising a family.

His bride, the former Stefania Careddu di Sambiase, acted in Italian films and television before their marriage in Vatican City. The couple met at a gala costume ball in Venice two years ago which Picone hosted to aid the human and artistic victims of the disastrous 1967 floods in Venice, which happens to be one of his favorite cities.

LOVES TRAVEL

"I love to travel," Picone noted, "and when I can't, I love to stay home and listen to music from all over the world."

The Picones make their permanent home in Leonia, though they are apt to be found in Italy—where Stefania Picone is at present—or in his luxurious business apartment in Manhattan's Waldorf Towers.

But Picone himself manages to spend at least part of almost every day in the North Bergen plant where 70 per cent of Evan-Picone sportswear is manufactured.

"It may be the biggest plant of its kind under one roof in the country," Picone reflected.

The big plant is part of the Evan-Picone philosophy.

It is fashionable, in the fashion industry, to farm various items out to small shops, Picone explained.

BETTER CONTROL

"But I feel we have better control over quality by keeping everything under one roof," he said. "The designers are there, the pattern makers, the piece goods, the cutters, the production man. It is no less costly. In fact," he mused, "it may be more costly. But I feel you gain in quality."

"I know that Joe is admired and respected in his business," says Picone's long-time friend, Rep. Peter W. Rodino Jr. (D-10th D.). "But he is also admired and respected as an individual. He's a very modest, unpretentious, unassuming man and a credit to every American of Italian origin," Rodino added.

The world-famed tailors of Rome might find reason to disagree with the otherwise general regard in which Picone is held.

BEST IN WORLD

"After only a short time in the United States," Picone has said, "I realized custom tailoring here is the best in the world."

His personal tailors, Gangemi-Balletta, Inc. of Manhattan, he considers, "one of the best in the world."

I choose my own suits," Picone explained, "and my approach is always more to the conservative side. I stay with the basic colors and I watch my waistline. A tailor can't do anything for a man," Picone smiled, "unless he keeps himself in shape."

"I'd say Mr. Picone is quite particular," noted Fred Balletta, the gentleman's tailor and president of the Custom Tailors Guild. "He knows what he wants and he understands good clothing."

Balletta considers Picone to be "a very well tailored businessman," and even more important, a man who knows just what is right for himself.

SUIT OCCASION

Picone's wardrobe is large, Balletta concedes, extensive enough to permit him to wear coats and suits—in basic colors that match. And his clothes always suit the occasion.

"He knows fashion, but he also realizes that he's not a young boy. He has made some changes in his suits in line with the new look in menswear," Balletta related. "He goes along with the wider lapels, the shaped jacket, the wider shoulder. But he doesn't go in for tricks like eight button, double-breasted suits with a center inverted pleat all the way up the back, or flared trousers."

"I don't like extremes," Picone admitted. "For too many years men's clothing was too basic, like a uniform. But I don't like the extreme where men's clothing begins to look like ladies', either.

"The changes that are taking place in menswear now are good," he concluded. "They are the right thing. But I still feel that a woman should dress like a woman and a man should dress like a man."

HEALTH AND THE CUTBACKS

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 22, 1970

Mr. DINGELL. Mr. Speaker, it is my understanding that the President plans to veto the Department of Health, Educational, and Welfare appropriations bill, H.R. 13111. The House of Representatives will then have the opportunity to consider overriding that veto. I will vote to override the veto, not only because the education funds are so badly needed, but also because health funds are critical.

In this connection, I would like to call the attention of my colleagues to Sylvia Porter's column, "Health and the Cutbacks," which appeared in the January 12, 1970, issue of the New York Post. The text of the column follows:

HEALTH AND THE CUTBACKS

(By Sylvia Porter)

Surely, you know someone who has cancer or you have known a cancer victim—and surely, you dread the thought of ever having cancer yourself.

We still have not discovered a cure for cancer and it's estimated that in 1970 new cancer cases will reach a peak of 625,000 while deaths will be at an all-time high. Yet, in the face of this and under the superficial excuse of fighting inflation, the Nixon Administration has proposed a budget for the National Cancer Institute nearly $4.5 million less than the 1969 appropriation. Across the land, major research centers devoted to the study of cancer are slated to close. No funds are available for research on the feasibility of a vaccine for virus-caused cancers, a vitally important field.

Surely, you know someone who has heart disease or have known a heart disease victim and surely you dread becoming another victim of this number one killer in our land.

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We still do not know the cause of some of the most prevalent and debilitating forms of heart disease, such as atherosclerosis. Yet, in what seems astounding indifference to the cause for more than half the deaths in the U.S. each year, the Nixon Administration has proposed allocations for the National Heart Institute below even 1969's level.

If Nixon's budget holds, the NHI will have to cut by 40 per cent the number of research projects begun in 1966. An internationally known study of heart attack victims, launched 20 years ago, will have to end in June. Many projects will be axed altogether.

"We shall be courting bankruptcy of America's health if we simply freeze Federal support of health research at current levels," warns Dr. Michael E. DeBakey, world-famed heart surgeon at Houston's Methodist Hospital and Baylor College of Medicine. "Unless the Nixon retrenchment is reversed, the great American investment in medical research since World War II stands the risk of crumbling."

Where and what are our priorities?

Funds allocated by the National Institutes of Health for research and training represent only 1/10th of 1 per cent of our total spending (Gross National Product). Will cutting these funds even more curb inflation? What nonsense!

Our fiscal 1970 budget allocates about $400 per person for defense and about $13 per person for all health. Will slashing the paltry $13 bring us economic balance?

The cutbacks requested by the White House are not only for health research but also for health research training—a "subtle budget policy," says the Senate Committee on Appropriations, which implies that "the cutback in health research is not intended to be temporary." As DeBakey remarks, "the slight allocations for health by this Administration defy understanding." Do you want to wipe out a while generation of medical researchers, thereby undermine the chance that cures will be found for diseases of which you might die?

You may not give much thought to health care until illness strikes you or a loved one. But then you know and then you are grateful that the health reseach of which DeBakey speaks has in this century alone lengthened the life span from 50 to 70 years. And if you want dollars-and-cents assurance here's one: in arthritis, studies have shown that for every $1 invested in improved diagnosis and control, $38 comes back to our economy—a benefit-cost ratio of 38 to one. But what matter benefit-cost ratio when it's your life?

At the end of December, the Senate added substantially to Nixon's stripped-down budget for health, education and welfare—but then did not send the bill to the White House because of fear of a pocket veto while Congress was out of session.

Thus, the appropriations bill will come up again when Congress returns Jan. 19. Thus, you still have time to make it clear that you will not sit by and be a "silent" citizen while this Administration threatens to paralyze health research in our country.

Your own life well may be riding on this tale—and sooner than you think.

TAKE PRIDE IN AMERICA

SPEECH OF

HON. CLARENCE E. MILLER

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 21, 1970

Mr. MILLER of Ohio. Mr. Speaker, the unemployment rate in the United States has gone down consistently from 1961—6.7 percent—to 1969—3.5 percent.

WAGES AND PRICES—THERE'S THE CHALLENGE

HON. AL ULLMAN

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 21, 1970

Mr. ULLMAN. Mr. Speaker, an article this week in the Christian Science Monitor has two telling points to make about the state of the economy. The author, Erwin D. Canham, first observes that all the scrambling of recent weeks within the administration to produce a balanced budget—or even one slightly in surplus—for fiscal 1971 will not insure a beneficial effect on the economy.

The administration's operative psychology is apparently that a balanced budget will impress businessmen and the Nation's money managers with the President's determination to end inflation. The result would be a relaxation of tight monetary policy and a reduction in business capital spending plans.

I am inclined, however, to agree with Canham's conclusion that "there is no certainty that a balanced budget will have more than a marginal influence on the American economy."

Canham's second argument is very important and one that is not receiving serious attention from the administration: Until something is done about wages and prices, we cannot hope to check inflation. Prices rose higher last year than in any year since 1951. There is no sign of abatement. Wage increases, such as the exorbitant 18 percent hike recently awarded to New York City transit workers, continue to inflate the economy.

I believe that the administration can establish tough guidelines for wage and price increases and make them stick by turning the public spotlight on violators. Business and labor must be pressed to lower their sights. Otherwise the administration will have to accept defeat in its war on inflation.

The article follows:

RECESSION AND INFLATION

(By Erwin D. Canham)

President Nixon is fiercely trimming the federal budget. The Commerce Department reports that growth in the economy has drawn to a halt.

But, alas, there is no certainty that a balanced budget will have more than marginal influence on the American economy. There is no evidence that the slow-down now so apparent in many sectors of the economy will really control inflation.

Indeed, there are many signs that the United States is moving into a recessionary period while at the same time most elements in the cost of living continue to mount. In the view of many economists, nothing will really halt the inflationary spiral until something is done to control price and wage increases. Immense labor settlements are being negotiated steadily. Prices, particularly in industries where there is uniformity of price movement, move steadily upward. Some supposedly antiinflationary measures in fact push prices upward: interest costs, taxes, etc.

CONTROLS OPPOSED

It is not easly to suggest remedies. President Nixon is personally very much opposed to price and wage controls. He knows what a vast bureaucratic system would be required to enforce such controls. The entire economy, in effect, would have to come under some measure of federal restraint. Such a prospect is grim.

Nor has Mr. Nixon been enthusiastic about "jawboning" labor and capital through White House pressures. The guidelines proclaimed and partially carried out by President Kennedy fell apart under President Johnson. Pressures and threats from the executive are of very limited effect when market forces are as powerful as they are today.

The New York Times suggests the President should appoint an executive board on prices, wages, and productivity to develop a program "for arresting the inflation that results from the misuse of market power by business or labor."

PARTIAL MEASURES

Perhaps such a program can be devised. There are certainly many partial measures that could be taken, like withholding price supports from farm products, eliminating quotas on various imports, such as petroleum, removing artificial price floors set up by governmental regulation, and so on.

But the main thrust of any program against wage-price inflation must be directed to the board rooms of industry and the great national unions. There the economic power resides. Within them, the decisions are taken which give the great impetus to the price and wage spiral.

Would Congress give the President power actually to move against these great forces? It is very doubtful. Action merely against labor or against management would be ineffective. Action against both is more than likely to drive them into a formalization of the unnatural alliance by means of which administered prices and wages have risen so inexorably in recent years.

TRAGIC BLOWS

Unless inflation is brought within reasonable bounds, the American economy and society are bound to deteriorate. Already there is great suffering. The rise in prices has dealt tragic blows to all those living on fixed incomes. The real standard of living for many has declined. The housing industry—and all those who badly need better housing—have paid a heavy price.

Soon, it is more than likely that unemployment will mount, with all its social consequences. The Defense Department alone expects to end 1,250,000 jobs in the next year. And the budget cuts the President now is carrying out will have a negative impact on many desirable programs, especially in the cities. The kind of economies now being imposed are not the kind which come out of waste and fat. Quickie cuts are more often than not of visible programs which are badly needed.

The political consequences of a recession and a price-cost inflation at the same time are also bound to be severe. The President is very aware of them; he experienced the mild effects of such a recessionary influence in the 1960 elections.

Once more, most acutely, the "new economics" are being tested. The American economic chariot accelerates beautifully. Much of it is also being slowed. But not wages and prices. There is the challenge.

THE 50TH ANNIVERSARY OF THE U.S. JAYCEES

HON. HENRY HELSTOSKI

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 22, 1970

Mr. HELSTOSKI. Mr. Speaker, I wish to join in paying honor to the U.S. Jay-

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cees in this the organization's 50th anniversary year.

We are most fortunate in having such an outstanding organization, which through the years has attracted young men of action and inspiration to its ranks. They are and have been young men dedicated to service to their fellowmen in helping solve the problems of our Nation and the world and to making this a better planet on which to live.

The work of the Jaycees in so many fields has been outstanding, and I always welcome the constructive suggestions they give to me on Federal legislation.

In the years to come may the Jaycees thrive and prosper and continue in their valuable efforts and work for all mankind.

SAVING FOR CHRISTMAS

HON. BENJAMIN S. ROSENTHAL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 22, 1970

Mr. ROSENTHAL. Mr. Speaker, late in the last session of this Congress, I pointed out the practice of banks and other savings institutions which pay no interest on Christmas and vacation club accounts and yet never explain this exception to their banking customers.

I noted that of 10 downtown Washington banks I surveyed, only two paid any interest on such accounts and, in one case, this payment was only conditional.

I have asked the Federal Reserve Board and the other Federal agencies involved in banking matters to look into these practices to see if there were not improvements that could be required of these institutions which would better protect the banking customer's interest.

The Denver Post, in a recent editorial, discussed this subject and my views on it. I include that editorial below:

INTEREST? DON'T BANK ON IT

No one will get too excited if we note that there are only 300-odd shopping days until Christmas, but already 16 million Americans are stashing away pin money in Christmas club accounts. "Members" probably don't know or care that pending federal action may bring them a bonanza.

Rep. Benjamin Rosenthal, D-N.Y., one of the consumer champions in Congress, is disturbed because most banks neither pay interest on Christmas club deposits nor advertise that they don't. So the banks can use that money themselves—some $2.2 billion nationally last year—without paying their customers for the privilege.

To help alert consumers to what they aren't getting. Rosenthal has sought the aid of the Federal Reserve Board, the Federal Deposit Insurance Corp., and the Federal Home Loan Bank Board. None can force banks to pay interest on club accounts, but Federal Reserve regulations could be amended to require advertising the no-interest angle.

An amendment takes at least 60 days to become effective, and bureaucratic machinery being what it is, the Easter bunny could be on his way before something happened. If Rosenthal decides that agency channels aren't getting anywhere, he plans to hold hearings on the issue.

Such an airing would be fascinating from a psychological as well as fiscal standpoint. Why do millions of us pour our hard-earned, inflation-depleted cash into accounts that earn us nothing, when we could be getting 4 or 5 per cent in a savings account at the same bank?

The gimmick has been working since 1910, and about the only public protest until now came from New York State Atty. Gen. Louis Lefkowitz. He met with bankers a few years ago hoping to make them change their ways, and he submitted several bills to the state legislature requiring club interest, but neither effort made a dent.

One executive implies that the public is simply paying a bank to "force" them to save. Jack Frenaye is president of the Christmas Club Corp., which handles promotion for 10,000 member banks. He observes that the coupon books representing weekly deposits of a set amount seem to provide more incentive than interest.

Those who miss only one payment, he says, sometimes call the bank and give assurance that their cash is on the way. And when withdrawal time comes, they don't seem to feel as guilty as they would taking cash from a saving account (maybe because they know it wasn't earning them anything in the first place).

Rosenthal feels the clubs are unfortunate because they attract low-income persons who most could use some interest. Frenaye maintains that the average depositor's family income in 1969 was $12,000, and he only put in $139.

The bank's answer to the no-interest charge is that running the clubs costs more than savings accounts because of promotion expenses and gifts to attract new members. Rosenthal replies that many banks pay an outfit like Frenaye's to do the work for them—and why not spend the money on interest instead of free ash trays?

The safest course may be to make banks advertise that the clubs don't give interest, and then let customers pay their money and take their choice. If interest is required, some bankers may try the device being used in one Washington institution. It pays interest, all right, but if you miss a single deposit, you forfeit interest for the entire year. It sounds like Scrooge on Dec. 24.

"PUEBLO" CREW—HOW LONG?

HON. WILLIAM J. SCHERLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 22, 1970

Mr. SCHERLE. Mr. Speaker, it was 2 years ago tomorrow, January 23, 1968, that the U.S.S. *Pueblo* and her crew were captured by the Communist North Koreans. All Americans are most thankful that Commander "Pete" Bucher and his crew have been back in the United States for more than a year.

Yet the *Pueblo* crew once again remains in suspense about possible U.S. Government action. This Congress has had proposed legislation before it for a long time which would exempt the crews' salaries earned while they were in North Korea prision camps from Federal taxation, which is the general rule accorded U.S. military personnel.

Now some 7 months later the relief legislation still languishes. Members of the *Pueblo* crew have contacted me to determine the possible outcome of this legislation. Mind you, the crewmembers are not urging the other body to pass the proposed legislation—rather they only wish the bill would either be approved or disapproved.

Most of the crewmembers are now filling out their 1969 Federal income tax forms and they do not know whether they are entitled to the money withheld from their paychecks or, in some cases, whether they should pay more.

It is tragically ironic that once again the *Pueblo* crew sits and waits for our Government to act. I urge prompt consideration of this legislation.

REPRESENTATIVE PELLY REPORTS TO WASHINGTON'S FIRST CONGRESSIONAL DISTRICT

HON. THOMAS M. PELLY

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 22, 1970

Mr. PELLY. Mr. Speaker, during the congressional holiday recess I had the opportunity to speak to numerous clubs and organizations in the district I am honored to represent, and the time away from the Nation's Capital afforded me the occasion to listen to the concerns of my constituents. It was a rewarding time.

In this connection and of special importance was the meeting I arranged with the Seattle school board, and I am scheduling similar meetings with other educational groups in the near future in my district.

Meanwhile, looking ahead, President Nixon's state of the Union message was especially gratifying to me in that it would meet the challenges of the environmental crisis. Of course, in the last session of Congress, I cosponsored legislation which passed and is designed to kick off this attack on pollution by establising a Council of Environmental Advisers to the President. Rumor has it that Under Secretary Russell Train, a leading conservationist, will resign to head up this Council which augurs well for the President's proposed national growth policy.

Speaking of the President's speech, he pointed up the failure of Congress to deal with his proposals to curb crime and reform our welfare system. I trust Congress will speedily act on these measures.

When I was home, one of my objects was to report to my constituents the results of my recent questionnaire to which I received overwhelming response. Of the 170,000 questionnaires sent to every household in my district, 22,300 responses were received.

For the information of my colleagues, I submit the results of the questionnaire for inclusion in the CONGRESSIONAL RECORD. Some of the results were most revealing:

[Answers in percent]

1. Should President Nixon's family assistance and workfare program be set up in place of the existing welfare system?

Yes	65
No	8
Undecided	26

2. Should a percentage of Federal income tax money be shared with the cities and States for use as they see fit?

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Yes	66
No	26
Undecided	11

3. Should Federal aid be cut off from students disrupting college classes and administration?

Yes	83
No	13
Undecided	3

4. Should we elect the President by direct popular vote?

Yes	81
No	13
Undecided	5

5. Should we amend the Constitution to give 18-year-olds the vote?

Yes	36
No	57
Undecided	6

6. Should we create a self-supporting U.S. postal corporation in place of the present postal system?

Yes	73
No	15
Undecided	11

7. Should we pick draftees by random selection (lottery)?

Yes	76
No	12
Undecided	11

8. Should we step up space spending to put a man on Mars?

Yes	15
No	73
Undecided	10

9. What should we do about Vietnam?

A. Carry on limited military action, pursue the peace talks in Paris—4 percent.

B. Follow the Nixon policy of gradually phasing out of U.S. troops and replacing them with South Vietnamese—63 percent.

C. Resume and expand bombing of North Vietnam—16 percent.

D. Withdraw immediately—16 percent.

THE 50TH ANNIVERSARY OF THE U.S. JUNIOR CHAMBER OF COMMERCE

HON. BARRY M. GOLDWATER, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 22, 1970

Mr. GOLDWATER. Mr. Speaker, I rise to bring to the attention of this distinguished body, the 50th anniversary of the founding of the U.S. Junior Chamber of Commerce. Since this week has been set aside as Jaycee Week, I wish to take a moment to praise the fine work of the thousands of young men who belong to the Jaycees throughout our country.

Certainly their work is a tribute to the fine young Americans who endeavor, every day, to make this Nation of ours a better place in which to live. So many times we hear biting comments about young people and I think the Jaycees are a wonderful example of the kind of real devotion young Americans have to the ideals that have made this country great.

I particularly want to thank and commend all of the members of the Junior Chamber of Commerce from my district for their fine work during their past years in Kern and Los Angeles Counties. I think that all of the citizens of my district should pause for a moment to salute these fine "young men of action," the Jaycees.

In closing, I would like to wish the Junior Chamber of Commerce an even better 50 years to come.

RAILROAD PASSENGER SERVICE—SAME OLD STORY

HON. ROBERT N. GIAIMO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 22, 1970

Mr. GIAIMO. Mr. Speaker, more than 50 of our colleagues and I introduced last year a bill to give the Interstate Commerce Commission power to regulate the quality and adequacy of railroad passenger service throughout the United States.

We did so because we strongly believe that railroad passenger service must become an integral part of any future system of comprehensive, efficient mass transportation and because we can no longer ignore the obvious decline of such service and the valid comolaints of railroad passengers everywhere.

For those who believe we are overemphasizing the plight of railroad passengers, I wish to include at this point in the RECORD a perceptive story by Edward Hudson in the New York Times of January 19. This story describes conditions on the Penn Central Railroad's New Haven Division and the difficulties which Penn Central has faced in attempting to improve service:

NEW HAVENS SAME OLD STORY

(By Edward Hudson)

Beleaguered commuters on the New Haven railroad, who have been promised a bright future as a result of a plan to put the railroad under state control, are almost daily struggling to cope with a nightmare of ancient, crowded cars, frequent delays, confusion and breakdowns.

These conditions have not only persisted, but in some ways have also apparently worsened since the Penn Central Company took over the ailing New Haven on Jan. 1, 1969. Under the proposed takeover by Connecticut and New York, to be made final by early summer, the Penn Central will continue to operate the commuter line for a management fee.

Figures made public by the staff of the New York Public Service Commission indicate that on-time performance on the New Haven—at least the intrastate portion—has gone downhill under Penn Central's management, from more than 90 per cent in 1968 under the old New Haven management to about 81 per cent last year.

On Friday, George J. Conkling, Connecticut Commissioner of Transportation, asked Penn Central to take immediate action on a "growing list of complaints," saying that passengers were having difficulty learning of schedule changes, acquiring printed schedules and obtaining train information by telephone.

Officials of the Penn Central, mindful of intense political and passenger criticism, insist that the company has spared no effort to rescue a deteriorating line that has suffered from years of neglect and deferred maintenance. What is needed, they say, is time.

NO MAGIC WAND

"There's just no waving of any magic wand that can turn this railroad around so we can say, 'You're going to have it lovely in 60 days,'" said R. W. Mustard, the New Haven mechanical superintendent, in an interview.

J. M. McGuigan, general manager of the line, estimated that the Penn Central was now spending about $2-million a month in attempts to upgrade the railroad and its equipment between Boston and New York.

Of this, he said, probably 40 to 50 per cent is going into improvements on the commuter runs between New Haven and Grand Central Terminal, which is the portion that is to be taken over by the two states under a $56.8 million improvement program.

"I think we've got the patient to the point where it is going to live," Mr. McGuigan said. "Now, the problem is to make it strong."

Penn Central officials dispute the on-time findings of the Public Service Commission, contending that data for 1969 performance include operations in Connecticut while the figures for 1968 do not.

However, commission staff members, who work from daily on-time data supplied by the railroad plus independent investigation, maintain that the inclusion of data from Connecticut makes little difference in the over-all findings.

The staff said that the on-time performance of New Haven trains that travel within New York State dropped to an average 81 per cent for the first nine months of last year compared with 1968's average of more than 90 per cent. This is significant because it indicates that such service is below a 90 per cent standard of reasonable service set by the state's Department of Transportation under a railroad tax relief statute.

In addition, raw data for the last three months of 1969 have shown no improvement in on-time service, according to the commission's staff.

ONE TRAIN 10 PERCENT ON TIME

These figures are over-all averages that some specific trains exceed and others fall far below. The heavily traveled 7:38 out of New Canaan and the 7:55 out of Stamford, for example, were on time last month only 10 per cent of the time.

There are indications, however, that on-time performance is worse than these figures indicate. That is because the data do not include figures for trains arriving within 5 minutes of scheduled time at destinations, delays due to line maintenance and delays for reasons considered beyond the railroad's control—such as time lost caring for ill passengers or contending with snowfalls that exceed 10 inches.

But most New Haven commuters, increasingly disturbed by trains that are crowded, littered and late, do not need statistics to tell them that something is wrong.

On his way home from Manhattan the other evening aboard a dingy old car, a New Rochelle commuter turned to a companion and declared:

"The Long Island at its worst was better than this railroad. They're never on schedule."

A man in front of him turned around to add:

"You can't get rid of a cold, riding these days. You'll find newspaper stuck in the windows to keep out the draft."

The complaints against the New Haven are part of a pattern that covers area commuter lines, including other Penn Central operations in Westchester.

COMPLAINTS CITED

One of the most frequently voiced commuter complaint is the line's unpredictability, with delays on operating trains frequently running half an hour, an hour and even two hours. Another is lack of information on the

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reasons for the delays. Still another is last-minute changes on train assignments at Grand Central that require commuters boarding their train to suddenly dash like well-dressed Charlie Chaplins to another track for another train.

Commuter protests were also heard after the railroad announced last June that it was seeking a new fare structure that would net it 3 per cent more revenue. The request is still pending before state and Federal regulatory agencies. The line is seeking to encourage the use of monthly commutation tickets in place of the 10-trip tickets used by most commuters, which would, in many instances, nearly double in price.

For example, the railroad wants to raise the price of a 10-trip ticket from Larchmont to New York City from $8.95 to $17. The monthly commutation ticket would go from the present $33.90 to $34.

The fare request and subsequent regulatory hearings, since concluded, helped swell the number of complaints about the line received by the Public Service Commission. More than 770 complaints were received about New Haven service in the first 10 months of 1969, as compared with a total of five complaints the previous year, officials reported.

Six weeks ago Connecticut and New York signed a preliminary agreement with the Penn Central providing for the two states to take over the New Haven service and turn it into a commuter's dream by buying new and faster cars, building new stations and installing new power and signal systems.

But government and rail officials have repeatedly stressed that the dream won't begin to materialize for the commuter until the new cars make their appearance—sometime in 1972. Some commuters, embittered by past experience, remain skeptical.

"We'll believe it when it happens," said a midtown executive who has ridden the New Haven from Connecticut for more than 20 years, and who, he says, remembers with sadness that the New Haven was a "crackerjack" line, with rarely a delay, in the early nineteen-fifties.

"What we really want," he added, "is that the service doesn't get any worse."

Lots of passengers have been unable to find a seat at peak hours and they are unhappy about it.

New Haven officials concede the problem and maintain that it had been aggravated by a shortage of cars. When it took over the line, the Penn Central condemned 26 old cars because of their age and rundown condition. It has since pulled out of service another 20, leaving it with 393 cars, 56 fewer than the year before.

The Penn Central says it can't simply go out and buy new cars "off the shelf" because the New Haven has a "unique" power system. The cars must be equipped with two means of picking up power—from an overhead catenary wire that ends at from a third rail that extends from Woodlawn to Grand Central Terminal.

LINE SAYS IT TRIES

The railroad insists it has been hard at work putting in new rail; replacing catenary wires that have been worn, in some cases, to one-fifth their original size; repairing locomotives (which will eventually all be replaced with self-propelled cars), and cleaning and repairing coaches and replacing broken windows, many shattered by vandals.

"I think we've been given a bad rap," a New Haven official lamented. "The general implication is we've been sitting on our backsides and not doing anything to improve the railroad.

"But I think people did not realize how close the New Haven was to utter collapse. And I don't think the average person understands it takes time to clean out shops, institute modern practices and get programs rolling. I don't think anyone can recover from 10 years of neglect in one year.

"We'd like to have done far more, but, on the other hand, we've certainly been doing twice as much as was done on the old New Haven."

Under the New York-Connecticut takeover, the Penn Central, which absorbed the New Haven in exchange for Federal approval of the Penn Central merger, will operate the New Haven commuter service for a $100,000 yearly fee, with the states picking up any operating deficits.

The Federal Government and the states will share the $56.8-million cost of modernizing the line. The Federal share has still to be approved by the Urban Mass Transportation Administration, but this is expected. Several state agencies must also approve the terms.

Only after the final documents are signed can contracts be let for the purchase of 144 new cars, the construction of new stations and other improvements. This is not expected until early summer.

About the only consolation railroad officials hold out to the 24,000 Westchester and Connecticut residents who ride the railroad regularly is that we will be able to watch some of the rehabilitation in progress as they ride by in their old cars.

But this, in fact, is a mixed blessing because conditions could worsen as work gets underway.

"I'm afraid that the commutor, initially, is going to see some more dislocations," Mr. McGuigan warns. "But this is not going to be just work to keep the railroad alive. From here on, they're going to see work that will result in great improvement."

Although the rehabilitation will not begin in earnest until the final take-over contract is signed, the state agencies responsible—the Metropolitan Transportation Authority of New York and the Connecticut Transportation Authority—say they are proceeding with preliminary planning.

Harold Wanaselja, chief of project management of the M.T.A., said that his agency hoped to begin soliciting bids on the new cars in February or March—well in advance of the take-over.

The new cars will be nearly identical to the new coaches on the Long Island, with contoured, high-backed seats. Each car will seat 130 passengers, with seats arranged in rows of three on one side of the aisle and two on the other. This is 10 more than existing New Haven cars. The major difference will be external—the addition of overhead pantographs atop the train to pick up power from the catenary wires between New Haven and Woodlawn.

Plans call for the new New Haven cars to be delivered starting 18 months after a contract is let. All are to be delivered in a year's time.

Probably the first visible evidence of the modernization will be work on new stations. The two agencies plan to raise the railroad's station platforms to the level of the car floors.

Except for Grand Central Terminal, platforms are now all at ground level, which means that commuters must struggle up the car steps—no easy thing for the heavy-set, the elderly or the handicapped.

The line's 9 stations in New York and 18 in Connecticut will be reconstructed.

The M.T.A. plans, in the near future, to approach local communities along the New Haven's right-of-way to stimulate interest in joint state-community efforts to rebuild the stations.

Some communities already have been mapping their own plans. In others, private developers have acquired title. In Greenwich, for example, a developer is building a commercial project of offices and stores.

AUTOMATIC CONTROLS

Among other improvements new signals will be added and the New Haven trains will be equipped with new automatic train controls.

Recently Mr. Mustard, the line's mechanical superintendent, showed a visitor through a large building in New Haven that contains the facilities for overhauling the New Haven's cars and locomotives. Repeatedly, he complained that the old management had left the repair shops in deplorable condition.

"They never threw anything away," he declared. He said there was grease on the shop floor "an inch thick."

As a result of changes in the shops, the line says it is now turning out six refurbished cars a month, at a cost of $6,500 to $10,000 a car. Under the old system less extensive refurbishing—about $2,500 a car—produced four improved cars a month.

When asked if the car rehabilitation could be speeded up, Mr. Mustard replied:

"Assuming I was able to find shop space, which would be difficult, and assuming I was able to find the skilled manpower, which I know is impossible, and that we overhauled all the cars on a one-year crash basis, what in the world would I do with the manpower and the additional shop space after the year is over?"

PROPOSAL TO HONOR THE LATE DR. MARTIN LUTHER KING

HON. THADDEUS J. DULSKI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 22, 1970

Mr. DULSKI. Mr. Speaker, there have been a number of suggestions for honoring the late Dr. Martin Luther King, Jr., in my home city of Buffalo, N.Y.

Dr. King's birthday, January 15, was marked appropriately in our community and the local organization BUILD proposed the renaming of one of our day's main arteries, Jefferson Avenue, in Dr. King's honor.

As an alternate to the renaming of Jefferson Avenue, one of our major television stations, WGR–TV, has proposed instead that Dr. King be honored by changing the name of Kensington Expressway to Martin Luther King Expressway.

The movement in our city to honor the late Dr. King is sincere and has my full support. I am impressed with the suggestion of WGR–TV and the logic for the alternate.

I do not believe that Dr. King would have wanted our city to replace its existing memorial to Thomas Jefferson, one of the founders of our country. Thomas Jefferson was the Nation's second Vice President and its third President.

WGR–TV broadcast an editorial on January 12 in support of its alternate. The text follows:

MARTIN LUTHER KING MEMORIAL EXPRESSWAY

The local organization BUILD has asked that Jefferson Avenue in Buffalo be renamed to honor Doctor Martin Luther King Junior. We think the suggestion to memorialize Doctor King has merit and should be considered.

Our suggestion is to rename the Kensington Expressway. This would enable Buffalo and the Niagara Frontier to honor the late black leader and still maintain the memorial to one of our country's founders, Thomas Jefferson.

Creating the Martin Luther King Expressway has some symbolism in that it can be

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considered a road out of the ghetto and one which connects with a continuing series of highways.

The purely practical aspect of the idea is the elimination of confusion and expense in changing local addresses, letterheads, signs and other items associated with such changes.

It is our feeling that the Martin Luther King Memorial Expressway would be a fitting tribute to a great American.

THE 1879 TEXAS ALMANAC DISCUSSES DALLAS

HON. JAMES M. COLLINS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 22, 1970

Mr. COLLINS. Mr. Speaker, during the recent holiday season I was given a reprint of the Texas Almanac for the year 1879. My friend, Jack C. Vaughn, chairman of the board of the Steck-Warlick Co., was thoughtful enough to reprint this most interesting historical document. At this time, the Dallas Morning News continues the tradition of publishing our Texas Almanac annually.

Back 90 years ago, Dallas was a young city with 16,000 population, whereas, today, we have grown into a metropolis of 1,300,000 people. But, what impresses one most about this summary of Dallas in 1879 was the type of dynamic leadership that pioneered our community. They were described as "businessmen who discerned the future; men who worked together for the general good of the city, displayed a degree of enterprise, combined with a concert of action, and mutual regard of the prosperity and growth equaled by no other city in Texas. Such men as flocked to Dallas are deterred by no obstacles." And, as we start into our clean 1970's, the greatest asset in Dallas is still the manpower leadership—men looking to the future.

One interesting remark was the last comment where Dallas had "minerals the value of which cannot now be conjectured." Our city never expanded because of its minerals. We have no oil, no gold, and no minerals. It is no longer a matter of conjecture—we have no minerals—but Dallas still has the dynamic leadership and that is the greatest asset any community can have.

Mr. Speaker, the summary of Dallas from the 1879 Texas Almanac follows:

THE CITY OF DALLAS

Is the metropolis of north Texas. It is the most wealthy and populous portion of the State, and by reason of the vigorous enterprise of her citizens, and rapid growth has sometimes been designated the "Chicago" of Texas. Dallas is the center of the great wheat belt of the State, and is in the midst of a tier of counties, the productiveness of which are unsurpassed, if equaled in the broad world. Until a very few years ago Dallas was merely a respectable local country town. With the advent of the Houston & Texas Central road, connecting her intimately by great trunk lines with the West, and the Gulf of Mexico, commenced a tide of emigration rarely witnessed, even in the rapid growth of American cities. These newcomers were shrewd businessmen, who discerned the future that awaited the city. Then came the Texas Pacific, affording her additional facilities, and a through competing line of railway. It may, without prejudice to other points, be said that the businessmen of this city have displayed a degree of enterprise, combined with a concert of action, and mutual regard of the prosperity and growth of the place equaled by no other city in Texas. With the disadvantages of limited capital, no enterprise was omitted which could contribute to the growth and prosperity of the young city. Such men as flocked to Dallas are deterred by no obstacle. Capacious stores and warehouses were erected, and the ambition of these men probed for the trade of far distant points. Soon Dallas was the busiest mart in Texas. Why should she, the center of the richest lands and most populous section, not become the metropolis of the State? Such it is quite within the bounds of probability, she is yet destined to become.

There is certainly concentrated here an amount of pluck, vigor, and enterprise which, considering age and capital, is exhibited nowhere else in Texas. Men, too, work together for the general good of the city, and concert is nine points in the battle for success. But not alone has Dallas been alive in commercial enterprise. Within a period so brief, she has made rapid strides in industrial enterprises. She has in operation two cotton compresses, two grain elevators, a mammoth cotton seed oil factory, a number of capacious planning mills, a woolen factory, six flouring mills, supplied with all modern machinery, several foundries and machine shops, some of them capable of turning out any description of work; a cement factory, an artificial stone factory, quite a number of brick kilns, a large broom factory, carriage and wagon manufactories, and is the headquarters for Texas for farm and mill machinery—perhaps doing more business in that line than all other towns combined, the business in this branch alone aggregating $2,500,000. One of the grandest enterprises inaugurated by the people was the building of the Dallas & Wichita Railway, stretching in a northwesterly direction through a region abounding both in minerals and rich productive lands, and the completion of which will open to Dallas a grand future.

Dallas has perhaps a greater number of elegant and substantial churches than any city in the State, of which there are 21, representing most of the leading denominations of religion, all presided over by able divines. No city is better supplied with schools and colleges—a magnificent female college recently completed being one of the notable features of the city.

It may be readily assumed that a people so enterprising and ambitious as those of Dallas, would not be slow in the inauguration of modern improvements. No city is better lighted with gas. Here are waterworks bringing fine water into almost every house. Some 7 miles of street railway, and other improvements too innumerable to mention in these pages. The extent of hotel accommodations at Dallas are unequalled in the State, a number of them being commanding buildings, perhaps equal to any in the Southwest. A stranger visiting Dallas from most any of the other towns of the State, is at once impressed with the evidences of life to be observed on all sides. Wagons from remote counties, loaded with cotton, wheat, and other produce, blockade the streets. He is not less impressed with the intelligence and bearing of those men from the country, who come here to dispose of their produce and furnish their supplies. They are in fact composed of thrifty farmers from the Northwestern, Western, and Southwestern States, who came to Texas to better their fortunes, and are succeeding. No better society is to be found in the world than the population of western and northwestern Texas.

The number of cotton buyers in this market during the season of 1878–9 have been numerous, and the means at command abundantly ample to move the crop. In fine, it clearly lies within the power of the people of Dallas to maintain for her the position which she enjoys at this writing as one of th leading commercial and manufacturing cities in Texas, and the day is probably not far distant when her present 16,000 or 20,000 inhabitants will swell into 50,000—for not alone is Dallas the metropolis of the great wheat belt, but of a country alike adapted to cotton and all the cereals—of a region vast in area, and yet comparatively undeveloped, abounding not alone in rich cheap lands, but in minerals the value of which cannot now be conjectured.

STATE DEPARTMENT VIEWS ON HICKENLOOPER AMENDMENT

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 22, 1970

Mr. HAMILTON. Mr. Speaker, I thought it would be of interest to my colleagues to read some recent correspondence between the State Department and myself, on the issue of the Hickenlooper amendment. The letters follow:

DECEMBER 8, 1969.

Hon. WILLIAM P. ROGERS,
Secretary of State,
Washington, D.C.

DEAR MR. SECRETARY: I would like to know what your views are regarding the Hickenlooper amendment to the Foreign Assistance Act of 1961. Do you recommend its repeal or its continuance? Has it been an asset or a liability in our negotiations with Peru, and in our relations with other South American nations?

I look forward to receiving your reply.

Sincerely,

LEE H. HAMILTON,
Member of Congress.

DEPARTMENT OF STATE,
Washington, December 22, 1969.

Hon. LEE H. HAMILTON,
House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN HAMILTON: The Secretary has asked me to reply to your letter of December 8 concerning the Hickenlooper Amendment.

In the wake of our recent crisis with Peru the question of whether this amendment serves the national interest has become increasingly debated within the Executive Branch. It is the view of the Department that the Hickenlooper Amendment *does not add to the President's' authority to protect American business abroad,* and in fact *introduces certain elements of inflexibility* that can make it difficult for the Executive Branch to shape a response that is appropriate to and likely to be effective in a particular case. For instance, the six-month time limit prescribed by the amendment leads to public, time-specific confrontations that make it more difficult to carry out the delicate negotiations that are necessary to resolve these difficult problems. In this sense at least the amendment is *a liability* in our negotiations with Peru over the expropriation of the properties of the International Petroleum Corporation. In effect, the amendment tends to put all U.S. interests in a country at risk on a single issue, admittedly a very important issue.

On the other hand, this provision of law was intended to act as a deterrent to uncompensated expropriations and other actions against U.S. investors in violation of international law. This is an important purpose and a legitimate concern of the Congress.

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While questions can be raised as to whether the amendment in its present form is an effective instrument for that purpose, there are different opinions on this matter that deserve careful consideration. In addition, we are faced with some current and potential exproportion situations which would affect both the substance and timing of any position the Department might take on possible adjustments in the amendment.

At the present moment, we are *not prepared to make any definite recommendations* on the future status of the amendment, but we will be considering this issue as events develop in the next few weeks.

We continue to believe in the importance of the role private investment can play in the development process. As the President noted in his address before the Inter-American Press Association on October 31, "constructive foreign investment has the special advantage of being a prime vehicle for the transfer of technology" to developing countries. Whether private investment is attracted to a particular country depends on many factors, particularly business confidence in the foreign government and its readiness to abide by rules of international law. As the President states, "a capital importing country (must) expect a serious impairment of its ability to attract investment funds when it acts against existing investments in a way which runs counter to commonly accepted norms of international law and behavior." We believe this is an important thought we should keep in mind in reviewing the Hickenlooper Amendment.

If I can be of further assistance, please do not hesitate to let me know.

Sincerely yours,
H. C. TORBERT, Jr.,
Acting Assistant Secretary for Congressional Relations.

JUST A COINCIDENCE?

HON. JOE SKUBITZ

OF KANSAS
IN THE HOUSE OF REPRESENTATIVES
Thursday, January 22, 1970

Mr. SKUBITZ. Mr. Speaker, an article in the Nelpa News, published by the Northwest Electric Light & Power Association, has passed over my desk. It may be of interest to my colleagues and I submit it for the RECORD:

JUST A COINCIDENCE?

In May of 1919 at Dusseldorf, Germany, the Allied Forces obtained a copy of the "Communist Rules for Revolution." Nearly fifty years later, the Reds are still "following the rule." As you read the list, stop after each item and think about the present-day situation and where you live, and all around the nation. We quote from the Red Rules:

A. Corrupt the young, get them away from religion. Get them interested in sex. Make them superficial; destroy their ruggedness.

B. Get control of all means of publicity thereby:

1. Get people's minds off their government by focusing their attention on athletics, sexy books and plays and other trivialities.

2. Divide the people into hostile groups by constantly harping on controversial matters of no importance.

3. Destroy the people's faith in their natural leaders by holding the latter up to contempt, ridicule and obloquy.

4. Always preach true democracy, but seize power as fast and as ruthlessly as possible.

5. By encouraging government extravagance, destroy its credit, produce fear of inflation with rising prices and general discontent.

6. Foment unnecessary strikes in vital industries, encourage civil disorders and foster a lenient and soft attitude on the part of government toward such disorders.

7. By specious argument cause the breakdown of the old moral virtues, honesty, sobriety, continued faith in the pledged word, ruggedness.

C. Cause the registration of all firearms on some pretext, with a view of confiscating them and leaving the population helpless.

That was quite a list, wasn't it? Now stop and think, how many of those rules are being carried out in this nation today? I don't see how any thinking person can truthfully say that the Communists do not have any part in the chaos that is upsetting our nation. Or it is just one big coincidence? I doubt it.

BRIGHTER PROSPECTS FOR U.S. MERCHANT MARINE

HON. EDWARD A. GARMATZ

OF MARYLAND
IN THE HOUSE OF REPRESENTATIVES
Thursday, January 22, 1970

Mr. GARMATZ. Mr. Speaker, yesterday the Propeller Club, Port of Washington, honored the Maritime Administrator, Andrew Gibson, and the Chairman of the Federal Maritime Commission, Mrs. Helen Delich Bentley, at a luncheon in the Rayburn House Office Building. It was a pleasure to be among the guests on that occasion because the spirit which pervaded the gathering was one of excitement, occasioned by the expectation of early action to review our merchant marine.

It is a pleasure to include in the RECORD the remarks of Mrs. Bentley, which indicate a uniting of all groups in support of a new program:

REMARKS BY THE HONORABLE HELEN DELICH BENTLEY, CHAIRMAN OF THE FEDERAL MARITIME COMMISSION, BEFORE THE LUNCHEON MEETING OF THE PROPELLER CLUB OF THE UNITED STATES, PORT OF WASHINGTON, D.C., RAYBURN HOUSE OFFICE BUILDING, JANUARY 21, 1970

It is an honor today to be addressing the Polar Bear Port of the Propeller Club of the United States. As an early explorer in the Northwest Passage, one whose four letter word made history from the North Pole, I hereby grant to everyone here today charter membership in the Polar Explorers Club. We will make Chairman Edward A. Garmatz president of the club since he limped here today in pain and under strain—an infected leg and in this bitter cold weather.

Our next meeting will be one year from today in Helen's Haven, a recently-chartered cove off the Prince of Wales Strait on Victoria II Island. Transportation will be furnished by the Coast Guard if our good friends here on the Hill insist that some money be spent on new ice breakers.

What a heart-breaking sight that was to see the American-flag icebreaker sadly limping away trying to hold her own through the thick Arctic ice while the modern Canadian vessel stood valiantly by. So for our next meeting, we want new ice breakers for transportation, Chairman Garmatz, and, moneyholder, the Honorable Frank Bow.

I was somewhat dismayed in looking around this room that there wasn't any American flag in view. Jack Drewry said that there was one flying over the Building (the Rayburn Building), so we will forgive this oversight this time, but not again.

This is good today to be here in the company of so many friends and acquaintances of long standing here at the Propeller Club of the Port of Washington.

Nor can I forget the fact that it was this Propeller Club of the Port of Washington that initiated the progressive step of opening its membership rolls to women some four and a half years ago. It was at such a luncheon as this that six women were first presented with their Certificates of Membership in the Propeller Club of the United States.

By so doing, you acknowledged that women were no mere passing fancy, but were here to stay as part of the body politic, constituting forceful allies in the Propeller Club's efforts to obtain a merchant marine equal to the Nation's needs.

True, they were all women who had long worked, each in her own way, for the best interests of our Nation's shipping because of strong, personal convictions in the matter—and I believe you will all agree that there is no stronger, more persistent, more persuasive advocate than a woman fighting for her convictions.

If memory serves me—and I am certain it does—those six women were the Honorable Leonor K. Sullivan, long-time member and ranking Democrat House Merchant Marine and Fisheries Committee; Barbara Boardman, of the Maritime Administration; Marguerite Bryan, of the Labor-Management Committee; Madeline Carrol, the screen star; Kathryn O'Marr of Grace Line and myself, as the then Maritime Editor of the Baltimore Sun.

Others have since joined us as members of the Propeller Club. But as for the first six, I leave it to your judgment as to whether we have been working partners with you during the intervening years in the unending labor to achieve a strong, well-rounded American Merchant Marine, opposing its detractors and assiduously working for its advancement.

One thing is certain, the interests of the American Merchant Marine have advanced, whether it is measured against one year, five or ten years ago. That is why we can at long last say the future holds great promise—a promise based not on promises, but on actions.

That is another basic reason why I take such personal pleasure in being present today, in company with Maritime Administrator Andy Gibson, as a member of President Nixon's team concerned with American shipping and the shipping polices of this Nation having a bearing upon United States trade and commerce.

Some of the hardest—and, when my side won, happiest—battles on behalf of the American Merchant Marine have been fought up here on Capitol Hill during my years with the "Sun". I think it would be in order for me to say here that I believe it has been the liberal support over the years of the management of The Sun Papers to the maritime industry that had a great deal to do towards laying the foundation for educating both the present Administration and the members on Capitol Hill on the importance of seapower and why the United States had to halt its downward trend in this area. But both you and I know there are new battles ahead. Because of this, it is good to have in the same corner a hard-hitting Maritime Administrator like Andy Gibson—one who knows the shipping business and respects the promotional ideals and ambitions which the Propeller Club espouses.

With the Propeller Club backing the Nixon program, and the legislative package seeking to bring the program into reality, I am positive that better days are ahead for American shipping and I stand before you today ready to pledge that the Federal Maritime Commission's role to achieve this will *not* be found wanting!

In 1903, at the dawning of the Twentieth Century, President Theodore Roosevelt delivered a message to Capitol Hill. At that time this great Republican president declared that: "A majority of our people desire that steps be taken in the interest of American shipping, so that we may once more resume our former position in the ocean-carrying trade."

President Roosevelt told the Congress: "The differences of opinion as to the proper method of reaching this end have been so wide that it has been impossible to secure the adoption of any scheme."

Since the differences within the industry were so wide that nothing concrete could be accomplished. Teddy Roosevelt suggested the creation of a Maritime Commission to study the problem and to recommend a course of action.

The Congress agreed.

That study was made and the majority of the Commission accepted the views of ship owners and ship builders and asserted that: "Thoughtful men throughout the entire country have now come to see that the question is not merely one of building ships or manning ships, important as that may be to large seaboard communities. Nor is the question further, one solely of the national defense, though that of itself would abundantly justify Congressional action. A third imperative motive for the creation of an adequate merchant marine is the need for new and wider markets. Without these there is such a thing as smothering at home in our own prosperity."

Official U.S. figures show that from 1902–1906 we had a Gross National Product of $24.2 billion. Today our Gross National Product tops $980 billion and is soon expected to pass the trillion-dollar mark.

Now, I am sure that everyone within the sound of my voice knows, at least as well as I do, the tortuous course of the American Merchant Marine since the dawning of this century.

It is our good fortune that the Maritime Administrator in this critical time, both by training and profession, is well aware of the shoals, the rocks, and the barrier reefs that lie ahead—as well as the friends in Congress who will join in upgrading the Merchant Marine by enabling legislation now before the Congress.

On my part, let me assure the Maritime Administrator before this auspicious gathering that he will have my fullest support, first, as an American and, second, as Chairman of the Federal Maritime Commission. Not only will he have my support in his endeavors to advance legislation acceptance by the Congress, but also in the important project of Ameircan Merchant Marine promotion for which he is the designated responsible official.

In this regard, let me say that I find a too-widespread philosophy held to the effect that the Federal Maritime Commission should tend to its regulatory knitting and let the American Merchant Marine sink or float on its own.

As an American, I do not share that philosophy.

I firmly believe that the Commission can and does provide assistance to the American Merchant Marine, that at the Federal Maritime Commission our regulation can and does remove artificial impediments to trade and commerce.

Regulation, properly applied, can ensure fair competition. Fair competition stimulates trade and more cargoes move. We know, that if cargo is available, the American Merchant Marine can do well under conditions of fair competition. I might add that as the cargoes to and from the United States flow in abundance our foreign ship-owning friends also benefit.

I am fully aware that Americans in general and American businessmen in particular do not like Government regulation. That is a healthy sign in keeping with our independence as a people. As a result, for the Federal Maritime Commission this means that we, who are regulators, must dedicate ourselves to convincing the business community—by actions more than by words—that fair regulation is indeed helpful.

That is the type of regulation that I am determined and will insist be practiced at the Federal Maritime Commission. I am certain that Commissioners Fanseen, Day, Barrett, and Hearn join me in this determination.

We at the Commission can help American trade and commerce, and the American Merchant Marine, as well as the merchant marines of those free nations that trade with us. We can do so by concerning ourselves with the public welfare and with the welfare of the carriers, the terminals, the freight forwarders, and shippers.

We know that the regulation of conferences is an extremely delicate task. Some steamship men think it is an impossible one.

Nevertheless, we intend pursuing our responsibilities. We will encourage self-policing. We will declare war on illicit rebating and other malpractices which foster and breed unfair competition.

It is stimulating to me to know that despite some very basic different views, many of the foreign maritime nations are beginning to respect our battle to achieve fair competition.

We are convincing the shipping conferences that just and reasonable procedures for handling complaints; fair and reasonable rules concerning admission and expulsion; and equitable arrangements for conference membership, foster and promote confidence in world trade and that confidence makes commerce flourish.

In our off-shore trades between the Continental United States and Alaska, Hawaii, Puerto Rico, the Virgin Islands, Guam and Samoa, the Commission is being carefully considerate of the needs of the islands and, at the same time, of the rights of the carriers to serve and to earn a fair and adequate profit by American standards.

History refuses to stand still. At the Federal Maritime Commission, as elsewhere in the field of national maritime policy, the Nixon Administration is meeting its responsibility to recognize and to deal with new problems as they develop.

Fortunately, in our American form of government, such responsibilities do not set up the Maritime Administration nor the Federal Maritime Commission as dictators. Far from it. You know that we have many "bosses," many helpers, and constructive critics whose services are invaluable. You also know that we have a number of plain and fancy kitbitzers—plus those who strive, at any cost, for special privileges regardless of the public welfare.

Apart from this, however, the Maritime Administration, the Federal Maritime Commission, and the responsible and patriotic maritime industry—both labor and management—now is on a course to weld a program which will meet the "plans and specs" laid down by President Nixon for the consideration of the Congress of the United States to vastly improve the status of the American Merchant Marine.

This country deserves and must have a sound program to revitalize the Nation's shipping. Such a program will be achieved through the legislation submitted to the Congress by the Nixon Administration.

If we back the President, America will get the revitalized Merchant Marine essential to its future economic well-being and security.

The time is past for the wringing of hands. The time is here to join hands, and to join with President Nixon in achieving America's place in the future on the trade lanes of the world!

THE JAYCEES CELEBRATE THEIR 50TH ANNIVERSARY

HON. CLARENCE J. BROWN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 22, 1970

Mr. BROWN of Ohio. Mr. Speaker, the United States Jaycees are celebrating their 50th anniversary this week. Since their founding in St. Louis in 1920, the Jaycees have dedicated themselves to local community service projects. They have been instrumental in building the leadership qualities a dynamic society needs to continue to grow and prosper.

In the midst of an atmosphere increasingly critical of American ideals, the Jaycees stand foursquare for the principles upon which America became great: faith in God, human brotherhood, social and economic justice, the rule of law, the dignity of the individual, and service to humanity.

While surrounded by a burgeoning bureaucracy in which an official's discretion plays an ever-larger role in the execution and enforcement of regulations, the Jaycees proclaim the forgotten truth "that government should be of laws rather than of men."

The growth of the Jaycees over the years is very encouraging and has been much deserved. They have grown from 12 chapters and 4,000 members in 1920 to a network of over 6,000 chapters with more than 300,000 members.

Among their civic programs are annual recognition of outstanding young men, the granting of scholarships, and sponsorship of community development and mental health and retardation seminars and various junior sports events.

The activities of Jaycee chapters in my district have always been a source of civic pride. In recent years the Jaycees have become involved in the real pressing needs of the community in addition to sponsoring their popular traditional activities.

As long as the spirit embodied by the United States Jaycees continues to prevail, America will emerge from the crisis psychology of the 1960's fully prepared to renew its commitment to the cause of freedom and to the swift and humane solution of our social problems.

An excellent letter from the president of the Springfield, Ohio, Jaycees appeared recently in the Springfield Sun. To give it the wider circulation it deserves, I am herewith inserting the text of the letter in the CONGRESSIONAL RECORD:

[From the Springfield (Ohio) Sun, Jan. 19, 1970]

JAYCEES—50 YEARS OF PROGRESS

EDITOR, THE SUN:

The week of Jan. 18-Jan. 24 will celebrate the 50th Anniversary of the United States Jaycees during their annual Jaycee Week. It is noteworthy that the Springfield Jaycees were organized that same year and therefore celebrate this 50th anniversary with an added pleasure.

As we look forward to the next 50 years, we must reflect our belief that every American citizen can and must play a role in creating an environment for change in this country, even if it sometimes means that rigid

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structures must be broken. That is our responsibility—it must be our goal.

During the past 50 years, the Jaycees have provided an untold number of qualified public servants. The fact that President Nixon and former Vice President Hubert Humphrey are both past local Jaycee presidents is a good example of this. Today, past Jaycees are prominent in the House and the Senate as well as in other top leadership positions in federal, state, and local governments. It is a tribute to the Jaycees, but it is also a challenge; and that is that we continue to provide the quality of leadership in this vital position that has made this country great.

In our beginning as an organization, we were and still are, to some extent, involved in programming that is not meeting the needs of today's society. But during the past few years we have grown up, realizing that just providing Christmas shopping tours and running beauty pageants isn't the answer. We must continue our trend toward getting involved in the real needs that face our communities today. We all know what the priorities in our communities and states should be, and it only remains for us to forge ahead in this, our 50th year, into areas that are not always pleasant or rewarding but which are vital to our well-being as Americans and as a truly United States.

We think that it is particularly significant that in this point in our organization's history we can look back on 50 years of excellent growth, and in so doing we can see that we have indeed genuinely contributed to the well-being of our communities, states, and nation. But we must not be so caught up in considering our past that we let the future slip by unnoticed, failing to take the initiative in helping to provide the solutions so urgently needed in light of the problems we as a nation face today.

In reflecting on the growth of The United States Jaycees' early beginnings as the Herculanean Dancing Society and comparing that to where we stand today, we have a right to be proud of our progress. Right now, we are increasingly looked upon as the number one volunteer organization that is genuinely concerned about poverty, health, employment, safety and several other vital areas that relate to people in the United States. What this in fact does is to place on our shoulders the greatest responsibility we as an organization and as individuals have ever had. In this, our 50th year, we must reevaluate our dedication, our goals, and purpose in order to channel the greatest amount of effort and manpower to the most effective use. If we can indeed do this, there is nothing that we cannot do.

HARVEY M. RICHISON,
President, Springfield Jaycees.

SALUTE TO A DEDICATED MAN

HON. PETER W. RODINO, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 22, 1970

Mr. RODINO. Mr. Speaker, the town of Glen Ridge, N.J., has been ably served during the last 4 years by Mayor Herbert H. Johnson. He has now retired only to assume the duties of organizing Glen Ridge's 75th anniversary celebration.

A recent article from the Glen Ridge paper follows:

SALUTE TO A DEDICATED MAN

On New Year's Day Mayor Herbert H. Johnson stepped down from his desk in the Council Chamber after many years of service to the borough.

For the last four years Johnson had been Mayor of Glen Ridge and had devoted many long hours to resolving the borough's problems. Prior to holding this post he served the borough as Councilman.

Just to show his dedication and devotion to duty Johnson took over the chairmanship of the 75th anniversary committee. This group is planning celebration activities for this summer when commemoration rites will be held recalling Glen Ridge's breaking away from Bloomfield in 1895.

OUR NATION IN THE DECADE AHEAD

HON. DONALD G. BROTZMAN

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 22, 1970

Mr. BROTZMAN. Mr. Speaker, during the recent recess, Empire magazine, a supplement to the Sunday Denver Post, published a most astute appraisal of where our Nation stands in the milestone year of 1970.

The article, which was written by Palmer Hoyt, editor and publisher of the Denver Post, may be considered both a footnote to the 1960's and a prolog to the 1970's.

I commend "Our Nation in the Decade Ahead" for your reading:

OUR NATION IN THE DECADE AHEAD

(By Palmer Hoyt)

Anyone who attempts to forecast what the world in the 1970s will be like finds himself in somewhat the same position as the airline captain in the old joke who reported to his passengers that he had "both good and bad news" for them.

"First, the bad news," said the captain. "It appears that we are lost. However, on the brighter side, we are making good speed."

Of course, humanity's prospects in the decade ahead are not that grim. In many ways, the prospects are downright exciting. But there are also some very dark clouds over the horizon, and these should be faced realistically.

Humanity is likely to continue to live in the 1970s in the shadow of the hydrogen bomb and other superweapons of frightening potency. It will also face the prospect that the human environment will become less and less compatible because of pollution, diminishing supply of food and other resources plus the psychological pressures of increased crowding.

All of these problems are rather direct "fallout" from the non-nuclear weapon which some people have referred to as the Population Bomb. And this weapon could be just as decisive, if less dramatic, in settling the fate of mankind as all the nuclear-tipped missiles in the world.

The mechanics of the problem are deceptively simple. The planet Earth has only some 200 million square miles of surface, and a mere one-fourth of that is land area. Continuing population growth will in the long run produce saturation. And the world's population has been growing in geometric progression—that is, even the *rate* of growth continues to increase.

Population growth means the number of births exceeds the number of deaths. Throughout most of man's stay on Earth, the two have been almost in equilibrium. During the 600,000 years of the Paleolithic period of pre-history, the population of man's ancestors could not have increased faster than 2 per cent per thousand years.

By the Neolithic period, some 10,000 years ago, the human population had probably reached 10 million. At the time of Christ, it was an estimated 250 million. It took some 1,800 years more to reach 1 billion. In another 100 years, the 2 billion level was reached. And in the 30 years from 1930 to 1960, the total rose to 3 billion. We are now at 3.5 billion and will reach 4 billion about the middle of the 1970s.

In an earlier era, when the human population in any place threatened to get too large, Nature (or human nature) seemed to step in to equalize things. There might be starvation, epidemics or plagues, wars, increases in the infant mortality rate or simply a decline in births and somehow or other an increase in deaths. In this day and age we have succeeded in reducing the infant death rate and prolonging the adult life span—but we are not yet free of the scrouges of Nature, in the form of hunger, or of human nature, in the form of war. In fact, we have become so much more efficient in our war-making potential that total obliteration of the human race is a distinct possibility.

At the present rate of increase—2 percent a year, compared to 2 percent a millenium for our Paleolithic predecessors—the inhabitants of Earth would number over 7 billion by the end of the century, a scant 30 years from now. Robert McNamara, president of the World Bank, has remarked that a child born today, and living a normal life span, would experience a world of 15 billion population, and his grandson would share the planet with 60 billion.

"In six and a half centuries from now—the same insignificant period of time separating us from the poet Dante—there would be one human being standing on every square foot of land on Earth: a fantasy of horror that even the Inferno could not match," said McNamara, who added this sobering footnote:

"Such projections are, of course, unreal. They will not come to pass because events will not permit them to come to pass. . . . What is not so certain is precisely what those events will be. They can only be: mass starvation, political chaos, or population planning."

Still, the problem of population pressure may not appear as clearcut as all this, particularly to Americans living through the next decade. Population growth likely will appear in this country—where it will be increasing at a slower rate than in the underdeveloped areas of the world—as much as boom as a burden.

More people will mean more customers (and more income, or buying power) in our high-consumption economy. But for Americans, there will be another side of this. For America, with only 6 to 8 per cent of the world's population, even now consumes more than 50 per cent of the world's resources. By the end of the coming decade, we will be consuming 83 per cent of those resources.

This supply of resources is not inexhaustible. Take food, for example. McNamara estimated that there is less food per person on the planet today than there was 30 years ago during a worldwide economic depression.

Even in the affluent United States there is a relationship between population and poverty. Many of the children born in poverty are trapped in poverty. They cannot manage to get the education or technical skill which would enable them to get the kind of jobs which are coming—and will come even more in the '70s—to dominate the employment market.

By and large, however, population growth and technological change should be the keys to greater prosperity in America in the coming decade. At present there are about 203 million people in this country. By the end of the decade, there will be at least 225 million. (The figure should reach 300 million by the year 2000.) The greater population of Americans will be buying and demanding more of the sort of things available in the 1960s, as well as the goods and serv-

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ices arising out of the space-age research or tailored to fit the greater amounts of leisure time that should be available to the average person in the 1970s.

An economic panel assembled by *U.S. News & World Report* estimated last summer that the nation's Gross National Product, the total production of goods and services, would climb to a startling $2 trillion by 1980. That's *trillion!*—a word we will have to get used to dealing with in the next decade. The *U.S. News* panel felt this growth would come through a new industrial revolution arising out of applications of nuclear energy, advances in electronics and continued development of automatic control systems and computers.

Over the next decade, typical family income should rise from the present $9,000 a year to more than $15,000. The number of two-car households is expected to go from the present 17 million to 26 million. Homes with color television sets would rise from the present 19 million to over 50 million.

During the decade, an estimated 20 million new living units would be built, with the annual rate of new housing starts by 1979 coming close to doubling the present 1.6 million.

New car sales would rise from the 1969 figure of 9.3 million to a level of close to 14 million 10 years later. And the number of vehicles on the road is expected to increase 35 per cent, from a base of approximately 84 million today, that would mean a vehicle total approaching 120 million by the end of the decade.

Obviously, these manifestations of greater wealth will also intensify some of the problems of human life which I referred to earlier: problems of traffic, transportation in general, urban congestion, pollution and the like.

Americans in the 1970s are going to have to make a massive attack on the problem of saving the cities—modernizing them, breathing new life into them, wiping out the slums. I believe this effort will be made, if for no other reason than that it will no-longer be possible to avoid doing so. In fact, the starting steps have already been taken in many places—in the urban renewal projects like Denver's and those of other cities. The downtown centers of the cities—again, like Denver's—will in the 1970s be transformed into much more attractive places to work, shop and play, places with malls and plazas and parks.

There will have to be major advances in mass transit. Already we are facing what Sen. Claiborne Pell of Rhode Island has called a "crisis in passenger transportation." He has warned that the problem won't be solved by building bigger and faster jets and more freeways. If anything, these just add to the strains. Traffic in the air, like traffic on the ground, is already congested beyond belief and undoubtedly will get worse before it gets better. For example, during rush hours it can take as long (50 minutes) to get to National Airport in Washington, and from LaGuardia airport to New York City, as it does to fly between these two airports.

One attractive-looking possible solution to the problem of interurban transit in densely populated corridors such as the Boston-New York-Washington, Cleveland-Chicago-Detroit, and Los Angeles-San Francisco areas, would be the use of clean, efficient, high-speed electric trains such as those that work so successfully in Japan.

Within the cities, the glut of traffic has been getting more and more unmanageable. With the addition of perhaps as many as 30 to 35 million more vehicles in the next decade, the situation should become a matter of life-or-death priority for any city. It is hard to imagine a large, thriving metropolis of the 1970s without a good rapid transit system.

Not long ago, experts in the Department of Transportation figured it would take at least $37 billion over the next five years to make a start on cleaning up the domestic transportation situation: $5 billion for the corridor trains, $5 billion for airports, $5 billion for automated flight control (for greater air safety), $8 billion for mass transit, and the rest for bus transit, fringe parking and related needs.

But if urban blight and transit problems are cause for concern, they are also challenges and opportunities, too. For in the process of solving them, we will not only be providing essential jobs for a labor force which is expected to grow to nearly 100 million by the end of the decade (from the present 84 million) but we will be helping to build a new life for millions of our fellow citizens as well.

Much the same could be said about the problems and challenges of education. Education is vital to a well-functioning society. As H. G. Wells once remarked, civilization is "a race between education and disaster." America is in such a race, and unfortunately, as Secretary Robert Finch of the Department of Health, Education and Welfare has acknowledged, American education has fallen 50 years out of date. Gov. James Rhodes of Ohio says education is 100 years out of date. This certainly has been one of the contributing factors to the student unrest of the 1960s.

In the processing of updating our educational system in the 1970s, Americans will find the problem complicated by the growing demand for facilities. Whereas 30 years ago only 12 per cent of our high school graduates went to college, and today 70 per cent go, by the middle of the coming decade the figure will reach 80 per cent. For many of those who go, a great need will be professional and technical training. This is increasingly the demand of the labor market. Thanks to better education and training all along the line, American workers in the 1970s will be better skilled and more adaptive to change—and many people who are now classified as poor will be stepping up to share in the more bountiful mass market.

As we use our resources to make life more pleasant we do, as part of the same process, manage to foul our streams, poison our air and threaten the very balance of nature. We could, in effect, be burying ourselves in our own gunk and junk.

We are building mountains of trash and garbage. An average family accumulates a ton and a half of garbage and rubbish a year. Per capita garbage production is growing enormously. It has doubled since 1920; increased 60 per cent just since 1950. Dr. Melvin First of the Harvard School of Public Health estimates that the national production of solid waste in urban areas alone amounts to over 800 million pounds daily. And, he says, this will probably rise to three times that figure by the end of the decade.

The growth of garbage and litter in America has brought forth some graphic comparisons. *Nation's Business* estimated that a one-year accumulation of garbage, rubbish and scrap in the United States would "fill the Panama Canal four times." The total from California alone, more than 71 million tons a year, would according to *Solid Wastes Management*, make a mass of "100 feet wide and 30 feet high from Oregon to the Mexican border." Another source estimated that America's annual litter itself would make a five-foot drift extending from New York to Seattle.

Disposal of solid wastes costs our cities some $4.5 billion a year, and the task is growing costlier as ground available for disposal becomes scarce. In the decade ahead, one of the truly urgent tasks will be to find ways to re-cycle solid waste. That is, everything possible would be reused in some way. One authority has estimated that in 10 years all but 5 to 10 per cent of household garbage could be reclaimed in one way or another.

Pollution of the air has contributed to widespread illness. Today the death rates from certain lung ailments are nine times what they were 20 years ago. Dr. John T. Middleton, commissioner of the National Air Pollution Control Administration, says the air pollution threat to health is "daily, insidious, usually unnoticed in the early stages, and it affects millions."

Studies in recent years indicate that sources in the United States expel some 190 million tons of pollutants into the air in a year.

Half of the total comes from mobile sources, mainly autos. They give off the most prevalent pollutant, carbon monoxide—which is colorless, odorless, tasteless and deadly. Vehicles also give off substantial amounts of hydrocarbons and nitrogen oxides which are key ingredients in the production of smog.

With the expected 35 per cent increase of vehicles of all sorts, experts have estimated that in the next six years the United States alone could throw more than a billion tons of such pollutants into the air.

I should emphasize that the United States, while a major polluter of the air, is far from the only one on Earth. Every important industrial nation (and that includes the Soviet Union, Japan and Germany) and a good many lesser ones add significantly to the problem. That fact was brought home to me very graphically recently when I was flying over the Turkish mountains and saw in the sky below the plane the same familiar brown streak of smog and pollution I had noticed many times in flights across the United States.

But it is not just the industrial nations that are threatened. Meteorologists have discovered evidence that pollution particles of the sort found over urban and industrial centers are spreading across the continents and slowly encircling the Earth.

So serious is the potential danger that some scientists fear we may be changing the very nature of the air, that the atmosphere of the Earth may be undergoing changes which could have irreversible catastrophic effects.

Some believe the changing composition of the atmosphere could prevent the Earth's heat from escaping into space, causing more melting of the polar ice caps and raise oceans as much as 400 feet—drowning many cities. Others predict the Earth will cool as sunlight is blocked by the increased concentration of particulates, bringing on more rain and hail and possibly leading to a decrease in the food supply.

At any rate, it is safe to predict that Americans will be showing a greater concern in the decade ahead for the protection and preservation of the human environment, for they will be seeing more clearly than ever before the evidence of the harmful effects of misuse of man's natural surroundings.

The American people in the 1970s will be better educated, earn more income and have more leisure time. Consequently, they can certainly be expected to do more foreign travel. Travel specialists estimate that spending by Americans for trips abroad will more than double in the decade ahead, from the present $5 billion a year to upwards of $11 billion. The additional millions of Americans who travel overseas will be riding in the new jumbo jetliners which will carry from 250 to 500 passengers. The larger passenger loads should make lower fares possible—which in turn would encourage more people who have never traveled abroad to do so.

Later on in the decade the supersonic jets will come along. Chances are the British-French and Russian models will precede the American entry, which could be in service by 1978. We can also look for the adoption of short takeoff and landing and vertical takeoff

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and landing craft for use on short passenger and freight hauls and from smaller fields.

In order, however, for this air travel boom of the 1970s to come to pass, considerable progress will have to be made in relieving the congestion of air space and airports. Like many another traveler, I have had the experience of circling Chicago's O'Hare field or New York J.F.K. for hours waiting for clearance to land, or waiting so long to take off that the pilot felt compelled to give the passengers periodic "progress" reports as to how close the plane was to the head of the line on the runway.

With the bigger planes bringing in bigger loads of passengers in the 1970s there will have to be great improvements in airport procedures. More efficient ticketing and baggage handling, for example—perhaps through the use of computers and more automation—is a must if customers are not to be subjected to unacceptable delays.

The decade of the 1970s will bring us closer to, if not actually take us to the point of, actual space journeying. I know this sounds fantastic to us now, but here is what Dr. George E. Mueller, associate administrator of NASA, has said about it:

"Within the next decade, I would believe . . . that a low cost transportation system will be in operation between the planet Earth and Moon. It should take no more than a second generation of the space shuttle to bring any point on Earth to within an hour's travel to any other point on Earth. By the end of this decade, the Moon could be, and I believe will be, regularly visited."

Forecasts of the progress man will make in space are, in a way, easier than predictions about what he will do on Earth—in part because predictions about scientific advancements of this sort characteristically err on the conservative side, and in part because we do know a good deal about plans that are already on the boards.

For example, it is evident that both the United States and the Soviet Union will be operating Earth-orbiting workshops and laboratories in the next decade. The Russians have already conducted experiments on orbital assembly work, and NASA hopes to launch the first of our Earth-circling labs in 1972. These space stations will ontain crews of six to 12 men, who will live and conduct experiments aboard over considerable periods of time.

Chances are there will be orbiting space stations around the Moon, too, and that men will make frequent trips in reusable, nuclear-powered vehicles from Earth to Earth-orbit station, from Earth-orbit station to Moon-orbit station, and back and forth between the Moon and the Moon-orbit station.

The Moon itself in the 1970s will be an important base for study of the Earth, for study of the mysteries of the universe, and for launching further exploration of the solar system. Such a launching pad is of tremendous value since most of the fuel used in probing space has to be expended in getting beyond the gravitational pull of the Earth itself.

Early in the decade we will be sending unmanned craft to the surface of Mars on information-gathering missions. And by the end of the decade, or shortly thereafter, may come the first manned landing on the red planet.

Unmanned spacecraft will be sent on probes past Mars, to Jupiter, Saturn—and beyond. It is very likely, for examples, that men will take advantage of a rare alignment of planets in 1978 which will enable us to send spacecraft skimming from gravitational field to gravitational field past Jupiter, Saturn, Uranus and Neptune while transmitting priceless pictures and other data about these distant planets.

The fantastic developments in space will—as they have in the recent past—continue to produce research spinoffs applicable to life on Earth. Among the most obvious will be the applications to communication technology. The live television transmissions from Apollo 11 on the Moon, 250,000 miles from Earth, were only the beginning of fabulous things to come.

These transmissions, you recall, were sent from outer space to a communications satellite which then relayed them around the world. An estimated 600 million men, women and children were thus enabled to witness man's first step on the Moon.

In 1970 a potential worldwide television audience of 1 billion persons in 40 countries will be available through intercontinental network links, according to a recent report done for the Department of State. And not long thereafter, said the report, new communications systems—and a worldwide hookup by satellite—will make possible *instant contact* with every quarter of the globe.

Instant worldwide contact is something awesome to contemplate. Its effects are difficult, almost impossible, to predict—except that they will be profound. It would truly bring the world to the point where it would be, in Marshall McLuhan's term, a "global village." It could, at long last, serve to knit the human race together. Or it could trigger the most violent reactions. Indeed, both kinds of results are possible.

In the past decade in America we have seen some of the turmoil and trauma that has resulted—at least in part—from the exposure of masses of people to the emotional experience of comparing the reality of their lives to life as it is portrayed on television.

Before we have had the chance to measure, with anything like scientific reliability, the full effects of this sort of exposure in our own country we may be experiencing similar results on a world scale.

In the days when Rome dominated the known world, it took a month for the news of the assassination of Julius Caesar to reach the outlying areas of the empire. Even when John Kennedy was killed in 1963, it was several hours before the whole world knew about it. But things that happen now are known within a matter of minutes and seconds.

Already, the "have-not" people everywhere grow more and more restless as they learn what the people in the "have" nations possess. How much more explosive, then, will their comparisons become when the disparities between the haves and have-nots—which are infinitely greater on a world scale than they are between richest and poorest in America—are beamed to them regularly and explicitly in living telecolor in the decade of the '70s.

Someone has speculated that the next world war will not be fought between Communists and non-Communists, or between races, but between the rich and the poor of the world, the haves and the have-nots. Whether such speculation comes true may depend a great deal on how we conduct ourselves as the world's leading nation.

I have purposely not referred to the problems of international relations in the decade ahead, mainly because of the immense complexity of the subject and the difficulties of predicting what may happen when there are so many unknowns. However, I do not wish to give the impression that foreign affairs are not relevant to our problems of survival and the quality of life in the 1970s.

Indeed, events abroad are not only relevant to Americans, but urgently so. I say this in the hope of discouraging a trend I detect among some Americans at least to turn away from the world's problems and concentrate instead on the domestic scene. This "neo-isolationism" may capture the fancy or suit the mood of some people who have become discouraged with our often unsuccessful attempts to help set things right in the world (by our lights). To them I say that there is no more chance of Americans withdrawing in safety and security to our own national borders than there is of any one of us returning to the womb.

The world has become too small and too interlocked for us to run away from it. In fact, it is hard to imagine any international problem that is not also in some ways "domestic," or any American domestic problem that does not have international ramifications. Vietnam is almost too obvious an example of one that is both an international and domestic problem for us. How about our economic problems? Does anyone still believe they do not affect the economic well-being of people all over the globe? And are we not likely to feel the effect of what happens to Middle Eastern oil, Cuban sugar, East German industrial equipment and production or Chinese H-bombs?

Certainly we would feel the effect. I have been saying for years to my journalistic colleagues that all news is local. But it is only in recent years that I have really realized how disturbingly true that is. We have now reached the point where almost anything that happens overseas is immediately reflected at home. Therefore, before I bring this lengthy article to a close, I do want to make the point that what happens to America in the 1970s and all the decades ahead more and more depends on what happened to the world. Thus the critical importance to our future of our approach to foreign policy.

Our behavior in foreign affairs in the '70s will of course be affected by events which we cannot now foresee. But it will also be influenced strongly by the tone being set by the administration now in power in Washington. More and more it becomes evident that an important tenet of the Nixon administration is to avoid the avoidable conflicts, to keep from being boxed in or forced unnecessarily to the brink of disaster—without at the same time withdrawing into a position of isolation.

Flexibility appears to be the key. The United States would deal with its friends, or anyone else—where the others showed a willingness to cooperate toward solving mutual problems. Such an approach would seem—in theory at least—to make possible an era of lessening tensions. It would be compatible with the reduction, and even elimination, of America's role as a combatant in Vietnam even as our nation tried to maintain some other kind of "presence" in Asia. It would be compatible with Big Power resolution of the conflict in the Middle East.

It could, if successful, tend to promote domestic tranquility in the United States and permit America to devote its energies to the solution of such urgent problems of the '70s as I have tried to outline in this article.

My deep hope is that it will.

THE 50TH ANNIVERSARY OF THE UNITED STATES JAYCEES

HON. FRANK T. BOW

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 22, 1970

Mr. BOW. Mr. Speaker, it is a pleasure to join in the nationwide tribute to the United States Jaycees who are observing their 50th anniversary in meetings all across the Nation this week.

Many pages of the Record could be filled with the accomplishments of these young men of action. They have been an effective third force in American life, organizing the energy and ability of individual citizens to give leadership in community and nationwide activities outside the scope of Government agencies.

I can testify personally to their many fine activities in my own county and State, and I take this occasion to say thank you to the Jaycees, both past and present, for their dedication to the welfare of the national community.

MANHATTAN BOROUGH PRESIDENT PLEADS CASE FOR ISRAEL

HON. THADDEUS J. DULSKI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 22, 1970

Mr. DULSKI. Mr. Speaker, the unrest in the Middle East, particularly as it applies to Israel, is of concern to all of us.

The story of the struggle of Israel over the years is well known. There is a solution to this problem, but it is not going to be brought about by outsiders alone. It cannot be prearranged. Israel must be a party to any lasting agreement that is worked out.

The American Jewish Congress held a "Rally for the Security of Israel" in New York City on Jan. 11. The main speaker was Manhattan Borough President Percy E. Sutton, who made an excellent presentation of the case for the support of Israel. Following is the text of Mr. Sutton's address:

ADDRESS BY MANHATTAN BOROUGH PRESIDENT PERCY E. SUTTON

It is with great concern but also great hope that I speak to you today.

I am filled wth concern because I see the military forays by the Arab governments and their guerilla fighter and the military raids by Israel as posing a terrible threat to the existence of both the Arab and Israeli peoples.

I see the protracted war in the Middle East costing lives, money, resources and energy.

I know that the war cannot continue, for the nations of the Middle East cannot live in the insecurity and fear and destruction of war without causing serious damage to the well-being of their inhabitants and creating permanent and indelible animosities.

I come here this afternoon filled with hope because I believe firmly in the possibility of a peaceful settlement of the war in the Middle East, the possibility of a just solution to the problem of the Palestinian refugees, the possibility of establishing secure, permanent and definite guarantees of the sovereignty of the nation of Israel.

IMPRESSED ON HIS VISIT

When I visited Israel two years ago, I was greatly impressed by her vigor, her strength, her achievements and her spirit. Israel is a nation of greatness, for she has combined the ancient and rich traditions of the Jewish people with unremitting toil and advanced technology and a zeal for experimentation. She has built herself up out of the barren lands into a giant of progress and humanity.

There is much that we can learn from Israel, much that she can teach us. Her strides in educating and training her citizens before they are released from military service is an example that we would do well to follow here in the United States with regard to our own GIs.

The prime task that we must face in order to guarantee the preservation and indeed expansion of Israel's greatness is to convince the Arab nations that it is a dangerous and self-destructive delusion to think that Israel can ever be eliminated.

ONLY ONE WAY TO PEACE

Peace can only come to the Middle East when the Arab nations accept unequivocally the reality that Israel is a nation and that her rights as a sovereign state cannot be abridged.

This peace that we so urgently seek can only come about if the United States maintains a stance of full commitment to the survival of Israel, and does not let "oil diplomacy" sway its policy.

After all of the sufferings of the Second World War; after the struggle for independence; after more than twenty years of crisis and threat; and after the third war in a generation—after all this, the United States cannot abandon Israel.

The United States cannot let the influence of the banking interests and the oil interests change its long-standing pledge to back Israel in her struggle for final peace settlement with security.

OTHERS CANNOT SHAPE SETTLEMENT

A *final* settlement to the decades of hostility and war between Israel and the Arab nations can only be achieved if the parties involved follow the time-honored and time-tested tradition of settling disputes—sitting down at the bargaining table and hammering out an agreement.

A settlement pre-arranged by the Big Four Powers and agreed to through a complicated method of intermediaries cannot be a lasting settlement—it can only serve as a temporary military armistice, which in the long run will guarantee further misunderstanding and further bloodshed.

Secretary of State Rogers must recognize the unworkability of his 12-point proposal. It cannot work because it is a scheme conceived by a third party which would be negotiated through third-party mechanisms.

Israel is rightly refusing to accept this fairy-tale of a proposal, for Israel knows from bitter experience that the harsh reality of the Middle East crisis can only be resolved if it is faced directly by the nations involved.

Secretary Rogers must recognize the arrogance of his proposal, for it is nothing but arrogance to assume that Israel will give up its trump card, its occupation of Arab territories, before the Arab nations have demonstrated their willingnneess to recognize Israel by agreeing to direct negotiations.

JUST MORE PAPER ASSURANCES

Secretary Roger's proposal offers only paper assurances that Israel will never again face a challenge to her very existence.

Israel has had enough of paper assurances—for all the paper assurances of the past which were supposedly signed in "good faith" have brought Israel only more fighting and more war.

Israel is a gallant democracy and a shining light of progress. She has worked miracles: she has made the deserts bloom; she has established herself as a homeland for the Jews of the world; she has made the world admire her for her courage and determination.

Israel cannot be sold out to the Wall Street interests—and we must not let the U.S. make the mistake of thinking that it can ever sell out Israel.

We must make our voices heard, loud and unmistakably clear.

We must urge the State Department to reverse its recent decision and continue its previous policy of unflinching support for Israel and her demands to be recognized as a sovereign nation.

BUSINESS IS RESPONSIBLE, TOO

HON. AL ULLMAN

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 22, 1970

Mr. ULLMAN. Mr. Speaker, today's Wall Street Journal includes an article well worth noting authored by chairman of the First National Bank of Chicago, Gaylord A. Freeman, Jr. In his article, part of a speech to the St. Paul Chamber of Commerce, Freeman recognizes an economic fact of life that his colleagues in business sometimes appear to overlook: Government alone cannot keep the economy on a stable course. When talk turns to the economy in Washington these days, there is much discussion about the need for the Federal Government to set national priorities, to restrain spending, to use its economic powers more effectively.

But Government can only provide part of the answer. Certainly, business activity is a major influence on the course of the economy, and business policies are central to economic solutions. As Freeman describes it to his business colleagues:

> The fact is, "we cats do have clout."

Freeman goes on to exhort businessmen to accept the responsibility that goes with the "clout," to exercise restraint in their capital expenditures, and to justify the investment that is made on the basis of the economic and social needs of the Nation.

His concluding remarks to the business community are especially significant:

> Thus the message is "Let's get committed. This is our country. This is our society. Let's improve it and, by improving it for all of the people, we can preserve it not only for ourselves but for all citizens. The job is expected of us, and its accomplishment will be deeply rewarding."

Mr. Speaker, this is an important article and I commend it to the attention of my colleagues:

FOR BUSINESS, A CALL TO COMMITMENT

(By Gaylord A. Freeman Jr.)

If we were to step back from the immediate and consuming interest in our business and look at the conditions necessary for our success, we would realize that in order to make a profit—which is the basis of our present economy—we need a political system in which private property is respected and private profits are legally permitted, and economic conditions sufficiently stable that profits are possible and have continuing value.

We take these two conditions for granted and just assume their continuation—but we should not do so.

There is nothing in either the Ten Commandments or the United States Constitution that guarantees private property. There is nothing in the history, or present condition, of man that assures stability in the value of our currency or a continuation of our economic assumptions. If at any time the majority of our citizens—including our sons and daughters—should conclude that they would be better off under some other economic system, then our system will be changed.

If the majority of our people place full employment and rapid national growth ahead of monetary stability and, later,

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ahead of economic stability, then profits will no longer be economically possible or of continuing value.

Any fundamental change in our society seems so improbable that it may appear foolish to worry about the possibility. Perhaps so. But I do have some concern about the attitude of many honest, conscientious citizens—and not just those who are young or black—who see in the war in Vietnam, the continuing poverty of millions in this most affluent of societies, the pollution of our air and water, evidence of failure of our entire system and a reason for fundamental change.

I think our people are capable of understanding the merits of freedom, which is the basis of our system, if someone reminds them of its values, and someone improves the existing conditions (of inequality, poverty, and pollution).

That "someone" has to be us—or it is no one. Who else has an equivalent motivation of self-interest to try to accomplish this?

JUSTIFYING CORPORATE SPENDING

The question is properly asked: "What right does a corporate executive have to spend his corporation's funds (or the time of his executives, who are paid by the stockholders) to achieve a cause which he thinks is appropriate?" My point is that the use of stockholders' assets to improve the society can be justified if the societal improvement redounds to the benefit of the corporation and redounds in some reasonable relationship to the expenditure—hopefully, at least, dollar for dollar. If by an expenditure of $25,000 or $2,500,000 or $25,000,000 (depending on its size) a corporation could substantially contribute to the continuation of the opportunity to conduct a profitable business for the next 100 years, the investment clearly would be justified.

If, on the other hand, the cause is just "a good cause," with no prospect of enhancing future earnings, then (unless it causes others to bring you additional profitable business—or it induces others to make social contributions which do enhance your earnings—or it can be supported as a form of compensation to your employes), it is an unjustified gift of funds belonging to the stockholders.

Much of the student criticism, the black criticism, the academic criticism of business is not a criticism of our business or our profit motivation, but, on the contrary, a criticism of our failure to utilize our magnificent business organizations to achieve ever-widening public purposes.

Whether or not we want to improve the society, whether or not we are motivated by self-interest in doing so, it is now expected of us. And if we fail to accept this responsibility, we will lose much of the public's confidence in the value of our private enterprise system.

The entrepreneurs who built the railroads were the giants of a century. They may not have observed all of the niceties of our current mores but they bullied through their lines; they built cities; they set the tax rates; they chose the Senators; and they built a nation. Magnificent! But they didn't care about the customer. Their social attitude was reflected by Vanderbilt when he exploded—"The public be damned!" That was a mistake. The individually insignificant farmers banded together and founded the Grange movement. One of their first purposes was to get the power of the railroads curtailed and their rates regulated. The railroads have suffered ever since. Caught between rising labor costs and government regulated rates, they are being squeezed to death.

Let's not let that happen to the rest of us.

We businessmen are so completely absorbed by our businesses that we don't take time to think much about the non-business problems facing our society. "Why study these problems when we don't have the time? Besides, in the last analysis, they are pretty simple."

There is a great temptation for us overcommitted businessmen to accept the ready-made convictions of our friends in the company or at the country club and, consequently, to avoid the necessity for the hard analytical thought which we reserve for our business problems.

This isn't a new phenomenon. As James Harvey Robinson pointed out many years ago: "Few of us take the pains to study the origin of our cherished convictions; indeed, we have a natural repugnance to so doing. We like to continue to believe what we have been accustomed to accept as true, and the resentment aroused when doubt is cast upon any of our assumptions leads us to seek every manner of excuse for clinging to them. The result is that most of our so-called reasoning consists in finding arguments for going on believing as we already do."

A Secretary of the Treasury once said to me that he thought that we should terminate the tax exemption of all universities because they were all full of liberals ("Pinkos" I think he called them). Think just a minute. If all the university people had to follow one line of thought, who would suffer the most? We would. We, the less than one per cent who have the greatest benefits in this society. All that is required is to destroy freedom of thought, and we go down the drain with it. I don't know the solution to campus demonstration or the indefensible destruction of property or the disruption of teaching of those who want to learn, but I do know that the universities are our greatest defense—not because professors or students like us (generally they don't), but because they preserve the anarchy of freedom of thought and expression without which we could never demonstrate the importance of the freedom of individual initiative and the resulting social benefits.

THE FREEDOM TO DIFFER

And I suspect that related to our tendency to accept standardized, simplistic attitudes is a similar tendency to lump many quite heterogeneous groups into one mold. At the same moment that we cheer for individual freedom, we may criticize the boy who grows a beard or the girl who demonstrates for peace. We must be careful to preserve the freedom to differ as well as the freedom to conform.

Many of us lived through the depression. Those of us older ones who had to walk the streets looking for a job will never forget the experience. Perhaps that makes security, hence job tenure, hence conformity, too important. The young people today want "to do their own thing." They want to dress and live their own way, at least, for a while. They don't have our fear of losing a job—they can get another one without missing a day's pay. Some of these attitudes will change as they grow older, but some will not.

We are, undoubtedly, entering a period with less emphasis on production of goods and with greater emphasis on culture, leisure, individual self-expression—on the quality of life. Even our labor negotiations will have to offer individual employes more individual options at the expense of our paternal security. This rattles us. But it shouldn't. It is merely an expression of the wider affluence—a recognition by a larger number of our people of the very values which we have always defended for ourselves—individual freedom.

We have all read of "powerful business interests" and figured it referred to some people we didn't know. We have had acquaintances refer to our positions as positions of power and influence and we have tried to look a little important while secretly we thought the remarks greatly exaggerated.

But the fact was brought home to me a little while ago when, with a few other business leaders, I was negotiating with a group of blacks. One of them said:

"I don't like you honkies, but we have to deal with you. City Hall has got it made, and they don't want to change nuthin'. The guys in the churches are soft-hearted, but they are also soft-headed and have no power. The professors study everything but never follow through with any conclusion. The Federal Government guys are interested, but when it comes right down to the punch, they're afraid to take action for political reasons. So there's nobody else left to talk to but you guys who represent the Establishment that we're supposed to be fighting. The fact it, you cats got the clout."

I have thought about that a good deal since. We do have some clout, some power. We have the economic power to hire, to invest, to locate a plant, etc., which decisions are invariably made on such a strict dollar and cents basis that we don't think of it as power. We never think of using this for our personal benefit so we never think of it as personal power.

BUSINESS PREROGATIVES

As the head of a business, you can ask other leaders to lunch (at company expense), and if they are free, they will come. If it is inconvenient for them, you can send a car (with a company driver) to get them. If you want to urge the Mayor or the Governor to take a certain action, you can call him on the phone and he will at least listen to you. Or you can get the chamber of commerce or your trade association to mobilize other opinions and communicate with the official.

The fact is, "we cats do have clout." We don't have as much as outsiders may think and we don't use it indiscriminately, but we do have it.

But we have it only when we feel committed. We influence others only if we are willing to put up the first $25,000 or give the time of two vice presidents or otherwise indicate that this project is of great importance to us.

Thus, the message is: "Let's get committed. This is our country. This is our society. Let's improve it and, by improving it for all of the people, we can preserve it not only for ourselves but for all citizens. The job is expected of us, and its accomplishment will be deeply rewarding."

PRYING FOR A PURPOSE

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 22, 1970

Mr. DERWINSKI. Mr. Speaker, now that we have reconvened, a matter which should have attention is the House-approved census bill which has not yet been acted upon by the Senate.

A most objective commentary on the House-passed bill was carried in the Monday, January 12 edition of the Chicago Daily News. As one of the cosponsors of the bill, I was pleased to note such powerful and effective editorial commentary. The editorial follows:

PRYING FOR A PURPOSE

Americans cherish their privacy, and this year when the census takers begin asking whether the family bathroom is shared with another household, or how many babies the lady of the house has had, a certain amount of fur is bound to fly.

The questions are not mischievous; the picture gained by the census is invaluable as a guide to governmental policies and planning. But the Senate could take much of the heat off the process by completing action on a bill tightening security precautions and easing penalties against uncooperative citizens. Such a measure, aimed at bolstering the individual's right of privacy, passed the House in September but remained bottled up in the upper chamber.

To safeguard the confidential nature of the count, the bill would toughen the criminal penalties against any census employes who wrongfully disclose information about individuals. The long-standing maximum penalties of a $1,000 fine and/or two years of imprisonment would be boosted to $5,000 and five years. The $100 fine for persons refusing to answer questions would be retained in some instances, but the provision for a jail sentence of up to 60 days would be eliminated. The fine has been imposed only twice in this century, the jail penalty never.

The House bill makes sense. The jail penalty for individuals is supposed to act as a "psychological deterrent" against the withholding of pertinent data. The record of prosecutions would seem to indicate clearly that the $100 fine is deterrent enough.

Charges of unwarranted snooping into financial affairs were originally raised in 1940, when the census for the first time asked questions about income and property of a small sampling of Americans—as is planned in 1970. Complaints about the length of census questionnaires are as old as the census itself.

Sec. of Commerce Maurice H. Stans has pointed out that the number of questions to be asked of the average family is about the same as in 1960 and, in fact, there will be far fewer questions than in any other count in the past 100 years. Four out of five households will be asked only 23 questions, confined to name, address, age, race, sex and data on housing conditions. One family out of four will be asked additional information—adding up to 66 questions—on income, employment and standard of living. One household out of 20 will be asked to answer 73 questions—and a selected few will have a maximum of 89.

In a computerized age when gigantic data banks on individuals are being maintained by credit and insurance agencies there is an understandable public fear of Big Brother. But it shouldn't be misdirected against the Census Bureau, which is closely circumscribed by law. The information it gathers is an indispensable tool in resolving the nation's complex social, economic and political problems.

To set the public minds at ease, and maintain the integrity of the census, President Nixon should push the House-approved bill, or some equivalent measure, in the Senate.

IT IS TIME FOR ACTION

HON. WENDELL WYATT

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 22, 1970

Mr. WYATT. Mr. Speaker, the Washington News of January 20 carried an editorial on crime which I consider so important I feel it is must reading for all who are concerned with this vital problem. The editorial follows:

THE WAR ON CRIME: 1 YEAR LATER—IT IS TIME FOR ACTION

President Nixon was inaugurated one year ago today. He had been elected two months earlier on a platform which featured his declaration of a War on Crime. In a front page editorial we welcomed the new President's return to the city he knew so well, and his selection of it as a principal battlefield in the War on Crime he had led us to expect.

It is time now, one year later, to take an accounting.

It is time for the rhetoric to end.

It is time for partisan fingerpointing to end.

It is time for some action.

During this interval, crime rates in the nation and in the Federal City have soared to unprecedented heights. In 1969, in Washington, one murder was committed every 30 hours, an armed robbery took place 20 times a day, a woman was raped each day.

In 1969, the Nixon Administration submitted to Congress, after some six months' preparation, an inventory of legislative weapons it said it needed to prosecute the War on Crime.

On Oct. 9, in response to mounting public outrage and to his own often-repeated concerns, Mr. Nixon summoned the leaders of Congress and officials of Washington to a White House strategy session. Its purpose was to get bipartisan momentum rolling for the stalled anti-crime bills.

Police Chief Jerry V. Wilson, as we noted daily on Page One in our ensuing "Crime Crisis Countdown," told this prestigious gathering: "The total system of justice must be treated . . . My greatest fear is that Congress may go home without this being done."

His fear was realized on Christmas Eve, 76 days after that emergency meeting. The Senate had acted. But the House of Representatives had not.

The second session of the 91st Congress opened yesterday. There has been speculation, based on the solemn promises of leaders on both sides of the aisle, that Congress will complete action on the War on Crime legislation this year. Our hope that this will come to pass is mixed with skepticism because the same promises, made one year ago today, did not come to pass.

The victimized public can be reassured only by action.

We recognize that parts of the anti-crime package have raised some constitutional doubts . . . the provisions for greater license for wire-tapping and for pre-trial detention, for example. But much of the package is not controversial, or should not be . . . more police, more courts, a variety of attacks against syndicate crime, easing the lot of prosecutors, tougher penalties for the habitual criminal and for crimes of violence (particularly when guns are involved), and tougher measures against hard dope traffic.

There is no reason—no acceptable excuse—why the non-controversial bills should not be passed within the opening days of this session. In the past 365 days, ample attention has been paid to the problems of drafting this legislation by the Republican-controlled Department of Justice, and to its examination by the Democratic-controlled Congress. We'll buy the need to delay for those reasons—up to this point. But we will not buy any further delay. Congressmen reading the polls and weighing the outcome of recent off-year elections must realize that they may engage in further partisan bickering and legislative delay at their peril in the November general elections.

If further study is needed for those few controversial aspects of the proposed legislation . . . well, all right . . . but let's get on with committee study as the first order of business, and clear the way for prompt action on the floor.

It is time, too, to go beyond the cops-and-courts aspects of the War on Crime. We insist, as we did in that Open Letter to Mr. Nixon one year ago today, that the criminal be caught and prosecuted. We also want him, whenever possible, to be rehabilitated so that he will not return to the streets a more embittered and expert criminal.

In the heat of partisanship, the cause of law and order has suffered. Motives of both the "hardliners" and the "do-gooders" have been challenged. Justice, we repeat ourselves, means two things: it means that the innocent shall go free and that the guilty shall pay the price of their guilt.

No issue on the Hill has higher priority. No positive response will gain greater favor with the public.

To get very, very elementary, the physical well-being, the lives, even, of many Americans are at stake. So, of course, is the vitality of Our Town of Washington, and every other core of the great metropolitan areas of our nation. So, too, is the future of our democratic society.

A COMMUNITY'S GENEROSITY ATTRACTS INDUSTRY

HON. MARGARET M. HECKLER

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 22, 1970

Mrs. HECKLER of Massachusetts. Mr. Speaker, while the "people helping people" aspect of a United Fund Campaign is familiar to all, I believe few of us stop to think what a successful campaign can mean for the economic growth of a community. It can be an important consideration in attracting new industry to an area.

This point is emphasized by the Fall River Herald News in an editorial which proudly hails the success of the recent United Fund Campaign for the Greater Fall River area.

It was a success which "will not go unnoticed beyond the confines of Greater Fall River," the newspaper observes.

As the editorial points out, the success of a United Fund drive is something that is well noted by industrialists seeking areas in which to locate. Increasingly, it explains, industries are inquiring about local support for United Fund efforts as an indicator of a community's health and the attitude of citizens toward their responsibilities to their fellow men.

Greater Fall River outdid itself this year. For the first time in local history, the United Fund Campaign passed the half million dollar mark. The total surpassed the $525,770 goal.

The contributions by residents of Fall River, Assonet, Somerset, Swansea, and Westport support 28 United Fund agencies.

Obviously, I share the hope of the Fall River Herald News that this outstanding achievement will have additional benefits in terms of attracting new industry to this area. The editorial of January 16, 1970, reads as follows:

FOR FALL RIVER AREA—A DAY TO BE PROUD

Greater Fall Riverites can be proud today.

The announcement that the United Fund quota—the largest ever—has been attained and exceeded is one that must gratify every person in the area.

The success of the United Fund campaign is attributable to the leaders whose planning and direction were superb, the workers whose diligence and devotion never lagged, and most of all the people in all walks of life who gave through the payroll deduction plan or in direct contributions.

It was an area wide effort that will not go unnoticed beyond the confines of Greater Fall River.

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Many people have the impression that the success of a United Fund drive is something of newsworthy note for a day—something to be filed and forgotten.

This is not true.

The success of the United Fund campaign has greater meaning.

It assures the many organizations comprising the fund that there will be sufficient money for their continued operation.

It guarantees those served by the United Fund agencies that their needs will continue to get required attention.

It is people helping people. And more, it is people helping themselves. For the success of a United Fund drive is something that is well noted by industrialists seeking areas in which to locate.

Industrial development authorities have come to expect a prospect to inquire what the people of an area have done in support of their United Fund campaign. And when the campaign succeeds as has the 1969 one in Greater Fall River, industrialists are made aware that the area's residents recognize and accept their responsibilities toward their fellow men.

It is indeed a definite plus in the unrelenting effort to attract industry.

We repeat Greater Fall Riverites indeed can stand proud today of the Page One news that the 1969 United Fund campaign soared beyond its goal.

It is a most encouraging and heart-warming story with which to usher in the new decade, a period which well may become for this area the Successful Seventies.

PASSENGER BUSINESS BOOMING, BUT NOT FOR U.S. SHIPS

HON. EDWARD A. GARMATZ

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 22, 1970

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Mr. GARMATZ. Mr. Speaker, recently several additional U.S. passenger ships were laid up because owners had sustained great losses in their operations. The Miami News on January 9 carried an article on the booming cruise business which is going to foreign lines, out of Miami, who apparently find it quite lucrative.

This is a matter which our Merchant Marine Committee plans to look into in connection with a series of hearings scheduled on our maritime program and one which should be of concern to all of our Members.

For this reason I am including in the RECORD the article in the Miami News on this foreign cruise business:

[From the Miami News, Jan. 9, 1970]

NORWEGIANS STARTED THE BOOM AT PORT OF MIAMI: A TOAST TO THE CRUISE SHIPS—SKOAL

(By Larry Birger)

Miami is a long way from Oslo—and the climate's not exactly the same—yet a tiny but growing nucleus of Norwegian cruise ship owners is rapidly turning Florida's vacation capital into a financial happy sailing ground for their modern fleets as 1970 begins.

They, with the help of some good old Yankee promotional know-how, have made the new Port of Miami the home base for a burgeoning flotilla of "floating hotels" which in 1970 will carry as many as 575,000 holiday passengers on a schedule of 3- to 14-day cruises to the Bahamas and the Caribbean.

In fact, the Norwegians—through their success—have just about written an end to cruising from northern ports in winter by persuading vacationers to fly instead to Miami to board ship rather than brave at least two cold and blustry days at sea—the time it takes to sail from New York to Nassau, calmer waters and warmer weather.

At the helm in spawning what probably is the fastest growing segment of the total travel industry in Klosters-Rederi, an Oslo-based company which has one ship, the 11,000-ton Sunward, making twice-weekly cruises to Nassau.

A second ship, the 15,000-ton Starward, makes a weekly voyage between Miami and Kingston, Jamaica; a third, the spanking-new 15,000-ton Skyward has just arrived for a weekly Miami-San Juan-St. Thomas cruise, and two more ships of similar size are to follow to cruise to as yet undecided ports in late 1970 and 1971.

Better known as Norwegian-Caribbean Lines, the 66-year-old firm is headed by Mogens Kloster and his nephew, Knut Klosters, and has invested upwards of $100 million in the five-ship fleet.

Right behind them is another Oslo syndicate—I. M. Skaugens & Co.; Anders, Wilhelmsen & Co., and Gotaas-Larsen, a wholly-owned subsidiary of International Utilities, Inc., a Canadian conglomerate—which is plowing about $50 million in a three-ship fleet under the colors of Royal Caribbean Cruise Line.

The 18,000-ton Song of Norway, launched two weeks ago in Helsinki, is scheduled to enter service in November, offering seven-day cruises to San Juan and St. Thomas. A sister ship, Nordic Prince, is due to follow in the summer of 1971 on a nine-island cruise of the Caribbean spanning 14 days. And a third of similar size, Sun Viking, will enter service in the fall of 1972, also on a two-week schedule out of Miami.

Gotaas-Larsen also owns Eastern Steamship Co., a Miami firm which has one ship, the 12,000-ton New Bahama Star, sailing twice weekly to Nassau, and the 7,500-ton Ariadne making twice-weekly sailing to Nassau out of Port Everglades, just north of Miami near Fort Lauderdale. In April, it will switch to alternate weekly cruises to Mexico and the Caribbean.

The Norwegians, though, are by no means the only operators in the race for the growing cruise ship traffic.

Commodore Cruise Line Ltd., a Bahamian firm headed up by Miami Beach hotelman Sanford Chobol, has the Boheme, an 11,000-ton ship built in West Germany for Swedish ship owner Olaf Wallenius, and is sailing her on a weekly schedule that takes in Freeport on Grand Bahama Island, San Juan, St. Thomas and back to Miami.

Chobel, too, is actively negotiating to charter two more vessels of similar size. One he would run on a 14-day cruise to Vera Cruz, with a seven-day stopover in Mexico, the second on seven-day sailings out of San Juan rather than Miami.

And Costa Line, of Genoa, Italy, has two ships in operation—the 16,000-ton Flavia, operating between Miami and Nassau, and the 20,000-ton Federico C, sailing a 14-day circuit out of Port Everglades through the Caribbean to as far south as the Panama Canal. Later this month, Costa will put a third ship, the 17,000-ton Fulvia, formerly the Oslo Fjord, on seven-day voyages out of San Juan.

But the catalyst for all the action that followed was the Klosters, who in early 1967 gambled that Miami—with a new port under construction—was ripe for a revival of the cruise ship trade that had just about succumbed three years earlier with the sinking of the ancient Yarmouth Castle and a fire aboard a just-as-elderly Viking Princess, causing the deaths of more than 100 passengers.

What happened was this: the Klosters had just come off a very successful summer with their first cruise ship, Sunward, hauling holiday passengers between England and Gibraltar, when the British government instituted an austerity program to save the pound, in effect throttling any chance of a repeat the following year.

Meanwhile, in Miami, shipping agent Ted Arison was in search of a vessel to replace the MV Nili which through no fault of his was confiscated by its owner, the Israel government, because the owner was in default.

Arison, spotting an item in a travel magazine that Klosters-Rederi was having difficulty finding a port from which to cruise, convinced Knut during the course of a one-hour phone conversation to come to Miami. That weekend, they made a deal to bring the Sunward on a four-month trial over the winter season of 1966–67.

"Our first cruise was 75 per cent occupied (65 per cent is break-even) and the next was a sellout," Knut Klosters recalls. "We decided then to extend to a full year and within six months we signed a contract to build the Starward and bring her into the Miami market."

The decision to build three more ships was made in 1968, on the strength of traffic forecasts by Arison that proved amazingly accurate. Sunward ran with an 80 per cent occupancy in 1967, a startingly 95 per cent in 1968 and, combined with Starward, 90 per cent through the first 11 months of 1969.

They weren't, however, to enter service under the original scheme until 1971–72–73. "But business proved to be so good (revenues of $4.5 million in 1967, $5 million in 1968 and $12 million with two ships last year, and profits to match) that we decided to move the timetable up by two years," says Klosters.

Aside from convincing the public to alter its cruising habits by sailing out of Miami rather than New York, Klosters and Arison believe the construction of the modern-day cruise ship, operated as a floating hotel with the middle-class traveler in mind, has been the key to their success.

They cite, for example, that Sunward was the first to offer a private shower and toilet in every cabin, portholes on every outside stateroom, well-decorated public rooms, free nightclub shows, sauna baths, a swimming pool, a cocktail party, slot machines and a host of other extras—and all at reasonable prices (generally, about $40 a day per person).

But they also feel they are doing well for a number of other reasons:

The Bahamas and Caribbean offer a year-round travel market, vs. a four- to five-month season in Europe, even in the Mediterranean.

The ships fly the Norwegian flag, which from the standpoint of safety on the high seas gives the public a feeling of confidence.

Travel agents are closely cultivated, and they in turn sell 95 per cent of the out-of-state business (tourists who come to Florida with plans to spend at least part of their vacation on a cruise) and 50 per cent in-state.

The market for conventions and incentive sales meetings is proving to be extremely lucrative and only now is beginning to be tapped.

Obviously, success breeds copiers, which has certainly been the case in the cruise ship industry. Klosters likes to say there is a "peculiar similarity" between the Starward and all of the ships now proposed or being built.

Since Norwegian-Caribbean has set its sights on 20–25 per cent of what eventually is expected to be a $200 million market (a million passengers by 1975 at $200 a throw), it looks for revenues by that time of $40–$50 million annually.

On the other hand, in entering the market somewhat tardily, Royal Caribbean hopes to make it up by selling potential passengers—and conventioneers—on the fact that its ships will be newer, somewhat larger (18,000 tons vs. 15,000 tons for Norwegian-Caribbean) and thus more roomy and luxurious.

As Edwin W. Stephens, exec. vice pres. of Royal Caribbean, points out: "We believe our size is the most economical in which to operate while still giving our passengers the proper atmosphere and comfort in sailing to the islands."

During the upcoming season and through 1970, it's not anticipated that any of the operators will have difficulty in making money since the number of ships won't be anywhere near enough to meet the demand for berths based on forecasts by Irvin Stephens, director of the Port of Miami, that traffic, which rose 45 per cent in the fiscal year ended last Sept. 30, will be up another 25 per cent in 1970.

There are those operators, in fact, that don't see supply catching up with demand anytime soon, based on the premise that the cruise ship market is only now beginning to be tapped.

Chobol, operator of the Boheme, is one. "I think we'll see a market for all of these ships," he insists. "More and more people (who stay in apartments) are coming down here for three to five months and they want something to do. Cruising offers them a secondary vacation."

Yet, warning is sounded by Leo Robins, vice president for Costa Line, particularly after the Song of Norway arrives on the scene late next year.

"When that happens," he says, "things could get sticky. We'll have 3,000 berths to fill each week on cruises to the islands. With four ships this winter on the Nassau run, that market is starting to be diluted. And the same thing could happen on the longer cruises. I'm not that certain that the market is unlimited."

Sums up Klosters, who started it all: "It's too early to tell where the saturation point is. But I know this. We haven't reached it yet, or come anywhere close."

THE PRESIDENT'S STATE OF THE UNION MESSAGE

HON. FLORENCE P. DWYER

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 22, 1970

Mrs. DWYER. Mr. Speaker, it has been my privilege to hear many state of the Union addresses. Some have been memorable; a few even eloquent. One or two have been historic in their implication for this Nation.

But never in my memory has one message more dramatically combined the qualities of eloquence and substance, style and matter, than this one.

This message was clear as it spoke of the need for clearness in our air and our water and our thinking.

It was direct as it spoke of new directions for our Nation and the world.

It was simple—as it spoke of simple things, the basic things, a clean environment and peace.

It was economical in phrasing—as it spoke of the need for a sane economy.

It was infused throughout with a spirit of good will and hope and tolerance—as it spoke of the need for a renewal of the spirit.

It was, as they say, all of a piece; each section was combined with all the other sections in a harmonious whole—just as the President's vision of the future in one in which our Nation, its people, the environment and the rest of the world will be able to live with each other in harmony.

There is an old saying that the style is the man—that the way a man acts and speaks is essentially a reflection of who he is. I believe that. And after listening to this state of the Union message, I am convinced more than ever that in Richard Nixon the United States is fortunate in having a man whose clarity, directness, and inspirational vision will lead this Nation to our greatest decade.

OUR ENVIRONMENTAL CRISIS—A WORLD IN DANGER

HON. ROBERT N. GIAIMO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 22, 1970

Mr. GIAIMO. Mr. Speaker, can we save our environment? The answer to this question will depend to a great degree on our actions in Congress as we consider the priorities of the 1970's.

President Nixon devoted a large portion of his state of the Union message to the problems of environmental pollution. By doing so, he reiterated what has been obvious to some of us for a long time, the fact that only with a total commitment by the President, Congress, and the American people can we hope to turn the tide and prevent environmental catastrophe.

In an outstanding example of interpretive reporting, Roberta Hornig and James Welsh of the Washington Evening Star have written an excellent series of articles on environmental pollution. Published in last week's editions of the Star, this series graphically describes every aspect of the pollution crisis.

In light of the need for prompt action and the apparent willingness of Congress and the President to take such action, I wish to include these seven articles at this point in the RECORD as a reminder of the monumental challenge we must face:

[From the Washington Sunday Star, Jan. 11, 1970]

THE ENVIRONMENT: IS IT PROBLEM NO. 1?

(By Roberta Hornig and James Welsh)

John Heritage's job begins to close in on him long before he gets to the office.

As a 31-year-old staff aide to Wisconsin's Sen. Gaylord Nelson, Heritage specializes in the environment. On a typical workday, he hasn't driven far from his home in Alexandria when these troubles begin coming at him, one after another.

His car inches through a crowded interchange onto Shirley Highway. It is a gray, heavy day. The cars stop, inch forward, stop. The fumes hang over the highway.

The cars, thousands of them, sputter through Arlington's apartment wonderland, past the Pentagon and toward the 14th Street Bridge.

As he approaches the bridge, a jet swings into its landing approach to National Airport. It approaches from upriver.

Heritage knows that as he crosses the bridge, the plane—perhaps even two—will pass not far overhead, engines screaming and dumping oily black grit on top of the exhaust-laden air he is breathing.

The Washington skyline should be clearly in view now. Some days it is, but today it is not. The accumulation of smoke from cars, buses, trucks, planes and smokestacks is too heavy; the skyline is blurred in a pastel haze.

Beneath the bridge, the Potomac flows dirty and sluggish, logs and dead fish floating in the murky brown.

Heritage crosses the bridge and the traffic passes a densely built-up urban area. There is construction nearly everywhere—buildings and highways.

The noise and confusion reach a peak as he nears the Rayburn House Office Building. There, a pile driver is banging away at full steam.

John Heritage has driven from a famous suburb to the Capitol of the United States. The trip is past, but not forgotten. He has to drive home tonight, and back to work tomorrow morning, and he wonders what Washington will do to right man's wrongs against nature.

"You have to wonder what's happening to people," he observes. "Call it irritation if you want, but anyone can sense on a trip like this what is meant by the contention that our quality of life is going down.

"The environmental problem is no longer an issue of saving trees, of conserving natural resources. It's part of daily life. To go from one place to another in our cities is to pass through an unhealthy cross-section of pollution."

Heritage and his fellow Washingtonians are far from alone. Countless thousands across the country are wondering and worrying about their own communities—not just the big towns of New York and Los Angeles, but also the middle-sized cities of Oakland, Salt Lake City, Denver, Wilmington, Providence, Buffalo, Chattanooga, plus smaller towns and even rural areas.

And if other Americans remain relatively unconcerned, the sweep of current developments and trends may be giving them second thoughts.

People in Cleveland apparently had decided they could live with the Cuyahoga River. But one day last June the river caught fire. The blaze from an ignited oil slick soared five stories high and caused $50,000 damage to two railroad trestles. Clevelanders are more "aware" now.

Around San Francisco, a city justifiably proud of its good looks, it has been fashionable to look down on Los Angeles as a monument to tastelessness. Northern Californians like to think of LA's air pollution, which has set off 71 emergency alerts since 1955, as typical of the kind of mess Southern Californians are capable of making. But now in the San Francisco Bay area, the smog is so thick that the Northern Californians can't see across the bay.

Lake Erie was murdered, the victim of industrial and municipal waste disposal. It now harbors new life—a mutant of carp which lives off poisons.

Death is also coming to more of the nation's once clear waters.

So much sewage from upstream communities is coming down the Eagle River in the Colorado Rockies that trout fisherman, if they still go there, catch toilet paper, not fish.

In Northeastern Pennsylvania not too long ago, acid drainage from a mining operation leaked into some abandoned, uncapped gas wells, eventually polluting the underground water serving seven counties. In some parts of the area, the only way to get water was to truck it in.

Incidents and problems like this are piling one atop the other.

The days are gone when concern for the land, the air, the water was the sole province of the conservationists, the wilderness enthusiasts, the bird watchers and a few far-seeing scientists, authors and public officials.

Last spring the National Wildlife Federation arranged for a public opinion poll, on the subject of conservation. It showed 85 percent of the American people worried about the state of the environment.

The problems they worry about, of course, vary in severity from place to place.

Washington, for instance, is about average for a city of 800,000 and a metropolitan area of nearly 3 million. Like similar areas, it suffers from air pollution caused chiefly by auto exhausts and burning fuels.

But Washington is not too typical because as a government town, it has little industry to add to air and water wastes.

A good question then is why the Nation's Capital stands in the middle rather than the low end of the pollution index.

But solutions are as elusive as the air, and relatively little has been done.

As an issue, the environment began gathering true momentum in 1969. This year, it could well elbow its way to the top of the list of issues of major national concern, perhaps overshadowing the war in Vietnam. Students are planning protests; President Nixon is planning new programs.

There are reasons.

Everyday pollution is becoming more evident to the senses. As Heritage puts it: "It's real because you can smell it, touch it, see it, hear it."

Beer cans and other debris float by boaters far down the Chesapeake Bay. Signs warning "No Swimming—Polluted Water Not Recommended for Bathing" crop up in more and more places.

Airline passengers can spot metropolitan areas ahead by the banks of smog enveloping them. If they don't notice, their pilots who are increasingly hampered by lowered visibility, are likely to tell them about it.

Besides commonplace pollution, dramatic "accidents" and attention-getting examples of pollution dangers are occurring more frequently.

The Cuyahoga River fire is just one example. Its effect was small in comparison to the breakup of the American tanker Torrey Canyon off the coast of England, leaving oil smeared across miles of British and French coasts, and killing tens of thousands of birds and fish.

More recent environmental "happenings" range from oil spills from a drilling platform off the Santa Barbara coast, to scientists' reports that human mothers' milk contains more DDT than the federal government permits in cow's milk sold for human consumption, to the death of 6,400 sheep on isolated Utah rangeways from nerve gas the Army was testing.

Evidence has piled up that no corner of the world is safe from pollution.

Poisonous pesticide residues have been found in penguins in the Antarctic.

Thor Heyerdahl, who sailed across the Atlantic last year, said the ocean "looked like a sewer."

In Greenland, traces of lead from industry and gasoline have been found in cores taken from the ice.

In Europe, acid rain frequently falls as far north as Sweden.

The Rhine is a contender for the world's most polluted river. Athenians called their air "Marshall Plan smog" for the fumes pouring from industry. In Venice, it's a tossup whether air pollutants or the flooding caused by excessive landfill operations will destroy a good part of the city's art treasures.

And as the pollution mounts, journalism is putting a higher news value on the environment.

Bigger headlines are going on stories like oil spills and smog alerts. Scientists' reports get into print and over the airwaves. There is a new breed of reporter's "beat"—the environment.

Newspapers are devoting long stories and series to the over-all problem. Time magazine now runs an environment section. Last year Look magazine devoted much of a whole issue to the environment. Newsweek has something similar in the works. So does Fortune.

Partly because of this kind of coverage, and partly because they are better organized, scientists are getting the message across as never before. And it is a sober message.

Increasing credibility is going to people once regarded as extremists for warning that the human species could become extinct unless it learns to live in harmony with nature.

Dr. Barry Commoner of Washington University in St. Louis is now considered a prophet for the doom-crying he has done for years—that "it's a matter of survival to be scared."

And ecologist LaMont Cole of Cornell University is now getting audiences besides other ecologists when he warns that pollution, because it kills forest and water plants supplying the world its oxygen supply, amounts to a time-bomb that may be impossible to defuse.

In a curious way, the Apollo space flights have helped galvanize public opinion. Mail to the White House on the environment doubled after last year's first moon landing.

To many, the flights raised the question of where technological priorities should be directed—into space or back on the earth?

The critics weren't alone. Astronauts joined them, some of them saying that from space, air pollution was so visible it cut into the joy of seeing Mother Earth from hundreds or thousands of miles away.

And the warnings are coming across.

In New York, mini-skirted women are picketing shops that sell coats made from the skins of leopards, a diminishing species.

In Minnesota, a Mothers' Day protest march descended on the site of a planned nuclear-powered generating plant on the Mississippi.

In fairly conservative Santa Barbara, residents led by a former state senator formed GOO (Get Oil Out), and with power and sailboats moved to block an oil company from setting up an oil-drilling platform like the one that earlier had blackened their beaches.

Students are forming environmental "action groups" on campuses across the country.

At Berkeley and Minneapolis, they held mock funerals for internal-combustion engines to protest auto air pollution.

At Richmond two weeks ago, students from Maryland to North Carolina met to protest the pollution of Virginia's rivers. The federal government sponsored their meeting.

None of this has been lost on the politicians.

It's a far different climate than a few years ago when Maine's Sen. Edmund S. Muskie was quietly cranking out landmark air and water pollution legislation or when Wisconsin's Gaylord Nelson was practically alone in talking of alternatives to the gasoline-powered internal combustion engine.

Now, Interior Secretary Walter J. Hickel put it, the environment has joined motherhood and the flag as good politics. In legislation passed last year—and more legislation now in the works—various members of Congress are outdoing themselves over who becomes identified with the push to save the environment.

President Nixon was slow off the mark on this issue but he is trying to catch up.

"There are more people in the White House now working on the environment than on any single issue, and that includes Vietnam," says one of the President's staffers.

The President will devote a major part of his State-of-the-Union message Jan. 22 to the environment. He has said it will be among top-priority items in his 1970 programs.

In the broadest sense, the problems of pollution tie directly to the march of civilization, to the many forces at work in industrial society, each heightening the effects of the others, all of them accelerating in intensity.

The first force is people—the sheer numbers of them.

As long as man's numbers were few, and his way of life simple, he could live compatibly with the world around him.

But the world's 3 billion people, which took millenia to produce, will double by the end of the century. The U.S. may add its third 100 million people by that time. As a result, the relationship between men and nature will change radically.

It wouldn't be too bad if the population were distributed more evenly across the land. But the economics of industrialized society doesn't work that way. Industry congregates in urban areas where it can draw upon a wide range of resources, knowledge and skills. People migrate to the cities for more money and a wide choice in the employment market. Service industries follow the people. The urban areas grow bigger.

But as industry and people become more concentrated, so do their wastes—to the point that it becomes extremely difficult and expensive to keep the air and water clean, to dispose of the trash, to preserve any open space.

Prosperity only aggravates the problem.

On the one hand, it provides increased leisure time and the mobility to get away from it all.

But the more people try to get away from it all, the more they run into each other. Today, in what were once remote vacation spots, it is often tent-pole to tent-pole, boat to boat, bumper to bumper. And because of so much use, some vacation areas themselves have become pollution trouble spots.

More important, western civilization's unprecedented prosperity is dependent on an increasingly high order of technology. Man has become the super consumer, demanding more resources, more products. Some of these products, autos especially, add to pollution. And the technology that underpins our prosperity cannot continue to grow in quality and quantity without giving off larger amounts of waste products.

Today's technology is turning out new orders of pollutants—plastics that don't corrode but continue to pile up, and synthetic chemicals that are what the scientists call "non-biodegradable" in that they do not break down easily.

The advance of knowledge and techniques has led to the 100,000-ton tanker and the giant pipelines that can be, and probably will be laid across the fragile tundra of northern Alaska.

New knowledge and technology have enabled the exploiters to become more efficient.

As just one example, European fishing fleets, after discovering the major migratory route of the Atlantic salmon off Greenland, have so depleted this great sport fish that spawning grounds in Canada, Maine, Norway, Scotland and Ireland are now almost empty.

Even with the best of intentions, the application of technology often is preceded by little or no calculation of its environmental consequences. And so what Dr. Commoner calls "ecological backlash" is a growing phenomenon.

Perhaps the most vivid example of this backlash can be found in Egypt, where the giant Aswan Dam controls the Nile River, holding back a reservoir of water some 300 miles long.

Because the Nile's downstream flow has been slowed, waters of the Mediterranean Sea are now flooding the Nile Delta 600 miles below the dam, covering thousands of acres of fertile farmland. Because rich nutrients no longer flow below the dam, Egypt's fishing industry is collapsing. On mammoth Lake Nasser behind the dam, evaporation may claim as much water as the Nile was supposed to send downstream for irrigation. And medical specialists fear that snails that carry schistosomiasis will invade the lake and irrigation canals, eventually infecting

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thousands of peasants with that painful and crippling disease.

In its conception and construction, the Aswan Dam was seen as providing enormous benefits to the Egyptian people and economy. It may become a monument to environmental disaster.

If technologists have been short-sighted, so has government at every level.

In this country, for instance, two decades of housing and transportation policy led to the suburban sprawl evident now in every metropolitan area, to dependence on the auto, to the great amount of smog that autos produce.

On other fronts, while the Interior Department was trying to save northern wetland breeding grounds for waterfowl, the Agriculture Department was subsidizing their drainage for farming.

Over the years the federal, state and local governments have spent a lot of money in pollution abatement. But in the prevention of pollution, the record is a dismal one. In one area after another, where the pressures for "progress" have confronted concern for environment, the environment has lost.

To put it another way, one agency after another created to help protect the environment gets caught up in a bureaucratic conflict of interest. As Muskie put in it a recent speech:

"The Congress has assigned responsibilities for pesticide control to the Department of Agriculture, which also promotes the use of pesticides for increased agricultural production.

"The Atomic Energy Commission supervises radiological protection from the uses of nuclear energy, which the commission promotes.

"The Corps of Engineers is responsible for some pollution control on navigable rivers, which the Corps dredges and into which it authorizes the dumping of spoil."

But now the situation has become so serious that such practices and policies—a whole way of life—are being questioned sharply. People are beginning to care, and beginning to hope it's not too late.

[From the Washington Evening Star, Jan. 12, 1970]

A World in Danger—2: Pollution Totals Ton a Year for Each of Us

(By Roberta Hornig and James Welsh)

While in orbit during the Apollo 7 flight, astronaut Walter Schirra should have been able to see Southern California 124 miles beneath him.

He could see a portion of its coastline. But then California disappeared in a shroud of smog that extended for about 100 miles eastward.

As soon as he got back, Schirra sent pictures he had taken to the National Air Pollution Control Administration—and to Gov. Ronald Reagan.

Schirra's three space voyages have made him militant on pollution control: "The moon is not hospitable. Venus is not hospitable. Mars is not hospitable. We'd better do what we can to clean up Earth, because this is where we're going to be."

Astronaut Donn Eisele was on Apollo 7 flight with Schirra. His reaction: "Earth generally is very pretty, but you can see smog in the clouds. It was pretty evident that there is considerable air pollution. It's most discouraging."

Col. Frank Borman's Apollo 8 orbit of the moon at Christmas 1968 had a similar effect on him. "There is no question in my mind that regardless of the economic considerations, we must take immediate steps to preserve our atmosphere."

The astronauts had a special view of planet Earth. But people back on the ground are getting worried, too.

A Gallup poll conducted a year ago for the National Wildlife Federation showed that of all forms of pollution, air is the one people care about most.

And for good reason.

Man must have decent air in order to live. But he is mistreating his air—as he can tell just by looking at it, or smelling it in many areas—and science doesn't know just what that mistreatment is going to do to man.

Air is made up roughly of one-fifth oxygen, four-fifths nitrogen, a bit of argon, minute traces of other gases and water vapor in varying amounts. It is a delicate mixture.

Each year, in the United States alone, 173 million tons of man-made waste products are released into the air. That's close to a ton for each man, woman and child. Worldwide, the estimated figure is 800 million tons.

The National Air Pollution Control Administration officially recognizes nine pollutants in the air: Sulphur, dust particles, carbon monoxide, "photochemical occident" (the gases loosely called smog), hydrocarbons, nitrogen oxides, lead and pesticides. It has also let out a contract to study 30 other air pollutants, including asbestos and cadmium.

Scientists know only some of the things these pollutants do.

They corrode metals; they soil clothing and curtains; they make stockings run; they injure and kill crops and flowers, they reduce visibility, endangering air and highway transportation, and they blight man's surroundings, making life less enjoyable.

But more importantly, air pollution affects health. At its worst, it can kill.

Its potential became apparent in London in 1952. Four thousand more persons than the normal died that year because of a three-day blanket of killer fog.

The comparable American pollution horror tale came in 1948 in Donora, Pa., a small steel and chemical plant town. A four-day "fog" killed 19 and sickened almost half of the 1,400 townspeople.

The same thing happened in each case: Normal fog, heavy with moisture, trapped poisonous chemicals—pollutants which normally drift off into the atmosphere. In London, fog trapped sulphur caused by coal-burning; in Donora, it blanketed the town with a chemical mixture from the industrial smokestacks.

In normal conditions, air pollution's effects on health are less easy to document. But more and more, scientists are warning that there is a relationship between dirty air and what happens to people.

As Dr. Jesse L. Steinfeld, deputy assistant secretary of the health, education and welfare, put it:

"It's full impact on our health is not known, but there is abundant scientific evidence that exposure to polluted air is associated with the occurrence and worsening of chronic respiratory diseases, such as emphysema, bronchitis, asthma, and even lung cancer."

While not so dramatic as the London and Donora episodes, air pollution reached such high levels in the New York area three Thanksgivings ago that it was later found to have at least shortened, if not claimed, the lives of 168 persons, mostly old people or those prone to respiratory illnesses.

There were no "body counts," but last August in the St. Louis area and in November in the Chicago area, air pollution reached seriously high levels.

The increasing concern over air pollution as a health hazard last year led the Los Angeles County Medical Association to recommend that "students through high school . . . should be excused from strenuous indoor and outdoor activity" when smog concentrations rise above certain levels.

And in the same county, the smog capital of the nation, physicians are estimated to have told some 10,000 persons suffering from respiratory ailments to move elsewhere last year.

What makes air pollution even more insidious, though, are the things scientists don't know about it.

No one knows what will happen if man continues to haphazardly pour compounds into the atmospheric test tube, permitting them to accumulate. Many results are feared.

The weather is affected, studies show.

Tulsa, Okla., has grown from a town to a city since 1900. With its growth has come a steady increase of dust particles in the air. And with that growth, there has been an increase in the annual rainfall.

In Louisville, Pittsburgh and Buffalo, it doesn't rain as often when industries are shut down. The snow pattern in Toronto is similar.

In LaPorte, Ind., 30 miles downwind from the heavy industrial complex around Chicago, precipitation has increased significantly since 1925. And the precipitation peaks have coincided with peaks in steel production in the Chicago area.

In America alone, about 12 million tons of simple dust are put into the sky every year. And scientists are concluding that it amounts to a virtual and involuntary cloud-seeding.

But air pollution also can have an opposite effect.

In some cases, the dirtier the air gets, the less rain falls. Clouds get so overseeded that moisture can't grow to raindrop size.

This weather-backlash in scattered locations has led meteorologists to wonder what dirty air is doing to our global climate.

Some say it's cooling the Earth's temperatures—a process that could lead to a new ice age. Others argue that it has a "greenhouse effect," raising the world's temperature at a rate fast enough to melt the polar ice caps and flood the coasts of the continents.

But all this seems rather academic to the busy urban dweller who notices air pollution only casually.

He more likely thinks about the way the air smells and looks. He may notice that when he's in a traffic jam he gets a headache, that his responses aren't as good as they might be, and that when there's smog, his eyes smart.

He is becoming more aware of air pollution, past the point where he cracks jokes about Los Angeles' smog.

Federal air pollution officials have even gotten up a dubiously distinctive "Top 10" list, headed by New York, then followed by Chicago, Philadelphia, Los Angeles, Cleveland, Pittsburgh, Boston, Newark, Detroit and St. Louis.

Washington made the second "Big 10" out of the list of 65, falling just behind Jersey City.

But dirty air seems to be everywhere. Even in New Mexico the Weather Bureau is issuing air pollution forecasts.

As a consequence, people are asking hard, central questions: What and who is responsible for air pollution and what's being done about it?

Almost all dirty air comes from some kind of burning or combustion—from gasoline in auto engines; from coal, oil and other fuels in industrial, generating and trash incineration and from jet airplane exhausts.

The "what" and "who" of it depends on where you live.

In Bishop, Md., population 500, for example, the offender was a single rendering plant. In the New York-Newark area, the polluters are a mixture of industrial plants, utilities, oil refineries, municipal incinerators and the fuels used to heat homes and apartment buildings.

Way out in front, though, is "transportation." It accounts for 94.6 percent of the country's bad air.

This is pollution caused by cars, planes, buses, trucks and other vehicles. Its effect varies according to location.

The automobile, for example, accounts for an average of 60 percent of the air pollution

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nationwide, but its effect goes as high as 90 percent in Southern California, and as low as 25 percent in Buffalo, where industries do the job.

And the automobile is now the No. 1 target of the scientists, technicians and politicians who are fighting air pollution.

Cars dump 90 million tons of pollutants into the air each year, double the amount of any other single contributor.

The 4 million motor vehicles in Los Angeles basically cause that city's smog. And the 1.1 million vehicle trips here in Washington daily don't do much for the air in the Nation's Capital. And unlike other cities of its size, Washington doesn't have heavy industry to blame.

It was not Washington but Los Angeles that fingered the car as the chief culprit.

After several air pollution scares in the early 1940s—including a day in September 1943, cited by the Los Angeles Times as a "daylight dimout"—Los Angeles clamped down on just about every air pollution source it could control. It went after domestic, commercial, industrial and municipal incinerators, and all open burning.

Afterward, there was little left to account for the growing smog except the growing number of cars and other motor vehicles.

California has, in fact, always been ahead of the nation in trying to cope with auto air pollution. By the early to mid-60's, however, other states were in the act, and so was the federal government.

Out of all this came federal requirements that Detroit beginning with '69 models build in devices to limit hydrocarbons and carbon monoxide emitted by new cars sold across the country. California went further, insisting that the devices should also control nitrogen emissions.

Yet in its war on cars, California has met with just about the same kind of success as the rest of the nation: Not much.

One of the reasons is that the 1965 law regulating automobile emissions only applies to about a fifth of the cars being driven on the nation's roadways now—the 1969 and '70 models.

Another reason is the testing procedure on the control devices set up by the National Air Pollution Control Administration. At its Ypsilanti, Mich., lab, prototype automobiles undergo tests under very favorable circumstances. They "move" standing still, and the assumption is that the prototypes are like all the cars Detroit is producing. Critics say this test has little relation to actual driving conditions.

More importantly, the law controlling the car devices has no provision for testing after the cars are sold and on the road.

The New York Scientists' Committee for Public Information states flatly that the control devices are not reliable.

The committee, set up to inform the public on the conditions of the environment in general says that 63 percent of a sample of cars equipped with pollution control devices in California in 1966 "failed to meet . . . the standards . . . after only 2000 miles of driving." They're supposed to work for 50,000 miles.

Many say the solution is to find an alternative to the internal combustion engine.

This seems to be the route the Nixon administration is taking. The President's Council on Environment Quality last month announced it will spend $45 million to look into a different kind of car. New York City and California already are.

Plenty of publicity has gone to some of these alternatives—the steam engine car, the electric car, the car powered by natural gas, or cleaner gasoline.

But none yet provides the answer.

Meanwhile, Detroit is sticking with the internal combustion engine. It would take untold millions for the auto makers to tool up for any other kind of propulsion unit.

A spokesman for Ford said his company thinks the internal combustion engine is still the best bet. Ford, he said, has 24 virtually "smog-free" cars "in the concept stage on the test tracks," and that's the route Ford will take.

Critics, led by Sen. Edmund S. Muskie, D-Maine, contend that Detroit is interested in keeping a "status quo (that) may run counter to the public interest."

The struggle to find a non-polluting car is shaping up as one of the big research races in the 70s—Detroit versus outsiders, with government incentives probably going to both.

Another big industry, the airlines and manufacturers, has committed itself to the best pollution control devices on the market so far—after the state of New Jersey took seven airlines to court last fall.

Until then, the airplane industry had denied it was an important polluter. Its argument was that, nationwide, airplanes' particulate emissions account for only 1 percent, or 78 million tons, of the nation's air pollution by weight.

But these figures don't impress people living near airports in New York, for example, planes pump 1½ tons of pollutants a day and in Washington, the filthy particles come to 1,200 pounds a day, or 602,000 a year.

The new devices should cut some of this down. But it's only part of the solution.

Considering that it was pretty apparent the air was dirty, and getting more so in more places, the federal government was late getting into the air pollution field.

The landmark law, the Air Quality Act devised by Muskie, didn't come until 1967. It's a combined federal, state and local approach setting up air quality regions nationwide—the first one was the Washington metropolitan area—on the grounds that air doesn't neatly confine itself to political boundaries.

The law also for the first time hit at "stationary" sources, such as industry and power plants, that belch black smoke into the sky.

On the books the law looks good. It gives the federal government a handle in getting after states that aren't policing the air.

But the legislation also has serious drawbacks. The most important one is that it has built-in time-lags. For all practical purposes, it gives polluters, and the states going after them, as well as federal institutions, a five-year break.

It will be two years yet before its results can be seen.

And, at this point, with environment so spotlighted, it's questionable whether the results will be sufficient.

To make the air fit to breathe, it's going to take money, for research and new technology, tighter laws and enforcement.

Ironically, as forms of pollution go, and particularly compared with the costs of clean water, it will not take all that much money to restore our air, the experts say.

Federal air pollution officials estimate they could get it back in shape within the next five years for less than $5 billion.

But, they point out, even with all the attention being paid to air pollution these days, Congress in the last session appropriated only $88 million for air pollution. About the same time, it authorized $85 million for the supersonic transport plane—which conceivably could have some insidious side effects on the atmosphere.

[From the Washington Evening Star, Jan. 13, 1970]

A World in Danger—3: Our Rivers Are Going Down the Drain

(By Roberta Hornig and James Welsh)

The nation's waterways run in not-so-glorious color. Name your color; it's there.

On the Potomac, beginning not far below Washington and extending for miles, the surface can turn a thick blue-green, the color of the algae that thrive on nutrient chemicals rushing from the metro area's big Blue Plains treatment plant.

Out on the Chesapeake Bay and in some of its small tributaries, the same concentrates of nutrients feed plants called dinoflagellates. In this case the color spreading across the water is bright red.

For white, try some of the Southern rivers where textile and carpet mills pour milky wastes that float lazily downstream.

For black, try the goo that spills from oil companies on the Delaware.

Yellow is the color of mine acid. You can see it on the headwaters of the Monongahela and some of the streams that feed into the Potomac and Susquehanna. Rusty red also is the color of mine acid. In the Ohoipyle section of southwestern Pennsylvania not long ago, mine acid got into a stream, and a place called Cucumber Falls ran red for a year and a half.

Blue? Sure. In Clarion County, Pa., a printing plant reprocesses used paper. As a result, the Clarion River runs inky blue.

Where industry pours a variety of wastes into the water—the Buffalo on its way to Lake Erie, the Calumet near Chicago, the Ohio at Memphis, Tenn.—the colors run the spectrum.

Then, too, a river can look perfectly clear, but be filled with a pollutant such as oil-well brine, which is so strong it can corrode ship bottoms.

Are there no clean rivers?

Asked to name one relatively clean major river system in the United States, federal officials just shake their heads. There is none.

American rivers generally fall into three categories—dirty, very dirty and dirtiest.

Staffers at the Federal Water Pollution Control Agency (FWPCA) prepared this list of the nation's 10 dirtiest rivers: The Ohio; the Houston Ship Canal; the Cuyahoga in Ohio; the River Rouge in Michigan; the Buffalo; the Passaic in New Jersey; the Arthur Kill near New York City; the Merrimack in New Hampshire and Massachusetts; the Androscoggin in Maine, and the Escambia in Alabama and Florida.

A runner-up list of 10 very dirty rivers also is available. The Potomac made this list. So did the Mississippi, the Missouri, the Hudson and the Connecticut.

All this is not to say that every American river is getting progressively more polluted, or that nothing is being done about cleaning up the rivers and lakes.

Water pollution is an old story in this country, and so is the fight to stem it. Over the last dozen years, governments at all levels have spent $5.4 billion to attack water pollution, and industry has spent billions more. And the effort has achieved a measure of success.

The Potomac is one example of a river that is cleaner than it used to be. At the turn of the century, the Potomac was the source of typhoid infection. Just a few years ago the Blue Plains treatment plant, which serves the District and suburban Maryland, was removing only 40 percent of organic pollutants. Now it's removing 60 percent.

But this kind of progress brings little comfort to the nation's water-pollution specialists. They look instead at the moutains of waste still pouring into U.S. waterways, at the backlog of treatment-plant construction, at new breeds and sources of pollutants, and at the increased amounts and concentration of pollution that will accompany future growth.

The complexity of the task facing the experts can be illustrated in this oversimplified example:

Putting up a better sewage treatment plant in a city might cut the amount of pollutants going into the river by half. But if, after a number of years the increase of municipal and industrial wastes doubles, that city's river is just about as polluted as it was before.

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Then, too, water pollution is spreading to new and dangerous battlefronts.

A river might very well be more free than in decades of such traditional pollutants as sewage.

But American industry, it has been estimated, turns out a new chemical compound every 20 minutes. Some of these substances are highly toxic and difficult to treat.

Industry also turns out that modern washday miracle, the detergent, which depends on the nutrient chemicals phosphate and nitrogen. In the water, they serve as food for plant life—and eventually can choke waterways. Scientists call this eutrophication.

On top of this comes the threat of pesticides in the water—and radiological emissions from atomic-generated plants.

A further threat to water quality comes not from a waste but from heat, or what is known as thermal pollution. Heated water used for industrial cooling is returned to the nearest waterway, often disrupting the balance of aquatic life.

Pollution is no longer limited to surface waters. Only in the last year have the scare stories begun to spread of what's happening to the underground water supply. Deep disposal wells leaked, or "blew out," sending their contents—brine in Texas and Kansas, cyanide near Buffalo, a variety of chemicals near Denver—into the water supply.

And pollution is no longer limited to inland waterways. Oil spills, offshore dumping, and pesticides carried by winds have raised a new spectre—pollution of the world's oceans.

David Dominick, the young chief of the FWPCA, is alternately gloomy and optimistic over the water-pollution problem.

He sees little or no progress having been made in the last decade, but with a greater commitment by all concerned, believes the nation's waters could be significantly improved in the '70s.

But with no greater commitment than the nation is now making, he believes the most serious consequences would follow.

"We would get to the point where water no longer would be an economic resource," said Dominick. "Our industry would be crippled, our municipalities would be crippled."

In terms of what worries scientists, public officials and the public, water and air pollution are the big two of the environmental problems. But the two cannot be equated.

In one sense, polluted air is more insidious because it is impossible to contain. The reverse of that proposition is that water, since it is more contained, can get incredibly dirty. No given volume of air is poisoned to the extent that Lake Erie is poisoned.

Then, too, the sources of water pollution are numerous, disparate and frequently indirect in nature as to defy coordinated attack.

For example, a chemical firm might install waste-treatment devices at its plant along a California river, and the river would not be polluted. But that company's products are sold across the country and, after used, may end up being discarded in thousands of rivers and lakes.

Pesticides and detergents are the most obvious examples of this form of indirect pollution.

A final distinction between air and water pollution boils down to one word: Money.

Up to now, government and industry have spent far more money on water pollution than on all other forms of pollution combined. And if the nation makes a commitment to clean up the environment, by far the greatest part of the money involved will have to go to the water program.

Two years ago the FWPCA, which is part of the Interior Department, put out a document saying that to bring our waterways up to federal standards by 1973, it would cost some $20 billion. This estimate, now perhaps too low, included only municipal and industrial waste treatment. It excluded the costs of controlling a wide range of other contaminants such as sediment, animal feedlot runoff and acid mine drainage. (Just to halt mine acid runoff, other studies have shown, might cost $6 billion.)

And the report ignored the cost of separating sewage lines from storm drainage lines in the many cities where they are combined. This cost never has been calculated, but its enormity is indicated by one estimate for Washington alone—$1 billion.

Whatever the grand total, it is formidable. Certainly, the nation has not shown it has been willing to spend anything close to that amount.

Partly because of that, partly because the environment has become such a visible issue, and partly because of sheer political antagonisms, water pollution promises to shape up next year as one long fight over money.

Congress passed the landmark Water Quality Act in 1965. It directed the states to draw up water quality standards for their municipalities and industries, and promised these states steadily increasing amounts of money to help finance waste treatment plants.

Some of the states—Maryland, New York and Michigan among others—took Uncle Sam at full faith and charged ahead with ambitious anti-pollution programs.

But the promised federal money failed to come along.

For fiscal 1968, Congress had authorized a prior authorization of $450 million, three times what had been spent the year before. But with the Vietnam war and other budgetary strictures, the Johnson administration asked for, and Congress appropriated, only $200 million.

The advance authorization for fiscal 1969 was $750 million. All that came along was $214 million. For this fiscal year, the advance authorization was $1 billion. But both the outgoing Johnson administration and the new Nixon administration chose to hold the line. They asked for only $214 million.

But this year, with the White House and congressional leadership split along party lines, the revolt came.

Congress appropriated $800 million for water pollution grants, far more than the President wanted to spend. A question now is how much of this money the administration will release, or how much it will seek to hold back in the campaign against inflation.

If Congress' actions were in part motivated by politics, they also came in response to growing pressures back home. The failure of federal funding promises in the last several years had triggered bitter reactions at the state level, particularly in those states that had jumped out ahead in water-pollution programs.

Maryland, for instance, had launched a 4-year, $150 million program making one guarantee after another to local communities for the construction of treatment plants. Under the federal legislation, it had counted on up to 55 percent federal matching grants. But the federal subsidies so far have run about 10 percent.

Not yet through its third year, the program is just about out of money.

There's little secret about what the President wants to do for his 1971 program. With no elbow room in the budget, with inflation yet unconquered, the war not yet ended, he wants to replace direct cash grants with the promise to help pay off bonds for sewage treatment works over a long period of time.

Under this plan, municipalities would float some $10 billion in bonds, with Washington paying off all the principal but none of the interest, over 20 years.

The argument for it is that communities throughout the nation could begin work now on the facilities they need. Moreover, by spreading out its obligation, the federal government would spend at most $500 million a year, far less than that in the first year or two.

But even before the plan is announced, arguments are building up against it. A number of congressmen, including Maine's Sen. Edmond Muskie, chief architect of the Water Quality Act, are poised to fight it, and to go for big cash-grant appropriations.

From the states, the reaction to the tentative federal plan is far from enthusiastic.

"It's unrealistic to expect the locals to play banker for the federal government," said James Coulter, deputy chief of Maryland's Department of Natural Resources.

The smaller and poorer the community, the more trouble it will have trying to enter today's tight bond market, argued Coulter. He further said such a plan would about cut in half the 55 percent federal subsidies promised under the Water Quality Act.

Meanwhile, until more money comes along, and as the bond market tightens, the backlog is growing.

Two years ago, according to FWPCA, 44 percent of the nation's urban population was served by less than adequate treatment facilities, or no facilities at all. For many states, the figure was far higher—New Jersey, at 75 percent, Michigan at 79 percent, Maine at 93 percent.

"I think we're even worse off now," said Dominick.

The FWPCA chief is pinning some hope on new technology—notably a method of treating municipal wastes through activated carbon and other chemicals. It will be given a try at Washington's Blue Plains plant.

Said Dominick: "If it works, it should be much simpler and cheaper than the usual secondary treatment process. It should do for waste treatment plants what transistors did for radios."

But it will be 18 months before results can be properly assessed. Meanwhile, Dominick reports running into resistance, in Washington and elsewhere, from the waste-treatment industry.

"I think what we've got on our hands is a sewage-industrial complex," he said.

But for all the debate to come over big sums of money, many of the people directly concerned, from top federal officials to men like Coulter and a growing number of local officials, realize that money alone won't eradicate water pollution.

First, there is good reason to believe that money now going into waste treatment plants across the country could be spent far more efficiently.

Two months ago, in a tough report, the General Accounting Office told Congress that the benefits from billions of dollars of spending on some 9,400 treatment plants in the past 12 years "have not been as great as they could have been."

GAO's reasoning gets to the heart of the traditional grant-in-aid process.

Consider a river lined by two dozen communities and a lot of industry. Administrators in possibly five of those communities know the bureaucratic application route well enough to get money for treatment works. But the river remains dirty because all the other communities and the industry continue to pour untreated waste into the river.

Said the GAO report: "The program to date has been administered for the most part using a shotgun approach—awarding construction grants on a first-come, first-served or readiness-to-proceed basis. Little consideration has been given to the immediate benefits to be attained by the construction of individual treatment plans."

Ralph Widner is director of the Appalachian Regional Commission, serving an area sorely beset by both water and air pollution. He puts it this way: "What we have is the accidental consequences of the grant-in-aid approach. There has been no systematic attack."

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If Congress listens to GAO and other critics, it may insist on the application of systems techniques, leading to treatment systems serving large areas.

Said Maryland's Coulter: "It has to come. Just as we have state highways and interstate highways, we'll have the state-run sewage system and regional purification works."

"But none of this will come cheaply. It will cost enormous amounts of money.

The GAO report didn't say so, but there are other reasons why money for cleaner water can go down the drain.

One is that the agencies of government often work at cross purposes.

What happened on the Ohio River is a case in point. With a population of 24 million and some 38,000 industrial plants in its 10-state drainage area, the Ohio has been the target of the biggest cleanup effort ever directed at a major American river. Nearly $1 billion has been spent in the last 20 years.

But over the years, too, the Army Corps of Engineers has been busy improving the river for navigation. In effect, the Ohio has been turned into a series of reservoirs.

These reservoirs were given little flushing capacity. Waste, along with heat from thermal pollution, builds up. Aeration is low.

Over-all, these projects have offset a good part of what the clean-water program promised to accomplish.

Water pollution specialists also agree that beyond money, enforcement of tough standards is the key to cleaning up the waters.

In the past, the federal government has for the most part relied upon the states to "get tough" with local governments and industry.

One federal official describes why this so often hasn't worked:

"At the state government level, industry can be politically potent. Often the biggest firms, maybe the biggest polluters, are the biggest contributors. What's more, the states traditionally have competed for new industry. They're more scared of driving industry away than they are of water pollution."

Lately, on interstate waterways, the federal government has shown a willingness to bear down. After extensive hearings last year, it threatened to sue the city of Toledo and four industries in Toledo and Cleveland for not taking steps to end the pollution of Lake Erie. It remains to be seen whether Toledo and the four firms comply with clean-water standard—and if not, whether the FWPCA refers the matter to the Justice Department.

Dominick and his aides say that among each of the major industrial groupings—steel, chemicals, oil, forest products—there are good guys and bad guys, firms that get plus ratings and firms that act with what one official calls "19th Century abandon."

In the steel industry, for example, U.S. Steel gets good marks. It's not perfect, but it spends money and tries hard. Republic Steel is on the other end of the FWPCA scorecard. One of the four Ohio firms the agency threatened to sue last year, Republic refused to testify at the hearings on grounds the issue was strictly a state matter. (Interestingly, the state of Ohio refused to testify on the same grounds.)

Dominick is seeking legislation that will make it simpler to crack down on violators. But even if that comes, the question is how much farther Washington will go to crack down, to play the heavy. Said Dominick:

"If we get the type of national priority commitment that cleaning up the water deserves, it will be clear mandate to go after the offenders."

As a whole, industry is spending just about the amount called for in the Water Quality Act goals. At last count, it was on the order of $600 million a year.

Industry no doubt will be called on to spend more in one way or another. Public pressure is growing. Congressional pressure is growing. Wisconsin's Sen. William Proxmire, for example, following on the heels of the GAO report, introduced legislation that would place a user tax on industry, depending on the amount of waste it dumped in the water.

Higher product prices? We're already paying them—not only for what industry invests to treat its own wastes but also what some firms, notably in the medical and food fields, must invest to treat dirty water even before they use it.

As the nation's water pollution fighters go about their business, they face the prevailing problem of setting priorities. What should come first?

Widner, thinking of Appalachia with its strip-mine runoff and acid-laden abandoned deep mines, its old industry and impoverished towns still pouring untreated wastes into the river, talks of the issue in these terms:

"We have this tremendous legacy of neglect, all the problems from the past, that are still with us. It would take more resources than we have to eliminate them. And even if we tried, there are all the new problems coming along."

For Interior Secretary Walter J. Hickel, Dominick and their aides, many of these problems are pressing in more swiftly than anyone could anticipate even a year or two ago.

Consider the eutrophication menace, only recently recognized by scientists.

Last month, Rep. Henry Reuss, D-Wisc., held a series of hearings that wound up with a scolding of scientists, both in government and industry, for failure to find a pollution-free detergent. Now FWPCA is stepping up its research efforts in that field.

The pollution of underground waters is something else. It will not be solved by research. It will be solved by regulation.

"It's a treacherous problem—out of sight, out of mind," says Dominick.

Now this form of pollution is growing more visible—and so are demands to do something about it.

Until now, the federal government has largely ignored it, permitting industry and the military to multiply the number of deep wells for disposing of poisonous wastes.

Dominick now promises that a strong federal policy will be coming along soon.

Ocean pollution is something else again. No one nation can deal with it. It's a problem with scientific, diplomatic and legal implications that environment specialists and public officials are only beginning to grips with.

A World in Danger—4: Garbage Piles Up, Up, and Up, and . . .

(By Roberta Hornig and James Welsh)

Before affluence, people did not have much to throw away. Last year, Americans threw away 7.6 million television sets.

Housewives used to find a use for coffee cans, jelly jars, and other containers. Last year, with so many containers on store shelves that even the most economy-minded were overwhelmed, Americans threw away 50 billion cans, 30 billion bottles and jars and about 4 million tons of plastics.

During World War II days, old cars went to the scrap yards and the metal was salvaged. Last year, Americans junked 7 million cars and trucks. In New York City alone, about 1,000 vehicles a day were simply abandoned.

America is not just a consumer economy. It is a throw-away economy, which by its very nature is creating problems of avalanche proportions.

It was officially recognized by Congress in 1965 as the "third pollution," following water and air pollution. And because no one can think of a better name for it, it is called "solid wastes."

These are the solid discards of society—any of the discards that are neither liquid nor gas. Besides everyday garbage and trash, these range from old refrigerators to dead animals, to the immense amount of scrap and wastes that industry and farmers no longer want.

What happens to them? After they're thrown away, left for the municipalities to pick up, the municipalities usually throw them away too—into dumps.

It is old fashioned, but open dumping still accounts for 85 percent of the way this country is "disposing" of its wastes.

People do not think about garbage very much. They don't want to; they don't like to see it around.

But, dumping uses up a lot of land. Experts say garbage has damaged about 7,000 square miles of the country—a country in which land is becoming scarcer, particularly in the metropolitan areas.

And as metropolitan areas grow, dumping grounds get farther away—making trash transportation cost more than it does already.

What are the alternatives?

Burning is the most common one.

Some communities still permit "open burning" at dump sites, but there is increasing pressure to stop it because it contributes to air pollution.

Incineration appears a more logical step, but even incinerators are undergoing a rash of criticism. Between 8 and 10 percent of the nation's garbage is burned in incinerators. A study by the Public Health Service in 1967 revealed that 75 percent of these are unsatisfactory because they dirty the air.

Many of them don't do a very good job, either. Gerald F. O'Leary, president of Boston's City Council, told a Senate committee recently that in his city "You can put a telephone book in the incinerator and come out and read it."

Larger metropolitan areas are turning to burying garbage. It is called "sanitary landfill," which is a refinement of the open dump. In some places, including Washington, these are fairly sophisticated.

Properly planned, landfills cover each day's garbage load with six inches or more of compacted earth and in such a way as to prevent ground and water pollution.

Washington went this way, and now it has one of the model landfills in the nation.

Just two years ago, the Kenilworth Dump, located about four miles from the Capitol, was rated by the Public Health Service as the worst air-polluting, open-burning dump in the nation.

Today, after being filled in with a half million tons of trash and with the help of a federal grant, Kenilworth is about to become converted into a 300-acre park.

Washington is already on its second landfill, at Oxon Hill. In about two years, it will become a golf course.

But landfills, which handle about 5 percent of the nation's garbage, cannot be considered a final solution. Besides posing a possible water pollution threat, they are a land-gobbler.

New York, Philadelphia, San Francisco and Boston will be running out of garbage burial grounds within the next five to 10 years.

Washington is going to have to turn to Prince William County, at least 20 miles down the Potomac River, for its next landfill operation. This one will be the most up-to-date of its kind, with garbage baled, then barged, to burial.

Some garbage already is barged for burial at sea. A recent study by an oceanographer at the Stony Brook Marine Resources Center on Long Island says that 8.6 million tons of material are thrown annually into the Atlantic Ocean, up to five miles out to sea from the New York area. The effects of this practice

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are as yet unknown, but frowned on by federal officials.

At the present rate, this country is throwing out 3.6 billion tons of solid wastes a year.

On the average, every man, woman and child in America generates 5.3 pounds of garbage a day. The rate in the 1920s was 2.75 pounds per person, and experts predict that in 10 years, the figure will leap to 8 pounds each.

This is a faster growth rate than our population. In fact, the U.S. garbage growth is double its population growth.

Much of the reason for the garbage heap is the nation's new affluence: More money equals more goods equals more trash—and more complicated trash at that.

Some of the goods and gadgets finding themselves on supermarket shelves are not for burning. They won't burn.

And some of what people buy won't deteriorate under any normal circumstances. Throwing a carboard carton away and it eventually disappears through natural biological processes. Try the same thing with some of the plastics and they will be there almost forever.

Garbage is a problem everywhere in the country.

Where people are poorer, and the communities poorer, different orders of garbage problems appear.

The report of the National Advisory Commission on Civil Disorders to President Johnson in 1968 pointed to the effects of garbage—which mostly amounts to food wastes—on the inner cities.

"It must be concluded that slum sanitation is a serious problem in the minds of the urban poor," the report states, pointing to the "peculiarly intense needs of ghetto areas for sanitation services."

But country areas have their garbage problems as well.

In Kentucky, for example, the local municipal units are so small that there is no standard trash collection. So people dump anywhere.

A few years ago, following the lead of Mrs. Lyndon B. Johnson's beautification program, Kentucky started a "beauty program" of its own, and created roadside rests with litter barrels.

The public's assumption was that litter barrels were placed for trash. Soon after the program began, so much trash accumulated that the litter barrels were hidden.

Nationwide, trash collection is an extremely expensive proposition.

John F. Collins, former president of the National League of Cities and one time mayor of Boston, puts municipal waste disposal costs at $3.5 billion annually.

This would make solid wastes the third largest municipal expenditure, behind education and highway construction.

It took a long time for Congress to become concerned with it because, like other people, garbage was not uppermost in the mind.

Garbage caught the attention of Sen. Edmund Muskie's air and water pollution subcommittee when it was discovered that garbage burning in open dumps and incinerators was causing much of the nation's air pollution.

Almost as an afterthought, prodded by Muskie, Congress added the Solid Waste Disposal Act of 1965 to the Clean Air Act.

It called for finding and developing better ways of handling garbage and for grants to states through 1970. The authorization was for $100 million. But the Vietnam war costs got in the way and less than $20 million was actually appropriated.

Muskie's subcommittee has drafted a much more sophisticated law—the Resource Recovery Act—which will come up this new session of Congress.

If passed, this legislation would earmark $800 million over five years for research and construction grants to come up with new technology to recover, reuse and recycle what now is just thrown away.

The general theory behind the proposed law is that in its inefficient methods of disposing of wastes, the country is wasting valuable national resources.

Richard D. Vaughan, director of the Department of Health, Education, and Welfare's Bureau of Solid Waste Management, goes along with the general philosophy behind the new Muskie proposal.

For the last few years, waste-equipment manufacturers have been rushing into production with garbage shredders, pulverizers, grinders, compressors, compactors, balers and collection trucks with new gadgets.

The Reynolds Metals Co. has a highly successful project going on in Los Angeles and Miami, and is paying ½ cent a can for the return of beverage cans. These cans, which cause problems when dumped because they don't "degrade," are then "recycled" by the company and converted into a new use as secondary aluminum products. The project will be expanded soon.

Paper companies are trying to recycle their wastes. The Crown-Zellerbach Corp. reports that about 20 percent of corrugated boards are returned to the manufacturing process.

Glass technologists have also been experimenting with several ideas for using scrap glass.

One of the problems facing industry is that there are not many secondary industries around to buy, and reuse, products.

The Solid Waste Management Bureau has recently let out a contract to the Midwest Research Institute in Kansas City to look at available and potential markets.

In New York, the bureau is testing a "vacuum collection system" in an apartment house. This device picks up garbage like a vacuum cleaner, eliminating the need for collection.

Other research involves a super-incinerator that could produce electricity while it burns garbage at even, high temperatures. The most modern incinerator in the world—in Dusseldorf, Germany—generates electricity.

At Clemson University, work is underway on a new kind of bottle that dissolves in water.

The bureau also is trying to come up with ways to use wastes. For example, it is throwing old tires into the Atlantic for fish breeding beds.

The Interior Department's Bureau of Mines also is in the solid wastes research business.

Among its projects is making building blocks out of garbage, a scheme similar to one in Japan. Under the Japanese method, raw garbage is compressed into a block under pressure.

Some experts are dubious about this scheme, however, and are warning that it is possible the garbage-blocks could build up methane gas and explode.

Thus far, though, Vaughan's answers to the nation's junkpiles boil down to the necessity for moving on many fronts at once.

An obvious one is an attempt to improve trash collection methods to get away from the trash-and-carry method. Research contracts are being let to this end.

Another is better incineration. Incinerators will probably be around for a long time. Sanitary engineers are working toward getting ones that burn trash better and that have a secondary use, reclaiming some of the energy the burning gives off.

Another answer, Vaughan believes, is recycling products—that is, getting trash, such as metals and paper, back to a base state and finding a new, secondary use for them.

Alternatives to the "nonbiodegradables," like plastics, that don't break down naturally also should be found, he says.

Ultimately, Vaughan says, the housewife may have to change her habits and learn to separate trash, keeping bottles and papers, say, separate from food wastes.

But most important of all, Vaughan says, is to cut down the sheer volume of wastes.

The war on garbage may also ultimately require reusing everything from milk bottles to equipment on old cars, or even a tax on the amount of wastes the consumer generates.

All the answers add up to greater costs—to someone. The question is: will the consumer get caught in the middle?

A World in Danger—5: The Day LBJ Was Almost Speechless

(By Roberta Hornig and James Welsh)

Not long after he died in 1967, poet Carl Sandburg was honored in a ceremony at the Lincoln Memorial.

President Johnson sat there while one dignitary after another rose to speak. Johnson couldn't hear much of what they said. Almost all he could hear was the jets overhead, coming down the Potomac on their landing run to National Airport.

As his own turn to speak approached, Johnson turned to Interior Secretary Stewart Udall.

"Get rid of those jets," he ordered.

A startled Udall spoke to the nearest Secret Service man, who quickly telephoned the presidential command to the airport. By the time Johnson rose to speak, the noise had stopped. And throughout his address, the jets remained miles upriver, circling.

As the story goes, this is a big reason Washington became as involved as it now is in trying to curb excessive noise. It wasn't long after the Sandburg ceremony that federal officials began speaking out much more strongly about "noise pollution" than they had in the past.

More substantial reasons aren't difficult to find. Largely they stem from the widespread introduction of jet aircraft to places like National Airport, and the fact that if a citizen is bothered by the sound, he can't order the jets turned around like Johnson did.

Protests and lawsuits over noise have been on the rise. Major lawsuits are under way contesting airport noise in New York, Chicago and Atlanta.

And so noise has become the latest environmental hazard to get the federal government's seal of disapproval. Springing from 1968 legislation, a new noise-abatement office is operating from the Department of Transportation. And a few of the states have similar offices.

But should noise, which is usually defined as unwanted sound, be equated with the widely prevalent and publicized forms of pollution?

Yes, say some specialists. They cite the warning of Nobel Laureate Robert Koch some 60 years ago: "The day will come when man will have to fight merciless noise as the worst enemy of his health." They warn that if noise levels continue to rise as they have in the recent past, what is now a threat could be lethal.

No, say others. In order of magnitude and concern, noise is not in the same class as what's happening to the air and water, they say. And it is not, in a technical sense, a pollutant, since to pollute means to soil or dirty. Noise does not soil or dirty, nor does it accumulate as waste accumulates.

Yet, there is general agreement that excessive noise, if not pollution, nevertheless can be a menace to health and well-being.

Moreover, if it does not threaten the environment, it lowers the quality of the environment.

The same thing is often said of other byproducts of modern life, especially urban life. The billboards protrude; the power lines and freeways cut across the land; roadside commercial blight spreads; open land diminishes; ugliness prevails.

All of these things relate to the question of what can be done to make urban living more pleasant. It's a question that can lead to endless debate.

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The answers are not easy. For example, if highway construction is halted, it creates greater traffic congestion. Or if housing development is blocked over a huge area, it drives prices up and contributes to the density of other areas.

One thing is certain: Concern for the amenities is assuming greater importance. It is inseparable from the over-all environmental issue.

Noise, unlike ugliness and blight, can be measured with great precision. For purposes, it is measured in decibels (db), which are units of acoustic pressure levels.

The numbers can be deceptive. The sounds inside a quiet residential home might average 40 db, the sounds of a busy downtown street 80 db, the sound of a pneumatic air hammer 120 db.

But this doesn't mean the street is twice as noisy or the air hammer three times as noisy as the home.

Decibels rise by logarithmic ratios, so that a 50 db noise is 10 times as intense as a 40 db noise. For each additional 10 dbs, multiply by 10. The busy street, then, is 10,000 times as loud, the air hammer 100 million times as loud as the quiet living room.

Not long ago, Malcolm C. Hope, the District's associate director for environmental health, and Harry Gilbert, his specialist for noise problems, took a ride through the Washington area.

Inside the car on upper Connecticut Avenue, the needle of Gilbert's audiometer flickered in the 50 db range. Quiet enough. A window was opened; the needle went past 60 db, and when a truck passed, it went to the mid 70s.

"This is nuisance level, nothing dangerous," said Gilbert.

On to Washington Cathedral. Very quiet. Inside, the audiometer measured the hushed sounds at about 40 db, until the organ began playing. At the cathedral's great crossing, the organ measured 72 db.

Back downtown, the window open at Connecticut and K Street, the needle pointed up toward 80 db, higher when horns were sounded. It hit 95 when a bus revved up.

Hope noted that tribes in Africa living in a quiet isolated environment were found to have near-perfect hearing.

"Our 'normal' is really abnormal," he said.

Around to other parts of town:

From nearly 100 yards away, a pile driver in the Southeast measured about 100 db. On the Southwest Expressway, sounds ranged in the 80s. And at the 14th Street Bridge, it went into the 90s as a plane passed overhead.

Finally, to Gravelly Point in Alexandria on the direct landing pattern to National Airport. As a jet came over, the audiometer needle swung to 114. Afterward, the needle dipped, but not too much, for the airport itself is a noisy place. The meter registered 108, 102, 105, then back to 115 as another jet swung overhead.

"Let's face it, the jet is a noisy engine," said Hope. "Exposure to that kind of noise for any period of time is dangerous."

The effects of noise generally fall into four categories.

Noise annoys. A dog barking, a siren screaming, a motorcycle tearing around a corner—any or all can be an irritant. This is not a danger, but it helps degrade the quality of urban life.

Noise disrupts. Above 50 db, it can interrupt sleep. And it can make studying difficult. Above 80 db telephoning can be next to impossible.

Noise can cause loss of hearing. Federally adopted standards say a steady 85 db is about all anyone should be asked to absorb over the length of a workday. At 95 db, the listening limit should be four hours, according to Gilbert. At 115 db, it is more like 15 minutes.

Dr. Hayes Newby, head of the Maryland University speech and hearing clinic, says "There is no doubt of the damage that can be done. What is deceptive is that the noise levels that can cause damage are well below what is painful or uncomfortable."

Dr. Lloyd Bolling, of the George Washington University speech and hearing clinic, says an increasing number of people are reporting trouble hearing, many of them older persons. "Medical science is prolonging life," he said, "but the hearing mechanism deteriorates at the same rate. And we know that exposure to high levels of noise can help speed that deterioration."

Noise may be injurious to physical and mental health. But on this point, the specialists are in sharp disagreement.

The moderately alarmist side begins from this premise:

Man evolved in a relatively quiet world. When noise did occur, it could produce a healthy response. It was both signal and warning.

Now noise abounds, with the abnormal, as Hope suggested, the normal.

Britain's Dr. John Anthony Parr, asked if man has become used to higher noise levels and whether he can get used to more, replied: "Yes, that is true, but only at a price. One cannot ignore a noise, only put oneself in a condition in which we do not make any obvious reaction. It means keeping all the muscles tense so that we are not jumping up and down like a human yo-yo, and keeping ourselves in this state of permanent tension leads on to mental stress."

But some specialists go farther.

At the annual meeting of the American Association for the Advancement of Science recently, a panel of scientists presented papers suggesting that sonic booms threaten the health of unborn babies and that noise may contribute to heart trouble and blood cholesterol. In other studies, noise has been blamed for a wide range of problems—from indigestion to an increase in the divorce rate.

But there is a conservative view, too, and it's widespread.

Drs. Newby and Bolling, for instance, say many of the claims that noise produces various ailments are highly speculative. Many scientists, too, question the validity of the research that led to these claims.

Dr. Leo. J. Beranek of the Massachusetts Institute of Technology has long been one of the nation's leading acoustic experts. He believes that many people are unusually susceptible to noise, but many of the reports of the effects of noise are overplayed.

After talking with a reporter for some time, Beranek said:

"Maybe you've found I'm disappointing to interview. The stories that people might wind up dying in the streets with blood running out of their ears might be more exciting."

Beranek believes that 10 to 15 percent of any group of people are highly sensitive to noise. If they are unable to adapt, they should not live near sources of loud noise, he said.

All the experts agree that the world is getting noisier. Jets fly to once-quiet islands. Urban life and noise chase the suburbanite. The farmer uses loud new machinery.

Yet Beranek is one specialist who believes the noise levels in some cities—notably New York and Chicago—are leveling off.

"Transportation is the biggest source of rising noise levels—the planes and the road traffic," he said. "If some cities are getting no noisier, it's because they've absorbed all the traffic they can."

What angers the specialists in this field is that except for the sonic boom, excessive noise produced by technology can be suppressed by technology, and by regulation. The noise problem can't be completely solved, but it can be ameliorated.

A number of European nations are ahead of this country in reducing urban noise levels. (Not all of them, to be sure; Rome, for instance, is regarded as noiser than any American city.)

But the Swedes and the Danes, the British and the Swiss have set limits for such noise producers as motorbikes and machinery used outdoors. Moreover, while it's still a joke in this country to talk of paper-thin apartment house construction, much of the European housing industry is doing a good job with noise-cutting components.

Quieter jack hammers, air compressors and pile drivers are available. Blasting can be muffled. So can much of American industrial machinery. And the cost frequently is low.

Beranek estimates it would cost no more than $25 a car, in mass production, to turn out quieter mufflers, better enclosed engines and quieter tires to cut down on road noise.

Col. Charles Foster, chief of the federal Noise Abatement Office, believes the cost would be somewhat higher—but not by much.

Why not require such sound-softeners?

"It's a subject of debate at present," said Foster, "and it isn't that simple.

"Setting federal standards for cars would mean getting into all manner of maintenance problems—the question of how a muffler, for example, performs after the car is older."

Foster's office now is discussing the problem with the auto industry. It hopes to produce noise-muffling recommendations upon which the government could, at the least, specify that when it purchases new vehicles for its own use they have the sound-softening devices.

Working with the National Bureau of Standards, the Noise Abatement Office also hopes to turn out recommendations and ratings for tires, which account for a big part of road noise at high speeds.

But that won't be easy either. A total of 654 tire-tread patterns are on the market today. Some are noticeably quieter than others. Foster fears that the quietest treads, avoiding horizontal indentations, will not be the safest treads.

For regulatory purposes, Foster's office currently is in business for only one reason: to cut down aircraft noise. With its authority spelled out in the 1968 legislation, it requires all new planes to be equipped with quieter engines.

Will noise around airports go down? No. For the foreseeable future, it will go up. Foster is the first to concede that.

All but the newest planes are as noisy as ever. To refit America's jet fleet with quieter engines—up to $5 million a plane for a 15db noise reduction is one estimate—would be economically prohibitive.

Beyond that one factor, the number of planes in the air will increase. To accommodate them, smaller airports will grow bigger and new airports will crop up.

"We're not going to improve this part of the environment fast enough to please the public," Foster said. "Someday, we may have planes making little noise at all. But right now it's tough. I think we'll see more complaints, more lawsuits."

Militancy is rising on other fronts where urban amenities are threatened. Local conservation groups are battling what use to be considered inevitable forces of development.

As often as not, open land is the focus of conflict.

In Montgomery County, Washington's wealthiest suburb, highway planners couldn't figure a better route for the new Northern Parkway than to run it through a lovely stream-valley park and Wheaton Regional Park. Public hearings in the last few days indicate a massive amount of citizen resistance.

This kind of save-the-land militancy goes beyond the crowded urban areas.

The Potomac Edison Co. wanted to build a 500 kilovolt transmission line across the Potomac about an hour and a half's drive

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from Washington. Citizen protests—contending the line would have ruined the scenic view of the Antietam battlefield—stopped it.

Now the power company, with the permission of the Interior Department, wants the power lines, with towers more than 100 feet high, to run adjacent to the proposed Potomac National Park. The public outcry continues, reaching a peak this week at congressional hearings.

Nationally, much of the concern for what's happening to the land focuses on parks and recreation holdings—preserving them and adding to them. This is a situation with bleak prospects.

The problem could be called simple—too many people, too few parks. And there isn't enough money to buy new parks.

This is another of the environmental issues that boils down to a question of what the government is willing to spend.

The Bureau of Outdoor Recreation has estimated it would cost most than $300 million to acquire national parks, including Point Reyes near San Francisco and Cape Cod National Seashore, that already have been authorized. This is to say nothing of the money required for such proposed new parks as the Potomac National River and Connecticut River National Recreation Areas.

This year the Nixon administration asked for $124 million—half of it to go to the states—and that's what Congress appropriated, despite congressional guarantees of last year earmarking $200 million a year for parkland purchases.

From what Budget Director Robert P. Mayo told congress, the administration apparently intends to ask no more than the $124 million in the next fiscal year. And he told Congress in effect: Don't bother authorizing any new parks since it will take years to buy the land for those already authorized.

It's uncertain whether President Nixon, now increasingly aware of public concern for the environment, will raise the ante for buying parklands.

[From the Washington Evening Star, Jan. 16, 1970]

A World in Danger—6: Doomsday—Is It Just Around the Corner?

(By Roberta Hornig and James Welsh)

As the environment has come on strong as an issue, so have the Jeremiahs, the prophets of doom.

From all over come the warnings of catastrophe, of man "on a suicidal course," of man "choking on his wastes," of man on his way to "destroying himself and his world."

The time-scale of this doom-crying is not on the order of a thousand or a few hundred years. It is more on the order of a generation or two, or of the 30 years left until the end of the century.

Dr. Barry Commoner, director of the Center for the Biology of Natural Systems at Washington University in St. Louis and a prolific writer, is in demand at environmental conferences across the country. He says:

"My own estimate is that we are unlikely to avoid environmental catastrophe by the 1980s unless we are able by that time to correct the fundamental incompatibilities of major technologies with the demands of the ecosystem."

The urge to warn of disaster is spreading. As likely as not, scientists and public officials discussing environmental problems will lead off their papers or speeches as one did recently:

"Man, in the way he is abusing his environment, is in danger of becoming a vanishing species."

From other quarters, both within and out of the scientific communities, come reservations, somewhat more conservative views and expressions of skeptism.

"The ecologist," said one top federal official, "must maintain a professional posture: It is to view with alarm."

The skeptical position goes further. It holds that since doomcrying gets headlines, those who want headlines cry doom. It holds, too, that the emergence of the enviornment issue has led to something of a "my pollution is more dangerous than your pollution" competition among specialists.

Many specialists, sincerely alarmed over what man is doing to his world—and what he is capable of doing as his numbers grow—feel they are caught in a dilemma: Warn reasonably or talk doom? Their speeches and writings often reflect this dilemma.

For instance, the state official who led off his speech with reference to man as a vanishing species was saying on page three that "doom and gloom" must give way to hard work, and by page seven, the speech was referring to "reasons for optimism."

Asked about this, he said: "Well, I guess a lot of us feel it's necessary to shake the public up."

Then the scare talk is overstated?

"No, not a bit," he said. "If we don't get this environment situation turned around, we could be in for an awful time."

Through all these contradictions, what is the public to believe? Is disaster around the corner? Disaster of what kind, what scope? Which of the doomsday warnings is backed by hard evidence, and which come under the heading of informed—or misinformed—speculation?

The seriously held predictions of widespread disaster fall into two broad areas—climate and population. Briefly they can be put this way:

Increasing atmospheric pollution, partly in connection with ocean pollution and possibly in tandem with natural forces, could bring about radical changes in the Earth's climate—disruptions in the heat balance, in weather patterns and in the atmospheric mix upon which all life depends.

The sustained population increase of this country, aggravating the problems of the environment already present, could bring on serious health problems and a lower standard of living. On top of that, the world's population is increasing so rapidly that, because of food and mineral shortages and inevitably greater pollution, the Earth may not be able to sustain the 6 billion to 7 billion of people who will live on it just 30 years from now.

Large differences exist between these two sets of disaster predictions.

The first, relating to climate, is tougher to prove.

Increasing evidence, some of it in the form of hard data, shows the volume and variety of pollutants going into the air and the oceans. But there is too little data to conclude decisively what will happen to the climate as a consequence.

"These forces are very difficult to sort out," said Peter Weyl, oceanographer at the University of New York at Stoney Brook. "The natural system is complex enough even without trying to measure man's mucking with it."

A world cooling, a world warming, a world where precipitation is determined by pollutants rather than acting to cleanse the air of them—all are mentioned.

But large differences of opinion exist, not only among men crossing disciplinary lines but within single fields, inculding meteorology.

"We are singing different songs, and that's one of the problems," said Dr. A. Murry Mitchell, a meteorologist with the Environmental Services Administration.

Why, then, should climate rate special concern among the environmental disaster predictions?

Because, say those who are studying it, the atmosphere and oceans—the complex linkage of air-water-land organisms called the ecosystem—is so vital to life. It directly influences the climate and is directly influenced by it.

And because, in light of this, they say, "We don't know."

"What I'm mainly worried about," said Weyl, "is our lack of knowledge." This kind of statement reverberates up and down the environmental scene.

"We are inadvertently engaged in a frightening experiment—with our ecosystem, our life support system," said Dr. Fred Sargent, dean of the University of Wisconsin's new College of Environmental Sciences.

The population worry is something else.

The numbers are there, available in the form of population counts and virtually certain trends.

Calculations also abound of what resources—food, energy and raw materials—will be necessary to meet varying levels of living standards for the coming billions.

This evidence is enough to turn optimists into doomcriers.

Yet there is a paradox here; the experts have never been so divided as they now are on the consequences of overpopulation.

The traditional fear of worldwide famine recently has been challenged from a number of fronts.

Many now say there will be enough food.

The environmentalists, meanwhile, have come charging onto the scene, warning that multiplying numbers, together with any real attempt to raise the world's living standards, will result in massive worldwide pollution.

Others warn that before the world runs out of food, it will run out of the minerals and fuels necessary for a decent standard of living.

A battle is shaping up over whether famine or another danger will strike first. It brings no comfort to the experts. Even if they disagree, they see overpopulation as a Hobson's choice: If one thing won't lead to disaster, another will.

But fear of overpopulation is what fuels just about every other environmental fear.

Beyond the global concerns, many scientists believe a localized or regionalized disaster could occur any time in the '70s.

They say, for instance, that with a given set of conditions—stable weather, temperature inversion (cold air trapped by warm air above it) and a deadly mix of pollutants in the air—a city or an urban region could suffer a huge loss of life. Said one of these scientists:

"It's partly projection of trends, partly the laws of probability. You can take your bets on the city. My own pick is Tokyo—you have to see the problems there to believe them."

On yet another front there are those who fear that selective hazards, arising from the climbing presence and long-range dangers of air-water contaminants—pesticides, lead, and mercury, for example—could result in the shortening of millions of lives.

Conclusive data is lacking here. These scientists say "we don't know, but should fear the worst."

Even so, in all the disaster statements, on whatever front, there is careful hedging. The predictions are really just warnings. No one is saying that man is doomed no matter what he does. Even men like Commoner hedge their warnings.

And Lamont Cole, Cornell University ecologist, after ticking off a long list of possible environmental disasters, answered a question: "Oh, yes, I'm optimistic. People are listening now."

Other contradictions are apparent in the thread of the disaster warnings. One of them can be explained this way:

A scientist can simply extrapolate trends and project what would happen if they continued over a number of years. He would be the first to say that long before his projection runs its course, some other force could forestall it. His speech or article, however, can get mistinterpreted and blown way out of proportion.

And the scientist can make mistakes that get reported over and over.

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Cole, for instance, wrote an article on thermal pollution and the Earth's radiation balance for BioScience magazine in November. He calculated that, on the basis of man-made and Earth-generated energy emissions, the world would become too hot for habitation in 980 years.

But later he said: "The proposition was sound, but I made a mistake in arithmetic.

"It should have been 130 years."

Even so, he was asked, isn't disaster likely to befall the earth before then? "Oh, of course," he said.

The growing alarm over what could happen to the climate and the ecosystem is based on simple biological relationships.

Plants on land and in the water absorb solar energy and, through photosynthesis, convert carbon dioxide and nutrient chemicals to food, simultaneously releasing oxygen to the air. Animal life consumes the food. Animal and other organic waste is converted by micro-organisms to carbon dioxide and other inorganic nutrients that become ready to begin the cycle again.

The air, the land vegetation and the oceans act within this cycle as huge, mutually dependent converting systems. Pollution, so the fears go, would prevent these systems from doing their job.

As Dr. F. Fraser Darling, vice president of the Conservation Foundation, put it: the oxygen-carbon dioxide cycle is "a system of great age and stability which we are now taxing with the immense amounts of carbon dioxide which we're adding from the fuel we burn."

Ordinarily, more carbon dioxide would favor greater tree growth, locking up the carbon dioxide for a time. But man is cutting down trees in many places.

Another buffer is the immense amount of ocean plant life, particularly the tiny organisms called phytoplankton.

But here, another villain enters: Pesticides.

In laboratory experiments, Dr. Charles F. Wurster, a biologist at the University of New York at Stony Brook, conducted experiments, later backed up in tests at four other labs, showing that pesticides inhibit photosynthesis in the phytoplankton.

Wurster warns that pesticides in the oceans, building through the life chain to deposit great amounts in the bodies of animals, "pose an enormous threat to marine life."

Many species of bird life already are on the decline—the peregrine falcon, the brown pelican, the copper's hawk and march hawk, the herons, the shearwater, the albatross. In the sea, said Wurster, the pesticides are selectively toxic, with the danger of species replacing species to the point of large ecological changes.

Wurster predicted the situation will only get worse as pesticide pollution will reach a peak ocean effect 10 to 20 years from now—"sheer madness," he said.

Meanwhile, other scientists and laymen saw in the phytoplankton experiments reason to predict large changes in the oxygen-carbon dioxide cycle. Some went so far as to suggest, as one California professor testified before Congress, that oxygen may run low and that by the year 2000 people will be "gasping for a last breath of air."

Leading meteorologists dismiss that fear.

"I can't think of a more remote possibility," said Dr. Walter Orr Roberts, director of the Center for Atmospheric Research in Boulder, Colo.

He and his colleagues say there is more than enough oxygen in the atmosphere—and with no evidence of oxygen depletion, even to a small fraction of 1 percent.

But over the last several decades, carbon dioxide has risen from just under 3 tenths of 1 percent to 3.5 tenths of 1 percent of the atmospheric mix. And the increase is accelerating.

Carbon dioxide is no threat to health, but in the atmosphere, it interferes with infrared radiation returning from earth to the air, thus leading to a warming of the atmosphere—what is called "the greenhouse effect."

Dr. Helmut E. Landsberg of the University of Maryland estimates that, with this factor acting alone, the Earth could warm about two degrees by the end of the century—enough to begin melting some of the polar ice. But he isn't very concerned about that. The earth is now cooling, not warming. Since 1940, it has cooled about a half of 1 degree.

The explanation is that a buildup of particles in the atmosphere is occurring. They act to block radiation from the sun.

But the experts disagree on what to blame. It's man-made pollution, say some—dust from bad land management together with industrial and auto air pollution.

Dr. A. Murray Mitchell, of the federal Environmental Science Services Administration, believes otherwise. Natural forces are far more to blame, chiefly the rise of volcanic activity since 1940, he said.

A new ice age? Nothing to get excited about, according to Roberts, Mitchell and others. But Weyl warned that a further cooling of the Earth's temperature by one or two degrees would lead to fierce winter weather in many parts of the world.

Some scientists, Landsberg and Roberts among them, are worried about air pollution for other reasons. They warn of changing and potentially disruptive patterns of precipitation.

Dr. Vincent J. Schaefer, a pioneer in cloud-seeding who is now at the State University of New York in Albany, said that a big danger is the buildup of lead particles from auto exhausts. They combine with iodine vapor to produce lead iodide—nuclei for the formation of large concentrations of ice crystals downwind of big-city smog blankets.

The result, said Schaefer, is to form cloud layers but reduce local rain or snow. But when a large supply of moist air moves into the region, the weather could go the other way around—"a massive cloud-seeding phenomenon" triggering long and violent storms.

The magntiude of the population problem can be seen in a few numbers. It took the world until 1800 to reach a population of 1 billion. The second billion came by 1930, and the third billion by 1960. Today's population is 3.5 billion, and this is likely to double in 30 years. Unchecked, it would keep on doubling every 30 years, the experts say.

The cause of this headlong acceleration is not rising birth rates but declining death rates. Better health and agricutural practices across the globe, especially since World War II, have meant a greater percentage of babies growing to adulthood to produce more babies.

For years the spectre of overpopulation has been associated with food resources, with the standard argument that a growing but impoverished population would literally starve. It is still a leading argument of many population experts.

But it now faces challenge.

Three years ago the United Nations Food and Agricultural Organization was warning of famine. Two weeks ago, its annual report appeared—saying the world's food problem in the future is more likely to be huge surpluses than starvation.

Technological breakthroughs, including the use of high-yield "miracle" grains, and the commitment of nations such as India to this technology, have led to the reversal, said FAO.

Still, many of the population forecasters reply that the technology will provide only temporary relief.

But optimism over food production is growing.

Dr. Jean Mayer, the nutritionist who serves as President Nixon's special consultant on hunger, told Congress last year that agriculture developments promise a food supply that will keep up with and surpass population growth.

Mayer has a different fear: "I am concerned about the areas of the globe where people are rapidly becoming richer. For rich people occupy much more space, consume more of each natural resource, disturb the ecology more, and create more land, air, water, chemical, thermal and radioactive pollution than poor people."

Other scientists are joining him to warn that the world can't have it all—greater numbers along with the standard of living associated with technologically advanced countries.

Dr. Preston Cloud, a biogeologist at the University of California at Santa Barbara, has estimated that if the world's 7 billion people expected by the year 2000 were to have a standard of living Americans now enjoy, mineral and fuel production would have to multiply 200 to 400 times.

"It might be done, but it couldn't last," said Cloud, "The world has only so much in the way of these raw materials."

Arguments like this have given new impetus to concern over population in this country, Dr. J. George Harrar, president of the Rockefeller Foundation, says:

"In many respects, an advanced industrialized society such as ours with a comparatively low birth rate uses up its natural resources and upsets its environmental equilibrium at a much faster rate than does an underdeveloped poor country with a high birth rate."

To top that, as Cloud points out, this nation, with only 6 percent of the world's population, now uses nearly 50 percent of the raw materials the world now produces. The choice, he said, is whether to slow American economic growth or to continue using the materials underdeveloped nations will need for their own growth.

The other alternative, of course, would be to limit America's numbers. How, and by how much, is the question—one of explosive moral, political and scientific implications.

Nevertheless, most of the authorities in the field agree that it could be easy compared with the task of cutting into the runaway population growth in the world's underdeveloped regions.

[From the Washington Evening Star, Jan. 18, 1970]

A World in Dangee—7: The Rough and Costly Road Ahead

(By Roberta Hornig and James Welsh)

From President Nixon to industrial leaders, housewives and students, Americans want to clean up the environment.

But it will cost billions of dollars, and thus far no one appears ready to pay for it.

And the price will go far beyond dollars. Some of America's traditional values will be called to account—relationships within the federal system, the freedoms of private enterprise, even the habits of the housewife and commuter.

A nationwide poll last year showed 85 percent of the public "concerned" about the environment. But when people were asked how much they were willing to pay each year to improve the environment, 51 percent said they would pay $10 or less, 18 percent said $50, 4 percent said $100, 9 percent said they wouldn't pay anything, and 18 percent said they didn't know.

Calculating from the poll, the American people were willing to spend $1.4 billion a year in tax money—more than the amount the federal government has been spending annually on environmental programs.

But to really clean up the environment it probably would cost far, far more. Some put the total at $100 billion to $125 billion from government and industry over five years.

And it would mean a lot more to the taxpayer than higher taxes.

It would shrink the consumer dollar. A considerably quieter aircraft engine, for example, could bring higher air fares. For the electric power industry to install equipment sufficient to prevent thermal pollution of waterways will mean higher electric bills.

It could mean lower product performance. A slightly grayer washday collar might be the price of getting a pollution-free detergent.

A little less getaway power might be the price of a pollution-free auto engine. And it might not go as far on a gallon of gas.

It could mean inconvenience—a return to returnable soda bottles, for instance, or traveling to airports sufficiently far out to avoid the worst of the air and noise from big jets.

It could mean a further shift of governmental power toward the center. States are likely to assume greater control of the use of the land, a matter heretofore left to local governments. Washington will assume greater control over air and water standards, now largely the domain of the states.

It could mean tighter regulation of what industry and people are free to do. This would begin with very minor controls—"No Dumping Here" for instance. Before very long, they could range to unprecedented measures such as government-science panels testing new products before they are permitted on the market.

And a growing number of people say something far more dramatic must be included in the price—a set of measures calculated to slow down or bring to a halt the growth of the American population.

Such steps won't come at once. There will have to be a beginning.

Congress returns to Washington tomorrow, many of its members poised for battle over what the beginning should be, what legislation should be passed, what money should be spent.

It will be, in part, a political circus with many side shows. Hearings, speeches, press statements, claims and counterclaims will run the gamut of this vast and complicated subject.

From pesticides to use of the land, from electric power demands to food-packing standards and family planning, the political jostling will be fierce.

On Thursday it's President Nixon's turn. At 12:30 he will go before Congress and the American people with his first State of the Union message. Environmental issues will comprise a big part of the message.

Already Nixon is being second-guessed by congressional Democrats, some of them eager to paint the administration as talking big but doing little to bring pollution to an end.

On the Senate side it just so happens that three men long and closely associated with environmental issues are at least potential dark-horse candidates for the presidency in 1972. They are Sens. Edmund S. Muskie of Maine, Gaylord Nelson of Wisconsin and Henry M. Jackson of Washington, and each is ready for battle. Of the three, Muskie has been the most willing, Jackson the least willing, to tackle the President head on.

But it will be in successive messages that Nixon will show more of his hand. The budget message is the key, for money is at the heart of his dilemma over exactly what to propose.

Last year Nixon requested $214 million for helping communities put up sewage treatment plants. Congress appropriated $800 million.

It's still under debate at the White House whether to spend the extra money or to impound it, although the betting is that Nixon will spend it. If he doesn't spend it, he will be open to attack, not only from Congress but from local and state governments. Yet if he does spend it, his budgetary problems will increase, and he may be in a position of saying he will ask for less money next year.

Such relatively small issues, of course, approach the basic question: What would it cost to clean up the environment?

The dollar figures fly, and the range of estimates is wild.

The upper end of this range is between $100 and $125 billion, a great deal from government, some from industry.

To get into that upper range, it is necessary to assume an attack on all fronts and to assume that where estimates vary, the highest should be used. (The most glaring example: To separate sewer lines and storm drainage lines across the country could cost anywhere from $15 billion to $49 billion).

Water pollution control accounts for the largest part of cost. It includes perhaps $25 billion for municipal and industrial treatment plants and equipment, the money for sewer line-storm line separation, $6 billion to eliminate acid-mine drainage, and billions more for pollution arising from pesticides, fertilizers and animal feed lots.

Add nearly $5 billion for air pollution control over five years; another $3.5 billion the government has estimated for solid-waste treatment work and research over the same period; a couple of billion for refitting ships to control waste; several billion on national parks and urban-area parks; and assorted millions for research in fields like oceanography and climate monitoring.

If all of this were to be attempted in a five-year plan, it would mean spending $20 billion to $25 billion a year.

No one in the Nixon administration is thinking in these terms now. Even though the government wouldn't be paying all of it, there just isn't that kind of money around.

With "uncontrollable" expenditures like welfare payments and farm subsidies on the rise by $8 billion a year, with the tax cut bringing in less revenue than expected, with the financial community expecting restraint because of inflation, the President had about as much budgetary flexibility this year as an $8,000-a-year commuter facing a stack of unpaid bills.

"There isn't much room to maneuver," a Budget Bureau official laments.

And so the President and his aides are in search of priorities, of more sensational but less costly solutions.

According to insiders, Nixon's program in '70 will include the following:

Air pollution—An increase in federal spending. A 50 percent or even 100 percent increase in funds would not be prohibitive, since federal spending this year amounted to less than $100 million. And it would go to combat what the public believes to be the most serious environmental problem.

Water pollution—The administration will emphasize municipal waste treatment plants in a plan calling for about $10 billion in bonds. Cash obligations would be strung out over 20 to 30 years, with the federal share going no higher than $500 million a year. The plan also is expected to carry new financing arrangements to help municipalities cope with today's tough bond market.

Parks—A park-purchase plan is planned, with the emphasis on open space in and around big cities, mostly in the East. Spending on parks is relatively low and comes from non-tax money.

It represents part of the income from special charges, including park fees and offshore oil-drilling leases.

Some insiders expect Nixon to announce some sort of "pilot project" for an urban area park, possibly in the Washington area.

Government reorganization—This is the cheapest route to begin tackling problems of making the air and water cleaner, and he is likely to take it.

For years, several government officials and congressmen have been arguing for putting responsibility for water, air and solid wastes in one place, since decisions on one often affect another. The Interior Department is in charge now of cleaning up the nation's waterways and the bets are that it will also assume stewardship over the two more forms of pollution—air and solid waste—now the responsibility of the Department of Health, Education and Welfare.

And he is expected to rename Interior as the Department of National Resources.

Because of budgetary strictures, other pollution battlefronts may be virtually ignored. They include soil erosion and other agricultural runoff, the sewer line-storm sewer separation, and mine-acid drainage.

On some fronts, the way to attack pollution is not through governmental spending but governmental toughness. Moreover, the tighter the budget, the greater the temptation for government to go this route.

For Nixon to crack down on big industry may run against the grain of Republican orthodoxy. But it could produce real and visible results, especially where products are involved that undeniably pollute the air or water.

Three conspicuous examples are the automobile with its internal combustion engine, the nutrient-rich detergents, and the chemical pesticides. Already two of the most toxic pesticides—DDT and dieldrin—are under a measure of federal restraint.

In all three cases, accelerated research is necessary to find safer versions, or safe substitutes. For research now underway, government already is picking up part of the bill. Industry especially the big auto firms, also is spending millions. It may be called on to spend much more.

But the consumer eventually will pay for it, both in taxes and undoubtedly in higher product prices.

Other dilemmas face the administration in approaching the environmental issue. One of them is reflected in the letter a young man sent the White House:

"Stop pollution now," he said, and the word "now" was repeated 60 times.

No one can stop pollution now. As Dr. Lee DuBridge, the President's top aide on science, puts it, to bring pollution to an end immediately would bring the economy, and civilization, to an end.

Vehicles would have to stop moving. Industry would close down. So would power plants. Farmers couldn't protect their crops.

"We will not," says presidential adviser Daniel Patrick Moynihan, "reverse the tendency of a century in the space of one administration or two, or like as not, the next five."

It's this view of the problem that gives pause to administration staffers as it comes time for Nixon to go before the American people. Says one staffer: "We don't want to oversell the problem and undersell the magnitude of the difficulty of dealing with it."

Sen. Muskie, whose rhetoric has not been lacking on the issue, says "It's necessary to develop a sense of alarm without creating a sense of terror."

With emotions on the rise, with the economic and technical complexities of environmental issues so stubborn, paradox and contradiction are inevitable.

An example is one of the classic conservation flaps—the decision by Consolidated Edison, New York's power company, to build a plant along the Hudson River at Storm Mountain.

A participant recalls that from the storm of protest, "you would think the plant was going to be built in a great wilderness area. In fact, the site amounted to a waterfront slum."

Yet as a result of public opposition, the argument eventually reached the U.S. Court of Appeals. It handed down a historic decision, ruling that the Federal Power Commission must take scenic, historical and recreational values into account in licensing power plants.

Two weeks ago—five years after the fight began—an FPC hearing examiner ruled the site to be the right one after all. If further ruled, though, that Con Ed must put both the plant and the transmission lines underground.

Thus a fairly illogical, emotional argument by conservationists brought good results, in this case the Supreme Court ruling.

XUM

But the results—in this case the underground site—can be very expensive. New Yorkers will see this in their electric bills.

The Con Ed case is not isolated. In fact, the issue of where to put power plants, and what kind of power plants they should be, promises to be one of the big environmental fights of the coming year.

Americans have a heroic appetite for electric power. In 10 years, the experts say, the output must be doubled. In 30 years, if the population grows to 300 million, Americans will need nearly five times the current 325-million-kilowatt capacity.

This will require more and bigger power plants. If they don't come along, the likelihood will increase of power failures such as the major blackout of the Northeast five years ago.

Plants fired by coal and other fossil fuels are a major contributor to air pollution. Besides, future growth threatens big shortages of these fluids.

Nuclear power plants are the alternative. They don't pollute the air. And with new "breeder reactors" on the way, no shortage will develop of uranium and thorium fuel.

But thermal pollution of waterways is a colossal problem, and the more nuclear plants there are, the worse the problem gets.

In addition, the "nukes" arouse fear. People become alarmed over possible radiological emissions and over the possibility of an accident, in addition to protesting on grounds of thermal pollution and aesthetics.

From the Atomic Energy Commission and power industry come statements of reassurance. One Westinghouse nuclear energy consultant says the radiation effect from a nuclear power plant on the population within 20 miles "is the equivalent of wearing a radiant dial wrist watch three days of the year."

But many disagree. Within the federal government there are specialists who hold the AEC's standards for radiological emissions should be tightened tenfold.

This thorn alone is polarizing the environment issue throughout the country, and public officials are worried about it.

Some, recognizing the scope of public fear and resistance, urge extra-heavy emphasis on standards and available technology to eliminate radiological hazards and cut down thermal pollution.

But Rep. Chet Holifield, D-Calif., whose Joint Congressional Atomic Energy Committee held hearings on the subject last year, says that "Unless the demands for clean water and air are kept in perspective, the anti-technologists and single-minded environmentalists may find themselves conducting their work by the flickering light of a candle."

On other fronts, industry is increasingly on the defensive. It is reacting in disparate ways.

Some industrial groups and firms remain hard-nosed.

Industries can be found bending over backwards to please. Commented an official of one Massachusetts firm: "We put in equipment that wasn't even necessary—just to please the public."

Detroit's big auto firms are conspicuous among the industries that are now racing to catch up with public opinion and the possible thrust of governmental crackdown.

Last month Henry Ford II, calling air pollution the industry's most serious problem, pledged manpower and millions of dollars to help solve the problem. Last week, Edward N. Cole, president of General Motors, went Ford one up by predicting his company will turn out "essentially pollution-free cars" by 1980.

Other companies try to advertise their concern for the environment—while taking a slower pace in reform.

And some are still basically ignoring the issue.

A major reason why conflict and confusion have mounted over environmental questions is that until now no one on the federal level has really been in charge. Agencies dealing with environmental problems are scattered. The White House has touched on the problems in piecemeal fashion. Information is often contradictory, often lacking.

This could change.

Many observers see great promise in the National Environmental Policy Act of 1969, drafted and shepherded through Congress by Senator Jackson and signed by Nixon Jan. 1.

The legislation sets two precedents: It establishes national policy, directing every executive department to weave environmental considerations into all new programs and to make sure old ones conform with clean-environment goals. And it creates a Council on Environmental Quality at the top level.

Nixon has yet to name the three-member council. He may do so in the State of the Union address. Reportedly, he wants to avoid dominance by scientists and will seek to fill possibly two of the positions with generalists who will take a broad look at the problem.

As spelled out in the 1969 law, the council will do an inventory of the nation's natural resources and prepare an annual report on the "state of the environment" for Congress.

Its reports will have a major impact on what happens to the environment in the 1970s.

Given a rising public and private commitment, if not an all-out attack, here is what some experts believe will come in the decade.

Air pollution, after worsening through the mid '70's may well diminish to the point that the air in 1980 will be cleaner than it is now.

The air problem lends itself more readily to reasonably priced technology than other problems. The biggest uncertainty is how soon automotive air pollution can be licked.

A combination of tough standards and a lot of money could improve water quality standards—but not uniformly.

What's called "point-source" pollution, where industry or municipalities pour big amounts of waste in the water, could come under control. But the water will remain dirty. General runoff and erosion, especially in rural areas, will see to that.

The problem of where to put mountains of rubbish and other solid waste could be abated, or it could become a monster. Mere money won't help. More degradable products won't help much. The hope here lies in technology—the pollution-free incinerator, and recycling of products. But that isn't around the corner.

The problem of too much noise could go like air pollution. The technology is there; all that's required is the sensitivity and the will to use it. If that happens, noise, after mounting as a problem could level off or recede.

Other urban amenities will be far more difficult to improve. With exceptions (putting power lines underground is one) technology won't help much. It won't help settle fights over what land to develop, what to keep open.

"Government will be hard put to legislate beautiful hot dog stands," says one observer.

Where there is no easy answer, the environment battle will get hotter. The use of urban-suburban land, and the effort to preserve places of great natural beauty, is in this category. The location of airports, and power plants and not-so-clean industry will be continually at issue.

Beyond all these things lie what some people believe are the overriding necessities—channeling urban growth in new directions, selectively limiting consumption habits, placing stringent curbs on population growth.

But at this point, for practical purposes, these are likely to be second-stage issues, issues to be treated gingerly or put off or avoided.

To Congress, the President, and so many others who will become embroiled in this recently dramatized issue, the task at hand can be summed up in the phrase "quality of life." It will be a task of cleaning up, of making the air and the water and the land healthier and more enjoyable.

Over the decades, as Americans have built a richer economic standard, they have run up a huge bill to the natural world around them. The bill is overdue.

To pay it off in large part, to make sure it runs up no more, could generate a new ethic, the ethic of man as part of a living interdependent organism called Earth, the kind of ethic necessary to cope with the bigger problems of the future.

A GLOSSARY FOR THE ECO-MANIAC

"There are fashions in words," a veteran conservationist noted recently, and "ecology . . . is being bandied about until people are growing sick of it before they know what it means."

Here's a set of definitions of environmental terms that will crop up frequently as the environment becomes more of a popular issue.

Environment—The sum of all living and non-living factors affecting organisms, including man.

Ecology—The study of the relationship of living things to their living and non-living environment.

Ecosystem—A complex of plant, animals and their physical environment, interrelated in such a way that changes in one affect the other.

Pollution—The addition to an ecosystem of substances in a quantity sufficient to produce undesirable changes.

Biosphere—The thin skin of water, air and soil which surrounds the Earth and contains life.

Atmosphere—That portion of the biosphere made up of air.

Lately, mutant word-strains, with "eco" as prefix, are emerging. Seen in print recently were "eco-catastrophe," "eco-activist" and "eco-tactics."

Can "eco-maniac" be far behind?

MYLAI MASSACRE HOAX—AS OTHERS SEE US

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 22, 1970

Mr. RARICK. Mr. Speaker, during the last several weeks the American people have been treated to a gory propaganda campaign in which Hanoi's "dear American friends" and their dupes and stooges in this country have sought to attribute to American soldiers, doing their duty in combat, the image of wanton murderers of innocent civilians—old men, harmless women, and children.

Had it not been for the fact that several million American men are combat veterans of our four wars and several other military operations in the past 60 years, this scheme might have succeeded. Instead, it has only given the enemy additional propaganda to use both in the Vietnam theater and elsewhere in the world.

My contacts with large numbers of Americans during the past month have convinced me that this particular trick of the enemy has failed. The great majority of the men and women of this country have faith in their fighting men and support them. This is as it should be among a free people.

XUM

Writing under the pen name of "Z. A. Rust" in the magnificent Manchester, N.H., Union Leader, a distinguished former European diplomat, who has witnessed the machinations of the Red conspiracy in nation after nation in Europe for half a century, views the Mylai hoax objectively and writes cogently and pungently from the viewpoint of an experienced observer. His conclusions merit our serious attention. I include his article, "Massacre of the Military" as follows:

[From the Manchester (N.H.) Union Leader, Dec. 15, 1969]

Massacre of the Military

(By Z. A. Rust)

The military forces of the United States guarantee the national territory not only against an outside aggression but also against the increasing danger of defeat of the civilian authority by foreign inspired and controlled subversive minorities, as was once more demonstrated during the Moratorium manifestations.

In so doing, they insure not only the survival of their country as an independent state but also that of all countries that can still call themselves free, fundamentally defenseless in front of the aggressive and conspiratorial activities of the other nuclear big power.

It is this unique and irreplaceable national and international instrument of defense of all that can still be saved of a three thousand year old legacy of culture and civilization, of moral and spiritual values, that is subjected today in its own country to a deadly cross-fire from almost all the media of information and from many political groups and personalities, while very timorously defended by a panicked officialdom. What is aimed at is the prestige, the self-reliance of the United States Army, the trust, love and admiration of the United States people for their gallant and toiling fighting sons.

What has to be killed before they come back from a thankless war, is the glory that will halo their flags despite the fact that they have not been allowed to win. What has been started in the United States is the massacre of the national army, not by enemy fire on the battlefields but by slandering fellow citizens at home.

There was something of that already in the constitution of that U.S. Senate panel to study "the undue influence of the Military over the U.S. foreign policy."

An obvious hoax: If an such an influence would have existed the war in Vietnam would have been won in the first three months. It was with the same purpose that the slogan had been spread of the "Military-Industrial Complex" with the implication that generals were provoking wars and keeping them going in order to pocket a part of the benefits of the armament industry.

When it was felt that something more tangible was needed, the story of a few confiscated old handguns, sold at a profit by a retired brass, held for sometime the newspapers' headlines and permitted junior reporters to display their talents.

But the big opportunity seemed to come with the story of that North Vietnam spy, allegedly victim of short-justice proceedings. The opportunity was all the more tempting as the military unit implied was the pick of the bunch, the Green Berets, the fabulous parachutists.

The publicity turmoil was enormous. Useless to observe that nobody bothered about the hundreds of U.S. soldiers who might have fallen victims of enemy activities resulting from the information transmitted by this double-agent.—The victims seemed already brought to bay.

The attempt petered out, however, because the muddy stream in which the spy's body had allegedly been thrown refused to give it back.

BETTER CASE NEEDED

A better case had to be found, and the stalkers of the anti-national conspiracy were once more unleashed. One year after the Song My affair, which is called now the "Breakfast Massacre," a sophomore in Claremont Men's College was found who was ready to spread mimeographed letters around him, telling about butchered civilians in Song My and orders received to that effect.

Twenty-two months after the attack of this Viet Cong and North Vietnam stronghold by a U.S. infantry company, the Chicago Sun Times discovered an ex-PVT. who had belonged to this troop, a young man, who let himself be interviewed and hauled before the T.V. vomiting a sensitivity test confession which raised in the liberal press a storm of horrifying and debasing accusations not against the few men of the implied platoon but against the whole of the U.S. forces fighting in Vietnam.

BACK COMRADES

The New York Times, the Washington Post, The Boston Globe, News Week, Time Magazine, Life which have backed for years those whom Hanoi calls its "comrades in arms," appeared with pages after pages of alleged confessions, of sudden and suspicious testimonies, with a panorama of what they call, themselves, "controversial pictures."

Indeed they were pictures of tragedies which might have happened anywhere, anytime in whatever war, and most especially in a war where, thanks to a disastrous decision by the civilian authorities, backed by those same political circles which stir up today this anti-militarist campaign, hostilities are strictly limited to allied and friendly territory.

Together with hundreds of thousands of U.S. readers we have seen a syndicated cartoon representing a U.S. soldier seated on the edge of a basin filled with bodies of murdered children, smoke is still coming out of the soldier's carbine. He looks proudly at his bag of victims.

And this is only one sample of the graphic productions of the slanderers.

The newspapers wave the world "massacre" in their headlines as if everything would have been already investigated and proved.

SAMPLE HEADLINES

Here are some samples: GI Says Massacre was Point Blank Murder—Ex-GI Saw Civilians Shot Like Clay Pigeons.—Nightmare Descends Upon U.S.—Ex-GI Says Brass Halted Viet Massacre—Pilot Saved Viet Children—Case for Withdrawal—Ex-GI Says Captain Shot Boy—Massacre Judge Hits Talking before Trial—Army Secretary Resor Called to Testify on Massacre—Resor Called in Viet Massacre Probe, etc., etc. . . .

On what is based this unparalleled campaign of defamation and vilification of the national armed forces by what must still be called the national press. The South-Vietnam authorities, directly and principally interested in what is supposed to have been a massacre of South Vietnam civilians, and after investigation on the spot ordered by President Nguyen Van Thieu and executed by the highest local authorities, among which was the governor of the province, have repeatedly denied that any massacre took place in the Song My, My Lai area "When Task Forces Barker moved into that region they met with strong resistance from the enemy. The result of the combat was 125 enemy killed and at the same time about 30 civilians living in the hamlet were killed by tactical air-strikes and artillery while the fight was going on.—Reports from newspapers and foreign news agencies recently saying that 527 civilians were killed were completely inaccurate."

WARNS NEWSMEN

Those same authorities have warned the U.S. newspapermen concerning the testimony of the villagers of a region intermittently under Viet Cong domination and continuously under Viet Cong terror. It is, however, those Communist-influenced inhabitants who the United States newspapers and news agencies, the New York Times and the Associated Press leading, have chosen as exclusive informers from the South Vietnam side, concerning the so-called "massacres."

It is true that efforts are made now to find and bring in the Song My region one or two South Vietnam senators who would be ready to refute the official South Vietnam reports on the Pinkville battle, and back the "massacre" version of the U.S. liberal press.

Who are the informers and the delators of their comrades and of their officers on the American side of the controversy? "No one," says the director of this courageous newspaper, "has examined those individuals under oath. At this time it is not known whether they are telling the truth or whether they are lying, or whether they are left-winger, or Communist agents deliberately engaged in a smear campaign against the United States."

The quality of ex-Pvt. Pendelton's testimony, who "volunteered" his information to the Press 22 months after the Song My affair, is obvious.

QUOTE FROM UPI

We quote from the UPI:

Pendelton said he was in the third platoon and entered the village, also called Pinkville, after a platoon led by Lt. Wilhelm L. Calley. Calley has been formally charged with murder. "When we got there, the guys in Calley's platoon were shooting all over the place. There were big groups of bodies lying on the ground in gulleys and in the rice paddies." He knew something was wrong and so *"he stayed out of it and did not shoot anybody"*. (emphasis ours).

In another part of his interview with the UPI investigator, Pendleton, "a roofing employee until a recent injury" said: "There were a lot of dead people, about 15 in a pile."

Whoever fought a war, even among less savage and merciless circumstances than those imposed on an army which is forbidden to win and allowed only to die, knows the sort of people "who stays out of it and does not shoot anybody."

It is just the same people who remember after about two years "that something was wrong" if they are slightly prodded by some inquisitive sleuth on a slander mission.

And who are the accusers? We had recently the conforting opportunity of seeing Capt. Medina on the television, a battle-tried straightforward, heroic figure, answering with military precision and irresistible convincing effect to the harassing questions of a troup of newspapermen, notebook and ball pen in hand, on the watch for any possible incriminating slip in the captain's explanations.

Most recently Sen. Charles A. Percy from Illinois has triggered another horror investigation following another mimeographed letter, this time against the Marine battalion of Maj. Charles Robb, President Johnson's son-in-law, who volunteered for Vietnam 13 months ago.

Trial by newspapers and news agencies has started immediately. From the curt and categorical denials of Major Robb, columnist Jack Anderson in the New York post puts, typically, stress on the fact that Maj. Robb declared, quite naturally, that he can answer only for what he has done, seen or heard of.

Where were those sanctimonious cry-babies of the press and of the political world, when the thousands of corpses of the Hue massacre were discovered? Or, to go a little farther back, when in Katanga civilian population, children, women, Red Cross Nurses and doctors included were butchered by mercenaries armed, transported and controlled by a Kennedy administration?

Or, to go still farther back, when the bodies of almost 200 United States soldiers were discovered in North Korea, hands tied behind their back and with a bullet hole in the nape of their necks. We do not remember any fuss about this last episode among the anti-anti-Communist political groups and their newspapers and magazines.

The campaign that has just broken out—and will be very likely pushed much farther—against the armed forces of the United States is nothing but an extension of the Moratorium demonstrations. It has the same purpose and is of the same foreign and anti-national origin. It uses the same news media and has the same political groups and personalities as protagonists.

Senator Fulbright has hastened to declare to the inquiring pressmen that the alleged massacre "was one reason more that the U.S. should move promptly for a negotiated settlement of the war." He had no censure against the pre-trial judgments delivered by the liberal news media, but availed himself of this opportunity to attack the production of a patriotic Navy motion picture about war in Vietnam, which he called undemocratic and blatant piece of propaganda.

Sen. Edward Kennedy, hermetically protected by a very special ruling of the Massachusetts Supreme Court against news media prejudgments, considers also the "massacre" in Song My as already proved.

"DRAMATIZED TALK"

"This incident dramatized unfortunately but significantly the toll among civilians during the Vietnam war," he said.

And he came over with an important piece of information: it is not 100 or 500 civilians but 300,000 who have been killed during the war in South Vietnam. Some of those casualties have been "stimulated" by the enemy, said the senator, but according to his information, the majority of them have been slain by United States and South Vietnam troops.

"There never was a better argument for withdrawal from Vietnam than Song My," says the Boston Globe: And the same newspaper adds: "Song My is different you will say, and I will deny it. Song My is America in the 1960's, and God help us still to survive it!"

This onslaught against the U.S. troops in Vietnam was prepared long since; otherwise how could one explain that exactly at the same time the TV channels present to their public the few detractors and slanderers they could find among the more than one million men who have done their one-year stretch in Vietnam, they present also a long and complete photographic demonstration of the material destructions—all of them attributed to the United States forces—that war has provoked in South Vietnam.

ONE CHAPTER

Song My is only one chapter of the constant pursuit of moral and material disarmament, of general withdrawal and surrender, which will leave the last non-Communist big power at the mercy of the international forces which pushes it towards the Great Merger, at the mercy also of the hordes of neo-barbarians foreseen by MacCauly more than a hundred years ago. Against these as has been so often demonstrated during the last three administrations—the Army and the Police are the only possible defence.

Great harm has already been done. It would be irretrievable if the government, yielding to ill-meaning pressures, would deliver the accused officers to civilian courts and fanciful investigators. If those soldiers have to be judged, let them be judged by soldiers, by men who have fought the same war and under the same conditions: surrounded by so-called demilitarized zones of neutral borders inviolable only for them, but through which the enemy pours his troops and his material, forbidden to fight in enemy territory, deprived of the real use of their Air Force and their invincible Navy, and—as every body knows and the enemy better than anybody else—strictly forbidden to win.

Just imagine to what moral trial will be submitted the United States fighter in Vietnam today, when he learns that any officer leading an attack against an enemy occupied village can be charged with "assault with intent to kill," or with "indiscriminate killing" if the village is taken.

Yes, to prevent a total deterioration of the military spirit among the ranks and files of the United States fighting troops it is of utmost importance to keep the Song My affair exclusively under military control.

But to restore this spirit completely, to restore to the United States people and to the Free World an American Army morally and materially unscathed, this Army must be given the right to win the victory it has deserved by so many sacrifices, so much courage, so much toil and so much faithfulness.

A GRATIFYING STORY

HON. BARRY M. GOLDWATER, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 22, 1970

Mr. **GOLDWATER**. Mr. Speaker, with this week being set aside as U.S. Junior Chamber of Commerce Week, I wish to bring to the attention of this distinguished body the fine work of the Van Nuys Jaycees in California. Their "Operation Amigo" project is a wonderful example of the fine work that the Jaycees perform throughout the Nation; I want to bring this wonderful story to the attention of my colleagues here in Congress.

A GRATIFYING STORY

At the age of six months Juan Carlos' little legs were hit by Polio. His two legs are paralyzed, and do not know the feeling of what it is to walk. In 1967 Juan Carlos was 2½ years old; by the end of that year he was hopping almost as fast as his brothers and sisters could walk; he was wearing leg braces and crutches brought by the "Operation Amigo" project of the Van Nuys Jaycees.

Juan Carlos will need 10 years of treatment, more braces, bigger crutches, eight surgeries and endless hours of therapy. His pain, physical and emotional, will be immeasurable.

Because of a bone infection, he needed an emergency operation; with no one to bring him to Los Angeles someone thought of the Jaycees. In less than 24 hours he was brought down by one of our members, Lamar Wood. Lamar made the trip non-stop.

Early in January 1967, little Juan Carlos' life was to receive a dramatic shock. He found himself in a huge frightening place, inside a hospital. He was brought down for surgery to correct a deformed bone in one of his legs.

The following morning, Juan Carlos' little body was lying motionless in the center of the operating table. There was no one from home to wait for the result of the operation. They are too poor to afford even one day in Los Angeles, but Juan Carlos was not really afraid.

The sterile knife, the steady hands of the surgeon, the grace of God, and the love of the volunteers were there to help him all the way.

After a speedy recovery made possible mostly by a diet of Chocolate Ice Cream, cake and Coca Cola, he spent six weeks in a foster home, and then a happy reunion with mama and papa back in Mexicali, Mexico.

On October 17, I inquired about this charming little boy; they tell me that five surgeries, two stainless steel pins in each leg supporting his bones, braces, a pair of crutches and therapy are keeping him on the road to his long rehabilitation. They say he still remembers, in English, how to say "I want a Chocolate Shake."

This little Mexican boy's case is typical of those seen by American doctors from Los Angeles Orthopedic Hospital, who each weekend conduct a clinic in Calexico, California for Mexican children from the Mexicali area.

They treat all sorts of Orthopaedic problems, clubfeet, tuberculosis of the bones, even broken bones. But 80% to 90% are post polio cases. The clinic is free to patients, who every Saturday afternoon swarm into the second floor of a Calexico building. Here volunteers, doctors, nurses, therapists, bracemakers, interpreters, clerical helpers work long hours to process as many as 125 children. It is a pitiful, heart tearing sight but one that overflows with hope.

For nearly three years now the Van Nuys Jaycees, and the wives club have brought hope to hundreds, and hundreds of these crippled children thru its international relations "Operation Amigo."

The Jaycees have made 14 trips to the border clinic bringing not just good will, and friendship but needed supplies.

In the past, wheel chairs, leg and arm braces, an x-ray machine and medical supplies have been collected and delivered by the Jaycees to Calexico. A refurbished hospital in Mexicali was the destination for the badly needed iron lung. Operation Amigo has been responsible for the delivery of 74 hospital beds. These beds have been placed at the Mexicali Red Cross, the local hospital and the Mexicali Orphanage. The hundreds of boxes containing clothes are sorted by age and sex, mended, ironed and distributed among the patients. When Operation Amigo began there were 1,200 children in need of treatment; today there are in excess of 3,000. Many parents walk 15 to 25 miles to bring the kids for assistance.

This year the Jaycees have delivered to Calexico an excess of 25 tons of supplies. Chairman Bernie Leick of the Van Nuys Jaycees presented to Don Fernando Espana a certificate of appreciation, the first such award given outside of California soil. Mr. Espana has been instrumental in helping the Jaycees in Mexicali.

The Van Nuys Jaycees were also honored by receiving an award of Juan Carlos, as well as most of the children in the clinic, never had enough money to buy toys, so they had to make their own out of empty food cans. Toys are especially welcome during Christmas time. "They do more for the kids there than anything else". The past two Christmas's have been rewarding to the Jaycees, by the collecting of over 1,200 toys wrapped by the wives. Santa was able to make many children happy. This year we are going to ask the community to participate and deliver to the Jaycees and Santa as many toys as needed. You don't have to speak Spanish to feel the wonderful feeling of joy that these kids display when they are given a simple toy; everybody understands the universal sign of gratitude, a smile!

Operation Amigo is generating friendship among the communities of Van Nuys, Calexico, and Mexicali. The enthusiasm displayed by the membership and wives are an excellent example that "Service to Humanity is the best work of life". We feel confident that "Operation Amigo" is in the right direction. We can proudly say that for these unfortunate children, tomorrow can be better than today.

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RECOMMENDATIONS ON BIAFRAN RELIEF

HON. JOHN M. ASHBROOK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 22, 1970

Mr. ASHBROOK. Mr. Speaker, the urgency of the situation in Biafra was emphasized before a Senate subcommittee and was reported by the Washington Star today:

> Earlier today the committee heard testimony from four experts, all of whom were in Biafra until its collapse two weeks ago. They said that a million people could die if food and medical supplies are not rushed into the area within the next ten days.

Witnesses recently arrived from Biafra stress the importance of a massive, continuous airlift to alleviate the suffering and is much preferred to reliance on the use of trucks to deliver the urgently needed supplies. Two State Department officials who also appeared before the above-mentioned subcommittee today stated that looting particularly was hindering efforts to move in relief supplies by truck, since the food and medical supplies were being looted along the way. One of the officials, Ambassador C. Clyde Ferguson, Jr., President Nixon's special coordinator for Nigerian relief, added that an airlift was an alternative to be considered if the security situation is not brought under control on the roads. Reporter Andrew Borowiec pointed up the inadequacy of supply facilities in the January 21 issue of the Washington Star:

> The Red Cross representative in Owerri province has enough rations to feed 200,000 people for two days. There are an estimated 1 million starving people in the area. The food is being delivered by one truck and even this ramshackle vehicle is often commandered by the army.

In contrast, the airstrip at Uli, before the surrender of Biafra, received 280 tons of relief food per day, but unfortunately Maj. Gen. Yakubu Gowon, the Nigerian leader has decreed that Port Harcourt airport would replace the Uli airstrip as the reception point for relief supplies. A UPI dispatch carried by today's Star quotes Gowon as saying:

> Let us get rid of Uli, let us get Uli out of our minds. It has been too much in international politics.

Thus, the more strategically located airstrip at Uli has been ruled out for political reasons and Port Harcourt, approximately 70 miles away, has been designated as the reception point for supplies.

Another decision of the Nigerian Government which militates against speedy relief is their determination not to allow the former joint church aid operation to assist in the operation. This was a joint effort of missionaries of various faiths which handled relief before the downfall of Biafra. It has been claimed that this organization was at one time capable of supplying 95 percent of the food to those in need at a given time within a period of 48 hours. This was possible due to the existence of several thousand feeding centers within refugee territory which members of the joint church aid operation administered. Needless to say, the missionaries had the confidence of the Biafrans and could be utilized to prevail upon the Biafrans who fled to the bush to return for sustenance. Unfortunately, it appears, according to press accounts, that this organization is to be disbanded. Today's Washington Star reports:

> Catholic and Protestant missionaries, being taken to Port Harcourt for hours of screening to determine their status with the federal state, complain that while they are away from their stations, food and medical supplies are ransacked by uncontrolled federal troops, who also have commandeered their relief trucks.

William Borders, reporting from Owerri on January 19 for the New York Times, commented:

> Meanwhile, more than two dozen Irish priests who have worked in Biafra and who knew its people and its problems intimately, were being held in Port Harcourt, 70 miles away, pending deportation.

Those associated with the joint church aid operation are anxious to help in alleviating the suffering by cooperating with whatever agency controls relief operations. If the press accounts to date are any indication, it would seem that a vital and qualified vehicle is being eliminated at a time when a massive, joint program is urgently needed.

The supply of food, at least for the time being, is no problem. The Chicago Sun-Times of January 22 reports:

> More than 1,000 tons of food and medicine for Biafra are stacked up in warehouses of Libreville in Gabon, 4,000 tons more are on Sao Tome Island and an equal amount is enroute by ship, but Biafrans may never see any of it.

One heartening aspect was the announcement today that the United States had agreed to a Nigerian request for six cargo planes, 50 generators, 10,000 blankets, and 10,000 hurricane lamps. In addition, the first air shipment of 50 jeeps and three portable hospitals—requested earlier by the Nigerians—are due to arrive in Lagos tomorrow on a chartered commercial plane. Fifty heavy trucks included in the earlier agreement are being held because of the unavailability of commercial aircraft large enough to accommodate them. The Nigerian Government has again complicated matters by refusing all offers to have them flown in military transports, as first proposed by President Nixon.

It has been suggested that perhaps General Gowon is not fully aware of the dire situation among the Biafrans. This would certainly be understandable if one were to believe some of the reports recently that all is well. Also, an official's judgment is certainly dependent upon the factual nature of the information supplied by his subordinates. However, from the public information now available, one cannot reasonably doubt that the situation is very serious indeed. Instead of the pathetic relief efforts to date, all available assistance should be utilized, letting any political considerations give way to the humanitarian. A crash program, utilizing a massive airlift, must be initiated, with the Uli airstrip included in the operation. The scope and urgency of the problem demands that not only the Nigerian Red Cross, but an international body such as the International Red Cross, with the expertise and trained personnel to cope with the situation, be invited to participate extensively. With time being a vital factor, food shipments should be dispatched to the needy areas and not merely to the larger cities such as Port Harcourt. Distribution in refugee areas should include the services of the missionaries whose facilities are still available and who are eager to expedite relief efforts.

Regardless of which side one supported before the surrender of the Biafrans, the division no longer exists and basic human needs are paramount. The Nigerian Government is running the show now and must bear the responsibility of caring for thousands of destitute human beings. The means are at hand to cope with the enormous problem, and the refusal of the Nigerian Government, for whatever reason, to use every facility to eliminate the hunger and starvation will not soon be forgotten.

SEQUOIA NATIONAL FOREST

HON. ROBERT B. (BOB) MATHIAS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 22, 1970

Mr. MATHIAS. Mr. Speaker, on Monday, December 8, 1969, my colleague, the Honorable GEORGE E. BROWN, JR., of California, took the floor to state that he was sponsoring a bill to add the area of Sequoia National Forest known as Mineral King to Sequoia National Park. The area in question is within the congressional district I represent, and I have been personally familiar with Mineral King most of my life. Unfortunately, Mr. BROWN based his action on incorrect information and at that time inserted into the CONGRESSIONAL RECORD a great deal of information which deserves correction.

Mineral King is a 7,900-foot high mountain valley on the western slopes of the High Sierra, 55 miles east of Visalia, Calif. Mineral King is located in the Sequoia National Forest, where it is under the management of the U.S. Forest Service, an agency of the Department of Agriculture. This High Sierra wonderland is surrounded by mountain peaks that reach as high as 12,400 feet. Its 20 lakes, streams, trails, and mountain terrain, are ideal for such summer activities as camping, hiking, fishing, and pack trips. As a potential winter recreation site, it has been called the finest in North America.

Yet, due to a hazardous and substandard access road, in existence since the late 1880's, and which cannot be maintained during the winter, the winter recreational potentials of Mineral King have been seen by only a few. However, Mineral King is not now nor could it ever qualify as either primitive or wilderness territory. Since the 1870's, Mineral King has been subject to mining activities, timber cutting and the development of more than 100 private recreational cabins. The existing, hazardous, dirt access road, across Sequoia National

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Park to Mineral King, for which Tulare County holds the right-of-way, alone would disqualify Mineral King as wilderness under the terms of the 1964 Wilderness Act. For these reasons, the U.S. Forest Service designated the area for development, as it has done with 84 other winter resorts on national forest lands.

The county of Tulare, with almost one-half of its land in Federal ownership, has cooperated with Federal and State authorities over several years in planning for the Mineral King development. Mineral King is part of a comprehensive program of the county to meet future land use needs without devastating both the landscape and the economy of the county. As a part of that program, the county has encouraged conservation of agricultural lands under the California Land Conservation Act of 1965. Within the next 2 years more than 2 million acres of land within the county, comprising most of the land outside its urban centers, will have been preserved under the act, resulting in a staggering loss in the county's tax base. Tulare County is already an economically depressed area with high unemployment and a tax base too small to meet its growing requirements for public services. For these reasons the Federal Economic Development Administration agreed to contribute $3 million to construction of the Mineral King access road. Only through completion of the Mineral King recreational area, with its new jobs and capital improvements at the gateway cities, can the county of Tulare hope to correct its present depressed economic condition and absorb the tax revenue losses associated with its land conservation program. The recreational area, when completed, will generate an estimated $1.5 million in tax revenue annually for the county. One-quarter of permit fees paid to the Forest Service by Disney will return for local schools and roads, primarily in the county of Tulare, and the project will also save the county the cost of maintaining the existing substandard access road to Mineral King, which during the last 2 years alone was $164,623.

Although the U.S. Forest Service's proposal to develop recreational facilities at Mineral King has been opposed by the Sierra Club, which is attempting to thwart this project through court action, this organization has not been supported in its action by the vast majority of nationally recognized authorities in the field of conservation. In fact, seven of the Nation's most widely respected conservationists, who have taken the time to study the plans of Walt Disney Productions and the Departments of Agriculture and Interior, have joined a Conservation Advisory Committee, which will work with the Disney organization to develop and carry out a program which will make the Mineral King area a prototype in the field of conservation education. The members of this committee include:

Mr. Horace M. Albright, former Director of the National Park Service, and Superintendent of Yellowstone National Park.

Dr. Paul F. Brandwein, president, Center for Study of Instruction; former director of Gifford Pinchot Institute for Conservation Studies.

Mr. Ira Gabrielson, president, Wildlife Management Institute.

Mr. Thomas L. Kimball, executive director, National Wildlife Federation.

Mr. Bestor Robinson, former president and member of the board of directors, the Sierra Club; formerly chairman of Secretary of Interior's Advisory Committee on Conservation.

Mr. Eivind T. Scoyen, former superintendent of Sequoia and Kings Canyon National Park, and associate director of the National Park Service.

Mr. William E. Towell, executive vice president, American Forestry Association.

I would now like to place in the RECORD a series of written documents which I hope will clarify the facts surrounding this project and indicate the broad public support for the development of Mineral King which exists throughout the State of California:

Statement by Horace M. Albright

(Originally published in the New York Times, July 26, 1969. Mr. Albright is a nationally recognized conservationist, a former superintendent of Yellowstone National Park, and a former director of the National Park Service. He has been familiar with the Mineral King area in California's Sequoia National Forest for 54 years.)

The U. S. Forest Service, under the policy of multiple use of the public lands under its jurisdiction, designated the Mineral King region in the Sequoia National Forest for development as an all-year recreational area. It advertised for competitive development proposals from private enterprise, considered bids submitted by six organizations, and accepted the proposal of Walt Disney Productions.

During more than four years of cooperative planning by Federal and state governments, only the Sierra Club has objected to this project.

There is really no sound reason for its opposition because:

Mineral King has been subjected to resource utilization for many years—for cutting of timber, mining, hunting, livestock grazing, summer homes. It is not now, and for nearly a century has not been a primitive area. It is not within the purview of the Wilderness Act of 1964.

Although it contains much of the watershed of the East Fork of the Kaweah River, it was withheld from addition to Sequoia National Park when that park was extended to the crest of the Sierra Nevada in 1926, because it was affected by commercial and private in-holdings. This view was not opposed by the Sierra Club.

The Forest Service proposed to lease to Disney for a period of thirty years only the authorized eighty acres, the same that has been done in the development of almost 100 other major winter sports areas throughout the United States.

A road to Mineral King has traversed the Sequoia National Park for many years. The only natural feature that it touches is the Atwell Mill Grove of Big Trees.

The surveyed route of the planned new road fully protects this grove. When built, the new road can no more affect the health and safety of the Atwell Grove than do the roads through the Giant Forest and General Grant Groves in Sequois-Kings Canyon National Parks, the Mariposa, Tuolumne and Merced Groves in Yosemite National Park, or the Calaveras and other groves in state parks farther north.

The state highway officials, the Forest Service and Disney Productions are to be commended for their plans for Mineral King. Walt Disney was a dedicated conservationist, and was recognized as such by his election to honorary membership in the Sierra Club. He also received the Department of the Interior's highest tribute, the Conservation Award; and also the American Forestry Association's distinguished service award for his conservation activities.

Walt Disney's organization carries on his ideals. The public need have no apprehensions that Mineral King will be despoiled by the development proposed.

Statement by Mrs. Louise Di Silvestro

(Published in the Christian Science Monitor edition of December 6–8, 1969. Mrs. Di Silvestro and her family have been familiar and directly associated with the Mineral King area since the 1870's.)

The suit filed June 5 by the Sierra Club for an injunction to prevent any further development of Mineral King in the Sierra Nevada of California, has caused a great deal of concern to skiers, conservationists, and outdoor lovers of our western states and nation as a whole.

The Sierra Club, as a highly vocal group representing a small minority of those concerned, is threatening the use of our forest lands for the good of our children and future generations. By trying to limit the granting of annual special use permits by the Forest Service they threaten the present ski industry which services the needs of thousands of recreation-seeking people; they threaten the commercial interests operating within the forestry areas and thus are attempting to change the very intent of Congress in setting up forestry lands; they threaten the right of our city-bound masses to enjoy the benefits of our public lands and they attempt to hold such lands for a privileged few such as the members of their organization.

My great grandfather built the first wagon road, a toll road, into the valley in 1879 and that wagon road is basically the same one used today and is the main reason why so few people can enjoy and profit from the beauty of the valley.

In 1896 my grandfather started a hotel, store and post office, and built a number of "temporary" cabins to open a resort there for tourists. Until this last winter of 1968–69, when heavy snows destroyed many of the old buildings those same "temporary" cabins and store still comprised what resort there is.

Throughout our years in Mineral King we have watched the resort deteriorate into a shanty town. The cabins would be condemned by state and county anywhere else. Sewage lies in pools in the meadow and flows into the stream. The trails have deteriorated. Campgrounds are inadequate and since the valley has become well known there are not accommodations for those who come to enjoy it, so you find campers parked in the open and by the streams and roadside, destroying and trampling the meadows.

If the Sierra Club wishes to keep the many people out of Mineral King they must fail. This seems to be their attempt as they backed the concept of a ski area there until the massiveness of such a development became apparent. But certainly the valley can best be fulfilled only by such a comprehensive and detailed plan for the entire area and not just by piecemeal. Extensive use, a good all-weather highway, planned resort and recreation area, and good trails into the back country are required.

Statement by E. Cardon Walker

(E. Cardon Walker, Executive Vice President of Walt Disney Productions, concerning the Company's development, under the administration of the U.S. Forest Service, of year-round outdoor recreational facilities at Mineral King, California, in Sequoia National Forest.)

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In view of recent public discussion concerning the development by the U.S. Forest Service of public recreational facilities at Mineral King in Sequoia National Forest, we believe it is appropriate for Walt Disney Productions, as the permittee selected after competitive public bidding, to restate its position regarding this proposed project.

Mineral King, an area of unexcelled natural beauty, is located along the western slopes of the High Sierra, and has long been recognized as potentially one of the most outstanding year-round recreational areas in the world.

Alpine in character and covering nearly 15,000 acres, Mineral King offers snowfall and terrain for skiing and other winter sports equal to six Squaw Valleys. In the summertime, the area is transformed into a wonderland of mountain glades, twenty crystal lakes and waterfalls, pine forests and grassy meadows—ideal for family outdoor recreation, such as hiking, camping, fishing and other warm weather activities.

National Park and Forest lands adjacent to Mineral King now include nearly two million acres of wilderness for those who desire to hike or back pack to their destination. Mineral King does not now qualify, nor could it ever qualify, as "wilderness," under the definition in the 1964 Federal Wilderness Act.

A dangerous and substandard public road, in existence since early mining days, has made Mineral King accessible to a small number of visitors during the summer months. Many structures may be found on the several hundred acres of private land in the area, including about one hundred cabins, campsites, a post office and general store, a pack station and a large and unsightly garbage dump. Due to inadequate public facilities, pollution now exists in the nearby stream.

In the winter, however, snow completely blocks the road, which is too steep and narrow to clear, making Mineral King accessible only by snow vehicles and effectively concealing from the general public its winter splendor and recreational opportunities.

With these facts in mind, and after twenty years of study, during which it developed a master plan for the conservation of National Forest lands in California, the United States Forest Service designated Mineral King for recreatonal development. In establishing its conservation master plan, the Forest Service determined that Mineral King was best suited to serve the vast majority of our growing population, who desire to travel to their vacation destination by automobile.

Thus, on March 1, 1965, the Forest Service issued a prospectus inviting the public to submit competitive proposals for an all-year recreational development at Mineral King. As the means of access, the prospectus specifically required the improvement of the public road to all-weather standards.

The development would be on public land, under the administration of the Forest Service, exactly as has previously been done with almost 100 other winter recreation areas throughout the United States.

It was not until all decisions regarding the future use of, and means of access to, Mineral King had been made by the government agencies responsible, that Walt Disney and his organization entered the competitive bidding.

To the Forest Service call, Walt Disney personally responded in good faith to fulfill the ever-growing need for adequate family outdoor recreational opportunities.

After nearly four months of intensive study, the Forest Service chose the Disney proposal over five other presentations. This plan has since been approved and endorsed at every level of State and Federal government, under two administrations and both political parties.

In fulfillment of its commitment under a three-year planning permit, the Company further refined its master plan and obtained final approval for the development in January, 1969.

The elimination of visitor automobiles from the valley floor, a sub-level automobile reception center, and a completely self-contained village reached via electric, cog-assist railway, are among the highlights of the plan, which is designed to insure maximum protection and enhancement of the area's unique scenic values.

By 1978, the sub-level reception center will provide covered parking for 3,600 automobiles and buses. Winter recreation facilities will serve 8,500 skiers daily, of whom approximately 40% may be accommodated overnight.

The elimination of visitor vehicles from the valley will permit buildings to be situated in patterns compatible with natural land contours, and streets to be designed as "park-walks," or tree-lined concourses, suitable for skiers, pedestrians or horse drawn sleighs.

Thus, the area will be free from noise and potential exhaust fumes, as well as the danger which results from combining pedestrians and automobiles. No other winter recreation area in America has been master planned in such detail, or with such care for the preservation of a site's natural beauty.

In April, 1967, the Califorina Highway Commission, recognizing the economic benefits, employment opportunities and new tax revenues the development will bring to the San Joaquin Valley, and acknowledging the need for additional recreational opportunities in California, adopted a financing schedule which calls for the road's completion by October, 1973. Mineral King will then be within four hour's driving time from southern California, where there is a lack of nearby areas with reliable and adequate snowfall.

In November, 1968, the Department of the Interior formally announced approval of the State Highway Engineer's route for that portion of the road which crosses Sequoia National Park. Design standards have since been agreed upon by Highway Engineers and Park Service representatives.

It is important to note that similar state highways provide access to all other National Parks and National Forests in California. In the case of the Mineral King road, the Highway Engineers have chosen a route and designed a roadway which will preserve and make accessible the area's natural scenic values, without disturbing a single redwood tree.

On April 21, 1967, President Lyndon B. Johnson, under whose administration this project was initiated, expressed the federal government's continuing policy of cooperation with private enterprise in the field of outdoor recreation when he signed a memorandum, which stated in part: "I wish to again emphasize the importance of strengthening the cooperative relationship between government and private enterprise in the field of outdoor recreation. Only by this cooperation can we meet most effectively the growing demand for adequate, accessible and reasonably priced outdoor recreation facilities."

Mineral King offers an outstanding opportunity for government and private enterprise to work together to meet this need—the development of a year-round recreation center to serve families of all income levels.

Walt Disney Productions is one of the few companies with the resources, creativity, experience, and public trust to successfully meet this challenge.

It can easily be seen that Mineral King will, in no way, be another Disneyland. Disneyland relates to Mineral King in only one regard—it stands as an example of the management, operational and maintenance standards for which our Company is famous—standards which will be applied to all of our work in the field of outdoor recreation.

No other organization has so effectively communicated to the public the drama and beauty of nature, and the need to conserve our natural resources, as has Walt Disney Productions. Walt Disney and his staff have received 37 major awards and honors for their efforts in this area. The operation of Mineral King will give the Company an even greater opportunity to inform, educate and involve the general public in conservation.

We believe the Mineral King project offers a healthy diversification for our Company, at the same time fulfilling an important public need. We are convinced that its development will enhance the area's natural beauty, eliminate the pollution which now results from inadequate sanitation and supervision, while making the area accessible to more than a limited few.

Walt Disney once said, "When I first saw Mineral King, I thought it was one of the most beautiful places in the world, and we will keep it that way. With its development, we will prove once again that man and nature can work together to the benefit of both."

The United States Forest Service has designated Mineral King for recreational development to provide the greatest good for the greatest number of Californians. That is the continuing commitment of this corporation, as it was for Walt Disney himself.

Since 1965, editorial support for the development of Mineral King as an all-year outdoor recreational area has been offered by major newspapers throughout California.

Following are excerpts from a number of these editorials:

Los Angeles Times, Wednesday, June 11, 1969:

"The Sierra Club is an admirable organization dedicated to the admirable task of conserving the nation's dwindling natural resources.

"But the club's members are not the sole arbiters of what constitutes proper conservation policies—the Mineral King project being a case in point.

"A lawsuit has been filed against the federal government by the Sierra Club to prevent the Mineral King area in the High Sierra from becoming accessible to the general public. The Interior and Agriculture Departments acted improperly, it claims, in allowing the area to be developed for the recreational use of more than a handful of hardy backpackers.

"Although a number of technical legal points are raised, the court action essentially is based upon the club's contention that the scenic area would be spoiled by public access.

"The Times disagrees.

"We share Sierra Club members' deep concern over the despoiling of the environment. We also believe that natural resuorces should be enjoyed by more than a few. The demand for the esthetic and recreational pleasures of the outdoors is too great in this urbanized society to bar the public from such places as Mineral King.

"This does not mean that the appropriate governmental agencies should not keep a very tight rein on the kind and extent of development.

"But conservation, according to the dictionary, means 'protection from loss, waste . . .'

"In a previous editorial approving the opening of Mineral King, The Times noted that conservationists were opposed—and properly so—to the proposed construction of a yacht marina at Cabrillo Beach because it would deny a valuable resource to many for the sake of a few.

"The same principle applies to Mineral King. Its great beauty and recreational po-

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tential belong to all the people. And as many as possible should be able to enjoy them.

"To do otherwise would be to permit the loss and waste of part of California's natural treasure."

Los Angeles Times, Thursday, December 1, 1966:

"One of the best natural sites for skiing in the entire world can be found only 228 miles from Los Angeles—in the remote Mineral King area of Sequoia National Forest.

"But very few ever find it.

"The only road is unpaved and impassable in the winter. Those who do reach Mineral King discover that no provision has been made for its use by the public, that the valley is virtually unchanged since the gold mining days of the last century.

"California, however, has changed, even though the Sierra Club often won't admit it.

"With the state's ever increasing population and urbanization has come a tremendous new demand for outdoor recreation activity Existing mountain and beach park areas are no longer adequate to meet the legitimate needs of California's resident population, plus the more than 6 million tourists who visit annually.

"Mineral King thus represents a wasted natural resource. Its inaccessibility deprives the state and nation of an essential family recreational opportunity.

"An enlightened U.S. Forest Service, however, decided last year that the isolated valley should be made available to more than a handful of hikers. Bids were solicited for the long-range recreational development of Mineral King under strict controls."

"All was going well until the Sierra Club rallied in defense of pure wilderness.

"Disregarding the millions who might be able to enjoy an accessible Mineral King, the club demanded that the valley be kept in its pristine state. To block the development, Sierra officials urged that the Sequoia National Forest corridor for the new highway be declared part of a vast wilderness area proposed for adjoining national park land.

"Such a belated proposal should be rejected promptly by the appropriate federal agencies. Approval would be an act of bad faith toward the successful bidder. Far more important, it would be breaking faith with the public for whom the land is held in trust for the best possible use.

"The Sierra Club deserves praise for its many worthwhile conservation efforts. It must not, however, be permitted to deny this much-needed recreational opportunity, for many millions merely to satisfy a few thousand wilderness purists."

Los Angeles Herald-Examiner, Sunday, November 23, 1969 (column by Burt Sims):

"If the conservation campaigning Sierra Club loses its current fight to block development of Mineral King as a year-round resort, the ultimate result—paradoxically enough—could be a resounding victory for conservation.

"Walt Disney Productions has a broadscale program of conservation education in mind for visitors to the Sierra Valley—if and when its $35 million development program is allowed to proceed.

"And this program was launched last summer, according to Disney spokesmen, before the Sierra Club's suit against the Department of Agriculture and Department of Interior was filed in Federal court in San Francisco.

"Some of the outstanding conservation experts in the nation met at the Disney studio. The draft of a program which resulted from their discussions, studies and review over nearly five months has just been revealed.

"The Conservation Education and Visitor Information project calls for continual lectures and displays at an Information Center highlighting the importance of conservation and each individual's responsibility to general environmental problems; U.S. Forest Service programs to orient visitors on use of the valley, past and present, and the concept of balanced use of the forest, and establishment of a Conservation Education Center with classrooms which could be used for teacher workshops and to take care of students on field trips.

"Those named to the independent advisory council which is continuing its study, include Horace M. Albright, former director of the National Park Service and former superintendent of Yellowstone National Park; Dr. Paul F. Brandwein, president, Center for Study of Instruction and former director of Gifford Pinchot Institute for Conservation Studies; Thomas L. Kimball, executive director, National Wildlife Federation; Bestor Robinson, former president and board member of Sierra Club, and formerly chairman of the Interior Secretary's advisory committee on conservation; Eivind T. Scoyen, former superintendent of Sequoia and Kings Canyon National Park and associate director of National Park Service, and William E. Towell, executive vice president, American Forestry Association.

"Commented Disney president Donn B. Tatum: 'The challenge Walt Disney saw at Mineral King was to make it an example to man's determination to meet an ever-growing public need in a manner that will at all times be in harmony with the area's great natural beauty.

" 'We have asked these distinguished men to work with us in achieving this goal, and are most pleased at their interest and acceptance.'

"Disney project manager Robert B. Hicks said that this advisory council was conceived, created and convened before the Sierra Club filed a suit which, by implication as well as statement, charges the Disney development program is not sufficiently cognizant of conservation requirements."

Examiner, San Francisco, Calif., Wednesday, January 29, 1969:

"The U.S. Forest Service has approved the Disney organization's plan for recreational development of the Mineral King Valley area of Sequoia National Forest, provoking threats of a suit by the Sierra Club.

"We recall that 20 years ago three skiers surveyed Mineral King's potential, remaining there from October until May, and came out with the report, 'Take a half a dozen Sun Valleys, line them up and you'll have some idea of Mineral King.'

"The site is indeed magnificent, not only for winter but summer recreation. It will provide in particular new opportunities for winter sports for Southern Californians who in growing numbers already crowd existing facilities.

"We stand with the Sierra Club on the issue of protection of wilderness resources, but this viewpoint must be balanced against the legitimate recreation needs of increased population.

"Disney was only one of six bidders for Mineral King. The bid would not have been accepted, nor the project initiated at all, if in the government's opinion it held prospects of destructive exploitation. This is especially true since the program was overseen by one of the most conservation-minded national administrations in American history. . ."

Chronicle, San Francisco, Calif., Tuesday, January 2, 1968:

"After careful weighing of the pros and cons, Secretary of the Interior Udall has 'reluctantly' yielded to the desires of the Budget Bureau and of Secretary of Agriculture Freeman, and has agreed to the building of an all-year road that will pass through Sequoia National Park and permit private development of a $57 million winter sports and summer resort in the Mineral King area."

"Fears of harmful over-development on the Tahoe pattern are largely dissipated by the circumstance that Mineral King is a Federally supervised, one-company development—and that company is a Walt Disney organization that has well demonstrated its capacity for administering large recreational resorts. It is worth noting that its plans provide for an Alpine Village at the foot of the valley, where all automobiles will be parked with none permitted in the valley itself.

"The new 21-mile road, as added to the State highway system by the 1965 Legislature, will provide comfortable and convenient access to one of the State's finest scenic areas, now visited by a few hundred persons each year. It should confer benefits on the many that far outweigh any damage it is likely to inflict on the High Sierra wilderness—especially if developed and operated in accord with promises put forward by responsible Federal agencies."

Union, San Diego, Calif., Thursday, April 20, 1967:

"The State Highway Commission should approve participation in financing 26 miles of road needed to begin opening up of the Mineral King recreation area in Northern California.

"Population growth of the state will demand this superlative year-round recreation area long before it is totally developed."

"The $1 million asked for the state for the road next year, and future allocations, will be more than repaid by additional gasoline taxes and sales taxes on new business created."

"The Mineral King recreation area development will benefit all Californians. . . ."

Sacramento Union, Friday, January 5, 1968:

"True natural conservation is more than the preservation of wilderness intact. It also includes the best possible use of resources.

"Thus many unique areas, like our redwood parks, should be kept as close to wilderness state as possible. Other lands can best be put to use by developments to preserve wildlife or enhance recreation for millions of persons.

"The plan to develop a Sierra Valley summer and winter resort in the Mineral King area falls into the latter category. Controls to prevent pollution and erosion must be rigid because of the added traffic.

"The government practices true conservation, however, when it approved the program."

Sacramento Bee and Fresno Bee, Sunday, January 21, 1968:

"The right way and the wrong way to go about developing a ski area can be found in two current proposals—the Walt Disney organization's excellent plans for Mineral King near Fresno and the mishmash which has been palmed off as planning for the Ward Creek area near Lake Tahoe.

"The Mineral King Project was approved only after vigorous scrutiny by federal agencies to make sure it would not damage the natural beauty of the area."

(Editorial goes on to discuss the Ward Creek Project.)

San Jose Mercury, Monday, June 16, 1969:

"The Sierra Club is within its rights in opposing the development of Mineral King in the mountain country for public use. We are sorry, however, the conservationist organization took its fight to the courts.

"This issue should be fought out on the basis of public interest, not legal technicalities.

"Other Sierra Club campaigns have shown that the government can be convinced when there is great public support for the Club's position. We don't know that there is such support on the Mineral King protest.

"As the population grows, more semi-wilderness areas must be opened to the general public. That is what the Mineral King project will do. It is not practical to preserve all these rights, too. We have to 'budget' our natural resources but there still is room for all of us."

Tulare Advance-Register, Friday, June 20, 1969:

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"To a member or an ardent supporter of the Sierra Club, it must have seemed like collusion last week when three valley newspapers, including this one, reprinted an editorial from the Los Angeles Times.

"It was nothing of the sort. It was simply another demonstration of the valley's solidarity in favor of the Walt Disney Productions development of Mineral King Valley as a year-round recreation area readily available to all of the people who own full title to the land it will occupy."

"We can't recall a single project during our 25-year residence in the valley that has won such universal acclaim as has the Mineral King project from the valley's newspapers, governmental agencies, business and commerce organizations, labor forces, and just plain, ordinary people. Only the Sierra Club has raised a discordant note of opposition.

"There are sound and ample reasons for this unique valley unity in support of a single enterprise. Perhaps this would be a good time to review some of them:

"Great economic benefits are certain to accrue to the valley—and particularly to Tulare County—as a result of Mineral King.

"The valley has been identified by the federal government as an area of high seasonal unemployment. For this reason the Federal Economic Development Agency made available $3 million to assist in construction of the new access highway into Mineral King. The EDA will carry out job training programs in several Tulare County communities to train the majority of Mineral King employees which the Disney organization has pledged to hire from this area.

"The development of Mineral King will open up one of the world's truly great winter sports areas—equal to six Squaw Valleys—to the public which now is shut out during the winter months by snow which completely blocks the present dangerous and substandard road. In the summertime, the development will open a virtual new mountain wonderland to more than just those hardy few who enjoy the rigors of the trail or who have access to the present cabins in the area.

"In spite of the Sierra Club's wishes that it were so, Mineral King does not now, and never can, qualify as 'wilderness,' as defined in the Federal Wilderness Act of 1964."

"Finally, there is the Disney organization itself, an organization in which most of the people of Tulare County and the valley have expressed complete faith."

Californian,
Bakersfield, Calif.,
Monday, June 9, 1969:

"If the Sierra Club has its way, countless millions of Californians will be deprived of utilizing Walt Disney's proposed Mineral King resort."

"Opposition by the Sierra Club to the Disney development of Mineral King, of course, was expected. The club prefers wilderness area for a few to opening an area to benefit many.

"The Bakersfield Californian supports Disney's proposed resort development of Mineral King. We do not believe either the Interior or Agriculture departments have conducted superficial studies of the overall project. We do not believe the Forest Service has overlooked one detail in the development prospectus. Furthermore, we believe the Walt Disney Enterprises will be a trustworthy custodian of the flora and fauna in the Mineral King area. In fact, we are happy this Sierra wonderland has been assigned to a developer who will not exploit the wilderness.

"In our opinion, the Sierra Club will experience great difficulty in proving Disney's resort development of Mineral King will scar the beauty and destroy the natural resources in this wilderness paradise in the Sierra Nevadas."

Times-Delta, Visalia, Calif., Thursday, June 19, 1969:

"Is the Sierra Club really sincere about not wanting Mineral King developed into a fabulous all-year resort?

"Or is it attempting, through a recent court suit, to establish itself as the ultimate authority on what public lands will be developed for recreational purposes?

"Many aspects of the Mineral King case indicate the club is being motivated in its action by the second reason.

"Later this month, a federal court in San Francisco will decide whether to issue an injunction, preventing consummation of agreements between the National Forest and National Park Services with the Walt Disney organization to undertake the multi-million dollar development.

"The Sierra Club seeks its injunction on alleged violations of federal laws pertaining to developments of this type, most of them apparent technicalities. It does not state, as it has in many news releases in the past, that it wants to preserve the Mineral King region as a 'wilderness' area, which it knows is poppycock, since the Mineral King Valley itself does not qualify as that type of an area by government standards.

"The Sierra Club knows full well there are in the neighborhood of two million acres of land in the nearby Sierra area which do qualify under the 'wilderness' concept.

"It is interesting to note that the Walt Disney organization, chosen to develop the project by the Forest Service after it studied proposals from several companies, is not a party to the Sierra Club suit. Again, the Sierra Club knows that the carefully conceived Disney development plan which is continuing, will not be an aesthetic blight in that area.

"Success of the Sierra Club to obtain the injunction to half the project would be a tragic blow to the entire state because of the acute need for additional recreational spots. Also, an unfavorable decision could affect future developments elsewhere on public lands."

"The Sierra Club's opposition to the Mineral King development is a deep disappointment, coming from such a fine organization. But we hope for the sake of California's recreational development of this area, the petition for injunction is denied in the federal court."

Porterville (Calif.) Recorder, November 19, 1969:

"Despite the setbacks which the Disney Corp. has had in its plans for Mineral King as an all-year recreational area, the Evening Recorder has it on excellent authority that the Disney people's interest in the project has not lessened.

"It will be recalled that the Disney Corp. was selected by the Forest Service from a number of qualified bidders for the development program. There was considerable red tape involved later, but eventually a plan was worked out which satisfied the National Park Service on the access road, a portion of which crosses lands of Sequoia National Park. Mineral King itself is on Forest Service Land.

"In addition, the California state highway department developed an excellent access road plan from Three Rivers into Mineral King and road construction financing was approved.

"Then the Sierra Club interjected itself in the proceedings and filed a protest in federal district court in San Francisco. This action is pending and currently no one knows when a decision may be handed down.

"Meantime, detailed planning for the development of Mineral King by the Disney Corp. has been slowed down; in fact, is now largely in abeyance for even the planning stage runs into a large sum. It would be unwise for the Disney officials to spend such a sum pending outcome of the court action instigated by the Sierra Club but it is encouraging that the Disney firm remains enthusiastic and committed to the project.

"As this newspaper has previously stated, the area encompassed by the proposed development of Mineral King into an all-year around recreation center involves a relatively small amount of land.

"In Sequoia National Forest, only the land required for the access route is involved and the excellent road plan made by the state highway department protects sequoia trees along the proposed route.

"There will be ample areas for hikers, back packers, etc., who want the primitive sort of outdoor recreation which the Sierra Club seems to believe would be somewhat curtailed by the Mineral King project.

"The number of people involved in hiking and back packing into the high country is relatively small compared with the many, many more who could enjoy family recreation in Mineral King as envisioned by the Disney plan. Essentially it boils down to whether the few should prohibit the many from enjoyment of multiple recreation in the high country.

Henry C. MacArthur, Capitol News Service, Thursday, June 12, 1969:

"Once again, the self-righteous organization known as the Sierra Club has taken it upon itself to thwart establishment and building of the $35 million Mineral King project, which when completed, would offer access to a modern recreation area now denied to a large part of the public."

"Patently, the suit appears as a last-ditch effort on the part of the Sierra Club to delay, and possibly halt the opening of the area to the general public.

"What the Sierra Club doesn't seem to realize is that California is nearly half way through the year 1969, and that the laws they seek to invoke were enacted nearly a half century ago. In other words, the old laws have not been kept up-to-date with a growing California, and along with the growth, and increasing need for recreational areas that the public alone cannot afford.

"Why anyone for selfish or other reasons, should seek to deprive the people of a little help from private enterprise in providing a comfortable spot to 'get away from it all' once in awhile is a question that goes unanswered, except for the fetish the Sierra Club has of keeping the common people out of the mountains."

Facts, Redlands, Calif., Thursday, June 12, 1969:

"In Redlands the irony can be appreciated of the Sierra Club suit to prevent the development of a great ski resort at Mineral King by Walt Disney Productions.

"At one time, the late Mr. Disney considered applying to the U.S. Forest Service for a permit to develop a ski resort on the north slope of San Gorgonio, about 40 miles east of Redlands, the gateway city to that region.

"He backed off when he found that conservationists—he was philosophically on their side—fiercely opposed any breach of the San Gorgonio Wilderness Area.

"In life he seized on the opportunity created by a Forest Service call in 1965 for proposals to develop Mineral King as a ski resort. Now, in death, his vision is being blackballed by the conservationist element with whom he had sought to cooperate."

"In this controversy, they are not fighting private interests such as power companies, lumber companies, oil companies or Disney Enterprises. They are blocking the U.S. Forest Service which we believe has an honest record of fidelity to the highest public interest.

"The Forest Service has denied permits for commercial ski development where it has found wilderness values paramount. That is true of our San Gorgonio.

"It has granted permits where appropriate, resulting in the development of many of the great ski areas of the West—Sun Valley, Mammoth Mountain, Aspen, Squaw Valley and Alta, among them.

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"The Forest Service should prevail and Disney Enterprises should proceed with its highly responsible plans for development."

Register-Pajaronian, Watsonville, Calif., February 19, 1969:

"It may take many decades to fully realize the tremendous contribution made by the Sierra Club to preserve our dwindling natural resources for the pleasure of yet unborn generations."

"Nevertheless, we wonder if the Sierra Club isn't carrying its enthusiasm too far (and losing friends) by its continuing and inflexible opposition to the development of the Mineral King area into a year-round resort area of the magnitude of Yosemite.

"The general thesis of the Sierra Club as we understand it is that such a development will pollute and spoil a prime wilderness area (this argument is contradicted by the facts, we feel), and that it should be saved for those with the strength and will to get there on foot.

"The Sierra, true, represents one of the last refuges for the Californian anxious to get away occasionally to recharge his physical and psychic batteries. Nevertheless, it would be a shame to deny where it proves practical, as it does at Mineral King, some of these same benefits and rewards for those less willing or able to endure the sometimes-ordeal of backpacking.

"The mountains and valleys, after all, are not the exclusive preserve of the Sierra Club. They belong to all of us. Even with the opening up of Mineral King, there still remain vast areas in the Sierra where one can retreat and contemplate in silence."

Long Beach, California, Independent Press-Telegram (Bill Duncan, writing in the Southland Sunday edition of December 14, 1969):

"In the 1800s, a handful of prospectors discovered gold on the western slopes of the High Sierra. Word of the discovery quickly spread and hundreds rushed up the mountains to dig and pan for gold. A mountain mining community was founded and, because the veins of ore also contained copper, silver and lead, the miners called their new town Mineral King.

"But the veins were not as rich as had been hoped and slowly the boom town became a virtual ghost town, except for a few optimistic prospectors.

"Mineral King never really died. At one time in the 1890s another kind of prospector laid out a subdivision for Mineral King. It didn't do so well, but the miners had paved the way to one of America's most scenic areas, terrain similar to the Alps with bold, rugged peaks reaching as high as 12,405 feet.

"In the winter, nature drapes an ermine robe of white over the peaks and valleys, only to shed the royal garment in the spring, transforming the area into a wonderland of mountain glades, limestone caverns, crystal lakes, waterfalls, pine forests and grassy meadows.

"Even after the miners left, folk from the hot, dry San Joaquin Valley made their way up the slopes to Mineral King where they built—or converted abandoned miners' shacks into—summer homes.

"Eventually the California Sierra became part of the National Park system and Mineral King was included in the Sequoia National Forest. In annual reports and surveys, park officials have been describing Mineral King for years as one of the nation's greatest potential winter sports meccas. Twenty years ago, three skiers surveyed Mineral King's potential and included in their report this description of the area: 'Take a half dozen Sun Valleys, line them up and you'll have some idea of Mineral King.'

"However, there was always one major drawback—getting in and out of the place. The narrow, dangerous dirt road leading to the area couldn't be maintained in the winter. In 1949, the Forest Service tried to get private developers to consider opening up Mineral King for skiing but, despite considerable interest, no proposals came. The building of an all-weather road was too much to surmount.

"The proposal came up again in 1953, but the road still proved too much. Seven years later, in February, 1960, Walt Disney listened in on a conversation of Olympic officials expressing the quadrennial fear that there would not be enough snow when the Olympic Winter Games opened in Squaw Valley, Calif. The discussion also touched on the lack of skiing areas in the United States. This set Disney thinking.

" 'You could always tell when Walt had an idea,' said a close associate of the late entertainment genius. 'He had a way of mentally transposing himself into the heart of an idea while standing in the midst of a crowd of people babbling about something entirely different. It was uncanny—he was there in the crowd in physical form, but somewhere else in spirit.'

"Disney turned his organization loose on locating potential skiing areas. Scouts scoured Utah, Colorado, Wyoming, Washington and California and brought back their recommendations. One area seemed ideal—the north slopes of the San Gorgonio Mountains, 40 miles east of Redlands. Disney investigated, but found the area to be part of the national wilderness preserve and rejected the location entirely.

"The search was still on in 1965 when the U.S. Forest Service once again invited proposals for developing Mineral King. The California State Legislature agreed to add the Mineral King Road to the state highway system and to build a 21-mile all-weather road to the recreation area.

"The major obstacle removed, six bidders, including Disney, sought the Mineral King project. In January, 1966, Disney's plan won him a three-year permit to work out a master plan for the development of Mineral King and this master plan was approved Jan. 18, 1969, and Walt Disney Productions got a 30-year lease to develop a year-around family recreational center at Mineral King.

"Disney was dead, but the touch of this magic-maker was definitely in the Mineral King project:

"Construction of an Alpine Village that would look as though it had been there a thousand years.

"Complete elimination of automobiles from the valley floor by building a sub-level automobile reception center a mile and a quarter downhill.

"Lifting the visitors to the village via an electrically powered, cog-assisted rail system.

"Building 22 ski lifts, a combination of chair lifts and gondolas, to reach skiing elevations.

"Creating a year-around family recreation spa for winter and summer sports.

"The one thing it will not be is another Disneyland. Disney, before his death, emphasized this. 'Disneyland is entertainment, but Mineral King will be outdoor recreation, developed primarily for families and in full keeping with the environment.'

"Mineral King is ideally suited for outdoor recreation. It encompasses approximately 30 square miles in the north portion of Sequoia National Forest, 55 miles east of Visalia. Its valley floor, situated along the headwaters of the East Fork of the Kaweah River, is at an altitude of 7,800 feet, nearly twice the altitude of Yosemite and the same altitude as Aspen, Colo. The valley itself is two miles long.

"The man behind the Disney plan is Robert B. Hicks, Mineral King project manager and an avid skier himself. The skiing potential of the area is what thrills him.

" 'Eight major basins in these mountains offer snow conditions among the most dependable in North America and provide ski terrain equivalent to six Squaw Valleys,' he said. 'It is one of the few areas in the United States which offers uninterrupted ski runs as long as four miles, with a vertical drop of over 3,700 feet. And the area has slopes that will accommodate skiers of all levels of competence.'

"The Disney ski plan calls for first phase development to be concentrated in five adjacent bowls, located on north facing slopes—to the south and west of Mineral King Valley.

"Mosquito Bowl, one of the largest and longest intermediate ski areas in the United States, offers runs of nearly three miles and vertical drops ranging from 11,100 feet to 7,500 feet.

" 'This is a very exciting project,' Hicks said. 'I believe Mineral King is the most outstanding ski area in the world. It has better weather, more sunshine, less wind and doesn't have the extreme temperatures of other ski areas. It is definitely one of the most scenic anywhere in the world.'

"The winter skiing season could begin as early as September and extend as late as May, according to Hicks. On this preliminary plan alone, the Disney organization has spent $500,000. The total project, when completed, will be a $35.3 million investment.

"But skiing is only one part of the master plan for Mineral King. Other winter sports include bobsledding, ski-bobbing and riding inner tubes and snow pans down selected inclines. An area will be set aside for snow sculpturing.

" 'We also plan an outdoor heated swimming pool in the village,' Hicks said, 'plus indoor-outdoor skating rinks, a ski jump ampitheater and trails for cross-country skiers.'

"Summer recreation includes fishing, picnicking, camping, hiking and horseback riding. The village will have hotels, apartments and other lodging accommodations, in addition to theaters, restaurants, specialty shops, a conference center and indoor-outdoor recreational facilities. The plan calls for 465 guest lodging units, accommodating 1,505 persons, the first year. Five years later the village will have 1,030 units for 3,310 guests. About 90 per cent, Hicks said, will be lodging units for families in the moderate to medium price bracket.

"Pricing will be under strict control of the U.S. Forest Service.

"The most significant part of the plan, Hicks said, is the approach that permits the eliminating of automobiles. The sub-level parking garage will be hidden from the view of the valley. "The absence of cars will result in spontaneity of village design.' Hicks pointed out, 'and this was a major objective in our master planning.'

"Streets in the village will be designed as park-walks and tree-lined concourses suited for skiers, pedestrians or horse-drawn sleighs. The area will be free from noise, congestion and exhaust fumes of automobiles.

"The village will occupy between 35 and 50 acres; the parking structure will be on 4½ acres, and in all a maximum of 80 acres of land will be used for construction. None of this land will be owned by Disney and will remain at all times under control of the Forest Service.

"What is proposed for Mineral King isn't unique; in fact, it is the same thing that the U.S. Forest Service has done in conjunction with private enterprise in nearly 100 winter sports areas, including Sun Valley, Squaw Valley and Aspen.

" 'What we are doing,' said a Forest Service spokesman, 'is working with private resources to develop a winter recreation area. In this case we are capitalizing upon Mineral King's outstanding recreational potential and we are doing it in such a way that the result would be most compatible with the valley's uniquely spectacular alpine environment.'

"The Disney organization was chosen, he said, 'because their plan was the best of the six submitted.'

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"Donn B. Tatum, Disney Productions president, added: 'Mineral King is a logial outgrowth of Disney experience and interest in the outdoors, and in serving the public. In the implementation of this master plan, the Disney organization will dedicate every effort to preserving and enhancing the aesthetic and natural beauty of this magnificent area.'

"Sounds wonderful, doesn't it?

"But there is a troll under the alpine bridge.

"The Sierra Club of California, the conservationist organization, has filed suit in Federal District Court in San Francisco to block the Mineral King development. The court has granted a temporary injunction to prevent any work from being done on Mineral King until the suit is settled.

" 'We've pulled all our people out.' Hicks said. 'I've been diverted to planning work on the Disney World project in Florida. For all intent and purpose, Mineral King is at a standstill. We're in a position that we just have to sit and wait.'

"Disney is not part of the lawsuit. The Sierra Club sued only the U.S. government.

" 'To sue Disney,' quipped one Sierra Club member, 'would be like suing motherhood, the Flag and the Boy Scouts all at once. Besides, we're not after Disney. We are against turning a wilderness area over to any private entrepreneur.'

"Although based on several legal technicalities, basically the lawsuit is testing the U.S. government's right to offer Mineral King for development by private enterprise. The club wants Mineral King kept 'unspoiled,' and this—in the case of Mineral King—means reserved for a few hardy backpackers who are equipped to 'rough it.'

"What the outcome will be is questionable.

"Hicks expressed Disney's frustration and said he wanted the matter settled as soon as possible, 'because we are already a year behind schedule and every day the delay continues puts us further behind.'

"Judging from the angry mood of the Sierra Club, it appears the fight might go on until hell freezes over. And if that happens, the wilderness purists just might claim hell too."

REAL WORKERS AGAINST POLLUTION

HON. GEORGE E. BROWN, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 22, 1970

Mr. BROWN of California. Mr. Speaker, some people talk a lot about pollution and environmental quality—others do something about it.

Recently, I have read three newspaper articles about a number of Southern Californians who have taken to direct action in combatting smog and other environmental ills.

Each of these Californians directs their actions in a different way; indeed, not all of their efforts concentrate on California problems. Each deserves immense encouragement and praise; they are the vanguard in the crucial struggle to maintain life on this planet.

For 11 years, my friend Smith Griswold headed Los Angeles County's program—fighting smog. Smith Griswold was the man who first suggested that the major automobile manufacturers might be consorting illegally to limit development of effective air pollution controls—and, of course, this allegation was the key factor in the antitrust suit brought just over a year ago by the Justice Department against the auto industry. Recently, Smith Griswold has concentrated his emphasis on the need for nonpolluting vehicles, and I conferred with him before introducing by own proposal in this area, The Smogless Car Development Act, during the last congressional session.

The Los Angeles Times named Mrs. Ellen Stearn Harris as one of its "Women of the Year." I concur with the Times in this choice. I have been an avid follower of Mrs. Harris' constant efforts for a clean environment, and I would suggest that the newsletter of the Council for Planning and Conservation would be an excellent model for other local antipollution programs.

The People's Lobby, a group established by Mr. and Mrs. Edwin Koupal last year in Los Angeles, aims to battle pollution through a massive public legislative program. I endorse the somewhat drastic methods utilized by the Koupals. If government does not respond to needs, then it is up to the citizens themselves to bring about changes. I signed the People's Lobby petitions last year, and I still support their strong stand for a quality environment.

I now insert the articles about these leaders in the campaign against pollution:

[From the Washington Post, Jan. 19, 1970]

ALIVE AND BREATHING WELL—BUT NOT IN THE DISTRICT OF COLUMBIA

(By Colman McCarthy)

Smith Griswold, a plugger, wry, smart, with a flinty impulse to say what he thinks, is one of the most dirt and filth minded men in Washington. The dirt and filth he thinks about is not that of the smut hustler but the kind that a successful air pollution fighter is constantly battling. Griswold learned his trade in the pollution capital of the Western world, Los Angeles, where for 11 years he was the air pollution control officer of Los Angeles County. He took neither baloney nor stalling from pollution offenders. During his tenure, he brought 40,000 pollution cases to court, with conviction or guilty pleas in 96 per cent. No pollution control officer anywhere in the country has matched this record, not that many have been trying.

"When the industries find out you're not playing footsie with them," said Griswold, "they get with it. They clean up. But it doesn't do any good to damn only the industrialists for polluting the country; they're just supplying the public with what it wants, and making a profit in the process. It's up to the courts and politicians to keep industry from polluting. You can't expect, say, U.S. Steel to install a billion dollars worth of anti-smoke devices on its chimneys when it knows, down the river, Bethlehem or Republic won't spend a penny on pollution control. It's up to the courts and politicians to make them all stop."

In California, Griswold broke new ground in developing control technology for various industrial operations—such as air pollution controls for refineries, power plants, steel mills, grain and feed operations. The first automobile exhaust control labs were begun in Los Angeles under Griswold. This resulted in the 1966 California law requiring new cars sold in the state to be equipped with exhaust control devices.

"This," says Griswold, "was no more than a flesh wound to the polluters at GM, Ford and the rest of the Detroit crowd. After all, California was only one state. But what happened out there let them know that the public was wising up. People no longer needed statistics telling them the automakers were the nation's major air polluters; they could smell it for themselves."

In 1965, Griswold left Los Angeles to become abatement and control chief at HEW's Office for Air Pollution Control. It was not long before he discovered that Washington was an atmospheric cesspool.

"I had an apartment on Massachusetts Avenue, and the living room had white curtains. In six months' time, they were filthy. In California, your draperies last four or five years and usually the sun rots them before they need a cleaning."

On another occasion early in Washington, Griswold was polishing his car on the curb. He had cleaned it with soap and water thoroughly before waxing it. "It was amazing. Before I could put the wax on and rub it off, so much filth from the atmosphere fell on the car that it gummed up the wax. Instead of shining my car, I wound up smearing it."

Griswold stayed three years at HEW where he was known for his fire and action. He planned, directed and executed the federal air pollution abatement program. He did for the government what he did for California: set up the federal control program for all automobiles.

After making what he thought was good progress, the Congress passed in 1967 the Air Quality Control Act, a major part of which passed pollution control to the states. The latter were generally no more equipped to handle this problem than many other social problems. Soon, the control efforts that Griswold built up were diluted or ignored.

He left the government in late 1967 and set up a private consultancy in Washington. He now has more business than he can handle, minus the restrictions of the government. Among his present clients are Maine and Puerto Rico, both of whom, says Griswold, "want industry, but want it clean."

Griswold's present office looks out over K Street in downtown Washington, "one of the worst soot alleys in the nation. I see in Washington every day at least 10 violations of what would end up with court action in Los Angeles. Just take the black smoke coming from buildings; that was banned in Los Angeles in 1956. Washington has a smoke abatement ordinance, and I've heard of cases where obvious violators are warned. But what does a warning do? Violators keep right on polluting. I haven't heard of anyone being taken to court because of breaking the pollution ordinance.

"Go to the top of any downtown building at any hour of the day. Wherever you turn, you'll see smoke coming from a building—a violation against basic pollution measures. Everyone who has eyes and lungs knows the big violators. Pepco has been one of the worst. The downtown Hilton has been typical of the hotels. At regular intervals, the tubes of the boiler are blown. That's what causes the black smoke plumes to shoot out of the chimney. It makes a man-made pollution cloud."

How do you stop the hotels, apartments and commercial buildings in Washington from polluting the air?

"The first step," said Griswold, "is for the press and television to inform the public what's going on. Name the pollution offenders—specifically by name, what they do, when and where. Are they using high sulphur residual oil in their boilers, which is dangerous to health, or have they converted to low sulphur residual oil? Why aren't they using natural gas, instead of coal? Are the chimneys of buildings equipped with anti-pollution devices?

"When the public gets outraged at the air pollution all around them, the politicians and lawmakers won't be afraid to act forcefully and stop the polluters. Nor will they be hesitant to raise and spend the money for pollution control, because the politicians love a safe and popular issue.

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"Of course, the industries and building managers will say they're doing their best already to curb pollution. They aren't, Detroit is a good example of this. They've known for over 50 years that the internal combustion engine was the major cause of U.S. air pollution. Only now, when the public, informed by the press, is finally putting the heat on, are they saying that changes are coming. They can't stall any more."

After the automobile and building polluters are controlled, there is the problem of disposing solid wastes by burning. "Washington," says Griswold, "has what it thinks are modern incinerators. But what we need are pollution-free programs for solid waste disposal. The city is finally waking up and getting land fill operations for garbage and rubbish, something Los Angeles did nearly 15 years ago."

Repeatedly, Griswold says that a major air pollution control program in Washington, as in any other city, will cost money. "Mayor Washington knows about the problem, but what can he do? Crime and poverty have him in a corner, plus the politicians who won't give the District the right to run its own affairs. Up against all that, the problem of environment must strike the mayor as minor, indeed."

Griswold, who drives a non-polluting car that runs on natural gas, does not expect much from the Nixon administration on environmental problems. "Some good minds are working, and solutions aren't hard to find. But in government, the squeakiest wheel gets the grease. Right now, it's inflation, Vietnam and the Defense Department that dominate the budget. Nothing dramatic is happening in the pollution field. Just the daily, methodical destruction of our land, air and water. If yesterday, say hypothetically, the Potomac was a clear mountain river but today became a sewer, that would be dramatic and things would happen fast. But since the Potomac, like our other natural resources, was ruined slowly over the decades, well, few get alarmed."

As for air pollution control, Griswold intends to keep on as a free-lance consultant. He has enough demands on his time from people who are serious about keeping the air clean not to think about those who still shirk the problem. He believes most of the facts about controlling air pollution are known, and that no more advisory councils, reports, committees, congressional hearings or speeches are needed. What may really be needed, grimly, is for a major U.S. city to suffer a smog suffocation that would kill thousands of people. "That will get action," says Griswold.

Where will he be when and if such a pollution disaster occurs? Odds on in Maine or Puerto Rico, alive and breathing well.

[From the Los Angeles Times, Dec. 26, 1969]

A Foe of Noise, Waste, Pollution

(By Art Seidenbaum)

Ellen Stern Harris is a modern kind of earth mother who fights for land, sea and air. She is a state official, a community organizer and a most uncommon scold. The conservation of California is what concerns her and all of a sudden she can claim victories.

This is the year that pollution finally became a priority issue as the skies dimmed and the seas ran dirty. Politicians have plunged into the muck, running from right and left, to embrace nature at last. The media have launched series and specials and new departments devoted to ecology, environment, land use. Conservation replaces confrontation as an acceptable word on college campuses.

Saving the natural world is now an extremely popular thing to do.

Mrs. Harris, a Times Woman of the Year, was at it in the bad old days when most people thought that development meant progress, when it was bad manners to mention pollution without covering your mouth and turning your head away.

When Mrs. Harris was lobbying for parks in the Santa Monica Mountains in 1966, newsmen used to run and hide because arguments about open space did not fill columns.

When Mrs. Harris was appointed to the regional Water Quality Control Board in the same year, a government acquaintance congratulated her and said, "Great. But what is it?"

When Mrs. Harris helped start the Council for Planning and Conservation in 1967, a lot of locals ho-hummed and figured it was just another outfit with a long name and little influence.

Well, in 1969 Ellen Harris' time had come and the rest of us finally caught up with her cause.

This year newsmen went to her and you might have read about Mrs. Harris in editorials in the Sunday Opinion Section, in the Metropolitan News Section, and, in profile, in this section. Water, waste, noise, parks and pollution were the subjects; she was busy in all of them.

This year her efforts on the Los Angeles Regional Water Quality Control Board changed a "what-is-it" body into an effective force for cleaning up our shoreline.

The State of California has finally set stringent standards on what may be dumped in Los Angeles Harbor or Dominguez Channel. Mrs. Harris was one of the catalysts who made cleaning possible; she convinced the bureaucracy that private industry was polluting the life out of public property.

This year the woman who used to be known as "Brown's Revenge," because she was a late appointment by a lame duck governor, has new friends on the board itself. She even wins votes from industry representatives and admits, "It's astonishing when the people you've been fighting finally agree with you."

And this year, the council with the long name has been joined by more than 50 conservation-minded organizations, from the American Institute of architects to the Wilderness Foundation, from the citizens' committee that *did* save Cabrillo Beach to the citizens' committee that ultimately saved Hazard Park.

Citizens won several battles this year and the council—which is a clearing house and public amplifier for citizen groups—deserves considerable credit. Ellen Harris writes the council's monthly newsletter, toughly and truly summarizing the battles on all fronts. She runs the outfit out of her own home because its shoestring budget is a conservation battle all by itself.

Instead of sleeping, Ellen Harris often spends her spare time fighting the aural pollution that keeps so many of us awake at night.

This year, in a memorable interview with an executive from the Federal Aviation Agency, Mrs. Harris insisted on a solution for night jet noise. The federal official was foolish enough to suggest, "I have a friend who keeps a small machine in her bedroom that makes a small buzz. It goes all night to drawn out the sound of airplanes . . ."

Mrs. Harris could not accept more noise for an answer. Instead she carried the battles of the buzzes to her councilmen and the noise problem has become the subject of continuing public hearings.

Mrs. Harris always does her technological homework, calling on an assortment of sympathetic ecological experts for advice. But her style is direct action. And the only cure for this uncommon scold is results.

"Sometimes," says Ellen Harris, "I think professional people and political people know all the reasons why you can't change things and why you can't make better things happen. I never knew that much."

SCOURGE OF POLLUTERS

The scourge of polluters is an attractive third-generation Californian who went to school in Beverly Hill, chose marriage instead of college, had two children and might have been any other matron if the climate hadn't changed for the worse. She divorced several years ago and admits having just survived "the 40-trauma. My two kids were so lovely. They went out and brought home autumn leaves."

Ellen Harris shares a handsomely conserved Beverly Hills house with the two high school leaves-bearers—Tom Harris, 18, and Jane Harris, 16. They are a family and they talk to each other.

The evening I arrived to interview the Times Woman of the Year, daughter Jane wandered into the conversation. She was cordial and said kind things about her mother. But when I asked Jane a direct question, Jane didn't want to horn into the story: "Don't write anything about me," she said, "I have my rights." Then she laughed.

The Harris office is right off the living room, a clutter of file cabinets and commendations and Xerox copies of reports on what ails us.

A large aerial view of Manhattan Island dominates the long wall of the office. Ellen Harris hung it there as a reminder of what could become of California if the conservationists quit. In the office, she talks rapidly and persuasively, pulling out papers to underline her arguments. In the living room, she listens and waits for questions.

* * * changed into an activist in the first place. She told me it was palm trees. Then she flustered for a moment and apologized for being lucky enough to live on a street with palm trees. Mrs. Harris explained that several years ago she realized the trees on that lucky street were in terrible need of trimming. She called the bureaucracy and the bureaucracy told her to call back in six months.

Six months later, the bureaucracy put her off again, pleading lack of funds, lack of labor—a bureaucratic abundance of the usual excuses. The postponements continued for 18 months, until the day Ellen Harris called once more and threatened to serve a petition on City Hall.

The trees were trimmed immediatly and Mrs. Harris had her first lesson in making change; government normally does nothing until an individual enlists support to embarrass government.

RUN BY DEFAULT

"A city or a state is run by default," says Ellen Harris, "because there's a tremendous group of people out there who've been inhibited from participating. They don't know their own power."

Mrs. Harris moved out from under palm trees to a wider perspective. She worked for the mayor's conference on beauty in 1965. She worked for the governor's conference on beauty the same year. Beauty was a good word in 1965 because Ladybird Johnson made a national project out of it. But conservation is an even harder chore, which Ellen Harris learned when she turned lobbyist for open space in local mountains.

As representative for the Friends of the Santa Monica Mountains, Mrs. Harris went to Sacramento and discovered that there's an unfortunate relationship between those who contribute to pollution and to political campaigns. "Too often," says Ellen Harris, "the man who votes away or promises away much of our resources is the same man who's been provided with much of the campaign kitty."

Instead of bringing money, Ellen Harris brought persistence and candor. She learned that there are good guys and bad guys in both parties, that most legislators are affable, approachable and sometimes even con-

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vertible. Treated as human and friendly creatures, they behave that way in return.

"Elected officials," say Mrs. Harris, "really can't be intransigent under constant public scrutiny. And the Establishment has given us the tools for public scrutiny—it's up to us to use them."

She came home with an indoor theory of outdoor survival: "What's happening to the ecology," offers the ex-lobbyist, "is happening inside a Sacramento committee hearing and yet we don't teach ecology that way.

"We continue to teach in the classroom and then take people out in the field. That isn't far enough. I'd like to take students to city councils and boards of supervisors where they can learn how to testify and how to influence officials door-to-door."

The lady who didn't go to college now wants to educate the community. "If we can channel our human resources then we can begin to save our natural ones. I'd like to begin a workshop with a whole lot of women such as my former self."

MAN-MADE HORRORS

The course would begin along the coast, where Ellen Harris can point out both the original magnificence and the man-made horrors. Then she'd take them to hearing rooms and introduce them to the good guys and the bad guys. And somewhere along the way, Ellen Harris would show the workshop what you can do with the media.

At the Water Quality Control Board meetings, where she was frequently a minority of one, Ellen Harris learned how the press really makes a difference. "Whenever the cameras are there," she says, "people tend to vote the right way. If you could have the press there—have the lights on and the cameras going even if there was no film in them our side would win."

Woman of the Year Harris is winning with the system. She put the system to serving its original purpose: people.

And now she issues an ecological invitation to everybody: "C'mon in. The water's lousy."

[From the Los Angeles Times, Jan. 8, 1970]

TANGENTS OF SMOG FIGHT

(By Richard Buffum)

The adult, which is not to say mature, smut book stores proliferate here. Creeping urban pollution, including smog, has become a way of life at the intersection of Wilshire Blvd. and Western Ave.

In a dingy office building here, its wide old halls sounding lonely echoes as you walk down them, is suite 205—a euphemism for four cramped little rooms overflowing with clutter. This is state headquarters for the People's Lobby, Inc., where a handful of militant smog battlers are stoutly playing out what may be their last gasp as an organization.

Last August they began circulating a pair of initiative petitions aimed at placing tough pollution abatement measures on the November general election ballot. One is an amendment in the state Constitution guaranteeing that all persons have the inalienable right to live in an environment free of pollution and contamination. The other is a highly technical document known as the Clean Environment Act, which, if added as statute provisions to our state's health and safety code, would force strict pollution abatement standards, with penalties, upon industry, including motor vehicle manufacturers.

PRECARIOUS TIMES

Operating on a shoestring, the People's Lobby, led by Mr. and Mrs. Edwin Koupal, has fallen, unfortunately, upon precarious times. By the Nov. 26 deadline they had failed to obtain sufficient signatures of registered voters to qualify the constitutional amendment for the ballot, and possibly the statute revision.

Taking advantage of a 60-day supplementary period that ends Jan. 26, they are engaged now in urging volunteers in 22 counties into a deadline spurt. Petitions must be in headquarters no later than the 15th. The major obstacle to the success of this grassroots initiative campaign has been a curious psychological reaction of rejection within the established political hierarchy. I would characterize it as a parental attitude toward smog.

It manifests itself this way: politicians, including the leaders of some air pollution control districts, would prefer to construct piecemeal legislation, each taking personal credit for his part in the smog battle, rather than accept a readymade set of pollution abatement measures. This applies particularly to the statute initiative with the sharp teeth.

DIFFICULT TO MODIFY

The very nature of this initiative makes it difficult to modify to less stringent and "more realistic" abatement standards—this is to say, standards more compatible with industry's inherent economic barriers against rapid change.

Moreover, antipollution is good politics today, reflecting a burgeoning desire of the people to clean up their deteriorating environment. The 18 separate smog control measures submitted Monday on the opening day of the Assembly show that our representatives are scrambling to respond.

I hope, however, that the People's Lobby volunteers, manning their card tables on smoggy street corners, succeed in getting at least the health and safety code amendment on the November ballot. There, win or lose, it will serve a highly useful purpose—that of preserving from pressure-tactics erosion the integrity of the initially tough antipollution standards proposed by our legislators.

STATE DEPARTMENT ASSESSES SOVIET ADHERENCE TO UNITED STATES-SOVIET TREATIES

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 22, 1970

Mr. HAMILTON. Mr. Speaker, I thought it would be of interest to my colleagues to read some recent correspondence between the State Department and myself, on the issue of Soviet adherence to United States-Soviet treaties. The letters and documents follow:

DECEMBER 8, 1969.

Hon. WILLIAM P. ROGERS,
Secretary of State,
Department of State,
Washington, D.C.

DEAR MR. SECRETARY: I am often confronted by constituents who state that the Soviet Union never obeys its treaty obligations and that it regards a treaty as a mere scrap of paper. I would like the State Department to make an assessment of this sweeping generalization.

In doing so, would you please list the major Soviet/American treaties now in operation and assess each one for the degree of Soviet adherence to it.

The question of honoring treaty obligations becomes of critical importance if, as the President has said, we are entering an era of negotiations and if any SALT talk decisions are to be regarded as binding.

I look forward to your reply.

Sincerely,

LEE H. HAMILTON,
Member of Congress.

DEPARTMENT OF STATE,
Washington, January 20, 1970.

Hon. LEE H. HAMILTON,
House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN HAMILTON: Secretary Rogers has asked me to reply to your recent letter concerning Soviet-American treaties. I am pleased to have the opportunity to explore with you this complicated, but timely, subject.

At present, the United States and the Soviet Union are joint parties to 170 international agreements, of which 83 are defined as treaties (ratified with the advice and consent of the Senate).

Our first experience in concluding agreements with the Soviet Government was the exchange of letters with Soviet Foreign Minister Litvinov in 1933 when we established diplomatic relations. While most of the provisions of these agreements were observed by the Soviets, during the thirties we were obliged to protest several times against what we considered to be violations of the Soviet pledge not to spread propaganda in the United States through the Comintern. We also objected on a number of occasions against Soviet failure to provide immediate notification and access to U.S. citizens detained in the Soviet Union. This situation was corrected when the US-USSR Consular Convention went into force on July 13, 1968. Since then, the Soviets have observed its provisions on notification and access to detained U.S. citizens. The Consular Convention is the only bilateral Soviet-American treaty.

The Soviets have failed to observe several other international agreements to which both the Soviet Union and the United States are parties. This is particularly true in regard to some of the agreements drawn up in the final stages of World War II in an attempt to determine the postwar political configuration of Europe. It is extremely difficult to provide a complete rundown of these Soviet violations, however, for most of the transgressions involved multipartite international agreements relating, in many cases, to very broadly-defined political concepts.

As an example, I would cite that part of the Yalta Conference Communique (1945) dealing with the form of government which was to be established in postwar Poland. The Communique referred to such concepts as "democracy," "democratic elements" and "free elections." Agreements couched in such broad terminology can be effective only if all parties are in fundamental political agreement on the kind of results which they wish to achieve. In the case cited herein, a bitter dispute arose between the Soviet Union and the Western Powers concerning the definition of these political terms. With the advantage of hindsight, we realize that the basic problem was not whether an agreement was violated, but whether there was any real "agreement."

As a result of such problems in the early postwar period, the United States has been extremely careful to enter into international agreements with the Soviet Union only when there are safeguards against unilateral secret violations and a high probability that that Soviets will respect those agreements. We have carefully assessed the circumstances surrounding recent negotiations to make certain that the Soviets have perceived their own vital interests to be involved in a successful agreement, just as we have made certain that such agreement is in the interest of the United States. Most, but not all, of the successful international agreements reached under this careful policy have been in technically-related areas, which have provided reliable means to ascertain whether the agreements are being observed. The Soviet record on adherence to international agreements in this field has

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been generally comparable to that of other nations.

Examples of technically-related agreements which have entered into force include the Limited Test Ban Treaty (1963), the Outer Space Treaty (1967) and the Agreement on the Rescue and Return of Astronauts and Objects From Outer Space (1968). Each of these agreements involves significant limitations on Soviet rights and activities in the fields of weaponry and space, and the Soviets have respected all of these agreements thus far.

Another significant example of a successful treaty to which both the United States and the Soviet Union are parties is the Antarctic Treaty (1959). This is a wide-reaching, 15-party international agreement covering scientific cooperation in Antarctica and prohibitions against military activities and the placement of atomic wastes in that area. This treaty, which has been operative for 10 years, has been strictly observed by all parties, including the Soviet Union.

Although all of the successful agreements cited above have political, as well as technical, connotations, this is particularly true of the Antarctic Treaty, which regulates the political status of Antarctica. Another "political" treaty which the Soviets have respected is the Austrian State Treaty (1955), which established the status and neutrality of postwar Austria.

I am enclosing for your use a brief information sheet titled "The Soviet Union and International Agreements." This circular cites two very fine sources, if you or any of your constituents wish to pursue further this very complicated subject. I am also enclosing more detailed lists of bilateral and multilateral US-Soviet agreements.

Please accept my apologies for the delay in answering your letter. As you can see from the foregoing, this is a very complicated subject, and considerable attention has been devoted to our reply.

If I can be of any further assistance concerning this subject, please do not hesitate to call upon me.

Sincerely yours,

H. G. TORBERT, Jr.,

Acting Assistant Secretary for Congressional Relations.

The Soviet Union and International Agreements

According to a recent count by the Office of the Legal Advisor of the Department of State, there are 170 international agreements to which the United States and the Soviet Union are parties. Of these 83 are multilateral treaties. The only bilateral US–USSR treaty is the Consular Convention which entered into force in July 1968.

A listing of treaties entered into by the Soviet Government and a discussion of how these agreements have been kept is found in Jan F. Triska and Robert M. Slusser, *The Theory, Law and Policy of Soviet Treaties*, and *A Calendar of Soviet Treaties, 1917-1957* (Stanford University Press, 1959 and 1962). There have been numerous examples of Soviet violations of international agreements. Many of these are violations of the political arrangements growing out of the attempted settlement of World War II, and many are agreements to which the United States is not a party.

Because the Soviet Union has not observed a number of its international agreements, however, does not mean that it is useless to enter into such agreements with the Soviet Government. Experience has shown that agreements which have either built in safeguards or are self enforcing can be made with the Soviet Union. There are numerous bilateral and multilateral agreements which the Soviet Union has made which it has found in its interest to keep. In the field of technical agreements, the record of the Soviet Union appears to be comparable to that of most other nations. Following is a list of some of the agreements which the Soviet Union has made and, despite some infractions, has generally found it in its interest to observe:

Austrian State Treaty (1955).

Antarctic Treaty (1959).

Statute of the International Atomic Energy Agency (1956).

Convention on Road Traffic (1949).

Customs Convention on the Temporary Importation of Private Road Vehicles (1954).

Constitution on UNESCO (1945).

International Convention for the Northwest Atlantic Fisheries (1949).

Convention on the Intergovernmental Maritime Organization (1948).

Conventiton on Safety of Life at Sea (1948 and 1960).

Regulations for Preventing Collisions at Sea (1948 and 1960).

Convention of the World Meteorological Organization (1947).

Constitution of the World Health Organization (1946).

International Sanitary Regulations (1951).

Universal Postal Convention (1957).

Agreement for the Supression of the Circulation of Obscene Publications (1949).

Interim Convention on Conservation of North Pacific Fur Seals (1947).

International Sugar Agreement (1948).

International Telecommunication Convention (1995).

Agreement on Cooperation in Exchanges in the Fields of Science, Technology, Education and Culture (There have been four such agreements signed since 1958, covering four successive years).

Agreement Relating to the Exchange of Medical Films (1955).

Agreement Relating to the Reciprocal Waiver of Visa Fees to Non-Immigrants (1958).

Agreement on the Organization of Commercial Radio Teletype Communication Channels (1946).

Limited Atomic Test Ban Treaty (1963).

Agreement on Cooperation in the Field of Desalination, Including the Use of Atomic Energy (1964).

Agreements Relating to Fishing Operations in the Northeastern Pacific Ocean (1964 and 1967).

Agreement Relating to Fishing for King Crab (1965 and 1967).

Statute of the International Agency for Research on Cancer (1965).

Multilateral Treaties and Other International Agreements in Force Between the United States and the Union of Soviet Socialist Republics

AFRICA

General Act for the repression of the African slave trade. Signed at Brussels July 2, 1890; entered into force for the United States April 2, 1892, subject to a statement. 27 Stat. 886; TS 383; II Malloy 1964.

Convention revising the duties imposed by the Brussels convention of June 8, 1899 on spirituous liquors imported into certain regions of Africa. Signed at Brussels November 3, 1906; entered into force for the United States December 2, 1907. 35 Stat. 1912; TS 467; II Malloy 2205.

ANTARCTICA

The Antarctic Treaty. Signed at Washington December 1, 1959; entered into force for the United States June 23, 1961. 12 UST 794; TIAS 4780; 402 UNTS 71.

States which are parties: Argentina, Australia, Belgium, Chile, Czechoslovakia, Denmark, France, Japan, New Zealand, Norway, Poland, South Africa, Union of Soviet Socialist Republics, United Kingdom, United States.

Measures relating to the furtherance of the principles and objectives of the Antarctic Treaty. Adopted at Canberra July 24, 1961; entered into force for the United States April 30, 1962. 13 UST 1349; TIAS 5094.

Measures relating to the furtherance of the principles and objectives of the Antarctic Treaty. Adopted at Buenos Aires July 28, 1962; entered in to force for the United States January 11, 1963. 14 UST 99; TIAS 5274.

Measures, including agreed measures for conservation of Antarctic fauna and flora, relating to the furtherance of the principles and objectives of the Antarctic Treaty. Adopted at Brussels June 2--13, 1964; entered into force for the United States July 27, 1966, except for III–VII, III–VIII and III–XI; September 1, 1966 for III–XI. 17 UST 991; TIAS 6058.

ASTRONAUTS

Agreement on the rescue of astronauts, the return of astronauts, and the return of objects launched into outer space. Done at Washington, London, and Moscow April 22, 1968; entered into force for the United States December 3, 1968. TIAS 6599.

ATLANTIC CHARTER

Joint Declaration, known as the Atlantic Charter, by the President of the United States and the Prime Minister of the United Kingdom, made on August 14, 1941. 55 Stat. 1600; EAS 236.

ATOMIC ENERGY (SEE ALSO NUCLEAR TEST BAN)

Statute of the International Atomic Energy Agency. Done at New York October 26, 1956; entered into force for the United States July 29, 1957, subject to an interpretation and understanding. 8 UST 1093; TIAS 3873; 276 UNTS 3.

Amendment: October 4, 1961 (14 UST 135; TIAS 5284; 471 UNTS 334).

AUSTRIA

State treaty for the reestablishment of an independent and democratic Austria. Signed at Vienna May 15, 1955; entered into force for the United States July 27, 1955. 6 UST 2369; TIAS 3298; 217 UNTS 223.

AUTOMOTIVE TRAFFIC

Convention on road traffic, with annexes. Done at Geneva September 19, 1949; entered into force for the United States March 26, 1952. 3 UST 308; TIAS 2437; 125 UNTS 22.

Convention concerning customs facilities for touring. Done at New York June 4, 1954; entered into force for the United States September 11, 1957. 8 UST 1293; TIAS 3879; 276 UNTS 230.

Customs convention on the temporary importation of private road vehicles. Done at New York June 4, 1954; entered into force for the United States December 15, 1957. 8 UST 2097; TIAS 3943; 282 UNTS 249.

AVIATION

Convention for the unification of certain rules relating to international transportation by air, with additional protocol. Concluded at Warsaw October 12, 1929; entered into force for the United States October 29, 1934, subject to a reservation, 49 Stat. 3000; TS 876; IV Trenwith 5250; 137 LNTS 11.

CULTURAL RELATIONS

Convention relating to international exhibitions. Done at Paris November 22, 1928; entered into force for the United States June 24, 1968. TIAS 6548; 111 LNTS 343.

Constitution of the United Nations Educational, Scientific, and Cultural Organization. Concluded at London November 16, 1945; entered into force for the United States November 4, 1946. 61 Stat. 2495; TIAS 1580; 4 UNTS 275.

Resolutions by the General Conference of the United Nations Educational, Scientific, and Cultural Organization amending the Constitution of the Organization. Adopted at Montevideo November 22 and December 8, 1954, at the Eighth Session of the Organization. 6 UST 6157; TIAS 3469.

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Resolution by the General Conference of the United Nations Educational, Scientific, and Cultural Organization amending the Constitution of the Organization. Adopted at New Delhi November 10, 1956, at the Ninth Session of the Organization. 8 UST 1395; TIAS 3889.

Resolutions by the General Conferences of the United Nations Educational, Scientific, and Cultural Organization amending the Constitution of the Organization. Adopted at the Second, Third, Fifth, Sixth, Seventh, and Tenth Sessions of the Organization. 10 UST 959; TIAS 4230.

EDUCATION

Statutes of the International Bureau of Education. Adopted at Geneva July 25, 1929; entered into force for the United States July 12, 1958, subject to a declaration. 14 UST 311, TIAS 5312.

FISHERIES

International convention for the Northwest Atlantic Fisheries. Done at Washington February 8, 1949; entered into force for the United States July 3, 1950. 1 UST 477; TIAS 2089; 157 UNTS 157.

Protocol to the international convention for the Northwest Atlantic Fisheries signed under date of February 8, 1949. Done at Washington June 25, 1956; entered into force for the United States January 10, 1959. 10 UST 59; TIAS 4170; 331 UNTS 388.

Declaration of understanding regarding the international convention for the Northwest Atlantic Fisheries. Done at Washington April 24, 1961; entered into force for the United States June 5, 1963. 14 UST 924; TIAS 5380; 480 UNTS 334.

Protocol to the international convention for the Northwest Atlantic Fisheries relating to harp and hood seals. Done at Washington July 15, 1963; entered into force for the United States April 29, 1966. 17 UST 635; TIAS 6011.

GERMANY

Agreement on control machinery in Germany. Signed at London November 14, 1944; entered into force for the United States February 6, 1945. 5 UST 2062; TIAS 3070; 236 UNTS 359.

Amendment: May 1, 1945 (5 UST 2062; TIAS 3070; 236 UNTS 400).

Protocol on the zones of occupation in Germany and the administration of "Greater Berlin". Signed at London September 12, 1944; entered into force for the United States February 6, 1945. 5 UST 2078; TIAS 3071; 227 UNTS 279.

Amendments: November 14, 1944 (5 UST 2078; TIAS 3071; 227 UNTS 286). July 26, 1945 (5 UST 2078; TIAS 3071; 227 UNTS 297).

Agreement relating to the lifting of restrictions imposed since March 1, 1948 on communications, transportation, and trade with Berlin. Done at New York May 4, 1949; entered into force for the United States May 4, 1949. 63 Stat. 2410; TIAS 1915; 138 UNTS 123.

HEALTH

Constitution of the World Health Organization. Done at New York July 22, 1946; entered into force for the United States June 21, 1948. 62 Stat. 2679; TIAS 1808; 14 UNTS 185.

Amendments to articles 24 and 25 of the Constitution of the World Health Organization. Adopted at Geneva May 28, 1959; entered into force for the United States October 25, 1960. 11 UST 2553; TIAS 4643; 377 UNTS 380.

World Health Organization nomenclature regulations, 1967. Adopted at Geneva May 22, 1967; entered into force for the United States January 1, 1968. 18 UST 3003; TIAS 6393.

International sanitary regulations (World Health Organization Regulations No. 2). Adopted at Geneva May 25, 1951; entered into force for the United States October 1, 1952. 7 UST 2255; TIAS 3625; 175 UNTS 215.

Additional regulations amending the international sanitary regulations with respect to yellow fever. Adopted at Mexico May 26, 1955; entered into force for the United States October 1, 1956. 13 UST 1986; TIAS 5156; 252 UNTS 338.

Additional regulations amending the international sanitary regulations with respect to the form of international certificate of vaccination or revaccination against smallpox. Adopted at Geneva May 23, 1956; entered into force for the United States October 1, 1956. 11 UST 133; TIAS 4420.

Additional regulations amending the international sanitary regulations with respect to the sanitary control of pilgrim traffic. Adopted at Geneva May 23, 1956; entered into force for the United States, subject to reservations, May 22, 1957. 12 UST 1121; TIAS 4823.

Additional regulations amending the international sanitary regulations with respect to the health part of the aircraft general declaration. Adopted at Geneva May 19, 1960; entered into force for the United States January 1, 1961. 12 UST 2950; TIAS 4896.

Additional regulations amending the international sanitary regulations with respect to notifications. Adopted at Geneva May 23, 1963; entered into force for the United States October 1, 1963. 14 UST 1557; TIAS 5459.

Additional regulations amending the international sanitary regulations with respect to disinsecting of ships and aircraft and appendices 3 and 4: forms of the international certificates of vaccination and revaccination against yellow fever and smallpox. Adopted at Geneva May 12, 1965; entered into force for the United States January 1, 1966. 16 UST 1177; TIAS 5863.

Statute of International Agency for research on cancer. Done at Geneva May 20, 1965; entered into force for the United States September 15, 1965 16 UST 1239; TIAS 5873.

INDUSTRIAL PROPERTY

Convention revising the Convention of the Union of Paris of March 20, 1883, as revised, for the protection of industrial property. Done at Lisbon October 31, 1958; entered into force for the United States January 4, 1962. 13 UST 1; TIAS 4931.

LABOR

Instrument for the amendment of the constitution of the International Labor Organization. Dated at Montreal October 9, 1946; entered into force for the United States April 20, 1948. 62 Stat. 3485; TIAS 1868; 15 UNTS 35.

Amendments: June 25, 1953 (7 UST 245; TIAS 3500; 191 UNTS 143). June 22, 1962 (14 UST 1039; TIAS 5401; 466 UNTS 323).

Convention (ILO No. 58) fixing the minimum age for the admission of children to employment at sea (revised 1936). Adopted at the 22nd session of the General Conference of the International Labor Organization, Geneva, October 24, 1936; entered into force for the United States October 29, 1939, subject to understandings. 54 Stat. 1705; TS 952; 40 UNTS 205.

LAOS

Declaration and protocol on the neutrality of Laos. Signed at Geneva July 23, 1962; entered into force for the United States July 23, 1962. 14 UST 1104; TIAS 5410; 456 UNTS 301.

MARITIME MATTERS

Convention for the unification of certain rules with respect to assistance and salvage at sea. Signed at Brussels September 23, 1910; entered into force for the United States March 1, 1913. 37 Stat. 1658; TS 576; III Redmond 2943.

International load line convention, final protocol and annexes, together with Final Act of the International Loan Line Conference. Signed at London July 5, 1930, with exchanges of notes at Washington February 8, June 1 and 28, August 9, and October 5, 1932; entered into force for the United States January 1, 1933, subject to declaration. 47 Stat 2228; TS 853; IV Trenwith 5287; 135 LNTS 301.

Modification of Annex II (6) (a) of the international load line convention. Entered into force for the United States August 23, 1938. 53 Stat. 1787; TS 942; IV Trenwith 5348.

Modification of the first paragraph of Annex II of the international load line convention. Entered into force for the United States July 13, 1957. 10 UST 1271; TIAS 4266.

Modification of the fifth paragraph of Annex II of the international load line convention. Entered into force for the United States August 7, 1959. 11 UST 1992; TIAS 4550.

International convention on load lines, 1966. Done at London April 5, 1966; entered into force for the United States July 21, 1968. 18 UST 1857; TIAS 6331.

Convention on the Intergovernmental Maritime Consultative Organization. Signed at Geneva March 6, 1948; entered into force for the United States March 17, 1958, subject to a reservation and understanding. 9 UST 621; TIAS 4044; 289 UNTS 48.

International convention for the safety of life at sea, 1960. Done at London June 17, 1960; entered into force for the United States May 26, 1965. 16 UST 185; TIAS 5780.

Convention on the high seas. Done at Geneva April 29, 1958; entered into force for the United States September 30, 1962. 13 UST 2312; TIAS 5200; 450 UNTS 82.

Convention on the continental shelf. Done at Geneva April 29, 1958; entered into force for the United States June 10, 1964. 15 UST 471; TIAS 5578; 499 UNTS 311.

Convention on the territorial sea and contiguous zone. Done at Geneva April 29, 1958; entered into force for the United States September 10, 1964. 15 UST 1606; TIAS 5639; 516 UNTS 205.

International regulations for preventing collisions at sea. Approved by the International Conference on Safety of Life at Sea, London May 17 to June 17, 1960; entered into force for the United States September 1, 1965. 16 UST 794; TIAS 5813.

International agreement regarding the maintenance of certain lights in the Red Sea. Done at London February 20, 1962; entered into force for the United States October 28, 1966. TIAS 6150.

Convention on facilitation of international maritime traffic, with annex. Done at London April 9, 1965; entered into force for the United States May 16, 1967. 18 UST 411; TIAS 6251.

METEOROLOGY

Convention of the World Meteorological Organization, and related protocol. Done at Washington October 11, 1947; entered into force for the United States March 23, 1950. 1 UST 281; TIAS 2052; 77 UNTS 143.

Amendments: April 11, 1963 (16 UST 2069; TIAS 5947). April 27, 1963 (16 UST 2073; TIAS 5947), April 11 and 26, 1967 (18 UST 2795; TIAS 6364). April 26, 1967 (18 UST 2800; TIAS 6364).

MILITARY AFFAIRS

Agreement concerning an armistice with Romania, with annex and protocol. Signed at Moscow September 12, 1944; entered into force for the United States September 12, 1944. 59 Stat. 1712; EAS 490.

Armistice agreement with Bulgaria, with protocol. Signed at Moscow October 28, 1944; entered into force for the United States October 28, 1944. 58 Stat. 1498; EAS 437; 123 UNTS 223.

Armistice agreement with Hungary, with annex and protocol. Signed at Moscow January 20, 1945; entered into force for the United States January 20, 1945. 59 Stat. 1321; EAS 456; 140 UNTS 397.

Act of military surrender. Terms between the United States and other Allied Powers and Germany. Signed at Rheims May 7 and at Berlin May 8, 1945; effective May 8, 1945. 59 Stat. 1857; EAS 502.

Declaration regarding the defeat of Germany and the assumption of supreme authority with respect to Germany by the Governments of the United States of America, the Union of Soviet Socialist Republics, the United Kingdom, and the Provisional Government of the French Republic. Signed at Berlin June 5, 1945; entered into force for the United States June 5, 1945. 60 Stat. 1649; TIAS 1520; 68 UNTS 189.

MOROCCO

Convention for the establishment of the right of protection in Morocco. Signed at Madrid July 3, 1880; entered into force for the United States March 9, 1882. 22 Stat. 817; TS 246; 1 Malloy 1220.

General act of the International Conference at Algeciras, with an additional protocol. Signed at Algeciras (Spain) April 7, 1906; entered into force for the United States December 31, 1906. 34 Stat. 2905; TS 456; II Malloy 2157.

MOSCOW AGREEMENT

Communique on the Moscow conference of Foreign Ministers. Signed at Moscow December 27, 1945; entered into force for the United States December 27, 1945. 60 Stat. 1899; TIAS 1955; 20 UNTS 259.

NARCOTIC DRUGS

Single convention on narcotic drugs, 1961. Done at New York March 30, 1961; entered into force for the United States June 24, 1967. 18 UST 1407; TIAS 6298; 520 UNTS 204.

Addition of substance dihydrocodeinone-6-carboxymethyloxmie (codoxime) to Schedule I of the single convention on narcotic drugs, 1961. Notification dated December 7, 1967. 18 UST 3279; TIAS 6423.

Addition of substances acetorphine and etorphine to Schedule IV of the single convention on narcotic drugs, 1961. Notification dated February 19, 1968. TIAS 6458.

NAVAL VESSELS (SEE ALSO MARITIME MATTERS; RULES OF WARFARE)

Protocol on the establishment of a four power naval commission, the disposal of excess units of the Italian fleet, and the return by the Soviet Union of warships on loan. Signed at Paris February 10, 1947; entered into force for the United States February 10, 1947. 61 Stat. 3846; TIAS 1733; 140 UNTS 111.

NUCLEAR TEST BAN

Treaty banning nuclear weapon tests in the atmosphere, in outer space and under water. Done at Moscow August 5, 1963; entered into force for the United States October 10, 1963. 14 UST 1313; TIAS 5433; 480 UNTS 43.

PACIFIC SETTLEMENT OF DISPUTES

Convention for the pacific settlement of international disputes. Signed at The Hague October 18, 1907; entered into force for the United States January 26, 1910, subject to declarations and an understanding 36 Stat. 2199; TS 536; II Malloy 2220.

Convention respecting the limitation of the employment of force for the recovery of contract debts. Signed at The Hague October 18, 1907; entered into force for the United States January 26, 1910, subject to an understanding. 36 Stat. 2241; TS 537; II Malloy 2248.

PEACE TREATIES

Treaty of peace with Italy. Signed at Paris February 10, 1947; entered into force for the United States September 15, 1947. 61 Stat. 1245; TIAS 1648; 49 and 50 UNTS.

Treaty of peace with Romania. Signed at Paris February 10, 1947; entered into force for the United States September 15, 1947. 61 Stat. 1757; TIAS 1649; 42 UNTS 3.

Treaty of peace with Bulgaria. Signed at Paris February 10, 1947; entered into force for the United States September 15, 1947. 61 Stat. 1915; TIAS 1650; 41 UNTS 21.

Treaty of peace with Hungary. Signed at Paris February 10, 1947; entered into force for the United States September 15, 1947. 61 Stat. 2065; TIAS 1651; 41 UNTS 135.

POSTAL ARRANGEMENTS

Constitution and convention of the Universal Postal Union, with final protocols, general regulations, and regulations of execution. Done at Vienna July 10, 1964; entered into force for the United States January 1, 1966. 16 UST 1291; TIAS 5881.

PRISONERS OF WAR (SEE ALSO RED CROSS CONVENTIONS; RULES OF WARFARE)

Geneva convention relative to the treatment of prisoners of war. Done at Geneva August 12, 1949; entered into force for the United States February 2, 1956, subject to a statement. 6 UST 3316; TIAS 3364; 75 UNTS 135.

PUBLICATIONS

Agreement for the suppression of the circulation of obscene publications. Signed at Paris May 4, 1910; entered into force for the United States September 15, 1911. 37 Stat. 1511; TS 559; III Redmond 2918.

Protocol amending the agreement for the suppression of the circulation of obscene publications signed at Paris May 4, 1910, with annex. Done at Lake Success May 4, 1949; entered into force for the United States August 14, 1950. 1 UST 849; TIAS 2164; 30 UNTS 3.

Convention concerning the international exchange of publications. Adopted at Paris December 3, 1958; entered into force for the United States June 9, 1968. TIAS 6438; 416 UNTS 51.

RED CROSS CONVENTIONS (SEE ALSO PRISONERS OF WAR; RULES OF WARFARE)

Convention for the amelioration of the condition of the wounded and sick in armed forces in the field. Dated at Geneva August 12, 1949; entered into force for the United States February 2, 1956, subject to a reservation and statement. 6 UST 3114; TIAS 3362; 75 UNTS 31.

Convention for the amelioration of the condition of the wounded, sick, and shipwrecked members of armed forces at sea. Dated at Geneva August 12, 1949; entered into force for the United States February 2, 1956, subject to a statement. 6 UST 3217; TIAS 3363; 75 UNTS 85.

RENUNCIATION OF WAR

Treaty providing for the renunciation of war as an instrument of national policy. Signed at Paris August 27, 1928; entered into force for the United States July 24, 1929. 46 Stat. 2343; TS 796; IV Trenwith 5130; 94 LNTS 57.

REPARATIONS

Protocol on the talks between the Heads of the three governments at the Crimea Conference on the question of the German reparation in kind. Signed at Yalta February 11, 1945; entered into force for the United States February 11, 1945.

Department of State Press Release 239, March 24, 1947; "A Decade of American Foreign Policy—Basic Documents 1941–1949. Prepared at the Request of the Senate Committee on Foreign Relations by the Staff of the Committee and the Department of State," (Senate Document 123, 81st Cong., 1st sess.); "In Quest of Peace and Security—Selected Documents on American Foreign Policy 1941–1951;" (Department of State Publication 4245); *Foreign Relations of the United States*: "The Conferences at Malta and Yalta, 1945," pp. 968–975.

RULES OF WARFARE (SEE ALSO CULTURAL RELATIONS; PRISONERS OF WAR; RED CROSS CONVENTIONS)

Convention for the exemption of hospital ships, in time of war, from the payment of all dues and taxes imposed for the benefit of the state. Done at The Hague December 21, 1904; entered into force for the United States March 26, 1907. 35 Stat. 1854; TS 459; II Malloy 2135.

Convention relative to the opening of hostilities. Signed at The Hague October 18, 1907; entered into force for the United States January 26, 1910. 36 Stat. 2259; TS 538; II Malloy 2259.

Convention respecting the laws and customs of war on land, and annex. Signed at The Hague October 18, 1907; entered into force for the United States January 26, 1910. 36 Stat. 2277; TS 539; II Malloy 2269.

Convention respecting the rights and duties of neutral powers and persons in case of war on land. Signed at The Hague October 18, 1907; entered into force for the United States January 26, 1910. 36 Stat. 2310; TS 540; II Malloy 2290.

Convention concerning bombardment by naval forces in time of war. Signed at The Hague October 18, 1907; entered into force for the United States January 26, 1910. 36 Stat. 2351; TS 542; II Malloy 2314.

Conventional concerning the rights and duties of neutral powers in naval war. Signed at The Hague October 18, 1907; entered into force for the United States Febraury 1, 1910, subject to a reservation and an understanding. 36 Stat. 2415; TS 545; II Malloy 2352.

Treaty for the limitation and reduction of naval armament. Signed at London April 22, 1930; entered into force for the United States December 31, 1930. 46 Stat. 2858; TS 830; IV Trenwith 5268; 112 LNTS 65.

All provisions of this treaty with the exception of Part IV, which relates to rules of international law in regard to the operations of submarines or other war vessels with respect to merchants vessels, expired on December 31, 1936. Under the terms of article 23, Part IV "shall remain in force without limit of time."

Convention relative to the protection of civilian persons in time of war. Dated at Geneva August 12, 1949; entered into force for the United States February 2, 1956, subject to a reservation and a statement. 6 UST 3516; TIAS 3365; 75 UNTS 287.

SEALS

Interim convention on conservation of North Pacific fur seals. Signed at Washington February 9, 1957; entered into force for the United States October 14, 1957. 8 UST 2283; TIAS 3948; 314 UNTS 105.

Protocol amending the interim convention on conservation of North Pacific fur seals. Done at Washington October 8, 1963; entered into force for the United States April 10, 1964. 15 UST 316; TIAS 5558; 494 UNTS 303.

SLAVE TRADE (SEE ALSO AFRICA; TRAFFIC IN WOMEN AND CHILDREN)

Convention to suppress the slave trade and slavery. Concluded at Geneva September 25, 1926; entered into force for the United States March 21, 1929, subject to a reservation. 46 Stat. 2183; TS 778; IV Trenwith 5022; 60 LNTS 253.

Protocol amending the slavery convention signed at Geneva on September 25, 1926, with annex. Done at New York December 7, 1953; entered into force for the United States March 7, 1956. 7 UST 479; TIAS 3532; 182 UNTS 51.

Supplementary convention on the abolition of slavery, the slave trade and institutions and practices similar to slavery. Done at Geneva September 7, 1956; entered into force for the United States December 6, 1967. 18 UST 3201; TIAS 6418; 266 UNTS 3.

SPACE

Treaty on principles governing the activities of states in the exploration and use of outer space, including the moon and other celestial bodies. Done at Washington, London, and Moscow January 27, 1967; entered into force for the United States October 10, 1967. 18 UST 2410; TIAS 6347.

SPITZBERGEN

Treaty relating to Spitzbergen, with annex. Done at Paris February 9, 1920; entered into force for the United States August 14, 1925.

43 Stat. 1892; TS 686; IV Trenwith 4861; 2 LNTS 7.

TELECOMMUNICATION

Convention for protection of submarine cables, signed at Paris March 14, 1884; Declaration respecting the interpretation of Articles II and IV, signed at Paris December 1, 1886; Final Protocol of agreement fixing May 1, 1888 as the date of effect of the convention, signed at Paris July 7, 1887; entered into force for the United States May 1, 1888. 24 Stat. 989; 25 Stat. 1424; TS 380; 380-2, 380-3; II Malloy 1949.

International telecommunication convention with six annexes, and final protocol to the convention. Signed at Geneva December 21, 1959; entered into force for the United States October 23, 1961, subject to declarations. 12 UST 1761; TIAS 4892.

Telegraph regulations (Geneva revision, 1958) annexed to the international telecommunication convention (Buenos Aires, 1952), with appendices and final protocol. Signed at Geneva November 29, 1958; entered into force for the United States January 1, 1960, subject to declarations. 10 UST 2423; TIAS 4390.

Partial revision of the radio regulations (Geneva, 1959), with annexes and additional protocol. Done at Geneva November 8, 1963; entered into force for the United States January 1, 1965, subject to declarations. 15 UST 887; TIAS 5603.

Partial revision of the radio regulations, Geneva, 1959, to put into effect a revised frequency allotment plan for the aeronautical mobile (R) service and related information, with annexes. Done at Geneva April 29, 1966; entered into force for the United States August 23, 1967 except that the frequency allotment plan contained in Appendix 27 shall enter into force April 10, 1970. 18 UST 2091; TIAS 6332.

TRADE AND COMMERCE

Convention concerning the formation of an International Union for the Publication of Customs Tariffs, regulations of execution, and final declarations. Signed at Brussels July 5, 1890; entered into force for the United States April 1, 1891. 26 Stat. 1518; TS 384; II Malloy 1996.

Protocol modifying the convention of July 5, 1890 relating to the creation of an International Union for the Publication of Customs Tariffs. Done at Brussels December 16, 1949; entered into force for the United States September 15, 1957; 8 UST 1669; TIAS 3922; 72 UNTS 3.

TRAFFIC IN WOMEN AND CHILDREN

Agreement for the repression of the trade in white women. Signed at Paris May 18, 1904; entered into force for the United States June 6, 1908. 35 Stat. 1979; TS 496; II Malloy 2131; 1 LNTS 83.

UNITED NATIONS

Declaration by United Nations. Signed at Washington January 1, 1942; entered into force for the United States January 1, 1942. 55 Stat. 1600; EAS 236.

Charter of the United Nations with the Statute of the International Court of Justice annexed thereto. Signed at San Francisco June 26, 1945; entered into force for the United States October 24, 1945. 59 Stat. 1031; TS 993.

Amendments: December 17, 1963 (16 UST 1134; TIAS 5857; 557 UNTS 143). December 20, 1965 (TIAS 6529).

WAR CRIMINALS

Agreement for the prosecution and punishment of the major war criminals of the European Axis. Signed at London August 8, 1945; entered into force for the United States August 8, 1945. 59 Stat. 1544; EAS 472; 82 UNTS 279.

WEIGHTS AND MEASURES

Convention concerning the creation of an international office of weights and measures, regulations and transient provisions. Signed at Paris May 20, 1875; entered into force for the United States August 2, 1878. 20 Stat. 709; TS 378; II Malloy 1924.

Convention amending the convention relating to weights and measures. Dated at Sevres October 6, 1921; entered into force for the United States October 24, 1923. 43 Stat. 1686; TS 673; IV Trenwith 4868; 17 LNTS 45.

WHALING

International whaling convention with schedule of whaling regulations. Signed at Washington December 2, 1946, entered into force for the United States November 10, 1948. 62 Stat. 1716; TIAS 1849; 161 UNTS 72.

Amendments to the Schedule:

June 7, 1949 (1 UST 506; TIAS 2092; 161 UNTS 100).

July 21, 1950 (2 UST 11; TIAS 2173; 161 UNTS 108).

July 27, 1951 (3 UST 2999; TIAS 2486; 177 UNTS 396).

June 6, 1952 (3 UST 5094; TIAS 2699; 181 UNTS 364).

June 26, 1953 (4 UST 2179; TIAS 2866; 252 UNTS 316).

July 23, 1954 (6 UST 645; TIAS 3198; 252 UNTS 324).

July 23, 1955 (7 UST 657; TIAS 3548; 252 UNTS 330).

July 16-20, 1956 (8 UST 69; TIAS 3739; 278 UNTS 278).

June 28, 1957 (8 UST 2203; TIAS 3944; 300 UNTS 376).

June 23-27, 1958 (10 UST 330; TIAS 4193; 337 UNTS 408).

June 22-July 1, 1959 (11 UST 32; TIAS 4404; 361 UNTS 272).

June 24, 1960 (13 UST 493; TIAS 5014; 435 UNTS 324).

June 23, 1961 (13 UST 497; TIAS 5015; 435 UNTS 328).

July 6, 1962 (14 UST 112; TIAS 5277; 495 UNTS 254).

July 5, 1963 (14 UST 1690; TIAS 5472; 495 UNTS 256).

June 26, 1964 (15 UST 2547; TIAS 5745).

July 2, 1965 (17 UST 35; TIAS 5953).

July 1, 1966 (TIAS 6120).

Protocol to the international convention for the regulation of whaling signed under date of December 2, 1946. Done at Washington November 19, 1956; entered into force for the United States May 4, 1959. 10 UST 952; TIAS 4228; 338 UNTS 366.

WORLD WAR II

Agreement regarding Japan. Signed at Yalta February 11, 1945; entered into force for the United States February 11, 1945. 59 Stat. 1823; EAS 498.

Protocol of the proceedings of the Crimea Conference. Signed at Yalta February 11, 1945; entered into force for the United States February 11, 1945. Department of State Press Release 239, March 24, 1947; *Foreign Relations*, The Conferences at Malta and Yalta, 1945, p. 975 ff.

Protocol of the proceedings of the Berlin Conference. Signed at Berlin August 2, 1945; entered into force for the United States August 2, 1945. Department of State Press Release 238, March 24, 1947; *Foreign Relations*, Conference of Berlin (Potsdam) 1945, Vol. II, p. 1478 ff.

BILATERAL UNITED STATES-SOVIET TREATIES AND OTHER INTERNATIONAL AGREEMENTS

UNION OF SOVIET SOCIALIST REPUBLICS

Aviation

Civil air transport agreement with exchange of notes. Signed at Washington November 4, 1966; entered into force November 4, 1966. 17 UST 1909; TIAS 6135.

Amendment: May 6, 1968 (TIAS 6489).

Agreement supplementary to the civil air transport agreement. Signed at Washington November 4, 1966; entered into force November 4, 1966. 17 UST 1909; TIAS 6135.

Amendment: May 6, 1968 (TIAS 6489).

Arrangement relating to the inauguration of air service between New York and Moscow. Exchange of notes at Moscow July 8, 1968; entered into force July 8, 1968. TIAS 6560.

Consuls

Consular convention. Signed at Moscow June 1, 1964; entered into force July 13, 1968. TIAS 6503.

Cultural relations

Agreement on exchanges in the scientific, technical, educational, cultural and other fields in 1968-1969 with annex. Signed at Moscow July 15, 1968; entered into force July 15, 1968; effective January 1, 1968. TIAS 6570.

Desalination

Agreement on cooperation in the field of desalination, including the use of atomic energy. Signed at Moscow November 18, 1964; entered into force November 18, 1964. 15 UST 2146; TIAS 5697; 535 UNTS 307.

Extension: November 18 and December 3, 1966 (17 UST 2310; TIAS 6174).

Films

Agreement relating to the exchange of medical films. Exchange of notes at Washington March 17 and September 5, 1955; entered into force September 5, 1955. 6 UST 3969; TIAS 3409; 256 UNTS 307.

Fisheries

Convention regarding navigation, fishing, and trading on the Pacific Ocean and along the northwest coast of America.[1] Signed at St. Petersburg April 17, 1824; entered into force January 11, 1825. 8 Stat. 302; TS 298; II Malloy 1512.

Agreement relating to fishing operations: the northeastern Pacific Ocean. Signed at Washington December 14, 1964; entered into force December 14, 1964. 15 UST 2179; TIAS 5703; 531 UNTS 211.

Agreement relating to fishing for king crab. Signed at Washington February 5, 1965; entered into force February 5, 1965. 16 UST 24; TIAS 5752; 541 UNTS 97.

Extension: February 13, 1967 (18 UST 183; TIAS 6217).

Agreement on certain fishery problem in the northeastern part of the Pacific Ocean off the coast of the United States with exchange of notes: Signed at Washington February 13, 1967; entered into force February 13, 1967. 18 UST 190; TIAS 6218.

Amendment: February 27 and April 9, 1968 (TIAS 6474).

Agreement on certain fishery problems on the high seas in the Western area of the middle Atlantic Ocean. Signed at Washington December 13, 1968; entered into force January 1, 1969. TIAS 6603.

Agreement on extending the validity of the agreement of February 13, 1967 (TIAS 6212) on certain fishery problems with exchange of letters relating thereto and to the agreement of December 14, 1964 (TIAS 570). Signed at Washington December 18, 1967; entered into force December 18, 1967. 18 UST 3162; TIAS 6409.

Amendment: February 27 and April 9, 1968 (TIAS 6474).

General relations

Arrangements relating to the establishment of diplomatic relations, nonintervention, freedom of conscience and religious liberty, legal protection, and claims. Exchanges of notes at Washington November 16, 1933; entered into force November 16, 1933. Department of State Publication 528; European and British Commonwealth Series 2 new series; Eastern European Series, No. 1 old series.

Judicial procedure

Agreement relating to the procedure to be followed in the execution of letters rogatory.

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[1] Art. 3 obsolete by virtue of Alaska cession treaty (15 Stat. 539; TS 301); art. 4 expired April 17, 1834.

Exchange of notes at Moscow November 22, 1935; entered into force November 22, 1935. 49 Stat. 3840; EAS 83; 167 LNTS 303.

Lend-lease

Preliminary agreement relating to principles applying to mutual aid in the prosecution of the war against aggression, and exchange of notes. Signed at Washington June 11, 1942; entered into force June 11, 1942. 56 Stat. 1500; EAS 253; 105 UNTS 285.

Agreement relating to the disposition of lend-lease supplies in inventory or procurement in the United States. Signed at Washington October 15, 1945; entered into force October 15, 1945. 7 UST 2819; TIAS 3662; 278 UNTS 151, and 315 UNTS 249.

Maritime matters

Declaration concerning the admeasurements of vessels. Signed at Washington June 6, 1884; entered into force July 20, 1884. 23 Stat. 789; TS 304; II Malloy 1526.

Occupied territory

Agreement relating to a change of boundary lines between the American and Soviet zones of occupation in Germany. Signed at Wanfried September 17, 1945; entered into force September 17, 1945. 5 UST 2177; TIAS 3081; 235 UNTS 345.

Protocol defining the location of the boundary of Greater Berlin, with annex. Signed at Berlin June 25, 1955; entered into force June 25, 1955. 6 UST 3781; TIAS 3378; 270 UNTS 15.

Pacific settlement of disputes

Treaty for the settlement of disputes. Signed at Washington October 1, 1914; entered into force March 22, 1915. 39 Stat. 1622; TS 616; III Redmond 2815.

Prisoners of war

Agreement relating to prisoners of war and civilians liberated by forces operating under Soviet command and forces operating under United States of America command. Signed at Yalta February 11, 1945; entered into force February 11, 1945. 59 Stat. 1874; EAS 505; 68 UNTS 175.

Rules of warfare

Convention relating to the rights of neutrals as sea.[2] Signed at Washington July 22, 1854; entered into force October 31, 1854. 10 Stat. 1105; TS 300; II Malloy 1519.

Telecommunication

Agreement on the organization of commercial radio teletype communication channels. Signed at Moscow May 24, 1946; entered into force May 24, 1946. 60 Stat. 1696; TIAS 1527; 4 UNTS 201.

Memorandum of understanding regarding the establishment of a direct communications link, with annex. Signed at Geneva June 20, 1963; entered into force June 20, 1963. 14 UST 825; TIAS 5362; 472 UNTS 163.

Territorial acquisitions

Convention ceding Alaska. Signed at Washington March 30, 1867; entered into force June 20, 1867. 15 Stat. 539; TS 301; II Malloy 1521.

Trade and commerce

Agreement regulating the position of corporations and other commercial associations. Signed at St. Petersburg June 25/12, 1904; entered into force June 25/12, 1904. 36 Stat. 2163; TS 526; II Malloy 1534.

Visas

Agreement relating to the reciprocal waiver of visa fees to nonimmigrants. Exchange of notes at Moscow, March 26 and August 11 and 20, 1958; entered into force August 20, 1958. 9 UST 1413; TIAS 4134; 336 UNTS 269.

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[2] Declaration of accession by Nicaragua signed at Granada June 9, 1855 (7 Miller 139).

ANOTHER DISTINGUISHED AMERICAN CALLS FOR TOTAL VICTORY IN VIETNAM

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 22, 1970

Mr. RARICK. Mr. Speaker, the August 1964 issue of Reader's Digest included a thoughtful and thought-provoking article by a prominent and respected American. It was entitled "Needed in Viet Nam: The Will To Win" and clearly advocated what all informed people knew was both possible and necessary—swift termination of the war in Vietnam by military victory.

This author not only advocated victory, but urged that the goal of the South Vietnamese be as forthright as that of the enemy—total victory and consolidation of the people of all Vietnam under one government.

The article of more than 5 years ago clearly warned of the dangers of pursuing a no-win war, and as clearly cautioned of the Asian holocaust which retreat without total victory would bring about. He traced the crisis in Laos to the sellout in Korea, and the war in Vietnam to the sellout in Laos. The author's facts, his reasoning, and his conclusion were absolutely correct.

They still are.

In August 1964 we counted 230 American soldiers slain in this war. We now number our dead in excess of 40,000—because we failed to follow the advice of Richard M. Nixon, then a private citizen.

I include the Nixon call for victory in Vietnam in my remarks at this point:

NEEDED IN VIETNAM: THE WILL TO WIN

(By Richard M. Nixon)

In the jungles and rice paddies of South Vietnam the United States for the past seven years has been involved in a bitter, discouraging war against the communist Viet Cong. Into this war we have poured more than a billion dollars. In it we have lost the lives of 230 American soldiers. We have committed our prestige as a great power. And where have these efforts and sacrifices brought us? Only to the prospect of a grave, and irreparable, defeat.

In the last year, our immediate prospects in South Vietnam have gone from fairly bad to immeasurably worse. Time and again we have demonstrated that we have no real intention of winning this war. Instead, we are trying to achieve a precarious balance of not-quite-winning and not-quite-losing. Our allies in Asia are losing faith in us. Too often, they have seen us falter and renege on our decisions.

An Army colonel in Thailand who had attended West Point 20 years ago said to me, "The United States backed down in Laos after brave talk that it would not tolerate a communist take-over; it has talked two ways on Vietnam and allowed the president of that country to be murdered; it went 80 percent of the way in Cuba and then backed down. It is hard for us to believe that you mean to win in Vietnam."

Most leaders in Asia believe that Sen. J. William Fulbright was speaking for the administration when he urged a more flexible, less firm policy toward communism. Among other steps, he suggested a re-examination of our policy toward Red China.

The Fulbright speech, the increasing talk of a more "accommodating U.S. policy," coupled with France's recognition of Red China, have had a massive impact in increasing the fear that the United States will weaken its resolve, and that Red China is riding the wave of the future.

Black Moment. The murder of Vietnam's President Ngo Dinh Diem last November in a coup encouraged by the United States had a disastrous effect upon U.S. repute throughout Asia. This assassination was one of the blackest moments in the history of American diplomacy. We cannot dodge responsibility for what happened. To our friends and allies there it means that the United States will use a friend until he no longer serves our purpose and then let him be liquidated. As one foreign minister told me: "Whenever the United States becomes displeased with any action, heads will roll—particularly when that action occurs in a country friendly to the United States. It is dangerous to be a friend of the United States; it pays to be neutral—and sometimes it even helps to be an enemy.'

With such a record, it is not surprising that our allies should be disheartened and confused. Many people in this country are also beginning to question whether we should continue the struggle.

Against such a background, what chance is there that we can prevent disaster?

I recently undertook a journey through all of Southeast Asia—from Pakistan to Burma, Thailand, Laos, South Vietnam, Malaysia and the Philippines to Japan. I spoke with most of the leaders and many of the ordinary citizens of these countries. Every military man with whom I talked privately admitted that we are losing the war. But every one of those men believes that it is possible for us to win it. I came home convinced that there is no need for us to accept either neutralization or outright defeat. But neither must we continue our present ambiguous and debilitating efforts to maintain a stalemate.

What we must do is to instill in ourselves and our allies a determination to win this crucial war—and win it decisively. We must recognize that we are in a life-and-death struggle that has repercussions far beyond Vietnam, and that victory is essential to the survival of freedom.

In this article I propose to show why such a victory is entirely within our grasp. I believe that, far from being in insoluble dilemma, our present situation constitutes an unparalleled opportunity to roll back the communist tide, not only in South Vietnam but in Southeast Asia generally, and indeed in the world as a whole. But first, let us look closely at the alternatives to victory and see what they mean.

Pull-Out. Starting at the extreme of the spectrum of possibilities: what would happen if we were to pull out of South Vietnam completely? This proposal has certain attractions. It would put an immediate stop to our expenditure of men and money. Furthermore, if it were true, as many hold, that we were wrong in ever getting involved in South Vietnam in the first place, it would be an honest admission of that fact. But before accepting this course, let us consider the consequences.

In the continuing context of our worldwide struggle against communism, the war in South Vietnam—like the Korean War almost 15 years ago—is merely one battle in the whole campaign for Asia. The immediate prize is South Vietnam itself. But far more than this one country is at stake. On the fate of South Vietnam depends the fate of all of Asia. For South Vietnam is the dam in the river. A communist victory there would mean, inevitably and soon, that the flood would begin: next would come the loss of Laos, Cambodia, Thailand, Malaysia

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and Indonesia, which is only 45 miles from the Philippines and next door to Australia. Can anyone seriously suggest that in such a circumstance the United States would not have to engage in a major war to save the Philippines from the same fate as Vietnam? And what of Japan?

Already deprived of China as a trading area, Japan would also be deprived of her trade with an area containing 200 million people, which currently enables her to obtain many of the raw materials necessary to supply her factories. Under these circumstances, political forces in Japan which are even now advocating an accommodation with Red China would soon gain ascendancy. The vast industrial resources of Japan—Asia's only modern industrial power—would thus be lost to us and gained by our enemies.

Moreover, the communists' conquest of Southeast Asia would draw a boundary line from pole to pole. Overnight, the United States would cease to be a power in the world's greatest ocean. Our ships and planes could thereafter circumnavigate the globe only with communist permission. Can anyone doubt the effect of this defeat on Africa, Latin America, and even on our allies in Europe? And can anyone doubt that long before this happened the United States would have become involved in a major war, if not a world war?

NEUTRALIZE

Of course, there are those who will say that this picture is much too dark. Like Neville Chamberlain, who in 1938 described Czechoslovakia as a little-known and "far-away" country, they deride the importance of South Vietnam and scoff at the suggestion that to lose one more major segment of Asia means to lose it all. Such optimists contend that we should reach an agreement with our adversaries—as Chamberlain reached an agreement with Hitler at Munich in 1938. We would grant the communists their objectives in South Vietnam in exchange for their promise not to ask for more. This brings us to the second alternative—that of so-called "neutralization."

OBJECT LESSON

For an example of the dangers of neutralization we have only to look at Vietnam's neighbor, Laos.

Laos, after all, is where the trouble began. In 1961 and 1962 there was a great deal of talk by the United States about the importance of Laos. We declared that this little country must at all costs be defended against communism. Laos thus became a symbol of American determination to hold the line. And how did the United States hold the line? As we all know, it didn't. We talked big and acted little. When the chips were down, the United States backed away from its brave words and agreed to a compromise. As a result, Laos is going down the drain. Every top government leader to whom I talked in Asia said that the failure of the United States to back up its strong words by strong action had a disastrous effect. Our actions demonstrated that we can't be trusted to do what is necessary to save freedom.

In Laos the United States made the mistake we have made so many times before. We trusted the communists. Our delegation, led by Averell Harriman, went to Geneva in July 1962. There we were persuaded to try the experiment of neutralism. Along with the U.S.S.R. and 12 other nations, we signed a solemn agreement—and promptly withdrew some 800 advisers who had been helping to train government troops to resist the communist Pathet Lao. By the same treaty, the communists promised to withdraw some 10,000 Viet Minh troops. We honored our side of the agreement. The communists broke theirs. Instead of withdrawing troops, the communist leader Prince Souphanouvong used them to launch new attacks. Meanwhile, North Vietnam, aided by our departure, used Laos as a corridor for supplying and reinforcing the Viet Cong guerrillas in South Vietnam. Could anything be more irrational than to suggest now *another* neutralization agreement with the same enemy? Neutralization, where the communists are concerned, means this: We get out. They stay in. They take over. In these circumstances, neutralization is but another name for appeasement. It is surrender on the installment plan—another step toward, not away from, nuclear war.

Many people to whom I talked in Asia expressed the fear that the United States would tire of the struggle and get out of Vietnam. They pointed to the dangers of such an action—to them, and to us. But in one way our present course is even more dangerous. It would be better to get out voluntarily than to be kicked out, and that is what we now face. In one case, it would be an orderly retreat. In the other, it would be a humiliating defeat. Both would result in the eventual loss of Southeast Asia. As one head of government told me, "It is not the loss of Vietnam that would be a disaster for the United States, but the fact that this was another defeat for the United States and the forces of freedom in Asia." The West simply cannot afford another defeat. One more surrender or retreat, and creeping communism will become galloping communism throughout that part of the world.

WHY DO WE HESITATE?

There are those who say that this is the wrong war at the wrong place at the wrong time. The contrary is true. If we are ever to stop the communist advance in Asia the time is now. The place is Vietnam.

Today in Asia the appeal of communism is at its lowest point since World War II. The economic failures in China and North Vietnam are well known in Asia, as are the economic successes in the free-world nations like Thailand and Taiwan. Communism can now be spread only by force—by infiltration, terror, murder-in-the-night and subversion.

Militarily, the communist world is also at its weakest point because it is divided. Soviet Russia and Red China are not merely rivals, they are bitter enemies. Moscow does not want to see Peking grow strong and expand in Southeast Asia. On the contrary, Khrushchev has every reason to hope that China's ambitions can be held in check. This deep division between our enemies reduces the danger that the war in Vietnam will escalate into nuclear war. Without Soviet support, Red China is a fourth-rate military power. If this country really wants to turn back the communist advance in Asia, this, then, is the time and place to do it.

HOW TO BEGIN

Granted that we have the will to win in Vietnam, how can we go about it?

Let me say at once that I am firmly opposed to the use of nuclear devices of any sort, even if applied solely to the jungle foliage, not only because of the disastrous effect this would have on world opinion, but because it is wholly unnecessary. We can win the war in Vietnam without using nuclear weapons. This does not mean, however, that we can win it without taking the offensive. The Red guerrillas in South Vietnam are winning because they are supplied from positions in Laos and North Vietnam which we refuse to seal off.

It is a strange way to fight a war, and it is hauntingly reminiscent of our failure to win in North Korea. General MacArthur's strategy for winning that war, it will be recalled, was to attack the communist sanctuaries across the Yalu River. That strategy was rejected on the ground that the risk of provoking both Russia and China was too great. I believe our decision then was wrong, and that MacArthur was right. Such an action then would have stopped the communist expansion in Asia.

Today, in Vietnam, we are again fighting under the same kind of self-imposed handicap. And here the risk of becoming involved in a larger war is less, because this time Russia and China are enemies—not allies.

HOW TO WIN

To the best of my knowledge, no competent military authorities contend that we can win in South Vietnam without denying the enemy his privileged sanctuaries across the border in North Vietnam. By the same token, few top strategists in the Pentagon doubt our ability to destroy these sanctuaries and the enemy's supply routes. Most military men are agreed that, once these routes have been cut, the problem of the Viet Cong who then will be left isolated in South Vietnam can be readily solved. After the northern border has been sealed, the same tactics that were used successfully to clean out the guerrillas in the Philippines and in Malaya can be used effectively in South Vietnam.

What tactics should be used to deny the enemy his present sanctuaries and to interdict his routes for supply and reinforcements? This is a decision for the military, but I have good reason to feel satisfied that the military choice is reasonably wide. Certainly we should strengthen the Vietnam air force so that it would be able to bomb the roads, bridges and supply routes into South Vietnam. Certainly we should extend guerrilla warfare over the border and harass the enemy in the north.

The problem is not one of tactics and strategy. It is a problem of will—and morale. We must make up our mind to win this war by whatever means short of nuclear attack seem most effective, and then instruct our top soldiers to develop the plan for doing so.

In deciding to win the war in South Vietnam, we must, of course, define precisely what we consider victory to be. I suggest that if this battle is to be won the South Vietnamese must adopt the same strategy and the same general objective that the Viet Cong and the North Vietnamese have with regard to South Vietnam. Their objective is that South Vietnam must become communist like North Vietnam. The goal of the South Vietnamese should be no less forthright—a free North Vietnam.

This objective is realistic. At the present time in North Vietnam there is fertile ground for that appeal. Communism has been disastrous for the people of North Vietnam. It has brought misery and hunger on an unparalleled scale. The communists no longer tell the people of South Vietnam that they should turn communist to get a better life. The terrible conditions in North Vietnam are too widely known. The communist line now is that the Americans will eventually pull out, that the communists will win and that the people should turn communist to avoid being on the losing side. If there is to be action in North Vietnam, the people must know that the Americans intend to win—and that when they do the North Vietnamese will have a chance for a better life. Only in this way will they be encouraged to give assistance to guerrilla forces from the south.

Once the supply lines from the north have been cut, the terrible pressure on South Vietnam will be eased and we can make genuine progress. From my conversations with the leaders in Asia, I know that if the United States assumed a determined, offensive policy the response among our discouraged Asian allies would be electric.

THE RISK INVOLVED

There are those who fear that a more vigorous American policy would involve us in a major war. There is a risk to be sure,

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but the risks of following a strong, determined course are infinitely less than those of following a course of compromise, vacillation, accommodation and appeasement.

The present administration's policy, which cannot lead to victory in Vietnam, does not reduce the danger of major war. It increases it. The only way to avoid a major war later is to win the smaller war in Vietnam—and to take the risks involved in accomplishing that objective.

Those who like myself urge a "win" policy in Vietnam can be expected to be charged with warmongering and endangering world peace. The contrary is true. History shows that the appeasers, the compromisers who refuse to stand up against aggression, have to take a stand sooner or later—and always at a less favorable time and place.

The decision is upon us. And it is urgent. If we fail to win in South Vietnam—whether through following our present equivocal policy, through neutralization or through outright surrender—communism in Asia will achieve a new and vastly increased momentum. Our defeat will confirm the Chinese communist contention that the United States is a paper tiger, careless of commitments to its allies and readily susceptible to defeat by terrorism, subversion and guerrilla warfare.

Encouraged by our retreat, the communists will increase their aggressive action, not only in Asia but in Africa, Latin America and the Near East. We will then either have to fight a major war, probably with nuclear weapons, against odds far greater than those that face us now—or else let the communists win World War III without even fighting it.

Conversely, a victory for us in South Vietnam will shatter the myths of communist invincibility and of the inevitability of a Chinese take-over in Southeast Asia. It will restore all the prestige we have lost and give us more besides. Thereafter, the tide of communism in Asia, and perhaps in the whole world, will not only cease to rise but start to recede.

The crisis is one not of competence but of confidence. It is a test not of power but of our capacity to use our power correctly and with courage. All that is needed, in short, is the will to win—and the courage to use our power—now.

JAYCEE WEEK

HON. GEORGE A. GOODLING

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 22, 1970

Mr. GOODLING. Mr. Speaker, this week of January 18 is Jaycee Week, during which time the U.S. Jaycees are celebrating the 50th anniversary of the founding of this wonderful service organization.

In this day and age when our ears are ringing with complaints about America and our eyes are blurred by ceaseless demonstrations denouncing the shortcomings of the United States, it is indeed refreshing to pause and reflect on the constructive activities of the Jaycee organization. While many in our society are busy tearing things down, the Jaycees are engaged in building things up.

The Jaycees are the first to recognize that America has problems, but instead of wringing their hands in desperation about these complications, they devise ways and means by which to solve them. Problems to the Jaycees are a challenge and not a despair.

America is a great country, socially, culturally, governmentally, and economically. It is the product of a great "team effort," for many great individuals and organizations have had a part in moulding this fabulous national complex called the United States. The Jaycees have played a highly important part in that team effort.

It gives me great pleasure to extend a hearty salute to the U.S. Jaycees on their 50th anniversary.

THE 50TH ANNIVERSARY OF THE U.S. JAYCEES

HON. ODIN LANGEN

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 22, 1970

Mr. LANGEN. Mr. Speaker, it is especially appropriate today, on the occasion of the presentation of the state of the Union message to Congress, to honor the U.S. Jaycees on their 50th anniversary.

With chapters of their organization in hundreds of communities across America, Jaycees have piled up an unbelievable record of service to their fellow men. Many of their projects individually receive little attention because they are not ostentatious or glamorous. Jaycees have established themselves in most American communities as the service club which can be depended upon to provide the manpower and talent necessary to effect necessary public service programs.

Today, President Nixon delivered his state of the Union message. Mr. Speaker, aside from the national and international problems we in Congress consider daily, America is a great and strong Nation. It remains that way because so many of its citizens are concerned with the welfare of their fellow men. The U.S. Jaycees are concerned and are responsible for the excellent state of this Union.

I congratulate them on their tireless efforts and on their sincere expressions of humanity and concern for all people. This is their 50th anniversary and they deserve our tributes.

SENATE—*Friday, January 23, 1970*

The Senate met at 11 o'clock a.m. and was called to order by the President pro tempore (Mr. RUSSELL).

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

Almighty God, who rulest the worlds from everlasting to everlasting, we commend to Thy keeping this good land which Thou has given us. Let Thy spirit pervade our homes, our communities, and our institutions. Bind us together in a firm allegiance to the enduring values Thou hast revealed.

We pray especially for the Members of this body. May Thy spirit illuminate their daily work. Deliver them from fear of what others may do or say when they stand for the right. Keep them resolute and steadfast in fidelity to the founding principles, working with firm faith and high hope for the better world which is yet to be. When problems seem too great and burdens too heavy, help them to remember the vastness of Thy wisdom and the greatness of Thy love.

Through Jesus Christ, our Lord. Amen.

ORDER OF BUSINESS

The PRESIDENT pro tempore. Under the order entered by the Senate on yesterday, the Senator from Montana (Mr. MANSFIELD) has the floor.

Mr. MANSFIELD. I yield to the distinguished Senator from Pennsylvania.

COMMITTEE MEETINGS DURING SENATE SESSION

Mr. SCOTT. Mr. President, I ask unanimous consent that all committees be authorized to meet during the session of the Senate today.

The PRESIDENT pro tempore. Without objection, it is so ordered.

SENATE RESOLUTION 292—U.S. FORCES IN EUROPE

Mr. MANSFIELD. Mr. President, in the New York Times of January 21, 1970, on page 4, there is published an excerpt from a speech by Under Secretary of State Richardson in Chicago, telling us how the European countries, our allies, especially Germany, are hoping to offset the balance-of-payments drain on our military deployment in Europe and how we are exploring ways and means of making this arrangement more adequate.

In that same issue of the New York Times, on page 64, an article states that Germany has just cashed in prematurely a billion marks' worth of U.S. Treasury bonds purchased in 1968 to offset the drain caused by the stationing of American troops in West Germany.

Mr. President, I ask unanimous consent to have the article entitled "Germany Recalls Bonds of United States Early" printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

GERMANY RECALLS BONDS OF UNITED STATES EARLY

FRANKFURT, WEST GERMANY, January 20.—The Bundesbank disclosed today that it has prematurely recalled a billion marks of United States Treasury Bonds purchased in 1968 to offset the dollar drain caused by

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> the stationing of American troops in West Germany.
>
> Under the 1968 offset agreement with the United States Government, West Germany had acquired $500-million worth of 4½-year Treasury bonds for 2 billion marks.
>
> The premature recall was made to help increase the West German Central Bank's own liquidity in foreign currency, a Bundesbank official explained.
>
> Because of the inflow of dollars resulting from the transaction, West German foreign currency reserves increased 536,400,000 marks to 5,928,891,000 marks on balance in the week ended Jan. 15, Bundesbank reported.

Mr. MANSFIELD. Mr. President, on yesterday, the President of the United States delivered his state of the Union message to a joint session of the Congress.

It was a fine message. It was a message with a lot of merit to it. Certainly the meat will be there when the specifics are forthcoming to cope with the recommendations and goals, which President Nixon has outlined.

During the course of that speech he said, speaking of foreign policy:

> Today, let me describe the directions of our new policies.
>
> We have based our policies on an evaluation of the world as it is, rather than as it was twenty-five years ago at the end of World War II. Many of the policies which were necessary and right then are obsolete today.
>
> Then, because of America's overwhelming military and economic strength, the weakness of other major free world powers and the inability of scores of newly independent nations to defend—let alone govern—themselves, America had to assume the major burden for the defense of freedom in the world.
>
> In two wars, first in Korea and then in Vietnam, we furnished most of the money, most of the arms and most of the men to help others defend their freedom.
>
> Today the great industrial nations of Europe, as well as Japan, have regained their economic strength, and the nations of Latin America—and many of the nations that acquired their freedom from colonialism after World War II in Asia and Africa—have a new sense of pride and dignity, and a determination to assume the responsibility for their own defense.
>
> That is the basis of the doctrine I announced at Guam.

If I may interpolate there, the Guam declaration formed the basis of the Nixon doctrine, which I wholeheartedly endorse and which I was pleased to see the President announce yesterday applied not only to Asia but to the rest of the world as well.

Continuing the President's remarks:

> Neither the defense nor the development of other nations can be exclusively or primarily an American undertaking;
>
> The nations of each part of the world should assume the primary responsibility for their own well-being; and they themselves should determine the terms of that well-being.
>
> To insist that other nations play a role is not a retreat from responsibility, but a sharing of responsibility.
>
> We shall be faithful to our treaty commitments, but we shall reduce our involvement and our presence in other nations' affairs.

Mr. President, to that I say, "Amen."

Mr. President, on January 20, the Under Secretary of State, the Honorable Elliot L. Richardson, examined U.S. relations with Western Europe, in general, and the question of U.S. force levels in Europe, in particular, in an address before the Chicago Council on Foreign Relations. At the beginning of his speech, Mr. Richardson referred to the resolution I submitted to the Senate on December 1, Senate Resolution 292, which calls for "a substantial reduction of U.S. forces permanently stationed in Europe."

In introducing that resolution on December 1, I made a statement on the floor of the Senate setting forth the reasons that I thought justified a downward adjustment of the level of our forces in Europe. I pointed to the enormous costs involved in maintaining a Military Establishment of 3.5 million men under arms with 1.2 million men outside the United States and over 300,000 of these—together with 235,000 dependents and 14,000 U.S. civilian employees—in Western Europe. I pointed to the fact that our net foreign exchange gap with Germany is running at about $965 million a year, and I should note parenthetically that Mr. Richardson reminded his Chicago audience that—

> The balance-of-payments drain of our military deployment in Europe is currently about $1.5 billion a year.

I also pointed to the need to reduce our military budget from its present level of somewhere between $75 and $80 billion.

Mr. Richardson has now given the administration's arguments for maintaining the status quo, as far as our force levels in Europe are concerned. There are, of course, two sides to every argument. I presented one side on the Senate floor on December 1. The Under Secretary of State presented the other in Chicago on January 20. I hope that my colleagues in the Senate, those in the other body, and members of the public will examine the two sides of the argument closely.

In this connection, and in order to avoid repeating what I have already said on the floor of the Senate, I ask unanimous consent that the full text of Mr. Richardson's speech, and the full text of my December 1 statement, be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER (Mr. CRANSTON in the chair). Without objection, it is so ordered.

(See exhibit 1.)

Mr. MANSFIELD. Mr. President, I consider it necessary to make a few comments today, on Mr. Richardson's speech, in order to make my position clear:

First of all, Mr. Richardson referred to Senate Resolution 292 as an expression of the "tendency by some to say that NATO has done its job, so why not bring those troops home?" May I point out that Senate Resolution 292 is not an expression of a belief that "NATO has done its job" but, on the contrary, of a belief that the United States has been doing a disproportionate share of NATO's job and that the other 14 members of NATO are in a position to do more and should do so. Nor does Senate Resolution 292 urge that all U.S. troops be brought home but only that there be a "substantial reduction of U.S. forces permanently stationed in Europe."

Second, Mr. Richardson states that the effectiveness of the strategy of flexible reasons "rests perforce on the conviction in both parts of Europe that the United States will fulfill its determined role." Mr. Richardson added that "the U.S. military presence in Europe, whether we like it or not, continues to be taken as tangible evidence of our commitment" and that "any sudden or dramatic reduction" of that presence would have "unpleasant consequences."

I would like to emphasize that Senate Resolution 292 neither states nor implies that we will not fulfill our NATO obligations. On the contrary, it affirms specifically that a substantial reduction of U.S. forces permanently stationed in Europe can be made "without adversely affecting either our resolve or ability to meet our commitment under the North Atlantic Treaty." Furthermore, the resolution does not urge, and I have not urged, that such a substantial reduction be either "sudden" or "dramatic." Mr. Richardson did not argue against a "sudden" or "dramatic" reduction but against any reduction at all, for only a few paragraphs later he referred to the administration's having "pledged to maintain our present troop strength in Europe through fiscal year 1971."

Third, Mr. Richardson stated that if "all of our forces in Europe were brought home and stationed in this country, little or no savings would appear in our defense budget." As I noted in my December 1 statement, however, it has always been argued that bringing a substantial number of forces back from Europe will not affect our defense budget because we cannot reduce the number of men under arms. But it is also argued that it is impossible to reduce the number of men under arms, among other reasons because of the need to maintain present force levels in Europe. I contended then, and I do so again now, that this endless circle, which will lead in the end to fiscal exhaustion, can and must be broken.

Fourth, Mr. Richardson referred to the possibility of negotiating with the Soviet Union and the countries of Eastern Europe mutual and balanced force reductions and said that the other reason the administration opposes Senate Resolution 292 is "the firm belief that it would weaken our bargaining position."

Mr. President, NATO has been studying mutual and balanced forced reductions for years and has still not arrived at an agreed proposal. Even when such a proposal is formulated, there is no reason to assume that negotiations will begin for it is my understanding that there has been no indication that the Soviet Union is interested in such negotiations. And what if that continues to be the situation? Will we then be locked into maintaining our present force levels in Europe in perpetuity regardless of the costs involved or the wisdom of doing so in the light of our national interests?

In fact, the Soviets may not be willing to reduce the military presence in Eastern Europe no matter what the United States does or does not do be-

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cause the level of that presence may well be dictated by political considerations within Eastern Europe. On the other hand, if that is not so, then U.S. reductions may be the most effective way to bring about Soviet reductions because the Soviet Union could no longer justify the presence of hundreds of thousands of Soviet troops in Eastern Europe on the ground that there were hundreds of thousands of American troops in Western Europe.

Fifth, Mr. Richardson stated that "the bulk of any substantial reduction in U.S. forces will have to be made up by West Germany, the most populous and wealthy of our allies." He went on to say that the German people and the Soviet Union do not favor a larger German military establishment and that such a development "would give pause even to some of Germany's allies."

I am not arguing that there should be a larger German military establishment than has been agreed to before but only that the West Germans meet their predetermined NATO commitments as we have met ours. I might say, parenthetically, that the same comment pertains to other NATO countries as well. The fact is that in terms of the percentage of armed forces to men of military age, in many NATO countries that percentage is not only below the 8.7 percent found in the United States but also below the 4-percent figure which applies to West Germany. And in all of the NATO countries that have compulsory military service—except Greece, Portugal, and Turkey—the period of service is shorter than it is in the United States. In the case of Canada, Luxembourg, and the United Kingdom, there is no compulsory military service at all. I would also like to point out that the United Kingdom with a population of 55.5 million, and Italy, with a population of 53.7 million, are almost as populous as West Germany with a population of 58.5 million. Furthermore, according to the Institute for Strategic Studies in London, Britain's 1969–70 defense budget of $5.4 billion was higher than Germany's 1969 defense budget of $5.3 billion. On the other hand, Italy's 1969 defense budget was only $1.9 billion.

Finally, it is all very well to talk about the "strength, closeness, trust, realism, and flexibility" of NATO, as Mr. Richardson did in his concluding paragraph. But it seems to me that there is a contrast between these words and the fact that the 250 million people of Western Europe, with tremendous industrial resources and long military experience, are unable to organize an effective military coalition to defend themselves against 200 million Russians, who are contending at the same time with 800 million Chinese, but must continue after 20 years to depend on 200 million Americans for their defense. The status quo has been safe and comfortable for our European allies. But, as I observed on December 1, it has made the Europeans less interested in their own defense, has distorted the relationship between Europe and the United States, and has resulted in a drain on our resources which has adversely affected our ability to deal with the urgent problems we face at home.

EXHIBIT 1

ADDRESS BY HON. ELLIOT L. RICHARDSON, UNDER SECRETARY OF STATE, BEFORE THE CHICAGO COUNCIL ON FOREIGN RELATIONS, CHICAGO, ILL.

I would like today to examine one of the most fundamental of our foreign policy concerns, and one which in some ways is too much taken for granted, if not overlooked—the United States relationship to Western Europe and Western European security.

In a reverse twist on the early days of the Republic when George Washington used to preach against yielding to "the insidious wiles" of Europe's influence, our basic ties to Western Europe are now so firmly established that commentary on the subject is regarded as a tiresome reaffirmation of the obvious.

Whereas President Washington warned that European controversies were "essentially foreign to our concerns" President Nixon was moved to observe on NATO's birthday last spring that many people now find NATO "quaint and familiar and a bit old fashioned."

To much of the public the purposes of NATO have the character of a cliche. The very climate of security which NATO has fostered has, perversely, seemed to permit many to disregard it or to think it obsolete. In the wake of the re-examination of foreign commitments occasioned by the Viet-Nam war, there is a tendency by some to say that NATO has done its job, so why not bring those troops home? In the U.S. Senate this feeling has taken concrete political expression in the form of a resolution introduced by Senator Mansfield, one of the most thoughtful students of America's role in world affairs. His resolution calls for "substantial reductions" of U.S. forces in Europe.

Meanwhile, Western Europe itself, prosperous, mostly democratic, stable, and probably more secure than at any time in its modern history, has been preoccupied with the inevitable problems that are the byproduct of affluence and rapid economic growth. These concerns seem to have caused it to drift somewhat from the lofty goals of a Unified Europe and Atlantic partnership which gave a sense of mission to its leadership two decades ago.

On both sides of the Atlantic then, there are feelings of complacency and a restless anticipation of new events. The memory of Czechoslovakia is fading, the Brezhnev Doctrine is dimmer, and a reduced sense of danger merges with the feeling that new initiatives are both called for and inevitable. Perhaps in response to this atmosphere the Warsaw Pact nations, led by the Soviet Union, have called for the convocation of a European Security Conference, although—ironically—their suggested agenda would not even touch the basic issues of European security.

In this situation, it is, I think, worthwhile to take a fresh look at the suppositions on which our European policy rests, to examine its continuing validity, and to appraise frankly and realistically the proposals being made for change and adjustment.

Two World Wars have led the American people to perceive with great clarity that the security of the United States is directly linked to the security of Western Europe.

Pursuant to this belief, which was formalized in the North Atlantic Treaty of 1949, the United States has maintained a major military establishment on European soil since the early 1950's. U.S. nuclear power as well as conventional forces are available in support of this treaty commitment. Although Europe is now incomparably stronger than it was when this arrangement was first contracted, its ultimate security, like our own, continues to be linked to our power and nuclear deterrence. Because of this, one of President Nixon's first acts upon taking office was to reaffirm the American commitment to NATO and to promise close and continuing consultation within the Alliance.

Deterrence is a subtle concept. Its reality takes form largely in the minds of those who might be contemplating aggression. It is effective only when they conclude that any possible advantages of aggression would be offset by its predictable costs.

NATO's strategy of flexible response is calculated to insure that any potential aggressor would come to just this conclusion.

Our conventional forces are maintained in position in Europe to resist possible attack by Warsaw Pact formations. They are meant also to deter piecemeal aggression which an enemy might be tempted to conclude he could get away with if the only alternative to our capitulation were the unleashing of nuclear war. These forces are supported by a broad arsenal of tactical nuclear weapons, available for use if the intensity of the aggression rises.

The entire effectiveness of the flexible response strategy rests perforce on the conviction in both parts of Europe that the United States will fulfill its determined role. And the United States military presence in Europe, whether we like it or not, continues to be taken as tangible evidence of our commitment.

We must face the fact, therefore, that any sudden or dramatic reduction in the United States military presence in Europe would have unpleasant consequences of two kinds.

First, as a practical military matter, NATO's conventional defenses would be significantly weakened. Other NATO members might be tempted to follow suit and cut forces further. In the event of aggression, a less powerful NATO Alliance might be driven to resort more quickly to nuclear weapons.

Secondly, and of probably greater consequence, any sudden or major withdrawal of American forces would have a distinctly destabilizing effect on the European scene.

The structure of the Alliance, as indeed the entire structure of world order which we have helped erect since the war, rests in the final analysis on the shared confidence that we shall honor our commitments.

If that confidence is eroded a rapid deterioration can occur—a deterioration not unlike that which can send prices on the stock market plummeting. And for this reason it is doubly necessary that we not lightly or hastily make moves that might undermine confidence in the strength of our support. It is for this reason that we have pledged to maintain our present troop strength in Europe through Fiscal Year 1971.

Let me stress that none of this suggests that U.S. troops will have to remain in Europe at present strength forever and ever. Certainly we hope that future conditions will allow modifications of our role. Our current force level in Europe of 310,000 men already, in fact, represents a considerable drop from the peak of 408,000 in 1962 during the Soviet war of nerves on Berlin. We are also continually studying and trying to improve the means by which troops stationed in the United States can be rapidly returned to Europe in case of crisis. The Mansfield Resolution urges that greater use be made of this redeployment option.

Our studies show, however, that under present conditions front-line forces hastily returned to Europe in time of crisis could not carry out their mission with the same effectiveness as forces already in place. Although rapid redeployment of limited forces is feasible, large-scale efforts of this sort expose these forces to hazards and potential confusion.

Moreover, financial savings would be negligible. If, for example, all of our current forces in Europe were brought home and stationed in this country, little or no savings would appear in our defense budget. We might even have to spend a bit more, because we would lose significant financial advantages.

In Germany, the Federal Government makes land, housing, facilities and services available to our forces at no cost, or at reduced costs. Duplicating such facilities and support in the United States would involve a heavy and continuing expense—one roughly cancelling out savings in shortened supply lines and transportation costs to Europe.

The balance-of-payments drain of our military deployment in Europe is currently about $1.5 billion a year. This is unquestionably a large figure, and, if our forces were returned to this country, many of those dollars would stay at home. The problem is partially neutralized, however, by offset arrangements with the European countries, particularly Germany and we are exploring means of making these arrangements more adequate. In addition, withdrawal of our force from Europe would be likely to evoke prompt countervailing effects, notably in reduced sales of military equipment to our Allies and in general exports to those countries.

If we have not neglected the consideration of means by which our presence in Europe could be streamlined or modified without damaging the essential structure of the Alliance, neither have we ignored the opportunities which the era of negotiation we have now entered may hold for the future. In this area we must also make meticulous and balanced judgments, taking care not to allow our efforts to bring about agreements with the Soviet Union to undermine our relations with our friends in Western Europe.

We must have a proper regard for the always latent fear that agreements will be reached detrimental to European interests. We cannot, of course, allow the existence of this fear to deter us from seeking to lower tensions. Ironically, in fact, there exists among a younger generation of Europeans the converse suspicion that the United States and the USSR are collaborators in the defense of the status quo. But we intend to do everything possible to allay such fears and suspicions by sticking strictly to our pledge to consult closely with our allies and take their interests into account as talks go forward. Only by such close consultation can we quiet the Cassandras who see every effort at US-Soviet rapprochement or even minor moves to adjust force levels as evidence of betrayal.

During the past year in-depth consultations have been held on a wide range of subjects, including the question of strategic arms limitations. The Deputy Foreign Ministers of the NATO governments, at President Nixon's suggestion, held the first of what we expect to be periodic reviews of major, long-range problems before the Alliance.

It is particularly important that there be the fullest consultations on the SALT talks. The very fact that these talks are going on has stimulated some uneasiness in Europe. It is well understood that the talks imply changing strategic relationships and that their success could further affect the situation. As President Nixon put it last spring: "The West does not have the massive nuclear predominance today that it once had, and any sort of broad-based arms agreement with the Soviets would codify the present balance."

Given the European sensitivities on SALT and nervousness about changing military relationships, it would seem wise not to compound anxieties at this time by any moves to reduce our troop strength on the continent.

While attempting to keep our allies abreast of our own negotiating activities, we are welcoming and encouraging their own efforts, particularly those of West Germany, to improve relations with the Soviet Union and the countries of Eastern Europe. One of the most promising areas of potential progress with the Eastern European nations lies, we believe, in reaching agreement on mutual and balanced East-West force reductions.

We are now working with our allies to develop models which could form the basis for such an agreement. The NATO countries Foreign Ministers, meeting last December, said in their Declaration that despite the fact that there had been no response on earlier suggestions, the Allies "will continue their studies in order to prepare a realistic basis for active exploration at an early date." They concluded their studies on the subject had already progressed sufficiently to permit the establishment of criteria which reductions should meet. They directed that further consideration also go forward on related measures such as advance notification of military movements or maneuvers, the exchange of observers at maneuvers, and the establishment of observation posts. This, we are convinced, is a constructive approach much more specifically directed at a concrete issue generating tension than the Warsaw Pact's vague proposal for a European Security Conference.

We hope the Warsaw Pact nations will respond. Realism, however, suggests that they will be less likely to respond if a unilateral reduction of U.S. forces appears in the offing anyway. The firm belief that it would weaken our bargaining position on balanced force reduction is thus another reason why the Administration opposes the Mansfield Resolution.

Among the questions raised by those who favor an immediate and substantial reduction of our forces in Europe is whether the burden of NATO defense is now fairly allocated. The prosperous Europeans should, they feel, carry a much larger share of the defense of their own continent.

We agree—up to a point. The United States believes that our European allies can and should do more. We have told them often that if they increase their own efforts, it would help us to maintain ours. So even though they actually have increased their defense budgets to cover improvements in their forces, while our own defense budget has been declining, we have and are continuing to press them to assume a larger share of Europe's defense responsibilities.

A precipitate reduction of United States forces in Europe would, however, not only fail to stimulate additional European effort, it would probably produce the contrary effect. The bulk of any substantial reductions in U.S. forces would have to be made up by West Germany, the most populous and wealthiest of our NATO allies. But the German people do not relish an enlargement of their country's military establishment. Nor certainly does a Soviet Union still highly emotional about its 20 million World War II dead and enormously sensitive on the subject of German "revanchism." Indeed, it would give pause even to some of Germany's allies.

Any insignificant rise in the German defense effort could thus destroy Chancellor Brandt's constructive efforts to improve relationships with the Federal Republic's Eastern neighbors and thereby halt the attempts to lay the foundation for a settlement of the issues still dividing Europe.

I spoke earlier of the fact that we did not want to suggest that the present number of U.S. troops in Europe was inviolate and could or would never be changed. We hope that conditions will eventually come about which will render their presence altogether unnecessary. But when such conditions do come, I feel certain they will be the result of hard and patient bargaining.

Back in 1948, when the Cold War was very cold indeed, Belgian Foreign Minister Paul Henri Spaak, addressing himself to the Soviets' Andre Vyshinsky at a UN Security Council session, said: "The basis of our policy today in Europe is fear. We are afraid of you. We are afraid of your government and we are afraid of the policies which you are pursuing."

Twenty-two years later tensions are lower and East and West are engaged in substantive discussions aimed at lowering them further. But the basic cement holding together the Alliance is still the threat from the East. The United States does not control the Alliance. When France chose to withdraw from NATO we could not prevent it from doing so. Unlike the Warsaw Pact which rests on an ideological base guarded and sanctified by the Soviet Union, NATO has no dogmatic underpinnings. There is no Western version of the Brezhnev Doctrine. When there is no more threat to the security of the nations of Western Europe, there will be no more need for NATO. And only when the confrontation in Europe truly ends and a genuine peace replaces the always precarious peace of mutual deterrence will the role of our troops be finally accomplished.

On another front, in response to the President's initiative, the Alliance has taken on a new dimension by creating a permanent Committee on the Challenges of Modern Society to help deal constructively with some of the most pressing problems common to all of its members—the problems of the environment.

The United States, meanwhile, continues to support the goal of a politically and economically integrated Europe. Despite the recent signs of drift, economic integration has come far, and there are indications that new moves forward may be developing. The most ambitious of the European regional arrangements—the European Community of the Six—has already gone beyond the earlier conception of international cooperation to a new form of relationship among nation states.

Since the EEC was established in 1958 its members have abolished tariffs among themselves, agreed upon important measures of the harmonization, instituted an ambitious common agricultural policy and removed most barriers to the free movement of capital and labor. As a group the Six have enjoyed significantly higher rates of economic activity, trade and growth than before 1958. Inter-Community trade has almost quadrupled. Since 1967 Community trade with the outside world has exceeded that of the United States.

The recent Summit Conference of the Six at the Hague and the success of the Council of Ministers of the Community in agreeing on a far-reaching plan for financing their common agricultural policy preface moves to perfect the economic union and extend it to new members in the next year or two. On the latter point, the interests of the United States are very much engaged, not only economically but militarily, for enlargement of the European communities to admit countries not committed to the defense of the West raises questions about the possibilities of political unity, and the underlying strength of the NATO Alliance itself.

The United States sees no conflict between the goal of European integration and the efforts now going forward to end the dangerous and increasingly anachronistic division of the Continent. We welcome the indication that dissatisfaction over the continuing gulf between the two halves of Europe is growing in the East as well. Stronger relationships in Western Europe itself can, we believe, facilitate the building of stronger relationships with the East.

"I believe we must build an Alliance," the President has said, "strong enough to deter those who would threaten war; close enough to provide for continuous and far-reaching consultation; trusting enough to accept diversity of views; realistic enough to deal with the world as it is; flexible enough to explore new channels of constructive cooperation."

In the past year, I believe, we have strengthened the Alliance on each of these counts. Strength, closeness, trust, realism,

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flexibility—these will be useful assets as we move toward the new hopes and new possibilities of the "era of negotiation."

SENATE RESOLUTION 292—SUBMISSION OF A SENATE RESOLUTION RELATING TO SUBSTANTIAL REDUCTION OF U.S. FORCES PERMANENTLY STATIONED IN EUROPE

Mr. MANSFIELD. Mr. President, at this time this country has 429 major bases overseas and 2,297 lesser bases. These bases cover 40,000 square miles and are located in 30 countries. Stationed on these bases are 1,750,000 servicemen, families, and foreign employees, and the cost of maintaining these bases is approximately $4.8 billion a year.

Mr. President, I would like to discuss one area in which we have a large number of bases and an extraordinarily large number of troops, namely, Western Europe.

On January 19, 1967, I submitted Senate Resolution 49 which expressed the sense of the Senate that "a substantial resolution of U.S. forces permanently stationed in Europe can be made without adversely affecting either our resolve or ability to meet our commitment under the North Atlantic Treaty." I wish to introduce an identical resolution again today and ask unanimous consent that its text be printed in the RECORD at the conclusion of my remarks and that the resolution be referred to both the Committee on Foreign Relations and the Armed Services Committee.

The PRESIDING OFFICER. The resolution will be received and referred to the Committee on Foreign Relations and the Armed Services Committee; and, without objection, the resolution will be printed in the RECORD.

(See exhibit 1.)

Mr. MANSFIELD. Mr. President, we have had several hundred thousand men in uniform stationed in Europe since 1951 when President Truman, responding to the then existing situation and to a Senate sense resolution of that day, announced the first substantial post-World War II increase in U.S. forces there. When Senate Resolution 49 was introduced 2 years ago there were about 372,000 military personnel in Europe, including Turkey, Spain, and the 6th Fleet in the Mediterranean; this force was accompanied by some 240,000 dependents, a grand total of 612,000. There are now about 315,000 men—a good reduction—and they are accompanied by 235,000 dependents—not a good enough reduction—and 14,000 civilians employed by the U.S. Government. Thus, there are over 550,000 Americans in Europe today who are either in military service or associated with the military, and maintained wholly or largely by the Government of the United States.

We now have, overall, about 3.5 million men under arms. Of this total, about 1.2 million are stationed outside the United States, according to figures provided by the Department of Defense. In addition to those in Europe, there is a force of about 479,500 in Vietnam.

May I say, parenthetically, that as of last Thursday, this is 4,500 in excess of the 60,000 announced withdrawal by the President of the United States, a withdrawal which was to be met by December 15, 1969. Thus, I congratulate the President for going beyond the 60,000 mark. I hope that this is a continuation of a policy which, perhaps, may not be announced but which will be continued in effect, to the end that more and more troops can be withdrawn as appropriately as possible from Vietnam and all of Southeast Asia.

There are 129,000 in the fleets abroad, 58,000 in Korea, 45,000 in Thailand, 42,000 on Okinawa, another 40,000 in Japan, 28,000 in the Philippines, 24,000 in Latin America, 10,000 in North Africa and the Middle East and another 10,000 in Canada, Greenland, and Iceland.

This commitment of men abroad obviously represents an enormous cost to the people of the United States. It is reflected in a military budget of some $80 billion and in the tax rates. It is also reflected in a balance-of-payments deficit which amounted to $1.3 billion in the first quarter of this year.

Our net foreign exchange gap with Germany alone is now running at about $965 million per annum. This is the highest figure to date. In 1968, the figure was $887.4 million. It had been between $700 and $800 million in the period 1963 through 1967, and under $700 million in the years before 1963.

In the past, part of this exchange gap has been covered through various agreements with the West German Government. In fiscal years 1962 through 1965 these so-called offset agreements consisted simply of commitments by the West German Government to procure military equipment in the United States. The agreement for fiscal years 1966 and 1967 provided for military procurement plus the prepayment of a West German debt. The fiscal year 1968 agreement provided for military procurement plus purchase of special medium-term U.S. Treasury securities by the West German Government. In fiscal year 1969 the agreement provided for military procurement plus the purchase of special U.S. Treasury securities by the West German Government, plus additional purchases of U.S. Treasury securities by West German banks plus an agreement by Lufthansa to finance purchases of aircraft.

I have had the Library of Congress draw up a table showing the terms of these so-called offset agreements between the United States and West Germany in fiscal years 1962 through 1969 and ask unanimous consent that it be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 2.)

Mr. MANSFIELD. Mr. President, agreement was reached with the West German Government on July 9 covering fiscal years 1970 and 1971. The agreement provides for an inflow of foreign exchange in the amount of $1.52 billion over the next 2 years. In addition to military procurement in the United States, the agreement provides for a West German Government loan, plus retention in the United States for 2 years of interest earned by West Germany on U.S. Treasury deposits, plus the purchase by West Germany of U.S. Export-Import Bank and Marshall Plan loans, plus West German civil procurement in the United States, plus payment to a fund in the United States for encouraging German investment plus advance transfers for debt repayment by the West German Government to the United States. A concessional interest rate of 3.5 percent will apply to the West German Government loan and to certain deposits in the U.S. Treasury for military procurement. I ask unanimous consent that the text of a press release issued by the Department of State on July 9, giving the terms of the agreement, be printed in the RECORD at this point.

There being no objection, the press release was ordered to be printed in the RECORD, as follows:

"PRESS STATEMENT

"The U.S. and German delegations announced today the conclusion of a new agreement for offsetting foreign exchange costs of American forces in Germany for U.S. Fiscal Years 1970 and 1971. The delegations have been conferring in Washington this week on the third and concluding round of their talks.

"The agreement provides for an inflow of foreign exchange to the U.S. in the amount of 1.52 billion dollars. These inflows will be achieved by $925 million of procurement of U.S. goods and services (61% of total agreement) and $595 million of financial measures (39% of total).

"Details are as follows:

"[In millions of dollars]

"Military procurement in the United States	800.00
Federal Republic of Germany loan to the U.S. (repayable after ten years)	250.00
Purchase by Federal Republic of Germany of loans held in portfolio of Eximbank and of outstanding Marshall Plan Loans	118.75
Civil procurement in the United States by Federal Republic of Germany	125.00
Creation of fund in U.S. by Federal Republic of Germany to encourage German investment in United States	150.00
Advance transfers by the Federal Republic of Germany for debt repayment to the United States	43.75
Retention in the United States of interest earned by the Federal Republic of Germany on U.S. Treasury deposits	32.50
Total	1,520.00

"It was agreed that the interest rate which would apply to the inter-government loan and to certain Federal Republic of Germany deposits in the U.S. Treasury for procurement would be 3.5 percent.

"The Export-Import Bank and Marshall Plan loans purchased by the Federal Republic of Germany would bear, on the average, a rate of interest at four percent with respect to certain loans and five percent with respect to others.

"The U.S. delegation was led by Deputy Under Secretary of State Nathaniel Samuels; the German delegation was headed by State Secretary Guenther Harkort of the Foreign Office."

Mr. MANSFIELD. Mr. President, I would like to make several comments on the agreement. Before doing so, I should note that the Department of State apparently believes that this agreement represents a considerable improvement over previous agreements. To be sure, the amount of the military procurement is greater than last year, or the previous years. The borrowing by the United States is for a longer period than in the past and a concessional rate will apply to the West German Government's loan. The total amount is higher than ever before and the agreement is for 2 years instead of only one.

In those respects there has been "improvement." It would be well to bear in mind, however, that there is another side of the coin. While the amount of foreign exchange inflow involved is higher, so is the foreign exchange gap because it becomes more expensive every year to keep our forces in Germany. With the reevaluation of the German mark, moreover, this expense stated in dollars will increase again, and, possibly, more drastically than in the past. Furthermore, the agreement represents only about 80 percent of the foreign exchange outflow from the United States to Germany in the coming 2 fiscal years. And, while the West German Government loan to the United States will carry a concessional interest rate of 3.5 percent, nevertheless it represents an obligation of the United States which must be renewed or redeemed; the interest will result in some annual capital outflow and the capital of the loan itself must be regarded as, eventually, a large item of outflow. Finally, since the agreement is for a 2-year period, it may imply a commitment on our part to retain substantially the present level of U.S. forces in Germany for the next 2 years whether or not that should prove desirable or in accord with our national needs now or a year from now. In fact, the new West German Chancellor said in an interview in the November 14 issue of

Time magazine that there was "an understanding on both sides," when argument was reached on an offset arrangement for the next 2 years, that there would be no "substantial changes" in the level of U.S. forces during this period.

No matter how the current agreement is regarded, there is no escaping the fact that the assignment of U.S. military forces in Germany and Europe is a voracious consumer of U.S. resources, a source of inflation and, in present circumstances, a factor in the reduction in the international strength of the dollar.

It is a cliche to say that the United States is a rich and powerful country. After the long drain on Vietnam, however, it may be wise to take another look at that glib assertion. In terms of surplus for necessary national purposes at home and abroad, we are beginning to scrape the bottom of the barrel.

Other nations have come to realize that if they are to accomplish the essential tasks at home, it may be necessary to concentrate on only the essential tasks abroad. In my judgment, it is long past time for us to face the facts of our situation and reach the same conclusion. In this connection, I welcome the President's July 9 order to reduce the number of military men based abroad by 14,900—also his most recent order of the day or so ago in which approximately another 14,000, almost all in the Pacific area, will be reduced insofar as our Armed Forces are concerned—although in my judgment it is regrettable that the reduction is so limited and that the forces committed to NATO have been completely exempted from this cut in military forces overseas.

On April 15, I had printed in the RECORD the defense policy statement made by the Canadian Prime Minister on April 3. In that statement, Prime Minister Trudeau said:

"NATO itself is continuously reassessing the role it plays in the light of changing world conditions. Perhaps the major development affecting NATO in Europe since the organization was founded is the magnificent recovery of the economic strength of Western Europe. There has been a very great change in the ability of European countries themselves to provide necessary conventional defense forces and armaments to be deployed by the alliance in Europe.

"It was, therefore, in our view entirely appropriate for Canada to review and re-examine the necessity in present circumstances for maintaining Canadian forces in Western Europe. Canadian forces are now committed to NATO until the end of the present year. The Canadian force commitment for deployment with NATO in Europe beyond this period will be discussed with our allies at the Defense Planning Committee meeting in May. The Canadian Government intends, in consultation with Canada's allies, to take early steps to bring about a planned and phased reduction of the size of the Canadian forces in Europe."

According to press reports, which I understand to be accurate, the present plan is to reduce the number of the Canadian contingent of about 10,000 in Western Germany to about 4,000. This is a small reduction in numbers but a large reduction in percentage and would seem to represent, in effect, a change in the Canadian estimate of the situation in Europe, as well as a revision of policy on the part of the Canadian Government. I would hope this Nation would study the Canadian action most carefully. To me, it seems an adjustment which looks to the future instead of to the past.

Last year at this time, we too, appeared to be on the verge of moving in the same direction. There was widespread support in the Senate for a proposal by the distinguished Senator from Missouri (Mr. SYMINGTON) which would have had the effect of lowering substantially the level of our forces in Europe. Most regrettably, there was the occupation of Czechoslovakia on August 20 by 400,000 Soviet and other Warsaw Pact forces. The time was one of extreme uncertainty, with various obscure troop movements in Eastern Europe. It was far from clear that the relatively bloodless coup in Czechoslovakia would mark the culmination of this activity. There was fear that the difficulties in Eastern Europe might spread throughout Europe.

As I stated at that time, a substantial reduction in U.S. Forces in Europe in those circumstances could have been subject to misinterpretation in the East, and brought grave uncertainty in the West. I added, however, that, in my judgment, it remained desirable to undertake a gradual reduction in U.S. forces if and when the situation in Eastern Europe offered reasonable assurance that developments there were not going to spill over into Western Europe. It seems to me that that time has now arrived. The Soviet Union faces serious problems in Czechoslovakia and elsewhere in Eastern Europe. If that were not enough, there is a difficult situation to the East on the Soviet-Chinese border. Soviet troops in Czechoslovakia, moreover, have been cut from several hundred thousand to about 70,000. While it is regrettable that the internal political life of that enlightened nation is again dictated by a foreign power, certain realities as they bear upon our military presence in Europe must be faced. What transpired in Czechoslovakia was not controllable in any fashion by NATO and bears no direct relationship to the question of the size of American forces assigned in Europe to that organization. Had there been only one or two divisions or, for that matter, seven or eight or 18 divisions of Americans in Western Germany, instead of four or five, would they have had any different effect on the situation as it developed in Czechoslovakia last year? I can find no basis for any such contention. Events within Eastern Europe are, as they have been since the Hungarian interlude made apparent for all to see more than a decade ago, beyond the direct reach of the North Atlantic Treaty and the military structure of NATO.

Nevertheless, it will be argued, as it is always argued, that the time is not right to make a substantial reduction of our forces in Europe. But it seems that the time is never right. I am aware of the recent press reports, for example, implying that NATO may be on the point of making a proposal to the Soviet Union and its Warsaw Pact allies for negotiations on reducing conventional forces in Europe. I would like to point out, however, that NATO has been studying the subject of balanced force reductions for years. My understanding is that there is still no agreed NATO proposal for balanced force reductions and it is not planned that there will be one until at least early in the summer. Even then, there is no reason to assume that discussions, much less full negotiations, will begin, for there has been no indication, direct or indirect, that the Soviet Union is interested in such discussions.

It will also be argued, as it is always argued, that bringing a substantial number of forces back from Europe will not affect our defense budget because we cannot reduce the number of men under arms. But it is also argued that it is not possible to reduce the number of men under arms because of the need to meet our NATO and other overseas commitments. This endless circle leading, in the end to fiscal exhaustion can and must be broken.

I am not now advocating, and I have not in the past advocated, that all U.S. troops be removed from Europe. Our vital interest in what transpires in Europe remains and a U.S. presence should remain. In this day and age an armed attack on Western Europe will certainly involve us almost from the outset. It is to our interest, therefore, that we are present before the outset. That need can be met, in my judgment, and should be met with a much smaller military force.

At the same time, a substantial reduction of our forces in Europe would have certain immediately beneficial effects on this Nation. In the first place, the balance of payments should soon reflect a sharp decrease in outflow for military purposes, even as it becomes possible to bring about a reduction in the National military budget. In the second place, a reduction in U.S. forces in Western Europe might provide some impetus for Western Europeans to develop their own defense efforts in line with their needs and to work together more closely in doing so. Integrated defense is supposed to be what NATO is all about. To the extent that we have continued to overparticipate in the defense of Europe, it follows that there has been far less interest in bearing the burdens of that defense among the Europeans themselves.

Finally, a substantial reduction of American forces would help to correct what I regard as a distorted relationship between Europe and the United States. The Soviet Union maintains half a million soldiers in Eastern Europe. While the Russians may ascribe this presence to a threat from the West, the fact is that the Soviet presence is also a significant factor in maintaining communist governments in power, as Czechoslovakia has so clearly illustrated. The democracies have no need of U.S. forces in order to maintain themselves within the nations of Western Europe; yet, that most significant political fact is disguised by our military presence in such great magnitude.

In my judgment, it is not a desirable situation for a foreign power either in Eastern Europe or Western Europe to keep somewhere in the neighborhood of a million men in these two camps, a quarter of a century after the events which initially put them there. Both contingents are somewhat anachronistic, to say the least. Yet the continuing presence of the one has become the principal basis for the continuing presence of the other. The persistence of the anachronism leads not only to a distortion of political relationships, but to a distortion of economic relationships. Indeed, the annual offset negotiation with the West German Government is a case very much in point. West Germany is, in effect, becoming a major banker for this Nation in order that we may pay for the continued maintenance of U.S. forces in Germany at this Nation's expense.

In short, the presence of American forces in Europe in such large numbers, in my judgment, has vestiges, if not of empire in a 19th century sense, then of military occupation and of the costly cold war and of the one-time complete preeminence of the dollar in international finance. Yet the age of empire, the era of occupation, the period of the cold war and one-sided financial preeminence are of the past. The persistence of these vestiges in present policies involves, in my judgment, a wasteful and dangerous use of our available resources. It acts to debilitate this Nation's capacity, both at home and abroad, to deal with the urgent problems of the contemporary era.

"EXHIBIT 2

"S. RES. 292

"Whereas the foreign policy and military strength of the United States are dedicated to the protection of our national security, the preservation of the liberties of the American people, and the maintenance of world peace; and

"Whereas the United States, in implementing these principles, has maintained large contingents of American Armed Forces in Europe, together with air and naval units, for twenty years; and

"Whereas the security of the United States and its citizens remains interwoven with the security of other nations signatory to the North Atlantic Treaty as it was when the treaty was signed, but the condition of our European allies, both economically and militarily, has appreciably improved since

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large contingents of forces were deployed; and

"Whereas the means and capacity of all members of the North Atlantic Treaty Organization to provide forces to resist aggression has significantly improved since the original United States deployment; and

"Whereas the commitment by all members of the North Atlantic Treaty is based upon the full cooperation of all treaty partners in contributing materials and men on a fair and equitable basis, but such contributions have not been forthcoming from all other members of the organization; and

"Whereas relations between Eastern Europe and Western Europe were tense when the large contingents of United States forces were deployed in Europe but this situation has now undergone substantial change and relations between the two parts of Europe are now characterized by an increasing two-way flow of trade, people and other peaceful exchange; and

"Whereas the present policy of maintaining large contingents of United States forces and their dependents on the European Continent also contributes further to the fiscal and monetary problems of the United States: Now, therefore, be it

"Resolved, That—

"(1) it is the sense of the Senate, that with changes and improvements in the techniques of modern warfare and because of the vast increase in capacity of the United States to wage war and to move military forces and equipment by air, a substantial reduction of United States forces permanently stationed in Europe can be made without adversely affecting either our resolve or ability to meet our commitment under the North Atlantic Treaty;

"(2) S. Res. 99, adopted in the Senate April 4, 1951, is amended to contain the provisions of this resolution and, where the resolutions may conflict, the present resolution is controlling as to the sense of the Senate.

"Terms of offset agreements between the United States and Western Germany, fiscal 1962–1969

"[In millions of dollars]

	Agreed target payments
"Fiscal years and terms agreed by Western Germany:	
1962-1963, Military procurement by West Germany from the United States	1, 875
1964–1965 Military procurement by West Germany from the United States	1, 375
1966–1967, Military procurement by West Germany from the United States plus prepayment of West German debt to the United States in the amount of $192 million	1, 350
1968, Military procurement by West Germany from the United States	100
1968, Purchase by West Germany of special U.S. Treasury securities	500
Total	600
1968, West Germany agreed that the Bundesbank would continue its practice of not converting dollars into gold.	
1969, Military procurement by West Germany from the United States	100
1969, Purchase by West Germany of special U.S. Treasury securities	500
1969, Purchase of U.S. Treasury securities by West German banks	125
Total	725
1969, Lufthansa agreed to finance $60 million purchase of aircraft in West Germany rather than U.S. market."	

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Mr. ELLENDER. Mr. President, I am in complete accord with the views of the Senator from Montana.

For the past 10 years I have been advocating that we should remove our troops from Western Europe. It has been costing the taxpayers of our Nation over $2 billion annually to hold an umbrella of military protection over our allies in that part of the world.

In my humble judgment, there is no reason for keeping them there. It is irritating to our former allies and has the tendency of widening the breach between us and the U.S.S.R. We have been supporting Western Europe now for over 20 years, and I sincerely believe that it is long past time to move out of there. If protection is needed, which I doubt, the countries of that area are well able to care for themselves.

Keeping our troops there tends to maintain the fear and suspicion that the U.S.S.R. has of us and I have no doubt that the Russians will follow suit and remove their forces from the countries of Eastern Europe. As I have often said in the past, when former President De Gaulle of France ordered us out of his country we should have then and there left Europe.

In my most recent visit to the U.S.S.R., in 1968, I have reported to this body that I can see no world peace unless and until we can dispel the fear and suspicion that now exists between us and the U.S.S.R. and we should make every effort to accommodate ourselves with the Russian people. That can be done without in any manner embracing each others philosophy of government.

OIL IMPORTS PROGRAM

The **PRESIDING OFFICER.** Under the previous order, the Senator from Wyoming is recognized for 30 minutes.

OIL IMPORT ISSUE

Mr. HANSEN. Mr. President, there are numerous disturbing, if not alarming, aspects of the staff study and recommendations for changes in the present mandatory oil import program.

While the original policy changes recommended by the staff group, headed by Prof. Phillip Areeda of the Harvard School of Law, have been modified somewhat, according to press reports, the basic precepts of their policy proposals need to be better understood and discussed. It is my purpose, therefore, to amplify what I and others have said about the dangers inherent in such a plan as reportedly will be sent to the President with the approval of a majority of the Cabinet members of the Task Force on Oil Import Policy.

Rather than attempt to discuss a proposal of such magnitude, and one which could very well jeopardize the posture of the United States as a world power and the hope of the free world, at one sitting, I will summarize the plan as I understand it, itemize the principal areas I consider to be unsound and, in turn, discuss each separately.

First, I considered the President's decision to order a thorough study and analysis of the present oil import program as sound and necessary. The immediate need for an examination was the controversy over several applications for foreign trade zones into which foreign crude would be entered for processing: principally an application by the State of Maine Port Authority for a zone into which some 300,000 barrels daily of crude would be imported for processing by a refinery to be built by Occidental Petroleum Corp. The principal, if not sole, source of petroleum produced by Occidental is Libya.

The controversy centered around the circumstances of the State of Maine and Occidental's plan to use 200,000 barrels of the input for petroleum products that would move into U.S. markets, principally in the New England area, under special arrangements and agreements for rebates to the State of Maine and lower product prices.

The integrity of the oil import program had already been violated by special exceptions and exemptions in Puerto Rico and the Virgin Islands. Any regulatory program which accomodates one citizen or one company or one geographic area at the expense of another is emminently unfair. One special deal or exception begets demands for more such deals, as in this case.

Former Secretary of Commerce and Chairman of the Foreign Trade Zones Board, C. R. Smith, made a sound decision in deferring action of the Board of the Maine application to the incoming administration.

President Nixon made a sound decision in appointing the Cabinet Task Force on Oil Import Controls to study the problem and make recommendations. His objective was an unbiased report and for the chairman of the Task Force he selected Secretary of Labor George P. Shultz whose Department is not directly connected with oil imports.

There were those in the industry, however, who doubted the objectivity of the staff selected by the Task Force to conduct the study and make recommendations.

In the September 8 issue of the Oil and Gas Journal—long before any recommendations had been made—Mr. Gene Kinney, Washington correspondent for that publication wrote: "Chances slim for objective review of import policy."

According to Mr. Kinney:

> President Nixon had in mind a fair, impartial review of import controls when he ordered the study last February. But is he getting what he ordered?
>
> There is a very serious question that objective appraisal is possible, given the makeup of the staff of the cabinet task force recruited for the job. The staff consists mainly of economic professors, all with excellent academic credentials. But they are short on knowledge of, and insight into, the very important subject they are dealing with. And where they have been exposed to the issues involved, they come very close to prejudging the very questions the White House review is supposed to answer.
>
> And that is: What policy will serve this nation best in protecting its security interest in adequate, reliable supplies of petroleum energy? Are import controls the most effective means?
>
> One staff member, Edward W. Erickson,

> seems already to have decided this key question in the negative. In his doctoral thesis at Vanderbilt last year, approved by Professor James W. McKie, now chief economist for the Task Force, Erickson pointed the finger at proration as the main drag on exploration. He quoted with approval the statement of M. A. Adelman, of Massachusetts Institute of Technology, that the threat of imports is an illusion.
>
> Erickson's theme was that market-demand proration, restricting the rate at which producers can exploit a prolific find, makes them think small. They look for and find the smaller fields that are cheaper in total exploration costs but have higher costs per barrel, according to Erickson's study. He cites Adelman to the effect that the main reason for the price differential between U.S. and foreign crudes—85 cents to $1 of the $1.25 spread—is due to "wasteful practices" under state regulation.
>
> Erickson concludes his thesis with "an endorsement of a belief which my work supports." M. A. Adelman asserts, "freed of the regulatory incubus it now supports and also of the illusion that imports are the source of its woes, and with a huge natural-gas market, the domestic industry might, if given a chance, surprise itself as to how tough a competitor it can be." Adelman's observation is made in the context of a consideration of how much currently developed capacity would survive the elimination of import controls. But I believe it also applies to exploration.
>
> Another task-force member, Thomas Stauffer, a PhD candidate at Harvard, described oil companies as financial "colonialists" in a paper presented at the 1967 Arab Oil Congress.

Kinney continues.

> Their views may not reveal a conflict of interest. But they do suggest a conflict of attitude and one that flaws their work, however conscientious they may be. And they raise a question as to whether the President and the cabinet task force are getting the objective appraisal they think they're getting and the country has a right to expect.

Beginning in November, leaks of the proposed plan began to appear in the press and copies of the proposed program were either released or bootlegged. As stated in the report, a proposed tariff system would supplant the present quota program with an objective "to move domestic market prices smoothly to their lower levels in all sections of the country while imports rise gradually to their higher level."

The proposed program outlined a plan by which:

First, a $2.50 south Louisiana wellhead price, for 30-degree crude, is achieved by the end of a 2- or 3-year transition period;

Second, subsidies embodied in the current quota system are phased out over a suitable period;

Third, tariffs are used as the basic method of import restrictions, with some reserve mechanism to prevent any sudden or excessive increase in the volume of imports from Eastern Hemisphere sources;

Fourth, a tariff exemption is extended to Canadian imports in the context of common policies to be negotiated on related energy matters, with an initially lesser preference for Latin American imports—subject to expansion over time with increases in U.S. import requirements; and

Fifth, both for the transition period and for the longer term, a management system is created to monitor both the mechanics and the underlying rationale of the restrictive system.

Following the release of the publicized reports of the proposed program and the storm of industry protest that ensued, the Cabinet task force was reported to have split on the recommendations it would make to the President. Five of the members were reported favoring a modification of the plan whereby domestic crude prices would be pushed down to $3 a barrel rather than $2.50 as recommended by the staff. Two others were reported as opposing the plan.

Since voicing my objections to the policy principles of the plan and various specific phases of the proposal, I have been advised by Presidential assistants that the task force recommendations have not yet been made to the President but will be presented probably about the end of this month.

While I cannot believe the President would approve a plan that is so contradictory to present administration policies, I want to be certain that alternatives to the task force proposals are thoroughly aired and also that Members who have not studied the report or who might not consider their States threatened by its implications may realize the full magnitude of the proposal.

Those who have no oil production in their States should consider the implied threat of cheaply produced foreign imports to other industries if manipulation of imports is to be used, as proposed, as an instrument of domestic price control.

The advocates of cheaper domestic oil products should seriously consider the precedent such a price-fixing policy could set and the threat it might impose to industries in their States before condemning the oil industry.

It is time, in fact, that someone said something good about the petroleum industry as a whole and the vital role it has played in the technological development and progress of this country and I intend to do just that in this series of discussions on the oil import problem.

I shall also emphasize what I consider to be the economic consequences which were not adequately considered by the task force and the differing judgments which have been drawn by other recognized authorities and the significance of these differences. Among these are:

First. National security risks.
Second. Consumer interest.
Third. Conservation of irreplaceable resource.
Fourth. Economic aspects.
Fifth. Precedent of price fixing.
Sixth. Weaknesses of a tariff system.
Seventh. Violation of State statutes.
Eighth. Threat to natural gas supply.
Ninth. U.S. trade policy.
Tenth. Objectivity of task force study.
Eleventh. Alternatives.

Congress has a responsibility in the mandatory oil import program. Although the program was initiated by Executive order in 1959, it was predicated on Federal law, the National Security Clause of the Trade Expansion Act of 1962 which was adopted from earlier legislation. It is most interesting to note that the clause specifically states that:

> The President shall further recognize the close relation of the economic welfare of the nation to our national security, and shall take into consideration the impact of foreign competition on the economic welfare of individual industries; and any substantial unemployment, decrease in revenues of government, loss of skills or investment, or other serious effects resulting from the displacement of any domestic products by excessive imports shall be considered, without excluding other factors, in determining whether such weakening of our internal economy may impair the national security.

I shall next take up in detail the national security issue.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE JOURNAL

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Thursday, January 22, 1970, be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER TO PROCEED TO THE UNFINISHED BUSINESS AT THE CONCLUSION OF MORNING BUSINESS

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that when the transaction of routine morning business is concluded today, the unfinished business be laid before the Senate and made the pending business.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. PACKWOOD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MESSAGES FROM THE PRESIDENT

Messages in writing from the President of the United States were communicated to the Senate by Mr. Geisler, one of his secretaries.

REPORT OF THE COMMISSION ON INSTRUCTIONAL TECHNOLOGY—MESSAGE FROM THE PRESIDENT

The PRESIDENT pro tempore laid before the Senate the following message from the President of the United States, which was referred to the Committee on Commerce:

To the Congress of the United States:

Section 301 of the Public Broadcasting Act of 1967 authorized the Secretary of Health, Education, and Welfare to conduct a comprehensive study of instructional television and radio. Former Secretary Wilbur Cohen appointed a Commission to conduct such a study. The report of that Commission is transmitted herewith.

This Administration will transmit its views on instructional television and radio and related matters at a later date.

RICHARD NIXON.

THE WHITE HOUSE, *January 23, 1970*.

EXECUTIVE MESSAGES REFERRED

As in executive session, the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the appropriate committees.

(For nominations this day received, see the end of Senate proceedings.)

COMMUNICATIONS FROM EXECUTIVE DEPARTMENTS, ETC.

The **PRESIDENT** pro tempore laid before the Senate the following letters, which were referred as indicated:

Report of the Rural Electrification Administration

A letter from the Secretary of Agriculture, transmitting, pursuant to law, a report of the Rural Electrification Administration for the fiscal year 1969 (with an accompanying report); to the Committee on Agriculture and Forestry.

Report on Reapportionment of an Appropriation

A letter from the Director, Bureau of the Budget, Executive Office of the President, reporting pursuant to law, that the appropriation to the Veterans' Administration for "Readjustment benefits," for the fiscal year 1970, has been apportioned on a basis which indicates the necessity for a supplemental estimate of appropriation; to the Committee on Appropriations.

Report on Reapportionment of an Appropriation

A letter from the Director, Bureau of the Budget, Executive Office of the President, reporting, pursuant to law, that the appropriation to the Veterans' Administration for "Compensation and pensions," for the fiscal year 1970, has been apportioned on a basis which indicates the necessity for a supplemental estimate of appropriation; to the Committee on Appropriations.

Report of Receipts and Disbursements to Appropriations From Disposal of Military Supplies, Equipment and Materiel and Lumber or Timber Products

A letter from the Assistant Secretary of Defense, transmitting, pursuant to law, a report of receipts and disbursements to appropriations from disposal of military supplies, equipment and materiel and lumber or timber products, during the first quarter of fiscal year 1970 (with an accompanying report); to the Committee on Appropriations.

Report on Fair Packaging and Labeling Act

A letter from the Secretary, Health, Education, and Welfare, transmitting, pursuant to law, a report of the Department's Consumer Protection and Environmental Health Service, regarding the administration of the Fair Packaging and Labeling Act by the Food and Drug Administration during fiscal year 1969 (with an accompanying report); to the Committee on Commerce.

Report of Foreign Excess Property Disposed of by the Federal Aviation Administration

A letter from the Secretary of Transportation, reporting, pursuant to law, on foreign excess property disposed of during fiscal year 1969 by the Federal Aviation Administration; to the Committee on Government Operations.

Report of the Comptroller General

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report that the assessment of fees for processing loan applications would help recover program costs of the Farmers Home Administration; Department of Agriculture, dated January 23, 1970 (with an accompanying report); to the Committee on Government Operations.

Report on Activities and Accomplishments Pursuant to the Water Resources Act of 1964

A letter from the Acting Secretary of the Interior, transmitting, pursuant to law, a report on activities and accomplishments pursuant to the Water Resources Research Act of 1964, as amended (with an accompanying report); to the Committee on Interior and Insular Affairs.

Dr. Anthony S. Mastrian

A letter from the Secretary of Health, Education, and Welfare, transmitting a draft of proposed legislation for the relief of Dr. Anthony S. Mastrian (with an accompanying paper); to the Committee on the Judiciary.

PETITION

The **PRESIDENT** pro tempore laid before the Senate a resolution adopted by the town of Gulf Shores, Ala., deploring and condemning those who give aid and comfort whether wittingly or not, to the enemies of this Nation, which was referred to the Committee on the Judiciary.

SENATE RESOLUTION 320—RESOLUTION REPORTED AUTHORIZING ADDITIONAL EXPENDITURES BY THE COMMITTEE ON GOVERNMENT OPERATIONS FOR A STUDY OF EXECUTIVE REORGANIZATIONS AND GOVERNMENT RESEARCH

Mr. **RIBICOFF**, from the Committee on Government Operations, reported the following original resolution (S. Res. 320), which was referred to the Committee on Rules and Administration:

S. Res. 320

Resolved, That the Committee on Government Operations, or any duly authorized subcommittee thereof, is authorized under sections 134(a) and 136 of the Legislative Reorganization Act of 1946, as amended, and in accordance with its jurisdiction specified by rule XXV of the Standing Rules of the Senate, to make studies as to the efficiency and economy of operations of all branches and functions of the Government with particular reference to:

(1) the effects of laws enacted to reorganize the executive branch of the Government, and to consider reorganizations proposed therein; and

(2) the operations of research and development programs financed by departments and agencies of the Federal Government, and the review of those programs now being carried out through contracts with higher educational institutions and private organizations, corporations, and individuals in order to bring about Government-wide coordination and elimination of overlapping and duplication of scientific and research activities.

SEC. 2. For the purposes of this resolution the committee, from February 1, 1970, through January 31, 1971, is authorized (1) to make such expenditures as it deems advisable; (2) to employ upon a temporary basis technical, clerical, and other assistants and consultants: *Provided*, That the minority is authorized at its discretion to select one person for appointment, and the person so selected shall be appointed and his compensation shall be so fixed that his gross rate shall not be less by more than $2,700 than the highest gross rate paid to any other employee; and (3) with the prior consent of the heads of the departments or agencies concerned, and the Committee on Rules and Administration, to utilize the reimbursable services, information, facilities, and personnel of any of the departments or agencies of the Government.

SEC. 3. The committee shall report its findings upon the study and investigation authorized by this resolution, together with its recommendations for such legislation as it deems advisable, to the Senate at the earliest practicable date, but not later than January 31, 1971.

SEC. 4. Expenses of the committee, under this resolution, which shall not exceed $150,000, shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee.

BILLS INTRODUCED

Bills were introduced, read the first time and, by unanimous consent, the second time, and referred as follows:

By Mr. PACKWOOD:

S. 3329. A bill to establish the Hell's Canyon-Snake National River in the States of Idaho, Oregon, and Washington, and for other purposes; to the Committee on Interior and Insular Affairs.

(The remarks of Mr. PACKWOOD when he introduced the bill appear later in the RECORD under the appropriate heading.)

By Mr. METCALF:

S. 3330. A bill to authorize rural housing loans to lessees of nonfarm rural land, and for other purposes; to the Committee on Banking and Currency.

By Mr. STEVENS:

S. 3331. A bill to provide for the awarding of a Police Medal of Honor and a Medal of Honor for Firemen; to the Committee on Banking and Currency.

S. 3332. A bill for the relief of Wilson Jerue; to the Committee on the Judiciary.

(The remarks of Mr. STEVENS when he introduced the bill (S. 3331) appear later in the RECORD under the appropriate heading.)

S. 3329—INTRODUCTION OF A BILL TO ESTABLISH THE HELLS CANYON-SNAKE NATIONAL RIVER

Mr. **PACKWOOD**. Mr. President, I am today introducing legislation establishing the Hells Canyon-Snake National River in the States of Idaho, Oregon, and Washington.

An identical proposal was introduced in the U.S. House of Representatives this past Monday by the outstanding conservationist Congressman from Pennsylvania, JOHN SAYLOR.

This proposed legislation focuses on

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one of the great challenges of our time—retaining the natural beauty of a spectacular gorge and an equally spectacular river basin.

This proposed legislation would encompass a 120-mile area along the Snake River from Homestead, Oreg., to Asotin, Wash. It would allow present and future generations to enjoy this area in its natural state of beauty.

The area symbolizes the West. It is rugged and real. It bridges the past and the present. It provides incentive for the future. It has scenic, recreational, geological, historical and cultural values. It is a paradise for the sportsman.

As one vitally concerned about environment, I believe it is in the best interest of all concerned that this area be preserved.

This bill places the administration of the Hells Canyon-Snake National River under the Secretary of Agriculture. It provides that a Commission of nine members be appointed by the Secretary as follows: Three members appointed from recommendations made by the Governors of the States of Idaho, Oregon, and Washington with each State having one member; one member designated by the Secretary of Agriculture; one member designated by the Secretary of Interior; two members representing fish and wildlife-oriented private organizations; and two members representing wilderness-oriented private organizations. Commission members would serve with no compensation for a term of 3 years, except initial members who would serve from 1 to 3 years. The Commission would be terminated in 10 years unless extended by Congress, or made a permanent Commission.

The Hells Canyon-Snake National River area consists of three administrative units:

First, the Seven Devils unit which encompasses some 314,000 acres in Nez Perce and Payette National Forests;

Second, the Imnaha unit which consists of about 355,000 acres in Wallowa-Whitman National Forest, and also a strip of land immediately adjacent to the Grande Ronde River, which is a tributary to the Snake River;

Third, the Snake River unit which contains approximately 50,000 acres extending northward about 36 miles on the Oregon and Washington side of the Snake River and along both sides of the Salmon River.

Within the Seven Devils unit, a portion not to exceed 115,000 acres in size is designated the "Seven Devils Wilderness Area."

The measure also provides that there will be no dams or other water impoundments on any portion or segment of the Snake, Imnaha, Salmon, or Grande Ronde Rivers within the Hell's Canyon-Snake National River; and that any such structures previously authorized by Congress within the boundaries of the area become deauthorized.

Whether dams should be built along the Snake River has been the subject of argument for over a decade.

I ask unanimous consent to have printed in the Record the following articles:

An editorial entitled "From the Snake to the Atom," published in the Medford, Ore., Tribune of March 26, 1968.

An editorial entitled "The Last Dam," published in the New York Times of June 2, 1968.

An article entitled "Engineer Tells Views on Dam," published in the Idaho Falls, Idaho, Post-Register of September 16, 1968.

An article entitled "Dam Would Jeopardize Fish, Says Biologist," published in the Idaho Falls, Idaho, Post-Register of September 17, 1968.

An article entitled "Oregon Survey Shows Idaho Boaters Make Considerable Use of Snake River," published in the Lewiston, Idaho, Tribune of January 31, 1969.

A letter to the editor of the Lewiston, Idaho, Tribune, written by Mrs. Marke Johnson, and published in the Lewiston, Idaho, Tribune of March 11, 1969.

An editorial entitled "This Dam Should Not Be Built," published in the Lewiston, Idaho, Tribune of March 13, 1969.

An article entitled "Godfrey Urges Hickel To Save Snake; Developers Offended," published in the Lewiston, Idaho, Tribune of August 4, 1969.

An article entitled "Conservation Issue Builds in Northwest," written by Malcolm Bauer and published in the Christian Science Monitor of January 14, 1970.

An article entitled "Must This Be Lost to the Sight of Man?" written by Michael Frome and published in Field and Stream for July 1969.

There being no objection, the articles were ordered to be printed in the Record, as follows:

[From the Medford (Oreg.) Tribune, Mar. 26, 1968]

FROM THE SNAKE TO THE ATOM

Two recent developments in the power supply picture of the Pacific Northwest call attention to themselves, not only for their intrinsic interest, but also because of their not-too-obvious relationship with each other.

One was the ruling last year by the U.S. Supreme Court, throwing out a federal license for construction of a dam at the High Mountain Sheep site on the Snake River, and the subsequent revision and re-filing for a license by the consortium involved.

The other has been the growing emphasis on thermal-electric generation—both coal-powered and nuclear-powered, particularly the latter—by both public and private power utilities in recent months.

The high mountain sheep project was proposed by the Pacific Northwest Power Company, which is jointly owned and directed by Pacific Power & Light Co., Portland General Electric, Washington Water Power, and Montana Power.

The Supreme Court decision questioned whether the development was required for regional power supply, and also directed the Federal Power Commission (which had issued the license) to permit presentation of further evidence on the question of whether the project should be built by the federal government.

Our contention is that it should not be built at all, and that the power generation needs of the future in the Pacific Northwest should be provided by thermal sources, and preponderantly nuclear ones.

In evidence of the second development cited above, PP&L and Washington Water Power are now getting ready to build a 700,000-kilowatt steam-electric plant near Centralia, near large reserves of coal. Also, PP&L within the past week has announced it stands ready to sponsor the construction of two nuclear power plants in Oregon at thus-far unrevealed sites.

The Eugene Water and Electric Board and Portland General Electric are well along in planning for two nuclear electric plants, as well.

So it is evident, solely on the basis of this (not to mention other items confirming the same trend), that the day of major new hydro-electric power generation facilities in the Northwest is about over. The High Mountain Sheep site is one of very few such sites remaining, and may be the last.

Granted this, and in view of national statistics that show nuclear power coming to the fore rapidly as the power source of choice in the near future, why not abandon the High Mountain Sheep project forthwith?

Every kind of power-generating facility has problems peculiar to its nature. Those using coal as a heat source must be located relatively close to supplies of coal. There also is the problem of air pollution to contend with. Hydro-electric plants need specific conditions of streamflow and head and, when located in isolated areas, need vast and expensive distribution systems.

Nuclear plants, too, have problems. One is public acceptance—although this seems to be diminishing as worldwide experience has shown them to pose minimum dislocations and virtually no danger.

The most serious problem in nuclear generation is the fact that such plants need ways to cool the nuclear reactors, and this usually means large supplies of water. Then there is the question of either cooling off the farm water (the new phrase is "thermal pollution") that results, or making use of it.

Of the three, though, it would appear to a layman that the nuclear reactor, now that it is becoming cost-competitive with the other means of generation, really poses fewer problems than they do.

And, if the High Mountain Sheep proposal is pressed (as present plans call for), it will revive all the animosities and battles that the Hells Canyon fight generated some years ago. This time, however, the conservationists—who believe with reason that the remaining unspoiled stretches of the Snake River should be preserved—will be fully aroused, and will be armed with the fact that is is one of the last of the remaining river wilderness areas. They will be allowed, by specific Supreme Court edict, the right to be heard.

Both logic and discretion indicate that PP&L and its associated firms abandon their last-ditch plans for the Snake, and turn instead to the atom. This is the wave of the future and a long series of bruising battles, alienating large segments of the nation's population, could thus easily be avoided.

[From the New York Times, June 2, 1968]

THE LAST DAM

Hells Canyon is a steep, spectacular gorge in the high, rugged country of Idaho. For thousands of years, the Snake River ran wild and foaming white through Hells Canyon on its way to join the Columbia River and then to the sea.

A dozen years ago, the Idaho Power Company, after a bitter fight with public power forces, constructed three dams to exploit the hydroelectric potential of the river. Now another struggle is under way to tame the Snake. This time the public and private power groups have joined together in a plan to build High Mountain Sheep Dam. Opposing them is Secretary of the Interior Udall, who argues for another site upstream where a dam would do less scenic damage.

At either site, however, a dam would destroy the last free-flowing stretch of river. The "White Water" trip graphically described in The Times travel section today would no longer be possible. A dam would back up

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water for fifty miles and turn the magnificent wild river into a slack, man-regulated body of water no different from any other reservoir. The routine kinds of recreation that will be available around the artificial lakes now nearing completion are no substitute for the unique river-running experience that was once possible.

High Mountain Sheep Dam would be the last dam on the river and it would spell the river's death. With nuclear energy now a reasonable economic alternative, there is no good argument for building yet another hydroelectric dam. The free-flowing portion of the Snake deserves protection as a national scenic river.

[From the Lewiston (Idaho) Post-Register, Sept. 9, 1968]

ENGINEER TELLS VIEWS ON DAM

PORTLAND, OREG.—A sanitary engineer repeated testimony today that construction of High Mountain Sheep Dam on the Middle Snake River would cause a dissolved oxygen problem.

Francis W. Kittrell, a witness for the Department of the Interior, said fish runs would be damaged by the low dissolved oxygen at High Mountain Sheep.

His original testimony was presented in Washington, D.C. in April.

On cross-examination by conservationists, Kittrell said the dissolved oxygen problem would exist at any other dam built on the Middle Snake.

Admission of several exhibits took up most of the morning session as the Federal Power Commission hearing continued. It was expected to last through Friday.

Two power combines, Pacific Northwest Power Co., and the Washington Public Power Supply System, seek a license from the FPC to build High Mountain Sheep Dam on the Middle Snake.

The Interior Department and conservationists oppose the High Mountain Sheep site. Two other sites above the confluence of the Snake and Salmon River are favored by Interior.

Shortly before noon Monday, the State of Oregon repeated its position which favors the application of the joint applicants to build High Mountain Sheep on the Idaho-Oregon border.

The state also offered its fish and game commission technical experts for cross-examination.

[From the Lewiston (Idaho) Post-Register, Sept. 17, 1968]

DAM WOULD JEOPARDIZE FISH, SAYS BIOLOGIST

PORTLAND.—Construction of High Mountain Sheep Dam on the Middle Snake River could seriously jeopardize the existence of salmon and steelhead runs, a fisheries biologist testified Monday.

Robert T. Gunsolus, a biologist for the state of Oregon, was cross-examined at Federal Power Commission hearings in Portland on written testimony he gave earlier in Washington, D.C.

Gunsolus repeated his position that "any additional problem encountered by these fish, even a relatively minor one, could be enough to wipe out the run."

The hearings are on the application by two power combines to build High Mountain Sheep Dam. They are Pacific Northwest Power Co., and the Washington Public Power Supply System.

The Interior Department opposes the High Mountain site, favoring dams above the confluence of the Snake and Salmon rivers on the Oregon-Idaho border. Conservationists oppose any dams on the Middle Snake.

Gunsolus's testimony was in contrast to the official position of the state of Oregon, reiterated Monday, which favors hydroelectric development of the Middle Snake and supports the application of the two power combines.

Earlier, Francis W. Kittrell, an Interior who is a sanitary engineer for the government, said that if High Mountain Sheep were built there would be a dissolved oxygen problem which would damage the fish runs.

On cross-examination by conservationists, Kittrell said the dissolved oxygen problem would exist at any dam on the Middle Snake.

[From the Lewiston (Idaho) Tribune, Jan. 31, 1969]

OREGON SURVEY SHOWS IDAHO BOATERS MAKE CONSIDERABLE USE OF SNAKE RIVER

A special study by the Oregon Game Commission from June, 1968 through December, 1968 on the Snake River has shown that a high number of Idaho boaters use the Snake River.

During this period boaters contributed a total of 14,726 man days on the Snake River upstream from the Washington-Oregon State line. These people were fishing, hunting or boating and passed by the Oregon-Washington State line on their way upstream. This does not include recreation use at the mouth of the Imnaha, Dug Bar, below Hells Canyon Dam or at Pittsburg Landing.

The Oregon Game Commission had a checking station located at the mouth of Cache Creek on the Snake River and interviewed boaters passing this point last year. The dock for the checking station was provided by the Wallowa-Whitman National Forest. Some of the questions asked of boaters were their destination, where their boats were registered, what type of recreational activity they were involved in, the number of fishing hours, and their catch.

The survey showed that 80.5 per cent of the summer boaters had crafts that were licensed in Idaho, 39 per cent were from Oregon, and 15.6 per cent were from Washington. About 62 per cent of the fall and winter boaters were from Idaho, 12.5 per cent from Oregon, 23.7 per cent from Washington and 1.3 per cent that were not residents of the tri-state area.

During the summer 61.9 per cent of the boaters used guides and during the fall and winter this dropped to a little over 45 per cent.

FISHERMEN BUSY

The fishermen angled for a total of 12,725 hours and caught 2,972 smallmouth bass, 843 steelhead, 11 chinook salmon, 42 trout, 21 sturgeon and 46 channel cats. The hunter data is not yet available. During the summer 68.6 per cent of the people were just out for a boat ride but this dropped drastically in the fall and winter to only 16.6 per cent.

The study revealed that the use of this reach of the Snake River was much greater than anticipated.

During the coming year the Idaho Fish & Game Department, the Oregon Game Comission and the U.S. Forest Service will collect recreational use information on the Snake. The 1969 studies will be expanded to include the Dug Bar area, Imnaha River, Pittsburg Landing and the reach of river between Hells Canyon Dam downstream to Granite Creek. Use information for the lower Salmon River will also be collected at this checking station in 1969.

The Army Corps of Engineers also conducted a boating survey from April through September on the reach of the river from Lewiston upstream to Johnson Bar. They counted the number of boats and passengers but did not interview all the people. The survey was taken by airplane and by boat.

They also found a large number of boaters with an estimated total of 1,972 boats and 7,868 passengers.

According to Harold Borgers, Corps of Engineers, they determined that recreational use was reduced during the low flows released from Hells Canyon Dam. It was found that a minimum flow of 3,000 cubic foot per second and preferably a minimum of 10,000 c.f.s. is needed for boaters to safely pass Imnaha Rapids above the mouth of the Salmon River. The corps recorded flows as low as 5,000 c.f.s. at these rapids during June and July, the peak recreation months.

[From the Lewiston (Idaho) Tribune, Mar. 11, 1969]

NO DAM

To the LEWISTON TRIBUNE:

Although I have only recently become a resident of your beautiful valley here, I must speak out to warn everyone living here: This region is in danger of being spoiled, as was the area in the East from which I came.

I understand the Army Corps of Engineers, that insatiable bureaucracy, has just requested $75,000 in the present budget for a "new planning start" for the controversial Asotin Dam, authorized but not yet funded.

Perhaps longtime residents here don't realize what a jewel this free-flowing river is—both esthetically, recreationwise and commercially.

One of the first outings a visitor or newcomer takes is the drive from Asotin along the Snake to the mouth of the Grand Ronde—an area which would be flooded and ruined by the Asotin dam.

What a delightful and rare treat the natural river and its shores are to one fresh from the roaring freeways and blare of crowded cities and stagnant waterways.

In earlier visits I observed that this portion of the Snake is heavily used already by fishermen, boaters, swimmers, picnickers, "river combers" and those who wish a short drive to calm their nerves.

Despite the magnificent "snow job" put out by the Corps and others who have a monetary stake in this dam, is there really any valid justification for it, except to provide low-cost water transportation for the privately-owned lime deposits near the Grand Ronde?

I urge everyone to write those who will decide this matter: their congressmen. . . .

MRS. MARKE JOHNSON.

CLARKSTON, WASH.

[From the Lewiston (Idaho) Tribune, March 13, 1969]

THIS DAM SHOULD NOT BE BUILT

The request of the Army Corps of Engineers for $75,000 in planning funds for the Asotin Dam should be denied. There is no point in spending money, even planning money, on a dam which may very well never be built because it never has been justified. A large part of that $75,000 no doubt would be devoted to creating a justification for the dam, but that is just the sort of thing that ought to be avoided. We don't think a dime should be spent on this project until somebody other than the prospective builder has found good reason for building it.

The Corps originally conceived the dam as a navigation device to provide slackwater to large lime deposits on the Middle Snake. Assuming a good market for the lime, the Asotin Dam thus would sustain a small local mining and processing payroll. It also would produce some electric power and would help to stabilize the flow of the Snake River, now subject to fluctuation caused by Idaho Power Co. dams upstream.

And, so far as we know, that's it. Power production would be trifling; fluctuation of the water level has not been a serious problem; and the economic good to be derived from exploiting the lime deposits is a matter of conjecture.

In providing these nebulous benefits, the Asotin Dam would flood the most heavily-used river shoreline in the Lewiston region. Dozens of white sand beaches, easily accessible from Lewiston and Clarkston, would be gone; scores of picnic spots between Asotin and the Grand Ronde River would lie under water; the present scenic road that winds along the river south from Asotin would be lost; mile upon mile of fine bass, steelhead and sturgeon fishery would be sacrificed; and access to the upper river from Lewiston and Clarkston by boat would be blocked or impeded, depending upon whether or not the dam were fitted with locks.

This being the case, the Asotin Dam would cost the region far more in lost recreation area than the dam would be worth. So, unless there is some need for it that has not yet been demonstrated, the project should be shelved.

We are not opposed to the Asotin Dam on principle. *The Tribune* has favored the construction of some dams, such as those on the Lower Snake River, which appeared to be worthwhile in relation to their cost, and it may do so again. We are opposed to the Asotin Dam specifically because it does not seem to be worth the cost, in money and in lost terrain.

The $75,000 now requested is a small sum in itself, but it is enough to buy new life for the project, to keep it on the drawing board and in the active planning stage. Experience tells us that money spent this way tends to draw other money after it, whether the job itself can be justified or not. The real danger in this request for $75,000 is that it will provide justification for spending more money, and that for still more, until a point is reached when it will no longer be possible to turn back.

That could very well happen in the case of the Asotin Dam. It has, after all, been authorized by Congress even if it hasn't yet been funded, and all the Corps needs to proceed is the money. The time to hold back the money is now.

[From the Lewiston (Idaho) Tribune, Aug. 4, 1969]

GODFREY URGES HICKEL TO SAVE SNAKE; DEVELOPERS OFFENDED

A letter from Arthur Godfrey to Secretary of Interior Walter J. Hickel, describing Godfrey's trip up the Middle Snake River early in July, drew a sharp response Friday from the Snake River Council, a group "dedicated to the development and conservation of the Middle Snake River Country," with headquarters at Enterprise, Ore.

Copies of both letters were made available to the Lewiston Morning Tribune.

In his letter to Hickel, dated July 9, Godfrey described his visit to Lewiston and his trip up the Middle Snake River by boat and helicopter.

He concluded the letter with these sentiments:

"Mr. Secretary, I implore you, I beg of you; make that trip out there as soon as you possibly can and see this place for yourself. I understand that it lies within the power of your post to permit or refuse the building of dams.

"Mr. Secretary, you must not allow anyone to build another dam in that river. The last 100 miles must be preserved for posterity. I hope you will fly as I did before heading north, over the Hells Canyon Dam in the chopper and see what happens when that beautiful river is raised 600 or more feet. Gone are the anadromous fish and the sturgeon. Only trash fish remain such as we can grow in any farm pond.

"SLIME REMAINS

"Gone are the birds and the beaches. Only steep, muddy, slimy banks remain. Gone forever the historic Indian petroglyphs and caves and other priceless relics. Gone would be another of the last fragments of nature as yet unspoiled by man. In its place, a deep, sluggish polluted lake full of hordes of faint-hearted outboard motor nuts spewing one-third of their fuel—unburned—into the waters along with their beer cans and other people-droppings.

"Please go and see it. Better still, permit me to arrange a trip for you such as I took."

In a letter addressed to Godfrey and signed by Wallowa County Court Judge S. J. Farris, as chairman of the Snake River Council, the group took exception to Godfrey's description of the pool behind Hells Canyon Dam as lined with "steep, muddy, slimy banks . . ." A copy of the letter was also sent to Hickel.

SECRECY RESENTED

The letter began: "We have been pleased to know that you had the chance recently to make a brief tour of the Snake River canyon . . . But we do resent someone just popping in, taking one quick trip into a limited reach of the canyon country with a boat guide openly opposed to any further development of the Snake River, and then racing away to expound theories on how this region should handle its resources.

"It is undignified for a national artist to discuss before so many interested but uninformed people your brief experience in the area, attempting to lead them along the lines of your single and limited-use concept.

"It is regrettable that you would not seek out some of those who live here and who have an honest interest in gaining full development of our resources in order that thousands of average citizens, not just the rich from California and New York, can find recreational enjoyment.

LIMITED VIEW

"It is also regrettable that you did not bother to visit even a portion of the great country surrounding the rather barren Snake River canyon—such as the Wallowa Mountains to the west, or the Salmon River country to the east, including that stream's truly exciting white water.

"Had you bothered to visit the surrounding area, perhaps you could have placed that short stretch of the Middle Snake River in its proper perspective. At least you would have been a better reporter. Then you would have been entitled to make whatever editorial comments you wished."

The letter ended with an invitation to "come back and visit us—we would like to show you the entire area and more spectacular scenery."

[From the Christian Science Monitor, Jan. 14, 1970]

CONSERVATION ISSUE BUILDS IN NORTHWEST

(By Malcolm Bauer)

PORTLAND, OREG.—The long struggle between private and public power has subsided in the Pacific Northwest. But in its place is a conflict of at least equal proportions: That between resource developers and resource conservationists.

After more than a decade of competition over a dam site on the Snake River between Oregon and Washington, private and public interests joined forces. Now they are aligned against those who say the Snake should be preserved as a "wild river" downstream from dams already built in mile-deep Hells Canyon.

A round in the new confrontation was fought out in Washington early this month before the Federal Power Commission. The hearing was on an application to build a Snake River dam at the Mountain Sheep site. It was jointly supported by officers of the Pacific Northwest Power Company, a combine of four Northwest private utilities, and the Washington Public Power Supply System, representing 17 Washington state public utility districts.

Representatives of both said that the $246 million dam they plan to build at Mountain Sheep was essential to meet the Pacific Northwest's demand for electric power through the mid-'70's.

NUCLEAR PLANTS SLOW

Utilities of the region have projected the construction of at least 10 nuclear power plants to supplement the hydroelectric power generated in the extensive Columbia River system. But only three such plants will be completed by 1977.

The Mountain Sheep dam, on the last available site for major power production in the basin, will be needed by that time, the FPC was told by Owen W. Hurd, managing director of the Washington Public Power Supply System.

This position was supported by Arthur J. Porter of the General Electric Company, in Portland, Oregon, one of four private power firms eager to undertake the project in partnership with the Washington public utilities. He said that cuts in the federal reclamation budget and difficulties of siting nuclear plants make an early start on Mountain Sheep dam essential to prevent a mid-'70's electric power shortage in the Pacific Northwest states.

LITIGATION YEARS OLD

The Mountain Sheep case has been in the courts and before the FPC for almost a decade and a half. At first, the public and private interests contested for the permit to build the dam. After years of argument, they concluded that the best way to obtain the energy for the use of all was to combine forces. They were granted an FPC license on those terms in 1964.

But the Supreme Court of the United States invalidated that license in a 1967 decision. It said that not enough attention has been given to a U.S. Interior Department proposal for federal construction of the dam, and added a precedent-setting provision holding that danger of fishlife and the Snake River's other natural assets must be a consideration in FPC action on the project.

[From Field and Stream, July 1969]

MUST THIS BE LOST TO THE SIGHT OF MAN?

(By Michael Frome)

At the confluence of the Snake and Clearwater Rivers, where Lewis and Clark pitched camp in October 1805, and where the pioneers found shelter the following year en route home, I arrived at the gateway to glad tidings, the kind we need in this age when emasculation of the landscape is almost a national psychosis.

It was not precisely the immediate setting that gave me the feeling of promise. The community of Lewiston, Idaho, seemed far from a fitting mirror of its heritage. An old logging mill town, rundown around the edges and bursting planlessly at the seams, with sulphurous pulp fumes drifting down the narrow canyon, Lewiston recalls a thousand other places that absolutely ignore the natural and historic endowments placed in their midst, and in their trust.

But the surrounding region, embracing portions of Idaho, Washington, and Oregon, is wide open country, the Northwest that Easterners dream about—uncrowded, uncluttered. Here one can go for endless miles without running out of pride in the native land. This is due to largely to protection over more than half a century by the U.S. Forest Service—which began with the homesteaders, hard-rock miners, stockmen and loggers, and found itself growing up with hikers, hunters, fishermen, boatmen, scientists and scholars. Critics may feel that occasionally the Forest Service slips in its responsibility, but here it has clearly held firm. And of all the National Forestland in this tri-state area, Hells Canyon of the Snake River sums up our yesterdays, todays, and tomorrows with the special challenge, hope, and second chance for this generation of Americans.

The United States Supreme Court afforded the second chance for Hells Canyon in 1967 when it questioned the need of damming the last free-flowing stretch of the

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Snake River, thus reopening a case that seemed already signed and sealed. Aren't there other criteria than economics, the High Court asked, for determining the fate of wild land not specifically protected?

To put it another way, Hells Canyon may not be as renowned a phenomenon as the Grand Canyon of the Colorado, simply because it is more remote, but this doesn't mean that it is any less of a national treasure, or less worth saving in its natural state.

I had come to observe the river in question for Field & Stream and my own conscience, in company with Ernie Day, of Boise, Idaho, noted outdoorsman and photographer, and director of the National Wildlife Federation. We were joined by three men of the Forest Service. From the Idaho side was Everett Sanderson, supervisor of the Nez Perce National Forest, which embraces some of the finest wilderness and back-country recreation in America: the Selway-Bitterroot, Salmon River Breaks, Seven Devils Range, and a large portion of Hells Canyon. From Oregon we had Wade Hall, who has been on the staff of the Wallowa-Whitman National Forest, which borders the Snake, since 1926. He is almost part of the heritage of the river country because, as he explained, his mother had come to eastern Oregon in 1880 in a covered wagon at the age of 4. Then there was Alex Smith, a good friend of Ernie's and mine from the regional office at Ogden, Utah, and also a veteran of the Oregon forests.

It was a bright morning of last October when we started from the hotel (of course named Lewis and Clark) for Hells Canyon. At the river front we boarded the *Idaho Queen II*, whose owner and captain, Dick Rivers, holds the mail contract for delivery to isolated ranches over the 92-mile stretch of river from Lewiston to the head of navigation. Daring and dramatic riverboat trips started over this route a century ago, when sternwheelers clawed, rammed and winched as far as they could to unload supplies for gold seekers and homesteaders, who had no other link with the outside world. The 48-foot *Queen*, powered by twin 260-horsepower diesel engines, was clearly a work boat, but not unattractive, nor unpleasant to be aboard. Nor were we alone. A snug cabin had accommodations for about forty passengers and every seat seemed filled. Many were older people, derived from the group of travelers sometimes called "the tennis-shoe set." And around us along the wharf were jet-powered boats of various sizes, which also carry sightseeing passengers and fishermen. I was reminded of the popular trip on the Rogue River from Gold Beach to Agness in western Oregon. Such excursions afford a great many people an exciting run, a glimpse into wilderness without depleting the resource or depriving others of enjoyment.

This was my first trip into Hells Canyon, though I had become acquainted over the years with the Snake River in other portions of its thousand-mile journey from the Rocky Mountains to its merger with the Columbia. The second longest river in the Northwest, the Snake rises in western Wyoming, motherland of glorious rivers—including the Green, which becomes the main stem of the Colorado; the Madison and Gallatin Forks of the Missouri; and the Yellowstone. After joining the waters of little streams from high lakes and forests in the Teton and Yellowstone country, the Snake flows through a beautiful forested canyon south of Jackson, then winds across the sagebrush plains of southern Idaho before turning sharply north along the Oregon border for its final journey. Captain William Clark named it the Lewis River, after his intrepid partner, and the tributary now known as the Salmon River, a great stream in its own right, he called the South Fork. But others insisted on using the Indian name of *Shoshoneah*, which translated into English as Snake, and Snake it is.

In recent years, the Snake has been plugged by twelve major dams and reservoirs of varying sizes, shapes, and purposes. In the lurid dam-building orgy of the past decade that destroyed beautiful stretches of river and canyon all over America, in the name of profit, politics, and progress, the Corps of Engineers imposed four impoundments downstream from Lewiston. And upstream in the deep series of gorges along the Idaho-Oregon border, carved by the river in the last twenty-five million years, the Idaho Power Company added three more, named Brownlee, Oxbow, and Hells Canyon. Today, only a little more than one hundred miles remain of the native river untamed, unspoiled, approaching the natural conditions in which man found it. This area is in the very middle and embraces the wildest stretches of white water, flowing through the deepest canyons. And even this is threatened, for still another dam, Asotin, has been authorized at the upstream edge of Lewiston, and that will reduce the free-flowing segment of the river to 75 miles.

Such is the tragedy of the Northwest. The mighty Columbia, once the proudest river on the continent, is only a shadow of itself, almost entirely bottled by eleven main dams. Stream habitat for game fish and wildlife has been consistently destroyed. Only fifty miles of the whole Columbia River above tidewater remains free-flowing, and proposals have been actively advanced to construct dam No. 12. Named generously for Ben Franklin, No. 12 would eliminate the last natural steelhead fishery, as well as wipe out a trout and whitefish fishery, plus spawning areas of summer-run steelhead. Turbulence, temperature changes, and oxygen-deficient releases from reservoirs are a constant threat. Fishermen may be promised tailrace fishing below such projects, but with pumped-storage peaking operations a fact of the future, these fishing areas will vanish also under violent water fluctuations. In the name of power production for industrial development, the Ben Franklin Dam would also flood wildlife and waterfowl habitat, mule deer fawning areas, and nesting areas which produce 15 percent of Washington's Canada geese. No wonder the Washington Department of Game, sportsmen, and other conservationists are up in arms against this project of the Corps of Engineers.

The issues are parallel on the Snake River, which leads one to ask: Must the entire face of America be reshaped to look alike—overindustrialized, overpolluted, overpopulated?

The stubby *Idaho Queen II* headed upstream, for the first thirty miles between low hills on the flanking Idaho and Washington shores. A road paralleled our course on the Washington side to the Grande Ronde River, and then it stopped; I learned that other roads furnish access to points on both banks below the deepest part of the gorge, while hiking trails run forty or fifty miles along the river and numerous connecting trails feed in from side canyons.

At the mouth of the Grande Ronde, we saw fishermen casting from a gravel bar. Wade Hall mentioned that in summer water skiers come out in numbers. The hills grew higher as we continued upstream, with 3,000 foot cliffs rising from the water and white beaches.

It's the annual flooding action of the river that builds and refreshes these sand beaches and gravel bars, and that flushes the algae which accumulate during warm summer months. And it's the erosive power of the river in flood stage that sculptures and colors the striking canyon walls and midstream boulders. Such is life in a natural environment. Light-green broadleaf foliage growing on the beaches, bars, and at the mouths of tributary creeks contrasted softly with the walls of basalt and granite. On the warm canyon floor were white alder, wild cherry, and elderberry, while on the slopes were bitterbrush, serviceberry, blue bunch wheatgrass, western hackberry, mountain mahogany, and maple—the lower brushy draws furnishing ideal cover for game birds, as well as winter feed for the big game, with the timbered slopes as excellent deer country.

The canyon scene changed. Black rocks glistened beneath the sun. The scenery grew more towering. It changed with the hours as sunlight turned from one feature to another. It responded to clouds, shading first one, then another portion of the landscape. "It changes with the seasons, too," said Wade.

At Garden Creek Ranch on the Idaho side, facing the Washington-Oregon border, the *Queen* made her first stop, the first of about a dozen. The ports along the way are bits of beach into which a boat can ram its bow and back off again after letters, magazines and parcel post are put ashore. The schedule being purely flexible, we stopped to fish a while. A few fish were caught at our several stops. I noted that periodically the canyon would relent and fall back, allowing a bench on which some pioneer once staked his future. The various ranches that now survive actually began as either mining claims or homesteads operated by hardy souls struggling to survive.

The voyage through the turbulent stream was an adventure. The boat crashed headlong through rapids and ripples, the skipper heading straight for one bank, cutting close to a jagged boulder, then whirling the wheel. Rivermen once had to learn and memorize the rapids and channels, but now they have target boards on shore, which they line up like gunsights, enabling them to work their way upriver in switchbacks.

In due course all of us were impressed by the depth of Hells Canyon. The maximum measurable depth is 6,550 feet. It is deeper than Yosemite, and more than a thousand feet deeper than the Grand Canyon. Kings Canyon in California is rated its equal, but the great gorge of the Snake River is considered by scientists as the deepest canyon formed by any major river in America.

Presently the boat came abreast of the most celebrated stretch in the river, the battleground, which engineers, lawyers, planners, profiteers, and politicians seem about to destroy.

In quick succession we passed the site of the proposed Nez Perce Dam, the confluence with the Salmon River on the Idaho side, marked by spectacular facing of metamorphic basalt, and, a half-mile above the confluence, the site of the proposed High Mountain Sheep Dam; followed by the Imnaha River, flowing in from the Oregon side down a steep narrow valley with rocky grandeur, and then Dug Bar, the point where Chief Joseph and his Nez Perce followers crossed the Snake on their historic fight for freedom.

A veritable concentration of treasures, indeed. The Salmon River flows from its source in the Sawtooth Mountains and Whiteclouds north across the heart of Idaho, then west through rocky canyons between North Fork and Riggins before turning north again, without a single dam to mar its way. The Salmon is noted for its recreational value, as well as for being a spawning ground of steelhead and salmon, important to fisheries in the Northwest, Canada and Alaska. Little wonder the Sport Fishing Institute proposed recently that the Salmon be designated as the first National Anadromous Fish Spawning Sanctuary, with restrictions on any diversions and downstream development that might adversely affect its natural function. The Imnaha is also a major migratory fish stream. In fact, half the steelhead still caught in the Columbia are produced in the Snake River system. Chief Joseph was of this country, born near the mouth of the Imnaha. He and his people wintered here. The Nez Perce came down the breaks and smooth benches of the Imnaha in 1877, then retreated over the river before the cavalry, without loss of a single human or animal. Archeologists have reported that native Americans have lived along the Snake for 8,000 years. Rock shelters, caves, carvings, paintings in nearly 200 villages and campsites are available for investigation—one of the last opportunities for such studies in the entire Columbia Basin.

This section and the whole river have a magic fascination for scientists, boatmen, fishermen, hikers, hunters, photographers, botanists, and archeologists, all who love the outdoors. The Middle Snake presents an array of free-flowing pure water, rivershore trails, campsites, and canyon scenery. The word "unique" is often overdone, but there is no doubt that in fisheries alone this river is superb, not only for its anadromous fish, but for the resident species of smallmouth bass, channel catfish, and the immense white sturgeon, the largest fresh-water fish in North America.

The trouble with such values is that you can't measure them in terms of economic profitability, or market them for the glory of the Gross National Product. Accordingly, for many years assorted boomers of Federal, private, and public power have been competing for the privilege of desecrating the scene on the theory that nature must be controlled, harnessed, distorted, but never left to God's own simple ways.

In 1964, a syndicate of four private utilities called Pacific Northwest Power Company (PNP) was awarded a license by the Federal Power Commission to construct the 670-foot High Mountain Sheep Dam. However, it was opposed in a legal dispute by a combine of eighteen public power utilities, the Washington Public Power System (WPPS), which placed its bets on the Nez Perce site for best hydropower development, although blocking access to the Salmon River fishery. The issue ultimately went to the Supreme Court, which in June 1967, handed down one of the most important resource-related decisions in its history. The Court directed the FPC to reconsider its license to PNP on the grounds that it had not adequately considered the feasibility of the Federal role, as provided by the Federal Power Act. Then the Court raised the question of whether any dam should be built on the Middle Snake. In a decision written by Justice William O. Douglas, a veteran Northwesterner, champion of law, human rights, and of the outdoors, the Court declared: "The test is whether the project will be in the public interest and that determination can be made only after an exploration of all issues relevant to the public interest. These include future power demand and supply in the area, alternate sources of power, and the public interest in preserving reaches of wild river in wilderness areas, and the preservation of anadromous fish for commercial and recreational purposes, and the protection of wildlife."

The Court decision gave heart to conservation groups, both local and national—the Idaho Wildlife Federation, Idaho Alpine Club, Federation of Western Outdoor Clubs, Sierra Club and Wilderness Society. The Hells Canyon Preservation Council was organized to fight any dams. It was the second chance come alive, after all had seemed lost.

The other side was not inactive. The old rivals, PNP and WPPS, patched up their differences. Deciding there would be enough to divide between them, they applied for a joint license to build the High Mountain Sheep Dam. Then in May 1968, the Federals jumped in. Secretary of the Interior Stewart L. Udall genereously proposed instead that his outfit build and operate a dam at the Apaloosa site, about eight miles above the mouth of the Salmon, on grounds that it would afford better protection to the fishery resource and make more use of the Snake for recreation. And besides (as he might have mentioned), Interior's dam builders having ben frustrated at the Grand Canyon, were in need of work. Anybody who thinks of Interior as a "Department of Conservation" has another think coming. While a few of its bureaus truly endeavor to safeguard natural resources, other bureaus and many political appointees are devoted to the cause of everlasting construction, development, exploitation of oil, gas, metals, water, and land.

In building dams for power these days, the principal structure is often accompanied by a secondary, or regulating, dam placed downstream in order to recycle water. Thus the Apaloosa dam would require a regulating dam at the Low Mountain Sheep site, just above the mouth of the Imnaha. Another dam under consideration upstream at a site called Pleasant Valley also would need a reregulating dam. High Mountain Sheep dam would not only block the Imnaha itself, but require another dam an China Gardens, twenty miles below the mouth of the Salmon River, which would possibly have as much adverse affect as Nez Perce itself. And all kinds of complicated devices were offered with the competing designs in order to prove compliance with the Supreme Court order.

Hearings were held by the Federal Power Commission at Portland, Oregon, and Lewiston during 1968, but the dam proponents failed, and rather dismally, I think. They produced the usual assortment of economists, power technicians, and planners to warn gloomily that the Northwest must have every potential kilowatt of hydropower or face peril. Yet Northwest utilities and Bonneville Power have launched a multi-billion dollar nuclear power program for the next twenty years. As the Vice President of Portland General Electric admitted, "If High Mountain Sheep does not become available in any particular assumed year, it does not follow that the lights in the Northwest will be turned out, but merely that in the planning process we will advance an alternate nuclear plant by seven months to a year to fill the gap." The Assistant Administrator of the Bonneville Power Authority conceded further when he said, "Viewed as merely an additional 3 million kilowatts in the regional power growth, Apaloosa is hardly distinguishable from the approximately 25 million kilowatts of hydro and 16 million kilowatts of thermal that will be added by 1987." But the developers must have Apaloosa for other reasons, he insisted; like all dams, it is guaranteed to control floods, boost payroll and taxes, expand recreation, and bring a flood of tourists. The Bureau of Outdoor Recreation obligingly produced a plan full of everything a chamber of commerce would dream of: picnicking, swimming, boating, water skiing, sightseeing, fishing, hunting, horseback riding, hiking, nature study—precisely what people can do at a thousand other places. The GOR failed to mention that water fluctuations of as much as 170 feet would leave Hells Canyon biologically barren and unsightly, with stained canyon walls and mudflats—degrading to recreational concepts, and equally degrading to a quality environment in which the natural river serves as an ecologic lifeline. It neglected to mention the superabundance of reservoir-type recreation already in the Northwest, including nearby Brownlee which is in sharp contrast with the critical shortage of recreation forms which only wilderness and wild rivers can fulfill.

The Supreme Court made such considerations important. It forced recognition of the natural environment, of the values of fish and wildlife. The Interior Department obliged by proposing expensive, complicated multi-level devices for the Apaloosa design in order to reintroduce oxygen and remove nitrogen, which it claimed would actually increase productivity. But a reading of the testimony indicates the Department's biologists did not have their hearts in it. They admitted that any dam would have harmful effects on fish production, that the whole project was an immense game of guesswork, without precedent, and certain to cost many millions of dollars. There might be an outside chance of saving part of the production for commercial fishing, but to maintain the sport fishery in a "pooled-up" river would be virtually impossible. The river would be changed to an impoundment and, quite apart from steelhead and salmon, the native sturgeon, smallmouth, and catfish would be essentially lost—even though nowhere else does a fishery of such excellent quantity and quality exist for all three species in the same water. "The project would inundate and otherwise destroy about 11,900 acres of big-game habitat, 5,430 acres in Oregon and 6,480 acres in Idaho," one Federal official reported. "Any one of the three projects would cause substantial damage to wildlife resources, even if all apparent potential measures to reduce or offset detrimental effects were assured with the projects."

Professional experts of Oregon, Idaho, and Washington fish and game departments were unanimous in their testimony that no dam could possibly benefit the sports resources. After all, with the construction of each new project, additional habitat and spawning areas of Oregon, Idaho, and Washington have been wiped out. Despite the application of all known measures, and the expenditure of $250 million for anadromous fish passages in the Columbia Basin, the fishery resource has gone steadily downhill. Clearly, the perpetuation of salmon and steelhead doesn't rest in mechanics and machinations but in honoring the life-cycle of the fish as they travel thousands of miles from the mountains to the ocean and home again, and in respecting the natural laws. With more than 50 percent of the Snake no longer accessible to anadromous fish, the remaining areas are more important and more critical.

"If all the dam construction projects now under construction, authorized, or seriously considered are completed." John R. Woodworth, Idaho's Director of Fish and Game, declared at the Lewiston hearing last September, "it will not be very long until the entire Columbia River within the United States upstream from Bonneville Dam, the entire Snake River from its mouth upstream to Weiser, Idaho, and major portions of the Clearwater and Grande Ronde River drainages will be impounded. It is our opinion that under the theory of true multiple-use development of water resources, maintenance of a stretch of the mid-Snake River in a free-flowing condition, coupled with its unique fishery and scenic attractions, would be in the best interests of the public and future generations hereafter."

Officials and the dam promoters were not alone at these hearings. The spokesmen for the people came, too, citing the interests and values of natural science, history, outdoor sports, the therapy of nature to man. It's tough to battle big industry and big government, with their resources and paid staffs, but at the Hells Canyon hearings the people were represented by their own technical experts, many with national reputations, who came to testify without pay.

Dr. William L. Blackadar, of Salmon, Idaho, was a star performer. He turned up after riding thirty-five miles in his kayak through huge waves and rapids from Hells Canyon to Pittsburgh Landing. "We do not realize the potential of this area," he testified. "Eight years ago the first fiber-glass slalom kayak was designed. At that time less than 500 people were rafting the Middle Fork of the Salmon River annually. Now over ten times that number run the river and for the first time sizable numbers of kayaks have appeared. This area will soon be alive with these 'banana' boats. Isn't it great that these challenges await us? Wouldn't it be sad to think that these bigger waves might be hidden under hundreds of feet of water? There are few areas left and these will become priceless."

I said earlier the dam builders had failed in their presentation. They made this plain last November, when the old enemies, PNP, WPP's, and the Interior Department, joined in a three-way bid to finance, build, and operate the Apaloosa Dam—rather ironic considering earlier complaints of the latter concerning the troubles with "intervening non-Federal ownerships" in Northwest power projects. Almost at once the new partners requested a delay in FPC proceedings, preferring to seek Congressional approval and avoiding the whole license question. Fortunately, the only conflict they resolved was the one among themselves, and not the issue of principle before the people.

"Any dam," said Wade Hall, "changes this river from a vibrant stream into a placid pond where water movement appears only vertical as elevation rises and falls. Gone forever are the camp spots where the visitor may enjoy isolation and which allow free choice as to length of journey each day." We had lately passed Dug Bar Ranch, a successful base for stock operations since the early 1880's. If the dam were built, it would be flooded out completely, along with the rest of the ranches.

In late afternoon we pulled in at Copper Creek, our home for the night, where Rivers operates a camp for use on the midweek scheduled run. It was a pleasant setting with several furnished cabins clustered in the meadow. After we were settled, we all fished a while and watched an osprey upstream diving for his dinner. The number and variety of birds along the river is amazing. Eagles and falcons use the high canyons for their necessary isolation in breeding. Herons soar high overhead and gather food along the riverbanks. Canada geese nest in the cliffs. Hungarian partridge, quail, and grouse are common. But if any one game bird stands out as numerous, it's the chukar. Apparently foodstuffs little utilized by other species make this an ideal habitat, for coveys of these rugged birds seemed to pop out everywhere, although the species was introduced only fifteen years ago.

The next morning we continued a little while with Rivers and the party on the boat, then were put ashore on the Oregon side where arrangements had been made for saddle horses. The horses were waiting. So were Jack Hooker, a well-known outfitter of northeast Oregon, and a wrangler. Continuing our journey in this way we'd be able to get another perspective of Hells Canyon and also to travel beyond the end of navigation.

We rode past the Circle C Ranch at Pittsburgh Landing (the Pleasant Valley damsite) on the Idaho side which is an oasis of green alfalfa fields surrounded by dry hillsides. This is one of the main access points, reached by road from Riggins and Whitebird. A jet boat zipped upstream. It was named fittingly *Hell's Angel*, which Everett explained is the craft operated by Floyd Harvey between Lewiston and his fishing camp at Willow Creek, which we would reach soon. The feeling of wild places increased. Looking across into Idaho, for a time we saw little except sheer solid walls, rising almost vertically from the river bank. Then the dramatic topography yielded into stairsteps, great benches, and terraced cliffs. Snow-patched mountains towered against the sky. They were part of the Seven Devils, comprising a famous recreation area. "You can see the trails," said Everett, "that any ordinary citizen can use to hike or ride into the bottom of Hells Canyon within a day."

The river flowed swift and deep, winding through bend after bend of great gorges, with rapids seeming like boiling water. We passed a ranch on Kirkwood Creek, where Senator Len Jordan once lived, and then rested opposite the location at Harvey's tent camp. It was an ideal wilderness setting, sheltered beneath a cliffside. Our interest was in the stream, for here the sturgeon find a running-water habitat of deep holes, swift-flowing rapids and shallow riffles it needs for spawning and survival. We watched closely and spotted two sturgeon near the surface. They looked about 9-feet long. One came floating to the top, then both vanished.

The great white sturgeon once was common in the United States. Fish were caught commercially weighing a thousand pounds and more. Records indicate that fish 10- to 15-feet long were not uncommon before the dams were built on the Snake and Columbia. Now the sturgeon is reduced to its last stronghold in places like the Middle Snake, a fishery that technology cannot match.

Beyond Johnson Bar, the end of navigation, the river become much rougher, apparently too dangerous except for extraordinary boatmen. Our trail seemed to take full advantage of every possible break in topography, one moment at water level, almost within feel of the spray, then climbing hundreds of feet to skirt huge rims. We crossed a dramatic stretch aptly called Eagle's Nest, then another, Devil's Slide, where the trail was carved out of solid rock.

We rode through semi-desert and foothills covered with cactus, hackberry, grasses, juniper, and pinyon pine. A rattlesnake crossed our trail. I became more conscious of wildlife. A whitetail deer bounded through the timber, then a larger mule deer skirted over a dry open hillside. A coyote "topped out" over the crest. Because it is remote, Hells Canyon is blessed with a variety and abundance of wildlife. That night, while camping at a site where a person could enjoy the same atmosphere as the first white man to see the place, we talked about this point.

"I believe that hunter success is about as high here as anywhere in Oregon," the outfitter, Jack Hooker, said. "Sixty-six percent on deer, 25 percent on elk. I've had people hunt deer and upland birds and fish all on the same trip."

While we talked, an eagle rode the evening breeze, broad-winged, silent, patient.

It takes patience to shape the land, to balance the life forms, and to absorb the true meaning of life, and perhaps the appreciation of patience is God's gift to man at Hells Canyon. Such were my thoughts when we adjourned and I crawled under convas flaps that night.

We rode out next morning into big country. The elevation changed rapidly—5,000 feet in five hours—as we rode through ponderosa pine and Douglas fir cloaking steep, narrow-sided valleys, high plateaus of spruce and fir, and finally topped out in a breezy world of alpine sedge and grass, before meeting our ride to the town of Imnaha and another world.

As for the future of Hells Canyon, the Department of Agriculture recently gave support to the Forest Service position against any dam on the Middle Snake. This is heartening. Both Idaho Senators, Frank Church and Len Jordan, have proposed the so-called Moratorium Bill, providing for a 10-year study period. Their reasons differ, Church hoping to save the anadromous fish runs and the recreational resource, Jordan apparently wanting time to decide whether Idaho should claim the water for downstate irrigation.

There is still another way. Conservationists now are pressing for establishment of a Hells Canyon-Snake National River. This would embrace 721,000 acres, including a quarter-mile shoreline along the Snake and Salmon, a Seven Devils Unit of 256,000 acres in Idaho, and an Imnaha Unit of 335,000 acres in Oregon. Existing activities, such as ranching and grazing, would be protected as part of the historic pioneer tableau, but no contrary developments would be allowed to compromise the scenic values of the rivers. Virtually all the land involved lies within National Forest boundaries and the Forest Service has for years recognized that the Snake merits special management consideration. In 1963, it designated the 130,000-acre Hells Canyon-Seven Devils Scenic Area, and judiciously administered it primarily for recreation, scenery, and scientific values. Under the National River plan, an enlarged system of trails, campsites, and boat ramps would make the area more usable, and would disperse use in order to eliminate concentrations and conserve the atmosphere. Some of the steep slopes, canyon breaks, and rugged terrain appear suitable to reintroduction of mountain sheep, which once ranged here and were observed as recently as fifteen years ago.

The price of all these would be minimal. Indeed, it costs virtually nothing but disciplined restraint to protect the vital, rich records of geology, archaeology, and ecology, as compared with half a billion dollars or more for a scrubby dam and rancid reservoir that would submerge irreplaceable treasures under 500-feet of water. The boomers of power and concrete speak in almost lustful terms of Hells Canyon as "the last major hydroelectric site in the United States," as though it's indecent and sinful to leave alone the works that God hath wrought. But Americans with ethics, morality and good sense may build the monument of this age by preserving the wonders of nature—so that all this will not be lost to the sight of man!

The **PRESIDING OFFICER**. The bill will be received and appropriately referred.

The bill (S. 3329) to establish the Hells Canyon-Snake National River in the States of Idaho, Oregon, and Washington, and for other purposes, introduced by Mr. PACKWOOD, was received, read twice by its title, and referred to the Committee on Interior and Insular Affairs.

S. 3331—INTRODUCTION OF A BILL PROVIDING FOR POLICE AND FIREMEN MEDALS OF HONOR

Mr. STEVENS. Mr. President, I introduce for appropriate reference legislation which would create a Police Medal of Honor and a Fireman Medal of Honor. The legislation also authorizes the President of the United States to award this medal annually to one policeman and one fireman designated by the Governor of each of the 50 States.

One short year ago, certain elements of our society found it convenient, and even popular, to attempt to make a policeman or a fireman the scapegoat of the various ills affecting our great Nation. The cries of gestapo and pig reverberated through our streets and campuses and came directly into our homes via television and radio. This development was a national disgrace.

As a former U.S. attorney, a former State legislator, and as a U.S. Senator, I am pleased to see this un-American phenomenon fade from our national scene. The determination of President Nixon to restore the faith and respect of this Nation in our peace officers, the sense of urgency felt in Congress to stop the unprecedented and unparalleled wave of lawlessness in our Nation, and the recognition by the law-enforcement leaders of our communities of the need to be responsible to, as well as responsible for, the public has served to strengthen the forces of law, order, and justice. It is only fit and proper that the devoted men

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and women who risk their very lives to protect us from those in our society who endanger our lives and destroy our property in violation of our laws be afforded a formalized and continued manner of national recognition.

It is with this goal in mind that I have introduced the legislation creating police and firemen medals of honor. I ask unanimous consent that the full text of this legislation be reprinted immediately following my remarks.

The PRESIDING OFFICER. The bill will be received and appropriately referred; and, without objection, the bill will be printed in the Record.

The bill (S. 3331) to provide for the awarding of a Police Medal of Honor and a Medal of Honor for Firemen, was received, read twice by its title, referred to the Committee on Banking and Currency, and ordered to be printed in the Record, as follows:

S. 3331

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) a medal to be known as the Police Medal of Honor and a medal to be known as the Medal of Honor for Firemen are hereby created. The President is authorized to award such medals each year to one policeman and one fireman from each State. Each recipient of a medal shall be selected by the Governor of the State in which the recipient serves.

(b) The medals shall bear the inscription "Honesty, Integrity, and Courage" and such devices and emblems, and be of such material, as may be determined by the Secretary of the Treasury, who shall cause such medals to be struck and furnished to the President.

Sec. 2. There are hereby authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act.

SENATE RESOLUTION 321—SUBMISSION OF A RESOLUTION TO REFER S. 3332 TO THE CHIEF COMMISSIONER OF THE UNITED STATES COURT OF CLAIMS

Mr. STEVENS submitted the following resolution (S. Res. 321); which was referred to the Committee on the Judiciary:

S. Res. 321

Resolved, That the bill (S. 3332) entitled "A bill for the relief of Wilson Jerue", now pending in the Senate, together with all the accompanying papers, is referred to the chief commissioner of the United States Court of Claims; and the chief commissioner shall proceed with the same in accordance with the provisions of sections 1492 and 2509 of title 28, United States Code, and report thereon to the Senate at the earliest practicable date, giving such findings of fact and conclusions thereon as shall be sufficient to inform the Congress of the nature and character of the demand as a claim, legal or equitable, against the United States, or a gratuity, and the amount, if any, legally or equitably due from the United States to the claimants.

SENATE RESOLUTION 322—SUBMISSION OF A RESOLUTION AUTHORIZING ADDITIONAL EXPENDITURES BY THE SELECT COMMITTEE ON SMALL BUSINESS

Mr. BIBLE. Mr. President, I submit for myself, and the Senator from New York (Mr. Javits) a resolution authorizing additional expenditures by the Select Committee on Small Business and ask unanimous consent that it be referred to the Committee on Rules and Administration.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution was referred to the Committee on Rules and Administration, by unanimous consent, as follows:

S. Res. 322

Resolved, That the Select Committee on Small Business, in carrying out the duties imposed upon it by S. Res. 58, Eighty-first Congress, agreed to February 20, 1950, as amended and supplemented, is authorized to examine, investigate, and make a complete study of the problems of American small and independent business and to make recommendations concerning those problems to the appropriate legislative committees of the Senate.

Sec. 2. For the purposes of this resolution, the committee, from February 1, 1970, to January 31, 1971, inclusive, is authorized (1) to make such expenditures as it deems advisable; (2) to employ, upon a temporary basis, technical, clerical, and other assistants and consultants; and (3) with the prior consent of the heads of the departments or agencies concerned, and the Committee on Rules and Administration, to utilize the reimbursable services, information, facilities, and personnel of any of the departments or agencies of the Government.

Sec. 3. The committee shall report its findings, together with its recommendations for legislation as it deems advisable, to the Senate at the earliest practicable date.

Sec. 4. Expenses of the committee under this resolution, which shall not exceed $175,000, shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee.

ANNOUNCEMENT OF HEARINGS ON VIETNAM POLICY PROPOSALS

Mr. FULBRIGHT. Mr. President, I wish to announce that the Committee on Foreign Relations will hold hearings on February 3 and 4 to hear testimony from sponsors and other interested Senators, on the Vietnam policy proposals pending before the committee. These are: S. 3000, Senate Joint Resolution 166, Senate Concurrent Resolutions 39, 40, and 42, Senate Resolutions 268, 270, 271, and 280.

The hearings will begin at 10 a.m. on February 3 and at 10 a.m. on February 4 in room 4221, New Senate Office Building.

Any Senator who wishes to testify and is not already scheduled, or who wishes to file a statement for the hearing record, should contact Carl Marcy or Norvill Jones of the committee staff.

LEGISLATION DEALING WITH ENVIRONMENT

Mr. EAGLETON. Mr. President, this morning the distinguished Senator from Maine (Mr. Muskie) issued a significant statement setting forth a comprehensive program of legislation dealing with the totality of our environment.

Senator Muskie has long been the leading Senate spokesman on matters relating to our Nation's environment. He has been not only a spokesman, but an activist, as well. Almost every major piece of Federal environmental legislation since 1963 has been sponsored by Senator Muskie.

Mr. President, just as he has led the way in the past, he continues to lead in the future as exemplified by the exciting and challenging program he enunciated at a press conference this morning.

I hope that not only the Members of the Senate will examine this program, but also the executive branch, as well. It is a program which couples rhetoric with meaningful action.

I ask unanimous consent that the statement be printed in the Record.

There being no objection, the statement was ordered to be printed in the Record, as follows:

Statement by Senator Edmund S. Muskie, Chairman of the Senate Subcommittee on Air and Water Pollution, January 23, 1970

As Chairman of the Subcommittee on Air and Water Pollution, I am encouraged by the sense of urgency which the President has expressed regarding the quality of our environment. A sense of urgency will help, but we must also act.

Through legislation initiated by this Subcommittee since 1963, we have made significant progress, but we must do much more.

I look forward to reviewing the President's Environmental Message and his Budget to learn the extent of his commitment. Expressions of concern and urgency will not restore the quality of the environment; action and money will. I hope the President will join us in this effort.

I am proposing today a program of legislation and financial commitments for 1970. It would establish a stronger role for government, because we have learned that we cannot afford to depend on private initiative. It would require spending nearly $2 billion in Fiscal 1971 and $3.5 billion in Fiscal 1972 because we cannot afford to spend less. The environment will not wait for our priorities to reorder themselves.

I. WATER QUALITY

The Water Quality program has lagged far behind the goals set by Congress.

Although the Water Quality Act was passed in 1965 and standards were submitted by the July, 1967 deadline, only fourteen States had approved water quality standards for all interstate waters as of three months ago.

Enforcement, through private conferences with the polluters, and on a hit-or-miss basis, has been contrary to the Congress' intent of public involvement, uniform procedures related to standards developments, and court action where necessary.

Millions have been spent on research and planning, but little improvement has been made in the quality of our waters.

$3.4 billion was promised in assistance for the construction of municipal facilities over a 4-year period. $1.2 billion has been appropriated, and it is rumored that $600 million of that amount will not be distributed.

We must require stricter standards, faster timetables, tougher enforcement, and greater public participation. And we must spend much more money. Therefore, I will recommend amendments to the Federal Water Pollution Control Act to provide for:

1. Authorization of $2.5 billion per year in Federal construction grants for the next five years, the Federal share for $25 billion worth of facilities;

2. incentives to encourage river basin development and financing of treatment systems for all sources of waste within the basin;

3. the extension of the water quality standards program to all navigable waters;

4. a minimum requirement that all new industrial facilities which use the navigable waters of the United States incorporate the

best available pollution control technology as a condition of such use;

5. a requirement that enforceable effluent standards and compliance schedules be specifically included in any water quality standards implementation plans;

6. tightened-up Federal enforcement procedures on a uniform, effective basis;

7. greater public participation in standards development and extension of public participation to enforcement by permitting class suits against alleged violators of standards; and

8. a requirement that Federal water quality criteria for all pollutants be published and revised as appropriate as a sound basis for effective standards development.

II. AIR QUALITY

We must double the pace of the standards-setting process, attack every source of pollution, and eliminate unnecessary delays in enforcement.

A. The Federal presence must extend wherever the public health and welfare is at stake. Therefore, I will recommend amendments to the Air Quality Act to:

1. require the immediate designation of all anticipated air quality control regions;

2. extend Federal enforcement authority to intrastate violations of air quality standards;

3. permit class suits to enforce standards;

4. spell out court authority to issue cease and desist or specific performance orders and to assess penalties for violations of the emission standards or compliance schedules;

5. insure that emission standards and compliance schedules are specifically included in any air quality standards submitted to the Secretary for approval;

6. encourage each state to establish a statewide air pollution control program so that no source of pollution escapes emission controls and compliance schedules, with authority for Federal action in the absence of an approved state program;

7. require that all new industries subject to the provisions of this Act be required to install the best available pollution control technology at the time of construction;

8. provide for a substantial increase in the manpower available to the National Air Pollution Control Administration for the development and implementation of air quality standards and enforcement.

B. We must broaden and tighten our control of all moving sources. Therefore, I have introduced the Air Quality Improvement Act of 1969 (S. 3229) to provide for:

1. accelerated research efforts to develop emission-free motor vehicles;

2. new procedures for the certification of vehicles for compliance with low emission vehicle standards;

3. national emission standards for all other moving sources of air pollution, including craft;

4. compliance with national emission standards for a period beyond the initial sale of a motor vehicle, vessel or aircraft.

III. RESOURCE RECOVERY—MANAGING OUR SOLID WASTES

A. We cannot afford to put aside the critical problems of solid waste disposal until we think we can "afford" to deal with them. Our present practices of burning, burying, and dumping solid wastes are incompatible with environmental quality protection and enhancement. We can no longer tolerate the unnecessary waste of vital natural resources which are used but not consumed.

We must have a national policy which stresses both environmental quality and the conservation of scarce resources. Therefore, I have introduced the Resource Recovery Act (S. 2005). It provides for:

1. a six-fold increase in our financial commitment to the solution of this problem at a level of $800 million over a five-year period;

2. the development of new methods to reduce, re-use and recycle wastes;

3. the testing and demonstration of these new methods;

4. grants for the construction of local and regional resource recovery and solid waste disposal facilities; and

5. the recommendation of standards for solid waste disposal and collection systems.

B. A national materials inventory must accompany this change in the direction of our efforts. I support the amendment to the Resource Recovery Act providing for this inventory offered by Senator J. Caleb Boggs, ranking minority member of the Subcommittee on Air and Water Pollution.

IV. NOISE POLLUTION

More than any other pollutant, noise impairs man's mental well-being as much as his physical health. For many living in our cities there is always a jackhammer clattering, a plane taking off, or a truck passing to disturb sleep, conversation or work. Continued exposure to high noise levels can cause hearing loss, but the current levels of noise may also contribute to other physical disorders, as well as frustration, fatigue and irritability.

Therefore, the Air Quality Improvement Act of 1969 (S. 3229) provides for:

1. an Office of Noise Pollution Abatement and Control in the Department of Health, Education, and Welfare; and,

2. a study by this office of the health and welfare effects of noise pollution and recommendations for needed legislation.

V. EXECUTIVE REORGANIZATION (ENVIRONMENTAL CONTROL ADMINISTRATION)

The Executive Branch must be reorganized to respond effectively to environmental crises.

The agency which sets and enforces environmental quality standards must have only one goal: the protection of this and future generations against changes in the natural environment which adversely affect the quality of life. Our problems have not been solved and will not be solved by assigning the control of pollution to those responsible for the support or promotion of pollution-causing activities.

A new or refurbished Cabinet department would be a superficial response. It would perpetuate the conflict between the development and the protection of our resources which has plagued us in the past.

I have proposed the creation of an independent, watchdog agency to manage the Nation's environmental protection programs, and I will introduce the appropriate legislation at an early date.

The Environmental Control Administration would include:

1. the National Air Pollution Control Administration, the Bureau of Radiological Health, the Bureau of Solid Waste Management, and the Bureau of Water Hygiene from the Department of Health, Education and Welfare;

2. all functions performed by the Environmental Science Services Administration, from the Department of Commerce;

3. the Federal Water Pollution Control Administration and the Water Resources Division of the Geological Survey from the Department of the Interior;

4. the Pesticide Control Board and the water and sewer facilities assistance program of the Farmers Home Administration from the Department of Agriculture;

5. the water and sewer grant program authorized by section 701 of the Housing Act of 1954 from the Department of Housing and Urban Development; and

6. the Office of Noise Abatement from the Department of Transportation.

VI. MARINE RESOURCES PROTECTION

We must apply our conservation ethic to the sea as well as to the land. A haphazard policy of laissez-faire ocean resource development will only lead to the forfeit of the sea as we have forfeited so much of our land. We must not repeat our mistakes.

I have introduced the Marine Resources Preservation Act (S. 2393) as a first step in planning the future of the Outer Continental Shelf, our territorial sea, our beaches, and our marshlands. This bill:

1. authorizes the Secretary of the Interior to recommend the creation of marine preserves;

2. provides for agreements between the Secretary of the Interior and State and local governments to regulate the use of these marine preserves; and

3. prohibits the development or removal of any minerals, including gas or oil from these marine preserves.

VII. THE CONTINUING CRISIS AT SANTA BARBARA

For over a year the Union Oil Company has shown an inability to cope with the Santa Barbara oil leak. The disaster continues. There is no reason to perpetuate the notion that the investment of the oil companies should take precedence over the protection of the rights of the citizens of Santa Barbara.

Therefore, I will propose legislation to:

1. —authorize the compensated acquisition by the Federal Government, less costs and damages, of all oil leases in the Santa Barbara Channel;

2. authorize the Federal Government to perform such tasks as may be necessary to abate oil leakage in the Santa Barbara Channel;

3. provide the removal of drilling platforms as soon as the government is satisfied that the threat of leakage has ended; and

4. provide that the Channel's remaining oil reserve be set aside as a national reserve to be tapped only in time of national emergency or by an Act of Congress.

VIII. TECHNOLOGY ASSESSMENT AND ENVIRONMENTAL RESEARCH

We have emphasized the need to control pollution. We have emphasized the need to reduce our production of wastes. But we have not sufficiently examined our technology as a basic threat to the environment.

We must begin to question the implications of new technology. Pollution must be stopped before it starts. We cannot afford to transform our technological whims into environmental risks in return for convenience or national prestige. Indiscriminate use and disposal of styrofoam, aluminum cans, and throw-away bottles, are as incompatible with environmental quality as the SST.

We must establish a systematic method of assuring that the environmental effects of new technologies will be understood. We must deal with them before they desecrate the environment in which we and our children must live. Therefore I will:

Continue hearings in the Subcommittee on Air and Water Pollution on the environmental effects of such new technologies as the supersonic transport, persistent packaging, the underground uses of nuclear energy, and supertankers in the Northwest Passage; and

Seek early action on S.J. Res. 89, a resolution I have introduced providing increased support for ecological research in the international Biological Program.

IX. ELECTRIC POWER AND ENVIRONMENTAL QUALITY

Haphazard use of our natural resources for electric power generation is unacceptable. An inadequate and unreliable supply of electric energy is intolerable. Blackouts and dirty air—both the products of inadequate planning—have made public outrage the hallmark of our national electric power policy. This road leads to a dead-end for all of us.

We have placed extraordinary demands on both our available supply of environmental resources on the one hand and on the available supply of electric energy on the other.

The relationship between these demands illustrates our need for effective national policies on industrial site selection and land use planning.

We cannot continue to treat the destruction of our environment as a cost of the utility business which the public must bear. We cannot continue to foul our air and heat our streams in the name of electric power. And we must not continue to exclude the public from site selection decisions.

I have introduced the Intergovernmental Power Coordination and Environmental Protection Act (S. 2752) and will hold hearings on this bill beginning February 3. This bill:

1. provides for effective public participation early in the site-selection process; and

2. requires each proposed facility to meet environmental standards and adequacy and reliability standards in order to be licensed for construction or operation.

LET US IMPROVE LIVESTOCK ESTIMATES

Mr. HANSEN. Mr. President, an outstanding spokesman for the farmers and ranchers of the Midwest is the distinguished Senator from Nebraska (Mr. HRUSKA). Senator HRUSKA has served more than 15 years in the Senate and has discharged his public trust with diligence, competence, and understanding. He is now the ranking Republican member of the Subcommittee on Agriculture Appropriations. In this capacity, Senator HRUSKA has been an able watchdog over Federal spending to meet the problems and needs of rural America.

The January 1970 edition of the Nebraska Farmer magazine contains an article entitled "Better Livestock Estimates Needed," which was written by Senator HRUSKA. The article shows Senator HRUSKA's depth of knowledge and breadth of vision in dealing with the more complex needs of our agricultural community.

In the article, Senator HRUSKA discusses the lack of reliable information about the size and composition of the national livestock herd and how this lack could affect detrimentally the marketing and producing of future livestock. Instead of merely stating the problem, Senator HRUSKA also suggests a very sound solution. It is a new estimating system known as multiframe sampling. This system is being developed at the Department of Agriculture, and after hearing of its advantages, Senator HRUSKA led a fight in the Committee on Appropriations to add funds for its development. As a result, $250,000 was approved by Congress to begin using the multiframe sampling system for livestock reporting. This is a solid beginning. As Senator HRUSKA said in the article:

> Losses to the cattle industry from poor estimates can total far more than the $1.4 million it will cost to put into full effect the new methods to reduce the margin of error to acceptable limits. In fact, such losses can easily exceed the entire appropriation of the USDA's Statistical Reporting Service—about $14.8 million in the 1969 Fiscal Year.

Mr. President, I ask unanimous consent that Senator HRUSKA's article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD as follows:

[From the Nebraska Farmer, Jan. 3, 1970]

BETTER LIVESTOCK ESTIMATES NEEDED

(By Senator ROMAN L. HRUSKA)

A major problem in the planning of livestock operations is the lack of reliable information about the size and composition of the national herd. The problem may be eased significantly with the introduction of a new estimating system known as "Multi-Frame Sampling," recently developed by the U.S. Department of Agriculture.

A system of estimating has been in effect for several years and has been helpful as a general indication of the national situation. However, livestock production is becoming much more specialized and profit margins are narrower than they have ever been. Estimating errors which were acceptable a few years ago are now intolerable, spelling the difference between profit and disastrous loss.

Cattlemen will remember 1966, when it was found that there were 2.3 million more head of cattle on farms at the beginning of that year than had been forecast. The error for beef cattle was even worse with a whopping 3½-million head understimate.

Cattle markets are so sensitive to changes in head count that even small errors can take millions of dollars out of producers' pockets. Economists estimate that a 1% increase in supply tends to reduce prices paid to farmers by 2%. An overestimate of only 3% could chop as much as $5,000 of the value of 250 head of 1,100 pound choice steers.

Clearly, better methods of forecasting production are needed, and agricultural statisticians have been searching for an improved system for several years. They now believe that "multi-frame sampling" may result in a significantly more accurate set of estimates.

The problem in livestock reporting starts with the inadequacy of the basic information, which is obtained mainly from replies to questionnaires mailed to livestock producers.

The multi-frame sampling method recognizes the impossibility of getting 100% replies to questionnaires, and relies instead on a technique known as probability sampling. This technique is used in opinion surveys, in quality control programs and by insurance companies to figure risks and rates. The method as applied to the cattle industry assumes that there are common characteristics to be found in the production programs of cattlemen, and that if those characteristics can be identified and measured for a few, the results will be generally applicable to the entire industry.

TWO APPROACHES USED

There are several ways in which a representative sample can be drawn, and the multi-frame method uses two different but complementary approaches.

The first is a refinement of the present system. Statisticians would build a list of every farm in the country, and then draw a random sample of producers who would receive questionnaires by mail. Any farmer who failed to return his questionnaire would be contacted by phone, or visited in person to assure complete coverage. A sample of producers taken in this manner would have a much higher chance of being representative of all producers than the present system.

The main drawback to this method is that a list is never complete. Farms are being bought, sold or consolidated every day. Such changes can result in errors.

To compensate for any shortcomings in the list, an area sample could be used. Under this method, the statisticians would select at random geographic areas throughout the country. Trained interviewers would visit the sample areas, interview the operators, and account for every head of livestock.

This dual approach utilizes the advantages of the two methods. The list method is economical, but may not provide enough accuracy because of deficiencies such as incomplete coverage. The area sample is more accurate but would be too costly to use exclusively.

USDA statisticians estimate that by using this method the sampling error for the Jan. 1 beef cattle inventory could be reduced to 1% or less. A sampling error of 1% means that chances are about two out of three that the sample estimate is within 1% of the result that would be expected if all the beef cattle in the country were counted.

Livestock men could use estimates of this degree of accuracy with confidence in making decisions to produce, buy, or sell. USDA's Statistical Reporting Service estimates that new methods to give a sampling error of 1% or less could be put into effect in 16 states for about $1.4 million a year.

The 1970 Agriculture Appropriations bill as reported by the Conference Committee and approved by both houses of Congress, included $250,000 to begin this new multi-frame sampling system, enough to get it started. I strongly supported this appropriation bill.

The cost of improved statistics is small in comparison to the nation's huge cattle industry. Total value of our 109.7 million cattle at the beginning of this year was $17.4 billion. Sales of cattle and calves in 1968 amounted to $11.3 billion, a fourth of all cash receipts to farmers. This is 88% more than receipts from dairying, 70% more than from grains, more than double receipts from fruits and vegetables and three times those from poultry and eggs.

The stake of cattle producers here in the Midwest is especially great. Farmers in the North Central region and the Plains States of Texas and Oklahoma have nearly 60% of all U.S. cattle, and sales in 1968 yielded $7.1 billion. In Nebraska alone, cattle sales returned farmers $939 million and provided over half of all cash receipts from farming.

Losses to the cattle industry from poor estimates can total far more than the $1.4 million it will cost to put into full effect the new methods to reduce the margin of error to acceptable limits. In fact, such losses can easily exceed the entire appropriation of the USDA's Statistical Reporting Service—about $14.8 million in the 1969 Fiscal Year.

An industry so vital to the national economy deserves the most accurate information possible. It is simply good economic sense to work for the best livestock estimates that modern statistical science can supply.

ORLEANS AUDUBON SOCIETY ENDORSES 100,000-ACRE BIG THICKET NATIONAL PARK

Mr. YARBOROUGH. Mr. President, on December 9, 1969, the Orleans Audubon Society of New Orleans, La., adopted a resolution supporting my bill S. 4, to create a 100,000-acre national park in the Big Thicket area of southeast Texas.

By adopting the resolution, this respected organization joined the ever-growing number of civic and conservation groups throughout the country which have recognized the urgent need for preserving a portion of this beautiful and unique wilderness for future generations.

With every day that passes, another 50 acres of the Big Thicket is lost forever as a result of the destructive activities of large lumber and real estate companies. At present, only 300,000 acres remain of this natural wonderland which is the home of many varieties of rare plants and animals. Unless action is taken soon to protect the Big Thicket, it will be destroyed and America will be deprived of one of its last wilderness areas.

Mr. President, I ask unanimous consent that the resolution be printed in the RECORD.

There being no objection, the resolution was ordered to be printed in the RECORD, as follows:

RESOLUTION ON THE BIG THICKET NATIONAL AREA

The Orleans Audubon Society does hereby adopt the Policy Statement on The Big Thicket National Area, a copy of which is attached hereto and made a part hereof for all purposes, and urges the President of the United States, the Congress, the Department of the Interior, the U.S. Corps of Engineers (as to Dam B), and the appropriate state agencies (as to supplemental state and historic parks) to take appropriate action to implement this policy as soon as possible.

ORLEANS AUDUBON SOCIETY,
By FRANK P. FISCHER, Jr.,
President.

NEW ORLEANS, LA.

POLICY STATEMENT ON BIG THICKET NATIONAL AREA

We favor a Big Thicket National Park or area which would include not only the minimum of 35,500 acres proposed in the Preliminary Report by the National Park Service study team, but also the following modifications and additions:

1. Extend the Pine Island Bayou Section southward and eastward down both sides of Pine Island Bayou to its confluence with the Neches River.

2. Extend the Neches Bottom Unit to cover a strip, a maximum of three miles, but not less than four hundred feet, wide on both sides of the Neches River from Highway 1746, just below Dam B, down to the confluence of Pine Island Bayou.

3. Extend the Beaumont Unit northward to include all the area between the LNVA Canal and the Neches.

4. Incorporate a Village Creek Unit, comprising a strip up to one mile wide where feasible, and no less than 400 feet wide on each side of Big Sandy-Village Creek from the proposed Profile Unit down to the Neches confluence. Wherever residences have already been constructed, an effort should be made to reach agreement with the owners for scenic easements, limiting further development on such tracts and preserving the natural environment. Pioneer architecture within these areas should also be preserved.

5. Incorporate a squarish area of at least 20,000 acres so that larger species such as black bear, puma and red wolf may survive there. An ideal area for this purpose would be the area southeast of Saratoga, surrounded by Highways 770, 326 and 105. Although there are pipeline crossings in this area, they do not destroy the ecosystem; therefore the National Park Service should revise its standards pertaining to such encumbrances, in this case, leaving them under scenic easement rules instead of acquiring them.

6. Connect the major units with corridors at least one-half mile wide, with a hiking trail along each corridor but without new public roads cutting any forest. A portion of Menard Creek would be good for one such corridor. The entire watershed of Rush Creek would be excellent for another.

Such additions would form a connected two-looped green belt of about 100,000 acres (there are more than 3 million acres in the overall Big Thicket area) through which wildlife and people could move along a continuous circle of more than 100 miles.

We recommend that the headquarters be in or near the line of the Profile Unit.

We are absolutely opposed to any trading or cession of any National Forest areas in the formation of the Big Thicket National Park or Monument.

In addition, but not as a part of the Big Thicket National Monument, we recommend: (a) the establishment of a National Wildlife Refuge comprising the lands of the U.S. Corps of Engineers around Dam B, (b) a state historical area encompassing communities of typical pioneer dwellings, farms, etc., such as that between Beech and Theuvenins Creeks off Road 1943 in Tyler County, and (c) other state parks to supplement the national reserve.

THE NATION'S CHILDREN WILL LOSE IF THE VETO IS SUSTAINED

Mr. HATFIELD. Mr. President, American education cannot afford the loss of $1.1 in appropriations for its schools.

Oregon will lose $8 million in Federal funds if the House sustains the veto of the HEW appropriations bill.

Oregon is on the brink of revamping its educational system to provide a better education for the vast majority of our students who do not obtain the college degree, and we cannot afford to lose this money.

Even if the House and Senate override the President's veto, Oregon will receive $2 million less than it actually received in 1969. In 1969 Oregon received $30.5 million. And the President's budget allocated us only $20.8 million. Congress raised this and appropriated a total of $28.9 million for the Oregon's educational needs for 1970.

The press has not been alert to the fact that the Congress, not the administration, which has been cutting the budget to fight inflation.

In 1969 we cut a total of $7.6 billion from the 10 appropriation bills for the Government agencies. This cut included $6 billion from the Department of Defense and the military construction bill—cuts which would not have been made by the Budget Bureau if Congress had not insisted.

Then Congress added a total of $2 billion to four appropriation bills—and $1.1 billion was for education. Subtract this $2 billion from the $7.6 billion, and Congress still cut the budget by $5.6 billion.

Congress cut $1.1 billion from the President's foreign aid bill; $6 billion from the military budget, and the rest from the other departments. I think we did a good job of fighting inflation, and we can afford to spend this extra $1.1 billion for education.

In fact, spending for education is anti-inflationary. We have a shortage of skilled workers in this country, and this fact is driving up the costs of goods and services. Spending this money on education will provide additional skilled people for the work force and will be a positive, anti-inflation device.

For Oregon, Congress voted $12 million for elementary and secondary education instead of the $10 million the President requested. We voted $2.3 million more for impact aid than the President requested. We voted $2 million more for Oregon's vocational education, and this money is vitally needed all over Oregon to upgrade our high schools and to meet Dr. Dale Parnell's plans to provide work-oriented vocational skills for the students in addition to college prep programs. We voted $1 million more for colleges and universities and student aid and $300,000 more for libraries.

If the President's veto is overridden, he can still impound certain of the moneys appropriated by Congress, but the majority of it he cannot.

I am worried that the President's strategy move to promise House Republicans he will allow $200 million in impact aid to be released if they sustain his veto may win the necessary House votes.

CLEVELAND PLAIN DEALER SUPPORTS UNIFORM ACCOUNTING STANDARDS

Mr. PROXMIRE. Mr. President, on Tuesday, January 20, 1970, the Cleveland Plain Dealer published an editorial entitled "Uniform Accounting Needed." The editorial puts the case for uniform accounting standards in defense contracting as clearly, simply, and cogently as I have seen it done.

The need is great. Admiral Rickover testified before the Subcommittee on Economy in Government, in hearings I held a year ago, that the establishment of uniform standards could save as much as $2 billion a year.

The General Accounting Office has just issued a report urging uniform accounting standards in defense contracting.

With 89 percent of all defense contracts let by negotiation, rather than by competitive bidding, the need for uniform standards is obvious. How is it possible, for example, for the Defense Department even to compare bids and costs if there is no system of uniform accounting? To ask that question is to answer it.

I commend the editorial to the Senate and to the country, especially to the Defense Department, whose intransigence on this matter is equaled only by the waste and overruns which the absence of uniform standards helps to generate. I ask unanimous consent that it be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From the Cleveland Plain Dealer, Jan. 20, 1970]

UNIFORM ACCOUNTING NEEDED

Congress should give speedy attention to the advice that it establish uniform accounting standards for defense contracts.

The advice comes from the General Accounting Office, which is Congress' own watchdog over federal spending. It is the result of an 18-month study by GAO and follows the advice of Adm. Hyman G. Rickover who in the past has contended that a uniform accounting system could save the government $2 billion a year.

Soaring costs of military procurement are a shock to the American taxpayer. It was only three weeks ago that GAO noted at a congressional hearing that poor business practices figured importantly in $20.9 billion worth of "overruns" in an original $42 billion of Pentagon contracts for weapons systems. Other hearings have brought but additional evidence of excess cost caused by sloppy business practices.

The new GAO finds that government procurement officials have been at a disadvan-

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tage in negotiating the price of defense contracts because of inconsistent, variable and ill-defined standards. As a result, GAO says, some contractor costs have been improperly charged to the government and there have been instances where other costs have been charged to the government twice.

Negotiation, whereby government procurement officials sit down with contractors and determine the price of a contract, was used in 89% of the Pentagon's buying—for contracts in excess of $36 billion—in the last fiscal year, the New York Times reports.

Where price is determined in such large measure by negotiation that places emphasis on contractors' costs, there should be well defined and uniform guidelines to follow in establishing true costs.

Sen. William Proxmire, D-Wis., a leader in the effort to bring costs under control, says that, with uniform standards established, "government procurement officials will be able to guard against hidden defense profits and reduce the burden on the federal taxpayer."

To allow defense business to continue as usual, without providing a means by which significant savings might be achieved, is wrong. Congress should give speedy attention to filling GAO's prescription for uniform accounting standards.

DELAYED LEGISLATION

Mr. ALLOTT. Mr. President, the morning newspapers and television today report that our friends on the other side of the aisle are claiming they wrote the President's state of the Union message. At least, they are claiming that he usurped all their programs and wrapped them up in his message.

It seems to me that once again they are making the same mistake Democrats have been making for the past decade. They are confusing their old press releases with real programs.

From 1961 to the end of 1968, we have had enough press releases. They told us how Democrats were solving poverty, how they were solving water pollution, and how they were cleaning up crime. They even labeled a piece of legislation that got passed a couple of years ago the "Safe Streets Act." The only trouble is that high-sounding phrases by themselves do not end crime.

When it comes to sound, the Democrats are the leaders of the band. When it comes to solid legislation aimed at a specific problem, the Democratic Congress has been less than anxious.

What is happening in the Senate today is a good example. Actually, today is a sort of anniversary. It was exactly 9 months ago today—a gestation period more familiar in a very different environment—that President Nixon asked Congress for specific legislation to curb organized crime. The Senate has now acted on that request. It has taken 9 months. And there is no assurance the House will do anything about it.

It is my hope, that this year my good friends on the Democratic side will take a little less credit for what the President is saying, and do a lot more about helping the administration to solve problems that cry for solution.

LIFE—THE MOST FUNDAMENTAL HUMAN RIGHT

Mr. PROXMIRE. Mr. President, perhaps the most basic and fundamental human right of all is the right to life. The Federal Government of Nigeria has said it has not engaged in and will not embark upon an official policy of genocide against the people of the defeated eastern region. That may be true. But it is also true that death from hunger, disease, and exposure whether resulting from administrative tie-ups, lack of physical capability to furnish needed supplies and services, or any other reasons—is still death.

I have urged and continue to urge the American Government to expedite the shipment of relief supplies to Nigeria. These supplies must reach the needy in time to prevent mass death. I am pleased by President Nixon's announcement that at the request of the Nigerian Government the United States is immediately airlifting relief supplies to Nigeria. These supplies include 40,000 tons of high protein food a month—mainly CSM and stockfish, three hospital units, 50 trucks and jeeps, and 10,000 blankets, among other equipment. Of equal importance is the fact we are also giving Nigeria four C–97 Stratofreighter aircraft and lending them two DC–6 planes to facilitate relief supply distribution in the eastern region.

I recognize that the primary responsibility for handling and distributing relief aid lies properly with the sovereign Government of Nigeria. But the most critical factor in averting mass death in the eastern region is the rapid distribution of supplies, and we can continue to impress upon General Gowon's government the desirability of taking advantage of relief aid from every source both governmental and private.

Recently I said I hoped that the Federal Government of Nigeria would ratify the human rights convention outlawing genocide. Nigeria can choose no better moment than the present to adhere to this convention, thus providing additional evidence that it eschews all forms of genocide.

To date, 74 nations have ratified the convention. The United States of America is, unfortunately, still among those countries who like Nigeria have not yet approved this document. It would be unjust of us to ask Nigeria to adopt the genocide convention without at the same time urging this body to give its advice and consent for American ratification. I shall continue to do that today as I have done in the past.

TENTH ANNIVERSARY OF PROJECT HOPE

Mr. TOWER. Mr. President, the year 1970 marks the 10th anniversary of Project HOPE. Project HOPE had its beginning in 1958 when President Eisenhower asked Dr. William B. Walsh, a Washington, D.C., heart specialist, to consider the initiation of a nongovernment health program to benefit the people of developing nations. Dr. Walsh's subsequent plan called for refitting a mothballed Navy hospital ship for use as a floating medical center. President Eisenhower arranged for the loan of the U.S.S. *Consolation*, a veteran of World War II and Korea, and by 1960 the world's first peacetime hospital ship was ready to sail.

Since that time, Project HOPE has been conducting teaching and training programs in medicine, dentistry, and auxiliary medicine. Through teaching, HOPE has brought the skills of the American medical profession to the people of other nations. More than 5,100 persons in eight nations on four continents have received training in the most advanced medical technique adapted to local conditions.

The success of Project HOPE's overseas program is well known. With the intention of building on this success, Project HOPE organized in the spring of 1969 a medical education and health career training program to provide these same services for the disadvantaged persons of the United States. HOPE's domestic program is an effort to assist the Nation's disadvantaged by increasing their knowledge in health care practices and training them for careers in health and medicine.

After considerable study, Project HOPE decided to make its first domestic effort in the Mexican-American community of the Southwest and chose Laredo, Tex., as the city which would benefit most from such a program. The purpose of the program is to develop and implement teaching programs for nurses, practical nurses, public health nurses, dental assistants, nutritionists, laboratory assistants, and many others.

The Laredo program was the subject of an article in the December 7, 1969, issue of Parade Magazine. This is an interesting and worthwhile article. We are today confronted with a serious problem in the delivery of adequate health care services to all the people of this Nation. A project such as HOPE is a step in the right direction toward the solution of these problems. I ask unanimous consent that the article be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Hope Is the Best Medicine

(By George Michaelson)

Laredo, Tex.—"Ever since I was in third grade I had the idea in my head to be a nurse. But, in seventh grade I had to drop out of school to help my father support my eight younger brothers and sisters. You see, my father is deaf and couldn't get work except in the fields. So, in the summer we went north to thin tomatoes in Utah, to hoe beets in Minnesota, and to pick cucumbers in Wisconsin. Then we came back to Texas to top carrots and onions. I did this until I was 19 and got married. I never lost the idea of being a nurse, but I figured I didn't have no chance anymore."

Oralia Camarillo, a short, dark-haired, dark-eyed woman, now has a chance, or more exactly, HOPE. Together with 23 other Mexican-Americans, most of whom are high-school dropouts, he is currently enrolled here as a "health assistant" trainee in what may well be America's most innovative medical training program—Project HOPE.

AROUND THE WORLD

Project HOPE is no newcomer to this training business. For the past nine years, its 15,000-ton World War II hospital ship, also called HOPE, has been sailing to some of the world's poverty regions with a cargo of about 150 American doctors, dentists and nurses. Some of these medics fan out into the

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city and countryside to train local people, while the rest administer to the sick from aboard the ship's model hospital.

As a privately financed project (annual budget is $6.7 million, with 70 percent coming from individuals and 30 percent from corporations), HOPE goes only where it is invited and usually stays no more than nine or ten months. To date, it has visited 11 countries on four continents, trained some 5,100 persons in medicine, dentistry and nursing, and has compiled a list of achievements that range from organizing the first nursing school in northern Peru to fabricating the first set of false teeth in Guinea.

Yet in the last year or so, with the growing awareness that America too has poverty pockets, some of the project's workers began to feel that HOPE—like charity—ought to begin at home. Explains HOPE's 49-year-old founder-director, Dr. William Walsh: "Our country is already approaching something of a crisis in medical care. We have only about half the doctors and medical technicians we need and two-thirds of the nurses. And as you can imagine, it's even worse in poor areas. Therefore, about a year ago, we decided that in addition to our work overseas, we would also try to get something going here in the U.S. After looking all around the country we decided to start in Laredo."

HOPE couldn't have found a better spot to launch its first domestic program. Laredo is a dusty Texas border town of some 78,000 people, a town that in all its sun-baked history has managed to pick up few distinctions, except that it is now the poorest city in the nation. About 85 percent of the population are Mexican-Americans, many of whom scratch out an existence as field hands. There is much illness, few doctors, and only one 250-bed hospital to serve them and anyone else within a 150-mile radius.

SUPERSTITION

Moreover, with this under-exposure to modern medicine, has gone superstition. It is not at all uncommon for an appendicitis patient to attempt the home-cure of wrapping his belly with spiced banana leaves, or for a mother to refuse to let a doctor see her newborn baby for fear that he might look upon the child with a *mal de ojo* (evil eye). "So much of this superstition and the sickness that comes with it," concludes José Gonzalez, administrator of the county's public health program, "can be wiped out if only we can educate the people. But we just don't have the medical personnel to do it. That's where HOPE comes in."

Shortly after the eight-member HOPE staff arrived in May, they began seeking out candidates for their "health assistant" trainee program—a program that in four months intends to make nurses' aides and public health workers out of the under-educated housewives and field hands. "Since we've done this kind of thing all over the world," says William Walsh Jr., son of HOPE's director, and administrator of the Laredo project, "there's no reason why we can't do it here. You see, in almost all poverty areas there are a lot of very bright and unused people who are just waiting for a chance to improve themselves and serve others. Our job is to give them the chance."

Right away, however, HOPE ran into problems. Almost no males applied to the program—"evidently," says Walsh "it is considered woman's work to look after the sick." And then, there were women who wanted to apply, but whose husbands wouldn't let them for fear they would be rubbing elbows too closely with other men.

Even with these obstacles, by the beginning of October HOPE had recruited and begun to teach its first batch of trainees—all women, from 18 to 37 years old. "We had to scout around a bit to find them," says young Walsh, "but we've come up with a tremendous group that's rarin' to go. Almost all of them come from large families that are living below the poverty level, and yet have average IQ's or better. We've got them working a full 40-hour week and absences are rare."

COLLEGE AND FIELD

Participation in the program, for which trainees get a weekly stipend of about $40, involves an equal mix of classroom and field work. The courses are taught at Laredo Junior College, and range from public health care to weekly seminars in Mexican-American history. "The purpose of the Mexican-American history course," explains Dr. Stanley Ross, coordinator of the seminar series, "is to give the trainees some understanding and pride in their background."

As for the field work, it runs the gamut from learning to give enemas and vaccines at Mercy Hospital, to visiting farm workers' families. On a typical home visit, trainees meet up with families like that of Mrs. Felicitas Hernandez. Her husband, Guadalupe, is a field hand who earns $20–$30 a week, out of which he pays for his two-room shack, and feeds and clothes his eight children. They and thousands of other families like them, says Mrs. Anna-Maria Ramirez, a public health nurse, "are almost completely isolated. They go nowhere, see nobody. Yet, if any of them gets sick they must have somebody to turn to, to call. And who could be better than these health assistants who know the problems so well, because many of them have come from the same background."

"Most of us have been here all our lives," adds HOPE trainee, Manuela Chavarria, "so we know how the people are. Before HOPE came, I used to work as a custodian at Mercy Hospital. There you'd see a lot of real sad cases—like tuberculosis patients who died because they were afraid or forgot to take the pills the doctor gave them, or babies who had about scratched out their own eyes with long fingernails their mothers wouldn't cut. They believed it would stop the child's growth. Now that I'm getting some training I'm anxious to get out in the field and see what I can do about these things."

Once the health assistants have completed their training they will immediately fill the vacant slots in the public health program and at Mercy Hospital. Yet, they will not be through with their education. HOPE's staff has already begun to map out an "in-service" training program which will provide on-going education for the new health assistants, as well as for many other nurses' aides and public health workers.

"The reason for this in-service training," explains HOPE nurse Nancy Fern, who in addition to working on the training program also puts in a full-time shift at Mercy Hospital, "is to keep the health assistants and all other health workers up-to-date. In big cities like New York and Philadelphia it is common practice to have on-going training which includes lectures and familiarization with some of the latest techniques in medical practice. But out in places like Laredo, in-service training goes by the boards. We want to make sure that the training goes on after HOPE leaves."

BEYOND LAREDO

HOPE's immediate plan is to stick around Laredo for another three years. By that time they will have trained hundreds of health assistants, some of whom will stay in Laredo, while others are expected to fan out to other needy and desolate areas.

Also within a few years, HOPE intends to start up similar projects throughout the country (a second program is already underway on the Navajo Reservation in Ganado, Arizona). And if HOPE is successful, perhaps other programs, both public and private, will follow suit. "This is just the beginning," says Dr. Leo Cigarroa, Laredo surgeon and co-chairman of HOPE's Laredo project. "If we prove here that housewives and field hands can be made into competent health workers, there's no reason why it can't be done elsewhere."

Meanwhile, the eyes of Texas, and much of the nation, are upon them. They are beginning to see that the ready solution to poor quality medicine in poor areas may not be a lot of doctors, and a lot of money, but a classroom full of Oralia Camarillos and a little bit of HOPE.

IN HONOR OF NEW HAMPSHIRE WOMEN'S CLUBS

Mr. McINTYRE. Mr. President, 1970 marks the 75th "diamond jubilee" year of the New Hampshire Federation of Women's Clubs and the 50th anniversary of nine of its local groups.

Celebrating their golden anniversaries are the women's Clubs of Claremont, Hanover, Portsmouth, Lochmere, Bristol, Keene, Dublin, Stratham, and Pittsfield, N.H.

During the last 50 years these clubs and the outstanding ladies that comprise their memberships have made significant contributions to the State of New Hampshire. Their unselfish service to worthy causes is to be truly admired, and encouraged.

These ladies are a source of pride not only to their communities and State, but to women everywhere, for they epitomize the concerned woman who is committed to the belief that she can—and must—do something to make this a better place in which to live.

It is organizations like the Federation of Women's Clubs that have made this possible by uniting women for the purpose of reaching specific goals.

So I commend these ladies on this 50th anniversary and thank them for their invaluable service to their communities and New Hampshire. At the same time I wish to extend my congratulations to the State federation that provides the central leadership so essential in the operation of these local groups.

I want to bring this outstanding story to the attention of my colleagues in the Senate because I know they will be as inspired as I am with the great work these women are doing.

Mr. President, an article published in the January 18, 1970, edition of the New Hampshire Sunday News describes in detail the accomplishments of these nine clubs. I ask unanimous consent that it be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

FIFTY YEARS OF SERVICE TO COMMUNITIES: NH WOMEN'S CLUBS OBSERVE GOLDEN ANNIVERSARIES

(By Sharon Millern)

This club year marks the 50th anniversary of nine local groups of the New Hampshire Federation of Women's Clubs and the 75th "Diamond Jubilee" year of the state federation.

Observing 50 years of service are the Woman's Club of Claremont, the Women's City Club of Portsmouth, the Woman's Club of Hanover, the Lochmere Woman's Club, the Bristol Woman's Club, the Keene Woman's Club, the Dublin Women's Community Club, the Stratham Unity Club and the Pittsfield Woman's Club.

CLAREMONT IN 1920

In Claremont, women of the community were invited to join as clubwomen on Jan. 29,

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1920, at the First Universalist Church. Mrs. Maud B. Reed presided and Mrs. Charles M. Skinner, a charter member of Sorosis, the first woman's club, organized in New York in 1868, reported at the meeting.

The first slate of officers of the Claremont Woman's Club was brought in on Feb. 26, 1920. Mrs. Ada Skinner was president and she presided at the first executive board meeting on March 1. There were 115 charter members and dues were set at $1 per member. It was voted to join the New Hampshire Federation on April 15 of the same year and on May 20, the first annual meeting was held with Mrs. Helen R. Boardway installed as president.

From 1920 to 1970, accomplishments of the club have included many continuing projects. Among the first were the organization of a clean-up campaign battling litter problems in Claremont, a substantial fund-raising project for the American Library Association, and donations to the American Red Cross, the New Hampshire Tuberculosis Program and the Claremont General Hospital.

Other projects have included donations to the Eagle Christmas Fund, the Children's Aid and Protective Society, Boy Scouts and Girl Scouts donations, sponsorship of a clinic for pre-school children, collections of books for the library, providing milk for children, organization of Girl Scout troops, cooperation with the Civil Defense program, a dental clinic, chest X-ray program and the Community Chest.

The group also sponsored Bloodmobile visits, sponsored students to Girl's State, a program for Senior Citizens, an art contest, and donated to Laconia State School, the Mental Health Clinic, provided clothing for the Community Center, provided awards for the Students Art Festival, donated to a Korean children's village fund and worked for various goals in legislation and community improvement throughout the years.

WOMEN'S CITY CLUB

The first meeting of the Women's City Club of Portsmouth was held in January, 1920, with 125 charter members, of which four are still members of the club. Miss Martha Kimball, founder of the club, was the first president.

In August, 1923, the group purchased a three-story house at 375 Middle St., and is one of the few clubs in the state to have its own meeting place.

The City Club was the hub of activities in Portsmouth as the house was occupied during the week by classes of crafts, sewing, basketry and others, as well as groups of volunteers working with the Red Cross or Family Welfare. Organizations of study groups contributed to the activities.

By the end of its second year, the club had 420 members, and in 1924, the first yearbook was printed. Projects included paying the mortgage on the house, redecorating and furnishing its rooms, and civic improvement work.

Funds were raised by performing plays, managing horse shows, sponsoring a crafts fair and as many activities as the imaginations of the members could devise.

The club's motto is "The glory is in the doing, and not in the trophy won."

Organizations that have been aided in their causes by the club members include the Portsmouth Naval Hospital, the Veterans' Christmas Fund, the USO, Grey Ladies and Nurses Aids, the Cancer Fund, League of Women Voters, Girl Scouts, Civil Defense, Council of World Affairs, Hospital Guild Sewing Group and others.

The club sponsored the Greenland Junior Woman's Club and maintains an advisory capacity for that group. Members are volunteers in other groups including the Blood Bank, the YWCA, church organizations, the Red Cross and Strawberry Banke.

WOMAN'S CLUB OF HANOVER

The Woman's Club of Hanover plans a 50th birthday celebration at a luncheon meeting in May.

The group was begun by several women concerned about the local school situation and continued as a local aid group until joining the Federation in the spring of 1920.

During the early days of the club, several interested groups were formed within the organization. The Hanover League of Women Voters and the Hanover Garden Club began as interest groups. Others, such as the literature section, remained as a department of the club.

One of the first interest groups was a "walking club" which was a popular pastime in the days before women took a more active interest in sports.

With a building fund that had been accumulating over the years, the members decided to provide interest-free loans to aid students of Hanover High School in obtaining advanced training and education. Club projects add to the funds available for this project.

Club members, as a group and individually, make service an important goal. Several members have "adopted" children at the State School at Laconia and send cards and gifts to them. Residents of the Grafton County Home are sent birthday cards and books are donated to the library.

The most dedicated service provided by club members in terms of time and effort is provided by the braille group of the club.

Several members have learned braille under the auspices of the club and transcribe textbooks for blind students in the area.

Two area families, selected by a social service director, are aided each Christmas season with gifts of toys and clothing, food, shoes, household items and surprise packages as a major club project. Many club members consider this the highlight of each year's charitable endeavors.

LOCHMERE CLUB FORMED

The Lochmere Woman's Club was organized and federated in 1920 with Mrs. Mable Hill True of Laconia as the official representative of the Federation to aid the fledgling group.

During the half-century of its existence, the club has had 25 presidents, and has sponsored or supported numerous community projects including a community Christmas tree, a Christmas party for children, a Christmas sing, civic improvement projects and charity work and donations.

Contributions are made annually to the Red Cross, Family Service Agency, Association for the Blind, Laconia State School, New Hampshire Hospital, New Hampshire Children's Aid and others.

A scholarship fund was set up in 1957 for graduates of Tilton-Northfield High School and Belmont High School. Graduates from the Winnisquam Regional School District are aided through a scholarship bequested by Mrs. Agnes Joyal.

The club has been instrumental in naming the streets of Lochmere, having poison ivy along the beach walkway sprayed and placing caution lights in the community.

Gifts have been sent to servicemen and members have canned food for charity programs. These and other special projects contribute to the club's effectiveness as a community-minded and service-minded group of women.

THE BRISTOL CLUB

"Intellectual and social development and united effort for progress and community welfare" is the stated object of the Bristol Woman's Club, organized Nov. 10, 1920, and federated Feb. 11, 1921.

Mrs. Mary Breck was the founder and first president of the 110 charter members. One of the club's first projects was the formation of an all-member chorus by Mrs. Helen Woodhouse. The chorus entertained frequently for events in the Bristol area.

Other projects during the early years of the club were lighting and caring for a Christmas tree members had planted in the town square, supplying milk for the school children, and the sponsorship of a community flower show.

Scholarship loan funds were made available by the group during the 1930s and again in the late 1950s. Girl Scout and Brownie Troops have been sponsored by the club since shortly after its organization.

"Operation Flower Pot," a project begun in the 1960s, is a continuing effort by club members to beautify the town square with flower boxes which are maintained by the club.

Polio clinics for students, children and adults have been sponsored by the group and cooperation in federation projects and community projects is continued by the membership. There are 86 members and 5 honorary members of the club.

KEENE WOMAN'S CLUB

Mrs. R. P. Hayward was the first president of the Keene Woman's Club in 1920. Mrs. A. Richard Chase is the president for this club year.

Projects sponsored by the group during the years have included YMCA donations, hospital aid, scholarships, a beautification project at Ashuelot Park, work for veterans, support of the MacDowell Colony, dancing classes and concerts, and a weekly story hour for children.

An annual Valentine's ball is sponsored as a fund-raising event by the group and contests in art and drama are entered by members annually with the result of many awards and citations. Monthly programs are sponsored with the library by the group's education department.

A new evening Home Life series of meetings for young women has been begun by the club.

Talking books are placed in the library for use by blind people.

Annual projects are the sponsorship of a representative to Girls State, gift packages to patients at New Hampshire Hospital and Laconia State School, donations to Radio Free Europe.

Speakers for club programs have included Robert Frost, Eva Le Gallienne, Dr. Max Lerner, Robert C. Hill and Elizabeth Yates.

May 12, a special golden anniversary tea and observance will be held.

1920 IN DUBLIN

The Dublin Women's Community Club was founded in 1920 by Mrs. T. C. Brockway. At the first meetings, members decided to make their group a meaningful force in community education and improvement, an instrument of cultural development and a source of active concern in government and political affairs.

Music and literature, social issues and science were included in program discussions.

The Trinitarian Church building was acquired as a clubhouse when that congregation joined with the Dublin Community Church. Along with the transfer of title to the building, the group obtained the organ, one of the pews and the church pewter. The antique pewter is displayed in a special showcase, the gift of Mrs. Phyllis Worcester, past president and former district director.

The building is used during the weekdays by the Dublin Cooperative Pre-School, has been used as a classroom for the Monadnock Community College, and as a social hall for Scout events and other youth organizations.

A lighting system was donated for the building by Mrs. Henry Gowing, a past president.

A swimming instruction program for children of the community was begun 35 years ago when the club acquired a section of lake-front property. Additional beach property and a beachhouse were donated by Mr. and Mrs. Oscar Sewall and with the purchase of equipment and acquisition of this property, the program was expanded and continues to be an important part of summertime recreation for area youngsters.

The beach committee is under the chairmanship of Mrs. Millard Worcester. During the last season, more than 90 children participated in the swimming and sailing lessons under Red Cross instructors.

The club sponsors a Girl Scout and Brownie Troop, a story hour at the library, takes part in a community emergency fund, contributes to the holiday gift program at the State Hospital in Concord and the Laconia States School, is active in civic affairs and in general and federation projects.

Last year, the creative writing contest first place award was won by a member of the club.

Also planning events to mark their 50th year are members of the Stratham Unity Club and the Pittsfield Woman's Club.

TRAGIC CONDITIONS IN BIAFRA

Mr. MURPHY. Mr. President, yesterday, at the invitation of the Senator from South Carolina (Mr. Thurmond), I attended a gathering to meet the Princess Cecile y Bourbon Parma, who has been a relief worker in Biafra for the past 16 months, and Father Kevin Doheny, a missionary who has been in Biafra and Nigeria for the past several years, both of whom were among the last to leave Biafra before the surrender.

The tragic picture of the actual conditions of the people in that unfortunate country as recounted by these two great humanitarians leads one to believe that some of the press notices presently coming out of Biafra may not be dependable. This, of course, is completely understandable because as far as I have been able to ascertain the Nigerian Government in Lagos has not permitted the foreign press to inspect the country or the conditions nor has the national government permitted any inspection by officially designated inspection teams.

These two courageous people yesterday pointed out that under the conditions they know to exist millions of people, particularly children, must be starving every day, and that time is of the most importance if the complete destruction of the Ibo Tribe is to be prevented. Father Doheny explained that there is only one way effectively to supply the food in this tragic situation, and that is by airlift into the Uli airstrip or at a couple of other alternate airports which could be useful.

He points out that the food is available and on hand and ready for shipment and that once it arrives at the airstrip the organization of the Christian missionaries in the area will have a complete and capable group of people along with the necessary logistics to see that this food is delivered into the mouths of the hungry within 48 hours. The good father also points out that to his knowledge this is the only, and I repeat, only organization presently in existence that has the capability of accomplishing this. Father Doheny further explained that the organization would be available to work with any of the international humane organizations such as the International Red Cross or any of the others nor are they insistent on any particular designation or title. Their main concern is simply to see that the food is delivered to the hungry people.

One also gets the feeling that reports are sent to our State Department—and if they are not, they should be—which reveal the true, horrible picture of the situation. I would feel, unless they directly affect the security of the United States of America, they could and should be made public so that the people of our country would have a better knowledge of what is actually taking place in Nigeria.

It would seem to me that for many years we have looked hopefully to the United Nations—meeting constantly in New York—as the official body that could intervene in a situation exactly like this. I would hope they would act with speed and quite possibly be responsible for saving millions of lives of people who, without outside help, will most certainly starve to death.

There are also reports circulating, the truth of which I cannot guarantee, that some elements of the victorious army have gotten out of hand and there is indeed terrible destruction of life taking place at this moment.

I would hope that the President of the United States, through our Department of State and with the cooperation of other free nations, would immediately do everything possible to bring about conditions under which the humanitarian agencies that are available be permitted to distribute the food which is available to these starving people who need it so badly.

I asked Father Doheny if there had been any indication of help on the part of the Soviet Union and he said the only thing that he had seen in Nigeria sent in by the Soviet Union were Mig fighter planes.

I would urge and most strongly, that our Secretary of State do two things: First, examine every possibility of creating an international atmosphere whereby permission might be given for the delivery of food by air into Biafra after which the delivery of the food to the starving people be expedited with all haste and, second, all the information existing in the Department of State and barring only that which might have an adverse effect upon the national security and welfare of the United States, be released to the public press so that the people of this country and of other countries enjoying the luxury of a free and unfettered press could be able to know the actual facts of this tragic situation and the truth of what is happening to the most unfortunate people in Africa.

It would be my hope that we could generate immediate action in this matter to avoid the horrible possibility of the starvation of millions of tragic people.

ENVIRONMENT

Mr. NELSON. Mr. President, one of the most heartening signs in the long struggle in this country to protect the quality of our environment is the rapidly growing concern of the new generation. Young people will inherit the disastrous condition that we have been bringing about, and it is quite appropriate that they are beginning now to help establish new priorities and new values that are essential if the challenge of our grave environmental problems is to be met.

Mr. Colman McCarthy's column published recently in the editorial pages of the Washington Post is an especially good report on this matter. I ask unanimous consent that it be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Students Digging in for Ecology Fight

(By Colman McCarthy)

Madison, Wis.—No group is more concerned, or more disgusted, about the growing destruction of the American environment than the young—the largely voteless and powerless kids in high school and college coming into their first push to adulthood. Their concern and disgust is based on two facts: first, they are less guilty than anyone in the current crime wave against America's air, land and water. This is not because the young are morally superior to the old, as some middle-aged cheerleaders for the kid-cult seem to believe; but mainly because they haven't been around long enough to become accomplices in the pollution violence, assuming they might want to. Second, the young are more concerned about saving the environment because they will be the worst casualties if it is *not* saved. They have more years to go on the ecologically damaged planet than the middle and elderly aged.

Although many student environmental activists are using little more than the scream method that a few in the antiwar movement could never rise above, others are digging in for a long siege. They are finding out exactly what the environmental problems are: the politics, the economy and the technology of it all.

Among the nation's most active campuses in environmental issues is the University of Wisconsin at Madison. On a recent Friday afternoon from 4 to 7 p.m., 19 students met in a seminar on environmental problems. Under the direction of Professor Harold C. Jordahl, the seminar was vocal and highly intelligent. During the three hours, the students discussed and evaluated each other's term papers on such subjects as the hazards of a proposed nuclear power plant in Minnesota, the planning vacuum behind the recently rejected proposal for the Everglades jetport, the politics behind the SST—"it really makes sense," said one student, "we spend billions of dollars getting to London 3,000 miles away in half the time when we'll soon need twice the time getting to and from the airport 10 miles away"—the U.S. Army Corps of Engineers' Great Lakes dredging controversy, the lack of regional and national power planning in the U.S.

Prof. Jordahl, delighted to be working with students who bring brains as well as passion to the course, says: "This is the nuts and bolt work of recovering the environment. When a student has enough sense to go beyond outrage, then he is on the way to doing something, not just shouting something, about a given problem. In a few years, most of the students in the seminar will be working in government, in politics, in journalism, the park systems. They're learning the fundamentals now, so that when the time comes and they have the power to act, they'll know what to act for.

"On a deeper level, courses like these aren't only about the environment. They're survival courses."

Aside from the classrooms, numerous campus organizations actively lobby and agitate for antipollution goals. The Ecology Students Association recently sent a report to the University's hierarchy recommending several

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measures for local control of "resources and pollution." The ESA report said that since the internal combustion engine was the main cause of air pollution, cars and buses on campus should be limited—with a final goal of excluding them entirely. The University steam generating plant, described by ESA as "one of the pollution landmarks of Madison," should be controlled. The University's open space and greenery, or what remains of it, should be respected—despite the administration's "apparent urge to pave every square foot of land."

Further recommendations urged immediate action from the administration to restrict the use of pesticides, to cease using high phosphate detergents, to control silting of nearby Lake Mendota and "ending the use of university property for field testing of pesticides." The first position paper of the ecology students was a condemnation of U.S. militarism in Vietnam; it linked the destruction of life and property in that country to the exploitation and damage to the environment in this country.

One reason the University of Wisconsin is perhaps the country's most environmentally active campus in The Daily Cardinal, the lively and crisp campus newspaper. It regularly runs front page stories on pollution and ecology. Last November, it reported extensively on a group of underdog Madison residents trying to save a local wooded area from the inevitable commercialists, who wanted it for an apartment house site. "The fight," wrote the Cardinal, "might be called a mini-battle, for across the nation it is much the same story. It's the old struggle between those who would develop and build in the name of 'progress' and those who would save and preserve what little is left of our American landscape." Other recent stories in The Cardinal included one on the city planning commission, Madison's air pollution problems, the Navy's Project Sanguine which threatened the ecology of northern Wisconsin.

Several editors of the Cardinal will come to Washington in late February for the U.S. Student Press Association's annual meeting of college editors. The entire meeting this year will be on ecology and the environment.

On April 22, E-Day will occur on hundreds of campuses, a teach-in on enivromnental problems and the options for survival. E stands for ecology, environment, earth, perhaps most basically, existence. Many believe that the new awareness will replace Vietnam as the main issue of campus activism if so, it would figure. Wars come and go, but so far pollution just comes, comes and comes.

"A THEOLOGY OF THE EARTH"—LECTURE BY DR. RENE DUBOS

Mr. MUSKIE. Mr. President, on October 2, 1969, the noted microbiologist and experimental pathologist, Dr. Rene Dubos, delivered a lecture at the Smithsonian Institution. Entitled "A Theology of the Earth," this lecture should be of great interest to all who are concerned with our natural surroundings.

Dr. Dubos is a professor at Rockefeller University in New York City. He is also a noted author who had received a Pulitzer Prize in 1969 for his book, "So Human an Animal."

Dr. Dubos believes that—

> Man and the earth are two complementary components of an indivisible system. Each shapes the other in a wonderfully creative symbiotic and cybernetic complex.

In this very unique lecture Dr. Dubos alerts all of us to the dangers inherent in the destruction of nature and to the need for conservation.

I ask unanimous consent that this timely lecture be printed in the RECORD.

There being no objection, the lecture was ordered to be printed in the RECORD, as follows:

A THEOLOGY OF THE EARTH

(A lecture delivered on October 2, 1969, at the Smithsonian Institution in Washington, D.C., under the sponsorship of the Smithsonian Office of Environmental Sciences by Dr. René Dubos)

(NOTE.—Dr. René Jules Dubos, a professor of The Rockefeller University in New York City, is a microbiologist and experimental pathologist who first demonstrated the feasibility of obtaining germ-fighting drugs from microbes more than twenty years ago. Also a noted author of fourteen books, he received a Pulitizer Prize in 1969 for his book "So Human an Animal." He has been intensely concerned with the effects that environmental forces—physiochemical, biological, and social—exert on human life. His interest in the biological and mental effects of the total environment has involved him in the sociomedical problems of underprivileged communities as well as those created by economic affluence in industrialized countries. In this field of study, he has emphasized the environmental influences on the prenatal and early postnatal periods. A native of France, Dr. Dubos has been associated with The Rockefeller University since 1927. He is a member of the National Academy of Sciences, the Century Association of New York, and the American Philosophical Society. He holds twenty honorary degrees and sixteen awards.)

Ladies and gentlemen, the title of this lecture would be pretentious if it did not express profound feelings that I experienced a few months ago at the time of the Apollo 8 mission. Shortly after the return to earth of Apollo 8 the science editor of the Columbia Broadcasting System, Earl Ubell, interviewed the crew over the CBS network. Through skillful and persistent questioning he tried to extract from the astronauts what had been their most profound impression during their trip through space. What turned out was that their deepest emotion had been to see the earth from space. The astronauts had been overwhelmed by the beauty of the earth as compared with the bleakness of space and the grayness of the moon.

On the whole, I have been rather skeptical concerning the scientific value of the man-in-space program. But, while listening to the Apollo 8 crew, I became interested in that effort because I felt that it would pay unexpected dividends—namely, make us objectively aware, through our senses as it were, of the uniqueness of the earth among other bodies in the sky.

The incredible beauty of the earth as seen from space results largely from the fact that our planet is covered with living things. What gives vibrant colors and exciting variety to the surface of the earth is the fact it is literally a living organism. The earth is living by the very fact that the microbes, the plants, the animals, and man have generated on its surface, conditions that occur nowhere else, as far as we know, in that part of the universe that we can hope to reach.

The phrase "theology of the earth" thus came to me from the Apollo 8 astronauts' accounts of what they had seen from their space capsule, making me realize that the earth is a living organism.

My presentation will be a mixture of the emotional response of my total being to the beauty of the earth, and of my mental processes as a scientist trying to give a rational account of the earth's association with living things. The phrase "theology of the earth" thus denotes for me the scientific understanding of the sacred relationships that link mankind to all the physical and living attributes of the earth.

I shall have to touch on many different topics because I want to convey my belief that we have collectively begun to engage in a kind of discovery of ourselves—who we are, where we belong, and where we are going. A few lines from T. S. Eliot in his poem "Four Quartets" seems to me the ultimate expressions of what I shall try to express emotionally and to analyze scientifically.

"We shall not cease from exploration
And the end of all our exploring will be
To arrive where we started
And know the place for the first time."

All archaic peoples, all ancient classical cultures, have practiced some form of nature religion. Even in our times a large number of isolated, primitive tribes in Australia, in Africa, and in South America still experience a feeling of holiness for the land in which they live. In contrast, respect for the earth and for nature has almost completely disappeared from industrialized people in most of the countries that have accepted the ways of western civilization.

Primitive religion, with its sense of holiness of the environment, was always linked with magic. It is easy to understand how there can be links between primitive religious beliefs and the attempts to control nature through the mysterious influences of the world. Even though they always have coexisted among primitive people, religion and magic represent two very different kinds of attitudes.

In the words of the anthropologist Malinovsky: "Religion refers to the fundamental issues of human existence while magic turns round specific, concrete and practical problems."

Most of my remarks this evening will be based on the conviction that the ecological crisis in the modern world has its root in our failure to differentiate between the use of scientific technology as a kind of modern magic and what I shall call modern religion, namely, knowledge as it relates to man's place in the universe and, especially, his relation to the earth.

All ancient peoples personified a locality or a region with a particular god or goddess that symbolized the qualities and the potentialities of that place. Phrases such as "the genius of the place" or "the spirit of the place" were commonly used in the past. All followers of ancient cultures were convinced that man could not retain his physical and mental health and fulfill his destiny unless he lived in accordance with the traditions of his place and respected the spirit of that place. I believe it was the attitude that helped ancient peoples to achieve rich and creative adjustment to their surroundings. Now you may say: "Spirit of place; genius of place? This is no longer for us. We are far too learned and sophisticated."

Yet, rationalistic and blasé as we may be, we still feel, deep in our hearts, that life is governed by forces that have their roots in the soil, in the water, and in the sky around us. The last part of Lawrence Durrell's book *Spirit of Place* deals with this very topic. There is not one among us who does not sense a deep meaning in phrases such as "the genius of New England" or "the spirit of the Far West." We still sense that there is some kind of uniqueness to each place, each location; which gives it a very special meaning in our minds. But while we pine for the sense of holiness in nature, we do not know how to introduce this sense in our social structure. I am convinced that this has much to do with the ecological crisis.

I am not the first to express the feeling that we shall not be able to solve the ecological crisis until we recapture some kind of spiritual relationship between man and his environment. Some two years ago, for example, the learned American scholar Lynn

White, Jr., a professor at the University of California in Los Angeles, delivered before The American Association for the Advancement of Science a special lecture titled "The Historical Roots of Our Ecologic Crisis." This lecture must strike a very sensitive chord in the minds of Americans because it has been reproduced again and again in several journals—ranging from *The Oracle,* the organ of the Hippie movement in San Francisco, to the plush magazine *Horizon.* Among the many interesting and important things White says, I single out a particular item with which I disagree in part. He stated that, in his opinion, the lack of reverence for nature on the part of modern industrial man, especially in the United States, and the desecration of nature by technology are consequences of biblical teachings. He traced them to the first chapter of Genesis in which it is said that man and woman were given the right and the duty to replenish the earth, subdue it, and have dominion over all living things. According to White, this biblical teaching has had such a profound and lasting influence on western civilization that it has made modern man lose any feeling for nature and to be concerned only with the conquest of nature for his own benefit.

Also, White sees no hope of retracing our steps through science and technology because both exemplify the authority expressed in that statement in the first chapter of Genesis. The only solution to the ecological crisis, therefore, is to try to recapture the worshipful attitude that the monks of the Franciscan Order had toward nature in the thirteenth century. The last sentence of White's lecture is, if my memory serves me right, "I propose Francis as a patron saint for ecologists."

All of us have some kind of sentimental, romantic sympathy with Lynn White's thesis. All of us are happy that there have been practical expressions of this attitude in the development of the national parks and in the attempts to preserve as much wildlife as possible. By preserving the state of certain wilderness areas, with their animals and plants, their rocks and marshes, mankind symbolizes that it has retained some form of respect for the natural world. In passing, it is not without interest that the United States—the country which has certainly been the most successful and has done the most toward achieving dominion over the earth through technology—is also the one country which is doing the most to save some fragments of wilderness. I wonder at times whether Glacier Park and Monument Valley do not represent a kind of atonement for God's own junkyard.

Despite my immense admiration for Lynn White's scholarship, I find it difficult to believe that the Judeo-Christian tradition has been as influential as he thinks in bringing about the desecration of the earth. One does not need to know much history to realize that the ancient Chinese, Greek, and Moslem civilizations contributed their share to deforestation, to erosion, and to the destruction of nature in many other ways. The goats of primitive peoples were as efficient as modern bulldozers in destroying the land. In any case, the Judeo-Christian attitude concerning the relation of man to nature is not expressed only in the first chapter of Genesis. The second chapter of Genesis states that man, after he had been placed in the Garden of Eden, was instructed by God to dress it and to keep it—a statement which has ecological implications. To dress and keep the land means that man must be concerned with what happens to it.

Man is rarely, if ever, just a worshiper of nature, a passive witness of its activities. He achieved his humanness by the very act of introducing his will into natural events. He became what he is while giving form to nature. For this reason I believe that ecologists should select St. Benedict as a much truer symbol of the human condition than Francis of Assisi. Most of you probably know little about St. Benedict, perhaps even less about the history of the Benedictine Order. So allow me to elaborate on them for a few minutes because they represent a topic that is crucial to my personal attitude toward conservation.

St. Benedict created the first great monastery in the western world on Monte Cassino, in Italy, in the sixth century. He must have been a wise man, because when he formulated the rules of conduct for Monte Cassino—rules which became a model for monastic life all over the world—he decided that the monks should not only pray to God but also should work. Moreover, he urged that the monastery be self-sufficient. The rule of work and the need for self-sufficiency led the Benedictine monks to master a multiplicity of practical arts, especially those relating to building and to architecture. The monks learned to manage the land in such a manner that it supplied them with food and clothing, and in such a manner that it retained its productivity despite intensive cultivation. Moreover, they developed an architecture which was lasting, well-suited to the country in which they lived as well as to their activities, and which for these reasons had great functional beauty. Those of you who have traveled over the world know that the Benedictine monasteries are marvels of medieval architecture.

It seems to me that the Benedictine rule implies ecological concepts which are much more in tune with the needs of the modern world than is the worshipful attitude of St. Francis. Perhaps most influential among the monks who followed the Benedictine rule were those of the Cistercian Order. For reasons that I shall not discuss, the Cistercians established their monasteries in the lowlands and swamps: consequently, they had to learn to drain the land, and therefore they learned to use water power. And, through these technological practices, they converted areas of swamps and forests (that were not suitable for human habitation because of the prevalence of malaria) into wonderful fertile land which now makes up much of Europe's countryside.

If I have talked so long about St. Francis and St. Benedict it is not to give you a course in this history of medieval religion. Rather it is to illustrate two contrasting—but, I believe, equally important—attitudes toward nature: on the one hand, passive worship; on the other, creative intervention.

I have no doubt that the kind of worship symbolized by St. Francis helps man to retain his sanity by identifying himself with the totality of creation from which he emerged. Preserving the wilderness and all forms of wildlife is essential not only for esthetic and moral reasons but also for biological reasons.

Unfortunately, it will become increasingly difficult in the modern world to protect the wilderness from human use. In fact, no longer can there be any true wilderness. No fence is tight enough to shut out radiation clouds, air and water pollution, or noise from aircraft. Some ten or twenty years ago we could still escape from the insults of technological civilization by moving to the Rocky Mountains, to the Greek islands, or to the islands of the Pacific Ocean, but now the national parks and the isolated islands are almost as crowded and as desecrated as Coney Island. The only solution left to us is to improve Coney Island. In his short novel *Candide,* Voltaire pointed out that Candide discovered at the end of his adventures that the surest formula for happiness was to cultivate one's own garden. I believe that our Garden of Eden will have to be created in our own backyards and in the hearts of our cities. Just as the Benedictine monasteries had to apply, although empirically, ecological principles so as to remain self-supporting and viable, so must we learn to manage the earth in such a manner that every part of it becomes pleasant.

The achievements of the Cistercian monks serve to illustrate another aspect of modern ecologic philosophy. As I mentioned before, the swamps in which they established their monasteries were unfit for human life because of insects and malaria. But monastic labor, skill, and intelligence converted these dismal swamps into productive agricultural areas, many of which have become centers for civilization. They demonstrate that transforming of the land, when intelligently carried out, is not destructive but, instead, can be a creative art.

My speaking of medieval times in Europe was not meant to convey the impression that only then have there been great achievements in the management of land. One need only look at the Pennsylvania Dutch country to see a striking demonstration of land that has been created out of the forest, that became highly productive, and that has been well preserved. One could cite many similar feats all over the world. But the tendency at present is to determine the use of lands and waters, mountains and valleys, only on the basis of short-range economic benefits. And yet one can safely assert that sacrificing ecological principles on the altar of financial advantage is the road to social disaster, let alone esthetic degradation of the countryside. I shall now present a few remarks about how we can create land. By this I mean taking nature as it is presented to us and trying to do with it something which is both suitable for human life and for the health of nature.

To do this it is essential that we identify the best "vocation" for each part of our spaceship. In Latin the word for "vocation" refers to the divine call for a certain kind of function. I wish we could apply this word, and indeed I shall apply it, to the different parts of the earth because each part of the earth has, so to speak, its vocation. It is our role as scientists, humanists, and citizens, and as persons who have a feeling for the earth, to discover the vocation of each part of it.

Certain parts of the earth, like certain persons, may have only one vocation. For example, there may be only one kind of thing that can be done with the Arctic country; there may be only a limited range of things that can be done with certain tropical lands. But in practice most places, like most persons, have several vocations, several options, and this indeterminism adds greatly to the richness of life. To illustrate with a few concrete examples what I have in mind, I ask that you consider what has happened to the primeval forest in the temperate parts of the world. I am not going to speak about the tropics, I am only going to speak of western Europe and the United States—the two parts of the world that I know best.

Much of the primeval forest in temperate countries has been transformed into farmland, but what is interesting is that each part of this primeval forest transformed into farmland has acquired its own agricultural specialization, social structure, and esthetic quality. On the other hand, the temperate forest need not become agricultural land. In Scotland and eastern England such lands progressively were transformed into moors—the famous moor country of the Scottish Highlands and eastern England. This happened largely through lumbering activities and also through the sheep grazing of the Benedictine monks. The moors are not very productive from the agricultural point of view, but their charm has enriched the life of Great Britain and played a large part in literature. In North America, much of the primeval forest was transformed into prairie country as a result of the fires set by the preagricultural Indians. The prairies have now been converted in large part into agricultural

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land, but they have left a lasting imprint on American civilization.

I have quoted a few transformations of the land from one ecological state to another which have been successful, but I hasten to acknowledge that many other such transformations have not been as successful. Much of the country around the Mediterranean has been almost destroyed by erosion, and very little is left of the famous cedars of Lebanon. The transformation from one ecological state to another has given desirable results, especially where it has occurred slowly enough to be compatible with adaptive processes either of a purely biological nature or when it involved the adaptation of man to the new conditions. This is the case for the moors in Great Britain. In this case the creation of romantic moors out of forest land took a thousand years, so there was a chance for all the adjustments that always occur in nature, when there is enough time, to come about. Contrast this with what happened in many parts of the United States where massive and hasty lumbering has been responsible for ghost towns and for eroded land.

From now on, most of the transformations of the earth's surface will occur so rapidly that we may often create those terrible situations resulting in erosion and destruction of the land. It therefore is urgent that we develop a new kind of ecological knowledge to enable us to predict the likely consequences of massive technological intervention, and to provide rational guides as substitutes for the spontaneous and empirical adjustments that centuries used to make possible.

I have spoken so far chiefly of the transformations of the forest into new ecological structures that have economic value. But utilitarian considerations are only one aspect of man's relation to the earth. The widespread interest in the preservation of wildlife and primeval scenery is sufficient evidence that man does not live by bread alone and wants to retain some contact with his distant origins. In practice, however, the only chance that most people have to experience and enjoy nature is by coming into contact with its humanized aspects—cultivated fields, parks, gardens, and human settlements. It is, of course, essential that we save the redwoods, the Everglades, and as much wilderness as possible, but it is equally important that we protect the esthetic quality of our farmland, and to use this image again, that we improve Coney Island.

I wish there were time to discuss at length the factors that make for a beautiful landscape. Clearly, there is a kind of magic splendor and magnitude which gives a unique quality to certain landscapes. The Grand Canyon, the Painted Desert, and Niagara Falls are examples of scenery to which man's presence never adds anything, and may detract a great deal. In most cases, however, the quality of the landscape consists, in a sense, of fitness between man and his surroundings. This fitness accounts for most of the charm of ancient settlements, not only in the Old World but in the New World as well. The river villages of the Ivory Coast in Africa, the Mediterranean hill towns, the pueblos of the Rio Grande, the village greens of New England, and all the old cities so well organized around peaceful rivers represent many different types of landscapes that derive their quality not so much from topographical or climatic peculiarities as from an intimate association between man and nature.

Among the many factors that play a role in the sense of identification between man and nature, let me just mention in passing how history and climate condition the architecture and the materials of dwellings and churches. Also, how the climate determines the shape and the botany of gardens and parks.

The formal gardens of Italy and France didn't just happen through accidents or through the fancy of some prince or wealthy merchant. These wonderful parks and gardens were successful because they fitted very well into the physical, biological, and social atmosphere of Italy and France at the time of their creation. Such formal parks and gardens also flourished in England, especially during the seventeenth century, but the English school achieved its unique distinction by creating an entirely different kind of park. The great and marvelous English parks of the late seventeenth and eighteenth centuries were characterized, as we all know, by magnificent trees grouped in meadows and vast expanses of lawn. This style was suited to the climate of the British Isles, to the abundance of rain, and to the fact that isolation is sufficiently limited to permit certain types of growth. In France many attempts were made in the eighteenth century to create gardens and parks in the English style. Except in a few cases, however, English-type parks and gardens were not very successful in France.

On this topic, there is an interesting letter of Horace Walpole, who was one of the prophets of the English landscape school. He traveled in France and after his return he expressed a critical opinion of the attempts to duplicate the English park on the Continent. "The French will never have lawns as good as ours until they have as rotten a climate," he wrote in a letter. This witticism expresses the biological truth that landscape styles can be lastingly successful only if they are compatible with the ecological imperatives of the countries in which they develop. This is what Alexander Pope summarized in his famous line, "In everything respect the genius of the place." The word "genius" here expresses the total characteristics and potentialities of a particular area.

We should have Horace Walpole's phrase in mind when we look at what is being done in our large cities toward creating parks and gardens. Just as the climate in France cannot produce the green magnificence of the English parks, so in general the atmosphere in most of our large cities is unable to support most plant species. This does not mean that plant life is out of place in our cities, only that much more effort should be made to identify and propagate for each particular city the kinds of trees, flowers, and ground cover that can best thrive under its own particular set of climatic and other constraints.

When I look on New York City parks and notice how their ordinary grass can appear so pathetic, and when I see how monotonous row after row of plain trees can be, I feel that botanists and foresters should be encouraged to develop other plant species congenial to urban environment. This is a wonderful field for plant ecologists because, in the very near future, pioneers of plant ecology are likely to be much more needed in the city than in the wilderness.

To summarize my remarks, let me restate that the "genius" or the "spirit of the place" is made up of all the physical, biological, social, and historical forces which, taken together, give uniqueness to each locality. This applies not only to the wilderness but also to human settlements—Rome, Paris, London, Hamburg, New York, Chicago, San Francisco—and I have selected these cities as representatives of very different types. Each of these cities has a genius that transcends its geographical location, commercial importance, and population size. The great cities of the world contribute to the richness of the earth by giving it the wonderful diversity that man adds to the diversity of nature. The "genius of the place" will be found in every part of the world if we look for it.

In the final analysis the theology of the earth can be expressed scientifically in the form of an enlarged ecological concept. Since this theology will be formulated by human minds it inevitably will involve man's interplay with nature. We certainly must reject the attitude which asserts that man is the only value of importance and that the rest of nature can be sacrificed to his welfare and whims. But we cannot escape, I believe, an anthropocentric attitude which puts man at the summit of creation while still a part of it. Fortunately, one of the most important consequences of enlightened anthropocentricism is that man cannot effectively manipulate nature without loving nature for her own sake. And here I shall have to summarize a set of complex biological concepts in the form of general and dogmatic statements which, I hope, will convey to you some feeling of what I would have liked to state more scientifically.

It is not just a sentimental platitude to say that the earth is our mother. It is biologically true that the earth bore us and that we endanger ourselves when we desecrate her. The human species has been shaped biologically and mentally by the adaptive responses it has made to the conditions prevailing on the earth when the planet was still undisturbed by human intervention. Man was shaped biologically and mentally while responding to wild nature in the course of his evolution. The earth is our mother not only because she nurtures us now but especially because our biological and mental being has emerged from her, from our responses to her stimuli.

Furthermore, the earth is our mother in more than an evolutionary sense. In the course of our individual development from conception to death, our whole being is constantly influenced by the stimuli that reach us from the environment. In other words, we constantly are being modified by the stimuli that reach us from nature and also from what we have done to the earth. To a great extent, we therefore come to reflect what we create. I shall restate here a phrase of Winston Churchill's that I quoted two years ago in this very room:

"We shape our buildings and afterward our buildings shape us."

This means that everything we create, good and bad, affects our development and, more importantly, affects the development of children. In his notes of a *Native Son* James Baldwin expressed even more vividly the influence of our environment on our biological and mental characteristics. Here are three phrases:

"We cannot escape our origins however hard we try, those origins which contain the key could we but find it, to all that we later become."

"It means something to live where one sees space and sky, or to live where one sees nothing but rubble or nothing but high buildings."

"We take our shape within and against that cage of reality bequeathed us at our birth."

In the light of the remarks that I have presented to you, I have come to a sort of general philosophy about the meaning of the word "conservation"; and it is with a brief statement of this philosophy that I end my presentation. Conservation programs, whether for wilderness or for man-made environments, usually are formulated and conducted as if their only concern were to the human species and its welfare. Yet they can be effective only if they incorporate another dimension, namely, the earth and her welfare.

This is not sentimentality but hard biological science. Man and the earth are two complementary components of an indivisible system. Each shapes the other in a wonderfully creative symbiotic and cybernetic complex. The theology of the earth has a scientific basis in the simple fact that man emerged from the earth and then acquired the ability to modify it and shape it, thus determining the evolution of his own future social life through a continuous act of creation.

(*Dr. Dubos then invited questions from the audience.*)

Question by Frank M. Potter, Jr., executive director, Environmental Clearinghouse, Inc., Washington, D.C.: When you were talking earlier about the necessity for striking a balance in nature it occurred to me that a basic problem is that an important part of the American myth is an uncritical belief in the desirability of a constantly growing economy—that somehow the development of our gross national product is felt to be one of the highest and best purposes that we can achieve. Can this be reconciled with your beliefs as to the rational way to treat nature?

Dr. Dubos. I shall not discuss your question because I agree so profoundly with its spirit. I shall instead try to formulate the problem in a more positive form. Would it not be profitable to look in the world at large, and especially in this country, to recognize those situations in which people have survived and become reasonably prosperous but yet have maintained the environment around them in a form that is pleasant and viable? We would find, I believe, that in these situations men did not take growth *per se* as their goal. In the first chapter of Genesis man is instructed to populate the earth, subdue it, and gain dominion over it.

But in the second chapter man is instructed to take care of the earth. I wonder whether there is not an interesting historical aspect of man's relation to the earth implied in these two versions. There was a time, probably until the eighteenth century, when it was advantageous to increase the population to utilize the resources of the earth, and thereby to create social life. Now that this phase is completed and we have gone beyond it, the attitude expressed in the second chapter of Genesis is the one really relevant to our present condition.

The feeling that the only measure of success is creating more people and greater gross national income is a social invention not built in man's nature. In fact, we may be at the end of the phase when expansion just for the sake of growth is considered the chief social value. I am wondering whether—despite our sense of despair at seeing what is happening to this continent—we are not nearer than we think to a change in the national mood. One of the most interesting psychological events in the United States has been that, for the first time, we are beginning to hear many voices expressing that, as you said, the gross national income is not a goal of real value. I am impressed by the fact that this belief has been expressed in the United States, not in Europe. The probable reason is because it's here that technological society has been most successful. This topic is being discussed all over the country. I am aware that discussions and conferences do not solve problems, but they do create a climate of opinion which I am sure will change public attitude within your generation, if not mine.

Question by Dr. I. Eugene Wallen, Director, Office of Environmental Sciences, Smithsonian Institution: You have indicated a position which in one sense makes you a prophet of doom. I wonder whether you would make a prediction as to what will happen when the gross national product begins to drop?

Dr. Dubos. Answering this question would be pretentious on my part because it would imply knowledge of sociology and economics that I do not have. But it may be worthwhile to mention what is being done in Sweden. I have the impression that the policy of the Swedish government during the past twenty years has been to organize the national economy, not for the sake of increased gross national product but on the bases of rearranging the community. The Swedes may not have been successful everywhere, but they certainly have gone much further than we have toward saving the countryside, improving the cities, arranging the life of people in such a manner that growth for growth's sake is not the only ideal. This does not mean abandoning technology but rather redirecting science. One of the crucial issues in our time is how we can continue to develop and utilize knowledge and to develop technology, not for the sake of growth but for the improvement of our total environment. There is so much to be done in this regard that it will occupy two or three generations. Nothing irritates me more in this respect than to hear that there won't be any work for anybody, that everything will be done by machines or computerized equipment. The crude fact is that 75 percent of the housing in this country should be destroyed because it is so bad and will obviously become slums in the near future. Reconstructing of our environment will not be done by computers, but it will demand that people become very much involved. The magnificent natural beauty of the United States is being spoiled everywhere, and everybody's participation is required to change this course. Fortunately, a few things are being done. To limit myself to only one example involving the use of powerful technology: See what is happening to some of the parkways. For example, the stretch of the Taconic State Parkway beyond New York. This is a product of technology which has transformed nature while still respecting her character. I think that the Taconic State Parkway is a kind of creation which in some ways is the equivalent of the medieval cathedrals. It seems to me that it's all there to be done; it only demands a redirection of the national effort. I think we will find the way, because we always find political solutions when goals are sufficiently well-defined to permit creative and intelligent use of science and technology.

RECLAIMING OUR ENVIRONMENT

Mr. MURPHY. Mr. President, an interesting editorial entitled "Deadline for Man's Survival," appeared recently in the Los Angeles Times. I believe the editorial underscores well the challenge in reclaiming our environment, a significant issue of the 1970's. The matter of pollution is truly a question of survival and above compromises and political interests, as the Times has well described it.

I join with our President in his fervent plea for protection of our water, air and our remaining open spaces for future generations to enjoy. I have, Mr. President, long been active in these areas, before "ecology" was even fashionable, and I intend to redouble my efforts in the coming months.

I ask unanimous consent that the editorial be printed in the Record, along with an article published in today's Times, describing Gov. Ronald Reagan's Omnibus Clean Air Act, which he has sent to the California Legislature.

There being no objection, the editorial and article were ordered to be printed in the Record, as follows:

[From the Los Angeles (Calif.) Times, Jan. 6, 1970]

Deadline for Man's Survival

Issue: There is little time left to reclaim the environment from the mess we have made of it. Will we meet the challenge?

As he signed the legislation setting up the three-member Council on Environmental Quality the other day, President Nixon remarked that the 1970s will be now-or-never years for reclaiming our living environment. The imperative deadline was no exaggeration.

We have already passed the point where our technology, greed and stupidity have resulted in fundamental alterations of the planet's life-support systems. We are now able to see that if this reckless tinkering is not halted and then reversed, the continuation of life on earth will become problematical.

Everyone is against pollution of the environment but few grasp how far the corruption of our air, water and land have progressed. The visible and esthetically disturbing signs—the air made filthy and noxious by photo-chemical smog, the streams and rivers discolored by wastes—hardly begin to tell the story.

Similarly, most of the solutions this far proposed have been shaped by political expediency and special-interest lobbying. They can scarcely begin to match the problem.

Our basic resources are being assaulted and strained beyond nature's ability to cope. The six billion tons of fossil fuels we burn each year are slowly raising the temperature at the earth's surface. North polar ice is thinning, life in the seas is being affected, the oxygen balance is changing.

Our lakes, rivers and now even the oceans have been polluted with pesticides. Wildlife not only is endangered by pesticides but in some cases—the American bald eagle is one example—faces extinction. The finality of that word must be stressed. We are beginning to see the end for all time of species that millions of years of evolution created.

Man himself may suffocate in his own garbage. In California alone in the next 35 years, according to one estimate, 2.3 billion tons of solid wastes will be produced, enough to cover a 1,500-square-mile area to a depth of 10 feet.

Wastes which find their way into our lakes are speeding up the aging cycle and so overwhelming the natural processes that the lakes are literally dying. We level forests and hills and sand dunes with little thought for the complex interrelationship of living things and natural forces. Agricultural acreage with its irreplaceable topsoil is given over to commercial or residential use. Where will the food of the future be grown?

Population growth and consumption demands are a basic part of the environmental crisis. Right now 80% of Americans live on 3% of the land. Almost daily, scientists voice new warnings about the effects on our health of this squeeze. The threat comes not only from the dirty water we drink and the foul air we breathe. Evidence mounts that overcrowding, noise and all the other byproducts of too many people in too little space are responsible for physiological as well as psychological damage to humans.

The decade ahead is indeed—perhaps literally—the do or die era for reclaiming our environment, for saving ourselves. We know what must be done; the scientists and technologists must now show us the way, and political leadership must provide us the means, for doing it.

That requires first of all an unequivocal dedication at all levels of government to halting the pollution of the biosphere and the depredation of our resources. It means planning for our future, and implementing those plans in the development of new towns in the control of population. It means a continuing outcry from the people, demanding that the job be done.

We have run out of time for wishy-washy compromises, for permissiveness toward special interest groups, for political double-talk. The issue, in a word, is one of survival. That is not something we can compromise with.

[From the Los Angeles (Calif.) Times, Jan. 23, 1970]

Reagan Presents Clean Air Law to Legislature—Describes Omnibus Act as Most Comprehensive Program Ever Proposed

(By Jerry Gillam)

Sacramento. — Gov. Reagan Thursday urged passage of a clean air law which he

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said could reduce smog from automobiles up to 80% by the end of the 1970s.

Reagan, in a special message to the Legislature, called his program the "most comprehensive and far-reaching omnibus clean air law to battle air pollution ever proposed by any state or nation."

He said it would provide long-range tools necessary to crack down even harder on the two main causes of smog—the automobile internal combustion engine and open burning and industrial smoke.

In general, Reagan advocated testing of smog control devices on every new car before it could be sold in California, requiring oil companies to significantly alter the chemical makeup of their gasoline and giving fleet operators a tax break if they switched to natural gas-powered vehicles.

OTHER RECOMMENDATIONS

Also recommended were abandoning open dump burning, establishing statewide limits for smoke and dust, allowing regulation of agricultural burning and developing a 20-year master plan for locating new power-generating facilities.

The governor claimed the state has made progress in the fight against smog, but more effort is needed.

"California's passage of the toughest air quality control laws in history bears witness to the significant progress we are making," Reagan told the Assembly and Senate.

"Despite the increasing number of motor vehicles on our streets and highways, air pollution is on the decline. Working together, we can and must help speed that decline.

"To accomplish this goal, I am asking your support of a legislative program which will not only further strengthen already-tough controls on smog, but also provide the teeth needed to enforce them."

Specifically, he proposed:

Testing of smog controls on every new car sold in California. Dealers would have to file a certificate of compliance before a car could be registered. False certification would subject a dealer to criminal prosecution. Random roadside checks would be made by the Highway Patrol. The Air Resources Board would develop a practical assembly-line testing method for all new cars by 1972.

Sen. Lewis Sherman (R-Oakland) will carry this bill.

Giving the Air Resources Board the power to require oil companies to change their gasoline composition to help insure that evaporative smog-control devices are working at full efficiency and reduce hydrocarbon exhaust fumes by regulating the volume of olefins. The latter bill would be limited initially to gasoline sold in the Los Angeles-South Coast basin where smog is considered the most severe.

Assemblyman Pete Schabarum (R-Covina) will carry these two bills:

Reducing the fuel tax on natural gas from 7 to 3 cents per 100 cubic feet—the amount comparable to a gallon of gasoline—so that fleet operators will convert to vehicles that operate on either regular gasoline or compressed natural gas, similar to some state vehicles now being tested. Schabarum also will author this bill. Reagan said the use of natural gas can reduce smog by 90%.

Selling personalized license plates to raise money to fight the war against smog. Sen. Milton Marks (R-San Francisco) will carry this bill. Reagan said that if only 2% of the state's registered motorists applied for these plates, it would raise $3.8 million in revenue in the first year alone.

Requiring creation of air pollution control districts in all counties that don't already have them. Each new district would be required to file an antismog plan by July 1, 1971. If the Air Resources Board found the plan to be inadequate, it could adopt its own plan. Compliance would be mandatory.

MULFORD AUTHOR

Assemblyman Don Mulford will author this bill.

Allowing local air pollution control districts to regulate agricultural burning, including designating what can be burned and under what conditions.

Establishing statewide limits on smoke, dust, soot, odor and other nuisance matter in the air.

Banning disposal of combustible refuse in open fires—except in single and two-family dwellings, prohibiting open burning at private dumps and auto wrecking yards, and requiring each air pollution control district to submit a plan to phase out all open burning dumps within their jurisdiction by June 30, 1971.

Sen. Fred Marler (R-Redding) will carry this bill.

Establishing a statewide air monitoring network to measure air quality. Assemblyman Craig Biddle (R-Riverside) will carry this bill.

Directing the State Resources Agency in conjunction with the public utilities, to draft a 20-year master plan for location of new power-generating facilities. This plan would include recommendations on which fuel should be used selected on the basis of having the least adverse effect on the surrounding environment. All proposals for construction and expansion of plants would be subject to review by the state.

Assemblyman John V. Briggs (R-Fullerton) will carry this bill.

Reagan said he was "reaffirming the Administration's continuing commitment to an all-out war against the debauching of our environment" with his omnibus clean air law proposal.

OIL IMPORT STAFF REPORT

Mr. PROXMIRE. Mr. President, there has been much discussion about what the staff of the President's Cabinet Task Force on Oil Import Control originally recommended. In order to put the discussion on a sounder basis, I ask unanimous consent that part V of the report which has been widely leaked be printed in the RECORD at the conclusion of my remarks.

The most amazing thing in the attacks of the oil industry on this report is their apparent lack of faith in a market economy. Although they usually espouse a doctrine of free enterprise, they apparently feel that the oil industry cannot compete in a free market, it needs the protection of the Federal Government. This is a far cry from the beliefs of the rugged individuals who built the oil industry as we know it.

If the oil industry needs to be subsidized, let us do so honestly. Let us appropriate the necessary money. This way the taxpayers would at least know that the money has passed a budgetary review, that there is at least some semblance of a rational connection between the amount of money being spent and the benefit received. Under the present system, the American taxpayer and consumer is spending unbelievable sums of money without knowing it and without even the slightest guarantee that his money is being spent in a rational fashion. This must stop.

There being no objection, part V was ordered to be printed in the RECORD, as follows:

PART FIVE: A POLICY—ANALYSIS AND RECOMMENDATIONS

I. PROPOSED PROGRAM

A. General plan

1. Policy.—The proposed program takes as its point of departure the security of North American and Western Hemisphere supplies at an approximate wellhead price in South Louisiana of $2.50, provided there are appropriate preference and other arrangements to minimize dependence on relatively insecure Eastern Hemisphere sources of oil. Price and preference do not themselves determine petroleum security, but they establish the conditions for domestic and other secure-source exploration and production and the resulting volumes and distribution of imports on which security depends. We therefore outline a plan by which:

(a) a $2.50 South Louisiana wellhead price (for 30° crude) is achieved by the end of a two- or three-year transition period;

(b subsidies embodied in the current quota system are phased out over a suitable period;

(c) tariffs are used as the basic method of import restrictions, with some reserve mechanism to prevent any sudden or excessive increase in the volume of imports from Eastern Hemisphere sources;

(d) a tariff exemption is extended to Canadian imports in the context of common policies to be negotiated on related energy matters, with an initially lesser preference for Latin American imports—subject to expansion over time with increases in U.S. import requirements; and

(e) both for the transition period and for the longer term, a management system is created to monitor both the mechanics and the underlying rationale of the restrictive system.

B. Tariffs as the restrictive mechanism: Factors in the Selection

2. National control. A program restricting imports on national security grounds should reflect federal rather than state control.—Under the existing quota system which fixes precisely the volume of imported crude oil, authorities in the states with effective "market demand prorationing" (principally Texas and Louisiana) restrict production to what is needed at the prevailing price and therefore control both price levels and domestic output.[1] There is reason to believe that, if quotas were retained and only gradually expanded, Texas and Louisiana authorities would restrict production more intensively to maintain both total supply and price. This could not happen with tariff restrictions because a state effort to curtail efficient production in order to maintain or raise prices would call forth greater imports rather than higher prices. It follows that tariffs are more likely to call forth more domestic production with lower cost—to the benefit of both the economy and the producing industry—than would be available under a quota system.

3. Competitive liberalization.—A tariff system makes imported crude and product supplies available to anyone willing to pay the tariff.[2] It therefore frees domestic buyers—who may be refiners, distributors, or marketers—from strict dependence on particular suppliers. Temporary shortages or contract terminations could be surmounted without the necessity of present recourse to the "hardship" allocation authority of the Oil Import Appeals Board.

4. Substituting the marketplace for Government allocation.—No single aspect of the present system has engendered so much controversy as the allocation of valuable import rights among recipients. Some of the more dubious features of past practice can no doubt be corrected, but there are inevitable strains and distortions in the administrative process of favoring some at the expense of others. The hazards of fallible judgment, combined with the ever-present risks of corruption, counsel strongly in favor of getting the government out of the allocation business as rapidly and as completely as possible. Some continuation may be necessary during a transition period, and alloca-

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tions might also be needed for any quantitatively limited tariff exemption granted to imports from a particular source; but these can and should be kept to a minimum. A tariff system can then have the advantage of reducing administrative costs and the danger of *favoritism and corruption.*

5. Revenues available for security measures.—While the President has statutory authority to "adjust imports" by either quota or tariff restrictions, the disposition of government revenues are, of course, subject to Congressional authorization and appropriation. Thus, these tariff revenues could not be earmarked for particular purposes; but they could serve as a basis for legislation to develop, for example, strategic petroleum reserves without increasing general taxes. An incidental benefit of a tariff system is thus that it could facilitate further research and exploration into development of synthetic crude, development of reserves on government lands, or other steps contributing to oil security.

6. Program flexibility.—A quota is essentially rigid in two respects—it sets fixed limitations on the volume of oil that can be imported, and it builds up vested interests in the allocation of import benefits. Both aspects make it difficult to keep the import program responsive to current economic and national security needs in the light of energy developments at home and abroad. A tariff system, with its closer approximation to market conditions, should be much more amenable to surveillance and change as needed.

7. Consumer savings.—Refiners receiving the benefit of low-priced foreign oil might now compete away part or all of that benefit, which would thereby be passed through to consumers. A tariff would, of course, appropriate any such savings. But we are uncertain about the extent, if any, to which such savings now are passed through to consumers. At most, permitted imports are priced about $600 million annually below domestic prices—or about 13 cents per barrel; the difference would be about $860 million in 1980. The passed through savings might, of course, vary as the allocation of quota tickets is varied. In all events, however, the savings made available by an immediate and general reduction of both domestic and imported crude prices to $2.50 per barrel would exceed $2.50 billion in 1970,[3] and $4 billion by 1980—far offsetting any price-increasing effects of shifting to tariffs.

8. Eastern Hemisphere price-cutting.—The spread between foreign production costs and tax-paid costs is so wide, particularly in the Middle East, that producing countries in that region might cut their taxes significantly to overleap our tariff barrier.[4] They could be discouraged from doing so and the national security protected, by some adjustment mechanism that would come into play if imports from the Eastern Hemisphere greatly exceeded anticipated levels: (1) a "reserve quota," (2) a flexible tariff that would respond automatically in a predetermined way, or (3) continuous or periodic surveillance and adjustment as needed by the import-control program managers. We shall later consider the details of possible managements.

9. Phasing out special allocations.—Quota licenses are not now awarded uniformly to all refiners but disproportionately in favor of certain persons or groups—by way of the sliding scale, historical allocations, and the like. Those special allocations would no longer exist when the shift to a tariff system was complete.[5] Appropriate transition measures to cushion the withdrawal of these privileges would be needed and are considered at a later point. To a large extent such phasing-out would be justified even if a quota system were otherwise retained. Under either system, however, exceptions and essential special benefits, if any, could be retained. If continuing special consideration for one or another group, such as petrochemical producers, is still deemed necessary or advantageous in the interest of the national security, it can be provided by means of an end-use exception from tariff. This form of special exception, unlike special quota allocations, would not be deducted from the import rights available for others.

10. Legal authority; trade policy.—Although it may seem unusual for the President to increase tariffs, this power is conferred by the statute which authorizes him to take whatever action he deems necessary on national-security grounds to "adjust imports". This authority also extends to the imposition of different tariff levels on imports from different sources, as and if required by national security considerations. Some policy difficulties may be encountered if our foreign trading partners seize on U.S. tariff preferences as a justification either for trade retaliation or for adoption of their own preferential trading arrangements in other commodities. The present quota system has, however, extended preferences to Canada, Mexico, and to some extent Venezuela without significant objection from other countries; we should be able to document the consistency of our tariff-preference arrangements with the national security exception in GATT—an exception not applicable to most other commodities; and beyond that if other countries are looking for excuses to justify their own tariff-preference policies they could doubtless find them in any case.

C. Proposed tariff levels

11. Gulf Coast pricing.—We have calculated the tariff level that at equilibrium will yield a $2.50 price at the wellhead for South Louisiana crude. This is 80 cents under the current price for such crude and 60 cents under the price that prevailed before February 1969. We have assumed that at least through the late 1970's, prices on the Gulf Coast will continue to be determined on a net-back basis from the East Coast. Although most new imports will be sold on the East Coast, demand in District I (The Eastern Seaboard) is such that considerable quantities of Gulf Coast crude can continue to move there, and since Gulf Coast oil will have to compete there with tariff-paid foreign oil, the tariff must be set high enough to absorb the transportation cost from the Gulf to the East Coast. As some Canadian and Alaskan oil begins to reach the East Coast in the late 1970's, Gulf prices might begin to rise slightly as Gulf oil is backed out of the far Northeast, but even by 1980 present estimates indicate that sizable amounts of oil should be moving from the Gulf to the Eastern Seaboard. If and when these shipments are backed out, it will be in favor of shipments from secure North American sources; in the interim imports from less secure sources will not capture the entire East Coast market.

12. Transportation costs.—The tariff has been adjusted for expected changes in transportation costs as larger ports are built and larger tankers come into use. Using figures supplied by Standard Oil of New Jersey, the Gulf Coast-East Coast rate has been computed at 27 cents for both 1975 and 1980. The Persian Gulf-East Coast rate is expected to fall from 74 cents in 1970 to 50 cents in 1975, and possibly to 45 cents in 1980. We have not adjusted the equilibrium tariff for this extra five cents after 1975 because it is small enough to fall within the normal margin of error, and because long-range developments may affect delivered prices in a number of ways all of which can and should be considered together in the review process we are recommending elsewhere in this paper.

13. Persian Gulf crude price.—Foreign oil prices are based upon the cost of Persian Gulf crude. Posted prices, of course, are not representative of actual transaction prices, and arm's-length f.o.b. prices must be adjusted for quality differentials to make the crude comparable in value to the 30° South Louisiana crude used as a base for the Task Force's calculations. We have taken our figures from calculations of the *Petroleum Industry Research Foundation*, which correspond closely to the Jersey Standard estimates.[6] Table A shows our computation of the 1975 equilibrium tariff on crude oil.

14. Product tariff.—We propose a tariff on all unfinished oils and finished products, other *than residual fuel oil,* equals *to the tariff on crude plus 10 cents.* This tariff increment should eliminate any incentive for refiners to locate outside of the United States. At the same time, the tariff level would be sufficiently low that that potential product imports would continue to exert competitive pressures on domestic refiners and would protect the competitive position of independent distributors by offering them an alternative source of supplies if they are cut off by domestic sources. Unfinished oils, which differ from finished products only in the end use to which they are put, should be subject to the same tariff treatment. The derivation of the product tariff is discussed in detail in Appendix A.

15. Residual fuel oil and other exemptions.—Imports into District I of residual fuel oil to be used directly as fuel are essentially decontrolled under the current program. We suggest that this treatment continue and be made applicable to the other Districts, *by exempting* residual oil *to be used as fuel from the* increase in tariff imposed on crude and other products. It would be desirable to permit desulphurization within the United States,[7] and (depending upon what other preferences are granted to Latin America) to restrict exempt imports *of residual* oil *to those from the Western Hemisphere.* This is discussed further in a later section. The same technique of exemption from the increased duty can be adopted for other products and/or for particular end uses/ although any major exemption would have to be assessed in terms of the resulting increased imports and the sources of those imports.

TABLE 1.—*Tariff computation*

	1975
Wellhead price—30° south Louisiana crude	$2.50
Gathering charge—wellhead to gulf	.14
Gulf coast price	2.64
Transport—gulf coast to east coast	.27
East coast price	2.91
Less:	
Crude price f.o.b. Persian Gulf (adjusted for quality)	1.435
Transport—Persian Gulf to east coast	.50
Existing tariff	.105
Additional tariff required to equalize price at the east coast	0.87

D. Canadian preference

16. Potential advantages. (a) Volumes.—A South Louisiana wellhead price of $2.50 per barrel nets back to $2.39 (U.S.) in Edmonton for comparable quality crude, assuming our existing $0.105 tariff is imposed.[8] As discussed in Part Two, this netback price is only slightly below the present level; and, if all quantitative restrictions on entry into our market were removed, Canada should be able to export 3.0 MMb/d to the U.S. by 1980.[9] Some of this oil could move to the U.S. East Coast via a trans-Canadian pipeline if one were constructed to transport both Alaskan and Canadian Arctic crude, additionally picking up Alberta crude and synthetic production enroute.[10]

Footnotes at end of article.

16b. Balance of payments.—The net dollar outflow for a barrel of Canadian oil is substantially less than that for other foreign sources, in spite of the higher price for Canadian oil; moreover, offsetting arrangements have been made in the past and could be employed in the future.

16c. Security of inland deliveries.—The risk of political instability or animosity is generally conceded to be lower in Canada than for any other major oil-producing country. Moreover, the risk of diversion of Canadian oil to other export markets in an emergency is also minimal, so long as the bulk of deliveries is made by inland transport—pipeline or the Great Lakes. Thus apart from Eastern Canadian import vulnerability, the U.S. is relatively assured of receiving the security benefits of any tariff preference it extends.

17. Harmonized energy policies.—Full realization of those benefits is contingent upon the development of common or harmonized policies with respect to petroleum and related energy matters.

17a. Delivery network.—Oil and gas deliveries by means of a trans-Canada pipeline from the Alaskan North Slope and the Canadian Arctic regions to the U.S. Midwest and East Coast would be more secure from psysical interruption and less subject to export diversion in an emergency than tanker movements either from Southern Alaska or via the Northwest Passage. Such a pipeline could also reduce the otherwise growing dependence of the U.S. East Coast on tanker shipments of Gulf Coast and imported oil.

Agreement to allow construction and operation of a trans-Canada pipeline, on equitable terms for cost- and throughput sharing, could further stimulate development of both crude and synthetic production in Canada and thus maximize the benefits of a preferential tariff arrangement. Canadian acknowledgement of unimpeded transit rights through the Northwest Passage could, of course, also be desirable.

17b. Synthetic fuels.—Development of the Alberta tar sands has been impeded by the reluctance of provincial authorities to issue licenses while conventional production is still prorated; this bar should be removed with the opening up of the U.S. market. Technology is well advanced, but at the slightly reduced minehead price, some tax or royalty concessions might be necessary to promote expanded investment. The two governments would facilitate future development by agreeing to consult on harmonized research and tax policies that would accelerate output from synthetic sources in both countries.

17c. Import policies.—A full U.S. tariff preference for Canadian oil is difficult to justify while Canada continues to import all of its Eastern requirements from offshore sources." In an emergency, Canada could be expected to turn to the U.S. to supply those imports, or compete or whatever supply is available, thereby subtracting from the overall security value of U.S. imports from Western Canada. If Canada agrees to adopt a common external tariff or otherwise to limit her dependence on offshore oil to a comparable proportion of her consumption, that would resolve the difficulty. Another acceptable arrangement would be for Canada to make internal arrangements—by way of reserve deliverable capacity or otherwise—such that she could certify her non-reliance on U.S. oil in an emergency. And also guarantee undiminished delivery of then-current exports to the U.S.[11]

17d. Related energy matters.—A special preference for Canada may be questioned by less-favored oil-exporting countries. The arrangement would be most defensible if placed in the context of extensive cooperation throughout the energy sector. Such cooperation has already been developed in specific areas, as exemplified by the electric-power interconnections. Extension of this principle, through agreement to open a broad-ranging discussion of trade liberalization on cross-boundary movements of all forms of primary or secondary energy, would enhance both the intrinsic value of a Canadian preference system and make it diplomatically more acceptable.

18. Unilateral vs. bilateral action.—Detailed negotiation of all the elements of the foregoing "package" may be expected to consume a considerable period of time. Extension of a tariff preference need not await the outcome of the those negotiations, if the Canadian government declares its agreement in principle with the essentials of the proposed arrangements. There is no reason to expect subsequent bad faith on the part of the Canadian negotiators, and the U.S. would always retain the power to diminish the preference if the negotiations broke down or became hopelessly deadlocked. The preference would take the form of a total exemption from the increase in the existing U.S. tariff levels on crude and products. If the Canadians are unable or unwilling to make a suitable declaration of agreement in principle, the U.S. could limit its preference pending detailed negotiations in one of two ways: (1) by setting a tariff of, say, 50 cents on Canadian crude, about half way between the prseent and increased tariff levels; or (2) by fixing a quantitative limit of, say, 1 MMb/d on the Canadian imports for which a full exemption from the increased tariff is granted. The second alternative seems preferable, although an allocation system would be required,[12] since it would elicit an immediate increase in the output from existing Canadian fields, while deferring hte U.S. market incentives for exploration and development of new Canadian areas until the negotiations are satisfactorily concluded.

E. Latin American preference

19. Excess imports.—Although there are considerations in favor of giving Latin America the same unlimited access to our domestic market as is proposed for Canada, such access would not be compatible with the other program goal to maintain a $2.50 price for U.S. production. Venezuela, the primary exporting country in Latin America, illustrates the difficulty. In 1968, Venezuela exported 3.3 MMb/d of oil—to other parts of Latin America, to Europe, Canada, and the U.S.—all of which had to compete with Eastern Hemisphere oil at world prices. Exempting Venezuela from the proposed tariff would give its oil a 90 cents per barrel premium (more during the transition) and thus draw to our market virtually all Venezuelan exports. This Venezuelan oil plus imports expected from Canada would substantially exceed the amount which the United States could absorb and still maintain a $2.50 domestic price. Although Venezuela might unilaterally limit the flow to the United States in order to maintain the maximum premium on each barrel exported and to avoid undercutting our $2.50 domestic price, this cannot be assured; even if it could, there would remain the problem of windfall profits discussed below, and it would leave control of the U.S. price in Venezuelan hands.

20. No increase in output.—Unlike the Canadian case, a higher price in the United States for Venezuelan crude would not by itself lead to higher Venezuelan production. Present production is predicated on a world price and would be forthcoming without a premium. Further Venezuelan production is primarily a policy decision for that government. Venezuela currently levies taxes and royalties averaging for light crude about $1.10 per barrel, which exceeds average exactions by other producing countries. Adjustments in these levies and decisions by the government about how fast it wishes to open up newer areas for production are the primary determinants of how much oil will be forthcoming from Venezuela. Although a substantial premium might encourage the government to open up new areas faster, there is good reason to believe that Venezuela will gradually open up these areas even if it must compete at world prices with Eastern Hemisphere oil. A sizable premium is thus not thought necessary to bring forth this production, and at least in new areas the major result would be to increase the government revenue derived from oil.

21. Windfall profits.—As noted earlier current production from Venezuela is sold at or near world prices. This means that any preference giving producers a premium in the U.S. market would result in windfall profits for companies currently holding concessions.[13] On new concessions, the Venezuelan government and the companies could take into account the value of the preference in determining the terms of service contracts. In these cases the ultimate beneficiary would probably be the government of Venezuela.

22. Partial tariff reduction.—We have also considered giving Venezuela only a 50 percent or other partial tariff reduction instead of a complete exemption. But Venezuelan exports would still earn a 45 to 50 cents per barrel premium in our market; the incentive to divert its exports from other markets to the U.S. would remain substantially unaltered. A very slight preference, offset as it could be by other marketing and refining considerations, should not significantly alter the market distribution of Venezuelan exports but should help protect the Venezuelan share of the U.S. market against Eastern Hemisphere competition.[14] Such a modest preference, a 10 cents per barrel reduction, is used to illustrate the equilibrium plan. As the level of U.S. imports increases, it might be possible to raise the amount of preference.

23. Preference on limited quantities.—It might be possible to avoid some of the problems outlined earlier by granting a tariff reduction on limited amounts of Venezuelan and other Latin American oil. Above that limit imports from Latin America would be subject to the same tariff as that levied upon Eastern Hemisphere oil. Illustrative limitations of 2 MMb/d in 1975 and 4 MMb/d in 1980—quantities the U.S. could readily absorb—are shown in Table B, *infra*.

23a. Allocaton of preferred oil.—As in the Canadian case, denial or postponement of a full exemption necessitates an additional choice. We could allocate tickets to U.S. refiners for the "exempt quota".[15] If possible, we would prefer to avoid that administrative burden, especially as it becomes unnecessary for the rest of the program. A possible alternative would be to charge a tariff on all oil equal to the weighted average of the proferred tariff and the regular tariff; if, for example, 3 MMb/d were imported from Venezuela when the preference were limited to 2 MMb/d, the tariff could be set equal to two-thirds of the preferred rate plus one-third of the regular rate. Tariffs could be collected at what the government expected the average tariff for the year to be with settlements at the end of the year for over or under-assessment. A troublesome drawback with this approach, other than its administrative difficulties, is that imports might greatly exceed the preference level, since the perceived marginal tariff for at least the smaller producers would be only the average rate. In Canada, with numerous competitive producers, this drawback would probably be dispositive; in Venezuela the effect may depend on the extent of production controlled by the larger producers who could be expected to recognize the effect of their actions.

23b. Windfalls.—As noted earlier any such plan is likely to result in windfalls to existing concessionaires—or, in the event of tax renegotiation, to the Latin American government.

24. Preference for new oil.—The regular

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tariff could be reduced by one-half on all Latin American crude from fields not under active production at the time the new import *program is initiated.*[16] This would provide Latin American countries with a substantial premium—about 45 cents per barrel—for production from new areas. Such a preference could induce more rapid development of new production from relatively secure areas and thereby promote our security goals. In addition there would be several substantial advantages over any other form of partial preference. First, the preference would not result in any windfall gain for the companies currently producing in Latin America; no new preference is necessary to induce their production which is predicated upon sales at or near the world price.[17] Second, the problem of oversupply from Venezuela would be avoided so that the U.S. price could be maintained without quantity restrictions on Latin American production. Expected volumes of new production would be very modest by 1975, and even in 1980 only about 3 MMb/d would be coming from new fields; this amount could readily be absorbed by that date.

24a. Administration.—This form of preference would not require a system for allocating the preferred production, but it would be necessary to identify oil coming from new areas. Tagging new fields should be relatively simple; established areas are well identified, particularly in Venezuela. The more difficult problem is keeping track of the source of oil during gathering and transportation to the United States. A possible solution would give foreign producers in new areas reduced-tariff selling certificates for volumes of oil equal to their production for the previous year in those areas. Such rights could be transferred to any U.S. importer of oil from the country involved and serve as the importer's license to import at the preferred rate. It seems unnecessary to physically separate the preferred oil throughout its movement from the wellhead to the United States.[18]

24b. Diplomatic problems.—This plan would require at a minimum some policing by the exporting countries in certifying production sources and distributing selling certificates; this could become a source of suspicion or resentment between the United States and the producing country, if either were given reason to doubt the full cooperation of the other.

25. Exemption for residual fuel oil.—In addition to whatever other preference is given Latin America, it would be possible to restrict the residual fuel oil exemption to Latin American oil. This would assure Latin America a minimum share in the U.S. market and would protect Latin America from growing imports of Eastern Hemisphere residual. Because Latin America residual tends to be higher in sulphur content than that made from Libyan crudes, its chief competitor, this restriction might mean some increase in the price of residual fuel oil for municipalities limiting sulphur content[19] to cover the cost of desulphurization.

26. Equal treatment of Latin Amerca and Canada.—Apart from the excess-imports problem and the difficulties of administering a partial exemption, there are several reasons for differentiating Latin American from Canadian imports. First of course is the security of deliverable supplies: even if Venezuela and other Latin American producers were to guarantee non-diversion to other export markets without our consent in an emergency, the present dependence of Europe and Japan on relatively insecure Eastern Hemisphere sources is such that in any severe emergency we might feel compelled to grant our consent for any readily divertible supplies—and Latin American exports fall in that category. Second, several Latin American countries are both producers and importers of oil; an "Eastern Canada" type of solution would have to be negotiated with each one of them before a full exemption could be justified. Third, there is an observed difference between the real costs of production in Canada and such countries as Venezuela—a tariff exemption for th former will call forth additional production while one for the latter will generate mainly windfalls. Finally, the economic infrastructure of the United States is and can be far more integrated with that of Canada than with the economy of any Latin American country; the possibilities for mutually beneficial coordination of energy policies is much greater.

27. Conclusion.—There are security benefits to be gained from encouraging Latin American as opposed to Eastern Hemisphere imports. To take just one example, a selective boycott against the United States alone by Eastern Hemisphere producers could be deterred by readily available imports from Venezuela. Caribbean imports are also more protectible against any submarine menace that may occur. A full tariff exemption, however, would present very real difficulties. For present purposes we propose an initially smaller preference than is extended to Canadian imports. We also recommend, however, that the question of Latin American preferences be charged with responsibility for the program—and that they keep under active consideration the possibility of expanding the preference system.

F. Resulting import distribution

28. Tabular presentation.—Table B summarizes the distribution of imports under various alternatives. In all cases the wellhead price for South Louisiana crude would be maintained at $2.50, and imports from the Eastern Hemisphere would be subject to the tariffs set out in Section B. It is worth noting that in no case in which a preference is extended to Canada or Latin America do Eastern Hemisphere imports in 1980 exceed 2.0 MMb/d (10.5% of U.S. demand). If the exemption for residual fuel oil imports were limited to those from Latin America, imports from Latin America might be slightly increased and those from the Eastern Hemisphere correspondingly reduced. Since total residual fuel oil imports are expected to be only 1.4 MMb/d in 1980 (1.2 MMb/d in 1975), a large part of which probably come from Latin America in any case, any increment would be small.

TABLE B.—SOURCE OF IMPORTS UNDER PROPOSED TARIFF PLANS [1]

[U.S. Imports—4.7 MMb/d (1975); 8.0 MMb/d (1980)]

	Canada [2]		Latin America [3]		Eastern Hemisphere	
	1975	1980	1975	1980	1975	1980
I. No exemptions [4]	1.8	1.5	1.8	3.5	1.1	3.0
II. Canadian imports exempt	2.0	3.0	1.8	3.0	.9	2.0
III. Canadian imports exempt:						
A. Tariff reduced $0.10 on all Latin American imports [5]	2.0	3.0	2.4	4.0	.3	1.0
B. Tariff reduced $0.25 on Latin American imports up to 2MMb/d (1975) and 4MMb/d (1980) [6]	2.0	3.0	+2.0	+4.0	−.7	−1.0
C. Tariff reduced $0.45 on Latin American imports from new fields [7]	2.0	3.0	1.8	+3.1	.9	−1.9

[1] Residual fuel oil imports are included in totals. These are expected to be 1.2 MMb/d in 1975 and 1.4 MMb/d in 1980.

[2] Based on the following projected output for Canada.
Case I—1975, 2.8 MMb/d; 1980, 3.5 MMb/d.
Cases II and III—1975, 3.0 MMb/d; 1980, 4.5 MMb/d.

[3] Output for Venezuela, the primary Latin American exporter, is expected to be the same in all cases unless otherwise noted.
Cases I–III, 1975, 4.1 MMb/d; 1980, 5.4 MMb/d.

These estimates assume that Venezuela adjusts its tax policies so as to remain competitive in the world market. With any major preference, these exports unless otherwise limited would be diverted to the United States. When Latin America and the Eastern Hemisphere compete in the U.S. market at world prices, their shares of total non-Canadian imports are indeterminate although the quantities shown are representative values.

[4] Assumes Canada will choose to be self-sufficient in oil backing out Venezuelan exports there. These exports will be redirected primarily to the United States.

[5] Transitional values for this case are illustrated in table C. A tariff reduction of this amount is not expected to lead to complete diversion of Venezuelan imports.

[6] Quantities shown for Latin America are the minimum expected imports. Greater Latin American imports would reduce amounts expected from the Eastern Hemisphere.

[7] The quantity shown for 1980 is the minimum expected level of imports. The production from new areas in Venezuela is expected to be 0.3 MMb/d in 1975 and 2.9 MMb/d in 1980.

Minor amounts would also be imported from new areas in other countries. Inasmuch as the preference accelerates production, estimates of output in footnote (2) would have to be adjusted upward.

G. Eastern Hemisphere security adjustment

29. Rationale.—It remains possible that Eastern Hemisphere imports considered less secure than those from the Western Hemisphere might increase unexpectedly despite the high proposed tariff barriers. To guard against this possibility, consideration of some device for limiting Eastern Hemisphere imports to an acceptable range is called for. The following paragraphs discuss the nature of such a device, and the range beyond which Eastern Hemisphere imports should be increasingly restricted.

30. Adjustments by traifs. (a) Upward.—The most obvious response to undesirable increases in the volume of Eastern Hemisphere imports is, under a tariff system, to increase the tariff on oil from these sources. A method of doing so which is consistent with the national security basis of the program is to increase the tariff gradually when imports approach or exceed the acceptable level.

30b. Downward adjustments.—On the other hand, to ensure that Eastern Hemisphere oil continues to exert a competitive influence in the market and helps to prevent undue price increases from other foreign and domestic sources, the policy might call for a reduction in the Eastern Hemisphere tariff if imports from that area fell below a small minimum ratio to U.S. demand. The cause of such changes in Eastern Hemisphere import levels should be reviewed periodically or whenever a fundamental change in the tariff structure is under consideration.

30c. Minimize speculation.—Any changes in tariff levels under an "automatic" mechanism like this should take place quickly enough to minimize such speculative effects as a race by importers to beat a prospective tariff change by massive changes in present import quantities.

31. Desired Level of Eastern Hemisphere Imports. (a) Generally.—We suggest that imports from the Eastern Hemisphere of about 10% of total U.S. demand under normal circumstances is a tolerable limit based on national security considerations.[20] We further suggest that the Eastern Hemisphere tariff should begin to increase when imports exceed the 10 percent level and should rise more steeply above 15 percent of total de-

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mand. Such a policy should keep average import levels from the Eastern Hemisphere within an acceptable range.

31b. Specific Proposal.—We propose that the tariff on imports from the Eastern Hemisphere be adjusted linearly as they increase from 10 percent to 15 percent of seasonally adjusted U.S. demand, such that if Eastern Hemisphere imports reach 15 percent, the tariff would be increased by $.50. The adjustment would add 1 cent of tariff for each 1/10 of 1 percent increase in imports above 10 percent of demand, up to 15 percent. Above 15 percent the rate of increase should double, and the interagency review of import policy should be initiated. Conversely, if Eastern Hemisphere imports fall below 5 percent of U.S. demand, the tariff should be reduced at the same ratio down to zero percent, such that the "last barrel" imported would enjoy a tariff reduction of $.50 below the equilibrium tariff on Eastern Hemisphere oil. *The adjustment should be made quarterly, by estimating Eastern Hemisphere imports at the prevailing tariff on the* basis of import trade in the current quarter, and then setting the *tariff at the level determined* by plotting the *estimated imports against* the linear *function described above.* For example, if imports were projected at 11.3 percent of demand, the additional tariff would be $.13. The new tariff should be announced sufficiently in advance of the quarter, perhaps one month, so that corporate planners could take it fully into account.

32. Periodic review.—Although the short-term adjustments we have suggested are automatic, a periodic appraisal of the reasons for changes in import volumes would be desirable. For example, a decline in imports below 4 percent might turn out to result from monopoly pricing by the exporting countries; we might not wish to keeep tariffs at their decreased levels in such a circumstance. Conversely, if world prices do decline over the long run we might want to reconsider security factors before deciding to continue to continue to exclude the lower-priced imports. The automatic mechanism suggested here would give the policy-determining agencies some time to undertake the policy review that will be required when fundamental changes occur.

II. TRANSITION

A. Objectives

33. Generally. One reason for phasing changes in the program over some transition period is to cushion the impact of those changes upon those adversely affected. Second, a phased transition will enable program managers to make timely changes in programmed tariff levels should key projections—such as those involving domestic production levels or foreign crude prices or volumes—prove erroneous. A third conceivable reason for a transition period would be to avoid windfalls. Leadtimes required to construct physical facilities for handling increased imports (tankers, refineries, marine terminals, pipelines) might delay achievement of expected import volumes and prices for several years, with resulting short-term windfall profits for those possessing such facilities. Preliminary study indicates, however, that *incremental volume of imports in the first years following even an immediate shift to free trade would be so small that few windfalls would occur.*

B. Specific transition measures

34. Affected interests.—The groups affected by alterations in the program, and the transition measures suggested to alleviate the impact of those changes, are as follows:

34a. Domestic crude producers must adjust to lower domestic crude prices. The impact on them can be alleviated by a staged decline in protective tariff levels over an appropriate period—perhaps two or three years for a change to a $2.50 wellhead price, as suggested in Tables C, D, and E.

34b. All refiners will lose the benefit of the quota allocation they now receive. To the extent, however, that such benefits are now passed through to consumers, the refiners themselves have no net stake in the value of such allocations. Even here, however, the allocations can be phased out.

34c. Small refiners will lose the benefit of the favorable "sliding scale" method of import allocation. The "sliding scale" could be phased out over the same period as the new price is phased in or even a longer period by continued use of a partial tariff-free quota, in the manner illustrated in Tables C, D, and E and explained in Appendix C.

34d. Recipients of historical allocations for crude and products will lose these allocations. Recipients of historical crude allocations are mainly large companies, and should be able to adjust immediately.[21] Some recipients of historical product allocations are also in this class; some of the others who might suffer genuine hardship could be granted continuing allocations during the transition period by the Oil Import Appeals Board.

34e. Present importers of "unfinished oils" would have to adjust to classification of "unfinished oils" as products requiring payment of a higher tariff than on crude. These importers should not suffer greatly because (1) the anticipated tariff differential for products will be small, and (2) importers could be allowed to bring in a proportion of unfinished oils under the tariff-free quota allocations granted during the transition period.

34f. Recipients of special import privileges in Puerto Rico and the Virgin Islands might have their competitive advantage reduced. Since these importers will still receive considerable benefits during the transition period—the privilege of importing crude tariff-free to the mainland—further assistance should be granted only on a hardship basis and then solely to prevent adverse effects on the islands' economies.

34g. West Coast crude prices—now lower than elsewhere in the country—must ultimately adjust to parity with those on the East Coast. The new parity will be at a lower level than existing prices. And during the transition period, a temporary price rise on the West Coast could be prevented by a separate, transitional, tariff-free quota for that region, as illustrated in Tables C, D, and E.

34h. Consumers would no longer receive the benefits, if any, of low-cost foreign oil now imported. The tariff would appropriate the difference between foreign and domestic prices. Some of that difference may now be passed through to consumers. To that extent, the tariff would raise consumer prices. But consumer prices can be made to decline steadily by combining an initially-high but steadily-declining tariff with a steadily-decreasing tariff-free quota, with the quota disappearing when the tariff reaches its equilibrium level. The mechanism is illustrated in Tables C, D, and E.

C. U.S. production during transition

35. Prorationing effects.—The level of U.S. crude production during a 1970–1972 or 1970–1973 transition period will depend upon the reaction of regulatory officials in the two main producing states, Texas and Louisiana. Those officials will largely determine the rate at which the 2 MMb/d in present U.S. excess producing capacity—over 20% of present U.S. crude output—will be drawn into production. The accompanying tables estimate that all of this producing capacity will be brought into use within 2½ years, for several reasons. First, substituting a steadily-falling tariff for the present quota will make clear to state authorities the futility of attempting to maintain prices by restricting production, which would succeed only in attracting greater imports. Second, with no incentive to keep production below the efficient rate, state regulators should be impelled to permit production in the lowest-cost manner. Third, steadily-declining prices will give U.S. producers a strong incentive to market more oil at the immediate higher price, and state authorities may well respond to united producer demands. Fourth, the Secretary of the Interior can and should free producers on offshore federal lands—where excess capacity totals about 500,000 b/d—from state production controls. Such federal decontrol—or even its imminent prospect—might well impell state authorities to relax their controls.

D. Illustrative transition outline

36. Tables and notes explained.—For purposes of illustration, Tables C and D, together with accompanying appendices and notes, outline 2-year (1970-1972) and 3-year (1970–1973) transitions to an equilibrium in which a $2.50 Gulf Coast wellhead price is achieved by a tariff system. Eastern Hemisphere crude imports pay the highest tariff. Latin American imports other than residual fuel oil (for use as fuel or for desulphurization) pay $0.10 per barrel less. Canadian imports and Latin American residual fuel oil imports pay only the existing tariffs ($0.105 and 0.0525 per barrel, respectively). Product imports from sources other than Canada would pay $0.15 more than the applicable crude tariffs. The objective is to move domestic market prices smoothly to their lower levels in all sections of the country, while imports rise very gradually to their higher level. The annually-declining tariff determines interim prices, which decline linearly in Tables C and D and as shown in Table E. An annual declining tariff-free quota in Districts I–IV allows a near-linear drop in consumer costs in Tables C and D. A separate tariff-free quota in District V prevents the price there from rising during the transition. The key transition figures are shown in Tables C, E (2-year transitions), and D (3-year transition); footnotes, additional tables, and appendices set out assumptions and calculations.

FOOTNOTES

[1] Market demand prorationing is used to restrict production beyond the degree necessary to prevent waste. State laws restricting production to the so-called "maximum efficient rate" should be distinguished from those efforts to restrain market production to what the regulators believe the market can absorb at prevailing (or higher) prices.

[2] An auction of quota tickets tends to have a similar advantage, but its beneficial effect is smaller. Under a tariff, the buyer has (1) continuous (2) virtually unlimited access to foreign supplies (3) at a government-determined tariff charge. Under a quota-auction system, however, the buyer has only (1) periodic (2) access to a fixed number of tickets (3) at a charge largely determined by the bids of integrated international rivals who might have an interest in keeping tickets out of the hands of others.

[3] It should be noted that the full transition to a $2.50 price would not occur in 1970.

[4] The relatively small size of U.S. demand for foreign oil would make price cutting unprofitable for Eastern Hemisphere producers, unless they could successfully prevent their price cuts from spreading to such larger markets as Europe. Price discrimination on such a large scale would be difficult to implement and to disguise. Of course, integrated international companies might bring in more of their own oil without affecting apparent transaction prices. But any significant changes in volume could be detected and corrected in the continuing review of the import program.

[5] It should be noted, however, that the phase-out period for special beneficiaries of the quota allocation can be longer than the phase-in for the new general price.

[6] Hearings on Governmental Intervention in the Market Mechanism—The Petroleum Industry, before the Subcommittee on Antitrust and Monopoly of the Senate Judiciary

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Committee, part 1, pp. 320–21 (April 2, 1969) (statement of John H. Litchblau); Standard Oil Co. (N.J.) Submission No. 125–D at p. 4. The f.o.b. price of 34° Persian Gulf crude is taken as $1.52, including $0.22 for non-gravity quality adjustments; making the standard adjustment of $0.02 for each degree of gravity yields a price equivalent to our 30° Louisiana crude of $1.44; and we have "rounded" the price to $1.435 in order to obtain an even figure after adding the existing tariff of $0.105 per barrel.

[7] See part three, paragraph 27c.

[8] See part two, ¶ 35, the calculations are adjusted to include a $0.14 gathering charge from Louisiana wellhead to pipehead.

[9] Total 1930 production of 4.5 MMb/d is assumed to include 1.5 MMb/d from new discoveries in the Arctic and/or the offshore Atlantic areas; on the assumption that Canada limits her imports to 25% of internal demand, 1.5 MMb/d would be unavailable for export.

[10] Pipeline costs from Edmonton to New York would be approximately 50¢ per barrel with a throughput of 1.0 MMb/d or more by 1980. An Edmonton wellhead price of $2.39 (U.S.) per barrel thus equates to $3.00 in New York, including a tariff of 10.5¢, which is within 10 cents of our projected East Coast equilibrium price of $2.91. (See table 1.)

Transport costs from Prudhoe Bay to Edmonton, via the McKenzie Valley, are estimated at 45–55 cents/bbl., which implies a wellhead price on the North Slope of $1.06–$1.96 per barrel ($2.91–.50–.45/.55). The latter is close to the netback price based upon current District V prices. Since the first sections of the pipeline would carry crude both to the U.S. midwest and the East Coast, further economies of scale could be realized, and penetration of Alaskan and Arctic oil to the U.S. East Coast is virtually assured.

[11] In either event the exemption for product imports from Canada should be limited—as it is under the present overland exemption—to products derived from Canadian crude.

[12] See ¶ 23a, *infra,* for a description of possible allocation methods.

[13] Because taxes on production are subject to renegotiation via changes in the "tax reference price," Venezuela might be able to raise this price and thus recapture windfalls accruing to the companies.

[14] See Table B, *infra,* note (c); in the absence of any preference the Venezuelan share of the U.S. market is indeterminate.

[15] See Part Three, ¶ 31d.

[16] A maximum, *e.g.,* 15 percent of total U.S. demand on the amount of preferred imports from any one country might be considered. No country, including Venezuela, is likely to reach this level before 1980.

[17] The service contracts currently being negotiated in Venezuela are premised on receipt of world prices in export markets and so might have to be excluded from the preference arrangement.

[18] Steps would also have to be taken to prevent exporting countries from selling their new oil to us at premium prices while importing oil from old or other sources at world prices.

[19] See Part Three, ¶ 27c.

[20] The 10 percent figure is based on, among other things, (1) the Interior Department suggestion that this is a tolerable level for insecure imports; (2) the tolerability if necessary of up to 10 percent rationing to cover its loss, and (3) the fact that our projection of Eastern Hemisphere imports to the U.S. at a $2.50 price is slightly lower than 10 percent in 1975, and slightly higher in 1980. Of course, authority should be retained to suspend this mechanism in special cases, such as a temporary interruption of Venezuelan oil exports to the U.S.

[21] It appears that smaller "northern tier" refiners, which now use mainly Canadian crude and receive special historical allocations which they exchange, would be adequately provided for under a program permitting unlimited imports of Canadian oil upon payment of the existing (10.5¢/bbl.) tariff and allowing Canadian oil to qualify as an "input" for purposes of computing tariff-free quota allocations to be granted refiners during the transition period.

TACOMA COFFEE HOUSE INCIDENT

Mr. GOODELL. Mr. President, in 1790, when the States were considering the ratification of our Constitution, they demanded the inclusion of a Bill of Rights. The Founding Fathers knew that only through the guarantee of certain freedoms could our democracy flourish.

The two centuries which have passed since our founding have not lessened the import of those rights. Any infringement upon them undermines the very basis of our democracy.

Mr. President, it has been brought to my attention that the Department of the Army is presently undertaking steps to place certain coffee houses near military bases "off limits" for reasons which may violate first amendment guarantees.

One such incident has occurred in Tacoma, Wash, where the Armed Forces Disciplinary Control Board has initiated such action against the Shelter Half Coffee House. The stated basis for this action is that the coffee house is a "source of dissident counseling and literature and other activities inimical to the good morale, order, and discipline within the armed services." Apparently, the Disciplinary Control Board concerns itself with the disemination of ideas during the time servicemen are off duty. It is difficult to see how the free interchange of ideas during the time soldiers are off duty can interfere with the performance of their military functions.

I have therefore written to the Secretary of the Army requesting a full investigation of this matter. Mr. President, I ask unanimous consent to have the content of that letter printed in the RECORD.

There being no objection, the letter was ordered printed in the RECORD, as follows:

U.S. SENATE,
Washington, D.C., January 22, 1970.

Hon. STANLEY R. RESOR,
Secretary of the Army, U.S. Department of the Army, The Pentagon, Washington, D.C.

DEAR MR. SECRETARY: It has been brought to my attention that the Armed Forces Disciplinary Control Board, Western Washington-Oregon Area, has initiated action to place the Shelter Half Coffee House of Tacoma, Washington, "off limits" to all personnel serving in the Armed Forces.

The Disciplinary Control Board took this action on the basis that the Coffee House was a "source of dissident counselling and literature and other activities inimical to the good morale, order, and discipline within the Armed Services." The date of January 22, 1970, has been set aside for the proprietors of the Coffee House to appear before the Disciplinary Control Board and show cause why it should not be placed "off limits."

The Board does not allege any criminal activities on the part of either servicemen or the Coffee House. It concerns itself with the dissemination of ideas during the time servicemen are off-duty. The free interchange of ideas, particularly during off-duty hours, should be guaranteed as a basic right of all Americans, whether in the military service or not. Therefore, the Disciplinary Control Board's proposed action appears to violate the First Amendment which guarantees freedom of speech, press, and assembly. These freedoms are the backbone of American democracy; they inhere to every American at birth and cannot be infringed merely because the man dons a uniform.

In May 1969 the Department of the Army issued a directive on "Guidance on Dissent." This directive explicitly points out the necessity of protecting servicemen's constitutional rights. On September 12, 1969, the Department of Defense issued a directive, "Guidelines for Handling Dissent and Protest Among Members of the Armed Forces." This directive made no mention of the necessity of protecting these constitutional rights.

Article III, Section B of the September directive states that commanders have the authority to place establishments "off limits" when the "activities taking place there . . . involve acts with a significant adverse effect on members' health, morale, and welfare." Because these latter terms are not clearly defined, nor the need for protection of servicemen's constitutional rights specifically enumerated, it appears that the interchange of ideas and opinions between servicemen and civilians is now within the discretionary powers of the local military commander.

The nebulous nature of the charges brought against the Shelter Half Coffee House appears to be a further broadening of the discretionary powers of local commanders without concomitant safeguards for servicemen's constitutional rights.

I am particularly concerned by this type of incident because it occurs in the wake of other incidents in which the military has appeared to be less than sensitive to servicemen's rights. Among these are charges of harassment of military personnel who voice dissenting views on the war in Vietnam and cruel and unusual punishment of servicemen confined to military prisons.

I therefore request that you immediately conduct a full investigation of the Shelter Half Coffee House incident.

I further urge that you immediately issue orders to all commanding officers prohibiting the placing of civilian establishments off limits merely because they constitute a place for discussion, counselling, and literature of a nature which the Army may not approve.

Very truly yours,
CHARLES E. GOODELL.

ADVISORY PANEL TO PUBLIC WORKS COMMITTEE ON ECOLOGICAL AND ENVIRONMENTAL POLICY IS FORMED

Mr. RANDOLPH. Mr. President, on January 18, 1970, I announced the formation of a panel of expert consultants to advise the Committee on Public Works on a continuing basis concerning matters bearing on ecological and environmental policy.

It was stated in the announcement that I have been cognizant, as have other members of the committee, of the need for expert and independent scientific and technical guidance on the complex problems over which we have legislative jurisdiction. For several months we have been discussing with eminent and nationally recognized scientists the feasibility of establishing an advisory panel to bring to the deliberations of the Public Works Committee the best of contemporary scientific thought in the field of ecological and environmental policy. The response from the scientific community has been universally favorable.

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The growing concern among scientists concerning the degradation of our environment is being transformed into the desire for action. Our panel of consultants will provide a new, more effective and more direct channel of communication between the scientific community and the legislative processes.

The panel will advise the committee and the staff on the specific programs and policies under the jurisdiction of the committee, such as highway and related transportation problems, water resources development, and the general problems of water and air pollution and solid waste disposal. We will also seek assistance from the panel on long-term environmental problems that are not now being closely addressed by any of the committees of the Congress—such as the environmental implications of our present and future fuels policies, the climatic effects of jet aircraft, the impact on the environment of other existing and anticipated technologies, and the need for new water resources development policies in relation to population trends.

I am gratified to announce the following persons who have agreed to serve as consultants to the committee. Other experts will be added as the focus of committee activities is directed to specific areas of inquiry:

Dr. James R. Arnold, professor of chemistry and dean of sciences, University of California at San Diego.

Dr. Rolf Eliassen, professor of environmental engineering, Stanford University.

Dr. Jean H. Futrell, professor of chemistry, University of Utah.

Dr. Ralph Lapp, nuclear physicist.

Dr. Gene E. Likens, associate professor, ecology and systematics, Cornell University.

Prof. Ian McHarg, Department of Landscape Architecture and Regional Planning, University of Pennsylvania.

Dr. Charles L. Schultz, Brookings Institution and former Director of the Bureau of the Budget.

Dr. Ernest Tsivoglou, Department of Sanitary Engineering, Georgia Institute of Technology.

Dr. Kenneth Watt, professor of zoology, systems of ecology, University of California.

Dr. G. M. Woodwell, ecologist, Brookhaven National Laboratory.

Dr. Joseph L. Sax, professor of law, University of Michigan.

Dr. Robert R. Curry, petroleum geologist, University of Montana.

The Committee on Public Works has had broad jurisdiction in environmental matters, by law and precedent, for many years. The committee has primary jurisdiction over water pollution under the Legislative Reorganization Act of 1946.

In 1963, we established the Special Subcommittee on Air and Water Pollution, which became a standing subcommittee in 1965. Since the establishment of this subcommittee, the Committee on Public Works has authored all the major water pollution, air pollution, and solid waste disposal legislation. In addition, we have in the past 6 years included our concern for environmental quality in our highway legislation, in legislation authorizing major water resources development programs, and in our regional economic development programs.

CONCLUSION OF MORNING BUSINESS

Mr. BYRD of West Virginia. Mr. President, is there further morning business?

The PRESIDING OFFICER. Is there further morning business? If not, morning business is closed.

ORGANIZED CRIME CONTROL ACT OF 1969

The PRESIDING OFFICER. Under the previous order, the Chair lays before the Senate the unfinished business, which will be stated.

The ASSISTANT LEGISLATIVE CLERK. A bill (S. 30) relating to the control of organized crime in the United States.

Mr. THURMOND. Mr. President, the problem of crime in American society has reached crisis proportions. Those of us who live in the Nation's Capital are very familiar with the climate of fear created by criminal activities. Fear for one's bodily safety and for the security of one's home and property has become a standard condition for living in Washington and in most other major American cities.

Citizen reaction to the growth of criminal activity throughout our Nation was in part responsible for the election of President Nixon. As President he has sent to the Congress a package of legislation designed to reverse the crime rate throughout the country and here in Washington. Hearings have been held and the Subcommittee on Criminal Laws and Procedures and the full Judiciary Committee have acted favorably on the bill now before us known as the Organized Crime Control Act of 1969. I believe it is time for this body to recognize the importance of this problem by passing this legislation which will create additional weapons for the President's arsenal in the war against crime.

Mr. President, when most of us think of organized crime, we immediately think in terms of illegal gambling and other forms of vice. We should remember, however, that the growth of organized crime has contributed greatly to crime in the streets. The high incidence of armed robbery of both businesses and individuals and the increasing rate of breaking and entering into private homes can be traced to the increase in narcotic addiction. Dope addicts have to steal to support their habits. They must either steal cash or goods which can be "fenced" for cash. Organized crime is instrumental in the illegal narcotics trade and also in the fencing of stolen goods. Thus we can see that if organized crime is successfully attacked, a decrease in street crime which affects all citizens would also occur.

The calculated growth of crime and particularly organized crime through various activities such as gambling, loan sharking, narcotics and other forms of vice has numerous causes, but chief among them has been the U.S. Supreme Court, which has tied the hands of law-enforcement officers by creating unrealistic procedures that work to the advantage of organized crime.

Mr. President, part of the crime problem we face in this country comes from an insidious and invisible empire designated by various names, the best known of which are the Mafia and the Cosa Nostra. It is because of various Supreme Court opinions that have been handed down and the runaway crime rate that we are now considering S. 30, which contains provisions designed to obtain convictions of criminals. Let us not, like the Supreme Court, create loopholes through which criminal can walk, by narrow and unrealistic technical and procedural considerations.

The crime situation has changed since I was a circuit judge, and I feel that the language of this bill is now mandatory. There is sound legal argument to support each and every provision of this legislation. It was hammered out in the subcommittee, and carefully considered by the full committee, after several productive meetings in which members of the committee gave their best effort to developing the most effective legislation possible within constitutional boundaries.

Mr. President, I shall briefly review the bill. Under title I, special grand juries to concentrate on criminal activities are provided for in major metropolitan areas. These grand juries will be empowered to stay in session up to 36 months, can subpena witnesses, compel testimony and issue public reports as well as bring indictments. Under title II, provisions are contained in the bill for expanding the granting of immunity from self incrimination in legislative and court proceedings in order to make better use of witnesses in criminal proceedings. Under these provisions, immunity from the use of testimony itself, rather than from prosecution itself is afforded. This will facilitate compelling witnesses to testify, as this immunity will prevent the use of the fifth amendment. Title III provides for contempt proceedings without bail for recalcitrant witnesses in grand jury and court proceedings. Title III also makes witnesses who avoid State proceedings subject to Federal prosecution. This, in conjunction with the previous title concerning immunity, will help prosecutors in obtaining convictions where they have been in the past hampered because they were unable to secure testimony. Title IV makes it easier to convict witnesses of perjury. Title V provides that the U.S. Attorney General can maintain witnesses and their families under Federal protection when they testify in matters involving organized crime. Title VI provides for the taking of depositions of witnesses in criminal cases in order to preserve their testimony in the event they are unable to testify. Title V and title VI should be most beneficial in aiding Federal prosecutors in securing the testimony of witnesses against people involved in organized crime. The present difficulties in gathering evidence have been a substantial impediment to the effective prosecution of criminals involved in organized crime.

Mr. President, title VII of the bill deals with litigation concerning evidence. This is a difficult and complicated subject. The

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most common situation which will be covered by this particuar provision would be a criminal trial in which a defendant tries to delay the trial by getting into extensive and entangled litigation on questions regarding admissibility of evidence. This provision creates a type of statute of limitation so that, as to a crime occurring 5 years after the event, a criminal can no longer raise questions related to illegally obtained evidence in prior prosecutions.

We must remember that defendants who are part of organized crime have the funds with which to secure the services of experienced criminal lawyers who are experts in the use of technical and procedural arguments to secure the release of their clients. This is a complicated device, but it is one which is necessary in order to meet the requirements of modern-day criminal jurisprudence.

Mr. President, a significant portion of this legislation deals with syndicated gambling, and provisions are contained in the bill designed to severely curb and limit the activities of gamblers, and thus remove a major source of income from organized criminals. One such provision would allow both State and Federal law enforcement agencies to use evidence obtained by means of electronic devices in gambling prosecutions.

In this day and time, racketeers are very much interested in gaining inroads into legitimate business in order to set up "fronts" for their illegal operations. The committee has come up with a provision, designated as title IX of S. 30, which makes it possible to ferret out and expose such activities of criminals and their influence in supposedly legitimate businesses through the use of antitrust devices. This is an important provision of this legislation which will go a long way toward eliminating an avenue whereby the criminal element has disposed of its ill-gotten gains through legitimate business.

Mr. President, one of the favorite devices of organized crime is to infiltrate a company, build it up, and then let it go broke so that it can take advantage of certain tax provisions and other devices thus disposing of or protecting a large treasury of illegally obtained dollars. This provision will help in curbing this activity.

There are some in this country who make a profession of being criminals and they are very difficult to deal with. Putting them in prison for a short period of time does not do much good. First, it does not take them out of circulation permanently; second, they are hardened criminals and do not intend to be rehabilitated. The special offenders provision in this legislation provides for a special sentencing of dangerous repeat offenders. It would allow the removal of professional criminals from the American environment.

Mr. President, these provisions are new and unique approaches to combat organized crime. These ideas are the products of fine legal minds in the Department of Justice; they have also been approved by those of us on the Judiciary Committee and on the subcommittee who have practiced law and are familiar with the problems of law enforcement and the problems of criminal activities.

Mr. President, people across this Nation are crying out for the Congress to act on the problems of organized crime, for the Congress to assume its repsonsibility and provide the tools whereby these insidious criminals may be brought to justice, before their power inreases even more. Much of the growth of organized crime and violence can be directly linked to the growth and magnitude of the criminal organization known as the Mafia or Cosa Nostra. This legislation provides an effective way to destroy their legitimate business fronts, expose their leaders and commit them to prison for their crimes.

Mr. President, undoubtedly there are those among us who will urge that various amendments be adopted to this bill. The cause of civil liberties will be advanced as a reason for weakening the bill. I urge my colleagues to reject attempts to weaken this bill. Experience has shown that defendants connected with organized crime have a much greater acquittal rate than other defendants. Much of this has been related to the difficulty of collecting and admitting evidence in these cases. The Mafia, or Cosa Nostra, is organized on the principle of protecting the leaders from criminal prosecution. Extensive attempts to fix cases through bribery and intimidating witnesses, jurors, and even judges have been uncovered. At present, we are losing the war against organized crime. Law enforcement personnel on both the Federal and State levels must have sufficient weapons if they are to prosecute these criminals effectively. I urge that the Organized Crime Control Act of 1969 be promptly passed and that all amendments which would weaken this legislation be defeated.

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. HART. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. HUGHES in the chair). Without objection, it is so ordered.

The question is on agreeing to the amendment offered by the Senator from Michigan (Mr. HART) on behalf of himself and the Senator from Massachusetts (Mr. KENNEDY).

Mr. HART. Mr. President, when we concluded last night both the Senator from Massachusetts (Mr. KENNEDY) and I, as offerers of the amendment, and the able Senator from Arkansas (Mr. MCCLELLAN), as manager of the bill, had brief comments with respect to it.

I think the subject matter, while of very great importance, is not difficult of understanding. Nor would it require any further lengthy explanation beyond the outline that I shall offer in a moment.

I make this comment conscious that what attaches may provoke inquiries as to when we may anticipate a vote. In this Chamber, we realize fully that none of us can make a judgment with respect to time. But I would not anticipate that more than an hour would intervene before a vote, and indeed it may be substantially less.

Mr. President, the Supreme Court, in 1969, handed down a decision captioned, "Alderman against the United States."

The committee bill in the title which we seek to strike by our amendment would have the effect of overruling that decision. The committee report argues that the Alderman case was not a constitutionally based decision, that it was a decision based solely on the power of the U.S. Supreme Court to regulate the procedures of the Federal court system. If that is true, the committee's report argues, then Congress is free to overrule a procedural direction.

It is my feeling, and the feeling of those of us who offer an amendment, that the Alderman case was clearly based on a constitutional right. If this is true, we in Congress are in no position to undertake to repeal a constitutional right by legislative action.

But beyond that, it seems to those of us who offer the amendment that the Alderman decision was a wise decision and a sound resolution of the question. Thus, even assuming that we have the power, we ought not to set Alderman aside.

In the Alderman case, the Court held that when the Government tries a defendant whom it has illegally wiretapped, it is required to turn over to the defendant the tapes of the conversations illegally heard. And the reason for the ruling, the Court makes very clear.

As we all understand, the fourth amendment prohibits the Government from the use of any evidence obtained as a result of the exploitation of its illegal conduct—in this case, the illegal wiretap.

It is not always easy to determine, however, whether a certain piece of evidence which is presented in the trial was derived ultimately from that illegal tap. Often the trial judge will be unable to make this determination because he is not familiar with the facts of the case. He may regard as irrelevant an illegally overheard conversation which, in fact, would provide the Government with crucial evidence against the defendant. Who is the person best able to examine the illegal taps and determine the likelihood that any Government evidence was the result of leads from the illegal conduct of the Government? The defendant and his lawyer.

So in this case the Supreme Court concluded that all of the tapes of illegally overheard conversations must be turned over to the defendant and his counsel who are entitled to a full adversary hearing on the admissibility of any challenged evidence. Bear in mind the setting, not alone in the Alderman case, but in comparable situations. A criminal indictment or a criminal trial is involved. At some stage the defense discovers, or to their credit the Department of Justice acknowledges, that the Department of Justice has illegally tapped the defendant. The question, then, is raised. Is any of the evidence that is being presented or was presented the

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fruit of the illegal conduct? To determine this one must go to the whatever memorandums or minutes exist, that reflect those items which were picked up in the course of the illegal conduct, or the log of the tape in a case such as confronted the court in Alderman.

But who is best qualified, looking at that log, to sense what items are relevant to a claim that inadmissible evidence is being presented in the criminal case? Initially, in the Alderman case, the Department of Justice itself said:

> Leave it up to us; we will turn over to the defendant those items of the log, if any, which may be relevant.

Later the inconsistency and the weakness of that position became very clear. The Department said:

> We will turn over the log to the court in camera. The court will decide that which may be relevant; that which may be relevant will then be turned over to the defendant.

The Department of Justice, given all good intention and motive, is not the most reliable source to identify those items and elements which might protect against a conviction springing from the fruit of illegal conduct, nor is the court, and certainly not in advance of the completion of the trial. Even then, the court in camera, without argument, is not in as good a position to protect against a fourth amendment deprivation of the defendant as the defendant and his counsel.

The majority of the Supreme Court in the Alderman case said as much. The opinion in that case was written by Mr. Justice White, whose background, as all of us know, includes service as Deputy Attorney General in a period when that Department really first initiated the war against organized crime. Certainly, the judgment was made against a background which includes a full understanding of the burdens and the difficulties under which law enforcement agencies must operate. Nonetheless, in his judgment and in the judgment of the Court, the fourth amendment required that there be made available to the defendant and his counsel the logs, the direct fruit of the illegal activity, in order that other illegal fruit might be identified, and the defendant be in an effective position to argue in connection therewith.

The court recognized the illegal taps might contain information damaging to the parties or even to the national security. The court pointed out, of course, that there could be obtained from the court an order requiring that such information be kept secret and if it was not kept secret there could be a contempt of court citation.

Title VII of the bill takes an altogether different approach. It states that "disclosure of any illegal evidence shall not be required unless such information may be relevant to a pending claim of such inadmissibility and such disclosure is in the interest of justice." But there is no way to determine whether illegal evidence may be relevant to a claim of inadmissibility except by turning it over to the defendant and allowing him to argue its relevancy.

Further, under the bill before us, in this title, even potentially relevant information need not be disclosed if the disclosure is not in the interest of justice. That is a rather vague and sweeping cloak, and behind this vague standard the Government could refuse to reveal its illegal conduct and could deny the defendant his right to trial untainted by unconstitutionally obtained evidence.

Further, Mr. President, although not mentioned in our preliminary discussion of last night, there is another feature that those of us who sponsor the amendment find objectionable in title VII. The bill provides that if the illegal conduct with respect to the obtaining of evidence occurred 5 years prior to the event, the fact of the illegality shall have no effect on the conduct of the case nor the rights of the defendant. There can be no presumption that illegally obtained evidence will not be used to prove events 5 years later. This is true particularly in organized crime where long-term activity and relationships are being explored. Parenthetically, the title to which we direct this criticism in the form of our amendment is not limited to organized crime cases.

Last, Mr. President, those of us offering the amendment realize the necessity of assuring that the disclosure of illegally obtained evidence is made only to the defendant for the purposes of contesting the admissibility of the evidence at the trial.

All of us, I think, were surprised, and after pause most of us were shocked, at the recent wholesale disclosure of wiretap information made in connection with a case in New Jersey.

We have, therefore, added language in the amendment which would expressly limit disclosure to those occasions when it is required for trial purposes.

Mr. President, the significance of the Alderman case is not to be measured by the amount of the news column coverage that was given it. It is of enormous significance to any defendant who discovers that he has been subjected to illegal search or wiretapping or bugging by the Department of Justice. Once that discovery is made, once that action is acknowledged to have been taken by the Department, it is of enormous importance, if the fourth amendment protection is to be significant, that there be available to that defendant and his counsel the fruit of the illegal action, in the case of the tap, the log. Only then can we assure that the defendant has the opportunity to demonstrate that one or more items of evidence presented against him sprang from and can be traced to the illegal conduct of the Department.

To do less, in our judgment, is to deny that defendant, who may or may not be a "nice" or popular fellow, the right that all of us, including the most popular, are entitled to.

It is for that purpose, Mr. President, that the Senator from Massachusetts (Mr. KENNEDY) and I have proposed the amendment.

Mr. HRUSKA. Mr. President, the proposed amendment which we are now considering seeks to delete title VII of the bill. That title is entitled "Litigation Concerning Sources of Evidence." While it will and is intended to cover general situations, it will apply most particularly to situations involving the product of electronic surveillance.

Title VII, put in its simplest terms, will do two things affecting hearings on admissibility of evidence. First, it will free the courts from the burden of hearing certain tenuous and stale claims which are customarily filed only for the purposes of delay; and, second, in other cases, it will prevent unnecessary harm to the rights and reputations of third parties and to the interest of national security.

It will accomplish the first of these by providing that if the questioned information was procured more than 5 years before the offense was even committed, no consideration should be given to an allegation that such information led to the evidence of the offense committed over 5 years later.

It will accomplish the second of these objectives by directing that, before the Government files containing unlawfully obtained information are turned over to a defendant, the judge must determine that the information contained in those files may be "relevant" to the case and that disclosure is "in the interest of justice."

That is the purpose of title VII; and it is the purpose of the amendment to strike those provisions.

Under present case law—and particularly as made more definite and clear in the Alderman decision—two things must happen before files are turned over to the defendant for scrutiny to determine the admissibility of evidence. First of all, there must be a showing that the defendant has a standing to claim such a disclosure. Second, it must be proved by the defendant that it was as an illegal act on the part of the Government that the electronic surveillance was either installed or used and that the transcripts and logs which resulted from that electronic surveillance are, as a result, illegal.

As these two requirements are shown, as I understand it, the Government must turn over all files recording that particular electronic surveillance. It must turn over to the defendants, for the defendants to scan for any causal relationship of any of the evidence which may or which will be used against the defendant at the trial in question.

It is at that point that the real mischief of the present case law asserts itself, because the defendant's counsel at that point gets voluminous logs and transcripts which he can study and scan. As a result of his desire to study and scan, he can secure continuances that are inordinately long. He can, in preliminary proceedings and before the trial on the merits starts, call witnesses by the dozen, and perhaps by the score, in order to have testimony and evidence adduced to try to impeach the logs and the transcripts on the ground that they were illegally obtained and that they in some way relate to the evidence which will be used in the trial.

This takes a long time, Mr. President. If anyone wants a classic example of the results of this kind of rule, he can study the case of Jimmy Hoffa and his

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prosecutions, which lasted over several years even after they had the trial on the merits. This was one of the tactics that were resorted to.

Mr. President, we have come to a point in this respect, as we have in others, where it is right and proper to protect the constitutional rights of the accused. We have reached a point where we must assure two things: One, that he will not abuse the procedures which are resorted to in order to assure him of his constitutional rights; and the second matter we ought to consider is that the interests of justice, public safety, and the public interest also have a standing under the Constitution and that those constitutional rights should be protected and given some concern.

That is what title VII is designed to do, and it would do it.

Then we come to this question: In title VII, or in anything that would replace title VII, what tests will the judge impose to determine that the defendant should be able to get the logs or the transcripts of electronic surveillance?

Under the Alderman rule, the defendant gets everything. He gets everything, regardless of the time element, and regardless of the relevance.

Title VII proposes that there will be two tests applied by the court in determining whether the logs should be furnished to the defendant. The first of those tests is that the judge looks at the time when the electronic surveillances, for example, were made. If that time shows more than a 5-year interval between the making of the electronic surveillance and the event which the evidence about to be used against the defendant concerns, then automatically the judge says, "It can have no relevance; it is excluded."

That is a good rule. It is a constitutional rule. It is an orderly rule. It is a rule that can be applied by statute and by the courts in all of those instances which enable the courts to supervise the rules under which evidence may be admitted or not admitted. Otherwise, there would be no order; there would be no dispatch; there would be no possibility of attaining justice or trying cases with any degree of effectiveness.

So first of all the judge looks at the bug and finds out from the transcript or the log whether the electronic surveillance occurred more than 5 years before the event the evidence about to be used relates to. If it did, the motion is out. That would have removed, in the Jimmy Hoffa case, years of subsequent delay that were actually experienced, and it would do the same thing in a great many cases.

The second thing the judge does at that point, under title VII, if the period is less than 5 years, is this: He scans the transcripts, the logs the evidence procured by electronic surveillance, and makes a decision as to the relevance of the contents and substance thereof to the evidence which is actually offered and will be used in the trial against the defendant. If he decides there is no relevance, he so rules. He then takes the logs or transcripts, seals them up, and preserves them for purposes of use on appeal if an appeal is taken.

Then he turns to the prosecution and to the defense and says, "Gentlemen, let us start the trial on the merits," and they proceed to that task. If there is no conviction, Mr. President, the issue is dead and years of time are saved. If there is a conviction, the ruling of the trial judge as to the irrelevance of that transcript or that log then becomes one of the points on appeal to which the defense can resort if they choose. A decision is made by the appellate court on that point, together with any other points of appeal that the defense wants to raise.

That is a simple way of putting it. There are no constitutional questions or limitations which will bar the enactment of title VII and permit it to be put into application. In that connection, I shall submit some reasons a bit later. But I think we ought to make clear what title VII does not do, Mr. President.

Title VII does not alter, negate, or weaken in any manner existing fourth amendment protection, nor does it in any way affect the use of the exclusionary rule as a tool to guarantee those protections. If the Government has unlawfully obtained evidence which is reasonably connected with the issues at hand, a court remains obligated to preclude its admission.

Title VII, furthermore, does not overrule or modify a constitutional mandate of the Supreme Court. It is true that it does modify the procedural practices set forth in the Supreme Court's opinion in Alderman against the United States. However, the Alderman ruling was not predicated upon constitutional grounds, but upon the Court's supervisory powers. This fact is emphasized by language in that opinion indicating that the Court viewed its ruling as a balanced exercise of judicial discretion, rather than the pronouncement of a constitutional mandate.

Mr. **KENNEDY**. Mr. President, will the Senator yield at that point?

Mr. **HRUSKA**. I am happy to yield.

Mr. **KENNEDY**. I, too, noticed, that the committee report at page 69 states as the distinguished Senator from Nebraska has pointed out that the Alderman decision was an exercise of the Supreme Court's jurisdiction over the lower Federal courts, and not a constitutional interpretation.

Is there any express language in the Alderman case that the distinguished Senator from Nebraska or the manager of the bill can find which would indicate that this is only supervisory, and does not reach the fundamental law of the land? It is my belief that when the Supreme Court acts under its supervisory power, as in the Mallory case, it expressly says so.

Mr. **HRUSKA**. The burden is the other way, Mr. President. The burden is for those who claim that the decision has a constitutional basis to point to language that says so in the opinion.

As Senator McCLELLAN pointed out last night, it is a well-established rule in the courts—and it is a rule that has been followed by the Supreme Court notwithstanding its many other variations, and perhaps what we might, for want of a better term at the moment, call transgressions—that they will avoid a pronouncement on a statute as to its constitutionality if they possibly can, and they will decide the issue on nonconstitutional grounds.

If it is a procedural question which is within their powers or basis of supervision, or anything else, as was the case in Alderman, they will not do so. If they find they cannot do that, and must resort to the Constitution to determine its constitutionality, then they do it; but then there is express language in the decision to indicate that, and to brand it as a constitutional interpretation.

So the burden is the other way. We have no burden to show that there is not constitutional language there. The burden is on the other side to show that there is, and that it is decided on constitutional grounds.

Mr. **KENNEDY**. Mr. President, just because this report states or the distinguished Senator from Nebraska says that this is a supervisory power decision does not establish that fact. As a matter of fact, I think the whole thrust of the Alderman case would indicate quite clearly the contrary.

Let me ask the distinguished Senator from Nebraska, does he feel that Alderman would have been a different decision had it been a State court case?

Mr. **HRUSKA**. I did not catch the Senator's question.

Mr. **KENNEDY**. Does the Senator believe that the Alderman case would have been decided as it was if these issues had been raised in a State court?

Mr. **HRUSKA**. Heavens, I would not want to undertake to engage in an exercise in metaphysics. We are confronted here with the Alderman case.

Mr. **KENNEDY**. That is right.

Mr. **HRUSKA**. If it is the Senator's purpose to engage in an abstract discussion of what might happen under a lot of conjectural situations in a lot of State courts, I do not think this is the place to engage in that.

Mr. **KENNEDY**. I think the Senator from Nebraska quite clearly overlooks the significance of that question, since if Alderman would have been decided the same way even if it were a State court case, then clearly the decision was a constitutional one.

I point out to my colleague that two of the companion cases to Alderman involved national security issues. Now it seems clear to me that if the Supreme Court required full disclosure in those cases, which it did, it obviously meant that full disclosure was constitutionally required in all cases. It is inconceivable to me that the Supreme Court would impose a more stringent disclosure requirement on a Federal court in a national security case than it would impose on a State court in a routine criminal case. It was for that reason that I was trying to elicit some kind of response from the Senator from Nebraska.

Mr. **HRUSKA**. Mr. President, it had not been my intention to discuss the constitutionality of this question and the nature of the Alderman case in my argument. However, in view of the fact that the Senator from Massachusetts has raised the point, I shall now engage in that little exercise.

Mr. President, let me report what Sena-

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tor McCLELLAN said last night, that it is well within the power of Congress to enact proposed section 3504(a)(2) of title VII. Paragraph (2) would overrule the Supreme Court's decision in *Alderman* v. *United States*, 394 U.S. 165 (1969), which held that Government records of any illegal electronic surveillance which a criminal defendant has standing to challenge must be given to him without a preliminary judicial determination that they have possible relevance to his case.

The reason why Congress can reverse the rule laid down by the Alderman case is that that decision was not an interpretation of the Constitution, but an exercise of the Court's power to supervise the administration of Federal criminal justice.

That power was described by Mr. Justice Frankfurter for the Court in *McNabb* v. *United States*, 318 U.S. 332, 340 (1943), in these terms:

> [T]he scope of our reviewing power over convictions brought here from the federal courts is not confined to ascertainment of Constitutional validity. Judicial supervision of the administration of criminal justice in the federal courts implies the duty of establishing and maintaining civilized standards of procedure and evidence.

It is a basic rule of practice of the Supreme Court to place its decisions upon nonconstitutional grounds, such as statutory interpretation or the supervisory power, whenever doing so permits avoidance of a constitutional issue. See, for example, *Peters* v. *Hobby*, 349 U.S. 331 (1955). It must be presumed, therefore, that the Court followed this practice in the Alderman case unless the contrary can be affirmatively shown and that affirmative showing is not to be made by those who contend as this Senator does. It is to be made by those who seek to dispute the position we have taken.

In its statement of the holding of the case, the Court declared that "we conclude that surveillance records as to which any petitioner has standing to object should be turned over to him without being screened in camera by the trial judge." *Alderman* v. *United States, supra* at 182. Nowhere did the Court explicitly say that this practice was mandated by the fourth amendment. Instead, the Court merely ruled that this practice would "substantially reduce" the incidence of error by guarding against the "possibility that a trial judge acting in camera would be "unable to provide the scrutiny which the fourth amendment exclusionary rule demands." 394 U.S. at 184. In short, the fourth amendment guarantees freedom from unreasonable searches and seizures, and this freedom must be enforced by the suppression sanction, but the disclosure rule implementing that sanction is not constitutional doctrine, as it is well settled that the details of implementation of constitutional guarantees often lie below the threshold of constitutional concern. See *Ker* v. *California*, 374 U.S. 23, 34 (1963). The significance of the use of the word "should" in the Alderman holding is emphasized by the Court's later concession that its decision "is a matter of judgment" on which "[its] view" was that in camera inspection by the trial court is inadequate. 394 U.S. at 182. Indeed, the Court expressly based its decision in part upon its desire to "avoid an exorbitant expenditure of judicial time and energy," 394 U.S. at 184, a consideration most appropriate in the exercise of the supervisory jurisdiction. Thus, the Court's language indicates that the ruling was supervisory. Nothing in it may be used to make the necessary affirmative showing that the Court was reaching out needlessly to decide a constitutional issue.

> A supervisory decision by the Supreme Court is subject to change or overruling by the Congress. Exactly such a course was followed when Congress enacted the Jencks Act, 18 U.S.C. § 3500 (1958), modifying the Supreme Court's decision in *Jencks* v. *United States*, 353 U.S. 657 (1957). Thus Congress is equally free to enact title VIII of S. 30 despite the Supreme Court's supervisory decisions in the Alderman case.

Mr. KENNEDY. Mr. President, will the Senator yield?

Mr. HRUSKA. Not at this point. I should like to complete my statement, and then, if the Senator has any further questions, I will be glad to oblige.

To continue my discussion of what title VII does not do:

Mr. President, I would like to attempt to clear up some of the misunderstanding concerning title VII of the proposed bill.

Title VII, put in its simplest terms, will do two things affecting hearings on the admissibility of evidence—first, it will free the courts from the burden of hearing certain baseless and stale claims which are customarily filed only for purposes of delay, and second, in other cases it will prevent unnecessary harm to the lives and reputations of third parties and to the interests of national security. It will accomplish the first of these by providing that if the event, evidence of which is offered, occurred more than 5 years after the alleged illegality, no consideration shall be given an allegation that such evidence was the fruit of the poisonous tree. It will accomplish the second of these by directing that before government files containing unlawfully obtained information are turned over to a defendant, the judge must determine that the information contained in those files "may be relevant" to the case and that disclosure "is in the interest of justice."

A careful study of these provisions should make clear what title VII does not do. Title VII does not alter, negate, or in any manner weaken existing fourth amendment protections. Nor does it in any way affect the use of the exclusionary rule as a tool to guarantee those protections. If the Government has unlawfully obtained primary evidence, a court remains obligated to preclude its admission.

Title VII does not overrule or modify a constitutional mandate of the Supreme Court. It is true that it does modify the procedural practices set forth by the Court in Alderman against United States. However, the Alderman ruling was not predicated upon constitutional grounds, but upon the Court's supervisory powers. This fact is emphasized by language in that opinion indicating that the Court viewed its ruling as a balanced exercise of judicial discretion rather than the pronouncement of a constitutional mandate.

The provision does not deny defendants the right to assure that unlawfully obtained evidence and the fruits thereof will not be used against them. Rather, it provides that in certain, carefully defined situations where there is no reasonable possibility that unlawfully obtained evidence, or its fruits, will be used against them, they will not be allowed to rummage through Government files looking for whatever might prove useful to them not only in the pending action but in any number of unrelated undertakings. That kind of rummaging around has been the source of a great deal of grievous trouble not only to the Government but also to innocent parties, and in connection with the disappearance of evidence and the obstruction of witnesses and the intimidation of witnesses and a host of other things.

In the past, claims concerning these situations have seldom resulted in a determination that the unlawfully obtained information led to evidence of the later-committed offense. Such claims appear to be made only for purposes of delay. It makes no sense to require the courts to continue to permit protracted hearings on these stale, inevitably fruitless allegations, when the criminal dockets are so severely crowded and other defendants are waiting for hearings on often-legitimate claims. And, in the absence of remedial legislation such as title VII, such baseless allegations can be expected to be raised even more often as a result of the pre-1965 electronic surveillances of organized crime figures by Federal agents at a time when no warrant procedure was available. Absent title VII, a Cosa Nostra member charged with murder in 1980 will be free to demand an extended hearing concerning the monitoring of his telephone conversation in 1960—all on the prepostrous premise that it was through the 1960 monitoring that the Government obtained the evidence of his 1980 crime. Title VII would not prevent such a defendant from successfully objecting to the use in evidence of the monitored conversation itself—but it would prevent him from obtaining hearings on fanciful allegations that such monitoring led the Government to the 1980 murder.

In short, the time limitation imposed by title VII will alleviate needless and fruitless wastes of judicial time and money without in any realistic way affecting the rights of the accused.

As to the other principal provision of title VII—the provision that the judge, before turning over to a defendant any Government files containing unlawfully obtained information, must first find that the information "may be relevant" to the case and that the disclosure is "in the interest of justice"—I believe that this provision reflects a reasoned balance between the conflicting interests and that it gives to the courts a set of flexible methods of accommodating these interests.

Under current case law, a defendant is automatically granted access to any unlawfully obtained Government information remotely concerning him regardless of whether it has anything to do with

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the case, regardless of whether it will endanger the lives or reputations of third parties, and regardless of whether it will endanger the security of the Nation. The only alternative to handing a defendant such information very often is for the Government to drop the case. In a minor prosecution, the case can easily be dropped rather than accede to the consequences of the alternative.

But, Mr. President, the bill is calculated to get after organized crime, the biggest business in the Nation, next to formal Government itself. It will not be easy, after spending a long time rounding up evidence from large geographical areas, evidence pertaining to a number of transactions by a lot of ruthless and power- and money-thirsty people who are engaged in that segment of crime—it will not be easy, if they are excluded, to try the alternative of dropping such a case in the event just described.

In a major organized crime prosecution the Government's responsibility to the public creates a severe dilemma. There is simply too much at stake for the Court to claim inconvenience as a basis for denying its duty to mitigate unnecessary damage to the legitimate interest of the Government and innocent third parties.

In a Utopian society, provisions such as title VII would be unnecessary. The Government could turn over its file and rely upon the good faith of the opposing party not to make known information which jeopardizes the national security, the lives of Government informers and potential witnesses, or the reputation of innocent citizens.

Unfortunately, recent history has made it abundantly clear that reliance on good faith—and even on protective orders of the court—is insufficient. For instance, on May 30, 1969, Life magazine published transcripts of Mafia conversations overheard in 1961 which made unflattering references to two Chicago aldermen, three unnamed judges, and two well-known entertainers. None of these individuals was involved in the conversations. None were necessarily involved in any wrongdoing. But, only 3 weeks after the transcripts had been disclosed in court under a protective order that they not be revealed, these individuals had become a common topic of household conversation. In another instance, national security information dealing with the gathering of foreign intelligence was published in a December 2, 1966, Washington Post newspaper article in spite of a protective order of the U.S. District Court for the District of Columbia.

A more recent incident involving a reputed New Jersey Mafia leader, Angelo DeCarlo, underlines the unnecessary damage which can be done by public disclosure of transcripts of conversations unlawfully monitored at a time when no warrant procedure was available. Dozens of individuals who are neither under indictment nor the subject of a criminal investigation were mentioned in the transcripts which became public knowledge as an indirect result of the requirement that eavesdropping evidence be made available to the defense. In the words of the New York Times editorial of January 8, 1970:

> Now that their names have come out as part of an unsworn record, with no warning and no opportunity for examination and reply, they are suddenly on the defensive and called upon to offer denials outside of court in response to illegally obtained conversations.

Unsubstantiated stories of the sex life of an uninvolved third party were thrown to the public winds in the Cassius Clay case. The district judge, finding that the protective order hindered a public hearing on the relevance of the transcripts, dissolved the order and opened the transcripts to public view. This occurred even though the district judge later stated that he could reliably have made the relevant legal determination of relevancy by an in camera inspection of the transcripts.

Editorial stands by the New York Times on January 8, 1970, and the Wall Street Journal on January 14, 1970, indicate the strong public resentment for the present plight of innocent individuals caught in the webs spun through efforts to comply with the procedures established in Alderman. It is time for legislative action.

It should be clearly understood that the Government's interest in behalf of its witnesses, innocent third parties, and the national security exists in all disclosure situations. However, the protective provisions of title VII will come into play only when there is no realistic danger of infringing upon the rights of an accused. The provisions reflect the fact that in this country the public interest must not be used to abridge the fundamental requirements of our system of criminal justice—and they have been far too often, and they will continue to be, unless title VII is enacted. We must accept the fact that on occasion innocent persons may suffer; we must accept the fact that on occasion national security may be compromised; we must accept the fact that on occasion the lives of Government informers and witnesses may be endangered—all in order to insure a defendant's constitutional rights. But there is no Member of this Senate who could reasonably ask that all these interests should be routinely sacrificed, even when there is no chance of compromising the constitutional rights of the accused. Title VII would prevent this from happening.

I urge that we take immediate favorable action on this much-needed legislation.

For anyone to undertake to defend a position that will enable the continuance of a type of operation that was presented by those years of delay in the Jimmy Hoffa case, even after there was a trial on the merits, is a position that is most difficult to understand—most difficult, when there is rhetoric, there is literature, there is thinking, and there is conviction the Nation over that we are grappling to find the right procedures in our battle for survival in the fight against crime.

This is a tool which is badly needed. It is a tool which the public needs. It is a tool which the prosecution needs. It is a tool that those in favor of fair prosecution in the war against crime are entitled to have. We should have it.

The amendment should be turned down by a resounding majority because it is not good. It is not good from any of the considerations which I have mentioned.

Mr. President, I yield the floor.

Mr. HART. The Senator stressed the point that no Member of the Senate would want to compromise away any constitutional rights of a defendant, no matter how offensive the character of the defendant, but he wants to insure that defendants do not abuse procedural devices.

He cites the long delay in the Hoffa case. I am sure he can cite——

Mr. HRUSKA. There are many. There are several score of them. It is now almost a daily routine.

Mr. HART. There would not be any need for that delay if the Government would stop illegal use of taps. That is the hard truth about that.

The delay arose from efforts on the part of defendants against illegal conduct by the Government. If the Government would stop engaging in illegal conduct we would not have that problem. If they do not stop, I suppose, popular or unpopular, the defendant has the right to seek redress of grievances.

But, what right have we to fix a 5-year statute of limitations on the fourth amendment? That is exactly what the 5-year business does, as I read it.

The Senator says no Member wants to impinge or trim back on anyone's constitutional rights, but this title says if something occurred 5 years ago or more that is illegal under the fourth amendment, forget it.

Mr. HRUSKA. Well, Mr. President, the Senator from Michigan is a tried and experienced man in the field——

Mr. HART. Am I right or wrong about that?

Mr. HRUSKA. He has been district attorney in his district for the United States of America and he is one of the better members, including myself, on the Judiciary Committee, and he knows jurisprudence well and procedures well; but he is completely wrong when he says——

Mr. HART. How am I wrong? I am not very smart so perhaps the Senator would explain to me——

Mr. HRUSKA. I shall be glad to do so, if the Senator would not interrupt me and give me a few moments to explain the statement. [Laughter.]

The PRESIDING OFFICER (Mr. Young of Ohio in the chair). The Senate will be in order. The Chair would remind visitors in the galleries that they are guests of the Senate and must remain silent.

The Senator from Nebraska may proceed.

Mr. HRUSKA. As I understand the position of the Senator from Michigan on this 5-year limitation under the fourth amendment, there is no such thing. Electronic surveillance that is engaged in by the Government, in that situation, can be attacked to show primary illegality any time there is a failure to comply with the provisions of the electronics surveillance statute which Congress

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wisely enacted a couple of years ago. When there is a failure to comply with it, that failure can be attacked, if it is successfully established as being a failure. When the whole thing goes out—it all goes out. So there is no question about any suspension or denial of the fourth amendment after 5 years. It is not involved at all.

There are many instances where we may make rules of evidence under our supervision over rules of evidence. They are on the statute books now. But, for some strange reason which I cannot fathom, efforts are being made when there is an attempt to enable the administration of justice to proceed effectively and well, to say, "Oh, but we are violating the fourth amendment. We must protect these 'poor people' from being constitutionally deprived of their rights."

Mr. President, there is no such element in this law at all. There is no suspension of the fourth amendment after 5 years—or any abrogation thereof.

Mr. HART. What does it mean, then, when title VII says that no claim shall be considered? What kind of claim?

Title VII says:

> No claim shall be considered that evidence of an event is inadmissible on the ground that such evidence was obtained by an unlawful act if such event occurred more than 5 years after such alleged unlawful act.

Mr. HRUSKA. That is on the basis of the fact that anything which predates a 5-year period is presumed to have no connection and the denial of the right to scan it has no relevance to the issue at hand, and cannot have.

Mr. HART. Why does the passage of 5 years make it irrelevant, when the fourth amendment assures me of protection when I am young, middle aged, or old?

Mr. HRUSKA. Let us take a simple case. Seven years ago, there was an electronic surveillance made. A log transcript was made thereof, which shows that Joe Blow will steal a car. They go into the ramifications of what they will do with the car, and so forth. In 1970, 7 years later, Joe Blow is accused of stealing a car. It is a car which was made only 18 months before that. It has his fingerprints on it. He has no right to the car. They proceed to try to prove that he tried to steal that car.

What relevance have the fingerprints on that car, which was not even in existence until more than 5 years after the electronic surveillance occurred, to the surveillance?

What relevance have they got and why should the defendant in a case like this, go back 7 years, long before the car was manufactured, and long after he had had time to cool off and change his plans?

At the expense of the administration of justice what right does he have to pull out of the archives something 7 years old that can no more have any relevance to the charges against him than if it was a transcript which had to do with a long-distance telephone call from the moon?

That is the issue that is presented. And all it does is furnish an occasion for delay, obstruction, cost and expense; and expenditure of judicial manpower and prosecutorial manpower for those who do not want those people tried for some reason or another, because they continue to bring up the fourth amendment.

They say, "Let us look at the fourth amendment. Let us not do this. Here is the fourth amendment."

That is a very extreme position.

Mr. HART. Mr. President, does not the Senator from Nebraska agree that sometimes illegal evidence 7 years old might be relevant?

Mr. HRUSKA. I agree.

Mr. HART. But title VII says that nothing should be considered if it occurred more than 5 years before the crime.

Mr. HRUSKA. That is correct. And there can be no real relevance.

Mr. HART. Anything older than 5 years is presumed to be irrelevant.

Mr. HRUSKA. The Senator is right.

Mr. HART. Under what clause of the fourth amendment can that presumption be based?

Mr. HRUSKA. The fourth amendment is not directly concerned here.

Mr. HART. I still have difficulty understanding.

Mr. HRUSKA. I am sure that is right. But in the cases that I cited a little while ago, they would have had difficulty on that basis. And I think that we ought to proceed in that light.

Mr. COOPER. Mr. President, I remember very well the debate in the Senate on the crime bill 2 years ago. There were provisions in that measure providing for the legalization of the use of electronic devices and surveillance.

It has been some time ago but I remember arguing against those provisions of the bill. I voted against the bill although it had valuable sections, because I thought it opened up without proper protections, unreasonable and possibly unconstitutional invasion of a person's privacy by bugging, wiretapping, and other means of electronic surveillance.

This is a very difficult section we are discussing, at least for me on short study.

I should like to ask the Senator from Nebraska: Is it correct that before a defendant or party who had standing, who had a claim under the Alderman decision to full disclosure of the evidence obtained by the Government, the court would have to rule that the action of the Government in obtaining the evidence was illegal? Stated in another way, any right the Government has to use evidence obtained by electronic surveillance against a defendant—whoever he is—would be lost if the Government acted unlawfully in obtaining this evidence by means of electronic surveillance.

Mr. HRUSKA. He would have to allege illegality.

Mr. COOPER. We start on that premise.

Mr. HRUSKA. The Senator is correct.

Mr. COOPER. We start on the further premise that the evidence has been secured illegally.

Mr. HRUSKA. That is the basis of his further proceedings.

Mr. COOPER. At that point, the defendant claims, according to the amendment, the right to look at all of the information that has been secured illegally.

Mr. HRUSKA. The Senator is correct.

Mr. COOPER. The Alderman case upheld that right. Section VII of the bill would limit the right. It would leave to the court to determine what part of the illegal evidence should be disclosed to the defendant, according to its relevancy to the point at issue.

And section VII provides that in the event more than 5 years had passed between the alleged illegality and the event, there would be an absolute bar against any disclosure.

Mr. HRUSKA. The Senator is correct.

Mr. COOPER. I have read the report of this section, and I have heard the Senator's very clear discussion. He argues, and I am sure correctly, that the Alderman case is used by individuals, particularly parties engaged in organized crime, who having no effective grounds for a plea of innocence seek to postpone and delay and drag out their case.

Assuming that under the crime bill passed 2 years ago—which required certain procedures to be followed by Federal enforcement officials, and State enforcements officials—legal procedures to secure the right of electronic surveillance, assume that they follow the correct procedure, why is it a great burden on the Government if it acts according to the law if its evidence is properly and legally secured?

Mr. HRUSKA. That is required if the log or the transcript is 12 or 15 years old.

Mr. COOPER. The point is that it might be illegal.

Mr. HRUSKA. The Senator is correct.

Mr. COOPER. At some point in the past, if the Government acted illegally in its use of electronic devices, why should not the record be disclosed?

The Senator looks at it prospectively. He does not expect that situation to arise as often, in the future. But the Senator is concerned that, because of the Government's illegal action in the past, it will either have to dismiss cases or subject itself to a disclosure of the illegal evidence.

Mr. HRUSKA. Mr. President, let us project ourselves into the future. Let us suppose that this is 1983 and that in 1970 a transcript was made. A man is charged, and he can dig through the dusty archives of the Government. He can force the Government to go through all the expense of using its judicial manpower to prove the legality of an electronic surveillance that had nothing to do with the case.

I think it would serve a very useful purpose. There is reason to believe the man is guilty. He escapes trial on the merits for years until this is decided. He could have an appeal to the circuit court on a writ of certiorari. We would have to start all over again.

That is the vice of the thing. There has to be a legal limitation. It was suggested that 5 years would be an ample time—that is the time from the surveillance until the event the evidence of which is to provide the basis for the criminal charge.

Mr. McCLELLAN. That is also the general Federal statute of limitations on the basic question of guilt.

Mr. HRUSKA. The Senator is correct.

Mr. COOPER. The statute of the limi-

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tations usually runs in favor of the defendant.

Mr. HRUSKA. The citizens have constitutional rights, too. And there is a case to be made for a statute of limitations in favor of U.S. citizens and their safety on the street from the depredations of crime. Maybe they have a right to a statute of limitations, too.

Mr. COOPER. If one raises a question about a constitutional problem or an individual right, it is with risk of criticism that he is more interested in securing the right of an individual than in combating crime. I do not believe that is a correct argument. We are all terribly interested and concerned about crime. I think there are many ways of reaching a solution.

We are increasing the number of judges, district attorneys, and police. But crime is here and it is going to be with us, in my opinion, for some time because, while legislation is important, its solution is not wholly connected with legislation.

Our legislation should not deprive individuals of constitutional rights.

As the Senator knows, I have tremendous respect for him. I know he is a good lawyer and that he knows the principles on which the law is based. However, I do not think we can cast away these questions of constitutional rights. Our system of government is based on this principle, and our country has fought for it in many ways.

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Mr. HRUSKA. Mr. President, I agree with the Senator from Kentucky completely. But there is no effort here to discard the constitutional protections to those people. When the rights of the public are mentioned, it is in the context that we want to secure some balance between the rights that are accorded individuals accused of violations and the public. Where there is something of substance, we want to accord every full intendment to every defendant so that his safeguards should remain inviolate; but we do not want that consideration to be driven to such an extent that the price will be a heavy burden on the law-abiding people of the country.

Therefore, those of us who composed title VII believe that the balance is achieved and, if anything, there is more than the usual amount of consideration given to the defendant and the accused when remedial statutes such as this are considered.

Mr. CASE. Mr. President, will the Senator yield?

Mr. HRUSKA. I yield.

Mr. CASE. Mr. President, I wish to join the Senator from Kentucky in expressing appreciation to the Senator from Nebraska and other Senators, and the chairman of the committee who devoted such a tremendous amount of work in this field and to these problems.

I would like to carry one step further the line of inquiry the Senator from Kentucky was pursuing. It is my general understanding that this whole body of law represents an effort by the Supreme Court to enforce constitutional provisions, not because they like individuals who raise these questions, but because in some sense there does not seem to be any other way of enforcing the constitutional provision that no man should be subjected to unreasonable searches and seizures, for example.

Mr. HRUSKA. Is the Senator referring to the Alderman case?

Mr. CASE. Yes.

Mr. HRUSKA. The case law.

Mr. CASE. Yes; by which the Court suppressed evidence which has been found to be obtained illegally, or by unconstitutional action.

Would the Senator tell me from his knowledge, and I would like to know this, what means the individual whose wires are tapped has for bringing the State to account other than reliance on the doctrine of the Court? Is there any way they could be punished? Can the FBI agent and the person who directs him, the Attorney General, be called on to account criminally, if the Senator will, for violation of any laws that now exist? Is there an adequate remedy?

Mr. HRUSKA. The defendant or the one charged with crime has this opportunity. He can challenge the legality of the procedures whereby the electronic surveillance was ordered by the court, the fashion in which it was executed by the law enforcement officer, and the way in which it was taken and returned to the court under court procedures.

Mr. CASE. Does the Senator mean by a motion to suppress?

Mr. HRUSKA. By a motion to suppress and to challenge the legality of the proceedings.

Mr. CASE. How could he know this happened?

Mr. HRUSKA. He gets a personal notice, and then he has a right to inspect all court pleadings, the showings made by the prosecuting attorney, the motion made, the considerations by the judge, the conditions of the order of surveillance, the time limitation, and so forth. He has a chance to inspect all those things. In this country we do things in that way.

Mr. CASE. Under the Criminal Act.

Mr. HRUSKA. Yes, of 1968.

Mr. CASE. We set out a procedure by which these matters will always be matters of record.

Mr. HRUSKA. The Senator is correct.

Mr. CASE. Questions may be raised as to whether the statute authorizing these procedures is constitutional and whether the statute has been followed by the law-enforcement agency or the judge. But a record will be available to the defendant in any particular case from which he can know the surveillance has taken place. There is no question about that. So if there is illegality in the future in the use of wiretaps, it will be something that will be possible for a defendant to find out about without this kind of broad search of all public records.

Mr. HRUSKA. By all means.

Mr. CASE. That is a matter of importance because, in one sense, we are dealing with practical questions and not questions we are interested in because of principles only, but principles as applied in particular cases and to individuals.

Mr. ERVIN. Mr. President, will the Senator yield, so that I may clarify my understanding of title VII?

Mr. HRUSKA. I yield.

Mr. ERVIN. Under holdings of the court, where evidence is unlawfully obtained, for example, by an involuntary confession, two types of evidence are listed. One is the confession itself.

The PRESIDING OFFICER (Mr. YOUNG of Ohio in the chair). Those persons who are not Members of the Senate will take seats at the rear of the Chamber. The Sergeant at Arms will keep the halls clear throughout this legislative day.

The Senator may proceed.

Mr. ERVIN. The other type evidence is the fruit of the forbidden tree. In other words, as a result of the confession there is found a murder weapon. At the present time they exclude the confession and they exclude the murder weapon, do they not, under some decisions?

Mr. HRUSKA. By use of this additional information?

Mr. ERVIN. Yes.

Mr. HRUSKA. Yes.

Mr. ERVIN. Am I correct in construing the 5-year clause of title VII to relate only to what is called the fruit of the forbidden tree?

Mr. HRUSKA. The Senator is correct.

Mr. ERVIN. And it does not impair at any time the power to question the inadmissibility of the illegal testimony itself?

Mr. HRUSKA. The Senator is correct.

Mr. ERVIN. In other words, is this the way in which it would operate? A murder is committed. A party is arrested for the murder and he makes an involuntary confession. But as a result of the involuntary confession, the lead given by the involuntary confession, the officers go out and find the murder weapon. This would make the murder weapon the fruit of the involuntary confession. It would prevent raising questions of admissibility of the finding of the weapon, identified as the weapon, by other sources, as the weapon of the accused; but it would not affect the possibility of the accused raising the question that the confession itself is involuntary even after the lapse of 5 years.

Mr. HRUSKA. I would think that would hold true. I do not know that there is any differing opinion held by the Senator from Arkansas. I think that would follow.

Mr. McCLELLAN. I am advised by counsel that that would be true only if the weapon was hidden and found 5 years later.

Mr. HRUSKA. More than 5 years after that.

Mr. McCLELLAN. Yes.

Mr. ERVIN. In other words, during the 5 years and thereafter, as far as title VII is concerned, the accused would have the right to contest the admission of the primary evidence on the ground of its having been illegally obtained either by involuntary confession or by illegal search and seizure, and he could also contest the admissibility of the secondary evidence, that is, proof of the fruits hidden and discovered during the 5-year period, but he could not contest the admissibility of the evidence hidden, and discovered as a result of the primary illegal evidence, after the lapse of 5 years.

Mr. HRUSKA. That is what I understood the interpretation to be.

Mr. McCLELLAN. This title proceeds on the assumption that if he had not hidden it within 5 years, it was not discovered as a result of the alleged illegal activity, confession, or conversation, whatever it was, made more than 5 years previously.

Mr. ERVIN. It is even more narrowly drawn than I had considered. In other words, the bar is on challenging the admissibility of evidence of an event occurring after the lapse of 5 years.

Mr. McCLELLAN. After 5 years.

Mr. ERVIN. But if the event occurs and it is discovered within 5 years, it can still be challenged.

Mr. PASTORE. Mr. President, if the Senator will yield, are we not getting a little mixed up? The only time the validity of a confession can be challenged is at a trial. Therefore, if a trial is ruled out and the person is found innocent of that, even if the evidence were discovered 5 years later, it would be double jeopardy.

Mr. ERVIN. As I construe it, that is true only where the trial was after 5 years.

Mr. PASTORE. In other words, they would keep the involuntary confession on ice for 5 years before they brought the confession out in court? Am I to understand that is what is suggested? What are we talking about? The confession is made at the time of apprehension. Therefore, under our Constitution, a defendant is entitled to a speedy trial. They cannot withhold the confession for 5 years and then go into court to see whether it was an involuntary confession.

Mr. McCLELLAN. Here is what is at issue: The one who is charged says, "6 or 7 years ago they put an illegal wiretap on my home."

Mr. PASTORE. I see it with respect to a wiretap, but I cannot see it with respect to a confession. I can see it on a wiretap.

Mr. McCLELLAN. In other words, a defendant could drag it out forever.

Mr. PASTORE. I can see it on a wiretap.

Mr. McCLELLAN. Yes.

Mr. PASTORE. I am for it, but I do not go along with the example of the involuntary confession.

Mr. ERVIN. For example, in Charlotte, N.C., a man committed a rape and a murder in a cemetery. He made what the Supreme Court, after a lapse of about 7 years, held was an involuntary confession, although the Supreme Court was in disagreement with the trial courts, both the State court that tried the man originally and the Federal court which took jurisdiction under habeas corpus. In the confession he told where he had hidden some of the apparel of the woman he had raped and murdered and where he had hidden his own clothes. They discovered some of his clothes and the apparel of the women hidden in a hedge. So it would have application to both involuntary confession and wiretap.

Mr. HART. With respect to the 5-year limitation, may I conclude by confessing that I am still unpersuaded, and my lack of acceptance of the explanation is that I find no statute of limitations in the fourth amendment with respect either to illegal search and seizure and the products produced by the illegal search and seizure, or the illegal fruits from the illegal search and seizure, whether it be by wiretap or going into one's home without a warrant.

As I understand the explanation with respect to the illegal fruits after 5 years, my rights under the fourth amendment have tolled. How? By properly amending the Constitution? No. In order to fight crime, Congress itself is amending the Constitution.

If we adopt this provision, I know the Court will eventually resolve the question, but may I ask the Senator from Arkansas a question? As the Senator from Nebraska described, in a proceeding where the defendant seeks to obtain the log of a wiretap, or full disclosure in any case where he alleges illegal conduct on the part of the prosecuting authorities, when he seeks to make his case and is confronted by title VII, who decides whether the information that he seeks to obtain may be relevant to the pending case?

Specifically, are we going back to the Department's original position in the Alderman case—that the Department of Justice shall make that decision—or the court?

Mr. McCLELLAN. It would still be a court proceeding. The court would make the decision. That is the purpose of this language—to put it in the hands of the court.

Mr. HART. That is very good. I am glad to get that explanation.

Mr. McCLELLAN. Another thing: If the court is permitted to examine it, the defendant can appeal from that decision. The appellate court can see the whole case, just as the court in camera did. The Supreme Court can see the whole file. If there is any injustice involved, as a matter of judgment, they can say they examined the case and, as a matter of judgment, then can throw it out.

So a man is not precluded from his every right. We are trying to prevent what is employed to delay and obstruct justice, and we are dealing with the worst in the country, understand.

Mr. HART. Do I understand that all of the logs of all of the tapes must be turned over to the court?

Mr. McCLELLAN. To the judge. He sees it all. We are trying to prevent that disclosure which does nothing to serve justice.

Mr. PASTORE. Fishing expeditions.

Mr. McCLELLAN. That is the point of it. One can think of almost anything by which he can delay and appeal and carry the matter out and bring out hearsay evidence and bring in something said about people who are innocent, which has no relationship to the case, and expose the whole thing. We are trying to prevent that.

Mr. President, I have a brief statement to make, but I do not want to take the Senator's time at this time.

Mr. HART. Mr. President, that clarification is useful.

That material shall be turned over to the court?

Mr. McCLELLAN. All of it.

Mr. HART. But if the judge happens to see something that happened more than 5 years ago and which might cause some trouble in the minds of defense counsel, as to whether it led to the ultimate prosecution, there is nothing he can do about that?

Mr. McCLELLAN. Under this provision, no. There has to be some limitation.

Mr. HART. I merely asked if something could be done by the judge.

Mr. McCLELLAN. I think that the 5-year limitation would apply.

Mr. President, I ask for the yeas and nays on the amendment.

The yeas and nays were ordered.

Mr. McCLELLAN. Mr. President, in the first place, let me show what the amendment does.

The bill from which title VII was taken was introduced last May, in the middle of hearings, because of testimony heard at that time. I refer also to the decision in the Alderman case. On May 29, I introduced a bill, S. 2292 cosponsored by the Senator from Nebraska (Mr. HRUSKA), to try to correct the situation. So we have had it in committee all of this time. Both sponsors of the amendment are members of the subcommittee and the full committee, and yet the question raised by this amendment was not raised until Monday of this week, the 19th. That makes it very difficult for committees to operate.

Let me show what would be done by this hasty action.

If this amendment were adopted, any time the evidence was once made available for the purposes of determining its legality, or for the purposes of determining its admissibility, it would thereafter be—in terms of the literal language of the amendment—forever sterilized and immunized from use. Listen to this amendment. They could not use it even to prove guilt. Let me show the Senator what this kind of hasty action does:

> DISCLOSURE OF EVIDENCE.—Any evidence or material disclosed to a party solely for the purpose of permitting a determination as to the admissibility at trial of that or other evidence and material shall not be disclosed by any party or by the court except to the extent that the placing of such evidence or material in the court record is required for the purposes of court rulings.

It could never be exposed for anything else, or used for anything else. It simply kills the testimony.

I do not think the proposer of the amendment would want to do that. But this shows what hasty action does. The amendment was not considered by the committee, nor was the proposal suggested there, and now we are confronted with an amendment which, in my opinion, simply nullifies or rules out all use of all testimony, once it is made available to determine whether it is admissible against a given defendant.

Mr. HART. Mr. President, could I ask the Senator one question? I think we might reach an agreement with respect to the purposes of this added language.

Mr. McCLELLAN. Yes.

Mr. HART. We are clearly not in agreement as to the basic proposal in the pending amendment to strike title VII.

The reason for the addition of this language was to attempt to prevent the release to the press of a whole series of things, perhaps even by way of a subpena. What we are attempting to estab-

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lish here, and perhaps the Senator from Arkansas would agree, is that if materials are made available to the defendant as probably relevant, they shall not be given to the public unless, in the course of subsequent litigation, they or a portion of them—and only so much as is in fact introduced into the record—become a part of the record.

In other words, all of us, I think, share the desire that these tapes of illegal taps, shall not be released to the public except as the interest of justice, specifically in the case of the defendant himself, requires it.

This was the purpose of the added language. Does the Senator share the objective?

Mr. McCLELLAN. We undertake to do that, and do it, in title VII. Evidence that goes to the defendant need not in the interest of justice be given by the court to the public. But the Senator's language here would prevent all subsequent use of it. Take, for example, the *Alderman* case, where they held it was not illegal to use it as against one defendant, but that it could be used against the others. It could not have been disclosed again, or used, under the Senator's amendment. I do not think that is the intent, but that is what the Senator has done.

Mr. HART. Mr. President, if we can obtain from the manager of the bill this clarification concerning public disclosure, there would be no reason to retain the added language, and I would ask that it be removed.

Mr. McCLELLAN. I am just showing the Senator what he is doing with this kind of legislation, or by attempting to legislate in this fashion.

Mr. HART. We are attempting to show the manager of the bill what he is doing with title VII, and why we want to strike it.

The only point we had with respect to this additional language is an attempt to insure, that after the defendant has obtained material which may be relevant to a claim the evidence is inadmissible, we will not thereafter be able to read in the newspapers of a whole list of irrelevant conversational exchanges that may have occurred over a 4- or 5-year period.

Mr. McCLELLAN. Such judicial publication is exactly what we are trying to prevent with title VII.

Mr. HART. Does the Senator believe title VII does that?

Mr. McCLELLAN. That is the purpose of it, and it does that. That is our objective, and I think we have accomplished it.

Mr. HART. Mr. President, I then modify the pending amendment to remove the added language, so that the amendment is clearly and simply to strike title VII.

The PRESIDING OFFICER. The Chair advises the Senator that the yeas and nays have been ordered. Therefore, it would require unanimous consent to modify his amendment.

Mr. McCLELLAN. Why not let us vote on the original amendment?

Mr. HART. Have the yeas and nays been ordered?

Mr. McCLELLAN. Yes, they have been ordered.

Mr. HART. I ask unanimous consent that we may remove the substitute language, based on the assurance given us by the manager of the bill.

The PRESIDING OFFICER. Is there objection?

Mr. ERVIN. Reserving the right to object, I am sure that the distinguished Senator from Michigan and his cosponsor did not intend any such result.

Mr. McCLELLAN. Of course he did not.

Mr. ERVIN. But as I understand this, if any evidence is produced and disclosed to a party solely for the purpose of permitting a determination of admissibility at his trial of that or other evidence, the prosecution would be precluded from even offering that evidence before the jury in case the judge ruled it was admissible.

Mr. McCLELLAN. Yes, even to establish guilt. You could not use it.

But I raise this issue, Mr. President, to show the Senate that, where we have the committee process, and have the committee, and an opportunity to bring a matter up and have it discussed there, if we bring an amendment up on the floor at the last minute in this manner, we can easily fail to realize the full consequences of what we are doing, and we can achieve results wholly unintended.

The PRESIDING OFFICER. Does the Chair correctly understand that there is no objection to the request of the Senator from Michigan?

Mr. McCLELLAN. I am not going to object, if he wants to modify it. It would just mean another vote. We could vote on the amendment as it is, and he could then offer the other. Therefore, I am not going to object, but I wish the Senator would withdraw his amendment and let us get on, here. If he will not, let us vote on it.

Mr. HART. Mr. President, let me see if I understand the offer kindly made by the Senator from Arkansas, that there would be no objection to modifying the amendment that is pending, on which the yeas and nays have been ordered.

Mr. McCLELLAN. I object to the amendment in any form.

Mr. HART. I understand that. The Senator will oppose the striking of title VII, but does he object to modifying the amendment so that it proposes only to strike title VII, and eliminating the other language?

Mr. McCLELLAN. I have just said I am not going to object, in the interest of time. We could vote on the amendment in this form, but I do not think the Senator from Michigan now would want to vote for it himself, with the interpretation we have brought out here this afternoon.

Mr. HART. That is correct, if your interpretation is proper.

Mr. McCLELLAN. But if we vote on it in its present form, he could then come right back and offer the amendment by which he now proposes to modify the pending amendment, to achieve the same result. So why delay? I am not going to object.

Mr. PASTORE. There is no objection, Mr. President.

Mr. HART. I thank the Senator.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. McCLELLAN. A rollcall has been ordered; the clerk should call the roll.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Michigan.

Mr. PASTORE. The amendment as modified, is that correct?

The PRESIDING OFFICER. The Senator is correct. The question is on agreeing to the amendment, as modified, of the Senator from Michigan (Mr. HART), offered for himself and Mr. KENNEDY. On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. KENNEDY. I announce that the Senator from Indiana (Mr. BAYH), the Senator from Idaho (Mr. CHURCH), the Senator from Alaska (Mr. GRAVEL), the Senator from Oklahoma (Mr. HARRIS), the Senator from South Carolina (Mr. HOLLINGS), the Senator from Hawaii (Mr. INOUYE), the Senator from Minnesota (Mr. MCCARTHY), the Senator from South Dakota (Mr. MCGOVERN), the Senator from Utah (Mr. MOSS), the Senator from Rhode Island (Mr. PELL), the Senator from Maryland (Mr. TYDINGS), and the Senator from Texas (Mr. YARBOROUGH) are necessarily absent.

I further announce that, if present and voting, the Senator from Rhode Island (Mr. PELL) would vote "nay."

Mr. SCOTT. I announce that the Senators from Vermont (Mr. AIKEN and Mr. PROUTY), the Senator from Oklahoma (Mr. BELLMON), the Senator from Utah (Mr. BENNETT), the Senator from Kentucky (Mr. COOK), the Senator from Michigan (Mr. GRIFFIN), the Senator from Idaho (Mr. JORDAN), the Senator from New York (Mr. GOODELL), the Senator from Kansas (Mr. PEARSON), and the Senator from Illinois (Mr. SMITH) are necessarily absent.

The Senator from Florida (Mr. GURNEY), the Senator from New York (Mr. JAVITS), the Senator from Maryland (Mr. MATHIAS), and the Senator from Illinois (Mr. PERCY) are absent on official business.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

If present and voting, the Senator from Kentucky (Mr. COOK), the Senator from South Dakota (Mr. MUNDT), the Senator from Utah (Mr. BENNETT), the Senator from Kansas Mr. PEARSON), the the Senator from Illinois (Mr. PERCY), the Senator from Idaho (Mr. JORDAN), and the Senator from Oklahoma (Mr. BELLMON) would each vote "nay."

On this vote, the Senator from Maryland (Mr. MATHIAS) is paired with the Senator from Florida (Mr. GURNEY). If present and voting, the Senator from Maryland would vote "yea," and the Senator from Florida would vote "nay."

On this vote, the Senator from New York (Mr. GOODELL) is paired with the Senator from Illinois (Mr. SMITH). If present and voting, the Senator from

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New York would vote "yea," and the Senator from Illinois would vote "nay."

The result was announced—yeas 20, nays 53, as follows:

[No. 7 Leg.]

YEAS—20

Brooke
Case
Cooper
Cranston
Fong
Hart
Hatfield
Hughes
Kennedy
Magnuson
McGee
Metcalf
Mondale
Muskie
Nelson
Packwood
Ribicoff
Stevens
Williams, N.J.
Young, Ohio

NAYS—53

Allen
Allott
Anderson
Baker
Bible
Boggs
Burdick
Byrd, Va.
Byrd, W. Va.
Cannon
Cotton
Curtis
Dodd
Dole
Dominick
Eagleton
Eastland
Ellender
Ervin
Fannin
Fulbright
Goldwater
Gore
Hansen
Hartke
Holland
Hruska
Jackson
Jordan, N.C.
Long
Mansfield
McClellan
McIntyre
Miller
Montoya
Murphy
Pastore
Proxmire
Randolph
Russell
Saxbe
Schweiker
Scott
Smith, Maine
Sparkman
Spong
Stennis
Symington
Talmadge
Thurmond
Tower
Williams, Del.
Young, N. Dak.

NOT VOTING—27

Aiken
Bayh
Bellmon
Bennett
Church
Cook
Goodell
Gravel
Griffin
Gurney
Harris
Hollings
Inouye
Javits
Jordan, Idaho
Mathias
McCarthy
McGovern
Moss
Mundt
Pearson
Pell
Percy
Prouty
Smith, Ill.
Tydings
Yarborough

So Mr. HART's amendment, as modified, was rejected.

Mr. HRUSKA. Mr. President, I move that the vote by which the amendment was rejected be reconsidered.

Mr. McCLELLAN. Mr. President, I move that the motion to reconsider be laid on the table.

The motion to lay on the table was agreed to.

Mr. MURPHY. Mr. President, I support S. 30, the Organized Crime Control Act. In his April 23 message to the Congress on organized crime, President Nixon served notice that "organized crime cannot be ignored or tolerated any longer." That President Nixon and this administration mean business can be illustrated by the fact that this administration is not only proposing and strongly supporting new tools, as provided in S. 30, but also, unlike the previous administration, using the tools that Congress gave when it enacted the Omnibus Crime Control Act of 1968. I am referring to the use of court-ordered electronic surveillance devices. As a result of the use of these devices, a major narcotics ring in the Nation's Capital has been broken up and a nationwide gambling ring has been smashed in New Jersey. Further, I have strongly supported the administration's request which they have received for the doubling of last year's appropriations in this vital field. In addition, the Justice Department has more than doubled its manpower in this area.

Mr. President, organized crime permeates all spheres of our society. Octopus like, organized crime is a complex and highly organized menace to society. The poor people in our slum areas are tragically often the primary victims of organized crime.

It is the children of the slums who often become victims of the narcotic pusher. In my testimony before the Subcommittee on Alcoholism and Narcotics of the Labor and Public Welfare Committee, when it was in Los Angeles on September 27, 1969, I referred to an article published in the New York Times, reporting that addict victims were turning vigilante in an effort to halt the narcotics problem. This indicates the desperateness of the situation. The New York Times article went on to estimate that there are 100,000 heroin users in New York and further estimated that addicts might be stealing as much as $2.6 billion a year to support their habit. Further, the article pointed out that the U.S. Post Office had to pay some $360,000 in overtime pay just to provide additional postmen for safety reasons in the heavy drug areas. It seemed that these additional postmen were needed twice a month when welfare checks were mailed since the narcotic addicts have come to regard these checks as a potential source of money in which to buy heroin.

Narcotic traffic is only one phase of organized crime's illegal activities, but it does indicate that the stakes, both in terms of human suffering and financially, are high. It is generally agreed that organized crime's greatest source of revenue is derived from gambling activities. President Nixon has labeled gambling as organized crime's "lifeline." This gambling activity includes lotteries, dice games, and illegal casinos. While no one has an accurate figure on organized crime's intake from its gambling activities, it has been estimated to range from $7 to $50 billion. The second largest revenue for organized crime is so-called "loansharking." This is the practice of lending money at exorbitant interest rates. The President's Task Force on Organized Crime estimated that interest rates varied from 1 to 150 percent a week. While there are no estimates of the gross revenue from this practice it is believed that multibillions are involved.

A particular offensive consequence of organized crime is the corruption of local officials. For the President's Crime Commission found corruption common where organized crime exists and noted that the available information indicated that—

> Organized crime flourishes only where it has corrupted local officials.

Such corruption undermines our local governments and reduces our citizens' confidence in our governing institutions. With so much cynicism abounding in the country today with respect to our governing institutions, it is particularly harmful to our national health and well being.

Organized crime's activities are not confined to the illegal; indeed, legal activities often are fronts for their illegal efforts. Senator McCLELLAN in his very articulate and able opening remarks on this measure said that Internal Revenue sources indicated:

> Of this country's 113 major organized crime figures, 98 are involved in 159 businesses. In like manner, the President's crime commission in 1967 reported that racketeers control nationwide manufacturing and service industries with known and respected brand names.

In addition, the Senator from Arkansas (Mr. McCLELLAN) placed in the CONGRESSIONAL RECORD a partial listing of business activities in which organized crime has been active. It was a long and very diversified listing of business activities.

S. 30, the Organized Crime Control Act, before the Senate today not only declares "war" against organized crime but also provides law-enforcement officers and our courts with the tools and machinery necessary to do battle. The bill is the result of all the great effort and attention by the President and his administration and the Judiciary Subcommittee on Criminal Laws and Procedures, under the leadership of Senator McCLELLAN, its chairman, and the ranking minority member, the Senator from Nebraska (Mr. HRUSKA).

The bill has 10 titles designed to improve our evidence-gathering procedures and processes in the investigation of organized crime, to strengthen Federal jurisdiction over syndicated gambling where interstate commerce is involved, to prohibit infiltration of legitimate organizations by racketeers or proceeds of racketeering activities, and to provide for the imposition of increased punishment—up to 30 years—for three types of particularly dangerous special offenders; namely, recidivists, professional offenders, and organized crime's leaders.

While areas for improvement obviously may exist, I believe that this measure is a sound and badly needed one. It attempts to balance the public interest as well as the individual rights of the accused. I strongly support the bill and am hopeful that it will bring about a retreat of organized crime and the ferreting out and prosecution of its leaders. If such is the case, it will be most welcomed by the victims of organized crime and the overburdened taxpayers of this country.

Mr. President, I ask unanimous consent that the committee's summary of the bill's provisions be printed in the RECORD.

There being no objection, the summary was ordered to be printed in the RECORD, as follows:

SUMMARY OF THE BILL

TITLE I—GRAND JURY

Sets up a special grand jury to sit for extended terms, insulated from improper judicial influence and authorized, subject to careful safeguards, to issue grand jury reports.

TITLE II—IMMUNITY

Authorizes the grant of legislative, administrative and judicial immunity to obtain testimony over objections of self-incrimination.

TITLE III—RECALCITRANT WITNESSES

Provides for civil contempt proceedings to deal with recalcitrant witnesses.

TITLE IV—FALSE DECLARATIONS

Eliminates outmoded evidentiary and pleading restrictions (two-witness, direct evidence and contradictory statements rules) in prosecutions of those who give false testimony in grand jury or court proceedings.

TITLE V—WITNESS FACILITIES

Extends to organized crime witnesses and families physical facilities in which they may be protected.

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TITLE VI—DEPOSITIONS

Makes possible, subject to constitutional protection, deposition from witnesses in danger of reprisal by organized crime.

TITLE VII—REGULATION OF LITIGATION CONCERNING SOURCES OF EVIDENCE

Sets aside Supreme Court's decision in *Alderman* v. *United States*, giving criminal defendants direct access to government files. Establishes instead court procedure. Provides for "statute of limitations" on suits alleging unlawful governmental conduct.

TITLE VIII—SYNDICATED GAMBLING

Makes bribery in connection with illegal gambling business affecting interstate commerce unlawful. In addition, prohibits the illegal gambling business affecting interstate commerce itself.

TITLE IX—CORRUPT ORGANIZATIONS

Prohibits infiltration of legitimate organizations by racketeers or proceeds of racketering activities where interstate commerce is affected. Authorizes civil remedies comparable to anti-trust to prevent violation of law by divestiture, dissolution or reorganization.

TITLE X—SPECIAL OFFENDER SENTENCING

Provides for imposition of increased punishment (up to 30 years) for convicted "habitual" criminals, "professional" criminals and "organized crime" leaders.

Mr. HART. Mr. President, I send an amendment to the desk and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The bill clerk read as follows:

On page 93, line 15, strike the word "information" each time it appears and substitute the word "evidence."

UNANIMOUS-CONSENT AGREEMENT

Mr. MANSFIELD. Mr. President, I ask unanimous consent that there be a time limitation of one-half hour on this amendment, with the time to be equally divided between the sponsor of the amendment and the Senator in charge of the bill.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Montana? The Chair hears none, and it is so ordered.

Mr. HART. Mr. President, I yield myself 5 minutes.

The PRESIDING OFFICER. The Senator from Michigan is recognized for 5 minutes.

Mr. HART. Mr. President, this amendment relates to title X where a new and, I think, probably worthwhile concept has been developed relating to dangerous special offender sentencing. It provides that in the event a defendant in a Federal criminal prosecution is in one of three categories and is convicted, notwithstanding the sentence limitation fixed for the offense for which he has just been convicted, he may then be sentenced after a hearing for a term of 30 years as a dangerous special offender.

The objection I suggested is that in the hearing, all that is required is that it appear, by a preponderance of the information, that the defendant is a dangerous special offender.

Mind you, Mr. President, in the case at bar on which he was tried and convicted, it was required, as in any criminal proceeding, that it be by proof beyond a reasonable doubt. So, this fellow has been put to trial and the Government has been required to prove beyond a reasonable doubt that he violated a particular law.

But to establish that he qualifies for the 30-year sentencing as a dangerous special offender requires only a preponderance of the information.

Why not, as the amendment probably should provide, require the same burden of proof when, in fact, we are considering putting him away for 30 years, that is required for a conviction under a specific statute that would put him away for a term substantially less than 30 years.

Mr. McCLELLAN. Mr. President, I yield myself 5 minutes.

The PRESIDING OFFICER (Mr. FULBRIGHT in the chair). My colleague from Arkansas is recognized for 5 minutes.

Mr. McCLELLAN. Mr. President, this is another unexpected amendment. It would overrule two Supreme Court decisions and change the whole pattern of present practice with reference to the use of information in regard to sentencing.

Title X deals with an already convicted felon—after he has already been found guilty beyond a reasonable doubt. It is a question of what information the court may consider when he goes to impose sentence. Title X deals with the professional criminal, the organized crime or Cosa Nostra people, and those who have a long string of convictions against them.

This amendment would place a limitation on the information concerning a convict's background, character, and conduct which a Federal court could consider in selecting an appropriate sentence.

The bill as now drafted preserves the traditional rule approved by the Supreme Court in Williams against New York, decided in 1949, that sentencing proceedings are exempt from the rules of evidence constitutionally required at a trial. Williams was reaffirmed in 1967 in the case of Specht against Patterson. And Mr. Justice Douglas wrote the opinion of the Court in the case of Specht against Patterson. The Court reaffirmed that a sentencing court, usually the trial court, could consider allegations not tested for reliability by the constitutional procedures of confrontation and cross-examination.

Mr. Justice Black, in the opinion of the Court in the Williams case, spelled out in these terms the policies that underlie enlightened sentencing practices and preclude any other rule.

Here is what the Court said:

> Highly relevant—if not essential—to his selection of an appropriate sentence is the possession of the fullest information—

Not evidence—

> possible concerning the defendant's life and characteristics. And modern concepts individualizing punishment have made it all the more necessary that a sentencing judge not be denied an opportunity to obtain pertinent information by the requirement of rigid adherence to restrictive rules of evidence properly applicable to the trial. . . . The due process clause should not be treated as a device for freezing the evidential procedure of sentencing in the mold of trial procedure. (*Williams* v. *New York*, 337 U.S. 241, 246–47, 251 (1949).)

That is the language of the Supreme Court. I hope that the Senate will not overrule that position.

Mr. HART. Mr. President, I yield myself 5 minutes.

The PRESIDING OFFICER. The Senator from Michigan is recognized for 5 minutes.

Mr. HART. Mr. President, it is not solely a question of determining the sentence. It is a question of how this man is proven to be in fact in one of the three categories which makes him a dangerous special offender. For example, it is the point at which we determine whether the defendant committed a felony as part of a pattern which is criminal, which contributed the substantial source of his income, and in which he manifested special skill and expertise.

Why should not that be required to be established by proof beyond a reasonable doubt, not just by a preponderance of information?

This is the point at which the determination must be made for example as to whether the individual who has been found to have engaged in a conspiracy was a leader or that he agreed to initiate and to finance all or part of the conspiracy.

Why should not that be required to be established by proof beyond a reasonable doubt, and not just by a preponderance of information? It is far more than a determination of whether 30 or less years should be applied. It is a hearing at which we have to find for example whether this man does have a substantial source of his income flowing from the offensive act. A substantial portion of income is not particularly precise, but requires proof of some kind.

The PRESIDING OFFICER. Who yields time?

Mr. McCLELLAN. I yield 2 minutes to the Senator from Nebraska.

The PRESIDING OFFICER. The Senator from Nebraska is recognized for 2 minutes.

Mr. HRUSKA. Mr. President, the Senator from Arkansas has well outlined the situation involved.

This is the situation of a man standing before the court convicted, and he has been proved beyond a reasonable doubt to be guilty. The question is what kind of sentence to pass on him. And when that point is reached, it has long been the rule that all kinds of information can be used by the judge to determine what sentence he will undergo.

There were two recent decisions, cited by the Senator, that have held to that effect. And section 3577, found on page 97 of the bill, also codifies that law by saying:

> No limitation shall be placed on the information concerning the background, character and conduct of a person convicted of an offense which a court of the United States may receive and consider for the purpose of imposing an appropriate sentence.

Under those two cases and under this section, the judge will have the discretion to use and to employ such information as he can obtain and use within the bounds of his judicial experience and conscience to apply to the situation at hand. That discretion should not be limited.

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I hope the amendment is defeated.

Mr. HOLLAND. Mr. President, will the Senator yield for a question?

Mr. McCLELLAN. I yield for a question.

Mr. HOLLAND. Mr. President, is not this same information used by every trial judge in connection with whether he will give a minimum or a maximum sentence or whether he should put the defendant on probation? All of these same things are considered by every judge called upon to sentence a man.

Mr. McCLELLAN. The Senator is correct. I want to add that the position of this amendment is contrary to the position that has been taken by the Model Sentencing Act, the Model Penal Code, the American Bar Association, and the decisions of the Supreme Court.

I do not think we want to sweepingly change that practice.

Mr. CASE. Mr. President, will the Senator yield?

Mr. HRUSKA. I yield.

Mr. CASE. Is not this a half-way-house situation really? It does partake of the nature of the consideration of the penalty by a judge. But does it not also have a kind of substantive effect in that it increases the maximum penalty which a judge may impose under certain circumstances?

Mr. HRUSKA. It can increase the sentence, but it is merely an aggravation of the offense.

The defendant here also is given the right of appearing to contest it in limited cross-examination. But it certainly does not bar the court from taking any information into account.

Mr. CASE. But there is provision for cross-examination.

Mr. McCLELLAN. That is correct, limited cross-examination and even appeal.

Mr. CASE. And all of that cross-examination has to be proved in open court. And the only change is the nature of the evidence, in effect.

Mr. McCLELLAN. That is right. He can appeal from the decision. We think the defendant's rights are protected.

Mr. HART. Mr. President, I yield myself 2 minutes.

The PRESIDING OFFICER. The Senator from Michigan is recognized for 2 minutes.

Mr. HART. Mr. President, I think we can visualize, and the Senator from New Jersey suggested, a hearing at which the court is required to determine and evaluate an appropriate sentence.

This is not that kind of animal at all. This is a hearing to determine after an earlier conviction whether the individual does in fact fall into one of three categories.

The individual says, "Look, I didn't initiate a conspiracy. I didn't have a substantial source of my income from this offense. I want to be heard on that. I demand proof. This is an adversary proceeding, and I want to prove that I am not in such a category."

What rules of evidence would apply? Even more basic, What is the requirement of proof? The bill states, "If it appears by a preponderance of information." What does that mean? It is not even by a preponderance of the evidence, but rather by a preponderance of information. A man could be sent away for 30 years. Should it not require proof beyond reasonable doubt?

The PRESIDING OFFICER. Who yields time?

Mr. McCLELLAN. Mr. President, I yield back the remainder of my time.

Mr. HART. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. HART. I yield back the remainder of my time.

The PRESIDING OFFICER. All time has been yielded back. The question is on agreeing to the amendment of the Senator from Michigan (Mr. HART). On this question the yeas and nays have been ordered, and the clerk will call the roll.

The bill clerk called the roll.

Mr. KENNEDY. I announce that the Senator from Indiana (Mr. BAYH), the Senator from Idaho (Mr. CHURCH), the Senator from Alaska (Mr. GRAVEL), the Senator from Oklahoma (Mr. HARRIS), the Senator from South Carolina (Mr. HOLLINGS), the Senator from Hawaii (Mr. INOUYE), the Senator from Minnesota (Mr. McCARTHY), the Senator from South Dakota (Mr. McGOVERN), the Senator from Utah (Mr. MOSS), the Senator from Rhode Island (Mr. PELL), the Senator from Maryland (Mr. TYDINGS), and the Senator from Texas (Mr. YARBOROUGH) are necessarily absent.

I further announce that, if present and voting the Senator from Rhode Island (Mr. PELL) would vote "yea."

Mr. SCOTT. I announce that the Senators from Vermont (Mr. AIKEN and Mr. PROUTY), the Senator from Oklahoma (Mr. BELLMON), the Senator from Utah (Mr. BENNETT), the Senator from Kentucky (Mr. COOK), the Senator from Michigan (Mr. GRIFFIN), the Senator from Idaho (Mr. JORDAN), the Senator from Kansas (Mr. PEARSON), and the Senator from Illinois (Mr. SMITH) are necessarily absent.

The Senator from Florida (Mr. GURNEY), the Senator from New York (Mr. JAVITS), the Senator from Maryland (Mr. MATHIAS), and the Senator from Illinois (Mr. PERCY) are absent on official business.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

If present and voting, the Senator from Kentucky (Mr. COOK), the Senator from Florida (Mr. GURNEY), the Senator from Idaho (Mr. JORDAN), the Senator from Illinois (Mr. PERCY), the Senator from South Dakota (Mr. MUNDT), the Senator from Utah (Mr. BENNETT), the Senator from Oklahoma (Mr. BELLMON), the Senator from Kansas (Mr. PEARSON), and the Senator from Illinois (Mr. SMITH) would each vote "nay."

The result was announced—yeas 11, nays 63, as follows:

[No. 8 Leg.]

YEAS—11

Goodell
Hart
Hughes
Kennedy
McGee
Metcalf
Mondale
Muskie
Nelson
Ribicoff
Young, Ohio

NAYS—63

Allen
Allott
Anderson
Baker
Bible
Boggs
Brooke
Burdick
Byrd, Va.
Byrd, W. Va.
Cannon
Case
Cooper
Cotton
Cranston
Curtis
Dodd
Dole
Dominick
Eagleton
Eastland
Ellender
Ervin
Fannin
Fong
Fulbright
Goldwater
Gore
Hansen
Hartke
Hatfield
Holland
Hruska
Jackson
Jordan, N.C.
Long
Magnuson
Mansfield
McClellan
McIntyre
Miller
Montoya
Murphy
Packwood
Pastore
Proxmire
Randolph
Russell
Saxbe
Schweiker
Scott
Smith, Maine
Sparkman
Spong
Stennis
Stevens
Symington
Talmadge
Thurmond
Tower
Williams, N.J.
Williams, Del.
Young, N. Dak.

NOT VOTING—26

Aiken
Bayh
Bellmon
Bennett
Church
Cook
Gravel
Griffin
Gurney
Harris
Hollings
Inouye
Javits
Jordan, Idaho
Mathias
McCarthy
McGovern
Moss
Mundt
Pearson
Pell
Percy
Prouty
Smith, Ill.
Tydings
Yarborough

So Mr. HART's amendment was rejected.

Mr. HRUSKA. Mr. President, I move to reconsider the vote by which the amendment was rejected.

Mr. BYRD of West Virginia. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. GOODELL. Mr. President, I send amendments to the desk which I ask to be stated.

The PRESIDING OFFICER. The amendments will be stated.

The bill clerk read the amendments, as follows:

On page 32, strike out lines 8 through 16.

On page 32, line 17, redesignate paragraph "(3)" as paragraph "(1)".

On page 32, line 20, redesignate paragraph "(4)" as paragraph "(2)".

On page 32, line 21, strike out the period after district, insert a comma and insert the following: "*Provided, however,* That specific individuals shall not be named or identified in connection with criminal or noncriminal misconduct or malfeasance by such individuals.".

On page 33, strike out lines 7 through 24.

The PRESIDING OFFICER. Does the Senator ask unanimous consent that the amendments be considered en bloc?

Mr. GOODELL. I do.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MANSFIELD. Mr. President, will the Senator yield?

Mr. GOODELL. I yield.

UNANIMOUS-CONSENT AGREEMENT

Mr. MANSFIELD. Mr. President, I ask unanimous consent that there be a 1-hour limitation on the amendment, the time to be divided equally between the sponsor of the amendment and the manager of the bill.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. GOODELL. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

The PRESIDING OFFICER. Who yields time, and how much time is yielded?

Mr. GOODELL. Mr. President, I yield myself 10 minutes.

The PRESIDING OFFICER. The Senator from New York is recognized.

Mr. GOODELL. Mr. President, section 3333 of S. 30 would empower Federal

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grand juries to issue reports and presentments based on information obtained during the course of an investigation into alleged violations of the Federal criminal law.

The most significant authority to be given to grand juries in this area would involve reports "concerning non-criminal misconduct, malfeasance, or misfeasance in office by a public officer or employee as a basis for a recommendation of removal or disciplinary action." My amendment would strike this provision—section 3333 (a)(1)—from the bill. It would not affect the proposed granting of authority to return presentments in two specific areas in the bill as follows:

First, "proposing recommendations for legislative, executive, or administration action in the public interest based upon stated findings"; or

Second, "regarding organized crime conditions in the District, provided however, that specific individuals shall not be named or identified in connection with alleged criminal or noncriminal misconduct or malfeasance by such individuals."

Section 3333(a)(1) if enacted would authorize presentments against named individuals. A presentment is a public charge of misconduct—not involving an accusation of criminal conduct—which carries the importance of a judicial document, but lacks its principal attribute—the right to answer.

It is frequently confused with an indictment, and the distinction between the two is usually lost on the public at large.

When released to the public it inflicts irremedial injury upon the reputation of the accused. It effectively denies him due process of law because he does not have a proper forum to respond to the charges.

Admittedly, section 3333, now before the Senate, makes an attempt to meet this problem by providing for the appearance of the accused before the grand jury. It also permits him to file a report in reply and to appeal if necessary. Yet, there is substantial doubt as to the practical effectiveness of these "protections."

The proceedings would still not be adversarial and there seems to be no dispute that the accused official apparently would have no right to counsel before the grand jury, no right to call witnesses on his own behalf, and no right to cross-examine his accusers. Thus, only one side of the story would be effectively presented—that of the Government.

The proceedings before a grand jury are secret. Grand jurors are immune from suit for libel. The protection afforded an accused is primarily that if the grand jury decides that there is not sufficient evidence to indict, they return a no-bill, and the accusations are basically dismissed and the accused is cleared.

If the grand jury decides there is sufficient evidence to charge him with a crime, the accused then has all his constitutional rights in a trial with counsel; including the right to present witnesses, to cross-examine, and to clear his name if he is innocent.

A presentment, as authorized in this bill, is really a report by the grand jury. The grand jury has heard and considered the evidence. It does not find sufficient evidence of criminal misconduct to return an indictment, but under this bill it would be authorized to render a report indicating a finding of noncriminal misconduct, malfeasance, or misfeasance by a State or local official.

The only right that official has is to appear before the grand jury in this inquisitorial context. If he appears and testifies, he presumably would waive his right under the fifth amendment against self-incrimination. He would not have his attorney there. He would be subject to the cross examination of the prosecutor and of the grand jury. He does not know in advance what witnesses have testified. He does not know the nature of the evidence that has led them to call him in. All he knows is the general charge made by the prosecutor, the district attorney, and a general description of the nature of his involvement, and he must come in and make statements to try to clear his name under those circumstances.

Mr. President, I wish to make it clear that I am not here, by this amendment, objecting to the right of a grand jury to make a report to the public with reference to the activities of organized crime in a community. I am not objecting to their making these findings available to local law enforcement agencies, as is now provided for under court decisions. I am not objecting to their making general recommendations for changes in the administrative, executive, or legislative branches. All of those are critical questions that could be raised. But the one thing that I object to and would strike by my amendment is the right of a grand jury, with complete immunity, to make a report without sufficient evidence upon which to predicate an indictment naming individuals, and thereby implicating them.

What are the rights guaranteed? I know that the very distinguished and eloquent chairman of the subcommittee is going to throw back to me the fact that this particular provision is based upon a New York State law, a law passed in 1964 and fashioned almost directly on it.

That does not make it right. In the first place, there is one basic distinction. New York State law with reference to grand jury activities applies to State and local officials. Today we are dealing with the problem of a Federal grand jury, with no jurisdiction over State and local officials unless they have committed a Federal crime, making a report recommending removal, perhaps, or recommending other administrative punishments of such officials.

It is perfectly proper for them to refer the matter to the State or local law enforcement officials, but certainly it is not proper for them to make a public disclosure and public accusation, when the individual involved has not had a proper opportunity to present his side of the case.

Mr. President, the provisions of the bill before us do guarantee that individuals who are going to be named in a grand jury presentment will have the right to appear and, if their names are to be used, they have the right to appeal prior to the filing of the grand jury presentment. They also have a right, if the presentment names them, simultaneously with the filing of the presentment to file their answer, so that they both come out at the same time. Of course, the great difference is that the grand jury presentment has the quality of official sanction, and any answer given at the same time will be interpreted as an automatic, simple denial. There is really no opportunity to influence what has gone on behind the scenes in the secret session, or to bring in witnesses to that secret session. The minimum that should be provided is that where an individual is to be named, or they plan to name him, he be given an opportunity to call in other witnesses. The grand jury has heard only one side of the case.

This is a matter of great philosophical and practical importance. I think it is important that we move more effectively against crime. I think it is important that we recognize that individuals who have been involved in criminal activity be guaranteed their rights, but that the Government not be encumbered unnecessarily in prosecuting by being required to present the case in open court.

Mr. President, there will be one other answer made here.

The **PRESIDING OFFICER**. The Senator's time has expired.

Mr. **GOODELL**. I yield myself 2 additional minutes.

There will be one other answer made here:

That the President's task force on law enforcement recommended that grand juries have the right to make presentments.

They did. But they did not recommend the provision in this bill. Their recommendation was that grand juries should have the right to make recommendations to the executive or legislative or law enforcement officials in the local communities, but they did not say that grand juries should have the right to name those individuals in a presentment where they had found insufficient evidence to return an indictment.

Mr. President, there are many conflicting cases on this question. If you want to talk about the traditional grand jury, you go back to the days of Henry II, when a grand jury was really there to expand the power of the king.

The grand jury has undergone evolution over the years. It finally came to a point where it was a buffer and a protection for the accused, so that it had to be composed of independent private citizens.

The **PRESIDING OFFICER**. The Senator's time has expired.

Mr. **GOODELL**. I yield 1 additional minute.

Private citizens, independent from the authorities, would make that judgment before an indictment was returned. But, in the words of Justice Jackson, from an important Supreme Court case, Stack against Boyle:

> Since the grand jury is a secret body, ordinarily hearing no evidence but the prosecution, attended by no Counsel except the prosecuting attorney, it is obvious that it is not in a position to make an impartial recommendation. Its subject may indicate that those who have heard the evidence for the prosecution regard it as strongly indicative that the accused may be guilty of the crime

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> charged. It could not be more than that without hearing the defense, and it adds nothing to the inference from the fact of indictment. Such recommendations are better left unmade and, if made, be given no weight.

If made, they certainly should not be made by naming individuals that the evidence indicates have not committed criminal misconduct sufficient to return an indictment. But a grand jury, hearing one side of the case, decides that it will name these individuals and make recommendations to State and local authorities as to action to be taken in punishment of these individuals.

The PRESIDING OFFICER. The Senator's time has expired.

Who yields time?

Mr. McCLELLAN. I yield 5 minutes to the distinguished Senator from Nebraska.

Mr. HRUSKA. Mr. President, the grand jury, of course, is an institution some several centuries old, and a great many practices and a great many very happy circumstances arise from its existence and from its functioning during all this time.

Under this bill, they are authorized to report under a couple of aspects, and they are good reports, and they will serve a very good purpose.

With the passage of time, we find circumstances that are a little different from what they used to be in the functioning and in the impact of criminals. As a consequence of the organized crime we have in this country, involving at is does wholesale envelopment not only of officialdom but also of the creators and the makers of opinion and influential people within given communities where the investigation holds forth, it was thought well to supplement and enlarge somewhat the traditional, conventional powers of the grand jury.

This provision is not without safeguards that are considered ample for the purpose at hand. It is one thing to try to raise the specter of the absence of a right to cross-examine and a regular trial procedure where the guilt of a man is considered, that is, whether he should be convicted or not and sentenced pursuant to law. It is another thing, in the type of society we have, to disclose, on an official basis, facts to which the public is entitled and should have, without saying that we cannot repeat these facts unless a jury of 12 men and women have found the facts under the meticulous, very involved rules of evidence and procedure availing in trials.

Before the report that is authorized by this bill can be issued, certain standards and conditions have to be met. The report must be fashioned on facts revealed in an authorized investigation of the criminal activity. The report must be based on a preponderance of the evidence. The subject must have been offered an opportunity to testify. The subject must have been offered time to prepare an answer, which must be attached to the report. That means the answer is prepared by the man or woman who may be the subject of comment in this report. The time for appeal of the court's decision to allow publication must have expired.

May I note at this point that if during all these procedures there is an abuse of discretion, if there is anything that goes beyond good sense and good judgment, the subject offended, or who thinks himself offended, may appeal through the regular appellate procedures of the Federal judicial system. That means removing it from the immediate locale of the grand jury's area of investigation and taking it to the circuit court of appeals where every assurance is given that the matter will be taken care of properly.

The committee report (S. Rept. 91-617 at 143) points out that failure to allow witnesses of the subject to testify may be prejudicial to publication and the judge may order more testimony where it is appropriate. The committee believes that this title will serve a useful purpose. It has ample safeguards. It does not put the subject to the rigors, to the formalities, and to the time-consuming activities that would occur if we were going to try a case on those points. But it will serve a good purpose, and it should be done.

This matter has been considered by the President's Crime Commission, and the fair intent of their report and their recommendation is that there must be something of this kind to get maximum benefit out of the special grand juries that operate in organized crime situations. The Department of Justice supports it. We believe that it should be tried, and that it will undoubtedly result in benefits that will be very happily received in a very grave situation.

It is for that reason that I urge that the amendment be rejected.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. McCLELLAN. I yield myself 5 minutes.

Mr. President, a few days ago, I inserted in the RECORD grand jury reports from New York, New Jersey, and Pennsylvania. All three of these contain the names of individuals.

May I say at this point that this section, this provision of the bill, is patterned after the New York statute. It is almost identical in language. I should like to read the New York statute, section 253(a) of the Code of Criminal Procedure of New York, which was passed in 1964:

> 253(a). Grand jury reports. The grand jury, upon concurrence of 12 or more of its members, may submit to the court for which it is impaneled, a report:

I ask Senators to refer to page 32 of the bill and look at 1 and 2 of subsection (a) of section 3333, reports. I ask to follow that language as I read the New York statute which was passed in 1964. On what can they report?

> (a) Concerning non-criminal misconduct, nonfeasance or neglect in office by a public officer or employee as the basis for a recommendation of removal or disciplinary action; or

The next is subsection (b), and it states:

> Stating that after investigation of a public officer or employee it finds no misconduct, nonfeasance or neglect in office by him, provided that such public officer or employee has requested the submission of such report.

From the page in the pending bill to which I referred, I read the comparable sections of this bill:

> (1) concerning noncriminal misconduct, malfeasance or misfeasance in office by a public officer or employee as the basis for a recommendation of removal or disciplinary action; or
>
> (2) stating that after investigation of a public officer or employee it finds no misconduct, malfeasance or misfeasance, or neglect in office by him, provided that such public officer or employee has requested the submission of such report; or

Mr. President, I submit that if it is pretty good for New York, it ought to be pretty good for the Federal Government in a similar category of activity and responsibility.

Before this report can be filed, naming an officer or charging him with misconduct, it must be served on him and he is given the opportunity to come before a grand jury and present his side of the case. It cannot just be handled promiscuously and without due regard for his rights.

In dealing with the character of the people with whom we are undertaking to deal in this bill, although the bill goes into other areas of crime it deals with the hardcore element of crime in this country, those predatory committers of crime and their cohorts who the State of New York, as well as the States of Florida and Pennsylvania, deemed advisable to be the subjects of reports.

I say to you, Mr. President, with the problems we are having today, that we can safely do this and should do it because, very often, there is strong evidence of misconduct and corruption on the part of officials, whether or not it has reached the point of a crime. In addition to the States of New Jersey and Pennsylvania whose reports were inserted in the RECORD, a most recent report of a grand jury from the Senator's home State has been inserted.

The State of Florida permits such reports. The Supreme Court of Florida, in 1955, contemplated the question of reports on individuals and they stated:

> We specifically held in the last case cited that if employees or officers are incompetent or lax in the performance of the duty imposed upon them, if they are lacking in the common courtesy attached to the duty vested in them, whatever the delinquency may be the grand jury has the right to investigate and make a fair report of its findings. *Ryon* v. *Shaw*, 77 S. 2d 455 (1955).

In another case, the Florida Supreme Court found:

> Another observation is that democratic government emanates from the people, it is theirs to administer with all the checks and balances that they see fit to throw around it. There is no greater deterrent to evil, incompetent and corrupt government than publicity. In its last analysis we are confronted here with a means to that end and as long as accomplished within reasonable bounds, the courts are without power to interfere with the means provided. *Ibid.*

We not only provide reasonable bounds here, Mr. President, we also require that if the subject answers and files a reply, or a rebuttal to the grand jury report, his answer must be released and published as a part of the report.

We have gone further than many States in this respect. In doing this, Mr.

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President, as I have pointed out on several occasions, title I of S. 30 is based on New York's experience, as was last year's Electronic Surveillance Act. I think it a tribute to the State of New York, that once again we are calling upon the New York experience in support of this legislation to combat the forces of organized crime.

Title I of S. 30 is modeled upon a bill which bears the signature of Nelson Rockefeller.

It is also a comment on the bipartisan nature of the legislation that Republican Governor, Thomas Dewey, duly vetoed an earlier attempt to do away with grand jury reports in New York, stating that grand jury report power is "one of the most valued and treasured restraints upon tyranny and corruption in public office."

Mr. President, I have said over and over again that it is imperative, it is compelling upon Congress, to provide every legal weapon within the framework of the Constitution for law enforcement officials to use in prosecuting the war against crime.

I therefore hope that the pending amendment will be rejected.

Mr. GOODELL. Mr. President, first of all, on the philosophical point made by my distinguished colleague and friend from Arkansas, I must tell him that I disagree with the philosophy of the New York State law as well. But the New York State officials who favor the New York State presentment have very grave doubts about the provisions of this bill. The distinction here is that it is one thing for a State grand jury, under State law, to make general recommendations and reports with reference to State and local officials, but it is another thing for a Federal grand jury, having found no Federal crime committed, to make recommendations to State and local officials as to punishment, administrative or otherwise, against those State and local officials.

This is the very critical matter of separation of powers. It is perfectly proper for a Federal grand jury to make its findings available to the proper law enforcement officials at the State and local level. That is done. But it is not proper for a Federal grand jury just to issue a report, accusing State and local officials of misconduct or of criminality, when those State and local officials have had nothing but the opportunity to come in and testify in the inquisitorial atmosphere of a grand jury. They have not been able to bring witnesses. They have not been able to bring counsel. They have not, really, known the extent of the testimony against them, or the witnesses who have given the evidence to that grand jury.

This is a matter of great importance. We have a number of cases on this and they are conflicting. One of the most important ones involves a Federal grand jury which reported on a noncriminal conduct of a State official in a case entitled, "In re Petition for Disclosure of Evidence," before an October 1959 grand jury. The grand jury in that case was told only to indict or ignore the individuals to investigate. Instead, the grand jury pointed out that it did not have enough evidence to indict. The evidence they did have on names of State and local officials, which was requested to be sent to the city mayor and the State Governor, the court on a motion to expunge said, "although the grand jury felt mostly compelled to bring the serious issue to the attention of the authorities, it stated only that the evidence be turned over to local officials," without saying more.

The courts felt, one, that the tenor, the purport, should not have been made known since it violated the secrecy of a grand jury proceeding and, two, that it was an infringement upon the province of State and local government.

It is noted here that the city wanted the evidence for administrative disciplinary action only, while the State wanted the evidence for criminal prosecution purposes.

Mr. President, in the light of the facts of that case, the court expunged everything except the recommendation that the evidence be forwarded.

I believe that we should recognize here that title I of the bill changes the traditional role of the Federal Government—at least the traditional role of the Government in recent years—and that we must change it with great care.

Now, Mr. President, I yield 2 minutes to the Senator from Kentucky.

The PRESIDING OFFICER. The Senator from Kentucky is recognized for 2 minutes.

Mr. COOPER. Mr. President, my inquiry concerns itself not only with questions raised about the purpose of the amendment but also for possible interpretation by the courts. Jurisdictions differ in fixing the duties of grand juries. In my State, a grand jury may make recommendations arising from the conduct of an official but usually when such conduct constitutes malfeasance or misfeasance, or for the basis of making recommendations to the official, as to carrying out his duties more effectively.

To secure a conviction of a crime in court, there must be proof beyond a reasonable doubt. The grand jury however must simply find that there is reasonable cause to believe that a crime has been committed.

The language of this section does not even require reasonable cause. It provides that even though there has been no criminal misconduct, no criminal misfeasance, and no criminal malfeasance yet the names of individuals may be included in this report.

I would like to find out if there has been no criminal misconduct, no criminal misfeasance, and no criminal malfeasance found by the grand juries, why should individuals be included in a report.

It would appear to me, unless there is a better explanation, that this is something like the denunciation of individuals which occurs in some countries which are not democracies.

We oppose such denunciation, and rightfully, when there is no justifiable cause or basis.

I would like to know for what purpose we should denounce individuals when, at the same time, we say specifically that they committed no crime. Why should we denounce them?

The PRESIDING OFFICER. Who yields time?

Mr. HART. Mr. President, I was wondering if someone wanted to answer the question that the Senator from Kentucky has asked.

Mr. GOODELL. I was wondering the same thing. I yield 2 minutes to the Senator from Michigan.

The PRESIDING OFFICER. The Senator from Michigan is recognized for 2 minutes.

Mr. HART. Mr. President, I support the amendment proposed by the able Senator from New York. I think he has outlined the questions that cause us all concern. The Senator from Kentucky has raised a question to which there has been no answer. It just compounds the kind of concern that led to the introduction of the amendment.

It is my understanding, Mr. President, from a press report that the U.S. Judicial Conference opposes the adoption of title I.

I would offer for the RECORD—unless there are those in a direct position to give a more direct statement as to the attitude of the Judicial Conference—a column which appeared on November 4, 1969, under the byline of John P. MacKenzie in the Washington Post.

This story reports that the U.S. Judicial Conference has voted to oppose the grand jury title in its entirety.

Admittedly the Federal courts and their judges have a point of view that might not be on all fours with the responsibility of those of us in Congress. However, in addition to all the reasons recited by the Senator from New York, I think if in fact it is true that the Judicial Conference does oppose the adoption of this title in its entirety, it might persuade more of us here to support the amendment of the Senator from New York.

I hope that support is forthcoming. I think his proposal, which narrows the reach of title I but does not go to the extent of the Judicial Conference and eliminate it entirely, is a sound suggestion.

Mr. GOODELL. Mr. President, I yield myself 2 minutes.

The PRESIDING OFFICER. The Senator from New York is recognized for 2 minutes.

Mr. GOODELL. Mr. President, I thank the Senator from Michigan for his very important support and for his enlightening statement. I also wish to thank the Senator from Kentucky. I think the question asked by the Senator from Kentucky should be answered. It is critical.

There are two essential points. First is the philosophical one. In title I, we are expanding the power of the grand jury over what it presently is. We would give them the power to not only determine whether a man has committed a crime. If a grand jury thinks there is enough evidence, they return an indictment. If not, they return a not true bill. The power we are talking about is the power to issue a report and name individuals in that report and charge them publicly.

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And of course the right is given to that individual, if he wants to, to come in and raise his right against self-incrimination. If he wants to come into this inquisitorial hearing without his attorney and without being able to bring any witnesses he can do so.

This is an important amendment. This is an important infringement on the rights of local and State officials. How many of us would like to be a local or State official and be told, "We have some secret information in this grand jury. So and so called you up. You were involved." And a person would have no right to come into the grand jury without his attorney and deny it.

And after the grand jury issues its public accusations, without saying that one has committed a crime, because there is not enough evidence, a person can make a public denial at the same time.

What kind of right is that? What could be and would be done under my amendment is that if a Federal grand jury develops evidence that they think shows misconduct on the part of local and State officials, that evidence could be presented to the proper local or State officials, and not publicly disclosed and thus destroy a person's career. We cannot catch up with that kind of thing.

The report of the grand jury has the color of official sanction. The public never understands that they are rumors that have been heard and that the other side has not been heard.

This amendment would not in any way hamper the proper activities of the Federal grand jury to make a generalized report recommending certain changes in a community. They should not characterize a citizen in that community with reference to organized crime.

My amendment only goes to protect the right of individuals not to be charged without having the right to present their side of the case.

I think those two points sum up the matter. First, the philosophical one, that individuals should be given this right, and that a secret grand jury should not be able to impugn their good name until after they have had an opportunity to present their evidence.

Second, a Federal grand jury has no business making recommendations of this nature with reference to State or local officials. Its proper function is to refer the matter to State or local officials for whatever proper action should be taken.

Mr. McCLELLAN. Mr. President, I yield myself 1 minute.

The PRESIDING OFFICER. The Senator from Arkansas is recognized for 1 minute.

Mr. McCLELLAN. Mr. President, with reference to the Judicial Conference, the bill as originally drafted provided for a special grand jury all across the Nation. And the Judicial Conference did oppose that special grand jury. But this applies primarily to only the 13 districts of the United States, on a population basis, where organized crime has its foothold. That is what we are dealing with.

If a Federal grand jury finds something wrong, they are citizens of that community, and they have a proper interest. If they find that laws ought to be amended or if conditions there favor crime, it seems quite proper to do something. It cannot be made public until the man involved has an opportunity to come in and make his answer.

Mr. President, as far as I am concerned, I am ready to yield back the remainder of my time.

Mr. HART. Mr. President, will the Senator yield for 1 minute?

Mr. GOODELL. I yield 1 minute to the Senator from Michigan.

The PRESIDING OFFICER. The Senator from Michigan is recognized for 1 minute.

Mr. HART. Mr. President, this measure would authorize a grand jury to report concerning noncriminal misconduct or misfeasance. What is noncriminal misconduct?

Mr McCLELLAN. This language is almost word for word the language of the New York statute under which they have been operating for years. I do not wish to single out one State, but that is where we have the most organized crime. They found this language most helpful, and they reenacted the statute in 1964. We are using their exact language. If they can use it as a State statute, I do not know why we could not use it as a Federal statute.

Mr. HART. I was not inquiring as to what States have it. I am wondering if New York has a definition. What are we authorizing when there is reference to "noncriminal misconduct and noncriminal misfeasance"?

Mr. McCLELLAN. Mr. President, I yield back the remainder of my time.

Mr. HART. I take it New York does not define that portion of the statute.

Mr. GOODELL. No.

Mr. President, I yield myself 1 additional minute.

The PRESIDING OFFICER. The Senator from New York is recognized for 1 minute.

Mr. GOODELL. Mr. President, I think the point raised by the Senator from Michigan is extremely important. I respect very much the Senator from Arkansas and I think overall the committee did an excellent job to bring forth a bill to strengthen law enforcement in this country. The Senator referred to organized crime and a report on organized crime in a community. The provision I am attacking is not limited to organized crime. The grand jury could make a presentment with respect to noncriminal misconduct, whether it was related to organized crime or not, anything they might feel deserves the attention of the public and that they feel fits the term noncriminal misconduct.

Mr. McCLELLAN. Mr. President, will the Senator yield?

Mr. GOODELL. I yield.

Mr. McCLELLAN. Mr. President, this would be a special grand jury convened for the very purpose of investigating organized crime. This power is conferred on that special grand jury and not a regular grand jury. It is hand and glove with this program we are talking about.

Mr. GOODELL. The language of the bill does not state that, but it does refer to any noncriminal misconduct. It states any noncriminal misconduct that this grand jury mentions in its presentment. It does not state it should be related to organized crime.

Mr. McCLELLAN. I do not know how one can separate them, but the whole purpose of the title in the bill and everything pertaining thereto is to deal with organized crime. That does not mean that a grand jury, if it found something else, could not return an indictment or make a report.

We are dealing with a specific problem, a grave problem in this country. There is a statute in New York to deal with the local situation there.

The PRESIDING OFFICER. All time of the Senator from New York has expired.

Mr. McCLELLAN. Mr. President, I yield back the remainder of my time. Let us vote.

The PRESIDING OFFICER. All time having been yielded back, the question is on agreeing to the amendment (No. 444) of the Senator from New York (Mr. GOODELL). On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The bill clerk called the roll.

Mr. KENNEDY. I announce that the Senator from Indiana (Mr. BAYH), the Senator from Idaho Mr. CHURCH), the Senator from Mississippi (Mr. EASTLAND), the Senator from Alaska (Mr. GRAVEL), the Senator from Oklahoma (Mr. HARRIS), the Senator from South Carolina (Mr. HOLLINGS), the Senator from Hawaii (Mr. INOUYE), the Senator from Minnesota (Mr. McCARTHY), the Senator from South Dakota (Mr. McGOVERN), the Senator from Utah (Mr. MOSS), the Senator from Maryland (Mr. TYDINGS), the Senator from Texas (Mr. YARBOROUGH), and the Senator from Louisiana (Mr. LONG) are necessarily absent.

Mr. SCOTT. I announce that the Senators from Vermont (Mr. AIKEN and Mr. PROUTY), the Senator from Oklahoma (Mr. BELLMON), the Senator from Utah (Mr. BENNETT), the Senator from Kentucky (Mr. COOK), the Senator from Michigan (Mr. GRIFFIN), the Senator from Idaho (Mr. JORDAN), the Senator from Kansas (Mr. PEARSON), and the Senator from Illinois (Mr. SMITH) are necessarily absent.

The Senator from Florida (Mr. GURNEY), the Senator from New York (Mr. JAVITS), the Senator from Maryland (Mr. MATHIAS), the Senator from Oregon (Mr. PACKWOOD), and the Senator from Illinois (Mr. PERCY) are absent on official business.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

If present and voting, the Senator from Oklahoma (Mr. BELLMON), the Senator from Utah (Mr. BENNETT), the Senator from Kentucky (Mr. COOK), the Senator from Florida (Mr. GURNEY), the Senator from Idaho (Mr. JORDAN), the Senator from South Dakota (Mr. MUNDT), the Senator from Illinois (Mr. PERCY), the Senator from Kansas (Mr. PEARSON), and the Senator from Illinois (Mr. SMITH) would each vote "nay."

The result was announced—yeas 13, nays 59, as follows:

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[No. 9 Leg.]

YEAS—13

Brooke
Cooper
Dominick
Fong
Goodell
Hart
Hatfield
Kennedy
Metcalf
Mondale
Ribicoff
Stevens
Young, Ohio

NAYS—59

Allen
Allott
Anderson
Baker
Bible
Boggs
Burdick
Byrd, Va.
Byrd, W. Va.
Cannon
Case
Cotton
Cranston
Curtis
Dodd
Dole
Eagleton
Ellender
Ervin
Fannin
Fulbright
Goldwater
Gore
Hansen
Hartke
Holland
Hruska
Hughes
Jackson
Jordan, N.C.
Magnuson
Mansfield
McClellan
McGee
McIntyre
Miller
Montoya
Murphy
Muskie
Nelson
Pastore
Pell
Proxmire
Randolph
Russell
Saxbe
Schweiker
Scott
Smith, Maine
Sparkman
Spong
Stennis
Symington
Talmadge
Thurmond
Tower
Williams, N.J.
Williams, Del.
Young, N. Dak.

NOT VOTING—28

Aiken
Bayh
Bellmon
Bennett
Church
Cook
Eastland
Gravel
Griffin
Gurney
Harris
Hollings
Inouye
Javits
Jordan, Idaho
Long
Mathias
McCarthy
McGovern
Moss
Mundt
Packwood
Pearson
Percy
Prouty
Smith, Ill.
Tydings
Yarborough

So Mr. Goodell's amendment was rejected.

Mr. McCLELLAN. Mr. President, I move to reconsider the vote by which the amendment was rejected.

Mr. HRUSKA. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. McCLELLAN. Mr. President, on passage of the bill, I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. GOODELL. Mr. President, I send another amendment to the desk and ask that it be read.

The PRESIDING OFFICER. The amendment of the Senator from New York will be stated.

The assistant legislative clerk read the amendment, as follows:

On page 33, line 9, strike the word "was" and insert in lieu thereof the word "were."

On page 33, line 9 after the word "therein" insert the phrase "and any reasonable number of witnesses in his behalf as designated by him to the foreman of the Grand Jury."

Mr. McCLELLAN. Mr. President, may I ask how much time the Senator thinks he will take and if he is willing to agree to a limitation of debate on the amendment?

Mr. GOODELL. Mr. President, I would ask that the Senator not seek a limitation of time, because it will not take that long. I would like to speak on this amendment very briefly, the Senator from Arkansas can then answer, and then we can vote on it as far as I am concerned.

The PRESIDING OFFICER (Mr. Saxbe in the chair). The Senator may proceed.

Mr. GOODELL. Mr. President, the previous amendment I offered would have limited the power of a Federal grand jury simply to issue a report, naming names of people they found were not guilty of criminal conduct, but were guilty of "noncriminal misconduct." There is no definition of that term and it is not limited to involvement in organized crime.

If a grand jury, under the bill as it stands, decides that it wants to name names of individuals who are not going to be indicted who the grand jurors think have been involved in some misconduct, the bill provides they have to allow such individuals to come before the grand jury and state their side of the case. It does not provide that such individuals can have an attorney; it does not provide that they can present any witnesses whatsoever; and, of course, the individual who comes before the grand jury is essentially waiving his rights under the fifth amendment, testifying under oath in an inquisitorial context, with the cross examination of the district attorney and of the grand jury. This amendment provides that such an individual can present a reasonable number of witnesses in his behalf before the grand jury.

Mr. McCLELLAN. Mr. President, will the Senator yield?

Mr. GOODELL. I am happy to yield.

Mr. McCLELLAN. I am for the Senator's amendment. I am very glad to accept it.

Mr. GOODELL. I thank the Senator. When I have won a case, I know enough to say no more.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from New York.

The amendment was agreed to.

The PRESIDING OFFICER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading, and was read the third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall it pass?

Mr. COOPER. Mr. President, I shall take only a few minutes, but I told the Senator from Nebraska (Mr. Hruska) that I wanted to ask him general questions about titles II and III for purposes of interpretation.

The first question relates to the section on immunity.

Mr. PASTORE. Mr. President, may we have order?

The PRESIDING OFFICER. The Senate will be in order.

Mr. COOPER. I refer first to title II on the immunity of witnesses. Is it correct that the power to grant immunity, according to this bill, would be vested not only in the courts, and in committees of Congress and also be given to administrative agencies? I ask the Senator, is the power at present provided to the administrative agencies?

Mr. HRUSKA. It is my understanding that it is.

Mr. COOPER. Is it correct that under present law, if immunity is granted, while it will not prevent the prosecution of a witness, it would prevent the use of any evidence that he gave, or any exploitation of that evidence against him?

Mr. HRUSKA. It would prevent the use of it. Under the bill, it is my understanding that such disclosure cannot be used at a later time.

Mr. COOPER. No evidence that he gave, or any information obtained by reason of such evidence, can be used against him in a future prosecution?

Mr. HRUSKA. That is my understanding.

Mr. COOPER. Then I ask the Senator, in what way does this provision extend or enlarge the present rule?

Mr. HRUSKA. The present rule is blanket immunity from prosecution as to anything having to do with that particular subject. This bill grants immunity only from the use of such testimony or evidence or anything derived therefrom. But if there is some evidence or some testimony that can be obtained from other sources than that, there is no immunity.

Mr. COOPER. Independent sources?

Mr. HRUSKA. Independent, disassociated sources.

Mr. COOPER. I take the Senator's interpretation to be, then, that this evidence, obtained from him—in a way by coercion—shall not be used against him?

Mr. HRUSKA. That is correct.

Mr. COOPER. My second question concerns the matter of recalcitrant witnesses—Title III.

This title, as I read it, would provide that the court, if a witness refuses to testify or to produce books, papers, affects information which ordinarily would be subject to a proper search warrant, can confine the witness in jail until he agrees to testify or to produce all books, documents, and so forth, that are asked for?

Mr. HRUSKA. That is right.

Mr. COOPER. Suppose, as the witness claims his protection under the fifth amendment. Before the imprisonment provision under title III can be used, does it mean that immunity would have to be granted him?

Mr. HRUSKA. If he had pled the fifth amendment?

Mr. COOPER. Yes.

Mr. HRUSKA. That is right. Then he would fall under the provisions of title II.

Mr. COOPER. Then title II would come into play?

Mr. HRUSKA. That is right.

Mr. COOPER. Before he could be confined?

Mr. HRUSKA. That is right.

Mr. COOPER. Is this process of confinement discretionary with the court, or is Congress attempting to provide mandatorily that the court must place such a person in confinement.

Mr. HRUSKA. It is discretionary. The language is "may summarily confine him."

Mr. COOPER. Then I ask, in what way does this title differ from the powers that a court has now to invoke civil contempt or criminal contempt?

Mr. HRUSKA. It does not differ. It is a codification of present law. But it has the added advantage that when the fifth amendment is asserted, then title II on immunity is brought into play.

Mr. COOPER. I thank the Senator.

Mr. BIBLE. Mr. President, certainly

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one important segment of the American people who will applaud loudly the efforts of this Congress to deal more effectively with the growing crime menace across this land will be our $5\frac{1}{2}$ million small businessmen and businesswomen.

Hearings I conducted last year as chairman of the Senate Small Business Committee showed that the majority of all crime was committed against the American businessman. Statistics this year show crime is costing our Nation $31 billion annually.

The American small businessman, those with receipts of less than $1 million a year, suffer by far the greatest share of all business losses.

Burglary losses cost $958 million annually with the small business absorbing 71 percent of the losses.

Shoplifting, costing $504 million annually, with the small businessman taking 77 percent of the loss. Vandalism, costing $813 million annually, with the small businessman taking 58 percent. Employee theft, costing $381 million annually, with the small businessman taking 60 percent. Bad checks, costing $316 million annually, with the small businessman taking 77 percent. Robbery, costing $77 million annually, with the small businessman taking 68 percent.

These figures do not include losses from organized crime, and we know that such a large percentage of all burglary, highjacking, and cargo theft is disposed of through "fence" operations controlled by organized criminal syndicates.

Mr. President, the Senate Small Business Committee plans during the coming year to continue its work in exploring methods to assist the small businessman in dealing with crime, methods such as protective device systems, managerial measures to help the businessman protect himself, building security code procedures, architectural steps as a protective measure, insurance recommendations, burglar-proof devices, and so forth. Some of these recommendations were made in a report filed by the committee.

Organized crime, as our committee pointed out in its loan-shark hearings of 1968, infiltrates legitimate small business by lending at usurious rates of interest. We believe that the truth-in-lending bill gets at a part of this menace. During this session, the Small Business Committee will continue its examination into efforts to aid small business in its fight against the criminal. We wish to review the role of the fence in burglary, highjacking, and cargo theft operations. We also hope to examine credit-card and bad-check frauds which are estimated to cost the small businessman $500 million per year. One of the country's largest retail chains has revealed that credit-card bad-check frauds cost this firm $24 million per year.

The tentacles of crime are widespread, but we must hack away at them; and I believe the Senate in passing the pending bill will take a long step in that direction.

Over the years, it has been my privilege to work and consult with my distinguished friend and colleague, the Senator from Arkansas, in the development of anticrime legislation. He is without question the Senate's outstanding expert in the legislative war on crime. I congratulate and commend him for his characteristic leadership in bringing forth this vitally important bill.

In the course of this debate, organized crime in the United States has been characterized as one of the most pervasive problems facing the Nation—as a cancerous growth eating away at the heart and substance of our society—as a parasite feeding on the poor and reaping huge profits from illegal gambling, the drug traffic, loan sharking, and the corruption of legitimate business enterprises. Its methods range from hoodlum intimidations to armed violence and murder.

I agree with all that has been said. Organized crime is all of this—and more.

I think, however, that the blackest aspect of this whole sordid business has been the ability of organized crime—and I speak particularly of its leaders, the bosses and the upper echelons of the Cosa Nostra—to flout the best efforts of our law enforcement and judicial authorities. The President's Crime Commission report of 1967 and thousands of words of testimony before our investigating committees have given the Nation a truly amazing amount of information and knowledge concerning the inner structure, methods, and misdeeds of organized crime.

Yet, with all our knowledge we have had entirely too little success in stamping out the organized criminal.

Clearly, we need new weapons to wage an all-out and more effective war on the organized criminal.

The special merit of the bill now before the Senate is that it will give us such weapons.

Its provisions: for special grand juries; for grants of immunity to overcome claims of self-incrimination; for dealing with recalcitrant witness; for dealing with false declarations before grand juries and the courts; for the protection of witnesses and those dealing with syndicated gambling, the corruption of legitimate organizations, and special penalties for habitual offenders.

All of this is vitally needed to overcome deficiencies in our present arsenal of weapons usable in combating organized crime.

These proposed improvements are the result of diligent study and preparation by the dedicated members of the Subcommittee on Criminal Laws and Procedures and its very able staff.

I understand the Department of Justice supports each and every title of the bill as reported by the committee.

No greater challenge faces the Senate than to continue its past record of moving vigorously to combat crime and strengthen the hand of justice throughout the land.

This legislation is our opportunity to strike an effective legislative blow, and I join the distinguished Senator from Arkansas in urging that this critically important measure be given the Senate's unanimous approval.

Mr. WILLIAMS of New Jersey. Mr. President, one clear lesson of history is that a nation can be destroyed by its own corruption, degeneracy, and chaos. This enemy within can conquer a people just as decisively as can an outside aggressor. The best-known examples are the Greek and Roman Empires and the Third Reich. But 26 centuries ago the prophet Ezekiel saw the death of his own beloved country as a divine judgment upon its moral decay, in words that have a direct meaning for us today:

> Because the land is full of bloody crimes and the city is full of violence, . . . I will put an end to their proud might, and their holy places shall be profaned. When anguish comes, they will seek peace, but there shall be none. . . . (T)he law perishes from the priest, and counsel from the elders(.) . . . and the hands of the people of the land are palsied by terror. (Ezekiel 7: 23–27.)

Crime has become a cancer threatening the life of the body politic of the United States. The Uniform Crime Reports for January–September 1969, issued by the Federal Bureau of Investigation, summarize the continuing sharp rise in violent crimes:

> The Crime Index recorded an 11 percent increase nationally during the first nine months of 1969 over the same period in 1968. As a group the violent crimes increased 12 percent, led by forcible rape up 17 percent, robbery 15 percent, and aggravated assault and murder 9 percent respectively. The voluminous property crimes witnessed an overall 10 percent rise, with larceny $50 and over up 20 percent, auto theft 11 percent, and burglary 4 percent. Firearms were used to commit 65 percent of all murders during the first nine months of 1969 and 23 percent of the aggravated assaults. Serious assaults with a firearm rose 11 percent in 1969 over 1968.

It should be noted that these percentages are based on statistics of "offenses known to the police." While we are, therefore, dealing with "raw" information that requires further analysis, we should also be guided by the judgment of the President's Commission on Law Enforcement and Administration of Justice in its 1967 report that "for the Nation as a whole there is far more crime than ever is reported." (The Challenge of Crime in a Free Society, p. v; see also pp. 20–22.) Moreover, percentages are sterile. We should recognize, for example, that we are talking about human lives violated or destroyed. In 1968, there were 141 victims of aggravated assault and almost seven persons murdered, for every 100,000 people in the United States. Property losses exceeded $1 billion.

Shall there be peace in America? Or must we succumb to anguish and terror? Will law continue to evolve in securing equal protection for all, or must it perish through inadequate enforcement?

With the enactment of the Omnibus Crime Control and Safe Streets Act of 1968, Congress directed the Federal Government to launch an all-out attack on violent crimes and offenses against property. Recognizing that the police power is basically reserved to States and local jurisdiction, this Federal effort has focused on law enforcement assistance. In particular, planning and action grants, under title I, were to be distributed to the States by the Law Enforcement Assistance Administration—LEAA—of the Department of Justice. In fiscal 1969 the LEAA provided $19 million in planning grants to the States, and later disbursed

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$29 million in action grants. Under a formula in the act developed by the Senate, the States were to make 40 percent of the planning funds and 75 percent of the action grants available to local governments.

However, in his excellent address to the Senate on November 21, 1969, Senator VANCE HARTKE took note of several in-depth studies highly critical of the administration of the State bloc grant programs administered by LEAA's Office of Law Enforcement programs. Senator HARTKE concluded that funds are not being channeled to communities which have the highest incidence of crimes. Rather, funds are being spread out across the States to a newly generated layer of government known as regional planning boards, which have shown a limited sensitivity to the problems of local governments. And all too often, State plans give the appearance of police equipment "shopping lists," instead of comprehensive programs that seek improvements also in the courts and in correctional systems.

As an original cosponsor of Senator HARTKE's bill, S. 3171, to amend section 306 of title I of the Omnibus Crime Control and Safe Streets Act, I strongly support these proposed correctives which would give the States a strong incentive to propose comprehensive plans that deal adequately with the special problems of major urban areas and other areas of high crime incidence, and to insure that the States bear their fair share of the non-Federal costs of this program. Another amendment would guarantee the essential long-term commitment by the Federal Government to title I law enforcement assistance programs, through establishing a 3-year authorization.

I am seriously concerned that the effectiveness of the law enforcement assistance programs be substantially improved, with particular emphasis placed upon their comprehensive nature as originally dictated by Congress. One dimension of this comprehensive approach must be an expansion of advanced education in law enforcement disciplines, techniques, and associated community problems. Such an effort would be significantly enhanced under the Comprehensive Community College Act, S. 1033, which I have introduced.

Decisive Federal action is immediately required to deal with the threat to society posed by organized crime.

Organized crime in America operates to frustrate the statutes and procedures of Criminal law, and it is profoundly injurious to the public welfare. Establishing its own "government" and tightly knit but almost invisible "society" of some 26 crime syndicate families, it is attempting to nullify State and local governments and is tearing the moral fabric of our society.

Therefore, to the forces of organized crime let the message be absolutely clear: In enacting the Organized Crime Control Act, the Congress of the United States is declaring war on your criminal schemes. You are the enemy within, and you will be brought to justice.

An attack upon organized crime requires the total efforts of Federal, State, and local governments working closely together. The Organized Crime Control Act will greatly facilitate the war on organized crime by bringing this covert society out into the glare of the public spotlight and by preventing its sophisticated techniques to delay or thwart our criminal justice procedures. By improving the means by which witnesses, testimony, and other materials are secured, the links in the chain of evidence will be more readily forged, leading to the conviction of the leaders of organized crime, who have so long avoided even prosecution. It is essential that these revisions in our criminal justice procedures be directed explicitly at organized crime activities. It is essential that adequate protection of constitutional rights be provided. And it is mandatory that the open contempt for law by the crime syndicate be faced down at once, or our system of criminal justice will lose the essential respect of our citizens.

For too long have Government and the citizenry of the United States been guilty of the crime of omission, seeing organized crime as a limited problem, or not being disturbed because the operations of the crime syndicate did not appear to cause us personal injury. But now we recognize that the public welfare is directly threatened, as these 26 families operate in wholesale narcotics distribution, gambling, loan sharking, and more recently in the takeover of legitimate businesses. The tentacles of organized crime have grasped hold of public institutions and economic sectors throughout the Nation, threatening to strangle the life of a decent society.

While certain provisions of the Organized Crime Control Act may raise serious constitutional issues, I expect that proper and reasoned administration of the law by the Department of Justice and the courts will protect our basic rights. I am concerned that political factors may have prevented the inclusion of certain provisions to insure that this act would operate with greater effectiveness. I have particular reference to the need to establish an Organized Crime Division in the Department of Justice under a new Assistant Attorney General. I believe this is essential for waging a sustained war on organized crime, not subject to the ebb and flow of personal interests of high officials, and for marshaling the necessary manpower and resources. Therefore, I joined Senator TYDINGS in sponsoring the amendment to the Organized Crime Control Act to establish this new Division, in the belief that an antiorganized crime program requires this high-level commitment subject to annual scrutiny by Congress. I regret that this amendment was not agreed to.

It is my intention to do all in my power to prosecute this war on organized crime. In an effort to strike at one of the most lucrative markets for the crime syndicate, the drug addict, I have introduced S. 1816, the Drug Abuse Prevention and Rehabilitation Act. I am encouraged by significant steps being taken in New Jersey to combat crime through its State Law Enforcement Planning Agency and State Investigations Commission, and will endeavor to give such efforts every possible assistance. I am also in correspondence with police officials in the State, obtaining their viewpoints on proposals for improvements in law enforcement education. I was pleased to have the opportunity to support the nomination before the Senate Judiciary Committee of Frederick B. Lacey as U.S. attorney for New Jersey, expecting that he would prove to be an effective chief law enforcement officer in the State.

Mr. President, an all-out war must be waged on organized crime now. Therefore, I support the Organized Crime Control Act.

Mr. MANSFIELD. Mr. President, sometimes I wish I were a lawyer. At other times I am very glad that I never entered that profession.

We have now spent 3 days on this bill, with the lawyers, by and large, arguing over the fine points of the proposed legislation which has been a year in the making.

Undoubtedly there are bugs in this bill, as there are in almost any bill which the Senate passes. But I think the issue is so important that, insofar as the bugs are concerned, we might well consider resolving our doubts in favor of the legislation, so that we can attack a menace which is becoming more and more difficult to cope with in this city and in this Nation.

Therefore, I hope that the Senate will go on record today with a solid vote of support for this legislation, so that we can indicate that we are ready to cope with the growing criminality which is becoming so prevelant and so hard to control throughout the Nation, and do it with a big bang today.

Mr. PASTORE. Amen.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall it pass? On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, a parliamentary inquiry. I know it is late, but for the information of the Senate, we are going to be in at 10 o'clock tomorrow morning. So I withdraw my parliamentary inquiry.

The rollcall was concluded.

Mr. KENNEDY. I announce that the Senator from Indiana (Mr. BAYH), the Senator from Idaho (Mr. CHURCH), the Senator from Alaska (Mr. GRAVEL), the Senator from Oklahoma (Mr. HARRIS), the Senator from South Carolina (Mr. HOLLINGS), the Senator from Hawaii (Mr. INOUYE), the Senator from Minnesota (Mr. MCCARTHY), the Senator from South Dakota (Mr. MCGOVERN), the Senator from Utah (Mr. MOSS), the Senator from Maryland (Mr. TYDINGS), and the Senator from Texas (Mr. YARBOROUGH) are necessarily absent.

I further announce that, if present and voting, the Senator from Indiana (Mr. BAYH), the Senator from Idaho (Mr. CHURCH), the Senator from Alaska (Mr. GRAVEL), the Senator from Oklahoma Mr. HARRIS), the Senator from South Carolina (Mr. HOLLINGS), the Senator from Hawaii (Mr. INOUYE), the Senator

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from South Dakota (Mr. McGovern), the Senator from Utah (Mr. Moss), the Senator from Maryland (Mr. Tydings), and the Senator from Texas (Mr. Yarborough), would each vote "yea."

Mr. SCOTT. I announce that the Senators from Vermont (Mr. Aiken and Mr. Prouty), the Senator from Oklahoma (Mr. Bellmon), the Senator from Utah (Mr. Bennett), the Senator from Kentucky (Mr. Cook), the Senator from Michigan (Mr. Griffin), the Senator from Idaho (Mr. Jordan), the Senator from Kansas (Mr. Pearson), and the Senator from Illinois (Mr. Smith) are necessarily absent.

The Senator from Florida (Mr. Gurney), the Senator from New York (Mr. Javits), the Senator from Maryland (Mr. Mathias), the Senator from Oregon (Mr. Packwood), and the Senator from Illinois (Mr. Percy) are absent on official business.

The Senator from South Dakota (Mr. Mundt) is absent because of illness.

If present and voting, the Senator from Vermont (Mr. Aiken), the Senator from Oklahoma (Mr. Bellmon), the Senator from Utah (Mr. Bennett), the Senator from Kentucky (Mr. Cook), the Senator from Michigan (Mr. Griffin), the Senator from Florida (Mr. Gurney), the Senator from Idaho (Mr. Jordan), the Senator from Maryland (Mr. Mathias), the Senator from South Dakota (Mr. Mundt), the Senator from Kansas (Mr. Pearson), and the Senators from Illinois (Mr. Percy and Mr. Smith) would each vote "yea."

The result was announced—yeas 73, nays 1, as follows:

[No. 10 Leg.]

YEAS—73

Allen
Allott
Anderson
Baker
Bible
Boggs
Brooke
Burdick
Byrd, Va.
Byrd, W. Va.
Cannon
Case
Cooper
Cotton
Cranston
Curtis
Dodd
Dole
Dominick
Eagleton
Eastland
Ellender
Ervin
Fannin
Fong
Fulbright
Goldwater
Goodell
Gore
Hansen
Hart
Hartke
Hatfield
Holland
Hruska
Hughes
Jackson
Jordan, N.C.
Kennedy
Long
Magnuson
Mansfield
McClellan
McGee
McIntyre
Miller
Mondale
Montoya
Murphy
Muskie
Nelson
Pastore
Pell
Proxmire
Randolph
Ribicoff
Russell
Saxbe
Schweiker
Scott
Smith, Maine
Sparkman
Spong
Stennis
Stevens
Symington
Talmadge
Thurmond
Tower
Williams, N.J.
Williams, Del.
Young, N. Dak.
Young, Ohio

NAYS—1

Metcalf

NOT VOTING—26

Aiken
Bayh
Bellmon
Bennett
Church
Cook
Gravel
Griffin
Gurney
Harris
Hollings
Inouye
Javits
Jordan, Idaho
Mathias
McCarthy
McGovern
Moss
Mundt
Packwood
Pearson
Percy
Prouty
Smith, Ill.
Tydings
Yarborough

So the bill (S. 30) was passed.

Mr. MANSFIELD. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. McCLELLAN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. MANSFIELD. Mr. President, may I be the first to take my hat off to the senior Senator from Arkansas (Mr. McClellan) for the outstanding service he has performed to this body and to the Nation as a whole. His leadership on this bill, S. 30, the Organized Crime Control Act of 1970 was absolutely outstanding.

This measure is designed to augment the fight against crime. I am not an expert in crime control. I am not even a lawyer, but I understand that this proposal complements very well the Omnibus Crime Control and Safe Streets Act of 1968. In this regard, it is designed to cut down on the activities of those engaged in organized crime. It gives our enforcement officials some vital assistance. It certainly is my hope and the hope of every Member of this body, that it will meet with the greatest success.

I would urge the other body to act expeditiously in considering this matter. I believe it represents a constructive effort and a cooperative effort. Certainly there was the cooperation by Members on both sides of the aisle. Cooperation certainly existed between Congress and the administration.

The important factor is that the crime problem is being faced. It is a problem of great concern. In the past year alone crime has risen dramatically in many of the cities of this country. In the weeks and months ahead it will be our task to attempt in every way possible to stem and reverse this trend.

The measure just adopted by the Senate will aid immensely in this effort. Senator McClellan deserves the gratitude of this entire body for his outstanding leadership. The Senate is grateful as well for the efforts of the senior Senator from Massachusetts (Mr. Kennedy) who offered his own strong and sincere views on this measure. Senator Kennedy along with the senior Senator from Michigan (Mr. Hart) and the Senator from New York (Mr. Goodell) are to be commended for their contributions to the discussion.

I think the entire Senate may be proud of this effort, of this great achievement. It was obtained expeditiously and with full regard for the views of every Member.

ORDER FOR ADJOURNMENT TO 10 A.M. TOMORROW

Mr. MANSFIELD. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 10 o'clock tomorrow morning.

The PRESIDING OFFICER. Without objection, it is so ordered.

CONTROLLED DANGEROUS SUBSTANCES ACT OF 1969

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 609, S. 3246.

The PRESIDING OFFICER. The bill will be stated by title.

The Bill Clerk. A bill (S. 3246) to protect the public health and safety by amending the narcotic, depressant, stimulant, and hallucinogenic drug laws, and for other purposes.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

Mr. DODD obtained the floor.

Mr. MANSFIELD. Mr. President, may I suggest the absence of a quorum, without the Senator from Connecticut losing his right to the floor?

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ALLOTT. Mr. President, will the Senator from Connecticut yield, so that I may ask a question of the Senator from Montana?

Mr. DODD. I yield.

Mr. ALLOTT. Did the Senator make a request for the Senate to convene at 10 o'clock tomorrow morning?

Mr. MANSFIELD. Yes.

Mr. ALLOTT. Will the pending bill be the legislation tomorrow morning?

Mr. MANSFIELD. Yes; the Controlled Dangerous Substances Act of 1969.

Mr. ALLOTT. I appreciate the courtesy of the distinguished Senator from Connecticut and I thank the Senator from Montana.

Mr. HUGHES. Mr. President, will the Senator from Connecticut yield?

Mr. DODD. I am happy to yield to the Senator from Iowa.

Mr. HUGHES. Mr. President, it had been by intention to ask for a referral of the bill now before the Senate to the Committee on Labor and Public Welfare.

In discussing this with the Senator from Connecticut, who chaired the subcommittee that conducted the hearings on this bill, I believe that we have arrived at a conclusion that, though not entirely satisfactory to either of us, will help us mount a total approach to the problem of narcotics addiction and drug abuse in the country.

I appreciate and share the determination of the administration and of my colleagues of both parties to expedite legislation to meet one of America's most terrifying problem areas.

I would have you know, Mr. President, that I would not have considered the motion I intended to make if I did not believe with all of my heart that this is a matter of life or death to our shared objective of taking decisive action to meet the drug problem in the United States.

Let me explain the reasons I feel this way.

This bill, S. 3246, was introduced by the Senator from Connecticut (Mr. Dodd), for himself and the Senator from Nebraska (Mr. Hruska) on December 16, 1969. On that same day it was read twice, referred to the Judiciary Committee, and reported by the Senator from Connecticut without amendment.

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The bill is in fact an outgrowth of Senator DODD's earlier bill, S. 1895, and the administration bill originally introduced by the late Senator from Illinois (Mr. Dirksen) and the Senator from Nebraska (Mr. HRUSKA) as S. 2637.

Both of these earlier bills had been referred to the Committee on the Judiciary. Hearings were held before its Subcommittee To Investigate Juvenile Delinquency beginning on September 15 and concluding on October 20, 1969.

The reference of these measures to the Committee on the Judiciary was apparently on the basis of its jurisdiction over "revision and codification of the statutes of the United States" under rule XXV of the Standing Rules of the Senate. In fact, these bills, and the original bill reported by the committee, are not a "revision and codification" as those terms are normally understood. The bills make extensive changes in the present laws relating to narcotics, marihuana, and drugs now subject to the Drug Abuse Control Amendments of 1965 to the Food, Drug, and Cosmetic Act.

The report of the Committee on the Judiciary on S. 3246—Report No. 91-613—begins with the assertion, quite accurately, that it has had "under consideration legislation to protect the public health and safety by amending the narcotic, depressant, stimulant, and hallucinogenic drug laws," and the bill itself is denominated "a bill to protect the public health."

I believed, therefore, that before action is taken by the Senate on this legislation, it should be referred to its Committee on Labor and Public Welfare, pursuant to that committee's jurisdiction over legislation relating to the public health. Such referral would have been entirely consistent with the traditional procedures of the committee system in the Senate when dual jurisdiction occurs.

In the executive branch, the responsibility for drafting this legislation was given to the Department of Justice. It was felt necessary to collect in a single statute the laws relating to narcotics, marihuana, and other so-called dangerous drugs as a further step in the 1968 reorganization plan which transferred to a new bureau in the Department of Justice the drug law enforcement functions formerly assigned to the Bureau of Narcotics in the Treasury Department and the Bureau of Drug Abuse Control of the Food and Drug Administration.

I do not question that the collection in one place of these scattered laws—passed over a period of many years and not wholly consistent in their provisions—is probably desirable. Neither do I question that the sweeping revisions of criminal penalties, procedures for the issuance of search warrants, and authorizations for search without either warrants of notice, should not be undertaken without the Senate having had the benefit of the recommendations of its Committee on the Judiciary.

However, there are extensive provisions in this bill which relate not to law enforcement but to matters of public health; and it seemed to me that these are areas on which the Senate should not act without the benefit of the recommendations of its Committee on Labor and Public Welfare.

Let us consider the extent to which this bill involves matters of medical science. It authorizes the Attorney General to subject drugs to the special controls under the bill, or to change the regulatory status of a particular drug under the bill, and specifically directs that, in order to do so intelligently, he must consider scientific evidence of its pharmacological effect, the state of current scientific knowledge regarding it—its psychic or physiological dependence, liability, and generally, the risk to the public health from the drug's abuse—section 201(a), page 12. The committee's report recognizes that this is a highly controversial delegation of authority. The report, on page 5, states:

> There has been a point of controversy evident among the professions involved in drug control and drug research on whether or not the Justice Department has the expertise to schedule or reschedule drugs since such decisions require special medical knowledge and training.
>
> This difficulty is resolved by the provision contained in this title which requires the Attorney General to seek advice from the Secretary of Health, Education, and Welfare and from the Scientific Advisory Committee on whether or not a substance should be added, deleted or rescheduled with respect to the provisions of the bill.

I must admit, in all frankness, that this is one practical way to resolve the issue. But it is not the only way. And I am deeply convinced that it is the wrong way, if we are really determined to get at the roots of the drug problem in America.

The bill establishes four separate schedules of drugs, based on their relative medical usefulness and the extent of their potential for abuse. Neither the standards used for the assignment of drugs to particular schedules nor the makeup of the schedules themselves correspond to those under existing law.

However, and this is even more significant, neither do they correspond to the recommendations of the World Health Organization's Expert Committee on Drug Dependence nor of the United Nations Commission on Narcotic Drugs, which is meeting today in Geneva to complete work on an international treaty called the International Protocol on Psychotropic Substances. The treaty will classify the nonnarcotic drugs covered by this bill and specify the measures which signatories of the treaty should undertake with respect to their control.

The bill authorizes the Attorney General to license the manufacture and distribution of any drug subject to its provisions and forbids their manufacture or distribution except pursuant to his license. With respect to drugs on two of the schedules, it authorizes the Attorney General to establish production quotas for each drug after determining the amount of the drug which will be required for medical, scientific, and industrial purposes in the United States—section 306, page 35.

The bill directs the Attorney General to carry out education and research relating to the effects of dangerous drugs and relating to the identification and description of their abuse potential—matters wholly scientific and, more particularly, medical in nature. It authorizes him to enter into contracts for educational and research activities without limitation as to their nature or cost, and without requiring any consultation as to possible duplication of existing programs of other agencies.

The bill gives to the Attorney General a virtual veto over scientific and medical research with these substances.

Finally, the bill establishes a committee on marihuana to conduct studies and research into its pharmacology and medical and social effects—section 801, page 87.

The foregoing only illustrates the extent to which this bill involves directly questions of public health and the extent to which it involves the Department of Justice in the making of essentially scientific decisions, in the control and direction of scientific research, and in the direction of public educational campaigns.

While extensive hearings were held before the Subcommittee To Investigate Juvenile Delinquency, under the chairmanship of the Senator from Connecticut (Mr. DODD), and witnesses from the scientific agencies of the Government were heard, a cursory study of this legislation and of the record of the hearings indicates that not a single significant change was made in the legislation originally recommended by the Department of Justice. Furthermore, I can find no criticism or recommendation originating with any witness, other than those of the Department of Justice, that was incorporated in this bill.

This measure—in concept, in spirit, and in detail—is a law-enforcement measure. It only approaches one side of the problem of drug abuse. It seeks to cure, by criminal penalty, ills that also need scientific research and medical treatment. And to the extent that it recognizes the necessity for such research and such treatment, it commits the responsibility for those functions to a law-enforcement agency rather than to a medical or scientific one.

So I appeal to my colleagues to also let medicine be heard. Let science also be heard. Let medical science be heard before a committee whose responsibility is medical science and whose primary concern is the medical and scientific aspects of the problem in this country.

That consideration will result in recommendations for legislation in the future. I ask nothing more than the opportunity for the Committee on Labor and Public Welfare to bring its proposals before the Senate and to have them considered equally. I think this is vitally important.

Hearings on similar legislation have not yet been held in the other body. In this connection, it is interesting to note that the administration proposals are being considered in the House by its Committee on Interstate and Foreign Commerce—whose jurisdiction over health matters parallels that of your Committee on Labor and Public Welfare—and also by its Committee on Ways

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and Means, because of its jurisdiction over the Narcotic and Marihuana Tax Acts which this bill would repeal.

The problem of drug abuse has already been subject to extensive hearings before the Subcommittee on Alcoholism and Narcotics of the Committee on Labor and Public Welfare. It can therefore consider the detailed provisions of legislation against an extensive background of knowledge of the scientific and social aspects of the problem of drug abuse—a necessary corollary to the law enforcement aspects which understandably preoccupied the Committee on the Judiciary.

It is contemplated that we are here enacting permanent legislation, long-term provisions to arrest and reverse the worsening pattern of drug abuse. Let us then be equally concerned for the ways in which medicine, science, and education can best contribute to our common goal.

Mr. President, the questions of jurisdiction and of content of this bill bring the drug problem U.S.A. into sharp focus for the first time.

What we have before us is a law enforcement bill which is directed at a problem area of public health, and certainly also one of law enforcement in relation to the distribution of products.

I do not question the need for improved enforcement.

I do not question the need for revision of the various statutes providing penalties for drug and narcotics possession and traffic.

I do not question the need for beefing up our enforcement capabilities in these areas.

But when we have done all of these things, Mr. President, we still have not come to grips with the central problem—the health problem of drug abuse and narcotics addiction.

Addiction is a disease first; we have made it a crime by statute.

What are we going to do about curing the disease?

The bill before us, S. 3246, changes nothing basic.

We already have tough laws and strict enforcement; this bill toughens some of the laws, moderates others. Grant that it is an improvement.

We still have not come within a country mile of solving one of the Nation's most grievous problems.

We are simply doing more of what we have already been doing.

And the record is clear—this course has not been successful by itself.

The Senate Labor and Public Welfare Subcommittee on Alcoholism and Narcotics has held hearings on drug abuse and narcotics addiction in Washington, Los Angeles, Denver, and New York City.

We have heard scores of qualified witnesses—doctors, psychiatrists, hospital superintendents, addicts from all walks of life, penologists, lawyers, and judges.

The thrust of all of this testimony is that the big hiatus in our approach to the drug problem is that we have failed to provide adequate programs of treatment, rehabilitation, education, and prevention to enable sick people to kick this dread disease or avoid it in the beginning.

We can assemble a narcotics squad as big as the Russian Army.

We can fill our prisons to the overflowing, and we can build more costly security facilities.

We can revise our laws.

But we are already going this route.

And we have seen that neither severity of the law nor diligence of enforcement—in the absence of attention to the fundamental health problem involved—will cure, prevent, or even effectively deter people from obtaining and abusing drugs and narcotics.

I submit, Mr. President, that coupled with the commendable enforcement provisions of this bill we need action on the health front to solve the basic problem in this country. I submit such action should be under the jurisdiction of qualified doctors and scientists and professional health administrators. Let the Justice Department handle enforcement problems and let qualified professional ment in Health, Education, and Welfare handle problems in their assigned areas.

In his message of July 14, 1969, to the Congress on "The Drug Problem," President Nixon outlined how, in the last decade, "the abuse of drugs has grown from essentially a local police problem into a serious national threat to the health and safety of millions of Americans." The President cited the need for additional programs of research, education, and rehabilitation, rightly stating, "It has been a common oversimplification to consider narcotics addiction, or drug abuse, to be a law enforcement problem alone."

With full respect for the distinguished and dedicated Members of this body who have worked on this legislation long and ably in a job well done, I would tell them bluntly that, if we put this legislation into effect without other adequate legislation for getting at the roots of the drug problem, we will have failed in our stated aim. We will have done only part of the job, and we will have locked ourselves on a course that has already failed dramatically to arrest the terrible growth of drug abuse and narcotics addiction in America. The well-being and perhaps the very survival of oncoming generations is at stake.

Mr. President, I no longer intend to make a motion to refer this legislation to the Committee on Labor and Public Welfare. I have discussed with the distinguished Senator from Connecticut the serious problems in this field that are matters of jurisdiction of the Committee on Labor and Public Welfare of the Senate.

I have serious concern in connection with the delegation of certain authority to the Attorney General. I would welcome the opportunity to discuss with the distinguished Senator from Connecticut and the distinguished Senator from Nebraska, or any other Senator, some of the points I have raised in this presentation.

Mr. DODD. Mr. President, I commend the Senator from Iowa for his statement. I am pleased that he is not going to ask that the matter be referred to another committee, even for a short period of time.

I think the Senator will find that I and the Senator from Nebraska are in great sympathy with the views expressed by the Senator from Iowa. The Senator from Nebraska is here. I know he has to catch a plane and that he would like to be heard on this subject. I yield to him at this time.

Mr. HRUSKA. I thank the Senator from Connecticut. He is his usual courteous self.

Mr. KENNEDY. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. KENNEDY. Mr. President, does the Senator from Iowa still have the floor?

Mr. HUGHES. The Senator from Connecticut yielded to me for a statement. I hope we will have an opportunity later to develop some of these points. The Senator from Nebraska, I understand, asked, as a point of convenience, to be heard.

Mr. KENNEDY. Fine.

Mr. HRUSKA. Mr. President, we have here a very grave problem. Everyone in the Senate and in the Congress is well aware of this fact. It is a problem that has an impact which is great and vast in scope, geographically, and through all segments of the population, as all of us know.

In most legislative proposals that are as big as this one there is normally an area in which we find room for the argument that there is an overlapping of committee jurisdiction. That is particularly true in this situation, as has been outlined by the Senator from Iowa so well.

Originally the bill proposed by the Senator from Connecticut was encyclopedic in extent, very ambitious, and it considered the entire gamut of the problems which arise from the abuse of drugs and dangerous substances. This was justifiably from the standpoint of trying to get something into one piece of legislation so we can tie into this subject and deal with it intelligently and effectively. As time went on, however, it was realized that was not the practical way to do it. Certainly, in the judgment of the Department of Justice that was true when they had analyzed the situation from a number of aspects, to which I shall refer soon.

When there were further discussions with the Senator from Connecticut, this Senator, and other Senators, it was realized there are two separate and distinct problems and fields of endeavor that should be treated separately. That does not mean they are exclusive of each other. There will be overlapping and duplication of points. But there will be these two general classifications. One, there is the thrust of law enforcement upon the problem at hand. That would be the immediate problem. The long-range consideration would consist of those activities which would take longer to develop and even longer to manifest themselves in some sort of result that will bring an amelioration of the terrifically bad situation that exists among the population of America on abuse of drugs and dangerous substances. That would include rehabilitation, education, and research; and it would include the scientific effort to learn more about all these things; and, at that time, legislation in

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both of these categories in light of the findings of the scientists, and so forth.

Insofar as the enforcement of the drug laws of America are concerned, as they exist now, we know that basically the sanctions and penalties for the illegal acts are pretty much based on a law that is almost 60 years old, the Harrison Narcotic Act.

In the tenure of both the Senator from Connecticut and this Senator we have witnessed various amendments that have been made to that basic law, particularly in the field of penalties and penology, as well as some new substances. These were very unsatisfactory. It must be brought up to date, and it has to be modernized to include many new substances and substances considered dangerous and not yet in use, which will develop as time goes on. Then, there must be some scheme or system of penalties for those who do not obey regulations and the requirements of the statute and other things covered in the bill.

Other features in the bill would include distribution, dispensing, importation, exportation, as well as administrative provisions and enforcement provisions. We have to have most of these things, virtually all of them, in order to write an immediate and effective law enforcement statute.

However, I would be the first to concur wholeheartedly with the Senator from Iowa on the proposition that to look at this situation alone is inadequate and it would be disastrous. I would be the first to subscribe to the proposition that I will lend any support I can to any supplemental effort, and even an effort that will dovetail with the bill before us, S. 3246, which will evolve from the Committee on Labor and Public Welfare or from any other source, because it is generally recognized that there is this second aspect of the longer range requirements that is so necessary in this field of rehabilitation, education, and research, trying to turn around the public attitude toward this entire problem for a real impact upon it.

Some of the provisions in the bill, for example, relate to the Attorney General's classifying drugs one way or another, which might fall within the purview of a measure coming from the Committee on Labor and Public Welfare, as a result of scientific efforts. No matter where it goes, there has to be an interplay between that Department and the Department of Justice. There just has to be. We recognize that in the bill because it is provided, on page 12, starting on line 12, that—

> Before doing so, the Attorney General shall request the advice in writing from the Secretary of Health, Education, and Welfare and from the Scientific Advisory Committee—

and so forth, whether this substance should be added, deleted, or transferred. That is a recognition of the proposition that there are many facets to this problem.

If that duty of rescheduling or adding or deleting should be vested in the Secretary of Health, Education, and Welfare, there would have to be a similar provision that, before he did that, he would have to consult with the Attorney General to see whether that reclassification would be practicable from the standpoint of law enforcement and from the standpoint of visiting penalties or sanctions, as the case may be.

Mr. HUGHES. Mr. President, will the Senator yield?

Mr. HRUSKA. I am happy to yield to the distinguished Senator from Iowa.

Mr. HUGHES. I appreciate the statements of the distinguished Senator from Nebraska and I agree in general with what he has said. My concern is in the area he is presently talking about, research and scientific information and consulting with the Secretary of Health, Education, and Welfare. I agree that the legislation provides for that. My concern is that if there is going to be research and scientific investigation in the Department of Health, Education, and Welfare, under the supervision of its Secretary, it would seem logical that he should do all of the research and investigation, and perhaps the Attorney General should seek from him advice and consultation on what drugs or narcotics they thought, from their best knowledge, should be reviewed.

That was the real question I was raising about the research provisions. In emphasizing this point, the Senator is performing a good service. That was one of my points of contention.

Mr. HRUSKA. I am in complete sympathy with that, but whether it is done in the way provided in the bill or another way, there would still be the necessity to go back and forth to reconcile differences to carry out the missions of the two departments.

Mr. HUGHES. Then the Senator agrees that this provision does not preclude the Secretary of Health, Education, and Welfare from scientific research and development.

Mr. HRUSKA. Absolutely. The functioning of the committee would not preclude that. In fact, I think it would encourage it. In my judgment, the way I have observed the way this matter works—certainly with the Department of Health, Education, and Welfare and other departments—there would be a conscious effort to avoid repetition and duplication.

Mr. HUGHES. Then the legislative intent would not be to give to the Attorney General total authority in this field?

Mr. HRUSKA. By all means. That is indicated on page 67 of S. 3246, subsection (1):

> The Advisory Committee shall be composed of persons selected by the Attorney General after consultation with the Secretary of Health, Education, and Welfare from a list drawn by the National Academy of Sciences.

First of all, the list will be furnished by the National Academy of Sciences. From that consultation between the Attorney General and the Secretary of Health, Education, and Welfare, they will work out a list suitable for the purposes at hand.

That is one of the brain children of the Senator from Connecticut, in common with many other provisions which he seeks to provide.

Mr. HUGHES. Would the Senators have any objection to allowing the Secretary of Health, Education, and Welfare to make some of those appointments, rather than simply consult about them?

Mr. HRUSKA. That is a possibility. I do not know that this is an arm's-length proposition. We used to talk a lot about a troika, but even a troika has only one driver. You can have three horses if you want to, but there is only one driver. For the purpose of administrative convenience, this is the formula that is used not only in situations like this, but elsewhere where there should be a focus of responsibility. That is the way it is.

I am confident, with the comity that exists between Cabinet members, there will be no difficulty. It will not be the case of one irresistible force against another object which would be immovable in character. There will be amicable settlements of any differences. If one feels greatly aggrieved, there is always the resident in the White House to contend with. Normally, he exerts a paternal and effective benefit toward differences and in working them out.

Mr. HUGHES. If the Senator will excuse a personal reference, I found, as chief executive of the great State of Iowa, that frequently men I appointed to different departments seemed to forget the man in the State house.

Mr. HRUSKA. I am sure that if such disagreements had manifested themselves sufficiently, the man in the State house would have called them by telephone and said, "Boys, come in here and let us reason together."

Mr. HUGHES. I think the points the Senator has made have clarified the situation. Perhaps, as I consult with the Senator from Connecticut, I may want to offer amendments in this area to reassure myself and to let the Senate work its will. Generally, this colloquy has been useful for clarifying the legislative intent. I think it has been very helpful.

I thank the distinguished Senator from Nebraska for yielding.

Mr. HRUSKA. I know we are all aware that, as the President referred to yesterday in his message, there have been some 13 proposals in the field of criminal law that were transmitted last year, and not one has reached a decision. This Chamber has done itself proud. I imagine half of those have been processed in this body, and with this one perhaps more than half of them; and we will let them go to another body that happens to be a part of this Congress. So we have done well.

Without assessing that situation one way or another, the point is we ought to get along with the law enforcement part of this task. There are others to follow, but the situation is grave, and I fear that if there should be a reference of this bill to another committee, even for the purpose of suggestions and guidance, delay would be involved. From that standpoint, I think it would be desirable—and I hope it is a part of the thinking of the Senator from Iowa—that there be dispatch and quick action.

Again, I want to thank the Senator from Connecticut for yielding to me as he has. I am sorry I cannot remain to hear what he is about to discuss, but we will catch up with him when he gets into the merits of the bill itself.

Mr. HUGHES. Mr. President, will the Senator from Connecticut yield to me?

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Mr. DODD. In a moment. Let me say, because the Senator from Nebraska must leave, that I and all the members of the committee appreciate the great work that the Senator put into the bill. This was truly a nonpartisan measure in our committee. Everybody pitched in and produced the best possible piece of legislation, and the Senator from Nebraska deserves great credit for his contribution.

Mr. HRUSKA. I thank the Senator.

Mr. DODD. I yield now to the Senator from Iowa.

Mr. HUGHES. Mr. President, I would like to quote from the testimony of Attorney General Mitchell before the subcommittee on September 15, 1969, at page 213, to further support the considerations that we have been developing in this colloquy:

> In this legislation, however, we have not sought to incorporate all of the Government's research and educational efforts, but only those which relate to the functions of the Department of Justice. Crucial areas, such as the provision for treatment and rehabilitation of addicts and abusers, have not been included. It is believed that these are subjects which should be handled as separate and distinct legislative efforts.
>
> The Department of Health, Education and Welfare has the primary functions of providing for research, education and treatment in the field of drug abuse. To have placed all of these programs inone package would have been unwieldly and in our opinion very confusing.

According to my reference here, that is on page 213 of the committee's report.

Mr. DODD. Yes, I have it.

Mr. HUGHES. Is that what the Senator finds there? Have I quoted accurately from the Attorney General's testimony?

Mr. DODD. Yes, that is accurate. That is in the Record.

Mr. HUGHES. The Attorney General himself was not seeking sole jurisdiction in the fields of scientific research, education, and development of programs of public education in the country, but has recognized the separation of authority and the authority of the Department of Health, Education, and Welfare in these matters; is that correct?

Mr. DODD. That is absolutely correct. I am glad that the distinguished Senator has quoted the language of the Attorney General from the Record, because I think he establishes the position that we have taken here, and that is that we recognize that, the Department of Health, Education, and Welfare has the primary function of providing for research, education, and training in the field of drug abuse. That was and is our intent. It never has been our intention to do anything else with respect to research, education, and treatment in the field of drug abuse.

Mr. HUGHES. Mr. President, if the Senator will yield further, I should like to say that the distinguished Senator from Connecticut and I have met on numerous occasions over the last 6 months to discuss his particular approach on these pieces of legislation—his own bill, which was later let lie, and this bill taken up as the replacement for it and including, I believe, the majority of his original proposals in the field of law.

Mr. DODD. Yes.

Mr. HUGHES. And we thought we could reconcile the different approaches that we were taking to the drug abuse and narcotics addiction problems in the United States. It was with some reluctance that I arrived at a conclusion to seek jurisdiction over this particular piece of legislation, because I felt that there is a genuine jurisdictional question involved. But, as a result of the fact that both the distinguished Senator from Connecticut and the distinguished Senator from Nebraska (Mr. Hruska), had said that they supported the approaches we were taking in the subcommittee that I chair, and in the hope and belief that we can reconcile our other differences, I have not made such a request today.

Mr. DODD. Yes. I respond to the Senator from Iowa by saying, first of all, that he states the facts accurately and correctly, as he always does. I remember many meetings with the Senator from Iowa about this legislation, and I always found myself in agreement with him. I am in agreement with him today. I have no conflict with his view at all. I think that what he says about research, rehabilitation, and education is exactly right. The Department of Justice is not the executive agency responsible for these activities. It is within the province of the Secretary of Health, Education, and Welfare, as the Attorney General pointed out in his testimony.

This aspect of this drug problem is just as important—perhaps I should say that it is more important in the long run—than the law enforcement aspect of the problem. My recognition of the position of the Senator from Iowa goes that far. And I say, in no fulsome way, here in the Senate at this hour, that the Senator from Iowa is one of the most knowledgeable men in the field of narcotics addiction and the problems related to it. He knows a great deal about it, and his contribution to the solution of the problem has already been magnificent, in my opinion. I want to see him go ahead with his own legislation, after we have concluded our work on this law enforcement portion of the problem. I hope he will introduce his own bill, which will cover the aspects of rehabilitation, education, research, and information. I want to assure him that I will cooperate with him 1,000 percent.

That is my position on this problem. The legislation before us is a law enforcement bill. I did try to work into the original draft of the bill which I introduced last April rehabilitation and treatment features. I think they were good features, but, as the Senator from Nebraska pointed out after we had all mulled it over—and I see the distinguished assistant majority leader is present; he knows about this also—we concluded it would be better to keep this particular piece of legislation a law enforcement measure.

Let us get at those people who import and distribute these hard drugs, the smugglers, the peddlers and the pushers. That is the first thing we have got to do, and that is the reason we approached it this way.

As for myself, I want to say for the Record that I will lend my support to every effort on the part of the Senator from Iowa to adequately deal with the treatment, education, and information aspects of the problem.

Mr. HUGHES. If the distinguished Senator from Connecticut will yield further, I want to express my appreciation to the Senator for his own dedication to this particular problem, the great amount of work that he has given to it, and certainly the great value of his contribution to the people of this country. I appreciate his support. It has great value because of his vast experience in the fields in which he is presenting legislation today, which is certainly an area that must logically be covered.

There are certain areas of this bill, naturally, with which I differ. Generally, I support the thrust of it, and over the course of the next few days, we will independently develop our differences and our agreements. But I appreciate this opportunity for colloquy today, and I hope and expect that in the future my own subcommittee in the next few months will develop and bring forth massive legislation in the fields we have been talking about. That legislation, I hope, will be before the Senate sometime in April; and with that, then, we can complete a program which will be a total approach to this gigantic problem.

Mr. DODD. This is certainly good news, I am sure, to the entire Senate and to the Nation as well.

The Senator knows my respect and my affection for him. I am sure he understands that we will cooperate in every possible way to help him.

I yield to the Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I want to commend the distinguished Senator from Iowa for his statement to the Senate on what I think is really one of the most important questions and problems that face us as a Nation and a society. I think that the Senate is the stronger for the kind of comments that have been made by the Senator from Iowa this afternoon, and is made a great deal stronger by the action that he has taken in his service as chairman of a subcommittee of the Committee on Labor and Public Welfare, that is concerning itself with alcoholism and with drugs.

Mr. President, I have the good fortune to serve as a member of the Committee on the Judiciary, and also on the Committee on Labor and Public Welfare. So, Mr. President, I have had the opportunity, on the one hand, to serve under the distinguished Senator from Connecticut (Mr. Dodd), who has worked so hard and with such interest and such capacity in the development of this legislation, and also to serve on the subcommittee of the distinguished Senator from Iowa (Mr. Hughes), and see his great ability brought to bear on this most searching question.

I, too, share the sentiments which have been expressed by the distinguished Senator from Iowa that, if we are really serious about meeting this problem in

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terms of drugs and drug addiction, we cannot restrict the efforts of this body and of Congress as a whole solely to the field of law enforcement.

As the distinguished Senator from Iowa has stated, and as others have suggested who would have liked to see the proposed legislation move to the Committee on Labor and Public Welfare for a short period of time, we agree as to the importance of the alterations and changes in many parts of this bill—not all, but many parts of the bill. But as the Senator from Iowa has pointed out, in the fields of education, rehabilitation, and research, we have been reminded by those who are most closely concerned with this problem of the great importance and signifiance of addressing ourselves to these other questions as well.

Therefore, I would have supported the Senator from Iowa if he had exercised his parliamentary rights here to try to get this matter transferred for a short period of time. I thought his request was reasonable. But unfortunately, indications were given that there would be objection to any request for unanimous-consent agreement or other motion for referral. Therefore, he has taken this other road, and I respect his judgment in doing so.

Mr. President, I would certainly hope—and I think I speak for many Members of this body—that, having heard the distinguished Senator from Nebraska and the distinguished Senator from Connecticut voice their opinions about how important education, rehabilitation, and research are, we could move ahead in these areas, either on this bill or on other legislation in the near future, based on the extensive experience of the distinguished Senator from Iowa and on the experience of the committee he so ably chairs. I certainly would support the Senator from Iowa if he chooses to offer amendments to this bill.

I think that action on education and research and rehabilitation would be something which the administration should support. I am reminded that President Nixon made a similar comment to the distinguished Senator from Connecticut and the distinguished Senator from Iowa at the recent Governors' Conference on Narcotics at the White House. The President said:

> When they—

Referring to the briefing meetings—

> first started, I thought the answer was more penalties. I thought that the answer was simply enforce the law and that will stop people from using drugs. But it is not that. . . . The answer is information. The answer is understanding. . . . [A] campaign of education and information, in my opinion, is probably more important than criminal penalties.

As we begin this debate and the elaboration of the provisions of this bill, I, for one, certainly hope that during it we will benefit from the judgment, compassion, and knowledge that have been so amply demonstrated by the Senator from Iowa, whose interest and understanding in this issue are, I feel, above that of all others in this body; and I hope that in this session we will really come to grips with this problem and that we will meet our responsibilities to the American people in a more effective way.

When we pass the Controlled Dangerous Substances Act of 1969, we do not want to have some euphoria come over the American people that will cause them to say, "Now that we have passed a drug abuse act, nothing remains to be done." As has been brought out so ably by the Senator from Iowa, the Senator from Connecticut, the Senator from Nebraska, and the President of the United States, that really is only a part of a vastly complex, complicated, and weighty problem.

I salute the Senator from Iowa for the comments he has made here this afternoon. I express applause to the Senator from Connecticut for his views on this question and his sympathy, understanding, and appreciation for the approach to this problem that has been exercised by the Senator from Iowa; and, hopefully, we will see these sentiments reflected in legislation enacted by this Congress on this tremendously important subject.

Mr. HUGHES. Mr. President, will the Senator yield?

Mr. DODD. I yield.

Mr. HUGHES. I would like to respond to the distinguished Senator from Massachusetts by saying that I am grateful for the very kind and learned comments he has just made. But, as I look further down this legislative path on which we are proceeding, when the bill goes to the House and the conference resulting, because of the procedures in this body, no members of the Committee on Labor and Public Welfare will be on the conference committee. They all will be from the Judiciary Committee, as the result of the assignment of the bill to that committee, unless the bill were referred to the Committee on Labor and Public Welfare.

Mr. DODD. Mr. President, will the Senator yield?

Mr. HUGHES. I yield.

Mr. DODD. When we get to that point, I think it would be proper to suggest that, when conferees are appointed, the Senator from Iowa and perhaps others from the Labor and Public Welfare Committee be made conferees.

Mr. HUGHES. That is a very generous gesture by the distinguished Senator from Connecticut, and it would be very helpful, indeed, if appropriate amendments were attached and adopted.

This has been one of my concerns as we look ahead down the legislative course this measure has to travel.

I apologize for taking so much of the time of the distinguished Senator from Connecticut. I appreciate his generosity in waiting to make his statement so that I could clarify my position in general support for the approaches that have been taken in the bill.

Mr. DODD. The Senator need not apologize. He has helped very substantially.

Mr. President, my remarks will be brief this afternoon. With the agreement of the assistant majority leader, I assume we could thereafter go over until tomorrow morning. I should like to make a few remarks about the matter we have been discussing.

Since I became chairman of this subcommittee in 1961 we have conducted 32 days of public hearings on narcotics, dangerous drugs, marihuana, peyote and LSD. We have taken testimony from 144 witnesses ranging from addicts and convicts, through doctors, lawyers, attorneys general and Governors. We have heard from experts at every step along the way.

As a direct result of that effort on July 8, 1965 the Congress adopted the Drug Abuse Control Amendments of 1965, which by the way did not cover marihuana, which established the Bureau of Drug Abuse Control under the Department of Health, Education, and Welfare.

That Bureau was recently merged with the Federal Bureau of Narcotics of the Treasury Department and by an Executive order of President Johnson was moved to the Justice Department as the Bureau of Narcotics and Dangerous Drugs. That means one-half of the Federal law enforcement personnel in existence today are a result of the 1965 bill.

In 1966 I introduced S. 2152, the Narcotics Rehabilitation Act which was signed into law on November 8, 1966.

The subcommittee has been investigating the current drug problem in addition to reevaluating the Federal laws relating to narcotics since early 1968. Hearings were held in March of 1968 and they resulted in the introduction, on April 18, 1969, of my bill, the Omnibus Narcotic and Dangerous Drug Control and Addict Rehabilitation Act of 1969, which is part of the legislation we are discussing today.

In addition to my bill, the Dirksen-Hruska bill was referred to the subcommittee and we quickly held hearings. We sat for 10 days and heard 30 witnesses.

I review this involvement of the subcommittee to investigate juvenile delinquency with narcotics addiction to indicate our decade of concern with what Senator HUGHES referred to as one of America's most terrifying problems.

Mr. President, in response to another comment of the Senator from Iowa, I must say that the bill before the Senate has no conceivable connection with welfare programs or labor problems or other areas which are the normal concern of the Labor and Welfare Committee.

The proposed legislation contains no provisions whatever for medical or psychiatric treatment or other rehabilitative services for those caught in the web of drug abuse.

S. 3246 is strictly and entirely a law enforcement measure. It is intended to deal with the control of the illicit drug traffic, the diversion of legal drugs into illegal and nonmedical channels, and the enforcement of the drug laws by the Justice Department, through its Bureau of Narcotics and Dangerous Drugs.

Provision is made for technical assistance to be provided by the Department of Health, Education, and Welfare, through the Food and Drug Administration and a Scientific Advisory Committee with regard to drug classification for enforcement purposes.

The bill represents a recodification of the Federal drug laws and places the necessary controls within one Federal statute.

It also revises the penalty structure for violations of the Federal drug laws,

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consistent with the expert testimony given before the Juvenile Delinquency Subcommittee's exhaustive and lengthy hearings. The penalties provided are alined with the degree of abuse potential of each of the enumerated drugs.

S. 3246 has been subjected to extensive study and review. The subcommittee held 10 days of hearings on the bill, during which 30 expert witnesses were heard—lawyers in and out of Government; physicians; pharmacists; psychiatrists; social scientists.

The full Judiciary Committee only reported the proposed legislation out after a thorough and protracted study of all of its provisions.

The proposed legislation provides a regulatory schedule for the lawful manufacture, distribution, and dispensing of controlled drugs to furnish us with better law enforcement tools so that the rampant drug abuse problem can finally be curbed effectively.

It provides for international control mechanisms consistent with our international treaty obligations and commmitments.

To increase our knowledge of the drug syndrome in general, and reduce our scientific uncertainties about marihuana specifically, the bill provides for an in-depth study of marihuana for 2 years. The findings of this study will go a long way to remove present uncertainties which are reflected in today's wide range of penalty structures regarding this drug.

There is of course another side to the drug problem; beyond the necessity to control and prevent the drug abuse that is so rampant in our Nation.

There is a great need for detached, unemotional research; for education and rehabilitation of those who have become dependent on drug abuse of one kind or another, whether it is hard narcotics, amphetamines, barbiturates, or marihuana.

All these and particularly the problem of rehabilitation, will need further legislative proposals on the Federal level.

I am now planning to introduce legislation for the treatment of addicts and other drug abusers. It is a subject that should fall squarely within the purview of the Committee on Labor and Public Welfare to which it should be referred.

But it cannot be overemphasized that the bill before the Senate today is entirely concerned with enforcement.

It contains no medical or rehabilitative provisions.

It is designed to crack down hard on the narcotics pusher and the illegal diverters of pep pills and goof balls. And that is what it will do, but it has to be passed first.

The bill has the backing of the administration. Last fall, in a meeting with the President, it was given substantial bipartisan support by the Senate and House leadership.

S. 3246 should be acted upon now because the hour is late.

I am pleased that Senator HUGHES agrees that we should not delay this measure by having the long, hard work of the Judiciary Committee reviewed by yet another committee.

Mr. President, I now refer to Senator HUGHES' concern over the question of section 602 of S. 3246. It should be pointed out that the education and research function of the Attorney General is clearly limited.

In terms of the language of the bill itself that function is limited to "programs necessary for the effective enforcement of this act."

The effective enforcement of this act requires knowledge on the effects of drugs as they apply to the operation of enforcement.

The effective enforcement of this act requires education and training of enforcement officers.

It also involves education of the public regarding the law enforcement process in the drug field.

These are research and educational activities that have been recognized as essential for the operation of any law enforcement agency in the country.

They do not in any way infringe on the basic research, education, and treatment responsibilities of the Department of Health, Education, and Welfare.

They are staff functions that are a recognized and necessary part of any administrative organization.

It is in the nature of assessing and improving the execution of the act.

Finally, let me point out that the other parts of section 602, parts (b), (c), and (d) do not enhance the Attorney Generals role in drug education and research, but rather enable him to assist other agencies and other departments in carrying out these functions.

Mr. President, I would also like to comment on Senator HUGHES' references to the idea of putting all narcotic enforcement activities under the Justice Department.

Let me remind Senators in this Chamber that as far back as 1963 President Kennedy's Advisory Commission on Narcotic and Drug Abuse recognized the need to centralize drug control in the Department of Justice.

The Commission set forth the finding that "the present activity of the Federal Government regarding drug abuse is fragmented. The divisions, agencies, and bureaus of five Cabinet departments are involved."

It then made the following two major recommendations:

> The Commission recommends that the functions of the Bureau of Narcotics relating to the investigation of the illicit manufacture, sale or other distribution, or possession of narcotic drugs and marihuana be transferred from the Department of the Treasury to the Department of Justice.
>
> The Commission recommends that the responsibility for the investigation of the illicit traffic in dangerous drugs be transferred from the Department of Health, Education, and Welfare to the Department of Justice.

Although the Commission did recommend that limited drug control functions remain in the Department of Health, Education, and Welfare this proposal was negated by President Johnson's reorganization plan issued in 1968 which removed the Drug Abuse Control Bureau from the Department of Health, Education, and Welfare and placed all drug control in the Department of Justice.

President Johnson said:

> Today, Federal investigation and enforcement of our narcotics laws are fragmented. One major element—the Bureau of Narcotics—is in the Treasury Department and responsible for the control of marihuana and narcotics such as heroin. Another—the Bureau of Drug Abuse Control—is in the Department of Health, Education, and Welfare, and is responsible for the control of dangerous drugs including depressants, stimulants, and hallucinogens such as LSD.
>
> *Neither is located in the agency which is primarily concerned with Federal law enforcement—the Department of Justice.*

The Reorganization Plan No. 1 of 1968 was based on the finding that a separation of responsibilities "has complicated and hindered our response to a national menace."

To correct this problem the plan gave the Attorney General "full authority and responsibility for enforcing the Federal laws relating to narcotics and dangerous drugs."

I point to this to make it clear that S. 3246 is truly a bipartisan response to a grave problem.

I also want to repeat that this bill recognizes the legitimate responsibility of the Department of Health, Education, and Welfare in the area of drugs. This involves research, testing of drugs and treatment of drug users.

This responsibility is confirmed by the provisions of S. 3246 which require the "advice and consent," as it were, of the Secretary of Health, Education, and Welfare for establishing research plans and programs and for scheduling and rescheduling of drugs under S. 3246.

But, let me stress again that the control of the traffic in drugs involves law enforcement activity which is properly a function of the Department of Justice.

Efforts to separate drug law enforcement is based on the fallacy that it is possible to separate the controls over the criminal traffic in drugs on the one hand and the legitimate traffic on the other.

We have found in extensive hearings going back to 1965, that through the process of diversion, at some point the legitimate traffic in drugs or the legitimate flow of drugs becomes illegitimate.

This has been a serious problem through the years which requires enforcement activity that is and should be the jurisdiction of the Department of Justice.

This is the Department that deals with crime.

This is the Department that contains the investigators and law enforcement officers trained to cope with the narcotics and dangerous drug traffic.

And this is where narcotic law enforcement should remain.

Any effort to change the bill before us to the contrary will be a step backward rather than ahead in our effort to meet the drug challenge.

Mr. President, I would make one final comment on Senator HUGHES' statement that the bill before us does not reflect the concern of the Nation's health officials. I point out to him that scores of scientists and doctors were consulted prior to and during the preparation of this bill. That is why they did not object to it. In fact, that is why they have endorsed it.

Many of the top health officials in the United States testified before our subcommittee on the bill and endorsed it, including Dr. Roger O. Egeberg, Assistant Secretary for Health and Scientific Affairs of the Department of Health, Education, and Welfare; Dr. Stanley F. Yolles, Director of the National Institute of Mental Health; Dr. Sidney Cohen, Director of the Division of Narcotic Addiction and Drug Abuse, National Institute of Mental Health; and Dr. Henry Brill from the American Medical Association.

Finally, for the record, let me say to the Senator from Iowa that this is the best possible bill that we could produce. But if he has an amendment that will improve it, we will be happy to make it a part of this legislation. That may very well happen. I certainly have no hard or fast attitude about it at all.

I am certain that in the course of the debate tomorrow and next week, we can produce a measure that we can all agree is best for the country.

Let me say to the distinguished Senator from Massachusetts that I thank him for his great help along the line. He is a member of the Juvenile Delinquency Subcommittee and a very valuable one. He has rendered a great deal of service in his work on the bill, both in the subcommittee and in the full Judiciary Committee. I know of his great interest in this matter, and that he is aware we must work still harder to get a good piece of legislation out of this body.

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Mr. KENNEDY. Mr. President, there was a time when drug abuse was something that happened in the shadows of the ghetto or in the unknown worlds across our borders to the south, or in strange foreign countries with unpronounceable names.

But now we know better. Drug abuse is a modern American blight, tragically fixed to the inner city, the affluent suburb, and the rural back county. It is here, it is now, and it is an unwelcome fact of life for millions of Americans.

The Senate should waste no more time in its efforts to combat drug abuse. Senator Dodd has done a commendable job in developing the Controlled Dangerous Substances Act of 1969.

The bill is a proper step in the direction of more comprehensive control of drugs and other dangerous substances. It is a correct statement of the difficulties involved in curbing illegal narcotics traffic; and it outlines meaningful procedures for resolving those difficulties.

But the bill is an incomplete solution to the total drug abuse problem. Control of substances and methods of enforcement make up one dimension of the drug abuse phenomenon. But the bill does not address itself to the education of a drug-oriented society: It does not address itself to the rehabilitation and restoration of broken bodies and minds; it does not address itself to the training of professionals to deal effectively with the drug abuse crisis at the community level.

The Judiciary Committee, of which I am a member, has made a good start. But I believe it is proper at this time to talk briefly about the provisions left out of this bill. The House of Representatives recently passed a Drug Abuse Education Act by a 300-plus margin; at the present time, several drug abuse education bills are awaiting final action in the Labor and Public Welfare Committee. These acts of legislative commitment suggest that we should consider very carefully the role to be played by drug abuse education in attacking the total problem.

Many important programs of drug abuse education are already underway under the auspices of the National Institute of Mental Health, the Bureau of Narcotics and Dangerous Drugs, and the Department of Defense. Then, too, there are several worthwhile programs created and administered by private, volunteer organizations. With varying degree in these programs, emphasis is placed on several key factors:

Identification of major drug abuse problems—including the scope, nature of abuse, characteristics of the abusers, sociological framework for abuse and so forth.

Evaluation of existing drug abuse education material, and creation and dissemination of new materials designed to meet the specific needs of problem areas and problem situations.

Training for professions to cope with drug abuse where it happens, as it happens, but particularly before it happens.

Technical assistance to local communities to aid them in planning and carrying out education and information programs.

Creating and disseminating resource materials for use by community professionals, educators, lay leaders, and by abusers themselves.

If congressional action on drug abuse is to be complete, it must take these needs into account. Various provisions contained in the House-passed drug education bill, and in the Senate bills awaiting committee action, should be strongly endorsed and enacted quickly into law. I would like to call these provisions to the attention of the Senate, and to suggest that in acting on the Controlled Dangerous Substances Act, we commit ourselves to action as soon as possible on the education, research, and training provisions contained in the other legislation.

First, we need to launch a major effort to improve and expand our programs of drug abuse education. A generation of Americans is growing up confused, but very curious, about drugs and their use. Through school programs, media campaigns, community meetings, lectures, personal reading and listening, peer-group associations, "street savvy" and the rest, people are finding out about drugs. Congress should equip the professionals and nonprofessionals alike with the best resources available to help them come up with answers when young people ask the hard, compelling questions.

Drug abuse education could best be served by applying a five-step formula along the general lines suggested by the House-passed Drug Abuse Education Act, and developed by provisions in pending Senate bills. The steps are: First, develop new and imaginative curriculums on drug abuse for use in the schools; second, test these new materials and techniques in model programs, and follow up on the tests with evaluations of the effectiveness of the curriculums; third, disseminate those materials found to be workable, productive and effective; fourth, train teachers, law enforcement personnel, counselors, social workers, doctors and other professionals in the dimensions of drug abuse and the techniques for grappling with it; and, fifth, assemble total community education programs for use by local planners and parents, opinion leaders, businessmen and others at the local level who could do more about drug abuse if they knew more about drug abuse.

Throughout this educational process, we need to learn from past mistakes, and to avoid the fallacy of single cause. Drug abuse is not only a law enforcement problem, or only a medical problem; it is a legal, moral, medical, psychological, educational, social and cultural phenomenon. In our education planning and programing, we need to draw on all the disciplines if the final skills and mix of resources are to be varied enough, and rich enough, to do the job.

Second, in addition to education, a major emphasis on research and investigation is needed. Present research into drug effects and consequences is vital, of course, and should be continued. But research must be expanded to consider the other factors—beyond just drug chemistry—which are related to drugs. Specifically, we need to extend our research horizons to include causes of abuse, applicability of rehabilitation techniques, diagnostic methods, approaches to prevention, and administration of ongoing and intended drug abuse programs.

Research is a component part of control. Without clearer understanding of the forces which cause dependence, we will be forced to make assumptions—about body chemistry, human behavior, and the interaction of the two. These assumptions may, in time, prove correct, but the risks involved in that long wait are too great.

Third, we need to go immediately to work on improving our systems of treatment and rehabilitation for drug abusers. Formal, medically oriented rehabilitation programs are practically nonexistent. Fort Worth and Lexington are the two U.S. Government facilities for narcotics addicts. In addition, there are limited numbers of federally supported methadone centers around the country.

Our total action on drug abuse ought to include a major commitment to establishing and maintaining treatment and rehabilitation centers. In the absence of Federal help in this field, local communities have generated their own network of treatment centers. These programs, running on shoestring budgets and often staffed by volunteers, are the frontline against the cycle of drug abuse. They are the visible signs of a concerned society. But there are not enough, and the time is at hand to supplement such programs with help from the Federal Government.

Evidence is all around us that without this comprehensive, multifaceted attack on drug abuse, we will be walking the treadmill of continued frustration. Senator Dodd acknowledged the complexity of the drug abuse challenge when he introduced his bill in April of last year. He said:

> We should see the whole problem, see the problem in all of its ramifications.

Dr. Sidney Cohen, Director of the Division of Narcotic Addiction and Drug Abuse, National Institute of Mental Health, wrote recently:

> The mere passage of laws . . . as a device to eliminate noxious behavior is an ineffective technique . . . What is needed in addition to sagacious laws is public education and public cooperation with those laws.

The bill now before the Senate is a beginning. It opens the discussion in the Senate on drugs—the threat of their misuse in modern society, and the steps that must be taken to meet the threat. I suggest that while we consider this measure, we develop a strategy for adoption of the education, research, and rehabilitation provisions contained in the various other drug bills. To do less would be to abandon the addict, ignore the anguished community, and give up the search for a base of information. If we commit ourselves to full action on drug abuse, we must, by definition, commit ourselves to meeting these other aspects of the problem.

Drug abuse and the social upheaval it brings do not fall into neat patterns. They are jumbled by the complexities of society, and they feed on the tensions, anxieties, and frustrations of America. To end the despair, we need the tools of education and information. Congress would be derelict in its responsibility if it did not provide these tools.

ADJOURNMENT UNTIL 10 A.M. TOMORROW

Mr. KENNEDY. Mr. President, if there is no further business to come before the Senate, I move, pursuant to the order previously entered, that the Senate stand in adjournment until 10 o'clock tomorrow morning.

The motion was agreed to; and (at 5 o'clock and 7 minutes p.m.) the Senate adjourned until tomorrow, Saturday, January 24, 1970, at 10 o'clock a.m.

NOMINATIONS

Executive nominations received by the Senate, January 23, 1970:

Ambassador Extraordinary and Plenipotentiary

Jerome H. Holland, of Virginia, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Sweden.

Robert Strausz-Hupé of Pennsylvania, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Ceylon, and to serve concurrently and without additional compensation as Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Maldives.

The following-named persons, who were appointed during the last recess of the Senate, to the offices indicated:

Whitney North Seymour, Jr., of New York, to be U.S. Attorney for the southern district of New York for a term of 4 years, vice Robert M. Morgenthau.

A. Roby Hadden, of Texas, to be U.S. attorney for the eastern district of Texas for a term of 4 years, vice Richard B. Hardee.

Marshall F. Rousseau, of Texas, to be U.S. marshal for the southern district of Texas for a term of 4 years, vice Marion M. Hale.

Sam H. Roberts, of Texas, to be U.S. marshal for the western district of Texas for a term of 4 years, vice Jesse L. Dobbs.

U.S. Circuit Judge

Wilbur F. Pell, Jr., of Indiana, to be a U.S. circuit judge, seventh circuit, vice John S. Hastings, retired.

U.S. District Judge

G. Thomas Eisele, of Arkansas, to be U.S. district judge for the eastern district of Arkansas, vice Gordon E. Young, died.

U.S. Attorney

William C. Lee, of Indiana, to be U.S. attorney for the northern district of Indiana for the term of 4 years, vice Alfred W. Moellering.

U.S. Marshal

John L. Buck, of Pennsylvania, to be U.S. marshal for the middle district of Pennsylvania for the term of 4 years, vice Frank W. Cotner, term expired.

Laurence C. Beard, of Oklahoma, to be U.S. marshal for the eastern district of Oklahoma for the term of 4 years, vice Jackie V. Robertson.

Anthony T. Greski, of New Jersey, to be U.S. marshal for the district of New Jersey for the term of 4 years, vice Leo A. Mault.

Kenneth M. Link, Sr., of Missouri, to be U.S. marshal for the eastern district of Missouri for the term of 4 years, vice Olin N. Bell, Sr.

John T. Pierpont, Jr., of Missouri, to be U.S. marshal for the western district of Missouri for the term of 4 years, vice Francis M. Wilson, term expired.

Arthur F. Van Court, of California, to be U.S. marshal for the eastern district of California for the term of 4 years, vice John C. Begovich.

Donald W. Wyatt, of Rhode Island, to be U.S. marshal for the district of Rhode Island for the term of 4 years, vice Peter J. Foley.

California Debris Commission

I nominate Brig. Gen. Frank A. Camm, Corps of Engineers, U.S. Army, to be a member of the California Debris Commission, under the provision of section 1 of the act of Congress approved March 1, 1893 (27 Stat. 507) (33 U.S.C. 661), vice Brig. Gen. William M. Glasgow, Jr., who retired in December 1969.

Missouri River Commission

I nominate Brig. Gen. Harold R. Parfitt, U.S. Army, to be a member of the Mississippi River Commission, under the provisions of section 2 of an act of Congress approved June 28, 1879 (21 Stat. 37) (33 U.S.C. 642), vice Brig. Gen. C. Craig Cannon, who retired on November 30, 1969.

U.S. Air Force

I nominate the following officer to be placed on the retired list in the grade of lieutenant general under the provisions of section 8962, title 10 of the United States Code.

Lt. Gen. William B. Kieffer, 005-16-6169FR (major general, Regular Air Force) U.S. Air Force.

I nominate the following-named officers to be assigned to positions of importance and responsibility designated by the President in the grade indicated, under the provisions of section 8066, title 10, United States Code:

In the grade of lieutenant general

Maj. Gen. James C. Sherrill, 462-07-4089FR, Regular Air Force.

Maj. Gen. Otto J. Glasser, 160-14-0169FR, Regular Air Force.

Maj. Gen. Jay T. Robbins, 460-28-0552FR, Regular Air Force.

Maj. Gen. Russell E. Dougherty, 406-34-6763FR, Regular Air Force.

I nominate the following-named officers for temporary appointment in the U.S. Air Force under the provisions of chapter 839, title 10 of the United States Code:

To be brigadier general

Col. Carlton L. Lee, 256-12-5588FR, Regular Air Force.

Col. Walter R. Tkach, 174-14-2152FR, Regular Air Force, Medical.

Col. Charles E. Williams, Jr., 510-16-7478FR, Regular Air Force.

Col. John J. Gorman, 081-32-9359FR, Regular Air Force.

Col. Darrell S. Cramer, 529-10-7980FR, Regular Air Force.

Col. Geoffrey P. Wiedeman, 579-52-9093FR, Regular Air Force, Medical.

Col. Hamilton B. Webb, 107-18-9234FR, Regular Air Force, Medical.

Col. Bryan M. Shotts, 428-18-2757FR, Regular Air Force.

Col. Morton J. Gold, 008-12-3075FR, Reglar Air Force.

Col. John H. Germeraad, 517-18-4761FR, Regular Air Force.

Col. Robert R. Scott, 264-14-0524FR, Regular Air Force.

Col. Leroy J. Manor, 108-12-5769FR, Regular Air Force.

Col. Eugene Q. Steffes, Jr., 562-54-1024FR, Regular Air Force.

Col. Roy M. Terry, 134-10-6944FR, Regular Air Force Chaplain.

Col. William H. Best, Jr., 090-14-454FR, Regular Air Force.

Col. Frank L. Gailer, Jr., 082-32-0248FR, Regular Air Force.

Col. Joseph E. Krysakowski, 043-03-8167FR, Regular Air Force.

Col. Robert E. Brofft, 287-12-4698FR, Regular Air Force.

Col. Thomas B. Hoxie, 370-16-9307FR, Regular Air Force.

Col. Winston P. Anderson, 416-16-3181FR, Regular Air Force.

Col. Roger Hombs, 488-20-5088FR, Regular Air Force, Dental.

Col. Harold F. Knowles, 043-18-4028FR, Regular Air Force.

Col. Lawrence W. Steinkraus, 014-16-6306 FR, Regular Air Force.

Col. William C. McGlothlin, Jr., 506-30-5377FR, Regular Air Force.

Col. Herbert A. Lyon, 476-10-2096FR, Regular Air Force.

Col. Eugene L. Hudson, 568-05-0673FR, (Lieutenant Colonel Regular Air Force) U.S. Air Force.

Col. Edwin J. White, Jr., 226-12-6025FR, Regular Air Force.

Col. Edward O. Martin, 487-03-2225FR, Regular Air Force.

Col. Louis O. Alder, 518-22-1155FR, Regular Air Force.

Col. Robert H. Gaughan, 315-05-0599FR, Regular Air Force.

Col. Walter T. Galligan, 107-18-2660FR, Regular Air Force.

Col. Edward Ratkovich, 362-22-3308FR, Regular Air Force.

Col. Frank W. Elliott, Jr., 243-22-7825FR, Regular Air Force.

Col. John R. Hinton, Jr., 458-14-6525FR, Regular Air Force.

Col. Wesley L. Pendergraft, 261-38-5923FR, Regular Air Force.

Col. William R. Hayes, 081-16-3615FR (lieutenant colonel Regular Air Force), U.S. Air Force.

Col. William M. Schoning, 532-14-3545FR (major Regular Air Force), U.S. Air Force.

Col. John F. Albert, 082-32-0837FR, Regular Air Force, Chaplain.

Col. Daniel James, Jr., 263-22-9827FR, Regular Air Force.

Col. Harry N. Cordes, 254-14-6442FR, Regular Air Force.

Col. John F. Gonge, 508-14-2378FR, Regular Air Force.

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Col. Kelton M. Farris, 431-14-0802FR, Regular Air Force.

Col. John W. Pauly, 082-32-2158FR, Regular Air Force.

Col. John J. Burns, 155-18-0229FR, Regular Air Force.

Col. Kenneth R. Chapman, 509-14-9108FR, Regular Air Force.

Col. Bryce Poe II, 561-54-4193FR, Regular Air Force.

Col. James E. Paschall, 244-20-2535FR, Regular Air Force.

Col. Cuthbert A. Pattillo, 252-20-1733FR (lieutenant colonel Regular Air Force), U.S. Air Force.

Col. Richard J. Hartman, 175-14-2825FR, Regular Air Force.

Col. George J. Iannacito, 521-26-9866FR, Regular Air Force.

Col. John J. Liset, 014-18-5134FR, Regular Air Force.

Col. Erwin A. Hesse, 267-16-2481FR, Regular Air Force.

Col. Thomas B. Wood, 547-28-4758FR, Regular Air Force.

Col. William T. Meredith, 229-07-0631FR, Regular Air Force.

Col. Guy Hurst, Jr., 431-26-6214FR, Regular Air Force.

Col. George G. Loving, Jr., 224-26-5728FR, Regular Air Force.

Col. Oliver W. Lewis, 419-12-8722FR, Regular Air Force.

Col. James M. Fogle, 577-28-3083FR, Regular Air Force.

Col. William A. Dietrich, 445-14-4963FR, Regular Air Force.

Col. Jack B. Robbins, 427-22-6794FR, Regular Air Force.

Col. John D. Peters, 182-14-0539FR, Regular Air Force.

Col. George Rhodes, 234-24-7416FR, Regular Air Force.

Col. Marion L. Boswell, 499-16-3168FR, Regular Air Force.

Col. Kenneth L. Tallman, 520-18-3841FR, Regular Air Force.

Col. Ray A. Robinson, Jr., 429-34-5852FR, Regular Air Force.

Col. Otis C. Moore, 251-26-8976FR, (lieutenant colonel, Regular Air Force) U.S. Air Force.

Col. William Y. Smith, 431-28-7707FR, (lieutenant colonel, Regular Air Force) U.S. Air Force.

Col. Robert T. Marsh, 312-18-4136FR, (major Regular Air Force) U.S. Air Force.

Col. Abner B. Martin, 251-30-1478FR, (major Regular Air Force) U.S. Air Force.

Col. Robert M. White, 104-16-0834FR, (major Regular Air Force) U.S. Air Force.

Col. Frederick C. Blesse, 521-20-6801FR, Regular Air Force.

Col. Harrison J. Lobdell, 552-26-5729FR, Regular Air Force.

Col. Clarence J. Douglas, Jr., 198-16-2236FR, Regular Air Force.

Col. Arnold W. Braswell, 438-22-3643FR, (lieutenant colonel Regular Air Force) U.S. Air Force.

Col. George H. Sylvester, 114-18-3812FR, (major Regular Air Force) U.S. Air Force.

Col. James V. Hartinger, 298-12-6337FR, (major Regular Air Force) U.S. Air Force.

Marine Corps

The following-named (Naval Reserve Officers Training Corps) for permanent appointment to the grade of second lieutenant in the Marine Corps, subject to the qualifications therefor as provided by law:

Behel, Nvan M.
Biesemeier, Harold W., Jr.
Bussey, Ronald D.
Colyar, Henry J., Jr.
Doster, Cleve B.
Dowell, Gene L.
Foster, Perry E., Jr.
Gasparenas, Thomas G.
Graham, Richard S., Jr.
Hill, William H.
Inabinet, Harold L.
Landry, Charles E.
Leonard James F.
Porter, James J.
Rosemond, Niley J.
Shepard, Anthony P.
Short, Thomas J.
Skinner, Paul D.
Walsh, Thomas A.
Weiss, Michael J.

The following-named (Navy Enlisted Scientific Education Program) for permanent appointment to the grade of second lieutenant in the Marine Corps, subject to the qualifications therefor as provided by law:

McCormack, Joseph X.
Schow, Robert D.
Thomas, David M.

The following-named (staff noncommissioned officers) for temporary appointment to the grade of second lieutenant in the Marine Corps, subject to the qualifications therefor as provided by law:

Anderson, Robert C.
Fitzpatrick, Thomas P., Jr.
Gerstner, Edward G.
Harrison, Gregory
McGill, Bryan M.
Oberg, Jerry R.
Ogden, Gerald B.
Strawser, Robert L.
Wahlsten, Bruce R.

EXTENSIONS OF REMARKS

ULTRA-WHITE COLLAR CRIME HURTS UTILITY CONSUMERS

HON. LEE METCALF

OF MONTANA

IN THE SENATE OF THE UNITED STATES

Friday, January 23, 1970

Mr. METCALF. Mr. President, I have urged the administration to include in the fiscal 1971 budget funds to develop a comprehensive system of automatic data processing for utility regulatory commissions. This proposal, included in S. 607, the Utility Consumers' Counsel Act, drew strong support from the Federal Power Commission during hearings on the bill this year. The extraordinary increase in utility rate increase requests, almost $2 billion in annual increases now pending, with more to be filed, coupled with recent FPC audits that show improper bookkeeping by electric utilities, add urgency to the request.

I ask unanimous consent to have printed in the RECORD the text of my letter to the Director of the Budget Bureau and an article entitled "Bigger Utility Bills," written by Ralph E. Winter, and published in the Wall Street Journal of December 16, 1969.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

DECEMBER 19, 1969.

Mr. ROBERT P. MAYO,
Director, Bureau of the Budget
Executive Office Building,
Washington, D.C.

DEAR MR. MAYO: This year the Federal Commission strongly endorsed the increased use of automatic data processing by regulatory commissions. Lee White, then chairman, elaborated on the Commission's view when testifying on S. 607, the proposed Utility Consumers' Counsel Act, one provision of which would direct full use of ADP by the Federal Power Commission and Federal Communications Commission, to the end that regulators and the public would receive timely information about electric, gas and telephone utilities.

The FPC urged establishment and funding of a task force of Federal and State regulators to develop a comprehensive system of ADP for America's regulated utilities. The Commission estimated a cost of three or four million dollars in planning the system, adding that the resulting saving would total many times that amount.

I strongly urge you to include in the fiscal 1971 budget funds to proceed promptly with development of a regulatory ADP system, for the following reasons:

1. Most utilities already have computers far more sophisticated than necessary to provide, quickly and in detail, the information needed by regulators and parties to rate cases. However, under the present, antiquated system of reporting, State and local governments waste a great deal of time and money looking for information they need in order to regulate. Similarly, individuals, organizations and corporations which question utility rate changes find the job of information-collection time-consuming, costly and in some instances an impossible task. Among them is the Department of Defense, whose witness, in supporting S. 607, testified that "the most difficult job we have in defending a utility case or prosecuting a complaint case against any utility is obtaining information from a utility."

2. Utility consumers are now faced with an all-time record number of proposed rate increases. As of 1 June, according to reports to the Senate Subcommittee on Intergovernmental Relations from the State utility commissions, approximately $1 billion in increases, proposed by electric, gas and telephone utilities, were pending before the State utility commissions. The investor-owned utilities requested another half a billion dollars in increases during the following four months, according to a tabulation, not necessarily complete, which I made, and inserted in the Record on 23 October. At least 182 rate increase requests were then pending, and in 60 of those cases, the utilities were asking for from $1 million to $175 million more annually.

On 16 December, the Wall Street Journal reported that "investor-owned utilities across the country are seeking a record of almost $2 billion in annual rate increases; most companies are expected to get most of what they seek. Talks with dozens of utility executives indicate that many more requests will be filed in the coming weeks."

3. Under the present reporting system, annual publication of comparative utility statistics by the Federal Power Commission and Federal Communications Commission is grossly inadequate. Last year's comparative statistics on electric and telephone companies will not be published until next year. The comparative statistics on gas pipeline companies for 1968 have recently been published, but there of course are no comparative statistics on most gas distribution companies because of the absence of statutory reporting requirements.

4. The audit staff of the FPC is so small, in relation to the workload, that audits of electric utilities are conducted, on the average, about once every seven years. Some power companies' books have not been audited by the FPC for 30 years. Field audits by the FPC in 1969 in two cases with which I am familiar, Appalachian Power and Otter Tail Power, revealed numerous examples of improper accounting—loading the light bill with political expenditures—by both companies. The FPC's spot check of 17 electric and gas transmission companies in 1964 showed a similar pattern of improper accounting of utility political expenditures.

The certainty of exposure by use of modern information storage and retrieval systems would certainly discourage this type of ultra-white collar crime by prestigious companies, some of which are basing pending rate increase requests on padded books.

For these reasons, I urge that you include in the 1971 budget request sufficient funds to enable the FPC and FCC to proceed as quickly as possible in development of ADP systems which will provide the public and the regulators with adequate, timely, comparative information on electric, gas and telephone utilities.

Very truly yours,

LEE METCALF.

[From the Wall Street Journal, Dec. 16, 1969]

BIGGER UTILITY BILLS: RATES FOR ELECTRICITY, GAS, PHONES HEAD UP AFTER YEARS OF DECLINES; COST OF LOANS IS BIG CAUSE, BUT EXPENSES FOR LABOR, MATERIALS ALSO ARE CITED; CONSUMER CRIES GO UNHEEDED

(By Ralph E. Winter)

Here's one more piece of bad news from the inflation battlefront: Electric, gas and telephone bills are going up.

And they're going up sharply. Not since the end of World War II have utility rates jumped by as high a percentage as they're likely to do in coming months. In some areas, charges are going up 20% or more. What's more, says a top executive at a big utility in Ohio, "the average level of electric rates around the country probably will rise every year for some years to come." Officials at telephone and gas companies agree that they see no end to soaring costs, which they fully intend to pass along to customers.

The higher charges will come as a jolt to customers. For while they have become accustomed to steadily climbing costs for almost everything in recent years, they have been able to count on steady—or even declining—utility rates. Indeed, as recently as 1967 electric and gas rate reductions outnumbered increases by a four-to-one margin, according to a study by Ebasco Services Inc., a consulting firm. Phone rates in the past decade also have held even or declined a bit, according to a spokesman for the Bell System.

A RECORD TOTAL

But now all that is changing. It's hard to find a city where rates aren't going up. In Fort Worth, gas bills are up 19.5%, or $1.14 a month for the average homeowner. In Atlanta, the monthly charge for a private phone line is likely to rise soon to $7.75 from $6.50, again almost a 20% increase. In New York, Consolidated Edison Co. is seeking a 15.3% boost that would increase light bills at the typical household by $1.05 to $2.05 a month.

All told, investor-owned utilities across the country are seeking a record of almost $2 billion in annual rate increases; most companies are expected to get most of what they seek. Talks with dozens of utility executives indicate that many more requests will be filed in coming weeks.

The utilities are almost unanimous in blaming the Government for much of the rate rises. They say they have to build new facilities regularly to satisfy growing demand, no matter what the cost, and they say the Administration's policy of tight money has made borrowing so costly that rate increases are unavoidable. They also cite rising state and local taxes, and some mention the cost of equipment to cut down on pollution of air and water. "Consumers are going to pay for environment control," says a spokesman for a California utility that recently laid out a lot of money to bury wires that citizens complained were unsightly.

A CHALLENGE BY CONSUMERS

Some utility critics aren't so sure that the Government should take all the blame for the rate rises, however. They say some utilities have notoriously bad management, and they claim that some utilities are seeking increases far bigger than they need, figuring they probably can get away with it in these inflationary times. Several consumer groups have formed to fight the proposed increases.

But sources say the most the consumer groups are likely to achieve is a delay in the rises while hearings and appeals take place. The consumer groups' main argument is that the high rates are rough on customers but that argument doesn't carry much weight with regulatory officials.

"Ability or inability to pay the rates isn't the problem before this commission," says one state regulatory official. "Under law, the commission's job is to see that a proper rate base is established and then determine a fair rate of return for the company on that base. Inability to pay shouldn't be a factor in utility rates any more than the price of a Cadillac should be reduced because poor people can't afford one."

MORE TO COME

Utilities are convinced they can prove the need for substantial increases in their charges. "In fact," says an official of Ohio Bell Telephone Co., "we aren't asking for enough. We'll have to be back relatively soon for another increase." The company, seeking its first general rate increase since 1958, is asking for a 20% rise in the cost of a private telephone line in the Cleveland area.

Besides higher interest rates, utilities are facing increased costs for labor and materials and demands from stockholders for higher dividends. Utility payroll costs are rising faster than productivity for the first time in years, officials assert. Facilities are so automated now that there's little prospect of any more startling gains in productivity. "The Bell System has already milked out most of the savings through mechanization of local telephone operations," says an official of Ohio Bell. "Not that there won't be some improvements, but there's nothing dramatic on the horizon."

Electric utilities say the price of coal, a big item for them, is climbing after a long, gradual decline resulting from mine mechanization. Similarly, gas companies say the wholesale price of gas is going up for the first time in several years. At the same time, stockholders of utilities, an industry traditionally favored by investors interested primarily in income, are grumbling that they can earn a higher return by putting money in bonds or some other stocks of no greater risk.

"With rising interest rates, the dividend has to increase, too," says a man at Cleveland Electric Illuminating Co. "There has to be some relationship between what an investor can get on bonds and what he gets on our stock, or the equity market will dry up. We can't afford that when we have a record expansion ahead of us." The company's payout has increased in each of the past 10 years.

The utilities also point to skyrocketing construction costs. Until recently, each new power plant produced electricity at a lower cost than the previous one, as larger and larger plants increased efficiency faster than building costs rose. (The cost of a plant is a key factor in determining the cost of the electricity it produces.) But now the trend has reversed.

A group of New England utilities two years ago completed a $102 million, 600,000-kilowatt nuclear power plant that produces power for less than six mills per kilowatt hour. But a group of Midwestern utilities planning an 840,000-kilowatt nuclear plant figure the facility will produce power at a cost of 7.75 mills per kilowatt hour. Though the Midwest plant won't be even 50% bigger than the Eastern facility, it will cost twice as much to build.

STONE MOUNTAIN, GA.—EIGHTH WONDER OF THE WORLD

HON. HERMAN E. TALMADGE

OF GEORGIA

IN THE SENATE OF THE UNITED STATES

Friday, January 23, 1970

Mr. TALMADGE. Mr. President, Hubert E. Lee, editor of Dixie Business magazine for some 40 years, has written an article on Stone Mountain, in Georgia, which is said to be the eighth wonder of the world.

This article is particularly timely in that there are plans underway for officially dedicating sometime this spring the gigantic and impressive Confederate memorial carving on the side of the mountain—that was 50 years in the making. This will be more than just a Southern shrine, it will be a memorial for the Nation to one of the most difficult periods in American history—from which the country emerged strong and united. The President has been invited to make the official dedicatory address.

Mr. Lee's article provides some interesting information about Stone Mountain. I bring it to the attention of the Senate and ask unanimous consent that it be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

STONE MOUNTAIN

Some 3-million eager visitors will visit Stone Mountain this year to see the 8th "Wonder of the World."

The giant outcropping weighs 1-billion 250-million tons.

As a boy, I climbed Stone Mountain.

I climbed down to dangerous Buzzards Roost . . . sometimes slipping several feet before catching my bare feet on a crevice or a patch of soil on the rocks.

My brother, Russell Fred, gets goose-pimples just thinking of the chances I took of falling down off the mountain. He and I dare to go where goats would be scared to venture.

That was before Mrs. Helen Jemison Plane had a vision in 1912 of carving a great memorial in honor of the Southern Confederacy.

I remember boyhood thrills when my mother took us out to Ponce de Leon Amusement Park where Sear's is now located.

It was more wonderful than Disneyland, and the street car fare was 5¢.

And later there was White City where I turned the crank to unwind the moving picture reels to see the silent picture show. White City Amusement Park is as forgotten as the old Atlanta Daily Star with its red headlines.

Then came Lakewood Park.

And now Stone Mountain has amusement attractions as a plus for visitors to the Mountain in the Sky.

There is a lake for fishing, a modern campground, hundreds of sites for picnicking, riding trails, a glistening white sand beach for swimming. A golf course with 70% built on solid rock with an 18–24-inch fill of crushed granite and 12–24 inches of crushed stone, fill dirt and soil will attract champions, Tom Elliot, park general manager, anticipates. It was designed by Robert Trent Jones.

There is the world's largest carillons, 610-bells, 12-story skyward, the Civil War Museum, the Skylift, a 5-mile Railroad and a riverboat, the Robert E. Lee, that cruises the 446 acre lake.

XUM

ATLANTA JAYCEES

As a member of a committee of the Atlanta Junior Chamber of Commerce, I helped raise the money for Borglum to begin his carvings.

I still have one of the folders that I gave to all who subscribed to help finance Gutzon Borglum in 1923.

Cutline of a picture of Borglum in leather harness climbing Stone Mountain read:

Gutzon Borglum, noted sculptor, descending the precipice of Stone Mountain, June 18, 1923, to begin carving General Lee's figure, the central figure in the central group of the great Confederate Memorial.

The Grand Plan that I used effectively to persuade men and women to give!

The Post Card scenic folder I gave to the prospects I called on for pledges to give money in 1923 as a member of the Atlanta Jaycees team read:

On Stone Mountain Gutzon Borglum has commenced the carving of history's supreme monument in memory of the Southern Confederacy.

Stone Mountain is literally, as its name implies, a Mountain of Stone.

It is the largest single body of granite in the world.

Its foundations underlie nearly half of the State of Georgia.

Several Atlanta Office Buildings rest on solid rock foundations blasted out of the Stone Mountain strata.

The exposed mountain is seven miles around the base and 1,000 feet to the summit.

On the northern side, Stone Mountain drops to a sheer, naked precipice almost a thousand feet. Time has not marked it in the slightest trace. A million years of erosion have touched it as lightly as the clouds touch the sky.

Since the dawn of creation it has stood as it stands when we gaze upon it, unchanged, unchanging, imperishable.

Across the monmouth page of granite Gutzon Borglum will engrave a perpetual and indestructible tribute to the men and women who fought, suffered and died for the Southern Confederacy.

His plan provides for three main features:

1. The Panorama.
2. The Memorial Hall.
3. The Amphitheatre.

Beginning on the right near the Mountain's summit and sweeping downward and across it a distance of thirteen hundred feet will be carved a picture representing the Confederate Armies marching into battle. On the right will be artillery, the horses straining to back the gun carriages.

Next will be cavalry in full forward motion.

In the center will be carved a magnificent group of Confederate chieftains, including President Jefferson Davis, General Robert E. Lee, Stonewall Jackson and others to be selected.

On the left of this group and extending off toward the end of the Mountain will be the Confederate Infantry swiftly marching.

General Lee's figure in the central group will be nearly 200 feet high, or as high as a 16-story office building.

All other figures in the whole panorama will be in relative proportion.

No sculptured figures in ancient or modern times were comparable to these in magnitude or grandeur.

The central Group alone, were nothing added to it, would eclipse the Sphinx and Pyramids.

Below the panorama will be chiseled out of the living granite, the Memorial Hall.

At the base of the mountain to the right of the precipice, will be built an amphitheatre rivaling the dimensions of the Roman Coliseum.

Mr. Borglum estimates the cost at $3,500,000 for the entire plan, and the time to complete it, he estimates at six or seven years.

BUILDERS OF A BETTER WORLD—THE JAYCEES

HON. L. H. FOUNTAIN

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 22, 1970

Mr. FOUNTAIN. Mr. Speaker, I am happy to take this opportunity to pay tribute to an outstanding group of young men who have given intelligent thought to human need and to the building of a better world. I refer to the U.S. Jaycees, who are celebrating this week the 50th anniversary of the founding of their great service organization.

The young men of America organized the Jaycees because of their great yearning to serve, to grow, to learn, and to exemplify the true meaning of the brotherhood of man. Following organization on a national basis in 1920, the Jaycees, then titled "U.S. Junior Chamber of Commerce," grew at a phenomenal rate.

By 1930 there were 15,000 members; by 1940, 64,000; by 1950, 124,000; and 200,000 by 1960. In 1970 there are over 300,000 Jaycees holding memberships in 6,400 chapters all across our State and Nation.

The Jaycees are a valuable national resource. Hundreds of thousands of our finest young men working together for the highest and finest goals constitute a tremendous force for good in our society.

We must remember, too, that over 2 million men have passed through membership in the Jaycees, making individual contributions during their years of membership and becoming imbued with the high ideals expressed in the Jaycee creed.

The Jaycee creed is as follows:

We believe that Faith in God gives meaning and purpose to human life;

That the brotherhood of man transcends the sovereignty of nations;

That economic justice can best be won by free men through free enterprise;

That government be of laws rather than of men;

That earth's great treasure lies in human personality;

And that service to humanity is the best work of life.

This valuable creed summarizes the faith and confidence the Jaycees have in God, in humanity, and in America.

The principles enunciated in the Jaycee creed are truly the foundation stones upon which our State and Nation were built. They are the foundation stones of every progressive community.

Though we seem to live in an age of negative thinkers, the Jaycees are refreshingly positive in their efforts to upgrade our society. At a time when many advocate change through destruction and do nothing but criticize, the Jaycees stand firm for progress and enlightenment through constructive action.

The Jaycees give us all, both old and young, an example to follow. They are not content to rest easy, but strive always for improvement in the quality of life for all Americans.

I am proud to salute the Jaycees of North Carolina and the Nation. I wish them every success in the years ahead and am confident that their accomplishments in the future will be even greater than those of the past.

SITUATION IN NIGERIA

HON. STROM THURMOND

OF SOUTH CAROLINA

IN THE SENATE OF THE UNITED STATES

Friday, January 23, 1970

Mr. THURMOND. Mr. President, yesterday we learned that the United States is sending planes and food to the starving population in the former Biafran territory. All Americans welcome this response by the President, and it is now up to Nigeria to accept the help magnanimously and see that it goes to those truly in need. According to newspaper reports, food is being sent to Port Harcourt, which is on the coast, rather than to the enclave where the food is really needed. It would be far better if General Gowon's military government would allow the food to be flown directly to the area in need and to be distributed through the existing distribution operation which now lies idle.

The situation was pointed up in two excellent editorials in yesterday's New York Daily News, which points up Gowon's responsibility to act while there is still time to help. The second editorial in the Daily News shows how U.N. Secretary General U Thant has no compunction about meddling in Vietnam, but refuses to take a firm stand on the situation in Nigeria.

Mr. President, I ask unanimous consent that the two editorials "Misery Compounded by Terror" and "The Meddlesome Mr. Thant" from the Daily News of January 22, 1970, be printed in the Extensions of Remarks.

There being no objection, the editorials were ordered to be printed in the RECORD, as follows:

[From the Daily News, Jan. 22, 1970]

MISERY COMPOUNDED BY TERROR

Appears to be the lot of the unfortunate souls in fallen Biafra, where millions ravished by hunger now are being pillaged and bullied by victorious Nigerian soldiers.

Ghastly tales of looting, rape and brutality were recounted yesterday by the first unbiased observers allowed to roam the breakaway province since its attempt at secession failed.

The grim reality stands in stark contrast to the unctuous assurances of the Nigerian chief of state, Yakubu Gowon, that the rebellious Biafrans would be treated as returning prodigal sons. Nor does the truth jibe with the rosy pictures painted by various relief agency representatives and statesmen who accepted Gowon's expressions of good will at face value.

The reign of terror in Biafra may be the last thing the Nigerian government wants. If so, Gowon should move decisively to bring his soldiers under control. Then he should stow away the pride, or whatever, that has led him to scorn large shipments of food and medicine that people of good will throughout the world have collected.

Most of the proffered aid has come from the Free World. But there are no political strings attached to it even though Nigeria's ambassador to Moscow is gushing praises for Moscow's military help to the victors.

The mammoth relief chore clearly is beyond the means of Nigeria alone, Gowon would emerge as a bigger man if he admitted that fact while there is still time to aid the suffering rebels.

THE MEDDLESOME MR. THANT

One of the abovementioned "statesmen" who couldn't bother to dig too deeply into the real situation in Biafra was United Nations Secretary General U Thant. Presumably, Mr. Thant didn't want to stick his nose into Nigeria's internal affairs. The secretary general has no such qualms, however, when it comes to Vietnam.

Thant sounded off in Paris on Tuesday to the effect that the biggest problem in Vietnam was finding a new government for Saigon. That, of course, is the same tune sung by the Red North Vietnamese and the Viet Cong.

Which sort of makes us wonder if the UN wouldn't be better off with a head man who knows when to keep his eyes open and when to keep his mouth shut.

FOCUS ON A BOY

HON. GEORGE E. BROWN, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 22, 1970

Mr. BROWN of California. Mr. Speaker, I would assume that the majority of my colleagues here have been Boy Scouts at one time or another. We are all proud of the fine work that is done in scouting throughout the Nation.

Right now, in and around my district, an extremely important campaign is underway to insure camping opportunities for boys within the area served by the San Gabriel Valley Council of the Boy Scouts of America.

I am inserting at this point in the RECORD a series of questions that were put to Walter Brennan, the well known entertainer, in regard to this campaign, along with his answers, which portray a lucid insight into the value of scouting:

FOCUS ON A BOY

(Walter Brennan answers some important questions about the Golden Anniversary Camp Development Fund of the San Gabriel Valley Council, Boy Scouts of America)

Question: What is the purpose of this campaign, Mr. Brennan?

Answer: To get right to it, we got to raise a minimum of $1,850,000 which is urgently needed so the San Gabriel Valley Council can have the tools it needs to serve a fast-growin' bunch of boys, and point 'em in the right direction to manhood. Focus 'em, you might say.

Question: Well, how will this money be spent?

Answer: Well, sir—mostly these boys need places to go campin'. Sure, part of it'll go to the sustainin' membership fund—that's important—and some to the contingency fund, but the mountain lion's share'll go into buildin' new campin' facilities 'n' fixin' up the old ones—'n' buyin' equipment 'n' such as that. Why, there's Camp Cherry Valley, Camp San Antonio, Holt Scout Ranch, Sky Valley Camp, Sawpit Canyon Camp 'n' Trainin' Center, 'n' the Scoutin' Center 'n' . . . I tell you, the list goes on and on!

Question: Why are these facilities needed?

Answer: Dad-gummit—we gotta have em to provide for more 'n' more boys takin' part in the scoutin' and campin' program. Present facilities will handle up to 340 boys a week durin' the summer months. The Golden Anniversary Camp Development Fund will boost the camp capacity to 670 boys a week durin' the regular season, and give 'em unlimited chances for year-round campin'.

Question: What area is served by the San Gabriel Valley Council?

Answer: Why, the whole blasted valley from Glendora and Hacienda Heights and everythin' west to Alhambra, Pasadena 'n' La Canada, 'n' then some!

Question: How many boys are involved in scouting?

Answer: This year over 24,000 boys was in the scoutin' movement in the San Gabriel Valley Council area, and I'm tellin' you, that's a lotta boys—not to mention over 10,000 adults!

Question: How much use is made of present facilities?

Answer: Lemme see, now . . . year-round campin' activity has moved ahead from 1200 boys just ten years ago, to almost 5000 in 1968. These boys came from 222 troops—that's 79 per cent of all troops in the area—not to mention the fact that a lotta these boys had to camp on sites that don't even belong to the Boy Scouts! And that ain't countin' 4212 leaders to guide 'n' counsel the boys.

Question: Why is camping so important, Mr. Brennan?

Answer: Why? For 58 years campin' has been the most important part of it all 'cause it's trainin' ground on which the ideals of Boy Scout citizenship trainin', character buildin' and physical fitness takes place. By golly, campin' IS scoutin'.

Question: What growth in registration can be expected in the future?

Answer: Continuin' the way things are, there's gonna be more than 40,000 boys and leaders enrolled in scoutin' in the San Gabriel Valley Council by 1976.

Question: But doesn't the council receive support from United Fund?

Answer: Sure it does, but just fer a part of its current operating costs . . . they don't get nothin' at all for capital improvements and major repairs.

Question: What's the average cost for a scout attending camp?

Answer: It's a basic idea of the Boy Scouts to pay his own way, so he pays an average of $30.50 a week to attend camp. The council pays for camp overhead such as the caretaker, insurance, telephone and so on, and gets up the financin' that makes the camp possible. But lemme tell you right now—NO worthy boy who's a member of a Boy Scout Troop and is eligible to attend camp is turned away on accounta his inability to pay. Many friends of scoutin' make his attendance possible.

Question: Mr. Brennan, is there a profit in scouting operations?

Answer: Whatta you talkin' 'bout? 'Course there ain't! The San Gabriel Valley Council's a non-profit organization. After annual operatin' expenses, there's nothin' left. Matter of fact, even if there was, the Council would have to use it all up anyhow.

Question: Do you think the San Gabriel Valley Council can raise $1,850,000?

Answer: Sure I do. By golly, this here's a real capital investment in our boys, and in the future of our community. The need right now is an emergency. You know, them boys ain't gettin' any younger! And more 'n' more of 'em gotta have the great opportunities which campin' gives 'em. With good organization and enthusiastic leadership—which we have, by golly—and the support of business people and good folks like yourself, it can and it *will* be done. This is the first time the Council's ever asked their community fer capital funds. Why, even the boys themselves is puttin' up what they can!

Question: Do you know the leaders in this campaign, Mr. Brennan?

Answer: Why sure I do—they're the community-minded citizens like yourself, givin' their time and energy and money, knowin' that their efforts'll help the community's healthy growth. They're the campaign leaders—your friends 'n' neighbors! They belive in the wholesome aspect of scoutin' which points the young 'uns of today in the right direction to become the good citizens of tomorrow.

Question: I have no boys in scouting, why should I give?

Answer: 'Cause anythin' that benefits a community needs the support of all its citizens. Mebbe you ain't your brother's keeper, but these boys are our leaders of the future—of our state 'n' our country—yours 'n' mine—'course, if you ain't interested in that . . .

Question: How much is my fair share?

Answer: Now, I can't tell you that, friend. You know what your own story is. But why don't you just talk to a Scout about campin'—listen to him 'n' watch his face. Yessir, just focus on a boy—then *you* decide how much that's worth!

Question: All right, when and how are pledges payable?

Answer: Now, that's more like it. A schedule is set up for annual, semi-annual, quarterly or monthly payments, over a 36-month period . . . but you can feel free to suggest any schedule of payments you figger is best for you. You can even hand over the cash if you want, right now. Then there's stocks 'n' bonds 'n' such, as well . . . 'n' memorial gifts, too.

Question: Say, are there any tax advantages in giving to this campaign?

Answer: Yessiree—our federal tax laws encourage givin' to an organization like the Boy Scouts. You can deduct contributions from adjusted income before you work out your federal tax—but you better talk to your tax consultant 'bout all the details!

Question: If I have any other questions, what do I do?

Answer: Easy! You jest pick up a telephone 'n' call the San Gabriel Valley Council of the Boy Scouts of America at 355-7171, or 445-2570. Better yet, why don't you take a few minutes 'n' drop in on 'em—questions or no. They'd be glad to have you . . . 'n' who knows, you might find somethin' you never expected!

U.S. JUNIOR CHAMBER OF COMMERCE

HON. JOHN J. RHODES

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 22, 1970

Mr. RHODES. Mr. Speaker, I would like to join my colleagues in saluting the U.S. Junior Chamber of Commerce in its first half century of service to America.

The Jaycees represent a constructive force in our society and have devoted their energies to the building of a better America in the spirit of community service.

We can be proud of the young men in Arizona and throughout the Nation who have given so much of their time to this task. I salute the Jaycees on the golden anniversary of their great organization.

GOLDEN ANNIVERSARY FOR JAYCEES

HON. RICHARDSON PREYER

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 22, 1970

Mr. PREYER of North Carolina. Mr. Speaker, this year marks the 50th anniversary of the Junior Chamber of Commerce. Those 50 years have seen the Jaycees emerge as a major influence for good in our country. All across this country young men joined together in this organization are working every day for programs that enrich the lives of the people in their communities. Perhaps the greatest contribution the Jaycees have made during this half century is that of bringing young men of differing faiths, parties, and races together in a series of good works. This has been true in my district where there are more than a dozen clubs. I am particularly proud of the Jaycees in Greensboro, N.C., my hometown, who have twice been chosen best in the United States and once best in the world. This is an honor shared by no other Jaycee chapter in the United States and is a remarkable achievement for a chapter in a city of approximately 150,000 people.

When the Jaycees see a problem, they do not wait for Government or someone else to do something about it; they go into action. They make a tremendous contribution to the strengthening of the crucial voluntary, private sector of our culture. I am sure I speak for all the citizens in my district in expressing our appreciation to the Jaycees on this 50th anniversary of their organization for all they have done for us.

SENATE—*Saturday, January 24, 1970*

The Senate met at 10 o'clock a.m. and was called to order by the President pro tempore (Mr. RUSSELL).

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

Direct us, O Lord, in all our doings with Thy most gracious favor, and further us with Thy continual help; that, in all our works begun, continued, and ended in Thee, we may glorify Thy holy name, and finally by Thy mercy obtain everlasting life.

Give us strength, O God, to hold our own convictions, not denying them for fear of men; but help us also to understand those who differ from us, and to be fair to those whom we find it hard to understand. In every act we pray that we may seek to know and do Thy will, through Jesus Christ our Lord. Amen.

XUM

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Friday, January 23, 1970, be dispensed with.

The PRESIDENT pro tempore. Without objection, it is so ordered.

LIMITATION ON STATEMENTS DURING TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that statements in relation to the transaction of routine morning business be limited to 3 minutes.

The PRESIDENT pro tempore. Without objection, it is so ordered.

ORGANIZED CRIME CONTROL ACT OF 1969—TRIBUTE TO SENATOR HRUSKA

Mr. MANSFIELD. Mr. President, at the conclusion of the debate and disposition of S. 30, I had some words to say about certain Members who participated in that debate, notably the Senator from Arkansas (Mr. McCLELLAN), the Senator in charge of the bill.

Through inadvertence, I forgot to mention the outstanding efforts of the distinguished Senator from Nebraska (Mr. HRUSKA), the ranking member of the Judiciary Committee and good right hand of the Senator from Arkansas in the consideration of the bill which had been considered for the previous 3 days and which passed the Senate yesterday.

At this time I wish to extend to the Senator from Nebraska my thanks for his diligence, for his integrity, for his knowledge, and for the continual efforts he made not only during the 3-day debate but also over the past year in helping to bring out S. 30.

I would feel remiss if the RECORD did not show, in addition to those mentioned by me yesterday, my personal appreciation to the distinguished Senator from Nebraska for the contributions he made to the consideration of this most important bill.

AGRICULTURAL LEGISLATION

Mr. ELLENDER. Mr. President, I wish to announce that the Committee on Agriculture and Forestry has been considering quite a few bills on its calendar and has ordered them reported to the Senate. Two of them are important; namely, the Aiken egg bill and amendments to the School Lunch Program and Child Nutrition Act.

The committee held hearings last year on those sundry bills but failed to report them because we could not muster a quorum.

I am glad to say that those bills will soon be on the calendar for consideration.

NOTICE OF HEARINGS ON A NEW FARM BILL

Mr. ELLENDER. Mr. President, I wish to announce that the Committee on Agriculture and Forestry has given me authority to announce to the Senate and the country that on February 18 the committee will begin hearings on a farm bill to replace the one which expires December 31 of this year.

I think it is very important that we consider a new bill or an extension of the present law with possibly some refinements.

I understand that the House of Representatives is having some difficulty in voting a bill out of its committee on agriculture. It has been working on a program for about a year now.

The Senate committee hopes that before it gets through with its own deliberation and presentation of a bill to the Senate, that the House will have acted.

As chairman of the committee, I wish to invite all Senators, in fact, all Members of Congress, to make their presentations if they desire to do so, as to what should be included in a new or extended farm bill; also all farm organizations are invited to present their views—in fact anyone interested in agriculture. I can foresee much difficulty ahead for the consumers if a bill is not enacted this year.

I am not going to state now what my views are on the subject, but I ask permission to present to the Senate my views on what should be done this year in agriculture either on Monday or Tuesday of next weeek.

I am hopeful that Senators interested in agriculture will give us all the help they can. We will need much guidance.

It seems that on the House side, there are too many Representatives coming from the cities who cannot understand why it is necessary for us to continue to subsidize farmers in paying them not to plant portions of their farms, when there are so many hungry people in the world.

The present farm program costs about $3¼ billion a year. That figure may be a little high. But it is my considered judgment that it will be much cheaper to the consumers, for Congress to provide funds to pay such subsidies in order to produce an abundance of food, rather than to have farmers to continue to go out of business and maybe thereby create a scarcity of food and fiber.

I have no doubt that if such a condition were—created, the American public would pay much more for their food and fiber than if we were to continue programs such as we have on our staute books at the present.

ORDER FOR ADJOURNMENT TO MONDAY, AND FROM MONDAY TO TUESDAY AT 10:30 A.M.

Mr. ELLENDER. Mr. President, I would like to ask the majority leader to give me some time perhaps on Tuesday morning, so that I may have an hour or an hour and a half in which to present the farm program.

Mr. MANSFIELD. Would the Senator

consider the possibility of coming in a little earlier on Tuesday?

Mr. ELLENDER. Yes, indeed. I will be ready at any time the majority leader suggests.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 12 o'clock noon Monday next.

The PRESIDENT pro tempore. Without objection, it is so ordered.

(Subsequently this order was modified to provide for the Senate to adjourn to 11 o'clock a.m. on Monday.)

Mr. MANSFIELD. Mr. President, I ask unanimous consent that when the Senate completes its business on Monday, it stand in adjournment until 10:30 Tuesday morning.

Mr. SCOTT. Mr. President, reserving the right to object—and I will not object—I want to bring out the fact that normally on Tuesday there is a meeting at the White House. There will not be such a meeting this Tuesday. I state that for clarification. The following Tuesday there will be.

Mr. MANSFIELD. Mr. President, has the time for Tuesday been agreed upon?

The PRESIDENT pro tempore. It has not yet been agreed to. Is there objection to the Senate convening at 10:30 on Tuesday morning? The Chair hears none, and it is so ordered.

ORDER FOR RECOGNITION OF SENATOR ELLENDER ON TUESDAY MORNING

Mr. MANSFIELD. Mr. President, I ask unanimous consent that at the conclusion of the prayer on Tuesday next, the distinguished Senator from Louisiana, the chairman of the Committee on Agriculture and Forestry, be recognized for 1½ hours.

The ACTING PRESIDENT pro tempore (Mr. METCALF). Without objection, it is so ordered.

JAMES E. PALMER, JR.

Mr. SPARKMAN. Mr. President, I would like to take this opportunity to pay tribute to a Senate staff man who passed away on Thursday, January 22. I refer to Mr. James E. Palmer, Jr., who was a professional staff member of the Subcommittee on Housing and Urban Development, of which I am chairman.

Many Senators knew and will remember Jim from the duties he performed more recently on the Housing Subcommittee and before that as a staff member of the Joint Committee on Defense Production. Jim came to the Hill to the joint committee in January 1956, and moved to the Housing Subcommittee in April 1959, where he was working when he died.

Jim had a long career as a faithful Government employee. He commenced his Government duties in the Criminal Division of the Department of Justice and interrupted his service with that Department to serve in the Coast Guard from 1942 until 1945 during World War II. He returned to the Department and served in several important posts in the Department until he terminated his service there to enter private law practice in 1954.

In addition to distinguishing himself as a civil servant, Jim also distinguished himself as a lawyer. He was the national president of the Federal Bar Association from 1949 to 1950. He served as a member of the house of delegates to the American Bar Association for three terms. He was chairman of the American Bar Association Special Committee on Federal Rules and Civil Procedure. He was editor of the Federal Bar News, and held the chairmanships of many other important committees with the American and Federal Bar Associations.

Many will remember that he was a founding member and president during 1959–60 of the Capitol Hill chapter of the Federal Bar Association.

Jim Palmer was born on July 17, 1913, at Laurel, Miss. He received his A.B. degree from Roanoke College in Roanoke, Va., his masters degree from Duke University in North Carolina and his LL. B. from the University of Virginia. Some will remember him as an office assistant to the late Carter Glass, and others will remember him as the author of the book, "Carter Glass, Unreconstructed Rebel."

Jim Palmer was a good man, he was a religious man, and he was a compassionate man. He was always ready to be of assistance to anyone who came to him with a problem as is reflected by the fact that he was the president of Big Brothers of the District of Columbia and a member of the national board of that organization since 1951.

Jim Palmer will be missed around the Senate. He will be missed at home. Our sympathy is with his wife, Sue, and his four fine children, James E. III, Lela, Charles J., and Suzanne.

COMMENDATION OF SENATOR ELLENDER

Mr. MANSFIELD. Mr. President, I want to take this means to commend and congratulate the distinguished Senator from Louisiana (Mr. ELLENDER), because in the first week of the second session of the 91st Congress, he has already reported six bills from his committee.

I am glad to note that all the committees of the Senate are getting down to brass tacks and holding hearings and are trying to report the legislation, some of which has been initiated in the Congress, others of which have been recommended by the President and the administration.

It is a good augury and a good sign. And if we can keep up this pace, the prospects of getting out at a reasonably early date will be enhanced as a result.

The Senator from Louisiana talks of the need for a farm program. I understand that the Farm Act expires this year and that the distinguished Senator from Louisiana will give the Senate the benefit of his views shortly. But I do not understand that the administration has sent down its farm program as yet. I would hope that it will be forthcoming.

The farmers are living in a squeeze and the cost of living is increasing. The price of wheat in Montana and other States is extremely low.

Many small farmers are being forced off their farms and being forced into the cities, making a bad situation that much more difficult. I would hope that something could be done to take care of their needs and to decrease the flow of people into the congested areas.

It is my understanding that the farm population numbers not in excess of 8 percent, and due to the mechanization and the need to make a livelihood, it is still declining.

I applaud the Senator from Louisiana for his initiative. And I hope that before very long the administration would forward its legislative recommendations of what would be a good farm program.

Mr. ELLENDER. Mr. President, I understand that the committee has been in contact with the Department of Agriculture. The committee has been working with the Committee on Agriculture and Forestry in the House.

It is our plan to have outstanding witnesses heard beginning on February 18. And we will invite the Secretary to send some of his advisers there to listen to the testimony and then the Secretary of Agriculture will be afforded an opportunity of giving his views of what the new bill should contain.

I want to say frankly that so far there have not been any new changes offered by the Department of Agriculture. And I am very hopeful, as the majority leader has just stated, that the Department of Agriculture will come to us with a concrete suggestion as to what ought to be done to improve the plight of the farmers.

Mr. MANSFIELD. Mr. President, may I say that in referring to the need for recommendations from the Department of Agriculture I was not doing so in a critical sense, because I realize the difficulties involved in the farm problem and the need for continuous study. But what has been said about getting the cooperation and the recommendations of the Department of Agriculture applies to all departments within the Government, within the executive branch. We would like to cooperate and accommodate the administration. We would like to keep going on all fours as long as we can. We would like to see these messages coming up shortly, followed soon thereafter by specific legislative recommendations.

Mr. RANDOLPH. Mr. President, will the Senator yield?

Mr. MANSFIELD. I yield.

Mr. RANDOLPH. Mr. President, since the discussion by the distinguished majority leader (Mr. MANSFIELD) and the colloquy with the able Senator from Louisiana (Mr. ELLENDER) concerns the responsibility of the administration and also the equal responsibility of the legislative branch of Government in reference to messages and measures that would be acted on following the recommendations of the administration, I would say again what I have said on prior occasions in this Chamber. I recognize the responsibility of an administration, be it Democratic or Republican, to propose legislation to Congress. I believe, however, that Congress must bear a cer-

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tain degree of criticism from the American people for not proposing and passing legislation which originates on Capitol Hill.

It is the duty of Congress not only to pass legislation, I say to my distinguished majority leader, but also to propose legislation, and through the process of subcommittee and committee hearings, to develop legislation.

So I think when we consider the matter of administrative recommendations for legislation we should not forget that it is historically right that Congress itself move forward, especially when the initiative in many vital areas is not taken by the administration.

It is well to have comity between the executive and the legislative branches. It is helpful to have understanding. It is encouraging to have cooperation. We can and must work together for the national good.

Mr. MANSFIELD. I made my remarks to indicate a spirit of cooperation on the part of the Senate with the administration, and to hope that on that basis an accommodation can be reached which would make it possible to speed up the legislative process.

BILL INTRODUCED

A bill was introduced, read the first time and, by unanimous consent, the second time, and referred as follows:

By Mr. WILLIAMS of New Jersey:

S. 3333. A bill to amend title XVIII of the Social Security Act to authorize payment under the program of health insurance for the aged for services furnished an individual by a household aide (in such individual's home) as part of a home health service plan); to the Committee on Finance.

(The remarks of Mr. WILLIAMS of New Jersey when he introduced the bill (S. 3333) appear later in the RECORD under the appropriate heading.)

S. 3333—INTRODUCTION OF A BILL AUTHORIZING PAYMENT UNDER MEDICARE FOR SERVICES PERFORMED BY A HOUSEHOLD AIDE

Mr. WILLIAMS of New Jersey. Mr. President, I introduce for appropriate reference, a bill to amend title XVIII of the Social Security Act to authorize payment under the program of health insurance for the aged for services furnished an individual by a household aide as part of a home health service plan.

Under medicare home health aides may provide health care services for an individual released from a hospital or extended care facility pursuant to a plan established and reviewed periodically by a physician. Some of these services incude part-time nursing care; physical, occupational, or speech therapy; and medical social services under the direction of a physician.

Part A of medicare pays for these covered services up to 1 year after the patient's discharge from a hospital or extended care facility for as many as 100 home health visits if the following conditions are met:

First. The patient was in a participating hospital for at least three days in a row;

Second. The individual is confined to his home after his release;

Third. A doctor determines that the individual needs home health care and establishes a home health plan within 14 days after his discharge from the hospital or extended care facility; and

Fourth. The home health care is for further treatment of a condition for which the patient received services as a bed patient in the hospital or extended care facility.

Medicare also permits home health aides to provide certain supportive household services which are essential to the patient's personal health care—such as bathing or helping the patient to the bathroom—at home. Frequently an elderly person is under medical supervision at home but is unable to perform certain household duties, although he may not need personal care. For example, a cardiac patient may be able to take care of his own feeding and bathing, but may not be able to perform some of his household chores which would be too strenuous for his heart. Many older persons are institutionalized at great expenses because of this gap in medicare.

The bill that I am introducing would help to meet this crucial problem by authorizing payment under medicare for service provided by household aides as part of a home health service plan. It is important to emphasize that these services would be furnished to an individual in his own home by a certified home health agency as part of a comprehensive medical plan for the patient.

Institutional care continues to be a costly expenditure under medicare. This expenditure could be reduced significantly if appropriate alternatives were available for the care of older persons. For instance, many elderly nursing home residents are unnecessarily institutionalized because there is no alternative method of care for them. Many could be returned to their homes if supportive services were covered under medicare. Moreover, many hospital patients could be released much earlier if these services were available. Coverage of these services under medicare would be beneficial for both the patient and the Nation. For the individual, living at home, rather than being institutionalized, may be of important therapeutic value in improving his emotional well-being. Society would also benefit in being able to meet the needs of the elderly more efficiently and economically.

In testimony before the Subcommittee on Health of the Elderly in the Senate Special Committee on Aging, Dr. James G. Haughton, first deputy administrator of New York City's Health Services Administration, stated:

> Institutional care for the aging has been and continues to be under both titles XVIII and XIX, a major element of expenditure. Much of this expenditure is inappropriate and related to our serious lack of appropriate social alternatives for the care of the aging. It is estimated that at least 10 percent of the nursing home residents in New York City are unnecessarily institutionalized for this reason.

Another good example of the crucial need for this legislation was eloquently expressed by Mrs. Susan Kinoy, project director, home health and housing program, Citizens' Committee on Aging, Community Council of Greater New York. In a letter addressed to me, she said:

> In the past 2½ years our program has revealed that many of the elderly have benefitted under Title XVIII from medical and professional services in their own homes. These services do not meet all of their needs.
>
> Some older persons in order to remain in their own homes only need help with home maintenance chores such as housecleaning, laundry and cooking. In other words, there are times when a patient may not need personal care such as bathing and toileting. The law now requires that a Home Health Aide may not provide home maintenance care to an older person unless it is in addition to personal care. To illustrate our concern, a cardiac patient or someone with severe arthritis might be able to take care of his own feeding, bathing and toileting, but not be able to perform the household maintenance tasks.
>
> At this time we feel that provision should be made for home maintenance service as a reimbursable visit. It is important to emphasize that a home maintenance worker would be provided by a certified home health agency in the context of the total medical plan for the patient.

For these reasons, I urge prompt and favorable consideration of this proposal.

Mr. President, I ask that the bill be printed in the RECORD.

The ACTING PRESIDENT pro tempore. The bill will be received and appropriately referred; and, without objection, the bill will be printed in the RECORD.

The bill (S. 3333), to amend title XVIII of the Social Security Act to authorize payment under the program of health insurance for the aged for services furnished an individual by a household aide—in such individual's home—as part of a home health service plan, introduced by Mr. WILLIAMS of New Jersey, was received, read twice by its title, referred to the Committee on Finance, and was ordered to be printed in the RECORD, as follows:

S. 3333

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 1861(m)(4) of the Social Security Act is amended by inserting after "services of a home health aide" the following: "or a household aide or both".

SEC. 2. The amendment made by the first section of this Act shall apply with respect to services furnished on or after the first day of the second month which begins after the date of the enactment of this Act.

ADDITIONAL COSPONSORS OF A BILL

S. 3100

Mr. WILLIAMS of New Jersey. Mr. President, I ask unanimous consent that, at the next printing, the names of the Senator from Michigan (Mr. HART) and the Senator from Missouri (Mr. EAGLE-

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TON) be added as cosponsors of S. 3100, to amend the Social Security Act to provide increases in benefits under the old-age, survivors, and disability insurance program, to provide health insurance benefits for the disabled, and for other purposes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

CONTROLLED DANGEROUS SUBSTANCES ACT OF 1969—AMENDMENTS

AMENDMENTS NOS. 451 THROUGH 454

Mr. HUGHES submitted four amendments, intended to be proposed by him, to the bill (S. 3246) to protect the public health and safety by amending the narcotics, depressant, stimulant, and hallucinogenic drug laws, and for other purposes, which were ordered to lie on the table and to be printed.

AMENDMENT NO. 455

Mr. McINTYRE submitted an amendment intended to be proposed by him to S. 3246, supra, which was ordered to lie on the table, be printed, and printed in the RECORD.

(The remarks of Mr. McINTYRE when he submitted the amendment appear later in the RECORD under the appropriate heading.)

THE APOLLO PROGRAM

Mr. ANDERSON. Mr. President, on May 25, 1961, President John F. Kennedy, in a special message to Congress, presented the now historic challenge to the American people of placing a man on the moon and returning him safely to earth within the decade of the 1960's. We achieved that goal. As the Apollo program has received substantial funds over the years, I believe it is important to review the cost of that great accomplishment.

The early estimates, made in 1961, when we had only a general outline of the requirements, placed the total cost between $20 and $40 billion.[1]

On June 13, 1962, the Space Committee received the first refinement of that estimate when Dr. Robert Seamans, then the Associate Administrator of NASA, stated:

> If you want to use a total figure for manned space flight up to successful lunar landing and return, our estimates today run at about $15 billion. We are saying $20 billion because we know there will be unanticipated costs.[2]

In June of 1963, Mr. James E. Webb, then the Administrator of NASA, stated that out of the total space effort, $20 billion was allocated to a lunar landing and return.[3]

The following year in March 1964, NASA provided a detailed breakdown of the estimated Apollo costs, totaling $19.501 billion.[4]

The committee received testimony in February of 1966 that the total cost was then estimated to be $22.718 billion;[5] and in April of 1969, $23.877 billion.[6]

Against this background, on September 26, 1969, I requested Dr. Paine, the Administrator of NASA, to provide an accounting for the funds which had been allocated to accomplishing the manned lunar landing objective. In so doing, I suggested to Dr. Paine that appropriate recognition should be made for tangible assets remaining in the national inventory which were not required because of the technical success achieved with the first landing attempt and that also he should identify those other assets which would be available for future national space endeavors. Dr. Paine, on November 21, 1969, furnished the committee with a comprehensive statement summarizing the cost accrued in the several major elements of the Apollo program through July 31, 1969, a date which includes successful completion of the Apollo 11 mission. The cost accrued as of that date was $21.349 billion. However, and I believe this is a very significant point, this amount includes $2 billion in flight hardware either completed or in its final stages which is available for future space flights. In my judgment, this amount can be taken as a credit against the cost of achieving the lunar landing objective. This results in a total cost of the first landing of about $19.4 billion. In addition, there are identified in Dr. Paine's summary, capital assets of continuing national value such as the manned space flight facilities and the worldwide tracking and communications networks which are valued at $2.8 billion. These capital assets have the potential of producing a continued return on investment over the years.

In this brief discussion of lunar landing costs and in attempting to identify an authoritative estimate for this venture, I would hope that we would not lose sight of the many intangible benefits to the Nation whose value cannot be calculated. I certainly would be remiss if I did not mention the tremendous prestige which has accrued to the United States, the great accumulation of theoretical and practical scientific knowledge, and many technological and managerial advances.

Mr. President, I believe NASA deserves a great deal of credit for accomplishing man's greatest technological achievement within a cost estimate and a time schedule established almost a decade earlier.

Mr. President, I believe that history will record this investment as one of the wisest decisions ever made by this or any other nation.

In closing, Mr. President, I ask unanimous consent that Dr. Paine's letter presenting a summary of Apollo costs, dated November 21, 1969, to which I have previously referred, be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

NATIONAL AERONAUTICS
AND SPACE ADMINISTRATION,
Washington, D.C., November 21, 1969.

Hon. CLINTON P. ANDERSON,
Chairman, Committee on Aeronautical and Space Sciences, U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: In response to your letter of September 26, 1969, the following information is provided concerning the resources invested in the development and demonstration of a national manned lunar landing capability.

At the time of its establishment, the national goal of a manned lunar landing and return in this decade represented the most difficult technological endeavor ever to challenge the American nation. During this period, senior NASA officials in testimony before the Congress estimated the cost of such an undertaking at between $20 and $40 billion. After intensive study, planning, definition and design effort, this estimate was refined, and in March 1964, NASA provided to your Committee an estimate of approximately $19.5 billion. This estimate was based on the assumption that there would be a timely initiation of a follow-on program which would bear a portion of the relatively fixed cost required to develop and sustain this national capability. The estimates then, and the subsequent annual re-assessments, have consistently included the cost of 10 Saturn, 12 Saturn IB and 15 Saturn V launch vehicles with associated spacecraft; the complete construction and equipping of the Kennedy Space Center, Manned Spacecraft Center, and Mississippi Test Facility and major new facilities at White Sands Missile Range and the Marshall Space Flight Center; instrumentation and operation of tracking and data acquisition networks; launch operations and mission support; and all operations costs of the three manned space flight centers. In so doing, we have attempted to reflect the total program cost associated with the development of this manned lunar landing capability, including the cost of the initial lunar landing.

In testimony before the various Congressional committees over the years, I believe we have made it clear that the pursuit of a manned lunar landing goal would require the creation of basic national capabilities and resources which were necessary to obtain preeminence in space—which then was a matter of national policy. The lunar objective, therefore, was not simply an end in itself but, rather, provided the focus for the effort to attain space supremacy for whatever the national interest required. In pursuit of this objective, the establishment of flight hardware quantities was predicated on a logical and sound mission sequencing which we believed gave this nation reasonable assurance that the national goal could be met. No one could have reasonably predicted the unparalleled success of the Apollo flight program which included 10 successful Saturn I unmanned flights, five successful Saturn IB flights including one manned, and six Saturn V flights culminating with a successful manned lunar landing and return to earth in July 1969. Through our early successes in the Apollo program, we now have an inventory of large space vehicle systems; the necessary facilities for checkout, launch, and mission operations; and trained people in government, industry, and universities which provide an opportunity for this nation to continue with significant achievements in earth orbital and lunar space missions.

Since 1964, there has been only one signifi-

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[1] "NASA Authorization for Fiscal Year 1965," hearings, Senate Committee on Aeronautical and Space Sciences, 88th Cong., 2d Sess., March 4, 1964, p. 290.

[2] "NASA Authorization for Fiscal Year 1963," hearings, Senate Committee on Aeronautical and Space Sciences, 87th Cong., 2d Sess., June 13, 1962, p. 108.

[3] "NASA Authorization for Fiscal Year 1964," hearings, Senate Committee on Aeronautical and Space Sciences, 88th Cong., 1st Sess., June 12, 1963, p. 790.

[4] "NASA Authorization for Fiscal Year 1965," hearings, Senate Committee on Aeronautical and Space Sciences, 88th Cong., 2d Sess., March 4, 1964, p. 300.

[5] "NASA Authorization for Fiscal Year 1967," hearings, Senate Committee on Aeronautical and Space Sciences, 89th Cong., 2d Sess., February 28, 1966, p. 9.

[6] "NASA Authorization for Fiscal Year 1970," hearings, Senate Committee on Aeronautical and Space Sciences, 91st Cong., 1st Sess., April 29, 1969, p. 108.

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cant change in the assumptions used in estimating the cost to develop the manned lunar landing capability. As I mentioned previously, the initial estimate was based on the assumption that there would be a timely initiation of a program utilizing Apollo-Saturn systems after the development of a manned lunar landing capability. In March 1966, we provided to your Committee a revised estimate based on an assumption that there would not be a timely initiation of a follow-on program. The estimate on this basis was $22.718 billion and since that time this assumption has been used in updating our estimates. While we regarded this as an undesirable and possibly unrealistic assumption, we continued to base our estimates on it so that decisions as to the future use of Apollo resources and questions as to the effect of decisions to alter the program could be related to a clear bench mark.

In April 1969, we furnished your Committee an estimate of $23.877 billion for the manned lunar landing capability based on the same program elements and assumptions just described. This estimate would still be valid for that program if it were carried out, but with the success of Apollo 11, we have the opportunity to utilize this demonstrated capability in a more meaningful way. By improving payloads and modifying spacecraft to increase lunar surface staytime, we can enhance significantly the return of scientific data from both lunar orbit and the lunar surface.

In summary, we did meet the national commitment to put men on the moon and return them safely to earth in this decade. We did the job at a cost nearer the lower end of the range of estimates given over eight years ago in spite of unpredictable substantial inflationary conditions that have occurred in both the national economy and the aerospace industry over the past several years. The actual cost accrued through the first manned lunar landing and return was $21.35 billion (July 31, 1969). Approximately $2 billion of this amount represents the value of flight hardware completed or in process and available for future flights. In addition, it includes capital assets of approximately $2.8 billion which are of continuing national value, such as the manned space flight centers; unique production, test and launch support equipment; the worldwide tracking communications and data acquisition network; instrumentation ships; etc. The following table details the first definitive estimate made in 1964, the March 1966 estimate, the April 1969 estimate, and the actual cost incurred through July 31, 1969:

[Millions of dollars]

	March 1964 estimate[1]	March 1966 estimate[2]	April 1969 estimate[2]	Actual cost through July 31, 1969
Apollo spacecraft	$5,053	$6,642	$7,945	$6,939
Saturn launch vehicles	7,702	8,941	8,770	7,940
Engine development	1,190	1,053	854	854
Operations support	863	1,077	1,393	1,137
Total MSF R. & D.	14,808	17,713	18,962	16,870
Tracking and data acquisition	776	730	664	541
Facilities	1,664	1,773	1,830	1,810
MSF center operations	2,253	2,502	2,421	2,128
Total	19,501	2,718	23,877	21,349

[1] Based on assumption of timely initiation of follow-on program.

[2] Based on assumption that there would not be timely initiation of a follow-on program; also reflects the effects of program stretchout.

Future historians will record the final judgment on how significant Apollo and July 20, 1969 were in the long history of this planet and the short age of man upon it. But I think we can today truly state that Apollo was a triumph in management as well as in technology and engineering which united government, industry and universities in a common peaceful undertaking. At least one-half million people worked on the manned lunar landing program at one time or another during the eight years from its announcement to its initial success. They were required to achieve standards of excellence never before envisioned on so great a scale. I feel that one of the most valuable—and often overlooked—contributions to the nation is this great reservoir of manpower trained to, and capable of, new standards of performance and quality. At the present time, 125,000 of these people are still engaged in manned space flight programs. The others are now contributing significantly to other segments of our economy.

The attachment to this letter provides a specific statement of the estimated investments in each major program area. I hope this information presents the manned lunar landing capability costs in a manner responsive to your request.

Sincerely yours,

T. O. Paine,
Administrator.

Manned Lunar Landing Costs Detail by Program Area

Significant technical accomplishments associated with the achievement of the manned lunar landing include:

Development of a sophisticated spacecraft, the Command and Service Module, capable of performing a variety of missions in earth orbit and the lunar and cislunar environment.

Development of the Lunar Module capable of carrying two men and a payload of experiments from lunar orbit to the lunar surface and of returning the men to a lunar orbit rendezvous with the Command and Service Module.

Development of this country's two most powerful launch vehicles—the Saturn IB and Saturn V—providing a capability to place very large payloads in earth orbit as well as to insert nearly fifty tons into a translunar trajectory.

Creation of the operational capabilities and facilities to effectively employ this hardware including the worldwide Manned Space Flight Network for tracking and communicating with the spacecraft, the Mission Control Center, and Launch Complex 39.

Establishment of major development, production and test organizations and facilities with a wide range of capabilities for future space endeavors.

Costs incurred through July 31, 1969 including all development, production, test and operations effort leading to the manned lunar landing and leaving available for future use some $2.0 billion of major space hardware in process and capital assets estimated at $2.8 billion are as follows (in millions of dollars):

Apollo spacecraft	$6,939
Saturn launch vehicles	7,940
Saturn I	767
Saturn IB	1,127
Saturn V	$6,046
Engine development	854
Operations support	1,137
Mission control systems	229
Launch operations	219
Flight and crew operations	477
Technical support	212
Total, manned space flight R. & D	16,870
Tracking and data acquisition	541
Facilities	1,810
Manned space flight facilities	1,631
Tracking and data facilities	179
Manned Space Flight Center operations	2,128
Total	21,349

Specific application of these funds is described below:

APOLLO SPACECRAFT

Costs through July 31, 1969, $6,939 million.

Of the 18 Block II Command and Service Modules assigned for manned flight included in the Manned Lunar Landing program, only five have been flown. At the time of the Apollo 11 mission, two additional CSM's were completed and 11 were in an advanced production stage or in checkout. These last 13 are now available for future lunar exploration and for Apollo Applications missions. Similarly, because of the early success achieved by Apollo 11, we have nine Lunar Modules completed or in production which will be available for more extensive lunar exploration.

More than forty boilerplate and test spacecraft were produced for ground and unmanned flight test programs. These programs ranged from structural, dynamic, acoustic, thermal, electromagnetic, drop and flotation tests to launch escape test flights at White Sands, New Mexico and major flight missions on Saturn IB and Saturn V vehicles.

Included in these spacecraft costs were the development and production of the spacesuits, portable life support systems, and the lunar science experiments, including the first four Apollo Lunar Surface Experiment Packages. Associated with this production and also funded by this project were the development and production of the sophisticated guidance and navigation systems, portions of which are applicable to commercial aircraft; support of the development of spacecraft systems; spacecraft integration effort; operation of the White Sands Test Facility; and the development and operation of the 14 spacecraft automatic checkout equipment stations which will be available to support future missions.

SATURN LAUNCH VEHICLES

Costs through July 31, 1969:

	Million
Saturn I	$767
Saturn IB	1,127
Saturn V	6,046
Total, Saturn launch vehicles	7,940

To meet the lunar landing commitment, Marshall Space Flight Center undertook the development and production of ten Saturn I vehicles, 12 Saturn IB vehicles, and 15 Saturn V vehicles, and their associated engines. To achieve a high confidence in successful flight of these vehicles, a number of ground test stages and partial stages were built and subjected to dynamic, structural, propulsive, all-systems and other test procedures.

The Saturn I vehicle, after successfully demonstrating the concept of multi-clustered engines and the use of a liquid hydrogen/liquid oxygen fueled stage and engine, launched three pegasus satellites in an extensive study of micrometeoroid density in space. The Apollo program used four Saturn IB vehicles in unmanned flight tests and one for Apollo 7, the first manned flight. Seven of the Saturn IB vehicles remain and have been assigned to Apollo Applications to provide crew and logistics support for the Saturn V Workshop missions. Six Saturn V vehicles have flown, two in unmanned flight test and four others in Apollo 8 through 11. One of the nine remaining Saturn V vehicles is planned for use as the launch vehicle for the Apollo Applications Workshop, which will commence long-duration manned flight by the United States and initiate the concept of a space station. Using this Workshop, studies and experiments will be undertaken in such areas as astronomy, space physics, life sciences, and earth resources. The other eight Saturn V vehicles will be used in a continuing series of lunar exploration flights to expand on the initial knowledge obtained from Apollo 11.

Additionally, the funding supported allied efforts and tasks in the development and production of these vehicles such as the development of stage and vehicle mechanical and electrical ground support equipment, which represents an available investment in support of continued production; the operation of the stage and engine test facilities at various locations such as Mississippi Test Facility, Santa Susana, Edwards AFB, and Sacramento; systems integration; engineering, test, and reliability and quality assurance services; and the transportation of the stages from the manufacturing plants to the test site and then to Cape Kennedy.

ENGINE DEVELOPMENT

Costs through July 31, 1969, $854 million.

Fiscal Year 1968 was the last year that funding was requested for the Engine Development project, as all the engines were qualified by that time. Production of the H–1, J–2, and F–1 engines for the vehicles was funded by the Saturn Launch Vehicles project. The development and test of four major engines was accomplished: the liquid hydrogen/liquid oxygen RL–10 and J–2; and the RP–1/liquid oxygen H–1 and F–1. The RL–10, currently being used on the Centaur stage, and the J–2 used on Saturn upper stages are the world's only known large thrust engines using the highly efficient liquid hydrogen fuel. The F–1 is the most powerful engine ever flown.

OPERATIONS SUPPORT

Costs through July 31, 1969:

	Million
Mission Control Systems	$229
Launch Operations	219
Flight and Crew Operations	477
Technical Support	212
Total, Operations Support	1,137

Pre-flight activities, launch operations and conduct of missions have required development and expansion of personnel skills and equipment capabilities including complex data processing systems for mission planning and control. Funding in this area provided for checkout of spacecraft and launch vehicles at the John F. Kennedy Space Center, maintenance and operation of launch facilities, mission control, astronaut training, mission simulations, mission planning, remote site operations and recovery equipment activities. The Mission Control Center, flight simulators, and other training and operational equipment represent an investment that can and will be applied to future manned programs.

Additionally, the funding in this area supported systems efforts such as trajectory analysis, which will provide reference standards for future lunar missions; development of functional and performance standards for Apollo hardware; technical documentation, and technical integration and evaluation. Much of the data and knowledge provided through these systems technical studies can be applied to future space flight programs.

TRACKING AND DATA ACQUISITION

Costs through July 31, 1969, $541 million.

These funds provided for the operation of the tracking stations, ships, and aircraft comprising the Manned Space Flight Network. In addition, development and installation of ground support and electronic equipment; installation and lease of worldwide communication lines and services; and data processing and engineering for the Manned Space Flight Network was accomplished. Of particular significance was the development and installation of the unified S-Band communications and tracking system, which is applicable to future space requirements.

The facilities and trained manpower of this network represent an asset capable not only of tracking and communicating with future manned missions, but also, in conjunction wtih other stations, of supporting unmanned missions, including earth and lunar orbital satellites, planetary spacecraft and missions conducted by the Department of Defense.

FACILITIES

Costs through July 31, 1969:

	Million
Manned Space Flight Facilities	$1,631
Tracking and Data Facilities	179
Total, Facilities	1,810

Construction funding was used to create unique major new facilities including the entire John F. Kennedy Space Center, the Manned Spacecraft Center, Houston, Texas, and the Mississippi Test Facility. Most spectacular are the massive facilities of Launch Complex 39 which includes Launch Pads A and B, the huge Vertical Assembly Building (VAB), the Launch Umbilical Towers on which the Saturn V and spacecraft are erected inside the VAB, the crawler vehicle capable of moving the entire assembly to the launch pad, the Mobile Service Structure which is also moved to the launch pads by the crawler, and the intricate Launch Control Center. Unique facilities at the Manned Spacecraft Center include the Mission Control Center; space environment simulation chambers large enough to accommodate entire spacecraft; crew training facilities such as the Command Module and Lunar Module simulators and the translation and docking simulators; and the Lunar Receiving Laboratory. Major modifications and additions to existing facilities have been accomplished at the Eastern Test Range, including Launch Complexes 34 and 37; at the Michoud Assembly Facility in Louisiana where about two million square feet of building space was devoted to launch vehicle production; at Huntsville, Alabama where a major capability has been established for development and testing of large launch vehicles; at White Sands, New Mexico for test of spacecraft propulsion and launch escape systems; at the Slidell, Louisiana computer facility; at Edwards Air Force Base; at Sacramento Cailfornia; and at government and contractor facilities located at Downey, Seal Beach, Huntington Beach, Canoga Park and Santa Susana, California. Nearly all of these facilities continue to be actively used and represent a national capability that could be adapted and applied to space programs of the next several decades.

In addition to the Manned Space Flight development, production, test, launch and control of space vehicles, construction funding has provided a highly effective network of 13 ground stations for tracking and control of manned space flights.

MSF CENTER OPERATIONS

Costs through July 31, 1969, $2,128 million.

Funding provided for the operation of three Manned Space Flight Centers whose personnel, equipment and facilities are the cornerstone of our capability to conduct manned space flight programs. The highly skilled people and technical facilities at these centers, assembled to achieve the manned lunar landing goal, represent a major national asset with vast capabilities to accomplish future objectives. Types of costs covered include civil service personnel compensation and employee benefits; general purpose data processing systems; facilities services including maintenance and repair of facilities; building materials and supplies; custodial and security services; scientific and technical information programs; technical libraries; printing, graphics, and reproduction; administrative supplies and equipment, utilities, shipping services, and medical services.

RELATED PROGRAMS

In connection with the March 1964 review of the estimated cost of the manned lunar landing, cost estimates were provided for other programs each of which has accomplished significant objectives in its own right, but also contributed information and experience directly relevant to the manned lunar landing effort. All flight series in these programs have been completed. The following table compares the cost estimates provided in March 1964 with the reported program costs at completion:

[Dollars in millions]

	March 1964 estimated	Reported Program costs
Mercury	$171	$154
Gemini	1,213	1,283
Supporting technology	349	244
Ranger	262	239
Surveyor Lander	628	593
Lunar Orbiter	227	192

UKRAINIAN INDEPENDENCE

Mr. SCOTT. Mr. President, January 22 marked the 52d anniversary of the short-lived independence of the Ukrainian Republic—declared in Kiev in 1918 and destroyed by Red troops in 1920. Today, thousands of Americans of Ukrainian descent, celebrate the memory of freedom, and renew the faith that it will eventually be regained. But unfortunately, people within the Ukraine are denied the privilege of that celebration. They can only hope silently that the yoke of bondage will someday be removed.

It is up to us, as free Americans, to continue our struggle and to declare with renewed vigor our belief that the people of the Ukraine and of all the captive nations will one day regain control of their own destinies and live in freedom.

For freedom is the key to any nation's development. To have gained it and then lost it is tragic. We observe the anniversary of Ukrainian independence, mourn its loss, and reaffirm our dream that it will someday be restored.

THE ATMOSPHERE HAS CHANGED

Mr. PROXMIRE. Mr. President, more than 20 years have passed since President Truman first presented the human rights convention outlawing genocide to the Senate. The President asked the Senate for its advice and consent. But though the Genocide Convention came to us in 1949, it still has not been ratified; and neither have the Conventions on Forced Labor and Political Rights for Women received our approval.

I find it difficult to understand why we have failed to act on these conventions. Writing in the Human Rights

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Journal of the International Institute of Human Rights, Bruno Bitker, a distinguished Wisconsin lawyer and expert on human rights matters, traced the progress—or lack of it—of these conventions through the Senate.

Discussing the atmosphere that pervaded the Congress and the country in the fifties, Mr. Bitker suggests this may have been a factor delaying ratification. But even granting the validity of this assessment of the mood of the country in that period, now conditions have changed; now is the opportune moment for us to ratify these three human rights conventions.

I ask unanimous consent that a portion of Mr. Bitker's article be printed in the Record.

There being no objection, the excerpt from the article was ordered to be printed in the Record, as follows:

II. Législation, Jurisprudence Et Pratique (Legislation, Decisions and Practice)

(Some remarks on U.S. policy of the ratification of the international human rights conventions by Bruno Ritker)

When the Genocide Convention was under consideration within the United Nations, the United States representatives were among the leaders in its preparation. Mrs. Eleanor Roosevelt was the U.S. Representative to the Human Rights Commission. At that same time, 1948, the Universal Declaration of Human Rights was also under consideration by the General Assembly.

Americans, perhaps in an understandable spirit of chauvinism, have long insisted that they were the principal drafters of both documents, particularly the Universal Declaration. In fact, of course, many of the world's leading statesmen participated in the work. The Honorable René Cassin was one of the most effective among them. But it is true that many of the ideas, even words and phrases, were out of American tradition and national documents. Indeed, at the Teheran Human Rights Conference in 1968, the memory of Mrs. Roosevelt, as a leading spirit in producing the Declaration, dominated the opening sessions of the Conference.

With that in mind it is difficult to understand why the United States has dragged its feet in ratifying human rights treaties. It is not only difficult for other nations to understand it, but is equally so for many Americans, particularly those of the generation to whom the stench of the Nazi gas chambers was something sensed in their own lifetime. It is no less a matter of wonderment to those of a younger generation of Americans even though they know of the horrible crime of the Nazi years only through reading history.

When in 1949, the President of the United States sent the Genocide Convention to the U.S. Senate for its advice and consent, as required by our Constitution, it was assumed that its approval by the required two-thirds of that body was more or less routine. As President Truman pointed out in his letter of transmittal to the Senate, "by the leading part of the United States has taken in the United Nations in producing an effective international legal instrument outlawing the world shocking crime of Genocide, we have established before the world our firm and clear policy toward that crime."

But to the surprise of our own government, opposition from respected sources to the treaty began to make itself heard. It was inconceivable that, in the post-war atmosphere, serious opposition could exist. But exist it did, and its spokesman was the American Bar Association, the leading organization of American lawyers. Although the ABA was usually regarded as conservative, on questions of international law it had usually taken a forward looking position, contrary to the isolationist philosophy that was again rearing its head as part of the then developing cold war. The ABA had in fact, strongly advocated expansion of the jurisdiction of the International Court. This evidenced its international outlook.

In September, 1949, however, the Bar Association through its policy making body, the House of Delegates, adopted a resolution by a divided vote opposing ratification of the Genocide Convention on the ground that it "involves important constitutional questions" and "(raises important fundamental questions but does not resolve them in a manner consistent with our form of government".

In the ensuing debate which took place before the Foreign Relations Committee of the U.S. Senate, it became clear that the opposition was moved more by fears of threats to the sovereignty of states within the United States than by any basic constitutional objections. It was asserted, in effect, for example, that if a citizen of a southern state were accused of the crime of lynching that he would be "seized" by some foreign secret police agency, flown to an unknown destination and tried before a "communist controlled court)".

It was clear, of course, from a reading of the Convention that the usual crime of murder, such as lynching, was not intended to be and in fact was not covered by the treaty. It was clear, too, that under the treaty the persons charged with Genocide were to be tried by a court of the nation in which the act was committed. A trial by an international penal tribunal, if one were ever created, was possible only as to those parties which had accepted its jurisdiction. As of 1949 no such tribunal had been established, and during the ensuing 20 years none has ever seriously suggested let alone established. Even if one were brought into existence it would require treaty recognition by the United States through its constitutional treaty making process before it became binding on the United States. This means that the President would have to approve it and submit it to the U.S. Senate for its advice and consent by a two thirds vote, before it could be ratified. Certainly no President or Senate would treat this problem lightly.

The hearings before the Senate sub-committee in 1950 were lengthy. Many prominent members of the bar appeared both for and against ratification. Finally the sub-committee filed a report supporting ratification but, in order to satisfy the real or imagined fears of objectors, recommended certain clarifications which, among other things, would resolve all doubts of the convention's applicability to a single lynching. Despite that, however, the full Senate committee delayed favorable action. By this time the early winds of McCarthyism began to be felt, the cold War had attained a sub-zero level, and anything which seemed to favor cooperation with foreigners became suspect. Finally the Senate committee in 1950, tabled the matter. In other words it took no positive action. The treaty has been in the deep freeze ever since. It was ironic that McCarthyism should have had such an effect because subsequently Senator McCarthy announced his support of ratification.

It is not easy now to understand the atmosphere then existing in the United States which produced the fear that too much traffic with foreigners, particularly through the United Nations, might undermine our sovereignty. But the fact is that this produced substantial support for the proposed Bricker Amendment which amendment to the U.S. Constitution was intended to hamstring the authority of the President in his dealings with other nations. Among the dangers it was claimed would be eliminated by the Bricker Amendment were the human rights treaties that were being supported by our representatives to the United Nations. Many of the lawyers who had opposed Genocide were leaders in support of Bricker.

By 1953, during the presidency of Dwight Eisenhower, support for the Bricker Amendment was strong enough and the likelihood of its adoption disturbingly possible, so as to move the administration to take whatever steps appeared proper and desirable to halt the threat. Human rights treaties were constantly cited as the witches whose evil effects would undermine the American Republic; they could only be stopped by the Bricker Amendment. John Foster Dulles, then Secretary of State, in April 1953, on behalf of the Administration informed a Senate Committee that it did not then intended become a party to any human rights covenent or press for ratification. By this gesture of appeasement the Administration hoped to take the ammunition away from the Bricker forces. But the act was in vain. The Bricker supporters would not withdraw. Although it now appears that the sacrifice was not necessary, the fact is that the Bricker Amendment lost by only one vote.

From 1953 to 1963, although various citizens groups were urging ratification of other human rights treaties, none were sent by the President to the Senate for its advice and consent and no serious effort was made to force action on Genocide. Finally, recognizing how important to our national interest was our participation in these treaties, President Kennedy did, in 1963, send three new conventions to the Senate. They were considered so innocuous as to almost insure favorable action. They were the Conventions on the Political Rights of Women, Forced Labor, and Slavery. But the Senate took no action on them.

OREGON COMMUNITY COLLEGES NEED ALLOCATIONS CONTAINED IN HEW APPROPRIATIONS BILL

Mr. HATFIELD. Mr. President, my State of Oregon is one in which you will find that private citizens have taxed themselves until their pocketbooks are frayed to provide for the education of their children. Oregon has surpassed all the States on the Pacific coast in the per capita expenditures per student it spends each year—over $800 each.

The State has made a valiant effort to provide community colleges for all its students and adults who wish to attend, and the property taxpayers have made noble efforts to provide this, particularly in the area of vocational education.

I ask unanimous consent, to have printed in the Record—and I hope that Members of Congress will take note of the efforts made—two letters written by Mr. Donald K. Shelton, executive secretary of the Oregon Community College Association, which vividly illustrative of the contributions of property taxpayers in relation to the contributions of the Federal Government. The figures are also indicative of the need to substantially increase Federal appropriations, and are, therefore, a justification for a vote to override the President's veto of the H.R. 13111, the appropriations bill for the Department of Health, Education, and Welfare.

I also ask unanimous consent to have printed in the Record a telegram from Dr. Dale Parnell, Oregon's superintendent of public instruction, with statistical evidence which is complementary to that of Mr. Shelton's.

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There being no objection, the items were ordered to be printed in the RECORD, as follows:

OREGON COMMUNITY COLLEGE ASSOCIATION,
Salem, Oreg., December 30, 1969.

Hon. MARK O. HATFIELD,
U.S. Senator, Senate Office Building,
Washington, D.C.

DEAR SENATOR HATFIELD: In December of each year the Oregon Community College Association compiles and advises its member institutions concerning resources from state and federal levels for the year beginning the July first following. This timing is necessary because community colleges prepare local budgets during the month of January. They, in turn, must space their timing on the various formal steps which must be undertaken during the spring to secure local approval in order to implement financial planning. Any well conceived program that efficiently utilizes resources requires that amount of lead time as a minimum.

The following text of this letter is the advice rendered to them in this Association publication concerning Federal Vocational Education Funds. It stated:

"FEDERAL VOCATIONAL FUNDS

"It is impossible to make any prediction as of December 1969 concerning 1970–71 resources from this source. Congress will not consider appropriations for 1969–70 until after they reconvene January 19, 1970. Informed opinion predicts that total 1969–70 funds available will not exceed 1968–69 levels. Since part of this year's moneys is in categorical set-asides and there are significantly more students enrolled in community college vocational programs, a lesser amount per student is a foregone certainty. Shortly, the Department of Education will be making partial payments for fall quarter 1969 based on continuing resolution authority. Payments will be at an approximate rate of $95 per FTE for the first 200 vocational student FTE and $55 thereafter. This compares with $185 per FTE for the first 200 and $110 thereafter in 1968–69. Later, some additional resources will be made available when the 10 percent for ability to pay formula and handicapped students are identified.

"Review of historical data for this program indicates a need for extreme caution to avoid over-estimating these funds for 1970–71. In general, the moneys available for distribution have remained quite constant for the last several years while numbers of students being served has escalated rapidly. Initially, up to $330/FTE was available along with $500,000 per year for construction and $100,000 for equipment. The rate was then cut to $185–$110/FTE and construction money was required for operation. This year there will be no equipment funds (occasionally money is released late for which equipment is the only usuable alternative in terms of time deadlines) and further reduction in the operations rate per student. Next year, the only certainty is an increase enrollment of students in vocational-technical curricula. Based on the past, the safest prediction is a rate 20–25 percent per FTE student under that which is finally determined for the 1969–70 year.

"This program demonstrates the ridiculous nature of practice in timing of federal appropriations for education. Local agencies financial planning has to be at least 12 months in advance of federal practice. The Oregon Congressional Delegation is well aware of this situation and have long sought to provide remediation. Oregon community colleges can assist them by providing them appropriate information and exhibits demonstrating this inadequacy."

Please feel free to utilize this information in any way desired to acquaint Legislative colleagues and the Executive Department concerning this need for revision in the timing of federal appropriations which must subsequently be incorporated in local agency planning. The expediency of incorporating such flexibility in federal financial planning is acknowledged. However, it must be recognized that waste and inefficient use of resource is of greater long-term importance in equating federal resource input with goal oriented output.

Your continued cooperation in seeking remediation will be sincerely appreciated.

Sincerely yours,
DONALD K. SHELTON,
Executive Secretary.

OREGON COMMUNITY COLLEGE ASSOCIATION,
Salem, Oreg., January 14, 1970.

Senator MARK O. HATFIELD,
Senate Office Building
Washington, D.C.

DEAR SENATOR HATFIELD: Your vote to override the promised Presidential veto of the Education Appropriation is requested. In my December 30, 1969, letter to you an exhibit was included which discussed the declining level of federal participation in community college Vocation-Technical Education programs. Included in this letter are additional data which documents large annual increases in number of students in vocational-technical programs in Oregon community colleges, annual increases in cost of operating these programs and declining federal participation therein.

Federal machinery has been cranked up to condition our society to changing technology and the need for increased occupational pre-training for youth and re-training for adults. In the last decade Oregon has created an entirely new educational system, community colleges, that have been given this charge and have accepted the responsibility to meet the need. In 1963–64, 13,393 students enrolled in vocational programs in Oregon community colleges. In that year $838,111 in federal funds were available for the purposes of the program. By the 1968–69 academic year, enrollment of vocational-technical programs in Oregon community colleges had jumped to 33,832 students, an increase of 253 percent in the five year period. Average program costs for a full-time equivalent student was $694 in 1963–64 and $1,012 in 1968–69, a 46% increase. By 1968–69 federal funds grew 27 percent to $1,067,986. In contrast with the federal effort, state resources increased 766% and local resources were up 799% during the period.

The above statistics are so extreme that I suspect they appear to you as the "gee whiz" type you often receive. Unfortunately, they are not. The have been taken from the official record of the State Regulator Body for community colleges. Perhaps the key to assessing their accuracy is review of increases in State funds for this program which are roughly consistent with increased numbers being served and the increased cost of doing it.

In raising the necessary public funds to operate these programs, the local area with the poorest tax collecting vehicle, the local property tax, has made 799 percent increased effort and the federal government with the best vehicle, the income tax, has made a 27 percent effort. We have reached a level of saturation. Local budget defeats are rapidly increasing in number. Meeting the need is increasingly becoming beyond the local area's ability to cope.

Analysis of the data indicates that the federal government is better in establishing priorities and urging others to do things than they are in applying those priorities to their own activity. The President's need to cool off the inflationary pressure in the economy is acknowledged. The basic problem is that federal practice is to continue activity of past importance because each activity has its organization and pressure group working for its continuation. It seems to me that a Congressional override of the Education Appropriation veto is not necessarily inconsistent with controlling the total level of expenditure. The Executive Department through its budget bureau could be given a congressional mandate to do what's admittedly unpopular, but in the federally expressed best interest of the country.

Sincerely yours,
DONALD K. SHELTON,
Executive Secretary.

OREGON BOARD OF EDUCATION
Salem Oreg., January 24, 1970.

Senator MARK HATFIELD,
Senate Office Building,
Washington, D.C.:

The following statistical information should prove valuable if it is necessary for Congress to override a presidential veto of educational appropriations.

In the five year period 1963–64 to 1968–69 Oregon Community College full time equivalent students increased 430 percent from 3,635 to 19,299.

The State contribution toward community college operating cost increased from $286 per FTE to $412 per FTE, or 44 percent. The local contribution increase from $372 per FTE to $521 per FTE or forty percent the Federal contribution decreased from $78 per FTE to $55 per FTE a reduction of 29 percent.

Total operating cost for community colleges increased from $2,675,545 in 1963–64 to $19,088,262 in 1968–69. A 613 percent jump the Federal contribution increased 277 percent from $283,111 to $1,067,986 but the State contribution increased 665 percent from $1,040,282 to $7,966,130 and the local contribution increased 643 percent from $1,352,152 to $10,054,146.

For cost of completed community college construction since 1962 the Federal share of the total of $15,058,190 was $3,216,419; the State share was $6,514,999, and the local share was $5,326,772. The Federal share has dropped steadily each year from 34 percent of construction costs in 1964 to 21 percent in 1967–68.

This means that in raising the necessary public funds to operate community colleges the local area with the poorest taxing vehicle the local property tax made a greatly increased effort and assumed a disproportionate share of the burden. But the Federal Government with the best taxing vehicle, the income tax cut its share. It seems the Federal Government PS more adept at establishing priorities than it is at applying priorities to its own commitments. When the Federal Government urges all out efforts to fight unemployment and underemployment it should put its money where its objectives are our concern for untrained persons who are flowing into the pool of unemployment must be as great as our concern for those already in the pool. That means preventive action through education must get top priority rather than remedial efforts. The vast taxing power of the Federal Government can be used for best advantage where a penny of prevention is worth a pound of cure.

DALE PARNELL,
Superintendent of Public Instructions.

CONCLUSION OF MORNING BUSINESS

Mr. MANSFIELD. Mr. President, is there further morning business?

The ACTING PRESIDENT pro tempore. Is there further morning business? If not, morning business is closed.

CONTROLLED DANGEROUS SUBSTANCES ACT OF 1969

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate pro-

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ceed to the consideration of the unfinished business.

The ACTING PRESIDENT pro tempore. The bill will be stated by title for the information of the Senate.

The BILL CLERK. A bill (S. 3246) to protect the public health and safety by amending the narcotic, depressant, stimulant, and hallucinogenic drug laws, and for other purposes.

The ACTING PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

Mr. MANSFIELD. Mr. President, I would like to ask the Senator from Connecticut if the measure now before the Senate is known as the Controlled Dangerous Substances Act of 1969?

Mr. DODD. The Senator is correct.

Mr. MANSFIELD. I thank the Senator.

Mr. DODD. The measure is the Controlled Dangerous Substances Act of 1969.

Mr. MANSFIELD. Mr. President, will the Senator yield briefly without losing his right to the floor?

Mr. DODD. I yield.

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. DODD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

PRIVILEGE OF THE FLOOR

Mr. DODD. Mr. President, I ask unanimous consent that William C. Mooney, Jr., a member of the staff of the Juvenile Delinquency Subcommittee be granted the privilege of the floor during the consideration of S. 3246, the Controlled Dangerous Substances Act of 1969.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. DODD. Mr. President, as we move to consider the proposed legislation I hope I can impress all Senators with the urgency of passing this bill as soon as we can do so.

Every day of delay means that more young people are convicted under the antiquated system of penalties that make up our present narcotic and dangerous drug laws.

Every day some of the cream of American youth have their futures and careers ruined because of an arrest for marihuana, the drug that carries with it a penalty equal to that of deadly heroin.

Every day of delay means hundreds of thousands of "pep pills," "goof balls," and "happy pills" are too easily diverted from legitimate channels to the criminal drug traffic, and into our college campuses, into our high school cafeterias, and into our grade school playgrounds.

In short, Mr. President, more delay means more drugs are being made available to more people, which means more misery, addiction, and crime visited upon this country.

Last night, the Hartford Times of Hartford, Conn., carried a story on the increase in drug deaths in Hartford County. I would read only a part of the article concerning the ages of the persons who died. The article said:

> Aside from the number of drug deaths, the age of the victims is a distressing fact. Of the 53 deaths, only 18 were over 30 years of age; 21 were under 25 years of age, and of that 21, 16 were under 21 years of age.
>
> The average age of all 53 victims was 30 years.

I believe that this article emphasizes the terrible problem we have on our hands. It prevails everywhere throughout the country. These 53 deaths occurred in just one county in Connecticut in 1969. That is one of the reasons why I urge that we move as quickly as we can to enact the proposed legislation.

I should now like to make some comments about the size of the problem so that Senators who have a chance to read the RECORD over the weekend will be aware of it when we return on Monday.

Arrests for violations of narcotic and drug law violations in 1968 were more than four times as great as they were in 1960. To put it another way, narcotic and marihuana arrests have increased 323 percent since the beginning of the decade of the 1960's.

I might add that these staggering increases were primarily the results of marihuana arrests.

The majority of drug abusers are young people.

One-fourth of all those arrested on drug charges were under 18 years old, and three-fourths of them were under 25.

In fact, marihuana and other drugs are now even reaching younger age groups, including junior high school and elementary levels, in epidemic proportions.

Mr. President, in America today, young people under 21 are arrested by the police at the rate of one every 5 minutes for one drug law violation or another.

Most of these young people who get involved with drugs, particularly those involved with marihuana, are not hardened young criminals.

Many of them come from homes that do not suffer from what has been called cultural or economic deprivation.

Mr. MANSFIELD. Mr. President, will the Senator from Connecticut yield?

Mr. DODD. I am delighted to yield to the majority leader.

Mr. MANSFIELD. I wonder if the distinguished Senator from Connecticut would, for my edification, because I am very much interested in this subject——

Mr. DODD. Yes, I know that the Senator is greatly interested in it.

Mr. MANSFIELD. Would the Senator state whether marihuana is a stimulant or a narcotic, and just what are its properties.

Mr. DODD. Other than to say it is generally classed as a hallucinogenic drug like LSD, it is difficult to say exactly what marihuana is. I wish I could give the majority leader a better answer. But aside from this general classification I do not know anyone who is positive about the exact nature of the various kinds of foreign and domestic marihuana. This is one of the reasons why I wrote into the bill a provision for an in-depth study by top experts to determine the answer to the question raised by the majority leader. This study will also answer many of the other questions perplexing Americans today. Is marihuana harmful, very harmful, or slightly harmful? Is it truly addictive? Does it cause crime and insanity as some have charged? There is a great conflict of opinion about this.

In my own judgment, I believe it is a threshold drug that frequently leads the user to the use of more dangerous drugs. This is demonstrable from the records and statements of former addicts. However, this is an area in which it is difficult, at this point in time, to answer specifically all of the questions that have been raised. I assure the majority leader that my proposed study will come up with an answer to his question when the legislation has been passed.

Mr. MANSFIELD. Does the Senator from Connecticut have any idea how marihuana smoking compares, in its effects, with cigarette smoking? Labels are now placed on packages of cigarettes, reading:

> Caution: Cigarette Smoking May Be Hazardous To Your Health.

Does the Senator have any idea, based on hearings before his committee, of what a comparison would shape up to?

Mr. DODD. Yes, I do. My answer to the majority leader is that because it can cause emotional breakdowns and psychosis, I think marihuana is much more dangerous than cigarettes and therefore it is, in my judgment, more harmful. We know from the experts that it can be much more harmful to the human nervous system in a short period of time than the use of alcohol for the same period of time. It is even suspected that marihuana can cause brain damage to some users.

As the Senator from Montana knows, there are different types of marihuana, some more damaging than others. That is why it is difficult, categorically, as I am sure the Senator understands, to give a precise answer. But, in my judgment, the use of marihuana is not to be compared with the use of tobacco. I happen to think, now that I have stopped smoking, that tobacco is a bad thing; but I certainly do not think that marihuana is to be compared with tobacco.

Mr. MANSFIELD. I understand that there are various strains of marihuana; that the so-called oriental marihuana is a good deal stronger than the marihuana grown in this hemisphere.

I understand also that marihuana smoking has become a habit among a good many of our troops in Southeast Asia; that it has become more prevalent in colleges; that it is having a decided effect in high schools; and that in some instances its use is occuring in the upper grades of elementary schools.

I have been trying for some time to get some information on this subject, but it seems to be awfully hard to come by. For example, I have been shocked by the fact that different kinds of sentences are imposed merely for the possession of marihuana.

One of the most shocking instances I recall was the sentencing of a University or Virginia student to 20 years in prison

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merely for the possession of marihuana. I was glad to note that former Gov. Mills Godwin released the young man from the penitentiary. He had been sentenced to 20 years, and I think that this incident, at least so far as that individual is concerned, has been cleared up.

However, it is my understanding that severe penalties are imposed, some of them mandatory, in some States, and that even Federal penalties under certain circumstances provide for mandatory imprisonment.

I should like to see in the bill—perhaps it already is, but if it is not, I hope that the distinguished Senator from Connecticut will propose it—a provision for a high-level commission by means of which some of the country's outstanding doctors, psychologists, and other experts in the field of narcotics and other possible addictives could conduct an in-depth study into this particular matter.

Certainly we shall have to face up to the condition in some way because of the increasing use of marihuana among so many of the younger people of the country, not only for their own protection, but also for our knowledge, so that we can legislate and speak with some degree of expertise on a subject which has become more important with each passing day.

I thank the Senator from Connecticut.

Mr. DODD. I thank the distinguished Senator from Montana, the majority leader.

First, I may say that the bill does contain a provision for just such a study as the Senator has referred to.

Second, I respond by saying that he is absolutely correct about the marihuana situation. I am told by reliable persons that marihuana is considered a primary law enforcement and health problem not only in the armed services in Southeast Asia but among our troops in Europe. That is how drastically the use of marihuana has increased in our armed services.

The Senator is quite correct in saying that there are different grades and strains of marihuana. Certain types have some of the same effects as LSD. As I said, certain forms bring on insanity and suspected brain damage. That is why the Senator from Montana and many others of us have been so greatly worried about the problem.

I can truthfully and honestly say that I am deeply grateful to the majority leader for helping to get this measure where it is today. Without his help, it would not be before the Senate. I think we will perform a high service for the country to debate the bill, so as to pass a good bill, one which will do the greatest possible good and one which is so sorely needed.

Mr. MANSFIELD. The bill is not only sorely needed; it is long overdue.

Mr. DODD. Yes, it is long overdue.

Mr. President, I see in the Chamber the esteemed Senator from Michigan (Mr. HART), who again is lending his support to this measure. Bringing this legislation to this stage of enactment has been a long, hard battle. It has taken years to bring it to this stage of perfection, and at each step along the road Senator HART has been at hand when there was hard work to do. He has given us his help and his support.

I shall certainly continue to seek his counsel and advice as the debate proceeds.

Mr. HART. I thank the Senator from Connecticut for his gracious remarks and assure him of my support for this important measure.

Mr. McCLELLAN. Mr. President, will the Senator yield?

Mr. DODD. I am happy to yield to the Senator from Arkansas.

Mr. McCLELLAN. I call to the Senator's attention section 707 of this bill, which is the immunity and privilege section. I should like to make this comment about it:

In the bill we passed yesterday, we repealed all immunity statutes, and passed in that bill a title that deals with immunity for all offenses. There is a difference between the two, and since we are not going to vote on this measure today, as I understand—

Mr. DODD. That is right.

Mr. McCLELLAN. I invite the attention of the distinguished Senator from Connecticut to the provisions of S. 30, passed yesterday by the Senate, which attempts to modify and make uniform all immunity statutes, and I would ask him, or suggest, that he have his staff review that provision and consider accepting an amendment to substitute those provisions of S. 30 for the provisions in section 707. This is not critical.

Mr. DODD. No, I understand.

Mr. McCLELLAN. The idea is to try to keep the immunity statutes uniform with respect to all offenses.

I make that suggestion so that, over the weekend, the staff and the Senator can consider it. That, in my judgment, is something that we need to do, to keep our laws in these areas as uniform as possible. I make that as, I hope, a constructive suggestion to the Senator.

Mr. DODD. It is.

Mr. McCLELLAN. I take occasion, now, to commend the Senator and his committee for their very dedicated work in bringing out this bill, in processing it and bringing it to the Senate for consideration this early in the session of Congress. I am sure that the experience we had with S. 30, which was passed yesterday, is pretty well applicable to the Senator's experience last year. We all worked hard to process these bills and get them ready. It was not with a foot-dragging attitude on our part; it takes a lot of testimony, and we get into some rather technical areas with legislation dealing with crime, because people's rights are involved. We try to reach the criminal, the law violator, and see that he is punished, without at the same time violating, trespassing, or infringing upon the civil rights and personal rights of our citizens. It gets into a delicate area, and it takes a lot of study and a lot of hard work.

I have not gone into every detail of this bill, but I know the general objectives of it. I generally support, and I commend the Senator and his committee for the hard work they have done. I hope he will take the suggestion I have made as one that is intended to be constructive and not critical.

Mr. DODD. Mr. President, let me say to the Senator from Arkansas that I think all of us in the Senate consider him the dean of law enforcement. I say this in tribute to his understanding of the causes and cures of crime. His reputation, not only among us in this body, but abroad in the land, is well merited.

Mr. McCLELLAN. The Senator is very kind. All I have in mind is to try to be helpful.

Mr. DODD. I do not mean to be fulsome, but I think what I have said is true, and I think all Senators will agree with me.

For the record, I wish to say that the Senator from Arkansas was of tremendous help to our committee in hammering out this legislation as we finally reported it. I can assure him that his suggestion about the immunity and privilege section in S. 30 will be taken most seriously by me. Based on his vast knowledge I can say right now, without having had a chance to go into it, that this is probably what we should do.

Mr. McCLELLAN. As the Senator will remember, I supported this provision when we were processing the bill. I think I may have indicated to the Senator at some time that I might have one or two amendments along this line, just to try to be constructive.

Mr. DODD. I do remember that. I will be glad to consider any amendments the Senator from Arkansas has to offer as I am sure he wants to improve this bill in any way he can.

Mr. McCLELLAN. I know the Senator and his staff will consider it and consult about it. I thank the Senator for yielding.

Mr. DODD. Yes. Mr. President, I was saying that many of these young people come from adequate suburban homes, and some of them are college students on the road to professional careers.

A National Institute of Mental Health survey of a student sample in a large university showed that in 1967, 21 percent of these students had previous experience with marihuana. The same sample in 1968 revealed that 57 percent had then tried marihuana.

I am sure if another survey were taken today the percentage would be even higher.

With respect to sedatives—the "goof balls," stimulants—the "pep pills," and tranquilizers—the "happy pills," another Institute survey in 1967 revealed that 51 percent of 1,028 persons interviewed had used one or more of these drugs.

Still another National Institute of Mental Health study showed that as many as 50 percent of the high school students in certain areas have had some experience with marihuana.

In truth we do not know how many people in this Nation abuse drugs of one type or another.

Drug offenses have been called the crimes without victims.

The criminal drug peddler and his victim, the drug user, both take every precaution to avoid detection. This makes drug law enforcement extremely difficult.

Drug crimes have the shape of an iceberg, the bulk of which is hidden from view.

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There are an estimated 200,000 to 250,000 heroin addicts in the United States.

There are an estimated 12 million people who have tried marihuana.

But these numbers may still only represent the visible part of the iceberg. There is an untold number of other users of these drugs that simply cannot be determined at the present.

There is another unknown number of users of amphetamines, barbiturates, and related drugs. Whatever the numbers involved, they are obviously substantial. In any case, there appear to be more than enough customers for the 4 billion amphetamine pills which are annually diverted to the illegal traffic. Legitimate medical use can account for only half of the 8 billion "pep pills" produced annually.

Within the past decades, we have become a medicated society. Americans are led to believe that there is a pill for everything, for every ailment, real or imaginary.

And thus we take pills to go to sleep, to wake up, to stimulate our responses, to quiet our nerves, to lose weight or to gain weight.

Our fascination with pills has not been an accidental development.

Multihundred million-dollar advertising budgets, frequently the most costly ingredient in the price of a pill, have, pill by pill, led, coaxed, and seduced the post-World War II generations into the "freaked-out" drug culture that is now the source of one of our most serious problems.

XUM

Our advertising and public relations geniuses for years have been subtle-selling our young on the comfort, beauty, and attractiveness not only of cosmetics, but drugs of all kinds.

Detail men employed by drug companies propagandize harried and harassed doctors into pushing their special brand of palliative. "Free samples" in the doctor's office are as common nowadays as inflated fees.

If there is no connection, there is a similarity in the free sample "modus operandi" of the "drug detail man" and the "dope pusher."

Slick magazines, gossip columnists and the fringe press for years have featured items and articles about this or that movie star, socialite, and jet-setter and the "thing" they have with pot, pills, and psychiatrists.

Too much of America has been sold on imitating these "heroes."

In the medicine chests in the homes of most teenagers in America there are sleeping pills, pep pills, and tranquilizers.

If mom and dad use them the reasoning goes, they cannot be that bad.

This, I am convinced, is a major cause of the "freaked-out" generation.

INADEQUACY OF EXISTING LAW

Mr. President, we are forced to admit that drug abuse has run rampant among young people despite the existing laws on the books.

Existing laws have failed to reduce or even control drug use and addiction.

They have failed, miserably, to hold the line on the smuggling of opium, heroin, marihuana, hashish, cocaine, peyote, and other foreign products smuggled into this country.

They have failed to control the yearly diversion of 9 billion American-made dangerous drugs, the pep pills, sleeping pills, tranquilizers and hundreds of combinations of each that schoolchildren across the country are popping into their mouths like so many raisins.

They have failed to separate the sick heroin addict from the occasional marihuana or pill user. Instead, we have yielded to know-nothing demands to lump them all together and throw them into overcrowded prisons where we punish them all alike instead of treating them according to their needs.

As if this unthinking approach were not bad enough, we now find that the traffic in both marihuana and narcotic drugs is spreading to age groups and economic levels which were previously drug-free.

This condition has caused a fearfulness to sweep neighborhoods and communities much as typhoid and polio did in other years. This is a fear that is causing further despair in the ghettos, deepening the frustration of the city workers, striking with unaccustomed fury into the middle class, and dismaying the wealthy and cultured and professional families as few problems in our history have done.

Measured against this trend, there is really no wonder that the stigma historically attached to drug abuse is lessening.

That is not to say that society is in favor of abandoning all controls over drugs, or of legalizing marihuana. Rather, people have recognized what government has been afraid to see, or to say: There is now in this Nation a drug culture that calls for a program comprising more than law enforcement and the administration of criminal justice.

Few parents or teachers are willing, at least at the beginning of drug abuse, to turn their children or students over to law-enforcement agencies. They need a better way out than a 2- or 5-year mandatory prison sentence.

I know such families myself. They are within my circle of acquaintanceship and sometimes are close personal friends. I know what has happened to them—to the fathers, the mothers, the sisters, and the brothers. No one can tell me that it is an answer to say, "Your son has to be thrown into a penitentiary for years."

This is why the main thrust of the penalty provisions in this new bill is to eliminate mandatory minimum sentences for all drug offenses, except for a special class of professional criminals.

The new penalties will allow the judge to use his discretion in his imposition of sentences for drug offenders. It will allow more severe sentences in the case of pushers and traffickers in heroin and a lesser sentence of up to 1 year for offenders involved with the simple possession of marihuana—many times a handful of cigarettes. Many times the subject is a high school student, and many times it is the first time he has had two or three marihuana cigarettes in his hand. But, under the law, he goes to prison for 2 years, and the judge has nothing to say.

HIGHLIGHTS OF THE CONTROLLED DANGEROUS SUBSTANCES ACT

Mr. President, as I have pointed out, we really do not know the total number of addicts and drug users in America because many people fail to seek help for their drug dependence for fear of the severe punishment prescribed under present law.

We have allowed the drug problem to keep growing far too long. Each day we hesitate to take action more young people are jeopardized by the multitude of dangerous drugs that abound across the land.

Because of these reasons I call for speedy passage of the bill before us, the "Controlled Dangerous Substances Act."

The proposed legislation will have far-reaching and many-sided effects on the drug situation.

It will, for the first time in history, bring about a unified approach to narcotics and dangerous drug law enforcement. It will combine the Federal Bureau of Narcotics and the Bureau of Drug Abuse Control in the Justice Department.

I believe that is where it ought to be.

It will vest the authority and responsibility with respect to the control of narcotics and dangerous drugs with the Attorney General.

It will coordinate and codify the present diverse drug laws in one comprehensive piece of legislation.

It will substantially reinforce the controls over the traffic in drugs by regulating the manufacture, distribution, and the export and import of narcotics and other controlled drugs.

It will include three major tranquilizers of abuse in the list of controlled drugs, librium, valium, and meprobamate. There has been a significant diversion of these drugs into illegal channels and there is evidence they have been substantially abused.

It will create a committee to study all aspects of marihuana. The committee will be required to report its findings together with recommendations to the President and to the Congress within 2 years.

It will improve drug law enforcement by making it easier for officers to enter premises where large-scale drug transactions are suspected to take place.

And perhaps most important, the bill will establish a more realistic penalty structure for drug offenses.

In the past we have often imposed severe punishment on the victim of the drug traffic, while the criminal trafficker has remained beyond our reach.

The new law will impose severe punishment for the professional criminal in the drug trade, but provide more flexible penalties for the less serious drug offenders.

Mr. President, the Juvenile Delinquency Subcommittee has been involved with the drug problem for a long time, long as I have been chairman—approximately 10 years.

Since 1961 when I became chairman we have conducted investigations and hearings concerning virtually every phase of the drug problem.

As a result, in 1965 we helped pass the drug abuse control amendments which established a whole new machinery for drug control under the Bureau of Drug Abuse Control. I am proud of that, and the subcommittee is proud, and I think it is entitled to be.

In 1966 I introduced for the administration S. 2152, which became the Narcotic Addict Rehabilitation Act, the first Federal law to provide treatment in lieu of punishment to addicts.

Each of the above laws became a landmark in the history of drug control.

Mr. President, the bill we consider today, the "Controlled Dangerous Substances Act of 1969," will have equally far-reaching effects. More than any law before it, this act will bring us closer to an effective management of the explosive drug situation in this country.

EXPLANATION OF THE TITLES OF THE ACT

At this point, Mr. President, I will summarize the contents of each of the titles in the bill.

TITLE I

Title I sets forth the findings and declarations which established the need for this legislation. It also defines the terms used in the bill.

More specifically, this title reaffirms the Federal Government's role in drug control. Basically this role is to regulate the legitimate drug trade to prevent diversion of medically useful dangerous drugs into illegitimate channels and to help reduce the criminal traffic in all narcotic and dangerous drugs on the local, national, and international level.

Under this title we also recognize that many of the drugs covered in the bill are necessary to maintain the health of the American people. However, it is equally clear that when misdirected and abused the medically useful drugs as well as the nonmedical drugs present a serious danger to the population.

TITLE II

Title II separates all of the substances controlled under the act into four schedules and vests the authority for administering the act in the Attorney General.

(At this point Mr. ALLEN took the chair as Presiding Officer.)

Mr. DODD. Mr. President, these schedules of drugs are based on the degree of their abuse potential, known effects of the drug, degree of harmfulness, and the level of accepted medical use. Each of these schedules correspond to the penalties established under title V. Violations involving the more dangerous drugs such as the hard narcotics are subject to more severe penalties than offenses involving the less harmful substances.

Let me make a point here regarding the other provision of this title dealing with the administration of the act.

There has been some controversy over whether or not the Justice Department has the medical knowledge and expertise to schedule and reschedule the different drugs. I believe this difficulty is resolved by another provision of this title which requires the Attorney General to seek advice from the Secretary of Health, Education, and Welfare and the Scientific Advisory Committee on decisions relating to adding, deleting or rescheduling of the controlled drugs.

TITLE III

Title III regulates the manufacture, distribution, and dispensing of controlled drugs.

The objective here is to establish the registration of persons involved in the legitimate drug trade, to provide for records, reports, order forms and prescriptions to cover the dispensing and other transactions involving controlled drugs.

This title also authorizes the Attorney General to establish production quotas for the more dangerous drugs in schedules I and II, such as morphine and methadone, which would be consistent with the medical, scientific, and industrial needs of the United States.

All of these provisions are designed to reduce the diversion of drugs from the legitimate course of commerce and use into illegal channels. This is important in the face of evidence that about half of the annual production of amphetamine and barbiturate drugs, or between 8 and 9 billion pills, have been diverted to nonmedical use.

These regulations will also help reduce the illegal manufacture and traffic in these drugs eminating from clandestine laboratories.

TITLE IV

Title IV regulates the importation and exportation of controlled drugs.

The Attorney General is required to restrict the importation of drugs to amounts necessary for medical, scientific, and other legitimate purposes.

The controls are particularly strict on the importation of narcotics.

Some concern has been expressed that any importation of narcotics might increase the danger of diversion and lead to unfavorable changes in price structures for drugs with a narcotic content.

I am satisfied that the bill contains adequate safeguards against such eventualities since added importation of narcotics would be possible essentially only in emergency situations that threaten the medically required supply of such drugs.

We went into this with great care and heard from the Attorney General and others in the Department of Justice, from competent lawyers outside of the Government, and I am completely satisfied that we are right about this.

Equally strict controls are imposed on exportation of the drugs controlled under the bill, particularly narcotics.

Exportation is subject to specific criterion involving legitimate need, safeguards against diversion and misuse, and to proper clearance of such exportation by the Attorney General. Exportation of narcotic drugs is further restricted to countries that are parties to international treaties on drug control.

TITLE V

Title V deals with the penalties for drug violations established under this act. Specific penalties are set forth for illegal manufacture, distribution, dispensing, importation, exportation, possession and related offenses.

This is an important section of the bill since it establishes much more realistic penalties for drug law violations. The new penalties were established with the knowledge that the existing high penalties and particularly the mandatory minimum sentences have failed to control or reduce the drug problem.

The main thrust of the new provisions is to eliminate mandatory minimum penalties for all violations except for a new category of professional criminals involved in major trafficking in drugs—a new category, new only in the sense that it is identified.

The professional criminal is subject to a penalty of a mandatory 5-year sentence to life and a fine of $50,000. The penalty doubles for the second offense, that is, 10 years to life and a $100,000 fine. There can be no suspension of sentence, probation, or parole.

Other offenders are penalized without mandatory sentences. Those selling schedule I and II narcotics such as heroin and opium can draw a sentence of up to 12 years and a possible fine of $25,000. For schedules I, II, and III sales of non-narcotics such as marihuana, "pep pills" and the like, the sentence is up to 5 years and a possible fine not exceeding $15,000. A special parole term of from 2 to 3 years is required for each of the above offenses. Violators are eligible for suspended sentences and probation.

Offenses relating to the less serious drugs in schedule IV, such as the codeine cough syrups, are subject to a sentence up to 1 year and a possible fine up to $5,000. Here, again, the sentence can be suspended and probation and parole are available.

Second offenders in any of these categories can receive up to twice the penalty provided for first offenses.

There are several provisions directed at the problem of first offenders and minor drug violators. They include:

A first offender provision relating to possession that allows a conditional discharge of the criminal proceedings upon fulfillment by the offender of any terms and conditions imposed by the court;

A provision that possession for one's own use of any controlled drug would be treated as a misdemeanor subject to a possible sentence of up to 1 year and a fine of up to $5,000. Suspended sentence, probation and parole are allowed. Second offenses could double the penalty; and,

A provision to limit the penalties for sale or other distribution of small amounts of marihuana. This is intended to cover the type of situation where a college student, for example, gives away one or two marihuana cigarettes, receiving payment only to cover his cost of the marihuana.

That title covers the broad range of sentencing and I think gives us a much more realistic way of dealing with this aspect of the drug problem. We would not have the situation that the majority leader spoke of this morning of some youngster getting 20 years in prison because he had two or three marihuana cigarettes in his possession. That situation was finally rectified, but it took a great deal of notoriety in the press and the action of Senators from that State and the Governor to get this matter straightened out.

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That should not happen. That does not help us in getting this problem solved. I think we can do better than that and that is what this bill before us is designed to do.

This title further provides specific penalties ranging from fines to several years imprisonment for civil or criminal violations by those involved in the legitimate drug trade.

Typical offenses in this area would involve counterfeiting, failure to keep records, illegal transfer of drugs, and misrepresentation.

This provision is here only because our studies and our investigations demonstrate that something has got to be done. There are people who will counterfeit drugs or who will falsify records and they must be brought to book.

Finally, there is a provision doubling the penalty that would otherwise be imposed for persons at least 18 years old who distribute drugs to persons under 18 who are at least 3 years their junior.

I do not think I ought to labor that oar very hard. That is the kind of thing that has to be severely punished. And this is the most effective way in which to do it.

TITLE VI

Title VI sets up certain administrative provisions for implementing the act.

It authorizes the Attorney General to provide educational and research programs, to cooperate with State and local agencies in implementing this act, to appoint an advisory committee of experts to advise him on the scheduling of drugs and to hold hearings, and issue subpenas as part of his enforcement activities.

The title further provides for judicial review of the Attorney General's decisions under this act. This is important because some concern has been expressed in the subcommittee regarding the wide scope of the Attorney General's authority with respect to this law.

TITLE VII

Title VII establishes certain enforcement provisions.

Notably the title provides for search warrants which allow entry without notice into premises for the purpose of seizing drugs and other property that might otherwise be destroyed, or to protect human life.

The argument for this provision is simple. Since drugs can be easily destroyed and since apprehension of serious traffickers is the best way to control the drug problem, this so-called no-knock provision is an invaluable aid to our narcotic agents.

This title also provides for administrative inspections and warrants, for seizure of certain property involved in drug offenses, for privilege and immunity against self-incrimination of certain witnesses and for prior notification in some cases to persons to be prosecuted under this act.

I would like to point out here that this morning the distinguished Senator from Arkansas called to my attention on the floor the fact that we have now passed S. 30 which has a very good provision with respect to privileges and immunities, and he suggested that we look at it. I think the Senator is absolutely right. It is my intention to determine if that portion of this bill should conform with the the same provisions of S. 30.

Further this title places the burden of proof on defendants to rebut the Government's presumption of violation of the act, it protects Federal enforcement officers from liability for drug enforcement activities and it allows expenditure of Federal funds for informants exposing violations of the act.

TITLE VIII

Title VIII creates a committee of experts to study all aspects of the marihuana problem.

These include:

Identification of the gaps in our knowledge of marihuana;

A study of the medical and social aspects of marihuana;

A study of the extent and nature of marihuana use;

A study of the effects and pharmacology of marihuana;

A study of the relation marihuana use has to crime and delinquency; and

A study of the relation between marihuana and the use of other drugs.

I consider this study one of the most important provisions of this legislation. If we are ever going to understand this widely used drug and if we are ever going to learn how to control it, this study is vital to that end.

I remember, it was 2 years ago, that our subcommittee conducted hearings involving narcotics. We heard from expert witnesses, physicians, scientists, sociologists, educators.

When we got through, I remember saying to Senators that I did not see how we could legislate on this question because of the state of the record. There was such a conflict of opinions on the part of these eminent scientists, educators, and physicians.

This is really how this provision came to be written into the bill.

As a result of this experience, we found it was just impossible to legislate adequately until we knew.

The study is to be completed within 24 months of the effective date of the act at which time the committee will submit to the Congress and to the President a report with its recommendations on the control of marihuana.

At that point, the Congress will be in a much better position to decide, once and for all, how it wants to handle the many-sided marihuana problem.

TITLE IX

Title IX contains miscellaneous provisions.

It repeals other laws which are replaced by this act; it sets forth certain changes in the United States Code; and, it provides that the act does not affect proceedings pending under previous laws. It also establishes severability of the provisions of the act. It provides appropriations and sets down the effective date of the new law.

Mr. President, these are the major provisions of the bill. We considered them in lengthy hearings held by the Subcommittee on Juvenile Delinquency, and we considered them for several days in the full Judiciary Committee.

I outlined the need for speedy action on this bill.

I am certain that the public and particularly the parents of our young people want this law passed without delay.

I get letters from my constituents and I get letters from constituents of other Senators from across the land urging action on the drug problem. We all get this kind of mail and when we go home we hear about it.

I do not believe this bill contains major controversies. There are some differences about the bill but they can be hammered out on the floor of the Senate. Most importantly, I want to say that this is really a nonpartisan bill. This is not a party matter and it never was. It was not a party matter in subcommittee or in the full committee and it is not now.

The Senator from Nebraska (Mr. HRUSKA) and I worked together in introducing this bill. Many people contributed to making this legislation possible in the Senate. Many people put in a lot of time, effort, and work. Many Senators helped tremendously. I cannot think of a Senator who has not at one time or another said something to me about this problem and who has not offered to be of help. This was not unusual on this bill. We could not afford politics in this matter and politics never came up.

The passage of the measure has been repeatedly called for by the administration and the President. The Attorney General wants this bill passed. He knows the need for it and he wants to get at the problem.

I say this because I fervently hope we can act favorably on the bill in the shortest possible time because just as that clock ticks off another 5 minutes another youngster in the United States is arrested for a drug offense. I say we cannot afford this extravagant waste of our young people.

I see the distinguished Senator from West Virginia (Mr. BYRD) and the distinguished Senator from Michigan (Mr. GRIFFIN) in the Chamber. Does the Senator from Michigan wish to speak?

Mr. GRIFFIN. Mr. President, if the Senator from Connecticut will yield briefly, I have a very few remarks to make and a statement that I shall put in the RECORD.

Mr. DODD. I have concluded my remarks at this time. I am happy to yield to the Senator from Michigan.

Mr. GRIFFIN. Mr. President, I wish to commend the distinguished Senator from Connecticut for his statement today outlining this measure and for the leadership which he and other Senators on his committee have provided in bringing the measure to the floor of the Senate.

I agree with him that the support for this measure is not partisan and reaches across the aisle that divides the party.

There has been some criticism, perhaps, that the bill did not reach the floor sooner, but I realize at the same time that members of the committee did work very diligently in hearings that were necessary. Now that the bill is before the Senate, I think we should commend those who have brought it here and do our best to see that it is passed by the Senate as quickly as possible and in the most effective form possible. I wish to indicate my strong support.

Mr. President, the last significant legislation to be enacted by Congress dealing with the drug problem in the United States was the Drug Abuse Control Amendments of 1965. This law amended the Federal Food, Drug, and Cosmetic Act to bring under Federal control several classes of abuse drugs not previously covered including central nervous system stimulants, depressants and hallucinogens. Although the Drug Abuse Control Amendments were subsequently modified somewhat in 1968, in essence, the law today is very much that which was enacted 5 years ago. And yet, we all know that during that 5-year period from 1965 to the present time, the drug abuse problem has continued to grow, and to infest and affect sections of our society which for years had enjoyed an immunity by isolation.

For years, too many people have looked upon drug abuse as a characteristic of an alien society, something foreign, something to be abhorred but something that represented no threat to our own way of life.

Well, I would not be saying anything today to take note of the fact that drug abuse is no longer confined to remote or isolated segments of our society. Unfortunately, the problem is found almost everywhere today.

There is an increasing public awareness of narcotic use, and there are new efforts to try to break this chain of misery. We hear of half-way houses and methadone maintenance programs. These are worthy efforts that deserve strong support. Some of the programs and efforts already in effect are impressive and have done a great deal of good.

But, previously, the steps which have been taken are not enough. The quantity of abuse drugs, available on the illicit market, on the street corners, in the schoolyards, at truck stops, has increased at an alarming rate. Literally tons of these drugs are confiscated each year and removed from the illicit market by local, State, and Federal law-enforcement agencies. The Federal Bureau of Narcotics and Dangerous Drugs advises that the source of a large percentage of these drugs is the legitimate drug industry, and that they are diverted from the legitimate industry into illicit channels of distribution in the United States by a variety of means. Still other dangerous drugs are lawfully manufactured in the United States and exported to foreign countries only to end up back in the United States in the illicit street traffic.

The question now is what can be done to prevent and eliminate this illicit traffic in dangerous drugs? I believe that an important part of the bill before as—the controlled Dangerous Substances Act. This bill includes strict regulatory provisions aimed at preventing the illicit diversion of drugs and stopping the illicit flow of dangerous drugs into the United States from other countries.

Title III of the act sets up strict registration requirements for those who manufacture, distribute, or dispense any controlled dangerous substance. The Attorney General will be authorized to inspect the establishment of a registrant or applicant for registration to insure that he is conforming to the requirements of the law or will be able to do so if he is registered.

In determining whether or not to grant a request for registration the Attorney General is to consider the general criteria of public interest and our international obligations. He will also consider whether the registrant would maintain effective controls against diversion of the controlled dangerous substances into other than legitimate medical, scientific, or industrial chnnels. The Attorney General would consider the record of the registrant, and whether he has consistently complied with applicable Federal, State, and local law.

Title IV contains restrictions on both the importation and the exportation of certain controlled dangerous substances. Although the controls here are aimed primarily at the control of narcotics, the law will also encompass a number of dangerous nonnarcotic substances. Section 404 specifically forbids the importation of nearly all controlled dangerous substances into the United States for transshipment to other countries without prior approval of the Attorney General. And, in any event, the Attorney General must be given advanced notice of any importation for transshipment even if approval has been granted.

Other features of the bill aim at preventing diversion by requiring strict recordkeeping. Those who handle or manufacture controlled dangerous substances, with few exceptions, are required to maintain detailed records of receipts and disbursements. Records will be available for inspection by the Bureau of Narcotics and Dangerous Drugs. Failure either to keep the records or make them available for inspection will subject the violator to severe penalties including forfeiture of his supply of controlled dangerous drugs.

A new recordkeeping feature added by this bill is the requirement for an inventory of all controlled dangerous substances at least once every 2 years. This seemingly simple provision should prove to be a valuable aid in stopping diversion before it gets out of hand. Once an inventory has been taken, investigators of the Bureau of Narcotics and Dangerous Drugs will have a firm starting point to determine the actual quantities of drugs a particular registrant should be accountable for. Subsequent drug accountability audits will not deal in approximations, but rather in very precise figures. This will be an aid to both the legitimate dealer in dangerous drugs and those charged with the enforcement of the drug laws. The legitimate dealer will benefit since he will receive accurate advance notice of shortages, possibly due to thefts by his employees, so that he can take corrective action before incurring a large financial loss. Law enforcement will benefit both by the deterrent effect of everyone knowing that substantial shortages will be subject to Federal investigation and by enabling the Attorney General to build prosecutable cases where the situation warrants such action.

Time will tell how effective this legislation will be as a tool in the battle to bring drug abuse under control. Perhaps it will not provide a perfect or complete answer to this difficult, perplexing problem. But enactment of this legislation certainly would be a long step in the right direction.

The PRESIDING OFFICER. The bill is open to amendment.

Mr. ERVIN. Mr. President, I ask unanimous consent that the name of the distinguished senior Senator from Massachusetts (Mr. KENNEDY) be added as a cosponsor of amendment No. 436 to S. 3246. This amendment is submitted by myself, and is now cosponsored by a majority of the members of the Judiciary Committee. The nine members, a majority of the committee which now cosponsor the amendment, are Mr. BAYH, Mr. BURDICK, Mr. COOK, Mr. EASTLAND, Mr. FONG, Mr. HART, Mr. MATHIAS, and Mr. KENNEDY.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ERVIN. Mr. President, I do not care to make the main argument on my amendment now, but I will call it up later, and ask that it be made the pending business.

Evidently, the Department of Justice thinks my amendment has a lot of merit because two of its staff members prepared a 66-page statement to try to justify a provision of this bill which would make it lawful for law enforcement officers in narcotic cases to emulate the example of burglars and enter the dwelling houses of citizens without notice, either by stealth or by force.

Mr. DODD. Mr. President, will the Senator yield?

Mr. ERVIN. I yield to the Senator from Connecticut.

Mr. DODD. The Senator said he will not present his major argument now. I know how serious this matter is and how strongly he feels about it. For myself, I am compelled to say that I have an open mind on this proposal. I do not want to be placed in the position of an advocate of or as the one pressing for action. This is one of the toughest questions I have faced since I have been in this body. I am constantly asking myself, What price do we put on our precious constitutional protections? Is the circumstance which confronts this Nation at this hour with respect to drug abuse so bad that we are willing to pay the price of impairing our constitutional protections, or not? On the one hand I say to myself, better that 1,000 peddlers escape than that one decent man be hurt by the infringement of his constitutional rights.

On the other hand, I am distressed at the death and destruction these dope peddlers wreak on our children and I wonder if we should not give our law-enforcement people every possible chance to put the dope peddlers behind bars.

The Senator from North Carolina, whom I greatly respect as an outstanding constitutional lawyer, is not in an adversary proceeding here. I certainly am going to approach this matter as one who wants to hammer it out by discussion and by debate, not in an adversary manner.

I hope that is the climate in which we

can move. So I am happy that the Senator will put his amendment over until the first of the week.

Mr. ERVIN. Mr. President, I wish to make one or two statements about my amendment. First, I would like to commend the able and distinguished Senator from Connecticut, who has labored to get a law which would protect society against the fearful traffic in marihuana and other drugs covered by this act.

I would like to absolve the Senator from Connecticut from responsibility for inclusion of this "no knock" provision. It did not originate with him, and it was not in the legislation which he introduced, but it is legislation which, for some strange reason, is sharply advocated by the Department of Justice. The Department, in my opinion, wishes to strike down by this act one of the most basic rights of all American citizens—a right which was extolled, long generations before America was discovered, by the prophet, Micah. In the fourth verse of the fourth chapter of Micah, the prophet speaks of the time when every man shall have a right to dwell under his own vine and under his own fig tree, with no one to molest him or make him afraid.

For the life of me, I cannot understand why the Department of Justice should be so desirous of striking down the right of American citizens to enjoy privacy in their own homes.

Four of the Supreme Court Justices, in the case of Ker against California, 374 United States 23, said flatly that this "no knock" provision will be unconstitutional as applied to virtually every narcotic case that will arise under it. I do not know why the Department of Justice insists on including in the bill a provision which, instead of aiding in the enforcement of the law, will, in the long run, impede law enforcement. This is true because it will give every person entitled under the law to this protection against such search an opportunity to raise the question as to whether any information or evidence which was obtained was obtained in violation of the fourth amendment.

I stand on the proposition that every man's home should be his castle, and that the Congress of the United States, in its zeal to enforce a specific criminal statute, should not go on record as making it legal for law enforcement officers to enter the private homes of American citizen in the same manner in which burglars now enter.

A great English statesman, William Pitt, Earl of Chatham referred to this problem prior to the writing of the fourth amendment. There was a debate in the Parliament on searches, incident to the enforcement of an excise tax on cider, that undertook to allow officers in England, in order to discover where the people were manufacturing cider without paying an excise tax, to have access to their homes without search warrants or without apprising them of their presence, or their purpose, or their authority.

I stand on what William Pitt said at that time:

> The poorest man may in his cottage bid defiance to all the forces of the Crown. It may be frail—its roof may shake—the wind may blow through it—the storm may enter—the rain may enter—but the King of England cannot enter—all his force dares not cross the threshold of the ruined tenement!

I submit that one of the basic rights of the people is to be able to enjoy privacy in their own homes, and not have their homes searched under process of law, unless the officer of the law has a search warrant based on facts which are the truth, and, when he knocks at the door, apprises the person of his purpose and tells him that he has the authority of a search warrant to enter.

Under section 702(b), to which I object and to which my amendment is directed, an officer of the law can break in a man's house without advising him that he is there and without ever telling him that he is an officer of the law and without ever telling him he has a search warrant.

Under the decisions of every State of this Union, and under the decisions in England—from which our common law is derived—a householder under those circumstances has the right to kill an officer of the law who attempts to enter under those circumstances, and his killing under the law, under those decisions, would be justifiable homicide.

The fourth amendment states:

> The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no warrants shall issue, but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

Under this bill, which is an excellent bill in all other respects, an officer would have to get a search warrant, but he would not have to tell anybody he had it. The only way he could get a search warrant in 995 cases out of a thousand would be to swear to facts which were false at the time they were sworn to; that is, that the occupants of the house would destroy the evidence, the narcotics or the marihuana, if he did not break into the house without notice to them.

It is an absurdity to maintain that an officer who goes before a judge or a U.S. Commissioner for a search warrant at a place which may be miles and miles from the house to be searched can have any knowledge that the people are going to destroy the narcotics which they obtained for their own use or for peddling to others, when they do not even know he is coming and have no knowledge of the issuance of the warrant.

I say it is an unreasonable search and seizure in itself for an officer of the law, armed with a search warrant, to conceal that fact from the occupant of the house and to break into the house without notice to the owner.

While I deplore the use of marihuana, I think it is better to preserve the liberties of American citizens as basic as those set forth in the fourth amendment than it is to get one or two persons for violating the law.

If all the members of the Judiciary Committee were present at the time the bill was acted on, this provision would have been stricken out, because nine of them—a majority—have joined in this amendment to strike it out.

Mr. DODD. Mr. President, will the Senator yield?

The **PRESIDING OFFICER.** Does the Senator from North Carolina yield?

Mr. ERVIN. I yield.

Mr. DODD. If the Senator has not concluded, I do not want to interfere with his statement.

Mr. ERVIN. The Senator may go ahead.

Mr. DODD. I did not want to interrupt the Senator.

I believe I am correct when I say that the 66-page document you referred to is an article written by Michael R. Sonnenreich and Stanley Ebner. This is the same document that I had reviewed several weeks ago. This is a law review article, submitted for publication is it not?

Mr. ERVIN. Well, it was written for a twofold purpose. The first purpose is to make it clear that the Department of Justice wants to make it lawful for officers who are charged with the duty of enforcing the narcotics law to enter dwelling houses of our citizens just as burglars now enter them. That is the first purpose for its being produced here on the eve of the consideration of this measure; and, as a second purpose, they hoped to find a law review that would publish it.

Mr. DODD. It was written by two distinguished lawyers. I happen to know Mr. Michael Sonnenreich, who is a first-class legal scholar. He has been of great help to the subcommittee and the full committee.

Mr. ERVIN. I certainly agree with the distinguished Senator from Connecticut in the idea that the authors are very distinguished lawyers, even though they write this at this particular time for the purpose of robbing American citizens of one of their most basic constitutional and legal rights.

I do submit, however, that they could devote their fine legal talents to a better cause than that of trying to induce the Senate to adopt a provision which will make it lawful for law enforcement officers to enter the private homes of Americans in like manner as burglars now enter them; and that is precisely what this no-knock provision does.

I thank the Senator. I wish to call up my amendment, though I do not care to make my main argument on it at this time.

AMENDMENT NO. 436

I call up my amendment No. 436, and ask that it be made the pending business.

The **PRESIDING OFFICER.** The amendment will be stated.

The **ASSISTANT LEGISLATIVE CLERK.** The Senator from North Carolina (Mr. ERVIN), for himself and others, proposes an amendment (No. 436) to delete subsection (b) of section 702.

(The language proposed to be stricken is as follows:)

> (b) Any officer authorized to execute a search warrant relating to offenses involving controlled dangerous substances the penalty for which is imprisonment for more than one year may, without notice of his authority and purpose, break open an outer or inner door or window of a building, or any part of the building, or anything therein, if the judge or United States Magistrate issuing the warrant is satisfied that there

> is probable cause to believe that if such notice were to be given the property sought in the case may be easily and quickly destroyed or disposed of, or that danger to the life or limb of the officer or another may result, and has included in the warrant a direction that the officer executing it shall not be required to give such notice: *Provided*, That any officer acting under such warrant, shall, as soon as practicable after entering the premises, identify himself and give the reasons and authority for his entrance upon the premises.

Mr. DODD. Mr. President, I had not intended to speak again this morning, but I think I am required to say something about this article prepared by Mr. Michael R. Sonnenreich and Mr. Stanley Ebner, to which the distinguished Senator from North Carolina has refered. As I said, both of these men are distinguished legal scholars; responsible officers of the Department of Justice, who have worked closely with the subcommittee and have been of great help in the preparation of the bill.

Because the article examines in exhaustive detail the constitutional implications of this provision, which certainly is an important part of the proposed regulation, I think it should be presented to the Senate, and I am sure the Senator from North Carolina will agree. It certainly should be considered by Members of this body as they approach their decision with respect to this legislation.

I would point out that I came away from each of my conversations on this subject with Mr. Sonnenreich, in particular with a clear impression—and I am sure this can be said by the Senator from North Carolina as well—that Mr. Sonnenreich is very sensitive to the constitutional question involved here. I think his attitude is that this no-knock provision is designed as an effective tool to be used—carefully used, and discriminately used—by Federal officers who are called upon to enforce the provisions of this act, because of the most peculiar set of circumstances involved in this particularly difficult field.

The peculiar circumstances are that in this category or class of crimes, the professional peddler or the professional refiner of heroin, for example, can very easily dispose of evidence by throwing it in a sink or washing it down a drain, or putting it in a toilet, before law enforcement officers, using all dispatch, can get in with a proper search warrant. This poses a great problem to our narcotic officers and that is the reason for the proposal. This is why I said a few minutes earlier to the Senator from North Carolina that it is a question the Senate has got to decide. But I wanted to say that these great lawyers—and I know this is true—are very much concerned about the matter and are not just rushing in and brushing away constitutional protections. They do not intend to do any such thing; but they have struggled with the problem, and their article is an attempt to shed some light on the subject.

Mr. President, the article "No-Knock and Non-Sense," as I have said, was written by Michael R. Sonnenreich and Stanley Ebner, both responsible officers with the Justice Department, and it deals directly with section 702(b), known as the no-knock provision of the Controlled Dangerous Substances Act of 1969.

Because the article examines in exhaustive detail the constitutional implications of this provision which is an important part of the proposed regulation, it would not for this reason be suitable for presentation on the Senate floor.

I have consequently abridged and digested the paper's views to provide Senators with a ready understanding of both its contents and the intent of the proposed legislation. I will ask that the entire article be printed at the end of my remarks for those who wish to read it in its entirety; however, I feel that the following is an accurate presentation of the paper's highlights:

It is essential that we are realistic in our approach to this provision; it should not be considered part of a television script that conjures up visions of kicked-in doors, sinister police invading residences in the dark of night and other apparitions characteristic of a police state. Rather, the no-knock provision is designed as an effective tool to be used discriminately by Federal officers who are called upon to enforce the many provisions of this act.

One is tempted to consider this provision of doubtful constitutional validity, in view of the fourth amendment's prohibition against unreasonable search and seizures and the implied right of privacy.

The right of privacy is the right of an individual to be left alone, to be shielded from unwarranted governmental intrusions. But the framers of our Constitution recognized that there are times when an individual can be deprived of this substantive right. The execution of a valid search warrant at times severely contracts an individual's right to privacy; it may even disappear altogether. To protect the individual in this event the framers of our Constitution require that any search and seizure must be reasonable to be valid. What we are really talking about when referring to section 702(b), is whether an unannounced entry, pursuant to judicial authorization, is reasonable. The authors submit that it is and that therefore there can be no question as to the constitutional validity of this subsection.

Critics of this provision may assert that for a search to be reasonable and thus within constitutional bounds, notice of authority and purpose must be given prior to the actual execution of a warrant. This is a general rule, but it is not without exception. Some 29 States allow for unannounced entry either by statute or judicial exception to the common law rule in cases where notice of authority and purpose could lead to the destruction of the evidence sought. Other States allow for unannounced entries in cases where there are "exigent" circumstances. The no-knock provision we are considering in this bill reasserts the general principle that reasonableness of a search demands notice of authority and purpose. However, it goes further and codifies some of the exceptions to this general rule. As mentioned earlier, the only cases where a no-knock warrant may be judicially authorized is when notice of authority and purpose would either lead to the destruction of the evidence sought or place the officers executing the warrant in danger of bodily harm. In effect, this provision is a congressional declaration that under those narrowly defined circumstances, notice of authority and purpose can be dispensed with and the search still remain within the bounds of reasonableness.

Judging from past experiences in narcotic and dangerous drug law enforcement, Congress could rationally justify these two exceptions as necessary for effective law enforcement. What we are saying is that under circumstances where prior notice would lead to destruction of evidence or would endanger the lives of officers executing the warrant, an unannounced or forceable entry will not invalidate the search as unreasonable. We are asked to make these two exceptions to the general rule because past experience has demonstrated that evidence has often been destroyed or officers injured because they were required to give notice of authority and purpose prior to making an entry.

The no-knock provision does not compel us to impose a loose standard which would cause indiscriminate abuse by law enforcement officers. We will establish a general finding that notice of authority and purpose can lead to destruction of evidence or injury to officers. An additional provision requires that a neutral judge or magistrate must make a specific finding of either of these two possible events in each individual case. Before notice of authority and purpose can be dispensed with, the judge or magistrate issuing the warrant must be satisfied that there is probable cause to believe that such grounds exist. He must specifically find probable cause to believe that either destruction of the evidence or injury to the agents will result if notice of authority and purpose is given.

Probable cause requires more than mere generalities; it requires specific facts. A no-knock warrant under the proposed provision could not be issued solely because most drug traffickers keep their supply of drugs in a place where they can be easily disposed of. More specificity will be required by the definition of probable cause. Information regarding the actual location of the drugs, the type and quantity, or the propensity of the suspect to be violent will have to be known by the agents and shown to the judge when they apply for a warrant.

The question really settles down to a moral, rather than legal judgment as to whether or not "no-knock" should be permitted. Weighing the values of privacy, potential for violence and the need to preserve evidence in drug cases, it is evident that no-knock authority is not only necessary but essential within the framework of this Federal drug proposal. It will set out the statutory requirements instead of placing reliance on common law doctrines. Thus, law enforcement has a source on which to rely in this area. The authors emphasize that the statute requires the interposition of a judge or magistrate before no-knock authority can be obtained in executing a warrant.

This judicial supervision has been re-

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peatedly favored by the Supreme Court and should be required in this situation.

The authors conclude that the time has come to stop theorizing about cases that happen daily in local law enforcement. What is needed now is meaningful reaction, not unwarranted speculation. Only then is the fourth amendment upheld and the population protected.

Mr. President, at this point, I ask unanimous consent to insert the full article in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

NO-KNOCK AND NON-SENSE, AN ALLEGED CONSTITUTIONAL PROBLEM

(By Michael R. Sonnenreich* and Stanley Ebner**)

(NOTE.—This article has been submitted for publication to a Law Review and is in response to the Minority Report of Senator Ervin and Senator Hart on S. 3246 (The Controlled Dangerous Substances Act).)

INTRODUCTION

On July 16, 1969, the Nixon Administration sent to the Congress a major revision of the existing Federal narcotic and dangerous drug laws entitled the "Controlled Dangerous Substances Act." Hearings have been held in the Senate and much verbiage has passed under the bridge. Along with discussions concerning penalties, industry regulation and research, one item has attracted a great deal of attention, far more than anyone involved with the proposal thought. From the first, "no-knock" was the lead for newspaper articles concerning the bill. It became immediately apparent that there is a great deal of misinformation about this "no-knock" authority and its impact on the average citizen. Visions of kicked in doors, sinister police invading residences in the dark of night and other visions of the "police state" sprang to mind. In addition to this popular concept, the only formal disagreement to come out of the Senate Judiciary Committee, which reported favorably on the Controlled Dangerous Substances Act and recommended passage, concerned no-knock and questioned its constitutionality.

To place the issue in proper perspective, this article has been written. The intent is to first trace the historical origins of "no-knock" generally under common law and then to analyze state statutes dealing with it. Also analyzed is the Federal posture, statutory and case law, as to this method of entry. Lastly, the article focuses back on the Controlled Dangerous Substances Act and its "no-knock" provision, section 702(b). It is the opinion of the authors that the section is in fact a realistic compromise between those who favor the common law exception in its totality and those who insist that such authority is an unconstitutional invasion of privacy.

I. HISTORICAL DEVELOPMENT OF "THE KNOCK"

A. *Common Law:* A man's home, mortgaged though it may be, has long been considered under Anglo-American tradition to be his castle. This being the case, unreasonable invasions of the domicile are specifically prohibited by our Constitution.[1] However, long before the framers of this document set quill to ink, the courts of England had found it necessary to deal on a regular basis with the issue of the King's right of entry into private dwellings. The resulting difficulties can be illustrated by the fact that the ancient maxim which proclaims that "Every man's house is his castle" is matched in age by the maxim that, "The King's keys unlock all doors."[2] Actually, these maxims relate to different processes; the former applying to civil actions, and the latter to those of a criminal nature.

A fifteenth century statement of the rule indicates that for a felony, or suspicion of same, one may break into the dwelling house to take the felon, for it is for the common weal and to the interest of the King to take him; but it is otherwise as to debt or trespass and the sheriff or any other may not break into one's dwelling to take him for it is only for the private interest of the party.[3]

The most familiar statement of the common law rule is contained in *Semayne's Case:*[4]

"In all cases where the King is a party, the sheriff (if the doors be not open) may break the party's house, either to arrest him, or to do other execution of the King's process, if otherwise he cannot enter. But before he breaks it, he ought to signify the cause of his coming and to make request to open the doors."

Thus it was that "the knock," or announcement of purpose, was enunciated as a specific obligation in connection with authorized entry into private dwellings, even though the opinion actually concerned a writ issued in a civil case. The use of the word "ought" in the last sentence of the dictum should be noted here for future reference, as it relates to a central issue within the framework of this paper.

During this period in English history, authorities differed among themselves as to the circumstances under which a breaking of doors could occur. Coke, for example, expressed the view in his *Fourth Institutes* that a warrant to break open a house in a search for a felon, issued upon suspicion, was against the Magna Carta and decisions of the courts, and that, in any event, a writ was a necessary requirement for the breaking of a house.[5] Hale, however, evidently felt that a constable had the power, without a warrant, to break open a door to arrest when a felony had actually been committed. He also indicated that where a suspected felon took flight and entered a house, a constable could break in without a warrant if "the door will not be opened upon demand of the constable and notification of his business."[6]

While the debate continued at the intellectual level, and rules changed from time to time,[7] it is apparent that houses were in fact being entered on a sufficiently indiscriminate basis to contribute to a general feeling of uncertainty and discontent with the procedures. And again, it was the later employment of the so-called "writs of assistance" during colonial days, warrants which will be discussed later in greater detail, which pointed to a parting of the ways between the colonies and Mother England. The common thread of resistance which runs throughout this pre-Constitutional period respecting any Government or Royal right to break and enter private dwellings does not, however, focus upon the necessity for the giving of prior warning or announcement of purpose. Rather, the concentration is upon the *justification* for the breaking or, in other words, the "reasonableness" of the forced entry.

The relevant difficult questions which concerned judges and legal scholars shared three to four hundred years ago were queries such as: was there a warrant? was there hot pursuit? was the commission of a felony observed? was there an immediate threat of violence or danger to the law enforcement official? and was there a previous notice of authority and purpose?[8]

Within the context of the above circumstances, the phraseology used in *Semayne's Case, supra,* becomes more significant as an expression of seventeenth century legal philosophy in England. The sheriff "ought" to signify why he is about to execute the King's process before he breaks and enters to do so. But the broadest examination of English law and precedent discloses no evidence that such a suggestion was ever, in fact, a requirement which would render the subsequent entry legal and avoid future repercussions against the sheriff or other party. For too long has this case been read out of context and beyond its intentions. To ignore the precatory wording used is to add insult to injury.

B. *Statutes*: In America, the common-law rule of *Semayne's Case* was generally followed in early decisions. The Massachusetts Supreme Court made a point of emphasizing a citizen's right to be free from forcible entry into his home for civil arrest purposes,[9] although there is some questions as to whether this pronouncement was necessary to the decision. It was recognized, however, that force could be used when the entry was made to seize specific goods as under writs of attachment.[10] It was also recognized as early as 1822 that, if notice was in fact a general requirement, there were cases where it did not apply. One of these was clearly enunciated by a Connecticut court in *Read* v. *Case,*[11] which held that imminent danger to life eliminated the need to provide notice. Furthermore, a later Kentucky case indicated that no notice was required in criminal cases, since the "offender" would then be presented with an opportunity to avoid the process of the law.[12] The continuing uncertainty regarding the notice or announcement aspect in criminal cases is illustrated by an examination of *Commonwealth* v. *Reynolds,*[13] which attempted to summarize the law by stating that an officer could *always* break and enter after announcement of purpose and refusal, but that not all cases had imposed an initial requirement of notice on officers.

Since the turn of the century, States have begun to enact statutes specifically dealing with the authority of an officer to break and enter in order to make an arrest. The table at Appendix A contains a listing by State of the various statutes regarding authority for forced entry to execute search or arrest warrants. Although initially the vast majority of these statutes expressly required notice in some form prior to forcible entry,[14] a more recent trend has been toward the elimination of the notice requirement under specified conditions.

California

California has developed a fairly stringent approach to noncompliance with the "knock and notice" provisions of its penal code. The California statute is almost identical to 18 U.S.C. 3109,[15] and its court decisions have developed a basis for the statute to a far greater degree than have the Federal courts. In addition, California's large number of decisions in this area have palced it in a position of leadership for a great many other States which have identical or very similar statutes.[16]

Section 844 of the California Penal Code provides, "to make an arrest, a private person, if the offense be a felony, and in all cases a peace officer, may break open the door or window of the house in which the person to be arrested is, or in which they have reasonable grounds for believing him to be, after having demanded admittance and explained the purpose for which admittance is desired."

On its face, the statute was merely a codification of common law and as such the very fact that the common law exceptions were omitted would seem to have precluded any form of "no knock" arrest or search. However, in 1956, compliance with the statute was interpreted by the California high court in *People* v. *Maddox,*[17] and *People* v. *Martin,*[18] to be excused under the common law exceptions to the rule of announcement.[19] Thus, announcement before arrest was excused if the facts known to the officer before his entry were sufficient to support his good faith

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Footnotes at end of article.

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belief that compliance would (1) have increased his peril or (2) frustrated the arrest. In that case and in a series of similar cases which followed *Maddox*, destruction of evidence was added as another ground for noncompliance with section 844 or its warrant counterpart section 1531.[20] The destruction exception, however, was generally limited to narcotics and bookmaking paraphernalia based on the assumption that, by the very nature of these items, they were easily disposable. But the courts went one step further in narcotic cases, which comprised the bulk of the cases in this area, by not requiring any showing whatever of particular exigency as would generally be required to excuse compliance with the knock or notice provisions of its statutes. For a while after *Maddox*, the California courts failed to grant suppression motions on unlawful entry pleas.[21] Finally, in 1967, in an abrupt reversal of this trend, the California Supreme Court in *People* v. *Gastelo*[22] held, ". . . we have excused compliance with the statute in accordance with established common law exceptions to the notice and demand requirements on the basis of the specific facts involved. No such basis exists for nullifying the statute in all narcotics cases, and, by logical extension, in all other cases involving easily disposable evidence."[23] By so doing, the court clearly foreclosed noncompliance with the statutory requirements of knock and notice when such noncompliance was based solely on the police officer's "general experience relative to the disposability and the kind of evidence sought and the propensity of offenders to effect disposal."[24]

"Just as the police must have sufficiently particular reason to enter at all, so must they have some particular reason to enter in the manner chosen."[25] The court further stated that the particular reason for the mode of entry had to be based on the specific facts of the case such as would lead a police officer to reasonably conclude that the occupants of the place to be searched had resolved to affect disposal in the event of police intrusion.[26]

A month and a half later, in *Meyer* v. *United States*,[27] the United States Court of Appeals for the Ninth Circuit, citing the *Gastelo* case as ruling, suppressed evidence seized in a raid on a "bookie" operation where officers, ". . . had no reason for omitting a prior announcement of their identity and purpose except general knowledge that destruction of evidence (betting slips) was likely in this type of offense. . ."

The court, quoting from *Gastelo*, further stated that: "Under the Fourth Amendment, a specific showing must always be made to justify any kind of police action attempting to disturb the security of people in their homes. Unannounced forcible entry is, in itself, a serious disturbance of that security and cannot be justified on a blanket basis. Otherwise a constitutional test of reasonableness would turn only on practical expediency and the amendment's primary safeguard—the requirement of particularity—would be lost."

It at once became apparent that the *Gastelo* case on the State level and the *Meyer* case on the Federal level were redefining the constitutional and practical limits of the knock and announce rule in a fairly strict manner. But the California court retreated slightly from its strict position in *Gastelo* using the Brennan dissent in *Ker* by allowing noncompliance when officers, just prior to entry, were able to detect activity from within the residence which might lead them to reasonably conclude that the occupants within were then engaged in the destruction of the evidence sought.[28]

In *People* v. *Rosales*,[29] and again in *Greven* v. *Supreme Court of the County of Santa Clara*,[30] the court attempted to clearly delineate the parameters of excusable nocompliance with the knock and notice requirements of section 844 and section 1531. In *Rosales*, it defined the constitutional basis of the announcement requirement. The court quoting from Justice Brennan's dissent in *Ker* v. *California*[31] stated "that [this] requirement is the essence which safeguard[s] individual liberty" but the court went on to state that such rules reflect not only a concern for the rights of persons suspected of crimes but also for the security of innocent persons who may be on the premises. The court also quoted from *Miller* but did not apply the *virtually certain test*, applying instead the reasonable good faith belief test as to the exceptions to the announcement requirement so long as such belief was accompanied by more than general knowledge as to the comparative case in disposing of narcotics. In *Greven*, the court stated that the reasons for the announcement rule were twofold. Again, quoting from *Miller*, it first noted that "the reverence of laws for the individuals right of privacy in his house [are paramount)," and second quoting from *Sabbath* v. *United States*,[32] it expounded upon the public policy argument of discouraging, whenever possible, creation of situations conducive to violence.[33] It went on to state that substantial compliance with the knock and notice rule required at least an identifying announcement by officers even if the exigencies of the situation would have prevented a statement of purpose. This, the court stated, was as far as the case would stretch the term "substantial compliance" for excusing the police from the mandates of section 844 and section 513 of the penal code.

Thus the California court placed the Fourth Amendment in a fairly prominent position, restricting to a great degree the latitude of discretion previously accorded to law enforcement authorities. But the restrictions have been fairly realistic, leaving the court, rather than a formalistic rule, the arbiter of new situations arising out of searches and arrests. This approach is far more flexible than the District of Columbia's approach which rejects most judicial exceptions to its knock and notice statute.[34]

Florida

Florida has a statute similar to California but has taken a much stricter approach to the interpretation of its statute.[35] In *Benefield* v. *State*,[36] whose facts closely parallel *Miller* v. *United States*, the Supreme Court of Florida noted that its statute was merely a codification of the common law (as was mentioned in *Maddox* and *Ker*). It noted that the *Ker* case cited by the State as justification for noncompliance with the statute was inapplicable because Florida did not recognize certain exceptions to the knock and announce rule which had been engrafted by the California courts onto its statute and upon which *Ker* was based. The court then went on to list the four exceptions to its our knock and wait rule as:

1. "where the person within already knows the officer's authority and purpose;

2. where the officers are justified in the belief that the persons within are in imminent peril of bodily harm;

3. if the officer's peril would be increased had he demanded entrance and stated the purpose; or,

4. where those within made aware of the presence outside are then engaged in activities which justify the officers in the belief that an escape or destruction of evidence is being attempted."[37]

In *Koptyra* v. *State*,[38] the Florida court was again faced with a no-notice, forcible entry situation involving marihuana. An undercover agent, after attending a pot party for a short time, left and returned shortly thereafter with additional officers and arrested those present at the party. This agent, who was admitted to the house upon knocking, merely let his colleagues follow him through the door and proceeded to arrest the occupants and search all the area immediately adjacent thereto.[39] The court affirmed the conviction referring to the *Benefield* case but side-stepped the constitutional issue by distinguishing *Koptyra* from *Benefield* on the basis that the case at hand did not involve a breaking and as such the statute did not apply. Thus it would seem that the present state of the exceptions in Florida are those stated in *Benefield* and represent a stricter interpretation of the common law exceptions to knock and notice than California.

Utah

Florida was not the only State to use the California decisions as a basis for interpreting its own statute. Utah, Idaho, Iowa and South Dakota[40] as well as many other States which have identical or substantially identical knock and notice statutes to section 844 and section 1531 of the California Penal Code have used these decisions. Utah, in 1967, amended its search warrant provision to read:

"*Officer may break door or window to execute warrant—Authority.* The officer may break open any outer or inner door or window of a house, or any part of a house or anything therein, to execute the warrant:

(1) If, after notice of his authority and purpose, he is refused admittance; or

(2) Without notice of his authority and purpose, if the judge, justice or magistrate issuing the warrant has inserted a direction therein that the officer executing it shall not be required to give such notice. The judge, justice or magistrate may so direct only upon proof under oath, to his satisfaction that the property sought is a narcotic, illegal drug, or other similar substance which may be easily and quickly destroyed or disposed of, or that danger to the life or limb of the officer or any other may result, if such notice were to be given."

It thus codified the State of California decisions just prior to *Gastelo*,[41] *Rosales*,[42] and *Greven*[43] and, although no decisions have been forthcoming from the Utah high court interpreting the statute, the statute has in essence (at least on its face) disregarded the Fourth Amendment rights argument in favor of an expanded common law approach requiring a mere affirmation by the arresting officer that the object sought was of an easily disposable nature without any requirement as to the exigencies of the situation. Yet the Utah court has been at least somewhat cognizant of the constitutional ramifications of the "no knock" provision. In *State* v. *Louden*,[44] the court addressing itself to a slightly different situation noted that, while the constitutional safeguards espoused in *Ker* were not to be ignored, nevertheless they were to be weighed against the "practical exigencies of police work." This case seems to have been the extent of Utah's consideration of "no knock" and represents at best a general side-stepping of the constitutional issue—at least for the time being.

Washington

Washington, which also has a statute similar to California's section 844, has interpreted noncompliance with the knock and announce rule in a slightly different manner than California. Addressing itself to the constitutional issue in *State* v. *Young*,[45] the Supreme Court of Washington, citing the *Ker* and *Miller* decisions, held that, "when officers come armed with a search warrant, forcible entry without announcement of identity or purpose may be justified when exigent and necessitous circumstances exist, . . ." Noting Justice Brennan's dissent in *Ker*, the court found that such circumstances may be deemed to exist when, "narcotics or other property subject to immediate destruction" are involved.[46] This would place the Washington court in a position roughly analogous to the post-*Maddox* attitude of the California courts.[47]

Footnotes at end of article.

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New York, Nebraska, South Carolina and North Dakota

A group of States have taken a slightly different approach to the "no knock" exceptions to the rule requiring notice of identity and purpose by the arresting officer. Nebraska, New York, North Dakota and South Carolina [48] have included the requirement of judicial approval for a "no knock" direction to any arrest or search warrant with such wording as:

"The officer may break open an outer or inner door or window of a building, or any part of the building, or anything therein, to execute the warrant, (a) if, after notice of his authority and purpose, he be refused admittance, or (b) without notice of his authority and purpose, if the judge, justice or magistrate issuing the warrant has inserted a direction therein that the officer executing it shall not be required to give such notice. The judge, justice or magistrate may so direct only upon proof under oath, to his satisfaction, that the property sought may be easily and quickly destroyed or disposed of, or that danger to the life or limb of the officer or another may result, if such notice were to be given. As amended L. 1964, c. 85, eff. July 1, 1964." [49]

There is presently a controversy as to whether the addition of this clause will satisfy the constitutional *reasonableness* requirement set out in *Ker.*[50] One point of view can be found in *People* v. *DeLago.*[51] In that case, the Court of Appeals of New York allowed police officers to make an unannounced entry at the apartment of the defendant with a search warrant under the above-mentioned provision where "it was reported to the court by affidavit that gambling materials were likely to be found at this location and in issuing the warrant, the court could take the judicial notice that contraband of that nature is easily secreted or destroyed if persons unlawfully in possession thereof are notified in advance that the premises are about to be searched." [52] Citing and discussing *Ker* and *Maddox,* the court held that the police tactics were inoffensive to constitutional standards and that section 799 of the Code of Criminal Procedure authorizing the inclusion of the "no knock" provision in the search warrant after judicial approval was also in compliance with the mandates of the Fourth Amendment. The court made this finding notwithstanding the fact that ". . . there [was] nothing in the affidavit to show how or where these gambling materials would likely be destroyed or removed, [because] the likelihood they would be was an inference of fact which the judge signing the warrant might draw.[53]

Thus, this case indicates that the New York Courts recognize that there is a question of constitutional dimension but that exigent circumstances, which do not have to be supported by specific facts, remove the forcible entry from constitutional protection." It is also worth noting that the New York Courts have held that an unannounced entry could be made without a warrant if there was probable cause to arrest and exigent circumstances to justify noncompliance with the statute.[54]

District of Columbia

Basically, three statutes cover search warrant entries in the District of Columbia and all three have very similar language;[55] two are local statutes applying only to the District [56] and one, a Federal statute,[57] is of general application. The Federal statute has been held to apply to the District of Columbia for many years and the case law for any of the three has been considered almost interchangeable.[58] Both the Federal and local statutes bear a marked resemblance to the California statute (Section 844), yet, they have been interpreted in an entirely different manner by the Supreme Court and lower Federal courts in the District. Whereas the California court has engrafted a series of exceptions onto its statute, decisions in the District of Columbia relating to 18 U.S.C. 3109 have continued to interpret any possible exceptions to the "knock and wait" rule in a highly restrictive manner.

One of the major cases in the District of Columbia was *Accarino* v. *United States,*[59] which involved a warrantless arrest and search and a subsequent conviction for violation of gambling rules. The Court discussed at length the common law background allowing the police the right to enter a home or apartment by breaking in without stating their purpose [60] basing their decision on "a man's right of privacy in his home." The *Accarino* court rejected the Government's repeated attempts to excuse its failure to obtain a warrant for the forcible arrest and search. But this case became the basis upon which District of Columbia courts also based their interpretation of the District of Columbia and Federal warrant statutes. In 1958, the landmark case, *United States* v. *Miller,*[61] was promulgated by the Supreme Court. It would serve no purpose at this point to discuss *Miller* extensively since the case will be treated in considerable depth in a subsequent section.[62] Suffice it to say that Justice Brennan, who delivered the opinion for the Supreme Court in *Miller,* side-stepped the issue of whether 18 U.S.C. 3109 as a codification of common law implicitly included exceptions included in such States as Connecticut and California with the statement, ". . . whether the unqualified requirements of the rule admit an exception justifying noncompliance and exigent circumstances is not a question we are called upon to decide in this case." However, other lower court District of Columbia cases interpreted possible exceptions to 18 U.S.C. 3109 in a fairly strict manner and required almost total compliance with the statute's mandates. For example, in *Masiello* v. *United States,*[62] there was a conflict in the testimony as to whether or not the police, had after announcing only their presence and immediately entering the premises, notified the defendant that they had a search warrant. The court remanded the case back to the lower court to determine if the police had *in fact* totally complied with the statute's knock and notification requirements. Again in *Keiningham* v. *United States,*[63] and *Hair* v. *United States,*[64] the court stated that the *Miller* rule requires police officers "who seek to invade the privacy of an individual's home to announce their authority and their purpose in demanding entrance before 'barging in' . . . ." [65] It is worth noting that in *Hair* the court, espousing this rule, excluded gambling paraphernalia which other State courts have held to be "easily disposable" contraband as would permit noncompliance with their knock and notice statutes. This case was merely the re-affirmation of a similar holding in an earlier case [66] and indicates the court's reluctance to permit any expansion of "no knock" in the District of Columbia.

II. ANNOUNCEMENT AND THE CONSTITUTION

The Fourth Amendment to the United States Constitution denounces only such searches and seizures as are "unreasonable." This is a word which, quite naturally, has confounded legal scholars for hundreds of years.[67] Yet the Fourth Amendment was only approved after the inclusion of Gerry's language banning "unreasonable seizures and searches" when the committee of the whole was considering Madison's proposals in the opening session of the new national Congress.[68] No doubt individual reaction against the so-called "general warrants" or "writs of assistance" was primarily responsible for the inclusion of this language. However, as our previous discussion indicates, neither this attitude nor the standard were novel. The common law was fairly well settled as against unreasonable searches in general, although no rules of reason had been clearly defined. Use of the term "unreasonable" was, of course, the most practical and, at the same time, the most farsighted way of satisfying current feeling in 1789 and of providing flexibility for the future. Still the term must have had some definite connotations to Gerry, Madison, and their contemporaries during the consideration and approval of the Bill of Rights. The growth of the law in this area would tend to obscure this idea, although modern courts often pay lip service, and sometimes more, to common law trends and traditions.[69] It might be well to bear in mind the words of Chief Justice Taft on this subject; [70]

"The Fourth Amendment is to be construed in the light of what was deemed an unreasonable search and seizure when it was adopted, and in a manner which will conserve public interests as well as the interests and rights of individual citizens."

The language of the Fourth Amendment suggests that the search and seizure itself was of primary concern to the drafters. The protections of the Amendment extends to "persons, houses, papers, and effects," each of which can involve different factual circumstances. Whether an announcement of purpose requirement is implicit for any or all of these protected entities is beyond our present concern, for the Supreme Court in recent years evidently concluded that a statement of identity and purpose is a basic prerequisite to entry into a home without the occupant's acquiescence—a prerequisite that has Constitutional dimensions.[71] The road to this conclusion is winding at best, however, and is paved with inconsistencies as well as exceptions. Furthermore, the end of the road is not necessarily in sight.

In deciding the case of *Miller* v. *United States,*[72] Mr. Justice Brennan and his colleagues were in effect facing the rule of announcement for the first time. In reaching a decision, the Supreme Court quite naturally turned to *Accarino* v. *United States* [73] which was considered something of a landmark at the time due to its extensive discussion of the common law rule on forcible entry. *Accarino,* like *Miller,* involved a case arising in the District of Columbia. But there are several factors which make Mr. Justice Brennan's deferrence to "the rule of *Accarino*" somewhat unfortunate. To begin with, *Accarino* owes its result to a great extent to the lack of a warrant for arrest.

In rendering his decision, Judge Prettyman concluded: [74]

"Unless the necessities of the moment require that the officer break down a door, he cannot do so without a warrant; and if in reasonable contemplation there is opportunity to get a warrant, or the arrest could as well be made by some other method, the outer door to a dwelling cannot be broken to make an arrest without a warrant."

It was primarily on this basis that Judge Prettyman determined that the evidence, seized following the forced entry and subsequent arrest of the defendant by law enforcement officers, should have been excluded. Unfortunately, he chose to add the following comment: [75]

"Upon one topic there appears to be no dispute in the authorities. Before an officer can break open a door to a home, he must make known the cause of his demand for entry."

If indeed there had been no dispute prior to *Accarino,* it was because the issue had never been squarely faced in a modern criminal case. Otherwise, as mentioned earlier, the common law was by no means fixed on this point, except in the general agreement that there were reasonable exceptions to any announcement rule which might exist.

Miller, like *Accarino,* was decided on non-Constitutional grounds. Language to the

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contrary notwithstanding, a close reading reveals that *Miller* stands as a determination of District of Columbia law, with the Fourth Amendment only indirectly involved. Likewise, the officers who arrested Miller after their forced entry had no warrant. Both cases speak in terms of a common law right of privacy in the home.[76] Both cases cite *Semayne's Case* [77] as well, but where *Accarino* recognizes that this venerable decision concerned a writ issued in a civil case,[78] Miller recites the oft-quoted pronouncement as if it related to breaking in order to arrest for a felony.[79] Such a misconception with regard to *Semayne's Case*, and to the entire body of Anglo-American law on this subject, is regrettably not uncommon. More serious is the fact that Mr. Justice Brennan failed to reach any conclusions with respect to common law exceptions such as the immediate threat of violence. And the underlying rationale that to use a knock of notice was, in most cases, the better way to avoid violence which might breach the King's peace, was completely ignored in deciding the case. The concept of privacy, as relied upon by *Miller* and idealized by William Pitt,[80] is a somewhat later and more amorphous development. Prior to our Constitution, that "the King's keys unlock all doors" [81] was probably a lot closer to the truth.

Although *Miller* may be based upon "the rule of *Accarino*" or District of Columbia law, its implications are broader because of the majority's insistence on relating its holding to Section 3109 of Title 18, U.S.C.[82] In Mr. Justice Brennan's view, 18 U.S.C. 3109 is the result of Congress' desire to codify the traditional rules of forced entry.[83] It is, to him, a restatement of *Semayne's Case*, and therefore applies in effect to all forcible entries, although by its language Section 3109 is limited to the execution of search warrants. The ambiguity thus developed is evident when reading cases which follow *Miller*.[84]

Again Mr. Justice Brennan articulated for the majority in *Wong Sun* v. *United States*,[85] the Supreme Court's next major opportunity to consider its holding in *Miller*. Once more agents had forcibly entered a dwelling without a prior notice of authority and purpose, although one of the agents apparently identified himself as a Federal narcotics agent to "Blackie" Toy before forcing the door to arrest him.[86] In reiterating his discussion of exceptions to the announcement rule in exigent or extraordinary circumstances,[87] Mr. Justice Brennan once more refused to pass upon this area, although he did repeat the "virtual certainty" test he formulated in *Miller*. But as in *Miller*, he could find in *Wong Sun* no facts justifying the conclusion that the officers could be virtually certain that "Blackie" Toy already knew their purpose. The door to other exceptions recognized at common law was opened somewhat wider in *Wong Sun*, however, when Mr. Justice Brennan again specifically mentioned the exceptions of "the imminent destruction of vital evidence, or the need to rescue a victim in peril" in recounting the fact that the Government claimed no such circumstances in the case.

Up to this point, "the knock" itself had not yet assumed Constitutional proportions. Holdings were based on common law, State law, 18 U.S.C. 3109, and various combinations of these authorities. The stage was not particularly well set, therefore, for *Ker* v. *California*.[88] Mr. Justice Clark, who had written dissents in both *Miller* and *Wong Sun*, on this occasion wrote for the majority. Mr. Justice Brennan, on the other hand, authored the dissent which expressed the views of the Chief Justice and two other Justices as well.[89] Although the decision was close in this case, with the exception of Mr. Justice Harlan there was virtual unanimity on one point: the rule of announcement is a Constitutional requirement implicit in the Fourth Amendment proscription against unreasonable searches and seizures. But where the minority felt that the circumstances in *Ker* did not satisfy any exceptions to the "knock" requirement which they were willing to recognize, the majority was of the view that ". . . in the particular circumstances of this case the officers' method of entry, sanctioned by the law of California, was not unreasonable under the standards of the Fourth Amendment as applied to the States through the Fourteenth Amendment." [90]

George and Diane Ker were undoubtedly taken by surprise when law enforcement officers quietly entered their apartment through the use of a pass key on the night of July 27, 1960. George was reading a newspaper in the living room, Dianne was just emerging from the kitchen. Resting in plain view in that kitchen was a brick of marihuana weighing over two pounds. More marihuana was subsequently discovered in the kitchen and in the bedroom after the Kers were arrested. There was no warrant obtained, nor was there any announcement of identity and purpose, prior to the officers' surreptitious entry. The omission of notice was ostensibly to prevent the destruction of evidence,[91] and was sanctioned by a judicial exception to the California statute which ordinarily required announcement.[92]

Although no force was used to make the entry in *Ker*, the majority recognized that the use of a pass key in this case was the legal equivalent of a breaking. They continued to leave open, however, the question of entry by ruse or trickery,[93] fostering future uncertainty in this area. Moreover, the Court chose to overlook the opportunity to establish a greater degree of certainty in several respects. In relying upon "the particular circumstances of this case," [94] Mr. Justice Clark evidently recognized a "destruction of evidence" exception but refused to discuss other "exigent circumstances"—although Mr. Justice Brennan listed his three somewhat restrictive exceptions in the dissent.[95] The majority opinion did not clarify whether the same result would obtain in this case if Federal rather than State officers had been involved, or if a search or arrest warrant had been issued. But one thing must be said for *Ker:* although the rules for its application were left uncertain, with Mr. Justice Clark and Mr. Justice Brennan polarized at almost opposite extremes, an exception to the announcement rule was incorporated into the Fourth Amendment for situations where there was a reasonable possibility that evidence might otherwise be destroyed.

One jurisdiction felt that the rules for the destruction exception set forth in *Ker* should be clarified to a much greater degree. The Court of Appeals of the Ninth Circuit in *Meyer* v. *United States*,[96] was faced with a situation in which the police had, by their own admission, failed to comply with the State statute based solely upon their general knowledge as to the possibility of paraphernalia used in bookmaking operations. The Government conceded that if it violated the knock and announce provisions of the statute, then the arrest and subsequent search was invalid and the evidence obtained was inadmissible. It argued, however, that because of the general nature of bookmaking paraphernalia, the *Ker* destruction exception excused noncompliance with the statute. The court in a *per curiam* decision flatly rejected this position. Citing a major California case [97] as controlling, the court stated that neither it nor the Supreme Court had ever held that a blanket rule authorizing "no knock" forcible entries was constitutionally reasonable based merely on the disposability of the evidence sought. The court noted that the Supreme Court in *Ker* had split four to four on the question of whether the evidence offered to excuse compliance with the notice and demand requirements was in fact constitutionally sufficient. The Court of Appeals stated that it had excused compliance with the statute in accordance with the established common law exceptions *only* on the basis of the *specific facts* of the case. That otherwise, the constitutional test of reasonableness would turn solely on the practical expediency and the Fourth Amendment's primary safeguard—the requirement of particularity—would be lost.[98] It thus attempted to clarify excusable noncompliance based on the destruction exception to greater degree than was set forth in *Ker*. Clearly, the case stood for the proposition that "no-knock" is permissible in the destruction of evidence situation. But it would require a more stringent form of judicial review based on the particularity of the facts in the case at hand.

The Constitutional holding in *Ker* has not been overruled, and the Supreme Court has refused thus far to reconsider its position.[99] In reliance upon *Ker*, some states have begun codifying the destruction of evidence exception and permitting the issuance of "no-knock" warrants. State courts appear to be supporting such legislation.[100] The more recent Supreme Court decision in *Sabbath* v. *United States* [101] indicates that these courts are on relatively safe ground. Although the decision in *Sabbath* turned upon an application of 18 U.S.C. 3109 rather than the Fourth Amendment, Mr. Justice Marshall's opinion helped to purify a few of *Ker's* muddy waters. It verified that all entries into dwellings by Federal officers will be tested in terms of Section 3109, with regard to which *any* unannounced entry will constitute a "breaking" regardless of actual force employed. This should be no surprise in view of *Ker*. Entry by ruse was once again set apart, however, which act in itself provides some clarification.[102] Most importantly, the Court reinforced the concept of implicit exceptions to the constitutional rule of announcement. It did so in a somewhat curious way, however, by utilizing a footnote [103] which speaks in terms of "any possible constitutional rule." And in referring to the "recognized" exceptions, the note cites Mr. Justice Brennan's dissent in *Ker* without reference to the majority opinion in that case. One can only conclude that this reference was due to Mr. Justice Brennan's neat exposition of what he viewed the exceptions to be, something Mr. Justice Clark failed to do. In other words, the citation should not be taken to favor the minority view of the destruction of evidence exception over the majority view, thereby impliedly circumscribing (if not overruling) the holding in *Ker*. However, one cannot help but wish once again for greater certainty.

Where, then, are we at this point? For one thing, we seem to have a federal statute [104] which is redundant of both the common law and the Constitution. Stated another way, it appears that entries by State officers will be judged by State law, reviewed by Fourth Amendment standards in appropriate cases; while entries by federal officers will be scrutinized in terms of Section 3109, which codifies the common law. Both Section 3109 and the Fourth Amendment contemplate exceptions in exigent circumstances, but whether Section 3109 is more stringent in its application of them cannot yet be determined. Certainly, there is a constitutionally recognized exception to the announcement rule, and a properly drafted amendment to Section 3109 reflecting the exception for potential destruction of evidence should pass Constitutional muster. Other exceptions might survive judicial scrutiny as well.[105] One thing is certain: the constant growth in drug traffic is resulting in increased pressure from law enforcement which will, in turn, encourage a corresponding growth in the law—or, if not growth, at the very least a clarification or refinement of existing standards.

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Proponents of a strict announcement requirement have created a constitutional certainty from a common law uncertainty. A structure resting upon such dubious foundation cannot long avoid some shifting. Doubtless, our founding fathers would have themselves disagreed if asked specifically in 1789 whether they considered unannounced entries into dwellings "unreasonable," and the exclusionary rule itself was not clearly formulated for almost one hundred years thereafter.[106] Nor could they have foreseen the growth in organized crime and the public impact resulting from present day gambling and drug traffic. To elevate the announcement rule to a constitutional requirement in 1963 was probably historically unsound. To premise it on a vague right of privacy, rather than on the avoidance of potential violence, was a further departure from precedent. Still, the rule is here and, so long as the right to individual privacy is kept in balance with the public interest in suppressing activities like illegal gambling and drug peddling, who would complain?

It is difficult to see, however, what actual protection is given to any right of privacy by the announcement rule. Once identity and purpose are stated, entry must always be permitted; if permission is denied, or even delayed too long, entry may be forced, provided the officer has a valid purpose in gaining admission. Since there is no discretion in the occupant, what then does the notice do for his privacy? If he has something to hide, the knock will perhaps give him some time to hide it better or to dispose of it. If he plans to resist, or to flee, he will be alerted. On the other hand, if he plans none of these and is otherwise lawfully engaged, how will the knock benefit him? If the door is locked, he may be able to avoid a broken door by responding to the demand for entry. If he is engaged in very private activities, perhaps of a sexual nature, or is otherwise indisposed, he may have time to avoid embarrassment—but not interruption. Or if he is asleep, he will be spared the possible shock of awakening to find a stranger in his home (entry by stealth), or of awakening to the sound of a breaking door.

Thus balanced, the protections to privacy seem to be somewhat tenuous when compared to the potential for public harm. This is particularly true with respect to potential destruction of evidence, especially when one considers that the probable cause requirement would have to be met in any event. And where a statute provides for the issuance of "no-knock" warrants, the judicial review factor must be added to the scales. In jurisdictions where such warrants are available, courts should of course look with jaundiced eye upon officers who fail to obtain warrants without good cause. All this is not to say that privacy should not be protected—constitutionally, if warranted. Many, if not most, searches would be "'"unreasonable" under the Fourth Amendment if preceded by an unannounced entry. But there is an extreme need for reasonable exceptions to be identified and clarified. Exclusionary rules will not deter if they are not understood by the cop on the beat.[107] Further, our view of privacy should be reconsidered. Would it not be inconsistent to permit electronic eavesdropping under the Fourth Amendment with appropriate judicial supervision,[108] and at the same time deny "no-knock" entry under limited circumstances with similar supervision? Which is the greater invasion of privacy?

It bears repeating that, if we are to continue to judge the announcement rule and its exceptions by Fourth Amendment standards, the somewhat vague and recent concept of privacy should not be given undue priority over more well-established concepts of reasonableness, expressed in comprehensible terms. Language from Mr. Justice Frankfurter's dissenting opinion in *United States* v. *Rabinowitz*, which was cited with approval by Mr. Justice Stewart in a more recent opinion overruling *Rabinowitz*,[109] helps to place the matter in perspective:

> "To say that the search must be reasonable is to require some criteria of reason. It is no guide at all either for a jury or for district judges or the police to say that an 'unreasonable search' is forbidden—that the search must be reasonable. What is the test of reason which makes a search reasonable? The test is the reason underlying and expressed by the Fourth Amendment: the history and the experience which it embodies and the safeguards afforded by it against the evils to which it was a response." [110]

III. NEW APPROACHES TO NO-KNOCK

The proposed Controlled Dangerous Substances Act, S. 3246, contains a no-knock warrant provision similar to many of those mentioned earlier in this article.[111] Section 702 is divided into two subsections. Subsection (b) authorizes unannounced entries in circumstances where the judge or magistrate issuing the warrant is satisfied that there is probable cause to believe that, if the officers knocked and announced their authority and purpose, either the evidence sought could be quickly destroyed or the officers would be placed in danger of physical harm. These warrants may only be issued for offenses relating to controlled dangerous substances, and the warrant must state on its face that the officers executing it are authorized to dispense with knocking or announcing their authority and purpose. In addition, there is also a requirement that the officers identify themselves and their purpose as soon as possible after gaining entry.[112]

Strong opposition has been voiced against the proposed no-knock provision on both constitutional and policy grounds. Critics contend that the language of Section 702(b) authorizing the issuance of a no-knock warrant if "there is probable cause to believe that if such notice were to be given the property at issuance in the case may be easily and quickly disposed of . . ." is too ambiguous and open to a wide variety of interpretations.[113] Their argument is that the language does not make clear whether it is the nature of the property making it easily destroyed or disposed of that is intended to be grounds for issuance of the warrant, or whether it is intended that specific facts are required to be shown that the occupants of the premises to be searched are ready, willing, and able to destroy the evidence at the first sign of police intrusion.

The original intent of Section 702(b) was to require a twostep process for obtaining any no-knock warrant. The first is compliance with the requirements necessary for obtaining conventional search warrants, those being that there is probable cause to believe that a crime has been committed and that evidence or fruits of such crime are located on the premises to be searched. In applying for the no-knock authorization, a second set of criteria must be met. The applicants must, in addition, show there is probable cause to believe that contraband drugs are located on the premises and that, by their nature, they are capable of quick destruction, and might in fact be so destroyed should the occupants be made aware of an imminent police intrusion. In effect, a number of elements are required: probable cause to believe that contraband drugs are located on the premises; that such drugs by their nature can be easily destroyed or disposed of; and probable cause to believe that the occupants of the premises might in fact destroy such drugs upon notice by the police of their intent to execute a search warrant. These requirements clearly meet the criteria established in existing law.[114]

An alternative approach would be to require positivity rather than probable cause in any application for a no-knock authorization. This would comport with the general standard for the issuance of nighttime search warrants under Rule 41(e) of the Federal Rules of Criminal Procedure. Simply stated, a positivity standard requires a greater quantum of factual information than does the probable cause standard. Under normal probable cause standards, the judge or magistrate does not have to be positive that the evidence sought is located on the premises to be searched in order to grant the warrant. Rather, the applicant need only disclose sufficient facts to warrant an averment that the evidence sought is likely to be on the premises. However, such facts would be insufficient to meet the positivity test.[115]

Requiring a positivity tests for the issuance of no-knock warrants would mean that the applicant would have to disclose facts evidencing a positive belief that contraband drugs are on the premises to be searched, and that they are of such a nature that they can be easily disposed of or destroyed. This would be about the limit to which one could extend the criteria for issuance of the warrants while it would clearly remedy many of the ambiguities which the critics have found inherent. In provision, it would create a tougher burden on officers seeking no-knock authority. It also forces the courts to determine just what standards apply to "positivity" versus "probable cause," something they have merely talked around in nighttime warrant situations.[116] While a middle alternative, this approach is not necessary or recommended in the light of existing law.

Critics also assert that the proposed no-knock provision of doubtful constitutional validity, basing their conclusions on the Fourth Amendment's prohibition against unreasonable searches and seizures and the implied right of individual privacy.[117]

Taken in a broad context, the right of privacy is the right of an individual to be left alone and shielded from unwarranted governmental intrusions.[118] However, in the words of Justice Stewart, writing for the majority in *Katz* v. *United States*, . . . "the Fourth Amendment cannot be translated into a general constitutional 'right to privacy.' That amendment protects individual privacy against certain kinds of governmental intrusion, but its protection goes further, and often has nothing to do with privacy at all." [119] Some critics of the no-knock provision would find implicit in the right of privacy the requirement of advanced notice prior to any lawful governmental intrusion, such as the execution of a valid search warrant. However, the dimensions of an individual's right to privacy severely contract when one is dealing with the execution of a search warrant. For purposes of conducting a search, the officers authorized to execute the warrant are legally entitled to entry into the designated premises, with or without the consent of the occupant. Should an occupant refuse admission to the premises, the officers can go so far as to use necessary force.[120]

When the framers of the Constitution made provisions for the issuance and execution of search warrants, they recognized that there would be times when an individual would have to be deprived of his substantive right to privacy. To protect the individual should this event arise, the framers required the element of reasonableness in the conducting of any search. Hence, what we are really talking about when referring to the general rule requiring notice of authority and purpose prior to execution of a search warrant is a standard of reasonableness which is a balancing of probable cause, need and the individual's right to privacy. Reasonableness is not an equivalent for "right to privacy" the latter being a part of the former and weighed, with other factors, to determine proper legal equilibrium.

The no-knock provision, requiring court authorization for the dispensing of announcement, reasserts the general principle that reasonableness of a search demands notice of authority and purpose. It is also

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a codification of some exceptions to the general rule.[121] In effect, it is a Congressional declaration that under certain, specified circumstances, notice of authority and purpose can be dispensed with and the search still remain within the bounds of reasonableness.

Citing past experience in narcotic and dangerous drug law enforcement, Congress could rationally justify these two exceptions as being necessary for effective law enforcement. What Congress is saying is that under circumstances where prior notice would lead to destruction of evidence or would endanger the lives of the officers executing the warrant, an unannounced or forcible entry will not invalidate the search as unreasonable. Congress is making these two exceptions to the rule because past experience has demonstrated that evidence has often been destroyed or officers injured due to the fact they were required to give notice of their authority and purpose prior to effecting an entry.

However, the provision does not compel Congress to impose a loose standard. Rather, while Congress will make a general finding that notice of authority and purpose can lead to destruction of evidence or injury to the officers, the provision requires, in addition, that a neutral judge or magistrate make a specific finding of either of these two possible events in each individual case. Before notice of authority and purpose can be dispensed with, the judge or magistrate issuing the warrant must be satisfied that there is probable cause to believe that grounds exist. He must specifically find probable cause to believe either destruction of the evidence or injury to the agents will result if notice of authority and purpose are given. Probable cause requires more than mere generalities. Rather, it requires specific facts. A no-knock warrant under the proposed provisions cannot be issued solely on the basis that most drug traffickers keep their supply of drugs in a place where they can be easily disposed of. More specificity is required by the definition of probable cause. Information relating to the actual location of the drugs or the propensity of the suspect to be violent will have to be known by the agents and made available to the judge when applying for the warrant.

CONCLUSION

Having traced history, state, and federal activity regarding the requirement of announcing authority and purpose prior to entering a person's dwelling, the question settles down to a moral, rather than legalistic judgment as to whether or not "no-knock" should be permitted. Weighing values of privacy, potential for violence and the need to preserve evidence in drug cases, it is felt that no-knock authority is not only necessary but desirable within the framework of the Federal drug proposal. By setting out the statutory requirements instead of placing reliance on common law doctrines,[122] law enforcement has a source on which to rely in this area. Further the statute requires the interposition of a judge or magistrate before no-knock authority can be obtained in executing a warrant. This judicial supervision has been repeatedly favored by the Supreme Court and should be required in this instant situation.[123]

The time has come to stop theorizing about a situation that is happening and being executed daily by local law enforcement. What is needed is meaningful reaction, not rationalization. Only then is the Fourth Amendment upheld and the populace protected.

FOOTNOTES

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[1] Amendment IV, United States Constitution, provides: "The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized."

[2] See Broom's Legal Maxims, p. 432.

[3] Year Book 13 Ed. 4, 9a (1455).

[4] (1603) 5 Coke 91.

[5] Co. 4th Inst. 177.

[6] 2 Hale, Pleas of the Crown 90–92 (1st Amer. ed. 1847).

[7] See Holdsworth, History of English Law, Vol. III, p. 593 *et seq.*

[8] See *Accarino* v. *U.S.*, 179 F.2d 456 (1949), discussion at p. 460–462.

[9] *Dystead* v. *Shed*, 13 Mass. 520 (1816).

[10] *Keith* v. *Johnson*, 31 Ky. 604 (1833).

[11] 4 Conn. 166 (1822).

[12] *Hawkins* v. *Commonwealth*, 53 Ky. 395 (1854).

[13] 120 Mass. 190 (1876).

[14] See Blakey, the Rule of Announcement and Unlawful Entry, 112 U. of Penn. Law Review at 508.

[15] "The officer may break open any outer or inner door or window of a house, or any part of a house, or anything therein, to execute a search warrant, if, after notice of his authority and purpose, he is refused admittance or when necessary to liberate himself or a person aiding him in the execution of the warrant."

[16] *Miller* v. *U.S.*, 357 U.S. 301, 303 (1958) at note 8.

[17] 46 Cal. 2d 301; 294 P. 2d 6 (1956).

[18] 45 Cal. 2d 755; 290 P. 2d 855 (1955).

[19] Cases collected at 6 CJS Arrest § 14 after note 21.

[20] Section 1531 California Penal Code provides: "the officer may break open any outer door or inner door or window of a house, or any part of a house, or anything therein, to execute the warrant, if after notice of his authority and purpose, he is refused admittance."

Cases collected in *People* v. *DeSantiago*. 453 P. 2d 353 (1969).

[21] Blakey, The Rule of Announcement and Unlawful Entry: *Miller* v. *United States* and *Ker* v. *California*, 112 U. Pa. L. Rev. 499, 532 (1964) at note 245.

[22] 67 Cal. 2d 586; 432 P. 2d 706 (1967).

[23] 67 Cal. 2d 586, 588; 432 P. 2d 760, 708.

[24] *People* v. *DeSantiago*, 76 Cal. Rptr. 809; 453 P. 2d 353, 359 (1969).

[25] *People* v. *Gastello*, 432 P. 2d 706, 708.

[26] Cf. *People* v. *Barnett*, 156 Cal. App. 2d 803; 320 P. 2d 128 (1958).

[27] 386 F. 2d 715 (9th Cir., 1967)

[28] *People* v. *Carillo*, 50 Cal. Rptr. 185; 412 P. 2d 377 (1968); *People* v. *Moore*, 140 Cal. App. 2d 870; 295 P. 2d 969 (1956).

[29] 66 Cal. Rptr. 1; 437 P. 2d 480 (1968).

[30] 78 Cal. Rptr. 504; 455 P. 2d 432 (1969).

[31] 374 U.S. 23 (1964).

[32] 391 U.S. 585, 589 (1968).

[33] 455 P. 2d 432, 436.

[34] See *Miller* v. *United States*, 357 U.S. 301, 309 (1958). *Hair* v. *United States*, 289 F. 2d 894 (1961).

[35] Fla. Stat. Annot. Sec. 901.19.

[36] 160 So. 2d 706 (1964).

[37] 160 So. 2d 706. 710.

[38] 172 So. 2d 628 (1965).

[39] Under *Chimel* v. *California*, 395 U.S. 752 (1969), such a search incidental to an arrest would no longer be permitted. See infra p. —.

[40] Utah Code Anno. §77–13–12 (1953) and Utah Code Anno. §19–611 (1947); Idaho Code Anno. §19–4409 (1947); Iowa Code Anno. §751.9 (1950); S.D. Code §23–22–18 (1967); S.D. Code, §23–15–14 (1967).

[41] 432 P. 2d 706 (1969).

[42] 437 P. 2d 489 (1968).

[43] 455 P. 2d 432 (1969).

[44] 15 Utar 2d 64; 387 P. 2d 240, 243 (1963).

[45] 76 W.D.2d 212; 455 P.2d 595 (1969).

[46] *State* v. *Young*, 455 P. 2d 595 at 597.

[47] The reader should note that the Washington Supreme Court specifically noted that its new rule was similar to the *Maddox* case. 455 P.2d at 598.

[48] Neb. Rev. Stat. §29411 (1965); N.Y. Code Crim. Proc. § 175 (1957); N.Y. Code Crim. Proc. §178 (1957); N.Y. Code Crim. Proc. §799, (1964); S.C. Code §53–198 (1962); S.C. Code, §17–257 (1962) and N.D. Cent. Code; §29–29.1–01 (1967).

[49] N.Y. Code Crim. Proc. §799.

[50] 374 U.S. 23.

[51] 16 N.Y. 2d 289, 213 N.E.2d 659 (1965), cert. denied 383 U.S. 963 (1966).

[52] 16 N.Y.2d at 292.

[53] 16 N.Y.2d at 292.

[54] *People* v. *Montanaro*, 299 N.Y.S. 2d 677 (Kings County Ct. 1962) *People* v. *McIlwain*, 28 A.D.2d 711; 281 N.Y. S.2d 218 (1967); *People* v. *Coochiara*, 221 N.Y.2d 857 (N.Y. County Ct. 1961).

[55] 18 U.S.C. 3109 reads, "The officer may break open any outer or inner door or window of a house, or any part of a house, or anything therein, to execute a search warrant, if, after notice of his authority and purpose, he is refused admittance or when necessary to liberate himself or a person aiding him in the execution of the warrant."

[56] D.C. Code Ann. §25–129(g) (1961) (liquor); D.C. Code Ann. §33–414(g) (1961) (narcotics).

[57] 18 U.S.C. 3109.

[58] *U.S.* v. *Miller*, 357 U.S. 301, 306 (1958); See Blakey, 112 U. Pa. L. Rev. 499, 513 for a more complete explanation of the applications of 18 U.S.C. 3109 to the District of Columbia.

[59] 179 F. 2d 456 (1949).

[60] See infra at p. —. See Blakey, 112 U. Pa. L. Rev. 499, 510–514.

[61] 357 U.S. 301 (1958).

[62] See generally, Blakey, 112 U. Pa. L. Rev. 499, 516–531.

[63] 287 F. 2d 126 (D.C. Cir. 1960).

[64] 289 F. 2d 894 (D.C. Cir. 1961).

[65] 289 F. 2d 894, 986.

[66] *Woods* v. *U.S.*, 240 F. 2d 37 (D.C. Cir. 1956).

[67] A mere hint is gleaned from examining 43A Words & Phrases, 94 *et seq.*

[68] See Mitchell & Mitchell, A Biography of the Constitution of the United States, p. 199.

[69] See, *e.g. Accarino* v. *U.S.*, 179 F. 2d 456 (1949); *Miller* v. *U.S.*, 357 U.S. 301 (1958).

[70] *Carroll* v. *U.S.*, 267 U.S. 132, 149 (1924).

[71] *Ker* v. *California*, 374 U.S. 23 (1963).

[72] 357 U.S. 301 (1958).

[73] 179 F. 2d 456 (1949).

[74] 179 F.2d at 464.

[75] *Id.* at 465.

[76] 357 U.S. at 313; 179 F.2d at 464.

[77] 5 Coke 91 (1603).

[78] 179 F.2d at 460.

[79] 357 U.S. at 308.

[80] Id. at 307.

[81] Broom's Legal Maxims, p. 432.

[82] See note 15.

[83] 357 U.S. at 313.

[84] *e.g. U.S.* v. *Barrow*, 212 F. Supp. 837, 845, where Judge Lord relied upon *Miller* as interpreting 18 U.S.C. 3109 to apply to the broad range of search and seizure situations. As he put it, "plainly stated, the Court has to decide not the application of a local rule as such, but whether or not the criteria of Section 3109 has been met . . ."

[85] 371 U.S. 471 (1963).

[86] *Id.* at 474.

[87] *Id.* at 484.

[88] 374 U.S. 23 (1963).

[89] *Id.* at 46.

[90] *Id.* at 41.

[91] *Id.* at 28.

[92] *Id.* at 38.

[93] See *Leahy* v. *United States*. 272 F.2d 487 (1960, *cert. granted*, 363 U.S. 810 (1960), *dismissed by stipulation* 364 U.S. 945 (1961); *Jones* v. *United States* 304 F.2d 381 (1962), *cert. denied*, 371 U.S. 351 (1963).

[94] 374 U.S. at 41.

[95] "(1) where the persons within already know of the officers' authority and purpose, or (2) where the officers are justified in the belief that persons within are in imminent peril of bodily harm, or (3) where those within, made aware of the presence of someone outside (because, for example, there has been a knock at the door), are then engaged in activity which justifies the officer's belief that an escape or the destruction of evidence is being attempted."

[96] 386 F.2d 715 (1961)

[97] *People* v. *Gastelo*, 63 Cal. Rptr. 10; 432 P.2d 706 (1967)

[98] 386 F.2d 715, 718.

[99] See *La Peluso* v. *California*, 239 Cal. App. 2d 715, cert denied 385 U.S. 829 (1966).

[100] See, *e.g. People* v. *DeLago*, 16 N.Y. 2d 289 (1965), cert denied, 383 U.S. 963 (1966).

[101] 391 U.S. 585 (1968).

[102] See 391 U.S. at 490, n. 7, which indicates that the Court is not willing to go out of its way to discontinue the established view of entry by ruse as being outside the scope of "breaking." Raised as a Constitutional issue, the result might be different.

[103] 391 U.S. at 491, n. 7.

[104] 18 U.S.C. 3109.

[105] e.g., to avoid loss of life; when there is virtual certainty purpose is known.

[106] *Boyd* v. *U.S.*, 116 U.S. 616 (1886).

[107] See Blakey, The Rule of Announcement and Unlawful Entry, 112 U. Pa. L. Rev. 499, 583 (1964).

[108] See *Berger* v. *New York*, 388 U.S. 41 (1967).

[109] *Chimel* v. *California*, 395 U.S. 752 (1969). In Chimel, police officers, after serving the defendant with an arrest warrant at his home, proceeded to search the entire house for items taken in an alleged burglary as incident to the arrest. The Court invalidated the search as being unreasonable since, even though it was incident to a valid arrest, there was no probable cause. The Court limited a search incident to an arrest to the arrestee's person and the area "within his immediate control"—construing that phrase to mean the area from within which he might gain possession of a weapon or destructible evidence.

[110] 339 U.S. at 83.

[111] Any officer authorized to execute a search warrant relating to offenses involving controlled dangerous substances the penalty for which is imprisonment for more than one year, may, without notice of his authority and purpose, break open an outer or inner door or window of a building, or any part of the building, or anything therein, if the judge or United States Magistrate issuing the warrant is satisfied that there is probable cause to believe that if such notice were to be given the property sought in the case may be easily and quickly destroyed or disposed of, or that danger to the life or limb of the officer or another may result, and has included in the warrant a direction that the officer executing it shall not be required to give such notice: *Provided*, That any officer acting under such warrant, shall, as soon as practicable after entering the premises, identify himself and give the reasons and authority for his entrance upon the premises.

[112] This proviso was included in the Senate Judiciary Committee to insure reasonably prompt notice to the occupants and thereby minimize the possibility of mistake of intent and potential violence.

[113] S. Rep. No. 91–613, 91st Cong., 1st Sess., 159 (1969).

[114] See supra.

[115] Rule 41(e) of the Federal Rules of Criminal Procedure requires for the issuance of a nighttime search warrant that the affidavit disclose sufficient facts to warrant the affiant in asserting a positive belief that the evidence is located on the premises to be searched. *United States* v. *Raidle*, 250 F. Supp. 278 (1965). An exception is made to Rule 41(e) for issuance of search warrants involving narcotic drugs. Section 1405 of Title 18, United States Code, permits the execution of search warrants relating to offenses involving narcotic drugs at any time of the day or night if there is probable cause to believe that grounds for the warrant exist. 18 U.S.C. 1405. This same exception has been incorporated in Section 702(a) of the proposed Controlled Dangerous Substances Act.

[116] *United States* v. *Castle*, 213 F. Supp. 52 (D.D.C. 1962) *Distefano* v. *United States*, 58 F. 2d 1963 (5 Cir., 1932).

[117] S. Rep. No. 910613, 91st Cong., 1st Sess., 159 (1969).

[118] *United States* v. *Katz*, 389 U.S. 347, (1968).

[119] 389 U.S. 347, 349

[120] *Butler v. United States*, 275 F. 2d 889 (CA.D.C. 1960).

[121] Under the proposed no-knock provisions, the only times unannounced entries will be permitted are when knocking and announcing authority and purpose would either lead to the quick destruction of the evidence sought or where the officers executing the warrant are placed in danger of physical harm.

[122] Note that in many states, Federal officers are also considered state peace officers and can execute state laws under state procedures, e.g. California.

[123] *United States* v. *Katz*, 389 U.S. 347, (1968) *Sibron* v. *New York*, 392 U.S. 40 (1968) *McDonald* v. *United States*, 335 U.S., 451, (1948)

APPENDIX.—STATES REQUIRING ANNOUNCEMENT OF AUTHORITY AND PURPOSE BEFORE FORCED ENTRY TO EXECUTE SEARCH WARRANTS OR ARRESTS (WITH OR WITHOUT A WARRANT)

State	Search warrant	Arrests (with or without warrant)
Alabama	Notice required (Code of Ala. 15.108).	Notice required (Code of Ala. 15.153, 15.155).
Alaska	No-knock permitted (Alaska Stat. 12.35.040)	Notice required (Alaska Stat. 12.25.100).
Arizona	Notice required (State v. Mendoza—454 P.2d 140 (1968) allows "no-knock" for destruction exception) (Ariz. Rev. Stat. 13–1446(B)).	Notice required (Ariz. Rev. Stat. 13–1411).
Arkansas	No statute, common law applies	Notice required (Ark. Stat. 43–414).
California	Notice required [1] (Calif. Penal Code, sec. 1531)	Notice required [1] (Calif. Penal Code, sec. 844).
Colorado	No statute, common law applies	No statute, common law applies.
Connecticut	No statute, common law applies (State v. Marino, 152 Conn. 85, 203 A. 2d 305 (1964) allows no-knock for destruction exception to common law announcement rule).	Do.
Delaware	No statute, common law applies (Dyton v. State, 250 A.2d 383 (1969), allows no-knock for destruction exception to common law announcement rule).	Do.
District of Columbia	Notice required (D.C. Code Ann. 25–129(g) (liquor) D.C. Code Ann. 33–414(g) (narcotics) 18 U.S.C. 3109. But an annotation to sec. 23–301, par. 6 states that for search or arrest that the police can break in after an announcement of identity and purpose. There are no exceptions. "Breaking and entering premises without an announcement is clearly illegal and an improper entry renders a subsequent search invalid.")	No provision, common law applies.
Florida	Notice required (Fla. Stat. 933.09) (Benefield v. State, 160 So. 2d 706 (1964) allows no-knock for destruction exception).	Notice required (Fla. Stat. 901.19).
Georgia	Notice required (Code of Ga. Ann. 27–308). The arrest provision states that the police may use force to break into a building and does not require any announcements prior to the breaking. The new search statute does require an announcement before breaking.	No-knock permitted only with warrant (Code of Ga. Ann. 27–205).
Hawaii	No-knock permitted if door to house is open. Notice required if door is closed. (Hawaii Rev. Stat., title 37, sec. 708.37)	Notice required (Hawaii Rev. Stat. title 37, sec. 708.11).
Idaho	Notice required (Idaho Code 19–4409)	Notice required (Idaho Code 19–611).
Illinois	No-knock permitted (Ill. Ann. Stat., title 38, sec. 108–8). The arrest statute states that no notice or announcement required for arrest but People v. Barbee, 35 Ill. 2d 407, 220 N.E. 2d 401 (1966) requires announcement before arrest. The search warrant section concludes that notice is not necessary if constitutional standards (of reasonableness) are met. People v. Hartfield, 94 Ill. App. 2d 421, 237 N.E. 2d 193 (1968). People v. Macias, 39 Ill. 2d 208, 234, N.E. 2d 783 (1968) allows no-knock for destruction exception.	No-knock permitted (Ill. Ann. Stat., title 38, sec. 107–5(d)).
Indiana	No statute, common law applies Hadley v. State, 238 N.E. 2d 888, 906 (1968), allows no-knock for destruction exception to the common law rule of announcement.	Notice required (Ind. Ann. Stat. 9–1009).
Iowa	Notice required (Iowa Code Ann. 755.9)	Notice required (Iowa Code Ann. 751.9).
Kansas	No statute, common law applies	Notice required (Kansas Stat. Ann. 62–1819).
Kentucky	do	Notice required (Ky. Rev. Stat. 70.077 and 70.078).
Louisiana	No-knock permitted (La. Code of Crim. Pro. title V (Art. 164)) the new statute on arrests without warrants is broader now and not limited only to felonies.	Notice required (La. Code of Crim. Procedure title V (Art. 224)).
Maine	No statute, common law applies [2]	No statute, common law applies.[2]
Maryland	do [3]	Do.[3]
Massachusetts	No statute, common law applies (Commonwealth v. Rossetti, 211 N.E. 658, 665 (1965) court referred to no-knock for destruction exception to the common-law rule of announcement in dictum).	No statute, common law applies.
Michigan	Notice required (Mich. Stat. Ann. 28–1259 (6)) the search provision had not be included previously	Notice required (Mich. Stat. Ann. 28,880).
Minnesota	No statute, common law applies (State v. Parker, 283 Minn. 127, 166 N.W. 2d 347 (1969).)	Notice required (Minn. Stat. Ann. 639.33 and 639.34).
Missouri	No-knock permitted (Vernon's Ann. Mo. Stat. 542.390)	Notice required (Vernon's Ann. Mo. Stat. 544.200).
Mississippi	No statute, common law applies	Notice required (Miss. Code of 1942, 2472).
Montana	No-knock permitted [4] (Rev. Code of Montana 1947 (95–809))	Notice required [4] (Rev. Code of Montana 1947 (94–6011)).
Nebraska	No-knock permitted [5] (Rev. Stat. of Neb. 29-411)	No-knock permitted [5] (Rev. Stat. of Neb. 29–411).
Nevada	Notice required (Nev. Rev. Stat. 179.090)	Notice required (Nev. Rev. Stat. 171.138).
New Hampshire	No statute, common law applies	No statute, common law applies.
New Jersey	do [6]	Do.[6]

Footnotes at end of table.

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APPENDIX.—STATES REQUIRING ANNOUNCEMENT OF AUTHORITY AND PURPOSE BEFORE FORCED ENTRY TO EXECUTE SEARCH WARRANTS OR ARRESTS (WITH OR WITHOUT A WARRANT)—Continued

State	Search warrant	Arrests (with or without warrant)
New Mexico	No statute, common law applies	No statute, common law applies.
New York	No knock permitted. (The officer may break open an outer or inner door or window of a building, or any part of the building, or anything therein, to execute the warrant, (a) if, after notice of his authority and purpose, he be refused admittance, or (b) without notice of his authority and purpose, if the judge, justice, or magistrate issuing the warrant has inserted a direction therein that the officer executing it shall not be required to give such notice. The judge, justice, or magistrate may so direct only upon proof under oath, to his satisfaction, that the property sought may be easily and quickly destroyed or disposed of, or that danger to the life or limb of the officer or another may result, if such notice were to be given. As amended L. 1964, c. 85, eff. July 1, 1964.) (N.Y. Code Crim. Procedure, sec. 799.)	Notice required (N.Y. Code of Crim. Procedure, sec. 175—arrest with warrant—and sec. 178—arrest without warrant).
North Carolina	No statute, common law applies	Notice required (Rev. Stat. of N.C. 15.44).
North Dakota	No-knock permitted if judge so provides (N.D. Code 29-29.1-01)	Notice required (N.D. Code 29-06-14).
Ohio	Notice required U.S. v. Blank, 251 F.Supp. 166 (1966) and State v. Johnson, 16 Ohio Misc. 278, 240 N.E. 2d 574 (1968) allow no-knock for destruction exception). (Ohio Rev. Code Ann. 2935.12)	Notice required (Ohio Rev. Code Ann. 2935.12).
Oklahoma	Notice required (Okla. Stat. Ann. Title 22, Sec. 1228)	Notice required (Okla. Stat. Ann. title 22 sec. 194 (arrest with warrant) sec. 197 (arrest without warrant).
Oregon	Notice required (State v. Cortman, 466 P. 2d 681, 683 (1968) allows no-knock for destruction exception; cites People v. Maddox (Calif.)) (Oreg. Rev. Stat. 141.110).	Notice required (Oreg. Rev. Stat. 133.290 (arrest with warrant) 133.320 (arrest without warrant)).
Pennsylvania	No statute, common law applies (Manduchi v. Tracy, 350 F.2d 658 (1965) cert. denied, 382 U.S. 943 allowed no-knock for destruction exception to common law rule of announcement).	No statute, common law applies.
Rhode Island	No statute, common law applies (State v. Johnson, 230 A.2d 831, allows no-knock for destruction exception to common-law rule of announcement.)	Do.
South Carolina	No-knock permitted (S.C. Code Sec. 17-257)	Notice required (S.C. Code Sec. 53-198).
South Dakota	Notice required (S.D. Comp. Laws. Ann. 1967, Sec. 23-15-14)	Notice required (S.D. Comp. Laws Ann., 1967, Sec. 23-22-19).
Tennessee	Notice required (Tenn. Code. Ann. 40.509)	Notice required (Tenn. Code Ann. 40.807).
Texas	No-knock permitted (Vernon's Tex. Stat. Ann. Code of Crim. Proc., art. 18.18)	Notice required (Vernon's Tex. Stat. Ann. Code of Crim. Proc. Art. 15.25).
Utah	No-knock permitted 1967 Amendment to search warrant provisions reads: "Officer may break door or window to execute warrant—Authority. The officer may break open any outer or inner door or window of a house, or any part of a house or anything therein, to execute the warrant: (1) If, after notice of his authority and purpose, he is refused admittance, or (2) Without notice of his authority and purpose, if the judge, justice, or magistrate issuing the warrant has inserted a direction therein that the officer executing it shall not be required to give such notice. The judge, justice, or magistrate may so direct only upon proof under oath, to his satisfaction, that the property sought is a narcotic, illegal drug, or other similar substance which may be easily and quickly destroyed or disposed of, or that danger to the life or limb of the officer or any other may result, if such notice were to be given." Also see State v. Louden, 15 Utah 2d 64, 387 p. 2d 240 (1963).) (Utah Code Ann. 1953, 77-54-9).	Notice required (Utah Code Ann. 1953, 77-13-12).
Vermont	No-knock permitted (Vermont Stat. Ann. 24.302)	No-knock permitted (Vermont Stat. Ann. 24.302).
Virginia	No statute—common law applies	No statute. Common law applies.
Washington	do [7]	Notice required [7] (Rev. Code of Wash. Ann. 10.31.040).
West Virginia	No-knock permitted for structures other than a "dwelling" (W. Va. Code 62.1A-5)	No statute. Common law applies.
Wisconsin	No statute. Common law applies	Do.
Wyoming	Notice required	Notice required for arrest with warrant (Wy. Stat. Ann. 7-165) No statute for arrest without warrant—Common law applies.

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[1] People v. Maddox, 204 P. 2d 6 (1956) allow no-knock; people v. Gostelo, 432 P. 2d 706 (1967) for destruction; People v. Rosales, 437 P. 2d 489 (1968) exception.

[2] State v. Martelle, 252 A. 2d 316 (1969) allows no-knock as an exception to the common-law rule of announcement "An officer * * * is bound, on demand to make known his authority, but his omission to do so can do no more than deprive "him" of the protection which the law throws around its ministers, when in the rightful discharge of their duty."

[3] Henson v. State, 236 Md. 518, 204 A. 2d 516 (1969) and Waugh v. State, 3 Md. App. 379, 239 A. 2d 596. Both cases allow destruction exception to the common law rule of announcement.

[4] The general arrest statute and the search statute give the right to break in without the requirement of notice. The arrest with or without warrant statutes require notice unless notice would jeopardize the arrest.

[5] "Warrants: execution; powers of officer; direction for executing. In executing a warrant for the arrest of a person charged with an offense, or a search warrant, or when authorized to make an arrest for a felony without a warrant, the officer may break open any outer or inner door or window of a dwelling house or other building, if, after notice of his office and purpose, he is refused admittance;" or without giving notice of his authority and purpose, if the judge or magistrate issuing a search warrant has inserted a direction therein that the officer executing it shall not be required to give" such notice, but the political subdivision from which such officer is elected or appointed shall be liable for all damages to the property in gaining admission. The judge or magistrate may so direct only upon proof under oath, to his satisfaction that the "property sought may be easily or quickly destroyed or disposed of, or that danger to the life or limb of the officer or another may result, if such" notice be given; but this section is not intended to authorize any officer executing a search warrant to enter any house or building not described in the warrant.)

[6] State v. Juliano, 97 N.J. Super. 25, 234 A. 2d 236 (1967) allows No-Knock for destruction exception to common law rule of announcement.

[7] State v. Young, 76 W. D. 2d 212, 455 p. 2d 595 (1969) allows No-Knock for destruction exception.

Note.—The citations listed in the above appendix are illustrative only and in no way are to be considered as all inclusive.

Mr. PELL. Mr. President, will the Senator yield for a question?

Mr. DODD. I am happy to yield.

Mr. PELL. I should like to ask a general question, not with specific reference to the amendment, but one which concerns me. Do I correctly understand that a differentiation is made as to the sale of different kinds of drugs; but so far as possession goes, as to LSD, marihuana, or heroin, they are all treated alike?

Mr. DODD. On a first and second possession offense, they are.

Mr. PELL. They are all treated alike on a first offense, for mere possession?

Mr. DODD. Yes.

Mr. PELL. I would submit that we, the older generation, are not really aware—maybe the Senator from Connecticut is, but I think many of us are not really aware—of what the mores and customs are of many of those who are under 25 today. I would submit that the treatment of possession of marihuana, on a first offense, on the same basis as the treatment of possession of heroin, would not be advisable. I am not suggesting that marihuana should be legalized, but I am wondering if there should not be a differentiation here, because I doubt whether there are many young people in this country of the age I have mentioned who can say they have never smoked marihuana.

Because of that, I wonder if we should not differentiate it here. I am not excusing it or condoning it, but what I have stated is, I think, a fact.

Mr. DODD. Let me respond to the Senator in this fashion: I think the Senator is absolutely right, that a first offense of possession of marihuana usually is quite a different offense from that of the possession of heroin. I have been quite distressed about this, as has the Senator, for a long time. That is why we put in title VIII, calling for the indepth study of marihuana. In the meantime, the bill reduces the penalty for possession of marihuana, and the limit that can be imposed would be 1 year.

Mr. PELL. But that is the same limit as on heroin, for a first offense, is it not?

Mr. DODD. Yes, we do reduce the possession penalties on all of the covered drugs.

But I believe we have got to hold the line on marihuana until we get this study completed, because nobody knows, really, how damaging it is, or how addictive it is. Not enough is known about it, or not enough is known definitively about it. My own view of it is, after making the study as well as I could, that we had better just hold the line until we do know. I think that is the best course for us to follow.

Mr. PELL. I appreciate the Senator's response. He has done a great job with this bill. I cannot agree with him on the similarity of treatment of first offenders with respect to possession of all drugs being treated alike, but perhaps this will be worked out later on in the bill.

Mr. DODD. We took that approach because the user is usually the victim, a sick person. And whether he be a heroin user or a marihuana user he should be treated as a sick person, not subjected to harsh imprisonment. I would be glad to listen to an argument against this position of which I could be convinced.

We have reduced marihuana penalties to a misdemeanor and I do not think we should go any further until we know a lot more about marihuana. We do know, for example, that some of the Asiatic marihuana is about as bad as any drug can be. It is really destructive of the human nervous system and can cause psychotic breaks.

I am one of those who think that the massacre at Mylai could have been in

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part attributable to the use of that kind of marihuana.

There is abundant scientific evidence to support the fact that Asian marihuana is a harmful, destructive drug. Other grades of it are not. We have this conflict of opinion between eminent scientists.

So I say to the Senator, what do we do under the circumstances? What can I recommend to the Senate other than what I have—that we hold the line, take away mandatory provisions of the law, give the judges leeway so that they can distinguish between a youngster caught with two or three cigarettes and a professional peddler of marihuana, do away with the mandatory requirement that he go to prison, but maintain a penalty, until we can have a clearer idea of what we are dealing with?

Mr. PELL. Right. But, in this connection, most of the young people on the campuses, at one time or another—the parents hate to admit it—have smoked or have had in their possession a marihuana cigarette, and for them to be liable to a year's imprisonment seems incorrect. If it is a misdemeanor, requiring 30 days or something like that, then I think one can move in and seek to eliminate this habit. If the penalty is too severe, what happens is what is happening now, that the judges just wash it out and the youngsters are not really harassed by it, or, if they are harassed, they are harassed to an extreme.

Mr. DODD. Under the provisions of this bill, the judge will be able to impose a 30-day sentence or even a 10-day sentence, or a 5-day sentence, or even a suspended sentence. He does not have to send anybody to prison. Yet, at the same time, he has the power to send to prison the fellow he thinks ought to go there because the circumstances warrant it.

I agree. I think the Senator raises a very serious point, and I think we ought to consider it very carefully. I do not want to give him the impression that I brush this aside. I do not do so at all. I know what he is talking about, and it is one of the most difficult problems we have had in dealing with the writing of this bill.

Mr. PELL. Along that line, under the general mores of our community, if the mother and father go out and get soused on Saturday night, that is not approved, but it is accepted. But if the children get equally high on marihuana, that is very much frowned upon and is very reprehensible; and it is hard for the young people not to believe that we are hypocritical when we condone the one and condemn the other.

Another question that I would ask the Senator from Connecticut, which has bothered me as an individual——

Mr. DODD. May I answer the Senator's observation about getting "soused," as he very well put it?

I am aware of this. People have said this to me. My own children have talked about it. We have to think about this point.

But my understanding is that, bad as the excessive use of alcohol is, it does not have the potential power to create the severe psychosis that certain types of marihuana do. And I am told marihuana can do this in a very short period of time because it is an hallucinogen, like LSD. Here, again, we are going to hear arguments on both sides.

XUM

Mr. PELL. I should like to make one little reply in reference to the Mylai disaster. As I understand it, and I feel very square in never having smoked a marihuana cigarette—and I think it unlikely, though nothing is impossible, that that day will come——

Mr. DODD. Wait until next week.

Mr. GORE. Is the Senator going to have a party? [Laughter.]

Mr. PELL. No.

As I understand it from reliable younger sources, marihuana does not increase the aggressive instincts of individuals. Alcohol does. Crimes of violence are more likely to occur under the stimulus of alcohol than of any other drug. In consequence, I would doubt that that massacre was the direct result of a drug which is basically a depressant and not an "arouser-upper."

Mr. DODD. I hope I did not say that I thought the tragedy was the direct result.

Mr. PELL. The Senator said only that it might have been.

Mr. DODD. I think it very well might have been. It is no secret. I talked with Captain Medina and his lawyer about this aspect of the problem. He came to my office, and I went over it with him as well as I could. What he said to me does not warrant my saying that what happened was the result of it. But he did admit it was a problem among his troops and that it is found in every nook and corner in Vietnam. My own knowledge is based on medical reports from Vietnam that depict terrible acts of brutality and aggression on the part of soldiers because they went into psychotic states, and became hysterical after smoking the local variety of marihuana.

I will be glad to supply the Senator with incident after incident in our records of users of marihuana doing brutish, sadistic, and terrible things to other human beings. This usually does not happen. But some types of it apparently bring this on in some people. That is what makes this problem so difficult to handle.

Mr. PELL. I appreciate the Senator's comments. I think he has studied the matter more deeply than I have and knows much more of the subject in depth.

I have another question to ask, which has bothered me as an individual, and it is in connection with the sale of drugs.

I derive the impression that so-called hard drugs—heroin and things of that sort—are really like the numbers racket and gambling, are really the underpinnings of organized crime, but that the sale of marihuana is not the responsibility or the doing of organized crime to anywhere near the same extent. Is that correct?

Mr. DODD. I think that is substantially correct. But I would not want to leave the impression that organized crime has left this alone, because it has not. There is some evidence that they are in this area and have been operating there. The Senator can be sure that if organized crime thinks it can make profit out of this traffic, it will get into it.

Mr. MANSFIELD. Mr. President, will the Senator yield?

Mr. DODD. I yield.

Mr. MANSFIELD. I would hazard the guess that as this habit increases and perhaps becomes more expensive, then organized crime might very well move in, as they have done in the field of narcotics, as we understand the use of that term, even in the high schools and down into the grade schools, and in groups around the corner stores; because they are always looking for outlets, so to speak, and products which they can push and make a profit on.

So I do not think we could forgo that possibility. If good, decent legislation, aware of all the facts concerned, is not enacted, I would hazard the guess that the trend would be in that direction.

Mr. DODD. I think the Senator is 1,000 percent correct. I am glad he made that statement.

Mr. PELL. With my tongue in cheek, perhaps one of the solutions would be that, as organized crime becomes increasingly respectable, as we hear it does as they move into respectable businesses—and I read a book the other day entitled "The Godfather" and found there were elements in organized crime who felt it is not respectable to have anything to do with drugs but that it is perfectly all right to have something to do with gambling or with murder. I would hope that this differentiation would not come about to too great an extent to make one element of organized crime respectable.

Mr. DODD. The idiosyncrasies of criminals are wonderful to behold. Someone should write a book on the subject.

Mr. PELL. "The Godfather" is one.

Mr. DODD. I have not read it. I will try to get a copy of it.

ORDER FOR ADJOURNMENT TO 11 O'CLOCK A.M. ON MONDAY, JANUARY 26, 1970

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 11 o'clock a.m. on Monday next.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECOGNITION OF SENATOR TYDINGS FOR 1 HOUR ON MONDAY MORNING NEXT

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that on Monday next, immediately following the prayer and disposition of the reading of the Journal, the able senior Senator from Maryland (Mr. TYDINGS) be recognized for not to exceed 1 hour.

The PRESIDING OFFICER. Without objection, it is so ordered.

CONTROLLED DANGEROUS SUBSTANCES ACT OF 1969

The Senate continued with the consideration of the bill (S. 3246) to protect the public health and safety by amending the narcotic, depressant, stimulant, and hallucinogenic drug laws, and for other purposes.

AMENDMENT NO. 455

Mr. McINTYRE. Mr. President, first and foremost, I want to congratulate the distinguished Senator from Connecticut (Mr. Dodd) for the long and hard work he and his subcommittee must have gone through to bring this very important bill finally to the floor of the Senate.

Mr. President, as we enter the decade of the seventies, America faces some of the most serious social problems in our history. High on the list is the problem of drug abuse and addiction. The magnitude of this problem is such that we cannot hope to solve it through governmental efforts alone. Despite the best efforts of the Federal, State, and local governments, the problem has continued to grow. In my opinion, therefore, this terrible social ill can be overcome only through the cooperative efforts of government at all levels, together with the active participation of a concerned and aroused citizenry.

I am a firm believer in the principle of citizen involvement in the solution of social problems. There are millions of people in our Nation who are deeply concerned about the drug problem and they are expressing this concern in many ways. As parents they are doing all they can to assure that their family is not affected directly by the drug problem. In addition, they are expressing their concern as individuals, to the press and to their local, State, and national officials.

Beyond this, many are working through a vast number of organizations at the local, State, and national levels to bring the weight of these organizations to bear in meeting the problems of drug abuse and addition through programs of education, prevention, and rehabilitation.

These organizations include educational associations, civic associations, service clubs, fraternal organizations, labor organizations, women's clubs, professional associations, church groups, hospital organizations, youth groups, and many others. In addition, many of our corporate citizens are involving themselves in various ways in trying to combat the drug problem.

At the risk of seeming not to give due recognition to any one of the groups who is doing such an able job, I would like to mention particularly the efforts being exerted by the Junior Chamber of Commerce and the Lions and Kiwanis Clubs, for I know of their work and have the highest praise for what they are doing.

During recent trips to my own small State of New Hampshire, I have been impressed with the large number of individuals and organizations which are trying to make some headway in dealing with the drug problem. A meeting on the drug problem will bring out a surprisingly large proportion of the citizenry in a town of most any size.

I believe that the interest of my wife Myrtle is typical of that of most citizens. Her interest developed first as a mother, then a citizen. She has found, as I have, that there is an overwhelming interest of people in this subject. On trips to New Hampshire, Mrs. McIntyre was continually questioned by interested persons about what they could do to help. They asked her how their clubs and societies could become more active, better educated in this area, and what they could do to have the greatest impact.

In fact, Mrs. McIntyre is in New Hampshire at this very moment meeting with a broad segment of individuals and groups on this subject. Her schedule is as tight and busy as nearly any I have when I make a trip to New Hampshire. She had merely indicated to a few people that she was interested in trying to help and suddenly she was inundated with requests to visit with them and to help them do the best possible job.

I do not report these actions of my good wife in any spirit of McIntyre family egocentricity, but purely to set forth another example of the enormous interest of the American people in drugs and their desperate desire to do something.

Recent public opinion polls show that 90 percent of the American people share a deep and abiding concern over drug abuse. Very few issues in our Nation show such an overwhelmingly high percentage of deep citizen interest.

The Christian Science Monitor said in a recent editorial:

> In the crescendoing concern over drug use by teen-agers, more and more citizens committees and parents groups are usefully getting into the act. As President Nixon has said, the answer to the drug problem isn't law enforcement alone; education is vital, and where teen-agers are concerned this means education supplied by parents, teachers, churches, and local and federal agencies.

Dr. Sidney Cohen, Director of the Division of Narcotic Addiction and Drug Abuse of the National Institute of Mental Health, one of the most distinguished authorities in this field, said recently:

> The mere passage of laws as a device to eliminate noxious behavior is an ineffective technique. What is needed in addition to sagacious laws is public education and public cooperation with those laws.

President Nixon has stressed many times the need for people to involve themselves in helping to solve the great problems of the day, and Mrs. Nixon has devoted much of her time to promoting the cause of voluntary groups in many areas.

Mr. President, I believe that the great groundswell of desire to participate in combatting the drug problem which is now beginning to build must not be splintered or misdirected, or made impotent because it has no cohesion or direction.

I believe we can harness this great force, but we need a mechanism to provide information and direction.

For this reason, Mr. President, I am proposing the establishment of a Presidential advisory committee to bring together the best minds in the Nation to study the extent to which private, nongovernmental organizations are already involved in efforts to prevent drug abuse and addiction, to advise on the ways to foster and best utilize the efforts of such groups in our overall fight against the drug problem.

In order to accomplish this purpose I submit an amendment, intended to be proposed by me, to S. 3246, which provides for the establishment of such a committee, and I ask unanimous consent that it be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. The amendment will be received and printed, and will lie on the table; and, without objection, the amendment will be printed in the RECORD following the Senator's remarks.

Mr. McINTYRE. Mr. President, the amendment provides that the committee will be composed of 21 members to be appointed by the President with no more than seven to come from the Federal Government including the legislative branch.

The life of the committee will be for 1 year. The members will elect their chairman from among themselves.

The amendment also authorizes the expenditure of $250,000 for staff and other necessary expenses.

Mr. President, because of the gravity of the problem of drug abuse and addiction, I believe that S. 3246 ranks among the most important pieces of legislation with which we shall have to deal in this session of the Congress. I shall give it my wholehearted support and I am confident that the vast majority of my colleagues will do likewise.

However, I hope that my colleagues will also recognize that if we are to deal effectively with this problem, it is essential that we harness and give direction to the vast interest and effort on the part of private individuals and organizations which is just beginning to build and to coordinate these efforts with government activities at all levels.

I urge my colleagues to support the amendment I have offered to accomplish this worthwhile purpose.

The amendment submitted by Mr. McINTYRE is as follows:

AMENDMENT NO. 455

On page 3, after the item "SEC. 709. Payments and Advances", strike out everything preceding "TITLE IX—MISCELLANEOUS", and insert in lieu thereof the following:

"TITLE VIII—ADVISORY COMMITTEES

"SEC. 801. Establishment of committee on marihuana.

"SEC. 802. Establishment of committee on nongovernmental drug abuse prevention and control."

On page 87, line 3, strike out "COMMITTEE ON MARIHUANA" and insert in lieu thereof "ADVISORY COMMITTEES".

On page 87, line 4, strike out "Establishment of Committee" and insert in lieu thereof "Establishment of Committee on Marihuana".

On page 89, between lines 21 and 22, insert the following new section:

"ESTABLISHMENT OF COMMITTEE ON NON-GOVERNMENTAL DRUG ABUSE PREVENTION AND CONTROL

"SEC. 802. (a) There is hereby established a Committee on Non-Governmental Drug Abuse Prevention and Control (hereinafter referred to in this section as the "Committee") for the purposes of (1) studying the extent to which non-governmental organizations are involved in the prevention and control of drug abuse or addiction, and (2) advising as to how such organizations can best be fostered and encouraged.

"(b)(1) The committee shall be composed of twenty-one members, no more than seven of whom may be Members of Congress or otherwise employed by the Federal Government, to be appointed by the President.

"(2) The committee shall elect a chairman from among its members.

"(3) The members of the committee shall serve without compensation but shall be reimbursed for travel, subsistence, and other necessary expenses incurred by them in carrying out the duties of the committee.

"(4) The committee shall submit a report of its findings and recommendations to the President and Congress within one year after the date of enactment of this Act. Thirty days after submitting such report, the committee shall cease to exist.

"(c) In order to carry out the purposes of this section, the committee is authorized—

"(1) to appoint and fix the compensation of such personnel as may be necessary, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates, at rates not in excess of the maximum rate for GS–18 of the General Schedule under section 5332 of such title; and

"(2) to obtain the services of experts and consultants, in accordance with the provisions of section 3109 of title 5, United States Code, at rates for individuals not to exceed the rate for a grade GS–18 of the General Schedule for employees for each day (including travel time) during which they are engaged in the actual performance of their duties for the committee. While traveling on official business in the performance of duties for the committee such persons so employed shall be allowed expenses of travel, including per diem instead of subsistence, in accordance with section 5703 of title 5, United States Code.

"(d) The Committee is authorized to request from any department, agency, or independent instrumentality of the Government any information and assistance it deems necessary to carry out its purpose under this section; and each such department, agency, and instrumentality is authorized to cooperate with the Committee and, to the extent permitted by law, to furnish such information and assistance to the Committee upon request made by the Chairman or any other member when acting as Chairman.

"(e) The General Services Administration shall provide administrative services for the Committee on a reimbursable basis.

"(f) There are hereby authorized to be appropriated such sums as may be necessary, not to exceed $250,000, to carry out the provisions of this section."

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Mr. DODD. Mr. President, will the Senator from New Hampshire yield?

Mr. McINTYRE. I am happy to yield to the Senator from Connecticut.

Mr. DODD. I am very grateful to the distinguished Senator for his splendid statement. He is right, we must take help from the private sector. The only way we can accomplish our task will be with the help of the private sector. It has already helped us tremendously.

The Senator has named some of the organizations which have been very much aware of this problem and have developed good programs for helping to deal with it.

With regard to the Senator's amendment, which he has just offered, I know that we will take that up, as he understands, the first part of next week. We will certainly look at it here. Whether we can go along with it, of course, I do not know at this moment.

I want to say to the Senator from New Hampshire, while he is on his feet, that he gave great encouragement to me personally, and to others on the subcommittee as we struggled with the bill, and I am grateful to him for having done so. The Senator from New Hampshire played a very important part in our efforts. Without his help we would not have been as far along with it as we are.

Mr. McINTYRE. I want to thank my distinguished friend from Connecticut and emphasize that I have been very much impressed by the desire of people, just the ordinary mother and dad, to try to get to know something about this subject. There is an awful lot of fiction connected with it, trying to come up with the true facts about it. I would hope that, somehow, all these great efforts can have the benefit of the coordination, direction, and harnessing, that such a committee as I have suggested in my amendment can accomplish.

I thank the Senator very much.

NEW DRUG LAWS SHOULD BE ENACTED WITHOUT DELAY

Mr. YOUNG of Ohio. Mr. President, the bill reported by the Judiciary Committee to reduce penalties for those convicted of using or possessing marihuana, heroin, and other narcotics should be approved without delay. The proposed legislation makes first-time possession of the drugs a misdemeanor rather than a felony. It makes a clear distinction between those who use drugs and those abominable bloodsuckers who traffic in them.

The fact is that excessively tough sentences for mere users have made rehabilitation difficult. In addition, in many cases they have led judges to suspend sentences entirely.

In fact, not long ago a man was caught bringing a very small quantity of marihuana across the Mexican border into the United States. He had no criminal record. However, he was arrested and the few ounces of marihuana confiscated. The trial judge sentenced him to 30 years imprisonment. Fortunately, the U.S. Supreme Court decided that this sentence was excessive. This is just one example of how present laws have failed to recognize and meet the problem.

Americans should know that marihuana, which our college youngsters term "pot" or "grass," is about as habit-forming as cigarettes. It is not addictive. In other words, its use does not lead one to become a drug addict. Knowledgeable physicians state its effects are similar to alcohol and cigarettes, but not heroin. Death can take many unpleasant forms. Surely, the worst is the lingering death of lung cancer which we now know is directly related to smoking cigarettes. Also, consider the ugly results of acute alcoholism concerning which too much social drinking is a prelude. Of course, alcoholism is a dread illness afflicting too many millions of our people. This is certainly not to reassure parents witnessing their youngsters of college age smoking marihuana. Perhaps the same drastic legislation should be proposed against cigarette smoking as against marihuana.

The fact is that for 50 years the approach of the law and law enforcement officers has been severe punishment for those convicted of the possession and use of marihuana. Marihuana, a nonaddictive drug, has been legally classified with the hard-core addictive narcotics such as heroin, cocaine, and the barbiturates. As such, the severe penalties for the possession of marihuana are vastly out of proportion with the seriousness of the crime.

Under the proposed bill, first offenses possession of marihuana, narcotics, LSD, amphetamines, barbiturates, and other dangerous drugs may be punished by a maximum fine of $5,000 and up to 1 year in prison. Of course the presiding judge will have the discretion as to whether sentence should be imposed or suspended. Under existing law first offense possession of marihuana and narcotics is subject to a $20,000 fine and a 2- to 10-year prison sentence. Where sentence is not suspended, it may be less than 2 years.

The bill also eases second offense penalties for possession by providing for a maximum fine of $10,000 and a maximum sentence of 2 years in prison, with suspension of sentence, probation, and parole possible in all such cases. Under existing law, the punishment for second offenses possession of marihuana and narcotics is up to $20,000 fine and 5 to 20 years imprisonment with no suspension of sentence or probation.

One would expect that such harsh penalties would act as a deterrent against possession of marihuana—that virtually everyone would be discouraged from its possession and use.

In fact, however, experience has proved the opposite result. The fact is that these stringent penalties have served as no deterrent whatsoever. The number of arrests on charges of sale or possession of marihuana has skyrocketed. For example, the number of arrests by State and local authorities in 1958 was 3,287. Ten years later, in 1968, there were 78,169 arrests, or an increase of nearly 2,500 percent in one decade. The arrest figures by Federal officers have increased at an equally high rate only in smaller numbers.

Mr. President, some estimates of the number of Americans who have experimented with marihuana run as high as 20 million people—almost 10 percent of the population of our country, according to officials of the National Institute of Mental Health. Even conservative estimates indicate 8 to 10 million citizens at one time or another have used marihuana.

In some elements of the population of course, these figures run much higher. Studies of some suburban and urban high school age youngsters revealed that as many as 50 to 75 percent have at least on one occasion tried "grass." Reports from Vietnam, a land where marihuana is plentiful, suggests 50 percent or more of American GI's and officers have smoked marihuana.

As Dr. Stanley F. Yolles, Director of the National Institute of Mental Health, put it:

> The smoking of marijuana has become an accepted fashion among millions of our citizens.

This is a fact that we in the Congress and State legislators in every State of the Union cannot continue to ignore.

We must not continue to pursue a policy which permits thousands of Americans, many of them young, to be persecuted under draconian laws that do not serve the purpose for which they were intended—laws that are now honored almost as much in the breach as in the observance. These outdated laws punish completely out of proportion to the magnitude of the crime. They, like the discarded prohibition statutes, encourage, and abet organized crime.

Mr. President, the laws regarding the possession and use of marihuana and other narcotics should be placed in the proper perspective. Those currently on the books offer no deterrent, are excessively harsh, and are almost totally unenforceable.

These laws must be changed immediately. I commend the distinguished junior Senator from Iowa (Mr. HUGHES) on the leadership he has taken in urging realistic reform of our laws regarding marihuana and addictive drugs. It is clear that more adequate scientific studies must be instituted to determine the effects of the use of marihuana on the individual and on society.

Mr. President, "our noble experiment" with alcoholic beverages was a dismal failure. Our approach to marihuana has been an equally dismal failure. It is time that Congress and the 50 State legislatures face up to that fact. To do otherwise is to encourage violation of the law and further disrespect for the law by millions of Americans—many of them who will be the leaders of tomorrow.

Mr. President, the proposed bill will not solve the drug problem. The bill itself has a serious drawback. Frankly, I am strongly opposed to that section of the bill containing the so-called "no-knock" provision which allows law officers with a warrant to enter a house without knocking if they believe drugs and other property being sought might be quickly destroyed. I firmly believe that this provision is unconstitutional—that it contravenes the fourth amendment to the Constitution which reads as follows:

> The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no warrants shall issue, but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

It is unfortunate that in order to arrive at legislation establishing realistic and enforceable penalties for the possession and use of drugs, the Judiciary Committee, by a 6-to-5 vote, agreed to this patently unconstitutional infringement. I am hopeful that this provision of the bill will be eliminated when it is debated in the Senate. Then, with that obnoxious provision deleted, the bill should be passed without delay.

Mr. DODD. Mr. President, I want to acknowledge the support of my distinguished colleague from Ohio (Mr. YOUNG). As is customary, his remarks reflect the thought and consideration he has given to narcotics addiction, indeed the entire problem of drug abuse.

The distinguished Senator from Ohio's grasp of the issues involved here and the urgent need for immediate legislative action reflects his longtime concern over the problem.

I thank him for his support and for the time he has devoted to studying the bill and for his thoughtful analysis of the need for reform of drug penalty structures in the United States.

A CRISIS IN CREDIT

Mr. GORE. Mr. President, our people are hit with a credit crisis. It is hurting, too.

This credit crisis has been caused by a hands-off money policy by President Nixon.

This do-nothing policy about high interest rates, not even a mention in his state of the Union message, permits the big financial institutions to roll in the money while the average citizen and small business suffer.

Low interest rates have historically been a chief hallmark and one of the great strengths of our economic system. Without this, economic justice is difficult if not impossible; and without economic justice, social justice is a phrase. While other countries have labored under interest rates as high as 25 percent and 30 percent per year, we have, until recently, consistently been able to maintain interest rates at 4 to 6 percent per year for our people. Even during World War II the interest rates on Government bonds never exceeded 2½ percent, and the primary rate never rose above 1½ percent. This was a feat of Presidential leadership.

Former President Truman led the country through the Korean war maintaining a low interest rate structure. So it can be done; it has been done in both war and peace.

This policy of low interest rates has enabled our economy to expand at a rate which produced growth without distortion; has enabled our people to obtain decent housing at a reasonable cost on a scale unparalleled in the history of any country; and has provided the means by which consumers could acquire goods and services at a relatively low financing cost. Credit at low interest rates has been a dynamic force in our free enterprise economy, truly a hallmark of a democratic society.

But all this has changed, Mr. President. We have in the last year witnessed unparalleled acceleration in interest rates in the United States. They now threaten the very foundations of our monetary and economic policy.

Mr. BYRD of West Virginia. Mr. President, will the Senator yield for a question?

Mr. GORE. I yield.

Mr. BYRD of West Virginia. I shall not cause the Senator any inconvenience. This is in an effort to begin to tighten up the standing rule VIII which deals with the rule on germaneness.

I ask unanimous consent that the Senator be permitted to proceed for a certain length of time, notwithstanding rule VIII. Would the Senator indicate how much time he would need?

Mr. GORE. Mr. President, this is a pungent, but relatively brief speech, of which I would not want to deny the country the benefit. But I will deny my colleagues some of the benefit of hearing it, if I may have the promise of the able Senator from West Virginia that he will read it in the RECORD.

Mr. BYRD of West Virginia. Mr. President, the Senator from West Virginia intends to read the speech in the RECORD regardless of the length of time the Senator uses here today in expounding upon it.

I merely want to put the Senate on notice—not so much the Senator from Tennessee—that we will begin to tighten up rule VIII.

Mr. GORE. Mr. President, in view of the fact that the able Senator from Iowa (Mr. HUGHES) and the junior Senator from Tennessee will soon begin a journey to Tennessee where gathering throngs of Democrats are awaiting a speech by the distinguished Senator from Iowa, I shall speak rapidly and avoid taking very much more time of the Senate.

The Nixon administration, by the policy by which it has pursued and by its failure to exercise the moral and legal authority of the Presidency, has placed an intolerable burden on the working people and the small businessmen of this country, and has driven State and local governments to the brink of financial disaster.

On December 2, 1968, the major banks, then well advised as to the attitude of the President-elect and his choice for Secretary of the Treasury, raised the prime rate from 6¼ percent to 6½ percent.

Less than 3 weeks later, the big banks again raised the prime rate, this time to 7 percent.

On March 7, the prime rate was moved to 7½ percent.

Finally, on June 9, the major banks jumped the prime rate once again to 8½ percent. Many banks quickly followed, but, I am glad to say, some, particularly some small banks, did not.

Thus, within a period of just slightly over 6 months, the prime lending rate went from 6¼ percent to 8½ percent, an increase of almost 36 percent.

Now Mr. President, the administration cloaks this tight money-high interest rate policy in the loftiest of motives. We are going to curb inflation, they say. But Mr. President, at whose expense are they assertedly curbing inflation? Is it at the expense of the big banks? Oh no, for they are reporting the highest profits in history. Is it at the expense of the big corporations? Oh no, for the big corporations have already announced that capital expenditures will increase by over 10 percent again this year. Is it at the expense of the insurance companies? Oh no, they have record prosperity.

Moreover, raising interest rates has not curbed inflation. Quite to the contrary, inflation has galloped disastrously during the last year, partly as a result of inflation in interest rates.

Mr. President, the Nixon administration is following a deliberate high interest plan that will not control inflation

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but which is at the expense of those who have been hit hardest by it. This high interest rate policy is at the expense of the mass of our people who must borrow money or buy on credit; the workers who are being deprived of jobs and who need the money most to raise and educate their children; the low- and middle- income families who cannot buy a house because the interest rates on the mortgages have now put decent housing beyond their reach; the State and local governments who cannot provide police and fire protection, water and sewage services, and control of pollution because they cannot finance the cost of these services at a reasonable rate; and the small businessman who cannot obtain credit necessary to survive as an independent businessman.

Mr. President, let us look at the record. President Nixon installed as the three top officials in the Treasury Department members of the major banking community. Toward the banking community, this banker's Treasury has adopted a strict laissez-faire policy and has totally abandoned responsibility to keep interest rates at a level that the average citizen in this country can afford to pay. When Secretary of the Treasury Kennedy appeared before the Senate Finance Committee on July 8 to urge extension of the 10 percent surcharge, I queried him as to what steps the administration was taking or proposed to take to control interest rates. Secretary Kennedy stated that he advocated an "open and free market policy." While Secretary Kennedy disclaimed authority to fix rates of interest, he did assert that the Treasury had been consulting with the Federal Reserve Board continuously with respect to its high interest rate-tight money policy, and that the policy of the Federal Reserve Board was consistent with the policy of the administration.

Now just what is that policy that the administration and the Federal Reserve Board have been consulting about and are in such close agreement on? Under Secretary of the Treasury Volcker appeared before the Senate Banking and Currency Committee to testify with respect to S. 2499 and S. 2577, measures designed to provide additional credit and to provide for regulation of interest rates. The Under Secretary testified that the administration opposed any measures which would impose limitations on interest rates, whether voluntary or mandatory. Then Chairman Martin of the Federal Reserve Board supported this same position, as did the present Chairman, Arthur Burns.

But these gentlemen testified strongly in support of the provision which would impose a limit on the maximum rate of interest which the banks would have to pay for the money which they were borrowing from the people who were depositing their money in savings accounts in the banks. This is what a "free and open market policy" means to this administration, Mr. President.

These high interest rate policies of the Nixon administration have benefited the big banks enormously, as the reports in the commercial journals have demonstrated in the past weeks:

The Security National Bank, of Huntington, N.Y., had an incredible increase in profits of 56 percent during the first year of the Nixon administration;

The First Chicago Corp., owner of the First National Bank of Chicago, reported an astronomical increase in profits of 44.5 percent;

Franklin National Bank, Mineola, N.Y., reported a 27.5-percent increase;

The National Bank of Detroit reported a 25-percent increase;

Cleveland Trust Co. reported a 22-percent increase in its profits in 1969 over 1968;

Crocker National Corp., a holding company for Crocker Citizens National Bank, reported a 21.7-percent increase in bank profits.

Profits of the National City Bank of Cleveland rose 18 percent;

BankAmerica Corp. reported a 14.8-percent gain in its 1969 net income over 1968;

Mellon National Bank reported a 13.2-percent increase;

First National City Bank of New York reported a 9.3-percent increase in profits in 1969.

Mr. President, I submit that these figures are a shocking indictment of the Nixon administration's high interest rate policies. These are policies for the benefit of the vested interests at the expense of the masses.

Insurance companies, too, could not be happier. They have grown vast and rich and now seek widely to fasten a high interest rate policy on the country. The terms of their loan contracts—high rates with no escape and part-of-the-action clauses—are unconscionable.

Compare the experience of other segments of the economy. On January 16, 1970, the New York Times reported that prices rose more in 1969 than in any year for 18 years. On January 19, 1970, the Wall Street Journal reported that the average profit margin for manufacturing firms was the lowest in 6 years. During 1969 we saw the unemployment rate climb, and we saw housing at a dangerously low level.

So here we have it, Mr. President. The high interest rate policy of the administration produces record profits for big banks and big insurance companies but does not inhibit the huge corporations at all and causes great hardship upon people who must borrow and buy on time.

Worse still, these high interest rates fuel inflation at the expense of jobs, housing, small business, and State and local governments.

We have seen in recent months the unemployment rate beginning to climb. The first people laid off, of course, are those who can least afford it—those who are most poorly educated who have the least skills and who have the hardest time providing food and clothing for their children. Oh, but the Federal Reserve Board, which has been "consulting" with the Nixon administration officials, is determined to pursue its high interest rate policy no matter what the consequences to the workingman. In an article by Richard F. Janssen in the January 14, 1970, edition of the Wall Street Journal, one of the members of the Federal Reserve Board is quoted as saying:

> I know it means sacrifices in jobs, but you would be surprised how much sacrifice I am willing to accept.

And let us take housing, Mr. President. Just a few weeks ago, FHA and VA interest rates were increased to 8.5 percent. This, it was said, was done to stimulate homebuilding. It was another nail in the coffin of homebuilding. With the cost of insurance added in, this means Americans must now pay 9 percent for mortgage money. Mr. President, for all practical purposes, this means that the low- and middle-income worker in this country simply cannot afford to buy a house. This is an increase from the 7¼-percent figure which prevailed in 1968. Thus, in the first year of the Nixon administration, we have had a 26-percent increase in the mortgage interest rates.

This is just profit in the hands of the financial institutions. It makes no money available. This increased cost is borne entirely by the home purchaser or borrower. On a $20,000 house with a 30-year mortgage, the borrower will now pay in interest, points, and other financial charges, over twice the value of the house. Most people cannot make such payments.

Secretary Romney attempted to justify the most recent increase on the ground that it would eliminate the need for financing institutions to charge points. This ludicrously naive argument would be humorous if it were not so tragic for the average American person who would like to buy his own home. Points will continue, Mr. President, and the profits of financial institutions will continue to accelerate under the high interest rate policy of this administration. This policy must be changed. A Government-guaranteed mortgage on an approved home should not be subject to discount. I tried to stop this discount practice when it first started.

The recent action of the Federal Reserve Board in raising rates that banks can pay on savings accounts from 4 to 4.5 percent, coming at the time it did, may well make matters worse instead of better. Standing alone the action is insignificant from the standpoint of making more money available for housing since such a small portion of bank loans are made for housing purposes. However, the Federal Reserve action forced a corresponding increase in rates paid on savings and loan deposits. This narrowed the already low profit margin that savings and loan associations make, because mortgage rates are lower than commercial loan interest rates. The net effect of this move, then, may be to produce still more pressure for higher mortgage rates, since savings and loan associations put 95 percent of their funds in home loans. Even though the depositor may be aided by this recent action, the working man who wants to buy a home will not be helped at all; he will, indeed, be worse off if mortgage rates go up again.

The Nixon administration is sacrificing small business to its high interest rate policy. The bankruptcy record attests to this. The big corporations, on the other hand, seem not to have serious trouble with high interest rates. In the first place, the Federal Government subsidizes almost one-half of the interest expense of the big corporations through income tax deductions. The balance of the increased cost can be passed on to the consumer in the form of higher prices.

But even more significant, the big corporations are simply not affected as adversely as small business by high interest rates. The January 19 issue of Newsweek magazine, in an article on high interest rates, reports that one corporate giant, Babcock & Wilcox Co., has a $150 million line of bank credit at 8.5 percent, the prime rate. Yet that same article reports that a small businessman was confronted with banks demanding interest rates of 24 percent annually to finance needed working capital for expansion.

Mr. President, we have associated high interest rates with countries whose economies were on the verge of collapse. Yet, it is precisely these same kind of rates that are being engendered by the Nixon administration and its high finance cronies.

Another indicator of the fact that big business is not hurt by this policy is that capital expenditures are expected to increase by 10 percent in 1970 over 1969; and in 1969 these expenditures exceeded those in 1968 by 11 percent. Price increase follows price increase as higher costs, including high interest, are passed on to the consumer. Yet as the price of steel goes up, as the price of copper goes up, as interest charges skyrocket, the Nixon administration advisers solemnly advise that they are going to keep hands off and let the open market policy prevail.

The interest of State and local governments is sacrificed, too, by this high interest rate-tight money policy. The tax exempt bond market in the past year has been disastrous. The loser is the local resident who has either had to pay higher property taxes or to live with inadequate schools, roads, fire and police protection, and water and sewage systems because cities, counties, and States cannot afford to, or are not legally permitted to, pay the astronomical interest rates now being charged by the banks.

And why is this so? As this administration has let banks fix higher and higher interest rates on commercial and other loans, banks have substantially reduced their purchases of State and local bonds. During much of 1969, banks were net sellers of tax exempt bonds, rather than net buyers as they have been in past years. Thus, interest rates on State and local government bonds have risen higher and higher in a desperate but increasingly unsuccessful effort to attract investors. When banks have purchased State and local bonds, it has been at higher and higher interest rates. This cost is borne by local taxpayers who have seen their property tax rates go up and up to meet the bankers' demands. Indeed, we have now reached the point where many local governments are simply not providing badly needed services to their citizens because the legal rate of interest they can pay on their bonds is far below the rates demanded.

I visited Jamestown, Tenn., a few days ago. This city has a water supply crisis and had tried to sell an issue of municipal bonds. There was only one bidder at 9½ percent interest and even that bid was withdrawn.

Mr. President, that is the indictment against this administration. It stands charged with raising interest rates, or with following a deliberate hands-off, look-the-other-way policy that benefits the vested interests at the expense of jobs, housing, small business, those who borrow or buy on credit, and State and local governments.

And what, Mr. President, is the Nixon administration's answer to these charges. It answers that high interest rates are a symptom of inflation and that it is not going to interfere with the so-called free and open market either to bring them down or to prevent them from going higher. Oh, they talk of supply and demand, too, as if higher interest rates make more money available for loans when it is well known that higher rates only make the loans cost more.

Mr. President, this is a poor prescription for the economy, and many will not survive such medicinal malpractice. Every doctor knows that a fever is a symptom of an underlying illness. But the doctor does not let the fever run unchecked while he is treating the underlying illness. He prescribes medicine to reduce the fever at the same time he is dealing with the cause of the fever. For the doctor knows that the fever itself if unchecked for a long enough period of time, will produce its own complications and tragedies.

President Nixon has declined to use the moral and legal authority of the Presidency to halt this disastrous drive to higher and higher interest rates. And higher interest rates increase the cost of doing business, thus applying upward pressure on prices throughout the economy.

During Secretary Kennedy's testimony before the Finance Committee in July, he proudly disclosed that he had met with representatives of the 25 largest New York banks. When queried as to whether he had discussed measures to curb the interest rate spiral, he said the administration had no authority over interest rates. Mr. President, I suggest that this is a woefully inadequate view of the power and responsibility of the Presidency.

The Presidency carries with it the greatest moral authority of any public office in the world. When he accepted that authority, President Nixon also accepted the responsibility to exercise it in the best interests of the people of this country. The President has abdicated that responsibility. He has made no attempt to exercise his moral influence to halt the utterly immoral action by the big financial institutions of this country in filching ever higher and higher interest rates from our people and in depriving people of jobs and houses, of schools and public services.

Congress has now provided statutory authority for the President to stop inflation in interest rates. Last month Congress enacted a far-reaching bill that gave the President the power to reduce and regulate interest rates. While President Nixon may not wish to use the moral responsibility and authority inherent in the office of the President, as a lawyer he cannot fail to recognize the legal authority and responsibility conferred upon him.

This Congress bestowed upon President Nixon the broadest power ever given to any President in the United States to deal with interest rates. I call upon him to abandon his hands-off policy and to use this authority vested in him by the elected Representatives of the people.

In Public Law 91–151, the President was empowered to establish voluntary credit controls in consultation with representatives of the financial community. The president can now establish industrywide committees of bankers, investment bankers, life insurance companies, savings and loan associations, and mutual savings banks which can establish voluntary lending restrictions to hold down and reduce interest rates. The President can bring together the best advice from industry, business, financing, agriculture, labor and consumer interests to insure that these high interest rates which the country is now experiencing do not bring us to the brink of fiscal ruin.

The Congress also bestowed upon the President the power to establish mandatory credit controls. The Credit Control Act, passed last session, authorizes the President to empower the Federal Reserve Board to "regulate and control any or all extensions of credit" when he deems that such action is necessary or appropriate to prevent or control inflation. In the exercise of its regulatory power, the President and the Board can move in any one of a number of different ways as it may deem appropriate. It can prescribe maximum rates of interest, maximum maturity, minimum periodic payments, prescribe the maximum amount of credit that may be extended, require the licensing of credit transactions, prescribe maximum ratios to loans or deposits, or prohibit or limit any extensions of credit under any circumstances the Board deems appropriate.

This bill stands alongside the tax-reform bill as a monumental act for the people. Yet the President has not used any of this authority. The elected representatives of the people acted to lower interest rates and to stop the rise in the cost of living. It vested such power in the Chief Executive. Only the President can use that power, Congress being without power to take executive action. No other President has ever had such statutory power. Our crisis of credit makes imperative Presidential use of these unprecedented powers. Congress responded to this public need by enacting this bill. It is time for the President to use it.

There cannot be any excuse any longer for the President to fail to act to bring interest rates under control and to reduce them. The administration cannot assert any longer that it has no power to control interest rates. Action is needed now. I respectfully urge the President to assert his moral responsibility and to exercise his legal authority and responsibility.

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Mr. President, I ask unanimous consent that title II of Public Law 91-151 be printed in the RECORD at this point.

There being no objection, the excerpt from Public Law 91-151 was ordered to be printed in the RECORD, as follows:

TITLE II—AUTHORITY FOR CREDIT CONTROL

Sec. 201. Short title

This title may be cited as the Credit Control Act.

Sec. 202. Definitions and rules of construction

(a) The definitions and rules of construction set forth in this section apply to the provisions of this title.

(b) The term "Board" refers to the Board of Governors of the Federal Reserve System.

(c) The term "organization" means a corporation, government or governmental subdivision or agency, trust, estate, partnership, cooperative, or association.

(d) The term "person" means a natural person or an organization.

(e) The term "credit" means the right granted by a creditor to a debtor to defer payment of debt or to incur debt and defer its payment.

(f) The term "creditor" refers to any person who extends, or arranges for the extension of, credit, whether in connection with a loan, a sale of property or services, or otherwise.

(g) The term "credit sale" refers to any sale with respect to which credit is extended or arranged by the seller. The term includes any rental-purchase contract and any contract or arrangement for the bailing or leasing of property when used as a financing device.

(h) The terms "extension of credit" and "credit transaction" include loans, credit sales, the supplying of funds through the underwriting, distribution, or acquisition of securities, the making or assisting in the making of a direct placement, or otherwise participating in the offering, distribution, or acquisition of securities.

(i) The term "borrower" includes any person to whom credit is extended.

(j) The term "loan" includes any type of credit, including credit extended in connection with a credit sale.

(k) The term "State" refers to any State, the Commonwealth of Puerto Rico, the District of Columbia, and any territory or possession of the United States.

(l) Any reference to any requirement imposed under this title of any provision thereof includes reference to the regulations of the Board under this title or the provision thereof in question.

Sec. 203. Regulations

The Board shall prescribe regulations to carry out the purposes of this title. These regulations may contain such classifications, differentiations, or other provisions, and may provide for such adjustments and exceptions for any class of transactions, as in the judgment of the Board are necessary or proper to effectuate the purposes of this title, to prevent circumvention or evasion thereof, or to facilitate compliance therewith.

Sec. 204. Determination of interest charge

Except as otherwise provided by the Board, the amount of the interest charge in connection with any credit transaction shall be determined under the regulations of the Board as the sum of all charges payable directly or indirectly to the person by whom the credit is extended in consideration of the extension of credit.

Sec. 205. Authority for institution of credit controls

(a) Whenever the President determines that such action is necessary or appropriate for the purpose of preventing or controlling inflation generated by the extension of credit in an excessive volume, the President may authorize the Board to regulate and control any or all extensions of credit.

(b) The Board may, in administering this Act, utilize the services of the Federal Reserve banks and any other agencies, Federal or State, which are available and appropriate.

Sec. 206. Extent of control

The Board, upon being authorized by the President under section 205 and for such period of time as he may determine, may by regulation

(1) require transactions or persons or classes of either to be registered or licensed.

(2) prescribe appropriate limitations, terms, and conditions for any such registration or license.

(3) provide for suspension of any such registration or license for violation of any provision thereof or of any regulation, rule, or order prescribed under this Act.

(4) prescribe appropriate requirements as to the keeping of records and as to the form contents, or substantive provisions of contracts, liens, or any relevant documents.

(5) prohibit solicitations by creditors which would encourage evasion or avoidance of the requirements of any regulation, license, or registration under this Act.

(6) prescribe the maximum amount of credit which may be extended on, or in connection with, any loan, purchase, or other extension of credit.

(7) prescribe the maximum rate of interest, maximum maturity, minimum periodic payment, maximum period between payments, and any other specification or limitation of the terms and conditions of any extension of credit.

(8) prescribe the methods of determining purchase prices or market values or other bases for computing permissible extensions of credit or required downpayment.

(9) prescribe special or different terms, conditions, or exemptions with respect to new or used goods, minimum original cash payments, temporary credits which are merely incidental to cash purchases, payment or deposits usable to liquidate credits, and other adjustments or special situations.

(10) prescribe maximum ratios, applicable to any class of either creditors or borrowers or both, of loans of one or more types or of all types

(A) to deposits of one or more types or all types.

(B) to assets of one or more types or of all types.

(11) prohibit or limit any extensions of credit under any circumstances the Board deems appropriate.

Sec. 207. Reports

Reports concerning the kinds, amounts, and characteristics of any extensions of credit subject to this title, or concerning circumstances related to such extensions of credit, shall be filed on such forms, under oath or otherwise, at such times and from time to time, and by such persons, as the Board may prescribe by regulation or order as necessary or appropriate for enabling the Board to perform its functions under this title. The Board may require any person to furnish, under oath or otherwise, complete information relative to any transaction within the scope of this title including the production of any books of account, contracts, letters, or other papers, in connection therewith in the custody or control of such person.

Sec. 208. Injunctions

Whenever it appears to the Board that any person has engaged, is engaged, or is about to engage in any acts or practices constituting a violation of any regulation under this title, it may in its discretion bring an action, in the proper district court of the United States or the proper United States court of any territory or other place subject to the jurisdiction of the United States, to enjoin such acts or practices, and upon a proper showing a permanent or temporary injunction or restraining order shall be granted without bond. Upon application of the Board, any such court may also issue mandatory injunctions commanding any person to comply with any regulation of the Board under this title.

Sec. 209. Civil penalties

(a) For each willful violation of any regulation under this title, the Board may assess upon any person to which the regulation applies, and upon any partner, director, officer, or employee thereof who willfully participates in the violation, a civil penalty not exceeding $1,000.

(b) In the event of the failure of any person to pay any penalty assessed under this section, a civil action for the recovery thereof may, in the discretion of the Board, be brought in the name of the United States.

Sec. 210. Criminal penalty

Whoever willfully violates any regulation under this title shall be fined not more than $1,000 or imprisoned not more than one year, or both.

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD of West Virginia. Mr. President, what is the pending business before the Senate?

The PRESIDING OFFICER. The pending business is the amendment offered by the Senator from North Carolina to S. 3246.

Mr. BYRD of West Virginia. Mr. President. I thank the distinguished Presiding Officer.

May I inquire as to whether any Senator wishes to speak today?

Mr. DODD. I have no request.

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum, to ascertain the answer to that question.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADJOURNMENT UNTIL 11 A.M. MONDAY, JANUARY 26, 1970

Mr. BYRD of West Virginia. Mr. President, if there be no further business to come before the Senate, I move in accordance with the previous order that the Senate stand in adjournment until 11 o'clock Monday morning next.

The motion was agreed to; and (at 12 o'clock and 18 minutes p.m.) the Senate adjourned until Monday, January 26, 1970, at 11 a.m.

EXTENSIONS OF REMARKS

THE MAKING OF A UTILITY COMMISSIONER

HON. LEE METCALF

OF MONTANA

IN THE SENATE OF THE UNITED STATES

Saturday, January 24, 1970

Mr. METCALF. Mr. President, most electric, gas, and telephone rates and services—and in some cases insurance rates, as well—are regulated by State utility commissions. Hearings last year on S. 607, the utility consumers' counsel bill, elicited a wide range of comment regarding the efficacy of these commissions.

Generally speaking, although with exceptions, the commissioners and the regulated industries spoke well of the present system. Some commissions were characterized as well-meaning, quasi-judicial bodies, hampered mainly by the system—which S. 607 would correct—under which only the utilities' viewpoint is presented to them. Less charitable witnesses, from other States, declared that in reality the commissions with which they were familiar simply ratified the wishes of the utility before them, excluding the public and its representatives from deliberation and consideration.

Mr. President, from time to time, I have praised particular commissions or commissioners for substantial accomplishment, despite the handicaps of the system and the budget within which they operate. I have praised the California commission as one of the best, if indeed not the very best, of the State commissions.

It excluded executive featherbedding from the operating expenses of a telephone company.

Reversing a previous commission policy, it determined "henceforth to exclude from operating expenses for rate-fixing purposes all amounts claimed for dues, donations, and contributions," thereby requiring utilities to pay for the charity for which they take credit.

And it attempted—alas, unsuccessfully, in view of the State statute—to require the refund of utility overcharges.

None of these noteworthy actions of the California commission occurred during the past 3 years. The commission has changed. It changed because the Governor of California changed.

The Governor of California selects the members of the commission, a procedure with which I have no argument. He changed the policy that had been set by his predecessors—Governors Warren, Knight, and Brown.

The manner of the selection of a California commissioner has been chronicled in the Bay Guardian, a sprightly young newspaper which grew out of the San Francisco newspaper strike and which devotes itself to coverage of issues found unnewsworthy by the institutionalized San Francisco papers, an ambitious undertaking which the Guardian staff is nevertheless and nobly attempting to fulfill. I desire to share this account with Members of the Senate, and of the House, too, if they read this portion of the proceedings, as well as with members of the press, who on occasion turn to the RECORD in search of information which may be pertinent to legislative efforts and of interest to their readers.

I submit this article in sadness, because it indicates what has happened to the best of the State commissions. One wonders what has transpired in States where the commissions did not have so high a previous standard, and in which there is no Bay Guardian.

Mr. President, I ask unanimous consent to have printed in the RECORD the February 16, 1968, Bay Guardian article, "Utilities 'Man' on PUC," written by Ivan Sharpe.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

UTILITIES "MAN" ON PUC

(By Ivan Sharpe)

In a bombshell admission that may reverberate around the Reagan administration, a utility company executive frankly conceded to the Bay Guardian this week that utilities got their own man appointed to the State Public Utilities Commission.

Commissioner Fred P. Morrissey, one-time associate dean of the UC Graduate School of Business Administration at Berkeley, was recommended to Gov. Reagan after a hush-hush meeting of utility company attorneys in San Francisco's Bohemian Club in December 1966.

This meeting, which was hinted at and denied Jan. 25 in the final day of PUC hearings into PT&T's massive $181 million rate increase application, was confirmed to me by Sherman Chickering, general counsel and vice president of San Diego Gas & Electric Company.

"Utilities got together, as anybody has a right to do, to screen candidates for the commission," said Chickering, senior partner of the prestigious San Francisco law firm of Chickering & Gregory, 111 Sutter St.

"Most of the principal utilities had representatives at the Bohemian Club meeting," added Chickering. "We passed on our list of candidates to a screening committee headed by Joe Knowles, the Governor's representative here."

Chickering also confided that he was a member, along with five others, of that Reagan screening committee, although he claimed that he had never attended any of its meetings.

He said that the utilities had got together in the past to recommend candidates every time there was a pending vacancy on the PUC.

"FIRST TIME"

"This was the first time one of our candidates was chosen," he admitted, however.

Chickering described Morrissey's selection by the utilities was "natural one."

"I had read several of his articles about utilities and I knew what his views were. He was objective in his thinking. If somebody else hadn't put his name up, I might have done so myself," he said.

Chickering also said he was disappointed there were not more utility company representatives on the Knowles committee.

"There were people like Knowles who knew very little about utilities," he added.

Knowles, a taciturn stockbroker little known outside his office on the second floor of the State Building here, at first denied there were any utility men on his screening committee, which he called a talent search subcommittee.

After I pointed out Chickering's utility connections, Knowles said: "I didn't know that. I just know him as an attorney and a very good one."

Asked the names of his committee members, he replied: "I can't even recall who was on the committee now. It was over a year ago."

He said there were six on the committee including himself.

"I CAN'T REMEMBER"

Knowles, again, at first emphatically denied that he had got names of possible candidates from the utilities. But, when told of Chickering's admission, he conceded: "I can't remember now."

He added: "All I did was to try to get names of people who were interested in being appointed to the commission. I had a whole sheaf of names with resumes and biographies."

Despite the biographies, Knowles claimed that he did not know that Commissioner Morrissey was a former paid consultant for Pacific Telephone.

Chickering's startling disclosure drew a predictably sharp comment from PUC Commissioner William M. Bennett, whose persistently probing questions during the final day of telephone rate hearings into the circumstances of Morrissey and Commissioner William Symons' appointments led to angry exchanges.

"As a Californian and one who must take utilities' services, such as gas, electricity, telephones, I don't like a system that permits California public utilities to pick commissioners," he said.

"I think it is a terrible thing when the Reagan administration is consulting with California public utilities to select commissioners who are supposed to protect the public interest and oppose those utilities in their rate applications."

"THE SAFEST CANDIDATE"

"Realistically, those utilities aren't going to recommend anyone but the safest candidate for them," declared Bennett, a Democratic holdover who does not expect to be reappointed when his term ends this December.

The circumstances of Morrissey's appointment to the $25,000, six-year-term PUC job assume more damaging and tainted significance when it is remembered that Reagan early last year made the unprecedented comment during the telephone company rate hearing:

"The phone company here in California has been in great difficulty because of some of the actions on the Public Utilities Commission. The PUC is going to have to be more realistic in its approach and its permissions to the phone company."

Lt. Gov. Robert H. Finch also said that the view was outdated that only the public's interest must be protected in regulation of utilities.

Philip M. Battaglia, Reagan's former executive secretary, predicted last year that utilities would get fairer treatment from the PUC in the future.

This week Battaglia told me: "We had certainly heard a lot of complaints during the campaign that the PUC needed a balance. If the thinking was oriented one way, it should be balanced out with some fresh thinking."

However, Battaglia said he would be "very surprised" if the utilities had, in fact, recommended Morrissey.

In any case, Commissioner Morrissey him-

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self feels there is nothing to be perturbed about.

If the utilities had put his name forward to Governor Reagan, he said this week, "I don't know whether it would be improper or not. Whether they did or didn't is substantially indifferent to me. I would vote independently in any case."

He said he found Chickering's admission "frankly hard to believe.

"What has happened here is that there has been a concerted effort on someone's part to label me as pro-utility. I just don't think this is so.

"Look through the way I've voted in the past year. I'm sure I've voted on matters which would displease utilities."

TWO ARTICLES

Morrissey said two articles he wrote in the Public Utilities Fortnightly in April and November, 1966, were "more pieces of research rather than pro-utility."

"I still look upon myself as an academician," he added. His paid work for the telephone company was in the 1950s, he said.

Tom Reed, Reagan's former appointments secretary who quit at the end of Reagan's first 100 days in office, denied that utilities had any say in Morrissey's appointment.

"They made no recommendations to me," he said.

Reed, who runs a mining and land company in Nevada County and lives in San Raphael, said he had given Reagan five or six names for the PUC appointments, with Morrissey and Symons getting his personal recommendation.

He recommended Morrissey, he said, after his name had been put forward by the major appointments task force, by a senator and after canvassing college faculties.

SCREAM VIOLENT OBJECTIONS

He conceded that utility companies didn't "scream violent objections" to Morrissey's nomination.

"I thought then, and I still do, that both Morrissey and Symons were intelligent, impartial and fair guys who were concerned with the best interests of the people," said Reed.

Symons, a rancher, whose Mono County GOP senate seat was swept away by reapportionment in 1966 after serving one year in the Legislature, was recommended by members of the State Senate, disclosed Reed.

"COMPLETE SURPRISE"

Chickering, incidentally, said Symons' appointment came as a "complete surprise" to him and to the utilities, who had not recommended him.

Whatever the political repercussions of Chickering's remarkably frank statements, great doubt is now thrown on the validity and fairness of the Pacific Telephone hearings which ended last month after 82 days and 12,568 pages of testimony.

Pacific, in requesting a $181 million rate boost, wants to improve its allegedly depressed rate of return on investment by some 30%—to 80% from 6.3%. If granted in full, the request would nearly double some phone bills in San Francisco.

Chickering's remarks also appeared to contradict sworn testimony by Jerome W. Hull, Pacific's executive vice president, who stated: "I do not know of any recommendations that were made to the Governor by any utility group."

HOUSE OF REPRESENTATIVES—*Monday, January 26, 1970*

The House met at 12 o'clock noon.

The Chaplain, Rev. Edward G. Latch, D.D., offered the following prayer:

To this end we toil and strive, because we have our hope set on the living God.—I Timothy 4: 10.

O Thou eternal Father of our spirits, in this quiet moment at the beginning of another week we lift our hearts unto Thee who art the source of all our being and the goal of our noblest endeavors. We pray for strength to carry our burdens, wisdom to see through the problems we face, insight to discover what is right, and courage to walk in right ways.

With all our hearts we pray for our country, for Members of Congress, all who work with them, and for our people scattered far and wide on this land of the free. By Thy spirit may we learn to live together with respect for others in our minds, with good will for others in our hearts, and crown our good with brotherhood from sea to shining sea. Amen.

THE JOURNAL

The Journal of the proceedings of Thursday, January 22, 1970, was read and approved.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Leonard, one of his secretaries.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate had passed a bill of the following title, in which the concurrence of the House is requested.

S. 30. An act relating to the control of organized crime in the United States.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,
U.S. HOUSE OF REPRESENTATIVES,
Washington, D.C., January 23, 1970.

The Honorable the SPEAKER,
U.S. House of Representatives.

DEAR SIR: I have the honor to transmit herewith a sealed envelope addressed to the Speaker of the House of Representatives from the President of the United States, received in the Clerk's Office at 1:15 p.m., on Friday, January 23, 1970, and said to contain a message from the President wherein he transmits a study of instructional television and radio pursuant to Section 301 of the Public Broadcasting Act of 1967.

With kind regards, I am,
Sincerely yours,
PAT JENNINGS, *Clerk.*

COMPREHENSIVE STUDY OF INSTRUCTIONAL TELEVISION AND RADIO—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, referred to the Committee on Interstate and Foreign Commerce:

To the Congress of the United States:

Section 301 of the Public Broadcasting Act of 1967 authorized the Secretary of Health, Education, and Welfare to conduct a comprehensive study of instructional television and radio. Former Secretary Wilbur Cohen appointed a Commission to conduct such a study. The report of that Commission is transmitted herewith.

This Administration will transmit its views on instructional television and radio and related matters at a later date.

RICHARD NIXON.

THE WHITE HOUSE, *January 23, 1970.*

ATOMIC ENERGY—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, referred to the Joint Committee on Atomic Energy:

To the Congress of the United States:

Pursuant to the Atomic Energy Act of 1954 as amended, I am submitting to the Congress an authoritative copy of an amendment to the Agreement between the Government of the United States of America and the Government of the United Kingdom of Great Britain and Northern Ireland for Cooperation on the Uses of Atomic Energy for Mutual Defense Purposes of July 3, 1958, as amended. The Amendment was signed at Washington on October 16, 1969.

The Agreement as amended included a provision (Paragraph A of Article III *bis*) under which the Government of the United States agreed to transfer to the Government of the United Kingdom for its atomic weapons program prior to December 31, 1969 in such quantities and on such terms and conditions as may be agreed non-nuclear parts of atomic weapons and atomic weapons systems as well as source, byproduct and special nuclear material. A second provision of the Agreement (Paragraph C of Article III *bis*) stipulated that the Government of the United Kingdom would transfer to the Government of the United States for military purposes such source, byproduct and special nuclear material, and equipment of such types, in such quantities, at such times prior to December 31, 1969 and on such terms and conditions as may be agreed.

Under the Amendment submitted herewith the period during which the provisions of Paragraphs A and C of Article III *bis* of the Agreement for Cooperation remain in force would be ex-

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tended for five years so that transfers could be made any time prior to December 31, 1974. The continued authorization of the two Governments to cooperate with each other in these respects would contribute to our mutual defense, particularly in the North Atlantic Treaty area.

I am also transmitting a copy of the Secretary of State's letter to me accompanying authoritative copies of the signed Amendment, a copy of a joint letter from the Chairman of the Atomic Energy Commission and the Secretary of Defense recommending approval of this Amendment, and a copy of my memorandum in reply thereto, setting forth my approval.

RICHARD NIXON.

THE WHITE HOUSE, *January 26, 1970.*

PORNOGRAPHY

(Mr. SCHADEBERG asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. SCHADEBERG. Mr. Speaker, I have today introduced a measure to create a select committee which would place the entire big business of pornography under congressional scrutiny. I have taken this move as a result of evidence showing that the pornography business has definite Mafia and syndicate ties.

In my estimation, Congress' attempts to control the flood of alleged obscene materials have been unsuccessful because we have no knowledge of the organizational structure which is using the U.S. mail and small stores set up on main streets to pander these materials upon the American public. We have little knowledge of the extent of the pornography business in the United States, of the crime syndicate involvement in the industry, of the laws which can be currently enforced in order to control the industry, or of the proper weapons needed to enable local enforcement authorities to control this industry within the local communities.

Once we have this knowledge, gathered by the select committee which I am today proposing, I am confident that America's law-enforcement personnel would be able to act and thereby guarantee that the rights of citizens are not infringed upon by the iceberg-level business which carries out the industry of pornography pandering. I wish to thank those Members of Congress who have joined me in the introduction of this measure, and invite others to do likewise.

THE STATE OF THE UNION

(Mr. KLEPPE asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. KLEPPE. Mr. Speaker, in his state of the Union message, it seems to me that the President addressed himself to the problems which the American people place at the top of their priority list. Certainly inflation—No. 1—and crime, pollution, welfare reform, and the general well-being of the Nation are of prime concern to every American. The President expressed his awareness not only of the problems but of his determination to meet them.

It was a forward-looking speech. It was far more than a projection for the year ahead. It was a blueprint for broad action in the decade of the 1970's.

The challenging goals he outlined cannot be reached through Presidential resolution alone. The achievement of his objectives will not only require the full cooperation of the Congress but also the dedication of the American people.

As the Representative of a rural district which has been plagued for many years by the twin problems of rising farm production costs and depressed farm prices and by a declining population which results from this disastrous combination, I am especially impressed by the President's pledge to "create a new rural environment that will not only stem the migration from urban centers but reverse it." As he pointed out further, rural America must be dealt with "not as a separate nation but as a part of an overall growth policy for all America."

Recognition of a problem is the first forward step toward its solution. The President, in his state of the Union message has taken that step.

INTERNATIONAL CLERGY WEEK

Mr. ROGERS of Colorado. Mr. Speaker, I ask unanimous consent for the immediate consideration of the joint resolution (H.J. Res. 1051) designating the week commencing February 3, 1970, as International Clergy Week in the United States, and for other purposes.

The Clerk read the title of the joint resolution.

The SPEAKER. Is there objection to the request of the gentleman from Colorado?

There was no objection.

The Clerk read the joint resolution, as follows:

H.J. RES. 1051

Whereas the clergy of our Nation have meant so much to our religions and our way of life; and

Whereas, on February 3, 1943, the troop transport "Dorchester" was torpedoed and sunk in the cold north Atlantic area off the coast of Greenland; and

Whereas among the six hundred and seventy-eight men who were lost in this disaster were four chaplains—a priest, a rabbi, and two ministers; and

Whereas these chaplains went down with their ship because they had given their life jackets to soldiers who lost theirs in the confusion or had left them below deck; and

Whereas, with utter disregard for self, the chaplains stood hand in hand, praying to the God they served for the safety of those men who were leaving the sinking ship in fear and terror; and

Whereas it is with intrepidity and fearlessness that the clergy men of our Nation have led religious people for hundreds of years; and

Whereas it is most appropriate that a special period be designated to honor those who have dedicated their lives to the ministering of God's word; and

Whereas the Civitan International adopted a resolution urging the observance of an international clergy week throughout the United States and Canada; honoring the clergymen of our respective faiths: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the week commencing February 3, 1970, is designated as "International Clergy Week in the United States". The President is authorized and directed to issue a proclamation inviting the people of the United States to observe this week with appropriate ceremonies and activities.

AMENDMENTS OFFERED BY MR. ROGERS OF COLORADO

Mr. ROGERS of Colorado. Mr. Speaker, I offer two amendments and ask unanimous consent that they be considered en bloc.

The SPEAKER. Is there objection to the request of the gentleman from Colorado?

There was no objection.

The Clerk read as follows:

Amendments offered by Mr. Rogers of Colorado: On pages 1 and 2 strike out all "whereas" clauses.

On page 2, line 3, strike the numeral "3" and insert "1".

The amendments were agreed to.

The joint resolution was ordered to be engrossed and read a third time, was read the third time, and passed.

The title was amended so as to read: "Designating the week commencing February 1, 1970, as International Clergy Week in the United States, and for other purposes."

A motion to reconsider was laid on the table.

APPOINTMENT OF CONFEREES ON H.R. 11959, TO INCREASE IN VETERANS' EDUCATIONAL ASSISTANCE

Mr. TEAGUE of Texas. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 11959) to amend chapters 31, 34, and 35 of title 38, United States Code, in order to increase the rates of vocational rehabilitation, educational assistance, and special training allowance paid to eligible veterans and persons under such chapters, with House amendments to the Senate amendments, insist upon the House amendments and agree to the conference requested by the Senate.

The SPEAKER. Is there objection to the request of the gentleman from Texas? The Chair hears none, and appoints the following conferees: Messrs. TEAGUE of Texas, DORN, HALEY, BARING, BROWN of California, TEAGUE of California, AYRES, ADAIR, and SAYLOR.

CALL OF THE HOUSE

Mr. GROSS. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

Mr. ALBERT. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 2]

Anderson, Calif.
Andrews, N. Dak.
Ashbrook
Ashley
Barrett
Belcher
Berry
Blackburn
Blanton
Boland
Bray
Broyhill, N.C.
Burke, Fla.
Bush
Cabell
Casey
Chappell
Clark
Clay
Cleveland
Cohelan
Collins

XUM

Conyers
Corbett
Corman
Cowger
Cramer
Dawson
Diggs
Donohue
Dorn
Edwards, Calif.
Evins, Tenn.
Farbstein
Fish
Flowers
Frelinghuysen
Fulton, Tenn.
Goldwater
Green, Oreg.
Hall
Halpern
Hanna
Hansen, Wash.
Harrington
Hastings
Hébert
Helstoski
Keith
Kirwan
Lipscomb
Lloyd
Long, La.
Lowenstein
Lukens
McCarthy
McCulloch
McEwen
McFall
Mailliard
Mathias
Melcher
Meskill
Monagan
Morton
Moss
Murphy, N.Y.
O'Neill, Mass.
Ottinger
Pepper
Philbin
Podell
Powell
Price, Ill.
Purcell
Railsback
Rarick
Reid, N.Y.
Reifel
Reuss
Rivers
Rostenkowski
St Germain
Sandman
Satterfield
Saylor
Scheuer
Sikes
Snyder
Stanton
Steiger, Ariz.
Stratton
Symington
Thompson, Ga.
Tiernan
Tunney
Van Deerlin
Vander Jagt
Watkins
Whalley
Wiggins
Wolff
Wydler
Wyman

The SPEAKER. On this rollcall 328 Members have answered to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

PERMISSION FOR COMMITTEE ON SCIENCE AND ASTRONAUTICS TO SIT ON TUESDAY AND WEDNESDAY OF THIS WEEK DURING GENERAL DEBATE

Mr. MILLER of California. Mr. Speaker, I ask unanimous consent that the Committee on Science and Astronautics may be permitted to sit on Tuesday and Wednesday of this week while the House is in session during general debate for the purpose of our science panel discussions.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

MILITARY AID TO ISRAEL

(Mr. PUCINSKI asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. PUCINSKI. Mr. Speaker, I am sure we all greeted with considerable interest President Nixon's statement yesterday to the National Emergency Conference on Peace in the Middle East that the United States would support more arms to Israel "as the need arises."

The National Emergency Conference is made up of presidents of major American Jewish organizations who are visiting here in Washington today in an effort to put into proper focus the growing crises in the Middle East.

I was pleased to hear the President take this position because for some time now I have been advocating that we provide greater military aid to Israel to meet the rising menace of Arab aggression in the Middle East.

I have said time and again that the Israelis do not want a single American soldier or any other American personnel to help in this crisis. The Israelis only want the sinews with which to defend their homeland and they themselves will provide the manpower.

But as encouraging as Mr. Nixon's statement was yesterday, the statement made by Ron Ziegler today raises some serious questions. Mr. Ziegler emphasized that while the President would be agreeable to providing additional arms to Israel, such arms could be provided only on a purchase basis.

I think this country ought to know that the Soviet Union has provided the Arab States with whatever equipment they need to wage aggression without any financial exchange. In other words, the Soviets are giving the Arabs everything they need while the American administration says that it will be glad to sell Israel whatever she needs.

This does not appear to me to be a realistic policy. I hope Mr. Nixon will reconsider and agree to lend-lease Israel whatever hardware she needs to defend herself from Arab aggression.

DEPARTMENTS OF LABOR, AND HEALTH, EDUCATION, AND WELFARE, AND RELATED AGENCIES APPROPRIATIONS, 1970

Mr. FLOOD. Mr. Speaker, I call up the bill (H.R. 13111) making appropriations for the Departments of Labor, and Health, Education, and Welfare, and related agencies, for the fiscal year ending June 30, 1970, and for other purposes, with a Senate amendment to the House amendment to the Senate amendment numbered 83.

The Clerk read the title of the bill.

The SPEAKER. The Clerk will report the last Senate amendment.

The Clerk read the Senate amendment to the House amendment to Senate amendment No. 83, as follows:

> In lieu of the language proposed to be inserted by the second part of the House amendment insert ": *Provided further,* That those provisions of the Economic Opportunity Amendments of 1967 and 1969 that set mandatory funding levels, including mandatory funding levels for the newly authorized programs for alcoholic counseling and recovery and for drug rehabilitation, shall be effective during the fiscal year ending June 30, 1970: *Provided further,* That of the sums appropriated not less than $22,000,000 shall be used for the family planning program."

MOTION OFFERED BY MR. FLOOD

Mr. FLOOD. Mr. Speaker, I offer a motion.

The Clerk read as follows:

> Mr. FLOOD moves that the House concur in the Senate amendment to the House amendment to the amendment of the Senate numbered 83.

Mr. FLOOD. Mr. Speaker, the Senate amendment that the House will concur in if my motion is agreed to is a rather simple measure. It would simply require that the earmarkings for fiscal year 1970 provided in the authorizing legislation are adhered to. The only exception to this statement is that the Senate amendment would earmark $22,000,000 for family planning rather than $15,000,000 earmarked in the authorizing legislation.

When the Labor-HEW bill was in conference, a majority of the conferees were of the opinion that it would be an undesirable restriction, on the use of these funds for individual programs and subprograms, to require the agency to adjust the total fiscal year's obligations to these prescribed levels after half or more of the fiscal year had passed.

Since the Senate amendment was adopted we have looked into this matter in more detail. The agency still feels that this is an undue restriction, especially coming so late in the year. I still agree with them to a certain extent, but our more detailed analysis does show that less adjustment will have to be made in the agency's current plan, in order to fit into the pattern that will be necessary under the Senate amendment, than I had earlier thought to be the case. Under the existing circumstance, where this entire $19½ billion bill is being held up past the middle of the fiscal year, it is my opinion that the overriding consideration is to get the bill through the Congress as soon as possible. I, therefore, have made this motion to agree to the Senate amendment which will clear the bill for the President's signature or his veto.

Mr. Speaker, I ask unanimous consent to place in the RECORD at this point a table, prepared by the Office of Economic Opportunity, which shows the 1969 actual obligations by program, the earmarking which will prevail if we agree to the Senate amendment, the minimum and maximum earmarking under the provisions of the authorizing legislation which provide transfer authority and the current agency plan were there no earmaking.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

OFFICE OF ECONOMIC OPPORTUNITY—EFFECTS OF AUTHORIZATION EARMARKS ON 1970 BUDGET

[In millions]

	Fiscal year 1969 actual	Fiscal year 1970 estimates				
		Prorated conference mark			Current agency plan	
		Total	Minimum	Maximum	Total	Plus or minus
Reserved funds: Title II (local initiative)	$326.1	$328.9	$328.9	$328.9	$325.9	$-3.0
Amounts subject to proration:						
Title IA and IB	866.9	772.3	695.1	1,042.6	762.7	+67.6
Title ID (special impact)	20.4	39.8	35.9	53.9	30.0	-5.9
Title IE (mainstream and PSC)	0	17.3	15.6	23.4	15.6	0
Title II:						
Headstart	328.9	345.2	310.7	466.0	336.7	+26.0
Headstart followthrough	32.0	78.1	70.3	105.4	56.0	-14.3
Legal services	45.4	50.3	45.3	67.9	54.9	+9.6

Footnotes at end of article.

OFFICE OF ECONOMIC OPPORTUNITY—EFFECTS OF AUTHORIZATION EARMARKS ON 1970 BUDGET—Continued

[In millions]

	Fiscal year 1969 actual	Fiscal year 1970 estimates				
		Prorated conference mark			Current agency plan	
		Total	Minimum	Maximum	Total	Plus or minus [1]
Amounts subject to proration—Continued						
Title II—Continued						
Comprehensive health	$52.3	$69.4	$62.5	$93.7	$74.0	+$11.5
Emergency food and medical	23.2	54.2	48.8	73.2	30.0	−18.8
Senior opportunity services	6.4	7.6	6.8	10.3	7.6	+.8
State economic opportunity offices	92.1	[2]61.9	0	0	136.6	+136.6
Training and technical assistance						
Day care						
Research, demonstration, and evaluation						
Program support						
Title II reserved:						
Alcoholism	0	10.0	9.0	13.5	2.0	−11.5
Drug rehabilitation	2.2	5.0	4.5	6.8		
Family planning	13.8	22.0	19.8	29.0	22.0	+2.2
Title III:						
Rural loans	6.0	10.4	9.4	14.0	10.0	+.6
Migrants	27.4	29.5	26.6	39.8	31.0	+4.4
Title VI (administration)	12.9	13.9	12.5	18.8	16.0	+3.5
Title VIII (VISTA)	32.8	32.1	28.9	43.3	37.0	+8.1
Programs not budgeted in fiscal year 1970	50.8					
Unobligated balance	8.4					
Total	1,948.0	1,948.0	1,730.6	(3)	1,948.0	+270.9 −53.5

[1] Minuses, that is below minimum, would have to be funded by reprograming from activities showing pluses.

[2] Unearmarked residual of $1,948.0 Budget Estimate not subject to "Minimum Maximum" requirements.

(3) Not available.

Mr. FLOOD. Mr. Speaker, I yield 5 minutes to the distinguished gentleman from Illinois (Mr. MICHEL), the ranking minority member of the subcommittee.

The SPEAKER. The gentleman from Illinois (Mr. MICHEL) is recognized for 5 minutes.

Mr. MICHEL. Mr. Speaker, this conference report comes back to us here in the House for one reason only: that being the rejection by the other body of language I had written into the conference report as follows:

> *Provided*, That those provisions of the Economic Opportunity Amendments of 1967 and 1969 that set mandatory funding levels shall not be effective during the fiscal year ending June 30, 1970: *Provided further*, That this appropriation shall be available for transfers to the economic opportunity loan funds for loans under title III, and amounts so transferred shall remain available until expended.

This language was prompted by the fact that we cut the budget request for funds by $100 million, and this causes all kinds of disruptions when one considers the mandatory spending requirements and earmarking of the authorizing legislation. Members will recall that the authorizing legislation called for a total spending package of $2.195 billion, while the budget came up to us in the amount of $2.048 billion, and the conference report was finalized at a figure of $1.948 billion.

As I said, when you take the formulas devised in the authorizing legislation for a figure of a quarter of a billion dollars higher than you appropriate, the relative spending for individual line items is altered considerably. This was the main thrust of my argument in the conference. This was no new argument, for back in 1967 the Economic Opportunity Act amendments earmarked three programs. The appropriations bills for the fiscal years 1968 and 1969 relieved the agency of this earmarking requirement entirely by similar language.

During the debate on the fiscal 1968 bill the distinguished chairman of our full Appropriations Committee, the gentleman from Texas (Mr. MAHON), stated that:

> This appropriation is made with the clear understanding of the Conferees that it is an appropriation to provide for the entire program for the twelve months of fiscal year 1968 and it is up to the Executive Branch to tailor this program and distribute the funds in such a manner as not to require funding a crisis program through a supplemental appropriation.

Over in the other Chamber SENATOR PASTORE said:

> In order not to put him (Sargent Shriver) in a box, we thought the best way to handle it . . . was to give him the flexibility and the discretion to run this program.

Now, the other body struck my language from the conference report and wrote in the so-called Nelson amendment as amended by the Byrd amendment, which now reads as follows:

> *Provided further*, That those provisions of the Economic Opportunity Amendments of 1967 and 1969 that set mandatory funding levels, including mandatory funding levels for the newly authorized programs for Alcoholic Counseling and Recovery and for Drug Rehabilitation, shall be effective during the fiscal year ending June 30, 1970.
>
> *Provided further*, That of the sums appropriated, not less than $22 million shall be used for the Family Planning Program.

The Nixon administration has announced its intentions to make OEO the social research and demonstration agency for the Federal Establishment. If the Nelson earmarks are applied, funds would not be available for this important work. If the mandatory spending requirements prevail, money set aside for research programs, improvement for OEO evaluations, State-funded projects, day care, aged programs, and training and technical assistance, would be cut by about $40 million. For instance HEW would have to take a $10.7 million cut in Headstart. The Department of Labor would have to take a $21.4 million cut in the JOBS program, Job Corps, New Careers, and the CEP program.

There are only 5 months remaining in this fiscal year and it will be difficult for the agency to effectively spend large additional sums of money required by some of the mandatory spending programs. For instance, the Follow Through program is presently scheduled to be funded at $56 million this fiscal year. Under the earmarking in the bill, Follow Through must be funded at no less than $70 million and no more than $105 million. Thus an additional $14 million must be spent in the next 5 months on Follow Through if the earmarks are adhered to. This brings up the problem of turning back funds into the Treasury while such working and popular programs as Headstart and CEP are being cut back.

Mr. Speaker, when you consider the popular and important programs that will be curtailed, the inefficiency of forcing an agency to spend money so quickly and the history of not requiring mandatory spending levels, I still feel that my language is preferable to that adopted in the other body. But all our arguments are rather academic if in the end the President vetoes this bill, as he is expected to do. I therefore do not intend to press my case at this time beyond spreading these arguments on the record for consideration at the time when we will undoubtedly be reworking this bill.

Mr. FLOOD. Mr. Speaker, I yield 1 minute to the gentleman from Ohio (Mr. BOW).

Mr. BOW. Mr. Speaker, in common with many of my colleagues on the Appropriations Committee, I am concerned about the way in which the authorization legislation earmarked the appropriation for the Office of Economic Opportunity. I believe that the action of the conference committee on the authorization bill was not only unwise, but that it overstepped the bounds of appropriate action by a legislative committee.

However, I share with all the Members of the House, I am sure, a reluctance to to do anything that would further delay final action on this important appropriation bill. For that reason, and for that reason alone, I will vote to concur in the Senate amendment and to send the bill to the President. In the event that the President's veto is sustained, and the Appropriations Committee once again has this appropriation bill before it, I will ask the committee to reexamine the question of the earmarking of the OEO appropriations.

I would like to take just a minute to explain to my colleagues the reasons why I think the Appropriations Committee should deal with this problem.

In the discussions of this issue in the Senate last week, the suggestion was made that the conferees on this bill, by providing that the earmarking in the authorization bill would not be applicable during fiscal 1970, had improperly introduced substantive legislation into the appropriation bill. I feel very strongly that the shoe is on the other foot—that it was the authorizing bill that was procedurally irregular.

This authorizing bill did a good deal more than authorize. It provided in detail how the money appropriated would be allocated if the appropriation was lower than the authorized amount—as it was in fact. In effect, it said to the Appropriations Committee that you may not consider appropriating one cent for Headstart until you have provided $328.9 million for local initiative projects under section 221 of the act. It said to the Appropriations Committee that you may not reduce the funds for VISTA unless you proportionately reduce the funds for other programs under the act. In other words, this authorizing legislation purported to say that the Appropriations Committee was free to report a total appropriation which was less than the authorized figure, but not free to decide which parts of the program that appropropriation should be spent on.

That certainly does not conform with my view of the appropriate roles of legislative and appropriations committees. The role of the legislative committee, as I have always understood it, is to be concerned with the substantive provisions of legislation and with placing maximum limits on appropriation actions. In doing so, they may, of course, put separate limits on separate programs such as local initiative, Headstart, and the others. But within those limits, the Appropriations Committee is free to decide how much of the appropriation shall be available for each of the program categories. In this particular case, of course, the appropriations conference report reflected a decision to leave that to the discretion of the executive branch. That, in my view, is one option that is open to the Appropriations Committee, subject to whatever authorization limits have been written into the authorizing bill. But it is not the only option available, and I do not think it is proper for the authorizing legislation to foreclose either that option or the others.

I wish to make it clear that I express no criticism of the House members of the conference on the authorization bill. I know that they worked hard to bring back a good conference report, and I would not wish to be understood as being critical of the way they performed that task, in view of the fact that the Senate had engaged in this kind of earmarking. But I also wish to make it clear that by voting today to accept the earmarking, I do not in any way indicate approval of it, and that in the event the veto is sustained I intend to reopen this matter.

Mr. FLOOD. Mr. Speaker, I yield 5 minutes to the gentleman from Iowa (Mr. SMITH).

Mr. SMITH of Iowa. Mr. Speaker, as the chairman of the subcommittee has said, the overriding consideration is to get this bill through. I think it is safe to say most Members feel that, for one reason or another, that is the reason we should accept the Senate amendment rather than send the bill back to conference. Some say the amendment will die anyway, because they think the veto will be sustained. Nevertheless, I think we should examine what we are doing here and get it in a little better perspective.

A lot of people are saying they are for congressional reform. The authorization for OEO is probably the worst example of failure to use existing rules and procedures of this body that I have seen in the 10 or 11 years that I have been here. We are dealing with a 1970 fiscal year appropriations bill. The authorization, in order for the Department downtown to start the appropriations process, was needed a year ago last October—16 months ago—but the authorization bill was finally passed and signed into law on December 30 of this year, 15 months late.

Hearings were not even started until last spring, 6 months after the appropriations proposal was going through the obstacle course down in the Department, and after we had received the budget request up here. This is probably the worst, the sloppiest job of handling authorizations that we have seen in this Congress.

Now, that is bad enough. But under the Senate amendment, Congress will come along 7 months after the fiscal year has been underway, and limit reshaping the program and penalize the Department for the tardiness of the legislative branch.

The Senate amendment not only severely limits reshaping of the program after the fiscal year has more than half expired, but it also does not contain the provisions of the 1968 and 1969 appropriations bill for OEO which in effect overruled similar restrictions provided by the 1967 authorization amendments to the OEO act.

In my view, this amendment involves very important questions on how the U.S. Government proceeds on budgetary matters and if the veto is sustained, I hope the final or new bill as passed will contain language which does less violence to the overall OEO program.

The other reason I think this amendment should not be passed is that it will hurt poor people.

It has been a matter of basic law in this country for 150 years that the legislative branch cannot compel the executive branch to spend money. However, we can limit what the executive can spend. The Senate amendment limits obligations by categories and attempts to provide that they must follow exactly the formula in the legislative authorization bill. But under well settled constitutional law principles, that means that wherever there is a limit, it will apply, but wherever the authorization is more than what they intended to obligate we cannot do anything about it.

So the result is there is $270.9 million in the authorization bill they had intended to obligate, that is over the limits on individual items in the authorization bill, that they will not be able to obligate. Here are what some of those items are. In the work and training programs they had intended to obligate $67.6 million over the prorated limit in the authorization bill, and on Headstart $26 million, on the migrant program $4.4 million, legal services $9.6 million, comprehensive health $11.5 million, daycare, research and evaluation $136.6 million, family planning $2.2 million, and on VISTA $8.1 million. With the Senate amendment, they cannot obligate that money on those programs, but we cannot compel them to take the money and use it somewhere else. Therefore, the effect of the amendment is to reduce the funding level of the programs just mentioned and a few other to the total tune of $270.9 million.

So I say, Mr. Speaker, it seems to me in good conscience I must vote against this amendment. I know this amendment is going to pass, but I think it is bad for two reasons, and I do not see how anybody who claims he is for congressional reform or who claims he has compassion, these programs for poor people—either one—can support the Senate amendment and I shall vote against concurring with it.

Mr. FLOOD. Mr. Speaker, I yield 3 minutes to the gentleman from California (Mr. BELL).

Mr. BELL of California. Mr. Speaker, I rise in opposition to the Nelson amendment to the report.

President Nixon defined the role of the OEO—he defined what many of us thought OEO should have been over the last several years. * * * An innovative agency, a laboratory for new ideas.

The President said:

> OEO's greatest value is an initiating agency—devising new programs to help the poor, and serving as an incubator for these programs during their initial, experimental phases.
>
> One of my aims is to free OEO itself to perform these functions more effectively, by providing for a greater concentration of its energies on its innovative role.

Mr. Speaker, the President followed through on his promise.

By relieving OEO of the responsibility of operating massive, ongoing programs, he freed it to do the job this Congress mandated it to do.

I am asking today that we allow this opportunity to grow to fruition.

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We must not now tie their hands.

Under the direction of our former colleague, Don Rumsfeld, impressive policy changes have been effected at the OEO.

The planning and evaluation function has been separated from program administration.

There is increased emphasis on the tools of systems analysis and operations research in making rational decisions on the allocation of resources.

Efforts to quantify program costs, and their benefits not only to individual recipients but to the taxpayers themselves, will allow OEO to learn, as Director Rumsfeld puts it, "What works and what does not and why."

With the realization that we do not yet know the answers to poverty; with the realization that new experimental efforts are essential; and with the realization that OEO as a laboratory agency offers the single most promising hope for solutions—it would be the greatest folly for us today to throw a wrench in the innovative mechanism the administration has developed before it has a chance to demonstrate its effectiveness.

Mr. Speaker, let us look for a moment at just what would happen to some of the programs our colleagues have expressed concern about.

Forcing funds into some areas without adequate planning will not only result in negligible gains. It must also deny other programs those funds.

For example: Acceptance of the amendment passed by the other body would result in program cuts for Headstart, legal services, concentrated employment and job opportunities in the business sector—jobs—among others.

I would like to insert in the Record the complete breakdown of these analyses:

Impact of Mandatory Program Funding Imposed by Nelson Amendment

Programs currently planned for funding below minimum levels which must be increased (+$53.5 Million):

1. Head Start Follow Through (+$14.3 million from $56 million): Follow Through is an experimental early elementary education program. Complete findings as to the efficacy of different approaches will not be available from Follow Through until 1972 at the earliest. The addition of $14 million to the 1970 budget would not enhance the experimental aspects of Follow Through—as all requirements will be met with the currently planned $56 million—and it would be a premature expenditure on operational programs.

2. Special Impact (+$5.9 million from $30 million): Special Impact is an experimental economic and community development program which concentrates large sums of money in a poor community. It provides substantial resources to attack the interlocking problems which keep that particular community impoverished. Since submission of the $38 million appropriation justification to the Congress, a detailed review was made of the program for the current year. This analysis resulted in a decision to reprogram $8 million to other high priority efforts. Additional funding is neither necessary or desirable at this time.

3. Alcoholism (+$8 million from $1 million): The Office of Economic Opportunity is developing a capacity to deal directly with alcoholism among the poor. The agency recognizes that alcoholism and poverty are closely intertwined in many cases. It would be extremely difficult, however, in the five months that may remain in this fiscal year after final appropriation, to develop a program ten times that presently planned. The Office of Economic Opportunity is anxious to learn more about how to prevent alcoholism and to rehabilitate its victims, but new experimental projects require time for thorough planning and preparation to assure meaningful results.

4. Narcotics (+$3.5 million from $1 million): In light of a $100 million reduction below its budget request, the Agency made a hard choice to sustain an innovative thrust in its Comprehensive Health budget. With restricted funds it appears more efficient to concentrate on restructuring delivery systems for complete health care for the poor (including Narcotics components) than to divert parts of these small sums to a single, specialized problem. Neighborhood Health Centers, reformed hospital outpatient clinics, a breakthrough in making more health specialists available to the poor—this broad effort will provide a more efficient use of scarce funds and can hopefully yield a dividend in combatting narcotics addiction.

5. Emergency Food and Medical Services (+$18.8 million from $30 million): The Emergency Food and Medical Services Program is a valuable vehicle for reaching the poor with the larger Federal Food programs. However, a forced increase of $18.8 million means that other programs will suffer disproportionately. This Administration found a $17 million program planned in both FY 1969 and 1970, a total of $34 million. It raised FY 1969 to $24 million and FY 1970 to $30 million, or a total of $54 million and an increase of $20 million. Further increase at this time, coupled with Congress' $100 million reduction in the President's FY 1970 request would cause damage to other efforts discussed below.

6. Local Initiative (+$3 million from $325.9 million): The President requested $328.9 million to sustain the core Community Action programs that had been locally initiated in his $2.048 billion request for FY 1970. When the appropriation came through with $100 million less, a small ($3 million) tightening in this program was a balanced result, to help avoid the kinds of steps described below.

Programs which would be reduced in order to meet mandatory minimum levels described above (−$53.5 million):

1. Head Start (−$10.7 million from $336.7 million): The $10.7 million reduction would be split between the summer and full year programs. This means that 24,000 children who are expecting to enroll in summer Head Start would be denied that opportunity. Four thousand nine hundred children presently enrolled in full year projects would have to be asked to leave their projects before completion. Sixteen hundred teachers and 1600 teacher-aides most of whom are poor people, would not receive employment as anticipated during the summer program. Over 600 teachers and teacher aides would have to be released immediately from employment in their full-year projects. The reductions—coming with seven months gone in the fiscal year—and would be particularly disastrous to the morale of the thousands of parents and staff members whose dedication to the program has been a major source of its strength.

2. VISTA (−$2 million from $37 million): VISTA is the domestic Peace Corps, working on community and individual development projects among the poor. This late in the fiscal year, VISTA has few alternatives on where to cut $2 million since most of VISTA's unspent budget supports volunteers already in the field. To meet the targeted reduction, VISTA would be forced to review its present plans for (1) the existing Summer Associate Program, and (2) research, demonstration, evaluation, recruitment, and volunteer supervision activities. The June volunteer training class may well have to be cut by 700 persons, causing discontinuity on some local projects since many volunteers ending their year of service in August could not be replaced.

3. Migrants and Seasonal Farm workers (−$4 million from $31 million): Reducing this program back to last year's level would come seven months along in this fiscal year. It would mean forgoing the emphasis intended for the expected increment of new money: education and job-training to help prepare these families for a rapidly approaching time when mechanization will force them into new ways of life. With a 4,000,000 population to be helped, this program is hard put to reach 200,000. Taking away $4 million offers a hard choice between cutting back on the number who can be helped or shifting to a shortsighted, emergency dole approach.

4. Research and Demonstration (−$11 million from $65.6 million): The proposed R&D budget for FY 70 including Day Care is $65.6 million. Of this $10 million is to be allocated to Day Care, leaving $55.6 million to finance all other areas of R&D. Of this amount, approximately $35 million represent refundings or previous commitments. Thus approximately $20 million remains. A cut of $11 million removes approximately 50% of money of new initiatives other than Day Care. In all probability the Office of Economic Opportunity would be forced to cut back early childhood development, projects designed to strengthen state and local manpower activities, Rural Development, and various voucher programs. Alternatively it would significantly cut back on Day Care.

The exact form of the cuts would require a careful reexamination of plans. What will clearly be true, however, is that the Administration's R&D thrust will be significantly blunted. Because of previous commitments, the R&D acitvities of the agency are likely to remain diffused and fractionated. The effectiveness and even the success of the President's Family Assistance/Manpower Training/etc. proposals that would go into effect in several years will largely depend on the calibre and magnitude of planning, evaluation, and R&D begun this year.

5. Senior Opportunities and Services (−$0.8 million from $7.6 million): A reduction of $800,000 in the funds for this program will mean elimination of new program starts which were to have focused on the poorest rural areas.

6. Rural Loans (−$0.6 million from $10 million): Rural Loans are made to poor individuals and their cooperatives where rural credit is not otherwise available to them. Under the arbitrary minimum required by the Nelson Amendment, only $600 thousand could be taken from Rural Loans to meet the above shortage. In point of fact, recent slowdown of new loans attendant upon the Office of Economic Opportunity/Department of Agriculture review of future program directions have resulted in an accumulation of repayments into the Loan Fund. This unanticipated asset makes the original estimate for new money clearly overstated. However, the Nelson earmarks were based on estimates made about one year ago, and would restrict reprogramming to offset other program deficits created by similar out-of-date earmarks.

7. Legal Services (−$3 million from $54.9 million): The effect of a $3.0 million reduction in the Legal Services budget is as follows:

$1.9 million in new programs would have to be eliminated. Such new programs would include projects run jointly with the Model Cities program, and Appalachian rural programs. New programs in such cities as Cairo, Ill., Gary, Ind., Memphis, Tenn., and Jackson and Biloxi, Miss., will have to be reviewed.

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> A further reduction of $1.1 million would have to come from a reduction in the number of field lawyers and administrative costs for the VISTA lawyer program and the R. H. Smith Fellow program.
>
> 8. Concentrated Employment Program—CEP—(—$11.4 million from $149.9 million); This program is the highly flexible manpower counterpart of locally-initiated community action. A further $11.4 million fund reduction will translate to 9,000 poor people who cannot be trained, placed, and kept in jobs.
>
> 9. Job Corps (−$2 million from $171.6 million): This forced reduction would cancel opening of one inner city skill center planned to start up this year.
>
> 10. Job Opportunities in the Business Sector—JOBS—(−$6 million from $70 million): This is the National Alliance of Businessmen's cooperative program with the Federal Government to *first* hire and then train the hardcore unemployed. This reduction in funds would prevent the Labor Department from contracting for 2,000 jobs from industry proposals in hand.
>
> 11. Public Service Career/New Careers (−$2 million from $47 million): This program combines aspects of JOBS and creation of new types of employment for the poor in Federal, State, and local government agencies. The reduction would eliminate 500 new career opportunities which could otherwise be contracted.

In closing Mr. Speaker, I would like to make one more point.

My colleagues who argued so successfully last month against the substitute OEO authorization bill would exhibit a certain inconsistency by supporting the pending motion.

I fail to see how those who opposed the iron-clad restrictions in that substitute could justify supporting provisions with the similar impact of severely limiting the essential flexibility of the OEO.

I therefore urge strongly that the motion pending be defeated.

Mr. FLOOD. Mr. Speaker, I yield 3 minutes to the gentleman from Kentucky (Mr. PERKINS).

Mr. PERKINS. Mr. Speaker, first let me state that I will put into the RECORD today a chart showing how the $1,948,000,000 appropriation for OEO will be allocated among the various programs under the authorizing statute, adopted last month amending and extending the Economic Opportunity Act. Addressing myself, however, to the matter immediately at hand, I strongly urge my colleagues to concur in the Senate amendment we are considering today to the Labor-HEW appropriation bill. This amendment has the effect of eliminating an amendment in disagreement which the House previously concurred in when it considered the appropriation conference report.

If we fail to concur in the Senate amendment, we will be giving a blank check to the Office of Economic Opportunity and the administration with respect to OEO funds.

It would be useful, perhaps, to review how we got to this point. The bill, H.R. 13111, containing the Labor-HEW appropriation as it passed the House, did not contain an appropriation for the OEO. The appropriation language relating to programs under the Economic Opportunity Act was added by Senate amendment 83 to the appropriation bill. The Senate bill would have appropriated $2.048 billion. When that bill was submitted to conference on December 18, the conferees reduced the amount of the appropriation to $1.948 billion, reducing the Senate proposed amount by an even $100 million.

Also added was a proviso:

> *Provided further*, That those provisions of the Economic Opportunity Act amendment of 1967 and 1969 that set mandatory funding levels shall not be effective during the fiscal year ending June 30, 1970.

That proviso is the kernel to the controversy facing us today. My colleagues will remember that the Office of Economic Opportunity authorization bill passed the House on December 12. Members of the House met with their Senate counterparts in a very difficult and hard-fought conference. They ironed out differences in the bills passed by their respective Houses, both of which contained some earmarking of the funds authorized. Their conference report was filed on December 19. On Saturday, December 20, the House and the Senate adopted that conference report. That conference report was adopted by both Houses on the same day that the conference report on H.R. 13111 was filed. House Report No. 91–781, the Labor-HEW appropriation bill, was agreed to by the House on December 22. Thus, 1 working day after both bodies of the Congress had passed legislation containing substantial earmarking of EOA funds, the House of Representatives contradicted itself and agreed to a provision which completely eliminated all earmarking. The efforts of the authorizing committees and the conference were thus completely undone.

A most unfortunate failure of communication occurred between the appropriations and the authorizing committees. The House of Representatives was as a result led to reverse itself without a thorough discussion as to what was involved.

I do not criticize anyone for the omission in the report or for the fact that I was not informed as to what was being done. We were all tired and all in a rush to finish up the session. I do most strongly hope, however, that the results of that unfortunate procedure will be reversed. And I hope even more strongly that steps will be taken to prevent such an occurrence in the future.

Let me make clear to my colleagues that we are not here discussing the size of the appropriation for OEO. That figure is set in concrete. The Labor-HEW conference report has already been accepted by both Houses. The amount appropriated is $1.94 billion dollars, $100 million dollars less than the President requested, $147.5 million less than was authorized. The sole issue is, "Shall the Congress assert its right to earmark funds which it authorized and now appropriates, or will it give blank checks to the executive branch?"

In the poverty bill, S. 3016—the authorizing legislation passed by both Houses and signed by the President, the Congress said that we will assert our prerogative; that we will earmark funds, program by program; that we will set guidelines, flexible to be sure, to indicate to the administration how much is to be spent for what. Are we now going to back away from our responsibility and give the Director of the Office of Economic Opportunity, the Secretary of Labor, the Budget Bureau, and the President a blank check as to how they are going to spend these moneys?

The authorization bill originally passed by the House contained earmarking for Headstart and Follow Through, for Emergency Food and Medical Services, for Operation Mainstream, and New Careers. These earmarks were applied, after serious and extensive hearings, because the administration had indicated that it was changing the nature of some of the programs, and it was going to reduce some, or that it intended to inadequately support others of these programs.

In passing the original authorizing bill, the House of Representatives indicated dissatisfaction with the administration's intentions with respect to these specific programs. The Senate bill contained more extensive earmarking, indicating how the other body felt the money should be allotted. The final bill, the authorization act, Public Law 91–177, was the end result of the authorization process. It provided for the earmarking of funds for the various programs.

To a very substantial degree those earmarkings reflected the administration's own budget requests. We received the administration's revised budget figures as late as December 17 and we acted upon them. They were the basis of most of the earmarking.

The only funds that were added to the administration's own budget request were the funds for Headstart, Follow Through, Emergency Food and Medical Services, Operation Mainstream, New Careers, and two new programs: Narcotic Rehabilitation and Alcoholic Recovery. These increases were amply justified by House and Senate hearings.

The authorization bill as reported by the conference and passed by both Houses contained very substantial, and more than adequate flexibility enabling OEO to transfer up to 10 percent of the allocated funds from one program to another. Flexibility afforded the administration as a result of the conference bill was greater than had been provided the previous administration. We authorized an increase in the authority to transfer funds into any program to as much as 35 percent of the amount authorized by the bill itself. Any increases in any individual program through transfer of funds under the Economic Opportunity Act, prior to our bill, was limited to 10 percent.

Some have said that the appropriation process, having resulted in a $100 million reduction in the amount requested, made it necessary to eliminate the earmarks since the total amount appropriated did not equal the amount authorized.

That argument was, and is, specious.

The authorization bill provided, and the act now provides, that to the extent that sums appropriated fall short of the total sums authorized, the appropriated funds should be prorated among the various earmarked programs. That was the intention of the Congress as expressed on

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Saturday, December 20, which amendment we are concerned with, caused to be reversed on the very next legislative day, December 22.

Some have said the fiscal year is largely passed and we must eliminate earmarking because they cannot possibly spend the money in every instance where it is earmarked, that the administration should have flexibility to shift it around. First, as I have already indicated, they are given ample authority to do just that. Second, I would point out that the money need not all be spent between now and June 30; it need only be obligated by then. The law permits the administering agencies to enter into contracts extending for up to 24 months. The funds will not go to waste. Not because of the earmarking. Some may, of course, be blocked by the Bureau of the Budget or the Labor Department or OEO.

But if the administration is not going to use funds authorized by the Congress for one purpose, however, it should not be permitted to use them for another. If the administration is not going to use the funds that Congress has authorized for the purposes for which they were authorized, then I, for one, prefer to see them returned to the Treasury.

Let me make clear to you that earmarking is necessary. The administration, as of December 17, indicated it intended to spend a grand total of $1 million for its combined programs dealing with alcoholism and narcotics addiction, two major causes of violent crime in our cities. In our bill we require the OEO to spend at least $15 million for these purposes. Mr. Rumsfeld has subsequently indicated his intention to go all out in these areas. I do not question Mr. Rumsfeld's intention. I do question the intention and the willingness of the Budget Bureau and the President to let Mr. Rumsfeld do as much as he might wish in these areas.

The administration has indicated an intention to reduce the number of 8-week headstart enrollees attending preschool programs in the summertime, to permit an increase in the number of children participating in full-year programs. The increased amount authorized in the original House bill was designed, in part at least, to reduce the number of children that would be deprived of summer headstart by this decision.

This administration, in its budget estimates, indicated its intention to go very slowly in the Follow Through programs. By adding to the authorized and earmarked amounts, the House and the Senate recommended strongly that this administration should expand their efforts in this area. I have something less than full confidence in the intention of the administration to carry out that wish, absent a statutory obligation to do so.

The administration budget figures in connection with the emergency food and medical program were ridiculously small. Both the House and Senate agreed that modest increases should be made. I hope they will be made.

The legislative changes and the earmarked amounts for Operation Mainstream and the New Careers program were recommended by our committee to the House because the Labor Department had indicated an intention to change the nature of these programs. There was every indication that they intended to virtually eliminate the highly successful Operation Mainstream program. The authorization bill was intended to oblige an increase, rather than a decrease, in Mainstream and New Careers both. As late as last week, I am reliably informed, the Labor Department had decided that it would not spend one nickel of the funds authorized in part E of title I of the act for Operation Mainstream and New Careers.

I say we can have no confidence as to how the executive branch will spend the EOA funds unless we bind them legally.

The OEO has, in virtually every region, indicated that local initiative funds will be reduced. They want to take these funds, which are controlled by local people and public officials, away from the communities in order to release money for the agency to use for new research and demonstration programs. Until the agency proves that it is capable of carrying on a more productive research and demonstration program than it has in the past, I am dubious of their capacity to use these funds to better purposes than the local communities. I am not at all sure that we should encourage an expansion of research and demonstration efforts until we know in clear detail how they are to be run, and what will be researched, and what is to be demonstrated.

The earmarking provided in the authorization gave the administration exactly what they wanted. We gave them more flexibility in the use of these funds than we have ever provided before. I am not willing to surrender outright the power of the Congress to say how and for what the taxpayer's money should be spent.

If the conference proviso to the appropriation bill is the way of the future, we need simply appropriate $200 billion dollars to the President to carry on the Government and go home. I, for one, am not prepared to do that.

I believe the gentleman from Minnesota (Mr. Quie) knows the situation here.

Let me say to our distinguished friend from Iowa (Mr. Smith) the argument he made about expenditure of funds has nothing to do with this issue. It has nothing to do with this issue.

If the Bureau of the Budget and the President and the Director and the Department of Labor decide that they are not going to spend the funds, I do not believe we can make them spend the funds. But we can urge them to spend the money and for the things we wish to have supported. We can provide that money and limit its use to the purposes we direct. We must do so. Prudence and practicality, of course, dictate that we permit some flexibility—and we have.

The administration can take 10 percent of the amount earmarked for any program and add it to any other program. The earmarked amount specified in the authorizing statute for any program may be increased by such additions by as much as 35 percent.

The SPEAKER. The time of the gentleman from Kentucky has expired.

Mr. PERKINS. Mr. Speaker, will the gentleman yield me 3 additional minutes?

Mr. FLOOD. I yield the gentleman from Kentucky 3 additional minutes.

Mr. PERKINS. For the fiscal year 1971 they can take 15 percent of the funds earmarked for any program or programs and transfer them to any other program. They can increase any program by as much as 35 percent.

We permitted flexibility to the extent of 10 percent the first year—that amounts to about $160 million. We gave them 15 percent or roughly $240 million for fiscal 1971. Add to this the research and development funds which are completely flexible and the administration has well over a quarter of a billion dollars in flexible funds. How can they ask for more?

Is it beyond our powers to earmark $15 million for alcoholic and drug rehabilitation programs? The administration planned to spend less than $1 million on them. Are we to have nothing to say in such a case?

I think we want something to say about alcoholic counseling and drug rehabilitation. I think you want something to say about how much money should be expended for Headstart. I do not think we want to give the Director of the Office of Economic Opportunity and the Department of Labor a blank check. If we adopt the position of the gentleman from Illinois (Mr. Michel), and the gentleman from Iowa (Mr. Smith) that would be what we would be doing.

I yield to the distinguished gentleman from Minnesota (Mr. Quie).

Mr. QUIE. I thank the gentleman for yielding. I understand I will get some time on my own, if you want to use more of your own time, but I just want to say that if we knew what the level of funding would be in these various programs without earmarking, then we might be more willing to go along with the blank check.

I wrote a letter to Carol Khosrovi of the legislative liaison office of the Office of Economic Opportunity to find out what the allocation of the programs would be under the expenditure of $1,948 million. She did not send me back any information but only said I could find out when the President's message for the 1971 budget was published.

I think the Congress ought to know what the OEO is going to do. They ought to tell us beforehand and not keep us in the dark constantly.

Not only has the Congress delayed for 7 months the appropriation money, but also OEO now delays in telling us what they would do with the $100 million cut below the budget which is the same appropriation as last year.

Mr. PERKINS. I certainly agree with my distinguished friend. The chart that I will insert in the Record will show how the $1,948 million appropriated might be allocated among the various programs together with the maximum and minimum amounts permitted by the flexibility formula. These may be compared to the

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budget requests and the fiscal 1969 actual obligations.

Mr. Speaker, I ask unanimous consent that I may be permitted to revise and extend my remarks and include extraneous matter, including charts, at this point in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

EFFECT OF SENATE (NELSON) AMENDMENT TO RETAIN EARMARKING PROVISIONS OF ECONOMIC OPPORTUNITY PROGRAM AUTHORIZATION ACT (P.L. 91-177)

The Nelson amendment makes no change in the total appropriations level. It only deals with how the funds appropriated for OEO shall be allocated among specific categories. The conference committee's recommendation of $1,948,000,000 for the Economic Opportunity programs has been accepted by both Houses in identical form.

[In millions of dollars]

	Earmarked allocations[1]	Flexibility to transfer among programs		Budget requests	Fiscal year 1969 actual obligations
		Minimum	Maximum		
Title I: Pts. A and B (Work and Training)	770	(693)	(853)	871	883
Title I: Pt. E (Mainstream and New Careers)	18	(16)	(24)		
Title I: Pt. D (Special Impact)	40	(36)	(54)	38	20
Title II: Community Action Programs:					
Headstart[2]	345	(310)	(466)	332	334
Follow Through	78	(70)	(105)	58	32
Legal services	50	(45)	(53)	54	45
Comprehensive health services	69	(62)	(93)	74	52
Emergency food and medical services	54	(49)	(73)	30	23
Family planning[3]	22	(22)	(30)	22	14
Senior opportunities and services	8	(7)	(16)	9	6
Title II: Other Purposes	66				93
Funds reserved for new programs:					
Alcoholic counseling and recovery	10	(10)	(14)	0	0
Drug rehabilitation	5	(5)	(7)	1	2
Funds reserved for local initiative	329	(329)	(444)	329	326
Title III: Pt. A (Rural Loans)	10	(9)	(14)	12	6
Title III: Pt. B (Migrants)	30	(27)	(41)	33	27
Title VI: (Administration)	14	(13)	(19)	16	13
Title VIII: (VISTA)	32	(29)	(43)	37	32
Total	1,948			2,048	1,908

[1] Allocations of appropriation of $1,948,000,000 based on earmarking in authorization bill (Public Law 91-177), with items prorated where applicable. (Figures rounded.)

[2] OEO also plans to devote unearmarked research and demonstration funds to model day-care programs.

[3] If Nelson amendment is accepted, $22,000,000 will be assured for family planning as a result of modification made in original Nelson amendment in Senate.

Mr. FLOOD. Mr. Speaker, I yield 3 minutes to the gentleman from Wisconsin (Mr. STEIGER).

Mr. STEIGER of Wisconsin. Mr. Speaker, there is no doubt in my mind that both the gentlemen who insist on earmarking and the administration and its supporters who need relief believe their position most benefits the poor. This controversy is particularly sad, since I am convinced that we arrived at it inadvertently. When President Nixon came forward with his fiscal 1970 budget for the Office of Economic Opportunity last April, it was prior to appointing a new Director. Upon appointment in June Mr. Rumsfeld endorsed the general lines of the program he inherited. However, he made it clear that he had not yet reviewed it in detail and that he would return with a revision—which he subsequently did.

However, owing to the imminent expiration of the Economic Opportunity Act, the Senate proceeded with new authorizing legislation, based upon a program distribution that was shortly out of date. In its program earmarking, the Senate generally endorsed what the administration had requested, added two new programs with mandatory funding levels—but without specifying what to cut to provide the money—and provided flexibility through a broad formula for proration and reprograming authority to adjust a $2,048 billion authorization to whatever sum was ultimately appropriated.

After much debate, which saw almost half the year pass before it was resolved, this House passed an even more generous and flexible bill—with sufficient authority to maintain existing operations and providing increases to certain favored programs. We did not provide for mandatory funding levels or for proration to a lesser appropriation level.

Unfortunately, the conference to reconcile the two generous, workable authorizations—certainly without intention—laid the basis for the agency's current problem. It produced a law which endorsed earmarks for ongoing operations based on 6-month out-of-date cost estimates, merely added House increases to the Senate's—thus upsetting the balance upon which the latter's flexibility formula had been based—and then took away 50 percent of the reprograming authority designed by the Senate to prevent miscalculation. As a member of the conference committee I opposed earmarking.

All this might have worked out had we decided to appropriate the $2.2 billion ultimately authorized—and had we funded the agency early enough in the fiscal year to spread phase-downs or planning for new projects over a full year. The $2.2 billion would have been enough to continue worthwhile operations, allow relatively minor dollar shifts to support price and operational changes, and support expansions desired by the Congress.

When we appropriated one quarter of a billion dollars less, the formula broke down. For instance, it placed a minimum on Follow Through that requires pumping in $14 million which is not needed now for that very fine experiment. This deficit will largely come out of Headstart, which is hard-pressed to pay for children and projects already in the classroom. Even more ironic, had the conference retained the House's approach which regarded these related programs jointly, a combined earmark for both might have worked out acceptably.

Now it is always possible to say, "The authorization does not require meeting the Follow Through minimum by sending home Headstart children; something else can be cut back." Generally such argument is vague on what should be given up. At best it suggests program reductions that are agreeable to the arguer, but no more acceptable to the Congress and the poor than a cut in Headstart.

The appropriation conference committee realized that the authorization's intricate formula for earmarking, proration of reductions, and reprograming authority was not going to give the Congress the results it desired in light of a February appropriation with $250 million less than the authorization. It acted responsibly, and completely in accordance with practice in previous years. It relieved the agency of mandatory funding levels. I believe, as rational men, we have no other course if we wish to avert havoc with the lives of the people we wish to help with the Economic Opportunity Act.

Finally, I do believe it is possible to develop legislation that makes clear what the Congress wishes to be accomplished, and which can be tailored to the funds it subsequently makes available. However, I believe it takes considerable care, dialog with the agency, adequate flexibility, and—most important of all—sufficient notice to the administration of what the Congress wishes and will provide. I do not believe we have done this when we bicker into February about a program year which began last July. Thus, Mr. Speaker, I do not support the Nelson amendment and want to include at that point an analysis of the impact of the adoption of the amendment:

IMPACT OF MANDATORY PROGRAM FUNDING LEVELS IMPOSED BY NELSON AMENDMENT

Programs currently planned for funding below minimum levels which must be increased (+$53.5 million):

1. Head Start Follow Through (+$14.3 million from $56 million): Follow Through is an experimental early elementary education program. Complete findings as to the efficacy of different approaches will not be available from Follow Through until 1972 at the earliest. The addition of $14 million to the 1970 budget would not enhance the experimental aspects of Follow Through—as all requirements will be met with the currently planned $56 million—and it would be a premature expenditure on operational programs.

2. Special Impact (+$5.9 million from $30 million): Special Impact is an experimental economic and community development program which concentrates large sums of money in a poor community. It provides substantial resources to attack the interlocking problems which keep that particular community impoverished. Since submission of the $38 million appropriation justification to the Congress, a detailed review was made of the program for the current year. Ths analysis resulted in a decision to reprogram $8 million to other high priority efforts. Additional funding is neither necessary or desirable at this time.

3. Alcoholism (+$8 million from $1 million): The Office of Economic Opportunity

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is developing a capacity to deal directly with alcoholism among the poor. The agency recognizes that alcoholism and poverty are closely intertwined in many cases. It would be extremely difficult, however, in the five months that may remain in this fiscal year after final appropriation, to develop a program ten times that presently planned. The Office of Economic Opportunity is anxious to learn more about how to prevent alcoholism and to rehabilitate its victims, but new experimental projects require time for thorough planning and preparation to assure meaningful results.

4. Narcotics (+$3.5 million from $1 million): In light of a $100 million reduction below its budget request, the Agency made a hard choice to sustain an innovative thrust in its Comprehensive Health budget. With restricted funds it appears more efficient to concentrate on restructuring delivery systems for complete health care for the poor (including Narcotics components) than to divert parts of these small sums to a single, specialized problem. Neighborhood Health Centers, reformed hospital outpatient clinics, a breakthrough in making more health specialists available to the poor—this broad effort will provide a more efficient use of scarce funds and can hopefully yield a dividend in combating narcotics addiction.

5. Emergency Food and Medical Services (+$18.8 million from $30 million): The Emergency Food and Medical Services Program is a valuable vehicle for reaching the poor with the larger Federal Food programs. However, a forced increase of $18.8 million means that other programs will suffer disproportionately. This Administration found a $17 million program planned in both FY 1969 and 1970, a total of $34 million. It raised FY 1969 to $24 million and FY 1970 to $30 million, or a total of $54 million and an increase of $20 million. Further increase at this time, coupled with Congress' $100 million reduction in the President's FY 1970 request would cause damage to other efforts discussed below.

6. Local Initiative (+$3 million from $325.9 million): The President requested $328.9 million to sustain the core Community Action programs that had been locally initiated in his $2.048 billion request for FY 1970. When the apropriation came through with $100 million less, a small ($3 million) tightening in this program was a balanced result, to help avoid the kinds of steps described below.

Programs which would be reduced in order to meet mandatory minimum levels described above: (−$53.5 million):

1. Head Start (−$10.7 million from $336.7 million): The $10.7 million reduction would be split between the summer and full year programs. This means that 24,000 children who are expecting to enroll in summer Head Start would be denied that opportunity. Four thousand nine hundred children presently enrolled in full year projects would have to be asked to leave their projects before completion. Sixteen hundred teachers and 1,600 teacher-aides, most of whom are poor people, would not receive employment as anticipated during the summer program. Over 600 teachers and teacher aids may have to be released immediately from employment in their full year program. The reductions—coming with seven months gone in the fiscal year—and would be particularly disastrous to the morale of the thousands of parents and staff members whose dedication to the program has been a major source of its strength.

2. VISTA (−$2 million, from $37 million): VISTA is the domestic Peace Corps, working on community and individual development projects among the poor. This late in the fiscal year, VISTA has few alternatives on where to cut $2 million since most of VISTA's unspent budget supports volunteers already in the field. To meet the targeted reduction, VISTA would be forced to review its present plans for (1) the existing Summer Associate Program, and (2) research, demonstration, evaluation, recruitment, and volunteer supervision activities. The June volunteer training class may well have to be cut by 700 persons, causing discontinuity on some local projects since many volunteers ending their year of service in August could not be replaced.

3. Migrants and Seasonal Farm Workers (−$4 million, from $31 million): Reducing this program back to last year's level would come seven months along in this fiscal year. It would mean forgoing the emphasis inintended for the expected increment of new money: education and job-training to help prepare these families for a rapidly approaching time when mechanization will force them into new ways of life. With a 4,000,000 population to be helped, this program is hard put to reach 200,000. Taking away $4 million offers a hard choice between cutting back on the number who can be helped or shifting to a short-sighted, emergency dole approach.

4. Research and Demonstration (−$11 million from $65.6 million): The proposed R&D budget for FY 70 including Day Care is $65.6 million. Of this $10 million is to be allocated to Day Care, leaving $55.6 million to finance all other areas of R&D. Of this amount, approximately $35 million represent refundings or previous commitments. Thus approximately $20 million remains. A cut of $11 million removes approximately 50% of money of new initiatives other than Day Care. In all probability the Office of Economic Opportunity would be forced to cut back early childhood development, projects designed to strengthen state and local manpower activities, Rural Development, and various voucher programs. Alternatively it would significantly cut back on Day Care.

The exact form of the cuts would require a careful reexamination of plans. What will clearly be true, however, is that the Administration's R&D thrust will be significantly blunted. Because of previous commitments, the R&D activities of the agency are likely to remain diffused and fractioned. The effectiveness and even the success of the President's Family Assistance/Manpower Training/etc. proposals that would go into effect in several years will largely depend on the calibre and magnitude of planning, evaluation, and R&D begun this year.

5. Senior Opportunities and Services (−$0.8 million from $7.6 million): A reduction of $800,000 in the funds for this program will mean elimination of new program starts which were to have focused on the poorest rural areas.

6. Rural Loans (−$0.6 million from $10 million): Rural Loans are made to poor individuals and their cooperatives where rural credit is not otherwise available to them. Under the arbitrary minimum required by the Nelson Amendment, only $600 thousand could be taken from Rural Loans to meet the above shortage. In point of fact, recent slowdown of new loans attendant upon the Office of Economic Opportunity/Department of Agriculture review of future program directions have resulted in an accumulation of repayments into the Loan Fund. This unanticipated asset makes the original estimate for new money clearly overstated. However, the Nelson earmarks were based on estimates made about one year ago, and would restrict reprogramming to offset other program deficits created by similar out-of-date remarks.

7. Legal Services (−$3 million, from $54.9 million): The effect of a $3 million reduction in the Legal Services budget is as follows:

$1.9 million in new programs would have to be eliminated. Such new programs would include projects run jointly with the Model Cities program, and Appalachian rural programs. New programs in such cities as Cairo, Ill., Gary, Ind., Memphis, Tenn., and Jackson and Biloxi, Miss., will have to be reviewed.

A further reduction of $1.1 million would have to come from a reduction in the number of field lawyers and administrative costs for the VISTA lawyer program and the R. H. Smith Fellow program.

8. Concentrated Employment Program—CEP—(−$11.4 million, from $149.4 million): This program is the highly flexible manpower counterpart of locally-initiated community action. A further $11.4 million fund reduction will translate to 9,000 poor people who cannot be trained, placed, and kept in jobs.

9. Job Corps (−$2 million, from $171.6 million): This forced reduction would cancel opening of one inner city skill center planned to start up this year.

10. Job Opportunities in the Business Sector—JOBS—(−$6 million, from $70 million): This is the National Alliance of Businessmen's cooperative program with the Federal Government to *first* hire and then train the hardcore unemployed. This reduction in funds would prevent the Labor Department from contracting for 2,000 jobs from industry proposals in hand.

11. Public Service Career/New Careers (−$2 million, from $47 million): This program combines aspects of JOBS and creation of new types of employment for the poor in Federal, State, and local government agencies. The reduction would eliminate 500 new career opportunities which could otherwise be contracted.

Mr. FLOOD. Mr. Speaker, I yield 3 minutes to the gentleman from Minnesota (Mr. Quie) for the purpose of closing debate.

(Mr. QUIE asked and was given permission to revise and extend his remarks and include extraneous matter.)

Mr. QUIE. Mr. Speaker, one of the reasons why I believe that the Nelson amendment in this case is a wise amendment is that we really do not know, as I indicated when the gentleman from Kentucky yielded to me, what the actual allocation of funds for each of these programs is going to be. If we had known it, maybe we could have made an adjustment. I understand some of my colleagues may know, but I have have not been able to get the information from OEO. I insert here a letter I wrote to OEO inquiring about this information and the reply I received.

December 31, 1969.

Mrs. Carol M. Khosrovi,
Associate Director for Congressional and Governmental Relations, Office of Economic Opportunity, Washington, D.C.

Dear Carol: Thank you for your letter setting straight the record concerning the R&D programs.

What will be the budgeted use of the appropriated money at $1.948 billion with the earmarked authorization bill?

With kind regards and best wishes for the holiday season, I am

Sincerely yours,

Albert H. Quie,
Member of Congress.

Office of Economic Opportunity,
Washington, D.C., January 9, 1970.

Hon. Albert H. Quie,
House of Representatives,
Washington, D.C.

Dear Congressman Quie: Thank you for your letter of December 31. I am pleased that the information we supplied on research and development programs was satisfactory.

You also asked about the distribution of a fiscal 1970 appropriation level of $1.948 billion. As you know, we are now in the process of providing data for the President's fiscal 1971 budget. Because it provides a base for fiscal 1971 decisions, the fiscal 1970 budget

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is being tailored to fit the President's proposals for next year. A detailed breakdown of the current year's program will be available with publication of the President's budget, which is now apparently scheduled for the last week in January.

Best wishes for a successful New Year.

Sincerely,

CAROL M. KHOSROVI,
Associate Director for Congressional and Governmental Relations.

Another reason why I think it is wise is a provision that was added by the House conferees when we were in conference over the OEO authorization bill. That is the earmarking of $328,900,000 for the local initiative program. In the past when the Congress ceased earmarking. I felt that wise, the OEO turned around and did more severe earmarking than Congress. If the local community action agency is any good at all, they should have the opportunity and the flexibility of determining what the area of greatest need is for their expenditures and have the ability to expend the money for the programs that they can prove would be most effective.

OEO in the past has gone more for national emphasis programs with a constant erosion of versatile programs. If community action agencies are incapable of making wise decisions let us put it on the record and let Congress make a determination. It is my belief that an agency which bypasses State governments and is not responsive to voters should at least inform the Congress what it is about to do and how much it will spend on the various programs under its jurisdiction. If it will not, we ought to earmark the funds as we do in a way that OEO cannot earmark without the knowledge of Congress until it is too late.

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The other provision which I thought was wise was the earmarking of money for drug rehabilitation and recovery of alcoholics. That amendment was added in the other body. Each year there are 25,000 or more people being killed on the highways because of alcohol. We have no accounting of the broken-up families, the poverty and disease and the hardship which has occurred as a result of the disease of alcohol.

Mr. Speaker, we do not want to go back to the mistakes that were made under prohibition because now it is understood that alcoholism is a disease. But we have done very little to correct that disease that some say is the biggest killer in the United States today. One of the greatest contributions which I feel OEO could make to help the people in poverty today is to direct their attention toward the causes and cure of alcoholism. I think this is a wise expenditure. These two programs were not included in the OEO budget. We will be sure it is included if the Nelsen amendment is adopted which will be done if we affirmatively pass the bill today.

Mr. DELLENBACK. Mr. Speaker, I rise to discuss what in one form or another is becoming an annual wrangle. I refer to the question of allocating Economic Opportunity program funds. I wish the disputants to recognize what truly is happening. Each year a program is authorized which endorses activities already begun and provides for expansion and new directions desired by the administration and the Congress. This year, as last, appropriations are barely enough to continue what is already in being, let alone satisfy what each Member and the administration believes to be the next most important thing to be done. Even if we could agree on what new directions are so urgent as to warrant cutting back existing programs, February of this current fiscal year is a terrible time for starting either cutbacks or new and expanded projects.

In December this House approved a generous, but late authorization bill. There are many here who voted to support the President and his new Director of the Office of Economic Opportunity in refocusing the efforts of the antipoverty program for maximum effectiveness. The bill we voted, by an unprecedented majority, was clearly a flexible instrument for them—even more so than the Senate's more intricate version. What came out of conference was an honest compromise of differences between the two Houses—except that—in the process—the Director's flexibility was severely compromised. It was not apparent in a $2.2 billion authorization. It became apparent when the appropriation was reduced to $1.948 billion. The appropriations conference committee recognized this and quite properly responded as it has in the past by removing mandatory funding levels.

Mr. Speaker, I should like at this time to place in the RECORD the Office of Economic Opportunity's analysis of what the mandatory funding levels would require it to do:

IMPACT OF MANDATORY PROGRAM FUNDING LEVELS IMPOSED BY NELSON AMENDMENT

Programs currently planned for funding below minimum levels which must be increased (+$53.5 million):

1. Head Start Follow Through (+$14.3 million from $56 million): Follow Through is an *experimental* early elementary education program. Complete findings as to the efficacy of different approaches will not be available from Follow Through until 1972 at the earliest. The addition of $14 million to the 1970 budget would not enhance the experimental aspects of Follow Through—as all requirements will be met with the currently planned $56 million—and it would be a premature expenditure on operational programs.

2. Special Impact (+$5.9 million from $30 million): Special Impact is an experimental economic and community development program which concentrates large sums of money in a poor community. It provides substantial resources to attack the interlocking problems which keep that particular community impoverished. Since submission of the $38 million appropriation justification to the Congress, a detailed review was made of the program for the current year. This analysis resulted in a decision to reprogram $8 million to other high priority efforts. Additional funding is neither necessary or desirable at this time.

3. Alcoholism (+$8 million from $1 million): The Office of Economic Opportunity is developing a capacity to deal directly with alcoholism among the poor. The agency recognizes that alcoholism and poverty are closely intertwined in many cases. It would be extremely difficult, however, in the five months that may remain in this fiscal year after final appropriation, to develop a program ten times that presently planned. The Office of Economic Opportunity is anxious to learn more about how to prevent alcoholism and to rehabilitate its victims, but new experimental projects require time for thorough planning and preparation to assure meaningful results.

4. Narcotics (+$3.5 million from $1 million): In light of a $100 million reduction below its budget request, the Agency made a hard choice to sustain an innovative thrust in its Comprehensive Health budget. With restricted funds it appears more efficient to concentrate on restructuring delivery systems for complete health care for the poor (including Narcotics components) than to divert parts of these small sums to a single, specialized problem. Neighborhood Health Centers, reformed hospital outpatient clinics, a breakthrough in making more health specialists available to the poor—this broad effort will provide a more efficient use of scarce funds and can hopefully yield a dividend in combating narcotics addiction.

5. Emergency Food and Medical Services (+$18.8 million from $30 million): The Emergency Food and Medical Services Program is a valuable vehicle for reaching the poor with the larger Federal Food programs. However, a forced increase of $18.8 million means that other programs will suffer disproportionately. This Administration found a $17 million program planned in both FY 1969 and 1970, a total of $34 million. It raised FY 1969 to $24 million and FY 1970 to $30 million, or a total of $54 million and an increase of $20 million. Further increase at this time, coupled with Congress' $100 million reduction in the President's FY 1970 request would cause damage to other efforts discussed below.

6. Local Initiative (+$3 million from $325.9 million): The President requested $328.9 million to sustain the core Community Action programs that had been locally initiated in his $2.048 billion request for FY 1970. When the appropriation came through with $100 million less, a small ($3 million) tightening in this program was a balanced result, to help avoid the kinds of steps described below.

Programs which would be reduced in order to meet mandatory minimum levels described above (−$53.5 million):

1. Head Start (−$10.7 million from $336.7 million): The $10.7 million reduction would be split between the summer and full year programs. This means that 24,000 children who are expecting to enroll in summer Head Start would be denied that opportunity. Four thousand nine hundred children presently enrolled in full year projects would have to be asked to leave their projects before completion. Sixteen hundred teachers and 1600 teacher-aides would have to be released immediately from employment in their full-year projects. The reductions—coming with seven months gone in the fiscal year—would be particularly disastrous to the morale of the thousands of parents and staff members whose dedication to the program has been a major source of its strength.

2. VISTA (−$2 million from $37 million): VISTA is the domestic Peace Corps, working on community and individual development projects among the poor. This late in the fiscal year, VISTA has few alternatives on where to cut $2 million since most of VISTA's unspent budget supports volunteers already in the field. To meet the targeted reduction, VISTA would be forced to review its present plans for (1) the existing Summer Associate Program, and (2) research, demonstration, evaluation, recruitment, and volunteer supervision activities. The June volunteer training class may well have to be cut by 700 persons, causing discontinuity on some local projects since many volunteers ending their years of service in August could not be replaced.

3. Migrants and Seasonal Farm Workers (−$4 Million from $31 million): Reducing this program back to last year's level would

come seven months along in this fiscal year. It would mean forgoing the emphasis intended for the expected increment of new money: education and job-training to help prepare these families for a rapidly approaching time when mechanization will force them into new ways of life. With a 4,000,000 population to be helped, this program is hard put to reach 200,000. Taking away $4 million offers a hard choice between cutting back on the number who can be helped or shifting to a short-sighted, emergency dole approach.

4. Research and Demonstration (—$11 million from $65.6 million): The proposed R&D budget for FY 70 including Day Care is $65.6 million. Of this $10 million is to be allocated to Day Care, leaving $55.6 million to finance all other areas of R&D. Of this amount, approximately $35 million represents refundings or previous commitments. Thus approximately $20 million remains. A cut of $11 million removes approximately 50% of money of new initiatives other than Day Care. In all probability the Office of Economic Opportunity would be forced to cut back early childhood development, projects designed to strengthen state and local manpower activities, Rural Development, and various voucher programs. Alternatively it would significantly cut back on Day Care.

The exact form of the cuts would require a careful reexamination of plans. What will clearly be true, however, is that the Administration's R&D thrust will be significantly blunted. Because of previous commitments, the R&D activities of the agency are likely to remain diffused and fractionated. The effectiveness and even the success of the President's Family Assistance/Manpower Training/etc. proposals that would go into effect in several years will largely depend on the calibre and magnitude of planning, evaluation, and R&D begun this year.

5. Senior Opportunities and Services (—$0.8 million from $7.6 million): A reduction of $800,000 in the funds for this program will mean elimination of new program starts which were to have focused on the poorest rural areas.

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7. Legal Services (—$3 million from $54.9 million): The effect of a $3 million reduction in the Legal Services budget is as follows:

$1.9 million in new programs would have to be eliminated. Such new programs would include projects run jointly with the Model Cities program, and Appalachian rural programs. New programs in such cities as Cairo, Ill., Gary, Ind., Memphis, Tenn., and Jackson and Biloxi, Miss., will have to be reviewed.

A further reduction of $1.1 million would have to come from a reduction in the number of field lawyers and administrative costs for the VISTA lawyer program and the R. H. Smith Fellow program.

8. Concentrated Employment Program—CEP—(—$11.4 million from $149.4 million): This program is the highly flexible manpower counterpart of locally-initiated community action. A further $11.4 million fund reduction will translate to 9,000 poor people who cannot be trained, placed, and kept in jobs.

9. Job Corps (—$2 million from $171.6 million): This forced reduction would cancel opening of one inner city skill center planned to start up this year.

10. Job Opportunities in the Business Sector—JOBS—(—$6 million from $70 million): This is the National Alliance of Businessmen's cooperative program with the Federal Government to *first* hire and then train the hardcore unemployed. This reduction in funds would prevent the Labor Department from contracting for 2,000 jobs from industry proposals in hand.

11. Public Service Career/New Careers (—$2 million from $47 million): This program combines aspects of JOBS and creation of new types of employment for the poor in Federal, State, and local government agencies. The reduction would eliminate 500 new career opportunities which could otherwise be contracted.

It speaks both to programs which must be more heavily funded than would be useful at this time, as well as programs which will be cut back to provide the money.

Under the Nelson amendment the increases are mandatory, although the Director of the Office of Economic Opportunity indicates that the law would not require him to put out money for projects that would be harmful and improper. For instance, it is difficult to develop well conceived special impact projects between now and June 30; the agency has been planning a threefold increase over last year, but none of that has been able to move forward pending appropriation. New Follow Through projects require careful development, and are indeed superfluous at this date to the design of that experiment. The analysis in the RECORD contains a fuller explanation. In sum, though, Mr. Rumsfeld believes that much of the increase would, because of the lateness in the fiscal year, end up not being used, rather than wasted.

This is doubly shameful when we look at programs which would face sudden reductions to provide money for the mandatory minimums. The Headstart case is particularly severe, where children and projects would be closed out. A planned Job Corps center would be dropped, new legal services projects endorsed by local bar associations and public officials in Illinois, Indiana, Tennessee, and Mississippi would be suddenly canceled. Much of the President's thrust in research and development which prepares for his new family assistance and manpower training proposals would not be funded.

I hope that after the expected Presidential veto is sustained, the Appropriations Committee will reconsider this important matter so that these cuts will not be necessary.

Mr. FLOOD. Mr. Speaker, I move the previous question on the motion.

CALL OF THE HOUSE

Mr. GROSS. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. Is the gentleman from Iowa making a point of order on the motion?

Mr. GROSS. No, Mr. Speaker. I make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

Mr. BOGGS. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 3]

Anderson, Calif.
Andrews, N. Dak.
Ashbrook
Ashley
Barrett
Berry
Blackburn
Bray
Broyhill, N.C.
Buchanan
Burke, Fla.
Bush
Cabell
Casey
Chappell
Clay
Cohelan
Collins
Conyers
Corbett
Corman
Cowger
Cramer
Dawson
Diggs
Dorn
Edwards, Calif.
Evins, Tenn.
Farbstein
Fish
Flowers
Frelinghuysen
Fulton, Tenn.
Giaimo
Green, Oreg.
Grover
Halpern
Hanna
Hansen, Wash.
Harrington
Harsha
Hastings
Hébert
Kirwan
Kleppe
Lipscomb
Lloyd
Long, La.
Lowenstein
Lukens
Mculloch
McEwen
McFall
Mailliard
Mathias
Melcher
Meskill
Mollohan
Monagan
Morse
Morton
Moss
Murphy, Ill.
Ottinger
Pepper
Podell
Pucinski
Purcell
Railsback
Reid, N.Y.
Reifel
Reuss
Rostenkowski
St Germain
Sandman
Satterfield
Saylor
Smith, Calif.
Snyder
Springer
Stanton
Steiger, Ariz.
Stratton
Symington
Thompson, Ga.
Tiernan
Tunney
Van Deerlin
Vander Jagt
Watkins
Whalley
Wiggins
Wilson, Bob
Wolff
Wydler

The SPEAKER. On this rollcall 337 Members have answered to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

DEPARTMENTS OF LABOR, AND HEALTH, EDUCATION, AND WELFARE, AND RELATED AGENCIES APPROPRIATIONS, 1970

The SPEAKER. The question is on ordering the previous question.

The previous question was ordered.

The SPEAKER. The question is on the motion offered by the gentleman from Pennsylvania (Mr. FLOOD).

The motion was agreed to.

A motion to reconsider was laid on the table.

GENERAL LEAVE TO EXTEND

Mr. FLOOD. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the conference report.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

AUTHORIZING THE CLERK TO RECEIVE MESSAGES FROM THE SENATE AND THE SPEAKER TO SIGN ENROLLED BILLS AND JOINT RESOLUTIONS

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that notwithstanding the adjournment of the House until tomorrow the Clerk be authorized to receive messages from the Senate and that the Speaker be authorized to sign any enrolled bills and joint resolutions duly passed by the two Houses and found truly enrolled.

The **SPEAKER**. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

ENVIRONMENT AND DISCIPLINE

(Mr. **ASPINALL** asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. **ASPINALL**. Mr. Speaker, there is every indication that the quality of our environment will receive increasing and accelerated attention in the year ahead of us. It is also clear that this movement, or, at least, the goals of this movement, enjoy the support of the American people. But the question that all of the citizens of this Nation must answer is: How much are we willing to pay—how much effort are we willing to make?

Recently, one of this Nation's recognized authorities on air pollution control, Aaron J. Teller, dean of the School of Engineering and Science, Cooper Union, made the following observation:

> Pollution is going to be a real problem for the businessman, and it's going to cost him lots of money, but for society the real problem isn't industrial. It's the public itself. The public is the one that has done all of the talking but not much else.

I was particularly impressed with these thoughts as I reviewed the latest figures on one of our oldest forms of pollution, the littering of our streets, highways, parks, and other public properties. Mr. Speaker, the most recent estimate of the cost of removing that litter is $500 million annually. One-half billion dollars each year. Every month American motorists drop an average of 1,304 pieces of litter on every mile of the Nation's vast network of primary highways, or nearly 16,000 pieces of litter per mile per year.

The Forest Service alone spent approximately $15.5 million in 1 year to clean and maintain our recreation sites and facilities. And each year this amount is increasing.

While Dean Teller has referred to the cost of pollution control, there is no monetary cost in saving ourselves the half-billion dollar annual cost of litter pollution. The answer, quite simply, is discipline. That is all it takes. Discipline—on the part of all of us. Overnight we could wipe out a $500 million annual debt.

This is money that could be used for solving pollution problems that are not the result of simple carelessness but the inevitable consequence of an expanding population. I am thinking especially of the domestic water and waste disposal problems that are an increasing burden on towns and cities throughout the Nation.

With these facts in mind, Mr. Speaker, I ask not only that we give our best efforts to solving the problems of pollution control, but that we do it honestly and that we place the responsibility wherever it rightly belongs.

WMAL-TV AND RADIO ENDORSE CONGRESSMAN ANNUNZIO'S INNER-CITY INSURANCE BILL

(Mr. **ANNUNZIO** asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. **ANNUNZIO**. Mr. Speaker, I am calling to the attention of my colleagues an editorial that was broadcast over WMAL television and radio on December 24, 1969, and a second editorial that was broadcast over WMAL television and radio on January 16, 1970, calling for early passage of the inner-city insurance bill which I had introduced in the House of Representatives on September 8, 1969.

Over 100 of my colleagues in the House of Representatives have cosponsored this legislation because they, too, recognize that the need is urgent and a solution can be put off no longer. Quite clearly something must be done if our inner-city property owners and small businessmen are to have access to insurance coverage at reasonable costs.

There presently exists a critical housing shortage in America, and there also exists a shortage of money with which to build this urgently needed housing. I appreciate all of the great problems of housing that exist today and I am keenly aware of the miserable and inadequate housing in which people in our inner cities are obliged to dwell. These are the people who are being left out in the cold, like stray cats and stray dogs, for they do not even have access to sufficient insurance coverage at reasonable rates to protect themselves against disastrous losses.

We must not forget these people who are living in our inner cities and who cannot buy insurance. It is only a question of time before these people abandon their home in the inner cities—and then we are going to be confronted with an even greater housing shortage than the one which presently exists. In fact, the mass exodus of these inner-city residents has already begun.

I have been a longtime supporter of housing legislation and of maximum funding to implement our housing programs. I am hoping, therefore, that my legislation will be incorporated into the 1970 housing bill. I refer particularly to the section of my bill that gives the Department of Housing and Urban Development the authority to guarantee some insurance coverage to those people who are unable to secure coverage even under the so-called FAIR plan.

The FAIR plan, as my colleagues will recall, was enacted by the Congress as part of the Housing and Urban Development Act of 1968. While valid in theory, nonetheless it has not worked out in practice. Not only my own congressional office, but the offices of many of my colleagues who represent urban areas, have been flooded with mail from individuals who are unable to secure insurance coverage even under the so-called FAIR plan.

There are no statistics available on how many hundreds of thousands of our citizens across the Nation are without insurance. The Department of Housing and Urban Development should assign sufficient staff to make this study and make this information available to the House Banking and Currency Committee.

I want to reiterate that I do hope the 1970 housing bill will incorporate the provisions of my inner-city insurance bill so that inner-city residents and businessmen may have access to insurance coverage at reasonable rates.

I want to express my deep appreciation to WMAL television and radio for its outstanding public-spirited editorials in support of my legislation which offers an urgently needed solution to the critical insurance problem that exists in America today, and I know that my colleagues who have cosponsored my legislation are also grateful for WMAL's constructive help and support.

The text of WMAL's two editorials follows:

[WMAL editorial, Dec. 24, 1969]

INNER-CITY INSURANCE COVERAGE

Few weeks go by without a call from an inner-city Washington businessman whose insurance has been cancelled because of repeated robberies. Many small businesses are closing. The inner-city economy is eroded.

The obvious solution is to cut the crime rate, but that solution may be a long way off. The immediate need is insurance for small businessmen.

A plan to spread the risk among many insurance companies was passed by Congress in 1968, but was promptly appealed in court by the underwriters.

We believe that Representative Frank Annunzio of Illinois has offered the most practical approach. The Annunzio bill would allow the Small Business Administration or the Department of Housing and Urban Development to nationally underwrite crime insurance on risks private companies cannot take.

The Annunzio bill has some 100 co-sponsors, yet hearings have not been called. The House Banking and Currency Committee should take up the Annunzio bill immediately after the new year. A government that cannot assure the safety of property should at least insure the property owner against loss.

[WMAL editorial, Jan. 16, 1970]

Washington area business leader Joseph Danzansky had a bleak forecast for the future of Washington's economy in a recent newspaper article. Mr. Danzansky wrote "The economy of the District of Columbia is in advanced stages of a serious illness, and this illness does not show any indications of improvement for the foreseeable future.

Certainly a major underlying cause of this pessimistic prediction is the uninsurability of many inner-city businesses because of crime. A business is robbed repeatedly, its insurance is cancelled, the business closes its doors, the inner city economy erodes.

This is why Congress must pass a bill introduced by Representative Frank Annunzio of Illinois which would guarantee insurance to inner-city businesses. The Annunzio bill would allow the Federal government to insure businesses in high crime areas that private insurance companies will not insure.

The Annunzio bill is vital not only to the inner-city but to the suburbs. As Mr. Danzansky wrote "We fail to recognize that this is one integrated metropolitan economy and that a cancer at its heart will eventually spread and envelop the rest of the economic body."

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UNITED STATES-ISRAEL RELATIONS

(Mr. ADAMS asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. ADAMS. Mr. Speaker, I am troubled by the change of direction in our foreign policy with respect to the Middle East. It seems to me that implicit in this change is an erosion of the traditional support our Government has given to the State of Israel.

First of all, it is in our own enlightened self-interest that our friendship with Israel be maintained. Israel is an outpost of democracy in the Middle East, and it is to our advantage that she be strong and viable. Her loyalty to our country has been constant. I must say I am deeply impressed by the support of the overwhelming number of Americans of all faiths for Israel as against the Arab-Soviet effort to destroy Israel.

Israel is isolated except for American support and will be unable to defend herself successfully against Soviet attacks, camouflaged by Arab proxies, if we withdraw our support. I am convinced that the most crucial factor affecting Israel's future remains American support and aid.

I fear there are significant segments of our population who wrongly view Israel as an expansionist, militarily aggressive country. This view has been carefully cultivated by Arab propagandists anxious to cut Israel off from further U.S. aid. I disagree with this point of view. Israel is interested only in retaining her sovereignty and she seeks peace, not territory, in the only way it is ever possible to make peace, which is by face-to-face negotiation with her Arab neighbors.

Russia's overwhelming supply of the latest sophisticated weapons to certain Arab nations, and France's latest arms deal with Libya and Iraq have put Israel in greater danger now than at any time since the 6-day war of June 1967. I am concerned lest this danger grow to a point where Israel will find herself alone and facing overwhelming arms and manpower when the Arabs decide it is time for the next round.

This Congress should take a stand in support of a faithful friend and ally: Israel.

ISRAEL MUST NOT BE LEFT DEFENSELESS

(Mr. PELLY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PELLY. Mr. Speaker, President Nixon made an important statement yesterday on our Middle East policy. He said:

> The United States believes that peace can be based only on agreement between the parties and that agreement can be achieved only through negotiations between them. The United States is prepared to supply military equipment necessary to the efforts of friendly governments, like Israel's, to defend the safety of their people.

The President's statement coincides with my views, Mr. Speaker, and it appears to contradict some statements on this matter recently made by Secretary of State Rogers. I hope this is true.

On this policy regarding Israel, I am joining with the dean of the House of Representatives, EMANUEL CELLER, and other colleagues in issuing a statement which will be released shortly, critical of the State Department's Middle East policy and urging instead, U.S. support of direct face-to-face negotiations between Israel and the Arab countries.

Mr. Speaker, the search for peace and political stability must consider three conflicts; the United States-Soviet power struggle, the inter-Arab differences, and the Israeli-Arab struggle.

As to the first of these, the United States-Soviet power conflict, the aim of the Soviet Union obviously is to oust the United States from the Middle East and achieve for itself the dominant role of influence. Our objective, obviously, should be to thwart the Soviets because of the adverse effect Soviet success would have on our NATO allies in Europe as well as on our friends in Turkey and Iran and eventually on the entire continent of Africa.

The outcome of the Soviet-American power struggle lies in whether the Soviets succeed in their objective of undermining or destroying the pro-Western Governments of Saudi Arabia, Jordan, Lebanon, and especially Israel.

To accomplish her purpose, the Soviet Union has backed Egypt and promoted President Nasser's grand plan of dominating the Middle East. In other words, the Soviet Union's success and the United States failure depends on Nasser and his position of leadership in the Arab world.

Mistakenly, it seems to me, Secretary of State Rogers recently indicated a U.S. policy of concession and mollification of Nasser thereby causing dismay to our non-Communist friends.

Instead, I would hope for termination of the Four Power discussions and instead a forthright expression of support of Israel and of a program of direct negotiations between the Arab and Israel countries over their border and refugee differences.

U.S. national interests lie in the downgrading of Nasser as an Arab leader, and the firm and forthright demonstration of our support for Israel.

U.S. POLICY IN THE MIDDLE EAST

(Mr. RYAN asked and was given permission to address the House for 1 minute, to revise and extend his remarks and to include extraneous matter.)

Mr. RYAN. Mr. Speaker, the National Emergency Conference on Peace in the Middle East met this weekend in Washington in response to the serious questions which have arisen about the posture of the Nixon administration toward Israel and achievement of peace between her and her neighbors. The meeting was convened by the conference of presidents of major Jewish organizations to express "deep concern and apprehension" over recent U.S. policy statements on the Middle East.

Yesterday the delegates to the National Emergency Conference adopted a resolution calling for the U.S. withdrawal of the settlement proposals the Nixon administration has made over the past several months, "so that the Arab-Israeli negotiations which President Nixon has called for will indeed be undertaken without preconditions."

Four Presidents—Truman, Eisenhower, Kennedy, and Johnson—have made unquestionably clear our commitment to a viable Israel. The United States has supported Israel because we endorse the self-determination of nations; we uphold the principles of democracy and freedom which Israel embraces; we reciprocate the friendship which Israel has given us without any claim but that of our friendship in return; and we view Israel as an example to its neighbors of how to bring the benefits of modern technology to their citizens.

However, over the past year there has been a shift in emphasis. The so-called "balanced policy" which Secretary of State Rogers described in his speech of December 9 is, in effect, a policy of retrogression from the previous firm support this Nation has extended to Israel.

While the President, in his message yesterday to the National Emergency Conference, has affirmed the idea of "negotiations between" the parties, the practical effect of U.S. proposal for peace settlements mitigates against such negotiations occurring. And direct negotiations are essential for a meaningful peace, and a viable Israel.

The increasing specificity of the U.S. proposals—particularly the Israel-Egypt settlement proposal of October 28 and the Israel-Jordan settlement proposal of December 18—serve further to undercut the feasibility of direct negotiations. By making specific recommendations for Israeli compromises, the State Department encourages the intransigence of the Arabs. The more the United States details what a settlement agreement should include, the more the Arab States are encouraged to hold out for even more favorable terms.

In order that the Congress and the people may assess the administration's posture toward the Mideast and particularly, toward Israel, I have called upon Secretary of State Rogers by my letter of January 14, and in my speech on the floor of the House on January 19, to make public the substance of the U.S. proposals. Thus far, no response has been forthcoming.

I have made clear my opposition to the administration's shift to a so-called "balanced policy"—which is in effect a retreat from the essential support which Israel needs—in my speech of December 23. I have also joined in cosponsoring House Concurrent Resolution 480, which expresses the sense of the Congress that the United States supports "direct face-to-face negotiations" between the parties, and that it opposes an imposed settlement and a settlement achieved through other than face-to-face negotiations.

In addition, I have joined in the declaration of support initiated by Congressman CELLER for peace in the Middle East achieved through direct negotiations and

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maintained by a balance of armaments in that area.

I applaud the National Emergency Conference's bringing careful scrutiny to bear on the problem of the Nixon administration's posture toward Israel. And I am heartened by the President's response. I now await evidence that his words will be confirmed by his deeds. Positive action is even more critical in light of the recent revelation of the sale of 100 jets to Libya by France. I would recall Presidential Candidate Nixon's statement on September 8, 1968:

> Israel must possess sufficient military power to deter an attack. As long as the threat of Arab attack remains direct and imminent, "sufficient power" means the balance must be tipped in Israel's favor. An exact balance of power, which in any case is purely theoretical and not realistic, would run the risk that potential aggressors might miscalculate, and would offer them too much of a temptation.
>
> For that reason—to provide Israel a valid self-defense—I support a policy that would give Israel a technological military margin to more than offset her hostile neighbors' numerical superiority.

It is urgent that the administration endorse the principles of a secure Israel and a peace achieved through direct negotiations—by deed, as well as by word.

At this point in the RECORD I include the resolution adopted by the National Emergency Conference on Peace in the Middle East on January 25, 1970:

> **A Resolution Adopted by Delegates to the National Emergency Conference on Peace in the Middle East, Convened by the Conference of Presidents of Major American Jewish Organizations, at the Statler-Hilton Hotel, Washington, D.C., January 25–26, 1970**
>
> The leadership of the American Jewish community, gathered in our nation's capital, expresses its deep anxiety over the direction of United States policy in the Middle East.
>
> We do so as Americans profoundly concerned for our country's national interests; as Jews with a strong sense of kinship with out fellow Jews; as people who share all mankind's yearning for peace.
>
> Since the founding of the State of Israel in 1948 the people and government of the United States have consistently affirmed that it is in America's national interest to support the sovereignty and security of Israel. We are truly gratified that we have received this day from President Richard M. Nixon a clear re-affirmation of this Administration's friendship, understanding and support for Israel. The President stated that "the United States does not intend to negotiate the terms of peace." Earlier, he made clear his belief that the Four Powers "cannot dictate a settlement in the Middle East."
>
> We believe that the attempts of the Four Powers to draft the framework for a settlement have in fact impeded the progress toward a genuine peace.
>
> We believe that the recent specific proposals submitted by our State Department to the Two Power and Four Power talks—which suggest: pre-determined Egypt-Israel and Jordan-Israel borders; that Jordan share in the administration of Jerusalem; and that the Arab refugees be repatriated under a formula that would flood Israel with those bent upon its destruction—endanger the security of Israel and imperil the cause of a just and lasting peace in the Middle East. These proposals should be withdrawn forthwith so that the Arab-Israeli negotiations which President Nixon has called for will indeed be undertaken without pre-conditions.
>
> Peace in the Middle East can be attained only if Israel is recognized by her Arab neighbors as a sovereign state with mutually agreed upon secure borders; only if the nations which fought the war make the peace, negotiating freely; only if the Arab lust for vengeance is abandoned.
>
> In light of the massive arms shipments to Arab states by the Soviet Union, France and other countries, it is imperative that the United States continue to support the security of Israel with the military equipment she so urgently requires.
>
> We believe that the role of America in the Middle East is to bring the parties together in direct negotiations; to stand firm against Soviet pressure, and above all to provide Israel with sufficient economic and military strength to deter any Arab ruler from aggression.
>
> We dedicate ourselves to the achievement of a just and lasting peace, fulfilling the divine promise spoken by the immortal prophet of Israel: Nation shall not lift up sword against nation, neither shall they learn war any more.

LET US INTERNATIONALIZE THE ASTRONAUT PROGRAM

(Mr. FINDLEY asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. FINDLEY. Mr. Speaker, it would be of great value to the United States both scientifically and diplomatically to set as official policy our desire to have qualified nationals of other free world countries participate in the NASA astronaut-training program. Although citizens of other nations are actively involved in our space program at the ground level, they have not yet had the opportunity to participate as astronauts. The rewards of national pride generated by a successful moon shot, of course, go primarily to the astronauts and the country of which they are citizens. While there are undoubtedly qualified individuals from other countries who can be trained as our own citizens have been, so far only U.S. citizens have been chosen.

On Wednesday, January 21, I sent a letter to President Nixon urging him to act on this proposal.

The International Treaty on Outer Space, ratified by the Senate in February 1967, says that—

> States Parties to the Treaty shall carry on activities in the exploration and use of outer space, including the moon and other celestial bodies, . . . in the interest of maintaining international peace and security and promoting international co-operation and understanding. (Article III.)

Internationalizing astronaut training would show the good faith and good will of the United States in fulfilling its treaty obligations. It would be an important step toward internationalizing space technology, a goal clearly defined by Congress. The act establishing the national space program states—

> The Congress declares that it is the policy of the United States that activities in space should be devoted to peaceful purposes for the benefit of all mankind. It continues to say that: "The aeronautical and space activities of the United States shall be conducted so as to contribute materially to . . . cooperation by the United States with other nations and groups of nations in work done pursuant to this chapter and in the peaceful application of the results thereof . . . (PL 85-568).

The acceptance of non-U.S. applications in NASA's astronaut training program would have another important implication in light of the recent cutback in the NASA budget. It would demonstrate to the world that the United States is not abandoning its space effort. To the contrary, it is embarking upon an important new phase which holds special meaning for other countries.

There is ample precedent and basis for including qualified nationals of other countries in the astronaut corps. NASA already has extensive connections with most countries in the free world. As of July 1969, there are or have been—

Cooperative flight projects involving first, development of satellites with six other nations, second, experiments on NASA satellites involving four other nations, third, sounding rocket development with 19 other countries;

Cooperative ground-based projects for, first, meteorological satellites in 63 other nations; second, communications satellites in 13 other countries, third, ionospheric satellites in 42 foreign countries, fourth, geodetic satellites involving 14 countries;

Aeronautics experiments in four other nations;

Operations-support projects between NASA and other countries involving, first, eight nations in scientific satellites experiments, second, 11 nations in our manned flights, third, four nations in deep space data acquisition projects, fourth, 12 countries in optical experiments, and fifth, four nations in general data acquisition networks;

Personnel exchange programs involving, first, 386 foreign nationals from 35 countries in research fellowships at NASA sites for 1 year, second, 210 nationals from 19 countries in year-long fellowships at U.S. universities, third, 461 men from 18 countries in technical training at NASA centers; and

Approximately 37,200 official visitors from 125 nations.

The total number of countries involved in various joint projects has reached 84, including the European Launcher Development Organization—ELDO—and the European Space Research Organization—ESRO.

The Solar Wind Composition Experiment of Apollo 11 was designed and analyzed by a Swiss group of scientists. Thirty-six foreign scientists from eight different nations have helped to analyze the lunar surface materials brought back by Apollo missions. Apollo 11 used Swedish Hasselblad cameras fitted with Zeiss—West German—optics, a Japanese Sony tape recorder, and British-designed fuel cells.

It is obvious that foreign countries contribute valuable resources to our space program. Dr. Thomas Paine, speaking of the land and tax benefits donated

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at 10 sites around the world for satellite tracking and rescue stations, said:

> If other countries refused to assist us in this respect, we would have to develop very expensive and necessarily inferior alternate means and to accept an incalculable cost in risk to mission success and safety.

The inclusion of foreign astronauts would be a strong impetus toward further material and financial help from these countries. It could eventually lead to cost-sharing of our space program with those nations which are capable so that the United States would not have to carry the entire financial burden.

It is already official NASA policy to judge proffered experiments for each Apollo moon mission strictly on their merit; it should also be official policy to judge potential astronauts strictly on their qualifications.

Internationalizing the astronaut program need not, and should not, impair its high standards. It is imperative that there be no reduction in the strict standards of acceptance for astronaut training by NASA. The safety and mutual confidence of the men who go into space are of paramount importance.

Similarly, there need be no question of losing control over planning and operating the program. The astronaut would represent his country, but work entirely under U.S. auspices and authority.

Presently it takes 2 to 3 years to train an experienced test pilot for the astronaut program. No man who has flown in outer space has trained for less than 3 years, and some have trained for up to 6 years. Therefore, it may not be possible to include a foreign astronaut in any of the remaining Apollo flights. These consist of seven, to be concluded in 1974. But these facts add urgency to the decision to share future space flights with nationals from other countries. Training will soon be needed for the projected test space stations and manned space laboratories of the late 1970's and early 1980's. Based on past experience, most of our present astronauts will have left the program by 1980. If their replacements are to include foreign nationals, the decision should be made soon.

There is no statutory requirement that astronauts be U.S. citizens. Many of them had no flight experience previous to their election. Thus lack of experience as a high-performance test pilot need not deter foreigners. The training program will not need to be modified, since it already provides for specialization in science, anticipating the increased emphasis on experimentation that the manned space laboratories will require.

In addition, there are foreign astronauts with backgrounds similar to our own men. Between 1959 and 1969, 46 foreign students have graduated from the USAF Aerospace Research Pilots School at Edwards Air Force Base in California. This is the course from which the Air Force recommends acceptance of its personnel into the astronaut-training program. The foreign graduates include six Japanese, 11 Canadians, nine Italians, nine Germans, two Danes, five Netherlanders, two Swedes, one Norwegian, and one Argentinian. Two are presently enrolled, and three more will enter in August 1970. These men would provide a logical starting point for the selection of a foreign astronaut.

In conversations I have had with government leaders and private citizens in Western Europe and, most recently, Latin America, I have been struck by the deep interest of these nations in our technological advances and especially our space program. Young people in these nations are eager to have a part in the excitement and achievement so evident in our technology.

Although they rejoice in the achievements of U.S. astronauts and glory in the groundwork contributions they have provided, the widening gap between their technology and ours is nevertheless painfully felt. They feel left out, because technology up to now has advanced mainly within national boundaries.

Steps on our part to internationalize our astronaut program would pay immediate rich dividends in international good will, even though the fulfillment of the program would require several years.

In an age when the unifying forces of military commitments to defend the free world are being challenged by divergent national interests, the proposed move by the United States could do much, in a peaceful, nonmilitary way, to improve the solidarity of the free world and demonstrate the basic common interests of all mankind. No doubt valuable contributions to our space program have been made, and will continue to be made by other countries.

The internationalization of our astronaut program would provide a vivid demonstration of our own reciprocal commitment to these nations. It is clearly within the intent of the Congress, and it seems to me this is the ideal time to begin.

ADMINISTRATION CONSIDERING LIBERALIZING IMPORT QUOTAS ON FOREIGN STEEL

(Mr. GAYDOS asked and was given permission to address the House for 1 minute, to revise and extend his remarks, and to include extraneous material.)

Mr. GAYDOS. Mr. Speaker, this past weekend in my district I read published reports the administration is considering liberalizing import quotas on foreign steel. These reports, although unconfirmed, touched off an immediate reaction of indignation among steelworkers in the 20th Congressional District of Pennsylvania. A wave of grave concern swept through the Mon-Yough Valley at the possibility of thousands of men facing unemployment if foreign steel is allowed to glut our domestic market.

The report, which appeared in a local newspaper, said the administration is weighing this plan as a means of driving down the price of American steel. The article observed a relaxing of import quotas would increase the supply of steel and thereby dampen the upward trend of steel prices in this country. It pointed out the Government's wholesale price index showed steel prices rose more rapidly last year than any general commodity except farm products.

According to the news item, the price of steel products rose 6.7 precent; prices of iron and steel products went up 7.4 percent while the index as a whole reflected a gain of 4.8 percent. Furthermore, the article went on to say the steel industry already has increased the price of nine major products so far this year and it claims, too, the end is not in sight.

This may be true. But I seriously question the wisdom of lifting any limitation on steel imports at this time. Such action, I believe, would drive hundreds of men from their jobs and the rolls of unemployment would be grossly swollen by a mass enlistment. The President might well find himself given a headstart, albeit an unwanted one, on his new welfare program.

Since 1968, Mr. Speaker, steelworkers throughout the Nation have been working under the sword of Damocles, saved only by the gossamer thread of voluntary restraints on steel imports. It was in 1968, you will recall, when an all-time record high of 18 million tons of steel was imported into this country. The tonnage total triggered alarm bells in the Congress. Numerous bills were submitted, each geared to enact mandatory quotas on nations who were threatening to erect a tombstone, made of foreign steel, over our steel industry.

The bills never got out of committee. Instead of legislation by Congress, the steel industry saw the State Department negotiate a voluntary arrangement with Japan and ECSC nations, our major competitors in this market. Competitors, I might add, who are protected from military invasion by the tax dollars of the American people, including steelworkers who have shelled out untold thousands of dollars to defend their economic enemy.

These voluntary arrangements contain vague promises of "trying" to stay within self-imposed tonnage limits and "trying" not to change the product mix too greatly. While the total tonnage from these sources in 1969 appears to be within the established 14-million-ton limit, which, incidentally, is still higher than any other year before 1968, the product mix was changed. It was changed substantially, according to the Department of Commerce. The DOC reports show foreign producers began selling more higher priced items and their pocketbooks bulged with American currency.

Despite their inherent weaknesses, the voluntary quotas nevertheless have stayed the fall of the sword of Damocles—at least for the present. The quotas are to remain in effect for 2 more years with a 5-percent increase allowed in tonnage for 1970 and 1971. But what would happen if those voluntary restraints were ignored?

Mr. Speaker, that sword will fall and with deadly effect. It would slice through the jugular vein of the steel industry. Thousands of American steelworkers would suddenly find themselves available on the open labor market while an uncontrolled surge of foreign steel would be pumped into the domestic economy.

I do not mean to sound like a prophet of doom nor am I predicting overnight breadlines for our steelworkers. But we have experienced what can happen in this country when large groups of men suddenly are thrown into the pit of unemployment. I can imagine the frustrations that can tear at a man who wants to work at his trade but cannot although all around him he sees new buildings rise, supported by foreign steel.

The steelworker's status is rather shaky as it is. What happens when the demand for steel in Europe, which has been a principal reason for a decline in imports last year from ECSC member nations, becomes satisfied? Do you not think they might look for a larger slice of the American steel market pie?

All that stands in their way of reaching for it is the voluntary arrangement with the State Department. And, I remind my esteemed colleagues, there is no penalty to be incurred by the foreign producer who violates his own self-imposed limits on steel shipped to this Nation. The letters of intent expressing a desire to try to do this or that can be brushed aside without a second thought. That gossamer thread now holding the sword of Damocles would be snapped and down it would come.

If those events should occur, and I certainly hope they do not, the steel industry would soon be reeling under a heavy pounding from foreign manufacturers who will flood this country with their products. We have already seen what these economic blows have done in other American industries where there are no quotas for protection.

The number of imported shoes rose from 10 million pairs in 1956 to 176 million pairs in 1968, textile materials rose from 1.5 billion square yards in 1964 to 3.3 billion square yards in 1968, and electric components went from $1.3 billion in 1968 to $1.9 billion in 1969.

It is an ironic twist of fate, Mr. Speaker, that has reversed this Nation's position in the world of economy since 1945. At that time America felt, and fulfilled, a responsibility to help those nations, including our former enemies, erase the scars of World War II. With typical American generosity we overdid it. We overdid it to the point where it now is difficult to tell the victor from the vanquished in that war. We overdid it to the point where we forgot America.

The losers in the military conflict have become the winners in the economic struggle. Foreign producers enjoy many benefits granted by their governments which are not afforded the American industry. Japan, for instance, gives top priority to loans for steel industries and at low interest rates. European producers in some countries are given rebates on certain taxes. Some foreign industries are the recipients of indirect subsidization or are under outright control by their government.

In addition to these advantages and to the American dollars which helped put them back on their feet, foreign competitors work with the latest equipment. Their oldest facility probably dates back to just after the war. In the 20th district most of the younger plants are at least that old. These new facilities and the fact the foreign government needs little tax money for defense of the homeland since America picks up most of that tab certainly puts our overseas competitors in a most enviable position.

Here in America, on the other hand, we actually have discouraged the expansion or remodelling of plants. The repeal of the 7-percent investment credit caused more than one business leader to think twice about spending large sums of money for improvements.

Mr. Speaker, although I have spoken out against any further liberalization of steel import quotas at this time I do not mean to imply I am opposed to all free trade. I definitely am not. But I am opposed to unreasonable free trade whereby the American market is put up for grabs at the expense of its working force.

I realize, too, that mere publication of certain reports do not make them gospel facts. Therefore, Mr. Speaker, I wrote President Nixon for an official confirmation or denial of the report.

If such a plan is in the offing for the Nation, I believe the Congress and the American public should be made aware of it and of the possible dire consequences which may follow its adoption.

If such a plan is not being given the consideration reported, I feel it would behoove the White House to squelch such talk. The denial also will do much to allay the fears of all steelworkers as to what the future has in store for them and their jobs.

I am vitally concerned, Mr. Speaker, that liberalization of steel import quotas could leave this Nation holding a very big, very expensive bag, and the label will probably read "Made in Japan."

DEPARTMENTS OF LABOR, AND HEALTH, EDUCATION, AND WELFARE APPROPRIATION BILL

The SPEAKER. Under a previous order of the House the gentleman from Kentucky (Mr. PERKINS) is recognized for 60 minutes.

Mr. PERKINS. Mr. Speaker, during this past weekend, many more responses to the title I questionnaire have been received. Today, I will make part of the RECORD 107 questionnaires received since Friday morning. At this time responses have been received from school districts enrolling over 900,000 students in title I projects, and from school officials who are responsible for an average daily attendance of 5,659,572 students. With the inclusion of the responses today, Mr. Speaker, results will have been obtained from hundreds of school districts, large and small, from every section of the country, and virtually every congressional district. Responses have been received from large urban areas and from small rural communities. And it is something to be recognized that, with such a great diversity in terms of respondents, there is virtual unanimity in the concern and comment being registered. The responses are today as they were each day last week, an expression of confidence—rather, enthusiasm—for the effectiveness of title I and a plea for increased funding of programs which are of proven worth. Regardless of whether it is from a small school system in the rural South, or a middle-sized district in the Far West, or an urban district in the industrialized East, superintendents and other concerned school offícals are making a strong case—an overwhelming case—documenting the need for not only the school increases in the pending appropriations bill but also for substantially larger amounts in support of title I.

In connection with the questions which have been raised with regard to statistical data to support judgments and evaluations made by school officials at the local level, I wish also to share with my colleagues information from letters and telegrams I have received from State departments of education that contain the hard statistics which demonstrate achievement of title I students.

Louisiana reports that in the 1968–69 school year, over 100,000 children were involved in title I reading programs at a cost of close to $4 million. During the 9-month period there has been an average grade level improvement of 1.3 in 56 of Louisiana's 66 school systems operating title I reading programs.

From Connecticut, we learn that standardized reading test results involving over 5,000 students who received title I program services showed a reading rate of gain per year of 1.1 years based on national normative data.

Oregon advises that 81 percent of all eligible Oregon school districts conducted reading activity as a total of significant part of their title I project. The State title I coordinator has commented that percentile gains in reading indicate positive growth as a result of title I reading projects. His statement is based on test results which show that the mean percentiles for title I project pupils moved from 29.9 on the pretest to 36.8 on the posttest. The medium percentile moved from 28.3 on the pretest to 36.4 on the posttest, and the mode percentile moved from 20.29 on the pretest to 30.39 on the posttest.

Let me read from the telegram I received from Kansas:

> Remedial reading program constituted major thrust Title I project in Wichita. Target schools located in low income areas. Students selected were those not having gained sufficient ability in reading to succeed in classwork requiring reading. 3,070 students enrolled in grades 1 to 9 participated. Considering length of time from pretest to posttest, average gain should be .7 of grade level. Gates-McGinitie test results show: gains in pupils instructional grade level range from .8 to 1.8; gains in pupils independent reading grade levels ranged from .5 to 1.4. All students made more than average growth in instructional reading grade levels, with successively smaller gains shown for independent reading grade levels.
>
> On statewide basis, three objective tests—Iowa Basic Skills, California Achievement (Reading), Gates-McGinitie Reading—given to 4,658 remedial reading students. Pre-test was given in September and the Post-test was administered the following May. Quartile ranges: first quartile, 1 to 24 percent; 2nd quartile, 25 to 49 percent; third quartile, 50–74; 4th quartile, 75–100. 38.2 percent of the students advanced 1 quartile in percentage rank between pre-test and post-test administration. Under normal instruction procedures, students seldom advance a quartile rank. Test results justify remedial reading program.

A telegram from Missouri is similar. It states:

> The total number of public school students receiving concentrated remedial reading instruction under Title I ESEA was 46,320 for regular year and 16,402 for summer. There were 3,097 non-public school students participating.
>
> The following school district reports reflect success of Title I remedial reading program:
>
> St. Louis City: in grades 6–8, in eleven schools with 2,626 Title I students, the mean gain based on achievement tests was 1.4 years. These same children had in years before averaged about eight months.
>
> Sikeston: The project objective of improving performance on standardized tests was accomplished by enough children that 34 children of the group (188-Grades 2–5) could be dismissed from special reading classes.

Mr. Speaker, this weekend I had opportunity to review many of the State title I evaluation reports covering title I projects for the 1968–69 school year. It is my considered judgment that the statistics contained in these reports—statistics which are comparable to the information I have received directly from the State departments of education—fully support the contention of local school superintendents that title I is effective. Let me share with my colleagues the comments from the State reports from the two States surrounding the District of Columbia—Virginia and Maryland.

The Virginia report states:

> The educationally deprived child enrolled in Title I instruction has definitely improved his education. His rate of learning has been accelerated and he is closing the gap between him and others in his grade. This conclusion is reached as a result of extensive use of standardized tests and analyses of all data submitted to the state office by local educational agencies. About 90% of all local educational agencies use standarized tests to pre- and post-test pupils enrolled in Title I classes. . . . an analyses of test results for approximately 8,000 Title I pupils Grades 2–12, taking the California Reading and Stanford Achievement Tests indicates that pupils enrolled in remedial reading classes have shown considerable progress.

The results of the Stanford achievement test show a marked shift of students from the 1–10 percentile to higher percentiles between the pretest and posttest period. The number in the 1–10 percentile category decreased by over 10 percent on the posttest, with corresponding increases in the higher percentiles.

Another significant portion of the Virginia report indicates that local school officials feel they are making better progress with title I students as the program matures. In 1969, 59.2 percent of the local educational agencies reported they were experiencing substantial success with all title I activities, whereas in 1967, only 47.7 percent indicated that this was the case.

Turning now to Maryland. Much information has been compiled with regard to achievements made in reading programs. The Maryland report, however, also speaks of behavioral changes and indicates that of 3,456 title I students administered a behavioral inventory, 31 percent experienced a marked improvement in their attitude toward school and toward reading, and 48 percent showed some improvement in their attitude toward self, teachers, peers, and parents.

The Maryland report also contains information on achievements in mathematical skills. Based on standardized tests for title I students, it may be said that in the posttest, a substantially small proportion of those children in grades 2-3-4 were achieving in the lowest percentile band than was the case in the pretest; and that a larger proportion of the students were scoring above the 50 percentile at the conclusion of their title I mathematics program.

Mr. Speaker, in addition to the more than 30 telegrams and letters I have received from State departments of education, I will also place in the RECORD at the conclusion of my remarks selected excerpts from 10 title I State reports, because I believe these very vividly demonstrate the effectiveness and worth of title I activities.

Mr. Speaker, in addition, I will also today include a number of letters I have received from college financial aid officers across the country. As I indicated during my first special order on the title I questionnaires, the consequences of the threatened Presidential veto are most severe in connection with higher education, particularly for many needy college students.

If the veto is sustained, more than 100,000 such students will be adversely affected. At this time, I should like to share with my colleagues just a few of the comments made and concerns expressed by student aid officers with regard to the adequacy of existing appropriations and the tremendous need for additional funds. West Virginia University advises:

> Specifically, we have 213 qualified National Defense Loan applicants for the second semester of this current year who were not offered loan funds. Our summer school loan program will be drastically reduced if additional funds are not provided for the current year.

A report from the University of Wyoming is most disturbing. A letter from O. R. Hendrix, director of student financial aids, reads as follows:

> At the time of our application deadline last spring, we had on file applications from students with documented need of $2,443,104. Federal student financial aid grants from the several programs in which we participate plus the University's matching funds for the current fiscal year totaled $798,810, leaving an unmet need of $1,644,294. To state the situation in another way, our Federal grants and required institutional contributions provided assistance for only 33 percent of documented need of on-time applicants. Since that time, we have received late applications from over 1,000 students. While a number of students whose needs we were unable to meet managed one way or another to enroll, they did so by borrowing at high interest rates and oftentimes in amounts in excess of the dictates of good judgment.

Mr. Hendrix's next paragraph is even more disturbing. He writes:

> According to the attached clipping from the Denver Post, John O'Connor, Program Officer for Region VIII, estimates that nearly 30,000 students were kept out of school in the five-state area making up the Region.

Anderson College in Indiana has advised:

> The second semester will begin without several students who were eligible to return but could not find financial resources to meet their educational expenses.

Michigan State University advises:

> It has been necessary to deny NDEA student loans to approximately 1,500 qualified needy students, and that they will not be able to meet an anticipated 1,500 more applications for aid covering the Spring and Summer quarters.

Wichita State University reported that they had to "refuse aid to 600 students because of a lack of funds."

A letter from the University of Missouri at Columbia states the situation quite succintly—a situation which can be found on virtually every campus across this Nation—that is, enrollments and costs are spiraling upward, while funds available for student assistance is less than in previous years. Loan funds at the University of Missouri for 1969–70 are $139,000 less than for the previous year. Yet enrollment has increased by approximately 1,000 students, and fees have been increased by 25 percent. They advise that over 400 worthy students are in need of loans for the second semester, but that the universtiy does not have the approximately $150,000 available to meet that need.

Western Michigan University reports that as the National Defense Student Loan funding presently stands, they will be unable to assist any applicants for aid during the period beginning April 26, that is the third semester in their trisemester system. Last year during that same period, the university made loans totaling $106,000 to 362 students, and that if adequate funds had been available, they could have made loans of over $150,000 to approximately 500 students.

And finally, Mr. Speaker, let us not forget the implications of the threatened veto for a relatively small yet significant group of young men and women who are striving to secure additional educational opportunities. I speak of students attending business schools and technical schools. Under the terms of the Higher Education Amendments of 1968, such students were made eligible for participation in the NDEA student loan program—but only if appropriation exceeds $190,000,000.

There is presently on file in the Office of Education approved applications in excess of $4,000,000—applications which involve some 16,000 students. Mr. Speaker, as long as we continue to allow the NDE student loan program to operate at less than $190,000,000 we are denying these students funds for which they are eligible and for which they are in desperate need.

The Presidential veto, if it is sustained, will mean just that for the 16,000 students I refer to.

The material previously referred to follows:

CONCORD, N.H.

Hon. CARL D. PERKINS,
Chairman, Education and Labor Committee, House of Representatives, Washington, D.C.:

Goffstown, N.H., relatively small suburban community, eight miles from the state's largest city, Manchester, had title I remedial reading program at grades 9–10. This program involved 40 children, 50% of whom were bilingual. Reading grade levels at entry into the program ranged 2.9 to 8.8. At the conclusion, the range was from 5.9 to 10.4. The average gain in grade level was 2.2 years.

XUM

City of Dover conducted one of most extensive, intensive remedial reading programs in N.H. Average gain for 207 students involved, 17.33 percentile rank points. Students not only improved their own skills, but also standings relative to classmates.

William C. Sterling,
Coordinator-Director, Title I, ESEA.

Montpelier, Vt.

Hon. Carl D. Perkins,
House of Representatives,
Washington, D.C.:

Replying to your request of 1/21 following excerpts from state annual evaluation report: central Vermont district reports since inception of title I program we have had remedial reading with supplementary library service. Areas of improvement include improved attitudes toward education and improved self image. General improvement in academic areas better attendance records and decrease in behavioral problems support this. St. Johnsbury reports fewer children in school system below grade level in reading as impact of increased assistance is felt example, out of 72 children moving into 6th grade only six below grade level. Several of these 72 children have been in title I program periodically over last four years.

Franklin County District reports remedial reading program according to classroom teachers enables youngsters to better handle other material in classroom some percentiles were raised and many other difficulties were located. Lamoille County District reports concentration of relatively large sums of money on small number of pupils resulted in significant improvement, example 11 children with expenditure of $4,172.00 showed overall improvement of one grade or more in reading.

Allan J. Heath,
Title I Coordinator.

Charleston, W.Va.

Hon. Carl D. Perkins,
Chairman, Education and Labor Committee, House of Representatives, Washington, D.C.:

Remedial reading is a high priority need of educationally deprived children and W.Va. schools. Objective test results in fiscal year 1969 show gains in reading achievement of target pupils ranging from .8 of a year to 2.5 years for an average gain of approximately 1.3 years.

Virgil K. Stewart,
Coordinator, Title I, ESEA.

Nashville, Tenn.

Hon. Carl D. Perkins,
Committee, Education and Labor Committee, House of Representatives, Washington, D.C.:

Evaluation documents for fiscal year 1969 indicate that title I activities have made a difference in the achievement of participants in remedial reading. An East Tennessee system reports, 56 grade 3 children, with IQ of 80, progress of four months greater for Title I participants than for non title I participants. Same system reports 40 grade 5 children with an IQ of 80, a progress of one month greater for Title I participants than for non title I participants. Additional supporting data available.

Ervin H. Thomas,
Coordinator, Title I, ESEA.

Salt Lake City, Utah.

Hon. Carl D. Perkins,
Chairman, Education and Labor Committee, House of Representatives, Washington, D.C.:

Developmental not remedial reading major emphasis of Utah statewide projects, the following are examples of projects having remedial components: Cyprus High School enrollment 1,493, project participants, 60 average gross reading level 1.4 years; Brockbank Junior High, enrollment 805, project participants 62, more than 60 percent showed from 1 to 4 years in vocabulary and comprehension; Kearns Junior High, enrollment 1,358, project participants 134, average gain of all participants was 1.14 years; Orem Junior High, enrollment 1,124, project participants 35. Participants showed reading gains in all areas tested developmental projects in general show from moderate to substantial gains.

N. Craig Kennington,
Utah Coordinator Title I, ESEA.

Lansing, Mich.

Hon. Carl D. Perkins,
Chairman, Education and Labor Committee, House of Representatives, Washington, D.C.:

Pupils participating in Detroit Great Cities School Improvement Project Program, during summer 1968 and regular school year 1968–69, reached a level of reading achievement that would have taken from 2 to 3 years at previous rate of progress. This data extracted from 1968–69 project evaluation report dated 12–5–69. Reading comprehension of participants in Detroit communication skills project was doubled in 1967–68 school year. Data extracted from project evaluation report dated June 1969 (one) 18,000 pupils in project results based on random sampling of 1,100 pupils; (two) 942 pupils participating results based on random sampling of 146 pupils.

Louis Kocsis,
Chief Administrator.

Augusta, Maine,
January 23, 1970.

Hon. Carl D. Perkins,
Chairman, Education and Labor Committee,
U.S. House of Representatives,
Washington, D.C.:

The following data are excerpted from our State report submitted November 13, 1969 to the U.S. Office of Education. 432 pupils were tested at the beginning of the 1968–69 school year and toward the end of school year on the California reading test. On the pre-test, there were 163 pupils at or below the 25th percentile; 161 between the 26th and the 50th percentile; 88 between the 51st and the 75th percentile; and 20 at the 76th percentile or above. On the post-test for these students, 86 were at the 25th percentile or below; 138 at the 26th to 50th; 114 at the 51st to 75th; and 94 at the 76th or above.

243 students in grades 2–6 were tested in the same manner on the Gates-McGinitic test.

In the pre-test, 167 were at the 25th percentile or below; seventy at the 26th to 50th; six at the 51st to 75th; and none over the 75th. In a post-test administered to the same students, 130 pupils were at the 25th percentile or below; eighty at the 26th to 50th; 31 at the 51st to 75th; and two at the 76th or above.

The Stanford achievement test was administered to 501 pupils in grades one through 8. In the pre-test, 252 pupils were at the 25th percentile or below; 139 at the 26th to 50th; 58 at the 51st to 75th; and 52 at the 76th or above. In the post-test, 209 were at the 25th or below; 164 at the 26th to the 50th; 84 at the 51st to 75th; 44 at the 76th or above. A complete copy of the report for Maine on title 1 of ESEA for fiscal year 1969 is being sent to you air mail special delivery. Also enclosed are the annual report of P.L. 89–750, the report for P.L. 89–313, a copy of the effect of title 1 funds on the educational program at the A. R. Gould School and more recent data for the same school.

Sincerely,

Joseph J. Devitt,
Director, Bureau of Secondary Education and Special Projects, State Department of Education, Augusta, Maine.

Austin, Tex.

Hon. Carl D. Perkins,
Chairman, Education and Labor Committee, House of Representatives, Washington, D.C.:

Regarding your request of January 21 regarding achievement of title I participants in remedial reading programs, the main impact of title I ESEA reading programs is at the elementary level. Statewide information on reading achievement scores show a maximum gain of 1 year, 2 months in mean grade equivalency, and a minimum gain of 3 months in mean grade equivalency across grades 2 through 8. All grade levels that reported mean scores show a gain in reading ability. Kennedy is an example of marked achievement in remedial reading by a rural school. At grade level 2, a gain in mean GE of 8 months was shown; grade level 3 shows a gain in mean GE of 1 year, 2 months; grade level 4 shows a gain in mean GE of 1 year 4 months, grade level 5 reflects a gain in mean GE of 1 year; and grade level 6 reflects a gain in mean GE of 1 year. This project cost $72,500 for 782 children.

Mean scores do not always reflect individual achievements. Dallas reports mean GE gain at grade level 2 of 4 months in 7 months of instruction. The number of grade level 2 who are reading below grade level 2 had been reduced by 32 or 32 percent. At grade level 3 the number reading below that level was reduced by 223 or 26 percent. At grade level 4, the number reading below level was reduced by 92 or 35 percent. At grade level 5 the number reading below fifth grade level was reduced by 32 or 13 percent (73 percent made more than 5 months gain) and at grade level 6, 54 percent made more than 5 months gain in grade placement. This project cost $918,929 for 5,370 children. Additional information available upon request.

R. E. Slayton,
Director, Division of Compensatory Education.

Oklahoma City,
January 22, 1970.

Carl D. Perkins,
Chairman, Education and Labor Committee, U.S. House of Representatives, Washington, D.C.:

Nineteen percent of Oklahoma Title 1 funds spent on remedial reading program: 389 reading programs with 37,509 students participating in programs.

READING ACHIEVEMENT

Grade	Pretest percent	Posttest percent	Difference
1	34	47	13
2	36	42	6
3	33	37	4
4	30	37	7
5	30	35	5
6	28	33	5
7	30	35	5
8	31	37	6
9	30	35	5
10	32	38	6
11	31	37	6
12	30	41	11
Total	31	37	6

Jack L. Taylor,
Title I Administrator, Oklahoma Department of Education.

Denver, Colo.,
January 23, 1970.

Carl D. Perkins,
Chairman, Education and Labor Committee, U.S. House of Representatives, Washington, D.C.:

Regarding achievement of title one participants in reading program, over 8,000 pupils were pre and post tested in reading programs. Of that number, 5,744 scored below 25 percentile on the pre test but only 4,624 scored below that level on post tests—a reduction of 14 percent. The same pupils, grades 1–12, improved their average readings by 2.7 standard scores, or over half of a full grade in grade—placement above expectancy. In grades 1–6, the reading improvement of participants was 3.3 scores, or nearly a full grade, in grade placement. Note: 5 standard scores correlate with one full grade in grade placement.

FRANKFORT, KENTUCKY,
January 22, 1970.

CARL D. PERKINS,
Chairman, Education and Labor Committee, U.S. House of Representatives, Washington, D.C.:

Children in Title I programs are generally those children one or more grades below expected level. Participants average from .4 of a year below norm, in grade one, to two years below in grade nine. Changes in reading achievement from pretest to post test during FY 1969: Grades 1–3, 24 percent fewer children achieving in lower ¼ according to national norms. Grades 4–6, 18 percent fewer children. Grades 7–9, 21 percent fewer children. Reading consultant for Dept. of Education states: Definite attitude changes on part of teacher and learner are evident. Teachers are learning how to attack reading deficiencies. This change in attitudes is substantiated by school administrators throughout State. Children screened for cause of reading deficiencies have received corrective health and medical services. More data being sent by mail.

JOHN H. BRUCE,
Director, Title I ESEA, Kentucky Department of Education.

BALTIMORE, MD.

CARL D. PERKINS,
U.S. House of Representatives,
Washington, D.C.:

19 of the 24 local school systems in Maryland supplied pre post test data on ESEA Title I participants during fiscal year 1969. Data was supplied on a sampling basis for grades 2, 3, and 5; where we placed major emphasis for Title I funds. The following results are significant in the statewide samplings: In second grade, in reading comprehension, 1,315 pupils received the pre-test and 1,313 the post-test. The average gain was .70 for each month of participation in the program. In second grade, in reading vocabulary, 1,303 pupils received the pre-test and 1,296 the post-test. The average gain was .76 for each month of participation in the program. In third grade, in reading comprehension, 1,568 pupils received the pre-test and 1,528 the post-test. The average gain was .80 for each month of participation in the program. In third grade, in reading vocabulary, 1,116 pupils received the pretest and 1,110 the post-test. The average gain was .83 for each month of participation in the program. In a special program in Baltimore City for fifth grade, 338 pupils in a remedial reading sample showed an average gain of 1.04 for each month they participated in the remedial reading program. The averages indicated above reflect substantial gains in most of the local educational agencies that participated in Title I.

DR. PERRY B. WILLIAMS,
Director of Division of Compensatory Urban and Supplementary Program, Maryland State Department of Education.

MONTGOMERY, ALA.

CARL D. PERKINS,
Chairman, Education and Labor Committee, U.S. House of Representatives, Washington, D.C.:

116 local educational agencies spent $7,747,229 directly on Title I ESEA reading programs for 363,729 participants. Evaluation reports indicate children made substantial progress.

ERNEST STONESTATE,
Superintendent of Education.

LINCOLN, NEBR.

HON. CARL D. PERKINS,
Chairman, Education and Labor Committee, U.S. House of Representatives, Washington, D.C.:

Last year's Title I programs study involved 10,162 students representing 159 different communities, who had been given a standardized reading test at the beginning and end of the school year. Instead of focusing the average gain of the group, individual student gains were examined. Of the 10,162 students, 2,493, or 24.5 per cent, were identified who had pre-test scores below grade level and post test scores at or above grade level. Note this represents a gain of more than one year and that these students are now at their appropriate grade level. In addition, 2577, or 25.3 per cent of the students were identified who had made more than one year's gain but were still below grade level. Thus 5072, or 49.8 per cent, of the 10,162 students gained one year or more during the school year programs. Gains such as these are certainly testimony to the education of Title I teachers and the application of the participants. These results are more impressive when you consider that 60 per cent of the participants based on a 40 per cent sample had intelligence quotients less than 100.

ROBERT E. DYKE,
Chief, ESEA Programs.
LAWRENCE VONTZ,
Director, Title I Nebraska Department of Education.

SANTA FE, N. MEX.

CARL D. PERKINS,
Chairman, Education and Labor Committee,
U.S. House of Representatives,
Washington, D.C.:

Subject your request regarding remedial reading program achievement title I. Page 12 New Mexico Annual Title I Evaluation Report FY 1969 states ten percent title I reading programs, comparing compatible pre- and post-test data, show approximately fourteen percent decrease in number students scoring in lower tenth percentile based on national norms, and increase in number of students scoring in 91st percentile. Greatest pupil gain was from 10.3 perecnt to 16 percent student scoring in the 21st to 30th percentile range. Generally the greatest gain in reading achievement was in second, third, and fourth grades. On pre tests 89.5 percent of students scored below 50th percentile, while on post tests only 81.4 percent scored below 50th percentile.

T. DONALD HARVEY,
Coordinator, Title I ESEA.
By B. L. CAPTERON,
Coordinator of Compensatory Education, New Mexico Department of Education.

PIERRE, S. DAK.

HON. CARL D. PERKINS,
Chairman, Education and Labor Committee,
U.S. House of Representatives,
Washington, D.C.:

The fiscal year 1969 title I evaluation reports reveals extra assistance given to children through remedial reading classes showed average education achievement from three standardized tests as follows: grades one through three .83 average grade equivalent, grades four through six .8 average grade equivalent, grades seven through nine .9 average grade equivalent.

LYNDON M. LOKEN,
Coordinator of Title I, ESEA, State Department of Public Instruction.

SPRINGFIELD, ILL.

CARL D. PERKINS,
Chairman, Education and Labor Committee,
U.S. House of Representatives,
Washington, D.C.:

481 respondents to title I evaluation out of 639 responding indicate significant gain on national norms in Reading when given pre- and post-tests. Am sending details by special delivery.

NOAH S. NEACE,
Director, Title I, ESEA, Office of the Superintendent of Public Instruction, Springfield, Ill.

JACKSON, MISS.

CARL D. PERKINS,
Chairman, Committee on Education and Labor, U.S. House of Representatives, Washington, D.C.:

In reply to your request for data regarding achievement of title 1 participants in remedial reading programs, we respectfully submit following findings; FY 1967—Statewide finding—general achievement, primarily influenced by reading.

Grade 2—Of 183 children scoring lowest quartile on nationally standardized test at beginning of school year, 13 advanced to next highest quartile at end of school year.

Grade 4—Of 200 children in lowest quartile, 21 advanced to next highest quartile.

Grade 6—Of 587 children in lowest quartile 105 advanced to next highest quartile.

Grade 8—Of 700 children in lowest quartile 256 advanced to next highest quartile.

FY 1968—In East Tallahatchie school district, Charleston, 511 elementary children during 3 month period had average reading level increase of 2.7 months. (At no time in past had any of these children made normal progress at any grade level).

FY 1969—In Attala County School District, Kosciusko, 178 elementary children during 12-month period had average reading level gain of 1.4 years. One child entered remedial reading program as a non-reader and reached a 4.2 level at end of period. Children enrolled at beginning of period were more than two years below national norms in reading.

In Biloxi separate school district, Biloxi, 191 elementary children during nine month period had average reading level gain of .9 years. These children at beginning of period were reading more than one year below grade level.

These findings generally illustrate findings in most districts conducting reading programs under title I.

W. L. HEARN,
Coordinator, Title I, ESEA, Mississippi State Department of Education.

ALBANY, N.Y.

CARL D. PERKINS,
Chairman, Education and Labor Committee, U.S. House of Representatives, Washington, D.C.:

The highest percentage of New York State's title 1 programs is in reading, and the remedial aspect of such programs receives the major emphasis at the elementary level.

A sample of the State's children classified as below minimum competence in reading at the third grade level, residing in cities (New York City data are not included because the "strike" prevented offering a full year academic program) and fitting the definition of ESEA title I eligibles was examined with a standardized test at the beginning and the ending of the 1968–69 academic year.

A review of the data indicates that not only did the average child (after a one year period) score above the minimum competence level, but averaged in excess of a 50 percent test score gain. Further data will be needed, but it would appear at this time that the "hard core" cases may either be, not falling behind:

A—As rapidly as was previously felt.

B—At all.

Supportive of the current thrust toward the improvement of reading achievement in the State's deprived urban areas, reports of two specific programs for the 1968–69 school year follow:

One city school district reported that for a 7-month period 584 third grade students made an average gain of 12 months in reading achievement; 617 fourth graders made an average gain of 9 months; 577 fifth graders and 414 sixth graders made a gain of 10 months.

Another urban school district studied the gains made by 330 students from grade two in 1965 through grade five in 1969. Although the group average was below grade level at the second grade, it exceeded the average of the Fifth Grade in word knowledge skills.

Irving Ratchick,
Assistant Commissioner.

Bismarck, N. Dak.

Carl D. Perkins,
Chairman Education and Labor Committee, U.S. House of Representatives, Washington, D.C.:

1968–69 data concerning reading progress of North Dakota title 1 children follows. A sampling of 38 LEA evaluations was analyzed, involving 1095 participants, or 14 percent. Average gain for participants was nearly the equivalent of one grade level (.97) using national forms. Largest gains were made by the lowest pretest group indicating more concentrated effort with these pupils. Average grade equivalency gains of grades 1 through 9 respectively were .68, .93, .93, .97, .97, .90, 1.15, 1.07, and 1.07.

Warren Pederson,
Title I Coordinator.

Jefferson City, Missouri.

Carl D. Perkins,
Charman, Education and Labor Committee,
U.S. House of Representatives,
Washington, D.C.:

Pursuant to your request for remedial reading data under Title I, ESEA:

The total number of public school students receiving concentrated remedial reading instruction under Title I, ESEA, was 46,320 for regular year and 16,402 for summer. There were 3,097 non-public school students participating.

The following school district reports reflect success of title I remedial reading program:

St. Louis City: In grades 6–8, in eleven schools with 2,626 Title I students, the mean gain based on achievement tests was 1.4 years. These same children had in years before averaged about eight months gain.

Sikeston: "The project objective of improving performance on standardized tests was accomplished by enough children that 34 children of the group (188—grades 2-5) could be dismissed from special reading classes."

P. J. Newell, Jr.,
Assistant Commissioner, Division of Instruction, State Department of Education.

Topeka, Kans.

Carl D. Perkins,
Chairman, Education and Labor Committee,
U.S. House of Representatives,
Washington, D.C.:

Remedial reading program constituted major thrust title I project in Wichita. Target schools located in low income areas. Students selected were those not having gained sufficient ability in reading to succeed in classwork requiring reading. 3,070 students enrolled in grades 1 to 9 participated. Considering length of time from pre-test to post-test, average gain should be .7 of grade level. Gates-McGinitie test results show: gains in pupils instructional grade level range from .8 to 1.8: gains in pupils independent reading grade levels ranged from .5 to 1.4. All students made more than average growth in instructional reading grade levels, with successively smaller gains shown for independent reading grade levels.

On statewide basis, three objectives test.—Iowa basic skills, California achievement (reading), Gates-McGinitie reading, given to 4,658 remedial reading students. Pretest was given in Sept. and the posttest was administered the following May. Quartile ranges: first quartile, 1 to 24 percent; 2nd quartile, 25 to 49 percent; third quartile, 50–74; 4th quartile, 75–100. 38.2 percent of the students advanced 1 quartile in percentage rank between pretest and post test administration. Under normal instructions procedures, students seldom advance a quartile rank. Tests results justify remedial reading program.

Henry Parker,
Title I Director, Kansas State Department of Education.

Honolulu.

Hon. Carl D. Perkins,
Chairman, Education and Labor Committee, U.S. House of Representatives, Washington, D.C.:

Remedial reading projects showing significant gains per pupil in Hawaii. Halawa Elementary School, 40 pupils grades 2 through 6, criteria used in selecting participants one to two years below grade level in reading.

Average child was achieving at .5 grade gain per year. Comparison of pre and post test scores show participating pupils gained one year growth in reading during the year they were in this class. Wailuku Elementary School, 26 pupils in grades 1, 2, and 3, comparison of pre and post test scores reveal an average gain of .8 year per child. Interval between pre and post tests was 6 months. Hilo reading clinic 105 pupils in grades 3 to 7 diagnosed, 59 pupils treated. Average gain for each child was 2.8 months of progress in his reading for each month that he attended the reading clinic.

Clarence Masumotoya,
Director Federal Programs.

Hartford, Connecticut.

Carl D. Perkins,
Chairman, Education and Labor Committee,
U.S. House of Representatives,
Washington, D.C.

Standardized reading test results for 5,219 children who received title one program services showed a reading rate of gain per year of 1.1 years based on national normative data. A title one evaluation report supporting the above statement has been forwarded by mail.

Alexander J. Plante,
Chief, Bureau of Continuing Education.

Salem, Oregon.

Hon. Carl D. Perkins,
Chairman, Education Labor Committee,
U.S. House of Representatives,
Washington, D.C.

Approximately 225 school districts in Oregon which received Title One ESEA funds in FY 1969, or 81 percent of all eligible Oregon school districts, conducted reading activity as a total or significant part of their title one project. 59 percent of all title one funds used during FY 1969 were spent for instructional activity in reading. Achievement report from all school districts conducting special title one project showed the following results:

Mean percentiles for project pupils moved from 29.9 on the pretest to 36.8 on the post test.

The medium percent title moved from 28.3 on the pretest to 36.4 on the post test.

The mode percentiles moved from 20.29 on the pretest to 30–39 on the post test.

The percentile gains indicating positive growth as a result of the title one ESEA compensatory education project.

Jack Grossnickle,
Title I Evaluation Coordinator, Oregon Board of Education.

Helena, Mont.

Hon. Carl D. Perkins,
Chairman, Education and Labor Committee,
U.S. House of Representatives,
Washington, D.C.:

Referring to January 21. For fiscal year 1968, reading achievement tests given by leas to 3116 kindergarten through grade twelve title 1 participants shows that a total of 191 pupils advanced from below-the-50th-percentile on a pretest to above-the-50th-percentile on a post test.

The greatest number of pupils, 273, moved out of the 0-to-25th-percentile category to other percentile categories.

The most significant net increases, 91 pupils, occurred in the 51st-to-65th-percentiles category and 46 pupils in the 76th-to-85th-percentile category.

For fiscal year 1969, 83 projects or 58 percent of all title I regular school term projects had reading as a component. The results of reading programs were evaluated in a number of ways by the least using a variety of standardized tests. Montana has no statewide testing program; thus the sea has no authority to recommend or discourage the use of or demand the use of any specific test. However, 9 projects in which the Nelson-Denny reading test was used for pretest and posttest evaluation purposes were selected for comparative analysis. This analysis shows that there was a median rate of gain of 10 percentiles.

State agency considers title I programs with reading components essential to raising the level of educational attainments of disadvantaged students participating in ESEA title I.

Ralph G. Hay,
Coordinator.
Dean M. Lindahl,
Supervisor, Office of the State Superintendent of Public Instruction, Helena, Mont.

Baton Rouge, La.

Carl D. Perkins,
Chairman, Education and Labor Committee, U.S. House of Representatives, Washington, D.C.:

During the 1968–69 school year a total of 101,957 children were involved in title 1, ESEA reading programs in Louisiana at a total cost of $3,993,081. During this 9 month period there has been an average grade level improvement of 1.3. 56 of Louisiana's 66 school systems participated in title 1 reading programs. Reading improvement is listed by Louisiana educators as the greatest, single educational need.

E. E. Davis, Jr.,
State Administrator, Federally Assisted Programs Section, Louisiana State Department of Education.

Carl D. Perkins,
Chairman of Education and Labor Committee, U.S. House of Representatives, Washington, D.C.:

Approximately 1,100 students are currently being served by a Title I remedial reading project. A standardized reading test for school years 1967–68 and 1968–69, showed the following average grade level gains:

1967–68: Grade 3—1.3; Grade 4—1.8; Grade 5—.3; Grade 6—.3; Grade 7—.6; Grade 8—.5; Grade 9—.8; Grade 10—.9; Grade 11—.9; Grade 12—.8.

1968–69: Grade 3—1.1; Grade 4—1.7; Grade 5—.8; Grade 6—1.0; Grade 7—1.0; Grade 8—.6; Grade 9—1.1; Grade 10—.7; Grade 11—.9; Grade 12—.7.

Other indications of Progress: children's interest and attitude toward reading has improved; children come to the reading classes with enthusiasm and are reluctant to leave; children work attentively and independently in reading classes; and children read an average of 30 to 50 books each year, a gain of 100%.

If additional information is required, please advise.

Mrs. PATRICIA V. POTTER,
Administrator Federal Programs, Guam Department of Education, Agana, Guam.

STATE OF FLORIDA,
DEPARTMENT OF EDUCATION,
Tallahassee, January 22, 1970.

Hon. CARL D. PERKINS,
Chairman, Education and Labor Committee, House of Representatives, U.S. Congress, Washington, D.C.

In response to your inquiry of January 22, 1970, you will find attached significant data on a nine percent sample of ESEA Title I participants in remedial reading programs during the 1968–1969 program year in Florida.

Part of this data was derived from material sent to the Office of Education by our office as part of the required annual evaluation. Our report was sent to the Division of Compensatory Education December 1, 1969.

Hopefully, you are well aware of the difficulty in providing the type of hard data which is so greatly needed by people like yourself who are struggling so admirably to support the types of program which ESEA provides. The Office of Education and the states are still struggling to establish data which reflects the true impact of Title I ESEA. If you, and many others could "see" and "feel" the difference that is made in classrooms and in the attitudes of participating children, parents and professionals that is observed by those of us involved directly in the program, there could be no doubt of the continued need for massive support for the programs launched by Title I.

Please do not hesitate to contact our office directly for further information. Please call Richard Curtis, Evaluation Consultant, Bureau of Planning and Coordination, Division of Elementary and Secondary Education, Department of Education, Tallahassee, Florida, 32304. (Phone 599-5153).

We appreciate your inquiry and greatly support the efforts you are making in our behalf.

Sincerely,

JOHN H. WHEELER,
Coordinator, ESEA Title I Federal-State Relations.

The State of Florida has provided the following significant data, based on a 9% sample of ESEA Title I participants in remedial reading programs which had been conducted during the 1968–69 school program year in Florida:

ALL PARTICIPANTS IN TITLE I READING PROGRAMS
STANDARD ACHIEVEMENT TEST

	Pretest		Posttest	
	Number	Percent in band	Number	Percent in band
9th percentile and below	851	46.8	616	38.3
10th to 19th percentile	331	18.2	329	20.4
20th to 29th percentile	171	9.4	209	12.9
30th to 39th percentile	142	7.8	131	8.1
40th to 49th percentile	90	4.9	85	5.3
50th to 59th percentile	69	3.8	79	4.9
60th to 69th percentile	60	3.3	59	3.7
70th to 79th percentile	37	2.1	38	2.4
80th to 89th percentile	30	1.6	26	1.6
90th to 99th percentile	37	2.1	46	2.4
Total	1,811	100	1,615	

Note: Area—Reading. Reported in—Number and percent by percentile band.

GATES—MacGINTIE READING TEST

	Pretest		Posttest	
	Number	Percent	Number	Percent
9th percentile and below	1,368	28	1,071	22
10th to 19th percentile	1,119	23	982	20
20th to 29th percentile	600	12	675	14
30th to 39th percentile	466	10	563	12
40th to 49th percentile	297	6	311	6
50th to 59th percentile	279	6	352	7
60th to 69th percentile	473	10	566	12
70th to 79th percentile	100	2	191	4
80th to 89th percentile	78	1.5	101	2.1
90th to 99th percentile	72	1.5	27	.8
Total	4,852		4,839	

METROPOLITAN ACHIEVEMENT TEST

	Pretest	Posttest
9th percentile and below	870	978
10th to 19th percentile	852	933
20th to 29th percentile	570	617
30th to 39th percentile	489	545
40th to 49th percentile	410	435
50th to 59th percentile	386	388
60th to 69th percentile	475	302
70th to 79th percentile	738	404
80th to 89th percentile	778	328
90th to 99th percentile	346	330
Total	5,914	5,260

Note: Area—Reading.

STATE OF DELAWARE
DEPARTMENT OF PUBLIC INSTRUCTION,
Dover, Del., January 23, 1970.

Hon. CARL D. PERKINS,
Chairman, Education and Labor Committee, U.S. House of Representatives, House Office Building, Washington, D.C.

DEAR MR. PERKINS: In answer to your request for Title I achievement in Delaware I have selected results from one school district as shown by pre and post tests. This period covers the 1968–69 school year. The information is enclosed.

Please be aware that not all of our districts have made such significant gains as those shown.

At such time as our statewide data is available I will have a more complete assessment of the state over-all program.

Sincerely yours,

WILLIAM CORKLE,
Coordinator, ESEA Title I.

LEE-CLARK READING READINESS TESTS

[Grade 1: Average gain in months based on pre and post tests—9.9—Total test: Letter symbols, concepts, word symbols]

METROPOLITAN ACHIEVEMENT TESTS

	Word recognition	Word discrimination	Reading	Remarks
Grade 2: Average gain in months based on pre and post tests.	4.8	5.7	5.3	Primary I battery.
Grade 3: Average gain in months based on pre and post tests.	3.6	8.6	9.5	Primary II battery.
Grade 4: Average gain in months based on pre and post tests.	9.6	9.4	10.7	Elementary battery.
Grade 5: Average gain in months based on pre and post testr.	2.7	3.0	1.3	Intermediate battery partial.
Grade 6: Average gain in months based on pre and post tests.	.5	2.1	1.3	Do.

CARSON CITY SCHOOL DISTRICT—NEVADA

Form and test	Grade 1		Grade 2		Grade 3		Grade 4		Grade 5	
	Pretest	Posttest	Pretest	Posttest	Pretest	Posttest	Pretest	Posttest	Pretest	Posttest
Language arts and word meaning	1.4	1.6	2.3	2.1	2.6	3.2	3.9	4.4	4.6	4.6
Paragraph meaning	1.5	1.4	2.2	2.2	2.5	2.8	3.8	4.2	4.8	4.8
Vocabulary	1.8	1.9								
Spelling	1.0	1.0	1.9	2.0	2.7	2.9	4.3	4.6	5.4	4.5
Word study skills	1.5	1.4	2.0	2.0	3.2	3.9	2.7	3.6		
Language			2.2	2.4	3.1	3.2	3.4	3.5	4.6	4.7

Note: Results of Stanford achievement tests administered as pretest (May 1969) and Posttest (August 1969) for grades 1–5. Reported in mean grade equivalents.

CLARK COUNTY SCHOOL DISTRICT—NEVADA

Test	N	Grade	Pre-test	Post-test
Metropolitan readiness tests	14	1	42.6	
Lee-Clark reading test	16	1		20.4
Lee-Clark first reader	11	2-3	21.4	40.2
Lee-Clark first reader	5	4-6	29.8	40.9
California reading test (Comp)	12	4-6	[1] 3.47	[1] 3.88
California reading test (total battery)	12	4-6	[1] 3.40	[1] 3.85

[1] Mean grade equivalent.

Note: Results of various reading tests administered as preproject and postproject tests for grades 1-6. Reported as test means.

Grade	Test administered	Pretest	Posttest
3-4	Reading comprehension	27.40	30.60
3-4	Reading vocabulary	22.80	24.80
5	Total comprehension subtest	20.67	21.66

Note: Results of Stanford diagnostic reading tests administered as preproject and postproject tests for grades 3-5. Reported as means.

NYE COUNTY SCHOOL DISTRICT—NEVADA

Grade	Mean grade equivalent		
	N	Pretest	Posttest
3	2	1.9	2.4
4	7	3.7	3.9
5	4	4.4	4.7
6	1	3.3	3.5
7	3	3.6	4.0
8	3	4.3	5.0

Note: Results of Stanford diagnostic reading test administered as Pretest (March 1969) and Posttest (May 1969) for grades 3–8.

PERSHING COUNTY SCHOOL DISTRICT—NEVADA

Grade	N	Pretest	N	Posttest
1	10	9.7	12	33.3
2	4	45.7	7	71.5
3	8	51.1	8	54.4

Note: Results of Stanford achievement test administered as pretest (October 1968) and posttest (April 1969) for grades 1–3. Reported in raw scores.

Percentile	Grade 1		Grade 2		Grade 3	
	Pre-test	Post-test	Pre-test	Post-test	Pre-test	Post-test
90				1		2
75				4	3	1
50				2	4	3
25		1	1		1	2
15		3	1			
10	10	8	2			

Note: Number of students taking test reported above who scored at or below percentiles according to national norms.

WASHOE COUNTY SCHOOL DISTRICT—NEVADA

Results of Stanford Achievement Tests for word and paragraph meanings administered as preproject and post-project tests for grades 4-6.

Grade and percentiles	Number of students scoring at or below percentile according to national norms	
	Pretest	Posttest
Grade 4:		
90	2	35
75	9	45
50	33	59
25	47	27
15	26	11
10	45	5
Grade 5:		
90	2	15
75	6	31
50	37	54
25	42	34
15	45	21
10	44	12
Grade 6:		
90	1	4
75	7	40
50	28	48
25	47	29
15	30	6
10	33	6

STATE OF WISCONSIN DEPARTMENT OF PUBLIC INSTRUCTION,
Madison, Wis., January 22, 1970.

TITLE I READING ACHIEVEMENT RESULTS

Sample: 56 programs; 4,460 pupils.

Based on expected gain of 0.1 grade equivalent for each month of instruction for non-disadvantaged.

Disadvantaged above expected gain—27 schools; 2,597 pupils; 48.2%.

Disadvantaged below expected gain but above minimum of 40% expected gain—23 schools; 1,570 pupils; 41.1%.

Disadvantaged below minimum of 40% expected gain—6 schools; 293 pupils; 10.7%.

[From Kenneth Grieser, Coordinator, Federal Funds, Administrative Services, Department of Education, State of Alaska Department of Education]

(1) For 1963 rural students in grades 4, 5, 6, 7, and 8 as determined by the Iowa Test of Basic Skills, the composite score of each grade raised from the 19th percentile to the 27th percentile. Comparison between rural youth grade equivalent scores and Iowa Test of Basic Skills for I.Q. range of 90 to 99 show grades 4, 6 and 8 performed slightly above average for their I.Q. range.

(2) In a remedial reading program for boy students, locally designed questionnaires reveal that pupil attitude regarding a number of situations improved 36 to 67 percent according to a parent survey. Seventy-five percent of the pupils felt their reading had improved and teachers noted that 63 percent of the students had improved in reading accomplishment and attitude.

(3) In a program with 318 students the California Reading Test-Forms W and X were given. The standard score for the group rose from 37 to 42 or from the 10th percentile to the 21st percentile. On the basis of pre and post test scores the mean grade placement rose from 3.1 to 3.7. This group for the time elapsed rose .2 grade placement above what was expected.

(4) The Cooperative Primary Test, Form A was given to 25 students at the beginning of a summer program and Form B at the conclusion. Grade one averaged a gain of 2.2 percentiles; grades 2 and 3 made gains of 3.6 percentiles.

(5) On the basis of the Iowa Test of Basic Skills, 69 students showed reading comprehension gains as follows: grade 4, a gain of 1.08; grade 5, a gain of .87 and grade 6, a gain of .79. The average gain for all three grades was .90 which was interpreted as significant for the general ability of the group.

(6) In a reading enrichment program involving 185 students (K–12) the following gains were made as measured by standarized tests: grades 9–12 showed an average growth of 1.1 in vocabulary and comprehension; grades 7–8 made gains of 2.0 in comprehension and grades 3–6 gained 1.5 in word recognition and 0.9 in paragraph meaning for a mean grade placement growth of 1.0.

(7) Based on results of the California Reading Test 25 students out of 332 that participated in a remedial reading and teacher aide program returned to regular classroom instruction.

(8) Fifty students participating in a remedial reading program showed the following gains as measured by the California Reading Test:

Vocabulary.—Pre-test: 42 at grade level, 3 above grade level. Post test: 27 at grade level, 23 above grade level.

Comprehension.—Pre-test: 36 at grade level, 14 above grade level. Post-test: 26 at grade level, 24 above grade level.

Average grade gain 1.21 vocabulary; 1.04 comprehension.

(9) Sixty-six students participating in a remedial reading and basic skills program advance one year in grade equivalent as measured by the California Reading Test. The gain was greater than expected as pretest data showed retardation 0.5 to 1.0 year.

RESPONSE OF DONALD L. CROLLEY, SUPERINTENDENT, LANCASTER CITY SCHOOLS, SOUTH CAROLINA, JANUARY 26, 1970

How many children in your district are benefitting from education programs funded under Title I of ESEA?

Answer: 1,865.

What is the ADA in your school district grades K–12?

Answer: 6,607 for the report period ending November 20, 1969.

What was the amount of your ESEA Title I grant in each of the following fiscal years?

Answer: 1968 $130,000, 1969 $119,000, 1970 $125,896.

What additional funds, if any, could you effectively apply to your Title I programs in fiscal year 1970 over and above the present level of funding? In fiscal year 1971?

Answer: 1970 $75,000, 1971 $75,000.

In your judgment, do you believe that the Title I programs are needed to meet the special needs of educationally disadvantaged children?

Answer: I very definitely believe that Title I programs are needed to meet the needs of these children. Without the use of these funds, the effectiveness of our educational program would be appreciably limited.

Do you regard your present Title I programs as effective in meeting special education needs of educationally disadvantaged children?

Answer: Our Title I programs are extremely effective in attacking the special educational problems experienced by our educationally disadvantaged children. Such programs should be continued and expanded. The investment would be financially sound.

Recent hearings in Washington disclosed that inadequate funding was the greatest obstacle in the path of more effectively reaching the disadvantaged. Others now contend that we cannot effectively utilize extra funds contained in the HEW Appropriation Bill because the funds are being misdirected and are not reaching the disadvantaged contemplated under Title I ESEA. Your brief comments on these contentions would be appreciated.

Comment: The multitude of diverse educational needs experienced by the educationally disadvantaged are identified. One of our greatest needs is an adequate financial resource with which the implement educational programs designed to have a positive, substantial impact on meeting these needs.

RESPONSE OF A. G. ADAMSON, SUPERINTENDENT, PEORIA EDUCATIONAL SERVICE REGION, ILLINOIS, JANUARY 26, 1970

How many children in your district are benefitting from education programs funded under Title I of ESEA?

Answer: 4,281.

What is the ADA in your school district grades K–12?

Answer: $36,955.46.

What was the amount of your ESEA Title I grant in each of the following fiscal years?

Answer: 1968 $639,378.50, 1969 $644,026.25, 1970 $560,811.00.

What additional funds, if any, could you effectively apply to your Title I programs in fiscal year 1970 over and above the present level of funding? In fiscal year 1971?

Answer: 1970 40%, 1971 60%. (We felt these should be placed on a percentile basis)

In your judgement, do you believe that the Title I programs are needed to meet the special needs of educationally disadvantaged children?

Answer: Very definitely so.

Do you regard your present Title I programs as effective in meeting special education needs of educationally disadvantaged children?

Answer: Yes.

Recent hearings in Washington disclosed that inadequate funding was the greatest obstacle in the path of more effectively reaching the disadvantaged. Others now contend that we cannot effectively utilize extra funds contained in the HEW Appropriation Bill because the funds are being misdirected and are not reaching the disadvantaged contemplated under Title I ESEA. Your brief comments on these contentions would be appreciated.

Comment: We especially invite any of your representatives to attend our programs. Also, many school District Administrators are very discouraged in the funding part of Title I, because it is so late in their school year to establish a budget. Please consider funding in early spring so that school Administrators may plan accordingly.

Response of Garland R. Lively, Superintendent, Hampton City Schools, Virginia, January 26, 1970

How many children in your district are benefitting from education programs funded under Title I of ESEA?

Answer: 578.

What is the ADA in your school district grades K–12?

Answer: 29,775.

What was the amount of your ESEA Title I grant in each of the following fiscal years?

Answer: 1968 232,318.50, 1969 229,158.00, 1970 189,364.00. Does not include Summer Program which is to be proposed.

What additional funds, if any, could you effectively apply to your Title I programs in fiscal year 1970 over and above the present level of funding? In fiscal year 1971?

Answer: 1970 50,000 for Summer Day Camp, 1971 250,000.

In your judgment, do you believe that the title I programs are needed to meet the special needs of educationally disadvantaged children?

Answer: See Attached Sheet, Item I.

Do you regard your present Title I programs as effective in meeting special education needs of educationally disadvantaged children?

Answer: See Attached Sheet, Item II.

Recent hearings in Washington disclosed that inadequate funding was the greatest obstacle in the path of more effectively reaching the disadvantaged. Others now contend that we cannot effectively utilize extra funds contained in the HEW Appropriation Bill because the funds are being misdirected and are not reaching the disadvantaged contemplated under Title I ESEA. Your brief comments on these contentions would be appreciated.

Comment: See Attached Sheet, Item III.

ITEM I

Yes, definitely. The majority of these children are functioning on achievement levels lower than their more affluent peers. Without such programs additional special personnel and necessary materials would not have been available, and desired provisions for appropriate grouping impossible.

ITEM II

Yes, the programs are effective as administered in the six identified schools. There is, however, no continuity in the program if a child transfers to a non-Title I school due largely to the fact that there are no concentrated poverty areas in our school system. This points up a need for continued help for these children and/or youth regardless of where they attend school. An expansion of the programs should be considered so that disadvantaged children in each school, however few, could be recipients of the benefits although the school in which they are enrolled does not qualify percentagewise.

ITEM III

There is evidence, it appears, that these funds have been misused in given areas. This should not mean that those systems which adhere to the guidelines are to be deprived of funds. If the moneys cannot be properly administered, then they should be withdrawn. Where they are effectively used to meet the needs of youth in accordance with given criteria, then they should not be withdrawn.

Response of Emmett T. Strickland, Franklin Special School District, Franklin, Tenn., January 26, 1970

How many children in your district are benefitting from education programs funded under Title I of ESEA?

Answer: 1,768.

What is the ADA in your school district grades K–12?

Answer: 1,643.

What was the amount of your ESEA Title I grant in each of the following fiscal years?

Answer: 1968 $47,156, 1969 $52,500, 1970 $52,807.

What additional funds, if any, could you effectively apply to your Title I programs in fiscal year 1970 over and above the present level of funding? In fiscal year 1971?

Answer: If forced to integrate completely before a sound educational program is established, a new building is needed—Cost: one to one and one-half million dollars.

In your judgment, do you believe that the Title I programs are needed to meet the special needs of educationally disadvantaged children?

Answer: Yes, and at the same time it should help all children if *properly administered*.

Do you regard your present Title I programs effective in meeting special education needs of educationally disadvantaged children?

Answer: Yes, and we feel that it is helping all children but the programs are limited.

Recent hearings in Washington disclosed that inadequate funding was the greatest obstacle in the path of more effectively reaching the disadvantaged. Others now contend that we cannot effectively utilize extra funds contained in the HEW Appropriation Bill because the funds are being misdirected and are not reaching the disadvantaged contemplated under Title I ESEA. Your brief comments on these contentions would be appreciated.

Comment: To clarify what I mean by *Properly Administered*, in No. 5 above and why No. 6 is *limited*, I offer the following statements and suggestions:

1. Guideline restrictions.
2. Delay in appropriations.
3. Delay in getting forms in the hands of schools early enough to make good plans.
4. Delay in getting evaluation forms in time to adequately evaluate the projects.
5. This all delays approval of projects which in turn delays the total program.

This adds up to one thing. We are forced by these delays and restrictions to:

Rush the planning, limit the time, and to curtail the evaluation of the projects in order to get the greatest benefit from the money spent.

SAINT LOUIS PUBLIC SCHOOLS,
January 20, 1970.

Hon. CARL D. PERKINS,
Rayburn Building, Washington, D.C.

DEAR CONGRESSMAN PERKINS: We appreciate very much the opportunity to respond to your questionnaire regarding the effective use of Title I funds in St. Louis.

1. How many children in your district are benefitting from education programs funded under Title I of ESEA?

Title I

Enrolled in St. Louis Public Schools 1969–70:	*Estimates*
Rooms of 20 (99 rooms)	1,980
Lincoln High School	280
Mini-grants	600
Work-study high school	276
Remedial reading	2,685
From institutions for neglected and delinquent children	67
Served by teacher aides	7,050
Study learning resource centers	4,930
Vit-a-lunch	10,829
Instructional and audiovisual materials	2,540
Total	31,237

2. What is the ADA in your school district grades K–12?

Answer: 102,294.

3. What was the amount of your ESEA Title I grant in each of the following fiscal years?

Answer: 1968 $4,523,097, 1969 $4,299,849, 1970 $3,926,736.

4. What additional funds, if any, could you effectively apply to your Title I programs in fiscal year 1970 over and above the present level of funding? In fiscal year 1971?

Answer: Since it takes time to recruit and train a competent staff we would only ask for about double our presently anticipated Title I appropriation (4 million). This would mean that St. Louis could have effectively used about 8 million dollars in fiscal year 1970. Based on Title I expenditures of 8 million in 1970, we could easily use 15 million in 1971. Such funds would be spent in a programed, responsible fashion and would begin to solve the multiple problems of children. The child with many problems needs more than an effective program of reading but must have social service work, enough nutritious food, adequate clothing, medical help, etc., if the reading instruction is to do him any good.

5. In your judgment, do you believe that the Title I programs are needed to meet the special needs of educationally disadvantaged children?

Answer: Yes. Sometimes it is difficult to imagine how the present problems of the public schools in large cities could get any worse. However, there is no question that the schools' ability to provide education for poor children would be less without Title I. In St. Louis the number of school age children receiving Aid to Dependent Children (ADC) has increased about fifty percent in the last three years and we have documented the relationship between poverty and low achievement in our schools. Based on this increase in numbers of poor children (22,000 to 30,000) the city schools could be expected to have dropped an average of six months or more in tested pupil achievement. The fact that the schools have not only failed to show a lowered achievement level, but have actually demonstrated a small gain, may be attributed directly to the beneficial effects of Title I.

XUM

6. Do you regard your present Title I programs as effective in meeting special education needs of educationally disadvantaged children?

Answer: Yes. We have steadily monitored our programs, analyzed their deficiencies and strengths and worked to improve them. Ineffective ones were culled out. At this point, we are satisfied that our Title I projects are doing an effective job. Again, with additional funds we could accomplish much more.

7. Recent hearings in Washington disclosed that inadequate funding was the greatest obstacle in the path of more effectively reaching the disadvantaged. Others now contend that we cannot effectively utilize extra funds contained in the HEW Appropriation Bill because the funds are being misdirected and are not reaching the disadvantaged contemplated under Title I ESEA. Your brief comments on these contentions would be appreciated.

Answer: Without a doubt inadequate funding is a grave problem if we are sincere about our commitment to provide equality of educational opportunity. The education of children from seriously deprived homes requires *at least* the level of expenditure now made in the more favored suburban schools. Less than a mile from St. Louis city schools are schools which spend in excess of $1500 per year per child. This amount is for children who started life with every imaginable advantage. The city schools expend about half this amount per pupil on children with every imaginable problem. Funds to bring the expenditure for city children up to suburban averages must come from outside the city itself. Declining taxable wealth in the city makes it impossible to find the necessary funds locally.

I would challenge the critics who say that schools cannot effectively use the funds. About the only educational experiment which has not been tried is to provide sufficient funding to provide an adequate education for city children. I would suggest that we experiment by providing city schools with as much money per child as the more affluent suburbs do.

Again, I would like to thank you and your excellent committee for your dedication to a better educated America. If we can provide additional information to you at any time we would consider it a privilege to do so.

Sincerely yours,

WM. KOTTMEYER,
Superintendent of Schools.

Response of Parker E. Richards, Pocatello School District No. 25, Idaho, January 26, 1970

How many children in your district are benefitting from education programs funded under Title I of ESEA?

Answer: 2,270.

What is the ADA in your school district grades K–12?

Answer: 11,741 total enrollment January 15, 1970.

What was the amount of your ESEA Title I grant in each of the following fiscal years?

Answer: 1968 $124,075, 1969 $114,527, 1970 $101,637.

What additional funds, if any, could you effectively apply to your Title I programs in fiscal year 1970 over and above the present level of funding? In fiscal year 1971?

Answer: 1970 $200,000, 1971 $200,000. This is a rough estimate. We would like to add several programs to our curriculum for these children, but have had to cut some due to reduced funding.

In your judgment, do you believe that the Title I programs are needed to meet the special needs of educationally disadvantaged children?

Answer: Yes, our average per pupil expenditure for 1969 was $398.76 and the Title I funds are definitely needed to help the educationally disadvantaged children. Without them we would have to eliminate some essential programs for these children.

Do you regard your present Title I programs as effective in meeting special education needs of educationally disadvantaged children?

Answer: Yes, we have been able to offer special help for many children through the ESEA Title I program. This help will not be possible without this program.

Recent hearings in Washington disclosed that inadequate funding was the greatest obstacle in the path of more effectively reaching the disadvantaged. Others now contend that we cannot effectively utilize extra funds contained in the HEW Appropriation Bill because the funds are being misdirected and are not reaching the disadvantaged contemplated under Title I ESEA. Your brief comments on these contentions would be appreciated.

Comments: Title I funds have not been misdirected in our District. Our biggest problem is still inadequate funding. We have proposed several other programs but have dropped them due to lack of funding. Almost 100 percent of our funds have been spent for service to children. Very little for materials and equipment.

Response of John Rojas, Director, Multi-County Program for Migratory Children, California, January 26, 1970

How many children in your district are benefitting from education programs funded under Title I of ESEA?

Answer: 4,451.

What is the ADA in your school district grades K–12?

Answer: ADA—75,006 (Enrollment). Encompasses 50 school districts in the Multi-County Program for Migratory Children, a component of the California Plan for the Education of Migrant Children.

What was the amount of your ESEA Title I grant in each of the following fiscal years?

Answer: 1968 $1,193,900, 1969 $1,089,583, 1970 $938,968.

What additional funds, if any, could you effectively apply to your Title I programs in fiscal year 1970 over and above the present level of funding? In fiscal year 1971?

Answer: 1970 $50,000, 1971 $75,000.

In your judgment, do you believe that the Title I programs are needed to meet the special needs of educationally disadvantaged children?

Answer: Title I funds have made it possible for school districts to provide supplemental educational services of a comprehensive nature to meet the varied and complex educational needs of educationally disadvantaged children.

Do you regard your present Title I programs as effective in meeting special education needs of educationally disadvantaged children?

Answer: Title I programs are proving highly effective in meeting the special education needs of educationally disadvantaged children.

Recent hearings in Washington disclosed that inadequate funding was the greatest obstacle in the path of more effectively reaching the disadvantaged. Others now contend that we cannot effectively utilize extra funds contained in the HEW Appropriation Bill because the funds are being misdirected and are not reaching the disadvantaged contemplated under Title I ESEA. Your brief comments on these contentions would be appreciated.

Comment: Please be assured Title I funds have not been misdirected and are effectively reaching educationally disadvantaged children. Instructional services and health, nutritional and counseling services have been expanded to better meet the special needs of disadvantaged children, who are experiencing success for the first time.

Response of Earl W. Anderson, Minnesota, January 26, 1970

How many children in your district are benefitting from education programs funded under Title I of ESEA?

Answer: 1,020.

What is the ADA in your school district grades K–12?

Answer: 1,020. Unusual—but we have a study center built by ESEA funds. Special program for summer school—approximately 200.

What was the amount of your ESEA Title I grant in each of the following fiscal years?

Answer: 1968 $21,000, 1969 $19,000, 1970 $25,000.

What additional funds, if any, could you effectively apply to your Title I programs in fiscal year 1970 over and above the present level of funding? In fiscal year 1971?

Answer: 1970 $6,000, 1971 $12,000.

In your judgment, do you believe that the Title I programs are needed to meet the special needs of educationally disadvantaged children?

Answer: Definitely yes!

Do you regard your present Title I programs as effective in meeting special education needs of educationally disadvantaged children?

Answer: Some of the needs—yes!

Recent hearings in Washington disclosed that inadequate funding was the greatest obstacle in the path of more effectively reaching the disadvantaged. Others now contend that we cannot effectively utilize extra funds contained in the HEW Appropriation Bill because the funds are being misdirected and are not reaching the disadvantaged contemplated under Title I ESEA. Your brief comments on these contentions would be appreciated.

Comment: District merged in 1969–70 with neighboring district.

Response of Albert C. Austin, No. 29, Nebraska, January 26, 1970

How many children in your district are benefitting from education programs funded under Title I of ESEA?

Answer: 164.

What is the ADA in your school district grades K–12?

Answer: 1,179.

What was the amount of your ESEA Title I grant in each of the following fiscal years?

Answer: 1968 $41,363, 1969 $38,284, 1970 $34,778.

What additional funds, if any, could you effectively apply to your Title I programs in fiscal year 1970 over and above the present level of funding? In fiscal year 1971?

Answer: 1970 $10,000, 1971 $10,000. One more teacher to work in this area.

In your judgment, do you believe that the Title I programs are needed to meet the special needs of educationally disadvantaged children?

Answer: Yes, we are helping children we never helped before, and because of our financial situation would discontinue if these funds were not available.

Do you regard your present Title I programs as effective in meeting special education needs of educationally disadvantaged children?

Answer: Yes: However we are always trying to do even better.

Recent hearings in Washington disclosed that inadequate funding was the greatest obstacle in the path of more effectively reaching the disadvantaged. Others now contend that we cannot effectively utilize extra funds contained in the HEW Appropriation Bill because the funds are being misdirected and are not reaching the disadvantaged contemplated under Title I ESEA. Your brief comments on these contentions would be appreciated.

XUM

Comment: We have a long ways to go before we are doing all that we should for these children, as far as I know these funds are being used as intended.

Response of Cumberland County Board of Education, North Carolina, January 26, 1970

How many children in your district are benefitting from education programs funded under Title I of ESEA?

Answer: 4,899.

What is the ADA in your school district grades K–12?

Answer: 28,724.

What was the amount of your ESEA Title I grant in each of the following fiscal years?

Answer: 1968 $804,637, 1969 $762,762, 1970 $714,481.

What additional funds, if any, could you effectively apply to your Title I programs in fiscal year 1970 over and above the present level of funding? In fiscal year 1971?

Answer: 1970 $50,000, 1971 $350,000. This year for summer programs if planning time is possible.

In your judgment, do you believe that the Title I programs are needed to meet the special needs of educationally disadvantaged children?

Answer: Yes! These are the only funds available which belong exclusively to educationally disadvantaged children.

Do you regard your present Title I programs as effective in meeting special education needs of educationally disadvantaged children?

Answer: Yes! Carefully conducted evaluations establish the effectiveness of the program.

Recent hearings in Washington disclosed that inadequate funding was the greatest obstacle in the path of more effectively reaching the disadvantaged. Others now contend that we cannot effectively utilize extra funds contained in the HEW Appropriation Bill because the funds are being misdirected and are not reaching the disadvantaged contemplated under Title I ESEA. Your brief comments on these contentions would be appreciated.

Comment: Inadequate funding *is* a major problem. In this School District all funds under Title I have been and are being used exclusively for the specific purposes for which they were appropriated.

Sincerely,

CARL D. PERKINS,
Chairman.

Response of Merritt W. Sorber, Supervising Principal, Northwest Area School District of Luzerne County, Pa., January 26, 1970

How many children in your district are benefitting from education programs funded under Title I of ESEA?

Answer: 360.

What is the ADA in your school district grades K–12?

Answer: 1,724.5.

What was the amount of your ESEA Title I grant in each of the following fiscal years?

Answer: 1968 $62,894.88, 1969 $58,097.69, 1970 $47,170.42.

What additional funds, if any, could you effectively apply to your Title I programs in fiscal year 1970 over and above the present level of funding? In fiscal year 1971?

Answer: 1970 $10,000, 1971 $10,000.

In your judgment, do you believe that the Title I programs are need to meet the special needs of educationally disadvantaged children?

Answer: Yes, definitely, because extra funds, not available in general fund budgets, are needed to provide for extra or specialized services.

Do you regard your present Title I programs as effective in meeting special education needs of educationally disadvantaged children?

Answer: We feel that Title I programs in our school district are definitely effective.

Recent hearings in Washington disclosed that inadequate funding was the greatest obstacle in the path of more effectively reaching the disadvantaged. Others now contend that we cannot effectively utilize extra funds contained in the HEW Appropriation Bill because the funds are being misdirected and are not reaching the disadvantaged contemplated under Title I ESEA. Your brief comments on these contentions would be appreciated.

Comment: We have utilized funds as efficiently and economically as possible and sincerely believe that funds so administered can be of definite value in providing for the education of the *educationally disadvantaged.*

Response of Dr. Robert A. Mellman, Superintendent, Dallas School District, Pa., January 26, 1970

How many children in your district are benefitting from education programs funded under Title I of ESEA?

Answer: 274.

What is the ADA in your school district grades K12?

Answer: 3,201.

What was the amount of your ESEA Title I grant in each of the following fiscal years?

Answer: 1968 $43,507.77, 1969 $39,719.92, 1970 $34,655.82 (tentative).

What additional funds, if any, could you effectively apply to your Title I programs in fiscal year 1970 over and above the present level of funding? In fiscal year 1971?

Answer: 1970 $5,000, 1971 $40,000.

In your judgment, do you believe that the Title I programs are needed to meet the special needs of educationally disadvantaged children?

Answer: Yes.

Do you regard your present Title I programs as effective in meeting special education needs of educationally disadvantaged children?

Answer: Yes.

Recent hearings in Washington disclosed that inadequate funding was the greatest obstacle in the path of more effectively reaching the disadvantaged. Others now contend that we cannot effectively utilize extra funds contained in the HEW Appropriation Bill because the funds are being misdirected and are not reaching the disadvantaged contemplated under Title I ESEA. Your brief comments on these contentions would be appreciated.

Comment: Our Title I program objectives are aimed at the prevention of educational disadvantagement.

We base our philosophy on the premise that the educationally disadvantaged of today are more liable to become the economically deprived of tomorrow.

Response of John E. Dwyer, Superintendent of Schools, Elizabeth, N.J., January 26, 1970

How many children in your district are benefitting from education programs funded under Title I of ESEA?

Answer: Approximately 2,000.

What is the ADA in your school district grades K–12?

Answer: 13,329.5.

What was the amount of your ESEA Title I grant in each of the following fiscal years?

Answer: 1968 $462,831, 1969 $415,116, 1970 $445,332.

What additional funds, if any, could you effectively apply to your Title I programs in fiscal year 1970 over and above the present level of funding? In fiscal year 1971?

Answer: 1970 $200,000, 1971 $700,000.

In your judgment, do you believe that the Title I programs are needed to meet the special needs of educationally disadvantaged children?

Answer: Very definitely.

Do you regard your present Title I programs as effective in meeting special education needs of educationally disadvantaged children?

Answer: Yes.

Recent hearings in Washington disclosed that inadequate funding was the greatest obstacle in the path of more effectively reaching the disadvantaged. Others now contend that we cannot effectively utilize extra funds contained in the HEW Appropriation Bill because the funds are being misdirected and are not reaching the disdvantaged contemplated under Title I ESEA. Your brief comments on these contentions would be appreciated.

Comment: Elizabeth is doing an effective job in meeting the needs of our disadvantaged children under E.S.E.A. Title I funding. However, additional funds will permit us to expand our present program and introduce new programs that will be beneficial to the disadvantaged youngster. You may be assured that Elizabeth is one community where E.S.E.A. Title I funds are being utilized properly to aid the disadvantaged youngster and that the proper fiscal procedures are employed.

Response of Mrs. Ann R. Ramirez, Program Director, Boulder Valley School District No. Re2, Boulder, Colo., January 26, 1970

How many children in your district are benefitting from education programs funded under Title I of ESEA?

Answer: Presently 668.

What is the ADA in your school district grades K–12?

Answer: As of June 30, 1969, ADA, $721.17.

What was the amount of your ESEA Title I grant in each of the following fiscal years?

Answer: 1968 $120,856—cut budget, 1969 $105,438—cut budget, 1970 $88,366—cut budget.

What additional funds, if any, could you effectively apply to your Title I programs in fiscal year 1970 over and above the present level of funding? In fiscal year 1971?

Answer: 1970 triple the funding—$250,000 to $265,000, 1971 triple the funding—$250,000 to $265,000.

In your judgment, do you believe that the Title I programs are needed to meet the special needs of educationally disadvantaged children?

Answer: Yes, with emphasis upon new approaches to teaching young children and continual staff training and retraining.

Do you regard your present Title I programs as effective in meeting special education needs of educationally disadvantaged children?

Answer: Somewhat effective if there has been early identification of problems and educational needs of the children.

Recent hearings in Washington disclosed that inadequate funding was the greatest obstacle in the path of more effectively reaching the disadvantaged. Others now contend that we cannot effectively utilize extra funds contained in the HEW Appropriation Bill because the funds are being misdirected and are not reaching the disadvantaged contemplated under Title I ESEA. Your brief comments on these contentions would be appreciated.

Comment: In this school district, as in most of the nation, there are few funds available to test new programs in order to establish a model for change. Federally funded programs allow school districts the opportunity for careful investigation and experimentation.

XUM

Response of Mr. Donald A. Dake, South Bend Community School Corporation, South Bend, Ind., January 26, 1970.

How many children in your district are benefitting from education programs funded under Title I of ESEA?

Answer: 2,273.

What is the ADA in your school district grades K–12?

Answer: 33,799.

What was the amount of your ESEA Title I grant in each of the following fiscal years?

Answer: 1968 $457,100, 1969 $464,571, 1970 $381,794.

What additional funds, if any, could you effectively apply to your Title I programs in fiscal year 1970 over and above the present level of funding? In fiscal year 1971?

Answer: 1970 $61,400, includes $41,490 for ten summer school programs, 1971 $478,894.

In your judgement, do you believe that the Title I programs are needed to meet the special needs of educationally disadvantaged children?

Answer: Yes, if Title I funds ceased, these children could not receive compensatory education. What is being done provides the children with specific helps, additional services, and individual attention to problems.

Do you regard your present Title I programs as effective in meeting special education needs of educationally disadvantaged children?

Answer: Yes. However, with each cut-back in funding important phases of the program have to be eliminated.

Recent hearings in Washington disclosed that inadequate funding was the greatest obstacle in the path of more effectively reaching the disadvantaged. Others now contend that we cannot effectively utilize extra funds contained in the HEW Appropriation Bill because the funds are being misdirected and are not reaching the disadvantaged contemplated under Title I ESEA. Your brief comments on these contentions would be appreciated.

Comment: We are able to plan effectively the programs we need for disadvantaged children by being assured of fundings and approvals in advance. Damage is done to programs due to inconsistencies and delays in funding and approval. Extra funds can be effectively used for their intended purposes, and with sufficient time for planning. A "windfall" cannot be expected to make possible the kinds of programs that long-range and in depth planning can achieve.

Response of Glenn Fletcher, Houston Independent, Houston, Tex.

How many children in your district are benefitting from education programs funded under Title I of ESEA?

Answer: 21,317.

What is the ADA in your school district grades K–12?

Answer: 221,557.

What was the amount of your ESEA Title I grant in each of the following fiscal years?

Answer: 1968 $3,548,670, 1969 $3,290,311, 1970 $2,847,951.

What additional funds, if any, could you effectively apply to your Title I programs in fiscal year 1970 over and above the present level of funding? In fiscal year 1971?

Answer: 1970 $1,700,000—to bring us back to 1968 level, 1971 $2,000,000—for food for needy children in Title I schools.

In your judgment, do you believe that the Title I programs are needed to meet the special needs of educationally disadvantaged children?

Answer: Yes.

Do you regard your present Title I programs as effective in meeting special education needs of educationally disadvantaged children?

Answer: Yes.

Recent hearings in Washington disclosed that inadequate funding was the greatest obstacle in the path of more effectively reaching the disadvantaged. Others now contend that we cannot effectively utilize extra funds contained in the HEW Appropriation Bill because the funds are being misdirected and are not reaching the disadvantaged contemplated under Title I ESEA. Your brief comments on these contentions would be appreciated.

Comment: As long as we must plan year by year with decreasing funds, there can be no long range educational planning.

Response of Lonny Parrish, Superintendent, Okmulgee City Schools, Oklahoma, January 26, 1970

How many children in your district are benefitting from education programs funded under Title I of ESEA?

Answer: 982 directly.

What is the ADA in your school district grades K–12?

Answer: 3,500.

What was the amount of your ESEA Title I grant in each of the following fiscal years?

Answer: 1968 $257,711, 1969 $223,543, 1970 $198,712.

What additional funds, if any, could you effectively apply to your Title I programs in fiscal year 1970 over and above the present level of funding? In fiscal year 1971?

Answer: 1970 $50,000, 1971 $50,000. We feel these funds should be restored to their 1968 level.

In your judgment, do you believe that the Title I programs are needed to meet the special needs of educationally disadvantaged children?

Answer: Yes. Over 30 percent of our students are Negro, the vast majority of which are educationally disadvantaged.

Do you regard your present Title I programs as effective in meeting special education needs of educationally disadvantaged children?

Answer: Yes. Title I funds are being used to pay the salaries of 18 additional teachers, 15 teachers aides, clerical aides, etc., who work with disadvantaged students. In addition to these teachers who work during the regular school term, another 12 are employed to teach summer school for those students who need additional help before going on to the next grade level.

Recent hearings in Washington disclosed that inadequate funding was the greatest obstacle in the path of more effectively reaching the disadvantaged. Others now contend that we cannot effectively utilize extra funds contained in the HEW Appropriation Bill because the funds are being misdirected and are not reaching the disadvantaged contemplated under Title I ESEA. Your brief comments on these contentions would be appreciated.

Comment: The charges that Title I funds are not reaching the disadvantaged are hogwash. To discontinue these services for disadvantaged youngsters that Title I funds would provide for education like stepping from the space age back into horse and buggy days.

Response of Dr. Robert E. Hummel, District Superintendent, Hemet Unified School District, California, January 26, 1970

How many children in your district are benefitting from education programs funded under Title I of ESEA?

Answer: 150.

What is the ADA in your school district grades K–12?

Answer: 5,220.

What was the amount of your ESEA Title I grant in each of the following fiscal years?

Answer: 1968 $40,975, 1969 $42,995, 1970 $46,369.

What additional funds, if any, could you effectively apply to your Title I programs in fiscal year 1970 over and above the present level of funding? In fiscal year 1971?

Answer: 1970 $8,000—ESL Instructor, supplies and other program, 1971 $16,000—1½ ESL Instructors, supplies and other program.

In your judgement, do you believe that the Title I programs are needed to meet the special needs of educationally disadvantaged children?

Answer: Yes.

Do you regard your present Title I programs as effective in meeting special education needs of educationally disadvantaged children?

Answer: Yes.

Recent hearings in Washington disclosed that inadequate funding was the greatest obstacle in the path of more effectively reaching the disadvantaged. Others now contend that we cannot effectively utilize extra funds contained in the HEW Appropriation Bill because the funds are being misdirected and are not reaching the disadvantaged contemplated under Title I ESEA. Your brief comments on these contentions would be appreciated.

Comment: Our ESEA budget has been carefully monitored by the Director of the Project and the Business Manager. Every expenditure is accounted for by amount and budget category. There are no exceptions. Our students show improvement in academic as well as personal worth every year of the project to date (this is the fourth year of Title I project participation).

Response of Raymond Christian, Superintendent, Birmingham Public Schools, Alabama, January 26, 1970

How many children in your district are benefitting from education programs funded under Title I of ESEA?

Answer: 53,000.

What is the ADA in your school district grades K–12?

Answer: 62,080.

What was the amount of your ESEA Title I grant in each of the following fiscal years?

Answer: 1968 $1,996,831, 1969 $1,837,699, 1970 $1,661,601.

What additional funds, if any, could you effectively apply to your Title I programs in fiscal year 1970 over and above the present level of funding? In fiscal year 1971?

Answer: 1970 $500,000, 1971 $750,000.

In your judgment, do you believe that the Title I programs are needed to meeet the special needs of educationally disadvantaged children?

Answer: Title I Programs are limited to Socio-Economic Educationally deprived children in certain districts. I believe that the whole school system should be eligible and all schools in it, then the superintendent can set up programs to meet the needs of educationally disadvantaged children in the system and not just part of the system that can qualify for Title I.

Do you regard your present Title I programs as effective in meeting special education needs of educationally disadvantaged children?

Answer: The Title I Programs in our system are meeting that portion of special educational needs of educationally disadvantaged children that it is funded for, but there are greater needs that we have funds for.

Recent hearings in Washington disclosed that inadequate funding was the greatest obstacle in the path of more effectively reaching the disadvantaged. Others now contend that we cannot effectively utilize extra funds contained in the HEW Appropriation Bill, because the funds are being misdirected and are not reaching the disadvantaged contemplated under Title I ESEA. Your brief comments on these contentions would be appreciated.

XUM

Comment: Inadequate funding is an obstacle in the path of effectively reaching more disadvantaged children. Also, the restrictions placed on funds limits what a school system can do with the funds. The school system has to keep up regular commitments to all schools, then add Title I Programs to certain qualified schools, which makes it difficult to reach all disadvantaged students because they are spread out over all the system. I do not know of any misdirected funds because we are checked when we present a budget, item by item. Then we have administrators visit to determine if we are doing what we say. So I can not see where misdirected funds come in. I think our State people are very conscientious in carrying out the policies set down.

Response of Aldrich A. Drahos, Cedar Rapids Community School District, Iowa, January 26, 1970

How many children in your district are benefiting from education programs funded under Title I of ESEA?

Answer: 1,747 (1968-69), total of which 423 were students attending nonpublic schools.

What is the ADA in your school district grades K-12?

Answer: 23,149.9.

What was the amount of your ESEA Title I grant in each of the following fiscal years?

Answer: 1968 $214,872, 1969 $267,898, 1970 $268,100.

What additional funds, if any, could you effectively apply to your Title I programs in fiscal year 1970 over and above the present level of funding? In fiscal year 1971?

Answer: 1970 $400,000 (estimate), 1971 $450,000 (estimate). This estimate is based on providing existing Title I services in all target schools.

In your judgment, do you believe that the Title I programs are needed to meet the special needs of educationally disadvantaged children?

Answer: The cost of programs for educationally disadvantaged could not be met with local funds alone. Federal funding added to local support has been the most logical choice.

Do you regard your present Title I programs as effective in meeting special education needs of educationally disadvantaged children?

Answer: The present programs have not been in operation long enough to provide sufficient evidence. Subjectively, there is general opinion that we are meeting needs for a limited part of the students. However, funds do not permit complete service to all disadvantaged children.

Recent hearings in Washington disclosed that inadequate funding was the greatest obstacle in the path of more effectively reaching the disadvantaged. Others now contend that we cannot effectively utilize extra funds contained in the HEW Appropriation Bill because the funds are being misdirected and are not reaching the disadvantaged contemplated under Title I ESEA. Your brief comments on these contentions would be appreciated.

Comment: It has been very disappointing to see such statements coming from what are considered reliable persons. Schools have spent considerable effort and time studying the disadvantaged. Statistical data from present standardized tests can not be used to develop present opinions. We do not have the instruments to measure the impact on the disadvantaged. Though I do not condone misdirection of Title I funds, evidence indicates most of the funds were used for other educational purposes. Instances of educators using the funds for personal benefits are rare. Most misdirection of funds cases seem to involve interpretation of eligibility.

Response of Stephen H. Howes, Jr., Springfield, Vt., January 26, 1970

How many children in your district are benefitting from education programs funded under Title I of ESEA?

Answer: 65.

What is the ADA in your school district grades K-12?

Answer: 2,700.

What was the amount of your ESEA Title I grant in each of the following fiscal years?

Answer: 1968 $21,686, 1969 $20,384, 1970 $22,965.

What additional funds, if any, could you effectively apply to your Title I programs in fiscal year 1970 over and above the present level of funding? In fiscal year 1971?

Answer: 1970 $3,000, 1971 $8,000. We presently only meet needs of exceptionally needy.

In your judgment, do you believe that the Title I programs are needed to meet the special needs of educationally disadvantaged children?

Answer: Yes.

Do you regard your present Title I programs as effective in meeting special educationally disadvantaged children?

Answer: Yes.

Recent hearings in Washington disclosed that inadequate funding was the greatest obstacle in the path of more effectively reaching the disadvantaged. Others now contend that we cannot effectively utilize extra funds contained in the HEW Appropriation Bill because the funds are being misdirected and are not reaching the disadvantaged contemplated under Title I ESEA. Your brief comments on these contentions would be appreciated.

Comment: We are not able to meet the needs of all of our educationally disadvantaged youngsters at present funding levels.

Response of James T. Ogg, Superintendent of Schools, Brownsville Consolidated Independent School District, Brownsville, Tex., January 26, 1970

How many children in your district are benefiting from education programs funded under Title I of ESEA?

Answer: 5,770.

What is the ADA in your school district grades K-12?

Answer: 15,533 (1968-69).

What was the amount of your ESEA Title I grant in each of the following fiscal years?

Answer: 1968, $1,027,317; 1969, $1,220,968; 1970, $797,528.

What additional funds, if any, could you effectively apply to your Title I programs in fiscal year 1970 over and above the present level of funding? In fiscal year 1971?

Answer: 1970, $500,000; 1971, $800,000.

In your judgment, do you believe that the Title I programs are needed to meet the special needs of educationally disadvantaged children?

Answer: Yes.

Do you regard your present Title I programs as effective in meeting special education needs of educationally disadvantaged children?

Answer: Yes.

Recent hearings in Washington disclosed that inadequate funding was the greatest obstacle in the path of more effectively reaching the disadvantaged. Others now contend that we cannot effectively utilize extra funds contained in the HEW Appropriation Bill because the funds are being misdirected and are not reaching the disadvantaged contemplated under Title I ESEA. Your brief comments on these contentions would be appreciated.

Comment: Additional and earlier funding would make effective planning and use with greater efficiency. Extra funds added now would make possible expanded services for summer. The physical and mental well being of the disadvantaged children of this district has been greatly improved through utilization of these funds.

Response of Sherman W. Wing, Superintendent, Provo City Schools, Utah, January 26, 1970

How many children in your district are benefitting from education programs funded under Title I of ESEA?

Answer: Over 500—many more children are indirectly affected when aides are hired to assist in the Instructional Media Center.

What is the ADA in your school district grades K-12?

Answer: 8,107.

What was the amount of your ESEA Title I grant in each of the following fiscal years?

Answer: 1968 $76,000, 1969 $55,000, 1970 $49,000.

What additional funds, if any, could you effectively apply to your Title I programs in fiscal year 1970 over and above the present level of funding? In fiscal year 1971?

Answer: 1970 $125,000, 1971 $133,000. We feel we have some outstanding programs under Title I. Because of lack of funds, we have had to cut some worthwhile programs.

In your judgement, do you believe that the Title I programs are needed to meet the special needs of educationally disadvantaged children?

Answer: Yes, Title I money has made it possible for us to finance programs for the educationally disadvantaged that we could not fund locally.

Do you regard your present Title I programs as effective in meeting special education needs of educationally disadvantaged children?

Answer: Yes, because of the experience we have had in developing programs under Title I, we feel we are presently making more of a contribution than ever before.

Recent hearings in Washington disclosed that inadequate funding was the greatest obstacle in the path of more effectively reaching the disadvantaged. Others now contend that we cannot effectively utilize extra funds contained in the HEW Appropriation Bill because the funds are being misdirected and are not reaching the disadvantaged contemplated under Title I ESEA. Your brief comments on these contentions would be appreciated.

Comment: We do not feel that the funds are being misdirected in the State of Utah. Proper administration from the State Department of Public Instruction level has helped greatly.

More money would be helpful in meeting the needs of the disadvantaged child. One of the greatest problems is not knowing from year to year how much money will be appropriated so adequate planning for programs can be made.

Response of Mr. B. F. Duncan, Superintendent, Columbia Municipal School District, Mississippi, January 26, 1970

How many children in your district are benefitting from education programs funded under Title I of ESEA?

Answer: 365 children.

What is the ADA in your school district grades K-12?

Answer: 2,282.

What was the amount of your ESEA Title I grant in each of the following fiscal years?

Answer: 1968 $202,873, 1969 $188,446, 1970 $133,961.

What additional funds, if any, could you effectively apply to your Title I programs in fiscal year 1970 over and above the present level of funding? In fiscal year 1971?

Answer: 1970 $225,000, 1971 $185,000.

In your judgment, do you believe that the Title I programs are needed to meet the special needs of educationally disadvantaged children?

Answer: Yes.

Do you regard your present Title I programs as effective in meeting special education needs of educationally disadvantaged children?

Answer: Yes.

Recent hearings in Washington disclosed that inadequate funding was the greatest obstacle in the path of more effectively reaching the disadvantaged. Others now contend that we cannot effectively utilize extra funds contained in the HEW Appropriation Bill because the funds are being misdirected and are not reaching the disadvantaged contemplated under Title I ESEA. Your brief comments on these contentions would be appreciated.

Comment: We do not know how other districts are spending Title I funds, but in our district these funds are definitely reaching the disadvantaged. We could use additional funds for helping the children who come from low-income families.

Response of J. L. Johnson, Superintendent, Winchester, Va., January 26, 1970

How many children in your district are benefiting from education programs funded under Title I of ESEA?

Answer: 309.

What is the ADA in your school district grades K–12?

Answer: 2,795.78.

What was the amount of your ESEA Title I grant in each of the following fiscal years?

Answer: 1968, $36,967.62; 1969, $40,555; 1970, $38,241.80.

What additional funds, if any, could you effectively apply to your Title I programs in fiscal year 1970 over and above the present level of funding? In fiscal year 1971?

Answer: 1970, $20,000; 1971, $20,000.

In your judgment, do you believe that the Title I programs are needed to meet the special needs of educationally disadvantaged children?

Answer: Yes. We have been unable to raise sufficient funds locally to provide the special materials, the equipment, the personnel to deal with the educationally disadvantaged pupil. In our migratory society they will probably become someone else's problem in the future. This, in other words, is a problem of national scope.

Do you regard your present Title I programs as effective in meeting special education needs of educationally disadvantaged children?

Answer: Yes, very much so. We simply cannot, from local funds, provide many of the services the educationally disadvantaged require to become successful learners. Among these are medical and dental services, psychological testing, special equipment and materials, and additional personnel.

Recent hearings in Washington disclosed that inadequate funding was the greatest obstacle in the path of more effectively reaching the disadvantaged. Others now contend that we cannot effectively utilize extra funds contained in the HEW Appropriation Bill because the funds are being misdirected and are not reaching the disadvantaged contemplated under Title I ESEA. Your brief comments on these contentions would be appreciated.

Comment: Our division receives a relatively small amount of money because we have fewer children from qualifying homes. We could use more funds per child. In our situation we believe that the funds have reached the disadvantaged children for whom they were intended and that these pupils have benefited from them.

Response of Dr. Bert M. Kleiman, Dade County Public Schools, Florida, January 26, 1970

How many children in your district are benefitting from education programs funded under Title I of ESEA?

Answer: 8,357.

What is the ADA in your school district grades K–12?

Answer: 227,744.

What was the amount of your ESEA Title I grant in each of the following fiscal years?

Answer: 1968 $3,419,439, 1969 $3,221,637, 1970 $3,176,645, potential funding at 100%, $2,970,551, present level of funding 90%.

What additional funds, if any, could you effectively apply to your Title I programs in fiscal year 1970 over and above the present level of funding? In fiscal year 1971?

Answer: 1970 $500,000, 1971 $4,000,000 (based upon 18,000 figure of eligible disadvantaged youngsters.)

In your judgment, do you believe that the Title I programs are needed to meet the special needs of educationally disadvantaged children?

Answer: Yes.

Do you regard your present Title I programs as effective in meeting special education needs of educationally disadvantaged children?

Answer: Considering present resources, we feel that the concentration of services on fewer children is an effective tool. We wish we had adequate funds to concentrate on *all* eligible children. We feel that our plan of having schools and community people design a needs based individual program is effective.

Recent hearings in Washington disclosed that inadequate funding was the greatest obstacle in the path of more effectively reaching the disadvantaged. Others now contend that we cannot effectively utilize extra funds contained in the HEW Appropriation Bill because the funds are being misdirected and are not reaching the disadvantaged contemplated under Title I ESEA. Your brief comments on these contentions would be appreciated.

Comment: ESEA, Title I services are provided to students identified by name and identification number and who meet the criteria of both being economically disadvantaged and having a particular educational deficit. In Dade County services are reaching the right children.

Response of J. Paul Beam, Superintendent, Cherokee County School District No. 1, Gaffney, S.C., January 26, 1970

How many children in your district are benefitting from education programs funded under Title I of ESEA?

Answer: 4,965.

What is the ADA in your school district grades K–12?

Answer: 8,030.

What was the amount of your ESEA Title I grant in each of the following fiscal years?

Answer: 1968 $382,581, 1969 $370,557, 1970 $312,718.

What additional funds, if any, could you effectively apply to your Title I programs in fiscal year 1970 over and above the present level of funding? In fiscal year 1971?

Answer: 1970 $50,000.00 (Summer Remedial Program), 1971 *Restoration* of cutbacks we have suffered over the past two years, plus an increase in funding by 25%.

In your judgment, do you believe that the Title I programs are needed to meet the special needs of educationally disadvantaged children?

Answer: Yes.

Do you regard your present Title I programs as effective in meeting special education needs of educationally disadvantaged children?

Answer: It is difficult to evaluate the real effectiveness of Title I program, since we feel that significant progress is long ranged; however, noticeable progress is effective in many of our activities and services funded through Title I, such as:

(1) Art and Music.
(2) Health Services.
(3) Guidance.
(4) Library Services.
(5) Reading.

Recent hearings in Washington disclosed that inadequate funding was the greatest obstacle in the path of more effectively reaching the disadvantaged. Others now contend that we cannot effectively utilize extra funds contained in the HEW Appropriation Bill because the funds are being misdirected and are not reaching the disadvantaged contemplated under Title I ESEA. Your brief comments on these contentions would be appreciated.

Comment: Inadequate funding has been an obstacle in these inflationary times. This year we have experienced salary raises and ever increasing cost of instructional materials. Local taxes are insufficient to produce better schools. Additional funds for FY 1970 could be used most effectively in providing summer remedial programs. We too have heard so much about Title I funds being misdirected and failing to reach the needs of disadvantaged children. We feel that Title I funds have been used wisely. During 1967–68 our Title I program was cited by the Office of Education as one among one hundred outstanding projects from across the nation.

Response of Arthur Shaver, Sioux Falls, Indian School District No. 1, Sioux Falls, S. Dak., January 26, 1970

How many children in your district are benefitting from education programs funded under Title I of ESEA?

Answer: 639.

What is the ADA in your school district grades K–12?

Answer: 17,476.

What was the amount of your ESEA Title I grant in each of the following fiscal years?

Answer: 1968 $179,498, 1969 $230,759, 1970 $207,811.

What additional funds, if any, could you effectively apply to your Title I programs in fiscal year 1970 over and above the present level of funding? In fiscal year 1971?

Answer: 1970 $250,000, 1971 $325,000.

In your judgment, do you believe that the Title I programs are needed to meet the special needs of educationally disadvantaged children?

Answer: Definitely. Local sources now provide 83% of our revenue, and property taxes are at a maximum. State financing resources are not adequate to support a higher level of funding.

Do you regard your present Title I programs as effective in meeting special education needs of educationally disadvantaged children?

Answer: Definitely. Recent studies are showing meaningful results. Educational levels of disadvantaged children have been raised.

Recent hearings in Washington disclosed that inadequate funding was the greatest obstacle in the path of more effectively reaching the disadvantaged. Others now contend that we cannot effectively utilize extra funds contained in the HEW Appropriation Bill because the funds are being misdirected and are not reaching the disadvantaged contemplated under Title I ESEA. Your brief comments on these contents would be appreciated.

Comment: The Title I funds for this district are reaching the disadvantaged. Our problem becomes one of planning. We are now in a situation where funds, if appropriated, must be planned and spent in a short period of time. If allocations were made in advance of the fiscal year for which they are to be spent, more effective use of funds would be accomplished.

Response of Victor E. Solheim, Assistant Superintendent, Bismarck Public School District No. 1, Bismarck, N. Dak., January 26, 1970

How many children in your district are benefitting from education programs funded under Title I of ESEA?

Answer: Most programs approximately 500 students, one T.V. program in music reaches a wider area on live T.V., approximate audience 1,700 students.

What is the ADA in your school district grades K–12?

Answer: Approximately 8,000, grades 1 to 12.

What was the amount of your ESEA Title I grant in each of the following fiscal years?

Answer: 1968 $62,722.74, 1969 $59,560.75, 1970 $52,505.06.

What additional funds, if any, could you effectively apply to your Title I programs in fiscal year 1970 over and above the present level of funding? In fiscal year 1971?

Answer: 1970 an additional 15 to 20 thousand dollars can be wisely used and spent on reading and other programs. 1971 $10,000 to $15,000.

In your judgment, do you believe that the Title I programs are needed to meet the special needs of educationally disadvantaged children?

Answer: Yes, to what extent is difficult to determine—the small sum of money granted by the Federal government in a district where the overall expenditure amounts to 4½ million dollars, could certainly be increased.

Do you regard your present Title I programs as effective in meeting special education needs of educationally disadvantaged children?

Answer: Yes, but more is needed. I believe you are aware of the fact that we need a reassessment in national priorities.

Recent hearings in Washington disclosed that inadequate funding was the greatest obstacle in the path of more effectively reaching the disadvantaged. Others now contend that we cannot effectively utilize extra funds contained in the HEW Appropriation Bill because the funds are being misdirected and are not reaching the disadvantaged contemplated under Title I ESEA. Your brief comments on these contentions would be appreciated.

Comment: I believe we need to re-emphasize education, light poverty and social ills. Some "lean" beginnings could be made by simply trimming the "fat" from the defense budget. The cost of one major military plane could do much for 150,000 schoolchildren in N. Dak. It is terribly late!

Response of Robert Z. Belles, Superintendent, Principal, Lake-Lehman, Lehman, Pa., January 26, 1970

How many children in your district are benefitting from education programs funded under Title I of ESEA?

Answer: 343.

What is the ADA in your school district grades K–12?

Answer: 1,918.9.

What was the amount of your ESEA Title I grant in each of the following fiscal years?

Answer: 1968 $51,929.85, 1969 $42,091.26, 1970 $41,274.

What additional funds, if any could you effectively apply to your Title I programs in fiscal year 1970 over and above the present level of funding? In fiscal year 1971?

Answer: 1970 $10,000, 1971 $10,000.

In your judgment, do you believe that the Title I programs are needed to meet the special needs of educationally disadvantaged children?

Answer: Yes.

Do you regard your present Title I programs as effective in meeting special education needs of educationally disadvantaged children?

Answer: Statistics to-date show improvement of children under Title I programs. Allows for lower pupil-teacher ratio.

Recent hearings in Washington disclosed that inadequate funding was the greatest obstacle in the path of more effectively reaching the disadvantaged. Others now contend that we cannot effectively utilize extra funds contained in the HEW Appropriation Bill because the funds are being misdirected and are not reaching the disadvantaged contemplated under Title I ESEA. Your brief comments on these contentions would be appreciated.

Comment: Our district is doing its best to work with educationally disadvantaged children. All monies received are used only in this program. Teachers' salaries take nearly all money and they work only with these children.

Response of Dr. Jay L. Gruener, Assistant Superintendent, Research and Development, Norristown Area Schools, Norristown, Pa., January 26, 1970

How many children in your district are benefitting from education programs funded under Title I of ESEA?

Answer: 815, but we focus on three target areas serving three elementary schools.

What is the ADA in your school district grades K–12?

Answer: 9,624.31.

What was the amount of your ESEA Title I grant in each of the following fiscal years?

Answer: 1968 $72,000, 1969 $89,000, 1970 $100,000.

What additional funds, if any, could you effectively apply to your Title I programs in fiscal year 1970 over and above the present level of funding? In fiscal year 1971?

Answer: 1970 $10,000, 1971 $20,000.

In your judgment, do you believe that the Title I programs are needed to meet the special needs of educationally disadvantaged children?

Answer: Yes. It is clear, by observation alone, that these children need more educational, medical, and psychological help than normal children. They need personnel who understand them and can meet them in small groups.

Do you regard your present Title I programs as effective in meeting special education needs of educationally disadvantaged children?

Answer: Yes. Our program provides remedial reading, medical, dental, and psychological services for primary children. We have found our program to be most effective and getting better each year.

Recent hearings in Washington disclosed that inadequate funding was the greatest obstacle in the path of more effectively reaching the disadvantaged. Others now contend that we cannot effectively utilize extra funds contained in the HEW Appropriation Bill because the funds are being misdirected and are not reaching the disadvantaged contemplated under Title I ESEA. Your brief comments on these contentions would be appreciated.

Comment: All that I can say is that they are not being misdirected here. Our funds are not used to pay administrators but used for personnel, medical, dental, and psychological services, and equipment only. The school district has assumed all administrative costs.

Response of Dr. Henry F. Paterson, Jr., Hazleton Area School District, Hazleton, Pa., January 26, 1970

How many children in your district are benefitting from education programs funded under Title I of ESEA?

Answer: 1,418.

What is the ADA in your school district grades K–12?

Answer: 11,777.

What was the amount of your ESEA Title I grant in each of the following fiscal years?

Answer: 1968 $321,153, 1969 $259,068, 1970 $221,412.

What additional funds, if any, could you effectively apply to your Title I programs in fiscal year 1970 over and above the present level of funding? In fiscal year 1971?

Answer: 1970 $114,840, 1971 $125,850.

In your judgment, do you believe that the Title I programs are needed to meet the special needs of educationally disadvantaged children?

Answer: There is a vital need for programs to meet the needs of the educationally disadvantaged children.

Do you regard your present Title I programs as effective in meeting special education needs of educationally disadvantaged children?

Answer: The Title I program of the local school district is meeting the special educational needs of the disdavantaged children.

Recent hearings in Washington disclosed that inadequate funding was the greatest obstacle in the path of more effectively reaching the disadvantaged. Others now contend that we cannot effectively utilize extra funds contained in the HEW Appropriation Bill because the funds are being misdirected and are not reaching the disadvantaged contemplated under Title I ESEA. Your brief comments on these contentions would be appreciated.

Comment: The most urgent need of the local school district is the necessary funding to implement the present functional program.

Response of Mr. Billy C. Earles, Abilene Independent School District, Abilene, Tex., January 26, 1970

How many children in your district are benefiting from education programs funded under Title I of ESEA?

Answer: 1,432.

What is the ADA in your school district grades K–12?

Answer: 18,700.88—1969–70.

What was the amount of your ESEA Title I grant in each of the following fiscal years?

Answer: 1968 *$222,261,* 1969 *$233,899,* 1970 *$191,315.*

What additional funds, if any, could you effectively apply to your Title I programs in fiscal year 1970 over and above the present level of funding? In fiscal year 1971?

Answer: 1970 *$200,000,* above present funding level, 1971 *$50,000,* above 1970 recommended funding level.

In your judgment, do you believe that the Title I programs are needed to meet the special needs of educationally disadvantaged children?

Answer: Yes. The students who participated in the Title I Programs in the school system are those students who need special help beyond the program offered by our district before the advent of Title I funds.

Do you regard your present Title I Programs as effective in meeting special education needs of educationally disadvantaged children?

Answer: Yes. Since the beginning of Title I Programs in our school system the drop-out rate at the secondary school level has decreased tremendously.

Recent hearings in Washington disclosed that inadequate funding was the greatest obstacle in the path of more effectively reaching the disadvantaged. Others now contend that we cannot effectively utilize extra funds contained in the HEW Appropriation Bill because the funds are being misdirected and are not reaching the disadvantaged contemplated under Title I ESEA. Your brief comments on these contentions would be appreciated.

Comment: Additional funds are needed in order to provide more services for more students in our school system who qualify ac-

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cording to the guidelines set up by Title I of the Elementary and Secondary Education Act. In Texas, the Texas Education Agency screens our applications and monitors our programs to see that we stay within the guidelines set up in this act. The present funds are meeting the needs of about 60 percent of the children in our district who qualify under this act.

RESPONSE OF MR. W. PAUL WASSUM, CABELL COUNTY SCHOOL SYSTEM, HUNTINGTON, W. VA., JANUARY 26, 1970

How many children in your district are benefitting from education programs funded under Title I of ESEA?

Answer: Approximately 3,500.

What is the ADA in your school district grades K–12?

Answer: 19,881.42 for 70 days (21,446 total enrollment).

What was the amount of your ESEA Title I grant in each of the following fiscal years?

Answer: 1968 $508,000, 1969 $460,000, 1970 $414,058 (continuing resolution).

What additional funds, if any, could you effectively apply to your Title I programs in fiscal year 1970 over and above the present level of funding? In fiscal year 1971?

Answer: 1970–71—at least an amount equal to the 1968 grant.

In your judgment, do you believe that the Title I programs are needed to meet the special needs of educationally disadvantaged children?

Answer: Yes.

Do you regard your present Title I programs as effective in meeting special education needs of educationally disadvantaged children?

Answer: Yes.

Recent hearings in Washington disclosed that inadequate funding was the greatest obstacle in the path of more effectively reaching the disadvantaged. Others now contend that we cannot effectively utilize extra funds contained in the HEW Appropriation Bill because the funds are being misdirected and are not reaching the disadvantaged contemplated under Title I ESEA. Your brief comments on these contentions would be appreciated.

Comment: There appears to be an unjustified assumption on the part of those who feel that funds are being misdirected—they are assuming that all programs are misdirected. For those who have made every endeavor to follow all guidelines carefully, such statements and assumptions help only to cause discontent and to lower morale. Lack of adequate funding is, in my opinion, the greatest deterrent to the success of ESEA Title I programs.

RESPONSE OF GLENN E. ENGELKING, NO. 3, LOVELL, WYO., JANUARY 26, 1970

How many children in your district are benefitting from education programs funded under Title I of ESEA?

Answer: 603.

What is the ADA in your school district grades K–12?

Answer: 911.2.

What was the amount of your ESEA Title I grant in each of the following fiscal years?

Answer: 1968 $10,622, 1969 $12,680, 1970 $10,482.

What additional funds, if any, could you effectively apply to your Title I programs in fiscal year 1970 over and above the present level of funding? In fiscal year 1971?

Answer: 1970 $8,000, 1971 $8,500.

In your judgment, do you believe that the Title I programs are needed to meet the special needs of educationally disadvantaged children?

Answer: Yes.

Do you regard your present Title I programs as effective in meeting special education needs of educationally disadvantaged children?

Answer: Yes.

Recent hearings in Washington disclosed that inadequate funding was the greatest obstacle in the path of more effectively reaching the disadvantaged. Others now contend that we cannot effectively utilize extra funds contained in the HEW Appropriation Bill because the funds are being misdirected and are not reaching the disadvantaged contemplated under Title I ESEA. Your brief comments on these contentions would be appreciated.

Comment: Funding is the major burden of the local school districts in that local districts often are unable to provide those services needed to help the disadvantaged. Local districts are doing their utmost to direct these funds toward the needs of the disadvantaged.

RESPONSE OF SEDLEY STEWART, LEE COUNTY, BEATTYVILLE, KY., JANUARY 26, 1970

How many children in your district are benefitting from education programs funded under Title I of ESEA?

Answer: 745 in scheduled Title I Classes. All children are involved in Title I Library Program.

What is the ADA in your school district grades K–12?

Answer: 1,750.

What was the amount of your ESEA Title I grant in each of the following fiscal years?

Answer: 1968 $185,776, 1969 $169,814, 1970 $143,780.

What additional funds, if any, could you effectively apply to your Title I programs in fiscal year 1970 over and above the present level of funding? In fiscal year 1971?

Answer: 1970 $16,000, 1971 $160,000 (total).

In your judgement, do you believe that the Title I programs are needed to meet the special needs of educationally disadvantaged children?

Answer: Yes.

Do you regard your present Title I programs as effective in meeting special education needs of educationally disadvantaged children?

Answer: It is the opinion of the majority of our regular teachers that our Title I Program has been of great help to our students who have participated in Title I funded programs.

Recent hearings in Washington disclosed that inadequate funding was the greatest obstacle in the path of more effectively reaching the disadvantaged. Others now contend that we cannot effectively utilize extra funds contained in the HEW Appropriation Bill because the funds are being misdirected and are not reaching the disadvantaged contemplated under Title I ESEA. Your brief comments on these contentions would be appreciated.

Comment: More than 60 per cent of the children in Lee County Schools meet the economic requirements for Title I Assistance. Title I has purchased, for a large number of our children, medical and dental, as well as, educational services which would not have been possible with local funds.

RESPONSE OF SPENCER E. DOUGLAS, STEUBENVILLE CITY, ADMINISTRATIVE OFFICE, STEUBENVILLE, OHIO, JANUARY 26, 1970

How many children in your district are benefitting from education programs funded under Title I of ESEA?

Answer: 300.

What is the ADA in your school district grades K–12?

Answer: 4,400.4.

What was the amount of your ESEA Title I grant in each of the following fiscal years?

Answer: 1968 $129,523.06, 1969 $131,864.68, 1970 $116,810.22.

What additional funds, if any, could you effectively apply to your Title I programs in fiscal year 1970 over and above the present level of funding? In fiscal year 1971?

Answer: 1970 $35,000, 1971 $35,000.

In your judgment, do you believe that the Title I programs are needed to meet the special needs of educationally disadvantaged children?

Answer: Yes.

Do you regard your present Title I programs as effective in meeting special education needs of educationally disadvantaged children?

Answer: No, due to inadequate funding. We have need for more classrooms and instructors.

Recent hearings in Washington disclosed that inadequate funding was the greatest obstacle in the path of more effectively reaching the disadvantaged. Others now contend that we cannot effectively utilize extra funds contained in the HEW Appropriation Bill because the funds are being misdirected and are not reaching the disadvantaged contemplated under Title I ESEA. Your brief comments on these contentions would be appreciated.

Comment: Inadequate funding is our greatest problem in trying to meet the needs of the educationally disadvantaged. The contention that funds are being misdirected is not true in our district.

RESPONSE OF DR. DUANE W. SMITH, DIRECTOR OF PUPIL PERSONNEL, LOS ALAMOS SCHOOLS, LOS ALAMOS, N. MEX., JANUARY 26, 1970

How many children in your district are benefitting from education programs funded under Title I of ESEA?

Answer: 48.

What is the ADA in your school district grades K–12?

Answer: 4,851.

What was the amount of your ESEA Title I grant in each of the following fiscal years?

Answer: 1968 $13,147, 1969 $12,347, 1970 $10,304.

What additional funds, if any, could you effectively apply to your Title I programs in fiscal year 1970 over and above the present level of funding? In fiscal year 1971?

Answer: 1970 $20,000, 1971 $25,000.

In your judgment, do you believe that the Title I programs are needed to meet the special needs of educationally disadvantaged children?

Answer: Yes.

Do you regard your present Title I programs as effective in meeting special education needs of educationally disadvantaged children?

Answer: Yes.

Recent hearings in Washington disclosed that inadequate funding was the greatest obstacle in the path of more effectively reaching the disadvantaged. Others now contend that we cannot effectively utilize extra funds contained in the HEW Appropriation Bill because the funds are being misdirected and are not reaching the disadvantaged contemplated under Title I ESEA. Your brief comments on these contentions would be appreciated.

Comment: We have been able to direct some $35,000.00 over the past three years toward a program in learning disabilities for students identified with these problems. I certainly believe the program has been successful in starting these children on the correct "path" toward a worthwhile education.

In these three years, approximately 150 students have been served. If only a small percentage of these students were helped to a point where they stay off the welfare roles later in life, it would be money well spent.

RESPONSE OF THOMAS CHESLEY, TITLE I CONTACT PERSON, RUTLAND CITY SCHOOLS, RUTLAND, VT., JANUARY 26, 1970

How many children in your district are benefitting from education program funded under Title I of ESEA?

Answer: Approximately 600.

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What is the ADA in your school district grade K–12?

Answer: 3,791.

What was the amount of your ESEA Title I grant in each of the following fiscal years?

Answer: 1968 $34,172, 1969 $41,360, 1970 $41,543.

What additional funds, if any, could you effectively apply to your Title I programs in fiscal year 1970 over and above the present level of funding. In fiscal year 1971?

Answer: 1970 $15,000. A difficult question since there are many needs which appear to have no end—health services, for example. We could profitably expand our teacher aid program, our social work services, our summer school, and learning disabilities programs.

In your judgment, do you believe that the Title I programs are needed to meet the special needs of educationally disadvantaged children?

Answer: It has been our experience that Title I funds have started many programs for disadvantaged students which would not otherwise have been started. It has been used as "seed" money in this system to begin programs which have, at least in part, been taken over by local tax effort.

Do you regard your present Title I programs as effective in meeting special education needs of educationally disadvantaged children?

Answer: We are very pleased with our Title I programs. They have been developed at every level, and have involved staff in planning. We are able to document cases of spectacular change in students as a result of Title I programs. We have a long way to go, but our present Title I funds have given the community a big boost.

Recent hearings in Washington disclosed that inadequate funding was the greatest obstacle in the path of more effectively reaching the disadvantaged. Others now contend that we cannot effectively utilize extra funds contained in the HEW Appropriation Bill because the funds are being misdirected and are not reaching the disadvantaged contemplated under Title I ESEA. Your brief comments on these contentions would be appreciated.

Comment: The system is most careful that Title I funds are spent as they are intended to be spent—to provide programs for disadvantaged. We do not use the funds to reduce the local tax effort. We do not charge administrative expenses to Title I. In looking back over the years of Title I, we would have to say some of our programs have produced better results than others, but all the programs have been designed in keeping with Title I guidelines. In the ESEA act, it was first felt that Title III was the "sleeper," and that the most significant changes would come from this Title. It is very possible that Title I has had more influence on educational change than Title III, and that it has more potential for change than has been realized.

RESPONSE OF WENDELL G. EATON, BANGOR SCHOOL DEPARTMENT, BANGOR, MAINE, JANUARY 26, 1970

How many children in your district are benefitting from education programs funded under Title I of ESEA?

Answer: 261.

What is the ADA in your school district grades K–12?

Answer: 6,068 during the 1968–69 school year.

What was the amount of your ESEA Title I grant in each of the following fiscal years?

Answer: 1968 $77,806, 1969 $77,606.78, 1970 $77,034.

What additional funds, if any, could you effectively apply to your Title I programs in fiscal year 1970 over and above the present level of funding? In fiscal year 1971?

Answer: 1970 $20,000, 1971 $20,000.

In your judgment, do you believe that the Title I programs are needed to meet the special needs of educationally disadvantaged children?

Answer: Yes.

Do you regard your present Title I programs as effective in meeting special education needs of educationally disadvantaged children?

Answer: Partially. Additional funds would make it possible to provide pre-school services.

Recent hearings in Washington disclosed that inadequate funding was the greatest obstacle in the path of more effectively reaching the disadvantaged. Others now contend that we cannot effectively utilize extra funds contained in the HEW Appropriation Bill because the funds are being misdirected and are not reaching the disadvantaged contemplated under Title I ESEA. Your brief comments on these contentions would be appreciated.

Comment: It is possible that some funds are misdirected, but special education for these youngsters is necessary if we are to win the war on poverty.

RESPONSE OF HELENA PUBLIC SCHOOLS, DISTRICT NO. 1, GERALD W. ROTH, COORDINATOR OF FEDERAL PROJECTS, HELENA, JANUARY 26, 1970

How many children in your district are benefitting from education programs funded under Title I of ESEA?

Answer: 157.

What is the ADA in your school district grades K–12?

Answer: 1968–69 Grades 1 to 6, 2,727, Grades 7 to 9, 970, Grades 10 to 12, 2,085.

What was the amount of your ESEA Title I grant in each of the following fiscal years?

Answer: 1968 $73,026, 1969 $52,208, 1970 $44,802.

What additional funds, if any, could you effectively apply to your Title I programs in fiscal year 1970 over and above the present level of funding? In fiscal year 1971?

Answer: 1970 $25,000, 1971 $50,000.

In your judgment, do you believe that the Title I programs are needed to meet the special needs of educationally disadvantaged children?

Answer: Yes.

Do you regard your present Title I programs as effective in meeting special education needs of educationally disadvantaged children?

Answer: Yes.

Recent hearings in Washington disclosed that inadequate funding was the greatest obstacle in the path of more effectively reaching the disadvantaged. Others now contend that we cannot effectively utilize extra funds contained in the HEW Appropriation Bill because the funds are being misdirected and are not reaching the disadvantaged contemplated under Title I ESEA. Your brief comments on these contentions would be appreciated.

Comment: Our records indicate no misappropriations and these coincide with records of Montana State Department of Public Instruction. Additional funds are vitally needed to insure continuation of quality education programs for the disadvantaged.

RESPONSE OF DAVID H. PORTER, HARRISBURG CITY SCHOOL DISTRICT; HARRISBURG, PA., JANUARY 26, 1970

How many children in your district are benefitting from education programs funded under Title I of ESEA?

Answer: 3,671.

What is the ADA in your school district grades K–12?

Answer: 11,948.

What was the amount of your ESEA Title I grant in each of the following fiscal years?

Answer: 1968 $488,973.51, 1969 $552,966.51, 1970 $506,239.67.

What additional funds, if any, could you effectively apply to your Title I programs in fiscal year 1970 over and above the present level of funding? In fiscal year 1971?

Answer: 1970 $250,000, 1971 $270,000.

In your judgment, do you believe that the Title I programs are needed to meet the special needs of educationally disadvantaged children?

Answer: Yes.

Do you regard your present Title I programs as effective in meeting special education needs of educationally disadvantaged children?

Answer: Yes.

Recent hearings in Washington disclosed that inadequate funding was the greatest obstacle in the path of more effectively reaching the disadvantaged. Others now contend that we cannot effectively utilize extra funds contained in the HEW Appropriation Bill because the funds are being misdirected and are not reaching the disadvantaged contemplated under Title I ESEA. Your brief comments on these contentions would be appreciated.

Comment: Insufficient funds limit the scope of present programs. Our priorities are to serve the most needy within the limits of our present ESEA resources. Many children with numerous educational disabilities could benefit from increased compensatory programs.

RESPONSE OF DUDLEY P. VAN ARNAM, SUPERINTENDENT, CITY SCHOOL DISTRICT OF TROY, TROY, N.Y., JANUARY 26, 1970

How many children in your district are benefitting from education programs funded under Title I of ESEA?

Answer: 1,740.

What is the ADA in your school district grades K12?

Answer: 6,159.

What was the amount of your ESEA Title I grant in each of the following fiscal years?

Answer: 1968 $397,039.41, 1969 $348,860.32, 1970 $444,033 (tentative).

What additional funds, if any, could you effectively apply to your Title I programs in fiscal year 1970 over and above the present level of funding? In fiscal year 1971?

Answer: 1970 $100,000, 1971 double the current allocation since the numbers of disadvantaged children is twice the figure upon which the allocation is based.

In your judgment, do you believe that the Title I programs are needed to meet the special needs of educationally disadvantaged children?

Answer: Yes, the correlation between education and income producing ability is high, the greatest resource of any nation is its people—to provide the vehicle for solving the problems of those persons not in the mainstream of American life is a definite need.

Do you regard your present Title I programs as effective in meeting special education needs of educationally disadvantaged children?

Answer: In so far as the all-out approach or the concentration of services to disadvantaged children as being effective, the answer is yes.

Recent hearings in Washington disclosed that inadequate funding was the greatest obstacle in the path of more effectively reaching the disadvantaged. Others now contend that we cannot effectively utilize extra funds contained in the HEW Appropriation Bill because the funds are being misdirected and are not reaching the disadvantaged contemplated under Title I ESEA. Your brief comments on these contentions would be appreciated.

Comment: Inadequate funding is only one of the major problems; the second is the delay in appropriation and the frustration in planning for programs prior to notification of allocation.

This school district can indeed utilize effectively extra funds in Title 1, 11, NDEA 111 since planning activities are on-going. I am certain all other cities do not terminate planning as soon as a project application is submitted.

I should like to state, however, the ESEA Title II and III special grants have not always found their way to cities. Standards are so high that cities, for whom these programs were intended often are ruled out.

Response of Kenneth E. Warling, Fairfield Union Local, Lancaster, Ohio, January 26, 1970

How many children in your district are benefitting from education programs funded under Title I of ESEA?

Answer: 168 per year.

What is the ADA in your school district grades K–12?

Answer: 1,969 this year.

What was the amount of your ESEA Title I grant in each of the following fiscal years?

Answer: 1968 $33,095.90, $1969 $22,625.44, 1970 $24,779.22.

What additional funds, if any, could you effectively apply to your Title I programs in fiscal year 1970 over and above the present level of funding? In fiscal year 1971?

Answer: 1970 $7,000 (additional teacher), 1971 $7,000 (additional teacher).

In your judgment, do you believe that the Title I programs are needed to meet the special needs of educationally disadvantaged children?

Answer: Very definitely, otherwise, we just are not financially able to provide the specialized training needs.

Do you regard your present Title I programs as effective in meeting special education needs of educationally disadvantaged children?

Answer: Very definitely. We have used only what we needed for the program. One year we turned back $3,000 which we were not geared to use. I might say we were not popular with some people above us for being realistic in the use as to need.

Recent hearings in Washington disclosed that inadequate funding was the greatest obstacle in the path of more effectively reaching the disadvantaged. Others now contend that we cannot effectively utilize extra funds contained in the HEW Appropriation Bill because the funds are being misdirected and are not reaching the disadvantaged contemplated under Title I ESEA. Your brief comments on these contentions would be appreciated.

Comment: It is meeting our needs. We are near the Appalachia area and I think are funded fairly to meet our needs for our area.

Response of Dr. Robert E. Kelly, Superintendent, Los Angeles Unified School District, Los Angeles, Calif., January 26, 1970

How many children in your district are benefitting from education programs funded under Title I of ESEA?

Answer: 61,000.

What is the ADA in your school district grades K–12?

Answer: 650,000.

What was the amount of your ESEA Title I grant in each of the following fiscal years?

Answer: 1968 $16,200,000, 1969 $15,028,000, 1970 $15,288,666.

What additional funds, if any, could you effectively apply to your Title I programs in fiscal year 1970 over and above the present level of funding? In fiscal year 1971?

Answer: 1970 $8,000,000, 1971 $21,000,000.

In your judgment, do you believe that the Title I programs are needed to meet the special needs of educationally disadvantaged children?

Answer: Yes. The Los Angeles Unified School District would be unable to meet the special needs of educationally disadvantaged children without the assistance of ESEA, Title I. It has been the District's experience and the experience in California that programs for these young people cannot be conducted on a piecemeal base. Programs must contain sufficient resources to do an adequate job, not only in the year that the program is conducted, but also in following the child for a substantial period of time to insure the child is able to maintain his progress in the school.

Do you regard your present Title I programs as effective in meeting special education needs of educationally disadvantaged children?

Answer: Title I programs are only partially effective in meeting the special education needs of educationally disadvantaged children. The effectiveness of the program is reduced by a number of factors which are beyond the ability of local school districts to remedy. These include late funding, uncertainty of entitlements, the inability of school districts to include programs for disadvantaged young people in their regular planning procedure annually, and the revisions of guidelines from the State Department of Education which change the direction of programs at the local level.

Recent hearings in Washington disclosed that inadequate funding was the greatest obstacle in the path of more effectively reaching the disadvantaged. Others now contend that we cannot effectively utilize extra funds contained in the HEW Appropriation Bill because the funds are being misdirected and are not reaching the disadvantaged contemplated under Title I ESEA. Your brief comments on these contentions would be appreciated.

Comment: The Los Angeles School District whole-heartedly agrees that inadequate funding is one of the greatest obstacles in the path of more effectively reaching disadvantaged young people. In Los Angeles for an example, based on the formula developed by the Congress, we have in excess of 120,000 young people who qualify as educationally disadvantaged. The funds received by the District allows us to conduct a program for approximately 60,000 of these young people. The District has been unable, with District funds or with funds from State Departments of Education, to conduct programs for the remaining 60,000 eligible children in the District. Los Angeles has been audited frequently by HEW and recently by the General Accounting Office and has a clean record in terms of directing the funds to young people who are eligible for the program. In fact, in the two most recent audits, one conducted by HEW, one conducted by the General Accounting Office, there were a total of four audit exceptions; three of these audit exceptions were based on procedures established by the State. The fourth was a minor exception relating to record keeping for equipment at the local school level while records at the central office were more than adequate to satisfy the needs of the auditor.

School districts, of course, are placed under great pressures by communities to provide programs for their young people. In Los Angeles, currently, there are three major sections of the school district with substantial numbers of young people who classify as disadvantaged where programs are not being conducted under ESEA Title I. This situation is the result of inadequate funding and because State guidelines require districts to concentrate their efforts on limited numbers of young people. Los Angeles receives an entitlement of approximately $15,000,000 a year. The actual amount authorized for Los Angeles would exceed $40,000,000 if the bill were fully funded. Full funding of ESEA Title I would allow the District to reach each eligible child with a program designed to assure the maximum effectiveness of the funds in Los Angeles.

Response of Sulphur Independent School District One, Murray County, Sulphur, Okla., January 26, 1970.

How many children in your district are benefitting from education programs funded under Title I of ESEA?

Answer: 262.

What is the ADA in your school district grades K–12?

Answer: 1,150 (1968–69). 1,230 (1969–70 to date).

What was the amount of your ESEA Title I grant in each of the following fiscal years?

Answer: 1968 $57,297, 1969 $55,413, 1970 $47,644.

What additional funds, if any, could you effectively apply to your Title I programs in fiscal year 1970 over and above the present level of funding? In fiscal year 1971?

Answer 1970 unlimited amount, 1971 unlimited amount.

In your judgment, do you believe that the Title I programs are needed to meet the special needs of educationally disadvantaged children?

Answer: Yes, there are many children we could assist if more money were available.

Do you regard your present Title I programs as effective in meeting special education needs of educationally disadvantaged children?

Answer: Yes, although our programs need expanding but our funds are limited.

Recent hearings in Washington disclosed that inadequate funding was the greatest obstacle in the path of more effectively reaching the disadvantaged. Others now contend that we cannot effectively utilize extra funds contained in the HEW Appropriation Bill because the funds are being misdirected and are not reaching the disadvantaged contemplated under Title I ESEA. Your brief comments on these contentions would be appreciated.

Comment: Our funds are being utilized to a great advantage although they spread over too large an area. In many schools I am sure space and facilities are limited which also limits the programs which might otherwise be available.

If in determining the programs needed, you considered the salary of an instructor only, it would not cost a great deal to expand our programs but the physical plant needs sometimes are limited.

Our allotment should be determined early to assure us receiving the amount before we plan our program.

Response of T. J. Silvey Superintendent, Calico Rock School District No. 50, Calico Rock, Ark.

How many children in your district are benefitting from education programs funded under Title I of ESEA?

Answer: 228.

What is the ADA in your school district grades K–12?

Answer: 422.

What was the amount of your ESEA Title I grant in each of the following fiscal years?

Answer: 1968 $28,462, 1969 $28,163, 1970 $25,347.

What additional funds, if any, could you effectively apply to your Title I programs in fiscal year 1970 over and above the present level of funding? In fiscal year 1971?

Answer: $1970 $21,000, 1971 $48,000.

In your judgment, do you believe that the Title I programs are needed to meet the special needs of educationally disadvantaged children?

Answer: Yes. Relaxing regulations as to use would let this school do a much better job.

Do you regard your present Title I programs as effective in meeting special education needs of educationally disadvantaged children?

Answer: No. The grant is insufficient to provide the minimum defensible educational

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program much less permit the development of a curriculum that would alleviate more of the problems of the educationally disadvantaged.

Recent hearings in Washington disclosed that inadequate funding was the greatest obstacle in the path of more effectively reaching the disadvantaged. Others now contend that we cannot effectively utilize extra funds contained in the HEW Appropriation Bill because the funds are being misdirected and are not reaching the disadvantaged contemplated under Title I ESEA. Your brief comments on these contentions would be appreciated.

No comment.

Response of Dr. Robert F. Hardenbrook, Assistant Superintendent, Riverside Unified School District, Riverside, Calif., January 26, 1970

How many children in your district are benefitting from education programs funded under Title I of ESEA?

Answer: 664.

What is the ADA in your school district grades K–12?

Answer: 27,785.

What was the amount of your ESEA Title I grant in each of the following fiscal years?

Answer: 1968 $275,444, 1969 $254,725, 1970 $204,160.

What additional funds, if any, could you effectively apply to your Title I programs in fiscal year 1970 over and above the present level of funding? In fiscal year 1971?

Answer: 1970 $30,000, 1971 $30,000 plus.

In your judgment, do you believe that the Title I programs are needed to meet the special needs of educationally disadvantaged children?

Answer: Yes.

Do you regard your present Title I programs as effective in meeting special education needs of educationally disadvantaged children?

Answer: Yes.

Recent hearings in Washington disclosed that inadequate funding was the greatest obstacle in the path of more effectively reaching the disadvantaged. Others now contend that we cannot effectively utilize extra funds contained in the HEW Appropriation Bill because the funds are being misdirected and are not reaching the disadvantaged contemplated under Title I ESEA. Your brief comments on these contentions would be appreciated.

No comment.

Response of Moni Sabatini, Supervising Principal, Plains Twp., Plains, Pa., January 26, 1970

How many children in your district are benefitting from education programs funded under Title I of ESEA?

Answer: 335.

What is the ADA in your school disrtict grades K–12?

Answer: 1,380.

What was the amount of your ESEA Title I grant in each of the following fiscal years?

Answer: 1968 $50,835, 1969 $40,311, 1970 $40,311.

What additional funds, if any, could you effectively apply to your Title I programs in fiscal year 1970 over and above the present level of funding? In fiscal year 1971?

Answer: 1970 $15,000, 1971 $15,000.

In your judgment, do you believe that the Title I programs are needed to meet the special needs of educationally disadvantaged children?

Answer: Yes. Because it will help to give special attention to those who need it most.

Do you regard your present Title I programs as effective in meeting special education needs of educationally disadvantaged children?

Answer: Yes.

Recent hearings in Washington disclosed that inadequate funding was the greatest obstacle in the path of more effectively reaching the disadvantaged. Others now contend that we cannot effectively utilize extra funds contained in the HEW Appropriation Bill because the funds are being misdirected and are not reaching the disadvantaged contemplated uner Title I ESEA. Your brief comments on these contentions would be apprepciated.

Comment: I honestly believe that the funds are being used to the best advantage of all students who need special services.

Response of A. J. Hozempa, Coordinator, Wyoming Valley West School District, Edwardsville, Pa., January 26, 1970

How many children in your district are benefitting from education programs funded under Title I of ESEA?

Answer. 1,760.

What is the ADA in your school district grades K–12?

Answer: 8,816.

What was the amount of your ESEA Title I grant in each of the following fiscal years?

Answer: 1962 $284,984.63, 1969 $246,915.63, 1970 $211,785.55.

What additional funds, if any, could you effectively apply to your Title I programs in fiscal year 1970 over and above the present level of funding? In fiscal year 1971?

Answer: 1970 $35,000, 1971, $73,000.

In your judgement, do you believe that the Title I programs are needed to meet the special needs of educationally disadvantaged children?

Answer: Yes.

Do you regard your present Title I programs as effective in meeting special education needs of educationally disadvantaged children?

Answer: Yes. Within limitations of present funding.

Recent hearings in Washington disclosed that inadequate funding was the greatest obstacle in the path of more effectively reaching the disadvantaged. Others now contend that we cannot effectively utilize extra funds contained in the HEW Appropriation Bill because the funds are being misdirected and are not reaching the disadvantaged contemplated under Title I ESEA. Your brief comments on these contentions would be appreciated.

Comment: It may be true that some instances of misdirection occurred due to initial misinterpretation of guidelines. However, as programs developed, more efficient ways to help the poor were developed in our schools. Pennsylvania has initiated one of the best methods of evaluating programs which are federally funded—this, by means of evaluating committees. It would be unfortunate if we curtail Title I now that more effective programs of helping the poor are coming into their own. Our program will have more emphasis on food, health, and tutoring of economically deprived pupils.

Response of Clifford H. Myers, Nome City School District, Nome, Alaska, January 26, 1970

How many children in your district are benefitting from education programs funded under Title I of ESEA?

Answer: 280 in 1969–70 school year.

What is the ADA in your school district grades K–12?

Answer: 746.22 1st. 9 weeks of 69–70 year.

What was the amount of your ESEA Title I grant in each of the following fiscal years?

Answer: 1968 $35,756, 1969 $31,761, 1970 $32,758.10.

What additional funds, if any, could you effectively apply to your Title I programs in fiscal year 1970 over and above the present level of funding? In fiscal year 1971?

No answer.

In your judgment, do you believe that the Title I programs are needed to meet the special needs of educationally disadvantaged children?

Answer: Yes, very much.

Do you regard your present Title I programs as effective in meeting special education needs of educationally disadvantaged children?

Answer: Yes.

Recent hearings in Washington disclosed that inadequate funding was the greatest obstacle in the path of more effectively reaching the disadvantaged. Others now contend that we cannot effectively utilize extra funds contained in the HEW Appropriation Bill because the funds are being misdirected and are not reaching the disadvantaged contemplated under Title I ESEA. Your brief comments on these contentions would be appreciated.

Comment: There is no doubt that some funds are misdirected. In a program of the scope and size of Title I, this is bound to happen. The bulk of these funds do help disadvantaged children, and must be continued. Our efficiency here varies from year to year, but we continually strive to be more efficient and effective.

Sincerely,

Carl D. Perkins,
Chairman.

Response of Cottonwood Union School District, Joseph V. Babiarz, Superintendent, Cottonwood, Calif., January 26, 1970

How many children in your district are benefitting from education programs funded under Title I of ESEA?

Answer: Approximately 30 students.

What is the ADA in your school district grades K–12?

Answer: Our district accommodates students from K–8. The ADA is approximately 750 students.

What was the amount of your ESEA Title I grant in each of the following fiscal years?

Answer: 1968 $6,528, 1969 $5,797, 1970 received none, as of this date, not even for the teacher's salary. We had to join a larger Co. Coop project this year. By doing this nearly half of the funds will go into a questionable in-service program & administration. This will take most of the benefits.

What additional funds, if any, could you effectively apply to your Title I programs in fiscal year 1970 over and above the present level of funding? In fiscal year 1971?

Answer: 1970 none, next year, if we are again compelled by law to go under the same Co. Coop program. We will then drop it next year because there is too much "red tape" with it so that benefits are reduced to a non-workable amount. We haven't previously received enough to pay.

In your judgment, do you believe that the Title I programs are the teacher needs to meet the special needs of educationally disadvantaged children? salary.

Answer: All we need are funds! Funds for teachers' salaries, so we can reduce loads. These slower youngsters should not be treated any differently than any other type of youngsters. It appears that Educationally disadvantaged is not the term for our district.

Do you regard your present Title I programs as effective in meeting special education needs of educationally disadvantaged children?

All we need to do is reduce class loads to 15–20 students per teacher.

Answer: The regular teacher can do more with a small class, with all types of students, than a teacher assigned to special projects etc.

Recent hearings in Washington disclosed that inadequate funding was the greatest obstacle in the path of more effectively reaching the disadvantaged. Others now contend that we cannot effectively utilize extra funds contained in the HEW Appropriation Bill because the funds are being misdirected and are not reaching the disadvantaged contemplated under Title I ESEA. Your brief comments on these contentions would be appreciated.

Comment: I believe my comments above to questions will answer this question. I definitely question the funds as they are allocated.

It appears everyone spends too much time and funds writing complex compositions as projects to do a relatively simple job of just actually teaching students.

Response of Dr. Earl A. McGovern, Lima City School District, Lima, Ohio, January 26, 1970.

How many children in your district are benefitting from education programs funded under Title I of ESEA?

Answer: 1,200.

What is the ADA in your school district grades K–12?

Answer: $11,150.80 (Oct. 1969).

What was the amount of your ESEA Title I grant in each of the following fiscal years?

Answer: 1968, $185,967.08; 1969, $176,133.-58; 1970, $169,198.06.

What additional funds, if any, could you effectively apply to your Title I programs in fiscal year 1970 over and above the present level of funding? In fiscal year 1971?

Answer: 1970, the 1968 figure plus an amount to cover inflation for 2 years; 1971, the 1968 figure plus an amount to cover inflation for 3 years.

In your judgment, do you believe that the Title I programs are needed to meet the special needs of educationally disadvantaged children?

Answer: Yes, definitely. The supplementary educational programs offered through Title I funds are necessary. However, they could not have been made available without these funds.

Do you regard your present Title I programs as effective in meeting special education needs of educationally disadvantaged children?

Answer: Yes, many of the special educational needs of educationally disadvantaged children are being met much more adequately than before Title I funds were made available. Additional programs in our schools and in the community are needed also, however.

Recent hearings in Washington disclosed that inadequate funding was the greatest obstacle in the path of more effectively reaching the disadvantaged. Others now contend that we cannot effectively utilize extra funds contained in the HEW Appropriation Bill because the funds are being misdirected and are not reaching the disadvantaged contemplated under Title I ESEA. Your brief comments on these contentions would be appreciated.

Comment: Funding has been a problem in the past and obviously will be again this year. Schools have had difficulty planning properly with "go" "No go" approach of the past. I feel that most funds have been wisely used and have been directed toward the disadvantaged. Anything else is the exception rather than the rule.

Response of Mandan Public School District, Mandan, N. Dak., January 26, 1970

How many children in your district are benefitting from education programs funded under Title I of ESEA?

Answer: 140.

What is the ADA in your school district grades K–12?

Answer: 2,500.

What was the amount of your ESEA Title I grant in each of the following fiscal years?

Answer: 1968 $18,446.21, 1969 $22,315.82, 1970 $31,814.88.

What additional funds, if any, could you effectively apply to your Title I programs in fiscal year 1970 over and above the present level of funding? In fiscal year 1971?

Answer: 1970 $5,000, 1971 $30,000.

In your judgment, do you believe that the Title I programs are needed to meet the special needs of educationally disadvantaged children?

Answer: Yes—this has enabled the school district to the "little extra".

Do you regard your present Title I programs as effective in meeting special education needs of educationally disadvantaged children?

Answer: Yes. It has been the school district option as to what the special needs are.

Recent hearings in Washington disclosed that inadequate funding was the greatest obstacle in the path of more effectively reaching the disadvantaged. Others now contend that we cannot effectively utilize extra funds contained in the HEW Appropriation Bill because the funds are being misdirected and are not reaching the disadvantaged contemplated under Title I ESEA. Your brief comments on these contentions would be appreciated.

Comment: I can only speak for our district, but our funds go *only* and *directly* to the children.

Response of Mr. Anthony Amico, Administrator, Federal and State Programs, Stamford Public Schools, Stamford, Conn., January 26, 1970

How many children in your district are benefitting from education programs funded under Title I of ESEA?

Answer: 800 in the 1969–1970 project. This limited number is the result of current restrictions under Title I regulations.

What is the ADA in your school district grades K–12.

Answer: 20,830.

What was the amount of your ESEA Title I grant in each of the following fiscal years?

Answer: 1968 $279,819, 1969 $248,910, 1970 $235,467.

What additional funds, if any, could you effectively apply to your Title I programs in fiscal year 1970 over and above the present level of funding? In fiscal year 1971?

Answer: 1970 $50,000. This is a limited request only because of the difficulties posed by the timing. The fiscal year is half over. Additional time would be loss in proposal preparation and program implementation. 1971 $200,000. We would need more if federal funding for Head Start, Follow-Through, and other ESEA-titles are not increased. We could use more funds if we receive sufficient advance notification and approval to plan and implement programs adequately.

In your judgment, do you believe that the Title I programs are needed to meet the special needs of educationally disadvantaged children?

Answer: Absolutely! There is a greater chance the needs of these children will be met if the use of certain funds are restricted to serving the educationally disadvantaged children. Title I should have very high priority in funding.

Do you regard your present Title I programs as effective in meeting special education needs of educationally disadvantaged children?

Answer: Our programs appear to be effective in terms of comparisons with other attempts to meet the needs of disadvantaged children. However, substantially increased funding, received early enough and with firm commitments for more than one year at a time, are necessary to meet the needs of these children more satisfactorily.

Recent hearings in Washington disclosed that inadequate funding was the greatest obstacle in the path of more effectively reaching the disadvantaged. Others now contend that we cannot effectively utilize extra funds contained in the HEW Appropriation Bill because the funds are being misdirected and are not reaching the disadvantaged contemplated under Title I ESEA. Your brief comments on these contentions would be appreciated.

Comment: Assumptions should not be made that any misdirection or misuse of funds applies equally to all states or school districts. It would be better to correct matters where misuse does exist rather than deny or curtail funds to others.

One of the serious problems in federal aid to education generally is the uncertainty, insecurity, and repeated delays in Congressional action on authorizations and final appropriations. School districts could do a more effective job if they had early notification, several months prior to the start of each fiscal year, of Title I allocations and any changes in regulations or requirements. Also, funding has to be increased substantially to overcome the rising costs of programs and to enable programs to increase services and to reach more children effectively.

Response of John G. Roeder, Rising Sun-Ohio County Community School Corp., Rising Sun, Ind., January 26, 1970

How many children in your district are benefitting from education programs funded under Title I of ESEA?

Answer: 74.

What is the ADA in your school district grades K–12?

Answer: 9.

What was the amount of your ESEA Title I grant in each of the following fiscal years?

Answer: 1968 $12,409, 1969 $12,523, 1970 $8,995 (tentative).

What additional funds, if any, could you effectively apply to your Title I programs in fiscal year 1970 over and above the present level of funding? In fiscal year 1971?

Answer: 1970 $25,000, 1971 $25,000.

In your judgment, do you believe that the Title I programs are needed to meet the special needs of educationally disadvantaged children?

Answer: Yes; with less strict guidelines.

Do you regard your present Title I programs as effective in meeting special education needs of educationally disadvantaged children?

Answer: It would be most difficult to serve one special group without "spin-off" benefits. The program does help.

Recent hearings in Washington disclosed that inadequate funding was the greatest obstacle in the path of more effectively reaching the disadvantaged. Others now contend that we cannot effectively utilize extra funds contained in the HEW Appropriation Bill because the funds are being misdirected and are not reaching the disadvantaged contemplated under Title I ESEA. Your brief comments on these contentions would be appreciated.

No comment.

Response of Dr. Clarence E. Ham, Bay City Independent School District, Bay City, Tex., January 26, 1970

How many children in your district are benefitting from education programs funded under Title I of ESEA?

Answer: 1,200.

What is the ADA in your school district grades K–12?

Answer: 4,000.

What was the amount of your ESEA Title I grant in each of the following fiscal years?

Answer: 1968 $146,365, 1969 $133,011, 1970 $119,706.

What additional funds, if any, could you effectively apply to your Title I programs in fiscal year 1970 over and above the present level of funding? In fiscal year 1971?

Answer: 1970 $30,000, 1971 $50,000.

In your judgment, do you believe that the Title programs are needed to meet the special needs of educationally disadvantaged children?

Answer: Yes.

Do you regard your present Title I programs as effective in meeting special education needs of educationally disadvantaged children?

Answer: As far as they go.

Recent hearings in Washington disclosed that inadequate funding was the greatest obstacle in the path of more effectively reaching the disadvantaged. Others now contend that we cannot effectively utilize extra funds contained in the HEW Appropriation Bill because the funds are being misdirected and are not reaching the disadvantaged contemplated under Title I ESEA. Your brief comments on these contentions would be appreciated.

Comment: It is my belief generally, and my knowledge specifically as concerns my particular school district, that Title I funds are effectively and conscientiously utilized to accomplish the goal of improving the educational performances and opportunities of disadvantaged children.

Title I is a good program, and worthy of continuation. However, as with any program, improvements can be made. The following suggestions might be worthy of your consideration.

1. Lack of consistency in funding level hampers effective planning for programs utilizing Title I funds. Funds are usually cut from one year to the next, causing deletions and patching of programs.

2. Late funding of Title I programs has caused uncertainty, confusion, and frustration to administrators in the past. At times, school districts have had to begin Title I programs for a school year with no certainty that funds would be forthcoming. It is difficult to plan properly under such conditions.

3. The specificity of some requirements of Title I programs, plus the fact that the requirements change from year to year hamper effective planning and implementation.

4. Many laymen have misconceptions of the financial level of funding required to effect major improvements in education. When the purpose of the schools was to prepare students for a "horse-and-buggy" society, the task could be accomplished inexpensively. It is much more expensive to prepare students for the highly technical society in which we now live.

5. Too many programs are funded with essentially the same goals. Headstart and Title I, for instance, overlap in some of their goals. However, it is almost impossible to develop a single, coordinated program using funds from each of these programs, because of specific requirements of each.

Response of Norman G. Baldwin, Cimarron, Kans. January 26, 1970

How many children in your district are benefitting from education programs funded under Title I of ESEA?

Answer: Approximately 80.

What is the ADA in your school district grades K–12?

Answer: 630.

What was the amount of your ESEA Title I grant in each of the following fiscal years?

Answer: 1968 $14,519, 1969 $13,067, 1970 $14,500 until further notice (two districts combined for this amount).

What additional funds, if any, could you effectively apply to your Title I programs in fiscal year 1970 over and above the present level of funding? In fiscal year 1971?

Answer: 1970 $4,000, 1971 $5,000.

In your judgement, do you believe that the Title I programs are needed to meet the special needs of educationally disadvantaged children?

Answer: Yes.

Do you regard your present Title I programs as effective in meeting special education needs of educationally disadvantaged children?

Answer: Yes.

Recent hearings in Washington disclosed that inadequate funding was the greatest obstacle in the path of more effectively reaching the disadvantaged. Others now contend that we cannot effectively utilize extra funds contained in the HEW Appropriation Bill because the funds are being misdirected and are not reaching the disadvantaged contemplated under Title I ESEA. Your brief comments on these contentions would be appreciated.

Comment: We need to know earlier what our allocation is going to be.

Response of Francis L. Savage, Superintendent, Lewiston, Mont.

How many children in your district are benfitting from education programs funded under Title I of ESEA?

Answer: We estimate that 100 will be in the program.

What is the ADA in your school district grades K–8?

Answer: 1,350.

What was the amount of your ESEA Title I grant in each of the following fiscal years?

Answer: 1968, $41,478; 1969, $25,000; 1970, $23,000.

What additional funds, if any, could you effectively apply to your Title I programs in fiscal year 1970 over and above the present level of funding? In fiscal year 1971?

Answer: 1970, $10,000; 1971, $10,000. This is being determined by a joint study with the State Department of Public Instruction.

In your judgment, do you believe that the Title I programs are needed to meet the special needs of educationally disadvantaged children?

Answer: Too narrow; expenditures per child too high. More children in the program preferred.

Do you regard your present Title I programs as effective in meeting special education needs of educationally disadvantaged children?

Answer: Yes. If we could continue with summer camps, prekindergarten, etc., and forget academic remedial programs.

Recent hearings in Washington disclosed that inadequate funding was the greatest obstacle in the path of more effectively reaching the disadvantaged. Others now contend that we cannot effectively utilize extra funds contained in the HEW Appropriation Bill because the funds are being misdirected and are not reaching the disadvantaged contemplated under Title I ESEA. Your brief comments on these contentions would be appreciated.

Comment: I cannot agree. This is a rural area, but we need programs that broaden the educational needs. How could a child that needed $200 worth of work on his teeth in our prekindergarten program enter school as a normal child, is our program did not see that the work was done.

Response of Park City, Utah, January 26, 1970

How many children in your district are benefitting from education programs funded under Title I of ESEA?

Answer: 28.

What is the ADA in your school district grades K–12?

Answer: 415.

What was the amount of your ESEA Title I grant in each of the following fiscal years?

Answer: 1968 $4,031, 1969 $4,162, 1970 $2,866.

What additional funds, if any, could you effectively apply to your Title I programs in fiscal year 1970 over and above the present level of funding? In fiscal year 1971?

Answer: 1970 $5,000, 1971 $6,000.

In your judgement, do you believe that the Title I programs are needed to meet the special needs of educationally disadvantaged children?

Answer: Yes.

Do you regard your present Title I programs as effective in meeting special education needs of educationally disadvantaged children?

Answer: Yes; in part. They have been effective in starting to find answers to the problem.

Recent hearings in Washington disclosed that inadequate funding was the greatest obstacle in the path of more effectively reaching the disadvantaged. Others now contend that we cannot effectively utilize extra funds contained in the HEW Appropriation Bill because the funds are being misdirected and are not reaching the disadvantaged contemplated under Title I ESEA. Your brief comments on these contentions would be appreciated.

No comment.

Response of R. C. Carter, Superintendent, No. 77, Glendale, Oreg., January 26, 1970

How many children in your district are benefitting from education programs funded under Title I of ESEA?

Answer: 82.

What is the ADA in your school district grades K–12?

Answer: 516.9.

What was the amount of your ESEA Title I grant in each of the following fiscal years?

Answer: 1968 $12,008.41, 1969 $13,334, 1970 $12,000.

What additional funds, if any, could you effectively apply to your Title I programs in fiscal year 1970 over and above the present level of funding? In fiscal year 1971?

Answer: Fully fund the enabling law.

In your judgment, do you believe that the Title I programs are need to meet the special needs of educationally disadvantaged children?

Answer: Yes.

Do you regard your present Title I programs as effective in meeting special education needs of educationally disadvantaged children?

Answer: Yes.

Recent hearings in Washington disclosed that inadequate funding was the greatest obstacle in the path of more effectively reaching the disadvantaged. Others now contend that we cannot effectively utilize extra funds contained in the HEW Appropriation Bill because the funds are being misdirected and are not reaching the disadvantaged contemplated under Title I ESEA. Your brief comments on these contentions would be appreciated.

Comment: I would like to see the equipment and plant appropriations boosted. For example, our small high school has a qualified instructor for teaching electricity, electronics, etc., but we badly need equipment and plant to aid the educationally deprived students.

Response of Dr. Michael Gioia, Superintendent of Schools, Paterson, N.J., January 26, 1970

How many children in your district are benefitting from education programs funded under Title I of ESEA?

Answer: 3,340.

What is the ADA in your school district grades K–12?

Answer: 5,485.

What was the amount of your ESEA Title I grant in each of the following fiscal years?

Answer: 1968 $1,159,994, 1969 $1,079,275, 1970 $1,047,240.

What additional funds if any, could you effectively apply to your Title I programs in fiscal year 1970 over and above the present level of funding? In fiscal year 1971?

Answer: 1970 $250,000, 1971 $1,200,000.

In your judgement, do you believe that the Title I programs are needed to meet the special needs of educationally disadvantaged children?

Answer: Yes; educationally needs have been documented especially in the areas of reading and math instruction, English as a second language, and early childhood education. Present local and state sources of funds cannot meet these needs.

Do you regard your present Title I programs as effective in meeting special education needs of educationally disadvantaged children?

Answer: Yes; although available funds severely limit the concentration of special programs needed to meet needs and not all educationally disadvantaged children can be accommodated in programs.

Recent hearings in Washington disclosed that inadequate funding was the greatest obstacle in the path of more effectively reaching the disadvantaged. Others now contend that we cannot effectively utilize extra funds contained in the HEW Appropriation Bill because the funds are being misdirected and are not reaching the disadvantaged contemplated under Title I ESEA. Your brief comments on these contentions would be appreciated.

Comment: All funds received by the City of Paterson have been used in programs directed at the educationally disadvantaged children attending designated Title I schools. Programs are developed in cooperation with an advisory committee of parents and community representatives from the Title I and are continually subjected to their review. Program effectiveness is hampered by the limitation of funds.

RESPONSE OF MR. ROBERT H. KENNEDY, TITLE I SUPERVISOR, MANSFIELD CITY SCHOOL DISTRICT, MANSFIELD, OHIO, JANUARY 26, 1970

How many children in your district are benefitting from education programs funded under Title I of ESEA?

Answer: 616 Public and Non-Public.

What is the ADA in your school district grades K–12?

Answer: 12,847 Public and Non-Public.

What was the amount of your ESEA Title I grant in each of the following fiscal years?

Answer: 1968 $210,074.81, 1969 $173,257.53, 1970 $163,523.96.

What additional funds, if any, could you effectively apply to your Title I programs in fiscal year 1970 over and above the present level of funding? In fiscal year 1971?

Answer: 1970 $28,405.63—Summer Program and 3 Reading Readiness Rooms for 1 semester, 1971 $127,765.08—1 Reading Readiness Room in all Title I Target Area Schools.

In your judgment, do you believe that the Title I programs are needed to meet the special needs of educationally disadvantaged children?

Answer: Absolutely, Title I Programs are needed to focus on the special deficiencies of the cultural and economic environmental forces which cause educationally disadvantaged children to experience educational lag.

Do you regard your present Title I programs as effective in meeting special education needs of educationally disadvantaged children?

Answer: Our Remedial Reading program is imperatively necessary and successful in increasing basic reading skills for disadvantaged children. In my opinion both remediation and prevention are necessary programs in preparing these children for successful school experiences.

Recent hearings in Washington disclosed that inadequate funding was the greatest obstacle in the path of more effectively reaching the disadvantaged. Others now contend that we cannot effectively utilize extra funds contained in the HEW Appropriation Bill because the funds are being misdirected and are not reaching the disadvantaged contemplated under Title I ESEA. Your brief comments on these contentions would be appreciated.

Comment: It is catastrophic that the misdeeds of a few school districts have placed in jeopardy the entire Title I Program of the nation. In our society today, publicity and over exposure in the mass media goes to minority issues and minor incidents.

Just because a few school districts have misused their Title I funds is no reason to dissipate all the programs. Rather, it is the responsibility of those in charge to provide better monitoring of Title I expenditures and programs in order to eliminate these minor abuses.

Inadequate funding and support of public education is a national problem in order to provide equal educational opportunity for all American youth. Local taxation can no longer carry an increased load but must be highly reinforced by state and federal funds. This federal-state-local partnership must be strengthened nationally by federal leadership in fiscal responsibility. This is especially true in the area of the culturally and economically disadvantaged child. The children of poverty are the "step-children" of education. They are handicapped from the start in learning. Lacking the cultural advantages of the middle and upper group, they flounder in the mass system of public education. They need "catch-up" programs of readiness and pre-school education as well as individualized, small group instruction in remediation. All of these preventative and remedial programs mean special materials, innovative methods, specially trained teachers, and additional facilities and equipment. All of these necessary features of programs for the educationally disadvantaged child takes large amounts of funds. The public schools can barely supply the necessary funds for "bricks and mortar" programs now—in no way, can they supply these desperately needed extras in order to break the poverty cycle.

It is clearly the task of federal and state government to furnish the necessary funds, such as Title I, to continue the assault on the cultural and economic factors which make the children of the poor educationally disadvantaged.

The Title I Program of the Mansfield Public Schools currently expends $163,523.96 on a Remedial Reading Program in disadvantaged schools. This is not enough program or enough money. We should be preventing reading failure in kindergarten and first grade by developing a highly focused and concentrated program of reading readiness. This type of program would need an additional allocation of approximately $128,000 in order to establish one room in grade one for each of our 9 Title I Elementary Schools. Local funds are not available for such a simple project. Additional funds would allow us to develop such a program.

RESPONSE OF PAUL W. BRIGGS, SUPERINTENDENT OF SCHOOLS, CLEVELAND CITY, CLEVELAND, OHIO, JANUARY 26, 1970

How many children in your district are benefitting from education programs funded under Title I of ESEA?

Answer: 8,710.

What is the ADA in your school district grades K–12?

Answer: 140,289.

What was the amount of your ESEA Title I grant in each of the following fiscal years?

Answer: 1968 $5,743,444, 1969 $5,499,210, 1970 $5,048,218 (Tentative).

What additional funds if any, could you effectively apply to your Title I programs in fiscal year 1970 over and above the present level of funding? In fiscal year 1971?

Answer: 1970 $2,500,000, 1971 $5,000,000.

In your judgment, do you believe that the Title I programs are needed to meet the special needs of educationally disadvantaged children?

Answer: Definitely yes. These children have distinct educational needs which must be met by specially designed strategies and projects which stress specialization and individualization of instruction.

Do you regard your present Title I programs as effective in meeting special education needs of educationally disadvantaged children?

Answer: Yes. Evaluation reports based on hard data in present programs show their effectiveness in meeting the special needs of the limited number of children toward which they are directed.

Recent hearings in Washington disclosed that inadequate funding was the greatest obstacle in the path of more effectively reaching the disadvantaged. Others now contend that we cannot effectively utilize extra funds contained in the HEW Appropriation Bill because the funds are being misdirected and are not reaching the disadvantaged contemplated under Title I ESEA. Your brief comments on these contentions would be appreciated.

Comment: Because of inadequate funding only a limited number of schools in low income areas and a limited number of students in these schools can now be served. Extra funds would be used to increase the number of disadvantaged who are able to be served, and would increase the limited service now being provided to current participants.

RESPONSE OF CARMEN M. GIOIELLO, DIRECTOR OF FEDERAL PROGRAMS, COUNCIL BLUFFS COMMUNITY SCHOOLS, COUNCIL BLUFFS, IOWA, JANUARY 26, 1970

How many children in your district are benefitting from education programs funded under Title I of ESEA?

Answer: 1,213.

What is the ADA in your school district grades K–12?

Answer: 14,333.17.

What was the amount of your ESEA Title I grant in each of the following fiscal years?

Answer: 1968 $110,000, 1969 $216,744, 1970 $265,822.

What additional funds, if any, could you effectively apply to your Title I programs in fiscal year 1970 over and above the present level of funding? In fiscal year 1971?

Answer: 1970 $35,000, 1971 $325,000.

In your judgement, do you believe that the Title I programs are needed to meet the special needs of educationally disadvantaged children?

Answer: State and local tax funds provide for the education of all. Title I funds provide vicarious experiences for those not so fortunate as children whose backgrounds have included a physical and intellectual environment to motivate learning. By means of Title I facilities, success has become measurable, thus, the self image has improved.

Do you regard your present Title I programs as effective in meeting special education needs of educationally disadvantaged children?

Answer: Yes, through use of enriched materials, methods and personnel this is being made possible.

Recent hearings in Washington disclosed that inadequate funding was the greatest obstacle in the path of more effectively reaching the disadvantaged. Others now contend that we cannot effectively utilize extra funds contained in the HEW Appropriation Bill because the funds are being misdirected and are not reaching the disadvantaged contemplated under Title I ESEA. Your brief comments on these contentions would be appreciated.

Comment: I agree that the inadequate funding has been and still remains as one of the greatest obstacles that continues to block the path of administering a more effective program for the disadvantaged student. Without a doubt through advanced knowledge of funding above all additional funds beyond our present allocation, our school system would be able to adequately plan and continue to meet the needs of the disadvantaged. Our school system faces the same financial problem that many others do throughout the country, and therefore, without the financial aid from Title I ESEA, our disadvantaged students would suffer a tremendous set back. I feel that emphasis should be placed upon the overall constructive use of federal funds and not upon the isolated misuse of federal funds.

RESPONSE OF GEORGE B. SMITTLE, SUPT., ELYRIA CITY SCHOOL DISTRICT, ELYRIA, OHIO, JANUARY 26, 1970

How many children in your district are benefitting from education programs funded under Title I of ESEA?

Answer: 492 (1969–70).

What is the ADA in your school district grades K–12?

Answer: 13,570.

What was the amount of your ESEA Title I grant in each of the following fiscal years?

Answer: 1968 $146,472.75, 1969 $137,686.30, 1970 $122,223.88.

What additional funds, if any, could you effectively apply to your Title I programs in fiscal year 1970 over and above the present level of funding? In fiscal year 1971?

Answer: 1970 $30,000 (see comment). 1971 at least $130,000 additional if funded in time to employ certificated teachers (preferably by June, 1970 at latest).

In your judgment, do you believe that the Title I programs are needed to meet the special needs of educationally disadvantaged children?

Answer: Definitely yes. Our remedial reading and counseling services under the program should at least be doubled.

Do you regard your present Title I programs as effective in meeting special education needs of educationally disadvantaged children?

Answer: Yes. Test results, as well as statements from principals and teachers, confirm that the program is effective.

Recent hearings in Washington disclose that inadequate funding was the greatest obstacle in the path of more effectively reaching the disadvantaged. Others now contend that we cannot effectively utilize extra funds contained in the HEW Appropriation Bill because the funds are being misdirected and are not reaching the disadvantaged contemplated under Title I ESEA. Your brief comments on these contentions would be appreciated.

Comment: "Misdirected" is certainly a wrong and misleading term as far as the situation in this area is concerned. We are, however, greatly handicapped in recruiting personnel for the program because of the uncertain and late funding. Funds for 1971 should be appropriated now.

Recruitment of teachers for 1970–71 (fiscal '71) should begin in March or April, 1970. However, the situation isn't too bad in this respect if we know by June, 1970. Beginning in July, the situation is difficult. When school starts in September it is almost impossible to recruit qualified people, because they are already obligated elsewhere. It is extremely difficult to utilize funds for personnel when the funds are received in the middle of the school year. In the case of highly trained professionals, e.g., psychologists, counselors, reading specialists, etc., it is virtually impossible to get people in the middle of a school year.

If Congress wishes to deal with the problem effectively, money for a given fiscal year should be appropriated the previous year. A heavy responsibility for each of 100% effective use of funds lies with Congress.

RESPONSE OF MR. BILL BRANTLEY, SUPERINTENDENT, KILGORE INDEPENDENT SCHOOL DISTRICT, KILGORE, TEX., JANUARY 26, 1970

How many children in your district are benefiting from education programs funded under Title I of ESEA?

Answer: Approximately 660 unduplicated count (essentially kindergarten and remedial reading.)

What is the ADA in your school district grades K–12?

Answer: 3200.45 1968–1969.

What was the amount of your ESEA Title I grant in each of the following fiscal years?

Answer: 1968 $106,590, 1969 $90,601, 1970 $88,176.

What additional funds, if any, could you effectively apply to your Title I programs in fiscal year 1970 over and above the present level of funding? In fiscal year 1971?

Answer: 1970 $40,000, 1971 $40,000.

In your judgment, do you believe that the Title I programs are needed to meet the special needs of educationally disadvantaged children?

Answer: Yes. Current local budget obligations do not provide adequately for the special needs of this group and would probably not be able to continue full funding.

Do you regard your present Title I programs as effective in meeting special education needs of educationally disadvantaged children?

Answer: Title I funds have contributed immeasurably toward filling the special needs of these children. The fact that these needs are not measurable does not detract from their value.

Recent hearings in Washington disclosed that inadequate funding was the greatest obstacle in the path of more effectively reaching the disadvantaged. Others now contend that we cannot effectively utilize extra funds contained in the HEW Appropriation Bill because the funds are being misdirected and are not reaching the disadvantaged contemplated under Title I ESEA. Your brief comments on these contentions would be appreciated.

Comment: These accusations are another example of the majority of excellent, valuable, well directed programs suffering because somewhere, maybe less than one half of one percent might be questioned. These cases are blown entirely out of proportion.

RESPONSE OF RALPH M. ATWOOD, OAKLAND, MAINE, JANUARY 26, 1970

How many children in your district are benefitting from education programs funded under Title I of ESEA?

Answer: 210 directly, all indirectly.

What is the ADA in your school district grades K–12?

Answer: 1,765.

What was the amount of your ESEA Title I grant in each of the following fiscal years?

Answer: 1968 $12,058, 1969 $11,123, 1969–1970 $10,022.

What additional funds, if any, could you effectively apply to your Title I programs in fiscal year 1970 over and above the present level of funding? In fiscal year 1971?

Answer: 1970 $10,000, 1971 $20,000. I can help children if so much inference is eliminated. Otherwise the true worth is questionable.

In your judgment, do you believe that the Title I programs are needed to meet the special needs of educationally disadvantaged children?

Answer: Not the way they are administered by regional groups presently.

Do you regard your present Title I programs as effective in meeting special education needs of educationally disadvantaged children?

Answer: Yes.

Recent hearings in Washington disclosed that inadequate funding was the greatest obstacle in the path of more effectively reaching the disadvantaged. Others now contend that we cannot effectively utilize extra funds contained in the HEW Appropriation Bill because the funds are being misdirected and are not reaching the disadvantaged contemplated under Title I ESEA. Your brief comments on these contentions would be appreciated.

Comment: I am enclosing your form dealing with Title I ESEA funds. There have been many thoughts in my mind concerning federal funds and projects and feel that this is the time to bring them to your attention and the attention of your committee. No doubt professional lobbyists have expressed views not similar to mine.

As you can see from the form, we have had a 20% reduction ($12,000 to $10,000) in Title I ESEA funds in the few short years that we have received them. In addition, the limited funds have never been available on time. Projects had to be supported by local funds in anticipation of federal money. Our first project was approved in early spring with the directive to spend it before the end of the fiscal year. Our allocation did not represent our true need. Why? The 1960 census was used in determining need and errors and omissions in that census made no provision for one of my towns. This town had no Post office and mail was routed from surrounding cities and thus by using mailing addresses we had no eligible persons. I protested but was informed that nothing could be done. This is 1970 and the 1960 census is still a criteria.

The $10,000 that my District receives for the so-called "disadvantaged children" from low income families is but a drop-in-the-bucket compared to our budget of $1,200,000. I found that in the past all the forms necessary to complete to comply with federal guidelines required valuable time to complete. The wording had to be just right so that they would be approved. The evaluation forms and final reports were actually foolish and designed to feed information to computers to prove more federal funds were needed. Large systems hired additional help at high salaries paid by federal funds to write up projects that were in many cases lacking in a lasting value. To seriously consider federal programs, and I would except the NDEA Title III matching funds program now dead, I would require additional administrative personnel. I have therefore taken the road taken by many many other busy superintendents and now try to concentrate on the work of educating ALL of our youngsters and not trying to see if I can get a federal buck.

In the past year we have been harassed by local poverty groups in the role of "do-gooders". To get federal money it has been necessary to seek their opinions. If we heeded their demands our school system would disintegrate very shortly.

In the federal School Lunch Program, under which we have met the needs of our needy youngsters, we find guidelines that make it a crime to have any youngster work for his meal. How absurd can a directive be.

In answer to the question as to whether our federal funds are mis-directed as charged by "poverty leaders", I would say that we have spent all dollars wisely and would continue to meet the needs of our young people if eductaors on the local level were given the confidence of the legislators. It seems strange to me that as more and more federal funds are reported in the press, that my District receives less.

I realize that only a brief comment was requested but perhaps the time has come when somebody should get down and talk to the busy people in the local communities who are in daily contact with the situation and continually strive to educate all children regardless of their circumstances. These same busy people are also concerned with the plight of the local property taxpayer when it comes time to determine what they can afford.

I have never appeared before a Committee in Washington although I was present when your committee met in Bangor a few years ago. I hope you realize that this letter represents my humble opinion and I shall continue to do my best in my position for all children and if federal funds are administered as in the past I could care less whether we get any or not.

Response of Winston County Board of Education, Double Springs, Ala., January 26, 1970

How many children in your district are benefitting from education programs funded under Title I of ESEA?

Answer: 2,500.

What is the ADA in your school district grades K–12?

Answer: 3,983.36 (October, 1969).

What was the amount of your ESEA Title I grant in each of the following fiscal years?

Answer: 1968 $199,547, 1969 $183,451, 1970 $165,148.

What additional funds, if any, could you effectively apply to your Title I programs in fiscal year 1970 over and above the present level of funding? In fiscal year 1971?

Answer: 1970 $35,000, 1971 $50,000.

In your judgment, do you believe that the Title I programs are needed to meet the special needs of educationally disadvantaged children.

Answer: Definitely yes.

Do you regard your present Title I programs as effective in meeting special education needs of educationally disadvantaged children?

Answer: Definitely yes. Our Title I program is having a tremendous impact in our County.

Recent hearings in Washington disclosed that inadequate funding was the greatest obstacle in the path of more effectively reaching the disadvantaged. Others now contend that we cannot effectively utilize extra funds contained in the HEW Appropriation Bill because the funds are being misdirected and are not reaching the disadvantaged contemplated under Title I ESEA. Your brief comments on these contentions would be appreciated.

Comment: In a program as large as this, isolated cases of misuse will happen. I strongly believe, however, that the bulk of Title I funds are being used in a great way in educating our disadvantaged. Winston County's Title I program is meeting a terrific need.

Response of Bristol Tennessee Board of Education, Bristol City, Bristol, Tenn., January 26, 1970

How many children in your district are benefitting from education programs funded under Title I of ESEA?

Answer: 589.

What is the ADA in your school district grades K–12?

Answer: 3,950.

What was the amount of your ESEA Title I grant in each of the following fiscal years?

Answer: 1968 $102,953.58, 1969 $95,966.17, 1970 $86,423.

What additional funds, if any, could you effectively apply to your Title I programs in fiscal year 1970 over and above the present level of funding? In fiscal year 1971?

Answer: 1970 $50,000, 1971 $75,000.

In your judgment, do you believe that the Title I programs are needed to meet the special needs of educationally disadvantaged children?

Answer: Yes.

Do you regard your present Title I programs as effective in meeting special education needs of educationally disadvantaged children?

Answer: Yes.

Recent hearings in Washington disclosed that inadequate funding was the greatest obstacle in the path of more effectively reaching the disadvantaged. Others now contend that we cannot effectively utilize extra funds contained in the HEW Appropriation Bill because the funds are being misdirected and are not reaching the disadvantaged contemplated under Title I ESEA. Your brief comments on these contentions would be appreciated.

Comment: We have been able to set up reading programs and kindergarten programs which would not have been possible without the availability of Title I funds.

Response of Dr. Lester L. Dickey, Hamilton City, Hamilton, Ohio, January 26, 1970

How many children in your district are benefitting from education programs funded under Title I of ESEA?

Answer: 1,200.

What is the ADA in your school district grades K–12?

Answer: 14,500.

What was the amount of your ESEA Title I grant in each of the following fiscal years?

Answer: 1968 $225,143, 1969 $196,348, 1970 no grant yet received.

What additional funds, if any, could you effectively apply to your Title I programs in fiscal year 1970 over and above the present level of funding? In fiscal year 1971?

Answer: 1970 $125,000, 1971 $150,000.

In your judgement, do you believe that the Title I programs are needed to meet the special needs of educationally disadvantaged children?

Answer: Definitely.

Do you regard your present Title I programs as effective in meeting special education needs of educationally disadvantaged children?

Answer: In our school district, definitely yes.

Recent hearings in Washington disclosed that inadequate funding was the greatest obstacle in the path of more effectively reaching the disadvantaged. Others now contend that we cannot effectively utilize extra funds contained in the HEW Appropriation Bill because the funds are being misdirected and are not reaching the disadvantaged contemplated under Title I ESEA. Your brief comments on these contentions would be appreciated.

Comment: In our district one hundred percent of the funds received through Title I, ESEA is going to our disadvantaged children.

Repsonse of Donald Bevis, Assistant Superintendent for Research, Development, and Federal Programs, Minneapolis, Minn., January 26, 1970

How many children in your district are benefiting from education programs funded under Title I of ESEA?

Answer: 7,123.

What is the ADA in your school district grades K–12?

Answer: 65,748.

What was the amount of your ESEA Title I grant in each of the following fiscal years?

Answer: 1968 $2,494,562, 1969 $2,274,236, 1970 unknown as of January 16, 1970.

What additional funds, if any, could you effectively apply to your Title I programs in fiscal year 1970 over and above the present level of funding? In fiscal year 1971?

Answer: 1970 $1,000,000, 1971 $14,245,000.

In your judgment, do you believe that the Title I programs are needed to meet the special needs of educationally disadvantaged children?

Answer: Educating educationally disadvantaged children requires more staff, more books, more materials, more supplemental services, such as social workers, and more pre-school and community education than any school system is able to provide with local funds. Furthermore, these resources must be used in imaginative ways, designed specifically for the disadvantaged, not just absorbed and lost in the traditional patterns of a large school system. We believe that Title I type categorical Federal aid provides the only opportunity for schools to adequately serve the disadvantaged.

Do you regard your present Title I programs as effective in meeting special education needs of educationally disadvantaged children?

Answer: We believe that our Title I programs include the best of what we know about how to help educationally disadvantaged children. Based on what we have learned from Title I programs in previous years, we continue to revise some programs, discard others, and initiate new programs to meet the needs of disadvantaged children. Both objective and subjective data testify to the effectiveness of some programs, such as teacher aides and store front junior high schools. In one of our store front junior high schools last year in eight months the students made two years gain in basic skills.

Recent hearings in Washington disclosed that inadequate funding was the greatest obstacle in the path of more effectively reaching the disadvantaged. Others now contend that we cannot effectively utilize extra funds contained in the HEW Appropriation Bill because the funds are being misdirected and are not reaching the disadvantaged contemplated under Title I ESEA. Your brief comments on these contentions would be appreciated.

Comment: Although the natural tendency during the first years of Title I funding was to try to provide something for all disadvantaged children, we now realize that success can only be achieved through concentration of resources on fewer children. The Minneapolis Public Schools spend approximately 28% of Title I funds in only four schools. A very high percent of the population at these schools is both poor and educationally disadvantaged. New staff hired by Title I funds for these schools works directly every day with the most disadvantaged children. The staff instructs children in small groups or on a one-to-one basis and tries new materials and methods to stimulate interest in learning. We believe that this type of program has the greatest chance of success. It is obviously very expensive. Funding limitations prevent us from providing similar highly concentrated services for more children eligible to participate in Title I. The "Concentrated Education Centers" just described serve only about one-third of children eligible for Title I programs in our target areas.

Appropriately 38% of our Title I funds support a teacher aide program. All aides supported by this program serve inner city schools. Most work right in the classroom. They free teachers to provide individual attention to children who need it most and they also help directly in the instructional program.

In light of the types of programs provided for disadvantaged children in our inner city, the charge that Title I funds do not reach the disadvantaged seem entirely unfounded.

Response of Louis H. Dunlop, McKeesport Area School District, McKeesport, Pa., January 26, 1970

How many children in your district are benefitting from education programs funded under Title I of ESEA?

Answer: Directly 1,791. Spin-off from the programs indirectly affect 9,802 others.

What is the ADA in your school district grades K–12?

Answer: 10,501.

What was the amount of your ESEA Title I grant in each of the following fiscal years?

Answer: 1968 $251,066.00, 1969, $247,360.25, 1970 $238,619.74.

What additional funds, if any, could you effectively apply to your Title I programs in fiscal year 1970 over and above the present level of funding? In fiscal year 1971?

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Answer: 1970 $49,555.26 actual deficit this year, 1971 $61,381.00.

In your judgment, do you believe that the Title I programs are needed to meet the special needs of educationally disadvantaged children?

Answer: An unequivocal yes. Without Title I funds our district could not support the additional counseling and health services and reading support.

Do you regard your present Title I programs as effective in meeting special education needs of educationally disadvantaged children?

Answer: Our district has been mandated by the Human Relations Commission to assure racial balance and Title I funds are necessary to meet this need plus the special attention these students need because of home conditions.

Recent hearings in Washington disclosed that inadequate funding was the greatest obstacle in the path of more effectively reaching the disadvantaged. Others now contend that we cannot effectively utilize extra funds contained in the HEW Appropriation Bill because the funds are being misdirected and are not reaching the disadvantaged contemplated under Title I ESEA. Your brief comments on these contentions would be appreciated.

Comment: Contrary to the recent media releases regarding Title I, the results of our program will be over a long range of years to come and as yet adequate measuring criteria are not immediately available.

Response of Daniel B. Taylor, Superintendent, Wood County Schools, Parkersburg, W. Va., January 26, 1970

How many children in your district are benefitting from education programs funded under Title I of ESEA?

Answer: 2,500 students.

What is the ADA in your school district grades K–12?

Answer: 18,670.71.

What was the amount of your ESEA Title I grant in each of the following fiscal years?

Answer: 1968 $279,493, 1969 246,512, 1970 217,285.

What additional funds, if any, could you effectively apply to your Title I programs in fiscal year 1970 over and above the present level of funding? In fiscal year 1971?

Answer: 1970 $30,000 for summer programs. 1971, if allocations for fiscal year 1971 are made prior to August 1970, we could very effectively utilize a 100% increase in funds.

In your judgment, do you believe that the Title I programs are needed to meet the special needs of educationally disadvantaged children?

Answer: Yes! The special needs of educationally disadvantaged youngsters must be met and the money is not available at the local and state levels.

Do you regard your present Title I programs as effective in meeting special education needs of educationally disadvantaged children?

Answer: Yes.

Recent hearings in Washington disclosed that inadequate funding was the greatest obstacle in the path of more effectively reaching the disadvantaged. Others now contend that we cannot effectively utilize extra funds contained in the HEW Appropriation Bill because the funds are being misdirected and are not reaching the disadvantaged contemplated under Title I ESEA. Your brief comments on these contentions would be appreciated.

Comment: Inadequate and late funding has been the greatest obstacle in the path of Title I. Programs have improved over the past few years and the money is getting to the disadvantaged. Dropping Title I now or reducing the funding level of Title I will be dealing a very critical blow to the educationally disadvantaged in their attempt to become successful productive citizens.

Response of Barton H. Nagata, District Superintendent Kauai School District, Lihue, Kauai, Hawaii, January 26, 1970

How many children in your district are benefitting from education programs funded under Title I of ESEA?

Answer: 233.

What is the ADA in your school district grades K–12?

Answer: 7,326.

What was the amount of your ESEA Title I grant in each of the following fiscal years?

Answer: 1968 $81,173, 1969 $70,822, 1970 $70,822.

What additional funds, if any, could you effectively apply to your Title I programs in fiscal year 1970 over and above the present level of funding? In fiscal year 1971?

Answer: 1970 $10,000, 1971 $15,000.

In your judgment, do you believe that the Title I programs are needed to meet the special needs of educationally disadvantaged children?

Answer: Yes. It gives some latitude in experimentation—to attempt more non-conventional methods and techniques in meeting the special needs of certain students or alleviating certain specific problems or to make provisions for exceptions difficult under normal conditions.

Do you regard your present Title I programs as effective in meeting special education needs of educationally disadvantaged children?

Answer: Yes. I believe that the programs are geared to assist these students providing special or additional assistance which otherwise would be difficult to provide for. The personnel involved in these programs or projects, subjective though it may imply, also feel the same way.

Recent hearings in Washington disclosed that inadequate funding was the greatest obstacle in the path of more effectively reaching the disadvantaged. Others now contend that we cannot effectively utilize extra funds contained in the HEW Appropriation Bill because the funds are being misdirected and are not reaching the disadvantaged contemplated under Title I ESEA. Your brief comments on these contentions would be appreciated.

Comment: It is not inadequate funding, but more so the annual uncertainty of funds or the uncertainty as to the amount of the funds which has created more anxiety and apprehension, more hastily conceived projects, and more short term projects. Funding should be on a longer term basis so much better planning and implementation can take place, and it should also consider annual rising costs of materials and personnel. I believe that our funds are being utilized most advantageously under the conditions set forth and with extra funds could anticipate and plan for better and larger projects.

Response of R. C. Aungst, Marshallton-McKean School District, Wilmington, Del., January 26, 1970

How many children in your district are benefitting from education programs funded under Title I of ESEA?

Answer: 106.

What is the ADA in your school district grades K–12?

Answer: 4,724.

What was the amount of your ESEA Title I grant in each of the following fiscal years?

Answer: 1968 $8,000.00, 1969 $8,366.70, 1970 $12,267.00. This increase is due to district reorganization.

What additional funds, if any, could you effectively apply to your Title I programs in fiscal year 1970 over and above the present level of funding? In fiscal year 1971?

Answer: 1970 $25,000.00, 1971 $25,000.00.

In your judgment, do you believe that the Title I programs are needed to meet the special needs of educationally disadvantaged children?

Answer: Yes. Following guidelines established by the State, this money must be focused on those children. It cannot be used for other priority items.

Do you regard your present Title I programs as effective in meeting special education needs of educationally disadvantaged children?

Answer: Yes.

Recent hearings in Washington disclosed that inadequate funding was the greatest obstacle in the path of more effectively reaching the disadvantaged. Others now contend that we cannot effectively utilize extra funds contained in the HEW Appropriations Bill because the funds are being misdirected and are not reaching the disadvantaged contemplated under Title I ESEA. Your comments on these contentions would be appreciated.

Comment: It has been my experience that Title I Funds in this State are reaching the disadvantaged and are making a significant contribution.

Response of E. E. Brickell, Division Superintendent, Virginia Beach City Schools, Virginia Beach, Va., January 26, 1970

How many children in your district are benefitting from education programs funded under Title I of ESEA?

Answer: 2,363.

What is the ADA in your school district grades K–12?

Answer: 40,977.23.

What was the amount of your ESEA Title I grant in each of the following fiscal years?

Answer: 1968 $601,290.83, 1969 $601,837.43, 1970 $461,726.00.

What additional funds, if any, could you effectively apply to your Title I programs in fiscal year 1970 over and above the present level of funding? In fiscal year 1971?

Answer: 1970 $150,000, 1971 125,000.

In your judgment, do you believe that the Title I programs are needed to meet the special needs of educationally disadvantaged children?

Answer: Definitely. It is the only federally sponsored program that has depth enough to meet these special needs.

Do you regard your present Title I programs as effective in meeting special education needs of educationally disadvantaged children?

Answer: Yes. The program is meeting our present needs.

Recent hearings in Washington disclosed that inadequate funding was the greatest obstacle in the path of more effectively reaching the disadvantaged. Others now contend that we cannot effectively utilize extra funds contained in the HEW Appropriation Bill because the funds are being misdirected and are not reaching the disadvantaged contemplated under Title I ESEA. Your brief comments on these contentions would be appreciated.

Comment: The late funding and cut in the appropriation for our local school division has resulted in some hardships in the administering of our Title I Program. I do not believe that Title I funds are being misdirected in the State of Virginia.

Response of Dr. Peyton Reavis, Director Administrative Services, Amphitheater Public Schools, Tucson, Ariz., January 26, 1970

How many children in your district are benefitting from education programs funded under Title I of ESEA?

Answer: 301, K–12.

What is the ADA in your school district grades K–12?

Answer: 6788.650 (1968–69).

What was the amount of your ESEA Title I grant in each of the following fiscal years?

Answer: 1968 $70,356, 1969 $62,889, 1970 $55,404.

What additional funds, if any, could you effectively apply to your Title I programs in fiscal year 1970 over and above the present level of funding? In fiscal year 1971?

Answer: 1970 $20,000 (est.), 1971 $27,000 (est.).

In your judgement, do you believe that the Title I programs are needed to meet the special needs of educationally disadvantaged children?

Answer: Yes; Title I or similar financial assistance.

Do you regard your present Title I programs as effective in meeting special education needs of educationally disadvantaged children?

Answer: Children selected for our programs do make gains, but an adequate "catch up" is not achieved. Title I has helped us concentrate efforts beyond what we were previously able to do.

Recent hearings in Washington disclosed that inadequate funding was the greatest obstacle in the path of more effectively reaching the disadvantaged. Others now contend that we cannot effectively utilize extra funds contained in the HEW Appropriation Bill because the funds are being misdirected and are not reaching the disadvantaged contemplated under Title I ESEA. Your brief comments on these contentions would be appreciated.

Comment: The indefinite status of funding from year to year and the subsequent cutbacks in funding mean that we are not able to plan for and achieve our program aims. Our district has not been able to fill the gaps in programs started and not continued because of cut-backs.

Response of Dr. Kenneth J. Koger, Richmond Community Schools, Richmond, Ind., January 26, 1970

How many children in your district are benefitting from education programs funded under Title I of ESEA?

Answer: 1970 grant, 2,685.

What is the ADA in your school district grades K–12?

Answer: 11,225.

What was the amount of your ESEA Title I grant in each of the following fiscal years?

Answer 1968 $128,643.56, 1969 $118,677.00, 1970 $109,883.00.

What additional funds, if any, could you effectively apply to your Title I programs in fiscal year 1970 over and above the present level of funding? In fiscal year 1971?

Answer: 1970 $12,000, 1971 $26,000.

In your judgement, do you believe that the Title I programs are needed to meet the special needs of educationally disadvantaged children?

Answer: Yes.

Do you regard your present Title I programs as effective in meeting special education needs of educationally disadvantaged children?

Answer: Yes.

Recent hearings in Washington disclosed that inadequate funding was the greatest obstacle in the path of more effectively reaching the disadvantaged. Others now contend that we cannot effectively utilize extra funds contained in the HEW Appropriation Bill because the funds are being misdirected and are not reaching the disadvantaged contemplated under Title I ESEA. Your brief comments on these contentions would be appreciated.

Comment:

1. The adequacy of funds at our local level is not as much a problem as the fact that each year the amount of allocation has become less, thus not enabling us to provide a consistent program running over a period of several years without experiencing continual alterations due to the shrinking monies once a program is established and determined to be worthwhile. We are also informed that we cannot supplement programs with local monies without jeopardizing the entire program financed by Title I funds. The stipulation is clearly provided in the guidelines for the use of the monies and has been reinforced with various directives from the State Title I Office. If local funds could be used to "beef up" the shrinking monies from the Federal level, this would, in part, serve as a solution to the problem.

2. Our local district has continually attempted to reach the disadvantaged with direct benefit from Title I funds, however, the fact that quite often disadvantaged youngsters are housed in buildings which do not qualify for Title I aid under the present set of guidelines, means that these youngsters are arbitrarily deprived of potential benefit due to the fact that the percentage of disadvantaged in that building does not meet the required quota.

3. Although many "sour grapes attitudes" are being aired in the press and other news media at this time, there is no doubt whatsoever in my mind that the vast majority of local programs has sincerely attempted to follow the intent of Title I, and to the greatest degree they have been successful in providing experiences which would otherwise not have been available to these youngsters.

I do hope that your Committee is not unduly swayed by the vocal impressions which you received from a minority group, referring to a minority series of actions.

Response of Bueford Risner, Bath County, Owingsville, Ky., January 26, 1970

How many children in your district are benefitting from education programs funded under Title I of ESEA?

Answer: 1,083.

What is the ADA in your school district grades K–12?

Answer: 1,900.6.

What was the amount of your ESEA Title I grant in each of the following fiscal years?

Answer: 1968 $167,001.00, 1969 $153,544.00, 1970 $131,540.00.

What additional funds, if any, could you effectively apply to your Title I programs in fiscal year 1970 over and above the present level of funding? In fiscal year 1971?

Answer: 1970 $100,000 or more, 1971 $150,000 or more. We can justify programs for any additional funds we could receive.

In your judgment, do you believe that the Title I programs are needed to meet the special needs of educationally disadvantaged children?

Answer: Yes. We could not operate several programs designed to individualize instruction—which is of great benefit to the disadvantaged child without the Title I funds.

Do you regard your present Title I programs as effective in meeting special education needs of educationally disadvantaged children?

Answer: Yes. Without Title I funds we would have to drop many programs that we now have to help the disadvantaged child.

Recent hearings in Washington disclosed that inadequate funding was the greatest obstacle in the path of more effectively reaching the disadvantaged. Others now contend that we cannot effectively utilize extra funds contained in the HEW Appropriation Bill because the funds are being misdirected and are not reaching the disadvantaged contemplated under Title I ESEA. Your brief comments on these contentions would be appreciated.

Comment: Inadequate funding is certainly the greatest obstacle in doing a better job of educating the disadvantaged. Claims that extra funds contained in the HEW Appropriation Bill . . . simply is untrue. Anything that I might say or do further, please don't hesitate to call on me.

Response of Thomas D. Sheldon, Superintendent of Public Instruction, Baltimore City Public Schools, Baltimore, Md., January 26, 1970.

How many children in your district are benefitting from education programs funded under Title I of ESEA?

Although 69,047 public and 5,133 nonpublic school children are attending participating schools and receiving some facet of the services and benefits of the various ESEA, Title I projects (total: 74,180), the greater concentration of project services has been given to 27,705 children.

What is the ADA in your school district grades K–12?

ADA, K–12, is 173,902 (as of October, 1969).

What was the amount of your ESEA Title I grant in each of the following fiscal years?

Answer: 1968 $7,574,551, 1969 $7,299,502, 1970 $6,386,387 (not yet fully determined by Congress, but is 90% of FY 1969 grant by a continuing resolution).

What additional funds, if any, could you effectively apply to your Title I programs in fiscal year 1970 over and above the present level of funding? In fiscal year 1971?

Answer: 1970 $7,500,000, 1971 $8,000,000. Considering the fact that we are reaching less than ½ the eligible Title I pupils, a doubled allocation would be required, at least, just to meet their needs at current levels.

In your judgment, do you believe that the Title I programs are needed to meet the special needs of educationally disadvantaged children?

Answer: Yes.

Do you regard your present Title I programs as effective in meeting special education needs of educationally disadvantaged children?

Answer: Yes, but programs are underfunded and are leaving a large segment of needy children without the helpful additional services.

Recent hearings in Washington disclosed that inadequate funding was the greatest obstacle in the path of more effectively reaching the disadvantaged. Others now contend that we cannot effectively utilize extra funds contained in the HEW Appropriation Bill because the funds are being misdirected and are not reaching the disadvantaged contemplated under Title I ESEA. Your brief comments on these contentions would be appreciated.

Comment: Funds are not being misdirected, but are being applied to disadvantaged children in BCPS to the extent possible. A major thrust has been made in the hiring of over 700 paraprofessionals from Title I school communities to help meet the instructional needs of the pupils. There are far too many children who are not receiving the services, although they are eligible, due to limited funding and the stress upon confining and husbanding the meager funds to smaller numbers of children so that impact may be made on the limited group. Another handicap to more effective use of funds is the belated action of Congress in making the annual appropriations and allocations to the SEAs and the LEAs, thereby creating havoc and uncertainty in planning and implementing programs.

Response of Marvin Killfoil, County Superintendent, Pershing County, Lovelock, Nev., January 26, 1970

How many children in your district are benefitting from education programs funded under Title I of ESEA?

Answer: 42 actually involved—150 receiving benefits.

What is the ADA in your school district grades K–12?

Answer: 640.

What was the amount of your ESEA Title I grant in each of the following fiscal years?

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Answer: 1968 $8,888.00, 1969 $8,403.000, 1970 $5,565.00, not used.

What additional funds, if any, could you effectively apply to your Title I programs in fiscal year 1970 over and above the present level of funding? In fiscal year 1971?

Answer: 1970, 1971: Will not use program as apportionment is too small.

In your judgment, do you believe that the Title I programs are needed to meet the special needs of educationally disadvantaged children?

Answer: In many areas I believe it one of the best means of meeting the needs of educationally disadvantaged children.

Do you regard your present Title I programs as effective in meeting special education needs of educationally disadvantaged children?

Answer: We believe the program we had was effective and we are sorry funds were not available to continue.

Recent hearings in Washington disclosed that inadequate funding was the greatest obstacle in the path of more effectively reaching the disadvantaged. Others now contend that we cannot effectively utilize extra funds contained in the HEW Appropriation Bill because the funds are being misdirected and are not reaching the disadvantaged contemplated under Title I ESEA. Your brief comments on these contentions would be appreciated.

Comment: None.

Response of Mr. Gilbert V. Perry, Acting Superintendent, Wyoming Area School District, Wyoming, Pa., January 26, 1970

How many children in your district are benefitting from education programs funded under Title I of ESEA?

Answer: 434.

What is the ADA in your school district grades K–12?

Answer: 3,810.31.

What was the amount of your ESEA Title I grant in each of the following fiscal years?

Answer: 1968 $74,434.98, 1969 $59,876.30, 1970 $52,224.39.

What additional funds, if any, could you effectively apply to your Title I programs in fiscal year 1970 over and above the present level of funding? In fiscal year 1971?

Answer: 1970 $50,000.00, 1971 $50,000.00.

In your judgement, do you believe that Title I programs are needed to meet the special needs of educationally disadvantaged children?

Answer: Yes.

Do you regard your present Title I programs as effective in meeting special education needs of educationally disadvantaged children?

Answer: Unquestionably.

Recent hearings in Washington disclosed that inadequate funding was the greatest obstacle in the path of more effectively reaching the disadvantaged. Others now contend that we cannot effectively utilize extra funds contained in the HEW Appropriation Bill because the funds are being misdirected and are not reaching the disadvantaged contemplated under Title I ESEA. Your brief comments on these contentions would be appreciated.

Comment: We are completely convinced that our program involves the low-income and financially disadvantaged and that we are doing an effective job in helping these children. We have provided them with 4 teachers and 3 reading specialists. Reports indicate that students have increased reading abilities greatly in almost every single case.

Response of George J. Plava, Superintendent, Albert Gallatin Area School District, Uniontown, Pa., January 26, 1970

How many children in your district are benefitting from education programs funded under Title I of ESEA?

Answer: 2,820, or 41%.

What is the ADA in your school district grades K–12?

Answer: 6,400.

What was the amount of your ESEA Title I grant in each of the following fiscal years?

Answer: 1968 $396,986.56, 1969 $402,238.30, 1970 $339,338.21.

What additional funds, if any, could you effectively apply to your Title I programs in fiscal year 1970 over and above the present level of funding? In fiscal year 1971?

Answer: 1970 $70,000 to $75,000, 1971 $70,000 to $75,000.

In your judgment, do you believe that the Title I programs are needed to meet the special needs of educationally disadvantaged children?

Answer: Title I Programs are needed badly in our area to assist the disadvantaged children, especially at the lower grade levels and pre-school education. A side benefit of our programs which cannot be measured in educational achievement has been the increased interest of the parents of poverty children. They have been made to feel that someone cares.

Do you regard your present Title I programs as effective in meeting special education needs of educationally disadvantaged children?

Answer: Our Title I programs are meeting the educational need of our poverty children in the remedial reading and math program and our health program.

Recent hearings in Washington disclosed that inadequate funding was the greatest obstacle in the path of more effectively reaching the disadvantaged. Others now contend that we cannot effectively utilize extra funds contained in the HEW Appropriation Bill because the funds are being misdirected and are not reaching the disadvantaged contemplated under Title I ESEA. Your brief comments on these contentions would be appreciated.

Comment: We are in the Appalachian Region of Southwestern Pennsylvania where the socio-economic level of our population is very low. Forty one percent of our children are from families who meet poverty guidelines. Title I funds are a must for our district, if we are to provide quality education. The assessed valuation behind each child in our district is $2965, the national average is approximately $9300. This gives you some idea of the financial plight of our district. I urge your continued support of Title I Programs.

Response of Dr. Joseph Manch, Superintendent, Buffalo Public Schools, Buffalo, N.Y., January 26, 1970

How many children in your district are benefitting from education programs funded under Title I of ESEA?

Answer: 27,915 public, 7,077 nonpublic, total 34,992.

What is the ADA in your school district grades K–12?

Answer: 65,008 public.

What was the amount of your ESEA Title I grant in each of the following fiscal years?

Answer: 1968 $5,399,734, 1969 $4,227,868, 1970 $5,259,000, estimate based on pending H.R. 13111.

What additional funds, if any, could you effectively apply to your Title I programs in fiscal year 1970 over and above the present level of funding? In fiscal year 1971?

Answer: 1970 $1,000,000, 1971 $5,800,000.

In your judgment, do you believe that the Title I programs are needed to meet the special needs of educationally disadvantaged children?

Answer: Yes.

Do you regard your present Title I programs as effective in meeting special education needs of educationally disadvantaged children?

Answer: Yes. The American Institute for Research in the Behavioral Sciences reported to the U.S. Office of Education that they selected 11 programs throughout the nation as being of outstanding value to inner-city children. Four of the 11 programs are conducted by the Buffalo Board of Education.

The following items are pertinent:

"[From Your Schools at Work, September 1961]

"FOUR BUFFALO PROGRAMS NAMED EXEMPLARY: BUFFALO DOMINATES FIELD OF AWARD WINNERS

"A California research institute, under contract to the U.S. Office of Education, combed the entire country for programs considered to be of outstanding value to inner-city children. The result: out of 11 finally selected, four were products of the efforts of school staff in the Buffalo Public Schools.

"The Plus Program, the Afternoon Remedial and Enrichment Program, Expanded Language Arts Program, and Project Early Push were named as programs which had yielded measured evidence of academic achievement for disadvantaged school children.

"The American Institutes for Research (AIR) in the Behavioral Sciences, Palo Alto, California, prepared the study for the U.S. Office of Education. In the summary to the published report, AIR directors explain that a preliminary literature search established a pool of 320 programs which were thought possibly to meet criteria for the study. The field was then narrowed to 110, and 20 programs were selected for site visits.

"Source of pride

"After studying the remaining 20 programs thoroughly and interviewing project administrators, AIR reduced the field of award-winners to 11.

"Project Early Push is a prekindergarten program begun in 1966. Education authorities had previously cited Early Push as one of the 10 best ESEA programs in New York State.

"The Afternoon Remedial and Enrichment Program is an after-school grade 3-through-8 program in reading and mathematics begun in 1966.

"Expanded Language Arts is a grade 7-through-12 program which attempts to improve English language abilities.

"Plus, grade 1-through-8, offers remedial services for more than 7,000 pupils.

"Dr. Manch called the citations 'a source of tremendous pride to the Buffalo Public Schools, to teachers and administrators.' The Superintendent said that the teamwork of school staff at all levels made the awards possible, including the work of the Department of Curriculum Evaluation in preparing statistical evidence of the effectiveness of the four programs.

"[From BPS Report, Aug. 18, 1969]

"BUFFALO'S SPECIAL PROGRAMS PRAISED IN NEWS EDITORIAL

"Four Buffalo Public School programs, cited as 'exemplary' in a research study conducted for the U.S. Office of Education, have been acclaimed in a Buffalo Evening News' editorial appearing August 8. Referring to the award winners (Early Push, Plus, Afterschool Plus, and Expanded Language Arts), which had proved to be of outstanding benefit to inner-city children, the News' editorial noted 'the impressive results that the city's educators have achieved with several programs designed to help disadvantaged youngsters, both black and white.' The editorial concluded: 'The task confronting urban school systems in striving to help poverty-area pupils overcome their special hardships is an awesome one, for there are no easy formulas. But the local success stories should, in addition to assisting other communities, help promote the potential of individual students and broaden public confidence in the innovative efforts of Buffalo educators.'

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"[From BPS Report, Sept. 22, 1969]

"BUFFALO'S CURRICULUM EVALUATION TEAM: QUALITY CONTROL EXPERTS IMPROVE THE EDUCATIONAL PRODUCT

"When the report first circulated that Buffalo Public Schools had been cited by a West Coast research laboratory as the originators of four programs which had proved to be of outstanding benefit to inner-city children, school officials were naturally pleased.

"Administrators of the four programs—together with members of the Board of Education and the Superintendent—called the citations the product of team effort, a cooperative venture that pooled the resources of many men and women in the Buffalo Public Schools.

"Not overlooked were three professional members in the Division of Curriculum Evaluation and Development who spent countless hours preparing statistical evidence of the effectiveness of the four programs.

"The American Institutes for Research (AIR) in the Behavioral Sciences, Palo Alto, California, the organization that had combed the country for "exemplary" programs for disadvantaged children, began with a field of "contestants" that numbered over 300. Constant analysis and in-depth investigation finally reduced the number of award-winners to 11. Buffalo school officials were quick to recognize that the thoroughness of the Curriculum Evaluation team was an important factor in AIR's decision.

"Despite the critical role the Curriculum Evaluation team plays in the operation of the Buffalo Public Schools, few people have any real knowledge of the nature of the work. They might be forgiven—discussion of 'Chi squares' and other statistical weaponry have a way of confusing the uninitiate.

"In the words of Buffalo's Director of Curriculum Evaluation, the work of the department is seen clearest when compared with its counterpart in industry—a quality control network that represents a built-in check on the uniformity of company products.

"The analogy is a proper one. Buffalo's Curriculum Evaluation team, particularly when called upon to review the effectiveness of myriad State- and federally-funded programs, acts as a watchdog, seeing to it that program guidelines are adhered to and that the taxpayer is getting his money's worth.

"The actual evaluation process can be broken down into three basic parts or phases: the planning phase, during which time program objectives are written and a way of charting progress is devised; an ongoing phase, when checks are made on a program in operation to maximize effectiveness; and a terminal phase, when the program is finally reviewed, statistical studies prepared, and recommendations for improving or modifying the program made.

"Evaluation of programs in education, it should be noted, is not something new. Educators have always sought ways to objectively measure the quality of any educational plan. But with the passage of the Elementary and Secondary Education Act in 1965, funds from government sources began to have dramatic effect on the operation of urban school systems. The onslaught of Federal programs thrust the curriculum evaluator into the limelight.

"Buffalo Public Schools were mindful of the fact that internal evaluation could have a positive effect on the educational environment. The well-conceived system for measuring the effectiveness of programs operated by the Buffalo Public Schools actually results in better education for Buffalo children. Because evaluation is objective and scientific, loose segments in certain programs are tightened, objectives are more closely defined, and modifications are made to make sure educational innovations are meeting the needs of children.

"Besides evaluating State, federal and local programs in cooperation with project administrators, the CE team is also responsible for administering all standardized tests to Buffalo school children. Last year, the department helped construct, reproduce, and distribute over 200,000 tests in various subject areas.

"Modern business equipment is helping the department increase its speed and efficiency. An IBM 1230 Scanner, and a Honeywell 200 computer installation operated by the Division of Finance and Research, are now both in use. The machines are used primarily to score achievement tests administered to city pupils and to devise programs for rapid printout.

"The work of the Curriculum Evaluation team received nation-wide attention in February 1969 when Dr. Manch presented to the Board of Education a study of the effectiveness of Buffalo's integration program. The basis of the report came from the administration of achievement tests to all pupils in grades 5–7 in Buffalo's sending and receiving schools. The study probed the effects of bussing 1200 Negro pupils to nearly all-white schools outside the city's core area during the 1967–68 school year.

"The report revealed that the Negro pupils bussed to schools on the periphery made greater gains in academic achievement than did pupils remaining in segregated schools. White pupils attending classes in receiving schools did not suffer losses in academic achievement as a result of integration. An attitude survey showed most principals, parents, teachers, and students favored the integration program.

"[From the Buffalo (N.Y.) Evening News, Aug. 8, 1969]

"CITY SUCCESS STORIES

"Like other large urban school systems, Buffalo's can sometimes seem to be overwhelmed by vexatious challenge, social tensions and ceaselessly carping criticism. All the more reason, then, to welcome the truly impressive results that the city's educators have achieved with several special programs designed to help disadvantaged youngsters, both black and white.

"Convincing evidence of these heartening gains is contained in a national study which cited 11 exemplary school programs as models for other systems to copy. Of the 11 finally selected from over 300 considered, four were devised and put into practice here.

"Buffalo was the only school system with more than one program selected and, more important, those chosen pertained not to frilly educational areas but to the academic heart of any productive curriculum—reading, math and English.

"The task confronting urban school systems in striving to help poverty-area pupils overcome their special hardships is an awesome one, for there are no easy formulas. But the local success stories should, in addition to assisting other communities, help promote the potential of individual students and broaden public confidence in the innovative efforts of Buffalo educators.

"[From the Buffalo (N.Y) Evening News, Aug. 6, 1969]

"BUFFALO SCHOOL PROGRAMS FOR THE DISADVANTAGED PRAISED IN FEDERAL STUDY

"A 175-page federally sponsored study of 'Exemplary Programs for the Education of Disadvantaged Children' is dominated by the Buffalo school system.

"Of 11 programs throughout the U.S. described in the publication, four are Buffalo efforts.

"No other school system is represented more than once in the study produced by the American Institutes for Research, Palo Alto, Calif., under a contract with the U.S. Office of Education.

"The publication's summary says the chief criterion for inclusion in the report is a showing that pupils made 'significantly' greater gains in academic achievement than they would have otherwise.

"Out of the nation's thousands of special programs, the California group originally selected 320 from which to pick the 11 to be described. Four Buffalo programs were among the 320 and all survived the test.

The four Buffalo programs—all financed under Title I of the U.S. Elementary & Secondary Education Act—are:

" 'Early Push'—A pre-kindergarten program begun in April 1966.

" 'Plush'—A Grade 1-through-8 remedial effort in reading and mathematics which provides small-group and individual instruction for more than 7000 youngsters.

"Afternoon Remedial and Enrichment Program—An after-school grade 3-through-8 program in reading and mathematics, begun in January 1966.

"Expanded Language Arts Program—A grade 7-through-12 effort designed to improve English language ability through smaller classes and better instructional material.

"Eventually, the study will be issued as 11 booklets—each one describing one of the selected programs. The booklets are designed to help educators planning special programs for the 'disadvantaged' by giving details on efforts proven to be successful.

"Schools Supt. Joseph Manch said the school system is 'highly gratified' by the study, which, he said, gives 'evidence that we have used Title I funds effectively.'

" 'I believe that this citation is a tribute to the awareness and creativity of our teachers, administrators and others, supported by the Board of Education.

" 'We are pleased that these programs may serve as models for communities throughout the United States. It proves what can be done when you have the money to do the job.' "

Recent hearings in Washington disclosed that inadequate funding was the greatest obstacle in the path of more effectively reaching the disadvantaged. Others now contend that we cannot effectively utilize extra funds contained in the HEW Appropriation Bill because the funds are being misdirected and are not reaching the disadvantaged contemplated under Title I ESEA. Your brief comments on these contentions would be appreciated.

Comment: Our experience leaves no doubt in my mind that inadequate funding is the greatest obstacle in the way of reaching the disadvantaged more effectively.

RESPONSE OF CLYDE M. GOTT, SUPERINTENDENT, PORT ARTHUR INDEPENDENT SCHOOL DISTRICT, PORT ARTHUR, TEX., JANUARY 26, 1970

How many children in your district are benefiting from education programs funded under Title I of ESEA?

Answer: 3,999.

What is the ADA in your school district grades K–12?

Answer: 15,213.

What was the amount of your ESEA Title I grant in each of the following fiscal years?

Answer: 1968 $382,245, 1969 $349,154, 1970 $314,239.

What additional funds, if any, could you effectively apply to your Title I programs in fiscal year 1970 over and above the present level of funding? In fiscal year 1971?

Answer: 1970 $30,000, 1971 $35,000.

In your judgment, do you believe that the Title I programs are need to meet the special needs of educationally disadvantaged children?

Answer: Yes.

Do you regard your present Title I programs as effective in meeting special education needs of educationally disadvantaged children?

Answer: Yes.

Recent hearings in Washington disclosed that inadequate funding was the greatest obstacle in the path of more effectively reach-

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ing the disadvantaged. Others now contend that we cannot effectively utilize extra funds contained in the HEW Appropriation Bill because the funds are being misdirected and are not reaching the disadvantaged contemplated under Title I ESEA. Your brief comments on these contentions would be appreciated.

Comment: Earlier notification of all funds available would result in better planning; consequently, a more effective program would be realized.

Response of Dr. Samuel N. Henrie, Jr., Coordinator, Research and Development, Emery Unified School District, Emeryville, Calif., January 26, 1970

How many children in your district are benefitting from education programs funded under Title I of ESEA?

Answer: 96.

What is the ADA in your school district grades K–12?

Answer: 650.

What was the amount of your ESEA Title I grant in each of the following fiscal years?

Answer: 1968 $16,000, 1969 $21,000, 1970 $28,501.

What additional funds, if any, could you effectively apply to your Title I programs in fiscal year 1970 over and above the present level of funding? In fiscal year 1971?

Answer: 1970 $15,000, 1971 $15,000.

In your judgment, do you believe that the Title I programs are needed to meet the special needs of educationally disadvantaged children?

Answer: Absolutely.

Do you regard your present Title I programs as effective in meeting special education needs of educationally disadvantaged children?

Answer: Yes, we have statistical evidence to show it helps.

Recent hearings in Washington disclosed that inadequate funding was the greatest obstacle in the path of more effectively reaching the disadvantaged. Others now contend that we cannot effectively utilize extra funds contained in the HEW Appropriation Bill because the funds are being misdirected and are not reaching the disadvantaged contemplated under Title I ESEA. Your brief comments on these contentions would be appreciated.

Comment: It is a matter of priorities—is it more important to educate our children or to make more weapons of war? I feel that people are "what it's all about." We could use more Title I funds and more of all types of federal aid.

Response of Mitchell J. Czoch, Supervising Principal, Wilkes-Barre Township, Wilkes-Barre, Pa.

How many children in your district are benefiting from education programs funded under Title I of ESEA?

Answer: 88.

What is the ADA in your school district grades K–12?

Answer 518.

What was the amount of your ESEA Title I grant in each of the following fiscal years?

Answer: 1968 $20,000, 1969 $23,000, 1970 $15,000.

What additional funds, if any, could you effectively apply to your Title I programs in fiscal year 1970 over and above the present level of funding? In fiscal year 1971?

Answer: 1970 none. 1971 none.

In your judgment, do you believe that the Title I programs are needed to meet the special needs of educationally disadvantaged children?

Answer: Yes, very much.

Do you regard your present Title I programs as effective in meeting special education needs of educationally disadvantaged children?

Answer: No, we need more funds.

Recent hearings in Washington disclosed that inadequate funding was the greatest obstacle in the path of more effectively reaching the disadvantaged. Others now contend that we cannot effectively utilize extra funds contained in the HEW Appropriation Bill because the funds are being misdirected and are not reaching the disadvantaged contemplated under Title I ESEA. Your brief comments on these contentions would be appreciated.

Comment: More funds are needed for education! Very much more!

Response of Louis J. Gawat, Greater Nanticoke Area School District, Nanticoke, Pa., January 26, 1970

How many children in your district are benefitting from education programs funded under Title I of ESEA?

Answer: 1,500. (Indirectly our entire student body benefits from these programs.)

What is the ADA in your school district grades K–12?

Answer, 3,800.78.

What was the amount of your ESEA Title I grant in each of the following fiscal years?

Answer: 1968 $151,490.91, 1969 $136,351.97, 1970, $113,112.74.

What additional funds, if any, could you effectively apply to your Title I programs in fiscal year 1970 over and above the present level of funding? In fiscal year 1971?

Answer: 1970 $40,000 (1968 funding figure), 1971 $40,000.

In your judgment, do you believe that the Title I programs are needed to meet the special needs of educationally disadvantaged children?

Answer: Emphatically yes.

Do you regard your present Title I programs as effective in meeting special education needs of educationally disadvantaged children?

Answer: Without question we are making more visible progress each year.

Recent hearings in Washington disclosed that inadequate funding was the greatest obstacle in the path of more effectively reaching the disadvantaged. Others now contend that we cannot effectively utilize extra funds contained in the HEW Appropriation Bill because the funds are being misdirected and are not reaching the disadvantaged contemplated under Title I ESEA. Your brief comments on these contentions would be appreciated.

Comment: Inadequate funding is definitely interfering with the continuity of our program on a scale which would achieve more desirable results.

There isn't any question that funds are misdirected in some districts however, the benefits derived by students far offset these minor instances. I consider ESEA funds as the life line of the Educationally Disadvantaged students in our district. Their chances for a successful future lies in the hands of an understanding and far sighted U.S. Government which has the means of providing them the educational needs they so sorely need.

Response of E. E. Simonton, Assistant Superintendent, Pleasant County Schools, St. Marys, W. Va., January 26, 1970

How many children in your district are benefitting from education programs funded under Title I ESEA?

Answer: 281.

What is the ADA in your school district grades K–12?

Answer: 1,555.

What was the amount of your ESEA Title I grant in each of the following fiscal years?

Answer: 1968 $55,868.00, 1969 $51,677.00, 1970 $49,372.00.

What additional funds, if any, could you effectively apply to your Title I programs in fiscal year 1970 over and above the present level of funding? In fiscal year 1971?

Answer: 1970 $3,000.00, 1971 $10,000.00.

In your judgement, do you believe that the Title I programs are needed to meet the special needs of educationally disadvantaged children?

Answer: Definitely, yes.

Do you regard your present Title I programs as effective in meeting special education needs of educationally disadvantaged children?

Answer: They are effective as far as our limited funds will reach.

Recent hearings in Washington disclosed that inadequate funding was the greatest obstacle in the path of more effectively reaching the disadvantaged. Others now contend that we cannot effectively utilize extra funds contained in the HEW Appropriation Bill because the funds are being misdirected and are not reaching the disadvantaged contemplated under Title I ESEA. Your brief comments on these contentions would be appreciated.

Comment: The funds we receive are not being misdirected. We just do not have enough money to reach everyone that we should reach.

I am in sympathy with the President's desire to hold the line on inflation, but I am hopeful that it can be done without sacrificing education.

When you speak of misdirected funds, just take a glance at the programs of O.E.O. I have never seen such pure waste of funds. O.E.O. should get out of the field of Education and become purely Welfare and a billion dollars could be cut from their asking and not only would the people applaud the move but President Nixon will sign the HEW bill.

Response of Donald W. Schultz, Superintendent, Petersburg City School District, Petersburg, Alaska, January 26, 1970

How many children in your district are benefitting from education programs funded under Title I of ESEA?

Answer: 85.

What is the ADA in your school district grades K–12?

Answer: 645.

What was the amount of your ESEA Title I grant in each of the following fiscal years?

Answer: 1968 $15,769.78, 1969 $15,575.94, 1970 $16,201.00.

What additional funds, if any, could you effectively apply to your Title I programs in fiscal year 1970 over and above the present level of funding? In fiscal year 1971?

Answer: 1970 $3,000.00, 1971 $3,000.00.

In your judgment, do you believe that the Title I programs are needed to meet the special needs of educationally disadvantaged children?

Answer: Yes.

Do you regard your present Title I programs as effective in meeting special education needs of educationally disadvantaged children?

Answer: Yes.

Recent hearings in Washington disclosed that inadequate funding was the greatest obstacle in the path of more effectively reaching the disadvantaged. Others now contend that we cannot effectively utilize extra funds contained in the HEW Appropriation Bill because the funds are being misdirected and are not reaching the disadvantaged contemplated under Title I ESEA. Your brief comments on these contentions would be appreciated.

Comment: In many cases increased funding is necessary. Undoubtedly there is some misdirection of funds. There always is. State departments should be able to keep this to a minimum.

Response of William A. Teller, Assistant Superintendent, East China Township Schools, St. Claire, Mich., January 26, 1970

How many children in your district are benefitting from education programs funded under Title I of ESEA?

Answer: 200.

What is the ADA in your school district grades K–12?

Answer: 4,558.

What was the amount of your ESEA Title I grant in each of the following fiscal years?

Answer: 1968 $71,411, 1969 $67,565, 1970 $62,331.

What additional funds, if any, could you effectively apply to your Title I programs in fiscal year 1970 over and above the present level of funding? In fiscal year 1971?

Answer: 1970 $42,000, 1971 $42,000.

In your judgment, do you believe that the Title I programs are needed to meet the special needs of educationally disadvantaged children?

Answer: Yes, very much so.

Do you regard your present Title I programs as effective in meeting special education needs of educationally disadvantaged children?

Answer: Yes.

Recent hearings in Washington disclosed that inadequate funding was the greatest obstacle in the path of more effectively reaching the disadvantaged. Others now contend that we cannot effectively utilize extra funds contained in the HEW Appropriation Bill because the funds are being misdirected and are not reaching the disadvantaged contemplated under Title I ESEA. Your brief comments on these contentions would be appreciated.

Comment: Without Title I funds, most of the needs of educationally disadvantaged children cannot be met.

Response of Robert W. Rhoads, Title I Coordinator, Whittier City, Whittier, Calif., January 26, 1970

How many children in your district are benefitting from education programs funded under Title I of ESEA?

Answer: 160—there are 120 more who need special attention and would qualify under the guidelines.

What is the ADA in your school district grades K–12?

Answer: 6,300.

What was the amount of your ESEA Title I grant in each of the following fiscal years?

Answer: 1968 $44,049, 1969 $40,885, 1970 $51,861.

What additional funds, if any, could you effectively apply to your Title I programs in fiscal year 1970 over and above the present level of funding? In fiscal year 1971?

Answer: 1970 $36,000, 1971 $36,000.

In your judgment, do you believe that the Title I programs are needed to meet the special needs of educationally disadvantaged children?

Answer: Yes, there is no other source of funds for this purpose at the present time.

Do you regard your present Title I programs as effective in meeting special education needs of educationally disadvantaged children?

Answer: Yes, though the progress is slow, we feel it is an effective way to meet the problems.

Recent hearings in Washington disclosed that inadequate funding was the greatest obstacle in the path of more effectively reaching the disadvantaged. Others now contend that we cannot effectively utilize extra funds contained in the HEW Appropriation Bill because the funds are being misdirected and are not reaching the disadvantaged contemplated under Title ESEA. Your brief comments on these contentions would be appreciated.

Comment: Of the $51,861 funded in fiscal year 1970, $48,550 budgeted is for teachers salaries. These teachers assignments are to teach the educationally disadvantaged. The balance is spent on supplies and services for the disadvantaged. Administrative costs, and special services such as attendance, accounting, psychological testing, health services and other community services are provided by the district at district cost.

Response of Dr. Norman F. Hyatt, Ed. D., Granite School District, Salt Lake City, Utah, January 26, 1970

How many children in your district are benefitting from education programs funded under Title I of ESEA?

Answer: 1,238.

What is the ADA in your school district grades K–12?

Answer: 59,850.

What was the amount of your ESEA Title I grant in each of the following fiscal years?

Answer: 1968 $308,729, 1969 $289,858, 1970 $281,746.

What additional funds, if any, could you effectively apply to your Title I programs in fiscal year 1970 over and above the present level of funding? In fiscal year 1971?

Answer: 1970 $60,000 to $75,000, 1971 $60,000 to $75,000.

In your judgment, do you believe that the Title I programs are needed to meet the special needs of educationally disadvantaged children?

Answer: Yes.

Do you regard your present Title I programs as effective in meeting special education needs of educationally disadvantaged children?

Answer: Yes.

Summary and Conclusions: As was the case in the report of the evaluation for 1967–68, the data reported herein are in tabular form and without exhaustive narration. This is based on the assumption that the personnel of the Granite School District can examine each table if they wish and therefore can ferret additional implications of importance to them. Again, "a picture is really worth a thousand words."

A general summary statement, however, is in order. At least insofar as evidenced from the data acquired through the use of the above described testing procedures, the Title I program in the Granite School District is meeting its objectives. During the 1968–69 school year emphasis was placed on the reading program and significantly positive results were measured. It was also noted that the main focus of the reading program was on the primary grades, a secondary focus was on the intermediate grades and the special needs found therein. The results of the study clearly portray the effectiveness of this approach by showing more pronounced significant differences at the third grade level than at either the fourth or the fifth grade levels. This also suggests that continued followup efforts on the part of the reading teachers ought to strengthen the total program even more than at present. This is not to be considered as a reflection on the kind of results acquired through the efforts of the personnel presently in the schools, but that additional personnel in such activities has a chance of showing even greater improvement. In some instances the children for whom the program was primarily intended, the project children, showed evidence of greater gains than the others; in some instances the control groups showed greater gains.

Inasmuch as the impact or status of the language program was also considered as being worthy of analysis again this year, a few summary words here are also in order. At the third grade level significant positive benefits were identified. At the fourth grade level the control students appeared to benefit more than the project children but at the fifth grade level whatever benefit either group accrued did not show up as being statistically significant through the use of the measuring devices employed.

During the past three years the writer of this report has heard many times that very few Title I programs in the entire country have resulted in the measurement of positive benefits on the part of the children for whom the program is intended. The 1968–69 school year marks at least the third year wherein the Granite School District can be proud to say that there is evidence of positive benefits being derived from the efforts of its personnel in the programs of the District which derive partial support from Federal fund under Title I of the Elementary and Secondary Education Act of 1965. It is of further interest to note that some of these benefits carry over into the adjustment behavior patterns of children even though during the 1967–68 school year the improvements appear to have been greater than during the 1968–69 school year.

IV. GENERAL SUMMARY AND CONCLUSIONS

A. *Summary:* The 1968–69 school year marks the fourth year that the Granite School District has made use of Federal funds authorized under the Elementary Secondary Education Act of 1965, Title I. A rather extensive report of the use of the funds was submitted to the Board of Education at the end of the 1967–68 school year. For the present school year, 1968–69, it was decided that more limited evaluative procedures would suffice. Most of those undertaken and reported in previous portions of this report are parallel to the former year. In fact, data pertaining to student progress as measured by achievement tests and a behavior adjustment scale were built upon to make a more meaningful study of progress of children over a two year span.

As in 1967–68, the 1968–69 evaluative activities were planned and carried out under the general supervision of Mrs. Amy C. Nelson of the District and Dr. Norman F. Hyatt of the World-Wide Education and Research Institute of Salt Lake City.

The evaluative activities were of two kinds. As referred to above, measurements of student progress in reading and language were assessed by the use of the Metropolitan Achievement Test Battery, The Stanford Achievement Test and the Tests of General Ability. The Child Behavior Rating Scale was used to identify pupil behavior adjustments. Pre-test and post-tests were considered. Comparisons were made between different groups of children, project and control at the third, fourth and fifth grade levels. Also, comparisons were made between groups of students from the 1967–68 and 1968–69 evaluations.

The magnitude, direction and per cent of change were studied. Significance of difference between the respective groups in the study as well as between the levels of performance of the same group from the outset to the conclusion were ascertained and analyzed.

The other evaluative procedure engaged in this year was that of compiling the subjective self-evaluations from the project schools into short concise statements which can provide a profile of understanding of the merits of the program.

B. Conclusions: Several statements from the final report of the 1967–68 evaluation are worthy of repeating, as they also quite accurately portray the conclusions drawn from the data gathered in the study during 1968–69. On the basis of scores alone the conclusion is sound that the operation has been financially and educationally justifiable though statistically not greatly or significantly so in each and every instance.

The facts seem to suggest that the program per se is good, that it "might" profitably be used universally. In other words, it appears as though the Granite School District would err were decisions to be made to discontinue or drastically cut back on the program modifications permitted through the use of Title I funds.

Of considerable value, in addition to the statistical tables, and accompanying explanations, is the subjective phase of the report.

A final conclusion is that the Granite School District can ill-afford not to continue to modify its instructional program in the future. Some indications of different directions to be taken can be gleaned from the data presented in this report. Different emphases as well as different target populations can be considered. In short, a constant vigil needs to be maintained on possible changes which might be of value to boys and girls of the District. At the same time, additional appraisals, parallel in nature to this one, ought to be included in future plans in order that an assessment of "goodness" of decisions can be made.

In addition to the above corroboration of previously drawn conclusions, based on "objective" data, the following general conclusions relate specifically to the study of the "subjective" data during the 1968–69 evaluation activities.

1. Responding personnel stated opinions quite candidly, even though the identity of the respondent could be traced. (Specific identity, however, was omitted from this report.)

2. Teachers and other personnel are dedicated to good programs for boys and girls and "get by" with the facilities as best they can.

3. Teachers ask for better ways and means of helping youth rather than for things that will make their working conditions better or the job easier.

4. What the District has done with the money available has been good. The problem is that more money is needed to do even better.

5. Responding personnel were very willing to identify problem areas as well as virtues of the program. Constructive and professionally based criticism appeared to be the order of the day."

6. Some of the specific items mentioned might be symptoms or clues to other items worthy of attention in any redesigning of the program which the District would undertake.

7. A more effective overall program would result from increased parental involvement. This was expressed in a number of ways.

Recent hearings in Washington disclosed that inadequate funding was the greatest obstacle in the path of more effectively reaching the disadvantaged. Others now contend that we cannot effectively utilize extra funds contained in the HEW Appropriation Bill because the funds are being misdirected and are not reaching the disadvantaged contemplated under Title I ESEA. Your brief comments on these contentions would be appreciated.

Comment: I would contend that money alone would not necessary effectively reach disadvantaged children. At the same time, I would contend that the Granite School District has not misdirected its funds and the additional funds designated above as being necessary would significantly enhance the title I ESEA program in this district.

Response of Eli Douglas, Superintendent, Galveston Independent School District, Galveston, Tex., January 26, 1970

How many children in your district are benefitting from education programs funded under Title I of ESEA?

Directly: Public 1881, N.P. 480, Neglected 37, Total 2398.

Indirectly: Any pupil realizing benefits from equipment and materials, and/or service personnel, i.e., Nurses, Aides, Home-School Coordinators, lunch program, clothing and medical needs provided.

What is the ADA in your school district grades K–12?

Answer: 10,898.

What was the amount of your ESEA Title I grant in each of the following fiscal years?

Answer: 1968 $414,516, 1969 $360,714, 1970 $315,429.

What additional funds, if any, could you effectively apply to your Title I programs in fiscal year 1970 over and above the present level of funding? In fiscal year 1971?

Answer: 1970 $150,000, 1971 $200,000.

In your judgment, do you believe that the Title I programs are needed to meet the special needs of educationally disadvantaged children?

Answer: Yes.

Do you regard your present Title I programs as effective in meeting special education needs of educationally disadvantaged children?

Answer: Because of insufficient funds our program is most inadequate in meeting special needs of our culturally deprived children.

Recent hearings in Washington disclosed that inadequate funding was the greatest obstacle in the path of more effectively reaching the disadvantaged. Others now contend that we cannot effectively utilize extra funds contained in the HEW Appropriation Bill because the funds are being misdirected and are not reaching the disadvantaged contemplated under Title I ESEA. Your brief comments on these contentions would be appreciated.

Comment: Inadequacy of grant fundings, and the fact one semester of the school term expires before definite assurance of allocation is received, contributes to poorly developed plans and ineffective results. Our particular school suffers because the ethnic composition (W 43%, N 37% and other 20%) and percentage of high cultural deprivation create circumstance of need beyond the finances provided under this grant.

Response of Dr. Harold M. Kaiser, Superintendent of Schools, Davenport Community Schools, Davenport, Iowa, January 26, 1970

How many children in your district are benefitting from education programs funded under Title I of ESEA?

Answer: 4,500.

What is the ADA in your school district grades K–12?

Answer: 21,947.

What was the amount of your ESEA Title I grant in each of the following fiscal years?

Answer: 1968 $300,000, 1969 $350,000, 1970 $330,357.

What additional funds, if any, could you effectively apply to your Title I programs in fiscal year 1970 over and above the present level of funding? In fiscal year 1971?

Answer: 1970 $150,000, 1971 $150,000.

In your judgment, do you believe that the Title I programs are needed to meet the special needs of educationally disadvantaged children?

Answer: Yes.

Do you regard your present Title I programs as effective in meeting special education needs of educationally disadvantaged children?

Answer: Yes.

Recent hearings in Washington disclosed that inadequate funding was the greatest obstacle in the path of more effectively reaching the disadvantaged. Others now contend that we cannot effectively utilize extra funds contained in the HEW Appropriation Bill because the funds are being misdirected and are not reaching the disadvantaged contemplated under Title I ESEA. Your brief comments on these contentions would be appreciated.

Comment. We feel that funds allotted to us are reaching disadvantaged children.

Response of Bill Andreas, Superintendent, Chaffee County, Salida, Colo., Chaffee County, Salida, Colo., January 26, 1970

How many children in your district are benefitting from education programs funded under Title I ESEA?

Answer: 100.

What is the ADA in your school district grades K–12?

Answer: 1,450.

What was the amount of your ESEA Title I grant in each of the following fiscal years?

Answer: 1968 $14,000, 1969 $16,000. 1970 $7,000.

What additional funds, if any, could you effectively apply to your Title I programs in fiscal year 1970 over and above the present level of funding? In fiscal year 1971?

Answer: 1970 $6,000, 1971 $6,000.

In your judgment, do you believe that the Title I programs are needed to meet the special needs of educationally disadvantaged children?

Answer: Yes.

Do you regard your present Title I programs as effective in meeting special education needs of educationally disadvantaged children?

Answer: Yes.

Recent hearings in Washington disclosed that inadequate funding was the greatest obstacle in the path of more effectively reaching the disadvantaged. Others now contend that we cannot effectively utilize extra funds contained in the HEW Appropriation Bill because the funds are being misdirected and are not reaching the disadvantaged contemplated under Title I ESEA. Your brief comments on these contentions would be appreciated.

Answer: Yes.

Comment: I object to the trend which necessitates the funds being directed toward the "economically" deprived. We have many "educationally" deprived that are not necessarily "economically" deprived.

Response of Dr. Hebert Armstrong, Superintendent, Forest Grove Public Schools, Forest Grove, Oreg., January 26, 1970

How many children in your district are benefitting from education programs funded under Title I of ESEA?

Answer: 200.

What is the ADA in your school district grades K–12?

Answer: 3,500.

What was the amount of your ESEA Title I grant in each of the following fiscal years?

Answer: 1968 $67,000 estimated, 1969 $69,517, 1970 $68,046.

What additional funds, if any, could you effectively apply to your Title I programs in fiscal year 1970 over and above the present level of funding? In fiscal year 1971?

Answer: 1970 $8,500, 1971 $17,000.

In your judgment, do you believe that the Title I programs are needed to meet the special needs of educationally disadvantaged children?

Answer: Yes.

Do you regard your present Title I programs as effective in meeting special education needs of educationally disadvantaged children?

Answer: Yes.

Recent hearings in Washington disclosed that inadequate funding was the greatest obstacle in the path of more effectively reaching the disadvantaged. Others now contend that we cannot effectively utilize extra funds contained in the HEW Appropriation Bill because the funds are being misdirected and are not reaching the disadvantaged contemplated under Title I ESEA. Your brief comments on these contentions would be appreciated.

Comment: Funds presently allocated and with moderate increases can be used effectively by the local districts if projects stay within areas of sound educational practices. Projects should supplement basic educational practices of the district for disadvantaged children. If this is done, dollars can be stretched as less funds will be siphoned off for purposes of administration, training of staff, equipment and supplies.

Response of Mr. Edward A. Conley, Cambridge, Mass., Middlesex County; Cambridge School Department, Cambridge, Mass., January 26, 1971

How many children in your district are benefitting from education programs funded under Title I of ESEA?

Answer. 894 children.

What is the ADA in your school district grades K–12?

Answer: Ending June 30, 1969: elementary, 6,727.26; high school, 12,387.49; for a total of 19,114.75.

What was the amount of your ESEA Title I grant in each of the following fiscal years?

Answer: 1968 $462,085, 1969 $403,693, 1970 $356,886.

What additional funds, if any, could you effectively apply to your Title I programs in fiscal year 1970 over and above the present level of funding? In fiscal year 1971?

Answer: 1970, adequate; 1971, 10 percent additional to allow for increases in cost of operation.

In your judgement, do you believe that the Title I programs are needed to meet the special needs of educationally disadvantaged children?

Answer: In our particular circumstance and community, Title I has been most advantageous to disadvantaged children.

Do you regard your present Title I programs as effective in meeting special education needs of educationally disadvantaged children?

Answer: Yes, our recently devised objective criteria shows a decided growth in pupil achievement.

Recent hearings in Washington disclosed that inadequate funding was the greatest obstacle in the path of more effectively reaching the disadvantaged. Others now contend that we cannot effectively utilize extra funds contained in the HEW Appropriation Bill because the funds are being misdirected and are not reaching the disadvantaged contemplated under Title I ESEA. Your brief comments on these contentions would be appreciated.

Comment: Year to year funding makes programming very difficult. If funding were for longer terms programming would be easier.

Response of William H. Ohrenberger, Superintendent, City of Boston, Boston, Mass., January 26, 1970

How many children in your district are benefitting from education programs funded under Title I of ESEA?

Answer: 19,927 (includes eligible private schools).

What is the ADA in your school district grades K–12?

Answer: 86,271.

What was the amount of your ESEA Title I grant in each of the following fiscal years?

Answer: 1968 $4,613,141, 1969 $4,244,090, 1970 $3,948,753.

What additional funds, if any, could you effectively apply to your Title I programs in fiscal year 1970 over and above the present level of funding? In fiscal year 1971?

Answer: 1970 $1,500,000, 1971 $6,000,000.

In your judgment, do you believe that the Title I programs are needed to meet the special needs of educationally disadvantaged children?

Answer: Yes, they allow for the employment of parent-aides resulting in the development of a closer tie-in between the school and the family; provide opportunities to conduct experimental programs wherein special curricula are developed for these children, and many specialized services.

Do you regard your present Title I programs as effective in meeting special education needs of educationally disadvantaged children?

Answer: Experimental programs appear to be effective in meeting special needs. However, with a higher level of funding we could concentrate multiple services and varied curricular approaches on the target population.

Recent hearings in Washington disclosed that inadequate funding was the greatest obstacle in the path of more effectively reaching the disadvantaged. Others now contend that we cannot effectively utilize extra funds contained in the HEW Appropriation Bill because the funds are being misdirected and are not reaching the disadvantaged contemplated under Title I ESEA. Your brief comments on these contentions would be appreciated.

Comment: Increased funding would make present services more comprehensive and allow additional *eligible children* to participate. Title I Programs in the City of Boston operate only in those school districts showing the highest concentration of eligible children, determined as a result of a survey conducted in cooperation with the welfare department.

Response of Mrs. Esther S. Owen, Akron City School District, Akron, Ohio, January 26, 1970

How many children in your district are benefitting from education programs funded under Title I of ESEA?

Answer: 3,681 (2,111 in 1969–1970 plus 1,570 in summer 1969).

What is the ADA in your school district grades K–12?

Answer: 52,118.

What was the amount of your ESEA Title I grant in each of the following fiscal years?

Answer: 1968 $1,073,340.59, 1969 $1,039,115.10, 1970 $908,233.74 to date.

What additional funds, if any, could you effectively apply to your Title I programs in fiscal year 1970 over and above the present level of funding? In fiscal year 1971?

Answer: 1970 $500,000, 1971 $900,000.

In your judgment, do you believe that the Title I programs are needed to meet the special needs of educationally disadvantaged children?

Answer: Yes, the programs meet a real need and it would be impossible to operate them since local funds are not available.

Do you regard your present Title I programs as effective in meeting special education needs of educationally disadvantaged children?

Answer: Yes. They have been designed for the particular needs and our evaluation indicates that it has made a difference for the children involved.

Recent hearings in Washington disclosed that inadequate funding was the greatest obstacle in the path of more effectively reaching the disadvantaged. Others now contend that we cannot effectively utilize extra funds contained in the HEW Appropriation Bill because the funds are being misdirected and are not reaching the disadvantaged contemplated under Title I ESEA. Your brief comments on these contentions would be appreciated.

Comment: Our Title I funds have all been directed toward reaching the disadvantaged. Since the amount of our funds has decreased annually since 1966 and since salaries and costs of materials have increased since 1966, it has been necessary to curtail needed Title I programs in our schools. We could utilize additional funds to continue present programs and to add new ones designed to meet specific needs.

Response of S. Arch Thompson, Superintendent, McAlester Public Schools, McAlester, Okla., January 26, 1970

How many children in your district are benefitting from education programs funded under Title I of ESEA?

Answer: 1,700.

What is the ADA in your school district grades K–12?

Answer: 40 percent.

What was the amount of your ESEA Title I grant in each of the following fiscal years?

Answer: 1968 $185,464, 1969 $164,316, 1970 $148,564.

What additional funds, if any, could you effectively apply to your Title I programs in fiscal year 1970 over and above the present level of funding? In fiscal year 1971?

Answer: 1970 $100,000 (if some could be used to provide facilities), 1971 $50,000.

In your judgment, do you believe that the Title I programs are needed to meet the special needs of educationally disadvantaged children?

Answer: Yes, or fully funded impact aid.

Do you regard your present Title I programs as effective in meeting special education needs of educationally disadvantaged children?

Answer: Title I funds have helped. Lack of understanding on the part of Title I field supervisors have handicapped most effective use.

Recent hearings in Washington disclosed that inadequate funding was the greatest obstacle in the path of more effectively reaching the disadvantaged. Others now contend that we cannot effectively utilize extra funds contained in the HEW Appropriation Bill because the funds are being misdirected and are not reaching the disadvantaged contemplated under Title I ESEA. Your brief comments on these contentions would be appreciated.

Comment: In a district as poor as ours—with $450 per student expenditure when all available local, state, and Federal sources are fully used—we desperately need additional resources to provide an adequate educational program.

Response of L. M. Watts, Division Superintendent, Fairfax County Public Schools, Fairfax, Va., January 26, 1970

How many children in your district are benefitting from education programs funded under Title I of ESEA?

Answer: 1,030 pupils at primary levels K–3; 100 Intermediate pupils, levels 7 and 8.

What is the ADA in your school district grades K–12?

Answer: 1969–70 estimated ADA is 122,774.

What was the amount of your ESEA Title I grant in each of the following fiscal years?

Answer: 1968 $413,803, 1969 $354,842, 1970 $306,038.

What additional funds, if any, could you effectively apply to your Title I programs in fiscal year 1970 over and above the present level of funding? In fiscal year 1971?

Answer: 1970 $353,902, 1971 estimates diminish for ½ year at rate of $105,500; 1971, $459,402.

Estimated needs, 1971:

Current Step-Up-Language Arts grades K–3	$306, 038
Additional teachers, 18	174, 060
Additional aides, 10	30, 889
Supplies	4, 200
Three Bailey's Components grades 1–6	155, 253
Summer programs for intermediate and secondary	95, 000
Total	765, 440
Less current appropriation (1969–70)	306, 030
Additional need	459, 410

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NOTE.—The increase requested would not provide service for pupils outside the target areas of the school division. Affluent school populations contain 1½ per cent educationally deprived pupils.

In your judgment, do you believe that the Title I programs are needed to meet the special needs of educationally disadvantaged children?

Answer: Yes.

Do you regard your present Title I programs as effective in meeting special education needs of educationally disadvantaged children?

Answer: Yes. Evidence shows that pupils in Title I programs have achieved at a greater rate than similar pupils who did not receive the service in grades 1–3. Secondary school pupils, returning from a Title I summer program in English and social studies attained better marks than previously in similar subjects.

Recent hearings in Washington disclosed that inadequate funding was the greatest obstacle in the path of more effectively reaching the disadvantaged. Others now contend that we cannot effectively utilize extra funds contained in the HEW Appropriation Bill because the funds are being misdirected and are not reaching the disadvantaged contemplated under Title I ESEA. Your brief comments on these contentions would be appreciated.

Comment: Title I service should be made available to all pupils with special educational needs from schools with an above average incidence of the educationally deprived.

In Fairfax Title I funds have been available for service to only a part of Title I eligibles.

Specific services were provided only to the educationally disadvantaged.

Response of Dr. Albert Parrott, Kern County, Bakersfield, Calif., January 26, 1970

How many children in your district are benefitting from education programs funded under Title I of ESEA?

Answer: 366 (12-district Cooperative, coordinated by Kern County Superintendent of Schools).

What is the ADA in your school district grades K–12?

Answer: 13,389.

What was the amount of your ESEA Title I grant in each of the following fiscal years?

Answer: 1968, not applicable; 1969, not applicable; 1970, $100,566.

What additional funds, if any, could you effectively apply to your Title I programs in fiscal year 1970 over and above the present level of funding? In fiscal year 1971?

Answer: 1970, approximately $15,000, including "in-kind" expenditures; 1971, not applicable (since the Cooperative has a "life" of one year).

In your judgment, do you believe that the Title I programs are needed to meet the special needs of educationally disadvantaged children?

Answer: Yes.

Do you regard your present Title I programs as effective in meeting special education needs of educationally disadvantaged children?

Answer: Present Title I programs are a start in the necessary direction, but they are far from adequate.

Recent hearings in Washington disclosed that inadequate funding was the greatest obstacle in the path of more effectively reaching the disadvantaged. Others now contend that we cannot effectively utilize extra funds contained in the HEW Appropriation Bill because the funds are being misdirected and are not reaching the disadvantaged contemplated under Title I ESEA. Your brief comments on these contentions would be appreciated.

Comment: If funding is adequate (increased substantially), districts will be willing to accept guidelines that will insure effective programs and provide appropriate evaluation. Many districts feel at present that too much direction is provided for too little funding. Some won't even bother because of the procedures necessary for obtaining $300 per child in compensatory education.

Response of Curtis Bradshaw, Superintendent, Vernon Parish Schools, Leesville, La., January 26, 1970

How many children in your district are benefiting from education programs funded under Title I of ESEA?

Answer: 1,110.

What is the ADA in your school district grades K–12?

Answer: 7,660.2.

What was the amount of your ESEA Title I grant in each of the following fiscal years?

Answer: 1968 $302,833.21, 1968 $249,955.73, 1970 $205,778.

What additional funds, if any could you effectively apply to your Title I programs in fiscal year 1970 over and above the present level of funding? In fiscal year 1971?

Answer: 1970 $50,000, 1971 $100,000.

In your judgment, do you believe that the Title I programs are needed to meet the special needs of educationally disadvantaged children?

Answer: Yes.

Do you regard your present Title I programs as effective in meeting special education needs of educationally disadvantaged children?

Answer: Yes.

Recent hearings in Washington disclosed that inadequate funding was the greatest obstacle in the path of more effectively reaching the disadvantaged. Others now contend that we cannot effectively utilize extra funds contained in the HEW Appropriation Bill because the funds are being misdirected and are not reaching the disadvantaged contemplated under Title I ESEA. Your brief comments on these contentions would be appreciated.

Comment: None.

Response of Millard Z. Pond, Superintendent, and Aubrey C. Trimble, Coordinator of Federal Programs, Eugene School District No. 4J, Eugene, Oreg., January 26, 1970

How many children in your district are benefiting from education programs funded under Title I of ESEA?

Answer: 432.

What is the ADA in your school district grades K–12?

Answer: 21,542

What was the amount of your ESEA Title I grant in each of the following fiscal years?

Answer: 1968 $182,931, 1969 $170,333, 1970 $153,282.

What additional funds, if any, could you effectively apply to your Title I programs in fiscal year 1970 over and above the present level of funding? In fiscal year 1971?

Answer: 1970 $25,000, 1971 $150,000—if appropriated in time to adequately plan and staff the programs.

In your judgment, do you believe that the Title I programs are needed to meet the special needs of educationally disadvantaged children?

Answer: Yes. This is the only way in which we are financially able to meet these special needs.

Do you regard your present Title I programs as effective in meeting special education needs of educationally disadvantaged children?

Answer: Evaluations and research that we have conducted have proven to us that the programs are effective.

Recent hearings in Washington disclosed that inadequate funding was the greatest obstacle in the path of more effectively reaching the disadvantaged. Others now contend that we cannot effectively utilize extra funds contained in the HEW Appropriation Bill because the funds are being misdirected and are not reaching the disadvantaged contemplated under Title I ESEA. Your brief comments on these contentions would be appreciated.

Comment: In our district the money is reaching the disadvantaged as outlined in the Title I Guidelines. We can effectively utilize some extra funds this year even at this late date. We can effectively utilize much more next year if assured of funding in time to plan programs and secure staff before school opens in September.

Response of Conrad L. Hooper, Raleigh Public Schools, Raleigh, N.C., January 26, 1970

How many children in your district are benefitting from education programs funded under Title I of ESEA?

Answer: 3,013.

What is the ADA in your school district grades K–12?

Answer: 24,461.

What was the amount of your ESEA Title I grant in each of the following fiscal years?

Answer: 1968 $447,812, 1969 $395,631.36, 1970 $353,839.10.

What additional funds, if any, could you effectively apply to your Title I programs in fiscal year 1970 over and above the present level of funding? In fiscal year 1971?

Answer: 1970 $50,000, 1971 $200,000.

In your judgment, do you believe that the Title I programs are needed to meet the special needs of educationally disadvantaged children?

Answer: Title I funds are not only needed but they are imperative for the special needs of educationally disadvantaged children.

Do you regard your present Title I programs as effective in meeting special education needs of educationally disadvantaged children?

Answer: Our Title I programs are effective; however, we do not have enough funds to give the in depth compensatory educational service that these youngsters require.

Recent hearings in Washington disclosed that inadequate funding was the greatest obstacle in the path of more effectively reaching the disadvantaged. Others now contend that we cannot effectively utilize extra funds contained in the HEW Appropriation Bill because the funds are being misdirected and are not reaching the disadvantaged contemplated under Title I ESEA. Your brief comments on these contentions would be appreciated.

Comment: As I have indicated, I believe we need more money not less for our disadvantaged youngsters. I cannot speak for other units; however, I know that in Raleigh the funds are being appropriately used.

Response of Spartoco DiBiasio, Superintendent of Schools, Euclid, Ohio, January 26, 1970

How many children in your district are benefitting from education programs funded under Title I of ESEA?

Answer: 324.

What is the ADA in your school district grades K–12?

Answer: 11,249.25.

What was the amount of your ESEA Title I grant in each of the following fiscal years?

Answer: 1968 $35,642.70, 1969 $35,633.54, 1970 $30,462.13.

What additional funds, if any, could you effectively apply to your Title I programs in fiscal year 1970 over and above the present level of funding? In fiscal year 1971?

Answer: 1970 $6,000; 1971 at least a total of $36,000.

In your judgment, do you believe that the Title I programs are needed to meet the

special needs of educationally disadvantaged children?

Answer: Definitely.

Do you regard your present Title I programs as effective in meeting special education needs of educationally disadvantaged children?

Answer: Definitely.

Recent hearings in Washington disclosed that inadequate funding was the greatest obstacle in the path of more effectively reaching the disadvantaged. Others now contend that we cannot effectively utilize extra funds contained in the HEW Appropriation Bill because the funds are being misdirected and are not reaching the disadvantaged contemplated under Title I ESEA. Your brief comments on these contentions would be appreciated.

Comment: Euclid is a lower-middle income community of approximately 82,000. We have three elementary schools that qualify for Title I aid. Our program has always helped children from kindergarten through grade two. The results of this program are difficult to measure. I do know that in talking to parents, teachers and teacher aides who are actively involved with some aspects of Title I, they all feel that the children benefit from the extra attention Title I gives.

I have read the Opportunity Research Project Report and it seems to me that most of the fault lies with mis-administration of the funds either at the state or local level. There is generally very little provision for supervision of federal programs, mostly because the state educational aid agencies do not have the personnel to supervise the programs closely.

I notice in one instance that Title I was criticized because the community action agency had not participated in the program. If the community action agency does not have a program in that particular city, why should they actively plan a program. As it is, we have planned our own program to meet our own needs, taken this program to the CAA and they have made suggestions and approved the project. If Title I is cut, who is to help these children? Historically the cities and states have never had any projects for these children specifically. In Ohio we are quite concerned with keeping our classroom doors open. I feel very strongly that we need help from the federal government to maintain the kind of education we offer children now and to do some things entirely different that we have never done before, thus enabling us to help a greater percentage of the children and young adults in this country.

Response of Maxine Kempf, Reading Consultant, No. 47, Crystal Lake, Ill., January 26, 1970

Reckless charges are being made that Title I ESEA funds are being misdirected or wasted or are not effective in accomplishing the purposes for which they are provided. It would be appreciated if the following questions could be responded to as briefly and as quickly as possible to facilitate their current use and analysis.

How many children in your district are benefitting from education programs funded under Title I of ESEA?

Answer: 50.

What is the ADA in your school district grades K–12?

Answer: 78, ours is a K–8 district.

What was the amount of your ESEA Title I grant in each of the following fiscal years?

Answer: 1969 $10,218.

What additional funds, if any, could you effectively apply to your Title I programs in fiscal year 1970 over and above the present level of funding? In fiscal year 1971?

Answer: 1970 and 1971 we have no provision in our budget; at the present time. Neither do the parochial schools.

In your judgment, do you believe that the Title I programs are needed to meet the special needs of educationally disadvantaged children?

Answer: Very specifically. Children with a disadvantage in socio-economic background often need and profit from help in reading.

Do you regard your present Title I programs as effective in meeting special education needs of educationally disadvantaged children?

Answer: It is regarded by our community, school and state director as one of the most effective in his region.

Recent hearings in Washington disclosed that inadequate funding was the greatest obstacle in the path of more effectively reaching the disadvantaged. Others now contend that we cannot effectively utilize extra funds contained in the HEW Appropriation Bill because the funds are being misdirected and are not reaching the disadvantaged contemplated under Title I ESEA. Your brief comments on these contentions would be appreciated.

Comment: I find the Title I program is one of the most carefully audited and soundly directed in our system.

Response of Dr. George E. Membrino, Superintendent of Schools, Chicopee Public Schools, Chicopee, Mass., January 26, 1970

Reckless charges are being made that Title I ESEA funds are being misdirected or wasted or are not effective in accomplishing the purposes for which they are provided. It would be appreciated if the following questions could be responded to as briefly and as quickly as possible to facilitate their current use and analysis.

How many children in your district are benefitting from education programs funded under Title I of ESEA?

Answer: 1,864.

What is the ADA in your school district grades K–12?

Answer: 12,082.

What was the amount of your ESEA Title I grant in each of the following fiscal years?

Answer: 1968 $104,230, 1969 $105,407, 1970 $95,994.

What additional funds, if any, could you effectively apply to your Title I programs in fiscal year 1970 over and above the present level of funding? In fiscal year 1971?

Answer: 1970 $5,500, 1971 $10,000.

In your judgment, do you believe that the Title I programs are needed to meet the special needs of educationally disadvantaged children?

Answer: Local budgets are not ample enough to provide these needs.

Do you regard your present Title I programs as effective in meeting special education needs of educationally disadvantaged children?

Answer: Educationally disadvantaged children need a great deal of individualized instruction. Opportunities to innovate and be creative are resultant because of Title I funds.

Recent hearings in Washington disclosed that inadequate funding was the greatest obstacle in the path of more effectively reaching the disadvantaged. Others now contend that we cannot effectively utilize extra funds contained in the HEW Appropriation Bill because the funds are being misdirected and are not reaching the disadvantaged contemplated under Title I ESEA. Your brief comments on these contentions would be appreciated.

Comment: Title I has enabled this school district to initiate new programs that we have then in turn provided all students in the district.

WESTERN MICHIGAN UNIVERSITY,
Kalamazoo, Mich., January 22, 1970.
Hon. CARL PERKINS,
Chairman, House Committee on Education and Labor, House Office Building, Washington, D.C.

DEAR REPRESENTATIVE PERKINS: Since it appears at this time that President Nixon will veto the recently passed DHEW Appropriations Bill, we are writing to inform you how important and vital this bill is to the students at Western Michigan University.

We are particularly concerned about the appropriations for the College Work-Study and the National Defense Student Loan Programs. Although much of the harm resulting from the present funding of the latter at $155 million cannot now be undone, yet the higher funding contained in this bill will be extremely important to us at this university (and I am sure at most schools) in regard to the following:

1. Loans made for the Winter Term exceed our resources by $75,000.

2. Our institution is on a trimester system. As NDSL funding presently stands we will be unable to assist any applicants for aid for this period which begins April 26. Last year for the same period we made loans totaling over $106,000 to 362 students; if funds had been available we could have loaned over $150,000 to approximately 500 students. Our need is no less this year; in fact, it is greater since each year the number of students in grave financial need increases.

We urge you to do all in your power to persuade your colleagues in the House to override the President's action in the event he vetoes this bill.

Yours sincerely,
EDWARD W. HARKENRIDER, Ph. D.,
Director of Student Financial Aid.

WICHITA STATE UNIVERSITY,
Wichita, Kans., January 21, 1970.
Hon. CARL D. PERKINS,
Chairman, House Education and Labor Committee, House Office Building, Washington, D.C.

DEAR SIR: This is to request your support in behalf of H.R. 13111. It is my understanding that this bill is before President Nixon for his action now, and I certainly want to express concern regarding the passing of this legislation.

In Wichita, we have launched upon a spirited effort and committed ourselves to assist needy students so that they may continue as well as enter into higher education. The financial assistance available is not meeting the need as we have had to refuse aid to 600 students because of a lack of funds. Others have had to be placed into a position of living with less than desirable minimum aid.

Our plea is that you will listen to these problems as they relate to our young people. If an effort can be made to override a veto (which we hear is inevitable) because of the necessity to place a priority on education as against certain other programs, I would like to go on record in support of overriding the veto.

Not only do I speak of our own institution, but in behalf of the other institutions of higher education in Kansas. As President of the Kansas Association of Student Financial Aid Administrators, I have a broad knowledge and interest in these programs being funded for the benefit of students throughout our State.

Thank you for doing everything possible to carry our message.

Respectfully yours,
PAUL G. CHRISMAN,
Director, Financial Aids.

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University of Missouri,
Columbia, Mo., January 22, 1970.
Mr. Carl D. Perkins, *Chairman,*
House Committee on Education and Labor, Washington, D.C.

Dear Mr. Perkins: On behalf of the Student Financial Aid workers at the colleges and universities across the country, I want to express our appreciation for the consistant legislative support for education from you and your committee. Year after year the fiscal authorizations in the financial aid legislation sponsored by your committee have been set at a level to promote strong, consistant, and dependable programs. The fact that these authorizations have been very close to the amount suggested by the combined requests of the educational institutions is testimony to the wisdom of your decisions.

Insufficient and variable appropriations have resulted in much less effective educational aid than Congress had intended.

At my own institution, the University of Missouri—Columbia, the National Defense Student Loan funds thus far for 69–70 are $139,000 less than for the previous year.

Our enrollment increased by approximately 1,000 students.

Our fees increased 25 per cent.

Our banks have helped with guaranteed loans, but the total need has not been met.

Out of a student body of 21,000, we have helped over 4,000 but today we have over 400 additional worthy students in need of approximately $150,000 in student loans which we do not have available for the second semester.

We are still hoping for additional National Defense Loan funds.

We are making every effort to get all the support possible behind your efforts to get educational programs funded at the level of the Congressional authorization.

Sincerely,
Allan W. Purdy,
Committee on State and Federal Programs for the National Student Financial Aid Council.

Michigan State University,
East Lansing, Mich., January 22, 1970.
Hon. Carl D. Perkins,
Chairman, Committee on Education and Labor, House of Representatives, Washington, D.C.

Dear Sir: It has come to my attention there is a strong probability that the President will veto the Health, Education, and Welfare Department budget. As the Director of Financial Aid at Michigan State University, I appeal to you to do whatever is possible to override this veto.

It has been necessary to deny National Defense Student Loans to approximately 1,500 qualified, needy students. Normally, we would anticipate another 1,000 to 1,500 applications for aid covering the spring and summer quarters. We will, of course, not be able to meet this demand unless additional National Defense Student Loan money is forthcoming.

I would like to say that, as a financial aid officer, I very much appreciate the support that you have shown for student financial aid programs and the efforts on behalf of these programs that you have put forth.

Sincerely yours,
Henry C. Dykema,
Director, Office of Financial Aids.

Anderson College,
Anderson, Ind., January 23, 1970.
Hon. Carl D. Perkins,
Chairman, House Committee for Education and Labor, House of Representatives, Washington, D.C.

Dear Representative Perkins: This letter is written in support of appropriations bill (HR 13111) which we understand has been approved by the House of Representatives but will likely to be vetoed by President Nixon. We who assist students with their financial planning for college know the extreme pressures now felt by some students because of inadequate financial aid funds. At a time when college costs are rising and enrollment is increasing, we are having considerable difficulty in meeting the needs of academically qualified and financially needy students. Semester II, 1969–70, which begins January 29 on our campus, will begin without several students who were eligible to return but could not find financial aid resources to meet the educational expenses. The consequences of this necessary interruption of the college experience will be extremely serious for some of these who drop out.

We hope that you and other members of the House of Representatives will give serious and favorable consideration to this legislation which affects the lives of several of our students.

Sincerely,
H. L. Baker,
Director of Financial Aid and Secretary-Treasurer, Indiana Student Financial Aid Association.

West Virginia University,
Morgantown, W. Va., January 21, 1970.
Hon. Carl D. Perkins,
Chairman, Committee on Education and Labor, House Office Building, Washington, D.C.

Dear Congressman Perkins: I am writing to request your support in the anticipated vote to override the President's veto of HEW Appropriations Conference Report.

Specifically, we have 213 *qualified* National Defense Loan applicants for the second semester of this current year who were not offered loan funds. Our summer school loan program will be drastically reduced if additional funds are not provided for the current year.

Federally Insured Loans are not readily available in West Virginia. The program is in a transition from guarantee by the Federal Government to a state agency, and many bankers are withholding action on loans at this time.

Any support you can provide is needed and will be greatly appreciated.

Sincerely,
Neil E. Bolyard,
Director of Financial Aids.

University of Wyoming,
Laramie, Wyo., January 20, 1970.
Hon. Carl D. Perkins,
Chairman, Committee on Education and Labor, House of Representatives, Washington, D.C.

Dear Representative Perkins: I have just learned that the Senate has approved the HEW appropriations bill for fiscal '70; and if I have been reading the news correctly, there is a strong possibility of a presidential veto. My purpose in writing is to acquaint you with our situation at the University of Wyoming and to enclose newspaper clippings describing the situation in the Rocky Mountain Region.

At the time of our application deadline last spring, we had on file applications from students with documented need of $2,443,104. Federal student financial aid grants from the several programs in which we participate plus the University's matching funds for the current fiscal year totaled $798,810, leaving an unmet need of $1,644,294. To state the situation in another way, our Federal grants and required institutional contributions provided assistance for only 33 per cent of documented need of on-time applicants. Since that time, we have received late applications from over 1,000 students. While a number of students whose needs we were unable to meet managed one way or another to enroll, they did so by borrowing at high interest rates and oftentimes in amounts in excess of the dictates of good judgment.

According to the attached clipping from the Denver Post, John O'Connor, Program Officer for Region VIII, estimates that nearly 30,000 students were kept out of school in the five-state area making up the Region.

I am sure that you are appreciative of the frustration and uncertainty that have prevailed among needy students seeking assistance during the current year. Our spring semester registration is scheduled for January 29 and 30. As of this writing, we are unable to make commitments to many students who have been hoping that an appropriation in excess of the President's budgetary request would provide funds for their expenses during the upcoming semester. In other words, we desperately need some firm basis on which to make decisions about the extent of aid which we will have available for the remainder of the current fiscal year.

Needless to say, as a financial aid officer and a University faculty member, I am deeply appreciative of the valiant efforts which you and your Committee have made to secure forward funding for student financial aid programs.

Cordially yours,
O. R. Hendrix,
Director, Student Financial Aids.

Indiana University, Office of Scholarships and Financial Aids,
Bloomington, Ind., January 21, 1970.
Hon. Carl Perkins,
Chairman, Committee on Education and Labor, House of Representatives, Washington, D.C.

Dear Congressman Perkins: The cutbacks and underfunding of the National Defense Student Loan Program and the Educational Opportunity Grant Program have had serious consequences for the students attending Indiana University. Last spring it was necessary for the University to raise its fees 67% with the result that the fact of increasing college costs and rising expectations on the part of young people, severe strains have been placed on the financial aid program of the University.

As you know, the National Defense Student Loan Program has been in existence now for over a decade and has proven its worth in providing assistance to deserving students. Also, the Educational Opportunity Grant Program, though relatively new, has shown its ability to provide for students from low income situations an opportunity to obtain a higher education. The National Defense and EOG Programs are vital parts of the total financial aid picture and without sufficient funding many students will not be able to attend college and many programs designed for the disadvantaged will be by the boards.

I urge you and your colleagues to provide sufficient funds for these programs.

Sincerely yours,
Edson W. Sample.

Bismarck Junior College,
Bismarck, N. Dak., January 22, 1970.
Hon. Carl Perkins,
Chairman, House Education and Labor Committee, House of Representatives, Washington, D.C.

Dear Representative Perkins: As Financial Aids Officer of Bismarck Junior College, Bismarck, North Dakota, I am deeply concerned about the possibility of a presidential veto of the current Health, Education and Welfare Appropriations Bill.

Since this appropriations bill will effect funding for the various Financial Aids Programs, I am very much opposed to a veto of this bill by the President and urge that you continue to exert the necessary influence to gain the final passage of this appropriation.

Sincerely yours,
H. R. Schimmelpfennig,
Assistant to President.

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MANKATO STATE COLLEGE,
OFFICE OF STUDENT FINANCIAL AIDS,
Mankato, Minn., January 21, 1970.
Hon. CARL PERKINS,
Chairman, Education and Labor Committee, House of Representatives, Washington, D.C.

DEAR SIR: I am writing to you, both in my capacity of Director of Student Financial Aids at Mankato State College and as President of the Minnesota Association of Financial Aid Administrators, regarding the expected Presidential veto of the 1970 Health, Education and Welfare Appropriations Bill (HR 13111).

At Mankato State College and in the other colleges and universities in the State of Minnesota, we are experiencing a critical shortage of student financial aid funds. All institutions have large numbers of eligible students whom they have been unable to assist because of insufficient funding of the National Defense Student Loan Program.

A large number of these students have been referred to the Guaranteed Student Loan but, because of the current monetary problems, many institutions are not cooperating in this program, and these students face extreme financial difficulties if additional student financial aid appropriations are not passed.

I urge you to vote to override President Nixon's veto when this matter comes up for Congressional action. Despite the present financial problems confronting the nation, we cannot afford to cut back in the vital area of Education; nor can we afford to insufficiently fund the Health and Welfare areas.

I trust that you will see the seriousness of this issue and work to override the veto. Your assistance will be greatly appreciated by the needy students attending our institutions of higher education and by the institutions themselves.

Yours truly,
ROBERT J. MATUSKA,
Director.

NORTHWESTERN MICHIGAN COLLEGE,
Traverse City, Mich., January 22, 1970.
Hon. CARL PERKINS,
Chairman, Education and Labor Committee, House of Representatives, Washington, D.C.

DEAR SIR: Because the National Student Loan Program is the most vital part of our financial aid program, it is my hope that the House of Representatives will make every effort to see that it is fully funded.

If loan funds are curtailed, many qualified students will be unable to continue on in higher education.

Very truly yours,
WILLIAM SKINNER,
Director of Financial Aids.

INDIANA STATE UNIVERSITY,
Terre Haute, Ind., January 22, 1970.
Hon. CARL PERKINS,
Chairman, Committee for Education and Labor, House of Representatives, Washington, D.C.

DEAR REPRESENTATIVE PERKINS: I am appealing to you as Chairman of the Education Committee on behalf of the Indiana Financial Aid Association, which consists of fifty-two college and university members who issue financial aid to students in Indiana, to support the current bill which will provide Federal funding for the following three Student Financial Aid Programs: the National Defense Student Loan Program, the Educational Opportunity Grant Program, and the College Work-Study Program.

As you know, these prorgams have been the chief financial source our institutions have had to supplement the student financial aid which is needed to support higher education. All of the educational institutions have worked in the past five years developing and identifying needy, worthy students so we can encourage them to continue on with their education. These programs need to be expanded each year as we are encouraging more participants from low income families to start their quest for higher education. If Congress does not support these programs, then we are defaulting not only on students who have not started but also on those currently enrolled.

We shall appreciate any assistance that you and your Committee can give to the continued support of the Student Financial Aid Programs administered by the Office of Student Financial Aids through the Department of Health, Education, and Welfare.

Very truly yours,
MARK H. WILLIAMS,
President, Indiana Students Financial Aid Association.

MARY COLLEGE,
Bismarck, N. Dak., January 22, 1970.
Hon. CARL PERKINS,
Chairman, House Education and Labor Committee, House of Representatives, Washington, D.C.

DEAR REPRESENTATIVE PERKINS: We in North Dakota are vitally concerned that the Federal Aid to Education program be continued. Therefore, we are particularly concerned that the present Health, Education and Welfare appropriations bill will not receive the President's veto.

Unless we can rely on the federal aid programs, many of our young people will be denied a college education. Your support of the appropriations bill will be greatly appreciated.

Sister MIRIAM SCHMITT, O.S.B.,
Business Manager.

BLOOMINGTON, MINN.,
January 21, 1970.
Hon. CARL D. PERKINS,
Chairman, House Education and Labor Committee, House of Representatives, Washington, D.C.

DEAR MR. PERKINS: I urge you to do all you possibly can to insure passage of the health and education appropriations bill that President Nixon has threatened to veto as inflationary.

Actual allocations and appropriations for the federally funded programs have been less than requested in the past. It now appears that a veto by the President would result in even less money for many of these extreme worth while programs. I am particularly concerned about the College Work-Study Program, National Defense Student Loans and Educational Opportunity Grants. My interest is that of a student financial aids officer at Normandale State Junior College. My colleagues in other junior colleges in this area share a similar concern.

Thank you for your efforts on behalf of the needs of many worthy students.

Yours very truly,
GARY P. NESS.

JAMESTOWN COLLEGE,
Jamestown, N. Dak., January 23, 1970.
Hon. CARL D. PERKINS,
Chairman, House Education and Labor Committee, House of Representatives, Washington, D.C.

DEAR REPRESENTATIVE PERKINS: As a student financial aid officer of a private college in North Dakota, I am seriously concerned about the impending presidential veto of the Health, Education, and Welfare appropriations bill. In my considered opinion, it would be clearly a case of misplaced priorities should the bill be vetoed on inflation grounds alone.

The Health, Education, and Welfare bill provides an excellent opportunity for the United States to evaluate its position and redirect its course in domestic issues. I believe that the provisions of the Health, Education and Welfare bill give us an excellent opportunity to satisfy the public outcry to clean up our own back yard.

Therefore, should the President exercise his prerogative and veto the HEW bill, I urge you to do everything within your power to see that the veto is overridden and is passed by the Congress as surely as it was initially.

Sincerely,
CLARK J. WOLD,
Student Aid Officer.

SACRED HEART COLLEGE,
Wichita, Kans., January 21, 1970.
Hon. CARL D. PERKINS,
Chairman, House Education and Labor Committee, Washington, D.C.

MY DEAR MR. PERKINS: The Kansas Association of Student Financial Aid Administrators is composed of representatives from some fifty States, Municipal and Private Colleges, Public Community Junior Colleges and Two Year Colleges in the State of Kansas.

We, as individual administrators for our own institutions and collectively as an organization, are vitally concerned with the outcome of the appropriations bill H.R. No. 13111.

In the past we have had to refuse financial assistance to qualified student applicants due to limited funds. We have made commitments to current students in need of continued assistance as well as new applicants for the 1970–1971 academic year.

Should this bill be vetoed we appeal to you to exert every possible effort to override the veto.

We feel confident you too are concerned with the continued higher education of our youth and will support this issue.

Sincerely yours,
KANSAS ASSOCIATION OF STUDENT FINANCIAL AID ADMINISTRATORS,
Mrs. BETTY HUNT, *Secretary.*

UNIVERSITY OF NEBRASKA,
Omaha, Nebr., January 22, 1970.
Hon. CARL PERKINS,
Chairman, Committee on Education and Labor, House Office Building, Washington, D.C.

DEAR MR. PERKINS: To insure adequate funding of undergraduate student financial aid programs for students who demonstrate need at the University of Nebraska at Omaha, it is our belief that there is an urgent need for the $19.7 billion compromise bill worked out by the House-Senate to be passed and signed by President Nixon. I believe we can safely assume that all institutions of higher learning in the state of Nebraska will experience a lack of funds for their students who demonstrate financial need if this bill is not passed; therefore, many qualified students will be deprived of continuing their higher education. Presently, we are just beginning to make some noticeable progress with the economically and culturally deprived individual in our state. To have funds held at the same level or possibly decreased would impair a state-wide program that has actually just begun to function and show signs of profit in the future.

We sincerely urge you and your colleagues to take a close look at this bill. We hope your conclusion will be to pass the bill no matter what the road blocks may be so our youngsters of today will have a better tomorrow through higher education. This can only become a reality through your wisdom and appreciation of education.

Thank you for your undivided consideration of this subject.

Cordially yours,
DON RODDY,
Assistant Director of Financial Aid and President Elect of the Nebraska Assocaiton of Student Financial Aid Administrators.

XUM

UNIVERSITY OF MINNESOTA,
Minneapolis, Minn., January 22, 1970.
Hon. CARL PERKINS,
Chairman, House Education and Labor Committee, Rayburn House Office Building, Washington, D.C.

DEAR REPRESENTATIVE PERKINS: We are sending this letter to you to indicate that we strongly believe that the appropriations bill for the Department of Health, Education, and Welfare currently being considered by President Nixon should be passed.

We understand that President Nixon is considering vetoing the bill. From our point of view this would be very detrimental here at the University of Minnesota. We find that we are very much in need of the additional National Defense Student Loan appropriation that would be made available as one part of the bill. Since our National Defense Student Loan appropriation was reduced by approximately 30 percent over the previous year's award, we have not been able to fund as many students as we did last year. In fact, 800 fewer students are receiving National Defense Loans this year than did last year. In order to make up this deficit, the Regents of the University of Minnesota had to allocate special funds for student loans out of their emergency reserves. We will need the money not only to reimburse the Regents' Emergency Reserve but also to fund students who will be attending our summer quarter. If we do not receive this additional appropriation, we fear that we will not be able to make loans to any summer quarter students.

In brief, we have a great need for the additional funds and would definitely back all efforts to insure passage of the bill.

Sincerely yours,

SAMUEL R. LEWIS,
Assistant Director.

MARSHALL UNIVERSITY,
Huntington, W. Va., January 21, 1970.
Hon. CARL PERKINS,
Chairman, Committee on Education and Labor, House of Representatives, Washington, D.C.

DEAR REPRESENTATIVE PERKINS: It has come to my attention that the House of Representatives will soon be considering an aid to higher education bill which will include money to operate student aid programs for the second semester of the present school year. Since my students come from the same geographic region which you represent in Congress, I am sure that you are aware of the tremendous financial need of our Appalachian youth.

This year I received a substantial cut in all my federal programs, and concurrently, I had a record number of students applying for student financial assistance. The National Defense Student Loan Program, the cornerstone of student financial aid, has received a particularly disturbing reduction in funds. I have even had to go so far as to loan my administrative expense money for the present year in order to attempt to keep some of our students in college.

Anything that you could do to help us in getting an increase in funds in the National Defense Student Loan Program and the other federal programs would be greatly appreciated by me and by the many thousands of students who depend upon federal funds in order to go to the college of their choice.

Sincerely yours,

FRANK H. JULIAN,
Director of Student Financial Assistance.

CASE WESTERN RESERVE UNIVERSITY,
Cleveland, Ohio, January 22, 1970.
Hon. CARL PERKINS,
Chairman, Education and Labor Committee, House Office Building, Washington, D.C.

DEAR MR. PERKINS: Case Western Reserve University is in need of the funds which would be made available for higher education in the Health, Education and Welfare appropriations bill just passed by the Senate. I urge that all efforts be exerted to override the President's veto, should it be imposed.

Additional funds are needed in the National Defense Student Loan program in order to meet the needs of students who have no other source of borrowing. In addition, without more funds from NDSL we will be forced to dip into University loan funds reserved for next year, thus reducing our ability to assist students in the future. The direct effect of reductions in the NDSL program is to reduce enrollments in private institutions of higher education.

Moreover, we have been forced to reduce loans to economically disadvantaged students, without offering alternative funds. At the urging of the federal government, this institution has increased the enrollment of economically disadvantaged students only to find the sources of funds for maintaining the college program of those students threatened by federal funding cut backs.

Your support is needed.

Sincerely yours,

NYLES C. AYERS,
Director of Financial Aid.

MOORHEAD STATE COLLEGE,
FINANCIAL AID OFFICE,
Moorhead, Minn., January 23, 1970.
Hon. CARL PERKINS,
Chairman, Education and Labor Committee, Washington, D.C.

SIR: We are very concerned that additional National Defense Student Loan funds are made available as provided by the appropriation passed by the House and Senate for the Department of Health, Education, and Welfare for fiscal 1970. This appropriation awaits the signature of President Nixon. He has given some indications that he will veto the measure.

In the event President Nixon vetos the fiscal 1970 HEW appropriation approved by the Congress, I, on behalf of the needy students at Moorhead State College, urgently request that you enlist the support of your congressional colleagues to override that veto.

At least 150 students at Moorhead State College will be critically short of necessary spring quarter 1970 financing if additional Defense Loan money is not made available as has been provided by the fiscal 1970 HEW appropriation passed by the Congress.

Your attention to this important matter is sincerely appreciated.

Sincerely,

DAVID H. ANDERSON,
Financial Aid Officer.

EXCERPTS FROM STATE TITLE I EVALUATION REPORTS

CONNECTICUT

More than half of the Title I program evaluations reporting standardized test results indicated exceptional gains for children in the programs.

Reading achievement

1. Standardized reading test results for 5,219 children who received Title I services showed a *reading rate of gain per year of 1.1 years* based on national normative data.

2. Standardized readiness test results for 650 children of preschool and other readiness programs indicate normal or better than normal progress in 10 of 11 Title I programs for which test results were reported.

Attendance

During school year 1968–69 the attendance of Title I children (N=approximately 27,000) has increased over the previous year from 87.75% to 89.75% while comparison group attendance (N=approximately 300,000) has decreased over the same period from 91.41% in 1967–68 to 90.58% in 1968–69. The attendance rate for all Connecticut public school youth from 1961 to 1968 has ranged between 93.30% and 92.80%.

Grade promotion

Grade promotion rates for Title I children (N=23,600 in 1968–69) spans over a four year period. It changed yearly starting in 1965–66 from 92.53% to 92.82% to 98.80% to 93.67%. Comparison group data (N=345,000 in 1968–69) are available for only the last two years . . . 96.45% in 1967–68, and 96.77% in 1968–69. The promotion rate for all Connecticut public school youth in 1966–67 was 96.28%.

Dropout rates

School dropout rates of Title I youth in grades 7 through 12 (N=4,410) increased from 3.56% in 1967–68 to 4.40% in 1968–69. The increase was proportionate to an increase in dropout rate for the comparison group (N=80,774) which was 2.84% in 1967–68 and 3.71% in 1968–69.

Cost effectiveness

The per pupil expenditure for Title I programs must be a minimum of $300.

When program result are ranked according to the mean reading rate of gain per year, the better reading gains were made by children in higher per pupil cost programs. The upper 50% of the program results averaged $298 expenditure per pupil. Children making lesser reading gains (the lower 50% of the program results) were in Title I programs averaging $230 expenditure per pupil.

A more discriminating ranking is the ranking of program results according to the per pupil expenditure for Title I programs. Children from the higher cost Title I programs made the better mean reading rate of gain per year . . . 1.0 years. Children from the lower cost Title I programs made a mean reading rate of gain per year of 0.9 years.

Hence, these data support the statement that there is a positive correlation between effective Title I programs and the per pupil cost of programs. However, the correlation seems low.

MARYLAND

Behavioral changes

Baltimore, Calvert, Carroll, Dorchester, and Howard Counties provided specific quantitative data on behavioral changes. They noted exactly how many children improved, the degree to which they improved, and the areas where positive changes took place. The combined results of the inventories used by these local educational agencies indicate that of the 3,456 students administered the behavioral inventories, 1,067 or 31 percent experienced marked improvement in their attitude toward school and toward reading; and 1,639 or 48 percent of the students showed some improvement in their attitude toward self, teachers, peers, and parents. besides improving their attitude toward school and reading. However, 17 percent of the students exhibited a negative attitude toward school and reading.

Academic achievement

Objective Statewide evidence of the impact of Title I on reading achievement is best reflected by the score gains on selected standardized test data. Nineteen of the LEA's presented pre and postest results for children in grades 1 to 6 which showed positive growth in raw scores and/or grade equivalence scores for reading skills. Because test results were reported on raw scores and grade equivalence, no attempt was made to combine these to get Statewide results. However, a statistical examination of the pre and posttest variances seems to indicate that these results were statistically significant.

XUM

Reading skills

Baltimore City

During the Elementary Basic Skills Program, 338 fifth grade students were given the Stanford Reading Achievement test in September 1968 and again in June 1969. Statistical results were compiled for two of the subtests: paragraph meaning and word meaning.

From the summary of the results of these two subtests, the fifth grade group made an average gain in achievement of one year in the area of paragraph meaning and an average gain of eight months in word meaning. When the scores are reviewed individually, many students gained 11 to 14 months on the total score for paragraph meaning and word meaning together.

Caroline and Harford Counties

Caroline and Harford Counties reported that statistical tests of significance performed between pre and posttest results reflected statistically significant gains in reading for children in both grades 2 and 3. In Caroline County, the average gain for children in grade 2 was 9.0 raw score units; in Harford County, 10.6 raw score units. In Caroline County, the average gain for children in grade 3 was 13.5 raw score units; in Harford County, 6.1 raw score units. The total number of children tested in grade 2 for both counties was 159, and in grade 3, 118 students.

Baltimore, Calvert, and Kent Counties

Baltimore, Calvert, and Kent Counties had preschool programs which provided pre and posttest results. These results showed extensive positive reading readiness gains for preschool Title I children.

Mathematics skills

Calvert, Caroline, Harford, Washington, and Wicomico Counties administered standardized tests to Title I children in order to assess their growth in the area of arithmetic problem solving skills. Pre and posttest results from these instruments showed that mean score gains were made by children from all five local units in grades 2, 3, and 4.

Percentile ranges for each separate grade revealed that on the pretest 18 percent of the children in grade 2 fell below the 10th percentile and 46 percent scored above the 50th percentile for arithmetic skills. However, on the posttest, only 11 percent fell below the 10th percentile and 49 percent scored above the 50th percentile.

For grade 3, 17 percent of the children were achieving below the 10th percentile and 40 percent above the 50th of the pretest. At the posttest only 11 percent fell below the 10th percentile band and 38 percent were scoring above the 50th. Similarly, for grade 4, 21 percent of the children scored below the 10th percentile and 34 percent were achieving above the 50th on the pretest. At the posttesting, 17 percent were still below the 10th percentile but 36 percent were now above the 50th percentile. The total number of children for which test results were summarized was approximately 500 students in each of the three grade levels.

Thus it may be seen that a substantially smaller proportion of the children in grades 2, 3 and 4 were achieving in the lowest percentile band and that a larger proportion of the students in grades 2 and 4 were scoring above the 50th percentile at the conclusion of the Title I programs.

Cost effectiveness

Although cost effectiveness of Title I programs could not be reliably determined, it has been established that in most cases where per pupil expenditure exceeded substantially the average expenditure, the results of these pre and posttests showed significant gain among Title I children in achievement in language arts and arithmetic computation skills.

INDIANA

Reading achievement

On the basis of this sampling of statewide evidence we find the reading achievement levels of educationally deprived pupils has been one of improvement. In comparing Pre-test and Post-test scores all grades show improvement except 6th grade.

Pre-test figures indicate heavier numbers in Q1 (Q=quartile) as compared with Q2, Q3, and Q4. However, Post-test figures place fewer pupils in Q1, and an increased number in Q2, Q3, and Q4. On the basis of this batched data it is clear that improvement in reading skill was a product of Title I, ESEA programs state-wide.

	Pretest				Posttest			
Grade	Q-1	Q-2	Q-3	Q-4	Q-1	Q-2	Q-3	Q-4
K	74	105	95	62	22	62	147	105
1	240	172	169	202	170	208	177	228
2	516	376	201	148	293	377	241	330
3	399	418	91	55	301	462	131	69
4	1,033	603	289	99	849	654	326	195
5	916	510	285	213	870	507	306	241
6	898	503	193	178	912	454	255	151
7	93	37	17	11	83	40	19	16
8	57	12	5	1	54	10	10	1
9	907	341	74	12	737	464	111	22
10	32	8			23	17		
11	19	16			13	20	2	
12	17	15	6	8	9	15	9	13

Cost effectiveness

When expenses are higher as a result of comprehensive services joined with concentrated effort, a most positive program exists. Costs, elaborate in-service and structured programs seem to make operations more effective.

A great amount of correlation seems to exist when expenditures are provided for supportive services such as: health, dental, and medical care.

Costs increased for summer schools also are proving succesful. In summer schools great strides are not expected because of the time involved. However, strides are not lost by these pupils as a carry over from what was learned during the regular school year as indicated previously during the summer months.

Specific success stories

Kim, Grade III, advanced 3 months in Mathematics in 5 weeks. Jimmy, Grade V, advanced 1 year, 3 months in Mathematics in 5 weeks.

UTAH

Educational achievement

Table 1 presents the mean achievement scores earned by students in Title I and Non-Title I schools. Scores reported are derived from a standardized distribution, with a mean score of 50 and a standard deviation of 10. Two tests are reported, the average length of time between administrations was 24 months.

TABLE 1.—MEAN ACHIEVEMENT TEST SCORES

	Title I schools	Nontitle I schools
Test 1:		
Total score	52.08	51.50
Language	49.15	49.12
Math	50.47	50.39
Science	49.79	49.81
Social studies	49.56	49.40
Reading	49.97	49.87
Test 2:		
Total score	52.49	51.59
Language	51.17	50.95
Math	52.45	51.84
Science	48.97	49.11
Social studies	49.16	49.12
Reading	51.59	50.87
Average number of students tested	559.33	58.16

The data above indicate no significant differences between mean achievement scores for each group of students, although the students in Title I schools tended to earn average scores somewhat higher (+.27 score units) than students in Non-Title I schools with the exception of the Science score, where the students in Non-Title I schools earned a slightly higher mean score.

HAWAII

Comparison of Pretest Means, 1967–68 and 1968–69

The obtained ratios suggest that the mean performance of the 1968–69 Title I pupils was superior to that of the 1967–68 Title I sample on all of the subtests from kindergarten through grade 5, with the execption of a vocabulary subtest in grade 2 and the comprehension subtest in grades 4 and 5. Pre-test means for 1968–69 also were significantly higher than those for 1967–68 for all subtests in grades 8 through 12, with the exception of the vocabulary and comprehension tests in grade 8 and the vocabulary and "number correct" or accuracy subtests in grade 9. The differences between the pre-test means for 1967–68 and 1968–69 in grades 5–7 were not statistically significant.

These results may be interpreted in different ways depending upon assumptions one is willing to make. If the 1968–69 Title I pupils were, in many cases, the same pupils who participated in the 1967–68 Title I program then it might be said that significant gains had been made and maintained from one year to the next; that gains achieved in 1967–68 were maintained even after the summer vacation. (The data which might permit the assumption of similar composition of the 1967–68, and 1968–69 samples were not available for determination of the amount of overlap. Of course, in the necessary absence of control groups, it cannot be known if such gains as were shown were due to the Title I program or if they might have been achieved by similar pupils under the regular instructional programs.)

If one may make the assumption that the 1968–69 pupils were, to a major degree, different pupils than those who participated in the 1967–68 Title I activities (but this seems very unlikely), then the results may indicate that the 1968–69 Title I students were superior to their 1967–68 counterparts.

It seems most probable that the pupils would not be predominantly the same, nor that they would be an entirely new sample. Hence the correct interpretation may lie between the two interpretations just presented, probably somewhat closer to the first.

Analysis of gains over period of instruction by grade level kindergarten

In comparison with the national norm, the post-test mean score (end of year performance) of the Title I kindergarten sample in the State of Hawaii corresponds to the 35th percentile—which represents a "readiness" status of "C" or "average," described in the test Manual as "likely to succeed in first grade work. Careful study should be made of the specific strengths and weaknesses of pupils in this group and their instruction planned accordingly." (Manual, Metropolitan Readiness Test, 1966, p. 8) It appears therefore that there was a substantial gain made from pre-test to post-test at this level.

Grade I

At grade level 1 the mean difference (gain) between the pre-test and post-test total score was significant beyond the .001 level. In terms of the national norms, the mean raw score change represents an increase from the 45th percentile to the 69th percentile. The gains made on the seven subtests were all significant beyond the .001 level, with the exception of the gain on the listening subtest which was significant at the .05 level. The greatest gains were made on the alphabet and the numbers subtests and the smallest gains were on the listening subtest. (No information is given in the *Manual* to interpret gains in terms of grade level.)

Grade II

At the second grade level, the pupils' gain scores on the Gates-MacGinitie Reading Test were all significant. However, compared to the gains of the national norm sample, the Title I second grade pupils advanced only .1 grade in vocabulary and .2 grade in comprehension during the five to six month period of instruction.

Grade III

Gains made by the Title I third grade pupils in both vocabulary and comprehension subtests were significant beyond the .001 level. In terms of grade equivalents, the pupils advanced .6 grade in vocabulary and .3 grade in comprehension. It should be recalled that the testing interval from pre-test to post-test was six months.

Grade IV

The pupils in grade 4 also made significant gains in both vocabulary and comprehension. In comparison with the national sample, however, the Title I pupils progressed only .4 grade in vocabulary and .5 grade in comprehension during the five to six month interval between pre-test and post-test.

Grade V

At the fifth grade level, the gains made by the Title I pupils in both vocabulary and comprehension were significant. In terms of grade equivalents, the progress made was only .3 grade in vocabulary and .5 grade in comprehension.

Grade VI

The grade 6 Title I pupils made significant gains in both vocabulary and comprehension. The gain score in vocabulary is equivalent to .3 grade and the gain score in comprehension is equivalent to .6 grade according to national norm standard.

Grade VII

The seventh grade Title I students made significant gains on three of the four subtests of the Gates-MacGinitie Reading Test. Significant gains were made on the number attempted (speed), number right (accuracy), and comprehension subtests. The gain on the vocabulary subtest failed to attain statistical significance. In terms of grade equivalents, the progress made in comprehension was .2 grade, in vocabulary .2 grade, in number right, .5 grade, and in number attempted .7 grade.

Grade VIII

Gains made by eighth grade students on three of the four subtests of the Gates-MacGinitie Reading Test were significant beyond the .01 level. The mean difference score on the vocabulary subtest was negatively significant at the .03 level—i.e., post-test performance in vocabulary was not as high as pre-test performance. The gain score on the number attempted subtest is equivalent to a progress of 1.2 grade; the gain score on the number right subtest is equivalent to a progress of .7 grade; the mean difference score on the vocabulary subtest is equivalent to a decrease of .2 grade.

Grade IX

Ninth grade students made significant gains on the number attempted (speed) and number right (accuracy) subtests but failed to make progress of statistical significance on the vocabulary and comprehension subtests. Gain on the number attempted subtest is equivalent to .9 grade and that on the number right subtest, to .7 grade.

Grade X

The tenth grade students also made significant progress only on the number attempted (speed) and number right (accuracy) subtests. They did not make any significant progress in vocabulary and comprehension as measured by the Gates-MacGinitie Reading Test. The gain score on the number attempted subtest is equivalent to an increase of 2.3 grades, whereas that on the number right subtest is equivalent to progress of 1.2 grades. This is impressive considering that the testing interval is only six months. But the failure to show reliable gains in vocabulary and comprehension should be given serious consideration.

Grade XI

At the eleventh grade level, the gain scores on the number attempted, number right and vocabulary subtests were significant beyond the .01 level. However, the mean difference score on the comprehension subtest was negatively significant at the .01 level, representing a decrease equivalent to .5 grade. On the number attempted subtest (speed) the gain score is equivalent to a progress of 2.3 grades; on the number right subtest (accuracy), the gain score is equivalent to an increase of 1.2 grades, and on the vocabulary subtest, the gain score is equivalent to an increase of only .4 grade.

Grade XII

Grade 12 students also failed to make progress in comprehension. In fact, they regressed .3 grade in the course of six months, i.e., they have .3 grade below their pre-test grade level. They did make significant gains on the number attempted (speed) subtest (0.1 level) and on the vocabulary subtest (0.5 level). They failed to make any significant gain on the number right (accuracy) subtest. The gain on the number attempted subtest is equivalent to a progress of 1.6 grades, but that on the vocabulary subtest is equivalent to progress of only .3 grade.

Summary

In general lower grade Title I pupils made significant progress in the interval of five to six months. Gains made in some areas of performance were substantially greater than in others. The magnitude of the gains also varied from grade to grade. Among the lower grades (K–6) the greatest gains were made by the kindergarten and first grade pupils. In the upper grades (7–12), the students made the greatest gains on the speed and accuracy subtests of the Gates-MacGinitie Reading Test. There were noteworthy regressions in performance on some subtests in the upper grades (which may be due to the testing situation in some cases). The decreases in upper grade performance from pre-test to post-test were frequently in reading comprehension and vocabulary—important skills for most kinds of future activity the students may engage in. In general, there were more significant gains than nonsignificant gains or regressions when the total program is considered. But as a whole, the Title I students did not progress as fast as the pupils whose scores contributed to the national norms. This may be understandable considering the possible deprived cultural and educational status of Title I students. However, there were cases of individual pupils whose gains made in six months exceeded those of the national norm.

NORTH CAROLINA

Reading achievement

The mean scores from two of the three most widely used reading tests in the State indicate improvement in reading achievement in Title I schools in a majority of grades reported, as illustrated in attached tables I through III.

TABLE I.—CALIFORNIA ACHIEVEMENT TEST, TOTAL READING, ADMINISTERED SPRING, 1969

[Mean scores in grade equivalent units]

Number LEA's	Number schools	Grade	N	Mean	Mean fiscal year 1968	Difference	Number in percentile ranges				
							1 to 10	11 to 25	26 to 50	51 to 75	76 to 99
9	59	1	3,143	1.51	1.54	−.03	1,066	499	614	419	545
23	124	2	5,273	2.34	2.46	−.12	1,218	864	1,151	908	1,132
21	107	3	3,915	3.39	3.61	−.22	732	813	838	702	830
25	162	4	5,109	4.12	4.81	−.69	896	1,106	1,379	916	812
26	143	5	4,389	4.87	5.46	−.59	1,077	994	1,099	595	624
26	152	6	5,288	5.51	5.74	−.23	1,630	1,112	1,219	658	669
19	98	7	3,474	6.55	7.46	−1.14	651	799	845	567	612
15	52	8	1,480	7.38	8.19	−.81	484	294	301	197	204
15	30	9	2,097	8.51	9.02	−.51	394	418	546	396	343
8	19	10	880	9.61	9.47	+.14	137	183	244	197	119
5	25	11	1,089	9.96	10.65	−.69	169	244	285	199	192
4	7	12	101	10.31	10.30	+.01	40	20	19	12	10
Total			36,238				8,494	7,346	8,540	5,766	6,092
Percent							23.4	20.3	23.6	15.9	16.8

XUM

TABLE II.—METROPOLITAN ACHIEVEMENT TEST, READING, ADMINISTERED SPRING, 1969

[Mean scores in grade equivalent units]

							Number in percentile ranges				
Number LEA's	Number schools	Grade	N	Mean	Mean fiscal year 1968	Difference	1 to 10	11 to 25	26 to 50	51 to 75	76 to 99
21	117	1	6,046	1.84	1.89	−0.05	646	1,050	1,502	1,188	1,660
24	163	2	6,668	2.71	2.85	−.14	886	1,173	1,849	1,198	1,562
23	119	3	4,995	3.55	3.37	+.18	652	992	1,485	1,070	796
20	120	4	3,469	4.04	4.03	+.01	788	815	922	566	378
16	88	5	3,052	5.04	4.92	+.12	611	705	876	490	370
19	104	6	3,833	5.70	5.43	+.39	1,013	826	868	633	493
13	64	7	2,159	6.14	5.80	+.34	632	437	563	274	253
17	81	8	3,121	6.75	6.65	+.10	1,002	593	674	423	429
2	6	9	472	[1] 36.8	[1] 34.8	[1] +2.0	176	143	105	37	11
1	3	10	224	[1] 33.0	[1] 38.6	[1] −5.6	102	64	38	15	5
2	7	11	435	[1] 44.3	[1] 39.8	[1] −4.5	202	117	81	31	4
1	3	12	166	[1] 40.0	[1] 42.1	[1] −2.1	76	46	31	10	3
Total			34,640				6,786	6,961	8,994	5,935	5,964
Percent							19.6	20.1	26.0	17.1	17.2

[1] Standard score.

TABLE III.—STANFORD ACHIEVEMENT TEST, PARAGRAPH MEANING READING, ADMINISTERED SPRING, 1969

[Mean scores in grade equivalent units]

							Number of students in percentile ranges				
Number LEA's	Number schools	Grade	N	Mean	Mean fiscal year 1968	Difference	1 to 10	11 to 25	26 to 50	51 to 75	76 to 99
11	49	1	1,565	1.88	1.72	+.16	363	344	289	116	453
18	89	2	2,472	2.34	2.38	−.04	572	628	529	364	379
20	104	3	3,675	3.00	2.95	+.05	1,281	858	820	415	301
20	110	4	3,412	3.85	3.80	+.05	992	746	974	407	293
24	123	5	5,336	4.75	4.70	+.05	1,372	1,278	1,402	749	535
21	120	6	4,653	5.60	5.35	+.25	1,208	1,082	1,143	702	518
19	79	7	4,655	6.07	5.98	+.09	1,331	1,351	1,119	479	375
13	48	8	2,068	6.96	6.85	+.11	678	541	461	200	188
1	1	9	112	6.23	6.02	+.21	58	27	19	3	5
Total			27,948				7,855	6,855	6,756	3,435	3,047
Percent							28.1	24.5	24.2	12.3	10.9

TABLE IV.—CALIFORNIA ACHIEVEMENT TEST, TOTAL READING, PRETEST AND POST TEST, FALL AND SPRING, 1968-69

[Mean score in grade equivalent units]

							Pretest—Percent of students in percentile ranges					Post test—Percent of students in percentile ranges				
Number LEA's	Number schools	Grade	N	Pre-mean	Post-mean	Difference	1 to 10	11 to 25	26 to 50	51 to 75	76 to 99	1 to 10	11 to 25	26 to 50	51 to 75	76 to 99
13	56	2	1,767	1.55	2.43	.88	42.9	21.3	19.8	8.3	7.7	18.3	19.0	25.5	17.3	19.9
12	66	3	1,864	2.63	3.37	.74	28.3	27.0	22.8	11.4	10.5	16.7	18.5	22.4	22.1	20.3
11	72	4	1,770	3.38	3.92	.54	27.1	29.1	22.5	8.7	12.6	20.2	23.6	28.4	14.1	13.7
16	87	5	2,208	4.05	4.85	.80	29.9	24.5	23.4	10.0	12.2	23.0	24.1	23.4	13.3	16.2
15	76	6	1,825	5.06	5.72	.66	30.5	20.0	20.5	9.3	19.6	26.8	21.5	26.4	11.6	14.2
11	60	7	1,896	5.83	6.38	.55	24.1	27.4	21.4	9.8	18.6	22.9	26.8	23.1	12.3	14.9
8	28	8	621	6.41	7.07	.66	39.6	20.5	20.0	10.4	9.5	37.4	19.3	18.0	13.8	11.5
9	22	9	1,044	7.43	8.53	1.10	30.2	24.5	23.2	12.8	9.3	22.1	24.6	26.5	15.9	10.9
10	12	10	560	9.77	10.33	.56	17.3	22.1	25.4	18.6	16.6	8.1	18.4	28.4	25.2	19.9
11	16	11	277	8.05	9.56	1.51	33.2	36.1	25.6	2.2	2.9	18.2	44.0	28.7	4.7	4.4
3	6	12	66	10.29	11.05	.76	24.2	25.8	27.3	12.1	10.6	18.2	22.7	27.3	16.7	15.1
Total			13,898													

Note: Mean gain per grade for the 14,000 students on the California reading test—Reading (table IV) ranges from 0.54 to 1.10 in grade equivalent units, or an average per grade of .73. The percentage of students in the 1st decile decreased at each grade level in the post test distribution as compared with the pretest disbribution by from 1.2 to 24.6 percentages.

TABLE V.—METROPOLITAN ACHIEVEMENT TEST, TOTAL READING 1968-69. PRE- AND POST TESTS, SEPTEMBER, OCTOBER-APRIL, MAY

[Mean scores in grade equivalent units]

							Pretest—Percent of students in percentile ranges					Post test—Percent of students in percentile ranges				
Number LEA's	Number schools	Grade	N	Pre-mean	Post-mean	Difference	1 to 10	11 to 25	26 to 50	51 to 75	76 to 99	1 to 10	11 to 25	26 to 50	51 to 75	76 to 99
1	11	1	1,049	1.30	1.80	.50	55.2	26.8	9.3	8.0	0.7	15.6	22.6	26.7	21.3	13.8
6	48	2	2,422	1.92	2.45	.53	12.9	23.0	26.2	22.7	15.2	21.4	21.7	29.6	16.3	11.0
6	26	3	436	2.48	3.06	.58	19.7	31.0	44.3	4.6	.4	20.0	32.8	34.6	9.6	3.0
7	41	4	1,338	3.09	3.54	.45	33.7	35.5	20.6	6.4	3.8	34.7	29.3	22.7	10.3	3.0
4	23	5	439	3.67	4.28	.61	31.7	42.1	20.1	5.9	.2	33.7	32.8	26.3	6.1	1.1
3	20	6	344	4.24	4.74	.50	52.3	24.7	18.0	4.1	.9	39.0	34.2	19.1	6.1	1.6
4	18	7	359	4.45	5.13	.68	51.3	32.0	15.3	1.4	....	41.6	31.3	21.5	5.6	....
5	21	8	1,132	5.43	6.04	.61	46.4	24.0	15.5	7.1	7.0	38.7	27.5	20.0	9.3	4.5
2	6	9	187	5.20	5.74	.54	57.8	29.4	10.1	1.1	1.6	61.2	22.4	10.9	4.3	1.2
1	8	10	45	6.00	6.30	.30	42.2	31.1	17.8	6.7	2.2	52.4	19.0	11.9	11.9	4.8
1	6	11	25	6.70	7.10	.40	12.0	36.0	28.0	12.0	12.0	15.4	30.8	7.7	38.4	7.7
1	6	12	32	6.00	6.50	.50	50.0	18.7	9.4	18.8	3.1	44.5	14.8	14.8	14.8	11.1
Total			7,808													

Note: Mean gain per grade for the 7,800 students on the metropolitan achievement test—total reading (table V) ranges from .30 to .68 in grade equivalent units, or an average per grade of .52. A shifting of a few students out of the 1st decile occurs in the posttest at grade levels 6 through 8.

XUM

TABLE VI.—GATES-MACGINITIE READING TESTS, TOTAL SCORES, 1968-69, PRE- AND POST TESTS, SEPTEMBER, OCTOBER-MAY

[Mean scores in grade equivalent units]

							Pretest—Percent of students in percentile ranges					Post test—Percent of students in percentile ranges				
Number LEA's	Number schools	Grade	N	Pre-mean	Post-mean	Difference	1 to 10	11 to 25	26 to 50	51 to 75	76 to 99	1 to 10	11 to 25	26 to 50	51 to 75	76 to 99
2	19	2	451	1.53	2.48	.95	18.0	24.4	32.1	14.0	11.5	31.8	24.7	19.4	10.5	13.6
3	20	3	598	2.09	3.13	1.04	30.7	33.5	23.4	9.2	3.2	24.9	28.1	16.9	17.1	13.0
5	37	4	1,274	2.96	4.03	1.07	25.2	26.3	26.4	13.7	8.4	22.3	19.2	29.8	16.6	12.1
3	14	5	289	3.08	3.19	.11	35.6	29.8	28.0	4.5	2.1	19.6	30.9	37.5	10.3	1.7
3	14	6	258	3.73	5.10	1.37	31.0	27.5	31.8	9.7	....	22.4	40.2	25.0	11.6	.8
3	18	7	1,169	5.58	6.43	.85	17.5	21.6	28.7	19.5	12.7	13.7	19.3	28.3	20.3	18.4
2	4	8	230	6.07	6.90	.83	27.0	33.5	27.4	8.6	3.5	17.6	28.1	36.7	14.9	2.7
Total			4,268													

Note.—The mean gain per grade on the Gates-MacGinitie Reading tests (Table VI) for the 4,200 students tested in FY 1969 ranges from .11 to 1.07 in grade equivalent units, or an average gain of .89 per grade. This is a very creditable gain, on the average, and equal to or better than the publisher's norm (in terms of gain) for 6 of the 7 grades reported.)

TABLE VII.—STANFORD ACHIEVEMENT TEST, PARAGRAPH MEANING READING 1968-69, PRE- AND POST TESTS SEPTEMBER, OCTOBER-APRIL, MAY

[Mean scores in grade equivalent units]

							Pretest—Percent of students in percentile ranges					Post test—Percent of students in percentile ranges				
Number LEA's	Number schools	Grade	N	Pre-mean	Post-mean	Difference	1 to 10	11 to 25	26 to 50	51 to 75	76 to 99	1 to 10	11 to 25	26 to 50	51 to 75	76 to 99
8	50	2	1,268	1.60	2.23	0.63	50.3	14.9	26.3	3.6	4.9	21.6	27.0	20.4	9.8	21.2
10	60	3	1,994	2.34	3.00	.66	47.3	25.5	17.0	7.4	2.8	36.4	24.9	21.8	10.9	6.0
5	34	4	607	3.06	4.00	.96	34.4	39.5	17.5	5.3	3.3	29.9	23.4	29.2	10.6	6.9
7	39	5	1,449	3.78	4.62	.84	38.7	25.9	21.7	9.9	3.8	32.4	26.6	24.1	10.9	6.5
5	29	6	573	4.70	5.62	.92	41.9	24.4	19.7	7.9	6.1	30.4	26.7	23.6	9.8	9.0
7	27	7	1,329	5.88	6.16	.28	30.5	34.6	18.3	8.7	7.9	32.4	25.8	22.9	9.5	9.4
5	14	8	480	6.13	7.15	1.02	34.0	34.4	16.7	9.2	5.7	27.7	25.2	26.7	11.9	8.5
1	5	10	225	[1]42	[1]46	[1]4	34.2	20.9	29.3	9.4	6.2	24.3	16.5	30.9	14.4	13.9
Total			7,925													

[1] Standard score. The mean gain per grade on the Stanford achievement test—Paragraph meaning (table VI), grades 2 to 8, ranges from .28 to .96 in grade equivalent units, or an average of .76 per grade. This represents normal progress, based on the time interval between pre- and post-test. A gain of 4 standard score points is noted for grade 10. There is a significant shift of students out of the 1st decile (except for grade 6) on the post test. A total of 7,925 students is reflected in this table.

A sampling of statements documented by test data are cited as typical of some of the better results:

Morganton City—The Metropolitan Reading Test, administered in September and May showed an average grade equivalent gain of 8 months in Title I schools, compared with an average improvement of 3.5 months the year before.

Avery County—Pre and post tests (Stanford) indicate that in the area of reading, the status of all grades, 2–12, increased over the status of these grades the previous year—an average of 8 months per grade in grades 2 through 8, and 3–5 standard score points in grades 10–12.

Brunswick County—Pre and post reading tests (SRA) administered to grades 2, 4, 6, 8 showed all grades in 6 schools made from 1.0 to 1.1 years progress in a period of 7 months.

Concord City—Results from reading tests three years ago at the end of the term compared with results of similar tests administered this May to 270 pupils of remedial reading classes in grades 3, 4, 5, and 6 show: whereas formerly the mean scores for children in grade 3 were one year and two months below test norm, they now have reached norm; the mean score for grade 4 was one year and six months below norm, they now are four months below norm; formerly grade 5 was one year and six months below norm, they are now at the norm; the pupils in grade 6 were two years and one month below norm, they are now seven months below norm. Concentration on a small number of pupils has made it possible to give all ESEA services to each pupil in the program. The cost per pupil was $294.00.

Clay County—Reading Tests administered to 5th and 6th graders in the program showed the following: the 5th grade group showed an average gain of 7.4 months, whereas the same children one year prior in the absence of special instruction showed a gain of only 3.2 months. The 6th grade group showed 9.7 months gain as opposed to 4.3 months.

Reading achievement (nonpublic)

The actual results in the reading levels of these children were gratifying. As they began the program, tests showed that those in the fourth grade were reading at the second grade level, and those in the sixth grade were reading at the third grade level. At the end of the program test results showed that the fourth graders were reading at the 3.2 level and the sixth graders were reading at the 4.2 level.

CALIFORNIA

Progress ratings based on primary activities

The results show that 56 percent of the projects, representing 64 percent of the students, received a substantial or moderate progress rating, reflecting an average student growth of at least one year for a year of instruction. In 16 percent of the projects, serving 14.1 percent of the students, the average growth was more than 1.5 years per year of instruction. About one-third of the projects, serving about one-fourth of the students, resulted in little or no improvement in student growth, and 12.1 percent of the projects could not be rated because of inadequate evaluation reports.

The criteria for the ratings took into consideration past findings that the achievement rate of children from low socio-economic backgrounds tended to be about .7 years of growth per year of instruction. The ratings, which were based on the average growth of students in the project, were:

Substantial Improvement—Growth was equal to or greater than 1.5 years for the school year or 1.5 months per month of instruction.

Moderate Improvement—Growth was equal to or greater than one year for the school year or one month per month of instruction.

Little or No Improvement—Growth was less than one year during the school year or one month per month of instruction.

TABLE 6.—RATINGS OF TITLE I PROJECTS FOR 1967-68 AND 1968-69 PRIMARY ACTIVITIES ONLY

	Number of projects		Percent of percents		Number of students in project		Percent of students in project	
	1967-68	1968-69	1967-68	1968-69	1967-68	1968-69	1967-68	1968-69
Substantial improvement	89	118	9.5	16.0	23,600	27,500	9.6	14.1
Moderate improvement	353	296	37.8	40.2	88,200	97,500	35.8	50.1
Little or no improvement	319	233	34.2	31.7	105,300	51,500	42.8	26.5
Irregular data	173	89	18.5	12.1	29,000	18,200	11.8	9.3

XUM

Language development

Although the average grade placement of Title I students was below national norms, their average achievement rate of one month's growth per month of instruction was a significant improvement over their previous growth rate.

Several individual reports showed the following results:

The percent of pupils scoring below the 25th percentile from pre to posttest was reduced at grade two from 90 to 71 and at grade three from 82 to 75. Although other grade levels evidenced decreases, they were not as great as in grades two and three.

On sub-tests of reading and word knowledge skills, 35 percent of the students achieved at least a year's growth or more with approximately 8 percent achieving two or more years of growth. On the same subtests, 52 percent of the students achieved between one month and nine months, while 13 percent made no gains from pre to posttest.

Reading improvement

One district reported that 90 percent of the participants in a reading specialists program showed improvement in reading levels. In another district, more than 81 percent of the pupils exceeded their expected growth rate based on previous performance, while 13 percent maintained their previous rate of growth, and five percent failed to progress at the expected rate. It was also found that more than 55 percent of the pupils progressed at least one year in reading, which they have been unable to attain previously, and 11 percent progressed at least two years in reading. In the third district, 68 percent of the participants achieved a gain of at least one year.

NEW MEXICO

Reading achievement

On an appropriate random sample (10%) of Title I reading programs in the State of New Mexico, and comparing compatible pre- and post-test data, the following changes were noted:

1. There was an approximate 14% decrease of students scoring in the lower 10 percentile according to national norms.

2. There was an increase in the number of students scoring in the 91 percentile and above range.

3. The greatest pupil gain was from 10.3% to 16.7% in the 21–30 percentile range.

4. Generally speaking, the greatest gain in reading achievement was in the 2nd, 3rd and 4th grades.

5. On pre-tests, 89.5% of the students scored below the 50 percentile. On post-tests, 81.4% scored below the 50 percentile.

OHIO

Communication skills

In Ohio during the regular school term of FY 1969, . . . 63% of all children in communications skills projects exhibited either marked improvement or improvement.

From Ohio's evaluation data collection instrument, the SEA gathered information relative to the degree of change that students exhibited in their reading skills. Each school district was asked to classify each child into one of three degrees of change, "marked improvement," "improvement," or "no significant change." The criteria for each of these degrees of change measured by standardized instruments were:

"Marked Improvement"—1.5 or more years gained for every year that a child was in a Title I program.

"Improvement"—Between 1.0 and 1.4 years gained per year that the child was enrolled in a Title I program.

"No Significant Change"—All those students whose gain was 11 months or less for every year that a child was in a Title I program.

TABLE 3.—SUMMARY OF REGULAR AND SUMMER TITLE I PARTICIPANTS IN COMMUNICATION SKILL ACTIVITIES INDICATING THE TOTAL NUMBER AND PERCENTAGE IN AREA IMPROVEMENT AS MEASURED BY STANDARDIZED TESTS AND SUBJECTIVE TECHNIQUES

Degrees of change	Standardized tests: Number of children	Standardized tests: Percentage of improvement	Subjective techniques: Number of children	Subjective techniques: Percentage of improvement
Regular school:				
Marked improvement	28,417	34	17,216	32
Improvement	24,376	29	23,947	42
No significant change	31,732	37	15,122	26
Total	84,525	100	56,285	100
Summer term:				
Marked improvement	11,658	32	10,747	13
Improvement	11,139	30	56,333	71
No significant change	14,047	38	12,897	16
Total	36,844	100	79,977	100

SOUTH DAKOTA

Reading achievement

Enough comparable information was provided on the SRA, Iowa, and Metropolitan tests to permit some descriptive comparison of changes in reading achievement by Title I participants. Tables IV, V, and VI will reflect achievement in reading for grades one through nine.

TABLE IV

SRA achievement test: Grade level		Number of students	School term, regular: Gain (+) or loss (−) by grade equivalent average	Percent of students testing in each quartile, according to national norms: 25th percentile and below	26th to 50th percentile	51st to 75th percentile	76th percentile and above
1 to 3	Pre	126	+0.9	50	39	11	0
	Post			35	38	26	1
4 to 6	Pre	208	+1.0	54	35	10	1
	Post			23	43	28	6
7 to 9	Pre	80	+1.2	36	49	15	0
	Post			21	38	38	3

TABLE V

Iowa achievement test: Grade leve		Number of students	School term: Regular: Gain (+) or loss (−) by grade equivalent average	Percent of students testing in each quartile, according to national norms: 25th percentile and below	26th to 50th percentile	51st to 75th percentile	76th percentile and above
1 to 3	Pre	101	+0.8	36	38	17	9
	Post			13	41	31	15
4 to 6	Pre	551	+.8	35	38	20	7
	Post			25	41	25	9
7 to 9	Pre	410	+.7	34	36	20	10
	Post			27	34	27	12

TABLE VI

Metropolitan achievement test: Grade level		Number of students	Gain (+) or loss (−) by grade equivalent average	School term; Regular: Percent of students testing in each quartile, according to national norms: 25th percentile and below	26th to 50th percentile	51st to 75th percentile	76th percentile and above
1 to 3	Pre	115	+0.8	25	43	17	15
	Post			11	44	30	15
4 to 6	Pre	15	+.6	51	49	0	0
	Post			40	29	31	0
7 to 9	Pre	35	+.9	53	26	21	0
	Post			6	40	27	27

WEST VIRGINIA

Reading achievement

In *Attachment No. 2* appearing in the Appendix of this report, are comparisons of results on pre and post tests in reading administered to determine the effectiveness of remediation in reading during school year 1968–69 (F.Y. 1969). While the number of cases involved in the report is limited, the results are typical for the Title I projects in West Virginia having reading as a program element.

Attachment No. 2—Effect of Title I program on educational achievement in reading

To determine the gains made in reading achievement of children participating in Title I program in fiscal year 1969, a West Virginia county (district) administered Form I and Form II of the *Gates-MacGinitie Reading Test* in September and May of school year 1968–69. The results of these tests are provided in Tables following:

TABLE I.—RESULTS OF PRE- AND POSTTESTS OF REMEDIAL READING PUPILS, 1968-69

Grade level	Mean IQ	Number tested	Pretest mean	Number tested	Posttest mean	Mean gain
2	84	121	1.4	120	2.4	1.0
3	85	139	1.8	133	3.6	1.8
4	87	128	2.4	108	3.8	1.4
5	89	141	3.0	137	4.0	1.0
6	85	119	3.7	113	4.7	1.0
7	86	109	4.3	99	5.0	.7
8	81	100	4.6	87	5.7	1.1
9	90	17	4.9	18	6.9	2.0
10	79	7	4.7	5	5.7	1.0
11	81	5	6.1	2	6.1	0
12	74	2	0	2	3.9	3.9

Based upon the mean IQ's given for each group in the table above, it can be observed that most of the remedial reading pupils have been drawn from a population of essentially slow learning pupils. Gains of one year would not ordinarily be expected from large numbers of this group. From Table I it is clear that most of the grade level groups represented have made significant reading progress. The lack of a significant gain in the eleventh grade reveals that the pupils involved are already reading about as well as could be expected in relation to their mental capacity. The progress of two twelfth graders from a non reading level to a 3.9 level constitutes a commendable achievement. Because of its special interest a brief description of this accomplishment is explained below.

Two senior boys, ages 19, with I.Q.'s of 81 and 66, enrolled in special reading, at their request without credit, during the second semester of 1969. Both were reading at a preprimer level. The reading teacher, who formerly used the Open Court reading program in an elementary school, stressed sounds and their application. The competition between the boys promoted a keen desire to learn to read. Every minute of their spare time was spent in the reading room.

The boy with the I.Q. of 66 wanted to pass his driver's test. Driver's manuals were obtained and used for instruction and motivation. His mother promised him $50 if he could pass the test. At the end of the school year when he did pass the test he insisted upon giving the teahcer $10 because she had taught him to read. The teacher took the $10 and started the boy a savings account. Now each week he adds to his account.

The boys did not score on the *Gates-MacGinitic Reading Test* in January. The results in May are reported below.

	Vocabulary	Comprehension	Total
Boy, IQ 81	5.2	6.5	5.8
Boy, IQ 66	2.4	3.8	3.1

Remedial project, summer 1969

Methods and procedures of evaluation and major findings. To determine the level of reading performance before remedial reading instruction the *Metropolitan Reading Achievement Test* was administered to all pupils admitted. Another form of the same test was administered at the end of the instructional period to ascertain the gains made. The results of these two tests are summarized in the table below:

TABLE V

Grade level	Mean IQ	Number tested	Pretest mean	Number tested	Posttest mean	Mean gain
2	88	27	1.8		2.1	0.3
3	91	37	2.4		2.5	.1
4	92	40	3.1		3.1	0
5	92	40	4.1		4.7	0.6
6	98	13	4.4		5.0	.6
7	94	6	3.7		4.2	.5

From the table it can be observed that the mean gain made ranges from no gain for the fourth grade to six-tenths of a year for all pupils in grades five and six. In terms of the selection process employed the gains made by the pupils selected is commendable especially in grades five and six.

Another remedial project

Summary of Date Presented in Tables 1-2-3-4: Two hundred parochial school children were evaluated on a pre and post testing basis by the California Reading Test. After completing eight months of remedial reading instruction, post test results indicated that the majority of children gained measurably in reading achievement. On the basis of grade level achievement, all grade levels evaluated gained in mean score and those were significant at the .05 percent level of confidence.

Pre-test mean results indicated that students enrolled in remedial reading classes were functioning two or more grade levels below anticipated achievement level. Post-test results of the Reading Vocabulary Tests showed significant mean gain beyond anticipated achievement levels in grades 3-4-5. The Reading Comprehensive Tests showed gain beyond anticipated achievement level in grades 2 and 4.

REMEDIAL READING TABLE I.—READING VOCABULARY TEST, CALIFORNIA ACHIEVEMENT TEST

Test	Form	Grade level	Mean IQ	Anticipated achievement level	N.	Mean	Significant difference of mean	Derived t.	Minimum significant t. 0.05	Significant difference
Grade 2:										
Pre	W	2.2	103	2.4	44	1.796	0.3000	8.21	2.02	Yes.
Post	X	2.8		3.0	42	2.864	.4189			
Grade 3:										
Pre	W	3.2	908	3.3	30	3.251	.3459	4.42	2.04	Yes.
Post	X	3.8		3.9	32	3.923	.3923			
Grade 4:										
Pre	W	4.2	100	4.3	27	4.154	.5668	4.55	2.02	Yes.
Post	X	4.8		4.9	29	5.174	.8501			
Grade 5:										
Pre	W	5.2	102	5.4	42	4.763	.93867	6.51	2.02	Yes.
Post	X	5.8		5.9	43	6.080	.84480			
Grade 6:										
Pre	W	6.2	100	6.3	50	5.858	.6434	4.84	2.02	Yes.
Post	X	6.8		6.9	51	6.653	.7131			

TABLE 2.—READING COMPREHENSION TEST, CALIFORNIA ACHIEVEMENT TEST

Test	Form	Grade level	Mean IQ	Anticipated achievement level	N.	Mean	Significant difference of mean	Derived t.	Minimum, significant t. 0.05	Significant difference
Grade 2:										
Pre	W	2.2	103	2.4	41	1.574	0.2877	9.65	2.02	Yes.
Post	X	2.9		3.0	47	3.002	.7016			
Grade 3:										
Pre	W	3.2	98	3.3	29	2.984	.2598	5.21	2.04	Yes.
Post	X	3.9		3.9	30	3.620	.1723			
Grade 4:										
Pre	W	4.2	100	4.3	27	3.854	.8485	3.99	2.05	Yes.
Post	X	4.9		4.9	29	4.916	1.036			
Grade 5:										
Pre	W	5.2	102	5.5	43	5.096	.8297	4.02	2.02	Yes.
Post	X	5.9		6.1	45	5.900	.9486			
Grade 6:										
Pre	W	6.2	100	6.3	51	5.951	.9009	3.58	2.02	Yes.
Post	X	6.9		6.9	51	6.593	.7880			

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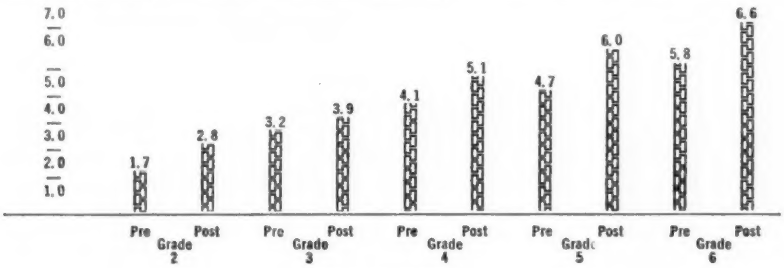
TABLE 3.—TOTAL READING CALIFORNIA ACHIEVEMENT TEST

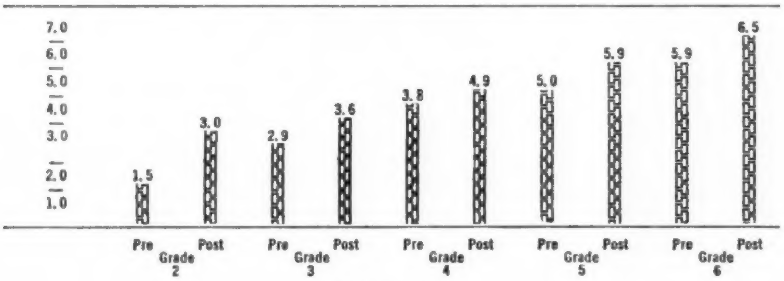
Test	Form	Grade level	Mean IQ	Anticipated achievement level	N.	Mean	Significant difference of mean	Derived t.	Minimum significant t. 0.05	Significant difference
Grade 2:										
Pre	W	2.2	103	2.4	44	1.748	0.2782	8.70	2.02	Yes.
Post	X	2.9		3.0	44	2.879	.4771			
Grade 3:										
Pre	W	3.2	98	3.2	28	3.050	.8949	2.25	2.04	Yes.
Post	X	3.9		3.8	31	3.692	.7648			
Grade 4:										
Pre	W	4.2	100	4.3	24	4.100	.7035	3.88	2.05	Yes.
Post	X	4.9		4.9	29	5.051	.9153			
Grade 5:										
Pre	W	5.2	102	5.4	43	4.907	.7954	5.04	2.02	Yes.
Post	X	5.9		6.0	44	5.900	.9045			
Grade 6:										
Pre	W	6.2	100	6.3	45	6.119	.5001	3.62	2.02	Yes.
Post	X	6.9		6.9	41	6.725	.7391			

TABLE 4.—COMPARISON OF PRE AND POST READING ACHIEVEMENT TEST RESULTS FOR GRADES 2-3-4-5-6

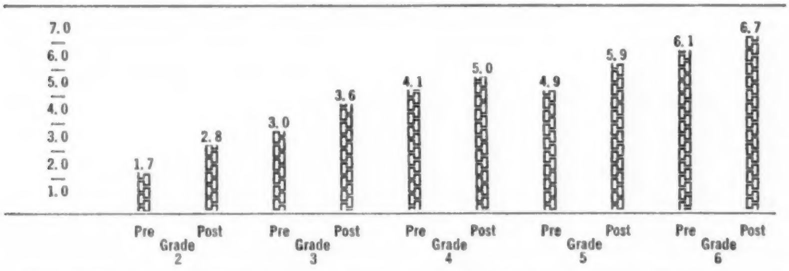
Reading vocabulary



Reading comprehension



Total reading



This chart shows the gain in grade level achievement for students enrolled in the Remedial Reading Program. Also, it shows the percentage of students below expected grade level at the beginning of the program in comparison with the percentage that progressed to and above expected grade level performance.

TABLE 5.—PERCENTAGE CHART INDICATING GAIN IN GRADE LEVEL ACHIEVEMENT AFTER PARTICIPATING IN REMEDIAL READING. (ACTUAL SCHOOL MONTHS BETWEEN PRE- AND POST-TESTING WAS 8 MONTHS)

Grade and range showing gain in school months and grade level advancement	California reading test: Reading vocabulary	California reading test: Reading comprehension	California reading test: Total reading
Grade 2:			
2 yrs. and above	0	26	0
1 yr. to 1 yr. 9 mos.	67	36	31
5 to 9 mos.	19	26	21
0 to 4 mos.	14	12	7
Percentage of grade 2 remedial reading group functioning below anticipated grade level of 2.2 on pretest	90	99	92
Percentage of grade 2 remedial reading group functioning at or above expected grade level of 2.8 on posttest	65	63	62

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TABLE 5.— PERCENTAGE CHART INDICATING GAIN IN GRADE LEVEL ACHIEVEMENT AFTER PARTICIPATING IN REMEDIAL READING (ACTUAL SCHOOL MONTHS BETWEEN PRE- AND POST-TESTING WAS 8 MONTHS)—Continued

Grade and range showing gain in school months and grade level advancement	California reading test		
	Reading vocabulary	Reading comprehension	Total reading
Grade 3:			
2 yrs. and above	0	0	0
1 yr. to 1 yr. 9 mos.	20	12	0
5 to 9 mos.	44	69	85
0 to 4 mos.	36	19	15
Percentage of grade 3 remedial reading group functioning below anticipated grade level of 3.2 on pretest	35	76	53
Percentage of grade 3 remedial reading group functioning at or above expected grade level of 3.8 on posttest	65	34	58
Grade 4:			
2 yrs. and above	7	17	7
1 yr. to 1 yr. 9 mos.	60	26	47
5 to 9 mos.	22	32	32
0 to 4 mos.	11	25	14
Percentage of grade 4 remedial reading group functioning below anticipated grade level of 4.2 on pretest	37	51	45
Percentage of grade 4 remedial reading group functioning at or above expected grade level of 4.8 on posttest	77	48	70
Grade 5:			
2 yrs. and above	29	5	2
1 yr. to 1 yr. 9 mos.	34	37	52
5 to 9 mos.	25	35	30
0 to 4 mos.	12	23	16
Percentage of grade 5 remedial reading group functioning below anticipated grade level of 5.2 on pretest	60	41	46
Percentage of grade 5 remedial reading group functioning at or above expected grade level of 5.8 on posttest	67	67	78
Grade 6:			
2 yrs. and above	2	2	0
1 yr. to 1 yr. 9 mos.	37	28	32
5 to 9 mos.	32	31	42
0 to 4 mos.	29	39	26
Percentage of grade 6 remedial reading group functioning below anticipated grade level of 6.2 on pretest	64	56	48
Percentage of grade 6 remedial reading group functioning at or above expected grade level of 6.8 on posttest	53	43	53

VIRGINIA

Reading achievement

The educationally deprived child enrolled in Title I instruction has definitely improved his educational position. His rate of learning has been accelerated and he is closing the gap between himself and others in his grade. This conclusion is reached as a result of extensive use of standardized tests and an analysis of all data submitted to the state office by local educational agencies. About 90% of all Local Educational Agencies use standardized tests to pre and post test pupils enrolled in Title I classes. The same pupils take the pre and post tests. Pre-tests are usually given in September and post-tests in April or May. The LEA's decide which achievement test will be used.

The results of standardized tests used during the summer session will not be analyzed until a later date; however, a substantial number of test results for the regular session are included in Appendix C.

An analysis of test results for approximately 8,000 Title I pupils (grades 2–12) taking the California Reading and Stanford Achievement Test indicates that the pupils enrolled in remedial reading classes have shown considerable progress. The results of these tests are shown below:

CHANGE IN PERCENTILE RATING

Test	Percent of students compared with national norm				
	1 to 10 percentile	11 to 25 percentile	26 to 50 percentile	51 to 75 percentile	76 to 99 percentile
California achievement:					
Pretest	36.9	28.9	23.7	6.1	4.4
Posttest	30.4	22.4	25.7	12.5	9.0
Change	−6.5	−6.5	+2.0	+6.4	+4.6
Stanford achievement:					
Pretest	42.6	32.2	14.6	6.2	4.4
Posttest	32.2	32.5	17.3	11.7	6.3
Change	−10.4	+.3	+2.7	+5.5	+1.9

LOCAL EDUCATIONAL AGENCIES SAY THEY WERE SUCCESSFUL TO THE FOLLOWING EXTENT

[In percent]

	All activities		
	Substantial success	Some success	Little or no success
1969	59.2	37.9	2.9
1968	55.3	39.6	5.1
1967	47.7	47.7	4.6

Much subjective data are available to support the success of the program both in the cognitive and effective domains. These data will be assembled and submitted as Evaluation Summary Data at a later date. Hard data regarding the summer session will be submitted as summary data as soon as processed and analyzed.

COLORADO

Academic programs ranged in order of magnitude of change in pre- and post-achievement test data

	Average increase in standard score means—
Reading:	
Top 5 projects	4.4
Middle 5 projects	2.6
Bottom 5 projects	−1.3
Language arts:	
Top 3 projects	2.4
Middle 3 projects	3.0
Bottom 3 projects	−2.4
Mathematics:	
Top 5 projects	4.4
Middle 5 projects	1.9
Bottom 5 projects	−3.1

Program effectiveness related to cost

The evidence presented by ranking projects according to academic achievements indicates that a P.P.E. of more than $200 correlates with successful programs in reading, language arts, and methematics.

A Comparison of Dropout Rates of Title I and Non-Title I High Schools (X–XII) in Selected Districts and State rates (X–XII):

	Title I	Nontitle I	State
1965 to 1966	12.1	6.1	7.4
1968 to 1969	11.6	6.4	8.3

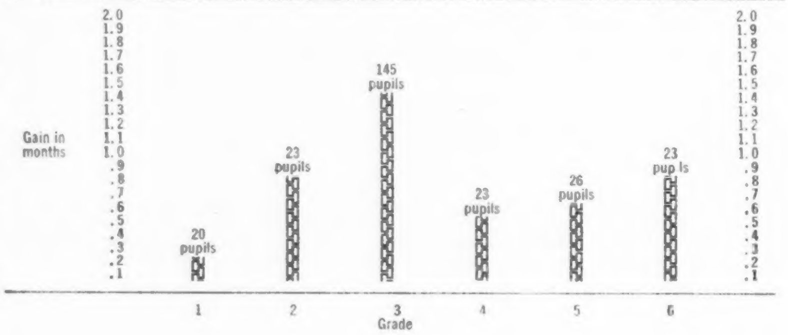
WYOMING

Educational achievement

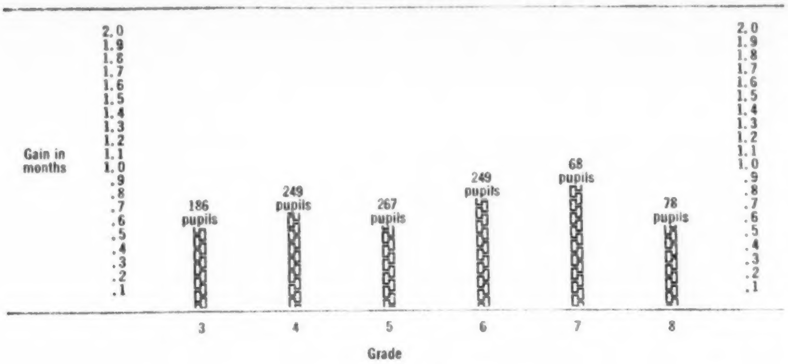
Objective Data: Standardized Achievement Test results comparing the achievement of Title I students to that of all pupils of the same grade level are not available in Wyoming. The following information pertains to participating Title I pupils:

Graphs 1, 2 and 3 indicate mean score gain over pre and post results during a period of 9 months, using national norms and grade equivalent scores from Standardized Achievement Tests.

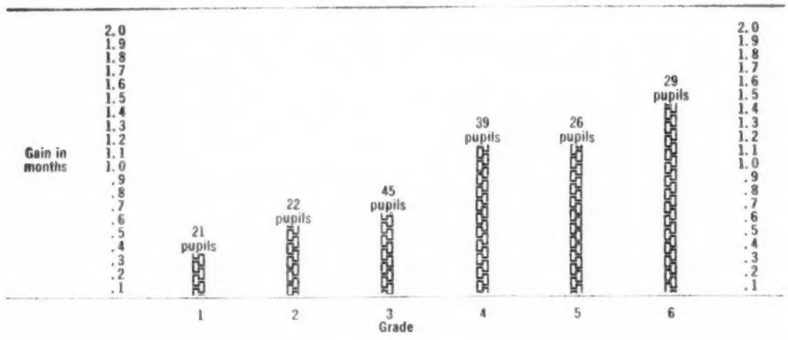
Graph 1: Stanford achievement test



Graph 2: Iowa test of basic skills



Graph 3: Gates MacGinitie



AMENDMENT OF RULE XLIV

The SPEAKER pro tempore (Mr. GRAY). Under a previous order of the House the gentleman from Illinois (Mr. PRICE) is recognized for 5 minutes.

Mr. PRICE of Illinois. Mr. Speaker, I have introduced today a resolution which would add certain provisions to House rule XLIV, the financial disclosure rule of the House. The proposed additions have the support of the Committee on Standards of Official Conduct, of which I have the honor to be chairman.

At the same time, the committee is publishing an advisory opinion establishing guidelines on the responsibilities and obligations of a Member and his employees in communicating with departments and agencies in the executive branch on constituent matters. The opinion issued under authority contained in the House rules requires no House action; the resolution does require House approval, of course.

Most Members will recall that when our committee presented its recommendations for the present Code of Official Conduct and the related requirement for disclosure of certain financial interests, we emphasized that both probably would be subject to revision with the test of time.

We have had only a single year's experience in the operation of the financial disclosure rule, but that experience has convinced the committee that the changes recommended will make that rule more effective in treating potential conflicts of interest. It is conceivable that further experience may demonstrate the need for additional revision.

In brief, the resolution which I offer would require: First, disclosure of the sources of honoraria of $300 or more and second the listing of each creditor to whom the person reporting was indebted, without the pledge of specific security, for $10,000 or more for 90 days or longer in the preceding calendar year. These provisions would apply only to calendar years beginning on or after January 1, 1971.

Mr. Speaker, there are two distinct theories on financial disclosure. One is that the public has a right to know every trivial detail of the fiscal affairs of persons in public office. The other holds that only those personal financial involvements of a public official that might appear to make his judgments less than objective are proper subjects for disclosure. Mr. Speaker, our committee is firmly committed to this second concept and has framed its entire approach to its task on this principle. The resolution I offer likewise conforms to this view.

Mr. Speaker, I include the texts of the resolution and advisory opinion at this point in the RECORD:

Resolved, That (a) paragraph 3 of part A of Rule XLIV of the Rules of the House of Representatives is amended by adding at the end thereof the following:

"(b) Honorariums from a single source aggregating $300 or more.".

(b) Part A of such Rule XLIV is further amended by inserting immediately after paragraph 3 the following new paragraph:

"4. List each creditor to whom the person reporting was indebted for a period of 90 consecutive days or more during the preceding calendar year in an aggregate amount in excess of $10,000, excluding any indebtedness specifically secured by the pledge of assets of the person reporting of appropriate value.".

SEC. 2. (a) Paragraph 2 of part B of such Rule XLIV is amended by striking out the period at the end of such paragraph and inserting in lieu thereof a comma and the following: "and the amount of indebtedness owed to each creditor listed under paragraph 4 of part A.".

(b) The second paragraph following paragraph 2 of such part B is amended by striking out "shall file a report so stating" and inserting in lieu thereof "shall file a report, under part A only of this rule, so stating".

SEC. 3. The amendments made by the foregoing provisions of this resolution shall apply only with respect to calendar years beginning on and after January 1, 1971.

COMMITTEE ON STANDARDS OF OFFICIAL CONDUCT, HOUSE OF REPRESENTATIVES

ADVISORY OPINION NO. 1—ON THE ROLE OF A MEMBER OF THE HOUSE OF REPRESENTATIVES IN COMMUNICATING WITH EXECUTIVE AND INDEPENDENT FEDERAL AGENCIES

REASON FOR ISSUANCE

A number of requests have come to the Committee for its advice in connection with actions a Member of Congress may properly take in discharging his representative function with respect to communications on constituent matters. This advisory opinion is written to provide some guidelines in his area in the hope they will be of assistance to Members.

BACKGROUND

The first Article in our Bill of Rights provides that "Congress shall make no law . . . abridging the . . . right of the people . . . to petition the Government for a redress of grievances." The exercise of this Right involves not only petition by groups of citizens with common objectives, but increasingly by individuals with problems or complaints involving their personal relationships with the Federal Government. As the population has grown and as the Government has enlarged in scope and complexity, an increasing number of citizens find it more difficult to obtain redress by direct communication with administrative agencies. As a result, the individual turns increasingly to his most proximate connection with his Government, his representative in the Congress, as evidenced by the fact that congressional offices devote more time to constituent requests than to any other single duty.

The reasons individuals sometimes fail to find satisfaction from their petitions are varied. At the extremes, some grievances are simply imaginary rather than real, and some with merit are denied for lack of thorough administrative consideration.

Sheer numbers impose requirements to standardize responses. Even if mechanical systems function properly and timely, the stereotyped responses they produce suggest indifference. At best, responses to grievances in form letters or by other automated means leave much to be desired.

Another factor which may lead to petitioner dissatisfaction is the occasional failure of legislative language, or the administrative interpretation of it, to cover adequately all the merits the legislation intended. Specific cases arising under these conditions test the legislation and provide a valuable oversight disclosure to the Congress.

Further, because of the complexity of our vast federal structure, often a citizen simply does not know the appropriate office to petition.

For these, or similar reasons, it is logical and proper that the petitioner seek the assistance of his Congressman for an early and equitable resolution of his problem.

REPRESENTATIONS

This Committee is of the opinion that a Member of the House of Representatives, either on his own initiative or at the request of a petitioner, may properly communicate with an Executive or Independent Agency on any matter to:

Request information or a status report;

Urge prompt consideration;

Arrange for interviews or appointments;

Express judgment;

Call for reconsideration of an administrative response which he believes is not supported by established law, Federal Regulation or legislative intent;

Perform any other service of a similar nature in this area compatible with the criteria hereinafter expressed in this Advisory Opinion.

PRINCIPLES TO BE OBSERVED

The overall public interest, naturally, is primary to any individual matter and should be so considered. There are also other self-evident standards of official conduct which Members should uphold with regard to these communications. The Committee believes the following to be basic:

1. A Member's responsibility in this area is to all his constituents equally and should be pursued with diligence irrespective of political or other considerations.

2. Direct or implied suggestion of either favoritism or reprisal in advance of, or subsequent to, action taken by the agency contacted is unwarranted abuse of the representative role.

3. A Member should make every effort to assure that representations made in his name by any staff employee conform to his instruction.

CLEAR LIMITATIONS

Attention is invited to United States Code, Title 18, Sec. 203(a) which states in part: "Whoever . . . directly or indirectly receives or agrees to receive, or asks, demands, solicits, or seeks, any compensation for any services rendered or to be rendered either by himself or another—

(1) at a time when he is a Member of Congress . .; or

(2) at a time when he is an officer or employee of the United States in the . . . legislative . . . branch of the government . . . in relation to any proceedings, application, request for a ruling or other determination, contract, claim, controversy, charge, accusation, arrest, or other particular matter in which the United States is a party or has a direct and substantial interest, before any department, agency, court-martial, officer, or any civil, military, or naval commission . . .

Shall be fined not more than $10,000 or imprisoned for not more than two years, or both; and shall be incapable of holding any office of honor, trust, or profit under the United States."

The Committee emphasizes that it is not herein interpreting this statute but notes that the law does refer to *any compensation, directly or indirectly, for services by himself or another*. In this connection, the Committee suggests the need for caution to prevent the accrual to a Member of any compensation for any such services which may be performed by a law firm in which the Member retains a residual interest.

It should be noted that the above statute applies to officers and employees of the House of Representatives as well as to Members.

THE SPECIAL IMPACT PROGRAM

The SPEAKER pro tempore. Under a previous order of the House the gentleman from Wisconsin (Mr. STEIGER) is recognized for 15 minutes.

Mr. STEIGER of Wisconsin. Mr. Speaker, the Department of Labor has been under attack from a number of quarters recently for its administration of the special impact program. I think now is the time to set the record straight as to the Department's past and present role and—more importantly—to assess objectively what steps are being taken to remedy the situation.

The special impact program, set up under title 1–D of the 1967 amendments to the Economic Opportunity Act, was designed to have an appreciable impact on the lives of the poor in target poverty areas. The primary purpose of most manpower programs is training and placement. The special impact program, however, sought to chart a new course by fostering business development and expansion in poverty areas which would be large enough to significantly affect disadvantaged residents. Businesses which agreed to locate new establishments in or near poverty areas were allowed financial and other incentives under the title. Twenty-two projects involving private employers with sizable potential employment opportunities were funded by the Department in 1968 and early January 1969.

All of these contracts were signed before the Nixon administration took over.

Under the contracts, the Department of Labor required that a specified number of hard-core disadvantaged from a particular community be permanently employed by the participating companies within the contract period of 24 months. Unfortunately, few of the companies at this juncture have been able to meet their contractual obligations. The 22 firms taking part in the program were to hire a total of 6,720 from the hard-core disadvantaged at a cost to the Federal Government of approximately $16.8 million.

As of September 30, 1969, only 1,010 new hires were on board, and about three-quarters of this total were concentrated in only four companies. Approximately $11.6 million, however, had already been paid out to the contracting firms. The contractors, then, had received about 68 percent of the total money obligated to the program but had only hired some 15 percent of the total hires they are committed to make during the life of the contract.

There are a number of factors which contributed to the slow progress of the program in achieving its aims. First, the level of funding indirectly limited the number of companies able to participate, and thus reduced the number of new employment opportunities which could be generated. Second, most of the companies have not been able to meet their contractual obligations. Third, some firms in the Los Angeles area either were permitted initially to locate at plant-sites not fully accessible by transportation to the target area or have been unable to resolve disputes on possession and use of sites already contracted for.

Fourth, the participating companies themselves were not really in an optimum position to carry out their contracts. Most were new or small firms—marginal firms—trying both to develop new businesses and to hire hard-core unemployed. The general inexperience of these firms in handling the disadvantaged and the highly competitive nature of the market for their particular products further complicated an already difficult task. Finally, the job opportunities were not always attractive to the disadvantaged. Many were jobs which required only minimal skills, thus holding little promise of acting as stepping stones to jobs requiring a higher degree of skill.

The administration of the special impact program also was faulty in many respects, particularly in the early stages, and this further weakened the prospects for success. The administrative staff assigned by the Johnson administration to run the program was inadequate in size, consisting of one full-time project officer assisted by several others on a part-time basis. Moreover, both the original design of the contracts and the procedures for negotiating them were weak. For example, few precontract checks were made on the suitability of the companies and sites involved, and the early contracts lacked termination for default clauses. Furthermore, the companies involved did not receive adequate technical assistance, despite the fact that a firm had been awarded a technical assistance contract to fulfill that very purpose. Finally, a distinct lack of program monitoring by the project officer was evident.

When the new administration took over in January 1969, it therefore faced a number of taxing problems. No new contracts were signed after President Nixon took office, but he and his new team had to look for ways to remedy the defects of the contracts already signed by the previous administration.

A significant and positive step toward improving the program was taken on July 1, 1969, when the administrative responsibility for special impact program contracts was transferred from the national office to regional manpower administrators in the four cities—administrators already responsible for other Department of Labor projects in these areas. I think it should be emphasized that the Department itself recognized the inherent weaknesses of the previous setup and moved to correct them long before a public hue and cry arose.

Local project monitors, who have an appreciation of the community involved and who are able to coordinate special impact projects with other manpower programs, now work closely with the contractors. The Department thus has had a closer check on the contract performance of each of the participating companies. The monitors have also made needed technical assistance available to the companies to help them to perform more effectively.

On that same date—July 1, 1969—the Department of Labor also ended its authority to enter into special impact program contracts, and all funds were transferred to the Office of Economic Opportunity. Initially, title 1–D funds had been split between OEO and the Labor Department, with OEO-funded programs aimed at community development.

Because the Department is committed—as it clearly should be—to full and complete performance from all par-

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ticipating companies, it has stated it will enforce the terms and conditions of the contracts. The Department has notified the companies that it expects full and complete performance of all contractual obligations.

The contracts signed in early January 1969 do contain a termination for default clause, which will permit the regional manpower administrators to end the contractual relations between the Department of Labor and an individual contractor in the event of unsatisfactory performance. The Department has already terminated the contract of one company for default, Tintair of New York, and Monarch Electric of Los Angeles is shortly to suffer the same fate. The contract held by Cherry Valley of New York is to be terminated by mutual agreement, but the good faith of that company was demonstrated by its return to the Department of a check for $50,000.

Prime reliance for enforcement, however, is being placed on the liquidated damages provision, which all of the contracts contain and which comes into force when the contract expires. Under this provision, the Government will have returned to it a specified sum of money for every employment opportunity not filled by a permanent employee.

In some cases, a solution may be found short of such drastic steps. One possibility is renegotiation of some of the contracts. The Department recognizes that the performance level required of certain companies was unrealistic, and renegotiation may be an answer for those contractors who are making a genuine effort to meet their deadlines.

I am deeply concerned that a private brokerage firm collected significant commissions amounting to approximately $338,000 for negotiating 12 of the 22 contracts. Despite the fact that the firm earned such a large fee, it was not required to file statements with the Department of Labor either on contingent fees or on its receipt of commissions from the companies. The extent of the services actually rendered by the firm, Dempsey-Tegler of Los Angeles, is in question, and it is therefore particularly important to examine the whole issue of private companies asking fat fees for acting as a go-between with the Government.

I have sent a letter to Secretary Shultz asking for a complete review of the role which Dempsey-Tegler played. In particular, I have asked the Secretary to investigate whether payment of fees to the firm was legal under the provisions governing the special impact program and whether the Department of Labor is considering legislation which would prevent abuses of this sort from recurring. I have sent also a letter to the General Accounting Office, asking for an investigation of the legality of the contingent fees paid to Dempsey-Tegler.

I think what should be stressed at this point are the positive steps taken under the Nixon administration to correct the flaws. The effort of the Department to insure compliance with contract goals is proper, even if somewhat harsh penalties must eventually come into play. It is clear, however, that the Department's efforts also are directed at helping the companies in every way possible to meet the specified targets. Certainly the monitoring of the regional manpower administrators is directed at this positive end. Moreover, the Department's willingness to consider renegotiation in selected cases is another example of the flexible stance it is taking.

Above all, the Department continues to be concerned with the communities involved and with the disadvantaged individuals, who have been given a chance to work through this program. Should enforcement of any of the penalty clauses result in job losses for those hired, the Department plans to give first priority to placing them in other positions.

In the Los Angeles area, where 10 of the 22 companies are located, two major actions to intensify job training and placement efforts for the unemployed and underemployed have been announced. One is a new contract of approximately $5 million with the economic and youth opportunities employment program. The other earmarks $10 million for the JOBS—job opportunities in the business sector—program. The money set aside for JOBS should help immeasurably in offsetting the substandard performance of the special impact program in the Los Angeles area.

In sum, Mr. Speaker, the Manpower Administration is moving with firmness to correct the obvious defects of the program but with full recognition of the human element. The Department of Labor is to be commended for its diligent efforts to correct the mistakes of the past and to improve the special impact program's prospects for success.

DAVID O. McKAY

The SPEAKER pro tempore. Under a previous order of the House the gentleman from Utah (Mr. Burton) is recognized for 5 minutes.

Mr. BURTON of Utah. Mr. Speaker, David O. McKay, the late president of the Church of Jesus Christ of Latter-day Saints, was the friend of Presidents and statesmen—and champion of the most common man. He was beloved by those of his faith, and admired and respected by those who were not. He had the humility of Job, but the will and strength of Moses. His physical appearance was both commanding and handsome—yet no one felt uneasy in his presence.

Christendom has lost one of its greatest spiritual leaders. Utah parts with one of her great and beloved sons. The Nation suffers at the loss of a true and noble patriot.

My family joins me in extending to Sister McKay and members of a distinguished family, our own profound sense of loss and sorrow.

Mr. Speaker, I submit the following resolution, for myself, Mr. Del Clawson, Mr. Hanna, Mr. Hansen of Idaho, Mr. Lloyd, Mr. Moss, and Mr. Udall:

H. Res. 795

Resolved, That the House of Representatives has learned with great sorrow and regret of the death of David O. McKay, late president of the Church of Jesus Christ of Latter-day Saints.

Resolved, That as a token of its respect and admiration for his long and dedicated service as a humanitarian, missionary, church leader and president of the church, the House of Representatives hereby expresses its sincere sympathy and sorrow at his passing to his beloved wife and family and to those people around the world for whom he was a great spiritual leader.

Resolved, That as a further mark of respect to the memory of President McKay, the Clerk of the House of Representatives is directed to transmit a copy of this resolution to the family and to church headquarters in Salt Lake City.

TAKE PRIDE IN AMERICA

The SPEAKER pro tempore. Under a previous order of the House the gentleman from Ohio (Mr. Miller) is recognized for 5 minutes.

Mr. MILLER of Ohio. Mr. Speaker, in 1968, 3,885,000 Americans traveled to overseas countries.

Mr. Speaker, in 1967, the United States produced 1,789,000 short tons of cotton; this is 15.8 percent of the world total.

FEDERAL EXECUTIVE MANAGEMENT AND THE SUPERGRADE SYSTEM

The SPEAKER pro tempore. Under a previous order of the House the gentleman from Indiana (Mr. Hamilton) is recognized for 15 minutes.

Mr. HAMILTON. Mr. Speaker, one of the major innovative approaches taken by the Federal Executive Management Act, H.R. 14679, to improve the effectiveness and efficiency of Federal administrative and program management is that bill's provision for the placement of the supergrade executive assignment system in the proposed Office of Executive Management.

Federal management study commissions and committees, as well as experts in the area of public administration, have recommended that the administration of the supergrade program be placed in the Executive Office of the President. Their recommendation has been based upon the principle that these positions and their incumbents are vitally and necessarily involved in the formulation, as well as the execution, of Presidential policies and programs. The administration of the personnel program for these positions and their incumbents should, therefore, be located at an organizational level in the executive branch which would assure that assignment of such positions to Federal agencies and programs would directly reflect the priorities established by the President and the Congress rather than the career aspirations and collective needs of the civil service bureaucracy. Unfortunately, their recommendation has never borne fruit because of, first, career civil service resistance, and second, the absence in the Executive Office of the President of an effective Federal manpower and organizational analysis function.

Past civil service resistance has been valid to the extent past recommendations would have made the administration of the supergrade program a responsibility

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of the White House rather than the responsibility of an independent Office of Executive Management. The very nature of such an organizational arrangement would have overemphasized partisan political considerations to the detriment of adherence to merit principles and qualifications standards for the selection and training of persons for supergrade positions.

The Federal Executive Management Act, recently introduced by Mr. BAYH and myself, would assure continued selection of supergrade personnel based upon merit. The act would also provide, for the first time, the proper organizational and functional setting—the Executive Office of the President—for the supergrade executive assignment program. Federal supergrade employees would continue to enjoy their present rights and privileges with regard to compensaiton, leave, health and life insurance, training, awards, grievances and appeals, and so forth. The only change the Federal Executive Management Act would make in the administration of the supergrade executive assignment program would involve placing the program in an organizational setting which would be more conducive to assuring the assignment of these scarce and critical positions, and their highly skilled incumbents, to those program areas and policy activities of greatest Presidential need and priority. Application of the most basic principles for effective management and administration of Government dictate the placement of the supergrade executive assignment system in the proposed Office of Executive Management because of that Office's responsibility for reviewing and evaluating the Federal Government's overall manpower and organization programs, policies, and requirements.

Though the present supergrade program is monitored by the Civil Service Commission, with assistance from the Bureau of the Budget, neither has had, nor now have, sufficient information, resources, or procedural processes necessary to maintain an awareness of individual agency internal policy, program or organizational changes. These changes not only affect the actual number of supergrade positions required by individual agencies—which could decrease as well as increase—but they also influence grade level requirements and job relationships of agency supergrade positions. Too often in the past, the Bureau and the Commission have been totally dependent upon individual agencies for organizational and job responsibility information simply because they have lacked adequate, reliable, and independent sources of information to evaluate the validity of agency position descriptions and justification statements.

Among Federal agency position classifiers and employment specialists, the importance of making a convincing case to the Civil Service Commission as to the theoretical importance of a particular job and its imagined value to the agency program, without regard to actual classification merit or an established need for the position, has led to labeling supergrade position description and justification statement writing as "science fiction writing."

Besides the deception so common in the writing of supergrade position descriptions and justifications, frequent situations have arisen where agency functions have been abolished or substantially changed through internal reorganizations or realinements of policies, programs and/or offices. However, supergrade positions assigned to abolished functions have continued to be designated, encumbered, and often refilled against abolished functions for long periods of time with the incumbent being assigned to other duties of an indeterminable grade level or of an undetermined priority. In cases where reorganizations or realinements did not result in the abolishment of positions but did substantially alter them in a manner considered by the agency as adverse to the grade level of the position, it has been a common practice among agencies to neglect to report such changes to the Civil Service Commission. These practices are justified internally by the agencies on the basis of retaining these "surplus" positions and grade allocations against some future need.

Although the Civil Service Commission has established a reporting system for keeping abreast of positions which are vacated, neither the Commission nor the Bureau has adequate resources or procedural processes to maintain an awareness of internally controlled changes in agency operations which have an adverse impact upon an agency's supergrade positions. Consequently, the congressional dictum that supergrade positions should be assigned on the basis of Presidential program needs and priorities has frequently been frustrated by, and sacrificed to, individual executive agency deception and greed.

By specific design, the Federal Executive Management Act provides the resources and processes which will enable the proposed Office of Executive Management to maintain not only a continuing awareness of Federal agency internally controlled organizational changes, but also an alertness to their overall manpower needs—and to feed this information to that segment of the Office which would administer the supergrade executive assignment system.

The Congress recently authorized 222 additional supergrade positions for executive branch agencies, the General Accounting Office, and the Library of Congress. During the past year, an additional 100 nonquota positions were created by the individual agencies and the Civil Service Commission. According to the Washington Post's "Federal Diary" column of January 7, 1970, the Federal supergrade and equivalent position count now exceeds 9,800 positions—an increase of 500 supergrade positions over the Commissions' supergrade count of February 16, 1968.

The House Post Offie and Civil Service Committee, in its report accompanying the new supergrade authorization bill, noted "an alarming increase in the number of nonquota or unlimited numbers of supergrades for professional engineering, research and development positions, and for positions in the physical and natural sciences and medicine." In fact, nearly 1,900 of these positions have been allocated during the 7-year period since the elimination of numerical and grade-level limitations on such positions.

While there may be questions as to the validity of classifying 1,900 Federal positions in this nonquota category, it should be pointed out that these are not 1,900 new positions. Rather, the majority of these positions were converted from positions previously classified under the limited-quota category. When the authorization for an unlimited number of nonquota positions was enacted in 1962, there was a great rush by the agencies to convert many quota positions to the nonquota category in order to free the scarce quota positions for nonengineering and nonscientific programs and for administrative management personnel. While the overwhelming majority of the conversions were legitimate, there have been a number of highly questionable conversions or allocations in the nonquota category. The natural opportunity inherent for deception in the general operation of the system was increased by the tremendous workload resulting from the large volume of agency requests to the Civil Service Commission for conversions and new allocations. The absence of adequate, objective information on agency internal operations, then as now, placed the Commission in the position of having to rely almost solely upon agency presentations. Considering the opportunities for agency deception, the extensive workload, the tight deadlines, and the shortage of trained classification manpower, it seems commendable that the Commission has maintained a high degree of classification integrity for these nonquota positions.

The foregoing examples offer ample evidence of the need for the executive branch to get its house in order by bringing reason and rationality to bear in the control and administration of supergrade positions. New supergrade positions and grade levels must be allocated, in fact as well as in theory, on the basis of Presidential program needs and priorities rather than randomly distributed on the basis of "sharing the pie" in a manner designed to keep the agencies and the career civil service bureaucracy from being too unhappy. Current allocations must be reviewed and hard decisions must be made to reallocate surplus and nonpriority positions to those areas of greatest need as established by the President and the Congress.

The House Post Office and Civil Service Committee has given ample notice of its concern by "insisting that the Civil Service Commission be most careful to allocate them—the recently authorized additional quota supergrade positions—to the departments and agencies that have the greatest need in view of the total number now being made available." Furthermore, the committee admonished the Commission, the Bureau, and agency managers to work toward reducing the "inflationary trends in pay grade levels." The committee also indicated that current coadministration of the system by the Congress and the executive branch has not served to control escalation of supergrade positions even though "the present system is as

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realistic and feasible a procedure as we have been able to develop."

Granting the validity of this last contention, effective management of the supergrade executive assignment program can never be achieved through procedural processes alone; more reliance must be placed upon substantive efforts. Federal management cannot tolerate a personnel program whose main administrative characteristics were noted by the 1968 House Post Office and Civil Service Committee's minority report on proposed supergrade authorizations as being "reminiscent of the Stephen Leacock character who flung himself from the room, flung himself upon his horse, and rode off in all directions."

The Federal Executive Management Act provides a means by which the supergrade control system can be headed in one direction—the direction of effective, efficient, and economic management of Federal manpower resources, policies, and programs. It establishes the type of substantive process required to improve the supergrade executive assignment system by placing the program in an organizational setting conducive to assuring access to the necessary manpower and organizational information for allocating positions on the basis of established Presidential needs and priorities. In short, the act provides the more "realistic and feasible procedure" for which the Congress has been searching.

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Mr. BAYH ably stated the case in introducing the bill in the other body last April by noting:

> If we are ever to treat the causes rather than the symptoms of (Federal) administrative organization and management problems, then the Executive branch must be given adequate tools and resources to get at these problems . . . . Executive organization and management problems are immediate and bureaucratic in nature. Through the establishment of an appropriate and responsible office within the bureaucracy, it would be possible for the Executive branch to institute the necessary organizational and management reforms.

My colleagues who share my concern over the management of the Federal supergrade executive assignment system, as well as the general administrative management of the executive branch, are invited to reintroduce the Federal Executive Management Act. Your action will demonstrate to the Bureau of the Budget the degree of congressional interest in favorably responding to the request of the chairman of the House Government Operations Committee for their views concerning enactment of the proposed act. Likewise, your action will demonstrate to the President's Advisory Council on Executive Organization the desirability of recommending to the President that he propose and support enactment.

THE MOLLY MAGUIRES WORLD PREMIERE

The **SPEAKER** pro tempore. Under a previous order of the House the gentleman from Pennsylvania (Mr. FLOOD) is recognized for 15 minutes.

Mr. FLOOD. Mr. Speaker, tomorrow will be a most significant day in the history of the anthracite coalfields in northeastern Pennsylvania, when the Paramount Pictures production, "The Molly Maguires" will have its world premiere in the cities of Wilkes-Barre and Hazleton, which I have been privileged to represent over the past quarter century, as well as in neighboring Scranton.

"The "Mollies" is the story of the conflict between oppressed immigrant Irish coal miners, earning their pittance in the lethal chambers beneath the terrain of the anthracite region, and the company police, hired to protect the barons and their holdings from the newly formed secret society which was bent on "an eye for an eye" against coal company injustice.

But beyond the cold facts of labor strife and violence, which, a century later, still plagues our society, are some of the basic elements of our American history—courage in the face of exploitation, pain, deceit, and injustice.

Vividly traced in the Paramount screening is prelabor union America, what it was really like before men joined in the first determined fight for organizing to secure rights and improved working conditions.

The abuses which preceded the great social and civil rights legislation of this century—child labor, "scabbing," economic servitude by coal operators and their company stores, are vividly portrayed. The inner conflict of human beings faced with monetary gain for playing the role of company spy, deceit, and fear-ridden life in a small coal town are just some of the post-Civil War poverty conditions that Paramount Pictures has captured in its production, "The Molly Maguires."

Nearly 70 percent of this cinema masterpiece, Mr. Speaker, was filmed in the anthracite coalfields which I am proud to represent, with location filming also in nearby Schuylkill County.

Convinced that the true spirit of "The Molly Maguires" era could be captured by going back to the hard coal regions, Director Martin Ritt and coproducer Walter Bernstein, after 2 years of intensive research, decided that the home of "black gold," as hard coal has been called for more than a century, could best serve as the filming site for their film. Thus unfolded plans for a movie which will ultimately contribute to the economic and cultural aspects of northeastern Pennsylvania for years to come.

The producers leased the tiny village of Eckley in Luzerne County, near Hazleton, Pa., which is the only coal patchtown entirely owned by one man which still exists in America.

Out of consideration to the residents of the village, Paramount paid the rent of the 62 families which occupy the 40 homes of the town. In addition, residents who served as extras were paid a wage each day, and hundreds of local residents, many whose ancestors were original Molly Maguires took part in the filming. Modern-day facilities such as powerlines and television antennas were removed to create an original late 19th century motif, which many old timers who have seen the film say is a brilliant recreation.

In Mauch Chunk—now renamed Jim Thorpe after the late great Indian athlete—the main street was reconverted to resemble the town as it existed in the era. Storefronts were rebuilt to conform to old designs and false fronts designed to hide parking lots. At Bloomsburg, which is in Columbia County, an aging railroad station, still standing, provided a set for a departure to the "city." Other locations used were Weatherly, Ashland, Drums, and Llewelyn.

When the "Molly Maguires" company returned to Hollywood, after nearly 6 months on location, they left behind, in addition to fond memories and economic gain, a spirit of cooperation among the fine people of that area which will not soon be forgotten.

Along with a brilliant recreation of the life and times of the coal fields, "The Molly Maguires" is a film which shows some of the finest acting I have ever seen.

Richard Harris, who plays detective James McParlan, is a native Irishman—Limmerick—who so realistically captures the role of informer that it would not be too difficult to imagine that he once took part in an uprising between North and South Ireland.

Sean Connery, a native Scotsman, whose ancestors, when he was a boy told him tales of mining terrors in Europe, is cast in the role of "Molly Maguire" leader, Black Jack Kehoe.

Samantha Eggar brings all her British sophistication and stage and television starring experience to a peak performance in this film as Mary Reeves, the daughter of an ailing coal miner, who wins the admiration of Black Jack Kehoe, and the hearts of other "Mollies" and legions of admirers who will see this show.

Along with its initial contribution to the economy of northeastern Pennsylvania, Paramount Pictures has most generously taken steps which will perpetuate the tradition of good will created by the filming of "The Molly Maguires," and help tourism in my State for years to come.

The village of Eckley has been acquired by a group of far-sighted Hazleton businessmen, centered around the chamber of commerce, and have undertaken a project, with the assistance of Paramount Pictures, which will make Eckley a permanent "anthracite museum" for our children to see in the years ahead. Paramount left the original set intact, and has contributed a large financial offering toward the acquisition cost.

It will be a great day, and a cheerful one tomorrow when the first ceremonies for "premiere day" are held at Eckley, when the Governor of the Commonwealth accepts the deed to this village as it becomes a permanent site to be governed by the Pennsylvania Historical Commission. Indeed, as their Congressman, and as an old actor, I will be most proud to take part to congratulate all those who worked as a team to make northeastern Pennsylvania the permanent home of "The Molly Maguires."

Mr. Speaker, the legitimate stage was my career and occupation for several years as a young man, and I hope I would recognize a good show when I see one—not just the film itself, but the tremendous good that came from it.

Mr. Speaker, I salute Paramount Pictures and its board chairman, Charles B. Bluhdorn, for their deep interest in contributing to the culture and renewed prosperity in tourism in our area, and I also salute the dynamic efforts of those individuals who are making Eckley what it will be. I pay tribute to the people who took part in the film, and I compliment all who in any way have helped to make this history of the coal miner and the tradition of the coal fields one of the hallmarks of my district.

PEOPLE TO PEOPLE

The SPEAKER pro tempore. Under a previous order of the House the gentleman from Georgia (Mr. BRINKLEY) is recognized for 30 minutes.

Mr. BRINKLEY. Mr. Speaker, the concept of a democracy is built upon the basis of equal applicability of laws. Under uniform administration of law, the theory is, bad law will be like bad shoes and pinch the foot, bringing about sufficient popular support to require of representatives in government a change in the law.

But there are two standards of law existing in this country today relating to the field of education.

One affects only the South. The other standard applies to the remainder of the Nation.

Thus, if the law affecting the South is bad law and pinches the foot, what is to be our remedy? Our number in Congress is insufficient to change the law and people outside the South are unaware of the inequity.

As a matter of fact, some Representatives from other sections, believing that an anti-South sentiment is popular among their constituents, actually contribute to erroneous propaganda concerning conditions within our region.

Believing as I do, that Americans have a deep and basic sense of fair play, I am proposing a "people to people" campaign to correct what I believe to be bad law and an unjust, discriminatory second reconstruction effort aimed at the South.

Simply put, the courts have ruled that schools in the South are to be classified as de jure systems because of a former system of dual schools provided by law for the separation of black and white students. This separate but equal doctrine was the law of the land until the *Brown* decision in 1954 overruled *Plessy against Ferguson*.

Thereafter, the South has operated on a freedom of choice system and in urban communities the neighborhood school concept is generally acceptable.

Many courts have indicated that this is not enough. They have "legislated" and "mandated" through decrees that only racial balance will satisfy the law when applied to a de jure institution. This would entail busing of students to achieve the specified racial quotas.

Quality education, they say, will thus best be served in the long run.

Humbug! A thousand humbugs!!

Do they not know that a chain is no stronger than its weakest link? Do they not know that each generation of people is a link in the chain of this country and that one defective link jeopardizes the entire future of the Republic?

Abraham Lincoln once most accurately said that you do not make short men tall by cutting off the legs of tall men!

The other standard applied to non-Southern schools does not require quotas or balances, or busing to achieve those purposes. This is because of an artificial distinction permitted by the courts in distinguishing those systems from Southern systems.

Namely, while the facts have been substantially identical, separate schools for black and white—in the North by housing patterns; in the South by law—the neighborhood all-white and all-black systems of the North have been labeled as de facto segregated systems because of the historical absence of statutory requirements for separate schools for the black and white races. But the *fact* is that many are all white and all black!

The Court hangs its hat on this peg, or at least accepts this "peg" as constitutional, and will generally permit all-black and all-white schools *if they are located in any State outside the South* under the rationale that the housing pattern lends itself to that result!

Since there is unequal application of the law, on the facts, how may the people from our region—the black and white—obtain justice? How may we prevent forced busing and uprooting of children across towns, and from town to town?

There is only one avenue which remains. The shoe prescribed by the courts doesn't pinch in California and New York; their Congressmen, whether rightly or wrongly, believe their constituents feel that the South must be "dealt with." Therefore, we must tell the *people* in California the truth. We must tell the people in New York of the situation as it *actually exists*.

Three questions should be asked and answered:

First. Who will tell them?

Second. Will credibility be established?

Third. What will be accomplished?

First. Each and every citizen should write each and every friend and relative he has outside the South, asking assistance in seeking uniform application of the law nationwide *on the facts* unencumbered by the deceptive, technical distinction between *de jure* and *de facto*. This must be a missionary zeal, revival effort. No less effort has any chance at all for success.

Second. Credibility is already established with friends and relatives. We will be believed.

Third. The people will do the rest. Their Congressman will listen to them! My bill, my constitutional amendment, or any other Congressman's bill or amendment in this field, would then be fairly and favorably considered. Until that time, such legislation has two chances—slim and none.

This is the political approach and is illustrated by the congressional system presently employed in generating support for legislation. If a congressional committee chairman seeks to muster broad support, if a bill is in trouble, he does not call me. He does not have his own constituents write to me. What he does do is to pass the word to interested and affected parties within my own district, because he knows that when they communicate, I will listen! Congressmen from other States are no different. They wish to represent *their* own people and be responsive to them—in an honest effort to represent their country.

All things are possible. This will work, but only if every person in the South is willing to say, "I have had a bellyfull and enough, and am willing to roll up my shirt sleeves and write Cousin Bill in California and my old Army buddy Joe in New York!"

If we believe in it, we should have an organizational meeting in every school district in the South, and begin. The important thing is to begin.

FOREIGN BANK SECRECY

(Mr. PATMAN asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. PATMAN. Mr. Speaker, it is becoming more and more apparent that the cloak of secrecy provided by the banking laws of some countries is being used by American citizens to evade the payment of taxes, by members of organized crime to hide their ill-gotten gains and infiltrate legitimate businesses, by stock manipulators and by black marketeers. Ther is no question that these illicit activities have a very detrimental effect upon our economy and society. Secret bank accounts not only allow and encourage these people to violate our laws, but also enable them to accumulate huge fortunes at the expense of the honest taxpayer.

Hearings held by the House Banking and Currency Committee last December revealed that legislation is needed in this area to stop these unlawful activities. Recent news articles have reiterated this need. I have introduced such legislation. Hearings will resume February 10. The Honorable Bob Morgantheau will be the witness that day.

I insert for the RECORD two excellent articles that recently appeared in the New York Times which describe how these secret bank accounts are being used by people who violate our laws and avoid detection:

[From the New York Times, Nov. 30, 1969]

SWISS ACCOUNTS TEMPT SOME AMERICANS TO CHEAT

(By Neil Sheehan)

WASHINGTON.—More and more affluent Americans are discovering that the silence of a Swiss bank vault can be golden.

Under the certified secrecy of a Swiss account, many are cheating the tax collector and committing other felonies, such as illegal trading in stocks and bonds through Swiss banks.

The crimes are those of the rich. They are beyond the reach of the average citizen, even if he were tempted. The stock manipulations require large sums of money and the tax evasion schemes are impossible for a man whose incomes taxes are taken out of his pay check every week.

"The use of secret foreign bank accounts has become a national scandal," Representative Wright Patman, chairman of the House

Banking and Currency Committee, says. Mr. Patman, a harrier of domestic and international bankers, intends to begin a full-scale committee investigation on Dec. 4.

The framework for the hearings will be a bill Mr. Patman, a Texas Democrat, is submitting that seeks to curb Swiss bank crime. The bill would, among other provisions, make it illegal for an American citizen or corporation to have a secret foreign bank account unless all transactions were reported annually to the Treasury. Violators would incur serious criminal and civil penalties.

The scope of the use of the secrecy provided by Swiss bank accounts for Americans wishing to make illegal financial gains has been disclosed in a two-month investigation by The New York Times among Federal law enforcement agencies, economists familiar with the operations, knowledgeable Swiss sources, and the records of many court cases.

NO COUNTERPART LAWS

Swiss legal authorities need not cooperate with the United States in apprehending violators of American tax and stock and bond trading laws because there are no counterpart statutes in Swiss penal codes. Tax frauds here are not considered crimes in Switzerland. Securities trading laws do not exist there, so no crime has occurred as far as the Swiss are concerned.

Most American Federal mail frauds, another source of American prosecutions in this area, are also nonexistent in Switzerland. A Swiss banker who helps an American client break these American laws thus breaches none of his own.

The Swiss banks generally have an outstanding reputation in the international financial community for stability and ethical standards. There is no evidence of widespread wrongdoing involved in the vast bulk of the business these banks do in the United States.

Prosperity, sophistication, the ease of travel in the jet age; the revolution in intercontinental telephone and teletype communications, and the growing size and complexity of the American economy and Wall Street finance—all are encouraging the special form of affluent criminality by way of Swiss banks.

The Mafia were among the first Americans to take up the Swiss device to bleach so-called "black money" from numbers, bookmaking and narcotics rackets, and undeclared profits "skimmed" off Las Vegas casinos, into "white money" for reinvestment in pseudolegitimate business.

The mobsters are still having their laundry done in Switzerland, but they are now a minority of American clients of Swiss banks. Hardly a week passes without some mention of a Swiss bank in the news columns—in a corporate merger fight, a bankruptcy proceeding where the bankrupt is apparently not as penniless as he claims, or a divorce case in which one of the partners accuses the other of sheltering money under the Matterhorn.

SECURITY IN ALPS

Some Americans not ordinarily thought to be affluent, Army sergeants, have also discovered the security of Alpine vaults. Army Sergeant Major William O. Wooldridge allegedly funneled $362,000 derived from military service club corruption into a Swiss account code named "Fish Head."

And a Federal prosecution in Washington this fall showed that Swiss banks were offering their services for crimes far more serious than slot-machine rakeoffs by Army sergeants or even widespread tax and securities violations.

With the active participation of two Swiss banks, one of them the Union Bank, the largest in Switzerland, two Americans committed the biggest theft from the public treasury since Billy Sol Estes bilked the Department of Agriculture out of millions around the turn of the decade with a mirage of liquid fertilizer tanks.

The two defrauded the Navy of $4.6-million on contracts to manufacture rocket launchers. Union Bank helped them smuggle another $500,000 worth of munitions to Europe, Latin America and possibly the Middle East. Then there were the garden variety offenses like opening accounts for Mafia bosses, evading taxes on other millions and wholesale disregard of securities laws.

BOTH PLEADED GUILTY

The details have not been made public because both men pleaded guilty to fraud charges last October, averting the publicity of a trial and thereby hoping to gain a light sentence.

They are Francis N. Rosenbaum, a wealthy Washington lawyer with solid social and political connections, and his partner, Andrew L. Stone, a multimillionaire St. Louis furniture and munitions maker.

The Navy was defrauded of the $4.6-million with fictitious bills that both men obtained from the banks for imaginary raw materials and electrical components on the stationery of dummy companies.

Revealed in the evidence amassed by an assistant United States attorney, Seymour Glanzer, and his aides, Robert Ogren and John Risher, was a machinery of subterfuge that Swiss bankers have invented over the years to mask corporate thievery by their clients.

There were the sham Lichtenstein and Swiss corporations whose assets are a desk drawer filled with letterheads and invoices: bankers, lawyers and accountants who will pose as anyone and sign anything for a commission; high speed automatic printers to shift dollars from one paper corporation to another; legal fictions to salve the conscience, and an attitude that anything goes as long as it looks legitimate on paper and reaps money.

The two Swiss banks fought the investigation doggedly.

Mr. Glanzer and other investigators found the banks unconcerned about what laws their clients were breaking, anxious only to protect bank secrecy. When the fraud was initially discovered, one bank even provided Messrs. Rosenbaum and Stone with spurious letters and other documents to attempt to deceive the Justice Department and the Federal Bureau of Investigation. The other bank kept silence at the instruction of its clients.

Fictitious invoices, Mr. Glanzer learned, are a standard service that Swiss banks, for a commission, offer clients. Rosenbaum was discovered to have arranged similar siphoning operations with the banks for other businessmen, including the senior vice president of one of the 25 largest corporations in the United States.

The evidence revealed that Rosenbaum was an intermediary for corruption that went considerably beyond himself and Stone. Federal investigators are now in the process of following trails that were uncovered.

SECRECY IS BROKEN

Swiss bank secrecy was officially broken for the first time in this case.

Although the banks exert great political influence in Switzerland, many Swiss federal and cantonal legal authorities do not share the see-no-evil, hear-no-evil attitude of their bankers toward crimes like forgery and outright fraud. The Federal Government and cantonal prosecutors intervened and brought court action that forced the banks to surrender the records to the Justice Department. In return, the United States promised not to use the documents for tax and related prosecutions.

And Swiss bankers have no intention of telling or of halting the use of their banks. Bank secrecy is embedded in Swiss laws that make it a criminal offense for any officer or employee of a bank to disclose information or even for outsiders to seek it. This certified silence and Swiss political stability and neutrality in the midst of a troubled world have made the handling of other people's money the Swiss national industry.

FINANCIAL CAPITAL

They have tranformed a small, landlocked country, with almost no natural resources and a gross national product one-fiftieth that of the United States, into a financial capital that ranks just below New York and London. Swiss bankers, for example, control about 25 per cent of the $30-billion Euro-Dollar Pool.

A single case prosecuted in New York last summer illustrates the volume of money that flows through Swiss bank crime. Coggeshall & Hicks, a small but old-line New York brokerage firm, illegally traded $20-million in stocks and bonds over a five-year period through one Swiss institution, the Arzi Bank of Zurich. Two other brokerage houses were discovered doing an equally brisk business with the same bank.

The brokerage firms and the bank were violating a United States securities trading law known as the margin requirement. This law makes it a felony for a stock exchange broker and prior intermediaries to extend credit for the purchase of stock beyond a specified percentage of the market value. This credit limit is set at various levels by the Federal Reserve Board but usually is kept in the neighborhood of 20 per cent of value. The law was passed in 1934 to prevent the kind of panic selling in a falling market that helped bring on the 1929 crash.

BIG CREDIT GIVEN

In this instance the Swiss bank, with the connivance of the brokerage firms and favored customers, was giving customers an average of 80 per cent and sometimes 90 per cent credit. A customer with $10,000 could thus purchase $100,000 worth of stock, instead of the legal $12,500.

The brokerage firms had arranged for these customers to open accounts with the bank that were carried on the trading records in New York as numbered subaccounts under the general account of the bank. When he wanted to buy or sell stock, the customer simply telephoned his broker and gave his order through a system of code words.

The buy or sell orders would then be placed for the numbered subaccounts of the Swiss bank and the customer's name would never appear on any of the transactions. The system also enabled customers to evade capital gains taxes on their profits.

The bank profited handsomely by charging interest rates of 10 to 12 per cent on the credit extended. Since it retained ultimate control, the bank protected itself against any loss by selling out the customer if the stock began to fall in value.

EMPLOYEES TRADED

Some of the partners and employees of the brokerage firms were also utilizing the scheme to trade secretly for themselves and their families under the same easy credit terms.

There are a number of other American security laws, all designed to protect the ordinary stockholder against manipulation of the market by professionals with special knowledge and power, that businessmen are finding it convenient and lucrative to violate through Swiss banks.

One is a prohibition against "insider trading." This occurs when an officer or other control figure in a corporation buys or sells stock in the company for himself without making a public declaration to the Securities and Exchange Commission of intent and of the firm's current assets and liabilities. Those controlling the company may not want stockholders to know these facts.

So the "insider" buys and sells the securities under the anonymity of a Swiss bank.

Max Orovitz, a Miami and New York multimillionaire "insider," was convicted last year of such violations. He first advantageously acquired $500,000 worth of securities in the General Development Corporation, a real es-

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tate concern of which he was the treasurer and a director, and then sold $250,000 of them for a profit in the $100,000 range.

ENVELOPE BROKE OPEN

A principal officer in four companies, a director of the Florida Light and Power Company and two banks and chairman of the executive committee of the University of Miami, Mr. Orovitz also operated through the biggest Swiss bank, the Union Bank of Switzerland. At his trial he professed ignorance of who owned the securities and recited a complicated explanation—which the judge did not believe—of another mysterious transaction—an airmail envelope from the bank with $50,000 in cash that embarrassingly broke open in the Miami post office.

A third violation of securities laws, for which Swiss bank secrecy is an ideal cloak, goes by the innocuous term of "trading in new issues." A broker who controls an attractive new stock issue secretly buys a large block for himself at a bargain basement price before public trading begins. He sells high after the stock goes on the market and the price climbs.

Then there is outright manipulation of the market with the Swiss secrecy device—driving the price of a stock up or down, whichever is desired, by placing buy and sell orders through Swiss accounts. Complicated variations on this theme have been used in several instances in recent years to bilk other investors out of tens of millions of dollars.

JUST AN OUTCROPPING

Evidence garnered from instances of tax and securities violations that have been prosecuted indicates they represent the mere outcropping of a large reef at high tide.

Nearly 30 Swiss banks, two American bank branches in Switzerland and 24 reputable brokerage houses in this country have been involved in one case or another, either through the simple use of their facilities, through one of their officers or employees, or because the firm itself was deliberately breaking the law.

Because Swiss bank cases, if prosecutable at all, are always complex; time-consuming research is required to obtain an indictment. The number of prosecutions therefore has by no means kept pace with the trails found.

The chairman of an American corporation that does $1.5-billion of business annually and whose products are a household word was recently discovered surreptitiously trading stock through a Swiss account.

One of the oldest and largest Wall Street brokerage firms was found this fall to be handling 127 numbered subaccounts for Swiss banks, a good indication that some, at least, are covers for illegal trading by Americans.

The bill that Representative Patman has drawn up would give American authorities stronger weapons in combating some of these practices. The measure would:

Require all banks, brokerage houses and similar institutions to microfilm checks and to see that any person transacting business through their facilities with a foreign bank properly identified himself and the persons for whom he was acting. The provision could end the common practice of signing false names and addresses on forms for. cash transfers to Switzerland of hundreds of thousands of dollars at a time through American banks.

Direct any person carrying more than $5,000 in cash out of the United States at any one time, or $10,000 in a calendar year, to report these transfers to the Treasury.

Make it illegal for an American citizen or corporation to have a secret foreign bank account unless all transactions were reported annually to the Treasury.

Empower the Secretary of the Treasury to seek court injunctions against any individual or corporation who was violating, or appeared about to violate, the laws in this area.

Give United States attorneys the power to force a witness to testify by obtaining a court order that would grant the witness immunity from personal incrimination. The witness would thus not be able to invoke his Fifth Amendment right because he would not be incriminating himself by his testimony.

The bill would also create stiff criminal and civil penalties for infractions of its provisions. A simple violation could bring a fine of not more than twice the amount of money or a year in jail or both, violations exceeding $100,000 in any 12-month period could result in a fine of $500,000 or five years' imprisonment or both.

Civil penalties would entail forfeiture of the entire transaction.

Except for the exhaustive investigation conducted by Mr. Glanzer in Washington in which Swiss Bank secrecy was ruptured for the first time, the only law enforcement agency to make a sustained effort to combat this new form of affluent crime has been the New York City office of Robert M. Morgenthau, United States Attorney for the Southern District of New York.

He and his assistants have originated virtually all the prosecutions thus far. The information they obtained has led to the forthcoming House Banking and Currency Committee investigation.

Mr. Morgenthau considers the penchant for Swiss bank crime by supposedly reputable citizens and ominous erosion of tax and securities laws.

His efforts, he says, have been hampered by lack of funds and manpower. He can spare only three assistant attorneys and four investigators for the work.

"I think we've slowed Swiss bank crime up somewhat," he said in an interview, "but we're only touching a small part of it."

Dr. Franz Pick, a bespectacled economist of Austro-Hungarian ancestry who publishes information on international financial operations from his New York financial district office, disagrees with Mr. Morgenthau. He thinks there has not even been a slowdown in the scurrying for a Swiss shelter. On the contrary, he believes that inflation, high taxes and regulation of stock and bond trading are persuading more and more Americans to adopt the Swiss device.

He is convinced that not only businessmen but also others who acquire cash, such as doctors, lawyers, dentists, politicians or simply wealthy families seeking to safeguard an inheritance are turning to the Swiss haven.

As long ago as 1958, the New York regional office of the intelligence division of the Internal Revenue Service made a confidential investigation of the Swiss bank problem after $30-million in suspicious money transfers were made to Swiss accounts in one year through two New York banks.

The investigation unearthed enough evidence of large-scale tax and securities frauds and associated rackets like diamond smuggling to conclude that Swiss bank secrecy offered "a and wide-open field" for such crime and posed "a serious threat to our tax system." The report recommended a grand jury or Congressional investigation and a tightening of American laws.

Neither recommendation was ever translated into action. Both before and since the investigation, the revenue service has usually shunned the prosecution of tax frauds involving Swiss banks because of time-consuming complications and the difficulty that Swiss secrecy poses in obtaining a conviction.

Since the 1958 investigation there have been only two indictments for tax fraud involving Swiss banks, both handed down by the grand jury in Mr. Morgenthau's district. The most recent, last December, accused two New York businessmen of swindling the Government out of $1.5-million in corporate and personal income taxes in three years.

Irving Braverman, vice president of Leeds Travelwear, and Sidney Rosenstein, his partner in two other companies that specialize in selling items to military post exchanges overseas, allegedly sent $3-million in sales commissions on an underground journey to the Bank Leu of Zurich, the fifth largest in Switzerland, under the cover of the Continental Trade Establishment, of Vaduz, Lichtenstein.

This trading house turned out to be a dummy Lichtenstein corporation administered by Dr. Herbert Batliner and Dr. Alfred Bucher, who are among a number of lawyers who bustle between Switzerland and this tiny Swiss protectorate on the border with Austria.

About 20 other tax fraud cases have recommended for prosecution by investigators in the New York–New Jersey area, but none have yet been approved by the Justice department and I.R.S. headquarters in Washington for submission to a grand jury.

HOW AMERICANS CAN OPEN SWISS BANK ACCOUNT HERE

WASHINGTON.—Anyone fortunate enough to be able to afford a Swiss bank account can open one by going to the branch or office of a number of Swiss banks in lower Manhattan.

Five major Swiss banks have branches or representative offices there and a number of smaller banks also have representatives in New York.

The three biggest banks are the Union Bank of Switzerland, the Swiss Bank Corporation and the Swiss Credit Bank. The latter two also have offices in Los Angeles and San Francisco. If you live elsewhere, the whole procedure can be accomplished by mail.

A clerk working behind a desk on the street level of the Swiss Bank Corporation branch in the Equitable Building at 15 Nassau Street directs a visitor asking about opening an account to the fifth floor. There a polite young Swiss executive explains that regular time deposits, the quivalent of an however, you can obtain 10⅞ per cent interest in amounts above $12,500. On a minimum time deposit of $25,000 at six months, however, you can obtain 10⅞ per cent interest because the bank will lend out the money for its own account on the Euro-Dollar market in London, where demand is high because of the credit pinch here.

(Most Americans probably would not want just a plain old-fashioned account in a Swiss bank. Swiss interest rates, at 3¾ per cent on deposits below $12,500 are not designed to attract modest savings.)

BANK BUYS AND SELLS STOCKS

The executive explains that for a fee, equivalent to that of an American broker, the bank will buy and sell stocks and bonds for you in the United States or elsewhere.

"I would like the account to be a numbered one," you say.

"You would have to go to Switzerland to do that," he says. "And we don't handle numbered accounts except for very large amounts of money."

"What is the minimum?" you ask. "$150,000," he says.

The numbered account (sometimes code words are used instead) is no different from a named one, as far as the protection of Swiss bank secrecy laws are concerned. It is, however, a super-discretionary device whereby the depositor's name is known only to the top three or four officers of the bank, and the client can transact business by signing the number or code word in longhand on correspondence. This however, creates more administrative work for the bank and so, the executive notes, sums smaller than $150,000 are not accepted.

The smaller Swiss banks are said to be more ready to open numbered accounts for

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Americans in the United States and to be willing to handle those below $150,000.

"Will the American authorities be able to find out that I have an account with you?" you ask.

"If you open the account here they will be able to," he says. "Our records here are subject to American law."

However, the fact of the account's existence can be denied to American authorities by mailing the forms to open it directly to Switzerland instead of returning them to a New York branch. Even if the existence of the account is learned, American law enforcement officials cannot obtain any information on subsequent deposits and other transactions from the bank if certain elementary precautions are taken.

IN CASH THROUGH AMERICAN BANKS

One usual method is to make the deposits in Switzerland by mail. Another is to make them in cash through any correspondent American bank and to sign a false name and address on the Treasury currency report that is supposed to be filled out for cash transfers above $2,500 in bills of $100 denomination or above $10,000 in bills of any denomination.

The Treasury regulation governing the reports is more or less voluntary and a bank incurs no more than a scolding for a lapse.

After you have made the transfer, you enclose a copy of the deposit slip in an airmail envelope to Switzerland along with a letter to your banker identifying the cash as your money and asking him to credit your account. He will do so.

There is nothing illegal about an American having a Swiss account, receiving interest on it or using it to buy stocks or perform any other transaction, provided securities laws are not violated and proper declarations are made on taxable income.

In a visit to the office of another institution, the Union Bank of Switzerland, another executive explains that the bank deducts just two taxes—a 30 per cent Swiss tax on interest payments and an equalization tax for Americans who buy Swiss or other foreign securities. This second tax does not apply to American stocks and bonds. Switzerland also has no capital gains tax on the profits from securities trading and no inheritance taxes for foreigners.

[From the New York Times, Dec. 1, 1969]

Crooked Deals in Swiss Accounts Aided by Banks' Inaction Here—Brokers Decline to Query Clients—Secrecy Foils Attempts to Study Tax Evasion, Stock Fraud and Crime Loot

(By Neil Sheehan)

Washington, November 30.—Last spring the senior partner in a New York brokerage house was told by the vice president of a Swiss bank with whom he regularly did business: "A fellow will come to your office in the next few days with $100,000 in cash. Take it. The money's for us."

Several days later a man appeared with $100,000 in cash in an envelope. The broker accepted it without demur and put the money in a safe. Other men came and went on the same errand a number of times in the next few weeks until the broker had accumulated $840,000 in cash.

The Swiss bank official flew to New York on one of his frequent trips to the United States to solicit business and to pick up this and other deposits.

Both he and the broker were summoned to the Manhattan office of Robert M. Morgenthau, United States Attorney for the Southern District of New York.

Do you know what you've been doing?" they were asked. "No," the men replied in puzzlement.

"You've been taking payoffs for heroin."

The eyes of banker and broker rounded in shocked surprise. "We didn't know that," they said.

"DIDN'T THINK ABOUT IT"

"What did you think you were doing?" an assistant United States attorney asked.

"I didn't really think about it," the broker said.

"I thought is was something a bit illegal, maybe diamond smuggling," said the Swiss banker, a stock, well-scrubbed, neatly tailored man. "But I didn't know it was narcotics. If I had, I would never have accepted the money."

Mr. Morgenthau and other law enforcement authorities have found this close-your-eyes-and-pass-the-money attitude to be common to much of the Swiss and American banking and brokerage community.

Coupled with Swiss bank secrecy, the attitude has repeatedly frustrated the lawmen's efforts to restrict the use of Swiss banks, not only for massive tax evasion and securities frauds by supposedly respectable Americans, but also as the principal haven for illicit money from organized crime.

The late Louis Schrager, a principal figure in the Meyer Lansky organized crime syndicate who ran the numbers racket on Manhattan's West Side and in the garment district and part of Brooklyn until his death in 1967, negotiated one of many profitable arrangements for himself through a Swiss bank and an old line New York private bank and brokerage firm, Laidlaw & Company.

BONDS WERE COLLATERAL

In April of 1964, Schrager wanted to transform about $400,000 worth of 3 to 4 per cent interest, municipal bearer bonds, a negotiable type that does not carry the purchaser's name, into a better investment. He had the bonds turned over to the Nassau, Bahamas, subsidiary of a Geneva bank. Bahamian civil law protects bank secrecy there.

Using the bonds as collateral, a vice president of the Swiss bank negotiated a $375,000 loan from Laidlaw to the Bahamas subsidiary. The $375,000 became a time deposit for Schrager at the Bahamas subsidiary and paid 5 per cent interest. Laidlaw charged 5 per cent interest for the loan and the Swiss bank in turn got $375,000 to lend elsewhere at higher interest rates.

To prove it could negotiate the bonds, the Swiss bank gave Laidlaw the original of a letter of transmittal from the purported owner. The letter was signed, "I.S.I.S. Ltd., Gene Bernard." No address was given. Laidlaw's attorneys looked over the documents and approved the transaction as legally sound. No one asked what I.S.I.S. did or who Gene Bernard was.

Gene Bernard is an alias of a corrupt Miami accountant and I.S.I.S. Ltd., was a dummy corporation administered by him and a crooked lawyer-accountant team in Cleveland.

LETTER TRANSFERRED

In the summer of 1965, Schrager and his financial managers discovered that the Swiss bank had given Laidlaw the I.S.I.S. letter. They had assumed the Swiss bank would say it owned the bonds itself, and demanded that the bank retrieve the letter so that no link to themselves would exist in Laidlaw's files, where it could be subpoenaed.

The Swiss bank explained to Laidlaw in a series of complicated negotiations that its client, I.S.I.S. Ltd., did not want its name appearing in the loan file. Laidlaw protected itself financially by having the parent Swiss bank guarantee the loan to the subsidiary and returned the original I.S.I.S. letter. Again, Laidlaw did not inquire into I.S.I.S. and Gene Bernard. It did, however, keep a copy of the letter, which was subsequently subpoenaed by a New York grand jury.

The two-and-a-half-year loan was finally terminated in October of 1966. By that time, Laidlaw's interest charge had risen to 6¾ per cent.

American brokerage firms likewise restrain their inquisitiveness when buying or selling stock for a Swiss bank, although brokers readily concede their awareness that the Swiss are probably trading for a third party.

ONLY A SERVICE

When questioned about this attitude by law enforcement officials, bankers and brokers usually say they are merely performing a professional service and that questions about the real participants would be inappropriate.

Swiss bankers elaborate this opinion more carefully. In a speech to a shareholders' meeting in 1967, F. W. Schulthess, chairman of the Swiss Credit Bank, one of the three largest, denounced scurrilous publicity alleging that Swiss bankers "were covering up crooks, that we were guarding the fortunes of corrupt dictators and international gangsters."

The question is: what is criminal? The answer seems to be, depending on which legal system you favor, that crime in the United States is legitimate profit in Switzerland.

Mr. Schulthess's bank was one of the six that allegedly helped Alfred M. Lerner, president of the First Hanover Corp., an ostensibly respectable Wall Street brokerage firm, reap $400,000 to $500,000 from stock frauds last year. The Swiss credit bank handles accounts for men who would be considered "crooks" in most Western societies—members of the Lansky syndicate, like Edward Levinson of Las Vegas casino renown, Bernard Bercuson and other purported hoteliers.

NO COOPERATION

"In the two major areas where Americans are breaking the law, tax and securities violations, the Swiss will not cooperate with us," Mr. Morgenthau says.

Swiss bank secrecy can be broken and a banker forced to give information on order from a Swiss court. Swiss courts will issue such orders, however, only for offenses recognized as crimes in Switzerland, and tax and securities violations are not considered criminal there.

Millions of dollars of Mafia "black money" flows into Swiss accounts each year and is, so the joke goes, "washed clean in the snows of the Alps."

MINIMUM BALANCE

Schrager ran a good deal of his numbers racket winnings through a Geneva account labeled "Winn's Trust." He kept a minimum balance of $400,000.

Schrager used the Mafia device of false mortgages and loans to launder the dollars into "white money" to purchase motels and other real estate in Florida. His heirs are now living comfortably from the income of these properties as well as from at least $400,000 still secure in Switzerland.

In this manner Swiss bank secrecy is fostering the growth of a phenomenon that law enforcement officials consider highly corrosive to the social fabric—partnerships between supposedly legitimate businessmen and organized criminals for mutual gain. The line between entrepreneur and crook blurs in this gray world.

One bank in Switzerland, owned by a cluster of American businessmen and organized criminals, functioned principally as just such a laundry shop for "black money" from illicit operations.

It was called the Exchange and Investment Bank and had well appointed Geneva offices. The major owners were Garson Reiner and Benjamin Wheeler, two New York brassiere manufacturers who helped start the peek-a-boo trend in women's fashion when their company, Exquisite Form Industries, Inc., introduced the see-through bra in 1964.

Other owners included Levinson, the Las

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Vegas casino operator for the Lansky syndicate; Benjamin Siegelbaum, a Lansky associate with like duties, and Lou Poller, a friend of the imprisoned teamster union leader, James R. Hoffa, and former president of the Miami National Bank.

From 1963 through 1967, millions of dollars in shady money flowed in and out of this Geneva bank each year through the Miami National Bank and various Bahamian and New York banks.

Samuel Cohen, a New York and Miami Beach multimillionaire who owns a share in the Flamingo Hotel in Las Vegas, allegedly "cleansed" in the neighborhood of $2-million in "skim," untaxed gambling profits, and earnings from other enterprises through the Exchange and Investment Bank and another Geneva bank in the mid-1960's. He controls the Miami National Bank.

Besides its Las Vegas interests, Mr. Cohen's family firm owns a major share of the Eden Roc, Deauville and four other posh Miami Beach hotels and about 70 apartment buildings in New York City.

He repatriated the money from Switzerland as purported loans from the banks to meet his mortgage payments and deducted the interest on the loans in his tax returns.

OFFERED $15 MILLION

An estimate of how profitable the Exchange and Investment Bank's laundering work was can be ascertained from a proposal that Mr. Wheeler, who served as its vice president, is said to have made in 1964 to the Geneva representative of a leading Wall Street brokerage house. He offered the broker $15-million with which to trade stocks in the bank's name on New York exchanges.

In early 1967, one group of hoodlums attempted to defraud the Chase Manhattan Bank of nearly $12-million through this Geneva bank. The fraud was detected before the money could be transferred with a forged bank order and the Exchange and Investment Bank was named a co-conspirator in the New York Federal grand jury indictment.

This abortive theft, and an intensive investigation by Mr. Morgenthau's office, comprised the Geneva bank's usefulness to the underworld. Messrs. Reiner, Wheeler and the other owners sold the bank's Swiss license to a French bank last March.

The bank records were reportedly destroyed before the sale.

OWN MONEY MANAGER

The Lansky organization keeps its own resident money manager in Switzerland. He is John Pullman, an old bootlegging compatroit of Lansky. Russian born, naturalized as an American citizen, then denaturalized in 1954 and renaturalized as a Canadian, Pullman lists his occupation as "retired." He lives in Laussane when he is not busy in Geneva, Zurich, London or Toronto conferring with members of the Lansky apparatus, making investments for a commission and picking up cash deposits for the Swiss Credit Bank and other institutions.

When American officials argue that the Swiss should help them prosecute organized criminals for tax, securities or mail fraud, the Swiss answer that the United States should convict these men of some internationally recognized crime such as kidnaping or murder. But this is a difficult prospect, with the strict rules of court evidence and stringent limitations on wiretapping in the United States.

In their determination to carry on discreet business with American clients, the Swiss banks have also found powerful allies within the United States financial community.

The major American banks have been acting in concert to fight off any intrusion in the Swiss area. They, in turn, have rallied support at times from the State Department and the Treasury.

SEEK GOOD RELATIONS

The Treasury wants Swiss cooperation in maintaining the international balance of payments and monetary stability. The State Department is intent on preserving good relations because the Swiss have been helpful in American intelligence gathering activities, while the banks, and their allies, the brokerage houses, have a financial stake in unhampered commerce with the Swiss. They covet the commissions and interest charges on the enormous Swiss business.

Last year, for example, Swiss banks bought and sold $11.3-billion worth of American stocks and bonds, by far the largest foreign traders.

Many big American banks are, in fact, seeking legal precedents that would allow their Swiss branches the same immunity from American courts and authorities that Swiss banks have. If they are successful, an American grand jury or court will be unable to subpoena as evidence of crime the records of an American bank branch in Switzerland.

CERTIFICATE SUBPOENAED

Last summer the Federal grand jury for the Southern District of New York subpoenaed a $200,000 certificate of deposit from the First National City Bank as evidence in a stock fraud. The certificate was purchased from First National City's Geneva branch for an American broker.

In a counter-motion in court First National City attorneys argued that the certificate was in the physical possession of their Geneva branch and therefore could not be surrendered because this action would violate Swiss bank secrecy.

The Justice Department then halted Federal court litigation to pry loose the document and took the diplomatic route of attempting to obtain a surrender order from a Swiss court, a procedure that has rarely yielded results in a securities case.

Mr. Morgenthau and his aides say that First National City and Chase Manhattan also are not microfilming checks and other records to the extent they once did. Experienced Internal Revenue Service agents likewise say that in recent years they have encountered noticeably less cooperation and far quicker destruction of such bank records as deposit slips and teller cash sheets.

Mr. Morgenthau says this change gives the upper-class criminal another measure of protection by depriving law enforcement agencies of vital evidence.

The successful prosecution of the brokerage firm of Coggeshall & Hicks last August for violating the credit limitations on stock trading for five years through the Arzi Bank of Zurich originated with the discovery of microfilmed copies of canceled checks to the Swiss bank from American customers of the brokerage house.

"VIRTUALLY ALL" FILMED

A spokesman for First National City said the bank still microfilmed "virtually all checks" except for "a relatively small number" that clear through its central office. Those checks not microfilmed are also confined to accounts "on which there has never been any investigation or inquiry," he said.

A Chase Manhattan official said the bank had not altered its check microfiling procedures in 10 years. The bank does not microfilm all checks that originate and clear within New York, but does keep a record of others.

When the affluent are convicted of Swiss bank crimes, the punishment is often relatively lenient in comparison to sentences imposed on poor people for common crimes. The difference apparently stems from the general attitude of judges and the penalties prescribed by law.

The penalties for most stock and bond trading frauds are a $10,000 fine and two years in prison, or both, for each specific violation. The prosperous defendant invariably hires prestigious lawyers who litigate exhaustively.

Robert S. Keefer Jr., the principal partner in Coggeshall & Hicks, pleaded guilty to an indictment charging $20-million in illegal trading over five years. He was represented by Simon H. Rifkind, a judge for nine years in the United States District Court for the Southern District of New York, where the case was being tried.

"GREAT RESPECT"

"Judge, I might as well say it now. I will say it later anyway, that they have chosen well in having you." Irving Ben Cooper, the presiding judge, said prior to the sentencing. "You know you have the great respect of this court."

Mr. Rifkind compared his client's offense to breaking "a traffic regulation." Mr. Keefer, he said, was, like most of the defendants he has represented, "people who have had good careers, good reputations, and who have slipped on the ice of some regulation or some emotion or something of that kind, rather than hardened criminals who make crime a way of life."

In those five years of easy credit with the Arzi Bank, Mr. Keefer's firm had received $225,000 in illegal commissions, besides the profits accumulated by its customers and Mr. Keefer and his associates on their clandestine stock trading. During the grand jury investigation, Mr. Keefer had repeatedly perjured himself.

Judge Cooper gave him a tongue lashing, a $30,000 fine and a suspended sentence.

STOLE TV SET

Last August, a week after Mr. Keefer's sentencing, James C. Harris, an unemployed shipping clerk, appeared before Judge Cooper. Harris is a Negro, married, with two children and has a prior record for attempted armed robbery in 1964. He was now charged with stealing a Japanese television set worth less than $100 from an interstate shipment from a bus terminal. He got a year in jail.

This disparity in punishment is not a personal quirk of Judge Cooper's. It is common to his fellow judges on the New York District Court and to others in similar positions elsewhere. Judge Cooper and his colleagues regularly hand out minimum five-year jail terms for minor Federal narcotics violations, as they are required to do by law.

In the view of most students of the problem, any effective measures to mitigate Swiss bank crime will have to be taken unilaterally by the United States.

Mr. Morgenthau believed there must be systematic enforcement of the law through far greater scrutiny of Swiss transactions. This kind of enforcement would in turn require considerably more manpower and funds. The additional expense could more than pay for itself, however, in increased tax revenues.

COULD RECOVER EXPENSES

"I had a budget of $1-million a year to proescute Swiss bank cases," one assistant United States attorney said. "I could easily make much more than that back for the government."

Mr. Morgenthau believes that far more is at stake in Swiss bank crime than simply illegitimate profit. He is convinced that the integrity of the American legal system and the willingness of the average citizen to obey the law are endangered.

"When you talk about the Swiss bank criminal, you are talking about people who hold positions of trust and responsibility, people whom the little man is supposed to look up to and who are now committing crimes," he says.

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EDUCATORS SUPPORT HEW APPROPRIATIONS BILL

(Mr. PATMAN asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. PATMAN. Mr. Speaker, it is most unfortunate that the administration should demand a cutback in appropriations for Federal education programs, particularly at a time when hundreds of school districts face critical fiscal problems in their efforts to expand and improve education. Schools have budgeted for the year in the justifiable belief that the Federal Government would meet its obligation under established education programs embodied in law. To default on this obligation is not only to dishonor the Government's commitment to education, but is false economy since, in the long run, we can only lose by shortchanging the education of our children.

It is my hope that the President will reconsider his position and sign the HEW appropriations bill as approved by the Congress, but I will work with what I feel is the necessary two-thirds majority of my colleagues in overriding a veto if the President follows through with his stated intentions. Before acting on H.R. 13111, I urge the President to give thorough consideration to the views of our Nation's educators since they are best equipped by training and experience to evaluate funding needs.

A fine expression of the urgent need for approval of H.R. 13111, particularly with respect to funding of the Public Law 874 program for assistance to schools in federally affected areas, is contained in a resolution recently passed by the School Men's Club of Bowie, Tex., which represents more than 100 teachers and school administrators. The text of this resolution follows:

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RESOLUTION

At a meeting held at Texas Senior High School, Texarkana, Texas, on January 19, 1970, the Bowie County, Texas, School Men's Club, which is composed of over 100 school administrators and teachers, the following Resolution was passed:

Whereas, There are located in Bowie County, Texas the Red River Army Depot and the Lone Star Ammunition Plant, and,

Whereas, Because of the location of these plants in Bowie County, Texas, there has been a large increase in the enrollment of the schools of Bowie County, and,

Whereas, These schools with increased enrollments have entitlements under P.L. 874 in an approximate amount of one million dollars for this school year, and,

Whereas, obligations have been made for the educational program necessary for this increased enrollment based on receipt of these entitlements, and,

Whereas, If these funds are not made available, it will be necessary to increase local taxes four or five fold to provide these lost funds.

Now therefore be it resolved that the Bowie County School Men's Club request that you as Congressman from the First Congressional District of Texas urge the President not to veto H.R. 13111, the H.E.W.—Labor Appropriation bill for 1970.

Now therefore be it further resolved that in the event of a Presidential Veto that you make every effort possible to override such Presidential action.

Additionally, be it further resolved that the Club expresses its appreciation of your previous support of Federal Funds for education.

Resolutions Committee:

BEN FORT,
Bowie County Superintendent.
WELDON MCCORD,
Superintendent of Schools.
W. C. WOOLDRIDGE,
Superintendent of Schools.

THE STRANGE CASE OF THE $53 BILLION

(Mr. PATMAN asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. PATMAN. Mr. Speaker, many times on this floor I have raised the question about the fact that the Federal Reserve continues to charge the U.S. taxpayer interest on $53 billion worth of bonds that have been paid for once. The amount is now $55 billion.

Mr. Speaker, the Federal Reserve's insistence that the taxpayers pay for a debt twice is so shocking that it is difficult to gain general public acceptance of this issue.

Writing in the Georgia Business News of December 30, 1968, Columnist Joseph Leopold outlines the issue as follows:

> The Fed does not acknowledge that it retires government bonds it purchases; instead it takes the position that the government owes the principal and interest to the Fed.
>
> But since the Fed is a branch of the government, a bond purchased by the Fed is analogous to an I.O.U. purchased by its maker—it is no longer a real debt.
>
> That government bonds purchased by the Fed are no longer debts can be grasped by the answer to the question: What would the Fed do with the money if the Treasury paid off the $53 billion worth of government bonds in possession of the Fed?
>
> Answer: The Fed would turn the $53 billion dollars back to the Treasury.
>
> In fact, the foregoing juggling of numbers between the Fed and the Treasury is what presently takes place with respect to most of the "interest" on these same bonds. In 1967, the Treasury "paid" about two billion dollars interest on bonds held by the Fed.
>
> The Fed spent about 10 percent of this for its operations and returned the remaining 90 percent to the Treasury, which then spent it on something that was not in the budget, or on an overrun against items that were included in the budget.
>
> The foregoing arrangement is obviously absurd; but in an attempt to give it a semblance of logic, the Fed says the 90 percent returned to the Treasury was "interest" on the legal tender currency notes the Treasury engraved and made available for the public's convenience in converting deposit dollars to "cash" dollars at bank tellers' windows.
>
> In other words, we have the peculiar policy of about $2 billion of the budget earmarked for "interest" paid by one branch of the government to another branch for retired bonds; and then the second branch paying the same funds back to the first branch, calling it "interest" on something else.

CORPORATIONS VERSUS CITIZENS

(Mr. OLSEN asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. OLSEN. Mr. Speaker, in order that my colleagues may be kept informed of developments in the field of postal corportion lobbying, I would like to add an addendum to my earlier listing of contributors to the Citizens' Committee for Postal Reform. As of the close of the last quarter, such contributions grew to $300,063.25.

It is interesting to note that the great bulk of this lobbying fund still derives from those contributing $5,000 or more each. To date, of the total, $226,920 has come from those who gave $5,000 or more.

Of the remaining $74,000, $51,047 has been donated to the committee from businesses or individuals in amounts of $1,000 or more, but less than $5,000.

Only a very small percentage of the total is derived from individuals making nominal contributions. For instance, 93 persons have given a dollar. There are some miscellaneous items of $2 to $25 and these are of such insignificance that I will not list them today. The meager participation by small donors is indicative of the lack of grassroot's appeal of the Postal Corporation. Conversely, it emphasizes the fact that a few major corporations, with major mailing problems, are the chief source of funds for the Citizens' Committee. In view of these tabulations though it might more appropriately be titled the "Big Corporation Reform Committee." For it appears to me it is an effort financed by profit-oriented business to turn a public service arm, the Post Office, into a similarly profit-oriented corporation.

There is one objectionable, highly disturbing and crucial vein that is the core of all the administration Postal Corporation proposals, including the last so-called compromise bill in December.

This insidious provision stipulates that no class of users—that is, business category—will have a postal rate increase without taking "into account the financial impact." Thus, if users of second and third class—those used almost exclusively by business—plead poor-mouth to the businessmen at the department, there would be little or no rate increase.

Similarly, however, there is no provision for the protection of the ordinary postal patron. And if the Department is to be on a break-even basis at the end of 5 years, as is the dictum of the administration bill, it is obvious to me the ordinary citizen is going to be picking up the tab in the form of a 15-, 20-, or 25-cent first-class stamp.

Is it any wonder the Citizens' Committee for the Postal Corporation is backed almost exclusively by corporate users of the mail?

Is it any wonder that one would question the real intent of a reform committee that works behind a facade of so-called citizen support when, in fact, it has the financial support of fewer than 1 in 2 million of the society of American citizens.

I am submitting a new list totaling $38,980 which was contributed during the period of October through December of last year. This list contains those names of contributors of $100 or more. It is again interesting to note the derivation of these funds. It is also of interest to question just how these sums are being spent and what type of activities are conducted by the Citizens' Committee for Postal Reform?

This latter point may be even more important than the source of contribution. In fact, I, for one, am hopeful the Citizens' Committee for Postal Reform will one of these days publish an expense statement for the edification of the Members of Congress and the American public.

Mr. Speaker, the new quarterly list follows:

Name and address	*Amount*
Continental Oil Co., 30 Rockefeller Plaza, New York, N.Y	$5,000
The International Nickel Co., Inc. 67 Wall St., New York, N.Y	1,000
Gulf States Utilities Co., Post Office Box 2951, Beaumont, Tex	259
Popular Science Publishing Co., Inc., 355 Lexington Ave., New York, N.Y	400
Thiokol Chemical Corp., Bristol, Pa	100
Collins & Aikman, executive offices, 210 Madison Ave., New York, N.Y	100
Illinois Central Industries, 135 East 11th Pl., Chicago, Ill	100
The Fidelity Bank, Philadelphia, Pa	100
Manufacturers Hanover Trust Co., 350 Park Ave., New York, N.Y	1,000
Teledyne, Inc., 1901 Ave. of the Stars, Los Angeles, Calif	100
Gerber Products Co., Fremont, Mich	500
R. H. Macy & Co., Inc., Herald Square, New York, N.Y	1,000
Massachusetts Mutual Life Insurance Co., 1295 State St., Springfield, Mass	500
Connecticut Mutual Life Insurance Co., 140 Garden St., Hartford, Conn	250
GT & E Service Corp., 730 3d Avenue, New York, N.Y	5,000
Magazine Division, Reuben H. Donnelley Corp., 466 Lexington Ave., New York, N.Y	380
North American Rockwell, 2300 East Imperial Highway, El Segundo, Calif	500
Rohr Corp., Chula Vista, Calif	250
American Petrofina Co., of Texes, Post Office Box 2159, Dallas, Tex	100
Louisville & Nashville RR. Co., Post Office Box 1198, Louisville, Ky	250
The Upjohn Co., Kalamazoo, Mich	250
The Connecticut Light & Power Co., Post Office Box 2010, Hartford, Conn	500
Pepsi-Cola Co., 500 Park Ave., New York, N.Y	$2,500
Harsco Corp., Camp Hill, Pa	100
Bankers Trust Co., Post Office Box 318, Church Street Station, New York, N.Y	1,000
Detroit Bank & Trust Co., Detroit Mich	100
Ziff-Davis Publishing Co., 1 Park Ave., New York, N.Y	1,000
Union Oil Co. of California, Union Oil Center, Los Angeles, Calif	500
General Motors Corp., General Motors Bldg., Detroit, Mich	5,000
Pennsylvania Power & Light Co., 901 Hamilton St., Allentown, Pa	200
Federated Department Stores, Inc., 222 West 7th St., Cincinnati, Ohio	5,000
Texas Instruments Inc., Post Office Box 5474, Dallas, Tex	5,000
Stokely-Van Camp, Inc., 941 North Meridian St., Indianoplis, Ind	250
Brown Shoe Co., 8300 Maryland, St. Louis, Mo	500

Mr. Speaker, I am again inserting in the RECORD the list of contributions to the Citizens' Committee which I entered in the RECORD on October 9, 1969.

Following are two lists: The first is of contributions of $5,000 or more, the second is of contributions between $1,000 and $4,999:

DONATIONS OF $5,000 OR MORE

Bank of America-National Trust and Savings Assn., 300 Montgomery St., San Francisco, California 94120, $5,000.

The Boeing Co., P.O. Box 3707, Seattle, Wash, 98124, $5,000.

Scott Paper Co., Philadelphia Pennsylvania 19113, $5,000.

Standard Oil Co. (New Jersey), 30 Rockefeller Plaza, New York, New York 10020, $5,000.

General Foods Corporation, 250 North Street, White Plains, New York 10602, $5,000.

Cummins Engine Co., Inc., 301 Washington St., Columbus, Indiana 47201, $5,000.

Union Carbide Corporation, 270 Park Avenue, New York, New York 10017, $5,000.

Westinghouse Electric Corp., 3 Gateway Center, P.O. Box 2278, Pittsburgh, Pennsylvania 15230, $5,000.

The Minneapolis Star and Tribune, 5th and Portland, Minneapolis, Minnesota 55415, $5,000.

Pan American World Airways, Inc., Pan Am Building, New York, New York 10017, $5,000.

The Coca-Cola Company, P.O. Drawer 1734, Atlanta, Georgia 30301, $5,000.

Owens-Corning Fiberglas Corporation, Toledo, Ohio 43601, $5,000.

Eastman Kodak Company, 343 State Street, Rochester, New York 14650, $5,000.

Southern Pacific Company, 65 Market Street, San Francisco, California 94105, $5,000

Montgomery Ward, 619 West Chicago Avenue, Chicago, Illinois 60607, $5,000.

Time, Inc., Time and Life Bldg., Rockefeller Center, New York, New York 10020, $5,000.

J. C. Penney Co., Inc., 1301 Avenue of the Americas, New York, New York 10019, $5,000.

Boys Town of the Desert, c/o Mr. Z. R. Hansen, Mack Trucks, Inc., Box M, Allentown, Pa. 18105, $5,000.

Pitney-Bowes, Inc., Walnut & Pacific Streets, Stamford, Connecticut 06904, $5,000.

McGraw-Hill, Inc., 330 West 42d St., New York, N.Y., 10036, $6,920.

E. I. du Pont de Nemours & Co., Wilmington, Del. 19898, $5,000.

R. J. Reynolds Tobacco Co., Winston-Salem, N.C. 27102 $5,000.

Castle & Cooke, Inc., Post Office Box 2990, Honolulu, Hawaii, 96802, $5,000.

Kimberly-Clark Corp., Neenah, Wis., 54956, $5,000.

Bechtel Corp., 50 Beale St., San Francisco, Calif., 94119, $5,000.

Sears, Roebuck & Co., 925 South Homan Ave., Chicago, Illinois, 60607, $5,000.

Proctor & Gamble Co., Post Office Box 599, Cincinnati, Ohio, 45201, $5,000.

Whirlpool Corp., Administrative Center, Benton Harbor, Michigan, 49002, $5,000.

Merck & Co., Inc., Rahway, N.J. 07065, $5,000.

3M Co., 3M Center, St. Paul, Minn. 55101, $5,000.

General Electric Co., 570 Lexington Ave., New York, N.Y. 10022, $5,000.

American Express Co., 65 Broadway, New York, N.Y. 10006, $5,000.

Goodyear Tire & Rubber Co., Akron, Ohio, 44316, $5,000.

Ford Motor Co., The American Rd., Detroit, Mich., 48121, $5,000.

Union Carbide Corp., 270 Park Ave., New York, N.Y. 10017, $5,000.

Westinghouse Electric Corp., 3 Gateway Center, Post Office Box 2278, Pittsburgh, Pa. 15230, $5,000.

General Foods Corp., 250 North St., White Plains, N.Y., 10602, $5,000.

Federated Department Stores, 222 West Seventh St., Cincinnati, Ohio, 45202, $5,000.

Owens-Corning Fiberglas Corp., Post Office Box 901, Toledo, Ohio, 43601, $5,000.

Standard Oil Co., 30 Rockefeller Plaza, New York, N.Y. 10020, $5,000.

The Committee reported the following as outstanding pledges not paid as of September 30:

Federated Department Stores, Inc., 222 West Seventh Street, Cincinnati, Ohio. 45202, $5,000.

Texas Instruments Incorporated, P.O. Box 5474, Dallas, Texas 75222, $5,000.

Continental Oil Company, 30 Rockefeller Plaza, New York, N.Y. 10020, $5,000.

DONATIONS OF $1,000 TO $4,999

Litton Publications, Inc., Division of Litton Industries, Oradell, New Jersey 07649, $1,350.

Burlington Industries, Inc., 301 North Eugene St., Greensboro, North Carolina 27402, $2,500.

West Point Pepperell, P.O. Box 71, West Point, Georgia 31833, $2,000.

Borg-Warner Corp., 200 South Michigan Avenue, Chicago, Illinois 60604, $2,500.

The Quaker Oats Company, Merchandise Mart Plaza, Chicago, Illinois 60653, $1,000.

Allied Chemical Corporation, 61 Broadway, New York, New York 10006, $1,000.

Campbell Soup Company, 375 Memorial Ave., Camden, New Jersey 08101, $1,000.

USM Corporation, Boston, Massachusetts 02107, $2,500.

Kennecott Copper Corporation, 161 East 42nd Street, New York, New York 10017, $2,000

The Conde Nast Publications, Inc., 420 Lexington Avenue, New York, New York 10017, $2,500.

Cowles Communications, Inc., 488 Madison Avenue, New York, New York 10022, $1,500.

Meredith Corporation, Des Moines, Iowa 50309, $1,000.

Newsweek, 444 Madison Avenue, New York, New York 10022, $1,000.

Reynolds Metals Company, Reynolds Metals Building, Richmond, Virginia 23218, $1,000.

Republic Steel Corporation, Republic Building, P.O. Box 6778, Cleveland, Ohio 44101 $2,500.

Chilton Co., Chestnut and 56th Sts., Philadephia, Pa. 19189, $2,012.

Cahners Publishing Co., 221 Columbus Ave., Boston, Mass. 02116, $3,222.

Denton Publishing Co., 1213 West Third St., Cleveland, Ohio 44113, $1,463.

Hon. C. Douglas Dillon, 767 Third Ave., Room 1800, New York, N.Y. 10017, $2,000.

Deering Milliken, Inc., 234 South Fairview Ave., Spartanburg, South Carolina 29302, $1,000.

B. F. Goodrich Co., 500 South Main St., Akron, Ohio 44318, $2,500.

Deere & Co., Moline, Illinois 61265, $2,500.

Allied Chemical Corp., 61 Broadway, New York, N.Y. 10006, $1,000.

Burlington Industries, Inc., 301 North Eugene St., Greensboro, N.C. 27402, $2,500.

SOME SCHOOL DISTRICTS NOW UNDERGOING DESEGREGATION PROCESS ARE EXPERIENCING EXTREME FINANCIAL DIFFICULTIES

(Mr. FASCELL asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. FASCELL. Mr. Speaker, as we all know, the Supreme Court has ruled that 14 school districts in Louisiana, Georgia, Alabama, Mississippi, and Florida must fully desegregate by February 1 of this year, in line with the Court's action in the 1954 Brown against Board of Education of Topeka decision.

It appears that at least some of the school districts now undergoing this final desegregation process are experiencing

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extreme financial difficulties. In my own district, the Dade County Classroom Teachers' Association, Inc., adopted a statement calling for additional Federal assistance in implementing complete desegregation, at a recent executive board meeting.

While desegregation must be implemented, I can certainly understand the difficulties facing local school boards at this time, and would like to bring the statement of the Dade County CTA to the attention of our colleagues:

CTA Position Statement on Federal Aid To Finance Complete Desegregation of Schools, Adopted by the CTA Executive Board, January 8, 1970

The United States Supreme Court has sent the doctrine of deliberate speed to its final resting place.

We believe it is time to stop playing games with the future of this country—its children. Therefore, today the Dade County CTA has requested the National Education Association to call on President Nixon and the Congress to pass emergency legislation to provide massive federal financial assistance to school systems in the South. We have also called upon Governor Claude Kirk, the Florida congressional delegation, the Dade School Board and all other public officials in the South to support this request.

It will take massive funds to desegregate and continue to provide quality education for all our children, both black and white. Court-ordered desegregation cannot be allowed to reduce quality education. It is the duty of the President of the United States to respond rapidly to the needs of its citizens. Help is needed now—not 10 years from now.

Dade County schools and other southern school systems are now faced with a serious financial crisis. The recent court decisions amount to judicial taxation without representation. It is the federal government's responsibility to provide the money—not local or state property owners.

Federal funds to assist implementing complete desegregation must be used to reduce class size, hire additional teachers and specialists in reading, provide psychological services and training in human relations, build more classrooms, provide more transportation facilities and textbooks, and raise teacher salaries.

CTA will request local and state affiliates of the NEA throughout the United States to support this request and lobby Congress for swift passage of this emergency measure.

BRINGING RECOGNITION TO OUR CLERGY

(Mr. SCHADEBERG asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. SCHADEBERG. Mr. Speaker, having chosen the clergy for my profession as a young man, having served as chaplain on active duty in the Navy during World War II, and again during the Korean police action, and having continued my interest in the reserves for 20 years, until my involuntary retirement from service, I applaud the action taken today in the House in passing House Joint Resolution 1051, designating the week commencing February 3, 1970, as International Clergy Week in the United States.

This official recognition and appreciation of the sacrifices made by the chaplains of four faiths who gave their lives in the sinking of the troop transport *Dorchester* brings full credit to their own dedication and to the dedication given by others in the clergy.

Mr. Speaker, in Congress' having provided for this recognition for the many who have served their fellow man and their country in peace as well as war, we are providing an example for all citizens and for the youth of this Nation. We are demonstrating that the efforts of men of religion are instrumental in developing the necessary spiritual leadership that assists a society in finding inner peace.

The President of the United States, the Honorable Richard M. Nixon, in his stirring inaugural address stated that America finds itself "rich in goods, but ragged in spirit." More recently, in his first state of the Union address, he reminded us that—Never before has a nation seemed to have more and enjoyed it less.

Threatened as we are by a turning from the spiritual to the materialistic spirit of man, it is comforting that we bring recognition to those who provide leadership for the most precious possession of all—the sense of the meaning of life, and the meaning of serving unselfishly the great causes of peace and liberty.

Mr. Speaker, I am fortunate for the associations I have had with clergy of all faiths and with chaplains of all services through the years. They have provided rich memories of fellowship with men who did not deem it a loss to go that extra mile in ministering to the men of the Nation and of the armed services. The life which they represent can best be summed up in the words of the Great Master of life, Jesus Christ, who said:

> What doth it profit of man if he should gain the whole world and lose his soul, and what can a man give in exchange for his soul.

It might well move us to ask the penetrating question: What can a nation give in exchange for its soul?

THE CIVIL AERONAUTICS BOARD

(Mr. PETTIS asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. PETTIS. Mr. Speaker, on Friday, January 23, 1969, 31 of my colleagues and I filed a brief in the Federal appellate court in the District of Columbia in a case which we have brought against the Civil Aeronautics Board.

We are asking the court to reverse a decision of the CAB that recently allowed all domestic interstate airlines to put fare increases into effect. We are contending that this decision was reached in violation of several provisions of the Federal Aviation Act of 1958.

The Members who have joined in this brief are, in addition to Hon. John E. Moss and myself, Hons. Glenn M. Anderson, Thomas L. Ashley, Walter S. Baring, George E. Brown, Jr., Phillip Burton, Daniel E. Button, Jeffery Cohelan, James C. Corman, John D. Dingell, Don Edwards, Richard H. Hanna, Augustus F. Hawkins, Chet Holifield, Harold T. Johnson, Robert L. Leggett, Joseph M. McDade, John McFall, Spark M. Matsunaga, George P. Miller, Joseph G. Minnish, Patsy T. Mink, Thomas M. Rees, Peter W. Rodino, Jr., Edward R. Roybal, Bernie Sisk, Charles M. Teague, John Tunney, Lionel Van Deerlin, Jerome R. Waldie, and Charles H. Wilson.

The brief which we filed follows:

[U.S. Court of Appeals for the District of Columbia Circuit, No. 23,627]

Brief for Petitioners: Petition for Review of Orders of the Civil Aeronautics Board

John E. Moss, et al., Petitioners, v. *Civil Aeronautics Board, Respondent.*

Of Counsel: Ronald B. Lewis, 1101 17th Street, NW., Washington, D.C., Stanford G. Ross, H. David Rosenbloom, Caplin & Drysdale, 1101 17th Street, NW., Washington, D.C., Attorneys for Petitioners.

CASES AND AUTHORITIES CITED

Cases

Air Freight Rate Investigation, 9 C.A.B. 340 (1948).

**American Overseas Airlines, Inc.* v. *CAB,* 103 App. D.C. 41, 254 F. 2d 744 (1958)

* *Arizona Grocery Co.* v. *Atchison, T. & S.F. Ry. Co.,* 284 US 370 (1932)

Arrow Transportation Co v. *Southern Ry. Co.,* 372 U.S. 658 (1963).

Burlington Truck Lines, Inc v. *United States,* 371 U.S. 156 (1962).

City of Chicago v. *United States,* 38 U.S. L. Week 4039 (Dec. 9, 1969).

City of Lawrence, Mass v. *CAB,* 343 F. 2d 583 (CA 1 1965).

Florida v. *United States,* 282 U.S. 194 (1931).

**Florida* v. *United States,* 292 U.S. 1 (1934).

Flying Tiger Line, Inc. v. *CAB,* 121 App. D.C. 332, 350 F. 2d 462 (1965), *cert. denied,* 385 U.S. 945 (1966)

General Passenger Fare Investigation, C.A.B. Docket 8008 et al., May 27, 1959.

**ICC* v. *Mechling,* 330 U.S. 567 1947).

McManus v. *CAB,* 286 F. 2d 414 (CA 2), *cert denied,* 366 U.S. 928 (1961).

Public Util. Comm'n (Calif.) v. *United States,* 356 F. 2d 236 (CA 9), *cert. denied,* 385 U.S. 816 (1966).

States-Alaska and Intra-Alaska Fare Increases Proposed by Alaska Airlines, Inc., Pan American World Airways, Inc., Western Air Lines, Inc., C.A.B. Docket 21599, Order of Investigation and Suspension of November 14, 1969.

* *Trailways of New England, Inc.* v. *CAB,* 412 F.2d 926 (CA 1 1969).

* *Transcontinental Bus System, Inc.* v. *CAB,* 383 F.2d 466 (CA 5 1967), *cert. denied,* 390 U.S. 920 (1968).

United Air Lines, Inc. v. *CAB,* 114 App. D.C. 17, 309 F.2d 238 (1962).

United Air Lines, Inc. v. *CAB,* 108 App. D.C. 220, 281 F.2d 53 (1960).

United States v. *Chicago M. St. P. & P. R. Co.,* 294 U.S. 499 (1935).

* *W. R. Grace & Co.* v. *CAB,* 154 F.2d 271 (CA 2 1946), *cert. dismissed as moot,* 332 U.S. 827 (1947).

Statutes and regulations

Administrative Procedure Act, 5 U.S.C. § 551.

Administrative Procedure Act, 5 U.S.C. § 553(b).

Administrative Procedure Act, 5 U.S.C. § 556(d).

Federal Aviation Act, § 102, 49 U.S.C. § 1302.

Federal Aviation Act, § 404, 49 U.S.C. § 1374.

Federal Aviation Act, § 1002(d), 49 U.S.C. § 1482(e).

Federal Aviation Act, § 1002(g), 49 U.S.C. § 1482(g).

Footnotes at end of article.

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Federal Aviation Act, § 1002(i), 49 U.S.C. § 1482(i).

Regulations Issued by CAB, 14 CFR § 302.506

Other authorities

Congressional Record, Vol. 79, p. 5656 (April 15, 1935).

Friendly, *The Federal Administrative Agencies: The Need for Better Definition of Standards*, 75 Harv. L. Rev. 863, 1055, 1263 (1962).

ISSUES PRESENTED

The issues

This case presents the issues of whether the Civil Aeronautics Board has illegally made maximum rates for domestic passenger air fares and whether specific tariffs filed in accordance with the Board's maximum rate formula are the responsibility of the Board and illegal. In addition, Petitioners raise the issue of whether those tariffs are unjust and unreasonable and are discriminatory on their face, and therefore should have been investigated even if they are not deemed the responsibility of the Board.

Case previously before the court on interlocutory motion

This case has previously been before the Court on a motion for interlocutory relief filed by Petitioners on December 11, 1969. Oral argument on that motion was held on January 7, 1970. An order of the Court with respect to that motion was entered on January 9, 1970, and further decision on that motion is pending.

STATUTES INVOLVED

The statutes pertaining to the merits of this case are set forth in an addendum at the end of this brief.

REFERENCES TO RULINGS

The orders involved in this case are the orders of the Civil Aeronautics Board of September 12 and 30, 1969.

STATEMENT OF CASE

Summary

This case involves the process of ratemaking—and specific rates made in this process—by the Civil Aeronautics Board (hereinafter "CAB" or "Board"). Petitioners are thirty-two Members of Congress, who intervened before the Board in the case entitled *Passenger Fare Revisions Proposed by Domestic Trunklines*, number 21322 on the Board's docket.[1] Petitioners are proceeding in their capacities as users of the airways and representatives of their respective constituencies and of other members of the public who travel by air. They contend here, as they contended before the Board, that the Board has made domestic passenger rates and assumed responsibility for corresponding tariffs which went into effect in October of 1969. Petitioners believe that the Board's decisions were reached in contravention of the statutory requirements of the Federal Aviation Act of 1958 and the Administrative Procedure Act.

By this appeal, Petitioners seek invalidation of the Board-made rates and corresponding tariffs and a decision that the Board must adhere to the Federal Aviation Act of 1958 in determining rates.

The thrust of Petitioners' position on the merits is as follows: The Board, when it makes rates, is required to adhere to certain statutory rules. It must, under section 1002 (d) of the Federal Aviation Act of 1958,[2] first find the prevailing tariffs and those proposed by the carriers to be unlawful, after proper notice is given and an appropriate hearing is held. It must then take certain substantive standards—set forth in detail in sections 102 and 1002(e) of the statute—into account. Petitioners contend that the Board has made rates—although it did not proclaim that it was doing so; that it acted in violation of the statutory rules just mentioned; that the Board should not be permitted to evade or avoid its statutory duties by disclaiming an intention to make rates when it in fact does make rates; and that the specific tariffs filed by the carriers and based on the Board's illegal rates are the responsibility of the Board and suffer from the same illegalities as the Board's rate formula. Petitioners further contend that, even if the tariffs are regarded as the responsibility of the carriers, rather than the Board, those tariffs are unjust and unreasonable and discriminatory, and should have been investigated by the Board.

Statement of facts

On August 1, 1969, United Air Lines filed for an increase in fares—the second within six months—marked to become effective on September 15, 1969. New tariffs were soon filed by several other carriers, with proposed effective dates in late September and early October.[3]

On August 14, 1969, while the proposed rate increase was pending, the Board was to hold another of its *ex parte* meetings with the carriers.[4] Having learned of this, and in light of the recent filings for fare increases, Petitioner John Moss, who had earlier protested these *ex parte* procedures, requested that if the Board held the meeting at least he be permitted to attend. (Pet. Memo. App. C 8597–98; see *id*. at 8562, 8569.)[5] The response was a flat refusal. Chairman Crooker stated in a letter of August 14, 1969, that the scheduled meeting was a continuation of a prior *ex parte* meeting and "intended to discuss matters of the domestic fare structure and fare formulas rather than fare level." Chairman Crooker said that a transcript would be made. (Pet. Memo. App. C 8598).[6]

Following the meeting, the Board officially responded to the carriers' tariff filings on August 19, 1969, with an order, 69–8–108, calling for "oral argument" on September 4, 1969, on the question of how it should react to the proposed fare increases. (Pet. Memo. App. C 8602–03.) In that order, the Board made the following announcement of its intentions:

"Pursuant to section 1002 of the Federal Aviation Act (49 U.S.C. 1482), the Board may, upon its own initiative or in the light of complaints from interested persons, (a) suspend the effectiveness of the proposed tariffs pending investigation of the reasonableness of the proposed rates, (b) permit such tariffs to take effect while it is conducting such investigation, or (c) permit the tariffs to become effective without investigation."

No indication was given that the "argument" might be followed by an immediate decision on the merits of the pending tariffs or by a ratemaking effort by the Board. The "argument" was to be a merely preliminary presentation of views for the purpose of advising the Board as to whether it should undertake an investigation of the pending tariffs.

On August 20, 1969, Petitioners renewed their earlier complaint to the Board against the carriers' continual fare increase proposals and the Board's method of dealing with them.[7] Petitioners' principal allegation was that:

"The proposals made by the air carriers do not take into consideration any of the statutory standards set forth in the Act. More pragmatically, the Members believe that these fare proposals will further depress load factors and earnings, bring about even greater increases in cash costs, congestion and air pollution, and lead to more uneconomical and inefficient use of the nation's airports and airways, thereby further increasing the burden to the taxpayer and farepayer." (Pet. Memo. App. C 8603.)

The results reached under the filed proposals would, Petitioners asserted, be "unjust and unreasonable." (Pet. Memo. App. C 8603.)

In support of this position, Petitioners pointed to the Board's lack of standards under which it could make a rational interpretation of the Federal Aviation Act of 1958; to the carriers' penchant for creating and employing excess capacity; to the fact that a fare increase would not stimulate additional traffic; and to the injustice of making the traveling public pay for the carriers' cost and scheduling extravagance. Petitioners concluded as follows:

"The basic solution to the industry's present financial situation would . . . appear to lie not only in the air carriers exercising restraint in ordering new flight equipment and in the use or scheduling of its available capacity, but more importantly in the regulation of the fare level by the Board in accordance with the statutory standards of the Act of 1958, supplemented by appropriate load factor, cash and capital cost guidelines." (Pet. Memo. App. C 8604.)

They requested that the Board suspend and investigate all pending tariff revisions and that, if the Board should conclude that such tariffs are unjust or reasonable, the Board determine and prescribe the lawful rate to be charged. Further, Petitioners requested that the Board institute a general rate proceeding to investigate the structure of air passenger fares in order to achieve a sound foundation for arriving at fares for the future that "will at all times be reasonably related to the statutory standards of the Act of 1958, and the rules of ratemaking established by the Board." (Pet. Memo. App. C 8604–05.)

"Oral argument" before the Board was held on September 4, 1969, three weeks after the *ex parte* meeting between the carriers and the Board. At the argument, the carriers repeated their views on the necessity of a fare increase, and various other interested parties were allowed to speak. No cross-examination was permitted.[8]

On September 5, 1969, Petitioner Moss, as spokesman for all the Petitioners, wrote to Chairman Crooker to note that the Board, in its order setting "oral argument," had indicated that it would adopt one of three specified lines of action following such argument and the consideration of complaints from interested persons. (Pet. Memo. App. C 8606.)[9] Petitioner Moss contended that the Board, "by its act in enumerating three possible courses of action in its order, . . . [precluded] any other course of action such as its usual past practice of suspending the effectiveness of the proposed tariffs and then making its position known as to other kinds of tariff proposals it would approve." Petitioner Moss urged Chairman Crooker that the Board confine itself to its statutory functions: "this form of ratemaking by treaty must come to an end . . . It is not the duty of the Board to propose alternative fare proposals when the person proposing . . . changes cannot show that its proposed change is just and reasonable."

Chairman Crooker's response indicated that, when an order was issued, the decision of the Board might well be the very one against which Petitioner Moss had protested. "[T]ariffs filed before our Order No. 69–8–108 may be approved, or the effectiveness of proposed tariffs may be suspended and the Board's position would be made known as to other kinds of tariff proposals it would approve." (Pet. Memo. App. C 8606.)[10]

The Board's decision, the major decision in this litigation, was rendered on September 12, 1969.[11] As Petitioner Moss had foreseen in his letter to Chairman Crooker, the Board followed "its usual past practice of suspending the effectiveness of the proposed tariffs and then making its position known as to other kinds of tariff proposals it would approve." Thus, after briefly summarizing the tariff proposals and the complaints filed

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Footnotes at end of article.

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by various parties, including the complaint of Petitioners, the Board found, without explanation, as follows:

"Upon consideration of the tariff proposals, the complaint and answer thereto, the statements filed prior to the oral argument and comments made thereat, and other relevant matters, the Board finds that the proposals may be unjust, unreasonable, unjustly discriminatory, unduly preferential, or unduly prejudicial, or otherwise unlawful and should be investigated. The Board further concludes that the tariffs in question should be suspended pending investigation." (J.A. —; Order, p. 3.)

The Board went on, however, to announce its "opinion that the carriers have adequately demonstrated a need for some additional revenue" and that it "would be disposed to grant an increase computed in accordance with the criteria set out below." (J.A. —; Order, p. 3.) The sole reason given for this conclusion, in the course of the Board's entire opinion, was that:

"The carriers have adequately demonstrated a significant increase in costs. . . . Taking into consideration these cost pressures on the carriers, and the marked decline in earnings and profit margin since the February increase, the Board finds that a further increase in fares at this time is necessary from the standpoint of the ratemaking standards of Section 1002(e) of the Act and the need to maintain the financial vitality of the carriers as a group." (J.A. —; Order, pp. 5, 8.)

There ensued what can only be regarded as a prolonged ratemaking endeavor by the Board. After noting that it had reviewed both the fare formulas developed by its staff and circulated to the carriers *ex parte* for their comments and the formulas put forward by the carriers in their recent filings, the Board found that the formula proposed by American Airlines "produces a reasonable increase in revenues and recognizes the economics inherent in long-haul carriage." (J.A. —; Order, p. 4.) The American formula was adopted as the Board's "model," with only one slight modification. (J.A. —; Order, pp. 6, 7.)[12] This, despite the fact that the Board had just suspended the tariff filed by American, along with the other pending tariffs, as potentially unjust or unreasonable.

The Board next considered the need for a general fare investigation in order to establish cost and load factor standards. Noting, as it had so often in the past, that a general fare investigation is a "long and complex proceeding," the Board opined that leaving the carriers in *status quo* while such an investigation was conducted might produce "serious and permanent financial damage" to some of them. (J.A. —; Order, p. 5). However, the Board did not simply cast aside the Petitioners' suggestion of a general fare investigation:

"Nevertheless, we have decided not to dispose of the request for a general fare investigation at this time. The complainants have raised some questions for which no fully satisfactory answer presently exists, especially the question of load factor standards, and we believe there are other important questions underlying evaluation of fare structure and level, not raised by complainants, which should be given thorough review. However, notwithstanding the existence of these questions, the condition of the industry detailed herein is sufficiently serious as to require immediate fare relief. Moreover, pending our further study of these matters, the Board is unable to conclude at this time that the additional earnings which this order will provide could be achieved by the industry through other courses of action within the carriers' control.

"For these reasons, we have determined to undertake an exploration, within the Board, of a number of matters relating to questions such as: what the appropriate rate of return on a carrier's investment should be; how a carrier's rate of return should be computed; should load factor standards be set and if so at what level; should there be a taper in the line haul rate and if so to what degree; what method is most appropriate for determining terminal charges; and what is the proper differential between first-class and coach fares. At the conclusion of our consideration of these matters, we should be in a better position to determine whether a fare investigation is appropriate and, if so, to channel such investigation along the most productive patterns so as to expedite completion of the proceeding within a reasonable time span. We expect to complete our consideration of the foregoing matters and thus be in a position to rule upon complainants' request for a fair investigation in December 1969. Accordingly, we will defer action on the complaint until that time." (J.A. —; Order p. 5.)[13]

The remainder of the Board's opinion is devoted to the details of its formula, which included a number of revolutionary changes in the previously obtaining fare policy:

1. The "core" of the fare structure would henceforth be coach fares rather than first-class fares. (J.A. —; Order, p. 7.)

2. The fixed terminal charge element[14] of passenger fares would be increased to $9.00—an increase of 80% over the level of February 20, 1969; and 200% over the January 1969 level. (J.A.—; Order, p. 6.)

3. The mileage charge element of fares would be calculated on the basis of five 500-mile blocks, with a decreasing per-mile charge for each successive block. (J.A. —; Order, p. 6.)

4. The method of reducing computed rates into published fares would be changed. (J.A. —; Order, p. 7.)

5. A new 25% differential would be established between first-class and day-coach fares, with the first-class fares set at 125% of coach fares. (J.A. —; Order, p. 7.)

6. The first-class rate would apply only to services which are truly firstclass in character and quality and therefore not to local service propellor aircraft, traditionally referred to as providing "first-class" service. (J.A. —; Order, p. 7.)

7. A new 25% differential between night and day-coach fares would be established, with night-coach fares set at 75% of day-coach fares. (J.A. —; Order, p. 7.)

8. New increases in five promotional fares would be allowed. (J.A. —; Order, p. 8.)

On the basis of fiscal 1969 traffic movements, the Board estimated that its formula would produce increased revenues for the trunkline industry of 7.4% in first-class service and 3.6% in coach service. The total revenue increase was estimated to be "approximately 6.35% (assuming no diversion or loss of traffic)." But the Board hastened to add: "To the extent of any such dilution, of course, the revenue increase would be less than 6.35 percent." Then, as Petitioner Moss had predicted, the Board announced its conclusion: "to permit tariff filings implementing the fare adjustments described above." (J.A. —; Order, p. 9.)

The Board declared that it would consider fares produced by the foregoing formula as "a just and reasonable ceiling, and any fare in excess of this ceiling would be viewed *prima facie* as outside the realm of justness and reasonableness and would ordinarily be suspended and ordered investigated." (J.A.—; Order, pp. 9–10.) However, the Board also indicated that it would consider increases above the ceiling in special cases, provided that at least 75 days' notice was given by the filing carrier.

Finally, the Board referred to its prior remarks, in its Order 69–5–28 of May 8, 1969, regarding the absence of published joint fares between many domestic points and the need for achieving consistencies in inter-carrier connecting services. The Board noted that "passengers traveling in such markets [where one-carrier service is not available] must pay a combination of local fares, each of which reflects the February increases." (J.A. —; Order, p. 10.) Following the Board's *ex parte* meeting with the carriers on August 14, 1969, it had granted all domestic carriers antitrust immunity and authority to discuss single-sum joint fares and open routings for such fares for a period of 90 days. The Board now announced that it was not disposed to continue the fares obtained in accordance with its formula for very long in the absence of satisfactory published joint fares. Therefore, it required that any tariff implementing its proposed formula have an expiration date of January 31, 1970, and that such tariff be accompanied by a refiling of existing (i.e., preformula) fares with a proposed effective date of February 1, 1970. The Board thus indicated that the new increase would be reviewed at the end of January and that, if the industry had not by then arrived at satisfactory joint fares, the Board might find the pre-formula fares "just and reasonable" and fares would revert to the pre-formula level. Antitrust exemption was granted to carriers to discuss division of through fares, and the authorization of discussions among the carriers was extended to January 15, 1970.

Virtually none of the important statements and decisions in the Board's opinion found their way into its simultaneous order. As a technical matter, the Board ordered only that the filed tariffs be suspended pending an investigation to determine whether they were unlawful; that the request for the institution of a general rate proceeding be deferred; that the authorization of discussions regarding joint rates be amplified and extended; and that the investigation of the filed rates be assigned to a hearing examiner. (J.A. —; Order, pp. 11–12.)

Three of the five Members of the Board concurred and dissented specially. Mr. Murphy took the position that, although some increase in fares was justified, the increase which the Board was disposed to allow was far more than the Board should ask the traveling public to assume. Mr. Murphy went on to criticize the formula adopted by the Board:

"I am particularly opposed to the adoption of an essentially cost-oriented fare formula. The formula produces anomalies and inequities. It ignores value of service and market elasticity. It produces drastic increases in the short haul and medium haul markets where the majority of the public travel. It decreases long haul fares where the value of service is greatest and ignores the factor of cross-subsidization inherent in a system concept of transportation. In my judgment a great deal of further study and analysis is necessary before such a sweeping and permanent regulatory standard is adopted." (J.A.—; Order, Murphy Op.)

Mr. Minetti would have permitted the carriers to experiment with their promotional fares but "would go no further at this time, in the absence of an investigation." (J.A.—; Order, Minetti Op.) Mr. Minetti declared himself "unable to concur in accepting, without an investigation, a fare adjustment package equivalent to an increase in fare levels of over six percent, especially bearing in mind that just a little over six months ago the Board permitted a fare increase approximating four percent of the then existing level." Mr. Minetti referred to the Board's statement of May 8, 1969, that "the basic solution to the industry's present financial situation would appear to lie in exercising restraint in ordering new flight equipment and in the use of its available capacity, rather than in increasing its price to the public." He said he had "not been convinced that the foregoing statement is incorrect.":

"We have very little more information today

Footnotes at end of article.

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with respect to appropriate load factor standards than at the time of our earlier pronouncement, and unlike the majority, I am reluctant to entertain a general increase in coach fares until after the question of load factor standards has been squarely faced and resolved in an intensive investigation. On the contrary, I fear that the increases sanctioned today may prove to be self-defeating by causing a further drag on traffic growth and by delaying the day when the Board and the industry will come to grips with the basic causes of the industry's present difficulties. Until those causes are squarely met, we face the prospect of still further load factor declines and requests for additional fare increases." (J.A.—; Order, Minetti Op.)

The dissent of Mr. Adams was limited to his objection to depriving local service carriers of first-class rates. (J.A.—; Order, Adams Op.)

The carriers proceeded to submit new tariffs based on the formula adopted by the Board.[15] The Board allowed the pending tariffs to be withdrawn.[16] On September 22, 1969, Petitioners filed a "petition for reconsideration . . . with request for suspension and investigation of all tariffs filed pursuant to the Board's order of September 12."[17] They objected strenuously to the Board's method of making "the most sweeping revision of airline passenger fares in its 31-year history." (Pet. Memo. App. C 8613.)

Petitioners pointed to the number and importance of changes in fare level and fare structure that were subsumed in the Board's proposed formula, and rehearsed many of the deficiencies in the Board's decision of September 12. They requested the Board to suspend and investigate all tariffs filed by the carriers pursuant to that decision, as well as all other pending tariffs; if the Board should determine that such tariffs are unjust or unreasonable, to fix the lawful rates; to withdraw the specification that the fares produced by the mathematical formula in the opinion of September 12 will be the maximum rates to be considered "just and reasonable"; and to institute a general rate proceeding to investigate the structure of domestic passenger fares. (Pet. Memo. App. C 8614–15.) This Petition for Reconsideration was regarded by the Board as including a motion to stay the pending tariffs. (Pet. Memo. 36, App. E.)

On September 30, 1969, in Order 69–9–150, the Board denied reconsideration.[18] The Board stated that it had "given careful consideration to . . . [Petitioner's] contentions, but remains convinced that the domestic air carrier industry requires an immediate revenue increase in light of its higher cost of doing business and its earnings decline. The Board is also persuaded that there is no risk that the increases will produce excessive earnings in the foreseeable future." (J.A. —; Reconsid. Op. 1.) It concluded that "attempts to improve the passenger fare structure should [not] be further delayed for the substantial period required for evidentiary hearing." (J.A. —; Reconsid. Op. 2.) The Board claimed "there has been general recognition of the need to overhaul the fare structure to remove its inequities and bring it more into line with cost factors," and saw its order as a "first step" toward a more rational and consistent fare structure:

"The Board intends to consider further the entire matter of domestic passenger fare structure and level, including the prior and instant requests for a full-scale formal investigation of domestic passenger fares. The Board will decide what further action is necessary and appropriate in this regard in due course." (J.A. —; Reconsid. Op. 2.)

Members Minetti and Murphy adhered to their previously expressed views and would have suspended and investigated the tariffs filed pursuant to the Board's order of September 12 "to the extent they are inconsistent with those views." (J.A. —; Reconsid. Op. 4.)

In October the new tariffs went into effect. On November 10, Petitioners filed a timely petition in this Court for review of the Board's decisions. Motions to intervene in the case were filed by American Airlines, Inc., Eastern Air Lines, Inc., Continental Air Lines, Inc., Trans World Airlines, Inc., Braniff Airways, Inc., Northwest Airlines, Inc., and, jointly, by North Central Airlines, Inc. and Mohawk Airlines, Inc.; these motions to intervene were granted on January 2, 1970.

On December 11, 1969, Petitioners filed a motion for interlocutory relief in this case. Oral argument on that motion was held on January 7, 1970. An order of the Court with respect to that motion was entered on January 9, 1970, and further decision on that motion is pending.

JURISDICTIONAL AND VENUE REQUIREMENTS

The statutory provisions governing jurisdiction and venue to review orders of the CAB are set out in section 1006 of the Federal Aviation Act of 1958, 49 U.S.C. § 1486. Petitioners' petition complies with these provisions. Venue in this Court is always proper and the petition was filed within sixty days of the Board's orders of September 12, 1969, and September 30, 1969. It is settled, moreover, that users of the airways have a "substantial interest" in Board decisions affecting the rates, regulations, practices, etc. of air carriers. See, *e.g.*, *Flying Tiger Line, Inc.* v. *CAB*, 121 App. D.C 332, 350 F 2d 462 (1965), *cert. denied*, 385 U.S. 945 (1966); *Transcontinental Bus System, Inc.* v. *CAB*, 383 F. 2d 466 (CA 5 1967), *cert. denied*, 390 U.S. 920 (1968).

ARGUMENT

I. The Board's maximum rate formula and the tariffs based on that formula are illegal and should be invalidated

A. The Board Has Issued a Maximum Rate Formula and Is Responsible for the Tariffs Filed by the Carriers in Accordance With That Formula

The principal question before the Court is whether the Board's decisions of September 12 and September 30 should have been reached in accordance with the procedural and substantive standards of the Federal Aviation Act. As Petitioners shall demonstrate in the following sections of this brief, there is no doubt that the Board's decisions failed to accord with those standards.

In deciding whether the Board was correct in ignoring the statute, it is important at the outset to identify what the Board has done and what its decisions mean. Petitioners contend that the Board, in its September decisions, made maximum rates and prescribed or approved specific tariffs reflecting those rates for the domestic passenger market. Petitioners recognize that, as a formal matter, none of the eight paragraphs following the words "it is ordered that" in the Board's September 12 opinion sets a maximum rate. However, the lengthy discussion that preceded those words and necessarily was a part of the action taken by the Board can only be interpreted as having set such a rate. In the course of that discussion, the Board:

(1) Set forth and adopted as its own a formula derived from a tariff that had been submitted by American Airlines, and applied that formula to the entire airline industry, including carriers that had submitted markedly different tariff proposals and formulas. The Board's formula was detailed and precise and included several major elements that had never previously appeared in a passenger fare structure. (J.A. —; Order, pp. 6–8);

(2) Decided expressly "to permit tariff filings implementing the fare adjustments described . . . within the 48 contiguous states effective no earlier than October 1, 1969 . . ." (J.A. —; Order, p. 9);

(3) Stated that it would "consider fares produced by the formula as a 'just and reasonable' ceiling, and any fare in excess of this ceiling would be viewed *prima facie* as outside the realm of justness and reasonableness and would ordinarily be suspended and ordered investigated." (J.A. —; Order, pp. 9–10);

(4) Declared that it would only consider fare increases above the ceiling "where strong justification was shown, and upon a tariff filing providing at least 75 days' notice to permit the Board adequate time for review of the arguments in justification." (J.A. —; Order, p. 10.)

Petitioners submit that these actions amount to the making of a maximum rate.[19] Ratemaking is a simple, definable concept, not dependent upon the technical form in which a decision making rates is cast. Petitioners believe that, in contrast with passing upon rates proposed by the carriers, ratemaking involves the agency in taking initiative and responsibility for setting rates itself. This is what occurred here. The Board issued an elaborate formula, which it described as the "just and reasonable ceiling" for the carriers to observe in their filings. It established a requirement of a 75-day waiting period before tariffs higher than that ceiling could go into effect—a requirement which made such higher tariffs a virtual impossibility. Regardless of the technical form of the Board's decision, Petitioners submit that the Board has effectively set maximum rates.[20]

In addition, Petitioners contend that the specific tariffs now in effect must be regarded as the Board's responsibility and treated accordingly. Following the Board's decision of September 12, the carriers all filed tariffs with new fare increases computed on the basis of the Board's maximum rate formula. Although Petitioners requested that the Board suspend and investigate these tariffs, the proceedings had by this time taken on the aspect of idle gestures. The tariffs, after all, had been computed according to the Board's precise and detailed formula, and the Board has already concluded, its decision of September 12, that it "would be disposed to grant an increase" in fares computed in that manner. (J.A. —; Order, p. 3). It had referred, again and again, to "the fare formula which we propose to accept" (J.A. — ; Order, p. 6), and it had called for "tariff filings implementing the fare adjustments" it had proposed. (J.A. — ; Order, p. 9.) Member Murphy, concurring and dissenting, had referred to "the increase" which "the majority has approved." (J.A. — ; Order, Murphy Op.) Member Minetti, concurring and dissenting, had spoken of "accepting, without an investigation, a fare adjustment package equivalent to an increase in fare levels of over six percent." (J.A. — ; Order, Minetti, Op.)[21] Thus it inevitably followed that the board, on September 30, denied both Petitioners' request for suspension and investigation of the newly filed tariffs and their request for reconsideration of the September 12 decision.

In these circumstances, Petitioners believe that the Board must be considered responsible for the specific tariffs filed on the basis of the Board's formula and that those tariffs must be tested accordingly to the same statutory provisions as the Board's maximum rate formula itself.[22]

B. The Board Is Incorrect in Its Contention That It Was Not Required To Reach Its Decisions in Conformity With the Mandate of the Federal Aviation Act

If Petitioners are correct in their contention that the Board made maximum rates and assumed responsibility for specific tariffs computed on the basis of those rates, they submit that the procedures of section 1002(d) and the substantive criteria of sections

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Footnotes at end of article.

1002(e) and 102 of the Federal Aviation Act should have been observed.[23] The Board does not dispute that these statutory provisions govern ratemaking. But it responds that in the circumstances of this case it did not have to comply with the statutory scheme upon which Petitioners rely. It argues, apparently, that it did not "purport" to make rates,[24] but rather adopted (with minor amendments) a tariff filed by one of the carriers. It contends that no carriers were *required* or compelled to file similar tariffs. It claims that the procedure employed here is either envisioned by the requirement of section 1002(g) that the Board give reasons when it suspends a carrier's tariff or sanctioned by the need of the agency for flexibility. The procedure, which the Board admits to be its general practice, is further defended as similar to the procedures of other agencies charged with a rate-supervision and ratemaking function; the sole support cited for this last proposition is *Public Util. Comm'n (Calif.)* v. *United States*, 356 F. 2d 236 (CA 9), *cert. denied*, 385 U.S. 816 (1966).[25]

Essentially, the issue before the Court is how far the Board may go in interjecting its own ideas, views, and powers into the ratemaking process without opening itself up for a full and fair hearing at the agency level and without subjecting itself to full judicial review. For unless the Board is held subject in this case to the rules and provisions of sections 1002(d), 1002(e) and 102 of the statute, it is clear that Petitioners and the traveling public are effectively barred from contesting—before the Board or in court—the agency's rate determinations.[26]

Under the statutory scheme, the Board has two basic choices in analyzing tariffs: it may permit prevailing or proposed tariffs to have effect, or it may find such tariffs unlawful and proceed to make rates itself. The statute does not contemplate that the Board will "suggest" or "propose" tariffs which the carriers inevitably will then file. The responsibility for setting rates is to rest, as a general matter, with the carriers. The Board may, upon complaint or its own initiative, investigate carrier-made rates under section 1002(d) and determine whether they are lawful. If it finds them unlawful, it must step in and establish rates itself. In any event, the investigation must be held according to the procedures of section 1002(d) and the agency must adhere to the standards of sections 102 and 1002(e). The Board's decision following an investigation—approving carrier-proposed rates or prescribing rates of its own—is fully subject to judicial review. See, *e.g., ICC* v. *Mechling*, 330 U.S. 567 (1947); *cf. City of Chicago* v. *United States*, 38 U.S.L. Week 4039 (Dec. 9, 1969).

Ancillary to this scheme is the power granted the Board to suspend carrier-proposed tariffs pending an investigation of them. This power can be invoked by the Board for a limited time only. When it is invoked, the agency must deliver "to the air carrier affected thereby a statement in writing of its reasons for . . . suspension. . . ." (Section 1002(g).) If a decision to veto has not been reached when the time for suspension expires, the carrier-proposed tariffs go into effect. The courts may not suspend—or review the Board's decision whether to suspend—such tariffs pending the agency's decision as to their lawfulness. See *Arrow Transportation Co.* v. *Southern RR. Co., supra.*

The Board's position that it could reach the decisions of September 12 and 30 without adhering to the procedures of section 1002(d) and without becoming subject to full judicial review cannot be correct. The Board is relying for this contention largely upon the nonreviewability of its suspension power. It has so structured its ordinary procedures that, although it may often take positions with respect to rates, it leaves the proposing of specific tariffs to the carriers. Then it declines to investigate those tariffs and hides behind the purported unreviewability of (1) its decision not to investigate, see *Flying Tiger Line, Inc.* v. *CAB*, 121 App. D.C. 332, 350 F. 2d 462 (1965), *cert. denied*, 385 U.S. 945 (1966); *compare Trailways of New England, Inc.* v. *CAB*, 412 F. 2d 926 (CA 1 1969); and (2) its pre-ordained decision not to suspend the tariffs filed on the basis of its suggestions.

This procedure is not envisioned by the act and certainly not sanctioned by it. It cannot be justified on the basis of section 1002(g), which plainly allows the Board to intervene to some extent in the rate-determining process without becoming subject to the rules applicable to the making of rates, but which should not be read to allow circumvention of the rules for ratemaking. The statement required by section 1002(g) is interlocutory in nature, coming before the agency's determination as to the lawfulness of a carrier-proposed tariff. The section hardly provides a vehicle for the agency to amend and adopt on its own a tariff filed by one of the carriers, to issue it as a formula for a "just and reasonable ceiling" on rates for the entire industry, and to prejudge the issue of the validity of tariffs based on that formula. Wherever the line between 1002(g) and 1002(d) is drawn, the pas de deux between the regulated and the regulators in this case falls plainly on the 1002(d) side.

Moreover, irrespective of the Board's powers under section 2002(g), it should also be noted that the course of action taken here by the Board was not contemplated in the notice of August 19 calling for "oral argument" on the pending tariff proposals. See pp. 6, 9, *supra*. It is settled that the Board's order instituting proceedings will, in the absence of amendment, finally fix the limits within which its ultimate decision may be reached. W. *R. Grace & Co.* v. *CAB*, 154 F. 2d 271 (CA 2 1946), *cert. dismissed as moot*, 332 U.S. 827 (1947).

Nor can the Board's approach here be justified by an appeal for administrative flexibility. The Board is charged with working within the four corners of a precise and detailed statutory scheme. It may not ignore or alter that scheme for the purpose of enhancing what it considers to be its own flexibility.[27] If the Board believes the act as written accords it insufficient leeway or is for some other reason unworkable, the Board should ask the Congress to amend it—not recast it with non-statutory procedures.[28]

Then too, the Board is being singularly disingenuous in arguing that it need not observe the mandate of the statute because the carriers were not *required* to file tariffs in accordance with the Board's rate formula. This claim is both beside the point and based on an erroneous view of the facts.

In the first place, the case law indicates clearly that an agency may be held responsible in law for specific tariffs even if it did not require or compel the carriers to file such tariffs. In *Arizona Grocery Co.* v. *Atchison, T. & S.F. Ry. Co.*, 284 U.S. 370 (1932), the Supreme Court considered specific tariffs filed by carriers following a maximum-rate determination by the Interstate Commerce Commission. It was contended by the Commission that, since the carrier remained free to name any rate within the Commission-set limit, the specific tariffs were not "approved or prescribed" by the Commission. The Supreme Court, however, rejected this view, holding that the specific tariffs were the responsibility of the Commission and "approved or prescribed" by it.[29] The facts of that case, in this respect, were substantially similar to those of the instant case. See also *ICC* v. *Mechling*, 330 U.S. 567 (1947).

Further, although *Arizona Grocery* clearly stands for the proposition that an agency is responsible for specific tariffs linked to a Commission-set maximum rate, and that responsibility in law is not dependent upon the question whether carriers are compelled to file such tariffs, the proposition may also be derived, in the circumstances of this case, from an examination of the broad policies of the Federal Aviation Act. The assumption that compulsion must be present in order to find agency responsibility—and the procedural and substantive safeguards that it entails—depends on the further assumption that such safeguards exist only to protect the interests of the carriers. It is not difficult, however, to envision cases involving no compulsion in which the carriers and the agency may make common cause of ignoring the statutory procedures and substantive criteria. The instant proceedings appear, in fact, to be such a case. The notion that the agency is relieved from statutory responsibilities here in the event that a finding of compulsion cannot be made ignores the fact that the statute serves not only the airline industry but the traveling public as well. It is necessary, to protect the public, for a court to go beyond "compulsion" and to insist that the agency obey the statute in *all* cases in which it significantly exercises its power and influence with respect to rates.

Moreover, in this case it is preposterous to ignore the significant elements of pressure applied upon the carriers to file tariffs in accordance with the Board's formula. If compulsion *were* the test for agency responsibility, this would still be a case in which the agency should be held responsible. The Board, after all, had clearly indicated that tariffs filed in accordance with its formula were, in its judgment, just and reasonable. The 75-day waiting period made it impossible as a practical matter for a carrier to file for *more* than the formula would allow.[30] And as for the filing for less, it has rarely been perceived by most carriers as being in their self-interest to do so; moreover, the carriers may have had in mind the admonition given them by Board Chairman Crooker in the *ex parte* meetings between Board and carriers of January 13 and 16, 1969; that if the carriers did not take full advantage of potential revenue benefits made available in a fare increase then offered to them by the Board, the amount of revenue forgone through filing lower tariffs "would be borne in mind in future assessments of the industry's financial conditions."[31] As a practical matter, Petitioners submit, the carriers were compelled to go along with the Board's proposal of September 12;[32] and, in fact, the carriers did so.

Thus, Petitioners believe that the Board was in fact responsible for the specific tariffs which it permitted to go in to effect. Even if the agency did not in terms *order* the carriers to file such tariffs, it placed pressure on them to do so, knew they would do so, and declared how it would respond when they did so. The Board should be held responsible for the proximate and forseeable results of its declarations and acts.

Finally, Petitioners have no way of knowing whether other agencies employ a procedure similar to that used by the CAB here. If they do and if they are subject to a statutory scheme like that of the Federal Aviation Act, they are in error. The Ninth Circuit *Public Utilities Commission* case, upon which the CAB relies, is not in point. That case involved meetings between the FCC and American Telephone & Telegraph Co., following which the agency announced that the telephone company would submit revised tariffs resulting in major reductions in interstate telephone rates. As the Government argued in opposition to certiorari in that case, "the Commission made no findings or other determination of the reasonableness of the rates, as a result of the meetings."[33] Indeed, the complainant in the *Public Utilities* case did not even charge that the new tariffs were unreasonable, 356 F. 2d at 241;

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its attack was limited to the general contention that rulemaking proceedings were required under the Administrative Procedure Act. The court found that the agency had not "prescribed or approved" the tariffs in question, within the meaning of the *Arizona Grocery* case and the Administrative Procedure Act.

Here the situation is markedly different. Petitioners here are contending that the CAB made maximum rates and assumed responsibility for specific tariffs computed on the basis of the Board's explicit formula. Petitioners *do* challenge both the reasonableness of the Board's rate formula and the reasonableness of the specific tariffs filed on the basis of that formula. The agency *did* pass upon the reasonableness of both the formula and the specific tariffs. Indeed, it is responsible for both. The *Public Utilities Commission* case makes clear that, in this situation, when the agency is responsible for rates, it is required to adhere to rulemaking procedures. This is the meaning of its reliance upon the definition of ratemaking established by the *Arizona Grocery* case. Thus, even assuming *Public Utilities Commission* is correct on its own rather special facts, it is clear that the decision cannot be expanded to sanction the Board's method of operations here.

For the foregoing reasons, Petitioners submit that the decisions of the Civil Aeronautics Board in this case must be tested according to the provisions of sections 1002(d), 1002(e), and 102 of the Federal Aviation Act of 1958.

C. The Decisions of the Board Did Not Conform to the Statutory Mandate

There are three statutory sources of guidance for the Board when it undertakes to make rates. Section 1002(d) prescribes the procedures which the Board must follow. Section 1002(e) sets forth the standards which the Board must take into account in exercising and performing its powers and duties with respect to the determination of rates. Section 102 sets forth general guidelines for all of the Board's tasks, including ratemaking. Petitioners contend that the Board, in its decisions of September 12 and September 30, strayed from all three of these provisions. Much of this contention—if not all of it—is undisputed by the Board.

Section 1002(d)

Thus it is clear that the CAB failed to follow the procedures specified by section 1002(d):

"Whenever, after notice and hearing, upon complaint, or upon its own initiative, the Board shall be of the opinion that any individual or joint rate, fare, or charge demanded, charged, collected, or received by any air carrier for interstate . . . air transportation . . . is or will be unjust or unreasonable, or unjustly discriminatory, or unduly preferential, or unduly prejudicial, the Board shall determine and prescribe the lawful rate, fare, or charge (or the maximum or minimum, or the maximum and minimum thereof) thereafter to be demanded, charged, collected, or received."

The Board never reached the "opinion," on September 12, that the rates then prevailing and those proposed by the carriers were unlawful. It spoke only with respect to the newly proposed tariffs and only found that they "may be" unlawful. It thus failed to make a finding of a "basic or quasi jurisdictional" fact conditioning the exercise of its ratemaking power. *United States v. Chicago M. St. P. & P.R. Co.*, 294 U.S. 499 (1935); see *Burlington Truck Lines, Inc.* v. *United States*, 371 U.S. 156, 165–69 (1962). Moreover, the Board failed to give the notice and hold the hearing required by both section 1002(d) and the Administrative Procedure Act before it makes rates. See 5 U.S.C. §§ 551(4)(5), 553(b), 556(d). Its announcement in order 69–8–108 of August 19 did not apprise Petitioners or the public of the course eventually followed by the agency. See *W. R. Grace & Co.* v. *CAB*, 154 F. 2d 271 (CA 2 1946), *cert. dismissed as moot*, 332 U.S. 287 (1947). And the "oral argument" it held neither measured up to the standards of those statutes nor met minimum standards of fairness, since a great number of the issues had previously been discussed by the Board and the carriers in a series of *ex parte* meetings from which all members of the public, including Petitioners, had been excluded. See *United Air Lines, Inc.* v. *CAB*, 114 App. D.C. 17, 309 F. 2d 238 (1962); *United Air Lines, Inc.* v. *CAB*, 108 App. D.C. 220, 281 F. 2d 53 (1960).

It is unnecessary, however, to belabor the Board's failure to observe the standards of section 1002(d). For the Board concedes that its procedures did not conform to the requirements of that section. (Resp. Interloc. Ans., p. 15.) Thus if, as Petitioners have urged, the Board was required to adhere to the procedural standards of section 1002(d), the decision of the Board was incorrectly reached and must be reversed.

Section 1002(e)

The Board has not expressly admitted that its decision of September 12 was at variance with the standards of section 1002(e)[34], which govern the Board's powers and duties with respect to the determination of rates. Since the Board made brief mention of these standards in its decision of September 12, it seems to agree with Petitioners that they should have governed its consideration of tariffs in this case.

Regardless of whether a concession from the Board is forthcoming, it is clear that the agency gave none of the 1002(e) standards the consideration that is required under the act. Thus, the Board's only mention of those standards on September 12 came in two brief and passing references used to justify the granting of a fare increase on the basis of the carriers' rising costs and declining earnings:

"To require the carriers to continue operating at present fare levels with operating costs spiraling upward would be contrary to the statutory policy and rate-making criteria contained in the Federal Aviation Act of 1958." (J.A. —; Order, p. 5.)

"Taking into consideration these cost pressures on the carriers, and the marked decline in earnings and profit margin since the February increase, the Board finds that a further increase in fares at this time is necessary from the standpoint of the rate-making standards of section 1002(e) of the Act and the need to maintain the financial vitality of the carriers as a group." (J.A. —; Order, p. 8.)

The Board never mentioned or analyzed the standards specifically, and it is amply clear from its opinion that it never took them into account. This was error. See *American Overseas Airlines, Inc.* v. *CAB*, 103 App. D.C. 41, 254 F. 2d 744 (1958); *Florida* v. *United States*, 292 U.S. 1, fn. 3 (1934).

Section 1002(e)(1)

The Board never considered the effects of its decision on the movement of traffic, as it must under section 1002(e)(1). Its only reference to this statutory factor, in the course of the September 12 opinion, indicated that it had no idea what effect would be produced on traffic by tariffs computed in accordance with the formula it was promulgating. The Board opined that, as a result of the formula, "there may be a total revenue increase of approximately 6.35 percent (assuming no diversion or loss of traffic). To the extent of any such dilution, the revenue increase would be less than 6.35 percent." (J.A. —; Order, p. 9.)

The Board has no power, under the statute, to make rates while indulging in such an unverified "assumption" regarding a factor listed in section 1002(e). The effect of given rates upon the movement of traffic is determinable—or at least more nearly determinable than one would suppose from perusal of the Board's opinion—providing that a sufficient amount of relevant information is assembled and analyzed. The Board, in the opinion of September 12, did not even go to the trouble of analyzing the meager pertinent information adduced by the carriers as "oral argument" in this case. It simply ignored the question of traffic movement which both the statute and common sense make crucial to any decision with respect to rates.[35]

Section 1002(e)(2)

Similarly, the Board ignored the factor it was enjoined to consider by reason of section 1002(e)(2): "the need in the public interest of adequate and efficient transportation of persons and property by air carriers at the lowest cost consistent with the furnishing of such service." This statutory factor refers to a certain desirable quality and quantity of service (adequate and efficient service) and the most economical means of providing that service. It might be given a precise normative interpretation by the same means commonly used in the airline industry to judge adequacy, efficiency, and economy of service—namely, the use of percentage and numerical standards. See generally Friendly, *The Federal Administrative Agencies: The Need for Better Definition of Standards*, 75 Harv. L. Rev. 863, 1055, 1263 (1962); *cf. City of Lawrence, Mass.* v. *CAB*, 343 F. 2d 583, 587 (CA 1 1965).

Thus, one rational approach to interpreting section 1002(e)(2) would be to establish standards of adequacy and efficiency,[36] and standards for the cost of furnishing the service, both cash cost standards (payroll, fuel, materials, other services) and non-cash cost standards (depreciation and earnings or return on investment). Then, particular tariff proposals and the Board's own ratemaking efforts could be examined in the light of such standards and tariffs based on cost and load factor figures departing significantly from the guidelines would not be permitted to go into effect without an extraordinary justification of their reasonableness.

The Board, however, has not established such guidelines for measuring adequacy and efficiency of service—nor any others. It has failed to give meaningful content to section 1002(e)(2) and consistently takes no position with respect to the command of that section. This failing is serious because, as Petitioners have sought to show more fully in their Memorandum in Support of Interlocutory Relief, competition in the airline industry is restricted to cost and scheduling competition, rather than price competition. If the carriers are not held by the Board to some kind of reasonable cost and load factor standards, it is inevitable that costs will continue to rise and load factors to drop with each increment in the fares charged passengers. Indeed, a raise in rates *produces* such developments. The Board's determination that the carriers are somehow entitled to a certain rate of return is useless to prevent the carriers from incurring costs so as to make that return an impossibility, as long as the Board continues to base fares on what amounts to a "cost plus" theory.[37] At the same time, a policy of continually raising fares cannot be regarded as conducive to traffic growth. Thus, it seems clear that the Board's general policy of granting fare increases on the sole basis of an unexamined rise in costs and drop in earnings is inconsistent with both the health of the industry and fairness to passengers.

Petitioners suggest that developing cost and load factor standards would constitute one sensible way of implementing section 1002(e)(2); there may, however, be others. The important point is that the Board, in its

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opinion of September 12, did not comply with the statute because it did not determine whether the rates it was making constituted the lowest cost for furnishing transportation of persons by air in an adequate and efficient manner. Although it recognized that "the complainants have raised some questions for which no fully satisfactory answer presently exists, especially the question of load factor standards" (J.A. —; Order, p.5), it once again put off the setting of standards for another day. And it ignored Petitioners' complaints that the staff formulas upon which the carriers' tariff filings (including the filing by American) were based were not necessarily founded upon a just and reasonable input and had not been formulated by the Board's staff for the purpose of meeting the "just and reasonable," the "adequate, efficient, and economical," or any other statutory standard Its decision is, therefore, contrary to the mandate of section 1002(e)(2).

Section 1002(e)(5)

Finally,[38] the Board's decision was taken without reference to the factor contained in section 1002(e)(5), "the need of each air carrier for revenue sufficient to enable such air carrier, under honest, economical, and efficient management, to provide adequate and efficient air carrier service." See *American Overseas Airlines, Inc.* v. *CAB,* 103 App. D.C. 41, 254 F. 2d 744 (1958). It is obvious from the foregoing discussion of section 1002(e)(2) that the Board could not and did not give any consideration to "economical and efficient management" or "adequate and efficient air carrier service."

But the degree of divergence of the Board's September 12 opinion from the standard of section 1002(e)(5) bears emphasis. Although the Board repeatedly stated that the carriers had demonstrated a need for "some" additional revenue, it never stated *how much* additional revenue was needed by a carrier or group of carriers,[39] or that tariffs computed on the basis of its formula would provide the undetermined amount of additional needed revenue. It said only:

> We estimate that the fare adjustments we are prepared to accept would produce increased revenues for the trunkline industry of 7.4 percent in first-class service and 3.6 percent in coach service. Currently, about 82.6 percent of trunkline passenger miles involve travel at coach or economy fares and only about 17.4 percent at first-class fares, so that (considering the traffic "mix") such basic fares will be increased by about 4.25 percent. Further, we estimate than an annual increase in revenues equivalent to 2.1 percent may stem from adjustments in promotional fares. Thus, there may be a total revenue increase of approximately 6.35 percent (assuming no diversion or loss of traffic). To the extent of any such dilution, of course, the revenue increase would be less than 6.35 percent." (J.A. —; Order, p. 9.)[40]

The implication is that, after the fare increase, annual first-class revenues will be 7.4 percent more than they would otherwise be, coach revenues will be 3.6 percent greater, overall revenues 6.35 percent greater. The fact, however, is that the Board's estimates were based upon past traffic performance figures, for fiscal 1969, not upon projected future traffic levels, adjusted for changes in fares. The Board could not have considered such projections because, as noted above, it never considered the effect of the new fares it was making upon the movement of traffic. Significantly, the Board never stated that the revenue increase it anticipated—"approximately 6.35 percent (assuming no diversion or loss of traffic)"—complies with the standard of section 1002(e)(5).

Section 102

The standards of section 102 govern all of the Board's activities, including activities with respect to rates.[41] Those standards clearly apply in this case. It is not true, as the Board has contended (Resp. Interloc. Ans., p. 3), that the standards of section 102 are "effectively incorporated" in section 1002(e). Although section 102 contains guidelines that are far more vague than those of section 1002(e), it also contains several factors that are not found in the latter section, such as prevention of unjust discrimination[42] and the need for "competition to the extent necessary to assure the sound development" of the air transportation system.[43] The Board has not mentioned or adhered to these additional standards in the September 12 decision and has indicated by its filing in this Court that it believes them not to be applicable in this case. This belief is, however, belied by the plain meaning of section 102 which makes the section applicable to *all* of the Board's powers and duties, including those regarding rates.

D. The Public Interest Can Only Be Protected If the Statutory Scheme of the Federal Aviation Act Is Judicially Enforced in This Case So That the Board Is Held Accountable for Its Actions

As Petitioners have set out, the Board's decisions of September 12 and 30 stand in flagrant violation of the procedural standards of section 1002(d) and the substantive standards of sections 1002(e) and 102 of the Federal Aviation Act.

The Board should not be permitted to evade the requirements of these statutory mandates by the way it formally designates its actions. When the Board effectively makes maximum rates and assumes responsibility for specific tariffs, as it did in this case, it should be required to conform its procedures and substantive inquiry to the statutory standards.

It is critical that the Board be held responsible here not only for the maximum rate formula but for the tariffs filed by the carriers on the basis of that formula as well. For unless the Court holds that the Board is responsible for those tariffs and strikes them down along with the maximum rate formula, Petitioners and the traveling public will have been denied an effective remedy—even if the Court agrees that the Board's decisions of September 12 and 30 were improper. The immediate harm in the present case is that the public is being called upon to pay fares that were established in violation of the statute. Merely holding illegal the Board's September 12 and 30 orders, by itself, would accord little effective relief. Unless the tariffs that flowed from those orders are also invalidated, the Board would be encouraged simply to find some other way to make its future decisions with respect to rates known to the industry. A precedent should not be established, in this case, to the effect that the formal manner of implementing illegal Board decisions governs the issue of review by the courts.

In sum, we believe that the policies of the Federal Aviation Act, as well as the necessity to preserve the integrity of the administrative process, require invalidation of the Board's September orders and of the tariffs filed pursuant to those orders.

II. The tariffs now in effect are unlawful and should be investigated even if they are not deemed to be the responsibility of the board

Even if this Court concludes that the tariffs based on the Board's rate formula are *not* the responsibility of the CAB, Petitioners are still entitled to relief in this case. For the tariffs are, in and of themselves, unjust and unreasonable and discriminatory within the meaning of section 1002(d) of the statute. At a minimum, Petitioners are entitled to reversal of the Board's decision not to investigate them. *Trailways of New England, Inc.* v. *CAB*, 412 F. 2d 926 (CA 1 1969); *Transcontinental Bus System, Inc.* v. *CAB*, 383 F. 2d 466 (CA 5 1967), *cert. denied,* 390 U.S. 920 (1968).

Although the Board has wide discretion in determining whether to investigate carrier-made tariffs, that discretion is not boundless. The Board may not, for example, dismiss a complaint stating a *prima facie* case of rate discrimination. See, *e.g., Trailways of New England, Inc.* v. *CAB, supra.* Similarly a complaint showing that rates are "uneconomic and unreasonable" may not be dismissed at the whim of the agency. *Transcontinental Bus System, Inc.* v. *CAB, supra.* Here Petitioners' complaint against the tariffs in question met both of these tests.

A. The Tariffs Are *Prima Facie* Unjust and Unreasonable

In the foregoing portion of this brief, Petitioners have demonstrated that the Board failed to apply the standards of section 1002(e) in its decisions of September 12 and 30. For the same reasons alleged above, Petitioners submit that their complaint stated a *prima facie* case that the tariffs filed by the carriers following the Board's decision of September 12 are unjust and unreasonable. The "just and reasonable" standard of sections 404(a) and 1002(d) embodies the more specific standards of section 1002(e). *Florida* v. *United States,* 292 U.S. 1, 7 n. 3 (1934). The tariffs in question are based upon a Board opinion in which the proper standards were not taken into account. Thus, the tariffs that went into effect following the Board's decision of September 30 are not what section 1002(e) or the "just and reasonable" standard of sections 404(a) and 1002(d) contemplate. They have an unpredictable and unpredicted effect upon the movement of traffic, which may well be deleterious. There has been no showing that they will result in enhancing the carriers' earnings. And there is every indication that they will result in increased cash costs and a further decrease in load factors. The tariffs on their face are harmful to the industry and unfair to passengers.[44] For this reason, and because the Board failed to apply the standards of section 1002(e) in its decisions of September 12 and 30, its decision not to investigate was erroneous.

B. The Tariffs Are Prima Facie Discriminatory

Petitioners believe that reversal of the Board's decision not to investigate is also dictated by the fact that the tariffs are discriminatory. They discriminate, first, against passengers traveling in markets where one-carrier service is not available and no single sum through fare for inter-carrier connecting service is published. The tariffs require such passengers to pay an increased terminal charge for each segment of their voyage, plus a higher line haul charge than they would have to pay for a voyage of the same distance made with a single carrier.[45]

To the Petitioners' claim of discrimination against these passengers made in their Petition for Reconsideration, the Board responded on September 30 as follows: "The Congressmen cite the lack of single factor fares in some markets as prejudicial to the interests of the traveling public. We agree and we have already taken action aimed at assuring the establishment of single sum fares in all markets whether served by a single carrier or not which meet a minimum traffic standard. In any event, suspension of the proposed tariffs is no solution to this problem since the pre-existing structure suffers from the same deficiency." (J.A. —; Reconsid. Op., p. 2 n.1.)[46] This statement, however, misses the point. The Board is forbidden by statute and case law to permit tariffs with such a deficiency to go, unexamined, into effect. See sections 404(b) and 102(c) of the Act and, *e.g., Trailways of New England, Inc.* v. *CAB,* 412 F.2d 926 (CA 1 1969); *Transcontinental Bus System, Inc.* v. *CAB,* 383 F.2d 466 (CA 5 1967), *cert. denied,* 390 U.S. 920 (1968). It is under statutory injunction to investigate such tariffs and, upon a finding of unlawfulness, to take the necessary steps to cure

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the deficiency. Section 1002(d) and (i), 49 U.S.C. 1482(d), (i). The Board's "agreement" that the fare structure that went into effect in October is "prejudicial to the traveling public" amounts to an admission that its decision not to investigate such tariffs is contrary to law.

In the second place, the tariffs now in effect discriminate against passengers traveling between uncongested airports and in favor of those moving between congested airports. Since airline costs are incurred on the basis of time, not mileage, any tariff under which equal fares are charged for flights of unequal time results in a shift of the cost burden from one set of passengers to another. (Pet. Memo. App. C 8604.) The Board, in its September 12 decision, recognized this problem but disagreed that the solution was to base tariffs on flight time rather than flight mileage. "A much simpler approach, and one which would accomplish substantially the same result, would be a variable terminal charge based primarily on congestion but including other terminal variables, such as landing fees." (J.A.—; Order, p. 6.) However, as soon as the Board raised this possible means of mitigating the discrimination, it cast it aside with the comment that "there are many unknown or unmeasurable variables which have not so far been reflected in determining the appropriate variation between terminals." Like so many other points urged by Petitioners in this case, the matter of discrimination was put over for further "explorations." This appears to be just one more decision taken by the Board, in its haste to accord the carriers a fare increase, in derogation of the Federal Aviation Act of 1958.

Thus, the tariffs now in effect are discriminatory in at least two ways.[47] The Board's decision not to investigate such tariffs, and to dismiss Petitioners' complaint against them, was erroneous.

CONCLUSION AND PRAYER

For the foregoing reasons, Petitioners respectfully pray this Court to,

1. Vacate the Board's orders of September 12, 1969, and September 30, 1969; and

2. Vacate or order the Board to vacate the tariffs filed pursuant to those orders of the Board, and order the Board to restore the *status quo ante* by reverting to the tariffs in effect prior to October 1, 1969, pending the establishment of tariffs in accordance with the Federal Aviation Act of 1958;

3. In the alternative, should the Court find the tariffs filed following the Board's order of September 12, 1969, not to be the responsibility of the Board,

(a) Vacate the Board's order of September 12, 1969, insofar as it sets a maximum rate for domestic passenger fares;

(b) Reverse and set aside the Board's decision not to investigate the tariffs; and

(c) Remand for further proceedings not inconsistent with the decision of this Court.

4. Order such other and further relief, including refunds to passengers and/or trust fund arrangements by the carriers, as the Court shall consider just and proper.

Respectfully submitted.

Dated: January 23, 1970.

FOOTNOTES

*Cases chiefly relied on.

[1] Hereinafter cited as *Passenger Fare Revisions*.

[2] The Federal Aviation Act of 1958 is found at 49 U.S.C. §§ 1301 *et seq*. For purposes of brevity, citations of the statute will be made in this brief only to the pertinent section of the act, not to the section number of the United States Code.

[3] Although *Passenger Fare Revisions* began only last August, the case has been many months in developing. Several of the issues raised since August, and now presented to this Court, find their genesis in pre-August events—for example, submission by Petitioners of a 90-page complaint detailing the legal criteria and factual considerations which they contended should govern the Board's review of passenger tariff proposals. That complaint was incorporated by reference in the Petitioners' post-August presentation to the Board, but there are other matters, not specifically brought up after August, which had a profound influence upon the decision-making process and outcome of *Passenger Fare Revisions*. Because Petitioners considered it helpful for a proper understanding of the issues raised in this case to comprehend the factual context in which those issues were first presented, they prepared a summary of the background of this case, which was attached as Appendix B to their memorandum to this Court in support of a motion for interlocutory relief. [Hereinafter cited as Pet. Memo. App. B.]

[4] The Board's customary response to questions of air fares, as set out in Pet. Memo. App. B, has been to schedule closed, *ex parte* meetings with the carriers, in which the carriers and the agency thrash out the various proposals under consideration and reach general agreement as to an appropriate course of action.

[5] Much of the record in this case has been reprinted in the CONGRESSIONAL RECORD, vol. 115, pt. 20, pp. 27404–27456. In the interest of economy and because that material is already before the Court (as Appendix C to Pet. Memo.), we shall move not to redesignate the same material as part of the Appendix to this brief. Citations to those portions of the record in this case that have been thus reprinted and filed with this Court will be given as "Pet. Memo. App. C" followed by a page number in the reprint.

[6] The transcript that was subsequently made available reflects a lively and highly interesting discussion. (Pet. Memo. App. C 8598–602). With the Board members listening intently and occasionally expressing their "personal" views, the carrier representatives brought up and discussed a number of issues that were directly relevant to the pending filings and that were later to be resolved in the Board's decision of September 12: adjustment of youth and other promotional fares, establishment of a more uniform fare system with a taper according to mileage, the necessity of an immediate fare increase, the tension between cost-orientation and value-of-service in making rates, the inflation problem, the desirability of a mathematical formula for calculating fares, and antitrust immunity to discuss joint fares. In addition, Chairman Crooker advised the carriers regarding the specific questions that would be of major interest to the Board when it held oral argument on the proposed tariff revisions, including several questions that were never to be announced publicly. Two of the recent filings were discussed, with the participants going off the record at one point to discuss Continental's proposal.

The fact that a transcript of this meeting was made at all is itself interesting. No such practice had earlier been followed by the Board, out of what the Chairman termed, in a letter to Petitioner Moss of March 5, 1969, the "desire to encourage a freer flow of discussion." (Pet. Memo. App. C 8570–71). In an apparent change of heart, and following inquiries by Petitioner Moss, the Board had transcripts prepared for meetings it held with the carriers on June 16, 1969, and July 22, 1969, as well as for the August 14, 1969, meeting. (See Pet. Memo. App. C 8588–91, 8592–97).

[7] The Petitioners' complaint of April 21 (hereinafter cited as First Complaint), which was filed in docket 20928, *Passenger Fare Revisions Proposed by American Airlines, Inc., Braniff Airways, Inc., Trans World Airlines, Inc., United Air Lines, Inc., and Western Air Lines, Inc.*, is summarized in Pet. Memo. App. B and found at Pet. Memo. App. C 8571–87. This complaint was incorporated by reference in the complaint of August 20 (hereinafter referred to as Second Complaint). The Second Complaint is found at Pet. Memo. App. C. 8603–05.

[8] Because of indications in the press and elsewhere that the Board had already reached a decision in regard to the pending tariffs, Petitioners declined to participate in the September 4 "oral argument." (See Pet. Memo. App. C 8605–06.)

[9] See p. 6, *supra*.

[10] Petitioner Moss replied, renewing his objection, on September 10, 1969. (Pet. Memo. App. C 8606–07.)

[11] The opinion of September 12 is found at Pet. Memo. App. C 8607–13 and is included separately, in the Joint Appendix to the briefs in this case. Citations to the opinion will be given to a page number in the Joint Appendix (cited as "J.A."), as well as to a page number in the original order, pending a decision on our motions filed with this brief to waive the requirement that an appendix subsequently be filed.

[12] In accordance with one of the points urged by Petitioners in the First Complaint, the Board determined that its formula would be based on airport-to-airport mileage, rather than the city-center-to-city-center mileage employed by American.

[13] No such ruling has been rendered as of the date of filing of this brief, January 23, 1970.

[14] This is a charge for "getting on and getting off"—a flat fee per voyage.

[15] All certificated, scheduled, domestic carriers subject to CAB regulation submitted tariffs. Those tariffs were identical to those proposed by the Board, with a few insignificant exceptions, such as Delta's filing for a slightly lower youth promotional fare than the Board had contemplated.

[16] Respondent's Answer in Opposition to Petitioners' Motion for Interlocutory Relief, p. 8 (hereinafter cited as Resp. Interloc. Ans.)

[17] The Petition for Reconsideration is found at Pet. Memo. App. C 8613–15.

[18] The Board's opinion of September 30 is to be included in the Joint Appendix, pending a ruling on our motion to omit the appendix. The September 30 opinion is also found as Appendix F to Pet. Memo.

[19] Under the terms of section 1002(d), a "maximum" rate determination is one form of ratemaking.

[20] Moreover, the CAB has already applied its formula in other proceedings and has thus indicated that it intends to rely upon that formula as a general guide for its ratemaking tasks. See *States-Alaska and Intra-Alaska Fare Increases Proposed by Alaska Air-Lines, Inc., Pan American World Airways, Inc., Western Air Lines, Inc.*, Docket 21599, Order of Investigation and Suspension of November 14, 1969. Thus, the Board's formula appears to be far more than a transitory order applicable to but a single proceeding.

[21] Furthermore, as Petitioners shall demonstrate below, there was irresistible pressure upon the carriers to file for the precise increase approved by the Board. See pp. 37–39, *infra*.

[22] As Petitioners noted in their Supplementary Memorandum in Support of Interlocutory Relief, filed on January 19, 1970, their position is that the Board "prescribed or approved" specific tariffs within the meaning of *Arizona Grocery Co.* v. *Atchison, T. & S.F. Ry.*, 284 U.S. 370 (1932), and Section 2 of the Administrative Procedure Act, 5 U.S.C. § 551. See *ICC* v. *Mechling*, 330 U.S. 567 (1947), and pp. 35–37, *infra*.

[23] Section 1002(d) provides that, before the Board makes rates, it must give notice, hold a hearing, and find that the rates in effect and those proposed by the carriers are unlawful. Section 1002(e) contains a set of standards governing the Board's "powers and duties with respect to the determination of rates." Section 102 contains standards applicable to all of the Board's powers and

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duties under the Federal Aviation Act. These sections are discussed more fully in the following parts of this brief.

[24] In the Board's words, its "orders do not purport to be ratemaking orders. . . ." Resp. Interloc. Ans. p. 14.

[25] See Resp. Interloc. Ans. pp. 3, 14–17.

[26] The right to a full hearing before the Board derives from section 1002(d), and there are thorny problems with judicial review and invalidation of tariffs which are *not* the responsibility of the Board and which it refuses even to investigate. See *Arrow Transportation Co.* v. *Southern RR. Co.*, 372 U.S. 658 (1963); *Transcontinental Bus System, Inc.* v. *CAB, supra*, at 473 n. 11. The Board in the *Transcontinental* case argued in reliance upon *Arrow Transportation* that the Fifth Circuit could order only an investigation, not a suspension, of the tariffs in question. See Brief for Respondent, p. 20, n. 20.

[27] The Board's sole contention in this regard appeared to rest, at oral argument on Petitioners' motion for interlocutory relief, on the alleged time-consuming nature of a general passenger fare investigation. Counsel for the Board cited one example in which the Board consumed 4½ years in attempting such an investigation. There would appear, however, to be no reason why a general passenger fare investigation should require that amount of time—particularly when the agency claims already to have built up a substantial body of expertise. On one of the rare occasions in its history when the Board did complete a general investigation of rates (freight rather than passenger rates), the investigation was concluded within a few months. *Air Freight Rate Investigation*, 9 C.A.B. 340 (1948).

Moreover, in making the above argument, the Board appears to be confusing a *general passenger fare investigation*, which Petitioners believe may be necessary in order for the Board in this case to obey the mandate of section 1002(e), see Petitioners' Memorandum in Support of Interlocutory Relief, pp. 69–70, with the *hearing* that Petitioners urge *is always necessary* under section 1002(d) whenever the Board undertakes to prescribe or approve rates. There is no reason whatsoever why the 1002(d) hearing should require 4½ years and, as the Board has not conducted such hearings, no horrible example to cite.

[28] The Board's reliance on *McManus* v. *CAB*, 286 F. 2d 414 (CA 2), *cert. denied*, 366 U.S. 928 (1961), for a contrary proposition is misplaced. See Resp. Interloc. Ans., p. 15 n. 8. That case dealt only with the Board's powers under section 412 of the Act—a provision not related to ratemaking and not controlled by detailed statutory standards of procedure and substance, such as those of sections 1002(d) and 1002(e).

[29] The "approved or prescribed" language was adopted by Congress in section 2 of the Administrative Procedure Act, 5 U.S.C. § 551.

[30] In addition, because of its desire that the carriers meet and discuss joint fares, the Board required that tariffs implementing its formula all have an expiration date of January 31, 1970. Simultaneously, it required that tariffs with pre-formula fares be filed for an effective date of February 1, 1970.

[31] See Pet. Memo. App. C 8564.

[32] Petitioners are not alone in this belief. One of the intervenors in this case, Continental Airlines, has indicated, in a recent filing with the Board, that it considers the Board's formula (though not its grant of higher fares) to be inequitable and that the carriers, including Continental, conformed to it because they had no choice: Continental there argues against "a rigid fare formula, such as that adopted by the Board, altering substantially the fare structure" and accuses the Board of "tieing a fare increase to acceptance of a Board devised formula which in fact determined the specific fares . . ." Letter to Civil Aeronautics Board from Marvin L. Davis, Vice President, Continental Airlines, December 30, 1969 pp. 2, 6. See also Petition of National Airlines, Inc., for Reconsideration of Order 69–9–68 (Sept. 22, 1969).

[33] Brief for the United States in Opposition, p. 2. According to the Government, "the court . . . found it unnecessary to pass upon the legality of the Commission's 'continuing surveillance' of communication carriers—the process of informal meetings in which interstate rates are discussed." The Government represented to the Supreme Court that "the United States has had no occasion to take a position on this issue and we are satisfied that the question need not be reached on this record." *Id.* at 9–10 n. 4

[34] The provisions of section 1002(e) have been reprinted in the addendum to this brief.

[35] The question of the effect of rates on traffic movement is one of elasticity of demand. As the Supreme Court has recognized, "the raising of rates does not necessarily increase revenue. It may . . . reduce revenue instead of increasing it, by discouraging patronage." *Florida* v. *United States*, 282 U.S. 194, 214 (1931).

[36] Load factor standards—standards indicating the percentage of available aircraft capacity which should ordinarily be sold—are generally recognized by the airline industry as one of the best measures of adequacy and efficiency. They are regularly employed by the carriers in making their own economic forecasts and analyses.

[37] It is worth noting that the Board in this case never claimed that use of its formula would improve the carriers' net earnings.

[38] The standards imposed by sections 1002(e)(3) and 1002(e)(4) appear to be of less significance than the others in section 1002. It cannot plausibly be claimed, however, that the Board paid these standards any more attention on September 12 and 30 than it did the others. Section 1002(e)(3) has been interpreted by a Board examiner as simply repetitive of section 1002(e)(2). *General Passenger Fare Investigation*, C.A.B. Docket 8008 et al., Initial Decision of Examiner Ralph L. Wiser, served May 27, 1959, Slip Opinion, p. 8 n. 10. Section 1002(e)(4), which refers to the "inherent advantages of transportation by aircraft" and was based on section 216(c) of the Motor Carrier Act, apparently requires the Board to fix airline rates on a basis that reflects the cost advantages of this mode of transportation. See 79 *Cong. Rec.* 5656 (April 15, 1935) (remarks of Senator Wheeler). Neither of these standards was mentioned by the Board in this case.

[39] The Board did not determine the "need of each air carrier," as section 1002(e)(5) requires. It simply considered all the domestic trunklines and local service carriers as a group. The point is worth noting because sections 15a(2) of the Interstate Commerce Act, on which section 1002(e) of the Federal Aviation Act was based, differs here by referring only to the "carriers" as a group. See, in this regard, the Petition of National Airlines, Inc., for Reconsideration of Order 69–9–68 (Sept. 22, 1969).

[40] With respect to the local service carriers, the Board never even made an estimate of the impact of its decision upon revenues. This fact cannot be ignored because the rates prescribed by the Board were intended to have a greater impact on short-haul fares than on long-haul fares, and therefore should effect a greater change in short-haul traffic and revenues.

[41] The provisions of section 102 are reprinted in the addendum to this brief.

[42] The reasons why the Board's formula is discriminatory will be spelled out fully in the second part of this brief, dealing with the unlawfulness of the specific tariffs filed on the basis of that formula even if those tariffs should not be considered the responsibility of the Board.

[43] Thus, the Board's method of arriving at fares for the entire industry through *ex parte* meetings with the carriers and other procedures totally lacking in statutory foundation have helped to eliminate significant price competition in this industry and would appear to be in violation of section 102.

[44] See pp. 47–48, *supra*. The burden of supporting proposed tariffs is, under the Board's rules, on the carriers. See 14 CFR § 302.506.

[45] Such travelers are regarded, under the tariffs in question, as making separate voyages. Therefore, in addition to paying the terminal charge more than once, they fall at least twice within the first, highest-priced, mileage block established by the Board.

[46] This statement may be contrasted with the Board's decision of May 8 in which it found "no reason for continuing such inequity." (Pet. Memo. App. C 8588.) It should also be compared with section 1002(i) which commands the Board, "whenever required by the public convenience and necessity," to establish through service and joint fares itself.

[47] Continental Airlines, in a recent filing before the Board, has claimed in addition that the Board's maximum rate formula and the specific tariffs based on it discriminate among the carriers, as the Board made no effort to assess and meet the separate needs of each carrier. *Letter to CAB, supra* n. 32, p. 7. See also Petition of National Airlines, Inc., for Reconsideration of Order 69–9–68 (Sept. 22, 1969).

Addendum: Statutes Involved

5 U.S.C.

§ 551(4), (5):

"For the purpose of this subchapter—

"(4) 'rule' means the whole or a part of an agency statement of general or particular applicability and future effect designed to implement, interpret, or prescribe law or policy or describing the organization, procedure, or practice requirements of an agency and includes the approval or prescription for the future of rates, wages, corporate or financial structures or reorganizations thereof, prices, facilities, appliances, services or allowances therefor or of valuations, costs, or accounting, or practices bearing on any of the foregoing;

"(5) 'rule making' means agency process for formulating, amending, or repealing a rule."

§ 553(b), (c):

"(b) General notice of proposed rule making shall be published in the Federal Register, unless persons subject thereto are named and either personally served or otherwise have actual notice thereof in accordance with law. The notice shall include—

"(1) a statement of the time, place and nature of public rule making proceedings;

"(2) reference to the legal authority under which the rule is proposed; and

"(3) either the terms or substance of the proposed rule or a description of the subjects and issues involved.

Except when notice or hearing is required by statute, this subsection does not apply—

"(A) to interpretative rules, general statements of policy, or rules of agency organization, procedure, or practice; or

"(B) when the agency for good cause finds (and incorporates the finding and a brief statement of reasons therefor in the rules issued (that notice and public procedure thereon are impracticable, unnecessary, or contrary to the public interest.

"(c) After notice required by this section, the agency shall give interested persons an opportunity to participate in the rule making through submission of written data, views, or arguments with or without opportunity for oral presentation. After consideration of the relevant matter presented, the agency shall incorporate in the rules adopted a concise general statement of their basis and purpose. When rules are required by statute to be made on the record after opportunity for an agency hearing, sections 556 and 557 of this title apply instead of this subsection."

§ 556(a), (d):

"(a) This section applies, according to the provisions thereof, to hearings required by section 553 or 554 of this title to be conducted in accordance with this section.

"(d) Except as otherwise provided by statute, the proponent of a rule of order has the burden of proof. Any oral or documentary evidence may be received, but the agency as a matter of policy shall provide for the exclusion of irrelevant, immaterial, or unduly repetitious evidence. A sanction may not be imposed or rule or order issued except on consideration of the whole record or those parts thereof cited by a party and supported by and in accordance with the reliable, probative, and substantial evidence. A party is entitled to present his case or defense by oral or documentary evidence, to submit rebuttal evidence, and to conduct such cross-examination as may be required for a full and true disclosure of the facts. In rule making or determining claims for money or benefits or applications for initial licenses an agency may, when a party will not be prejudiced thereby, adopt procedures for the submission of all or part of the evidence in written form.

§ 706:

"To the extent necessary to decision and when presented, the reviewing court shall decide all relevant questions of law, interpret constitutional and statutory provisions, and determine the meaning and applicability of the terms of an agency action. The reviewing court shall—

"(1) compel agency action unlawfully withheld or unreasonably delayed; and

"(2) hold unlawful and set aside agency action, findings, and conclusions found to be—

"(A) arbitrary, capricious, and abuse of discretion, or otherwise not in accordance with law;

"(B) contrary to constitutional right, power, privilege, or immunity;

"(C) in excess of statutory jurisdiction, authority, or limitations, or short of statutory right;

"(D) without observance of procedure required by law;

"(E) unsupported by substantial evidence in a case subject to sections 556 and 557 of this title or other wise reviewed on the record of an agency hearing provided by statute; or

"(F) unwarranted by the facts to the extent that the facts are subject to trial de novo by the reviewing court.

In making the foregoing determinations, the court shall review the whole record or those parts of it cited by a party, and due account shall be taken of the rule of prejudicial error."

49 U.S.C.

§ 1302 (Federal Aviation Act § 102):

"In the exercise and performance of its powers and duties under this chapter, the Board shall consider the following, among other things, as being in the public interest, and in accordance with the public convenience and necessity:

"(a) The encouragement and development of air-transportation system properly adapted to the present and future needs of the foreign and domestic commerce of the United States, of the Postal Service, and of the national defense;

"(b) The regulation of air transportation in such manner as to recognize and preserve the inherent advantages of, assure the highest degree of safety in, and foster sound economic conditions in, such transportation, and to improve the relations between, and coordinate transportation by, air carriers;

"(c) The promotion of adequate, economical, and efficient service by air carriers at reasonable charges, without unjust discriminations, undue preferences or advantages, or unfair or destructive competitive practices;

"(d) Competition to the extent necessary to assure the sound development of an air-transportation system properly adapted to the needs of the foreign and domestic commerce of the United States, of the Postal Service, and of the national defense;

"(e) The promotion of safety in air commerce; and

"(f) The promotion, encouragement, and development of civil aeronautics."

§1374 (a)(b) (Federal Aviation Act § 404 (a)(b)):

"(a) It shall be the duty of every air carrier to provide and furnish interstate and overseas air transportation, as authorized by its certificate, upon reasonable request therefor and to provide reasonable through service in such air transportation in connection with other air carriers; to provide safe and adequate service, equipment, and facilities in connection with such transportation; to establish, observe, and enforce just and reasonable individual and joint rates, fares, and charges, and just and reasonable classifications, rules, regulations, and practices relating to such air transportation; and, in case of such joint rates, fares, and charges, to establish just, reasonable, and equitable divisions thereof as between air carriers participating therein which shall not unduly prefer or prejudice any of such participating air carriers.

"(b) No air carrier or foreign air carrier shall make, give, or cause any undue or unreasonable preference or advantage to any particular person, port, locality, or description of traffic in air transportation in any respect whatsoever or subject any particular person, port, locality, or description of traffic in air transportation to any unjust discrimination or any undue or unreasonable prejudice or disadvantage in any respect whatsoever.

§ 1482(a)(d)(e)(g)(i) (Federal Aviation Act § 1002(a)(d)(e)(g)(i)):

"(a) Any person may file with the Administrator or the Board, as to matters within their respective jurisdictions, a complaint in writing with respect to anything done or omitted to be done by any person in contravention of any provisions of this chapter, or of any requirements established pursuant thereto. If the person complained against shall not satisfy the complaint and there shall appear to be any reasonable ground for investigating the complaint, it shall be the duty of the Administrator or the Board to investigate the matters complained of. Whenever the Administrator or the Board is of the opinion that any complaint does not state facts which warrant an investigation or action, such complaint may be dismissed without hearing. In the case of complaints against a member of the Armed Forces of the United States acting in the performance of his official duties, the Administrator or the Board, as the case may be, shall refer the complaint to the Secretary of the department concerned for action. The Secretary shall, within ninety days after receiving such a complaint, inform the Administrator or the Board of his disposition of the complaint, including a report as to any corrective or disciplinary actions taken.

"(d) Whenever, after notice and hearing, upon complaint, or upon its own initiative, the Board shall be of the opinion that any individual, or joint rate, fare, or charge demanded, charged, collected, or received by any air carrier for interstate or overseas air transportation, or any classification, rule, regulation, or practice affecting such rate; fare, or charge, or the value of the Service thereunder, is or will be unjust or unreasonable, or injustly discriminatory, or unduly preferential, or unduly prejudicial, the Board shall determine and prescribe the lawful rate, fare, or charge (or the maximum or minimum, or the maximum and minimum thereof) thereafter to be demanded, charged, collected, or received, or the lawful classification, rule, regulation, or practice thereafter to be made effective: *Provided*, That as to rates, fares, and charges for overseas air transportation, the Board shall determine and prescribe only a just and reasonable maximum or minimum, or maximum and minimum rate, fare, or charge.

"(e) In exercising and performing its powers and duties with respect to the determination of rates for the carriage of persons or property, the Board shall take into consideration, among other factors—

"(1) The effect of such rates upon the movement of traffic;

"(2) The need in the public interest of adequate and efficient transportation of persons and property by air carriers at the lowest cost consistent with the furnishing of such service;

"(3) Such standards respecting the character and quality of service to be rendered by air carriers as may be prescribed by or pursuant to law;

"(4) The inherent advantages of transportation by aircraft; and

"(5) The need of each air carrier for revenue sufficient to enable such air carrier, under honest, economical, and efficient management, to provide adequate and efficient air carrier service.

"(g) Whenever any air carrier shall file with the Board a tariff stating a new individual or joint (between air carriers) rate, fare, or charge for interstate or overseas air transportation or any classification, rule, regulation, or practice affecting such rate, fare, or charge, or the value of the service thereunder, the Board is empowered, upon complaint or upon its own initiative, at once, and if it so orders, without answer or other formal pleading by the air carrier, but upon reasonable notice, to enter upon a hearing concerning the lawfulness of such rate, fare, or charge, or such classification, rule, regulation, or practice; and pending such hearing and the decision thereon, the Board, by filing with such tariff, and delivering to the air carrier affected thereby, a statement in writing of its reasons for such suspension, may suspend the operation of such tariff and defer the use of such rate, fare, or charge, or such classification, rule, regulation, or practice, for a period of ninety days, and, if the proceeding has not been concluded and a final order made within such period, the Board may, from time to time, extend the period of suspension, but not for a longer period in the aggregate than one hundred and eighty days beyond the time when such tariff would otherwise go into effect; and, after hearing, whether completed before or after the rate, fare, charge, classification, rule, regulation, or practice goes into effect, the Board may make such order with reference thereto as would be proper in a proceeding instituted after such rate, fare, charge, classification, rule, regulation, or practice had become effective. If the proceeding has not been concluded and an order made within the period of suspension, the proposed rate, fare, charge, classification, rule, regulation, or practice shall go into effect at the end of such period: *Provided*, That this subsection shall not apply to any initial tariff filed by any air carrier.

"(i) The Board shall, whenever required by the public convenience and necessity, after notice and hearing, upon complaint or upon its own initiative, establish through service and joint rates, fares, or charges (or the maxima or minima, or the maxima and minima thereof) for interstate or overseas air transportation, or the classification, rules, regulations, or practices affecting such rates, fares, or charges, or the value of the service thereunder, and the terms and conditions under which such through service shall be operated: *Provided*, That as to joint rates, fares, and charges for overseas air trans-

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portation the Board shall determine and prescribe only just and reasonable maximum or minimum or maximum and minimum joint rates, fares, or charges."

§ 1486 (a) (b) (d) (Federal Aviation Act § 1006(a) (b) (d):

"(a) Any order, affirmative or negative, issued by the Board or Administrator under this chapter, except any order in respect of any foreign air carrier subject to the approval of the President as provided in section 1461 of this title, shall be subject to review by the courts of appeals of the United States or the United States Court of Appeals for the District of Columbia upon petition, filed within sixty days after the entry of such order, by any person disclosing a substantial interest in such order. After the expiration of said sixty days a petition may be filed only by leave of court upon a showing of reasonable grounds for failure to file the petition theretofore.

"(b) A petition under this section shall be filed in the court for the circuit wherein the petitioner resides or has his principal place of business or in the United States Court of Appeals for the District of Columbia.

"(d) Upon transmittal of the petition to the Board or Administrator, the court shall have exclusive jurisdiction to affirm, modify, or set aside the order complained of, in whole or in part, and if need be, to order further proceedings by the Board or Administrator. Upon good cause shown and after reasonable notice to the Board or Administrator, interlocutory relief may be granted by stay of the order or by such mandatory or other relief as may be appropriate."

Earlier this week we also filed with the court a supplementary memorandum in connection with our pending motion in that court for interlocutory relief in this case. The supplementary memorandum was filed in response to an order of the court, affording the parties the opportunity to present their views on two legal issues.

The supplementary memorandum follows:

[In the U.S. Court of Appeals for the District of Columbia Circuit, No. 23,627]

SUPPLEMENTARY MEMORANDUM IN SUPPORT OF PETITIONERS' MOTION FOR INTERLOCUTORY RELIEF

John E. Moss, Glenn M. Anderson, Thomas L. Ashley, Walter S. Baring, George E. Brown, Jr., Phillip Burton, Daniel E. Button, Jeffery Cohelan, James C. Corman, John D. Dingell, Don Edwards, Richard T. Hanna, Augustus F. Hawkins, Chet Holifield, Harold T. Johnson, Robert L. Leggett, Joseph M. McDade, John McFall, Spark M. Matsunaga, George P. Miller, Joseph G. Minish, Patsy T. Mink, Jerry L. Pettis, Thomas M. Rees, Peter W. Rodino, Jr., Edward R. Roybal, Bernie Sisk, Charles M. Teague, John Tunney, Lionel Van Deerlin, Jerome R. Waldie, Charles H. Wilson, Petitioners v. *Civil Aeronautics Board, Respondent.*

This memorandum is filed in response to an order of the Court entered on January 9, 1970, permitting the parties in this case to supplement their papers before the Court on two matters: (1) the feasibility of monthly filed statements by the carriers with the Board setting forth with reasonable accuracy the money amounts calculated to be attributable to the new tariffs; and (2) the power of the Court to suspend rates pending the determination of the Court's jurisdiction.

1. THE FEASIBILITY OF MONTHLY FILED STATEMENTS

We have examined the feasibility of requiring the carriers to file with the Board monthly statements setting forth with reasonable accuracy the money amounts calculated to be attributable to the new tariffs. We conclude that such a procedure (a) would not only be entirely feasible but would be relatively inexpensive and simple to manage, and (b) would be within the scope of suitable alternative interlocutory relief which is necessary to protect the traveling public pending a final determination of this case on the merits.

A calculation of the increased money amounts attributable to the new tariffs could be done in a number of acceptable ways. The Board itself has already shown one convenient method for doing so, based on the Board's calculations of the percentage increases provided by the new tariffs. In its order of September 12, 1969, the Board set out specific calculations of the percentage fare increase which each trunk carrier should realize under the Board's formula.[1] Thus, the only calculation that each carrier need make is to divide its monthly gross receipts by a figure reflecting the percentage increase which the Board determined would be provided to that carrier under the new fare formula.

The Board's calculations determined that each carrier would receive the following revenue increase from the September 12 tariff formula:

Percent increase, domestic trunk carriers

American	7.52
Braniff	6.10
Continental	5.12
Delta	4.57
Eastern	5.49
National	3.02
Northeast	4.00
Northwest	7.78
Trans World	6.61
United	7.20
Western	6.98

This method of calculation used by the Board was not challenged by any carrier as inaccurate and, indeed, was relied on in a recent filing before the Board by one of the intervenors in this case, Continental Airlines.[2] It appears to provide a ready method for calculating the monthly increase in fares attributable to the new tariffs. Thus, for example, the amount which American Airlines would report to the Board as attributable to the fare increase would be a figure equal to its monthly gross receipts minus [monthly gross receipts divided by 1.0752]; Braniff would report a figure equal to its monthly gross receipts minus [monthly gross receipts divided by 1.0610]; and other carriers would report amounts similarly computed.[3]

We believe that this procedure would provide an accounting that meets the test of reasonable accuracy.[4] Attached to this memorandum is a supporting affidavit on this point from Richard W. Klabzuba, a consultant presently on the staff of Petitioner Moss who has studied the airline industry closely and has actively followed the present proceedings.

Further, it could be provided that any carrier that so wished could use more detailed data from its actual operating experience to provide a more refined calculation. The option might be left with each carrier, subject to approval by the Board. A carrier might, for example, wish to break down the receipts attributable to the fare increase by class of service—first class, coach, excursion, and the like; indeed, the Board's computations of the proposed fare increase included such a percentage break-down. Or a carrier might wish to compute the increase which it actually received on each of its routes for each class of service, or even to compute the increase on each ticket issued.

The carriers are already required by the Board to keep sufficient information to make any of these optional calculations; indeed, the carriers are required to audit and retain for at least two years a copy of every flight coupon sold.[5] These and other refinements—for example, the treatment of commissions paid to travel agents on the basis of the higher fares—can all be worked out, as the carriers may request and within the framework of the Court's order, before the Board.

It would seem sufficient for the Court to set out the principles upon which a reasonably accurate accounting is to be made, and then for the parties and the Board to develop, as they wish, more refined figures within that framework. This was the course of action followed in *Bebchick* v. *Public Utilities Commission*, 115 App. D.C. 216, 232–33, 318 F. 2d 187, 203–04 (*en banc*), *cert. denied*, 373 U.S. 913 (1963).

Petitioners would suggest that if a carrier should decide to submit more detailed monthly information on its operations than would be provided by using the Board's percentage calculations, (a) its procedures should be consistent from month to month, and (b) the public should have an opportunity to comment upon the particular accounting procedures used. If a dispute should arise, the Board could then pass upon the reasonableness of such procedures—in proceedings conducted on the record.

We believe that the financial reporting procedures envisioned above would be feasible, inexpensive, and accurate. Under these procedures, the carriers would report the increased receipts to the Board, calculated in accordance with the Board's percentage determinations, within a reasonable period of time after the end of the month—say, 15 to 30 days.[6] If a carrier then wishes, and has worked out an appropriate arrangement with the Board, it might modify its report to reflect refinements based on its actual operating data.

We would also urge that the money amounts so reported should be posted in separate accounts on the carriers' books, and, as in the *Bebchick* case, *supra*, remain in those accounts until a subsequent determination by the Board or the Court, after a final order in this case, as to their disposition in the interest of the traveling public.[7]

Petitioners believe that the procedures described above are not only feasible but meet the objections which the carriers raised to the refund procedure that we had earlier suggested. The monthly financial reports described above will not require the airlines to collect any further information from each passenger; rather, the carriers will deal with aggregate numbers of passengers on the basis of information already in their possession.[8]

Moreover, establishing such a reporting procedure would help assure that the case could not readily be rendered moot by the carriers or the Board. See *Bebchick* v. *Public Utilities Comm'n, supra*, 115 App. D.C. at 218–19, 318 F. 2d at 189–90. It would also have a beneficial effect, should the Board order some formal fare investigation, in assuring that the carriers conduct themselves with expedition during that investigation.

Finally, there appears to be no reason why the accounting described above could not be performed for periods beginning with the date on which the fare increase went into effect (October 1 for most carriers). No practical bar would prevent setting an initial date earlier than that of the Court's order because here, unlike the case of our suggested refund procedure, the carriers already have complete information on which to calculate the amounts involved. Nor is there any legal bar to such a procedure. See, in addition to *Bebchick* and the cases cited in footnote 7, *supra*, *Alaska SS Co.* v. *FMC*, 344 F. 2d 810, 815 n. 4 (CA 9 1965). We note in this regard that if the Court as part of its order were to require the fares to be invalidated prospectively, such an order could also establish an accounting procedure for the period during which the fares have been in effect.

In conclusion, Petitioners endorse the monthly reporting procedure. We urge that

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Footnotes at end of article.

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it be considered as an addition to, and not to the exclusion of, the principal suggestions as to interlocutory relief in our earlier memorandum.[9] Thus, we do not believe that the carriers have yet demonstrated the impracticability of a refund procedure,[10] and there are ways to meet their specific objections to such a procedure.[11] Further, we believe the Court has the power to order what is undoubtedly the most effective form of interlocutory relief in this case—invalidating the present fares altogether. Indeed, unless the fare increase is invalidated, the traveling public will suffer some injury, whatever other form of interlocutory relief might be afforded, through paying the higher fares on a day-to-day basis. It is to the Court's power as a form of interlocutory relief to invalidate the fare increase that we now turn.

2. THE COURT'S POWER TO SUSPEND RATES PENDING A DETERMINATION OF THE COURT'S JURISDICTION

The second question on which the Court invited a supplementary discussion is with regard to its power to suspend rates pending the determination of the Court's jurisdiction.

The jurisdiction of this Court to review the Board's orders of September 12 and 30 and to grant *some remedy* is beyond disputes. Section 1006 of the Federal Aviation Act of 1958, 49 U.S.C. § 1486, provides that "any order, affirmative or negative, issued by the Board . . . under this chapter . . . shall be subject to review by the courts of appeals of the United States or the United States Court of Appeals for the District of Columbia upon petition, filed within sixty days after the entry of such order, by any person disclosing a substantial interest in such order." Petitioners contend that the Board, in its September orders, made maximum rates and assumed responsibility for specific tariffs filed in accordance with those rates.[12] The Board claims that it is not responsible for any rates or tariffs and that it simply permitted tariffs filed by the carriers to go into effect. *But both parties are agreed that this Court has jurisdiction of the cause under Section 1006.*

The Board accepts, as it must, the proposition that the court, if it believes the agency has acted unlawfully, may order it at least to investigate the tariffs now in effect. See, *e.g., Trailways of New England, Inc.* v. *CAB*, 412 F. 2d 926 (CA 1 1969). Petitioners submit that, in the circumstances of this case, the Court may go further: it may find, as Petitioners contend, that the Board made maximum rates and is responsible for the tariffs now in effect; and it may rescind the Board's maximum rate formula and strike down or order the Board to strike down the tariffs now in effect. See, *e.g., ICC* v. *Mechling*, 330 U.S. 567 (1947); *United States* v. *Chicago M. St. P. & P.R. Co.*, 294 U.S. 499 (1935). The dispute between the parties, then, is not with regard to the reviewability of the agency's decisions in this case, but one regarding the remedies available to the Court.

The Board and carriers rely, for the proposition that the Court is powerless to affect the present tariffs, on the Supreme Court's decision in *Arrow Transportation Co.* v. *Southern Ry. Co.*, 372 U.S. 658 (1963). The issue in that case was whether the courts might stay the effectiveness of tariffs proposed by rail carriers under section 15(7) of the Interstate Commerce Act *pending the ICC's determination as to the lawfulness of those tariffs, after the statutory time period permitting suspension by the agency had expired*. The Court held that the courts lacked such power, which would be at variance with the delicate statutory scheme governing the agency's interim suspension power, as well as the agency's primary jurisdiction to pass on the reasonableness of tariffs:

"Congress meant to foreclose a judicial power to interfere with the *timing* of rate changes which would be out of harmony with the uniformity of rate *levels* fostered by the doctrine of primary jurisdiction." 372 U.S. at 668. (Emphasis in original.)

The Board and carriers are attempting to read *Arrow Transportation* as withdrawing the "suspension power" from the courts entirely.[13] But this reading is not justified by either the wording of or the policies behind the Supreme Court's decision. Even assuming that the case applies with regard to the Federal Aviation Act—a point which was specifically not resolved in *Arrow*, 372 U.S. at 666 n. 13—the Court left open the possibility of a court rescinding or ordering the agency to rescind tariffs for which the agency has assumed responsibility in a final decision on the merits.

Thus, in footnote 22 of its decision, the Court recognized the power of a court to suspend tariffs by way of interlocutory relief "to preserve the court's jurisdiction or maintain the *status quo* . . . pending review of an agency's action through the prescribed . . . channels." 372 U.S. at 671 n. 22. See *FTC* v. *Dean Foods Co.*, 384 U.S. 597; *id.* at 628 n. 15 (Fortas, Harlan, Stewart, and White, JJ., dissenting). Such a power would hardly exist if the power to invalidate those tariffs on review of final agency action did not exist as well. See also *Beaumont S.L. & W. Ry.* v. *United States*, 282 U.S. 74, 92 (1930). Indeed, the District Court in the *Arrow Transportation* case had noted that "the only jurisdiction of a Court to enjoin or suspend the effectiveness of proposed common carrier rates arises after a final order of the Interstate Commerce Commission . . ." 308 F. 2d 181, 183 (CA 5 1962).

Arrow Transportation has consistently been applied only to preclude the suspension power before final agency action, when the Commission has not yet passed on the merits of tariffs proposed by the carriers. See, *e.g.*, *National Industrial Traffic League* v. *United States*, 287 F. Supp. 129 (D.D.C. 1968), *aff'd per curiam*, 89 S. Ct. 873 (1969); *Oscar Meyer & Co.* v. *United States*, 268 F. Supp. 977 (W.D. Wis. 1967); *Mover's and Warehousemen's Ass'n of America* v. *United States*, 227 F. Supp. 249 (D.D.C. 1964). The decision has never been applied to preclude a court from striking down rates which are the responsibility of the agency after the agency's final decision with respect to those rates.

In that situation, there is no danger posed to the agency's primary jurisdiction, which is only *primary*, not exclusive, and which has been exercised. Nor is there any evidence in the extensive legislative history cited in *Arrow* that Congress meant to withdraw the judicial power to strike down illegal rates. Indeed, such a remedy is the only effective one against an agency's erroneous prescription or approval of rates, a decision which is clearly reviewable. See *ICC* v. *Mechling, supra; State of New Hampshire* v. *Boston & Maine Corp.*, 251 F. Supp. 421 (D.N.H. 1965); *cf. City of Chicago* v. *United States*, 38 U.S. L. Week 4039 (Dec. 9, 1969) and Brief for the United States on Appeal in that case, at p. 7. On the Board's view of the statutory scheme, even gross and reviewable abuses of the Federal Aviation Act such as Petitioners believe occurred here could be judicially remedied only by an order for further hearings at the administrative level.

Thus, Petitioners believe it is clear that the Court has jurisdiction of this clause and the power to rescind the tariffs now in effect. The precise issue raised by the Court in its January 9 order was whether it may suspend the presently effective tariffs while deferring final resolution of the extent of its powers to the time at which it renders its decision on the merits. Petitioners believe the answer to this question plainly is that the Court does have such power. This answer derives not only from the *Arrow Transportation* case itself but from the major interlocutory relief case on which Petitioners rely, *Virginia Petroleum Jobbers Ass'n* v. *FPC*, 104 App. D.C. 106, 259 F. 2d 921 (1958). In *Arrow*, both a Court of Appeals judge and Mr. Justice Black issued interlocutory orders suspending rates while the decision regarding the judicial power to suspend was deferred until hearing before the Court of Appeals and Supreme Court on the merits. 372 U.S. at 662 n.4.

In *Virginia Petroleum Jobbers*, a major question faced by the Court was whether the FPC's denial of intervention was an immediately appealable order. The Court concluded that it might grant interlocutory relief provided there was a strong likelihood of the movant prevailing on the merits, including the merits of the appealability issue. It decided, "without prejudice to a contrary showing at the time the Court hears this case on the merits," that "petitioner has shown a probability of success on the merits of its appeal," including the merits of that question of jurisdiction.[14] This analysis has subsequently been followed. See *Payne* v. *Washington Metropolitan Area Transit Comm'n*, No. 20,714, Slip Opinion, p. 9 n.22 (C.A.D.C. October 8, 1968).

Virginia Petroleum Jobbers is, itself, clear authority that the standard for the jurisdictional and remedy issues in this case are the very four criteria established by that case and discussed in Petitioners' Memorandum in Support of Interlocutory Relief. As our discussion of those criteria in that Memorandum shows, Petitioners clearly meet the test for granting interlocutory relief. We believe this is so with regard to the jurisdictional issue, no less than the others.

Finally, we briefly mention a closely related matter: implementing a decision by this Court, should the Court so order, invalidating the present tariffs. We believe that the most efficient and appropriate means of accomplishing this end would be for the Court to order the Board itself to strike down those tariffs. If the Court agrees that Petitioners have shown a strong likelihood that those tariffs will be found to be illegal and the responsibility of the Board, such an order would have the effect of requiring the agency to cure its own illegalities and perform its duties with respect to rates in accordance with the procedures and substantive criteria of the Federal Aviation Act. Pending the establishment of legal and lawful tariffs, the situation would revert to the *status quo ante*, and the previous tariffs would be substituted for the unlawful ones now in effect. See *ICC* v. *Mechling, supra*; 14 CFR § 221.120(c).

We take this opportunity also to note that the presently prevailing tariffs are scheduled to expire on January 31 and that tariffs at the pre-formula level are scheduled to go into effect on February 1. The trunk carriers, however, have all filed applications before the Board to extend the present fares beyond January 31.[15] One form of interlocutory relief in this case would thus be for the Court to order the Board not to permit the extensions to go into effect, with the result that pre-formula tariffs will automatically take effect, pursuant to the terms of the tariffs presently on file, on February 1.[16]

The Court, in the first part of its order of January 9, 1970, deferred for thirty days, or until further notice, action on part of Petitioners' motion for interlocutory relief, to permit the Board to act on Petitioners' request for a general passenger fare investigation.[17] It is possible that the Board will combine its action as to the pending tariff extensions with some action on the general passenger fare investigation.[18] Petitioners will undertake to notify the Court of the Board's actions in this regard, in order that consideration of Petitioners' motion for interlocutory relief may keep apace of developments at the agency level.

Respectfully submitted.

JANUARY 19, 1970.

FOOTNOTES

[1] These calculations were published as Appendix B to the Board's September 12 order,

which is before the Court as part of the appendices (Appendix D) to the memorandum Petitioners filed in support of their motion for interlocutory relief. We have also attached the Board's percentage calculations contained in that order at the end of this memorandum.

[2] Letter to CAB from Marvin L. Davis, Vice President, Continental Airlines, December 30, 1969, pp. 7, Appendix D. Continental, which was dissatisfied with being required to follow the Board's September 12 formula (accusing the Board in the same letter of "tieing a fare increase to acceptance of a Board devised formula which in fact determined the specific fares . . ." (p. 2)), cited the Board's fare-increase calculations as evidence that the formula discriminated among carriers. (Continental expressed no dissatisfaction with the higher fares; it is seeking to obtain the higher fares according to a different formula.)

[3] The Board's order set out percentage increases for the "trunk" (or major) carriers only, and not for the "local service" carriers. These latter increases can readily be computed, however, using the same calculations of traffic volume and old and new fare levels that the Board employed to determine the increases for the trunk carriers.

[4] Whether the new fares will have an effect on the movement of traffic, as Petitioners have suggested, is not important for purposes of the present issue. The question presented here is the money amount by which each passenger who *does* fly is injured. This amount is simply the difference between the old fare and the new fare; it does not depend upon whether *other* persons decide not to fly. The Board's percentage calculations, which assumed no diversion in traffic and calculated the percentages simply on the basis of the difference between the old and the new fares, can therefore be taken as accurate. Moreover, the carriers are on record as believing that no significant traffic diminution will be occasioned by the new fares, even if total traffic were relevant. See, *e.g.*, Answer of American Airlines, Inc., Intervenor, to Motion of Petitioners for Interlocutory Relief, pp. 10–11.

[5] The detailed auditing records of income items which the carriers are required to provide, in addition to following a uniform system of accounting, are set out in great detail in the Board's Regulations issued pursuant, principally, to section 407 of the Federal Aviation Act, 49 U.S.C. 1377. See *e.g.*, 14 CFR § 249.13; 14 CFR Part 241.

[6] The CAB provides that some information is to be filed by the carriers within 15 days following the end of the period for which the information is required. 14 CFR § 248.4. For other information, principally the monthly reports required to be filed pursuant to the Board's Form 41, the carriers are given 30 days from the end of the month. 14 CFR Part 241, § 22.

[7] This was also the course followed in such cases as *Capital Transit Co.* v. *Public Utilities Comm'n*, 93 App. D.C. 194, 213–15, 213 F.2d 176, 194–96 (1953), *cert. denied*, 348 U.S. 816 (1954), and *Washington Gas Light Co.* v. *Baker*, 88 App. D.C. 115, 188 F. 2d 11 (1950), *cert. denied*, 340 U.S. 952 (1951). See also *Inland Steel Co.* v. *United States*, 306 U.S. 153 (1939); *Chicago & N.W. Ry.* v. *Atchison, T. & S.F. Ry.*, 387 U.S. 326, 367–68 (1967).

[8] To the extent that a few coach class fares were reduced slightly as a result of the new formula, the suggested reporting arrangement, based on the Board's percentage figures, also would take this into account (the carriers having charged that the failure of the refund procedure to do so constituted an infirmity).

[9] Thus, the reporting procedure is compatible with the possibility of eventual refunds to passengers who were required to pay fares determined to be illegal when the case is heard on the merits.

[10] It appears that the carriers have exaggerated the difficulty and expense of collecting the information necessary for establishing a refund program. For example, counsel for the intervenors stated during oral argument on Petitioners' motion for interlocutory relief that he thought the refund program would cost around $3 per passenger to administer. In papers filed with the Court, however, Trans World Airlines, the only intervenor to verify its estimates with an affidavit, stated that it would cost only $.06 per passenger to collect the refund information. (TWA estimated that it would cost another $.72 actually to make refunds.) In any event, where the monthly reporting system is concerned, there can be little doubt that the calculations required of the carriers to make monthly reports, without taking down the addresses of their passengers, would cost substantially less than even the $.06 per passenger which TWA has estimated to be the cost of a full program of gathering and storing additional information from its passengers. Moreover, Petitioners have not asked for interest on the funds for which the carriers should be required to account; to the extent that an interlocutory order does occasion minor expenditures, we believe that this is more than offset by the custody of funds which the carriers have, in our view, been collecting unlawfully.

[11] For example, it would be possible for passengers to be allowed to recover overcharges from a fund established pursuant to a monthly reporting procedure ordered by the court. Recovery from a Court-ordered fund appears to be a procedure that has recently been adopted in the Federal District Court for the Southern District of New York in a nationwide antitrust suit charging an illegal price-fixing conspiracy in the sale of antibiotics. There, purchasers of drugs during the period in which illegal prices were collected have been permitted to file claims against, and be paid from, a fund established by the defendants. *State of West Virginia* v. *Chas. Pfizer & Co.*, 68 Civ. 240 (S.D.N.Y.), Orders of May 26, 1969, and October 20, 1969. This procedure, unlike the refund order suggested in our earlier memorandum, puts the burden on the consumer to come forward with a claim rather than, as we suggested, upon the carrier to keep detailed records.

[12] Petitioners believe that the Board, in addition to making *maximum* rates, "prescribed or approved" specific tariffs within the meaning of *Arizona Grocery Co.* v. *Atchison, T. & S.F. Ry.*, 284 U.S. 370 (1932), and section 2 of the Administrative Procedure Act, U.S.C. § 551. Petitioners believe the Board actually *prescribed* those tariffs because its decision of September 12 contained a precise and detailed rate formula and the issue of the validity of tariffs computed on the basis of that formula was prejudged. As a practical matter, the carriers were compelled to file in accordance with that formula: the extraordinary 75-day waiting period for tariffs above the formula precluded such filings; and, as for lower filings, the carriers may have remembered the Board's admonition in January of 1969 that if they did not take advantage of revenue-producing suggestions made by the agency the fact "would be borne in mind in future assessment of the industry's financial condition." See Report on Meetings Between the Civil Aeronautics Board and the Domestic Trunkline Carriers on Domestic Passenger Fares, January 13 and 16, 1969. (App. C to Petitioners' Memorandum in Support of Interlocutory Relief, at 8563–64.)

In any event, even if the Board did not prescribe the tariffs, it clearly *approved* them. *ICC* v. *Mechling*, 330 U.S. 567 (1947); *Arizona Wholesale Grocery Co.* v. *Southern Pac. Co.*, 68 F.2d 601 (CA 9 1934). It specifically found them to be reasonable for the future. See *American Crystal Sugar Co.* v. *Great Northern Ry.*, 168 F. Supp. 80 (D. Colo. 1958). Thus, in all events, the tariffs are the Board's responsibility under the Federal Aviation Act and the Administrative Procedure Act.

[13] There is something of an ambiguity in the use of the term "suspension," which is normally employed to refer to the power of agencies temporarily to halt the implementation of tariffs. Petitioners seek to have the present tariffs declared illegal and void—by the Court or by the agency following a Court order—not merely to "suspend" them.

[14] A stay there was denied simply because the petitioner made an inadequate showing on the other three criteria established by *Virginia Petroleum Jobbers* as governing the grant of interlocutory relief.

[15] As we understand it, Delta, National, Northeast and Northwest seek to extend the present tariffs to April 25, 1970; Allegheny, Eastern and Trans World seek to extend the present tariffs to April 30, 1970; American, Braniff, Ozark, United and Western seek to extend the present tariffs indefinitely; and Continental seeks a revised tariff under which it would receive the maximum fare level prescribed in the Board's September 12 order, calculated by a somewhat different formula.

[16] Such an order would not, in Petitioners' view, constitute improper judicial interference with administrative action. The pending tariffs (with the exception of Continental's) are all geared to the Board's formula of September 12 and the question of their lawfulness has been prejudged by the agency; even Continental bases its proposal on the Board's September 12 order by requesting the maximum fare level there allowed. In these circumstances deferral of judicial action is unnecessary, because there remain no "basic facts and findings . . . [to be] first determined by the administrative agency. . . ." *Pan American World Airways, Inc.* v. *United States*, 371 U.S. 296, 313 n. 19 (1963).

[17] This is the only portion of Petitioner's complaint that is still pending before the Board. Petitioners' objections to the Board's maximum rate formula and the specific tariffs now in effect are, however, based on the Board's violations of the Federal Aviation Act, *not* the failure to hold a general passenger fare investigation. (See Petitioners' Memorandum in Support of Interlocutory Relief, pp. 69–70.) The holding of a general passenger fare investigation *now* would not, of course, alter Petitioners' position vis-a-vis the Board's actions in this case or the tariffs now in effect.

[18] A report to this effect has appeared in the trade press. *Aviation Daily*, January 8, 1970, p. 38.

APPENDIX B.—CAB ORDER OF SEPTEMBER 12, 1969—DOMESTIC TRUNKLINE CARRIERS PERCENT IMPACT ON PASSENGER REVENUES

[In percent]

	Normal fares			Discount fares	Total
	First class	Coach	Total		
Domestic trunk carriers:					
American	9.16	4.43	5.40	2.12	7.52
Braniff	7.51	3.89	4.59	1.51	6.10
Continental	5.93	2.33	2.87	2.25	5.12
Delta	5.10	1.89	2.44	2.13	4.57
Eastern	4.52	3.46	3.64	1.85	5.49
National	2.38	.36	.65	2.37	3.02
Northeast	2.60	1.91	1.98	2.02	4.00
Northwest	9.28	5.09	5.68	2.10	7.78
Trans World	7.10	3.71	4.30	2.31	6.61
United	9.37	4.03	5.07	2.13	7.20
Western	4.28	[1] 4.99	4.93	2.05	6.98
Total trunks	7.43	3.58	4.25	2.10	6.35

[1] The various estimated increased percentages are overstated to the extent that intrastate fares at depressed levels may not be subject to immediate increase (in whole or in part) because of the requirements of intrastate regulatory approval. The 4.99 percent coach increase for Western is calculated on the basis of all fares being modified in accordance with the basic formula. Because of the depressed level of certain California intrastate fares in markets of heavy traffic volume and the requirement of State Commission approval of any increase, the 4.99 percent estimated coach increase for Western is clearly overstated.

Affidavit

Washington, D.C.

Richard W. Klabzuba, being first duly sworn, deposes and says:

1. I am a consultant presently on the staff of Congressman John E. Moss. I hold B.A. and M.B.A. degrees in economics and management, and for the past five years have been studying the airline industry closely. I have followed in detail the proceedings before the Civil Aeronautics Board concerning the rate increases awarded in 1969.

2. I have examined the Civil Aeronautics Board's order of September 12, 1969, and the percentage calculations contained in that order of the fare increase that each domestic trunk carrier would realize under the Board's fare formula. I have also read various statements attributable to various spokesmen for the industry concerning these percentage calculations. I have found no objective evidence presented that these percentage figures would provide other than a reasonable estimate of the fare increase which the passengers as a group are actually paying to the carriers under the formula, now that it has gone into effect. Moreover, I believe that similar percentage increases can readily be derived for the local service carriers based on traffic data comparable to that which the Board used to derive its figures for the trunk carriers. Such data are presently available.

3. It is my opinion that each carrier has in its possession enough information to calculate, without substantial expense, still more detailed information on the money amounts attributable to the new fares, including calculating the increase from each flight coupon, copies of which each carrier is presently required to audit and retain.

Richard W. Klabzuba.

Subscribed and sworn to before me this 16th day of January, A.D. 1970.

Nancy E. Codick,
Notary Public.

In addition, we have filed a complaint before the CAB urging that the present level of air fares not be extended beyond January 31, but rather that fares be allowed to revert to the prior level on February 1, as originally scheduled.

The complaint follows:

[Before the Civil Aeronautics Board, Washington, D.C., in the Matter of the AA, AL, BN, CO, DL, EA, NA, NE, NW, OZ, TW, UA and WA tariffs filed on December 31, 1969]

Complaint of Members of Congress and Air Transportation Users With Request for Tariff Suspension and a General Rate Investigation

Communications with respect to this document should be sent to: The Honorable John E. Moss, Member of Congress, 2185 Rayburn Building, Washington, D.C. 20515, and Richard W. Klabzuba, 2185 Rayburn Building, Washington, D.C. 20515.

Dated: January 9, 1970.

Come now again Members of Congress and users of air transportation with a request for the suspension and investigation of various tariffs filed by the domestic air carriers on December 31, 1969.

The Members request such suspension and investigation because:

(1) These tariffs embody a further response to the Board's Order Order No. 69–9–68, adopted September 12, 1969;

(2) That order of the Board is illegal and tariffs filed in furtherance of it are unlawful; and

(3) These tariffs are unjust and unreasonable on their face.

The present situation before the Board appears to be as follows: Pursuant to the Board's order of September 12, 1969, the domestic air carriers filed new tariffs containing a fare increase computed in accordance with an elaborate formula, and at the maximum fare level prescribed in the Board's decision. Also pursuant to the Board's order, these tariffs included an expiration date of January 31, 1970; simultaneously filed were tariffs, to take effect February 1, 1970, representing the prior fare level and structure.

The carriers now seek to have the higher fares, established in the Board's September 12 maximum-rate order, extended beyond January 31 1970.[1] We contend it would be illegal to do so.

The reasons we believe the present tariffs and any extensions of them are not lawful have been presented to the Board in great detail in our complaints of April 21, August 20, and September 22, 1969, and in our memorandum in support of interlocutory relief in the United States Court of Appeals served on the Board on December 11, 1969. To avoid needless repetition, those filings are incorporated here by reference.

In brief, we contend:

(1) In its order of September 12, 1969, the Board made maximum rates in violation of Sections 102, 1002(d) and 1002(e) of the Federal Aviation Act.

(2) The tariffs presently in effect are the responsibility of the Board and are illegal for the same reasons that the Board's maximum-rate order is illegal.

(3) In addition, the present tariffs are unjust and unreasonable on their face because they do not conform to Section 1002(e) of the Act and are discriminatory with respect to passengers traveling in markets where single factor through fares are not published and to passengers traveling between uncongested airports.

Further, the legality of the Board's September 12 order and of tariffs filed in conjunction with that order is presently under review in the United States Court of Appeals for the District of Columbia Circuit. A decision on interlocutory relief in that case is now under consideration by the Court. The Board should not compound the illegality of its September 12 order by approving the extensions now proposed when under the present timing interlocutory relief, should it be granted, would easily be implemented.

Finally, we turn to a factual and economic matter discussed in our earlier filing, and on which more information is now available. In our petition of August 20, 1969, we contended that the fares filed by the air carriers would "further depress load factors and earnings; bring about greater increases in cash costs, congestion and air pollution. . . ." We did not say, as has been intimated, that the proposed fare hikes would necessarily halt growth in traffic or revenues. Nor did we contend that the over-all passenger market is highly price elastic. Rather we clearly asserted that the proposed tariffs would depress load factors. Stated differently, we did not equate an increase in traffic, fares and revenues with an increase in net earnings. Instead, we took the position that higher fares would enable the airlines to continue to add capacity at a more rapid rate than traffic would develop and that this would lead to higher cash costs and lower load factors.

The tariffs filed with the Board for effectiveness on October 1, 1969, have now been in effect for over three months. Traffic flow data is now available for the first two months of that period. Measured in passenger-miles, the industry's trunkline carriers posted traffic gains of 8.3% in October and 10.4% in November when compared to the previous year. Coach traffic grew at a faster rate than total traffic because first-class movements remained relatively stable—down slightly in October, up slightly in November. The growth in total traffic and stability of first-class would appear to indicate a possible shift of non-discretionary business travel to coach service—presumably for reasons of price since the amenities and speed offered in coach are not superior to first-class. In other words, the higher rates did have an effect upon the movement of traffic.

Production, as anticipated, continued to outpace demand. Capacity grew at a rate of 16.7% in October and 16.5% in November, depressing load factors to their lowest levels in five years (43.7% in October and 42.9% in November) despite the fact that some air carriers had reduced the available capacity in their aircraft by switching from six to five abreast seating in their coach compartments.

The foregoing are average figures; nevertheless, no trunk carrier sold more than 50% of its production in October, and five such carriers sold only 40% or less of their capacity, including one airline with low-density coach seating. The best performance was turned in by American Airlines at 48.8% of its production.

Selling only 40 to 50 percent of production pushes the unit cost of sale up 25 to 50 percent per passenger. Such levels can hardly be classified as economic or efficient, and certainly do not provide the public with adequate and efficient air transportation at the lowest cost consistent with the furnishing of such service.

There is a solid cause-and-effect relationship here: high fares reduce the break-even load factor, thereby enabling airlines to offer more capacity at the same traffic level, and capacity gains that outstrip traffic growth depress load factors.

The Members do not believe that the airlines are being dishonest in adding this excessive capacity, nor intent upon their own destruction. Rather we feel the airlines are making these additions in obedience to the operation of economic laws—laws which are as irresistible to manipulation in the management of an airline as the rising tides of the sea are to the operation of a shipping line. We believe it is thus essential for the *Board* to conduct a proper investigation into, and establish standards to restrict, chronic over-capacity. Furthermore, failure to take these economic laws into consideration in the determination of rates interferes with the solution of a number of other separate but related problems such as congestion, air pollution, airport capacity and community noise levels.

Wherefore, the Members respectfully request that the Board suspend and investigate the tariffs filed on December 31, 1969, which suspension and investigation would have the effect of permitting the tariffs previously on file to go into effect, as planned, on February 1, 1970.

Further, the Members respectfully request that if this complaint is denied, the Board grant a stay of its order denying this complaint pending judicial review.

Respectfully submitted.

John E. Moss, Augustus F. Hawkins, Lionel Van Deerlin, Glenn M. Anderson, Jeffery Cohelan, Chet Holifield, Charles H. Wilson, Harold T. Johnson, John Tunney, Don Edwards, Phillip Burton, Walter S. Baring, Joseph G. Minish, Joseph M. McDade, Edward R. Roybal, Robert L. Leggett, Peter W. Rodino, Jr., Bernie Sisk, George P. Miller, Thomas M. Rees, Richard T. Hanna, John McFall, George E. Brown, Jr., James C. Corman, Spark M. Matsunaga, John D. Dingell, Jerry L. Pettis, Patsy T. Mink, Jerome R. Waldie, Charles M. Teague, Daniel E. Button, Thomas L. Ashley, Members of Congress.

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[1] As we understand it, Delta, National, Northeast and Northwest seek to extend the present tariffs to April 25, 1970; Allegheny, Eastern and Trans World seek to extend the present tariffs to April 30, 1970; American, Braniff, Ozark, United and Western seek to extend the present tariffs indefinitely; and Continental seeks a revised tariff under which it would receive the maximum fare level prescribed in the Board's September 12 order, calculated by a somewhat different formula.

XUM

Certificate of Service

I hereby certify that I have this day served the foregoing document upon:

American Airlines, Inc.
Allegheny Airlines, Inc.
Braniff Airways, Inc.
Continental Air Lines, Inc.
Delta Air Lines, Inc.
Eastern Air Lines, Inc.
National Airlines, Inc.
Northeast Airlines, Inc.
Northwest Airlines, Inc.
Ozark Air Lines, Inc.
Trans World Airlines, Inc.
United Air Lines, Inc.
Western Air Lines, Inc.

Thomas D. Finney, Jr., Esq.; Clifford, Warnke, Glass, McIlwain & Finney.

Lee M. Hydeman, Esq.; Hydeman & Mason.

Warren L. Sharfman, Esq., Associate General Counsel Civil Aeronautics Board.

Honorable Richard W. McLaren and Howard E. Shapiro, Esq.; United States Department of Justice.

Alfred V. J. Prather, Esq. and J. William Doolittle, Esq.

Philip A. Fleming, Esq.; Reavis, Pogue, Neal & Rose.

Ulrich V. Hoffmann, Esq.

Raymond J. Rasenberger, Esq. and Russell A. Garman, Jr., Esq.; Zuckett, Scoutt & Rasenberger.

B. Howell Hill, Esq.; Arnold & Porter.

James M. Verner, Esq.; Verner, Liipfert & McPherson.

By causing a copy of it to be mailed to such carrier or its agent properly addressed with postage prepaid.

Richard W. Klabzuba.

January 9, 1970.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. Meskill (at the request of Mr. Gerald R. Ford), for today, on account of death in family.

Mr. Monagan (at the request of Mr. Daddario), for an indefinite period, on account of illness.

Mr. Burke of Florida (at the request of Mr. Gerald R. Ford), for the week of January 26, 1970, on account of official committee business.

Mr. Teague of California (at the request of Mr. Gerald R. Ford), for the balance of the week, on account of official business in connection with pending Federal legislation involving oil pollution in the Santa Barbara channel.

Mr. Lipscomb (at the request of Mr. Gerald R. Ford), for an indefinite period, on account of illness.

Mr. Corman, for January 26, 27, 28, and 29, 1970, on account of official business.

Mr. Wolff (at the request of Mr. Albert), for today, on account of official business.

Mr. Pepper (at the request of Mr. Albert), for today, on account of official business.

Mr. Satterfield (at the request of Mr. Marsh), for today, on account of official business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

Mr. Price of Illinois, for 5 minutes, today; to revise and extend his remarks and include extraneous matter.

(The following Members (at the request of Mr. Beall of Maryland); to revise and extend their remarks and to include extraneous matter:)

Mr. Steiger of Wisconsin, for 15 minutes, today.

Mr. Burton of Utah, for 5 minutes, today.

Mr. Miller of Ohio, for 5 minutes, today.

(The following Members (at the request of Mr. Daniel of Virginia) and to revise and extend their remarks and include extraneous matter:)

Mr. Hamilton, for 15 minutes, today.

Mr. Flood, for 15 minutes, today.

Mr. Culver, for 10 minutes, today.

Mr. Brinkley, for 30 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. Ichord and to include extraneous matter.

Mr. Gray in two instances and to include extraneous matter.

Mr. Burton of Utah (at the request of Mr. Beall of Maryland) asked unanimous consent that all Members have 5 legislative days to revise and extend their remarks on the subject of Mr. Burton's special order.

(The following Members (at the request of Mr. Beall of Maryland), and to include extraneous matter:)

Mr. Erlenborn.
Mr. Steiger of Wisconsin in two instances.
Mr. Morton.
Mr. Wydler.
Mr. Pettis.
Mr. Winn.
Mr. Pelly.
Mr. Hogan in two instances.
Mr. Brown of Ohio.
Mr. Minshall.
Mr. Goldwater.
Mr. Frey.
Mr. Ashbrook.
Mr. Scott.
Mr. Kyl.
Mr. Eshleman.
Mr. Scherle.
Mr. Wold.
Mr. Taft.
Mr. Burton of Utah in 10 instances.
Mr. Shriver.
Mr. Zwach.
Mr. Halpern.
Mr. Wyman in two instances.
Mr. Collier in three instances.

(The following Members (at the request of Mr. Daniel of Virginia) and to include extraneous matter:)

Mr. Pucinski in 10 instances.
Mr. Fountain in five instances.
Mr. Evins of Tennessee in two instances.
Mr. Natcher.
Mr. Hanna in five instances.
Mr. Scheuer in two instances.
Mr. Annunzio in six instances.
Mr. Monagan in two instances.
Mr. Andrews of Alabama in two instances.
Mr. Fuqua.
Mr. Matsunaga.
Mr. Dulski in six instances.
Mr. Patten.
Mr. Rarick in three instances.
Mr. Downing in two instances.
Mr. Delaney.
Mr. Jacobs.
Mr. Rogers of Florida in five instances.
Mr. Feighan in five instances.
Mr. Waldie in six instances.
Mr. Fraser in two instances.
Mr. Ryan in two instances.
Mr. Hagan in two instances.
Mr. Bingham in two instances.
Mr. Daniels of New Jersey.

SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 30. An act relating to the control of organized crime in the United States; to the Committee on the Judiciary.

SENATE ENROLLED BILL SIGNED

The SPEAKER announced his signature to an enrolled bill of the Senate of the following title:

S. 476. An act for the relief of Mrs. Marjorie Zuck.

ENROLLED BILL SIGNED

Mr. FRIEDEL, from the Committee on House Administration, reported that that committee had examined and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H.R. 13111. An act making appropriations for the Departments of Labor, and Health, Education, and Welfare, and related agencies, for the fiscal year ending June 30, 1970, and for other purposes.

ADJOURNMENT

Mr. DANIEL of Virginia. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 1 o'clock and 58 minutes p.m.), the House adjourned until tomorrow, Tuesday, January 27, 1970, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1533. A letter from the Secretary of the Army transmitting a letter from the chief of engineers, Department of the Army, dated September 9, 1968, submitting a report, together with accompanying papers and illustrations, on a review of the report on Marion, Kans., requested by a resolution of the Committee on Public Works, House of Representatives, adopted June 3, 1959 (H. Doc. No. 91–256); referred to the Committee on Public Works and ordered to be printed, with illustrations.

1534. A letter from the Director, Bureau of the Budget, Executive Office of the President, transmitting a report that the appropriation to the Veterans' Administration for "Compensations and Pensions" for the fiscal year 1970 has been apportioned on a basis which indicates the necessity for a supplemental estimate of appropriation, pursuant to the provisions of section 3679 of the Revised Statutes, as amended (31 U.S.C. 665); to the Committee on Appropriations.

1535. A letter from the Director, Bureau of the Budget, Executive Office of the President, transmitting a report that the appropriation to the Veterans' Administration for "Readjustment Benefits" for the fiscal year 1970, has been apportioned on a basis which indicates the necessity for a supplemental estimate of appropriations, pursuant to the provisions of section 3679 of the Revised Statutes, as amended (31 U.S.C. 665); to the Committee on Appropriations.

1536. A letter from the Director, Selective Service System, transmitting the fourth semiannual report for the period January 1, 1969 to June 30, 1969, pursuant to section 10(g) of the Military Selective Service Act of 1967; to the Committee Armed Services.

1537. A letter from the Assistant Secretary of the Interior, transmitting a report entitled "Middle East Petroleum Emergency of 1967"; to the Committee on Banking and Currency.

1538. A letter from the Deputy Assistant Secretary of Defense, transmitting a report on Department of Defense procurement from small and other business firms for July–October 1969, pursuant to section 10(d) of the Small Business Act, as amended; to the Committee on Banking and Currency.

1539. A letter from the Secretary of Transportation, transmitting a report of foreign excess property disposed of by the Federal Aviation Administration during fiscal year 1969, and a negative report for all other components of the Department, pursuant to the provisions of section 404(d) of Public Law 152, 81st Congress; to the Committee on Government Operations.

1540. A letter from the Comptroller General of the United States, transmitting a report pointing out that the assessment of fees for processing loan applications would help recover program costs of the Farmers Home Administration, Department of Agriculture; to the Committee on Government Operations.

1541. A letter from the Deputy Administrator, Veterans' Administration, transmitting a report on the disposal of foreign excess property required by 40 U.S.C. 514d, for the period January 1, 1969 through December 31, 1969; to the Committee on Government Operations.

1542. A letter from the Acting Secretary of the Interior, transmitting the fifth annual report of activities under the Water Resources Research Act of 1964, as amended, for fiscal year 1969; to the Committee on Interior and Insular Affairs.

1543. A letter from the Chairman, Indian Claims Commission, transmitting a report that proceedings have been finally concluded with respect to docket No. 207, *the Stillaguamish Tribe of Indians, Plaintiff*, v. *United States of America, Defendant*, pursuant to the provisions of 60 Stat. 1055 (25 U.S.C. 70t); to the Committee on Interior and Insular Affairs.

1544. A letter from the Secretary of Health, Education, and Welfare, transmitting the annual report on the administration of the Fair Packaging and Labeling Act during fiscal year 1969, pursuant to the provisions of section 8, of Public Law 89–755; to the Committee on Interstate and Foreign Commerce.

1545. A letter from the Secretary of Health, Education, and Welfare, transmitting a draft of proposed legislation for the relief of Dr. Anthony S. Mastrian; to the Committee on the Judiciary.

1546. A letter from the Assistant Secretary of the Agricultural Hall of Fame and National Center, transmitting a copy of the annual audit and report to the Board of Governors for the fiscal year ended August 31, 1968, pursuant to the provisions of Public Law 86–680; to the Committee on the Judiciary.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ADAMS:

H.R. 15523. A bill to amend title XVIII of the Social Security Act to provide payment for chiropractors' services under the program of supplementary medical insurance for the aged; to the Committee on Ways and Means.

By Mr. CLARK (for himself, Mr. Roberts, Mr. Kee, Mr. Anderson of California, and Mr. Dorn):

H.R. 15524. A bill to amend title 23 of the United States Code to authorize the United States to cooperate in the construction of the Darien Gap Highway to connect the Inter-American Highway with the Pan American Highway System of South America; to the Committee on Public Works.

By Mr. GAYDOS:

H.R. 15525. A bill to provide that Interstate Route No. 80 shall be known as the 80th Division Memorial Highway; to the Committee on Public Works.

By Mr. KYROS (for himself and Mr. Hathaway):

H.R. 15526. A bill to amend the act of August 3, 1956, relating to the payment of annuities to widows of judges; to the Committee on the Judiciary.

By Mr. LUKENS:

H.R. 15527. A bill to amend title 39, United States Code, to restrict the mailing of unsolicited credit cards; to the Committee on Post Office and Civil Service.

By Mr. MATSUNAGA:

H.R. 15528. A bill to exclude from gross income the first $750 of interest received on deposits in thrift institutions; to the Committee on Ways and Means.

By Mr. QUILLEN:

H.R. 15529. A bill to amend chapter 15 of title 38, United States Code, to provide for the payment of pensions of $125 per month to World War I veterans, subject to a $2,400 and $3,600 annual income limitation; to provide that retirement income such as social security shall not be counted as income; to provide that such pension shall be increased by 10 per centum where the veterans served overseas during World War I; and for other purposes; to the Committee on Veterans' Affairs.

By Mr. RHODES:

H.R. 15530. A bill to amend the Interstate Land Sales Full Disclosure Act to provide that trustees holding land for developers shall not themselves be subject to the requirements imposed by such act upon developers or agents; to the Committee on Banking and Currency.

By Mr. RODINO:

H.R. 15531. A bill to amend the Fair Packaging and Labeling Act to require the disclosure by retail distributors of unit retail prices of packaged consumer commodities, and for other purposes; to the Committee on Interstate and Foreign Commerce.

H.R. 15532. A bill to amend the Omnibus Crime Control and Safe Streets Act of 1968 to authorize appropriations for fiscal year 1971 and succeeding fiscal years, and for other purposes; to the Committee on the Judiciary.

H.R. 15533. A bill to designate the birthday of Martin Luther King, Jr., as a legal public holiday; to the Committee on the Judiciary.

By Mr. VANDER JAGT:

H.R. 15534. A bill to amend title 38 of the United States Code so as to entitle veterans of World War I and their widows and children to pension on the same basis as veterans of the Spanish-American War and their widows and children, respectively; to the Committee on Veterans' Affairs.

By Mr. BINGHAM:

H.J. Res. 1059. Joint resolution to repeal legislation relating to the use of the Armed Forces of the United States in certain areas outside the United States and to express the sense of the Congress on certain matters relating to the war in Vietnam, and for other purposes; to the Committee on Foreign Affairs.

By Mr. FUQUA:

H.J. Res. 1060. Joint resolution proposing an amendment to the Constitution of the United States with respect to freedom of choice in attending public schools; to the Committee on the Judiciary.

H.J. Res. 1061. Joint resolution proposing an amendment to the Constitution to provide that no child shall be deprived of education or otherwise be forced to attend a school not chosen by such child when such child is not in the school nearest the area of residence of such child; to the Committee on the Judiciary.

By Mr. HUNGATE:

H.J. Res. 1062. Joint resolution to require the continuation of payments for the 1970 crop of feed grain; to the Committee on Agriculture.

By Mr. MacGREGOR:

H.J. Res.1063. Joint resolution to require the continuation of payments for the 1970 crop of feed grain; to the Committee on Agriculture.

By Mr. ROGERS of Florida:

H.J. Res. 1064. Joint resolution proposing an amendment to the Constitution of the United States relating to freedom of choice in attending public schools; to the Committee on Judiciary.

By Mr. FRIEDEL (for himself, Mr. Beall of Maryland, Mr. Fallon, Mr. Garmatz, Mr. Hogan, Mr. Long of Maryland, and Mr. Gude):

H. Con. Res. 485. Concurrent resolution to express the sense of the House with respect to peace in the Middle East; to the Committee on Foreign Affairs.

By Mr. HELSTOSKI (for himself, Mr. Daniels of New Jersey, Mr. Gallagher, Mr. Howard, Mr. Minish, Mr. Patten, Mr. Rodino, Mr. Roe, and Mr. Thompson of New Jersey):

H. Con. Res. 486. Concurrent resolution to express the sense of the House with respect to peace in the Middle East; to the Committee on Foreign Affairs.

By Mr. MINISH:

H. Con. Res. 487. Concurrent resolution to express the sense of the House with respect to peace in the Middle East; to the Committee on Foreign Affairs.

By Mr. PELLY:

H. Con. Res. 488. Concurrent resolution to express the sense of the House with respect to peace in the Middle East; to the Committee on Foreign Affairs.

By Mr. DANIEL of Virginia:

H. Res. 794. Resolution calling for direct negotiations in the Middle East; to the Committee on Foreign Affairs.

By Mr. BURTON of Utah (for himself, Mr. Del Clawson, Mr. Hanna, Mr. Hansen of Idaho, Mr. Lloyd, Mr. Moss, and Mr. Udall):

H. Res. 795. Resolution that the House of Representatives has learned with great sorrow and regret of the death of David O. McKay, late president of the Church of Jesus Christ of Latter-day Saints; to the Committee on House Administration.

By Mr. PRICE of Illinois (for himself, Mr. Betts, Mr. Teague of Texas, Mr. Stafford, Mr. Abbitt, Mr. Quillen, Mr. Aspinall, Mr. Williams, Mr. Hébert, Mr. Hutchinson, Mr. Holifield, and Mrs. Reid of Illinois):

H. Res. 796. Resolution amending the Rules of the House of Representatives relating to financial disclosure; to the Committee on Standards of Official Conduct.

By Mr. SCHADEBERG (for himself, Mr. Utt, Mr. Hansen of Idaho, Mr. Wright, Mr. Goodling, Mr. Cederberg, Mr. Hunt, Mr. Chappell, Mr. Pollock, Mr. Buchanan, Mr. Berry,

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Mr. ANDERSON of Illinois, Mr. DANIEL of Virginia, Mr. DON H. CLAUSEN, Mr. ZWACH. Mr. WINN, Mr. HASTINGS, Mr KUYKENDALL, Mr. ASHBROOK, Mr. WAGGONNER, Mr. SCOTT, Mr. HOGAN, and Mr. LANDGREBE):

H. Res. 797. Resolution to create a Select Committee on the Investigation of Pornographic Enterprises; to the Committee on Rules.

By Mr. WINN:

H. Res. 798. Resolution to express the sense of the House with respect to peace in the Middle East; to the Committee on Foreign Affairs.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BARRETT:

H.R. 15535. A bill for the relief of Rosario Scavuzzo; to the Committee on the Judiciary.

By Mr. ROYBAL:

H.R. 15536. A bill for the relief of Esperanza Melendrez de Gonzalez; to the Committee on the Judiciary.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

274. By the SPEAKER: A memorial of the Legislature of the State of Oklahoma, relative to enactment of the bill, H.R. 13111, regarding appropriations for health, education, and welfare; to the Committee on Appropriations.

275. Also, a memorial of the House of Representatives of the Commonwealth of Kentucky, relative to establishing January 15 as a legal holiday honoring Dr. Martin Luther King, Jr.; to the Committee on the Judiciary.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

378. By the SPEAKER: Petition of Dr. Daniel J. Condon, Phoenix, Ariz., relative to redress of grievances; to the Committee on Interstate and Foreign Commerce.

379. Also petition of the quarterly county Daniel J. Condon, Phoenix, Ariz., relative to amending the Constitution of the United States prohibiting the taxation of interest on obligations of a State or political subdivision; to the Committee on the Judiciary.

380. Also, petition of Henry Stoner, York, Pa., relative to authorizing an investigation by a House committee; to the Committee on Rules.

SENATE—*Monday, January 26, 1970*

The Senate met at 11 o'clock a.m. and was called to order by the President pro tempore (Mr. RUSSELL).

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

Eternal God, who has been the hope and joy of many generations, and who in all ages has given men the power to seek Thee and in seeking Thee to find Thee, grant us a constant sense of Thy presence. Sustain us through the hours of work. Enlarge our souls with a clearer vision of Thy truth, a greater faith in Thy power, a more confident assurance of Thy love, and a greater determination to do Thy will. When the distant scene is still confused and clouded, make clear at least the next step. So use as Thy servants all who work in this place for the betterment of this Nation. May the same mind be in us which was also in Jesus, who went about doing good, and in whose name we pray. Amen.

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Saturday, January 24, 1970, be dispensed with.

The PRESIDENT pro tempore. Without objection, it is so ordered.

WAIVER OF THE CALL OF THE CALENDAR

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the call of the legislative calendar, under rule VIII, be dispensed with.

The PRESIDENT pro tempore. Without objection, it is so ordered.

LIMITATION ON STATEMENTS DURING TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. MANSFIELD. Mr. President, I ask unanimous consent, following completion of the speech by the distinguished Senator from Maryland (Mr. TYDINGS), to limit statements to 3 minutes in relation to routine morning business.

The PRESIDENT pro tempore. Without objection, it is so ordered.

COMMITTEE MEETINGS DURING SENATE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that all committees be authorized to meet during the session of the Senate today.

The PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER OF BUSINESS

The PRESIDENT pro tempore. Under the order previously entered, the Chair now recognizes the distinguished Senator from Maryland (Mr. TYDINGS).

U.S. MIDDLE EAST POLICY

Mr. TYDINGS. Mr. President, we have set aside the next hour to discuss the volatile Middle East situation for a particular reason. Many Americans, including Members of the Congress, have been deeply disturbed by what appears to be a dangerous retrogression in U.S. Mideast policy in recent months.

Following the 6-day war of June 1967, between Israel and her Arab neighbors, the official U.S. position on a Mideast peace settlement was based on the principle that a lasting settlement could only be achieved through direct negotiations between Israel and the Arab governments on all matters of substance.

As the President well knows, the Jarring resolution in the United Nations of November 22, 1967, contained these basic points and was the only resolution or statement of policy which has been agreed to by all the concerned parties.

As President Johnson stated on June 19, 1967:

> The parties to the conflict must be the parties to the peace. . . . It is hard to see how it is possible for nations to live together in peace if they cannot learn to reason together.

President Nixon reaffirmed American support for the principle of direct negotiation as the only avenue to a durable peace as recently as last September.

We in Congress have supported direct negotiations on all substantive matters, not because of whim, or because the Government of Israel or any other nation favored such an approach by our Government. We supported this posture because the history of the Mideast conflict revealed the futility of attempting to impose a settlement on the parties to the conflict.

As the distinguished President pro tempore of the Senate will recall, after the Suez campaign of 1956, the United States and the Soviet Union imposed terms of settlement on Israel and Egypt and, indeed, on Great Britain and France, as a substitute for direct negotiations. Israel was ordered to retreat from Sinai in return for theoretical big power guarantees of shipping rights in the Suez Canal and the Gulf of Aqaba, and a supposed guarantee of the Israeli borders security. However, the result of this enforced settlement was an unstable truce, not a peace, which Egypt had no intention or interest in maintaining; a false peace that was shattered by an abrogation of Israel's shipping rights and renewed hostilities a decade later.

In short, we supported the principle of direct negotiations following the 6-day war in 1967, because the experience of 1956 had taught us that the alternative approach did not work; it did not produce a meaningful settlement of the conflict.

Then, last month the press began to report U.S. proposals to the Soviet Union suggesting possible terms for an Israel-Egyptian and an Israel-Jordanian settlement. Unfortunately, we have never seen these specific proposals, but bits and parts have been leaked by the various governments involved.

Secretary of State Rogers confirmed the existence of these proposals which included specific recommendations on matters such as permanent boundaries, the resettlement of refugees, and the status of Jerusalem.

At that time, in late December, I asked the State Department for an explanation of the significance of these U.S. proposals. For they appeared to indicate a significant departure from the official U.S. posi-

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tion; a step in the direction of substituting a settlement imposed by the Big Four Powers for one reached by Israel and the Arabs across the negotiating table.

The State Department emphatically denied that its settlement proposals to the Soviets signified any shift in U.S. policy. I fervently hope this is the case. But their denials to date have produced some disturbing inconsistencies.

State Department officials claim that the proposals merely represent a framework within which Arab-Israel negotiations can take place. However, a framework on which all parties have agreed already exists: the United Nations resolution of November 22, 1967, proposed by Ambassador Jarring, and supported, as I indicated, by the major parties involved.

Our current proposals to the Soviets appear to be an attempt to go beyond the framework of the Jarring resolution, an attempt to define unilaterally what was purposely left ambiguous in the United Nations resolution.

The State Department further claims that the U.S. proposals are merely "suggested" settlement terms and cannot reasonably be viewed as "imposed." But this, too, is less than convincing.

In a recent briefing for my office, State Department officials conceded that it would be extremely difficult for Israel to reject the terms of a settlement agreed to in advance by both the United States and the Soviet Union.

Therefore—and I hope I am wrong—I fear a dangerous retrogression in U.S. policy is occurring. I say retrogression because it appears the administration may be sliding back to the disastrous U.S. Middle East policy of 1956.

The lessons of 1956 are clear. Much as we might desire it, there is no shortcut to a durable peace in the Middle East. Our own national interests dictate that we stand firm behind the principle of direct negotiations between Israel and the Arab Governments in which all major substantive questions are decided.

For there can be no lasting peace in the area until all of the parties to the conflict truly want peace. And as the Israelis have properly pointed out, willingness to negotiate directly is certainly a reasonable test of sincere commitment to a peaceful resolution of differences.

In the meantime, until a permanent peace is possible, it is essential that the United States provide Israel with the economic and military assistance she needs to survive. I believe we must do so for two principal reasons.

First, the United States is morally committed to the preservation of Israel as a Jewish homeland. History has made tragically clear the necessity for a place to which Jews may turn in the face of the persecution which has continued to infect Western history. The spectacle of Jews vainly seeking a haven from Hitler's death camps must never be repeated. No man of conscience can believe otherwise.

Second, until a meaningful peace settlement is possible the best deterrent to open conflict in the Middle East is an Israel strong enough to maintain a regional balance of power vis-a-vis her Arab neighbors. I shall certainly support adequate assistance to insure Israel the means to defend herself successfully.

Mr. President, I do not question the motives of the administration. I believe they are sincere in their desire for a balanced Middle East policy which will promote a just and lasting peace between Israel and her Arab neighbors. However, I am fearful we may have embarked on a course that can only lead instead to a fourth round of hostilities in the area and the renewed possibility of a United States-Soviet confrontation in the Middle East.

With that in mind, on January 16, I wrote the following letter to the President of the United States:

> DEAR MR. PRESIDENT: I write out of a great sense of urgency created by what I perceive to be a dangerous retrogression in U.S. Middle East policy. Those who authored this policy change are no doubt sincere in their desire for a just peace in the Middle East and a balanced U.S. position. Nonetheless the effects of this policy shift deeply concern me and many other Americans.
>
> It has been my understanding that from the conclusion of the Six Day War between Israel and her Arab neighbors in June of 1967 until the fall of 1969, the official U.S. position on a Mideast peace settlement had been based on the principle of direct negotiations between the governments of Israel and the Arab States on all matters of substance. This was made clear by President Johnson on June 19, 1967, when he stated, "the parties to the conflict must be the parties to the peace . . . It is hard to see how it is possible for nations to live together in peace if they cannot learn to reason together." You reaffirmed our commitment to direct negotiations as the only way to secure a true and lasting peace in the area, as recently as last September in your address before the U.N. General Assembly.
>
> It was not until last month, with the publication of reports of U.S. proposals to the Soviet Union outlining possible terms of an Israeli-Egyptian settlement and an Israeli-Jordanian settlement, that evidence of a significant departure from the official U.S. position appeared. For the existence of these U.S. proposals, confirmed by Secretary Rogers in his speech of December 9, 1969, and his press conference of December 23, 1969, constitutes a major step towards the substituting of a settlement imposed by the Big Four powers for a settlement reached through negotiation between Israel and the Arabs.
>
> The claim that these U.S. proposals merely represent a framework within which Arab-Israeli negotiations can take place is not a convincing one. A framework on which all parties have agreed already exists; the U.N. Resolution of November 22, 1967. The U.S. proposals of October 28 and December 18, 1969, represent an attempt to go beyond that framework and to define the substantive terms of a settlement, including such specific matters as permanent boundaries, the status of Jerusalem and the settlement of refugees.
>
> The further claim that these U.S. proposals are merely suggested settlement terms and cannot reasonably be viewed as "imposed" terms is equally unconvincing. In a briefing for my office, State Department officials conceded that it would be very difficult for Israel to reject the terms of a settlement agreed to in advance by both the U.S. and the Soviet Union.
>
> The substantive terms of the U.S. proposals aside—and I regard some of them as highly debatable—the real question before us is whether it is consistent with the national interests of the U.S. to abandon the principle of insisting on direct negotiations as the only means of achieving a lasting Middle East settlement. As you recall, the U.S. and the Soviet Union sought to settle the 1956 Middle East conflict by imposing settlement terms on both sides instead of requiring the parties to the conflict to sit down and negotiate their differences. The result was an unstable peace which neither side had a vested interest in maintaining; a fragile settlement that was shattered by renewed hostilities a decade later.
>
> The present State Department actions appear to ignore this and similar lessons of history. They presume a real interest on the part of the Soviet Union in a Middle East settlement now. But the facts are that the Soviet Union continues to be the main source of support for Arab acts of aggression against Israel and Arab hostility towards the United States. There is no evidence that the Soviet Union's present leaders consider the reduction of tension in the Middle East consistent with their own national interest.
>
> Thus in my view, the reports of U.S. proposals of October and December, 1969, indicate the ominous beginnings of a return to the disastrous policy of an imposed settlement that failed in 1956. Our failure to support the only meaningful approach to a durable peace settlement can only lead to a fourth round of hostilities in the area and the renewed possibility of a U.S.-Soviet confrontation in the Middle East.
>
> Therefore, in the name of U.S. national interests, our commitment to the survival of Israel, and our desire for a lasting peace in the Middle East consistent with the just demands of Arab and Israeli alike, I urge you to reaffirm U.S. support for direct negotiations between Israel and the Arab governments to determine all substantive elements of a peace settlement. Nothing could better serve the interests of peace at this time.
>
> Sincerely,
>
> JOSEPH D. TYDINGS.

Mr. President, I was somewhat encouraged by a news release which appeared in this morning's Washington Post in which President Nixon is quoted as saying yesterday:

> The United States believes that peace can be based only on agreement between the parties, and that agreement can be achieved only through negotiations between them.

I sincerely hope that this latest statement by the President means that the United States is going to continue the basic policy enunciated in the Jarring resolution and pursued by both Presidents Kennedy and Johnson.

I hope that those words are not merely a clever use of language to justify an enforced settlement imposed on Israel agreed to beforehand by the big powers, with the basic points reached before any direct negotiations between Israel and the Arab States.

But if the statement means that, if it reaffirms the State Department approach, then it is misleading and I think contrary to the interests of world peace and peace in the Middle East. I hope it does not. I hope the President is affirming the basic U.S. foreign policy of direct negotiations between the Middle East adversaries.

In the name of our vital national security interests, our commitments to the survival of Israel, and our desire for a durable peace consistent with the just demands of Arab and Israeli alike, I think it is vital that the President continue to affirm the basic U.S. policy of direct negotiations between Israel and the Arab governments on all substantive

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points as the most efficient and effective way for peace settlement to be reached.

[Applause in the galleries.]

Mr. President, nothing could better serve the interests of peace at this time.

The PRESIDING OFFICER (Mr. ALLEN in the chair). The Presiding Officer reminds our guests and friends in the galleries that no demonstrations or expressions of approval or disapproval of statements of any Senator are permitted under the Senate rules. The Chair requests that visitors in the galleries kindly observe that rule.

The Senator from Maryland may proceed.

Mr. TYDINGS. Mr. President, the Senator from New Jersey (Mr. CASE), a number of Members of Congress, and I are in the process of circulating a declaration in support of peace in the Middle East, and we are requesting the signatures of our colleagues in support of the declaration. The declaration reads:

DECLARATION IN SUPPORT OF PEACE IN THE MIDDLE EAST

We, the undersigned Members of the United States Congress, declare:

A just and lasting peace in the Middle East is essential to world peace.

The parties to the conflict must be parties to the peace achieved by means of direct, unhampered negotiations. We emphasize these significant points of policy to reaffirm our support for the democratic State of Israel which has unremittingly appealed for peace for the past 21 years. Our declaration of friendship for the State of Israel is consistent with the uninterrupted support given by every American President and the Congress of the United States since the establishment of the State of Israel.

It would not be in the interest of the United States or in the service of world peace to create the impression that Israel will be left defenseless in face of the continuing flow of sophisticated offensive armaments to the Arab nations. We adhere to the principle that the deterrent strength of Israel must not be impaired. This is essential to prevent full-scale war in the Middle East. All the people of the Middle East have a common goal in striving to wipe out the scourge of disease, poverty and illiteracy, to meet together in good faith to achieve peace and turn their swords into plowshares.

Mr. President, I ask unanimous consent to have printed in the RECORD two articles which were published in the New York Times on December 28, 1969, in the section entitled "The Week in Review." The first article is entitled "U.S. Shifts Roles and Causes Deep Tremors," and was written by Peter Grose; and the second article is entitled "Israel Sees Her Security Threatened," written by James Feron. I think they demonstrate clearly that there was a definite shift in U.S. policy this winter.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

U.S. SHIFTS ROLES AND CAUSES DEEP TREMORS

(By Peter Grose)

WASHINGTON.—The symbolism of the Holy Land, its meaning of peace for all mankind, grew thin during Christmas week as the savage reality of the Middle East, its aspirations and its passions, intruded upon official Washington's holiday season. Smoldering suspicions among Arabs, among Israelis, among Russians and even many Americans flared into the open; they found a common target in William P. Rogers, the successful practicing lawyer who became the American Secretary of State and tried to inject the juridical notion of "fairness" into international affairs.

Mr. Rogers composed his now controverisal proposals for peace between Arabs and Israelis as if he were a mediator, not a supporter of one side against another, and this is where the trouble started.

Israel, which had counted on the United States as its sole advocate among the four powers, cried treachery. The Arab leaders, geared up at a summit meeting at Rabat, Morocco, for an orgy of anti-Americanism as about the only thing they thought they had in common, sulked and said it was all a trick. The Russians, invited to meet American concessions toward a balanced peace formula with some of their own, seemed instead to have decided that the Rogers demarche was a move from panic or desperation; Moscow refused any more concessions and even withdrew some it had made earlier.

AMERICAN REACTION

And at home, supporters of the Israeli cause, from former Vice President Humphrey to the leaders of the American Jewish community, were harsh in condemning the Nixon Administration for appearing to weaken Israel's bargaining position and security. The pressure of the pro-Israel lobby, both inside and outside Congress, will remain a significant factor in the months ahead.

About the softest voice in the whole brouhaha was that of Mr. Rogers himself who stood wearily before the international press corps in Washington last week and insisted against all criticism that "we think the proposals are fair."

The Rogers proposals are scattered through several wordy documents and took shape in the public eye only gradually. The Secretary's speech of Dec. 9 revealed many of the basic points that had previously been expressed in a secret note to the Soviet Union dated Oct. 28. It was a further note, given to the four-power meeting at the United Nations on Dec. 18—and disclosed last Sunday—that provided the missing pieces to complete the pattern.

In capsule form this is how the United States defines the shape of peace between Arabs and Israelis:

Between Israel and the United Arab Republic—Israel must concede the Sinai Peninsula occupied in the 1967 war and pull its troops back to the prewar border. In return, the U.A.R. must sign a commitment to peace with Israel and recognition of its sovereignty. The U.A.R. must permit Israeli shipping through the Suez Canal and the Gulf of Aqaba and enter into negotiations with Israel to settle these points: The future administration of the Gaza Strip, the delineation of demilitarized zones to insure both sides' security, and arrangement of a practical security system to control the strategic point of Sharm el Sheik.

Between Israel and Jordan—Israel must concede the occupied West Bank and agree to withdraw to the prewar border except for "insubstantial" alterations which may be negotiated between the two governments. Jordan would be required to sign the same commitment to peace and recognition as the U.A.R., assume responsibility for preventing guerrilla raids by Palestinian refugees from its territory, and enter into negotiations on these points; West Bank demilitarized zones and security arrangements, a long-range program for allowing the refugees to resettle or re-enter Israel, and an arrangement for the unified city of Jerusalem to be governed jointly by Israel and Jordan.

Mr. Rogers' decision to change America's role in the peace-making effort—from being Israel's friend in court to becoming the more impartial judge on the bench—came about early last fall.

LOSS OF INFLUENCE FEARED

The four-power and two-power talks had almost ground to a halt. The military clashes along the frontiers and terrorism from an increasingly hostile Arab population in Israel's occupied territories were causing alarm. Moderate influences in the Arab world were losing out as impatience and despair fed the flames of militancy. There seemed a real danger that the widely heralded Arab summit at Rabat would hear the death rattle of moderation and any American influence among the Arabs.

The Nixon Administration was aware of long-standing American oil and business interests in the Arab world, as well as of the articulate American Jewish community. Neither, Mr. Rogers reasoned, would be well served by the continuation of tension or the collapse of the international peace-making machinery. Though up to now Israel has been in a strong position to stand pat, with defensible de facto frontiers, Administration analysts were fearful that internal security problems would mount in Israel and that the Middle East as a whole would become sharply polarized—the Arabs and the Russians versus the Americans and the Israelis. Hence, the Administration's probe for the middle ground, fully aware that it would anger friends without necessarily satisfying enemies.

Mr. Rogers and his Middle East experts are playing for the long term. Apparently trying to gain short-term advantage, Moscow sent in its long awaited reply to the Oct. 28 note last Tuesday, and the State Department sadly called it a backward step. Speaking for their Arab clients, the Russians withdrew their endorsement of the ambiguous Rhodes formula for negotiations—the key element in the American package—and suggested that the Arab governments need not take the responsibility for the unofficial Palestinian guerrilla activities.

So now the diplomats are returning to their drawing boards. It seemed a vaguely hopeful sign that the Arab leaders were unable to make common cause at Rabat. And the United States has some pending aid requests from Israel which might provide useful leverage for the diplomatic maneuvering that lies ahead.

ISRAEL SEES HER SECURITY THREATENED

(By James Feron)

JERUSALEM.—The Israelis knew something was up when news programs began announcing that Foreign Minister Abba Eban and Ambassador to Washington Yitzhak Rabin were being called home for an emergency Cabinet meeting. The reason: a new American peace plan.

It was the latest of more than a dozen proposals formulated by Washington since the end of the 1967 war. From the Israeli standpoint, each proposal made the American position more attractive to the Arabs, while the Arab position, as represented by the Russians, remained unchanged.

The Cabinet met last Monday in an atmosphere of deepest gravity. The new American plan—suggestions for an Israeli-Jordanian agreement submitted to the Big Four Mideast conference at the United Nations—seemed to the Israelis to go further than any previous United States initiative in whittling away Israel's vial interests. Around the table, Premier Golda Meir said in an interview with this reporter later, "there was a deep feeling of injustice. After all that's happened, we're asked . . . to start all over again, as though it were 1948. Why?"

A Cabinet communique rejected Washington's "disquieting initiatives" in diplomatic language. Mrs. Meir in her interview was blunter. "Look," she said, pounding the table, "Israel won't accept this. We didn't survive three wars in order to commit sui-

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cide so that the Russians can celebrate victory for Nasser."

What was there about the latest American proposal to create such alarm in Jerusalem? Partly it was a question of procedure. One of the things that disturbed the Israelis was that Mr. Eban, according to Mrs. Meir, had not been told about the new plan when he conferred with Secretary of State Rogers only 30 hours before the proposal was unveiled, and Mr. Rabin got a copy only after it was submitted. To the Israelis it seemed that the Nixon Administration was moving away from consultation with Israel and toward imposing solutions of its own.

But mostly it was a question of substance. From the Israeli standpoint, this is what the new American plan and the earlier one for an Israeli-Egyptian settlement signify for Israel's vital security interests:

On the West Bank—Where it once decried any return to "fragile" armistice lines, the United States was now proposing the return of this whole area to Jordan except for "insubstantial" border adjustments. Apart from the fact that the Hashemite Kingdom of Transjordan lay entirely east of the Jordan River before it seized land on the west bank in the 1948 war—an annexation only two countries, Britain and Pakistan, have recognized—returning to the 1967 border would move the Jordanian border back to within 12 miles of Israel's Mediterranean coast, "so that Jordanian Long Tom guns can shoot straight into Netanya," a coastal town.

ISRAELIS SEEM WILLING

The Israelis seem willing to contemplate the return of only part of the West Bank to Jordan in the best of circumstances, probably the eastern half, including all the populated towns. The rest of it would remain—for security reasons—under Israeli administration.

On Jerusalem—From advocating a Jordanian role in certain aspects of the unified city's life, the American position has apparently shifted to one of urging that Israel and Jordan share arrangements for the city's administration. A new reference to the need to take the "international Jewish, Islamic and Christian communities" into account in the regime for Jerusalem was seen as an entering wedge for reintroducing the two-decade-old proposal (then accepted by the Israelis but rejected by the Arabs) for Jerusalem's internationalization. The Government is helping Jews settle in the former Jordanian sector of the city to give substance to its legal annexation by the Israeli Parliament, and insists that this annexation will never be reversed.

On the Arab refugees—Where it had once said that Israel need take back only a limited number of refugees, Washington was now urging that both Israel and Jordan accept the principle that all refugees have the choice of repatriation to Israel or resettlement with compensation. The Israelis are determined that whatever else happens, the Arab refugees will never return to Israel except, perhaps, in token numbers. Not even a peace treaty signed after direct negotiations would open the way to any large-scale return of what the Israelis consider to be a potentially subversive force.

On the Sinai Peninsula—Where the United States once spoke of an Israeli withdrawal to "negotiated" borders, Secretary of State Rogers in his Dec. 9 speech called for a pullback to the 1967 borders. As the Israelis see it, part of the Sinai could be returned in a peace settlement that would also guarantee Israeli shipping rights in the Suez Canal, but the eastern edge reaching to Sharm el Sheik, the outpost commanding the Gulf of Aqaba and Israel's outlet to the Indian Ocean, is expected to remain part of Israel. A highway is being built from the Israeli port of Elath to Sharm el Shiek.

On the Gaza Strip—Held by Egypt until taken by Israel in the 1967 war, this part of former mandated Palestine would be covered by some kind of Israeli-Jordanian arrangement under the new American plan. The Israelis insist that the coastal strip, "a dagger pointed at the heart of Israel," will remain under exclusive Israel administration.

The United States has yet to announce a proposal for an Israeli-Syrian settlement, where the major issue centers on the Golan Heights, from which Syrian guns bombarded farming settlements in the prelude to the 1967 war. The Golan Heights are fast becoming a part of Israel. A dozen civilian and para-military settlements ring the cease-fire line, and new settlement, forestation and farming areas are planned here. An American proposal for a withdrawal from this region would also be bitterly opposed by Israel.

The Israeli position on all these issues has not been formally fixed; to do so, it is believed, would prompt the resignations of the more dovish cabinet ministers. An Israeli peace plan awaits a negotiating partner.

Israel believes that the American proposals were developed by a well-meaning State Department that is under increasing pressure to find a settlement. And what seems diplomatically broad and vague to the Americans is too specific for the Israelis. They believe that the mere statement of principle on troop withdrawals, on refugees, and on Jerusalem undercuts their bargaining position and encourages the Arabs to think that someone else—not the Jews and Arabs themselves—will settle their problems.

And to the Israelis, their demand for direct negotiations with the Arabs goes to the very essence of the problem. As Mrs. Meir put it last week, "if they won't sit with us, how will they live with us?"

Mr. TYDINGS. Mr. President, I also ask unanimous consent to have printed in the RECORD a speech I delivered on March 21, 1969 entitled "The Middle East," discussing the Jarring Resolution in detail.

There being no objection, the speech was ordered to be printed in the RECORD, as follows:

THE MIDDLE EAST

The accession of a new administration in Washington provides a particularly appropriate time for reexamining the state of affairs in the Middle East and reviewing U.S. policy in that part of the world. For the Arab-Israeli conflict, like the war in Vietnam, represents a volatile and terribly dangerous international problem which has shown few signs of significant improvement over the past year.

Based on briefings I received from State Department officials on Wednesday and a careful reading of the President's public remarks on the matter, I detect little difference to date between the Nixon administration's Middle East policy and that pursued by President Johnson. The overriding U.S. objectives continue to be the prevention of hostilities that might lead to a confrontation between the U.S. and the Soviet Union and the maintenance of American influence in the area.

As the land bridge spanning three continents with the richest oil deposits in the world, it is not difficult to understand the interest the great powers have shown in the Middle East. If any one power were to dominate the region the global balance of power would shift sharply in its favor.

Thus when the British began their steady withdrawal of troops and ships from the Mideast after World War II, it was inevitable that the U.S. and the Soviets would seek to fill the resulting strategic power vacuum. It is this cold war competition which has given the current Arab-Israeli conflict its additional dangerous dimension—the possibility of direct U.S.-Soviet confrontation and the triggering of a nuclear war.

Since the founding of the State of Israel in 1948, the U.S. had sought to implement a two-pronged policy in the Middle East: We have supported Israel in her fight to survive, while seeking to maintain our influence with the Arab governments. Obviously, these two aspects of our policy have conflicted more often than not.

When circumstances forced us to decide between them—with the exception of President Eisenhower's decision in the Suez crisis in 1956—we have always chosen to stand behind Israel.

We have done so for two principal reasons. First, the U.S. is morally committed to the preservation of Israel as a Jewish homeland. History has made tragically clear the necessity for a place to which Jews may turn in the face of persecution which has continued to infect western history. The spectacle of Jews vainly seeking a haven from Hitler's death camps must never be repeated. No man of conscience can believe otherwise.

Second, it has been our position that the best deterrent to open conflict in the Middle East is an Israel strong enough to maintain a regional balance of power vis-a-vis her Arab neighbors. The decision of the Johnson administration to sell fifty F-4 fighter planes to Israel is further evidence of our commitment to ensure Israel the means to defend herself successfully.

Israel's extraordinary six-day victory in 1967 shattered what remained of our two-pronged strategy. Egypt, Syria, and a number of other Arab governments broke off diplomatic relations with the U.S. and turned increasingly to Moscow for aid and advice.

Therefore, to return the balance to our Middle East policy which American security requires, it is increasingly imperative that we secure a settlement that assures Israel's freedom and survival while enabling the U.S. to reestablish diplomatic relations with the Arabs.

It is toward this end that the keystone of our current Middle East policy remained in support of the United Nations mission of Ambassador Jarring and his effort to implement the U.N. resolution of November 22, 1967. For that resolution represents the only guideline for a settlement of the 1967 war that has been endorsed in principle by all parties involved.

I would like briefly to examine the provisions of that resolution with you, offering some personal interpretations and recommendations for their implementation.

The first two steps towards a settlement prescribed by the resolution are the recognition of the right of all nations in the region to exist in peace, and the withdrawal of Israeli armed forces from occupied territories. However, a major obstacle to their realization has been chronology.

For good reason, Israel is hesitant to yield occupied territories without first receiving assurances that the Arabs concede Israel's right to exist peacefully and have abandoned the illusion of someday driving the Jews into the sea.

Likewise, internal political pressures make it difficult for President Nasser and King Hussein to make or even entertain such concessions without the prior certainty that at least part of their occupied lands will be returned. Thus, one of the major tasks facing the Jarring mission—perhaps with the support of the big four powers—is to engineer the simultaneous execution of these two steps.

As for the question of which occupied territories Israel should yield, former Ambassador Goldberg has pointed out that the UN resolution simply calls for the "withdrawal of Israeli armed forces from occupied territories." The word "all" before occupied territories was purposely omitted.

Clearly, Israel intends to make and should make her borders more defensible than they were prior to June of 1967. The U.S., Britain,

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and France have publicly acknowledged that Israel may justly insist on retaining certain strategic conquered areas like the Golan Heights and parts of Gaza. However, parts of the West Bank and Sinai which are not vital to Israel's defense will have to be returned to Jordan and Egypt respectively.

The third principle for settlement set forth in the resolution is the freedom of navigation. Israel must be assured free passage of the Suez Canal and the Straits of Tiran. After Nasser's pledge to permit Israeli use of the Suez in 1956 was so flagrantly broken, it is difficult to expect Israel to accept new Arab promises. It may well fall to the big four powers—whose role I shall discuss shortly—to serve as the guarantors of any agreement.

The fourth principle is the just settlement of the refugee problem. With the June war, their number has swollen to 1.7 million. Humanitarian considerations demand action be taken immediately. For the vast majority live in conditions of the worst imaginable squallor and disease not to mention political agitation.

Obviously, Israel cannot absorb all or even most of these refugees and remain a Jewish state. Therefore, Tel Aviv will have to help compensate these people for the loss of their property and participate in a program to resettle them throughout the Middle East.

Territorial inviolability is the final settlement principle laid down in the November 22 resolution. To rely on trust and good will to preserve the peace in the Middle East is naive. Hate and suspicion still dominate Arab-Israeli relations.

Therefore, I am urging the President to propose that any Mideast settlement must provide for demilitarized zones along the Arab-Israeli frontiers to be actively and continuously patrolled by U.N. peacekeeping forces. In this way the border clashes and terrorist incursions that keep tensions high in the area may be reduced or eliminated.

Let me now turn briefly to the question of the big four powers—U.S., Britain, France, and the Soviet Union—in a Middle East settlement. I am convinced the major powers can play a constructive part in the search for peace providing we recognize the limitations inherent in their role.

The four powers cannot—I repeat cannot—impose the terms of a peace settlement on Israel or the Arabs. They possess neither the right nor, in reality, the influence to do so.

We and the other powerful nations of the world must work to create the environment which can lead to a peaceful settlement. The U.S. and the Soviet Union, in particular, must urge the parties to be flexible in their approach. The Soviets must influence the Arabs to talk, to adopt no rigid views on procedures. In addition, the big four powers may guarantee the compliance of all parties with the terms of the final settlement.

The proposed four power conference also is important as an opportunity for us to work out with the Russians then necessary understandings to avoid a direct military confrontation and to limit the arms buildup in the area.

I wish I could predict an imminent settlement of all outstanding issues in the Middle East and the onset of a just and permanent peace. Unfortunately, I cannot. The hates and hostilities still run too deeply.

The best we can hope for in the coming decade is a policy which prevents the outbreak of a fourth round in the Arab-Israeli war and which buys more time. Time to heal the bitterness and salve hurt pride. Time for dialogue and communication. Time for the mutual trust and understanding to take root which are the foundations of lasting peace.

Mr. TYDINGS. Mr. President, I ask unanimous consent that I may yield to the distinguished Senator from Connecticut (Mr. RIBICOFF) without losing my right to the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. RIBICOFF. Mr. President, I wish to take this opportunity to commend the distinguished Senator from Maryland for the excellence of his remarks in connection with this most important problem facing this Nation, the State of Israel, and the world.

Mr. President, reactions by the nations most directly effected by our Government's recent initiatives in the Middle East have been sharp, swift, and not surprising. We have, in what is unfortunately becoming a common pattern of American diplomacy, managed to antagonize a trusted ally, while satisfying no one. There have been no takers for the State Department's latest proposals for a political settlement between Israel and the Arab States. This is understandable if the basic positions of the parties involved are stripped down to barest essentials.

It is clearly in the interest of the Soviet Union to aid and encourage Arab hostility against Israel short of armed confrontation with the United States, in order to extend Soviet influence in the Mediterranean and in the Arab world.

It is in the interest of the Arab rulers to stoke the fires of hatred against Israel in order to conceal their own shortcomings in caring for the needs of their peoples, and in order to provide the only consistent basis for Arab unity.

It is in the interest of the Arab terrorists to perpetuate the illusion of the Middle East as a continuing powder keg, unless their demands for the dismantlement of Israel are met, since of all the parties concerned, they have the least to lose.

It is in the interest of Great Britain and France to preserve the illusion they are on a par with the United States and Russia in the "Big Four" talks while seeking to preserve and expand their own narrow interests in the area.

And to put it bluntly, it is in the interest of Israel to survive as a nation.

Critical Israeli comments on the administration's recent initiatives have been made more in sorrow than in anger. After all, what is there to do when a well-meaning but overanxious friend tries to do what he considers is best for everybody by giving away your most valued possession as a start?

In Israel's case, her trump card and crucial bargaining point in trying to get her Arab neighbors to negotiate has been the territory it occupied in 1967.

In essence, our Government is now attempting to pull the rug out from under Israel's feet. By proposing a detailed, comprehensive settlement, including specific border arrangements, little is left to the parties themselves to hammer out. In fact, a built-in veto by Egypt over a Jordan-Israel pact and vice versa, is provided, further exposing the fragility of such anticipated arrangements.

These proposals represent a definite reversal of our previously stated position since 1967. Only last September, President Nixon, in addressing the United Nations General Assembly, stated, that peace cannot be achieved with "anything less than a binding, irrevocable commitment by the parties to live together in peace." I agree. Why then have we departed from this sound, sensible approach in favor of one leading to what amounts to an imposed settlement which will carry with it the seeds of future conflicts? If peace is to finally come to this troubled region, it must be based upon explicit mutual recognition and reconciliation. This can be achieved only through negotiated agreements.

With the best of intentions and good faith, our State Department has been outclassed and outmaneuvered by the Soviets in the past few months. Our impatience over the stalemate and our eagerness to get things settled have resulted in an erosion in our own original position without any corresponding "give" whatsoever by the Russians. We have been left with egg a la Russe on our faces as a result of the Soviet backtracking while the Israelis are now faced with a serious undercutting of their bargaining position. Regrettably, significant concessions were offered without consultation by Israel's major ally, the United States. Fortunately, it is not too late to reverse ourselves and realine our future policies to conform to the vital interests of the United States in the Middle East.

Sentiment, guilt feelings, history, and domestic politics aside, in the cold light of international politics. Israel today is America's most valuable asset in the Middle East.

I would extend the geographic confines of the area to be considered here to what I call the "Greater Middle East"—and to include Iran, Turkey, and even Ethiopia. It is clear that the Russians hope to become the dominant Mediterranean power and also to penetrate into Africa. It is equally obvious that while some significant inroads have already been made, they are of a limited nature. Turkey still controls the Dardanelles, Russia's outlet to the Mediterranean; Tunisia, Morocco, Saudi Arabia, Lebanon, and Jordan are still well disposed toward the United States; Iran, with its reform-minded Shah is still a major oil producer, selling freely to the West; and Ethiopia, just across the Red Sea from the Arabian Peninsula, is a stanch and stable ally. The dam preventing Soviet pressures from being exerted in all these diverse directions has been Israel. But it should be obvious that only a well-armed Israel, within secure borders and with a strong economy can withstand the Soviet pressures.

If we attempt to abate the Soviet flood southward by punching small holes in the dam, temporary results might be achieved, but inevitably the barrier would be weakened and the tide would sweep throughout the Middle East and Africa. Our proposals have undermined and weakened Israel's position both vis-a-vis the Arabs and the Soviet Union. If current U.S. policies were, in fact, to be followed, a much weaker, neutralized Israel would result.

Assuming the unlikelihood that the

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Arabs would take advantage of the major concessions we are offering, the United States would receive no credit for weakening Israel in the eyes of her Arab foes. Any deterioration of Israel's position would be viewed as a Soviet triumph resulting from her steadfast support for the Arab cause. Unless the United States were to completely repudiate and assume an active role in preparing for Israel's destruction, we cannot compete on even terms with the Soviets in currying favor with Egypt, Syria, Iraq, and Algeria. It is inconceivable that we would want to compete on these terms. But why expect anything less to satisfy the leaders of these countries.

Aside from the basic strategic considerations of containing Soviet encroachments there are other aspects of United States-Israeli relations which should be mentioned in a discussion of our national interest in the Middle East.

One myth which is rebutted by available statistics has to do with the importance to the United States of Middle Eastern oil. This is simply not so. We are not dependent at all on Middle Eastern oil, in view of our own resources and those of nearby Venezuela. In fact, for years now there has been a glut of oil in the world markets—and the prospects are that it will remain so.

New oil development is proceeding rapidly all over the globe—in Indonesia, Nigeria, Alaska, and the Soviet Union, for example. The possibility we will ever need oil from the Middle East is remote. Besides, past experience has shown that it is the "have-nots" of the Arab nations who shout the loudest, and the "haves" who seek to sell their oil to the West.

Given the minor importance to us of Arab oil, the concern strongly, and secretly expressed recently, by representatives of some of the major oil companies for U.S. interests in the Arab world, should be exposed for what it is. The best motives I can ascribe to the eminent Americans who participated in the White House audience is avarice. The oil companies are, and appropriately so, in business to make profits. They would seem to be ill-equipped and singularly lacking in perspective given their own vested interests, to make serious judgments on the national interest of the United States in the Middle East.

One major European power, France, has most recently demonstrated how well she can look after herself when it comes to oil—and in one-upmanship over the United States.

I will be most interested to hear how President Pompidou will explain the latest cynical, doubledealing French maneuvering in the Middle East to our own President next month. Particularly intriguing, to put it politely, are the latest disclosures in the French-Libyan arms deal for 100 of the latest French jets. While it was patently clear as to who would really be using these aircraft against whom, the Egyptian instigation and implementation of the deal leaves a stench of duplicity that even the most insensitive diplomatic nostril must take notice of.

France's entire role in the Middle East since the 1967 war has been outrageous, given the yawning gap between its protestations of neutrality and peaceful intentions and its deeds. At least, the Russians are more candid in their support of the Arabs. French conduct toward Israel has been scandalous, and toward the United States only slightly less so. The French Government's speed in seeking to replace us in Libya is truly amazing. They might not even have to cut the grass around the runways at Wheelus after we depart.

Another convenient myth, sometimes expressed in the vicinity of Foggy Bottom, is that at the root of many of the troubles plaguing our friends in the Middle East is Israel. Without a strong Israel these past 20 years, what would have been the chances of the Jordanian and Lebanese Governments surviving until 1970? The Libyan coup is also mistakingly blamed on Israel by some sources in our own country. But who expected the feudal and futile regime of a septuagenarian monarch to last as long as it did? The forces of change sweeping over the Arab world probably would have toppled even more Arab governments by now if Israel had not existed as a convenient whipping boy.

A final myth that is often advanced as an argument against support for Israel, particularly by some young people today, is the analogy they make to our commitment in Vietnam.

The fear of another tragic involvement is understandable. But the realities of the two situations show basic differences. Israel has made it abundantly clear, both publicly and privately, that she will never ask for a single American soldier to come to her defense. Prime Minister Golda Meir recently spelled this out again when she said:

> We don't want anybody to come and fight our battles, but we have the right to demand that we not stand empty-handed against better and better tanks, planes and cannons.

From past experience, Israel has shown how well she can defend hereself without outside help. Unlike Vietnam, where after 40,000 Americans died we are still seeking to "Vietnamize" the war, Israel's war is and has always been 100-percent "Israelized."

If our policies toward Israel are to be more "evenhanded," I hope this does not mean Israel will be "emptyhanded."

At tremendous sacrifice to her economy, Israel has been paying cash on the barrelhead for the sophisticated weaponry she needs to counter the huge number of planes and tanks lavishly given to her enemies by the Soviet Union and now France. If we are truly seeking a "better balanced" policy in this area, the arms balance also must not be overloaded. The United States, in its own best interests, must assure that Israel does not fall behind in this critical race. How long can Israel bear the burden of spending 25 percent of her gross national product on defense? Courage, skill, and blood can make up for vastly inferior numbers of weapons—but not forever and not without doing damage to the quality of her society. With the realization of how Israel is steadfastly serving the interests of the United States in the Greater Middle East, a small investment by the United States in her future security would yield considerable dividends.

At present, however, Israel is deeply concerned over the long-run implications to her security by our recent proposals. But in a very short time, given the Soviet and French efforts on behalf of the Arabs, this will become critical.

While our official position still is that there must be negotiation between the parties, we have let the Arabs know in advance what we are willing to accept as the outcome. From past experiences, and we have had our share, in negotiating with the Russians it should by now be clear that what we consider to be a concession is regarded by them as a sign of weakness to be further exploited. I need not elaborate on this point.

If Israel is willing to endure until the Arab governments she has thrice bested on the battlefield are ready to negotiate, why is the United States in such a hurry? Israel is asking us to be patient. The Russians, perhaps above all else, appreciate the value in international relations of military power.

They are not blind to the military prowess of the Israeli Army, and the lack of it on the part of their clients. The United States should exploit Israel's strength, not seek to dissipate and squander this asset.

While the United States in its global chess game with the Soviet Union can afford to "win a couple, and lose a couple," the Israelis with an area the size of New Jersey and a population roughly that of my own State of Connecticut lack this flexibility. If Israel is pressured by our own country into making a poor move at this critical juncture in her history, it could mean another 2,000 years of the Diaspora.

Mr. President, I ask unanimous consent that the attached article from the New York Times regarding Egypt's role in the French-Libyan arms deal be included in the RECORD at this point.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the New York Times, Jan. 24, 1970]

U.A.R. ROLE SEEN IN LIBYAN JET DEAL—NEGOTIATORS SAID TO HAVE INCLUDED KEY EGYPTIANS POSING AS LIBYANS

(By Peter Grose)

WASHINGTON, January 23.—The Arab negotiating team that concluded France's controversial arms deal with Libya included key military experts from the United Arab Republic posing as Libyan officals, according to diplomatic intelligence reports.

It was a veteran Egyptian intelligence official, known as Fathi el-Dib, who discretely initiated the transaction with the French Defense Ministry about three months ago, it was reported.

Israeli officials have insisted since the arms sale became known five weeks ago that the transaction had been conceived as a means of by-passing the French arms embargo, imposed on the principal combatants of the Arab-Israeli war of June, 1967. American diplomats immediately acknowledged, this as a possibility, but suggested that Israel was overreacting to what might turn out to be a straightforward transaction.

These reports originated with foreign intelligence agents operating in Western Europe from sources assigned a high credibility rating by American Government analysts even though United States officials did not have impending confirmation of the reports.

The reports said that Fathi el-Dib had pressed the eager young revolutionary leaders of Libya to buy aircraft that Cairo had been seeking from France for more than two years. The two countries, together with the Sudan, have drafted a common defense pact providing for a pooling of forces for war against Israel.

The story of the French arms sale to Libya, together with the activities of Israeli agents in getting five gunboats out of Cherbourg last month, has shaken the credibility of the French Government and may have impaired relations between Defense Minister Michel Debré and his fellow Cabinet members. It is threatening open deterioration in French-American relations and presages a new spiral of the arms race in the Middle East.

During the Paris negotiations, the French are said to have insisted that the Libyan delegation sign a standard clause in arms contracts, that the equipment would not be transferred to another country.

The intelligence reports state that the Egyptians on the delegation were amenable, apparently confident that ways could be found to circumvent this restriction, but that the Libyans resisted through December, saying that they refused to have their hands tied about the use of their properly purchased armaments.

PERSUADED TO AGREE

The Libyans finally were persuaded to agree, and simultaneously Libya, Egypt and the Sudan drafted a defense pact providing for a central command and pooling of the three armed forces in the event of war against Israel.

The intelligence reports were available many days ago to agencies of the United States Government, American officials concede, but were discounted at the highest levels of the Administration.

MOTIVATION PUZZLING

These policymakers were said to have been puzzled over France's motivation, although they were said to have been partly convinced by the French explanations that it was better for the West to establish military ties with Arab Governments than to allow them to turn to the Communist world, as President Gamal Abdel Nasser of the United Arab Republic has done.

American diplomats were reported relieved at what appeared to be full disclosures given, though belatedly, by the French Foreign Minister, Maurice Schumann, to the United States Ambassador, Sargent Shriver, at a meeting two weeks ago.

Finally, both President Nixon and Secretary of State William P. Rogers were said to be determined to prevent a rift between Washington and Paris virtually on the eve of President Pompidou's visit next month. Such a rift was threatened by the expanding French involvement in Libya on the heels of the order by the new Libyan regime to the United States to close its Wheelus air base near Tripoli.

PROTEST BY ROGERS

It was only when Mr. Debré conceded on Wednesday that the proposed sale was twice as large as previously disclosed—100 aircraft instead of 50—that Secretary Rogers was moved to protest and to warn that the delicate arms balance of the Middle East could be upset.

The Nixon Administration may now have to face a decision on whether to move to restore the balance, specifically by selling to Israel 24 more F-4 Phantom jets and other military equipment requested last September after the visit to Washington by Premier Golda Meir.

State Department officials said today that these requests were still under review, and they declined to predict when a decision would be made.

According to intelligence reports now available, the origins of the Libyan arms purchases go back two years, to President Nasser's unsuccessful efforts to buy Mirage aircraft from France.

SOUGHT BETTER PERFORMER

Though the Soviet Union was already supplying the Egyptians with MIG-21 jets, Cairo wanted a better performer, a plane with longer range and higher speeds, capable of carrying bombs.

The Sukhoi-7, which the Russians were also supplying, could be used as a bomber but was even slower than the MIG-21. The French-made Mirage III-E combined high speeds with the important ability to operate effectively at low altitudes.

According to the intelligence reports, Cairo made tentative inquiries to Paris in the fall of 1967, after the six-day war in June, using the figure of 100 Mirages. The French Government was said, to have responded coolly, unwillingly to break an embargo so recently imposed, and also to have doubted Cairo's ability to pay for the aircraft.

A NEW ELEMENT

The matter then lay dormant until last Sept. 1, when a new element entered Middle Eastern politics.

Libya, which had grown rich in the nineteen-sixties from vast oil revenues, had long been considered a silent, sandy expanse of the Arab world under the conservative leadership of King Idris. The United States and Britain had military ties with the monarchy, maintained air bases in Libya and casually sold small numbers of aircraft, most of which were quickly lost by the fledgling Libyan Air Force in crashes.

Libya had little interest in the Arab-Israeli conflict, which dominated the thinking of militant Arabs.

The 79-year-old King was at a Turkish spa on Sept. 1 for treatment of a leg ailment. He was unable to return quickly to his capital, upon hearing of the coup attempt since he had long refused to fly, and was overthrown. An obscure group of young officers seized control of the Government almost effortlessly, and suddenly Muarmmar el-Quaddafi, a 27-year-old colonel, found himself in control of a wealthy and strategically situated Arab country.

NASSER MOVES QUICKLY

President Nasser moved quickly to exploit the new opportunity. He was said to have sent his North African intelligence chief, Fathi el-Dib, to Tripoli to offer his services as political adviser to the inexperienced officers-turned politicians.

Following his arrival, it was reported, at least one battalion of Egyptian combat troops was sent to Libya to provide security for the shaky new regime.

One of the new Government's first acts was to order that the British and Americans, leave the country and evacuate their air bases. Then the junta looked around for an alternate supply of military equipment and expertise.

It was Fathi el-Dib who was reported to have suggested France, and to have recalled President Nasser's old shopping list, which had gone unfilled. Colonel Quaddafi was termed amendable to accepting Egyptian guidance on military requirements and each to pool forces with President Nasser.

WELL KNOWN TO FRANCE

Fathi el-Dib was well known to the French, and not always popular. He had been President Nasser's liaison representative with the Algerian rebels during the long war with France, and was for many years said to have been on the blacklist of the French intelligence services.

In politics and intelligence, relationships can change quickly, particularly in the Middle East. Fathi el-Dib and other Egyptian officials were reported to have casually approached the French with the idea of a Libyan arms purchase similar to the requests President Nasser had made two years before.

The idea was said to have been discussed with Andre Bettencourt, French Minister of Planning and Development, who visited Cairo soon after the Libyan coup.

At first, senior French defense officials were said to have been skeptical that anyone would believe that Libya needed advanced military equipment in such large quantities. With no known enemies pressing at borders.

Toward the end of October, according to the intelligence reports, these high officials received a curt message from the office of the Defense Minister, Mr. Debre, saying, in effect, "forget about the Egyptian side: the deal is now strictly Libyan."

A few days later, what was identified as a Libyan arms purchasing mission arrived secretly in Paris, and was comfortably lodged in suites at the Hotel Cayre, on the Boulevard Raspail.

OFFICIALS NOT INFORMED

The reports specified that though Mr. Debre and a few of his top aides were fully aware that some of the negotiators during the November discussions were Egyptians carrying Libyan passports, the Foreign Ministry representatives in the talks were not so informed.

A preliminary deal was said to have been initialed at the end of November, though the exact quantities and type of military materiel to be sold were not fully spelled out. Negotiations continued, but the Defense Ministry began pressing President Pompidou for quick approval of the transaction, fearful that the Libyan regime might be too shaky to remain long in power, the reports said.

This apprehension was reinforced in December by reports of the arrest, of some high Libyan officials charged with plotting against Colonel Quaddafi, it was said.

The disclosure of the arms negotiations, in a dispatch of The New York Times on Dec. 19, caused sharp confusion in both the French and United States Governments. The United States was at that moment negotiating the terms for the evacuation from the Wheelus base.

Ambassador Charles Lucet in Washington denied the Time's report, as did official spokesmen in Paris, until gradually other officials began to confirm it. The figures cited by The Times were wrong, French spokesmen insisted; it is now clear that no final agreement on quantities had been reached at the time the original news report appeared.

SMALLER SALE CONCEDED

Most specifically, the Times's report that France was ready to sell 50 Mirage jets to Libya was derided, though French officials conceded that the sale of "10 or 15" Mirages might be under consideration.

Several attempts by Ambassador Shriver to obtain authoritative information from the Foreign Ministry finally succeeded to the extent that the State Department was prompted to say flatly that the report of a sale of 50 Mirages was "exaggerated."

Finally on Wednesday, Mr. Debre went before the Defense Committee of the French National Assembly to state authoritatively that the original news reports were indeed wrong: the figure of planes to be sold was not 50, but 100.

The enlarged number, Mr. Debre said includes not only the Mirage 5's reported earlier, but 30 Mirage III-E aircraft meeting the expressed Egyptian need for a fast, low-flying jet.

Mr. RIBICOFF. I wish to call attention to the fact that 66 Members of

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the Senate and some 280 Members of the House of Representatives have joined the distinguished Senator from Pennsylvania (Mr. Scott) and me in issuing a statement calling for direct negotiations between the parties to bring peace to the Middle East.

The statement, made on April 25, 1969, outlines the basic requirements for peace in the Middle East.

I am pleased to announce that the following Senators have signed this statement:

Messrs. Allen, Allott, Anderson, Bayh, Bennett, Bible, Boggs, Brooke, Burdick, Byrd of Virginia, Byrd of West Virginia, Cannon, Case, Church, Cook, Cotton, and Cranston.

Messrs. Dodd, Dole, Eagleton, Ervin, Fong, Goldwater, Goodell, Gore, Gravel, Gurney, Hansen, Harris, Hart, Hartke, Holland, and Hollings.

Messrs. Inouye, Jackson, Javits, Jordan of North Carolina, Kennedy, McGee, McGovern, McIntyre, Magnuson, Mathias, Metcalf, Miller.

Messrs. Mondale, Montoya, Moss, Murphy, Muskie, Nelson, Pastore, Pearson, Pell, Percy, Prouty, Proxmire.

Messrs. Ribicoff, Saxbe, Schweiker, Scott, Sparkman, Spong, Stevens, Tydings, Williams of New Jersey, Yarborough, Young of Ohio.

I ask unanimous consent that the statement be printed at this point in the Record.

There being no objection, the statement was ordered to be printed in the Record, as follows:

> On the occasion of Israel's 21st birthday, we offer our congratulations to the people of Israel on their progress: the absorption of more than 1,250,000 refugees and immigrants; the reclamation of the land; the development of their economy; the cultivation of arts and sciences; the revival of culture and civilization; the preservation and strengthening of democratic institutions; their constructive co-operation in the international community.
>
> On this 21st anniversary we express our concern that the people of Israel are still denied their right to peace and that they must carry heavy defense burdens which divert human and material resources from productive pursuits.
>
> We deeply regret that Israel's Arab neighbors, after three futile and costly wars, still refuse to negotiate a final peace settlement with Israel.
>
> We believe that the issues which divide Israel and the Arab states can be resolved in the spirit and service of peace, if the leaders of the Arab states would agree to meet with Israelis in face-to-face negotiations. There is no effective substitute for the procedure. The parties to the conflict must be parties to the settlement. We oppose any attempt by outside powers to impose halfway measures not conducive to a permanent peace.
>
> To ensure direct negotiations and to secure a contractual peace settlement, freely and sincerely signed by the parties themselves, the United States should oppose all pressures upon Israel to withdraw prematurely and unconditionally from any of the territories which Israel now administers.
>
> Achieving peace, Israel and the Arab states will be in a position to settle the problems which confront them. Peace will outlaw belligerence, define final boundaries, and boycotts and blockades, curb terrorism, promote disarmament, facilitate refugee resettlement, ensure freedom of navigation through international waterways, and promote economic co-operation in the interests of all people.
>
> The United Nations cease-fire should be obeyed and respected by all nations. The Arab states have an obligation to curb terrorism and to end their attacks on Israel civilians and settlements.
>
> We deplore one-sided United Nations Resolutions which ignore Arab violations of the cease-fire and which censure Israel's reply and counter-action. Resolutions which condemn those who want peace and which shield those who wage war are a travesty of the United Nations charter and a blow at the peace.
>
> The United States should make it clear to all governments in the Near East that we do not condone a state of war, that we persist in the search for a negotiated and contractual peace, as a major goal of American policy.

Mr. RIBICOFF. I thank the Senator from Maryland for yielding.

Mr. TYDINGS. I thank the distinguished Senator from Connecticut.

Mr. President, I ask unanimous consent that I may yield to the distinguished Senator from Missouri (Mr. Eagleton) without losing my right to the floor.

The PRESIDING OFFICER. Without objection, the Senator from Missouri is recognized.

Mr. EAGLETON. Mr. President, let me state, first of all, that I believe unequivocally that the United States must reaffirm its moral and political commitment to the continued existence and independence to the State of Israel.

Since the time I began my campaign for the Senate, I have advocated certain principles which, I believe, must be followed if peace is to come to the Middle East. I believe these principles are no less valid today.

First. We must work to bring the arms race in the Middle East to an end. This cannot be done until the United States, the Soviet Union, France, and any other country which might be tempted to sell arms there act in conjunction—I emphasize, act in conjunction—to limit the sale of arms to the area. Such action is not likely until the balance of weaponry is at equilibrium, with both sides convinced that further arms escalation is useless and dangerous. The United States must, therefore, consider acting to offset any arms sales which disturb that delicate balance.

Second. We must encourage direct negotiations between the belligerents. While other parties can be helpful in arranging negotiations and guaranteeing the agreements of such negotiations, clearly, the parties to the conflict must be the parties to the peace and other outside parties cannot and should not impose or dictate the binding terms of any ultimate settlement.

Third. The refugee problem must be solved with justice to both sides, and this point cannot be overemphasized.

Fourth. As a part of any permanent settlement, the territorial boundaries of Israel must be agreed to and recognized by all parties concerned.

I believe that the consummation of an honorable and just peace in the Middle East is of the highest priority.

I thank the Senator from Maryland.

Mr. TYDINGS. I thank the distinguished Senator from Missouri for his contribution to this dialog. I think this dialog is important because for the last decade the conduct of the foreign affairs of the United States in the Middle East has been a matter of great concern to the Presidents of the United States, particularly President Kennedy and President Johnson. During the last decade those Presidents personally gave their time and attention to provision for, direction of, and leadership in the conduct of U.S. foreign policy in that unhappy part of the globe. From time to time I am certain that the considered judgment of Presidents Kennedy and Johnson was different from that of some of the career diplomats within the Middle Eastern Department of the Department of State. I am happy that, when that was the case, the President of the United States personal direction was controlling and paramount.

During that period of time the policy of the United States consistently was to work toward peace and to encourage stability in the Middle East by providing a balance of power and by a policy which was based principally upon the need for direct negotiation and dialog between the Israeli Government and the Arab States.

Unfortunately, the Arab States, at least to date, have been unwilling to sit down in direct negotiations to consider any compelling problems. We all know that these are complex problems and that they are not susceptible to easy solution, for example, we know there is a great problem of refugees in the Middle East. We know it is a problem of concern to the Israeli Government, and, hopefully, of equal concern to the Arab Government. But I think we recognize that any attempt by the United States, the Soviet Union, France, and England to substantively negotiate themselves and present a complete agreement to Israel and her Arab neighbors would only lead to a repetition of the events of 1956, which, of course, set the foundation for the tragic war of 1967.

The purpose of this dialog and the purpose of my speech on the floor of the Senate today is to encourage the President of the United States to continue the policy which was formulated by President Kennedy and President Johnson, and to continue his personal role of leadership in this area, and not to permit an enforced settlement by the big four powers on the Arab states and Israel.

Mr. President, I ask unanimous consent that I may yield to the distinguished Senator from California (Mr. Cranston) without losing my right to the floor.

The PRESIDING OFFICER. Without objection, the Chair recognizes the Senator from California.

Mr. CRANSTON. Mr. President, I first wish to express my deep support for the leadership that is being provided by the Senator from Maryland today in his eloquent, forceful, and careful statement in regard to the situation in the Middle East.

There were stories in the press this morning of a perhaps modified position taken by the administration in regard to American policies in the Middle East. I reserve judgment on what those policies may now actually be. I think we have to wait to see whether words are followed by deeds.

The action by the United States in making a public statement on the Middle East in the context of negotiations between ourselves, the Russians and other major powers to achieve a settlement in the Middle East was rejected by the past administration, for a variety of very sound reasons. This policy was advocated and apparently is still advocated by certain bureaucrats in the Department of State, whose advice was wisely rejected at higher levels in the past administration. People at higher levels in this administration chose to respond more favorably to this erroneous advice. The advice was accepted, the policy statement was enunciated, it was immediately disavowed by those with whom we had been differing in the Middle East, by the United Arab Republic and Russia; it was also immediately disavowed by our allies in that area, and now hopefully the administration has disavowed it.

I think it should be made very plain that a major reason for the problems in the Middle East relates to the positions taken by President Nasser of Egypt. He is undoubtedly responding, in a political sense, to pressures that he feels within his own nation, and perhaps there should be some understanding of that aspect of his behavior. But he should be providing leadership that he is not providing. He is following a course that is very confusing tc those who do not carefully study the record of just what Mr. Nasser is up to in the Middle East. I should like to read something into the Record that demonstrates the intransigent nature of this man in relationship to the Arab-Israeli conflict.

In January of 1969, President Nasser said to Egypt's national assembly:

> Regarding political settlement and its possibilities, we are not intransigent. Nor do we allow ourselves to indulge in the illusion of dictating terms, but there are possible and impossible things.
>
> Giving up one inch of occupied Arab territory is impossible and I cannot do it.
>
> Accepting negotiations with Israel is impossible and I cannot do it.
>
> Conclusion of peace with Israel is impossible, and I cannot do it.
>
> This is my stand, and on its basis we have provided the opportunity for a political settlement and have accepted the U.N. Security Council resolution, despite its drawbacks. We have cooperated with the special representative of the U.N. Secretary-General over the past 7 months.

Although he concludes by saying, "We have provided the opportunity for a political settlement," it is plain in the rest of his remarks, that he has provided no opportunity for any sort of a political settlement. He makes remarks for the world, in one sense, and he makes remarks for his domestic constituents, in another sense, that are quite contradictory; and to demonstrate just how he goes about doing that, I ask unanimous consent to have printed in the Record at this point the transcript of a direct interview with him entitled "A Talk With President Nasser," published in Newsweek magazine of February 10, 1969, and an article entitled "Nasser Statements Are Hardened in Home Version," written by Alfred Friendly, and published in the Washington Post of the following day, February 11, 1969, indicating how he hardened, for domestic use, the somewhat softer language he used for overseas distribution.

There being no objection, the articles were ordered to be printed in the Record, as follows:

[From Newsweek magazine, Feb. 10, 1969]

A TALK WITH PRESIDENT NASSER

In the ever-intensifying Middle Eastern crisis no man plays a more central role than Gamal Abdel Nasser, the President of the United Arab Republic. Last week, in the first interview he has granted a Western journalist in more than a year, the Egyptian President gave Newsweek Senior Editor Arnaud de Borchgrave his views on the Arab-Israeli conflict and his thoughts about how it might be settled.

Q. *Mr. President, you have called for a more "even-handed" U.S. policy in the Middle East. What do you feel President Nixon should do?*

A. A fair policy means one that does not agree with the occupation of other countries' territories. Every day Israel says the occupation will continue and there is no reaction from the U.S. Does this mean the U.S. agrees? If you don't, all you have to do is say so. That would be a good start.

Q. *But the U.S. agreed to the U.N.'s Nov. 22, 1967, resolution.*

A. Agreeing to a resolution is one thing; condoning continued occupation is quite another. You say Israel should not withdraw before a settlement, but this then means a settlement unfavorable to the Arabs, because Israel now has the whip hand. If you give Israel Phantom fighter-bombers while they are occupying Arab lands, this can only mean you support this occupation. Otherwise, you would make delivery contingent on withdrawal.

Q. *What does the resumption of relations between the U.S. and the U.A.R. now depend on?*

A. On the point I just made. If the new Administration says it does not agree with this occupation, this will change the whole policy.

Q. *If, as you have often said, the Soviets do not control anything in the U.A.R., what leads you to believe that the U.S. could make Israel do something against its will?*

A. There is a difference between forcing Israel and stating your viewpoint. For instance, when there was a cease-fire proposal during the June war, it called for withdrawal, too. But the U.S. opposed this for the first time in the history of the United Nations. You were, in effect, encouraging Israel. You repeatedly supported the Israeli stand and were against any condemnation of the invasion. So this naturally gives us the idea that U.S. policy is to support their occupation. At first, the Israelis called them "conquered" territories, then changed the label to "occupied" and subsequently to "liberated," and the United States remained silent. It is not a question of American pressure against Israel. Just be fair and just. Instead, you gave them Skyhawk jet fighters and now Phantoms.

Q. *You apparently agree with King Hussein, who says the situation is deteriorating rapidly. In that case, what is the relevance of the Soviet peace plan?*

A. I was not optimistic about the U.N. resolution or the Soviet plan because I know Israeli strategy and views. I said to Gromyko when he came here just before Christmas: "The U.S. will not agree to your plan." Why? Because I know the U.S. supports Israel 100 per cent.

Q. *And if that were to change under President Nixon?*

A. We have to wait and see.

Q. *You have said that there will be no solution to the crisis until the Israelis believe that you are strong enough to push them out of occupied territories. When do you think Israel will become convinced of this?*

A. Well, of course, they have information about our military development. And from that standpoint, the situation is not deteriorating, as King Hussein suggests. He is in a very difficult position, because he was not able to make up the losses he suffered in the war. We are now in a much better position than last year.

Q. *Than before the war?*

A. [Laughing] You'd better not say that, or the Israelis will use it as another pretext to attack. No, better than last year. At first, I told my people we would have the strength to reconquer what belongs to us in six months. Then I raised it to twelve. We have now been patient for nineteen months. Every day we are getting stronger. But Israel is buying armaments everywhere it can and this, of course, affects the timing.

Q. *France has been Israel's biggest arms supplier, and French-made helicopters were used in the Beirut raid. Why, then, are you so grateful to France?*

A. I don't know about the helicopters. France kept very quiet about what it was doing. Its most important decision, however, was to embargo 50 Mirage fighter-bombers, and now they have frozen spare parts, too. For this we are indeed grateful.

Q. *If the Israelis had pulled back right after the June '67 war, how would the situation be different today?*

A. It was not at all in our plans to attack Israel. I promise you, we had no plans for this. In fact, three of our best divisions were in Yemen at the time, and if we had been preparing for an attack, it would have been logical to bring them home first. What I did say, however, was that if they attacked Syria, we would retaliate by attacking them.

So I could not deceive myself and say that if they had pulled back right away we would have forgotten about their attack. But by not withdrawing, they have merely generated more hatred. There is a vast difference between occupation and nonoccupation, because occupation merely forces mobilization against the Israelis. I think if they had agreed to leave in accordance with the U.N. resolution, this step could have been of tremendous effect in promoting a peaceful settlement. The resolution specifically mentioned a settlement. We agreed. We still agree.

Q. *And if they pulled back now, how would Israel's security be enhanced? What quid pro quo would the Arab states offer for evacuation?*

A. (1) A declaration of nonbelligerence; (2) the recognition of the right of each country to live in peace; (3) the territorial integrity of all countries in the Middle East, including Israel, in recognized and secure borders; (4) freedom of navigation on international waterways; (5) a just solution to the Palestinian refugee problem.

Q. *Do you insist on the choice of repatriation to what is now Israel or compensation for all refugees?*

A. The United Nations has said over and over again "the right to return or compensation."

Q. *Israel is convinced that neither you nor the Soviet Union wants permanent peace, but only a breathing spell in which to get ready for the fourth round. What can you say to convince Israel that both you and the Soviet Union want permanent peace?*

A. First of all, we were not preparing for the second or third round. We did not attack. In 1956 they attacked with the U.K. and France. Books by Western authors have made clear they had also been preparing for the third round, whose success was predicated on a preemptive first strike. Now they are preparing for a fourth round. So we must be prepared, too. You must believe me when I tell you the Soviet Union wants a peaceful settlement. I am convinced that their motives are sincere. As for us, we do not want to go on mobilizing everything for war. We crave peace. We desperately need peace for economic development. But we must defend ourselves. The Israelis have said many times their country stretches from the Nile to the Euphrates.

Q. *Do you really believe this is their objective?*

A. Of course. Remember what Defense Minister Dayan told the youth of the United Labor Party after the war. "Our fathers made the borders of '47. We made the borders of '49. You made the borders of '67. Another generation will take our frontiers to where they belong." Every day the Israeli Prime Minister, or Deputy Prime Minister, says they will not withdraw from everything they took, that big chunks will be permanently joined to Israel. They are settling Israelis in the Sinai, on the Golan Plateau in Syria and in Hebron in Jordan. So it is very hard to escape the conclusion that their *raison d'être* is expansion.

Q. *You have publicly supported the Palestinian commandos in their attacks on Israel. But you also support the U.N. Middle Eastern resolution of 1967 and the Soviet peace plan. How do you reconcile the two positions?*

A. Israel publicly refused the Soviet plan. And the U.S. answer to Moscow means the U.S. also refuses the Soviet plan. The Israelis, moreover, refuse to implement the Security Council resolution. We agreed to it. So really what choice do I have but to support courageous resistance fighters who want to liberate their lands?

Q. *Would you allow the Soviet Union, the United States, France and Britain to station troops in the Sinai as part of an agreement on Israeli withdrawal?*

A. No. We will not agree to the stationing of any soldier from the four major powers in our country.

Q. *But don't you already have Soviet military personnel in your country?*

A. No, they are advisers, not in uniform, and they take their orders from us.

Q. *Would you accept units from smaller countries under the U.N. flag?*

A. We would have no objection.

Q. *Would you agree to keep the Sinai demilitarized if Israel withdrew to its pre-June boundaries?*

A. No. We could only agree to the demilitarization of areas that are astride the boundaries.

Q. *If Israel were to pull back as the first phase of a settlement, would Egypt be prepared to sit down with the Israelis to discuss other issues?*

A. I could not give you an answer about that until they pull out. Obviously, you would not sit down with a foreign power occupying part of the U.S. until it withdrew. But I can tell you we sat down with the Israelis after the 1948 war under the armistice agreement until the 1956 war, and that we are prepared to do so again. We had joint committees with United Nations observers and it was Israel who refused to continue this procedure after 1956.

Q. *You have said that you recognize realities and that Israel is one of them. How does this differ from de facto recognition of Israel's prewar frontiers?*

A. This question has been complicated by the Israelis themselves. Under the 1949 armistice agreements, Arabs and Israelis were supposed to agree on the rehabilitation of Palestinian refugees. If this had been done, it would have been a mighty step toward lasting peace. But the Israelis refused to discuss rehabilitation. So the situation got progressively worse. Before, there were under 1 million refugees. Now there are almost 1.5 million.

Q. *Could you spell out how you see a lasting solution?*

A. The only way is for Israel to become a country that is not based on religion, but on all religions—a nation of Jews, Moslems and Christians. They lived for centuries together with few problems, but as long as the Israelis insist on depriving the Palestinians of their rights, the crisis will be with us for 10, 20, 30 and 40 more years.

Q. *Do you see any chance for that kind of evolution?*

A. Perhaps the next generation in Israel. Some Israelis are beginning to say they should think another way. But present leaders are shortsighted.

Q. *Do you believe that Israel has a nuclear capability? If so, what do you plan to do about it?*

A. Our experts don't believe Israel will develop this capability soon. But, on the other hand, we know they are highly advanced in this field and are spending lots of money to speed things up. There is no doubt that this is one of their top priority objectives.

Since the latest U.S. news reports, we have re-examined our own position. I called a meeting of our top people. The conclusion was that we have the experts and the wherewithal, but not the money. It would be terribly costly.

Q. *How much?*

A. About $250 million. But we have no plans.

Q. *And if Israel did achieve nuclear capability?*

A. We signed the noproliferation treaty. Israel refused. And under the treaty, the nuclear powers are obligated to guarantee us against nuclear blackmail.

Q. *If the events of June 1967 were repeated, what would happen this time? Would Russia intervene?*

A. We were not waiting for Russia last time, and we will not be waiting for her if there is a next time. We will defend ourselves. What helped the Israelis the last time was not so much their cleverness, but the conceit and complacency of our generals. They felt Israel would never dare to attack. They overestimated their own strength. And because of that, they failed to take elementary precautions. The situation is now completely different. It would be impossible for the Israelis to repeat June 5. They could strike first again, but they would certainly not destroy our air force.

Q. *Your detractors say that you have mortgaged your country to the Soviet Union. What is your answer?*

A. Well, we are not an independent country now, not because of the Russians, but because of the Israeli occupation. The Soviets have never asked me for anything. in Moscow last July, I told Brezhnev, Kosygin and Podgorny: "All I do is ask, ask and ask, but you never ask for anything. What can I do for *you* for a change?" They replied: "Nothing. We support your cause because it is a just one."

But if they asked me for something now, I would do it if it helped me liberate my country from the Israelis. I need all the help I can get. [Chuckling] I would gratefully accept any help the United States would give us to achieve this objective.

The Soviets give us all the raw materials we cannot obtain in the West because of foreign-exchange shortage. They don't ask for money. They take anything we can give them—refrigerators, clothes, furniture.

Q. *Aren't you afraid of being absorbed into the Soviet-bloc economy?*

A. It is not as complex as you seem to think. When you are in debt to somebody, you are always in a strong position. [Laughing] Debtors are always stronger than creditors.

Q. *How do you assess Soviet strategy in the Arab world? Why the enormous military and economic aid?*

A. You are exaggerating what you seem to think is a grand design. They just don't want to be isolated. They are trying to win friends and counterbalance American influence. We are accused of giving the Soviets bases. They have no bases in Egypt.

Q. *Perhaps no, but they come and go as they please.*

A. Before the war, the U.S. Sixth Fleet was free to visit us, too. When your ambassador requested permission for a visit, we granted it. Warships from many countries came to see us.

Q. *Looking back on your seventeen years in power, what would you have done differently?*

A. There is little time for reflection in my job. It all looks like a machine. It must go forward. This is my destiny. I believe in God and destiny, and that one should not look back.

Q. *In 1948, as a young officer embittered by defeat, you resolved to overthrow the regime responsible. If you were a young officer today, wouldn't you be just as bitter and just as determined to overthrow the regime now in power?*

A. In 1948, we were a small army of ten battalions—no tanks, no planes. The reason for our revolt was a feudal regime, corrupt from top to bottom, that supported the British occupation of our country. That's how we were let down at the front. But after that, the army was able to get everything it needed. I see many young officers, of course, and they are bitter, but against Israel and U.S. support of Israel. They want to know how long they have to wait.

Q. *And what do you tell them?*

A. Be patient.

Q. *But how long can you go on telling them the same thing?*

A. Not indefinitely, of course. But as long as it takes.

[From the Washington (D.C.) Post, Feb. 11, 1969]

NASSER STATEMENTS ARE HARDENED IN HOME VERSION

(By Alfred Friendly)

BEIRUT, February 10.—The second thoughts of Egyptian President Nasser about what portions of his recent long interview with Newsweek were fit for the ears of Egyptians are revealed by a comparison of the text published in the American magazine and the one published in Cairo.

The version issued in Egypt differs substantially in no less than 17 places, through additions, excisions, and major changes in phrasing. In particular, statements by Nasser of a conciliatory nature toward Israel were toned down or eliminated in the Cairo version.

The interview, given to Newsweek Senior Editor Arnaud de Borchgrave, was published simultaneously by agreement in Al Ahram, Egypt's most influential and authoritative daily, on Feb. 4 and in the Newsweek issue appearing on that day. De Borchgrave made a copy of his transcript available to the Egyptians for that purpose.

VERSION'S DIFFER

It appeared in Arabic translation in Al Ahram and that version was apparently retranslated to English for publication in Cairo's English-language daily, the Egyptian Gazette. That version differs as would be expected from Newsweek's in wording, but the changes of real significance were those of substance.

For example, in referring to increased Egyptian military strength and Israel's awareness of it, Nasser told de Borchgrave: "Of course, they (the Israelis) have information about our military development." The Egyptian version read: "It is certain that they are trying to obtain information."

Nasser also told de Borchgrave that, contrary to suggestions from King Hussein of Jordan, the military situation was not deteriorating although Hussein himself "is in a very difficult position, because he was not

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able to make up the losses he suffered during the (1967) war." The entire passage was eliminated in the Cairo version.

De Borchgrave asked: "How would Israel's security be enhanced" and what would be the quid pro quo if Israel withdrew from the territories it occupied during the war? In answer, Nasser detailed five points, including an Arab declaration of nonbelligerence, "the recognition of the right of each country to live in peace; the territorial integrity of all countries in the Middle East, including Israel, in recognized and secure borders; freedom of navigation on international waterways, (and) a just resolution to the Palestinian refugee problem."

ANSWER CHANGED

In the Cairo version there was no mention of enhancing Israel's security in the interviewer's question, and Nasser's reply became merely: "The answer is clear in the Security Council resolution" of Nov. 22, 1967.

As part of one question, de Borchgrave asked: "What can you say to convince Israel that both you and the Soviet Union want permanent peace?" The entire sentence was eliminated from the Cairo version.

To the reporter's question of whether Egypt would object to a United Nations peacekeeping force made up of soldiers from smaller nations in the world, Nasser replied: "We have no objections." In the Cairo version, the reply was: "There are many proposals in this respect."

PHRASE IS ABSENT

The interviewer asked if Egypt would be willing to sit down with the Israelis and discuss issues if Israel withdrew from the occupied territories. In answer, Nasser recalled that Egypt had done so before and "we are prepared to do so again." The quoted phrase is absent from the Cairo publication.

At the end, de Borchgrave asked: "In 1948, as a young officer embittered by defeat, you resolved to overthrow the regime responsible. If you were a young officer today, wouldn't you be just as bitter and just as determined to overthrow the regime now in power?"

In The Egyptian Gazette, the question reads only: "How do you describe the feeling of the younge officers in the army today? Can this be compared to the feeling they had in 1958?"

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Mr. CRANSTON. The hardship that all this entails for the people of Israel, and one of the reasons for American sympathy and understanding of their problem, relates to our own involvement at this time directly in the Vietnam war. Since the 1967 war, 480 Israelis have been killed in incidents, in addition to 1,859 having been wounded. As for those killed, that is an average of 16 a month killed by subversive enemy action or in direct conflict with the Arabs in the Middle East. For Israel to lose 16 men in 1 month is comparable, in population ratios, to the United States losing 1,400 men per month in Vietnam.

Yesterday in the New York Times there was an important statement by the American Professors for Peace in the Middle East which clearly outlined the problems in that area.

The five basic propositions that the article mentioned were, I believe, the most important ones in this issue. These were: that the United States strives for peace and stability in the Middle East; that the United States believes that no arrangement is realistic which does not rest upon the free consent of the participants; that the United States has cause for continued misgivings about the disruptive role of the Soviet Union; that the U.S. national interests rides with those societies and governments that are friendly, viable, progressive, and democratic, and finally, that the security of America's friends, as determined by these criteria, should be assisted to the point where they can defend themselves and where U.S. intervention will be unnecessary.

It seems to me that these five assumptions are crucial to understanding the situation in the Middle East. However, it does not seem that the State Department accepts these assumptions. Rather, as the article points out, the assumptions of the State Department seem to be: that the United States along with France, Britain, and the Soviet Union have a special prerogative to impose its will on other nations. We continue to offer "peace" proposals without fully consulting the nations of the Middle East. In all these activities Israel is being treated more as a pawn than as a victor. Clearly crucial to the success of negotiations in the Middle East is the respect for the sovereignty and integrity of Israel as well as the other nations. We must acknowledge that Israel has a right to determine the composition of her population, and the extent of the boundaries she fought for in 1967, in the context of direct negotiations and binding contractual agreements with her enemies.

We have sought to impose our will, unrealistically and unjustly in other areas of the world, and we must not continue to make these tragic mistakes. I am glad that the President, in his state of the Union message the other day, indicated that in the future we will not seek to impose our will on other parts of the world.

American troops are fighting in Vietnam and a large amount of U.S. aid is pouring into that country, as I said earlier. Yet the government in Saigon is not deprived of the right to negotiate face to face with its enemies. Indeed, the United States insists that Hanoi agree to this arrangement in that part of the world. U.S. negotiators on their part closely consult with Saigon on all matters affecting both countries. Israel, on the other hand, is prevented from negotiating with her enemies since the four powers have usurped the right, or seek to do so, to speak on her behalf. They now do so without even consulting Israel, and, according to recent reports, without even keeping her informed.

The recent proposal by the State Department is certainly not in keeping with the five assumptions I have outlined. Rather, this plan strengthens the Arab conviction—the State Department's approach—that they do not have to negotiate directly with the Israelis. Further this plan is a clear imposition on our part in seeking to dictate policies to the Government of Israel.

So while I am somewhat pleased by the President's latest statement on the Middle East which seems to be a repudiation of the State Department's plan—which has already been rejected by the parties concerned—we must wait to see if this new rhetoric will be put into comprehensive action which accepts the sound assumptions I have just discussed in these five points.

I close by again complimenting the Senator from Maryland and pledging my support to work with him in efforts to lead to the adoption of a sensible American policy in this vital, sensitive, and dangerous part of our world.

Mr. TYDINGS. I thank the distinguished junior Senator from California for the contribution he has made to this debate and dialog today.

Mr. President, I ask unanimous consent that I may yield to the distinguished senior Senator from Tennessee, without losing my right to the floor.

The PRESIDING OFFICER (Mr. BYRD of Virginia in the chair). Without objection, it is so ordered.

The Chair recognizes the Senator from Tennessee.

Mr. GORE. Mr. President, I wish to compliment the able senior Senator from Maryland for initiating a discussion upon a delicate and dangerous question. With a deescalation of the Vietnam war in prospect, the most acute danger of confrontation between the major powers would appear now to be in the Middle East.

The first imperative is an avoidance of a confrontation between the major nuclear powers, because in a confrontation between nuclear powers, the overwhelming danger of ignition must be recognized. This being true, an ongoing dialog between the United States and the Soviet Union is extremely imperative. Had such a dialog been pursued with sufficient vigor, a recent aberration in understanding may have been avoided.

I do not wish, however, to be critical at this point. Let us look to the future. One way to prevent a flare of hostilities is the preservation of a balance of military strength. This balance is a matter that can be preserved or achieved either by preserving the present respective power positions of the contending forces, by reducing each, or by augmenting the firepower of each. The last choice, it seems to me, would be a further armaments race in the Middle East. But this cannot be avoided by one side alone, and it seems to me dangerous for the United States to permit an imbalance of firepower and military strength by ignoring the armaments which the Soviet Union has fostered and which has been acquired from other sources by the Arab States.

Let us hope that the action which President Nixon announced as of yesterday is sufficient—sufficient in action with respect to performance on our part and sufficient, too, in its notice to the Soviet Union that an imbalance will not be permitted.

Therefore, we come back to the imperative, Mr. President, of not only maintaining an ongoing dialog between the two great nuclear powers, but also the very careful and tedious development of an equation between these two powers and equations between the two powers themselves, on the one hand, and the Arab States and Israel, on the other, that holds promise for a peaceful settlement; because ultimately, if there is a peace in the Middle East, there must be a will for peace on the part of people who live and have their being there.

This is the goal—I think the proper goal—for the U.S. peace. This, it appears to me, would be the proper goal for the Arab States and for Israel. Israel is in the Middle East; it is going to remain in the Middle East; and if it is to live there in peace and prosperity, it must do so through the achievement of a relationship of peace and understanding with her neighbors there. I am sure this is her goal. To the extent that we can assist her in the achievement of this goal, I hope we will do so.

Mr. TYDINGS. Mr. President, I ask unanimous consent that I may yield to the distinguished Senator from Ohio (Mr. Young), without losing my right to the floor.

The PRESIDING OFFICER. Is there objection? The Chair hears none and it is so ordered.

Mr. YOUNG of Ohio. Mr. President, first, I wish to praise and compliment most highly the distinguished senior Senator from Maryland for the magnificent speech he has made this morning.

Mr. President, the recent shift in U.S. policy toward Israel and the Middle East as announced by Secretary of State Rogers seriously undermines efforts to bring about a just and lasting peace in that troubled area of the world.

The change in policy has undercut Israel's insistence on direct negotiations with Arab governments. Furthermore, it has hampered Israel's flexibility in any negotiations that should finally come about. I feel outraged that State Secretary Rogers, presumably expressing the views of President Nixon, has proposed that Israel return all the territory taken by its forces in the victorious war against Nasser's aggression. Americans have a responsibility toward this little state we helped create. Apparently, Nixon administration leaders are reciprocating large campaign contributions from rich oilmen with huge investments in Libya, Saudi Arabia, Kuwait, and other Arab nations. It is ironic that the leaders of the Soviet Union immediately rebuffed the proposals set forth by Secretary of State Rogers.

Israel is the only true democracy in the Middle East and our only real friend in that part of the world. This so-called balanced policy does violence not only to Israel interests but also to the best national interests of the United States.

I oppose firmly all pressures by Nixon administration leaders upon Israeli leaders to surrender territories taken by this valiant little nation fighting against Nasser's aggression; at least until security from Arab aggression is pledged in face-to-face negotiations.

Following the 6-day war, in June of 1967, President Johnson stated this country's commitment to a peace that is based on five principles:

> First, the recognized right of national life; second, justice for the refugees; third, innocent maritime passage; fourth, limits on the wasteful and destructive arms race; and fifth, political independence and territorial integrity for all.

In the same speech, President Johnson made it clear that peace would have to be reached in direct negotiations between Israel and the Arab nations.

In September of 1968, President Johnson, in discussing the question of borders, stated:

> We are not the ones to say where other nations should draw lines between them that will assure each the greatest security. It is clear, however, that a return to the situation of June 4, 1967, will not bring peace. There must be secure and there must be recognized borders.

The new U.S. proposal categorically calls for withdrawal to the old Sinai international frontier insofar as Egypt is concerned. In the case of Jordan it calls for a return approximately to the former armistice lines with only "insubstantial changes."

These proposals are harmful to the cause of peace. They limit Israel's ability to negotiate frontier lines which are consistent with her security needs. The issue is not territorial expansionism by Israel. The prime concern is security for the valiant people of Israel. Return to the 1967 lines means retreat to 1967 close-range exposure of Israeli civilians to terrorism and siege. It is an open invitation to future aggression by the Arab leaders.

May I say that the 1967 borders were created as a result of the 1948 armistice agreement after the Arab Nations failed in their attempt to destroy Israel before it even came into being. These borders are not immutable. When Nasser and his cohorts continued on their path of aggression in 1956 and again in 1967 they risked the chance of the defeats they suffered. It was their aggression that brought Israeli forces to the Suez Canal and to the Jordan River. Now, having failed to destroy Israel, the Arab Nations naively expect Israeli leaders to withdraw to the 1967 borders with no guarantees in return.

No self-respecting nation would accede to such demands. The terms proposed by Secretary Rogers are tantamount to a surrender to the territorial and political demands of the Arab States, even though it was they who launched the 1967 aggression against Israel, who lost that war and who are still determined to destroy Israel.

In discussing the refugee problem President Johnson urged Israel and her Arab neighbors to "participate directly and wholeheartedly in a massive program to assure these people a better and more stable future."

Israeli leaders have stated time and time again that they are willing to negotiate anytime, anywhere with Arab leaders the outstanding issues in dispute—including the refugee problem. In that regard it is interesting to note that the administration fails to consider that Israel has accepted almost one-half million persecuted Jews from Arab lands, many of whom were virtually expelled. At the same time the Arab governments have refused to make any serious effort to resettle Arab refugees. They prefer to let them remain in squalid refugee camps on Israel's border, where their hate and thirst for revenge grows unabated.

It may be that the Nixon administration is seeking a peaceful solution to the tragic conflict in the Middle East. However, in rejecting the idea of direct negotiations and seeking to involve other parties in the settlement, the administration undermines the Israel position, encourages continued hostility by the Arab nations, and decreases the chance for a peaceful and binding settlement.

U.S. policy toward Israel has been one of continual retrogression. It has gone from the commitment under the Johnson administration for a peace made by the parties to the conflict to a plan whereby the parties would merely fill in the details of specific proposals made by our Government and others; from adjustment of borders to insure security to withdrawal to the 1967 borders; from maneuverability in resolving the refugee problem to the demand that Israel accept 1.4 million Palestinian refugees filled with hatred for Israel and committed to her destruction. This potential fifth column would then constitute more than a third of the population of Israel.

Mr. President, when the Arab leaders realize that they cannot defeat Israel in war—and perhaps only then—they may abandon belligerence and agree to negotiate the terms of peace treaties with Israel. There is no effective substitute for the procedure. The parties to the conflict must be the parties to the settlement. Any attempt by outside powers to impose halfway measures not conducive to a permanent peace must be averted.

Mr. President, there is a basic understanding and friendship between the United States and Israel which rests on their common dedication to democracy and freedom—an understanding which is crucial to Israel's development and survival and, at the same time, consistent with the highest interests of the United States.

Permanent peace in the Middle East will not be achieved by sacrificing the interest of that beleaguered democracy. It is essential that our Government continue to insist on direct negotiations between the Arabs and Israelis and that our Government take all practical measures to insure that Israel continues to be strong enough to deter renewed aggression against her.

Finally, may I say, in 1968, returning from a factfinding mission in Vietnam, I spent 3 days and 2 nights in Israel. The general commanding the Air Force of Israel gave me the use of one of their warplanes, piloted by an English-speaking officer who had fought in the 6-day war. I was taken over the Sinai Desert and over every other part of that little country. It was one of the bright experiences of my life.

We Americans helped to create that brave little nation. We must stand by them. We must continue to support and encourage this brave little nation which repelled the aggression of Nasser in the 6-day war.

We must stand by its side if it is compelled to defend itself against further Arab aggression.

Mr. TYDINGS. I thank the distinguished Senator from Ohio for the contribution he has made to this debate, dialog and discussion here this morning.

Mr. President, I ask unanimous consent that I may now yield to the distinguished Senator from Pennsylvania (Mr. Schweiker).

The PRESIDING OFFICER. The

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Chair would inform the Senator from Maryland that his time has now expired.

Mr. TYDINGS. Mr. President, I ask unanimous consent that we may continue for an additional 10 minutes in order to permit the Senator from Pennsylvania (Mr. SCHWEIKER), the Senator from Indiana (Mr. BAYH), and perhaps other Senators also to speak on this important subject.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Maryland? The Chair hears none, and it is so ordered.

Mr. SCHWEIKER. Mr. President, I am pleased to join many of my distinguished colleagues today in speaking out on the serious situation in the Middle East, and in reaffirming our solid support for Israel.

The deteriorating situation in the Middle East represents one of the most serious threats to world peace today, and we must recognize that any outbreak of hostilities between Israel and the Arab nations could quickly grow into a major crisis involving all major countries.

The Arab nations have never ceased open aggression and open hostility toward Israel, and despite the strong Israeli victory in the June 1967 war, the Arab nations still actively thirst for more hostility, and actively seek Soviet Union support for their efforts.

Therefore it is clear that there are not equal sides in the Middle East, and in the face of unequal opposition, it is imperative that the United States firmly back Israel's efforts to stand up against this Arab hostility.

So long as Israel is strong, and so long as it is clear that the Israeli forces can turn back any Arab threats, the threat of war in the Middle East is reduced. But as soon as Israel appears weak, and as soon as the United States lessens its firm support of the Israeli position, then the prospects for war increase. The best insurance against another full-scale Middle East war, therefore, is to keep Israel strong, and to fully support the Israeli bargaining positions.

Yesterday, President Nixon echoed these thought when he wrote to the Conference of Presidents of Major American Jewish Organizations that the United States is "prepared to supply military equipment necessary to support the efforts of friendly governments like Israel's to defend the safety of their people," and when he said that "The United States believes that peace can be based only on agreement between the parties and that agreement can be achieved only through negotiations between them."

I applaud this message by the President, and pledge to give the President my full support in any actions which carry out this pledge of U.S. backing for Israel.

In December, I was concerned over the possible implications of statements made by Secretary of State William P. Rogers, and I wrote the Secretary to warn against any undercutting of Israel's bargaining position, and asked:

> Why are we putting pressure on Israel to compromise her bargaining position when that position is taken by Israel solely in the interest of its national security and of permanent peace in the Middle East?

The President's message this weekend should be reassuring to all who were alarmed at the prospect of a change of long-time U.S. support for Israel. It indicates that the President is well aware of the necessity of maintaining a strong Israel if there is to be peace in the Middle East, and also the necessity of direct negotiations between the Israeli and Arab parties without intervention by the United States, or any other major power.

I was also pleased by the President's comment that "we are maintaining careful watch on the relative strength of the forces there, and we will not hesitate to provide arms to friendly states as the need arises."

I previously supported the sale of 50 U.S. phantom jets to Israel, which I understand is now being completed, because I felt that this addition to Israeli forces would preserve the balance and enable Israel to maintain equal strength with the Arab forces.

The recent sale of 100 jets, including 80 mirage jet fighters, to Libya by France, is disturbing. The balance of power in the Middle East is easily upset by a sale such as this, and the United States cannot sit back if we determine that such an increase in Arab forces would mislead the Arab Nations into the false belief that they could now overpower Israel.

I share the President's view that restraint in arms buildup is the best policy, but welcome his affirmation of U.S. policy to continue to provide arms to Israel if that is necessary to restore balance of power.

Mr. President, on the question of war and peace in the Middle East, the Arab countries can afford to lose over and over again, which they have done, and still seek more hostility. But if Israel loses just once, she will be annihilated. It is imperative that the United States lend full support to insure that this tragic event never occurs.

On the question of negotiations, we must fully support the Israeli bargaining position, and not ask Israel to make unreasonable concessions for a fictious permanent peace. It is the Arab Nations which have been unreasonable and if concessions are to be made now, the Arab Nations should make them.

The Congress and the executive branch must work together, to present a clear, unified policy to the world. No nation and no person must ever assume that we will not fully support Israel, and I look forward to working with my Senate colleagues and President Nixon in assuring that there is no misunderstanding of our total support for Israel, and of our firm wish for a permanent peace in the Middle East.

Mr. BAYH. Mr. President, on December 9, 1969, Secretary of State Rogers presented the Nixon administration's first major policy statement on the Middle East. The Secretary noted, at the outset that current American policy was based on the realization that—

> The parties to the conflict alone would not be able to achieve a political settlement." The new administration, therefore, "decided it had a responsibility to play a direct role in seeking a solution.

Having decided on a more active diplomatic role for the United States, the Nixon administration, according to the Secretary, was very receptive to France's February 1969 suggestion—also put forth by the Secretary General of the United Nations—that the major powers "assist" Ambassador Jarring in working out a peace settlement. The Secretary also stated that, on our own initiative, we decided to "consult directly with the Soviet Union, hoping to achieve as wide an area of agreement as possible between us."

After 8 months of four power talks at the United Nations and two-power discussions with the Soviet Union, the Secretary thought it was time to give the American public its first glimpse of what had been going on behind the scenes—amid rumors that the United States was prepared to make a dramatic gesture toward the Arabs. Among the most revealing—and disturbing—glimpses Secretary Rogers offered us was his statement that while prewar boundaries and international arrangements had been inadequate, any changes "should be confined to insubstantial alterations required for mutual security." A realistic look at the Middle East would have quickly revealed that mutual security and only "insubstantial alterations" are incompatible, but that did not seem to trouble the Secretary.

The territorial arrangements required for mutual security—and one must wonder what the Secretary means since it is Egypt that is committed to the destruction of Israel—must involve such vitally strategic points as the Sinai, the Golan Heights, and Sharm-el-Sheikh. In view of recent history, it is folly for an American Secretary of State to categorically assert that there can be only "insubstantial" changes in these boundary lines or in the way these territories are administered. The exact nature of the territorial changes required as a prelude to a permanent political settlement is something that is best left to the parties themselves to decide. For the United States to establish this type of precondition is to complicate an already confused picture by forcing the Israelis and the Egyptians to accept an imposed framework for negotiating a settlement that may be unacceptable to either. An imposed peace, as we should have learned from our ill-fated 1957 experience in the Middle East, is no peace.

In his speech the Secretary of State alluded to the even more precise formulations that the United States had formally submitted to the Soviet Union on October 28, 1969. The Russians, he noted regretfully, had not yet responded to our "balanced" initiatives. Precisely what those "balanced" initiatives had been was left to speculation, though the description of a "balanced" and "evenhanded" proposal could fairly have implied that the United States was moving away from Israel and toward the Arabs. It was a disturbing prospect, Mr. President.

My own apprehensiveness about these new departure in our Middle East policy was heightened when the press reported that a "concrete and specific" American proposal on the Israeli-Jordanian question had been formally submitted to the big four powers. It seemed to me then—and it seems to me now—that in our well-intentioned desire to break the diplomatic logjam and move the parties off dead center, we had become a little overzealous in attempting to find common ground with the Soviet Union. In fact, Mr. President, we seemed to have forgotten our own rhetoric about the need for the parties directly involved to reach agreements among themselves on boundary lines, navigation rights, refugees, and demilitarized zones. Or, was it just that, rhetoric?

The Secretary seemed to have recognized this when, in his December 9 speech, he pointed out that "an agreement among other powers cannot be a substitute for agreement among the parties themselves." What Secretary Rogers did not recognize is that the search for so-called parallel views and their formulation publically can restrict the flexibility of the parties. Simply, it reduces the incentive to bargain as well as the bargaining areas. Mr. President, why would any one of the parties to the Middle East dispute concede in direct negotiations what may have been already secured for it by one of the major powers? It would not—be it Arab or Jew.

As we now know, Mr. Presdent, on December 23, 1969, much of this became academic. Secretary Rogers received the Russian reply: "Nyet." The Soviets rejected eight of the 10 points our State Department had drawn up as the bases for beginning and implementing a permanent political settlement. Obviously, the administration had misread the Russians, who seem content to keep the Middle East heated up. The Russians are not about to let their Arab clients get out from under the shadow of Soviet influence at a time when that influence is not yet firmly established in the eastern Mediterranean. There is, in addition, the matter of more than $1 billion in Soviet military materiel—a sizable investment by any measure, including U.S. assistance to Israel—and to date the return on investment has been zero. I am afraid, Mr. President, that we will find the Soviets an unwilling partner in the Secretary's search for "parallel views."

The question on most minds now, Mr. President, is whether or not our recent diplomatic initiatives represent a departure in our Middle East policy, a policy based on our political, social, economic, and moral ties to Israel. Is the United States following Britain's and France's lead, abandoning Israel for whatever concessions can be won from the Arab States? That is the question we in Congress cannot answer. Only the President and the Secretary of State know the answer. But we in Congress must let the President and the American public know whether we favor such a shift in our policy, for it may possibly come about as much by inadvertence and lack of public discussion as by design. I, for one, am not in favor of abandoning Israel.

The merits of our specific proposals aside—and I must confess that certain aspects of both the Egyptian and Jordanian plans trouble me—I think the real tragedy of our diplomatic initiatives is that we have played out our hand in the Middle East. By violating our own stricture, and making public what we feel are acceptable terms, we have lost whatever bargaining power we may have had to bring the Israelis and the Egyptians to the bargaining table—and that is the only place where a permanent peace can be written and they are the only ones who can write it.

The greatest danger now, as I see it, Mr. President, is that having once felt compelled to break the diplomatic impasse, we will continue to formulate peace proposals in the hope of someday finding the Soviets agreeable. In the process, I fear, we are likely to lose for Israel the trump cards she possesses by virtue of her victory in the 6-day war.

How ironic it is, Mr. President, that it was at France's suggestion that we undertook this futile mission of seeking, along with the other major powers, an expanded interpretation of the Security Council's November 1967 resolution. France's concern in the Middle East, under Pompidou as well as De Gaulle, is not negotiations leading to a peace settlement, but a broadening of French influence among the oil-rich Arab States and protection of its military influence in Chad. Is there any other meaning to France's farce-like embargo on arms to the Middle East, which when interpreted means no arms to Israel but Mirages for Libya and supplies for Iraq? Mr. President, are there 50 trained pilots in all of Libya who can fly these Mirage II–E jets, an even more sophisticated version of the Mirage than Israel has ordered and paid for but that remain undelivered? No one doubts that they will be flown by Russian-trained Egyptian pilots and against Israel.

Mr. President, if the Nixon administration feels it is so important that we find a common ground with the other major powers—and obviously it does—then it ought to find it equally as important to take Mr. Pompidou to task. The President will have that opportunity shortly. I urge him to call France to account for its recent actions. Failure to do so during Pompidou's upcoming visit would be an unfortunate sign that, in fact, American policy has changed. It would signal a willingness to sit idly by as France and the Soviet Union take advantage of the present state of unrest to extend their spheres of influence.

The one area where the major powers themselves can make a direct contribution to an easing of tensions is by limiting the spiraling arms race. France, Mr. President, is taking the opposite course. The United States, as a consequence, should now reevaluate Mrs. Meir's recent request for assistance. We must take the steps necessary to see that the present balance of military power in the Middle East is maintained. To do otherwise is to invite another outbreak of hostilities.

As I said upon my return from the Middle East following the 6-day war—and it bears repeating again—a strong and secure Israel is the best deterrent to aggression.

Mr. President, I share the deep concern which has been expressed by several of my colleagues today. I think it is vitally important that our country not permit itself to be maneuvered into a position, either by what State Department officials say or by interpretations of their statements, that represents a departure from our present policy.

There is only one sure path to peace in the Middle East: that is for the parties involved to sit down and negotiate reasonably, in a face-to-face confrontation, a final political settlement. They are the ones who must live there. They are the only indispensable parties to the negotiations. We do not want to have another situation, such as that which followed the power agreement in 1957, only postponing another outbreak of hostilities for 10 years. We want the dispute to be permanently settled by having the parties themselves reach a solution.

I think the timeliness of this dialog, in view of French Premier Pompidou's impending visit to the United States, is most appropriate. I hope that the President of the United States will take this opportunity to express American concern over the situation in the Mideast. I urge the President of the United States to call France to account, to make it perfectly clear to the French that we are not going to tolerate their present policy of deliberately courting the Arabs. But if this is the direction they are headed it seems to me that the United States must insure the present balance of power by providing Israel with the means to deter Arab aggression.

I thank my colleague from Maryland for this opportunity.

ISRAEL—SUSTAINING A FRIEND

Mr. PROXMIRE. Mr. President, the United States has strongly supported the State of Israel since President Truman recognized that country in May 1948. Now is not the time to change or in any way weaken our political, military, moral, and ideological commitment to Israel.

Israel has an undeniable right to life—a right to exist. We must respect the integrity of the Israeli State and should urge all of Israel's neighbors to respect her borders. Acts of terrorism against the civilian population in Israel as well as against Israeli nationals and property in other countries is deplorable. The United States must not condone by silence deliberate acts of terrorism for which certain groups in Israel's neighbor states defiantly and actively seek international acclaim and credit.

Firm, unequivocal American support of Israel does not and should not in any way deny our desire to see the Arab States around Israel develop and prosper. We should continue to help all states in the Middle East expand and stabilize their economies and expand internal development. But can this not be done in a manner which encourages Israel and all her neighbors to live in relative peace? Is there not some way in which we can bring the states in the Middle East together to solve common problems like irrigation, land development, and even refugees?

A so-called "balanced policy" in the Middle East which will enable us to gain

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respect with the Arab States as well as with Israel is not impossible. But I emphatically reject the concept of a balanced policy if it implies we weaken our support for Israel. Our continued resolve to maintain our strong support for Israel must not even come into question for in so doing we encourage miscalculations as to our intent and vital interests in the Middle East. Such miscalculations could lead to broader conflagration and might involve the United States.

The United States should urge direct negotiations between all parties in the Middle East dispute to settle their differences at the conference table. Where there is a real desire to achieve some sort of peace, those who genuinely want to resolve differences will sit down at the conference table. Where there is only demagoguery and the talk of peace exists only for political propaganda, there will be no progress. Israel's desire to simply sit down and begin to explore the possibilities of peace and negotiations with the Arab States directly can receive nothing less than full U.S. support.

A NEW AND DANGEROUS POLICY FOR THE MIDDLE EAST—ISRAEL'S SECURITY MUST NOT BE COMPROMISED

Mr. YOUNG of Ohio. Mr. President, the distinguished senior Senator from Indiana (Mr. Hartke), has long been an astute observer of the tragic conflict in the Middle East. He was the first Senator to visit Israel following the 6-day war.

Last April, Senator Hartke pointed out that America's vital interests are far more intimately involved in the Middle East than they are in Southeast Asia; and he cautioned us that to force Israel to sacrifice its defensive positions in exchange for vague Big Four guarantees would be not only immoral but destructive of America's own position in the region. That warning was never more appropriate than it is today.

Senator Hartke recently again in Indiana reviewed the present situation in light of the Nixon administration's dangerous new initiatives in Middle East policy. His speech deserves careful attention and I ask unanimous consent that it be printed at this point in the Record.

There being no objection, the address was ordered to be printed in the Record, as follows:

A New and Dangerous Policy for the Middle East

(By Senator Vance Hartke)

I am sorry to report to you tonight that the present administration has embarked on a course that offers great danger to world peace. I refer to the shift in traditional American policy in the Middle East, a shift articulated by Secretary of State William Rogers on October 28 and December 9 of last year.

In essence, this new policy is designed to force Israel into relinquishing every bargaining card it now possesses before the bargaining even begins. This new policy would impose a "settlement" in the Middle East that settles nothing except the Arabs' right to attack Israel with impunity and to continue to refuse to make peace.

The main points of the new policy are these. First, Israel would be required to withdraw from practically all the territory it occupied following the Six Days War. Second, Israel would be required to take back within its narrow post-1956 boundaries all Arab refugees who want to return. Third, Israel would be required to turn over its capital city, Jerusalem, to a sort of condominium consisting of herself and Jordan. And fourth, Israel and the Arab states would work out the details of these and other arrangements in negotiations held under the auspices of the United Nations.

I think the first question that any reasonable man has to ask is this: What does Israel get in return for all these concessions? The concessions, again, are withdrawal from occupied territories, acceptance of a flood of Arab refugees, and abandonment of sovereignty over Jerusalem.

Well, what Israel would get in return for all this is certain Big Four guarantees of its security. Does that sound familiar? That is what Israel got in 1957 in return for withdrawing from the territory it occupied following the Suez War.

But, ten years after those guarantees were given, they disappeared without a trace the first time President Nasser raised his voice. State Department policy makers may have conveniently forgotten that fact, but we may be sure that Israel has not.

Let there be no mistake about it. If Israel is forced once again, as in 1957, to surrender the fruits of dearly won victory, the Arabs will once again, as in 1967, return to the attack—secure in the knowledge that they have everything to gain and, literally, nothing to lose. For if the Soviet Union will make good their material losses and the United States restore their political and geographic losses, what really do they have to lose by trying again?

In fact, of course, the Administration authors of this so-called "peace plan" are just as aware of its one-sidedness as you and I are. Why, then, have they offered it?

Secretary Rogers himself has said that the United States is aiming for—quote—a "*balanced* policy in the Middle East"—unquote. We have, he says, "friendly relations with both Arabs and Israelis."

Translated into the language of the real world, what that means is that the Administration is bent on courting Arab favor at the expense of our traditional ties with Israel. I assume their reasoning goes something like this: Israel has no one else to turn to anyway, and the Arab states possess most of the material resources that we and other great nations have always coveted in backward areas; so why let the Russians have a monopoly of influence with the Arabs?

That is a cold-eyed, hardheaded assessment of the situation. But it is also unprincipled. And it is a mistake.

For it cannot possibly achieve the objectives its designers hope for—except at a price no American Administration could, or should, ever pay. That price is destruction of Israel and extermination of its two and a half million Jewish citizens.

Let us make no mistake about it. That is what the Arab nations are committed to. And, more important, that is what the Soviet Union is prepared to countenance in order to maintain political ascendancy in the area. In other words, in the simplest possible terms, we cannot outbid the Russians for Arab favor. The utter ruthlessness of the Soviet Union in pursuing its objectives makes that impossible. At some point in our foolish quest for Arab "friendship" we would have to draw back; we would have to say, "No, we cannot go along with you any farther." And at that point the Russians would step forward and say, "Oh, but *we* can. You see, *we* were your true friends all along."

That point will come when, through our own ill-considered maneuvers, Israel will be stripped of its means of defense and confronting an overwhelming combination of forces bent upon its destruction. It will come when the Arabs, fully armed and ready to launch a final all-out assault, demand our neutrality as the price for their continued good will.

What then will this Administration do? I assure you, it will not be able to stand idly by and watch the Soviet-sponsored destruction of Israel and slaughter of its people. But its only alternative to that catastrophe will be active intervention on our part—an alternative that would be bitterly opposed by the American people and full of danger for world peace.

That is a grim and terrible prospect indeed. But that is the inevitable outcome of this new departure in Middle East policy.

The price for ignoring basic, tested historical principles is almost always disastrously high. So it was in Vietnam when the previous Administration ignored the fundamental principle that we should never again become involved in a land war in Asia. So it will be in the Middle East if we ignore the even more fundamental principle that you cannot buy influence in politics by selling out your friends.

De Gaulle's France, to its eternal discredit, tried—and is trying—just such a hopeless initiative when it suddenly repudiated its intimate relationship with Israel and began currying favor with the Arabs. The result? Not favor and influence—only power has influence with the Arabs—but contempt. The Arabs will *use* France, but not listen to her.

I am fearful that the new Administration policy—predicated on the same mistakes, embodying the same errors in judgment—will lead to even worse results. It is vitally important that it be changed while there is still time.

Too often in recent years our foreign policy has been shortsighted if not downright backward. Our material support has been given, in many cases, to those nations and governments which are alien to freedom. It is only the historic good will of the United States that has prevented a greater falling-away of our friends. This "blindman's" policy has caused our allies confusion and embarassment. But there are some places where our commitment is clear and just and our responsibility obvious. Such it is in Israel. This little country, so reminiscent of the early United States, which has been in a literal state of siege since its inception, is the only real democracy in the Middle East. It has been consistent in its preservation of individual and collective freedom and has always extended a hand of friendship to its neighbors—friend or foe.

No effective or constructive Middle East policy can come from any discussion that omits Israeli representation. The Six Day War was a fullfledged attempt by the Arab world to destroy Israel. The early demise of the Arabic military mass does not diminish its seriousness. Nor did it deter the Arab world from making another attempt, again with strong outside help, to destroy Israel. That is the essence of the danger to Israel today. There is no visible sign that the Arab nations are any more interested in peace today than they were two years ago. Our mission, it seems to me, is therefore to use all of our influence and moral persuasion to persuade the Arabs that they have absolutely nothing to gain in delaying the start of direct negotiations with their Israeli neighbors.

But that, unfortunately, is just what the new American policy fails to do. On the contrary, it actively encourages Arab leaders in the belief that by being intransigent long enough they can look forward to the United States forcing Israel to make major concessions. They badly need to be disabused of that notion before they become too convinced that their gamble has paid off.

The Middle East fuse grows shorter and

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shorter every day. Statesmanship on the part of the United States is needed as never before, and true statesmanship is inseparable from honor. We serve neither honor nor justice nor the cause of lasting peace when we threaten to turn our backs on our one true friend in the area in hopes of currying favor with those who have aligned themselves first with the Nazis and now with the Communists.

Let us never forget we need to live with ourselves and with the world we will help to create.

OIL, ISRAEL, AND THE UNITED STATES

Mr. PROXMIRE. Mr. President, Middle Eastern oil has long been used as a bogeyman by the oil industry: On one hand, they claim it is too insecure a source to rely upon, thus, we must limit its importation. On the other hand, they claim it is too important to us to alienate the Arab States, thus, we must not be too friendly with Israel. About the only consistent thread running through their argument is that which keeps their pocketbooks full.

Richard L. Gordon, professor of mineral economics at Pennsylvania State University, analyzed the issues involved in oil, Israel and the U.S. interests in the Middle East in a short paper. Although it does not claim to be definitive, it does analyze the major issues quite well. Because of the obvious importance of these issues to the United States, I ask unanimous consent that Professor Gordon's paper be printed in the RECORD at the conclusion of my remarks.

The lesson he draws is that the Arab States need us as a market for their oil more than we need their oil and this will continue to be true for the foreseeable future. If this be the case, and I believe it is, it is to our benefit to allow more Middle Eastern oil into the United States and thus make them more dependent upon our market. This would have two additional benefits: First, it would lower consumer costs in the United States and take off a great deal of inflationary pressure from our economy. Second, it would allow us greater flexibility in encouraging the development of Israel, a David surrounded by Goliaths.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

MIDDLE EAST OIL, ISRAEL, AND THE UNITED STATES

(By Richard L. Gordon)

In recent months, Middle East Oil has become an important consideration in two U.S. foreign policies. The reevaluation of oil import policy centers on the reliability of Arab oil supplies. Press reports indicate that oil companies have made their Middle Eastern interests part of the Arab-Israel peace problem.

Two basic questions thus arise: Is Arab oil dangerously insecure? Can U.S. policy towards Israel affect this insecurity?

From a purely economic point of view, it is only possible to note that Arab oil is simply the cheapest source of energy and can be replaced by its consumers at a price, but the Arab oil states have hardly any resources other than their oil income. Critical questions arise, in a no-man's land between economics and politics, about the social cost of using Arab oil.

Clearly, any country in the world can, if it has sufficient time and is willing to pay the price, find substitutes for Arab oil. Indeed the United States has essentially followed such a policy for many years. The key question is whether such a sacrifice makes sense. In particular, the nature of the threat remains unclear.

It can be argued, as has been done in Belgium and British government reports, that only further short crises are likely. The reports argue that the Arabs cannot afford disruption of oil incomes. It is implicitly assumed that economic rationality will ultimately dominate Arab policy. Such conclusions lead to confinement of security measures to stockpiles of oil.

Whether such a view is prudent remains a matter to be resolved by policymakers. All an outside observer can do is point out that something more reliable than selfserving statements of oil companies is needed to substantiate the pessimism. Oil companies have notoriously overestimated the difficulties of maintaining low cost energy supplies from the Middle East.

Granting that these dangers exist, it does not follow that U.S. policy implies either continuation of existing oil policies or a strongly pro-Arab policy toward the dispute with Israel. The two, of course, are mutually inconsistent. It makes no sense to make Arabs more willing to supply oil if we do not plan to buy it. Seeking favor with the Arabs by a change of policy towards Israel is useful only if we want the oil.

Thus, we must consider both whether U.S. oil policy should change and what the changes should be. One point seems clear—many innocent bystanders have been harmed. We do not make full use of extremely safe Canadian oil and include equally secure Venezuelan oil under the program. Similar questions can be raised against the inclusion of Iran, Indonesia, and perhaps Nigeria.

The question of whether we wish to take more risks about Arab oil remains less easy to resolve. It does seem likely that we can safely secure more imports of Arab oil. Whether this necessitates contingency measures also is unclear but maintenance of crude oil inventories seems a prudent policy. Other alternatives might be considered. Changed policies toward Israel are a logically possible step. The relevant issue is whether it makes sense.

It may be deduced from the above that a long chain of reasoning is required to justify such policies. A danger must exist and all alternatives must be inferior. The pro-Arab policy must work. Moreover, the U.S. must be convinced that the new policy does not cost too much in moral terms.

It seems that the chain is weak at every stage. It appears improbable that a pro-Arab policy is either necessary or likely to succeed. Needless to say, I also consider it morally indefensible.

Another justification of a more pro-Arab policy is to protect U.S. investments in the Middle East. Clearly, it would be contradictory to insist that the U.S. listen to citizens who support Israel and not hear those who have interests in Arab countries. We can only ask that the policymakers correctly appraise the different concerns and reach a sound conclusion. Analysis can only indicate the economic issues involved to see what weaknesses may exist in the oil companies' case.

The only relevant concern obviously is the protection of U.S. property abroad. The U.S. receives no significant strategic benefits from operation of oil concessions. The traditional argument for ownership of foreign resources is that it prevents unfriendly powers from cutting off supplies. This does not apply to the Arabs themselves. They have full control over flow and indeed have tried to influence policies in other countries. The only alternative to U.S. ownership that would create a significant extra threat would be Russian ownership. This possibility seems remote enough to discount.

The risks involved can be seen by examining the more pressing question of the dangers facing the U.S. oil companies. Observers of the oil industry have long noted that oil companies are being steadily squeezed by economic forces at work. Prices are steadily falling through the pressure of competition. At the same time, oil producing states have steadily increased per barrel taxes. Fears are expressed that severe crises will emerge once the profit level reaches a barely acceptable rate.

The crisis might end in confiscation. Some observers suggest that, in fact, the oil companies will sell out and let the countries assume the problems of marketing oil under more competitive conditions. Others suggest that the services of the oil companies are so valuable that the countries will purchase management assistance.

All this adds up to considerable doubts about the importance of threats to U.S. oil interests. Granting that policy changes toward Israel would have any effect, it is not clear that the results will amount to much. If one adopts the pessimistic view that seizure is inevitable, we only purchase a delay. If we believe the companies' aid is essential, the threat is illusory.

In short, even if no moral questions were involved, it is not obvious that U.S. policy can contribute greatly to saving U.S. oil investments abroad. Clearly, the moral issues are less clearcut than simple statements about property versus people would suggest. People benefit from their profit income. Nevertheless, the impacts are probably such that our usual moral principles would lead us to conclude a pro-Arab policy would have a undesirable effect.

Of course, I do not mean to imply that the latest U.S. proposals necessarily constitute the excessively pro-Arab policy I fear. Nevertheless, the proposals do seem to go too far back to the conditions before the six day war. To be sure the talk of guarantees is sufficiently ambiguous to suggest that Israel will be provided something more than the easily abrogated "guarantee" provided in 1956. However, it is all too possible that this is precisely the direction U.S. proposals will take. An obvious danger arises that the U.S. will repeat the mistakes of 1956 and in a frantic search for the appearance of peace, exert pressure for conditions that simply make other wars inevitable.

AIR FORCE'S DECISION TO ACCEPT AND FLY DEFECTIVE C–5A'S

Mr. PROXMIRE. Mr. President, the decision by the Air Force to accept and fly defective C-5A's is deplorable and scandalous. The American taxpayer has already been bilked millions of dollars because of the giveaway contract entered into with the Lockheed Corp., because of the huge cost overrun, and because of the schedule delays that have plagued this program.

Now, to add insult to injury, the Air Force plans to continue to accept delivery of C–5A aircraft which are structurally unsound and which will impose additional cost overruns on the public.

For the last year and a half, the Subcommittee on Economy in Government has been calling attention to the mismanagement and waste in the C–5A program. It took two separate hearings, direct appeals by myself to the Air Force, to the Secretary of Defense, and to the General Accounting Office before any official cognizance was taken of these problems. Finally, it will be recalled that

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hearings were conducted last summer by the Armed Services Committees of both the House and Senate into the C–5A. The results of those hearings can best be summarized in the fact that the Air Force continued to insist on the additional $1 billion for the C–5A program.

Apparently no one with authority is willing to step in and call a halt to one of the greatest fiscal fiascos ever to have occurred in connection with a weapons system contract. In light of the structural defects that have been established in the C–5A aircraft, this example of irresponsibility is now compounded.

Let me remind my colleagues in the Senate that only a few months ago, during the debate over my amendment to delete the funds for the fourth squadron of C–5A's, we were all assured by the proponents of this program, that although a bad contract had been entered into, at least the Air Force was assured of getting a plane that would perform well. Indeed, throughout 1969, the C–5A supporters boasted that their plane would meet "101 percent" of the contract performance specifications.

What an empty boast this was in view of last week's grounding of all C–5A's because of a wing crack, and in view of the defective radar system reported to us for the first time last week by the Senator from Mississippi (Mr. STENNIS).

In the hearings before the Subcommittee on Economy in Government last year, testimony was received that the performance specifications for the C–5A had been lowered during its production. In other words, the charge was made that the standards of performance were degraded so that the contractor could build the plane without meeting the high specifications provided in the original contract.

When the first report was issued last July of the wing crack in the C–5A, I raised the question of the lowering of performance standards directly with the Air Force. The response to my question was that the wing crack could be fixed with a relatively minor modification and that it would not affect production or delivery of the planes. We learned last week that the wing crack that occurred on Friday, January 16, involved the same problem which resulted in the wing crack during the static test in July 1969.

Let me cite some examples from the Whittaker report of the changes that have been allowed for the C–5A which have degraded its overall performance specifications:

First. There has been a reduction in the gross weight for substandard fields from 678,500 pounds to 571,000 pounds.

Second. There has been a reduction in the sink rate.

Third. There has been a reduction in the landing design gross from the weight associated with maximum weight payload to a basic mission weight payload.

Fourth. There has been a reduction in turning side load factor during taxi.

Fifth. There has been a reduction in the ramp gross weight for full ground handling.

Sixth. There has been a reduction in maximum speed for full flaps.

Seventh. There has been a reduction in limit speed.

Eighth. There has been a reduction in flutter speed.

To date, the Air Force has identified 46 design performance changes, almost all of which have the effect of lowering the performance standards of the C–5A.

There can be no question any longer of the relaxation of performance specifications. What we are now witnessing is the fact that this plane cannot even meet the relaxed specifications.

I call on the administration to reverse the bland acceptance of incompetence which is so evident in the history of the C–5A. As a first step, the Air Force should advise the Lockheed Corp. that no further C–5A's will be accepted until it can be shown that they can meet the performance specifications set out in the original agreement.

Second, the Air Force should immediately ground all of the C–5A's currently in operation. We are informed that modifications of the structural weaknesses in the plane will not be incorporated until after 32 aircraft are delivered. Only then will the first 32 planes be retrofitted with the modifications. Until then, the plane is to fly with only 50 percent of its load capacity. I find this arrangement reprehensible, unsafe, unwise, and unacceptable, and it should be rescinded at once. I say this because in my opinion, the C–5A is unsafe at any load.

Third, the administration should withhold all funds for the 4th Squadron. Last fall, I argued at great length against the 4th Sqaudron. In my judgment, it was a mistake to appropriate an additional $500 million to obtain even more of the dubious C–5A's. The events of the last few months clearly underline what a sad mistake it was to pour good money after bad into this program. This could prevent the notorious repricing formula and the escalation clause from going into effect.

There was no showing throughout last year's debate of a military need for the additional 23 aircraft in the 4th Squadron requested by the Air Force. We have already committed ourselves to 58 C–5A's. The question I raised last year was whether we need any more than 58. I believe that the facts showed that any aircraft after the 58th would be unwarranted, by any economic or military justification.

After the bill was acted upon, and my arguments rejected, the Air Force announced its decision to purchase only 81 C–5A's, rather than 120. However, the 4th Squadron, consisting of the 23 planes for which almost $500 million was appropriated and an additional $500 million will be needed, were retained by the Air Force.

In other words, the Air Force made a belated concession that it did not need 120 C–5A's, and that it could get along with 81. I believe that it can get along with 58, rather than 81.

I urge the appropriate committee of Congress to launch a full-scale investigation into the performance characteristics of this plane. It is time that someone penetrate behind the glib explanations of the Air Force about the effects of the numerous changes in design and performance characteristics, and learned just how far they have degraded the overall performance of the C–5A.

I fail to see how, in good conscience, the Government can stand by and allow the American taxpayer to be saddled with additional C–5A's, additional C–5A costs, and additional C–5A failures.

I ask unanimous consent to have printed in the RECORD at this point a letter to the editor that appeared in the Washington Post on January 23, 1970.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

CRACKS AT THE C–5A

I most fervently wish that The Washington Post would stop giving aid and comfort to the enemies of the United States by publishing stories about the defects in the C–5A. Look at all the trouble this creates. Mendel Rivers will now have to summon his trained juggling act from the Pentagon to do their thing before the Armed Forces Committee again, and the American people will be exposed to testimony along the following lines:

General Overrun: No sir, of course there is no crack in the wing of the C–5A. That's just a meretricious rumor being spread by enemies of the military and other Commies who are trying to destroy our way of life. Acting on the guidelines you laid down for us previously, Mr. Chairman, we have abolished the positions of the inspectors who claimed there was a crack, and I can assure this committee—and Lockheed stockholders everywhere that the C–5A is the best bargain this country will ever get for $5 billion.

I am sure that upon mature deliberation the editors of The Post will agree that no good can come from this type of journalism, and that they will heed the words of Senator Goldwater who said after flying the C–5A that what this country needs is more, not less, of the military-industrial complex. I'm with Barry. Though the C–5A develop a crack as big as the Grand Canyon of the Colorado, thank God it's one of ours!

ROD KEISER.

WASHINGTON.

Mr. MANSFIELD. Mr. President, I wish to commend the distinguished Senator from Wisconsin for his constant boring in and for his diligence in bringing to the attention of the Senate and the American public the fact that cost overruns are still continuing and that there are still defects in many of these exorbitant defense contracts. I am very hopeful that this campaign by the distinguished Senator from Wisconsin will not diminish, but continue through the months ahead, to the end that better practices will come into being, that better contracts can be let, and that this matter of cost overruns, which have reached, to hazard a guess, in the tens of billions of dollars, could be done away with and so that we could use these funds to face domestic problems instead of continuing such wasteful procedures.

Mr. PROXMIRE. I thank the distinguished Senator from Montana. I wish to point out that representatives from the General Accounting Office in testimony within the last 2 weeks stated that overruns on 38 major weapons systems were at least $20.9 billion over original estimates.

Mr. MANSFIELD. At least $20.9 billion.

Mr. PROXMIRE. I think we could document that it is much more than that.

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That was a minimum conservative estimate.

Mr. MANSFIELD. Will the Senator attempt to get that information from the General Accounting Office and have it printed in the RECORD?

Mr. PROXMIRE. I shall.

MESSAGES FROM THE PRESIDENT

Messages in writing from the President of the United States were communicated to the Senate by Mr. Geisler, one of his secretaries.

REPORT OF AMENDMENT TO THE AGREEMENT BETWEEN THE UNITED STATES AND THE UNITED KINGDOM AND NORTHERN IRELAND FOR COOPERATION ON THE USES OF ATOMIC ENERGY FOR MUTUAL DEFENSE PURPOSES—MESSAGE FROM THE PRESIDENT

The PRESIDENT pro tempore laid before the Senate the following message from the President of the United States, which was referred to the Joint Committee on Atomic Energy:

To the Congress of the United States:

Pursuant to the Atomic Energy Act of 1954 as amended, I am submitting to the Congress an authoritative copy of an amendment to the Agreement between the Government of the United States of America and the Government of the United Kingdom of Great Britain and Northern Ireland for Cooperation on the Uses of Atomic Energy for Mutual Defense Purposes of July 3, 1958, as amended. The Amendment was signed at Washington on October 16, 1969.

The Agreement as amended included a provision (Paragraph A of Article III *bis*) under which the Government of the United States agreed to transfer to the Government of the United Kingdom for its atomic weapons program prior to December 31, 1969 in such quantities and on such terms and conditions as may be agreed non-nuclear parts of atomic weapons and atomic weapons systems as well as source, by-product and special nuclear material. A second provision of the Agreement (Paragraph C of Article III *bis*) stipulated that the Government of the United Kingdom would transfer to the Government of the United States for military purposes such source, by-product and special nuclear material, and equipment of such types, in such quantities, at such times prior to December 31, 1969 and on such terms and conditions as may be agreed.

Under the Amendment submitted herewith the period during which the provisions of Paragraphs A and C of Article III *bis* of the Agreement for Cooperation remain in force would be extended for five years so that transfers could be made any time prior to December 31, 1974. The continued authorization of the two Governments to cooperate with each other in these respects would contribute to our mutual defense, particularly in the North Atlantic Treaty area.

I am also transmitting a copy of the Secretary of State's letter to me accompanying authoritative copies of the signed Amendment, a copy of a joint letter from the Chairman of the Atomic Energy Commission and the Secretary of Defense recommending approval of this Amendment, and a copy of my memorandum in reply thereto, setting forth my approval.

RICHARD NIXON.

THE WHITE HOUSE, *January 26, 1970*.

EXECUTIVE MESSAGES REFERRED

As in executive session, the President pro tempore laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the appropriate committees.

(For nominations this day received, see the end of Senate proceedings.)

MESSAGE FROM THE HOUSE—ENROLLED BILL SIGNED

A message from the House of Representatives, by Mr. Bartlett, one of its reading clerks, announced that the Speaker had affixed his signature to the enrolled bill (S. 476) for the relief of Mrs. Marjorie Zuck, and it was signed by the Vice President.

PETITION

The PRESIDENT pro tempore laid before the Senate a concurrent resolution adopted by the Legislature of the State of Oklahoma, which was ordered to be printed and to lie on the table, as follows:

RESOLUTION

Whereas, there is not a country in the world where the importance of education is ranked higher and accepted more universally than in these United States; and

Whereas, current trends support the conclusion that there will be an abnormal need to expand expenditures for education; and

Whereas, good and adequate education requires dedicated parents, teachers and taxpayers; and

Whereas, good and adequate education must be measured by the end product—the child; and

Whereas, the education and future welfare of the public school children is affected by House Bill No. 13111, United States House of Representatives; and

Whereas, the education and future welfare of the public school child of Oklahoma is affected by said bill; and

Whereas, Public Law 874 regarding Impacted Areas Assistance is directly affected by House Bill No. 13111; and

Whereas, Oklahoma has large federal installations exempt from ad valorem taxes; and

Whereas, the loss of Impacted Areas Assistance would seriously jeopardize the Oklahoma school child's future.

Now, therefore, be it resolved by the House of Representatives of the 2d session of the 32d Oklahoma Legislature, the Senate concurring therein.

Section 1. The Congress of the United States be, and is hereby respectfully memorialized to enact into law House Bill No. 13111, commonly referred to as the fiscal 1970 Labor, Health, Education and Welfare Appropriation Bill, and that the President of the United States sign the bill into law.

Section 2. That copies of this Resolution, after consideration and enrollment, shall be forwarded to United States Congress, President of the United States, Secretary of Health, Education and Welfare and the Oklahoma Congressional Delegation.

Adopted by the House of Representatives the 14th day of January, 1970.

REX PRIVETT,
Speaker of the House of Representatives.

Adopted by the Senate the 15th day of January, 1970.

DON BALCHUM,
Acting President of the Senate.

BILLS AND A JOINT RESOLUTION INTRODUCED

Bills and a joint resolution were introduced, read the first time and, by unanimous consent, the second time, and referred as follows:

By Mr. MANSFIELD:

S. 3334. A bill to amend the Interstate Commerce Act to increase the daily hire rates for the use of certain freight cars, and for other purposes; to the Committee on Commerce.

(The remarks of Mr. MANSFIELD when he introduced the bill appear later in the RECORD under the appropriate heading.)

By Mr. EASTLAND (for himself and Mr. ALLEN):

S. 3335. A bill to amend the Internal Revenue Code of 1954 with respect to the tax-exempt status of, and the deductibility of contributions to, certain private schools; to the Committee on Finance; and

S. 3336. A bill to compensate States and local educational agencies for the replacement cost of all public school buildings and facilities owned by them which have been or will be closed or abandoned by such agencies by reason of: (1) any order issued by a court of the United States; (2) compliance with any plan, guideline, regulation, recommendation, or order of the Department of Health, Education, and Welfare; (3) decisions arrived at by such State and local educational agencies in good faith efforts to comply with the decision of the U.S. Supreme Court requiring desegregation of public schools; to the Committee on the Judiciary (by unanimous consent).

(The remarks of Mr. EASTLAND when he introduced the bills appear later in the RECORD under the appropriate headings.)

By Mr JACKSON (for himself and Mr. MAGNUSON) (by request):

S. 3337. A bill to provide for the disposition of funds appropriated to pay judgments in favor of the Yakima Tribes in Indian Claims Commission dockets Nos. 47–A, 162, and consolidate 47 and 164, and for other purposes.

By Mr. HART:

S. 3338. A bill to amend section 5 of the Federal Trade Commission Act by providing for suits for damages by parties injured by reason of violations of section 5 and for class actions for such damages and for other purposes; to the Committee on Commerce.

(The remarks of Mr. HART when he introduced the bill appear later in the RECORD under the appropriate heading.)

By Mr. JORDAN of North Carolina:

S. 3339. A bill to authorize the Public Printer to fix the subscription price of the daily CONGRESSIONAL RECORD; to the Committee on Rules and Administration.

By Mr. MILLER:

S. 3340. A bill for the relief of Olga Brooks Smith; to the Committee on the Judiciary.

By Mr. FULBRIGHT (by request):

S.J. Res. 171. A joint resolution to amend the joint resolution authorizing appropriations for the payment by the United States of its share of the expenses of the Pan American Railways Congress Association; to the Committee on Foreign Relations.

(The remarks of Mr. FULBRIGHT when he introduced the joint resolution appear later in the RECORD under the appropriate heading.)

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S. 3338—INTRODUCTION OF THE 1969 AMENDMENT TO THE FEDERAL TRADE COMMISSION ACT

Mr. HART. Mr. President, I introduce, for appropriate reference, a bill to amend section 5 of the Federal Trade Commission Act to provide for suits for damages by parties injured by reason of violations of section 5 and for class actions for such damages.

For many years I have urged that private citizens, including independent businessmen, should have more latitude in bringing lawsuits against companies whose unfair business practice causes them injury. Recently the American Bar Asociation Commission, appointed by President Nixon to study the Federal Trade Commission, made a similar recommendation. Let me quote the section of that report dealing with private recovery:

> (2) Private Recovery. We recommend that private rights of action for damages and injunctive relief be created for and on behalf of consumers and other persons who are injured by deceptive practices which are violations of Section 5 of the FTC Act. This private right of recovery, particularly to the extent that it does not depend upon the utilization of FTC resources, would multiply the effectiveness of the enforcement mechanism and the seriousness of the sanction against violation.
>
> Such actions could be brought in Federal court, and the State courts could be given concurrent jurisdiction. Wherever the action is brought, the private party might rely for his right of recovery simply on violation of Section 5 to his injury. To make more meaningful to consumers these private rights, there might be created a type of consumer action which would require lowering or elimination of jurisdictional amounts or, alternatively, more permissive aggregation of claims to meet the jurisdictional amount.
>
> A whole range of questions would need to be answered in defining the nature of the private right, but we do not regard the solution to these questions as within our jurisdiction. Should automatic or discretionary trebling of damages be permitted? Should the existence of an FTC cease- and-desist order constitute a prima facie case for the private party against the respondent subject to the cease-and-desist order? Should the private right arise only upon, and pursuant to, a finding of a violation by the FTC? should it, instead, be restricted to actions based on settled interpretation of Section 5 by the FTC? Should the right accrue, not directly to individual consumers, but, instead, for their benefit, to some public authority like FTC as parens patriae to collect amounts of which consumers have been defrauded, either to hold in the public fisc or to distribute among the defrauded private parties to the extent that they can be identified? As in Sherman Act suits, Truth in Lending Act suits, or Civil Rights Act suits, should successful plaintiffs be awarded attorneys fees and, if so, in what amounts? Are safeguards on such actions required to avoid the filing of frivolous or nuisance cases?
>
> "However these questions are resolved, legislation to provide an adequate private remedy to reimburse injured parties and to deter Section 5 violators should be sought with vigor.

Since assuming the chairmanship of the Senate Antitrust and Monopoly Subcommittee scores of witnesses, both businessmen and private citizens, have appeared before us relating how they have been injured by unscrupulous business practices. The existing remedies—action by the FTC—the Department of Justice, the Post Office Department, and other Government agencies have too often proved unsatisfactory. This is not meant as criticism of these agencies since oftentimes they are powerless to act for a number of reasons. As an example, the practice may not be nationwide and therefore does not justify the expenditure of the manpower necessary to stop the practice. In many cases the agencies do act—but too late to assist those already injured. In no case is the injured party compensated for the damages he has sustained by reason of a successful Government action.

Besides compensating the injured party, this proposal would also act as a strong deterrent to violation of section 5 of the Federal Trade Commission Act and in that manner assist in the enforcement of that act by the Commission.

It is time that the individual citizen and businessman be given the right to protect himself against unfair business practices. This bill would accomplish that purpose. I ask consent that the bill be printed in the Record.

The PRESIDING OFFICER. The bill will be received and appropriately referred; and, without objection, the bill will be printed in the Record.

The bill (S. 3338), to amend section 5 of the Federal Trade Commission Act by providing for suits for damages by parties injured by reason of violations of section 5 and for class actions for such damages and for other purposes, introduced by Mr. Hart, was received, read twice by its title, referred to the Committee on Commerce, and ordered to be printed in the Record, as follows:

S. 3338

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "1969 Amendment to the Federal Trade Commission Act".

Sec. 2. Section 5 of the Federal Trade Commission Act, 38 Stat. 719, as amended, is hereby amended by adding thereto a new subsection "(m)" as follows:

"Right of Action of damaged parties—

(m) (1) Any person, partnership, or corporation who shall be injured in his business or property by any other person, partnership, or corporation by reason of any unfair method of competition in commerce, or unfair or deceptive acts or practices in commerce forbidden or declared to be unlawful by this section, may sue therefor in any district court of the United States in the district in which the defendant resides or is found, or has as an agent, without respect to the amount in controversy, and shall recover threefold the damages by him sustained, and the costs of suit, including a reasonable attorney's fee.

(2) An order to cease and desist of the Commission which has become final as provided in this section to the effect that the defendant in any damage suit has violated the provisions of this section shall be prima facie evidence against such defendant in the damage suit brought by any other party against such defendant under this subsection as to all matters respecting the violation of this section as declared by the Commission.

(3) Such suits for damages shall be brought within three years from the commission of the unfair methods of competition or unfair or deceptive acts or practices, or in case of a continuing violation from the commission of the last violation, or be forever barred: *Provided,* That the running of the three years limitations in respect of each and every private right of action arising under this subsection and based in whole or in part on any matter complained of in the proceedings under this section of the Commission shall be suspended during the pendency of such proceedings and until any order to cease and desist entered therein has become final.

(4) The several district courts of the United States of America are hereby invested with jurisdiction to receive and proceed with suits under this subsection as in other civil suits in those courts.

(5) Federal Rules of Civil Procedure for the United States District Courts, rule 23, U.S.C.A., relating to class actions shall be applicable to actions for damages as provided in this subsection if the prerequisites of rule 23 are satisfied, except as is provided in paragraph 1 of subsection (m) as to the amount in controversy.

SENATE RESOLUTION 323—SUBMISSION OF A RESOLUTION EXTENDING THE SELECT COMMITTEE ON NUTRITION AND HUMAN NEEDS

Mr. McGOVERN submitted a resolution (S. Res. 323), that the Select Committee on Nutrition and Human Needs, established by Senate Resolution 281, 90th Congress, agreed to on July 30, 1968, as amended and supplemented, is hereby extended through January 31, 1971, which, by unanimous consent, was referred to the Committee on Rules and Administration.

(The remarks of Mr. McGovern when he submitted the resolution appear later in the Record under the appropriate heading.)

CONTROLLED DANGEROUS SUBSTANCES ACT OF 1969—AMENDMENT

AMENDMENT NO. 456

Mr. HUGHES submitted an amendment, intended to be proposed by him to the bill (S. 3246) to protect the public health and safety by amending the narcotic, depressant, stimulant, and hallucinogenic drug laws, and for other purposes, which was ordered to lie on the table and to be printed.

AMENDMENT NO. 457

Mr. GRIFFIN proposed an amendment to the bill (S. 3246) supra which was ordered to be printed.

THE ELEMENTARY AND SECONDARY EDUCATION ACT AMENDMENTS OF 1970—AMENDMENTS

AMENDMENT NO. 458

Mr. SPONG. Mr. President, I wish to submit an amendment intended to be proposed by me to H.R. 514, the Elementary and Secondary Education Act Amendments of 1970. My amendment is a simple one. It is designed only to accomplish what the Congress has already authorized no less than three times, and what it will undoubtedly again authorize in this bill.

My amendment would create an 18-member Commission to study means of implementing the advanced funding procedure for education programs. I emphasize "implement" because the procedure is already authorized. The Commission

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would be composed of six members of the Senate, six members of the House and six members of the executive branch to be appointed as soon as possible. It would have until 1 year after enactment of the bill to report to the Congress and the President.

Three times the Congress has approved the concept of advanced funding for education programs. In 1967, we voted to permit advanced funding of all programs contained in the Elementary and Secondary Education Act—Public Law 90-247. In 1968, we voted to permit advanced funding of higher education programs—Public Law 90-575. That same year, in the vocational education legislation, we voted to permit advanced funding of all programs which the Commissioner of Education administers—Public Law 90-576.

Twice, in the fiscal 1969 and fiscal 1970 budgets, the President requested advanced funding for title I of the Elementary and Secondary Education Act. Once, in fiscal 1969, advanced funding was provided for one education program, title I of the Elementary and Secondary Education Act. We are about to authorize advanced funding for education programs for the fourth time.

But, we have no advanced funding in operation. We have spoken words and we have cast votes. And not much has happened. We have said how wonderful advanced funding would be; how much it would help local school officials in the planning of their budgets. We have offered advanced funding to them in the authorization bills, and then slipped it off the tray in the appropriations process.

And we have compounded the fiscal problems of local education personnel by late funding of education programs—by failing to make money available until after the school year for which the funds are to be used has begun or, as in the case of the current year, until the school year is almost half over.

I submit that it is time for action. We must either take definite steps to implement the procedure, or we must admit that it was a good idea which we are not quite willing to carry through. In other words, it is time to fish or cut bait.

I simply do not feel that we can continue under the current procedures. I am inserting a chart which shows the date when the Labor-Health, Education, and Welfare appropriations bill has passed Congress in each of the last 11 years. As can be seen, the date has become later and later. And passage of the bill is only a beginning. Once the appropriations are cleared, they must then be allotted to the departments and agencies by the Bureau of the Budget. Then the individual offices must obligate them to the States and school districts. All of this takes time. And all too often the result is that school districts do not receive their funds until the spring.

In some cases, the situation is even worse. I learned recently that some school districts in my State had just received their final impacted areas funds for fiscal 1968.

Clearly school districts cannot function effectively or efficiently under the current procedure, where there is almost always uncertainty over available funds. Federal funds account for about 10 percent of the educational expenditures in the Nation. They can mean the difference between hiring special and remedial teachers, between good libraries and bad libraries, between having sufficient equipment and not having it.

With the passage of the many educational programs in the past few years, we have made a strong commitment to education. The future of our Nation is bound up in that commitment. If that commitment means anything at all, we must give it the chance to work—to work effectively and efficiently. And it cannot work effectively and efficiently under the current funding process.

Certainly, there are potential problems involved in the advanced funding procedure, but they are problems which can be overcome: problems which we have admitted can be overcome or have been willing to disregard in our earlier votes.

To implement the procedure will require the cooperation of the Congress, which appropriates money, and the executive, which prepares the budgets and administers the programs. For these reasons, I have included representatives of both the Congress and the executive on the Commission, for which my amendment provides. I would assume that the Commission would contain representatives from both the legislative and the appropriations committees which have jurisdiction over education programs, as well as from the Budget Bureau and the Office of Education.

It can, of course, be argued that advanced funding is impossible at a time when budgetary and financial problems facing our Nation are so great. I disagree. Procedures could, for example, be adopted whereby 80 or 90 percent of the funding is made on an advanced basis or where funding is provided on a higher basis, say 95 percent, but provision is made for modifications before April 1 of the year preceding the fiscal year in which the funds are to be used. There are, of course, other means of meeting unexpected financial problems and one of the duties of the Commission would be to investigate these.

There will always be times when we wish to modify programs, to change emphases. Advance funding will not affect that. It will simply require that schools be given leadtime in which to prepare for any change which might be made in Federal support for education—time which schools need and deserve.

As I noted earlier, Congress has voted for advanced funding three times in recent years. In doing so, we have indicated that it is a desirable procedure. If our votes of the past years mean anything and if we have any concern for orderly planning in education then I believe we must move to implement the advanced funding procedure which we have already accepted in previous votes.

LABOR-HEALTH, EDUCATION, AND WELFARE APPROPRIATIONS BILLS (1959-69)

Date	Bill number	Date bill passed Congress
1969	H.R. 18037	Oct. 10, 1968
1968	H.R. 10196	Oct. 27, 1967
1967	H.R. 14745	Oct. 21, 1966
1966	H.R. 7765	Aug. 17, 1965
1966	H.R. 10586[1]	Sept. 9, 1965
1965	H.R. 10809	Sept. 3, 1964
1964	H.R. 5888	Sept. 26, 1963
1964	H.J. Res. 875[1]	Jan. 29, 1964
1963	H.R. 10904	Aug. 2, 1962
1962	H.R. 7035	Sept. 12, 1961
1961	H.R. 11390	Aug. 26, 1960
1960	H.R. 6769	July 30, 1959
1959	H.R. 11645	July 18, 1958

[1] These were special supplemental appropriation bills for the Departments of Labor and Health, Education, and Welfare. In addition, certain educational programs received additional funds in each of the above years under general supplemental appropriations bills. These general supplemental appropriations bills passed after the regular appropriations bills and thus were allocated to local school districts at a later date.

The **PRESIDING OFFICER**. The amendment will be received and printed and will lie on the table.

AMENDMENT NO. 459

Mr. **TYDINGS** submitted an amendment, intended to be proposed by him, to the bill (H.R. 514) to extend programs for Elementary and Secondary Education, and for other purposes, which was ordered to lie on the table and to be printed.

S. 3334—INTRODUCTION OF BILL INCREASING THE DAILY HIRE RATES FOR THE USE OF CERTAIN FREIGHT CARS

Mr. **MANSFIELD**. Mr. President, in the past 10 years the Montana congressional delegation has been plagued with an annual problem for which no reasonable solution has been developed. I refer to the continual and, in some instances, increasing shortage of boxcars on the Western railroad lines.

This is a very serious matter to States like Montana where so many farmers and elevator operators are dependent upon an adequate source of boxcars to ship their wheat to the export market on the west coast.

Today Montana ranchers are buying large, expensive trucks to transport grain to water outlets on the Columbia River for transport to the coast. This situation has been compounded by our expanded export of grain. Despite the annual discussion on how best to facilitate a return of boxcars to owner lines, very little effective action has been taken by the Interstate Commerce Commission or the Congress.

This year the car shortage on the Great Northern Railroad line has reached ridiculous proportions. Recently, there was a Montana request for 3,500 cars and they were receiving something on the order of 10 or 15 per day. Fortunately, this year the situation has not been as bad on the Northern Pacific line, which also crosses the State of Montana. This does not mean, however, that it will not happen in the future. To date, there has been no effective means of convincing the eastern railroad lines that they should return the cars to the owners as expeditiously as possible.

To date, the ICC has been hesitant to issue strong orders establishing incentive charges and increased penalties.

I have joined with a number of my colleagues here in the Senate in cosponsoring S. 3223 to give the ICC additional authority to handle the situation. The proposed bill would authorize an increase in the incentive per diem and penalties. The congressional interest in this proposal seems to have generated little activity at the agency level.

I believe that we must impress upon the railroads and the Commission the seriousness of this situation. I will, therefore, send to the desk a bill which would set per diem rates at $100 minimum and an increase of penalty charges from $1,000 and up to $10,000. These provisions seem to be severe, and they are meant to be so. The boxcar shortage should not be allowed to disrupt the industry each year, as has been the case as far as Montana is concerned, over the past two decades. Recently, it has been so on an almost continual basis. Hopefully, this latest proposal will give notice to all parties that the boxcar shortage in the West will not be permitted any longer. There are solutions and Congress and the Interstate Commerce Commission must act to provide the necessary relief.

Mr. President, I send to the desk a bill to amend the Interstate Commerce Act to increase daily hire rates for use of certain freight cars, and for other purposes, and I ask that the bill be referred to the Committee on Commerce.

The PRESIDING OFFICER. The bill will be received and referred to the Committee on Commerce.

The bill (S. 3334), to amend the Interstate Commerce Act to increase the daily hire rates for the use of certain freight cars, and for other purposes, introduced by Mr. Mansfield, was received, read twice by its title, and referred to the Committee on Commerce.

S. 3335 AND S. 3336—INTRODUCTION OF BILLS RELATING TO PRIVATE AND PUBLIC SCHOOL SYSTEMS

Mr. EASTLAND. Mr. President, the distinguished junior Senator from Alabama (Mr. Allen) and I are today introducing two bills dealing with the very serious school problems in our section of the Nation. The purpose of one of these bills is to assure fair and equitable treatment for the public schools of the South. The purpose of the other bill is to assure fair and equitable treatment for the private schools of the South.

Surely all of the Members of this body can unite in support of legislation which would accomplish these worthy goals. The enactment of these bills into law will not be a cure-all or a panacea, but I am convinced their enactment will be a step in the right direction.

S. 3336, the bill dealing with the public schools simply provides that the United States shall compensate States and local education agencies in an amount equal to the replacement cost of all public school buildings and facilities owned by any such State or agency which have been or will be closed or abandoned by any such agency as a result of, first, any order issued by any court of the United States; second, compliance with any plan, guideline, regulation, recommendation or order of the Department of Health, Education, and Welfare, or; third, actions taken by any such State or agency in good faith efforts to comply with the decision of the U.S. Supreme Court requiring desegregation of public schools.

Jurisdiction is vested in the district courts of the United States to hear and determine any claims based upon the provisions of the act. The bill also authorizes appropriation of such sums as may be necessary to carry out this act.

Mr. President, the only result of the enactment of this bill into law would be to afford the public schools of the Southern States basic justice and fair treatment.

The fact of the matter is that the Federal courts and HEW, in their blind zeal to bring about instant total integration and revolutionize the social and economic structure of the South, have taken actions which have caused many public school buildings and facilities in my State to be abandoned. These school buildings and facilities are sitting unused. Like all vacant property, these buildings and facilities are deteriorating in value.

Why should not the Federal Government pay from its Treasury a fair and just amount of money to compensate for this terrible loss to the school systems?

I made a speech on this floor on December 16 of last year on the HEW appropriations bill, in which I gave specific examples of the horrible effects of these court orders and HEW directives.

For example, I pointed out that the Federal district court had ordered the Carroll County School Board to accomplish the integration of its school system by closing the school at Blackhawk. This school was located in a colored community and had been attended by black students. The court ordered this school closed and its students bused to other sections of the county. The Carroll County School Board complied with this outrageous court order, and the Blackhawk School has been abandoned. To make this matter even worse, the taxpayers of Carroll County had just recently spent approximately $42,000 in the construction and equipping of a new cafeteria to serve the students and faculty of Blackhawk School. That cafeteria is now useless.

Incidentally, I am told that the colored citizens of that area are very upset about the closing of this school, because they feel that such action has destroyed their community. They are very much opposed to this.

As an example of the abandonment of a school building in a good-faith effort to comply with the integration orders of the Federal courts, I mentioned in my December 16 speech the situation at the Inverness High School in the Sunflower County School District, which is my home district.

In the 1968–69 school year, the Sunflower County School District was operating under a "freedom of choice" plan of desegregation. The operation of this plan resulted in some classroom mixing of the races.

During that school year approximately 300 white students and no colored students attended the Inverness High School. Despite its name, this school taught grades one through 12.

Prior to the opening of school in September 1969, the Federal court ordered the school district to assign students to the schools on the basis of tests to be administered to the students. The court ordered that the assignments be made on this basis for grades one through four, inclusive, for the present school year. As a result of the test plan, 24 colored students were assigned to attend the Inverness school this school year. Every one of the white students withdrew from the school, which has now been closed as an economy measure. The 24 colored students assigned to that school are being bused to other schools in the district.

These types of incidents are continuing to occur in the school districts of Mississippi. I am sorry to say that we can anticipate that such arbitrary and illegal misuse of Federal power can be expected to continue and increase in frequency.

Mr. President, there is no way to adequately compensate these school districts and the people who support them for the misuse of Federal power to close their cherished community institutions, the public schools. Nothing can blot from sight or memory the sorry spectacle of beautiful school buildings empty and abandoned. They are, indeed, monuments to the dreams of a great people, dreams shattered and destroyed by Federal oppression.

The least we can do is to pay a fair amount of money in partial compensation for this irreparable injury.

Mr. President, the purpose of the other bill being introduced by Senator Allen and myself is to assure that the private schools of Mississippi and the other Southern States receive the same and equal justice accorded the private schools throughout the other parts of the Nation.

S. 3335 would amend sections 501 and 170 of the Internal Revenue Code of 1954 to provide that tax exempt status under section 501 shall not be denied to a private school on account of the admission policies, requirements for admission, or composition of the student body or faculty of such school.

If a court of the United States enters a final judgment that the Constitution or laws of the United States prohibit the granting of exempt status to a private school on account of the admission policies, the requirements of admission, or the composition of the student body or faculty of such school, for the period during which such judgment is in effect, then no institution organized and operated exclusively for religious, charitable testing for public safety, literacy, or educational purposes, or for the prevention of cruelty to children or animals shall be exempt from taxation.

The bill would amend section 170 of the Internal Revenue Code of 1954, relating to charitable contributions, in a similar manner.

Mr. President, in my judgment, what is sauce for the goose is sauce for the gander. The necessity for the enactment of this legislation is a result of another encroachment by the Federal courts on the power of Congress to enact the law. I refer, of course, to the order for preliminary injunction entered by a three-judge Federal district court in the District of Columbia in the case styled Green against Kennedy.

The effect of this judicial atrocity is to enjoin the Secretary of the Treasury and the Commissioner of Internal Revenue from approving any pending or future application for tax-exempt status filed with the Internal Revenue Service by any private school located in the State of Mississippi and/or determining that contributions to any such school are deductible by the donors as a charitable contribution unless they first affirmatively determine that the applicant school is not a part of a system of private schools operated on a racially segregated basis.

This usurpation of legislative power by the Federal court is shocking.

Those who are interested in maintaining our precious system of separation of powers should join in support of this bill. Congress made its intent perfectly clear in sections 170 and 501 of the Internal Revenue Code. It provided that any religious, charitable, scientific, or educational institution should have tax-exempt status, and that contributions made to all such institutions should be tax deductible. The Federal court in the District of Columbia simply decided that it did not like the way Congress wrote the laws, and so it wrote an amendment to them which it enforces by judicial decree.

The primary purpose of each section is to restate the law exactly as it is, so that perhaps even Federal courts will be able to understand. We first seek to amend sections 170 and 501 to reiterate that all educational institutions shall be entitled to tax-exempt status and that contributions thereto will be deductible.

Our first goal is to achieve justice and equity.

If we fail in this, then the secondary purpose of these bills is to at least achieve equality with the private schools of the rest of the Nation. That is the purpose of the provisions which state that if a Federal court enters a final order that denies these private schools in Mississippi tax-exempt status, or denies tax-deductible status to contributions made these schools, then the right of all private schools in the United States, including religious schools to receive tax-exempt status, and for contributions thereto to be treated as tax deductible, will be denied.

The noted columnists James J. Kilpatrick and David Lawrence have written penetrating and perceptive articles about this terrible decision in the Green case.

I ask unanimous consent to have printed in the RECORD an article entitled "Congress Must Undo Private-Schools Ruling," written by James J. Kilpatrick and published in the Washington Evening Star of January 20, 1970, and an article entitled "A Startling Ruling For Mississippi," written by David Lawrence and published in the Commercial Appeal of January 20, 1970.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibits 1 and 2.)

Mr. EASTLAND. A reading of these articles will show the deep concern shared by thoughtful and constructive supporters of education.

I hope and trust that both of these bills will receive prompt and favorable consideration.

I ask unanmious consent that S. 3336 be referred to the Committee on the Judiciary.

The PRESIDING OFFICER. Without objection, the bills will be received and referred as requested.

The bills (S. 3335), to amend the Internal Revenue Code of 1954 with respect to the tax exempt status of, and the deductibility of contributions to, certain private schools, introduced by Mr. EASTLAND (for himself and Mr. ALLEN), was received, read twice by title, and referred to the Committee on Finance; and S. 3336, to compensate States and local educational agencies for the replacement cost of all public school buildings and facilities owned by them which have been or will be closed or abandoned by such agencies by reason of: First, any order issued by a court of the United States; second, compliance with any plan, guideline, regulation, recommendation or order of the Department of Health, Education, and Welfare; third, decisions arrived at by such State and local educational agencies in good faith efforts to comply with the decision of the U.S. Supreme Court requiring desegregation of public schools, introduced by Mr. EASTLAND (for himself and Mr. ALLEN), was received, read twice by its title, and referred to the Committee on the Judiciary (by unanimous consent).

EXHIBIT 1

[From the Evening Star, Jan. 20, 1970]

CONGRESS MUST UNDO PRIVATE-SCHOOLS RULING

The decision by three federal judges here in Washington, denying tax exemptions to certain private schools in Mississippi, comes as one more intolerable judicial usurpation of power. The action cannot be condoned; and it must be swiftly undone by the Congress.

The law could not be more clear. Under Section 501(c)(3) of the Tax Code, a nonprofit organization is exempt from federal taxes if it is organized and operated exclusively for religious, charitable, scientific, literary "or educational" purposes, provided only that it stays out of lobbying and politics. Roughly 50,000 such institutions have qualified formally for the cumulative list of exempt organizations maintained by the Internal Revenue Service.

These exempt organizations include institutions that are all black, all white, all Christian, and all Jew. Until the moment of this autocratic court decree, the act of Congress prevailed: It was necessary to ask only if the institution in question met the requirements of law. If so, it qualified automatically, and gifts to such institutions became deductible in computing one's income tax.

The effect of last week's injunction is to elevate the whims, caprices and obsessions of federal judges to a level never contemplated under our form of government. If a drastic change were to be made in the interpretation of Section 501(c)(3), such a change might first be the prerogative of the commissioner of Internal Revenue. No commissioner ever has sought such power. More precisely, such a change involves a profound question of legislative policy: It is the business of Congress. And in its recent comprehensive revisions of the Tax Code, Congress made no move whatever to limit tax exemptions to racially integrated institutions only.

Why did the three judges rule as they did? I do not challenge their sincerity, integrity or competence. Doubtless they felt they were following dutifully upon the obsessions of their masters, the Supreme Court of the United States. The high court repeatedly has commanded integration now, integration everywhere, integration without regard to law, common sense, or the Constitution.

Make no mistake: This profoundly complex question of public affairs has come fully under the sway of a judicial oligarchy. It might be possible, through ordinary political processes, to remove or to reverse a commissioner of Internal Revenue. It still is possible to elect a House and Senate that will insist upon a "Whitten amendment" positively to prohibit the busing of pupils and the closing of schools under the Civil Rights Act. But the judges are unreachable.

In a free country, it ought to be possible for parents in Mississippi, or anywhere else, to set up any kind of educational institutions they please, and to be entitled to the same privileges, immunities, and benefits of all other parents. If they choose to educate their children in factories, Sunday schools, private homes, or pup tents, subject merely to the general police powers of the state, this is—or was—their right.

No longer. Last week's decree was deliberately punitive, deliberately calculated to achieve a certain sociological end regarded by the judges as desirable. The decree, to repeat, is part of a pattern. In Atlanta, parents by the thousands have petitioned the judges for relief from arbitrary action. In Oklahoma City, a federal judge has threatened to jail a 14-year-old boy and his parents if the boy refuses to attend a certain integrated junior high. The high court itself, in royal disdain for practical problems of the real world, last week insisted on a Feb. 1 deadline for the integration of 300,000 children in five Deep South states.

It is just as Plato said. "The people always have some champion whom they set over them and nurse into greatness. . . . This and no other is the root from which a tyrant springs; when he first appears, he is a protector." So with the high court. An acquiescent people, having surrendered their liberties to the judges in what seemed a good cause, have watered the roots. We harvest tyranny now.

EXHIBIT 2

A STARTLING RULING FOR MISSISSIPPI

(By David Lawrence)

WASHINGTON.—Three federal judges here have just issued an injunction to deny tax exemptions in the future to any private school association in Mississippi which is devoted to the education of white children. This is a startling decision because it means that the federal judiciary may be deciding hereafter whether a nonprofit organization can retain a tax-exempt status when the contributions are used to support any cause which the judges may think pertains only to certain groups of citizens and not to others.

Even the National Association for the Ad-

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vancement of Colored People, which was behind the suit to bar white private schools in Mississippi, may find itself confronted with suits to take away its tax-exempt privileges. For if an organization for "the advancement of white people" can be denied tax exemption, then discrimination on the part of the courts may be charged if the privilege is granted to an organization that is devoted to the advancement of the cause of colored people. There are, of course, some whites among the membership of the NAACP, but a white organization also could admit a few Negroes as an example of impartiality.

The churches, too, may find themselves in trouble about their tax exemptions. Most churches do not admit to membership anybody who doesn't accept their particular religious faith. This is widely known and recognized. If the latest ruling of a federal court is upheld by the Supreme Court, however, the judiciary would have a right at any time to take away a tax exemption from any nonprofit organization—whether it is a church institution or a school—if the funds are used to carry on educational or religious activities designed primarily for members of its own religion or nationality or race.

The ruling by the federal judges in Washington also declared that contributions to white private schools in Mississippi would not be approved as donations deductible on the individual's own income tax. Does this mean that a citizen might be denied a tax deduction for his contribution to a charitable or educational institution—which he deems useful to the community and which is nonprofit in every respect—just because somebody doesn't like the scope of the work done by such a nonprofit body and files suit?

It is well understood that state and city governments cannot use public money to support segregated private schools and that federal funds cannot be supplied to private schools which admit students of only one race. But the question being raised is whether private schools which are sponsored by a particular religion will also be involved in this controversy.

Many of the religious schools open their doors to persons of other faiths, but the fact remains that just a small percentage attend. There is no such thing as a balanced student body of all religious denominations in a church-related school. In other words, discrimination on the basis of religion apparently is permissible in supporting private schools, but discrimination on the basis of color is to be penalized.

Certainly there are numerous groups which espouse causes with which other citizens do not agree. Up to now, the rule has been that any nonprofit organization or association whose activities are educational, charitable or religious in nature is entitled to a tax exemption if its income exceeds its expenditures. But if the courts can interfere and decide whether such an organization is tied to one particular cause or group in the community, then there is a lot of trouble ahead for various social groups in the educational field.

Mr. ALLEN. Mr. President, I ask unanimous consent that I be permitted to proceed for 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ALLEN. Mr. President, I am proud to sponsor jointly with the able and distinguished Senator from Mississippi (Mr. EASTLAND) two bills, both of which are recommended by considerations of simple justice. The first bill provides for compensating State and local authorities for replacement cost of hundreds of schools which have been closed throughout the Nation primarily on the initiative of U.S. courts and Federal agencies. The second bill removes a court imposed, punitive, and discriminatory impediment placed on donations to private schools.

Mr. President, with reference to the first mentioned bill, conservative estimates indicate that school properties in Alabama valued in excess of $100 million have been closed or abandoned by orders of Federal courts.

We do not know the total value of similar properties lost to use of the people in other States. However, on the basis of tentative inquiries it is estimated that the depreciated value of such properties exceed $1 billion and that replacement cost will amount to much more.

One of the truly appalling aspects of this situation is that many of the school buildings ordered closed are relatively new and modern. They were built in the last decade which, in the South, has witnessed a phenomenal increase in appropriations for education and great strides in improving educational opportunities for all children regardless of race. These improvements were made possible only by reason of dedicated education leadership and loyal public support.

Many of these closed schools were paid for from proceeds of bond issues authorized by State legislatures. Others were constructed on local initiative. The people of separate communities voluntarily assumed increased ad valorem levies on their homes and farms in order to provide their children with better educational opportunities. Thus, the people are doubly burdened with State and local taxes to pay the cost of schools ordered abandoned by Federal authorities. Their children are ordered bused to schools in distant communities which are frequently overcrowded and inadequate while their own local schools lie idle, vacant, and deteriorating. Can it be imagined public support of education can be maintained under such circumstances?

Mr. President, while there remains some question concerning the total monetary value of properties involved, there is no question but that a grave injustice has been done. This injustice calls for redress. The bill that the Senator from Mississippi and I have introduced will provide that redress.

Both bills are quite simple. One provides that the United States shall compensate States and local education agencies in an amount equal to the replacement cost of all public school buildings and facilities owned by any such State or agency which have been or will be closed or abandoned by any such agency as a result of: First, any order issued by any court of the United States; second, compliance with any plan, guideline, regulation, recommendation, or order of the Department of Health, Education, and Welfare; or, third, actions taken by any such State or agency in good-faith efforts to comply with the decisions of the U.S. Supreme Court requiring desegregation of public schools.

Mr. President, no effort will be made at this time to present legal arguments in support of this bill. I think it sufficient to point out that if it can be said that the U.S. Constitution requires closing local public schools, it can be said, with more compelling reason, that the Constitution also requires compensation for financial losses incurred by reason of such closing. If the property were taken to make room for a Federal highway, compensation would be provided. Is there any valid reason public school properties taken by Federal Government from local school authorities pursuant to Federal programs and policies should not be compensated for?

Let me mention another reason why these local school authorities should be compensated for the loss of use of schools closed and abandoned on initiative.

It has been 15 years since the Supreme Court handed down its original decision declaring racially segregated schools unconstitutional. Every State in the United States which had school segregation laws repealed them or struck them from State constitutions. Most adopted "freedom of choice" plans for assignment of children on the basis of the first definitive judicial interpretation of the Supreme Court Brown decision. In this interpretive decision the district court said, in effect, that the Constitution forbade racial segregation in schools but that it did not compel integration. That interpretation was made in one of the original cases on remand from the Supreme Court. The Supreme Court let that decision stand. It denied certiorari. State and local school authorities had a right to believe that "freedom of choice" as practiced throughout the United States was constitutionally permissible in the South.

Nevertheless, the Supreme Court has backtracked and confused the issues by continued use of undefined legal concepts in relation to the meaning of the Brown decision. Nobody knows precisely the meaning of such words and phrases as "segregation," "desegregation," "discrimination," "equal protection," "unitary school system," "system," "integration," "root and branch," and others. Sheer confusion reigns in U.S. district courts. Confusion compounded by the fact that the Supreme Court denies certiorari in cases decided on conflicting interpretations of the Supreme Court meaning of such terms.

There is no authoritative answer to simple questions like these: When is a school desegregated? What are the conditions of a unitary school system? These and many other questions are constantly raised by district judges and local school officials. Despite these unanswered questions, local school authorities are being compelled to close schools and bus children to achieve what a HEW official thinks the Supreme Court meant in the desegregation decision.

In some instances, Federal officials insist that Federal courts issue orders which local school boards are simply powerless to comply with.

For example, on December 30, 1969 a U.S. district court judge in a case involving Norfolk, Va., schools complained that the U.S. Attorney General had insisted on a plan to establish a "unitary school system" which contemplated closing 17 public schools and massive cross busing which in turn would require a capital investment of $4 million for new buses and $800,000 a year in increased busing costs. The school board simply could not comply. The judge in this instance did not issue the order requested by the Attorney General but countless other judges in the South have done so. The fact is that the Attorney General of the United States and the Department of Health, Education, and Welfare continue to insist that the Supreme Court requires imposition of such plans and insists on implementation under the equity powers of district courts.

Mr. President, some of the things done today under equity powers of U.S. district courts are almost unbelievable. It is hard to realize that in the United States equity powers of district courts can be used to create "affirmative" duties of elected legislative bodies; that they can be used to subordinate the health, safety, morals, and welfare of children to arbitrary ratios; to effect sociological experimentations involving millions of schoolchildren; to issue orders impossible of implementation and to take property without compensation—all of this and more.

Mr. President, from the standpoint of powers in government, seldom in history has there been a more potent and dangerous concentration of powers than that represented by equity powers in the Federal court when distorted into a tool to effect revolutionary reforms, coupled with the use of mandatory injunctions, enforced under powers to punish for contempt by imposing confiscatory fines and imprisonment without benefit of trial by jury.

Obviously, the present bill to compensate local school authorities and the bill to preserve in the law the right to deduct from taxable income contributions made to certain nonprofit educational institutions will not remedy the chaos which has been inflicted upon the South.

It is our intention to press on every front until "freedom of choice" is just as lawful in the South as it is in every other section of the United States.

Mr. President, I wish it were possible to convey to all Senators a sense of the magnitude of these problems. I say as sincerely as I know how that the handwriting is on the wall and that no school system in the United States is going to escape the effects of the social theories now being expounded and implemented in school decisions from the South. To think of this as a sectional issue is to miss the point.

Let me mention one of the sociological theories which is being implemented by some U.S. district court judges. In a recent case, a Department of Health, Education and Welfare expert sociologist contended that the Supreme Court Brown decision required "integration" and not "desegregation" which the expert said was merely "mixing bodies." "Integration," on the other hand, means a balance of "social classes" in the schools, according to this professor and his interpretation of the meaning of the Brown decision.

If this social class mix theory prevails—and it is being pushed by Federal authorities—it will mean that children must be assigned to schools on the basis of computerized data on the incomes, education, employment, religion, and other personal information gathered on the parents of all children in a city or community. It will mean that children will be distributed according to the social status of their parents throughout every school in the community. Such a distribution according to plan can be accomplished not alone by bussing but also by regulating housing, job assignments, creation of school parks, and perhaps by a scheme of "population distribution" referred to by President Nixon in his Executive order creating the Rural Community Development Commission.

Mr. President, it is no secret that the Department of Health, Education, and Welfare is studying the feasibility of invoking equity powers of Federal courts to levy taxes to implement some of these far-reaching sociological experiments with our children. Authority for such a proposition is cited in one of the recent published studies by the Commission on Civil Rights on the general subject.

Is it coming to that? Taxation by injunction?

Mr. President, the Federal courts of this Nation are in a quagmire—the problem can no longer be ignored. The welfare of 43,353,567 schoolchildren is involved; billions of dollars in public funds are involved; public support of education is endangered. It is my earnest belief that the situation is so bad that the Senate should undertake an inquiry to determine what can be done to restore order and legality to the mess created by departures from the law of the Constitution.

It is my hope, Mr. President, that the Senate Judiciary Committee will accept the important responsibility and that it might unravel the confusion that exists in school decisions, and help resolve the conflict of authorities respecting the social theories advanced in district courts for implementation. I hope that the competence of so-called education experts employed by the Department of Health, Education, and Welfare to formulate school plans for submission to courts will be evaluated along with the justification of "windshield" inspections of school facilities as a basis for recommending abandonment of schools.

Someone must question the rationality of racial ratios or social class ratios as overriding criteria for the assignment of pupils and teachers.

I would hope that the committee would also examine the implications of a "dual Constitution" and question the novel and dangerous extension of equity powers of courts with particular reference to a proper power in Federal courts to levy taxes.

These are but a few of many aspects of a monumental problem that needs thorough review and evaluation by competent authorities.

It is my opinion that the Supreme Court needs help. I hope the committee will give the Court this needed help.

Mr. ERVIN. Mr. President, I ask unanimous consent that 5 additional minutes be extended to the distinguished Senator from Alabama so that he and I may engage in a colloquy on the very important subject he has discussed.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ERVIN. Does not the Senator from Alabama agree with the Senator from North Carolina that the courts are complicating, in a manner they do not understand themselves, one of the simplest declarations of the United States Constitution—namely, the equal protection clause of the 14th amendment?

Mr. ALLEN. Certainly I agree with the distinguished Senator from North Carolina, who has been a distinguished jurist and has served on the Supreme Court of the State of North Carolina on his analysis.

Mr. ERVIN. I ask the Senator from Alabama if the only constitutional provision by which the courts seek to justify their action in this field is the equal protection clause?

Mr. ALLEN. Yes, I agree.

Mr. ERVIN. Does not the equal protection clause merely say that no State shall deny to any person within its jurisdiction the equal protection of the laws?

Mr. ALLEN. Yes, that is what it says. That has been extended and enlarged upon by the Supreme Court.

Mr. ERVIN. And was that clause not inserted in the 14th amendment merely to prevent a State from having or applying a law in a different manner to one man or one group of men from the way in which it applies or is applied to another man or group of men, where the men or groups were in like circumstances?

Mr. ALLEN. That was certainly the original purpose of the clause in the amendment.

Mr. ERVIN. I ask the Senator from Alabama if, in plain and simple English, the equal protection clause does not require a State to do this and this only—namely, to treat in like manner all the persons within its jurisdiction who are in like circumstances?

Mr. ALLEN. Yes, sir. It does.

Mr. ERVIN. Nothing in this clause says anything about desegregation or unitary schools or nonracial schools.

Mr. ALLEN. Nothing whatever.

Mr. ERVIN. Does the Senator from Alabama understand what the Court means when it talks about a unitary school or nonracial school in a country in which all people belong to one race or another?

Mr. ALLEN. No, I do not know what they are talking about, especially since freedom of choice should be the rule. If anyone is permitted his free choice as to the school he wishes to attend, that certainly complies with all constitutional requirements, and that, it seems to me, should be the law of the land; and I would like to see that declared as public policy of the United States.

Mr. ERVIN. Can the Senator think of any way in which a State or a school board can comply more completely and more perfectly with the equal protection clause of the 14th amendment than by opening its schools to children of all races and allowing the children or the parents to select the school which the children can attend?

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Mr. ALLEN. No, I cannot.

Mr. ERVIN. Would not that system, which is freedom of choice, treat every parent and every child of every race equally alike, under like conditions?

Mr. ALLEN. Yes. And I commend the distinguished Senator from North Carolina for introducing a freedom of choice bill which I believe and the distinguished Senator from North Carolina believes will even pass the review of the Supreme Court. The Senator from North Carolina has been kind enough to allow me to cosponsor this bill.

I hope that we will soon be able to get this bill up for a vote. I do not see why any Senator would object to allowing freedom of choice by parents and students.

CONTROLLED DANGEROUS SUBSTANCES ACT OF 1969

The PRESIDING OFFICER. The hour of 1 o'clock having arrived, the Chair lays before the Senate the unfinished business, which will be stated by title.

The ASSISTANT LEGISLATIVE CLERK. S. 3246, to protect the public health and safety by amending the narcotic, depressant, stimulant, and hallucinogenic drug laws, and for other purposes.

FAIR AND EQUITABLE TREATMENT FOR PUBLIC AND PRIVATE SCHOOLS IN THE SOUTH

Mr. ERVIN. I should like to ask the Senator from Alabama if there is a single word—yea, a single syllable—in the entire 14th amendment which authorizes the courts or Congress to place any limitation whatever upon the freedom of individuals?

Mr. ALLEN. Absolutely not.

Mr. ERVIN. Does not the entire 14th amendment apply only to State action?

Mr. ALLEN. Yes, sir.

Mr. ERVIN. I will ask the Senator from Alabama if the courts, pretending to interpret the equal-protection clause, have not robbed the parents of schoolchildren and the schoolchildren themselves in virtually every locality in the South of their freedom?

Mr. ALLEN. They certainly have.

Mr. ERVIN. I will ask the Senator if the Brown case did not lay down the proposition that it was unconstitutional to deny a child the right to attend the public schools solely upon the basis of his race?

Mr. ALLEN. Yes, sir.

Mr. ERVIN. Have not the Federal courts sitting in southern States denied children the right to attend their neighborhood schools because they want some children of their race to integrate schools elsewhere?

Mr. ALLEN. Yes, sir; they have been guilty of that.

Mr. ERVIN. I will ask the Senator if that is not a violation of the interpretation placed upon the equal protection clause by the Supreme Court itself in the Brown case?

Mr. ALLEN. Yes, sir. In my judgment, it is.

Mr. ERVIN. Is that not robbing little children of their freedoms?

Mr. ALLEN. It is.

Mr. ERVIN. There is nothing whatever, as the Senator from Alabama has agreed, in the 14th amendment which would authorize any Federal court in this land to deny any individual any freedom for integration purposes or anything else.

Mr. ALLEN. That is correct; yes, sir. I thank the Senator.

The PRESIDING OFFICER. The time of the Senator from North Carolina has expired.

Mr. ERVIN. Mr. President, I ask unanimous consent to proceed for an additional 3 minutes.

Mr. BYRD of West Virginia. Mr. President, reserving the right to object—and I shall not object—I want to put Senators on notice that it is the intention of the leadership to tighten up on the application of rule VIII dealing with germaneness. I shall not object now and I ask unanimous consent that the Senator be allowed 5 additional minutes. I hope that the discussion on this nongermane subject may be brought to a close at the end of that 5 minutes, so that we might proceed with the pending business which already has been laid down.

The PRESIDING OFFICER. Is there objection to the request of the Senator from North Carolina? The Chair hears none, and it is so ordered.

Mr. ERVIN. I thank the Senator from West Virginia.

I should like to ask the Senator from Alabama if he has not received, as has the Senator from North Carolina, hundreds of letters from the parents of schoolchildren protesting the way their children are being herded around like cattle, and shifted about like pawns in a chess game, in order to carry out the notions of some Federal judge concerning school integration?

Mr. ALLEN. Yes, indeed, I have. The number can be measured in the thousands rather than in the hundreds.

I should like to state to the distinguished Senator from North Carolina that the Federal takeover of the public school system in Alabama is the No. 1 issue in the State of Alabama. The people of our State are more concerned with the destruction of their school system by this Federal takeover than any other issue confronting our people today.

We resent it and resent it very deeply. We also resent the fact that a different rule is applied in the North, that the prohibitions and limitations or protections provided by the Whitten amendment to the 1968 HEW appropriation bill, under the policy of the Department of Health, Education, and Welfare are effective and applicable in the North, but the Secretary of the Department of Health, Education, and Welfare says that the people in the South do not have that protection because at one time, he says, we had a dual system of schools.

Well, every State, I assume, at one time, had a dual system, but he says that we do not have the protection of the Whitten amendment whereas the people of the North do. Nothing is done about segregation in the North, as has been pointed out by the distinguished Senator from Mississippi (Mr. STENNIS), whereas forced integration is required in the most discriminatory fashion in the South.

Mr. ERVIN. I should like to ask the Senator from Alabama if the Civil Rights Act of 1964 does not apply, according to its verbiage, to all areas of the United States, North, South, East, and West?

Mr. ALLEN. Yes, sir. It is supposed to do so.

Mr. ERVIN. I ask the Senator from Alabama if it does not say in as plain language as can be found in English that no court in the United States shall have authority to require the transportation of schoolchildren from one place to another in order to overcome a racial imbalance?

Mr. ALLEN. Yes, sir; but that has not prevented the Department of Health, Education, and Welfare from suggesting plans and enforcing plans doing just that, with the courts backing them up.

Mr. ERVIN. The Department of Health, Education, and Welfare takes the position that although the law applies to all areas of the country, it does not apply north of the Mason and Dixon line because they have de facto segregation as contradistinguished from the South's former legal segregation.

Mr. ALLEN. That is correct.

Mr. ERVIN. So the law was enacted to cover the whole country but the administrators of that law apply it only to one section of the country.

Mr. ALLEN. That is correct.

Mr. ERVIN. Does not the Senator from Alabama agree with the Senator from North Carolina that if the Department of Health, Education, and Welfare, or the Federal courts, imposed upon parents and schoolchildren in the North the tyrannies which they are now imposing upon the parents and schoolchildren in the South, it would not take more than 24 hours to get a freedom of choice bill passed through the Senate and not much longer to get it passed through Congress?

Mr. ALLEN. That is correct, if these tyrannies and injustices should be applied in all areas of the country.

Mr. ERVIN. Justice Cardozo said:

> When we strike off one set of shackles, we should not fasten upon ourselves another.

I will ask the Senator from Alabama whether the Federal courts and the HEW are not trying to substitute for outlawed State school segregation, Federal coerced desegregation?

Mr. ALLEN. Yes, sir. That is their policy, apparently.

Mr. ERVIN. I thank the Senator from Alabama.

Mr. ALLEN. I thank the Senator from North Carolina for his fine remarks and the questions which have brought out some of the issues involved.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the senior Senator from North Carolina (Mr. ERVIN).

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. Presi-

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dent, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

INTEREST ON INTEREST

Mr. GORE. Mr. President, I noted that in recent days Mr. Woodward Maurice Ritter, sometimes called Tex, an announced candidate for the Republican nomination for U.S. Senator in the State of Tennessee, has turned his attention to the problem of high interest rates. I welcome Mr. Ritter's concern about this problem, but he is singing out of tune. He is incorrect in his assertion that the high interest rate problem resulted from Democratic administration actions, at least partly.

Mr. President, the record clearly demonstrates where the responsibility lies for the current high interest rates on home mortgages that are depriving the working people of this country of an opportunity to buy the housing they need and are entitled to.

In the final year of the Eisenhower administration, the maximum legal FHA interest rate, according to figures supplied by HUD, was 5.75 percent. In his first year of office, President Kennedy held this figure level, and by his second year had reduced it to 5.25 percent, where it remained until 1965. The highest maximum legal FHA interest rate in the final year of the Johnson administration was 6.75 percent. Thus, over an 8-year period, there was an increase of 1 percent in the FHA interest rate, an average annual increase of about 0.12 percent.

But, Mr. President, the record shows that in just 1 year of a Republican administration, the FHA interest rate has gone from 6.75 percent to 8.5 percent, an increase of 1.75. Thus, in just 1 year, there has been an increase in the FHA interest rates of more than the total increase in interest rates that took place over 8 years of Democratic administrations. Put another way, in the first year of the Nixon administration, interest rates rose by almost 15 times the average annual increase that was experienced in FHA interest rates during the Kennedy-Johnson administrations.

Thus, when Mr. Ritter asserts that the high-interest-rate problem is "90 percent of Democratic origin" he is simply not supported by the record.

Mr. President, this incredible rise in interest rates during the first year of the Nixon administration has been accompanied by an equally sharp rise in the cost of living. The Department of Labor reports that the Consumer Price Index went from a closing figure of 123.7 in December 1968, to 129.3 as of September 1969, an increase of 5.6 in just 9 months. This is a cost-of-living increase of 4½ percent during the first 9 months of the Nixon administration compared to a 3.4 percent increase during the first 9 months of 1968.

Mr. President, this high-interest-rate policy of the Nixon administration, coupled with the rapid increase in the cost of living, has produced an intolerable burden for the working people of this country. The increase in interest rates on home mortgages has directly resulted from this administration's hands-off policy which has permitted banks to pile up huge profits at the expense of people who need loans, small business, and State and local governments. Mr. Ritter asserts that the administration has made some unpopular moves to slow the interest rate trend. Mr. President, this administration has not made any move to slow the interest rate trend. Congress just last month bestowed upon the President the broadest power ever granted a President of the United States to control interest rates. By the terms of Public Law 91–151, the President is empowered to institute either voluntary or mandatory credit controls, including maximum rates of interest. President Nixon has refused to use this authority, nor will he exert the moral authority of the Presidency to get his Wall Street banker cronies to reduce their profits by cutting back on their present exorbitant interest rates.

Mr. President, I am delighted that Mr. Ritter is concerned about the high-interest-rate problem. I am sure he appreciates the necessity, at least the desirability, of harmonizing public statements with the facts of record. I hope that many people get concerned about it—especially those in the administration.

Mr. President, a letter I received from a constituent today, referring to another gentleman about whom Mr. Ritter has expressed some concern, illustrates the problem:

> I have learned who the "silent majority" that Nixon and Brock appreciate—the bankers and home-loan people. We are trying to buy a home but these Republican interest rates have just about prevented us from doing so. Since I earn over $12,000 annually, it would seem that we could afford at least a modest home. If I can't afford a home with an annual income over $12,000 what hope do poor people have of ever becoming home owners.

Mr. President, I renew my plea that the President exert his moral and legal authority to roll back high interest rates so that the average American who wants to buy a home can once again do so at reasonable mortgage interest rates.

Mr. President, I ask unanimous consent that a United Press article be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Ritter Snipes at Gore From Alaska Tour

Anchorage, Alaska, January 13.—Cowboy-singing star Tex Ritter took time out from a troop-entertaining tour here Monday to blame high interest rates on Democrats and criticize Sen. Albert Gore, his potential opponent in this year's Tennessee senatorial race.

"In my opinion, the interest rate problem is 90 per cent of Democratic origin," Ritter said. He said he was responding to a statement by Gore describing high interest rates as "Republican rates on borrowed money."

"Shortly after President Kennedy took office in 1961, the FHA mortgage yield was 5½ per cent," Ritter said. "By January of 1969 when President Nixon took office, the rate had skyrocketed to 7.07 per cent."

"Today the ceiling is 9.15 per cent and even though the Administration has had to make some unpopular moves, they have only been able to show the rocketing interest rate trend."

Ritter said Gore had planned a heavy campaign in East Tennessee.

"I'm happy that the senator is going to start paying extra attention to East Tennessee, but regret that it took an election campaign to change such long ingrained habits," Ritter said.

VIETNAM

Mr. FULBRIGHT. Mr. President, Dr. Margaret Mead is one of the Nation's foremost anthropologists and educators. Last year we had the interesting and worthwhile experience of having her as a witness at the hearings of the Committee on Foreign Relations on "Psychological Aspects of Foreign Policy."

Dr. Mead has written an article for the February issue of Redbook magazine entitled "A Reasonable View of Vietnam." The article is just that: a reasonable view. Urging all Americans to stop "arguing" about the Vietnam war in terms of "victory and defeat," Dr. Mead declares that such terms are inappropriate and contends that we have "confused defeat and error."

Mr. President, I ask unanimous consent that this concise and rational article by Dr. Mead be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

A Reasonable View of Vietnam

(By Margaret Mead)

For almost two years now, while the war still has dragged on, we have struggled to clarify our thinking about the American position in Vietnam. Doubt, anger, frustration, anguish and dismay have shaken us out of any optimism about the outcome. Drastic differences have cut across even the oldest and most firmly established loyalties and have distorted our view of every problem we have to face at home.

By now most Americans, however strongly they disagree, want to find a way out of this war that is unlike any other in which we have been involved in the past. Yet, though we realize the situation is unprecedented, we continue to argue about the outcome in the old vocabulary of victory and defeat.

As long as we appraise the outcome in these terms there is a grave danger that in the end we shall withdraw from our real responsibilities in the world into a bitter and divided isolation. I believe we have confused defeat and error. It may be more difficult to face up to error, but doing so can open the way to a new course of action.

Victory and defeat were not the terms of reference with which we entered the Vietnam situation. Now when so much has changed and so many conflicting interpretations and angry accusations have eluded our memory, it is hard to recall the past. At the end of World War II, Vietnam was already one of the focuses of trouble. Neither the final withdrawal of the French nor the provisions of the Geneva Conference in 1954 provided a basis for stability and growth in the war-torn, shattered area that became South Vietnam.

We came into Vietnam to bring aid, both economic aid and technical aid, in the ongoing guerrilla war against those who refused to accept the new and shaky government. At that time our immediate aim was related to our preoccupation with the Cold War we were determined to halt the ex-

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pansion of Communism in Southeast Asia. That was what brought us to Vietnam.

But little as the American people knew about the country, they had another and deeper concern. We hoped that settlement of the conflict there—as in other countries that were breaking free of their colonial status—would help create conditions conducive to peace in the world. And it is this long-term aim—not to win a victory, but to improve the chances for peace—on which we can still build today.

Later, in attempting to force a military solution to the civil war in Vietnam and to cut off help for the guerrillas from the North, we were doing what a certain group of advisers around President Johnson thought we ought to do. The decision, which was not an inevitable one, was based on the belief that by taking over the direction and most of the fighting, we could quite rapidly and very effectively change a badly deteriorating situation into one in which a very small new country could be unified and, given massive economic assistance, could begin a new phase of development.

Events proved that the advice was wrong—tragically wrong. What we failed to understand was that the divisions within Vietnam were deep and old, long antedating the present conflict; the escalation from guerrilla fighting to a full-scale war fought with modern weapons only sharpened the differences already existing. In following that advice we committed enormous resources and an ever-growing number of men to a kind of struggle that we are now realizing can be neither won nor lost by force of arms and the continuing sacrifice of lives.

Some of those in responsible positions who advocated military intervention in 1965—men like former Presidential adviser McGeorge Bundy—have been courageous enough to admit that they were wrong; others—men like Clark Clifford, former Secretary of Defense, and General Matthew Ridgway—have admitted that their perceptions were altered by the course of events. Such men were not alone in their views in 1968, but they saw what the issues were from the inside.

It is clear that we are now working for disengagement. The question I am concerned with here is not what the American policy is or should be. It is, instead, how we should interpret withdrawal. For I believe consensus will be possible only when we discard the inappropriate idea of defeat and victory.

Although the definition of withdrawal as defeat is very common, there is little agreement among those who take this view. It is what the extreme right believe. But they see disengagement not as an admission that we were wrong, but as evidence that we were right and have been blocked and frustrated by forces outside our control. In the eyes of some, it has been our own unwillingness to commit still greater resources to send still larger numbers of men to Vietnam, to use still more powerful weapons, that is costing us victory. This is an untenable position that can result only in greater divisiveness at home and later some new attempt abroad to win a victory as a way of repairing our damaged sense of ourselves—at whatever cost to world peace.

At the other extreme are many liberals and those on the left who insist that Americans must he humble enough to admit defeat, to admit that we have lost a war. I think they are wrong. In their eyes, those who got us into the war in Vietnam stand accused as well as those who have kept us in the war. They deplore the massive destruction in Vietnam, but their attention is turned homeward, away from any real consideration of American responsibilities in the world, to problems unsolved in our own country. Their concern is for human problems. But in a country divided by bitterness and recrimination, it is entirely possible that precisely those people who most need help would be turned into scapegoats for anger and frustration.

Between these two extremes there are many—a great many—American men and women who are fully convinced that nothing can be gained by destroying what we set out to save and strengthen. The devastation of the Vietnamese cities and countryside, the disruption of life and the numberless casualties that they have seen and heard about nightly on television, as well as the damage to ourselves as we see ourselves as destroyers, all these things make a quick solution—even defeat—desirable. But the idea that the choice to disengage ourselves should be treated as defeat is in itself a paralyzing one.

One great difficulty we have in thinking the problem through is that in our preoccupation with Vietnam we have come to treat the situation as unique. We would do better to place our intervention in Vietnam within the context of American engagements in the world in the past 25 years. Some have been well advised and successful. We have not treated these as victories, but as evidence that we are using our great powers responsibly. Others have been grossly ill advised. From these we have learned, I think, about the legitimate uses of power.

Among our successful efforts we can list the Truman Doctrine, the Marshall Plan, the Berlin airlift and the many programs, of which the Peace Corps is only one, in which we have been constructively involved in efforts to move toward a peaceful world. Among those that have been ill advised we must list the U–2 espionage episode, the Bay of Pigs, the invasion of the Dominican Republic and, above all, the military escalation of our intervention in Vietnam.

Looking at the present situation within this larger context, we should be able to recognize—as we have in other situations—the fact that the war in Vietnam has been from the beginning a gross mistake.

Admission of error need not plunge Americans into an orgy of self-recrimination. The consequences of error cannot be treated as evidence of treachery or loss of faith in our country or some lessening of ourselves as a people. The choice to change our course should not paralyze our ability to do so. As an admission of error, it will not do so.

Errors we can deal with in terms of our pragmatic optimism. We made a mistake. We got into a situation that no one—administrators, legislators, military leaders or the American people—foresaw or wanted. Errors call for action. Once we have recognized an error for what it is, we can decide to cut our losses, get on the right track and go ahead from there.

But the recognition of an error does not wipe it out. And this is what we must face. It will not be easy—it is never easy—to accept the inescapable responsibility for irretrievable losses.

Taking a new course will not bring back to life the 40,000 young Americans who have died or make whole again the thousands who have been wounded. It will not restore devastated Vietnam. It will not compensate for the damage done to lives at home while we used our resources in this military adventure abroad. Children who have suffered from want, children to whom we promised a decent education and who have been deprived of it—all these, like the dead, have made irreparable sacrifices. Children grow up only once; they learn as children only once. Whatever they may accomplish later, their childhood cannot be changed.

We can mourn for all these losses, but that mourning will be meaningful only in the light of what we choose to do in the future. It will not help to add to the burden by continuing on a mistaken course in the name of those who have suffered already. And in the long run, the fact that we are able to extricate ourselves with integrity from a mistaken course may be more important to the world than the error.

It will be in the course that we now chart that the rightness of our decision will be seen. If we can learn from Vietnam that the day of "little" wars, no less than major wars, is past, carrying with them neither victory nor defeat, we can perhaps take the next step. We can recognize the fact that we are part of the whole world, not a separate entity, and that we can use our tremendous power only as part of a shared responsibility. It is not enough for us to act on behalf of others; success depends on our acting *with* them in ways that allow others also to use their strengths.

In the past we offered North Vietnam a share in some generous reconstruction that would follow the improbable settlement of our dispute. But because this has not been a war like other, earlier wars, such a gesture of magnanimity no longer will work. We shall have to make up for what has gone wrong not in Vietnam, where we have lost our power for good, but by what we do constructively, in economic and social co-operation, elsewhere in the world.

Our sense of loss at home bound in with our loss abroad I think can strengthen our feeling that we can set freely in one area only as we also do so in another. As we bend our efforts at home to care for our children, rebuild our cities, clean our polluted waters and improve the quality of living for Americans we can also commit ourselves to participate—not as a benefactor but as a co-equal—in the world's work of creating conditions in which all men can live the kinds of lives that make for peace.

It is significant that all our errors have been military and our successes have been economic and social. Around the world we see the tragic consequences of military intervention by other great powers. Those whom we—and others—seek to help by military means, direct or indirect, sink deeper into misery. Those we—and others—seek to help by economic and social means begin to flourish.

If we are not bemused by old talk about victory or defeat, the meaning will be clear. And we can move ahead in directions on which we can agree and for which we can take the responsibility.

THE INCREASED COST OF FOOD

Mr. YOUNG of North Dakota. Mr. President, of greatest concern to everyone today is inflation and the resultant increase in the cost of almost everything consumers need.

Increased costs of most food commodities are very difficult to understand and, in many cases, unjustified even in this inflationary period.

Mr. President, since food costs are often listed as leading the inflationary spiral, I thought it would be appropriate to place in the Record a very interesting and factual comparison made by Mr. Edward Dunn, of the North Dakota State University, of the great spread of prices the meat producer receives and the consumer eventually pays.

As is often the case, the farmer benefits the least in the increased price of his products to the consumer. Sometimes there will even be sharp increases in the cost of food commodities to the consumer with the farmer receiving little or no increase.

Mr. Dunn's comparisons of meat price costs at various levels are the kind of information I would think all consumers would be interested in.

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Another example, at the present time bread is listed as having increased the most in cost during December—here in the city of Washington—by 9.6 percent. The price the farmers receive for wheat averages less than $1.25 a bushel throughout the United States. This is the lowest it has been in years. Yet the cost increase of bread leads in the price index for the consumer.

Mr. President, I ask unanimous consent to have inserted in the RECORD as a part of my remarks, an excellent article written by Mr. Edward Dunn and published in the Jamestown, N. Dak., Sun of January 15, 1970.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

WHO'S GETTING THE BENEFIT OF HIGH U.S. BEEF PRICES

The past several months have found consumers paying more for beef than they have at any time since 1951. Higher beef prices have received nationwide attention, even housewife boycotts in some areas, and speculation as to which sector of the economy is benefitting most from the increased prices. Who is getting the profit—the cattleman, the feedlot operator, the meat packer, the wholesaler or the retailer?

According to Edward Dunn of the North Dakota State University agricultural economics department, an analysis of the meat price situation over the past several months reveals that the meat retailer is—at present—benefitting the most from high beef prices.

Choice carcass prices for beef in the United States reached a peak of 71.8 cents per pound in June of 1969, and then declined to 59.6 cents in September. Wholesale prices also declined from 77.6 cents to 66.7 cents, while retail prices declined from 102.1 to 99.2 cents during the same period. (September wholesale and retail prices are the most recent national figures available.)

These figures point out that the total decline in the price of choice beef at the retail level from June until September was only 2.9 cents, compared to drops of 12.2 and 10.9 cents at the dressed carcass and wholesale levels. The 12.2 cent decrease at the slaughter level represents a reduction four times that of the 2.9 cent decline at retail.

These figures suggest that changes in slaughter cattle and wholesale beef prices are not closely reflected in retail prices. Part of the reason for this is that retailers prefer not to alter their meat prices in response to day to day or week to week fluctuations in the live cattle and wholesale meat markets. Also, meat is not sold to customers on the same day—or even the same week—that animals are sold for slaughter, so a lag exists in the response of retail prices to slaughter cattle prices.

Retailers attempt to maintain at somewhat constant margin on the meat they purchase and resell. However, Dunn says, a comparison of national retail, wholesale and slaughter beef prices from 1965 to 1969 reveals that retailers appear to be more willing to increase retail prices during periods of rising wholesale prices than they are to decrease prices when the wholesale price is declining. So generally, the decrease in the spread between slaughter and retail prices during rising beef prices won't be as large as the increase in margin when the slaughter cattle price declines.

Price competition is considerably more competitive at the slaughter level than it is at the retail level. The lower degree of competition at retail and the tendency of retailers to stabilize prices means that beef prices will not fluctuate nearly as much at retail as compared to the slaughter level. Once retail prices have reached a certain level and consumers have become accustomed to paying the price, the lower level of price competition at the retail level will allow retail prices to remain relatively strong even though cattle prices have declined.

Although beef prices increased substantially during the first half of 1969, the increase in beef prices still has been much less than the average price increase of all goods and services purchased by consumers. Removing the effect of inflation on increased prices in the economy by the use of the Consumer Price Index shows that the retail price of choice beef increased by 24 per cent compared to a 28 per cent increase for the average of all goods and services since the 1957–59 base period. The cost of medical care alone increased by 45 per cent. Homeowner costs increased by 27 per cent, public transportation by 38 per cent and the average cost of all services, such as legal, utility and repairing fees, by 39 per cent.

Although prices of many goods and services increase each year, consumers appear to be much more sensitive to increases in meat prices than to increased prices of other goods and services. Just why this attitude prevails might be explained by the way disposable income is defined.

Technically, disposable income is the amount of income a person receives after taxes have been paid. Using this definition, American consumers spend less than 18 per cent of their disposable income for food, which is far less than in any other country in the world. Six per cent of disposable income goes for the purchase of meat.

The typical consumer, however, may not define disposable income this way. Instead, disposable income is viewed as that amount remaining after taxes and other regular monthly bills, such as car payments, house or rent payments, furniture payments, utility bills, insurance and other installment payments, have been made.

What is left in the family budget after these payments have been made represents income available for the purchase of food, clothing, entertainment and incidental items. Of this "disposable" income, food represents a substantial percentage. Meat represents the largest expenditure for a single food item. Therefore, a relatively small change in the price of beef becomes very noticeable in terms of its effect on the remaining disposable income. Rather than spending 6 per cent, the consumer may feel he is actually spending from 30 to 50 per cent of his disposable income on meat.

The pricing of beef cuts is difficult to understand, because the beef carcass loses its identity as it is broken down into retail cuts. Trim and byproducts are deducted from the initial weight, and then different cuts of meat are priced at different levels—a T-bone steak is priced higher than a chuck roast, for example. So it's almost impossible for someone at either the consumer or producer end to compare the price of retail cuts to the price received for the live animal.

THE NATION AWAKENS TO PERILS OF GENOCIDE

Mr. PROXMIRE. Mr. President, I have consistently urged Senate ratification of the Human Rights Conventions on Genocide, Forced Labor, and Political Rights for Women.

Recently there has been a ground swell of support from all types of American citizens in every part of the country expressing basic agreement with the principles of the human rights conventions. The American people are now loudly asking why we have not yet ratified these conventions.

I am greatly encouraged by the American people's growing interest in the human rights conventions. The American Bar Association's section on individual rights and responsibilities has issued a report to the ABA's house of delegates strongly supporting U.S. ratification of the genocide convention. And several weeks ago an editorial in the Milwaukee Journal entitled "The United States and Genocide" concluded:

> There is nothing to fear in the Genocide Convention. It is minimum as far as our national policy is concerned. The ABA should change its stand and the Senate should follow suit.

I ask unanimous consent that this editorial from the Milwaukee Journal be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

THE UNITED STATES AND GENOCIDE

Back in 1948 the United Nations general assembly unanimously adopted a convention on the prevention and punishment of the crime of genocide. This defined genocide as "acts committed with intent to destroy, in whole or in part, a national, ethnical, racial or religious group."

It listed "acts" it had in mind—killing members of a group; causing bodily or mental harm to a group; inflicting on a group conditions of life calculated to bring on physical destruction; imposing birth prevention methods on a group; forcibly transferring children from one group to another.

President Truman sent the convention to the senate for ratification in 1949. The senate never acted—in part because the American Bar association opposed it on the ground that it "raises important fundamental questions but does not resolve them in a manner consistent with our form of government." Now the ABA's section of individual rights and responsibilities is asking the association to approve the convention at its February meeting.

The section explains that a major factor in earlier disapproval was fear of expanded use of treaties. However, thousands of treaties have been agreed to by this country and others in the past two decades. Another fear, the section says, is that some ABA members felt that through the treaty the government would try to enact civil rights legislation that might not be constitutional or might not be possible to get through congress. Events have choked off that argument—civil rights legislation and the scores of court decisions on civil rights have removed any doubts about federal policy or powers.

The genocide convention has been signed by 74 nations. The ABA section points out that "in practical political terms, not to sign . . . is to dissipate one's influence, and to supply fuel for those who characterize the United States as the great hypocrite."

There is nothing to fear in the genocide convention. It is minimum as as far as our national policy is concerned. The ABA should change its stand and the senate should follow suit.

POLLUTION OF THE SEAS—AN OIL SLICK IN THE GULF OF MEXICO

Mr. BOGGS. Mr. President, this morning the newspapers published articles about a new oil slick in the ocean—this one covering the beaches of Grand Isle, just off the coast of Louisiana in the Gulf of Mexico.

Officials of the Federal Water Pollution Control Administration say they have been unable to evaluate the seri-

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ousness of the situation so far. However, in conjunction with State officials and the Coast Guard, they are moving men into the area to work on a cleanup program.

Tomorrow, House and Senate conferees again will meet to discuss H.R. 4148, the Water Quality Improvement Act. Its Senate counterpart was S. 7. This bill, especially the Senate version, contains provisions which would go far to require rapid cleanup to reduce the ill effects of oil spills.

This spill in Louisiana, about which little is yet known, is ample further evidence of the need for this legislation—if indeed further evidence is necessary. Last year's disastrous spill off Santa Barbara and the projection of the U.S. Geological Survey that we can expect in the future, one spill a year of Santa Barbara proportions were ample prior evidence.

Further, Mr. Glynn Mapes, in the Wall Street Journal of last November 25, offered a fine study of the oil spill problem. I ask unanimous consent that Mr. Mapes' thoughtful article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Wall Street Journal, Nov. 25, 1969]

TROUBLED WATERS: POLLUTION OF THE SEAS, BEACHES BY OIL POSES MAJOR GLOBAL PROBLEM—MARINE LIFE AND RECREATION SUFFER; FOULING IS CAUSED BY TANKERS, WELLS, PLANTS—INDUSTRY PRESSES RESEARCH

(By Glynn Mapes)

Not long ago oceanographers aboard the research vessel Chain were collecting surface samples from a lonely expanse of the Atlantic south of Bermuda known as the Sargasso Sea. They had planned to study marine life inhabiting the great quantities of drifting seaweed found in the area.

Instead, the scientists made a disturbing discovery. Their nets quickly became fouled with oil and tar—thick sticky globs up to three inches in diameter. Day after day along a 630-mile stretch they cleaned the net with solvent only to see them gum up again a few hours later. Finally they abandoned the project in disgust because they were picking up three times as much oil as seaweed.

It wasn't an isolated incident. "Just in the past few years we're finding we can't sail anywhere in the Atlantic—even a thousand miles from land—without finding oil," says Howard Sanders, senior scientist at the Woods Hole Oceanographic Institution, which operates the Chain.

THREAT TO MARINE LIFE

As the vessel's unhappy voyage suggests, world-wide oil pollution—even diluted by the ocean's vastness—is nearing crisis proportions. Beach-goers in such widely scattered spots as the New Jersey shore, Bermuda, the Riviera and the Red Sea complain of gooey black lumps of jellied oil that frequently wash up on shore. Floating oil spills—almost always of unknown origin—each year kill many thousands of seabirds in North Atlantic and Mediterranean waters, according to surveys by conservationists. Indeed, scientists believe the growing quantity of oil dumped into the sea is threatening marine life of all sorts—and perhaps man as well. The oil industry itself is exhibiting mounting concern.

Where's all the oil coming from?

Ships that routinely discharge oil wastes at sea are the biggest offenders, pollution control experts agree. Tankers, for example, wash out their cargo tanks with salt water after each load. Not infrequently, the washings—along with a heavy residue of oil—are dumped into the ocean. Moreover, passenger liners and freighters often fill their empty fuel tanks with water for ballasting purposes. This highly contaminated mixture is always pumped overboard before the ships enter port to refuel. And vessels of all types normally discharge oily bilge sludges over the side.

Other major sources of unwanted oil include spills from manufacturing plants, refineries and oil terminals. In Boston Harbor alone, a spill of several tons of oil can be expected every three weeks, according to officials of the Massachusetts Division of Natural Resources. Seepage from offshore drilling rigs and spills from wrecks of oil barges and tankers also add to pollution levels.

A DAY-TO-DAY PROBLEM

In recent years, a few widely publicized disasters—like the grounding of the supertanker Torrey Canyon off Britain and the blowout of a well in the Santa Barbara Channel—have focused public attention on oil spills. Yet, damaging as these occasional catastrophes can be, they're only one part of a far larger problem, the experts say.

"It's the day-to-day stuff that's killing us—the chronic oil pollution that nobody cares about in the headlines," says Lieutenant Commander Paul Sova, a Coast Guard law enforcement officer in New York. Adds a biologist for the U.S. Fish and Wildlife Service: "A great deal of oil is washing ashore all along our coasts. What's its cumulative effect on our environment? That's what we ought to start worrying about."

Statistics on oil pollution are scarce. The Coast Guard lists 714 major oil spills in U.S. coastal waters last year, up from 371 in 1966. No one counts spills on a world-wide basis.

Things are expected to get worse. On one hand, world-wide offshore petroleum production is expanding at a rate of 10% a year—and presumably the inevitable minor spills and seepages will grow correspondingly. So far, major blowouts have been rare. But a Presidential panel set up after the Santa Barbara disaster recently warned that by 1980 the U.S. can expect a major pollution incident from offshore wells every year.

SUPERTANKERS PROLIFERATE

Ocean shipments of oil are also climbing rapidly. Capacity of the world's tanker fleet has doubled since 1960 and is continuing to grow. Many of the new vessels are supertankers. These behemoths, with capacities of 100,000 tons or more, will be hauling half of all marine shipments of oil by 1975, it's estimated. (The biggest supertanker afloat today carries 312,000 tons; by comparison, the Torrey Canyon's capacity was 117,000 tons.)

What's more, the imminent tapping of the vast North Slope oil fields in Alaska is adding greatly to pollution fears, especially among conservationists. Tankers will likely be hauling oil through treacherous icebound waters. Even small spills during transport or drilling operations would be especially damaging to the fragile Arctic environment, since oil tends to persist far longer in cold waters than in warm.

Talk of growing oil pollution is most unsettling to Kenneth Battles, co-owner of the Sea Crest Hotel, a resort in Falmouth, Mass., on Cape Cod. He has already had his fill of the stuff.

Sticky black globs of oil washed up on the Sea Crest's beach three separate times in August alone, Mr. Battles says. Disgruntled guests had to clean their feet with kerosene—and some cut their visits short. "We're sure the oil came from ships heading into Boston, but there's no way we can prove it," he says.

Topping off Falmouth's summer, a barge ran aground on a nearby shoal in mid-September, spewing diesel oil over the town's shoreline. The spill took a month to clean up (the Sea Crest used bulldozers to remove oil from its beach), and for several days Falmouth smelled like a refinery, Mr. Battles says. "The cape should be a refuge for the pollution problems of the city," he adds angrily. "Why drive all the way from New York to find the same damn thing here?"

The Falmouth spill also caused extensive mortality in some 24 species of fish and killed large numbers of crabs, lobsters and scallops, according to scientists who surveyed the scene.

But more disturbing were the subtle effects on the creatures that survived the spill. Weeks later divers from the Woods Hole laboratory found fish and crabs whose natural instincts were strangely altered. Flounder that appeared outwardly healthy allowed themselves to be handled by the swimmers; ordinarily they would have scooted away. Normally skittish fiddler crabs also seemed to have lost their escape reaction; most boldly held their ground as the divers approached.

Max Blumer, a noted organic chemist at Woods Hole, observes that many marine animals produce minute quantities of chemicals that perform functions essential to maintaining the cycle of life. These chemicals act as attractants during the mating process. They also aid predators in locating their prey and, conversely, give warning to potential victims that they're being stalked by predators. Oil—whether from a single big spill or a buildup of repeated small doses—may well upset these vital, chemically triggered processes, Mr. Blumer theorizes, and thus could have a disastrous effect on the survival of many species, including those that are commercially important.

AIR PATROLS

Dumping of oil in the sea may also be creating a new risk of cancer in man. Some crude oils contain compounds that tend to produce cancer in animals. (Researchers, for example, have already found a high incidence of cancerous tissue in certain types of fish taken from the oily waters of Los Angeles Harbor.) Fish and shellfish that are eaten by man can ingest these oils. Hence, Mr. Blumer and other scientists speculate that chronic oil pollution may be leading to accumulation of cancer-causing agents in human food.

Three years ago, alarmed over the growing amount of oil in coastal waters, the Coast Guard began a regular schedule of flights by helicopter and airplanes to search out oil slicks and report polluters. Pilots logged 2,000 hours in such patrols last year. The Coast Guard has jurisdiction over all vessels within the three-mile limit and some limited powers beyond that.

One problem faced by the patrols is that ships that deliberately discharge oil often do so at night or during periods of low visibility to avoid detection. To combat this, the Coast Guard is developing an electronic sensing device that will aid pilots in spotting oil slicks even in pitch darkness. If the slick is trailing behind a vessel, presumably the pilot could identify the ship and lodge charges against the owner or master.

Yet even in broad daylight, oil surveillance patrols aren't a cure-all—as is indicated by a recent Coast Guard helicopter flight over New York Harbor. During this 90-minute patrol, the pilot, Lt. (JG) Ray Wirth, and a reporter who occupied the co-pilot's seat easily spotted six different oil slicks drifting rainbow-hued in the bright sunlight. But, as it turned out, none of the sources of the pollution could be positively identified.

FRUSTRATING DUTY

In fact, Lt. Wirth didn't even report four of the slicks. To have done so would have been pointless since they were floating far from any conceivable source. (Had the slicks been

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large enough to require cleanup, he would have radioed word to his home base.)

The two spills he did report were located near possible sources. One was floating alongside a Liberian-flag tanker moored at Bayonne, N.J. The other was located near a Lever Brothers Co. plant on the west side of the Hudson River. (A Lever Brothers spokesman said later that the plant, which makes detergents, soaps and Spry shortening, has occasionally had trouble with oil leaks but that there was no record of a spill that day. He theorized that the oil may have drifted downstream from some other source.)

However, by the time Coast Guard boats reached the scene of the two spills, the oil had drifted away. Hence, no charges were filed.

"It's very frustrating," the young Coast Guard pilot said after the flight. "There's oil all over, but we can't seem to do much about it."

Even when the Coast Guard has the evidence to take a suspected polluter to court, it isn't clear what Government agency should press the charge. The Interior Department's Federal Water Pollution Control Administration is the official pollution control agency, but its powers are limited by a 1924 law that gives it authority only over spills resulting from "gross negligence"—which is tough to prove. As a result, the Army Corps of Engineers has had to act under an 1899 law that prohibits the dumping of refuse into navigable waters.

Two bills currently before Congress—one in the House and one in the Senate—put considerably more teeth into water pollution laws. But shipping interests are bitterly opposing one feature of the Senate bill, the stronger of the two measures, which imposes unlimited liability upon shipowners for oil spills due to negligence. They contend it will be impossible to get marine insurance unless the liability has a fixed limit.

POLLUTION ON THE HIGH SEAS

There's also a move afoot to strengthen an existing international convention designed to limit oil pollution on the high seas. Currently, the convention allows ships to discharge oil wastes when more than 100 miles from land. Proposed amendments, which require ratification by member nations, would prohibit dumping of oil anywhere in amounts greater than 15 gallons per nautical mile. However, it's widely recognized that enforcing the convention is practically an impossible task.

For its part, the oil industry is earmarking considerable sums of research money to come up with better ways to clean up oil spills. The American Petroleum Institute, an industry trade group, has encouraged the formation of "harbor cooperatives" in more than 50 U.S. ports. These are volunteer groups of oil industry concerns that pool resources, purchase equipment and establish contingency plans for the quick recovery of spills in their harbors.

In addition, oil company-owned tanker fleets and the larger independent tanker operators a few years ago voluntarily adopted a new method of washing cargo tanks that's designed to keep much of the oil residue on board. It works like this: The contaminated tank washings are transferred to a slop tank instead of being pumped overboard. Then, when most of the oil has floated to the top after 36 hours or so, the relatively clean salt water is pumped over the side. The sludge that remains is consolidated with the next cargo.

Had this new method, known as the "load-on-top" technique, not been adopted, tank washings would add at least 2.1 million tons of petroleum to the sea each year, Shell Oil estimates. But the method has gained wide acceptance and, in fact, has cut that potential pollution by 80%, Shell maintains.

Others aren't so sure. Rear Adm. Roderick Y. Edwards, chief of the Coast Guard's office of public and international affairs, agrees the load-on-top technique has made an "appreciable contribution" to reducing pollution. But he doubts it's 80% effective.

KEEPING TO OLD WAYS

For one thing, Adm. Edwards says, heavy weather often prevents the oil residue from separating from the seawater. Also, tankers that don't carry the same type of cargo each trip usually can't save residues from one cargo without contaminating the next one. Finally, he says, masters of many small, independently operated tankers continue to pump the oily washings overboard simply because the load-on-top technique is too time-consuming and bothersome. "A lot of people are still doing anything they can get away with," he adds.

Oil companies and chemical makers are marketing a variety of detergents that destroy the cohesiveness of oil, thinning it into tiny particles that can be more easily disposed of by bacteria and other natural forces. Increasingly, however, the value of these chemicals is being challenged.

For example, it's widely agreed that the two million gallons of detergents sprayed on the Torrey Canyon spill killed far more marine life than did the oil itself. Since then, "nontoxic" detergents have been developed. But some scientists contend that even these supposedly harmless chemicals are quite dangerous. Since they're designed to disperse the oil into the sea—and hence get it off the surface—the chemicals in effect force-feed the toxic oil to marine animals that might not otherwise be affected, it's believed.

Relatively small amounts of chemicals were applied to the Santa Barbara spill. When the slick eluded booms and other mechanical devices designed to contain it at sea, it was decided to let the oil float ashore, where it could be scooped up by bulldozers and absorbed with straw. This devastated the beaches for months and it cut deeply into the area's tourist business. But, according to researchers who are studying the spill, the strategy worked. The high mortality of marine life that occurred in the Torrey Canyon spill was avoided—with the exception of seabirds which died in large numbers.

THE NEED FOR A NEW AIR TRAFFIC CONTROL SYSTEM

Mr. CANNON. Mr. President, I doubt if many people realize how truly important our air transportation systems are to the Nation today. Ten years ago, of all intercity travel by common carriers—airlines, trains, and buses—only 39 percent was by air. Last year, this figure had jumped to 73 percent. This year it will be even higher. At trip distances beyond 1,000 miles, even the ubiquitous automobile gives way to the airplane as the dominant mode of travel.

The deep significance of these figures is clear. The earth's surface ceased being the only avenue for travel when man made his powered flight in 1903. However, 40 years of aeronautical development passed before the art of flight could seriously challenge surface travel. This challenge, weak though it was, gained strength rapidly. Now, in the past decade, we have seen surface travel between our cities subordinated to the aerial thoroughfares. It is this fact we must remember when we act to preserve the avenues of transportation with which we hold our Nation together.

As they become more important, our airways become more crowded, entirely too crowded. We learned from our highways that the growth of a system and its health are not synonymous. There are limiting factors in any system. Whenever the effort to correct the limitations of a system are disproportionately smaller than its growth, the system decays. If you have planted a healthy seedling permanently in a tomato can, you have limited its ultimate size. The vigor of its development merely determines the time it has before its own growth begins to choke it to death.

We have seen the consequences of this immutable formula on our roads and highways for many years. We know that a thousand of us who are living now will die catastrophically within the next 6 days—the inexorable payment of the gambling odds to use our dominating system of surface travel.

As we look toward the increasing use of the airways, we must not let our airspace become the second great arena in which we gamble with fate in the macabre sport of vehicular roulette.

Let me review for you some of the problems of today's airways. The midair collision last September which resulted in the death of 83 people is part of a pattern of increase in frequency of such tragedies. During the past two and a half years, over half of the deaths on commercial airlines resulted from midair collisions. The FAA study of near collisions in 1968 showed some 4,500 dangerous near-misses occurred during that year. Of these near-miss reports, approximately one-third came from airline pilots. Traffic is expected to increase by a factor of three in the next decade. If nothing is done, it can be accurately predicted that the resultant collision situations can be expected to increase tenfold. Fortunately, steps are being taken to reverse this trend. They will be effective in maintaining a safe system, but it will be at the expense of increasing restrictions to general aviation and higher costs.

A second critical problem of our airways is the delay that results from congestion of the airports and the air traffic control system. It is not uncommon for people who fly regularly to experience delays of hours to takeoff or land. The airlines and the FAA have recently estimated the direct operating cost to the scheduled airlines industries which are attributable to terminal delays. The rate of growth of this loss is alarming. From $60 million in 1966, it has grown to $75 million in 1967, and to over $100 million in 1968. One airline alone estimated that flight delays caused primarily by air traffic control or airport deficiencies were responsible for additional direct operating costs to it of at least $24 million in 1968. These numbers do not include costs incurred by the traveling public and special passenger services—such as hotel accommodations, meals, transportation, and telephone calls. The loss of confidence in air travel resulting from the unreliable service has not been measured, but it must be quite significant. If the system is not fundamentally overhauled, the prospects for the next decade are very grim.

More facilities—runways, terminals, and baggage handling devices—are planned. Improved air traffic control must be simultaneously implemented or the growth of the aviation industry will be increasingly stifled.

Using my earlier analogy, we must put the seedling in a larger container if we wish its growth to continue.

Finally, it must be recognized that the cost of the current air traffic control system is skyrocketing.

Today's aircraft control is primarily manual, even though we are in a computer age. This can be contrasted with modern passenger railroads of the world. In the face of enormously less complex traffic and much lower speeds, nonetheless, they are controlled by automatic techniques. The FAA's National Airspace System—NAS—will begin applying modern computer and display technology to the air traffic control system. Thus, NAS will provide part of the foundation of a new system.

The sensors or "eyes" of the present system consist of many independent subsystems for aircraft surveillance—radars—and aircraft navigation—most of which are based on technology two decades old. Communications between controller and aircraft is by voice. The system operates in a patchwork fashion as the result of piecemeal adjustments made as traffic has increased. The situation is so bad today that for the next several years we must continue to patch, paint, tinker, and refurbish even though the cost of doing so is very high. What is crystal clear, however, is that this archaic system must be replaced and that soon we must begin to plan and implement the use of our new technologies, so that a completely integrated system can begin to emerge in the mid-1970's.

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How soon is soon? How much confidence do we have in our ability to predict traffic growth?

Reviews of recent studies such as the report on air traffic control from the National Academy of Engineering and the report from the DOT Air Traffic Control Advisory Committee are in agreement that we must immediately take all necessary measures to increase the safety and the capacity of the air space in the vicinity of major airports as well as the acceptance rate of these airports.

Recommendations for steps beyond this first effort are reasonably comprehensive but somewhat uncertain as to when each step set forth in the sequence of advancing development might be needed. This uncertainty is understandable. Forecasts have always been the achilles heel for aeronautical planners. Mr. Charles W. Harper of NASA dramatically illustrated the frightening inadequacy of our forecasting capability in aeronautics in recent congressional testimony. He pointed to the large number of major studies in aeronautics which have been conducted over the past two decades. In brief, he showed that forecasts made only 10 years ago did not anticipate that our aerial transportation system would reach its present size for many years yet to come. It is a disturbing fact that our forecasts generally see the future as only a slightly enlarged version of the present.

The forecasts which have proven to be the least useful are in this group. These forecasts assume that a technology will continue to evolve as an entity independent of the changes in the operating envioronment. They fail to recognize that the society which supports a technology must also be served by it. This process of natural selection dictates that, of the many paths open to technology, those which lead to ways of serving the future environment while remaining compatible with it, are the paths to survival.

In our hopes for an adequate air traffic control system we see the development plans being subjected to the torture, compromise and possible deadlock stemming from sharp variations in views of what type of aircraft must be controlled and how much traffic there will be.

Mr. Clifton von Kann, vice president of the Air Transport Association, recently testified that a study of land availability had convinced his organization that the prospect of new airports suitable for today's aircraft was bleak. Also, he felt that substantial improvement in ground access to all commercial air carrier airports could not be anticipated. His conclusion was that adequate aerial service could be sustained only by the introduction of V/STOL systems. He noted that these systems would provide the needed reduction in traffic, aerial and surface, now saturating the hub airports. He believes that V/STOL systems will appear and will experience fast growth, not as a competitive option for existing systems but as an irrevocable consequence of forces which are already clear and rapidly shaping our environment.

I do not know whether or not Mr. von Kann is right, but it is clear that a substantial increase in the use of V/STOL aircraft would add greatly to the pressures for an improved air traffic control system.

So, we find ourselves today facing increasing demands on our airways system, and uncertainties regarding future growth. There is one point, however, upon which there is virtually unanimous agreement: the current air traffic control system is rapidly becoming obsolete and we must develop a new and more efficient system if we are not to stifle the growth of this important transportation system.

Well, where do we stand? What should we expect a new system to do? What kind of equipment will a new system need? Are the technologies available to build this equipment?

I think the answer to this last question is an unqualified "yes." All of the experts I have talked to agree that our present levels of satellite and computer technologies are ready for the design and development of a modern air traffic control system. In fact, some of our satellite technology is so advanced that we can envision operational systems where the navigational errors are measured in feet, not miles. It is now possible to know positions of moving vehicles so accurately that these new systems can be utilized for collision avoidance as well as navigation and traffic control, thus offering a possible solution to one of the most urgent problems in air travel today.

While increased air traffic will undoubtedly require new airports, and additional runways at existing airports, the new air traffic control system, as a result of precise scheduling and control, will improve the efficiency of each runway and permit much more optimum use of today's airport real estate. This will reduce the need for continued encroachment on adjoining real estate and reduce the number of new airports required.

The traffic flow in the commercial airways and in congested areas near a major airport can then be greatly increased by better use of air space. The delays associated with traffic flow which now plague the system can be virtually eliminated with a resultant improvement in passenger convenience and confidence. Commercial jet traffic will be better controlled into narrower lanes and will not have to stack up around airports. This will also somewhat reduce the total number of people exposed to the problems of jet noise.

With the new system, precise position and altitude of all aircraft will be known at all times. Should an aircraft experience trouble and be forced down, its location will be known and search parties can be accurately directed to the spot regardless of weather conditions.

The present workload of controllers can be greatly eased. With the new system, much of the work will be done automatically. The controller will remain the manager of the system but will have the mundane aspects of his workload reduced by the automatic system. I am not forecasting a major layoff of controllers. They will still be the system managers as the airlines continue their healthy growth, although the number of controllers need not increase in direct proportion to the total number of airborne aircraft. What will occur is that the controller will be assisted by the automatic system, the possibility of human error will be greatly reduced, and the controller will no longer find himself in constant fear that collision is imminent. The incidence of stomach ulcers and other nervous disorders among controllers will no doubt be greatly reduced.

Passenger comfort will be further enhanced by better communication of weather and clear air turbulence data to the aircraft. This will permit ready alteration of flight plans. Aircraft will also be able to communicate important aircraft status parameters in real time to any chosen ground station regardless of location. It will also permit prediction of spare equipment requirements on the ground prior to the aircraft landing which will improve scheduling of maintenance.

The use of new technology permits a significant reduction in the rate of increase of air traffic control costs related to numbers of traffic controllers, hardware acquisition, and operation and maintenance.

Well, what is the hold up? What do we have to do to get started? The need is obvious, the technology is ready, and while bringing a new system into operation will be costly, I believe the alternatives will be costlier in terms of money, safety, and convenience. What is lacking, of course, is a clearcut statement of policy and leadership by the Federal Government. Unfortunately, the problem is compounded by the numerous organizations and voices associated and logically concerned with air traffic control. These include the airlines, the Departments of Transportation and Defense, the FCC, general aviation, the NASA, AOPA, ALPA, aerospace and avionics manufacturers, to name a few. When one considers the use of satellites for navigation, other agencies such as the Departments of Interior and Commerce, the Coast Guard, and the Maritime Commission are involved. Since satellite systems are inherently global, it is also obvious that complications of international cooperation and negotiation would arise.

Two analogous situations come to mind and help shed some light on the necessary approach, specifically the ballistic missile gap of the fifties and Apollo mission of this decade. In both cases, a national program was implemented. In both cases an excellent melding of government and industry teams was thus effected. In this case, the dollars required are much less, which simplifies the problem. The number of interests involved is, however, much greater which complicates the problem.

But first of all, and most important, what is needed is a national policy. How do we get it?

Perhaps a backward glance to the beginning of the Apollo program would be helpful here. In early 1961, President John Kennedy, concerned about the pace of the space program, asked the National Aeronautics and Space Council to study the matter and make recommendations to him. This resulted in a memorable speech to a joint session of Congress on May 25, 1961, in which, among other things, he urged the Congress to accept the challenge of sending Americans to the moon and returning them safely within this decade. We know how that turned out.

Perhaps the time has again arrived when the President can turn to the National Aeronautics and Space Council for consideration and recommendation in this critical area of air traffic control. A positive statement of national policy by President Nixon, with appropriate requests to the Congress, would enable us to go forward in the design and development of the new system.

I would like to add a closing remark about the need for a new air traffic control system. We know that a nation is a dynamic, living entity, and its transportation systems are exactly analogous to the circulatory system of the human body. When we act to protect our Nation's circulatory system we do more than protect our welfare. We insure our continued existence.

ABSENCE FROM SENATE TO ATTEND THE SIXTH MEETING OF THE AMERICAN COUNCIL ON GERMANY

Mr. GURNEY. Mr. President, I wish to have the official RECORD show that I missed the Senate sessions on Thursday, January 22, 1970, Friday, January 23, 1970, and Saturday, January 24, 1970, because I was attending the sixth meeting of the American Council on Germany, in Germany, as an official guest of the German Government. As the RECORD reflects, if present, I would have voted in favor of S. 30, the Organized Crime Control Act, and in favor of the Tydings amendment—amendment No. 443—and I would have opposed amendments 444, 447, and 450.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE APPROPRIATIONS

Mr. HATFIELD. Mr. President, a letter I have received from 250 Pacific University students is an eloquent plea for Congress to vote to override a veto of the appropriation bill for the Department of Health, Education, and Welfare.

If the President's veto is sustained, Oregon students will be forced to drop out of school because there is not enough money available in the President's budget. The colleges have in many cases gone out on a limb and made commitments for loans and grants—based on past Federal prodding to do so.

The President should be listening to these Oregon students instead of to the men with the green eyeshades and narrow vision in the Budget Bureau.

Congress cut a total of $7.6 billion from the President's 1970 budget. We cut $5.6 billion from the military budget and $2 billion from other bureaus. We added $2 billion. Of this $1.1 billion was for education.

Spending for education is not inflationary as the President claims. It is an investment in our young people and in the future of this country. Spending $70 billion for the military, much of it in military hardware, is nonproductive. These tanks, planes, and guns become rusting, obsolescent hulks.

Investment in the young is productive and is vitally necessary if we are to preserve the internal strength of the country.

I urge the President not to veto the bill.

I ask unanimous consent that the letter and the entire list of signatures be printed in the RECORD.

There being no objection, the letter and list of signatures were ordered to be printed in the RECORD, as follows:

ASSOCIATED STUDENTS OF PACIFIC UNIVERSITY,
January 20, 1970.

Hon. MARK O. HATFIELD,
U.S. Senate,
Washington, D.C.

DEAR SENATOR HATFIELD: The status of the appropriation bill for the Department of Health, Education and Welfare is of great concern to us as college students.

At the present time all of us who have signed this letter are receiving benefits from one or more of the following programs: National Defense Student Loan Program, Educational Opportunity Grants, College Work-Study funds, Health Professions Scholarships or Loans.

If we are to continue our education and if other young men and women are to have this opportunity, it is imperative that additional funds be appropriated *now*.

Due to the urgency of expressing ourselves on this issue we have taken this form of communicating our concern to you rather than through individual letters.

The following signatures are forwarded to you with the hope that the recommendations of Congress will be carried through in relation to appropriations for these vital programs:

Ceasar McDowell, Steve Kellough, Jim Eberle, Peter J. Wolfe, Craig A. Smith, David Johnston, Syl Jaime, Eva Rivas, Gail Turek, Jennie Easton, Mrs. John Dawson Long III, Susan Stewart.

Roger, C. Bond, Ronald C. Bell, Wesley A. Bell, Timothy G. Davis, Steve Dastrude, Nancy Airhart, Howard Story, John Bryant, John Demske, Erick L. Nelson, Denne D. Aquino, Judith F. Wilmer, Paulette Biel.

James Goertz, Phillip Maner, Jack Zarybnisky, Kenny Johnson, Richard Rue, Richard Ravolli, Timothy S. Omstrad, Helene Allan, Ronald Killough, Tilda Kirk, Danell Mapston, Robert H. Kivle.

Terry H. Sanderson, Kevin White, Dick Danick, Gene O. Teigen, Linda Mattson, Marilyn Makie, Mike Olin, Boyd Walker, Clifford D. Brown, Ed C. Baer, G. F. Copeland.

Phyllis Weiler, Suzan Sorbel, Chuck Steifbold, Chuck Young, Bell J. Angela Jr., Jim Westendorf, Cathie Reynolds, Nancy E. Weber, Donna Johnsen, Brenda Foster, Steve Hefer, Mike Kinnon.

Robert E. Rulifson, William C. Fouste, Patricia Michiloff, Jan Williams, Patrick Antof, Lencis C. Cana, Jr., Gerald R. Bowers, James Nelcamura, A. McKillof, Clinton W. Hyde, Gregory Lazan.

Bonnie Daniels, Dory C. Wells, Mary Ann Jones, Dollyann Dudis, Theodore M. Miller, Randy H. Pinkerton, Barbara Jo Glover, Jan Crockwell, Karen Lahd, Carol Wong, Mark A. Coleman.

Paul J. Diederich, William J. Nowtingham, Steve Olin, Neil A. Folosca, Michael Sloane, Donald P. Osborne, Robert M. Vandobleed, Michael F. Ignowski, Hans C. Gehring.

Clark B. Blackwood, Lois Burchut, Kim Bailey, Keith Lawrence, Michelle Hud, Arthur A. Dibrow, Michael D. Moore, Steven C. A. Simmons, Carolyn Hamlet, Margaret Wong, Susan Binam, Michele Ivanti.

Carolyn Niimi, Ken Beosh, Glen Isaacson, Graig Battrick, Greg Zurburgg, Shiela Fox, Eddie Shur, Wayne M. Marteney, Clarence Nathaniel, Richard S. Kemper, Bobby J. Harris, Danny K. Sheldon, Glenn M. Rogers.

Ken Richard, Jerry Jones, Tim Hutslar, Dennis J. Artmore, Kenne Clay, James W. Stout, Pam Aronson, Bert Forster, Dean Grey, Deborah Neal.

Carol A. Swanson, Mike Madioico, Karen Phillips, Steven R. Sim, Nick A. Gitts, Douglas K. Okabayasho, James Milton McCrum, Ted R. Luther, Paul T. Wilson, Michael J. Moore, Denis R. Williams, Jesse J. Hamston, Pamelon Collins, Roger M. Allyn.

Dick Robins, Kent M. Archibald, Francine Schmidt, Reginald A. Cuffee, Irwin W. Shaffer, Kathern C. McAlister.

Calvin L. Downey, Barbara Koller, Dorothy Long, Tressie Smith.

Michael R. Ben, Betty Lau, Nancy Meade, Linda Mottey, Thomas Robinson, Ray Sexton, Fredy Pery, Rube Tomlin, Linda Young, Priscilla Featherston, Valorie King, LuEllen Chittim, Randy Loop.

Karen Dryle, Deborah Mann, Stanley Attins, Larry A. Lund, Dennis Pitkin, Philip I. Korten, Patricia DeLane Calhoun, Alma King, Lynne Coleman, John P. O'Connor, Gerald E. McGuire.

Tyrone Thomas, Sharon Ancker, Alan L. Kingston, Gordon Jarman, David B. Smith, Charles D. Knight, Stanley B. Black, David L. Gallagher, Harland

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Flahahaslie, Ricky Rorsean, Raymond G. Maus, John Cluff, Carrine Gruber.
Carol Hirtzel, Leon S. Meade, Ed Butzlaff, Mike G. McGrath, Joseph A. Thoreau, Thomas F. Billars, Elwin W. Schutt, Kristine Harris, Roberta Lauree Nichols, David J. Williams, Mark A. Zeigler.
Dennis Fee, Jerry Hanson, Ruth Goringe, Lonnie Sisso, Terry R. Johnson, Michael D. Buhr, Gail A. Murray, Opal Chanceler, Steven M. Wallace.
Wayne Mahoney, Marsha Sowell, Mary R. Garrison, Zenda Ellis, Deborah Jarrell, Joseph R. Bell, Mary Lou Whetenpaugh, Paul A. Ward, Michael Groal.
Mark Louis Kane, Otice N. Clements, John E. Palmer, Ralph A. Schauss, Steve D. Pomerantz, Donna D. Maxey, Gary Maurer, John F. Voorhie.
Webb Richard, Curtis C. Cyr, Richard Mashek, Scott Watters, W. S. Muncey, Bill Walters, Renae Wyland, Styshen Ellis, Pat Hughes, Bonnie Ball.
Flor Luchlyn Platas, Brian Edwin George, Stan Payton, Donna Dickey, Ted Farr, Dean Bones, Maurin Oliphant, Morley Cooper.
Nancy Agusar, Patti Butterfield, Brenda Manley, Jerry Jolly, Kathy Brown, Carmen Gayters, Duane Gasdecker.

We appreciate the time which you have taken in reading this letter and hope that something can be done to assist in this matter. Many of us are of voting age and the remainder will become eligible within the next couple of years. As young men and women we are concerned about our nation and we do plan to express our views at the ballot box.

Sincerely,

LYNN COON,
President.

NOMINATION OF JEROME H. HOLLAND TO BE AMBASSADOR TO SWEDEN

Mr. BOGGS. Mr. President, last Friday, President Richard M. Nixon sent to the Senate the nomination of Dr. Jerome H. Holland of Hampton, Va., to serve as Ambassador to Sweden.

Dr. Holland served as president of Delaware State College from 1953 until 1960, when he assumed the presidency of the Hampton Institute in Virginia. He earned the respect of all Delawareans during his tenure at Delaware State College; and as can be seen from an editorial in the Wilmington, Del., Morning News of January 15, time has not diminished the high esteem in which he is held.

I strongly and enthusiastically endorse the nomination of Dr. Jerome H. Holland as Ambassador to Sweden and ask unanimous consent that the editorial be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

JEROME HOLLAND TO STOCKHOLM

The considerable talents and infectious good cheer of Jerome H. Holland stand to make him a good ambassador to Sweden—which needs better relations with the U.S., and vice versa. Delawareans who knew Dr. Holland, while he was president of Delaware State College (1953–1960) and have followed his presidency of Hampton Institute during the past decade, have marked him as a leader of his race and a prophet entitled to respect for his uncompromising views on the family of man.

At Delaware State he took hold of a moribund, poorly run little super high school and transformed it (with the support of the trustees) in seven years into an accredited degree-granting college. At Hampton he has done more than reverse its decline and spur its endowment to $32 million. Last spring he weathered a storm of militant students who based a demand for his resignation on his rocklike stand in support of "the national goals of an integrated society."

In Sweden the Nixon Administration's problems include that country's providing asylum for U.S. military deserters, plus a widespread fashion for denouncing United States involvement in Vietnam. Some of the bitterness comes from the Swedes' viewing non-whites of the Orient as being oppressed by the white leadership of the most powerful nation of the Western world. As an American Negro with strong convictions about the human race's need to stick together, Dr. Holland has special qualification for filling the U.S. ambassadorial chair at Stockholm that has been vacant for nearly a year.

In this connection it is worth noting that Dr. Holland's newly-appointed colleague in the U.S. Embassy at Oslo, Norway, Philip K. Crowe—also well-known in Delaware and the Eastern Shore—last served as ambassador to the Union of South Africa where the government was aware that he had no use for the injustices and cruelties of "apartheid" as practiced there. If the two men have never met, Scandinavia seems a good place for them to get acquainted for the good of the United States and the nations of their accreditation.

PLIGHT OF BIAFRAN PEOPLE

Mr. RIBICOFF. Mr. President, in my concern for the plight of the Biafran people, who are still in need of emergency relief, I wrote to Secretary General U Thant a letter dated January 23, 1970.

I ask unanimous consent that this letter be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
COMMITTEE ON FINANCE,
Washington, D.C., January 23, 1970.

His Excellency U THANT,
Secretary General of the United Nations,
United Nations Plaza,
New York, N.Y.

DEAR MR. SECRETARY GENERAL: I am deeply distressed by the existing relief situation in Nigeria. As a sponsor for the Food for Biafra Relief Committee, I was appalled by the plight of starving men, women, and children during the course of the conflict.

I am equally concerned with their plight now.

Although the Nigerian government has just requested 40,000 tons of food per month from the United States government, the main problem lies in the distribution of those supplies. It will make no difference to the starving war victims how much food is stockpiled in Nigeria, if that food is never received.

News reports have indicated that food distribution is "hopelessly inadequate" in Biafra. It has been estimated that there are at least 1.5 million people in the enclave area who need food supplies immediately. Yet we have no information whether the Nigerian government has made any deliveries into the enclave area. The trucks and jeeps presently being used for transport of supplies are incapable of meeting the urgency of that need.

After the surrender of Biafra to Nigeria, the Nigerian government promised full emergency relief measures for the Biafran war victims. At the same time, the Nigerian government also insisted that it would not accept the assistance of nations and foreign agencies that aided Biafra during the war.

In barring the assistance of such relief agencies as Joint Church Aid, Caritas, Canairelief, and the Nordaic Red Cross, the Nigerian government is barring the help of the very people who could make this relief program a more organized and efficient operation. It is these relief personnel who are familiar with management of food centers and the best means of transporting goods to the population. It is they, and not the Nigerian government or army, who have been most familiar during the past 30 months with the Biafran population.

The dimensions of this relief program are too vast for one nation to manage alone. It is time for the world community to do everything it can to insure the proper and immediate distribution of food supplies to the Biafran war victims.

We cannot afford to send supplies and then sit by while human lives are being wasted.

This is no time for the Nigerian government to put political grudges above the preservation of human life. This is no time for the Nigerian government to be more concerned with whose label is on the package, or whose hands are giving out the supplies, than with the immediate distribution of these supplies.

The relief effort could be greatly speeded up if the Nigerian government were to allow more personnel assistance and were to use helicopters and aircraft to move supplies into the enclave and bush areas.

Mr. Secretary General, I urge you to internationalize the relief effort and organize an international relief team under the auspices of the United Nations or whatever label the Nigerian government would agree to. The relief team should assist the Nigerian government in every capacity in its distribution of food supplies to the war victims.

Let us hope that there can be an end to the futile waste of human life.

Sincerely,

ABE RIBICOFF.

MILITARY JUSTICE

Mr. GOODELL. Mr. President, there is growing evidence that military justice contains little justice.

I would like to alert this body to an article by Robert Sherrill entitled "Justice, Military Style," appearing in the February 1970 issue of Playboy magazine. This article documents the most shocking conditions—and the most appalling treatment of prisoners—in our military prisons.

It also describes a frightening degree of indifference for the basic rights of servicemen on the part of many of the officers responsible for the administration of the military justice system.

American citizens do not lose their basic constitutional and human rights when they don a uniform. The sort of abuses described in Mr. Sherrill's article must be stopped, and they must be stopped now.

Mr. President, this article should be carefully read by all of us. I therefore ask unanimous consent that it be reprinted in the RECORD.

There being no objection, the article was ordered printed in the RECORD, as follows:

[From Playboy magazine, February 1970]

JUSTICE, MILITARY STYLE

(By Robert Sherrill)

Dachau, Germany, is best known as the locale where thousands of Jews were tortured, killed and burned by their Nazi cap-

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tors. Some of these Nazis futilely pleaded at the post-War Nuremberg trials that they had done their evil not from wicked hearts but because they had been ordered to do so.

The United States military forces now maintain a prison near the former extermination camp, and it was there in August 1968 that Sergeant Wesley A. Williams, acting on orders from his superiors, severely beat five GI prisoners with a rubber hose wrapped in green tape. The stockade commander, Major William B. Moore, later told a court-martial that the victims were "known troublemakers" transferred from another prison, and he justified the beatings with the argument that they were good preventive discipline. "Give them a welcoming party—but don't leave any marks," Sergeant Williams says he was told, and he did just that, bludgeoning the five men and then kicking them as they lay on the floor, trying to protect themselves. Although the sergeant admitted all this, his explanation that he was "only following orders" satisfied the military tribunal, which acquitted him of any wrongdoing.

That is the kind of Cotton Mather trick—the victor proving his perfection by repeating with impunity the mischief of the vanquished—that the military mind would enjoy. Yet, of course, it raises other thoughts that the responsible civilian, desiring to be proud of his Government, will want to reject. The historical parallels—of officially sanctioned brutality and of military justice rigged to protect a corrupt system—are too unpleasantly obvious to accept without further evidence.

There is no shortage of places to seek the evidence. The Pentagon supervises in this country and overseas 138 Army, Air Force, Navy and Marine brigs and stockades with an overflow population of 15,000 prisoners. To what extent do these prisons harbor the incident Dachauism of the 1940s? It is a fairly important question, seeing as how there are 26,820,000 veterans in this country and another 3,800,000 Servicemen; if they, by their experiences, develop a tolerance for unconstitutional trial procedures and for unconstitutional punishment, it means that the minds of one seventh of our population will already have been to some extent polluted by militarism.

The Army is quite frank about its mission to condition not only the bodies but the minds of those under its control. In the pamphlet "The Fort Knox Experiment," for example, the Army touts its methods for "developing the 'whole' man . . . in contrast to just exposing them to information," and says: "The Army today is the only organization in America equipped to conduct this kind of efficient training of our citizenry. The Armed Services have an extraordinary opportunity, since they control the time and attention of the trainees 24 hours a day, seven days in the week." To gather clues to what is going on in the almost 90,000 courts-martial that take place each year, and to what is happening in the military prisons where many of these defendants wind up. I interviewed GIs, officers, honorably discharged vets and deserters from coast to coast. The file of random reports runs over: of the homosexual at the Navy brig on Treasure Island, San Francisco, who was forced to suck on a flashlight for the amusement of his Marine guards; of the Army brass at Fort Riley, Kansas, who panicked when they discovered one of their soldiers was only 12 years old and "hid" him for three months in solitary confinement; of the inmate at the Great Lakes Naval Training Center brig whom guards punished by wrapping his throat in a wet towel, clamping a bucket over his head and making him smoke cigarettes thereunder until he passed out; of the several Servicemen at Fort Dix, New Jersey, who were sprayed with water and then pushed outside, naked, for varying lengths of time in the winter (one of them for three hours); of Fort Dix soldiers seeking conscientious-objector discharges who were imprisoned "for their protection" in a special cell with known homosexuals; of the several sailors and Marines who, according to the reports from different bases, were made to do such strenuous exercise right after eating that they vomited, after which the guards pushed their faces in it or they were made to roll in it or (in two instances reported) they were made to eat it; of the inmate at the Fort Leonard Wood, Missouri, stockade who was covered with gray paint and required to stand at attention until the paint dried on his skin.

But before a random compilation, perhaps it would be fairer to back up and take a long look at an "average" prison. The Presido stockade has been much in the news lately, because that was where 27 prisoners sat down in a circle and refused to get up until they had read a list of their complaints about wretched living conditions and the threat of death from guards. They were tried as mutineers and some are now in Fort Leavenworth, Kansas. Senator Charles Goodell, of New York, who demanded an investigation of stockade conditions, was told by Pentagon officials that "some stockades are better than the Presido, some are worse," which must mean that it is average.

At the time of the Presido sit-down, there were 125 prisoners in space meant to hold 88. There was one toilet for about every 35 prisoners, because not all of the toilets had lids and some were stopped up and unusable (and half the time, there was no toilet paper). On the day of the sit-down, the stockade—always short of supplies—had food for 110 prisoners, 15 short of the prison population. Prisoners had to buy their own soap; and if a prisoner ran out of soap in the middle of the week, he couldn't have another bar until the next week; if he lost his toothbrush at the first of the month, he couldn't get another until the following month. Prisoners in segregation cells were sometimes not permitted to bathe or brush their teeth for a week. The barracks were so crowded that prisoners lying on the top bunks could touch the ceiling. Recreation was one movie a week, chosen by the chaplain. The prison library, which closed at four p.m., before the men came back from work, was in the basement and accessible only by climbing over garbage cans; the books were ancient ones, mostly on mysticism and military history. Families could visit prisoners, but it was against the rules for a father to hold his baby. But the worst feature was the lack of cleanliness and the smell of human waste. The toilets were constantly clogged, backing up into the shower rooms, the floors of which commonly were two or three inches under water; human feces' floated in the water, so it was best sometimes to take a shower while wearing boots. And, a result of these conditions, there were rats.

An official Presidio press release claims that "prisoners live a more comfortable life than the regular soldier who performs his duties properly." Yet there were 52 suicide attempts in the stockade last year. Colonel Harry J. Lee, provost marshal for the Sixth Army, says, "There have been no suicides nor has there been a bona fide suicide attempt at the stockade in the memory of personnel now serving at the facility since at least June 1966." The Army does not call them suicide attempts; it calls them "gestures." Private Roy Pulley, one of the protesters, tells of how a gesture struck him: "I was lying on my side on the bunk, reading, one night, and this guy across the room was sitting on his bunk. He tied something around his arm to make the veins swell up so he could cut them better. And when he cut them, the blood flew about 20 feet—hit me right in the back of the neck." A total of six gestures were made by Ricky Lee Dodd, who cut his wrists when he was imprisoned in solitary and was taken to the hospital, where the wrists were sewn up and bandaged. He was returned to the stockade; this time, he removed the gauze from his wrists and hanged himself. When he arrived back at the hospital, he was pronounced dead but was revived. After an earlier attempt at suicide, a guard had handed him a razor blade with the encouragement, "If you want to try again, here we go." (After one of his suicide attempts, a guard had squirted him with urine from a water pistol.) Other gestures made by the sit-down defendants were: 12 cuttings of wrists, arms and chest; two cuttings of throat; eight dosings of lye; detergent, oven cleaner, shampoo, metal polish and something identified only as poison. Altogether, there were 33 suicide attempts among 21 of the mutiny defendants. The men who ran the Presidio paid little attention to these gestures, because, as Lieutenant Colonel John Ford, Presidio provost general, put it, they felt the men were "just trying to get medical discharges."

Since the sit-down protest, the Army has spent more than $80,000 fixing up the stockade building—which was constructed two generations ago as a bank and still uses some of the original wiring for the burglar alarm. Many of the plumbing and heating and other physical ailments have been corrected. It is still no show place; Presidio officials refused to allow me to inspect the building and also refused to permit a representative from Senator Goodell's office to drop in unexpectedly. Presidio officials did organize a special one-day tour for the press, but the prisoners were not permitted to be interviewed and were, in fact, removed from the stockade and lodged elsewhere before the press got there. Officials admitted they "spruced up" the place for the press. The validity of the prisoners' protests of shabby facilities can be seen in the fact that since the sit-down, the stockade has been supplied with an intercom system, a new recreation area outside, perimeter lighting, a new boiler, a new medical-treatment room, new locks (the old ones could be opened with a comb, according to guards), ten more chairs in the mess hall, two new stoves in the kitchen, a new soap dispenser in the kitchen and a fire sprinkler system. The guard strength has been increased threefold, the cooks and kitchen help have been increased twofold, and the prison population has been cut one third.

Actually, however, the physical-environmental problems were never responsible for the prisoners' hellish existence. Their troubles came from the men who ran the prison: Captain Robert Lamont, 25 years old, was in charge. He had never had any training in confinement work and was easily swayed by bad suggestions both from noncoms serving under him and from his immediate superiors. Apparently holding a great deal of sway over Lamont was his top sergeant, Thomas Woodring, who had previously worked as a guard in civilian jails and for ten years as a Los Angeles policeman and a sheriff's deputy. Prisoners have given sworn testimony that Woodring and Lamont tried to talk the Negro inmates into beating up whites. Other affidavits tell of Woodring's delight in the bottle. The closest he came to denying this was to say, "To my knowledge, no complaints have been made about me drinking on duty." Woodring's aide, Sergeant Miguel Angel Morales, did the best he could for his boss, testifying, "I have heard of him working intoxicated, but I have never seen it. I never heard that he gets mean when he gets drunk." If Woodring sometimes came to work high, he apparently wasn't the only one. The prisoners say the guards were frequent users of LSD, pot or liquor. They say Sergeant Morales had his own special technique for instilling fear in new prisoners; he would tell the new comers, "Im so tough I shot a Vietnamese woman in the belly, just like that, pow!" (In court, he said that this killing "was just a lot of ———.") The armed guards who went out on work details with the prisoners—all of whom were minimum-security prisoners and, according to regulations, should not have been guarded with guns—were untrained in the use of shotguns, but they loved to play with them and point them at the prisoners and threaten to "blow your ——— heads off." Not long before the sit-down, one of the guards had accidentally discharged a shotgun and had blown a hole in the roof of a wooden building next to the stockade just as the prisoners were falling in for work. Army regulations require that stockade guards be specially trained for confinement work, but only one guard at the Presidio had had instruction. One guard had reportedly been transferred to the Presidio from another base when his commanding officer became uneasy after the lad, a Jew, began dreaming that he was a Nazi.

Every stockade has its isolation cells (although some of the stockades are so crowded these days that two or three men will share "isolation"). Even at the main Army prison in Leavenworth, which military men present as the model prison, the isolation cell is called a hole—for good reason. It is a room 5 feet wide by 10 feet long by 15 feet high, illuminated by one low-watt light bulb. The sanitary facility is a hole in the floor. The Presidio has five such cells, two painted black until just before the press was given a tour of the stockade in 1969 (at which time they were painted gray and Presidio officials pretended they had never been black) and three painted white. Estimates of the dimensions of these boxes—as they are called—vary somewhat, the prisoners claiming that they are 4½ feet wide, 8 feet high and 5½ feet (black boxes) or 6 feet (white boxes) long. The Army claims that the boxes are 5 feet wide, 8 feet high and 6 feet long. But even if the Army's measurements are accurate, they fall below the minimum dimensions required by the Army's own regulations (6 feet wide, 8 feet high and 8 feet long).

The isolation cells have no toilets; to relieve oneself, one must persuade a guard to give escort, and frequently the guards prefer to ignore these requests. The white cells have no furniture but a bunk; the black cells have no furniture at all. The tops of the five cells are covered with a wire screen. One light above this screen throws a feeble communal glow over the five cells, inadequate for reading the Bible, which is the only reading material permitted.

The isolation cells are frequently used to store psychotic prisoners; prisoners who attempt suicide are always sent to the box. One of the crazy inmates best remembered by former guards was a young man nicknamed Penis because he sat around in his islotion cell all day, moaning, "I want my penis; I want my penis." He played with himself, urinated on the floor and rolled in it, defecated on the floor and then smeared the excrement in his hair and over his face. He also used feces for writing and finger painting on the walls and floor. Some of the guards would tease him by climbing onto the mesh roof over his cell while he was sleeping and jumping up and down and screaming to awaken him. He spent two weeks in solitary this way before they carried him off to the psycho ward at the hospital. The self-applied business with feces and urine is quite common among mentally unbalanced prisoners who are forced to spend any length of time in solitary; prisoners tell of several others who did the same thing, including one boy who tried to hang himself, was cut down and sent briefly to the hospital and then returned to the box, where he doused himself in excrement for a week before the doctor thought it was time to send him to the psycho ward.

Stephen Rowland, one of the protesters, perhaps one of the best educated of the lot, since he had done some premed work at the University of Missouri before getting into the Army, added this information to the history of the stockade:

"A man went into an epileptic fit and the guards kicked him. On at least three occasions, men cut their wrists and were put in the box overnight without treatment. I was inducing vomiting in a suicidal prisoner who had ingested poison one night when the sergeant, apparently drunk, came up and forcibly interfered with my work. On two other occasions, I found guards trying their best to help a poison-ingestion case but doing the wrong things—they don't know what to do, even when they intend no harm. In one of these instances, the turnkey delayed calling the ambulance for at least ten minutes after being informed that the prisoner had ingested chrome polish. The prisoner was in a semicomatose state and in obvious need of immediate medical attention. A suicidal prisoner, after attempting to take his life, is usually taken to the hospital, revived, stitched or bandaged and immediately returned to the stockade and put in the box—definitely not the place for a mentally disturbed person."

On February 26, 1968, a soldier named Herman L. Jones was taken to solitary confinement. He was (witnesses say) hysterical, screaming that he was supposed to go to the hospital. Jones had kidney and prostate trouble. In his words, "My testes hurt and I dripped." But the guards had grown tired of releasing him from the barracks prison room to go to the toilet; so they put him in solitary and gave him a can and a roll of toilet paper. In his hysteria, and anger, Jones threw the can and toilet paper outside, tore his clothes and urinated on the floor several times. Guards hosed out the cell, hosed Jones down also, opened the windows (February can be very chilly on the San Francisco waterfront) and he was left without clothes and without bedding.

On February 27, the stockade doctor came and, without asking Jones how he was, wrote OK on Jones's clipboard and left. A soldier confined in the solitary box next to Jones picks up the account:

"Later on that day, the guards came in and took all of us except Jones out of segregation to the TV room. On the way out, Sergeant Porter came in [to Jones's box] with three husky men. We were permitted to smoke, talk and watch TV. In general, the guards were surprisingly and unusually nice to us. We could hear Jones yelling and screaming. When we were put back in our boxes, Jones was sitting in a strait jacket in a different box. His lip was puffed up and his forehead and eyes were bruised. Jones later told me that the guards had rubbed his face in his own excrement. We were then made to clean up Jones' mess."

What happened after the other segregated prisoners were taken from their boxes to watch television is told by Jones:

"Several of the guards spit in my face. Other guards grabbed me by the leg, tripped me. A guard got a rag off the floor, dipped it in urine and feces and rubbed it in my face and hair. I was so mad I was crying. I told Sergeant Porter he should have killed me, and he said he could arrange that, too. Then I was taken out of the box and put back on the other side. Sergeant Porter said something was going to happen to me and nobody would know. I was scared and wanted to commit suicide, so I ate paint off the wall. A guard saw me eating the paint. Then I was put in a strait jacket and taken to Letterman General Hospital. I saw a woman doctor there. While in the hospital, I was in irons. At the hospital, while my stomach was being pumped, a big guard was twisting my leg irons and laughing."

After the "mutiny," prisoners (especially those involved in the sit-down) were treated even more harshly. Attorneys for the defendants sent five affidavits to Sixth Army Commanding Lieutenant General Stanley R. Larson, relating the new harassments, including beatings and slappings, but they got no response. Apparently, the treatment given some of the defendants lodged at the Marine-run prison on Treasure Island was worse. Private Lawrence Zaino, 20, of Toledo, Ohio, cracked under it. At the end of one trial day, when he saw the MPs approaching to return him to Treasure Island, he began shaking and mumbling, "It's true what I said about the brig, but they don't believe me. I'm sorry for what I did, but they don't believe me, but it's true." And just as the guards got to him, he tried to lift a chair to hit them, but he was shaking so hard he couldn't. It was so obvious he had flipped that the military judge ordered him immediately to the psychiatric ward at Letterman; and that's the last anybody heard of him for three months, after which he emerged just long enough for a trial at which his lawyer, to protect him from further mental strain, offered no defense, so that the trial could be ended immediately.

The worst postprotest beating at the Presidio was sworn to by Roy Pulley, who said that Sergeant Woodring (weight about 210) ordered him (weight about 145) into a back room. Pulley's affidavit reads:

"He followed me in and closed the door. Then Sergeant Brown stood outside, blocking the door and peeking in, while Sergeant Woodring proceeded to push me around the room. I grabbed him by the tie and shoulder and tried to hold him off. Sergeant Woodring was pushing and swearing at me all the time, attempting to provoke me into fighting back. Eventually, he knocked me down and sat on my stomach, pinning my right arm with his knee. He grabbed my fingers and slowly and methodically, he twisted my fingers until one of them was broken. He twisted for at least a full minute while raving at me. In the meantime, I was crying and screaming for help and asking him to stop. . . . This afternoon, after my return from the hospital, I was shoved in the black box. While there, Captain Lamont, the C.O., told me that if I thought they had used force today, I had not seen anything yet."

Later, Pulley was transferred to solitary confinement on Treasure Island. Doubtless these prisoners sometimes exaggerate, but there's no denying that Pulley's hand still shows the mangling of some fight.

Again, this kind of treatment is not limited to the Presidio. Daryl Amthor, 21, of Rockport, Missouri (who, when I interviewed him, was hiding out in the Peace House in Pasadena, California), had been A.W.O.L. 31 times, had been put in five stockades—at Fort Leonard Wood, Fort Riley, Fort Sill, Fort Ord and the Presidio—and had escaped a total of seven times from three of these places; he came away with these memories of his two months in the Fort Ord prison (where more than 500 prisoners are kept in quarters intended to hold 200):

"I was thrown in the box for having contraband—a cigarette lighter. The first day I was there, five guards came into my cell and started beating me and trying to get me to swing back, but if I would have swung back, I would have been killed. So I hung onto my belt and just let them do their thing. The next day, one of the guards brought me a pair of boots, size seven, and ordered me to wear them and break them in for him. I couldn't even get them on. I wear a size-nine boot. When I told him this, he came in the cell with two other guards and proceeded to beat me up again, so I let them. I was in the box for 14 days and was beat up five days straight, three times a day. After five days, another prisoner was brought in. He had refused to do physical training, because of his heart. He had a profile [a medical record showing heart trouble], but this didn't really seem to matter to the guards. After doing some exercises, he wouldn't do any more and he told the guards to beat on him if they wanted to, and they did the same thing to him a few days they had done to me, until he finally wound up in the hospital. One time, this other fellow was beat up by a civilian that used to be a guard at the stockade but got discharged and just happened to be on hand because he was there to visit and take another look at the stockade. I really do believe these guards are insane. They actually try to find a reason to beat people up and, of course, they only pick on the ones they know won't strike back—prisoners that are the nonviolent type, such as me. I once saw a prisoner sitting down, reading a Bible, when in walks a guard, takes the Bible out of the prisoner's hand and throws it down and then asks, "Do you believe in this ———?" The prisoner says yes, he does, and the guard beat him up. These things go on all the time. The prisoners go to the C.O. and the C.O. laughs. One prisoner who was beaten wrote to his Congressman and his Congressman wrote back, saying he was going to do something about it. The prisoner took this letter to his court-martial and he was discharged right then, I guess because the Army didn't want any publicity about it."

In the spring of 1969, about 300 prisoners at the Fort Ord, California, stockade went on a sit-down protest against the brutalities of the guards, the bad living conditions and short rations—and they made the protest despite the fact that they knew they could be charged with mutiny; in fact, they made their protest while the mutiny trials of 14 men from the Presidio were being held at Fort Ord.

A minor rebellion occurred at the Fort Dix stockade in June 1969, during which the prisoners burned mattresses and broke up furniture to call attention to conditions. Word came out through the soldier grapevine that the explosion was touched off when the inmates were made to stand in formation three hours through the sweltering part of the day, after which they stood in line three hours for dinner, only to find that there weren't enough water bowls for half of the men. (One of the many reasons inmates call the Fort Dix prison the Pound is that they drink from bowls.) The grapevine later reported that, as a result of the violence, 19 prisoners had been kept in solitary confinement for three weeks; one man was reported held without food for three days.

There have also been riotous protests against conditions at the Marine brig at Da Nang, South Vietnam, and at the Army stockade in Long Binh, 12 miles north of Saigon. At Da Nang, prisoners burned down a cell block; but at Long Binh, they went further—burning down buildings covering an area the size of a city block. The infamous Long Binh Jail (dubbed L. B. J. by Vietnam veterans) seems to have had a riot at just about every turn of the moon, the most famous uprising occurring in 1968, when several hundred black GIs took over a section of the stockade area; a month later, a handful of them reportedly were still holding out against MPs in one part of the prison.

Like most stockades, L. B. J. is usually packed 75 percent above its regulation maximum capacity. I discussed conditions with several men who had spent time in L. B. J., and most of their stories jibe with that of a black private, first class (who cannot be identified, since he is still in the Army), who told me:

"We got one meal a day, usually, and that was canned rations. They would punch a hole in the cans about a week before they gave us the food, so it would be dried up. That was part of the punishment. I got beat about twice a day for a month. Everyone knew why I was there [he refused to fight anymore after taking part in a sortie in which, he says, about 3000 of the enemy were killed]. I was in minimum security for two weeks, and then they stuck me in maximum security for three months, because they heard me telling the other fellows why I wouldn't pick up a rifle and why they shouldn't. They have about 30 maximum-security holes. You sleep on dirt floors. You can't see out, but they have a hole where they can see in on you. It's total dark, day and night. If you were lucky enough to have a guard who had a heart, he'd take you out for a crap. Otherwise, you crapped in the hole. The room was about five by eight. One black GI, who raised a fist salute, was accused of trying to incite a riot and about ten guys jumped on him, stomped him, kicked him. About 60 percent of the prisoners are black. Racial tension couldn't have been higher. Fights every day. The blacks had one barracks and the whites couldn't go in there. If they did, we'd beat them. The Vietnamese people would give us marijuana and all kinds of stuff. If you had a stockade armband on, they'd do anything for you. We'd go to the fence and they would throw us over bundles of grass. It was really great. The guards used the drugs, too. I'd smoke with some of the guards, but they'd turn right around and beat me the next day, anyway."

One experiences the peculiar flavor of life at the Long Binh stockade from the moment he steps through its gates. One young ex-sergeant, Robert Lucas, better known in recent months as the GI coordinator of the Vietnam Moratorium, recalls having to escort a black soldier to L. B. J.; the prisoner had *not* been convicted of any crime; he had only been charged with having been A.W.O.L. This, says Lucas, was the way they processed his prisoner:

"When we got there, they put the black fellow inside a large cage just inside the gate. They took his belt, cap and shoelaces. He was then taken from the cage to the incoming building. I explained that he was a pre-trial prisoner, that he wasn't hostile. But they treated him just as though he had committed first-degree murder. They stripped him, made him bend over, so they could inspect his butt to see if he was hiding anything; they checked his groin, looked in his mouth for contraband. This was just done to humiliate him; they knew any serious smuggling around a prison is done by the Vietnamese workers. There were three clerks watching. One of the clerks grins at him and says, "Sit down and I'll give you my first haircut." So he shaved him bald. Then they led the prisoner to a military shipping box—a steel box about six feet high, about seven feet deep, about five feet across—it's usually used for shipping heavy things like typewriters or ammunition. That's where he stayed his first night in L. B. J. He had a bucket to ——— in and some water to drink. He was in that steel crate from four o'clock that afternoon to seven the next morning. That's standard procedure."

Garret Gianninoto, of New York City, an ex-GI who spent three months in the Da Nang brig, gives this report on its solitary-confinement cells (in which he spent eight days):

"The cells were six by eight feet. The only furniture was a square box covering one half of a 25-gallon drum—this was your toilet. The drum was taken out once a day and the stuff was burned. Some fellows who have been in other prisons' solitary-confinement cells complain because they didn't have any place to go to the toilet, but I would rather not have had. Those toilets got pretty awful when the temperature inside the cells got up to 130 degrees. And you had to sit on the toilet all day. That was an order. You couldn't sit or lie on the floor. One bulb hung over the wire mesh that was the ceiling, and this was what you had to read by, but the only things you were permitted to read were the Bible and the brig rules. We didn't have a Bible, so I read the brig rules several dozen times. The food was lettuce and rice and, in the morning, two boxes of Kellogg's corn flakes and water. Stuff like that, and in the food it was commonplace to find slugs and flies and weevils."

Gianninoto said he had seen no physical brutality.

Most of the men in the Da Nang and Long Binh prisons, as is true of most military jails, are guilty of being A.W.O.L. only. But many GIs in Vietnam look upon A.W.O.L. not as a crime but as a way of life. Some GIs claim that there are 10,000 to 12,000 A.W.O.L. Servicemen in the Saigon area on any given day or night. Since the military insists on treating them as criminals, it is the A.W.O.L.s who crowd the stockades to explosive capacity.

The military's disciplinary style is evident everywhere from Da Nang to Fort Bragg, North Carolina; and although details are often suppressed for a while, eventually they get out. More than three months after a riot took place at Fort Bragg, when 238 inmates seized the stockade in the summer of 1968 and held it for three days, Andy Stapp, head of the American Servicemen's Union, was able to learn details of the incident that provoked the riot and printed them in the A.S.U.'s newspaper, *The Bond*. Stapp tells it like this:

"A certain Private Johnson, a black prisoner, was beginning his 78th day in solitary confinement on that morning of July 23. Johnson faced almost 20 years' imprisonment, because he had dared to fight back when the commandant of the prison, a major, had spit in his face and taunted him. For this he was charged with assault on a superior officer and put in solitary for close to three months. And three months is a hell of a long time to sit in a room 7 feet by 11 feet.

"Well, it seems that on this particular day, Johnson had just about had it with that little room; and after he had been taken to use the latrine, he asked permission to stay out in the hallway for a while to get some exercise. When the guards tried to hustle him back into the rathole, he physically resisted, knocking the MPs down and climbing to the top of the prison bars. The major, a real sadist, ordered him blasted off by a fire hose. The impact from these hoses will rip the bark off a tree at 100 yards; and when they turned it on the desperate prisoner, he was immediately knocked to the ground, the force of the water breaking his fingers.

"The guards then rushed in and spread-eagled Johnson on the floor. After they had got him securely pinned down (which wasn't hard for them to do, considering his dazed condition), a lifer E–6 [a career enlisted man], his fist wrapped in a pistol belt, began to methodically beat in Johnson's teeth.

"And that's where their little game ended. Because about six other prisoners who had been watching this horror from behind a fence on the other side of the compound went right over that fence and rushed the bastards who were mauling Johnson. And behind them came several dozen other prisoners, for by now the fence had been completely torn down."

After that, one thing led to another.

James Niles, who worked six months as a processing clerk at the Fort Hood, Texas, stockade, says that right after riots at Hood in 1968, "they segregated the black prisoners in the old mental ward, which is now a jail annex, and piped it for CS ['pepper'] gas, and a guard told me they turned it on a couple of times."

The Army is quite genteel in these matters, however, compared with the Marine Corps, which supplied more horror tales than any other Service. An ex-Marine, who is now studying to enter the Episcopal ministry, said he had witnessed Marines forced to strip to the waist and roll in fresh feces. In fact, the threat of Marine Corps treatment is sometimes used to keep Army dissidents in line; sometimes, Marine guards from Treas-

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ure Island go over to the Presidio to show the Army guards how to do it. Marine guards have special techniques. One day, a Presidio prisoner called an Army guard Uncle Tom; a few hours later, three Marine guards showed up and took over for the occasion. As another prisoner related in a sworn statement: "You could hear screams from the man all over the stockade. Later he said he had been held by two Marines while the other grabbed and twisted his testicles and then hit him several times in the stomach." He told also of the occasion when six guards went into the box to get Private Richard Gentile, a veteran of 12 months in Vietnam, who was in the stockade because he had marched in a peace parade: "A guard held up leg irons and said, 'If you don't come out, I'll beat your head in with these.' The door to solitary was open and five guards jumped Gentile and after he was handcuffed and put into leg irons, he was beaten until he was bloody and almost unconscious. Then four of the guards carried him to a truck and sent him to Treasure Island. After this happened, a sergeant said, 'I'm not a violent person, but if your name comes up to go to Treasure Island and you resist and it takes ten of us to one of you, we'll beat the ——— out of you and then send you to Treasure Island, where the Marines can really take care of you.' " (It was treatment of this sort that prompted Gentile to make two "gestures": He drank a can of chrome polish and he slit his arm from the wrist to the elbow, which required 44 stiches to close.) One U.S. Senator received information from a sailor who had spent time at Treasure Island that he had witnessed guards pick up another prisoner in battering-ram style and run him headfirst into a heavy wooden door.

Father Alban Rosen, a Catholic priest at Mission San Luis Rey near Oceanside, California, who has done volunteer chaplain work on Marine bases, said this Camp Pendleton nearly had a Presidio-type mutiny in April 1969, when a group of about 40 prisoners in the brig came out of the building and saw a prisoner hanging from the Cyclone fence, spread-eagled. His feet were off the ground. A guard had made him stand on a stool while he was handcuffed to the fence; then the stool was kicked away. He was screaming. The men sat down and said they would stay there until something was done for the man. A cooler-headed officer than was at the Presidio during its "mutiny" persuaded them to move along. The guard was found to have a long history of psychological troubles; but, as Father Alban said, "Nobody wants to work at the brig, so they get that kind of guard."

The Pendleton brig is a converted World War Two prisoner-of-war camp, with a capacity of 400 men; there are reportedly 900 in the brig now.

Father Alban said that the official brig chaplain told him of seeing men forced to run in a circle until they fell from exhaustion, at which point "the guard would just go over and kick them until they got up and started trotting again. This stuff goes on all day. The guards get pleasure from it." The brig physician told Father Alban of sick men whom the guards would not allow to sleep. "The guard will come along and throw cold water in on the guy if he catches him sleeping."

One of the episodes related by the priest was about a kid in maximum security, who apparently had psychotic problems, "and the kid was screaming all the time and driving the guards crazy, so they taped up his whole face except for his nose. They left a hole for his nose. The only problem was, the kid had sinus and bronchial trouble. That night, he had a real bad attack; but since he was taped up, he couldn't say anything. All he could do was keep banging his head against the door. They had to hospitalize the kid."

The handcuffed crucifixion of the prisoner was verified by Dr. Larry McNamee, who was the brig physician for a year at Pendleton until he left the Service in July 1969. He said he had heard of several prisoners' being manacled to the fence, feet off the ground, but he could vouch personally for only the one prisoner, whose wrists he had treated. It was from Dr. McNamee that Father Alban learned of the boy with the taped face. In fact, Dr. McNamee had an encyclopedia of horrors to tell: about the time a guard had kicked and smashed the cast on a prisoner's broken arm; about a dozen or so prisoners who had come to him from time to time for treatment of broken noses, black-and-blue scrota (having been kicked in the groin by guards) and back pains from being kicked or stomped by guards. Dr. McNamee related:

"One day I saw two or three guys who said they were clubbed—the guards has some kind of wooden thing with tape around it and the men were banged with this club. They had bruises all over their chests and backs. I brought this up to the C.O., who had an investigation, like always. The guards denied everything, of course, but we found their club, exactly the way these prisoners described it. One of the guys who was responsible for this was seen by a psychiatrist and deemed to be sadistic and should not be working in a correctional facility. But he continued to work there until he was discharged from the Service. None of the guards are screened."

Dr. McNamee told about the "icebox," a special punishment facility of six cages set on a concrete slab in the open. The cages were outfitted with canvas flaps that were closed during the sunny days to parboil the prisoners and raised at night so they would freeze. He said that 53 percent of the prisoners who needed treatment in special clinics or surgery at the base hospital were never taken, because there were no guards to escort them, "although there always seemed to be enough guards to escort prisoners to cut the commandant's lawn." Of the drugs he prescribed for prisoners, only 15 percent ever reached them. Sometimes, prisoners would be held for up to eight hours in the "bull pen," which had neither toilets nor water fountains. Many times, prisoners with 102-degree and 103-degree temperatures whom he had ordered to bed rest would be kept at work, instead.

A former guard at Camp Pendleton told of how some of his colleagues, who felt that one prisoner wasn't clean enough, scrubbed the inmate's back with a street-cleaning brush until he was bleeding so much he had to be taken to the hospital.

When these conditions were revealed by Dr. McNamee, the Marine Corps hurriedly decided that the icebox and the bull pen were no longer in use; at least that's what they told inquiring reporters. But the inmates still felt that something was oppressive, apparently, because within hours after Pendleton officials announced that they had put an end to the more brutal aspects of their penal care, about 200 enraged prisoners drove their guards into a hut and pelted it with stones. One thing the officials do not pretend has been closed is the maximum-security building. It still thrives—all 48 dungeons. The interior of this building is in virtual darkness, so few are the bulbs. Prisoners are required to sit on the cement floor up to 20 hours each day. Exercise is limited to ten minutes. There are two toilets and two washbasins for the 48 men.

Recalcitrant prisoners—and these are average prisoners, not those in maximum security—are sometimes taken to a room of mirrors and made to stand naked, looking at themselves, while different-colored lights are spun through the room (the longest period heard of for this was a 21-day stretch). This is supposed to make the prisoner crack. If he refuses to stand up and look at himself, he is spread-eagled on the floor, naked, and guards drop bullet casings onto the floor next to his ears—ping, ping, ping, ping—all day.

Jack Eugene Lunsford, 20, who was a guard in a correctional-custody platoon at the Marine Corps Recruit Depot in San Diego until he couldn't take it any longer and deserted, described one of the techniques: "They have this hook on the wall, seven feet or so off the floor. The hook sticks out about four inches and is as big around as your thumb. If a prisoner doesn't cooperate, they'll put him in a strait jacket that has a ring in the back and they'll hang this ring on the hook in the wall. It's painful and a lot of the cats pass out." Another trick, he said, was to "put a cat in a strait jacket and alternately throw hot and cold water in his face. Puts you in a state of shock." Terry Chambers, 19, a former Marine, who is now a deserter and was interviewed in a Whittier, California, church sanctuary, said that when he was a prisoner in the Marine correctional-custody platoon, "They hung me between two bunk beds, hung me by my thumbs and toes to the top posts of the beds. I still don't have feeling in my thumbs."

It would be a mistake, however, to concentrate on the stockades and brigs and assume that they are an accident or an aberration of military justice. They are, in fact, a very logical extension of the Uniform Code of Military Justice and the legal process that constitutes trial in the Armed Forces. One must understand the purpose of military justice. It is not related to protecting the innocent. The comforting old saw "Better a hundred guilty escape than one innocent man be punished unjustly" has no place in the military, not even as a myth. The most accurate and honest description of its single purpose was given by Major General Reginald C. Harmon, for 12 years Judge Advocate General of the Air Force, until his retirement in 1960, who told the Senate Subcommittee on Constitutional Rights that "the principal asset of the military justice system" is "the swift and certain punishment of the guilty man."

Depending on the measure of guilt, military courts are for debasing a man or for destroying part of his life and reputation. As Senator Sam Ervin, chairman of the Constitutional Rights subcommittee, put it, "The primary purpose of the administration of justice in the military Services is to enforce discipline, plus getting rid of people who think they are not capable of contributing to the defense of the country as they should." Unlike civilian courts—to which one can go to seek protection of property or protection of civil rights and civil liberties—military courts have no constructive or positive purpose. One may enter them only as a defendant, never as a plaintiff. One can emerge from them only in a poorer position; even to win is to lose, for the procedure goes on one's record and, to the military mind, to have been charged at all makes one forever suspect.

The more heavy-handed and arbitrary the action of the military court, the more convinced is the Army that it will instill fear in the minds of its personnel and thereby lay the foundation for a stronger discipline. Illogical and cruel punishment may be offensive constitutionally, but the Army considers it extremely valuable in spooking the troops into line. As long as a soldier can assure himself, I have the *right* to act within constitutional limits, he is a potential troublemaker. The less assurance a soldier has of any practical rights, the more likely will he be to shrink from action beyond that authorized by command.

Although the trials arising from the Presidio demonstration were disastrous from a public-relations viewpoint, many in the Army looked upon them as highly successful

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(though it is impossible to measure unborn troubles) in promoting servility; all the ingredients for illogical and inhumane punishment were there.

Three of the Presidio defendants have I.Q.s in the 60s, which is just above the level of a moron. Nearly half the defendants have less than a normal I.Q. Though in the Army two years, two hadn't the talent to finish basic training. One of the defendants is insane and was known to be insane before he joined the Army. Fifteen of the 27 were appraised as unfit for service by the Army's own psychiatrists.

The civilian backgrounds of the defendants tell a great deal about whom the Army considers best to make disciplinary examples of. Alan Rupert, for example. Before he was 16 year old, his mother had been married and divorced 12 times and had had many men friends during her career as an alcoholic barmaid. In an exchange during the court-martial, the Army illustrated how it tries to dehumanize defendants. Although the psychiatrist on the witness stand tried repeatedly to avoid saying it in front of Alan, he was finally forced by the prosecuting attorney to spell out what was quite apparent from the evidence and need not have been said—that the boy's mother was a whore. The men passed through the house so rapidly that Alan never knew who his father was. Always looked upon as excess baggage, at the age of 13, Alan was—without a word of explanation from his mother or from his temporary stepfather—dropped off at a ranch to work for a year. He joined the Army to escape and immediately found that the Army was not the best refuge. Within two weeks, he had been accused of having been A.W.O.L. (a matter of mistaken identity) and manhandled by a sergeant for leaving his trousers on the floor (again, mistaken identity). That was all of the Army he wanted. Before he got into the Presido mess, he had been A.W.O.L. four times and had escaped from stockades twice; and just a month before the "mutiny," an Army psychiatrist had said he was unfit for service and should be discharged. Only because the Army failed to act on this recommendation did Alan wind up charged with mutiny.

Even more outlandish is the treatment of Larry Lee Sales. He was burglarizing homes before he was out of the first grade; he dropped out in the ninth grade on the advice of the school psychologist, who told him he was hopeless. He shot up a home with a 12-gauge shotgun when he was 16, by which age he was thoroughly familiar with every available narcotic and with every use of his body, including posing for homosexual photographers. Sharp instruments had also played a part in his development, as when he attempted to stab his father with a knife, tried to stab a friend with a pair of scissors and tried to kill himself by cutting his wrists. All of this before he joined the Army. He didn't join out of patriotism. He joined because he had just got out of the Modesto State Hospital; he went into the Army as an alternative to being committed to an insane asylum, talking the doctor into the idea that if he couldn't make it in the Army, the Army could care for him better than the state asylum.

Of course, he couldn't make it. After *one day* of basic training—"My nerves were about to blow," he says—he went A.W.O.L. and awakened a couple of weeks later in a hospital after such an overdose of codeine that the nurse couldn't find his pulse. Civilian officials tried to have him put back in Modesto State Hospital, but Larry Lee's father talked them into letting him contact the Army again, because "the Army could take better care of him." So he phoned Fort Lewis, Fort Lewis phoned the Presidio and the Presidio sent an ambulance to fetch Larry Lee. The Presidio psychiatrist looked him over and said, "My God, you're insane—what are you doing in the Army?"

The Army personnel in San Francisco told him they were going to send him back to Fort Lewis for his discharge, because the Presidio just wasn't giving discharges. So they packed him off to the Presidio's Special Processing Department, which is a sort of loose holding company, to wait for his convoy the next day to Fort Lewis. When he got to S.P.D., it was late in the afternoon and the specialist there, who didn't want to be bothered making out the papers, told Larry Lee, "I'm going to stick you in the stockade overnight and you'll get picked up in the morning. Then I won't have to make out the papers. They can do it up there."

Well, it was October one when Larry Lee entered the Presidio stockade. He waited around. He kept telling everyone he was getting out the next day. The other prisoners told him, "Don't count on it; some of us have been here three or four months, waiting to get out."

Two weeks later, because the commanding officer was so incompetent that he couldn't get an insane man out of the stockade, Larry Lee was facing mutiny charges. Unfair, of course, but it showed the ranks that the Army wouldn't excuse back talk from *anybody*, not even a madman.

Almost as useful, but in a different way, was the participation of Nesrey Sood, who was a good soldier when he was sober, but wasn't sober often enough, being addicted to cheap wine. When he was drunk, he had the habit of telling noncoms and officers, "I ought to push your face in," and sometimes trying it. After sentencing him to a couple of long terms in an Alaskan stockade, the Army decided that it and Sood were incompatible. He was given traveling orders to pick up his discharge at Fort Lewis.

Part of Sood's troubles, however, were domestic. His wife was too gregarious and he was worried about his children. So instead of pausing at Fort Lewis, to pick up his discharge, which was waiting, he went straight on to Oakland, to see if his children were being treated right. He was picked up for being A.W.O.L. and put into the Presidio stockade and, though practically speaking no longer a soldier, wound up sentenced to 15 years for mutiny, which was later reduced to two years. And, just to rub it in, a letter from the Oakland juvenile department, telling Sood of a hearing on the custody of his children, was withheld from him by stockade officials for eight days—two days past the date of the hearing.

Why would the Army go out of its way to destroy these pathetic waifs? The victory seems so slight and the overkill so enormous. The answer is a fairly human one, not a bureaucratic one. The Soods and Sales of the Army are not the direct victims of an inflexible list of regulations handed down by Big Army, by the Pentagon Army, but of the very arbitrary emotions of Outpost Army—the hairy, aging human beings who run things in the field and whose insecurities in a civilian-dominated world are hidden beneath the uniforms of colonels and generals.

The choas and the often ridiculous inconsistencies of military justice are largely the fault of a tradition by which a commandant is allowed to run his own outfit with all the autonomy of a medieval fiefdom. Face and pride, so precious to the military, would otherwise be damaged. Pentagon officials said that they will go to almost any lengths to avoid interfering with the generals who run the bases and will reverse their injustices only when adverse public opinion mounts to dangerous levels. As a result, one finds a general's trivial jealousies, grudges and personal political biases often dictating the conduct of courts under his command, as well as dictating, of course, who appears before them as defendants.

Captain Howard Levy is a New Yorker who, long before he refused to teach medicine to Vietnam-bound Green Berets, offended the military-tuned citizenry near his South Carolina base by helping Negroes in voter-registration drives and who offended his fellow officers on the base by refusing to join the officers' club. Given an indiscreet tongue, which he had, it was almost inevitable that he wound up defending himself against serious charges. It was just as inevitable that Lance Corporal William Harvey and Private George Daniels were packed off to military prison to serve terms of six and ten years respectively, for no crime greater than asking to talk with their commanding officer about the justice of black men being sent to Vietnam; they had made the mistake of irritating the Marine brass at a time when their base, Pendleton, was described by a Pentagon official as an "extraordinarily dangerous" place, because of the unrest of the troops. The commandant was irritated by Black Muslims, and Harvey and Daniels happened to be of that religion.

And one need not be surprised that Private, First Class Bruce Petersen was sentenced to eight years in prison for possessing marijuana (enough, the cops said, to mildly taint the lint in his pocket), when the ordinary sentence for possession is six months. Petersen was editor of the underground newspaper at Fort Hood, Texas, that had embarrassed and enraged the commandant for months, printing news of disturbances on the base that the brass wanted to keep quiet and that the local civilian newspaper did, indeed, suppress. Petersen had to go.

The same injustice descended on the Presidio through a confluence of persons and activities that irritated the hell out of the local brass—the most irritating influences being: the peacenik and hippie community of San Francisco, which, the Army believed, was ruining many of its soldiers; the San Francisco press; and Terence Kayo Hallinan, attorney.

The Presidio brass hated the peaceniks and the hippies so much, in fact, that there were secret discussions of moving the confinement facilities away from San Francisco. The suggestion was put to the Sixth Army commanding general by Colonel Robert McMahon, infantry commander, in a memo last year in which he wrote:

"The primary reason for this request is to prevent further unfavorable criticism of the Army caused by indifferent, irresponsible, ineffective soldiers awaiting disposition at Presidio of San Francisco. This problem is acute because the Presidio is located in the San Francisco area, where the press is particularly inclined to give headline attention to sensational stories involving the Army. . . . The easy access from the city of San Francisco . . . not only permits but encourages the two-way contact of troublemaker elements in the Service with the press and other organizations that thrive on sensationalism. . . . The Haight-Ashbury District acts as a magnet for fugitives and contributes to the general problem. . . . A contributing cause to the recent adverse publicity has been the group of attorneys to whom many S.P.D. personnel have turned for representation. These lawyers have employed techniques bordering on the unethical in order to achieve discharges for their clients. Soldiers have been advised to go A.W.O.L. or remain out of military control until they are dropped from the rolls of their organizations, and then surrender at the Presidio, so they will be processed here in the atmosphere hostile to the Army."

From Colonel McMahon's tone, it is plain that the Presidio commanding cadre felt at war with these outside influences. And of the attorneys who specialized in helping GIs, none was so hated as Terence Hallinan, one of five sons of the attorney Vincent Hallinan, who was the Presidential candidate

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of the Progressive Party in 1952 and who is equally well known for his court fights on behalf of Harry Bridges, the West Coast longshoremen's czar. To say that the Hallinans are left-wingers is putting it mildly. One of the Hallinan boys is working for the Communist Party in New York. Terence has recruited and organized for such groups as the DuBois Clubs. And to say that they are tough is also an understatement. Each of the five brothers was an intramural boxing champ at the University of California; Terence was the best, making national runner-up as a college light heavy. But his forte was street fighting. By the time he received his law degree, he had beaten up so many people out of the ring that the state bar association didn't want to license him and only after losing a two-year court battle did it do so. No sooner had Terence become a lawyer than he was fighting the Army, and he won one case by actually climbing aboard an Army bus that was taking his client to a Vietnam-bound plane, pulling him off the bus and shoving some MPs around en route to freedom. Some Army brass claim that Terence Hallinan once sneaked into the stockade disguised as a priest, in order to give advice to some of the prisoners. I asked Hallinan if he had done this and he sort of side-stepped the question. In any event, Terence Hallinan was hated by the Presidio hierarchy.

Thus, when the 27 Presidio prisoners sat down on the grass to vent their unhappiness, the generals and colonels did not view this as an action potentially destructive to the Army; they viewed it as a convenient problem they could respond to in such a way as to get back at peacenik civilians, the press and Hallinan. Two days before the sit-down, there had been a GIs and veterans' march for peace in San Francisco; and although everybody at the Presidio was restricted on that day, so that they could not participate, nevertheless, many GIs were in the march and Outpost Army was furious. In the 48 hours before the sit-down, it was rumored around the base that the prisoners were about to pull something "to attract the press," which also infuriated the officers; and when, at the sit-down itself, the prisoners began screaming, "We want Hallinan! We want Hallinan! We want the press! We want the press!" the sit-downers became secondary antagonists. The colonels and generals were out to get those other forces that, by beguiling their GIs, had fouled the disciplinary nest.

Is this just speculation? I don't think so. Sergeant Steven Craig Black, who took video films of the demonstration, just as he had taken video films of the GIs and veterans' march two days earlier, revealed that when he showed both films to a group of eight top officers from the base, "someone at the meeting said that the reason for the demonstration was to support the GIs and vets' march and someone else said that it was to protest the killing of a prisoner. I didn't hear anyone say that one reason for the demonstration was to avoid doing something they were going to be ordered to do."

So much for the notion that the Army honestly looked upon it as a mutiny. It was a minor part of a much bigger grudge.

For months, the morale of the Presidio stockade had been in a tail spin. As Private Patrick Wright recalls those early autumn days of 1968, "It was a crazy house—people cutting on themselves—everybody yelling—being jumped on all the time—guards telling me. 'I'm going to break your arm'—human excrement all over the latrine floor—guards shorting us on food."

Among the prisoners was Private Richard Bunch, 19, a little fellow (five feet, four inches, 120 pounds) who was enough to give any barracks the heebie jeebies. He talked to himself all day, and every night was riddled with his screams and moans and his mindless jabber about being a warlock and being able to walk through walls and kill people with a glance. Sometimes, he tried his powers by walking into a wall. He shouldn't have been in the prison, of course; he had gone A.W.O.L. and, after blowing his mind for months on LSD, had returned to his home in Ohio. His mother saw at once that Richard had flipped, but the Army told her in writing that it would give him treatment. Instead, he was sent to the stockade.

On October 11, 1968, Bunch committed suicide by teasing the shotgun guard, standing about five paces away, into shooting him. "What would you do if I ran?" Bunch had asked.

"You'll have to run to find out," the guard had replied.

"Well, be sure to shoot me in the head," Bunch begged, as he went walking, then skipping, then trotting down the Presidio road. The guard fired. Bunch was hit with what one California Congressman described as "not number-seven shot, which we use for pheasant, or number-six shot, which we use for duck, but number-four shot, which can down a 30-pound goose, a Canadian honker, with one pellet"; and although Army regulations require that a guard fire only as a last resort and then aim for the legs, this blast hit Bunch in the heart, lungs, spleen and kidney and left a hole in his back the size of a grapefruit. The Army later explained that something was wrong with the gun and that it discharged higher than aimed. After shooting Bunch, the guard whirled around and pointed the gun at another prisoner and yelled, "Hit the ground, hit the ground, or I'll shoot you, too."

Another guard nearby was reported to have told the killer guard, "I wish I'd done it, so I could have got a transfer closer to home." (Army practice is to transfer a killer guard immediately.)

The guard was not court-martialed and the slaying was ruled justified.

Bunch's death threw the stockade into bedlam, with people weeping, shaking things, refusing to eat and periodically exploding with shouts. Windows were broken. There was talk of murdering a guard in retaliation, or burning down the stockade.

The day after Bunch's slaying, the stockade commandant, Captain Lamont, summoned the prisoners and read to them the mutiny article from the Uniform Code of Military Justice. It wasn't really his idea; he did not have that much knowledge of the U.C.M.J. Lieutenant Colonel Ford, his commanding officer, knowing Lamont had begun to lose control of his stockade, had asked, "Have you ever considered reading the mutiny article?" And to Lamont, a suggestion from a superior was equivalent to an order.

Having read the article, he did nothing else to quiet the men. The Bunch memorial service didn't impress the prisoners, one of whom later recalled, "The officers just sat around, laughing." Two prisoners who showed up with black arm bands (homemade with shoe polish) were ordered to remove them.

On Sunday night (October 13), a few of the prisoners—nobody can now remember how many were at the planning session—decided that the next morning, at the 7:30 formation, they would pull a sit-down demonstration and, when Lamont showed up, read their list of grievances. Heading the list were demands that there would be no more shotgun guards and that all guards would have to take psychiatric examinations.

Lamont knew what was up. At 5:30 A.M., a guard had phoned to tell him the men had planned a demonstration for two hours hence. And *then* what did he do to cool tempers? "I went back to sleep," he testified. "I considered that standard procedure."

At the 7:30 sick call, the prisoners broke ranks and sat down: 28 of them, then 27, as one wandered away. There had been talk of 90 or 100 joining, but in the showdown, most stayed in ranks.

When Captain Lamont approached the sit-downers, however, the grievance plan began to fall apart. He would not listen to their list of demands but, instead, began reading from the U.C.M.J. manual. Frustrated, they began singing and shrieking to drown him out, so Lamont retired to a loud-speaker in an M.P. sedan outside the stockade yard and again began to read the mutiny article. Now he also ordered them to get up and return to their barracks.

Later, under oath, he admitted that when he first approached the group, he had not ordered them to return to their barracks. Up to that point, then, they had not disobeyed an order, much less mutinied. Mutiny, the Army says, is conspiracy with "the intent to override authority." Unless orders are given, authority cannot be overridden. And if they could not hear the order when it was finally given, could it be said that they *intended* to override authority? Captain Lamont also admitted under oath that the loud-speaker he was using was troubled by feedback. Other witnesses testified to both static and feedback. And Dr. Vincent Salmon, a senior research scientist at the Stanford University Research Institute, who is one of the nation's foremost experts on sound, as well as a noted inventor of loud-speaker systems, testified that if the men were singing with just average volume, they could not have understood the order, even if they had heard the captain. Were they singing that loud? Lamont testified that the pitch of their voices was "screaming. They got very, very loud."

And now we come to perhaps the most Dostoievskyan justice of the day. One of the men in the protesting circle was Private Edward Yost, holder of the Purple Heart and the Combat Infantryman's badge for service in Vietnam, where he had performed with exemplary courage on 19 forays into the Mekong Delta before being put out of the war by a booby-trap explosion that cost him *much of the hearing in one ear and some of the hearing in the other.* If the 26 other soldiers were unable to make out the words of Captain Lamont's order, Yost was having trouble even making out the words of the songs and shouts of the men right by his side. He couldn't have been sure Captain Lamont was making a sound, even if he had been facing him—and he was sitting with his back to the captain.

What was Yost doing in the circle? Not protesting the war, as the prosecution later implied. In fact, few of the men were protesting the war. Especially not Yost. He was happy to have served in Vietnam and said he would serve there again. He was in the stockade not because he had gone A.W.O.L. from disagreement with the Army as an organization but because when he had returned from Vietnam with his injuries, his pay records had not followed; and his former wife was threatening him for lack of support—no trivial matter in California. So, just because he felt it wasn't helping to lie around the hospital, he had gone A.W.O.L. and got a job to make some money while waiting for the Army to clear up his pay records. He disliked peaceniks. He disliked people who tried to undercut the Army. He had joined the group simply because a buddy he had known from civilian days broke ranks, said to him, "Come on, let's go," and in his almost-deaf and puzzled way, he had gone.

All this came out in his trial, of course. And after he had been sentenced to nine months in prison and a bad-conduct discharge, his military attorney asked several members of the jury if they had not believed what the acoustical experts had said about the noise

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and about Yost's hearing. Oh, sure, they said, they believed them—but Yost was guilty, that's all.

Viewed from the Army's side, its system of justice works beautifully. More than 95 percent of all courts-martial result in convictions, and convictions are rather final. There were 89,649 courts-martial of all kinds in 1968 and only 121 cases were accepted by the Court of Military Appeals—which means that 0.13 percent of the men convicted got a full review.

The military has worked out the routine in such a way that some of the constitutional safeguards seems to be in force and yet actually aren't. The Army gives the defendant an attorney and then won't let him work. In some cases, the defendant may have both a military attorney and a civilian attorney. But civilian attorneys who do their work too vigorously may find themselves threatened. David Lowe, a civilian attorney in the Presidio cases, was warned that if he didn't stay in line, the military authorities were prepared to have him reprimanded by his state bar. ("I encouraged them to go right ahead," Lowe recalls, "I said, swell, because then we'd have some hearings they'd *really* be interested in.") To use another case, that of Captain Levy, the Brooklyn dermatologist who went to prison for refusing to teach medicine to Green Berets: His attorney, Charles Morgan, Jr., of the A.C.L.U., one of the best lawyers in the South, was ridiculed by the military judge, who in open court suggested that Morgan might be too incompetent to complete the case. Hallinan, the most flamboyant and aggressive of the civilian attorneys in the Presidio affair, was told that the Army was gathering evidence in an effort to have him charged with fomenting the mutiny.

Military defense attorneys who do their jobs with gusto have even more trouble. One of them, Captain Emmit Yeary, was twice threatened with court-martial, once for "speaking to the press" and once for spending too much time on the case. Captain Brandon Sullivan, another of the outstanding defense attorneys, ended his courtroom fights with an immediate assignment to Vietnam, which was rescinded as a "mistake" only when press denunciations of the assignment apparently caused too much embarrassment for the Army.

As for the rules by which military trials are conducted, they would be very entertaining if they did not result in nearly 90,000 cases of dubious justice every year. There is no bail, no indictment by grand jury, no trial by peers, no impartial judge; in short, no due process—all supposedly guaranteed by the Constitution. The defense attorneys have no subpoena power, little freedom of cross-examination, no power to call military witnesses. In the trial of Captain Levy, the colonel who pressed charges against him admitted under oath that he had no intention of doing so originally but had changed his mind and had decided to try to send Levy to prison "after reading what they had on him in a G-2 investigation." The investigation by the Army's Intelligence unit was the heart of the entire case—but the Army refused to allow Levy's lawyers to read it.

Defense attorneys must make their requests for witnesses *through the prosecution*, and if the prosecution doesn't think the witnesses should be called, they aren't. The attorney for Private Yost wanted to call two noted psychologists at his own expense, but the prosecution turned him down. The Army also refused to take verbatim transcripts of the preliminary hearings, saying it could not afford to hire secretaries and that the base had no available tape recorders. The press gets even shorter shrift. The Pentagon refused to make any of its trial records available to me, but I was able to obtain them elsewhere.

In a civilian court, a juror will be knocked off the jury if the defense attorney can show that he is biased against his client. Not so in a military court. The military judge has nothing to say about it; the question of a prospective juror's bias is left up to a vote of *the other members of the jury*.

A stunning example of what this can mean merged at the trial of the first of the Presidio defendants. The military defense counsel, Captain Sullivan, was subjecting one of the prospective jurors, an Army colonel, to what Sullivan considered to be some routine questions:

SULLIVAN. Colonel, do you believe in the right to demonstrate?

COLONEL. No.

SULLIVAN. Maybe you didn't understand my question. Let's forget about the Army for a moment. Do you believe that civilians have the right to express their views in peaceful demonstrations in support of or in opposition to an official policy?

COLONEL. No.

MILITARY JUDGE (*interrupting*). Colonel, you know the Constitution provides that right.

COLONEL. I don't care.

SULLIVAN. OK, we'll challenge him for bias.

The jury of colonels voted down Sullivan's challenge and accepted their brother colonel as unbiased and fit to serve.

There was really nothing unusual in this experience. The Army makes no pretense of supplying objective jurors. In another of the Presidio trials, these were the notable responses from three representative members of the jury as they were being selected:

Lieutenant Colonel Frank C. Marshall said that parades and demonstrations against the war in Vietnam "annoyed" him, but he wouldn't let that prevent him from giving a fair decision to somebody charged with antiwar demonstrating. Lieutenant Colonel Thomas H. Brennan said he felt the reports in the press that called it a mutiny were accurate—but he hadn't formed any opinion about the case. Colonel Harold E. Curry, who is in the R.O.T.C. Division of the Sixth Army, complained that there are "incidents that occur on campuses throughout this Army area almost on a daily basis" with "an adverse effect" on his R.O.T.C., but he didn't feel it prejudiced him against sit-downers and protesters. And he said he didn't have anything against the A.C.L.U., although he had found in his experience with them that A.C.L.U. attorneys are "misinformed, in a frequency of the cases I got involved in."

Lieutenant Colonel Everett F. Whitney gave the most incredible response. Although the mutiny arrests brought about the most explosive publicity in the President's history, he said he had read only the headlines mentioning the mutiny and that these had not interested him enough to make him read further. And—so he claimed—nobody who worked in his office at the base was much interested, either.

Q. You say you heard it [discussed] perhaps in office talk. Can you recall what you heard in the office talk, if you recall?

WHITNEY. Yes. "Have you seen the morning paper?" "Yes, I seen [*sic*] the morning paper." And some person would mention, "Well, I seen [*sic*] they had trouble up in the stockade"—but not anything in detail.

Whitney also had a low opinion of demonstrations, although he stopped short of calling them criminal.

Q. How do you feel about demonstration and protest?

WHITNEY. I'm wondering who's paying these people who can afford this time to go out and do it. . . .

Q. Do you feel that a protest is ever a legal means of expressing a grievance?

WHITNEY. I can only presume it is. I would have to say that I feel that a protest is *not necessarily an illegal* [italics mine] means of expressing a grievance. That would be the best answer I could give you on that one.

Much of the defense's argument would, of course, rest on the fact that the stockade was run in an oppressive, sloppy, perverse way and that, therefore, the group of protesters had valid complaints to make, even if they chose the wrong way to make them. But the defense could hope for little attention from Whitney, who had been an inspector general from 1964 to 1966, visiting prisoners in stockades and listening to thousands of similar complaints.

Q. During this two-year period, did you have the opportunity to check on the complaints or grievances of people who were residing in the stockades as prisoners?

WHITNEY. Yes.

Q. Did you find that any of those complaints were justified?

WHITNEY. Yes, I'm sure there must have been some. In fact, I know—I recall one.

Why didn't defense attorney Paul Halvonik challenge these colonels and try to have them tossed off the jury? "I didn't make any challenges for cause," he explains, "because it's insane to do it. I never challenge for cause in a military trial. All it does is set the other jurors against you. They take it as an insult to a fellow officer."

In any court-martial where the pride of the brass is at stake, or where the brass feels the need to make an example of the defendant, the defense attorney is always dead. There were grotesque examples of this in the trial of Captain Howard Levy, perhaps the most headlined victim of military injustice, who went to prison after being convicted of saying things that fomented "disloyalty and disaffection" and for refusing to train Special Forces troops who were going to Vietnam, he was convinced, to commit war crimes.

Several quite revealing rulings were made by Colonel Earl V. Brown, the trial judge in that case, who was also, at that time, the chief legal officer of the Army (he has since found what may be better use of his talents, as a professor of engineering). In the first place, he ruled that the truth of Captain Levy's statements about the war was irrelevant. Secondly, he refused to let Captain Levy's counsel ask witnesses to define disloyalty and disaffection. "All right," Morgan said to the judge, "would you please define disloyalty for us?" "Later," said the judge. Morgan pressed on: "Could I have a meaning from the court what disaffection is?" Again, the judge said he would provide a definition later. When the later time arrived, the judge did give definitions, but he added, "I am not satisfied with them myself."

Now, it may seem odd that Levy was convicted of sayings that may have been true but whose truth was irrelevant and of saying things that fomented reactions that the judge himself could not define; but the character of that trial took on even weirder shapes than these. For Levy was also accused and convicted of "conduct unbecoming an officer and gentleman," under Article 133 of the Uniform Code of Military Justice; and one will better understand military justice if he analyzes the judge's explanation to the jury of what constitutes a violation: "Any officer who is convicted of conduct unbecoming an officer and gentleman violates this article."

In the face of the verbatim transcript of the trial itself, the Army would be hard put to dispute attorney Morgan's historical summation of the case: "The problem with Levy was, he was tried and convicted of crimes that don't exist. Like witchcraft and heresy. That's exactly what he was tried for. We went through a lot of years in this country with everybody thinking witchcraft and heresy were not things to be tried for, but that's what he was tried for, that's what he was convicted of and that's what he's serving a sentence for."

Corruption cannot be removed from military jurisprudence until sycophancy is removed from the military system—which

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means that corruption is permanent. The commanding officer handpicks the jury from members of his command who are subject to his promotion and control and who, naturally, want to please him. Usually, they are career officers or career enlisted men (who make the toughest jurors), who know that the general wouldn't have called the court-martial in the first place unless he thought the defendant was guilty; this was especially true in the Presidio case, where the investigating officer had ruled that the mutiny charge, "an offense which has its roots in the harsh admiralty laws of previous centuries, is an over-reaction by the Army," but was overruled by the commanding general. The general's lawyer (the staff judge advocate) appoints both the prosecuting attorney and the military defense; the general's attorney draws up the charges and he reviews the verdict; and finally, the general decides whether or not to approve what the court-martial has done.

Not even the American Legion, usually looked upon as an apologist for the military, can stomach the inequities that are pressed down upon military justice at the whim of the generals and colonels and admirals. A special Legion committee that studied the Uniform Code of Military Justice concluded bleakly that "many of the evils and irregularities which have arisen in the American system—both past and present—probably have their origin in the system itself, and no amount of patching and mending of the present system can entirely eliminate command control and influence." Meaning that the Legion sees no way to keep the generals from rigging their own courts. And why, asks the Legion, should every court be convened *ad hoc*, for every individual case? Why not a permanent military court—unlinked to any particular command—as was found "even in Germany before the coming of Hitler"?

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Some, agreeing with the Legion on the probable futility of trying to correct the military-court procedure from inside, would take away most of the military's jurisdiction. Those who have come to this conclusion range from responsible public advocates such as Charles Morgan to U.S. Senators such as George McGovern.

Says Morgan:

"There's just no point of having any sort of trials conducted within the military. The military is incapable of understanding the Constitution. Several things are going to have to happen if we're going to have a decent Army in the future. First of all, there's absolutely no need to have Army physicians. You can get physicians for the Army who don't have to run around in khaki green, saluting. Let the Army hire civilian doctors. Secondly, you don't need chaplains in the Army. Let the various churches pay for them and send them to accompany the Army, if they want to. And the third thing is, the Army should be made to give up its lawyers and its courts. The handling of folks who've got good sense is a great problem, and the Army doesn't know how. People with good sense expect to be covered by the Bill of Rights, and Army justice doesn't permit this. There's absolutely no argument against giving Army personnel the protection of civilian juries."

Senator McGovern agrees, with only a slight qualification:

"I think it would be a good idea to put the *serious* legal and criminal questions in the hands of the civilians. It seems to me that the civilian supremacy over the military would be protected by having serious charges handled in civilian courts. The processes of justice are more dependable when handled on the civilian side. The right to freedom of speech is poorly protected by the military. Much as it galls me that they have the wrong ideas, I do not believe generals should be muzzled. But I also believe privates who want to meet in groups on the base and denounce the Vietnam war should be able to speak their minds under the same protection. Either on or off the base, they should have the right to march in peace parades. They should not find themselves confronting courts-martial for these activities. The Bill of Rights should extend to the military."

Perhaps the very best argument for taking the process of justice away from the military is that the officers are often so obtuse that they really don't know what their critics are getting at when they talk about constitutional rights. For instance, when they prepared to fly Captain Levy from Fort Jackson to begin his three-year term at Leavenworth, it was one of those early, chilly, odd Army hours that provoke strange conversations. Levy was standing by the plane as it warmed up, and some of his friends were there to see him off and a colonel who had escorted him to the plane was there; suddenly, the colonel interrupted the others' goodbyes to say quite earnestly, "Captain, I want you to know I'm in the Army really to defend the rights of all, and while I disagree with what you said, I'll defend to my death your right to speak." It was hopeless, and Levy, knowing this better than anyone, responded amiably, "Well ———."

WHAT IS HAPPENING TO OUR ECONOMY?

Mr. CURTIS. Mr. President, it is possible for those of us who must carry the responsibility of the Federal Government to be so involved with details that we lose the proper perspective of the overall picture. This is true in the current battle to establish a responsible financial policy for the Government of the United States, to prevent ruinous inflation, and to relieve the resulting hardship that comes from the ever-increasing cost of living.

As Members of Congress, our attention is directed to the problems that arise in a particular situation when the budget is reduced. Our attention is often focused upon the inconvenience and disappointment that prevails when earnest efforts are put forth to reduce deficit spending. We are prone to become discouraged and question the course of action. We are apt to ask: "Is the course being followed wise and sound? Are present policies in the interest of the great rank and file of our American people?"

Mr. President, I submitted a letter that I had received, which dealt with these grave financial questions, to an individual in Nebraska who was eminently qualified to discuss the questions. I found the answer received from my Nebraska friend so logical, so informative, and so helpful that I want to share it with the Senate and with all others who read the CONGRESSIONAL RECORD. Mr. President, I ask unanimous consent that the pertinent parts of the letter, dated January 22, 1970, be printed in the RECORD.

There being no objection, the excerpts were ordered to be printed in the RECORD, as follows:

> It would be possible to write several volumes on the subject of inflation and government fiscal and monetary policy. Everyone has an opinion on these matters and you can find some school of economists who support any point of view that you wish to embrace.
>
> I find myself in substantial disagreement with some of the statements made by Mr. ———. Our extremely dangerous inflation stems directly from the misguided policies of the Kennedy-Johnson administrations. Mr. Kennedy was gullible enough to believe that you can fine tune the economy. Mr. Johnson committed the colossal blunder of assuming that the country could have both guns and butter without raising taxes and still maintain a stable dollar.
>
> The escalation of the war in Vietnam, beginning about 1965, occurred at a time when the economy was in anything but a state of lassitude. There was little unused capacity, either in the labor force or in the industrial plant, to provide significant additional output. Johnson's refusal, until much too late, to seek additional taxes to defray the cost of the Vietnam war, plunged the Federal budget into deep deficit. During most of the Johnson administration the monetary policy pursued by the Federal Reserve resembled the action of a yo-yo.
>
> My sympathy was and is with the Federal Reserve Board, which was called upon to maintain some semblance of stability which was made impossible by the government's fiscal policy and the political and economic abuse that was heaped on the Board as when its critics asserted in 1966 that it was precipitating a depression by its policy of tight money. In the fall of that year the Fed changed course, precipitously pumped too much money into the economy, and this combined with Federal deficits further stimulated inflation. The irresponsible record has imbued consumer and businessman alike with the expectation that inflation will continue indefinitely.
>
> The country is not convinced that the Federal government has the will, or the ability, to undertake or continue the stringent measures that will bring stability of prices and eventually disabuse people of their inflationary expectations. Thus, the labor unions have been able to assert and enforce outrageous increases in wages and fringe benefits that have no relevance to productivity increases. Thus, businessmen continue high levels of capital expenditure fearing that improvement of plants and equipment will cost substantially more in the future. Thus, also, there is enormous pressure for extravagant increases in social benefits.
>
> The policies of the Nixon administration, in attempting to achieve a budget surplus and to encourage the Federal Reserve's tight money program, are sound. If persisted in long enough the inflationary expectations of the people will be disabused. The economy has already slowed down, but prices continue to rise because not enough businessmen and consumers are convinced that the administration and Congress will persist in an anti-inflation program long enough to make it effective.
>
> Like ———, Mr. ——— seems to embrace the fallacious notion that the high price of money is responsible for inflation, whereas the contrary is the case. It is undoubtedly true that the program of dampening the economy, the insistence on a budget surplus and tight money, has slowed the economy and will engender some unemployment. The housing industry is a notable victim of the present situation. These disagreeable facets of the fight to contain inflation are, however, necessary concomitants to the recovery process from the economic binge of the last five years. As any drunk will tell you, you don't come off of a spree without having a hangover. The more vigorously and quickly that the Nixon program can be enforced, the shorter the hangover.
>
> There has been a great deal of talk about the imposition of direct controls on prices, wages and credit as people become impatient for the indirect monetary and fiscal controls to get the job done. A surprisingly large segment of the business community is beginning to favor such direct controls because they see the success of organized labor in extorting inordinate wage demands which cannot be passed on in their entirety to the

consumer in the form of higher prices. The result, of course, is a profit squeeze. The administration hopes to avoid direct intervention in wage negotiations, pricing and the making available of credit hoping that as profits shrink, as buyers react to higher prices, and as borrowing is discouraged by high interest charges, businessmen will resist wage increases and defer capital spending.

Personally, I oppose direct controls because I think they treat of the symptoms rather than striking at the root of the disease. They cannot be enforced equitably and evenly in so complex an economy as ours. They breed on each other, one control engendering further controls, with the ultimate being a totally regimented economy. More than this, I fear that direct controls would be totally regimented economy. More than this, I fear that direct controls would be totally unacceptable to most of our people. We are not in the type of war time economy in which the public would accept such controls as was the case during World War II. Direct controls would tend to make crooks of people as they seek to evade them.

The prospect is not a pretty one and, frankly, I am apprehensive. The alternative to success of the Nixon program of a budget surplus and continued tight money is the classical cycle of enormous boom and profound bust. Should that eventuate on a scale approaching severe depression, the socialists would take over the country.

In addition to supporting a budget surplus and monetary restraint, I believe that the Nixon administration should initiate a vigorous "jawbone" program admonishing labor, business and the consumer to save more, spend less, resist price increases, and to recognize that wage demands in excess of productivity strike at the vital national interests of the country. Human nature being what it is, I recognize that such a program would probably enjoy limited success, but it could and should reinforce fiscal and monetary measures and alert the country to the determination of the Nixon administration to hold the line in the inflation fight at all costs.

The most dismaying aspect, Carl, in the whole situation has been the irresponsibility of the majority in Congress which has worked at cross purposes to the administration. It is a sad commentary on the level of statesmanship which puts seeming personal or political purpose above the welfare of the country.

CONTINUED SOIL CONSERVATION PROGRESS

Mr. McINTYRE. Mr. President, during the past decade, Americans have come to the stark realization that our Nation's great wealth of natural resources is limited. We have realized that there are no more resources over the next horizon, our supplies are limited by what we have—and what we can use intelligently.

This realization was brought home first, and most sharply, by our critical shortage of clean water. Never has it been so imperative that we recognize that the use of our water resources must be planned and organized to insure that our supply is never again limited by neglect.

As too many Americans have slumbered over the years in their hazy acceptance of the old-fashioned idea that water was a plentiful resource, there have been those who have striven to provide planning and management of this precious resource. The Soil Conservation Service of the U.S. Department of Agriculture is foremost among these.

Despite lethargic public opinion, despite the knowledge that their efforts were often taken for granted, the Soil Conservation Service has patiently and efficiently undertaken the task of planning the use and distribution of our most precious natural resource, our clean water.

That they have been successful is attested to by the fact that many cities and towns throughout the Nation have long-range projects and plans underway to insure that they have adequate supplies of water now and in the future. The poignancy of this accomplishment is demonstrated by the fact that much of our Nation's water supply is polluted. Cities and towns throughout the Nation are facing a crisis because they failed to plan for the future.

But due to the efforts of the Soil Conservation Service, there are also many communities that have the wherewithal to solve their problems. The watershed and regional planning activities of the Service will provide us with a basis to work from in our efforts to solve our problem of water shortages, pollution control, and flood control.

I wish to commend the Soil Conservation Service for its efforts. This is long overdue. I would also like to add a very personal note of appreciation for the New Hampshire State conservationist, Mr. A. C. "Bob" Addison. His efforts and those of his staff have been an outstanding benefit to the State in its endeavor to develop and manage its water resources

I ask unanimous consent that a report entitled "New Hampshire Watershed Progress Report," be printed in the RECORD. It is an example of the accurate planning that the Soil Conservation Service has consistently made available to the State of New Hampshire.

There being no objection, the report was ordered to be printed in the RECORD, as follows:

NEW HAMPSHIRE WATERSHED REPORT

(By A. C. Addison)

FOREWORD

Water has always played a key role in New Hampshire's development. Granite State pioneers knew its value and settled near dependable water sources.

Today, water is even more important to our growing communities. And, for many, it is still an unharnessed, wasted resource.

These water management problems are further complicated by pyramiding demands from modern industry, recreation seekers, and home luxuries as population pressure continues to mount. As community reserves of good clean water reach critically low levels, water rationing, factory shut-downs, health and fire hazards soon affect living conditions and local economy.

Unlike our forefathers, we have the means to combat these water problems. Your state and Federal governments are working together to help local communities overcome expensive flood menaces and water shortages and to make better use of water resources. Under the Watershed Protection and Flood Prevention Act (Public Law 566), the U.S. Department of Agriculture's Soil Conservation Service provides technical planning and cost-sharing assistance to responsible local groups. Many other agencies at various government levels add their specialized aid to the program.

This status report has been prepared to give you a brief explanation about the watershed program in New Hampshire. It tells about the multi-benefit aspects of the projects, how local people can obtain help, and the progress which some New Hampshire communities have made toward attaining the benefits from this unique local-state-Federal effort.

AUTHORIZATION

The Watershed Protection and Flood Prevention Act (Public Law 566) was enacted by Congress in 1954. The Act authorizes the Secretary of Agriculture to give technical and financial help to local organizations in planning and carrying out watershed projects. Since the inception of this legislation, Congress has broadened the scope of the law with several amendments.

The watershed projects are for (1) flood prevention; (2) agricultural water management; (3) recreation; (4) municipal and industrial water supply; and (5) fish and wildlife development. The program is administered by the Soil Conservation Service.

Today, multi-benefits from water management are the prime objectives of the program. Local sponsoring organizations are strongly encouraged to consider storage for all possible beneficial uses.

HOW YOU CAN GET WATERSHED HELP

Under PL 566 any group or person can make the initial move in launching a project. A logical place to make the first formal contact is the local Conservation District, headquartered at county seats throughout New Hampshire. Through them, information and assistance in applying for watershed aid is provided. Guidance is also available from other offices of nearly all agencies involved in resource development.

ELIGIBLE LOCAL SPONSORING ORGANIZATIONS

In New Hampshire, eligible local sponsoring organizations include any state or local agency having authority, under state law, to carry out, maintain and operate watershed works of improvement. Sponsors include Conservation Districts, New Hampshire Water Resources Board and usually towns and cities in which projects are located. The Planning Division of the Department of Resources and Economic Development has been instrumental in getting projects under way.

Successful watershed projects require close cooperation and teamwork among a number of local, state and Federal agencies. Under Public Law 566, each project is a local undertaking with Federal help—not a Federal project with local help.

PROJECTS COMPLETED

Ash Swamp, Tannery, White, and Black Brooks Watershed

Location

The Watershed lies almost entirely within the borders of the City of Keene, New Hampshire. It outlets into the Ashuelot River.

Size

12,800 acres.

Sponsors

City of Keene, New Hampshire, Cheshire County Conservation District.

Problems

Poor drainage and flooding conditions restricted the growing of agricultural crops. Wet basements and reduced effectiveness of city storm sewers were also problems.

Remedial Measures

Major works of improvement include 10.3 miles of channel. The installation of land treatment measures were also an integral part of the project.

Benefits

Increased crop yields, reduced sediment damage and increased value of municipal property have resulted from the project.

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Status

The project was approved for operations in 1957 and completed in 1963.

Oliverian Brook Watershed

Location

The Watershed is located in the northwestern part of Grafton County within the towns of Benton, Haverhill and Warren.

Size

9,860 acres.

Sponsors

Grafton County Conservation District, New Hampshire Water Resources Board.

Problems

Floods have caused severe damage to agricultural land, highway and bridges.

Remedial Measures

Works of improvement include one floodwater retarding structure and 3.1 miles of channel improvement. Land treatment practices on open and forested lands were installed.

Benefits

The project provides flood protection to State Highway 25 and to agricultural lands making it possible to put these lands to a more intensive use. A U.S. Forest Service campground just below the dam accommodates about a dozen campsites and is used intensively from early spring to late fall.

Status

The project was approved for operations in 1959 and completed in 1963.

Baker River Watershed

Location

The Baker River is located in Grafton County and outlets into the Pemigewasset River at Plymouth, New Hampshire.

Size

136,900 acres.

Sponsors

Grafton County Conservation District, New Hampshire Water Resources Board, New Hampshire Department of Resources and Economic Development, New Hampshire Fish and Game Department, Town of Plymouth, New Hampshire.

Problems

Major problems are floodwater damage to crop and pastureland, roads and bridges, commercial establishments, residences and several manufacturing plants.

Remedial Measures

The project includes land treatment, 14 floodwater retarding structures of which six are multiple purpose for recreation, and fish spawning reefs for lake trout in Stinson Lake.

Status

The project was approved for operations in 1964. Two floodwater retarding structures and one multiple purpose floodwater retarding and recreation structure have been completed. The fish spawning reefs have also been installed. Progress is being made on the land treatment measures planned in the project.

PROJECTS UNDER CONSTRUCTION

Souhegan River Watershed

Location

The Souhegan River lies in Hillsborough County, New Hampshire, and Middlesex and Worcester Counties, Massachusetts. It outlets into the Merrimack River.

Size

109,440 acres of which 103,808 are located in Hillsborough County.

Sponsors

Hillsborough County Conservation District, Middlesex County Conservation District, Town of Milford, New Hampshire, Town of Greenville, New Hampshire, New Hampshire Water Resources Board.

Problems

Major floods have caused severe damage to industrial and residential areas. Agricultural lands have been subject to frequent flooding. Municipal water supply demands have been outrunning the capacity of existing facilities.

Remedial Measures

The project includes land treatment measures and 13 floodwater retarding structures, of which one is multiple purpose floodwater retarding and municipal water supply for the town of Greenville.

Status

Nine of the structures have been constructed including the multiple purpose site. The original plan was approved for operations in 1961 and a supplemental plan was approved in 1966. Local sponsors have asked that another supplement to the plan be made to add a fish and wildlife development and incorporate special features in one of the sites to provide for future water supply to the town of Milford.

Dead River Watershed

Location

The Dead River is located in southcentral Coos County and drains into the Androscoggin River at Berlin, New Hampshire.

Size

10,350 acres.

Sponsors

Coos County Conservation District, City of Berlin, New Hampshire, New Hampshire Water Resources Board.

Problems

The principal floodwater damages are to roads and bridges and urban areas in the City of Berlin.

Remedial Measures

The plan calls for the acceleration of forest land treatment measures, the construction of one multiple purpose floodwater retarding and recreation structure with basic recreation facilities, and channel improvement. This project is being closely coordinated with the Urban Renewal project in the City of Berlin.

Status

The project was approved for operations in 1966. A contract for the construction of the dam was awarded in February 1969, and is presently under construction.

Cold River-Old Course Saco Watershed

Location

The Watershed is located in Carroll and Coos Counties, New Hampshire, and Oxford County, Maine.

Size

47,080 acres of which 26,240 are in New Hampshire.

Sponsors

Carroll County Conservation District, Oxford County Soil and Water Conservation District, New Hampshire Water Resources Board, Town of Stowe, Maine.

Problems

Several thousand acres of agricultural lands, roads and bridges have been subject to frequent flooding.

Remedial Measures

Structural measures planned include 4 floodwater retarding structures, 2 multiple purpose floodwater retarding and recreation structures, and 23,500 feet of channel improvement. 10,500 acres of open and forested lands are to receive land treatment practices.

Status

The project was approved for operation in 1967. One multiple purpose recreation site on National Forest lands in New Hampshire and a single purpose flood prevention site in Maine are currently under construction.

PROJECTS BEING PLANNED

Sugar River Watershed

Location

The Sugar River Watershed includes a large part of Sullivan County and parts of Merrimack and Grafton Counties. It outlets into the Connecticut River.

Size

176,000 acres.

Sponsors

Towns of Croydon, Goshen, Grantham, Lempster, and Newport, New Hampshire, City of Claremont, New Hampshire, Sullivan and Merrimack County Conservation Districts, New Hampshire Water Resources Board.

Problems

The major problems are floodwater damages to agricultural land, roads and bridges, residential and commercial property, a shortage of water with public access for recreational use, and erosion and sediment resulting from change in land use.

Remedial Measures

The plan provides for accelerating land treatment measures for better land use on 164,000 acres and the construction of ten floodwater retarding structures. Six of these structures include water resource improvements for recreation and will provide nearly 1,200 acres of surface water.

Status

The informal field review and public hearing were held on August 14, 1969. The Work Plan Agreement was signed by the local sponsors and the plan transmitted to Washington in September 1969.

Indian Brook Watershed

Location

Indian Brook is located in Coos County, and outlets into the Connecticut River at Lancaster, New Hampshire.

Size

1,420 acres.

Sponsors

Cos County Conservation District, town of Lancaster, New Hampshire, New Hampshire Water Resources Board.

Problems

Floodwater and drainage are the major problems.

Remedial Measures

One multiple purpose floodwater retarding and recreation site and channel work are being considered.

Status

Authorized for planning in June 1967. The Work Plan is scheduled for completion in late 1969.

Bearcamp River

Location

The Bearcamp River is located in Carroll and Grafton Counties.

Size

96,830 acres.

Sponsors

Carroll County Conservation District, New Hampshire Water Resources Board.

Problems

Floodwater damages occur to agricultural lands, roads and bridges, residences and other developments along State Highways 16 and 25.

Remedial Measures

Plans have not been completely formulated for this project as yet.

Status

Reauthorization for planning was granted in March 1967. Field surveys have been completed on five sites.

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Gale River Watershed

Location

The Gale River is located in northern Grafton County and is a tributary to the Ammonoosuc River.

Size

58,240 acres.

Sponsors

Grafton County Conservation District, Towns of Franconia, Bethlehem, Easton, and Sugar Hill, New Hampshire Water Resources Board.

Problems

Recurring floodwater damages to roads, bridges, and the village of Franconia, are the major problems.

Remedial Measures

Two floodwater retarding structures (one on the Gale River and the other on Ham Branch) are being evaluated with the possibility of including storage for recreation and water supply.

Status

Planning authorization was received in June 1965. Work Plan is scheduled for completion in 1970.

Mad River Watershed

Location

The Mad River is located in Grafton and Carroll Counties.

Size

40,676 acres.

Sponsors

Grafton County Conservation District, Carroll County Conservation District, Town of Campton, New Hampshire, Town of Thornton, New Hampshire, New Hampshire Water Resources Board.

Problems

Floodwater damages to urban property, roads, bridges, and bedload movement in the Mad River are the principal problems.

Remedial Measures

One multiple purpose floodwater retarding and recreation structure and 3,000 acres of land treatment are proposed.

Status

Planning authorization was granted in June 1965. The Beebe River portion was withdrawn from the application in January 1968. A draft of the work plan has been prepared. Signing of a work plan agreement by the sponsors is still pending.

UNSERVICED APPLICATIONS

Indian-Mascoma River Watershed

Location

The Watershed is located in Grafton County and is a tributary to the Connecticut River.

Size

85,500 acres.

Sponsors

Grafton County Conservation District, City of Lebanon, New Hampshire, Towns of Canaan, Orange, Hanover and Enfield, New Hampshire Water Resources Board.

Status

An application was received and approved by the State Conservation Committee in November 1964.

Blow-Me-Down Brook Watershed

Location

The Watershed is located in Sullivan County and is a tributary to the Connecticut River.

Size

18,100 acres.

Sponsors

Sullivan County Conservation District, Town of Cornish, New Hampshire, New Hampshire Water Resources Board.

Status

An application was received and approved by the State Conservation Committee in December 1965.

Silver Brook Watershed

Location

The Watershed is located in Merrimack County.

Size

1,840 acres.

Sponsors

Merrimack County Conservation District, Town of Warner, New Hampshire, Warner Village Fire District, New Hampshire Water Resources Board.

Status

An application was received and approved by the State Conservation Committee in July 1966.

Upper Ammonoosuc River Watershed

Location

The Watershed is located in Coos County and is a tributary to the Connecticut River.

Size

162,500 acres.

Sponsors

Coos County Conservation District, Towns of Stark, North Umberland, Stratford, and Dummer, New Hampshire Water Resources Board.

Status

An application was submitted by the sponsors in September 1969.

PROGRESS IN POLLUTION CONTROL

Mr. FANNIN. Mr. President, Arizona Public Service Co. has announced the purchase of air quality control equipment for several of its large capacity power generating equipment installations.

I ask unanimous consent that an announcement detailing this action be printed in the RECORD at the conclusion of my remarks.

This action, taken voluntarily, by one of the largest companies in Arizona typifies what I believe will ultimately prove to be the only successful course in controlling pollution in America. Concerned citizens as individuals and corporations will have to step forward and take the lead in order for this work to be accomplished.

This latest action follows in the wake of another APS announcement that they are now experimenting with conversion of their service vehicles to natural gas. This farsighted action will undoubtedly pay benefits as we enter an era of preventing pollution as well as reducing the hazards of the situation in which we presently find ourselves. I commend the Arizona Public Service Co. for its wisdom in moving ahead in this field and believe that many other companies and industrialists will follow the example.

There being no objection, the announcement was ordered to be printed in the RECORD, as follows:

APS ANNOUNCES PURCHASE OF POLLUTION CONTROL EQUIPMENT

Arizona Public Service Company announced today that it has placed orders for air quality control equipment for Units One, Two and Three at Four Corners Power Plant "which will meet or exceed standards being considered by New Mexico and thus meet our commitments to the people of the state," according to William P. Reilly, president of APS.

Reilly said his company has ordered Chemico wet scrubbers designed to operate at 99.2 per cent efficiency. Total cost of the equipment required to meet New Mexico standards is estimated at more than $7,000,000. The units are being purchased from Chemical Construction Corporation, New York City, New York.

"The manufacturers of the wet scrubber process assure us they can design new equipment for generating Units One, Two and Three which will replace the mechanical dust collectors on those units and which will control 99.2 per cent of the fly ash emission as required under the proposed New Mexico standards," Reilly declared.

"We're delighted to be able to make this announcement," said Reilly, "particularly because it indicates that advances in technology in the design of wet scrubber type of pollution control equipment have now reached the point where we can practically eliminate any smoke emission from these three units at our Four Corners Plant."

Reilly stated that the complexity of the manufacturing and installation processes will require approximately sixteen months for the installation of the units. Construction is expected to begin shortly with completion scheduled for early summer of 1971.

On Thursday, January 22, a pilot model of the scrubber equipment will be placed in operation at Four Corners. Test data from this pilot plant operation will be used to refine the design criteria for the operating units. It is expected that the pilot plant phase will require a week to ten days of operation to provide the needed information.

Reilly said this new system was selected "after several weeks of careful evaluation of various types of control equipment."

"We have investigated every feasible kind of control equipment, both in this country and abroad," said Reilly. "We sent company officers to inspect several different types of installations in the United States—and to Australia, Germany, Scotland and England."

"We wanted to see in action various types of control equipment on plants burning high-ash, low-sulfur coal such as we have at Four Corners," Reilly stated.

"We think the equipment we have chosen will provide the most effective solution to the fly ash problem at Four Corners, and it will be an important contribution to the air quality control effort in the State of New Mexico," Reilly stated.

THE NEED FOR PUBLIC BROADCASTING

Mr. TYDINGS. Mr. President, in light of the recent attention given to the uses and abuses of the broadcast media, I invite attention to an address by John W. Macy, Jr., president of the Corporation for Public Broadcasting, before the National Press Club on January 15. Mr. Macy, whom many Senators know as the able former Chairman of the Civil Service Commission, is currently providing leadership for noncommercial broadcasting.

In a speech to the National Press Club, Mr. Macy provided what he called "a positive answer to critics of television," namely, public television. This medium, which has only just begun to grow and flourish, offers some new answers to the old question of how citizens can become involved in the crucial issues of our day.

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It holds much hope for helping to bridge the gap between the citizen and his government.

My home State of Maryland last year inaugurated its own system of public television with the beginning of broadcast by station WMPB–TV in Baltimore. In its first few months on the air, this station has already proven itself a valuable servant of the community. Before long, I am confident, the people of Maryland—and the Nation—will be hearing more about, and watching more of, public television.

I commend the attention of the Senate to Mr. Macy's illuminating speech on this important topic and ask unanimous consent that it be printed in the Record.

There being no objection, the address was ordered to be printed in the Record, as follows:

Positive Answer to Critics of Television

(By John W. Macy, Jr.)

I am happy to be here today on this platform that has launched so many distinguished newsmakers. It is an honor that I sincerely appreciate. I must admit I approached this occasion with some trepidation. To talk about communications with a group of professional communicators is like offering a recipe to Julia Child or telling David Frye he's *not* the President. Then, too, communication can be a controversial topic these days. Another fellow talked about broadcasting not so long ago and caused quite a stir. Who would ever have thought that "instant analysis" would become a household phrase?

The United States at this early light of the 70s, *desperately needs* public television. Notice I used the phrase, "desperately *needs*." I chose it with care. I make it out of conviction.

It is ironic, I know, to stand in the most distinguished forum of communicators in the capital of the nation that leads the world in the technology of communication and make such a statement.

I feel that it is my duty to do so. I am convinced that the American people are now seeing and reading *more* about the state of their nation than ever before, and believe it *less*.

It is not a case of a "credibility gap" between the people and their government. It has become a veritable Grand Canyon of disbelief involving not only government figures at national and local levels, but the communicators who report on their actions and the spokesmen who advocate public causes. The depth of this gulf has been confirmed by recent public opinion polls. It was underlined just this week by the final report of the mass media study group of the National Commission on Causes and Prevention of Violence.

At the risk of over simplification, I believe this stems from a growing feeling on the part of a substantial number of people that all public affairs are being staged managed for them—that their elected officials are images to be marketed; that social issues are being orchestrated to produce the most potent impact on the media.

They assume that communications about public thoughts and deeds are designed and executed with the medium as the basic purpose. I sometimes sense that we are suffering from something the younger generation would call a "national hangup," revolving around the belief that television is only for entertainment and therefore everything we see on that ever present screen—whether a riot in Chicago or a confrontation at a local school board meeting—is designed only to catch the attention of the camera and has very little bearing on the true situation.

In this atmosphere, cries have been raised for greater objectivity from those who interpret and analyze the news. Very little attention has been given to the fact that the problem of choosing between the dramatic event and the more low-key occurrence is as old as journalism itself, and is built into the present system of television. There are some who claim that there is no such thing as "objectivity" in public affairs. I do not want to get into a wrangle over words, but I personally believe that there are such things as "fairness and balance" in the presentation of important issues and that we should seek to assure the perpetual existence of those conditions.

To my mind, television is the arena in which the spectrum of opinion should have the freedom of expression. It is in seeking to achieve this objective that public broadcasting has one of its greatest challenges and greatest opportunities.

Let me say right now, that none of this should be interpreted as criticism of the commercial networks or stations. By and large, they are doing—and doing very well indeed—what they must do under a system which measures survival and success in terms of mass audience ratings that respond more to the stimulus of entertainment and excitement than to information. Coverage of a moon shot or any other momentous event is appropriate and appealing under this system and even the most severe critic cannot deny the networks high marks for magnificent, understandable, and in depth coverage. But to expect them to provide sustained coverage of many sides of complicated public issues such as hunger, environmental destruction, or even a local school bond controversy; to expect them to provide air time for citizens to become involved in these controversies, is to expect too much.

Frankly, I am a little tired of the chronic and persistent negativism that fills so much of the conversation concerning television these days. I am not here today to develop that theme any further, but to offer a positive, upbeat alternative: public broadcasting. Because it is not fettered by the necessity of programming for the greatest possible audience all the time, public broadcasting should be the vehicle used to return to the concept that through rational debate and discussion reasonable men can work to solve public issues; the vehicle to give the citizen some opportunity to make his own judgments known on these issues.

In thinking through my ideas on these matters, I had no way of knowing that the report of the media study group of the Violence Commission would come to somewhat the same conclusion. In its report released Tuesday, the study group urged that between $40 and $50 million a year be provided the Corporation for news and public affairs; that public broadcasting focus on providing broadcasting services in this field which commercial broadcasting cannot perform.

I am not in disagreement with the Commission. Certainly I am heartened by the fact that a distinguished national group has stressed the vital need of public broadcasting in serving the American public.

The Corporation and all major elements in public broadcasting have been moving to provide this kind of interpretive, in depth reporting. But my major concerns today are the efforts that must be made to involve the citizen himself in the discussion and debate of issues that affect him.

Let me give you specific illustrations of how this can be achieved.

The only regular, live, non-news network television program today is "The Advocates," seen here in Washington on Channel 26 at 10 p.m. each Sunday. This program has adapted the classic debate to television. Two advocates take opposing sides on a vital issue which must be decided at any early date. They use film clips and live witnesses to try to make their case before a "decision-maker", a man who will have to vote "yea" or "nay" on that issue in his official capacity. But the basic purpose is to involve the citizen-viewers in the making of the decision. The opportunity is given to the studio audience to vote on the issue; the opportunity is given to viewers to cast their ballots by mail. They are urged to cease being spectators and voice their views on these issues of critical importance to them. The tally of these expressed views, and the results of polls taken especially for the program, are announced to the viewing audience as indicators of public opinion.

I happen to think that most of the Advocates programs not only help the viewers return to the idea of rational debate and of citizen participation, but are good television as well. There *is* excitement in the *reality* of our troubled times!

Even more relevant to my point, however, are the results of an experiment the Corporation undertook last month in conjunction with the White House Conference on Food, Nutrition, and Health.

National Educational Television produced two, hour-long specials on the problems of hunger and malnutrition in the country and capsulized what the Conference experts were saying about the solutions to those problems in Washington. In 12 cities, large and small, in all parts of the country, public television stations convened local "town meetings," a representative cross section of the people in their communities, to discuss the local implications of these problems. More importantly with the cooperation of the Conference staff, they were informed that what they had to say would be viewed by White House Conference staff members as one gauge of citizen reaction to the conference as an electronic feedback of public opinion.

You will be hearing more about this from the White House Conference staff in the weeks ahead, so I will forego details.

But for the thousands of people directly involved in the program and for the millions who saw the local productions, hunger and malnutrition can no longer be regarded as an abstract issue "stage managed" in Washington, by government, by commentators, by pressure groups or by anyone else. It was a problem to be met at home in the community. The people on the screen who complained about it had familiar addresses. The local and federal officials responsible to do something had familiar names. And now all have familiar faces!

Although the final reports on these "town meeting" sessions are not yet in, some of the lessons learned are germane to our discusions today. We learned that in many instances it is no longer possible to put opposing forces in one room with a camera and get a true picture of a community's problems. In this age of confrontation, the spokesmen of one extreme or another tend to dominate the discussion, while the people who wish to proceed with problem-solving respond by saying nothing or very little. In the presence of such heat, the man espousing moderation understandably would rather remain silent than face the possibility of appearing to be defensive or without care. In addition, those with the ultimate responsibility for decision and action will frequently have to soften their observations and therefore come through on the screen as less compelling personalities in contrast to their militant critics.

Confrontation sometimes makes for more exciting television, but it does not necessarily help communicate or lead to action. One of our stations, WJCT in Jacksonville, Florida, came up with a technique that was good television and yet provided the framework for problem-solving. The station used three locations for its "town meeting," and switched from one to the other, giving everyone a chance to speak in his own context. One meeting was held in an exclusive club where the cameras focused on the "power structure"—the state legislators, the businessmen, etc. Another meeting was held in

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a center city community hall and the poor—black and white—were invited there. The third was in the studio and housed the "experts"—physicians, school lunch administrators, teachers, Department of Agriculture administrators, etc.

Each group saw and heard what the others were saying and had the opportunity to respond. Because of this, the moderates as well as those representing the more extreme positions did speak out and create a community dialogue that was of great benefit to the community. But this kind of an effort takes time to develop on the air—extremely valuable time for a commercial station.

There are other examples of televised discussion of critical issues. Public broadcasting stations throughout the country are allowing millions of viewers their first glimpse of state legislatures, city councils and school boards in action. They can see that the laws are not made in a vacuum; that the men and women responsible for making them must consider many factors before recording a vote.

I feel that this kind of service—one that can only be provided on a sustained basis by non-commercial broadcasting—is essential today. If the citizen cannot be made to feel that he is part of his government, if he cannot be made to feel that governmental actions are not arbitrary, or are not stage managed, the problems we are trying to solve will, indeed, become insurmountable.

At the Corporation for Public Broadcasting our mandate will be to do all we can do to encourage the independent public stations and regional networks to provide such a critical service on issues important to their community and the nation.

But what about our present audience? Who looks at public television, anyway? For too long, public television has been thought of as a communications medium for the highbrow. As one critic put it: "A poverty program for the over-educated."

The growing excitement you may have sensed in public broadcasting circles recently stems in large part from that audience. We now know it is larger and more representative of the American people than anyone thought possible.

Several months ago, the Corporation commissioned Louis Harris and Associates to do the first nationwide survey of public television's audiences. Harris found that public television was watched in one recent week by 24 million Americans—a finding that we consider very encouraging. Even more encouraging to us was the composition of this audience. We learned what we expected: that a majority of our audience (51 percent) has gone to college. But we also had the pleasant surprise of learning that a quarter of our audience has not even completed high school and that we have a greater share of the inner-city audience than anyone thought possible. We take this as a sign that we are achieving what we set out for: reaching with education, information, enlightenment and entertainment, the total man in as many men . . . and women . . . and children as possible.

The other cause for optimism are the programs now being telecast over public stations. "Sesame Street," rates raves from variety and the ratings as well as educators. This daily, hour-long program for pre-schoolers promises to herald a whole new way of education. It combines humor, attractive personalities (real and make believe), a fast pace and the rich meat of knowledge on the theory that learning can be fun. It has been described as a significant breakthrough to new territory in both education and entertainment of children on television.

You may ask: "If 'Seasame Street' is such a great entertainment bargain, why is it on public stations?" The answer is that the entire production by the Children's Television Workshop is designed to reach and educate an audience of 12 million pre-schoolers. In this sense it is a public service for what must be considered a small audience in commercial television terms.

A program that premiered in prime time this past Sunday night is another case in point. It was designed to attract one of the most difficult to reach audiences. The program, called simply "The Show," is for teenagers; and teenagers tested it in cities across and the nation. It is based on the premise that young people are intelligent and that they care. It has guest stars and the best musical groups with the modern sound, but the youngsters themselves are the real stars. It is their probing questions of the musicians and guests and their opinions that make the show tick.

In the frame work of needed programs designed for special rather than maximum audiences, is "Black Journal." This is a magazine format show which is the only regular national television series by and for American blacks. Starting next month, public television will launch a second national series—a variety show—called "Soul." We have just completed the first national run of "On Being Black," a unique ten-week series of original plays written, produced and starring blacks.

For lovers of the theater, public television has been carrying the BBC popular drama, "Forsyte Saga," acclaimed as perhaps the best television dramatic series ever produced. These public stations are the proud showcases for "NET Playhouse," the weekly series that won the Emmy for drama last year. Our cameras have taken audiences behind the scenes with Peggy Lee and Pablo Casals and on stage with Erich Leinsdorf and Arlo Guthrie. The new series, "NET Opera," is bringing modern musical dramas to American audiences for the first time.

I would be testing your patience—while exercising my enthusiasm—to continue this catalogue. Suffice it to say that when I survey the potential of public broadcasting, I agree with E. B. White when he told the Carnegie Commission on Educational Television several years ago:

"I think television should be the visual counterpart of the literary essay, should arouse our dreams, satisfy our hunger for beauty, take us on journeys, enable us to participate in events, present great drama and music, explore the sea and the sky and the woods and the hills. It should be our Lyceum, our Chautauqua, our Minsky's and our Camelot.

"It should restate and clarify the social dilemma and the political pickle."

We have not yet measured up to Mr. White's prescription. We are determined to do so. What's more, we are determined to fill the desperate need of the American people today to become involved in the examination and definition of the problems that beset them and the search for solutions.

With your help, we will succeed!

MANDATORY OIL IMPORT PROGRAM

Mr. HANSEN. Mr. President, I am extremely gratified that one of our leading financial publications, the Wall Street Journal, in its January 26, 1970, issue, has taken note of my efforts in behalf of retaining the mandatory oil import program.

I have had considerable say about oil import policy recently and will have more to say. One of the observations I made in regard to a statement by a New England Senator who has been in the forefront of efforts to increase oil imports and, thereby, reduce the price of oil products in that area, was that the New England Senator and others had also been staunch advocates of quota legislation intended to limit shoe and textile imports into the United States.

Imports of these items, the New England Senator said, should be controlled because workers in the important New England shoe and textile industries are being displaced by more cheaply produced foreign-made goods.

One of the main reasons for this differential in production and shipping costs is, of course, the difference is the wage levels of United States and foreign workers and the standards of living in the United States and the countries that produce these goods.

During the debate on an amendment to the Tax Reform Act which would have had the effect of limiting any import that had disrupted any American industry and displaced employees in that industry, the junior Senator from New Hampshire who so strongly advocates doing away with oil import quotas rose in support of quotas on shoes and textiles. "We cannot be the world's consumer anymore than we can be the world's policeman," he said, and I heartily agreed in supporting the amendment.

Nor can we continue to maintain the world's highest living and wage standards and at the same time accommodate substantial imports of shoes, textiles or oil produced at far below the U.S. cost.

Mr. President, I can understand the desire of my distinguished friend from New England to reduce the costs of those things his constituents need and must buy which are not produced in the Northeast. That would, according to some political points of view, be the best of all worlds.

But it is not realistic to believe in the long-range soundness of a policy which hurts highly important elements of the economy, puts many people out of good paying jobs, and lowers the overall purchasing power of our citizens all on the premise that a certain area might enjoy a temporarily depressed price on oil.

I hope my friends in the Northeast will join me in protecting jobs of all Americans. I hope they will reflect the considered concern for a prosperous industry which assures both a high standard of living and a degree of national security impossible if we were to become dependent upon foreign sources for a significant amount of our energy coming from oil and natural gas.

I ask unanimous consent that the editorial be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From the Wall Street Journay, Jan. 26, 1970]

THE EDUCATION OF A SENATOR

Senator Clifford P. Hansen, a Wyoming Republican, is a relative newcomer to Congress, having served only since 1966. So perhaps that's why he still finds some legislative ways fairly strange.

The Senator recently expressed surprise that New Englanders don't think it inconsistent to seek an easing of oil import restraint at the same time that they push for curbs on imports of shoes and textiles. That, unfortunately, is simply the way things work in Congress.

New Englanders favor replacing the present oil import quotas with a tariff system. The tariffs, proposed by a Presidential task force, would still limit imports but would be scaled to produce somewhat lower domestic prices.

Since New England produces no oil and consumes a lot of it, its residents obviously like the idea of lower prices. However, since they are substantial producers of shoes and textiles, the idea of heavy foreign competition in those areas is by no means so appealing.

In Senator Hansen's Wyoming, on the other hand, people produce a lot of oil and are substantial consumers of shoes and textiles. So their druthers, in regard to oil-shoe-textile import policy, are just about the opposite of those of New England.

Or, at any rate, that's what their elected representatives usually appear to think. Senator Hansen in time will find that few of his colleagues can often manage to put the national interest above the purely parochial.

MEDICARE AND MEDICAID OVERCHARGES AND ABUSE BY THE COOK COUNTY HOSPITAL IN CHICAGO

Mr. WILLIAMS of Delaware. Mr. President, early last year the Senate Finance Committee initiated an investigation into the escalating costs of the medicare and medicaid programs.

During the course of those hearings our attention was called to a glaring case of overcharges and abuse by the Cook County Hospital in Chicago.

It developed that this hospital had billed the medicare program for a total of about $3.5 million for physicians' services to medicare patients and that of this amount about $1.6 had been paid.

But the committee received several allegations that in many instances physicians had not rendered the services for which medicare was being billed. It appeared that in some cases the services were rendered by interns, and in several cases it appeared that no medical service had been rendered at all.

As the result of these allegations the Finance Committee on April 28, 1969, requested the General Accounting Office to conduct a full-scale investigation of the payments made to the Cook County Hospital and render a report to the committee.

During the Finance Committee hearings held on July 1 and 2, 1969, the auditors of the General Accounting Office confirmed that there had been overpayments under medicare in this hospital of over $1 million, and on September 3, 1969, the initial report from the General Accounting Office was received. In that report the Comptroller General pointed out that the Cook County Hospital had billed the medicare program for over $3.5 million, of which amount about $1.6 had actually been paid, and they further confirmed the allegations that many bills had been rendered for services which had not been performed by the doctors. There were several instances of duplicate payments, overpayments, and so forth.

About the same time the Social Security Administration finally got interested in these excessive charges and initiated a Department examination.

Both groups of auditors promptly arrived at the conclusion "that the physicians were not rendering patient care to the beneficiaries," and based upon this report on April 15, 1969, the carrier was officially instructed to suspend all further payments to the Cook County Hospital pending further examination of its finances.

The extent of these overpayments is emphasized by a sample check of 75 cases made by this audit team. In these 75 cases the Illinois Medical Services had initially allowed $14,861 on the basis of the claims filed under Form SSA–1490. After taking into account the deductable and coinsurance, the Illinois Medical Service had paid the Associated Physicians of the Cook County Hospital $10,727.16 for services rendered. Detailed examination of these 75 cases showed that of this $10,727.16 about $8,700 had been based on erroneous claims.

The Associated Physicians of the Cook County Hospital disputed this claim and presented additional documentation of these claims, but after further analysis by the Illinois Medical Service, on November 1969 it was determined that the actual overpament was $8,134.40 in the 75 sample cases.

The Social Security Administration, by applying statistical methods to the 75-case sample, then projected the amount of the overpayment for all cases in which payment had been made.

This projection produced an estimated overpayment to the Cook County Hospital which could be as high as $1,328,000, and the Associated Physicians of the hospital were informed of this overpayment and asked for repayment.

As of the date of the Government's claim for refund of the $1,328,000 in overpayments a total of $1.6 had already been made on the $3.5 million total claims filed. It was found that of this $1.6 million which had been paid about $488,000 had already been disbursed, leaving undistributed cash on hand by the association of about $1,120,000.

On September 15, 1969, the Social Security Administration notified the Associated Physicians of the Cook County Hospital that claims for refund were being filed by the department, and they were instructed to hold in abeyance this $1,120,000 pending settlement of the claims. They were instructed to disburse only what was actually needed for day-to-day operating expenses.

These instructions of September 1969 to hold this money in abeyance until Government claims had been settled were ignored, and it develops that by November 20, 1969, the assets had dwindled down to $700,000. A more recent report shows that they are now substantially lower.

There is no excuse for the Social Security Administration's having sat idle while these funds were beng liquidated.

This diminution of assets substantially lessens the chances of the Government's ever obtaining a refund to liquidate its claims of overpayment. A recent memo by Mr. Thomas M. Tierney, Director of the Bureau of Health Insurance, as addressed to Mr. Melvin Blumenthal, Assistant General Counsel, Department of Health, Education, and Welfare emphasizes this point and states:

> Unless some action is taken, there will be little likelihood that the Government will be able to recoup anything of a substantial nature from the Associated Physicians of the Cook County Hospital.

Mr. President, in my opinion these substantial overpayments could not have developed without some knowledge by the Washington office of the Social Security Administration. For at least a year they have known that the erroneous payments of over $1 million had been made to this hospital, yet during this past year no firm action has been taken by the Administration to protect the Government's interests; instead they have just sat back and watched the assets being dissipated. Someone should be held responsible for this laxity.

But that is only a part of the story There appears to be a clear case of fraud in some of these claims for payment under medicare.

For example, after the Finance Committee discovered that over a million dollars had been paid to this hospital in the name of physicians for services which they had not performed a further examination was made. The various doctors in whose names these erroneous claims had been filed were notified and asked for their comments.

Based on a sample check of replies being received it appears that in many cases the doctors are not to be blamed. Apparently someone has been forging the doctors' names to these claims and collecting the money without their knowledge.

For example, I quote from a series of letters wherein several of the doctors in whose names some of the claims were filed flatly deny having received any money; they emphatically state that they have neither served the patients nor have they signed any claims billing medicare for payments.

I quote first the letter signed by Dr. Theodore N. Zekman, in whose name nearly $37,000 in claims had been filed and paid by medicare:

JANUARY 12, 1970.

Mr. WALTER R. LIVINGSTON,
Assistant Vice President, Director of Professional Relations, Blue Cross Blue Shield, Chicago, Ill.

DEAR MR. LIVINGSTON: I acknowledge receipt of your letter of January 2, 1970, in which you enlose letter to Mr. William B. Sale, Administrator, The Associated Physicians of Cook County Hospital, 627 South Wood Street, Chicago, Illinois 60612.

I observe in your letter that you state the Medicare records indicate that the Associated Physicians of Cook County Hospital have submitted claims for payment in my name for services provided to Medicare beneficiaries. Until the receipt of your letter, I was unaware of the fact that this occurred.

I communicated with Mr. Sale and asked him if this was true and he said it was. I advised him that I did not participate dierctly or indirectly in the submission of any bills in my name. He assured me that I need have no concern.

I should like to go on record to advise you that these disclosures come as a complete surprise to me. I did not authorize anybody to submit such claims. Although I did authorize the Associated Physicians of Cook County to collect fees for services I rendered to Medicare patients, I certainly did not authorize the Associated Physicians or anyone else to use my name for billing for services I did not render, on which I was never consulted and which I did not supervise. It would appear that I never rendered any of the services for which the bills were sent to you for payment. To the best of my knowledge, I have not seen or treated any of the patients for which these bills were sent, nor did I perform or supervise any surgical procedures which might or could be the basis for such charges.

I would welcome the opportunity of discussing this matter further with you or any

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other representative of any agency having jurisdiction over this matter.

I am sending a copy of this letter to Illinois Medical Service and to the regional offices of the Social Security Administration, Bureau of Health Insurance and the United States General Accounting.

Very truly yours,
THEODORE N. ZEKMAN, M.D.

THE UNIVERSITY OF CHICAGO,
DEPARTMENT OF SURGERY,
Chicago, Ill., January 6, 1970.
Mr. WALTER R. LIVINGSTON,
Assistant Vice President, Director of Professional Relations, Blue Cross Plan for Hospital Care, Government Contracts Division, Chicago, Ill.

DEAR MR. LIVINGSTON: I am responding to your letter of January 2, concerning claims which apparently have been made in my name for services reportedly provided by me to medicare beneficiaries hospitalized at Cook County Hospital.

I wish to point out that I am a full-time member of the staff at Billings Hospital and according to the statutes of the University of Chicago, which operates Billings Hospital as its teaching institution, I am not allowed to practice surgery outside of this institution on a fee-for-service basis. When I agreed to attend at Cook County Hospital for teaching purposes alone, I pointed this out to Dr. Freeark, who was at that time Chief of Surgery, and specifically requested that I not have any medical or financial responsibility for any patients on whom I would be consulting. This was agreed to by Dr. Freeark and copies of the correspondence are appended. I have no knowledge of any patient having ever been billed in my name and, if this was in fact done, it was without my knowledge and consent.

Sincerely yours,
RENE MENGUY, M.D.,
Professor and Chairman.

Mr. President, I ask unanimous consent that a series of letters from doctors in this regard be printed in the RECORD at this point.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

CHICAGO, ILL.,
January 7, 1970.
Mr. WALTER R. LIVINGSTON,
Assistant Vice-President, Director of Proprofessional Relations, Medicare, Government Contracts Division, Chicago, Ill.

DEAR MR. LIVINGSTON: In answer to your letter of January 2, 1970, I would like you to know that I am not a member of The Associated Physicians of Cook County Hospital and at no time approved of this organization nor any of their methods in collecting from the Federal Government on Medicare or any other patients that are on Public Aid.

I have not done any surgery at Cook Hospital since January, 1967, so if my name appears on any forms in 1968 or 1969, you know very well that they have been forged.

Furthermore, any of the doctors who agreed to be members of The Associated Physicians of Cook County Hospital and signed over their rights for the medical care of the patients should be charged appropriately by the Internal Revenue for the amount of money that they received even though it was turned over to The Associated Physicians of Cook County Hospital. It was my feeling, and also that of some 125 other doctors on the attending staff, that if there was any fee to be collected it should be collected by the individual physicians who should make out the form accordingly.

I sincerely hope that you are refunded the monies that have been collected by this false represented group of physicians of Cook County Hospital and that the money be given to the hospital administration for proper use in improving the facilities of the hospital as has been done in New York City or the money should be given to the doctor who rendered the service and this should be added to his income and he should pay income tax accordingly.

Very truly yours,
GEORGE W. HOLMES, M.D.

CHICAGO, ILL.,
January 8, 1970.
Mr. WALTER R. LIVINGSTON,
Director of Professional Relations,
Blue Cross-Blue Shield,
Chicago, Ill.

DEAR MR. LIVINGSTON: I am in receipt of your letter of January 2 in which you state that "the Associated Physicians of Cook County Hospital have submitted claims for payment in my name for services provided to Medicare beneficiaries." I feel reasonably confident that this is an error. I hold an appointment as consultant to Cook County Hospital but I do not see patients there. I do not direct or supervise the care of any patients there and I would doubt that any claims in my name have been submitted. If any have been submitted I would appreciate further information regarding such claims.

Sincerely yours,
PAUL C. BUCY, M.D.

THE UNIVERSITY OF CHICAGO,
Chicago, Ill., January 6, 1970.
WALTER R. LIVINGSTON,
Assistant Vice President,
Director of Professional Relations,
Chicago, Ill.

DEAR MR. LIVINGSTON: I am in receipt of your letter of January 2, 1970, to me together with the copy of your letter to William B. Sale who is the Administrator of the Associated Physicians of Cook County Hospital. To the best of my knowledge I did not provide service for Medicare patients at the Cook County hospital during the time in question. In addition I have not signed any vouchers or statements indicating that such service was provided.

It was the understanding between the University of Chicago and the Cook County Hospital that those faculty members of the University of Chicago who participated in patient care at the Cook County Hospital did so on a basis of community service and were not to receive any remuneration for their efforts nor were their efforts to be a basis for remuneration to another party.

Thank you very much for the information contained in your January 2, 1970 letter.

Yours truly,
GEORGE E. BLOCK, M.D.,
Professor of Surgery.

HEKTOEN INSTITUTE,
Chicago, Ill., January 5, 1970.
Mr. WALTER R. LIVINGSTON,
Assistant Vice President, Director of Professional Relations, Blue Cross-Blue Shield, Chicago Ill.

DEAR MR. LIVINGSTON: Thank you for your letter of January 2, 1970.

If the Associated Physicians of Cook County Hospital have submitted claims in my name they had no right to, for the undersigned never signed an assignment of fees to the Association.

I wish to thank you for calling this matter to my attention.

Sincerely yours,
SAMUEL J. HOFFMAN, M.D.,
Director.

ORTHOPAEDIC PHYSICIANS AND SURGEONS,
January 7, 1970.
Mr. WALTER R. LIVINGSTON,
Assistant Vice President, Director of Professional Relations, Medicare, Chicago, Ill.

DEAR MR. LIVINGSTON: In regard to your letter of January 2, 1970, I would like to inform you that I have not been an active member of the APCCH since 1965. I have not performed any services or was not assigned to any ward or service at Cook County Hospital since that time. I am a member in name only; therefore, my name could not have been used, or at least it should not have been used on any Medicare patient forms at Cook County Hospital.

I, therefore, do not have any personal responsibility for insufficient funds in the APCCH.

Sincerely yours,
GEORGE G. MARKARIAN, M.D.

Mr. WILLIAMS of Delaware. Mr. President, based upon the letters from these doctors and the report of the Comptroller General, supported by the investigating staff of the Social Security Administration, there appears to be no doubt but that fraudulent claims totaling over $1 million have been filed and collected by a group in the Cook County Hospital in Chicago and that to support these fraudulent claims the names of doctors have been forged.

This is a clear case for the Department of Justice, and I am suggesting to the Social Security Administration that they take immediate steps to file this information with that Department.

In the meantime appropriate action should be taken to prevent any further diminution of the assets of the organization involved pending full settlement of the Government's claims.

In conclusion, it should be noted that this case involving the Cook County Hospital is not an isolated case of overpayments, and to emphasize this point I incorporate in the RECORD at this point a letter dated January 19, 1970, signed by Mr. Thomas M. Tierney, Director of the Bureau of Health Insurance, as addressed to Mr. Jay Constantine, staff member of the Senate Finance Committee, wherein Mr. Tierney points out that a similar situation may exist in other areas. In particular he mentions the Bellevue Hospital in New York City.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE, SOCIAL SECURITY ADMINISTRATION,
Baltimore, Md., January 19, 1970.
Refer to HI:PS:D.
Mr. JAY CONSTANTINE,
Professional Staff Member, Committee on Finance, Washington, D.C.

DEAR MR. CONSTANTINE: This is in reference to my letter to you dated January 5, 1970, and your conversation with Mr. Levine of my office, concerning reimbursement of teaching physicians at Bellevue Hospital in New York City. As Mr. Levine indicated to you, the carrier, United Medical Service of New York, and representatives of the Social Security Administration have reviewed some of the medical records of Bellevue Hospital, and these records bear out the fact that patient care at the hospital is provided primarily through interns and residents. The amount of physician involvement in furnishing such care seemed to be about the same as we found in our review of medical records of Cook County Hospital. We also found that the bills for services furnished Medicare patients was not restricted to the the personal and identifiable services of the physician, but included the services furnished by residents and interns.

Although we do not have precise figures on the amount that has been overpaid to physicians in Bellevue Hospital, we believe,

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on the basis of the standards and criteria we applied in determining the overpayment to the physicians at Cook County Hospital, that, percentagewise, the part B overpayment at Bellevue Hospital could be as much as the part B overpayment at the Cook County Hospital.

As indicated in the report attached to my letter of January 5, 1970, we are not at this time making part B payments to Bellevue Hospital. In addition, we have already taken steps to adjudicate a sample of past cases in which part B payments were made to the hospital with the objective of determining the amount overpaid and undertaking such action as may be necessary to recover the overpayment.

Sincerely yours,

THOMAS M. TIERNEY,
Director, Bureau of Health Insurance.

Mr. **WILLIAMS** of Delaware. Mr. President, I next ask unanimous consent to incorporate in the RECORD a short digest of the Comptroller General's report as submitted to the Senate Finance Committee on September 3, 1969.

There being no objection, the digest was ordered to be printed in the RECORD, as follows:

[Digest]

COMPTROLLER GENERAL'S REPORT TO CHAIRMAN, COMMITTEE ON FINANCE, U.S. SENATE

(Medicare payments for services of supervisory and teaching physicians at Cook County Hospital, Chicago, Illinois, Social Security Administration, Department of Health, Education, and Welfare B–164031(4))

WHY THE REVIEW WAS MADE

In accordance with a request, dated April 28, 1969, from the Chairman, Committee on Finance, United States Senate, the General Accounting Office (GAO) reviewed selected Medicare payments for physicians' services made to the Associated Physicians of the Cook County Hospital (APCCH), Chicago, Illinois. The Chairman advised GAO that the Committee did not intend that GAO develop overall conclusions relating to any legal or policy questions which might arise during the review. The Committee has also requested GAO to limit the distribution of the report prior to its release by the Committee.

Medicare is administered by the Social Security Administration (SSA), Department of Health, Education, and Welfare (HEW). Illinois Medical Service (Blue Shield) has been operating under a contract with SSA to make payments of Medicare claims for physicians' services in several counties in Illinois, including Cook County.

In accordance with certain SSA regulations, issued in August 1967, payments under the supplementary medical insurance portion (part B) of the Medicare program could be made for the professional services rendered to Medicare patients by supervisory or teaching physicians in a hospital in cases where the physicians are the patients' attending physicians and provide personal and identifiable direction to interns and residents who are participating in the care of their patients.

FINDINGS AND CONCLUSIONS

From April 1968 to April 15, 1969, when, at the direction of SSA, Blue Shield suspended making payments of APCCH claims, APCCH had received about $1.6 million in payments under part B of the Medicare program for the services of attending physicians.

The GAO review of patient medical records of Cook County Hospital indicated that the professional services billed by APCCH and paid by Blue Shield had been furnished, in almost all cases, by residents and interns at the hospital and showed only limited involvement of the attending physicians in whose names the services had been billed.

The GAO review of the hospital medical records applicable to selected Medicare claims for attending physicians' services showed that:

For 60 of the 72 initial visits for which billings had been made, the medical records supporting the specific services billed disclosed no involvement of any attending physicians, although the SSA regulations provided that the attending physicians should review the patients' histories and physical examinations and personally examine the patients within reasonable periods after admission. (See p. 29.)

For 129 of 747 follow-up visits billed, no notations had been made by any physicians, including residents or interns, to indicate that physicians had seen the patients. For the remaining 618 visits, which were supported by physicians' notations, attending physicians had been identified as involved in providing the services for only 35 visits and residents and interns had been identified as providing the services for nearly all the remaining visits. (See p. 31.)

The medical records applicable to 38 consultations for which the Medicare program had been billed disclosed no involvement of the attending physicians in whose names the services had been billed. (See p. 34.)

Hospital records in nine of 18 cases involving charges for operating room surgery did not indicate that attending physicians had been present during the operations. (See p. 37.)

Hospital records in 31 of 39 cases involving charges for minor surgical procedures did not indicate that attending physicians had been specifically involved. (See p. 40.)

Officials of APCCH and Cook County Hospital advised GAO that generally the services were provided to the patients under the direction of attending physicians responsible for the patients care but that evidence of such direction was not incorporated into the patients' medical records.

RECOMMENDATIONS OR SUGGESTIONS

Although in April 1969 SSA issued new and more comprehensive guidelines which were intended to clarify and supplement the criteria for making payments for the services of supervisory or teaching physicians, GAO suggested that SSA inquire further into the propriety of the charges being allowed when the circumstances outlined above existed at hospitals.

AGENCY ACTIONS AND UNRESOLVED ISSUES

HEW pointed out that SSA, by letter dated April 9, 1969, had directed Blue Shield to suspend further payments to APCCH. HEW stated that it would inquire further into the specific circumstances described by GAO. (See p. 68.)

Mr. **WILLIAMS** of Delaware. Mr. President, the unanswered questions here are: First, Who forget these false medicare claims? Second, to whom and for what purpose has the money been diverted? And third, why was the Social Security Administration so late in taking action to protect the taxpayers' interests once these discrepencies were discovered and who in this Government agency was responsible for this laxity?

WE NEED PRESIDENTIAL LEADEP.-SHIP FOR WAGE-PRICE GUIDELINES

Mr. **PROXMIRE**. Mr. President, the Consumer Price Index advanced by 6.1 percent last year. Thus, in a year when the administration proclaimed that it was fighting inflation, prices continued to rise at an exceedingly high rate.

The administration relied almost exclusively on tight money as a means of stopping inflation. It certainly proposed very little in the "fiscal" field where Congress intervened to cut back the President's requests by $5.6 billion. If the President had really tried, he would have proposed large cuts last year in military spending, a reduction in space spending, and a slowdown in highway construction and public works. Furthermore, his advocacy of the SST directly contradicts the rhetoric of fighting inflation.

In addition to failure in the fiscal policy field, there has been failure elsewhere too. The major area where much more could have been done and should have been done is in leadership from the White House against large wage and price increases. I am not talking about controls; I am talking about guidelines. These are important because the industries involved, in most cases, are far from competitive in the classical sense. Prices are "administered," or there are only two or three firms so that "jawboning" can work.

It did work in the past. In 1968, those industries subjected to White House jawboning had price rises of only 1 percent compared with almost 3 percent elsewhere.

But in 1969, without "jawboning," the same group had a price rise of 6 percent while others moved up only 3.5 percent.

On Sunday, Hobart Rowen, in the Washington Post, wrote about this issue in some depth, quoting Arthur Okun, formerly of the Council of Economic Advisers, and the work of Gardiner Means and Adolph Berle, among others. I ask unanimous consent that Mr. Rowen's article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Washington Post, Jan. 25, 1970]

ALL WON'T BE SOLVED BY BALANCED BUDGET

(By Hobart Rowen)

This time, President Nixon came down hard on the problem of inflation; a year ago (and this is admitted privately in high administration councils) the problem was vastly underestimated.

For a while, it may be recalled, the President wasn't sure that the income tax surcharge needed to be extended. And it wasn't until early March, 1969, that the administration understood the extend of the business investment boom.

But now, says the President, he can think of no action more important than "for the Congress to join this administration in the battle to stop the rise in the cost of living."

The pity of it, however, is that the President seems just as determined this year as he was last to give labor and management a free hand to get whatever the traffic will bear in wages and prices.

We may—hopefully—learn more from the Economic Report due to go to Congress shortly. But the President's entire anti-inflation program is based on the classic Republican belief that all will be solved by balancing the budget.

Excessive federal expenditures, uncompensated by a sensible tax policy, have doubtless contributed to inflation. But the federal government has been running a surplus for more than a year, in company with a monetary policy so tight that interest rates are the highest in more than 100 years.

Still, prices move up. Even as the economy failed to show real growth in the fourth quarter, the consumer price index was rising

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at a faster rate than when Mr. Nixon took over.

There is always a lag, we have been assured, between the imposition of a policy of restraint and actual results in terms of lesser rates of inflation. But the time has dragged on, and some administration insiders confess that there should have been results long ago.

Last year's rate of inflation—6.1 per cent of the consumer index—cannot be sustained. Yet, even the most optimistic administration men warn that there cannot be much progress this year.

Many business leaders would be willing to gamble on a temporary resort to wage and price controls, along the lines recently suggested by former Treasury Under Secretary Robert V. Roosa. This was openly espoused last week by many builders and moneymarket men at the National Association of Home Builders convention in Houston. Even more of them urge selective controls on credit by the Federal Reserve.

But the President seems determined to rely on expenditure control—and on that alone.

Perhaps the most significant phrase in the speech was this: "It is time to quit putting good money into bad programs; otherwise, we will end up with bad money and bad programs."

This reflects the urging of Arthur F. Burns that more attention be paid to "zero-base budgeting"—the requirement that an agency justify each year the case for its entire appropriation, not just the increase over a previous year's.

No doubt, this is sound doctrine. It could lead to elimination of much bureaucratic federal waste. But it isn't likely to do much about 1970's inflation.

The President properly assigns a good share of the blame for inflation to his Democratic predecessors. But he is stuck with his own record for 1969—and not the least of administration failures has been its own inability to limit expenditures, as it promised to do.

Beyond that, however, Mr. Nixon refuses to recognize that in the absence of any pressures from the White House on what Arthur Okun calls "responsive" industries, prices shoot up higher than they otherwise would.

There is more than just politics in this charge. Okun, who was Lyndon Johnson's Economic Council chairman, recently revealed that LBJ's jawboning was far more extensive than publicly reported. And it paid off.

In 1968, for example, those industries that were pressured to minimize their price hikes boosted prices an average of 1 per cent, while all other commodities on the industrial wholesale commodity index (including those that rejected LBJ's urgings) rose 2.9 per cent.

But last year, after Mr. Nixon made it clear that jawboning was out, the "responsive" group rose 6 per cent, while all others moved up 3.5 per cent. (See table below.)

Okun's data makes clear that there is a wide area of price discretion in some segments of American industry. This has been amply documented over the years by Gardiner Means and Adolph Berle; and in a recent study of 1969, Means suggests that a realistic inflation-control policy must deal directly with corporations and unions who have a unique power to generate a part of the inflation.

For example, can the administration continue to ignore the spectacle of sharply rising steel prices at a time when steel production, if not actually down, is barely stable?

If the President's anti-inflation program for 1970 is nothing more than contained in the State of the Union message, 1970 is likely to be just as troubled a year as 1969. It could, in fact, be worse: at least, in 1969, there was no recession.

CHANGES IN PRICES OF SELECTED COMMODITIES—1969 COMPARED WITH PRIOR PERIODS

	Relative importance (percent)[1]	Annual rate, percent change[2]					
		1969	1966-68	1968	1967	1966	1961-65
Selected petroleum products:							
Gasoline	2.772	3.5	−0.6	−0.9	−3.6	2.8	−0.9
Crude	.843	4.8	1.0	.7	.9	1.2	−.1
Middle distillate	1.053	3.7	2.0	−1.3	5.9	1.6	.4
Sulfur products:							
Sulfur	.014	−33.3	18.1	7.7	39.3	9.8	1.6
Sulfuric acid	.085	0	9.9	3.7	21.0	6.0	1.7
Tires and tubes	1.221	2.2	3.0	1.7	4.2	3.1	−.2
Paperboard	.669	5.0	−1.8	−2.8	−3.3	.7	−.1
Glass containers	.375	5.3	3.3	9.1	0	1.1	.6
Cigarettes	.890	6.6	3.6	1.6	5.0	4.2	.8
Newsprint, standard	.426	3.3	2.2	0	2.1	4.6	−.3
Photographic supplies	.346	3.4	2.2	2.0	5.1	−.5	.8
Passenger cars	5.818	1.9	1.2	1.2	1.9	.3	−.7
Tin cans	.301	2.7	2.3	3.0	4.1	0	2.3
Laundry equipment	.242	1.2	1.7	2.4	2.8	−0.1	−1.3
Selected steel products:							
Finished	4.247	6.8	1.6	2.2	1.3	1.3	.4
Semifinished	.272	5.7	1.4	.3	2.9	1.0	.3
Selected nonferrous metals:							
Aluminum ingot	.143	8.7	1.7	3.0	2.0	0	−1.2
Aluminum ingot, alloyed	.058	7.2	2.5	4.6	1.9	1.0	....
Aluminum shapes	.660	6.7	1.2	2.4	1.1	.2	−2.5
Copper wirebar	.386	24.3	5.3	10.2	5.9	0	3.7
Copper and brass shapes	.743	27.9	4.1	−4.2	5.7	11.5	3.6
Wire and cable	.809	22.2	1.7	−3.8	2.3	7.0	−3.5
Listed items	22.463	6.0	1.7	1.0	1.9	2.1	.1
All other (nonlisted industrials)	77.537	3.5	2.3	2.9	1.9	2.3	.5
All industrials	100.0	4.0	2.2	2.5	1.9	2.2	.4

[1] Fraction of industrial whoesale price index in December 1968 accounted for by commodity.

[2] Year figure represents change during year—e.g., 1969 is period from December 1968 to December 1969. 1966–68 is thus December 1965 to December 1968.

Note: Extra inflation?—The above table, compiled by Dr. Arthur M. Okun, shows components of the wholesale price index he believes responded to the administration pressure from 1966 to 1969. He concludes that somewhere between ½ and 1 percent of extra inflation in the wholesale index can be attributed to President Nixon's announced intention not to attempt to influence price and wage actions.

LIMITATION OF STRATEGIC ARMS

Mr. BYRD of West Virginia. Mr. President, the Senator from Alaska (Mr. GRAVEL) is necessarily absent from the Senate today. I ask unanimous consent that a statement which he had planned to make, along with an article published in the Scientific American magazine, be printed at this point in the RECORD.

There being no objection, the statement and insertion were ordered to be printed in the RECORD, as follows:

STATEMENT BY SENATOR GRAVEL

The January, 1970, issue of Scientific American contains a closely-reasoned and challenging article by two of the leading U.S. authorities in the field of arms control and disarmament, Professor G. W. Rathjens of Massachusetts Institute of Technology and Professor G. B. Kistiakowsky of Harvard University. Their article, entitled "The Limitation of Strategic Arms," provides one of the best arguments I have seen for giving first priority in the forthcoming SALT talks with the Soviet Union to a ban on MIRV testing and deployment and a freeze on further ABM development.

I made a similar plea in my speech in the Senate on January 20, entitled "SALT—The Case for An In-Place Halt." I share the view that only through a comprehensive initial agreement to freeze the strategic balance between the United States and the Soviet Union at the current level of rough parity can we begin to halt the expensive, dangerous, and futile arms race in which we are now engaged.

In my speech I did not stress the budgetary impact of such an agreement, although it would be immense. The Scientific American article presents what I believe are realistic projections for the next decade, which show that the annual savings in our strategic-forces budget of a halt in MIRV and ABM development would be roughly $1 billion in fiscal 1971, from $6–10 billion by fiscal 1975, and as much as $11–15 billion or more by fiscal 1979. All these figures are stated in constant-value 1969 dollars.

I scarcely need to overemphasize the tremendous opportunities for progress in such fields as education, urban development, and enhancement of our environment that such a redirection of resources could mean.

[From Scientific American magazine, January 1970]

THE LIMITATION OF STRATEGIC ARMS

(By G. W. Rathjens and G. B. Kistiakowsky)

The preliminary phase of the strategic-arms-limitation talks ("SALT") between the U.S. and the U.S.S.R. was conducted in a convivial atmosphere and with a refreshing lack of familiar rhetoric. The road ahead for the negotiations nonetheless remains a steep and slippery one. The fact that the talks were delayed for as long as they were by both sides is not an encouraging sign. The initial unwillingness of the Russian leadership to negotiate because of the American involvement in Vietnam and the subsequent unwillingness of the American leadership to negotiate because of the Russian intervention in Czechoslovakia both reflect a failure to perceive the extraordinary and possibly fleeting nature of the opportunity presented at this particular juncture in the arms race and a failure to recognize that the strategic-arms confrontation can and should be largely decoupled from other sources of conflict between the two superpowers. More recent delays, first by the U.S. and then by the U.S.S.R. reinforce the view that on both sides there has been a fundamental failure in the ordering of priorities—a failure to recognize that the dangers to national security associated with arms-control agreements can be far less than those inherent in the ongoing arms race.

As the substantive phase of the arms talks is about to begin, it is still not obvious that policy-making circles of the two superpowers have consonant views about such basic questions as what objectives strategic forces serve, what relative roles offensive and defensive strategic forces play and what the desired effects of limitations on such forces are. If it should develop that there is no agreement on these points, it may not be possible to negotiate any meaningful limitation on strategic forces.

This article is written in the hope that by stimulating discussion of these questions the differences between the two powers may become more clearly understood and in time narrowed. Even if the talks fail to produce significant agreement, a better grasp of the issues involved will be in the ultimate interest of everyone.

A number of recent developments make the prospects for successful negotiations seem to be more favorable now than they might have been some years ago. Advances in the strategic reconnaissance capabilities of the superpowers (chiefly in the area of surveillance by artificial satellites) are steadily reducing the need for intrusive inspection to establish the degree of compliance with possible future agreements. Thus the thorny issue of verification may be less of a barrier to agreed arms limitation than it has been in the past. In addition the rapid growth of Russian offensive-missile forces has effectively erased a disparity with the U.S. that existed in the past, thereby making an arms-limitation agreement a more realistic possibiltiy. Finally, there is the growing popular realization—at least in the U.S. and presumably also in the U.S.S.R.—that each side already has an enormous "overkill" capacity with respect to the other, and that further escalation in strategic-force levels would entail tremendous costs and new dangers at a time when both countries are confronted with a host of other pressing demands on their resources.

Although these developments would seem to favor successful negotiations, they are possibly outweighed by developments on the other side of the ledger. The most troublesome items are two emerging technical capabilities: multiple independently targeted reentry vericles (MIRV's) and anti-ballistic-missile (ABM) defenses. It is frequently argued that the development and deployment of either (or particularly both) of these systems by one superpower could lead to a situation in which a decision to attempt a preemptive attack against the other's strategic forces might be considered rational. Indeed, some strategic planners contend that the threat is so great that offsetting actions must be started even before it is clear whether or not the adversary intends to acquire either a MIRV or an ABM capability. It is our belief that such arguments are largely fallacious and are made without real appreciation of the fact that a thermonuclear war between the superpowers, considering the vulnerability of the two societies, is a totally irrational policy choice. No combination of tactics and weapons, offensive and defensive, could provide either power with sufficient assurance that at least a small fraction of its adversary's weapons would not be successfully delivered, thus inflicting in retaliation damage that would be clearly unacceptable.

We are confronted here, however, with a paradox that will haunt the rest of this discussion. Unilateral decisions regarding the development and procurement of strategic-weapons systems, and hence planning for arms-control negotiations, have been and will continue to be greatly influence by a fundamentally simpleminded, although often exceedingly refined, form of military analysis. This approach, sometimes characterized as "worst-case analysis," invariably ascribes to one's adversary not only capabilities that one would not count on for one's own forces but also inputes to him a willingness to take risks that would seem insane if imputed to one's own political leadership. Thus, the U.S. will react to Russian MIRV and ABM programs, and vice versa, whether or not national security demands it. Even if the reaction is totally irrational, it nonetheless becomes as much a part of reality as if the decision were genuinely required to preserve a stable strategic balance. We reluctantly accept the fact that in both the U.S. and the U.S.S.R. policy will be influenced excessively by those military planners and their civilian allies who persist in behaving as if a thermonuclear war could be "won," and in asserting that responsible political leaders on the other side may initiate it on that assumption.

The development of a strategic nuclear capability by lesser powers, particularly China, seems also destined to complicate efforts to curtail the strategic-arms race between the superpowers. Here there are essentially two problems. First, what was said earlier about the unacceptability of nuclear war between the superpowers may be less applicable to conflicts between emerging nuclear powers, because their political leadership will be less knowledgeable about the effects of nuclear warfare and because the nuclear stockpiles involved will, at least initially, not be large enough to ensure the destruction of entire societies Thus, with proliferation, the probability of thermonuclear war is likely to increase, and the superpowers will have a real basis for concern about their becoming involved. Second, a phenomenon not unlike the much discussed action-reaction effects of ABM defenses and MIRV's is likely to come into play. Nuclear proliferation may complicate Russian-American efforts to curtail the strategic-arms race even more than the objective facts warrant, as each superpower overreacts not only to the development of new centers of nuclear power but also to the other's reaction to them.

In fact, the rising threat of nuclear proliferation is already increasing the pressure in the U.S. (and probably in the U.S.S.R.) to develop defenses that might be effective at least for a few years against emergent nuclear powers. The enthusiasts talk about neutralizing completely the effects of such developments; the realists propose measures aimed at reducing the damage that might be inflicted in the unlikely event of a nuclear attack by a smaller power. Unfortunately the capabilities that might prove effective, for instance an ABM system adequate to cope with first-generation Chinese missiles, would probably lead the other superpower to expand or qualitatively improve its strategic forces.

The other major considerations that will have a bearing on the prospects for SALT are domestic. As the failure of American policy in Southeast Asia and its implications become apparent, it seems likely that there will be a sharp reaction in an important segment of American society, with the polarization of attitudes proceeding even further than it has in the past year or two. It will be a difficult time for arms-control negotiations. Indeed, the strategic-arms-limitation talks are likely to be a divisive factor in the same way that the recent debate on the Safeguard ABM system was.

The situation in the U.S.S.R., although less clear, seems no more promising. The controversy between China and the U.S.S.R. might lead one to expect that accommodation and cooperation with the West would be increasingly attractive to the Russian leadership. But that controversy, like the recent Russian difficulties in eastern Europe, is also likely to be a factor in reinforcing the trend toward orthodoxy and conservatism within the U.S.S.R., which is hardly a favorable augury for an arms-control agreement.

Thus for SALT to be successful will require not only that the two governments be sincere in approaching the talks but also that they be prepared to display leadership and steadfastness of purpose in dealing with domestic opposition. On both sides there will have to be a rejection of many of the premises on which military policy has been at least partially based for two decades, for example the importance of "superiority" in strategic strength, the concept of "winning" a thermonuclear war, and the view that one can build meaningful defenses against a thermonuclear attack. The leadership in each nation will be confronted with arguments about the great risks inherent in various kinds of agreement—barely feasible (or at least not provably unfeasible) developments that might be taken advantage of by an adversary. Such arguments will undoubtedly resemble those to which the Kennedy Administration had to respond, when in connection with the nuclear-test-ban treaty it was asserted that the U.S.S.R. might conduct nuclear tests behind the moon or behind the sun to our great disadvantage. If agreement is to be reached, such arguments will have to be judged for what they are: nightmares of people who have focused so narrowly on such problems that they simply lack the perspective for weighing the risks of agreement against the risks implicit in continuing the arms race without any agreed constraints.

In the case of the U.S. the President will have a special problem and a formidable challenge, perhaps the greatest faced by any American leader since President Wilson's effort at the end of World War I to gain acceptance for his views regarding the Treaty of Versailles and the League of Nations. Although most Americans, including probably a majority of those who supported President Nixon in his campaign for the Presidency would support him in his efforts to reach an arms-control agreement, almost certainly the conservative wing of the President's political supporters will counsel him to exercise extreme caution in approaching SALT. In so doing this latter group will give unwarranted weight to the technical and military risks that might be involved in any agreement under consideration. It is equally certain that the military will attempt to influence him with similar arguments, both through its direct channels and through its Congressional allies.

It is inconceivable that any meaningful agreement can be reached if the views of these groups should prevail. They need not, of course. Exercising broader judgment, the President can reject such advice and, as suggested above, draw on very substantial nationwide support for an agreement. Should he choose to do so, he will be in a better position to make his decision politically acceptable than would have been the case for any of his recent predecessors, or for that matter for his opponent in the last election. There is almost certainly a sizable segment of the American body politic that could accept a decision by President Nixon to conclude a very far-reaching agreement as a result of SALT that would not accept a similar position were it offered by, say, a liberal Democratic president.

President Nixon's prospects for such an achievement will be enhanced if the SALT negotiators make substantial progress in the next few months. With momentum established as a result of some limited agreement, and with the prospects of broader agreements before them, both the American and the Russian leadership might well make the judgment that it would be worthwhile

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to expend the political capital that might be required to effect broader agreements. If, on the other hand, the talks bog down in procedural discussions or in defense of obviously non-negotiable positions, the political leadership in both the U.S. and the U.S.S.R. will be in a weakened position in dealing with those who are most skeptical and fearful of an agreement. Thus the importance of early limited agreement in connection with SALT cannot be overestimated.

In what areas might such limited agreement be immediately feasible? In order to answer this question we must first examine some of the technical realities of the present strategic balance. We believe that for the foreseeable future technological considerations will continue to make nuclear offensive forces dominant over nuclear defensive forces. In other words, we assert that, as has been the case since the initial deployment of thermonuclear weapons. It will be easier to destroy a technologically advanced society than to defend one. What can and should be done both in structuring strategic forces in the absence of agreement and in agreeing to limitations is critically dependent on whether or not this judgment is correct. There is some dispute about its correctness in the U.S. For example, some assert that with recent developments in ABM technology it may be possible to offset the effects of an incremental expenditure on offensive capabilities by a similar or even lesser expenditure on defenses. Nonetheless, we share the prevailing view that defense of population, at least against a determined adversary with comparable resources, is essentially hopeless.

To facilitate discussion we shall now define two terms that have come to be applied to strategic forces and to their uses. By "damage limitation" we mean the prevention of damage to industry and population in a nulcear war or the reduction of such damage to below the levels that might be expected without the use of certain damage-limiting measures or systems. Antiaircraft or ABM defenses of cities would be categorized as being damage-limiting systems. The use of civil defense measures such as population shelters or evacuation of threatened cities would be regarded as damage-limiting measures. So would be attempts to limit the adversary's ability to inflict damage by preemptively attacking any component of his offensive strategic 2 forces. By "assured destruction" we mean the destruction with high confidence of the adversary's society. Measures to achieve such destruction, or systems that might be used for the purpose, would be characterized as assured-destruction measures or systems. They include the use of offensive missiles and bombers against civilian targets, as distinguished from strictly military targets.

With these definitions we recast our earlier statement about the relative roles of offensive and defensive strategic weapons to assert: *In the superpower confrontation any attempt to build significant damage-limiting capabilities can be offset by changes in the adversary's assured-destruction capabilities.* To take a specific example, attempt to limit and reduce the damage to American society by deploying ABM defenses (including appropriate civil defense measures) can be offset by qualitative and quantitative improvements in the adversary's offensive capabilities at a cost to him certainly no greater than the cost of the damage-limiting measures taken. What is more, we believe that by and large such responses will occur, in spite of the fact that realistic security considerations do not necessarily require a response. Even a very large-scale and technically sophisticated American ABM system could not be counted on to prevent totally unacceptable destruction in the U.S. by a Russian attack—even by an attack launched in retaliation after the Russian forces had already been preemptively struck. Such an American ABM system would in no way make our strategic forces more useful as political instruments, and hence no Russian response would really be required to preserve the effectiveness of the U.S.S.R.'s assured-destruction forces. Because of fear, conservatism and uncertainty, however, it seems a foregone conclusion that a fully compensating buildup in Russian strength would follow.

There may, of course, be circumstances in which damage-limiting efforts will be effective. Each of the superpowers would temporarily be able to maintain a strategic posture that might greatly limit the damage to it in a conflict with a lesser nuclear power such as China. This will be particularly true if a preemptive, or "counterforce," attack against the lesser power's strategic nuclear forces is not excluded.

Moreover, if a nuclear exchange between the two superpowers should ever occur, parts of the strategic forces in being at that time probably would be used for active defense or in attacks on the strategic forces of the opponent. Thus they would be used in a damage-limiting role. Their effect would not be great, however, simply because the overkill capacity of each superpower's assured-destruction capabilities is so enormous. Both superpowers almost certainly now have the ability to destroy at least half of the adversary's population and three-quarters of his industrial capacity in spite of any damage-limiting measures that might be undertaken by the other. This situation has come about as a result of two factors. A strategic doctrine has developed, at least in the U.S., that has called for the maintenance of a very great assured-destruction capability under all conceivable circumstances. The doctrine has been one that could be easily implemented simply because thermonuclear weapons and strategic delivery systems are cheap in terms of the damage they can inflict on civilian targets.

This tremendous buildup of offensive forces means that the effectiveness of the last weapons used in destroying another society (in fact, the effectiveness of something like the last 90 percent of all weapons used) would be relatively small, since those already expended would have left so little to destroy. The amount of life and property saved by damage-limiting efforts would be dwarfed by the amount destroyed by weapons whose delivery could not be prevented.

We believe this situation will not change significantly in the near future. Any realistic approach to limitations on strategic armaments in the near future must almost certainly be in the context of the maintenance of very great assured-destruction capabilities. Agreements that would embody quite different strategic balances might result if any of several changes were to occur: technological breakthroughs that would lead to the dominance of the defense over the offense, the development of a high degree of trust between the U.S. and the U.S.S.R., the willingness of both nations to accept intrusive inspection, or an increased appreciation that strategic forces designed to inflict much lower damage levels would also serve effectively as a deterrent. We do not see any of these changes as short-term possibilities.

Because the assured-destruction, or damage-inflicting, capabilities of the two superpowers are so large and so varied, the present strategic balance is remarkably insensitive to either qualitative or quantitative changes in strategic forces. Even major changes in force levels, including the neutralization of entire systems (for example all bomber aircraft), would not be likely to have major effects on the damage levels one would expect each of the superpowers to suffer in a nuclear war. Worldwide radioactive fallout might be reduced significantly, but as far as the superpowers are concerned, cross-targeting with other systems would ensure that all major population and industrial centers would continue to be in jeopardy. When considered in the framework of the virtually certain collapse of an entire society, changes of a few percent in fatalities, which is all one might expect with foreseeable changes in strategic-force levels, are not likely to affect political decisions. Although it may have been correct some years ago to characterize the balance of terror as a "delicate" one, it is not so today, nor is it likely to be so in the foreseeable future. It will not be easily upset. Opponents of the Safeguard ABM decision have argued with some effect (although obviously not with complete success) that the U.S. deterrent was most unlikely to be in jeopardy at any time in the near future simply because of its diversity and because of the improbability of the U.S.S.R.'s being able to develop damage-limiting capabilities and tactics that would effectively neutralize all the deterrent's components.

We have argued so far that one general premise on whose acceptances a successful SALT outcome depends is that the offense will continue to dominate the defense for the foreseeable future. A second technical generalization that may be equally important is: *The uncertainty about the effectiveness of damage-limiting capabilities will be considerably greater than about assured-destruction capabilities.* This statement can be supported by a number of arguments. First, the characteristics of the target against which assured-destruction capabilities would be used (population and industry) will be known with some precision and will change only slowly with time. On the other hand, the characteristics of the systems (and the environment) against which damage-limiting capabilities must operate (adversary's warheads, delivery vehicles and launch facilities) will be generally less well known and more susceptible to rapid variation, both in quality and in number, at the option of the adversary. Second, some of the damage-limiting systems (such as ABM defenses, antiaircraft defenses and under some circumstances antisubmarine warfare, or ASW, systems) must function at the time chosen by the adversary for his offensive, whereas for assured destruction there is a much bigger "time window" during which performance will be acceptable. The effectiveness of submarine-launched missiles in destroying cities will not depend much on the instant of launch. Third, damage limitation generally will involve the use of more intimately completed systems (for example the radars, computers and missiles of an ABM system), inviting the possibility of "catastrophic" technical failures. All these factors tend to make the advance estimates of the effectiveness of assured destruction systems far more reliable than estimates of damage-limiting systems.

The inherent uncertainty in effectiveness that characterizes the performance of damage-limiting systems has been of profound importance in the Russian-American strategic-arms race. Each side has reacted to the development, or even the possible development, by the other of damage-limiting capabilities by greatly strengthening its offensive forces—to the point of overreaction because of the conservative assumption that the adversary's damage-limiting forces will be far more effective than they are in fact likely to be. For example, the uncertainty about the possible deployment and effectiveness of a large-scale Russian ABM defense has provided the primary rationale for the U.S. decision to introduce MIRV's into both land-based and sea-based missile forces, the net effect being a severalfold increase in the number of warheads these forces will be able to deliver. Barring unforeseeable technical developments, we must expect that the great uncertainty that characterizes the performance of damage-limiting systems will continue, and we must base our approach to SALT on that assumption.

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If one accepts the judgments we have made about the relative effectiveness of defense and offense, about the insensitivity of assured-destruction capability to changes in force levels and about the uncertainty that characterizes damage-limiting efforts, one is led to some possibly useful generalizations about the forthcoming substantive phase of SALT.

First, the level of damage that each of the superpowers can inflict on the other is not likely to be altered significantly in the near future. Measures that might possibly be agreed on could change the level of damage that each side could inflict on the other by at most a few percent. Therefore the problem of the reduction in damage in the event of war should probably be given low priority as a short-term negotiation objective. More realistic objectives of the negotiations could be to lower the level of tension between the superpowers and so reduce the probability of nuclear war.

Second, apart from possible worldwide fallout effects and domestic political considerations, neither side need be much concerned about the possibility of modest, or even substantial, expansions in the strategic offensive forces of the other side, nor about precise limitations on those forces, as long as the other side does not have a damage-limiting capability. Because of the large overkill capacities discussed above, even large increases in strategic forces will have little military effect.

Third, measures to constrain the introduction or improvement of damage-limiting systems, particularly those whose performance is expected to be highly uncertain, merit high priority. The introduction or improvement of damage-limiting capabilities by either side is likely to result, as we have noted, in an excessive reaction by the other. Because of the insensitivity of the strategic balance to modest changes in force levels, a move toward the development of a narrowly circumscribed damage-limiting capability by one side could in principle be tolerated without undue concern by the other. Such a move might be perceived, however, as an indicator of the adversary's intent to develop an across-the-board damage-limiting capability. (Witness Secretary of Defense Laird's public reaction to a possible Soviet SS–9 MIRV capability.) This, coupled with the fact that a development of damage-limiting capabilities can be offset rather quickly and cheaply, virtually ensures a reaction. The overall effect of such an action-reaction cycle on the ability of each side to inflict damage on the other is likely to be small, but the expenditures of both sides on strategic armaments are likely to be much increased, as will be the tensions between them.

Fourth, owing to the large uncertainty that characterizes the effectiveness of damage-limiting systems and tactics, the two superpowers will face a very troublesome dilemma if, on the one hand, they try to develop effective damage-limiting capabilities with respect to emerging nuclear powers and, on the other, they attempt to limit the strategic-arms race between themselves. With a few exceptions, such as a deployment of Russian intermediate-range ballistic missiles (IRBM's) in Siberia, the measures that could have long-term effectiveness against a third country's nuclear strength would appear to the other superpower to foreshadow an erosion in its own assured-destruction, or deterrent, capability. This creates an authentic problem of conflicting desires. We would hope that in efforts to deal with this problem the usefulness of damage-limiting capabilities with respect to the lesser nuclear powers would not be overrated. Although such damage-limiting capabilities probably would be effective in reducing damage in the event that a lesser power attempted a nuclear attack against one of the superpowers, we question whether either superpower would ever be willing to take action against a lesser power on the assumption that damage-limiting efforts would be 100 percent effective, that is, on the assumption that "damage denial" with respect to a lesser power could be achieved. Considering one's inability to have high confidence in the effectiveness of damage-limiting measures, and considering the effects of even a single thermonuclear weapon on a large American or Russian city, we doubt that efforts to develop damage-limiting capabilities with respect to the smaller powers would materially increase the options the superpowers would have available for dealing with these powers.

With this background in mind one would be in a good position to evaluate the relative desirability of limiting various strategic systems if each were unambiguously useful only for damage limitation or assured destruction. Unfortunately many existing or prospective strategic systems may play several roles, a factor that greatly complicates the problem.

Of all the ambiguous developments now under way none is more troublesome than MIRV. The development of a MIRV capability may facilitate the maintenance of an assured-destruction capability by providing high assurance that ABM defenses of industry and population can be penetrated. Given sufficient accuracy, reliability and yield, however, MIRV's may also make it possible for a small number of missiles to destroy a larger number of fixed offensive facilities, even if they are "hardened" against the effects of nuclear weapons.

Although the effectiveness of a given missile force in a damage-limiting preemptive attack against an adversary's intercontinental ballistic missile (ICBM) force might be much increased through the use of such MIRV's, is does not necessarily follow that the deployment of the MIRV's would make such a strike more likely. As we have noted in the context of a confrontation between superpowers such an attack would surely be irrational, no matter how severe the crisis, simply because no responsible political leader could ever have high confidence in the effectiveness of the attack and in the effectiveness of the other damage-limiting measures that would be required to keep the damage from a retaliatory response down to acceptable levels. Although MIRV's are not likely to have much actual effect on the willingness or ability of nations to use strategic nuclear forces to attain political objectives, we must accept the fact that arms policies will, to a substantial degree, be based on the assumption that they might be so used.

Beyond that, there is the problem of the impact of MIRV's on events if a crisis should ever escalate to the point where limited numbers of nuclear weapons will have been employed by the superpowers against each other. At some point in the process of escalation it is likely that one or both powers would initiate counterforce attacks against the other's remaining offensive forces. Such an attack would probably come earlier if one or both sides had counterforce-effective MIRV's than if neither did.

Because of what we regard as unwarranted, but nevertheless real, concern about MIRV's being used in a preemptive counterforce attack, and because of more legitimate concern that once a thermonuclear exchange has begun MIRV's may make further escalation more likely, MIRV development may well have a critical impact on the outcome of SALT, and for that matter on the force levels of the two sides independent of the talks. It is generally, although not universally, accepted that the tests of MIRV's have not yet gone far enough for one to have confidence that their reliability and accuracy would be sufficient to assure their effectiveness in a counterforce role against hardened ICBM's. On the other hand, the MIRV principle is now demonstrated, and the expectation is common that with perhaps the second generation of such systems, if not with the first, MIRV's will be effective as counterforce weapons.

If no constraints are put on the development of MIRV's, it is likely that each superpower will go ahead with such development and (in the case of the U.S. at least) an early deployment program. This will be regarded as particularly urgent if ABM deployment continues, or even if there continues to be evidence of significant research and development that might later lead to ABM deployment. Assuming that MIRV programs do continue, each superpower will perceive in the other's deployment a possible threat to its fixed-base ICBM's and will react to counter that threat. The U.S. has already begun to do so in deciding to go ahead with an active ABM defense of Minuteman sites; the Safeguard program. Acceleration in the U.S.S.R.'s missile-launching submarine program and a possible mobile-ICBM program are plausible reactions to the U.S. MIRV programs.

We anticipate that in the absence of agreements the technological race will go much further. It seems likely that the arguments to "do something" about the vulnerability of fixed ICBM's will increase in tempo and will carry the day in both the U.S. and the U.S.S.R. Superhardening alone will be perceived to be a losing game, considering how easily any moves in that direction could be offset by further improvements in missile accuracy. A defense of the Safeguard type will probably also be judged to be a losing proposition. A very heavy defense with components specifically optimized for the defense of hardened ICBM's might be one response. There is likely to be even further reliance on mobile systems; missile-launching submarines, new strategic bombers and, in the case of the U.S.S.R., probably mobile ICBM's. It is conceivable that fixed ICBM's may be given up altogether, although the arguments we have advanced against the acceptability of attacking them preemptively would still be valid.

It is also likely in the absence of agreements that one or the other of the superpowers will deploy ABM systems that will provide more extensive and effective defense of population and industry than either the present Russian defenses around Moscow or the projected Phase II of Safeguard. Defense against a Chinese missile capability may be the rationale, but it is to be expected that the other superpower will respond to any such deployment both by emulation and by increasing its strategic offensive capabilities.

Whereas the strategic-forces budget of the U.S. now amounts to about $9 billion per year (excluding some rather large items for nuclear warheads, research and development, command and control, communications and intelligence actvities), outlays for strategic systems could well double by the mid-1970's. Continuing large expenditures on strategic systems are probably also to be expected in the U.S.S.R.

As we have stated, there appears to be no basis for expecting SALT to lead to significant reductions in the assured-destruction capabilities of the superpowers. Therefore other objectives must command our attention. The most important objective is of course to reduce the probability that a thermonuclear exchange will ever take place.

The major factors affecting that probability are likely not to be simply technical but to be largely political. They involve the degree of tension that will exist between the superpowers based on international political considerations, on domestic politics in each country and in an important sense on the strategic-arms race itself. We believe that in contrast to some previous eras, when the motivations for continuing arms races were

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largely political and economic conflicts, the strategic-arms race now has a life of its own. For instance, the strategic-weapons programs of the other than on the levels of tension between the two countries. If this race can be attenuated, it would have a number of effects that would result in a diminution of tensions and hence in a reduction in the risk of war. That is perhaps the major reason for the urgency of a serious SALT effort. Keeping budgets for strategic forces at low levels is desirable in its own right in that significant resources, both financial and intellectual, will be freed for more constructive purposes. More important, in the U.S. lower military budgets will diminish the role of what President Eisenhower termed the military-industrial complex: those who have a propensity for, and in some cases obviously a vested interest in, the acquisition of more armaments and in exciting and maintaining an often unwarranted attitude of alarm and suspicion regarding an adversary's intentions. Lower military budgets in the U.S.S.R. would almost certainly have a similar desirable effect.

A poorly designed agreement could of course prove to be a vehicle for increasing suspicion and tension. Venturing into the realm of unprovable value judgments, however, we assert that it is not beyond the wit of man to design agreements that would result in there being less objective cause for concern than if the strategic-arms race continues unabated. In general, it would seem that any understanding that slowed the rate of development and change of strategic systems would have an effect in the right direction.

Beyond affecting the probability of a nuclear exchange's beginning, one would like to see strategic forces structured so that there would be at least some possibility that, if an exchange started, it would not have to run its course. A necessary but of course not sufficient condition for this is that there be no particular advantage to be gained from precipitate launch of more nuclear weapons after a few have been dispatched. By this criterion vulnerable ICBM's would seem to be the quintessence of undesirability. If both sides have them, each will recognize that if they are withheld, they may be destroyed.

Whether or not MIRV development and deployment will be controlled may not be a question for the SALT negotiators to consider, because of the inability of one side or the other to decide in a timely fashion the position it wishes to take on the issue. The rate of MIRV development is so rapid that the question may thus be settled before the substantive phase of the talks is well advanced. If such development is still in doubt, however, either because the talks get to such substantive issues very quickly or because of a moratorium on MIRV testing, MIRV limitation should be an issue of the highest priority.

The arguments for preventing deployment of MIRV's advanced enough to be effective counterforce weapons are persuasive. They have been made at great length elsewhere (for example in public hearings before committees of the Senate and the House of Representatives). We simply summarize here by pointing out that if MIRV deployment is prevented, it may be possible to freeze the strategic balance at something approximating its present level. Most of the incentive to defend hardened ICBM's or to replace them with mobile systems will have been reduced, if not eliminated.

The arguments for continuing MIRV testing and then deployment because MIRV's may someday be required to penetrate an adversary's ABM defenses are not convincing. There is little doubt that currently designed U.S. MIRV's could be deployed on a time scale short compared with that required for deployment of any significant Russian ABM defenses. Accordingly there is no need for any MIRV deployment pending firm evidence that the U.S.S.R. is beginning the construction of such defenses. And there is no need for further research and development tests unless a counterforce capability is intended. For similar reasons the U.S.S.R. should also abstain from further multiple-warhead tests and deployment, which it can do at no great risk to its security.

Essential to the survival of an agreement not to test MIRV's would be a prohibition of large-scale ABM deployment. If ABM systems were deployed, the pressures to deploy MIRV's and to test them frequently in order to maintain confidence in their reliability would be overwhelming. Furthermore, there would undoubtedly be great domestic pressures to develop and test more sophisticated penetration aids. Under such circumstances neither side could have any confidence that the other was not developing counterforce-effective MIRV's. An ABM freeze would be a logically required companion measure to any agreement prohibiting MIRV's.

Assuming that ABM deployment and MIRV testing are both frozen, the other important component of a strategic-arms-limitation agreement would be an understanding to maintain something like parity in ICBM-force levels by freezing these levels or preferably reducing them, and if necessary permitting replacement of fixed-base ICBM's by mobile systems whose levels could be verified by unilateral means. In the absence of such a measure there would be the possibility of one side's gaining such a superiority in missile strength that, with improved accuracies and even without MIRV's, would enable it to knock out a large fraction of its adversary's forces by delivering a counterforce attack against them. The reasons for concern about such a possibility have been identified above: the probability of arms-race escalation and the reduction in whatever small chance there may be of a nuclear exchange's being terminated short of running its suicidal course.

If the development of MIRV's that are perceived by the adversary to have counterforce capability cannot be prevented (and we are pessimatic about preventing it), the relative importance of some of the measures discussed above will be changed materially. A prohibition on large-scale ABM deployment would still be desirable, but it would be less important; it would not in this case prevent the MIRV genie from escaping the bottle. Moreover, continuing development and deployment of MIRV's would make a large-scale ABM defense unattractive simply on cost-effectiveness grounds.

A provision permitting the replacement of fixed ICBM's by mobile systems would seem virtually unavoidable because of concern about the vulnerability of the ICBM's to counterforce attack. Indeed, in the interest of stabilizing arms at low levels, and to minimize concern about damage-limiting strikes, agreements could probably include measures that would enhance the viability of mobile systems. An area of agreement that would seem to merit most serious consideration would be prohibition on certain improvements in antisubmarine-warfare capabilities. Actually the possibility breakthroughs in antisubmarine warfare is extremely remote. It is probable that through noise reduction, extension of missile range and other techniques the gap between ASW capability and the capability of the missile-launching submarine to escape detection and destruction will widen rather than narrow. Yet it seems likely from recent debate in the U.S. that the present American leadership, and presumably the leadership of the U.S.S.R. as well, would be reluctant to rely solely on a missile-launching submarine force for deterrence, given the possibilty of further ASW development by its adversary. Constraints on ASW such as a limitation on the number of hunter-killer submarines would increase the acceptability to both sides of relying more heavily on missile-launching submarines for deterrence.

Similar arguments might be made for limitations on or curtailment of air defense. Such moves would seem less realistic on three counts. First, compliance with limitations on air-defense capabilities could probably not be verified with unilateral procedures as well as could limitations on ASW systems, or for that matter on ABM systems. Intelligence on short-range antiaircraft systems is likely to be poorer than on hunter-killer submarines, specialized ASW aircraft or large-sized components of ABM systems. Second, the overlap between tactical and strategic antiaircraft capabilities is considerable, and neither superpower is likely to be willing to greatly reduce tactical antiaircraft capabilities in the context of SALT. ASW capabilities (except for destroyers) would, on the other hand, have little role other than attack against an adversary's missile-launching submarines. This is far truer now than it was a few years ago because the realization is more widespread that a major war involving large antishipping campaigns is extremely unlikely. Third, neither the U.S. nor the U.S.S.R. is likely to have enough confidence in bombers to rely much on them in a missile age even if air defenses are constrained, whereas both superpowers obviously are prepared to rely heavily on submarine-launched missiles.

Finally, if counterforce-effective MIRV's were a reality, and if as a consequence both sides were to place reliance very largely on mobile systems, additional offensive weapons on one side could not be used effectively to limit the other side's ability to retaliate. Considering this fact and the fact that since strategic-force levels are already at least an order of magnitude larger than is rationally required for deterrence, there would be little incentive for either side to acquire additional offensive capabilities. Also in this situation it would hardly matter if either side were to introduce new assured-destruction systems such as, for example, small mobile ICBM's that could not be easily counted.

Even this incomplete discussion shows that the strategic balance between the superpowers is likely to be very different depending on whether or not MIRV development and ABM deployment are allowed to continue. Both possibilities will have a serious impact on future strategic postures, but with respect to ABM deployment nothing much is going to happen overnight. Dealing with the issue of MIRV development, although perhaps no more important, is far more urgent. That is why it is the watershed issue for SALT. If counterforce-effective MIRV's (and large-scale ABM deployment) can be stopped, the present strategic balance of force levels may endure for some time. If such MIRV's are deployed, the balance will unavoidably change in qualitative ways. How large an escalation in the arms race will result will depend on whether agreement to constrain or cut back other strategic systems could still be negotiated.

We have attempted here to present an objective analysis of the prospects for various agreements to limit strategic armaments. In so doing we are aware that many of our readers will be dismayed that our discussion has been in the context of each superpower's preserving the capability of destroying the other. This has been so not because we ourselves favor the continuing retention of huge stocks of thermonuclear weapons but because we have tried to be realistic. The distrust that exists between the U.S. and the U.S.S.R. will induce both to preserve the capability of destroying the other; such a capability, as we have noted, is unfortunately easier to attain than an effective defense of one's own society, whether or not there are agreements on strategic armaments. Both superpowers will

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preserve this capability because they see it as the only effective deterrent to the war that neither wants or could win.

The most that can reasonably be expected of the forthcoming talks is a move toward a strategic balance where (1) uncertainties about the adversary are reduced and with them some of the tensions; (2) each side can inflict a level of damage on the other sufficient to destroy its society but neither feels a need to maintain a great overkill capability as a hedge against possible damage-limiting efforts by the other; (3) there will be an improved chance that a thermonuclear exchange, should one begin, would be terminated short of running its course, and (4) the levels of expenditure on strategic armaments are lower, so that larger fractions of the resources available to each society can be used for more constructive endeavors.

We believe that the realization of these objectives would be a tremendous accomplishment and one that is possible without the solution of the deep-seated political problems of the Russian-American confrontation. To go further will require dealing with those problems. We do not believe, however, that the superpowers can afford to delay attacking the strategic-arms race while trying to solve political differences. Regrettably the situation with respect to technical developments (MIRV's, ABM defenses and nuclear proliferation), and quite possibly with respect to domestic politics as well, will probably make strategic-arms-limitation negotiations less likely to be successful several years hence than now. Time is of the essence, and we write with a feeling of urgency. Although our tone is pessimistic, we do not despair. We are convinced that latent public support for an agreement could be exploited by effective political leadership on both sides to reverse the trends we have lived with for two decades.

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CONTROLLED DANGEROUS SUBSTANCES ACT OF 1969

The Senate resumed the consideration of the bill (S. 3246) to protect the public health and safety by amending the narcotic, depressant simulant, and hallucinogenic drug laws, and for other purposes.

Mr. ERVIN. Mr. President, I rise to support the amendment offered by the distinguished Senator from Indiana (Mr. BAYH), the distinguished Senator from North Dakota (Mr. BURDICK), the distinguished Senator from Kentucky (Mr. COOK), the distinguished Senator from Mississippi (Mr. EASTLAND), the distinguished Senator from Hawaii (Mr. FONG), the distinguished Senator from Michigan (Mr. HART), the distinguished Senator from Massachusetts (Mr. KENNEDY), the distinguished Senator from Maryland (Mr. MATHIAS), and myself to strike from the bill a provision which is totally inconsistent with a free society and which would be, if enacted into law, giant step in the conversion of our free society into a police state.

This provision is subsection b of section 702 of the pending bill. It appears on pages 72 and 73 and reads as follows:

> Any officer authorized to execute a search warrant relating to offenses involving controlled dangerous substances the penalty for which is imprisonment for more than one year may, without notice of his authority and purpose, break open an outer or inner door or window of a building, or any part of the building, or anything therein, if the judge or United States Magistrate issuing the warrant is satisfied that there is probable cause to believe that if such notice were to be given the property sought in the case may be easily and quickly destroyed or disposed of, or that danger to the life or limb of the officer or another may result, and has included in the warrant a direction that the officer executing it shall not be required to give such notice: *Provided*, That any officer acting under such warrant, shall, as soon as practicable after entering the premises, identify himself and give the reasons and authority for his entrance upon the premises.

Mr. President, when we pray the Lord's Prayer, we make this petition to the Almighty, "Lead us not into temptation." I think that this petition impliedly commands us not to lead others into temptation. And yet we have a Senate bill that will lead the law enforcement officers who are engaged in the enforcement of narcotics law, marihuana laws, and other dangerous substance laws to make false affidavits in order to obtain search warrants which would enable them to enter the private homes of American citizens like thieves in the night without notice and without warning.

If it were not such a tragic proposal, it would indeed be comical, because it says among other things that the officer is to be authorized to conceal from the occupants of the house his presence there, his purpose there, and the fact that he has a search warrant at all.

How in heaven's name can any officer make an affidavit which would justify a U.S. magistrate issuing a no-knock warrant that he is satisfied there is probable cause to proceed and if notice is given that danger to the life or limb of the officer or another may result?

Is that not an absurdity, that an officer while miles away with the magistrate can obtain a warrant because his life is in danger, when the occupant in the house does not even know he is there, does not even know he has a search warrant, and does not even know he is about to enter the house.

That is an absurdity.

There is another provision in section 702(b) that allows entry without notice if the magistrate is satisfied that there is probable cause to believe that if notice is given, the property they are seeking may be easily and quickly destroyed.

In heaven's name, why would a man having in his house some property, some narcotics, or some marihuana cigarettes undertake to destroy that property if he does not know an officer is coming there to search his premises?

The more I read this provision, the more I become convinced that archibald the cockroach about whom Don Marquis wrote, sized up people correctly.

This cockroach lived in an inhabited house, and when the occupants of the house retired for the night, he would go into the study and write out his observations on people by getting on top of the typewriter and diving on the keys.

On one occasion, he wrote the following:

> Man is past comprehending. The head of this house came home this afternoon. He had seen a ravenous wolf seize a little lamb. He killed the wolf, and carried the little lamb tenderly home in his bosom. When he arrived home, he slew the little lamb and cooked it and ate it. Having had a good supper, he sat down to meditate on the universe. And he got to thinking about the cruelty of wolves and lambs, and he got to weeping.

We have here a provision saying that the owners of a house would have no knowledge of the presence of the officer, and yet, the officer who is miles away at the time can secure a warrant to break in without notice if he swears to a magistrate that he is afraid that if he, the officer whose presence will be concealed, knocks, the occupant will destroy the evidence. That is about on a par with what archibald the cockroach wrote on the occasion I mentioned.

One of the strangest things is why the representatives of a free society are always trying to convert that free society by legislation into a police state. That is precisely what is being attempted on this occasion. My associates and I are attempting to save one of the basic freedoms of the American people, the right not to be disturbed in their homes by an unreasonable search and an unreasonable seizure.

One of the latest books on constitutional law is entitled "Commentary on the Constitution of the United States," written by Bernard Schwartz. He has something to say with respect to this right in volume I, dealing with the sanctity and privacy of the person. I read from page 179:

> At the very core of the Fourth Amendment, the highest Court tells us, "stands the right of a man to retreat into his own home and there be free from unreasonable governmental intrusion." [illegible]
>
> The Constitution, in thus safeguarding the sanctity of the home from unlawful governmental intrusion, ensures to the person a privileged sanctuary within which he can live his own life, sheltered from public supervision and scrutiny—a place where he can enjoy what William Faulkner has called that "last vestige of privacy without which man cannot be an individual." [70] So long as such oaises of privacy exist, there is still room for exercise of that individuality that distinguishes not only our species, but each of us from the other.[71] "A man can still control a small part of his environment, his house; he can retreat thence from outsiders, secure in the knowledge that they cannot get at him without disobeying the Constitution.

This right of privacy goes back a long way in our law. We are told that it is necessary for us to emasculate this right of privacy and that it is necessary for us to thwart the purpose of the fourth amendment because narcotics and marihuana are easily destroyed.

I have always found that my heart is attuned to the eloquence of one of the greatest statesmen of England, William Pitt. I think of what he had to say when I hear the argument that it is necessary for us to pervert and prostitute the right of a man to occupy his home as his castle in order to enforce laws against the marihuana or dangerous substances or narcotics.

In a speech in the House of Commons on November 18, 1783, William Pitt had this to say in respect to an argument that something of this kind should be done because it was necessary. Here is what he said:

> Necessity is the plea for every infringement of human liberty. It is the argument of tyrants. It is the creed of slaves.

One of the dangerous things about a proposal of this nature arise out of the fact that it is made by sincere men. It is proposed by men who want to enforce the law, and they get so zealous in their efforts to enforce the law that they would emulate the example set by Samson in his blindness and destroy the pillars upon which the temple of justice itself rests.

This right for which I fight and for which my cosponsors fight in proposing this amendment goes back a long way. I wish to make some references to a decision of the Supreme Court in *Miller* v. *United States*, reported in 357 U.S. 301. While this was not a search case, it was an arrest case and it discusses the law on this subject after setting forth that both the Government and the petitioner agreed that the validity of the entry to execute the arrest warrant must be tested by criteria identical with those embodied in 18 U.S. Code 3109, which deals with entry and executing a search warrant.

I shall read the statute because it is the statute which has governed the manner in which search warrants are to be executed in all cases since virtually the creation of our Republic. It states:

> The officer may break open any outer or inner door or window of a house, or any part of a house, or anything therein, to execute a search warrant, if, after notice of his authority and purpose, he is refused admittance or when necessary to liberate himself or a person aiding him in the execution of the warrant.

This bill would make an exception to that rule for marihuana cases, narcotic cases, and dangerous substance cases. It would dispense, under certain circumstances, with the requirement that the officer give notice of his presence, and of his authority, and of his purpose.

One of the latest books on the subject of constitutional law is entitled "The American Constitution," written by Professor C. Herman Pritchett, of the University of Chicago. The book lays down this fundamental rule on page 106:

> Whether armed with a warrant or not, officers cannot break down the door to effect a lawful arrest and the seizure of incriminating evidence unless they are refused admission after giving clear notice of their authority and purpose.

As I stated Saturday, subsection (b) of section 702 of this bill, in its ultimate analysis, undertakes to make it lawful for law enforcement officers in these particular cases to enter the private homes of American citizens in exactly the same way in which burglars enter those homes.

If we are to have law enforcement in this country, we must have respect for our laws and we must have respect for the manner in which those charged with enforcing those laws act. It would do nothing to promote the cause of law enforcement in the narcotics field or the marihuana field or the field of dangerous substances for the Congress of the United States to authorize law enforcement officers to emulate and follow the example set by burglars who break into people's houses without notice and without informing them of their purpose.

Under 702(b), a search warrant would have to set out the grounds for the belief that the marihuana or the narcotics or the dangerous substances may be destroyed if they knock on the door and let the occupant of the building ascertain their presence and their purpose. Those warrants are obtained from U.S. magistrates, and the Constitution itself requires that they be supported by an oath or affirmation showing probable cause for their necessity.

As the fourth amendment declares,

> The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no warrants shall issue, but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

Under that provision, it is necessary for somebody to make an affirmation, setting out facts that show probable cause to believe that if the officer knocks and announces to the occupants of the house his presence, his purpose, and his authority, the narcotics or marihuana or other dangerous substances might be destroyed.

The officer gets that search warrant from a U.S. magistrate who is, in many cases, long distances from the house to be searched. How in heaven's name can an officer who goes to a U.S. magistrate 1 mile, 10 miles, or 50 miles from the location of the house to be searched know that, after he gets the search warrant and goes to that house, if he knocks and informs the occupants of the house of his presence and his purpose and his authority, that the occupants of the house will destroy the material designated in the act?

That requires an officer to have a prophetic power. It tempts him to make a false affidavit. Law enforcement officers are fallible men. If the Department of Justice in this case yields to the temptation that we destroy one of the landmarks of the law which makes us a free society instead of a police state, then we can reasonably assume that some officers of the law will yield to the temptation to make an affidavit setting forth facts which they could not possibly know to be true unless they have power surpassing that of the prophets of old.

Another thing: This would leave in existence a statute, section 3109 of title 18, governing this matter of announcement in all areas of our national life with respect to every officer wishing to make a search of a house, except those who could get, form an obliging U.S. commissioner, a warrant to search for marihuana or narcotics or dangerous substances. If he has that kind of warrant, he does not have to honor the purpose for which the fourth amendment was actually written—that is, the right to protect the people against unreasonable searches and seizures. He may be looking for something, or may be just running a dragnet, but he can get a warrant under this proposed statute by making an affidavit in which he engages in a prophecy. Regardless of what he is searching for, he can go there and conceal the fact that he has a warrant, conceal his person, conceal his authority, and break into a man's house.

Mr. STEVENS. Mr. President, will the Senator yield?

Mr. ERVIN. I yield.

Mr. STEVENS. As a former U.S. attorney, I want to commend the Senator from North Carolina for the amendment he has offered and for the explanation he has placed in the RECORD in support of the position which his amendment recommends.

It seems to me the provision the Senator has pointed out is a most pernicious attempt to do away with some of the most basic individual rights that Americans have, in a rush to try to stop the flood of narcotics. My State has a flood of narcotics right now. But I am sure we would rue the day we did this. I know the people of Alaska, as well as the rest of the American people, would realize that to emasculate the Constitution in order to attempt to meet the narcotics problem would be wrong.

In my humble opinion as a lawyer, the section is unconstitutional, anyway, but I appreciate the opportunity to join the Senator in voting for the amendment, and I want to commend him for proposing the ending amendment.

Mr. ERVIN. I thank the Senator for his observations, which are exceedingly wise. Of course, the argument for this provision is made that without it some people will go unwhipped of justice for violating the marihuana or narcotics or dangerous substances laws; but Mr. Justice Jackson answered that argument, it seems to me in a superb manner, when he said:

> We meet in this case, as in many, the appeal to necessity. It is said that if such arrests and searches cannot be made, law enforcement will be more difficult and uncertain. But the forefathers, after consulting the lessons of history, designed our Constitution to place obstacles in the way of a too permeating police surveillance which they seemed to think was a greater danger to a free people than the escape of some criminals from punishment.

The right which this amendment seeks to preserve and protect is of great antiquity.

In the Miller case, to which I referred earlier, Justice Brennan had this to say, and I quote from page 1337:

> From earliest days, the common law drastically limited the authority of law officers to break the door of a house *[357 US 307] *to effect an arrest. Such action invades the precious interest of privacy summed up in the ancient adage that a man's house is his castle. As early as the 13th Year-book of Edward IV (1461–1483), at folio 9, there is a recorded holding that it was unlawful for the sheriff to break the doors of a man's house to arrest him in a civil suit in debt or trespass, for the arrest was then only for the private interest of a party. Remarks attributed to William Pitt, Earl of Chatham, on the occasion of debate in Parliament on the searches incident to the enforcement of an excise on cider, eloquently expressed the principle:
>
> "The poorest man may in his cottage bid defiance to all the forces of the crown. It may be frail; its roof may shake; the wind may blow through it; the storm may enter; the rain may enter; but the King of England cannot enter—all his force dares not cross the threshold of the ruined tenement!"

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Yet this bill proposes to authorize an officer of the law to cross the threshold of any home in the United States, if he is willing to make an affidavit that, by reason of his prophetic power, he can foresee that if he knocks at the door and acquaints the occupants of the house with his presence, purpose, and authority, they may dispose of some kind of a narcotic substance, some marihuana substance, or some other dangerous substance.

Justice Brennan discussed further the circumstances governing the breaking of doors. He says:

> Whatever the circumstances under which breaking a door to arrest for felony might be lawful however, the breaking was unlawful where the officer failed first to state his authority and purpose for demanding admission. The requirement was pronounced in 1603 in Semayne's Case, 5 Coke 91, 11 ERC 629, 77 Eng Reprint 194: "In all cases where the King is party, the sheriff (if the doors be not open) may break the party's house, either to arrest him, or to do other execution of the K[ing]'s process, if otherwise he can not enter. *But before he breaks it, he ought to signify the cause of his coming, and to make request to open doors . . .*" (Emphasis supplied.)

With all due respect to everyone concerned, I would say that it is astounding to have the Department of Justice, in a country which is supposed to be a free society, advocate, in the Year of our Lord 1967, that a rule which had reached full fruition in England as early as 1603 ought to be nullified, and that a man's home should no longer be regarded his his castle.

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I now direct the attention of the Senate to the opinion of Justice Brennan in the case of Ker against the State of California, reported in 374 U.S. at page 23, which is the fullest discussion of this subject.

This was a case in which the court split 4 to 1 to 4, and there is really no great discrepancy in what they had to say about the law, but the interpretation placed upon the facts by Justice Clark, in the opinion in which four of the Justices concurred, caused those four to invoke rules of law which had no application to the facts existing.

Justice Clark took the position that the search in this case was made by California officers pursuant to a lawful arrest, which I submit the facts are far from showing. He intimates that the occupants of the house were expecting officers, which was an absurdity, because the facts show that the husband was reading his newspaper, and that they had left some marihuana in plain view, and were not attempting to destroy it or anything else.

Mr. Justice Brennan points out that there are only three exceptions to the rule that an officer, in executing a search warrant, must give notice of his presence, his purpose, and his authority. All of the judges, or at least eight of them, recognized that the due process clause of the 14th amendment has made the fourth amendment applicable to the States. Justice Harlan disagreed with that view, because he does not entertain the incorporation doctrine. He said they would be governed only by the due process clause of the 14th amendment.

Mr. DODD. Mr. President, will the Senator yield?

Mr. ERVIN. I yield.

Mr. DODD. I hesitate to interrupt the distinguished Senator, but I think we can both agree that the Ker case says that the no-knock situation which was involved in that case was constitutional. I understand the Senator is arguing the facts, but the decision of the Supreme Court was that that was a constitutional entrance.

Mr. ERVIN. Oh, yes, but they were to reach a majority decision to this effect only because Justice Harlan said that the fourth amendment did not apply to the States. Now, Justice Brennan said that, as applied to that case, the entrance was unconstitutional and was a violation of the fourth amendment. He says this——

Mr. DODD. Was that the dissenting view or the majority view?

Mr. ERVIN. It is hard to tell which is the majority.

Mr. DODD. That is right. But it certainly was not the opinion of the Court.

Mr. ERVIN. No, it is not the opinion of the Court. There were four Judges, a minority, who concurred in the judgment of the Court.

Mr. DODD. I know. I know what it is.

Mr. ERVIN. Those judges assumed facts which were not disclosed by the evidence and which the evidence refuted.

Mr. DODD. I understand. I know the case.

Mr. ERVIN. Justice Harlan concurred in the majority view, on the ground that he did not think that the due process clause of the 14th amendment made the fourth amendment applicable to the States, and that therefore the situation was governed by the due process clause of the 14th amendment, and that the entrance in this case was reasonable, as he saw it, under that clause of the Constitution.

Mr. DODD. For our purposes today, I think I am correct that the circumstances were that the police officers conducted the search; there was no judicial officer involved. My understanding of that case is that it was the judgment of the Court that this was not an unconstitutional search and seizure.

Mr. ERVIN. The judgment of the Court—the five Justices—had nothing to do with any provision like this statute. They held that the entry without prior notice was an incident to a lawful arrest.

Mr. DODD. I know the facts of that case well.

Mr. ERVIN. And that therefore they were not concerned about this proposition. There is no question that a search incident to a lawful arrest is valid. But they assumed that the facts showed a lawful arrest under the fourth amendment and Justice Harlan assumed that the facts, under California law, showed a reasonable search. So the majority reached the same conclusion on two different grounds.

Now this is what Justice Brennan said the fourth amendment provides in respect to a search in the Ker case:

> For even on the premise that there was probable cause by federal standards for the arrest of George Ker, the arrests of these petitioners were nevertheless illegal, because the unannounced intrusion of the arresting officers into their apartment violated the Fourth Amendment. Since the arrests were illegal, Mapp vs. Ohio requires the exclusion of evidence which was the product of the search incident to those arrests.

So Justice Brennan and three of his associates, just like Professor Pritchett in his book on the American Constitution, laid down the rule that under the fourth amendment it is unconstitutional to break and enter a dwelling house without the officer giving notice of his presence and his purpose and his authority, except in three cases. Brennan continues:

> Even if probable cause exists for the arrest of a person within, the Fourth Amendment is violated by an unannounced police intrusion into a private home with or without an arrest warrant—except in three cases.

The first case is this, and I read from page 47:

> Where the persons within already know of the officers' authority and purpose.

Of course, there is no necessity for giving notice of the officer's presence and the officer's purpose to search the house if the occupants of the house already know it. That is the first exception. The proposal which the amendment seeks to strike does not come within that exception, because it comes in the exception where a man is going to conceal his purpose and his presence and enter the house like a burglar, without advanced notice.

The second exception to the rule requiring in all cases that the officer announce his purpose and presence is this:

> Where the officers are justified in the belief that persons within are in imminent peril of bodily harm.

This amendment does not deal with that.

The third exception Brennan listed in which the officer does not have to knock is this:

> Where those within, made aware of the presence of someone outside (because, for example, there has been a knock at the door), are then engaged in activity which justifies the officers in the belief that an escape or the destruction of evidence is being attempted.

Justice Brennan points out that these rules, which go back hundreds and hundreds of years, have a twofold purpose. First, they are to protect the people in the right to occupy their dwellings without unreasonable searches and seizures. The second purpose is to make the occupation of the law officers less hazardous. Justice Brennan says that when an officer attempts to break into a house without announcing his purpose, presence, and authority, the occupants have a right to assume that it is someone attempting to make an unlawful entry, and they have a right to resist the unlawful entry to the utmost, even to the point of killing the officer who attempts to enter without notice.

I read from page 746 of the Ker case:

> It was firmly established long before the adoption of the Bill of Rights that the fundamental liberty of the individual includes protection against unannounced police

entries. "[T]he Fourth Amendment did but embody a principle of English liberty, a principle old, yet newly won, that finds another expression in the maxim 'every man's home is his castle.' "

As I have stated, Justice Brennan discusses these three exceptions, and he gives one of the practical reasons for the rule requiring the officer to announce his presence and his purpose. He says that the officer is in danger of being killed if he attempts to enter without it, and he says that the purpose is not only to protect the citizen in the enjoyment of his home, but also to minimize the hazard which the law enforcement officer undergoes when he attempts to enter without knocking.

Justice Brennan says:

> Similarly, rigid restrictions upon unannounced entries are essential if the 4th Amendment's prohibition against invasion of the security and privacy of the home is to have any meaning.

In discussing the first exception—that is, when the occupants of the house are already aware of the officer's presence and purpose, he says this on page 54:

> I have found no English decisions which clearly recognizes any exception to the requirement that the police first give notice of their authority and purpose before forcibly entering a home. Exceptions were early sanctioned in American cases, e.g., Read v. Case, 4th Conn. 166, but these were rigidly and narrowly confined to situations not within the reason and spirit of the general requirement. Specifically, exceptional circumstances had been thought to exist only when, as one element, the facts surrounding the particular entry support a finding that those within actually knew or must have known of the officer's presence and purpose to seek the admission.

On pages 55 and 56 he says:

> Two reasons rooted in the Constitution clearly compel the courts to refuse to recognize exceptions in other situations when there is no showing that those within were or had been made aware of the officers' presence. The first is that any exception not requiring a showing of such awareness necessarily implies a rejection of the inviolable presumption of innocence.

Further, on page 58:

> Second, the requirement of awareness also serves to minimize the hazards of the officers' dangerous calling. We expressly recognized in Miller v. United States, supra (357 U.S. at 313, note 12), that compliance with the federal notice statute "is also a safeguard for the police themselves who might be mistaken for prowlers and be shot down by a fearful householder." [12] Indeed, one of the principal objectives of the English requirement of announcement of authority and purpose was to protect the arresting officers from being shot as trespassers, ". . . for if no previous demand is made, how is it possible for a party to know what the object of the person breaking open the door may be? He has a right to consider it as an aggression on his private property, which he will be justified in resisting to the utmost." Launock v. Brown, 2 B & Ald 592, 594, 106 Eng Rep 482, 483 (1819).
>
> These compelling considerations underlie the constitutional barrier against recognition of exceptions not predicated on knowledge or awareness of the officers' presence.

Mr. President, then Justice Brennan discusses the question of the contention made here that the act is justified because it is easy to destroy narcotics, marihuana, or other dangerous substances covered by the bill. He discusses this case:

> Our duty then is only to decide whether the offcers' testimony—that in their general experiecnce narcotics suspects destroy evidence when forewarned of the officers' presence—satisfies the constitutional test for application of the exception.

That is exactly what this provision in the bill which we seek to strike undertakes to do.

(Continuing reading from the case:)

> Manifestly we should hold that such testimony does not satisfy the constitutional test. The subjective judgment of the police officers cannot constitutionally be a substitute for what has always been considered a necessarily objective inquiry,[16] namely, whether circumstances exist in the *particular* case which allow an unannounced police entry.

This same question, whether the mere fact that narcotics, marihuana, or other dangerous substances covered by the bill will justify permitting an officer to break and enter a building without giving notice of his presence and purpose, was considered by the Supreme Court of California in the case of the People against Gastelo, a case reported in 63 California Reports, at page 10.

In holding that the entry there without announcement of the officer's presence or purpose was unconstitutional, the court had this to say on that specific subject:

> Under the fourth amendment, a specific showing must always be made to justify any kind of police action tending to disturb the security of the people in their homes. Unannounced forcible entry is in itself a serious disturbance of that security and cannot be justified on a blanket thesis. Otherwise the constitutional test of reasonableness would turn only on practical expediency, and the amendment's primary safeguard—the requirement of particularity—would be lost. Just as the police must have sufficiently particular reason to enter at all, so must they have some particular reason to enter in the manner chosen (*supra*, 67 Calif. 2d, 588–589, 432 P. 2d 708).

These are the arguments in these cases on this point which completely negate the proposition that because narcotics, marihuana, or other dangerous substances covered by this bill may have been easily destroyed, this justifies disobedience to the constitutional requirement that an officer must announce his presence, actually, he not only must announce his presence but announce his purpose to the owner of the house, and his authority under a search warrant for so doing.

Section 702(b) says that a policeman can break into the house, that he can sneak into the house, that he can enter the house just like a burglar; but it says, after he once gets in there, as soon as possible, he will tell them that he is an officer and that he has a warrant.

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Bartlett, one of its reading clerks, announced that the House had agreed to the amendment of the Senate to the amendment of the House to the amendment of the Senate numbered 83 to the bill (H.R. 13111) making appropriations for the Departments of Labor, and Health, Education, and Welfare, and related agencies, for the fiscal year ending June 30, 1970, and for other purposes.

The message also announced that the House insisted upon its amendments to the amendments of the Senate to the bill (H.R. 11959) to amend chapters 31, 34, and 35 of title 38, United States Code, in order to increase the rates of vocational rehabilitation, educational assistance and special training allowance paid to eligible veterans and persons under such chapters, disagreed to by the Senate, and agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and that Mr. TEAGUE of Texas, Mr. DORN, Mr. HALEY, Mr. BARING, Mr. BROWN of California, Mr. TEAGUE of California, Mr. AYRES, Mr. ADAIR, and Mr. SAYLOR were reported managers on the part of the House at the conference.

ENROLLED BILL SIGNED

The message further announced that the Speaker had affixed his signature to the bill (H.R. 13111) making appropriations for the Departments of Labor, and Health, Education, and Welfare, and related agencies, for the fiscal year ending June 30, 1970, and for other purposes, and it was signed by the Vice President.

CONTROLLED DANGEROUS SUBSTANCES ACT OF 1969

The Senate continued with the consideration of the bill (S. 3246) to protect the public health and safety by amending the narcotic, depressant, stimulant, and hallucinogenic drug laws, and for other purposes.

The PRESIDING OFFICER. The Senator from North Carolina may proceed.

Mr. ERVIN. Mr. President, I thank the Chair.

This provision of the statute which requires that after the officer has emulated the actions of a burglar and broken into a house without notice, concealing the fact that he has a search warrant, that he then must tell the owner of the house who he is, reminds me of the little ditty which goes like this:

> I oft have heard of Lidford Law wherein
> the morn they hang and draw and sit in
> judgment after.

In other words, Mr. President, the officer is not to announce his purpose under the statute. He can break into the house like a burglar. He is given the pious requirement, after he has done the damage, after he has violated a man's castle, and after he has flouted the Constitution, that he must tell the owner of the house he is an officer of the law and that was the reason he broke into the house, in the example of a burglar.

Mr. President, the right to privacy in one's home is a precious right. Anyone who is familiar with the history of the United States remembers the great fight which James Otis of Massachusetts made in the courts there against the issuance of general search warrants and

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writs of assistance. We know that the American colonists, when they came here, claimed they had the same rights as any Englishman; but then they were subject to acts of the British Parliament which allowed exceptions—such as this act would allow—without notice or announcement of purpose or presence. They applied to the courts in the 13 Colonies through the Crown's attorneys for search warrants, somewhat akin to this provision in 702(b).

Even though eight out of nine Colonies refused to issue such warrants, this matter became one of the causes of the American Revolution, that is, Americans should not be tyrannized by officers of the law searching their homes under circumstances such as 702(b) would authorize.

It was for this reason that men died on the green at Lexington, that men died at Bunker Hill, that men died at Kings Mountain and in front of the Guilford Courthouse. It was the reason that prompted George Washington to kneel in the snow at Valley Forge to pray for the success of American arms so that Americans would be free from any kind of tyranny which allowed officers of the law, at their whim and caprice, to enter people's houses without knocking, or without announcing their presence or their persons.

I trust that I will be pardoned for a personal allusion at this point.

My father practiced law at the North Carolina bar for 65 years. I had the privilege of being his junior partner for 15 of those years. He taught me many things, but he taught me, above everything else, to love liberty and to loathe tyranny.

When he invoked one of the great landmarks of the law in behalf of a client, he had the capacity to rise to heights of eloquence.

His voice has been stilled in the tongueless silence of the dreamless dust for more than a quarter of a century, yet, at this moment, within the ken of my memory, I can hear him now, as he stood on one occasion before a North Carolina jury and quoted a passage from one of the great poets of history, I speak of Rudyard Kipling's "The Old Issue," whose theme is the unceasing battle between a government which always seeks to expand and multiply its tyrannical powers and the people who struggle to preserve some protection against governmental oppression.

I want to read a passage from this book because it tells us of this unceasing struggle between a government which always thirsts for more and more and more tyrannical power over the people and the people who have to struggle against great odds for the basic fundamental protection against tyrannical power that they have wrung from the hands of government.

If I had my way, I would require every public official to memorize these words:

All we have of freedom, all we use or know—
This our fathers bought for us long and long ago.

Ancient Right unnoticed as the breath we draw—
Leave to live by no man's leave, underneath the Law—

Lance and torch and tumult, steel and grey-goose wing,
Wrenched it, inch and ell and all, slowly from the King.

Till our fathers 'stablished, after bloody years,
How our King is one with us, first among his peers.

So they bought us freedom—not at little cost—
Wherefore must we watch the King, lest our gain be lost.

This is one of the great freedoms our forefathers purchased for us in their struggle with England in the war of the American Revolution which they undertook to preserve when they put the fourth amendment into the Constitution.

When I am called upon to take my stand upon governmental tyranny on the one hand and the freedom of individuals on the other, I shall stand for the last-named as long as God gives me a heart to love America.

I am going to try to preserve this freedom which was purchased for us not at little cost.

I yield the floor.

Mr. DODD. Mr. President, I compliment the Senator from North Carolina for that speech. I wish I could agree with it. Last Saturday I thought I might. But the more I have studied the situation, the more I have become convinced that this section of S. 3246 is not an invasion of our constitutional rights and that it really should remain in the bill.

I did have grave misgivings about that section. I knew that in effect we had already passed a similar section in the District of Columbia bill, except that there was a restriction that the warrant must be served in the daylight hours and that the entry must be made in the daytime. We did that only last December.

But this question of police invasion of our homes is a question which greatly concerns every Member of the Senate. Before I proceed on the constitutionality of this section, let me say that I greatly admire the Senator from North Carolina for his knowledge of constitutional law. But before I explain my own view on it, I think this matter of Ker against California should be clarified. I am certain my understanding of that case is correct.

California case law permits police officers to enter a building to make an arrest where evidence might be quickly and easily destroyed.

In the Ker case, after Ker and another narcotics pusher were followed by the police who saw them in a transaction which looked like the exchange of marihuana, the police went to Ker's apartment having obtained a passkey from the building superintendent. The police entered Ker's apartment without announcing their presence and without a warrant of any kind. In their plain view in the kitchen, they found three bricks of marihuana.

The Supreme Court of the United States in that case upheld the California courts in their determination of the validity of the arrest and search. So, in that case the U.S. Supreme Court held that it was not an unreasonable search under the fourth or 14th amendment since California law had recognized the exception to the announcement rule. Furthermore, under the circumstances present in the case, the ease with which the evidence might have been destroyed and the fact that the suspect might have know that he was being followed, contributed to their support of the method used by the California police in the Ker case.

In addition, the court stated that:

> Suspects have no constitutional right to destroy evidence in order to frustrate an arrest.

That case has not been overruled by the Supreme Court. As a matter of fact, had there been such a ruling by the Supreme Court, none of us on the Judiciary Committee would have included this section in the bill. All the lawyers on the Judiciary Committee would have known, of course, that there had been a clear striking down of these sections, and we would not have included section 702(b) in the bill.

First of all, I want to point out that the no-knock provisions embodied in S. 3246 are essential in combating the dramatic increase of drug addiction and drug traffic in this country.

Predictably, immediate reaction will be expressed on the part of some people to this legislation. That is understandable. It is because of their fear that the provision is unconstitutional and is an invasion of our basic constitutional rights.

That fear is understandable. That is the first reaction many people get, until they look carefuly at the law and at legal history and at this section.

For over 200 years, we have developed the ground rules for the protection of the American home and household which severely restrict Federal and State authorities from trespassing in our homes, particularly in cases of crimes against property.

Reflection, however, shows that narcotic violations differ substantially from the ordinary property crimes. Indeed, seizures of narcotics pose problems for the police unlike any other situation of which I am aware. Unless officers are endangered, there is no reason in most cases of larceny or possession of stolen property, that a search by the police should not be preceded by a knock on the door, a warning of what is about to take place.

The only exception, I would say, occurs when the police really feel their lives are endangered. In the theft of television sets, washing machines, radios, cases of liquor, and similar pieces of property; such property is not so easily hidden or disposed of as to require particular haste on the part of the police. In contrast, narcotics supplies are easily destroyed. The professional traffickers in narcotics make special efforts to place their supplies in places where they can be readily disposed of if officers suddenly appear. Everyone who is involved in law enforcement knows that to be true. Thus, narcotics and dangerous drugs are usually kept near commodes or sinks where they can be instantly flushed down the drain. Even a small amount of heroin is extremely valuable in the illegal market. A million dollars worth of that substance can be easily flushed

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down the drain or thrown out of the window while the police officer knocks at the door and ceremoniously announces, "Open up. We have a warrant to search the premises."

Instant action by law enforcement officers is the essence of success in these cases. There is no reason to feel that police are going to go on a rampage of search-and-seizure missions, casually invading the privacy of innocent American homes under the pretense that they are suspected of harboring illegal narcotics. A police officer, particularly a member of the Bureau of Narcotics, cannot engage in these searches at his own whim, as has been indicated here. The police officer cannot decide he is going to burst into a home. Under this section, he has to go before a magistrate or a judge and establish that there is good reason to believe these dangerous drugs or narcotics are on the premises. He has to do it with some particularity as the Attorney General in testimony before the Juvenile Delinquency Subcommittee pointed out. He has to establish to the satisfaction of that magistrate that that material is in a certain place and to get permission to enter without knocking and announcing, he has to show there is an imminent danger of the destruction of evidence.

Mr. McGOVERN. Mr. President, will the Senator yield briefly for a unanimous-consent request?

Mr. DODD. I yield.

SENATE RESOLUTION 323—SUBMISSION OF A RESOLUTION EXTENDING THE SELECT COMMITTEE ON NUTRITION AND HUMAN NEEDS

Mr. McGOVERN. Mr. President, I ask unanimous consent that, notwithstanding rule VIII, I be permitted to submit a resolution.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. McGOVERN. Mr. President, I submit to the desk a resolution authorizing expenditures and continuing the Select Committee on Nutrition and Human Needs.

Mr. President, in order to expedite consideration of the resolution, I have conferred with the chairman and ranking minority member of the Committee on Labor and Public Welfare. With their approval and without establishing a precedent under the procedures of the Senate, I ask unanimous consent that the resolution be referred directly to the Committee on Rules and Administration.

Mr. HRUSKA. Mr. President, reserving the right to object, may I ask the Senator from South Dakota whether the leadership on the other side of the aisle has been informed of this procedure?

Mr. McGOVERN. I assure the Senator it has been.

Mr. HRUSKA. It is my understanding from conversation with the Senator that the ranking member of the committee has been informed.

Mr. McGOVERN. The Senator is correct.

Mr. HRUSKA. And that he reported to the Senator from South Dakota that he consulted with the minority leader on this subject.

Mr. McGOVERN. The Senator is correct.

Mr. HRUSKA. I thank the Senator.

The PRESIDING OFFICER. The resolution will be received and referred to the Committee on Rules and Administration.

The resolution (S. Res. 323) was referred to the Committee on Rules and Administration (by unanimous consent), as follows:

S. Res. 323

Resolved, That the Select Committee on Nutrition and Human Needs, established by S. Res. 281, Ninetieth Congress, agreed to on July 30, 1968, as amended and supplemented, is hereby extended through January 31, 1971.

Sec. 2. It shall be the duty of such committee to examine, investigate, and make a complete study of any and all matters pertaining to the lack of food, medical assistance, and other related necessities of life and health including, but not limited to, such matters as (a) the extent and cause of hunger and malnutrition in the United States, including educational, health, welfare, and other matters related to malnutrition, (b) the failure of food programs to reach many citizens who lack adequate quantity or quality of food, (c) the means by which this Nation can bring an adequate supply of nutritious food and other related necessities to every American, (d) the divisions of responsibility and authority within Congress and the executive branch, including appropriate procedures for congressional consideration and oversight of coordinated programs to assure that every resident of the United States has adequate food, medical assistance, and other basic related necessities of life and health; and (e) the degree of additional Federal action desirable in these areas.

Sec. 3. For the purposes of this resolution the committee, from February 1, 1970, to January 31, 1971, inclusive, is authorized: (1) to make such expenditures as it deems advisable; (2) to employ, upon a temporary basis, technical, clerical, and other assistants and consultants: *Provided*, That the minority is authorized to select one person for appointment and the person so selected shall be appointed and his compensation shall be so fixed that his gross rate shall not be less by more than $2,700 than the highest gross rate paid to any other employee; (3) to subpena witnesses and documents; (4) with the prior consent of the heads of the departments or agencies concerned, and the Committee on Rules and Administration, to utilize the reimbursable services, information, facilities, and personnel of any of the departments or agencies of the Government; (5) contract with private organizational and individual consultants; (6) interview employees of the Federal, State, and local governments and other individuals; and (7) take depositions and other testimony.

Sec. 4. The expenses of the committee, which shall not exceed $246,000 from February 1, 1970, through January 31, 1971, shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee.

CONTROLLED DANGEROUS SUBSTANCES ACT OF 1969

The Senate resumed the consideration of the bill (S. 3246) to protect the public health and safety by amending the narcotic, depressant, stimulant, and hallucinogenic drug laws, and for other purposes.

Mr. DODD. Mr. President, this section would not do what it might appear to some people to do. It is not a matter of a police officer deciding he wants to break in somebody's door, or break in the window, or go in and arrest someone. He has to go before a magistrate or a judge and establish the facts as I set forth a few moments ago.

There is an additional provision in the section requiring that a neutral judge or magistrate must make a specific finding that this material, the contraband drugs, is there and that there is real reason for believing that the evidence, the drugs, will be destroyed.

This is a restrictive section of the law as it is written. Before notice of authority and purpose can be dispensed with, the judge or magistrate issuing the warrant has to be satisfied that there is probable cause that these grounds exist. I believe our magistrates and judges will take this matter very seriously. The judge must specifically find that there is probable cause to believe that either destruction of the evidence or injury to the officers will result if notice of authority and purpose is given.

Probable cause requires more than mere generalities; it requires, as all lawyers know, specific facts. A no-knock warrant under this provision in the bill could not be issued solely because most drug traffickers keep their supply of drugs in a place where they can be easily disposed of. Much more than that is required: Information regarding the actual location of the drugs, the type and quantity, and the propensity of the person in whose possession it is to be violent would have to be shown to the judge when the warrant is applied for.

This is a point that must be made clear in the Record. In the circumstances in which we find ourselves at this hour in this country, with a dreadful social problem on our hands out of which criminals and racketeers are making a fortune, making people addicts to some of the most dreadful drugs known, I say that the Constitution was never intended to protect them to the extraordinary extent whereby they could destroy the evidence and go scot free and continue to make more addicts and more millions of dollars in this country. I do not understand the courts to have interpreted the Constitution that way.

Senators have referred to the fact that we have long considered this constitutional protection as a very serious protection. I join Senators in saying this has been a seriously considered matter as it should be, and it goes back a long way. However, I point out that in my State of Connecticut we have allowed no-knock provisions since 1822.

Other States have had similar provisions or similar understandings of the law. It has been recognized, for example, that force could be used when the entry was made to seize specific goods. It was recognized as early as 1822 in my State that if notice was then the requirement, there were cases where it would not apply. One of these was clearly enunciated by the Connecticut court in Read against Case which held that the imminent danger of life eliminated the need for notice. This is more than 100 years ago; it is 150 years ago. We have had a reputation in Connecticut of being

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the Constitution State, and we do not treat the Constitution lightly.

All we are saying is that where there is imminent danger to the life of an enforcement officer, and he satisfies a judge beyond any doubt that these dreadful narcotics are in a certain place and in the possession of these people and that he knows if they get the least chance they will destroy the evidence, that the judge can say under those circumstances, as is the case in Connecticut, where there is imminent danger to life, the authorities have a right to break in.

The framers of the Constitution did not intend to make it easy for criminals to kill law enforcement officers. And, if we are to keep this great Constitution a living thing with full meaning, we have to understand that circumstances such as confront us in this awful, illicit, illegal, and unmoral drug traffic are different from what confronted the people a couple of hundred years ago.

I do not think we are doing violence to the Constitution when we make these special arrangements at this hour, and I think the courts agree. I cannot see how anyone can say otherwise.

I wanted to point out, because I think it is important to do so, that this situation is not as unusual as it would appear to be. The U.S. Supreme Court has upheld judicial supervision of the kind that is included in this bill on at least three occasions. The first case was back in 1948. That was McDonald against the United States. There have been two other cases since that time.

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I believe there is sufficient reason to believe that the precautions built into the formal provisions of the proposed no-knock clause will remove the possibility of any undesirable or illegal consequences. I know that is the view of the Attorney General. It is also the view of the Deputy Attorney General, which is contained in a memorandum sent up to us in December of 1969, which supports the constitutionality of the no-knock provision.

It is highly improbable that the no-knock provision, once it is part of the Federal law on narcotics, will be abused for all sorts of fanciful reasons. If I thought for a minute that this provision would result in the smashing in of the doors or windows of my house, or anyone else's, I would not be here defending it; and I think that interpretation is stretching the situation beyond all reality.

I can say here that my record on civil rights and fundamental constitutional rights is just about 1,000 percent. I have spent a good part of my life in pursuit of a better civil rights situation in this country—all civil rights, all constitutional rights. I am not one to suddenly rise here and do an about face on this issue. I tell you I do not think there will be these abuses.

There are some very cogent reasons why one can say they will not occur. The law abiding citizen, the man who does not engage in the narcotics trade, will not find his front door broken down, or his back door, either, by squads of law enforcement officers engaged in a fishing expedition, which some will have this body believe will be the case.

Even where narcotics are involved, the no-knock provision will apply only for the most compelling reasons. Judicial safeguards and judicial supervision will militate for this restraint. This view is supported by the statistical evidence we have from States that have statutory no-knock provisions.

To hear this argument, you would think that this approach was being discussed on the floor of the Senate for the first time and that we had never heard of it before. Three States have on their lawbooks, in the form of statutes, such a provision, and several others have no-knock provisions of another kind.

For example, between June and December 1968, the New York State Police obtained 14 no-knock warrants under the applicable State law. They used only 12 of them. At the same time, there were 1,847 narcotic cases made by State police. They had the law. They could have used those warrants. But they used the warrants only 12 times out of 1,847 cases. In every one of those cases the use of such warrants were used only when absolutely necessary to protect the evidence from destruction. That is how the police of New York State have used their own no-knock law.

How can we tell how officers will behave in the future? One of the ways is to examine how they behaved in the past; that is, how they behaved in New York, with that law on the New York statutes. That is a small percentage of the total cases in New York—only 12 out of 1,847—a ratio of about 1 in 150. The New York State authorities tell me that if it had not been for the use of the no-knock statute they could never have prosecuted those 12 cases.

New York City itself has found it has had to use the no-knock warrants in an increasing number of cases to prevent the destruction of evidence in narcotics cases. I am told that in the Bronx almost every warrant in narcotics cases has required the no-knock warrant. The use of the no-knock warrant is growing in that city because of its infestation with narcotic pushers. There were 900 heroin deaths in New York City last year, most of them teenagers and young people. I ask, Are not these pushers depriving them of their constitutional rights?

North Dakota has a no-knock statute, and in that State 29 narcotics violations were reported in the period between January 1 and December 19, 1969. But they used the no-knock warrant only three times in that period. In 1968 they did not use it at all, although they made 32 arrests.

The point I would make is that in North Dakota, where there is a statute allowing just what we are seeking in this bill, there has been no kicking in of the doors of the houses of innocent people. No innocent citizens of North Dakota are being victimized by the brutal police that some would have us believe are going to suddenly break in everybody's house. North Dakota has had that law for some time.

So that is the experience where such a law has been on a State's statute books. I am confident, from what I know, that the same discretion will be used by Federal officers that these State officers have used.

To finish on the State situation, I shall make clear in the RECORD that 29 States allow no-knock searches and seizures, either through express statutes in three States, or by judicial application of the common-law principle that where evidence is likely to be destroyed, such as in narcotics cases, no-knock entries are allowed.

Three States already have no-knock provisions in their State laws: Utah, New York, and North Dakota. Five others have modified no-knock statutes: Alabama, Mississippi, Missouri, Montana, and Nebraska. Twenty-one States, including my own State of Connecticut, follow the common law no-knock rule.

However, 21 other States have statutory provisions identical to the Federal law, under which a Bureau of Narcotics and Dangerous Drugs agent may force entry, but must first announce his authority and be refused admission.

So, on balance, Mr. President, it seems to me that the no-knock provision of the Federal law will not only be useful in the battle against crime, but also stand the test of the courts, much the same as the State statutes have done.

In a way, Mr. President, I think that this proposed statute involves somewhat of a gamble on our part; but it is a gamble which is vital to the health of our children. If we win this gamble, as I am sure we will, I tell you it will go a long way toward reducing the awful trade in these narcotics, this awful traffic which takes such a heavy toll among our young people. But it is a gamble, we as a nation must take, to weed out the traffickers in these dreadful drugs.

The Senator from North Carolina, in his very moving statement, said repeatedly, wisely and well, that a man's home is indeed his castle. That is what we all consider our homes. But as early as 1822, exceptions were made to the general rule, and they, too, became part of the common law.

The exception adopted in 29 jurisdictions was that an officer might need not announce his presence if there was a chance that the evidence would be destroyed, or that he was in danger of bodily harm.

This is something I think we should all remember; and most of all, I think we should remember as we make our decisions about this proposal that this is not something suddenly pulled on us, so to speak, or a new idea just thought up by the members of the Committee on the Judiciary. This is not a new, abrupt, and startling invasion of our constitutional rights. This provision has its roots away back, hundreds of years ago, in the common law. That should be remembered.

I shall now read for the RECORD the list of those States approving no-knock in some form in this country right now. They are Alaska, Arizona, California, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Louisiana, Maine, Maryland, Missouri, Montana, Nebraska, New Jersey, New York, North Dakota, Ohio, Oregon, Pennsylvania, Rhode Island, South Carolina, Texas, Utah, Vermont, Washington, and West Virginia.

This gives some idea of how long this manner of proceeding, so to speak, has been recognized, lest there be any doubt that is of long standing, and lest anyone think that it is something new, which, of course it is not at all.

I ask that the memorandum I referred to dated December 11, 1969, from the Department of Justice be printed at this point in the Record.

There being no objection, the memorandum was ordered to be printed in the Record, as follows:

DEPARTMENT OF JUSTICE MEMORANDUM,
DECEMBER 11, 1969

To: Richard G. Kleindienst, Deputy Attorney General; Attention: Herbert E. Hoffman.

From: Thomas E. Kauper, Acting Assistant Attorney General, Office of Legal Counsel.

Subject: Constitutionality of the no-knock provisions in the Controlled Dangerous Substances Act of 1969.

This is in response to your request for the views of this Office as to the constitutionality of section 702 of the proposed Controlled Dangerous Substances Act of 1969.

Section 702 would permit an officer executing a warrant relating to controlled dangerous substances to enter without giving notice of his authority and purpose if so authorized in the warrant. The warrant could authorize such entry on a finding of probable cause to believe the property sought may be easily and quickly destroyed or disposed of, or that danger to the life or limb of the officer or another may result from announcement.

General "no-knock" provisions, not limited to narcotics, have been previously considered by this Office and we have expressed the view that they are constitutional in concept even though constitutional challenge as to their application to specific fact situations is likely. See memoranda to the Criminal Division on H.R. 8652, 90th Cong., dated May 25, 1967 and on S. 2051 and H.R. 11267, 90th Cong., dated July 27, 1967, and memorandum to your Office on Leg. Prog. 418, dated Feb. 19, 1968. This Department proposed legislation authorizing "no-knock" entry, with or without a warrant, in the District of Columbia Court Reorganization bill and such legislation was passed by the Senate on December 5, 1969 (secs. 107 to 109, S. 2869).

Our conclusion that "no-knock" legislation even broader than section 702 is constitutional was based on the decision in *Ker v. California*, 374 U.S. 23 (1963). That case upheld unannounced entry and seizure of narcotics without a warrant primarily on the basis of the officer's need to prevent destruction of the evidence. The judgment of the exigency of the circumstances was that of the police officers, not an independent judicial officer and yet the court upheld the search as coming within one of the permissible exceptions of the announcement of authority and purpose requirements. Among the objections of the four dissenters was reliance on the subjective judgment of the police officers.

While decided by a closely divided court six years ago, *Ker* has not been overruled or limited with respect to unannounced entry in subsequent cases. In *La Peluso v. California*, 385 U.S. 829 (1966), the Supreme Court refused to reconsider it. *Sabbath v. United States*, 391 U.S. 585 (1968), while holding unannounced entry by federal officers invalid on the basis of 18 U.S.C. 3109, did not disturb the constitutional holding in *Ker*. (See fn. 8, 391 U.S. at 591).

In a somewhat related area, the Court has very recently recognized the valid governmental interest in preventing harm to the officer or destruction or concealment of evidence. *Chimel v. California*, 395 U.S. 752 (1969), involved the permissible scope of searches incident to the execution of an arrest warrant. It held that such "contemporaneous searches" must be limited to the person of the arrested individual and the immediate area under his control. The holding is premised on the concept that warrantless searches are permissible under the Fourth Amendment only for certain limited purposes. As in unannounced entry cases, one of these purposes is the prevention of the destruction of evidence. (See 395 U.S. at 763.)

Ker is still controlling law with respect to the constitutionality of unannounced entry and is, in our opinion, reinforced by the rationale of *Chimel*. On the basis of *Ker*, it is our view that section 702 is constitutional.

Mr. McCLELLAN. Mr. President, will the Senator yield at some convenient point?

Mr. DODD. I am happy to yield now.

Mr. McCLELLAN. I wanted to ask the Senator one or two questions, primarily in order to establish what we call the legislative history.

I should like to ask the distinguished floor manager of the bill several questions on the meaning of section 702(b), which deals with the so-called no-knock warrant. As I read the committee report—Senate Report No. 91–613 at 31, 1969—this provision is solely permissive in nature. It requires the officer to do nothing. Like the authority to obtain an arrest warrant, however, the provision affords the law enforcement officer the opportunity to obtain a prior judicial determination of his justification for exercising particular authority, here, no-knock authority.

Mr. DODD. Yes. I answer the Senator by saying that it is permissive.

Mr. McCLELLAN. Then it does permit, but does not require, prior to the exercise of such authority, judicial review?

Mr. DODD. Under this section, yes.

Mr. McCLELLAN. That is what I am asking.

Mr. DODD. Yes. Under this section, the officer seeking a no-knock warrant may get judicial review.

Mr. McCLELLAN. It leaves untouched, however, the officer's general authority under an arrest without a warrant—I am talking about the authority he already has——

Mr. DODD. Yes.

Mr. McCLELLAN. It leaves untouched the officer's general authority to arrest without a warrant, to arrest under an arrest warrant, or to execute a search warrant not containing a no-knock clause, under proper circumstances, and to enter, in each case, without an announcement?

Mr. DODD. Yes, it certainly does.

Mr. McCLELLAN. It leaves untouched, as I interpret it—and this point is the point I wished to clear up—the general Federal common law, noted in *Sabbath v. United States*, 391 U.S. 585 (1968), and the provisions of 18 U.S.C., section 3109, and all the traditional common law authority and exceptions remain as they are today, is that correct?

Mr. DODD. Yes, the Senator is absolutely correct.

Mr. McCLELLAN. So if we interpret section 702 in line with the questions I have asked and the Senator's response thereto, we will be giving it the interpretation that is intended, from the Senator's viewpoint, as the prime sponsor of the bill?

Mr. DODD. I answer the Senator by saying that is precisely right.

Mr. McCLELLAN. I thought that history on this point should be made. We are dealing here in a most delicate area, as we all recognize.

Mr. DODD. Yes.

Mr. McCLELLAN. And there is no intent to try to cover up or evade the real issue. So, in the event this provision is retained in the bill and enacted, I felt that the record should be completely clear and unambiguous with respect to the proper interpretation of the section—is it mandatory or is it optional?—as I have asked the Senator and as I have elicited his response.

Mr. DODD. I am glad that the Senator asked because it does clear up any doubt about the questions which he poses.

Mr. McCLELLAN. I think last Saturday I advised the Senator that I may also have an amendment or two to offer to the bill. I spoke specifically of one amendment then. Not having been present in the Chamber all the time, I assume from the discussion that the amendment of the distinguished Senator from North Carolina (Mr. Ervin) is now the pending matter before the Senate, with respect to this section 702.

Mr. DODD. It is.

Mr. McCLELLAN. I shall defer offering my amendments until later. In the meantime, I suggested the other day that the Senator have his staff review these amendments and give us some indication about them, and I think that has been done. I think the staffs have worked on them. In due course and at the proper time, after the disposition of the pending amendment, I shall be glad to offer those amendments that I think will strengthen the bill and which I think will enhance its qualities and not detract from it.

Mr. DODD. I thank the Senator. I am able to say to him that the committee staff has gone over the amendments that the Senator intends to offer, and I believe we will accept them. I believe they should be accepted.

Mr. McCLELLAN. We will have them in due time. I only wanted to interrupt for the other purpose and to interrogate the Senator on another subject at this time.

I thank the Senator very much for yielding to me.

Mr. DODD. Mr. President, I feel that I should cover specifically two or three points raised by the distinguished Senator from North Carolina, and I should like to make some observations about them.

First, I do not think that the law enforcement officers who go through the procedures of getting a warrant from a magistrate or a judge can be said to be like thieves in the night, in any sense. I do not know of any thief who goes before a judge and gets permission to break into a man's house and steal his property. So this is not really so.

The question was asked, "How can any magistrate issue such a no-knock warrant? How will he know?" He will know

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the way every judge knows before he issues a warrant of this kind. It goes on every day in this country.

The judge will make a decision based on the evidence offered by the officers who seek the warrant. He does not have any other way of knowing. That is how judges always learn from those who seek these warrants and this authority.

The question was also asked, "How can an officer know that the occupant won't let him in to seize the material? How can he know that?" That was asked by the Senator from North Carolina. It was said that the officer would have to have the vision of the prophets.

Perhaps I can help a little here. I am not a prophet, but I know that it is possible for law enforcement officers to know that Mr. X has a criminal record as long as my arm for violation of the narcotics law, that he has a criminal record for assault and battery and murder, that he has a record of conviction for shooting police officers, and that, therefore, it is a reasonable proposition to say that he is likely to do the same thing again. He is not about to open the door to another policeman and say, "I'm glad to see you, Officer Jones. Come right in. Here is all your evidence. I am a good citizen. It is true I have a kilo of heroin and some marihuana and other dangerous drugs. Come right in and take what you want."

Of course, that is not the situation. How do you know? You know by police intelligence work; that is how you know. When it is good enough and substantial enough, you go before a judge in chambers and say, "Look, Judge. Two of us have worked on this case for a year. We have pictures. We know what they're saying; we know what they're up to." Sometimes the officers can even say, "We saw them carry this heroin in there yesterday. It's in the top bureau drawer in that bedroom. But, just as sure as can be, your honor, if we knock on that door and say we're Federal officers, they're going to pour that evidence down the toilet before we can get in with our warrant."

They will get more later in another place and make addicts out of more decent Americans, and that is what this provision is intended to stop. That is how they know. That is how it always has been known.

Mr. President, one could talk a great deal about this matter and about this particular amendment. I do not want to burden the Senate any longer with my own views on it, except to say what I said previously. I came to this conclusion over the weekend, and I think it is the right one.

I am sorry to find myself in disagreement with the Senator from North Carolina, who knows I respect him greatly as a lawyer, and I understand his views. Let me say to him that I am very sensitive about his views in the field of constitutional law. I am glad he is among us to give voice to them. They need to be expressed. These things need to be said. Other things need to be said, too, about the situation which confronts us.

Mr. MAGNUSON. Mr. President, will the Senator yield?

Mr. DODD. I yield.

Mr. MAGNUSON. I ask this question only for information.

Is possession of narcotics per se a violation of Federal law?

Mr. DODD. Yes.

Mr. MAGNUSON. Of any type?

Mr. DODD. Narcotics, yes, without lawful authority to possess them.

Mr. MAGNUSON. Let us take marihuana, for example.

Mr. DODD. Possession is unlawful.

Mr. MAGNUSON. Suppose it was grown in the State.

Mr. DODD. It does not make any difference where it was grown. If one does not have legal permission—such as working on it in a laboratory—it is illegal to possess it.

Mr. MAGNUSON. Of course, I suppose that most States have their laws against it, too.

Mr. DODD. Yes.

Mr. MAGNUSON. If there is a question of violation involving possession, the State often does the prosecuting instead of the Federal authorities.

Mr. DODD. Yes. In the vast majority of cases it is a State matter.

Mr. MAGNUSON. Obviously, the other drugs, the other types of drugs, must be involved in interstate commerce.

Mr. DODD. Yes.

Mr. MAGNUSON. They have to be. But sometimes the other thing is not necessarily involved in interstate commerce.

Mr. DODD. No.

Mr. MAGNUSON. And it still would technically be a violation of the Federal law?

Mr. DODD. Yes; it would.

I thank the Senator for his inquiry. I hope I have given him the information he seeks.

Mr. ERVIN. Mr. President, will the Senator yield?

Mr. DODD. I yield.

Mr. ERVIN. Does not the Senator from Connecticut know that prior to 1961, when the Supreme Court of the United States handed down the decision in Mapp against Ohio, it was held that the fourth amendment did not apply to States?

Mr. DODD. I will take the Senator's word for it.

Mr. ERVIN. Well, that is the fact. As a consequence, the validity of the State laws that the Senator from Connecticut has mentioned has not been passed on.

Mr. DODD. I did not say they had. But no question ever has been raised about them, either, even since that case.

Mr. ERVIN. The Senator mentioned the fact that in the District bill they had a no-knock provision.

Mr. DODD. In the District of Columbia crime bill.

Mr. ERVIN. Yes. It is quite a different provision from this one, is it not?

Mr. DODD. In two respects it is different.

Mr. ERVIN. This bill provides for a no-knock provision, if the U.S. magistrate is satisfied that there is probable cause to believe that if notice is given, the property might be destroyed.

Mr. DODD. Yes.

Mr. ERVIN. The District bill provides that a no-knock provision is not applicable at all until the officer goes to execute the warrant, and then it says that no notice need be given if at the time of execution the officer executing the warrant has probable cause to believe that the property sought may be, and if such notice is given will be, easily and quickly destroyed and disposed of. In other words, one says they might possibly destroy and another says that they will destroy. Does not the Senator think that is quite different?

Mr. DODD. Yes, but I do not think that is as clear as the Senator thinks it is. In this bill, the provision is that the officer goes to get the warrant and he sets up proof, if he has it, to establish the fact that he must be able to get in without the usual notice because those who are there, or in possession of the evidence which he wishes to seek, will destroy that evidence.

Mr. ERVIN. I would like to ask——

Mr. DODD. That is stronger than the District of Columbia bill.

Mr. ERVIN. One says "may" and one says "will." One deals with the possibility, and one deals with the probability.

Mr. DODD. Let me answer that by saying that a law enforcement officer is better off, and society is better off, if he be required to prove positively, before a judge, to the satisfaction of that judge, that this contraband is there and that it will be destroyed, in the thinking of a reasonable man.

Mr. ERVIN. How can an officer who goes to a U.S. marshal and applies for a no-knock warrant possibly know that if he knocks at the door the man may destroy the evidence? How can he possibly know that future event?

Mr. DODD. I can tell the Senator.

Mr. ERVIN. Yes. How can the Senator?

Mr. DODD. I have never been a narcotics agent, but I have worked with a good many of them, and I have known a good many of them. I have prosecuted a good many of those cases in this field in particular. I know that they have informants. As a matter of fact, they must have them. These informants very often have been right in that place on more than one occasion, and they have seen exactly what goes on. They know the people. They know where the narcotics are. They can tell a narcotics agent in the greatest detail where the narcotics are on those premises. That is why I said that the agent usually will say to the judge, "It is in this room. It is in the upper right-hand door of that dresser." I have had that experience in Federal courts in prosecuting narcotics cases. That is how they know.

Mr. ERVIN. How can a man know something that has not happened? In other words, what the Senator is talking about is that because some do that, therefore it is assumed that all do. The officer will swear to something he does not know the facts about just on surmise or out of his general experience. Then the matter will be reviewed by the court, but will lead to suppression in 995 cases out of a thousand. The judge will have to hold that the no-knock warrant was illegally issued and will have to exclude the evidence.

Mr. DODD. I do not know how to debate this with the Senator. The Senator is talking about something that has not happened. I do not know of any such cases. How do we know that will happen?

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Mr. ERVIN. We are both talking about something that has not happened.

Mr. DODD. I am talking about something that has happened in my experience in the field of narcotics prosecution. The Senator asks me: How will that agent know that the narcotics is in this house at that particular time, that there are narcotics in the illegal possession of this man? I told the Senator that the information is obtained by informants.

Mr. ERVIN. That is not the question. My question was: How will he know he will destroy it?

Mr. DODD. I will tell the Senator why. Very often they have informants who have heard these people talk. They say, "Well, if they come in here, we will throw it down the toilet. Don't worry. We will get rid of it fast." They know what to do. They have done it on many occasions.

Mr. ERVIN. The informant will not be present in court to testify.

Mr. DODD. He may not be, and he may be. The judge can inquire as deeply into the case as he wants to.

Mr. ERVIN. Let me ask the Senator another question—I hope I did not misunderstand what the Senator said—but I understood the Senator from Connecticut to say that the fourth amendment was not drawn for the benefit of people who violated narcotics laws or marihuana laws, or dangerous substance laws.

Mr. DODD. I did not mean to confuse the Senator. I meant this, that I do not think that this great constitutional protection was intended—I am sure the Senator will agree it was never intended—to specifically protect criminals in the narcotics traffic. Certainly the Constitution was intended to protect them as everyone else against illegal enforcement of the law. But, it was not intended to help anyone break the law with impunity.

Mr. ERVIN. As a matter of fact, does not the Senator from Connecticut know that the fourth amendment was drawn to protect all the people regardless of whether they were guilty or innocent?

Mr. DODD. Yes. I certainly agree to that.

Mr. ERVIN. Does not the Senator from Connecticut know that virtually every case based upon the validity of search and seizure under the fourth amendment has been a case where forbidden material was found in their possession?

Mr. DODD. Illegal things have been done. This is not suggested here.

Mr. ERVIN. Innocent people are not able to make a motion to suppress. In other words, guilty people will get the benefit of the amendment.

Mr. DODD. Suppression takes place when the judge agrees that there is something illegal being done. In this bill, nothing illegal is suggested. I do not think any provision of the Constitution was intended to make it impossible just to do legal things to get dope peddlers.

Mr. ERVIN. Certainly, the fourth amendment was passed to protect all the people, whether guilty or innocent, against unreasonable search or seizure.

Mr. DODD. I am very well aware of that, Senator, but I do not agree that this amendment intends to allow unreasonable search and seizure.

Mr. ERVIN. The no-knock provision absolutely invalidates the fourth amendment, makes it worthless—not even worth the paper it is written on.

Mr. DODD. Is that a question?

Mr. ERVIN. No; it is an assertion.

Mr. DODD. I do not believe it does any such thing, as the Senator must know. I do not think it will. Let me say to the Senator that this has not been the experience of the State of New York or, so far as I know, the States of North Dakota or Utah where they have had this authority. That means something.

I know that there is always the danger of abuse of authority. I am sensitive to that. That is why I said that I feel we all owe a debt of thanks to the Senator from North Carolina for discussing this subject as he has.

I am not impatient about it. It is good for us to be reminded of the importance of our constitutional protections, and we should be thinking about them all the time.

But, I truly believe, Senator, that we are all right here. I have said to the Senator, in private conversations as well as publicly on the floor of the Senate that, first, I was deeply distressed and deeply troubled about this matter, but I feel better now, after more research and more work on my part.

Let me tell the Senator, in mentioning the private and public conversations we had, how much we all respect his knowledge in this field of constitutional law. Believe me, I do.

Mr. President, may I ask the Senator from Nebraska (Mr. HRUSKA) do we have any idea of how late we will sit today?

Mr. BYRD of West Virginia. In response to the Senator's question, it is the hope of the leadership that we might be able to arrive at some agreement concerning time on this particular amendment. I would hope, after a little while, that the Senator from North Carolina, the Senator from Connecticut, and the Senator from Michigan, and others, might be willing to come to some agreement as to time on this particular amendment, following which I think we shall be able to move rather rapidly.

Mr. DODD. If the Senator will bear with me just a moment, did we reach any agreement? Can we agree on time on this amendment?

Mr. HRUSKA. I thought it was going to be left pretty much, after another speech or two, that we would get together and——

Mr. DODD. That is right.

Mr. HRUSKA. Ask for a unanimous-consent agreement.

Mr. DODD. I concur.

Mr. ERVIN. I do not know whether there are enough Senators in this Chamber at this moment but, Mr. President, I should like to ask for the yeas and nays on the amendment.

The yeas and nays were ordered.

The PRESIDING OFFICER. The Senator from Nebraska is recognized.

Mr. DODD. Mr. President, will the Senator yield to me one moment so that I might ask a question of the Senator from North Carolina? The Senator from Nebraska might also be interested in this.

Mr. HRUSKA. Mr. President, I ask unanimous consent that I may yield briefly to the Senator from Connecticut without losing my right to the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DODD. Mr. President, the Senator from North Carolina pointed out that the District of Columbia bill, as we passed it here in December, uses the word "will" rather than "may." I ask if we change section 702(b) to read, "there is probable cause to believe that if such notice were to be given the property sought in the case will be easily and quickly destroyed or disposed of," whether that will satisfy the Senator?

Mr. ERVIN. No, sir. I would not be satisfied with any amendment which attempted to convert the United States from a free society into a police state.

Mr. HRUSKA. Mr. President, I ask unanimous consent that I may yield for the purpose of a brief comment to the junior Senator from California without losing my right to the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CRANSTON. Mr. President, I thank the Senator.

I simply want to say that it was a great pleasure to be sitting in the chair during a considerable portion of the debate on the pending amendment of the Senator from North Carolina.

I have great respect for the very hard work the diligent Senator from Connecticut has done on the bill and on this vitally important problem of drug abuse in America which is causing so much havoc and concern to young and old in the country.

I rise to support the amendment of the Senator from North Carolina whose courage and independence and integrity and understanding of our Constitution is so very great, as has been demonstrated on this issue and on so many other issues.

It is difficult to take a position of leadership, as he has, in offering an amendment that relates not only to drugs, but also to law and order and to justice in the United States. Yet he has taken that leadership.

I wish that every citizen in my State had been privileged to hear his remarks. I wish that every citizen of the North, East, and West, and not only the South, had been able to hear his remarks.

There are many citizens in my part of the country who have a sort of stereotype view of the way that Senators from the South do their work in the Senate and in the Halls of Congress generally.

They would not have those views if they had been privileged to listen to the Senator from North Carolina and others who go to work on the great constitutional questions with the courage the Senator from North Carolina has demonstrated on this issue.

I thank the Senator. It is a great pleasure to join with him in this effort.

Mr. ERVIN. Mr. President, I thank the distinguished Senator from California from the bottom of my heart for his gracious remarks.

I pay tribute to the distinguished Senator from Connecticut. I have had the privilege of sitting beside the Senator from Connecticut for 10 years or more on the Judiciary Committee.

I know of no more dedicated or pa-

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triotic citizen than the Senator from Connecticut.

While he and I find ourselves in disagreement on this amendment, I think he deserves the thanks of the American people for the great work he has done in an effort to bring an end to drug abuse and also in many other fields.

Mr. HRUSKA. Mr. President, I ask unanimous consent that I be permitted to yield 2 minutes to the distinguished Senator from Michigan without losing my right to the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HART. Mr. President, this is one of the occasions when a Senator resists the temptation to make a speech. I had intended to speak at some length in support of the pending amendment.

I listened on Saturday and today to part of the argument made by our able colleague, the distinguished senior Senator from North Carolina (Mr. ERVIN).

I would be uncomfortable undertaking to imply that I could advance further the understanding of the Senate with respect to the basic issues that are involved, after listening to the Senator from North Carolina.

I think the picture has been made very clear. What is always difficult in attempting to alter by floor amendment a bill coming from the Judiciary Committee has been made easy in light of his explanation.

Mr. President, it began when he drafted separate views last fall. These are found beginning on page 156 of the committee report.

I was grateful that I could join with him in those views. But I want to make it very clear that they were drafted by him and reflect his very discerning understanding not only of the current jurisdiction, but also of the conditions under which our Constitution came into being.

I hope very much that the Senate, understanding as it does now that a majority of the members of the Committee on the Judiciary support the amendment, understands that the circumstances that attended our action on the bill in the committee were such that regrettably—and no one is responsible for it—we were unable to give the Senate as a whole our judgment. By and large our judgment was at that time and is now that this change in the bill is desirable from a policy standpoint and is mandatory in a constitutional sense.

Mr. President, rather than extend my remarks further, I simply thank the Senator from North Carolina for making clear in a fashion that I doubt I could, the aspects of the bill which I think, if we fail to heed his caution, may come back and haunt us.

This in no wise changes the opinion I expressed on Saturday and repeat now with respect to the Senator from Connecticut. He has done tremendous work on the pending bill. But I believe that support of this amendment would improve further a bill that represents a monument to the Senator from Connecticut.

Mr. ERVIN. Mr. President, I thank the distinguished Senator for his gracious remarks.

Mr. HRUSKA. Mr. President, I ask unanimous consent that I may yield briefly to the Senator from Massachusetts without losing my right to the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KENNEDY. Mr. President, I thank the distinguished Senator. I, too, want to echo the sentiments which have been expressed so well by the distinguished Senator from California and the distinguished Senator from Michigan commending our good friend, the Senator from North Carolina, for the efforts he has made on what I think is one of the really important amendments to the legislation now pending before the Senate.

The Senator from North Carolina has often addressed himself to fundamental questions of civil liberties and human freedom. And I believe he is exercising for all Members of the Senate and all citizens of the country great leadership in this area once again.

The Senator has outlined his reasons for the amendment.

There is a very legitimate need to reach the traffic in narcotics and see that justice is done to those who engage in that heinous trade.

Yet, the Senator is not prepared to sacrifice one of our basic liberties—our right of privacy, particularly in our own home.

I think all of us are impressed by the argument that since the fundamental right of privacy is at stake, we must have a statute that is drawn sufficiently narrowly to meet constitutional requirements. I feel the Senator from North Carolina has performed an important service in questioning whether the statute as presently drafted, which he seeks to amend, is so drawn narrowly enough. This is a matter of great concern. And we must consider seriously the suggestions and points made by the distinguished Senator from North Carolina.

I do wish to add, as I did last Friday, my commendation of the Senator from Connecticut for what he has been attempting to do in the difficult area of drug control. It is a complex task to deal meaningfully with drug addiction and drug traffic while at the same time protecting our fundamental constitutional rights. By offering his amendment, the distinguished Senator from North Carolina has attempted to strike the proper balance. I rise to commend him.

Mr. HRUSKA. Mr. President, I rise to oppose the amendment of the Senator from North Carolina. This amendment seeks to delete section 702(b) from the pending bill. This section establishes the procedures which will be applicable to the execution of search warrants. Mr. President, I ask unanimous consent to have section 702(b) of the bill printed in the RECORD at this point.

There being no objection, the section was ordered to be printed in the RECORD, as follows:

SEARCH WARRANTS

* * * * *

(b) Any officer authorized to execute a search warrant relating to offenses involving controlled dangerous substances the penalty for which is imprisonment for more than one year may, without notice of his authority and purpose, break open an outer or inner door or window of a building, or any part of the building, or anything therein, if the judge or United States Magistrate issuing the warrant is satisfied that there is probable cause to believe that if such notice were to be given the property sought in the case may be easily and quickly destroyed or disposed of, or that danger to the life or limb of the officer or another may result, and has included in the warrant a direction that the officer executing it shall not be required to give such notice: *Provided*, That any officer acting under such warrant shall, as soon as practicable after entering the premises, identify himself and give the reasons and authority for his entrance upon the premises.

Mr. HRUSKA. Mr. President, I would like to make clear at the very outset something which I think should be carefully noted by every Member of this body. Section 702(b) does not create any new law. It does not enlarge the scope of searches and seizures. In fact, it restricts and limits present law by providing in statute form a clear, stable, and understandable expression of congressional policy on this point within the terms, meaning, and construction of the Constitution.

It should be noted that section 702(b) is limited in scope. It is limited to controlled dangerous substances as the subject of a search warrant. It is limited to offenses with a penalty of more than 1 year. The procedure that is prescribed in section 702(b) does not exist at present either in statute or in case law. First of all, there must be an application for a regular search warrant that must be made to the judge, magistrate, of the U.S. court.

If the warrant is to contain a direction that the law-enforcement officer may enter the premises named and described in the warrant without announcement, there must be a showing to the satisfaction of the court that such a direction is in order. There must be a showing to the satisfaction of the court that there is probable cause that the property sought in the case may be easily and quickly destroyed or disposed of, or, secondly, that there would be danger to the life or limb to the officer or another unless the special warrant is granted.

When that showing is made, and only then, will the court put into the warrant a direction that the law-enforcement officer may enter the premises without an announcement.

There is a third requirement of section 702(b), and that is that as soon as practicable after entering, the officer must identify himself and give reasons and authority for his appearance on the premises.

Opponents of section 702(b) purport to speak on behalf of the citizenry at large. They say, "We do not want them subjected to unreasonable search and seizure under the fourth amendment." Such proponents refer to an invasion of the right of privacy and imply and sometimes state that the language in section 720(b) would lead to a police state and hence the amendment should be stricken.

Mr. President, the language of the amendment would not enlarge any law now on the books. Again, I say it seeks to impose limitations and restrictions which do not now exist. If this amendment prevails and if this section is stricken there will be a larger scope and there will be fewer restrictions upon the law enforcement officials to execute their search warrants than would be possible

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under section 702(b). I say that it is to the detriment of the law abiding citizenry at large if section 702(b) is stricken and deleted; but having it retained it would confer on the citizenry at large added protection against unannounced entry by law officials than now obtains.

Mr. President, during the course of this presentation I hope to demonstrate that searches envisioned under section 702(b) are not unreasonable searches and seizures under the fourth amendment. We will cite cases and statutes, State and Federal, to sustain that proposition. Second, we hope to demonstrate that it is not an invasion of the right of privacy of our citizens. If any such right exists at all, no such right is found in the fourth amendment. The purpose of the fourth amendment is the safety of the citizen and not privacy.

Third, we shall demonstrate in this presentation that this section is a recognition of the need for an important law enforcement tool, all within the law and within the Constitution.

The first proposition is this: A section 702(b) warrant is not an unreasonable search and seizure. Mr. President, the fourth amendment does not prohibit search and seizure. It only requires that a search and seizure not be unreasonable and that is where the whole difficulty must be focused. Is the search unreasonable? If it is, it is in violation of the fourth amendment; if it is not, it is valid and the evidence seized pursuant to the warrant will be preserved and the action of the law enforcement official held legal and constitutional.

The Supreme Court often and recently held that in executing a search warrant, announcement must be made before entry. That is the general rule. However, this general rule is subject to exception. It has been subject to exceptions ever since there was created the maxim, "A man's home is his castle." I say that because at the same time that the maxim "A man's home is his castle," was created another maxim that was simultaneously, in a historical sense, declared, and it is still the law of English jurisprudence. That maxim is, "The King's keys open all doors." The keys of the king must be able to open all doors. That is the element that is so often forgotten or so seldom mentioned when the first maxim is mentioned. It is true that a man's home is his castle. However, it is not his castle to deny entrance thereto by officers of the law in an absolute sense. The Bill of Rights provides that there may be searches and seizures of a man's castle. They must not be unreasonable. If they are not unreasonable, a warrant permits the key to be used to open the door of that man's castle.

There are some clearly defined requirements in section 702(b). One of them is that the evidence may be readily destructible or disposable. Another is that if there is danger to life or limb of the officer executing the warrant the so-called no-knock warrant may issue.

I would like to point out that most statutes, whether they are Federal or State, provide expressly for the requirement of an announcement before a writ or search warrant is executed. Some of these statutes list the exceptions to the rule. However, even where the statute does not list those exceptions, court decisions have held that such exceptions are inherent in such statutory language.

Such language is to be found in section 3109, title 18, United States Code.

I ask unanimous consent that that section of the Code be printed at this point in the Record.

There being no objection, the section was ordered to be printed in the Record, as follows:

Title 18 U.S.C. Section 3109

> The officer may break open any outer or inner door or window of a house, or any part of a house, or anything therein, to execute a search warrant, if, after notice of his authority and purpose, he is refused admittance or when necessary to liberate himself or a person aiding him in the execution of the warrant.

Mr. HRUSKA. It also appears in section 1531 of the California Penal Code. I ask unanimous consent that the text of that statute be printed in the Record at this point.

There being no objection, the section was ordered to be printed in the Record, as follows:

> The officer may break open any outer door or inner door or window of a house, or any part of a house, or anything therein, to execute the warrant, if after notice of his authority and purpose, he is refused admittance.

Mr. ERVIN. Mr. President, will the Senator yield?

Mr. HRUSKA. I yield.

Mr. ERVIN. The Senator does not maintain that there are any exceptions in Federal statutes even though they are not expressed; does he? There is no Federal common law.

Mr. HRUSKA. There is no Federal common law; that is correct.

Mr. ERVIN. Therefore, there is no law authorizing any exceptions to the statute in section 3109 unless it is expressly set out in an act of Congress. In other words, I agree with the Senator from Nebraska if he is talking about exceptions in common law with regard to State laws, but I do not agree with him if he encompasses any such exceptions in the Federal law.

Mr. HRUSKA. With all due deference to the Senator from North Carolina and his high position as perhaps the leading exponent of the law in this body, I point to the Sabbath case, decided in 1968, in which the court pointed out the implicit exceptions under section 3109 of the Federal Code. So there is that principle.

I point out also the case of Ker against California in 1963, and the Miller case in 1958, as well as the Sabbath case in 1968, where the language of the statute does not mention these exceptions. The court will place them in there, as implicitly being within the meaning of the statute and that they do not have to be expressed in the statute.

Mr. ERVIN. The only thing I will say on that point is that in the Sabbath case, the exceptions appearing in a footnote were obiter dictum by Justice Thurgood Marshall, and therefore do not have the force of law. The Sabbath case held that the search in that case was illegal under the fourth amendment.

Mr. HRUSKA. It may not be binding, but it is the closest thing to an expression by the court.

Mr. ERVIN. If the Senator will pardon me, the footnote by Justice Thurgood Marshall states:

> Exceptions to any possible constitutional rule relating to announcement and entry have been recognized (see Ker v. California supra et 47) and there is little reason why those limited exceptions might not also apply to Section 3109 since they existed at common law, of which the statute is a codification.

The only citation given is the Ker case, which deals with the California State law, where the common law also prevails; but the suggestion of Justice Marshall in a footnote that an act of Congress is an embodiment of common law and, therefore, the common law is applicable is unsound, because there is no common law in the Federal law.

There are some applications of the common law in the District of Columbia because that law was taken directly from the State of Maryland, where the common law prevailed. But Justice Marshall is unsound in inferring that the principles of common law can be engrafted onto Federal statutes, because there is no Federal common law.

Mr. HRUSKA. It is well settled in Federal jurisprudence that there is no common law. A court does, however, have an opportunity to interpret statutory language. In doing so, the court looks at the derivation of the statute and the law pertaining to it to determine legislative intention. In the case of the California law and title 18, section 3109, United States Code, both are merely a codification of the common law rules applying to announcement and entry. Exceptions exist to this rule in the common law. Thus, I am sure it is a question of statutory interpretation. The Senator has made clear his statement, and what I have said on the citations and quotations will speak for themselves.

With regard to the Miller and the Ker cases, in neither of these cases was any warrant issued. The entry in each of those cases by law enforcement officers was without warrant or without any announcement by the officers before they entered the premises. Yet the Supreme Court held that when they entered the door of the Ker apartment without knocking and seized a brick of marijuana which was on the kitchen table, from which Mrs. Ker was just emerging it was not unreasonable. When the officers walked in Mr. Ker was sitting in the living room, reading a newspaper. There was an entry into that apartment by a key which was construed by the Supreme Court as breaking into the apartment. Under those circumstances the seizing of the evidence was held not to be unreasonable, but legal and valid and constitutional.

How does that differ from our situation in section 702(b) of this bill? In section 702(b) of this bill the officers would have to have a warrant. They would have to make a showing to a judge or to a magistrate of a U.S. court that there was probable cause to believe that if any such notice were to be given, the evidence sought in the case might be easily or quickly destroyed or disposed of, or there would be danger to the life or limb of the

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officer or some other person. The judge, if satisfied by the showing, would inscribe on the search warrant the idea that entry could be made without announcement—a much stronger case than was approved in either the Miller or the Ker case.

That is what we are doing. We are restricting and limiting the operation of the law as it has been approved in the decisions to which I have referred.

So the impact of the repeal of section 702(b) would be in accord with Federal case law and with the construction of the statutes will continue in its present state of development and its present state of holding.

Mr. ERVIN. Mr. President, will the Senator yield?

Mr. HRUSKA. I yield to the Senator from North Carolina.

Mr. ERVIN. I wish to call to the Senator's attention that the Miller case does not hold that. In fact, the Miller case concludes with this statement:

> The petitioner could not be lawfully arrested in his home by officers breaking in without first giving him notice of their authority and purpose. Because the petitioner did not receive that notice before the officers broke the door to invade his home, the arrest was unlawful, and the evidence seized should have been suppressed.

Mr. HRUSKA. Well, it certainly would not be unlawful under our proposed procedure, because the law enforcement officer would be required to go before a judge or a magistrate and say, "Your Honor, we have this evidence and these observations have led us to believe that certain evidence necessary in a case involving the violation of our drug laws is in certain premises. We have cause to believe that if notice is given in advance, when we enter, that evidence will be destroyed," or somebody will get shot. Upon that showing, the warrant is issued with those endorsements on it. Now there will be the added protection of the judgment or finding by judge or magistrate, before the fact occurs.

I say that section 702(b) sees to it that there is a more effective and more salutary protection of the constitutional rights and the guarantee of a man's safety in his home than the present system allows.

Mr. GRIFFIN. Mr. President, will the Senator yield to me?

Mr. HRUSKA. I yield to the Senator from Michigan.

Mr. GRIFFIN. I should like to comment very briefly on the point made by the distinguished Senator from North Carolina, who is an outstanding constitutional lawyer. He, as I understand the Miller case, was correct as to the fact that the Court, in that case, found no notice prior to entry and that, accordingly, they held that the entry was not lawful.

But it is my understanding that the Court's holding was not based upon the Constitution, it was based upon an interpretation of the existing Federal statute—18 U.S.C. § 3109.

Is that not the correct interpretation of the Miller case?

Mr. ERVIN. The Miller case was put upon the grounds of the supervisory function of the Supreme Court over the District of Columbia. They did not put it upon constitutional grounds.

Mr. GRIFFIN. That was my understanding. It was not based upon the Constitution, but upon an interpretation of the statute.

Mr. ERVIN. Four of the judges in the Ker case approved the Miller case as being proper constitutional law also. But the Miller case itself was not placed upon constitutional grounds, so the Senator from Michigan is correct.

Mr. GRIFFIN. It is my strong belief that the Miller case points up the necessity for the adoption of section 702(b) which would be deleted by the Senator's amendment. That is my opinion, although I thoroughly respect the view of the distinguished Senator from North Carolina.

Mr. HRUSKA. Mr. President, again I say that section 702 will be a statement of congressional policy and congressional decision that we will have a statute to which law-enforcement officers, judges, and magistrates may turn, in order to assure that there will be clearness, certainty, stability, and understandability, and protection for the actions of law-enforcement officers in venturing forth to break into a man's home, if they have to; to use the king's keys if they have to, under the circumstances that prevail. It seems to me that it would be preferable to refer the point to the court in advance of the issuance of the warrant, rather than to leave it to the fashion in which it is treated now.

This is of vital importance to the vast and overwhelming number of the law-abiding citizens of the United States and it will serve to reassure them that there will be no capricious, arbitrary, or ruthless action which could deprive them of their constitutional rights within their dwellings. At the same time, Mr. President, it will vest law-enforcement officers with a highly necessary tool in a big and crucial battle. A tool to be used, however, under strict court supervision in restricted areas, and in a responsible fashion.

This principle is not new, Mr. President. In 1968, a year and a half ago, Congress enacted into law the omnibus crime control bill, title III of which includes a provision that, under strict court supervision, electronic surveillance may be used for the purpose of securing evidence.

That provision was considered to be an urgently necessary and highly vital tool for law-enforcement purposes. And, Mr. President, it is now working.

The President who signed the bill immediately issued an order that the Department of Justice could not use electronic surveillance. The Attorney General who was in office at the time executed an order forbidding any of his district attorneys from using electronic surveillance. But that is not the case under the present administartion. We already have very concrete and heartening proof of the success of the use of the electronic surveillance method. The situation in New Jersey, with its virtually wholesale demonstration of corruption in high places, would never have been brought to light, nor would it have been successfully dealt with from the standpoint of prosecution, without electronic surveillance.

Here in the District of Columbia, with the help of electronic surveillance, there was uncovered a dope ring in which at least two prominent members of the Mafia were found to be active. This was possible only because of the use of electronic surveillance. Under strict court supervision, the officers of the law were able to use electronic surveillance, and got the necessary evidence to expose the situation and to lay a foundation for successful prosecution. More recently, in the gambling cases that centered around Arizona, that same thing was true.

So the principle for which we argue in section 702(b) is of the highest and utmost concern for the protection of constitutional rights of the citizenry at large. Certainly this is an approach that is highly analogous to that electronic surveillance situation, and it is just as urgently needed, because all of us know that in the traffic in dangerous drugs and dangerous substances, organized crime particularly finds one of its favorite ways of making money, by the illicit and illegal sale of these materials.

Drug abuse constitutes one of the biggest sources of crime on the streets, because, in order for the addicts to satisfy their voracious appetites for these drugs and substances, they go out and rob and burglarize, they extort money, and engage in the other forms of crime with which the Nation is so plagued.

It seems to me that under these conditions, where there is a constitutionally recognized exception to the announcement rule, a properly drafted amendment to section 3109 reflecting the exception for potential destruction of evidence should pass constitutional muster.

Although other exceptions might survive judicial scrutiny as well. The scope of section 702(b) has been kept narrow. It is limited. We do not want to cure all the ills in the world all at once. There might come a time when we would want to do that, and I would want every much to canvass the necessity in other areas; but it is a case here of an area where the evidence is easily disposed of. It is a case where people dealing in this type of traffic would be prone, and in fact they would be eager, to endanger the life of the man who is executing the search warrant. I believe that the case has been very well made for the passage of this bill with section 702(b) in it.

One thing is sure, Mr. President: The constant growth in the drug traffic is resulting in a demand for more effective law enforcement. This demand will in turn encourage a corresponding growth in the law; or, if not a growth, at least a clarification or refinement of existing standards by way of exceptions to the rule of announcement. I say let us do it in a way in which the rights of the citizens will be protected to the maximum. This bill, in my judgment, satisfies that requirement and will be useful in connection with the situation at hand. The pending amendment should be defeated. Section 702(b) of the bill should remain intact.

Many great tributes have been paid this afternoon to the Senator from North Carolina, and I should like to express

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similar sentiment. This is one of the rare occasions when the Senator from North Carolina and the Senator from Nebraska have parted company. We do so in good spirit—both of us with sincerity, both of us possessed of the conviction that we are absolutely right.

I honor the Senator from North Carolina for his great learning and his scholarship in the field of law. But I also know that a practical situation faces us. An evolution of the law has been occurring and is occurring. The question of what is reasonable in the field of searches and seizures has been in litigation for 100 years. There has been a constantly shifting and constantly unclarified position, and a positon in which the waters have geen muddied for a long time. It behooves us, at this juncture of our national history, to go into the proposition and canvass the possibility and the probability and the greatest likelihood of proposing an amendment to section 3109 which, in effect, will meet constitutional standards. This amendment to section 3109 will serve two notable purposes: first, the protections that must be accorded to the citizenry at large will be stabilized and made more understandable; and second, law-enforcement officials will be given the tool they so sorely need if we are going to strike at one of the most vexing and disastrous aspects of the battle against illicit drug traffic and the crime that emanates therefrom.

It is for these reasons that I urge that the amendment be defeated and that section 702(h) remain in the bill as it was written.

I yield the floor.

Mr. ERVIN. I thank the distinguished Senator from Nebraska for the complimentary remark he made concerning me. I agree that ordinarily he and I entertain the same sound notions on most legal questions, and I regret that he has fallen a little from grace on this particular occasion.

Mr. HRUSKA. It will long be debated which of the two Senators has fallen from grace, but others will judge that.

Mr. DODD. I wish to compliment the Senator from Nebraska on his statement concerning this bill. He did it with his usual erudition. Whenever he speaks, it always seems to me that the subject matter is more clear. It certainly is to me. I think that in this instance, as in other matters, he has made a great contribution to the clearing up of the drug situation in this country. I thank him personally, and I think I can thank him on behalf of a vast number of people in this country.

Mr. HRUSKA. The Senator from Connecticut was present at almost all the extensive hearings on this bill. It was not my privilege to be present that frequently. I often sat beside him when all these matters were thoroughly laid out by the witnesses. Without his persistence and without his ability to develop the evidence and testimony as it was brought forward, we would not be able to make the case we make here today; and I pay him great respect and tribute for his contribution in this regard.

Mr. DODD. I thank the Senator.

Mr. GRIFFIN. Mr. President, I suggest the absence of a quorum.

The **PRESIDING OFFICER.** The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The **PRESIDING OFFICER** (Mr. DOLE in the chair). Without objection, it is so ordered.

UNANIMOUS-CONSENT AGREEMENT

Mr. BYRD of West Virginia. Mr. President, I am about to propound a unanimous-consent request.

I ask unanimous consent that the time on the pending amendment, and all amendments thereto, be limited to 45 minutes, with the time to be equally divided between the able Senator from Connecticut (Mr. DODD) and the able minority leader, whomever he may designate.

The **PRESIDING OFFICER.** Is there objection to the request of the Senator from West Virginia? The Chair hears none, and it is so ordered.

Mr. HRUSKA. Mr. President, I yield 15 minutes to the Senator from Michigan.

The **PRESIDING OFFICER.** The Senator from Michigan is recognized for 15 minutes.

Mr. GRIFFIN. Mr. President, I would like to join in the tributes which have been paid to the distinguished Senator from North Carolina (Mr. ERVIN), who is recognized by every Senator on both sides of the aisle as a most distinguished scholar and student of the Constitution. I certainly wish to indicate my high respect and high regard for his views. They are not to be taken lightly. When he makes an argument, he makes it most effectively. It is most uncomfortable for this Senator to be on the other side of this particular issue.

However, I feel strongly that not only would it be constitutional for the Senate to adopt the language which the Senator from North Carolina would strike, but also that it would be public policy to do so.

We start from the proposition and the realization that the Constitution does not protect citizens against all searches and seizures. We are protected and have the right of privacy under the fourth amendment from unreasonable searches and seizures.

Even from the days of common law, it has been recognized that while a law officer has a general obligation to knock at the door and announce his presence and purpose, there are circumstances under which that requirement was waived.

The question before the Senate today is whether the language in section 702(b) first, is constitutional, and second, whether it would be good public policy to adopt the language.

The distinguished Senator from North Carolina has focused upon the the Ker case. To be sure, four Justices in that case—a minority—took the point of view which has been argued by the Senator from North Carolina. But it is equally of more importance to note that a majority of the court found in that particular case that under the circumstances of the case, the questioned search and seizure was lawful.

Mr. ERVIN. Will the Senator from Michigan yield at that point?

Mr. GRIFFIN. I yield.

Mr. ERVIN. There were three other justices, in addition to Justice Brennan, who said that the fourth amendment did not have anything to do with this because the fourth amendment does not apply to the States. Thus, we have an equally balanced court with eight agreeing that the fourth amendment does apply and one of them saying it does not. The only way you can get the majority is to count the one who said the fourth amendment did not apply at all.

Mr. GRIFFIN. If we would accept the view of the Senator from North Carolina, for purposes of argument, that the Ker decision does not adequately clarify the constitutional dimensions of this problem then I would suggest that we might look at another case.

I invite attention to the case of *People* v. *De Lago*, 16 N.Y. 2d 289 (1965), cert. denied, 383 U.S. 963 (1966). This case was decided on the basis of the interpretation of a provision in the New York Code of Criminal Procedure.

That provision of section 799 of the New York Code of Criminal Procedure, provides:

> Section 799. The Officer may break open an outer or inner door or window of a building, or any part of the building, or anything therein, to execute the warrant, (a) if, after notice of his authority and purpose, he be refused admittance, or (b) without notice of his authority and purpose, if the judge, justice or magistrate issuing the warrant has inserted a direction therein that the officer executing it shall not be required to give such notice. The judge, justice or magistrate may so direct only upon proof under oath, to his satisfaction, *that the property sought may be easily and quickly destroyed or disposed of, or that danger to the life or limb of the officer or another may result*, if such notice were to be given. As amended L. 1964, c. 85, eff. July 1, 1964.

The statute before the Court of Appeals of New York, in that particular case, I suggest, was similar to and in fact went further than the language the Senate is considering in section 702(b).

The Court of Appeals of New York was faced with the argument that the search and seizure in this case was unconstitutional under the fourth amendment to the Constitution, which generally requires an announcement by police officers of their purpose and authority before breaking into an individual's home.

In this case, officers had obtained a search warrant after satisfying the magistrate under the New York statute that there was reason to believe that certain gambling evidence would be destroyed if notice were given. Accordingly, they entered without notice, the arrest was made, and conviction was had.

In their opinion, the New York Court of Appeals stated in part that—

> The search warrant is attacked upon the further ground that the Fourth Amendment to the United States Constitution requires an announcement by police officers of their purpose and authority before breaking into an individual's home (Boyd v. United States, 116 U.S. 616, 6 S.Ct. 524, 29 L.Ed. 746), and that the warrant is, threfore, void for dispensing with the need for such notification.

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> Section 799 of the Code of Criminal Procedure, as amended by chapter 85 of the Laws of 1964, authorizes an officer to break open an outer or inner door or window, or any part of a building "without notice of his authority and purpose, if the judge * * * issuing the warrant has inserted a direction therein that the office executing it shall not be required to give such notice."
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> * * * * *
>
> Although the need for notification as a general constitutional requirement was reaffirmed in Ker v. State of California, 374 U.S. 23, 83 S.Ct. 1623, 10 L Ed. 2d 726, which is the leading case upon the subject, the Supreme Court upheld the lawfulness of a search (even without a warrant) where police officers entered quietly and without announcement in order to prevent the destruction of contraband.
>
> * * * * *
>
> The Supreme Court examined whether, notwithstanding its legality under State law, the method of entering Ker's home offended Federal constitutional standards of reasonableness.

In this case, the court noted further that—

> It was represented to the court by affidavit that gambling materials were likely to be found at this location, and in issuing the warrant the court could take judicial notice that contraband of that nature is easily secreted or destroyed if persons unlawfully in the possession thereof are notified in advance that the premises are about to be searched.

The court of appeals, after it considered the constitutional change, found unanimously that the search and seizure under the New York statute was constitutional.

Application was made to the U.S. Supreme Court for certiorari, and it was denied in 1966, following the Ker decision—383 U.S. 963.

It is obvious that the argument which the distinguished Senator from North Carolina is making was before the Supreme Court in the De Lago case. The Supreme Courts refusal to consider that case impliedly, at least, supports the decision of the Court of Appeals of the State of New York as to the meaning, scope, and impact of the Ker decision.

I think it should be very clear that those who are supporting this language to the pending bill are by no means trying to unreasonably deprive or infringe upon the right of privacy.

In legislation heretofore passed. The Congress authorized making application to a judge for the instituting of electronic surveillance or wiretapping.

As we know, in a wiretap situation, the person whose conversations are being monitored does not know or usually find out that the conversation is being monitored.

If we are talking about the right of privacy, it would seem to me there would be far more objection to the provisions authorizing a court supervised and controlled wiretap than there would be to the pending provision.

Beyond that, it is very difficult for me to understand how the Senate which adopted the District of Columbia crime bill very recently containing a much broader so-called no-knock provision in it, can now object to a more limited no-knock provision as is included in the pending bill. As we know the no-knock provision in the District of Columbia crime bill was not limited to narcotics or drugs. It applied to anything that might be destroyed or easily disposed of.

The pending bill was very carefully drafted and restricted to the very serious problem of drug abuse which confounds and perplexes the American people as well as the law enforcement officers who are trying to do something about it.

It is necessary to strike a balance between the right of privacy and the ability to enforce the law. In this situation, I believe we ought to clarify the law so as to enable Federal officers with respect to dangerous drugs to take advantage of the common law exceptions to entry without notice provided such officers can persuade a Federal judge or magistrate of the correctness of their claim to such entry in a given case.

I believe the pending amendment, which I realize is offered by the Senator from North Carolina with deep conviction, should in the public interest be rejected.

A reading of the Supreme Court decisions indicates to me that, constitutionally, Congress could go further than it purports to go in the pending bill.

The committee has been rather careful in delineating and providing protection for the rights of our citizens against unauthorized intrusions.

The pending bill requires that there be a search warrant obtained. An officer is not allowed to make a decision to enter without notice. He must persuade a judge or magistrate of the need for such entry.

The officer cannot make his case at the door of a home—he must make his case before the court.

Mr. President, a law officer must present his case and indicate the grounds and the reasons why he thinks it is necessary to enter the premises without giving notice.

If the magistrate is satisfied that the situation meets the test of the statute, then he will issue the search warrant, which must specifically authorize such entry.

This is the only way entry without notice would be permitted by the bill.

Mr. President, I ask unanimous consent to have the entire opinion in People against DeLago, which I referred to earlier, printed in the RECORD.

There being no objection, the opinion was ordered to be printed in the RECORD, as follows:

THE PEOPLE OF THE STATE OF NEW YORK, RESPONDENT, *v.* ANTHONY DE LAGO, APPELLANT

Court of Appeals of New York, Dec. 30, 1965.

Certiorari Denied March 28, 1966. (See 86 S. Ct. 1235.)

Defendant was convicted in the Westchester County Court, John H. Galloway, Jr., J., on his plea of guilty, of bookmaking and possession of policy slips. That court denied motion to suppress as evidence certain property seized by police during search of defendant's apartment pursuant to search warrant and defendant appealed. The Appellate Term of the Supreme Court in the Second Judicial Department affirmed judgment and appeal was taken by permission of Associate Judge of Court of Appeals. The Court of Appeals, Van Voorhis, Jr., held that where it was represented to court by affidavit that gambling materials were likely to be found at location sought to be searched, it was reasonable to include in search warrant provision that executing peace officer was not required to give notice of his authority and purpose prior to executing order, even though there was nothing in affidavit to show specifically how or where those gambling materials would likely be destroyed or removed.

Judgment and order affirmed.

1. Searches and Seizures 🔑3(8).

Where defendant occupied one apartment in four-apartment structure, warrant commanding search of structure located at address of that apartment building was sufficiently ambiguous to justify looking to caption of warrant for clarification. U.S.C.A. Const. Amend. 4.

2. Searches and Seizures 🔑3(8).

Where defendant occupied one apartment in four-apartment structure and caption of search warrant commanding search of structure located at address of that apartment building limited search to described apartment which was the living unit occupied by defendant, warrant was not constitutionally deficient on basis that it did not particularly describe place to be searched. U.S.C.A. Const. Amend. 4.

3. Searches and Seizures🔑7(1).

Fourth Amendment is not violated by an unannounced police intrusion, with or without an arrest warrant, where those within, made aware of presence of someone outside, are then engaged in activity which justifies belief that an escape or destruction of evidence is being attempted. U.S.C.A. Const. Amend. 4.

4. Searches and Seizures🔑3(2)

Validity of search warrant is determined as of time of its issuance. U.S.C.A. Const. Amend. 4.

5. Criminal Law🔑304(1).

Court could take judicial notice that gambling materials are easily secreted or destroyed if persons unlawfully in possession thereof are notified in advance that premises are about to be searched. U.S.C.A. Const. Amend. 4.

6. Gaming🔑60.

Where it was represented to court by affidavit that gambling materials were likely to be found at location sought to be searched, it was reasonable to include in search warrant a provision that executing peace officer was not required to give notice of his authority and purpose prior to executing order, even though there was nothing in affidavit to show specifically how or where those gambling materials would likely be destroyed or removed. Const. art. 1, § 12; U.S.C.A. Const. Amends 4, 14; Code Cr. Proc. § 789.

7. Gaming🔑60.

Even though affidavit stating that gambling materials were likely to be found at described location did not state specifically how or where those gambling materials would likely be destroyed or removed, likelihood that they would be destroyed or removed was an inference of fact which judge signing warrant might permissibly draw. Code Cr. Proc. § 799; U.S.C.A. Const. Amend. 4.

8. Searches and Seizures🔑7(5).

Section of Code of Criminal Procedure authorizing inclusion in search warrant of provision authorizing officers to break open an outer or inner door or window or any part of building without notice of his authority and purpose if judge issuing warrant has inserted direction that officer executing it shall not be required to give such notice complies with Fourth Amendment to Constitution of United States Code Cr.Proc. § 799; U.S.C.A. Const. Amend. 4.

MICHAEL . WINTER, BROOKLYN, FOR APPELLANT; LEONARD RUBENFELD, DIST. ATTY. (JAMES J. DUGGAN, TUCKAHOE, OF COUNSEL), FOR RESPONDENT; VAN VOORHIS, JUDGE

[1, 2] Appellant occupied one apartment in a four-apartment structure known as 2 and 3 Abendroth Place, Port Chester, New York. Policy slips and other gambling para-

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phernalia were found in his apartment in a search thereof by the police made pursuant to a warrant commanding the search of "the structure, located at premises 2 and 3 Abendroth Place, Port Chester, New York, believed to be the framed [sic] dwelling occupied by one Anthony De Lago". We regard this phraseology as sufficiently ambiguous to justify looking to the caption of the warrant for clarification (People v. Martell, 16 N.Y. 2d 245, 264 N.Y.S.2d 913, 212 N.E.2d 433; Squadrito v. Griebsch, 1 N.Y.2d 471, 475, 154 N.Y.S.2d 37, 40, 136 N.E.2d 504, 506). The caption limits the search to the area described in the application for the warrant, namely, "The first floor apartment at 2 Abendroth Place, Port Chester," which was the living unit occupied by Anthony De Lago, the appellant herein. This was enough to sustain the warrant against the attack made upon it under People v. Rainey, 14 N.Y.2d 35, 248 N.Y.S.2d 33, 197 N.E.2d 527, that it was constitutionally deficient for "not 'particularly describing the place to be searched'" (N.Y. Const., art. I, § 12; U.S. Const., 4th Amdt.).

The search warrant is attacked upon the further ground that the Fourth Amendment to the United States Constitution requires an announcement by police officers of their purpose and authority before breaking into an individual's home (Boyd v. United States, 116 U.S. 616, 6 S.Ct. 524, 29 L.Ed. 746), and that the warrant is, therefore, void for dispensing with the need for such notification.

Section 799 of the Code of Criminal Procedure, as amended by chapter 85 of the Laws of 1964, authorizes an officer to break open an outer or inner door or window, of any part of a building "without notice of his authority and purpose, if the judge * * * issuing the warrant has inserted a direction therein that the officer executing it shall not be required to give such notice." That section continues by stating that the Judge may so direct "only upon proof under oath, to his satisfaction, that the property sought may be easily and quickly destroyed or disposed of, * * * if such notice were to be given."

Boyd v. United States (supra), Accarino v. United States, 85 U.S.App.D.C. 394, 179 F.2d 456, 465, and other cases are cited in support of appellant's contention.

Although the need for notification as a general constitutional requirement was reaffirmed in Ker. v. State of California, 374 U.S. 23, 83 S.Ct. 1623, 10 L.Ed.2d 726, which is the leading case upon the subject, the Supreme Court upheld the lawfulness of a search (even without a warrant) where police officers entered quietly and without announcement in order to prevent the destruction of contraband adding (pp. 37–38, 83 S. Ct. pp. 1631, 1632): "The California District Court of Appeal * * * held that the circumstances here came within a judicial exception which had been engrafted upon the statute by a series of decisions, see e.g., People v. Ruiz, 146 Cal.App. 2d 630, 304 P.2d 175 (1956); People v. Maddox, 46 Cal.2d 301, 294 P.2d 6, cert. denied, 352 U.S. 858, 77 S.Ct. 81, 1 L.Ed.2d 65 (1956), and that the noncompliance was therefore lawful."

[3] The Supreme Court examined whether, notwithstanding its legality under State law, the method of entering Ker's home offended Federal constitutional standards of reasonableness. The court found no violation, even assuming that the officers' entry by use of a key was the legal equivalent of a "break". The California case of People v. Maddox, 46 Cal.2d 301, 306, 294 P.2d 6, was followed to the effect that the Fourth Amendment is not violated by an unannounced police intrusion, with or without an arrest warrant, where those within, made aware of the presence of someone outside, are then engaged in activity which justifies the belief that an escape or the destruction of evidence is being attempted.

[4, 5] Although the validity of a warrant is determined as of the time of its issuance (People v. Rainey, supra), in this instance it was represented to the court by affidavit that gambling materials were likely to be found at this location, and in issuing the warrant the court could take judicial notice that contraband of that nature is easily secreted or destroyed if persons unlawfully in the possession thereof are notified in advance that the premises are about to be searched.

[6–8] For this reason we consider that it was reasonable to include in this search warrant the provision under attack that "Sufficient proof having been given under oath that the gambling and other paraphernalia sought may easily and quickly be destroyed and disposed of, the executing peace officer is not required to give notice of his authority and purpose prior to executing this order." Even though there is nothing in the affidavit to show specifically how or where these gambling materials would be likely to be destroyed or removed, the likelihood that they would be was an inference of fact which the Judge signing the warrant might draw. The portion of section 799 of the Code of Criminal Procedure authorizing the inclusion of this provision in the search warrant is held to comply with the Fourth Amendment to the Constitution of the United States.

The judgment of conviction and the order denying the motion to suppress should be affirmed.

Desmond, C. J., and Dye, Fuld, Burke, Scileppi and Bergan, JJ., concur.

Judgment and order affirmed.

Mr. GRIFFIN. Mr. President, at this point I send to the desk an amendment which I offer as a substitute for the pending amendment and ask that it be stated.

The PRESIDING OFFICER. No amendment is in order until all time has expired, except by unanimous consent.

Mr. GRIFFIN. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. GRIFFIN. It was my understanding that the agreement related to the pending amendment and amendments thereto.

The PRESIDING OFFICER. The Senator is correct.

Mr. GRIFFIN. Mr. President, I shall offer the amendment at the expiration of the time, and I will take some time now to explain my proposal.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the amendment to the amendment may be offered at this time.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

The amendment will be stated.

The bill clerk proceeded to state the amendment.

Mr. GRIFFIN. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered; and the amendment will be printed in the Record.

The amendment, ordered to be printed in the Record, is as follows:

Delete subsection (b) of section 702 and insert therefor on page 72, line 20, the following:

"(b) Any officer authorized to execute a search warrant relating to offenses involving controlled dangerous substances the penalty for which is imprisonment for more than one year may, without notice of his authority and purpose, break open an outer or inner door or window of a building, or any part of the building, or anything therein, if the judge or United States Magistrate issuing the warrant is satisfied that there is probable cause to believe that (A) the property sought may and, if such notice is given, will be easily and quickly destroyed or disposed of, or (B) the giving is such notice will immediately endanger the life or safety of the executing officer or another person, and has included in the warrent a direction that the officer executing it shall not be required to give such notice: *Provided*, That any officer acting under such warrant, shall, as soon as practicable after entering the premises, identify himself and give the reasons and authority for his entrance upon the premises."

Mr. GRIFFIN. Mr. President, the language of my amendment is the same as the language in the bill except that I propose to adopt the precise language that was approved by the Senate in the District of Columbia crime bill concerning the tests applied by the court in approving entry without notice.

Section 702(b) of the bill under my amendment would include "if the judge or United States Magistrate issuing the warrant is satisfied that there is probable cause to believe that (A) the property sought may and, if such notice is given, will be easily and quickly destroyed or disposed of, (or) (B) the giving of such notice will immediately endanger the life or safety of the executing officer or another person."

I recognize that the Senator from North Carolina, when inquiry was made by the Senator from Connecticut as to whether or not a change in this wording would affect his position, said it would not.

I realize that in offering the amendment, but I want to make it clear that to the extent that the District of Columbia crime bill language resolved constitutional questions, and it did, this amendment seeks to incorporate and adopt the precise language of that bill on this point.

Mr. DODD. Mr. President, will the Senator yield?

Mr. GRIFFIN. I yield to the Senator from Connecticut.

Mr. DODD. I see the chairman of the District of Columbia Committee in the Chamber. Perhaps he could help us on this point. Is this provision a substantial difference?

The PRESIDING OFFICER. Does the Senator from Michigan yield to the Senator from Maryland?

Mr. GRIFFIN. I yield.

Mr. TYDINGS. Before responding to the question of the Senator from Connecticut, I wish to state that in my judgment the substitution of the word "will" for the word "may" is extremely important.

The PRESIDING OFFICER. The time of the Senator from Michigan has expired.

Mr. DODD. Mr. President, I yield the Senator such time as he needs on the amendment.

Mr. TYDINGS. Because this issue is a matter of considerable importance, I wish to study the remainder of the language of S. 2869, which is the District of Columbia crime bill. I might add that the no-knock provision in S. 2869 was perfected by my committee before it was passed by the Senate.

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At that time we gave a great deal of thought to the matter. We were very concerned with the original language of the Department of Justice for fear it was unconstitutional under Sabbath against United States, particularly footnote 4, which refers to Justice Brennan's opinion in Ker against California.

The key language in our proposal was the substitution of the word "will" for the word "may."

I would like an opportunity to study for a few minutes the remainder of the appropriate language which is found in section 108 of S. 2869 to see whether there are additional points which should be added to the amendment.

Mr. GRIFFIN. I would like to call to the attention of the Senator from Maryland that in the bill now before the Senate, I believe we have much more protection, if I may say so very respectfully, than was in the District of Columbia crime bill.

In this case, first of all, the bill is limited to dangerous drugs and does not apply beyond that where the District of Columbia crime bill did. Furthermore, the pending bill also provides that—

> Provided, That any officer acting under such warrant, shall, as soon as practicable after entering the premises, identify himself and give the reasons and authority for his entrance upon the premises.

It is my impression that that language was not in the District of Columbia crime bill.

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Mr. TYDINGS. The Senator is correct. In all probability I may reach the determination that this is an amendment which should be supported, but I would like the opportunity to reflect upon it for a few moments.

Mr. GRIFFIN. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report issued by the Senator from Maryland (Mr. TYDINGS) in connection with S. 2869, the District of Columbia crime bill.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

Sections 107, 108, and 109 technically relate to the issuance of search warrants, and the application for such warrants, and the execution thereof, respectively. Substantively, however the sections overlap. In the aggregate, they have the following effect (1) of instituting a new standard for the issuance of warrants for nighttime execution; (2) of codifying those exigent circumstances under which an officer may dispense with the customary requirement of giving notice of his authority and purpose prior to the execution of a search warrant, and establishing a statutory bias in favor of obtaining, where practicable, prior court assessment of said exigent circumstances (by way of application for "no knock" warrants); and (3) of codifying certain exceptions, approved by existing case law and arising as a matter of functional necessity, to the general and constitutional rule whereby authority to seize property in the execution of a search warrant is limited to those items specified in the warrant.

Under sections 107 and 108 of S. 2869 as reported, a judicial officer must ordinarily direct that a search warrant be executed during the hours of daylight. However, the warrant may authorize otherwise—for example, that the warrant be executed at any, or some particular, time including during the hours of nighttime—if the judicial officer finds that the warrant cannot successfully, and safely, be executed during the daylight hours or hours other than those for which the application for execution authority is made. By approving said general rule and exceptions, the Senate District Committee seeks to balance competing legislative policies—first, the policy generally disfavoring nighttime executions, nighttime intrusions, more characteristic of a "police state" lacking in the respect for due process and the right of privacy dictated by the U.S. Constitution and history, and, secondly, the policy favoring effective law enforcement for the preservation of the prerequisite of an ordered society, and favoring the sure administration or rendering of criminal justice.

The new, recommended standard for authorizing the nighttime execution of search warrants—tantamount to a requirement that such execution be reasonably unavoidable—replaces an existing test whereby if the affidavits are positive that the property is on the person or in the place to be searched, the warrant may direct that it be served at any time" including during the nighttime, the so-called "positivity test." It is the view of the Senate District Committee that, while the "positivity" standard is intended to reflect an aversion to nighttime intrusions, nevertheless, an officer executing a search warrant may frequently be "positive" as to the whereabouts of the property being sought and at the same time be reasonably capable of executing the warrant with success during the preferred daylight hours. Conversely, a warrant lawfully executed—upon a minimum of probable cause—may not admit of daytime execution; the affiant may not be in fact "positive" as to the whereabouts of the property seized; and yet under the existing test such lack of "positivity" would serve as an effective bar to execution of the fully lawful warrant. In the committee's view, authorization for the less favored manner of execution logically should depend not upon the state of the executing officer's knowledge, but rather upon the feasibility of avoiding the less favored course.

The District Committee is advised that, from a practical standpoint, the required averment of positivity is frequently reduced to mere formulaic recitation. Under the provisions of sections 107 and 108, by way of contrast, the judicial officer issuing the warrant is invited to effect more active, meaningful supervision, as he renders the more logical and precise statutory determinations. (The committee is advised also that the provisions under discussion are patterned upon secs. 365.30(2) and 365.35(3)(b) of the proposed New York criminal procedure law (1968) and conform in substance to existing section 801 of the New York Code of Criminal Procedure.)

Under sections 107, 108, and 109 of S. 2869 as reported, an officer executing a search warrant must ordinarily give notice of his authority and purpose prior to entering upon premises to be searched. (See the comparable statute under existing law, sec. 3109 of title 18, United States Code.) U.S. Supreme Court in the case of *Ker* v. *California*, 374 U.S. 23 (1963), suggested, however, that the fourth amendment of the Constitution (in the *Ker* case, as "incorporated" for application to the States by the due process clause of the 14th amendment) is not violated, the search is not unreasonable, if pursuant to the law of the jurisdiction in question, an officer is authorized to dispense with the giving of notice under certain narrowly defined, exigent circumstances. Sections 107, 108, and 109 grant such authority as the law of the jurisdiction of the District of Columbia; and, in addition, manifest a legislative policy favoring the prior application by such officers for further court authority, to be expressed in the warrant, for dispensing with the notice requirement.

The latter policy approved by the Senate District Committee is that expressed, by way of dicta, in the case of *Trupiano* v. *United States*, 334 U.S. 699, 705 (1947), where the Court alludes to "the desirability of having magistrates rather than police officers determine when searches and seizures are permissible and what limitations should be placed upon such activities. * * * In their understandable zeal to ferret out crime * * * officers are less likely to possess the detachment and neutrality with which * * * constitutional rights * * * must be viewed."

In other words, it is made clearly the law of the District of Columbia, on the one hand, that police officers may under certain conditions and on their own initiative, effect entry upon premises without notice. Effective law enforcement locally demands as much. Nevertheless, it is likewise intended, under sections 107, 108, and 109, that, when the applicant is aware, at the time of the request for the warrant, of compelling reasons for dispensing with notice of authority and purpose, he must state those reasons to the judicial officer who is to issue the warrant; and, in the absence of authorization then from said judicial officer for dispensing with the requirement of prior notice, those compelling reasons without more are not to be deemed by the executing officer alone to be adequate exigent circumstances.

The precise language of sections 108 and 109 defining those exigent circumstances which justify dispensing with notice is largely derived from the *Ker* case itself. Of the eight Justices who sought to apply the requirments of the fourth amendment to the California criminal proceeding, four determined that the facts of the *Ker* case made out a violation of those requirements, while four, ruling as the majority, found no such violation. (Mr. Justice Harlan voted to affirm the judgment below, but applied not the requirements of the fourth amendment—which would be applicable in the District of Columbia outright—but rather a more flexible requirement of fundamental fairness embodied in the 14th amendment.) The District Committee in revising sections 108 and 109 was inclined in consequence to read the *Ker* case narrowly, with a view toward forestalling constitutional attack.

The California rule which the Court approved is stated as follows, 374 U.S. at 40: "'[C]compliance is not required if the officer's peril would have been increased or the arrest frustrated had he demanded entrance and stated his purpose.'" The facts of the *Ker* case, moreover, were such that "Ker's furtive conduct in eluding them [, the officers,] shortly before the arrest was ground for the belief that he might well have been expecting the police." Mindful that the California rule refers to frustration which would result—or, in the absence of hindsight, which the officer believes would result—sections 108 and 109 posit the standard of probable cause to believe that the property will be destroyed; that is, would be destroyed were notice to be given. (The additional requirement of belief that the property "may" be destroyed requires belief simply that the property is destroyable.) Mindful that the California rule refers to peril which would be increased—or, in the absence of hindsight, which the officer believes would be increased—and furthermore in light of the fact that the officers in *Ker* had good grounds to believe that Ker was awaiting them, sections 108 and 109 posit the further standard of probable cause to believe that the officer (or some other person) will be endangered; that is, would be endangered if notice were to be given. (The additional reference to immediate danger simply restates in narrow terms the scenario approved in *Ker;* the officers had grounds to believe that, were notice to be given, the peril would thereupon increase; the reference is clearly not to peril occuring at some more distant juncture, but to peril at the relevant juncture, the time of the intrusion.

> Also in this regard, it was suggested that the standard be one of (A) probable cause (B) to believe that the property (C) *may* be destroyed (or that some person (C) may be endangered). The District Committee opted to substitute (A) probable cause (B) to believe that the property (C) *will* be destroyed (or that some person (C) *will* be endangered), as conforming more closely to the *Ker* case as described above—including its holding, dicta, facts, and case law background—and in order to avoid a seeming unintended further pyramiding of uncertainties ((C) upon (A) and (B). That is to say, the committee was fearful lest it be argued that (A) probable cause for (B) belief as to (C) a possibility (indicated by the further "*may*") constitutes, with the three levels of uncertainty (A), (B), and (C)), in fact no reasonable grounds at all.

Mr. GRIFFIN. I yield to the Senator from Connecticut.

Mr. DODD. Mr. President, I wish to say I think this is a good amendment, and I think that it will be of help in the bill. I had hoped such an amendment would overcome the objections of the Senator from North Carolina when I suggested it a few moments ago. However, if there are other Senators who are troubled about the use of the word "may" I think this amendment is an improvement, and I am happy to accept it. I compliment the Senator from Michigan for having offered the amendment.

Mr. GRIFFIN. I thank the Senator for those kind remarks.

There is a further reason why I believe the amendment should be adopted. After all, the District of Columbia is governed by the Federal Government. Federal agents and officers are attempting to adhere to the applicable law. It seems to me if we are going to give Federal agents similar authority outside the District of Columbia, to the extent possible, the Congress should use the same language and provide the same tests to avoid any possible confusion.

Mr. DODD. That is another reason to accept it.

Mr. ERVIN. There are certainly differences between the amendment of the Senator from Michigan and the provision in the District of Columbia law.

Mr. DODD. The Senator is correct, but that is not at issue here. I am talking about the amendment of the Senator from Michigan.

Mr. ERVIN. Do I understand that the Senator from Connecticut believes that the provision in the District law should be identical with any provision in the present bill?

Mr. DODD. I think everyone would agree if they were exactly alike in all respects. This will not happen. But in this respect we can conform and make this provision like the District of Columbia bill, and we should do it. Because we cannot do all of it is not a reason for not doing some of it.

Mr. ERVIN. I still have not made my point.

Mr. GRIFFIN. Mr. President, I have the floor, but I am glad to yield to the Senator from North Carolina.

Mr. ERVIN. I was making the point that the amendment offered by the distinguished Senator from Michigan and the provision in the District of Columbia crime bill are quite different.

Mr. GRIFFIN. Let me answer by saying the provisions are not identical in all respects, but they are identical insofar as this crucial test is concerned around which the constitutional argument has been raised. So far as some of the other language which goes to making application for the warrant is concerned, I must concede, without rewriting the entire bill, we could not have had identical language. But for that matter, we would not want identical language because we are here only dealing with drugs, and we are not seeking to go beyond that.

So far as the argument of the Senator from North Carolina relating to constitutionality of the provision is concerned, we have identical language to deal with in my proposal and the District of Columbia crime bill.

The PRESIDING OFFICER. Who yields time?

Mr. DODD. Mr. President, I have said and I repeat that I am happy to accept the amendment of the Senator from Michigan.

Mr. ERVIN. I object because there has been an order entered for a rollcall vote on my amendment.

Mr. DODD. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. DODD. Mr. President, am I not entitled to accept the amendment? I think I am entitled to say I am willing to take it. Is that right?

The PRESIDING OFFICER. The Senator is correct, but the Senate must accept it. It would be in order to ask unanimous consent that the language be modified to include the amendment.

Mr. ERVIN. Can that be done after a rollcall vote has been ordered on my amendment?

The PRESIDING OFFICER. The yeas and nays have no effect on what is voted on.

Mr. DODD. Then, I do ask unanimous consent to that effect.

Mr. ERVIN. I object.

The PRESIDING OFFICER. As the Chair understands it, if the Senator did accept the modification, the vote would still come on the amendment to strike.

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum, with the understanding that the time be equally divided between both sides.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

The bill clerk proceed to call the roll.

Mr. GRIFFIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GRIFFIN. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state his parliamentary inquiry.

Mr. GRIFFIN. A vote on the amendment offered by the junior Senator from Michigan would come before the vote on the amendment offered by the Senator from North Carolina. Is that correct?

The PRESIDING OFFICER. That is correct.

Mr. GRIFFIN. I ask for the yeas and nays on my amendment.

Mr. ERVIN. Mr. President, before the Senator requests the yeas and nays, I would like to ask a parliamentary inquiry.

Mr. GRIFFIN. I defer to the Senator from North Carolina.

The PRESIDING OFFICER. The Senator from North Carolina will state his parliamentary inquiry.

Mr. ERVIN. Mr. President, I want to pose this parliamentary inquiry: If the distinguished Senator from Connecticut modifies his amendment to conform to the amendment proposed by the Senator from Michigan, would the amendment offered by me and my eight cosponsors still be in order?

The PRESIDING OFFICER. If it were modified and treated as original text, it would still be in order.

Mr. ERVIN. I would suggest that the Senator from Connecticut ask unanimous consent that his amendment, being modified in the manner suggested by the Senator from Michigan, be considered as original text.

Mr. GRIFFIN. Mr. President, I think I would prefer the regular procedure in this case and accordingly, I ask for the yeas and nays on my amendment.

Mr. ERVIN. Mr. President, I would like to ask a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. ERVIN. Does the time limitation apply to the Senator from Michigan?

The PRESIDING OFFICER. That is correct. The agreement is on the amendment and all amendments thereto. Who yields time?

Mr. ERVIN. Mr. President, I have another parliamentary inquiry.

The PRESIDING OFFICER. Does the Senator from North Carolina wish to make a parliamentary inquiry?

Mr. ERVIN. Yes. My parliamentary inquiry is this: In the event the amendment of the Senator from Michigan is adopted, would it be in order for me to move to strike out his provision?

The PRESIDING OFFICER. Not that identical language. The Senator from North Carolina would need to make a substantial change, but he could not strike out only that identical language.

Mr. ERVIN. Well, I would hope I would not be left without remedy.

The PRESIDING OFFICER. The Senator from North Carolina cannot move to strike the identical language in the event it is adopted.

Mr. ERVIN. My amendment would be to strike out all subsection (b) of section 702. Why would not that apply?

The PRESIDING OFFICER. Because if the Senate agrees to this amendment, the Senate will have put in what the Senator from North Carolina proposes to strike out, and a motion to strike and insert takes precedence.

Who yields time?

Mr. GRIFFIN. Mr. President, I ask for the yeas and nays on my amendment.

The yeas and nays were ordered.

The PRESIDING OFFICER. Who yields time?

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Mr. DODD. Mr. President, I am prepared to yield back my time so we can get to a vote.

Mr. GRIFFIN. Mr. President, I desire to yield some time to the distinguished Senator from Maryland (Mr. TYDINGS). Is 3 minutes sufficient?

Mr. TYDINGS. Will the Senator yield to me 5 minutes?

Mr. GRIFFIN. I yield 5 minutes to the Senator from Maryland.

Mr. ERVIN. Mr. President, I want to make another parliamentary inquiry. Am I being put in the fix that the Senator from Connecticut controls the time on one side and the Senator from Michigan controls the time on the other side, so that I have no time?

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the time in opposition be allocated to the Senator from North Carolina.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ERVIN. Mr. President, how much is the time in opposition?

The PRESIDING OFFICER. The Senator from North Carolina has 4 minutes.

Mr. ERVIN. Mr. President, with all due respect, I think this is an unfair parliamentary situation.

Mr. GRIFFIN. Mr. President, I yield 2 minutes to the Senator from Maryland (Mr. TYDINGS).

Mr. TYDINGS. Mr. President, I am delighted that the Senator from Michigan is offering this amendment. I intend to support the amendment of the Senator from Michigan. His amendment, in my judgment, makes the provision fit within the language of Justice Brennan's opinion in Ker against California.

I was prepared to support the motion of the Senator from North Carolina to strike, because section 702 on page 72 of S. 3246, especially the use of the word "may," is unconstitutional, just as it similarly was unconstitutional in the District of Columbia crime bill which we received from the Department of Justice. The District of Columbia Committee studied it a great deal, and decided it could be made constitutional by amendment of the language originally submitted, just as the Senator from Michigan has done here, and changing the pertinent word from "may" to "will."

The PRESIDING OFFICER. The time of the Senator from Maryland has expired.

Mr. TYDINGS. Mr. President, I ask unanimous consent that I may have 3 additional minutes.

Mr. MANSFIELD. Mr. President, the time is limited.

The PRESIDING OFFICER. The time is limited.

Does the Senator from Connecticut yield time?

Mr. DODD. No, Mr. President. We have only 2 minutes remaining. I want to give all the time I can to any Senator who requests it, but I would like to have some time to answer the very persuasive Senator from North Carolina.

The PRESIDING OFFICER. The Senator from Maryland has no time remaining. The Senator from Michigan has 2 minutes remaining. The Senator from North Carolina has 4 minutes remaining.

Who yields time?

Mr. GRIFFIN. Mr. President, I yield the Senator from Maryland 1 additional minute.

The PRESIDING OFFICER. The Senator is recognized for 1 additional minute.

Mr. TYDINGS. Mr. President, the reason we amended the District of Columbia general crime law to read "will" instead of "may" was that the case law, including Sabbath against the United States, requires, under the fourth amendment, that the executing officer of the warrant have a probable cause to believe that if notice is given, the evidence will, or at the very least, would be destroyed.

The fourth amendment requires that the executing officer have knowledge of particular facts, not just a general impression, to justify breaking and entering without notice. To substitute the word "will" for the word "may," in my judgment, makes the provision constitutional, and therefore I support it.

The PRESIDING OFFICER. Who yields time?

Mr. MANSFIELD. Mr. President, how does the time stand?

The PRESIDING OFFICER. The Senator from North Carolina has 4 minutes remaining. The Senator from Michigan has less than 1 minute.

Mr. MANSFIELD. Mr. President, I should like to have the attention of the Senate. I am about to propound a unanimous-consent request, because of an unusual circumstance which has developed.

UNANIMOUS-CONSENT AGREEMENT

I ask unanimous consent that at the conclusion of the 1½ hours allocated to the distinguished senior Senator from Louisiana (Mr. ELLENDER) tomorrow—that would be at 12 o'clock—there be a period for the transaction of routine morning business of not to exceed 30 minutes; at that time, a motion will be made by the distinguished Senator from North Carolina (Mr. ERVIN), I believe in the form of modifying language or an amendment, and I ask unanimous consent that the vote on the pending amendment or the amendment thereto not take place tonight, but that there be a time limitation thereon between the hours of 12:30 and 1 o'clock tomorrow, and that at 1 o'clock the vote be taken.

The PRESIDING OFFICER. Is there objection?

Mr. GRIFFIN. Mr. President, reserving the right to object, and I shall not object, do I understand that a further amendment of some kind will be offered by the Senator from North Carolina?

Mr. MANSFIELD. Yes.

Mr. GRIFFIN. How much time will be permitted for debate on such an amendment?

Mr. MANSFIELD. The time to be equally divided between the Senator from North Carolina and the Senator from Connecticut, or whomever they may designate.

Mr. ERVIN. Mr. President, I believe that first the question would arise on the amendment of the Senator from Michigan. If the amendment of the Senator from Michigan is defeated, then my original amendment would be in order to correct the situation; but if the amendment of the Senator from Michigan is agreed to, I would have to offer another amendment to preserve my position.

Mr. GRIFFIN. That is what I am seeking to determine. It would be my understanding of the rules that another amendment by the Senator from North Carolina at this time would not be in order, because it would be an amendment in the third degree.

Mr. ERVIN. Is this correct, Mr. President?

The PRESIDING OFFICER. The Chair advises the Senate that an amendment of the Senator from North Carolina to perfect would be in order. In other words, the language is subject to a perfecting amendment before we vote on the amendment of the Senator from Michigan, at this time.

Mr. GRIFFIN. Would the Chair repeat its ruling.

The PRESIDING OFFICER. The language proposed to be stricken is open to a perfecting amendment at this time.

Mr. PASTORE. Mr. President, will the Senator from Montana yield?

Mr. MANSFIELD. I yield.

Mr. PASTORE. Then, as I understand it, there will be no further votes tonight?

Mr. MANSFIELD. If the request is agreed to, that is correct.

The PRESIDING OFFICER. Is there objection to the unanimous-consent request of the Senator from Montana? The Chair hears none, and it is so ordered.

The unanimous-consent agreement was subsequently reduced to writing, as follows:

Ordered, That further debate on the amendment by the Senator from Michigan (Mr. GRIFFIN), numbered 457 to S. 3246, Controlled Dangerous Substances Act of 1969, be limited to 30 minutes, to be equally divided and controlled by the Senator from Connecticut (Mr. DODD), or designee, and the Senator from North Carolina (Mr. ERVIN), with the vote beginning at one o'clock p.m.

Mr. HRUSKA. What is the time for voting, at 1 o'clock, on the Griffin amendment?

Mr. MANSFIELD. On the Griffin amendent, that is correct.

SENATE JOINT RESOLUTION 171—INTRODUCTION OF A JOINT RESOLUTION AUTHORIZING APPROPRIATIONS FOR THE PAYMENT BY THE UNITED STATES OF ITS SHARE OF EXPENSES OF THE PAN AMERICAN RAILWAYS CONGRESS ASSOCIATION

Mr. FULBRIGHT. Mr. President, by request, I introduce for appropriate reference a joint resolution to authorize appropriations for the payment by the United States of its share of the expenses of the Pan American Railways Congress Association.

The joint resolution has been requested by the Acting Assistant Secretary of State for Congressional Relations and I am introducing it in order that there may be a specific resolution to which Members of the Senate and the

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public may direct their attention and comments.

I reserve my right to support or oppose this resolution, as well as any suggested amendments to it, when the matter is considered by the Committee on Foreign Relations.

I ask unanimous consent that the joint resolution be printed in the RECORD at this point, together with the letter from the Acting Assistant Secretary of State dated December 12, 1969, plus the memorandum of the proposed draft amendment.

The **PRESIDING OFFICER**. The joint resolution will be received and appropriately referred; and, without objection the joint resolution and the other material will be printed in the RECORD.

The joint resolution (S.J. Res. 171), to amend the joint resolution authorizing appropriations for the payment by the United States of its share of the expenses of the Pan American Railways Congress Association, introduced by Mr. FULBRIGHT (by request), was received, read twice by its title, referred to the Committee on Foreign Relations, and ordered to be printed in the RECORD, as follows:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That Public Law 80–794, Eightieth Congress, approved June 28, 1948, is amended by striking out "$5,000" and inserting in lieu thereof "$15,000" in Section 2(a).

The material furnished by Mr. FULBRIGHT follows:

DEPARTMENT OF STATE,
Washington, D.C., Dec. 12, 1969.

HON. SPIRO T. AGNEW,
President of the Senate,
Washington, D.C.

DEAR MR. PRESIDENT: I submit a proposed draft amendment to the Joint Resolution providing for membership and participation by the United States in the Pan American Railways Congress Association.

S.J. Res. 177 of the Eightieth Congress, enacted as PL 80–794 (22 U.S.C. 280j and 280k) authorized an appropriation of $5,000 annually in connection with United States participation in the Association. There has been no increase in the United States quota to the Association in the twenty-one years of United States participation.

Last year, the Congress of the Association provisionally raised the members' quotas for the first time since the United States has been a member. The United States quota would be raised from $5,000 to $15,000 annually; other member government quotas would be raised accordingly, so that the United States quota would remain at approximately 42 percent of the total of all member governments' quotas.

The proposed legislation would authorize the proposed increase in the United States quota from $5,000 to $15,000 annually. The United States has not voted for the proposed increase and does not plan to do so until and unless Congress authorizes the increase. However, the Department believes that the proposed increase is necessary for the proper functioning of the Association and considers that the work of the Association is beneficial to United States interests.

The Bureau of the Budget has advised the Department that from the standpoint of the Administration's program, there is no objection to the submission of this proposal to the Congress for its consideration.

Sincerely yours,

H. G. TORBERT, Jr.,
Acting Assistant Secretary for Congressional Relations.

MEMORANDUM TO ACCOMPANY PROPOSED AMENDMENT TO THE JOINT RESOLUTION PROVIDING FOR MEMBERSHIP OF THE UNITED STATES IN THE PAN AMERICAN RAILWAYS CONGRESS ASSOCIATION

The Pan American Railways Congress Association is an inter-American, mixed-membership (both governments and railroads) organization in which the United States Government participates by virtue of a 1948 Act of Congress. The Statutes for the forerunner organization were adopted at a railway congress in Buenos Aires in 1910 and membership was extended to North and Central America at the Fourth Pan American Railway Congress in 1941.

The bylaws of the Association provide that the governments shall contribute on the basis of $0.05 per kilometer of railroad line in operation subject to a minimum of $100 and a maximum of $5,000. The estimated Government quotas for FY 1969 amount to $11,914 of which the United States quota is $5,000 (42%) with the remainder being the quotas of the 15 other American States that are members. (Other Member States are Argentina, Bolivia, Brazil, Colombia, Costa Rica, Cuba, Chile, Dominican Republic, Ecuador, Guatemala, Mexico, Paraguay, Peru, Uruguay and Venezuela.)

The last Congress of the Association, which was held in Buenos Aires in November 1968, provisionally raised the Member States annual quotas, the first such increase in 21 years. The new quotas would be on the basis of $0.15 per kilometer of railroad line in operation subject to a maximum of $15,000. Thus the quota paid by the United States Government would still be only 42% of the assessed government quotas which is considerably less than the 66% the United States normally pays in most inter-American organizations.

The United States Government supports the request for a quota increase from $5,000 to $15,000 because: 1) this is the first such proposed increase in a 21-year period of inflation, 2) United States business interests, particularly in the railway equipment field, assert that participation promotes sales of United States products in Latin America, 3) the United States quota, at 42% of the total assessed government quotas, is below the 66% the United States pays generally in inter-American organizations and remains substantially unchanged, and 4) the Association is useful as an additional force for Hemispheric cooperation.

The Association promotes the development of railways in the Americas mainly through publications and periodic meetings. United States participation is conducted through a National Commission whose members are appointed by the President. The members include men of importance in the railway field as well as selected United States government officials. The Chairman has always been the President of the American Association of Railroads, currently Mr. Thomas M. Goodfellow.

The Department of Transportation has stated and the Department of State concurs in the view that the Association is serving a useful purpose. Both Departments consider that continued United States participation is worth the proposed increase in the annual United States quota from $5,000 to $15,000. The increase would be used to expand the exchange of information and publications among members of the Association as well as to cover the increased cost of salaries and operating expenses.

THE ATTITUDE OF THE NORTH VIETNAMESE

Mr. **FULBRIGHT**. Mr. President, Prof. Joseph W. Elder of the University of Wisconsin has written an article for the February issue of the Progressive magazine entitled "Vietnam: The Other Side Is Responding," which I believe warrants the attention of my colleagues in the Senate. There are many misconceptions about the attitude of the North Vietnamese, and for that reason I think Professor Elder's knowledge and insight into the matter is extremely timely. I ask unanimous consent that it be printed in the body of the RECORD as part of my remarks.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

VIETNAM: THE OTHER SIDE IS RESPONDING

(By Joseph W. Elder)

During the past year the Vietnamese we are fighting offered President Nixon a handle which, if grasped, might provide the means to end the war. But so far he has apparently rejected—and possibly not even seriously explored—this opportunity for peace.

Meanwhile, thousands of Americans and Vietnamese have died, while U.S. spokesmen contend that the war goes on because the other side will not respond to any of our peace proposals and will make none of its own.

But the other side *has* responded, as I had a chance to observe first hand on two visits to Hanoi. However, this response, which I helped convey to the President's foreign policy advisers twice, has been ignored by the Administration.

I first visited Hanoi for one week last June on behalf of the American Friends Service Committee (AFSC) to discuss Quaker assistance to civilians in North Vietnam (AFSC was already assisting civilians in both Saigon-controlled and NLF-controlled portions of South Vietnam.) While in Hanoi, I conferred with North Vietnam's foreign minister, Nguyen Duy Trinh. During our conversation, I mentioned that I was part of an AFSC committee scheduled to meet with President Nixon's foreign policy advisers in July. "Are there particular points," I asked, "you would like me to stress on your behalf during the meeting?"

The foreign minister paused a moment. Then he said, "Tell President Nixon's advisers that if the United States is seriously interested in holding elections in South Vietnam, it should recognize the importance of the Provisional Revolutionary Government in South Vietnam."

I had first heard of the Provisional Revolutionary Government (PRG) when its formation was proclaimed only five days earlier at a Hanoi press conference. Facing a bank of lights and movie cameras, Nguyen Van Tien, the National Liberation Front (NLF) Party's representative to Hanoi, had announced that eighty-eight delegates and seventy-two guests, representing a range of anti-Thieu-Ky viewpoints, had met in a conference June 6–8 "somewhere in South Vietnam." The conference had been convened jointly by the NLF and the VNANDPF (the Vietnam Alliance of National, Democratic, and Peace Forces, an urban-based anti-Thieu-Ky party formed during the 1968 Tet offensive). From the June 6–8 conference emerged what was proclaimed to be a new government in South Vietnam—the Provisional Revolutionary Government of the Republic of South Vietnam, headed by the prime minister of an eleven-member cabinet.

The newly formed Provisional Revolutionary Government was a coalition of the NLF Party, the VNANDPF Party, the Vietnam People's Revolutionary Party (Communist), the Democratic Party (a nationalist party dating back to the 1930s), and representatives from trade unions and youth, professional, national minorities, armed forces, religious, women's, and other groups.

One of the Provisional Revolutionary Government's acts had been to endorse the NLF's ten-point proposal of May, 1969, for restoring peace in Vietnam. The PRG had also retained the NLF's foreign policy (and flag) and elevated the NLF's chief negotiator in Paris, Madame Nguyen Thi Binh, to the post of foreign minister.

In the domestic arena, the PRG announced it was "prepared to enter into consultations with political forces representing various social sections and political tendencies in South Vietnam that stand for peace, independence, and neutrality . . . with a view to setting up a provisional coalition government. . . . The provisional coalition government will organize general elections in order to elect a Constituent Assembly, work out a democratic constitution . . . and form a coalition government symbolizing national concord and the broad unity of all social segments."

The Vietnamese at the Hanoi press conference I attended had been visibly excited, as were representatives of much of the non-Western world who were present. Within the next week, more than twenty nations had officially recognized the Provisional Revolutionary Government—including several non-Communist-bloc countries.

Foreign Minister Nguyen Duy Trinh of North Vietnam expanded his initial comment for my benefit. The month before, in May, 1969, both the NLF's ten-point proposal and President Nixon's eight-point proposal had called for elections in South Vietnam as a way of ending the war. Now Nguyen Duy Trinh focused on the differences between the two proposals.

"President Nixon's eight points allow Thieu, Ky, and their armies to remain in control during the elections. But Thieu and Ky jail those candidates who disagree with them. I'm afraid we know how 'free' the elections would be if they were held according to the Nixon formula," grimaced Nguyen Duy Trinh.

The foreign minister then turned to the NLF's ten points. The elections they called for would be run by a temporary coalition government. The PRG had already announced *it was not* that temporary coalition government. It was the government *preceding* the temporary coalition government. It was prepared to consult with other South Vietnamese political forces standing for "peace, independence, and neutrality" in *establishing* the temporary coalition government to organize the general elections. Once the elections had been held, the temporary government would dissolve, and the duly elected government would take over. This election plan paralleled a Buddhist South Vietnamese plan I had discussed in Paris with Thich Nat Hanh of the United Buddhist Church.

"President Nixon says he is looking for 'some sign from the other side' in response to his eight points," declared Nguyen Duy Trinh. "We have given him a sign. He has failed to see it."

The foreign minister then went on to elaborate how the PRG was a logical extension of the broadening opposition in South Vietnam to the Thieu-Ky government. The NLF was formally established December 20, 1960, as a coalition party that came to include non-Communist parties such as the Democratic Party, the Radical Socialist Party, the Patriotic and Democratic Journalists' Association, the Patriotic Buddhist Believers' Association, and the Cao Dai religious sect as well as the Communist People's Revolutionary Party. Numerically, the Communists comprised only a fraction of the NLF membership. Douglas Pike, for six years a U.S. Information Agency officer in Vietnam, estimates that in 1962 the Communist PRP formed only 35,000 of a total NLF membership of 300,000—less than one in eight.

In 1967 the South Vietnamese Catholic Bishops' statement against the war reflected official Catholic opposition to the policies of Thieu and Ky. Their statement was especially significant since the Catholic population in South Vietnam has traditionally been so strongly anti-Communist. In 1968, at the time of the Tet offensive, a new, broad-based party was formed: the Vietnam Alliance of National, Democratic, and Peace Forces. The party drew from city dwellers and intellectuals disaffected by the Thieu-Ky government and fearful of further imprisonments or harassments. When the Alliance Party was announced, a number of prominent South Vietnamese urban citizens dropped out of sight—only to surface later in sections of South Vietnam not controlled by Saigon.

Within this context, the newly established Provisional Revolutionary Government was a coalition of coalitions—with some Communist, but much more non-Communist, participation. "The PRG is now ready to form an even larger coalition with any South Vietnamese who want peace, independence, and neutrality," the foreign minister told me. "It is a significant next step toward an election, reconciliation among the South Vietnamese people, and an end to the war. Please try to make this clear to your nation's leaders."

Four days later, in Hong Kong, I reported my Hanoi discussion to two State Department officers in the U.S. Consulate. Their response was blunt: "The PRG is the same as the NFL. They've just shifted titles around and called themselves a government rather than a party."

In Saigon, eleven days later, I told Ambassador Ellsworth Bunker of the foreign minister's statement. He and his aide also maintained that the PRG was the same set of people as the NLF, with a few changes in titles. The ambassador was unhappy with the "intransigent" position the NLF and Hanoi were taking. "They have lost half a million dead during the war—half of those killed last year. And they are being killed at the same rate this year. They *must* be hurting. Why don't they negotiate more reasonably?" He said nothing more about the PRG.

Only in Paris did I find a positive response to Hanoi's message—from Philippe Devillers, one of France's leading Vietnam specialists (author of *Histoire du Viêt-Nam de 1940 à 1952* and co-author with Jean Lacouture of *La Fin d'une Guerre: Indochine 1954*). For years Devillers has maintained that the NLF is fundamentally an indigenous southern force driven into being by the oppression of Premier Ngo Dinh Diem and subsequent Saigon rulers.

"Because your country *still* accepts John Foster Dulles' image of world Communism," said Devillers, "it has failed to respond to the many non-Communist elements in the NLF and now the PRG. Take Huynh Tan Phat, the president of the Provisional Revolutionary Government. Phat is a Saigon architect by profession. His basic political affiliation is with the Democratic Party, of which he is general secretary.

"Phat was forced underground in 1958," Devillers continued, "when President Ngo Dinh Diem began suppressing opposition parties. Retaining his position in the Democratic Party, Phat joined the NLF coalition when it was formed in 1960, and he has served on the NLF Central Committee. Phat's economic strategy differs in important ways from that in North Vietnam. He includes more room for competition and market economics. He is not for a hasty reunion of South and North Vietnam. At point he was even opposed to having any Northern troops come into the South. Since the establishment of the PRG, I have watched Phat's forces here in Paris. They have become increasingly influential in the South Vietnamese delegation."

Devillers went on to describe other men and women making up the eleven-member cabinet of the PRG. Almost all were middle-of-the-roaders. *The New York Times* correspondent in Hong Kong had thought he identified one member of the cabinet who had People's Revolutionary Party (Communist) connections—Tran Nam Trung, minister of defense. However, both the *Times* correspondent in Paris and *Le Monde* had stated that none of the leading members of the PRG was known to be a Communist.

At least three of the eleven cabinet members were from the recently formed VNANDPF Party: Nguyen Doa, vice-president; Dr. (Mme) Duong Quynh Hoa, minister of public health and social affairs; and Professor Nguyen Van Kiet, minister of education and youth. Ironically, Luu Huu Phuoc, minister of information and culture, is the composer of South Vietnam's national anthem; he was a prominent South Vietnamese musician before he was driven underground by the Saigon government.

Devillers also described the thirteen-member Advisory Council established as a consultative body for the PRG. If anything, the Advisory Council's representative spectrum was even wider than that of the PRG cabinet. The Council's president was lawyer Nguyen Huu Tho of the NLF. Lawyer Trinh Dinh Thao of the VNANDPF was vice-president; during the Japanese occupation in 1945, Trinh Dinh Thao had acted as minister of justice. Other members of the Advisory Council included Superior Bonze Thich Don Hau, leader of the militant Buddhists in Hue; Pham Ngoc Hung of the Patriotic Catholics of South Vietnam; Huynh Van Tri of the Hoa Hao Buddhists; Ibih Aleo of the Movement for the Autonomy of the Nationalities in the High Plateaux; Huynh Cuong of the Khmer Nationals; and Professor (Mme) Nguyen Dinh Chi of the Saigon-Cholon Revolutionary Committee.

"Within the present context of South Vietnam, the PRG is a moderate—even conciliatory—group with which your side could work to end the war," Devillers told me. "Furthermore, the establishment of the PRG means that the Communist world—including Hanoi—has accepted the existence of a separate 'Republic of South Vietnam.' More than twenty countries, including the Soviet Union and China, have formally recognized the PRG.

"Both now and in the immediate future," Devillers added, "there is no question of North Vietnam annexing or incorporating South Vietnam. Hanoi's formal acceptance of the PRG suggests it is not in any rush to reunite the two sections of Vietnam. The PRG itself is opposed to immediate reunification. It has stated the reunification of Vietnam will be achieved step by step, by peaceful means, through agreement between the two zones. Both governments are committed to reunification, but both are willing to work out the details over time. Americans should not underestimate how important *this* development is."

Devillers then went on to outline his own suggestions on how to end the war in Vietnam. They included:

A clear statement of U.S. intentions to withdraw all its troops from Vietnam (withdrawal would not have to be precipitous, but the intent and a clearly outlined withdrawal timetable would be necessary).

A *de facto* cease-fire along with the phased withdrawal of U.S. troops.

The establishment of a broadly based coalition government in which all sides had confidence.

Elections throughout South Vietnam supervised by the coalition government, with the simultaneous stepping down of Thieu and Ky and their replacement by the elected government.

"The establishment of the Provisional Revolutionary Government is the first step toward this solution," concluded Devillers.

Back in Washington, in July, our Quaker committee met with President Nixon's foreign policy advisers. I described my conversation with the foreign minister in Hanoi, stressing his concern that the United States take seriously the establishment of the Pro-

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visional Revolutionary Government in South Vietnam. I mentioned that the Foreign minister felt the PRG was a conciliatory step toward the middle—a step which, if matched by the United States, would speed election day in South Vietnam.

The advisers listened like professors to a seminar report—critical, interested, searching for flaws. When I had finished, one of them wrote for several moments on the yellow pad beside him, commenting that this was something they would have to look into. It was not the enthusiastic response of Philippe Devillers. But neither was it the swift rejection by the State Department officials I conferred with in Hong Kong and Saigon.

My work for the American Friends Service Committee took me to Hanoi again in October, 1969, to deliver open-heart surgical supplies for civilians. For a second time I met Foreign Minister Nguyen Duy Trinh. I described to him the State Department's negative reactions in Hong Kong and Saigon and the noncommittal reaction in Washington to his request that the PRG be taken seriously. I concluded by saying I would probably see President Nixon's advisers again when I returned to the United States. In light of the response, did the foreign minister have any further points he would like me to stress?

Nguyen Duy Trinh repeated almost exactly what he had said four months earlier. He noted that apparently President Nixon was looking for a way to end the war without hurting America's prestige. The best way to do this would be to have general elections in all of South Vietnam. But the elections would have to be fair, he insisted. Thieu and Ky could not run a fair election. The best group to run such an election, he continued, would be a temporary coalition government composed of people acceptable to all factions. The PRG was the first step toward such a government. It would cooperate with any segment of the Saigon government—except Thieu and Ky. They could not be included because they represented a foreign power, the United States.

Nguyen Duy Trinh concluded: "Urge the White House to study the possibilities of a fair election in South Vietnam. Urge the White House also to recognize the significance of the Provisional Revolutionary Government for holding those elections."

Within a few days after my return to the United States, three of us from the Quaker committee met in Washington with a White House foreign policy aide. The aide opened the dialog. President Nixon, he said, has two approaches in Vietnam. The first—the preferable one—involves free elections in South Vietnam and the establishment of a broadly based government. "But this requires cooperation from the other side. And they have not budged an inch."

The second approach—less preferable but "better than no approach at all"—is the "Vietnamization" of the war and the gradual withdrawal of major segments of American troops.

The three of us on the Quaker committee observed that "Vietnamization" of the war was an unacceptable policy—morally and militarily. Morally, it made others do our killing. Militarily, it invited a catastrophe when some future attack, comparable to the 1968 Tet offensive, caught, say, 200,000 U.S. troops abandoned by unwilling Saigon armies—with the crisis demanding precipitous withdrawal or equally precipitous escalation.

"But 'Vietnamization' is the policy being forced on us," asserted the President's aide. "Hanoi and the NLF take any concession we give and never make any concessions in response."

One of my Quaker colleagues was quick to correct the record. On at least two occasions, he pointed out, the Hanoi government had reversed its position. Early in the war it had announced it would not talk until the United States agreed to unilateral troop withdrawals. Then it modified its position and announced it would not talk until the Americans stopped bombing unconditionally. Finally it modified its position still further and agreed to talk even with only a conditional halt to the bombing.

Then it was my turn. I stressed how ironical it was that although the creation of the Provisional Revolutionary Government *was* a response, Washington had failed to recognize its significance. Twice Hanoi's foreign minister had chosen it and the elections it could implement as *the* point he wanted me to stress to the White House.

The aide replied, "But they're requiring us to abandon Thieu and Ky as preconditions for the elections. This we just cannot do. Thieu and Ky are the only viable political force the United States has been able to build in South Vietnam."

I pointed out that the PRG had said Thieu and Ky could not *supervise* the elections. Whether or not they could run as candidates might be open to negotiation in Paris or anywhere else.

"Do you think they'd let them run?" asked the White House aide.

"I don't know, but I imagine it could be discussed," I replied.

"What about a ceasefire before the elections? Who would supervise it? And would all U.S. forces need to be out of Vietnam before the elections?"

"I'm not the one to ask," I replied. "These are the sorts of things our diplomats and their diplomats should be discussing in quiet corners in Paris, or in small committees in Geneva, or any place else where bargaining can be done away from the glare of publicity and the need for all sides to strike postures."

The aide raised a series of further questions—skeptical but probing. In the end, he promised to convey the substance of our conversation to the White House.

That was in October. On November 3, President Nixon delivered a major address on Vietnam. In it he repeated Lyndon Johnson's justification for the war in Vietnam—justifications that have since been repudiated by many of their original architects.

The President called on "the moral courage and stamina" of Americans, so that they would not allow the "last hopes for peace and freedom of millions of people to be suffocated by the force of totalitarianism"—words that ring hollow when one has seen the "peace and freedom" that exist in South Vietnam today. More than a score of newspapers have been silenced since May, 1968 (including the prominent English-language *Saigon Daily News*). Truong Dinh Dzu, who ran second, as a peace candidate, in the 1967 presidential elections, has been imprisoned as have scores of writers, publishers, university professors, lawyers, and doctors, hundreds of Buddhist monks, and thousands of ordinary citizens whose only "crime" might have been incurring the displeasure of Thieu or Ky or their local officials.

President Nixon presented no plan for ending the war in Vietnam through elections. Instead, he described his program for "Vietnamizing" the war.

What has happened to the elections President Nixon proposed in May? It is hard to believe that the Chief Executive does not realize the PRG really *is* willing to hold elections in South Vietnam. Is he afraid that if elections are held in South Vietnam, Thieu and Ky will be repudiated by the electorate, thereby ending "the only viable political force the United States has been able to build in South Vietnam"? Is he so concerned that Thieu and Ky remain in office that he has abandoned any thoughts of an election? If so, the price we are paying to support Thieu and Ky is—and will continue to be—too high.

An election was a key part of the 1954 Geneva Agreement designed to bring peace to Vietnam. An election helped end the struggle between Algeria and France in 1962. An election could help resolve the war in South Vietnam today. The "other side" has offered a handle to President Nixon which he could use to end the war. The handle is the Provisional Revolutionary Government and the possibility of a broadly based election. The White House cannot truthfully continue to say it is waiting for the other side to respond. The other side *has* responded. Now it is our turn.

CONTROLLED DANGEROUS SUBSTANCES ACT OF 1969

The Senate resumed the consideration of the bill (S. 3246) to protect the public health and safety by amending the narcotic, depressant, stimulant, and hallucinogenic drug laws, and for other purposes.

Mr. THURMOND. Mr. President, in his state of the Union message, President Nixon made the point most eloquently that Americans of the past decade seem to have more, but were enjoying it less. Unparalleled prosperity has been accompanied by an unexplained rise in tension, division, and general unhappiness. Certainly one of the problems which has contributed heavily to discontent in the midst of prosperity has been the persistent increase in crime, and particularly, the increase in abuse of the use of drugs. Since 1960 the arrests for narcotic and marihuana abusers has increased 322 percent. This is a statistic which is certainly shocking and it takes on more tragic overtones when we consider the fact that many young people of high school and college age are not only experimenting with marihuana and hard narcotics but are in many cases habitual users of these substances.

A recent survey by the National Institute of Mental Health indicated that as many as 50 percent of the students in many high schools have used marihuana and statistics show that the use of marihuana by college students is on the upswing. Young people who start off simply seeking kicks and thrills easily drift into the clutches of strong, habit-forming drugs which destroy the individual's use to himself and society.

Mr. President, let us examine for a moment the serious problem posed by drug abuse, and its relationship to the overall problem of crime. Last Friday, this body passed S. 30, the Organized Crime Control Act of 1969. This bill represented the administration's effort to attack and defeat organized criminal activity, particularly the Mafia or Cosa Nostra. This organization of professional criminals is heavily involved in the sale and distribution of illegal drugs in America. Strong enforcement of that act will definitey help deal with the problem of drug abuse.

Now we are considering S. 3246, the Controlled Dangerous Substances Act, which is the administration's proposal to combat the serious drug problem in our Nation. The drug problem is part of the organized crime problem, and also a significant part of the crime in the streets problem. Although we do not have accurate figures to indicate the serious-

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ness and magnitude of the drug traffic, it has been reported that the annual cost of addiction in terms of stolen property alone may be well over a billion dollars. The drug addict, in order to supply his habit, which may run between $15 and $50 a day, and in some cases as high as $100 a day, must turn to stealing, prostitution, or dope peddling in order to gain money to supply his needs. The increase in muggings, armed robbery, and breaking and entering can be attributed in part to the increase in drug addiction.

Mr. President, there is a great proliferation of legitimately produced drugs in America at this time. As an example, there are approximately 8 billion amphetamine pills produced in the United States each year. It has been estimated that 50 percent of these pills, 4 billion of them, are diverted from legitimate to illegitimate uses. Access to drugs, narcotics, stimulants, and depressants of all kinds is all too easy and tight controls are necessary if the availability of these substances is to be limited.

The greater the availability of drugs, the greater the chance more and more people will become users, and the problem will become even more serious. The proposed legislation is really a form of preventive medicine. If we can tightly control the supply, we can limit the availability of drugs and thereby prevent addiction. Then we can concentrate more of our resources on the treatment of those who are already addicted.

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Mr. President, let us remember in our consideration of this legislation the fact that drug abuse is not limited to marihuana, heroin, or LSD; it also involves many drugs which are available through prescriptions that fall in the general categories of stimulants and depressants.

The main thrust of the proposed legislation is to control drug abuse and to curtail both the legitimate and illegitimate traffic in drugs. Regulation is necessary to control the drug abuse problem and the traffic of drugs at the State, National, and international levels. This bill is designed to provide this necessary regulation and control.

This bill accomplishes this through proper control of legitimate drug manufacturing; through realistic criminal penalties for misuse of drugs; through severe penalties for those who professionally promote drug abuse and addiction, and through additional weapons for law enforcement personnel in dealing with the drug law violators.

Mr. President, let us review the scope of the coverage of this measure. Title I states the need for better regulation and control of what is defined as "controlled dangerous substances." These controlled dangerous substances are drugs which Congress or the Attorney General feel should be listed as dangerous because they have a high potential for abuse and should be subject to control and regulation.

In the declaration of findings set forth in this legislation, Congress finds that although many of the drugs regulated by this bill are necessary to maintain the health of the American public, when these drugs are misdirected and misused they could cause serious danger to the population. The bill defines the classes or categories of substances to be covered. It also defines the term "addict" to mean:

> Any individual who habitually uses any narcotic drug as defined in this Act so as to endanger the public morals, health, safety, or welfare, or who is so far addicted to the use of such narcotic drugs as to have lost the power of self-control with reference to his addiction.

Mr. President, title II of the bill vests the authority for the control of the substances enumerated in this bill with the Attorney General of the United States. He is required to seek advice from the Secretary of Health, Education, and Welfare and from the Scientific Advisory Committee as to whether or not substances should be added, deleted or rescheduled in the various schedules which are provided for in the bill. Schedule I contains those substances which have the highest potential for abuse. In order to place a drug on schedule I the Attorney General must find that it has: First, a high potential for abuse; second, no accepted medical use in the United States; and third, a lack of accepted safety for use under medical supervision.

Listed in this schedule are such substances as LSD, marihuana, heroin, and various morphines. Substances listed in schedule I cannot be administratively moved to schedule III or IV without congressional authority.

Under schedule II are substances for which the Attorney General finds:

First, a high potential abuse; second, currently accepted uses in the United States or currently accepted medical use with severe restrictions; and third, that abuse may lead to severe psychic or physical dependence. This schedule is where we find opium, cocoa leaves, opium poppy, and poppy straw, among others.

In schedule III, substances will be listed if the Attorney General finds: First, potential abuse that is less than that for substances listed in schedules I and II; second, well documented and approved medical use in the United States; and third, that abuse may lead to moderate or low physical dependence or high psychological dependence.

Schedule III includes drugs which have a stimulant or depressant effect on the central nervous system.

Schedule IV lists substances which the Attorney General finds have: First, a low potential for abuse relative to substances listed in schedule III; and second, current accepted medical use in the United States; and third, physical dependence and psychological dependence liability relative to the type of substances listed in schedule III. In schedule IV are found compounds and mixtures of small amounts of drugs along with some nonnarcotic ingredients which are medicinally valuable preparations.

Mr. President, this scheduling system creates a logical order for classifying drugs, all of which have potential for abuse, some more dangerous than others. The more dangerous a drug, the higher it is on the schedule. This system achieves one of the main objectives of the bill, which is to create a coordinate system of drug control and regulations.

Title III concerns the regulation of the manufacture, distribution, and dispensing of various substances which are listed in the schedule as "Controlled Dangerous Substances." It appears that a number of drugs which are legally manufactured are diverted into illegal traffic. In order that this may be controlled and ultimately stopped, title III was designed to require that people engaged in the manufacture, distribution, or dispensing of drugs that are on the controlled schedule lists be required to register with the Attorney General

Mr. President, this provision requires that accurate reports and records of production and warehousing be kept and maintained, and it provides for the marking of containers which contain dangerous substances and for the establishment of production quotas for schedule I and II drugs. This title is designed to help regulate the manufacture, distribution, and dispensing of dangerous drugs that must be controlled and is one of the most important titles in the bill.

Title IV restricts the importation and exportation of dangerous substances into and out of the United States. This title allows the Attorney General to permit the importation of controlled dangerous substances under two circumstances: First, when the importation is necessary for medical, scientific, or other legitimate purposes, or during an emergency, where our domestic supplies are in danger of being depleted; or, second, if it is found that competition among the domestic manufacturers is inadequate to maintain adequate supplies for this country.

This title will help in controlling the import and export of drugs into and out of the United States and aid in the control of the availability of these substances.

In title V we find the provisions dealing with offenses and penalties. This title eliminates mandatory minimum penalties for all narcotic and marihuana violations except for a class of professional criminals who are involved in distribution, sale, and importation of controlled dangerous substances on a major scale.

Mr. President, let us talk about the professional criminal for just a moment. The "professional criminal" is defined in this title as:

> A person over 21 years of age who has played a substantial role in the continuing criminal enterprise in concert with at least 5 other persons and occupied a position of organizer, a supervisory position or other position of management.

Such a person can also be considered a professional criminal if he plays quite a substantial role in a continuing criminal enterprise and has, or has had in his own name or under his control, substantial income or resources not demonstrated to have been derived from lawful activity or interest.

Mr. President, it is not unusual to find individuals in the drug traffic who have great sums of money who cannot explain how they obtained the money and who are in concert with other individuals in the securing and distribution of these dangerous substances. This language is designed to bring the full force of the law upon those people who are in the business of trafficking in illegal drugs. The professional criminal is subject to mandatory sentence of 5 years to life and a fine of $50,000. For a second offense, the professional criminal is subject to a mandatory 10-year-to-life sentence and a fine of $100,000. In any case where an individual is found guilty of being a professional criminal, his sentence cannot be suspended, probation cannot be granted and parole is not allowed. These high penalties should prove to be a strong deterrent.

Mr. President, S. 3246 provides that all classes of drug offenders other than professional criminals are subject to penalties without minimum mandatory sentences. People who violate the provisions of a title relating to schedules I or II of this bill are subject to sentences of up to 12 years and a fine of not more than $25,000, or both. A special parole of at least 3 years is required. These persons are eligible for probation, and any sentence imposed upon them may be suspended by the court. Those individuals who may be involved in traffic of nonnarcotics listed in schedules I and II, which includes marihuana, and traffic of substances listed in schedule III are subject to a sentence of up to 5 years imprisonment and a fine of not more than $15,000, or both. A special parole time of at least 2 years is provided for and probation and suspension of sentence may be afforded such people. Violators of the provisions of a title relating to substances listed on schedule IV could receive a fine of up to $5,000, a sentence of up to 1 year, or both. Second offenders in any of these categories are subject to twice the penalty provided for in the first offense.

Mr. President, these provisions are certainly flexible and provide great leeway for the courts to fit the punishment to the crime. I understand that one of the problems in enforcing the present laws concerning narcotics and drugs such as marihuana, is that courts are hesitant to impose severe penalties upon people for relatively minor offenses and therefore have been releasing them rather than convicting and sentencing them. I believe that the language of this provision will provide for punishment that fits the crime and that the courts will then do their duty and aid in stopping this drug traffic.

Possession of controlled dangerous substances is an area which must also be dealt with, and is the concern of title V. Possession for one's own use will be treated as a misdemeanor, and could be punished by imprisonment of up to 1 year and a fine of not more than $5,000, or both. A person who is guilty of second offense of possession for his own use will be subject to penalties up to twice as severe.

Those convicted of possession on a first offense may receive a conditional discharge of proceedings against them and upon fulfillment of whatever terms the court might impose, their record could be erased by court order.

Mr. President, this proviso has been included in the bill to take care of the situation where a young person who experiments with marihuana is arrested. The court could take the young person under its wing, counsel with him, and upon being satisfied that the person was not going to continue using marihuana, it could clean his record.

Mr. President, this title also provides for penalties for illegal importation and illegal distribution, misrepresentation, counterfeiting, or use of communication facilities in carrying out any of these violations.

Title VI, Mr. President, allows the Attorney General to establish and enforce rules, regulations, and procedures which may help in carrying out the provision of this bill. He may cooperate with local and State and Federal agencies in carrying out his responsibilities. The Attorney General is authorized to hold hearings and issue subpenas as part of his enforcement authority. Any decision he makes is subject to judicial review.

Title VII of this legislation provides greater power for the Bureau of Narcotics and Dangerous Drugs. These powers are necessary for the enforcement of this act and include the right to obtain search warrants which allow entry without notice prior to an officer's entering the premises. This is the so-called "no-knock" provision which law enforcement officials feel is necessary when one is combating narcotics. It is an easy matter to dispose of the drugs. The criminal can simply wash them down the drain or flush them down the toilet. If any warning is given prior to entry, then great difficulty arises in obtaining evidence before it is disposed of. This specific provision of title VII that provides for the "no-knock search warrant" is section 702, subsection b. A proviso has been added to this subsection which reads as follows:

> That any officer acting under search warrant shall, as soon as practicable after entering the premises, identify himself and give the reasons and authority for his entrance upon the premises.

Mr. President, this language provides that any individual who is subject to search and seizure under a "no-knock" warrant will be notified as soon as is feasible after the officers enter the premises who they are, what they are doing there and what their authority is to be on the premises. This provision will allow an officer to go about his duty in seizing evidence against criminals without getting into a technical violation of the constitutional rights of the offender.

Mr. President, even though we have spent a great deal of time and effort in formulating this legislation to control dangerous substances such as marihuana, we actually know little about marihuana. Even the experts are in conflict as to its nature and potential for harm. Since the use of marihuana has become a phenomenon in present day American society, we should learn as much as possible about its nature.

Therefore, title VIII provides for the establishment of a committee of experts to study all aspects of marihuana and its use. The Attorney General and the Secretary of HEW are authorized to appoint this committee, and it shall conduct an extensive examination into the medical and social aspects of its use. This study must be completed within 2 years, at which time a report shall be made to the President and to Congress.

Mr. President, this legislation is in keeping with the nature of the seriousness of the evil which we wish to combat. Only through legislation which allows tight control of drugs and other substances which may be potentially harmful can we give our law-enforcement officers an opportunity to identify, seek out, and bring to justice those who are involved in making their living from the proliferation of these injurious goods.

Mr. President, I support this legislation, for I feel that through its provisions we will be able to eradicate the serious drug problem in our Nation. A society whose youth seek escape from the world's responsibilities through drugs, or whose poor seek escape from the misery of poverty through drugs, or whose suburbanites seek escape from the monotony of daily responsibilities is not a great society. It is a sick society. Let us pass this bill, and bring an end to drug abuse in this Nation before the problem becomes more serious than the admittedly severe problem we have today.

Mr. DODD. Mr. President, I want to thank Senator THURMOND for his excellent statement in support of this legislation. He has been a valuable member of the Subcommittee on Juvenile Delinquency and I am grateful for his help in moving this bill through the Judiciary Committee and onto the Senate floor.

Mr. BYRD of West Virginia. Mr. President, the Controlled Dangerous Substances Act of 1969 could go a long way toward stunting the growth of drug abuse in the United States—a problem so widespread that it has touched the lives of nearly half of our high school and college students.

The bill before the Senate—S. 3246—is the most comprehensive narcotic drug law ever to come before Congress. It is also the most realistic piece of legislation ever proposed to combat this national problem.

Under section 509, the bill deals with continuing criminal enterprises, defining a professional criminal as "a person over 21 years of age who has played a substantial role in a continuing criminal enterprise in concert with at least five other persons and occupied a position of organizer, or other positions of management."

This professional criminal provision increases to life imprisonment the maximum penalty for the first offense of the drug pusher—with no chance for a suspended sentence, probation, or parole. On page 27 of the Judiciary Committee report, it states that:

> Upon a finding of guilty and before imposition of sentence, the court shall set a hearing date to determine whether the person has been involved in the continuing criminal enterprise . . . If the court in fact finds that the convicted person has been involved substantially in a continuing criminal enterprise, then the court shall sentence him to a term of imprisonment for life, or

> for not less than 5 years, a fine of $50,000, and forfeiture of any profits and interests acquired or maintained in violation of the act.

Mr. President, the bill realistically aims at cutting off the source of drugs—of removing permanently from society one of the lowest forms of criminal life. At the same time, the bill returns to local judges the discretion to separate the professional criminal from the more innocent student violator. Too often under our present laws, students guilty of simple possession of marihuana or narcotics have been sentenced with the same severity as hardened criminals—and, conversely, there have been instances where professional criminals benefited from the relative leniency sometimes afforded to young lawbreakers.

Under S. 3246, professional criminals would find that narcotic trafficking is no longer a profitable enterprise; and, at the same time, young offenders would discover that our courts are sincerely interested in rehabilitation—not just punishment. For example, under section 501(c)(4), the bill deals with distribution of "a small amount of marihuana for no remuneration or insignificant remuneration not involving a profit." Such transactions would no longer be considered a drug trafficking offense, and, according to the committee report, would "cover the type of situation where a college student makes a quasi-donative transfer of one or two marihuana cigarettes and receives 50 cents or a dollar to cover the cost of the marihuana."

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Mr. President, the bill also strives to shed new light on the entire problem of drug abuse in America. It would establish a panel to fully investigate marihuana, the most popular dangerous substance found on our Nation's campuses. And it would reclassify all known drugs, including several new barbiturates and amphetamines that have heretofore escaped legal sanctions.

Marihuana is of particular concern to all who are engaged in the fight against drug abuse in the United States. Surveys conducted by the National Institute of Mental Health show that, in some areas, over 50 percent of the high school students have experimented with the dangerous substance. Nationally, according to the NIMH, a conservative estimate is that over 37 percent of all the students in the United States—junior high school, senior high school, and college—have smoked marihuana. And those figures are rising every year. The committee report on S. 3246 states:

> A student sample in a university showed that in 1967, 21 percent of these students had previous experience with marihuana. The same sample in 1968 revealed that 57 percent had now tried marihuana.

Obviously, Mr. President, we need to know all there is to know about a dangerous substance that has made such significant inroads into the everyday lives of our young citizens. There are about 100,000 known narcotic addicts currently in America—and over 80 percent of them began by smoking marihuana. We must establish if there is any connection—either psychological or physical—between the smoking of marihuana and addiction to narcotic drugs. The panel established by S. 3246 could supply us with the answers to some of the most important questions of the day concerning this subject.

Mr. President, this piece of legislation is strong enough to permanently handcuff habitual criminals, discerning enough to save many of our youths from a life of crime, and comprehensive enough to provide us with the most thorough knowledge of dangerous substances in our history. The passage of S. 3246 is sorely needed, Mr. President, so that we can begin now to turn the rising tide of drug abuse in the United States—drug abuse that is eating away at the moral fiber of our Nation. We must go after the drug pushers who seek to make money by destroying the young.

Mr. **DOLE**. Mr. President, the use and abuse of drugs received widespread public attention in the 1960's. As our knowledge of drugs increased so did our recognition of the potentials for their wise and innovative application. We also became aware of the dangers and uncertainties arising when drugs are carelessly and immoderately employed.

There has been a dramatic rise in narcotics law violations in the past decade. Arrests for 1968 were four times greater than in 1960, and 1968 arrests were up 68 percent over 1967. The principal factor contributing to these statistics was the use of marihuana, but stimulants, depressants, and other hallucinogens were illicitly used with increasing frequency.

Along with increased use, illegal traffic in drugs has taken on new dimensions at both national and international levels. The impact on State and local. As well as Federal, enforcement agencies has been considerable, taxing their already strained facilities and personnel. Operation Intercept provided ample illustration that domestic measures cannot be implemented without consideration for their effects upon our relations with other countries.

The need is clear for decisive and enlightened new approaches to drugs, their regulation, use, and implications for America in the 1970's.

S. 3246, the Controlled Dangerous Substances Act of 1969, is an intelligent response to the problems exposed in recent years, and it contains responsible initiatives toward evolving concepts found in law enforcement, medical and social sciences, and administrative procedures.

In the area of criminal penalties for drug abuse the bill takes a flexible approach in recognition of recently developed attitudes toward penology and rehabilitation. Minimum sentences are generally eliminated to make most effective use of judicial discretion and wisdom where youthful and unhardened offenders are involved. But strict and severe penalties are imposed in cases of professional criminals and those who prey upon our young people.

New classification procedures are established to create a more systematic and coordinated means of drug control and regulation. Other administrative and enforcement provisions are directed toward the same goal.

One other aspect of the bill deserves special mention. Title VIII establishes a blue-ribbon committee to study marihuana. Phenomenally increased marihuana use in recent years has not been accompanied by a comparable increase in our understanding of the drug. Many social, medical, and legal problems can be traced to this deficiency. An authoritative, comprehensive, and unemotional investigation of marihuana is a matter of high national importance, for we can only begin to deal effectively with this drug when we have a fundamental grasp of all its potentials for good and for ill.

S. 3246 is not the entire answer to the problems and promise of drugs in America, but it provides a sound regulatory and law-enforcement basis for dealing with a matter of significant human concern.

Other developments must be pursued in the fields of uniform State laws and international conventions, but we can provide valuable leadership by enacting this bill and establish the Federal Government as an enlightened example for our States and other members of the community of nations.

RECOVERY OF ATTORNEY'S FEES FOR RECOVERY OF DAMAGES SUSTAINED IN TRANSPORTATION OF PROPERTY

Mr. **MANSFIELD**. Mr. President, I ask unanimous consent that the pending business be laid aside temporarily, and that the Senate proceed to the consideration of Calendar No. 624, S. 1653.

The **PRESIDING OFFICER**. The bill will be stated by title.

The assistant legislative clerk read, as follows:

> S. 1653, to amend the Interstate Commerce Act, with respect to recovery of a reasonable attorney's fee in case of successful maintenance of an action for recovery of damages sustained in transportation of property.

The **PRESIDING OFFICER**. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill which had been reported from the Committee on Commerce with an amendment, on page 1, line 6, after the word "further," strike out "That if the plaintiff shall finally prevail in any action, he shall be allowed a reasonable attorney's fee, to be taxed and collected as part of the suit:"." and, in lieu thereof, insert: "That the court, in its discretion, may allow a reasonable attorney's fee to the plaintiff in any successful action, to be taxed and collected as part of the suit, but no such fees shall be allowed to the plaintiff except upon a showing that the plaintiff has filed a claim with the carrier or carriers against whom the action has been brought, and that such claim has not been paid within ninety days after receipt of the claim by the carrier or its agent." "; so as to make the bill read:

S. 1653

> *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That paragraph 11 of section 20 of the Interstate Commerce Act (40 U.S.C., sec. 20, par. 11) is amended by inserting at the end of the fifth proviso and immediately before the sixth proviso the following: *"And provided*

further, That the court, in its discretion, may allow a reasonable attorney's fee to the plaintiff in any successful action, to be taxed and collected as part of the suit, but no such fees shall be allowed to the plaintiff except upon a showing that the plaintiff has filed a claim with the carrier or carriers against whom the action has been brought, and that such claim has not been paid within ninety days after receipt of the claim by the carrier or its agent."

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

The PRESIDING OFFICER. The bill is open to further amendment. If there be no further amendment to be proposed, the question is on engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading, was read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the Record an excerpt from the report (No. 91–631), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the Record, as follows:

PURPOSE

The purpose of S. 1653 is to put the shipping public, especially small shippers, householders, and travelers in a more equal bargaining position with carriers in settlement negotiations for recovery of damages sustained in the transportation of property. S. 1653 would accomplish this purpose by permitting a successful plaintiff to recover his attorney's fees if he allowed the carrier a reasonable period of time to settle the claim.

BACKGROUND AND NEED FOR LEGISLATION

S. 1653 would assist the small shipper, and indeed any shipper with a small claim, be he a householder moving his treasured possessions, or a small grain shipper, in obtaining fair treatment from carriers in the handling of loss or damage claims arising from the transportation of property.

At present, a shipper seeking to collect a small loss or damage claim from a carrier may be precluded from recovering a just claim because of the high cost of legal fees and court charges if he must bring suit to collect.

The Interstate Commerce Commission has no power to assist small shippers by settling individual loss and damage claims between shippers and carriers. Thus, in the absence of a voluntary settlement, a shipper's only recourse is a civil action in either a State or Federal court. This avenue of relief is of little avail to a shipper with a small claim. If he employs an attorney and sues on his claim, his recovery may be less than his attorney's fees. If he chooses not to sue, he is faced with writing off the uncollected portion of his claim.

To overcome this economic imbalance favoring the carrier and prejudicing the consumer and shipper with a small claim, S. 1653 provides that if a carrier refuses to voluntarily settle a reasonable claim, he may face the economic penalty of paying a plaintiff's attorney's fees.

There is ample precedent for permitting the recovery of attorney's fees by a prevailing plaintiff. Sections 8 and 16(2) of the Interstate Commerce Act, 49 U.S.C. 8, 16(2), now permit the recovery of a reasonable attorney's fee by a successful plaintiff in certain kinds of actions arising under part I of the act. The same section which S. 1653 amends was amended by this committee in 1948 as to transportation damage suits between carriers to provide for the recovery of: "the amount of any expense reasonably incurred by it in defending any action at law brought by the owners of such property."

There is precedent for S. 1653 in other legislation enacted by the Congress and the various State legislatures providing for recovery of attorney's fees in cases involving property damaged in transportation, and in antitrust and monopoly court proceedings.

The committee is convinced that there is a need for the passage of S. 1653 to insure that shippers realize justice in the handling of her transportation loss and damage claims.

The testimony indicated that S. 1653 is needed, in particular, to assist shippers of perishables in collecting their delay claims against certain eastern railroads. Western shippers of perishables depend on orderly railroad schedules in the marketing of their fruits and vegetables. Recent developments, however, are producing a deterioration of railroad schedules for the movement of perishables. This deterioration not only works to the disadvantage of the shippers, but also it could decrease the quality of fruits and vegetables in our Nation's markets, and since the consumer ultimately pays the cost of spoiled perishables due to in-transit delay, could eventually increase the price of perishable foods.

For many years the American railroads, including the eastern carriers, maintained so-called guaranteed schedules from various producing areas in the Southwest and West to the principal produce markets. Claims for delay to shipments of fresh fruits and vegetables were paid on the basis of a guaranteed schedule. Some railroads published their guaranteed schedules and others, while not publishing the schedules, paid claims on the basis of schedules quoted in their solicitations of traffic.

The committee was advised that on April 30, 1964, the eastern railroads served notice that effective June 1, 1964, they "will not guarantee delivery of perishable freight at destinations to meet previously agreed cutoff times for the various markets located on our system." This meant to perishable shippers that the eastern railroads planned to avoid the financial responsibility or burden for their failure to maintain the schedules they previously gave to these shippers.

After this 1964 action by the eastern lines, representatives of the fruit and vegetable industry met with the eastern carriers on a number of occasions, but all to no avail. Since then, the committee was advised service and delivery performance has deteriorated on western perishables moving to eastern markets, particularly those located east of Buffalo, N.Y.

Shippers of perishable fruits and vegetables desire a reliable schedule for orderly marketing rather than lawsuits to collect damages caused by in-transit delay due to a railroad's failure to carry out a scheduled delivery. The testimony presented to the committee indicated that apparently certain eastern railroads are more interested in forestalling damage claims than in maintaining or improving their present scheduules for fruit and vegetable transportation. The eastern lines continue to remain adamant in their position that they will not guarantee schedules and that they will not pay damage delay claims unless negligence on the part of the carrier is proven.

These claim policies of the eastern railroads fall hardest upon the small shipper. In the case of a small perishable shipper, or even a large perishable shipper with a small claim, the amount involved in most cases is not sufficient to justify the litigation of his individual claim because of the costs of attorney fees. Except in unusual circumstances, the shipper or receiver rarely has knowledge of what occurs to a particular shipment in transit. Therefore, he would find it difficult, if not impossible, to prove that the carrier was negligent. With the average claim for delay on a carload shipment of fresh fruits and vegetables amounting to between $150 and $300, it is evident that the expense of proving a valid claim in court could outweigh the amount of the recovery.

S. 1653 is strongly supported by the United Fresh Fruit & Vegetable Association, a national trade association of nearly 2,600 members residing in nearly all of the States, who are engaged in growing, packing, shipping, and distributing fresh fruits and vegetables, as well as providing goods and services to that industry, and, in the aggregate, handling approximately 75 percent of the Nation's tonnage of fresh fruits and vegetables. This association's traffic manager testified that his members believe the passage of S. 1653 will have a salutary effect on the claim departments of the carriers, and will stimulate the carriers' efforts to seek an amicable settlement of claims that otherwise would be litigated. S. 1653 is also strongly supported by the International Apple Association, whose members produce, handle, sell, buy and/or distribute in excess of 75 percent of the U.S. commercial apple and winter pear crops, as well as a fairly substantial tonnage of Florida citrus, market fresh. The executive vice president of this association testified that S. 1653 will provide an economic stimulus to the carriers to do a better job, and thereby enhance the possibility of orderly marketing of perishables. He further testified that passage of S. 1653 would be of material benefit to the thousands of small businessmen in his industry in collecting their legal delay claims—claims which he indicated are now being arbitrarily and practically automatically rejected regardless of the length of the delay involved.

The testimony indicated that S. 1653 is also needed to assist grain shippers in collecting their property damage claims against certain eastern railroads. Grain, feed, and grain products collectively constitute one of the largest commodities shipped in the United States. Losses in the shipment of grain can occur for any number of reasons including defects in the freight cars, theft, pilferage, leaking paper grain doors, etc. When a freight car is weighed at origin and again at destination the amount of the loss can be determined by a comparison of the weights. And, if the shipper or receiver submits a claim based on the difference in weights, the carrier may offer a settlement. If the carrier refuses to offer a settlement on this basis, however, the shipper's only recourse is to file suit in which his attorney's fees may equal or exceed his recovery. Testimony was presented to the committee that the carriers are aware of the disadvantageous situation of the shipper with a small claim and many offers of settlement are reduced accordingly.

The grain shippers situation was aggravated when on April 1, 1966, the Traffic Executives Association of the Eastern Railroads adopted a new policy regarding claims on "clear record" cars. A clear record car is a freight car on which the railroads involved can find no basis in their records of the car movement, or car inspections to explain why the weight at destination is less than the weight at origin.

According to the testimony, the eastern carriers new policy was to arbitrarily reduce claim settlement offers on clear record cars under differing conditions by 50, 75 or 100 percent. If a grain shipper has "official weights" at both origin and destination, the eastern carriers maximum settlement offer is only 50 percent of the grain loss shown. An "official weight" means that the weighing is under the supervision of recognized agencies, such as boards of trade, chambers of commerce and other designated authorities as provided in the governing tariffs. If a grain shipper has one official and one unofficial weight, the maximum settlement offer is reduced to only 25 percent. And, if the grain shipper has two unofficial weights on a clear record car, the eastern railroads decline the claim in its entirety.

S. 1653 is strongly supported by the Grain

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and Feed Dealers National Association, representing every segment of the industry from the smallest country elevator to the largest grain and feed complexes, including processors. Thirty-five of the affiliated State and regional associations, representing some 15,000 grain and feed firms, specifically endorsed the testimony of the second vice president of the Grain and Feed Dealers National Association in support of S. 1653. The testimony presented by this association indicated that this April 1, 1966, claims policy on clear record cars has accentuated the need for enactment of S. 1653, and that the small country elevator or small receiver who is on one railroad line which is his only practical mode of transportation is particularly harmed by this new policy. Such a small businessman is in an unbalanced bargaining position, and if he sues for losses his attorney's fees will likely exceed the recovery on his claim. A larger shipper, on the other hand, is in a better position because he can ship by those lines or those modes which give him good service and fair treatment.

The Grain and Feed Dealers National Association believes S. 1653 will encourage compromise and the settlement of meritorious claims in an equitable manner by putting each side in an equal bargaining position.

The American Feed Manufacturers Association, also presented testimony in support of S. 1653 to aid grain and feed shippers in obtaining just settlement of their claims.

Testimony to the committee also indicated that shippers of all types of goods have difficulty in collecting claims, and therefore, support enactment of S. 1653.

The National Industrial Traffic League, an organization of small, medium, and large shippers located throughout the United States, and in addition of associations of shippers, boards of trade, and other entities of similar nature presented testimony in support of S. 1653. The league representative pointed out that this was a critical subject for shippers of freight via interstate common carrier by rail or motor carrier. With respect to smaller shippers and shipments of modest value, particularly, a very major temptation is presented to the carriers to feel that they have excessive leverage because a shipper who brings a court suit has to recognize that the amount of the attorney's fees might exceed the amount of the recovery.

The American Retail Federation submitted a statement advising that enactment of S. 1653 would be of immense benefit to the thousands of small shippers in the retail field who are under an extreme handicap in dealing with the carriers—particularly the motor carriers—on claim problems of such amounts that they are now subjected to legal procedures, the only recourse, because of cost.

The American Farm Bureau Federation, the Society of American Florists and Ornamental Horticulturists, the National Wool Growers Association, the National Council of Farmer Cooperatives, the American National Cattlemen's Association, the National Grange, The Corn Refiners Association, the Western States Meatpackers Association, the National Independent Meat Packers Association, the Institute of Scrap Iron and Steel, Inc., U.S. Brewers Association, Inc., the Growers and Shippers League of Florida, and a number of individual shippers and shipper representatives also submitted testimony or statements in favor of S. 1655. In addition, the committee received numerous letters for the record from shipper organizations, and individual shippers in support of S. 1653.

Enactment of S. 1653 would also assist the consumer when he ships his goods or travels by bus or rail. Unlike the large commercial shipper, the average householder with a claim against a moving company, or a passenger on a bus or rail line whose baggage is damaged does not belong to a large national organization or have the ability to appear in person at committee hearing to testify on the need for passage of S. 1653. The householder or traveler is probably unaware of the existence of S. 1653. But the shipping public needs to be put in a more equal bargaining position with the carriers just as much as does the smaller commercial shipper. The files of the committee are replete with letters from householders and travelers complaining of carriers unsatisfactory treatment of their claims. The letters often recite the difficulties experienced by the householder or traveler to even get an acknowledgement of the filing of his claim. After the claim is accepted, the letters relate that the carriers finally make an inadequate settlement offer many months or even years later. The committee is of the opinion that these letters from the public indicate that a few carriers are taking advantage of their unequal bargaining position to offer less than a just settlement to the shipping public on their small claims. The provision in S. 1653 for recovery of a reasonable attorney's fees is expected will provide an economic incentive to the carriers to fairly handle claims of both commercial and public shippers.

The American Trial Lawyers Association advised that small shippers with small claims will be enormously assisted in obtaining fair treatment. Unless there is practical, economic access to courts, small claims are valueless. The association further indicated that there is no difficulty with the word "reasonable," referring to the fee allowed, since the courts have for decades dealt with this in many contexts; and that S. 1653 does not present great potential for abuse as there are always methods of controlling abuses and the court in its discretion would not allow a fee if the plaintiff was abusing his privilege. The American Bar Association stated that since words similar to "reasonable" are used in a number of statutes and since it is a common practice for judges to determine and assess "reasonable" fees they would not anticipate any problem in this area.

HEARINGS

Public hearings were held before the Surface Transportation Subcommittee on S. 1653 on June 10, 1969.

In addition to the testimony in support of S. 1653 discussed above, the committee also received testimony in opposition to S. 1653 presented by witnesses on behalf of the National Association of Motor Bus Owners, American Trucking Associations and Association of American Railroads. The president of the National Association of Motor Bus Owners testified that it was neither necessary nor appropriate to provide attorney's fees to shippers or travelers in their baggage and express claims suits against carriers, and urged that the bus industry be exempted from S. 1653. He also testified that if the committee determined to enact legislation such as S. 1653, the bill should be amended either by exempting the bus industry or by reporting it with safeguarding amendments so that the economic impact on the bus industry would not be substantial.

The general counsel of the American Trucking Associations testified in opposition to S. 1653 insofar as it applied to motor carriers on the grounds that the testimony offered before the committee, and the purpose of the bill as he viewed it was limited to shipper dissatifaction with the claim-handling practices of rail carriers and the household goods moving industry. He also testified that there was no reason to justify imposing the burden of paying a plaintiff's attorney's fee upon the motor carrier industry, particularly in suits brought by large shippers such as the United States, the largest shipper of all, against small motor carriers, but if the committee were to so act, the legislation should be amended to provide that any prevailing party should recover his attorney's fees—be he shipper or carrier. He further testified that amendment of the proposed legislation, by providing a 90-day cooling-off period prior to the suit, would probably help meet part of the problem of the motor carrier.

The general solicitor of the Association of American Railroads testified in opposition to S. 1653 for the reason that it would not be appropriate or the exercise of sound legislative judgment for the Congress to create a special exception to the general rule that plaintiffs may not recover their attorney's fees in the case of litigation involving controversies between shippers and carriers as to the carrier's liability for freight loss or damage. He also testified that the law of freight claims already heavily weighs the scale against carriers, and that enactment of S. 1653 would encourage litigation by spawning "claims sharks" who would encourage and multiply the litigation of claims. He further testified that there is no real congressional precedent for S. 1653 because there is neither anything so special about the circumstances of this litigation nor the nature of the legal rights and duties involved as to warrant special treatment of the plaintiff in freight loss and damage suits.

COMMITTEE AMENDMENT

The Surface Transportation Subcommittee considered S. 1653 in executive session on June 18, 1969, ordered the bill favorably reported to the full committee without amendment.

S. 1653 as reported by the full committee with amendments provides that the court, in its discretion, may allow a reasonable attorney's fee subject to a 90-day cooling-off amendment.

While there was some shipper opposition to changing the text of the bill from the original language providing that the plaintiff *shall* be allowed a reasonable attorney's fee, to the reported version providing that the court in its discretion may allow a reasonable attorney's fee, the committee believes that it would be wise to permit the court in cases in which the court determines that abuses such as those feared by the carriers in fact are occurring to hold that no such attorney fee should be awarded. Thus, a "claims shark" situation, such as referred to by the witness for the railroads, could be eliminated by the court in its discretion denying an attorney's fee to the plaintiff even if he prevailed. Further, the committee agrees with the position expressed by certain shippers that the term "reasonable" in the language of the original bill could have permitted a court to decide in a particular case that *no* attorney's fee was justified to a prevailing plaintiff. This is not a new departure, and could safeguard against any possible "claims sharks," while at the same time permitting the shipper to ordinarily recover his reasonable attorney's fees.

The limitation on the court's discretion to allow a reasonable attorney's fee to the plaintiff in S. 1653 as reported is that no such fees shall be allowed to the plaintiff except upon a showing that the plaintiff has filed a claim with the carrier or carriers against whom the action has been brought, and that such claim has not been paid within 90 days after receipt of the claim by its carrier or its agent. This limitation was proposed by the Chairman of the Interstate Commerce Commission and was supported by the Department of Transportation in its comments on this bill, and was not opposed by either shippers or carriers. The committee believes that this 90-day cooling-off period will have a salutary effect in promoting settlements, and discouraging hasty filing of suits.

DEPARTMENT AND AGENCY SUPPORT FOR S. 1653

The Department of Agriculture recommended enactment of S. 1653 and advised it would permit grain and fresh fruit and vegetable shippers to seek redress through the courts for losses sustained in the transportation of property. This avenue of relief is effectively barred in many instances because reasonable attorney's fees may not be recovered by successful plaintiffs at the present time and such fees often equal or exceed the amount of an individual shipper's claim. It would provide an incentive for the carriers to improve their services in the handling of fresh fruit and vegetable shipments.

The Department of Transportation also recommended enactment of S. 1653. In its August 27, 1963 letter the Department upon further reflection and in an effort to achieve a reasonable accord in this area indicated that only the 90-day cooling-off period amendment was considered desirable.

The Deputy Attorney General advised the committee that on balance he believed the public interest would be served by enactment of S. 1653.

The Comptroller General advised the committee that enactment of S. 1653 would be equitable and in harmony with other provisions of the Interstate Commerce Act and court decisions permitting an attorney's fee in other kinds of actions.

The Interstate Commerce Commission advised the committee that it supported the basic objectives of S. 1653. The Commission noted that although it has no jurisdiction to settle disputed loss and damage claims, many of these matters are brought to its attention in its day-to-day work in sufficient number for members of the Commission to appreciate the fact that prompt settlement of loss and damage claims is a serious matter to the shipper, particularly in the case of relatively small claims. The Commission recommended an amendment to S. 1653, which the committee adopted, to the effect that no attorney's fee should be awarded unless the plaintiff shows that a claim was in the possession of the carrier for a period of 90 days and had not been paid.

COSTS

The committee does not believe that enactment of this bill will result in any additional costs to the Government.

Mr. MANSFIELD. Mr. President, I move that the motion by which the bill was passed be reconsidered.

Mr. GRIFFIN. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

THE WOMEN LAWYERS CENTENNIAL

Mr. MILLER. Mr. President, the first woman to be admitted to a State bar association was an Iowan, Arabella Babb Mansfield, of Mount Pleasant. This was on June 15, 1869, 100 years ago.

In those 100 years, women have made great contributions in the field of law. What was done to focus public attention on these contributions is set out in an article appearing in the January issue of the American Bar Association Journal. I ask unanimous consent that the article, entitled "The Women Lawyers Centennial," by Marjorie M. Childs, referee of the juvenile court for the city and county of San Francisco, be printed in the RECORD.

The **PRESIDING OFFICER** (Mr. MUSKIE in the chair). Without objection, it is so ordered.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

THE WOMEN LAWYERS CENTENNIAL

(By Marjorie M. Childs)

(On June 15, 1869, Arabella Babb Mansfield of Mount Pleasant, Iowa, became the first woman to be admitted to a state Bar. Conscious that many of the goals of the dedicated women who fought for women's rights during the last half of the nineteenth century have not yet been fulfilled, the National Association of Women Lawyers, in concert with other women's organizations, determined to mark the centennial of Mrs. Mansfield's achievement by focusing public attention on the contributions of women to American society.)

What we obtain too cheaply, we esteem too lightly; it is dearness only that gives everything its value. Heaven knows how to put a proper price upon its goods; and it would be strange indeed if so celestial an article as freedom should not be highly rated.[1]—THOMAS PAINE.

The year 1869 was significant in the history of American women. It was in that year that women first won the right to vote—in the Wyoming Territory and in the Mormon territory. It was in that year that the first two women's clubs were founded—Sorosis in New York and the New England Women's Club in Boston—in that year the second national labor union (Typographers) admitted women to membership (the first was the Cigar-makers in 1867).[2] 1869 was the year in which two women matriculated at St. Louis Law School (now Washington University Law School), the first law school in the country to admit women. And it was in that year, on June 15, that Arabella Babb Mansfield of Mount Pleasant, Iowa, became the first woman to be admitted to a state Bar.[3]

In 1966 members of the National Association of Women Lawyers decided that appropriate celebrations would be held in 1969 to mark the centennial of Mrs. Mansfield's singular achievement.[4] The mood of serious American women lawyers in 1966, as indeed in 1969, was one of quick awareness that many of the goals undertaken by dedicated, educated women in the last half of the nineteenth century were still unrealized. They were also appreciative of the fact that their legal education and professional experience endow them with the necessary tools to tackle the unfulfilled tasks that lie ahead for all Americans and should place them in positions of responsibility and trust in every community in the United States. N.A.W.L. members were willing to face the grim reality that this untapped human resource is being ignored in many sections of the country.

They decided, however, that the over-all objective of the one-hundredth anniversary celebrations would be to focus public attention on the valuable contributions that not only women lawyers but all women have made and are making to the betterment of American society. To realize this objective, the N.A.W.L. sought and obtained the cooperation and support of all major women's organizations. Prominent among these groups was the National Federation of Business and Professional Women's Clubs, which coincidentally celebrated its fiftieth anniversary and highlighted the fact that in 1919 a San Francisco woman lawyer, Gail Laughlin, was its first national president.[5] Other important women's groups that granted official recognition to the Women Lawyers Centennial included Zonta, Soroptimist, Altrusa, Quota and the American Association of University Women. Additionally, the Girl Scouts of the U.S.A. called attention to the Women Lawyers Centennial in their literature, emphasizing the participation of women lawyers over the years in the work of the Girl Scouts organization and suggesting legal carrers for the organization's youth. State and local bar associations participated in centennial programs and issued resolutions honoring their women members and highlighting their present and past achievements. Various law schools and legal periodicals gave prominent coverage to the centennial.[6]

Footnotes at end of article.

The American Bar Association gave formal recognition to the one hundredth anniversary at its 1969 Annual Meeting in Dallas, and the three major legal sororities—Kappa Beta Pi, Phi Delta Delta and Iota Tau Tau—programed fitting tributes in co-operation with N.A.W.L. members.

Initial planning contemplated the following goals:

(a) The issuance by the United States Post Office Department of a centennial commemorative stamp;

(b) Appropriate programs of national significance in Iowa, Dallas and Washington, D.C.; and

(c) State and local planning by women lawyers throughout the United States of suitable public ceremonies to meet the over-all objective of the one hundredth anniversary year.

A PROMISE FROM THE POST OFFICE

The failure to secure a commemorative stamp during 1969 was a disappointment to N.A.W.L. members, although some promise has been given to include Belle Babb Mansfield in the 1970 series covering the women's suffrage movement. In all fairness to the Post Office Department, however, we were competing against overwhelming odds: Not only was this "women lawyers year", but also the one hundredth anniversary of American football, professional baseball and Gandhi's birth. Moreover, 1969 was the 150th anniversary of the *Dartmouth College* case, the year of the Apollo 11 mission and the moon walk and the year in which both Eisenhower and W. C. Handy died—and all these events were memorialized by new stamps.

However, unexpected benefits were the direct result of the stamp application. It was necessary preliminarily to present to the postal authorities a fully documented report concerning Mrs. Mansfield and to establish her claim as America's first female lawyer. The usual sources for historical research proved limited and revealed the dearth of available published material. Inquiries to the Iowa Supreme Court led to the county clerk's office in Mount Pleasant, Iowa, and eventually to Iowa Wesleyan College, Arabella's alma mater.

Professor Louis A. Haselmayer, chairman of the English department at Iowa Wesleyan and the college historian, received the N.A.W.L.'s communication and was interested enough to complete the necessary research and to write the first definitive biography of Belle Babb Mansfield.[7]

IN HONOR OF WOMEN LAWYERS

With the consent of the then college president, Franklin Littell, and of Ernest Hayes, chairman of the board of trustees, plans were made to devote the entire June commencement program at Iowa Wesleyan to its distinguished alumna and all women lawyers in the United States. The N.A.W.L.'s 1968–1969 president, Ruth Gentry Talley, was the commencement day speaker, and honorary doctorates were awarded to her and to two outstanding American women jurists, Judge Sarah T. Hughes of Texas and Judge Constance Baker Motley of New York. The college bestowed further honors on women lawyers in presenting James A. Harlan Awards to Mrs. W. Stevenson Glanton of Des Moines, Iowa, and to Marjorie M. Childs of San Francisco, California. The Harlan Award bears the name of a former president of Iowa Wesleyan and is granted in recognition of high achievement and public service. (Mr. Harlan's other claim to fame is his daughter's marriage to Robert Todd Lincoln.)

A regional meeting of the N.A.W.L. was called to coincide with the college commencement program and was held in nearby Burlington, Iowa. The guest speaker was a great-nephew of Belle Mansfield, Irving T. Babb, a distinguished lawyer from Milwaukee, Wisconsin. He and other descendants of the honoree, all of whom have maintained close ties with the college over the years,

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were gathered in Mount Pleasant for the centennial. At the college alumni banquet, the N.A.W.L.'s centennial chairman presented to President Littell a plaque commemorating the occasion.

A new college library was dedicated during the commencement week end, and one room has been set apart and designated as the Belle Babb Mansfield Room. Present college planning contemplates the inclusion in this room of the N.A.W.L. plaque and other suitable Mansfield memorabilia.

As a direct result of the Iowa centennial activities and the attempts of Iowa Wesleyan to cement further the ties that now bind it with the N.A.W.L., a generous fund has been made available by an anonymous donor to provide an annual scholarship of $1,000 to a deserving prelaw coed at Iowa Wesleyan. The college has obtained the consent of the five women honored at the June commencement to serve as a permanent advisory committee to assist in the selection of the scholarship recipients. The sixth committee member will be the president of the N.A.W.L., who will serve on a rotating basis. It is contemplated that the first Mansfield Scholarship will be awarded for the 1970 fall term at Mount Pleasant.

The seventieth annual meeting of the N.A.W.L., held in Dallas, gave further attention to the centennial. Particularly noteworthy was the banquet address by Justice Tom Clark (retired) urging the continued involvement of women lawyers at the national, state and local levels of government.

The further success of the centennial year was demonstrated on August 11, when Preston Smith, Governor of Texas, read his Mansfield proclamation at the opening session of the American Bar Association's House of Delegates. Additionally, in the American Bar Association's audio-visual review, "Prologue to the Seventies", four color slides covering the Iowa Wesleyan commencement and the N.A.W.L. participation were used to illustrate the valuable contributions of women lawyers to the legal profession.

The climax of women lawyers' achievements during the centennial year was the election in Dallas of the N.A.W.L.'s past president, Neva B. Talley, as Chairman of the Family Law Section of the American Bar Association. This important chairmanship was well earned by Miss Talley through long years of devoted service to the Section. The fact that her assumption of leadership coincided with the one hundredth anniversary celebrations was little short of a miracle.

On the local level, a series of significant centennial activities was planned and carried out by the Women's Bar of the District of Columbia. Arrangements were made for some thirty-seven N.A.W.L., members to be admitted as a group before the Supreme Court of the United States on October 6, the date of the opening of the fall term, with Chief Justice Warren E. Burger sitting for the first time. Other events included a luncheon with Chief Justice and Mrs. Burger, a tea at the White House with Mrs. Nixon, lunch in the Speaker's dining room at the Capitol, given by distinguished N.A.W.L. member Martha Griffiths (Democrat, Michigan) following a lively press conference, and a reception at the National Lawyers Club honoring women in public service.

Recognizing the achievements of women lawyers over the past 100 years and their contributions to an ordered society, the governors of several states and the mayors of important cities issued special proclamations. It was at this grass-roots level that the majority of American women lawyers were able to participate in the centennial activities and to make valuable contributions toward the achievement of the national objectives for this important year. In Arkansas, for example, the entire month of October was set aside for a series of programs honoring Belle Mansfield and American women lawyers.

The work product of these N.A.W.L. members—consisting of pictures, proclamations, resolutions and press items—was displayed at the N.A.W.L. meeting in Dallas and received much favorable attention during the American Bar Association meetings. The President of The Chicago Bar Association was so impressed by this exhibit that he has requested permission for a special showing in Chicago.

A QUESTION NOT TO BE ASKED

Judge Sarah T. Hughes was serious when she questioned the relevancy of women's bar associations today. At a Dallas luncheon, she asked N.A.W.L. members:

"Would it not be better to work with men? It would be harder to accomplish some of our goals, but wouldn't it be more worthwhile? When we did get somewhere, we would have gotten there together and not just be a group of women who did something."

This was a surprising remark to come from such a distinguished judge, N.A.W.L. member and past state and national president of the National Federation of Business and Professional Women's Clubs, and one who has been the acknowledged leader in the fight for equal rights for women.

Disagreement was voiced by many. Marguerite Rawalt of the District of Columbia Bar does see a continued need for separate organizations. Mrs. Rawalt serves as legal counsel for N.O.W. (the National Organization for Women) and has been engaged in litigation throughout the United States involving various cases under Title VII of the Civil Rights Act of 1964.[8] Mrs. Rawalt stated:

"I never thought I'd see the day when I'd picket the White House for women's rights, but I've come to that point. I recently marched with NOW in front of the presidential mansion carrying a sign reading: 'U.S. Constitution protects men only.' We've gotten to the place where women have to become militant to get anywhere."

Representative Griffiths, another distinguished N.A.W.L. member, stated that she had little confidence that the equal rights amendment, a constitutional amendment barring sex discrimination and having 158 signatures in the House, would be reported out of the Judiciary Committee. Mrs. Griffiths suggested that the N.A.W.L. develop a legal defense fund and fight each case to the highest level until state women's protective laws are overruled.[9] "All these laws have protected," she said, "were good jobs for men."

The majority opinion was best expressed by N.A.W.L. President Jettie Pierce Selvig: "When we finally attain true equality in the law and under the law, then and only then will the need for our organization cease to exist."

FOOTNOTES

[1] Paine, The American Crisis No. 1 (1776).

[2] Cochran & Andrews, Concise Dictionary of American History 1022–1024 (1962).

[3] Haselmayer, *Belle A. Mansfield*, Women Lawyers J., Vol. 55, No. 2, Spring, 1969, at 46.

[4] Childs, *South Pacific Regional Meeting of NAWL, San Diego, California, June 10, 1966*, Women Lawyers J., Vol. 52, No. 3, Summer, 1966, at 127.

[5] *Gail Laughlin: National First Leader for the National Federation*, Nat'l Bus. Woman, May, 1969, at 5, 14; June, 1969, at 4–5.

[6] See *Women and the Law*, Cornell L. F., Spring, 1969; Seidenberg, *The Woman Lawyer*, Case & Com., Vol. 74, No. 3, May–June, 1969, at 30–31, 34; McVeety, *Distaff Centenary*, Hennepin Lawyer, May, 1969, at 44; *The Ladies of Hastings*, Hastings Alumni, Vol. 14, No. 1, April, 1969.

[7] Haselmayer, *supra* note 3.

[8] See *Weeks* v. *Southern Bell Telephone & Telegraph Company*, 408 F. 2d 228 (5th Cir. 1969).

[9] Griffiths, *The Otulook for Legislation Affecting Women*, Nat'l Bus. Woman, Vol. 5, No. 9, October, 1969, at 9–10.

REMARKS OF HERBERT G. KLEIN BEFORE THE FEDERAL EDITORS ASSOCIATION

Mr. MILLER. Mr. President, I think it can be fairly said that the administration of President Nixon, throughout its first year, made a sincere and determined effort to improve communications between the Government and the American people.

One of the President's key personnel responsible for this closer Government-to-people relationship is Herbert G. Klein, Director of Communications for the executive branch.

In a recent speech before the Federal Editors Association, which is composed of press and public affairs officers, and editorial staff writers, in Government agencies and the Congress, Mr. Klein remarked:

> I have great faith that we can be open, willing to have the facts examined directly by the public and be judged on that basis, and I think that this is the avenue on which we should always proceed.

Mr. Klein, through his office, has made and is making a significant contribution toward achieving the administration's goal of improving the information process of our Government. His remarks, made before an organization which itself is working to improve Government communications, highlight the administration's work during the past year, and I ask unanimous consent that his speech be printed in the Record.

There being no objection, the speech was ordered to be printed in the Record, as follows:

REMARKS OF THE HONORABLE HERBERT G. KLEIN

What I would like to do today is look at the year-end period we are approaching and review briefly what I think some of the changes are that have taken place as we see them from the Executive branch, during the first 11 months of this Administration.

I remember one of the things George Wallace said during the campaign was that you could look at the major parties and there wasn't a dime's worth of difference between them. I would submit that in looking at the changes which have taken place, on the Hill and in the Administration, his view cannot be substantiated. Too often the tendency is to look at what has happened last week or last month and not try to look at what has happened between January and December. It's particularly a hazard here in Washington where we are all constantly reassessing what our problems are at the moment, and it's difficult to take the time to look over the total period as to where we ought to go. I would like today to cover that kind of period and make a judgment as to what the changes are that have been made and the areas in which we are doing as well.

First, if you look at the situation on the 20th of January, when Mr. Nixon became President, you will find it was the start of a very very difficult year. Overseas, we had a war going on in Vietnam, our NATO allies were breaking apart in Europe, and we had a near war in the Middle East. In this country, the major problem was rising inflation. The major issue or one of the major issues in the campaign was crime and the problems of crime in Washington, D.C. and across the nation. I can't come here today and say that these problems have been solved. They remain major problems today, but I do say that in each one of these areas, major progress has been made. This progress has resulted from the working cooperation between

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the Executive Branch and the Legislative Branch, and when we look back in two or three years we will see that 1969 was indeed a very significant area in all of the particular areas of which I am talking.

Let's look at a couple of other areas and then go back to those issues. In the year in which we live, it's peoples constantly review the structure of government. It's a government which has changed many times over many administrations. It's a government which each time has to fit a particular administration or leadership on the hill. Certainly this has been an administration which has made changes within the structure of the executive branch itself by stressing two things. One is reform and the second has been better coordination between the various branches of the executive. We shortly will have a report from the Ash Committee which has been making a long-range study and perhaps the most significant study since the time of the Hoover Commission of how to reexamine, how to reorganize the Executive Branch of the Government.

In the meantime, I think the significant things which have occurred in this direction have been the formation of the various domestic councils which have done a great deal toward enabling this government to build greater cooperation between the various branches of government which so often have overlapping roles, as you all know. I refer, of course, to the formation of the Urban Affairs Council, most recently the Rural Affairs Council, the Council for Economic Affairs, and the Environmental Affairs Council. I think perhaps the one that will reach the greatest new significance looking into the new year, will be the Environmental Affairs Council, because in my opinion the quietest but most rapidly growing issue in the country today is major concern for what's happening in all aspects of the environment, ranging from pollution to conservation.

The formation of my own office—the Office of the Director of Communications was a new move toward getting at the problem of putting more facts out to the American people and doing a better job in public information. I believe all of you who represent departments of government have done an excellent job in working with us and I think we can look back with a great deal of pride as to what has been accomplished during this year. I also think we are only scratching the surface, and there are many, many areas in which we have to get greater improvement, greater ability to communicate with the American people.

One thing I might outline to you is the concept of my office. Ron Ziegler, the President's Press Secretary, handles the traditional duties of the Presidential Press Secretary. He is doing, in my opinion, one of the outstanding jobs that's been done by anyone in that office. His job is to report the day-by-day doings of the President, the programs which are being sent to the Hill, the major announcements of the President and in general to be with the President where he has to make available to the American public the information which pertains to immediate happenings.

In my office we try to look at both long-range and short-range programs of coordination. I work with the rest of the White House Staff in the formation of policy and in carrying it out after it has been announced by Mr. Ziegler. We work with all your departments in terms of how to do a better job of bringing facts to the American people. We are trying to explore new techniques as to how we can do a better job in a very complex age in regard to television, in publication, in getting background information to editors across the country.

It's my feeling, having come from the ranks of an editor, that all too often there is a tendency here to feel that what you know in Washington and New York is what they also know in Des Moines, and Chicago, and Los Angeles and San Diego.

The fact is, it just isn't true, because you are concentrating on other problems in those areas and the more information we can provide for those who have the job of communicating with the American people in all parts of the country, the more effective job we will do in carrying out the policies of an open government.

We have had a series of meetings with people on both the House and Senate side in terms of informational aspects. It is our hope that one of the things we can strengthen is the coordination between those of you who work on the Hill and those who are at the White House so that we again don't find the great gaps of information within the government.

By your membership in this organization and the goals, as I understand them, the Federal Editors Association makes a major contribution and one which I hope could be enlarged. I have not had the opportunity during this first year to study in detail the various newsletters, booklets and pamphlets you have published, but I have seen a great number of them and one of the things that strikes me on the positive side is that by having the contests you do in this organization, you stimulate quality and render a major service to government and to the American people. I might just say on the side I recognize that you have a problem in terms of fees and we are looking into it to see what help we might be able to give. I don't know whether it will work out or not, but we are interested in trying to help.

There has been talk about the recent speeches of the Vice President. I have made some comments over a period of years as an editor concerning the need for self-examination of the news industry. I also feel very strongly there is a major need on a continuing basis for self-examination of the information process of government. The function of my own office really is one of trying to see what we can do in following new patterns and developing new abilities to reach the American people with the facts. Perhaps if you look within your own departments, you may find it's too easy to assume that you are going to follow the same patterns.

For example, there are the annual reports you are required to get out. There are some new publications. But many others go way back beyond the time when many of you joined the government. I think this is the time to take a look at ourselves and see if we are doing the best we can with the money we have. Often I recognize your problem is a limitation of funds but perhaps we get more quality by eliminating some of the booklets we put out and doing a better job on some of the others so that we reach a real objective of genuinely presenting the facts about your department, the facts about your office to the American people.

Let me just conclude this particular part of my comments by saying this: We in government (and it's hard for me to get used to saying this after so long a time as a newspaperman) have both a major opportunity and a major challenge to examine how we approach this problem of bringing better information to the American public. If you want to look at it in terms of achievement, I think the fact that you rarely hear anymore about a credibility gap is certainly a commendation to the work which is being done from everyone from the lowest ranks on up to the President himself. It is the President who has set this policy of candor, the policy of an open government, one which I think has given us a leadership to move into the area of giving more facts to the American public.

On the other side, perhaps you have noted I have used the word "fact" in several parts of my remarks. I think at all times we must be aware of the danger in government which would, in its effort to do a better job of producing this or that, in any way tend toward propaganda or opinion which can't be borne out by actual fact. This is a challenge in your jobs in all that you do in publishing these booklets and other things. It is a challenge in my job to make certain in all we do we're talking truth. I would submit that if we can't survive in the jobs we are doing by presenting the American public with the facts, then we shouldn't be doing it here. I have great faith that we can be open, willing to have the facts examined directly by the public and be judged on that basis, and I think that this is the avenue on which we should always proceed.

I mentioned the word crime as we started and crime and the changes in the types of crime ought to be one of the major challenges to local state governments and the Federal Government in the year of 1970. I believe the crime package now before the Congress which has been submitted by the Attorney General is one which could do a great deal in cutting down the growing crime rate. I think we have the tools to do it. I would hope the Congress will act on it before the year is over so we can go forth with a program which will accomplish one of the major demands of the American people.

In terms of inflation, again I believe that here we have an all-out war underway which needs complete cooperation. The President's approach has been that government should act first and therefore we have had cuts in budget, we have had ceilings set by the Senate, we have made efforts to put the Federal Government's fiscal and monetary policies in order first. I believe this ought to be backed by the Congress now in terms of what money it might vote and what income it might cut or enlarge so that we are all working together to convince the American people and the world that this is the government which is serious in its efforts to take the hard lumps it must, and to make the efforts which are necessary to cut down the spiral of inflation.

I believe this year we have made major gains by setting our house in order. I believe it's possible now within the next year to see that the inflation spiral will stop gaining at the rate it has and we will be well on our way to a more stable economy throughout the country.

Finally, on the question of war and peace, and particularly Vietnam, again all of us are impatient, and rightfully so, to see the war come to an end. I think the debate which we have had, the dissent, the debate in Congress and other things serve a healthy purpose as long as they are kept as they have been within the bounds of order. I think we should always have the right to debate any of these issues. The very fact we are willing to debate indicates to the world we are a free country, a country which is willing to continually examine policies and is not afraid to be held up in this public spotlight. From our standpoint, as an Administration, we have been greatly encouraged by the growing voice of what we call the silent majority, a majority which gives the President in the latest poll 68% support of the American people.

But going beyond that, sometimes people ask "What have you done for us lately?" not "What major trends have taken place?" I think when you look back, the fact is that American men are now coming home from Vietnam. We have now a clear policy which we have announced as to our efforts for peace and our future goals. Our goals are such that we say we do not desire to retain men there beyond the time of when we can safely leave in an honorable way.

The goal which is announced in the Guam policy is to have the Asian nations do a better and fuller job of defending themselves, perhaps backed by our weapons.

And then perhaps in a broader sense if you looked at the month of November, I think you will find that this may go down in history despite all the other things as the most significant month toward peace the world has seen in many, many years.

During the last two weeks, we have seen four major things: first, the President signing the non-proliferation treaty, joining in were West Germany and the Soviet Union. For many, many years people said this would be impossible but the fact that these major powers during this period joined in the signing of this treaty is certainly a major step toward peace.

We believe there is a great significance in the announcement by the United States of the use of poisonous gases and the use of bacteriological warfare. This also came within this period of time and it again is an example of high American standards, an example which we believe is a major step toward peace.

We recently had the Prime Minister of Japan in the United States, Prime Minister Sato. I believe the decision of the President to make an agreement for the release of Okinawa will do a great deal in building long-term goodwill between the United States and Japan. We have no more important ally in all of Asia than Japan and it is important that we go down the road together and certainly this decision to work together in terms of this particular base was a major step for peace.

Finally, we have started a series of meetings as you know with the Soviet Union in terms of arms limitations in Helsinki. We have gone into this with what I think is a good illustration of another style of the President and his Administration; that of having spent many, many months in preparation for this meeting.

It is the opinion of Henry Kissinger, who I think is doing an outstanding job of heading the National Security Council, that no country has gone into this type of discussion better prepared to seriously discuss all of the issues, discuss the systems involved, to know what the results would be in a very quick way, so that whatever progress is possible through serious talks with the Soviets, this Government is prepared to act in a way which is responsible, in a way which keeps in mind the particular role of the United States Government in seeking the security of the entire world.

Because of these careful preparations, the Soviets realized long before the talks started we were serious in our efforts to negotiate some ends to the arms race. I think this means a major step toward peace, a major move in a series of four which perhaps would be the most significant part of the entire year.

Finally, let me conclude with just these thoughts: when you are moving across the country by air, one of the things you sometimes wonder is, how do you communicate with the man who has a light on down below? You look out and see farmhouses, towns and big cities. How do you let these people know what really happens in the United States Government? What do they feel as to what's good and what's bad, as to what the issues are so that they can make their own judgments?

You have a major role in communicating with those people. I'd say also that all of us have a major challenge in finding out how do we do a better job of two-way communication. It's not enough to send out the facts, but we need to hear from these people and to understand them whether they be young or old, or whether they be in the midwest, the south, the west, or the east coast.

The challenge to learn these things is one which I regard as a serious part of my job. It's one which I would say is a very major part of the job that all of you can do to making a greater contribution toward a better government—a government which you can be proud of in every way.

I recently read and I conclude with this comment made by Neil Armstrong while he was here as a guest of honor of the U.S. Congress. He was talking about taking his two sons to the top of the Continental Divide to learn about nature, to see the deer and the elk. He said as they went up to the top, "In their enthusiasm for the view, they frequently stumbled over the rocky trail, but when they looked only to the footing they did not see the elk.

"To those of you who have advocated looking high, we owe our sincere gratitude to you for granting us the opportunity to see the grandest views of the Creator. To those of you who have been our honest critics, we also thank you for reminding us that we dare not forget to watch the trail."

The government needs critics, the government needs high goals. If we are to accomplish what I believe we can we need to always have our goals high and seek the things which are possible. We should never let our view stray from the trail we follow lest we stumble and not do the job we can.

WARS DO NOT FIX FOREIGN POLICY

Mr. MILLER. Mr. President, in the Outlook section of Sunday's Washington Post appears an excellent in-depth article by Robert E. Osgood entitled "Wars Do Not Fix Foreign Public Policy." Seldom have I found a writer who has detected the sophisticated, in advance attitudes and philosophies of our foreign policies as has Mr. Osgood.

I believe that it is an article which can provide a greater amount of understanding with respect to these various viewpoints concerning future foreign policy of the United States.

I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

WARS DON'T FIX FOREIGN POLICY

(By Robert E. Osgood)

(NOTE.—Osgood is director of the Washington Center of Foreign Policy Research and professor of American foreign policy at the Johns Hopkins University School of Advanced International Studies, and is currently on leave to serve on the staff of the National Security Council. The following is excerpted with the permission of the publishers from "America & the World: From the Truman Doctrine to Vietnam," by Robert E. Osgood, Robert W. Tucker and others. Copyright © 1970, the Johns Hopkins Press, Baltimore, Md. 21218.)

What are America's vital interests and how should it use its power to support them? This is the fundamental foreign policy question facing the United States after two decades of the Cold War. It is a question that has arisen at other critical periods of America's international involvement—during the war the war for independence, the acquisition of an empire, in both of the world wars and as a result of the confrontation of Soviet expansionism after 1945.

The immediate circumstance that brings this recurrent question to the forefront is the war in Vietnam. America's painful, frustrating, morally unsatisfying involvement there would be sufficient in itself to warrant another reappraisal of foreign policy, but this war poses with special poignancy the fundamental question of American interests and power in the world.

It does so for three reasons: (1) because it occurs at a time when the United States has become the most powerful state in the world, with commitments and military preponderance in virtually every major area; (2) because the question is complicated by a diffuse and pervasive development: the erosion of familiar features of the Cold War that have shaped American policy in the last two decades, and (3) because the war in Vietnam coincides with domestic troubles that compete for attention and resources and draw heavily on the moral and political energy of the nation.

UNRELIABLE INDICATORS

The fundamental question of American interests and power is never posed or answered directly or in the abstract. It is posed implicitly in terms of a number of specific immediate issues and decisions; it is answered ambiguously, if at all, by a set of responses that emerge from the unpredictable interaction of external events and domestic politics, of general policies and particular decisions, of underlying premises and pragmatic judgments. Correspondingly, the explicit controversies about U.S. policy, however significant they may be as clues to the national mood, are not necessarily accurate indicators of national policy.

Decisive changes in American policy have usually followed American's wars but controversies evoked by the issues of intervention, fighting and peacemaking have seldom indicated the real nature of these changes. Nor has the general emotional reaction to America's wars provided much of a clue to postwar courses of action. The most recent case in point is the Korean war.

One could not have foreseen—from the controversy over the proper limits of the war, or from the prevailing postwar sentiment to avoid local wars in the future, or from the determination of the Eisenhower administration to deter such wars at a "bearable cost" by placing more reliance on "a great capacity to retaliate instantly, by means and at places of our choosing"—that the unexpected Korean war would lead to an equally unexpected extension of American commitments in Asia through new alliances, or that these commitments would lead to an even more frustrating local war in South Vietnam.

A GRIMMER REACTION

The war in Vietnam has been even more unpopular than the Korean war. Not only has it been relatively unsuccessful; it has also seemed less crucial to America's security. And it has been fought in behalf of a government that is no more attractive, yet much less effective, than Syngman Rhee's.

Although the war has been sustained and directed from the North, as in Korea, its revolutionary aspect has pervaded the decisive battlefield in the South. Accordingly, as a consequence of American artillery and aerial bombing in the South, it has been punctuated by the morally unedifying killing and uprooting of civilians in the very country that the United States is supposed to be defending, and the bombing in the North has been harder to portray as a legitimate defensive action against the aggressor.

Moreover, in contrast to the endorsement of the United Nations and the token participation of several allies in the Korean war, the war in Vietnam has been viewed with indifference or antipathy by many of America's most important allies and has been opposed by most other countries. Understandably, therefore, the aversion to the Vietnamese war has been uniquely intense and bitter.

But how significant is this aversion beyond its impact on the war in Vietnam? Does it foretell a basic change in American policy? What can one infer from the alleged lessons of this unpopular war about America's position in other parts of the world or even about the response to other possible local wars in Asia or elsewhere?

Here the most significant critics are not the pacifists, xenophobes or utopians who reject the involvement of the United States in the central stream of power politics. They are "realists" and "internationalists," like the proponents of the policy consensus that has been represented with great continuity over the last two decades by spokesmen of the American government.

They criticize the consensus not for trying to check Communist expansion, cultivate balances of power and foster a congenial international environment, but only for pursuing these ends with excessive antiaggression and anticommunist fervor, for lack of discrimination between vital and not-so-vital interests and for an imprudent commitment of American power to goals that exceed the nation's true interests as well as its effective power and will to use it.

They advocate not a radical change in America's basic policy orientation but a more selective use of American power, especially with respect to armed interventions, and a general reduction of the scale, if not the scope, of American commitments that impose demands on military and economic resources.

But what would their view mean in practice, even if it were the prevailing American outlook? The last 20 years of America's foreign relations show that the desire to limit American commitments, to define vital interests and apply American power selectively and to eschew the role of Pax Americana, is not in itself a significant determinant of American policy. From the outset of the Cold War, the proponents of the prevailing consensus have avowedly been no less eager than its critics to limit and reduce the involvement of American power in the world.

There is no reason to discount the sincerity of President Johnson's and Secretary Rusk's repeated plaintive insistence that "we are not the world's policeman." And yet one unanticipated crisis after another has involved the United States more extensively in commitments and interventions than was imagined beforehand, because at the time there seemed to be no less objectionable alternative consistent with American interests than to resist Communist aggression or the threat of aggression.

Every President in the Cold War has taken office in the hope of concentrating on domestic welfare (although John F. Kennedy was also determined to improve America's foreign power and prestige). Yet each has presided over a vast extension of American commitments and involvements.

The conflict between professed intentions to limit America's involvements and actual extensions of American involvements strikes some critics as nothing but the well-known hypocrisy of states grown arrogant with power, but the explanation runs deeper than that. It lies in a conflict between wish and reality, in a conception of American purposes and interests that cannot be sustained by the limited, relatively detached role the nation has desired, because unforeseen circumstances keep posing threats—or apparent threats—to those purposes and interests that apparently cannot be countered except by the commitment and use of American military power.

ASSESSING THE THREAT

But is the conception of American purposes and interests held by the critics of the Cold War consensus significantly different? Like the proponents of the consensus, the critics have come to accept a view of American vital interests that goes far beyond the physical security of American territory and identifies American security with balances of power and a modicum of international order against Communist expansion in other continents.

If there is a significant difference between their orientation toward international politics and that of the consensus—that is, a difference that might have substantial policy consequences—it lies in their assessment of the nature of the Communist threat to American security. Such an assessment, whether by critics or proponents of the consensus, has two related aspects: the conception of America's security interests and the perception of the Communist threat to these interests. Both may be changing.

The prevailing consensus has shown remarkable continuity in its analysis of the general threat of international communism to American interests. Since the onset of the Cold War, most Americans, until recently, have regarded it as axiomatic that the Soviet Union and Communist China are expansionist and that any extension of Communist control and influence over noncommunist countries—especially any extension by war, revolution or subversion—whether undertaken directly by them or by other Communist states, would constitute a threat to American security.

Although the direct, or even indirect, threat to American security of Communist incursions against Asian states—with the exception of Japan—is much more problematic than the threat of Soviet or Soviet-supported aggression in Europe, the United States has talked and acted as though such distinctions were of only minor significance. In effect, it has equated Communist aggression with a threat to American security and subordinated the precise assessment of the security value of countering any particular aggression to the general requirements of containment.

This was natural enough if one assumed—as Americans generally did assume until after the Korean war and the Sino-Soviet split in the late 1950s—that the Cold War was essentially a zero-sum contest between the two superpowers and that an aggression by any small Communist state would shift the world balance of power toward the Communist block. Moreover, there was no need to question this view of American security as long as America's efforts to counter aggression were successful at a tolerable cost

The critics of the consensus, however, maintain that the Communist world has long since ceased to be monolithic and is becoming more pluralistic all the time. This pluralism restrains the Soviet Union in Europe and weakens China—which is already beset with debilitating internal problems—in Asia. It means that revolutions and incursions by other Communist states do not necessarily strengthen Russia or China and may actually help containment, since nationalism, whether Communist or not, is the strongest antidote to Soviet and Chinese expansion.

It means that Soviet competition with the United States for political influence in the nonaligned areas will be accompanied by more and more occasions for Soviet-American cooperation to insulate and pacify local disputes because of parallel interests in keeping the competition within safe limits and blocking Chinese influence. Therefore, where American intervention can accomplish nothing constructive anyway—which is always true in civil wars arising from the collapse of political authority—the United States would be better advised to abstain so as not to deflect indigenous nationalism from its natural resistance to Soviet or Chinese imperialism.

COMMUNISTS OVERESTIMATED

The prevailing view of the Communist danger, the critics charge, overestimates the capacity of any Communist state or party to acquire or extend its domain by internal war or any other means. The power of North Vietnam, they contend, is unique.

Moreover, a Communist takeover in one place does not necessarily lead to a Communist takeover in another. Dominoes are not likely to fall together unless they are ready to fall separately. The prospect of takeover depends on local conditions, especially on the capacity or incapacity of governments to meet the basic needs of the people. Where the political elements of this capacity are lacking, there is little any outside power can do to bolster a country against revolutionary forces in any case.

In the increasingly pluralistic world, the critics contend, it is foolish for the government to continue to act as though international politics were polarized in a struggle between the Communist and the free world. In the real world, a gain for one Communist country is not necessarily a gain for another or a loss for the United States.

This revisionist analysis of threats to American security may not yet prevail, but it could prevail unless international developments were conspicuously to refute it. If this view becomes the core of a new consensus, the war in Vietnam will have acted as a catalyst which, by showing the excessive costs of containment in a peripheral war, has led the nation to question the vital nature of interests it had virtually taken for granted and, in doing so, has drastically downgraded the nation's view of its security imperatives, at least in Asia

Undoubtedly, detente with the Soviet Union and the increasing divergencies of interest among Communist states and parties are changing the American view of international reality and of the nature and intensity of the Communist threat in particular. Thus a gain for China or even North Vietnam is not automatically seen as a gain for the Soviet Union or a loss for the United States, and opportunities for limited cooperation with the Soviet Union occasionally appear attractive.

Moreover, notably in Africa, Americans are becoming accustomed to a great deal of disorder and Communist meddling without jumping to the conclusion that the balance of power or American security is jeopardized. To some extent, China emerges as a new focus for active containment; but, despite the long strand of American obsession with China, the Chinese do not yet—and may never—have the strength to pose the kind of threat to Asia that the Soviet Union could have posed to Western Europe. Also, Asia is simply not valued as highly on the scale of interests as Western Europe.

On the other hand, another interpretation of the current American orientation to international politics is worth considering; that the very expansion of American commitments and power has transformed America's conception of its vital interests and the meaning of its security. In this view, Americans, without foreseeing and still only dimly realizing the change of role that the determined pursuit of containment has brought about, have come to conceive of their international position in terms more analogous to an imperial (but nonimperialistic) role than to the rationale articulated by either the consensus or its critics.

Thus each extension of American power and commitments has enlarged America's conception of the specific national interests it must defend, since its interests tend to become coextensive with the area it has undertaken to protect from hostile incursions. A nation with far-flung commitments feels that even an intrinsically unimportant incursion may jeopardize the security of many countries that look to it to protect them, and that one successful incursion could cast doubt upon the nation's willingness or ability to withstand other incursions.

A MORAL OBLIGATION

So an imperial power's vital interests embrace all the outlying areas of commitment and become equivalent to the preservation of an international order and a distribution of power upon which order must depend. They are viewed with a mixture of resignation, resolution and pride, as a moral, not only a national obligation—an obligation seldom appreciated by any but the immediate beneficiaries, if by them. Imperial interests, moreover, create a sense of continual insecurity, since the threats to order are legion and many are beyond the capacity of the imperial power to foresee or control.

For the United States, the holding of imperial power creates some emotional problems since, on the one hand, America's equalitarian idealism makes the exercise of hegemony distasteful, yet, on the other hand, this same idealism lends a missionary impetus to armed interventions which are the cause and consequence of its hegemonial position.

If the critics are partly right in asserting that missionary impulses have got the better of America's anti-imperial inhibitions, these impulses are not, however, a sufficient explanation for the persistent extension of American commitments or the difficulty Americans have found in satisfying their longing to escape the burdens of empire. In reality, not only the insecurity of holding great power but also the objective circumstances that prevent giving up power under hostile pressure with safety and honor make it as difficult for the United States to contract its commitments as it has been for traditional imperial powers to liquidate their empires.

Theoretically, the nation could simply decide, in accordance with the views of Walter Lippmann, that its primary interests—principally its territorial security and welfare—do not warrant the engagement of American forces on foreign soil except in extreme and quite unlikely circumstances in Western Europe and perhaps to prevent the spread of hostile power in the Caribbean. But having pursued a much more spacious conception of its interest, such as a retrenchment could entail a humiliating abdication of power and responsibility, leaving instability and turmoil in its wake, unless the most optimistic assumptions about the international environment should turn out to be true. No American President would want to take responsibility for risking this state of affairs.

MOLDED BY ENVIRONMENT

It would be a mistake, however, to draw any direct or absolute correlation between the basic conception of America's international position—whether conventional, revisionist or imperial—and the future of American policy. Whatever the prevailing conception of American vital interests may be or become, its actual impact on American policy will largely depend, as always, on the kinds of events and developments that shape America's international environment.

Indeed, the external environment probably shapes the nation's conception of its vital interests more than the other way around. One could not otherwise explain the transformation of America's international outlook since World War II.

Though changes in international politics during two decades have greatly complicated the environment of American policy, they have not nullified, but only modified, some of its determining political and structural elements. International changes have neither ended the Cold War nor created coherent new patterns of conflict and alignment.

The reasons for such continuity in a period of great and rapid change are varied. In some respects, the sheer intractability of the international environment accounts for it. (In the Third World War, for example, the failure of great expectations to materialize must be largely attributed simply to the unsusceptibility of local conditions to organization or influence by the superpowers and to the political and material incapacity of underdeveloped states to act on the central stage of world politics.)

But two historically unique factors of great importance can be singled out as positive forces for continuity. One is the extent to which the central international conflict and balance of power have been determined by two states because of the disparity between the magnitude and geographical extent of their power and the power of any other state or group of states. The other unique factor is the existence of nuclear weapons.

On the basis of the history of two decades, one might conclude that, as long as these basic continuities persist, the extent of American involvement in world politics is unlikely to diminish. The imperatives of containment, together with the imperatives of America's imperial position, would override the incentives for retrenchment regardless of the nation's determination to avoid future Vietnams.

But the continuities in international politics since World War II are not permanent. There are many ways in which they could come to an end. Familiar elements of international politics could change fundamentally or disappear altogether if, for example, the Soviet Union became so conservative in the face of war dangers, fear of German revanchism and uncontrollable radical revolutionary forces; so preoccupied with the problems of adhesion in Eastern Europe or in the Soviet Union itself; so concerned with the problem of restraining China and so frustrated by political failures in the Third World as to abandon its search for levers of hegemony or influence beyond its existing regional domain. And one can also imagine a combination of internal problems and external frustrations restricting the United States to little more than a Western Hemispheric role.

International politics might be transformed if new active centers of power—for example, Japan or a Franco-German coalition—were to exert their weight in regional balances of power; if the superpowers became much more concerned with their parallel interests in checking China, damping down local conflicts in the Third World and containing nuclear proliferation than with their conflicting political and ideological aims; if China became so powerful that it was not only a regional but a global power, as a major weight against Russian power, seeking limited alignment with the United States or Japan.

There are some kinds of events that might also precipitate basic changes in the Cold War—and rather rapidly: a local armed conflict in the Third World leading to a major war involving Chinese or Soviet forces against American forces; a domestic upheaval or a radical change of regime in the Soviet Union or the United States; a severe economic dislocation in Europe or in one of the superpowers; Soviet attempts to repress forcibly the East European movement toward independence and liberalism; an expansionist or aggressively revisionist regime in West or East Germany.

ELEMENT OF SURPRISE

Few of these developments seem likely. To recognize their possibility simply reminds us of the element of surprise and the limits of foresight in international affairs. But the continuities of the Cold War might also change by erosion. Less spectacular changes in international politics may already be transforming the Cold War to such an extent as to render the chief concepts and strategies of postwar American policy obsolete, even though elements of continuity persist.

For we must remember that the familiar outlines of American postwar foreign policy were formed under circumstances in which the containment of communism for the sake of American security served as the great catalyzing motive and simplifying analysis for active participation in world politics. The gradual erosion of this motive and analysis in an increasingly complicated international environment could exert a no less fundamental impact on American policy than would dramatic transformations or sudden critical events.

Some Americans, sensing the erosion of incentives for an active foreign policy at the present level of global involvement and seeking a reduction of America's overseas burdens, yet fearing the consequences of America's retrenchment from its present global position, anxiously look forward to a change in the international environment that would enable the United States to limit its involvement without jeopardizing world order. They find this change in the emergence of major new centers of power that will supplement American power in preserving a modicum of order in the most critical areas of the world.

This idea is the latest revival of an old vision of multipolar order. From the beginning of the Cold War, given the objectives of American policy, the absence of other substantial poles of noncommunist power has necessitated the steady extension of American's foreign involvements. Therefore, not only the critics but also the proponents of the prevailing consensus on American foreign policy have looked forward to a world in which power would be diffused rather than concentrated. They have explicitly advocated and hopefully anticipated the devolution of responsibility from the United States to other centers of power pending the emergence of a universal security organization.

Yet the desire to see new centers of power emerge is strongly qualified by the natural propensity of a great power to keep the security of its realm under its own control so far as possible, and especially to keep control of its nuclear power, upon which that security depends. It is also qualified by America's apprehension about the spread of nuclear weapons. And this apprehension is a special manifestation of the more general American fear of a resurgence of national separatism, competitive arming and other disruptive features accompanying the historic system of power politics.

In concept, Americans have reconciled nationalism with the diffusion of power through the ideal of autonomous but interdependent and harmonious regional "collective security" organizations, which could temper nationalism while aggregating power. The ideal of a united Europe is especially favored in America's postwar visions. Yet the only noncommunist regional organizations that have played a significant role in the distribution of power have been organized under American preponderance. Perhaps, as some American and many European critics allege, America's ideal of regionalism sublimates the reality of its hegemony.

Be that as it may, a world of coherent regional organizations, whether as partners or powerful rivals, shows few signs of emerging at this stage of international politics. This is not the result of hegemonial American designs. It is the result of inherent obstacles to the development of autonomous regional poles of power.

These obstacles lie in many particular divergencies of interests within every group of interdependent states but also, more generally, in the political problem that roughly equal powers encounter in integrating or even coordinating defense policies; in the special obstacles to an equitable and mutually satisfactory sharing of the control of nuclear weapons (now virtually a prerequisite for creating a major power); in the postwar resurgence of parochial national spirit, and in the domestic opposition to the expenditures necessary to create armed forces independent of the United States.

If any new pole of military power, independent of American preponderance and capable of affecting regional balances of power, arises in the next decade, it will be a single sovereign state that already exists. Japan seems like the only prospect. Yet the emergence of a thoroughly armed Japan, playing a major role in an Asian balance of power and moved by the kind of outward-looking nationalism that would have to be the precondition of such a status, would be no less disturbing than the burdens of American preponderance to the current advocates of multipolarity.

INTERNAL PREOCCUPATION

Meanwhile, the familiar outlines of the old order continue to grow more confusing, like a kaleidoscope that is somewhat out of focus. What further complicates the effort to foresee, let alone foster, some coherent future design is the present tendency of internal socioeconomic problems to lead toward introversion the states that have the greatest capacity to construct designs.

If some of the most advanced industrial states, including the United States and the Soviet Union, are going to be preoccupied with meeting politically mobilized consumer expectations, alleviating urban maladjustments and accommodating racial or relatively affluent and well-educated minorities which feel alienated from the prevailing establishments and the vast impersonal systems of government, business and education over which they preside, then international politics will be a much more amorphous phenomenon than in previous transitional periods of the modern state systems.

It is a question whether this nation, faced with a confusing and patternless international environment and preoccupied with internal problems, will continue to expend the energy it would have to expend just to maintain its existing commitments, let alone foster new systems of order and security. When the containment of communism is no longer a catalyzing purpose and there is no universal ideological adversary against which to mobilize moral sentiments would a sense of world role and responsibility, or a general feeling that American security and welfare depend on balances or power and a modicum or order in the world, suffice to sustain an active foreign policy?

Or would the United States, no longer finding any moral satisfaction in global power politics or feeling the lash of insecurity, liquidate its metaphorical empire and retire to an equally metaphorical fortress? In either case, what difference would it make for America's security or the quality of American life? The alternatives are overstated, but the questions are pertinent.

ADJOURNMENT UNTIL 10:30 A.M. TOMORROW

Mr. MILLER. Mr. President, if there be no further business to come before the Senate, I move in accordance with the order of Saturday, January 24, 1970, that the Senate stand in adjournment until 10:30 tomorrow morning.

The motion was agreed to; and (at 5 o'clock and 13 minutes p.m.) the Senate adjourned until Tuesday, January 27, 1970, at 10:30 a.m.

NOMINATIONS

Executive nominations received by the Senate January 26, 1970:

Assistant Secretary of Transportation

Charles D. Baker, of Maryland, to be an Assistant Secretary of Transportation, vice Paul W. Cherington, resigned.

Commission on Civil Rights

Manuel Ruiz, Jr., of California, to be a member of the Commission on Civil Rights, to which office he was appointed during the last recess of the Senate.

Federal National Mortgage Association

Allan Oakley Hunter, of California, to be president of the Federal National Mortgage Association, to which office he was appointed during the last recess of the Senate.

Foreign Claims Settlement Commission

Lyle S. Garlock, of Virginia, to be a member of the Foreign Claims Settlement Commission of the United States for a term of 3 years from October 22, 1969, vice Leonard v. B. Sutton, term expired.

Diplomatic and Foreign Service

The following-named Foreign Service information officers for promotion in the Foreign Service to the classes indicated:

Foreign Service information officers of class 1:

Keith E. Adamson, of Nevada.

O. Rudolph Aggrey, of the District of Columbia.

David Nalle, of Maryland.

Michael Weyl, of the District of Columbia.

Foreign Service information officers of class 2:

Charles R. Beecham, of Florida.

James D. Conley, of Illinois.

Lyle D. Copmann, of Nebraska.

Richard H. Curtiss, of Virginia.

Carl E. Davis, of Florida.

Eugene J. Friedmann, of Ohio.

John L. Hedges, of Illinois.

David I. Hitchcock, of Connecticut.

Richard M. Key, of New Jersey.

Barrett M. Reed, of Rhode Island.

John W. Shirley, of Illinois.

Morton S. Smith, of Maryland.

Foreign Service information officers of class 3:

Edmund A. Bator, of the District of Columbia.

Edgar S. Borup, of Illinois.

Harry P. Britton, of California.

Michael D. Brown, of New York.

Francis A. Cooke, of New York.

A. Speight Cooper, of Georgia.

George T. Czuczka, of Virginia.

G. Michael Eisenstadt, of New York.

Jack B. Fawcett, of Colorado.

Ben F. Fordney, of Virginia.

Jerry L. Inman, of California.

Ivan T. Klecka, of Illinois.

Charles J. Lahey, of Pennsylvania.

Milton Leavitt, of Massachusetts.

Charles M. Magee, of Florida.

Donald E. Mathes, of Missouri.

Robert L. M. Nevitt, of Pennsylvania.

Flemming E. Nyrop, of Virginia.

Michael T. F. Pistor, of New York.

William H. Pugh, of New Jersey.

Donald E. Reilly, of California.

Leonard I. Robock, of Ohio.

Vincent Rotundo, of New Jersey.

Miss Margaret V. Taylor, of California.

Vernon R. Telford, of Georgia.

Richard E. Undeland, of Nebraska.

Jaroslav J. Verner, of Maryland.

Robert C. Voth, of California.

Foreign Service information officers of class 4:

Miss Ruth Banonis, of Michigan.

Paul P. Blackburn, of Maryland.

John T. Burns, of Florida.

Thomas A. Calhoun, of California.

Miss Patricia E. Connor, of Washington.

Miss Joan L. Dickie, of New York.

Eli Flam, of Virginia.

James Flood, of Maryland.

Lawrence B. Flood, of California.

Charles T. Foo, of Florida.

C. M. Fry, of Missouri.

Alan L. Gilbert, of Ohio.

Myron L. Hoffmann, of Virginia.

Talbott W. Huey, of Maryland.

Irwin S. Kern, of the District of Columbia.

Robert E. Knopes, of Wisconsin.

Robert R. LaGamma, of New York.

John H. Melton, of Montana.

James L. Meyer, of California.

Robert S. Meyers, of California.

Merrill S. Miller, of California.

J. Richard Overturf, of the District of Columbia.

Peter J. Reuss, of Florida.

John F. Ritchotte, of Pennsylvania.

Sanders F. Rosenblum, of Michigan.

William A. Rugh, of New York.

Henry B. Ryan, of Illinois.

Fred M. Shaver II, of Colorado.

William Stephens, Jr., of Pennsylvania.

Conrad Stolzenbach, of Ohio.

V. Jordan Tanner, of California.

William F. Thompson, of Minnesota.

Alfred J. Waddell, of the District of Columbia.

David M. Wilson, of Massachusetts.

William M. Zavis, of Illinois.

Foreign Service information officers of class 5:

Paul B. Altemus, of New Jersey.

Peter J. Antico, of New York.

Miss Juliet C. Antunes, of New York.

John B. Barton, of South Carolina.

Michael P. Canning, of North Dakota.

Sherwood H. Demitz, of Michigan.

Bernard Engel, of Ohio.

Miss Nancy E. Fitch, of New York.

Edward D. Franco, of Colorado.

Robert Barry Fulton, of Pennsylvania.

Robert K. Geis, of Texas.

Richard J. Gilbert, of New York.

Miss Corinne A. Heditsian, of Rhode Island.

Christopher M. Henze, of California.

John H. Hudson, of Virginia.

Ronald L. Humphrey, of Washington.

Thomas F. Johnson, of New York.

Kenton W. Keith, of Missouri.

Duane L. King, of Washington.

Howard A. Lane, of Illinois.

Ernest H. Latham, Jr., of Massachusetts.

Alfred A. Laun III, of Wisconsin.

Harvey I. Leifert, of California.

Lewis R. Luchs, of Virginia.

Miss Clara Sigrid Maitrejean, of Arizona.

Jerome K. McDonough, of Maryland.

Robert L. Michael, of Ohio.

Robert P. Milton, of Georgia.

Miss Mary Rose Noberini, of New York.

Thomas E. O'Connor, of Ohio.

Jerry Lincoln Prillaman, of Virginia.

Peter L. Quasius, of Wisconsin.

Harlan F. Rosacker, of Nebraska.

Richard F. Ross, of Florida.

Richard C. Schoonover, of California.

Carl D. Schultz III, of the District of Columbia.

James H. Sease, of Michigan.

Donald F. Sheehan, of New York.

Terry B. Shroeder, of California.

Thomas E. E. Spooner, of Michigan.

Willis J. Sutter, of New Jersey.

Richard A. Virden, of Minnesota.

Phillips S. Waller, of California.

John G. Wilcox, of Michigan.

Murray B. Woldman, of Ohio.

Foreign Service information officers of class 6:

William J. A. Barnes, of Massachusetts.

Miss Frances D. Cook, of Florida.

Robert T. Coonrod, of New York.

Tabor E. Dunman, Jr., of Virginia.

Miss Cynthia J. Fraser, of Texas.

Miss Mary E. Gawronski, of New York.

Miss Gail J. Gulliksen, of Illinois.

L. Michael Haller, of Illinois.

Barry B. R. Jacobs, of Michigan.

George C. Kinzer, of California.

Terrence H. Kneebone, of Utah.

William U. Lawrence, of Michigan.

Michael K. Lewis, of the District of Columbia.

Gary R. Nank, of Ohio.

Robert J. Palmeri, of Massachusetts.

James C. Pollock, of Pennsylvania.

William H. Poole, of Massachusetts.

Miss Ellen L. Robbins, of Illinois.

Miss Edith E. Russo, of Virginia.

Andrew D. Schlessinger, of New York.

Stanley S. Shepard, of Colorado.

Lawrence M. Thomas, of Tennessee.

Harvey M. Wandler, of New York.

EXTENSIONS OF REMARKS

EXCELLENT SPEECH GIVEN BY JERRY O. TALTON, JR., OF HAMPTON, VA.

HON. THOMAS N. DOWNING

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Monday, January 26, 1970

Mr. DOWNING. Mr. Speaker, several weeks ago it was my privilege to hear a fine young man deliver a very excellent speech before the annual meeting of the Peninsula Chamber of Commerce at Fort Monroe, Va. His name is Jerry O. Talton, Jr., of Hampton, Va., and he is presently serving as a page in the general assembly of Virginia.

This young man won the district award for an oratorical contest sponsored by the American Legion and certainly will be a major contender in the national final competition. In my opinion this young man is a typical example of most of the American youth today and I believe that his remarks might prove of some interest to my colleagues.

I insert his remarks in the CONGRESSIONAL RECORD at this point:

SPEECH GIVEN BY JERRY O. TALTON, JR.

Friends, it is my great privilege to announce that you are now free! Perhaps, you misunderstand. I don't mean half free. You are now totally free—to lead your own lives and to direct your own destinies. And you owe this all to an insurgent organization, known as the Federation for the Freedom from Freedom, which has secretly been working toward your emancipation for nearly fifteen years. And at last it has accomplished its goal. You are no longer forced to serve the unjust masters of the United States Government!

I realize this must strike many of you as being evil. A few of you might have even liked the old government; but listen to me, and look to your own consciences for the answer. Take nature. In nature there are hundreds of animals. They don't fight in immoral wars. They don't build nuclear bombs to assert their own strength. Look at the bird; he lives a happy, fulfilling life, yet he needs no government! On the contrary, what would be the worst thing that could happen to that bird? Without a doubt, it would be for someone to grasp him, to thrust him into a cage, to sever his freedom. And that's exactly what's happened to you. For 193 years you and your forefathers have been subjugated; and at the root of your slavery is the United States Constitution!

That document has set up the very government: which has taken America's young men and sent them across the Pacific to die in a useless war; which has confiscated one fourth of your hard-earned money and squandered it for countless, unjustified reasons.

The government, which has placed men, no better than yourselves in a position of supremacy with the power to direct and restrict your lives. The very government, which has done its best to insure the ultimate extinction of the human race!

But at last, we in America have achieved true independence. In fact, within the hour you may have the privilege of witnessing the burning of the United States Constitution on nationwide television. You are now your own masters. There is no one greater than you yourselves. You may live the rest of your lives in complete, absolute, irrevocable freedom!

That little speech was just a sample of what could conceivably happen in the United States if we the American citizens fail to meet up to our responsibilities. America is being attacked by two strong forces. Now first of all there is communism, seeking literally to make slaves of the American people. But secondly there is anarchy—anarchy, which is attacking America from within. Now we give a tremendous amount of attention to communism. Look at all the money spent in the arms race. Look at our men fighting in Viet Nam right now. But few people give this same attention to anarchy, when anarchy is attacking America directly. Anarchy is what so many members of the hippie movement, the S.D.S., Youth International, as well as as many other groups are advocating. Their cries are for "revolution now" and "complete freedom now." They want a new society without government in which, supposedly, peace prevails and all men are united by love. Now if this were practical, indeed, society might be greatly improved. But if this happened, the strong would prey upon the weak, looting and thievery would be rampant, the very highways we now travel on would be at least ten times more dangerous. Order would be replaced by chaos. And in this chaos, the big red bear of communism could easily grasp the American people in its paws. Edmund Burke once said, "Liberty, to be enjoyed, must be limited by law; for where law ends, tyranny begins." So you see, we in America are faced with the threat of too much government—and too little government.

But luckily we have one document which guarantees us the advantages of freedom, while protecting us from the forces which would surely cause the downfall of the American society. And that document is the United States Constitution. Truly, there is none better. What other government has a constitution which guarantees its people so much personal freedom? The American people have freedom of speech, of religion, assembly, of petition, the right to own property, and there are many others. What other government invests so much power in the people? The American people have the power to elect their president, their vice-president, the members of the Senate and the House of Representatives, they have the power to propose bills by the initiative and to recall bills to the public vote by the referendum. And there are many other powers also delegated to the people on the state and local level. But so far I've only mentioned direct powers. Indirectly they affect all executive and legislative decisions, because they have the power of not re-electing officials who don't follow their wishes. The American people are very powerful, but along with this power and this freedom comes responsibility. A good American citizen must respect the law and the officials which uphold it. He must contribute his fair share toward the cost of government. He must vote whenever he has that privilege, and he must do so intelligently. He must keep informed on the public issues.

There are many ways in this country; we have radio, television, newspapers, and magazines. He must serve on a jury when needed, and he must do so willingly. He must conserve our nation's resources—our land, parks, rivers, and forests. He must let the people in public office know how he feels on the issues. He can do this either by writing to them directly, or by participating in public opinion polls. And there are many other duties of an American citizen. In fact, it would take hours just to name a fraction of them. Being an American citizen takes a lot of work, I'll agree. But out of what we put into our government, we get a system so just and so fair that the American people as a whole could never reject it. Only those in the minority, the radical groups, could be against it. And there you have the true American protection—the millions of people who do support the present system of government and who will not allow any minority group either to impose a different system, or to just do away with government entirely.

In fact, there is only one way that we in America will ever lose our democracy, and that's if we fail to meet up to our responsibilities. Abraham Lincoln once said, "If this nation is ever to be vanquished, it will not be by aggression from without; but from the failure of citizens to do their duty within."

We can't afford to ignore any threat to our government. We can't afford to be ignorant on the public issues. We can't afford not to vote, simply because it's too much trouble to stand in line at an election precinct. If our whole government system is to survive, the will of the majority must be expressed. If the so-called "silent majority" remain silent, then the voices of the clamoring minorities will be magnified many times.

Just recently in West Germany, the German people were to elect the members of their federal legislature, the Bundestag. In this election the Socialists, the minority party, had a relatively high percentage of their voters at the polls; while the Christian Democrats, the majority party, had a very poor showing. As a result, the Socialists were able to gain many seats in the Bundestag and were later on able to appoint Willey Brandt, a fellow Socialist as the West German Chancellor. And things like this can happen in America. America is like a gigantic wall with each American citizen composing a brick. Remove one brick from the wall—you don't affect it very much. Remove two, three—the wall's still strong. But sooner or later you're going to go too far; and that wall's going to topple. Every time you don't vote you're gambling with democracy, and what happens if you lose? Picture a starry eyed radical telling you, "You no longer have to serve the United States Government." Picture the Constitution slowly burning—and burning with it the hopes, freedom, and security of the American people.

PUBLIC LAND MANAGEMENT

HON. PAUL J. FANNIN

OF ARIZONA

IN THE SENATE OF THE UNITED STATES

Monday, January 26, 1970

Mr. FANNIN. Mr. President, not long ago, Mr. Orme Lewis, Jr., Deputy Assistant Secretary of the Interior for Public Land Management, addressed the George Washington Chapter of the International Land Economics Fraternity of Lambda Alpha.

I have had the pleasure of reading his remarks to that group and have found his cogent analysis of the changing needs of our Nation and the corresponding changes in priorities of the Interior Department to be of great value.

I commend Mr. Lewis for his insight and recommend his comments not only

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to those who share our concern for the proper management of our western resources, but also to those of us who are concerned with urban problems and with finding acceptable solutions to these problems.

I ask unanimous consent that Mr. Lewis' remarks be printed in the Record.

There being no objection, the remarks were ordered to be printed in the Record, as follows:

Remarks by Orme Lewis Jr., Deputy Assistant Secretary of the Interior for Public Land Management Before George Washington Chapter, International Land Economics Fraternity of Lambda Alpha, in Washington, D.C., November 12

A WESTERNER LOOKS AT URBAN LAND STRATEGY

Mr. Chairman, Gentlemen: I am delighted to be here to talk about an urban land strategy—as seen through the eyes of a Westerner. Having lived most of my life in Arizona undoubtedly puts a Western cast on my thinking, but the short time I have been in Washington has modified that outlook.

My situation is somewhat analagous to what has happened to the Department of the Interior. A few years back, the Department was known to many people as the "Department of the West." The Department's interests were mostly limited to management of vast acreages of land, administration of mining, grazing and timber harvest on the public domain. And the great bulk of our Indian programs were—and still are—in the West.

The situation began to change in the early postwar years, however, when the economy converted to peacetime production. Our society reached a degree of affluence never before known. Along with more personal wealth and accelerated industrial growth, came two elements that were to thrust Interior into national roles—the demand for recreation and the need for greater consideration of the environment.

Millions of Americans suddenly had the wealth and mobility to get out of town and look for wider vistas of recreation. The demand led to creation of the Bureau of Outdoor recreation and the Land and Water Conservation Fund. One of the chief functions of this new program is to assist States and, through them, Local communities, to meet their outdoor recreation needs. Thus, the former Department of the West, finds itself directly engaged in recreational programs in every State of the Nation, and in the Territories, as well.

The other element that gave the Department a national mission was growing degradation of the environment. Our unprecedented growth caused severe ecological damage in some places. The principal infliction was the pollution of our rivers and streams. The Interior Department was given the task of grappling with the tremendous task of water clean-up. This assignment placed us very much into each of the States.

These are our primary credentials as a National Department, but there are others, such as our commercial and sport fisheries programs, saline water conversion, mine safety, Geological Survey and National Parks.

Along with broadened responsibilities of the Department to deal with national problems has come increased involvement in helping to meet urban needs. Our water pollution control activities, of course, directly affect the cities. And a growing emphasis is being made by this Administration to direct more of our outdoor recreation resources to urban areas where the need for recreation is the greatest.

Our credentials for urban involvement are well grounded, and the Department of the West has become a Department of Natural Resources. It has become increasingly responsible for programs intended to halt the erosion of environmental quality in all parts of the Nation.

The growth that *will* come and *should* come contains a very real threat to our environment. A projected urban population growth of nearly 3 million people annually, along with needed goods and services, can do enormous detriment to our water, land and air, and—in the process—to wild animals and fisheries.

We must find a more satisfactory relationship between land and people in our national growth. Because there is a continuing concentration of people to urban areas, the essential requirement is for an urban land strategy. The Interior Department, which manages public domain equal to one-fifth the area of the United States, is beginning to awaken to a greater potential role in urban affairs. In essence, we have the ingredient that is hardest to come by in an urban growth strategy—vast acreages that can be made available at reasonable cost. With proper planning, the public domain of the West can serve the whole Nation's interest. The West can provide expansion room not only for existing urban areas but for the creation of new towns—even major new cities.

Today we are confronted with urban deterioration, a mounting exodus of people from rural to urban areas—and even more discouraging, a lack of basic programs to affect major changes over the long run in accord with a national growth strategy.

The changes needed are enormous. In only 30 years we expect to have another 100 million people. The social and physical needs, including environmental and esthetic needs, will require our best planning efforts. Failure to do this planning could be catastrophic. Fortunately, we have begun to equip ourselves with some of the tools needed to do the job.

A Model Cities Program was enacted in 1967 to reshape the total environment of designated areas within our cities, and a new Communities Act was adopted the following year to help develop completely new cities. Both are essential beginnings, but both are insufficient.

In very recent years a handful of people have begun looking to the Western vastness. Perhaps, they thought, the public lands could be utilized and developed to cope with the explosive urbanization of America. This thinking has been slow to materialize or advance because of traditional concepts.

Basically, cities have grown close to sources of raw materials which could be converted to processed or manufactured goods. The employment thus provided created the nucleus of the community. The location of the city also was such that its commodities could reach the market place competitively. The modern community also demands large amounts of water and electrical power. In contrast to these requirements, much of the West has been viewed as remote from many required raw materials, isolated from mass markets and hamstrung by shortages of water and power.

A number of changes have occurred that will allow the West to play a substantial role in our urban land strategy. A revolution in transportation now makes it possible to move raw materials great distances to plants and to transport the finished goods to foreign markets. We have the technology to move water and power virtually to any point we desire. Our developing knowledge in areas of weather modification and desalination will supplement the capability for mass movement of water and power.

With these essentials—land, transportation, water and power, and in many cases, raw materials—we can build viable new communities in the West. Skilled labor will go where the jobs are, and if the area of new opportunity has better weather and a more desirable social climate, people will go readily.

There is certain to be a large scale continuance of urbanization in America and a growth strategy is imperative. Such a strategy has been called for by the Advisory Commission on Intergovernmental Relations, the National League of Cities and the National Association of Counties. The American Institute of Planners has called for a policy of population dispersal and an ambitious program to build new towns.

The general need for a new model for the Nation's growth evolves from the congestion, pollution and deterioration in cities that are too large and ill-developed. About 130 million Americans now live in big cities or in their suburbs—50 million more than only 20 years ago. About 70 per cent of the Nation's population already is crowded into about 1 per cent of the land. To intensify this, over-crowding obviously will worsen the social and environmental problems of our urban areas.

The alternative to overburdening existing urban areas is to build new towns and cities. This is being done in a number of places in the United States and in Europe, but it is a highly complex undertaking that requires great amounts of capital.

The New Communities Act of 1968 was a constructive step in the right direction to aid in financing, but no more than $50 million may be guaranteed for a single project, and only $250 million is available for this purpose nationally. That means only six new towns, if each were to use the maximum Federal aid. Our population growth, however, demands the equivalent of new city of 250,000 population each month.

The Public Land Law Review Commission, now studying the Nation's land laws, has heard proposals for use of public lands for creation of new towns and cities. The Commission will make its recommendations next year, and it is expected to deal with this issue.

An Assistant Secretary of HUD, testifying before the Commission, suggested that the public lands be considered for future urban growth. He saw public domain as the source of large homogeneous tracts of land needed to meet the social, economic, public health and esthetic needs for urban populations.

One of the main drawbacks to large scale city-building is not the lack of capital but the lack of readily available sites of sufficient acreage at reasonable prices. The availability of such land would be a tremendous incentive for builders and home owners to relocate in a totally new urban environment.

Making public lands available for towns and cities is not a new thing. Between 1850 and 1890 more than 400 towns were established on public lands in the 11 Western States. The old laws for the most part are in need of overhaul to meet modern needs, but the precedent for aiding the establishment of new cities on public domain is well established.

I have asked the Department's Solicitor to explore how present laws can be changed to create more flexible use of public land so it can serve the needs of urban growth. One approach could be to make land available to corporate entity, public or private, for comprehensive planning and integrated development, subject to terms and conditions which advance desired national objectives.

Such transfers of land would be contingent upon provision of recreation areas, open space, greenbelt land, and space for public facilities. Conceivably, there could be developed techniques to evaluate the direct social and economic benefits of such urban developments. The value of tangible benefits then could be taken into account in determining the cost of the land to the developer. It would be reasonable to give additional consideration in land costs if the new commu-

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nity development entity was of a non-profit nature. Finally, the disposal or transfer of land would proceed only as the developer showed adequate progress in planning, development, organization and administration. Protection of the whole public interest, not only in consideration received for the land but also for proper development, would be the over-riding criterion.

We are just beginning to look seriously at the potential that the West offers as the place for much of our future national growth. I am optimistic about what we can do. With proper planning, 300 million Americans—thirty years from now—can live in less congestion and contamination than 200 million do today.

WHY WE NEED NEW SCHOOLING

HON. ROMAN C. PUCINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, January 26, 1970

Mr. PUCINSKI. Mr. Speaker, for the past several months, the General Subcommittee on Education has conducted hearings on the needs of American elementary and secondary schools for the decade of the 1970's.

Among the exceptionally talented and diverse witnesses who have appeared before my subcommittee to present an evaluation of these needs is John Holt, author of numerous books and articles dealing with the education of children. Mr. Holt is a teacher and has spent many years studying the processes of learning. His voice has been forceful in advocating an expansion of present methods of helping children to learn and providing them with both the opportunity and the motivation to help themselves.

Mr. Holt generates ideas that impel school systems to reevaluate their goals and objectives. His article in Look magazine this month reaffirms his devotion to education. I believe it deserves the widest possible discussion among those who have a very real stake in the directions American education will take within the next 10 years.

Mr. Speaker, the article "Why We Need New Schooling" by John Holt follows:

WHY WE NEED NEW SCHOOLING

(By John Holt)

Knowledge is increasing so fast, a recent ad said, that the problem of education is to find better ways "to pack it into your heads." This popular belief is wrong, and causes much of what is so wrong with our schools. For years, it is true, learned men used their brains to store and retrieve information. Today, the child who has been taught in school to stuff his head with facts, recipes, this-is-how-you-do-it, is obsolete even before he leaves the building. Anything he can do, or be taught to do, a machine can do, and soon will do, better and cheaper.

What children need, even just to make a living, are qualities that can never be trained into a machine—inventiveness, flexibility, resourcefulness, curiosity and, above all, judgment.

The chief products of schooling these days are not these qualities, not even the knowledge and skills they try to produce, but stupidity, ignorance, incompetence, self-contempt, alienation, apathy, powerlessness, resentment and rage. We can't afford such products any longer. The purpose of education can no longer be to turn out people who know a few facts, a few skills and who will always believe and do what they are told. We need big changes, and in a hurry. Here, in no particular order, are some things to change:

We must get rid of the notion that education is different and separate from life, something that happens only in school. Everything that happens to us educates us, for good or for bad. To answer "What makes a good education?" we must ask, "What makes a good life?"

Teachers must have, like doctors with patients, the professional freedom to work with their students as they think best. Only the child himself should have more to say than the teacher about what is learned, and when, and how; today, in most places, only the fixed schedules, so many hours a week per subject, prescribed texts, grades, normal curves, censorship, supervisors—the whole deadening, humiliating intimidating regime under which too many teachers have to work.

Children and their parents should not have to submit, for lack of choices, to school experiences that seem degrading, painful or harmful. School is neither jail nor the Army. People should be free to find or make for themselves the kinds of educational experiences they want their children to have. Anything in law that makes this impossible or even very difficult should be changed.

In most of history, children have been educated by the whole community, the whole society they lived in. Nothing else makes any sense. We must get as much as possible of the outside world into our schools, and get the schools and the children into the outside world, as in the Parkway project in Philadelphia, where hundreds of students use the city itself as their classroom.

Abolish compulsory attendance laws. We cannot measure growth and learning by the day or hour. A child, finding out what he wants to find out, fully alive and alert, learns more in an hour than most students learn in school in weeks or months. Schools are only one place, among many, where people can learn about and grow into the world. Let them compete with other educational resources for the time and attention of children.

Abolish all certification requirements for teachers. They don't make teachers better, often make them worse, and keep or drive out of teaching many excellent people. Let the people who run a school use as teachers anyone they think can help the children.

Teachers, or teachers and parents, should run schools, not specialists in school administration. Whoever pays the bills and sees that the floors are swept and the windows washed should be under the teachers, not over them.

Abolish the required curriculum. Children want to learn about the world and grow into it; adults want to help them. Let them get together, and the proper curriculum will grow and want, and what the adults have to give.

Abolish all compulsory testing and grading. If a student wants his teacher to test his knowldege or competence, so that he may know how to improve, fine. All other testing and grading is destructive and inexcusable. Students should organize to refuse to take tests for other people's purposes, and teachers should organize to refuse to give them.

Abolish the required use of so-called intelligence tests and other psychological prying. Such tests should only be given with the consent of parent and child, and the results should belong to them *exclusively*. Establish by law that *any and all* records of what a child does in a school shall go with him, as his exclusive property, when he leaves that school.

In all educational institutions supported by tax money, or enjoying tax-exempt status (with the possible exceptions suggested below), abolish all entrance exams or other selective admissions requirements. An educational institution, like a library, museum, lecture hall, park or theater, should be open at least until full, to any and all who want to use it. A few exceptions might be made for institutions where performance skill is involved, as in the performing arts, crafts, skilled trades, or in flying, surgery, perhaps some sciences. But even here, the institutions should have to show that selection is really needed, and not just a concession to institutional vanity, or a way, as in some professions and trades today, to keep the cost of services high by limiting the number of people able to provide them.

Abolish all requirements for schools. *Parents and parents alone* should decide whether a school is right for their children; it is no one else's business. Health and safety? Let parents decide. Our cities do not enforce health and safety codes in the homes of the poor. Why should these codes be used to harass poor people's schools, or to prevent people from trying to solve their problems?

Every school charging no tuition and open to all should be considered an independent public school and entitled to tax support per pupil-day on the same basis as state-run schools in its district. Why should the state have a monopoly on public education?

As Peter Marin and others have suggested, we should radically revise all laws that deny children the right to work, travel and live independently. The laws once passed to protect children now oppress more than they protect. We ought not to deny any child the right to take part in society as fully as he wishes and is able.

Students of any age should get academic credit, as some college students now do, for holding down a job. Better yet, schools should get out of the business of granting credentials as the proof, and only proof, of job-worthiness.

As Christopher Jencks and others have suggested, the best way to finance education might be to give every child an education allowance, for him to spend on his education as he chooses. Parents and their children might in many places develop forms of education vastly more efficient than our present schools.

Too many of our schools are too big to be human. Instead, we could have, in any of our giant school buildings, a number of small schools, each independently run and using its own ideas and methods, and all sharing whatever facilities needed to be shared.

Let students, whose time is taxed by the schools, and who really know and care about them vote in school-board elections.

Give more time, money and space in all schools for all the arts and for developing physical fitness, strength and skill. Sports, games, athletics are too important to be for just the varsity.

For part of people's lives, we tell them they can't get out of school, and once they're out, we tell them they can't get back in. Let people, of whatever age, go in and out of school when they see fit, using it when it seems most useful to them. Let the learner direct his own learning.

MAN'S INHUMANITY TO MAN—HOW LONG?

HON. WILLIAM J. SCHERLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Monday, January 26, 1970

Mr. SCHERLE. Mr. Speaker, a child asks: "Where is daddy?" A mother asks: "How is my son?" A wife asks: "Is my husband alive or dead?"

Communist North Vietnam is sadistically practicing spiritual and mental genocide on over 1,400 American prisoners of war and their families. How long?

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HEW APPROPRIATIONS BILL

HON. DOMINICK V. DANIELS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, January 26, 1970

Mr. DANIELS of New Jersey. Mr. Speaker, if the President vetoes the appropriations bill for the Department of Health, Education, and Welfare, the amount and quality of medical care in this Nation will be severely jeopardized.

I call to the attention of my colleagues a telegram sent to the President by some of the most distinguished medical men in the country regarding their views on the threatened veto:

WASHINGTON, D.C.,
January 16, 1970.

President RICHARD M. NIXON,
The White House,
Washington, D.C.:

The delivery of adequate medical care to the American people in the next decade can be critically jeopardized if you veto now the Health and Education Appropriation Bill. This bill provides for the training of vitally needed physicians and for the support of research promising new life-saving knowledge soon. We do not believe that appropriating funds for manpower training to protect the health and save the lives of countless Americans can be construed as inflationary. Contrarily this should have the highest priority in our national budget.

The Public Health Service has said we need 71,000 more physicians and allied health professionals for teaching, research and health care in 1970, and at least 150,000 more by 1980. Meeting these needs will be impossible unless funds authorized by Congress and now about to be denied are made available.

We most strenuously urge you, in defense of the Nation's best interests, to approve the Health and Education Appropriations Bill and make savings, if necessary, in less critical areas than the defense of the lives of Americans:

Dr. Louis Katz, Emeritus, Michael Reese Hospital, Chicago, Ill.

Dr. Sidney Gellis, Chairman and Professor of Medicine, Department of Pediatrics, Tufts University Medical School, Boston, Mass.

Dr. George A. Wolf, Jr. Dean and Provost, University of Kansas School of Medicine, Kansas City, Kan.

Dr. Myron Wegman, Dean, School of Public Health, University of Michigan, Ann Arbor, Mich.

Dr. Victor A. McKusick, Professor of Medicine, Epidemiology and Biology, Johns Hopkins University, Baltimore, Md.

Dr. Ancel Keys, Head of Physiological Hygiene, University of Minnesota, Minneapolis, Minn.

Dr. Michael DeBakey, President, Baylor University College of Medicine, Houston, Tex.

Dr. Norman Shumway, Professor of Surgery and Chief, Cardiovascular Surgery Division, Stanford University Medical Center, Palo Alto, Cal.

Dr. H. Hugh Fudenberg, Director, Section of Hematology and Immunology and Professor of Medicine, University of California, San Francisco and Professor of Bacteriology and Immunology, University of California, Berkeley, Cal.

Dr. Albert Coons, Professor of Bacteriology and Immunology, Howard Medical School, Boston, Mass.

Dr. E. Hugh Luckey, Vice President Medical Affairs, Cornell University Medical College, New York, N.Y.

Dr. William B. Bean, Chairman and Professor, Department of Medicine, University of Iowa College of Medicine, Iowa City, Io.

WHOSE BLOODBATH?

HON. JEROME R. WALDIE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, January 26, 1970

Mr. WALDIE. Mr. Speaker, in the continuing discussion about the pace of withdrawal of American forces from South Vietnam, the specter of a "bloodbath" is constantly raised by those who would prefer a slower rate of withdrawal.

In his most recent report to the Nation, President Nixon cautioned against leaving the South Vietnamese people in a vulnerable position for reprisals such as the horror that occurred at Hue during the Tet offensive of 1968.

A recent article in the Nation magazine by former South Vietnamese Government official, Tran Van Dinh, includes some very pertinent comments on the threat of a "bloodbath" in Vietnam. I would urge the Members of the Congress to consider these comments in future discussions of this important matter.

The article follows:

THE FATE OF "OUR" VIETNAMESE AFTER WITHDRAWAL: FEAR OF A BLOODBATH

(By Tran Van Dinh)

The possibility of a "bloodbath" in South Vietnam if U.S. troops were to swiftly withdraw has been worrying both "hawks" and "doves." But the Vietnamese likely to be the most affected by a change of regime in Saigon, or by a Communist take-over—the wealthy and powerful—do not talk much about it: they have been getting ready ever since the Tet offensive of 1968, which brought the war into their cities and their air-conditioned living rooms. A quiet exodus began, mostly to France. The price of exodus is not cheap. An exit visa costs as much as $5000; a "certificate of French citizenship" costs about $2000; illegal border crossings into Cambodia cost anywhere from $800 to $4000.

Money has been deposited in European banks. According to Allessandro Cassella of *Die Weltwoche* of Zurich a total of between $1.5 and $2 billion has left Vietnam in this way. According to the same journalist, President Nguyen Van Thieu has found a home for his children in Rome (where his brother is ambassador), and his wife has just purchased a house in Europe. He estimates that of 1600 Vietnamese who are legally leaving this country each month, half do not return, which means that approximately 10,000 have emigrated since the negotiations started in Paris. My own estimates are a bit higher. Those who cannot afford or who do not wish to leave, have gone through a well-planned process of accommodation with the "other side," an accommodation that reaches the highest echelons of the government. Huynh Van Trong, special assistant to President Thieu, was arrested in July this year with 42 others on charges of having contacts with the Vietcong. They were scheduled for trial November 28. On the provincial level, as Henry A. Kissinger has noted, "tacit accommodations are not unusual in many areas such as the Mekong Delta" (*Foreign Affairs*, January 1969). One wonders who will be left among the prospective victims.

The here-and-now bloodbath *is* real, however. For the majority of Vietnamese, poor peasants in the defoliated countryside and destitute workers in the city slums, it is what they have been witnessing a long time: the search and destroy missions; the "free zone" strikes; the B52 saturation bombings; the *Phoenix* operation (which from December 1967 to December 1968 killed 18,393 civilian Vietcong cadres); the Song My ("Pinkville") type of breakfast massacre in which an American infantry unit allegedly shot down some hundreds of men, women and children in a captured village in the early morning of March 16, 1968; the atrocities regularly described in national magazines (*Esquire, Look, The New Yorker*). To talk about a future massacre against this present background is ironic, to say the least.

For me, a Vietnamese, to discuss this problem is to admit the US has a role to play in the internal affairs of Vietnam after the war. I ask myself if earlier Americans would have been impressed by the reprisal argument, if it had been raised by the British before they left American shores after the War of Independence? Would it have carried much weight if, during the Civil War, a European country had intervened on behalf of either the North of the South, and then refused to leave on the grounds that withdrawal would leave the people of the North (or the South) at the mercy of aggressors?

Nonetheless, the question needs to be discussed, if only because it is raised by many Americans whose compassion for the Vietnamese people and whose opposition to the war I do not doubt. But in doing so, we must examine two underlying myths: the first is that the "Orientals put little value on life and take killing very lightly"; the second is that reprisals are the monopoly of the Communists, whereas anti-Communists are less vengeful. The first is easily dispelled by a reading of Western history: the religious wars, the Inquisition, the lynchings, the World Wars, the American Indian and Civil Wars, Hitler's "final settlement." Anyone who has spent time in Vietnam realizes that the peasant esteems life very highly. The Oriental is no more brutal, no more casual about death than is the Occidental, irrespective of politics. Since 1945, Vietnam has gone through a revolution and revolutions are always bloody, but the blood is on all hands. Mr. Kissinger recognized this when he wrote: "It is beyond imagination that parties that have been murdering and betraying each other for 25 years could work together as a team giving joint instructions to the entire country." The French, whom the US helped to fight against the Viet Minh during the first Indochinese War, murdered a large number of Vietnamese nationalists and Communists alike, in both the North and the South. In November, 1945, French artillery fire and air bombardment killed 6000 fleeing Vietnamese civilians at Haiphong. The brief Japanese occupation of Vietnam was also bloody.

Many Americans believe that the Vietnamese Catholics will be the sure victims of future reprisals. Thus, President Nixon in his address on November 3 mentioned the "million-and-a-half Catholic refugees who fled to South Vietnam when the Communists took over the North." The President's statistics were inflated. According to *Vietnam Past and Present* published in Saigon in 1956 under the patronage of the South Vietnam Department of Education and the National Commission for UNESCO (p. 374) and written by Mr. Thai Van Kiem, a Vietnamese diplomat and scholar, the total number of refugees was: 887,895 of whom 85 percent or 754,710 were Catholics. Also, some 100,000 Vietnamese left the South for the North in 1954, several thousands of whom were Catholic. There are now about 800,000 Catholics in North Vietnam. There are

Catholics in the leadership of the National Liberation Front. Those who predict the wholesale murder of Catholics by Communists sound more Catholic (and more anti-Communist) than the most anti-Communist Catholic leader in South Vietnam, Father Hoang Quynh. During the First Indochinese War, Father Hoang Quynh led a guerrilla army against the Viet Minh, and in 1954 he moved south with his faithful. Recently, he said: "If the Communists come, we will try and live and adapt here." (*Newsweek* November 24, 1969) In the last three years, he has worked out a close relationship with Venerable Thich Tri Quang, the militant Buddhist leader whom some in the US consider pro-Communist, Father Hoang Quynh knows very well that security lies in close association with your own people, not with a foreign army. In a communique on January 8, 1968, the Conference of Bishops in Vietnam appealed to "the goodwill of the government of both South and North Vietnam to build peace together; in the name of the Lord, we cry Stop." In early November this year, 93 prominent Vietnamese Catholics from France, West Germany, Canada and in Vietnam called for the immediate withdrawal of US troops. Among the signers of this appeal was Colonel Nguyen Van Chau, for several years (1957–1962) Director of Psychological Warfare of the ARVN (Army of the Republic of South Vietnam). (The colonel recently sent a letter supporting the October and November Moratoriums in the US.)

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In recent months Saigon has given wide publicity to "mass executions and mass graves" in Hue, digging up bodies for the press and photographers. Yet, Colonel Ton That Khien, chief of Quang Ngai province ("Pinkville"), where the March 16, 1968 massacre of Vietnamese women and children took place, refused to dig up the bodies of the victims, saying that "they are old bodies" (*Evening Star*, November 17, 1969). Why are the Hue bodies new and the Quang Ngai old, when they were buried at the same time? President Nixon said: "We saw the prelude of what would happen in South Vietnam when the Communists entered the city of Hue last year. During their brief rule there, there was a bloody reign of terror in which 3000 civilians were clubbed, shot to death and buried in mass graves." I was touched by the President's mention of Hue, my home town. The 1968 Tet offensive took two victims in my own family: my younger brother, a noncommissioned officer in the ARVN and a published poet, and my nephew. They were both killed not by the Vietcong but by American bombings. They were buried in a temporary grave for the reason that Hue was under siege; nobody could get out of the area to buy a coffin for decent burial. The first news I received from an official Saigon source was that my relatives were killed by the Vietcong. Only much later, when I got word from my own family, did I learn that they had been killed by the bombings. What happened in Hue is told in an account that appeared in *The Christian Century* of November 5, 1969. The author, Len E. Ackland, now a graduate student at the Johns Hopkins School of Advanced International Studies, worked and lived in Hue in 1967. He returned there after the Tet offensive of 1968 to interview the people (he speaks Vietnamese). He wrote: "When on the first day of the attack, about 20 Vietcong entered Gia Hoi (a precinct of 25,000 residents in Hue) in order to secure the area, they carried with them a list of those who were to be killed immediately as 'enemies of the people.' According to Le Ngan, director of Hue's special police, the list consisted of five names, all those of officers or special police." The Catholic priest in Gia Hoi told him that "none of his clergy or parishioners were harmed by the NLF."

When the 1968 Tet offensive started, I suggested to an acquaintance of mine whom I thought was close to the Saigon policy makers, that Hue should be declared an open city as was Rome during the Second World War, and for the same reasons. Had that been done, the loss in lives, the damage to historical sites and treasures would have been minimized. Instead of which, the ARVN (which disappeared at the first Vietcong shot) returned in force with the US Marines and planes to "destroy the city in order to save it." Hue authorities never explained why they failed to protect the people. Nor did they reveal the number of people killed by American bombings and artillery.

Few know the Vietcong better than Tran Van Dac, a Vietcong colonel who defected last year. In an interview published by the Joint U.S. Public Affairs Office in Saigon, Tran Van Dac said: "If the Vietcong took over, they would send military officers and former civil servants to concentration camps to be reeducated, in some cases to hard labor until they become submissive. And of course, all those whose social class or former position makes them objects of suspicion would be carefully watched by the authorities. To me, the people of Vietnam and especially the peasants who have been militarily and politically trained in the last two decades by the revolutionaries would not be easily terrorized. They are tougher and much more sophisticated than their apparent apathy seems to indicate. In 1956, two years after the prestigious victory at Dien Bien Phu and the immense popularity of the late President Ho Chi Minh, the peasants in Nghe An, Ho Chi Minh's home province, revolted against the excesses of land reforms. President Ho Chi Minh admitted the mistakes publicly and took over the Secretary Generalship of the party to correct them."

If the reason for continuing the U.S. military presence in South Vietnam is to prevent a bloodbath, then the logical thing to aim for, *right now*, is a broad-based Saigon regime that includes Buddhists, whose nonviolent position has been always clear and consistent, the peace-minded generals such as Duong Van Minh (Big Minh) or Tran Van Don. That would be a *negotiating* government. The Thieu-Ky-Khiem regime is not only an obstacle to negotiations, but polarizes the situation among non-Communist elements as well. "Vietnamization," which attempts to consolidate Thieu's regime, simply increases the likelihood of reprisals.

Those who fear a Vietcong bloodbath ought to consider other possibilities too. What will happen, for example, to thousands of political prisoners (among them Truong Dinh Dzu, the runner-up in the 1967 elections and now condemned to five years at hard labor), if there is no negotiated settlement? Judging from many threats directed against the neutralists and the peace-minded by the Saigon regime, they would be liquidated by Thieu and his friends the day those leaders decided to quit the country. Thieu has already launched a campaign against his political opponents, accusing them of being Communists.

Or consider this: Senator Cranston (D, California), *Newsweek* and *Time* have referred to a Pentagon "contingency plan" to fight the South Vietnamese Army, should negotiations fail. This is not as absurd as it may seem. Anti-American feelings in the South have risen since the Paris talks. The "Vietnamization" program has brought into positions of command young ARVN officers, who, unlike the generals, have never been associated with the French army. They are products of the South Vietnamese military schools since 1954. They are now part of an anti-Communist army, but they are not anti-nationalist; they know what is going on among their leaders, the corruption and the ineffectiveness. I know of several cases where officers of the ARVN have been demoted because of their close connection with their American advisers. General Ky himself has tried to exploit this anti-American sentiment among young officers. More than once, he has said that if he had to choose again, he "would be on the side of Ho Chi Minh." The young majors and captains do not have money in foreign banks, they are not going to leave en masse after the Americans go home. But to stay with their people, they either have to find the way to accommodate with the "other side," or prove by their actions that they are as patriotic as the Vietcong. The best proof might be to fight the US "residual force." In June of this year, two US military police who had rushed to a bar in response to complaints that a drunken US soldier was making trouble were shot to death by Colonel Nguyen Viet Can, commander of the Vietnamese airborne battalion that guards the Independence Palace. No charge was filed against the colonel. As Mr. Kissinger again rightly notes: "The Vietnamese people have lived under foreign rule for approximately half of their history. They have maintained a remarkable cultural and social cohesion by being finely attuned to the realities of power." To many Vietnamese the realities of power since the Paris talks are shifting. An attack by the ARVN against the US troops would be the final blow.

Finally, President Thieu and the U.S. Embassy in Saigon have claimed that the pacification program has been going extremely well, that the South Vietnamese government controls more than 80 percent of the population. If this were true, then over a million ARVN troops and U.S. residual forces *could* stage a real bloodbath—against the Vietcong—after the war.

I do not sit in the inner councils of the NLF. I do not know the number of Vietnamese who may be victimized once U.S. forces are withdrawn. But I am not persuaded that a bloodbath would take place if there were no U.S. troops in Vietnam, or if the Vietcong took over. I agree, however, that if only dozens of Vietnamese might be killed in the post-withdrawal period, it is the moral duty of the American people and government to find the way to protect them. In the past, the Chinese invaders always took along with them those Vietnamese who cooperated with them, and provided them with good jobs in China. The French have also been hospitable to their Vietnamese friends. If fears of reprisals are the main concern of the Administration, as President Nixon has indicated, then several steps can be taken.

Adopt Senator Charles E. Goodell's "Vietnam Disengagement Act." This would not only put a limit on the U.S. commitment in Vietnam, but would create "a powerful incentive for that government [of South Vietnam] to mobilize its forces more effectively and to seek the political strength of a broadened popular base," thus reducing the chance of wholesale reprisals.

Support Senator George McGovern's suggestion and provide funds and means to resettle, either in continental America or in Hawaii, those Vietnamese who wish to leave the country at the departure of the U.S. troops. A bipartisan congressional committee could be formed promptly to prepare evacuation plans. Journalists, politicians and others who have expressed concern about a possible bloodbath could be invited to contribute money and effort. The U.S. can argue at the Paris talks (or better, at a reconvened Geneva Conference) for a period of regroupment exceeding the 300 days stipulated in the 1954 Geneva Agreements. As a resident of the U.S., being taxed without being represented, I would suggest that the U.S. should ask its allies to share the burden. Perhaps some Vietnamese would like to settle in Thailand, in the Philippines, in South Korea, in New Zealand. Australia needs manpower, and if Canberra can send troops to fight for the "freedom" of the Vietnamese, the Australian Parliament can change its immigration laws to admit the colored Vietnamese.

Give to the International Control Commission (ICC) temporary command of the last batch of U.S. troops being withdrawn, thus guarding against their being assaulted by ARVN, NLF or Hanoi forces.

Let the U.S. insist on strengthening machinery to implement Article 14C of the 1954 Geneva Accords. 14C said that the parties to the agreement undertook "to refrain from any reprisals or discrimination against persons or organizations on account of their activities during the hostilities, and to guarantee their democratic liberties." These pledges are accepted in paragraph C of point 5 of the NLF 10-point program for the settlement of the war.

MR. PRESIDENT, PLEASE DO NOT FALL INTO A JAPANESE TRAP

HON. GEORGE W. ANDREWS

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Monday, January 26, 1970

Mr. ANDREWS of Alabama. Mr. Speaker, the growing problem of cheap textile imports flooding this country, principally from Japan, reached the critical stage some time ago. It is time for the President to stop talking and act—act to place limitations on total textile imports, and act now.

To do less will be to kill this valuable industry and throw millions of Americans out of work. Minimum wage earners cannot compete with coolie labor, nor should they be expected to.

The following statement comes from one who knows the textile business and the dangerous situation in which the domestic industry finds itself. J. Craig Smith, president and treasurer of the giant Avondale Mills, headquartered in Sylacauga, Ala., tells it like it is, and I urge the Congress and the President to listen:

MR. PRESIDENT, PLEASE DO NOT FALL INTO A JAPANESE TRAP

President Nixon, during his campaign for the Presidency, sent a telegram to Republican members of the Congress in which he spoke of "the impact of dramatically increasing imports on the 2.4-million people directly employed in the nation's textile and apparel industries and the countless additional thousands involved directly or indirectly in related activity."

In the same telegram, the President also said: "As President, my policy will be to rectify this unfair development and to assure prompt action to effectively administer the existing Long-Term International Cotton Textile Arrangement. Also, I will promptly take the steps necessary to extend the concept of international trade agreements to all other textile articles involving wool, man-made fibers and blends."

Since Mr. Nixon was elected President, he has publicly reaffirmed his intention to deal constructively with the textile import problem. I have complete confidence that he intends to do what he said he would do. During the past year, however, nothing has been done and the situation has worsened.

The imports which are doing the most damage to our industry, and which hold the threat of the most serious future damage, are coming from Japan. The booming Japanese economy has caused a labor shortage. Their rich textile industry is now building textile mills in other low-wage countries of Asia, Africa, and Central and South America. They expect to add a major part of this production to the flood of imports now coming to this country from their own country. Every yard of these textiles comes to the United States for one reason, and one reason only: They are made by people who are paid a wage which, by a wide margin, is illegal in the United States.

The Japanese completely rebuffed Secretary of Commerce Stans when he asked them to agree to some reasonable restraints. Now, because they are afraid the Congress may take action, the Japanese have indicated that they might be willing to discuss restraints on selected items. If our Government falls into this trap, the result will be worse than nothing. It will be worse than nothing because such an agreement will lead the public to think that the problem has been helped when it hasn't.

Most mills, here and abroad, can manufacture a range of fabrics and yarns. Suppose, for example, the Japanese should agree to restraints on the import of print cloths. They could then proceed to disrupt the sheeting market. American mills making sheeting would be forced off that fabric. The former sheeting mills would try to make something else, maybe print cloths. Whatever they were forced into, the effect on the American industry would continue to be disastrous. Unless limitations on specific textile items also include reasonable limitations on total textile imports, the specific restraints are worthless. They are worse than worthless. They are a snare and a delusion.

YOUR CONGRESSMAN ED ESHLEMAN WANTS YOUR OPINION

HON. EDWIN D. ESHLEMAN

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, January 26, 1970

Mr. ESHLEMAN. Mr. Speaker, I am soon going to send to my constituents a questionnaire. I am including the contents of that questionnaire in the RECORD at this point:

DEAR FRIEND: Please excuse my lack of a personal greeting and my use of a postal patron address. However, I wanted everyone in the 16th Congressional District to receive this one mailing, and an effort to personalize the thousands of cards involved would have kept me and my staff from other important legislative and constituent work for a considerable time.

There is a new session of Congress getting underway, and your views on national issues will be of great value to me during the months ahead. This questionnaire represents one way we can work together for a better and stronger America.

I will appreciate your opinions. Kindly follow the instructions on the back, attach postage, and drop this card in the nearest mailbox.

Thank you very much.

1. Do you support President Nixon's Vietnam peace plan? Yes ( ) No ( )

2. Are you favorably impressed with the overall first year performance of the Nixon Administration? Yes ( ) No( )

3. Do you think more tax dollars should be spent to combat air and water pollution? Yes ( ) No( )

4. Do you favor returning a percentage of Federal tax money to state and local governments for use as they see it? Yes ( ) No ( )

5. Do you believe that the national news media give you a fair and accurate picture of national events and government activities? Yes ( ) No ( )

6. Do you think that our present welfare system provides enough assurance that those who can work do work? Yes ( ) No ( )

7. Do you believe that the problem of drug abuse is a serious threat in your community? Yes ( ) No ( )

8. Would you favor a requirement for all Federal officials, including Congressmen and Senators, to make public all sources of income? Yes ( ) No( )

9. Do you agree with the President's assessment that inflation is presently our number one domestic problem? Yes ( ) No ( )

10. Do you believe there must be stiffer regulations to protect consumer interests? Yes ( ) (No ( )

THE NIXON YEAR: QUIET PROGRESS

HON. LOUIS FREY, JR.

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, January 26, 1970

Mr. FREY. Mr. Speaker, President Nixon's first year in office was marked by impressive achievements, both in foreign policy and in domestic affairs. Perhaps the most notable aspect of these achievements is that they have been accomplished quietly, without fanfare, but with a solid determination by the President that the course our Nation had been following in the crucial areas of Vietnam, inflation, and crime had to be changed.

The important changes that have occurred in these areas are clearly outlined in an editorial from the Tampa Tribune, which describes the President's quiet progress in his first year. I am inserting this editorial in the RECORD:

THE NIXON YEAR: QUIET PROGRESS

President Nixon will look back on his first year in office with satisfaction, his critics with frustration.

Mr. Nixon moved into the White House with the main purpose of bringing stability and tranquility to a nation shaken by conflict. He has worked no miracles; but he has made progress.

His great challenge, of course, was what to do about the Vietnam war. Pull out, cooed the doves. Bomb North Vietnam, shrieked the hawks. Mr. Nixon, wisely, did neither. His policy of gradually reducing American forces has protected the security of South Vietnam while defusing the anti-war campaign in this country. This "Vietnamization" program is a solid success for the Nixon Administration.

The second major problem confronting the new President was voracious inflation, gobbling up the citizen's purchasing power at the rate of 5 per cent a year. This is an enemy as tough to conquer as the Viet Cong.

No victory can be reported yet. But the restraints of tight money and continued high taxes appear to be taking effect; there is a definite slowdown in the economy. What Mr. Nixon and his planners must guard against is keeping the brakes on too long, lest the economy grind into a recession. Nobody in Washington wants that—especially not in an election year.

The third most important task for the President, in our judgment, was restoring respect for law in a nation whose old legal principles had become confetti in a high wind of social revolution.

A starting point for this battle was to place upon the Supreme Court men with *respect* for the Constitution, as well as a knowledge of it. Chief Justice Warren Burger is certainly an improvement over Earl

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Warren. Judge Clement F. Haynsworth would have added further balance to a liberal-tilted court, but he fell victim to the combined attack of civil rights groups and labor unions. But the President will offer another appointment this month, and his choice will certainly be another judge or lawyer who believes in interpreting the Constitution, not rewriting it by decree.

At the law enforcement level, the Justice Department has begun a vigorous atack on organized crime, particularly the Mafia mobsters who corrupt both public officials and private business. A Nixon program to strengthen crime-fighting weapons was submitted to Congress six months ago but has been pushed aside. Under the pressure of coming elections, Congress may soon take favorable action.

Tax reform was another major need. The Nixon proposals did not go far enough; the relief granted by Congress went too far. Still, the net result is a fairer distribution of the tax burden.

No major overhaul of the controversial draft law was achieved but it was improved by introduction of a lottery system which enables young men to know with greater certainty when or whether they may expect to be called into service.

None of this represents the kind of clamorous shakeup of the social order by which professional liberals measure the success of a President. This practical approach, however, is in the character of Richard Nixon, who has neither the charisma of a Kennedy nor the father image of an Eisenhower but is a more effective President than either.

And it is, we think, the kind of leadership which in these times suits both the mood and the need of America.

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FBI DIRECTOR EXPRESSED CONFIDENCE IN AMERICAN YOUTH

HON. RICHARD H. ICHORD

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Monday, January 26, 1970

Mr. ICHORD. Mr. Speaker, I noted with interest an article which recently appeared in the St. Louis Globe-Democrat entitled "American Youth Have Booster in J. Edgar Hoover." The article, written by Edward O'Brien, chief of that paper's Washington bureau, thoughtfully presents Mr. Hoover's views on the need to give the youth of our Nation our confidence and support. We are deeply indebted to Mr. Hoover, an eminent authority in the field of youthful criminality, for his abiding faith in the new generation and his dedicated efforts to keep the public informed. History will record him as a towering bulwark against a vast array of lawless and subversive challenges to the stability of our democratic systems. I find this article of great timeliness. His perceptive insights noted by Mr. O'Brien deserve the widest possible dissemination. It follows:

[From the St. Louis Globe-Democrat, Jan. 9, 1970]

AMERICAN YOUTH HAVE BOOSTER IN J. EDGAR HOOVER

(By Edward O'Brien)

WASHINGTON.—American youth, who often feel misunderstood and unappreciated, have a sturdy booster in FBI director J. Edgar Hoover.

"My faith in youth has not been and will not be shaken by current statistics reflecting the increasing involvement of young people in serious crime," Hoover told a recent board meeting of the Boys' Clubs of America at the White House.

Hoover has often warned of the dangers to the nation in Students For a Democratic Society and other militant new left campus groups, and of various other transgressions of the young.

But the long-time chief of the FBI, who celebrated his 75th birthday Jan. 1 and has come to personify firm law enforcement, has another side that has drawn little general attention.

He has confidence in the vast majority of young people as well as all other Americans of every race, color and creed. His denunications have been carefully limited to that much smaller number who, as he puts it, "are interested not in the country as a whole but in their immediate selfish interests."

Even the anti-war student movement, which FBI agents have found to be strongly infiltrated by Communists, "contains many sincere, idealistic young people, pacifists, and others who feel the war is wrong," Hoover said in an interview last month.

"They have every right to their opinions."

But he goes on to remind students that with their right to hold opinions goes the responsibility to be alert to the true motivation of organizations they join, and to the consequences of their actions.

"They should be careful that they are not exploited and manipulated by subversive groups which are interested only in injuring our country and promoting their own partisan ideological aims," he says.

Even if SDS, the core of the new left movement, should distintegrate as an organization because of its current bitter factionalism, "the problem of revolutionary student extremism would not disappear," Hoover says.

"The extremist minority of young people, who have been involved in riots, the seizure of academic buildings, and kidnapings, detests our free institutions and work for a violent overthrow of our government.

"Many of these individuals are under strong Marxist influence.

"They have become radicalized and believe in direct physical confrontation and disruptive tactics as a technique of attack against the so-called establishment."

Hoover has always believed in facing reality.

In 1968, 4,500,000 serious crimes were reported in the United States. The 1969 rate was 11 per cent higher.

"Certainly among the factors significantly contributing to our prime problem is the increasing involvement of youth in criminal activities," he told a newspaper a few days ago.

"As a group in 1968, young persons under 18 years of age accounted for about one half of all arrests for serious offenses.

"To a very large degree, our crime problem today is a youth problem."

Like most of his countrymen, Hoover sees a bewildering contradiction in this spread of lawlessness and destruction at a time when life for most Americans has become more rich and full.

But he takes the next step and puts the puzzle in the perspective of 45 years as FBI director.

"Forces antagonistic to a free and just society have always existed in America and constitute an inescapable heritage of citizenship," he wrote in a year-end statement for the Associated Press.

"Lawlessness, violence and injustice existed during my youth.

"Corrupt and greedy men of high position violated public trust in their lust for power and wealth.

"Bigotry and prejudice divided our people. Those faithless to the cause of freedom and democracy sought to subvert and to destroy our nation.

"Then, as now, youth were faced with the imperative to act—positively and tirelessly—to protect the bright promise of America."

Many times in the past, Hoover has sounded the same theme—that for all Americans, of whatever age, the price of enjoyment of our country's privileges is the responsibility to act affirmatively in strengthening and defending them.

"Our approach toward communism must not be negative or defeatist," he wrote 15 years ago in the Harvard Business Review.

"We are against communism but that is not enough.

"We must stand for something—the moral and spiritual forces which make for decency, honesty and understanding.

"These ideals are what give strength to America."

In the current issue of the FBI's widely circulated Law Enforcement Bulletin, Hoover looks the adult generation in the eye. He does not like everything he sees

"In the fact of current perplexing conditions, many citizens are practically moral cowards," he declares.

"Afraid of being labeled puritanical or 'square,' they tolerate and condone acts and habits which they know are morally wrong but which they do not have the courage to denounce and oppose.

"This is unfortunate, because they fail themselves, their children, and their country."

In another recent statement, bachelor Hoover showed deft insight into contemporary family life.

"In our investigations, we find all too frequently an alienation, a lack of communication between young people and their parents," he said.

"The family may gather around the dinner table or do other things together, but often there is little discussion between the father and mother on the one hand, and the high school or college young persons about the really serious issues of life.

"Yes, they may talk about the purchase of a new car or how the recreation room is to be decorated or where to go on vacation, but when it comes to some of the really serious problems which concern the young person—like the draft, the war in Vietnam, sex, drugs—there is very little, if any, serious discussion.

"The generations really don't know each other.

"Parents should take more time, make more effort to communicate in depth with their children. Nothing can take the place of serious dialog in the home.

"In this way, the young car influence the adult, and the adult the young.

"Perhaps the alienation vacuum, the lack of understanding between generations can be minimized.

"There is today a desperate need for personal communication between parents and children, especially in an age when the home authority is being eroded so seriously."

THE 50TH ANNIVERSARY OF THE FOUNDING OF THE JAYCEES

HON. JOHN WOLD

OF WYOMING

IN THE HOUSE OF REPRESENTATIVES

Monday, January 26, 1970

Mr. WOLD. Mr. Speaker, I am reminded this week of the numerous contributions which the Jaycee organization has made to the well-being of our Nation. While many organizations search for ways through which to im-

prove our communities, these young men act.

By their actions, they consistently demonstrate by deed rather than word, not only what is needed, but what can be accomplished. They steadily set the finest example, teaching that through dedicated people, anything is possible.

I applaud the accomplishments of Jaycees everywhere, especially the many chapters which have made such notable contributions to Wyoming.

These devoted people have my highest regard and best wishes for continued success in their many worthwhile activities.

DR. JOHN HARPER HARRIS: A COURAGEOUS EDUCATOR

HON. ROMAN C. PUCINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, January 26, 1970

Mr. PUCINSKI. Mr. Speaker, this Nation has lost a courageous and creative educator in the passing of Dr. John Harper Harris. As superintendent of schools in Peoria and Downers Grove, Ill., in Des Moines, Iowa, and finally in the Metropolitan School District of Nashville, Tenn., Dr. Harris brought to the profession a demand for excellence, a frank and forthright approach to controversial issues, and a vision of fulfilling the promise of the American dream through the vehicle of quality education for all.

A native of Illinois, Dr. Harris was born and educated in Peoria and graduated from Bradley University in his home city. He held master's and doctor's degrees from Columbia University and was also awarded honorary doctorate from three other institutions. In 1960 he studied comparative education in Europe on a Fulbright Fellowship as a representative of the State Department.

Dr. Harris never backed away from a crisis. He faced the hotly debated questions of our time, from school bond issues, early childhood education, and metropolitan government to sex education, desegregation, and teacher unionism. He was committeed to vocational education and to education for the handicapped.

His wife, Vera Justus Harris of Peoria, and his son, Dr. John J. Harris, a physician in Chicago, can be proud of the legacy which he has left to the education profession.

The future of American education will rest on the Nation's ability to develop more tough-minded, valiant administration with unique combination of pioneering spirit and management skills of of John Harper Harris. As chairman of the Subcommittee on General Education, I take the privilege today of inserting in the RECORD an excellent editorial which appeared in the Nashville Banner, January 3, memorializing Dr. Harris:

DR. JOHN H. HARRIS

Dr. John Harper Harris brought to the duties of Metropolitan School Director—by contract assigned a little more than five years ago—the rare combination of abilities that were his; and the quality of the public school system here today attests to the vision, the skill, the driving energy of that stewardship.

His untimely passing is Nashville's loss. Not easily will a replacement of comparable stature—in these essential particulars—be found.

School authorities exercised courage, along with good judgment, in deciding as they did—at the end of a long search—to go all the way to Des Moines, Iowa for the administrator deemed best fitted for the job. It was a transition period, the consolidation of two school systems—plant and personnel; with the desire to maintain the best of each. Developments have vindicated their choice of Dr. Harris; and though his tenure, now terminated by death, has been relatively short, the years of it have established standards and benchmarks invaluable as a guideline to any successor, and to the city itself—still concerned for the best school system obtainable.

Dr. Harris was blunt. He didn't bandy words—nor sugarcoat the facts in any school case, either of budget or other matters confronted. Whether he was talking with the Metro Board of Education, Metro Council, the Mayor—a delegation of teachers, taxpayers, or the P.T.A.—he told it as it was. And his hardheaded realism in controversies, including budget showdowns, was a factor in the victories he won for steady advancement—both in quality and size—of the whole school system.

He knew school business because it was his lifetime career—the area of his training and experience; and he brought to the responsibility here that total dedication. He was impatient of the superficial and of professional inferiority. He had no tolerance of political intrusion on, much less domination of, a public school system. He won some victories on that point, clearly justifying the posting of signs that these institutions still are off limits in that particular.

Dr. Harris was not engaged in a popularity contest. He was interested in building a great school system, and in recognition of that fact he gained the genuine support of an overwhelming portion of the aggregate faculty. As an evidence of the community backing, the budget granted for this school year was about $60 million—an investment in the teaching staff and the plant, requisite to the needs he saw for both.

He measured fully to the responsibilities of good citizen—a tireless worker in civic, humanitarian, and social affairs of his city.

No area of public business is closer to every home than is the school system—and no office more immediately important to it than that of the school director. Dr. Harris' passing brings a feeling of loss along with the shock.

The standards he set supply their own notable example for those who succeed to this role of stewardship, to carry on in what was to him the vital area of unfinished business.

PARITY FIGURES, 1969

HON. JOHN M. ZWACH

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Monday, January 26, 1970

Mr. ZWACH. Mr. Speaker, 1 year ago, I inserted the December 1968, parity figure, which was 73 percent.

During the past year parity has risen, slowly but surely. In fact, the December 1969, parity figure is now 76 percent. While I will not be happy until the producer receives a full parity the figure today is better than a year ago.

Mr. Speaker, in accordance with my usual custom, I hereby insert the December 1969, parity figures:

December 1969, parity figures

Commodity:	*Percent*
Wheat	47
Corn	63
Cotton	41
Milk	83
Butterfat	75
Wool	41
Barley	62
Flax	61
Oats	61
Sorghum	68
Soybeans	63
Beef	81
Hogs	98
Lamb	88
Chicken	62
Turkeys	78
Eggs	96
Average	76

CALIFORNIA PHARMACISTS AND DRUG ABUSE

HON. JEROME R. WALDIE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, January 26, 1970

Mr. WALDIE. Mr. Speaker, I am sure all the Members of the Congress share my concern regarding the matter of drug abuse in this Nation.

This matter may be the most serious social problem facing the United States today, as its implications and long-range effects on our society are beyond prediction.

As a member of the Select Committee on Crime. I have heard testimony from many young persons whose lives, if not totally destroyed, have been severely altered because of drug abuse.

We on the committee have urged drug manufacturers to tighten their own controls over dangerous drugs and drug ingredients to prevent misuse or face new and stricter Federal controls.

The same can be said for the commercial pharmaceutical industry.

I am thus most pleased to tell of a most hopeful action taken by the California State Board of Pharmacy and reported to me by my good friend and member of the California board, Mr. Bill McDermott.

The board has mailed a "drug list notice" to each of the 14,000 licensed California pharmacies urging strict voluntary controls over projects available across the counter, but capable of misuse.

I consider this to be a most positive step and worthy of high commendation.

The letter and list follows:

DRUG LIST NOTICE

DEAR PHARMACIST: The California State Board of Pharmacy has as its primary objective the protection of public health. It has a very important role in preventing drug abuse; and recognizes that this cannot be accomplished by Law enforcement methods alone. It believes that through proper educational means, the problem can be curbed.

Accordingly, it now calls on licensees of the Board to exert cooperative effort; and to mount a strong program which will gain public respect and support for Pharmacy by

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joining virtually all segments of our citizenry in a concerted drive to eliminate drug misuse or abuse.

There are many ways in which the pharmacist can assist in this important crusade:

(1) Two-thirds of those arrested for drug offenses are in their teens or twenties—a young group. Increase your efforts to provide such persons with reliable, sound, scientific health information.

(2) Actively direct patrons to other sources for authoritative, factual information which can be supplied by Professional Associations, Civic Councils and Government Agencies.

(3) Voluntarily refrain from the sale of any drug that your specialized training and education warns you has a potential for abuse, or is likely to be misused (a list of such drugs is attached). It is recommended that these drugs and any other over-the-counter drugs be removed from self-service counters and sold only by the pharmacist if they appear to be a problem in your area.

It may be true that many of the drugs (particularly trademarked OIC drugs) may be sold at many non-licensed premises. However, restraint by a pharmacist in the sale of such medications will confirm the professional position he occupies of public trust and confidence. Moreover, if the program is successful it should:

(1) Prevent Government intervention, leading to further mandatory restrictions.

(2) Establish sound date for removal of such drug products from the shelves of non-licensed persons who do not exercise the same degree of care and caution in the sale of drugs which could be abused as does the ethical professional pharmacist.

(3) Help to stem the problem of drug abuse—a problem affecting all of society; or, at the very least, it will curb the creation of new drug abusers.

Your cooperation is solicited.

Very truly yours,
CALIFORNIA STATE BOARD OF PHARMACY,
JOSEPH F. BOTTINI,
Executive Secretary.

The following OTC medications have been reported to the Board of Pharmacy by various Law Enforcement Agencies as having been abused:

1. OTC Sleep Compounds that contain Scopolamine and/or Antihistamines, such as: Sominex, Quiet World, Dormarex.
2. Inhalers, such as: Wyamine, Vicks, Page's.
3. Cough Preparations that contain Dextromethorphan and/or Antihistamines, such as: Romilar CF, Nyquil, Vicks Formula 44.
4. Motion-Sickness Medications, such as: Marezine, Dramamine.
5. Cold Preparations that contain Antihistamines, such as: Contac.
6. Stimulants that contain Caffeine, such as: Nodoz, Vitarin.
7. Miscellaneous: Catnip, Asthmador Cigarettes or powder, Amyl Nitrite, Carbon Tetrachloride, Airplane Glue containing Toluene, Morning Glory Seeds.

RAILROAD SAFETY BILL BACKED

HON. EDWARD J. PATTEN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, January 26, 1970

Mr. PATTEN. Mr. Speaker, millions of Americans are concerned about a growing threat to public safety—railroad accidents involving volatile chemicals. Accidents of this kind are no longer infrequent and often cause serious injuries and even death, as well as extensive damage to property.

During the past few years, several serious railroad accidents have taken place throughout the Nation, causing the deaths of scores of persons and inflicting damage amounting to millions of dollars.

Last January, for instance, 15 tank cars of a train were derailed in a southern State. The contents were hazardous and considerable damage resulted: Two persons died, 33 others were hospitalized, 1,350 houses were damaged, and 54 were destroyed. The total damage of just this one incident was $3 million, not to mention the incalculable loss of human life, which can never be replaced.

Because of accidents like these—and those that could be even worse in the future—Congress has a duty to perform now: To pass comprehensive railroad safety legislation to protect the public against destruction, injury, and death.

A bill has been introduced that would authorize the Secretary of Transportation to prescribe rules, regulations, and performance, and other standards he may find necessary for all areas of railroad safety, and to conduct railroad safety research. It should be enacted at once.

The proposal would establish a technical staff to evaluate the hazardous materials being shipped, maintain a central reporting system for hazardous materials accidents, and furnish advice to law enforcement and firefighting personnel of communities for meeting emergencies connected with shipping hazardous materials.

Mr. Speaker, I hope this important legislation is passed before tragedy strikes again.

WE REMEMBER GEORGE

HON. GARNER E. SHRIVER

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Monday, January 26, 1970

Mr. SHRIVER. Mr. Speaker, we in Kansas are especially proud that George M. Stafford, a fellow Kansan, has been named Chairman of the Interstate Commerce Commission by President Nixon, pending a decision on a permanent Chairman.

We believe George Stafford is well qualified to serve as permanent chairman of ICC, and have so informed the President.

A native of Valley Falls, Kans., George Stafford has a valuable background of government experience having served as assistant and adviser to former U.S. Senator Frank Carlson during his tenure as Governor of Kansas and U.S. Senator.

There are many challenging problems facing the Interstate Commerce Commission in the years ahead, and Mr. Stafford is a man who can face up to those problems. Under the leave to extend my remarks in the RECORD, I include the following editorial from the Topeka Daily Capital which points up the reasons for George Stafford's success.

The editorial follows:

WE REMEMBER GEORGE

George Stafford takes a rich background of political and governmental experience to his new position as acting chairman of the Interstate Commerce Commission, to which President Nixon appointed him.

Former Sen. Frank Carlson would be first to acknowledge that a great deal of his success could be attributed to Stafford, who was Carlson's right hand man for a quarter of a century.

The two worked closely together, with Stafford taking the important background role of administrative assistant during the senator's 21 years in Washington and as executive secretary during his four years as Kansas governor.

As such, Stafford kept Carlson's office functioning smoothly while Carlson himself devoted his time and efforts to being the good public servant he was. But without Stafford's knowledgeable help, Carlson could not have been as successful as he was.

In those 25 years Stafford developed a vast capacity for efficient work and a wide aquaintanceship not only in Washington but throughout the country.

Former President Johnson thought so much of Stafford's ability that he appointed him to a Republican position on the 11-member ICC.

Now President Nixon has elevated him to the acting chairmanship, which has taken on new duties, for since Jan. 1 all administrative functions of the commission are concentrated by law in the chairman's office.

Despite his elevation to one of the most important positions in the federal government, Stafford is the type of man who will always proclaim proudly that he is a native of Valley Falls, Kan.

Throughout his career he has maintained the common touch—which, come to think of it, may be one reason for his success.

HILL POLICE FORCE GROWING STEADILY

HON. JOHN KYL

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Monday, January 26, 1970

Mr. KYL. Mr. Speaker, the Al Lewis article which follows has information of value for all House Members:

HILL POLICE FORCE GROWING STEADILY

(By Alfred E. Lewis)

The Capitol police force, at one time mainly composed of congressional patronage appointees, has been growing in strength and has become more professional.

It is one of a number of major police forces in Washington that are expected to have more than doubled in strength in five years by July, 1970, if Congress approves President Richard M. Nixon's request for heavy federal funds to fight crime.

In 1965, the Capitol police force had 250 men, most of them moonlighting students. The force depended on metropolitan police to do the primary work of investigation.

But under the guidance of Capitol Police Chief James M. Powell, who took on the job 4 years ago, the force has been enlarged to 616 men. Powell, who formerly was a metropolitan policeman, has been in police work 20 years.

The Capitol force is run by a board, composed of the sergeants at arms of the Senate and the House and by the architect of the Capitol.

Only about a third of its members are now political appointees. The force has its own

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training school, set up with the help of the Federal Bureau of Investigation, and its own pistol range, both in the Rayburn House Office Building.

Most of the other two-thirds are retired noncommissioned officers from the military police who have received extensive military training in crowd control.

Every three years, members of the Capitol force go through a special retraining course. The force still includes metropolitan policemen, 11 detectives detailed to the Senate side and 11 to the House, along with seven members of the metropolitan police canine corps, who police the Capitol and its grounds.

Just as the Capitol police force has grown during the last five years, so have other major police forces in the city.

The White House force, which stood at 200 in 1965, has climbed to 250 and expects to reach 800 by next July.

The metropolitan police department, which had 2,915 persons in 1965, has pledged a concentrated recruitment drive to bring it up to 5,100 by July.

The U.S. park police force also is expanding, from 270 in 1965 to hopefully 413 by July.

The following figures show the expected growth in the number of policemen in the major forces in Washington during a five-year period:

	1965	1967	At present	July 1970
Capitol	250	447	616	616
White House	200	200	250	800
U.S. Park	270	288	363	413
District of Columbia Police	2,915	3,100	3,958	5,100
Cadets	25	85	250	400
Civilians	300	371	650	900
Total	3,960	4,491	6,087	8,229

DID THE COURTS CHANGE THE RULES?

HON. DON FUQUA

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, January 26, 1970

Mr. FUQUA. Mr. Speaker, my office is being flooded with letters from concerned parents in my district relative to the recent order of the Court for desegregation of our schools.

Again, I point out the chaos which has been created by an order which refused to take into account the fact that implementing a decision of this kind would take some time.

We are reaping a whirlwind of destruction and it is the children who are suffering. Did our school districts indeed drag their feet or did the courts change the rules along the way? I think they changed the rules and showed very poor judgment or total disregard for school officials with their order.

Generally, all areas of government recognize that far-reaching changes in our school systems take at least a few months planning. In this case, it was weeks.

The following editorial from the Florida Times-Union of January 18, 1970, makes that point very aptly:

Has It Been "Almost 16 Years?"

We do not intend to make any editorial comment or indulge in any editorial speculation as to what may be the content of the U.S. District Court orders implementing the U.S. Supreme Court's decision regarding desegregation of students by Feb. 1. As we have stated before, further comment on that aspect will rightly await the issuance of the decisions themselves.

But the advocates of harsh orders have one wearying argument that should be discussed because we believe it to be an erroneous argument.

Roughly this argument may be summarized as follows: "It has been 16 years since the Supreme Court ordered the schools to be integrated. You have not done so. You have sown the wind in making a mockery of 'deliberate speed' and therefore you should reap the whirlwind of having to do in two weeks what you have failed to do in 16 years."

The question now arises as to whether the South failed to follow the rules or whether the courts changed the rules along the way. It is an important question as it bears on the issue of whether or not the alleged failure of the South to comply with the provisions for "deliberate speed" justifies turning school systems upside down at mid-year.

For that reason let us take a look at what no less a Civil Rights advocate than then-Senator Hubert Humphrey had to say in regard to this matter during the debate on the Civil Rights Act of 1964.

Senator Robert Byrd of West Virginia asked Humphrey who was acting as floor manager for the bill: "Can the Senator from Minnesota assure the Senator from West Virginia that under Title VI school children may not be bused from one end of the community to another end of the community at the taxpayers' expense to relieve so-called racial imbalance in the schools?"

Humphrey replied "I do" and then proceeded to elaborate as follows:

". . . the Constitution declares segregation by law to be unconstitutional, but it does not require integration in all situations. I believe this point has been made very well in the courts, and I understand that other senators will cite the particular cases.

"I shall quote from the case of Bell against School City of Gary, Indiana, in which the Federal court of appeals cited the following language from a special three judge district court in Kansas: 'Desegregation does not mean that there must be intermingling of the races in all school districts. It means only that they may not be prevented from intermingling or going to school together because of race or color'—Brown vs. Board of Education, D.C. 139 F Supp. 468, 470.

"In Briggs vs. Elliott (ESDC), 132 Supp. 776, 777, the Court said: 'The Constitution, in other words, does not require integration. It merely forbids discrimination.' In other words, an overt act by law which demands segregation is unconstitutional. That was the ruling of the historic Brown case of 1954."

What the Brown decision of 1954 did was to assert the Constitutional right of children to be assigned to schools without regard to race.

Then a series of decisions over the past 20 months started decreeing that racial considerations must be taken into account in assigning children to schools, specifically in the case of Green vs. New Kent County.

It is the Supreme Court and some of the federal appellate courts which have changed the ground rules during the past two years and the decision now seems to be to punish the South for doing what it was told to do in the Brown decision.

There was foot dragging after the Brown decision but that foot dragging has been eliminated.

And since the Green decision has been final for less than two years, we are talking about that time period instead of the 16-year span so often cited. This is hardly a long enough period to justify mid-year disruption of the schools as a punitive measure.

COMING LATE TO THE PARTY

HON. JEROME R. WALDIE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, January 26, 1970

Mr. WALDIE. Mr. Speaker, the surge of public awareness and concept regarding the threats to this Nation's environment and natural resources has been marked with justifiable outcries by citizens for action by Government, at all levels, to correspond to this concern.

We have seen the Congress respond to this mandate with vigor and conviction. We now await action by the administration to see if the executive branch will meet this vigor and conviction by implementing the legislation and the funds approved by the Congress to protect and enhance our environment.

In my own State of California, we are seeing the Reagan State administration giving recognition to the environment as a valid and important political issue.

The Reagan administration which has not been noted for response to the desperate pleadings of conservationists in the past, has made conservation the No. 1 issue in this election year and has prompted those who have followed the previous neglect of environmental considerations by this same administration, to reflect on this curious, but predictable, turn of events.

Richard Rodda, an astute and respected political editor of the Sacramento Bee, has made a most accurate and incisive report on this situation in California and I think it is of sufficient interest to bring it to the attention of my colleagues in the Congress.

The article follows:

Coming Late to Party

(By Richard Rodda)

CREDIT?

Republicans are encouraging the idea they invented environmental quality, the No. 1 issue before the 1970 session of the legislature. Democrats are called "Johnny-Come-Lately" conservationists.

This is as believable as the notion Herbert Hoover led the country out of the Great Depression.

In a New York's statement, Putnam Livermore of San Francisco, vice chairman of the Republican State Central Committee, pointed with pride to three years of leadership by Gov. Ronald Reagan in such matters as smog control, oil drilling regulations and San Francisco Bay protection.

Livermore has to be kidding. The Reagan most politicians have known since he took office in January, 1967, has been preoccupied with slashing the state budget, increasing taxes, fighting the student dissidents, castigating educators, denouncing pornography, lowering property assessments, and cracking down on drug abuse and crime in the streets. Some of these causes are laudable.

BANDWAGON JOINER

The governor is just now getting on the environmental bandwagon, having devoted most of his state of the state message to this subject and having almost ignored the previous issues so dear to his heart.

Today it is popular to advocate a halt in offshore oil drilling in the Santa Barbara Channel. However, Reagan stopped short of this in his so-called get-tough posture on the oil spilling problem. Critics called his stand wishy-washy.

Former Democratic Sen. Alvin C. Weingand of Santa Barbara County was urging a ban on drilling in the early 1960s. His was like a voice in the wilderness in those days. Weingand had even predicted the Santa Barbara oil leak which caused millions of dollars in damage and sent legislators scurrying for a seat on the conservation bandwagon.

Former Democratic Sen. Fred Farr of Monterey County is another whose conservation credentials are unimpeachable. Farr was champion of antibillboard legislation and author of the bill which created the state's scenic highway system.

SAVE LAKE TAHOE

Assemblyman Edwin L. Z'berg of Sacramento County, another Democrat, has a national reputation as a conservationist. He has led the fight to preserve the natural beauty and environment of Lake Tahoe. In 1969 Z'berg was author of legislation to create an environmental bill of rights. It was killed by the Republican-controlled Assembly.

Sen. Nicholas C. Petris, D-Alameda County, initiated anti-pesticide legislation years ago when he was an assemblyman. He consistently has led the fight for antipollution laws.

Assemblyman John Foran, D-San Francisco, has been identified for years as one of the leading spokesmen in the legislature in the area of vehicular smog control. The first law relating to smog control was passed during the administration of Democratic Gov. Edmund G. Brown.

Democratic Assemblyman Carley V. Porter of Los Angeles County has been in the forefront in the campaign for water quality control, being the author of important legislation in this area.

LIPSERVICE

What is Gov. Reagan's record? Last year he gave lipservice but no real political muscle to the legislation designed to save San Francisco Bay from the polluters. In 1967 he vetoed a bill by Sen. George Moscone, D-San Francisco, which would have established a conservation education service in the Department of Education. He signed a similar measure in 1968 but in 1969 a bill to fund the office at a cost of $125,000 was killed by the Senate Finance Committee, mainly because the Department of Finance opposed the appropriation.

To the governor's credit his appointees in the field of conservation generally have been good. But to portray the Republican Establishment as the savior of the state's environment is a distortion of ecological and political history.

BOY SCOUTS' 60TH ANNIVERSARY

HON. WILLIAM H. NATCHER

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Monday, January 26, 1970

Mr. NATCHER. Mr. Speaker, the week of February 7 through the 13 will mark the 60th anniversary of the Boy Scouts of America, and it is with tremendous pride and admiration that I take this opportunity to again express my genuine interest in and affection for this outstanding organization.

When scouting came to America 60 years ago, certainly an unprecedented long-range plan for the American boy was born and all down through the years we have witnessed the wonderful accomplishments brought about by the emphasis of this organization on community service, tolerance, and world friendship.

Scouting's original foundation was a firm one with a strong framework and currently the more than 5 million fine young boys of our country who, together with their leaders are committed to this program, give ample proof that the basic purpose and goals of this movement have remained unchanged.

In my opinion there is no organization more sympathetic or relevant to the needs of our youth and this in itself makes membership a deeply personal experience for every boy. This, I personally know, because never have I forgotten the enjoyable experiences which were mine as a Boy Scout. In addition to remembering the fun, adventure, and fellowship I recall with appreciation the lessons of citizenship which come early with scouthood, and cannot fail but provide a sincere respect for God and country as well as a desire for active minds and bodies so vital in the preparation for our responsibilities as citizens.

The scouting movement in Kentucky has had a steady and significant growth and I am understandably proud of the successful activities of the units in the Second Congressional District. However, despite its tremendous growth, scouting is still endeavoring to reach more than one in four boys because this has simply not been enough. In this era of unrest and mounting problems in which we are witnessing the struggle of so many of our young people for a clear vision of their place in the future, scouting is indeed one of the best proven methods of developing individual character and qualities of leadership.

I am confident that the new long-range plan designated as Boypower '76, which was launched in January 1969, will be carried out with the same dedication of all prior scouting programs and will go far in preparing a whole new generation with the skill and hope needed to master the challenges of our country's future and make certain her continued leadership.

Mr. Speaker, our Boy Scouts are definitely among our greatest assets and with the coming of their 60th anniversary I consider it a high honor to pay them tribute and wish for each of them continued success.

SPEECH BY SENATOR WILLIAM B. SPONG, JR.

HON. THOMAS N. DOWNING

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Monday, January 26, 1970

Mr. DOWNING. Mr. Speaker, the Capital District of Kiwanis International held its training conference in Tidewater, Va., over the weekend and was addressed by the distinguished junior Senator from Virginia, Hon. William B. Spong, Jr. He presented the conference with some excellent thoughts which I am pleased to include in the Record:

Speech by Senator William B. Spong, Jr., Before the Kiwanis Capital District Training Conference, Norfolk, Va., January 24, 1970

The development of our ocean resources is of the urgent tasks facing this nation in the decade ahead.

For thousands of years, men have harvested the fruits of the sea. But only in the last decades have they come to appreciate the full potential of its vast resources and to develop the scientific knowledge and technology necessary to exploit it.

The time is at hand when those resources will be in critical demand. Thirty years from now, world population will have doubled, bringing with it a desperate search for new sources of food. Industry, with its heavy call on raw materials of all kinds, should expand at even greater rates.

This growth will be beyond anything our land resources alone can support. A turn to the oceans is inevitable, and in some fields, intensive development is already under way.

Most heavily exploited today are oil and gas which account for about 90 percent of the value of all minerals taken from the ocean. Offshore production has grown from 8 percent of the world total in 1960 to 17 percent today. By 1980, it is expected to represent more than a third of all production.

Oil is the leader, but it is by no means the only mineral being taken commercially from the sea.

If you own a magnesium step ladder, the odds are the metal in it was extracted from sea water. That's where the U.S. obtains most of its supply. That is true also of bromine which is used as a gasoline additive. In fact, 70 percent of the world's production of that element is recovered from sea water.

Significant quantities of sand, gravel, oyster shells and sulphur are also being mined off U.S. coasts. Elsewhere in the world, zinc, copper, silver, uranium and diamonds are beginning to be recovered from the sea in important quantities.

As impressive as some of today's ocean mining is, it barely scratches the surface of the ocean's total deposits. No one knows exactly how extensive they are, but some oceanographers and geologists have estimated the oceans may contain as much as 50 quadrillion metric tons of useable minerals.

A sizeable part of that wealth lies on the continental shelf at depths of 200 meters or less, much of it within man's reach even considering the early state of marine engineering. This underwater frontier bordering the United States totals about 930,000 square miles, more territory than was involved in either the Louisiana or Alaska purchase, and perhaps more valuable.

As might be expected, the most plentiful and probably the most valuable potential resource of the sea is water. There are now in operation or under construction today some 680 desalination plants and the number is expected to increase by 25 percent a year over the next ten years. While the cost of desalted water is still too high for general use, improved technology is gradually bringing it down. Today, the price is about 85 cents per 1,000 gallons as compared to the 35 cents per 1,000 gallons for fresh water charged in the U.S.

One of the most exciting uses of sea products today is the manufacture of drugs from marine bioactive substances. For example, a poison secreted by the stonefish was discovered by doctors at the University of Southern California to reduce blood pressure in animals. Experiments are underway to see if the drug can be used to treat hypertension.

A new antibiotic was discovered after researchers in the Antarctic noted that the intestinal tracts of penguins were virtually free of bacteria. An investigation led to the krill, the penguin's main source of food, and from there to a green algae which is the krill's chief food. The antibiotic synthesized from this substance has killed virus cultures in laboratory experiments.

Another fascinating project concerns the Bonellia, a type of marine worm. Scientists have observed that Bonellia larvae which touch against their mothers are affected by a hormone which immediately stops their growth process. Researchers are investigating possible application of the hormone in the control of cancers.

A vast number of other marine biochemical agents are thought to have possible uses in medicine, so many that one doctor has dubbed the ocean a sea-going drugstore. To date, however, only about one percent of these substances have been tested.

Of all the potential uses of sea products, none is of more immediate importance than the production of food, especially of animal protein which is the most basic need of food-poor countries.

Seafood, of course, is a rich source of such protein and it can be produced inexpensively and in enormous quantity. At the present time, however, only about two percent of the available supply of seafood is harvested each year.

U.S. fishermen account for about four percent of the world catch, a figure that has remained constant for 30 years. That is only a third of what the United States consumes each year, making this country one of the world's largest importers of seafood when it clearly has the potential to be one of its great exporters. Marine authorities estimate that U.S. fishermen harvest only one-tenth of the useable sea species available in its waters.

Aquaculture, or sea farming, could greatly augment the production of traditional fishing and is already the source of most of the world's oysters.

These achievements in marine development point up the tremendous economic potential of that two-thirds of the earth which lies beneath the sea. And it is only a beginning. As land resources continue to decline in relation to demand, more and more industries will find it economically feasible to reach out to the ocean for their raw materials. Ocean-related businesses and industry have one of the most promising growth prospects in the world today, even greater than the space industry.

Unlike the space program, which is essentially a Federal undertaking, the exploration and development of our oceans requires a truly national effort which will mobilize the resources of industry, the scientific community and government at all levels. Private enterprise has a key role to play in this, but it is dependent upon the support and leadership of government and science for the development of the technology and basic research which will make wide-spread commercial exploitation possible.

One of the most pressing needs today is for the development of fundamental technology—such things as producing corrosion-resistant metals, improved lighting systems and communication networks—which have application in a wide range of activities. This kind of work is the essential underpinning of progress, but for the most part it is beyond the resources of private industry to support.

Clearly, government has a role to play as it does in underwriting basic marine research, providing maps and weather services, developing manpower resources and directing projects of national scope. Above all, government must assume the responsibility for safeguarding the resources of ocean and shore from the kind of environmental devastation that accompanied the exploitation of our land resources.

In many areas along our coasts, pollution is already a serious problem. It is estimated, for instance, that more than a tenth of the 10.7 million square miles of shellfish-producing waters bordering the United States is now unusable because of pollution. In the next decade, the amount of industrial wastes reaching the oceans is expected to increase sevenfold, resulting in the wide-spread destruction of fish and other aquatic life.

Competition among the many, often incompatible uses of the coastal region poses a serious threat to its basic ecology. Thousands of acres of tidal wetlands have already been lost to the advance of housing and industrial developments, dredging operations and garbage and trash dumps.

If we are going to preserve these valuable and perishable resources and avoid the mistakes of our land resource development, it is essential that we establish now a vigorous program for coastal zone management. At the present time, this responsibility is fragmented among 22 different Federal agencies, and more than 1,000 state, regional and local jurisdictions.

The need for a national plan of action is clear. And in the recent report of the Commission on Marine Science, Engineering and Resources, I believe we have a blueprint for making the seventies a decade of ocean development and progress.

While I do not agree with all of the Commissions' recommendations—and there are some 200 of them—I think its proposals will take us a long way toward the kind of sound marine development policy we should have. Here are some of the things it recommends:

Establish a new independent agency to coordinate and guide the national effort. It would be called appropriately the National Oceanic and Atmospheric Agency or NOAA.

Establish six national action projects on which to focus the effort of the program. These include marine test facilities and ranges, a lake restoration project, continental shelf laboratories (for which our own Virginia Institute of Marine Science at Gloucester Point would seem to be the prototype), a submerged nuclear power plant, deep exploration submersible systems and a pilot buoy network.

A concerted attack on coastal zone pollution and encouragement of a coordinated Federal-state-local coastal management policy.

Expenditure of about $8 billion above current outlays in the decade ahead.

This program is now before the Congress and the President. As a member of the newly created Oceanograpic Subcommitee of the Senate Commerce Committee. I expect to have a great deal to do with it and I look forward to the work of the session ahead.

This nation's achievements in space have demonstrated the tremendous striking power of our science and engineering when they are focused on determined objective and infused with a sense of national commitment. To set a foot in the dust of the Sea of Tranquility, we called forth the greatest outpouring of talent and money in our peacetime history. The infinitely greater promise of exploring and developing our earth-bound seas deserves no less.

A WORSENING OBSESSION

HON. GEORGE W. ANDREWS

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Monday, January 26, 1970

Mr. ANDREWS of Alabama. Mr. Speaker, the shameful and outrageous spectacle of the all-powerful Federal Government "cracking down" on a 14-year-old boy in Oklahoma City because he wanted to go to his neighborhood school should be thoroughly sickening to anybody who has an ounce of decency in his heart and a brain in his head.

The absurdity of the situation was never more deftly described than in the following editorial that appeared recently in the Dothan Eagle, one of the most highly respected daily newspapers in my State. It was brought to my attention by a father in my district whose son cannot go to the school right across the street from his home. He must be bused across town to get the right color combination. Ridiculous? Hear the voice of the Dothan Eagle on the subject:

A WORSENING OBSESSION

OKLAHOMA CITY.—A 14-year-old school boy was taken into custody by a U.S. marshal today after he defied a Federal judge's order which prohibited him from attending his neigborhood school.

The arrest was made without incident as a group of about 15 supporters and newsmen stood by in nine-degree weather.

What a spectacle! The mighty United States government, operating through and with a Federal judge, cracking down on a 14-year-old boy. All for the purpose of forcing him into an integrated school.

In custody today—in jail tomorrow?

To what depths will the government stoop to carry out the whims and caprices of obsessed mix-masters? Even though it started at the bottom, it descends more each day.

One would think the greatest, the biggest and the most powerul government in the world could better put its resources to defeating enemies, to catching criminals, to rounding up conspirators, to defending the republic from enemies, within and from without. Instead, it's zeroing in on a 14-year-old lad who wants to attend the school in his neigborhood.

How long, O Lord, how long?

CRIME IN WASHINGTON, D.C.

HON. LAWRENCE J. HOGAN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Monday, January 26, 1970

Mr. HOGAN. Mr. Speaker, I will include at the end of my remarks the Crime Index for November 1969, recently released by the Chief of Police of the District of Columbia.

Once again you will note that crime for the 12 months ending November 1969 has increased substantially over the same 12-month period ending November 1968.

I believe that President Nixon's court reorganization bill and his other crime proposals which we are working on in the District of Columbia will see improvement in this picture by November 1970. I have introduced six additional crime bills which amend the Criminal Code of the District of Columbia and which I trust will be incorporated in the crime package reported out of the District Committee. This total crime package is not a "cure-all" for crime in the District of Columbia, but I sincerely hope that it will reverse a trend of increasing crime, that it will affect speedy trials, and that it will make the streets of the District of Columbia truly safe; that is,

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safe for its law-abiding citizens, safe for the tourists who visit their Nation's Capital, and safe for the citizens of the metropolitan Washington area who work, shop, and utilize the cultural and entertainment facilities of the District.

The material referred to follows:

METROPOLITAN POLICE DEPARTMENT, GOVERNMENT OF THE DISTRICT OF COLUMBIA—CRIME INDEX FOR NOVEMBER 1969

On December 29, 1969, the Office of the Chief of Police released the reported Crime Index Statistics for the month of November 1969. The total number of offenses reported for this month was 6,071. The cumulative total Crime Index Offenses for the twelve-month period ending with November 1969 was 61,617 and the number for the corresponding period in 1968 was 48,382, an increase of 27.4%.

In the categories of Homicide, Rape and Aggravated Assault, 27, 25, and 271 offenses were reported for November. In comparing the twelve-month total ending with November 1969 with the same period in 1968, an increase of 93 (+49.7%) was reported in Homicide, 80 (+31.1%) in Rape, and 467 (+15.2%) in Aggravated Assault.

The number of Robberies reported this month was 1,256 of which 736 or 58.6% were Armed Robberies. Robbery represents 20.7% of total offenses for November. The total number of Robberies reported for the twelve-month period ending with this month was 12,336, a 50.8% increase over the same time span in 1968 during which 3,181 were reported.

Two thousand-one hundred and ninety-seven Burglaries and 1,074 Larcenies were reported. These two categories represent 36.2% and 17.7% of the total offenses reported for the month, thus Burglary and Larceny total over ½ of all the crimes reported. During the twelve-month period ending in November 1969, 22,363 Burglaries and 11,335 Larcenies were reported, an increase of 26.6% and 45.0%, respectively over the corresponding period in 1968.

Although Auto Theft, with 1,221 offenses represents 20.1% of total offenses reported for November, this category marks the smallest long-term increase. A total of 11,416 offenses were reported for the twelve-month period ending with November 1969, an increase of 1.9% over the same period of the previous year.

CRIME INDEX OFFENSES, NOVEMBER 1969

Classification	November 1968	November 1969	Change Amount	Change Percent	Cumulativa through November 1969 Fiscal year 1969	Cumulativa through November 1969 Fiscal year 1970	Percent change	12 months end November 1968	12 months end November 1969	Percent change
Criminal homicide	23	27	+4	(1)	85	132	+55.29	187	280	+49.73
Rape	29	25	−4	(1)	142	169	+19.01	257	337	+31.13
Robbery	1,074	1,256	+102	+16.94	4,055	6,164	+52.01	8,181	12,336	+50.79
Aggravated assault	277	271	−6	−2.17	1,359	1,571	+15.60	3,083	3,550	+15.15
Burglary	1,415	2,197	+782	+55.26	7,505	10,639	+41.76	17,658	22,363	+26.64
Larceny ($50/over)	798	1,074	+276	+34.59	3,923	5,566	+41.88	7,817	11,335	+45.00
Auto theft	1,086	1,221	+135	+12.43	5,428	5,693	+4.88	11,199	11,416	+1.94
Total	4,702	6,071	+1,369	+29.12	22,497	29,934	+33.06	48,382	61,617	+27.36

[1] Base too small to compute percent change.

CRIME INDEX OFFENSES RELATED TO PERCENTAGES OF TOTAL, NOVEMBER 1969

	Number	Percent
Homicide	27	0.45
Rape	25	.41
Robbery	1,256	20.69
Aggravated assault	271	4.46
Total, crimes against persons	1,579	26.01
Burglary	2,197	36.19
Larceny $50 and over	1,074	17.69
Motor vehicle theft	1,221	20.11
Total, property crimes	4,492	73.99
Total, reported crimes	6,071	100.00

MILK PRICE SUPPORTS SHOULD BE INCREASED TO 90 PERCENT OF PARITY

HON. WILLIAM A. STEIGER

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Monday, January 26, 1970

Mr. STEIGER of Wisconsin. Mr. Speaker, during the past 3 years we have seen a consistent downward trend in milk production.

To counter this I have on a number of occasions urged the Agriculture Department to increase dairy price supports to 90 percent of parity, and many of my colleagues in this House and in the other body have joined in this plea.

It is my understanding that Secretary Hardin met with a number of dairy representatives and the distinguished chairman and ranking minority members of the House Agriculture Committee on December 17 to discuss this matter. At that time I am told the Secretary indicated that there were two major factors he wanted to consider before he took any action. First, he wanted to determine the budget impact of the tax reform bill, and then he wanted to see the December milk production figures to further evaluate the situation. Well, the December figures are out, and they show a decline of 0.2 percent over the same period last year. This means that in 1969, total production declined by 1.107 million pounds from the level of 1968. In my own State of Wisconsin, our leading dairy producing State, production was down by 1 percent for the year, which is slightly higher than the national average. As Mr. William Eckles, general manager of the Pure Milk Products Cooperative of Fond du Lac, Wis., says in his letter to Secretary Hardin which I will include as part of my remarks, this is the lowest milk production level since 1952. He said:

> With a national population growth of some 2 million people each year . . . we cannot permit this continuous downward milk production trend to continue, and at the same time, assure an adequate supply of milk and dairly products to meet our future nutritional needs.

The Associated Dairymen, Inc., has compiled some excellent information on the need for increased supports which I would like to include as part of my remarks. In addition, I want to include an editorial from Hoard's Dairymen, written prior to the release of December production figures, which along with the report and Mr. Eckles' letter lends more support to the position taken. I hope the Secretary is examining these facts carefully.

This is a complicated issue which many people do not want to be bothered with, but the supply of fresh milk and dairy products is of great importance to all of us and I hope my colleagues will take a minute to review this material.

Attached is a letter from W. C. Eckles, the article "Increase Milk Support Prices 90 percent of Parity," and the editorial, "Price Supports Should Be Moved Up to Current Levels":

PURE MILK PRODUCTS COOPERATIVE,
Fond du Lac, Wis., January 16, 1970.

Hon. CLIFFORD M. HARDIN,
Secretary of Agriculture,
Washington, D.C.

DEAR MR. SECRETARY: Milk production statistics just released by the USDA show 1969 milk production to be 116.2 billion pounds. This is a decrease of 1.1 billion pounds from 1968 and the lowest since the 114.7 billion pounds of 1952.

With a national population growth of some 2 million people each year, or an increase of nearly half the total population of Wisconsin, we cannot permit this continuous downward milk production trend to continue and, at the same time, assure an adequate supply of milk and dairy products to meet our future nutritional needs. If we are to have assurance of our future milk needs, we must stop the decline in milk production and halt the exodus of farmers from dairying which has resulted in current Wisconsin dairy farms numbering less than half that of 17 years ago.

Current manufacturing milk prices are now at 90 per cent of parity equivalent but milk production continues below a year ago. If dairy farmers are to continue the confining and long hours of dairying, they want some assurance of respectable levels of income in the future. Assurance of the maintenance of current price levels can be improved without increasing present levels by raising government support levels to the full, permissible 90 per cent of parity, or about the current price levels being paid.

The USDA reported average manufacturing milk prices to be $4.75 for milk of average test in December, 1969 when parity equivalent was reported at $5.27. Thus, December milk prices exceeded the current $4.74 level, which is equal to 90 per cent of parity.

We urgently request that you make as early announcement as possible of a support price at 90 per cent of the parity equivalent for manufactured milk for the crop year starting April 1, 1970.

You are authorized under present law to take such action. The earliest possible announcement of the maximum support level of 90 per cent is justified to stem the decline in milk production and assure our growing population an adequate supply of high quality, domestically produced milk and dairy products.

Sincerely,

WILLIAM C. ECKLES,
General Manager.

INCREASE OF MILK SUPPORT PRICES TO 90 PERCENT PARITY

(Prepared by Associated Dairymen, Inc.)

An increase in the support price for milk is needed at the present time. The Secretary of Agriculture should announce that milk price supports will be restored on January 1, 1970 to 90% of parity and that this price level shall apply for the marketing year beginning April 1, 1970.

An increase in the dairy support price is in the public interest for the following reasons:

(1) A stable and adequate supply of milk is vital to the nutritional welfare of the American people.

(2) A stable milk supply has not been assured in recent years because of the steady decline in milk production and the contractions in the dairy industry.

(3) The production decline has been caused by a continuing price-cost squeeze and the failure of dairy income to keep pace with the income level of other sectors in our economy.

(4) An increase in the support price would not have adverse consequences:

(a) The Federal budgetary impact would be minimal and the resulting budget cost would be consistent with budgetary commitments in previous years.

(b) The price increase would not be inflationary.

(c) The price increase would not unfairly increase consumer costs.

(5) The price support increase would provide needed encouragement for dairy industry "self-help" efforts so that permanent government assistance will not be necessary.

AN ADEQUATE SUPPLY OF MILK IS VITAL

There is no question that milk and dairy products are vital to the nutritional welfare of our nation. Dairy products, excluding butter, were the source of: 22.8 percent of protein supplies; 13.5 percent of fat supplies; 76.3 percent of calcium supplies; 37.0 percent of phosphorus supplies; 10.0 percent of Thaimine supplies; and 43.4 perecnt of riboflavin supplies available to U.S. consumers in 1967. (USDA "Agricultural Statistics" 1968, Page 594)

Because of the nutritional importance of dairy products—particularly for growing children—the U.S. government has adopted policies to insure that an adequate, stable and dependable supply of milk will always be present. While there may be differences as to the best means of achieving the objective, there is no quarrel that it is essential that milk and dairy prices be sufficiently high so that the dairy industry will remain economically viable. Thus, it is valid cause for national concern when trends indicate the continuation of a deteriorating financial condition for the industry in the absence of corrective action.

THE STEADY DECLINE IN MILK PRODUCTION

Production of milk continues to decline steadily as farmers selling milk and cream go out of business. These depressing figures tell the story in graphic terms.

Number of U.S. farms selling milk and cream:

1950	1,959
1955	1, 475
1960	1,032
1965	648
1968	[2] 400

Thus, there are now less than ½ million U.S. dairy farms—about 20% of the number of farms in existence in 1950.

Nor has this simply reflected a consolation of dairy herds onto larger farms. The number of milk cows on U.S. farms are also declining sharply. In 1950, there were 21,994,000 milk cows on the farm. In 1968, this number had been reduced to just 13 million and a further reduction is estimated for 1969. Thus, the number of milk cows has dropped by almost 50% during the same period.

USDA estimates of 1969 monthly milk production and monthly production per cow verify the continuation of losses in cow numbers through October, 1969, the latest month for which information is available. Associated Dairymen, Inc. believes that high prices for canner and cutter cows, the highest for 18 years, will continue the present rate of decline in cow numbers through 1970.

The number of Wisconsin dairy herds, dropping from 88,171 in 1963 to 65,431 in January, 1969 continues to decline, and stood in August, 1969 at 62,912, a decline of nearly four percent in the first eight months of 1969. (Wisconsin Department of Agriculture figures). Wisconsin is our most important dairy state.

These statistics are analyzed in more detail on the exhibits at Tab A.

As a consequence of the reduction in farms and milk cows, total milk production continues to drop. It is a remarkable fact that the 1950 milk production level of 117.3 billion pounds was as high as in 1968—despite the substantial growth in population and potential milk demand over this 18 year period. Moreover, production has declined from a 1964 high of 127 billion pounds by more than 10 billion pounds in the past five years. We estimate that 1969 production will be only 115.5 billion pounds.

Despite recent USDA speculation that 1969 production indicates that the downward slide in production has stopped, the pressures which brought about the 1965 and 1969 decline still exist. USDA November predictions without exception for every year since 1964 have *overestimated* milk production for the subsequent year by 1.6 to 6.1 billion pounds of milk equivalent while actual production was declining from 127 to 116 billion pounds annually. USDA overestimation has been as shown on the following table:

[In billion pounds of milk]

Calendar year	USDA forecast in November "Dairy Situation" of previous year	Most recent USDA statement of actual production	Over estimation
1965	125. 7	124. 1	1. 6
1966	126. 0	119. 9	6. 1
1967	[1] 121. 5–122. 0	118. 8	2. 7–3. 2
1968	119. 5–120	117. 3	2. 2–2. 7
1969	[2] 118. 0	[3] 115. 5–116. 2	1. 8–2. 5

[1] Rise moderately.
[2] May total close to 118 billion.
[3] USDA September estimate 1969.

According to a press release in early November 1969, USDA says "Declines in milk production the past five years may end in 1970". This would indicate a production figure of no less than the 116 billion pounds then anticipated by USDA for the 1969 total.

Associated Dairymen, Inc. estimates substantially lower production for 1970 at a probable level of 114.1 billion pounds. We suggest that these estimates have proven reasonably accurate in the past as documented in the "Dairy Situation" reports of each of the past five years.

USDA, in predicting an "end to the decline", is underestimating the effect of—

High canner and cutter cow prices, which for six months have been the second highest on records of the past 40 years, exceeded only by price levels for the corresponding months of the year 1951.

Inflationary erosion of the profit situation for dairy farmers, at current dollar prices for milk. The inevitable disillusionment over the effects of inflation will result in a resumption of the exodus for dairying.

Off farm job opportunities and rising dairy labor costs.

THE PRICE-COST SQUEEZE AND DAIRY INCOME

The reasons for this production decline are not hard to find. As in any industry, dairy farmers must have sufficient incentive to continue production if they are to remain on the farm. There must be a reasonable prospect that they can produce and market their product at a profit.

This incentive does not exist today for many dairy farmers. The statistics tell the story in vivid terms:

From 1952 to 1968, the wholesale price of milk has increased by only 8.5% and, even with 1969 price increases, the increase will only be 11.3% for this period.

During the same years, the prices paid by farmers for production items have increased by 30%—and inflationary pressures appear to make further production cost increases inevitable.

During the same period, real per capita disposable income for all U.S. wage earners rose by 45.2%. Clearly, the dairy farmer is receiving less than his fair share of the national prosperity.

The cost of production as indicated by the index of production items, interest, taxes and wage rates has increased from 124% to 131% of the 1957–59 average, or 7% during the past twelve months. (Agricultural Prices, October 30, 1969, Page 8). The price of all milk wholesale, as an indication of returns to farmers, has increased only 3%. (USDA Agricultural Prices, October, 1969).

The 1968 milk price to farmers was $5.24 cwt. Assuming inflation at the rate of 6%, a price of $5.56 would be required to maintain dairy farmers' relationship to the total economy.

Canner and cutter cow prices are the highest since 1951, and promise to remain strong through 1970, encouraging high rates of culling dairy cows. Rising grain costs will reduce dairy feeding rates and further increase costs.

The inescapable conclusion is that a fair and stable price is necessary to prevent a further erosion of the dairy industry's economic position. In the absence of such incentive, further declines—with the dangers they pose to adequate milk supplies—are inevitable.

MINIMAL BUDGET EFFECT

The price increase to 90% of parity would have only minimal budgetary effect—well within the funds committed to this program in previous years.

The Secretary of Agriculture announced in 1968 that dairy price supports would be set at 90 percent of parity beginning April 30, 1968. Fears were expressed at that time, that adverse effects upon consumption and stimulating effects upon production would cause government purchases to burgeon and greatly increase demands for government funds. No such situation has materialized. Rather, the cost has been substantially reduced each year since the action was taken.

Announcement of supports now at 90 percent of parity would simply constitute restoration of price relationships established by the Secretary's announcement of March 20, 1968, but which were eroded in subsequent months.

Announcement of price supports at 90 percent of parity would have no adverse effect upon government costs for the current marketing year, since market prices are already slightly above the 90 percent goal. To the

[2] "Dairy Situation", September, 1969, Page 29, USDA Estimate.

extent that prices in the marketing year beginning April 1, 1970 might otherwise have fallen below the announced 90 percent of parity goal, the 90 percent announcement could result in CCC purchases of as much as 0.6 billion pounds of milk equivalent over and above the amount which would have been purchased had the support prices remained at current levels. Such additional government costs should be less than $40 million, and would be fully consistent with the Administration's responsibility to Congress and dairy farmers in administering the law and to consumers in responsibility assuring adequate supplies of food nutrients at stable prices.

With prices at 90 percent of parity, the 1970 surplus would still be the lowest percentage of consumption in 21 years—second only to 1966. This reserve of 3.4% of consumption would represent only a *12.4 day supply* of milk.

The budget commitment at 90 percent of parity would be consistent with previous expenditures for this program. A comparison of budgeted vs. actual government expenditures on dairy price support and PL 480 Programs follows:

	Price support		Public Law 480		Total	
	Budgeted	Actual	Budgeted	Actual	Budgeted	Actual
Fiscal year ending June 30:						
1965	302	224	34	31	336	255
1966	151	([1] 42)	20	78	171	36
1967	159	232	35	67	194	299
1968	165	271	49	87	214	358
1969	246	145	88	121	334	266
Total	1,023	830	226	384	1,249	1,214
1970 Johnson administration	251		65		316	314
1970 Nixon administration	169		65		264	

[1] Net gain—sales exceeded purchases.

Source: Bureau of the Budget.

NO INFLATIONARY EFFECT

Present market prices for milk and dairy products are presently above the "price floor" which would be established by increase in the support price to 90% of parity. Thus, the increase would not have the effect of increasing farm or consumer prices at the present time. However, it would *stabilize* farm prices inasmuch as price drops other than normal seasonal declines would be prevented.

Consequently, the only argument that can logically be made against the price increase on inflationary grounds is that a *decrease* in prices from existing levels would be "good" for the economy. But the fact is that—based on responses of recent years—a decline in farm prices would not be of material benefit to consumers at the retail level.

For example, recent history indicates little likelihood that cheese prices would decline as the result of any declines in the manufacturing milk price. A comparison of the two prices from 1957 through 1968 shows that cheese prices remained fairly static during the years that there were wide swings in manufacturing milk prices.

Likewise, there is no certain correlation between farm prices and retail prices for milk. A comparison of retail prices with that of manufacturing grade milk for the past 10 years shows that price decreases in manufacturing milk in 1962 and 1963 had no effect on retail milk prices—they remained constant throughout this period.

Thus, it should not be assumed that—even if it was desirable—that consumer prices for milk and dairy products would decline as a result of "forcing down" farm prices by failure to set the support price at a level reasonably consistent with prevailing farm prices.

Labor has been repeatedly urged in recent years to limit any wage increase demands to increased productivity within the respective industries for the purpose of combating inflation.

Dairy farmers have increased productivity at remarkable rates in the period since World War II, but have not shared equitably in the returns for such productivity. Efficiency gains passed along to consumers have, rather, been deflationary and self-defeating as farmers substituted large amounts of capital for labor.

KEY INDICATORS OF EFFICIENCY

	Man-hours required to produce 100 lbs. of milk	Pounds of annual milk production per cow
1950	2.36	5,314
1955	1.97	5,842
1960	1.42	7,029
1965	1.04	8,304
1967	.88	8,797
1968		9,006
1969		[1]9,180

[1] USDA preliminary estimate.

As the House Committee on Agriculture states it, in "Food Cost-Farm Prices" of May 3, 1969:

"One hour's work in a factory buys more food today than it did 20 or 30 years ago. Pay for one hour's factory labor would buy: Milk, 11.2 quarts in 1968; 6.4 quarts in 1948; 5.4 quarts in 1938.

As a result, a valid case cannot be made that an increase in the support price to 90% of parity would have an inflationary effect.

CONSUMER PRICES NOT ADVERSELY AFFECTED

Consumption of milk and milk products is now increasing slightly, and will continue to increase as consumer's income increases and as the price of meat products increases. The demand and price of meats will continue strong through 1970. Imitation and artificial foods have been discredited and are now losing sales to "nature's most nearly perfect food."

90 percent of parity would not now increase consumer (or farm) prices because present prices are above this level. The October manufacturing milk price (Minnesota—Wisconsin Price Series) was $4.58 while 90 percent of parity for October is $4.57.

But it should also be noted that the consumer has not paid a disproportionately high price for milk. Based on the consumer price index (1957–59 price=100), we find the following price levels prevailing at the end of the first nine months of 1969:

The overall consumer price index was at 127.7.

The retail price for all foods was at 124.5.

The retail price for fluid milk was at 121.2.

Thus, as previously discussed, milk has been a "good buy" even during this inflationary period. In the balancing process between the consumer interest in reasonable prices and the dairy farmer's need for a fair return, the consumer has continued to fare well in the market place.

One note of caution: There is a continuing danger to the consumer interests. It is that lack of price stability causing marginal returns to dairy producers might result in sudden reductions in total production because of lack of incentive. Erratic production can distort supply-demand ratios so that sudden shortages could cause unduly high consumer prices.

Thus, the consumer interest lies with stable prices. For this reason, the support price increase is important to the consumer. It insures that the price floor is reasonably related to prevailing farm and wholesale prices. The dairy farmer's ability to depend on future prices will, in turn, make it more certain that consumer prices will not vary unduly.

FARMERS ARE NOT SEEKING PERMANENT RELIEF THROUGH GOVERNMENT

An important movement of dairy farmers toward reorganizing their marketing cooperatives can become the vehicle for relieving government of budget expenditures for the purpose of price supports. Consolidations of milk marketing associations have been numerous in the past few years. A few large regionals have emerged as leaders in milk pricing activities. Some of their fluid milk pricing activities have been remarkably successful.

But the continued success of such "self-help" efforts and the movement itself depends heavily upon continued accomplishment and direct indisputable gains in farmer income from the efforts. This is because farmers *will* choose to remain "fragmented," either as independent sellers or as members of small competing cooperatives, unless tangible evidence of the success of larger marketing organizations is in evidence.

The negotiated prices will be much more likely to hold if shored up by the government supported price structure. The next 12 to 24 months are extremely critical to the formation of marketing organizations large enough to effectively price milk at optimum levels; manage total supplies for maximum utilization; increase demand through new product research; increase demand through nutritional educational education and advertising; reorganize processing and transportation systems for efficiency.

Failure or loss of impetus in the current movement will result in permanent and growing dependence upon government and eventual development of public utility status for the industry. The desirable alternative for government, consumers and farmers alike is the self sufficient type of organization now being formed.

The price support decision can help assure continuation of this movement.

[From Hoard's Dairyman]

PRICE SUPPORTS SHOULD BE MOVED UP TO CURRENT LEVELS

The average price paid for manufacturing milk in November was $4.72, an all-time record. Just two years ago, in 1967, that November price would have been 101 percent of parity. Today, it is not. Because of increasing costs, $4.72 was only 89 percent of seasonally adjusted parity.

Now, let's look ahead to next fall. If this same price holds in November, and there are the same increases in parity calculations as there were last year, $4.72 will be down to 84 percent of parity. And the present support level of $4.28 would be only 77 percent.

Without getting our readers all snarled up in a maze of figures, we think there is good reason to hold the present price level from dropping. And we believe the administration should move now to raise the price support level up into the area where the free market has put it because, if this is not done, prices can fall as much as 40 cents by spring.

Our recommendation is made only after receiving the December 11 USDA report on November milk production. There had been some indication that milk flow was edging upward again as production in August, September, and October was up 0.5, 1.0, and 0.3 percent, respectively. But November production sagged off slightly, with a decline of 0.4 percent. Thus, annual production should be down 1 percent, or more than one billion pounds.

During each of the past two winters, losses in monthly milk flow have been greater in the winter months than during the previous fall months. There is some indication that the same pattern is repeating this season.

If November production had continued upward, there might be reason to delay a raise in price supports. But such was not the case.

We expect the White House will be reluctant to raise price supports because of its fight against inflation. But 100 percent of parity for manufacturing milk in the current marketing year, ending March 31, is $5.15. The administration is authorized to go to 90 percent of parity. This would be at least $4.63, which is 9 cents below the November open market price.

Such action by the administration would not be inflationary because there would be no price increase. But it could prevent a deflationary impact on dairy farmers when prices sag during the spring and early summer.

ERA OF THF SUPER TANKERS

HON. JEROME R. WALDIE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, January 26, 1970

Mr. WALDIE. Mr. Speaker, unless American facilities are developed for the handling of the evergrowing fleet of "super tankers" this Nation faces a grim commercial and industrial future.

As more European and Asian nations see the necessity of preparing for this fleet, it is more and more apparent that the United States is in a woeful state of ill-preparedness.

We are behind in channel deepening projects and offshore cargo handling facilities.

We may find ourselves in a state described by the following article, "America's Nightmare in the New Age of Super Ships," by Jim Quint which appeared in the December 7, 1969, issue of California Living in the Sunday, San Francisco Examiner and Chronicle.

The article follows:

AMERICA'S NIGHTMARE IN THE NEW AGE OF SUPER SHIPS

(By Jim Quint)

The time: a few decades from now. There has been an exodus of heavy industry from the United States to Europe; the standard of living in other nations now far surpasses our own, and we have reverted from an industrial to an agrarian economy. Our national welfare depends on the good will and generosity of foreign governments who once depended on ours.

An unlikely picture?

Not at all—unless we do something about our seaports, and do it soon.

Ships are getting bigger and bigger. Already a fleet of huge supertankers is plying the seas—so huge there isn't a harbor in the United States they can dock in.

So they pass us by.

And these monsters—some of whose crews ride bicycles when they must hurry from one end to the other and back again, a half-mile round trip—are forerunners of even bigger ships to come. There has been a tenfold increase in the size of tankers in 15 years, they've doubled in size in the past five years, and they may double again in the next five.

Today's 250,000-tonners are more than twice as big as the 1002-foot-long Manhattan, largest U.S.-flag vessel, which recently made an exploratory voyage through the Northwest Passage to new oil fields on the northern slope of Alaska.

Like the Manhattan, the bigger one's cargo is oil. They haul it from the Middle East to Europe and Japan. New, deepwater ports have been built to accommodate them.

But what does it matter if the superships cannot be handled by American ports?

"Refineries, steel mills and other industries dependent on low-cost deepwater shipping are following the tankers rather than tankers following the industries," an Army Corps of Engineers study points out.

Why? Because the bigger a tanker is, the more cheaply it can deliver its cargo: fuel. The saving on a single trip by a single supertanker can be as much as $1 million.

More and more we import "not only oil and ore but power, heat and light as well," says retired Col. Frank C. Boerger, former Army district engineer here under whose direction the study was made.

"If we must pay more in transportation costs than other countries, all our technology and ingenuity could not overcome the competitive disadvantage to our industry.

"There would ensue a chain reaction: heavy industry would emigrate; light industry would pay more for its materials; construction would slump and unemployment rise.

"We know, historically, that when once a major competitive advantage has been lost, it almost never is regained."

And, he reminds us, "aesthetic pursuits—opera, art and architecture—usually thrive only during eras of prosperity."

What's the problem? It's simply that American harbors and channels are not deep enough. None of them, anywhere.

For example, no ship over 100,000 deadweight tons—that is, with a draft of more than 45 to 50 feet—can negotiate the 50-foot shipping channel cut through the great semi-circular bar across the mouth of San Francisco Bay, although there is plenty of deep water inside the Bay.

Even the planned deepening of the bar channel to 55 feet won't let in the big ones. Yet the principal cargo, in tonnage, now passing through the Golden Gate is petroleum. Nearly 65 percent of total San Francisco Bay shipping is crude oil and its refined products, such as gasoline.

Europort in Holland will soon have a depth of 69 feet—and plans to go down to 98 feet. The Dutch intend to dredge a new channel right across the English Channel to the North Sea. The British are building the world's largest dredge to do this job.

So anyone can do it? All it takes is money? Like $400 million to deepen New York's channel from 40 to only 45 feet, and $300 million to give Philadelphia 46 feet? And a few billion more to get them down to Europort's proposed 98 feet?

Fact is, North America's continental shelf extends so far out that only certain river mouths have sufficient natural depth for economical development as deepwater ports: Canada's St. Lawrence on the East Coast; Puget Sound, San Francisco Bay and Monterey Bay on the West Coast.

The cost of cutting deep channels through the continental shelf far out to sea is so high that, obviously, their number will be severely limited. Whichever gets the deepwater channel will become a major port, and others surrounding it will be merely satellites.

Which raises a tremendous political obstacle: East Coast port authorities, each one jealous of its competitive position, oppose even a feasibility study lest a rival port get the favored role. Thus they not only are already outmoded, they oppose doing anything about it!

Yet the trend toward greater size—not only in tankers but also in dry cargo carriers—will not halt. In addition to 15 vessels of 216,000 tons now on order, half a dozen 315,000-tonners will soon be off the ways, several foreign yards can build 500,000-tonners, and Britain now is preparing to build a million-ton tanker.

Why such size? A spokesman for Standard Oil (New Jersey) recently put it this way: "You can build a big tanker for less money than you can build a small tanker.

"A ship costs money because of its propulsion gear and control system. Little ships use the same gear as big ones, so the only extra cost involved in the big ones is the steel plates."

Overseas shipyards, he pointed out, can put together a 25,000-ton ship for $200 a ton but the cost dips to $104 a ton for a 50,000-ton vessel and $75 a ton for a 150,000-tonner.

This is not all. A 175,000-ton ship costing about $12 million, carries nine times the volume of a 20,000-ton ship. Six 50,000-ton ships costing over $36 million would be needed to transport the volume of oil carried in a 300,000-ton vessel costing around $20 million.

And the personnel required to man tankers and bulk carriers does not increase with the size. For example, a post-war T2 tanker could carry about 16,000 tons and was crewed by 41 men. The more automated *Idemitsu Maru*, 209,000 tons, can be operated by a crew of 10 although the company actually uses 32 crewmen to permit shift work and to preclude loneliness. Savings on wages over the life of a supertanker may total millions of dollars.

The cost of transporting oil from Kuwait, for example, to European ports in a 30,000-ton tanker is $6.02 a ton; in a 250,000-ton vessel $2.31 a ton.

The same ratios apply to any cargo which can be carried in bulk—ore, grain, cement. The U.S. consumes at least half of the world's raw materials. Iron ore imports are expected to rise to 74 million tons by 1975, compared to 37 million in 1962—if we are able to transport it competitively. A few years ago Japanese mills had 10 percent of the West Coast steel market; now they have 25 percent. Japanese mills import ore, as ours do, but are able to get it more cheaply in larger bulk carriers.

The lesson is clear: Any cargo must use the cheapest means of transport if it is to be sold in the free markets of the world; industry goes where raw materials are cheapest.

"Can you imagine having the major operating facilities for our great oil companies in the Netherlands, Kuwait, Ireland, Britain or Spain?" asks Boerger. "Perhaps you should, for each of these countries has prepared, or is preparing, to receive such facilities and the vessels serving them."

Do industries necessarily follow refineries? When it is to their advantage they do, and it's to their advantage where they use fuel for manufacturing, or where they require bulk materials for processing. Like steel and all the heavy industries.

XUM

The present optimum size for bulk carriers other than oil is 100,000 to 110,000 tons, already too big for most U.S. ports. And this optimum will change upward as shore facilities are developed to handle larger cargoes.

Adequate channels and port facilities have been, or are being, developed in Europe and Japan. Even Argentina is looking for a coastal deepwater site to replace the old port of Buenos Aires.

Is anything being done in the United States? Yes, to a limited extent: Congress has authorized the Corps of Engineers to conduct a three-year study of San Francisco Bay, including port and channel needs and costs. But any such study on the East Coast has been indefinitely postponed because of opposition by local port authorities who fear it might lead to federal dictation as to whose channel might be deepened.

FRANK DeLUCIA OF HAMDEN, CONN.—34 YEARS OF EXCELLENCE

HON. ROBERT N. GIAIMO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Monday, January 26, 1970

Mr. GIAIMO. Mr. Speaker, it is most unusual when an individual can perform an often difficult task for over 34 years with unquestioned excellence. It is extremely rare, however, when the same individual can combine this excellence with several outstanding acts of heroism which have saved lives and property. Such a man was honored here in Washington last week by Secretary of Transportation John A. Volpe. His name is Frank DeLucia; he is the American Trucking Association's 1970 driver of the year.

Mr. DeLucia has built up a truly phenomenal record during his 34 years of commercial driving. He has driven over 3.5 million miles and has had but one minor chargeable accident. At present, he covers over 156,000 miles per year as a driver for the Adley Express Co. of New Haven, Conn.

This record in itself is worthy of praise, but Mr. DeLucia's acts of heroism are even more noteworthy. He has saved the lives of two persons trapped in flaming automobiles, once in 1958 and once last year. He was cited for five separate acts of heroism in a single month in 1948; these included towing to a doctor's office a stalled car containing an ill 8-year-old girl and removing an automobile from a garage threatened by fire.

Mr. DeLucia has received numerous citations for heroism, including the Pro Meritis Award, the trucking industry's highest award for heroism, in 1960. He was chosen Connecticut driver of the year by the Connecticut Motor Transport Association in 1947, 1948, 1960, 1961, and 1969.

Mr. Speaker, Frank DeLucia has earned his title of "Driver of the Year." I wish to salute him for his outstanding accomplishments, and I trust that our colleagues will do the same. His record of safety should serve as an example to all drivers, and his record of heroism is worthy of emulation by all Americans.

I ask to insert at this point in the RECORD an article which describes in detail his accomplishments:

CONNECTICUT MAN NAMED 1970 "TRUCK DRIVER OF THE YEAR"

WASHINGTON, December 22.—A 53-year-old Connecticut professional truck driver with over 3.5 million miles of commercial driving experience and the recipient of numerous citations for heroism today was named the American Trucking Associations' 1970 Driver of the Year.

Frank DeLucia of Hamden, Conn., will be accorded the trucking industry's highest award in January when he and his wife, Gambardella, visit Washington to receive the honor from U.S. Secretary of Transportation John A. Volpe. Their itinerary will also include visits with their Congressional delegation and business, union and industry leaders. Also included in the trip is a stay in New York City for appearance before nationwide radio and television audiences.

DeLucia has been a professional driver for over 34 years. As a driver for the Adley Express Company of New Haven, Conn., he covers over 156,000 miles a year on his run between New Haven and Richmond, Va. In all his driving time, DeLucia has had but one minor chargeable accident.

In January, 1960, DeLucia was presented with ATA's Pro Meritis Award for heroism by then Connecticut Gov. Abraham Ribicoff for his action in disregard of his own life on Oct. 11, 1958, when he rescued a woman trapped in a flaming automobile while the car was entangled in high tension wires.

After removing the power lines from the car with a stick of wood, DeLucia removed the crash victim from the blazing auto and treated her for shock. He then called the police and rescue help before returning to extinguish the blaze with fire fighting equipment carried on his tractor-trailer truck.

DeLucia was named the Connecticut Motor Transport Association's 1948 Driver of the Year after being cited for five acts of heroism in a single month. His deeds included removing an automobile from a garage threatened by fire and towing a stalled car carrying an ill eight-year-old girl to the doctor.

He was also named his state's driver of the year in 1947, 1960, 1961 and 1969.

The most recent act of valor performed by DeLucia occurred on April 12, 1969, when he came upon a car on the Cross Bronx Expressway in New York which had jumped the guard rail and smashed into a bridge abutment. Finding the car on fire and the driver unconscious, DeLucia first tried to extinguish the flames, but was unable to completely do so. Another driver stopped and the truck driver had the second man work at putting out the fire while he went to aid the seriously injured driver. The accident victim was not breathing and had received severe head injuries.

DeLucia revived the man with mouth-to-mouth resuscitation, but was unable to remove him from the mangled auto before breaking off the damaged steering wheel. As the car became engulfed in flames, the truck driver managed to move the victim a safe distance away from the dangerously explosive auto.

As a member of the Connecticut Auxiliary State Police, DeLucia has also been cited for an award winning safety idea: installing reflector safety stripes on the inside doors of patrol cars to warn oncoming vehicles that the doors were open.

DeLucia and his wife have three grown children and seven grandchildren. Both his two sons live in Hamden and are engaged in trucking operations. His daughter, Mrs. Susan Marco, lives in New Haven where her husband is an engineer with AVCO Corp.

Outside activities of the award-winning driver include membership in St. Ann's Roman Catholic Church, the National Rifle Association and the Hamden Fish and Gun Club. His hobbies are centered around gardening, fishing, hunting and photography.

Judges who chose the ATA 1970 Driver of the Year were: Mrs. William R. Kidd, chairman of the National Association of Women Highway Safety Leaders; John H. Reed, former governor of the State of Maine and presently chairman of the National Transportation Safety Board of the U.S. Department of Transportation, and Albert B. Kelley, vice president of communications, Insurance Institute for Highway Safety.

SMUT DEALERS ARE BEGINNING TO HAVE A HARD TIME

HON. THADDEUS J. DULSKI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, January 26, 1970

Mr. DULSKI. Mr. Speaker, there are indications at long last that the smut dealers are beginning to have a hard time.

I hope that this is true.

Our House Committee on Post Office and Civil Service has been delving deeply into this problem on a continuing basis. But legislative answers do not come easy because of the legal limitations.

I sponsored legislation last year to prohibit the mailing of pornographic material into a home where a minor resides. The Subcommittee on Postal Operations has completed hearings and I am hopeful that we can get action on this bill shortly.

The President made reference the other day to the need for legislative action to curb the flow of pornographic material. I look forward to support of the administration for our recommendations.

Miriam Ottenberg, prize-winning investigative reporter for the Washington, D.C., Star, has written an article on developments in the field of prosecution of smut dealers. Following is her January 11 story:

SMUT DEALERS BEGINNING TO HAVE HARD TIME

(By Miriam Ottenberg)

From the Supreme Court to local police, peddlers of pornography are beginning to have a hard time.

These recent developments indicate what Chief Postal Inspector William J. Cotter calls a change both in the court "climate" and the prosecution "climate":

1. Two Supreme Court decisions—one refusing to disturb the conviction of eight Boston sellers of pornography and the other voiding a federal court order which would have allowed the movie "I am Curious (Yellow)" to be shown in Boston despite a state court ban.

2. Two federal convictions of mail-order dealers in obscenity.

3. Seven recent indictments of other smut dealers, making a total of 17 defendants awaiting trial on charges of sending pornography through the mail.

LOCAL EFFORTS

4. The cases of five more dealers pending before federal grand juries, including one where the dealer was jailed for refusing to respond to a federal grand jury subpoena.

Locally, police are reacting rapidly to court actions and changes in local laws to crack down on smut dealers.

In Boston, police found that the city's "adult" bookstores took the hint from the

Supreme Court's refusal to overturn the conviction of eight Boston sellers of obscenity.

Immediately after the decision, detectives were dispatched to 14 stores—only to find them all closed. The ones that reopened cleared their shelves of books that might fall under the court ruling.

Chief Justice Elijah Adlow of the Boston Municipal Court called the Supreme Court's action "a wholesome indication of a revised attitude toward pornography."

SENTENCED TO JAIL

Across the country, Los Angeles smut dealers were getting a double whammy. Both federal prosecutors and Los Angeles police scored against them.

In federal court, John D. Norman was convicted for mail order sales of homosexual material. He was sentenced to 15 months in prison.

About the same time, Los Angeles police launched a citywide drive against sellers and distributors of obscenity as a new state law went on the books. More than 80 persons were arrested and charged with selling objectionable material.

PLEADS GUILTY

Cotter cited a federal case to indicate that at least one dealer is getting the message that the government means business.

Lynell L. Appel, a Los Angeles dealer, pleaded guilty for his mail-order corporation in federal court at Shreveport, La., and authorized the closing of three post office boxes and the return of all mail addressed to his firm names endorsed "Out of business," Cotter said. Appel also turned over material to be destroyed, including advertisements and the life-blood of this business—mailing lists, Cotter said.

Unlike at least one of his colleagues, Appel decided to go out of the business rather than appeal. Marvin Miller, a bigtime West Coast dealer, was convicted of obscenity in federal court and did appeal. When he continued his business on appeal, he was indicted again and now his attorneys are arguing that case.

OPTIMISTIC ATTITUDE

Cotter cited the President's message to Congress on proposed new laws against obscenity and Atty. Gen. John N. Mitchell's pledge to bring indicted smut dealers to trial at the earliest possible date as evidence that the administration has mounted a major assault against pornography.

"This assault could be blunted in the courts," Cotter said, "but on the basis of recent court decisions we are optimistic that as the cases move through the courts, convictions will ensue and will be upheld.

"We feel that the federal government has now moved into the second phase in its fight against the intrusiveness that brings unwanted and unsolicited material into the mailboxes.

"The first phase was the indictment of the major dealers in mail-order pornography, whose activities prompted perhaps 90 percent of the public complaints. The large majority of these promoters are now being vigorously prosecuted by United States attorneys."

98 PERCENT CONVICTED

Of all cases investigated by postal inspectors that went to trial in the last fiscal year, 98.3 percent resulted in convictions, but Cotter said he is not trying to maintain a conviction rate like that in obscenity cases.

"We will take the risk of being beaten in some cases, but if we can get a goodly percentage of these dealers out of business, it will make others think twice about getting into this business—knowing they can be convicted."

Cotter said he is most concerned about the people who don't want a flow of obscenity into their homes. He pointed out that the advertisements, which come unbidden into mailboxes, used to be teasers for the hard-core pornography to follow. Now, he said, the ads are hard-core pornography, too. That's a fairly recent development, resulting from increasing competition.

"Without advertising these people can't survive," Cotter said. "They figure a 2 percent return is their break-even point, which leaves 98 percent who don't want what these dealers are selling. They're the source of the quarter of a million complaints we got during the last fiscal year."

THE 50TH ANNIVERSAY OF THE JUNIOR CHAMBER OF COMMERCE

HON. FRANK ANNUNZIO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, January 26, 1970

Mr. ANNUNZIO. Mr. Speaker, I would like to join my colleagues in congratulating the Junior Chamber of Commerce on its 50 years of outstanding service and leadership. In communities throughout the Nation, the Jaycees offer young men from all walks of life the chance to participate in dynamic projects which not only benefit the community, but give them practical experience in leadership training.

One Jaycee officer put it very well when he stated the Jaycees' leadership concept:

> There are many roads leading to management skills, but most young men do not enter these roads until they are handed greater responsibility within their work—this responsibility is handed the young man too late in life to be of maximum benefit to himself, and humanity. The Junior Chamber enables the young man to break the speed limit in reaching the objectives which our organization promotes—the development of the individual.

The new Jaycee is immediately given the opportunity to learn by doing. He may be involved in projects as varied as conducting a gun safety clinic, assisting with a mental retardation program, delivering toys for Jaycee Santa, conducting a community survey, hosting a foreign student, or running a sports program for disadvantaged youth. As the Jaycee progresses in the organization, he is asked to take on more responsibility, to seek higher office, to introduce projects and ideas and through this he comes in contact with other civic and industrial leaders.

Since the founding of the Junior Chamber of Commerce exactly 50 years ago, Jaycees have made an incalculable contribution to our society. They have not only made their communities better places to live through local projects, but have provided a major source and training ground of leadership for our cities, States, and Nation.

Our city governments, our State governments, and even our National Government are filled with men who gained their first experiences of leading others through the Jaycee "college of practical leadership."

The Jaycee in Chicago, known as the Junior Association of Commerce and Industry, have headquarters at 30 West Monroe Street which is located in my own Seventh Congressional District, and I am proud to say that in their 50 years of existence they have compiled an excellent record of public service.

On the occasion of the 50th anniversary of the founding of this great service organization, I want to extend my congratulations to the Jaycees for doing such an effective job of stimulating the public responsibility and public spirit of its members and for making such an outstanding contribution to their fellow men. And on this milestone in the history of the Jaycees, I want to extend my best wishes to them for continuing fruitful public service in the years ahead.

HIGH INTEREST RATES AGGRAVATING INFLATION

HON. ANDREW JACOBS, JR.

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, January 26, 1970

Mr. JACOBS. Mr. Speaker, former Indiana Attorney General John Dillon has called the tune on the "Emperor's" new interest rates. Good for Mr. Dillon.

Following are excerpts from a speech given by John J. Dillon, chairman of the Democratic Issue and Policy Committee at a meeting of the American Fletcher National Bank and Trust Company Democratic Club, January 21, 1970, at 4:30 p.m. on the 16th floor of the Fletcher Trust Building:

> "Speaking before a group of bankers gives me a rare opportunity to speak on interest rates in Indiana," Dillon stated, "Many Republicans and some Democrats have stated that 8% Usury law in Indiana should be repealed." "I disagree." "I believe this limitation on interest rates in Indiana should not only be maintained, it should be enforced." Dillon stated "The real problem for the average debtor is that available money to be loaned is in short supply." "If the Federal Research Board doesn't correct this situation a financial panic could result in this country." Everytime in the history of this country that interest rates have reached the present level, a financial panic has ensued."
>
> "Some persons have suggested that since FHA and VA loans are now permitted to go as high as 8½% the Usury lid must be lifted." "The fact is this action would not make money available for FHA and VA home loans." "AAA bonds of some of the country's largest utilities are now selling for 9¾%. Many reputable corporations, not covered by the Usury Statute, are paying 10% to 15% to borrow money." "The removing of the 8% limitation in Indiana will only force the would-be homeowner to compete in this market place and pay outrageous interest costs of 10% to 15%.
>
> "If the financial world is so unwise as to permit this to happen and a panic does ensue, then the financial world is asking for the most stringent government regulation our country has ever seen."
>
> "The remedy is to provide more available money in our economy." "Not only are high interest rates not slowing inflation, high interest rates are aggravating inflation."
>
> "Further the Democratic Party has always been a proponent of reasonable interest rates." "We live in an economy geared to available credit." Dillon stated, "That under no circumstances should the Democratic Party adopt a policy approving high interest rates." "8% is more than a reasonable price

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to pay for money and the Democratic Party should not waiver from this policy." "Others who propose a 'hard money' policy in this country should be prepared to accept the consequences of their act."

GOAL OF ROTC

HON. JOHN N. ERLENBORN

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, January 26, 1970

Mr. ERLENBORN. Mr. Speaker, much has been said adversely about the Reserve Officer Training Corps program—so much that one suspects it really is not as bad as some say it is.

The Joliet Herald-News in my district recently carried a story about the ROTC program in three Joliet Township high schools. I herewith include it in the RECORD:

BUILDING BETTER CITIZENS IS PRIME GOAL OF ROTC

(By Pat McClurg)

ROTC units in Joliet High Schools are more than drill and shoot outfits.

They're more than starched shirts and wrinkle free trousers, bright ribbons and glittering medals.

Training future soldiers is not their goal. But making better citizens is.

Ask the man who knows best—retired Army Maj. Robert O. Nelson, the man who directs the 372 boys who make up the junior ROTC units at Central, East and West.

"It's the whole program that counts," said Nelson, "not any one part of it. Things a boy learns in ROTC can make a difference throughout his entire life. We emphasize leadership, discipline, patriotism, service—all of which are important in developing a healthy character among our youth today.

"Classes in military history stress the contributions our military has made in developing the country. We keep abreast of current history as well as that of the past in the classroom. We don't argue about the political or philosophical reasons for Vietnam. How or why we got there is not our concern. Rather, we ask, now that the military is there what is it doing?

"We discuss civic action programs in Vietnam and what the military has done to rebuild villages and resettle refugees. We present the positive aspects of militarism—the constructive, not the destructive.

Nelson said instructors attempt to explain how the military was involved in opening the frontier, creating the Panama Canal and exploring space.

What is the ROTC cadet's image of the military today?

"His view is based on the man in uniform who works with his unit. He is the military to them," explained the major.

Besides Nelson, other instructors at Central are Sgt. Maj. Hans M. Matsen and M. Sgt. William R. Swinke; at East is First Sgt. Terry T. Allen and at West is M. Sgt. J. L. Claiborn. All were former career Army men.

"These men often find themselves as the father image in many of our boy's lives. Boys will confide more in these men than in many of their teachers because they know they'll understand and give the the right advice without telling anyone else," said Nelson.

About 16 per cent of the incoming high school freshmen boys join ROTC. Most of them like it enough to stay on. Only five per cent drop out.

Nelson recalled that in his nine years as a military instructor at Central three students liked ROTC so much that they kept coming to it even after they dropped out of school.

Junior ROTC membership carries with it no future military obligation. Cadets receive a half credit for each semester completed in the program. Uniforms are provided by the government.

"Every so often," Nelson said, "someone in the community will tell me how worthwhile they thought ROTC was when they were in high school, though some of these people never served in the military."

Junior ROTC in Joliet is 53 years old—three years older than the national program. It started back in 1916 when 18 Joliet youths went to Culver Military Academy in Indiana for two weeks of training. A high school corps of 40 members was formed on their return with the late LaVerne Ohlhaver as captain. In the spring of 1919, the War Department officially endorsed the high school regiment.

ROTC is an organization that satisfies the needs of today's youth from lower economic stratas who aspire to lead and who demand the corresponding responsibility, noted Nelson.

"The organization, has helped develop positive attitudes and feelings of accomplishment among youths who would probably otherwise be running the streets in gangs," he said.

Membership in the corps at the three high schools includes representation from minority groups about equal to their relative numbers in the student bodies, he noted.

Kids from all different backgrounds join ROTC. Some affluent, college-bound youngsters join because their parents insist that if their son is going to serve, he's going to do so as an officer. These parents believe ROTC is good preparation for whatever their son aspires to be.

"The average, middle class kid joins for the uniform and adventure," the major said. "Some of the cadets are sons of men who did not like the military, but who thought ROTC had something which could benefit their sons."

As far as Nelson knows, no boy who has ever been in Joliet junior ROTC has spent time in a penal institution. "We think this is a pretty good record that goes to show how we've gotten across discipline and respect," continued Nelson. "We're proud of this record and proud of the boys who have been in the program."

While cadets are required to be neat and trim, Nelson pointed out that haircuts are being geared to the mode of today's styles. "We try to accommodate them," the major smiled when mentioning that cadets are deciding how long their hair should be consistent with good grooming.

THE 50TH ANNIVERSARY OF THE JAYCEES

HON. JOHN W. WYDLER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, January 26, 1970

Mr. WYDLER. Mr. Speaker, on the 50th anniversary of the junior chamber of commerce, I wish to offer my congratulations to an outstanding and useful organization.

It has been observed that the primary purpose of the Jaycees is to develop and preserve individualism—to further the qualities of personal integrity and civic responsibility which are the hallmark of good citizenship.

It may be further asserted that the Jaycees provide for a young man an admirable outlet for the exercise of his energies and business potential through involvement in community affairs.

Through the serious application of himself in the service of others, a man is afforded, by his work in the Jaycees, the opportunity not only for self-development but also for the acquisition of that essential experience which must precede leadership in community affairs, industry, and public life.

This, then, is the gift which membership in the Jaycees can bestow: the knowledge of how to offer, in useful manner, the best of oneself in the interest of others; the development of one's potential not only toward the goal of personal achievement but also toward insurance of effective community response to the needs of all citizens.

The test of enterprise, and the valor of creative endeavor—these are challenges which the junior chamber of commerce presents to every young man who aspires to serve the common good. I therefore take pride in saluting this great organization upon the occasion of its 50th anniversary.

PARENT/TEACHER CONVERSATIONS TO REPLACE REPORT CARDS

HON. GEORGE E. BROWN, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, January 26, 1970

Mr. BROWN of California. Mr. Speaker, I believe that my colleagues would be interested in a unique experiment that is taking place in East Los Angeles where report cards will be replaced this winter by parent/teacher conversations. The area involved is almost wholly populated by Spanish surname residents. The two sample press releases and Los Angeles Times article following give a thorough picture of what appears to be an idea with a great deal of potential:

PARENT/TEACHER CONVERSATIONS TO REPLACE REPORT CARDS

For the past two months, parents, teachers, principals, reading specialists and members of the Mexican American Education Committee have met as an Elementary Area East Ad Hoc Reading Committee in an effort to find solutions to the serious problems facing education in the Eastside. The Ad Hoc Reading Committee has approved a plan that will do away with the "report card" method of reporting a child's learning growth and replace it with parent/teacher "conversations." The conversations will serve in lieu of the winter report cards and will take place starting February 2, 1970 in the East Area elementary schools.

The "conversations" are intended to bring about a change in the teacher's understanding of the child's learning experiences, to develop a unique and different relationship between the teacher and parent, and to establish a new method of reporting the child's learning growth.

A unique feature of the "conversations" is the unprecedented involvement of school, community and parents working together for better education. The Ad Hoc Committee has undertaken a massive publicity campaign that will involve all the news media of the

East Los Angeles area as well as major newspapers and radio and television stations. AHORA, the community oriented public affairs series of KCET-Channel 28, is coordinating the publicity for the campaign. AHORA will air a series of simulated parent/teacher conversations on January 13, 20, and 27th. In addition, publicity for the conversations will be distributed by the schools themselves. Teachers will be encouraged to visit the homes of the parents, and students will be encouraged to tell their parents to attend the conversations.

LOS ANGELES CITY UNIFIED SCHOOL DISTRICT: ELEMENTARY AREA EAST; PARENT/TEACHER CONVERSATIONS: A NEW APPROACH TO LEARNING

A new method of reporting the learning growth of a child will be undertaken in the Elementary schools of the East District starting February 2, 1970. Instead of the old method of report cards, special parent/teacher conversations will be held in an effort to arrive at a more realistic understanding of the individual child and his learning experiences. The conversations are intended to achieve three objectives: to develop a unique and different relationship between the teacher and the parent, to bring about a change in the teacher's and the parent's understanding of the child's learning experiences and to establish a new method of reporting the child's learning growth.

Behind the objectives of the conversations is a new understanding of the role of the teacher and the parent in the life of the child. The new relationship between teacher and the parent will hopefully be one in which both work together to understand the child as a complete individual and not simply as the possessor of certain acquired skills. The parent and teacher will be encouraged to converse about the activities, motivations, interests, and attitudes of the child. Together they will add to each other's knowledge of the child.

The conversations will center on a series of discussion points intended to guide the teacher and parent into a new perspective of the child's learning experiences. These discussion points appear on an "observation sheet" which the teacher will use in discussing the life of the child with the parent. The discussion points will guide the conversation into those areas that are prerequisites for learning. The previous system that "grades" a child, has only served to label an arbitrary condition of the child (he is reading at "B" level). This method of reporting the child's growth is inaccurate and unreliable since grade evaluations vary from teacher to teacher. More importantly, the areas of improvement are not identified. The teacher still does not know *why* the student is reading at "B" level or how he can improve. Identifying that a child does not ask questions or is not interested in a particular area (discussion points on the observation sheet) will guide the teacher into areas of improvement. With the help of the parent, the teacher can find creative ways of encouraging growth both at school and at home. Paramount in the conversations will be an emphasis on the positive growth of the child. There is no need for a student to be labeled a failure, or led to believe he is a failure.

In addition, the conversations will provide other opportunities to enhance the educational success of the child. While "grading" systematically destroys the ego and self-concept of a sizeable group of students, "conversations" can build the ego and self-concept of all students. The conversations will provide an opportunity for involvement in the school by the parent and an opportunity for the teacher to appreciate the child's home life and learn of the many cultural resources available in the Mexican American home.

[From the Los Angeles Times, Jan. 22, 1970]

SOME SCHOOLS WILL DROP REPORT CARDS

(By Ruben Salazar)

As of Feb. 2 students of the East Los Angeles elementary schools will rid themselves of a longtime curse—report cards.

Asst. Supt. Herbert Cadwell told a news conference Wednesday that the present grading system will be replaced with an experiment called "Parent-Teacher conversations."

"On Feb. 2 and for two weeks afterwards, report cards will be put aside to make way for conversations, simple, informal talks between parents and the men and women who teach their children," Cadwell said.

"The subject of the conversations will be about the boys and girls—their accomplishments, their progress, their shortcomings. All of the things that are usually reflected in pen and ink on report cards. In the conversations these same things will be reported through words, but we believe with greater clarity and meaning."

Cadwell said the experiment has been tried in other parts of the country but never in Los Angeles.

Cadwell said that if the experiment works the idea could be adopted at all elementary schools.

Holding a large mock report card, Cadwell said that the trouble with the report card system is that it is too impersonal.

"Suppose you got this report card about your child from your doctor," Cadwell said. "And he graded your child's eyes B, his nose and throat, D, his heart F, his lungs C and his stomach F.

"You would, of course, want to know why his heart and stomach were F."

Too often, Cadwell said, report cards tend to put children in letter categories and very little is done to find out why they are in the A, B, C, D, or F slots.

"We look to these conferences as more than just another means of reporting grades," Cadwell said. "We want them to be the foundation for something even more important. We look to them as the beginning of a continual dialogue between the parent and the teacher.'"

The superintendent said East Los Angeles was chosen for the experiment because teacher-parent communication is bad there.

VITAL PROGRAM

One of the reasons for this lack of communication, Cadwell said, is that many parents don't speak English and many teachers don't speak Spanish.

"We have sent letters to parents urging them to make appointments for these conversations," he said. "We realize that sometimes a visit to school is not always possible. If invited, we will then go to the home. If language is a problem we will provide an interpreter."

School board member Dr. Julian Nava told the conference that the experiment is of such importance that if necessary "we'll sacrifice instruction to make time for the conversations."

"For too long schools have been satisfied with telling parents that their kids are A, B or F students without telling them why," he said.

The Rev. Horacio Quinones, member of the Mexican-American Education Commission, said report cards too often "put children into a tabulation machine" and that report cards come at the time of the semester when it might be too late to correct problems.

LOCAL PARTICIPATION

Cadwell said one of the reasons he feels the experiment will work is because of community participation.

"From the very inception, the conversations were the cooperative idea of community and school," he said. "We hope that this is merely the beginning of similar ventures in the future."

Cadwell said that as in most experiments, there are "hangups."

One of these, he said, is the fact that teachers will probably have to spend some of their own time visiting student homes or conferring with parents at the schools.

An East Los Angeles teacher, Mrs. Manuela Coria, said that this might be true at first but that "if the experiment works it will make it easier for everyone."

CHAIRMAN STAGGERS ON QUALITY SERVICE AND PRODUCTS

HON. SEYMOUR HALPERN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, January 26, 1970

Mr. HALPERN. Mr. Speaker, I would like to call my colleagues' attention to the remarks of Congressman HARLEY O. STAGGERS, Democrat, West Virginia, chairman of the House Interstate and Foreign Commerce Committee, which appeared in the December 1969 issue of Cars and Trucks magazine.

Chairman STAGGERS makes a telling point when he emphasizes the deterioration in quality of service and consumer products in modern America. In particular, he notes as a basic cause the scarcity of skilled mechanics and the inadequacy of existing educational techniques, referring to "90-day-night-course produced mechanics."

He places great responsibility for reversing this trend on industry and the consumer himself. It is important that the consumer refuse to accept shoddy workmanship and not be taken by the lure of pretty girls in advertisements.

And he notes that public complaints lead to real efforts to train good mechanics.

Yet, current information reveals a continuing shortage of skilled mechanics and, once again, the advertisements of industry efforts to train mechanics seem to becloud the underlying reality.

Perhaps it is time for the House Commerce Committee, itself, to look beneath the advertising copy, as Chairman STAGGERS has done. The chorus of consumer complaint about poor servicing of automobiles leads the list of Mrs. Knauer's mail and has grown to a considerable din. The consumer has assumed his responsibility of intolerant protest, as the chairman suggested. Now it is time for the Commerce Committee to assume its responsibility to respond to this newly aware, demanding, buying public, and ask the industry what it is doing, not merely saying it will do, to provide the skilled service the public demands. The editorial follows:

GUEST EDITORIAL

(By HARLEY O. STAGGERS)

Public opinion, says a trade journal, becomes acutely conscious of the consumer. It is a plaintive note. The 50's and 60's have been happy years for manufacturers and to a slightly less degree for distributors. With the outbreak of the war, Government requirements absorbed the utmost capabilities of the producer. The interests of the citizen consumer were obscured. Under pressurized demand it is not surprising that quality standards deteriorated. Today the pendulum swings back, and quality defects come under consideration.

During the two decades now coming to a close a number of factors combined to encourage tolerance of products not as good as they might be. Money poured into the pockets of workers. During the war, women as well as all available labor, were drawn into the market. At least two incomes in every family became commonplace. People had money to buy things they had always wanted. Or if they did not have money, credit was easy.

In such an invigorating climate, producers were stimulated to superhuman exertions. They could sell anything they could put on the market. The only thing they had to worry about was that some competitor might attract the eye of the eager purchaser. Producers called in Madison Avenue to enfold their products in glamour. The sudden advent of television magnified—and distorted—the value of advertising. What was the sense in talking quality over television? Pretty girls and romantic situations had more appeal than any explanation of intrinsic excellence.

The speed of modern assembly lines does not favor the correction of mistakes. Let a wrench slip or a nut fall, and it is simpler to let the matter pass, thus not holding up the whole line while the correction is made. Likewise the scarcity of skilled mechanics is a production and maintenance drought. Ninety-day-night-course-produced mechanics just do not possess that deftness of touch and that sure precision of movement which turns out well-adjusted machinery. These and other factors have joined together to bring in the age of built-in obsolescence We have been moving toward a situation wherein much of the mechanical part of our civilization cannot be depended upon to operate efficiently. If continued, it means a breakdown in production, transportation and communication. We must reverse the trend toward slipshod and careless performance in every field of endeavor. It is true that the public as a whole has become dissatisfied with the quality of many products they must use. The Congress has passed a number of so-called "safety" and "consumer oriented" laws, dealing with standards of construction and maintenance for railroads, automobiles, air traffic and others. All of these impose controls on manufacturers and distributors in the supposed interest of the public.

To be realistic about the matter, we must accept the conclusion that legislation alone is not going to give us a world free from defective and dangerous machinery and from unsatisfactory performance generally. What is needed is cooperation all the way from production to consumption. The only reason for producing most things is that they may be consumed. It is in the interest of the producer and distributor that articles offered for consumption be the best that can be made. If our society is to advance rather than decline, it will advance on the wheels of ever-increasing excellence.

At the consumer end of the line, it is important that a prospective buyer refuse to let himself be deluded by glamour and deceptive advertisements. In the early days of the automobile, practically everyone could discourse learnedly on the function and operation of every mechanical part. In recent years it is not uncommon to find adults who disavow any understanding whatever of machinery. It is too bad in this age of enlightenment that ignorance can be accepted as a virtue.

There is some evidence that things are getting better. Public complaint about poor workmanship leads to real efforts to train good mechanics. The various trades are acquiring high prestige and draw excellent pay. In some quarters dealers offer training to the general public in the simpler road repairs required in the operation of automobiles. And within a few days a curious automobile advertisement was found in a periodical. It covered two full pages, approximately 160 square inches. The only picture was a cut of the car itself, approximately 3 by 5 inches. The rest was printed material attempting to give information about the parts of the car. Evidently it was trying to tell somebody something he ought to know. However, the small picture of the car did have a pretty girl inside!

ABOUT THIS MONTH'S GUEST

A member of Congress since 1948, Congressman Staggers (D-W. Va.) is Chairman of the House Interstate and Foreign Commerce Committee having jurisdiction over legislation affecting warranties, dealer and mechanic licensing, U.S. Department of Transportation operations and other dealer-related matters. A graduate of Emory and Henry College, Chairman Staggers has received honorary Doctor of Laws degrees from his alma mater and Davis and Elkins College, and has pursued graduate studies at Duke University. The "Dean of the West Virginia Congressional Delegation" has served the people of West Virginia longer than any other current Member of Congress, and has served as Assistant Whip in the House of Representatives since 1955.

BEING PREPARED—CIVIL DEFENSE

HON. ROGERS C. B. MORTON

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Monday, January 26, 1970

Mr. MORTON. Mr. Speaker, in a few years the United States will celebrate its 200th anniversary. The Eastern Shore of Maryland, which is well over half of my congressional district, has a history going well over 300 years.

We have learned in that time that cooperation is essential to survival. We have learned too, the truth of another old adage "The time to repair a leaky roof is when the sun is shining."

Just a few weeks ago in my district in the city of Salisbury, a conference was held between school officials from Dorchester, Somerset, Wicomico, and Worcester Counties and the deputy State civil defense director, the coordinator of the civil defense university extension program of the University of Maryland, and the State department of education's supervisor of civil defense education.

The purpose of the meeting was to consider how the resources of our school systems, the staff and facilities, can be best utilized to protect our people, particularly our schoolchildren, in time of emergency, whether from nuclear attack or natural disaster.

In Maryland, a statewide school board disaster plan is now in process of preparation. Members of the school staffs are being trained in disaster planning, organization, and leadership.

Courses in individual and family survival are a part of the curriculum in the school systems of many of our counties and will be extended to all of our counties in the near future. The men responsible for the school systems in Maryland are to be congratulated upon their recognition of the broadening civic responsibilities of the schools in today's complex and rapidly changing world.

An excellent editorial in the Salisbury Sunday Times of December 21, 1969, describing the conference and the spirit of cooperation that prevailed, said it "makes sense." Since the editorial makes good sense, also, and deals with a subject of vital importance to our people and our Nation, Mr. Speaker, I insert it in the RECORD at this point in my remarks:

TRYING TO BE PREPARED

> Civil Defense officers and school officials spent a few hours here the other day talking about preparations for a course of action in the schools in the event of a nuclear attack or any other disaster for that matter.
>
> Civil Defense, popularly known as CD, has been with us since during and after World War II. It was organized as many European cities were devastated by aerial bombardment. The atomic bomb assaults by this country on two Japanese cities revealed the horror ahead for civilian population in wars of the future if nuclear weapons are used.
>
> Twenty-five years after World War II, Civil Defense remains with us, an agency which attracts little or no public attention, yet must keep busy with the business of anticipating and being prepared in the event of a nuclear assault by a foreign power. Lack of public interest doesn't make the task any easier.
>
> Yet, the moment may come when the Civil Defense organization is needed. Getting its message to the public before it is needed is the problem. And, CD officials, are going to the schools with plans of how to meet an attack, the inclusion of on-going information about CD in the regular curriculum, and the school's responsibility to the entire community. It makes sense.
>
> One official, Brig. Gen. Kenneth S. Sweany, deputy director of Maryland's CD, says that while millions are sure to be killed in a nuclear holocaust, millions will still be alive and they must know how they can carry on.
>
> At the same time, CD preparedness can also be a vital force with which to meet the needs of other disasters, such as hurricanes, floods and tornados. Generating interest in the idea is a problem.

GEORGE HAMMOND PROPOSES: INVOLVE YOUTH IN SEEKING SOLUTION TO DRUG PROBLEM

HON. JOHN S. MONAGAN

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Monday, January 26, 1970

Mr. MONAGAN. Mr. Speaker, all of us in this Chamber are deeply concerned about the mounting drug-use problem, especially as it relates to the youth of our country. Accordingly, I am sure you and our colleagues will be interested in an imaginative proposal made by my friend and constituent, Mr. George Hammond of West Redding, Conn.

Mr. Hammond is chairman of Carol of Carl Byoir & Associates, Inc., a leading public relations firm, and just completed a year's service as national president of the Public Relations Society of America. It was in the latter capacity that he made a speech recently to the Executives' Club of Chicago, in which he proposed the organization of a national youth committee to study the drug problem and related difficulties.

He said:

> Let the kids in on the research. Urging young people to become involved in such issues as drug legislation and treatment of addiction and the prevention of crime has numerous potential payoffs. Participation of

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influential youth organizations in action programs is probably potentially the most effective means of assuring the widespread dissemination of information among young people about the consequences of drug use.

I include at this point in the RECORD portions of Mr. Hammond's speech that deal with his proposal:

What do we want to overcome? First, the hostility between parents and children to the extent that it is based upon what we say is the irresponsibility of our children. In other words, even when we know that we have earned criticism we aren't in a mood to accept it from a son or a daughter who, we say, has no standards and little self-respect.

The second thing we want to overcome is terror, even though not all of us are subject to it. Apart from the Vietnam war—a separate subject which hopefully will be removed as an issue—the two greatest remaining issues involving the two embattled generations are the drug problem and crime, and most of us have been brought up to believe that a causative factor in crime is the drug problem.

BRING THE AMERICAN YOUTH ON RESEARCH

What I propose is that the youth of this country boldly and effectively attack all three targets, undertaking a specific, deliberate campaign; one that would give full scope to the organizational ability that the young people are so brilliantly demonstrating.

Let the kids in on the research!

American society must assign some responsibility for assessing the nature and magnitude of the drug problem, and for seeking effective methods of coping with it, to those deeply involved in it: American youth. We live in a time whose watchwords are relevance and participatory democracy.

What more relevant public have we for helping us to evaluate and deal with drug use and abuse than high school and college-age citizens. Urging young people to become involved in such issues as drug legislation and treatment of addiction and the prevention of crime has numerous potential payoffs. Participation of influential youth organizations in action programs is probably potentially the most effective means of assuring the widespread dissemination of information among young people about the consequences of drug use. We are more interested in preventing young junkies than in curing old ones.

I was shocked to learn that while there have been a spate of articles on the subject, there is still very little hard research on the two most fundamental questions: Are drugs a menace to the health of the individual and of society? And, is drug addiction a major factor in the increasing crime rate?

Perhaps no area of public mores, private norms, and law enforcement in our society is as myth-ridden as that of drugs and their control. Surely it would be a worthwhile investment of public and private funds that would enable us to learn more and to behave rationally in coping with this problem.

Despite the complexity of the narcotics problem, the arithmetic of it is simple. The newspapers recently reported that there are an estimated 100,000 heroin users in New York City. Dr. Michael Baden, associate medical examiner, estimates that the city's heroin users are spending at least $850 million a year with pushers on the street, and may be stealing as much as $2.5 billion a year in property.

In another report, George F. McGrath, Commissioner of Corrections in New York, reports that of a total prison population of 13,500, 40 per cent of the men and at least 60 per cent of the women are considered to be addicts.

The Chairman of the Health Subcommittee to Report on the Dangers of Marijuana for the Special Presidential Task Force Related to Narcotics has said among other things, "While perhaps it cannot be statistically proven that marijuana or other dangerous drugs may be the cause of originating crime, nevertheless the use of marijuana or dangerous drugs is related to increased criminal activities."

YOUTH WANT TO HELP

The kids are infuriated by all this. They see little persuasiveness in something that is said to be related to something else, especially when they disagree.

So you can understand, I believe, why I see several necessary tasks that can be done simultaneously by mobilizing support for my proposals. Let's get some real solid research done. Let the young people help to design the research task, get the facts, analyze the facts, and develop an honest and effective program to deal with the facts.

I would have confidence in this program only if the older generation willingly and enthusiastically approaches it with a new spirit.

The time is overdue for us to accept the fact that many of our young people simply will not buy as gospel factual information put before them without their participating in the study of the circumstances behind the facts.

For many years I have respected the wisdom of Dr. Raymond Mack, head of your Center For Urban Affairs at Northwestern University, and he is a consultant to our firm. I have drawn upon his experience in developing this proposal.

He and his associates at the Center believe that it would be a valuable contribution both to social science scholarship and to public policy to organize a national consortium of youth organizations willing to establish an ad hoc committee on drug use and its consequences—to society and as a cause of crime.

Let's take the young people honestly at their word. They do want a better world. They want, more, to have a very large hand in shaping it. If a thorough, unprejudiced inquiry establishes that drugs and crime do threaten to make this a worse world, I for one believe that they will understand, will generate a sensible response, and will help to prevent it. And it will be a great day when the major news media have a chance to enthuse about positive stands the kids are taking.

DOUBLE TALK ON CIVIL RIGHTS

HON. JEROME R. WALDIE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, January 26, 1970

Mr. WALDIE. Mr. Speaker, earlier this year, Attorney General Mitchell admonished a group of black citizens to judge the administration's attitude towards the needs of the black community by its actions, not by its words.

This would be most helpful advice for all of us concerned with the civil rights issue in this Nation, especially in light of the apparent confusion evidenced by administration verbiage of late on this subject.

Mr. Speaker, I would like to submit a recent editorial in the Los Angeles Times which I consider to be a most astute look at the present situation.

The article follows:

[From the Los Angeles Times, Dec. 17, 1969]

DOUBLE TALK ON CIVIL RIGHTS

The mood of Congress is running against civil rights.

Last week the House voted to dilute the Voting Rights Act of 1965.

And, last week and this, Democrats and Republicans alike unexpectedly deserted the cause of civil rights in certain crucial Senate votes on the proposal to remove from the Department of Health, Education and Welfare the power to deny federal funds to racially segregated schools.

It was gratifying to see Robert H. Finch, secretary of health, education and welfare, declare the Nixon Administration is "unalterably opposed" to the restriction. The federal government's power to cut off federal funds is the most effective tool it has for enforcing the Supreme Court's mandates.

But public opinion polls show that most of the white majority in this country think the black man has gained enough.

Congressmen read the polls. So does the Administration.

And the Nixon Administration has not been speaking with one voice on the subject of school desegregation.

While Finch presses for positive enforcement of the law, Atty. Gen. John N. Mitchell engages in what is at best a kind of negative enforcement. His Justice Department lawyers go into court to ask for delays in implementing the Supreme Court's recent rulings that "deliberate speed" is no longer a viable approach in desegregating Southern schools. He shifts the burden of school desegregation cases away from the Civil Rights Division of the Justice Department and gives it to the local U.S. attorneys in the South, who can be counted on to tread lightly.

The process of desegregation in the South cannot, of course, be stopped. As fast as the Justice Department asks for delays, the Supreme Court says again there won't be any. Meanwhile the President has promised, as of course he must, to enforce the law.

That is not quite the point. The Southern Regional Council argues persuasively that "the false hopes engendered by the Administration have laid the seed for new resistance in the South."

And why are those seeds being sown? A "southern strategy" for the Republican Party, probably; also, probably, the President's reading of where his majority lies, among northern whites as well as southern whites.

The kind of ambivalent politics the President is practicing with the constitutional rights of black Americans is, we suggest, short-sighted politics.

It can only, as it already has, dishearten and embitter black Americans, with portents for future disorder which such a mood entails. It can only encourage Americans who are not black to think that our racial problems will be solved more easily than they, in fact, can be.

MENTAL HEALTH FACILITIES ON CAMPUS

HON. ROMAN C. PUCINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, January 26, 1970

Mr. PUCINSKI. Mr. Speaker, all of us know that problems in American educa-

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tion today are increasingly complex and unwieldy. It is the view of many Americans that foremost among these problems is how to cope with the effects of personal tension that characterize the lives of so many students.

From the age of 4 onward, American youngsters compete in a system that provides but two alternatives—achievement or failure. Despite the differing views of countless books, articles, periodicals, studies, reports, speeches, and testimony, no other method of determining either maturity or intellectual growth has been adopted on a large-scale basis in the United States.

Our educational system places enormous pressure on the individual student to succeed. His reward for each success is to be promoted to a level of greater complexity where he must once again pit himself against his peers to avoid the stigma of failure.

By the time students succeed their way into a college or university, far too many have lost their ability to evaluate what they have learned. Few can spare the time for exploration of ideas. They have been trained to be concerned with tangible facts that can be translated into the gold stars of passing grades. By its very nature, this pressure system precludes time for any reflection on the quality of education itself.

What keeps so many of our students from becoming human automatons is a source of wonder. Even though claims are put forth that our educational process is adapting, it is adapting too slowly; even though it is changing, it is changing too slowly. The Sword of Damocles remains suspended above American classrooms in every corner of the land—succeed or fail.

More suicides are committed by university students in this Nation than any other age group. Yet ostensibly these are individuals who have been rewarded consistently for their academic successes and who have been singled out for recognition. One must logically wonder how many students suffer severe mental and emotional stresses, but who do not resort to taking their lives. And then one must ask how suited are these anonymous young people for productive careers as adult members of our society?

The problem of coping with the mental health of college students is a matter of growing concern to psychologists such as Dr. Bernard Bloom, consultant in mental health programs for the Western Interstate Commission for Higher Education. Dr. Bloom has written countless articles and delivered numerous speeches that underscore the need for better, more comprehensive, more accessible mental health facilities on American college campuses.

In a recent questionnaire distributed to university administrators, nearly 90 percent of the respondents reported that the demand for mental health services for students far exceeded the supply. Eighty percent of the respondents urged expanded outreach activities to locate potentially seriously troubled students before it is too late. And virtually all respondents emphasized the need for 24-hour-a-day mental health services on college campuses.

Mr. Speaker, we talk a lot about where young people are headed these days at home and abroad. Many psychologists have made the argument that in too many instances the peace our students seek in ad hoc sensitivity groups and the like may in fact be a manifestation of their desire to free themselves of the relentless necessity to achieve on the basis of an arbitrary timetable.

A civilized nation must provide all the services its people require for their safety and equilibrium. These services must include the accessibility of facilities that encourage every citizen to become more aware of his unique ability to shape his world constructively.

With that goal in mind, I take the opportunity of calling a selection of Dr. Bloom's articles and speeches on this subject to my colleagues in order that they may have an opportunity to examine his arguments in this good cause.

Mr. Speaker, Dr. Bloom's informative and eloquent position follows:

CHARACTERISTICS OF CAMPUS COMMUNITY MENTAL HEALTH PROGRAMS IN WESTERN UNITED STATES—1969

(By Bernard L. Bloom, Ph.D., S.M. Hyg*)

Comprehensive surveys of characteristics of university based mental health activities have rarely been reported. While results of a survey of psychiatric services on Canadian campuses have recently appeared,[1] it has been more than fifteen years since the most recent data was collected in the United States.[2] Some specialized survey information in the United States is more recent, such as the Knoepfler and Bruce review of fee-charging practices in 42 university mental health programs,[3] but the lack of current general program information plus the rapidity with which campus community mental health activities are being established and expanded suggests that it may be unusually timely to assess the status of campus community mental health programs.

The growth of campus mental health activities has been documented in isolated descriptions of new or expanded programs[4] and is undoubtedly a reflection of the general increase in the size of American universities. In 1965, some 5,675,000 persons were attending college. By the fall of 1968, that number had increased to 6,800,000. Projections of the Bureau of the Census suggest that by 1985 between ten and eleven million persons will be attending a college or university in the United States. Educational attainment is gradually increasing. The population of persons age 25 to 29 who have completed four years of college has doubled since 1950, going from 3% to 6% in 1968 for Blacks and from 8% to 16% for Whites.[5] Concern about psychiatric disorders on campus is growing along with interest in other nonacademic aspects of students' lives and there appears to be growing awareness of the need to develop and provide more adequate preventive and therapeutic mental health services.

Interest in the improvement of campus mental health programs is by no means a uniquely American phenomenon. Discussions of student mental health problems, and descriptions of university mental health programs in Australia, Belgium, Canada, France, Great Britain, Ireland, Italy, Japan, New Zealand, Nigeria, and Scotland have all appeared within the past decade.[6]

This report is the first of a series dealing with replies to an extensive survey regarding both program characteristics and professional issues conducted in early 1969 in a number of university mental health programs in the thirteen Western States.[7] A preliminary open-ended questionnaire had been distributed the previous summer addressed to directors of mental health services in student health programs at the 103 accredited 4-year colleges and universities in the thirteen Western states.[8] This questionnaire requested general information regarding seven aspects of the mental health program: 1. a description of clinical services being provided; 2. an indication of which groups were eligible for services; 3. description of any activities emphasizing prevention as distinguished from treatment; 4. identifying information regarding any other agencies on the campus providing mental health services (to which similar questionnaires were subsequently sent); 5. major developments in the mental health program in recent years; 6. relationship of program developments to changing characteristics of the university community; and 7. problems or issues in the further development of mental health activities. A total of 52 additional questionnaires was sent to agencies identified by the original respondents.

The number and comprehensiveness of the replies was unusually great. A total of 125 replies was received, including at least one reply from 85 of the 103 universities. In reviewing these replies, it became clear that the questionnaire was a welcome one. Yet, the complexity and detail of the responses made a systematic analysis of the replies impossible. There was an extremely broad spectrum of opinion expressed on almost every issued raised. There appeared to be widespread dissatisfaction expressed with many of the current mental health practices in university communities but because specific questions were not asked of each respondent, it was not possible to evaluate the generality of these concerns. As a result of these problems it was decided to prepare and submit a second, more comprehensive questionnaire to the 125 respondents of the first survey form. Included with the questionnaire were a progress report and some preliminary ideas about how the replies might be utilized. The revised questionnaire was divided into two sections; first, a program description survey which asked for information more systematically regarding type of program, personnel, nature of professional activities, eligibility for service, and distribution of professional activities by recipient group, and second, a set of 113 statements regarding campus communities and their mental health programs for which respondents were asked to express their degree of agreement.

These statements were divided into nine separate dimensions: General program issues; direct clinical services; consultative services; preventive services; characteristics and deployment of mental health program staff; eligibility for services; characteristics of the recipient population; training activities; and administrative concerns. Even these 113 items constituted a progress report since each item was derived from the replies to the original questionnaire. As a final task for the respondent, he was asked to review certain of these statements which it was though should characterize an ideal campus community mental health program (for example, "Some kind of 24-hour psychiatric emergency service should be part of every university community mental health program.") and, if he agreed with the statement, to indicate if there was a significant discrepancy between the item and the present characteristics of the mental health program with which the respondent was associated.

Footnotes at end of article.

TABLE 1.—DISTRIBUTION AND COMPLETION OF DETAILED SURVEY QUESTIONNAIRE BY STATE

State	Number of accredited universities	Number of universities receiving questionnaire	Universities completing at least 1 questionnaire	Total questionnaires completed
Alaska	2	2	2	2
Arizona	3	3	3	4
California	32	27	24	30
Colorado	10	8	7	13
Hawaii	3	3	3	3
Idaho	7	6	6	7
Montana	7	6	5	8
Nevada	2	2	0	0
New Mexico	6	5	4	5
Oregon	11	8	8	12
Utah	5	4	4	7
Washington	14	10	8	9
Wyoming	1	1	1	2
Total	103	85	75	102

In Table 1 will be found information by State showing the number of schools to whom the second questionnaire was distributed and the number of schools from whom replies were subsequently received. While there was some loss in comparison with the first questionnaire, there were still a very large number of replies. About 80 replies were received within six weeks of the initial mailing and the additional 22 were received shortly after the distribution of a single follow-up letter to non-respondents. It should be kept in mind that only the respondents to the first brief questionnaire received the detailed second questionnaire. Replies to the initial questionnaire were received from 85 of the 103 accredited universities. Replies to the second, detailed questionnaire were received from 102 mental health programs in 75 of these 85 schools (73% of all accredited universities). An analysis of the 113 item attitude survey will appear in a later publication, the present report being concerned with a description of program characteristics.

TYPES OF PROGRAMS

Based upon the preliminary survey, five types of programs were described and each respondent was asked to identify which description best fit his program. The program types were: 1. a medical-psychiatric service which is part of the student health program; 2. a counseling center administratively distinct from the student health service; 3. a special facility, developed mainly for training, attached to a particular department such as psychology; 4. an evaluation or referral service attached to a dean's office or other non-medical university administrative unit; and 5. other. The distribution of respondents by type of program is shown in Table 2.

TABLE 2.—NUMBER AND PROPORTION OF SURVEY RESPONDENTS BY TYPE OF PROGRAM

Type of program	Number	Percent
1. Medical-psychiatric	34	33
2. Counseling	43	42
3. Departmental training	7	7
4. Referral service	4	4
5. Other	14	14
Total	102	100

Three-quarters of the respondents represented the two most common programs. Assuming that every medical-psychiatric clinic responded to the survey, it would appear that about one-third of all Western colleges and universities have such programs attached to their student health services—a figure more than double that reported 15 years ago by Gundle and Kraft.[9] The number of counseling programs has undoubtedly increased as well. Some kind of mental health service is thus available in at least three-quarters of Western schools of higher education. In analyzing personnel and other characteristics of identified university mental health programs, the type of program serves as a parameter. For purposes of the analyses to follow, three program types have been identified—medical-psychiatric (N=34); counseling (N=43); and other (N=25). This latter category includes departmental training clinics, referral services, and a variety of more unusual formal and informal arrangements for providing help to members of the university community. Examples include semi-formal efforts of faculty in psychology or education to provide help to students, a state-supported mental hygiene clinic physically located on the campus, a combined counseling and training facility located in a dean's office and a part-time psychiatric consultant who visits the campus weekly to talk with students who ask to see him. This third type of program category is clearly quite heterogeneous but its establishment has permitted the identification and analysis of the more common "pure" types of programs.

Gundle and Kraft[10] found that schools with larger enrollments are more apt to maintain medical-psychiatric programs than smaller schools. The same situation continues to prevail. The average student enrollment at universities from which responses from medical-psychiatric clinics were received is more than eleven thousand. Average student enrollment at universities from which responses were received from counseling centers is less than nine thousand, while average student enrollment at universities with other types of mental health services is less than seven thousand. Only 15 percent of the medical-psychiatric programs are found at universities with fewer than four thousand students. Twenty-five percent of the counseling programs are found at universities with fewer than four thousand students, while 64% of the other program types are located in universities with fewer than four thousand students.

PERSONNEL

The mean number of personnel in each category is shown in Table 3. Counseling centers tend to be staffed with more than twice as many employees as either of the other two types of programs. This difference is even more pronounced when one looks at full-time employees. There are more than three times as many full-time employees in counseling centers as in the other two categories of program types. Perhaps more impressive is the fact that more than sixty percent of medical-psychiatric clinics have *no* full-time employees, while only nine percent of counseling programs have no full-time employees. While the actual number of medical-psychiatric programs has increased in the past fifteen years, staffing patterns are not appreciably better now than there were then. In fact, 47% of identified medical-psychiatric university clinics had at least one full-time employee in 1953 while in 1969 the figure is less than 40%. More than three-quarters of the programs use part-time employees, however. The total number of part-time employees is very similar in the three program types, but there are clear differences in the professional identification of these part-time people. Psychiatrists and non-psychiatric physicians account for most of the part-time employees in medical-psychiatric programs, while psychologists make up the majority of part-time employees in counseling programs and in other programs. The large number of personnel in the "other" category are nearly all graduate students or counselors whose training is below the doctoral level.

TABLE 3.—MEAN NUMBER OF FULL-TIME AND PART-TIME PROFESSIONAL PERSONNEL IN EACH TYPE OF PROGRAM

Personnel category	Medical-psychiatric		Counseling		Other	
	Full time	Part time	Full time	Part time	Full time	Part time
Psychiatrist	0.24	1.71	0.12	0.53	0.00	0.44
Nonpsychiatric MD	.71	.82	.00	.16	.12	.36
Psychologist	.03	.41	3.53	1.58	.44	2.28
Social worker	.12	.47	.16	.23	.16	.24
Nurse	.21	.38	.05	.02	.36	.40
Other	.15	.79	.95	1.00	.04	1.16
Total	1.46	4.58	4.81	3.52	1.12	4.88
Total full-time equivalent positions	2.91		6.60		2.36	

ELIGIBILITY FOR SERVICES

Respondents were asked to indicate who was eligible for services at their agency. In answering this question, they distinguished between eligibility for limited or emergency services and eligibility for the full range of services provided by the agency. It was commonly remarked that no one was turned away in the event of a crisis, or that anyone would be seen once for purposes of making a referral. The analysis reported in Table 4, therefore, provides information regarding eligibility for the full range of services available at the agency. As can be seen medical-psychiatric clinics associated with student health programs restrict their services essentially to students. Only a third of the medical-psychiatric programs provide full services to part-time students, and less than a quarter of them provide services to spouses of students. Fewer than 15% of the medical psychiatric clinics provide full services to any other identified recipient group.

TABLE 4.—RECIPIENT GROUPS ELIGIBLE FOR MENTAL HEALTH SERVICES IN THE 3 TYPES OF UNIVERSITY PROGRAMS

[In percent]

Recipient group	Percent of programs providing full services		
	Medical-psychiatric	Counseling	Other
Full-time students	100	100	88
Part-time and night students	35	84	68
Children of students	9	21	48
Spouses of students	24	67	48
University staff or faculty	12	63	64
Dependents of staff or faculty	9	35	40
Members of nonuniversity community	12	26	32
Other persons	0	12	8

Findings regarding eligibility for services are quite different in the case of counseling centers. Not only are services available to students, including in most cases part-time students, but about two-thirds of the counseling centers provide full services to spouses of students and to university staff or faculty. A third of the counseling centers make services available to dependents of staff or faculty and twenty percent to children of students and to members of the non-university community. Other persons eligible for services are mainly prospective students and parents of students. In the case of the other types of programs, not all provide service to university students (in all cases these are training clinics attached to psychology departments whose programs emphasize work with children in the community), but as a group, these other programs tend to provide services to a broader range of persons. Two-thirds provide services to part-time students and to university staff or faculty, nearly half provide services to children and spouses of students and of staff or faculty and one-third provide services to members of the non-university community. Comparing present findings regarding eligibility for service in med-

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Footnotes at end of article.

ical-psychiatric clinics with those obtained earlier by Gundle and Kraft[11] reveals no substantial change.

DISTRIBUTION OF PROFESSIONAL ACTIVITIES

The final information requested of respondents was estimates of distribution of professional activities both by type of activity and by recipient group. Information regarding percentage distribution of types of activity in the three identified types of programs will be found in Table 5. Similarities among programs in distribution of professional activities seem more impressive than differences among programs. All programs spend between half and two-thirds of their professional time in the provision of individual counseling or psychotherapy. While no counseling centers report that their exclusive activity is individual psychotherapy, 12% of medical-psychiatric clinics and 16% of other programs indicate that they do nothing but individual therapy. Group therapy is still rather uncommon although it occupies about twice as much of counseling centers' personnel as it does either of medical-psychiatric clinics or other programs. Psychiatric or psychological evaluations are the second most time-consuming activity in medical-psychiatric clinics and other programs, and tend to be much less common a form of activity in counseling centers. Psychological testing is relatively rare in medical-psychiatric clinics (79% of clinics report none at all), more common in counseling centers (which employ psychologists much more often than do medical-psychiatric clinics) and still more common in other types of programs, which, it will be remembered, include training clinics attached to psychology departments. The same pattern is true for training and supervision activities, and the same factors probably help account for it. Comparing these results regarding pattern of professional activities with that reported by Gundle and Kraft[12] reveals no obviously significant changes.

TABLE 5.—DISTRIBUTION OF PROFESSIONAL ACTIVITIES BY TYPE OF ACTIVITY

[In percent]

Professional activity	Type of program		
	Medical-psychiatric	Counseling	Other
Individual counseling or psychotherapy	65.5	56.7	50.8
Group counseling or psychotherapy	5.0	11.0	5.0
Psychiatric or psychological evaluation	12.8	3.8	11.0
Diagnostic psychological testing	.9	5.3	9.4
Consultation within university	6.8	6.0	4.0
Consultation outside university	.9	1.6	2.5
Preventive services	3.3	2.9	3.0
Research	.5	5.3	2.4
Training and supervision	2.6	4.6	9.3
Other activities	2.0	2.7	2.4

Distribution of professional activities by recipient group will be found in Table 6. With the single exception of the third category of programs, which include psychology department training clinics whose caseload is often predominantly children and which therefore expend 20% of their professional time in dealing with members of the nonuniversity community, all types of programs devote almost all of their time to dealing with students. Contrasting Table 6 with prior information contained in Table 4 regarding eligibility for services clearly establishes that almost regardless of who is eligible for service, nearly all professional time is devoted to students. Sixty-two percent of medical-psychiatric clinics report that they do nothing other than work with students and 95% of counseling centers devote at least three-quarters of their staff time to students.

TABLE 6.—DISTRIBUTION OF PROFESSIONAL ACTIVITIES BY RECIPIENT GROUP

[In percent]

Recipient group	Type of program		
	Medical-psychiatric	Counseling	Other
Students	94.5	88.7	71.9
Children of students	0	.7	1.3
Spouses of students	1.6	3.1	2.4
University staff or faculty	1.5	3.7	1.9
Dependents of staff or faculty	.1	1.1	1.1
Nonuniversity community	.5	1.5	20.2
Other persons	1.8	1.0	.8

SUMMARY

Results of a survey conducted in early 1969 of university mental health programs in accredited 4-year colleges and universities in the 13 Western states reveal that some kind of professional mental health-related service is available in at least three-quarters of these schools. The availability of mental health services appears to be about double that reported in a similar survey conducted in 1953 throughout the United States. Except for the increase in the number of identifiable mental health programs, however, few changes seem to have taken place in the past 15 years. While it is felt that services should be provided to a broad spectrum of the university and community population and while consultative, preventive, and educational activities are generally felt to be desirable in addition to clinical services, in fact nearly all professional time is spent working directly with students, most commonly in individual clinical evaluation, counseling, or psychotherapy. Staffing patterns do not appear to have improved in spite of the increased student population. The typical medical-psychiatric clinic attached to a student health service functions almost entirely with part-time staff with their combined efforts averaging to be the equivalent of fewer than three full-time positions. Counseling centers have the equivalent of more than twice as many professional positions and a substantial number of them are filled by full-time people. Other types of programs, including referral and evaluation services typically in smaller colleges and training clinics in departments of psychology are more poorly staffed than medical-psychiatric clinics and professional functions are carried out even to a greater extent by part-time personnel. A subsequent report will discuss issues and attitudes regarding campus community mental health programs and program planning.

FOOTNOTES

* Mental Health Consultant, Western Interstate Commission for Higher Education, and Professor, Dept. of Psychology, University of Colorado.

[1] C. J. Schwarz, A Survey of Health and Psychiatric Services on Canadian Campuses, *Canad. Med. Assn. J.*, 96: 1361–1366, 1967.

[2] S. Gundle and A. Kraft, Mental Health Programs in American Colleges and Universities, *Bull. Menninger Clinic*, 20: 57–69, 1956.

[3] P. T. Knoepfler and D. K. Bruce, Fees and University Mental Health Clinics, *J. Amer. Coll. Health Assn.*, 13: 431–434, 1965.

[4] For example, Xavier University (V. J. Bieliauskas, Short Term Psychotherapy with College Students: Prevention and Cure, *Confinia Psychiatrica*, 11: 18–33, 1968); Univ. of North Carolina (J. T. Fox, Jr. and C. B. Reifler, Student Health Psychiatry at the University of North Carolina, *North Carolina Med. J.*, 28: 129–137, 1967); Indiana University (W. H. Friedman and F. W. Coons, The Mental Health Unit of a Student Health Service: A Study of a Clinic, *J. Amer. Coll. Health Assn.*, 17: 270–283, 1969); Univ. of Kansas (S. Gundle, The Special Contribution of a Student Mental Clinic to Psychiatric Education, *J. Amer. Coll. Health Assn.*, 12: 455–465, 1964); Berea College (J. R. Curtis, Satellite Psychiatry for the Small College, *J. Amer. Coll. Health Assn.*, 17: 349–352, 1969); and, Kansas State Univ. (E. R. Sinnett and Linda K. Niedenthal, The Use of Indigenous Volunteers in a Rehabilitation Living Unit for Disturbed College Students, *Comm. Ment. Health J.*, 4: 232–243, 1968).

[5] See U.S. Dept. of Commerce, Bureau of the Census, *Current Population Reports*, Series P–25, No. 338; Series P–20, No. 179; and, Series P–20, No. 182.

[6] See F. W. Wright-Short, The Emotional Problems of Undergraduates, *Med. J. Australia*, 1: 913–914, 1967; J. Servais and P. Hubin, La Predisposition Aux Troubles Nevrotiques Chez les Etudiants Masculins, *Rev. Medicale de Liege*, 21: 418–428, 1966; R. M. Boyce and D. S. Barnes, Psychiatric Problems of University Students, *Canad, Psychiat. Assn. J.*, 11: 49–56, 1966; C. J. Schwarz, *ibid*; T. Statten, Child Psychiatric Syndromes in University Students, *Canad. Psychiat. Assn. J.*, 13: 105–107, 1968; B. Trossman, The Role of Parents in a Student Mental Health Clinic, *J. Amer. Coll. Health Assn.*, 16: 248–252, 1968; D. Douady, La Medecine Preventive et Curative des Etudiants et son Evolution, *Rev. Hyg. Med. Soc.*, 13: 303–318, 1965; R. De. Freminville, University Psychologic Aid Bureaus. (Les Bureaux d'Aide Psychologique Universitaire), *Concours Medical*, 87: 5311–5313, 1965; M. R. McBride, University House at Sceaux, France: Rehabilitation of Disturbed Students, *Amer. Correctional Ther. J.*, 21: 206–209, 1967; J. P. Muyard, Mental Hygiene at the University (L'hygiene Mentale a l'Universite), *Concours Medical*, 87: 6564–6568, 1965; Anonymous, Psychological Disorders in Students, *Brit. Med. J.*, 5502; 1500, 1966; Anonymous, Sexual Promiscuity Among Students, *Brit. Med. J.*, 711–712, 1967; Anonymous, Health of University Students, *Brit. Med. J.*, 457–458, 1967; Anonymous Student Health in Oxford, *Lancet*, 888–889, Apr. 22, 1967; C. J. Lucas, R. P. Kelvin, and A. B. Ojha, Mental Health and Student Wastage, *Brit. J. Psychiat.*, 112; 277–284, 1966; A. Ryle and M. Lunghi, A Psychometric Study of Academic Difficulty and Psychiatric Illness in Students, *Brit. J. Psychiat.*, 114: 57–62, 1968; C. B. Kidd and J. Caldbeck-Meenan, A Comparative Study of Psychiatric Morbidity Among Students at Two Different Universities, *Brit. J. Psychiat.*, 112: 57–64, 1966; P. Salzarulo, Problemi Concernenti i Servizi di Salute per Gli Studenti Universitari, *Rivista Sperimentale di Freniatria*, 90: 310–330, 1966; T. Shimazaki, T. Takahashi, T. Miyamoto, and R. Takahashi, Mental Health in College Community: I. Students Who Left School Because of Mental Disorders, *Bull. Tokyo Medical-Dental Univ.*, 13: 311–318, 1966; W. Ironside, The Incidence of Psychiatric Illness in a Group of New Zealand Medical Students, *J. Amer. Coll. Health Assn.*, 15: 50–53, 1966; A. J. W. Taylor, Culture Conflict and Student Performance, *Int. J. Soc. Psychiat.*, 3: 307–312, 1967; T. Asuni, The Review of Nigerian Students Repatriated on Psychiatric Grounds, *West African Med. J.*, 17: 3–7, 1968; and C. B. Kidd, Psychiatric Morbidity Among Students, *Brit. J. Prev. Soc. Med.*, 19: 143–150, 1965.

[7] These states include Alaska, Arizona, California, Colorado, Hawaii, Idaho, Montana, Nevada, New Mexico, Oregon, Utah, Washington, and Wyoming.

[8] American Council on Education, *Accredited Institutions of Higher Education*, February, 1968, Washington, D.C.

[9] *ibid*

[10] *ibid*

[11] *ibid*

[12] *ibid*

CURRENT ISSUES IN THE PROVISION OF CAMPUS COMMUNITY MENTAL HEALTH SERVICES

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As part of a survey of characteristics of campus community mental health programs in accredited 4-year colleges and universities

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in Western United States conducted in early 1969,[1] efforts were made to determine prevalent attitudes and opinions regarding a number of dimensions of such programs. This attitude survey was carried out in two steps separated by an interval of approximately six months. An earlier open-ended survey had generated an array of statements from respondents. Subsequent elimination of duplicating and overlapping statements and grouping and rewording of remaining comments yielded a 113-item opinion survey which was submitted to the 125 medical-psychiatric, counseling, and other types of mental health-related program directors in 85 schools who had responded to the original open-ended survey.[2] The statements in the attitude survey were divided into nine sections: General program issues; direct clinical services; consultative services; preventive services; characteristics and deployment of mental health program staff; eligibility for services; characteristics of the recipient population; training activities; and administrative concerns.

Replies were received from 102 programs in 75 schools, representing 73% of all accredited 4-year colleges and universities in the thirteen Western states. An earlier report of the survey dealt with program characteristics, including staffing patterns, eligibility for services, and distribution of professional activities. In this report the most salient attitudes and issues as seen by the respondents will be discussed. It is perhaps relevant to point out that a survey of American university mental health program activities has not been conducted for fifteen years, and, except for issues as presented in reports from individual campus mental health programs, no systematic information appears to be available regarding opinions of program personnel on needs and difficulties in the provision of improved mental health services to members of the university community.

GENERAL PROGRAM ISSUES

In examining survey replies, responses have been grouped by program types. Medical-psychiatric services ordinarily part of student health programs constitute the first type, and 34 responses fell into this category. The second program type, constituting 43 responses, is composed of counseling centers usually administratively distinct from student health services. The third, other, type, which included the remaining 25 responses is comprised of a heterogeneous group of programs including referral and evaluation services, training clinics attached to Psychology Departments, and other both formal and informal procedures devised at numerous colleges for providing mental health-related services. Significant differences in attitudes among respondents from from these three programs were found from time to time and will be referred to whenever they occur. Most commonly, however, there was general agreement in attitudes among respondents from various program types.

Regarding perhaps the most fundamental issue, namely, the existence and support of the mental health program, 38% of respondents believe that the university administration is not convinced that mental health services should even be provided on the campus and 48% of respondents indicate that they find it difficult to persuade the university administration of the importance of their services. This latter opinion is significantly less prevalent in psychiatric and counseling programs than in other types of programs. Eighty-nine percent of respondents believe that their needs are not understood by the legislature or other funding agencies. Thirty-eight percent of respondents report unusual difficulty in recruiting professional staff, a problem significantly more common in psychiatric clinics than in counseling centers. Salaries are not competitive with equivalent non-university positions according to 72% of respondents (particularly from other types of programs), and 49% of the respondents have the impression that promotion and tenure (where appropriate) are difficult to attain. Although virtually all respondents believe that money should be budgeted for research and program evaluation, 56% indicate that they are unable to obtain this support. Seventy-seven percent of respondents feel their program's physical facilities are inadequate and 14% believe that their program has made no progress in the past five years in achieving its objectives. There is thus quite a substantial undercurrent of dissatisfaction on the part of respondents regarding the perceived role of the mental health program in the university.

Relationships between the mental health program and other university agencies are often poor. Nearly half of the respondents report that relationships between the general medical student health service and the mental health program could be much improved. One-third indicate poor relationships among campus agencies providing mental health-related services (as significantly more common attitude among other types of programs), and 71% of respondents report the need to improve relationships with the surrounding non-university community and its agencies. This problem is reported significantly less often by psychiatric clinics than by counseling centers and other programs. Productive relationships between the university mental health program and other agencies, such as community based mental health programs, private psychiatric practitioners, and with medical school Departments of Psychiatry are highly desired. A significant need for improvement in the characteristics of these interagency relationships is recognized.

A number of questions in the survey dealt with eligibility for services; that is, for which groups should the full range of services be provided. It seems clear that respondents believe that their services should be available to a broad spectrum of recipient groups, and 77% believe that no university community groups should be denied mental health services as a matter of administrative policy. Psychiatric clinics feel significantly less strongly about this broad eligibility than do counseling centers and other programs. Nearly all respondents believe that students should receive the major proportion of clinical resources but 61% feel that services should be available to children of students, 80% feel that services should be available to spouses of students, 76% feel that services should be available to staff and faculty, and 52% of respondents feel that services should be available to dependents of staff and faculty. With respect to these specific eligibilities for service, psychiatric clinics do not feel the need as strongly as do counseling centers or other programs. Fifty-nine percent of respondents feel that if insufficient mental health services are available to children and adolescents in the community, a university mental health program should try to provide such services. Three-quarters of respondents believe that their services should be made available to students on academic or disciplinary suspension, 63% (particularly counseling centers) believe services should be available to students temporarily off campus because of psychiatric disability, and nearly half of respondents (particularly counseling centers) believe that services should be available to prospective students.

The only "student" group for whom there is no great feeling of professional responsibility is alumni; only 13% feel this group should be eligible for services. Yet even now when services are in fact provided almost exclusively for students,[3] 89% of respondents report that the demand for mental health care exceeds their ability to provide it. Thus, it seems imperative that new resources be found for the provision of expanded mental health services. There is considerable interest in the employment of certain non-traditional mental health personnel and in the expanded employment, on a part-time basis, of mental health professionals in the surrounding community as two ways of meeting this manpower crisis. Most respondents believe that carefully selected advanced students can, under proper supervision, be taught to be helpful to beginning students in a quasi-therapeutic relationship, and 75% of respondents believe there is a place in the mental health program for partially trained personnel. The use of professionally untrained and partially trained personnel is supported significantly less often by psychiatric clinics than by counseling centers and other programs.

ISSUES REGARDING CLINICAL AND CONSULTATIVE SERVICES

In addition to the manpower problem already identified in the provision of adequate services, more than 80% of respondents believe that outreach activities in the form of case finding and early intervention are appropriate functions of a campus mental health program. This belief is held significantly less often by psychiatric clinics than by counseling centers. Nearly all respondents believe that psychiatric emergency services should be available on a 24-hour-a-day basis, and about two-thirds of respondents feel that a full range of services, including hospitalization, medication, neurological evaluation as well as outpatient care should be available to patients regardless of the severity of the disorder. including those patients whose conditions require extended treatment. In addition, 71% of respondents believe that mental health-related programs should be established for special types of students such as homosexuals, the obese, and students who abuse alcohol, marijuana, or other drugs; and 95% of respondents believe that a well-functioning campus community mental health program, should have an active consultation service; including, for example, consultation to administration, residence hall advisors, student body officers, faculty, houseparents, and student organization representatives. Eighty-eight percent of respondents believe that mental health program staff should be involved in the development of university policies particularly regarding student affairs, and 70% of respondents feel that mental health program staff should be called in for consultation in the case of student disciplinary problems. Respondents appear to be saying that mental health-related direct and indirect services should be made available to larger numbers of people than is currently possible. Many people in need of mental health services in the campus community do not seek them, and many kinds of broad university problems might be more effectively dealt with by the involvement of mental health professionals. Thus, even though campus community mental health program staff cannot keep up with the current demand for services they are aware of the fact that this demand does not fully represent the true extent of the campus problem, and that given more resources they could make a more significant contribution to university life. Much personal and organizational straining in the university community is not being reduced, in part because of insufficient mental-health related resources.

Regarding the possibility of increasing resources by charging fees for services, this practice is viewed as an undesirable but perhaps necessary procedure. Eighty-one percent of respondents agree with the proposition that there ought to be some way of funding a university community mental health program so that services could be made available to the entire campus community without worry about fees. If fees are to be charged however, there is a general

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Footnotes at end of article.

agreement (significantly more pronounced among psychiatric clinics) that students should not be charged, but that all other recipients of services (including dependents of students, staff or faculty, and dependents of staff or faculty) should be charged fees determined, in part, by ability to pay.

PREVENTIVE SERVICES IN THE CHANGING UNIVERSITY COMMUNITY

A group of items in the survey was designed to assess characteristics and changes in the university community. Knowledge of the characteristics of the community being served forms a very important informational base for the development of program plans and for the establishment of program objectives, and all respondents believe that establishment of program objectives is a necessary component of the task of program planning and evaluation. Specifically identified as characteristics of the campus community which represent changes over the past five years were increased numbers of students (by 88% of respondents), increased *rate* of emotional disorder in the student body (by 54% of respondents), increased interest in mental health services (by 91% of respondents, increased heterogeneity of the student population including more minority group students (by 71% of respondents), increased proportion of married students (by 75% of respondents), decreased interest in the social aspects of university life, such as fraternities and sororities (by 74% of respondents), tensions related to the Viet Nam war and the draft (by 88% of respondents), the wish for organized opportunities for meaningful interpersonal relationships by students (by 86% of respondents), the rise of student activism (by 58% of respondents), increased student alienation (by 73% of respondents), and problems associated with drug use (by 68% of respondents). Attrition rate among students continues to be high, and in the case of 87% of respondents there is the recognition that problems of vocational choice are often associated with emotional problems. While some of these conditions have implications for the provision of direct clinical services, most appear to have greater implications for the development of expanded preventive services. And in examining the results of the survey, it seems clear that a great discrepancy exists between the ability to provide preventive services and the felt need for the provision of such services.

Ninety-two percent of respondents believe that preventive services designed to reduce the incidence of emotional disorders on the campus are at least as important, if not more important, than direct clinical services. Included among these preventive services should be activities designed to identify stress-inducing aspects of the university community, in part by studying the distribution and determinants of emotional disorders, and activities designed to identify students who appear to be unusually vulnerable to the development of emotional disorders. Nearly 90% of respondents (significantly less common among psychiatric clinics) believe that a university mental health program should deploy a significant proportion of its resources in working with "normal" students; that is, with students who do not present psychiatric problems but rather want to become more self-actualizing and productive. Respondents believe that mental health-related educational services should be provided to students contemplating marriage or to those newly married, to students and their spouses who have become or are about to become parents, and that special services should be made available to students in academic difficulty. Furthermore, a high proportion of respondents believe that campus community mental health programs should provide such indirect services as dissemination of sex information, general health education, compensatory and growth-inducing services to educationally and emotionally disadvantaged students, opportunities for community volunteer activities, opportunities for interracial interaction and for interaction between students and faculty outside of the academic classroom setting, and work with fraternities and sororities in order to enhance the growth-inducing characteristics of these organizations.

TRAINING ACTIVITIES

The issues raised by respondents regarding the provision of campus community mental health services have clear implications for training activities, both in in-service training of staff and the training of others by staff. All respondents believe that a well-functioning program should have an organized program of in-service education for its own staff. Specific content area needs include use of phycho-active drugs (less common among psychiatric clinics), consultation techniques, and innovations in individual and group psychotherapy. Eighty-five percent of respondents (less common among psychiatric clinics than among other types of programs) believe that professional staff should be training students and houseparents to do preventive intervention, 70% of respondents feel that residence hall counselors should be taught how to do group counseling, 95% believe that faculty should be taught how to recognize emotionally disordered students and how to refer them for help, 88% believe that special training in the area of student stress and emotional disorder should be provided to new faculty and teaching assistants, and 96% of respondents feel that useful training can be provided to those faculty members who have responsibilities for student advising.

CLUSTER STRUCTURE ANALYSIS OF ATTITUDE QUESTIONNAIRE

In reviewing the previous sections of this report, two related hypotheses suggest themselves: first, that many of the answers to items in the attitude scale tend to cluster together; that is, that persons who agree with one particular item will likely agree with other items; and second, that systematic differences in attitudes regarding campus community mental health program activities can be found between the respondents of the three identified types of mental health programs. Both of these hypotheses are supported in the data analysis.

Of the 113 items in the survey, 25 items showed so little variation that they were not included in a cluster analysis of the questionnaire. Eighty-nine percent or more of the respondents agreed with each one of these items. The remaining 88 items were subjected to a cluster analysis,[4] and nine clusters, totaling 39 items in all, were identified. These nine clusters accounted for 91% of the communality of the original correlation matrix and are described below.

Cluster I: Desire for expanded manpower and services

(Average item intercorrelation= +0.49)

Items:

1. Under proper supervision, carefully selected advanced students can and should be taught to be helpful to beginning students in a quasi-therapeutic relationship.

2. While mental health services might be available only in limited amounts to certain groups within the university community, no group should be denied mental health services as a matter of administrative policy.

3. Mental health services in the university community should be available to children of students.

4. Mental health services in the university community should be available to faculty and staff.

5. Mental health services in the university community should be available to dependents of faculty and staff.

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Cluster II: Unmet mental health needs in the non-student university community

(Average item intercorrelation=+0.49)

Items:

1. On our campus, we have been impressed with the fact that gainfully employed wives of students have special vulnerabilities to emotional disorders.

2. We have the impression that the *rate* of emotional disorder in the case of dependents of students or dependents of faculty or staff has increased in the past few years.

3. We have the impression that the *rate* of emotional disorder in the faculty and staff has increased in the past few years.

Cluster III: Need to develop preventive services

(Average item intercorrelation= +0.46)

Items:

1. Case finding (finding students in need of help before they come for help) should form an important component of a university community mental health program.

2. A campus commmunity mental health program should attempt to identify types of students who appear unusually vulnerable to the development of emotional disorders and then should develop special programs for these students.

3. A university community mental health program should identify students in academic difficulty and try to determine the extent to which psychological factors are interferring with productivity. In such cases, some sort of mental health intervention should be offered.

4. A university commmunity mental health program should provide special training to new faculty and to teaching assistants about student stress and emotional disorder.

5. Regular lectures or special programs in the area of "mental hygiene" or what might in general be called mental health education should form a significant part of a university community mental health program.

6. The staff of a university community mental health program should work closely with fraternities and sororities in order to enhance the growth-inducing characteristics of these organizations.

7. Representatives of the university community mental health program should meet with all new students, either in groups or individually to acquaint them with the services available in the mental health program.

8. Our staff should be training others (students, houseparents, etc.) to do preventive intervention in the university community.

Cluster IV: Weakness of mental health agency within university

(Average item intercorrelation= +0.42)

Items:

1. In comparison with our program of around five years ago, it would be fair to say that our university community mental health program has made no progress, or, in fact, has gone backwards in achieving its program objectives.

2. Our university administration is not convinced that we even should be providing mental health services at all.

3. We are unable to get support for either applied or basic research in our university community mental health program.

4. Our campus community mental health program is finding it difficult to persuade the university administration of the importance of our program and of the validity or our requests for funds or personnel.

5. Relationships between the various agencies on our campus which provide mental health or mental health-related services are quite poor.

Cluster V: Tension and unrest among students

(Average item intercorrelation=+0.44)

Items:

1. The Viet Nam War, along with the draft, has created considerable tension in the student body on our campus.

2. There is considerable student activism on our campus.

3. Drug use or drug abuse constitutes a significant problem on our campus.

4. Student alienation constitutes a significant problem on our campus.

5. The number of minority group students on our campus had increased significantly in the past few years.

Cluster VI: Willingness to charge fees

(Average item intercorrelation = +0.57)

Items:

1. The university community mental health program should charge a fee for its services, no matter for whom the services are provided. The fee could, of course, be adjusted to the ability to pay.

2. If a university community mental health program makes services available to staff and faculty and their dependents, some type of fee schedule should be developed.

3. Fees, determined by ability to pay, should be charged for mental health services provided to dependents (spouses and children) of students.

Cluster VII: Need for in-service training

(Average item intercorrelation = +0.51)

Items:

1. Our staff does not have a good understanding of the indications and contra-indications of the various psychoactive drugs currently available.

2. Our staff has very little experience or training in the provision of consultation and other forms of indirect services.

3. The staff of our campus community mental health program is not as aware as they ought to be of recent developments in psychotherapeutic techniques such as behavior modification techniques or innovative forms of group therapy.

Cluster VIII: Unmet mental health needs among students

(Average item intercorrelation = +0.41)

Items:

1. We have the impression that the *rate* of emotional disorder in the student body has increased in the past few years.

2. There have been a number of changes in the general characteristics of the student body which have already had or should have had implication for the nature of our campus community mental health program.

3. The student population seems more heterogeneous these days compared with four or five years ago.

4. A large enough proportion of our male students are returning veterans for us to be aware of them as a group with special characteristics and needs, perhaps requiring special mental health services.

Cluster IX: Need to make services available to inactive students

(Average item intercorrelation = +0.53)

Items:

1. A campus community mental health program should provide services for students who are on academic or disciplinary suspension.

2. A university community mental health program should provide service to students who left college because of psychological disability and who are hoping to return to college in the future.

3. Mental health services should be made available to students who have been admitted to the university but are not currently enrolled.

While the clusters are generally independent of each other, several of them are significantly interrcorrelated. Respondents who get *high* scores on Cluster I (*Desire for Expanded Manpower and Services*) tend to get *high* scores on Cluster III (*Need to Develop Preventive Services*) and Cluster IX (*Need to Make Services Available to Inactive Students*) and tend to get *low* scores on Cluster VI (*Willingness to Charge Fees*). Respondents who get *high* scores on Cluster VIII (*Unmet Mental Health Needs Among Students*) tend to get *High* scores on Cluster II (*Unmet Mental Health Needs in the Non-Student University Community*) and Cluster III (*Need to Develop Preventive Services*).

Existence of systematic differences among representatives of the three program types in cluster scores was determined by identifying respondents who scored one or more standard deviations above or below the mean on each cluster score and then determining if any significant difference existed between the types of programs represented in these extreme scores. Seventeen respondents scored at least one standard deviation *above* the mean on Cluster I (*Desire for Expanded Manpower and Services*). These 17 respondents included four psychiatric clinics, nine counseling centers, and four other program types. The 17 respondents who scored at least one standard deviation *below* the mean on this same cluster represented 12 psychiatric clinics, four counseling centers and one other program type. This difference is significant at the 0.05 level ($X^3 = 7.72$; $df = 2$). Thus, psychiatric clinic respondents are significantly overrepresented among high scorers. On Cluster VI (*Willingness to Charge Fees*), sented among high scorers and counseling psychiatric clinics are signicantly overrepreesnted among high scorers and counseling centers are significantly represented among low scorers ($X^3 = 14.31$; $df = 2$; $P = <.01$). Finally, on Cluster IX (*Need to Make Services Available to Inactive Students*), counseling centers are significantly overrepresented among high scorers and psychiatric clinics are significantly overrepresented among low scorers ($X^3 = 9.29$; $df = 2$; $P = <.01$).

SPECIFIC INADEQUACIES IN CAMPUS COMMUNITY MENTAL HEALTH PROGRAMS

Within the attitude survey, a special subset of 44 items was separately identified and analyzed. These items were all of the "should" variety (such as, "Some kind of 24-hour psychiatric emergency service should be part of every university community mental health program."). Since all of these items purported to describe desirable characteristics of a campus mental health program, it was assumed that most respondents would find themselves in agreement with most of them. Special instructions were given to respondents regarding these 44 items, namely, *if they agreed with an item*, to circle it if, in their judgment, there was a significant discrepancy between the program characteristic described in the item and the situation as it presently existed in their program.

Not all respondents completed this portion of the survey. The survey was long and time-consuming, and many indicated that they did not have the time to complete this final phase of the questionnaire. Thirty respondents circled no items, and four other respondents circled the first one or two items and then stopped. The remaining 68 respondents completed this program-discrepency evaluation. In analyzing the results of this phase of the survey, it is assumed that the 34 respondents who circled none or only one or two of the items were not saying that their programs were without inadequacies, but rather, that they simply were not fully participating in this phase of the data collection project. Accordingly, the analysis is based on the replies of the 68 respondents who did complete the entire survey (22 medical-psychiatric programs, 31 counseling centers, and 15 other program types). For each item, a program inadequacy was tabulated when a respondent *both* agreed with an item *and* circled it. The result of this analysis will be found in Table 1.

TABLE 1.—SOME PROGRAM INADEQUACIES IDENTIFIED BY SURVEY RESPONDENTS

Survey questions	Number agreeing with question				Percent of those agreeing who indicate program inadequacy			
	Medical-psychiatric	Counseling	Other	Total	Medical-psychiatric	Counseling	Other	Total
1. A university community mental health program should have a certain amount of money budgeted for research and program evaluation	22	31	15	68	86.4	45.2	80.0	66.2
2. In a campus community mental health program, some provisions should be made for seeing people immediately when they come in for help. While extended services might not be available at once, some type of significant service should be immediately available	22	31	15	68	22.7	9.7	60.0	25.0
3 Activities designed to identify stress-inducing aspects of the university community and then to reduce them are a necessary part of a well-functioning university mental health program	22	31	15	68	72.7	67.7	73.3	70.6
4. A well-functioning campus community mental health program should have an active consultation service, including, for example, consultation to administration, residence hall advisors, student body officers, fraternity and sorority houseparents, faculty, and student organization representatives	22	30	15	67	50.0	40.0	80.0	52.2
5. A well-functioning university community mental health program should have an organized program of in-service education for its own staff	22	30	15	67	59.1	36.7	66.7	50.8
6. It is important to specify the objectives of a university community mental health program as a way of helping in the task of program planning and evaluation	22	30	14	66	54.6	26.7	57.1	42.4
7. Professional confidentiality should be strictly maintained with respect to persons seen for clinical service in a university community program	22	29	15	66	13.6	0.0	13.3	7.6
8. It is important for a university community mental health program to study the distribution of emotional disorders in the entire university community and to try to identify possible determinants of these disorders	22	28	15	65	77.3	78.6	53.3	72.3
9. Opportunities for the field training of mental health professionals should be made available as part of a campus community mental health program	21	30	14	65	57.1	60.0	71.4	61.5
10. Faculty should be taught how to recognize emotionally disordered students and how to refer them for help	22	29	14	65	77.3	62.1	64.3	67.7
11. Some kind of 24-hour psychiatric emergency service should be part of every university community mental health program	21	28	14	63	38.1	46.4	71.4	49.2

Survey questions	Number agreeing with question				Percent of those agreeing who indicate program inadequacy			
	Medical-psychiatric	Counseling	Other	Total	Medical-psychiatric	Counseling	Other	Total
12. A campus community mental health program should be involved in the development of university policies regarding student affairs, including, for example, curriculum and housing	20	30	13	63	70.0	43.3	53.9	54.0
13. A university community mental health program should deploy a significant proportion of its resources in working directly wth "normal" students, that is, students who do not present psychiatric problems but rather, want to become more self-actualizing or productive	18	30	15	63	61.1	13.3	73.3	41.3
14. There should be no restriction on referral sources. A campus mental health program should accept referrals from any campus source—medical staff, counseling services, administration, faculty, or other students	19	31	12	62	5.3	0.0	25.0	6.5
15. A university community mental health program should provide special training to new faculty and to teaching assistants about student stress and emotional disorder	21	28	13	62	71.4	57.1	46.2	59.7
16. The university should be providing compensatory educational and therapeutic services to disadvantaged students who would like to attend college and who would have a good chance of succeeding, if they received special help	18	30	13	61	77.8	40.0	61.5	55.7
17. Representatives of the university community mental health program should meet with all new students, either in groups or individually to acquaint them with the services available in the mental health program	18	28	14	60	50.0	28.6	35.7	36.7
18. A university community mental health program should develop an educational and consultation program for students who are contemplating marriage or who are newly married	21	27	12	60	61.9	63.0	58.3	61.7
19. Regular lectures or special programs in the area of "mental hygiene" or what might in general be called mental health education should form a significant part of a university community mental health program	21	26	13	60	61.9	34.6	53.9	48.3
20. Our staff should be training others (students, houseparents, etc.) to do preventive intervention in the university community	19	27	14	60	52.6	51.9	64.3	55.0
21. A university community mental health program should encourage the development of opportunities for students to provide volunteer services with young people in the local community and should provide consultation and in-service training as needed to these volunteers	20	27	12	59	65.0	51.9	58.3	57.6
22. A university community mental health program should identify students in academic difficulty and try to determine the extent to which psychological factors are interfering with productivity. In such cases, some sort of mental health intervention should be offered	19	28	12	59	68.4	35.7	50.0	49.2
23. Some staff members of a university community mental health program should work in decentralized settings, for example, a person on the staff could have his office in a residence hall	19	27	13	59	68.4	48.2	46.2	54.2
24. A campus community mental health program should attempt to identify types of students who appear unusually vulnerable to the development of emotional disorders and then should develop special programs for these students	20	25	13	58	70.0	64.0	92.3	72.4
25. While mental health services might be available only in limited amounts to certain groups within the university community, no group should be denied mental health services as a matter of administrative policy	17	26	15	58	29.4	15.4	20.0	20.7
26. A campus community mental health program should provide services for students who are on academic or disciplinary suspension	18	28	12	58	55.6	21.4	25.0	32.8
27. Mental health services in the university community should be available to faculty and staff	18	26	13	57	50.0	19.2	38.5	33.3
28. The university community mental health program has a special responsibility to provide mental health services to married students and their spouses, perhaps by some sort of couples groups	17	29	10	56	52.9	24.1	50.0	37.5
29. Case finding (finding students in need of help before they come for help) should form an important component of a university community mental health program	20	22	13	55	70.0	40.9	69.2	58.2
30. A university community mental health program should include among its activities certain functions which are only indirectly related to mental health, such as legal advice, general health education, vocational counseling, or dissemination of sex information	18	25	11	54	50.0	20.0	54.6	37.0
31. There ought to be some way of funding a university community mental health program so that services could be made available to the entire campus community without worrying about fees	17	25	12	54	47.1	8.0	66.7	33.3
32. A representative of the university community mental health program should be routinely called in for consultation and evaluation in the case of a student being considered for suspension because of disciplinary problems	17	21	13	51	70.6	47.6	61.5	58.8
33. A campus community mental health program should provide opportunities for nonacademic interaction between students and faculty under circumstances where it would be possible for each group to learn more about the other	17	25	9	51	52.9	44.0	77.8	52.9
34. The staff of a university community mental health program should work closely with fraternities and sororities in order to enhance the growth-inducing characteristics of these organizations	17	22	11	50	70.6	40.9	54.6	54.0
35. A university community mental health program should provide service to students who left college because of psychological disability and who are hoping to return to college in the future	13	25	11	49	61.5	20.0	54.6	38.8
36. Special mental health programs should be established for special types of students, e.g., homosexuals, obese students, students involved in drug or alcohol abuse	14	23	11	48	64.3	60.9	72.7	64.6
37. A full range of clinical mental health services should be made available for students, including hospitalization, medication, neurological evaluation, as well as outpatient care	17	19	11	47	35.3	42.1	36.4	38.3
38. A university community mental health program should provide parent education for those students who are married and either have or are about to have children	15	24	8	47	73.3	66.7	37.5	63.8
39. Residence hall counselors should be taught how to do group counseling	14	23	10	47	50.0	43.5	70.0	51.1
40. Mental health services in the university community should be available to children of students	11	21	10	42	81.8	33.3	30.0	45.2
41. If a university is located in a community where insufficient mental health services are available to children and adolescents, the university mental health program should try to provide such services	13	20	8	41	46.2	45.0	87.5	53.7
42. Mental health services in the university community should be available to dependents of faculty and staff	7	21	10	38	42.9	28.6	40.0	34.2
43. Mental health services should be made available to students who have been admitted to the university but are not currently enrolled	6	22	4	32	33.3	9.1	25.0	15.6
44. University mental health services should be available to alumni of the university	2	6	3	11	0.0	16.7	33.3	18.2

The five items with the least agreement are all concerned with broadened eligibility for services—children of students, children and adolescents in the community, dependents of faculty and staff, prospective students, and alumni. Except for these items, 69% or more of respondents agree with each of the statements. The assumption that these statements would be viewed favorably is, thus, reasonably well substantiated.

Major discrepancies from these "ideal" program descriptions are widespread. Discrepancies are reported by 60% or more of respondents for ten of the 44 items, and are reported by between 40% and 60% of respondents for 19 additional items. The most commonly indicated program inadequacies deal with research and program evaluation budgets, epidemiological studies for preventive services, training of mental health professionals and university staff and faculty, availability of preventive mental health-related services to married students and to students who are parents, and availability of mental health services for students with special problems. Inadequacy of research and program evaluation budgetary support is less of a problem in counseling centers than in medical-psychiatric clinics. With this single exception, there is high agreement among program types regarding major program inadequacies. Program inadequacies mentioned somewhat less commonly (but by at least 40% of respondents) include lack of availability of case and administrative consultation services and general in-service educa-

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tion, too limited a role in university policy decisions affecting student life, lack of availability of compensatory education and therapeutic services for disadvantaged students, inadequate decentralization of staff, and insufficient outreach activities.

Substantial discrepancies (reported by between 25% and 40% of respondents) occur in the case of nine items. These include acquainting new students with services available in the mental health program, provision of services for students on academic or disciplinary suspension, provision of mental health services to faculty and staff, provision of services to students and their spouses, provision of mental health-related services such as health education, vocational counseling, and dissemination of sex information, development of a general funding policy so that services could be provided to the entire campus community without fees, providing services to students temporarily inactive because of psychiatric disability, provision of a full range of mental health services to students, and provision of services to dependents of staff and faculty. In all cases a majority of respondents agree that these characteristics should be attributes of a well-functioning campus community mental health program but a substantial number of them indicate that their own programs do not have these characteristics.

With respect to certain aspects of an optimal campus community mental health program, respondents report only minor discrepancies. Respondents uniformly agree that one of the characteristics of a well-functioning program is that some provision should be made for seeing people immediately when they come in for help even though extended services might not be immediately available. In only 23% of medical-psychiatric clinics and 10% of counseling centers is this not possible at present. Respondents nearly all agree that professional confidentiality should be maintained with respect to persons seen for clinical services, and in no type of program is there a significant problem in carrying out this practice. Similarly, virtually all respondents believe that there should be no restriction on referral sources; that a mental health program should accept referrals from any campus agency or individual. In practice, this appears to be the case in medical-psychiatric clinics and in counseling centers. Finally, in only 21% of facilities is there any significant administrative policy limitation on who is elgible for mental health services.

DISCUSSION

The results of this survey must be viewed with the realization that it is, in a sense, unidimensional. This survey reflects the state of affairs in campus community mental health programs as seen by program directors. Doubtless, somewhat different findings would have emerged had the survey been completed by representatives of university administration, by members of the faculty, by students, or by funding agencies.

The messages delivered by mental health program directors are clear, however. The resources available to them are not adequate to meet clinical demands of students, to provide services to other members of the university community, to develop preventive programs or to provide case or administrative consultation. Mental health program directors generally believe that this entire range of direct and indirect service should be available in the university and thus believe that there are numerous deficiencies in their programs. There are differences in points of view among program directors, of course, but there is substantial agreement among all respondents as to the need for the development of new resources in order to expand mental health program activities. If anything, the present deficiencies in campus community mental health programs are more severe than those noted fifteen years ago in a similar survey.

Campus mental health program directors do not all agree as to future directions which should be taken in their programs. Directors of psychiatric programs connected with student health service can be distinguished by a set of attitudes which are different in certain specific ways from attitudes expressed by those respondents responsible for counseling centers. These differences in points of view are probably a reflection of different orientations to the task of providing mental health-related services and different responsibilities on the campus. Psychiatric clinic directors, charged with the individual clinical management of persons petitioning for care, tend to look for additional resources to carry out these tasks. They do not appear to be particularly interested in expanding services or in developing activities with a preventive focus, and they are generally quite willing to see the charging of fees as one way of obtaining additional resources. Counseling center program directors with generally fewer direct clinical responsibilities and with a greater interest in the entire campus community express considerable interest in the expansion of services both in terms of persons who should be eligible for services as well as what services should be provided and with this somewhat broader view do not express much interest in fees for service as a way of increasing the availability of resources.

There are different views of the role of general health services in the campus community held by different university administrators, and the policies they promulgate need to be taken into account in understanding the issues which confront mental health program directors. The results of this survey suggest that a significant number of university administrators might very well take the position that the university does not have the responsibility to provide direct services itself, that its responsibility ends when some arrangement is made for these services. In urban areas where competent medical care is available, members of the campus community could receive mental health as well as general health services in the city. Payment could be arranged by prepaid insurance or by a contractual agreement between a large medical group practice, for example, and the university. Funds for the support of direct services could come from some combination of university budget, student fees, third-party payments, and out-of-pocket. The university might make space available on the campus where private practitioners might see members of the campus community, again with payment arranged, in any number of ways. Alternatively, with the waning of the *in loco parentis* role of universities, an administration in an urban area might very well take the position that its responsibility should be limited to providing educational opportunities for students. Members of the university community would, under this philosophy, need to arrange for their own medical care. Thus, particularly in populated areas (where most universities are now located) the provision of direct services, which has characteristically taken the greatest amount of university mental health program resources, may now have the least justification.

On the other hand, indirect services, including consultation, preventive intervention, mental health education, case finding, epidemiologic studies, and social system analysis and modification present a different set of problems. Respondents generally agree that such services are as important as clinical services. Because these services are usually population-focused rather than person-focused, and because no system exists outside of the campus for the provision of these indirect services, the university may have unusually compelling justification for investing heavily in these indirect preventive-oriented programs. Yet these programs are now generally non-existent, and where they exist they are poorly supported. Mental health program staffs have not ordinarily been trained for indirect services and thus often lack both the competence as well as the mandate to become more active in this program area.

The survey has made it possible to identify some of the major issues of concern to directors of campus mental health programs. In reviewing the survey findings, it is possible to conceptualize these issues as a series of questions. First, how should mental health services on the urban campus be organized? What kinds of special programs should be developed for the commuting student, for the medical student, or any other specially identified group? How can inter-agency relationships be improved? What range of services should be provided, and should some services be decentralized into residence halls or other sites? Who should be eligible for services?

Second, how should mental health services be organized on the rural campus? If most students live in dormatories, can services be integrated with the residence hall programs? How can persons be used as generalists, trained to deal adequately with a broadly defined variety of mental health-related problems? What are the implications of relative geographic isolation on emotional maturity? Third, how can the interest in in-service education and training be implemented? What should be the content, and what techniques are available to provide such training? How can the mental health professional provide training to residence hall advisors, houseparents, or other persons who are in direct contact with students? What training does the mental health professional need to maintain and to enhance his own skills?

Fourth, how can one evaluate a campus community mental health program? Can a taxonomy of program objectives be developed? How can one index the attainment of these objectives? Can the diagnostic system currently in use be improved upon? What therapeutic techniques are available and what is the evaluation of their effectiveness? Fifth, should mental health consultation be developed as a standard part of the campus mental health program? Should such consultation be limited to case consultation regarding particular students? How can the mental health professional provide case consultation and still preserve the confidentiality of his therapeutic relationships? Should the mental health professional provide administrative consultation to the university staff? Sixth, what can be done to meet the manpower crisis? Can traditional mental health manpower be deployed more effectively? Can non-traditional sources of manpower be trained and utilized? What can be done to attract and retain comptent mental health professionals in the campus setting? Can students serve a function as representatives of the mental health program?

Seventh, what is the role of the mental health program in preventive intervention? How can the population-focused public health approach be employed on the campus? What outreach or case finding activities are appropriate? What activities of a frankly educational nature should be undertaken? Can the mental health program deal with such problems as underachievement or difficulties in career choice? Should the mental health progarm attempt to reduce the number of drop-outs? Should services be provided for persons without significant psychopathology who want to increase productivity or self-actualization? Eighth, how should mental health programs respond to the changing university community? How can they maintain enough flexibility to deal with such newly emerging problems as student unrest, student alienation, tensions as-

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sociated with the war or the draft, the increasingly heterogeneous character of the student body, minority group tensions, the married student, parenthood? Ninth, how can resources be found to undertake basic epidemologic studies of emotional disorder and basic and applied mental health-related research on the campus? What should such studies try to determine?

Tenth, how can the mental health professional intervene so as to effect change in the university as a social system? If sources of stress can be found outside the student, does the mental health professional have a role in efforts to reduce such stresses? And finally, what alternative strategies exist for the funding of mental health programs? How can direct clinical services be supported? How can indirect population-based services such as preventive programs, mental health education, or case finding be supported?

In addition to being the social institution charged with higher education, the university has the opportunity to enhance emotional maturity in a group of young persons who represent a major national treasure. Particularly in these times when so much unrest grips the young, continued debate within the university community among mental health-related program directors, administrators, and repersentatives of funding agencies can assist significantly in determining the roles that mental health professionals can and should play in carrying out this task.

FOOTNOTES

[*] Mental Health Consultant, Western Interstate Commission for Higher Education, and Professor, Dept. of Psychology, University of Colorado.

[1] B. L. Bloom, Characteristics of Campus Community Mental Health Programs in Western United States—1969. Mimeo.

[2] Copies of the survey form are available from the author.

[3] *Ibid.*

[4] R. Tryon and D. Bailey, the BC TRY Computer System of Cluster and Factor Analysis. *Multivar. Behav. Res.*, 1966, 1, 95–111.

SPEECH DELIVERED TO WICHE COMMISSIONERS ON AUGUST 11, 1969

(By Bernard L. Bloom, Ph. D.)

I am happy to be with you this morning to present the first formal report of our beginning efforts to explore the status of mental health services in university communities. We have been involved on a part-time basis in this activity for about a year. At the outset I would like to acknowledge our indebtedness to Dr. Samuel Fuenning, the Director of the University Health Service at the University of Nebraska and the Chief Liaison Officer of the American College Health Association. He met with us at WICHE a year ago to tell us about the ACHA and its hopes to review and improve the provision of all health-related services in campus communities throughout the country.

His visit called to our attention a striking fact, namely, that the Mental Health Program of the Western Interstate Commission for Higher Education had never addressed itself to an obvious point of intersection—the provision of mental health services in institutions of higher education. In fact, we realized, we were generally unfamiliar with these services. We knew little of their quality or of the problems being faced by campus community mental health program directors, and, of course, had no idea whether there were any issues which might be the proper concern of the WICHE Mental Health Program staff. A review of the literature revealed that it had been 15 years since any kind of general survey had been conducted in this area in the United States.

Growth of campus mental health activities *has* been documented in isolated descriptions of new or expanded programs and is undoubtedly a reflection of the general increase in the size of American universities. In 1965, some 5,675,000 persons were attending college. By the Fall of 1968, that number had increased to 6,800,000. Projections of the Bureau of the Census suggest that by 1985 between ten and eleven million persons will be attending a college or university in the United States. Concern about psychiatric disorders on compus appears to be growing along with interest in other non-academic aspects of students' lives and we think there is a growing awareness of the need to develop and provide more adequate preventive and therapeutic mental health services.

With these thoughts in mind, late last Summer we prepared a brief open-ended questionnaire and an explanatory letter, addressed it, by title, to Directors of Psychiatric Clinics in Student Health Programs in the 103 accredited 4-year colleges and universities in the 13 Western states, mailed them, and waited to see what would happen. It was a fishing expedition in unknown waters. The questionnaire posed a series of questions and left some a blank space for answers to each of them. The questionnaire asked for a brief description of clinical services being provided, an indication of which groups were eligible for services, a description of any activities emphasizing prevention as distinguished from treatment, identification of any other agencies on the campus providing mental health services (to which similar questionnaires were subsequently sent), major developments in the mental health program in recent years and how these developments were related to changing characteristics of the university community, and finally, problems or issues in the further development of mental health program activities.

It turned out to be an astonishingly successful fishing trip. At least one reply was received from 85 of the 103 universities and including questionnaires received from other campus agencies mentioned by respondents, a total of 125 replies came in. In reviewing these replies, it became clear that the questionnaire was a welcome one. Yet the complexity and detail of the responses made a systematic analysis of the replies impossible. There was an extremely broad spectrum of opinion expressed on almost every issue raised. There appeared to be widespread dissatisfaction expressed with many of the current mental health program characteristics in university communities but because specific questions were not asked of each respondent, it was not possible to evaluate the generality of these concerns.

As a result of these problems it was decided to prepare and submit a second, more comprehensive questionnaire to the 125 respondents of the first survey form. Included with the questionnaire were a progress report and some preliminary ideas about how the replies might be utilized. The revised questionnaire, which was distributed early this year, was divided into two sections: first, a program description survey which asked for information more systematically regarding type of program, personnel, nature of professional activities, eligibility for services, and distribution of professional activities by recipient group, and second, a set of 113 statements regarding campus communities and their mental health programs for which respondents were asked to express their degree of agreement. Even these 113 items constituted a kind of progress report since each item was derived from the replies to the original questionnaire. In spite of the fact that this new survey was long and time-consuming, responses were received from 102 of the 125 persons to whom they were sent, with at least one response from 75 different colleges and universities in the WICHE region.

We are going to present some of the highlights of our findings and then we hope you might share with us your reactions, particularly regarding what you see as the implications for WICHE mental health program involvement on a regional basis.

Some kind of professional mental health-related service is available in at least three-quarters of the accredited 4-year colleges and universitis in the 13 Western states. The availability of mental health services appears to be about double that reported in a similar survey conducted in 1953 throughout the United States. Except for the increase in the number of identifiable mental health programs, however, few changes seem to have taken place in the past 15 years. While it is felt that services should be provided to a broad spectrum of the population of the university community, and while consultative, preventive, and educational activities are generally felt to be desirable in addition to clinical services, in fact nearly all professional time is spent working directly with students, most commonly in individual clinical evaluation, counseling, or psychotherapy. Staffing patterns do not appear to have improved in the past 15 years in spite of the increased student population. The typical medical-psychiatric clinic attached to a student health service functions almost entirely with part-time staff with their combined efforts averaging to be the equivalent of fewer than three full-time positions. Counseling centers have the equivalent of more than twice as many professional positions and a substantial number of them are filled by full-time people. Other types of programs, including referral and evaluation services, typically in smaller colleges and training clinics in department of psychology are more poorly staffed than medical-psychiatric clinics and professional functions are carried out even to a greater extent by part-time personnel.

There really is a substantial undercurrent of dissatisfaction on the part of campus mental health program directors. Significant numbers of respondents feel they get inadequate support from university administrations and from funding agencies. Many respondents report poor salaries, difficulties in recruitment and in promotion, inadequate physical facilities, and insufficient funds for research and program evaluation. Relationships among campus agencies providing mental health-related services are often poor. Regarding eligibility for services, it seems clear that respondents believe that their services should be available to a broad spectrum of recipient groups. Three-quarters of the respondents believe that no campus community group should be denied mental health services as a matter of administrative policy. Yet even now when services are in fact provided almost exclusively for students, nearly 90% of respondents report that the demand for services exceeds the supply. Thus, it seems imperative that new resources be found for the provision of expanded mental health services. There is considerable interest in the employment of certain non-traditional mental health personnel, including advanced undergraduate students, and in the expanded employment, on a part-time basis, of mental health professionals in the surrounding community as two ways of meeting this manpower crisis.

Complicating the inability to provide enough services to meet current demand, more than 80% of respondents believe that outreach activities in the form of case finding and early intervention are necessary. Nearly all respondents believe that psychiatric emergency services should be available on a 24 hour a day basis. Ninety-five percent of respondents believe that a well-functioning campus community mental health program should have an active consultation service. Thus, even though campus community mental health program staff cannot keep up with the current demand for services, they are aware that this demand does not fully represent the true extent of the cam-

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pus problem. Many people in need of mental health services do not seek them and many kinds of broad university problems might be more effectively dealt with by the involvement of mental health professionals. Much personal and organizational straining in the university community is not being reduced, in part because of insufficient mental health related resources.

In this connection it is well to keep in mind that in addition to more students on their campuses, in comparison with five years ago, respondents generally report that students are different. There appears to be increased heterogeneity of the student population, an increased proportion of married students, increased interest in mental health services, perhaps an increased rate of emotional disorder, special tensions related to the draft and the War, a growing wish for organized opportunities for meaningful interpersonal encounters, growing use of alcohol, marijuana, and other drugs, and a growing sense of unrest and alienation. While some of these conditions have implications for the provision of direct clinical services, most appear to have greater implications for the provision of expanded preventive services, including the identification and reduction of undesirable stress-inducing aspects of the university community, the early identification of students who appear to be unusually vulnerable to the development of emotional disorders, and the dissemination of mental health related educational information.

Over 90% of respondents believe that such preventive services are at least as important as clinical services. Nearly 90% of respondents believe that a university mental health program should deploy a significant proportion of its resources in working with "normal" students, that is, with students who do not present psychiatric problems but rather want to become more productive and self-actualizing.

The major deficiencies in campus community mental health programs specifically identified by respondents can be pretty well predicted from what has already been said. These deficiencies include lack of research and program evaluation budgets, inability to conduct epidemiologic studies upon which to base innovative program planning, lack of resources to conduct adequate in-service training programs for professional clinical personnel and for faculty and general university staff, inability to mount adequate preventively-oriented programs, insufficient resources to provide adequate case and administrative consultation, and inability to engage in sufficiently comprehensive outreach activities.

These are some of our findings. Two papers are now being prepared which will serve as reports to the respondents and we hope to enter into a productive exchange with them based upon these reports which may result in continued long-term involvement by WICHE on a regional basis designed to provide a forum and a vehicle for dealing with at least some of these issues. We invite your active participation in this planning process and would be happy now to have you share your initial reactions with us.

U.S. JAYCEE ANNIVERSARY

HON. LARRY WINN, JR.

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Monday, January 26, 1970

Mr. WINN. Mr. Speaker, January 21 was the 50th anniversary of the founding of the U.S. Jaycees, and, across the Nation, Americans paid tribute to these outstanding civic-minded young men.

I would like to make special reference to the creed of this fine organization which has inspired its members and contributed to their many achievements throughout the years?

The Jaycee Creed

We believe: That faith in God gives meaning and purpose to human life;

That the brotherhood of man transcends the sovereignty of nations;

That economic justice can best be won by free men through free enterprise;

That government should be of laws rather than of man;

That earth's great treasure lies in human personality;

And that service to humanity is the best work of life.

As we enter this new and challenging decade, I am confident that there will be a resurgence of active and constructive involvement in the American way of life. I am equally confident that the men who pass through the leadership training of the U.S. Jaycees will play a commanding role in this resurgence for the good of the Nation and all Americans.

WISCONSIN CITIZENS SUPPORTING NEW STATE VOCATIONAL, TECHNICAL EDUCATION

HON. WILLIAM A. STEIGER

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Monday, January 26, 1970

Mr. STEIGER of Wisconsin. Mr. Speaker, I would like to call my colleagues' attention to an article which appeared in the December 29, 1969, issue of the Appleton, Wis., Post Crescent.

Its author, John Wyngaard, calls it one of the "refreshing stories of the year in Wisconsin public affairs." And I agree. Wisconsin and its people are working together to upgrade vocational education in the State. In 1965 when I was a member of the State legislature we authorized the establishment of a statewide system of vocational education to provide every student in the State with an opportunity to attend a vocational school. The State was divided into 18 vocational and technical school districts and today more than 90 percent of the State has been incorporated into one of these districts. This has required additional taxation for many of Wisconsin's citizens but they have shown a willingness and enthusiasm to support vocational education.

As part of my remarks at this point I would like to include John Wyngaard's article, "People Supporting New State Vocational Technical Education":

People Supporting New State Vocational, Technical Education

(By John Wyngaard)

MADISON.—One of the refreshing stories of the year in Wisconsin public affairs was the steady progress made toward the effectuation of the statewide vocational and tcehnical school system authorized by the legislature in 1965 to become fully effective in mid-1970.

History may very well describe that act as one of the most meaningful and far reaching among the many legislative advances in public education of this century. It ranks at least with the compulsory high school attendance law of some years ago, and perhaps even with the democratization of higher education opportunity as represented by the rapid expansion of liberal arts higher educational opportunities in this decade as illustrated by the construction of new two-year centers and two new four-year university campuses.

DOUBTED GOAL ATTAINABLE

When this correspondent observed with profound interest the evolution of the legislation which put all of the taxable territory of the state into a vocational school district and thus made every qualified student eligible to attend such a school it was with some doubt that the objective would actually be achieved.

Sometimes legislatures are inclined to adopt such laws, and then when there is a showing of hostile pressure, accept deferral of the effective date. The integration of the high school system in an earlier decade was one example.

Yet today, about six months from the deadline, more than 90 per cent of the state has been incorporated into one of 18 vocational and technical school districts. There is a bill in the legislature, indeed, that proposes to postpone the 1970 deadline. There is little chance for its enactment. The people of Wisconsin have shown not only that they support the idea of vocational education, but that they want better vocational schools.

Better schools, with broader offerings for the benefit of young people preparing for working careers in a technological society, obviously can be more efficiently and economically provided with a broad district tax base than through the constructed tax foundations of single cities devised when Wisconsin pioneered in vocational education half a century ago.

This is an era of extreme taxpayer sensitivity. One school bond issue after another is being voted down all over Wisconsin.

But the vocational schools apparently have proved themselves to the satisfaction of the taxpayer, even while he worries about his tax burdens. Several district bonding plans have been approved without a referendum, which can be had upon the petition of only 1,000 persons. Two have been approved after referendums were held.

LANDSLIDE SUPPORT

The most remarkable exhibition of public approval of enriched vocational education opportunity came recently in the Fox Valley district base in Appleton. The vote of approval for a sizable bonding plan carried by a margin of approximately three to one. In the city of Appleton, where the populace tends to be a few shades more conservative—on the basis of its regular election behavior—the approving vote was far greater.

The significance of such a performance can scarcely be obscured. Those approving voters were not only endorsing—to the extent that they formerly lived outside the vocational school district—an additional property tax levy of two mills on equalized levies to amortize the bond issue which under the new law is outside the regular taxing limits of the districts

It will require perhaps half a dozen years or more to provide the buildings and staff and equipment to make the 18 district school systems fully operative according to the design of the architects of the reorganization law. But perhaps because this system does not indulge in as much of the puffery as some other elements of Wisconsin public education, it is not always remembered that it is always a sizable establishment. For example, there are 33,000 full time students studying for credit—or the equivalent of the enrollment of three typical state universities—not to mention more than 200,000 part-time and night students.

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THE MEDIA AND ENVIRONMENTAL AWARENESS

HON. JAMES H. SCHEUER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, January 26, 1970

Mr. SCHEUER. Mr. Speaker, one of the essential prerequisites for the quality environment we all desire is an informed public. It was for the formation of this informed public that I, along with my distinguished colleagues Congressmen BRADEMAS, REID, and HANSEN and 47 other cosponsors, introduced the Environmental Quality Education Act. However, more than classroom instruction will be necessary to keep our citizenry knowledgeable about the condition of our surroundings and our resources. Molders of public opinion, especially our newspapers, must recognize their responsibility to inform the public of events concerning the environment. Mr. Wolf von Eckhardt of the Washington Post has outlined some excellent proposals for roles which the press might take. For the benefit of my colleagues, I insert the article into the RECORD:

THE MEDIA AND ENVIRONMENTAL AWARENESS

The press must search for better ways to inform its readers about environmental disasters *before* they happen.

This might help to avert them.

We've had this kind of soul-searching after the riots. Prodded by the Kerner Commission, newspapers discovered that they had not adequately informed the public of the mood and conditions in the ghetto. News emanating from the official renewers, poverty warriors and civil righters proved obviously incomplete if not misleading. But then, they were all such nice guys and seemed so sincere. We knew them. We didn't know anybody who lived in Watts, or the Shaw area, or in Harlem.

I am not excluding myself. I had written about urban renewal for years. And, yes, I had wagged my finger about the "relocation problem." But I along with most everyone else in the news room had been half blinded by the statistical sand the official urban renewers kept throwing into my eyes.

It was left to the Kerner Report to state it bluntly: Urban renewal has destroyed twice and three times more low-cost housing than it had built.

Likewise more newsmen should have known and reported, and more managing editors should have prominently featured, that the negotiations for off-shore oil drilling rights might lead to devastating oil spills; that those lucrative freeway systems would lead to more traffic jams; that America's home-building industry was heading toward stagnation to the point where today half the population is no longer able to afford a new home.

Today America's newspapers are just as complacent about the environment as they were about the ghetto and for similar reasons:

We are half ignorant and half indifferent.

We are lazy and take the establishment's word for it. We half believe, for instance, that the SST is essential to America's prestige. Or that cleaning up the Potomac is too expensive. The people who tell us these things are, after all, such nice and seemingly sincere guys.

What's more, a newspaper's job is to report the news. Carbon monoxide in the air, like rats in the ghetto, after all, is hardly news. Not until somebody screams or dies.

Worse: We treat the environment not as an ecological, interrelated whole but in a fragmented fashion. We report a new housing project here and a transportation crisis there. We rarely, if ever, point out that the housing project in the wrong place will make the transportation crisis worse. News affecting the environment is organized according to its source but not in terms of its impact on our place to live.

In an attempt to do better, we on the Washington Post are now considering to set up an Environment Team. (We first thought only of an Urban Team, but soon realized that our urban problems are largely environmental problems.)

This team of editors, reporters and commentators would cover all the news that affects the quality of the man-made environment, i.e. air, water and noise pollution, city planning and housing, transportation, conservation and open space.

It would not only cover these matters but pursue them. And it would do so not only in the halls and pressrooms of Congress, the state legislatures and the local governments of our metropolitan area, but also out in the field where they smell.

The team would have three missions: (1) relate, (2) examine and (3) prod.

(1) News stories on matters that affect the environment would try to point out that they do. A report of a freeway proposal, for instance, would try to include not only the dollar cost and the estimated number of cars moved, but also the estimated amount of carbon monoxide it would generate and where the cars are to be parked. A report on a proposed new housing project would also try to report on the transportation requirements of its residents. A story on an industrial development would include not only its employment potential but also its housing needs and pollution potential.

Obviously the environmental consequences cannot always be easily determined or even estimated. But by raising the question, not only with the news source or with other agencies, but also in print, we can help stimulate environmental awareness and prod the power structure to think along these lines. After all, we don't report political assertions and promises unchallenged.

(2) The press has left it mostly to conservation groups and other kooks to examine official assertions and to challenge them. Industry keeps claiming for instance that anti-pollution measures are unfeasible or uneconomical. The team would on its own initiative challenge the veracity of these claims and unjuggle some of the industrial arithmetic. Few people in this country know, for instance, that independent engineers estimate that most anti-pollution devices, now legally required in Germany and England, cost only from two percent to ten percent of industry's capital investment.

(3) Much as we have theater, art, music, dance and (at least on the Washington Post and New York Times) architectural criticism, we need sharp and articulate environmental criticism and commentary in the newspapers. It is an effective way to prod officialdom and industry and to stimulate public discussion.

The most important contribution the printed press can make towards greater environmental awareness is to help throw the problem into the political arena.

This is why environmental news and commentary should no longer be confined to the feature pages, women and real estate sections. We must treat it as part of general, political news where the politicians and their constituents will read it.

Space is always short, to be sure. But newspapers ought to examine whether its front section space is always used wisely. Do we, for instance, really need hundreds of column-inches devoted to political columnists who, day after day, regurgitate just why our Vice President said what he said about "effete intellectuals," or why Judge Haynsworth didn't say what he didn't say about his investments, just because we have such an affluence of political columnists who are so seemingly good at regurgitating?

There are, to be sure, all too few newsmen who feel qualified to report, let alone comment on environmental relationships and design. But there are increasingly more who are interested and concerned. One of the best investments a newspaper can make in its own and the country's future, is to send some of these interested and concerned young men and women to school for a semester or two. Most universities now have courses in ecological, urban and environmental studies.

ICC ACTION TO HELP CONSUMERS

HON. CLARENCE J. BROWN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, January 26, 1970

Mr. BROWN of Ohio. Mr. Speaker, flaying the regulatory agencies has become something of a national pastime in recent months. Various groups and individuals, as well as some Members of the Congress, have charged variously that the Interstate Commerce Commission has demonstrated an insensitivity toward consumer interests in some of the agency's activities and decisions.

Constructive criticism is one thing; sheer carping for the sake of carping is quite another. It is in the spirit of fair play that credit for constructive activity should be given when it is due that I ask unanimous consent to insert in the RECORD an article from the Washington Post of Monday, January 19, 1970, detailing the voluntary, and I think, progressive action, of the ICC in attempting to meet and overcome some of the problems besetting families on the move these days.

The Commission merits a "well done" in taking action to prevent abuses such as those detailed in the article:

[From the Washington Post, Jan. 19, 1970]

ICC EYES TIGHTER REIN ON U.S. MOVING FIRMS

(By William H. Jones)

If you haven't moved recently, you're among the rarest of Americans. Statistics from Atlas Van Lines and the Interstate Commerce Commission show that about 40 million citizens—more than 12 million households—move every year.

At the same time, it could be said people are moving more but enjoying it less.

The ICC in recent years has been literally inundated with complaints from consumers of moving services. Most complaints concern losses or damage claims, procedures for estimating in advance the moving costs, and late deliveries.

One example cited by the ICC's bureau of enforcement was a shipment picked up in Richboro, Pa., in late August of 1968, scheduled for delivery in Glendora, Calif., on Sept. 16. That date, the family called the moving company and was told the truck was in Arizona and would be in California shortly. The shipper was further told the company would call him but there was no phone call. On Sept. 18, the shipper called the carrier again and was told the driver had not

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been heard from in two days and the company promised to check and call. The carrier did not, ICC said.

On Sept. 19, the family again called and heard another story of delay: the truck would be in Tucson, Sept. 23; Las Vegas, Sept. 24, and California on Sept. 25. Another phone call was promised and again there was no such call.

Imagine the harried father's temper when he called on Sept. 25 and learned that the truck broke down in Mississippi, had not even been in Arizona yet! He got through to a company vice president who promised California arrival on Oct. 1, for sure. There were more calls from the family on Oct. 1, and Oct. 3 and more delays. Delivery was promised the morning of Oct. 4 and the truck actually arrived at 6 p.m. Throughout the ordeal, the company never called the shipper.

Such sagas are not rare among what ICC staff members call the "war zone" consumer complaints about moving. As a result, the ICC has inaugurated (on its own, without the usual pressures from Capitol Hill or consumer groups who complain of the agency's lack of initiative) a thorough investigation of its regulations of household moving.

Although ICC jurisdiction extends only over interstate moving—about 17 per cent of the total moves—stiffer federal regulation could encourage the states to improve rules covering intrastate shipments. The District, for example, is already considering greater control over local moving here.

YOU THE CONSUMER

In an order issued last summer, the ICC listed six areas it considers need revision and asked for comments and proposals from moving companies, its own enforcement bureau (as representative of the public) and the public in general. The six areas are:

Elimination or changing of procedures whereby moving firms estimate weights and probable charges. Some consumers complain that movers often give deliberately low estimates, which are not binding. Among ideas the ICC wants to consider are encouragement of "do-it-yourself" estimates of costs or creation of an independent weight-estimating service sponsored by moving companies.

Control of overbooking by moving companies by requiring specific times of pickup and delivery. Often a mover will hold a truck with three-quarters of a load with the aim of finding a full load before beginning shipment.

Definition of "reasonable" dispatch of shipments. The ICC's enforcement bureau has proposed this definition: "The performance of transportation on the dates or during the period of time agreed upon by the carrier and shown on the carrier's order for service and recorded on the bill of lading."

Require more "responsible" notification to the shipper of actual charges as well as when there is a delay.

Require weight certification on the bill of lading.

Improve the contents of a brochure given prospective movers describing services and costs.

The ICC has also launched an investigation of the relationships between national firms and local agents that do the actual hauling and packing. Such agreements, ICC said, have fostered an atmosphere of "irresponsibility" to some extent.

The ICC's bureau of enforcement and movers have proposed that estimates of weight not be eliminated, as had been suggested. The bureau wants a new regulation, however, encouraging an estimate form stressing the fact that it contains only probable charges.

On the touchy subject of promised delivery dates, meanwhile, the household moving industry in late December proposed its own solution: creation of a new "premium" service—with a higher price tag—for exact-day service.

Under the plan, moving firms would pay penalties for late shipments ($25 a day but not more than $200). For people who did not want to pay extra for such promises, there would be no guarantees of delivery time under "standard" service. The moving industry, represented by the American Movers Conference, calls the plan a "bold new program to custom build moves for individual customers."

TAFT WELCOMES PRESIDENT'S STATEMENT ON MIDEAST—CALLS FOR ADDITIONAL CLARIFICATION

HON. ROBERT TAFT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, January 26, 1970

Mr. TAFT. Mr. Speaker, I was pleased to note the President's most recent statement on the Middle East and welcome his reaffirmation of U.S. support of Israel.

The following is a copy of a news release I issued today, along with a copy of a letter I sent to the President on January 20, 1970:

Representative Taft Praises President's Mideast Stand—Releases Contents of Letter Urging Such Action

Washington, D.C., January 26.—Congressman Robert Taft, Jr. today welcomed President Nixon's reaffirmation of U.S. support of Israel. He cautioned that earlier statements on territorial questions should be clarified further to specify that any withdrawal would be only "in the context of peace and specific security safeguards."

The Ohio Congressman released the contents of a letter he had written to the President on January 20, urging that the President clarify "the U.S. position in the Middle East" in light of the Secretary of State's December 9, statement.

In his letter, Taft said failure to reaffirm U.S. support for Israel "could compound present confusion and possibly be damaging to the hopes for making progress toward peace and stability in the Middle East."

Taft, a member of the House Foreign Affairs Committee, wrote the President, "There is a great danger of further misunderstanding and over-reaction to the December 9, statement of the Secretary of State."

He called for an early "clarification" of the U.S. position to avoid "wide divisions in public opinion here."

"I am pleased with the President's statement," Taft said, "but further clarification could be forthcoming. The letter read as follows:

Congress of the United States,
House of Reprsentatives,
Washington, D.C., January 20, 1970.

The President,
The White House.

Dear Mr. President: As one who has had the deep and abiding concern with the formation of Israel and the role of the United States in the Middle East in relationship to Israel and the Arab countries, I write to point out certain considerations that I think must be taken into account regarding U.S. policy.

In doing so, I recognize the danger that, involved in a political contest as I am and from a constituency which includes a sizable number of Americans of Jewish ancestry and religion, I might be suspect as speaking for political ends. I accept this risk and point to my consistent stand with regard to the establishment of Israel as a nation and the absolute necessity for our support to make it possible for that nation to continue to exist and move toward a secure position in the family of nations. This position should not be surprising in view of my father's long and significant role in the establishment of Israel as a nation.

As you know, I serve on the Foreign Affairs Committee of the House of Representatives and have the greatest respect and friendship for our Secretary of State, as well as admiration and respect for Secretary Sisco. However, justifiable or not, the statement of current U.S. policy made by the Secretary of State on December 9 has been interpreted in ways that have caused widespread uneasiness and alarm in America's Jewish community, in Israel, in the Arab nations, and throughout the world. I, therefore, urge you to bring about a clarification of the U.S. position in the Middle East at the earliest possible time. I believe this could bring reassurance to all concerned. On the other hand, failure to provide it could compound present confusion and possibly be damaging to the hopes for making progress toward peace and stibility in the Middle East.

Moreover, I feel that there is great danger of further misunderstanding and over-reaction to the statement of the Secretary of State. This could lead to wide divisions in public opinion here and to counterforces of opinion building up as a result. Inevitably, our thinking is conditioned by the Viet Nam war and by growing questions on the limitation of power concepts. What this reaction could mean, should it continue to grow, would be an undermining of the credibility of U.S. support of Israel and its right to exist as a nation. This, in turn, could encourage the Arab nations and their patrons to further intransigence and jeopardize the work for a peaceful settlement in the area. Forces of public opinion, whether or not justified, may, nevertheless, be significant and damaging.

I believe a clarification of a number of specific points made in the Secretary's speech is needed.

The first point that I hope can be clarified is that the "balanced approach" toward a peace settlement does not in any way imply a balanced approach toward support in equipment, materials, or otherwise, under the present circumstances, or in the future in the event of continuation of the unsettled conditions, acceleration of current military activities, or of a full-scale war. I think we must recognize that many have interpreted the "balanced approach" as meaning that we do not expect to supply Israel any support in the way of arms, supplies, or economic resources that we are not offering equally to the Arab nations. Obviously, this was not said, since the Soviets continue massive assistance to the Arab nations. Nor do I believe that you or the Secretary of State intended it to be. Certainly, the Congress does not. The Foreign Aid Authorization Bill as passed by the Congress this year, includes considerable new aid to institutions and development in Israel. Among them, I am happy to say, are assistance to the Weizmann Institute under its new president, Dr. Albert Sabin, of my city, assistance to Hadassah, as well as an authorization of $20 million dollars for the building of a desalinization plant in Israel. Such new departures plainly belie the interpretation that we intend to discontinue assistance to a good and long-time friend because of the lack of progress of peace negotiations in the area.

Another vital question in need of early clarification and emphasis is that the withdrawal from Egyptian territory should come only "in the context of peace and agreement on the specific security safeguards." This should be clarified to specify only as a part of the other two principal elements mentioned by Secretary Rogers, (1) a binding commitment to peace of the parties "with all the specific obligations of peace spelled out, including the obligation to prevent hostile acts originating from their respective territories" and (2) a working out between the parties of specific security safeguards. While it seems to me that Secretary Rogers' language is clear on this point, there has been misunderstanding of it.

Having already introduced a resolution in Congress on January 19 calling for direction negotiations, I will not belabor the point here, but through the "Rhodes" formula, or otherwise, this seems essential to progress and confidence of the parties. Another armistice-type settlement won't suffice.

I would like to mention two other unfortunate implications which have been drawn from the speech. The first of these is that the current administration of Jerusalem has not permitted access of other religions and nationalities to the City and its holy places. This is untrue and it should not be permitted to remain uncorrected.

The other is an implication that the Israeli Government is following the policy of expansionism. Again, I believe the inference is a totally unjustified one, but it has been drawn and should be corrected.

Finally, I believe we should examine whether in future U.S. decisions and proposals for the Middle East it is wise to enter into piecemeal considerations of territorial questions, especially without prior consultation with the adversaries directly involved. Time enough for this when they come together for negotiations. Accepting as we do the concept that specific security arrangements can be made only between the powers directly involved, discussion of territorial limitations in talks or proposals by other powers, such as the United States or Russia, seems unlikely to help bring agreement through later direct bargaining. Any earlier positions taken by other large powers seem sure to be relied on to strengthen or weaken the case on each point as it arises in the negotiations of the parties directly involved.

I hope you will accept the above comments in the spirit of constructive criticism in which they are offered, and that it will help in arriving at a clarification of our policy. I recognize full well that some critics seem to have no alternative to offer, and I especially commend your administration for taking the initiative in attempting to bring about necessary progress in the area. We must recognize also the relationship of the Secretary's speech to our talks with the Soviets. I share his feeling that we have "a responsibility to determine whether we can achieve parallel views which would encourage the parties to work out a stable and equitable solution." The reaction of the Russians in backing away from a direct negotiations formula and the responsibility of the Middle Eastern nations for guerrilla activity originating within their boundaries provide substantial indication that our views are certainly not parallel at present.

Obviously, the expressions of the parties directly or indirectly involved in a situation as complicated as the Middle East today do not necessarily reflect the prevailing long-range opinions of the respective parties and may be aimed toward specific objectives or without the nations in question. The fact remains, however, that the Soviets do not seem to have shown any substantive readiness to move closer to our position.

I therefore urge that you undertake to express to our nation and the world a clearer statement of America's position. I pledge to you my support and cooperation in any way that I can to assist in working out this most difficult challenge.

Respectfully,

ROBERT TAFT, Jr.

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CHARLES PEREZ, JR.: INVENTOR OF WORK TOOLS, DINING AND COOKING UTENSILS FOR AMPUTEES

HON. SPARK M. MATSUNAGA

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Monday, January 26, 1970

Mr. MATSUNAGA. Mr. Speaker, one of the most remarkable individuals I have ever met visited me in my Honolulu district office during the presession recess. His name is Charles Perez, Jr. He is an amputee, having suffered the loss of his right hand at the wrist at the age of 16. Perez, now 49, has become an inventor of tools for the handicapped.

Among the tools and utensils he has invented are: a metal socket brace to hold specially designed equipment, such as hammers and other tools needed for work in masonry, carpentry, plumbing, mechanics, and electronics: a broom for housework which pivots while you sweep; and dozens of other tools from "knives to pancake flippers" to replace the cumbersome hook or claw which most amputees have had to accept.

Mr. Perez would like to provide all amputees throughout the United States and the rest of the world with the benefits of his inventions. Unfortunately, he is without the necessary capital or the facilities for manufacturing his tools in quantity. It is a shame that the Federal Government, which provides aid to the handicapped in many ways, cannot undertake to manufacture and distribute the creations of Mr. Perez.

In the hope that a public spirited but business-minded entrepreneur may wish to undertake a truly worthwhile project of manufacturing and distributing tools for the physically handicapped, I offer for the CONGRESSIONAL RECORD a story about Charles Perez, Jr., the amputee-inventor, which appeared in the Honolulu Sunday Star-Bulletin and Advertiser of December 28, 1969, written by Advertiser human affairs writer Carole Hoyt:

TOOLS FOR AMPUTEES—INVENTOR MAKES LIFE EASIER

(By Carole Hoyt)

Capt. Hook, a fictional hand amputee, lost out to Peter Pan in a fairy tale chase because his hook couldn't keep up with Pan's sword.

Pan might lose if the story were rewritten today, because Charles Perez Jr., a Honolulu hand amputee, has invented dozens of tools from knives to pancake flippers to replace the traditional but often useless hook or claw.

Perez lost his hand in 1936 when he was 16. Like other amputees he accepted the cumbersome hook until, "I started having trouble using a hammer. It fell out of the claw."

His wife Violet said, "I used to help him tie the hammer on. We thought surely there must be some way to make this work easier."

In 1965, Perez began working in his Kaimuki home workshop on "some way to make things work easier."

He developed a metal arm socket which fits over the stump of his wrist to the elbow. In that socket he placed the first tool he developed—a hammer.

All of the tools screw into place and hold firmly, even taking the force of full strength blows without breaking.

Perez has patents pending on the tools which include equipment needed for work in masonry, carpentry, plumbing, mechanics and electronics.

Two regular hardware tool adapters hold the attachments in place, one for parallel work such as the hammer, and a perpendicular adapter for eating utensils.

Perez, once a trumpet player for Trummy Young, is a maintenance man for the State Library.

The first tools he shows guests were built to help his maintenance work.

Perez is pleased to demonstrate all of his items: "Here is one for housework. You just stick the broom in the end of the adapter and the universal joint pivots while you sweep."

Perez made brushing motions and the joint moved.

Each gleaming stainless steel tool was laid out on the table. Perez picked up a fork.

"This one I don't have to use myself but someone else might need one."

He also tacked on the item his wife says he uses the most, a stainless steel kitchen knife.

"I'll cut you an orange with this one," Perez said and smoothly sliced thin pieces of the fruit.

The Perezes said they believe in taking religion seriously and so devised a trademark and names for their tools which encompass their faith:

The trademark for each tool is a circle with a star and letters inside. Perez held up a sketch and described each symbol:

"The circle around the outside is God with no beginning and no ending. This is the star of Bethlehem inside. These letters are for my children, Rosalie, Dale, Dawn, James and my wife's maiden name."

Mrs. Perez said they feel her husband's inventive talent "is a gift of God."

The business called Sonny-Ke, will combine Perez's nickname Sonny with his wife's maiden name Ke. The tools are registered as Kehope, which means strength or stability.

While Perez has placed an ad in the Wall Street Journal looking for a manufacturer for the tools, he would prefer government production of the tools to keep the cost down.

The estimated cost of the steel socket brace is $325 and the tools cost from $12 to $25 each to make.

Perez has developed one new tool out of titanium, a light metal he would like to see used for commercial production. For many amputees steel tools are a little too heavy.

FORMER EAST GERMAN RESIDENT FEARFUL OF YOUTH UPRISING'S IMPACT ON NATION

HON. KENNETH J. GRAY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, January 26, 1970

Mr. GRAY. Mr. Speaker, I am sure we have all heard many times the old saying "we cannot see the forest for the trees." This phrase came to mind when I read the enclosed article written by my good friend Bill Powell, roving editor of the Sun-Democrat in Paducah, Ky., concerning a young housewife who came from East Berlin and is amazed at the actions of some of our flag and draft card burners, hippies, and other elements of our society that seems strange to her.

Mrs. Ingrid Trovillion, an American citizen, whose husband is a native of Vienna, Ill., in my district, and is now serving his second tour in Vietnam, is a prominent citizen of Paducah, Ky. She has a message I believe is worthy of our consideration.

Under order of the House previously granted me, I herewith enclose Mrs. Trovillion's story as written by Bill Powell:

[From the Paducah (Ky.) Sun-Democrat, Dec. 11, 1969]

FORMER EAST GERMAN RESIDENT FEARFUL OF YOUTH UPRISING'S IMPACT ON NATION

(By Bill Powell)

Ingrid Trovillion—who once was secretary for the mayor of East Berlin—thinks she has a message about the young people of this country.

"I don't believe the young people know what they have," she said. "They've always had the good life. They don't understand how it would be to live in a little communistic country."

Ingrid Trovillion—who was Ingrid Helena Karin Boettcher when she was growing up in East Germany—said:

"The young people—they just don't know what they are doing."

Attractive Ingrid, who is a professional model but right now is just a mother of two who is anxiously waiting return of her Army career husband from Vietnam, rose to her considerable height, for a girl.

With poise and restraint, she bordered on the foot-stamping stage.

"The government has got to do something to settle them down; they will lead up to something terrible. If they had ever lived in a little communist country they would feel differently."

Ingrid Trovillion, whose husband is a native of Vienna, Ill., referred specifically to the youth demonstrations, the youthful rebellion that takes its form in scraggly, nasty haircuts, the anti-war demonstrators and all the others who, by filthy look and deed are trying to drag the country down to a point where it will be weak.

"They are going to lead us into a terrible mess if we let them do it," she said.

Mrs. Trovillion slipped out of East Berlin in 1959. She walked across the dividing line into West Berlin, leaving her family behind. She couldn't stand communism.

Before, she had reached a height which most girls would want to reach—she was the private secretary of the mayor of East Berlin. She regarded the mayor as a Communist; she was gratified some years later when he slipped into West Berlin and became a defector from the Russians.

Ingrid has seen her family only once since she was 18—she met her father and mother fleetingly in an East Berlin restaurant in 1965. This was possible because she had become an American citizen. She could not get home with them, however. Ingrid is 29.

Ingrid Helena Karin Boettcher went to West Germany before the "Wall."

There she became a model and met Robert Trovillion when he brought another attractive girl to a style show in which she was a participant.

Her father was in the construction business; he had built the business himself. East Germany tactics of the Kremlin deprived him of his business, as it did countless others. One day he simply could not get material, although he had many houses under contract. The door was closed to him.

Later, he kept a foot just inside the door of private business by buying a taxi; but this is quasi-private business—the Russians control everything he does in his business.

Before the Communists took over, he had a brisk business—with 10 to 15 people working for him and constant demands for his skillful building.

If Ingrid Trovillion had not walked out of East Berlin in 1959 she would never have been living in Paducah, waiting patiently for her husband to come home.

She was in West Germany in 1961—when the Berlin Wall was put up. This made the difference between being a slave and a free American.

Ingrid remained in the free country and then came to the United States with Robert Trovillion who, according to Ingrid, is "the very best man."

Mrs. Trovillion speaks English well but she has a strong German accent.

Some words come hard for her. She is puzzled by slang; she has trouble, too, with some past tenses.

To the tall, attractive woman, taught still is "teached" with a strong gesture or two to show her puzzlement.

Ingrid grew up on the west of Berlin, in the area that separates West Germany from West Berlin. From a tower in West Berlin she can see the house where her family lives; but she cannot go there.

Only tourists and a few others are able to visit East Berlin. No one outside the Communist sphere is able to visit East Germany.

Ingrid attended school in East Berlin; they would not allow her to study English.

In East Germany schools, Ingrid was ridiculed. She was spitefully called a capitalist because her father was a businessman.

She was born in 1940, when Hitler was making his biggest gains; she became aware of the world at the age of four and five when the Allies were pounding Germany with the terrible bombs.

"My mother would get us up three and four times a night because of the bombers. They came over every night—they dropped big bombs and the destruction was terrible."

Whole blocks of apartment houses, such as the one in which she lived, were leveled, sometimes, in a few horrifying minutes. As the American bombers droned away, with searchlights and antiaircraft fire turning the sky into a nightmare, Ingrid began to realize that life was pain, and that hunger and fear and want prevailed.

"Hitler was a nut," said spirited Ingrid Trovillion.

Ingrid has great affection for her parents, and she is proud of them.

Mr. Boettcher was not a Nazi; he served in the German army but was behind the lines and never anything like the average Hitlerite.

Not long after the apartment in which she lived was hit by the Flying Fortresses or the Liberators, the war was over. The Russians evacuated Ingrid's hometown. This was pure misery.

She and her people came out of the town in a covered wagon; there were many others in the train which bristled with pain and death. No one had anything to eat; the horses were gaunt and hardly able to move. Some of them did not. They fell dead in their tracks.

On the evacuation road Ingrid saw crude, vulgar, cruel Russian soldiers.

She saw a Russian soldier shoot a woman and her husband. The woman died instantly; the man lived. The soldier had broken into the woman's home, her husband happened to come home at that moment.

Ingrid saw Russians break into farmhouses and seize women. She remembers how horrible it was, as the women and children were hiding in a hayloft, to hear the Russian soldiers tell them they were going to set fire to the hay unless the women came out, which they did to save the children.

Ingrid Trovillion saw an old man soon after he was beaten to death by Russian soldiers because he would not tell them where the women were. The old man, she recalls, was 99; he lived only a short time after the beating.

Ingrid Trovillion saw her own mother being shot at by Russian soldiers—as she tried to gather food and clothing from a wagon for the children.

Ingrid was only five. But, she said, reality has a way of setting in early in life.

One of the worst sights Mrs. Trovillion saw was a "field full of wounded soldiers."

"They were mostly German, I suppose," she said. The soldiers were lying on the ground; they were screaming and crying. She saw an operation being performed on boards where hogs ordinarily were butchered.

It took 10 months for Ingrid and Bob Trovillion to be married. Her connection with East Berlin held things up; someone had to get close enough to the case to judge her personally before permission was granted.

Bob is in the 101st Airborne—the famous outfit that was at Fort Campbell. He has been a paratrooper, but now is classed as an infantryman. He is in his second tour in Vietnam.

He will be home in March.

Mr. and Mrs. Trovillion have two boys, Roger 7 and John Paul 5. Bob, when he came out of service the first time, was a major in the reserves—he has tried two hitches. When he went back in, of course, he was dropped in rank and became a first sergeant, which he still is.

Paducah, to Mrs. Trovillion, is a wonderful place, because it is a part of the United States. Besides this, people here have pleased her very much with their patriotism and kindness.

She has made many friends, and has spoken before a few clubs.

She would gladly speak to organizations if they want to hear a story that leads from the high office of the mayor of East Berlin to what is almost contempt for demonstrating, hippie young people who are plaguing the country in the eyes of law officers, scholars, average citizens, some teachers and others.

Ingrid is looking forward to Bob's safe return. Beyond that is the end of an impossible dream.

Trovillion is being assigned to West Berlin.

They will have an Army apartment.

Her father is 65 and her mother is 62. This means that they can travel out of East Germany for a while.

"For the first time in my life I'll have them in my home," said Ingrid.

Ingrid Helena Karin Boettcher Trovillion—as she doesn't like to be called—is a proud American citizen—more reasons, she said, why she should pitch into the ingrates, the shameless, the cowards who demonstrate with some form of the North Vietnam flag in the wind.

"I took the oath in a courthouse in San Antonio. This courthouse was next door to the Alamo. I am kind of proud of that."

CONGRATULATIONS TO U.S. JAYCEES ON THEIR 50TH BIRTHDAY ANNIVERSARY

HON. ABNER J. MIKVA

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, January 26, 1970

Mr. MIKVA. Mr. Speaker, during the week of January 18, 1970, the U.S. Jaycees celebrate their 50th anniversary. It is an occasion on which all of us may pause to contemplate the important role of this fine organization of young Americans dedicated to the principle of service to their communities. Many a community across our land is a better place to

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live and work because of the material and spiritual contributions made by the local Jaycees.

One of the finest moments of my own career in public life came in September of 1961 when I was chosen by the Chicago Junior Association of Commerce and Industry as one of their outstanding Young Chicagoans for 1961. It was an honor, indeed, and one which I continue to cherish, to have been chosen as "outstanding" by a group which is itself composed of so many who are outstanding in their leadership and contributions to the Chicago area.

These past 50 years have been good ones for the Jaycees and their organizations have proliferated and prospered—which have also made these years good ones for America. It is my sincere hope that the next 50 years will be as healthy and productive ones as have the last 50. The contributions to community service by the U.S. Jaycees are things which we cannot afford to be without.

I take pleasure in placing at this point in the RECORD a brief history of the U.S. Jaycees.

The document referred to follows:

A HISTORY OF THE U.S. JAYCEES

Each year a new and important chapter must be added to the history of The United States Jaycees, for although each member is proud of his organization's rich heritage, he is faithfully determined to contribute to its future successes.

The organization that is now The U.S. Jaycees resulted from the expansion of a very fundamental yet valid idea that young men can become actively involved in public service since youth is no handicap for participation in municipal, state and national affairs.

When one considers the scope of the Jaycee movement today, it is difficult to conceive its humble beginning as the Herculaneum Dance Club of St. Louis, Missouri, a group led by Jaycee founder Henry Giessenbier, Jr.

The Herculaneum, originated by Giessenbier in 1910, had as its purpose the social elevation of its members, a goal it rapidly attained. By 1914 it was the outstanding dancing club of the day in St. Louis and prepared to merge with six other similar groups to form the Federation of Dancing Clubs.

A major objective of the Federation was to encourage the revival of the twostep and waltz, dances which were being overshadowed by the "Turkey Trot" and "Bear Hug."

A second objective was to renew respect for dancing in general. This was accomplished by each member club pledging to refuse to sponsor any unchaperoned dances or functions where liquor was served.

Giessenbier's father was employed as a head waiter at a St. Louis restaurant, the Mission Inn, and the Federation took advantage of the facilities for occasional meetings.

During the summer of 1915, young Henry Giessenbier was particularly impressed with the comments of a local politician who came to address a meeting of the Federation. The orator, Colonel H. N. Morgan, spoke in favor of a Parkway issue, but more importantly, convinced Giessenbier that young men should take a more active interest and role in public affairs.

Following a series of meetings with Morgan and others from which he gained further encouragement, Giessenbier took the first step toward the Jaycee movement of today. On October 13, 1915, in the Mission Inn, 32 young men formed the Young Men's Progressive Civic Association.

During the early years YMPCA gained support from many individuals, but none was more valuable than the President of the St. Louis Chamber of Commerce, Clarence H. Howard.

In his inaugural address Howard had called for a group capable of drawing young men into public affairs. The very next day Giessenbier and Andrew Mungenast contacted Howard and told him of the goals of YMPCA.

As a result of this meeting, Howard became an enthusiastic proponent of the organization and even secured an old art museum to serve as YMPCA headquarters. At about this time the club's name was changed to Junior Citizens.

During World War I the JC's (as their name was abbreviated) formed Company L of the 138th Infantry Regiment. The commander was Dwight Davis who later became Assistant Secretary of War and donated the Davis Cup tennis trophy.

In 1918 the JC's affiliated with the St. Louis Chamber of Commerce and officially became the Junior Chamber of Commerce.

After returning from service during the war in France with Co. L, Giessenbier began contacting other cities with young businessmen's groups to inform them of the so-called "St. Louis Plan" of organization.

As a result of Giessenbier's efforts a caucus of twenty-nine clubs from around the nation was held in St. Louis, January 21 and 22, and the national organization was formed. The St. Louis group, which then numbered more than three thousand, became the hub of the national body.

Henry Giessenbier was elected the first president of the organization during a convention which included twenty-seven cities, the following June. Twelve of those cities became charter members of the Junior Chamber.

An official publication of the new national group was begun in 1925 with the first printing of Expansion. This publication continued until 1929 and was followed by magazines of various titles until the present Future Magazine was printed in 1938.

During the 1920's and 30's the Junior Chamber not only grew in size, but the scope of activities became even broader. Then, as now, chapters were concerned with almost every conceivable type of project which would serve the needs of a community.

In 1935, after years of moving the national office from one city to the next with each new president, it was decided that the Junior Chamber should settle in the city in which it originated. By choosing St. Louis the organization turned down an offer of space in the national headquarters of the Chamber of Commerce of the United States in Washington, D.C. After much discussion it had been decided that the Junior Chamber should remain completely independent of the senior body.

The headquarters was again on the move, however, in 1938, this time to Chicago.

Before World War II, the Junior Chamber became the first young men's organization to back selective service proposals. During the war, eighty-five percent of the organization's membership entered the military.

In 1944, following a meeting in Mexico City, Junior Chamber International was formed. Attempts to found such a world group date back to the 1930's.

The first full-scale convention of the United States Junior Chamber of Commerce after the war was held in Milwaukee during June of 1946. It was during this convention that a young Jaycee, Bill Brownfield from Columbus, Ohio, found the inspiration that prompted his authorship of what was to become the official Jaycee Creed.

After returning home, Brownfield pondered the events at the convention and the way of life typified by the young men who attended it. Within an hour he penned the basic phrases of the creed, a document which was officially adopted by the United States Junior Chamber of Commerce in 1947. In 1951 he added the first line which affirms the Jaycees belief in God.

In 1947 the offices of the national organization were moved to Tulsa, Oklahoma, where citizens had pledged one hundred thousand dollars for the construction of a War Memorial Headquarters.

The cornerstone of the Jaycee headquarters was laid on December 7, 1950, and final dedication ceremonies were conducted in August of the following year. Since then several improvements have been made including the addition of a third story, office remodeling and the construction and 1966 dedication of the Bill Brownfield Conference Room.

At the 1965 convention the name of the national organization was officially changed from the United States Junior Chamber of Commerce to The United States Jaycees.

Through the years the progress of the young man's civic organization has been rapid. From a base of twelve chapters and four thousand members in 1920 the body grew to include more than six thousand chapters and over 300,000 Jaycees.

1915—Giessenbier organizes YMPCA.
1920—USJCC Born at January Caucus.
1925—EXPANSION—First Nat'l Magazine.
1928—First Full-time staffer.
1935—Permanent HQ, St. Louis.
1938—FUTURE born & HQ to Chicago.
1944—JCI is Established.
1947—HQ shifts to Tulsa.
1951—War Memorial Bldg. Completed.
1965—Name changed to The United States Jaycees.
1966—Bill Brownfield Room Dedicated.

	Members
1920 (12 chapters)	4,000
1925 (45 chapters)	8,600
1930 (86 chapters)	*15,000
1935 (258 chapters)	*40,000
1940 (861 chapters)	64,000
1945 (842 chapters)	63,000
1950 (1,800 chapters)	124,000
1955 (2,900 chapters)	172,000
1959 (3,700 chapters)	200,000
1963 (4,800 chapters)	225,000
1965 (6,500 chapters)	250,000

*Estimates.

THE JAYCEE CREED

We believe:

That faith in God gives meaning and purpose to human life;

That the brotherhood of man transcends the sovereignty of nations;

That economic justice can best be won by free men through free enterprise;

That government should be of laws rather than of men;

That earth's great treasure lies in human personality;

And that service to humanity is the best work of life.

SWEDEN AIDS HANOI—WITH AMERICAN DOLLARS

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, January 26, 1970

Mr. RARICK. Mr. Speaker, the Hanoi Reds have now given their Swedish Santa Claus the list of the "humanitarian" aid which they can use.

This "humanitarian" aid to our enemy is the $45 million which had been previously promised for a 3-year period, and

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the current Swedish budget includes the first $15 million installment.

Of particular interest is the request of the enemy for $1 million—in U.S. currency. This surprisingly frank request points up with undeniable clarity two important facts.

First, that Sweden acquires American dollars only by selling goods to Americans. Americans who buy Swedish goods from this day forth must understand that their dollars are going to be given to Hanoi—to aid the enemy.

Second, Hanoi needs American dollars only to purchase American goods—from our so-called friends who trade with the enemy, or to finance its worldwide propaganda and support its "dear American friends" in their fifth-column activities in this country.

Finally, it is appropriate that the same date on which the $1 million operation is announced brings the announcement of the arrival in Sweden of the perverted, rabble-rousing jailbird, Ralph Abernathy, to address a symposium and dine at the Foreign Ministry.

I include pertinent newsclippings, as follows:

[From the Washington (D.C.) Sunday Star, Jan. 25, 1970]

Sweden Gets Hanoi Aid List

(By Robert Skole)

Stockholm.—North Vietnam has presented a list of priority items—including $1 million in cash, medicines, and construction and transport equipment—it would like from Sweden under a proposed aid program.

The list was given to Bertil Svahnstroem, chairman of the Stockholm Conference on Vietnam, when he was in North Vietnam earlier this month.

Although the list was not sent through diplomatic channels, it gives a clear idea of what Hanoi considers "humanitarian assistance."

Sweden has pledged $45 million in aid to Hanoi over a three-year period starting July 1. Of the total, $30 million would be in postwar reconstruction loans and the rest would be in what the Swedes call "humanitarian aid."

CASH, TEXTILES, PAPER

The list of high priority items given to Svahnstroem includes: $1 million in U.S. dollars or other convertible currency, 2 million yards of textiles, 10,000 tons of paper, medicines including about 10,000 pounds of penicillin, 5 tons of quinine and vitamins, medical instruments.

Also school equipment including complete materials for physics, chemistry and electrical training, equipment for production of school furniture, elementary school training aids including globes and maps printed in Vietnamese, machinery for building 4- or 5-story apartment houses, transportation material, cranes and carpentry tools.

Some of these items—if delivered by Sweden—might cause protests in America. The objectionable items might be the cash—which could buy weapons—and the transport equipment (the type was not spelled out)—which could ship men and materials southward.

$15 MILLION IN BUDGET

In its 1970–71 budget presented to Parliament this month, the government earmarked $15 million to aid Hanoi.

A Foreign Minstry spokesman said Svahnstroem has given a copy of his list to the government.

"We are stressing that Mr. Svahnstroem is not an official representative of Sweden," a ministry official said. "We will have official discussions on aid to Hanoi when our ambassador to North Vietnam visits there in February." (The ambassador is Arne Bjoernberg, who also serves as Sweden's ambassador to Peking.)

The ministry official said Sweden—working through the Red Cross—donated about $2 million in humanitarian aid to North Vietnam. This was mainly in equipment for a hospital that is to be completed this spring.

He said Sweden has also given about $400,000 in aid to South Vietnam and a small amount to the Viet Cong. These donations, too, were made via the Red Cross.

NO CHANGES PLANNED

"We have no plans to change our channels of distribution in the future, nor the type of assistance," he said.

This means that Hanoi might not get much of what is on the Svahnstroem list. Svahnstroem—in a newspaper article earlier last week—said it might be more humanitarian to give school and construction and transport equipment than medicines, which can help cure soldiers so they can go back to war.

Svahnstroem, who works as a stenographer in Parliament, has been active in peace causes in Sweden for many years. On his trip to Hanoi, he was accompanied by two Americans, an Italian, an Englishman, a Russian.

His trip was paid for by the Stockholm conference on Vietnam, an international group that holds anti-Vietnam war conferences.

The group met with North Vietnamese Prime Minister Pham Van Doug. Svahnstroem wrote, "He said we are always thinking of Sweden for they have sent us so many costly things—and have given us not only materialistic but moral and political support."

Svahnstroem said that in the two weeks he was in North Vietnam, he only once heard anyone express real hatred for America. "On the contrary, they said they want to have normal relations with all nations after the war."

Svahnstroem also met in Hanoi with representatives of the Provisional Revolutionary Government of South Vietnam—the Viet Cong.

They, too, presented a list of items they would like under humanitarian aid—including medical equipment, lab equipment for making drugs, medicines, film projectors, cameras, transistor radios, duplicating machines, paper, typewriters, musical instruments and textiles.

The Stockholm conference will hold a large meeting here this March with delegates from many nations to discuss aid to Vietnam and "war crimes," with particular attention to chemical and biological warfare.

[From the Washington (D.C.) Post, Jan. 25, 1970]

Ralph Abernathy Arrives in Sweden

Stockholm, January 24.—Negro civil rights leader Ralph Abernathy arrived here today for a week-long visit at the invitation of Sweden's Martin Luther King Fund and the Swedish-American Foundation.

The Alabama pastor is scheduled to speak at a symposium here next week on the civil rights movement in the 1970s. His program also includes a lunch at the foreign ministry and visits to Gothenburg, Malmoe and the university town of Lund.

JAMES A. FARLEY

HON. JAMES J. DELANEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, January 26, 1970

Mr. DELANEY. Mr. Speaker, the Honorable James A. Farley, the distinguished former Postmaster General, and present chairman of the board of the Coca-Cola Export Corp., was one of the major architects of the New Deal, and contributed significantly to shaping the destiny of this Nation.

A recent article, "FDR's Man," by Michael Kernan in the Washington Post, sets forth some interesting reminiscences of a critical point in history by the remarkable Mr. Farley, which I would like to share with my colleagues.

Under leave to extend my remarks, the article follows:

FDR's Man

(By Michael Kernan)

New York.—"May I say very, very modestly that if Roosevelt hadn't run in '40, I would have been elected President?"

Jim Farley leaned back in his big leather chair and spelled it out on his fingers: a formula long since become as familiar to him as his name.

"I was the best-known Cabinet member," he said. "The Gallup Polls showed Hull topping Roosevelt, and even if I'd run with Hull I could have succeeded him. I was in control of the third-term convention. I was running it. If Roosevelt had stayed out—there's no doubt about it. But if I had been elected I wouldn't be here talking to you, either."

James Aloysius Farley, the great political tactician of the Roosevelt era, former Postmaster General and national Democratic Party chairman and the man who called the shot on the amazing 1936 election, is 81 years old now, and possibly he would be a little disappointed if not surprised at how many people are around today who don't know who he is.

But for anyone who remembers the Roosevelt years, the name conjures up an image of the prototype politician, the big genial Irishman with a bit of a stomach, heavy jowls and a Roman senator's laurel wreath of white hair. The man who never forgot a name or a face, who could steer a convention, nudge a congressional committee, cajole a candidate; the master of possibilities who made the art of the possible really look like an art.

NEVER SMOKED

And for anyone who had met him in those days, even after Roosevelt brushed aside Secretary of State Cordell Hull to run for a third term, and after this politician's politician had quit to become chairman of the board of the Coca-Cola Export Corp., Jim Farley was much more man than his newspaper photos showed.

For one thing, he was tall: nearly 6 feet 3. What had appeared to be stomach turned out to be simply the solidity of a big man. The cigar one half-expected wasn't there; Farley never smoked or drank. And the voice was clear and strong and big.

Today, still working hard for Coca-Cola (he would have attended 60 banquets this year had he not been slowed down by a prostate operation), he keeps trim and hale, his voice is as vigorous as ever and his replies incisive as he answers the constantly ringing phone, and the tight-skinned oval of the famous face has been agreeably softened by wrinkles.

Farley has called his nomination for the Democratic candidacy for President in 1940 the high point of his life, the moment when his opposition to the idea of a third term overrode his decades of faultless (enemies called it doglike) loyalty to "The Boss."

A drive for acclamation by the FDR inner circle under Harry Hopkins and James Byrnes (who coincidentally occupied suite 308–9 in Chicago's Blackstone Hotel, the original "smoke-filled room") left Farley high and dry. Even Ambassador Joseph Kennedy was phoned in London and pressured to get his son Joseph Jr., a delegate, to switch, but the

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elder Kennedy stayed out of it. Farley recalls in his memoirs his emotion as he heard "that resolute young voice calling 'James A. Farley' when the Massachusetts delegation was polled."

A connoisseur of the averages and never a romantic believer in long shots, Farley moved for unanimous nomination of Roosevelt after the overwhelming first ballot. Characteristically, he was surprised when Wendell Wilkie took the GOP nomination from the party regulars, and much later, in 1967, he predicted confidently, that Lyndon Johnson would run and win in 1968.

LYING SHOWS ON TV

There are no surprises in Farley's Madison Avenue office: Photos of the seven Presidents he has known, large pictures of Roosevelt and Churchill, portraits of three Popes and Cardinal Spellman, crowded formal scenes of banquets and Cabinet meetings and the 80th birthday party at the Biltmore, two busts and a painting of himself in his prime, a Samurai sword, a model ricksha under glass, plaques and citations and, in the corner, a magnificent old console radio with shoulders.

"The techniques are changing, of course," he said. "TV is the big thing. A candidate used to be able to get on the train in Albany and make a speech, go to Syracuse and make the same speech, and do it again in Buffalo. Every stop, he could bring on the local candidates and be seen with them.

"Today, they all hear the speech on the news, and you have to have a different one for each place. The panel shows are hard, too. You can tell by a man's expression if he's lying; he just can't hide it."

But even if television has become an election factor ("that debate lost Nixon the '60 election, no doubt about it") and the airport speech has replaced the whistle-stopper, he believes certain fundamentals will never change.

"You've got to make every effort to get your voters registered," he said, "and keep them apprised during the campaign, and then get 'em to the polls. They're no use unless they vote."

Remembering names is, of course, a standard device, though Farley admitted that his own legend gives him trouble sometimes. People challenge him—"Bet you don't know who I am!"—and he is expected to recall a handshake 30 years ago. He still can link up more names and faces than half the hostesses in Washington put together.

There also is the matter of closing ranks after the nomination. "In '32 Roosevelt had his enemies around him: Hague and Reed and McAdoo, who came over at this convention. Reed said, 'I don't like the S.O.B., but I'm going along.'"

The 1968 McCarthy rebellion and the youth rebellion that fueled it baffled Farley. "I just don't understand the attitude of the youth today," said this product of a strong Catholic home where the rosary was recited daily. "You have to have discipline in the home. My own grandchildren—thank God, their parents are doing a good job with them."

There are 10 grandchildren, parceled out among his three children, Betty, Ann and James Jr. Farley's wife Elizabeth died in 1955. He still lives in the apartment at the Waldorf that he has occupied since 1943, shortly after leaving Washington and the political scene.

Though he visits Washington several times a year, most recently for the Boys Club of America dinner and soon probably for the Gridiron dinner—the banquet, like the diplomatic cocktail party, being another venerable method of politicking—his ties as always have been strongest in New York state. Born in Grassy Point, on the lower Hudson, he discovered the hail-fellow male world of local politics in his 'teens (his father had been killed by a horse when James was 9), and at 20 he was named a Democratic committeeman of nearby Stony Point.

JOINED AL SMITH

"They elected me chairman of the town committee because the other members weren't speaking to each other," he chuckled. "Two years later I was elected town clerk, the first Catholic to hold the job."

Rising steadily, he entered bigtime politics, as he put it, in 1918 as Democratic chairman of Rockland County, hitched his star to Al Smith's wagon and four years later was elected to the state Assembly, the second Catholic ever named to that group, a salary of $1,500.

As a devoted party stalwart he encountered Franklin Roosevelt early in the game, even though FDR has something of a reputation as a rebel, having tried to buck the party's choice, James Gerard, for the state Senate in 1914. ("My vote went to Gerard because I was an organization man and strongly opposed to party rebels.")

To give an idea of Farley's value to his party as an organizer, Roosevelt's margin in winning his first term as New York governor was 25,564 votes; on his re-election in 1930 two years later, with Farley as state chairman, the plurality was 725,001. It was a key factor in the march to the presidency.

It is easier for Farley to talk about the Roosevelt years than about the violent, kaleidoscopic politics of today. Even Washington—where he used to do his thinking on long nocturnal walks by the reflecting pool, sometimes with a friend like Joe Tumulty and sometimes alone, his stride short and quick—is a different city to him. At the 1956 convention his right eye was damaged by a flying placard.

"I don't feel 81," he said. "I go to the Biltmore Turkish bath twice a week. I watch my weight. I eat very little at those banquets, just the meat, maybe, but I always eat the ice cream. I walk to the office when I can."

He gazed across the room at the big smiling picture of FDR and absently tugged at the vest pockets of his black suit. On the sofa, not as though tossed there, but as though carefully placed: a black homburg.

CRIMINAL STATISTICS

HON. LAWRENCE J. HOGAN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Monday, January 26, 1970

Mr. HOGAN. Mr. Speaker, on November 6, 1969, I inserted into the RECORD a copy of a report released by Chief Judge Edward M. Curran, U.S. District Court of the District of Columbia, relating to the initial results of an experimental plan, adopted by that court a short time earlier, that established a procedure for handling criminal business on an individual calendar basis.

That "experimental plan" has now been in effect for 3 months and I am pleased to note from a report released on January 7, 1970, by Chief Judge Curran that the "individual criminal calendar plan" appears to be a success.

Obviously, in initiating this program, there were benefits derived in the early months in terms of dispositions which will not reoccur once the total criminal calendar is purified to a certain extent. However, the plan seems to have been successful and Chief Judge Curran and the individual U.S. district judges who have volunteered to initiate this program are to be congratulated on cutting down the criminal backlog and expediting trials in the District of Columbia Federal courts. This type of streamlining has a direct result in coping with our crime problem in Washington.

The report follows:

[Memorandum by Chief Judge Curran]

CRIMINAL STATISTICS

Number of indictments returned in 1969, 2,034.

Trials	662
Pleas of guilty	1,159
Dismissals	406
Transfers	21
Committed under Narcotic Act	29
Number of dispositions during 1969	2,277

Excess of dispositions over indictments for 1969, 243.

Open cases as of January 1, 1970, 1,277.

The following are comparative figures for the first nine months of 1969, when the Court operated under the central assignment system, and the last three months of 1969, when it operated under the individual assignment system.

Number of indictments returned during the first nine months of 1969, 1,618.

Trials	519
Pleas of guilty	736
Dismissals	253
Transfers	16
Committed under Narcotic Act	28
Number of dispositions during first nine months of 1969	1,552

Excess of indictments over dispositions for first nine months, 66.

Number of indictments returned during last three months of 1969, 421.

Trials	143
Pleas of guilty	423
Dismissals	153
Transfers	5
Committed under Narcotic Act	1
Number of dispositions during last three months of 1969	725

Excess of dispositions over indictments for last three months, 304.

THE ANGRY ETHNICS

HON. ROMAN C. PUCINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, January 26, 1970

Mr. PUCINSKI. Mr. Speaker, the Chicago Sun-Times recently featured an excellent article written by Richart J. Krickus concerning the misunderstood and often downgraded white ethnic minorities.

For too long the white affluent social tinkerers have considered the white ethnics as a boorish lot of immigrants, blaming them for all the ills of society particularly the race problem.

The ivory-tower liberals, who have rarely lived in white ethnic neighborhoods, let alone with their black brethren, do not fully comprehend the problems and attitudes of the white ethnics. They have ground out studies by the score trying to pin the blame for the

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plight of the black people on the guilt feelings of the white ethnics. The white ethnics have never bought these theories and never will, for it is similar to blaming the thermometer for the temperature.

The alienation of the white ethnics has come to the forefront in recent years. This silent group is starting to exhibit potent political force to seek redress of its grievances.

Mr. Krickus has performed a public service by discussing cogently the problems, attitudes, and feelings of the misunderstood and maligned white ethnic groups, who are destined to play a pivotal role in solving racism and the decay of the inner cities in the decade of the 1970's.

The article follows:

THE ANGRY ETHNICS

(By Richard J. Krickus)

(NOTE.—Richard J. Krickus, of Lithuanian extraction, is a consultant to the Institute for Resources Management on a project funded by the Office of Economic Opportunity. He holds a Ph. D. in political science and has contributed articles to professional journals. This article was written for the Washington Post.)

WASHINGTON.—If the myriad problems that are tearing our society asunder are to be resolved, we must listen to the disillusioned lower-middle-class white worker who lives in the midst of our urban crisis.

The largest and most strategically located group of white workers in America is found in our industrial Midwestern and Northeastern cities. The most prominent segment of this group is some 40,000,000 ethnics who include the foreign born and the first-, second- and third-generation Americans of European ancestry.

These European migrants chose to live with their own countrymen in the New World, and colonies of Poles, Italians, Hungarians and other newly arrived immigrants arose in our industrial urban centers. Social scientists have discovered that their offspring, who have moved to outlying suburbs or to the distant shores of the West Coast, have followed a similar ecological pattern.

Today the ethnics have largely eschewed Old World customs in favor of the mainstream culture, yet a distinct group outlook has evolved.

Differences between Poles and Italians exist, but their perceptions of crucial domestic and foreign issues are similar. For example, even though anti-black feeling may be stronger in Polish than in Italian communities, both tend to view the black revolution with more alarm than non-ethnic northern whites do. Support for U.S. involvement in Vietnam is also stronger among the ethnics than is true of the white population at large. The "ethnic position" on these issues explains why the left, as a whole, views them as contemptible racists. Vietnam hawks, and political enemies who are providing the right with widespread popular support.

The ethnics' hostility toward black militants, student radicals and dissident intellectuals is grounded in economic, social and political insecurity. This condition is exacerbated by their proximity to smoldering black ghettos and the fear that the radicals are bent upon destroying those institutions that have provided them with a way out of poverty and into the middle class.

The activities of student radicals and black militants, in particular, have angered blue-collar workers. The liberals' attempts to explain, and in some cases apologize for, the excesses of radicals and militants have alienated them from the working-class urban whites.

The growing frustration, anger and alienation that exists in lower-income white communities represents an explosive political force.

As things stand now, the radical and liberal left are dreaming if they think they can exploit this political resource. Indeed, it is precisely because they have ignored the legitimate fears of the white worker that a right-wing counteraction is gaining momentum in the United States.

Any restoration of the political alliance that sustained the New Deal is unlikely as long as the left's assessment of the lower-middle class is based upon misinformation, half-truths and outright ignorance.

Years of toil and cautious saving have permitted a growing number to buy homes in the center city or in nearby suburbs. But high and regressive taxes, inflation, the threat of automation, a rising cost of living, installment buying, and the varied needs of large families explain why ethnic workingmen are not secure in their recently acquired affluence.

Although a majority of the ethnics enjoy a higher standard of living than their parents, a significant number, especially the older ones, earn only a few thousand dollars above Office of Economic Opportunity poverty guidelines. Many of the elderly, to make ends meet, receive help from their children. Others live off welfare, Social Security or retirement benefits.

A large number who barely subsist are caught in a web of inner-city hopelessness like their black neighbors. Because they are old, lack energy, and confine themselves to their substandard homes and apartments, they are often invisible inhabitants of America's center city slums.

To assume that the ethnics, as a group, are well entrenched in middle-class America economically is inaccurate.

Liberal political leaders, scholars, and professional analysts have excluded the white industrial worker from their agenda for social change. The blacks, Puerto Ricans and Mexican Americans command their attention.

Because these groups suffer disproportionately from poverty, they, like all poor people, deserve priority attention. It is, nonetheless, a political and planning mistake to disregard the plight of the white blue-collar workers. Without their support, the left cannot hope to forge a meaningful multiracial, multiclass political alliance.

Should the right mobilize the white workers, the prospects for a peaceful and just solution to our domestic ills appear grim.

A large number of ethnic young men serve in the armed forces. Few avoid service because of college deferment as is frequently the case with more affluent families. In the military they meet others from different religious, racial, regional and socio-economic groups; they may travel to distant parts of the nation or world.

But during the time they serve their country, brief contact with a cross-section of the population is unlikely to have a deep or lasting impact upon their thinking.

Drawn by their family and neighborhood and compelled to seek jobs that meet their vocational skills, these servicemen return to their native industrial cities. Their membership in groups, therefore, is ethnic or religious and local, not national, in outlook.

Although most ethnics continue to vote for the Democratic Party, they have in recent years deserted the party in growing numbers for more conservative political organizations and candidates.

However, they do not reject all facets of economic liberalism such as unemployment insurance, Social Security and Medicare. Indeed, they generally support progressive bread-and-butter legislation that affects the welfare of the workingman.

At the same time, their rising standard of living testifies to what they believe is the free enterprise system. Even though their newly obtained economic status is precarious, America has produced for them. Thus industrial white workers are among the most zealous proponents of hard work, individualism and decentralized government.

In this connection, a dominant value that prevails in ethnic communities is self-reliance. The individual is the master of his fate and he is responsible for his economic condition and the resolution of problems stemming from that condition. The government should not provide giveaways; every healthy man should be put to work; no one should be permitted to live off the labor of others, and so on.

It matters little to point out that the ethnics' perception of capitalism does not conform to reality or that their tendency to accept certain noncapitalistic principles while rejecting others is inconsistent. In their eyes, "capitalism" is responsible for their improved economic condition.

In addition, the American economic and political systems are evaluated by them as a single entity. To castigate one is to downgrade the other.

Attacks against our institutions by student radicals and intellectuals are deemed absurd. Unlike middle-class youths and intellectuals, the ethnic laborer is not bored with affluence. Student rioting, moreover, infuriates him because he must make great sacrifices to give his children a college education that was denied him. Assertions that workers are being exploited in America do not jibe with the ethnics' perception of the facts. This matter is important, for it explains in large part why the ethnics give little credence to the many charges that the radicals are presently making against American institutions.

Another element explains the ethnics' hostility to the "peace movement."

Today, a disproportionate number of white soldiers come from the ethnic community. Casualties caused by the Vietnam war, therefore, are keenly relevant to the machinist in Gary and the truck driver in Newark. They deem any tacit effort or overt pronouncement that supports the enemy or his cause as treasonous.

To dismiss the "hawkish" posture of the white working class as a natural manifestation of reactionary thought is to ignore the existential reason for the ethnics' hostility toward middle-class "peaceniks." What kind of reaction can an SDSer waving a Viet Cong flag expect to elicit from a man whose son or neighbor has been killed in Vietnam?

Because television (which commands the largest national audience) is controlled and staffed by middle-class liberals we hear and see much about student alienation and black frustration. But little is being said about the prospect of violence on the part of the white working class.

When the white resident of a lower-class urban community is depicted on television, he is often shown in one dimension. His crass racism and anti-intellectualism are emphasized while his thinking and motives are lightly dismissed or never confronted.

In this connection, the apparent growing political affluence of the black community has exacerbated the ethnics' fear that their political influence is on the decline. Their desire for easy answers to our domestic ills, their craving for guidance and new leadership, and not white racism per se, explains the appeal of George C. Wallace and other conservative groups to the ethnics.

Despite the progress that has been made in recent years, the plight of the black man in America today is a national disgrace and a moral aberration. The white majority possesses the political power, the wealth and the knowledge to achieve social justice for all Americans. The will to attain this goal does not exist.

In marked contrast to the liberal academic intellectuals and student radicals, the

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ethnics have rejected the Kerner Commission report's charge that white racism was the root cause of the riots that have erupted in America's black ghettos since Watts in 1965. The ethnics expressed disbelief and outrage that the charge was leveled against them. Liberal observers saw in this reaction "proof positive of the extent of white racism in America today." This evaluation, while true in part, is incomplete.

The average ethnic's answer to the charge of white racism may be summed up as follows:

"Listen, my grandfather was born in Europe where he lived like a slave. He was no better off there than the slaves in the United States. When he came to America he lived in an overcrowded slum. He was poor, as were most of his friends and family. He didn't finish high school and he couldn't get a white-collar job. But hell, his poverty didn't lead to crime, he didn't riot, he didn't demand handouts or threaten to destroy his neighborhood if he didn't get his way.

"Why should I feel guilty? I didn't have anything to do with bringing colored people to this country nor am I responsible for their problems today. If they would get a job, work hard, save their money, they too could solve their own problems."

Is this an exaggerated account of the ethnic's perception of the black revolution? I think not.

Most ethnics do not feel guilty or responsible for the plight of the black man, and they do not believe that they are racists.

On the contrary, there is a prevailing view among them that many blacks are. The racial epithets that black militants toss around on national TV reinforce the ethnic's charge.

Unlike the guilt-ridden white liberal who accepts these epithets without rancor, the ethnics, who feel guiltless, are naturally angered by such racial slurs as "honkie." The weapons that the bullet-draped Black Panthers flaunt before the cameras are not perceived by the ethnics as symbolic props of protest, but as menacing instruments of violence.

If the ethnics underestimate the relationship between skin color and black poverty, white reformers are mistaken when they explain the ethnics' racial posture as merely prejudice.

The ethnics have reason to fear the black revolution.

They live close to the blacks. They often compete with blacks for the same jobs. Their neighborhoods and work places are centers of racial tension. Black frustration and anger, which is often converted into anti-white hostility, is most readily felt by the ethnics who live or work near black people.

The middle-class reformer occupies a secure place in the United States socially, politically and economically. His contact with the average ghetto black is marginal and his knowledge of the black revolution is intellectual, detached. He does not feel directly threatened by mounting black militancy.

This existential difference—that the reformer can view the black revolution as an observer or sympathetic ally while the ethnic in center city seems himself as a participant (or victim)—is a crucial distinction.

The implications of this existential difference can be illuminated by considering the most controversial issue in America today—law and order.

The tendency on the part of the left to discount well-founded fear of street crime is a costly mistake. Everybody who lives in our industrial cities has good cause to be alarmed by urban crime. To play down street crime is to jeopardize legitimate radical demands for social change.

To understand the ethnics' view of crime as it pertains to the black revolution demands candor. To wit, there is ample data that demonstrates a higher incidence of crime among blacks than whites. Criminologists explain this by citing the correlation between poverty, social disorganization and institutionalized racism with black pathology.

The ethnics who live in the inner cities and read about black crime in their newspapers are incapable of viewing this data with the social scientists' detachment.

Another dimension of our racial crisis that has received little attention outside the ethnic communities is fear caused by black racism. Black racism is often rationalized as a natural by-product of white racism.

The subject of black hostility toward whites has been neglected because the mass media, the universities and the government agencies by and large are comprised of middle-class whites who rarely experience black hostility in day-to-day matters. The occassional confrontation they may have with a black militant in a panel discussion is merely an intellectual exercise.

White fear of black racism is difficult to describe, but it has reached crisis proportions.

This fear of black racism is one (if not the) major cause of white migration from our cities. Its prevalence explains why inner-city whites are unco-operative in implementing many black-oriented programs.

The fear of black violence is an equally compelling reason why school integration and busing are such controversial issues in our Northern cities. Many white parents refuse to send their children to schools with large numbers of black children for fear that black bullies and toughs might terrorize their white classmates.

As long as white fear of black racists exists, there is little chance that even generously funded programs will successfully stem white migration from the cities. It is difficult to conceive of the restoration of our cities as long as this migration continues; hence, the fate of inner-city whites is closely related to the elimination of poverty and racism (black and white) in our urban centers.

The rising tide of frustration and widespread alienation that exists in the ethnic communities has reached crisis proportions.

The specter of white backlash that has haunted America for the last five years is now gaining momentum. Demagogs on the right and political opportunists are now harvesting the fruit that the radicals in large part have sown.

The proximity of ethnic neighborhoods to smoldering black ghettos that evidence similar symptoms of alienation and pathological behavior is cause for alarm. Recent racial disturbances in some of our cities suggest that racial warfare is no longer a bad dream but a distinct possibility.

On the basis of their numbers and location, the ethnics are destined to play a pivotal role in the elimination of racism in the United States and the restoration of our cities. To ignore them is to allow the forces of reaction to mobilize them, and to exploit their power to preclude a peaceful and just solution to our nation's domestic problems.

ADDED TRIBUTE TO A GREAT INDIAN

HON. AL ULLMAN

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Monday, January 26, 1970

Mr. ULLMAN. Mr. Speaker, last month the American Indian community, the State of Oregon, and the Nation lost a great leader with the passing of Vernon Jackson, of the Confederated Tribes of Warm Springs Indians. In the Record of December 9, I paid tribute to this man who lead his people in the development of a multimillion-dollar business on their Indian reservation. Since then, newspapers across Oregon have joined in recording their tributes to Vernon Jackson. I include them at this point in the Record:

[From the Albany (Oreg.) Democrat-Herald, Dec. 8, 1969]

Vernon Jackson

Vernon Jackson was one of those individuals who accomplished a great deal in a relatively short time and still left this life without an enemy.

Jackson was the general manager of the Confederated Tribes of the Warm Springs Reservation. He died last week at age 51.

He was quite a man, he was difficult to describe. History will probably say he had more influence upon the fortunes of the Indians of the Pacific Northwest than any man in the last 25 years.

When he finished college, he went back to the reservation to help bring his people a better life. He succeeded in great degree.

His accomplishments were many, but two stand out. The first is a completely integrated reservation-based wood products industry, owned completely by the tribe. The second is the multi-million-dollar Kah-Nee-Ta resort development that is just really getting off the ground.

He had the foresight to see that his people should capitalize on their timber resources. And, he could see the potential for recreational development in Kah-Nee-Ta, which will eventually bring a fortune to the Confederated Tribes.

He also insisted that the Indian children be educated. He pushed many of them farther in school than they had planned to go.

He was a tough bargainer when the white man wanted to use some part of his reservation. But he was fair. And, he was a kind man. He left no enemies, only friends.

He left a high target for his successors to shoot at.

[From the Madras (Oreg.) Pioneer, Dec. 11, 1969]

Vernon Jackson

With so much time having elapsed between the tragic and untimely death of Vernon Jackson and the publication of this edition of The Pioneer, an editorial on his place in history seems like a repetitious exercise in futility. The daily newspapers and other media have already covered the matter exhaustively.

Yet even in the face of these very thorough editorial reviews, we cannot let his passing go unmarked.

The Pioneer is not much given to eulogies, but this must be said:

Vernon Jackson served his people well.

[From the Medford, Oreg., Mail Tribune, Dec. 8, 1969]

Vernon Jackson: Forerunner of Success

One of the two great American tragedies has been that of the treatment of the American Indian. We all know—or should know—the dimensions of that tragedy. It is not all in the past, either, not by any means. The Indian citizens have yet to claim their full status in the land that was forcibly wrested from them by superior weapons, superior numbers, and, in the end, genocide.

But one of the bright spots in the generally dreary picture has been what has happened on the Warm Springs Reservation, in Central Oregon along the Deschutes River, in recent years.

The Warm Springs, Wasco and Paiute Indians were confined there long years ago, and, like so many other tribes that had been deprived of their ancestral lands, their traditions, their identity, their accustomed way of life, they sank into a kind of sub-culture of their own, either unable or unwilling, or both, to do much more than subsist on an inadequate dole.

Two things began to change this a few years ago. First, lumber prices started up, creating a market for the fine stands of virgin timber on the reservation—if only the Indians could take advantage of it. Secondly, a generation of young men of the tribes began to come to maturity with a new determination, and a new weapon—education.

Foremost of these was Vernon Jackson, the first of his peoples to earn a college degree, who graduated from the University of Oregon in 1958 in business administration. He returned to the reservation, and in short order became a new kind of leader—one who could talk to the white man on his own terms.

Vernon Jackson died last week at the age of 51, and his passing is a tragedy for the people he served. He had not done it alone, but he had been an important factor in the development of a $3.8 million, integrated forest products industry, and in the development of the Kah-nee-ta Hot Springs Resort, both on the reservation.

As general manager for the Confederated Tribes, he was a leader they could trust, and who also earned the respect and admiration of the white men with whom he dealt in a wide variety of capacities, most of them having to do with Indian welfare, but many of them the kind of things that many good citizens do for their state and nation.

The tragedy of Vernon Jackson's death is only partly mitigated by the fact that, while he was the first, he was not the only member of the tribes to receive an education, and others are, or soon will be, ready to take his place.

Mr. Jackson was not a tragic figure, but a hopeful one; a man of wit and humor and good will. Oregonians, Indian and white alike, will miss him.

[From the Eugene (Oreg.) Register-Guard, Dec. 9, 1969]

VERNON JACKSON

The nation's Indian communities will miss Vernon Jackson, the Warm Springs leader who died last week, much too soon, at only 51. Mr. Jackson, who did not graduate from the University of Oregon until he was 40, was a born leader. Had he lived longer, he would have played an even larger role in Indian affairs, far beyond the confines of his own Warm Springs reservation.

With his happy combination of brains, personality and talent, he could have made a success at any career he chose. He chose to devote his life to his people. The most visible of his contributions is the Ka-Nee-Ta resort, operated now by Indians on the reservation. Less visible are his contributions to better lumber manufacture practices and farming practices on the reservation.

Not given to placard carrying or picketing, he nonetheless stood up for his people and advanced their welfare at the hands of the white government and business community. If he had lived, he should have been appointed to a key Department of the Interior post, where he could have brought his talents to the welfare of Indians everywhere.

[From the Portland (Oreg.) Oregon Voter, Dec. 20, 1969]

VERNON JACKSON

One of the outstanding Indian leaders of modern times, Vernon Jackson, general manager of the Confederated Tribes of the Warm Springs Reservation in Oregon, died December 4 at the age of 51. From his active younger years as head of the Confederated Tribes in 1944, he took leave to attend University of Oregon and at age 40 he became the first member of the Warm Springs tribe to win a college degree. Under his leadership the Warm Springs Reservation developed and invested the resources from the comparatively arid area steadily, until the Reservation now has two multi-million dollar commercial enterprises—Kah-Nee-Tah vacation resort and the Warm Springs Forest Products Industries, with a number of smaller businesses. He was a member of the Governor's Manpower Development Committee and the Governor's Interstate Indian Council. He was also a member of the delegation to the Inter-American Indian Congress.

Mr. Jackson's immediate survivors are his widow, Louise, two sons, one at Columbia University, New York, and the other at Madras High School; two daughters, one in High school at Madras and one attending St. Helen's Hall in Portland; his parents, Mr. and Mrs. Charles Jackson and two brothers, Max and Zane. University of Oregon's "Old Oregon" recognized his leadership in 1965, "in the face of a cool public attitude, at best indifference, at worst hostility."

[From the Bend (Oreg.) Bulletin Dec. 5, 1969]

VERNON JACKSON, 1918–69

Bad news travels fast. That's an old saying among newsmen. It was proved once more, if it needed further proof, yesterday morning. Vernon Jackson died suddenly in Portland hospital. Word of the death brought inquiries for further information to The Bulletin's office from all over the country.

That may seem a little strange, that so many persons everywhere knew the friendly guy who had been a leader among the tribes on the Warm Springs Reservation for the past 27 years. No oil has been discovered on the reservation. It isn't in the path of major industrial or municipal development. No major scandals have attached themselves to the reservation, or its residents, or its leaders. Those, unfortunately, too often are the reasons Indian leaders have become prominent in the past.

Vern Jackson had qualities and ideas which set him apart from many Indians of his age. Fortunately for him and his people, those qualities and ideas did not make lose touch with his generation, or generations older or younger than his.

The reservation is home for other persons who have the capacity for leadership, and who couple that capacity with sound business judgment. One of them now will have to pick up the burden Vernon Jackson has put down, far too soon.

He had an abiding faith in the reservation, and the use of its resources in a long-range program to help provide for the needs of the members of the tribes which owned it. He had an abiding faith in the good qualities of those tribal members, too. Given a chance to learn, and to do, he knew each Indian generation could provide for itself better than the previous one.

He had an abiding faith in education. He graduated from college at the age of 40, almost twice the age of the average fellow member of the University of Oregon class of 1958. He was a leader in seeing to it the local tribes provided higher education opportunities for their younger members, and in urging younger members to take advantage of the opportunities.

There are various ways of exerting leadership. Vern Jackson was a quiet leader. He was a man of intense personal nervous energy, which reflected itself in his health problems. Unlike many of like temperament he managed to avoid serious controversy himself, and led his tribe along the same road.

That isn't to say he was a patsy, as those who had business dealings with him can testify. He wanted what he thought was fair for the tribe. He was willing to give and take, so long as he was convinced the essential element of fairness to his people was retained.

That sounds like enough of a job to keep one man busy. And it was. But Vernon Jackson managed to find time in a heavy schedule to serve his Central Oregon community and his state and nation, whenever he was asked and whenever he thought he could be of value. His advice and counsel was sought, too, by other Indian groups and government agencies involved in Indian affairs. He gave it freely; most often it was pretty darned good advice.

He was a devoted son, husband, father, and brother to his own family. He was a good friend of many in this area, Indians and non-Indians alike.

ARMY MEDICAL ADVISER WARNS AGAINST CHANGING MARIHUANA LAWS

HON. WILLIAM E. MINSHALL

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, January 26, 1970

Mr. MINSHALL. Mr. Speaker, on December 10, I took the floor to call for annual reports on research developments regarding health consequences of the use of marihuana, patterned along the lines of the comprehensive report on cigarettes.

In introducing the implementing legislation, H.R. 15186, I urged that any changes contemplated in changing present laws dealing with marihuana be held in abeyance until we have a solid basis of scientific evidence which now is lacking.

Saturday's Washington Evening Star carried an excellent letter to the editor from Col. John J. Kovaric, Army medical adviser, who served as commander of an evacuation hospital in Vietnam where numerous U.S. servicemen have been treated by a team of psychiatrists for drug addiction problems, including the use of marihuana.

Colonel Kovaric's comments are to the point and I urge those who would let down the bars on the sale and use of marihuana to give his firsthand experience their very thoughtful consideration. The letter follows:

[From the Washington Evening Star, Jan. 24, 1970]

MARIJUANA

SIR: The general subject of marijuana has been so clouded by theorists, pseudoscientists and politicians that it is little wonder so few seem to understand its horror. As commander of a very busy evacuation hospital that also had the largest psychiatric team in Vietnam, I had a year to see and discuss drug problems frequently and extensively.

Marijuana is readily available to anyone at many Vietnamese roadside stands. Because of its accessibility, it is a great credit to the strentgh of character and maturity of the average GI that its use—either on a one time experimental or on a constant basis—is as low as it is. The most common guess is 20 to 30 percent. Men who had taken marijuana and were brought to our hospital, either for outpatient consultation or hospitalization, had recognized behavioral defects and were usually psychotic-like in nature. That is, they either had feelings of persecution, delusions of grandeur, were abnormally euphoric and, in some cases, had become physically unmanageable, had convulsions, or had even committeed murder.

COMPARISON WITH ALCOHOL INVALID

This is certainly no justification for the use of alcohol, but there are two common errors most people make when they compare marijuana with alcohol. First, alcohol inhibit's one's coordination. Not many people can fight well, drive a car well, or fire a weapon accurately when intoxicated. And while tongues may be loosened, most people under the influence of alcohol have fairly good judgment. Marijuana on the other hand has the opposite effect. One's judgment is completely destroyed while his physical control is left intact. Our patients realized this because they would not smoke "pot" while on patrol for fear of being injured in a defenseless state. It also accounts for a man being able to return to his billet, load his weapon and return to his friends and murder them while under the influence of marijuana and "doing his own thing."

The second important difference is that of dosage. Social drinkers know their limit or at least are aware of the effects of one, two or three drinks. What is also important is that these effects are repeatedly consistent. Marijuana has no consistency. Even if the dose in cigarettes could be controlled, the repeated same dose will not have the same effect in the same person. Although an individual's attitude and disposition seems to have an effect on the drug's control of his mind for a time, no one can predict the outcome of a "trip." It is surprising that little has been written about a delayed action LSD-like phenomenon of marijuana. Periodically patients were seen in grossly psychotic states who had not taken a puff in a week! Perhaps this effect is seen when the marijuana used is more potent.

MORE POTENT THAN OURS

One feature that becomes apparent about oriental grown marijuana is that it is more potent than that procured in North America. This gave us all an indication of what the situation would soon be like in the United States if marijuana should ever become legalized, freely available, and then, naturally, more potent. In all probability, marijuana users have been saved from far worse fates simply because they have been using low dosages. And just what kind of dosage can we legislate to be morally and socially acceptable?

What can be said in the defense of a freedom that allows an individual to obtain and use dynamite at his own discretion? While scientific decisions are being made about the mental, physical, social and economic effects of various drugs, there is more than adequate evidence that marijuana is a drug to be condemned and controlled. If any drug in today's pharmacy had the effects and complications of marijuana it would immediately be banned and relegated to the fate of thalidomide. The cyclamates are only a potential hazard, yet their use has been suspended.

It is really germane to the problem whether or not the drug should be classified as addicting or habituating, whether immature personalities are more susceptible to its effects, whether the simultaneous use of other drugs have additive effects, or whether the use of marijuana leads to the use of stronger drugs?

I have yet to meet any physician from Vietnam who was responsible for taking care of marijuana patients, who did not decry the tendency of the uninformed to promote the use of it or to legalize its use. Because the punishments for the use of marijuana seem to be excessive, it is sheer lunacy to overreact by legalizing it in an attempt to eliminate a problem!

JOHN J. KOVARIC,
Colonel, MC, U.S. Army, Medical Adviser,
Office of Civil Defense.

CANNONS ON THE RIGHT, CANNONS ON THE LEFT

HON. WILLIAM LLOYD SCOTT

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Monday, January 26, 1970

Mr. SCOTT. Mr. Speaker, we have seen in recent days many assessments by the news media of President Nixon's first year. One of the most discerning was written by James J. Kilpatrick, a distinguished Virginia newspaperman, and printed in Sunday's Washington Star. Mr. Kilpatrick thinks President Nixon has done a good job in his first year, an assessment with which I heartily agree. I believe other Members of the House will also find his remarks of interest and, therefore, it is set forth in full for the information of my colleagues:

CANNONS ON THE RIGHT CANNONS ON THE LEFT

(By James J. Kilpatrick)

Poor old President Nixon! The fellow can do nothing right.

At the end of his first year in office, liberal critics last week dragged him rudely through the water jumps. Columnist Carl Rowan denounced him for his failure to seek rapport with the ghettos. Columnists Frank Mankiewicz and Tom Braden gave him hell for the Haynsworth nomination. Cartoonist Herb Block lumped him with rich lobbyists in a conspiracy to leave children in darkest ignorance.

All this was expected. But ah, the most unkindest cut of all, as Anthony said of Brutus came not from the liberal left; it came from the conservative right. Human Events, that Cerberus of the River Potomac, took a long cold look at Nixon after one year. Its conclusion: "Conservatives worried."

To be sure, the watchdog editors conceded, conservatives are not totally pessimistic. "Life in the United States appears better than when the President initially took up residence at 1600 Pennsylvania Avenue." Nixon's Vietnamization formula "has temporarily defused the war issue and with a bit of luck could extricate us from Viet Nam with honor." The campuses are quieter. The President is trying hard to achieve a balanced budget. Then came the inevitable but:

"When all this is said, however, there remains for most conservatives, including ourselves, a genuine unease about the Nixon administration."

The editors of Human Events, applying their litmus paper to the past twelve months, could find no conservative coloration. "Too frequently it seems as if the President has no real pholosophy, that his entire goal is to tranquilize the electorate rather than to lead it in a certain direction." In such areas as defense, welfare, and school desegregation, the administration speaks in double tongues. Four years of such gyrations "could end up antagonizing almost everyone."

Well, I have my little differences with Mr. Nixon also. He has failed to provide new leadership in the State Department. He waffled on his poverty promises by extending the Office of Economic Opportunity. His dramatic plans for welfare reform would substitute leukemia for gangrene. He erred, in my own view, by proposing to throw good money after bad in the matter of the supersonic transport plane. He trespassed upon his own rules of strict construction by urging more funds to subsidize the arts.

Yet Mr. Nixon deserves better marks than my brothers concede him. The trouble with us conservatives, after eight years in outer darkness, was that we expected the New Jerusalem. We supposed, even though we knew better, that the road from Camelot led straight to Levittown. If Mr. Nixon, in 12 months, had done no more than to appoint John Mitchell as attorney general, to name Warren Burger and now Harrold Carswell to the high court, and to start unwinding the war in Vietnam, he should have our hosannahs coming.

He has done more to delight the conservative eye. He has created an atmosphere—in the fad word, an ambience—of profound importance to this Republic. Gone are those sirens in the night that once aroused the insomniac eye. Gone are the beagles, held by their ears. Mr. Nixon has staked his claim on middle America, with all its goodness and all its dullness. Here he identifies. How did he spend his New Year's Day? Watching football on the tube.

Reserving the right to object, I will settle for this right now—the quieter voices, the lowered pitch, the good Republican roast beef. Nixon is no Goldwater, nor was he meant to be. He is steering a course modestly to the right of center. What else could we reasonably ask of the skipper? And if in 1970 he can make effective moves against crime and inflation, we will have sweet music. He's our piano player, boys. Let us knock him, if we must, very gently.

THE BRAVEST MAN IN MEXICO

HON. RICHARD T. HANNA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, January 23, 1970

Mr. HANNA. Mr. Speaker, in our world full of human indifference, intolerance, and misunderstanding, rarely do the beautiful stories of love, compassion, and giving come to light, and never with the same sensationalism as the brutal. A truly magnificent story of human concern has recently been brought to my attention, and I would like to share it with you. The attached article appeared in the Garden Grove, Calif., Mail in December of 1969.

The story centers around a 5-year-old, Jorge Galan Lee, from Mexicali, Mexico. Last July, his make-believe Batman cape caught fire while he was playing, and he received severe burns over 90 percent of his body. For weeks, his life hung by a thread. Then his Aunt Conchita convinced the Mexicali Clinic of the Los Angeles Orthopedic Hospital to take him in.

But the clinic did much more than just take him in. They sent him to Los Angeles to the orthopedic hospital itself for the kind of care he needed—extensive plastic surgery. His dauntless Aunt Conchita took him there and sustained him with her love during the agony of many operations.

Jorge's story is indeed beautiful, and yet how many stories like it does orthopedic hospital have to tell every day? Such hospitals have staffs of some of the most selfless, dedicated people in our society. Our Los Angeles hospital in particular is bridging the human indifference gap abroad as well as at home.

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We could have no better ambassadors of good will to our Mexican neighbors.

The city of Garden Grove has recognized the child's own gallantry by making him its honorary citizen. This California city has justly recognized outstanding courage, and has done so in a most appropriate way.

The article follows:

The Bravest Man in Mexico

(By Mel Kernahan)

I'm a statistic. You're a statistic. So's your neighbor; your kids. And we function 12 months a year as statistics, with all our needs, our crises and our hangups. And so do "they".

Jorge Galan Lee is a statistic. He lived four years as a member of the population of Mexicali, Baja California. He lived in America four months as a medical statistic. Now he's home in Mexicali, a population figure again.

Jorge, or George, is more than a statistic, as are you and I. George is a little boy. His eyes are enormous; brown. His features, well-proportioned—lips full and rosy—skin light brown, clear and soft.

I've seen his eyes storming with fury—his baby mouth shrieking obscenities in Spanish—and I've laughed with joy at the fight in him. I've seen his eyes empty and staring as a corpse, his lips and face white. I've felt his skin turn ice cold as he went into shock. And I've seen him moaning with frustration and his fingers jerking to scratch the healing transplants from his small body. I've heard him cry—I've heard him sing, laugh, curse and pray.

George became a medical statistic during a very bad month for medical-statistical-causes. It was August, shortly after noon, as his aunt and a doctor delicately helped him to walk from a small plane on the Burbank airfield to my car. He had to walk. He couldn't lie down. He couldn't be carried. He couldn't be touched except from his buttocks to his feet and the front of his face.

He was a shocking sight, From neck to waist he was plastered with gauze, oozing with blood and discharge; held in place, not by tape, but by pus. His face was a study in pain, fury and stoicism. He complained little.

Gingerly, he sat in the front of my VW. A friend drove. His aunt sat on the edge of the back seat steadying the child, holding firmly to places on his arms where he could bear to be touched. A human seat belt, she rode with him to Los Angeles, through heavy freeway traffic—keeping him in place so his back would not touch the seat but he wouldn't be pitched against the windshield in case of sudden stops.

Until that day, none of us Americans involved were aware of Orthopaedic Hospital or of its Mexicali clinic. Who is? The doctors and nurses involved are working too hard to perform herculean tasks of healing to bother with the frou frou of publicity.

I learned this. As I am cursing modern-day doctors for refusing to make a house call or for being unavailable on Wednesdays or weekends except for extreme emergencies—many of them are involved with their own time and money in projects of this sort—or are staggering under unbelievable patient loads in hospitals.

Only recently I discovered the plastic surgeon who saved George's life, and whom I have never met, took one look at the child and cancelled a European vacation to perform the many operations on this tiny Mexican stranger whose family can pay him nothing.

This is what happened to George. It could have been my child. It could have been yours.

George, and his brother, Bebo, live with their mother, Miki in a brave shiny small house which fronts on an alley in Mexicali. Their father deserted them. Bebo is two—George is four. Their mother works. Jobs are scarce. She was a probationary employee. There are more people than jobs. She couldn't miss a day without losing her job—which has since become permanent. Her pay is meager.

Miki's older sister, Concepcion Lee-Reynaga, was an acquaintance of my husband's and mine. She is now our sister. When we first met Concepcion, or Conchita, she was working for the tourist bureau in Tijuana as a secretary. I never spoke to her very much because she awed me. Her appearance was so chic, exotic and efficient, I always felt like an * * * frump. Her English was fluent, but she was always busy and remote.

One day in July, 1969, the sitter was late in Mexicali. Miki had no choice but to have faith and rush to work. Conchita was working in Tijuana, two hours away by car. She was the major source of support for her younger sister and her two nephews.

While waiting for the sitter, George decided to assume his other identity—Batman. He tied a cleaners' bag around his neck and assigned roles to the rest of the children.

No one knows how it happened. Even George doesn't know—or has forgotten through the shock and illness of the ensuing months. In a flash, his "cape" was blazing. Before the fire could be extinguished, he was burned over 90 per cent of his torso.

For three weeks, he lay in a hospital in Mexicali. Doctors gave up hope. Conchita quit her job in Tijuana so Miki could continue working. There is a scarcity of nurses in Mexico. Nursing, even in a hospital, becomes a do-it-yourself project. Conchita was "it." Miki relieved her for a few hours each evening, but someone had to get sleep and continue working.

George's heart stopped three times. Conchita grows almost incoherent in describing those terrible weeks. The child was given heart massage and the best of the treatment available—but there are so many sick—and so few to care for them. His kidneys failed for 72 hours. Somehow, he rallied and fought on.

Conchita learned of the Orthopaedic Hospital—Mexicali clinic program and flung herself into a competitive battle of urgency for attention. She won the first round.

Alone, penniless and determined, she went with her nephew on the small plane to the lonely chaos of Los Angeles. Before leaving, she called an acquaintance of ours in Sacramento. He dropped his job and flew to Burbank, first calling me to meet them at the airport. After the first gruelling 24-hours, he had to return to work. We took over.

I tried to explain the predicament to coworkers in order to get some time off. I gave up. "Are they members of your family?" "No."

"Are they close friends?" "No." "Then why?"

There was and is no answer. Motivation doesn't particularly concern me. I don't think it would concern many other people, confronted with similar circumstances with no one to pass the buck to. You look at the child. The child looks at you. He's mad as hell. He hurts. He stinks from the pus. He's scared. He tries to be a man about it. Then an involuntary cry of pain escape him of "tia" (aunt) and his huge eyes envelope Conchita as his only hope of relief. I was hooked. The cries of "tia" will haunt me for years, as they will probably haunt the hard working nurses at Orthodpaedic.

One day he kissed me. I guess he kissed a few nurses too. Kisses have no language barrier.

George was in isolation most of the time. So was Conchita.

Can you imagine a 4-year-old in isolation? Can you imagine spending 12–14 hours a day with a 4-year-old in isolation?

Once you're in, you're in. There's a bathroom and a TV. If you smoke, you can't. Oxygen is highly inflammable. You wear a white gown and sometimes a mask. You can't read a book or write a letter. There isn't anything but a world of brink-of-death-sick-child—and then irritable recuperating child—and pain, stench, itching, loneliness—turning yourself inside out to amuse, to distract, to be there with the bedpan and the paper—to pray and to guide a child's prayers—to remind him of thanking God for the nurses, the doctors, his mother, his brother, his life and his friends.

We managed to keep Conchita modestly in a small apartment across the street from the hospital so she could be with him nearly every waking hour. There was his language barrier—his unceasing needs—for the security of love as well as physical care. She never wavered.

I never saw much of Orthopaedic except the children's floor. Sometimes I waited for Conchita while she prayed special personal prayers with George. I sat with mothers and fathers visiting their children. I met children flown in from Mexicali. You could always tell the new ones. They were terrified. Some would refuse to speak at all—even in Spanish. Financially, there was no way for their families to be with them. They didn't speak English. I would watch them slowly begin to bloom—to smile—to try a few words—or a shy wave of bye-bye.

I dodged American children of all colors, racing wheelchairs down the corridor, shooting with their fingers at each other—legs or arms encased in plaster. I giggled with nurses when a blonde minx of 11-months, waiting for an operation to straighten her feet, insisted on calling the nurse, who was holding her while making out reports, "daddy". The nurse was black. She laughed hardest of all.

As Fall started, some of the nurses I had grown used to disappeared. One of my favorites, a slender Scandinavian girl, explained that many of them, including herself, were student nurses. She as well as others returned often to visit George as well as other patients on their own time.

Orthopaedic Hospital is a strange oasis. It blooms at night like a great shining self-contained city of hope in a sewer. I've never been afraid to walk anywhere alone at night. I learned fear of that simple exercise during those months. So did Conchita. Before she returned with George to Mexicali on Dec. 7, six people were stabbed while returning from Mass at 5 p.m. across the street from the hospital—her landlady's car was stolen the night before Thanksgiving from the parking lot (for the second time); a guard was beaten up outside of Conchita's window; a kitchen worker on her way to work at dawn was raped. Conchita was warned not to cross the street, which is little more than a narrow alley to the hospital, without a guard. I grocery-shopped with her many evenings in the nearest supermarket. Prices were appalling. Someone tried to run me down in the parking lot. People in the market were rude and hostile. employees and shoppers alike. Beggers hung around by the bulletin board. It was another world.

I watched Conchita change from the ultra-sophisticated Mexican lady she is, into a physical peasant. She couldn't keep herself up. Her glossy black hair, usually worn in an elaborate bun or twist, hung in two braids, interwoven with bright yarns.

She borrowed a molcahete from one of the Mexican-American nurses so she could grind and blend spices, onions, garlic, tomatillos and mysterious things. To George's stomach, the well-balanced American food was unpalatable. The hospital permitted her to cook for him sometimes—and eventually for other Mexican child patients. They wanted—needed—beans, tortillas—food they were used to, for morale, if for nothing else.

Who and what is Conchita, the aunt of George?

She, her sister, Miki, a brother, and siblings now dead, was born of a marriage between a Mexican woman and a Chinese. While she was very young, her father moved the family to China. Shortly after the move, the Japanese-Chinese war broke out. Her father was killed. Her little brother sat beside the dead body of their mother for 48 hours, alone. She died of the plague.

Conchita, the eldest, became head of the family. She was under 12. Her brother, through shock, lost his power to speak. He regained it a couple of years later while he was in a church boarding school. Japanese soldiers machine-gunned everyone in sight. He was the only survivor. He lived in hiding in a turkey coop for several days. He regained his power of speech, but his mind went awry. He lives now in an institution in Hermosillo.

Miki was the only other child besides Conchita to survive in that ill-starred family. Conchita scrambled for work. No odd job was too menial. For two years, each day ended for her in the Mexican embassy. Daily, the child begged the same plea-passage for herself, her younger brother and sister to their native Mexico. Finally she won the battle. Not yet 16, she mother-henned her young family from Shanghai to New York, then across the continent to Mexico.

To keep her family alive she worked at many jobs. At one time she was on the secretarial staff of a president of Mexico. She has been a "French" chanteuse in nightclubs—sold ads for newspapers, written, painted, scrounged, and scrambled from Mexico City to Baja. She ran a ranch for two years, alone in the mountains. She had to carry a gun in those days whenever she was alone. And she knew how to use it.

She had an unsuccessful marriage—a great stigma in Mexico for a lady. She speaks fluent French, Spanish, Chinese and English. Right now she's out of a job. She'll get one, as usual. Her goal is to make a secure home for herself, her brother, her sister, who also had an unfortunate marriage, and her two baby nephews—as long as there is breath in her body. She told me this with eyes flashing with determination.

Midnight on Sunday, Dec. 7, we reunited the little family in Mexicali. Before we left for Orange County the next morning, we took Conchita for breakfast.

A chic, almost stranger, met us at the door of the small house. She wore a stylish black suit—her hair was again coiffed and immaculate—her makeup precise. We breakfasted in one of Mexicali's most elegant spots. She greeted old friends graciously during the meal as though there had been no time lapse. Afterwards, we linked arms and walked down the Sunday streets, looking about in the market. George, with new skin growing on his now 36-pound body, romped at home with his mother, brother and new puppies.

More surgery will have to be done on George in a few months. Part of his head was burned, which escaped notice for awhile because of his thick dark hair, which has now all been shaved off. Physical therapy is required.

One reason Orthopaedic's program is relatively small and unpublicized is because it is so thorough. Each case is scrupulously followed up with treatments and therapy. It's more than a band-aid and a pat on the bottom.

Children are flown back again and again when necessary. They are also treated in the clinic in Mexicali weekends, by volunteers who fly down from Los Angeles.

The problems are enormous. The number of sick and suffering children is inconceivable. They can't cure them all. But some are better than none, and a complete job is better than half a job.

There just isn't time for Christmas and Thanksgiving bombardments of pleas for assistance. There isn't much money for public relations. Everyone involved is too involved sometimes to remember to ask for help. Especially in July and March and all those other odd months. Doctors and staff often just kick in with their own funds and do whatever they can—even if it's only for a few hundred children a year.

That's true of most causes. And that's why there's a United Fund. For statistics like George. Who happen in July.

DECENT AMERICANS LEAVE SOCIALIST DOMINATED SCHOOLS

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, January 26, 1970

Mr. RARICK. Mr. Speaker, yesterday it was my privilege to speak at the dedication of the Oak Forest Academy, in Amite, La. The history of the foundation of this independent school in my district is indicative of the determination of decent Americans not to permit their children to become the victims of the insane power plays of the left wing extremists.

In the early months of 1969, a small group of concerned parents and educators met in Amite to discuss the possibility of establishing an independent school for the children of this area. From this, and meetings which followed, developed the Amite Independent School Corp. Officers of the corporation were duly elected on June 13, 1969, and the building itself was begun in August.

School began with registration day on September 17, 1969, with 193 enrolled students and a faculty of nine teachers.

Mr. Speaker, the deliberate and willful destruction of the public schools of the South has probably now been accomplished. The people will continue to protect their children from the physical, mental and moral dangers to which they have been unlawfully and criminally exposed by subversives, ambitious bureaucrats, political demagogs, and spineless nincompoops masquerading as U.S. judges. The people will continue to follow the American tradition on which this Nation was built, and see to the decent education of their children as best they can, with what they have.

And the decent people—the ones who work, fight our wars and pay our taxes—will be quite reluctant to impose more and more taxes on themselves, at all levels, to pay for the maintenance and operation of schools useless to them.

And, finally, these same decent people are awakening to the dishonest way in which they have been used, and will exact their proper redress at the polls.

It is appropriate to point out again, as I have done on numerous occasions, that what is occurring to our schools in the South, in the name of "the law of the land" is not only in error but is in open and flagrant defiance of the true law of the land—the constitutionally enacted statutes of the Congress. The Civil Rights Act of 1964 specifically forbids the busing of pupils to overcome so-called "racial imbalance" and the appropriation under which the Department of Health, Education, and Welfare, is currently operating expressly forbids the expenditure of any funds for either the busing of pupils or the assignment of pupils contrary to the desires of their parents for the purpose of overcoming the same so-called "racial imbalance."

The people have enough sense that they cannot be sold on the idea that the Constitution can forbid school assignment by race in 1954 and then require it in 1970.

And, more important, they know from firsthand practical experience that the wrecks left of our public schools are no place to educate children, and they are doing whatever is necessary to remove their children from these dangers.

Mr. Speaker, the result predicted by honest and concerned Americans when the public schools of the District of Columbia were taken out of the hands of the educators, turned over to the charlatans and politicians, and totally integrated beginning in 1954 has now come to pass.

These schools are today 94 percent Negro, and the resulting migration of people from the District of Columbia has left the population of the city now 74 percent Negro.

Murder, rape, and armed robbery take place in the schools during classes; hard narcotics and marihuana are peddled there; vandalism claims windows faster than crews can replace them; police officers and "monitors" by the hundreds patrol the corridors; despairing principals and teachers point out the impossibility of teaching any child anything in such an environment; and decent parents of both races continue to remove their children from such schools.

And this House sits idly by as U.S. marshals, operating under totally illegal orders of a district judge, take a 14-year-old boy in custody in Oklahoma so that he can be forced by the judge, at the instance of the HEW bureaucracy, to do exactly what the law forbids—attend a school contrary to the wishes of his parents to overcome what the eggheads deem to be a "racially imbalanced" situation.

Under unanimous consent, I submit pertinent clippings from current newspapers for inclusion in the CONGRESSIONAL RECORD, as follows:

[From the Washington (D.C.) Evening Star, Feb. 12, 1969]

SCHOOL DESEGREGATION FUNDS

(By David Lawrence)

The American people have been reading about threats to cut off federal funds from schools which allegedly practice racial discrimination. Few citizens know about the subterfuges and distortions of the law which have been used in the last 4½ years as a form of blackmail by federal agencies in order to secure what is termed "compliance" with so-called "standards" of desegregation.

But what does the "law of the land" actually say? The Congress of the United States, on Oct. 11, 1968, passed an appropriations bill for the Department of Health, Education, and Welfare, which declares:

"No part of the funds contained in this act may be used to force busing of students, abolishment of any school, or to force any student attending any elementary or secondary school to attend a particular school against the choice of his or her parents or parent in order to overcome racial imbalance.

"No part of the funds contained in this

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act shall be used to force busing of students, the abolishment of any school or the attendance of students at a particular school in order to overcome racial imbalance as a condition precedent to obtaining federal funds otherwise available to any state, school district, or school."

The Supreme Court of the United States in May 1954 ruled that "segregation in public education" violates "equal protection of the law" and is thus unconstitutional. It was not until the enactment of the Civil Rights Act of 1964 that Congress stepped in to apply controls to education in the schools of the various states. This statute, in effect, distinguishes between ending segregation through assignment of students without regard to race and any attempts to bring about artificial integration. It says:

"'Desegregation' shall not mean the assignment of students to public schools in order to overcome racial imbalance. . . .

"Nothing herein shall empower any official or court of the United States to issue any order seeking to achieve a racial balance in any school by requiring the transportation of pupils or students from one school to another or one school district to another in order to achieve such racial balance."

Nevertheless, under the Johnson administration, the Department of Health, Education, and Welfare not only set up quotas to define what was required to achieve "desegregation" but also threatened to withhold federal money unless progress was made toward the attainment of these percentages. The department later claimed that its actions were not based on "quotas," but the effect was virtually the same. Under the Nixon administration, the department is reviewing past practices, and indications are that negotiations for a settlement in each case will be sought before funds are withheld. But it isn't clear yet whether the department is going to substitute for the abandoned "guidelines" any definition of what constitutes deliberate segregation.

A number of schools, particularly in the South, adopted "freedom of choice" plans, whereby parents were permitted to choose which schools within the district their children would attend. Many of these methods were accepted as providing a satisfactory means of ending discrimination, but others were held to have only the effect of "token" integration or the continuance of a two-school system, one for whites and one for Negroes. Some federal officials take the position that, because only a few Negroes "choose" to attend a predominantly white school or no whites choose to go to an all-Negro school, there is not a true "freedom of choice."

Certainly the federal government has a right to withhold funds if there are cases of intentional discrimination, but no authority is given to punish a school because of what a federal department may call "token" integration. There is no official definition which tells a school board when "token" integration gives way to a satisfactory "end of segregation."

Equally complex is the problem of assigning members of a school's faculty. Nowhere in the law is any authority given to the department of Health, Education, and Welfare to demand the presence of certain quotas of white teachers or Negro teachers in each public school. To threaten to withhold funds because of an "imbalance" in the faculty is just as illegal as an insistence upon the correction of "racial imbalance" among students.

[From the Manchester (N.H.) Union Leader, Jan. 20, 1970]

SOUTHERNERS PUT EDUCATION FIRST

At the top of our back page today is the story of Evangeline Academy, reprinted from the Shreveport Journal. This is an account of the brave struggle made by parents who are determined that their children will get a good education.

After reading this, Northern readers will have some idea of why white parents in the South are willing to make such sacrifices for their children.

Most parents in the North have no concept of what parents of children in Southern schools are up against as a result of the arrogant and peremptory order of the United States Supreme Court to desegregate school systems immediately.

Suddenly these white parents are finding their school systems flooded with blacks who, through no fault of their own, are not up to the educational level of the white children. Whose fault this is, is not the question; the fact is, it is so.

So these parents of white children are discovering that the level of education in their schools will have to be brought down to the level of the blacks. Their children will thus be deprived of a good education.

They know also from long experience in the South, that the races do best when kept apart and that many unfortunate complications are avoided when they are educated separately.

Today the overwhelming sentiment in the South is that the blacks must be given just as good an education as the white children receive—with the same high quality school teachers and the same type facilities.

That the white people are willing to make great sacrifices for their children can be seen from the picture accompanying the editorial from the Shreveport Journal which appears at the top of our back page today. These parents are willing to accept inferior facilities such as the former country store, rather than risk the mis-education of their children.

Money is tight in the South and when families are willing to pay $300 for their children's education under such circumstances (whereas they could get an education free from the public school system), you can be sure that these people really know what, how and why their children would suffer from such integration. Otherwise, they would never make such sacrifices.

These people would certainly rather have their children educated in nice buildings with all the necessary equipment than in a former country store, a night club, or a converted cattle auction barn. They are willing to spend $100,000 for a new elementary school building, which will be ready soon.

As in the rest of the United States, these white parents are putting their children's good education first in the family budget.

In addition to the article at the top of our back page, be sure to read the story on the Ville Platte (La.) school which begins at the bottom of our front page today.

WILLIAM LOEB,
Publisher.

[From the Manchester (N.H.) Union Leader, Jan. 20, 1970]

COURT RULING FORCES DRASTIC STEPS BY LOUISIANA PARENTS—THEY PAY $300 PER PUPIL TO GET EDUCATION

A poor section of Louisiana is willing to pay $300 apiece for their children to get a good education in a private academy rather than have them subjected to integrated public schools where it is necessary to slow down the teaching procedure. Following is an editorial from the Shreveport, La. Journal.

Loss of freedom-of-choice in public education has inspired the creation of a remarkable private school system in Evangeline Parish, Louisiana. Organizers and supporters of Evangeline Academy, the new institution in Ville Platte, have accomplished much in a few months.

The ruling of the U.S. Fifth Circuit Court of Appeals against freedom-of-choice last May 28 profoundly stirred sentiment in Louisiana's French-speaking parishes.

Denial of the right of parents and guardians to select the schools for children to attend seems in certain areas to have aroused stronger objections than did the original U.S. Supreme Court ruling against discrimination in public education facilities.

"The impetus of a common enemy—federal intervention—is our greatest asset," says the Rev. Melvin Plauche, a Baptist minister who initiated the drive for the academy and who serves as the school's president.

Backers and patrons of the academy, he observes, are of the opinion that if the federal government can force attendance at certain schools, then the government also can dictate instruction.

By no means is that an irrational view. Every year since 1954 public schools have been drawn closer and closer to a national system. Federal control over community-operated school systems has been increased through court orders, federal grants and the dictates of the Department of Health, Education and Welfare.

The U.S. Office of Education within that department favors national standards for elementary and secondary schools. If ever those standards are adopted—and conceivably they might be thrust on school districts someday by court edict—the government will be telling local schools what and how to teach.

Rev. Mr. Plauche insists that he is not a racist and that the academy was not established to evade integration of races. No blacks, he reports, have applied for admission to the school.

Of course, civil rights groups will claim that the academy is merely a device to preserve segregation, but the fact remains that this parish was willing to accept freedom-of-choice with provisions for integration.

BIG RESPONSE

Since last September when the minister began the appeal for funds the school has received some $400,000 in gifts. At the first meeting of citizens $88,000 was raised. This quick, big response is all the more impressive in view of the economy of the parish which is predominantly agricultural.

A family membership in the academy organization costs $300. About 200 applications have been turned down for lack of space for children in the temporary classrooms.

Present enrollment at the academy includes some 2,400 students. The public schools, which now have an estimated enrollment of 2,483 whites and 3,211 negroes, have lost over 3,000 pupils to the academy and parochial schools this year.

If the decline becomes permanent, it might bring a loss in revenue to the public school system, and taxpayers might be less willing to vote bond issues for improvements.

Academy classes now are conducted in a night club, grocery store and a converted cattle auction barn. But a new $100,000 elementary school building will be ready for occupancy soon.

FACULTY OF 74

The academy faculty consists of 74 teachers who are paid salaries comparable to those of the public schools.

An Associated Press account of the academy, prepared at the request of The Journal, has interested the American Broadcasting Co. television studios.

A televised report of the school will be shown nationally and that publicity should benefit the new institution, for there are large numbers of citizens throughout the country who are aghast at court rulings against freedom-of-choice.

Establishing a private school is a formidable undertaking. But Evangeline Academy's leaders and backers are dedicated to their task. With admirable spirit they labor for independence in education.

[From the Manchester (N.H.) Union Leader, Jan. 20, 1970]

EVANGELINE PARISH, LA., PRIVATE SCHOOL SYSTEM IS FLOURISHING

(By Kent Zimmerman)

VILLE PLATTE, LA.—Desks sit idle in the public schools here while hundreds of white elementary school pupils pack their books daily to a nightclub, grocery store and other makeshift school buildings. High school students attend classes in a converted cattle auction barn.

It's part of the protest in Louisiana against federal court school desegregation orders. And in Evangeline Parish—French-speaking Cajun country—the protest is quiet but elaborate.

"The impetus of a common enemy—federal intervention—is our greatest asset," said the Rev. Mr. Melvin Plauche, president of the Evangeline Academy, a new private school system.

The Academy has collected some other assets during its short life—$400,000 in donations, memberships and tuition and a student body of some 2,400.

Its backers say they are encouraged and a new $100,000 elementary school for the academy will open by the first of the year. Then the temporary facilities—some of which double for other uses at night and on weekends—will be vacated by the youngsters.

The impetus for the private school system came May 28 from the 5th U.S. Circuit Court of Appeals which voided freedom-of-choice as an acceptable means of school desegregation and ordered implementation of workable plans in 37 Louisiana districts. Opponents contended free-choice was the most fair system of determining which school a student should attend.

"This is not segregation at all," Rev. Plauche said. "I'm not a racist, but nobody will believe that. Anybody who doesn't agree with the HEW (Department of Health, Education and Welfare) edict is labeled a racist." HEW recommended plans based on a combination of desegregation methods and most were accepted by district courts.

"We just decided we couldn't accept it and we didn't," he said. "Now we're paying the price."

"Our fight is against the federal government telling us what schools we have to attend. Next they'll say what has to be taught. And then they'll tell us where we have to work."

Asked if there were any negroes in the academy, Rev. Plauche replied: "We have no blacks. There may be some negroes, but I don't know. We don't give blood tests."

"No blacks have applied," he said. "If they do, I don't know what the board would do. It's their decision."

Rev. Plauche, a Baptist minister in this predominantly Catholic area, said the drive started late in September at a public meeting where he asked for donations to start a private school system. Just a week earlier, courts ordered Evangeline Parish to open its public schools—closed in protest against the 5th Circuit order—and even after the schools opened a white boycott was about 85 per cent effective.

On the first night, the group received $88,000 in donations and memberships. Within a month, the total was up to $300,000 and the academy had leased an auction barn for $1 a year for the high school. Space in about a dozen other buildings was donated for elementary schools.

Rev. Plauche said there have been so many applications the board has had to turn down about 200 family memberships, which now sell for $300.

"We voted the other night to accept 15 new families. We'll be at capacity when we move into the new building and we're already talking about adding 20 more classrooms," he said. "But we had to close the gates somewhere. We have to get a building program under way and then go from there."

The 600 high school students in the academy will continue to use the converted barn for classes, but the academy board is considering several possibilities for moving into more permanent quarters.

"It is a success story of people working together," Rev. Plauche said. "From a lazy, sleepy community, we've come alive. People have volunteered help to build the school and they have donated land and space and set up private school bus programs."

He said the academy drew its teachers—74 of them—from the ranks of the retired and those who quit in opposition to the court ruling. The pay is comparable to salaries in the public schools.

Rev. Plauche said the only state help the academy receives is textbooks, "the same as every other public, private or parochial school. We'd check very carefully before we'd accept anything else. We don't want any strings attached."

What of the future for the private school system?

Rev. Plauche said he was optimistic despite the fact that the parish is rural oriented and "one of the poorest in the state."

"How long will it last? As long as there's a need for quality education. Financially, we're in better shape than the public schools."

The public schools have lost some 3,000 pupils this fall to the academy and parochial schools, leaving an enrollment estimated at 2,843 whites and 3,211 negroes.

Nat Manuel, parish school superintendent, said the public school system has not felt any financial effects. But the State Department of Education is scheduled to revise its allocations—based on a variety of factors, basically enrollment—early next year.

He said the private schools are no threat to the public school system. "There will always be students who can't afford private schools," Manuel said.

MARSHAL BARS BOY FROM CLASSROOM

OKLAHOMA CITY.—Ray York, 14, who wants to attend his neighborhood school instead of his assigned one, spent Monday in U.S. marshal's office instead of the classroom.

And the marshal's office has a court order to place York in custody every school day until he agrees to attend Harding Junior High.

Ray York was taken into custody by U.S. Deputy Marshal Richard F. Moerck when he arrived at Taft Junior High School, his neighborhood school.

A court order—effective Monday—prohibits Ray from attending Taft and orders him to start attending Harding provided he wishes to remain in public schools. U.S. Dist Court Judge Luther Bohanon issued the order last week, saying Ray's attendance at Taft was disrupting efforts to integrate Oklahoma City schools.

The confrontation Monday took place before about 25 supporters and newsmen in 9-degree weather and was without incident.

CROWD SHOUTS

"Son, you'll have to go with me," Moerck told Ray as the youngster and his mother, Mrs. Raymond York, approached the school. The crowd began to shout, "What's he charged with? What's the boy charged with?" as the marshal and the boy walked away.

Ray was taken to the marshal's office, where he spent the day reading magazines and drinking hot chocolate. Bohanon had ordered the youth held until the end of the school day each day he shows up at Taft. He was to be released to his parents custody at the close of each school day.

"They'd just better bring him back the way they took him," Mrs. York said after her son was taken into custody. "I don't like the way he was pulled from me. I had wanted a last word with him and they just pulled him on away."

The marshal's office said Ray had not been arrested, that he was merely taken into custody. Asked the difference, a spokesman said: "Technically, there isn't any.

Mrs. York said she asked the marshal if he was arresting her and "he said no, he was not arresting me but he was going to take my child.

"He volunteered to let me go baby sit but little do any of you realize, I have two other children I have to take care of and I am fighting for them and for the rest of the children in Oklahoma City.

"I'd like to scream," she said. "I'd like to cry. Those criminals trying to stop a little boy from getting an education."

Asked if another attempt would be made Tuesday to take Ray to Taft, she replied, "I don't think it would do much good. But never never will he go to Harding."

Mrs. York said she would keep Ray home for the rest of the week.

She reaffirmed her intention to "fight this all the way to the Supreme Court."

The current dispute revolves around new boundary lines approved by Bohanon as a temporary expedient to further integration of Oklahoma City schools.

The Yorks live in the former Taft attendance district, but their area was assigned to Harding under the boundary changes.

Ray enrolled in Taft last September, using the address of a family friend as his home address. Since the assumed address was discovered, he has been attending classes without authorization from school officials.

A NEWS RELEASE FROM THE AMERICAN PARTY CENTRAL COMMITTEE, JANUARY 21, 1970

The following statement by the American Party Central Committee has been endorsed by Central Committee members from the 4th, 5th, and 6th districts:

Where are the Republicans and Democrats elected by the people of Oklahoma? Where are the members of Congress—the lawmaking body which passed the legislation specifically promising that desegregation does not mean the assignment of pupils to schools, nor the busing of children from their neighborhood schools to other schools to achieve racial balance.

Our elected Republicans and Democrats in Congress and our Republican Governor have allowed a Federal Judge to override the laws passed by Congress without a word of protest. They have turned their backs while a court order handed down by the Federal Judge has resulted in the arrest of 14-year-old Raymond York and the threatened arrest of his parents. The Judge said "They are not privileged." We know they aren't privileged—they are persecuted for insisting on sending their child to the school he had been attending and was supposed to attend, according to established law, until the Judge decided to force them to do what is specifically not allowed in the laws passed by Congress.

Many other parents have permitted their children to be herded around like sheep or have evaded the court orders by moving, by using addresses of relatives or friends or by transferring their children to other school districts or to private schools. The Yorks have decided to stand on their Constitutional rights and the law instead of running away.

All decent people cringed with shame as the orders of the tyrant judge were carried out by the U.S. Marshall on Monday, January 19. The crowd of brainwashed Okies who watched with apathetic idiot-like curiosity the arrest of a 14-year-old boy to punish his parents for resisting tyranny included school administrators, teachers, clergy and representatives of the local and national news media. That evening the national TV networks showed the arrest of Raymond York by the U.S. Marshall in an atmosphere reminiscent of a Roman Holiday with reporters from national and local news media jostling each other to take pictures and to ask superficial and stupid questions of Raymond and

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Mrs. York. Only a few other children were shown supporting Raymond. Is this a Children's Crusade?

After the news reports, there was silence. Not one Government leader, not one Senator, not one Congressman, not one lawyer (not even the ACLU), not one teacher, not one pastor, not one Church, not one Chamber of Commerce, not one Service Club, not one newspaper, not one editor, not one radio station, not one TV station voiced a protest to the arrest of a 14-year old boy for attending his neighborhood school. The famous statue in Ponca City of The Pioneer Woman (with her son) is nameless no longer. It is Mrs. York and her son Raymond. Isn't it ironic that Okies don't even recognize the Pioneer Woman when they see her? Is it fear or stupidity which silences political and civic leaders and news editors? Is it a love of violence, a fear of freedom or the desire of an end by any means?

Meanwhile, all of our children are being sacrificed to experiments in social planning by bureaucrats, inspired by "change agents" and supported by politicians—elected by us. Neither the Republicans nor the Democrats care about the people who elected them, the Constitution they are sworn to uphold, the laws enacted by Congress—except those raising their salaries—nor the well-being of the United States of America.

"Don't rock the boat." is their motto—while the Ship of State with all its passengers slowly sinks into a sea of lawlessness, and chaos and the scavengers patiently wait to divide the spoils.

We of the American Party challenge the leadership of the Republican and Democrat parties to shape up before it is too late and demand that those elected under their banners remember that they are the servants of the people and not their masters. Members of Congress and Senators must see to it that appointed judges do not violate the law with impunity nor persecute those who are innocent of wrong-doing. This country was not founded on one-man rule by an appointed judge nor any other would-be dictator.

"What are you going to do about Raymond York and all of the other children being sacrificed to a power-mad minority?" This is the question we want answered by all of the elected Republicans and Democrats. We want the answer now.

[From the Russell Springs (Ky.) Times Journal, Dec. 24, 1969]

What Is The Answer?

(By Henry E. Garrett, Ph. D., Professor Emeritus, Psychology, Columbia University, Past President, American Psychological Association)

Q. Dr. Garrett, I recently read that a HEW official had condemned independent schools. He said they taught contempt for both the Constitution and the Bill of Rights, and inculcated prejudice. What is your opinion?

A. I saw that. And I can tell you that that official was wrong on all counts. He was the typical outburst of the frenetic liberal who is more interested in emotional than in logical remarks. Neither the Constitution nor the Bill of Rights has anything to say regarding school mixing of blacks and whites. We have ample evidence, now, that it harms the education of both. Should we destroy the public schools to please the left-wing extremists? That is what is occuring, thanks to their policy of race mixing which, in itself, is an abnegation of all the Constitution stands for.

[From the Washington Post, Jan. 23, 1970]

PTA Congress Endorses Police in District of Columbia Schools

The D.C. Congress of Parent-Teacher Associations has endorsed keeping policemen in city schools until "suitable alternatives . . . are implemented."

In a telegram to Mayor Walter E. Washington, the congress of 15 individual school PTAs also cautioned against placing untrained "community aides" into the schools too quickly.

Mayor Washington stationed police at all 46 junior and senior high schools in the city after the fatal shooting of a student at Hine Junior High on Jan. 5. He also authorized the hiring of 80 "community aides" to help patrol school halls.

Acting School Supt. Benjamin J. Henley suggested hiring 497 "community aides," each with an annual salary of $5,900.

But the PTA congress cautioned against "crash programs." It urged that there be "proper investigation and training" of the aides before they are placed in the schools.

The telegram was sent by the PTA's governing board of managers. Local PTA chapters have a total membership of about 45,000.

[From the Washington Post, Jan. 25, 1970]

More Negroes Turn to Private Schooling

(By Lawrence Feinberg)

Negro parents, dissatisfied with the Washington public school system, are sending their children to expensive private schools in sharply increasing numbers.

The total in such private schools is still small—2,386 black youngsters—compared to 140,667 Negroes in city public schools. But the figure has increased by more than 50 per cent in the past two years, according to the D.C. schools attendance office.

The exodus has included the children of city leaders—among them City Council Vice Chairman Sterling Tucker and school board member Julius Hobson.

It also includes the children of public school teachers and middle-income government workers, many of whom take on heavy debts and extra jobs to pay private school fees.

In addition, scholarship programs have expanded to bring into the private schools the brightest students from poor Negro families, thus further depleting the number of talented youngsters in Washington's public schools.

"Everybody wants to give their children the best education they can wherever they can," said Tucker, who has a daughter in second grade at Sidwell Friends. "I can't solve all the problems of public education, and while I'm trying to solve them I'll do the best I can for my own children."

The same point is made by Percy Ellis, principal of Shaw Junior High School, 7th Street and Rhode Island Avenue NW, whose 12-year-old daughter attends National Cathedral School for Girls.

"For my daughter I want the best education she can get," Ellis said. "At Shaw we try to give the children the best education we can give them."

Because of the District of Columbia's unique status, its school system carries out the functions of a state education department, and keeps attendance statistics on D.C. residents in both public and private schools.

According to the attendance report, the number of Washington Negroes in private schools in the city and out-of-town climbed from 1,542 in the 1967–68 school year to 2,386 this fall.

At private schools within the District—including schools run by Catholic religious orders—Negro enrollment increased from 982 to 1512 in the two-year period.

Washington Negro children at out-of-town schools—both in the suburbs and in boarding schools farther away—rose from 560 to 874.

These figures do not include parochial schools operated by Catholic parishes in Washington.

In contrast to the private, many of them expensive schools, Catholic parochial schools generally are not selective, charge low fees and draw heavily on their neighborhoods. They have been forced to curtail expansion because of severe financial problems.

RATIO IS THREE TO ONE

Even so, they continue to have about three times as many Negro youngsters as the other private schools. But their Negro enrollment this fall—6,806—was only 132 more than it was two years ago.

One other nonpublic school listed separately in the attendance office report is the Black Muslim academy at 1519 4th St. N.W. It has 205 Washington students, this year all black, compared to 137 last year and 100 students two years ago.

Enrollment in Washington's public schools this October was 149,116 students, including only 8,449 whites (about 6 per cent). The number of Washington white children in nonpublic schools—both private and parochial—is 8,272.

Most of the reasons given by black parents in interviews for sending their children to private school are similar to reasons given by whites.

GETTING MORE DIFFICULT

"Our public schools have deteriorated to the point where it is very hard to get a real education," said Lucille Johnson, who has a daughter at National Cathedral School for Girls.

Mrs. Johnson, a former public school teacher and administrator who now is an educational consultant, added: "When you think of the interruptions, the overcrowding, and the disruptive elements, you know the students in public schools just aren't getting much education today."

Dorothy Fax, wife of a Howard University music professor, has a son at a boarding school near Boston. "The academic work is so superior in the private schools," she said. "We didn't see our son getting anywhere in public school, but he really began to make progress when he went to private school."

Many Negro parents interviewed also complain about poor discipline in the public schools and the lack of academic competition.

"Most of the kids just don't seem to care about their school-work," one father said, "and after a while the teachers don't seem to care either. I want my boy to be prepared for college."

Many parents added that they think their children have a better chance of getting into a good college if they go to a good preparatory school. Recently, however, prestige universities—under pressure to increase their black enrollments—have been aggressively recruiting students with even mediocre records in Washington public schools.

In some cases there is an element of snobbism and social climbing.

"There's a kind of social exposure you get in a private school, a finesse," one mother said. "There are social graces that you can't pick up in public schools where the atmosphere is so bad."

Other parents stoutly deny snobbery, but say they want to keep their children away from youngsters who act rough and speak coarsely.

"Yes, we're middle class," said a man who has had to borrow $3,000 to send his son to private school. "We don't want him coming home speaking filth like some street boy."

Another reason given for sending children, particularly young ones, to private school is the length of the school day.

BABY-SITTING SERVICE

"For a lot of working mothers, the school is useful as a babysitting service," one said. "They pick the children up early in the morning, and by the time they get back home you're usually home from work. If they were in public school, you'd have to make arrangements for lunch and find somebody to keep them until you got home."

But the cost, which can reach $1,200 a year even for first graders, seems often to out weigh the convenience.

A reporter met one woman who is driving a taxi to help pay private school tuition. Another woman works evenings as a clerk in a drug store, after typing eight hours in a government office.

"I'll make any sacrifice I have to," she said, "to get a good education for our son."

Several Negro parents said they are sending their children to private schools because they want them to be in integrated classes. This usually is impossible in the Washington school system where 94 per cent of the students are black.

Although the small number of Negroes going to private schools rose steadily in the early 1960s, it did not spurt until after 1967. Some of the parents involved believe the movement was speeded by Judge J. Skelly Wright's decree in the school desegregation suit brought by Hobson.

The decree abolished the track system, which had provided an "honors" curriculum for bright students. Parents whose children were being shifted back to regular classes often tried to get them into private schools so they could continue doing the advanced work they had been getting in the "honors" track.

Judge Wright also abolished the Washington school board's "open schools" policy that permitted parents who provided transportation themselves to enroll their children in any school with extra space. The policy was used by middle-class Negroes as well as whites to get children into Gordon and Deal junior high schools, Western Senior High and into the few mostly white elementary schools west of Rock Creek Park.

FELT THEY WERE FORCED

Rules adopted by the School Board after the Wright decree required all children, except some in Anacostia, to go to their neighborhood schools. Many middle-class black parents who never liked the schools in their neighborhoods now felt forced to send their children to private schools.

Public school officials, while acknowledging the school system's problems, believe many of the parents' fears and criticisms are exaggerated. In turn, they express the fear that there may be a proliferation of poorly run private schools. And indeed, there have been complaints from parents that a few of the private schools, where they are paying from $1,000 to $1,700 a year, have classes just as large as the public schools from which they withdrew their children.

Public school officials also point out that there is considerable variation among schools in any school system, and that some Washington schools, even in poor neighborhoods, have good records.

And, they add emphatically, there are outstanding students in the public schools.

One measure is the National Achievement Scholarship Program for Negro students, based on competitive nationwide exams taken by high school juniors.

The D.C. public schools had 79 semifinalists in the results announced this fall, including 21 from Coolidge High School, and 13 each from McKinley and Wilson. Private schools in the area had 26 semifinalists, even though they had only 2 per cent as many Negro high school students as the public schools.

The Catholic parochial high schools, which have about 4 per cent as many Negro students as the public schools, had 11 semifinalists.

Despite the recent increase in Negro enrollments, all of the expensive private schools are still predominantly white. Georgetown Day School, which has been integrated since it opened in 1945, is about one-third black, the highest proportion for any private school in the area.

ABOUT 8 PERCENT NEGRO

The three Episcopalian schools affiliated with the Washington National Cathedral were for whites only until the mid-1950s. One of the first to break the color bar was Mayor Walter Washington's daughter, Bernetta. She graduated from the National Cathedral School for Girls in 1962, a classmate of Luci Johnson Nugent.

The two other Cathedral schools are St. Alban's for boys and Beauvoir, a coed nursery and early primary school. The three schools now have a Negro enrollment of about 8 per cent.

Sidwell Friends, one of the area's largest private schools with 936 students, had a Negro enrollment of less than 1 per cent six years ago. Now about 10 per cent of its students are Negro.

Even the exclusive Madeira School in Fairfax County, segregated until three years ago, now has 11 Negro girls among its 275 students.

One factor in opening the private schools to Negroes has been the Negro Student Fund, started in 1963 and financed heavily by the Ford Foundation.

This year the fund is giving $88,000 in scholarships to 120 students at 26 private schools.

The schools are adding scholarship money of their own to the fund's contribution. The fund also helps Negro parents who can afford the fees to find a place in private schools for their youngsters.

A few of the parents said they are beginning to encounter criticism from some of their neighbors.

"They tell me, 'You're deserting your race, you're a traitor'," one woman said. "You've got your kids out there with whitey's when they should be in black schools taking the knocks and bangs with the others.' "

Julius Hobson has a sharp answer to such criticism.

"With the D.C. schools the way they are," he said "you're crazy if you can take them out and don't. It's a disservice to the child."

Only a few Negro parents express the thought so strongly, but many more seem to share Hobson's loss of confidence in the public schools.

THE 1970'S: EDUCATION FOR WHAT?

HON. ROMAN C. PUCINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, January 26, 1970

Mr. PUCINSKI. Mr. Speaker, during the recess of Congress the New York Times published a series of articles containing recommendations about the course of American education in the decade of the 1970's.

The General Subcommittee on Education which I serve as chairman, has been conducting hearings for the past several months to discuss what can reasonably be expected to be the needs of our elementary and secondary school system in this new decade and how we might make our national policy more responsive to those needs.

We have heard testimony from educators, parents, philosophers, and representatives of groups that wish to give new direction to our massive and frequently unwieldy educational system.

I have found no better description of our concern than that contained in an artcile by Fred M. Hechinger of the New York Times staff. His article highlights the difficult problems faced by teachers and students alike. I believe Mr. Hechinger's article shows, moreover, that we cannot wait until a student enters college to suddenly become concerned with the relevance of his education. His college years must be part of a logical continuum from his earliest educational experiences and that, I hope, is what our hearings will serve to demonstrate.

Mr. Speaker, Mr. Hechinger's excellent statement follows:

THE 1970'S: EDUCATION FOR WHAT?

(By Fred M. Hechinger)

American education today is like a parent who, though unsure of the validity of his own values, knows that he is expected to transmit them to his children.

If the schools and colleges, torn by doubts about society's needs and goals, cannot do the job on the basis of any current consensus, who else has the authority and credibility? Who can determine what is relevant—what obsolete?

The education establishment, as much under a siege by its self-doubts as by its radical attackers, may just be entering an essential new stage. After two decades of preoccupation with the fruits and dilemmas of affluence, exploding knowledge and the triumphal march of science and technology, the "why" and "what for" of the human condition call out for answers.

By all past religious strictures, man is expected to be humble in his earthbound limitations. But science and a precision-engineered moon landing have raised doubts about the limits. No longer earthbound, man may find it harder to be humble in the knowledge that the sky is no longer the limit.

Having seen what intelligence, determination and money can accomplish, man will inevitably feel greater guilt over his failure to clear the slums, stop the wars, offer equality of the deprived, and make the commuter trains arrive on time.

In the onrushing of the tide, what should remain constant? If the teacher extols thrift, should he denounce the message, "Fly Now, Pay Later"? And, if he does, will he stand accused of subverting the system?

Having long been charged with helping the young discover their identity, education is no longer sure of its own.

The old approach to human values was simple. The American dream made every little boy potentially free and prosperous. It was easy to explain to children of immigrants who had escaped oppression. Such promise has quite another meaning for those who have not fled from injustice abroad, but are struggling to escape from it in their own country.

In an age that has made the impossible happen in space, that has made goods abundant, that has speeded up communications, that has given us television and the computer, the pressures not to postpone for anybody all the benefits of affluence, technology and inventiveness are irresistible. At the same time, however, affluence, material pursuits, technology, even science itself, are themselves being challenged in some sectors of society.

The schools are set adrift by this challenge to the old values. In the past, they relied on a unity of middle-class purpose; everybody wanted its benefits—to attain or keep them. Now the range of goals and demands is so wide as to seem often virtually to defy a shared system of values.

There are those poor—black and white—who want to climb the traditional ladder to the benefits of traditional civic virtue and privilege.

There are those poor—largely black—who, in anger, reject the dominant society and ask of it only that it pay reparations, and get out of the way.

There are the affluent young—mainly white—who no longer see any sense in climbing and who, possibly to pay for their favored

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position, join the angry poor and reject the values of their past and their parents.

There are the children of the more precarious middle class who want to be the technicians and executives of modern society. They ask of the schools, as of society itself, everything that young people wanted before them.

This dilemma of how to teach, educate and bind together these diverse elements is compounded by the awesome problem of how to cope with huge masses of persons displaced in their own country—the pre-industrial poor in a post-industrial society.

Nothing is easily answered because nothing is certain.

A FEW ANOMALIES

The Supreme Court has ruled that desegregation is an affront to human rights and a violation of the Constitution. Yet, a key official in the Department of Justice expressed a lawyer's doubts whether the Court's opinion could be enforced.

On the other hand, black students are studying at the University of Mississippi Law School to become lawyers in support of their brothers' demands against the laws and mores of Mississippi.

Patriotism, it used to be assumed, is one of the schools' basic, noncontroversial lessons. But clearly today both those who pledge their lives to fight for their country and those who risk jail to help protest what they consider their country's unjust war see themselves as patriots.

Where salvation used to be sought primarily through religion, it is now pursued by many young people with equal certainty—often fanatacism—through communal psychiatric experiences or drugs. And those who believe the trend dangerous are, to its followers, the new inquisitors or heretics—the "pigs."

VOICES OF THE 1930'S

For the public schools these are difficult times. Even if they believed some of the more advanced, let alone revolutionary, values to be correct, it is virtually impossible for them to depart too far from the middle-of-the-road demands of established society. Those educational spokesmen in the 1930's who daringly urged the schools to help establish a new social order were haunted for decades and blacklisted as radical subverters of youth.

Yet, in the long run, they proved more right than wrong. The new social order did come—through the New Deal, a socially conscious Supreme Court that upheld civil liberties and a host of laws to extend civil rights, and the welfare state.

The answer is probably that the schools, though clearly not the agents of revolution, can best serve the country if they support and advance evolutionary change. Where they fail to do so—as they have in some communities and regions—they have reinforced those values that subsequently became responsible for social, cultural and economic backwardness and suffering .

The colleges and universities, too, have always been torn between the conflicting mission to conserve and to pioneer. In the first half of this century, they struggled hard to revive the concept of the Renaissance and to pull together the fragmented backgrounds and values of a frontier civilization that was running out of frontier.

But what was liberal education then seems to many illiberal and restrictive today. The villain now is "the system," even the system of liberal studies; the new Sturm und Drang is pushing back to the romantic individualism of doing One's Own Thing, and that allows for few required studies of ideas and values. It is not a rugged individualism but an emotional one, confined by the peer group and the commune.

The university today is torn between concern for its traditional academic mission of training the intellect, both in the abstract and as a pre-professional exercise, and another, more sentimental, therapeutic role.

THE PITILESS PENDULUM

The radicals consider the theoretical and detached scholars as "irrelevant" to the social and political crises; the scholars warn that the radicals are sowing seeds of an anti-intellectual activism that will destroy the university by politicizing it and ruin society by trying to cure its ills without skills, competence and workable philosophies.

Actually, the conflict is not new. The therapeutic, activist concept of education was deeply imbedded in John Dewey's stricture to teach "the whole child" and in his prescription of "learning by doing." Humane and effective education undoubtedly requires both the intellectual and the practical-sentimental approach.

The pity over the years has been the swinging of the pendulum from one extreme to the other.

Educational neglect and inefficiency have made the psychological as well as the academic remedial task the responsibility of higher education. The need is to put it back where it belongs.

Present conflicts—between hopes and fears—appear dominated by the drive for power and the demand for accountability, whether the scene is the black community's fight for school control in Ocean Hill-Brownsville or the students' demand for participation in the decisionmaking at Harvard or Berkeley. The trick is to make those accountable who also exercise the power, and not simply to parcel out power to the many different groups clamoring for it.

The greatest risk today is in polarization, on campus and off. Concern for humanity thrives best in a society that is not polarized. Human values become brutalized when people live under the pressure either of survival of the fittest or of confrontation.

The radical idiom's four-letter words are the dialectic of the barracks—a special irony when it is affected by those who claim to hate war. It is a device of dehumanization that ought to be eliminated in the 1970's.

Everywhere men are confronted by terrifying contrasts. Science has released undreamed-of energies and awesome power, and even the scientists themselves disagree whether this means greater security or fatal risk. In other ways, too, science and technology have imposed their own ambivalence—promise of liberation and fear of enslavement.

The contraceptive pill might free mankind of the horror of population out of control; but it also raises new questions of dehumanizing personal relations. Used mindlessly or selfishly, science and technology have already contaminated man's environment; but with proper support, they can also lift the present threat.

In the final analysis, the issue remains whether man can use and control his tools and institutions to prevent them from becoming instruments of dehumanization. This is the issue that restless youth has put to the present systems.

One basic question is why so many of the young rebels turn to the romantic failure of a Che Guevara or the repressive totalitarianism of Mao Tse-tung rather than to the values—social, moral, educational and political—of Thomas Jefferson, Abraham Lincoln, or Franklin D. Roosevelt.

This, in the end, is the question the schools and universities, the scientists and philosophers, must try to answer.

SENATE—*Tuesday, January 27, 1970*

The Senate met at 10:30 o'clock a.m. and was called to order by the President pro tempore (Mr. RUSSELL).

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

Let us pray in the words of St. Francis of Assisi.

Lord, make us instruments of Thy peace; where there is hatred, let us sow love; where there is injury, pardon; where there is discord, union; where there is doubt, faith; where there is despair, hope; where there is darkness, light; where there is sadness, joy; for Thy mercy and for Thy truth's sake. Amen.

ORDER OF BUSINESS

The PRESIDENT pro tempore. Under the previous order, the Chair now recognizes the distinguished Senator from Louisiana (Mr. ELLENDER) for a period not to exceed an hour and a half.

The senior Senator from Louisiana.

Mr. ELLENDER. Mr. President, I yield to the distinguished Senator from Montana.

The PRESIDENT pro tempore. The Senator from Montana.

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Monday, January 26, 1970, be dispensed with.

The PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER OF BUSINESS

Mr. MANSFIELD. Mr. President, I understand that a unanimous-consent request has been granted to limit statements to 3 minutes with relation to routine morning business and that the period for the transaction of routine morning business is not to exceed 30 minutes.

The PRESIDENT pro tempore. The Chair advises the Senator from Montana that that is correct. At the conclusion of the remarks of the Senator from Louisiana, morning business will be in order.

COMMITTEE MEETINGS DURING SENATE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that all committees be authorized to meet during the session of the Senate today.

The PRESIDENT pro tempore. Without objection, it is so ordered.

ATTENDANCE OF A SENATOR

Hon. ERNEST F. HOLLINGS, a Senator from the State of South Carolina,

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attended the session of the Senate Monday, January 26, 1970.

ADDITIONAL COSPONSOR OF A BILL

S. 3238

Mr. SCOTT. Mr. President, will the Senator from Louisiana yield?

Mr. ELLENDER. I yield to the Senator from Pennsylvania.

Mr. SCOTT. Mr. President, on behalf of the Senator from New York (Mr. JAVITS) I ask unanimous consent that, at the next printing, the name of the junior Senator from Arizona (Mr. GOLDWATER) be added as a cosponsor of S. 3238, to amend the National Foundation on the Arts and Humanities Act of 1965, as amended, which the principal sponsor, the senior Senator from New York (Mr. JAVITS), introduced on September 11, 1969. The senior Senator from New York is absent on official business.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The Senator from Louisiana.

FARM PROGRAMS AND THE ECONOMY

I. INTRODUCTION

Mr. ELLENDER. Mr. President, I expect to discuss today a subject which is most important to the American people. I am fearful of what would happen to our economy if this Congress were to adjourn without reenacting the present farm program or putting another effective measure on the statute books. Legislative action this year is very, very important. No matter how much gold one owns, or diamonds, or what have you, the most important thing needed to maintain our national wealth and power is an abundance of food and fiber. It is essential that we provide ways and means of having available all of the food, as well as the fiber, necessary for our people.

We have had farm programs now for almost 40 years. In fact, we had some kind of program during World War I, or at the end of it. We asked our farmers to produce in order to feed not only the American people but our allies. It turned out that the farmers of our Nation were most patriotic in responding to the request of their Government.

The same thing occurred during World War II. Except for the fact that the farmer patriotically responded to the request of his Government to produce food necessary for our own use and consumption and for our allies—in fact, other peoples all over the world—the Nation would not have constructed such a huge food factory over the past 25 years. Our national production of farm commodities has far exceeded the expectations of men who were engaged during those times in promoting the production of food and fiber.

Today, and during the past few years, there has been a stepped-up clamor that farm programs be abandoned. On the one hand it is the consumer reacting to higher prices for beef steaks, not realizing that demand for beef is higher than ever before or that the family is now spending only 16.5 percent of its take-home pay for food, a smaller percentage than ever before. I may interpolate, no price supports are provided for beef. Or it is the taxpayer, accepting without adequate examination the oft repeated statement that farm programs are bad because of the cost. Those attitudes are extremely unfortunate. They are not based on careful examination and analysis of the real problems which exist. At the very least, we can do no less than look at the record for whatever it may reveal.

Nor does the widespread claim take adequate recognition of the serious problems which such proposed abolition of farm programs would create in our economy. I refer not only to the farm economy but to our broader general economy as well.

During my 33 years in the Senate there has been submitted an abundance of interesting testimony on the farm program, and many statements and documents. I have met most of the experts, great and small. We sit at their feet, as you are well aware, hoping for guidance and wisdom. I have listened diligently for hours and have read most of what has come before me. I have pondered and asked questions about the usual and unusual events in our agricultural economy and in the Nation and the world. What has happened does seem to show that the answers we get are right only part of the time. We are grateful for such help and guidance as has come our way. Probably what one hears and understands and decides is in considerable part related to his own background and earlier experience, to his intuition and his biases. It could be that to have experienced the great farm depression personally and to have pondered a variety of farm problems creates its own sort of understanding.

II. THE PROBLEMS ARE VERY COMPLEX

Agriculturalists generally agree that there are great difficulties in evaluating the impact of agricultural policies and programs, past, present, or future.

Personally, I would be skeptical of an agricultural specialist who thought the problems of farm programs in relation to the economy are simple. I would be skeptical for several reasons. The agricultural economy itself is very diverse and complex, consisting as it does of about 3 million largely independent producing units scattered over a continental area. Even within the local community, types of farming and its characteristics may present a wide range of diversity. There is the part-time farm, the small commercial and the larger commercial farm, the highly specialized farm and the generally self-sufficient farm. You may find in the same community a farmer who confines his work to planting and harvesting hundreds of acres of corn or small grains, almost by himself, using very modern and expensive machinery. A neighbor may be rather strictly specialized in cattle feeding or perhaps in hog production, utilizing small acreage but achieving a large gross income. A few or many of these diverse units may produce one or more principal products. There are at least 59 crops considered to be "principal crops." Within such "principal" classification there are types and varieties, groups and grades, some of them genetic, some seasonal, some geographic, some long established, some experimental. Combinations and permutations of the crop and livestock "mix" are almost endless.

I mention all of this to show the complexity and diversity of American agriculture, and to point out that there are many difficulties in evaluating the impact of agricultural policies and programs on our economy.

Beyond being aware of such probable pitfalls, my purpose today is to provide an insight for this very important congressional session, utilizing the experience of the present and the past. All is not darkness and chaos, hopefully. We can learn much which will be highly useful if not absolutely essential in the weeks ahead as we consider proposed legislation which will, if approved, replace farm programs which expire at the end of this crop year, 1970.

III. PROBABLE ECONOMIC EFFECTS ON THE U.S. AGRICULTURAL ECONOMY

The programs I intend to discuss today are not the totality of USDA activities. Few if any persons have proposed abolishing all of the activities of the Department. In brief, we are talking about what are generally referred to as price and income support policies, expressed in such programs as price supports, stock accumulation, compensatory payments, acreage restrictions, and perhaps multiple pricing, both at home and abroad. Other types of Government activity, particularly those relating to agricultural research, education, credit and general economic policies are not included. Thus, it is the interrelated complex of price-support programs, allotment and land-retirement programs and direct payment programs to which I shall be referring. And these in turn will largely relate to the feed grain complex, plus wheat and cotton. Soybeans, dairy products and several other items are of considerable importance also.

One of the very first thoughts which must occur to any of us who consider the problems involved in abandoning farm programs is the question of what such action will do to farm incomes. Naturally, we must ask that question and hope to arrive at useful answers. Perhaps the place to start is with government farm program payments. The following item from a recent Legislative Reference Service statement appears approximately correct:

> Government payments to farmers under the price support and adjustment programs totaled $3.5 billion in 1968 and will total about $3.7 billion in 1969. These payments are made for two basic purposes: (1) to effect desirable resource adjustments (Supply Management), and (2) to supplement farm income while permitting price support loan levels to reflect world price levels.

Even in this rather good year of 1969, to eliminate government support and thus reduce the realized net farm income by $3.7 billion from its approximate level of $16 billion would be a cut of fully 20 percent. Such a cut must be regarded as total loss. It is extremely doubtful if such a reduction would be offset, at least in the short run, even in a small way by reduced production expenses. High and increasingly higher taxes are now a built-in factor of life in most rural communities. The mortgage load at $28.7 billion is at record levels, both as to principal and interest. It is doubtful if other expenses could be reduced very much except by neglect of repair and upkeep, and by an even greater downward pressure on our standard of living.

Experience tells me that, if one does not receive the income or expect to get it, one does not continue to spend at the usual rate very long. It then becomes a matter of "priorities," of which we have heard so much in recent months.

I shudder to recall the severe dislocations, the dire distress which occurred not only in my farming areas but all over the country after World War I. Realized net income of U.S. farm operators declined from about $9.5 billion in 1919 to about $3.9 billion in 1921. I ask unanimous consent to have printed in the RECORD at this point a table of economic data relating to farm prices and income from 1910 to 1969, designated as "Table 1."

The PRESIDING OFFICER (Mr. HUGHES in the chair). Without objection, it is so ordered.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

TABLE 1.—ECONOMIC DATA RELATING TO FARM PRICES AND INCOME, UNITED STATES, 1910–69

Year	Prices paid by farmers, total, including interest, taxes and wage rates—(index numbers, 1957–59=100)	Prices received by farmers—(index numbers, 1957–59=100)	Parity ratio (percent)	Farm income		
				Realized gross farm income (including Government payments) (million dollars)	Production expenses (million dollars)	Realized net income of farm operators (million dollars)
1910	33	43	107	7,477	3,531	3,946
1911	34	39	96	7,183	3,581	3,602
1912	35	41	98	7,663	3,833	3,830
1913	35	42	101	7,919	3,973	3,946
1914	35	42	98	7,718	4,029	3,689
1915	36	41	94	8,060	4,167	3,893
1916	40	49	103	9,643	4,836	4,807
1917	51	74	120	13,310	6,092	7,218
1918	59	85	119	16,447	7,507	8,940
1919	67	90	110	17,825	8,331	9,494
1920	73	87	99	15,907	8,837	7,070
1921	53	51	80	10,521	6,634	3,887
1922	52	54	87	11,009	6,608	4,401
1923	54	59	89	12,119	7,046	5,073
1924	55	59	89	12,736	7,436	5,300
1925	56	65	95	13,667	7,334	6,333
1926	55	60	91	13,256	7,356	5,900
1927	54	58	88	13,295	7,441	5,854
1928	55	61	91	13,553	7,727	5,826
1929	55	61	92	13,895	7,631	6,264
1930	52	52	83	11,432	6,909	4,523
1931	44	36	67	8,385	5,499	2,886
1932	38	27	58	6,371	5,443	1,928
1933	37	29	64	7,081	4,314	2,767
1934	41	37	75	8,541	4,670	3,871
1935	42	45	88	9,666	5,061	4,605
1936	42	47	92	10,712	5,574	5,138
1937	45	51	93	11,329	6,097	5,232
1938	42	40	78	10,101	5,828	4,273
1939	42	39	77	10,556	6,162	4,934
1940	42	42	81	11,038	6,749	4,289
1941	45	51	93	13,828	7,675	6,153
1942	52	66	105	18,767	9,942	8,825
1943	58	80	113	23,362	11,487	11,875
1944	62	82	108	24,412	12,195	12,217
1945	65	86	109	25,772	12,922	12,850
1946	71	98	113	29,706	14,483	15,223
1947	82	114	115	34,146	17,032	17,114
1948	89	119	110	34,722	18,790	15,932
1949	86	103	100	31,628	17,982	13,646
1950	88	107	101	32,271	19,410	12,861
1951	97	125	107	37,055	22,252	14,803
1952	98	119	100	36,759	22,630	14,129
1953	95	105	92	34,985	21,275	13,711
1954	95	102	89	33,589	21,577	12,012
1955	94	96	84	33,138	21,889	11,249
1956	95	95	83	34,274	22,374	11,900
1957	98	97	82	34,001	23,294	10,707
1958	100	104	85	37,911	25,236	12,675
1959	102	99	80	37,468	26,106	11,362
1960	102	98	80	38,088	26,352	11,736
1961	103	99	80	39,771	27,125	12,646
1962	105	101	80	41,268	28,639	12,619
1963	107	100	78	42,271	29,688	12,583
1964	107	98	76	42,567	29,481	13,086
1965	110	103	77	44,926	30,933	13,993
1966	114	110	80	49,597	33,404	16,193
1967	116	104	74	49,061	34,820	14,241
1968	121	108	73	50,752	35,900	14,852
1969[1]				54,000	38,000	16,000

[1] Preliminary estimate.

Source: U.S. Department of Agriculture, except for 1969.

Mr. ELLENDER. Those are the bare figures—they only suggest the distress of one's neighbors and one's community, of local merchants and country bankers. Farmers' income recovered somewhat during the 1920's, especially in 1925, but such revival did not restore agricultural health; it only maintained a little life and hope before the final debacle of $2.9 billion of realized farm income in 1931 and only $1.9 billion in 1932. Recovery was slow in the 1930's and it would be fair to say that full revival did not come until the large demands of World War II cleared out the surpluses.

Meanwhile, the general economy continued to expand and inflate during much of the 1920's. To be sure, there were "minor contractions" in 1923–24 and 1926–27, as will appear from the table I have just placed in the RECORD, but those were minor interruptions of a great onrush of economic activity which culminated only with the traumatic experience which began in the last quarter of 1929. The decline continued with little interruption until the spring of 1933. The stock market crash, as measured by the Dow Jones industrial index, carried that market from an average of 364.9 down to 62.7.

At the bottom, five-sixths of the September 1929 value of stocks had disappeared. Wholesale prices declined from a 1929 average of 95.3—1926 equals 100—to 65.9 in 1933. With a total labor force of something like 48 million at the end of World War I, unemployment in October 1930 reached 4,639,000; by early 1933 it was over 13 million persons. Payrolls declined; in 1933 they averaged only 44 percent of their average in 1929. U.S. exports in 1929 were $5,241,000,000; by 1932 they had declined to $1,611,000,000. Imports were hit nearly as hard; they declined from $4,399,000,000 in 1920 to $1,323,000,000 in 1932. It was indeed a fearful crash; a period of suicides, of breadlines and apple sales; of widespread distress and blasted hopes.

I assure Senators that no farmer, no farm community, and no one in the country has the least desire again to go through the wringer as we did in the 1920's and the 1930's. Yet, in all frankness, I have that strange unease, the feeling one sometimes has that he has been there before. Again, in our forgetfulness, or in our unwillingness to learn from the past, we are courting farm depression and rural disaster if and when we scuttle a program which has been very useful.

There is another point I wish to make today about the probable effects on the agricultural economy of abandoning or drastically changing farm programs. Not only would there be great loss of income as Government payments to farmers are cut out, but there would be adverse effects on income which would result from the increased production occurring in the absence of farm programs.

Mr. President, I ask unanimous consent to have printed at this point in the RECORD, table 2, captioned "Harvested Acreage of Crops, United States."

There being no objection, the table was ordered to be printed in the RECORD, as follows:

TABLE 2.—HARVESTED ACREAGE OF CROPS, UNITED STATES, 1,000 ACRES

Year	Corn, grain	Cotton	Wheat, all	59 crops
1949	85,595	27,439	75,910	352,286
1950	81,818	17,843	61,607	336,437
1951	80,729	26,949	61,873	336,079
1952	80,940	25,921	71,130	341,313
1953	80,459	24,341	67,840	340,660
1954	80,186	27,349	54,356	338,184
1955	79,367	17,843	47,290	331,902
1956	75,247	26,949	49,768	316,244
1957	71,864	25,921	43,754	315,564
1958	72,224	24,341	53,047	315,712
1959	72,091	15,117	51,716	316,331
1960	71,422	15,309	51,879	315,818
1961	57,634	15,634	51,571	294,334

TABLE 2.—HARVESTED ACREAGE OF CROPS, UNITED STATES, 1,000 ACRES—Continued

Year	Corn, grain	Cotton	Wheat all	59 crops
1962	55,726	15,569	43,688	285,830
1963	59,227	14,212	45,506	289,928
1964	55,369	14,055	49,762	290,462
1965	55,332	15,615	49,560	290,958
1966	56,933	9,552	49,867	287,725
1967	60,557	7,997	58,771	300,446
1968	55,707	10,175	55,309	293,900
1969[1]	54,573	11,094	47,555	286,124

[1] Preliminary.

Source: U.S. Department of Agriculture.

Mr. ELLENDER. It is evident from table 2 that U.S. agriculture is not now using as many acres in total as it has used in some years since World War II. This table is very important, and I invite Senators to read it and compare the acreage that was planted, let us say, 25 years before, in contrast to what is planted now. It will be seen that in most of our major crops, the acreage has been cut as much as a third. Even so, more production has resulted.

The cutback in acreage for certain crops, related in large part to agricultural programs, has been very significant and substantial. Not so long ago, we harvested annually more than 80,000,000 acres of corn; now we are generally well under 60,000,000 acres in any one year, a difference of 20 million acres. Cotton has dropped from considerably more than 20,000,000 acres to about 10,000,000 acres.

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As a matter of fact, when I first came to Washington, in 1937, almost 40 million acres of cotton land was required to be planted in order to produce what we can now grow on 16 million acres. That is phenomenal. That, in part, has been the cause of much of our difficulty. We have become so productive that we cannot utilize, either domestically or by export, all we can produce. The Lord only knows what would happen if we turned the farmers loose and let them plant, cultivate, and harvest all of these major crops that they desire. It would be chaotic. Wheat has gone down from more than 70,000,000 acres to less than 50,000,000 acres in most recent years.

The point is that we do have reserve capacity in U.S. agriculture. We are very fortunate to have it—it has been very useful at certain periods. But a surplus production capacity of nearly 10 percent must be controlled if we are not to wallow in overproduction. We have managed to improve and adopt modern technology in agriculture to the point where we produce all we can use domestically, and export on smaller and smaller acreage, as I have just indicated. Feed grain production is more than 20 percent increased over the 1957–59 average; food grains are up 30 percent.

Mr. President, I ask unanimous consent to have printed at this point in the RECORD table 3, which indicates very interesting figures, and I ask Senators to study those figures.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

TABLE 3.—INDEX NUMBERS OF CROP PRODUCTION, BY GROUPS OF CROPS, UNITED STATES

[1957–59=100]

Year	Feed grains	Cotton	Food grains	All crops
1949	80	131	92	92
1950	81	82	86	89
1951	75	124	85	91
1952	79	124	109	95
1953	77	134	100	94
1954	81	111	88	93
1955	86	120	83	96
1956	85	108	87	95
1957	93	89	82	93
1958	101	93	121	104
1959	106	118	97	103
1960	109	116	115	108
1961	99	116	106	106
1962	100	121	98	107
1963	108	125	102	111
1964	95	124	114	108
1965	111	121	117	115
1966	110	78	118	111
1967	124	60	134	117
1968	118	88	141	119
1969[1]	123	82	130	121

[1] Preliminary.

Source: U.S. Department of Agriculture.

Mr. ELLENDER. Only cotton, of the major crops, shows a major decrease and that has its own explanation.

What all this means to me is that if we should be so foolish as to abandon acreage programs, those acres formerly used are in large part still available to grow corn, or wheat, or cotton, or other crops and livestock. We can easily have 70,000,000 acres of corn again and expand wheat, cotton and most other so-called high-value crops. Remember, the acres are still there, generally more fertile and productive than ever. About all that is required to press them again into use is to abandon major control programs and reduce income enough to put the farmer truly against the wall. Then he would have no practical alternative except to plant every acre he possibly could—hoping against hope that somehow he would harvest a larger crop, and that farmers in some other areas would run into weather trouble or something equally dire. The very probable result would be a larger surplus and greatly depressed prices. We know that only a little extra of most of these agricultural items can and does result in a substantial decline in price. And the individual farmer among 3 million, or even among 1 million highly productive commercial farmers, just is not in position to help himself to do anything about the overall adjustment which is needed.

Alvin C. Egbert perhaps summarizes one aspect of the farm dilemma better than most have:

> The farm price and income dilemma has been around a long time. Except for unusual periods such as wartime agricultural output tends to race ahead of commercial market outlets. As a result, without special programs, prices of farm products deteriorate over time relative to prices in other sectors of the economy. The farmers' low position on the income ladder does not improve much in spite of and, to a degree, because of great advances in productivity. The nature of this income dilemma, in a qualitative sense, is well known and has been well documented. Its quantitative nature is still quite vague. The disagreements concerning the production consumption gap in agriculture and the magnitudes of supply and demand price elasticities for agricultural products are evidence of this vagueness.[1]

Egbert is an economist with the International Bank of Reconstruction and Development, hence he is not under any shadow of the USDA. In any case some of the better farm economists have attempted to shed light on these problems. I have heard of very few who think that farm production would be reduced if farm programs were abandoned, and then only in the long run, as new technology and other means could not be afforded.

More than a decade ago, an occasional sophisticated technical study and statement touched on what could be expected to happen to farm prices and income if supporting control and programs were abandoned. An example which comes to mind is a joint committee print of the 86th Congress, second session, which included materials prepared for our Joint Economic Committee on "Economic Policies for Agriculture in the 1960's—Implications of Four Selected Alternatives." Several farm economists now recognized as leaders in their field provided materials, among them Hathaway, of Michigan State; Brandow, of Pennsylvania State, Schnittker, of Kansas State; and Walter Wilcox, of our Legislative Reference Service. Working with the authors and the staff on the formulation and development of the study was an advisory panel which included Bishop, of North Carolina State; Heady, of Iowa State; Kelso, of Arizona; and Seaver, of Connecticut. I shall not attempt here to summarize this 82-page document of 1960 in detail but with your indulgence, Mr. President, I should like to quote from the letters of transmittal (IV):

> They find farm prices and income would fall sharply if current farm price support, production control, and conservation reserve programs were dropped and not replaced by an alternative program or combination of programs.
>
> * * * * *
>
> According to these projections, net farm income could be expected to drop from $11.3 billion in 1959 to $7.2 billion in 1965 of which $3.1 billion is imputed income from rental of the farm dwellings, and from home produced food and fuel. Allowing for trends in farm consolidation, net income per commercial farm with sales of $2,500 or more in 1965 would be 30 percent lower than in 1959.

PROJECTIONS FOR 1965 WITH PRICE SUPPORTS AND PRODUCTION LIMITATIONS REMOVED INDICATE PRICES FOR THE MORE IMPORTANT FARM PRODUCTS WHICH COMPARE WITH 1959

	1959	Projected 1965, no controls or price supports	Percent decline
Cattle (cwt.)	$22.50	$17.08	24
Hogs (cwt.)	14.20	10.95	23
Eggs (doz.)	.31	.26	16
Milk (cwt.)	4.16	3.67	12
Corn (bu.)	1.07	.77	28
Wheat (bu.)	1.75	.87	50
Cotton (lb.)	.32	.21	34
Rice (cwt.)	4.79	3.49	27

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[1] Alvin C. Egbert, "An Aggregate Model of Agriculture—Impirical Estimates and Some Policy Implications", American Journal of Agricultural Economics, Vol. 51, No. 1, February 1969, pages 71–83.

The details of the commodity price projections made at that time are of some interest even now:

Other studies have followed and some no doubt are continuing. The center for Agricultural and Economic Development at Iowa University in 1969 reported at page 82: [2]

> A number of studies made in 1959 and later years by Pennsylvania State University, Iowa State University, and congressional committees indicated that if the price support and production adjustment programs were dropped, even though the P.L. 480, or surplus disposal program were continued at the recent levels, gross farm income would decline 20 percent or more, and net farm income would fall by almost one-half.

It is appropate that we take note that crop production in 1969 set a new alltime high for the third consecutive year. The "all crop" production index was 21 percent above the 1957–59 average. Crop yields per acre continued the uptrend of recent years. The composite index of yield per acre for 28 major crops for 1969 was 132—(1957–59=100)—3 points above the previous high set in 1968. Thus higher yields per acre more than offset lower acreage for many crops. Harvested acreage for 59 major crops in 1969 was held to 286,124,000 acres, as compared with 295,099,000 acres in 1968 and 300,446,000 acres in 1967. It seems safe to assume that something like 50,000,000 usable acres were being held out of production, due mostly to existing Government programs. Fortunately, we do not now have to face the excessive surpluses, the disastrously low prices for some products and the sharply lower farm income which would be the case if the many individual production units of our unsurpassed agricultural factory had been forced to operate to full throttle by economic and political circumstance.

IV. FARM PROGRAMS AND THE GENERAL ECONOMY

Commonsense tells us that any producing group which buys about $37 billion in production goods per year is an important factor in our general economy. The commercial farmer buys about 5 percent of our total steel production, about $1.6 billion of our petroleum products or 11 percent of the total sold. He buys a lot of rubber for his cars and tractors. It is estimated that his purchases are the basis for about 6 million jobs in machinery, chemical and other supply industries. In turn, his products are the basis for processing and marketing industries which provide an estimated 14 to 16 million jobs.

In our rapidly growing industrial economy, the importance of the farm sector and its contributions to the total economy, unfortunately, have received less and less emphasis. It is true that the farm share of the gross national product is declining, but so is the farm share of total population and many other items.

A problem does arise as to whether the significance of the farm sector in its interrelations to the rest of the economy can be quantified or can otherwise be accurately and adequately described. We know it is important—its products are necessary for our existence. We have to have food and fiber for domestic purposes to live. And we should have enough additional food and fiber to assist with a favorable balance of trade. But what more can we say?

There is an old point of view going way back, that economic depressions are farm led and farm fed. The idea achieved considerable status in the years following World War I.

In its most extreme form that point of view is characterized by what is called the multiplier theory, which, in this instance, says that $1 of gross farm income generates $7 of national income. Basically the theory rests on the fact that from 1929 to 1950 national income was about seven times that of farm income. It is not my purpose here today to promulgate that ratio, nor to examine it, nor to defend it, as some have. But it does stand to reason, deductive and inductive, that there is some sort of multiplier factor involved in the creation of and expenditure of something like $45 billion per year from marketings, to say nothing of living expenses. What merchant, whether located in village, county seat, or larger metropolis, would doubt that those farm-generated dollars do result in a lot of business turnover in the general economy? The problem is that of ascertaining, even roughly, how much of a multiplier factor is involved. As I said before not many farm economists have given this problem major attention. Fortunately a few have become involved.

A significant recent study relates not to national data but to Kansas data for the years 1950 to 1966.[3]

The conclusions reached in this study show:

First, that on the average, $1 of farm income generated $3.33 of total income, whereas $1 of nonfarm income generated only $1.46 of total income;

Second, that the farm sector expended 84.4 percent of its income in the nonfarm sector, whereas the nonfarm sector expended only 10 percent of its income in the farm sector, and;

Third, there was an increasing interdependence between farm and nonfarm sectors between 1950 and 1966.

This last point is explained by the growing complexity of highly mechanized farming which has created greater and stronger linkages between the farm sector and the rest of the economy. In other words, farm production has become more dependent on purchased inputs from off-farm sources.

Mr. MANSFIELD. Mr. President, will the Senator yield?

Mr. ELLENDER. I yield.

Mr. MANSFIELD. Mr. President, could the distinguished Senator, the chairman of the Committee on Agriculture and Forestry, who is giving a very worthwhile address on the farm program, tell the Senate at this time what the price of wheat is, roughly?

Mr. ELLENDER. Yes. The average price received in the marketplace in December 1969 was $1.30 per bushel. However, including payments it is an average of about $1.90. I have a little tabulation here indicating the prices of several commodities, not only of wheat, but also of other commodities.

Mr. MANSFIELD. Let us take wheat. It is under $2.

Mr. ELLENDER. Yes. As a matter of fact, in 1947 wheat was selling at $2.29 a bushel. In 1960, it was 75 cents. And in December 1969, including payments, it was about $1.90.

Mr. President, I ask unanimous consent that a table titled "Agricultural prices for selected commodities" be placed in the RECORD at this point.

There being no objection, the table titled "Agricultural prices for selected commodities" was ordered to be printed in the RECORD, as follows:

AGRICULTURAL PRICES FOR SELECTED COMMODITIES, 1947, 1960, AND DECEMBER 1969

	1947	1960	1969
Wheat (bushel)	$2.29	$1.75	[1] $1.30
Corn (bushel)	2.16	.998	1.09
Oats (bushel)	1.04	.60	.58
Barley (bushel)	1.73	.84	.892
Cotton (pound)	31.92	30.10	19.95
Rice (hundredweight)	5.97	4.59	4.93

[1] With payments $1.90.

Mr. MANSFIELD. Going back 10 years, does the Senator recall what the price of a loaf of bread was in, say, 1959 or 1960? Let us take 1960.

Mr. ELLENDER. It was, I would say, at least 6 cents less than it is now, perhaps as much as 9 cents.

Mr. MANSFIELD. I think the Senator is being conservative. What has happened to the price of wheat over that 10-year period?

Mr. ELLENDER. It has gone on down.

Mr. MANSFIELD. Who has made the profit on the wheat grown by the farmers?

Mr. ELLENDER. Evidently the people in between made it—the manufacturer, the distributor, the retailer. The freight rate has gone up, but the farmer did not get any benefit from any of the added cost.

Mr. MANSFIELD. Who pays for the price increase?

Mr. ELLENDER. The consumer.

Mr. MANSFIELD. And who gets the blame?

Mr. ELLENDER. The farmer.

Mr. MANSFIELD. The Senators from the industrial States seem to think that is it the farmer who is responsible for the increase in food prices.

Mr. ELLENDER. The farmer is not responsible.

Mr. MANSFIELD. Absolutely not. His

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[2] Donald J. Hunter (Ed.) "Food Goals, Future Structural Changes, and Agricultural Policy: A National Basebook", Iowa State University Press, Ames, Iowa, 1969, 325 pages.

[3] Abbas Mirakhor and Frank Orazem, "Importance of the Farm Sector to the Economy: A Multiplier Approach." American Journal of Agricultural Economics, Vol. 50, No. 4, November 1968, pp. 913–920.

costs have gone up and his price has gone down. What has happened to the farm population in the meantime?

Mr. ELLENDER. The farm population has decreased considerably. When I first came to Washington, as I recall, 23 percent of the population lived on farms and they produced food for themselves and everyone else in the country. Today, farm population is about 5.2 percent.

Mr. MANSFIELD. Mr. President, I would now like to go on to beef. The Senator in the beginning of his speech mentioned the fact that the consumers had to pay a higher price for beef, not realizing that demand for beef is higher than ever before—and I might say that the beef population has not been able to keep up with the demand—or that the family is now spending only 16.5 percent of its take-home pay for food, a smaller percentage than ever before.

Could the Senator tell us the facts, what the situation is as far as beef is concerned?

Mr. ELLENDER. The price of beef in the last 2 years has increased some. I will have the figures placed in the RECORD at this point. I do not have them now. In December 1968 the average price received by farmers for beef cattle amounted to $23.50 per hundredweight. In December 1969 the price amounted to $25.60.

Mr. MANSFIELD. Are there any price supports for beef?

Mr. ELLENDER. No, there are no price supports, as I stated earlier. In my opinion, what has caused the beef price to go up is that the people have had a little more money to spend, and they are eating more beef. I think also that the producers of beef are spending a lot of money in advertising the sale of beef.

Mr. MANSFIELD. Yes; in Montana, and I assume in Wyoming also, the stock growers are putting on campaigns for the sale of beef. And they are putting in their own money voluntarily to carry on that campaign. They are not being aided by the Government. In relation to the question raised with reference to the wheat ranchers in Montana and the price which they get for their product now and the end product price which the consumer has to pay, does the distinguished chairman of the committee see a parallel between the beef producer and the wheat rancher, even though beef prices are up a little bit, and the fact that as prices increase it is the consumer who pays, and pays, and pays? It is not the beef producer who has the big gain.

Mr. ELLENDER. There is no doubt about that. The farmers and the producers of beef are not the ones who are causing the prices of their products to increase and thereby making a lot of money. It is the in-between, in the distribution and retailing process. For instance, one goes to a supermarket in Washington and as he makes his purchases he hears music. Who does the Senator think pays for that music? The producers and the farmers get nothing more for their products at all. The record shows that the prices of farmers now are much lower than they were in 1947 and 1948, but in the meantime their costs have gone up.

I will demonstrate that fact by a table which I have before me. The table indicates the high cost that the farmer must put into his farm in order to produce. Let us consider corn. In order to get into business with a farm of 228 acres, which is average in the corn belt, in 1954 $80,358 was required as an investment in machines, and so forth. Today $243,880 would be required. In cotton, for a 1,000-acre farm, $147,300 was required for machines and so forth in 1954, while today $440,000 would be required to begin economic production. In winter wheat, $68,590 would have been required for a farm of 690 acres in 1954, while now it is $147,120 for 860 acres.

Mr. President, I ask unanimous consent to place a table in the RECORD at this point titled "Capital investment requirements for selected type farms."

There being no objection, the table titled "Capital investment requirements for selected type farms" was ordered to be printed in the RECORD, as follows:

CAPITAL INVESTMENT REQUIREMENTS FOR SELECTED TYPE FARMS

	1954	1968
Cash grain	$80,358	$243,$880.
(Cornbelt area)	(228 acres)	(324 acres).
Cotton	$147,300	$440,040.
(Mississippi Delta)	(1,000 acres)	(1,000 acres).
Winter wheat	$68,590	$147,120.
(Southern plains)	(690 acres)	(860 acres).

Mr. MANSFIELD. And on, and on, and on.

Mr. ELLENDER. The Senator is correct.

Mr. MANSFIELD. The farmer gets the blame, but he does not get the profits.

Mr. ELLENDER. That is right.

Mr. MANSFIELD. The result is that he is often made the butt of ridicule when he should be thanked and given the gratitude of the people for producing as much as he does in spite of the handicaps and difficulties which confront him day in and day out.

Mr. ELLENDER. The Senator is correct.

I wish to cite other figures in addition to the ones I referred to before. In 1947 the realized gross farm income was $34.146 billion. The production expense was $17.032 billion, and the realized net income was $17.114 billion.

In 1968 the realized gross farm income was $51 billion, and the net production expense was $35 billion, so that there was only $14 billion of realized net income.

Here we have farmers who in 1947 had a realized net income of $17 billion with a gross income of $34 billion, and in 1968, out of a gross income of $51 billion, the farmer only netted $14.786 billion.

Those figures demonstrate that the cost of producing has so increased that the farmer of today is simply not making as much money as before because of the price squeeze.

Mr. President, I ask unanimous consent to place in the RECORD at this point a table titled "Farm income in the United States, selected years."

There being no objection, the table titled "Farm income in the United States, selected years" was ordered to be printed in the RECORD, as follows:

FARM INCOME IN THE UNITED STATES, SELECTED YEARS

[In millions of dollars]

	Realized gross farm income	Production expenses	Realized net income
1947	34, 146	17, 032	17, 114
1957	34, 001	23, 294	10, 707
1960	38, 088	26, 352	11, 736
1968	51, 132	35, 346	14, 786

Mr. MANSFIELD. And inflation would decrease that amount further because if one compares the 2 years, the lesser amount in the latter year is not only less actually, as far as overall figures are concerned, but it is a good deal less as far as the value of the dollar is concerned.

Mr. ELLENDER. There is no doubt about that. That would be another factor.

Mr. MANSFIELD. And the slack is taken up, not by the farmers, but by the consumers in the long run, and the farmers get the blame.

Mr. ELLENDER. The Senator is correct.

Mr. HANSEN. Mr. President, will the Senator yield?

Mr. ELLENDER. I yield.

Mr. HANSEN. Mr. President, I wish to commend the very distinguished chairman of the Committee on Agriculture and Forestry for the excellent presentation he is making this morning. While doubtless there would be those who do not agree with all the conclusions and recommendations he may make on behalf of that committee, I think all of us owe him a real debt of gratitude for the factual presentation he has made and the way he has traced the history of agriculture in this country over the last 50 years.

The comparisons he makes back in the thirties show what happened in times past in agricultural income and the Senator has brought that record forward and up to date. I think that the research that obviously has preceded this speech on the floor of the Senate today characterizes the distinguished Senator from Louisiana as being the astute student that he is.

I would like also to pay my respects today to my distinguished colleague, the majority leader, for the contribution he makes in calling attention to something that is altogether too often overlooked by people in this country.

Just let the price of steaks rise, as the Senator from Louisiana so well knows, by a few cents a pound and we hear repeated outcries for boycotts. What is

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not recognized nor appreciated by most housewives in this country is that when one of these boycotts is instituted it hurts the wrong people. It hurts the producer and it immediately affects the wholesale price of cattle, pork, or whatever it may be. Therefore, it does not get at the cause of the trouble—which actually is a reflection of increased wages for the increased costs of processing the beef from the time it leaves the farms and ranches of Montana and Wyoming—and this extra trimming and the individual packaging, which is significant, as was brought out by the Senator from Louisiana, in the price of a loaf of bread. It is not the farmer who is benefiting from this price rise. Is that correct?

Mr. ELLENDER. The Senator is correct. The price of wheat has gone down to $1.90 and the price of a loaf of bread has gone up 8 or 9 cents a loaf. But the best point to indicate what the farmer is up against is illustrated by this table from which I read. With a $51 billion gross income, the cost of producing that crop was twice as much as the cost to produce it in 1947, and the net income dropped from $17 billion to $14 billion.

Mr. MANSFIELD. In devalued dollars.

Mr. ELLENDER. And that was in devalued dollars. This is $14 billion of net income with gross sales of $51 billion. In 1947, the cost of production was $17 billion against $35 billion in 1968.

Mr. HANSEN. I am happy to have the distinguished chairman of the committee underscore those facts because it is well that every American should be aware and apprised of the situation before he makes a snap judgment. I was pleased that the distinguished chairman of the committee pointed out that in this year of 1970, the average family in America spends a smaller proportion of their take-home pay than they have spent before, for food. In this country, this great America of ours, according to the figures presented by the chairman of the committee, the consumer spends only 16.5 percent of his take-home pay to buy all of the food which makes us the best fed nation in the world. Is that not true?

Mr. ELLENDER. The Senator is correct.

Mr. HANSEN. I think we ought to remember that. I know that when we were talking about grazing fees this last year, there were those who tried to characterize the average stockman, be he a sheepman on the Montana range or a cattleman on the Wyoming range, as being wealthy and who felt that those fees should not be continued but that they should be increased very drastically.

Mr. President, if we were talking about a few wealthy cattlemen, that would be one thing. The fact is that the grazing fees on BLM land accounts for a small number of cattle or sheep. If we could raise the grazing fees and get at the wealthy stockmen, that would be one thing. But we would not be doing that. We would be putting out of business many marginal operators who right now, as my distinguished colleague from Montana knows, are only just about keeping their nose above water.

If those grazing fees were increased, as was proposed, for a period of 10 years, a lot of little stockmen would be put out of business. The tragedy of that is that if it were done, the people who would be hurt first and most seriously would be those who were dependent upon jobs from those operators. It would hurt the schoolchildren, whose support for schools comes largely from taxes, in many of the rural areas of the West, directly because of the presence of sheep and cattle on the tax rolls.

Because of that fact, I am pleased that our colleagues are gaining a better understanding of the agricultural economic facts of life by virtue of the extremely able presentation that has come from the distinguished Senator from Louisiana. I compliment him for the great effort and the great research that have gone into this presentation.

Mr. ELLENDER. I appreciate that very much. I have a good staff on the Committee on Agriculture and Forestry, in the person of Mr. Henry Casso, who is sitting on my left, an economist of note, and of Dr. John Rose and Dr. Walter Wilcox from the Library of Congress. They have obtained all these statistics, at my suggestion. I have used that material in these remarks in order to paint a complete picture.

As I have said, not only now, but in the past, the farmers are not to blame; it is the "in-betweens" who make the money, if there is any to be made, not the farmers. The farmer makes a bare living, on an average. Of course, the large commercial farmers produce well and do very well in some cases.

Mr. HANSEN. If the Senator will yield further, just let me say to the distinguished chairman of the committee that he is a very generous man. I do appreciate the excellence of the staff that surrounds him. But let me note that it is his concern for agriculture and his interest in the very fundamental and basic problems in this country that have prompted him to make the inquiry which has resulted in the presentation he has made this morning. So I salute the Senator from Louisiana and his very able assistants.

Mr. ELLENDER. I appreciate that very much. I must admit that, having been on the Committee on Agriculture and Forestry for 33 years, if I did not know a great deal about agriculture and its problems, I could not head that committee. In fact, I would not want to head it.

I have devoted a lot of time to agriculture. As a matter of fact, in these studies we brought out what I thought were pertinent facts that should be pointed up so as to dramatize the situation. We could produce many more figures, but I do not want to confuse people. If we can make a case of it dramatically, maybe some of our friends in the press will print it and show to the American people who is getting what. I hope that the tables are printed so the American people can learn who gets what and why.

I think it is very important to note that from 1947 to 1968 the gross income of the farmers increased by about $17 billion, but their net income actually decreased by almost $3 billion.

I am just wondering what would happen if we did away with subsidies. If we permitted our farmers to plant all the available acres, they would glut the market so quickly that it would break everybody. There is no doubt in my own mind that in breaking the farmer, the production of food would be drastically reduced, and it would cost the consumer a good deal more than the $3.7 billion in program expense I have just mentioned. They would pay many billions more in higher prices for food.

There is no question in my own mind that if there were a scarcity of food, the "in-betweens" would make more profits. They would ask more for the finished product, and the consumer would be the one to pay it. But by paying through taxation, the cost has been limited to $3.7 billion a year. Actually, the farmer subsidizes the urban areas and the general taxpayer to a much greater extent.

Mr. TALMADGE. Mr. President, will the distinguished chairman of the committee yield at this time,

Mr. ELLENDER. I yield.

Mr. TALMADGE. Mr. President, I desire to commend my distinguished friend, the chairman of the Committee on Agriculture and Forestry, on the outstanding presentation he has made this morning. I have served on the Committee on Agriculture and Forestry, under the distinguished Senator from Louisiana, for beginning my 14th year now. No man in the Senate understands the problems of agriculture as well as does the distinguished Senator from Louisiana. He not only understands those problems, but he has worked diligently and faithfully to solve those problems to the best of his ability.

I am happy to associate myself with everything he has said today. I was born and raised on a farm. I live on a farm by choice at the present time. Of all the things I have done in my life, I have gotten more genuine, bona fide pleasure and satisfaction out of farming, and made the least money, than anything I ever undertook.

I think that is a fair illustration of what is taking place nationwide. It has about gotten to the point now that if one can afford to farm, he does not need to. The capital investment is so great that that person would be better off if he utilized his capital by liquidating his investment, moving to town, and starting a bank. This would return an infinitely better income.

We have seen throughout the Southeast and throughout the Nation little farms being plowed under year after year for more than 30 years. We have seen, unfortunately, those with few skills and with little education flock to the cities, hoping for a better life. There, unfortunately, many of them have become objects of welfare and created greater

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burdens and problems for the taxpayers of our country. It is far more expensive to try to subsidize refugee farmers in our metropolitan areas on welfare than to use our subsidies to try to keep farmers in operation.

In speaking of subsidy, I would like to say that the greatest subsidy that takes place in the United States today is the subsidy that rural areas contribute to urban areas.

Why do I say that? First, it is a subsidy of brainpower. Able youth of rural areas seek job opportunities when they finish high school and college. Most of them migrate to the urban centers seeking employment and job opportunities. Think of what the cost is to these rural counties, the rural sections of our States, to educate those children, furnish police protection for them, and furnish health protection and all of the things the government provides our citizens today. Then, when they reach maturity and become productive citizens, they leave the area that has contributed so much to their education, and go to an urban area, there to make their contributions.

So I say the first subsidy is the brain drain, Mr. President; and the second subsidy is this: The American farmers today provide more food and fiber to American citizens at less cost, in proportion to their wage, than in any other area on the face of the earth. Americans today pay less take-home pay for their food than citizens of any other major nation in the world. The cost is far less than it was even during the depths of the depression.

Our distinguished chairman has announced that on February 18, we will start hearings on a farm bill. Time is of the essence, as the distinguished chairman knows, because most of the major farm programs expire this year. It takes advance notice and leadtime for the farmers to make their plans, to begin to finance their needs, to purchase their equipment, and to make arrangements for their leases and their contracts for the next year. So it is imperative that Congress pass a farm bill at the earliest practicable opportunity.

I know from my own experience as a farmer that most of them, at the present time, are losing money. They are living on the capital that they have accumulated heretofore. They are going more heavily in debt; and they are having a drastic time under present circumstances.

Unfortunately, their political force in the Nation is woefully diminished. Only 6 percent of the American people today make their livelihood from agriculture. Ninety-four percent are not engaged in agriculture. That gives them a woefully weak voice in Congress for achieving justice, fair farm programs, fair income, and fair parity, as the chairman so well knows, for that 6 percent of our population that has done a magnificent job in providing the food and fiber for not only the rest of the American citizens, but also vast segments of the people in foreign countries.

I compliment my chairman. I have allied myself with him. The chairman knows I stand shoulder to shoulder with him in this matter, to try to achieve some justice, some parity, some fair income for the American farmer.

Mr. ELLENDER. I thank the Senator.

Mr. President, I have only 19 more minutes to complete this presentation. I shall be happy to yield to anyone else after I complete my presentation.

I was speaking, Mr. President, before I yielded, of a study that was made by several colleges.[1]

The conclusions reached in this study show:

First. That on the average, $1 of farm income generated $3.33 of total income, whereas $1 of nonfarm income generated only $1.46 of total income;

Second. That the farm sector expended 88.4 percent of its income in the nonfarm sector, whereas the nonfarm sector expended only 10 percent of its income in the farm sector; and

Third. There was an increasing interdependence between farm and nonfarm sectors between 1950 and 1966.

This last point is explained by the growing complexity of highly mechanized farming which has created greater and stronger linkages between the farm sector and the rest of the economy. In other words farm production has become more dependent on purchased inputs from off-farm sources.

It would be well to emphasize again that this specific case applies only to Kansas data, and that Kansas is uncommonly agricultural. Hence the conclusions drawn may not be valid for wider areas.

Be that as it may, it would be difficult to persuade the president and board of directors of many major corporations that the farm market is not highly significant. Just before Christmas the New York Times—December 19, 1969, page 107—carried an item illustrating the point. It said in part:

> A decline in farm equipment sales was a major factor in the 15.4 percent drop in earnings of the International Harvester Company in the fiscal year ended October 31, Harry O. Bercher, Chairman, reported today.

That may explain why the common stock of International Harvester is riding near its 1969 low of 24⅛, after having been as high as 38 earlier in the year. Mr. Bercher and the stockholders will know about that.

In this connection I would like to point out that farm investment in farm machinery and equipment including motor vehicles totaled almost $31 billion in 1968 as compared to only about $3 billion in 1940.

I ask unanimous consent to have printed in the RECORD at this point table 4, showing those figures in detail.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

TABLE 4.—MOTOR VEHICLES AND SPECIFIED MACHINES ON FARMS, VALUE BY CLASSES, UNITED STATES, JAN. 1, SPECIFIED YEARS, 1940 TO 1968 [1]

[In millions of dollars]

Year	Automobiles	Motortrucks	Tractors	Other farm machinery	Total
1940	958	262	503	1, 337	3, 060
1945	1, 144	590	1, 557	3, 183	6, 474
1950	2, 313	1, 446	2, 905	5, 502	12, 166
1955	4, 310	1, 898	4, 270	8, 117	18, 595
1960 [2]	4, 958	2, 046	5, 400	9, 785	22, 189
1964	6, 174	2, 034	5, 376	10, 491	24, 075
1965	6, 448	2, 176	5, 693	11, 204	25, 522
1966 [2]	6, 732	2, 387	6, 072	11, 902	27, 093
1967 [2]	6, 683	2, 613	6, 680	12, 928	28, 904
1968 [3]	6, 905	2, 934	7, 110	14, 024	30, 973

[1] For 48 States only.

[2] Revised.

[3] Preliminary.

Source: Economic Research Service, U.S. Department of Agriculture.

Mr. ELLENDER. Mr. President, what we might hope for is that the officials and the stockholders of numerous such companies will turn their capabilities toward improving the agricultural situation. There are many honorable precedents from the 1920's and 1930's of giants in industry who did exactly that with helpful results. It could happen again, and I hope it does. Even if such focus of attention does not develop new programs, it could be very worthwhile. It could result in substantial improvement of existing programs. And it could generate enough understanding of the existing situation in agriculture, and the basic need for programs, to make a world of difference to all of us.

Furthermore, there is the problem of rural-urban imbalance, which was just discussed by my good friend the Senator from Georgia (Mr. TALMADGE). For the past decade and longer our countryside has been progressively depopulated, as farms have been consolidated and people, especially small farmers and young people, have departed. At the same time urban areas have been increasingly afflicted with numerous migrants from farms and rural areas, many of them ill equipped by experience or training to live in or to contribute substantially to the urban economy. I do not mean to discuss this complex problem in its multiplicity of ramifications today. But there appears to be substantial evidence, notwithstanding the mirage of opportunity which led them on, that the quality of life has generally not been improved for the migrants, nor for the ghettos to which many of them went, nor even for the areas they departed. In other words, in terms of personal, community, and national improvement, it appears to be a net loss. That being the case, it behooves us to ask whether abandonment of farm programs may not greatly increase, at last for a few years, the existing migration, and result in economic and social problems which will cost our

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[1] Abbas Mirakhor and Frank Orazem, "Importance of the Farm Sector to the Economy: A Multiplier Approach". American Journal of Agricultural Economics, Vol. 50, No. 4, November 1968, pp. 913–920.

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country much more than the cost of the farm programs now under attack. It is something to ponder seriously.

Another aspect of the larger rural-urban problem is the fact that disposable personal income of the farm population from all sources on a per capita basis is less than three-fourths as much as that of the nonfarm population. That sad state of affairs is summarized in table 5, which I ask unanimous consent to have printed in the RECORD at this point.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

TABLE 5.—PER CAPITA PERSONAL INCOME OF FARM AND NONFARM POPULATION, 1934-68 [1]—Continued

[In dollars]

Year	Personal income of farm population: From farm sources [2]	Personal income of farm population: From nonfarm sources [3]	Personal income of farm population: From all sources	Disposable personal income: Of farm population from all sources	Disposable personal income: Of nonfarm population from all sources	Disposable personal income: Of total population from all sources	Per capita disposable income all sources, farm as percentage of nonfarm
1934	99	68	167	163	500	414	32.6
1935	169	72	241	237	535	459	44.3
1936	145	83	228	224	614	518	36.5
1937	199	88	287	283	638	552	44.4
1938	152	80	232	227	590	504	38.5
1939	154	85	239	235	630	537	37.3
1940	158	91	249	245	671	573	36.5
1941	227	108	335	331	801	695	41.3
1942	351	136	487	480	973	867	49.3
1943	463	166	629	610	1,063	976	57.4
1944	492	179	671	630	1,151	1,057	54.7
1945	524	181	705	655	1,162	1,074	56.4
1946	609	179	788	742	1,217	1,132	61.0
1947	613	205	818	774	1,267	1,178	61.1
1948	737	239	976	913	1,365	1,290	66.9
1949	549	256	805	758	1,362	1,264	55.7
1950	612	272	884	841	1,458	1,364	57.7
1951	740	297	1,037	990	1,548	1,469	64.0
1952	706	309	1,015	952	1,609	1,518	59.2
1953	672	324	996	918	1,677	1,583	54.7
1954	658	312	970	886	1,678	1,585	52.8
1955	597	325	922	854	1,772	1,666	48.2
1956	600	352	952	885	1,850	1,743	47.8
1957	625	375	1,000	927	1,902	1,801	48.7
1958	747	390	1,137	1,062	1,915	1,831	55.5
1959	664	425	1,089	1,001	1,998	1,905	50.1
1960	737	458	1,195	1,100	2,017	1,937	54.5
1961	824	509	1,333	1,226	2,050	1,983	59.8
1962	856	573	1,429	1,308	2,127	2,064	61.5
1963	906	637	1,543	1,410	2,191	2,136	64.4
1964	875	718	1,593	1,462	2,340	2,280	62.5
1965	1,096	812	1,908	1,772	2,477	2,432	71.5
1966	1,243	903	2,146	1,985	2,638	2,599	75.2
1967	1,196	1,001	2,197	2,019	2,787	2,745	72.4
1968	1,248	1,121	2,369	2,163	2,976	2,933	72.7

[1] The averages in this table are derived by dividing appropriate totals appearing in tables 5H and 6H by the population estimates in table 6H.

[2] Includes returns from farming operations to resident farm operators for their capital, labor and management, after deduction of farm production expenses (there is no allowance in the item farm production expenses for a return on investment in farm capital). Also includes farm wages and other labor income received by hired farm-resident workers.

[3] Includes all income received by farm residents from nonfarm sources such as wages and salaries from nonfarm employment, nonfarm business and professional income, rents from nonfarm real estate, dividends, interest, royalties, unemployment compensation and Social Security payments.

Source: "Farm Income Situation," Economic Research Service, U.S. Department of Agriculture, FIS-214, July, 1969. p. 50.

Mr. ELLENDER. But money still makes the economy go, and dollars which the farmer doesn't obtain cannot be used for a better standard for himself and his family, nor to improve his community, nor to conserve the farm, that productive plant which is so important to urban America and to future generations.

It is well worth our notice that highly inadequate per capita farm incomes continue in spite of much consolidation of farm units and great reductions in farm population. There has been heavy investment in modern machinery and modern technology. Management is sufficiently good that in recent years agricultural productivity, measured on a man-hour basis, has increased about twice as rapidly as in industry. Therefore, even with the help of Government farm programs, farm incomes have lagged seriously. One might think that the highly commendable job of food and fiber production accomplished by U.S. agriculture would be quite enough. Yet the record shows that many farmers have attempted to work themselves out of this income deficit by energetically pursuing off-the-farm work. Some of it is on a seasonal basis; others take a second or "moonlighting" job. Nevertheless, even when the two sources are added, the farmer's pie, on the average, is less than three-fourths as large as that of the farmer's urban cousins.

V. WHAT IF THE 1965 FOOD AND AGRICULTURAL ACT IS NOT EXTENDED OR REPLACED, AND EXISTING FALLBACK PROGRAMS ARE REACTIVATED?

It will, in my considered opinion, become fully evident as we proceed item by item with the several commodities, that to return to old programs is wholly unacceptable.

For feed grains there would be no diversion, no price-support payments, no corn bases. Price support, through loans or purchases, would continue, available to all producers at not less than 50 percent nor more than 90 percent of parity, as the Secretary determines, and would not result in increasing CCC stock of corn. Other feed grains would be supported at a fair and reasonable level in relation to corn. It seems highly probable that production would rise sharply, for it would have to be anticipated that some considerable part of the 41,000,000 acres diverted under the feed grain program in 1969 would return to grain production. It is estimated that the corn loan would be about 90 cents per bushel. Inevitably, feed gain production would outrun usage and increase CCC stocks.

Wool would again become a nonbasic commodity, and direct price-support payments would end. Loans up to 90 percent of parity could be made by USDA.

There would be no further authority to conduct a cropland adjustment program—CAP.

Another big item is wheat. As Senators know, we already have our full share of trouble with wheat in a greatly oversupplied and price-depressed world market. If we were to revert to the pre-1965 act situation, it appears that the Secretary would be required to determine and announce whether the supply of wheat is likely to be excessive, and if so to proclaim a marketing quota program subject to grower referendum. Based on the national marketing quota, individual farm quotas would be established in terms of acreage allotments with the following possible developments:

First. If marketing quotas are proclaimed and are approved by two-thirds or more of the farmers voting in a referendum, marketing quotas would be in effect and land-use penalty would apply for failure to make mandatory diversion, but there would be no diversion payments. A wheat marketing certificate program would be in effect—domestic certificates plus loan not less than 65 percent or more than 90 percent of parity, with processors required to pay full value of domestic certificates.

Second. If marketing quotas are disapproved in referendum, there would be no marketing quotas, no land-use penalty, no wheat certificates, and no diversion payments. Price support through loans and purchases would be available to producers who comply with their allotment, at 50 percent of parity.

If marketing quotas are not proclaimed, there would be no marketing quotas, no land-use penalty, no wheat certificates, and no diversion payments. Price support through loans or purchases would be available to producers who comply with their allotment at 75 percent to 90 percent of parity, the maximum level depending on the supply percentage.

Under any alternative, there would be no authority for wheat-feed grains substitution as in the present program.

Cotton, too, would become a real headache. The Secretary would be required to determine and announce whether the total supply of cotton would exceed normal, and, if so, to proclaim a marketing quota program subject to grower referendum. Based on the national marketing quota, individual farm quotas would be established in terms of acreage allotments:

First. If marketing quotas are proclaimed and are approved by two-thirds or more of the farmers voting in a referendum, marketing quotas would be in effect, but no diversion or price-support payments would be made. Price-support loans would be available to producers who comply with their allotments through loans or purchases at not less than 65 percent nor more than 90 percent of parity as determined by the Secretary. There would be no authority to make cotton available to domestic mills at the world price if such price is lower than legal minimum price for unrestricted use. This would be considered highly unfavorable by the trade.

Second. If marketing quotas are disapproved in referendum, there would be no marketing quotas, no diversion or price-support payments. Price support through loans or purchases would be available to producers who comply with their allotments at 50 percent of parity.

Third. If marketing quotas are not proclaimed, there would be no diversion or price-support payments. Price support by loan, and so forth, would be at 65 percent of 90 percent of parity. Compliance with allotments could be required as a condition of eligibility for price support.

Under any alternative, there would be no authority to sell, lease, or transfer cotton allotments.

It is assumed that cotton output would increase; and that cotton producers, thanks to a loan of about 31 cents per pound would have higher incomes in the first year. It is also assumed that the higher price would impede domestic use of the crop and reduce its ability to compete with synthetics. One prospective result would be an increase of about 6,000,000 bales in CCC cotton stocks from the 1971 crop.

Suffice it to say that some experts who have considered the matter, compute that total net farm income in 1971 under "reversion" would not be hit nearly so hard as under the assumption above that farm support programs were abolished. It is indicated that cotton income would rise in 1971, but that gain would be more than offset by lower incomes to producers of wheat and feed grains. The nature of costs to the Government would shift from sizable direct payments to costs involved in loan activity; the cost to the Government in 1971 is estimated as much as $800 million less than in 1969. However, this would be temporary relief, for the old devil of excess surplus stocks in Government hands would rise again, perhaps by as much as 40 million tons of feed grains and 6 million bales of cotton. Hence, costs to the Government, though reduced initially, would mount as stocks increased and disposal became necessary. Moreover, net income loss to farmers in 1971 is computed to exceed savings to the Government, perhaps by as much as 50 percent. In other words, with costs to the Government temporarily reduced by something like $800 million, net farm income would fall back by as much as $1,200 million.

One is forced to conclude that we should all work to improve existing programs, and by all means keep what we have until we are able to discover something better.

Mr. GORE. Mr. President, will the Senator yield?

Mr. ELLENDER. I yield.

Mr. GORE. I listened with great interest, admiration, and approval to the able address of the very distinguished and devoted senior Senator from Louisiana.

Mr. ELLENDER. I thank the Senator from Tennessee very much. I appreciate his remarks.

Mr. MANSFIELD. Mr. President, I already have stated to the distinguished Senator from Louisiana how much I appreciate what he had to say. I only wish now to express the hope that those Members, because of official business and other reasons, who were not in the Chamber today would take the time and the trouble to read this speech in detail; because there is a lot of meat in it for those who come from the urban areas, and it explains very well the situation which confronts those of us and the people whom we represent in the rural areas.

Mr. AIKEN. Mr. President, will the Senator yield?

Mr. ELLENDER. I yield.

Mr. AIKEN. I simply want to say that I have the Senator's speech in full on my desk. I was detained at a meeting of the Committee on Foreign Relations, so that I did not hear all of the speech.

I know that what the Senator from Louisiana says should be taken very seriously. The public has recently been rather prone to think that agriculture is a decadent and unnecessary industry in this country. The Senator from Louisiana knows better. I know better, too. Agricultural programs are important. Good agricultural programs are much more important than less effective agricultural programs.

I join the Senator in what he has said here and assure him that he will have my full cooperation in trying to work out the best possible agricultural future for America, because it is still far and away the most important industry we have.

Mr. ELLENDER. I wish to thank the Senator from Vermont very much. We not only need his support and his guidance—he has been on the committee for quite some time—but I am also hopeful that we can get assistance from every direction.

I invite the attention of my good friend from Vermont to the fact that in the speech I presented, I have had tables printed in the RECORD, and I emphasize that they are very important because they show what would happen to the economy if we did not come out with a farm bill.

Mr. AIKEN. Let me assure the Senator from Louisiana that not only will his speech be read by me very carefully, but so will the tables.

ORDER OF BUSINESS

Mr. MANSFIELD. Mr. President, are we now in morning business?

The PRESIDING OFFICER. The Chair would inform the Senator from Montana that morning business began just 1 minute ago.

Mr. MANSFIELD. I thank the Chair.

STATE DEPARTMENT PERSONNEL REORGANIZATION

Mr. AIKEN. Mr. President, on January 14, Deputy Under Secretary of State for Administration, William B. Macomber, Jr., delivered an important talk at the State Department regarding personnel reorganization of the Department.

As many of my colleagues know, there have been many studies concerning reorganization of the State Department. As often happens, studies and special commissions are excuses for inaction.

But Bill, whom many of us remember served very effectively as head of the State Department's congressional liaison, is a man of action.

He has outlined a blueprint for the State Department so that it can regain its rightful job of running the diplomacy of our country and free itself of the 4-F category to which it was assigned over 20 years ago.

The State Department needs to be a right arm of the President in helping him to formulate foreign policy. This function has been lost over the years for a variety of reasons which I will not dwell on here.

I am hopeful that the new State Department personnel policy as outlined by Mr. Macomber will result in a stronger, more useful State Department.

Along this line, I would also like to call attention to a letter President Nixon wrote last December 9 to the Ambassadors of all our overseas missions.

The President told our Ambassadors that they were the captains of their own ships

The Ambassador is the man who should call the shots and direct policy in the overseas missions, as he is the personal representative of the President.

This has been a difficult job when we consider that of the approximately 23,000 American employees attached to our missions overseas, only 5,000 are assigned to State Department functions.

I am pleased that the President and Secretary Macomber are taking steps to control and manage our vast foreign affairs bureaucracies.

I ask unanimous consent that the text of President Nixon's letter to the Ambassadors and the text of Secretary Macomber's address on State Department personnel reorganization be printed in the RECORD.

There being no objection, the letter and speech were ordered to be printed in the RECORD, as follows:

TEXT OF LETTER

The Department of State today released President Nixon's letter to all American Ambassadors describing the responsibilities he expects them to assume.

The President's letter, dated December 9, reiterates for his Administration the take-charge authority of Ambassadors in their countries of assignment.

The text of the President's message follows:

DEAR MR. AMBASSADOR: Your mission as American Ambassador to (country of assignment) is of the utmost significance to our country and to me personally. I wish you every success in this endeavor.

I attach the greatest importance to my Constitutional responsibilities for the conduct of our relations with other countries. As the personal representative of the President of the United States, you share these responsibilities in the country to which you are accredited.

You will, of course, report to me through and normally receive your instructions from the Secretary of State who has responsibility not only for the activities of the Department of State but also for the overall direction, coordination and supervision of the United States Government activities overseas.

I believe that all possible measures should be taken to improve and tighten the processes of foreign policy implementation abroad. I know I can count on your full support in directing the activities of all elements of the United States Mission to achieve this objective. To assure you and all concerned that you have my full personal backing, I want to make the following comments on your own authority and responsibilities.

As Chief of the United States Diplomatic Mission, you have full responsibility to direct and coordinate the activities and operations of all of its elements. You will exercise this mandate not only by providing policy leadership and guidance, but also by assuring positive program direction to the end that all United States activities in (the host country) are relevant to current realities, are efficiently and economically administered, and are effectively interrelated so that they will make a maximum contribution to United States interests in that country as well as to our regional and international objectives.

I am concerned that the size of our representation abroad be related to a stringent appraisal of policy and program requirements and that the number of personnel of all agencies be kept at the very minimum necessary to meet our objectives. I shall expect you to maintain a continuing personal concern on this matter and to inform the Secretary of State when you believe that the staff of any agency or program is excessive.

I shall expect you to assure the highest standards of personal conduct by all United States personnel, civilian or military; you have authority to take any corrective action which in your judgment is necessary.

You have, of course, the right to be kept informed to the extent you deem necessary, of all the information or recommendations reported by any element of the Mission. The Secretary of State and I have made it clear that we will welcome the opportunity to consider alternative policies and courses of actions before making final decisions. When you or other members of your Mission believe such alternative merit consideration, we encourage your putting them forward along with your own recommendations.

I will reserve for myself, as Commander-in-Chief; direct authority over the military chain of command to United States military forces under the command of a United States area military commander, and over such other military activities as I elect, as Commander-in-Chief, to conduct through military channels.

However, I will expect you and the military commanders concerned to maintain close relations with each other, to keep each other currently informed on matters of mutual interest and in general to cooperate in carrying out our national policy. If differences of view not capable of resolution in the field should arise, I will expect you to keep me informed through the Secretary of State.

I deeply believe, as I said in my Inaugural Address, that forces now are converging that may make possible the realization of many of man's deepest aspirations. If "the times are on the side of peace," I also deeply believe that you, and the dedicated personnel of the Foreign Service and the other departments and agencies who comprise the staff of your Mission, will insure that we take maximum advantage of the opportunities that are so clearly before us.

With my best wises,

Sincerely,

RICHARD NIXON.

MANAGEMENT STRATEGY: A PROGRAM FOR THE 1970's

(Remarks by Hon. William B. Macomber, Deputy Under Secretary of State for Administration)

In the decades remaining in this century relations among nations will offer greater opportunity and greater peril to the occupants of this earth than ever before.

What this means to those in our profession is awesome indeed. Never has so much depended on our capacity for leadership and on our professional strengths. And because the world has become so extraordinarily complex, dynamic, and dangerous, never before has our role been so difficult.

I want to talk with you today about a "Program for the Seventies" designed to help prepare the Foreign Service and the Department of State to meet the challenge of these decades, and to fulfill our responsibilities to the President, the Congress and the American people.

This is an effort to which Secretary Rogers and Under Secretary Richardson attach great importance. They have asked me to stress today that what we accomplish in this regard will be of far more lasting significance than the handling of a great many of the more transitory matters which you and they must necessarily deal with on a daily basis.

They know, as you know, that there are those outside the Department and the Foreign Service who, also mindful of the challenges ahead, are anxious to impose reforms and "modernization" upon us. But the Secretary and Under Secretary believe, as I am sure you do, that such efforts will be neither as informed nor effective as those we initiate ourselves.

Some outsiders say that we cannot do the job from within. Implicit in my remarks today is the conviction that this is wrong.

II

We start with a number of assets. First and foremost is the ferment for change within the Department and the Foreign Service. Second is the farsighted and flexible character of our basic legislation, beginning with the 1946 Foreign Service Act and culminating in last year's Hays Bill. Finally, starting with the Hoover Commission and reaching through the Herter Committee and the recent American Foreign Service Association reports, we have on hand the results of a series of very helpful studies on how the Department should gear up to meet the requirements of a modern diplomacy. There has been a great deal of thinking about this problem by my predecessors and others in and out of the Department and the Foreign Service. Under the leadership of my predecessors much preparatory work has been done towards implementing the many recommendations that have grown out of the earlier studies.

Many of the ideas I will present today are distilled from those earlier efforts. Their newness no longer jars. The ground-work for what we seek has been laid. We are asking not for revolution but for the acceleration of an evolution which has already begun.

And let me make another important point. Despite this Administration's marked determination to advance this evolution, we will assume that no matter how sound our ideas may be, it is not wise to attempt to make these changes simply by fiat.

Rather, our success will be more significant and lasting if those most directly affected are involved in the creative and implementing process and are convinced of the wisdom of what is proposed. In the weeks immediately ahead therefore, we will set up task forces to work on almost all the areas I will talk about today. They will be composed of a wide selection of Foreign Service and Civil Service employees of this department—wide in terms of experience, functional specialty and age, and they will be assigned specific tasks and precise deadlines.

And I hope that our sources of ideas will not necessarily be limited to those of you serving as members of task forces. I invite everyone in the State Department to pass their thoughts along to the task forces or to my office. And I also invite employees of our sister foreign affairs agencies to send in suggestions through their representatives on the Board of the Foreign Service.

III

Let us begin today by taking an honest look at ourselves. And we do not have to start by being apologetic. The quality of our personnel—its brain power, integrity and dedication—is, I believe, unexcelled anywhere.

But from a management point of view, our critics have more to go on. They exaggerate of course. But to use a modern phrase, management has not been our bag.

At the conclusion of World War II the State Department and the Foreign Service played a major part in developing acceptance among their fellow citizens of the new role America was necessarily to play in the postwar world. But organizationally and managerially, the State Department and Foreign Service had, and have had ever since, great difficulty in adjusting to the requirements of that new role. This has been true, despite the valiant efforts of a number of our more farsighted colleagues.

As you know, we are an organization which has traditionally been comfortable with policy-making and with negotiating and promoting that policy abroad. We have understood the importance of tact, sensitivity and persuasiveness. But we have tended to be intuitive in nature, weak in planning and unenthusiastic about management. In retrospect, it is clear that these change-resistant instincts have caused a great share of our difficulties.

Our problems started in the years immediately following World War II, years of enormous creativity on the American foreign policy scene, with the development of new instrumentalities such as USIA, Foreign Aid and CIA. Those and many established Departments of Government began legitimately to play an ever-increasing role in U.S. foreign affairs. Unfortunately, when faced with these developments, the instinct of the traditional foreign policy establishment was to protect its exclusiveness and high standards.

There were reasons for that effort—at a time when the new agencies were being staffed rapidly with only occasional adherence to optimum personnel standards. But we—the Department and the Service—lost a good deal too. We did not participate to the degree we should have in the important work of developing these new agencies. We were not organized to do so managerially, and we did not have the specialists required. We thus began "to lose control of the action."

Nevertheless, Presidents have continued to look to us as their principal staff arm in forging a national policy out of the spectrum of diverse, specialized and often parochial foreign affairs interests scattered throughout our Government. And Presidents have continued to expect this Department to insure that our complex and wide-ranging governmental activities abroad are coordinated and carried out in a manner consistent with the policies they have determined.

But in the intervening years we have not been as systematic, competent and aggressive as we should have been in meeting these responsibilities.

It is true that during these years the Department has been led by a series of strong Secretaries of State, all of whom have had remarkable ties of friendship and personal influence with their Presidents. But the personal influence of Secretaries of State and the institutional role played by the Department should not be confused. The key fact is that as an institution, despite many brilliant performances along the way, we have not met the challenge of foreign affairs leadership as successfully as we might have. Our failure to do so has caused frustration. And it has raised a clear prospect: either we produce the improvements necessary to meet this challenge or, as I have suggested, this will be done for us.

To meet this challenge, we do not need more broad-gauged studies for the time being. The ones we have provide us with an excellent base from which to move. The need is not for more studies of this type but rather to implement the ones we have.

This is not to say, of course, that we are done with the need for studies. But the kind we require now are of a more specific nature and targeted on specific problems. Throughout my talk today I will suggest a number of areas where I think, working together, we should carry out these more specific studies.

Let me stress again that the need now is for a joint effort to implement what has already been thought out. As Secretary Rogers says, "let's quit talking about the problem and start solving it."

IV

At this point, let's also put to rest two old arguments which have seriously inhibited our modernizaation process: (1) whether we should be generalists or specialists, and (2) whether we should be strictly policy-makers or operators and managers as well.

Some years back it was often said in this building that the State Department did not run anything well; that that was not its capability; that its capability was to formulate and promote policy.

In the intervening years it has become clear that we can no longer take refuge in that tidy division of talent. For now it represents an abdication of responsibility. We still must take the lead in policy formulation, but if we are really going to lead we must also be prepared to manage and orchestrate the overall spectrum of our nation's activties abroad.

Regarding the issue of generalist versus specialist, clearly the age of the specialist is here. But while the era of the generalist is past, the need for what I call the generalist "core" skills is not. In fact the need for these skills is greater than ever, and no future officer—no matter what his specialty—can afford not to have mastered them. What I am saying therefore is that we need more specialists—but all with a command of the "core" diplomatic skills.

By core skills, I mean, among others, the ability to negotiate a result which is essentially to our advantage but which leaves a situation not so unsound or one-sided that it will fester and ultimately come undone. This is the consummate art of the diplomat, whether he is dealing with small matters or great. Another core skill is the capacity for objective and penetrating analysis. Another is that subtle combination of tact, persuasiveness and character which produces the capacity to win the confidence of others. Another is the discipline of accurate reporting without which any diplomat is a menace. Still another is the mastering of foreign languages.

We have done an increasingly good job with language training. But on the whole we do not pay enough attention to the systematic development and transmission of the other core skills. Take the negotiating skill. As it is now, each generation tends to learn this on a trial and error basis. And when that generation retires and a new one comes along, the process is repeated. No system can produce instant negotiators, but we can I think find more systematic ways to learn this art and to use more effectively the experience of one generation to help in the development of the next.

But I said a moment ago that the age of the specialist is here. Perhaps the most striking thing about modern diplomacy is the diversity of activities it encompasses—both within the State Department and throughout the U.S. foreign affairs community. Equally striking therefore is the diversity of skills and knowledge now required, both to staff the Department's own traditional functions and also to allow it to carry out its external coordinating role. We still need History and Political Science majors, but we need much more. We must therefore adjust significantly our personnel recruitment and development practices.

And also of course the diversity of personnel and function, both in the State Department itself and throughout the spectrum of U.S. foreign activities, dramatically underscores the premium we must place on the development of coordinating and management skills.

So if the Department is to perform its leadership role in the remaining decades of this century, it must build a personnel system which develops specialists, which instills the core skills in all personnel regardless of specialty and which produces experienced and effective managers.

An important key to accomplishing this is to refine and fully institute a "functional specialization" personnel system.

V

What we have in mind is the full development, and implementation in the next few months, of a five-category system. The first four functional specializations would be political, economic/commercial, administrative, and consular. I will come back to the fifth in a moment. From now on we think our basic policy should be to recruit officers for one of these specific categories. We would ascertain how many recruits we need for each, based on the projections of the five-year manpower planning mechanism we intend to develop. In following this system I think we can obtain a much wider range of background and aptitude than we have had up to now in the new officers entering the service. To target on the people we want, we would propose to use the following devices:

The new written examination would emphasize aptitude over specific academic knowledge so as to broaden the base of candidates.

Oral examination panels would be divided up by functional specialization.

A permanent system of recruiters would be established in business schools, universities and through the Public Members Association.

Selection procedures would be considerably shortened so that we do not lose many of our best applicants.

The idea of joint recruiting with AID, as we already do with USIA, would be explored.

Every effort would be made to supply the applicant in advance with sufficient information about the nature of, and aptitudes required for, each functional specialization so that he can make an informed selection. Moreover, if later in his career it appears that his interests and aptitude would indicate a shift in specialty, we would be as flexible as possible in effecting this.

In addition, the panel would be authorized to recommend to an applicant that he change his choice of specialization, if this seems appropriate as a result of its interview with him.

While we are on the subject of recruiting, I have long felt that we overlook one of the best sources of new blood in our own house. Accordingly, to borrow a Navy-Marine Corps phrase, I recommend that we develop a *Mustang Program* for the Department of State. I would like supervisors at every level in this building to identify and encourage junior employees who have the wish and aptitude for officer careers. At the same time, we shall use our training resources to the maximum in filling the education gaps of these employees to help them aspire to positions of officer rank. I especially hope that this program will effectively supplement our continuing minorities program.

Turning back to the functional specialization system, with the exception of occasional broadening assignments in other fields or agencies, most officers recruited for a particular specialty will be expected to spend the bulk of their careers working in assignments that fall into that specialty. They will compete for promotions by specialty and not across the board; officers in a given specialty will have the opportunity to rise to the top echelon of each specialty and the way will be kept clear for that purpose.

For example, we are not going to appoint political specialists Consuls General as consolation prizes if they fail to become Ambassadors or Deputy Chiefs of Mission. We believe that most important consular posts should be held open for consular specialists.

And those officers in all fields demonstrating executive talent will be moved across specialty lines and will provide a pool of managers for program direction positions, but I will return to this in a moment.

We will expect the four basic personnel specializations—that is Political, Economic/Commercial, Administrative and Consular—to be manned largely by Foreign Service Officers. You are all familiar, of course, with the type of work normally performed by each of these groups and I need not elaborate further on it here. I would like to stress, however, that in the future in all four categories we are going to expect a greater effort and competence in trade promotion. And in two of our personnel specialization—Consular and Economic/Commercial—trade promotion will be a responsibility equal to any other they carry.

I said earlier we plan to have a fifth personnel specialization. We suggest that the fifth specialty be manned however by Foreign Service Reserve Unlimited Officers (FSRU's), a category which we now have available to us under the provisions of last year's farsighted Hays Bill. This category will be reserved for scientific specialists, doctors, nurses, security officers, communicators, building engineers, permanent faculty members of the Foreign Service Institute, and other specialists with unique skills who are going to play a permanent and important part in our career system.

Under our present thinking no one will be eligible for an FSRU appointment who is not prepared to serve abroad. However, the ratio of time spent abroad and in the United States will vary markedly from the FSO specialty areas.

FSRU's will be included in the Foreign Service retirement system and will be subject to selection-out. But the rules for selection-out, time in grade, and so on will be much more flexible than in the four "line" specialties.

As I have said, we want the five categories manned by FSO's and FSRU's. Officers who are presently in the GS system and Foreign Service Staff Officers will be invited to convert their status. We hope many of them will convert where their work clearly fits into one of the five specialty areas. For example, it would seem to us that many Foreign Service Staff Officers would make excellent Foreign Service Officers in the consular and administrative fields of specialization. I would stress, however, that if they decide not to convert, that is their decision, and it will be respected and accepted without prejudice to them. But in the future we would expect new recruits for these areas of specialization to be Foreign Service Officer personnel.

XUM

Before proceeding with the conversions I have mentioned, however, we will need to complete, on a priority basis, the updating of an inventory of our needs in each of the five State Department specializations

In the process of developing this inventory, we intend to emerge with a projected five year rolling personnel plan—always set up five years ahead, but reviewed and altered on an annual basis.

After comparing our requirements with the number of Foreign Service Officers now in those specialty areas, we will look at the number of additional persons we need in each one and at what the appropriate grade levels should be for each existing opening. After we have identified the number and levels of openings, we will fill them by lateral entry from our GS and those of our FSR and Foreign Service Staff Officers who are interested in converting.

Let me say parenthetically a word to the FSR's without re-employment rights. Those officers, unlike Civil Service and Foreign Service staff personnel, and not in a position to retain their present status indefinitely, even if they wish to do so. Not only is there a legislative time limit running on their reserve appointments, but more immediately we are under instructions to reduce the total number of employees in the Department between now and June 30. Some FSR's will become eligible for integration into the FSO and FSRU specialties, but some others regrettably will have to leave the Department.

We will, of course, continue to have many Civil Service colleagues in important positions in the Department which do not have counterparts abroad, such as, for example, our lawyers, intelligence specialists and other types of specialists. In the clerical and secretarial area we shall also continue to have many Civil Service employees who for family or other reasons cannot serve abroad. We will thus continue to be deeply dependent on both officer and clerical-level Civil Service personnel. And management must insure that their interests are appropriately supported and protected.

Before leaving the subject of personnel resources, a word is in order about regular lateral entry into the career FSO and FSRU ranks. And this is quite apart from the special conversion program I have just spoken of in connection with the installing, over the next few months, of our five-category functional specialization system. Our problem in the past has been the erratic use of lateral entry. It is obviously not helpful to a career system to insert into it widely-fluctuating numbers of outside personnel from year to year, thus foreclosing promotional opportunities.

On the other hand, our system becomes isolated and weakened if it does not, on a regular basis, infuse itself at the middle and senior levels—in a limited but constant way—with talents and experience developed outside. We should plan for the day, therefore, when we can absorb on an annual and steady basis a relatively unfluctuating number of lateral entrants—thereby helping to preserve an openness in our system without disrupting the pace of normal career advancement.

That effort must be largely deferred in the short run, however, until we can complete our effort to absorb as many as possible of the excellent officers in the vulnerable FSR position I have just alluded to.

We will also have to provide a more satisfactory means of appointing a few high-level personal assistants to Presidential appointees. This type of official, who moves in and out of the Department as the party in power changes, clearly does not fit into our permanent career appointment system nor on the other hand should he be limited to a 5-year Foreign Service Reserve appointment. A more flexible device, reminiscent of the old Schedule–C authority, must be found to appoint such officials for the duration of their pricipals' tenure.

I am pleased to report that USIA and AID have agreed, at the request of the Board of the Foreign Service, to explore the possibility of further developing and formalizing similar functional specialization personnel systems in their organizations. What we hope to end up with is a family of personnel systems so compatible and interchangeable that it is academic whether they are merged into one system or not.

VI

But basic to our program for the 70's is not just the development of specialization on the one hand, and the mastering of the core diplomatic skills in all specialities on the other. There is, as I have already indicated, an equally critical need to be met by our personnel system. That is to develop managers, people at the senior executive level who are capable by training and experience of managing the overall foreign affairs effort of the United States.

An absolutely essential requirement for our future Ambassadors, Deputy Chiefs of Mission, Assistant Secretaries, Deputy Assistant Secretaries and counterparts in our sister agencies is the capacity to manage. They will have to be more than very succesful substantive officers. That type of experience will not be enough to prepare them for the basic management responsibilities of coordinating and orchestrating inherent in these top positions.

The key to our system, then, will be to spot our potential managers early and, having identified them, to insure that they have a chance to be tested by experience in management. Our interchange of personnel will not be limited to functional specialities within the Department. There is greater management experience to be found in AID and USIA than in many sections of the State Department. This type of experience also gives our people a better understanding of the workings and objectives of our sister agencies—and those agencies are not going to accept fully our orchestrating and coordinating role unless they are also convinced that we fully understand their work.

Conversely, AID and USIA officers would gain from experience in this Department, which would give them a better understanding of our own objectives and methods. In the process we hope to broaden significantly the base of career officers from which to select executives for senior management positions. In other words, while a majority of top diplomatic assignments will continue to come out of our Department, they will not be limited to this source, and we will be looking across the range of eleven or twelve AID-State-USIA specializations in our search for senior executive talent.

We should also I think be developing greater exchange possibilities with, and looking for potential top managers from, several other agencies and departments which play important roles in the foreign affairs community.

VII

Within our own specialization categories, we think we can get younger officers off to a faster and more interesting start by beginning cross-specialty and other agency assignments earlier and by lowering position levels to provide more meaningful job experience for junior and mid-career officers. This effort is important because cumulative experience in the craft of diplomacy, in the exercise of management and in the mastery of specialization is a key commodity this institution must, in the national interest, steadily supply. And we cannot afford to waste time in starting our young officers in the process of getting this experience.

But the reverse of the coin is that it makes no sense to sacrifice older and more experienced officers—just on a "youth must be served" basis. We are going to keep the promotion channels unclogged. We are going to correct the top-heavy character of our system. We shall be ever on the lookout for older officers who have lost their drive. But let's keep our perspective. It is our more experienced and senior officers who are our principal current assets in the immediate effort each day to protect the interests of our country and to keep the world from unleashing its megatons. Neither youthful impatience nor the responsibility and natural enthusiasm that management has for the rapid development of younger officers' potential must blind us to that fact.

There is one caveat to what I have just said however, and it is this. Older and more experienced officers do not seem to have natural advantages in the critical areas of creativity and innovation. Here, clearly, our younger officers should feel neither humility nor inhibition. In fact, it can be argued that creativity can better come from those who do not already know too many reasons why too many things won't work. I will return to this problem of creativity in a moment. For now, suffice it to say to my younger colleagues: "the sky's the limit. Let's see what you can do!"

VIII

A career development system is only as sound as its performance appraisal and promotion policies. Our present performance evaluation system is inadequate for an era in which we are encouraging professional specialization, and even more important, initiative and assertive leadership. We will therefore want to take a hard look at our evaluation procedures, and also find better ways to assure the promotion of officers displaying these qualities.

Now let me say a word with respect to retirement and selection-out. I am very pleased that legislation pending before Congress will give FSO's the same benefits that their Civil Service colleagues receive, and will make early retirement fairer and more attractive.

However, this development will not entirely solve the problem of senior congestion in the Department. The rank structure of our Service resembles an inverted pear, and it has become more misshapen in recent years. As a result, we have had to recommend, and the Board of the Foreign Service and the Secretary have approved:

Recommending legislation to the Congress reducing the mandatory retirement age for Career Ministers from 65 to 60.

In the future holding the number of Career Ambassadors on active duty to approximately five.

In addition we shall:

Be prepared to use section 519 of the Foreign Service Act which permits the retirement of former Ambassadors for whom there are no longer suitable positions available.

Continue to use selection-out.

Facilitate early retirement by searching for ways to improve our "counseling-out" and outplacement services—and if possible, obtain authority for monetary incentives as well.

Even these measures, however, may not solve the fundamental problems. If not, we will want to turn to such other means as providing retirement annuities for Foreign Service personnel who have completed 20 years of service. We do not want to attract people who are only interested in a 20-year career, but because of the competitiveness of our system, we want to provide fairly for good men and women who will be with us only that length of time.

Finally, there are a number of problems involving personnel perquisites we plan to look into. For example:

There are inequities between the Civil Service and the Foreign Service transfer allowances.

We hope to extend education allowances abroad to cover kindergarten.

Widows of Foreign Service personnel who

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die abroad should continue to receive housing and other allowances for a reasonable period of adjustment.

Additional medical benefits are needed.

The Civil Service Commission has been considering a number of improvements which we fully support for our own GS employees; for example, optional retirement after 30 years regardless of age and a full 2% annual retirement compensation rate.

Before leaving the subject of personnel, I would like to announce an important new position. As a result of a recommendation made by the American Service Association and the Board of the Foreign Service, we have authorized the establishment of an Office of Welfare and Grievances in the Department of State. The Director will be a senior, able and highly respected officer who will have wide authority to investigate and advise on personnel grievances and wrongs. His name will be announced shortly, his scope will be unlimited, and he will report directly to me.

IX

Now let me turn to certain non-personal aspects of the way we manage our affairs. Here again, as a result of earlier studies, we already have a great many useful recommendations about organization and management to choose from.

There have been a number of suggestions made with respect to re-organizing the top structure of the Department, and the Secretary is considering certain possibilities in this regard at the present time.

However that may develop, I hope we can maintain the principle that a career officer would always occupy at least one of either the current Under Secretary or Deputy Under Secretary positions, and that an incoming administration would retain at least one occupant of these top four positions. A number of administrations have resisted the idea of a "Permanent Under Secretary" and of course no administration can bind a successor to accept this device. What I am suggesting is a compromise. In this way an incoming administration would maintain a wide range of choice with regard to its selection of top management personnel, while at the same time preserving an element of continuity.

X

But as any bureaucrat knows, changes in tables of organization, significant as they may be, are never final and never finally solve basic management problems.

More fundamental to management success are: first, the attitudes and approach that managers at all levels bring to their jobs and instill in those about them; and second, the management tools we are continually developing and making available throughout our organization.

Here again however, there are no final answers, for the process of improving management must always be a continuing one. But our "Program for the 70's" can establish goals, identify areas to work on and directions to move in.

With respect to attitudes and approach, let us recognize that, while persistence and consistency are important in foreign policy, an essential key to our ability to lead lies in whether we produce ideas. We are quite effective in coming up with short-term tactical ideas. Since that creative period following World War II, however, our record for producing new ideas of long-term significance is not a notable one.

Even with respect to short-term tactical ideas, it is important that we find improved ways to insure that we come up with them before we are overtaken by events. If we can get the jump on situations, if our ideas are sound, and we are aggressive and persuasive in asserting them, we will lead. If not, others will. So timely as well as longer term creativity lies at the heart of our problem and becomes a major goal.

It is the job of management to establish conditions designed to promote such creativity. One obvious way is to give all our people more time to focus on new ideas, alternative solutions and imaginative tactics. But messages to and from the field are so voluminous that officers here and abroad do not have this essential time. We want officers in the field to report less—to send in a minimum of fragmentary factual reporting—and to have more time for making contacts, for creative thinking, for analytical and reflective reporting. This, along with allowing more time for creative thinking, by our Washington-based officers, is the objective of the reporting reduction operation currently underway.

The Open Forum Panel has been a useful new device for encouraging more innovative thinking and more constructive dissent. But we must find additional ways to insure that officers at all levels are more effective in developing alternatives to the ideas of others before final decisions are taken. As I have suggested, we would like to gear promotions more closely to the display of these qualities. We will also wish to examine clearance procedures to see what can be done to prevent their stifling dissent and creativity.

But however much we succeed in stimulating creativity, we must also develop more fully the management instruments available to us.

To begin with, we have seen the evolution of what are now known as the Under Secretaries Committee and the Interdepartmental Groups. They are chaired respectively by the Under Secretary of State and our regional Assistant Secretaries and now play a critical role in the National Security Council machinery. They present us with an important opportunity to strengthen through our performance the constructive leadership role we covet as, of course, does the fact that the ranking departmental executive on the National Security Council is the Secretary of State.

To strengthen our performance, we are developing a new staff on the 7th floor known as the Planning and Coordination Staff. Its duties are to provide policy analysis and advice for the Secretary on the near and long-term implications of important policy issues.

Second, it backstops the work of the Under Secretaries Committee which, in addition to being an integral part of the NSC machinery, is the senior operational foreign policy committee in the Government.

Third, it backstops our other activities in connection with the NSC, namely the work of the Secretary, of the members of the NSC Review Group, and of the Assistant Secretaries with the interdepartmental groups they chair.

Next, it performs the traditional long-range planning functions of the former Policy Planning Staff.

The Executive Secretariat is the other half of what might be called the Executive Office of the Secretary of State. Its functions—the coordinating of day-to-day operations and monitoring priorities of time allocation for the 7th floor officials—are extremely important.

In connection with the latter function, we all know that the Secretary and Under Secretary must necessarily spend much of their time dealing with important crises of the moment. When time is left over from such fire brigade exercises, the natural tendency is to turn to matters which aggressive desk officers and aggressive Assistant Secretaries have gotten before them. This may mean that the 7th floor is responsive to the most energetic quarters of the Department rather than to the areas which on a priority basis most need their attention.

It is the job of the Secretariat to make sure this does not happen, that top management's attention is directed to what from an over-view appears to have priority.

I have referred to the Assistant Secretary-level Interdepartmental Groups. Here, as in other activities we chair, we cannot and should not operate as a czar. But these groups represent a promising leadership tool for the State Department as well as a very useful management tool for the Department and all other IG members.

In the days ahead we will also want to carry these management concepts and tools more effectively down to the country director level. At that level, the leadership operation is more informal and much of its success will continue to depend on the skill with which the Country Director operates and on his ability to win the confidence of others in the foreign affairs community dealing with his country at that level.

One of our foremost needs, in order to strengthen the Department's leadership performance in these interdepartmental activities, is to find more systematic ways of (1) defining foreign policy objectives, (2) establishing priorities, and (3) allocating resources.

We will particularly wish to work with the regional Assistant Secretaries here, because it is at this level where the need is especially important. The trend now is for Deputy Assistant Secretaries to follow either specific countries or specific issues. This means that all too often the hard pressed Assistant Secretary has no one else in the Bureau primarily responsible for assisting him in assessing bureau-wide objectives, priorities, and resources. We will wish, therefore, to explore the desirability of the senior Deputy Assistant Secretary serving as a full time overall "Deputy Manager" of the Bureau, or finding some other management arrangement to meet this need.

We will also wish to explore, among other things, the maturing and expanded use of an extremely promising management device known as the CASP—the Country Analysis and Strategy Paper prepared annually on every country in Latin America.

CASP is an interdepartmental policy document initiated annually by the Ambassador and the Country Team and then reviewed and approved in Washington by the Assistant Secretary—Interdepartmental Group. It relates desired policy to resources. Its preparation is timed to precede the field program budget submissions of all agencies so that policy and operations are joined from the very start of the planning cycle. It requires the Ambassador and his Country Team staff—and in Washington, the Assistant Secretary and Country Director and their counterparts in the other foreign affairs agencies—to identify U.S. interests, to state objectives, to establish priorities and to make judgments on basic U.S. strategy as it relates to the current situation and near-term prospects. Thus, the CASP associates policy planning with decision making, and objectives with budgeted strategies.

In addition, the CASP principle can be expanded to a region-wide concept and can serve as a further management tool for establishing priorities on a region-wide basis.

Now, I am not suggesting that the CASP is a completely matured system or exactly adaptable to other areas. We will ask other bureaus to develop similar management tools, however, geared to their own requirements—and we are pleased to see that the Bureau of African Affairs presently has such an effort underway. Our earlier experiment with the Defense-derived "Comprehensive Country Programing System" was not a happy one. We feel, nevertheless, that the CASP type of approach may be a more practical way to help achieve what the CCPS was designed to accomplish.

Without waiting for the full implementation of a CASP-type system, the Secretary has decided to initiate early this year an annual posture statement. This will be on the "state of our foreign relations," and similar to those statements issued in recent years by the Defense Department. These will not be easy to produce but it is important that the Department's voice be clearly heard in this annual exercise. Eventually the matured CASP system, over and above its value as a management tool, should greatly facilitate the preparation of these annual posture statements.

XI

Turning now to the field, we are initiating a major and searching review of the role and functions of our diplomatic missions. We shall review the functions and activities of the Government overseas—in priority order—with a view to achieving a better balance among agency representatives and to eliminate all but essential activities. And we intend to strengthen our controls over the numbers of American and local positions required by all agencies in the field.

There are, of course, certain functions common to all Embassies, but we must recognize that our interests, both in character and in intensity, vary enormously from country to country, and our Embassies' organizational and staffing patterns should reflect this variety much more than they do now.

We may conclude that in some posts the traditional embassy organization is outmoded. We intend to encourage Ambassadors to use their personnel more flexibly in solving special problems which arise in meeting mission goals. As the President said in his December letter to all Ambassadors, the Chief of the U.S. Diplomatic Mission has "full responsibility to direct and coordinate the activities and operations of all its elements."

XII

Another basic management question is how we determine our strong points and our weaknesses. We need, I believe, a much enlarged concept of inspection and evaluation which would encompass not only our efforts, but also those of our sister agencies. Not only do we wish to be sure that all components of our Embassy are performing in a coordinated and effective way, but also that our Embassies are sensitively attuned to the most subtle shifts in the President's policies.

Furthermore, I think the time has come again to use the inspection process to evaluate our domestic operations. Some of these will be looked at once every few years. We will wish, however, to inspect certain domestic operations each year.

XIII

We would like to strengthen the Foreign Service Institute's capacity to provide training, on a reimbursable basis, for the other foreign affairs agencies—thus moving its role more in the direction of an overall national institute for the foreign affairs community. We have been quite successful, in this respect, in the way we have trained a wide selection of Government employees for service in Vietnam. Drawing on this experience, therefore, we plan to explore the possibility of setting up, again on a reimbursable basis, regional training centers at the Institute similar in aim and scope to the Vietnam Training Center.

We will wish to use FSI as our principal in-house training arm to strengthen the knowledge of our functional specialists. The Institute already has considerable capacity for this, but we will wish to strengthen it in certain specific areas. I have in mind, for example, the importance of all officers in all our functional specialties—especially those in the economic and consular specializations—acquiring a mastery of trade promotion techniques. I believe the Institute can be of considerable help here.

The Institute is also interested in putting greater stress on training in modern management and executive techniques, as well as in developing courses to strengthen—perhaps through the case study method—knowledge of the core skills.

We will wish to continue to support the Institute's valuable and highly successful program to upgrade clerical and secretarial skills, thus both strengthening the resources of the Department and facilitating promotions for many valued employees.

There is one special training imperative I should mention, and that is the American public's need—and right—to know more about our foreign affairs establishment, the policy issues and the men and women who serve their country. As one way of meeting this need, we should do a better job of developing trained public speakers.

We also want to expand our resources by tapping the vast reservoir of talent and experience in the non-governmental foreign affairs community. For example, we are thinking of establishing a series of scholar-diplomat seminars at the Institute similar to last month's successful pilot project in African studies. In recent years, we have sent a good many of our officers to universities, either as Diplomats-in-Residence or for specialized training. We shall continue to do this, among other reasons, because such contacts are needed to expose the Department to fresh ideas and new insights.

On the subject of outside contacts, we plan to explore the idea of a *State Department Fellows Program* which, like the scholar-diplomat seminars, was suggested by the Foreign Service Association and the International Studies Association. Under the Fellows Program we would exchange some of our best mid-career officers with men in comparable positions in business, the foundations and the communications media. We recognize there are conflict-of-interest problems to be worked out. But in the spirit of the President's Executive Interchange Program with private industry, we would hope at least to be able to send some of our officers on training assignments with business firms.

XIV

There is an important area of management I have not mentioned: our efforts to modernize information handling. Although it is generally known that we use computers for such things as personnel data management and accounting, I am sure many of you don't know that this "old-fashioned" department uses its modern computer in a growing number of substantive ways. We have a good many specialists in the building who know a lot about computers. But we do not have nearly enough substantive officers who know what a computer can and cannot do.

Finally, in the field of administrative services, we need to continue:

Improving the efficiency of joint administrative support in the field.

Seeking ways of offering better health and exercise facilities to our employees.

Developing a modern program for dealing with the travel explosion we are facing in the 1970's.

Recommending to Congress the elimination of the visa requirement for 90-day visitors to the U.S. for business and pleasure.

Improving the security of foreign missions in Washington and the security of our personnel in certain areas overseas.

Upgrading our foreign affairs communications around the world.

Studying the relative merits of accrual and obligating budgeting systems.

Examining the alternatives available to us with respect to the future strengthening and handling of the Foreign Service Retirement Fund.

Examining the feasibility and desirability of centralizing in Washington most of the budget and fiscal work, as well as some of the other administrative work, now done in the field.

XV

You have been patient in hearing me out.

One does not not ordinarily think of the development of management and organization as a great adventure. The effort we are embarked on, however, is just that. And working together, I am convinced we can produce a modern dynamic diplomatic establishment fully geared to the challenges ahead.

None of us can settle for anything less.

PRESIDENT NIXON'S VETO MESSAGE ON THE LABOR-HEW APPROPRIATION BILL

Mr. MANSFIELD. Mr. President, the President has his independent responsibilities; he has acted on them, according to his lights. I do not agree with the President's action. I hope the Congress will reverse that action.

The veto message in its reference to inflation ignores the fact that the Congress has already cut out of the President's overall budget many times the amount which has been added in this bill. It has cut frills for defense. It has cut fancies for space. The reduction in foreign aid alone roughly equals the sum that was added by the Congress to this bill for better education and libraries, for pollution control, for hospital construction, health research, and nurses training, for programs to try to get the poor off the relief rolls and into productive occupations. All of these items and others in this bill have a lot to do with the quality of American life about which the President has spoken so eloquently. Where, then, if so much more has been cut than has been added, is the overall inflationary impact?

There are items in this bill with which I do not agree. That is the way with most significant legislation. I might say, one of the items which I think is open to scrutiny is the one which the President emphasized in his veto message, and that is the question of impacted aid, because there are some areas where it is not needed and where, I think, some tightening up and corrections can be made. But because a small part of the program is affected in this particular measure, it does not mean necessarily that the whole program of impacted aid is bad. It is not. There are items in this bill with which the President disagreed but we do not have an item-by-item veto power in the Presidency. We still operate on the principle of compromise in this Government.

There comes a time when the perfection which is attainable in words confronts the practicabilities which are pursuable in action. Between them lies a void of immobilized disenchantment. That is the point of decision. It seems to me that is where we are on this appropriation bill. To fail to pass this bill, in my judgment, will be to invite the continued neglect of the Nation's inner needs. To pass this bill will be to move a little closer toward a new and better balance as between domestic urgencies, the needs of defense and the requirements of foreign policy. I want to emphasize that, in my opinion, the keyword is "balance" between all three. In that sense, this is the right bill at the right time and for the right purpose.

GOOD ADVICE FROM YOUNG COMBAT VETERAN

Mr. YOUNG of Ohio. Mr. President, a fine young man, resident of Milan, Ohio, a beautiful historic little community where Thomas Edison was born, 4 miles from Puckerbrush Township in Huron County where I was born and reared, returned to his home in Milan following service for our country including 1 year of combat in Vietnam. Many other fine young Americans served with him in Vietnam. Unfortunately, some of them made the supreme sacrifice in that undeclared, unpopular war.

Capt. Larry P. Turner was more fortunate. He is now back home in Milan. In a letter to me he stated that he is very unhappy. He is not unhappy for having served his country. He is unhappy because he believes that all of Vietnam is not worth the priceless life of one American youngster and because he knows that Vietnam is of no importance whatever to the defense of the United States. "There is nothing really wrong with serving one's country," he observes. He is very unhappy with the "worthless cause many thousands of Americans have died for in Vietnam." If he had to do it again he said he would "join the Peace Corps or VISTA."

Larry P. Turner was commissioned as a lieutenant after graduating with a master's degree from the University of Indiana. He had specialized in social work at Indiana University. As a commissioned officer in the Army he used his university education and experience in helping GI's with their emotional problems. Captain Turner states "that before being commissioned in the Army his views about the war were those of indifference—seemingly uninformed," he recalls.

During his year's service in Vietnam talking with soldiers about their problems, learning everything he could regarding Southeast Asia and by his own stark observations he says:

> I was convinced that it was a horrendous blunder for the United States to fight this ground and air war in Vietnam.

He is convinced that the cause is worthless.

Captain Turner reports:

> The Saigon Vietnam government is as corrupt, ruthless and weak as it was before we went there.

He adds that the United States has supported "one corrupt puppet government after another in Vietnam." Little of the money the United States pours into Vietnam ever reaches the poor people in their hamlets and villages. Instead, he says:

> It is the wealthy, small elite with accounts in Swiss and Hong Kong banks who benefit from the American presence in Vietnam. It is also only this small group that would suffer if the United States withdraws altogether from Vietnam.

He states:

> Being in Vietnam has been a tragic mistake. This is because it is a civil war and it is a civil war among various groups religious and cultural. Above all it is a war between the rich and the poverty stricken. We are on the side of the rich.

Continuing his observation he stated:

> It is the poor who join the Vietcong. Also, in the army of the Saigon regime many desert taking United States supplies and weapons with them. It is not unusual at all for Americans to find American weapons with the captured Vietcong.

Here is an angry young man—angry with our Government for its handling of information about Vietnam.

The higher ranking officers according to Captain Turner "only tell the soldiers what they believe they should know."

He also said:

> When soldiers raise questions in Vietnam regarding the civil war, in which we are involved, some are transferred because of the doubts they express.

While Americans have been shocked by the recent disclosure of the Mylai massacre, the truth is that such things have been common occurrences in the Army.

> You do what the commander tells you—

Said Turner—

> and in Vietnam the enemy is often largely who the commander says it is. It is very true that it is hard to distinguish the enemy from a civilian.

This is inevitable in a little country where people are tired of wars.

He concluded:

> Whatever savage reactions our soldiers may have, the blame is really on the government that sent them to fight for a worthless cause.

Some officers and GI's have their own racial prejudices before going to Vietnam and to them the Vietnamese people become "Gooks" or "slant eyes."

Pentagon officials are not disclosing the truth to Americans. Captain Turner said:

> I have known pilots who have told of comrades shot down in Laos and Cambodia. Also, members of the Green Beret who told me of invading Cambodia following Vietcong or alleged Vietcong soldiers.

Americans should know above all else that lies have been told them about the dead. Americans wounded who die days or weeks later in hospitals in Japan, for example, or in the Philippines are not counted as Vietnam casualties. However, this number is really insignificant compared to the total number of soldiers who returned home emotionally "wracked."

Captain Turner expressed amazement over the corruption, including that of American corporations which supply the Army with most of its materials. Many of his fellow officers hope eventually they will make it in big corporations, and this does not help the soldier. Furthermore, corruption in South Vietnam is prevalent among the native officials, both military and civilian.

> Most of the supplies unloaded in Vietnam ports—

He reports—

> are stolen. Then much of this merchandise useable in combat ends up in Cambodia with the Vietcong. Yet here we are supposed to be helping the poor people in the civil war reaching them.

His conclusion is that if President Nixon's present policies are pursued this program could keep Americans in Vietnam indefinitely. Captain Turner advocates a definite fixed date for the withdrawal of all of our soldiers, warplanes and naval forces from Vietnam. And, to the final question regarding a possible Communist takeover after we leave South Vietnam, he says:

> If people want to go communist, that's their business.

He says:

> We are fighting the Vietnamese where the French left off. The Vietnamese people have waited for many years to get rid of an enemy. Evidently they are prepared to wait a long long time to get rid of us.

PEACE IN THE MIDDLE EAST

Mr. ELLENDER. Mr. President, for many years now I have been concerned with efforts to find a peaceful solution to the problems of the Middle East. As far back as 14 years ago, I toured extensively throughout the area as a member of the Senate Appropriations Committee. During that 1956 visit, I met with leaders in the Government of Israel and the governments of many of the Arab States.

At the conclusion of my formal and informal visits and consultations with these representatives, I reported to the Senate in February 1957:

> What the Middle East needs is the promotion of a political climate under which the Arab and Jewish populations could cooperate to raise the living standards and develop the economy of the area.

To accomplish this, there would have to be direct negotiations between the leaders of Israel and the leaders of the Arab States, which I have been advocating. I voiced a similar sentiment on several occasions in the past when there have been flareups in the area. In each instance Arab leaders have indicated that under no conditions would they meet with the Israelis around the conference table. To do so would require that the Arab States recognize the existence of Israel, which they have always refused to do.

Mr. President, it is my understanding that President Gamal Nasser of the United Arab Republic has recently stated that there can be no direct negotiations between these two parties until the land taken from Egypt and other Arab States during June 1967, is returned. In other words, it is stipulated that Israel must withdraw to its pre-1967 borders before any actual peace talks between the combatants can take place.

Frankly, Mr. President, I do not believe that we can put too much stock in these promises. As I mentioned a moment ago, Arab leaders were making the same statements even before June 1967, and as far back as Israel's beginning as a modern state. In other words, the same position is being maintained now as in the past.

I think this is unrealistic. I have stated time and time again that Arab leaders should confer directly with the leaders of Israel, and that failure to recognize their existence is to base a policy upon myth rather than reality. When myth predominates in foreign policy, it almost always brings about dangerous conditions in international affairs and this is the situation facing the world today in the Middle East.

I think it is of the utmost importance

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that the great powers cooperate as closely as possible in finding some way to quiet down the continuing crisis of the Middle East. I do not believe that we and the other powers should seek to impose a solution entirely against the will of either of the parties, but I do believe that cooperation between the great countries with interests in the area can do much to bring about a solution.

In that connection, I was amazed and disappointed to learn of the actions of the French Government in making jet fighters available to Libya, more or less behind the back of the United States. I do not believe this action represents a good-faith attitude on the part of the French toward either the United States or the citizens on both sides of the Middle East conflict.

Recently, our Government has attempted to assume an even-handed approach toward both the Israelis and the Arabs. Actions such as that of France make our position almost untenable, for it threatens the balance of power which is the basis for what little stability there is in the area.

On Sunday, January 25, President Nixon took a stand behind Israel as one of our friends in the Middle East. In light of the French action in making additional armaments available to one side, the President could not have done otherwise. The President pointed out that our Nation does not intend to negotiate or impose the terms of peace, but that we do have interests in seeing that a durable and fair settlement is reached. We also have an interest in seeing that we are not brought directly into the conflict and I am sure this is the President's overriding concern. Certainly it should be for I am absolutely convinced that we cannot afford to be drawn into this conflict directly on the side of either party.

JUDGE CARSWELL SHOULD NOT TAKE A SEAT ON THE SUPREME COURT

Mr. PROXMIRE. Mr. President, soon this body will be faced with a momentous vote—a vote that may well have a profound influence on the direction of Supreme Court decisionmaking for years to come. Within the next few weeks we will decide whether President Nixon's latest Supreme Court nominee, Judge George Harrold Carswell, will follow in the footsteps of the last Nixon nominee, Judge Clement Haynsworth, or will take a seat on the Nation's highest judicial tribunal.

In my view it is not enough for a Supreme Court Justice to have no strikes against him. He must have a positive record of distinction. He must be among the very top in the legal profession. He must have demonstrably high intellect and understanding. Does Judge Carswell measure up?

What do we know of Judge Carswell? We know that he made a blatantly racist speech in seeking public office back in 1948—and lost the election. We know that when the Republicans took office in 1953 Judge Carswell, who was a Democrat for Eisenhower in 1952 and whose father-in-law was a major contributor to the Republican Party, became a U.S. district attorney in Tallahassee. We know that in 1958, after his change in party from Democratic to Republican, Judge Carswell was named to a district judgeship. And, finally, we know that President Nixon elevated Judge Carswell to the Fifth Circuit Court of Appeals last June—perhaps with the knowledge that by so doing he was strengthening Mr. Carswell's credentials for an appointment to the Supreme Court.

Judge Carswell's credentials, then, are distinguished by their mediocrity. They show the heights which an average intellect can reach by riding the coattails of political favoritism. For Judge Carswell owes everything he has achieved as a lawyer and judge to the Republican Party. This is not to condemn Judge Carswell. Surely party affiliation does play a part in the selection of Federal judges. However these facts should give us pause for reflection when we are considering Judge Carswell's appointment to the Supreme Court. They should alert us to the need for taking a particular careful look at Judge Carswell's performance on the Federal bench.

The most intense interest has, naturally, focused on Judge Carswell's civil rights opinions. Have his views really changed since that 1948 speech? This has been the most controversial area of legal conflict within his jurisdiction if not within the United States generally. It is an area that will receive continuing scrutiny by the Supreme Court, whose opinions over the next few years may well determine the quality of life in this country for black and white alike.

Regretfully Judge Carswell's civil rights record has been less than distinguished. It is true that he has not given expression to the racist doctrine he espoused when running for public office in 1948. But of four Carswell civil rights cases appealed to the fifth circuit when he was a district judge, three were reversed. I believe it is fair to question a judge's skill in interpreting the law when he is reversed by a higher court in more than 50 percent of his cases.

Perhaps an even more disturbing phenomenon, however, because it goes beyond interpreting the law, has been Judge Carswell's habit of delaying civil rights litigation as long as possible. For example in Steele against Leon County Board of Education, a school desegregation case, plaintiff filed a motion for further relief on May 7, 1964. On May 26, Judge Carswell sustained defendant's objections to the raising of questions looking into teacher segregation. No further hearings were ordered before school opened. On January 20, 1965, the school was found to be in compliance with certain 1963 orders. In February of 1965, plaintiffs filed a further motion for hearings. After a series of legal maneuverings the court reaffirmed a denial of plaintiff's motion for further relief. Finally, on January 18, 1967, the circuit court remanded the case for further consideration in light of its decision in U.S. against Jefferson County Board of Education—tantamount to a reversal. Finally, after almost 3 years, the Carswell court granted the relief sought. This dilatory behavior in civil rights cases, where justice delayed is certainly justice denied—in this instance for 3 school years—casts serious doubt upon Judge Carswell's judicial temperament.

In a study done as a Yale Ph. D. dissertation in 1966 by Mary Hannah Curzan, Judge Carswell was found to be one of a group of 10 southern judges whose civil rights decisions merited them the segregationist label. This label was applied, by the way, to only one-third of the southern judges whose civil rights decisions were analyzed.

Finally there is the 1948 speech which received so much attention. It is good that Judge Carswell has repudiated that speech. But his admission that the speech, at least in part, was an opportunistic effort to combat the campaign rhetoric of a more conservative opponent should make us ask ourselves whether Judge Carswell does, indeed, have the judicial temperament. I, for one, believe that a man's ways of thought and action are pretty well fixed by the age of 28.

There are other indications that Judge Carswell's career has lacked distinction. His opinions have been characterized as reading like plumbers' manuals. They are short and mechanical. When asked by the Justice Department for a list of his legal articles, he responded that he had written none. He has shown a predilection for dismissing cases without considering them on the merits. Since 1968, higher courts have reversed him five times for not having evidentiary hearings on such cases.

Mr. President, the Supreme Court is a coequal branch of the Government. The nine men that serve on the Court are considered to be as important to the well-being of our Nation as the 535 Members of Congress—as important as the executive branch with its hundreds of thousands of employees. The Court can overrule the President and the legislature. It is the final repository of knowledge when it comes to interpreting the Constitution of the United States.

For all of these reasons, and because the members of the Court do not serve at the pleasure of the voters or the party in power, we must set exacting standards for Supreme Court nominees. We must make sure they are men not only of the highest moral fiber, but of the highest intelligence. The nominee we consider this month may play a part in setting the tone of the Court's decisions for the next 25 years.

Today, more than ever before, we need men of distinction on the Supreme Court. We need men of great intelligence and vision. In a changing world we need men with flexible minds—men who can acclimate themselves to changes within society—men who look to the future as well as the past. Last week President Nixon said in his state of the Union address:

> In times past, our forefathers had the vision but not the means . . . let it not be recorded that we were the first generation that had the means but not the vision.

I have regretfully come to the conclusion that Judge Carswell does not have the means or the vision to serve effectively on the Supreme Court. Thus, I must oppose his nomination. I will vote

against Judge Carswell for the Supreme Court because Supreme Court appointees should meet a standard of excellence. And Carswell does not. I could forgive a Supreme Court nominee for past errors or indiscretions, but for a record of unbroken mediocrity I cannot.

THE PRESIDENT'S VETO OF THE LABOR-HEW APPROPRIATION BILL

Mr. HANSEN. Mr. President, during the next 24 hours we will be hearing a lot of plaintive noise about education. Those who want to override President Nixon's veto of the Labor-HEW appropriation bill will claim that it destroys our last great chance to educate America's youngsters.

This is the sheerest nonsense.

What this particular bill does is to provide an extra $200 million a month to perpetuate and increase waste in our educational system. Worse than that, it will actually force waste on our educators.

The extra billion dollars contained in this appropriation bill carries with it a mandatory feature. It has to be spent. The administration has no choice but to dole it out—immediately. It has to be spent within the next 5 months.

I plan to vote to sustain the President's veto. Had this situation arisen back in July or August of last year, my decision would have been a great deal tougher than it is now. Six or seven months ago, it is entirely possible that this extra billion dollars could have been spent usefully during this school year. School officials would have had time to develop sound and workable plans for spending it. There would have been time to review those plans and to assess them properly and to gage with some hope of accuracy their effects on the total education needs of the community.

As it is now, that billion-dollar bonanza will have to be spent hurriedly and without proper planning There will be no time for assessment. No time for review. The theme will be to spend, and spend in a hurry.

As to the allegation by some school officials that they had been planning on this money and that they will now have to cut back without it, that, too, is sheer nonsense.

The only school funds these officials could count on in their planning for the school year 1969–70 were the funds provided in the budget. This extra billion dollars was added long after the school year had begun, long after planning had been completed.

What this extra billion amounts to for the educators is a windfall that they can hurry out and spend. We will witness a spending spree that will pump an extra $200 million a month into our education economy. Not much of it will ever teach one child how to read better, how to write better, or how to prepare himself better to meet life in these United States.

I ask unanimous consent that two articles dealing with this subject be printed in the RECORD.

XUM

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the New York Times, Jan. 27, 1970]

IN THE NATION: THE EDUCATION BOONDOGGLE

(By Tom Wicker)

WASHINGTON, January 26.—"I am afraid," said a Democratic head-counter recently, "that we have enough votes to override."

He was referring, naturally, to the H.E.W. appropriations bill, which President Nixon has decided to veto; and he meant that it looked to him as if the Democratic Congress could and would pass it even over the veto. The question was whether or not it would be good politics to do so.

The measure contains $1.3 billion more than Mr. Nixon had asked for; hence, he has labeled it inflationary. This is a peculiarly Nixonian way of looking at it, because the same Congress that added the $1.3 billion reduced all the fiscal 1970 appropriations bills by a net of about $5.6 billion, including a cut of more than $5 billion in the Pentagon appropriation.

It is not yet clear what will happen on the revenue side of the budget, although the Administration still is shooting for a surplus. The $1.3 billion in additional education funds conceivably could result in a small deficit over-all, but not many economists would maintain that a billion dollars either way will have a $200-billion budget and a trillion-dollar economy.

Given Mr. Nixon's dominance of the airwaves, however, and the obvious public concern over high prices, high interest rates and high taxes, the Democrats may have a hard time convincing anyone other than the so-called education lobby and the convinced liberals, that they, and not the President, are acting responsibly.

PROBLEM FOR DEMOCRATS

About all the Democrats can do is to make their usual claim that they care more about social issues than the Republicans do. But not only is there no Democratic leader as imposing as a President to make the claim; there also is some question whether that kind of thing wins as many votes as it once did. There is the likelihood, too, that to the extent Mr. Nixon is persuasive in calling the H.E.W. bill inflationary, even some supporters of education expenditures may conclude that this is a time to cut back.

One particular aspect of the measure illustrates best the political fraudulence on both sides of the argument. This is the $600 million included in the Democratic bill for the program ungrammatically called "impacted aid"—that is, Federal assistance to certain school districts to help them bear the impact of the children of Federal employes on their educational costs.

Every President since Dwight Eisenhower has recognized this as what H.E.W. Secretary Robert Finch recently called a "direct boondoggle," but nothing has been done because it benefits without any restriction 375 of the 435 Congressional districts—including some of the wealthiest areas of the country. Montgomery County, Md., a Washington suburb, got $5.8 million from this program last year, although its median household income is almost twice the national average.

Mr. Nixon asked in his budget for only $202 million for impact-aid. By holding the appropriation for it to something like that figure, the Democratic Congress could have reduced by about a third the overage that Mr. Nixon objects to as inflationary. That would have weakened the case for a veto and protected the more vital programs covered by the bill.

Mr. Nixon's agents are now busily assuring members of Congress that if they vote to sustain the veto of the whole appropriation, the President will consent to a separate bill that would continue the impact-aid pork barrel at a level above $400 million.

RIDICULOUS IS THE WORD

The whole thing is a ridiculous way to do business with anything so important—and at the moment so beset with difficulties—as the American education system. It is ridiculous that seven months into the fiscal year, when it is already time to start work on next year's appropriation, this one has not yet been made. It is ridiculous that the most heavily burdened political office in the world does not have the right of item veto. It is ridiculous that the greatest nation in history finances its highest purposes piecemeal and without any real comparison of the values involved. (Who is vetoing the SST? And who votes $600 million for the impact-aid boondoggle and only $717 million for elementary and secondary schools?)

And the most ridiculous thing of all is that the public that suffers insists so little on sensible change.

[From the Washington (D.C.) Post, Jan. 27, 1970]

HILL DEBATE OVER VETO SHOULD FOCUS ON HEW BILL'S WASTEFUL DEFECTS

(By Frank Mankiewicz and Tom Braden)

It will be unfortunate if the debate over President Nixon's veto of the Health, Education and Welfare appropriation turns only on the issue of inflation. High HEW officials are anxious that the occasion be used to strike a major blow at what is wrong with our schools.

The President's veto is courageous, since it pits him against one of the nation's most powerful lobbies, and is risking the chance that he will be called "anti-education" by his own Silent Majority. But it will be even more courageous if Mr. Nixon chooses to tell the truth about this bill, which is that like much of the money we spend on education, it allocates resources to the wrong places and does little or nothing for our children, the quality of whose education seems to deteriorate in direct proportion to the money spent on it.

The HEW bill, asking for one billion more educational dollars than the President budgeted, is only part of what the government spends on education, but it reflects What is wrong with the whole.

$400 million extra goes to so-called "impacted areas." These are school districts with a high percentage of federal employees. But only those who actually live on federal land penalize the local schools (they don't pay property taxes)—and they are too few to justify the windfall.

Thus in Fairfax County, Virginia, a booming Washington bedroom community, $229,000 will go to school districts in lieu of taxes for federal employees who live on federal installations. But more than $10 million will be paid for "off base" children, whose parents own property, pay taxes and contribute to the general business expansion.

A truly scandalous increase is $200 million in funds for vocational education. A sounder move would have been to strike out the more than $200 million already in the bill.

The vocational education program is the most entrenched of the school lobbies, dating back to the early years of the century, and consists largely of the purchase of shop equipment and the training of students for long-vanished jobs.

The increase in Title I funds is at least arguable, but even here, the President has sound reasons for a veto based on educational grounds. Title I money is supposed to be spent on the direct benefit of poor children. But in the South as well as the North, educational administrators have swindled the Congress and the taxpayers by withholding from these children ordinary expenditures that would otherwise be made. The result is that poor children get Title I money, middle class children in the same districts get the major share of funds raised by local taxes, and the only beneficiary is the property taxpayer.

Finally, liberals hot to override the Nixon veto will have to answer the argument that these extra funds are for the fiscal year that ends July 1. Thus they would have to be spent in three or four months. It is in order to prevent the inevitable mountain of slide projectors and band uniforms, that HEW officials support the veto and ask for an orderly study of how these funds could be profitably spent over twelve months instead.

But a measure of the pressures at work lies in a little-noticed cut put through by Congressmen who fear being savaged by the education complex. HEW has asked for $25 million, to test whether intelligent people who knew their subject could teach their subject, without having to go through the dreary years of teacher education This picks at the iron lock held by teachers colleges on the profession. The appropriation went out—fast.

The extra education money, in short, reinforces existing inadequacies in public education, fattens needless programs to appease powerful lobbies, acts as a bonanza to upper middle-class property taxpayers, and will be sold somehow as an "investment in America" by the people who otherwise think it wrong to waste public funds.

EXECUTIVE COMMUNICATIONS, ETC.

The PRESIDENT pro tempore laid before the Senate the following letters, which were referred as indicated:

Report on School Assistance in Federally Affected Areas

A letter from the Secretary of Health, Education, and Welfare, transmitting, pursuant to law, a report of the Battelle Memorial Institute on School Assistance in Federally Affected Areas, A Study of Public Laws 81–874 and 81–815, to Office of Education, Department of Health, Education, and Welfare, dated December 1969 (with an accompanying report); to the Committee on Appropriations.

Reported Violation of Section 3679, Revised Statutes, as Amended

A letter from the Administrator, Office of the Administrator of Veterans' Affairs, Veterans' Administration, reporting, pursuant to law, a violation of section 3679 of the Revised Statutes, as amended, involving Appropriation 3690160, Medical Care, VA, for fiscal year 1969, in the amount of $616.52, occurred on June 30, 1969; to the Committee on Appropriations.

Report of Final Conclusion of Judicial Proceedings in the Stillaguamish Tribe of Indians v. the United States, Before the Indians Claims Commission

A letter from the Chairman, Indian Claims Commission, transmitting, pursuant to law, a report of final judgment and additional findings of fact regarding Docket No. 207, The Stillaguamish Tribe of Indians, Plaintiff, v. The United States of America, Defendant, before the Indian Claims Commission (with an accompanying report); to the Committee on Appropriations.

Report on Operations of the Selective Service

A letter from the Director, National Headquarters, Selective Service System, transmitting, pursuant to law, the fourth semiannual report of operations of selective service during the period from January 1, 1969, to June 30, 1969 (with an accompanying report); to the Committee on Armed Services

Proposed Legislation Broadening the Authority of the Secretaries of the Military Departments To Settle Certain Admiralty Claims Administratively

A letter from the Acting Secretary of the Navy, transmitting a draft of proposed legislation to amend title 10, United States Code, to broaden the authority of the Secretaries of the military departments to settle certain admiralty claims administratively, and for other purposes (with accompanying papers); to the Committee on Armed Services.

Report of Officers Assigned or Detailed to Permanent Duty in the Executive Part of the Department of the Air Force at the Seat of Government

A letter from the Office of the Secretary, Department of the Air Force, reporting, pursuant to law, on officers assigned or detailed to permanent duty in the executive part of the Department of the Air Force at the seat of government, as of December 31, 1969; to the Committee on Armed Services.

Report on Disposal of Foreign Excess Property

A letter from the Deputy Administrator, Office of the Administrator of Veterans' Affairs, Veterans' Administration, transmitting, pursuant to law, a report on the activities of the Veterans' Administration in the disposal of foreign excess property, covering the period January 1, 1969, through December 31, 1969 (with an accompanying report); to the Committee on Government Operations.

Financial Report of Agricultural Hall of Fame

A letter from the Assistant Secretary, the Agricultural Hall of Fame and National Center, transmitting, pursuant to law, the annual audit and report to the Board of Governors for fiscal year 1967, through August 31, 1968, dated August 31, 1969 (with an accompanying report); to the Committee on the Judiciary.

Report on Activities in Certain Countries Relating to Applications for Conditional Entry

A letter from the Commissioner, U.S. Department of Justice, Immigration and Naturalization Service, transmitting, pursuant to law, a report of activities in certain countries relating to applications for conditional entry, for the period July 1, 1969, and December 31, 1969 (with an accompanying report); to the Committee on the Judiciary.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Hackney, one of its reading clerks, announced that the House had passed a joint resolution (H.J. Res. 1051) designating the week commencing February 1, 1970, as International Clergy Week in the United States, and for other purposes, in which it requested the concurrence of the Senate.

PETITIONS AND MEMORIALS

Petitions, etc., were laid before the Senate, or presented, and referred as indicated:

By the PRESIDENT pro tempore:

A letter, in the nature of a petition, from H. M. Davis, of Richmond, Va., praying for the confirmation of the nomination of G. Harrold Carswell as Associate Justice of the Supreme Court; to the Committee on the Judiciary.

A letter, in the nature of a petition, from Delores Feltmann, Des Plaines, Ill., praying for the enactment of legislation abolishing the practice of soring horses; to the Committee on Commerce.

NINETEENTH ANNUAL REPORT OF THE ACTIVITIES OF THE JOINT COMMITTEE ON DEFENSE PRODUCTION (S. REPT. NO. 91–636)

Mr. SPARKMAN. Mr. President, from the Joint Committee on Defense Production, I submit the 19th Annual Report of the Joint Committee on Defense Production and ask unanimous consent that printing of the same be held in abeyance for a few days until the Senate can act upon a resolution authorizing additional copies of the report.

The PRESIDING OFFICER. The report will be received, and, without objection, will be held in abeyance.

Mr. SPARKMAN. The Joint Committee on Defense Production, of which I am chairman, today issues its 19th annual report on our Nation's preparedness for future emergencies.

A nation never can be fully prepared for an extreme emergency, such as nuclear war—in our case brought on by attack by a foreign power—but let me say we have made great strides in the United States in the last 19 years to fortify our security against such a threat.

At the same time, we have continued to prosper economically and living standards for most Americans have continued to grow better and better. Even the social and economic problems that beset us today, have not dampened the overall picture appreciably.

You do not hear much about it, but national preparedness is a dramatic, never-ending job. We must continue to plan all the time for the future defense of our people and our democratic institutions.

As you know, this program of preparedness is being directed by the Office of Emergency Preparedness, with the cooperation of a number of Federal departments and agencies. We have a peacetime apparatus which could quickly be accelerated and expanded for use in some future emergency.

The Joint Committee on Defense Production keeps these activities of the Federal Government under constant study and review.

Suffice it to say that the current preparedness program is geared to conserve and coordinate all of our resources, human and material, to safeguard the Nation against almost anything that might happen in the future.

You might call it our peacetime blueprint for national survival.

When the present conflict in Vietnam is ended, we all look forward, hopefully, to a millennium of peace. However, in this world we must always remain ready for any eventuality and it is encouraging to know that we have at our command, among other things, the greatest stockpile of strategic and critical materials in history.

The stockpile is a crucial component of the overall preparedness program. All of these strategic materials—ranging from copper, aluminum, and titanium to rubber and quinine—are urgently needed to maintain our position as the strongest country in the world—to keep us safe and sound.

What Fort Knox is to the U.S. Treasury, the stockpile is to our national security.

Let me inject a financial comment here which should please every American. Our stockpiled materials in all Government inventories today are worth an estimated $6,966,890,200, or close to $7 billion. This is $284,694,700, or almost $300,000,000 more than they cost the taxpayers. This is one Government program that is clearly showing a profit.

However, though the national stockpile is presently in good shape, let me add that a major war or sudden cutoff of needed foreign materials could raise serious problems in the future. The United States is self-sufficient in only three of the 76 items in the stockpile—magnesium, molybdenum, and vanadium.

Of the remaining 73 items, we are almost totally dependent upon foreign sources for a third. Of 23 strategic minerals and metals which we get chiefly from abroad, five are now in short supply, or do not measure up to the objective of the stockpile.

They are mica, nickel, metallurgical fluorspar, copper, and rutile. Rutile is the ore from which we get titanium, a light, durable metal, highly suitable for ultra-high-speed aircraft, such as the SST. We now have roughly 51,000 short tons of rutile—almost all of it imported from Australia—in the stockpile, whereas our objective is 200,000 short tons.

Other metals in tight supply include cadmium—partly supplied by Soviet Russia and used for electroplating, and so forth—nickel, and platinum.

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The National Academy of Sciences, an excellent authority, recently reported that our domestic mineral production, as a percentage of the gross national product, has fallen off steadily from about 4 percent a decade ago to a present level of about 3 percent, while during the same period the increase in the net value of mineral imports over exports has tripled.

The National Academy further declared:

> Looking ahead to the figure, there is a general agreement that world population, now over 3 billion, is likely to double within the next 30 to 40 years. A population increase of this magnitude will make incalculable increases in worldwide demand for minerals.
>
> At the same time, superimposed on population growth are worldwide demands for higher standards of living, which can be realized only through greatly increased per capita consumption of minerals. If the United States is already using about one-quarter of the present world mineral production, how will it continue to maintain its supplies in future years, and how can the billions of other people hope to have even a modest standard of living?

So it will not be easy to keep the stockpile adequately supplied with strategic minerals if we are using one-fourth of the present world production, and demands from the rest of the world are increasing. This is all the more reason why we should redouble our efforts to expand imports as well as mining and exploratory activities.

This exploratory work may be helped by the first ERTS satellite—meaning Earth Resources Technology Satellite—which will be launched into space late in 1971 or early 1972. Our report reveals that this satellite will play a significant role in the constant search for mineral raw materials and other natural resources—a helping hand in space in future years for our inventory of strategic and critical materials.

Just a word about how American industry is being aided under the preparedness program. Surplus stocks of strategic items are sold whenever possible from the national stockpile when there is a need in the commercial market. For example, over $63 million worth of aluminimum was sold during the fiscal year 1969 from the national stockpile and the Defense Production Act inventory.

While large corporations continue to receive the major share of defense contracts, our report shows that small business firms received $6.5 billion in prime military contracts in fiscal year 1969, or 17.5 percent of all contracts awarded.

In conclusion, the mobilization of our resources has never been a popular subject, because it means preparing for a rainy day and because it is incompatible with American ideals of peace and prosperity. But it is our best insurance for survival, both defensively and economically, in this everchanging and troubled world.

It has been neglected in the past, but every American who wants a decent life for his children and grandchildren knows there is no future for any nation any longer that is not amply prepared to meet the storm clouds of emergency.

SENATE RESOLUTION 324—RESOLUTION REPORTED AUTHORIZING ADDITIONAL EXPENDITURES BY THE COMMITTEE ON COMMERCE FOR INQUIRIES AND INVESTIGATIONS

Mr. **MAGNUSON**, from the Committee on Commerce, reported the following original resolution (S. Res. 324); which was referred to the Committee on Rules and Administration:

S. Res. 324

Resolved, That the Committee on Commerce, or any duly authorized subcommittee thereof, is authorized under sections 134(a) and 136 of the Legislative Reorganization Act of 1946, as amended, and in accordance with its jurisdictions specified by rule XXV of the Standing Rules of the Senate, to examine, investigate, and make a complete study of any and all matters pertaining to—

(1) interstate commerce generally, including consumer and environmental protection;

(2) foreign commerce generally:

(3) transportation generally:

(4) maritime matters;

(5) interoceanic canals;

(6) domestic surface transportation, including pipelines and highway safety;

(7) communications, including a complete review of national and international telecommunications and the use of communications satellites;

(8) Federal power matters;

(9) civil aeronautics;

(10) fisheries and wildlife;

(11) marine sciences; and

(12) weather services and modification, including the use of weather satellites.

Sec. 2. For the purposes of this resolution the committee, from February 1, 1970, to January 31, 1971, inclusive, is authorized (1) to make such expenditures as it deems advisable; (2) to employ, upon a temporary basis, technical, clerical, and other assistants and consultants: *Provided*, That the minority is authorized to select one person for appointment, and the person so selected shall be appointed and his compensation shall be so fixed that his gross rate shall not be less by more than $2,700 than the highest gross rate paid to any other employee; and (3) with the prior consent of the heads of the departments or agencies concerned, and the Committee on Rules and Administration, to utilize the reimbursable services, information, facilities, and personnel of any of the departments or agencies of the Government.

Sec. 3. The committee shall report its findings, together with its recommendations for legislation as it deems advisable, to the Senate at the earliest practicable date, but not later than January 31, 1971.

Sec. 4. Expenses of the committee, under this resolution, which shall not exceed $759,000, shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee.

SENATE RESOLUTION 325—RESOLUTION REPORTED AUTHORIZING ADDITIONAL EXPENDITURES BY THE COMMITTEE ON THE DISTRICT OF COLUMBIA FOR INQUIRIES AND INVESTIGATIONS

Mr. **TYDINGS**, from the Committee on the District of Columbia, reported the following original resolution (S. Res. 325); which was referred to the Committee on Rules and Administration:

S. Res. 325

Resolved, That the Committee on the District of Columbia, or any duly authorized subcommittee thereof, is authorized under section 134(a) and 136 of the Legislative Reorganization Act of 1946, as amended, and in accordance with its jurisdictions specified by rule XXV of the Standing Rules of the Senate, to examine, investigate, and make a complete study of any and all matters pertaining to the District of Columbia.

Sec. 2. For the purpose of this resolution the committee from February 1, 1970, to January 31, 1971, inclusive, is authorized (1) to make such expenditures as it deems advisable; (2) to employ upon a temporary basis technical, clerical, and other assistants and consultants: *Provided*, That the minority is authorized to select one person for appointment, and the person so selected shall be appointed and his compensation shall be so fixed that his gross rate shall not be less by more than $2,700 than the highest rate paid to any other employee; and (3) with the prior consent of the heads of the departments or agencies concerned, and the Committee on Rules and Administration, to utilize the reimbursable services, information, facilities, and personnel of any of the departments or agencies of the Government.

Sec. 3. The committee shall report its findings, together with its recommendations, to the Senate at the earliest practicable date, but not later than January 31, 1971.

Sec. 4. Expenses of the committee, under this resolution, which shall not exceed $133,100 shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee.

REPORT OF A COMMITTEE

The following report of a committee was submitted:

By Mr. **HOLLAND**, from the Committee on Agriculture and Forestry, with amendments:

S. 1862. A bill to amend section 8c(6)(I) of the Agricultural Marketing Agreement Act of 1937 to permit projects for paid advertising under marketing orders applicable to tomatoes (Rept. No. 91–637).

BILLS AND JOINT RESOLUTIONS INTRODUCED

Bills and joint resolutions were introduced, read the first time and, by unanimous consent, the second time, and referred as follows:

By Mr. TALMADGE (for himself and Mr. Cranston):

S. 3341. A bill to amend title 38, United States Code, to increase the rates of compensation for disabled veterans, and for other purposes; to the Committee on Finance.

(The remarks of Mr. Talmadge when he introduced the bill appear later in the Record under the appropriate heading.)

By Mr. FANNIN:

S. 3342. A bill for the relief of David L. Kennison; to the Committee on the Judiciary.

By Mr. HART:

S. 3343. A bill for the relief of Soledad R. Isturis; to the Committee on the Judiciary.

By Mr. DODD:

S. 3344. A bill for the relief of Attilio Vincenzo Motta; to the Committee on the Judiciary.

By Mr. BOGGS:

S. 3345. A bill for the relief of Mr. and Mrs. Donald Ashworth; to the Committee on Banking and Currency.

By Mr. HARRIS:

S. 3346. A bill for the relief of Miss Sima Jatala; to the Committee on the Judiciary.

S. 3341—INTRODUCTION OF A BILL INCREASING THE RATES OF COMPENSATION FOR DISABLED VETERANS

Mr. TALMADGE. Mr. President, in recent years it has been fashionable for various interest groups to demand that the Government do more for them.

Therefore, it is a refreshing experience for me to introduce legislation for a group of American citizens which makes no demands—but which deserves more than the Government is giving them. The group to which I refer is the disabled American veterans.

I am introducing today on behalf of myself and the distinguished chairman of the Veterans' Affairs Subcommittee of the Labor and Public Welfare Committee, Senator Cranston, a bill to increase compensation payments to veterans whose disability is related to their military service.

Of course, there is no way to adequately compensate a veteran who has lost a limb or an eye, or a veteran who has suffered irreparable psychological damage in the service of his country. The Congress has never sought to repay the disabled American veteran for the pain and suffering, physical and mental, which a disability oftentimes brings. Who can place a price tag on the value of one's eyesight? Who can attach a dollar value to a man's ability to be a working, productive member of society?

The compensation payments for disabled veterans have never done more than a bare minimum. The purpose is to compensate the veteran for the average economic loss resulting from the disease or injury sustained during his military service. Thus, compensation payments are based not on need, but on the degree of disability of the veterans. I wish to emphasize that the compensation payments are based only on the average economic loss resulting from the disability. While disability payments might, in a few cases, be higher than the disabled person would ever earn, the loss of a hand, for example, would hardly be compensated by the payments available to a man who would have enjoyed a prosperous career as a dentist.

Since disability compensation payments can never be more than a bare minimum under the standards we now use, I feel that it is the duty of the Congress to at least insure that we are truly compensating our veterans for their average economic loss resulting from the disease or injury.

Unfortunately, I am not convinced that our present method of computing compensation payments actually reflects the average economic loss suffered by a veteran as a result of his disability. The Veterans' Administration is currently undertaking an intensive study to determine whether the compensation payments in the law are a true measure of average economic loss.

Also, the VA is looking into the question of compensation for losses or impairments that cannot be expressed in economic terms.

The results of this study are not expected until 1971. I believe that the Congress should act to increase compensation payments this year. Consideration of legislation to improve the disability compensation program will receive top priority from the Finance Committee's Subcommittee on Veterans' Legislation this year.

Two years ago, when the disability compensation program last received congressional review, the monthly payment to a totally disabled veteran was increased to $400.

At that time, $400 represented an amount equal to the average aftertax earnings of the 46 million production workers in the private sector.

It was sound policy to choose this as the basis for determining the average economic loss suffered by a totally disabled veteran.

The bill I am introducing today would increase the monthly payment to the totally disabled from $400 to $450 effective this July. This amount would continue the congressional policy, established 2 years ago, of linking monthly payments to veterans rated 100 percent disabled to an objective index representing the veteran's economic loss.

I await with great interest the results of the Veterans' Administration study. We will learn much about the adequacy of the disability rating schedule under present law. It may well turn out that an adjustment will have to be made in that schedule.

Until we have information based on this study, however, we must also act to increase monthly payments to veterans rated at 10 to 90 percent disabled. In the past, compensation payments for veterans rated less than totally disabled have been increased only by amounts representing increases in the cost of living.

In my opinion, this is not appropriate in a program designed to compensate veterans for the loss in earnings they suffer due to a service-connected disability. My bill incorporates an increase for veterans less than totally disabled which is based on the increase that has taken place in earnings since the present compensation rates were set by law in January 1969.

These represent a larger increase than the increase in the cost of living that has taken place since then, and this is only appropriate in view of the fact that the veteran's disability has limited his earning capacity.

Under present law, an allowance is provided for the dependents of veterans whose disability is rated at 50 percent or higher. These allowances have not been increased since 1965. The bill I am introducing today would increase these allowances by the same percentage as the increase in the bill for the veterans who are less than totally disabled.

The final provision of the bill I am introducing, Mr. President, relates to veterans who were prisoners of war for at least 6 months. Because of the conditions they suffered and the kinds of long-range harm that may have been caused, it is sometimes difficult for a former prisoner of war to establish many years after his military service that a disability or the aggravation of a previous disability is related to his military service. I believe that the veterans should be given the benefit of the doubt in such cases. The burden of proof in such cases should not rest on the veteran to show that his disability is service connected. Instead, it should be presumed to relate to his military service unless the Veterans' Administration can show by clear and convincing evidence that the disability is not service related.

Mr. President, it is my hope that the Subcommittee on Veterans' Legislation will take early action on measures to improve the disability compensation program. I ask unanimous consent that a table comparing compensation payments under present law and under my bill, as well as the text of the bill itself be printed at this point in the Record.

The **PRESIDING OFFICER.** The bill will be received and appropriately referred; and, without objection, the bill and table will be printed in the Record.

The bill (S. 3341) to amend title 38, United States Code, to increase the rates of compensation for disabled veterans, and for other purposes, introduced by Mr. Talmadge, for himself and Mr. Cranston, was received, read twice by its title, referred to the Committee on Finance, and ordered to be printed in the Record, as follows:

S. 3341

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 314 of title 38, United States Code, is amended—

(1) by striking out "$23" in subsection (a) and inserting in lieu thereof "$25";

(2) by striking out "$43" in subsection (b) and inserting in lieu thereof "$48";

(3) by striking out "$65" in subsection (c) and inserting in lieu thereof "$72";

(4) by striking out "$89" in subsection (d) and inserting in lieu thereof "$99";

(5) by striking out "$122" in subsection (e) and inserting in lieu thereof "$135";

(6) by striking out "$147" in subsection (f) and inserting in lieu thereof "$163";

(7) by striking out "$174" in subsection (g) and inserting in lieu thereof "$193";

(8) by striking out "$201" in subsection (h) and inserting in lieu thereof "$223";

(9) by striking out "$226" in subsection (i) and inserting in lieu thereof "$250";

(10) by striking out "$400" in subsection (j) and inserting in lieu thereof "$450";

(11) by striking out "$500" and "$700" in subsection (k) and inserting in lieu thereof "$550" and "$750", respectively.

(12) by striking out "$500" in subsection (l) and inserting in lieu thereof "$550";

(13) by striking out "$550" in subsection (m) and inserting in lieu thereof "$600";

(14) by striking out "$625" in subsection (n) and inserting in lieu thereof "$675";

(15) by striking out "$700" in subsections (o) and (p) and inserting in lieu thereof "$750"; and

(16) by striking out "$450" in subsection (s) and inserting in lieu thereof "$500".

(b) The Administrator of Veterans' Affairs may adjust administratively, consistent with the increases authorized by this section, the rates of disability compensation payable to persons within the purview of section 10 of Public Law 85-857 who are not in receipt of compensation payable pursuant to chapter 11 of title 38, United States Code.

(c) The increase in rates of disability compensation made by subsections (a) and (b) of this section shall become effective July 1, 1970.

Sec 2. (a) Section 312 of title 38, United States Code, is amended by striking out "For" at the beginning of such section and inserting in lieu thereof "(a) For"; and by adding a new subsection as follows:

"(b) For the purposes of section 310 of this title, the disability of any veteran of a war or of service after January 31, 1955, shall be deemed to be service-connected if for a period of not less than 180 days during his active military, naval, or air service such veteran (1) was held as a prisoner of war, or (2) while in line of duty was forceably detained or interned by a foreign government or power, unless the Administrator can show by clear and convincing evidence that such disability was not incurred in or aggravated in line of duty by such veteran while serving in the active military, naval, or air service."

(b) The catch line of section 312 of such title is amended to read as follows:

"§ 312. Presumptions relating to certain diseases and disabilities".

(c) The table of sections at the beginning of chapter 11 of such title is amended by striking out

"312. Presumptions relating to certain diseases."

and inserting in lieu thereof the following:

"312. Presumptions relating to certain diseases and disabilities."

The table presented by Mr. TALMADGE, is as follows:

COMPARISON OF COMPENSATION RATES UNDER PRESENT LAW AND UNDER TALMADGE BILL

Disability	Present law	Talmadge bill
(a) Rated at 10 percent	$23	$25
(b) Rated at 20 percent	43	48
(c) Rated at 30 percent	65	72
(d) Rated at 40 percent	89	99
(e) Rated at 50 percent	122	135
(f) Rated at 60 percent	147	163
(g) Rated at 70 percent	174	193
(h) Rated at 80 percent	201	223
(i) Rated at 90 percent	226	250
(j) Rated at total	400	450
Limit for veterans receiving payments under (a) to (j) above	500	550
(l) Anatomical loss or loss of use of both hands, both feet, 1 foot and 1 hand, blindness in both eyes (5/200 visual acuity or less), permanently bedridden or so helpless as to require regular aid and attendance	500	550
(m) Anatomical loss or loss of use of 2 extremities so as to prevent natural elbow or knee action with prosthesis in place, blind in both eyes, rendering veteran so helpless as to require regular aid and attendance	$550	$600
(n) Anatomical loss of 2 extremities so near shoulder or hip as to prevent use of prosthesis, anatomical loss of both eyes	625	675
Limit for veterans receiving payments under (l) to (n) above	700	750
(o) Disability under conditions entitling veteran to 2 or more of the rates provided in (l) through (n), no condition being considered twice in the determination, or total deafness in combination with total blindness (5/200 visual acuity or less)	700	750
(p) If disabilities exceed requirements of any rates prescribed, Administrator of VA may allow next higher rate or an intermediate rate, but in no case may compensation exceed	700	750
(r) If veteran entitled to compensation under (o) or to the maximum rate under (p), and is in need of regular aid and attendance, he shall receive a special allowance of the amount indicated at right for aid and attendance in addition to whatever he is receiving under (o) or (p)	200	300
(s) Disability rated as total, plus additional disability independently ratable at 60 percent or over, or permanently housebound	450	500

DISABILITY COMPENSATION BILL

Mr. CRANSTON. Mr. President, I am pleased to join with the distinguished chairman of the Finance Committee's Subcommittee on Veterans' Legislation in cosponsoring his bill to increase by about 11 percent compensation payments to veterans whose disability is service connected. Senator TALMADGE amply demonstrated his leadership last year in authoring a bill, which recently became law, to make needed improvements and increases in the program of monthly payments to widows and orphans of servicemen and veterans whose death was related to their military service. Another bill he introduced, which passed the Senate and is now pending before the House Veterans' Affairs Committee, would increase the amount of servicemen's group life insurance. It was my privilege to cosponsor those bills with him.

Mr. President, the clearest need in the disability compensation program today is for an increase in the amount of monthly payments to veterans with service-connected disabilities. I strongly support the policy, incorporated in the bill, of linking the increase in these payments to increases in average earnings. This essential feature of the bill which I am cosponsoring represents a long overdue recognition that these payments represent compensation for economic loss. Clearly, economic loss should be measured in terms of earnings rather than substance; thus, increases in compensation should be related to earnings rises rather than to increases in the cost of living.

Some time ago, the Subcommittee on Veterans' Affairs of the Committee on Labor and Public Welfare, which I am privileged to serve as chairman, reported a bill—S. 1279—giving special recognition to the problems of former prisoners of war. The bill, which passed the Senate as reported on October 21, raised a presumption that the illness or disability of a former prisoner of war is service connected for purposes of receiving VA medical care—unless the Veterans' Administration has clear and convincing evidence that the illness or injury is not service connected. I believe that it is most appropriate that we extend this same policy in the case of disabiilty compensation for former prisoners of war.

Mr. President, I am in full agreement with the distinguished Senator from Georgia (Mr. TALMADGE) that an increase in disability compensation is a legislative item of the highest priority during this session of Congress. It would be my hope that he will be successful in his plans to move expeditiously on the bill.

ADDITIONAL COSPONSORS OF BILLS

S. 2674

Mr. BYRD of West Virginia. Mr. President, on behalf of the Senator from Hawaii (Mr. INOUYE), I ask unanimous consent that, at the next printing, the name of the Senator from Arizona (Mr. GOLDWATER) be added as a cosponsor of S. 2674, to amend title 37, United States Code, to provide for the procurement and retention of judge advocates and law specialist officers for the Armed Forces.

The PRESIDING OFFICER. Without objection, it is so ordered.

S. 3151

Mr. BYRD of West Virginia. Mr. President, at the request of the Senator from Wisconsin (Mr. NELSON), I ask unanimous consent that, at the next printing, the names of the Senator from Indiana (Mr. BAYH), the Senator from California (Mr. CRANSTON), the Senator from Connecticut (Mr. DODD), the Senator from Missouri (Mr. EAGLETON), the Senator from Alaska (Mr. GRAVEL), the Senator from Oklahoma (Mr. HARRIS), the Senator from Michigan (Mr. HART), the Senator from Indiana (Mr. HARTKE), the Senator from Iowa (Mr. HUGHES), the Senator from Hawaii (Mr. INOUYE), the Senator from Washington (Mr. JACKSON), the Senator from Montana (Mr. MANSFIELD), the Senator from Minnesota (Mr. MONDALE), the Senator from Utah (Mr. MOSS), the Senator from Vermont (Mr. PROUTY), the Seantor from Wisconsin (Mr. PROXMIRE), the Senator from New Jersey (Mr. WILLIAMS), the Senator from Ohio (Mr. YOUNG), and the Senator from Massachusetts (Mr. KENNEDY) be added as cosponsors of S. 3151, to authorize the U.S. Commissioner of Education to establish educational programs to encourage understanding of policies and support of activities designed to enhance environmental quality and maintain ecological balance.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE ELEMENTARY AND SECONDARY EDUCATION ACT AMENDMENTS OF 1970—AMENDMENTS

AMENDMENT NO. 460

Mr. GOODELL. Mr. President, on any given day, the corrections component of our criminal justice system is responsible for approximately 1.2 million offenders in prisons, jails, juvenile training schools, and probation and parole organizations.

About 100,000 of these persons are released from confinement each year into a society which has been quite content to keep them out of sight.

Up to 75 percent of these persons again commit serious crimes and return to confinement. Thus, for a great many offenders, corrections do not correct, and this failure is directly and crucially related to the high incidence of street crime in the Nation today.

In an effort to contribute to the solution of this problem the Teacher Corps in 1968 undertook four corrections education programs in the States of New York, Illinois, Connecticut, and Georgia.

The objective of these efforts, briefly stated, was to encourage local school systems to establish and expand specialized programs of teacher training to assist in the rehabilitation of juvenile delinquents and youth offenders in penal institutions and community based correctional facilities.

The Teacher Corps was assisted in the development of these projects by the Joint Commission on Correctional Manpower and Training, the National Council on Crime and Delinquency, and the VERA Institute of Justice.

It successfully demonstrated its ability to initiate effective reforms in an area crucially and clearly related to our national well-being.

Such reforms are now more urgently needed than ever before. Specialized teacher training and curriculum development must be developed for use in correctional institutions, juvenile detention facilities, and community delinquency intervention programs throughout the country.

I submit today on behalf of myself and Mr. NELSON, Mr. BAYH, Mr. BROOKE, Mr. CASE, Mr. HARTKE, Mr. JAVITS, Mr. MONDALE, Mr. RANDOLPH and Mr. SCHWEIKER an amendment intended to be proposed by me to H.R. 514 to provide a 3-year, $24 million authorization to develop such programs. The proposal would amend title VIII of ESEA since the latter contains other provisions relating to the Teacher Corps.

The pilot programs in the field of corrections education carried out successfully by the Teacher Corps have had the following objectives, which would be continued under my amendment.

First. To encourage colleges and universities to establish and expand specialized programs to train education personnel to work with juvenile delinquents, predelinquents, youthful offenders, and other criminal offenders in penal institutions and community corrections facilities.

An interdisciplinary approach to the problems of corrections education, including study in the fields of criminology, sociology, and psychology would be coordinated within our schools of education.

Training would be sufficiently broad to prepare teacher-interns in the specialized area of corrections education and to meet university and State requirements for degree preparation and certification. It is hoped that a permanent curriculum offering at universities throughout the Nation can be developed.

Second. To encourage and assist correctional and penal institutions to provide improved education programs for those placed in their charge, in the hopes of insuring that young offenders reenter society with a better chance to assume normal, productive lives.

Third. To encourage dedicated young people to make education in the corrections field a permanent career choice through the development of such special training and new opportunities for service.

Fourth. To complement the efforts of other Federal, State, and local agencies to provide better education programs for juvenile delinquents and youthful offenders.

During the past year the Teacher Corps has conducted three corrections education programs and one pilot project in the States of New York, Illinois, Connecticut, and Georgia. The Corps was assisted in the development of these projects by the Joint Commission on Correctional Manpower and Training, the National Council on Crime and Delinquency, and the VERA Institute of Justice, as well as several other highly regarded experts in the field.

The first corrections education program began at Rikers Island, N.Y., in August 1968. In September 1969, the highly respected VERA Institute of Justice prepared an evaluation of the project.

It reported that—in terms of the educational accomplishments of the program, and indication of success is provided by the number of juvenile and youth offenders who took and passed the high school equivalency examination. For the year, 31 of 72 who took the examination passed.

This is a good percentage, given the low level of proficiency at which many inmates started and the fact that the Teacher Corps placed no restrictions on which inmates could take the examination.

Further, at least 10 inmate-participants in the school have been placed in college programs for the coming academic year.

In addition to such objective accomplishments of the program, there were less tangible, but equally significant achievements of other kinds. For any rehabilitation program to be successful, it must begin by changing the offender's self-image and gave him an opportunity to see himself as a potentially productive person.

The most exciting thing about the Teacher Corps project was that this kind of attitudinal change seemed to occur in so many of the approximately 190 inmates enrolled in the program during the two sessions from September 1968 to June 1969.

The Teacher Corps interns were successful in establishing rapport with the inmates by showing interest in their ideas and treating them as equals. Classroom discussions involved broad participation and were articulate and sophisticated. Many inmates told us that this was the first educational experience in which they felt that teachers gave them credit for being able to think and contribute worthwhile ideas.

The inmates' enthusiasm is probably a result of several factors. The interns are not too different in age from the inmates and thus shared many values common to young people, which cut across social and economic barriers.

Further, the curriculum included topics that were relevant to the problems of Negroes and Puerto Ricans in an urban environment today. Also, because the ratio of teachers to students was low, about 1 to 6, interns were able to devote a significant amount of time to private tutoring, which allowed inmates to move at their own pace.

This impressive evaluation by the VERA Institute reflects the significant potential of this program.

In the State of Illinois, six interns are teaching and working with predelinquents in a delinquency intervention program in the Carbondale Community High School. Six additional interns are supplementing the education staff of the Pere Marquette Camp for delinquent boys, which is operated by the Illinois Youth Commission.

The project is directed by Mr. Charles Matthews, director of the Center for the Study of Crime, Delinquency, and Corrections at Southern Illinois University. Teacher Corps interns are receiving their professional training at this institution. The superintendent of public instruction for Illinois has approved the training experiences as qualifying requirements for teacher certification.

In Connecticut, 20 members of the Teacher Corps are serving in an education program in the school of the Cheshire Reformatory and in Somers Prison, where they are introducing new curriculums and teaching techniques. While serving at Cheshire, interns are enrolled as graduate students in the Department of Education at the University at Hartford.

The Connecticut Department of Education has established a classification of correctional education specialist, and graduates of the program will be so certified.

In Georgia, seven Teacher Corps interns are teaching basic and vocational education subjects, and providing counseling at the Buford Prison near Atlanta. They are enrolled in a 2-year graduate degree program at the University of Georgia. Buford is a small prison which has been converted to a special education and training institution for 180 young offenders.

Mr. President, in addition to these programs, there are a significant number of correctional education proposals which have been submitted to the Teacher Corps by various organizations and universities in several States. At the present time, Teacher Corps funding for these programs is not available. Although they have not been finally approved for inclusion in the Teacher Corps corrections program, they demonstrate the broad and innovative potential for effective action in the new field of corrections education.

A proposed corrections education program at the University of Southern California would utilize 60 Teacher Corps in-

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terns, 12 teams of five persons each. These interns would be enrolled in a program focused on the causation of delinquency and the particular educational needs and problems of delinquent youth. They would seek to determine when and how the delinquency pattern begins to develop. They would rotate through both public school and correctional institution experiences.

At the completion of the program, interns would be certified to teach, with the special qualification to work with delinquent and predelinquent youths and programs in both school and community facilities.

This project would have the support of the university's school of public administration and its delinquency control institute. Dr. E. Kimberley Nelson, the distinguished former director of the task force on delinquency for the President's Commission on Crime and Delinquency, a member of the staff of the school, would bring a broad prospective of experience in the field of juvenile delinquency control to the program.

At Sacramento State College, a proposal contemplates the use of 36 corps members in six teams of six each. Each team will be composed of leadership personnel and teacher interns at three levels: undergraduate, graduate—or Teacher Corps—and post graduate or team-leader training, so that the program will culminate in both B.A. and M.A., dependent upon entry level of intern.

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A proposed program at the University of Massachusetts would enroll inmates of prisons as teachers for correctional institutions on an experimental basis. They would also be awarded released time to study at the University of Massachusetts.

A project proposed at the University of Minnesota would put teams of Teacher Corps interns into an adult prison and a youth school.

Another proposal submitted to the Teacher Corps by the VERA Institute of Justice in New York contemplates adding a Teacher Corps corrections education component to its current youth offender rehabilitation program, utilizing Fordham University's School of Social Service to assist its development.

Cooperating with VERA in this undertaking would be the New York criminal court system, the Bronx criminal court, the New York State Crime Control Council, the central Brooklyn model cities project, the youth aid division of the New York City Police Department, the New York City family court, and the New York City Board of Education.

The Center for the Study of Metropolitan Problems at the University of Missouri at Kansas City has also submitted a proposal. Cooperating with the proposed correction education program would be the school district of Kansas City, Mo.; the Institute for Community Studies, Kansas City; and the juvenile court services, Kansas City judicial district.

At the University of Oregon, interns for the Teacher Corps correction program would be recruited from three projects at the university that make college study available to blacks, Indians, and Mexican-American migrants. These recruits would be undergraduates and gain experience in local schools and correctional institutions. In the second year, a career opportunities program component would be added to the present proposal.

Cooperating agencies would include the Lincoln County schools; Portland school district; Oregon Correctional Institute, Salem; Skipworth Detention Home, Eugene; and Portland correctional agencies.

The city and county of Denver in cooperation with the University of Colorado and Denver University has also proposed a corrections education program.

Other innovative corrections education proposals have been submitted to the Teacher Corps by Florida Atlantic University, Boca Raton, Fla., and Sam Houston State University, Houston, Tex.

A primary goal of the former proposal is to handle corrections education and other delinquency rehabilitation efforts in the community, rather than in correctional institutions.

The development of the latter proposal would be assisted by Dr. George G. Killinger, director of the State-funded institute of contemporary corrections and behavioral sciences at the university. Cooperating agencies would include the Texas Department of Corrections, Texas Youth Council, juvenile and adult probation departments, Texas Board of Pardons and Parole—Adult; Texas Education Agency, and boards of education in Houston, Dallas, Fort Worth, and San Antonio.

Mr. President, in view of the pitifully small amount of money devoted to research in the field of criminal justice, my amendment would also authorize the Commissioner of Education to make grants for research relating to the academic and vocational education of antisocial, aggressive, or delinquent persons, including juvenile delinquents, youth offenders, and adult criminal offenders. An $18 million authorization for 4 years is recommended.

The proposals embodied in my amendment have been the subject of broad discussion and concern by those in and out of the fields of education and criminal justice, who are concerned about growing delinquency and criminal recidivism in our society.

The Senate Subcommittee on Education heard of the need for new initiatives in this field when it considered the Education Professions Development Act last year.

Mr. President, I call on the Congress to respond to one of the most appalling problems facing America today—our virtual total inability to rehabilitate those who have run afoul of the law.

Corrections education can play a significant role in contributing to the solution of this enormously complicated and costly problem. I, therefore, ask my colleagues to support this amendment and again urge them to give their earnest attention to the entire question of broad based corrections reform in this session of Congress.

The **PRESIDING OFFICER**. The amendment will be received and printed, and will lie on the table.

AMENDMENT NO. 461

Mr. **ANDERSON**. Mr. President, I am submitting an amendment intended to be proposed by me for the relief of St. John's College in Santa Fe, N. Mex. It will solve a unique problem which this educational institution is confronted with as a result of certain technical language included in section 202 of title II–A of the Higher Education Act of 1965.

Section 202 authorizes the issuance of basic library grants to institutions of higher education provided, in part, that they expend, during the fiscal year for which the grant is requested, an amount not less than the average amount expended for library purposes during the 2-year period ending June 30, 1965. In short, this section imposes a minimum annual average expenditure requirement on each grantee based on that grantee's fiscal year 1964–65 library expenditures.

The unique problem here is that St. John's completed its first fiscal year of operation on June 30, 1965. Needless to say, its expenditures for library purposes during this all-important base period were abnormally high. In addition to normal ongoing library materials totaling $8,154 in fiscal year 1965, St. John's spent $12,000 on crucial one-time cost reference works needed to commence operation.

Believing that it qualified for assistance to its library under the Higher Education Act on a basis of its $8,154 ongoing library materials expenditure for fiscal year 1965, St. John's applied and received a $5,000 library grant in fiscal year 1967. Subsequently, the Office of Education informed the college that the $12,000 in extraordinary initial expenditures in fiscal year 1965 would be calculated into the average expenditure figure employed in section 202. I am appending to this statement correspondence from the Office of Education which indicates its position in regard to this unique problem.

St. John's cannot meet this inflated annual average expenditure requirement and has been requested to return the $5,000 Federal grant. In addition, where all other colleges are able to employ their normal fiscal year 1965 library expenditures in complying with the section 202 minimum annual average expenditure requirement, St. John's is precluded from doing so since it is saddled with a $20,154 expenditure base for this all-important year.

The need for these grants and the concomitant minimum annual average expenditure requirement is obvious. However, I hasten to point out the inequity of the technical language of section 202 as it applies to this unique situation. It is to this problem that my amendment is addressed. The amendment I offer simply places St. John's College of Santa Fe on a par with all other colleges by excluding its one-time, extraordinary initial library expenditures amounting to $12,000 from that computation required pursuant to section 202 of the Higher Education Act of 1965.

The **PRESIDING OFFICER**. The amendment will be received and printed and will lie on the table.

Mr. **ANDERSON**. Mr. President, I ask unanimous consent that my amendment be printed in full at this point in the

Record, together with a letter dated February 24, 1969, from Mr. Ray M. Fry, Director of the Division of Library Programs in the Office of Education.

The amendment intended to be proposed by Mr. Anderson, and letter, were ordered to be printed in the Record, as follows:

Amendment No. 461

On page 217, add at the end thereof the following:

"RELIEF OF SAINT JOHN'S COLLEGE

"Sec. 809. In determining whether Saint John's College at Santa Fe, New Mexico, may receive or retain basic college library grants under title II of the Higher Education Act of 1965, the Commissioner of Education is authorized and directed to exclude from the computation required pursuant to section 202 (a) and (b) of such Act (relating to maintenance of effort by such college with respect both to total library purposes and to the purchase of library materials), the sum of $12,000 representing extraordinary book purchase expense incurred by such college in fiscal year 1965 in the establishment of a library in the college's initial year of operation."

Office of Education,
Washington, D.C., February 24, 1969.

Hon. Clinton P. Anderson,
U.S. Senate, Washington, D.C.

Dear Senator Anderson: Thank you for your February 6 letter regarding the Higher Education Act of 1965 Title II–A grant to St. John's College in Santa Fe, New Mexico.

The $12,000 expenditure for reference and other essential volumes in fiscal year 1965 must be included in averaging expenditures for fiscal years 1964 and 1965. Since these volumes are considered as books or other related library materials, institutional expenditures for them cannot be excluded. There is no provision in the statute or Policies and Procedures Manual at present to make an exception in this matter.

We realize that this requirement poses a problem for a very few new institutions. We are examining the problem and hope to derive a solution for future operations.

Do not hesitate to contact us again on this or any other aspect of the Title II–A program.

Sincerely yours,

Ray M. Fry,
Director, Division of Library Programs.

AMENDMENTS NOS. 462 AND 463

Mr. STENNIS. Mr. President, I submit two amendments to the Elementary and Secondary Education Act.

My present intention is at the appropriate time to propose first the amendment that would apply nationwide the New York freedom of choice plan for public school students that is now the law in that State.

Also, at the appropriate time, I plan to propose the amendment that would establish and make clear that it is the national policy to have uniform enforcement of desegregation of schools in all regions of the United States.

Let me make it clear that my primary purpose is to preserve the neighborhood school and, so far as possible, rescue all schools in every section of the Nation from this killing squeeze put on by those who have made education clearly secondary to integration in the public schools.

I emphasize also that this is not an attempt to repeal the Civil Rights Act. It is simply a good faith attempt to save the schools of every section of the Nation, including the South where they are now literally being emasculated in many areas as educational centers for educating the children.

I wish to make it absolutely clear that I want every child, and I have always wanted every child, to have every opportunity to obtain adequate schooling and training under just as favorable conditions as can be had. I want faculties and others who are engaged in school work generally to have conditions as favorable and as encouraging as possible.

For several years, the Department of Health, Education, and Welfare and the Justice Department have conducted, or attempted to conduct, a campaign to bring about a total integration of the public schools in the South. Both the Department of Health, Education, and Welfare and the Department of Justice have launched a crash program to integrate the races in every school in the South.

This drive for allout integration has been so intense and so demanding that the education and welfare of the students and teachers have actually become secondary. The prime objective has been allout integration.

Those who are directing this campaign have either failed to recognize, or have deliberately chosen to ignore, the fact that this localized effort against the South overlooks segregated conditions in the North that are as pronounced, and in some instances even more pronounced, than segregation in the South which is actually the sole target of this massive integration program.

The record is heavy with facts collected and verified by the Department of Health, Education, and Welfare that show the extent of segregation in the North.

Last year, I placed in the Record detailed figures showing the extent of segregation in several Northern and Western States. The references are as follows, in volume 115, part 30:

State	Date in Record	Pages
Ohio	Nov. 25, 1969	35738 to 35758.
Indiana	do	35820 to 35835.
Washington, D.C	Dec. 1, 1969	36266 to 36267.
New Jersey	Dec. 2, 1969	36387 to 36401.
Pennsylvania	Dec. 3, 1969	36637 to 36651.
Illinois	Dec. 6, 1969	37529 to 37557.
New York	Dec. 9, 1969	37859 to 37882.
California	Dec. 11, 1969	38427 to 38454.

These figures show, for instance, that in Ohio there are 197 predominantly Negro schools. There are 154 which are 90 to 100 percent Negro. There are 131 95 to 100 percent Negro, and 105 of them are 98 to 100 percent Negro.

In Indianapolis, the capital of Indiana, there are 13,765 Negro students in 17 schools that are from 99.2 to 100 percent black. In all these 17 schools there are only 37 students listed as white.

In Philadelphia, the largest city in Pennsylvania, there are 9 schools with a total enrollment of 7,206 that are 100 percent Negro.

Also in Philadelphia there are 57 schools with an enrollment of 68,402 that are 99 to 99.9 percent Negro.

In Los Angeles, there are 48 schools with a total enrollment of 65,877 that are 99 to 99.9 percent minority segregated.

These are but some examples. The facts show that in many sections of the North, in large and small school districts, segregation is as extensive, and in some cases, more so, than in the South. Segregated conditions are much worse in the North than in the South now after the Supreme Court decisions have been implemented and put into effect in the South.

The policy of singling out the South for enforcement of the 1954 Supreme Court decision prohibiting discrimination in the public schools on account of race is based upon the idea that enforcement should be directed against areas of the Nation that once had State or local laws that required or allowed segregated schools.

This is known as de jure segregation. Segregation in public schools that has arisen out of a fact, or a combination of facts, not required or permitted by law is classed as de facto segregation.

By establishment of this policy—that is, a differentiation between de jure and de facto segregation—Federal officials have sought to excuse their inaction against segregation in the North while pursuing an intense program to achieve total and immediate integration in the South.

The practical effect of this policy is to say that segregation in the South is wrong but segregation in the North is not wrong.

This procedure, this approach, is merely a policy. It is not supported by the Civil Rights Act of 1964 nor by the Supreme Court decisions.

However, even under this policy the States of the South should be considered on the same footing and treated the same as New York for the reason that as late as 1938 New York law provided for separate schools for Negroes.

The New York statute, laws of 1910, chapter 140, article XXXVI, section 921, read as follows:

> Sec. 921. Provision for separate schools.—The Trustees of any union school district, or of any school district organized under a special act, may, when the inhabitants of any district shall so determine, by resolution, at any annual meeting, or at a special meeting called for that purpose, establish separate schools for the instruction of colored children residents therein, and such school shall be supported in the same manner and receive the same care, and be furnished with the same facilities for instruction, as the white schools therein.

As I read this law it clearly provides for a dual school system. It is the separate but equal doctrine.

The New York Supreme Court declared this law to be constitutional and therefore in effect in New York, in decisions rendered by that Court in 1883, and again in 1900; and said section continued to be the law in that State until it was repealed in 1938.

Notwithstanding the fact that the schools of New York should be treated the same as the schools of other States where de jure segregation existed, the New York Legislature last year passed and Governor Rockefeller signed a State law which precludes the application of the civil rights law and other desegregation measures in that State as now being applied in States of the South.

By an overwhelming vote of more than two to one in the new State General Assembly, the New York Legislature prohibited the busing of students and also gave to the public school student's parent or guardian the freedom of choice as to the public school a child shall attend.

The inequity thus created is unacceptable under the principles of our form of government. While public school students in the South are now forced to ride a school bus many tens of miles, and in some cases for hours each day, against their will, and the will of their parents, to attend a school across the county from their homes, the State of New York has by law provided there will be no bussing of students and there will be freedom of choice to attend a neighborhood school.

If freedom of choice is wrong, the State of New York should not be allowed to continue freedom of choice as an official policy. If freedom of choice is right as official policy in New York, all other States should have the same right to freedom of choice.

If public school students in New York should not be bused to overcome the vestiges of a dual school system, the public school students of the South should not be bused for that purpose either.

If the students of the South should be bused for that purpose then the students of New York should also be bused.

For a picture of the extent of segregation in the public schools of New York State, I ask unanimous consent to have printed in the RECORD at the conclusion of my remarks a summary of HEW statistics for the school year ending June 1968.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. STENNIS. A sense of fairness should give wide support to the proposition that every State be treated alike.

I challenge those who advocate this dual standard and duplicitous policy to put this matter in national issue by adopting as part of their platform in the next election the proposition that all States, including their own, should be treated as the South is now being treated.

I predict that any candidate or political party who does so will be defeated overwhelmingly.

I further predict that not one party, nor one candidate, will make such a proposal as part of the platform on which they seek election, because every knowledgeable person in public office knows full well that defeat would be certain.

If this drastic policy is not to be pressed with equal diligence in all sections of the Nation, fairness then dictates that the pressure be eased in these sections where it is being unwisely and unjustly applied before the public schools are destroyed and there is no chance for any student—black or white—to obtain a decent education.

I consider no matter now before the Senate, or likely to come before the Senate, more important or more serious than that of preserving public school education and the concept of the neighborhood school, and I will pursue this matter as vigorously and effectively as I can.

I ask unanimous consent that the amendments to which I have referred be printed and be allowed to lie on the table, and that the text of the amendments be printed at this point in the RECORD.

The PRESIDING OFFICER. The amendments will be received and printed and will lie on the table; and, without objection, will be printed in the RECORD.

The amendments, ordered to be printed in the RECORD, are as follows:

AMENDMENT NO. 462

On page 45, between lines 4 and 5, insert the following new section:

"DISCRIMINATION ON ACCOUNT OF RACE, CREED, COLOR OR NATIONAL ORIGIN PROHIBITED

"SEC. 2. (a) No person shall be refused admission into or be excluded from any public school in any state on account of race, creed, color or national origin.

"(b) Except with the express approval of a board of education having jurisdiction, a majority of the members of such board having been elected, no student shall be assigned or compelled to attend any school on account of race, creed, color or national origin, or for the purpose of achieving equality in attendance or increased attendance or reduced attendance, at any school, of persons of one or more particular races, creeds, colors, or national origins; and no school district, school zone or attendance unit, by whatever name known, shall be established, reorganized or maintained for any such purpose, provided that nothing contained in this section shall prevent the assignment of a pupil in the manner requested or authorized by his parents or guardian."

AMENDMENT NO. 463

On page 45, between lines 4 and 5, insert the following new section:

"POLICY WITH RESPECT TO THE APPLICATION OF CERTAIN PROVISIONS OF FEDERAL LAW

"SEC. 2. It is the policy of the United States that guidelines and criteria established pursuant to title VI of the Civil Rights Act of 1964 and section 182 of the Elementary and Secondary Education Amendments of 1966 shall be applied uniformly in all regions of the United States in dealing with conditions of segregation by race in the schools of the local educational agencies of any State without regard to the origin or cause of such segregation."

Mr. STENNIS. Mr. President, I ask unanimous consent that the name of the Senator from Georgia (Mr. RUSSELL) be added as a sponsor and author of these amendments.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STENNIS. I ask unanimous consent that the name of the Senator from South Carolina (Mr. HOLLINGS) be added as a cosponsor of the amendment, and other Senators who wish their names to be added as cosponsors.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXHIBIT 1

NEW YORK

According to the 1968–69 HEW school survey, there was a total of 3,364,090 students in the elementary and secondary public schools of New York. Of this total, 2,601,708, or 77.3% of the total enrollment, were white; 473,253, or 14%, were Negro students; 263,799, or 7.8%, were Spanish-speaking Americans; 19,620, or 0.6%, were classified as Orientals; and 5,710, or 0.1%, were American Indians.

The HEW's IBM data reflects that there are 17 school districts in the State of New York with at least one school with a minority group enrollment of over 80%. However, in 14 of these cities, or school districts, there is an aggregate Negro enrollment of 403,127, or 85.2% of the total state Negro student enrollment in the New York City schools alone.

Let's take a look at New York City. It has a total enrollment of 1,363,067, of which 467,365, or 43.9%, are white, 334,841, or 31.5%, are Negro, 244,302, or 23%, are Spanish-speaking Americans, 15,753, or 1.5%, are classified as Oriental, and 1,526, or 0.1%, are American Indian students.

In New York City, there are 119 schools which are 99% and 100% minority group segregated, which have a Negro enrollment of 89,957, or 19% of the city's total Negro student enrollment. There are 207 schools having a Negro student enrollment of 146,575 (43.7% of the city's total Negro enrollment) that are 95% to 100% minority group segregated. There are 269 schools with an aggregate Negro enrollment of 173,791 (or 51.9% of the city's total Negro enrollment) in schools that are 90% to 100% minority group segregated. There are 322 schools with a total Negro enrollment of 201,462 (or 60.1% of the city's total Negro enrollment) where the minority group enrollment is 80% to 100%. There are 18,865 white students (or 4% of the city's total white student enrollment) attending these 322 schools that are 80% to 100% minority group segregated. There are 82,794 white students (or 17.7% of the total white student enrollment) attending 50% to 100% minority schools.

Now let's look at the white majority schools. There are 211 schools which are 80% to 100% white, which are attended by 17,994 Negro students (or 5.3% of the city's total Negro student enrollment. In all, there are 393 majority white schools in New York City, and 65,490 Negro students (or 19.5% of the city's total Negro enrollment) attend these majority white schools.

In the public schools of the city of Buffalo there is a highly segregated Negro minority. Buffalo has a total enrollment of 72,115, in 101 schools, of which 43,942 (or 60.9%) are white, 26,381 (or 36.6%) are Negro, and 1,792 (or 2.5%) are from other minority groups.

In the Negro majority schools, there are 16 schools with a total of 11,562 Negro students, which is 43.8% of the total Negro enrollment in Buffalo public schools, which are 99% and 100% Negro. There are 21 schools, with 66,122 Negro students (or 61.6% of the city's total Negro student enrollment) that are 95% to 100% Negro segregated. 19,268 (or 73% of the city's total Negro students) attend majority Negro schools, and 27% attend majority white schools.

1,821, or 4.1% of the total white student enrollment of Buffalo, attend majority Negro schools, and 95.9% of the white students attend majority white schools.

There are a number of other interesting city school districts in New York State. For example, there is Rochester, which has a Negro student enrollment of 13,679, which is 28.9% of the total public school enrollment of the city, where there are 6 schools that are 90% to 100% Negro segregated.

In Utica, which has a Negro enrollment of only 11.8%, has one school that is 93.6% Negro.

Newburgh, New York, where the Negro student enrollment is only 23% of the total school enrollment of the city, has two schools which are 99% and above Negro segregated.

Monticello, New York, with only a 17.3% Negro student enrollment, has one school that is 100% Negro.

CONTROLLED DANGEROUS SUBSTANCES ACT OF 1969—AMENDMENTS

AMENDMENT NO. 464

Mr. HUGHES proposed an amendment to the bill (S. 3246) to protect the public health and safety by amending the narcotics, depressant, stimulant, and hallucinogenic drug laws, and for other purposes, which was ordered to lie on the table, be printed, and printed in the RECORD.

(The remarks of Mr. HUGHES when he proposed the amendment appear later in the RECORD under the appropriate heading.)

AMENDMENT NO. 465

Mr. MOSS submitted an amendment intended to be proposed by him to the amendments (No. 452) proposed by the Senator from Iowa (Mr. HUGHES) to the bill (S. 3246) supra, which was ordered to lie on the table and to be printed.

ENROLLED BILL PRESENTED

The Secretary of the Senate reported that on today, January 27, 1970, he presented to the President of the United States the enrolled bill (S. 476) for the relief of Mrs. Majorie Zuck.

DELAY OF SENATE HEARINGS ON VOTING RIGHTS AMENDMENTS

Mr. ERVIN. Mr. President, on December 16, 1969, H.R. 4249, an amendment to the 1965 Voting Rights Act, was referred to the Judiciary Committee with instructions to report to the Senate by March 1. I thereupon announced that the Constitutional Rights Subcommittee would resume hearings as soon as possible after the second session resumed. The hearings were, accordingly, scheduled to begin January 27, a week after the Senate returned from adjournment.

The deadline was set in mid-December, when March 1 seemed years away. The suggestions that such a deadline was warranted because of delay by the subcommittee are simply not founded. The Constitutional Rights Subcommittee began its hearings on July 9, a scarce 9 days after the administration bill was introduced. Thereafter, there was no apparent desire for subcommittee action from any quarter for over 6 months. Neither the Department of Justice nor supporters of a 5-year extension gave any sign to me that they desired action during this period. There was obviously a tacit agreement by both sides to delay further action by the subcommittee until the House had completed its work.

The March 1 deadline gives the subcommittee and the Judiciary Committee a bare 27 working days to hold hearings, resolve basic disputes about the 1965 act, and take action on numerous proposed amendments. With the full committee hearings on Judge Carswell and the resultant delays it will cause, I think it is obvious to all now, if it was not in December, that a March 1 deadline can be maintained only at the sacrifice of responsible legislative action. This is a most controversial item, upon which there are many strongly held, differing views. If they cannot be aired and resolved satisfactorily in commitee where they should be, then they very well may have to be ironed out on the Senate floor.

In any event, the subcommittee will endeavor to operate as best it can under the restrictions so unwisely placed upon it. The hearings will begin as promptly as possible following the completion of hearings on the nomination of Judge Carswell.

FIVE YOUNG MONTANA MOUNTAINEERS DISAPPEAR

Mr. MANSFIELD. Mr. President, adventure is always an admirable quality in our young people, and each year we hear of new challenges presented by Mother Nature. The lure of mountain climbing is irresistible to many. During the holiday season, five young Montanans attempted to climb Mount Cleveland, the highest and most rugged mountain in Glacier National Park. This is a challenge which has defeated others, and, apparently, these five have failed to reach the summit of Mount Cleveland. After 2 weeks of searching, it was generally determined that the climbers had met an unfortunate fate. This part of Glacier National Park is extremely hazardous because of heavy snowfall and the constant threat of avalanche. The search parties were unable to find any clues as to possible fate of these young men. It is likely to be spring before the recovery is accomplished.

The five youths, Clare Pogreba and Ray Martin, Butte; James Anderson, Bigfork; Jerry Kanzler, Bozeman; and Mark Levitan, Helena; set out on December 27 to attempt the first ever winter ascent up the mountain's north face. Three of the climbers were students at the Montana State University, and the boys from Butte were enrolled at the Montana College of Mineral Science and Technology.

This is indeed a tragic occasion, not only the apparent loss of these young men, but the uncertainty which must linger within the hearts of their immediate families. Mrs. Mansfield and I extend our personal bereavement to the mothers and fathers, sisters and brothers of these outstanding young men.

This is a very sad story but one which is a tribute to the strength and character of five youthful mountaineers. I ask unanimous consent that a series of articles published in the Missoulian and the Hungry Horse News be printed in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the Missoulian, Jan. 7, 1970]

SEARCHERS BELIEVE FIVE YOUNG CLIMBERS DEAD

WEST GLACIER.—The five climbers missing on Mt. Cleveland in Glacier National Park never made it to the top.

Authorities said a helicopter being used in search operations landed on top of the frozen peak Wednesday. The crew checked the registration log at the summit. The log did not contain the names of the missing men, authorities said.

Searchers left the mountain Wednesday night with the temperature hovering near 10 degrees below zero. Authorities said the search would be continued for the sixth day Thursday, weather permitting.

Even the remote hope of finding any of the five missing mountaineers alive faded Wednesday after searchers found in a slowslide a parka and camera. Officials said the articles belonged to one of the climbers.

"We're assuming now that this is just a recovery operation," said Dan Nelson, park spokesman, although there was no indication the search would be disbanded as long as the weather held.

Mountaineering experts, for the first time since the youths failed to report in to park officials last Friday, said the operation now should be "considered one of recovery rather than search and rescue."

A spokesman for the Canadian National Parks Service said that American and Canadian officials met with parents and relatives of the missing climbers Wednesday to explain the situation.

Film found in the camera was developed in the hope it would give searchers clues to the youths' ascent path. One picture on the two rolls showed a panoramic view of the north face of 10,448-foot Mt. Cleveland, the park's highest mountain.

On the basis of prints made, the search Wednesday was concentrated on the northwest side of the mountain where a provisions cache and back pack were found earlier.

Avalanche conditions in the region were described by the Canadian spokesman as "considerably dangerous." More snow or a light wind could start more slides, he said.

He said deteriorating weather conditions might force abandoning of recovery efforts, although they would be continued as long as possible.

The youths set out Dec. 27 to attempt the first-ever winter climb up the mountain's north face, a 4,000-foot perpendicular rock wall. Indications are they never made it.

Nelson said the picture apparently was taken as the climbers approached their goal.

Parents of the climbers declined to identify the articles found, still holding slim hopes their sons might be tucked away awaiting aid.

Three of the climbers were students at Montana State University in Bozeman. They were James Anderson, 18, Bigfork; Jerry Kanzler, 18, Bozeman, and Mark Levitan, 20, Helena. The others, students at Montana Tech in Butte, were Clare Pogreba and Ray Martin, both 22, of Butte.

An incoming weather front, carrying with it what forecasters said would be numerous days of adverse weather, was expected to hamper continued search operations.

Nelson said from the articles found it appeared two members of the party moved from the north face to the northwest slope to come in above the other three climbers and give assistance to those making the perpendicular climb.

"They may not have gotten back to the other three on the face," said Nelson. "If they did, the question now is where are all five of them?"

Most of today's efforts were combined just below the cliffs where searchers used metal probing poles to break through the heavy snow.

A Canadian Park Service official was in the area using a magnetometer, a piece of equipment that detects metal objects under the snow.

Nelson said an earlier plan to bring in specially trained dogs from Washington was abandoned because the animals could not arrive in time.

[From the Hungry Horse News, Jan. 9, 1970]

MOUNTAIN HOLDS CLIMBER MYSTERY

(By Mel Ruder)

Concerned relatives and friends of five Montana families prayer this week for a successful search operation on Glacier National Park's highest peak.

Mt. Cleveland rises more than a mile above Waterton Lake which is shared with Waterton Lakes National Park. It is no longer a rescue operation but a search.

Missing are five young mountaineers, who planned to climb the 4,000-foot rock wall that reaches to the top of 10,488-foot high Mt. Cleveland.

Situation with worsening weather is that eight-day search will involve fewer men Friday and will become a matter of surveillance.

Three of the climbers were Montana State University students. They were: James Anderson, 18, Bigfork; Jerry Kanzler, 18, Bozeman, formerly of Columbia Falls, Mark Levitan, 20, Helena, along with Clare Pogreba and Ray Martin, both 22 of Butte, students at Montana Tech.

During Thanksgiving week, Anderson, Levitan and Pogreba along with Jim Kanzler, Jerry's older brother; Dr. Pat Callis, MSU chemistry teacher, and Jurg Hofer, climber from Switzerland, reached the top of Mt. Wilbur, 9,303-foot high peak that rises 4,000 feet about Swiftcurrent Lake. It is nowhere as hazardous as the north face of Cleveland.

EXPEDITION PLANNED

The expedition to climb Mt. Cleveland was planned for some time. The youths headed for Glacier Dec. 26. They stopped and checked with District Ranger Robert Frauson, an experienced mountaineer, at St. Mary. Frauson checked their clothing, supplies and equipment. At mention of Cleveland's north face, he strongly cautioned that this not be attempted.

Most conventional route is up Camp Creek to the west face, being arduous even in summer, rather than the hazardous north face. Tracks found later confirmed the boys had gone up Cleveland Creek to the north face.

The youths went to Waterton and were taken up the seven-mile long lake by Alf Baker.

They were last seen about 11 a.m. Saturday, Dec. 27.

Baker commented about the fine young men, well clothed for a Montana winter.

SCANS MOUNTAIN

Bud Anderson, 25, MSU graduate, Air Force trained pilot, now a civilian, flew a small plane over Mt. Cleveland Dec. 31. He was checking to see how the climbers were doing. There was no sign, but he wasn't unduly concerned since the expedition was to continue for five days—on or about Jan. 1.

Anderson had tried to fly, Dec. 29 and 30, but area was "socked in."

Jan. 1 saw Bud Anderson go to the head of the lake by boat. No one was waiting to be picked up. He saw no sign of the climbers and alerted Warden Jack Christiansen.

Friday developments included telephoning Chief Ranger Ruben Hart of Glacier at 9:10 a.m. from Warden Christiansen's office. Report was overdue climbers.

ASKS AIR FORCE

Glacier requested use of a helicopter from Malmstrom Air Force Base. Flying weather was poor in the Flathead. * * *

Bud Anderson and Warden Christiansen saw climber ski tracks up through the timber leading to the bottom of the north face. Friday afternoon they found where the young men had left their skis at timberline.

Saturday, Bud Anderson, Warden Christiansen and Naturalist Kurt Seel located the base camp including two tents, a food supply, hard hats. It was near the base of north face.

FINDS TRACKS

Tracks were found where climbers separated—three in one group, two men in the other.

Three snow caves were located, where men had burrowed in. There were candy wrappers.

A second three-man search team Saturday probed the conventional climbing northwest slope of Cleveland and found nothing. In this group were Rangers Jerry DeSanto and Doug Erskine, new to Glacier and mountain-rescue trained in Yosemite and Mt. Rainier, and Warden Larry Trembley.

Meanwhile, Supt. William J. Briggle and Supt. Tom Ross of Waterton Lakes National Park were in contact with various offices. It was truly an international rescue.

TRAINED RESCUERS

Canada has large parks and a lot of snow. Trained mountain rescue men arrrived from Baniff and then Jasper, Saturday and Sunday.

Flying conditions slowed arrival of four men who work summers in mountain guiding and rescue in the Tetons. They came from Salt Lake City getting to Waterton Tuesday.

An Air Force helicopter was in use from Malmstrom Saturday and Monday. A Johnson Flying Service helicopter was flown up Monday by Bob Schellinger, who was relieved by Pilot Charles Trail.

This helicopter has been in use each day this week.

Mountain hazards didn't allow two helicopters to be flying in the area which was closed to other plane use.

The Air Force was praised by Supt. Briggle for their assistance.

ICE TAKES OVER

Monday saw the last use of Waterton Lake by boats. The ice took over.

Transportation to the base camp—the new American ranger station at the head of Waterton Lake—was by helicopter after Monday. Snowmobiles were also used to get part way up the Mt. Cleveland slope, and had some possible utilization from the townsite to the ranger station.

In charge of ground search for Glacier is Ranger William Colony with District Ranger Robert Frauson, search coordinator, working from an office made available at the Waterton National Park administration building.

There is high praise by Supt. Briggle to the Canadians for their cooperation and skill.

Dan Nelson, management assistant at Glacier National Park headquarters, has handled press and radio in a number of emergencies and accidents. He worked to keep the public informed, as did Jack Wheat, Glacier's new management assistant, detailed by Supt. Briggle to work at Waterton.

George Ostrom, public relations staffer at Bell Manufacturing, who is Hungry Horse News columnist, and has had years of radio broadcast experience, arrived in Waterton Sunday. He sent a number of news broadcasts back to KOFI, and kept the Hungry Horse News informed. "Sleepy George" of KOFI days was back in his element—getting news out.

SUPPORT TEAM

When the climbers checked at St. Mary Ranger Station they left names of climbers to be called in case of emergency. These included Jim Kanzler, Dr. Pat Callis and Pete Lev. graduate student, all of Montana State University. They arrived Sunday.

Dr. Callis and Lev came down from the dangerous, hard work on the mountain Thursday. Jim Kanzler wouldn't leave and finally did.

It was Jim who found a packsack of a missing climber Tuesday. There is a large snowslide in shape of a giant Y. The pack was found in one of the upward arms of the Y. Somewhat later, a parka with a 35 mm film type camera in a pocket was located by a probe. It was found in the base part (downward) of the snowslide Y.

NOT JERRY OR JIM

Identity of owners is not being released, but they did not belong to Jerry Kanzler or Jim Anderson.

Film was developed and showed a panorama of the north face as the men approached the north face. There was also color film exposed.

It is believed two of the climbers are in the Y slide as evidenced by finding the pack and parka. Perhaps the other three are in the Y slide or under snow in the same general area.

Wednesday saw Ranger Erskine land on top of Cleveland by helicopter and check the registration log. Names of the missing men with a recent date weren't found. Some had climbed the mountain in previous years.

Wednesday also saw use of magnetometer obtained from Canada's Glacier National Park in a night drive. It can detect metal as far down as 30 feet in the snow, and will note shoe nails at shallow depths.

MARKING SNOW

George Ostrom told of pressure paint cans being used to color snow, so that the area of present activity can be located after snowfall and snowslides. Saplings are being placed to denote edges of slides, and sleeping bags staked out on the slide to see how they move.

Wednesday saw a meeting of parents with Superintendents Briggle and Ross and William McKim, Calgary, Canadian NPS regional director, and others.

A session to keep parents advised was also held Monday. The Hungry Horse News editor declined to sit in since there are times when a newsman shouldn't be present.

The parents designated which one would accompany Supt. Briggle and Helicopter Pilot Trail over the search area. Art Martin, father of one of the missing youths, was selected.

PARENT REPORTS

Martin later told the parents of the search area, its bleak location and obvious dangers.

Park officials, including District Ranger Frauson with whom there was more contact, kept the parents informed, and advised of the obvious de-escalation that must take place.

Men are working in extreme cold, under threat of slides and rock falls, and not many men can function under such conditions.

Weather forecasts this week were threatening, but it turned out better than anticipated. However it was ten below zero at Waterton Townsite Thursday, and building plumbing "was frozen."

Ostrom told of the great confidence parents of the missing young men have in District Ranger Frauson. He feels Supt. Briggle and Glacier has handled the rescue operation well, and had "high praise for the Canadians."

The Hungry Horse News editor met Dr. Morton Levitan, Helena, and Art Martin, Butte, fathers of two missing young men. They spent hours at the foot of Waterton Lake in a car, watching, hoping and praying. They saw us taking pictures. Mr. Martin opened a car window, and said: "Come in, get warm." It was cold.

Waterton cooperation includes the Bakers offering facilities, wives of Waterton community opening the Lions Hall Sunday and feeding personnel. There aren't restaurants open. Waterton Park has a fine mess hall facility and a good cook in Mrs. Helen Nedgaard.

SATURDAY CAMP

Our notes also show that the base camp of the climbers was established Saturday, Dec. 27 the day they arrived. Sunday they apparently dug the snow caves up a little ways, and they'd use the caves briefly.

One set of tracks—three men—led to the face, and two sets of tracks led to the right up a gully.

Dan Nelson feels that from articles found it appeared two of the climbers moved from the north face to northwest slope to come in above and give assistance to the three making the steeper climb.

There are comments about rescue costs. A civilian helicopter costs $120 an hour.

Glacier doesn't have emergency operation funds. Sometimes they come from regional accounts, and at other times, the park is required to reduce its operational expenditures.

Increased awareness of dangers men on the mountain encounter has resulted in most people realizing that reduction in the search effort will have to come.

No thinking person wants it on his conscience that he urged continuance of a search, and then have another man lost.

XUM

There is also realization that the parents want to know where their boys are.

[From the Hungry Horse News, January 16, 1970]

Mountain Should Reveal Climber Mystery in July

(By Mel Ruder)

Glacier National Park's mountain of mystery should reveal the secret of five missing climbers in July.

This was comment of District Ranger Robert Frauson, experienced mountaineer, who directed operations from Waterton Townsite. Search center on Glacier's highest peak, Mt. Cleveland that rises more than a mile above seven-mile Waterton Lake which is half in the United States and half in Canada.

Last seen about 11 a.m. Saturday, Dec. 27 were: James Anderson, Bigfork; Jerry Kanzler, 18, Bozeman, formerly of Columbia Falls, and Mark Levitan, Helena, all Montana State University students, along with Clare Pogreba and Ray Martin, both 22, Butte, Montana Tech students.

WEATHER ENDING

Search efforts started Jan. 2 and terminated Jan. 8 with arrival of wind, snow and cold that made survival of men on the search extremely hazardous.

The effort involved Canadian and American alpinists—tremendous men. Before termination Supt. William J. Briggle of Glacier and Supt. Tom Ross of Waterton reviewed the situation with parents.

Only clues of climber whereabouts were a pack and parka with camera found Jan. 6. Then nothing Jan. 7 or 8. Film developed showed a panorama of the mountain.

The Hungry Horse News editor talked with District Ranger Frauson and Ranger William Colony who headed search operations from the American end of Waterton Lake. They were at Glacier headquarters Monday in a review with Supt. Briggle, Chief Ranger Ruben Hart and other staff members.

TWO AVALANCHES

We asked Ranger Frauson about a theory that three of the youths were caught in an avalanche and then the two others going to their rescue and were caught in a second slide.

Frauson replied: "We won't know what happened until we find them. Then he referred to the possibility of a climax type avalanche that could come off Mt. Cleveland and mix up the whole snow field."

The mountaineer-ranger also observed: "You could hide an army up there."

Search area concentrated in about four square miles of snowfield, rock and ice above timberline country.

Replying to a question, Frauson said the youths came to his home Dec. 26, sat down, and told him of their plans to attempt to climb the north face. These plans had been underway for some time.

Frauson continued: "I reasoned strongly against it."

The young men were well clothed, had mountaineering experience and climbing equipment. Glacier is not out-of-bounds for such as them.

WHAT WAS ATTEMPTED

We asked Ranger Colony about comments in the press regarding the mountain, and whether the youths attempted the north face.

Colony replied: "There's no way we can judge it climbable," and he referred to the situation where most men wouldn't have attempted it.

Colony noted disappointment of the searchers that more trace of the climbers wasn't found, and the considerable amount of speculation "quarterbacking and second guessing."

He said: "We know they established a camp on the north side. One or two men went toward the west side."

As to what man was wearing the pack, he said: "They could have traded packs."

Colony said it required about eight hours for support men to make the trip from the ranger station at head of the lake to the search area and return. It wasn't suitable for snowmobile use.

Colony observed: "We had a lot of luck breaks. First there was the weather. Nearly every day there was a forecast of bad weather coming soon, but it held off. Then the lake didn't freeze over until Tuesday."

29 SEARCHERS

Maximum number of searchers on Mt. Cleveland at one time was 29, trained Canadians and Americans including volunteers from Butte and Bozeman. The men who were on the search mission were termed "tremendous," and there was special word for the Canadians.

A man who has been largely overlooked is Helicopter pilot Charles Trail of Johnson Flying Service. Frauson and Colony said: "He's a fine pilot and did a wonderful job."

Trail wasn't able to get his helicopter back to West Glacier and Missoula from Waterton until Monday. Adverse turn of weather was the factor.

Search effort also included a look at the register on top of Mt. Cleveland, inspection of Mokowanis Shelter and Pass Creek Cabin, possible havens.

Day after day there were zero and below temperatures, and fortunately "comparatively little wind."

Colony told of a Canadian in a tent near the search area. He had a small stove in the tent, and was having a cup of hot tea. There were icicles on the cup. "It was that cold."

Search area was marked by fluorescent orange spray paint and many bamboo and willow poles with the idea of identifying it next spring.

Ranger DeSanto, who frequently was aerial observer, is considered to have best knowledge of the area covered. He took bearings with a compass in preparation for search renewal.

NEW SNOW

The past week saw a foot of new snow at Waterton Townsite, and more on Mt. Cleveland which has had a number of new slides.

Rangers DeSanto and Doug Erskine Monday and Tuesday re-winterized the American ranger station at the head of frozen Waterton Lake, and left. They were last men out.

As weather permits there will be some aerial surveillance of Mt. Cleveland, but it will be the mountain spring late June at the earliest before active ground search resumes.

Montana and Alberta newspapers, radio, and television were much concerned with the Mt. Cleveland tragedy, but the story of the five missing youths somehow didn't get on major network newscasts. A conclusion is that this nation of over 200 million has somewhat restricted news coverage.

[From the Hungry Horse News, Jan. 16, 1970]

Comments

The following is a few paragraphs from Arnold Akelstad, former Bigfork scoutmaster, about Eagle Scout Jim Anderson.

It wasn't intended to be a letter for print. Permission was asked of Akelstad, however, to publish a few of his thoughts.

I did not know any of the other boys, but they no doubt were of the same high caliber as was Jim Anderson. If all of our youth were as well adjusted as Jim what a great nation we would be.

There is not a single memory in mind of Jim that was not of complete happiness and contentment. The only reprimand I ever gave the boy in five years of scouting was for being too brave. What a wonderful flaw!

It is not for me to conjecture what drives young men to conquer mountains. The obvious thing on the other hand is that without this burning desire to conquer we would as a nation, long since be reduced to a covey of slaves.

This has to be what our greatest leaders, statesmen, explorers, scientists, journalists, doctors are made of. Each in his own way of course, but all boiled down, they try harder.

I concur with your message that this right for men to reach fulfillment of their ambitions not be denied.

It is a saddening of our hearts when the final hand of fate is dealt, but it is also saddening when our senseless slaughter on the highways continues. It is also saddening that we are sacrificing our environment, if not all of mankind by pollution in the name of progress. We wonder if we can afford the price.

[From the Hungry Horse News, Jan. 16, 1970]

About Phone Call With Mrs. Kanzler

Last week the Hungry Horse News editor attempted to telephone Mrs. Jean Kanzler, Bozeman, mother of one of the missing climbers. We tried twice, couldn't reach her, and let well enough alone.

Saturday noon there was a telephone call from Mrs. Kanzler. She had just received the Hungry Horse News, and appreciated the personal approach in presenting the tragedy. There was also the comment that she would like us to communicate with friends.

Mrs. Kanzler said: "When it's time to go, they go," and she referred to Hal and now Jer. That's what the family calls Jerry.

Jean continued: "There's no way of stopping it. I'm comforted in that Jer went the way he wanted to."

Then she added: "We had a happy 18 years. The Lord has my son now."

Mrs. Kanzler will be in the Flathead next spring or early summer for memorial services. She also mentioned a memorial to Jerry in connection with the Episcopal Church, and how much comfort the church was to her in her loss.

[From the Hungry Horse News, Jan. 16, 1970]

Ostrom Tells of Search

On Saturday, Jan. 3rd I skied the upper runs on Big Mountain until increasing cold detracted from my pleasure and drove me down to the lodge where friends were gathered.

The topic there was of Jerry Kanzler and four of his friends overdue on a climb in northern Glacier park, something I had not heard about before.

As I drove home I recalled the incompetence and chaos with which the park administration had faced the several crises of 1967. At home I gathered foul weather gear, climbing pack and snowshoes, reviewed maps, and studied slides I've taken in and around Mt. Cleveland.

I had no illusions about a fat and 40 man pulling off any heroic class 5 climb to rescue anyone on the north face of Cleveland, but I did know I had to do what I could, and see first hand what was going on. Several telephone calls were unsuccessful in finding the right kind of man who could go with me.

Around 9 o'clock I called the one park man I knew who is completely competent in mountain rescue work, Bob Frauson. Although he must have been very busy, Bob courteously briefed me on the whole situation. Thus reassured I decided to not go to Waterton that night.

Sunday in Waterton I met Ranger "Willy" Colony for the first time, and decided there were now two men in Glacier in whom I could place trust and respect. At Waterton headquarters I was shown the list of experienced climbers who were already positioned in the American end of the lake in the search area. It couldn't have been better.

The logistics problems were staggering but Frauson had covered them all. The Canadians had committed themselves to meet the American problem immediately and completely. I was frankly amazed to the point of lump in the throat emotionalism.

Thousands of words have been written about what happened at Mt. Cleveland and Waterton. Some of it was inaccurate, much was good, much was factual, and some was poor. In the back of my mind I have a book to write about it, but for this column perhaps a few personal thoughts and random observations might be interesting.

It is a rare and precious time in anyone's life when he finds 60 or 70 people from all walks of like who momentarily lay selfishness aside and commit themselves wholeheartedly to aiding or comforting all those around them.

Some gave of their sleep, their comfort, and their pantries. Others came very close to giving their lives . . . and they all acted as if it was the natural thing to do.

One father in his despair wondered if it wouldn't have been better for his son to have died in the jungles of Vietnam and I disagreed.

Only those young men who dare to challenge, shall ever really accomplish, and I believe the world will be much better off when bold young men can "find themselves" on a wind swept mountain instead of in a machine gun swept rice paddy. Personal freedom encompasses a choice of where and how to die as well as where and how to live.

Audacity is probably as good a word as any to explain the calm manner in which Jock Glidden of the Teton Rescue climbers showed me how to make 30 foot nylon avalanche cords for the search crews to wear on their belts, like tails. He explained that if they were hit by a slide, there was a good chance the tails would stick out of the snow so subsequent rescuers would know where to dig for them.

A rock of strength and courage at Waterton was Jim Kanzler's wife, Linda, the kind of woman a man wants his sons to marry.

Glacier Supt. Briggle handled things very well. He picked the most qualified men he has to run the operation and he let them run it.

This is the first measure of administrative ability. As in all bureaucracies, the park still has some deadwood and misfits in high places, but Briggle wisely kept them in spots where they could do the least harm.

Telling parents, relatives, and friends of five lost men that hope was gone, has to be one of the most difficult things any man could face, but Superintendent Briggle handled it exceedingly well. He was given fine support by Ranger Frauson, an uncommon man.

The next time the temperature drops to 30 below zero and wind is howling, go up and spend the night on the roof of your house and you'll get some idea of how Doctor Callis, Pete Lev and Jim Kanzler spent Jan. 5, 1970,

A final note. Except for some thin circumstantial evidence, I have nothing or heard nothing that convinces me the five young men on Mount Cleveland did, or were doing, anything rash.

I do not know they actually attempted an assault on the north face.

They obviously considered it, went and looked at it, and camped below it . . . but did they try it?

There are state and federal snow removal crews, who have been caught by unexpected avalanches on well traveled highways, who weren't exactly foolish.

The climbers were taking some calculated risks but any life worth living involves some risks. Was it a nice safe cozy deal for Pilot Barton, Scoutmaster Akelstad and Mel Ruder to be flying around that peak in the clouds on Sunday the 3rd?

In the good book there are some words about not judging unless you can stand judgment, and I guess that's about where I stand on my decision about my friend Jerry Kanzler, his young friends, and their last adventure.

[From the Hungry Horse News, Jan. 16, 1970]

JIM'S MOTHER THANKS PUBLIC FOR CONCERN

Mrs. Florence Anderson, Bigfork, mother of one of the missing youths on Mt. Cleveland, telephoned Wednesday.

She said: "From the bottom of my heart I appreciate the kindness of people and all the efforts to find the boys. It's not just for Jimmy. It's for all of them."

Mrs. Anderson continued: "So many have asked what they could do to help, and I feel that when the bodies are found, maybe a living memorial—a fountain or something for Canadians as well as for Americans. Because they all helped."

Mrs. Anderson commented: "I feel that Jimmy went into mountain climbing knowing the dangers. He was prepared for survival or what might happen. He wanted his ashes spread over the park if anything happened. That's how much he loved the park."

Mrs. Anderson remembers Jimmy "as always happy. He used to sing a lot, and he belonged to a combo band." She referred to him as a searcher "who has found his answers."

Then she again mentioned thanking people for their wonderful kindness to us: "their cards, calls, visits and offers to do anything they could."

Saturday evening, the Hungry Horse News editor say Danny On. Danny commented that last week's story on Jimmy "was just the way it should be. I thought of him as a young brother."

REPUBLICAN REPORT—"OUR POISONED SKIES"

Mr. SCOTT. Mr. President, I wish to commend the Senator from Colorado (Mr. ALLOTT) and the staff of the Senate Republican Policy Committee on their January 22 Republican report "Our Poisoned Skies." This excellent study examines several aspects of our critical national air pollution problem. It describes the nature and causes of air pollution in Apache Junction, Ariz., as well as in Los Angeles and New York City. Senators on both sides of the aisle should have an opportunity to examine this excellent report. Mr. President, I ask unanimous consent that the report entitled "Our Poisoned Skies" be printed in the RECORD.

There being no objection, the report was ordered to be printed in the RECORD, as follows:

OUR POISONED SKIES

The great question of the seventies is, shall we surrender to our surroundings, or shall we make our peace with nature and begin to make reparations for the damage we have done to our air, our land and our water?

Restoring nature to its natural state is a cause beyond party and beyond factions—President RICHARD M. NIXON, state of the Union message, January 22, 1970.

This month in his message to the California State Legislature, Governor Ronald Reagan, a Republican, asked for stern new measures to restore purity to California's air. His authority for doing this came from Senator George Murphy's (R., Calif.) successful fight in 1967 for an amendment to the Air Quality Act, reserving for California the right to enact tougher standards than those being considered at the Federal level.

Already in California a bill has been reintroduced designed to outlaw use of the internal combustion engine on California highways. Such a measure once passed one house of that legislature but was killed by the other.

On January 20, 1970, the U.S. Department of Transportation forced American air carriers to agree to immediate installation of air pollution control devices on jet engines. There is still strong pressure in Congress to write that agreement into law.

CLEAN AIR: A MAJOR ISSUE

Watery eyes, stinging nostrils, sore throats have been the lot of urban Americans for a generation. The battle against air pollution which is *poisoning our skies* has been a losing one in Los Angeles, New York, Boston, Chicago, Washington, D.C., to mention but a few metropolitan centers.

These urbanites have long envied the freedom from smog of their fellow citizens who live in "the wide open spaces." *"Going out west is like getting your glasses cleaned,"* comments one young easterner.

It was thus a shock to pick up the January 4, 1970 issue of The Arizona Republic and find more than a fourth of the front page devoted to *local smog*. A four-column, eight-inch picture showed thick, oily smog sliding "around the south end of the Supersitition Mountains . . . toward Apache Junction and Phoenix."

The realization is brought home implacably: *Air, clean air, has become a major political issue affecting the entire country.*

Smog, polluted air, poisoned skies, however it may be described, is a *universal problem* in the United States. Predictions the planet Earth is fast running out of breathing air become believable, not only in New York and Los Angeles, but also in Phoenix, Albuquerque and Omaha.

Within the past year the warning issued by the Senate Republican Policy Committee in its 1966 staff study, "Where the Votes Are," has finally become generally accepted. *"Clean air,"* that study stated, *"Means votes."*

Just how many votes are involved and where they are to be found are only now becoming fully appreciated.

Emotional impact of pollution is beginning to surface, particularly *among the young*. Many young people are taking very seriously predictions by ecologists that within the next 20 to 30 years Earth will run out of breath.

These young Americans are saying to their parents, "It won't affect you so much but we'll still be alive 40 years from now—if you leave us enough oxygen to stay alive."

On some college campuses today *pollution* has become the *new cause for activities*, preempting the war in Vietnam.

Of air, land, and water pollution, polluted air is the *most visible*, the *most noxious* and the *most personal*. Dr. Lee A. DuBridge, President Nixon's chief scientific adviser, says,

"Air pollution is the most hazardous because it is so pervasive. You can't get away from it if you live near a city. You're continually breathing it and even air-conditioned buildings and apartments aren't completely clean."

Dr. DuBridge adds, *people "are much more angry about pollution than they used to be. They have more to complain about,* too, for the environment is deteriorating . . ."

Another way of saying it: *Polluted air has the most potential for political impact.*

WHAT IT IS

Air pollution varies from city to city, from one type of industry to another, from one form of transportation to another. It can be said to have *two common denominators* in all parts of the country. First, *air pollution is harmful* to man, animals, plants and structures. Second, *it is growing worse everywhere* at such a rapid rate that technicians tend to despair of our ability ever to reverse the trend.

Earth's atmosphere is a *chemical laboratory* in which *hundreds of gases* roil and interact upon each other. *Concentrated, many of these gases are deadly* to men and animals alike; *properly dispersed* and intermingled with other gases, in the right percentages and at the right places, *they can be beneficial*.

Ozone (O_3 as compared with Oxygen O_2), continuously created and destroyed by sunlight at altitudes of about 15 miles, forms a blanket against ultraviolet rays. *Without ozone these ultraviolet rays would cook us all.* On the other hand, ozone on *the Earth's surface* is a known cause of lung and upper respiratory ailments and *could cause death.*

Carbon dioxide in proper quantities performs a useful service in plant growth. All green plants absorb carbon dioxide from the air and convert it into carbon and oxygen. As we burn oil, coal and gas—which we do in a thousand ways in homes, industries and automobiles—we pump colossal quantities of carbon dioxide into the air, far more than the ecological system of the Earth has ever been forced to handle.

Dr. DuBridge suggests we may be pouring more of this gas into the atmosphere than our plants and oceans can possibly absorb. If this is the case, one of the effects could be a drastic, perhaps disastrous, change in Earth's temperature.

Carbon dioxide in the air performs much the same function that glass does in a greenhouse. It permits the sun's rays and heat to penetrate and heat the interior, but prevents heat from being radiated back into space. This is the reason for the whitewash so often splashed on greenhouse glass.

Over a period of time—and scientists disagree on how long it might take—such a greenhouse effect could so raise the temperature of our planet as to melt polar icecaps. In point of fact, a rise of only a very few degrees, over a period of time, would be required. In that event coastal cities would be inundated and billions of persons would have to flee to higher ground or drown.

As one observer notes grimly, this could have one beneficial side effect: the greatest smog producing cities of the world would be destroyed—and the rest of the planet could breathe easier.

Clean air is a balanced natural mixture of gases and other chemical substances that *supports all life on Earth.*

When *out of balance*, that is, when one or more gases become too prevalent or dominant, *the resulting unbalanced atmosphere can be equally destructive of life.*

NATURE, TOO POLLUTES

Man is not alone responsible for creating such imbalances. As Donald E. Carr points out in his book, "Breath of Life," such natural destructive imbalances have been known and noted from earliest recorded history. Hot sulphur gases escaping at the site of asphalt mines 200 miles west of Babylon led to early imagery of Hell as a nether world of fire and brimstone. *Volcanic fissures, geysers, hot springs* and other phenomena *spew out gases which spread death and plant destruction around them.*

Such natural phenomena are however so small and so scattered that their destructive effect has always been confined to a small area. It was not until man discovered the utility of artificially created fire that *air pollution began to appear* as a problem throughout the world.

Most pollutants, *singly* and in *limited quantities*, are not in themselves a *health hazard*. Most pollutants enter the atmosphere through combustion or explosion.

The problem is simply that as man has learned to use a wider variety of fuels, and has used them more intensely, he has caused a *staggering increase in the amount of pollutants in the air we breathe*. Our atmosphere is rapidly becoming more and more unbalanced. It is not yet poisonous—except occasionally in certain heavily industrialized areas—but it soon will be if nothing is done about the process.

THE DEADLY BREW

Among the more common ingredients of the pollution brew are the sulphur oxides (and acid), carbon monoxide, ozone, and nitrogen oxides (and acid) hydrocarbons (and acid), arsenic, asbestos fibers (from hot auto brake linings), beryllium, cadmium and lead.

These substances, if ingested by humans or animals in too-large doses, are deadly. *Carbon monoxide*, for instance, *has killed many thousands of motorists and homeowners* over the years.

The following information from the Public Health Service, U.S. Department of Health, Education, and Welfare, refers only to amounts *quite frequently found in the air in cities where smog commonly occurs*. In short, these substances are part of the daily life of the average urbanite as he travels to and from work, or of his wife if she leaves her windows open.

The effects listed below are those that have been documented by health authorities. Research continues to determine other, perhaps equally dangerous, effects. Robert and Leona Train Rienow in their "Moment in the Sun" quote researchers as saying *living in New York City is like smoking 38 cigarettes a day.*

Carbon monoxide—Impairs response time, cognition function and vision, thus contributing to the accident rate on highways.

Sulphur dioxide, sulphur trioxide—Irritates nose, throat and upper lungs, aggravates existing respiratory ailments, causes cardiovascular morbidity in the elderly.

Ozone—Causes coughing, choking, severe fatigue; interferes with lung function; impairs visual acuity; causes recurrent headaches and chest pains.

Nitrogen dioxide—Causes eye and nose irritation, and may increase susceptibility to infection.

Hydrocarbons—May be major contributing factor to increased death rate from lung cancer among urban population.

Arsenic—Associated with cancer.

Asbestos fibers—Induces lung disease.

Beryllium—Has produced malignant tumors in laboratory experiments.

Cadmium—Contributes to high blood pressure and increased susceptibility to heart disease.

Lead—A cumulative poison, may cause brain damage and death among small children; impairs functioning of nervous system in adults.

Particulates—Tiny particles of solids which in themselves act as irritants on nose, throat and lungs. They have the additional feature of coating themselves with toxics from gases and, since they penetrate deep into the lungs, taking other poisons with them. Without the presence of particulates the vaporous toxics in most instances lodge in the upper respiratory tract, not penetrating deep into lungs, and are therefore less damaging.

THE BREWMASTERS

Every fire that burns creates its own set of pollutants. Every fuel creates some heat and leaves some residue of pollutant in the air. To a degree *every one of the pollutants is dangerous to man and animals.*

Signs of real trouble began to show a century ago as the industrial revolution took hold. Smoke-belching industries concentrated in river valleys, which tended to confine the smoke and prevent it from dispersing readily into atmosphere. *As technology advanced, trouble spots multiplied* and the localized smogs thickened. Each mill, factory and smelter added to the layers of pollution around the world's great industrial centers.

Until a few years ago factories, mills, smelters, power plants and incinerators were assigned most of the blame for the smog choke. In the 1950's and 60's, however, *research developed information that pointed to another, more serious source of pollution.* It has been demonstrated that between *60 and 90 percent* of all city air pollution is due to internal combustion engines—the *automobile, truck, and bus.*

Just how much junk the average automobile throws into the air was documented in 1961 by Dr. John T. Middleton, professor of plant pathology at the University of California, Los Angeles, and Diana Clarkson, secretary of the State of California Motor Vehicle Pollution Control Board.

In a paper written for Traffic Quarterly, April 1961, they cite figures on automobile pollution. For every thousand gallons of gasoline burned, an automobile emits into the atmosphere:

Carbon monoxide, 3,200 pounds.

Organic Vapors (hydrocarbons), 200–400 pounds.

Oxides of nitrogen, 20–75 pounds.

Aldehydes, 18 pounds.

Sulphur compounds, 17 pounds.

Organic acids, 2 pounds.

Ammonia, 2 pounds.

Metallic solids (zinc, lead, carbon, other metallic oxides), .3 pounds.

Thus, *for every 8,000 pounds* of fuel burned (5 jaunts across the country) the average automobile of 1961 was pumping between *3,600 and 3,700 pounds* of very unhealthy garbage into the atmosphere.

One car, on a trip from New York to Los Angeles, will add to the air approximately 576 pounds of carbon monoxide, 73 pounds of hydrocarbons, 13.5 pounds of oxide of nitrogen, 3.2 pounds of aldehydes, 3 pounds of sulphur compounds, a third of a pound each of organic acids and ammonia and a trace of zinc, metallic oxides, lead, and other solids.

Based on Middleton-Clarkson estimates, collectively the 104 million automobiles in the United States are emitting an overwhelming 47,500 tons of hydrocarbons, 14,500 tons of nitrogen oxides, and 296,670 tons of carbon monoxide every day into the atmosphere over the Nation.

The Middleton-Clarkson estimates are based on the 1961 automobile. Since 1968, under Federal law, automobile manufacturers have been forced to adopt some pollution control devices. Environmental engineers contend that any advantage gained by these devices *is offset* by the higher power of the 1969 and 1970 cars. Additionally, they point out, the new devices *do not apply to old cars* and there are *more than 90 million* such older cars still on the roads. Furthermore the devices *are not completely efficient*, and some of them adversely affect engine performance, so that there is a tendency to disregard or disconnect them.

Automobile manufacturers in January of 1970 announced they hopefully can produce smog-free engines by *1980;* apparently until then the limited-value control devices on present models will have to suffice, *unless much more rapid progress can be made.*

Noxious as these automotive emissions are as they pour out of your car's exhaust pipe, something even more interesting happens to them when they hit sunlight. Sunlight works on these gases to create, through an extremely complex photochemical reaction, even more deadly gases.

Photochemical smog results from the sunlight's action on carbon monoxide, the hydrocarbons and nitrogen oxides. The resultant mix is known as the oxidants, among the most common and most deadly of which is *ozone.*

Ozone is highly explosive and when manufactured in laboratories is treated more gently than nitroglycerine. As previously noted, in its place at 80,000 feet, ozone is beneficial. At Earth's surface *it can be deadly* and is a known cause of a large number of human ailments.

This photochemical smog, largely involving ozone, is blamed by the Forest Service for damage being done to stands of ponderosa pines in the hills high above the Los Angeles basin.

POPULATION AND POLLUTION

The problem, as seen by Dr. DuBridge and other scientists, is not simply the automobile. Nor is it one factory belching smoke from its chimney. The problem is we have *so many* of everything—so many factories, so many mills, so many smelters, so many powerplants, and so many automobiles.

The problem is one of population. But, more, it's one of a fast-growing population that is used to and demands goods and services on an unprecedented scale.

As technology develops to meet these demands, it creates its own problems of pollution and waste. In turn, technology is thereby called upon to develop disposal systems that do not themselves create new problems. Says Dr. DuBridge:

"We are in a difficult race; the race between rising production of waste products and our ability to develop the technology to reduce the pollution created by these waste products."

To date, *we appear to be losing the race,* not primarily because of expanding population, but rather because of the high standards we have set for ourselves to meet the needs of this expansion. Again, Dr. DuBridge:

"Population growth in this country is a *more serious problem* than that in developing countries. Those countries do not use many resources. It is the rather slow-growing population of the developed nations, producing waste at a rapid rate, that are a greater threat to the world's environment." (Emphasis added)

Biologist Wayne H. Davis of the University of Kentucky, writing in the January 10, 1970, New Republic, contrasts this American population growth with the explosion in India. The United States, he notes, has a population of 203 million, while India has a population of over a half-billion and is adding new citizens at an extremely high rate. Yet the Indian peasant, even though there are many more of him, does less damage to his land on the whole than does the more advanced American. The Indian eats his few cups of rice daily, draws his water from a communal well, sleeps in a mud hut and gathers cow dung for fuel with which to cook his rice and warm his feet.

"His footsteps, along with those of millions of his countrymen, help bring about a slow deterioration of the ability of the land to support people."

By contrast, this description of the United States by Dr. Robert Rienow of the State University of New York at Albany:

"Every 7½ seconds a new American is born. He is a disarming little thing but he begins to scream loudly in a voice that can be heard for seventy years. He is screaming for 26,000,000 tons of water, 21,000 gallons of gasoline, 10,150 pounds of meat, 28,000 pounds of milk and cream, 9,000 pounds of wheat, and great storehouses of all other foods, drinks and tobacco. These are his lifetime demands of his country and its economy.

"He is requisitioning . . . $5,000 to $8,000 for school building materials, $6,000 worth of clothing, $7,000 worth of furniture—and 210 pounds of peanuts . . .

"He is heralded as a prodigious consumer in a nation that has one-fifteenth of the world's people but consumes half of its produce. In one year we use up enough big trees to build a ten-foot boardwalk thirty times around the world at the equator. . . ."

ANOTHER SIDE OF THE COIN

There is, obviously, another side of the coin, analogous to the one which George Schwartz points out in The Sunday Times, London, January 11, 1970. "It may be distasteful to see electricity pylons striding across the open countryside," he writes, *"but who is to carry the cost of putting them underground?"* Ultimately, he notes, the choice may be between putting utility lines underground or spending money for expansion of universities or on other facets of modern life.

Jet airliners which *pour some 1,200 pounds* of gunk a day on Washington, D.C., and are contributing to the more rapid erosion of national monuments in the capital, *also make it possible to handle the business of governing a nation of 203 million people expeditiously.*

The *millions of cars* that erupt onto the Nation's highways each morning and into traffic-clogged streets each evening *also make it possible* for Americans to live in *private homes with at least small swatches of green* between them and their nearest neighbors.

The electric power plant that pours *heavy coal or oil smoke* into the city's air *is also providing the power* for *lights, flameless cooking,* and *home entertainment.*

Without technology and the comforts and luxuries it provides almost all Americans, *life in America would be as drab as that of the Indian peasant* about whom Dr. Davis writes.

The problem facing America is not a choice between technological advance or regression. We long ago made *this* choice.

It is rather for technology to catch up with itself.

IS SOLUTION POSSIBLE?

Is it possible to detoxify our air?

That question can best be answered by answering another question: Do we *want* to clean up our skies?

Nearly every scientist, engineer and scholar writing in the field agrees that, *technically, it is feasible.* The question, as they see it, is not so much one of feasibility as one of desire to get the job done.

Just as *air pollution* with its watery eyes, sore throats and stinging nostrils *is the most personal* and direct form of pollution for the average city-dwelling American, so also is *the solution* to the problem *the most directly personal.*

Government at all levels—Federal, State and local—can take affirmative steps to clean up streams (the Federal Government can physically dredge the Potomac) and polluted land (car graveyards can be reclaimed). Citizen participation in this type of pollution cleanup would be *largely liimted to paying taxes.*

Decisions can be made by Government: *how much tax money will be spent, and where it will be spent.*

To clean our air, on the other hand, *hard decisions will have to be made by people.*

Are people willing to spend over $300 extra per car to convert smog-producing automobiles into comparatively smog-free automobiles?

Such devices are available. In California, for instance, a conversion unit using natural gas instead of gasoline has been developed and Governor Reagan has ordered them installed on State-owned vehicles.

State action in this case barely makes a dent in the smog problem. To achieve real pollution control involves *owners* of the other *11 million cars in California* alone—and the total bill to that State will be somewhat over $3.3 billion. To add such smog-eliminating conversion units to the entire Nation's 104 million cars would cost *$31.2 billion*—all of it paid for by individual automobile owners.

That's the beginning.

Other decisions the *consuming public* has to make involve *how much more* they are willing to pay for electricity so power plants *can be converted* from smog-producing to smog-free operation.

The consumer, who is also the taxpayer and the voter, must make decisions on *how much more* he is willing to pay for everything, from smoked ham to baby carriages, to provide the funds to clean up the toxic skies.

Ecologists say it involves more than just decisions on money. It involves *decisions on how Americans want to live.*

Are they, for example, willing to forego some air conditioning if that would mean less pollution (and, scientists note, less real need for air conditioning)?

Are Americans willing to ride crowded mass transit vehicles, whether trains or buses, rather than drive their own cars to work?

Each decision involves money and living standards.

Each decision *must be made by an individual* because *Government*—in a democratic republic—*cannot make those decisions for us.*

No representative of a suburban area, whether in a State legislature or the Congress, could support harsh measures barring the use of automobiles in commuting unless he could be assured his constituency would back him up.

To date few have had that assurance.

The question then remains, how seriously do we mean it when we say that we not only *can* clean up our skies—but we *shall?*

INDUCTION OF DELINQUENTS BY LOCAL DRAFT BOARDS

Mr. KENNEDY. Mr. President, last week the U.S. Supreme Court delivered its opinion in Gutknecht against United States, holding that accelerated induction of delinquents by local draft boards was unauthorized by Congress. I stated at that time that I believed this was an important step in reforming the present draft system, so that young men could have respect for it.

The Supreme Court made another step yesterday in its decision in Breen against Selective Service Local Board No. 16. The Court held that when Congress "acted to replace discretionary standards with explicit requirements for student deferments, it did not specifically provide or in any way indicate that such deferred status could be denied because the registrant failed to possess his registration certificate."

Again, I feel that this is an important decision. I ask unanimous consent that the opinion of the Court be printed in the Record.

There being no objection, the opinion was ordered to be printed in the Record, as follows:

[Supreme Court of the United States,
No. 65.—October Term, 1969]

Timothy J. Breen, Petitioner, *v.* Selective Service Local Board No. 16, Bridgeport, Connecticut, et al.

On Writ of Certiorari to the United States Court of Appeals for the Second Circuit.

[January 26, 1970]

Mr. Justice Black delivered the opinion of the Court.

This case raises a question concerning the right of a young man ordered to report for induction into the Armed Forces to challenge the legality of that order prior to reporting for duty. Petitioner Breen, while enrolled in the Berkeley School of Music in Boston, Massachusetts, was given a II–S student classification by his local draft board, and deferred from military service pursuant to the provisions of the Military Selective Service Act of 1967, 81 Stat. 100, 50 U. S. C. App. § 451 *et seq.* (Supp. IV). According to an agreed stipulation of facts, in November 1967, he surrendered his draft registration card to a minister at a public gathering "for the sole purpose of protesting United States involvement in the war in Vietnam." Shortly thereafter his local draft board declared he was "delinquent" for failing to have his draft card in his possession and at the same time reclassified him I–A—available for military service.[1] He appealed this reclassification to the appropriate Selective Service Appeal Board, and while that appeal was pending filed this suit in the United States District

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Footnotes at end of article.

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Court in February 1968, seeking an injunction against any possible induction into the Armed Forces on the ground that his delinquency reclassification was invalid. The respondent local board moved to dismiss the suit for want of jurisdiction, relying on § 10 (b) (3) of the Act which provides that:

"No judicial review shall be made of the classification or processing of any registrant by local boards, appeals boards, or the President, except as a defense to a criminal prosecution instituted under section 12 of this title, after the registrant has responded either affirmatively or negatively to an order to report for induction . . . ."[2] 50 U.S.C. App. § 450(b) (3) (Supp. IV).

The District Court granted the motion to dismiss and Breen appealed that decision to the Court of Appeals.[3] While the appeal was pending, we rendered our decision in *Oestereich* v. *Selective Service Bd.*, 393 U.S. 233 (1968), holding that § 10(b) (3) did not bar preinduction judicial review in the circumstances presented in that case. Although Breen argued that *Oestereich* controlled his own case, the Court of Appeals affirmed the District Court's dismissal of the suit, with one judge dissenting, holding that *Oestereich* did not cover this case and § 10(b) (3) therefore required dismissal of the suit. 406 F. 2d 636 (C.A. 2d Cir. 1969). We granted a petition for certiorari, 394 U.S. 997 (1969), and because we conclude that *Oestereich* does control this case, we reverse the judgment of the Court of Appeals.

In *Oestereich* a student preparing for the ministry surrendered his draft registration card in protest against the war in Vietnam and was reclassified as a "delinquent." He then filed suit seeking to enjoin his induction, claiming that he was being inducted contrary to the clear statutory requirement that students preparing for the ministry "shall be exempt from training and service" under the Act, 50 U.S.C. App. § 456(g). We held in that case that since Congress had unambiguously said that students preparing for the ministry were not to be drafted, and since there was no indication in the statute that such exemptions could be denied for "delinquency," Oestereich's induction was unlawful and in such a case § 10(b) (3) would not be interpreted to bar preinduction judicial review and thereby force the registrant to submit to an illegal induction or risk the possibility of a criminal prosecution to regain his exempt status.

In the present case petitioner Breen argues that he, like Oestereich, should not be inducted and he relies on § 6(h) (1) of the Act, which provides that:

"Except as otherwise provided in this paragraph, the President shall, under such rules and regulations as he may prescribe, provide for the deferment from training and service in the Armed Forces of persons satisfactorily pursuing a full-time course of instruction at a college, university, or similar institution of learning and who request such deferment." 50 U.S.C. App. § 456(h) (1) (Supp. IV).

In his complaint Breen alleged that he was a 20-year-old student and argued that he was clearly qualified for a student deferment. The Government has never contested Breen's factual allegations concerning his student status, nor has it argued that he is not qualified for such a deferment for any reason except the alleged "delinquency." As in *Oestereich*, we do not find any indication that Congress intended to allow the draft boards to deprive otherwise qualified students of their deferments for the reasons relied upon in this case.

In concluding that *Oestereich* did not control this case, the Court of Appeals felt that any reference in § 6(h) (1) to "such rules and regulations as [the President] may prescribe" was an indication that Congress authorized revocation of student deferments for violations of the delinquency regulations. 406 F. 2d, at 638. That conclusion must be rejected for several reasons. The explicit language of the Act provides that the President "shall" provide for the deferment of undergraduate students except as otherwise provided by the terms of the Act itself, and Congress then set forth the specific conditions which a student must meet to qualify for such a deferment.[4] The reference to "rules and regulations" is clearly intended only to authorize such additional administrative procedures as the President may find necessary to insure that all qualified students are given the deferment which Congress provided in § 6. There is nothing in the language of the Act itself which indicates a congressional desire to allow the President to add to or subtract from the factors specified in the statute for determining when students would be deferred.[5] The legislative history of § 6(h) (1) clearly indicates that Congress intended that only the conditions specified in that section need be met to warrant a student deferment. Prior to the 1967 Act the draft law provided that student deferments were provided only according to presidential regulation and in practice such deferments were subject to the discretion of the local draft boards.[6] The committee reports and floor debates on the 1967 Act show that a primary purpose of the amendments was to eliminate this local option and provide clear, uniform standards for undergraduate student deferments.[7] When Congress thus acted to replace discretionary standards with explicit requirements for student deferments, it did not specifically provide or in any way indicate that such deferred status could be denied because the registrant failed to possess his registration certificate.[8] Finally, any contention that "delinquency" induction is proper in this case must be rejected for the reasons set forth in our decision in *Gutknecht* v. *United States*, *ante*, p. —, holding that induction pursuant to the delinquency regulations has not been authorized by Congress.

The Attorney General advances another argument for distinguishing this case from *Oestereich*, *supra*. He points out that Oestereich met the requirements for a statutory "exemption" from military service, while Breen is at best qualified only for a statutory "deferment." On the basis of this observation he urges that the provisions of § 10(b) (3) preclude pre-induction judicial review in all cases of deferments and that *Oestereich* provides an exception only in certain cases where an exemption is claimed. We fail to see any relevant practical or legal differences between exemptions and deferments. The effect of either type of classification is that the registrant cannot be inducted as long as he remains so classified. Congress has specifically said that the only persons who may be inducted into the Armed Forces are those "who are liable for such training and service and who at the time of selection are registered and classified, *but not deferred or exempted*." 50 U.S.C. App. § 455(a) (1) (Supp. IV).[9] (Emphasis added.) Thus it is clear that the crucial distinction in draft classifications is between individuals presently subject to induction and those who are not so subject, either because of deferment or exemption.

The Attorney General also argues that a rational distinction exists in the statutory scheme between deferments which merely postpone the time when a registrant will serve and exemptions which place the registrant "outside the manpower pool." Brief for the Respondent, at 20-21. A careful reading of the entire Act indicates that no such consistent distinction is preserved. Congress has provided that "[n]o . . . exemption or deferment . . . shall continue after the cause therefor ceases to exist." 50 U.S.C. App. § 456(k). Many of the "exemptions" are not absolute, as the Attorney General implies, but conditioned on certain factors. Thus an exempt ministerial student like Oestereich will lose that exempt status if he withdraws from study in preparation for the ministry. Similarly exempt veterans can be inducted into the Armed Forces if Congress declares a war or national emergency. 50 U.S.C. App. § 456(b). On the other hand there is absolutely no assurance that an individual who is simply deferred will only have his military obligation postponed. So long as a registrant remains in a deferred classification he cannot be inducted, and deferment past the maximum age of draft liability would effectively exempt the registrant from compulsory military service. Although a registrant like Breen cannot be deferred as an undergraduate student past his 24th birthday,[10] he may continue to be deferred on the basis of extreme hardship to dependents or employment in the national interest. 50 U.S.C. App. § 456(h) (1) (Supp. IV). There is thus no statutory scheme to permanently exempt certain individuals while only deferring service for others. Both deferments and exemptions accomplish the same congressional purpose, that of not inducting certain registrants at a particular time.

We are consequently unable to distinguish this case from *Oestereich*. In both situations a draft registrant who was required by the relevant law not to be inducted was in fact ordered to report for military service. In both cases the order for induction involved a "clear departure by the Board from its statutory mandate." *Oestereich*, *supra*, at 238, and in both cases § 10(b) (3) of the Act should not have been construed to require the registrants to submit to induction or risk criminal prosecution to test the legality of the induction order. The judgment below is reversed and the case remanded for further proceedings in conformity with this opinion. *Reversed and remanded*.

FOOTNOTES

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[1] This reclassification was undertaken pursuant to 32 CFR § 1642.12.

[2] Although this provision would appear to preclude judicial review by habeas corpus after the registrant submitted to induction, we have already construed the statute to allow such review. *Oestereich* v. *Selective Service Bd.*, 393 U.S. 233, 235, 238 (1968).

[3] During the pendency of that appeal the Appeal Board upheld the reclassification and the local board then ordered Breen to report for induction. The induction order has been stayed pending decision in this case.

[4] The Act also provides that student deferment status may be lost under certain conditions.

"A deferment granted to any person under [this provision] shall continue until such person completes the requirements for his baccalaureate degree, fails to pursue satisfactorily a full-time course of instruction, or attains the twenty-fourth anniversary of the date of his birth, whichever occurs first." 50 U.S.C. App. § 456(h) (1) (Supp. IV). There is no contention raised here that Breen has lost his deferred status for any of these statutory reasons.

[5] The Act does allow the President to restrict student deferments on a finding that the needs of the Armed Forces require such action, 50 U.S.C. App. § 456(h) (1) (Supp. IV), but he has not made any such finding at this time.

[6] See Selective Service Act of 1948, § 6(h), 62 Stat. 604, 611–612, as amended. The regulations promulgated pursuant to this authority permitted student deferments in the discretion of the local boards with certain suggested guidelines. See 32 CFR §§ 1622.25, 1622.25(a) (1967 ed.).

[7] H.R. Rep. No. 267, 90th Cong., 1st Sess., 25–26 (1967); Conf. Rep. No. 346, 90th Cong., 1st Sess., reprinted in U.S. Code Cong. & Admin. News, 90th Cong., 1st Sess., 1352, 1356–1359 (1967); 113 Cong. Rec. 14093, 14095, 16434 (1967).

[8] The suggestion that the fleeting reference to "delinquents" in § 6(h) (1) of the Act, 50 U.S.C. App. § 456(h) (1) (Supp. IV), author-

izes delinquency inductions must be rejected for the reasons set forth in *Oestereich, supra,* at 236–237, and in *Gutknecht* v. *United States, ante,* at—.

[9] This statutory directive is implemented by 32 CFR § 1631.7.

[10] See n. 4, *supra.*

WINNING EXAMPLE OF DETROIT POLICEMAN

Mr. GRIFFIN. Mr. President, an event occurred in Detroit the other day that raised a few eyebrows.

Graduating students at a junior high school in the inner city voted to ask a policeman, 24-year-old Paul Sanders Jr., to be their commencement speaker.

Patrolman Sanders must be a rare man indeed, when one considers that he was chosen over Detroit Tiger star Willie Horton and Wayne County Auditor Richard Austin, who came within a hairsbreadth of winning the city's recent mayoral election.

Two newspaper articles published recently in the Detroit News and the Detroit Free Press tell the story.

I recommend them as worthwhile reading, and I heartily commend Patrolman Sanders, who must be a superb law enforcement officer—in every good sense of the term.

I ask unanimous consent that the articles be printed in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the Detroit (Mich.) News, Jan. 19, 1970]

HE'S A SCOOTER COP WITH A LOT OF CLASS

(By Henri E. Wittenberg)

Elmer Sanders Jr. will address the graduating class of the Longfellow Junior High School, at 12th and Buena Vista, tomorrow because the graduates like his message.

They could have picked Richard Austin, former Detroit mayoral candidate, or Willie Horton, a Tiger baseball star, but they chose Sanders, a Detroit policeman.

The students do not think it unusual to prefer Sanders. The 24-year-old scooter officer, assigned to the 10th (Livernois) Precinct, has been a public speaker for the last year, in and out of school.

Success of his talks became apparent early in December when the 132 eighth-graders selected Sanders by closed ballot.

"I am allowed to speak in various classes," he says, "and the first thing I tell the kids is I'm not a teacher, but I can tell you how to get along with others and stay out of trouble."

Sanders uses a red book called "What is the Law for Juveniles?" as his guideline. It was published as a public service of The Detroit News.

Sanders and his partner, Micah Smith, tell the youngsters everything they can think of to keep them straight, he said.

"We even explain the meaning of every part of our uniform," he said, "the badge, gun, attached radio, and how we are expected to conduct ourselves as officers.

"I talk their language and tell them of specific incidents they can relate to."

He said he warns the girls that "We have picked up some as young as 12 out on the street for accosting and soliciting."

"Sometimes," he said, "you cannot simply tell young persons to call police if they see someone break into a house, and get results."

Instead, he tells them, "If you see a man break into Mrs. Jones' house down the street, and don't report it, tomorrow it may be yours he burglarizes."

Sanders explained that when he talks to 100 or more youngsters at once, they tend to challenge him.

"But, he said, "in a class of about 35 they are beautiful and they begin to break down and really reveal their true feelings in a lot of cases.

"We even made an arrest several months ago with the help of students at Jamieson Elementary school, on Philadelphia, near Lawton.

"My partner and I were at the school during lunch period and students pointed out two men at the back door of a building with a radio and television set. It turned out they had just committed a breaking and entering and one man was a dope addict."

John Cunningham, principal of Longfellow, said he is pleased with Sanders' efforts. "I think with all of these scooter patrol officers, the fact that they are close to people is good," he said.

[From the Detroit (Mich.) Free Press, Jan. 20, 1970]

KIDS SELECT A SCOOTER COP AS COMMENCEMENT SPEAKER

(By George Cantor)

By the time the graduating class at Longfellow Junior High was ready to vote, the list of possibilities for commencement speaker had been narowed to three.

They were a leftfielder, a former candidate for mayor and a cop.

In an upset of rather staggering proportions, Willie Horton and Richard Austin lost the election. Winning handily was Patrolman Paul Sanders Jr. of the Livernois Precinct, possibly the first Detroit policeman ever asked to address a commencement exercise.

"They told me about it two weeks ago and I really felt an inward glow," said the 24-year-old scooter patrolman Monday.

"I know I'm not anyone to look up to especially. But if these kids can make this association with me instead of with pimps or whores or wineheads, I've got to feel that maybe we're accomplishing something."

Sanders appears regularly before social studies classes in the precinct to talk about the problems of growing up in the ghetto. Since he did his growing up in the Brush-Grand Blvd. area not very long ago, his talks strike pretty close to the bone.

"Everybody always tells us to be good," said 14-year-old David Anderson, who helped prepare the list of commencement speakers. "But Officer Sanders tells us why and what can happen to you if you're not. He doesn't try to hide any facts from us."

Says Sanders: "These kids get enough sugar-coating in school. They know what the facts are and they know when you're jivin' them. You have to be dumb to figure they don't know what marijuana is and where they can get it.

"I just try and point out that most junkies die before they're 35 if they get on the hard stuff and they don't die very pretty."

Sanders has worked very seriously on the seven-minute speech he'll deliver at 10 a.m. Tuesday at the school at 13141 Twelfth.

"If one kid hears this talk and that helps him make something out of himself then that's all I need to know," he said. "I had a lot of time to think about what I wanted to do with my life while I was in Vietnam with the 101st Airborne.

"I felt the situation called for black policemen and that because I was black I could do something to stop the conflict.

"When I go into a school I want to establish most of all that I can be a policeman and a human being, too. Many of these kids never make that connection.

"I even refer to myself as a pig, just to get across how you can lose your humanity when you start name-calling."

"We never even think of him as being a policeman anymore," said Jack Tyus, another student. "The things he says would get to me even if it was a grocer saying them.'

A CURIOUS MESSAGE FROM SWEDEN

Mr. TALMADGE. Mr. President, the Washington Evening Star of January 24 contains an excellent editorial column written by Jenkin Lloyd Jones which deals with the film "I Am Curious Yellow."

Aside from the boring and tasteless sex portrayed in this movie, Mr. Jones pointed out that it also provides a remarkable insight into the attitude of Sweden toward war, and particularly U.S. involvement against Communist aggression in Vietnam. He notes that many Swedes apparently believe that wars can be won without fighting. I would think that a nation that sat by, as did Sweden, and watched Hitler ravage its neighbors and all Europe would know better. History shows that Hitler found Sweden, not an ally certainly, but not an enemy either. Sweden now has sided with North Vietnam and has pledged loans of $40 million for the Hanoi regime. Sweden apparently has not learned after all these years what constitutes aggression and a threat to freedom.

I bring this article to the attention of the Senate and ask unanimous consent that it be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

A CURIOUS MESSAGE FROM SWEDEN

The TV set in my Washington hotel room went haywire during the Oakland Raiders-Kansas City Chiefs game so I finally got around to seeing this undress movie, "I Am Curious (Yellow)." Unlike Jackie, I figure I might as well admit it. I don't have the social position to maintain.

If they award any prizes for amateurish boredom "Curious" gets a diamond tiara, for the nudity and sex are tasteless and the conversation interminable. It is really an endless home movie in which, at long intervals, a boy and a girl drop into the hay.

However, it purports to depict the swinging youth of Sweden and it appears to be aimed at their counterparts in other countries, particularly the U.S.A. So the film says three things that are interesting:

1. Military service is evil, and in case you are invaded the enemy can be adequately handled by civil disobedience and sabotage.
2. Idealistic youth cannot stomach the murdering American aggressors in Vietnam.
3. Even if Communists appear to be oppressive they are only acting that way to speed a better life for the downtrodden.

This passive resistance bit seems to be based on the naive theory that if Gandhi's followers confounded the British with it the tactic would work with anyone. They might ask the ghosts of the millions who meekly walked into the boxcars and were chuffed away to Dachau, Auschwitz and Ravensbruck. It is a tossup whether Ivan the Terrible would have laughed louder at passive resistance than Hitler or Stalin.

The conviction of many Swedes that wars can be won without fighting them may spring from the fact that their country has managed to sit out all wars for the last 156 years. Swedish self-restraint is famous.

They were careful not to annoy Hitler even after he brutally invaded and terrorized their cousins, the Danes and the Norwegians. The Swedes sold the Nazis steel and eventually agreed to transport German troops on their railways. In short, der Fuehrer found them good neighbors.

But don't get the idea that the Swedes are not capable of righteous indignation. They have exploded with fury at the evil American war in Vietnam. They have welcomed our military deserters. They have raised $40 million for Hanoi. Their foreign minister has marched in a parade denouncing the United States. This forthright courage is perhaps only coincidental with the fact that the U.S.A. is far away and has no intention of bothering Sweden.

Anyway, "I Am Curious," etc., has quite a sequence showing clear-eyed Swedes demonstrating before the U.S. Embassy, and displaying the placard showing the Napalmed child. But much more interesting is the interview between a round-heeled heroine and a visiting Russian poet.

The girl, through a woman interpreter, asks why the Communists haven't delivered freedom of speech, assembly and general protest, and the poet patiently explains that a degree of compulsion is necessary for humanitarian reasons.

You see, he says, the ignorant and hungry masses can't wait 300 years for the slow evolution inherent in capitalism to give them a better life. They must make the grade in 30. In order to achieve this speed some regimentation is necessary. Liberties will be returned as soon as possible.

The girl in the picture says, "I guess you're right," and the character with the long sideburns sitting in front of me turned to his companion and said, "He's right," too.

Maybe I was the only guy in the house who didn't grasp the advantages of this short-term loan of liberties for the great blessings of universal literacy and prosperity.

NUCLEAR FUEL—MOST ABUNDANT AND EFFICIENT SOURCE OF ENERGY

Mr. GORE. Mr. President, power or pollution, or both—that is a crucial question. A crisis of energy is around the corner.

The peaceful atom, heralded since its destructive use as mankind's greatest hope for virtually unlimited power, has the potential of dangerous and deadly environmental contamination.

Yet energy in vastly increased quantities is necessary to sustain our industrial society. Without this vast increase in energy, officials of both government and private utilities forecast dark days and darks nights, cold homes and closed factories.

Nuclear fuel is the most abundant and most efficient source of energy, yet without development of additional technological safeguards, its waste products could become at the same time mankind's most destructive pollutant. Development of safer and more efficient reactor concepts is imperative—and quickly if an energy shortage is to be avoided.

True, fossil fuels can continue as a significant source of energy. But the power needs of the near future are so great that the Chairman of the Atomic Energy Commission recently estimated that if our electric power requirements in the year 2000 were to be met solely with coal-fired installations, about 10 million tons of coal per day—involving the daily movement of 100,000 railroad cars—would be needed. And the burning of coal creates pollution in enormous volume and of dangerous content. Development of more efficient pollution abatement here is urgently needed, too.

But in the long run, our energy needs require safe utilization of nuclear fuels. Yet budgeted investment is far too little and too late.

First of all, nuclear power reactors are relatively new; for the layman, nuclear processes and byproducts are still surrounded in mystery. Next, experimental development is very costly, too costly for private undertaking; and governmental development of new concepts, particularly the fast breeder, molten salt and liquid metal types, has been tardy. Moreover, a cutback has been ordered.

Then, concern is generated because, in the public mind, nuclear operations are still associated with the awesome destructive characteristics of nuclear explosions. Thus opposition to a nuclear installation of any kind can become highly emotional.

A review of the magnitude of our future power needs underlines the need for prompt resolution of the present controversy and for measures that will bring about public acceptance of nuclear generating stations.

The electric power industry in this country now represents a capital investment of approximately $85 billion. Nationwide, the power industry is doubling in size every 10 years. In some regions, such as southern California, the demand for power is such that needs are doubling every 7 or 8 years.

In testimony before the Joint Committee on Atomic Energy last year, the Chairman of the Federal Power Commission said that our projected power needs for the next two decades might require the construction of about 40 new hydroelectric installations of 100 megawatts or more, approximately 50 new pump storage hydroelectric installations of 300 megawatts or more and over 250 coal-fired, gas-fired, oil-fired or nuclear-powered steam electric generating plants on new sites. He added that this will involve the installation in this country of nearly 1 million megawatts of new generating capacity in the 1970–90 time period.

Clearly, in terms of conservation as well as in terms of economics, we must plan for an increasingly important role for nuclear energy in meeting our power requirements. Few economically feasible hydroelectric sites remain undeveloped and there is a limit to what can be done with pump storage installations.

In eons of time, nature created our deposits of fossil fuels, and we have known for a long time that they are not inexhaustible. Needless depletion of our remaining reserves is unwise, particularly when alternate sources of energy are available. Too, as our most accessible fossil fuel deposits are depleted the cost of recovering those that remain increases.

The picture is not all dark. Indeed, no. We know what needs to be done; what we need to do is to get on with the job.

After more than a decade of development, financed in large part by Federal funds, a strong trend toward central station nuclear power had become a reality by 1965. In that year, one-fifth of all new generating capacity ordered was nuclear. In 1966 and 1967, about one-half of all civilian powerplants ordered were nuclear. In 1968, utilities announced plans for 17 nuclear power facilities and ordered nuclear reactors with a total capacity of about 15 million kilowatts. In 1969 plans for six additional nuclear powerplants were announced.

Generally, on the basis of present projections, it is anticipated that about one-half or more of all new generating capacity installed during the remainder of this century will be nuclear. That is unless this becomes impossible because of pollution danger, either real or fancied or both.

Until recently, those who were most concerned about our environmental problems had regarded nuclear power as something of a panacea. Generating plants using fossil fuels discharge pollutants into the air; nuclear plants less so. It has been estimated that the burning of coal, oil, and natural gas results in the discharge into the air of up to 6 billion tons of carbon dioxide and up to 1 million tons of carbon monoxide each year. Even modern generating plants unavoidably contribute to air pollution. A modern coal-fired generating plant of 1,000,000-kilowatt capacity, for example, will discharge into the atmosphere up to 250 tons of sulfur dioxide and up to 80 tons of nitrogen oxides each day.

As I have said, nuclear powerplants do not contribute to this kind of air pollution. Nevertheless, nuclear plants pose dangers for our environment, as do fossil plants. Indeed, there is waste from any conversion of matter to energy.

The evidence indicates that coal-fired plants may discharge radioactive materials, too; some say more than do nuclear plants. In both cases, however, the emissions are believed to be well below the safety limits that have been established. The evidence from those nuclear plants in operation indicates that such emissions are only 2 or 3 percent of what is allowable under the Federal standards. But these standards are based upon guidelines established by admittedly imperfect knowledge. True, the Federal Radiation Council and many experts regard them as being conservative. I only say that we need urgently to experiment and develop safer and more efficient techniques of generation.

Then, there is the question of thermal pollution. Cooling water is cycled through both nuclear and conventional plants. Scientists are concerned about the effect on certain forms of aquatic plant life and fish arising from the discharge of this water back into the Nation's streams and lakes. The water from a nuclear plant is somewhat warmer than is the water from a conventional plant. Studies are underway to determine methods to reduce the temperature of the recycled water, and also into the question of how to derive some beneficial use from it, warm-water-fish culture, for instance.

Then, there is an uncertainty and suspicion in public attitudes. Some citizens have a latent fear that a nuclear power station might create a dangerous explosion, and they are seemingly unimpressed with the fact that this great technological development has experienced a remarkable safety record. One experimental reactor accident at an AEC laboratory in Idaho cost the lives of three persons, but this has been the only incident resulting in a fatality in all the years of reactor development. Among our major technological achievements, only the space program can claim a record as good.

But despite the answers given to the

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questions, the opposition continues and increases.

Opponents include those who are simply antitechnological. As might be expected, some opposition comes from competitive pressures that are always present in our economy. But also numbered among the opponents are some scientists who have studied the problem and who are genuinely concerned. The technical argument centers around the adequacy of the safety and radiation standards established by the AEC. The great majority of the scientists and technical experts assert that these standards provide a margin of safety that is fully adequate to protect against the hazards of a nuclear accident or adverse effect upon the environment.

But, Mr. President, the opposition to nuclear power plants involves more than just a technical argument. In interesting numbers, ordinary citizens who are unlearned in nuclear science are concerned. They want assurance of an adequate supply of electricity, but they do not want the generating plant built in their neighborhood. As I have said, there is opposition to any kind of generating facility, but because nuclear plants are relatively new and because they involve the atom, the opposition to them is more pronounced. The construction and operation of nuclear power stations require approval and licensing by Federal officials. But in addition, permits and approvals must be obtained from State and local regulatory bodies. The latter are quite naturally more directly influenced by the attitudes and the protests of the local citizens who are most immediately affected by site selection. The technical validity of protests may not be the determining factor. Aroused citizens can delay or even block construction and/or operation or dictate site selections that do not permit efficient and economic distribution of power.

Mr. President, I have been a vigorous supporter of nuclear power. In 1956 I sponsored legislation in the Senate to authorize a massive infusion of Federal resources in a program to accelerate the development and demonstrate the feasibility of nuclear power. I was convinced then, as I am now, that a substantial portion of our power requirements must be provided from this source if we are to avoid brownouts and blackouts in the years ahead. The Gore-Holifield bill that passed the Senate constituted, I believe, a contribution.

We have unfortunately proceeded at a slow pace. Substantial Government subsidies have been made available to private concerns for the development and construction of power reactors. I do not wish to be misunderstood as being critical of the work that has been done by the private sector with Government help. But our program has not gone forward as fast as it should or as fast as it could have had the Federal Government been authorized to marshal the resources of the Nation in an effort to bring into being the potential of the atom at the earliest feasible time.

We must now look to the future. We must start now from where we are. We cannot start from where we might have been.

If we are to avoid an energy crisis we cannot simply ignore or attempt to ride roughshod over the protests of those who are concerned, whether their concern be based on fact or emotion.

Atomic Energy Commission spokesmen are busily making speeches and statements to counter the fears expressed by those who are concerned. Last year the Joint Committee on Atomic Energy held extensive hearings on the environmental effects of nuclear power. But all too frequently the material presented reaches only a limited audience, and when technical in nature, does not command full public understanding and acceptance.

We must do more than merely offer reassurance. Specifically, we must intensify our research and development efforts so as to reduce even further radiation emissions, to analyze and resolve problems associated with thermal pollution and to reduce costs. If this effort is to succeed, Government must provide leadership and most of the funds.

A vision of an America with a power supply that is adequate, safe, clean, and low cost cannot be made a reality through speeches alone. It cannot be done with a drastically reduced R. & D. budget.

Much more needs to be done in the area of development of reactor concepts. Nuclear fuel, though relatively abundant, is not inexhaustible. Present day nuclear reactors do not use nuclear fuel efficiently. The 1962 report to the President pointed out that light water reactors use only 2 to 3 percent of available energy. Although current designs can undoubtedly be improved and made more efficient, the ultimate solution lies in the development of breeder reactors which may make more fuel than they consume.

The AEC is placing primary reliance—and most of its money—on its program to develop the liquid metal fast breeder reactor. This is a promising concept. But the stakes are too high to put all of our eggs, or nearly all of them, in one basket. Yet this is what the AEC has done with respect to its breeder program.

The molten salt reactor project underway at the Oak Ridge National Laboratory also shows great promise. Yet those who allocate AEC funds are apparently so enamoured with the liquid metal program that the molten salt project has been starved for funds. Last year the administration requested only $5 million for this project which is now at the point that it should move vigorously ahead. The Congress authorized and appropriated $8 million, but the administration has frozen the additional funds. Although the project has not been killed outright, the experimental reactor has been shut down for lack of funds. This is shortsighted action of the kind that may bring on the energy crisis we seek to avoid. In addition to the molten salt concept, the light water breeder program, the high-temperature gas-cooled reactor concept, and perhaps others should be given higher priorities.

CHALLENGES OF THE 1970'S

Mr. DOLE. Mr. President, much attention has been focused recently upon the events and trends of the past decade and prospects for the 1970's. One of the most clearsighted and intelligent analyses offered the American people is that of the distinguished Senator from Kentucky (Mr. Cook). Senator Cook, speaking to the Nelson County, Ky., Jaycees, brought his keen insight and sense of proportion to bear on the turbulent and often confusing 1960's, today's dynamic happenings, and the view ahead as we turn the corner of a new decade.

An especially valuable aspect of Senator Cook's observations is the perspective he imparts to the Nixon administration's first year in office and its role in setting the national posture for the 1970's.

I commend Senator Cook's remarks to the attention of the Senate and the American people and ask unanimous consent that they be printed in the Record.

There being no objection, the address was ordered to be printed in the Record, as follows:

Challenge of the 1970's

(By Senator Marlow W. Cook)

Life magazine, in its December 26th issue, has aptly labeled the 60's "the decade of tumult and change". This brief description of the decade is the best I have read after reviewing many magazines, periodicals and newspapers and, therefore, I have chosen to quote from it liberally in presenting a cursory review of the events of the past decade.

Life suggests, and I agree, that the past decade seems to fall into two fairly distinct parts.

In the first, there was a brisk feeling of hope, a generally optimistic and energetic shift from the calm of the late 50's. Then, in a growing swell of demands for extreme and immediate change, the second part of the decade exploded—over race, youth, violence, life-styles and, above all, over the Vietnam war.

The event which separates the decade into these two distinct parts Life contends, was not the assassination of President Kennedy which it describes as "the act of a single megalomaniac", but rather the Watts riot of 1965. It was Watts which set the tone of violence and confrontation which engulfed the last half of the decade.

The essay continues:

The tumbling years began with a new president inviting his countrymen of all ages to accept a share of the burdens of leadership. This invitation, with its eloquent appeal to idealism, reached the young of America, and they responded not only by joining the Peace Corps but by beginning to study the possibility that they had an urgent stage in the quality of American life.

This involvement and commitment, however, coupled with a realization of the defects which all of our institutions necessarily contained lead to disillusionment about and protest against those institutions unparalleled in American history.

The idealism and optimism of the early years of the decade were soon displaced by the public skepticism which marked the troubled Johnson years. Some of the movement of the Johnson years was good, especially in the civil rights field, but what accomplishments there were, were lost to the public mind as we moved ever deeper into the Vietnam quagmire.

As Life puts it, "The explosive years had arrived." New experience soon became the order of the day, the stage, the screen, the arts, the fashions, all offered innumerable fresh possibilities for shock and confrontation. The new theater became part of the new politics and candidates like Eugene McCarthy could ignore the old, traditional campaign requisites and deal directly across the generation gap. The gap itself became a

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cliche and students became the tasters, seekers and upsetters for the Nation, not merely for their contemporaries.

It was against this background of violence, division, and disillusionment that a name from the past was called upon to "bring us together" to face the challenge of the 70's.

With the mandate from the American people to continue progress but at the same time to reinstate domestic tranquility, Richard Nixon set about the task of restoring the faith of the people in their elected representatives. In analyzing the philosophy of the first year of his administration, the President has said:

"We do not seek more and more of the same. We were not elected to pile new resources and manpower on the top of old programs. We were elected to initiate an era of change. We intend to begin a decade of government reform such as this nation has not witnessed in half a century."

Reform, therefore, will be the "watchword" of his administration. And the reformer recognizes that the quality of thinking which goes into a solution is often more important than the quantity of money spent on it. As the President put it on one occasion, "We cannot count on good money to bail us out of bad ideas."

This administration knows that it is not publicity but action which counts. Let us take for example a ten-day period in late November when—without fanfare:

1. The Strategic Arms Limitation Talks (SALT) opened in Helsinki;

2. A new foreign trade policy was proposed;

3. The troublesome Okinawa Reversion question was settled;

4. The treaty on the nonproliferation of nuclear weapons was ratified;

5. A new policy on the use of chemical and biological weapons was presented; and

6. Major reforms in the Selective Service system were signed into law.

All of these matters had been studied in great detail before action was taken. It has become apparent that this administration will act deliberately rather than as the former administration which had the appearance of perpetual motion but the reality of few accomplishments.

The most difficult problem of the first year of the Nixon administration has unquestionably been the state of the economy. Secretary of Commerce Maurice Stans in his year end review and outlook for 1970 claims significant progress in the fight against inflation. Throughout the year the President attempted to apply persistent but moderate policies of fiscal and monetary restraint to slow the growth rate of our overheated economy. The achievement of a slower rate of growth should assist in the next important development—the curbing of inflation.

The tighness of credit that resulted from monetary restraint applied against unusually strong credit demand drove interest rates on both short-term and long-term debt to unprecedented levels. The principal effect on economic activity was to check increases in construction expenditures and to limit sharply the number of new private housing starts, especially in single-family homes. The housing downturn was not, however, as severe as in 1966–67.

In the environment of high interest rates and relatively lower operating ratios, business plant equipment expenditures were remarkably buoyant, contributing much to the year's economic expansion. However, as we all know, the very considerable increases projected by business at the beginning of the year were not fully achieved. Strong rises occurred in both the manufacturing and nonmanufacturing sectors. This was in contrast to 1968 when manufacturing capital spending declined slightly. This persistence in expanding productive capacity can be interpreted as a response both to the need for productivity improvements and to inflationary expectations. Basically, however, most businesses were confident about the continuing well-being of the economy.

The Nation's gross national product was about $932 billion in 1969. The increase over 1968 was about $66 billion or some 2¾ per cent, as compared with a 9 per cent rise the year before. The 7¾ per cent growth can be explained largely by a 4¾ per cent rise in prices. However, while the rate of price increase was accelerating, the real growth was slowing. The 1969 increase in the physical volume of output, at less than 3 per cent, was substantially lower than the 5 per cent gain in 1968. This is, of course, a good omen for the fight against inflation.

Stans further reports that the most vigorous sector of the economy in 1969 was private domestic investment, which increased by about 11 per cent over the 1968 figure. This growth occurred despite the decline in residential construction and was most strongly marked in expenditures for new plants and equipment.

The growth rate of consumer spending eased considerably during 1969. Consumer spending had started from the relatively high level of late 1968 and in the first half of 1969 grew faster than disposable personal income. However, with the cumulative effect of the income tax surcharge and growing concern over future developments in the economy. The growth of consumer spending was reduced in the second half of the year.

The rise of Government expenditures in 1969 was mainly in the State and local sector. Federal Government purchases of goods and services were subject to a stern policy of restraint. Non-defense outlays were essentially stable during 1969 and I am especially happy to report that defense spending showed a downward movement toward year-end.

No review of the first year and discussion of the years ahead is complete without some mention of the all-pervasive subject of the Vietnam conflict. For the first time since our tragic mistake in initially involving ourselves in Southeast Asia, steps have been made to de-escalate American participation. First, the President pressed forward with the negotiations in Paris in both public and secret. At the same time, due to the frustrations encountered at the peace talks, he instituted a new policy of Vietnamization.

The effects of Vietnamization, as I said earlier, are already apparent. After seven years of growing American involvement and rising American casualties, the reverse is now true. Significant troop withdrawals have already been concluded and remaining U.S. forces have made the training of South Vietnamese soldiers, not prosecution of the war, their primary objective.

I support the President in his efforts to terminate our involvement in Southeast Asia. I have said repeatedly on numerous occasions, and repeat again today, that our vital interests are not served by participation in land wars on the Asian continent. It is my hope that the agony and frustration of this war will indelibly imprint on our minds for decades to come the lesson of Vietnam.

Finally, let me relate to you what I believe to be the central challenge of the 70's. It is inextricably intertwined with the Vietnam conflict, and it is this. It is the question of national priorities. It is providing the answer to this query, given the limited revenue available, how should we allocate our resources in order to best serve the needs of the country in the coming years?

The reason the priorities question is so closely tied to Vietnam is because the task of reordering priorities depends upon our extrication from this conflict and avoidance of military involvement on foreign soil unless such involvement can be shown to be absolutely essential to our national security.

As the 70's begin, we clearly face a greater threat from within than from without. The tumult in our cities, the violence on our campuses, and the abject poverty of many of our citizens considered along with the roughly $20 billion a year cost and the 40,000 lives we have lost in Vietnam tell us what our priorities have been in the past. Americans know where their taxes ought to be going because they are breathing foul air, fishing in polluted lakes and rivers. Attending overcrowded and inadequate schools, and languishing in insoluble traffic jams going to and from work every day.

Why do these problems continue and even grow more severe? The American people now know the answer. We have a standing Army of 3.5 million men at an annual cost of 35 billion dollars, with approximately 1.5 million of these abroad ready to plunge into local conflicts on a moment's notice.

Vietnam has shown that in many instances interventicn is not only not productive, it is counter-productive. As I have said, I support the President in his efforts to end this conflict but let us all, as a people, resolve that this shall not happen again. Such involvements:

1. Do not obtain the desired results.

2. Sap our most prized resource—our youth.

3. Divert resources away from our staggering domestic problems.

4. Inevitably cause inflation and a continued weakening of our currency.

All of these facts give us an undeniable mandate to seek negotiation rather than confrontation abroad, and attention rather than neglect at home. This is the challenge of the 70's—the challenge to re-build America, not police the world.

DEVELOPMENT OF OCEAN RESOURCES—ADDRESS BY SENATOR SPONG

Mr. HOLLINGS. Mr. President, on January 24, 1970, the distinguished Senator from Virginia (Mr. Spong) delivered an address before the Kiwanis Club of Norfolk, Va., relating to the development of our ocean resources and the vast potential and benefit to be derived from the sea. As Senator Spong points out, the resources of the sea offer almost unlimited development in raw materials, food, and medicines, but that it is incumbent upon this country to undertake the responsibility for the proper development and study of these resources.

I commend Senator Spong's remarks to the Senate and ask unanimous consent that they be printed in the Record.

There being no objection, the remarks were ordered to be printed in the Record, as follows:

Speech by Senator William B. Spong, Jr.

The development of our ocean resources is one of the urgent tasks facing this nation in the decade ahead.

For thousands of years, men have harvested the fruits of the sea. But only in the last decades have they come to appreciate the full potential of its vast resources and to develop the scientific knowledge and technology necessary to exploit it.

The time is at hand when those resources will be in critical demand. Thirty years from now, world population will have doubled, bringing with it a desperate search for new sources of food. Industry, with its heavy call on raw materials of all kinds, should expand at even greater rates.

This growth will be beyond anything our land resources alone can support. A turn to the oceans is inevitable, and in some fields, intensive development is already under way.

Most heavily exploited today are oil and gas which account for about 90 percent of the value of all minerals taken from the

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ocean. Off-shore production has grown from 8 percent of the world total in 1960 to 17 percent today. By 1980, it is expected to represent more than a third of all production.

Oil is the leader, but it is by no means the only mineral being taken commercially from the sea.

If you own a magnesium step ladder, the odds are the metal in it was extracted from sea water. That's where the U.S. obtains most of its supply. That is true also of bromine which is used as a gasoline additive. In fact, 70 percent of the world's production of that element is recovered from sea water.

Significant quantities of sand, gravel, oyster shells and sulphur are also being mined off U.S. coasts. Elsewhere in the world, zinc, copper, silver, uranium and diamonds are beginning to be recovered from the sea in important quantities.

As impressive as some of today's ocean mining is, it barely scratches the surface of the ocean's total deposits. No one knows exactly how extensive they are, but some oceanographers and geologists have estimated the oceans may contain as much as 50 quadrillion metric tons of useable minerals.

A sizeable part of that wealth lies on the continental shelf at depths of 200 meters or less, much of it within man's reach even considering the early state of marine engineering. This underwater frontier bordering the United States totals about 930,000 square miles, more territory than was involved in either the Louisiana or Alaska purchases, and perhaps more valuable.

As might be expected the most plentiful and probably the most valuable potential resource of the sea is water. There are now in operation or under construction today some 680 desalination plants and the number is expected to increase by 25 percent a year over the next ten years. While the cost of desalted water is still too high for general use, improved technology is gradually bringing it down. Today, the price is about 85 cents per 1,000 gallons as compared to the 35 cents per 1,000 gallons for fresh water charged in the U.S.

One of the most exciting uses of sea products today is the manufacture of drugs from marine bioactive substances. For example, a poison secreted by the stonefish was discovered by doctors at the University of Southern California to reduce blood pressure in animals. Experiments are underway to see if the drug can be used to treat hypertension.

A new antibiotic was discovered after researchers in the Antarctic noted that the intestinal tracts of penguins were virtually free of bacteria. An investigation led to the krill, the penguin's main source of food, and from there to a green algae which is the krill's chief food. The antibiotic synthesized from this substance has killed virus cultures in laboratory experiments.

Another fascinating project concerns the Bonellia, a type of marine worm. Scientists have observed that young larvae which brush against their mothers are affected by a hormone which stops their growth process. Researchers are now investigating the hormone for possible applications in the control of cancers.

A vast number of other marine biochemical agents are thought to have possible uses in medicine, so many that one doctor has dubbed the ocean a sea-going drugstore. To date, however, only about one percent of these substances have been tested.

Of all the potential uses of sea products, none is of more immediate importance than the production of food, especially of animal protein which is the most basic need of food-poor countries.

Seafood, of course, is a rich source of such protein and it can be produced inexpensively and in enormous quantity. At the present time, however, only about two percent of the available supply of seafood is harvested each year.

U.S. fishermen account for about four percent of the world catch, a figure that has remained constant for 30 years. That is only a third of what the United States consumes each year, making this country one of the world's largest importers of seafood when it clearly has the potential to be one of its great exporters. Marine authorities estimate that U.S. fishermen harvest only one-tenth of the useable sea species available in its waters.

Aquaculture, or sea farming, could greatly augment the production of traditional fishing and is already the source of most of the world's oysters.

These achievements in marine development point up the tremendous economic potential of that two-thirds of the earth which lies beneath the sea. And it is only a beginning. As land resources continue to decline in relation to demand, more and more industries will find it economically feasible to reach out to the ocean for their raw materials. Ocean-related businesses and industry have one of the most promising growth prospects in the world today, even greater than the space industry.

Unlike the space program, which is essentially a Federal undertaking, the exploration and development of our oceans requires a truly national effort which will mobilize the resources of industry, the scientific community and government at all levels. Private enterprise has a key role to play in this, but it is dependent upon the support and leadership of government and science for the development of the technology and basic research which will make wide-spread commercial exploitation possible.

One of the most pressing needs today is for the development of fundamental technology—such things as producing corrosion-resistant metals, improved lighting systems and communication networks—which have application in a wide range of activities. This kind of work is the essential underpinning of progress, but for the most part it is beyond the resources of private industry to support.

Clearly, government has a role to play here as it does in underwriting basic marine research, providing maps and weather services, developing manpower resources and directing projects of national scope. Above all, government must assume the responsibility of safeguarding the resources of ocean and shore from the kind of environmental devestation that accompanied the exploitation of our land resources.

In many areas along our coasts, pollution is already a serious problem. It is estimated, for instance, that more than a tenth of the 10.7 million square miles of shellfish-producing waters bordering the United States is now unusable because of pollution. In the next decade, the amount of industrial wastes reaching the oceans is expected to increase sevenfold, resulting in the wide-spread destruction of fish and other aquatic life.

Competition among the many, often incompatible uses of the coastal region poses a serious threat to its basic ecology. Thousands of acres of tidal wetlands have already been lost to the advance of housing and industrial developments, dredging operations and garbage and trash dumps.

If we are going to preserve these valuable and perishable resources and avoid the mistakes of our land resource development, it is essential that we establish now a vigorous program for coastal zone management. At the present time, this responsibility is fragmented among 22 different Federal agencies, and more than 1,000 state, regional and local jurisdictions.

The need for a national plan of action is clear. And in the recent report of the Commission on Marine Science, Engineering and Resources, I believe we have a blueprint for making the seventies a decade of ocean development and progress.

While I do not agree with all of the Commissions' recommendations—and there are some 200 of them—I think its proposals will take us a long way toward the kind of sound marine development policy we should have. Here are some of the things it recommends:

Establish a new independent agency to coordinate and guide the national effort. It would be called appropriately the National Oceanic and Atmospheric Agency or NOAA.

Establish six national action projects on which to focus the effort of the program. These include marine test facilities and ranges, a lake restoration project, continental shelf laboratories (for which our own Virginia Institute of Marine Science at Gloucester Point would seem to be the prototype), a submerged nuclear power plant, deep exploration submersible systems and a pilot buoy network.

A concerted attack on coastal zone pollution and encouragement of a coordinated Federal-state-local coastal mangement policy.

Expenditure of about $8 billion above current outlays in the decade ahead.

This program is now before the Congress and the President. As a member of the newly created Oceanographic Subcommittee of the Senate Commerce Committee, I expect to have a great deal to do with it and I look forward to the work of the session ahead.

The nation's achievements in space have demonstrated the tremendous striking power of our science and engineering when they are focused on determined objective and infused with a sense of national commitment. To set a foot in the dust of the Sea of Tranquility, we called forth the greatest outpouring of talent and money in our peacetime history. The infinitely greater promise of exploring and developing our earth-bound seas deserves no less.

A PROFILE OF THE MIDDLE AMERICAN

Mr. TALMADGE. Mr. President, I have just had an opportunity to read a very fine editorial column by Joe Parham, editor of the Macon, Ga., News, in which is given a profile of the so-called "silent majority" or "middle Americans."

In my judgment, Mr. Parham's article accurately reflects the thinking and characteristics of the man in the middle of America, who finds himself caught between extremes on the right or the left, and who wants nothing more than to be able to live and work, to educate his children as he sees fit, and to enjoy the fruits of his labor. And he wants everybody else to do the same.

I bring Mr. Parham's editorial to the attention of the Senate and ask unanimous consent that it be printed in the Record.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

Middle America

(By Joe Parham)

Call them what you like. Some term them the "silent majority." Others tag them the "middle Americans." The label doesn't matter. They are fed up. They are beginning to flex their muscles. And they may be overwhelming in their wrath.

What is a middle American or a member of the silent majority?

He is a guy not poor enough to need a government handout but not wealthy enough to be unconcerned about sizeable unexpected expenses. He is patriotic. He prefers "America the Beautiful" to "Sock It to Me, Baby." He stands up and takes off his hat when a lady enters the room or a band plays the "Star Spangled Banner" and if he has a hangup it's on patriotism, not the futility of life.

Call him corny if you like but he thinks a cat is feline, pot is a vessel for cooking things in, and fix is a verb meaning to repair or mend. He is hit harder proportionately by taxes than anyone else but he has long borne this burden uncomplainingly. He holds the quaint notion that everyone who shares this wonderful country ought to pay according to his ability, but he doesn't worry too much if a bunch of weirdos shack up in a communal living experiment, so long as they don't bother their neighbors.

The sight of Old Glory puts a lump in his throat, a tear in his eye and steel in his spine. And fuzz is a fluffy lint, not officers of the law.

Sure, he goes for John Wayne more than Dustin Hoffman, for Burl Ives more than Jimi Hendrix and he'd rather see a good football game than have two tickets to "Hair" any day in the week.

He likes movies, food, housing accommodations and companions to be clean and he thinks the purpose of a university is to educate, not provide a forum for immature militants dedicated to destruction rather than improvement of a school.

Square he may be called but he regards grass as green ground-cover, put-on as something you do with a pair of pants and pop as what the weasel went. He makes the scene, all right, but it is at church, Sunday school, a civic meeting, a Little Leaguers banquet, a Boy Scout hike or the PTA. There's nothing psychedelic about him and the only swinging he ever did was in a front porch swing in his courting days.

Soul is something immortal to him, not a name for a type of food or kind of music. He gets a bigger kick out of landing astronauts on the moon than trying to burn down a town because the world owes him a living, and hasn't produced.

He prefers cook-outs to sit-ins, the pledge of Allegiance to "black power" and a home with kids playing on the lawn to a pad with a year's supply of birth control pills. The beauty of America makes him want to shout with joy and the ugliness of the Black Panthers makes him want to regurgitate in disgust.

Everything seems to be squeezing him these days: inflation, high interest rates, screwball school bussing plans, shoddy workmanship, a Supreme Court which won't let his children pray in classrooms and a government which too often seems unresponsive to his needs. He's tired of the pressure and deafened by the shouting and beginning to stir in anger.

He's too young for Medicare and too old for rock and roll. He could be a service station attendant, a small businessman, a teacher or a hard-working Negro farmer. He could wear a white collar or a blue collar. He could be anybody.

He's a big man, this middle American. Big in pride of country, big in love for America. He belongs to a big club.

Count me a member.

TWENTIETH CENTURY HESSIANS

Mr. YOUNG of Ohio. Mr. President, Americans should know when told that 50,000 Korean soldiers and 2,000 Philippine noncombat engineers have been helping us in Vietnam the facts are that every Korean soldier was equipped, clothed, and maintained by our taxpayers at a cost of $9,000 per year each.

Unfortunately, those 2,000 noncombat engineers who are sent over by President Marcos of the Philippine Republic which was created at high cost by our country in life and treasure cost us even more. This, in addition to the cost of PX supplies grabbed in huge quantities by Filipino and Korean soldiers, most of which end up on the black market. In Tokyo, New Delhi, and Manila turbulent crowds have rioted against our Government with "Yankee go home" slogans. President Marcos, directly following his reelection, recalled the 2,000 Filipino noncombat engineers which we had been supporting.

In our War for Independence our patriots who won that war termed the Hessians and others who fought with the redcoats mercenaries. GI's term the Koreans and Filipinos mercenaries. Australia and New Zealand furnished and maintained a small number of fighting men. Because of the austerity programs recently adopted in those countries, these good fighting men are being withdrawn.

IMPROPER BILLING TO THE MEDICARE PROGRAM

Mr. WILLIAMS of Delaware. Mr. President, yesterday, as appears in the Congressional Record on pages 1151–1153, I called attention to the fact that at the Cook County's hospital claims totaling over $1 million had been improperly billed to the medicare program. At the same time, I placed in the Record letters from several doctors denying that they had personally filed any claims or received the payments listed in their names. This creates a clear case of potential fraud.

Today, the Department of Health, Education, and Welfare issued a press release, further commenting upon these overpayments and outlining the steps that are now being taken to recover these overpayments.

In this press release, Commissioner Ball states that the billing practices of other teaching hospitals are being examined to determine the extent similar abuse may exist.

I ask unanimous consent that the text of the press release be printed in the Record.

There being no objection, the press release was ordered to be printed in the Record, as follows:

[From a news release, U.S. Department of Health, Education, and Welfare, Jan. 27, 1970]

Doctors who belong to a Chicago association of physicians may be held individually responsible for claims improperly billed to the Medicare program in an amount that may total over $1 million.

Robert M. Ball, Commissioner of Social Security, disclosed this today in the case of the Associated Physicians of Cook County Hospital, a tax-exempt corporation formed by supervising physicians at one of the nation's largest charity hospitals.

There is evidence, the Commissioner said, that the association improperly submitted bills in the names of individual supervising physicians for services actually rendered only by interns or residents.

He said that in other cases there was no documentation to support bills for services to patients and that some physicians have told the Social Security Administration they had never performed any services for Medicare beneficiaries, even though the association submitted bills in their names.

Notice has been given to the association and to individual members that, in the absence of repayment from the association's assets, the individual members are personally responsible for the amounts billed in their names.

Commissioner Ball said a check of billing practices of other teaching hospitals over the last 8 months has uncovered cases of inadequate documentation resulting in the suspension of payments for some periods to 200 of the nation's 1,200 to 1,300 teaching hospitals, both large and small.

In all but 90 of these situations, payments have been resumed as a result of corrective measures designed to avoid irregularities in documentation or erroneous billings.

In all cases, steps are being taken to recover any improper payments.

Payments to the Cook County Hospital association were suspended last April, Commissioner Ball said, after its billing methods came under question and an investigation was begun to determine the total amount improperly collected from the Medicare program.

The estimate of the overpayment is based on records made available so far and compares with a total of $1.6 million for which the association has billed Medicare.

Medicare regulations provide that payments may be made to a supervising physician in a teaching hospital for the services he has personally rendered to a Medicare beneficiary. The participation by an intern or resident (for purposes of training) in the care of the patient does not prevent payment to the attending physcian who is also a teacher. Such payments may be made whether the beneficiary is the doctor's private patient and is admitted to the hospital by him or whether the patient is assigned to the doctor after coming to the hospital for admission.

In the Cook County case, however, interns and residents actually performed alone many of the services that were billed to the Medicare program in the names of supervising physicians.

Since the cost of that care is part of overall hospital costs and is already paid for under the Medicare hospital insurance plan, it cannot be legally billed again in the individual doctor's name under the Medicare doctor-bill insurance plan.

OPPORTUNITIES IN OCEANOGRAPHIC CAREERS

Mr. PELL. Mr. President, there was recently brought to my attention the publication of a new book entitled "Opportunities in Oceanographic Careers," written by Odom Fanning, who formerly served as the public affairs officer for the National Council on Marine Resources and Engineering Development.

The book is designed to serve as a vocational guidance manual and describes in detail the wide variety of career opportunities offered in marine sciences. The book includes an estimate that oceanographic jobs in the United States will increase from today's 5,800 to 100,000 during this decade.

But Mr. Fanning makes it clear that such a substantial growth will materialize only if three related expectations are realized: First, that funding for the Sea Grant College program is increased; second, that other principal recommendations of the Commission on Marine Science, Engineering, and Resources are adopted; and, third, that the private sector will continue to find expanding markets and profit opportunities in ocean endeavors.

I am pleased by Mr. Fanning's recognition of the key role of the Sea Grant College program, of which I am proud to be the coauthor with Representative Paul Rogers.

There is a a growing interest today

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among our young people in the broad range of careers encompassed by oceanology. This new publication, I think, offers a fine starting point for young people who are interested in exploring these career opportunities.

The interest of young people in this field serves also, I think, as a constant reminder of the responsibility we have to formulate and pursue a vigorous national program in oceanology that will bring to fulfillment the exciting prospects for the marine sciences in this decade.

GOVERNMENT BY PROPAGANDA

Mr. FULBRIGHT. Mr. President, the lead article in Progressive magazine for January deals with the enormous propaganda effort of the Department of Defense. It is worthy of the attention of all Senators.

I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

GOVERNMENT BY PROPAGANDA

Those young Americans who count themselves among the vocal minority that is less than content with the war in Vietnam and other aspects of American foreign policy can look forward to quick relief in the new year. Their doubts will be dispelled and their enthusiasm kindled by no less a personage than Colonel Michael Collins, the command pilot of Apollo 11, whom President Nixon has designated to be his Assistant Secretary of State for Public Affairs. Under the distinguished astronaut's direction, the State Department says, the Bureau of Public Affairs "will place increased emphasis on enhancement of its contacts with the youth of the country in recognition of the unprecedented attention young people have directed to the nation's foreign policies."

Colonel Collins, whose complex duties in the space program have apparently left him with ample time to ponder the intricacies of the Vietnam question, says domestic dissenters "have oversimplified the conflict." He plans to set the record straight, using some of the skills he acquired at Houston. "If we can talk very clearly from a distance of a million miles in the space program," he asserts, "I would hope that some of that expertise and technique might be carried over toward opening up the lines of communication which we presently find somewhat constricted, particularly in regard to the youth of America."

We suspect Colonel Collins is taking on an assignment that will prove even tougher—and considerably less rewarding—than flying to the moon. But we will have much help in his new job. In signing on with the Federal government's huge and growing propaganda apparatus, the astronaut is joining an effort almost as elaborate as the one he leaves behind. The obsession with media and manipulation that characterized President Nixon's 1968 campaign (and that was so graphically detailed in Joe McGinniss' revealing book, *The Selling of the President*), is rapidly being translated into highest national policy. The real significance of Vice President Agnew's famous speeches attacking the news media, we believe, was that they marked the beginning of a bare-knuckled campaign to establish the Administration's propaganda as the truth, the whole truth, and to make it clear that any who have the temerity to challenge the official line will risk public obloquy, if not censorship and repression. This, it seems clear, is what Administration spokesmen mean when they talk of the need for having the nation "speak with one voice."

Signs of the new brainwashing campaign abound at every hand. In Washington an Army Major, James N. Rowe, who spent five years as a prisoner of the Vietcong, has been put to work on Capitol Hill, with the Pentagon's authorization and blessing, as a roving lobbyist for the war. His prime function appears to be to make joint radio and television appearances with hawkish Congressmen, in the course of which he praises their position and attacks the patriotism of Congressional doves. As Representative Charles Wilson, California Democrat, recently pointed out, Major Rowe's activities constitute an "intrusion of the military into politics [that] portends difficult and dangerous days ahead. This intrusion comes at a time when the Administration seeks to stifle dissent as well as to polarize and isolate individuals who are in disagreement with the President's Vietnam policy."

Abroad as well as at home, the propaganda machinery is moving into high gear. Under the direction of Frank J. Shakespeare Jr., an ultra-conservative who suggested not long ago that television networks ought to consider "a man's ideology" before hiring him for news work, the U.S. Information Agency has dropped all pretense to objectivity in presenting the news. The agency's proudest recent production is *The Silent Majority*, a fifteen-minute film designed to persuade audiences in 104 foreign countries that almost all Americans share the President's "certainty of the need for an honorable solution of the Vietnam war." The carefully doctored script features the finding of Dr. George Gallup, the pollster, of widespread support for the President's November 3 Vietnam speech, and omits Dr. Gallup's finding that this support is contingent on the assumption that American troops will be rapidly withdrawn from Vietnam. A more ambitious USIA production on Vietnam, ninety minutes long and in full color, is now in production at a cost of $200,000.

These efforts are strictly small potatoes, however, compared to the huge and costly propaganda operations maintained by the nation's military establishment to beguile and bemuse the American people—at their own expense. The gargantuan scope of these operations was revealed last month by Senator J. W. Fulbright of Arkansas, the Chairman of the Senate Foreign Relations Committee, in a series of Senate speeches that received altogether too little public attention. In the past decade, Senator Fulbright reported, the Pentagon's budget for "public relations and public information" has multiplied tenfold and now stands at the staggering total of $27.9 million—a conservative figure, as the Senator noted, since it omits such costly overhead items as the cost of military aircraft used on propaganda missions.

In the Defense Department and in each of the armed services, an army of publicists totaling at least 2,800 civilians and military men—again the estimate is conservative—is employed to peddle the Pentagon's views to the public. Their work, Senator Fulbright reported, includes such enterprises as these:

A continuing program of high-flying junkets for journalists and prominent businessmen, politicians, and civic leaders, designed to make friends and influence people in behalf of the military point of view.

A daily Dial-a-Handout service through which any citizen can hear the latest Pentagon news release by calling OXford 5–6201.

A constant stream of packaged radio and television programs and films disseminated to the media and the public free of charge. "According to information supplied me," Senator Fulbright said, "official film produced by the military departments and released last year to the media totaled 35,420 feet and was included in 284 separate newsfilm stories."

A speakers' bureau that dispatches thousands of military officers around the country to sell the Pentagon line to Rotary luncheons, PTA meetings, businessmen's conventions, labor conferences and almost every other conceivable type of public gathering. General William C. Westmoreland averages six speeches a month—"quite a schedule," the Senator observed, "for a professional soldier whose mission was to act as Chief of Staff of the Army."

A series of touring Army exhibits that were viewed by some 13.5 million Americans in one six-month period and garnered, according to official reports, "508 minutes of television coverage. . . , well over 3,000 minutes on the radio and more than 4,000 column inches of news coverage in local newspapers."

The Pentagon's propaganda apparatus functions not only in behalf of the total military establishment, but permits each service to wage its own competitive propaganda drive at public expense. Thus the Army states that the goals of its information program are to "develop public esteem and respect for the Army and Army personnel; gain public understanding and support of the Army's role in a sound national military program; inspire public confidence in the Army's ability to accomplish its mission now and in the future." Among the items the Navy chooses to emphasize are "the need for modern ships, aircraft, and equipment throughout the Navy" and "the challenge of the continued growth of Soviet sea power and its expanding worldwide operations." The Air Force sees it as its objective to "promote awareness, understanding and appreciation" of the notion that "clearly superior U.S. aerospace forces capable of defeating the enemy offer the surest means of deterring global war." Though President Nixon has announced that his defense goal is "sufficiency," the Air Force propaganda theme still stresses the need for "maintaining superiority."

The public, in brief, pays two ways: It pays not only for the vast overkill arsenal maintained by the armed services, but for the propaganda programs designed to persuade it that the arsenal is needed. It also pays for being sold the Pentagon's paranoid view of world affairs.

"Taxpayers are at a decided disadvantage at best in questioning programs their Government would thrust upon them, Senator Fulbright pointed out. "When unlimited resources are available to a Government agency for selling purposes, the public does not stand a chance. Today the Defense Department is engaged in a vast effort to sell the Administration's Vietnam policy to the public, as it did to sell the Vietnam policy of the previous Administration. This is only one step removed from using the public relations resources of the military establishment to rid the Congress of those who question executive branch policies. If the present trend continues, '1984' may arrive long before the next fifteen years have gone by."

In one of his attacks on the networks and the press, Vice President Agnew referred to a "small group of men" who shape public opinion in America. Such a group exists, it seems clear—but in the Government, not in the media. And it isn't small.

A PRAYERFUL TRIBUTE TO THE STATE OF GEORGIA

Mr. TALMADGE. Mr. President, last Sunday Dean Francis B. Sayre, Jr., of the Washington Cathedral, paid a prayerful tribute to the State of Georgia, for which I know all Georgians are grateful.

It has been a practice of Dean Sayre to so honor the individual States on or

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as near thereto the date that that State ratified the U.S. Constitution. Dean Sayre has close family ties to Georgia in that his mother was born in Gainesville.

His prayer for Georgia was beautiful and inspirational, and I ask unanimous consent that it be printed in the RECORD.

There being no objection, the prayer was ordered to be printed in the RECORD, as follows:

A PRAYER FOR GEORGIA

(By the Very Reverend Francis B. Sayre, Jr.)

Cherish, Lord, the hardy spirit of Thy servants whose lives are rooted in the tawny earth of Georgia. Nurture in them the precious fibre of freedom wrested by their fathers from the upland clearings and work-worn fields. Visit now upon the sons, in their towns and cities and burgeoning affairs, such fresh vision of Thy destiny that they may ever be knit together in fruitful life and liberty, planting deep the seed of courage by their abounding streams, and winning Thy blessing upon the goodly land; through Jesus Christ our Lord. Amen.

AMERICA'S FRIENDSHIP FOR ISRAEL IS NONNEGOTIABLE

Mr. MONTOYA. Mr. President, I have watched recent American Middle East policy with more than a little dismay. Especially was I disappointed by recent statements made by Secretary of State Rogers, which seemed to be a most significant erosion of America's traditional position of strong support for this tiny democracy. As of this morning, President Nixon has formally reaffirmed our country's support for Israel, promising that she will be able to obtain arms she requires here. I welcome that statement by the President, and fervently hope that such a commitment will be lived up to.

Once again, France, thwarted in her childish, 19th century desire to play the posturing role of a great power, has roiled the trouble waters of this ever volatile area. Traditionally she has fallen back upon a drive to assert herself in the Mediterranean when she fails elsewhere, as has been the case recently. Obsessed with dislike and envy of the United States and simple greed, she has thrust herself into the vacuum of the Middle East, seeking to broaden her power and widen her share of profit from arms sales there. It is a fact that Egypt played a major role in negotiating the major arms sale just announced between France and Libya.

France hid the truth from her own people as well as from the rest of the world on the sale of Mirages. Libya has not enough pilots to fly even half of them, much less the entire lot. It is also obvious that France will further exacerbate this situation, adding her contribution to what the Soviet Union has already poured into Arab arsenals.

It is absolutely inconceivable to me how, in light of such accumulated evidence, this country can allow, even for a moment, any shadow of a doubt to creep into the minds of our friends and enemies about our intentions toward and relations with Israel. The Soviet-backed and Communist-influenced Arab regimes have aimed insult and injury at the United States with growing ferocity and disregard for truth. Bristling with Russian weapons, they have hurled themselves again and again at minuscule Israel. Frankly, I have been thrilled to see how she has responded and triumphed, almost as if a biblical tale was being reenacted. It has been to our own credit that we have aided and assisted her to help herself.

Israel remembers Czechoslovakia in 1938 and 1968. She knows there are modern Neville Chamberlains who would sell her out as the Czechs were. She looks at Biafra, realizing full well what happens to those who place an abundance of trust in world good will, international morality, and public opinion. Far better that she should keep her powder dry.

The ring of enemies slavering for her life is tight around her. Dozens of nations have made millions homeless, yet only Israel is told she must take back any and all refugees. Only Israel must win a war and beg for peace talks on a face-to-face basis with her foes. And always there are those who echo shrill accusations of those who wish to see Hitler's job finished by Nasser. To them, any honest man can only show contempt. Therefore, I doubly welcome President Nixon's statement yesterday. It is the antithesis of Secretary Rogers' recent speech, which edged America uncomfortably close to endorsement of Communist goals of Israeli extinction. Every American conscience recoils in distaste from such an endorsement.

Mr. President, it is the height of folly to feel that by siding with Israel's enemies, we shall win friends in the Arab world. No matter how pro-Arab our policy might be, Arab triumph would be accompanied by an almost hysterical defiance of America and the entire western world. A victorious Nasser would run roughshod over the Middle East, acting as Russia's agent and communism's champion. It is in America's interest to help Israel remain strong, and we need not promise troops, for Israel does not want them, and has never asked for them.

Why should we open the Suez Canal to Soviet vessels carrying equipment to North Vietnam? Why should we participate in so-called four power talks which aim at deciding the fate of a country which is excluded from such intimate discussions? How can a nation like France, actively working for Israel's destruction, be included in such talks, where she will only espouse the Arab cause?

It was a sad day indeed when we began to turn our back on our only stanch friend in that area of the world. It is degrading for America to sidle up to tinpot dictators and whine for their favor in the name of "evenhandedness." I fervently hope President Nixon will follow up his reversal of Secretary Rogers' previous statement with tangible aid to Israel. She should be allowed to obtain the arms she requires in order to maintain her position and right to exist.

THE PRESIDENT'S VETO OF THE LABOR-HEW APPROPRIATION BILL

Mr. INOUYE. Mr. President, our President, in his message vetoing the HEW appropriations measure last night stated:

> The issue is not whether some of us are for education and health, and others against it.

That, however, is precisely the issue—it is one of priorities.

This Congress has made net reductions of some $7.5 billion in the President's budget requests. We cut back on 11 of the 14 spending bills to come before us in our effort to hold down Government expenditures and help fight inflation. It is obvious the Congress has exceeded the President's performance in this area.

In 1969, my State of Hawaii received $21,753,891 in Federal aid to education. This year the President proposed this be cut back to $13,694,288 for my State, despite increased student enrollments and increased education costs. Congress appropriated $21,046,106 for my State, which the President has now vetoed. This can surely not be considered a spendthrift gesture. The situation is similar in other States.

The President vetoed this measure on two basic counts—both of which are groundless.

He rejected it first on the grounds that it is inflationary. But in fact these funds have already been spent or at least earmarked and encumbered.

Does the President suggest that we now fire some of our teachers? Does he suggest that we return instructional materials to the supplier?

The issue at stake is whether the Federal Government is going to pay its share of this year's education bill, or whether this administration will renege on its commitment and shift an increasing share of the burden onto our already overburdened State and local governments.

By this veto President Nixon has just increased this year's taxes of the people of Hawaii by over $7 million for education alone.

The President's second justification goes to the very heart of our educational system. In attacking the purposes for which these funds are to be spent he assumes greater expertise in his office, and in the Bureau of the Budget, in determining education priorities than exist in either the U.S. Office of Education or our State and local boards of education. This lack of faith in our traditional education decisionmaking process is both undeserved and unfortunate.

I believe our State education authorities are fully as competent—indeed more competent—in making such decisions as either Mr. Nixon or Budget Director Mayo, as the President so adequately demonstrated last night.

UKRAINIAN INDEPENDENCE DAY

Mr. PROXMIRE. Mr. President, I dedicate my remarks on human rights today to the 52d anniversary of the proclamation of the "free and sovereign" Ukrainian Republic. On January 22, 1918, the Ukrainian Central Rada proclaimed the independence of the Ukrainian Republic.

Fifty-two years after its independence proclamation, the Ukraine Republic is no longer free; it is no longer independent. For long years the Ukraine fought for its independence and finally achieved it in the breakup of the Czarist Russian Empire. A short 2 years after it had won its freedom, though, the Ukraine found its independence crushed in the expansion of the Russian Communist Empire.

Officially the Ukraine is one of the "sovereign and equal constituent republics" of the Soviet Union. In theory it is an independent state and a member of the United Nations. But the so-called Ukrainian Government in Kiev is little more than a puppet government imposed on the Ukrainian people by the Communist Party of the U.S.S.R.

In reality the Ukraine is little more than a colony of the Soviet Union. Under the Russian Communists, Ukrainian patriots have been killed, exiled, or otherwise intimidated and repressed. Ukrainian nationalism has been effectively stifled; Ukrainian culture crippled.

UKRAINIAN INDEPENDENCE DAY

But the spirit of a free and independent Ukraine is far from extinct. In Wisconsin we have thousands of Ukrainians; some born in the Ukraine and many native born American citizens. For us the free Ukrainians in our midst have always been a source of inspiration for the ideals of freedom and independence—ideals which are particularly important to all citizens of Wisconsin.

The effort to secure human rights is essentially an attempt to secure for each individual the greatest possible amount of freedom and self-expression. In commemorating the independence of the Ukraine, I would like to recall some thoughts expressed by the Ukrainian Congress Committee of America when it said:

> Although the true Ukrainian state has been destroyed, the Ukrainian National Revolution lives on in the hearts and minds of the Ukrainian people.

To this I would like to add that it also lives on in the hearts and minds of the American people.

PROFANITY ON TELEVISION NEWSCASTS

Mr. TALMADGE. Mr. President, I have received numerous complaints regarding a CBS television newscast of Monday, January 5, 6:30 p.m. eastern standard time, on which I understand extreme profanity was used. I did not happen to see this particular program, but judging from the angry correspondence that I have received and the way it has been conveyed to me, this kind of broadcasting is not necessary to news reporting. In the interest of commonsense and good taste, neither is it to be condoned by the Federal Communications Commission, the individual stations, nor by the viewing public.

I have written the FCC to join my constituents in this protest and to attempt to secure a transcript of that particular broadcast, in order that I might ascertain the context in which the alleged profanity was employed.

I was very much pleased to hear FCC Chairman Dean Burch declare on a news program last Sunday night that television stations especially ought to be more circumspect in broadcasting news material of dubious value and questionable taste, particularly when the inclusion of such material adds nothing to the import of the news other than sensation.

The Laurens County News, of Dublin, Ga., on January 7, 1970, published a very fine editorial entitled "Mom, I Heard It on CBS News," which discusses this particular program and the overall problem in forceful and eloquent terms. I ask unanimous consent that the editorial be printed in the Record.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

Mom, I Heard It on CBS News

We practically knew it was going to happen sooner or later, but we had no idea the time was ripe. We didn't even expect to see it ourselves because in our business we usually hear about what happened on TV "last night" from others—very seldom do we have the opportunity to watch the evening news on TV.

It was unmistakable. If you were watching you might have thought you misinderstood the first time, but there was no doubt when it occurred repetitiously again.

On Monday evening's CBS News with Walter Cronkite not only on one, but on two separate occasions, the most profane words we have ever heard were broadcast into the living rooms of listeners throughout the United States. The true character of CBS finally unveiled itself when subjects who used God's name in a most vain manner were chosen above (what we believe to be) thousands of others whose news is of much greater value than that reported by CBS.

An apology from Mr. Cronkite was forthcoming at the close of Tuesday night's news cast. But since the incidents were purposely included in Monday's news cast, we wonder if the apology is genuine. Therefore, we find it somewhat difficult to forgive Mr. Cronkite for the obtrusive language used on his news program.

In his apology he noted that the profanity was included only to dramatize the nature of the incidents. It is quite obvious that the networks are becoming more dramatic and less objective in their news reporting. However, we failed to see the drama in the incidents in question. It appeared to us to be nothing more than an irreverent, disrespectful, and downright blasphemous act of CBS news directors who have evidently lost all sense of values.

While it is practically impossible to shelter children from all the profanity being spoken by those whose vocabulary is no better than the news subjects of CBS, parents who attempt to do so can at least provide a wholesome atmosphere in their homes, even if it means viewer censorship of entire TV programs. Mr Cronkite must not be aware that his program can be tuned out just as easily as the Smothers Brothers' program, or he may be forgetting (he probably didn't know before Monday night) that the number of persons who vigorously disapproved the profanity far exceeds the number who condoned it.

We do not lay all the blame for Monday night's indignities at the feet of CBS officials even though the perpetrations received their stamp of approval. The public has been soothed by the doctrine of gradualism which has brought about vulgarity, obscenity, pornography, and comparable moral offenses from high places as well as the news media. These offenses have been accepted as being too mild to speak out against, so the cumulative total of the advances from one offense to another has resulted in the extreme which occurred Monday night. However, it was only a few degrees worse than the status quo.

So how can one fully blame CBS for trying to extend the status quo to the acceptance of using God's name in vain? They have been constantly extending it in that direction for several years now.

If you have been successful in sheltering your child from profanity and you hear him repeat the words, don't be surprised when he answers your question "Where did you hear that?" with "Mom, I heard it on CBS News."

This creates a terrible dilemma. Do you accept this degree of profanity in your living room, or do you throw away your TV set? If you reach a satisfactory conclusion, let us know. We find ourselves in the same predicament.

FOREIGN POLICY MESSAGE AND POSTURE STATEMENT

Mr. FULBRIGHT. Mr. President, I am pleased that the President plans to submit a message on foreign policy to Congress. I am also pleased that the Department of State, at the urging of the Committee on Foreign Relations, has decided to submit an annual foreign affairs posture statement to Congress. I am confident that both of these innovations will contribute a great deal to public discussion of foreign policy issues in the coming years.

For a number of years the Department of Defense has submitted an annual posture statement to Congress, a statement which dwelled heavily on foreign policy matters which fall primarily within the province of the Department of State. I found it difficult to understand why the Department having primary responsibility would be content to allow the Department of Defense to usurp its prerogatives and warp further the demarcation line between foreign policy and defense matters. I hope that the State Department's decision signals a general determination to restore the Department to its proper role within the executive branch in the foreign policymaking process.

I ask unanimous consent that the correspondence between the committee and the Department of State about a posture statement be printed in the Record.

There being no objection, the correspondence was ordered to be printed in the Record, as follows:

May 22, 1969.

Hon. William P. Rogers,
Secretary of State,
Washington, D.C.

Dear Mr. Secretary: I am sure you are familiar with the annual posture statement submitted to the Congress by the Secretary of Defense. As you know, by tradition, the Secretary of State appears before the Foreign Relations Committee early each session for a briefing on the world situation. This one meeting does not provide the Committee with as much detailed information on the world situation as is desirable. I believe that the Committee would benefit greatly from a detailed posture statement from the Secretary of State comparable to that submitted by the Secretary of Defense. The Committee would, of course, have no objection to this statement being made available to other interested Congressional committees. I sug-

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gest that you submit classified and unclassified versions of the statement.

Sincerely yours,

J. W. FULBRIGHT,
Chairman.

P.S.: I believe this would be mutually beneficial.

THE SECRETARY OF STATE,
Washington, June 23, 1969.

Hon. J. W. FULBRIGHT,
Chairman, Committee on Foreign Relations, U.S. Senate.

DEAR MR. CHAIRMAN: Thank you for your letter of May 22 raising the possibility of my presenting to the Committee at the beginning of each session of Congress a detailed foreign policy review with classified and unclassified sections.

I understand that such a project has been considered in this Department over the last few years but for one reason or another has never been carried forward. My initial reaction to your suggestion is a favorable one, but before reaching a final decision I would like to explore a little further how such a statement would be prepared and what it would contain. This exploration is now under way with the thought that, if we do supply such a statement, the first one would be sent to your Committee soon after the Congress reconvenes this coming January.

I will be in touch with you again after we have studied the question further.

With best regards,

Sincerely,

WILLIAM P. ROGERS.

SEPTEMBER 10, 1969.

Hon. WILLIAM P. ROGERS,
Secretary of State,
Washington, D.C.

DEAR MR. SECRETARY: It has occurred to me on several occasions during recent Senate debate on the military authorization bill that an annual detailed foreign policy posture statement similar to that submitted annually by the Secretary of Defense would be most helpful.

You indicated in your letter of June 23 that the Department was exploring the desirability of providing the Committee with such statements at the beginning of each session of Congress. I have been wondering how the project is coming along.

Sincerely yours,

J. W. FULBRIGHT,
Chairman.

SEPTEMBER 19, 1969.

Hon. J. W. FULBRIGHT,
Chairman, Committee on Foreign Relations, U.S. Senate.

DEAR MR. CHAIRMAN: Thank you for your letter of September 10 to the Secretary, referring to your previous correspondence about the possibility of an annual foreign policy review statement.

Unfortunately, the Secretary did not have an opportunity to focus on your letter prior to his departure for New York. This matter has been under active consideration in the Department and some preliminary work has been done; however, it has not yet reached the point where it could be presented to the Secretary for a final decision.

I know he is very much interested in this, however, and will be giving it attention during the coming weeks.

Sincerely yours,

WILLIAM B. MACOMBER, Jr.

DECEMBER 31, 1969.

Hon. H. G. TORBERT, Jr.,
Acting Assistant Secretary for Congressional Relations, Department of State, Washington, D.C.

DEAR TULLY: Senator Fulbright is out of town for a few days, but when he returns I am sure one of his first questions will be whether the Department has reached a decision on presenting an annual foreign policy posture statement to the Committee. You will recall that this subject was dealt with in an exchange of letters and I believe the Secretary and the Chairman discussed it on several occasions—the general idea being that the annual posture statements of the Department of Defense use, as take off points, a number of foreign policy assertions.

Sincerely yours,

CARL MARCY.

DEPARTMENT OF STATE,
Washington, D.C., January 8, 1970.

Mr. CARL MARCY,
Chief of Staff, Committee on Foreign Relations, U.S. Senate.

DEAR CARL: I received your inquiry of December 31 about the Department's plans regarding an annual foreign policy statement. The Secretary has decided to make a foreign policy report and work on it is well under way. We hope to have it available early in the session and I cannot yet give you a firm date.

Sincerely yours,

H. G. TORBERT, Jr.,
Acting Assistant Secretary for Congressional Relations.

GEOPOLITICAL REALITIES IN THE MIDDLE EAST

Mr. HARRIS. Mr. President, last Sunday evening, January 25, 1970, I had the honor of meeting with and addressing the National Emergency Conference on Peace in the Middle East, here in Washington.

I took that opportunity to call attention to some new and disturbing geopolitical realities which now confront us in the Middle East. I stated that our Government should stand by Israel and extend her the credit and military equipment which are necessary for her continued existence.

I ask unanimous consent that my remarks be printed in the RECORD.

There being no objection, the address was ordered printed in the RECORD, as follows:

ADDRESS BY SENATOR FRED R. HARRIS, CHAIRMAN, DEMOCRATIC NATIONAL COMMITTEE, TO THE NATIONAL EMERGENCY CONFERENCE ON PEACE IN THE MIDDLE EAST

The fact that you have called this conference—the fact that you have used the words "national emergency" in describing its purpose—these facts demonstrate clearly the deep concern which exists about the crisis in the Middle East, about the future of the State of Israel, and about the evolution of the policies of the United States Government toward these problems.

The wisdom of your calling this meeting is pointed up by the need and renewed publicity focus for the problems of the Middle East which you have stimulated and the fresh statement you have evoked from the President of the United States; and that is all to the good.

Most Americans support Israel in her struggle for peace because we rightly identify strongly with Israel's principles, her beliefs, and her commitments.

We believe, as do the Israelis, in the dignity of man and in the equality of all men before the law. We believe in democracy, and we are committed to making democracy work. And we believe in cooperation—where neighbors work together to achieve harmony with their environment.

Israel has much to tell us about the conservation of human and material resources. I speak of basic principles, as well as of innovation and new techniques.

I emphasize these fundamental matters because they are relevant to the issue which brings you together and which concerns us all about the Middle East today.

That issue, and it is the principal issue, is how we can help to bring Arabs and Israelis to a real peace which will unite these peoples in true cooperation.

The people of the Middle East must have a real peace, not the illusion of peace. This is the all-important issue which must engage our policymakers, if there is to be progress toward the solution of the many problems of the area, most of which flow from conflict.

Our goal must be more than a mere suspension of acrimony and attack and retaliation between Arabs and Israelis. It must be a positive commitment to respectful diplomatic and human relations, to free trade between neighbors and to an end to the resource-sapping, mutually-exhausting escalation of the arms race. This one thing is clear: there can be no real peace except with Arab recognition of Israel's right to live. The Quakers have an apt saying: "There is no way to peace; peace is the way."

We know, therefore, that there must be agreement between the parties whose interests are most directly involved: Israel and the Arab States.

The United States, the Soviet Union, France and Great Britain can discuss these matters, but they cannot dispose of them.

When in 1967 Israel won her military victory, President Johnson spoke for most Americans when he declared that President Nasser was responsible for that war, that the time had come to end these periodic convulsions, and that once and for all the parties to the conflict must become the parties to a settlement.

For two years our Government adhered formally to this fundamental position, resisting the attempts of the Soviet Union and France to force Israel to make territorial decisions without a peace settlement.

The Arabs have consistently refused negotiations, recognition and peace with Israel. Throughout this period the Arabs have seemed to cling to the hope that the United States would eventually agree to and even help fashion a Big Power compromise which would at least save them from having to work out a peace with Israel.

As a United States Senator, I am greatly concerned over what is happening now in the Middle East and about what may have been happening to United States policy. The current situation has far-reaching significance for United States interests—in the Middle East, in the Mediterranean, in NATO, as well as in Europe.

Many serious Americans—myself included—have questioned how vital Vietnam is to over-all American interests. Whether or not that question is open to debate, I submit that the American stake in the future of the State of Israel is not debatable. The future of Israel is of vital importance to the United States and has broad, far-reaching implications for the future of American influence, not only in the Middle East but in the Mediterranean and throughout Europe.

Let us consider the map and the geopolitical realities with which we are confronted:

Item: The Soviet Fleet is in the Eastern Mediterranean. The Soviets have no jet-launching carriers, but air cover for the Fleet is being provided by Soviet planes with Egyptian markings, operating from bases in the United Arab Republic.

Item: Libya, always regarded as a buffer between the countries of the Maghreb and the chaotic politics of the East, is now under Egyptian influence. There are Egyptian troops in residence, and every Ministry of the Libyan Government is reportedly receiving assistance from the estimated 1,500 Egyptian technicians now in Libya.

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Item: The French have made a fundamental shift in policy—and have concluded a very substantial arms deal with Libya. There is not a single Libyan pilot now trained to fly the 100 modern jet fighters France has provided. Egypt already has qualified jet pilots, and there is hardly a doubt that the United Arab Republic will inevitably have the benefit of these arms.

Item: Wheelus Air Force Base, which we built and are now evacuating, is of great importance. It can be used to provide security for Egyptian planes as well as for training Libyan and Egyptian pilots.

Thus, the current crisis and maneuvering in the Middle East has significance for the United States far beyond the question of helping to preserve a small, friendly country because we will feel badly if it goes under. If the policies of this Administration in the Middle East and North Africa have been mistaken or unclear; if, as Abba Eban said last Wednesday, the Soviets are in fact outwitting us and thereby progressively making a reality of Russian dreams of hegemony that go back to the Tsars—if these things are true, it is even clearer that our policy toward Israel is not a question of any narrow or special interest here in the United States, for the entire nation has a stake in the outcome.

In the face of the many unresolved, very serious questions about Russian activities in the Middle East, about French activities there and in North Africa, and about the spread of Egyptian influence northward, all of us have been rightly concerned about the Secretary of State's recent description of present United States policy as "balanced," which sounded to too many ears like the discredited Dulles policy of "impartial friendship" to all.

You have received a new but not fully reassuring statement from President Nixon. Action now must follow the words to make clear that our traditional policy toward Israel is the same as it was when President Kennedy said:

"Israel is the bright light now shining in the Middle East. We, and ultimately Israel's neighbors, have much to learn from this center of democratic illumination, of unprecedented economic development, of human pioneering and intelligence and perseverance."

All that Israel is asking from us today is credit. Not gifts, not technical assistance, not soldiers to fight her battles—but financial help in the form of loans and the military equipment necessary for her continued existence. Israel is and has been a powerful ally for us in the Middle East and a key factor in American hopes for a permanent peace. As AFL–CIO President George Meany said on December 30:

"The road to lasting peace in the Middle East lies at the bargaining table, with the Arab nations on one side and the Israelis on the other."

Only the Israelis and their Arab neighbors can make the accommodations necessary to a lasting settlement. It is not in the national interest of the United States to try—unasked—to negotiate for the Israelis, or for the Arab nations.

Israelis have said that the peoples of the Middle East should not be the victim of power politics. They have good reason for their fears. They have a long history, and their memories feed their apprehensions.

Perhaps the Arab leaders who hold power today will one day recognize the need to broaden their horizons, to abandon their hatreds, to ask their people to join them in re-examining their anti-Israel doctrine. If this is too much to ask of them, then perhaps new leaders may come who will. It is not for us to say.

But it is for us to say that we will not be the architect of a settlement which settles nothing, but rather tends toward yet another round of war. We must be inflexible in this righteous cause—the cause of peace. It is for us to say with firm conviction that our own interests and commitments of morality bind us to Israel, to this firm friend.

These are my concerns with the apparent evolution of Administration policy in the Middle East, and they are growing concerns. "Emergency" is a fitting word for you to use. We cannot afford changes in our long-standing policy without facing up to the serious questions at issue, or without providing the American people with detailed answers to these questions. Perhaps nobody now has all these answers, but the effort to find them is an effort that must be made and that should preoccupy us all. For again, as John Kennedy so eloquently put it:

"As we observe the inspiring experiences of Israel, we know that we must make an effort—and that we can once again demonstrate that 'rain follows the plow.'"

DEPARTMENT OF DEFENSE AND ADDITIONAL CONSTRUCTION PROJECTS

Mr. WILLIAMS of Delaware. Mr. President, existing law provides that the Department of Defense must notify Congress prior to the approval of additional construction projects or major additions to facilities at military installations. Such acquisitions or additions normally are paid for out of the military construction appropriations.

The Comptroller General in report No. B–140389, submitted to the Congress under date of January 21, 1970, calls our attention to the manner in which the Department of Defense under Mr. McNamara violated this rule or law, and at five installations new buildings costing approximately $31 million were built by the Air Force and the Navy without obtaining the required prior congressional approval.

This was accomplished by negotiating with the contractor to build the installations and amortize them over a 5-year period, adding the amortization or costs to the overhead charges as a part of other Government contracts. In this manner the contractor would be reimbursed and the Government would get the new facilities without the necessity of seeking prior congressional approval.

Under this highly questionable procedure during the fiscal years 1965 through 1968 Government facilities costing approximately $23 million were constructed at Fort Worth, Tex., to support the F–111 aircraft program. Under the arrangements General Dynamics, the prime contractor, provided the initial financing of this new construction and then recouped the costs by padding overhead charges of Defense supply contracts for the F–111 plane contract. This was spread over an approximate 5-year period. This method of padding overhead expenses as agreed to by the Air Force officials would account for some of the overruns of the F–111.

Since the beginning of fiscal year 1966 a similar arrangement for major new facility improvements has been negotiated with the Grumman Aircraft Engineering Corp. at the Bethpage and Calverton locations, and the estimated costs of these improvements are $4,256,000 and $1,035,000, respectively.

Again in this instance Grumman provided the funds for the construction and is to recover the costs over a period of years by padding the overhead charges on existing Government contracts.

The General Electric Co., operating the Navy's Industrial Reserve Ordnance Plant at Pittsfield, Mass., was likewise authorized to incur costs of approximately $1 million for the construction of additional office space. Again an agreement was negotiated allowing the contractor to amortize the cost of these new facilities over a 5-year period and then include the costs as additional overhead expenses on other Government contracts.

This is a highly irregular procedure, and not only does it circumvent congressional authority but such negotiated contracts open the door for widespread abuse. If overhead expenses of Government contracts can be padded by millions under an arrangement between Defense officials and the contractors it raises questions as to whether such overhead expenses are really audited and if audited why the auditors did not discover and report these padded overhead expense accounts.

If in private industry a corporation built a new building and amortized the costs over a period of 5 years and then tried to write this off by padding its overhead expenses the Department of Justice would take prompt action. Such a practice is no less reprehensible when approved by a Government agency. I join the Comptroller General in recommending that this practice as initiated under Mr. McNamara be stopped immediately.

I ask unanimous consent that excerpts from the Comptroller General's report outlining in greater detail the manner in which the cost of these new buildings were covered up be printed in the Record.

There being no objection, the excerpts were ordered to be printed in the Record, as follows:

Acquisition of Additional Facilities at Air Force Plant No. 4

During fiscal years 1965 through 1968 Government-owned facilities costing about $23 million were constructed at Air Force Plant No. 4, Fort Worth, Texas, to support the F–111 aircraft program. However, the Air Force aircraft procurement and research and development budget requests for fiscal years 1965 through 1968 did not provide for acquisition or construction of these brick and mortar industrial facilities. General Dynamics provided the initial financing of this construction and will recoup the costs through overhead charges against Defense supply contracts over an approximate 5-year period. The pay-back period was agreed to by Air Force officials.

The picture on page 8 illustrates two of the facilities constructed at Plant No. 4. The flight-line facilities in the foreground cost about $2.7 million, and the engineering and administrative office building in the background cost about $8.8 million. Three other facilities are shown on page 9. They are adjacent to each other but constructed as separate projects. The building on the left is a chemical processing building costing about $2.1 million; the center building is a raw materials storage building costing about $1.9 million; and the building on the right is a general warehouse building costing about $2.8 million. Other facilities acquired at Air Force Plant No. 4 are listed in appendix I to this report.

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BACKGROUND ON AIR FORCE MANAGEMENT AND USE OF PLANT NO. 4

Air Force Procurement Instruction, section XIII, which implements the ASPR, prescribes the procedures to be followed by Air Force components in programming, budgeting, and financing facilities expansions. Fund requirements to support industrial facility projects are established on an annual program basis. Budget estimates, based on firm or anticipated requirements, are developed by the Air Force Systems Command (AFSC) divisions and are submitted for inclusion in the annual Presidential Budget. Facility requirements relating to aircraft procurement programs are included in the Air Force's annual "Aircraft Procurement Program Request" and are identifiable as a separate program within the overall program request.

During its occupancy of Air Force Plant No. 4, General Dynamics has been authorized to acquire additional facilities, with Air Force approval, under various cost-reimbursement facility contracts. The cost of Government-owned facilities at Air Force Plant No. 4 amounted to about $163 million as of March 31, 1968. Currently, Plant No. 4 is being used primarily for production of F-111 aircraft.

CHRONOLOGY OF EVENTS LEADING TO ACQUISITION OF FACILITIES WITH INITIAL CONTRACTOR FINANCING

General Dynamics' September 1962 proposal pertaining to additional facilities required for the F-111 airplane program, which was submitted to the Air Force stated:

"An analysis of task and facilities required to produce WS 324A has been made. It is concluded from this study that the design presently envisioned, which in no way has been compromised for lack of modern equipment, does not require more advanced facilities than those developed and installed for projects now in production at Air Force Plant No. 4. Present facilities are adequate and can be used in WS 324A program without interfering with the work being performed on other Government contracts. No additional Government-funded capital facilities will be required at Air Force Plant No. 4."

During the early part of the research and development phase of the F-111 program, however, General Dynamics requested approval from the Air Force to construct a new paint facility at an estimated cost of about $700,000. General Dynamics proposed to finance this facility with corporate funds and to recover its cost through overhead charges to all Government contracts during the anticipated remaining life of the contract. At that time, the question of whether the Air Force should provide additional facilities at Air Force Plant No. 4 was discussed within the Air Force.

In May 1964 Headquarters, United States Air Force (USAF), advised the cognizant facility groups at AFSC and Aeronautical Systems Division (ASD) that, in accordance with basic F-111 program agreements between the Air Force and General Dynamics, there would be no direct funding of facilities expansions by the Air Force to support the F-111 research and development program. However, Headquarters, USAF, did not object to the method proposed by General Dynamics for acquiring and financing the new paint facility.

The new paint facility was completed in June 1965 at a cost of about $650,000. The Air Force also authorized construction of an antenna range facility to support the RDT&E phase of the F-111 program. This facility was completed in September 1965 at a cost of about $140,000 and was financed in the same manner at the paint facility. A cost recovery (amortization) period of 55 months on the paint facility and 52 months on the antenna range facility was established on the basis of the anticipated remaining life of the contract at the time each project was completed.

In March 1965, the contractor furnished the Air Force with a forecast of additional facilities (expansions) which would be needed to support the production phase of the F-111 program. This forecast indicated that additional facilities estimated to cost $6.3 million would be required during the fiscal year 1966-68 period.

Subsequently General Dynamics formalized its forecast and developed facilities Program Plan CPP-12-006A, dated November 22, 1965. The contractor again proposed providing the initial financing of the construction projects and recovering costs through overhead charges over a 5-year period under its supply contracts. The proposal was contingent, however, on the Government's providing in the F-111 production contract a special cost recovery clause for facilities, to become effective in the event that the production program did not materialize as planned or if it were terminated.

In December 1965, ASD requested approval from higher headquarters to incorporate the special facility cost recovery clause in the F-111 production contract. In January 1966, Headquarters, USAF, approved the proposed clause, with certain changes, and it was incorporated in contract AF 33(657)-13403 as Part XIX, "Cost Recovery for Contractor Provided Facilities," to the contract schedule.

Part XIX was written to cover the $6.3 million worth of facilities as shown in General Dynamics' facilities program plan CPP 12-006A, dated November 22, 1965. Part XIX stated, however, that an increase in airplane quantities and production rates and the contemplated airplane configuration changes had not been incorporated and had provided for revision at a later date to include the effect of these changes on facilities requirements.

In a letter to AFSC in March 1966, ASD submitted a proposal for constructing additional manufacturing space at the Fort Worth plant with the costs to be initially financed by General Dynamics. ASD noted that it had the authority to permit General Dynamics to install facilities on Government-owned land at no direct cost to the Government but that it did not want this authority exercised without the knowledge and concurrence of the highest interested level. ASD requested either that funds be provided for the facilities as part of the Air Force industrial facilities program or that higher headquarters concur in the proposed method of financing.

In April 1966, AFSC concurred in the proposed financing method and authorized General Dynamics to proceed with the project. AFSC noted that the method of financing was consistent with Air Force policy—that no facilities would be provided by the Air Force for the F-111 program—and was based upon the contractor's original proposed financing method and authorized not require additional capital facilities except for modernization of equipment. AFSC advised ASD that future construction projects, as proposed in General Dynamics' facility program plan CPP 12-006A, should be accomplished in a like manner.

In a letter to the Air Force in February 1967, General Dynamics noted that the facilities plan dated November 22, 1965, which was incorporated in part XIX, covered only about $6.3 million worth of facilities construction whereas a revision to the facilities plan in January 1967 provided for about $26.7 million for new construction. The contractor noted also that part XIX provided for revision to show such changes and, pending the negotiation of the adjustments to the F-111 program price to reflect the revised mix of airplanes, requested the Air Force's acceptance of the revised facilities plan to be sure that there would be no misunderstanding.

The Air Force, in a letter dated April 25, 1967, advised General Dynamics that the revised CPP 12-006A had been approved except for the fiscal year 1968 requirements and that it was contemplated that these requirements would also be approved. The Air Force suggested that, in the interest of minimizing paper work, its letter be used as contractual authority to operate in accordance with the revised facilities plan until the fiscal year 1968 requirements were formally approved. The Air Force advised General Dynamics that the revised facilities plan could be incorporated in the contract at that time.

Generally, part XIX provided, with respect to facilities construction, that, in the event contract AF 33(657)13403 was terminated, the Government would pay the contractor that portion of the facilities construction cost which had not been recovered through overhead. This had the effect of shifting any financial risk associated with the facilities construction to the Government.

As shown in appendix I, all but two of the facilities construction projects proposed for the F-111 program had been completed or were under construction as of September 1968, at an estimated cost of about $23 million. A project for additional flight-line facilities ($1.3 million) and a project for a new maintenance building ($360 000) had been proposed by General Dynamics. Even though the Air Force will pay for the facilities constructed over a period of about 5 years, title to the facilities vests in the Government upon affixation to the realty.

Acquisition of Additional Facilities at Air Force Plant No. 75

Work at Plant No. 75, Seattle, Washington, is primarily related to the Minuteman program. A project funded by The Boeing Company, estimated to cost about $911,000 (actual cost was about $763,000), was approved by the Space and Missile Systems Organization of AFSC in August 1967. The project consisted of alterations estimated to cost about $800,000 to one Government-owned building and the construction of two additional buildings on Government-owned land. A picture of one of the new buildings, a material-cutting facility, estimated to cost about $100,000 is shown on page 15. The Government has title to the buildings and Boeing will recover substantially all of its costs over a 4-year period through overhead charges against Government contracts.

The contractor classified the project as nonservable, meaning that removal would cause substantial loss or damage to the premises. Air Force officials at Plant No. 75 classified the work as a major project. A major project is defined as all work of a capital nature which materially affects the structure, capacity, or capability of the real property.

Acquisition of Additional Facilities at Navy Weapons Industrial Reserve Plants, New York

The Grumman Aircraft Engineering Corporation utilizes Government-owned real property at Bethpage, Long Island, under a facilities contract and at Calverton, Long Island, under a lease agreement in connection with its Government aerospace work.

Since the beginning of fiscal year 1966, major new facility improvements have been completed or are under construction at the Bethpage and Calverton locations and the estimated costs of these improvements are $4,256,000 and $1,035,000, respectively. Grumman initially provided the funds for this construction and is recovering the cost over a period of years by means of overhead charges to Government contracts. For fiscal years 1966 and 1967, approximately 49 percent of the Government contracts were production contracts and 51 percent were research and development contracts.

An example of the type of improvement to Government's owned facilities is the Flow Coat Building addition to an existing Government-owned building (Plant 3) at Bethpage. Construction started in February 1966, and the total cost was $856,000. The Government obtained title to the one-story building, which is 120 feet wide and 280 feet long. All aluminum and titanium parts that are to be chem-milled go through the chem-mill clean line and the flow coat room prior to chem-milling. The Flow Coat Building also provides for the honeycomb final panel and cleaning and sonic test for all programs requiring honeycomb bonding. See pages 17 and 18 for pictures of this facility. Other facility acquisitions at Bethpage and Calverton are listed in appendix II to this report.

The basis for the Navy's acquisition of industrial facilities seems to be the Secretary of the Navy Instruction 4860.41 dated May 15, 1958. Naval Air Systems Command Instruction 4862.2 dated April 25, 1968, which implements the Secretary's instruction, allows contractors to finance leasehold improvements to Government-owned realty provided that (1) the amount charged to Government contracts does not exceed those amounts equal to acceptable depreciation methods, (2) the estimated useful life is determined without regard to the period of the lease, (3) in the event of termination of the right to use the Government property, or termination of any related supply contracts, or subcontracts, the Government shall not be charged directly or indirectly for any unamortized portion of the cost of the improvements, and (4) title to all improvements will vest in the Government upon completion of the leasehold improvements.

Grumman also has under construction contractor-funded leasehold improvements to Government-owned facilities. As of November 30, 1968, the final cost for these projects was estimated at $823,000, of which $155,000 was for Bethpage and $668,000 was for Calverton. Costs incurred to November 30, 1968, were $235,000.

ACQUISITION OF ADDITIONAL FACILITIES AT NAVY INDUSTRIAL RESERVE ORDNANCE PLANT

The General Electric Company operates the Navy's Industrial Reserve Ordnance Plant which is made up of three main buildings at Pittsfield, Massachusetts. Since 1963, the buildings have been used primarily in the development and manufacture of highly sophisticated fire control and guidance systems for the Polaris/Poseidon program under Navy contracts.

Since January 1, 1966, the Navy has acquired $1.7 million worth of facilities through rearrangement and improvement projects. Officials of the Naval Ordnance Systems Command and the Strategic Systems Project Office informed us that none of these acquisitions were included in their appropriation requests for facilities.

For example, during 1966 the Naval Ordnance Systems Command entered into two agreements which permitted General Electric to incur costs of almost $1 million for the construction of a second-level of finished office space within the buildings. These agreements allowed the contractor to amortize the cost over a 5-year period by including the costs as overhead expenses in Government contract proposals for supplies and services. The primary reason for constructing these offices was that they were required for personnel connected with the Polaris/Poseidon program.

XUM

NOMINATION OF JUDGE G. HARROLD CARSWELL TO THE SUPREME COURT

Mr. TALMADGE. Mr. President, the Georgia State Senate, now in session in Atlanta, has transmitted to me a copy of a resolution adopted by that body on January 21, urging the confirmation of the nomination of Judge G. Harrold Carswell to the Supreme Court of the United States.

I ask unanimous consent that the resolution be printed in the RECORD.

There being no objection, the resolution was ordered to be printed in the RECORD, as follows:

A RESOLUTION

Commending President Richard M. Nixon for nominating the Honorable G. Harrold Carswell to the Supreme Court of the United States, and urging Senators Russell and Talmadge to confirm the nomination; and for other purposes.

Whereas, President Richard M. Nixon has appointed the Honorable G. Harrold Carswell to the Supreme Court of the United States; and

Whereas, in addition to possessing the finest legal and personal capabilities and qualities, the Honorable G. Harrold Carswell has many ties with the State of Georgia; he was born in Irwinton, Georgia and he attended the public schools in Irwinton, Bainbridge and Atlanta before entering the University of Georgia and graduating from Mercer University's Walter F. George School of Law in Macon in 1948; and

Whereas, his father—George Henry Carswell—was a member of the Georgia General Assembly for more than 30 years and at one time was President of the Senate; he was also Georgia's Secretary of State from 1928 to 1931, before his unsuccessful campaign for Governor against Senator Richard B. Russell; and

Whereas, it is only fitting and proper that President Nixon be commended for his excellent choice, and that Senator Richard B. Russell and Senator Herman E. Talmadge be urged to confirm the nomination of the Honorable G. Harrold Carswell to the Supreme Court of the United States.

Now, therefore, be it resolved by the Senate of Georgia that this Body hereby commends President Richard M. Nixon for his excellent choice in nominating the Honorable G. Harrold Carswell to the Supreme Court of the United States.

Be it further resolved that this Body urges Senator Richard B. Russell and Senator Herman E. Talmadge to confirm the nomination of the Honorable G. Harrold Carswell.

Be it further resolved that the Secretary of the Senate transmit a copy of this Resolution to President Richard M. Nixon, Senator Richard B. Russell, Senator Herman E. Talmadge and the Honorable G. Harrold Carswell.

ARREST OF LEADERS OF SAIGON STUDENT UNION

Mr. FULBRIGHT. Mr. President, I have received a letter from Mr. Charles F. Palmer, president of the U.S. National Student Association, concerning the arrest by the Thieu government of 15 leaders of the Saigon Student Union, an organization which had recently expressed publicly its support for the peace efforts of American students.

I have asked the Department of State for a full report on the incident. In view of the general public interest in the political situation in Vietnam, I believe that this incident will be of interest to Senators and other readers of the RECORD. I ask unanimous consent that the letter and related material from Mr. Palmer and my letter to Secretary Rogers about the matter be printed in the RECORD at this point.

There being no objection, the correspondence was ordered to be printed in the RECORD, as follows:

U.S. NATIONAL STUDENT ASSOCIATION,
Washington, D.C., January 7, 1970.

Hon. J. WILLIAM FULBRIGHT,
U.S. Senate,
Washington, D.C.

DEAR SENATOR FULBRIGHT: On November 10th I released to the press a letter I had received from Nguyen Van Quy, the President of the Saigon Student Union, expressing support for the peace efforts of American students. At that time, we contacted members of your staff and those of several other members of the Congress, in an effort to get assurances for the safety of these brave students. We were given commitments that you and the others would do everything in your power to insure their safety.

On December 27th Nguyen Van Quy and fourteen other leaders of the Saigon Student Union were arrested at a student song performance. The terms of their arrests are still unclear, as is their present whereabouts. In the opinion of the people we have contacted in Vietnam, as well as the experts in this country, they were arrested for their criticism of the Thieu government.

Yesterday I received the attached communications from Saigon. I think it is self-explanatory. These students are in tremendous danger if something is not done soon to guarantee their safety.

I am therefore requesting that you issue a strong statement protesting the actions of the Thieu government in arresting these students, and that you do everything you can to raise the issue publicly. Second, I would like to request that you hold hearings on the treatment of students and other dissenting groups in Vietnam.

Finally, I cannot stress too much how important it is that you act quickly. These students have done a courageous thing, something which I doubt either of us would do. They are now suffering the consequences. Please act.

Sincerely,

CHARLES F. PALMER,
President.

SAIGON STUDENT UNION,
October 11, 1969.

The PRESIDENT,
U.S. National Student Association,
Washington, D.C.

MR. PRESIDENT: For the purpose of furthering understanding among the students around the world we would be delighted if you would assist us in getting our sincere greetings to the students and people of the United States.

We profoundly admire and are greatly affected by your sincere love of peace and your great efforts in that struggle. The demands of American students and people are also the deepest, most sincere and demanded aspirations of ourselves. They have long been nourished in all Vietnamese students and people.

In comparison with other countries of the world our Viet Nam, our beloved country, is a small, but its suffering has been great. Our history is one of continuous struggle of will for us to defend ourselves for our own salvation and survival. Our ancestors were successively killed during a thousand years of resisting the yoke of slavery and intentions of the Chinese dynasties. In contemporary times our compatriots fought a war of one hundred years, so cruel, so brutal, for independence from French colonialists and militarists.

Looking back on the history of our people we are frightened by the sufferings and disasters that our small people has endured. Our ancestors participated in a heroic struggle and they were victorious, magnificent, miraculous, yet the suffering and difficulties were also great. Our history of struggle for independence has been one of raising our voices to condemn aggressors and express a desire to live in peace and rebuild our poor and small country.

Our people, however, receive only more and more suffering. Our country is divided. Our fatherland is completely destroyed. Our brothers and our friends are dying violently. The numbers of dead and wounded increase each day and reach toward a million people with a population only one-tenth of yours. In addition to our losses hundreds of thousands of American youths are dead and wounded in our country. We would like to share in the concern of American students and people and assure you that, like yourselves, we are appalled.

Mr. President and dear American students:

For the sake of the survival of the Vietnamese people we are eager for peace, a peace that will stop the daily killing in our beloved homeland.

In the spirit of independence, equality, the ideals of democracy and freedom felt around the world, we sincerely hope that the right to self determination of the people of Viet Nam will be respected, without pressure, influence from anywhere under any form. Struggling for that purpose is to strengthen the ideals of justice and reason.

Again we say we respect and are affected by your will for peace and the will of all students and people around the world for peace, independence and freedom. We admire your efforts. We sincerely thank the American students and people who pursue peace for Viet Nam. From this side of the Pacific we anxiously join your spirit for a quick return of peace in this country and to appease humanity's yearning that all people around the world have peace and prosperity.

Sincerely yours,

NGUYEN VAN QUY.

PROCLAMATION OF THE COUNCIL OF REPRESENTATIVES OF SAIGON STUDENTS

On December 27, 1969 at 19:30 at the temporary headquarters of the Student Union following the musical performance of the Saigon students, the following students: Nguyen Van Quy, Chairman, Executive Committee, Saigon Student Union. Huynh Tan Mam, Vice Chairman for Internal Affairs, Saigon Student Union and Chairman of Ex. Comm., College of Medicine and Dentistry.

Doan Van Toal, Vice Chairman of Sgn. Student Union for External Affairs.

Nguyen Khac Do, Vice Chairman of Sgn. Student Union for planning.

Nguyen Van Thang, Secretary General, Saigon Student Union.

Nguyen Dinh Mai, Chairman of Ex. Comm., College of Medicine and Denistry, 68–69, Adviser to Ex. Comm. of Saigon Student Union.

Vo Ba Tong, Secretary of the Interfaculty Comm.

Truong Quoc Khanh, Executive Comm. Member.

Nguyen Kim Ngan, Representative of Buddhist Students at Faculty of Letters.

One girl student from Le Van Duyet High School and three others whose names we don't yet know, were arrested by the government forces.

Considering that:

1. the performance of the popular music by the Saigon students was of a completely cultural character.

2. the arrest of the representatives of the students at the campus headquatrers is an act attempting to violate the autonomy of the University.

3. the arrest of citizens without justification is an anti-constitutional act.

4. terrorizing and beating the student Nguyen Van Thang offends the rights of the individual and humanity.

Before these points the Council of Representatives of Students:

1. Requests the government to immediately release the above students.

2. Calls to all people in and out of the country to immediately intervene because of the unjustified arrests.

TELEGRAM

From: Nguyen Hoang Truc, vice secretary general, Saigon Student Union and Editor in Chief of Sinh Vien—45 Cuong De, Saigon.
To: Charles Palmer, President, U.S. National Student Association, 2115 —— Street NW, Washington, D.C. 20008

On the eve of student song performance organized by Saigon Student Union December 27, 1969 at the campus of Saigon University, 14 Cuong De Street, Saigon. After dispersing more than 1000 students and spectators the police intruded into the university buildings and beat and arrested without reason the student President Nguyen Van Quy, the Vice Presidents Thoai and Nam, the Secretary General Nguyen Van Thang, and all other members of the Student Executive Committee and student musicians, singers, and some of the audience coming late. This act of intruding the university campus and the use of beatings and arrests of the representatives of the 30,000 students of Saigon violated the South Vietnamese constitution, violated the democratic principles and human rights. These things offend the honor and fundamental rights of the Vietnamese students and students around the world. We expressly inform you so you can inform to all American students and students around the world and to the American people to denounce these police violent and inhuman acts to repress all expressions and activities of Vietnamese students. Please inform all other national student unions that we cannot physically reach them because of severe government censorship and control. In the spirit of student international solidarity we ask you to intervene through the American embassy in Saigon and the U.S. Government to get the South Vietnamese government to immediately release the student representatives and other people arrested with them on the night of December 27. Great trust in you and please accept our sincere salutations to all American students.

Sincerely yours,

NGUYEN HOANG TRUC.

LETTER OF PROTEST

Buddhist Student Association, Saigon, Considering that:

The autonomy of the University is approved by the Constitution of the Republic of Viet Nam.

In a democratic country, the government must have the duty to assist, to encourage, and to protect the rights and activities of the youth and students.

The government rudely interfered into the Agricultural College to arrest the Executive Committee of the Saigon Student Union, the group which formally represents over 30,000 Saigon students, on the evening of December 27, 1969 which is anti-constitutional, a betrayal of democracy, a repression of the youth and students and strangles the faithful voice of the youth of Viet Nam.

The Saigon Buddhist Student Association formally:

1. Opposes the deceitful violation of the autonomy of the University and illegal detention of the youth and student leaders on the eve of December 27.

2. Demands that the government must immediately give freedom to all the people arrested on the eve of December 27, 1969.

3. Calls to all groups, parties, religions, and constituents within and outside the country to raise their voices to oppose and to intervene so that the arrested youth and students can immediately return to the family of youth and students.

BUDDHIST STUDENT ASSOCIATION.

JANUARY 13, 1970.

Hon. WILLIAM P. ROGERS,
Secretary of State,
Washington, D.C.

DEAR MR. SECRETARY: I am enclosing a copy of a letter and related material from Mr. Charles F. Palmer, President of the United States National Student Association concerning the arrest of a number of student leaders in Saigon.

I would appreciate your having the appropriate officials of the Department investigate this incident as soon as possible and provide me with a report indicating what steps, if any, our government has taken or plans to take to assist the students involved.

Sincerely yours,

J. W. FULBRIGHT,
Chairman.

WICKER COLUMN NAILS APPROPRIATIONS, VETO INCONSISTENCIES IN LABOR-HEW BILL

Mr. PROXMIRE. Mr. President, today's New York Times contains a column written by Tom Wicker, which discusses President Nixon's veto of the Labor-Health, Education, and Welfare appropriations bill.

Mr. Wicker points out that Nixon's decision to label the Labor-HEW bill as inflationary was peculiar, to say the least, in view of the fact that the same Congress "that added the $1.3 billion reduced all the fiscal 1970 appropriations bills by a net of about $5.6 billion, including a cut of more than $5 billion in the Pentagon appropriation." And Mr. Wicker raised the rhetorical question:

> Who is vetoing the SST?

But far from endorsing the Labor-HEW bill in its entirety, Mr. Wicker goes on to discuss the absurdity of providing $400 million more than the President requested for impacted area aid. The article points out, as I have argued more than once on the floor of the Senate, that this impact aid is nothing more nor less than political pork. It goes to 375 of 435 congressional districts without regard to need. Thus it benefits from great political muscle while suffering from educational anemia insofar as benefits to those who most require help are concerned.

Had Congress elected not to boost impact aid by $400 million, the Wicker article points out, President Nixon's justification for vetoing the Labor-HEW bill would have been reduced by one-third, for this is the amount by which impact aid increased the budget overage. Yet now the President's representatives are assuring congressional colleagues that impact aid above and beyond the President's original budget request will be

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forthcoming from the White House despite congressional approval of the veto.

Tom Wicker's article, in short, presents a picture of political dissimulation both on the Hill and in the White House. It is a disquieting comment, but I believe it deserves the attention of Senators. I ask unanimous consent that the article be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

In the Nation: The Education Boondoggle

(By Tom Wicker)

Washington, January 26.—"I am afraid," said a Democratic head-counter recently, "that we have enough votes to override."

He was referring, naturally, to the H.E.W. appropriations bill, which President Nixon has decided to veto; and he meant that it looked to him as if the Democratic Congress could and would pass it even over the veto. The question was whether or not it would be good politics to do so.

The measure contains $1.3 billion more than Mr. Nixon had asked for; hence, he has labeled it inflationary. This is a peculiarly Nixonian way of looking at it because the same Congress that added the $1.3 billion reduced all the fiscal 1970 aprpopriations bills by a net of about $5.6 billion, including a cut of more than $5 billion in the Pentagon appropriation.

It is not yet clear what will happen on the revenue side of the budget, although the Administration still is shooting for a surplus. The $1.3 billion in additional education funds conceivably could result in a small deficit over-all, but not many economists would maintain that a billion dollars either way will have much inflationary or deflationary impact in a $200-billion budget and a trillion-dollar economy.

Given Mr. Nixon's dominance of the airwaves, however, and the obvious public concern over high prices, high interest rates and high taxes, the Democrats may have a hard time convincing anyone other than the so-called education lobby and the convinced liberals, that they, and not the President, are acting responsibly.

PROBLEM FOR DEMOCRATS

About all the Democrats can do is to make their usual claim that they care more about social issues than the Republicans do. But not only is there no Democratic leader as imposing as a President to make the claim; there also is some question whether that kind of thing wins as many votes as it once did. There is the likelihood, too, that to the extent Mr. Nixon is persuasive in calling the H.E.W. bill inflationary, even some supporters of education expenditures may conclude that this is a time to cut back.

One particular aspect of the measure illustrates best the political fraudulence on both sides of the argument. This is the $600 million included in the Democratic bill for the program ungrammatically called "impacted aid"—that is, Federal assistance to certain school districts to help them bear the impact of the children of Federal employes on their educational costs.

Every President since Dwight Eisenhower has recognized this as what H.E.W. Secretary Robert Finch recently called a "direct boondoggle," but nothing has been done because it benefits without any restriction 375 of the 435 Congressional districts—including some of the wealthiest areas of the country. Montgomery County, Md., a Washington suburb, got $5.8 million from this program last year, although its median household income is almost twice the national average.

Mr. Nixon asked in his budget for only $202 million for impact-aid. By holding the appropriation for it to something like that figure, the Democratic Congress could have reduced by about a third the overage that Mr. Nixon objects to as inflationary. That would have weakened the case for a veto and protected the more vital programs covered by the bill.

Mr. Nixon's agents are now busily assuring members of Congress that if they vote to sustain the veto of the whole appropriation, the President will consent to a separate bill that would continue the impact-aid pork barrel at a level about $400 million.

RIDICULOUS IS THE WORD

The whole thing is a ridiculous way to do business with anything so important—and at the moment so beset with difficulties—as the American education system. It is ridiculous that seven months into the fiscal year, when it is already time to start work on next year's appropriation, this one has not yet been made. It is ridiculous that the most heavily burdened political office in the world does not have the right of item veto. It is ridiculous that the greatest nation in history finances its highest purposes piecemeal and without any real comparison of the values involved. (Who is vetoing the SST? And who votes $600 million for the impact-aid boondoggle and only $717 million for elementary and secondary schools?)

And the most ridiculous thing of all is that the public that suffers insists so little on sensible change.

UNIFORM ACCOUNTING PROCEDURES

Mr. BROOKE. Mr. President, I ask unanimous consent to have printed in the Record an editorial published in today's New York Times concerning uniform methods of accounting for defense contractors. Last week, the General Accounting Office issued its report on this subject which indicated that the application of uniform standards is feasible and that uniform machinery should be developed.

This subject is extremely important in light of recent cost overruns which have occurred in large military procurement contracts. The Committee on Banking and Currency will be considering the subject issue shortly. I anticipate that the problems alluded to, in the editorial, will be addressed in sufficient detail so that sound legislative action may be taken this year.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

Security for Whom?

Almost exactly 90 per cent of the contracts let by the Department of Defense are non-bid, negotiated contracts which guarantee the contractor a profit over and above costs. The various contractors follow various methods of calculating their costs and, since there is no uniform accounting procedure, there is no effective governmental audit of these contracts.

Some contractors have been detected padding expenses in order to further increase their profits. Is it any wonder that defense costs have risen all out of proportion to the nation's security requirements—from only $13 billion before the Korean War, to $50 billion before the Vietnam war and to $80 billion today?

The recommendation of the General Accounting Office that all defense contractors follow uniform accounting procedures should be translated into law. To bring some reason into an irrational, runaway defense budget, Congress will have to arm itself with the expert knowledge required to weigh, to question and to challenge the proposals of the military-industrial complex for launching new weapons systems. As it is, Congress is almost wholly defenseless against the assertions by interested parties that any new weapon is essential to American survival.

The relationship between the weapons manufacturer and the military establishment has been, as some critics have charged, an unhealthily cozy one. The military may dream up the need for a weapon and then the manufacturer tools up to supply the need—at a profit. Or the manufacturer may dream up the idea for a weapon, suggest the need to the military and then tool up to supply it—at a profit. This mutually beneficial, backscratching arrangement excludes any effective check on the arms race.

Several possible checks have been suggested: expansion of the House Appropriations Committee to include staff experts on military matters; setting up a separate research think-tank operation, along the lines of the legislative reference service, which would be available to any member of Congress; establishing a new wing of the General Accounting Office to conduct effectiveness studies of weapons systems and make expert analyses of military proposals.

The subcommittee of the Joint Economic Committee now looking into defense spending, with Senator Proxmire serving ably as chairman, can be counted on to come up with its own recommendation. The nation must have an accurate audit of military spending to prevent profit-gouging, wasteful cost overruns and plain chicanery. It must also have some independent, expert opinion on whether proposed new weapons systems will really contribute to its security or only to that of the defense-related industry slated to get a contract.

IMPORT SHORTAGES AND THE PRICE OF OIL

Mr. McINTYRE. Mr. President, I understand that a meeting is being held tomorrow morning at the Department of the Interior with Assistant Secretary Dole to examine steps to be taken to head off the threatened oil shortage in the Northeastern United States.

As many Senators know, we in New England and throughout the Northeast have experienced this problem before; in fact, this is the third time in the last 4 years that heating oil supplies have become tight, transportation gotten snarled, and the threat of a shortage has loomed. Two years ago, in February 1968, Secretary Udall took swift action to head off a crisis by assigning emergency quotas to the Oil Appeals Board which were immediately allocated to east coast independent deepwater terminal operators.

I hope that as a result of tomorrow's meeting the administration will take similar action, and take it quickly.

Even more important, I hope that the administration will recognize the current crisis as one more reason for adopting substantial changes in the oil import program designed to assure sufficient supplies of low-cost heating oil to the benefit of consumers and to assure competition in the home heating oil markets of the Northeast.

In addition to removing the threat of recurrent shortage, such revisions can mark a major step forward in the fight against inflation.

At the same time, I should like to comment on one other matter. Yesterday, the distinguished junior Senator from Wyoming (Mr. Hansen) made some remarks on the floor of the Senate regard-

ing oil imports and their impact on New England consumers.

In the course of his comments, he referred to a "New England Senator" who had raised questions on this subject. I believe that that "New England Senator" is myself, since I recently sent a letter to my friend from Wyoming setting forth questions on this issue.

So that Senators and others who read the Record may have the benefit of those questions, I ask unanimous consent to have printed in the Record the letter I sent on January 21 to the distinguished Senator from Wyoming.

There being no objection, the letter was ordered to be printed in the Record, as follows:

January 21, 1970.

Hon. Clifford P. Hansen,
U.S. Senate,
Washington, D.C.

Dear Cliff: I note that on January 15, you made a statement in Wyoming criticizing a statement of January 12 in which I drew attention to the fact that the tariff plan reportedly proposed by the Task Force on Oil Import Control would, in its present form, bring little relief to the consumers of our Nation.

Cliff, I have some questions in my mind which I think we need to seek answers to in order that we may understand each other better.

(1) You say that "it is incredible" that I, or anyone else, "should be considering using imports to lower the domestic price of any commodity by any amount." You also say that "the Federal Government under both Democrats and Republicans has so far avoided wage and price control except as war-time emergency measures."

(a) Do you believe Government programs which establish a *floor* on prices to be Government control of *prices?*

(b) If the Government can take action to establish a floor on prices, why can't it take action to adjust that floor, up or down?

(c) Am I correct in assuming that you are against any regulation by the Government of the prices of commodities?

(d) If this is true, what do you conceive to be the purpose *and effect* of the Oil Import Program?

(e) What do you believe to be the purpose *and effect* of the State market pro-rationing system, which is tied to demand?

(f) Does the import program or the prorationing system have any effect on prices?

(g) Assuming that all analysts are correct in saying that the purpose of State prorationing is to set prices, shouldn't this job be done by the Federal Government, rather than only two states, Texas and Louisiana?

(h) Do you agree with the position taken by Assistant Attorney General McLaren in a letter of December 31, 1969, to Senator Proxmire that there is no competition in setting oil prices because of state market pro-rationing systems and the posted price system of the major oil companies?

(i) Doesn't any import quota system have an effect on prices?

(2) You report that "oil product prices have remained remarkably stable during the inflation of recent years and now average less at $3.88 per barrel than the 1957–59 weighted wholesale average of $3.99 for the four principal products—gasoline, home heating oil, kerosene and residual."

My understanding is, however, that oil prices were at abnormally high levels during the 1957–59 period due to the Suez crisis of 1956. Therefore, I have measured the changes in oil prices over the past five years, years when the inflation in our country has become more intense. It would be helpful to me if you could provide information as you see it, on:

(a) The domestic price of crude oil in each of the years 1965–69 with a comparison of those prices with world crude oil prices;

(b) The wholesale and retail prices of the four principal products you outlined above—gasoline, home heating oil, kerosene and residual—for each product in each of the years 1965–69.

(3) You and I share a deep concern about prices, and because of this how do you view the impact on our economy of a one cent increase in the retail price of gasoline? A one cent increase in the retail price of home heating (No. 2 fuel) oil?

(4) You say that "4 out of 10 barrels" of New England oil products are imported now. My understanding is that the 40% figure applies to the entire East Coast and not New England. Your figures may also include a decontrolled product, residual fuel oil. I wonder if you have figures for controlled products for New England alone.

(5) I note from the recent study of the Office of Emergency Preparedness that in 1969 the people of Wyoming bore the highest per capita burden of any State in added expenses due to the Oil Import Program—$62.00. The people of my State paid a per capita burden of $42.09 and nationwide the per capita burden was $26.16.

(a) Do you believe that these burdens are justified?

(b) Do you believe that petroleum imports from secure sources such as Canada, which would not affect our security and would certainly lower costs in your State, should be allowed free access to our markets?

(c) If such imports would lower prices to consumers, help in the fight against inflation, and not affect security, would you object?

Cliff, I realize these questions may be somewhat lengthy but I ask them in all sincerity in an attempt on my part to obtain the fullest possible understanding of the oil problems. Oil is such a serious matter in New England particularly for heating during our bitter cold winters, that I am sure you will understand my abiding interest.

Sincerely,

Thomas J. McIntyre,
U.S. Senator.

PROBLEMS OF AMERICAN TOBACCO FARMER

Mr. BAKER. Mr. President, in the recent controversy over cigarette smoking and health, one important consideration has been too often overlooked—the situation of tobacco farmers whose principal source of income, indeed for many the only source, is their tobacco crop.

Last Sunday, in the Washington Post, an article written by William Greider, dealt extensively with the problems confronting the American tobacco farmer. I ask unanimous consent that the article be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

[From the Washington Post, Jan. 25, 1970]

A New Leaf for the South

(By William Greider)

Louisville, Ky.—In the huge tobacco warehouse, where sunlight filters through the row of skylights and the chill air has the bouquet of a fine old humidor, W. B. Norton measures up as a man of quality.

Norton is a farmer from Breckenridge County in western Kentucky, a lean and handsome man at 52, wearing olive-green coveralls and a new hunter's cap. The last of his burley tobacco crop has just been unloaded from his stake truck and prepared for sale on the auction house floor.

As Norton hands down the long sticks strung with the reddish brown leaf, the grader and the packer can tell what sort of a man he is. The "hands" of cured tobacco leaves, which they stack on flat wicker baskets, have a neat and finished look, the right color and texture, and good weight, too.

If Americans quit smoking, as the federal government and countless health experts have urged them to do, men like Norton will pay the price. For more than 600,000 farm families, tobacco is the principal source of income—for many of them, the only source. They will also lose something of themselves, the specialized knowledge of a crop which is their only career and inheritance.

The farmers have not received much attention in the long debate over smoking and health. Since the Surgeon General's report of 1964, the giant cigarette companies have played the role of defender of the industry and have served as villain for the reformers.

But the companies are in good shape for the future, even if they lose ground in the battle for public opinion. They are investing in other enterprises, like razor blades, frozen foods and beer. They can benefit from the prospect of new techniques for making cigarettes with less tobacco—which promise more grief for the people who grow the crop.

"I don't expect it's actually killing any more people than whiskey or air pollution," Norton said defensively, though he neither smokes nor chews himself. "I always say I grow it for people foolish enough to use it."

The man from the warehouse scales came over with the receipt and the total weight looked good. Norton and his wife grew about 3,700 pounds of burley on each acre, the kind of high yield that is commonplace today with chemical fertilizers and pesticides but was unheard of when he was a boy helping his father.

Even so, 1969 was a bad crop for Norton, just as it is for most farmers in the eight-state burley belt. He calculated out loud that his income will probably be off almost $1,000. That is a lot of money in Breckinridge County, Ky.

"It just can't hold up," Norton said wearily. "The consumption isn't holding steady and we're growing more and more tobacco every year. Unless we cut it down, the government is going to drop the program. These city congressmen don't give a damn for us. And I don't believe the government is going to keep buying tobacco they don't need."

MORE FOR THE POOL

The "program" is the government's tobacco price-support system, which for 30 years has brought price stability to tobacco markets historically so chaotic that there were once barn-burning insurrections among discontented farmers. This year, burley farmers like Norton began wondering about whether the program can survive.

When the burley markets opened in late November, everyone expected an exceptional year. (This tobacco variety makes up about 35 percent of cigarette blends and is grown in Kentucky, Tennessee and six other states.) By Christmas, they were gloomy and distressed. Burley prices were averaging only $69.73 per 100 pounds of tobacco a drop of $4.35 from the previous crop.

More alarming, a record amount of burley—27 per cent of the crop—was being passed over by the buyers from the cigarette companies and thus was purchased by the government-financed price-support "pool." Only 4.8 per cent of the crop was taken by the pool at the same point in the previous season.

The ominous assumption of many farmers and farm experts is that the companies are taking a businesslike hedge against the uncertainties of the future. Since tobacco normally is aged several years before use, the companies can let the surplus sit in the government pool until they need it. Then they can buy it from the "pool" at the bargain

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interest rate of 3½ per cent—much more cheaply than at current interest rates in the commercial money market.

Besides, the companies just might not need the tobacco at all—if sales continue to decline and if new manufacturing methods reduce the amount of tobacco needed for each cigarette. While they ponder the implications, the burley farmers are waiting to hear from the U.S. Department of Agriculture about the acreage allotments for the next season. The general fear is that allotments will be cut at least 10 per cent.

In the other major tobacco belt, the coastal states from Virginia to Florida where they grow bright leaf, flue-cured tobacco, the growers have already taken a 5 per cent cut in their production quotas for 1970. Despite the good prices and stable market that flue-cured tobacco enjoyed last year, farmers there are also apprehensive about the future.

"It's just about as painful as cancer," said Bill Lewis, the county extension agent of Wilson County, N.C., unmindful of the irony in his figure of speech. "If you knew that in a certain number of years ahead of you, that circumstances were going to destroy your ability to make a living, why, nobody likes to be beat if he's got anything in him."

So the consequences of the smoking-and-health issue are beginning to come home. No one can say precisely what the outcome will be, partly because the economic and social conditions vary so widely through the tobacco states. In the burley belt, for instance, more than 55 per cent of the farmers have tobacco allotments of only one-half acre or less, a tiny plot which produces as much as $1,000 or $1,200 a year—the only cash that many hillside farmers in eastern Kentucky and Tennessee see all year long.

In the Carolinas and the other flue-cured states, tobacco farms generally are larger and more often are in the hands of a commercial operator, but the potential for social fallout is just as great. The harvesting of the bright leaf, flue-cured variety (which makes up about 50 per cent of cigarettes) requires more labor, and a vast army of field hands—most of them black—are still tied to the crop.

If the current projections hold true, the economic squeeze is likely to produce a gradual kind of agony, especially painful for the thousands who already live on the tattered edge of subsistence agriculture. For the nation, it could mean new waves of dispossessed mountaineers or black farmhands following the migratory path to the cities.

Russ Stinnett, a middle-aged farmer from western Kentucky, expressed the anxiety of plain country people in the understated manner they favor: "You take tobacco away from these people and you'll hit 'em a pretty good lick."

"PUFFED" TOBACCO

Besides the erratic behavior of this winter's burley market, there are other indicators of trouble ahead.

Per capita consumption of cigarettes was down in 1969 for the third year. There was a modest drop in U.S. sales, the second year they had gone down. For the first time, there was a 3 per cent decline in cigarette manufacturing in the first nine months of 1969.

The tobacco growers are more disturbed, however, by the reduced amounts of burley and flue-cured tobaccos being used in domestic cigarette production. Burley's use was down almost 6 per cent last year and flue-cured has also slipped gradually over the past five years. Maryland-grown tobacco, which makes up a small but vital fraction of U.S. blends, has not suffered from this trend. The impact on flue-cured growers is cushioned because so much of their crop is exported.

Among other factors, the growers blame the consumer's shift to filter brands, stimulated by what tobacco people commonly call "the health scare." Filters may offer smokers the hope that less tar and nicotine means less risk of lung cancer, but to the tobacco farmer filters mean a cigarette that requires slightly less tobacco to fill it.

Until recently, agricultural economists in both tobacco belts generally assumed that, if these trends persisted, it would mean steady consumption of tobacco for the next decade or, at worst, a modest decline. That, by itself, would squeeze out thousands of farmers as operating costs continue to rise and the market remains stagnant.

But now the economists, not to mention the farmers, are shuddering at the possibility that tobacco use will shrink drastically, by as much as 40 to 50 per cent, even if cigarette sales stay even. That prospect has been raised by two new techniques—"puffed" and "freeze-dried" tobacco—now under development. Both processes expand the volume of tobacco.

A secondary virtue for the manufacturers is that a cigarette with half as much tobacco also produces half as much tar and nicotine, which might cool off the health critics. When North Carolina farmers discovered with alarm that their own state university was developing the "freeze-dried" process, Gov. Bob Scott mentioned that benefit to comfort them.

The governor also suggested that the new process might lead to greater use of flue-cured tobacco in the blends—meaning less burley. Burley growers, on the other hand, used to be smug about "the health scare" on the theory that cigarette smokers would turn to pipe tobacco, which relies heavily on burley. But consumption of pipe tobacco has decreased, too (only chewing tobacco was up in 1969; snuff held even).

FARMERS FIGHT BACK

As the rivalry between the two major varieties suggests, the people of the tobacco states react in different ways to the new pressures created by the public health issue.

Wishful thinking still predominates—the hope that the American Cancer Society will lose interest in its "I Quit" crusade or, alternatively, that the research labs will develop the "safe cigarette."

In Kentucky this winter, farmers decided to fight back in their own way. At auction houses across the state, farmers are chipping in $1 each to finance a lawsuit in U.S. District Court in Lexington against the three national television networks.

The eight farmers who are plaintiffs claim they have been damaged by the antismoking commercials aired by the TV networks—both because farm real estate with tobacco allotments has declined in value and because tobacco prices have dropped. The farmers' lawyer, Robert Odear, would like to silence the more provocative ads, like the one that shows a smoker's head rolling off.

"It's never been proved that cigarettes are killers," Odear said. "If they say that cigarette smoking might be injurious, we don't challenge that. But when they come out with a flat-footed statement, it's ridiculous."

"The big companies used to do the battling," said State Sen. Tom Harris, who runs a burley warehouse at Carrollton, Ky. "Now the people are scared and they're mad. They want to see what they can do."

W. B. Norton, a prudent man, is trying to get into hogs, though he knows he can never raise enough pork on his 400-acre farm to equal the cash income he gets from a couple of acres of tobacco. Others, less resourceful or less realistic, are not turning in other directions. Tobacco is what they learned from their daddies and what they are teaching their sons.

One replacement crop which the farmers in central Kentucky could easily grow, if it were legal, is marijuana. Across the Bluegrass, farmers joke about its competition with tobacco. Before tobacco took over, the principal crop in the region was Indian hemp—the same plant but grown for rope, not smoking.

What the farmers call "volunteer hemp" still flourishes uncultivated along fences and creek beds. The sheriff of one central Kentucky county caught some young people harvesting it on his own farm.

The farmers talk more earnestly about other crops, ranging from cucumbers to soybeans to blueberries, but the economics of shifting are not inviting. "I'm sure we can increase these things, but they are not going to pick up the slack for tobacco," said Charles Gulley, county extension agent for Fayette County, the prosperous Bluegrass farmland of horses and tobacco surrounding Lexington.

WORTHY OF DU PONT

Over in North Carolina, the landscape is different. There the flue-cured growers have actually been "diversifying" for the past decade, not because of the health issue but because mechanization and the dwindling pool of cheap field labor are squeezing profits in tobacco.

Eastward from Raleigh the rolling terrain and red clay of the Piedmont turn down to the flat fields and dark loam of the coastal plain, the most productive tobacco country in the world. In Wilson County, North Carolina's largest flue-cured market, the tall, funny-looking flue-curing barns stand in clusters of five or six. Rows of collard greens grow beside the tenant cabins where the black people live.

"There is no panacea," said Bill Lewis, Wilson County's extension agent. "If there were any other crop good enough to replace tobacco, Wilson County farmers wouldn't be the only ones growing it. They'd be growing it in Washington, D.C."

As their adviser, Lewis is understandably proud of how Wilson County farmers have branched out in the last 10 years, a trend typical of North Carolina as a whole. The local incomes from sweet potatoes, hogs, cucumbers, eggs and milk have increased dramatically.

Yet tobacco still means about $20 million a year to the county. "Even DuPont or General Motors would look at $20 million, wouldn't they?" Lewis said.

Down the state-maintained highway a few miles, at the Evansdale crossroads, the white farmers in their bib overalls gather on a Saturday afternoon around the stove in Earl Jones' store. The talk runs to the great upheavals of the times, the steady exodus of black folks, the minimum-wage law and school integration, the new harvesting machinery that replaces labor with capital, the textile mills that draw away field hands.

"I know this," the storekeeper said. "You're gonna have to get big or get out." When labor got scarce last year, Earl Jones had to get out.

"Everything's against tobacco, that's for certain," Jones said. "There's not one bright thing about it."

"I had 50 crops, I reckon that's enough," said John Grimsley, who is 65 and owns a brick house and is ready to retire. "It's about gone to hell, though."

In Grimsley's times, the changing economics of agriculture, the awakening of Southern Negroes and companion forces have reduced the number of Wilson County farmers from 4,300 to around 1,400. Bill Lewis figures that the number of farm operators will drop to 500 in the years ahead.

From the perspective of Wilson County, the "health scare" is just one more calamity.

From the perspective of Washington, the problems may seem less calamitous. But the government will have to deal with these economic adjustments, if only because the tobacco price-support programs cannot function smoothly if the supply-and-demand relationship changes radically.

Right now, the government-financed surplus stocks of tobacco total just under one billion pounds, worth more than $700 million. If tobacco consumption continues onward and upward, the government will be repaid for that investment. If it turns down, the government could be stuck.

SHAKING FARMERS OUT

Some cigarette critics have already proposed that the tobacco programs be phased out on the grounds that the government cannot logically declare cigarettes to be a health hazard, then turn around and provide price supports for the crop. That sentiment is likely to gain strength if tobacco surpluses keep building—yet farmers cannot endure repeated reductions in their allotments to compensate for reduced consumption.

The tobacco economists insist that, if the government programs were eliminated abruptly, the main benefits would go to the cigarette companies and the larger growers.

Milton Shuffett, a University of Kentucky economist, estimates that burley farmers, once free of the government acreage restrictions, would grow too much tobacco and prices would tumble at least 25 per cent the first season. The larger growers might survive several years of poor prices, but thousands of small farmers would be "shaken out" of the tobacco economy.

The problem is how to revise the government programs to allow for an orderly reduction in the amount of tobacco produced and in the number of farmers who produce it. The first tentative proposals are beginning to surface.

In North Carolina, for instance, the Farm Bureau has suggested government payments for farmers who want to retire their allotments. The allotments have become part of farm real estate values—estimated at $4,000 to $6,000 an acre—and they are not easily abandoned, even for farmers who want to quit.

And last week, a congressman from the mountains of southeastern Kentucky, Rep. Tim Lee Carter, came forward with his own version of a "soil bank' program for retiring burley acreage. "It may cost quite a bit of money," Carter said, "but we've got to do something."

In the burley belt, the problems of adjustment are much more complex because the farmers are sharply divided along economic classes. Right now, the burley program protects the little guy, the scrub farm in the mountains which by regulation cannot be cut below the minimum allotment of one-half acre. That means the well-to-do farms of the Bluegrass, with larger tobacco acreage, more capital resources and more productive land, take the brunt of the allotment cuts, a situation that penalizes economic efficiency.

So some hard choices are involved concerning who gets hurt and who survives. Does the government seek economically viable farm units? Or the social objective of maintaining income for the rural poor and stemming emigration?

"If the objective was to maintain the subsistence farm," explained University of Kentucky economist John Stovall, "you could design the program to do that. It's a question of how you weigh the dollar taken from the rich man against the dollar taken from a poor man."

RAIL FREIGHT PROBLEM IN SOUTHERN NEW ENGLAND

Mr. PELL. Mr. President, in recent years I have talked extensively about the problems associated with rail passenger service. I wish I could say that I have been more concerned about passenger service than with freight service because fewer problems are associated with freight service. However, as Dr. Roy G. Poulsen of the University of Rhode Islands notes in a recent article in the Traffic Quarterly, this is not the situation, for there are some indications that New England is deteriorating.

According to Dr. Poulsen's article, between 1960 and 1967 freight revenues of rail freight service in southern New England have been declining while the net operating deficit has been increasing. Between 1960 and 1965, the tractive effort of the New Haven Railroad fell from 28,342,000 pounds to 18,724,000 pounds and freight car capacity from 468,265 tons to 311,662 tons.

Dr. Poulsen cites two key reasons for the decline of freight service; first, the short freight runs in an area where light industry does not utilize completely the freight cars which service them; and second, the increase in land value of rail properties has increased their property tax burden, a burden not shared by the competing trucking and airline industry.

In order to relieve the tax burden on the railroad and provide assistance which is similar to that given to trucking and the airline industry, Dr. Poulsen suggests that the Department of Transportation take three steps as part of a national demonstration project to improve the condition of rail freight service:

First, assume responsibility for the installation, operation, and maintenance of the New Haven signal system;

Second, take over, operate, maintain, design and construct passenger and freight terminals for the New Haven; and

Third, acquire the New Haven right of way for inclusion in the interstate highway system and lease this property back to the railroad.

I believe the study undertaken by Dr. Poulsen has important national significance as a possible harbinger of what may be new emerging national problems with rail freight service. I ask unanimous consent that the text of Dr. Poulsen's study be printed in the RECORD.

There being no objection, the study was ordered to be printed in the RECORD, as follows:

[From Traffic Quarterly, October 1969]

SOUTHERN NEW ENGLAND AND THE FREIGHT SERVICE OF THE NEW HAVEN REGION OF THE PENN CENTRAL

(By Roy G. Poulsen)

(Dr. Poulsen is the Director, Research Center in Business and Economics, and Professor of Finance in the College of Business Administration at the University of Rhode Island. He has recently completed several special studies for federal and state agencies on subjects related to employment of the handicapped, the Rhode Island Revenue System, and an economic profile of the legal profession in Rhode Island. Articles by the author on urban transportation, New England power economics, and urban economic problems have appeared in the Journal of Land Economics, among other publications.)

The people who live south and west of Providence, Rhode Island, have probably been more aware than city dwellers of the labors of the New Haven Railroad (now the New Haven Region of the Penn Central Railroad). When the wind is right or in the stillness of the night, they can hear the melodious sound of the locomotive whistles as they pass the many highway crossings in the rural parts of Rhode Island and Connecticut. Carl Sandburg gave expression to the work of the railroads in one of his poems which begins:

Box cars run by a mile long,
And I wonder what they say to each other
When they stop a mile long on a sidetrack.
Maybe their chatter goes:
I came from Fargo with a load of wheat up to the danger line.
I came from Omaha with a load of short-horns and they splintered my boards.
I came from Detroit heavy with a load of flivvers.
I carried apples from the Hood River last year and this year bunches of bananas from Florida; they look for me with watermelons from Mississippi next year.

This article seeks to point out the need southern New England has for continued rail freight service and to propose a means for coming to grips with the ills of the New Haven Region, an illness which afflicts other railroads, though to a lesser extent. A look at some of the measures of well-being of a railroad brings out the decline of the NHRR. While the total tractive effort and the aggregate capacity of freight cars of the New York Central Railroad remained almost unchanged between 1960 and 1965, the NHRR declined in both categories. Tractive effort fell from 28,342,000 pounds to 18,724,000 pounds and freight car capacity from 468,265 tons to 311,662 tons. Freight revenues on the Central increased 2.4 percent while there was a 9.6 percent decline on the NHRR.[1]

Reference to a recent study provides a rundown of the special problems confronting the NHRR and the other railroads serving New England. These include a large proportion of passenger business, diversified freight traffic, a large amount of terminal traffic, an unbalanced movement of freight with terminations far exceeding goods originating in the region, relatively short hauls, and low density of freight traffic.[2]

With more than its share of these problems, the New Haven Railroad went into receivership in 1961. Thereafter, the railroad was under the jurisdiction of a federal court and was operated by three court-appointed trustees, until it was absorbed by the Penn Central on January 1, 1969. Despite extensive efforts to pare losses, the trustees were not successful and, in a political-economic move, petitioned for total abandonment of passenger service in 1966. The 1967 financial statement (Table I) which is typical of recent years provides the economic reasons for the trustees' petition. Note the current ratio, 0.71:1, of assets to liabilities.[3]

While other states are served by two, three, or more railroads, Rhode Island and Connecticut have been heavily dependent on the freight service of the Penn Central, New Haven Region. Figure 1 depicts the rail lines of the New Haven and the Central Vermont serving these two states. NHRR freight service was based on the Harlem River and Maybrook terminals with entry to New England via the Shore Line and Danbury. Following Penn Central takeover, the service to the region began to be based on the seventy-track electronic freight classification yard (Perlman Yard) at Selkirk, just south of Albany, New York. The service is built around eight new high-speed freights with major connections for southern New England at Springfield, Worcester, and Boston.[4]

Footnotes at end of article.

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TABLE I.—*New Haven Railroad current position as of Dec. 31, 1967*

ASSETS	
Current assets:	*1967*
Cash	$2,346,436
Temporary cash investments	3,487,327
Special deposits	223,410
Accounts and balance receivable	7,627,887
Accrued accounts receivable	1,616,710
Other current assets	3,810,396
Material and supplies	1,118,760
Total current assets	20,231,326
LIABILITIES	
Current liabilities:	
Accounts and wages payable	$8,740,372
Miscellaneous accounts payable	1,617,219
Interest matured	192,269
Matured dividends unpaid	9,695
Accrued accounts payable	13,609,858
Accrued tax liability	1,883,277
Accrued items	134,052
Other current liabilities	2,328,981
Total current liabilities	28,515,723

Moody's Transportation Journal, September 1968, p. 676.

Superimposed on the map are the highway routes which serve competitive transport modes: truck, bus, and car. The New England Thruway running east from New York City and the Connecticut Turnpike closely parallel the New Haven tracks. The 1959-1960 completion of these connections coincided with a sizeable fall-off in rail passenger and freight demand. The more recent construction with 90/10 money of Interstate 91 north along the Connecticut River and Interstate 95 easterly to Providence and Boston, has not aided the plight of the railroad. Both of these routes also are near or within sight of the New Haven tracks.

TABLE II.—NEW YORK NEW HAVEN & HARTFORD RAILROAD CO.

Year	Gross freight revenues	Total freight expenses [1]	Net railway operating deficit
1960	$73,864,080	$77,160,900	$(3,296,820)
1961	70,146,492	77,347,736	(7,201,234)
1962	70,269,815	70,749,738	(594,923)
1963	66,106,809	67,630,929	(1,524,120)
1964	66,685,989	73,218,058	(6,532,069)
1965	67,064,827	73,113,871	(6,049,044)
1966	69,989,783	74,267,547	(4,277,764)
1967	65,967,789	75,819,558	(9,851,769)

[1] Includes operating expenses, taxes, and rental.

Source: Planning and Research Department, New York, New Haven & Hartford Railroad Co.

A dramatic improvement in highway travel time occurred following the opening of the Connecticut Turnpike and the other new roads, with motor carriers the major commercial beneficiaries. After midnight, vehicle use of the turnpike and the New England Thruway connection into New York City is almost exclusively a freight operation at road speeds of 60–70 mph. When the flexibility of the truck in point-to-point service is added to the improved speed made possible by the new highways, the competitive disadvantage imposed on the railroad by the highways is evident.

Judge Anderson, Justice of the United States Court of Appeals and responsible for the bankrupt railroad, stated especially well the plight of the New Haven when he noted that "a train proceeding from New York to Boston has truck competition on one side, sea borne competition on the other and air competition overhead. All of these other forms of transportation directly or indirectly are subsidized. Meanwhile the railroad has to maintain the tracks, roadbed and other facilities."[5]

Historically, railroads have used profits from freight service to offset losses sustained from passenger service. The New Haven used this procedure to carry its deficit passenger operation until its freight profits became less than its passenger losses. When this occurred, conditions of course became untendable and bankruptcy followed the next year. Table II provides information on the rail freight deficit between 1960 and 1967.[6] The freight deficit in the last four years averaged $6.7 millions.

Among the factors which served to fuel the deficit are the following:

1. Slow growth of the type of industry which generates rail freight vs. rapid growth of the type of industry which generates demand for truck or air freight.

2. Continued movement of industrial plants out of city centers to locations on the new beltways.

3. Short hauling and the empty boxcar dilemma.

As to the first factor, southern New England industry is mainly in the "light" category. Steel mills, coal mines, automobile assembly plants are not part of the local industrial scene. Instead, the area abounds in light manufacturing and service industries. The inputs used call for modest rail service while the outputs can be shipped largely without dependence on rail freight. Some southern New England firms have been able to adopt air freight as their complete mode of shipment. Furthermore, New England utilities lead the United States in the use of nuclear energy for electric power production, a dependence which will grow in the next decade with the construction of some dozen new nuclear electric installations. This innovation will further cut into the railroad coal-carrying business.[7]

Footnotes at end of article.

TABLE III—FREIGHT CARS HANDLED BY THE RAILROAD AT RHODF ISLAND AND CONNECTICUT STATIONS, 1965-1967

Station	1965 Inbound	1965 Outbound	1965 Total	1966 Inbound	1966 Outbound	1966 Total	1967 Inbound	1967 Outbound	1967 Total
Rhode Island:									
Cranston	1,640	756	2,396	2,234	557	2,791	1,550	674	2,224
Darlington	2,730	604	3,334	2,032	680	2,712	2,075	822	2,897
Harbor Junction	2,420	344	2,764	2,829	615	3,444	2,349	640	2,989
Newport	694	96	790	1,161	140	1,301	1,408	116	1,524
Olneyville	2,790	440	3,230	2,695	501	3,197	2,112	749	2,861
Pawtucket	1,204	327	1,531	1,412	317	1,729	1,266	412	1,678
Phillipsdale	4,070	2,190	6,260	6,399	2,014	8,413	3,224	1,874	5,098
Providence	6,985	1,427	8,412	8,468	1,662	10,130	7,124	1,822	8,946
Saylesville	2,723	240	2,963	3,058	300	3,358	2,494	427	2,921
South Providence	1,501	0	1,501	1,835	126	1,961	1,729	170	1,899
Valley Falls	2,220	1,144	3,364	3,993	1,346	5,339	2,547	1,609	4,156
West Warwick	1,455	80	1,535	1,937	84	2,021	1,918	261	2,179
Warren	912	418	1,330	1,123	471	1,594	1,158	361	1,519
Woonsocket	1,602	538	2,140	986	277	1,263	1,579	447	2,026
All other stations	5,272	4,191	9,463	10,496	5,323	15,819	4,668	2,271	6,939
Total Freight	38,218	12,795	51,013	50,659	14,413	65,072	37,201	12,294	49,495
Connecticut:									
Stamford	2,274	842	3,116	2,204	891	3,095	1,772	920	2,692
Bridgeport	17,365	2,632	19,997	18,676	2,870	21,546	11,783	2,807	14,590
New Milford	5,154	4,026	9,180	5,261	9,370	14,631	5,321	4,949	10,270
Shelton	1,433	3,737	5,170	1,463	4,196	5,659	1,321	3,547	4,868
Naugatuck	3,803	2,869	6,672	3,605	2,782	6,387	3,348	2,463	5,816
Waterbury	9,029	1,166	10,195	9,892	1,498	11,390	7,866	1,256	9,122
New Haven	22,472	23,237	45,709	23,020	24,167	47,187	14,288	16,152	30,440
Wallingford	2,900	466	3,366	3,325	835	4,160	2,795	529	3,324
Hartford	14,305	2,742	17,047	13,848	2,257	16,105	13,799	3,204	17,003
Middletown	13,137	787	13,924	14,380	706	15,086	14,934	723	15,657
New Britain	2,630	2,824	5,454	2,642	2,377	5,109	2,484	1,882	4,366
East Hartford	11,657	283	11,940	10,853	674	11,527	10,620	908	11,528
Manchester	3,117	148	3,265	3,018	66	3,084	2,676	45	2,721
Midway	8,147	447	8,594	6,859	349	7,208	4,423	320	4,743
All other stations	55,093	19,667	74,762	68,440	21,697	90,137	47,918	17,059	64,977
Total freight	172,518	65,873	238,391	187,486	74,735	262,221	145,348	56,769	202,117

Source: Department of Business Regulation, State of Rhode Island, for Rhode Island, and New York, New Haven and Hartford Railroad Co., Planning and Research Department, July 1968, .or Connecticut.

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The second factor, relocation of industrial plants or the location of new plants on beltways or interstate highways, is not unique to southern New England. However, for a railroad largely dependent on freight business from and to older industrial plants, this locational change has caused a shift of new and old freight business to the highway motor carriers who can directly service the new plant locations. Although the New Haven has operated a motor carrier trucking subsidiary, the New England Transportation Company, it was devoted until recent years in the main to carrying railroad LCL traffic and did little to sell its services to general shippers. Of late, the motor carrier has been trying to win a larger share of the highway freight but is handicapped in this effort by the usual problems of the oligopolist trying to win a share of a market, as well as by a basic handicap—that of serving only the area which is served by the railroad. This puts it at a competitive disadvantage with the more far-ranging motor carriers, less limited as to geographic area served. As a result, the motor carrier suffered losses ranging from $454,000 in 1961 to $109,000 in 1965.[8]

Third, while freight traffi on all Class I railroads in the United States averaged over 460 miles in 1965, the average for the New Haven was about 150 miles.[9] With southern New England cities lying but 15–20 miles from one another, each with terminal expenses as well as intermediate line expenses for picking up and dropping cars, expenses which western railroads can spread over three times as many miles must be recovered by the New Haven in the much smaller distance. This coupled with the terminal character of much of southern New England freight and the "light" character of southern New England industries results in an empty boxcar problem. That is, for every five loaded cars received, three cars have been hauled out empty.[10]

Despite these adverse factors, the number of freight cars handled in Rhode Island and Connecticut by the railroad between 1965 and 1967 has averaged 289,436.[11] Table III lists the cars handled each year at selected Rhode Island and Connecticut freight stations. A further analysis of the usage of Rhode Island rail freight service is shown in Table IV. The 29 Rhode Island companies listed had use for over 29,000 freight cars in 1966. The commodities received or shipped included such items as toys, flour, foodstuffs, sand, wire, etc.

A look at successive balance sheets shows the railroad liquidity has fallen away, despite infusions of funds from outside, as well as from internal sources by the sell-off of fixed assets and the use of the proceeds to pay for current expenses.[12] From a cash position of $6,901,206 in 1960, the railroad reached a low of $3,076,000 in October 1967. The trustees at that time estimated that there was enough liquidity remaining to allow operations until early 1968. Fortunately, additional funds were received from the Penn Central in early 1968, thus allowing service to be continued.

TABLE IV—SELECTED LIST OF RHODE ISLAND SHIPPERS VIA NEW YORK, NEW HAVEN AND HARTFORD RAILROAD COMPANY 1965-66

Company	Location	Commodity	Number of cars handled	
			1965	1966
U.S. Navy	Davisville	U.S. navy supplies	1,482	5,728
Corning Glass Works	Valley Falls	Glass	1,993	2,315
Whitehead Bros	Providence	Foundry supplies	1,997	2,002
Washburn Wire	Phillipsdale	Iron and steel	2,198	1,986
A & P stores	Providence	Foodstuffs	1,876	1,503
Calore's Express	Olneyville	Freight forwarders	1,132	1,212
Providence Journal Co	Providence	Paper	1,074	1,186
Thompson-Apex Co	Pawtucket	Chemicals and plastics	776	1,002
Kaiser Aluminum & Chemicals	Bristol	Aluminum and wire	710	988
First National Stores	Phillipsdale	Foodstuffs	1,101	945
Roger Williams Grocery Co	Berkley	do	644	790
Almac's, Inc	Phillipsdale	do	740	726
Hassenfeld Bros., Inc	Pawtucket	Toys	718	715
Narragansett Brewery Co	Cranston	Malt, beer	721	702
Bird & Son	Phillipsdale	Paper and roofing materials	933	701
Grinnell Corp	Providence and Cranston.	Iron pipe fittings and sprinklers	843	668
Kennecott		Copper	682	656
Atlas Terminal Co	Providence	Foodstuffs	672	614
Wakefield Branch Co	Wakefield	Fuel oil	562	604
Glens-Falls Cement		Cement	677	590
Owens-Corning Fiberglas Co	Cumberland	Glass	543	583
Newman Crosby Steel Co	Pawtucket	Iron and steel	451	487
Gravure		Paper	312	452
Texaco, Inc	Providence	Petroleum	437	481
Ward Baking Co	do	Flour	479	431
Livermore & Knight Co	Pawtucket	Paper	537	381
U.S. Navy	Newport	U.S. Navy supplies	451	374
Ace Warehouse Co. of Rhode Island	Providence	Foodstuffs	385	329
American Insulated Wire Corp	Pawtucket	Iron, wire, and steel	181	255
Total for 29 companies			25,307	29,406

Source: Rhode Island Division of Public Utilities.

Where did the money go? As with any business, it was expended for wages, supplies, power, repairs, taxes, etc. Unfortunately, in the New Haven case these outlays exceeded the revenues from operations. Of particular significance for this analysis were the amounts expended for maintenance of right-of-way and the signal system. In recent years expenditures have been about $14,000,000 for right-of-way and $10,000,000 for the signal system.[13]

THE PROPERTY HEAVY RAILROAD CONDITION

Railroads in general are "property heavy." A recent study points out that property taxes have absorbed nearly 3.5 percent of rail operating revenues, but only 0.4 percent for motor carriers and 0.2 percent for air carriers.[14] The property tax plight of the railroads was borne out at the 1967 meetings of the National Tax Association. While a whole afternoon session was spent discussing various aspects of railroad property tax problems, no sessions were devoted to the property tax problems of the trucking or airline industries. Although the New Haven Railroad was relieved of property tax payments in Rhode Island and Connecticut because of its mortal economic illness, it did pay for many years at a level similar to that described above.

However, other current costs are also implied in the "property heavy" designation. These include expenses incurred for the replacement of ties, new ballast, snow removal, maintenance of switches and the signal system, etc. A specific expenditure item, that for cross ties, is shown below.[15]

Year	Cross ties replaced	Cost per tie	Total
1956	100,367	$3.76	$337,380
1960	106,359	3.87	411,609
1963	86,761	3.85	334,030
1964	84,465	3.77	318,433
1965	87,191	3.98	347,020
1966	97,974	4.97	486,931
1967	50,543	5.04	254,736

During this same span of time, the cost of new rails for replacement of track rose from $99.61/ton in 1957 to 127.93/ton in 1967.[16] These are costs which competitive transportation firms bear in lighter degree or not at all. Freed of these costs, the NHRR could be operated in the black. That the New Haven has not been so favored is written in the red-figure deficit reports of the trustees in bankruptcy.

The important point to recognize is the concern expressed for continued rail freight service. The Connecticut appraisal is expressed in a recent report as follows:

If rail service were discontinued in Connecticut, there would be deleterious effects on present industrial firms and potential industries. Present heavy users of rail transportation do so because of lower cost or better service to them. If this service were withdrawn, they would be faced with higher transportation costs or inferior service which would presumably raise prices of their products to consumers, or else force them out of business at that location if they were unable to meet the competition of out-of-state plants.

Abandonment of rail lines not only would hurt Connecticut's existing heavy industry, but would also inhibit the future growth of the state's economy. Even though we recognize that motor truck distribution for distances up to 200 miles is now a predominant factor, any new industry which relies to any degree on rail transportation for raw materials or component parts could select a myriad of points in Massachusetts and New York from which to serve Connecticut rather than a Connecticut location from which to serve Massachusetts and New York.[17]

In Rhode Island the situation is quite similar. Conversations held by personnel of the Division of Public Utilities with large Rhode Island users of the New Haven, left the impression that such firms would be forced to reconsider their position in the state if the railroad freight service were to cease.[18]

PROPOSALS FOR A VIABLE RAILROAD

Railroads all over the country are rushing to invest in non-railroad ventures following the path blazed by the Chicago and Northwestern Railway with its Northwest Industries Corporation. This conglomerate business now includes chemicals, wearing apparel (Fruit of the Loom), electrical components, and insulated wire and steel (Lone Star Steel). Although non-rail income continued to advance, the $9.9 million deficit from railroad operations reduced per share earnings in 1967 by $9.13.[19]

Penn Central, another conglomerate, fared somewhat better on rail operations. However, of the $3.11 per share earned in 1967, only $0.67 came from rail operations. A similar story is seen in the case of non-rail income of the Santa Fe ($28 millions), Northern Pacific ($24.5 millions), and Southern Pacific ($57 millions).[20]

The New Haven had few of these non-rail sources of income to fall back on to buoy its income position. However, in a sense the plight of the New Haven as a railroad was the plight of all railroad operations. In the

Footnotes at end of article.

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long run, the local problem may become more widespread. Even now several other smaller lines are almost ready to go the bankruptcy route.

How can the situation be remedied? It is the author's contention that a large part of the problem could be resolved if the New Haven (and other railroads) were made "property light." Relieved of the heavy burden for the right-of-way (in ties alone the New Haven has in place over 9,600,000 with a total replacement cost of $48,384,800), the signal system, and freight and passenger terminals, the railroad would be viable.

In testimony before the Interstate Commerce Commission relating to the petition to discontinue all passenger service, the author noted some of the public aids to other modes of transportation. In discussing air travel it was pointed out that:

Through all the state airports in Rhode Island in fiscal 1965, there passed about 400,000 scheduled airline passengers. This brings one to a consideration of the sort of financial support provided a major competitor of the railroad by the state, federal and local governments. In fiscal year 1965, the Rhode Island Division of Aeronautics had 131 employees with personnel payments by the state in the amount of about $665,000. The overall financial picture of the state airports in fiscal 1965 was: [21]

State funds available	$911,463
Revenue collections	−350,000
State expenditures in excess of revenues	561,463

Thus for the 400,000 passengers, the state spent about $1.40 per passenger. These figures are for operating expenses only and take no account of the capital outlays for buildings and other facilities. In addition, some 2,463 airport acres are under state jurisdiction and so have been free of the burden of local property taxes.

At the federal level, further financial support is provided the air traveller in the form of the federal airways system. Although the Rhode Island share of the total support is not available, a look at the overall federal commitment to the Federal Aviation Agency (FAA) for fiscal 1965 shows that expenditures for personnel compensation alone exceeded $400,000,000.[22] Other expenditures amounted to approximately $137,000,000 for a total of $537,000,000.[23] According to FAA estimates these charges should be allocated amongst beneficiaries in these shares:

	Million
Military (29 percent)	$156
General aviation (26 percent)	139
Airlines (45 percent)	242

From the aviation fuel tax and the passenger excises, about $165,000,000 was paid to the federal government or about $77,000,000 less than the amount chargeable to airlines according to this allocation.

A start toward a solution to the New Haven Region problems, as well as toward improved rail freight service, could be accomplished by bringing the same kinds of government support to the rail operation as have long been afforded competitive modes of transportation. In this respect, the railroad signal system is analogous to the air traffic control system and the stated FAA responsibility for "installing and operating aids to air navigation and traffic control." To this end, it is proposed that the Department of Transportation (DOT) be empowered to assume the responsibility for the installation, operation, and maintenance of the New Haven signal system, thus relieving the railroad of the expenses associated with these activities.

Second, the Department of Transportation would take over all New Haven passenger and freight terminals and be responsible, as the FAA is for air facilities, for their "operation, maintenance, design and construction."

The third and final proposal would entirely free the railroad and the industry of its "property heavy" disadvantage. This proposal would have the New Haven right-of-way purchased for inclusion as a part of the interstate highway system and leased back to the railroad. Charges to the railroad could take the form of locomotive registration fees or a tax on diesel fuel, or both. Such charges would place the railroad in a position similar to that of interstate truck and bus operators who do not build or own their rights-of-way. Furthermore, federal support of a 90/10 variety would allow the state highway departments to undertake to improve the right-of-way so that it would be ready to serve the high-speed passenger equipment as well as a speedier freight service.

Oddly enough, these proposals, to bring to the New Haven and other railroads the same advantages afforded competitive modes of transportation, have not been expressed or advanced by railroad officials. A former president of the New Haven came close when he said: "You can't fight 90/10 money." However, the long-term insistence of the railroad industry to prove its good citizenship by paying its way via taxes in the face of the public support provided its competitors, appears to have been an unrealistic and unfortunate stance.

It appears doubtful that railroad operations in the Northeast corridor will remain viable in the face of rising land and real estate assessments in this densely populated part of the country. As the values rise, so will the local property taxes charged the railroads, thus giving further advantage to the buses and trucks using highways upon which no property taxes are payable. To allow those involved to take advantage of the basic efficiencies of the railroads, a quantum change in the way the railroad industry is viewed seems to be necessary. To begin the implementation of such changes by giving as much public support to the New Haven Region of the Penn Central as that provided rail competitors, seems an especially good choice.

FOOTNOTES

[1] Data compiled for author by the Bureau of Railway Economics, American Association of Railroads, Washington, D.C.

[2] Martin L. Lindahl, *The New England Railroads,* Boston, The New England Economic Research Foundation, 1965, pp. 164–169.

[3] The long-sought absorption of the NHRR by the Penn Central suffered delay after delay. In July 1968 a further postponement occurred when a special federal court asked the ICC to review the price for the NHRR saying the original ICC price of $125 million was "too low." Also the total cost to the Penn Central of $159 million was said to be "too low." (*Christian Science Monitor,* July 12, 1968, p. 11.) For an extended discussion of the merger proposal, see James R. Nelson, *Railroad Mergers and the New England Economy,* Boston, The New England Economic Research Foundation, 1966.

[4] Discussion by author with Penn Central officials June 27, 1969 and Penn Central press release dated April 2, 1969. Connecticut is also served by the Central Vermont Railroad with a single-track line north from New London via Norwich and Willimantic to Montreal.

[5] U.S. District Court, District of Connecticut, In the Matter of the New York, New Haven, and Hartford Railroad, Debtor, *Memorandum of Decision re Petition per Order No. 278,* February 1965.

[6] Even with complete discontinuance of passenger service the railroad would still operate in the red.

[7] Roy G. Poulsen, "New England Power Economics," *Journal of Land Economics,* University of Wisconsin, August 1965 and February 1967. Also, unpublished paper presented to Regional Science Association in Cambridge, Massachusetts, April 1966.

[8] Statement to author by New Haven Railroad Marketing Department. Also undated report titled: "A Review of the New Haven Railroad Trusteeship," p. 12.

[9] Lindahl, *op, cit.,* p. 38.

[10] *Ibid.,* pp. 32–35.

[11] Of interest to southern New England residents in the middle of the eastern megalopolis is the highway truckload equivalent of the rail freight service: almost 870,000 additional truckloads per year on the highways.

[12] This is comparable to the homeowner paying some of his current bills by selling off part of his land or furniture each year.

[13] *Moody's Transportation Journal,* 1967, pp. 888–892.

[14] Dick Netzer, *Economics of the Property Tax,* Washington, The Brookings Institution, 1966, p. 73.

[15] *Moody's, op. cit.,* 1968, p. 673.

[16] *Ibid.*

[17] *Transportation, An Analysis of the Transportation of Goods and People by Rail, Highway, Water, Air, and Pipeline in Connecticut,* Hartford, Connecticut, Connecticut Development Commission, 1964, p. 13.

[18] Other reasons relate to the megalopolis character of the Northeast and the recognition of current and greater air and road transport congestion in the next decade.

[19] *Wall Street Journal,* July 18, 1968, p. 27.

[20] *Ibid.*

[21] State of Rhode Island and Providence Plantations, *1966 Budget,* pp. 90–91.

[22] It is interesting to compare the number of federal civilian personnel employed by the Federal Aviation Agency (41,097) with that of the Interstate Commerce Commission (2,430). The air controllers' "illness" and slowdown of traffic at air terminals in the summers of 1968 and 1969 bring out another interesting piece of information—that 14,000 air traffic controllers are employed by the federal government. Further, the Air Transport Association of America says "the Government must increase its expenditures for air safety . . . by $150 millions a year over the next several years if the problems of congestion and delay are to be solved." *The National Observer,* July 22, 1968, p. 4 and *The New York Times,* June 20, 1969, p. 1.

[23] *The Budget of the United States Government,* Fiscal year ending June 30, 1966, U.S.G.P.O., Washington, D.C., p. 750.

EVANGELISM AND THE COMING WORLD PEACE—ADDRESS BY SENATOR HATFIELD

Mr. SCHWEIKER. Mr. President, on September 12, 1969, the distinguished senior Senator from Oregon (Mr. HATFIELD) delivered a speech before the U.S. Congress on Evangelism in Minneapolis, Minn. I hope that Senators will take time to consider his remarks. I ask unanimous consent that the text of Senator HATFIELD's remarks be printed in the RECORD at this point.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

EVANGELISM AND COMING WORLD PEACE

Last December I had the privilege of visiting India. There are grave problems facing that land, which holds one-fifth of humanity. One particular area of the country is plagued by a minor, yet serious revolutionary movement. This is in the northwestern frontier region, where members of the Naga tribes have been in rebellion against

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the central government. When I went on to visit Thailand, I then became more thoroughly informed about the insurgency that threatens the northeastern section of that country.

I was fascinated to learn that both of these areas had experienced the extensive influence of Christian missionaries. In my judgment, this is perhaps more than coincidental.

The Christian message of salvation includes the truth that all men are equal and valuable in God's eyes. Old customs, social mores and class distinction are dispelled. The gods that freeze men in cycles of superstition, fear, and resignation to fate are destroyed. Man is offered the possibility of new life—with social and spiritual dimensions. So when societal patterns of oppression and inequity continue, isn't it plausible that revolutionary pressures claiming allegiance to human dignity and equality may be related to the influence of the Good News?

As I began thinking about my topic for this Congress—"Evangelism and Coming World Peace"—I remembered these reflections from my visit to India. The relation between evangelism and peace in the world, I concluded, is far more complex and stimulating than many of us would like to believe.

Recently I was told of another incident that also prompted reflection about the impact of Christ's message and the problems of world peace. A young official in our government told me of his experiences dealing with the Nigerian-Biafran conflict. He was participating in negotiation to break the deadlock between these adversaries over arranging for relief supplies to reach starving elements of the Biafran population. Recently, he returned from the area after speaking with key officials from both sides as well as those trying to administer the meager airrelief effort that is being conducted. The primary obstacle to achieving greater relief efforts, in his judgment, went beyond the tangled political and diplomatic complexities. Fundamentally, he said, the problem rested with the stubborn, unreasonable intransigence and prideful resistance that personally characterized key individual leaders on each side of these warring factions. Shortly before leaving, my friend, who is a Christian, was discussing the relief problem with an African Bishop who had major responsibility for coordinating the effort. After exploring at great length possible solutions, all which were futile, and unable to break the political deadlock, my friend finally mentioned that there were some people in America who were working for another approach to the situation. They were praying that the pride and selfish resistance of the key leaders might be overcome; that they might have a change of heart, and reach some reconciliation on at least arrangements to feed innocent starving people.

The Bishop at first was somewhat taken back. Having been working for months with the political complexities of this matter, it seemed utterly naive that prayer might actually be beneficial in a concrete way. But after some thought, he admitted that he wouldn't be a Bishop if he didn't believe people could be changed. Faced with such a complete diplomatic impasse, prayer (as well as action) aimed at changing the personal attitudes of those involved seemed just as feasible as any other solution.

In different ways, these incidents raise provocative thoughts about evangelism and world peace; they also prompt questions about the true meaning of peace. What do we mean—and what does our Faith teach—about this issue?

I. THE DIMENSIONS OF PEACE

Some academic strategists and national security advisers avoid even speaking about terms as vague and idyllic as "world peace." Rather, they would like to increase the probability of a world "that minimizes the incentives for armed, violent solutions to conflict situations." In other words, this means that if there is anything one can call peace, it means the absence of war or violent conflict. This, I suspect, is the notion many of us share about the meaning of peace. We also hear of how the "balance of power" is the guarantee of peace. The United States and the Soviet Union together possess explosive power equivalent to 15 tons of TNT for every person on the earth. Yet, many postulate that such a "'balance of power"—or "balance of terror," to be more precise—is the only trustworthy condition of peace.

But there is not true peace when the threat of instant annihilation hangs over the head of the majority of mankind. There is no peace when fear of destruction, rather than hope for reconciliation, is the only force restraining the use of our arsenals of nuclear devastation. I reject the simplistic notion that peace is the absence of conflict. Peace is not merely stability or order. Rather, peace is fulfillment, harmony, satisfaction, understanding, and well-being.

As long as there is deprivation, suffering, alienation, self-seeking, exploitation . . . there is no real peace.

Peace can come only when needs—physical and spiritual—are fulfilled; for us peace means far more than simply avoiding conflict.

In the Old Testament, the Hebrew word for peace is "Shalom." The full meaning is actually "wholeness, soundness, completeness."

Peace is a wholistic concept. It entails the fulfillment of needs, whether this be within a nation or within an individual. It has both a political and spiritual dimension, and an inner and outer component. A true understanding of peace includes harmony between nations, reconciliation between people, and the well-being of individuals.

Too often we speak of world peace as though it were completely unrelated to peace within nations, within communities, within families, and within individuals.

It is inconsistent, for example, for a citizen to urge warring nations to make peace if he lives in hostility toward his neighbors. It seems unreasonable to protest against violence in Vietnam by employing violent tactics here at home. And it is hypocritical for a Christian to claim he has the peace of God in his heart if he remains oblivious to the violence and destruction in the world.

For a nation or an individual, peace becomes a form of relationship; it is a continuing attitude and activity, not a static condition. Fundamentally, peace is achieved by creative love—love that senses needs and possibilities in another that are not realized, and seeks their fulfillment in order to create "wholeness, soundness, and completeness."

II. THE OBSTACLES TO PEACE

When I discuss these matters with some of my fellow Christians, they will often claim that the reason we have no peace in the world is because of man's sin. As long as sin abounds, there will be "wars and rumors of wars," they say. I, of course, do not dispute the reality of man's selfish and sinful nature. But I do take issue with those who reject any responsibility for overcoming the obstacles to peace simply because sin is a reality. That was not the way of Christ. He has not told us evil will ultimately triumph, and that we should resign ourselves to such a fate. Rather, He asks that we follow Him into the midst of man's turbulent world with His reconciling and redeeming love. Recognizing the existence of sin does not eliminate our mandate to act as peacemakers.

Deprivation, suffering, hunger, alienation from God and man, lack of dignity, oppression—these beguile the world's hope for true peace. These are the obstacles to peace. True, they are perpetrated by sin—the sin of those who, absorbed by their wealth, power, privilege, and supposed self-righteousness are blind to the responsibility of meeting these needs. Such sin is too often our own.

Christ calls us to witness to His love through our lives. That witness involves ministering to man whenever and wherever he is in need.

Christ's description of the Good Samaritan provides us with valuable insights into our responsibilities as Christians. After telling of the necessity to love one's neighbor, Christ was asked "Who is my neighbor?" The story of the Good Samaritan follows, in which the victim of this incident was a complete stranger to those who passed by without stopping to help, as well as to the Good Samaritan. Notice that the persons in this story are not individually identified; there is no indication of who it was that was robbed and injured. The point is that one's neighbor is *anyone* in need. We cannot choose our charities. When confronted with simple human need, we are called to act—and to love. As we heal wounds, we nurture peace.

We all know of those who suffer from deep personal needs—meaninglessness, emptiness, futility, estrangement, alienation, and lack of love. These needs, when unfulfilled, will frustrate peace. They will create envy, bitterness and discord in families and between friends; they will sustain anxiety, turmoil, and despair at the core of one's life. Here is where the obstacles to peace have their beginning—in the individual life that lacks fulfillment.

Helmut Thielicke has written: It is possible to have Christian ideas without actually believing, and to be taken up with the social teachings of Christianity without becoming engaged personally. Then these ideas lose their connection with the Lord of Christendom and degenerate into ideologies, namely into instrumentalities of power and world mastery. Thus, it is possible for Christianity to become merely a pervasive atmosphere, a climate of social order, while faith dwindles away and the matter of *salvation* is forgotten.

The love of Christ brings inner, personal peace. The gift of His Spirit is the true resource for wholeness of personality. Thus, the task of peacemaking includes the call to evangelism.

Peace, however, is also frustrated by unjust social conditions. In the communities where we live, there are those who suffer from impoverishment, through no fault of their own, despite the prosperity of our land. 29 million Americans live in the conditions of poverty. And although those who are non-white comprise only 11% of our population, they comprise over 30% of the poor in our land. Millions of blacks and minorities have been the victims of racism, have been denied dignity and justice, and are overwhelmed with hopelessness and despair. These deprivations are the power adversaries of peace. We may attempt to enforce stability—or "law and order"—through the use of force, but we will never have peace in our land until we repent from this sin, correct such injustice, and fulfill these needs.

Communications have transformed our world into one neighborhood. Today more than ever before in history, our neighbor includes anyone who lives with us on this globe. Consider the condition of our world; but rather than looking at ourselves from a limited terrestrial perspective, let us remove ourselves from the confines of our earthly environment. Picture our planet from outside of ourselves—from outer space. Look back on this blue, beautiful sphere floating through space. And then consider that the inhabitants of that planet spend 15 times more money on creating weapons to destroy each other than on efforts to cooperate together for social and economic improvement. Yet, 10,000 of its citizens die each day be-

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cause they do not have enough to eat. Two out of every three children suffer from malnutrition. Nevertheless, the average diet in one portion of that globe contains about 5 times more protein than the average diet of the remaining portion. 80% of that planet's wealth is controlled by only 20% of its inhabitants. The total wealth of those "developed" parts of this world is broken down to an average of $2,107 for each inhabitant; yet, the total wealth of the remainder of the world equals only $182 for each person.

That is how we look from outside ourselves. And our Creator views His world from this perspective.

As long as such an unjust distribution of the world's resources persists and continues to grow, as it is at present, we can never expect to be granted true peace on earth.

A fundamental obstacle to peace, then, is the deprivation of mankind, both individually and corporately. There can be no peace within man, peace in his family, peace within our communities, and peace in the world until we seek to fulfill the total needs of mankind. The call to evangelize is a call to proclaim and to love; it is a call to respond to these needs, and it involves us totally in the mandate of peacemaking.

Peace remains illusive as long as man continues to suffer; but peace is also destroyed when one man seeks to dominate another—when men and nations seek selfish, lustful goals.

We must not overlook the reality that peace is frustrated by self-assertiveness, pride, paternalism, and brutality. These are also the obstacles to peace.

Living in a country that we somehow feel bears God's seal of approval, many of us as evangelicals tend to discover these foes of peace only in other people and nations. But Christ warns us about criticizing the speck in our brothers' eye when we ignore the plank in our own.

In all candor, it is my conviction that this is precisely the case with our involvement in the Vietnam war.

Let us face this matter honestly. Any discussion of peace today cannot ignore the gravest, most destructive event that presently keeps our world seething in violence and our nation seething in unrest. It is my conviction that peace will not come to Vietnam as long as we persist in applying military solutions to fundamentally social, political, and cultural problems.

We intervened in what was essentially a civil war, in my judgment, having its origins in the desire of the Vietnamese people to rid their country of foreign domination and bring themselves independence and dignity. This cause has been constantly frustrated, in ancient history by the Chinese, and in modern history by the French, the Japanese, the French again, and now by our own involvement. But such a nationalistic determination can never be quelled by bombs and bullets. By interpreting the war as an ideological struggle, we have lost sight of the human dimensions of the conflict—of the passion, will, and suffering of individuals which lies at the roots of this war.

We have failed to understand the Vietnamese people and to sense their true needs. And once having imposed military measures which have escalated the violence, we have resisted any change in our action, and any admission of our misunderstanding.

The war will cost us about $30 billion this year, one out of every five tax dollars. Currently, we spend this at the rate of about $950 per second. Most tragic, as of two weeks ago this war has claimed the lives of 38,313 Americans, 95,961 South Vietnamese, and 541,847 "enemy" Vietnamese. Through our effort, then, more than half a million Vietnamese have died because somehow, we believe they individually are our enemy, and a threat to our nation. We continue to measure our success of these efforts by the brutalizing nomenclature of "kill-ratios"—by comparing how many of the enemy are killed for every American that dies. Christian compassion, I believe, cannot remain quiet when the basic value and dignity of human life is depreciated in such a manner. This war has been brought into each one of our homes. Living in our comfort-laden sanctuaries, we are spectators to this hatred, slaughter, and death. Gradually, we become insensitized to it all; the nerves of compassion that once caused us such anguish so easily become numb.

For almost a year and a half now we have been involved in talks at Paris; yet we seek to "save face" and speak of "negotiating from strength." We have sought in vain so far for some position or formula that would avoid any admission of our misjudgment or blame for the extent and duration of the war. And during that time, more than 15,000 American lives have been lost.

We are told, though, that one must fight fire with fire. We can never take risks for peace, it is said, because the enemy might be preparing for another offensive, or be taking advantage of our lack of resolve. So there is never any respite from the bombing (we have changed the location but not the intensity), and the fighting and the killing.

Yet, we believe our nation embodies great ideals; that our vision is grand and our historic purposes noble. I agree. Much has been given to us. But therefore, in the words of the Scripture, much is required.

Why should we—a nation founded by those seeking a New World blessed by God—now be bound by "an eye for an eye, a tooth for a tooth"? Do the fruits of the Spirit—love, joy, peace, patience, kindness, generosity . . . and self-control—do these have any relevance to the concrete realities we face?

Pride, self-righteousness, and brutality often do prohibit peace. For individuals as well as nations, needs cannot be fulfilled, and peace cannot be experienced, until man and nations repent, receive forgiveness, and become reconciled.

As the Lord said to Solomon, "if my people who are called by my name humble themselves, and pray and seek my face, and turn from their wicked ways, then I will hear from heaven, and will forgive their sin and heal their land." (II Chronicles 7:14)

III. GOD'S STRATEGY OF PEACE

We must always remember that regardless of the circumstances the world is in, history remains under God's sovereignty. In Ephesians Paul writes that God "purposes in his sovereign will that all human history shall be consummated in Christ, that everything that exists in Heaven or earth shall find its perfection and fulfillment in him." (Ephesians 1:9, 10, Phillips)

God's entrance into history through Christ has revolutionary implications for our attitudes toward our fellow man. Again in Ephesians, "He has made a unity of the conflicting elements of Jew and gentile by breaking down the barrier which lay between us. He . . . made in himself out of the two, Jew and gentile, one new man, thus producing peace. For he reconciled both to God by the sacrifice of one body on the cross, and by this act made utterly irrelevant the antagonism between them. Then he came and told both you who were far from God and us who were near that the war was over." (Ephesians 2:14-17, Phillips)

In God's eyes, then, every individual is of the most infinite value. God does not judge people as Americans or Russians or Chinese; he does not categorize them according to nationalistic, political, or ideological labels. Christ has broken through those barriers. God views each person as His creation—as unique and as infinitely valuable to Him, so valuable that He gave His son for each of them.

God's purpose is to bring all creation into unity through Christ.

In the Old Testament, the vision of God's final peace is clear. In Isaiah, for instance, as well as in Micah, we are told of the day when nations "shall beat their swords into plowshares, and their spears into pruning hooks; nation shall not lift up sword against nation, neither shall they learn war any more." (Isaiah 2:4, Micah 4:3) God's strategy is to bring this to pass; we do not know the time, but we know that He controls history and is moving it toward this end. It is true that formidable adversaries face the realization of God's peace and purpose in the world. ("For we wrestle not against flesh and blood, but against principalities, powers and rulers of darkness."—Ephesians 6:12) Yet we know that God's power, which raised Christ from the dead, has put Him at "a place that is infinitely superior to any conceivable command, authority, power or control, and which carries with it a name far beyond any name that could ever be used in this world or the world to come. God has placed everything under the power of Christ . . ." (Ephesians 1:21-22, Phillips) Although we will find trouble and turmoil in the world, yet we know that Christ has overcome the world.

I make no claim to be a theologian. But there is one example used in theological circles that clarifies this point with me. It is a comparison of present history with the time between D-Day and V-Day during the war. We know that God has entered into history and accomplished His work of redemption. And we know that God's ultimate control and victory over history is assured. We have His promise to establish a new heaven and a new earth. He has won the final victory, but it is not yet accomplished. It is as though we are between D-Day and V-Day.

Although our final victory at the end of history is certain, we must be involved in the skirmishes and battles that are yet necessary before God's triumph is fully manifested. Thus, we do not simply sit on the beach, knowing that we will ultimately win, but we move forth into battle. God is constantly at work in our world to accomplish His ultimate will. We must be obedient to His call.

IV. OUR MISSION OF PEACE

Our evangelical responsibility is to bear witness to the love of God through Christ. This is a mission of peace, and we are under the call of God to fulfill it. In this task, we must not be bound by rigid categories of what is a spiritual message and what is a social action. We cannot build a complete barrier between theological issues and social questions. We must not make the mistake of believing that the Good News we proclaim has no relevance to our attitudes and actions toward political as well as personal problems in our homes, our nation, and our world. For too long the artificial polarization between those who preach the truth of individual conversion and the activists who proclaim some form of a "social gospel" has prohibited a full understanding of the Gospel's meaning in our world. Christ calls us to express His love through all that we do. We are to meet the needs of others—spiritual and physical. Whether we are relating to one another the reality of Christ's life or giving a cup of cold water in his name, we are bearing witness to that love.

Our task requires personal involvement in the world. We cannot abdicate our personal responsibility to an institutional response. Unfortunately our tendency too often is to seek escape from personal involvement in problems confronting us by endorsing institutional solutions to them. We give money to the church's missionary fund, we donate clothes to the street mission, and we contribute faithfully to worthy causes, believing that these are the only avenues for us to carry out God's work. Yet, what is most needed is individual, personal involvement. We must make our lives relevant to others; we must involve ourselves personally in sit-

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uations where we demonstrate the concern and compassion Christ imparts to us. We must engage ourselves personally in sharing with others our experience of God's love.

Just as our religious institutions cannot become a substitute for our personal responsibility to minister to human needs, they also cannot provide any insulated shelter from the trauma of the world. The church was never meant to be a fortress that protected its members from the perils of the outside world. Rather, the church is nothing more than those believers who gather to strengthen and encourage one another for their involvement within the world.

That, of course, includes churchly responsibilities of preaching, edifying, and instructing. But evangelism—our message and mission as Christians—is primarily an individual, rather than an institutional responsibility.

But how does this responsibility for carrying forth the message of Christ's life and earnestly seeking God's peace for the world become relevant at some point in each of our lives? What is it that we can do?

Our faith calls us to seek God's will for man and for the world. As such, we must look at our own country—look at the values that are guiding our culture and ask whether they are true to God's will and purpose. If not, they must be challenged with a prophetic word, and Christians must witness to the need for national repentance; that is, to turn from present ways unto the "way of the Lord."

In our democracy, the values and commitments of the nation rest fundamentally with the people. The corporate effect of the people's thoughts and actions eventually has its influence upon the shape of our society.

For we who are Christians, then, it is our basic responsibility to express the values and truths that we have acquired through our faith. Further, we must attempt to implant them within the lives of others.

Therefore, one of the urgent avenues for personal action is to influence public attitudes and values.

Public opinion drove a President out of office last year; the attitudes of the people in our democracy can change the course of our country.

So we must be diligent and responsible in the expression of our views regarding the state of our nation. We must attempt to mold public attitudes so they will become attuned to God's purposes. The leaven of the Kingdom of God must continually make its entry into the life of our nation; it can do so only through the witness of our lives.

When we, as evangelicals, look at the state of our nation, how should we react? What should our attitude be toward a people who are absorbed by materialism, controlled by greed, and motivated by the pursuit of selfish and corporate gain, with little regard to the value and quality of human life? How should we judge the way our nation uses its resources?

Since World War II, for instance, we have spent over $1 trillion for military purposes—for weapons, soldiers, and the machinery of war. Today, about $67 out of each $100 of our government's tax revenues are given to the purposes of war—past, present, and future. Comparatively, we spend only $2.50 for all our efforts to assist the impoverished millions of the world. We witness the decay of our cities and the inhumane life that millions must endure. Yet, only about $1.84 of every 100 tax dollars are devoted to community development and housing. Recently, it was calculated that the people of New York City pay more money in federal taxes for national defense than they spend on the welfare of their own city. Yet, what poses the greatest threat to our country? Nationalistic rebellions against corrupt governments in distant lands? Or the unrest and hopelessness found in the heart of Harlem?

We are called to be stewards of our resources. Are we, as a nation, utilizing our abundance in a way that pleases God and seeks His purposes for mankind?

When we, as evangelicals, conclude that our nation is not following God's way, then we must speak out. That must be part of our witness. And that is where each of us can express his personal responsibility.

The nation of Israel experienced situations similar to that of our own land. In their quest for stability and power, they were often tempted to trust in their military power as the ultimate source of their security. Hosea warned prophetically against this danger: "Because you have trusted in your chariots and the multitude of your warriors, therefore shall the tumult arise among your people." (Hosea 10:13–14)

The question is not whether we should have an army, but rather, it is whether our trust rests solely in our military power as a means of insuring our security and peace. The Scripture does not condone such a trust.

You and I are confronted personally with this issue. Where is our trust? Do we believe that our military might is the final guarantee of our peace? Does our personal trust fundamentally rest in our chariots and warriors, or do we really believe that peace is a gift granted by God, and not a utopia insured with our armed might?

Our individual convictions on this matter, as Christians and citizens, will have an effect on our nation's destiny.

Our point of individual involvement, then, can begin with an evaluation of our own attitudes and values concerning the Christian commission to seek peace. We must look within ourselves and see if we truly possess God's inner peace. We must look to our families, and to those close to us, and ask if we are pursuing God's peace in all these relationships. We must look to our communities; what are we doing about the frustrated needs of many who inhabit them? We must look to our country; are we as a people truly seeking God's path to peace? How are we involved in speaking forth our convictions, and causing our nation to change its course? Finally, we must look to the world; what have we done to alleviate the human misery and cultural chasms that destroy the foundations of any lasting peace?

Our personal involvement, then, must be characterized by an examination of our own thinking in light of God's purposes, relevant action to bring peace to those situations of conflict that touch our lives, and the proclamation of God's redemptive love.

Changes in people will have to occur if we are to discover any true peace. People must allow God to transform their values, their attitudes, and their purpose in life. This, in part, is the meaning of conversion. The life which becomes oriented around the person of Christ is radically re-created. He is no longer in complete bondage to his selfish goals. The focus of his life is seeking to do God's will. God's Spirit injects new life—Christ's life. Thus, values, attitudes and purposes become reformulated. The world is visualized through its Creator's perspective, and His peace is sought.

Thus, the mission of peace cannot be severed from the task of evangelism. Seeking peace requires witnessing to God's will, judging nations, orienting one's life to the purposes of His peace, influencing the thinking of the public, action in love towards our neighbors, and proclaiming the power of Christ to remake human life according to the "fulness of Christ."

Today our situation is much like that which faced the primitive church. As a small band, they faced a pagan world. But they did not choose to remain in Jerusalem, fortifying themselves against their enemies. They became the church dispersed, the church on mission. Brave small bands infiltrated all levels of society throughout the known world. The impact was revolutionary, changing the entire course of civilization as the message of Christ's ilfe spread throughout the Roman Empire.

Today we also must leave our institutional seclusion and go forth into the midst of the world's suffering and turmoil. We go with love to bring peace. We cannot be bound by our institutions, our organizations, and our comforts—all those things that serve as spiritual security blankets. We must seek to bring fulfillment to every need—to bring peace to every conflict.

Peace will not come to earth until the total needs of mankind are met. Changed lives must implement the mission of peace through the changing of society.

We cannot protect the status quo. We know that peace is not static. The Christian must realize that the impact of his message challenges and questions things as they are, and claims that new life is possible.

So we go forth into the world seeing new possibilities—grasping God's vision of what He can do. We have the certain hope that He can impart new life—new life to individuals, to nations, and to all creation. That hope is based in the Risen Christ. All history is consummated in Him. He is our Peace.

COST OVERRUNS OF $20.9 BILLION REPORTED ON 38 WEAPONS SYSTEMS

Mr. PROXMIRE. Mr. President, yesterday I pointed out in a speech in the Senate that the General Accounting Office had identified overruns of at least $20.9 billion on 38 major weapons systems in testimony before my Subcommittee on Economy in Government last December 29. The majority leader, the distinguished Senator from Montana (Mr. MANSFIELD), urged that I place the data in the CONGRESSIONAL RECORD in order that Senators and the public in general might have access to it.

First let me say a word about what the information is. Under repeated pressures from my committee and others, the Defense Department instituted what is called a selected acquisition reporting system—SAR. In its testimony the General Accounting Office reported to us on the adequacies and deficiencies of the system as well as providing to us the latest data then available.

The reporting covers only those weapons systems where the cost of R.D.T. & E.—research and development in laymen terms—exceeds $25 million or where the cost of the system is $100 million or more.

Second, while the Defense Department and GAO examined some 57 systems, the cost estimates are for only those 38 where the data was available for both the original planning estimate and the current estimate. This reduced the number from 57 to 38 where the data was sufficient for the Department of Defense and the General Accounting Office to report on the cost overrun.

Third, the data, even on this basis, is

a gross underestimate of the cost increases for reasons which I will go into shortly.

But even on this limited basis, the GAO reported that the cost overrun on 38 major weapons systems was $20.9 billion or almost 50 percent above the initial estimates.

I ask unanimous consent that appendix I and appendix II from the General Accounting Office testimony be printed at this point in the RECORD.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

COST ESTIMATES FOR SELECTED SYSTEMS

[In millions]

Service and number of systems	Planning estimate (1)	Contract definition (2)	Initial planning cost or contract definition adjusted for change in quantities [1] (3)	Current estimate total program (4)
Engineering and/or operational systems development:				
Army (8)	$5,914.2	$6,087.7	$7,679.9	$8,651.2
Navy (22)	18,042.4	21,437.4	23,220.3	28,758.8
Air Force (8)	18,009.9	22.309.6	18,166.8	25,475.9
Total (38)	41,966.5	49,834.7	49,067.0	62,885.9

Service and number of systems	Planning estimate (1)	Contract definition (2)	Initial planning cost or contract definition adjusted for change in quantities [1] (3)	Current estimate total program (4)
	Cols. 1 through 4	Cols. 2 through 4		Cols. 3 through 4
Cost growth:				
Army:				
Dollars	$2,737.0	$2,563.5		$971.3
Percentage	46.28	42.11		12.65
Navy.				
Dollars	$10,716.4	$7,321.4		$5,538.5
Percentage	59.40	34.15		23.85
Air Force:				
Dollars	$7,466.0	$3,165.3		$7,309.1
Percentage	41.45	14.64		40.23
Total:				
Dollars	$20,919.4	$13,051.2		$13,818.9
Percentage	49.85	26.19		28.16

[1] The SAR refers to this as "Planned Costs at Current Quantities."

SCHEDULE OF PROGRAM COST DATA APPEARING ON JUNE 30, 1969 SAR'S [1] AND ARRANGED BY ACQUISITION PHASE AND MILITARY SERVICE

[In millions]

	Planning estimate	Contract definition	Initial planning cost or contract definition adjusted for change in quantities	Current estimate total program
Concept formulation ( ), none of the 57 systems are in this phase as of Dec. 23, 1969				
Contract definition (7):				
Army, Navy:				
DD-963	$1,396.55	(2)	$1,737.55	$3,350.3
CVA-69	519.00	(2)	519.00	
DXGN	726.60	(2)		4,750.09
Air Force:				
B-1	8,800.00	(2)	8,800.00	8,800.00
F-15	6,039.00	(2)	6,039.00	7,700.00
AWACS	2,652.70	(2)	2,652.70	2,652.70
RF-111D	579.40		542.10	895.70
Engineering and/or operational systems development (50):				
Army:				
Dragon	381.30	$425.50	464.40	832.90
Shillelagh	373.10	373.10	380.30	573.20
AH-1G	49.80	70.70	466.20	561.00
Safeguard	4,185.00	4,185.00	4,185.00	4,185.00
Gama goat	69.10	168.10	369.20	373.60
Sheridan tank	388.70	398.10	548.00	689.60
Cheyenne	125.90	125.90	125.90	[3] 203.90
UH-1H	341.30	341.30	1,140.90	1,235.40
TOW [4]	410.40		366.80	944.70
Sheridan ammo [4] [5]	370.10			489.00
CH-47 helicopter [4]				1,323.70
Kabce [4]	543.80		421.90	472.30
SAM-D [4]	4,816.50	3,910.00		3,372.10
Navy:				
P-3C	1,294.20	1,294.20	2,265.30	2,261.70
AN/BQQ-2	126.90	179.00	178.50	269.90
Sparrow E	687.20	740.70	265.60	258.10
Sparrow F	139.80	387.10	246.30	425.90
Phoenix	370.80	469.00	529.60	1,022.30
Mark 46–Mod 1	$347.00	$1,033.60	$1,021.60	$1,039.90
Mark 48–Mod 0	682.40	700.30	715.30	3,890.70
EA-6B	689.70	817.70	793.70	1,034.90
Walleye II	345.30	345.00	123.90	134.60
F-14	6,166.00	6,166.00	6,166.00	6,373.00
Standard arm	180.30	241.60	220.00	250.70
S-3A	1,763.80	2,891.10	2,891.10	2,891.10
AN/SQS-23	160.20	175.60	116.60	321.70
A-7E	1,465.60	1,465.60	1,421.50	1,919.10
Mark 48–Mod 1	70.70	71.60	71.60	111.10
Condor	117.20	126.00	126.00	167.00
F-4J	770.00	770.00	2,509.6	2,743.70
AN/SQS-26CX	95.70	88.80	95.60	119.60
CH46E/F helicopter	323.60	589.00	577.10	550.60
LHA	651.00	1,346.50	1,346.50	1,379.40
DE-1052	1,285.00	1,259.30	1,259.00	1,286.00
CVA 67	310.00	280.00	280.90	307.80
CVAN-68 [4]	427.50	427.50	427.50	
Poseidon [4]		4,384.00		5,602.00
Subroc [4]		438.80	462.30	591.40
SSN 637 [4]			2,515.80	2,838.90
Air Force:				
Minuteman II	2,872.50	4,164.20	4,168.20	4,280.70
Minuteman III	2,678.10	4,339.00	4,060.30	4,226.00
C-5A	3,423.00	3,370.00	3,370.00	4,832.00
Maverick	257.90	391.80	213.10	374.70
A-7D	1,378.10	2,012.10	2,012.10	2,012.20
Titan III	932.20	745.50	745.50	1,130.50
F-111A/C/D/E	4,686.60	5,505.50	2,941.90	7,401.30
F-B111A	1,781.50	1,781.50	655.70	1,218.50
SRAM [4]		261.10		1,470.10
F-4E [4]				2,630.80
RF-4C [4]				1,571.00

[1] The system acquisition stage and the cost data presented in this schedule includes DOD and services' adjustments through Dec. 23, 1969.

[2] Not available.

[3] While this is the estimate appearing on the SAR at Mar. 31, 1969, it should be noted that due to litigation the Army currently estimates their liability as unknown.

[4] Systems in engineering and/or operational systems development and 1 or more of the program cost elements was omitted on the June 30, 1969, SAR.

[5] The DOD considers this as an annex to the Sheridan vehicle and not a weapon system itself.

Mr. PROXMIRE. Mr. President, these figures are important. They reinforce the criticism which many of us have made over the past year and a half. They justify our efforts. But they are still grossly inadequate and gross underestimates of the huge cost increases in weapons systems. Let me say why.

They are gross underestimates because in a number of cases the initial planning estimate is missing or is too low. In other cases, important information is missing. As a result, the overruns on 19 of the 57 systems are not included in the totals. Furthermore, even if the information available is used it is obviously too low. Examples include Poseidon, SRAM, and the F-4 and others where the planning

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estimate is not given and hence the information is excluded.

On Poseidon, for example, Secretary McNamara gave an estimate in 1957 of $3.3 billion to convert 31 Polaris submarines into Poseidon-carrying vessels. Last summer Assistant Secretary of Defense Barry Shillito estimated that it would cost just under $7 billion to convert 30 Polaris submarines into Poseidon weapons, or a difference of $3.7 billion. Yet, in appendix II the increase is given as only $1.2 billion, and even that amount is not included in the total because the original planning estimate is missing. Thus, on that item alone, the total of $20.9 billion is deficient by $3.7 billion. It would be $24.6 if Poseidon were included.

The figures are gross underestimates for a series of other reasons too. Additional figures are already available for some systems. For example, the Safeguard is cranked in at $4.2 billion. But we all know that the estimates had risen officially to somewhere between $6 and $8 billion before we finished debating the ABM last August and those figures did not include phase II which the Secretary of Defense has now said he will ask for.

They are gross underestimates because related costs, in most instances, are not included. These are costs for training facilities, logistical support, special ramps for planes like the C-5A, and so forth.

The figures are wholly inadequate because they include no comparison between the specifications in the contract and the actual performance of the weapons. In most cases that we know of, the performance requirements on major weapons systems have been degraded or diminished. This fact is not included in the cost estimates.

The figures are gross underestimates because they give no information concerning those systems where the subsystems are lacking—planes without engines, ships without radar, missiles without gyroscopes—where the Government has failed to provide Government furnished material, for example, as in the contract for the new destroyers which vastly increased its costs, or where these have been delivered late. Backfitting increases costs. But these costs are not reflected in the selected acquisition reporting system on which the GAO figures are based.

The figures are grossly inadequate because they do not tell us what proportion of the contract is finished. If a plane is estimated to cost $2 billion and $2 billion has been spent, one might conclude we were right on target. But the reporting system does not tell us whether the $2 billion is for 50 or 100 percent of the cost of the plane. It does not report these matters in a relevant way.

The figures are grossly inadequate because they do not report an increase or decrease in the quantities ordered. There is no comparison of quantities delivered with quantities ordered.

The system is inadequate because it does not report any important pending decisions, such as a cutback on quantities or downgrading specifications.

For all of these reasons, the figure of $20.9 billion in overruns for 38 major weapons systems grossly underestimates the amount of the overruns. The system, in addition to this deficiency, is deficient in one other vital respect.

There is no one place, no central location, such as the office of the Secretary of Defense, where the figures for all the major weapons systems and the relevant facts about them are located. This makes it virtually impossible for intelligent judgments about them to be made. Which ones should be stopped or increased? Where are the toughest problems? What trade-offs for budgetary reasons should be made? Which ones cost the most with the fewest benefits? Which contractors are performing well or poorly? Which weapons work and which do not?

The present SAR system—selected acquisition reporting system—is so lacking in centralization that it is not now a meaningful planning tool. It should be made to perform the functions in which it is now deficient.

For all of these reasons, the $20.9 estimated overrun on these weapons and the 50-percent increase in cost are a gross underestimate of the real costs on these weapons systems. Nonetheless, they are a beginning and should be available to the public.

Mr. President, I also ask unanimous consent that relevant portions of the testimony by Assistant Comptroller General Robert F. Keller on the selected acquisition reporting system—SAR—before the Subcommittee on Economy in Government of the Joint Economic Committee last December 29 be printed in the RECORD.

There being no objection, the testimony was ordered to be printed in the RECORD, as follows:

MAJOR SYSTEMS ACQUISITIONS

(Testimony of Assistant Comptroller General Robert F. Keller)

Because of the increasing significance and magnitude of major systems acquisitions by the Department of Defense and congressional concern, including that of this subcommittee, over contract performance and cost growth, we established a separate group in July 1969, within our Defense Division to place more emphasis on problems associated with the acquisition of major systems.

For our purposes, we have defined major acquisitions as being weapon systems and/or major acquisitions related to weaponry, e.g., aircraft; missiles; boosters; combat, tactical, and support vehicles; ships; submarines; communications systems; space systems; and other acquisitions whose costs are expected to exceed $25 million for RDT&E or $100 million for production.

Our initial efforts have been planned to enable us to furnish the Congress in January 1970, with an overall report dealing with DOD's selected acquisition reporting system as it relates to the cost, schedule and performance experiences of some 50-odd major systems. Reports on the individual systems, practically all of which are classified, are being prepared and will be made available to the Congress.

Work on this assignment commenced in August 1969 and is nearing completion. I should point out that the scope of this initial work was necessarily limited and therefore, our reports will only identify apparent problems with regard to the DOD's Selected Acquisition Reporting (SAR) system and to reported cost, schedule and performance data without attempting to reach definite conclusions as to cause or possible remedies. Additional work will continue to more fully develop the underlying causes of problem areas identified and proposed solutions.

In addition to our review of selected system acquisitions, the Department of Defense, at our request, has prepared an inventory of all major systems being acquired by the military services. It is intended that this inventory will be up-dated periodically and will serve as a basis for future selection of systems in our on-going work in reviewing the SAR system. DOD's inventory includes some 130 systems, having an estimated total cost through completion of about $140 billion. Of this amount, about $85 billion has not been funded as yet. This excludes systems for which production is 90 percent or more complete.

It is important to note that, as far as we know, information is not available centrally as to the total number of systems being acquired or their costs. The costs for these systems are essentially system hardware costs including research and development. Other related costs such as special facilities, training logistics support, etc., associated with major systems are substantial.

The SAR system was introduced in the Department of Defense in early 1968 and has been undergoing refinement since that time. Recently the Deputy Secretary of Defense stated in a directive that it was "* * * the key recurring summary report from project managers and the Military Departments to inform the Secretary of Defense on the progress of their major acquisition programs." The Deputy Secretary has also emphasized to the military services the need for personal involvement in the review and analysis of these reports at the Secretarial level and by all levels of management necessary to ensure that they fairly and accurately reflect the status of the programs being reported.

The SAR reports are prepared quarterly by the responsible military service, usually at the system program or project office. Reports are currently being prepared on 57 designated major systems acquisitions.

We have concluded from our review of the 57 major systems, that the SAR system, in concept, represents a meaningful management tool for measuring and tracking the progress of major acquisitions. However, as with any new reporting system, the SAR system has serious shortcomings and there are several areas where improvements are essential.

We found that the SAR is not sufficiently encompassing and therefore fails to disclose significant matters concerning the progress of Major Acquisitions. For instance:

(1) Although appraisals of certain specified technical features of the systems are required (weight, range, speed, accuracy, etc.) there is no comparison of the technical performance actually demonstrated with that required by the contract.

(2) Major systems delivered without essential subsystems, delays in acquiring Government-furnished equipment, and problems in technical performance of Government-furnished equipment are not required to be reported.

(3) Costs incurred at a particular point in time in relationship to the cost that should have been incurred for the physical progress of the work that has been attained are not reported.

(4) Significant pending decisions that may have a major impact on the program such as changes in quantities or deliveries are not reported.

(5) A comparison of quantities delivered with quantities scheduled to be delivered at that point in time is not made.

We also noted some inconsistencies in the data reported in the SARs. For example, there was a lack of consistency in (1) the reporting of early developmental costs, (2) treatment of costs attributed to inflationary trends in the economy, (3) treatment of costs involving contract incentive/penalty provisions and claims for equitable adjustments, and (4) the reporting of costs involved in modifying an existing system to accommodate a new subsystem.

I should point out that the Department of Defense is aware of most of these problems and a great deal of attention has been and is continuing to be given to their resolution. A new instruction on the preparation of the SARs was issued earlier this month by the Secretary of Defense and it is expected that the system will be improved substantially. Specifically, this new instruction does require comparisons of planned and actual technical performance and planned and actual deliveries.

Making a meaningful analysis of the systems costs from the information shown on the SARs has been a most troublesome task. Our difficulty stems primarily from a lack of consistency by the military services on the type and extent of cost information that is included in the SARs. We found that approximately 20 percent of the SARs covering the systems we reviewed did not include certain required program cost data.

We are currently attempting to identify missing data and determine the reasons for differences in the program costs shown in the SARs and DOD cost figures for the same time frame. We expect to be able to reconcile these differences and be in a position to address total cost for the 57 systems covered by our current work in the report we plan to submit to Congress in January 1970.

However, we have been able to make comparisons of cost growth [1] on 38 [2] systems using as milestones original planning estimates, contract definition estimates and planned costs at current quantities and we have compared these to the estimates to complete total programs.

As a means of displaying the current status of estimated program costs, SAR instructions require that this data be arrayed in columnar form to show:

1. Original planning estimates.
2. Contract definition costs estimates.
3. Planned costs at current quantities estimates.
4. Current estimate to complete the total program.

The original planning estimate appearing on the SAR should be the earliest formal estimate prepared by the military department of cost anticipated to be incurred to acquire the quantities needed. It is prepared prior to the initiation of the formal acquisition cycle and usually serves as a basis for initial appropriation requests. Contract definition costs estimates are refinements of the initial planning estimates and are prepared during the course of the project definition phase in which preliminary design and engineering are verified or accomplished, and contract and system management planning are performed. This cycle frequently extends over a period of a year. The planned costs at current quantity estimates are refinements of the earlier estimates adjusted for changes in quantities of the system to be bought. The final estimate is intended to be a current, objective estimate of the costs expected to be incurred to accomplish the entire program and is adjusted for changes in quantity as well as current estimates of cost due to inflation, changes in scope, capability increases, program stretch-outs, etc.

In discussing cost growth we believe it is important to recognize that not all cost growth can reasonably be prevented and that some cost growth, even though preventable, may be desirable. Unusual periods of inflation, for instance, result in cost growth. Changes in the state of the art make it possible to incorporate modifications that result in an overall increase in the cost effectiveness of the system. Such cost growth cannot always be anticipated, particularly where a weapons system is in development and production over a long period of time. We believe that the greatest concern should be with cost growth that results from such things as faulty planning, poor management, bad estimating, or deliberate underestimating. Our analysis of the cost growth that has occurred in the weapons systems we reviewed is not as yet complete and we are, therefore, unable to segregate cost growth by its various causes. To be fully meaningful such analysis is essential so that the undesirable and preventable can be identified. The cost growth discussed here today includes all cost growth that has been identified. It is not necessarily all preventable or even undesirable.

Comparing the estimate through program completion (i.e., the current estimate) with earlier estimates prepared on the basis of (1), (2), and (3) above, we found that the 38 systems show a cost growth of $20.919 billion or 49.85 percent from original planning estimates; $13.051 billion or 26.2 percent from contract definition cost estimates; and $13.819 billion or 28.2 percent from planned costs at current quantity estimates.

Appendix I to this statement is a summary schedule showing, by service, the estimated cost of the systems at the various SAR milestones, the dollar and percent of growth from each of these stages and the cost estimate through program completion. There is also appended (Appendix II) a schedule showing, by service, similar information on each of the 38 systems.

The explanatory reasons shown on the SARs for cost growth were often voluminous in number and many of the SARs did not relate any monetary value to the reasons given. Where dollars were identified, the reasons most frequently cited were inflation, capability increases, contract cost increases, quantity increases and poor estimating of expected cost and program stretch-outs.

Of particular significance is the effect quantity or capability increases or decreases have on costs over the life of a program. These often times do vary and do significantly impact on total program cost. A determination of cost growth should take into consideration changes in quantities and capability as well as changes in dollars.

Our analysis of the cost data presented in the SARs disclosed numerous instances where costs or potential costs, which will or can impact on program costs, were not shown. Some of the costs which were omitted were not required in accordance with SAR instructions, while others did seem to us to fall within the purview of existing directives governing the preparation of the SAR.

Our analysis of the slippages in the system time schedules as reported on the 57 SARs we reviewed showed that 34 of the systems either had experienced or there were anticipated slippages of from 6 months to more than 3 years from the originally established program schedules, although in many cases the "Initial Operational Capability" date had not changed. Eleven of the systems were in the early phase of the acquisition process and therefore no schedule slippages were reported. For the remaining 12 systems, either no slippage or slippage of less than 6 months was reported.

Over 30 different reasons were cited on the SARs to explain the schedule slippages. Those most frequently cited were: development problems, funding problems, system design changes, production problems, contract changes, and overly optimistic original schedules estimates. Other reasons cited included delays in associated programs, strikes at contractor plants, problems arising from the Southeast Asia conflict, and late availability of Government or contractor furnished equipment.

Explanations of schedule slippage provided on several SARs were often brief and, in many instances, did not indicate sufficient information to show the basic cause for the slippage.

Concerning system performance, we found that the SARs showed significantly variances between the performance expected originally and that currently estimated for many of the systems we reviewed. In some instances, the variances represented improvements in the system performance while in others a degradation in performance of the system had occurred or was expected. Still in others, trade-offs in technical characteristics had occurred which resulted in improved performance in some aspects of the system and degraded performance in others.

Reasons cited for the differences were many and varied. Some were common among several systems, while others were unique to a particular system. Some of the principal reasons cited included (1) inability to meet technical design specifications, (2) technical objectives beyond the state-of-the-art, (3) inaccurate or overly optimistic estimates of expected performance, (4) improved design to increase capability, and (5) desire to upgrade performance and reliability.

MEETING BETWEEN INDEPENDENT DEEPWATER TERMINAL OPERATORS AND THE DEPARTMENT OF THE INTERIOR

Mr. BROOKE. Mr. President, I should like to call the attention of my colleagues to an important meeting to be held tomorrow at the Department of the Interior.

That meeting will be between representatives of east coast independent deepwater terminal operators, largely from the New York and Boston areas, and the Assistant Secretary of the Interior Hollis M. Dole and other officials of the Interior Department.

The purpose of the meeting is outlined in a telegram to Mr. Dole from Mr. Arthur T. Soule, president of the Independent Fuel Terminal Operators Association, which I ask to be inserted at this point in the RECORD.

There being no objection, the telegram was ordered to be printed in the RECORD, as follows:

JANUARY 22, 1970.

Hon. HOLLIS M. DOLE,
Assistant Secretary (Mineral Resources), Department of the Interior, Washington, D.C.:

As you will recall, in communications and meetings with you last August and September, we warned of home heating (No. 2 fuel) oil shortage expected in January-February, 1970. That has now occurred. Inventories are low, suppliers unable to meet demand, transportation disrupted and many of our members are expected to run completely out of heating oil within one or two weeks. Danger is most acute in New York and Boston areas, which have suffered severe cold in recent weeks. One terminal operator received emergency allocation from Oil Import Appeals Board last week to meet shortage in New York.

Complete run-outs expected in Boston and New York unless relief is given. Strongly urge that substantial portion of unused Department of Defense finished product allocation be given to Oil Import Appeals Board for immediate, repeat, immediate, emergency allocation to East Coast independent deepwater terminal operators to prevent shortage.

We respectfully request opportunity to meet with you and other officials of Interior Department next Wednesday, January 28, to present in person seriousness of situation.

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[1] This comprises a dollar growth for many and sundry reasons such as inflation, added capabilities and design changes, technical problems, quantity increases, etc. The figures used are essentially those reported by DOD.

[2] The 38 systems comprise 8 Army systems, 22 Navy systems and 8 Air Force systems.

Recurrence of severe shortage substantially underscores need for more permanent change in Oil Import Program to prevent chronic supply problems and continuing escalation of consumer prices.

ARTHUR T. SOULE,
President, Independent Fuel Terminal Operators Assn.

Mr. BROOKE. Mr. President, for the third time in the last 4 years the Northeast is facing a near emergency situation in the heating oil market. The reason is clear and well known: Under the present oil import program additional imports of heating oil to relieve such shortages are prohibited. Market dislocations and an imbalance of supplies among areas of the country result from these controls. This absolute bar to relief to consumers and homeowners is a travesty and a tragedy.

I hope that the Department of the Interior and the administration will take action in the next few days to head off the threatened emergency. Even more important, I hope that President Nixon will take steps in revising the oil import program to assure that there is no repetition of this crisis in coming winters.

PRESIDENT'S VETO OF LABOR-HEW APPROPRIATION BILL

Mr. CRANSTON. Mr. President, President Nixon committed a grave error when he vetoed the Labor-HEW appropriations bill. Having studied both the bill and his veto message closely, I am convinced the funds provided in the bill are urgently needed and that none of the reasons which the President gave for vetoing the bill justify a reduction in funds. Hence, if given the opportunity, I will vote to override the President's veto.

The extra $1.2 billion voted for the Office of Education is not inflationary, as claimed by the President. To the extent that a balanced budget or a budget surplus is necessary to fight inflation, Congress—not the President—has taken the initiative and has gone under the President's budget requests by trimming the total Federal budget by over $7 billion through the elimination of wasteful and unnecessary defense expenditures and foreign aid outlays which the President originally recommended.

I agree with the statement of Dr. Herbert Stein, a member of the President's Council of Economic Advisers, that "preoccupation with small changes in the budget position leads to a bad policy by the Government." In my opinion, it is highly unlikely that the $1.2 billion addition to the Office of Education budget could have any significant inflationary impact on a nearly trillion-dollar economy and a $200 billion budget. The extra money voted for the Office of Education is approximately one-tenth of 1 percent of a trillion-dollar gross national product, and about one-half of 1 percent of the total Federal budget.

Thus, eliminating the extra funds would have a negligible effect, if any, on inflation. Reduction of Federal education funds will only force school districts to offset this loss through other means. This will certainly be true of school districts which incur substantial financial obligations on the basis of anticipated Federal aid. If the aid is not forthcoming, these school districts may be forced to pay outstanding obligations with loans, which, unfortunately, are available only at the high interest rates which in turn are the direct result of the President's tight money policies. Thus, the President's veto imposes a severe double burden on our schoolchildren and their parents, on school administrators, and on the overburdened property owner whose contribution to public education through property taxes has reached the breaking point.

I do not believe that spending the funds provided in the bill during this fiscal year will result in waste, as claimed by the President. School districts take into account Federal aid in preparing their budgets, although these budgets must necessarily be prepared without the knowledge of the exact amount of Federal aid to be made available. This is possible because there is a large measure of consistency in the funding levels of Federal education programs. In addition, school districts have learned to cope with delays in appropriations. In fiscal 1967, the Bureau of the Budget released education funds in the last week of December 1966—almost 7 months into the fiscal year. In fiscal 1968, these funds were released in mid-January—7½ months into the fiscal year. And in fiscal 1969, the funds were released on October 30, 1969, almost 5 months into the fiscal year.

Finally, the fact that the extra money is earmarked for the "same old programs" does not justify their elimination—as claimed by the President—unless it can be demonstrated that these programs are not working. Although some funds may be misspent and some programs should be restructured, the President has failed to submit to Congress any corrective legislation of a comprehensive nature. Congress, therefore, has had no recourse other than to initiate needed reforms on its own. This is amply evidenced by the exhaustive review which the Senate Committee on Labor and Public Welfare made of the Elementary and Secondary Education Act and related acts and the numerous changes which it recommended to the Senate.

The President's tight money policies have failed to stem inflation. Yet, now he tries to reduce the money supply further at the expense of our schoolchildren, the poor and the sick, and the property owner.

This action indicates that, despite the financial crisis facing public education, President Nixon does not contemplate a meaningful Federal role in education. This is particularly distressing because his action comes on the heels of a report issued by an administration task force, headed by Dr. Wilson Riles of California, which recommends an immediate, substantial increase in Federal education aid as the chief means of meeting the urgent financial needs of urban school districts.

In sum, I can only conclude that the appropriation bill was the victim of a new, emerging Presidential anti-inflation policy. This new policy is: Federal spending is "inflationary" and should be vetoed, if the President dislikes the programs for which the funds are earmarked.

ARREST OF DR. JUDIANNE DENSEN-GERBER

Mr. WILLIAMS of New Jersey. Mr. President, it is with great dismay that I have learned of the arrest of Dr. Judianne Densen-Gerber on charges of violating New York City's building code by running an overcrowded facility. To many of our Nation's youngsters, particularly those afflicted with the dread disease of drug addiction, this arrest must come as a cruel and shocking blow. For, as we all know from Dr. Densen-Gerber's testimony before the Special Subcommittee on Alcoholism and Narcotics last November, she is one of those heroic individuals who are not only committed to the solution of one of society's greatest problems, but who has dedicated her life to correcting this disease which afflicts so many of our young people.

Dr. Densen-Gerber, despite the handicaps of unmoved city and State governments, has directed the growth of the privately supported Odyssey House program—a program designed to rehabilitate the drug addict. As recently as this fall, Dr. Densen-Gerber opened a branch of Odyssey House in Newark, N.J., in an effort to reach even more of our children.

Yesterday morning I conducted hearings on drug abuse prevention and rehabilitation in Camden, N.J. Testifying in those hearings were six former drug addicts. Each told his story of being saved from a life of crime and probable early death because someone cared. For three of these former drug addicts, the ones who cared were people at a State-run institution, Liberty Village. For the other three youngsters, it was a Camden physician who singlehandedly provides the only treatment available for drug addicts in the Camden, N.J., area. The physician, Dr. Charles Brimm, told me only yesterday what the major complaint of our children is that Government at all levels is "shucking" and "jiving." For those of us not familiar with the lexicon of youth, shucking and jiving is the colorful synonym for hypocrisy.

Now we see the epitome of hypocrisy—Government, instead of offering aid and comfort to the afflicted drug addict and those handful of miracle-workers who treat the addict, arrests these miracle-workers for trying to tend to the needs of too many people.

It will be pitiful, indeed, if Dr. Densen-Gerber is convicted for running an overcrowded facility. One must ask, who is the criminal? Is it the physician who opens his door to the sick, or the society which does not permit the physician to open his door? As we consider today the Controlled Dangerous Substances Act, it is incumbent upon us to pledge our efforts to providing the necessary Federal assistance to programs of education, prevention and rehabilitation.

I ask unanimous consent to have an editorial from this morning's New York Times printed in the RECORD.

There being no objection, the editorial

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was ordered to be printed in the Record, as follows:

The Teen-Age Drug Problem

At a time when the drug problem among the very young is reaching critical proportions, New York City officials have—incredibly—demanded the closing of the one facility devoted solely to the rehabilitation of teen-age drug-users.

This is the Odyssey House at 995 Bruckner Boulevard, in the addict-ridden Hunts Point section of the Bronx. The director of the privately supported Odyssey House program, Dr. Judianne Densen-Gerber, has been arrested on charges of violating the city's building code by running an overcrowded facility. She must appear tomorrow in Criminal Court, Part VI, the Bronx.

The Bruckner facility is a converted convent, whose Madonna and Child still hover over the battered doorway. Where nine nuns used to reside, 45 teen-agers live now in a therapeutic community—whites, blacks, boys, girls—receiving psychiatric counseling and working out their individual problems. It is crowded, doubtless overcrowded. As many as twelve boys sleep in a room. Some sleep on mattresses on the floor.

Neither the city nor the state maintains separate facilities solely for youthful addicts. Yet their response to the plight of Odyssey House has been inexplicably negative. The city could have offered alternate facilities. It has several that in any case ought to be turned into treatment centers for drug-addicted youngsters. The state did offer a section of its mental facility at Creedmore but one where iron bars in the windows create an unacceptable, jail-like atmosphere. The state had other facilities it could have offered, including a recently refurbished but still unused hospital.

If 1 per cent of the addict population dies annually from drug overdoses, as experts estimate, there are 22,400 teen-age addicts in New York City. Records show that 224 teen-agers died from overdoses of drugs last year. The dimensions of the drug-abuse problem are frighteningly large, and no level of government has adequately grappled with them.

Both city and state must expand their efforts to intensify educational programs aimed at preventing drug addiction and to set up both juvenile and adult rehabilitation centers. Federal funds on a large scale will be needed for such programs. But the answer of government at any level to this excruciating problem of teen-age drug addiction cannot be the kind of belated, insensitive and negative response given by the New York authorities to the long-known overcrowding at Odyssey House.

STARVATION IN NIGERIA

Mr. CRANSTON. Mr. President, I view with increasing alarm the reports emanating from Nigeria of the horrifying prospects of mass starvation, malnutrition, and death which face millions of men, women, and children.

The world has witnessed in Nigeria a terrifying war which has left the Ibo people decimated and the country divided. Voices were raised in protest to this tragedy. Yet, for the most part, nations stood by viewing this mass starvation from the sidelines—in the complacency of comfortable living rooms.

While the United States has contributed aid and supplies in the past, and I strongly supported these efforts, they were never enough. They did not and could not have a substantial affect on the starvation which prevails.

It is now absolutely imperative that all necessary assistance be rendered. The Federal Government of Nigeria has stated that it will not accept assistance from certain nations and organizations which actively assisted the Biafrans in providing the necessary food and supplies. These suspicions and hostilities must end. The prospect of such widespread starvation and hunger is too horrifying to allow political considerations to come into play. The shocking pictures of small children crying and dying in their mother's arms must move men to compassion and action.

Our Government has begun to send some of the critical transportation supplies which are so desperately needed and this is a hopeful beginning. However, if these supplies are insufficient, we must continue to urge the Nigerian Government to accept whatever assistance can be constructively offered in this vital humanitarian effort. I have communicated my increased concern on this matter to Secretary Rogers and have asked him to continue and increase the efforts our Government has begun.

The situation in Nigeria demands and must receive world concern, but, more importantly, substantial and immediate action and assistance. I pledge my continued efforts to achieve this goal.

CREDIT WHERE CREDIT IS DUE

Mr. BYRD of West Virginia. Mr. President, I have always been a believer in the principle of giving credit where credit is due.

Great credit is due the FBI and its Director, J. Edgar Hoover, for the fine work which he has done in connection with the investigation of the Joseph Yablonski murders.

A very short—but very much to the point—editorial in the New York Daily News of January 23 takes cognizance of this FBI work. I ask unanimous consent that it be printed in the Record.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

Some FBI Super-Sleuthing

Working with its usual quiet efficiency, the Federal Bureau of Investigation has collared three suspects in the brutal New Year's Eve murders of United Mineworkers rebel Joseph Yablonski, his wife and daughter.

Without prejudging the cases of the three men—or any others who may be nabbed—we tip our hat to the G-men for a snappy job. For our money, J. Edgar Hoover's corps is the top investigative agency in the world, and the American people should be thankful they are around.

CONTROLLED DANGEROUS SUBSTANCES ACT OF 1969

The PRESIDING OFFICER (Mr. Cannon in the chair). The hour of 12:30 having arrived, the Chair lays before the Senate the unfinished business which will be stated by title.

The Legislative Clerk. A bill (S. 3246) to protect the public health and safety by amending the narcotic, depressant, stimulant, and hallucinogenic drug laws, and for other purposes.

The Senate resumed the consideration of the bill.

The PRESIDING OFFICER. Under the unanimous consent agreement, the time between now and 1 o'clock is controlled.

The Senator from Connecticut and the Senator from North Carolina have control of the time. Who yields time?

If no Senator yields time, the time will be charged equally against each side.

Mr. ERVIN. Mr. President, I want to make clear something that is somewhat clouded at the present moment. The only Supreme Court decision dealing with this specific question is that of Ker against the State of California.

Mr. President, I ask unanimous consent that the entire opinion be printed at this point in the body of the Record in support of my remarks.

There being no objection, the opinion was ordered to be printed in the Record, as follows:

George D. Ker et al., Petitioners [374 US 23], v. State of California

(374 U.S. 23, 10 L. ed. 2d 726, 83 S. Ct. 1623)

[No. 53]

Argued December 11, 1962. Decided June 10, 1963.

SUMMARY

On the day following a California police officer's encounter with a known marihuana dealer, including the purchase from the dealer of a package of marihuana, other police officers observed an encounter between the dealer and the defendant husband, which occurred under identical surrounding circumstances except that the officers did not see any substance passing between the two men. The officers following the defendant lost contact with him when he made a U-turn in the middle of a block. Without securing a search warrant, the officers, among them one having information that the defendant husband was selling from his apartment marihuana possibly secured from the dealer, obtained from the building manager a passkey to defendants' apartment, and entered the apartment, where they found the defendant husband in the living room. The defendant wife emerged from the kitchen, and one of the officers, after identifying himself, observed through the open doorway of the kitchen a package of marihuana on a scale atop the kitchen sink. The officers then arrested both defendants and searched the apartment, finding additional marihuana in the kitchen cupboard and atop the bedroom dresser.

The defendants were convicted in the Superior Court of Los Angeles County of possessing marihuana. Their convictions were affirmed by the California District Court of Appeal on the grounds that there was probable cause for the arrests, that the officers' entry into the apartment was for the purpose of arrest and was not unlawful, and that the search, being incident to the arrests, was likewise lawful and its fruits admissible in evidence against the defendants. (195 Cal. App. 2d 246, 15 Cal. Rptr. 767.)

On certiorari, the United States Supreme Court affirmed. The ultimate issue before the Court concerned the admissibility, in defendants' trial, of the marihuana seized in their apartment. Eight members of the Court agreed on the nature of the standards applicable to determine the reasonableness of a state search and seizure, but split 4 to 4 as to whether these standards were violated under the circumstances of the present case. The remaining member—Mr. Justice Harlan—concurred in the affirmance of the judgment below.

In an opinion by Clark, J., expressing the views of eight members of the Court, it was held that the question of reasonableness of a state search and seizure is governed by federal constitutional standards, as expressed in the Fourth Amendment and the decisions of the Court applying that amendment. On the other hand, HARLAN, J., expressed the view that state searches and seizures should be judged by the more flexible concept of "fundamental" fairness, or rights "basic to a free society," embraced in the due process clause of the Fourteenth Amendment.

The question whether federal constitutional standards of reasonableness were violated by the search in the present case was answered in the negative in an opinion by CLARK, J., joined by BLACK, STEWART, and WHITE, JJ. These justices held that the search without warrant was valid as incident to a lawful arrest, made upon probable cause, and that the officers' method of entry was not unreasonable. On the other hand, BRENNAN, J., joined by WARREN, Ch. J., and DOUGLAS and GOLDBERG, JJ., expressed the view that federal constitutional standards were violated because the unannounced intrusion of the arresting officers into defendants' apartment violated the Fourth Amendment.

HEADNOTES

(Classified to U.S. Supreme Court Digest, Annotated)

Evidence § 681: Search and Seizure § 5—restrictions on states—admissibility of evidence illegally obtained

1. The Fourth Amendment is enforceable against the states by the same sanction of exclusion of evidence as is used against the federal government and through the application of the same constitutional standard prohibiting "unreasonable searches and seizures." [*See annotation references* 1, 2]

Evidence § 859; Supreme Court of the United States § 9—rules of evidence in federal criminal trials

2. The principles governing the admissibility of evidence in federal criminal trials are not restricted to those derived solely from the Federal Constitution; in the exercise of its supervisory authority over the administration of criminal justice in the federal courts, the United States Supreme Court has formulated rules of evidence to be applied in federal criminal prosecutions, but the Court assumes no supervisory authority over state courts.

Courts § 683—federal and state—conflicts

3. The very essence of a healthy federalism depends upon the avoidance of needless conflicts between state and federal courts

Search and Seizure §4—Constitutional Prohibitions

4. Implicit in the Fourth Amendment's protection from unreasonable searches and seizures is its recognition of individual freedoms; that safeguard is of the very essence of constitutional liberty the guaranty of which is as important and as imperative as the guaranties of the other fundamental rights of the individual citizens.

Search and Seizure § 6—Persons Protected

5. The Fourth Amendment forbids every search that is unreasonable and protects those suspected or known to be offenders as well as the innocent.

Search and Seizure § 8—Place of Search

6. The Fourth Amendment's prohibition of unreasonable searches and seizures extends to the premises where the search was made.

Search and Seizure § 5—Standards Governing Reasonableness

7. The principle that standards of reasonableness of searches and seizures are not susceptible of Procrustean application is carried forward when the Fourth Amendment's proscriptions are enforced against the states through the Fourteenth Amendment. [*See annotation reference* 2]

Evidence § 681; Search and Seizure § 5; Supreme Court of the United States § 9—Obtained Through Unlawful Search and Seizure—Distinctions

8. Although the standard of reasonableness of searches and seizures is the same under the Fourth and Fourteenth Amendments, there is a distinction between evidence held inadmissible because of the United States Supreme Court's supervisory powers over federal courts and evidence held inadmissible because prohibited by the United States Constitution. [*See annotation references 1,* 2]

Search and Seizure § 5—Unreasonableness—Determination by Trial Court

9. The reasonableness of a search is in the first instance a substantive determination to be made by the trial court from the facts and circumstances of the case and in the light of the fundamental criteria laid down by the Fourth Amendment and in opinions of the United States Supreme Court applying that amendment.

Appeals and Error § 806.5—State Court Findings—United States Supreme Court Review

10. On review of a state court judgment of conviction of crime, the United States Supreme Court will respect the state court's findings of reasonableness of a search and seizure only insofar as the finding is consistent with federal constitutional guaranties.

Appeal and Error § 806.5—United States Supreme Court Review of State Court Findings—Federal Constitutional Rights

11. On review by the United States Supreme Court of state court judgments of conviction of crime, findings of state courts involving federal constitutional rights are by no means insulated against examination by the United States Supreme Court; while the Court does not sit as in nisi prius to appraise contradictory factual questions, it will, where necessary to the determination of constitutional rights, make an independent examination of the facts, the findings, and the record so that it can determine for itself whether in the state court findings, such as a finding as to the reasonableness of a search and seizure, the constitutional criteria established by the Supreme Court have been respected.

Arrest § 1; Evidence § 681; Search and Seizure § 4—Power of State

12. The states have power to develop workable rules governing arrests, and searches and seizures, to meet the practical demands of effective criminal investigation and law enforcement in the states, provided that those rules do not violate the Fourth Amendment's proscription of unreasonable searches and seizures, and the concomitant command that evidence so seized is inadmissible against one who has standing to complain. [*See annotation reference 1*]

Points from separate opinions

Evidence § 681; Search and Seizure § 12—Search as Incident to Lawful Arrest

13. Evidence obtained by a search without search warrant is admissible only if the search was incident to a lawful arrest. [From separate opinion by Clark, Black, Stewart, and White, JJ.]

[*See annotation reference 3*]

Arrest § 2—Without Warrant—Probable Cause

14. The lawfulness of an arrest without warrant must be based upon probable cause, which exists where the facts and circumstances within the arresting officers' knowledge and of which they had reasonably trustworthy information are sufficient in themselves to warrant a man of reasonable caution in the belief that an offense has been or is being committed. [From separate opinion by Clark, Black, Stewart, and White, JJ.]

Arrest § 2—Without Warrant—For Narcotics Offense—Reasonable Grounds

15. Information within the knowledge of state narcotics officers at the time they arrested a suspect at his apartment furnishes grounds for a reasonable belief that the suspect had committed and was committing the offense of possession of marijuana, where some of the officers observed an encounter between a known marijuana dealer and the suspect on the evening of the arrest and, although the officers did not see any substance pass between the two men, their encounter was a virtual re-enactment of the previous night's encounter between the dealer and another narcotics officer, including the sale by the dealer to that officer of a pound of marijuana, the virtual identity of the surrounding circumstances warranting a strong suspicion that the one remaining element, a sale of narcotics, was a part of the encounter preceding the arrest, as it was the previous night, and where, moreover, the office had information from a reliable informer as well as from other sources, not only that the suspect had been selling marijuana from his apartment but also that his likely source of supply was the dealer. [From separate opinion by Clark, Black, Stewart, and White, JJ.] [*See annotation reference* 4]

Arrest § 2—Without Warrant—Probable Cause—Hearsay Information

16. That information in possession of a police officer is hearsay does not destroy its role in establishing probable cause supporting an arrest without warrant. [From separate opinion by Clark, Black, Stewart, and White JJ.]

Arrest § 2—Without Warrant—For Narcotics Offense—Probable Cause

17. Probable cause for the arrest, without warrant, of the wife of a narcotics suspect, and a reasonable ground for the belief of state narcotics officers that the wife was in joint possession of marijuana with her husband, exist where, upon the officers' entry into the spouse's apartment and announcement of their identity, one of the officers, walking to the doorway of the kitchen, from which the wife had emerged, and without entering the kitchen, observed a package of marijuana in plain view on a scale atop the kitchen sink, and moreover the officers had reliable information that the husband had been using his apartment as a base of operations for his narcotics activities. [From separate opinion by Clark, Black, Stewart, and White, JJ.] [*See annotation reference* 4]

Courts § 625—Arrest Without Warrant—Governing Law

18. In cases under the Fourth Amendment the lawfulness of arrests for federal offenses is to be determined by reference to state law insofar as it is not violative of the Federal Constitution; a fortiori, the lawfulness of an arrest made by a state officer for a state offense is to be determined by state law. [From separate opinion by Clark, Black, Stewart, and White, JJ.]

Courts § 625; Search and Seizure § 12—Search In Connection With Arrest—Governing Law

19. Where a person's federal constitutional protection from unreasonable searches and seizures by state police officers for a state offense is to be determined by whether the search was incident to a lawful arrest, the United States Supreme Court is warranted in examining that arrest to determine whether, notwithstanding its legality under state law, the method of entering the home may offend federal constitutional standards of reasonableness and therefore vitiate the

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legality of an accompanying search. [From separate opinion by Clark, Black, Stewart, and White, JJ.] [*See annotation reference* 3]

Arrest § 1—"Breaking"

20. The common law recognizes that under certain circumstances breaking a person's house is permissible in executing an arrest. [From separate opinion by Clark, Black, Stewart, and White, JJ.]

Search and Seizure § 29—Execution of Search Warrant

21. Under California law the presence of exigent circumstances constitutes an exception to the notice requirement of a statute authorizing a police officer to break open any part of a house to execute a search warrant if, after notice of his authority and purpose, he is refused admittance. [From separate opinion by Clark, Black, Stewart, and White, JJ.]

Arrest § 2—Without Warrant—Probable Cause

22. In determining the lawfulness of entry and the existence of probable cause supporting an arrest without warrant, the court concerns itself only with what the arresting officers had reason to believe at the time of their entry. [From separate opinion by Clark, Black, Stewart, and White, JJ.]

Search and Seizure § 3—Legality of Search—Result

23. A search is not to be made legal by what it turns up; in law it is good or bad when it starts and does not change character from its success. [From separate opinion by Clark, Black, Stewart, and White, JJ.]

Arrest § 1; Search and Seizure § 12—Searches Incident to Lawful Arrest—Officers' Method of Entry

24. Notwithstanding the failure of state narcotics officers to give notice of their authority and purpose to a narcotics suspect prior to his arrest and the search of his apartment, their method of entry, sanctioned by state law, by obtaining a passkey from the manager of the building is not unreasonable under the standards of the Fourth Amendment as applied to the states through the Fourteenth Amendment, where, in addition to the officers' belief that the suspect was in possession of narcotics, which could be quickly and easily destroyed, his furtive conduct in eluding them shortly before the arrest was ground for the belief that he might well have been expecting the police. [From separate opinion by Clark, Black, Stewart, and White, JJ. Contra: separate opinion by Brennan, J., Warren, Ch. J., and Douglas and Goldberg, JJ.] [*See annotation references* 2, 3]

Search and Seizure § 12—in connection with arrest

25. The doctrine that a search without warrant may be lawfully conducted if incident to a lawful arrest is consistent with the Fourth Amendment's protection against unreasonable searches and seizures. [From separate opinion by Clark, Black, Stewart, and White, JJ.] [*See annotation reference 3*]

Search and Seizure § 12—in connection with arrest—practicability of obtaining warrant

26. The practicability of obtaining a warrant is not the controlling factor when a search is sought to be justified as incident to arrest. [From separate opinion by Clark, Black, Stewart, and White JJ.] [*See annotation reference 3*]

Search and Seizure § 12—in connection with arrest—practicability of obtaining search warrant

27. A search without warrant, incident to a lawful arrest, is not unreasonable, and hence not violative of the Fourth Amendment in that the state narcotics officers involved could practicably have obtained a search warrant where the officers' observations and their corroboration, which furnished probable cause for the suspect's arrest, occurred at about 9 p.m., approximately one hour before the time of arrest, and the officers had reason to act quickly because of the suspect's furtive conduct and the likelihood that the marijuana in his possession would be distributed or hidden before a warrant could be obtained at that time of night. [From separate opinion by Clark, Black, Stewart, and White, JJ.] [*See annotation reference 3*]

Search and Seizure § 12—in connection with arrest—extent of premises searched

28. The search, as an incident to a narcotics suspect's lawful arrest, of the kitchen and bedroom of his apartment, is within the rule that such search may, under appropriate circumstances, extend beyond the person of the one arrested to include the premises under his immediate control. [From separate opinion by Clark, Black, Stewart, and White, JJ.] [*See anotation reference 3*]

Search and Seizure § 12—in connection with arrest

29. The rule that an arrest may not be used merely as the pretext for a search without warrant is not violated where the record shows that the arresting officers entered the suspect's apartment for the purpose of arresting him and that they had probable cause to make that arrest prior to the entry. [From separate opinion by Clark, Black, Stewart, and White, JJ.] [*See annotation reference 3*]

Search and Seizure § 2—what constitutes search

30. The discovery by a police officer entering a suspect's apartment of a brick of marijuana on a scale atop the kitchen sink does not constitute a search, since the officer merely saw what was placed before him in full view. [From separate opinion by Clark, Black, Stewart, and White, JJ.]

Search and Seizure §12—as an incident to arrest

31. California law does not require that an arrest precede an incidental search as long as probable cause exists at the outset. [From separate opinion by Clark, Black, Stewart, and White, JJ.] [*See annotation reference* 3]

Appeal and Error §§ 1084(2), 1088, 1123—questions not properly raised

32. On review of a state court judgment of conviction of crime, the United States Supreme Court will not reach the question of the reasonableness of the search of defendant's automobile on the day subsequent to his arrest where that question was not raised in the petition for certiorari, nor discussed in the brief filed in the United States Supreme Court, nor in the state trial court, nor in the state appellate court, and the latter court did not adjudicate it. [From separate opinion by Clark, Black, Stewart, and White, JJ.]

Appeal and Error § 1104; Courts § 95.3—scope of review—questions not raised

33. Ordinarily the United States Supreme Court does not reach for constitutional questions not raised by the parties, nor extend its review beyond those specific federal questions properly raised in the state court. [From separate opinion by Clark, Black, Stewart, and White, JJ.]

Appeal and Error § 431—from state court—federal question

34. There can be no question as to the proper presentation of a federal claim when the highest state court passes on it. [From separate opinion by Clark, Black, Stewart and White, JJ.]

Arrest § 1; Search and Seizure § 12—search as incident to arrest—prerequisites of validity

35. Even if probable cause exists for the arrest of a person within, the Fourth Amendment's prohibition of unreasonable searches and seizures is violated by an unannounced police intrusion into a private home, with or without an arrest warrant, except (1) where the persons within already knew of the officers' authority and purpose, or (2) where the officers are justified in the belief that persons within are in imminent peril of bodily harm, or (3) where those within, made aware of the presence of someone outside (because, for example, there has been a knock at the door) are then engaged in activity which justifies the officers in the belief that an escape or the destruction of evidence is being attempted. [From separate opinion by Brennan, J., Warren, Ch. J., and Douglas and Goldberg, JJ.]

Search and Seizure § 5—constitutional protection—lawful entry

36. A lawful entry is the indispensable predicate of a reasonable search within the meaning of the Fourth Amendment guaranteeing the right of the people to be secure against unreasonable searches and seizures. [From separate opinion by Brennan, J., Warren, Ch. J., and Douglas and Goldberg, JJ.]

Courts § 95.3—constitutional question

37. The United States Supreme Court will not decide constitutional questions when a nonconstitutional basis for decision is available. [From separate opinion by Brennan, J., Warren, Ch. J., and Douglas and Goldberg, JJ.]

Appearances of counsel

Robert W. Stanley argued the cause for petitioners. Gordon Ringer argued the cause for respondent. Briefs of Counsel, p. 1312, infra.

OPINION OF THE COURT

[374 US 24] Mr. Justice Clark delivered the opinion of the Court with reference to the standard by which state searches and seizures must be evaluated (Part I), together with an opinion applying that standard, in which Mr. Justice Black, Mr. Justice Stewart and Mr. Justice White join (Parts II–V), and announced the judgment of the Court.

This case raises search and seizure questions under the rule of Mapp v Ohio, 367 US 643, 6 L ed 2d 1081, 81 S Ct 1684, 84 ALR2d 933 (1961). Petitioners, husband and wife, were convicted of possession of marijuana in violation of § 11530 of the California Health and Safety Code. The California District Court of Appeal affirmed, 195 Cal App 2d 246, 15 Cal Rptr 767, despite the contention of petitioners that their arrests in their [374 US 25] apartment without warrants lacked probable cause[1] and the evidence seized incident thereto and introduced at their trial was therefore inadmissible. The California Supreme Court denied without opinion a petition for hearing. This being the first case arriving here since our opinion in Mapp which would afford suitable opportunity for further explication of that holding in the light of intervening experience, we granted certiorari. 386 US 974, 7 L ed 2d 437, 82 S Ct 480. We affirm the judgment before us.

The state courts' conviction and affirmance are based on these events, which culminated in the petitioners' arrests. Sergeant Cook of the Los Angeles County Sheriff's Office, in negotiating the purchase of marijuana from one Terrhagen, accompanied him to a bowling alley about 7 p.m. on July 26, 1960, where they were to meet Terrhagen's "connection." Terrhagen went inside and returned shortly, pointing to a 1946 DeSoto as his "connection's" automobile and explaining that they were to meet him "up by the oil fields" near Fairfax and Slauson Avenues in Los Angeles. As they neared that location, Terrhagen again pointed out the DeSoto traveling ahead of them, stating that the "connection" kept his supply of nar-

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cotics "somewhere up in the hills." They parked near some vacant fields in the vicinity of the intersection of Fairfax and Slauson, and, shortly thereafter, the DeSoto reappeared and pulled up beside them. The deputy then recognized the driver as one Roland Murphy, whose "mug" photograph he had seen and whom he knew from other narcotics officers to be a large-scale seller of marijuana currently out on bail in connection with narcotics charges.

[374 US 26] Terrhagen entered the DeSoto and drove off toward the oil fields with Murphy, while the Sergeant waited. They returned shortly, Terrhagen left Murphy's car carrying a package of marijuana and entered his own vehicle, and they drove to Terrhagen's residence. There Terrhagen cut one pound of marijuana and gave it Sergeant Cook, who had previously paid him. The Sergeant later reported this occurrence to Los Angeles County Officers Berman and Warthen, the latter of whom had observed the occurrences as well.

On the following day, July 27, Murphy was placed under surveillance. Officer Warthen, who had observed the Terrhagen-Murphy episode the previous night, and Officer Markman were assigned this duty. At about 7 p.m. that evening they followed Murphy's DeSoto as he drove to the same bowling alley in which he had met Terrhagen on the previous evening. Murphy went inside, emerged in about 10 minutes and drove to a house where he made a brief visit. The officers continued to follow him but, upon losing sight of his vehicle, proceeded to the vicinity of Fairfax and Slauson Avenues where they parked. There, immediately across the street from the location at which Terrhagen and Sergeant Cook had met Murphy on the previous evening, the officers observed a parked automobile whose lone occupant was later determined to be the petitioner George Douglas Ker.

The officers then saw Murphy drive past them. They followed him but lost sight of him when he extinguished his lights and entered the oil fields. The officers returned to their vantage point and, shortly thereafter, observed Murphy return and park behind Ker. From their location approximately 1,000 feet from the two vehicles, they watched through field glasses. Murphy was seen leaving his DeSoto and walking up to the driver's side of Ker's car, where he "appeared to have conversation with him." It was shortly before 9 p.m. and the distance in the [374 US 27] twilight was too great for the officers to see anything pass between Murphy and Ker or whether the former had anything in his hands as he approached.

While Murphy and Ker were talking, the officers had driven past them in order to see their faces closely and in order to take the license number from Ker's vehicle. Soon thereafter Ker drove away and the officers followed him but lost him when he made a U-turn in the middle of the block and drove in the opposite direction. Now, having lost contact with Ker, they checked the registration with the Department of Motor Vehicles and ascertained that the automobile was registered to Douglas Ker at 4801 Slauson. They then communicated this information to Officer Berman, within 15 to 30 minutes after observing the meeting between Ker and Murphy. Though officers Warthen and Markman had no previous knowledge of Ker, Berman had received information at various times beginning in November of 1959 that Ker was selling marijuana from his apartment and that "he was possibly securing this Marijuana from Ronnie Murphy who is the alias of Roland Murphy." In early 1960 Officer Berman had received a "mug" photograph of Ker from the Inglewood Police Department. He further testified that between May and July 27, 1960, he had received information as to Ker from one Robert Black, who had previously given information leading to at least three arrests and whose information was believed by Berman to be reliable. According to Officer Berman, Black had told him on four or five occasions after May 1960 that Ker and others, including himself, had purchased marijuana from Murphy.[2]

[375 US 28] Armed with the knowledge of the meeting between Ker and Murphy and with Berman's information as to Ker's dealings with Murphy, the three officers and a fourth, Officer Love, proceeded immediately to the address which they had obtained through Ker's license number. They found the automobile which they had been following—and which they had learned was Ker's—in the parking lot of the multiple-apartment building and also ascertained that there was someone in the Kers' apartment. They then went to the office of the building manager and obtained from him a passkey to the apartment. Officer Markman was stationed outside the window to intercept any evidence which might be ejected, and the other three officers entered the apartment. Officer Berman unlocked and opened the door, proceeding quietly, he testified, in order to prevent the destruction of evidence,[3] and found petitioner George Ker sitting in the living room. Just as he identified himself, stating that "We are Sheriff's Narcotics Officers, conducting a narcotics investigation," petitioner Diane Ker emerged from the kitchen. Berman testified that he repeated his identification to her and immediately walked to the kitchen. Without entering, he observed through the open doorway a small scale atop the kitchen sink, upon which lay a "brick-like—brick-shaped package containing the green leafy substance" which he recognized as marihuana. He beckoned the petitioners into the kitchen where, following their denial of knowledge of the contents of the two-and-two-tenths-pound package and [374 US 29] failure to answer a question as to its ownership, he placed them under arrest for suspicion of violating the State Narcotic Law. Officer Markman testified that he entered the apartment approximately "a minute, minute and a half" after the other officers, at which time Officer Berman was placing the petitioners under arrest. As to this sequence of events, petitioner George Ker testified that his arrest took place immediately upon the officers' entry and before they saw the brick of marihuana in the kitchen.

Subsequent to the arrest and the petitioners' denial of possession of any other narcotics, the officers, proceeding without search warrants, found a half-ounce package of marijuana in the kitchen cupboard and another atop the bedroom dresser. Petitioners were asked if they had any automobile other than the one observed by the officers, and George Ker replied in the negative, while Diane remained silent. On the next day, having learned that an automobile was registered in the name of Diane Ker, Officer Warthen searched this car without a warrant, finding marijuana and marijuana seeds in the glove compartment and under the rear seat. The marijuana found on the kitchen scale, that found in the kitchen cupboard and in the bedroom, and that found in Diane Ker's automobile[4] were all introduced into evidence against the petitioners.

The California District Court of Appeal in affirming the convictions found that there was probable cause for the arrests; that the entry into the apartment was for the purpose of arrest and was not unlawful; and that the search being incident to the arrests was likewise lawful and its fruits admissible in evidence against petitioners. These conclusions were essential to the affirmance, since the California Supreme Court in 1955 had held that evidence [374 US 30] obtained by means of unlawful searches and seizures was inadmissible in criminal trials. People v Cahan, 44 Cal 2d 434, 282 P2d 905, 50 ALR2d 513. The court concluded that in view of its findings and the implied findings of the trial court, this Court's intervening decision in Mapp v Ohio, 367 US 643, 6 L ed 2d 1081, 81 S Ct 1684, 84 ALR2d 933, supra, did "not justify a change in our original conclusion.' 195 Cal App 2d, at 257, 15 Cal Rptr, at 773.

I

In Mapp v Ohio, 367 US at 646, 647, 657, we followed Boyd v United States, 116 US 616, 630, 29 L ed 746, 751, 6 S Ct 524 (1886), which held that the Fourth Amendment,[5] implemented by the self-incrimination clause of the Fifth,[6] forbids the Federal Government to convict a man of crime by using testimony or papers obtained from him by unreasonable searches and seizures as defined in the Fourth Amendment. We specifically held in Mapp that this constitutional prohibition is enforceable against the States through the Fourteenth Amendment.[7] This means, as we said in Mapp (Headnote 1) that the Fourth Amendment "is enforceable against them [the states] by the same sanction of exclusion as is used against the Federal Government," by the application of the same constitutional standard prohibiting "unreasonable [374 US 31] searches and seizures." 367 US, at 655. We now face the specific question as to whether Mapp requires the exclusion of evidence in this case which the California District Court of Appeal has held to be lawfully seized. It is perhaps ironic that the initial test under the Mapp holding comes from California, whose decision voluntarily to adopt the exclusionary rule in 1955 has been commended by us previously. See Mapp v Ohio, supra (367 US at 651, 652); Elkins v United States, 364 US 206, 220, 4 L ed 2d 1669, 1679, 80 S Ct 1437 (1960).

Preliminary to our examination of the search and seizures involved here, it might be helpful for us to indicate what was not decided in Mapp. (Headnote 2) First, it must be recognized that the "principles governing the admissibility of evidence in federal criminal trials that have not been restricted . . . to those derived solely from the Constitution. In the exercise of its supervisory authority over the administration of criminal justice in the federal courts . . . this Court has . . . formulated rules of evidence to be applied in federal criminal prosecutions." McNabb v United States, 318 US 332, 341, 87 L ed 819, 824, 63 S Ct 608 (1943); cf. Miller v United States, 357 US 301, 2 L ed 2d 1332, 78 S Ct 1190 (1958); Nordone v United States, 302 US 379, 82 L ed 314, 58 S Ct 275 (1937). Mapp, however, established no assumption by this Court of supervisory authority over state courts, cf. Cleary v Bolger, 371 US 392, 401, 9 L ed 2d 390, 396, 83 S Ct 385 (1963), and, consequently, it implied no total obliteration of state laws relating to arrests and searches in favor of federal law. Mapp sounded no death knell for our federalism; rather, it echoed the sentiment of Elkins v. United States, supra (364 at 221), (Headnote 3) that "a healthy federalism depends upon the avoidance of needless conflict between state and federal courts" by itself urging that "[f]ederal-state cooperation in the solution of crime under constitutional standards will be promoted. If only by recognition of their now mutual obligation to respect *the same fundamental criteria* in their approaches." 367 US, at 658. (emphasis added.) Second, Mapp did not attempt the impossible task of laying [374 US 32] down a "fixed formula" for the application in specific cases of the constitutional prohibition against unreasonable searches and seizures; it recognized that we would be "met with 'recurring questions of the reasonableness of searches' " and that, "at any rate, '[r]easonableness is in the first instance for the [trial court] . . . to determine,' " id. 367 US at 653, thus indicating that the usual weight be given to findings of trial courts.

Mapp, of course, did not lend itself to a

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detailed explication of standards, since the search involved there was clearly unreasonable and bore no stamp of legality even from the Ohio Supreme Court. Id. 367 U.S. at 643–645. This is true also of Elkins v. United States, where all of the courts assumed the unreasonableness of the search in question and this Court "invoked" its "supervisory power over the administration of criminal justice in the federal courts," 364 U.S., at 216, in declaring that the evidence so seized by state officers was inadmissible in a federal prosecution. The prosecution being in a federal court, this Court of course announced that "[t]he test is one of federal law, neither enlarged by what one state court may have countenanced, nor diminished by what another may have colorably suppressed." Id. 364 U.S. at 224. Significant in the Elkins holding is the statement, apposite here, that "it can fairly be said that in applying the Fourth Amendment this Court has seldom shown itself unaware of the practical demands of effective criminal investigation and law enforcement." Id. 364 U.S. at 222.

Implicit in the Fourth Amendment's protection from unreasonable searches and seizures is its recognition of individual freedom (Headnote 4). That safeguard has been declared to be "as of the very essence of constitutional liberty" the guaranty of which "is as important and as imperative as are the guaranties of the other fundamental rights of the individual citizen . . . ." Gouled v. United States, 255 U.S. 298, 304, 65 L ed 647, 650, 41 S Ct 261 (1921); cf. Powell v. Alabama, 287 U.S. [374 U.S. 33] 45, 65–68, 77 L ed 158, 168–170, 53 S Ct 55, 84 ALR 527 (1932). While the language of the Amendment is "general," it "forbids every search that is unreasonable; (Headnote 5, Headnote 6) it protects all, those suspected or known to be offenders as well as the innocent, and unquestionably extends to the premises where the search was made . . . ." Go-Bart Importing Co. v. United States, 282 U.S. 344, 357, 75 L ed 374, 382, 51 S Ct 153 (1931). Mr. Justice Butler there stated for the Court that "[t]he Amendment is to be liberally construed and all owe the duty of vigilance for its effective enforcement lest there shall be impairment of the rights for the protection of which it was adopted." Ibid. He also recognized that "[t]here is no formula for the determination of reasonableness. Each case is to be decided on its own facts and circumstances." Ibid; see United States v. Rabinowitz, 339 U.S. 56, 63, 94 L ed 653, 658, 70 S Ct 430 (1950); Rios v. United States, 364 U.S. 253, 255, 4 L ed 2d 1688, 1690, 80 S Ct 1431 (1960).

This Court's long-established recognition that standards of reasonableness under the Fourth Amendment (Headnote 7) are not susceptible of Procrustean application is carried forward when that Amendment's proscriptions are enforced against the States through the Fourteenth Amendment. And, although the standard of reasonableness is the same under the Fourth and Fourteenth Amendments (Headnote 8), the demands of our federal system compel us to distinguish between evidence held inadmissible because of our supervisory powers over federal courts and that held inadmissible because prohibited by the United States Constitution (Headnote 9, Headnote 10). We reiterate that the reasonableness of a search is in the first instance a substantive determination to be made by the trial court from the facts and circumstances of the case and in the light of the "fundamental criteria" laid down by the Fourth Amendment and in opinions of this Court applying that Amendment. Findings of reasonableness, of course, are respected only insofar as consistent with federal constitutional guarantees. As we have stated above and in other cases involving [374 US 34] federal constitutional rights, findings of state courts are by no means insulated against examination here (Headnote 11). See, e.g., Spano v New York, 360 US 315, 316, 3 L ed 2d 1265, 1267, 79 S Ct 1202 (1959); Thomas v Arizona, 356 US 390, 393, 2 L ed 2d 863, 866, 78 S Ct 885 (1958); Pierre v Louisiana, 306 US 354, 358, 83 L ed 751, 760, 59 S Ct 536 (1939). While this Court does not sit as in nisi prius to appraise contradictory factual questions, it will, where necessary to the determination of constitutional rights, make an independent examination of the facts, the findings, and the record so that it can determine for itself whether in the decision as to reasonableness the fundamental—i.e., constitutional—criteria established by this Court have been respected (Headnote 12). The States are not thereby precluded from developing workable rules governing arrests, searches and seizures to meet "the practical demands of effective criminal investigation and law enforcement" in the States, provided that those rules do not violate the constitutional proscription of unreasonable searches and seizures and the concomitant command that evidence so seized is inadmissible against one who has standing to complain. See Jones v United States, 362 US 257, 4 L ed 2d 697, 80 S Ct 725, 78 ALR2d 233 (1960). Such a standard implies no derogation of uniformity in applying federal constitutional guarantees but is only a recognition that conditions and circumstances vary just as do investigative and enforcement techniques.

Applying this federal constitutional standard we proceed to examine the entire record including the findings of California's courts to determine whether the evidence seized from petitioners was constitutionally admissible under the circumstances of this case.

SEPARATE OPINION

II

The evidence at issue, in order to be admissible, must be the product of a search incident to a lawful arrest, since the officers had no search warrant (Headnote 13, Headnote 14). The lawfulness of the arrest without warrant, in turn, must be based upon [374 US 35] probable cause which exists "where 'the facts and circumstances within their [the officers'] knowledge and of which they had reasonably trustworthy information [are] sufficient in themselves to warrant a man of reasonable caution in the belief that' an offense has been or is being committed." Brinegar v United States, 338 US 160, 175, 176, 93 L ed 1879, 1890, 69 S Ct 1302 (1949), quoting from Carroll v United States, 267 US 132, 162, 69 L ed 543, 555, 45 S Ct 280, 39 ALR 790 (1925); accord, People v Fischer, 49 Cal 2d 442, 317 P2d 967 (1957); Bompensiero v Superior Court of San Diego County, 44 Cal 2d 178, 281 P2d 250 (1955) (Headnote 15). The information within the knowledge of the officers at the time they arrived at the Kers' apartment, as California's courts specifically found, clearly furnished grounds for a reasonable belief that petitioner George Ker had committed and was committing the offense of possession of marijuana. Officers Markman and Warthen observed a rendezvous between Murphy and Ker on the evening of the arrest which was a virtual reenactment of the previous night's encounter between Murphy, Terrhagen and Sergeant Cook, which concluded in the sale by Murphy to Terrhagen and the Sergeant of a package of marijuana of which the latter had paid Terrhagen for one pound which he received from Terrhagen after the encounter with Murphy. To be sure, the distance and lack of light prevented the officers from seeing and they did not see any substance pass between the two men, but the virtual identity of the surrounding circumstances warranted a strong suspicion that the one remaining element—a sale of narcotics—was a part of this encounter as it was the previous night. But Ker's arrest does not depend upon this single episode with Murphy. When Ker's U-turn thwarted the officer's pursuit, they learned his name and address from the Department of Motor Vehicles and reported the occurrence to Officer Berman. Berman, in turn, revealed information from an informer whose reliability had been tested previously, as [374 US 36] well as from other sources, not only that Ker had been selling marijuana from his apartment but also that his likely source of supply was Murphy himself (Headnote 16). That this information was hearsay does not destroy its role in establishing probable cause. Brinegar v United States, 338 US 160, 93 L ed 1879, 69 S Ct 1302, supra. In Draper v United States, 358 US 307, 3 L ed 2d 327, 79 S Ct 329 (1959), we held that information from a reliable informer, corroborated by the agents' observations as to the accuracy of the informer's description of the accused and of his presence at a particular place, was sufficient to establish probable cause for an arrest without warrant.[8] The corroborative elements in Draper were innocuous in themselves, but here both the informer's tip and the personal observations connected Ker with specific illegal activities involving the same man, Murphy, a known marijuana dealer. To say that this coincidence of information was sufficient to support a reasonable belief of the officers that Ker was illegally in possession of marijuana is to indulge in understatement.

Probable cause for the arrest of petitioner Diane Ker (Headnote 17), while not present at the time the officers entered the apartment to arrest her husband, was nevertheless present at the time of her arrest. Upon their entry and announcement of their identity, the officers were met not only by George Ker but also by Diane Ker, who was emerging from the kitchen. Officer Berman immediately walked to the doorway from which she emerged and, without entering, observed the brick-shaped package of marijuana in plain view. Even assuming that her presence [374 US 37] in a small room with the contraband in a prominent position on the kitchen sink would not alone establish a reasonable ground for the officers' belief that she was in joint possession with her husband, that fact was accompanied by the officers' information that Ker had been using his apartment as a base of operations for his narcotics activities. Therefore, we cannot say that at the time of her arrest there were not sufficient grounds for a reasonable belief that Diane Ker, as well as her husband, was committing the offense of possession of marijuana in the presence of the officers.

III

It is contended that the lawfulness of the petitioners' arrests, even if they were based upon probable cause, was vitiated by the method of entry. This Court (Headnote 18), in cases under the Fourth Amendment, has long recognized that the lawfulness of arrests for federal offenses is to be determined by reference to state law insofar as it is not violative of the Federal Constitution. Miller v United States, 357 US 301, 2 L ed 2d 1332, 78 S Ct 1190, supra; United States v Di Re, 332 US 581, 92 L ed 210, 68 S Ct 222 (1948); Johnson v United States, 333 US 10, 15, note 5, 92 L ed 436, 441, 68 S Ct 367 (1948). A fortiori, the lawfulness of these arrests by state officers for state offenses is to be determined by California law. California Penal Code, § 844,[9] permits peace officers to break into a dwelling place for the purpose of arrest after demanding admittance and explaining their purpose. Admittedly the officers did not comply with the terms of this statute since they entered quietly and without announcement, in order to prevent the destruction of contraband. The California District Court of Appeal, [374 US 38] however, held that the circumstances here came within a judicial exception which had been engrafted upon the statute by a series of decisions, see, e. g., People v Ruiz, 146 Cal App

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2d 630, 304 P2d 175 (1956); People v Maddox, 46 Cal 2d 301, 294 P2d 6, cert den 352 US 858, 1 L ed 2d 65, 77 S Ct 81 (1956), and that the noncompliance was therefore lawful.

Since the petitioners' federal constitutional protection from unreasonable searches and seizures (Headnote 19) by police officers is here to be determined by whether the search was incident to a lawful arrest, we are warranted in examining that arrest to determine whether, notwithstanding its legality under state law, the method of entering the home may offend federal constitutional standards of reasonableness and therefore vitiate the legality of an accompanying search. We find no such offensiveness on the facts here. Assuming that the officers' entry by use of a key obtained from the manager is the legal equivalent of a "breaking," see Keiningham v. United States, 109 App DC 272, 276, 287 F2d 126, 130 (1960) (Headnote 20), it has been recognized from the early common law that such breaking is permissible in executing an arrest under certain circumstances. See Wilgus, Arrest Without a Warrant, 22 Mich L Rev 541, 798, 800–806 (1924). Indeed, 18 USC § 3109,[10] dealing with the execution of search warrants by federal officers, authorizes breaking of doors in words very similar to those of the California statute, both statutes including a requirement of notice of authority and purpose. In Miller v United States, 357 US 301, 2 L ed 2d 1332, 78 S Ct 1190, supra, this Court held unlawful an arrest, and therefore its accompanying search, on the ground that the District of [374 US 39] Columbia officers before entering a dwelling did not fully satisfy the requirement of disclosing their identity and purpose. The Court stated that "the lawfulness of the arrest without warrant is to be determined by reference to state law. . . . By like reasoning the validity of the arrest of petitioner is to be determined by reference to the law of the District of Columbia." 357 US, at 305, 306. The parties there conceded and the Court accepted that the criteria for testing the arrest under District of Columbia law were "substantially identical" to the requirements of § 3109. Id. 357 US at 306. Here, however, the criteria under California law (Headnote 21) clearly include an exception to the notice requirement where exigent circumstances are present. Moreover, insofar as violation of a federal statute required the exclusion of evidence in Miller, the case is inapposite for state prosecutions, where admissibility is governed by constitutional standards. Finally, the basis of the judicial exception to the California statute, as expressed by Justice Traynor in People v Maddox, supra (46 Cal 2d at 306), effectively answers the petitioners' contention:

"It must be borne in mind that the primary purpose of the constitutional guarantees is to prevent unreasonable invasions of the security of the people in their persons, houses, papers, and effects, and when an officer has reasonable cause to enter a dwelling to make an arrest and as an incident to that arrest is authorized to make a reasonable search, his entry and his search are not unreasonable. Suspects have no constitutional right to destroy or dispose of evidence, and no basic constitutional guarantees are violated because an officer succeeds in getting to a place where he is entitled to be more quickly than he would, had he complied with section 844. Moreover, since the demand and explanation requirements [374 US 40] of section 844 are a codification of the common law, they may reasonably be interpreted as limited by the common law rules that compliance is not required if the officer's peril would have been increased or the arrest frustrated had he demanded entrance and stated his purpose. (Read v. Case, 4 Conn. 166, 170 [10 Am. Dec. 110]; see Rest., Torts, § 206, com. d.) Without the benefit of hindsight and ordinarily on the spur of the moment, the officer must decide these questions in the first instance."

No such exigent circumstances as would authorize noncompliance with the California statute were argued in Miller, and the Court expressly refrained from discussing the question, citing the Maddox Case without disapproval. 357 US, at 309.[11] Here justification for the officers' failure to give notice is uniquely present. In addition to the officers' belief that Ker was in possession of narcotics, which could be quickly and easily destroyed, Ker's furtive conduct in eluding them shortly before the arrest was ground for the belief that he might well have been expecting the police.[12] We therefore hold that in the particular [374 US 41] circumstances of this case (Headnote 24) the officers' method of entry, sanctioned by the law of California, was not unreasonable under the standards of the Fourth Amendment as applied to the States through the Fourteenth Amendment.

IV

Having held the petitioners' arrests lawful, it remains only to consider whether the search which produced the evidence leading to their convictions was lawful as incident to those arrests. The doctrine that a search without warrant may be lawfully conducted (Headnote 25) if incident to a lawful arrest has long been recognized at consistent with the Fourth Amendment's protection against unreasonable searches and seizures. See Marron v. United States, 275 US 192, 72 L ed 231, 48 S Ct 74 (1927); Harris v. United States, 331 US 145, 91 L ed 1399, 67 S Ct 1098 (1947); Abel v. United States, 362 US 217, 4 L ed 2d 668, 80 S Ct 683 (1960); Kaplan, Search and Seizure; A No-Man's Land in the Criminal Law, 49 Cal L Rev 474, 490–493 (1961). The cases have imposed no requirement that the arrest be under authority of an arrest warrant, but only that it be lawful. See Marron v. United States, supra (275 US at 198, 199); United States v. Rabinowitz, supra (339 US at 61); cf. Agnello v. United States, 269 US 20, 30, 31, 70 L ed 145, 148, 46 S Ct 4, 51 ALR 409 (1925). The question remains whether the officers' action here exceeded the recognized bounds of an incidental search.

Petitioners contend that the search was unreasonable in that the officers could practicably have obtained a search warrant. The practicability of obtaining a warrant (Headnote 26, Headnote 27) is not the controlling factor when a search is sought to be justified as incident to arrest, United States v. Rabinowitz, 339 US 56, 94 L ed 653, 70 S Ct 430, supra; [374 US 42] but we need not rest the validity of the search here on Rabinowitz, since we agree with the California court that time clearly was of the essence. The officers' observations and their corroboration, which furnished probable cause for George Ker's arrest, occurred at about 9 p.m., approximately one hour before the time of arrest. The officers had reason to act quickly because of Ker's furtive conduct and the likelihood that the marijuana would be distributed or hidden before a warrant could be obtained at that time of night.[13] Thus the facts bear no resemblance to those in Trupiano v. United States, 334 US 699, 92 L ed 1663, 68 S Ct 1229 (1948), where federal agents for three weeks had been in possession of knowledge sufficient to secure a search warrant.

The search of the petitioners' apartment was well within the limits upheld in Harris v. United States (Headnote 28), 331 US 145, 91 L ed 1399, 67 S Ct 1098, supra, which also concerned a private apartment dwelling. The evidence here, unlike that in Harris, was the instrumentality of the very crime for which petitioners were arrested, and the record does not indicate that the search here was as extensive in time or in area as that upheld in Harris.

The petitioners' only remaining contention is that the discovery of the brick of marijuana cannot be justified as incidental to arrest since it preceded the arrest. This contention is of course contrary to George Ker's testimony, but we reject it in any event. While an arrest may not be used merely as the pretext for a search without warrant (Headnote 29), the California court specifically found and the record supports both that the officers entered the apartment for the purpose of arresting George Ker and that they had probable cause to make that arrest prior to the entry.[14] We cannot say that it was unreasonable for Officer Berman, upon seeing Diane Ker emerge from the kitchen, merely to walk to the doorway of that adjacent room. We thus agree with the California court's holding (Headnote 30) that the discovery of the brick of marijuana did not constitute a search, since the officer merely saw what was placed before him in full view. United States v Lee, 274 US 559, 71 L ed 1202, 47 S Ct 746 (1927); United States v Lefkowitz, 285 US 452, 465, 76 L ed 877, 882, 52 S Ct 420, 82 ALR 775 (1932); People v West, 144 Cal App 2d 214, 300 P2d 729 (1956). Therefore, while California law does not require that an arrest precede an incidental search as long as probable cause exists at the outset (Headnote 31), Willson v Superior Court of San Diego County 46 Cal 2d 291, 294 P2d 36 (1956), the California court did not rely on that rule and we need not reach the question of its status under the Federal Constitution.

V

The petitioners state and the record bears out that the officers searched Diane Ker's automobile on the day subsequent to her arrest.

The reasonableness of that search (Headnote 32, Headnote 33), however, was not raised in the petition for certiorari, nor was it discussed in the brief here. Ordinarily "[w]e do not reach for constitutional questions not raised by the parties," Mazer v Stein, 347 US 201, 206, 98 L ed 630, 636, 74 S Ct 460 note 5 (1954), nor extend our review beyond those specific federal questions [374 US 44] properly raised in the state court. The record gives no indication that the issue was raised in the trial court or in the District Court of Appeal, the latter court did not adjudicate it and we therefore find no reason to reach it on the record.[15]

For these reasons the judgment of the California District Court of Appeal is Affirmed.

ADDITIONAL SEPARATE OPINIONS

Mr. Justice Harlan, concurring in the result.

Heretofore there has been a well-established line of demarcation between the constitutional principles governing the standards for state searches and seizures and those controlling federal activity of this kind. Federal searches and seizures have been subject to the requirement of "reasonableness" contained in the Fourth Amendment, as that requirement has been elaborated over the years in federal litigation. State searches and seizures, on the other hand, have been judged, and in my view properly so, by the more flexible concept of "fundamental" fairness, or rights "basic to a free society," embraced in the Due Process Clause of the Fourteenth Amendment. [374 US 45] See Wolf v Colorado, 338 US 25, 27, 93 L ed 1782, 1785, 69 S Ct 1359; [16] cf. Rochin v California, 342 US 165, 96 L ed 183, 72 S Ct 205, 25 ALR2d 1396; Palko v Connecticut, 302 US 319, 82 L ed 288, 58 S Ct 149. Today this distinction in constitutional principle is abandoned. Henceforth state searches and seizures are to be judged by the same constitutional standards as apply in the federal system.

In my opinion this further extension of federal power over state criminal cases, cf. Fay v Noia, 372 US 391, 9 L ed 2d 837, 83 S

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Ct 822; Douglas v. California, 372 US 353, 9 L ed 2d 811, 83 S Ct 814; Drapery Washington, 372 US 487, 9 L ed 2d 899, 83 S Ct 774—all decided only a few weeks ago, is quite uncalled for and unwise. It is uncalled for because the States generally, and more particularly California, are increasingly evidencing concern about improving their own criminal procedures, as this Court itself has recently observed on more than one occasion (see Gideon v Wainwright, 372 US 335, 345, 9 L ed 2d 799, 806, 83 S Ct 792; ante, p. 736, and because the Fourteenth Amendment's requirements of fundamental fairness stand as a bulwark against serious local shortcomings in this field. The rule is unwise because the States, with their differing law enforcement problems, should not be put in a constitutional straitjacket and also because the States, more likely than not, will be placed in an atmosphere of uncertainty since this Court's decisions in the realm of search and seizure are hardly notable for their predictability. Cf Harris v United States, 331 US 145, 175–181, 91 L ed 2d 1399, 1419–1422 67 S Ct 1098 (Appendix to dissenting opinion of Mr. Justice Frankfurter). (The latter point is indeed forcefully illustrated by the fact that in the first application of its new constitutional rule the majority finds itself equally divided.) And if the Court is prepared to relax Fourth Amendment standards in order to avoid unduly fettering the States, this would be in [374 US 46] derogation of law enforcement standards in the federal system—unless the Fourth Amendment is to mean one thing for the States and something else for the Federal Government.

I can see no good coming from this constitutional adventure. In judging state searches and seizures I would continue to adhere to established Fourteenth Amendment concepts of fundamental fairness. So judging this case, I concur in the result.

Mr. Justice Brennan, with whom The Chief Justice, Mr. Justice Douglas and Mr. Justice Goldberg join.

I join Part I of Mr. Justice Clark's opinion and the holding therein that "as we said in Mapp . . . the Fourth Amendment 'is enforceable against . . . [the States] by the same sanction of exclusion as is used against the Federal Government,' by the application of the same constitutional standard prohibiting 'unreasonable searches and seizures.'" Only our Brother Harlan dissents from that holding; he would judge state searches and seizures "by the more flexible concept of 'fundamental' fairness, of rights 'basic to a free society,' embraced in the Due Process Clause of the Fourteenth Amendment."

However, Mr. Justice Clark, Mr. Justice Black, Mr. Justice Stewart and Mr. Justice White do not believe that the federal requirement of reasonableness contained in the Fourth Amendment was violated in this case. The Chief Justice, Mr. Justice Douglas, Mr. Justice Goldberg and I have the contrary view. For even on the premise that there was probable cause by federal standards for the arrest of George Ker, the arrests of these petitioners were nevertheless illegal, because the unannounced intrusion of the arresting officers into their apartment violated the Fourth Amendment. Since the (374 US 47) arrests were illegal, Mapp v Ohio, 367 US 643, 6 L ed 2d 1081, 81 S Ct 1684, 84 ALR2d 933, requires the exclusion of the evidence which was the product of the search incident to those arrests.

Even if probable cause exists for the arrest of a person within, the Fourth Amendment (Headnote 35) is violated by an unannounced police intrusion into a private home, with or without an arrest warrant, except (1) where the persons within already know of the officers' authority and purpose, or (2) where the officers are justified in the belief that persons within are in imminent peril of bodily harm, or (3) where those within, made aware of the presence of someone outside (because, for example, there has been a knock at the door), are then engaged in activity which justifies the officers in the belief that an escape or the destruction of evidence is being attempted.

It was firmly established long before the adoption of the Bill of Rights that the fundamental liberty of the individual includes protection against unannounced police entries. "[T]he Fourth Amendment did not embody a principle of English liberty, a principle old, yet newly won, that finds another expression in the maxim 'every man's home is his castle.'" Fraenkel, Concerning Searches and Seizures, 34 Harv L Rev 361, 365 (1921); Frank v Maryland, 359 US 360, 376–382, 3 L ed 2d 877, 887–891, 79 S Ct 804 (dissenting opinion). As early as Semayne's Case, 5 Co Rep 91a, 91b, 77 Eng Rep 194, 195 (1603), it was declared that "[i]n all cases when the King is party, the sheriff (if the doors be not open) may break the party's house, either to arrest him, or to do other execution of the K[ing]'s process, if otherwise he cannot enter. *But before he breaks it, he ought to signify the cause of his coming, and to make request to open doors . . . .*" (Emphasis supplied.) Over a century later the leading commentators upon the English criminal law affirmed the continuing vitality of [374 US 48] that principle. 1 Hale, Pleas of the Crown (1736), 583; see also 2 Hawkins, Pleas of the Crown (6th ed 1787), c. 14, § 1; Foster, Crown Law (1762), 320–321.[17] Perhaps its most emphatic confirmation was supplied only 35 years before the ratification of the Bill of Rights. In Curtis' Case, Fost, 135, 168 Eng Rep 67, decided in 1756, the defendant, on trial for the murder of a Crown officer who was attempting an entry to serve an arrest warrant, pleaded that because the officer had failed adequately to announce himself and his mission before breaking the doors, forceful resistance to his entry was justified and the killing was therefore justifiable homicide. In recognizing the defense the court repeated the principle that "peace-officers, having a legal warrant to arrest for a breach of the peace, may break open doors, *after having demanded admittance and given due notice of their warrant*"; the court continued that "no precise form of words is required in a case of this kind" because "[i]t is sufficient that the party hath notice, that the officer cometh not as a mere trespasser, but claiming to act under a proper authority . . . ." Fost., at 136–137, 168 Eng Rep, at 68. (Emphasis supplied.) The principle was again confirmed not long after the Fourth Amendment became part of our Constitution. Abbott, C. J., said in Launock v Brown, 2 B & Ald 592, 593–594, 106 Eng Rep 482, 483 (1819):

"... I am clearly of opinion that, in the case of a misdemeanour, such previous demand is requisite. . . . It is reasonable that the law should be so; for if no [374 US 49] previous demand is made, how is it possible for a party to know what the object of the person breaking open the door may be? He has a right to consider it as an aggression on his private property, which he will be justified in resisting to the utmost." [18]

The protections of individual freedom carried into the Fourth Amendment, Boyd v. United States, 116 US 616, 630, 20 L ed 746, 751, 6 S Ct 524, undoubtedly included this firmly established requirement of an announcement by police officers of purpose and authority before breaking into an individual's home. The requirement is no mere procedural nicety or formality attendant upon the service of a warrant. Decisions in both the federal and state courts have recognized, as did the English courts, that the requirement is of the essence of the substantive protections which safeguard individual liberty.[19] The Court of Appeals for the District of Columbia Circuit has said: ". . . there is no division of opinion among the learned authors . . . that even where an officer may [374 US 50] have power to break open a door without a warrant, he cannot lawfully do so unless he first notifies the occupants as to the purpose of his demand for entry." Accarino v United States, 85 App DC 394, 400, 179 F2d 456, 462.

Similarly, the Supreme Judicial Court of Massachusetts declared in 1852:

"The maxim of law that every man's house is his castle . . . has not the effect to restrain an officer of the law from breaking and entering a dwelling-house for the purpose of serving a criminal process upon the occupant. In such case the house of the party is no sanctuary for him, and the same may be forcibly entered by such officer after a proper notification of the purpose of the entry, and a demand upon the inmates to open the house, and a refusal by them to do so." Barnard v Bartlett, 64 Mass (10 Cush) 501, 502, 503; cf. State v Smith, 1 NH 346.

Courts of the frontier States also enforced the requirement. For example, Tennessee's high court recognized that a police officer might break ino a home to serve an arrest warrant only "after demand for admittance and notice of his purpose," McCaslin v. McCord, 116 Tenn. 690, 708, 94 SW 79, 83; cf. Hawkins v. Commonwealth, 53 Ky (14 B Mon) 395. Indeed, a majority of the States have encated the requirement in statutes substanially similiar to California Penal Code § 844 and the federal statute, 18 USC § 3109. [20]

[374 US 511] Moreover, in addition to carrying forward the protections already afforded by English law, the Framers also meant by the Fourth Amendment to eliminate once and for all the odious practice of searches under general warrants and writs of assistance against which English law had generally left them helpless. The colonial experience under the writs was unmistakably "fresh in the memories of those who achieved our indepedence and established our form of government." [21] Boyd v. United States, supra (166 US at 625). The problem of entry under a general warrant was not, of course, exactly that of unannounced intrusion to arrest with a warrant or upon probable cause, but the two practices clearly invited common abuses. One of the grounds of James Otis' eloquent indictment of the writs bears repetition here: "Now one of the most essential branches of English liberty is the freedom of one's house. A man's house is his castle; and whilst he is *[374 US 52] quiet, he is as well *guarded as a prince in his castle. This writ, if it should be declared legal, would totally annihilate this privilege. Custom-house officers may enter our houses when they please; we are commanded to permit their entry. Their menial servants may enter, may break locks, bars, and everything in their way: and whether they break through malice or revenge, no man, no court, can inquire. Bare suspicion without oath is sufficient." Tudor, Life of James Otis (1823), 66–67.

Similar, if not the same, dangers to individual liberty are involved in unannounced intrusions of the police into the homes of citizens. Indeed in two respects such intrusions are even more offensive to the sanctity and privacy of the home. In the first place service of the general warrants and writs of assistance was usually preceded at least by some form of notice or demand for admission. In the second place the writs of assistance by their very terms might be served only during daylight hours.[22] By significant contrast, the unannounced entry of the Ker apartment occurred after dark, and such timing appears to be common police practice, at least in California.[23]

[1374 US 53] It is much too late in the day to deny that a lawful entry is as essential to vindication of the protections of the Fourth Amendment as, for example, probable cause to arrest or a search warrant for a search not incidental to an arrest. This Court settled in Gouled v United States

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(Headnote 36), 255 US 298, 305, 306, 65 L ed 647, 651, 41 S Ct 261, that a lawful entry is the indispensable predicate of a reasonable search. We held there that a search would violate the Fourth Amendment if the entry were illegal whether accomplished "by force or by an illegal threat or show of force" or "obtained by stealth instead of by force or coercion." Similarly, rigid restrictions upon unannounced entries are essential if the Fourth Amendment's prohibition against invasion of the security and privacy of the home is to have any meaning.

It is true, of course, that the only decision of this Court which forbids federal officers to arrest and search after an unannounced entry, Miller v United States, 357 US 301, 2 L ed 2d 1332, 78 S Ct 1190, did not rest upon constitutional doctrine but rather upon an exercise of this Court's supervisory powers. But that disposition in no way implied that the same result was not compelled by the Fourth Amendment. Miller is simply an instance of the usual practice of the Court (Headnote 37), not to decide constitutional questions when a nonconstitutional basis for decision is available. See International Asso. of Machinists v Street, 367 US 740, 749, 750, 6 L ed 2d 1141, 1149, 1150, 81 S Ct 1784. The result there drew upon analogy to a federal statute, similar in its terms to § 844, with which the federal officers concededly had not complied in entering to make an arrest. Nothing we said in Miller so much as intimated that, without such a basis for decision, the Fourth Amendment would not have required the same result. The implication, indeed, is quite to the contrary. For the history adduced in Miller in support of the nonconstitutional ground persuasively demonstrates that the Fourth Amendment's protections include the security of the householder against unannounced invasions by the police.

II

[374 US 54] The command of the Fourth Amendment reflects the lesson of history that "the breaking an outer door is, in general, so violent, obnoxious and dangerous a proceeding, that it should be adopted only in extreme cases, where an immediate arrest is requisite." 1 Burn, Justice of the Peace (28th ed 1837), 275–276.

I have found no English decision which clearly recognizes any exception to the requirement that the police first give notice of their authority and purpose before forcibly entering a home. Exceptions were early sanctioned in American cases, e.g., Read v Case, 4 Conn 166, but these were rigidly and narrowly confined to situations not within the reason and spirit of the general requirement. Specifically, exceptional circumstances have been thought to exist only when, as one element, the facts surrounding the particular entry support a finding that those within actually knew or must have known of the officer's presence and purpose to seek admission. Cf. Miller v. United States, supra (357 US at 311–313). For example, the earliest exception seems to have been that "[i]n the case of an escape after arrest, the officer, on fresh pursuit of the offender to a house in which he takes refuge, may break the door to recapture him, in the case of felony, without a warrant, and without notice or demand for admission to the house of the offender." [24] Wilgus, Arrest Without a [374 US 55] Warrant, 22 Mich L Rev 541, 798, 804 (1924). The rationale of such an exception is clear, and serves to underscore the consistency and the purpose of the general requirement of notice: Where such circumstances as an escape and hot pursuit by the arresting officer leave no doubt that the fleeing felon is aware of the officer's presence and purpose, pausing at the threshold to make the ordinarily requisite announcement and demand would be a superfluous act which the law does not require.[25] But no exceptions have heretofore permitted unannounced entries in the absence of such awareness on the part of the occupants—unless possibly where the officers are justified in the belief that someone within is in immediate danger of bodily harm.

Two reasons rooted in the Constitution clearly compel the courts to refuse to recognize exceptions in other situations [374 US 56] when there is no showing that those within were or had been made aware of the officers' presence. The first is that any exception not requiring a showing of such awareness necessarily implies a rejection of the inviolable presumption of innocence. The excuse for failing to knock or announce the officer's mission where the occupants are oblivious to his presence can only be an almost automatic assumption that the suspect within will resist the officer's attempt to enter peacefully, or will frustrate the arrest by an attempt to escape, or will attempt to destroy whatever possibly incriminating evidence he may have. Such assumptions do obvious violence to the presumption of innocence. Indeed, the violence is compounded by another assumption, also necessarily involved, that a suspect to whom the officer first makes known his presence will further violate the law. It need hardly be said that not every suspect is in fact guilty of the offense of which he is suspected, and that not everyone who is in fact guilty will forcibly resist arrest or attempt to escape or destroy evidence.[26]

[374 US 57] The second reason is that in the absence of a showing of awareness by the occupants of the officers' presence and purpose, "loud noises" or "running" within would amount, ordinarily, at least, only to ambiguous conduct. Our decisions in related contexts have held that ambigious conduct cannot form the basis for a belief of the officers that an escape or the destruction of evidence is being attempted. Wong Sun v. United States, 371 US 471, 483, 484, 9 L ed 2d 441, 452, 453, 83 S Ct 407; Miller v United States, supra (357 US at 311).

Beyond these constitutional considerations, practical hazards of law enforcement militate strongly against any relaxation of the requirement of awareness. First, cases of mistaken identity are surely not novel in the investigation of crime. The possibility is very real that the police may be misinformed as to the name or address of a suspect, or as to other material information. That possibility is itself a good reason for holding a tight rein against judicial approval of unannounced police entries into private homes. Innocent citizens should not suffer the shock, fright or embarrassment attendant upon an unannounced police intrusion.[27] Second, the requirement [374 U.S. 58] of awareness also serves to minimize the hazards of the officers' dangerous calling. We expressly recognized in Miller v United States, supra (357 U.S. at 313, note 12), that compliance with the federal notice statute "is also a safeguard for the police themselves who might be mistaken for prowlers and be shot down by a fearful householder." [28] Indeed, one of the principal objectives of the English requirement of announcement of authority and purpose was to protect the arresting officers from being shot as trespassers, ". . . for if no previous demand is made, how is it possible for a party to know what the object of the person breaking open the door may be? He has a right to consider it as an aggression on his private property, which he will be justified in resisting to the utmost." Launock v Brown, 2 B & Ald 592, 594, 106 Eng Rep 482, 483 (1819).

These compelling considerations underlie the constitutional barrier against recognition of exceptions not predicated on knowledge or awareness of the officers' presence. State and federal officers have the common obligation to respect this basic constitutional limitation upon their police activities. I reject the contention that the courts, in enforcing such respect on the part of all officers, state or federal, create serious obstacles to effective law enforcement. Federal officers have operated for five years under [374 U.S. 59] the Miller rule with no discernible impairment of their ability to make effective arrests and obtain important narcotics convictions. Even if it were true that state and city police are generally less experienced or less resourceful than their federal counterparts (and the experience of the very police force involved in this case, under California's general exclusionary rule adopted judicially in 1955, goes very far toward refuting any such suggestion,[29] see Elkins v. United States, 364 U.S. 206, 220, 221, 4 L ed 2d 1669, 1679, 80 S Ct 1437), the Fourth Amendment's protections against unlawful search and seizure do not contract or expand depending upon the relative experience and resourcefulness of different groups of law-enforcement officers. When we declared in Mapp that, because the rights of the Fourth Amendment were of no lesser dignity than those of the other liberties of the Bill of Rights absorbed in the Fourteenth, ". . . we can no longer permit . . . [them] to be revocable at the whim of any police officer who, in the name of law enforcement itself, chooses to suspend [their] . . . enjoyment," 367 U.S., at 660—I thought by these words we had laid to rest the very problems of constitutional dissonance which I fear the present case so soon revives.[30]

III

[374 US 60] I turn now to my reasons for believing that the arrests of these petitioners were illegal. My Brother Clark apparently recognizes that the element of the Kers' prior awareness of the officers' presence was essential, or at least highly revelant, to the validity of the officers' unannounced entry into the Ker apartment, for he says, "Ker's furtive conduct in eluding them shortly before the arrest was ground for the belief that he *might well have been* expecting the police." (Emphasis supplied.) But the test under the "fresh pursuit" exception which my Brother Clark apparently seeks to invoke depends not, of course, upon mere conjecture whether those within "might well have been" expecting the police, but upon whether there is evidence which shows that the occupants were in fact aware that the police were about to visit them. That the Kers were wholly oblivious to the officers' presence is the only possible inference on the uncontradicted facts; the "fresh pursuit" exception is therefore clearly unavailable. When the officers let themselves in with the passkey, "proceeding quietly," as my Brother Clark says, George Ker was sitting in his living room reading a newspaper, and his wife was busy in the kitchen. The marijuana, moreover, was in full view on the top of the kitchen sink. More convincing evidence of the complete unawareness of an imminent police visit can hardly be imagined. Indeed, even the conjecture that the Kers "might well have been expecting the police" has no support in the record. That conjecture is made to rest entirely upon the unexplained U-turn made by Ker's car when the officers lost him after the rendezvous at the oil fields. But surely the U-turn must be disregarded as wholly ambiguous conduct; there is absolutely no proof that the driver of the Ker car knew that the officers were [374 US 61] following it. Cf. Miller v. United States, supra (357 US at 311); Wong Sun v. United States, supra (371 US at 483, 484).

My Brother Clark invokes chiefly, however, the exception allowing an unannounced entry when officers have reason to believe that someone within is attempting to destroy evidence. But the minimal conditions for the application of that exception are not present in this case. On the uncontradicted record, not only were the Kers completely

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Footnotes at end of article.

unaware of the officers' presence, but, again on the uncontradicted record, there was absolutely no activity within the apartment to justify the officers in the belief that anyone within was attempting to destroy evidence. Plainly enough, the Kers left the marijuana in full view on the top of the sink because they were wholly oblivious that the police were on their trail. My Brother Clark recognizes that there is no evidence whatever of activity in the apartment, and is thus forced to find the requisite support for this element of the exception in the officers' testimony that, in their experience in the investigation of narcotics violations, other narcotics suspects had responded to police announcements by attempting to destroy evidence. Clearly such a basis for the exception fails to meet the requirements of the Fourth Amendment; if police experience in pursuing other narcotics suspects justified an unannounced police intrusion into a home the Fourth Amendment would afford no protection at all.

The recognition of exceptions to great principles always creates, of course, the hazard that the exceptions will devour the rule. If mere police experience that some offenders have attempted to destroy contraband justifies unannounced entry in any case, and cures the total absence of evidence not only of awareness of the officers' presence but even of such an attempt in the particular case, I perceive no logical basis for distinguishing unannounced police entries into homes to make [374 US 62] arrests for any crime involving evidence of a kind which police experience indicates might be quickly destroyed or jettisoned. Moreover, if such experience, without more, completely excuses the failure of arresting officers before entry, at any hour of the day or night, either to announce their purpose at the threshold or to ascertain that the occupant already knows of their presence, then there is likewise no logical ground for distinguishing between the stealthy manner in which the entry in this case was effected, and the more violent manner usually associated with totalitarian police of breaking down the door or smashing the lock.[31]

My Brother Clark correctly states that only when state law "is not violative of the Federal Constitution" may we defer to state law in gauging the validity of an arrest under the Fourth Amendment. Since the California [374 US 63] law of arrest here called in question patently violates the Fourth Amendment, that law cannot constitutionally provide the basis for affirming these convictions. This is not a case of conflicting testimony pro and con the existence of the elements requisite for finding a basis for the application of the exception. I agree that we should ordinarily be constrained to accept the state fact-finder's resolution of such factual conflicts. Here, however, the facts are uncontradicted: the Kers were completely oblivious of the presence of the officers and were engaged in no activity of any kind indicating that they were attempting to destroy narcotics. Our duty then is only to decide whether the officers' testimony—that in their general experience narcotics suspects destroy evidence when forewarned of the officers' presence—satisfies the constitutional test for application of the exception. Manifestly we should hold that such testimony does not satisfy the constitutional test. The subjective judgment of the police officers cannot constitutionally be a substitute for what has always been considered a necessarily objective inquiry,[32] namely, whether circumstances exist in the *particular* case which allow an unannounced police entry.[33]

[374 US 64] We have no occasion here to decide how many of the situations in which, by the exercise of our supervisory power over the conduct of federal officers, we would exclude evidence, are also situations which would require the exclusion of evidence from state criminal proceedings under the constitutional principles extended to the States by Mapp. But where the conduct effecting an arrest so clearly transgresses those rights guaranteed by the Fourth Amendment as does the conduct which brought about the arrest of these petitioners, we would surely reverse the judgment if this were a federal prosecution involving federal officers. Since our decision in Mapp has made the guarantees of the Fourteenth Amendment coextensive with those of the Fourth we should pronounce precisely the same judgment upon the conduct of these state officers.

ANNOTATION REFERENCES

1. As to the rules governing, prior to the Mapp Case, the admissibility of evidence obtained by illegal search, see 24 ALR 1408, 32 ALR 408, 41 ALR 1145, 52 ALR 477, 88 ALR 348, 134 ALR 819, 150 ALR 566, 50 ALR2d 531. See also 93 L ed 1797, 96 L ed 145, 98 L ed 581, 100 L ed 239, 6 L ed 2d 1544 (dealing with United States Supreme Court cases in point). For the law developed on the same subject in and after the Mapp Case, see 84 ALR2d 959.

2. Federal constitution as a limitation upon the powers of the states in respect of search and seizure. 19 ALR 644.

3. Right of search and seizure incident to lawful arrest without a search warrant, 32 ALR 680, 51 ALR 424, 74 ALR 1387, 82 ALR 782. See 4 L ed 2d 1982 (collecting Supreme Court cases in point).

4. What constitutes "probable cause" or "reasonable grounds" justifying arrest of narcotics suspect without warrant. 3 L ed 2d 1736.

FOOTNOTES

[1] This contention was initially raised prior to the trial. Section 995, California Penal Code, provides for a motion to set aside the information on the ground that the defendant has been committed without probable cause. Evidence on that issue was presented out of the presence of the jury, and, following the court's denial of the motion, the petitioners were tried and convicted by the jury.

[2] During the hearing on the § 995 motion, see note 1, supra, Black testified for the defense, admitting that he knew the petitioners but denying that he gave Officer Berman information about George Ker. Black first denied but then admitted that he had met with Officer Berman and another Officer in whose presence Berman said the information about Ker was given.

[3] Arresting Officers Berman and Warthen had been attached to the narcotics detail of the Los Angeles County Sheriff's office for three and four years, respectively. Each had participated in hundreds of arrests involving marijuana. Warthen testified that on "many, many occasions" in his experience with narcotics arrests "persons have flushed narcotics down toilets, pushed them down drains and sinks and many other methods of getting rid of them prior to my entrance. . . ."

[4] For the reasons discussed in § V of this opinion, we find that the validity of the search of the automobile is not before us and we therefore do not pass on it.

[5] "The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no Warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized."

[6] "No person . . . shall be compelled in any criminal case to be a witness against himself . . . ."

[7] Our holding as to enforceability of this federal constitutional rule against the States had its source in the following declaration in Wolf v Colorado, 338 U.S. 25, 27, 28, 93 L ed 1782, 1785, 69 S Ct 1359 (1949):

"The security of one's privacy against arbitrary intrusion by the police—which is at the core of the Fourth Amendment—is . . . implicit in 'the concept of ordered liberty' and as such enforceable against the States through the Due Process Clause."

† Editor's Note: As stated on p. 732, supra, Parts II–V hereof represent the separate opinion of Clark, Black, Stewart, and White, JJ.

[8] In Draper the arrest upon probable cause was authorized under 26 USC § 7607, authorizing narcotics agents to make an arrest without warrant if they have "reasonable grounds to believe that the person to be arrested has committed or is committing such violation." Under § 836, California Penal Code, an officer may arrest without a warrant if he has "reasonable cause to believe that the person to be arrested has committed a felony . . . ."

[9] "To make an arrest, . . . in all cases a peace officer, may break open the door or window of the house in which the person to be arrested is, or in which . . . [he has] reasonable grounds for believing him to be, after having demanded admittance and explained the purpose for which admittance is desired."

[10] "The officer may break open any outer or inner door or window of a house, or any part of a house, or anything therein, to execute a search warrant, if, after notice of his authority and purpose, he is refused admittance or when necessary to liberate himself or a person aiding him in the execution of the warrant."

[11] Nor has the Court rejected the proposition that noncompliance may be reasonable in exigent circumstances subsequent to Miller. In Wong Sun v United States, 371 US 471, 9 L ed 2d 441, 83 S Ct 407 (1963), the Court held that federal officers had not complied with § 3109 in executing an arrest. There the Court noted that in Miller it had reserved the question of an exception in exigent circumstances and stated that "[h]ere, as in Miller, the Government claims no extraordinary circumstances—such as the imminent destruction of vital evidence, or the need to rescue a victim in peril— . . . which excused the officer's failure truthfully to state his mission before he broke in." Id. 371 US at 483, 484.

[12] A search of the record with the aid of hindsight may lend some support to the conclusion that, contra (Headnote 22) the reasonable belief of the (Headnote 23) officers, petitioners may not have been prepared for an imminent visit from the police. It goes without saying that in determining the lawfulness of entry and the existence of probable cause we may concern ourselves only with what the officers had reason to believe *at the time of their entry*. Johnson v United States, 333 US 10, 17, 92 L ed 436, 442, 68 S Ct 367 (1948). As the Court said in United States v Di Re, 332 US 581, 595, 92 L ed 210, 220, 68 S Ct 222 (1948), "a search is not to be made legal by what it turns up. In law it is good *or bad* when it starts and does not change character from" what is dug up subsequently. (Emphasis added.)

[13] In cases in which a search could not be regarded as incident to arrest because the petitioner was not present at the time of the entry and search, the absence of compelling circumstances, such as the threat of destruction of evidence, supported the Court's holdings that searches without warrants were unconstitutional. See Chapman v. United States, 365 US 610, 615, 5 L Ed 2d 828, 832, 81 S Ct 776 (1961); United States v Jeffers, 342 US 48, 52, 96 L ed 59, 64, 72 S Ct 93 (1951); Taylor v United States, 286 US 1, 5, 76 L ed 951, 953, 52 S Ct 466 (1932).

[14] Compare Johnson v United States, note 12, supra (333 US at 40). There the Court held that a search could not be justified as

incident to arrest since the officers, prior to their entry into a hotel room, had no probable cause for the arrest of the occupant. The Court stated that "[a]n officer gaining access to private living quarters under color of his office and of the law which he personifies must then have some valid basis in law for the intrusion." Here, of course, probable cause for the arrest of petitioner George Ker provided that valid basis.

[15] The record shows that petitioners made no objection to the admission of any of the evidence, thus failing to observe a state procedural requirement, People v Brittain, 149 Cal App 2d 201, 308 P2d 38 (1957); see Mapp v Ohio, supra (367 US at 659, note 9). However, the District Court of Appeal passed on the issue of the narcotics seized in the apartment, presumably on the ground that petitioners preserved that question by their motion under § 905, California Penal Code, which was directed toward the principal objection to that search—the alleged lack of probable cause. While "[t]here can be no question as to the proper (Headnote 34) presentation of a federal claim when the highest state court passes on it," Raley v Ohio, 360 US 423, 436, 3 L ed 2d 1344, 1354, 79 S Ct 1257 (1959), there is no indication in the court's opinion that it passed on the issue of the search of the automobile, nor is there any indication in the petitioners' briefs in that court that the issue was presented.

[16] Mapp v Ohio, 367 US 643, 6 L ed 2d 1081, 81 S Ct 1684, 84 ALR2d 933, did not purport to change the standards by which state searches and seizures were to be judged; rather it held only that the "exclusionary" rule of Weeks v United States, 232 US 383, 58 L ed 652, 34 S Ct 341, LRA1915B 834, was applicable to the States.

[17] Hale's view was representative: "A man, that arrests upon suspicion of felony, may break open doors, if the party refuse upon demand to open them. . . ." 1 Hale, Pleas of the Crown (1736), 583. See generally Miller v United States, 357 US 301, 306–310, 2 L ed 2d 1332, 1336–1338, 78 S Ct 1190; Accarino v United States, 85 App DC 394, 398–402, 179 F2d 456, 460–464; Thomas, The Execution of Warrants of Arrest, [1962] Crim L Rev 520, 597, 601–604.

[18] Compare also the statement of Bayley, J., in Burdett v Abbot, 14 East 1, 162–163, 104 Eng Rep 501, 563 (1811):

"Now in every breach of the peace the public are considered as interested, and the execution of process against the offender is the assertion of a public right: and in all such cases, I apprehend that the officer has a right to break open the outer door, provided there is a request of admission first made for the purpose, and a denial of the parties who are within."

See also Ratcliffe v Burton, 3 Bos & Pul 223, 127 Eng Rep 123 (1802); Kerbey v Denby, 1 M & W 336, 150 Eng Rep 463 (1836); cf. Park v Evans, Hob 62, 80 Eng Rep 211; Penton v Brown, 1 Keble 698, 83 Eng Rep 1193; Percival v Stamp, 9 Ex 167, 156 Eng Rep 71 (1853).

[19] See generally Gatewood v United States, 93 App DC 226, 229, 209 F2d 789, 791; 1 Bishop, New Criminal Procedure (2d ed 1913), § 201; 1 Varon, Searches, Seizures and Immunities (1961), 399–401; Day and Berkman, Search and Seizure and the Exclusionary Rule: A Re-Examination in the Wake of Mapp v Ohio, 13 West Res L Rev 56, 79–80 (1961).

[20] Ala Code, Tit 15 § 155; Ariz Rev Stat Ann § 13–1411; Deering's Cal Penal Code § 844; Fla Stat Ann § 901.19(1); Idaho Code § 19–611; Burns' Ind Ann Stat § 9–1009; Iowa Code Ann § 755.9; Kan Gen Stat § 62–1819; Ky Rev Stat § 70.078; Dart's La Crim Code, Art 72; Mich Stat Ann § 28.880; Minn Stat Ann § 629.34; Miss Code § 2471; Mo Rev Stat § 544.200; Mont Rev Code § 94–6011; Neb Rev Stat § 29–411; Nev Rev Stat § 171.275; McKinney's NY Crim Code § 178; NC Gen Stat § 15–44; Page's Ohio Rev Code Ann § 2935.15; Okla Stat Ann, Tit 22, § 194; Ore Rev Stat § 133.320; SC Code § 53–198; SD Code § 34.1606; Tenn Code Ann § 40–807; Utah Code Ann 77–13–12; Wash Rev Code § 10.31.040; Wyo Comp Stat § 10–309.

Compare Code of Crim Proc, American Law Institute, Official Draft (1930), § 28:

"*Right of Officer to break into building.* An officer, in order to make an arrest either by virtue of a warrant, or when authorized to make such arrest for a felony without a warrant, as provided in section 21, may break open a door or window of any building in which the person to be arrested is or is reasonably believed to be, if he is refused admittance after he has announced his authority and purpose."

[21] See also Henry v United States, 361 US 98, 100, 101, 4 L ed 2d 134, 137, 138, 80 S Ct 168; Lasson, The History and Development of the Fourth Amendment to the United States Constitution (1937), c. II; Barrett, Personal Rights, Property Rights, and the Fourth Amendment, 1960 Supreme Court Review 46, 70–71; Comment, Search and Seizure in the Supreme Court: Shadows on the Fourth Amendment, 28 U of Chi L Rev 664, 678–679 (1961). Compare East-India Co v Skinner, Comb 342, 90 Eng Rep 516.

[22] Lasson, The History and Development of the Fourth Amendment to the United States Constitution (1937), 54.

[23] In these two respects, the practice of unannounced police entries by night is also considerably more offensive to the rights protected by the Fourth Amendment than the use of health-inspection and other administrative powers of entry, concerning the constitutionality of which this Court has divided sharply, Frank 1. Maryland, 359 US 360, 3 L ed 2d 877, 79 S Ct 804, supra; Ohio et rel. Eaton v. Price, 364 US 263, 4 L ed 2d 1708, 80 S Ct 1463. Since my Brother Clark does not rely upon either of those decisions, I have no occasion to discuss further the applicability of either to the case at bar. For further consideration of problems raised by those cases, see generally, Waters, Rights of Entry in Administrative Officers, 27 U of Chi L Rev 79 (1959); Comment, State Health Inspections and "Unreasonable Search": The Frank Exclusion of Civil Searches, 44 Minn L Rev 513 (1960).

[24] It is not clear whether the English law ever recognized such an exception to the requirement of notice or awareness. See, e.g., Genner v Sparks, 6 Mod 173, 87 Eng Rep 928. It is stated in an English annotator's note to Semayne's Case, supra, that "if a man being legally arrested, escapeth from the officer, and taketh shelter though in his own house, the officer may upon fresh suit break open doors in order to retake him, having first given due notice of his business and demanded admission, and been refused." 77 Eng Rep, at 196. The views of other commentators are ambiguous on this point. See, e. g., 2 Hawkins, Pleas of the Crown (6th ed 1787), c. 14, § 8. Blackstone's view was that "in case of felony *actually* committed, or a dangerous wounding, whereby felony is like to ensue . . . [a constable] may upon probable suspicion arrest the felon; and for that purpose is authorized (as upon a justice's warrant) to break open doors, and even to kill the felon if he cannot otherwise be taken . . . ." 4 Commentaries 292.

[25] See Professor Wilgus' comment: "Before doors are broken, there must be a necessity for so doing, and notice of the authority and purpose to make the arrest must be given and a demand and refusal of admission must be made, *unless this is already understood, or the peril would be increased.*" Wilgus Arrest Without a Warrant, 22 Mich L Rev 541, 798, 802 (1924). (Emphasis supplied.) Cf. Accarina v United States, 85 App DC 394, 398–402, 179 F2d 456, 460–464.

Compare Lord Mansfield's statement, in 1774, of the rationale for the requirement of announcement and demand for admission: "The ground of it is this; that otherwise the consequences would be fatal: for it would leave the family within, naked and exposed to thieves and robbers. It is much better therefore, says the law, that you should wait for another opportunity, than do an act of violence, which may probably be attended with such dangerous consequences." Lee v Gansel, 1 Cowp 1, 6–7, 98 Eng Rep 935, 938.

[26] The comment of Rooke, J., in Ratcliffe v Burton, 3 Bos & Pul 223, 230, 127 Eng Rep 123, 127 (1802), is relevant here: "What a privilege will be allowed to sheriffs' officers if they are permitted to effect their search by violence, without making that demand which possibly will be complied with, and consequently violence be rendered unnecessary!" This view of the requirement of notice or awarenes has its parallel in the historic English requirement that an arresting officer must give notice of his authority and purpose to one whom he is about to arrest. In the absence of such notice, unless the person being arrested already knew of the officer's authority and mission, he was justified in resisting by force, and might not be charged with an additional crime if injury to the officer resulted. The origin of this doctrine appears to be Mackalley's Case, 9 Co Rep 65b, 69a, 77 Eng Rep 828, 835. See also Rex v George, [1935] 2 DLR 516 (BC Ct App); Regina v Beaudette, 118 Can Crim Cases 295 (Ont Ct App). Compare, e. g., People v. Potter, 144 Cal App. 2d 350, 300 P2d 889, in which noncompliance with § 844 was excused because the defendant was known to have been convicted of three previous robberies and was suspected of a fourth—thought in fact, upon entering his hotel room unannounced and by means of a key obtained from the manager, the officers found the defendant in bed, with the lights off, and unarmed. The entry occurred after midnight.

[27] The importance of this consideration was aptly expressed long ago by Heath, J., in Ratcliffe v Burton, 3 Bos & Pul 223, 230, 127 Eng Rep 123, 126–127 (1802):

"The law of England, which is founded on reason, never authorises such outrageous acts as the breaking open every door and lock in a man's house without any declaration of the authority under which it is done. Such conduct must tend to create fear and dismay, and breaches of the peace by provoking resistance. This doctrine would not only be attended with great mischief to the persons against whom process is issued, but to other persons also, since it must equally hold good in cases of process upon escape, where the party has taken refuge in the house of a stranger. Shall it be said that in such case the officer may break open the outer door of a stranger's house without declaring the authority under which he acts, or making any demand of admittance? No entry from the books of pleading has been cited in support of this justification, and Semayne's case is a direct authority against it."

[28] See also McDonald v United States, 335 US 451, 460, 461, 93 L ed 153, 160, 161, 69 Ct 191 (concurring opinion) for Mr. Justice Jackson's comment: "Many homeowners in this crime-beset city doubtless are armed. When a woman sees a strange man, in plain clothes, prying up her bedroom window and climbing in, her natural impulse would be to shoot."

[29] See, e.g., Kamisar, Public Safety v Individual Liberties: Some "Facts" and "Theories," 53 J Crim L, Criminology and Police Science 171, 188–190 (1962); Rogge, Book Review, 76 Harv L Rev 1516, 1522–1523 (1963).

[30] Compare Justice Traynor's recent comment:

"Nevertheless the United States Supreme Court still confronts a special new responsibility of its own. Sooner or later it must establish ground rules of unreasonableness

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to counter whatever local pressures there might be to spare the evidence that would spoil the exclusionary rule. Its responsibility thus to exercise a restraining influence looms as a heavy one. It is no mean task to formulate far-sighted constitutional standards of what is unreasonable that lend themselves readily to nation-wide application." Traynor, Mapp v Ohio at Large in the Fifty States, 1962 Duke LJ 319, 328.

[31] The problems raised by this case are certainly not novel in the history of law enforcement. One of the very earliest cases in this field, decided more than three centuries ago, involved facts strikingly similar to those of the instant case. The case of Waterhouse v Saltmarsh, Hob 263, 80 Eng Rep 409, arose out of the service by a sheriff and several bailiffs of execution upon a bankrupt. These officers, having entered the outer door of the house by means not described, "ran up to the chamber, where the plaintiff and his wife were in bed and the doors lockt, and knocking a little, without telling what they were, or wherefore they came, brake open the door and took him . . ." The sheriff was fined the substantial sum of £200—for what the court later described in a collateral proceeding as "the unnecessary outrage and terror of this arrest, and for not signifying that he was sheriff, that the door might have been opened without violence . . ." Hob, at 264, 80 Eng Rep, at 409. Compare another early case involving similar problems, Park v. Evans, Hob 62, 80 Eng Rep. 211, in which the Star Chamber held unlawful an entry effected by force after the entering officers had knocked but failed to identify their authority or purpose. The Star Chamber concluded that "the opening of the door was occasioned by them by craft, and then used to the violence, which they intended."

[32] Any doubt concerning the scope of the California test which may have survived People v Maddox, 46 Cal 2d 301, 294 P2d 6, must have been removed by the later case of People v Hammond, 54 Cal 2d 846, 854, 855, 9 Cal Rptr 233, 357 P2d 289, 294:

"When there is reasonable cause to make an arrest, and the facts known to the arresting officer before his entry are not inconsistent with a good faith belief on his part that compliance with the formal requirements of . . . section [844] is excused, a failure to comply therewith does not invalidate the search and seizure made as an incident to the ensuing arrest."

[33] I think it is unfortunate that this Court accepts the judgment of the intermediate California appellate court on a crucial question of California law—for it is by no means certain that the Supreme Court of California, the final arbiter of questions of California law, would have condoned the willingness of the District Court of Appeal to excuse noncompliance with the California statute under the facts of this case. For the view of the California Supreme Court on the scope of the exception under § 844, see e.g., People v Martin, 45 Cal 2d 755, 290 P2d 855; People v Carswell, 51 Cal 2d 602, 335 P2d 99; People v Hammond, 54 Cal 2d 846, 9 Cal Rptr 233, 357 P2d 289.

An examination of the California decisions which have excused noncompliance with § 844 reveals the narrow scope of the exceptions heretofore recognized—confined for the most part to cases in which officers entered in response to cries of a victim apparently in imminent danger, e.g., People v Roberts, 47 Cal 2d 374, 303 P2d 721; or in which they first knocked at the door, or knew they had been seen at the door, and then actually heard or observed destruction of evidence of the very crime for which they had come to arrest the occupants, see, e.g., People v Moore, 140 Cal App 2d 870, 295 P2d 969; People v Steinberg, 148 Cal App 2d 855, 307 P2d 634; People v Williams, 175 Cal App 2d 774, 1 Cal Rptr 44; People v Fisher, 184 Cal App 2d 308, 7 Cal Rptr 461. See generally, for summary and discussion of California cases involving various grounds for noncompliance with § 844, Fricke, California Criminal Evidence (5th ed 1960), 432–433; Comment, Two Years With the Cahan Rule, 9 Stan L Rev 515, 528–529 (1957).

Mr. ERVIN. Mr. President, in this case, there were three opinions—one by Judge Clark, one by Judge Harlan, and one by Judge Brennan. The Clark opinion, which represented the views of four Judges, and the Brennan opinion, which represented the views of four Judges, agreed on the law. They disagreed on the facts.

They all agreed that in the case of a search made with a warrant or incidental to an arrest, the fourth amendment places upon the officer the constitutional obligation to notify the occupants of the House of his presence, purpose, and authority, and to demand that they open the door and admit him.

If an officer ordinarily enters a house without announcing his presence and purpose and authority and making the demand for his admittance, his act is unconstitutional, regardless of whether he is making an arrest or making a search, and the evidence obtained must be excluded.

The eight Judges in the Ker case agreed that the ruling in the Mapp case was correct, and that the due process clause of the 14th amendment had made the 14th amendment applicable to the States binding on State officers.

Justice Harlan disagreed with the eight Judges. He said he did not adopt the incorporation doctrine that the matter was to be tested by the due process clause of the 14th amendment.

Justice Clark held, and three Judges agreed with him, that on the particular facts of the case, the officer was justified in not apprising the parties of his presence and purpose and authority, and he could gain admittance under one of the exceptions of the California law.

In this decision, instead of being in disagreement on the law and the Constitution, eight Judges agreed on the law and the Constitution. They agreed, in three instances, that the necessity of knocking and demanding admittance did not exist if certain circumstances gave the officer executing the warrant, at the time he undertook to execute it, notice of certain facts. The first was that those within the house already knew of the presence, the purpose, and the authority of the officer; or, second, in case the existing circumstances at the time the officer undertook to execute the warrant gave him notice or probable cause to believe that the persons within the house were attempting to escape or to destroy or otherwise dispose of the things sought to be seized under the warrant. The third exception is that the notice and demand will place the officer or someone in the building in imminent peril of bodily harm.

Under the decision and concurrence on the Constitution of the eight Judges, it is absolutely unconstitutional for an officer executing a peace warrant to break and enter a house without first giving notice of his presence, purpose, and authority and demanding admittance, unless the facts existing at that particular moment—not at the time he gets a peace warrant from some U.S. magistrate miles away; not at a time, hours away, when he gets a peace warrant, but at that specific moment—make it plain that one of these three conditions exists.

There is now no Federal no-knock statute. There is now no law that authorizes a Federal officer to enter a house without giving notice when he undertakes to execute a search warrant. I abhor all no-knock statutes, because they enable officers of the law to break into a house like a thief in the night.

So it is my purpose, when the time comes, to move to table the Griffin amendment, because I think any amendment or any Federal statute that authorizes a no-knock law is subject to great abuses. I think that in the case of section 702(b), which I seek to strike, and in the Griffin amendment, it is unconstitutional because the right to enter without knocking must be dependent upon the facts existing at the precise time the officer makes the entry, and not at the time that he gets a search warrant, which may occur miles away and hours away in point of time.

So I am going to move to table the Griffin amendment at the appropriate time, and I trust a majority of the Senate will share my view that a no-knock statute is incompatible with an essential liberty under our Constitution and will vote to table. But if we are going to have a no-knock statute, I want to have a no-knock statute that is constitutional. So, if the motion to table should fail, I shall offer a perfecting amendment to the Griffin amendment which would be constitutional, under the decision of the eight Judges in the Ker case, because it allows the officer to exercise no-knock authority when, at the particular time he undertakes to enter the house, he has notice of the facts enumerated in that opinion as exceptions to the general rule.

The amendment proposed by the Senator from Michigan (Mr. GRIFFIN), like the original provision in the bill to which it is directed, is clearly unconstitutional, not only under the Ker case but under two cases from the State of California, the law of which State was involved in that case, those cases being the People against Santiago, reported in 76 California Reports 809, and the People against Gastelo, reported in 63 California Reports at page 10.

I ask unanimous consent that the opinions in both of those cases be printed in the RECORD at this point, as a part of my remarks.

There being no objection, the opinions were ordered to be printed in the RECORD, as follows:

[76 Cal.Rptr. 809]

THE PEOPLE, PLAINTIFF AND RESPONDENT, *v.* MARLO DE SANTIAGO, DEFENDANT AND APPELLANT

Cr. 12033.

(Supreme Court of California, In Bank. Apr. 24, 1969)

Rehearing Denied May 21, 1969.

The Superior Court, Los Angeles County, Richard Schauer, J., found defendant guilty of possession of heroin for sale and he appealed from the order denying his motion for new trial. The Supreme Court, Sullivan, J., held that where decision holding that, in absence of special circumstances in narcotics case, officers must comply with statute requiring officer to announce his authority and purpose before breaking open any door to window of house had not been decided at time of defendant's trial, defendant's failure to assert noncompliance with statute as ground of objection to admission of evidence at his trial did not preclude his asserting such ground on appeal. The court further held that evidence obtained by officers who had no warrant and who forcibly entered defendant's premises without first announcing their authority and purpose was inadmissible in defendant's trial.

Reversed.

McComb, J., dissented.

Opinion Cal.App., 65 Cal.Rptr. 252, vacated.

1. Arrest ⊂⇒63(4), 71.1(3).

Officers who had been advised of defendant's narcotics activities by reliable informer who was given marked money and made purchase of narcotics from defendant had probable cause to arrest defendant and search him.

2. Criminal Law ⊂⇒1043(2).

Generally, questions relating to admissibility of evidence will not be reviewed on appeal absent specific and timely objection at trial on ground sought to be urged on appeal.

3. Criminal Law ⊂⇒1043(3).

Where decision holding that, in absence of special circumstances in narcotics case, officers must comply with statute requiring officer to announce his authority and purpose before breaking open any door or window of house had not been decided at time of defendant's trial, defendant's failure to assert noncompliance with statute as ground of objection to admission of evidence at his trial did not preclude his asserting such ground on appeal; People v. Flores, 68 Cal.2d 563, 68 Cal.Rptr. 161, 440 P.2d 233 overruled and cases inconsistent herewith disapproved. West's Ann.Evid.Code, § 353; West's Ann. Pen.Code, §§ 844, 1531.

4. Arrest ⊂⇒68.

Particular reason for officer's noncompliance with statute relating to announcement of authority and purpose before breaking down door or window to gain admittance to premises must be based upon specific facts of case. West's Ann.Pen.Code, § 844.

5. Arrest ⊂⇒68.

Officer's general knowledge that narcotics suspects attempt to get rid of evidence once officers announce their presence and request admission was insufficient, in absence of specific facts showing that defendant intended to get rid of evidence, to sustain noncompliance with statute providing that officers must announce their authority and purpose before breaking door or window to gain entry. West's Ann.Pen.Code, § 844.

6. Arrest ⊂⇒68.

Reason for officer's entry without announcement must be additional to basic reason for entry. West's Ann.Penn.Code, § 844.

7. Arrest ⊂⇒68.

Where officer and three others had defendant's premises under surveillance for some time and defendant who had been arrested short time before on another charge had remained in area, officer's belief that nonviolent defendant might try to escape did not justify noncompliance with statute requiring officer to announce his authority and purpose before breaking door or window to gain admission. West's Ann.Pen.Code, § 844.

8. Criminal Law ⊂⇒394.4(11).

Evidence obtained by officers who had no warrant and forcibly entered defendant's premises without first announcing their authority and purpose was inadmissible in defendant's trial. West's Ann.Pen.Code, § 844.

Daniel L. Dintzer, Los Angeles, under appointment by the Supreme Court, for defendant and appellant.

Thomas C. Lynch, Atty. Gen., William E. James, Asst. Atty. Gen., and Thomas Kerrigan, Deputy Atty. Gen., for plaintiff and respondent.

Evelle J. Younger, Dist. Atty., (Los Angeles), Harry Wood and Harry B. Sondheim, Deputy Dist. Attys', as amici curiae on behalf of plaintiff and respondent.

SULLIVAN, Justice.

In a nonjury trial defendant Mario De Santiago was acquitted of a charge of selling heroin (Health & Saf.Code, § 11501) and convicted of the possession of heroin for sale (Health & Saf.Cod, § 11500.5). His motion for a new trial was denied, criminal proceedings were adjourned, and, after proceedings had pursuant to Welfare and Institutions Code section 3051 et seq., defendant was committed to the state hospital at Corona for treatment as an addict. We properly entertain, in these circumstances, defendant's appeal from the order denying his motion for a new trial.[1]

On February 10, 1966, Deputy Sheriffs Trujillo and Penland, together with other officers, by prearrangement met one Henry Estrada, a reliable informer, in an alley near defendant's apartment. Earlier that day Estrada had told Deputy Trujillo of a conversation with defendant during which the latter stated than on February 8 he had been arrested by narcotics officers for "marks," that he had tricked them into releasing him by offering to help them apprehend a "dope peddler," but that he never contacted the officers. Estrada also told Deputy Trujillo that he had purchased heroin from defendant on two occasions. At the meeting place near the apartment, the officers searched Estrada but found neither contraband nor money on his person. They then supplied him with marked currency and watched him proceed along a walk leading to defendant's apartment. About five minutes later Estrada returned with a balloon containing white powder, later determined to be heroin, which he said he had bought from defendant after being admitted into the apartment.

The deputies thereupon contacted defendant's landlord, and advised the latter that they were conducting a narcotics investigation and were waiting for defendant to come out of the apartment so that they would not have to break in through the door. After waiting an hour for defendant to leave, Deputy Trujillo advised the landlord that the officers would have to make a forcible entry. Without knocking or otherwise demanding admittance or explaining the purpose for which admittance was desired, Deputy Trujillo kicked open the door to defendant's apartment and immediately placed defendant under arrest.[2] A search of defendant's person uncovered in his pants pocket four more balloons containing a similar white powder later shown to be heroin. Narcotics supplies and paraphernalia used for diluting and packaging heroin, some of which materials containing residues of heroin, were found in the apartment. Defendant's wallet, found in the pocket of a coat hanging in a closet, contained the marked currency earlier supplied to Estrada. Deputy Penland observed puncture wounds, 24 hours to two weeks old, near the inner elbows of defendant's arms.

[1] The deputies were not armed with a search or arrest warrant at the time of their entry into the apartment. However the record clearly shows that Estrada was a reliable informant and that the information obtained from him by the deputies constituted reasonable cause to make an arrest and search without a warrant. (People v. Prewitt (1959) 52 Cal. 2d. 330, 337, 341, P.2d 1; Willson 1. Superior Court (1956) 46 Cal.2d 291, 294–295, 294 P.2d 36; People v. Boyles (1955) 45 Cal.2d. 652, 656, 290 P.2d 535.) Defendant's contention that there was no probable cause for his arrest and for the subsequent search of his person and premises must therefore fall.

He further contends, however, that the trial court committed prejudicial error in admitting in evidence the heroin and certain narcotics paraphernalia since such evidence was obtained as the result of an unlawful entry by the deputies who failed to comply with the provisions of Penal Code section 844. That section provides: "To make an arrest, a private person, if the offense be a felony, and in all cases a peace officer, may break open the door or window of the house in which the person to be arrested is, or in which they have reasonable grounds for believing him to be, after having demanded admittance and explained the purpose for which admittance is desired."

[2] At the outset of our examination of this contention we are met with the fact that defendant failed to object to the admission of the subject evidence on the ground which he now advances.[3] It is the general rule, of course, that questions relating to the admissibility of evidence will not be reviewed on appeal absent a specific and timely objection at trial on the ground sought to be urged on appeal. (People v. Robinson (1965) 62 Cal. 2d 889, 894, 44 Cal.Rptd. 762, 402 P.2d 834; People v. Rojas (1961) 55 Cal. 2d 252, 260, 10 Cal. Rptr. 465, 358 P. 2d 921, 85 A.L.R. 2d 252; see generally Witkin, Cal. Evidence (2d ed. 1966), § 1285, p. 1188.)[4] Defendant urges, however, that that rule should be held inapplicable to the instant case because an objection on the ground of noncompliance with section 844 would have been wholly without support in the law as it stood at the time of trial. Reference is made to the fact that People v. Gastelo (1967) 67 Cal.2d 586, 63 Cal.Rptr. 10, 432 P.2d 706, upon which defendant bases his contention on appeal, was not yet decided at the time of trial, and he urges that that case represents a change in the law so significant as to excuse his failure to object at trial.

In other instances we have excused a failure to object where to require defense counsel to raise an objection "would place an unreasonable burden on defendants to anticipate unforseen changes in the law and encourage fruitless objections in other situations where defendants might hope that an established rule of evidence would be changed on appeal." (People v. Kitchens (1956) 46 Cal.2d 260, 263, 294 P.2d 17, 19; see also People v. Hillery (1965) 62 Cal.2d 692, 711-712, 44 Cal.Rptr. 30, 401 P.2d 382.) In *Kitchens* the failure to raise a timely objection was excused because that case was tried before our decision in People v. Cahan (1955) 44 Cal.2d 434 282 P.2d 905, 50 A.L.R.2d 513, at a time when the trial court was bound by earlier decisions to the effect that illegally obtained evidence was nevertheless admissible. It was deemed that only in trials commencing after *Cahan* could defense counsel have reasonably been expected to object to the receipt of such evidence, and his failure to do so was excused in *Kitchens.*

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[1] Defendant's notice of appeal was filed prior to the 1968 amendment to section 1237 of the Penal Code which provides in relevant part that "The commitment of a defendant for narcotics addiction shall be deemed to be a final judgment within the meaning of this section 90 days after such commitment." The former section 1237, as amended in 1965, provided that an appeal might be taken "From an order denying a motion for a new trial, in cases where the defendant is committed before final judgment for * * * narcotics addiction."

[2] At trial Deputy Trujillo gave the following entry: "Q [by the prosecutor] Why is it that you didn't announce that you were police officers before you went in? A Because it's been our experience that when making an arrest of that type, that when you announce yourself, there is usually a rush to the bathroom and there is a flushing of narcotics—anyway, the person will try to get rid of narcotics in one manner or another. Q Did you have any knowledge of the defendant's background so far as any possible use of violence is concerned? A I have arrested the defendant before; as to violence, maybe an escape, but that's all."

[3] At trial defendant unsuccessfully moved to suppress the subject evidence on the grounds that there was no probable cause to arrest and no warrants had been obtained. The ground of noncompliance with section 844 was not mentioned.

[4] See also Evidence Code section 353, in effect January 1, 1967, after the trial of this case.

The crucial question confronting us in the case at bench is whether or not the rule announced in *Gastelo,* the content of which we examine below, represented such a substantial change in the former rule as to excuse an objection anticipating that decision. We are guided in this inquiry not by metaphysical considerations as to what the law "was" preceding *Gastelo,* but by practical considerations as to what competent and knowledgeable members of the legal profession should reasonably have concluded the law to be. This is the approach undertaken by us in *Kitchens,* where we emphasized the reasonable expectations of counsel at the time of trial: "* * * in view of the decisions of this court prior to People v. Cahan, *supra,* an objection would have been futile, and 'The law neither does nor requires idle acts.' Civ. Code § 35.32." (46 Cal.2d at p. 263, 294 P.2d at p. 19.)

We therefore undertake to determine the state of the law as it would have appeared to competent and knowledgeable counsel at the time of the trial of the instant case which took place prior to our decision in *Gastelo.*

In 1956 we held in the leading case of People v. Maddox (1956) 46 Cal.2d 301, 294 P.2d 6, that the requirements of section 844 are "limited by the common law rules that compliance is not required if the officer's peril would have been increased or the arrest frustrated had he demanded entrance and stated his purpose." (46 Cal. 2d at p. 306, 294 P.2d at p. 9.) In that case police officers, having probable cause to believe that the defendant was selling narcotics, went to his residence and knocked on the door. One of the officers heard a male voice say "Wait a minute" and also heard the sound of retreating footsteps. He kicked the door open and apprehended the defendant. On the basis of these circumstances we concluded that "When as in this case, [the officer] has reasonable grounds to believe a felony is being committed and hears retreating footsteps, the conclusion that his peril would be increased or that the felon would escape if he demanded entrance and explained his purpose, is not unreasonable." (46 Cal.2d at p. 306, 294 P.2d at p. 9.)

Subsequent pre-*Gastelo* decisions of this court which applied the so-called "Maddox exceptions" invariably involved specific factual elements comparable to the "retreating footsteps" in *Maddox*—that is, circumstances peculiar to the entry in question by which the officers could reasonably conclude that announcement would increase their own peril or frustrate the arrest. We summarized some of these decisions in *Gastelo* as follows: "* * * in People v. Carrillo (1966) 64 Cal.2d 387, 50 Cal. Rptr. 185, 412 P.2d 377, entry followed a knock and observation of suspicious movements. In People v. Smith (1966) 63 Cal. 2d 779, 48 Cal. Rptr. 382, 409 P. 2d 222, and People v. Gilbert (1965) 63 Cal. 2d 690, 47 Cal. Rptr. 909, 408, P.2d 365, the officers were in fresh pursuit of gun-wielding defendants. Similarly, in People v. Hammond (1960) 54 Cal. 2d 846, 9 Cal. Rptr. 233, 357 P.2d 289, officers had cause to believe defendant had a gun and was under the influence of heroin at the time of arrest." (People v. Gastelo, *supra,* 67 Cal. 2d at p. 588, 63 Cal. Rptr. at p. 12, 432 P.2d at p. 708.)

However, numerous decisions of the Courts of Appeal, some of which were filed within months of the *Maddox* decision, undertook to excuse compliance with section 814 or its counterpart section 1531[5] in the absence of such or similar circumstances. Moreover, in a number of these cases the defendant's petition for a hearing in this court was denied.

The first of these cases was People v. King (1956) 140 Cal.App.2d 1, 294 P.2d 972. There officers having reasonable cause to believe that the occupant of a certain residence was engaging in bookmaking went to the address in question. An officer knocked on the door and identified himself. After waiting about two minutes and receiving no response, he made a forced entry into the premises. On appeal the court concluded that section 844 was not complied with since the record failed to disclose whether the officer "demanded admittance and explained the purpose for which admittance is desired" (§ 844, cf. People v. Cockrell (1965) 63 Cal.2d 659, 665–666, 47 Cal. Rptr. 788, 408 P.2d 116; People v. Rosales (1968) 68 Cal.2d 299, 302, 66 Cal. Rptr. 1, 437 P.2d 489), but held nevertheless that such compliance was excused under *Maddox.* No explanation for this holding was offered other than a long quotation from the *Maddox* opinion. This court denied a hearing less than two months after the *Maddox* decision.

A year later, in People v. Shelton (1957) 151 Cal.App.2d 587, 311 P.2d 859, a rationale for *King* and similar cases was articulated. There officers again went to the residence of one whom they reasonably believed to be engaging in bookmaking. After ringing the doorbell and waiting "for one-half minute," they forced the door with a sledgehammer. The court found that compliance with section 844 was excused under *Maddox:* "In view of the case with which guilty persons may destroy records of bets (as appellant in fact was doing when the officers forced an entry into his home) we cannot say that the officers' conduct in this case was not justified * * *." (151 Cal.App.2d at p. 588, 311 P.2d at p. 860). Similarly, in People v. Russell (1963) 223 Cal.App. 2d 733, 36 Cal.Rptr. 27, the court justified the officers' noncompliance with section 844 solely on the basis of the kind of criminal activity in which they had reasonable cause to believe defendant was engaging: "Experienced in bookmaking activities, familiar with the manner in which they are carried on and the habits of those so engaged, and knowing the practices employed, the papers, apparatus and paraphernalia used, and the case with which records of bets can be destroyed, [the officer] was justified in assuming that if he first informed the occupant of his presence and demanded admission to the premises, the latter might become alarmed and break the telephone connection, attempt to destroy betting markers and other incriminating evidence, and try to leave." (223 Cal.App.2d at p. 737, 36 Cal.Rptr. at p. 29.) This court denied a hearing.

The above rationale, first employed in bookmaking cases, was also applied to narcotics cases. (See People v. Sayles (1956) 140 Cal.App.2d 657, 295 P.2d 579; People v. Morris (1958) 157 Cal.App.2d 81, 320 App.2d 67; People v. Miller (1958) 162 Cal. App. 2d 96, 328 P.2d 506; People v. Covan (1960) 178 Cal.App.2d 416, 2 Cal.Rptr. 811 [hearing denied]; People v. Montano (1960) 184 Cal. App.2d 199, 7 Cal.Rptr. 307; People v. Gauthier (1962) 205 Cal.App.2d 419, 22 Cal.Rptr. 888 [hearing denied]; People v. Guthaus (1962) 208 Cal.App.2d 785, 25 Cal. Rptr. 735 [hearing denied]; People v. Villanueva (1963) 220 Cal.App.2d 443, 33 Cal.Rptr. 811 [hearing denied]; People v. Samuels (1964) 229 Cal. App.2d 351, 40 Cal.Rptr. 290 [hearing denied]; People v. Halloway (1964) 230 Cal. App.2d 834, 41 Cal.Rptr. 325; People v. Manriguez (1965) 231 Cal.App.2d 725, 42 Cal. Rptr. 157; People v. Aguilar (1965) 232 Cal. App.2d 173, 42 Cal.Rptr. 666; People v. King (1965) 234 Cal.App.2d 423, 44 Cal. Rptr. 500 [hearing denied]; People v. La Peluso (1966) 239 Cal.App.2d 715, 49 Cal.Rptr. 85 [hearing denied].) Its first articulation in the context of narcotics came in the case of People v. Guthaus, *supra* 208 Cal.App.2d 785, 25 Cal. Rptr. 735, where the Court of Appeal, holding that an unannounced entry was justified under the "*Maddox* exceptions" to section 844, stated: "In this case the sheriff's deputies had reasonable cause to believe that a felony was being committed in the house, to wit, the possession and sale of narcotics. As experienced members of a narcotics squad, they were entitled to conclude in good faith that if they informed the defendant of their presence and demanded admission before breaking into the premises, he might attempt to dispose of the narcotics then in his possession." (208 Cal.App.2d at p. 791, 25 Cal.Rptr. at p. 738.) The defendant's petition for a hearing was denied by this court.

Similar statements of the rationale in question were expressed in later narcotics cases (see People v. Samuels, *supra,* 229 Cal.App.2d 351, 361, 40 Cal.Rptr. 290 [hearing denied]; People v. Holloway, *supra,* 230 Cal.App.2d 834, 840, 41 Cal.Rptr. 325), and its ultimate formulation was advanced in People v. Manriquez, *supra,* 231 Cal.App. 2d 725, 42 Cal.Rptr. 157, a case whose facts are strikingly similar to those in the case now before us. There police officers, suspecting the defendant of dealing in narcotics, provided an informer with money, having recorded the serial numbers thereof, and sent him to the defendant's house in order to make a purchase. When the informer returned without the money and with a quantity of heroin, the officers made an unannounced forcible entry into the house. At trial one of the officers testified as follows relative to his reasons for the mode of entry: "It has been my experience that people involved in narcotic trafficking will always attempt to dispose of evidence, either by flushing or some other disposal in the house." (231 Cal.App.2d at p. 728, 42 Cal. Rptr. at p. 159.) The Court of Appeal, holding that noncompliance with section 844 was excused, stated: "We need not here determine how far in non-narcotic cases, a general course of conduct on the part of most law violators could be used as an excuse for ignoring the statutory mandate expressed in section 844. At least in cases of suspected narcotic violations, the evidence, in the form of narcotics or marked money, is of a kind susceptible of destruction in a matter of seconds. We think that where, as here, the officers are dealing with an offense committed within minutes of the entry, their belief in the necessity for immediate entry without warning—a belief accepted and concurred in by the trial court—cannot be disregarded on appeal. As was pointed out in People v. Maddox (1956) 46 Cal.2d 301, 306, 294 P.2d 6, the rule requiring warning is statutory and not constitutional; it may and should yield to the practical necessities of reasonable law enforcement activity." (231 Cal.App.2d at pp. 728–729, 42 Cal.Rptr, at p. 160.)

From the foregoing summary it is manifest that, prior to the *Gastelo* case, competent and knowledgeable defense counsel concerned with preventing the admission of evidence obtained by means of an entry which failed to comply with the provisions of section 844 or section 1531 could only have concluded that compliance with these sections was excused by law without any showing of particular exigency whenever the nature of the evidence sought was such as to facilitate easy disposal.[6] In *Gatselo*, however, we held precisely to the contrary: "* * * we have excused compliance with the statute in accordance with established common law exceptions to the notice and demand requirements on the basis of the specific facts involved. No such basis exists for nullifying the statute in all narcotics cases, and, by logical extension, in all other cases involving easily disposable evidence." (67 Cal.2d at p. 588, 63 Cal.Rptr. at p. 12, 432 P.2d at p 708.)

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[5] Section 1531 provides: "The officer may break open any outer or inner door or window of a house, or any part of a house, or anything therein, to execute the warrant, if, after notice of his authority and purpose, he is refused admittance."

[3] We do not believe that we can demand of defendants or their counsel the prescience necessary to anticipate that a rule so deeply rooted as that whose history we have outlined above would be suddenly extirpated. "A contrary holding would place an unreasonable burden on defendants to anticipate unforeseen changes in the law and encourage fruitless objections in other situations where defendants might hope that an established rule of evidence would be changed on appeal." (People v. Kitchens, *supra*. 46 Cal.2d 260, 263, 294 P.2d 17, 19.) We therefore hold that defendant is not precluded from raising for the first time on this appeal his objection based upon section 844 of the Penal Code.[7]

We turn to the merits of defendant's contention. First, it clearly appears that the forced entry here in question was effected absent compliance with the provisions of section 844, for the officers made no efforts of any kind to announce their presence prior to entry. (Cf. People v. Cockrell, *supra*, 63 Cal.2d 659, 665–666, 66 Cal.Rptr. 1, 437 P.2d 489.) Thus, the question before us whether such compliance was excused under the common law exceptions to the rule of announcement which were first set forth by this court in *Maddox*.

According to the testimony of Deputy Trujillo, which is set forth in relevant part in footnote 2, *ante*, there were two reasons for the manner of entry undertaken. The first of these was the officer's general experience relative to the propensity of narcotics violators to dispose of evidence upon being informed of the presence of police. The second was the officer's knowledge of defendant's particular propensity to attempt escape and his motive for such an attempt in the circumstances. We consider each of these reasons in order.

[4] Our decision in People v. Gastelo, *supra*, 67 Cal.2d 586, 63 Cal.Rptr. 10, 432 P.2d 706, clearly forecloses the propriety of noncompliance with section 844 or its counterpart section 1531 when such noncompliance is based solely upon an officer's general experience relative to the disposability of the kind of evidence sought and the propensity of offenders to effect disposal. "Just as the police must have sufficiently particular reason to enter at all, so must they have some particular reason to enter in the manner chosen." (67 Cal.2d at p. 589, 63 Cal.Rptr. at p. 12, 432 P.2d at p. 708.) Moreover, the particular reason for entry must be based upon the specific facts of the case. Thus, where officers have obtained particular information which leads them to reasonably conclude that the occupants of an apartment or residence have specifically resolved to effect disposal in the event of police intrusion or have made specific preparations in that regard (see People v. Barnett (1958) 156 Cal. App.2d 803, 805, 320 P.2d 128; People v. Steinberg (1957) 148 Cal.App.2d 855, 857, 307 P.2d 634), or when officers prior to entry are able to detect activity from within which leads them to reasonably conclude that the occupants are then engaged in the destruction or concealment of evidence (see People v. Carrillo, *supra*, 64 Cal.2d 387, 50 Cal.Rptr. 185, 412 P.2d 377; People v. Maddox, *supra*, 46 Cal.2d 301, 294 P.2d 6; People v. Morales (1968) 259 A.C.A. 294, 66 Cal.Rptr. 234; People v. Satterfield (1967) 252 Cal. App.2d 270, 60 Cal. Rptr. 733; People v. Manning (1966) 239 Cal.App.2d 416, 49 Cal.Rptr. 433; People v. Moore (1956) 140 Cal.App.2d 870, 295 P.2d 969), an unannounced entry may be justified. In these cases, however, compliance with the applicable knock-and-notice provision is excused not because of a blanket rule based on the type of crime involved but because the particular circumstances of the case give rise to a reasonable belief that immediate action is necessary to prevent the destruction of physical evidence.

[5] In the instant case the record discloses no particular circumstances upon the basis of which the officers could have reasonably concluded that defendant harbored a present intention to dispose of evidence. Nor does it disclose any particular circumstances prior to the actual entry which would have supported a reasonable conclusion that defendant was then engaged in the destruction or concealment of evidence. Therefore the unannounced entry in violation of section 844 may not be excused on these grounds.

[6] In reaching the above conclusion we have not disregarded the suggestion of amicus curiae that compliance with knock-and-notice provisions should be excused when an officer has personal knowledge that a felony is being committed in an apartment or residence contemporaneously with his entry. Aside from the difficulties inherent in determinations as to what constitutes "personal knowledge" on the part of the officer, it is clear that his knowledge or belief that a felony is being committed relates to probable cause for arrest—*not* to the imminence of disposal of evidence. As we stated in *Gastelo* and have reiterated above: "Just as the police must have sufficiently particular reason to enter at all, so must they have some particular reason to enter in the manner chosen." (67 Cal.2d at p. 589, 63 Cal.Rptr. at p. 12, 432 P.2d at p. 708). The reason for entry without announcement must be additional to the basic reason for entry.[8]

[7] The second reason given by Deputy Trujillo for the unannounced entry into defendant's apartment was that the officer had arrested defendant before and was of the opinion, based upon such past experience, that defendant might try to escape and thereby frustrate the arrest. It is urged that defendant's prior arrest on February 8 and the trickery to which he then resorted in order to obtain his release supported this opinion and provided a motive for escape. We do not believe, however, that these factors were sufficient to give rise to a reasonable belief that an unannounced forcible entry was necessary to prevent escape. Defendant had remained in the area following the events of February 8 and indeed was in his home during all the time it was under surveillance. So far as the record shows, Estrada had not observed anything during his visit to the apartment which even suggested that defendant was either alerted to make an escape or to present any physical threat to the officers. Finally, there were four deputies at the premises at the time of the midday entry, more than adequate to cope with defendant who, on February 8, had exhibited no violent reaction to his arrest on that date. (See People v. Rosales, *supra*, 68 Cal. 2d 299, 305, 66 Cal.Rptr. 1, 437 P.2d 489.)

[8] We conclude that the instant case is wholly devoid of circumstances sufficient to excuse the officer's noncompliance with the provisions of sections 844 of the Penal Code, that their entry was therefore unlawful, and that the illegally obtained evidence, which was crucial to the conviction, should therefore have been excluded.

The order denying defendant's motion for a new trial is reversed.

TRAYNOR, C. J., and PETERS, TOBRINER, MOSK and BURKE, JJ., concur.

McCOMB, Justice.

I dissent. I would affirm the order.

Rehearing denied; McCOMB, J. dissenting.

[63 Cal. Rptr. 10]

THE PEOPLE, PLAINTIFF AND RESPONDENT, *v.* MAX MUNOZ GASTELO, DEFENDANT AND PETITIONER, CR. 11197.

(Supreme Court of California, En Banc, Oct. 30, 1967)

Defendant was convicted in the Superior Court, Los Angeles County, Joseph A. Wapner, J., of a narcotics violation, and he appealed. The Supreme Court, Traynor, C. J., held that where there was nothing in narcotics case to justify officer's failure to comply with statute providing that an officer may break open any outer or inner door or window of a house if, after notice of his authority and purpose, he is refused admittance, except an asserted general propensity of narcotics violators to destroy evidence when confronted by police officers, the officers' entry was unlawful and illegally obtained evidence, which was crucial to prosecution's case, should therefore have been excluded.

Reversed.

Opinion, 58 Cal.Rptr. 67, vacated.

1. Searches and Seizures 🔑7(1).

Under Fourth Amendment, a specific showing must always be made to justify any kind of police action tending to disturb the security of the people in their homes; unannounced forcible entry is in itself a serious disturbance of that security and cannot be justified on a blanket basis, otherwise the constitutional test of reasonableness would turn only on practical expediency, and the amendment's primary safeguard, the requirement of particularity, would be lost. U.S.C.A. Const. Amend. 4.

2. Criminal Law 🔑394.4(8). Searches and Seizures 🔑3.8(1).

Where there was nothing in narcotics case to justify officer's failure to comply with statute providing that an officer may break open any outer or inner door or window of a house if, after notice of his authority and purpose, he is refused admittance, except an asserted general propensity of narcotics violators to destroy evidence when confronted by police officers, officers' entry was unlawful and illegally obtained evidence, which was crucial to prosecution's case,

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[6] Although in most cases employing the above rationale the evidence sought was either narcotics or bookmaking paraphernalia, at least one decision indicated a broader application extending to other types of easily disposable evidence. (People v. Phillips (1966) 240 Cal.App.2d 197, 203, 49 Cal.Rptr. 480, reversed on other grounds, 386 U.S. 212, 87 S.Ct. 977, 17, L.Ed.2d 870.)

[7] In People v. Flores (1968) 68 Cal.2d 563, 68 Cal.Rptr. 161, 440 P.2d 233, we held that the defendant was precluded by his failure to object at trial from raising on appeal the issue of noncompliance with section 1531 upon execution of the search warrant therein. The instant opinion reflects our reconsideration of this conclusion upon further extensive reflection; People v. Flores is overruled to the extent it is inconsistent herewith. People v. De Leon (1968) 260 A.C.A. 155, 67 Cal.Rptr. 45, and People v. Perez (1968) 267 A.C.A. 300 72 Cal.Rptr. 746, are disapproved to the same extent.

[8] It has come to our attention that in at least two recent cases the Court of Appeal has interpreted our *Gastelo* decision in a manner inconsistent with the language and clear implications of that decision. (People v. Yeoman (1968) 261 A.C.A. 367, 67 Cal. Rptr. 869; People v. Camerano (1968) 260 A.C.A. 910, 67 Cal.Rptr. 446.) Those cases are disapproved to the extent of such inconsistency.

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should therefore have been excluded; disapproving anything to the contrary in People v. Manriquez, 231 Cal. App. 2d 725, 42 Cal. Rptr. 157, and People v. Samuels, 229 Cal. App. 2d 351, 40 Cal. Rptr. 290. U.S.C.A. Const. Amend. 4, West's Ann. Pen. Code, § 1531.

Frederic G. Marks, Los Angeles, under appointment by the Supreme Court, for defendant and appellant.

Thomas C. Lynch, Atty. Gen., William E. James, Asst. Atty. Gen., S Clark Moore and Richard Tanzer, Deputy Attys Gen., for plaintiff and respondent.

TRAYNOR, Chief Justice.

Defendant appeals from a judgment of conviction of possession of heroin in violation of section 11500 of the Health and Safety Code.

The facts are not in dispute. Los Angeles police officers obtained a warrant for the search of the apartment of Donna Trujillo, with whom defendant was living, on the basis of a reliable information's report that he had purchased narcotics from defendant at Donna's apartment more than 30 times during the previous 45 days. His last purchase was on December 23, 1964. About 8:20 in the morning of Saturday, December 26, 1964, four officers went to Donna's apartment to execute the warrant. Outside they saw an automobile that they believed was defendant's. Two officers went to the rear door of the apartment and two to the front. Without knocking, announcing their purpose or demanding admittance, they forced entry through both doors. Defendant and Donna Trujillo were asleep in the bedroom, and the officers pulled defendant from the bed. They served the warrant, searched the apartment, and found a small packet of heroin between the mattress and box springs of the bed. Defendant was arrested. Two days later, he confessed to possession of the heroin.

Defendant contends that the trial court committed prejudicial error in admitting the heroin into evidence over his objection that it was illegally obtained in violation of Penal Code, section 1531.

Section 1531 provides that to execute a search warrant "The officer may break open any outer or inner door or window of a house, * * * if, after notice of his authority and purpose, he is refused admittance."

The Attorney General contends that compliance with section 1531 was excused under the rule of People v. Maddox (1956) 46 Cal. 2d 301, 294 P.2d 6.

In *Maddox*, we held that compliance with the substantially identical notice requirements of Penal Code, section 844 for making arrests [1] was excused, if the facts known to the officer before his entry were sufficient to support his good faith belief that compliance would have increased his peril or frustrated the arrest. Later cases have included the prevention of destruction of evidence as an additional ground for noncompliance with section 844. (People v. Covan (1960) 178 Cal. App.2d 416, 2 Cal.Rptr. 811; People v. Morris (1958) 157 Cal. App.2d 81, 320 P.2d 67.) Ker v. State of California (1963) 374 U.S. 23, 83 S.Ct. 1623, 10 L.Ed.2d 726, approved the principle of these cases under French Amendment standards similar exceptions to the requirements of section 1531.

The Attorney General contends that unannounced forcible entry to execute a search warrant is always reasonable in narcotics cases, on the ground that narcotics violators normally are on the alert to destroy the easily disposable evidence quickly at the first sign of an officer's presence.

We do not agree with this contention. Neither this court nor the United States Supreme Court has held that unannounced forcible entries may be authorized by a blanket rule based on the type of crime or evidence involved. Indeed in the *Ker* case the court was divided 4 to 4 on the question whether the evidence offered to excuse compliance with the notice and demand requirements was sufficient.[2]

In *Maddox*, the officers knocked, heard a male voice call "wait a minute" followed by the sound of retreating footsteps, and only then forced entry. Similarly, in People v. Carrillo (1966) 64 Cal. 2d 387, 50 Cal. Rptr. 185, 412 P. 2d 377, entry followed a knock and observation of suspicious movements. In People v. Smith (1966) 63 Cal. 2d 779, 48 Cal. Rptr. 382, 409 P. 2d 222, and People v. Gilbert (1965) 63 Cal. 2d 690, 47 Cal. Rptr. 909, 408 P. 2d 365, the officers were in fresh pursuit of gun-wielding defendants. Similarly, in People v. Hammond (1960) 54 Cal. 2d 846, 9 Cal. Rptr. 233, 357 P. 2d 289, officers had cause to believe defendant had a gun and was under the influence of heroin at the time of arrest.

Thus we have excused compliance with the statute in accordance with established common law exceptions to the notice and demand requirements on the basis of the specific facts involved. No such basis exists for nullifying the statute in all narcotics cases, and, by logical extension, in all other cases involving easily disposable evidence. The statute does not contain the seeds of such far-reaching self-destruction.

[1, 2] Under the Fourth Amendment, a specific showing must always be made to justify any kind of police action tending to disturb the security of the people in their homes. Unannounced forcible entry is in itself a serious disturbance of that security and cannot be justified on a blanket basis. Otherwise the constitutional test of reasonableness would turn only on practical expediency, and the amendment's primary safeguard—the requirement of particularity—would be lost. Just as the police must have sufficient particular reason to enter at all, so must they have some particular reason to enter in the manner chosen. To the extent that People v. Manriquez (1965) 231 Cal. App. 2d 725, 42 Cal. Rptr. 157, and People v. Samuels (1964) 229 Cal. App. 2d 351, 40 Cal. Rptr. 290, are contrary to our conclusion herein, they are disapproved.

Since there was nothing in the present case to justify the officers' failure to comply with section 1531, except an asserted general propensity of narcotics violators to destroy evidence when confronted by police officers, the officers' entry was unlawful. The illegally obtained evidence, which was crucial to the prosecution's case, should therefore have been excluded.

The judgment is reversed.

McComb, Peters, Tobriner, Mosk, Burke and Sullivan JJ., concur.

Mr. GRIFFIN. Mr. President, will the distinguished Senator yield?

Mr. ERVIN. In a moment.

I was much intrigued by the argument of my friend from Nebraska. He said you could always enter the house with the king's keys. But neither the bill nor the Griffin amendment is a proposal to enter the house with the king's keys; they are proposals to enter the house by using the king's ax, to knock down the doors or break the windows.

I was also intrigued by the New York case which was placed in the RECORD by my good friend the Senator from Michigan, who said that in that case the Supreme Court denied certiorari. I have not checked that point. But he said that was impliedly an approval of that case by the Supreme Court.

Mr. President, I would have to take issue with that contention, because the Supreme Court has declared time and again that the denial of a writ of certiorari, while it leaves the judgment of the lower court in effect, does not approve the judgment of the lower court, and has no effect for that purpose.

The reason judges deny writs of certiorari in many cases which they could accept is because it is impossible, in the limited time in which the Supreme Court Justices can work, for them to consider all of the cases where an application is made for a writ of certiorari and in which they could grant it. They do not have time to handle the cases, and for that reason, the denial of an application for a writ has no legal effect whatsoever, except to leave the judgment of the lower court in effect.

I now yield to the Senator from Michigan.

Mr. GRIFFIN. Mr. President, in view of the statement of the Senator from North Carolina that the amendment which I have offered in the nature of a substitute would be unconstitutional, is it also his view that the District of Columbia crime bill which the Senate passed last year was also unconstitutional?

Mr. ERVIN. Yes, because that bill, as finally passed, declared that you can break into a house merely by getting a search warrant granting you that authority is clearly unconstitutional.

Mr. GRIFFIN. I thank the Senator for his view on that point.

Mr. ERVIN. I say to the Senator from Michigan that I sat up rather late last night and wrote out a perfecting amendment, the text of which is in a letter I have had left at each Senator's desk, which in my judgment complies with the Constitution as interpreted in the Ker case.

Mr. GRIFFIN. If the Senator will permit me to ask him a question or two concerning the amendment, I understand that he intends to offer it as a perfecting amendment to my amendment in the event his motion to table my amendment does not prevail. Is that correct?

Mr. ERVIN. That is right.

Mr. GRIFFIN. As I understand your proposed perfecting amendment, it would not permit a search warrant to be issued which would authorize the entry without notice under any circumstances. Is that correct?

Mr. ERVIN. My amendment would require what the Constitution now requires, that is, that the officer in executing a search warrant notify the occupants of the house of his presence, purpose, and authority, and make a demand for admission before he attempts to enter. But my amendment would apply the rule which the Supreme Court says, in the Ker case, would meet the requirements of the Constitution if exigent circumstances exist. But those conditions must exist at the time the officer under-

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[1] "To make an arrest, * * * a peace officer, may break open the door * * * of the house in which the person to be arrested is * * * after having demanded admittance and explained the purpose for which admittance is desired."

[2] Justice Harlan was of the opinion that Fourth Amendment standards should not be applied to the states. Thus, the judgment of conviction was affirmed, 5–4.

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takes to execute the warrant at the house, and therefore the Senator's amendment, which provides that the officers get these orders miles away from the house to be searched and also far away in point of time, would be unconstitutional, in my judgment.

The PRESIDING OFFICER. The time of the Senator from North Carolina has expired.

Mr. GRIFFIN. As the Senator from Connecticut has control of the time, I ask him for a moment to make one observation.

Mr. DODD. I yield the Senator from Michigan 3 minutes.

Mr. GRIFFIN. I know that the Senator from North Carolina will not agree with this statement, and I respect his point of view, but his perfecting amendment, it seems to me, provides for a more limited right of privacy than does either the committee bill or my amendment thereto. Under his amendment, the judgment whether to enter without giving notice is left to the officer at the door of the premises.

Under my amendment, there must be two judgments—an initial judgment by the officer that entry without notice is needed—and an independent judgment made by a magistrate or a judge upon a showing that there is some need or necessity to enter the premises without notice under the particular circumstances of that case.

As the perfecting amendment of the Senator from North Carolina leaves the entire determination to the officer's judgment which is admittedly under stress at the door, it is my strong belief that it offers far less protection to the citizen than the Griffin substitute.

Mr. ERVIN. If the Senator will yield half a second, I say that not only I say that, but the eight judges in the Ker case say it also.

Mr. DODD. Mr. President, what is the time situation?

The PRESIDING OFFICER. The Senator from Connecticut has 13 minutes remaining.

Mr. DODD. How much time does the Senator from Michigan require?

Mr. GRIFFIN. I would need about 5 minutes.

Mr. DODD. I yield 5 minutes to the Senator from Michigan.

Mr. GRIFFIN. Mr. President, yesterday I made the point that our Founding Fathers were very much concerned about searches and seizures by the King or his representatives, and they sought to provide protection for the citizenry by making it clear, in the fourth amendment, that unreasonable searches and seizures were prohibited.

The question, of course, that is difficult to answer and has perplexed judges down through the years is what is a reasonable search?

There is no question, as the Senator from North Carolina agrees, that under the common law there is no absolute rule that under all circumstances an officer must knock and announce his presence and his purpose before entering. That is certainly the general rule, and it should be applied in the overwhelming majority of instances, but there are situations when to knock and give notice would, for example, endanger the very life of the officer seeking to serve a warrant.

In 29 out of the 50 State jurisdictions, no-knock authority exists, either by statute or by common law. These 29 jurisdictions follow no uniform pattern. But for example, the no-knock statute of the State of New York is quite similar to the provision the committee seeks to incorporate into this bill. If anything, the committee bill is more protective of the citizens' rights than the New York statute.

Last year, the Senate and the District of Columbia Committee sought to give to Federal officers in the District of Columbia this law enforcement tool held by State officers in 29 States to be used in limited, circumscribed situations in dealing with and coping with the crime problem in the District of Columbia.

As I understand it, the committee chaired by the distinguished Senator from Maryland (Mr. TYDINGS) studied very thoroughly the constitutional questions which the Senator from North Carolina has raised.

Mr. TYDINGS. Mr. President, will the Senator yield?

Mr. GRIFFIN. I yield.

Mr. TYDINGS. At this point I ask unanimous consent to have printed in the RECORD the language in the report of the District of Columbia Committee, Calendar No. 531, pages 13 through 15.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

Under sections 107, 108, and 109 of S. 2869 as reported, an officer executing a search warrant must ordinarily give notice of his authority and purpose prior to entering upon premises to be searched. (See the comparable statute under existing law, sec. 3109 of title 18, United States Code.) U.S. Supreme Court in the case of *Ker* v. *California,* 374 U.S. 23 (1963), suggested, however, that the fourth amendment of the Constitution (in the *Ker* case, as "incorporated" for application to the States by the due process clause of the 14th amendment) is not violated, the search is not unreasonable, if pursuant to the law of the jurisdiction in question, an officer is authorized to dispense with the giving of notice under certain narrowly defined, exigent circumstances. Sections 107, 108, and 109 grant such authority as the law of the jurisdiction of the District of Columbia; and, in addition, manifest a legislative policy favoring the prior application by such officers for further court authority, to be expressed in the warrant, for dispensing with the notice requirement.

The latter policy approved by the Senate District Committee is that expressed, by way of dicta, in the case of *Trupiano* v. *United States,* 334 U.S. 699, 705 (1947), where the Court alludes to "the desirability of having magistrates rather than police officers determine when searches and seizures are permissible and what limitations should be placed upon such activities * * * In their understandable zeal to ferret out crime * * * officers are less likely to possess the detachment and neutrality with which * * * constitutional rights * * * must be viewed."

In other words, it is made clearly the law of the District of Columbia, on the one hand, that police officers may under certain conditions and on their own initiative, effect entry upon premises without notice. Effective law enforcement locally demands as much. Nevertheless, it is likewise intended, under sections 107, 108, and 109, that, when the applicant is aware, at the time of the request for the warrant, of compelling reasons for dispensing with notice of authority and purpose, he must state those reasons to the judicial officer who is to issue the warrant; and, in the absence of authorization then from said judicial officer for dispensing with the requirement of prior notice, those compelling reasons without more are not to be deemed by the executing officer alone to be adequate exigent circumstances.

The precise language of sections 108 and 109 defining those exigent circumstances which justify dispensing with notice is largely derived from the *Ker* case itself. Of the eight Justices who sought to apply the requirements of the fourth amendment to the California criminal proceeding, four determined that the facts of the *Ker* case made out a volation of those requirements, while four, ruling as the majority, found no such violation. (Mr. Justice Harlan voted to affirm the judgment below, but applied not the requirements of the fourth amendment—which would be applicable in the District of Columbia outright—but rather a more flexible requirement of fundamental fairness embodied in the 14th amendment). The District Committee in revising sections 108 and 109 was inclined in consequence to read the *Ker* case narrowly, with a view toward forestalling constitutional attack.

The California rule which the Court approved is stated as follows, 374 U.S. at 40: "'[C]compliance is not required if the officer's peril would have been increased or the arrest frustrated had he demanded entrance and stated his purpose.'" The facts of the *Ker* case, moreover, were such that "Ker's furtive conduct in eluding them [, the officers,] shortly before the arrest was ground for the belief that he might well have been expecting the police." Mindful that the California rule refers to frustration which would result—or, in the absence of hindsight, which the officer believes would result—sections 108 and 109 posit the standard of probable cause to believe that the property will be destroyed; that is, would be destroyed were notice to be given. (The additional requirement of belief that the property "may" be destroyed requires belief simply that the property is destroyable.) Mindful that the California rule refers to peril which would be increased—or, in the absence of hindsight, which the officer believes would be increased—and furthermore in light of the fact that the officers in *Ker* had good grounds to believe that Ker was awaiting them, sections 108 and 109 posit the further standard of probable causes to believe that the officer (or some other person) will be endangered; that is, would be endangered if notice were to be given. (The additional reference to immediate danger simply restates in narrow terms the scenario approved in *Ker;* the officers had grounds to believe that, were notice to be given, the peril would thereupon increase; the reference is clearly not to peril occuring at some more distant juncture, but to peril at the relevant juncture, the time of the intrusion.

Also in this regard, it was suggested that the standard be one of (A) probable cause (B) to believe that the property (C) *may* be destroyed (or that some person (C) may be endangered). The District Committee opted to substitute (A) probable cause (B) to believe that the property (C) *will* be destroyed (or that some person (C) *will* be endangered), as conforming more closely to the *Ker* case as described above—including its holding, dicta, facts, and case law background—and in order to avoid a seeming unintended further pyramiding of uncertainties (C) upon (A) and (B). That is to say, the committee was fearful lest it be argued that (A) probable cause for (B) belief as to (C) a possibility (indicated by the further "*may*") constitutes, with the three levels of uncertainty (A), (B), and (C)), in fact no reasonable grounds at all.

Mr. TYDINGS. I should like to comment on the point that the Senator from Michigan was making.

In the case of Trupiano against United States, the Supreme Court alluded to "the desirability of having magistrates rather than police officers determine when searches and seizures are permissible and what limitations should be placed upon such activities." The Supreme Court went on to say in that opinion:

> In their understandable zeal to ferret out crime . . . officers are less likely to possess the detachment and neutrality with which . . . constitutional rights . . . must be viewed.

The cases that bear on this—Ker against California and others that have been brought up here—relate to the exigent circumstances when a police officer, without any prior court authority, can make a no-knock search and seizure.

The **PRESIDING OFFICER.** The time of the Senate has expired.

Mr. GRIFFIN. Will the Senator yield additional time?

Mr. DODD. Mr. President, how much time remains?

The **PRESIDING OFFICER.** The Senator from Connecticut has 8 minutes remaining.

Mr. DODD. I yield 3 minutes to the Senator from Michigan.

Mr. TYDINGS. Mr. President, I and my District of Columbia Committee staff felt that society would be additionally protected, if legislation set forth the exigent circumstances as outlined by the Supreme Court when a no-knock search and procedure could be made. Moreover, my District of Columbia Committee concluded that society would be best served if the police officer were required to go before a magistrate or a judge to show the existence of exigent circumstances, empowering the judge to make the determination as to whether or not the evidence was sufficient to issue a no-knock warrant.

In addition, we changed the initial language of the bill from "may" to "will," in order to comply with fourth amendment requirements, as interpreted by the Supreme Court. The standard set forth by Supreme Court decisions released to this rather is an affirmative assurance, not a statement of possibility of evidence being destroyed if the search were announced. Thus, under the amendment which the Senator from Michigan has offered, the official seeking the no-knock warrant must give evidence to the magistrate that it is not just a possibility that the evidence will be destroyed if the door is knocked upon.

Mr. GRIFFIN. For the purpose of the legislative history, would the Senator from Maryland agree with me that under the substitute I have offered, it is not enough just to show that the particular substance which is being sought is of such nature that it could be easily destroyed, although that is one element. It must be shown that probable cause exists to believe that such property will be destroyed if notice is given?

Mr. TYDINGS. That is correct.

We felt that because magistrates and judges know today the likelihood of their search warrants being attacked, the magistrate or judge issuing the warrant would exercise the same degree of caution he would exercise under a normal warrant, perhaps more. We felt that he would study and be familiar with the law involved. Moreover we feel that he would have a little better judgment than a police officer making a fast search in the dead of night as to whether a no-knock search was justified.

Mr. GRIFFIN. Will the Senator agree with me that neither the District of Columbia crime bill nor what the committee is trying to do in the drug control bill opens up the likelihood that law officers are going to be barging in, hither and yon, without any restraints whatever?

Mr. TYDINGS. Yes, that is correct.

The **PRESIDING OFFICER.** The time of the Senator has expired.

Mr. GRIFFIN. Will the Senator yield an additional minute or two?

Mr. DODD. I yield another minute. I have 5 minutes remaining.

Mr. GRIFFIN. I think the Senator from Maryland has made it very clear that this is not going to be the case. The officer cannot by himself make a decision to enter without giving notice. He must first obtain a search warrant from a judge or a magistrate. In addition, he must indicate to the judge or magistrate's satisfaction that a crime has been committed, that there is material evidence on the premises and that he has reason to believe some material will be destroyed if he announces his entry.

Mr. TYDINGS. That is the basic issue. The Supreme Court has held that, under the fourth amendment, there are circumstances in which a search or seizure can be made without announcement. We felt that, rather than allow the police officer to make this decision, the circumstances should be spelled out, and the magistrate should make the decision.

The **PRESIDING OFFICER.** The time of the Senator has expired.

Mr. DODD. Mr. President, I should like to make two observations. We have had rather detailed and substantial debate on this question, and I believe that certain points should be made clear for the benefit of the Senate. I shall summarize my own position.

I support the amendment of the distinguished junior Senator from Michigan, which I believe perfects the language of section 702(b) of the bill, the so-called no-knock provision of the pending legislation.

The Senate is now at the point of deliberation where we must either accept or reject the concept of court-authorized no-knock search warrants in cases involving felonious violations of the provisions of the Controlled Dangerous Substances Act.

I believe that the Senate should and shall accept this concept as necessary to the effective enforcement of the act, but with due consideration of the constitutional provisions of the fourth amendment relative to searches and seizures which are reasonable.

I believe that this section of the act does meet the constitutional requirement of reasonable search and I further believe that the Griffin amendment to section 702(b) insures the constitutionality of this provision.

Substantial and detailed debate has taken place on this issue in this body.

I believe I can summarize my position for the Senate on the constitutionality of the amendment as follows:

First, the fourth and 14th amendments provide protection against unreasonable searches and seizures. The operative word here is "unreasonable." So, in order to be valid, the search has to be "reasonable."

Second, under the common law, and long established under that common law, no-knock searches and seizures can be made by the police IF there is reason to believe that the evidence would be destroyed or if the life of the law-enforcement officer would be endangered were he to announce his authority. There is no question about that.

The proposed law before us includes an additional safeguard, as the Senator from Maryland has pointed out. We are going beyond what has been the long-established principle of the law with respect to no-knock. We are saying, in addition to that which is already established, that now we are going to require that the law-enforcement officer go before a magistrate or a judge whom he must convince that the circumstances warrant the issue of a no-knock warrant. It never had to be done before.

Third, 29 States follow the common-law principles or have statutes on no-knock. They have encountered no constitutional obstacles in doing so. The State of Connecticut, long known as one which zealously guards the rights of the accused, has recognized no-knock since 1822.

Among the States allowing common law no-knock searches is California, whose authority to undertake such searches was upheld by the Supreme Court in 1963 in Ker against California. The court held that police officers could enter without knocking where they felt that evidence would be destroyed, even if they had no search warrant at all, because the defendant has no constitutional rights to destroy evidence.

This view was reaffirmed in 1968 in Sabbath against United States. A footnote to the majority opinion says that "exceptions to any possible constitutional rule to announcement and entry have been recognized."

The rationale for either accepting or rejecting the concept of no-knock search warrants has been developed in clear and concise terms. In summarizing my position in this regard, I shall point to the fact that the Griffin amendment, substituting the phraseology:

> (A) the property sought may and, if such notice is given, will be easily and quickly destroyed or disposed of, or (B) the giving of such notice will immediately endanger the life or safety of the executing officer or another person—

In section 702(b), utilizes the exact wording that the District of Columbia Committee utilized in the District of Columbia crime bill, S. 2869, and which this body adopted just last December.

Mr. President, are we now to reject language identical to that which we accepted just 1 month ago? This is exactly what we did with the District of Columbia crime bill, S. 2869. Are we going to say to the rest of this country, plagued by the dreadful narcotics traffic, that what we will do for the District of Columbia we refuse to do for the States? I do not think we want to do that. I trust that we will not do it.

I believe that the people of the country are watching us. We have been talking about this dreadful narcotics situation. We have been saying that we are going to do something to alleviate it. The President has urged us to do it. I believe that Congress is ready to do it.

This is not a new proposition. We did not suddenly report from the Committee on the Judiciary a provision that we batter down people's doors. This matter has been before our committee for a year. Eminent lawyers, including the Attorney General, and the Deputy Attorney General have appeared before our committee to testify to the need and efficacy of this provision. Every member of the committee has examined this matter thoroughly.

We do not come before the Senate with something outrageously unconstitutional. Such is certainly not the case.

The people of this great country are watching us. But of equal importance, the hoodlums and the dope peddlers are watching us. They want to know whether we really mean what we say here, and are we going to enact enforceable drug control legislation.

Mr. President, the amendment should be agreed to.

Mr. President, I would make one final comment. I direct the attention of the Senate to section 108 of S. 2869, an act to revise the criminal law and procedure of the District of Columbia, which passed this body on December 8, 1969.

The referenced section of that bill amends subsection (c) of section 23–522 of the District of Columbia Code, which concerns applications for search warrants in the District of Columbia.

Paragraph (2) of section 108 of S. 2869 provides for the application of a no-knock search warrant, the crucial language of which is embodied in the Griffin amendment, now pending before the Senate.

I believe that during the debate of yesterday, some confusion did arise as to the identical nature of the language of the Griffin amendment and the language of the District of Columbia crime bill, passed by this body in December.

The distinguished Senator from North Carolina (Mr. Ervin) was reading from another District of Columbia bill, S. 2601, in making his assertion that the language of the Griffin amendment was not identical with that contained in the District of Columbia bill.

The point that I make is this: the pertinent language with which we are concerned is to be found in section 108 of S. 2869, rather than in the bill to which Senator Ervin referred yesterday.

Mr. ERVIN. Mr. President, I move to table the Griffin amendment, and on the motion I ask for the yeas and nays.

The yeas and nays were ordered.

The PRESIDING OFFICER (Mr. Allen in the chair). The question is on agreeing to the motion of the Senator from North Carolina to table the Griffin amendment.

On this question the yeas and nays have been ordered and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. MANSFIELD (after having voted in the negative). On this vote I have a pair with the distinguished senior Senator from Texas (Mr. Yarborough). If he were present and voting, he would vote yea. If I were at liberty to vote, I would vote nay. I withdraw my vote.

Mr. KENNEDY. I announce that the Senator from Alaska (Mr. Gravel), the Senator from Indiana (Mr. Hartke), the Senator from North Carolina (Mr. Jordan), the Senator from South Dakota (Mr. McGovern), the Senator from Texas (Mr. Yarborough) are necessarily absent.

On this vote, the Senator from Alaska (Mr. Gravel) is paired with the Senator from South Dakota (Mr. Mundt). If present and voting, the Senator from Alaska would vote "yea" and the Senator from South Dakota would vote "nay."

I further announce that, if present and voting the Senator from North Carolina (Mr. Jordan) would vote "yea."

Mr. GRIFFIN. I announce that the Senator from Colorado (Mr. Dominick), the Senator from Arizona (Mr. Goldwater), the Senator from Oregon (Mr. Packwood), the Senator from Vermont (Mr. Prouty), the Senator from Alaska (Mr. Stevens), and the Senator from Texas (Mr. Tower) are necessarily absent.

The Senator from South Dakota (Mr. Mundt) is absent because of illness.

The Senator from New York (Mr. Javits), the Senator from Maryland (Mr. Mathias) and the Senator from Illinois (Mr. Percy) are absent on official business.

On this vote, the Senator from Maryland (Mr. Mathias) is paired with the Senator from Colorado (Mr. Dominick). If present and voting, the Senator from Maryland would vote "yea" and the Senator from Colorado would vote "nay."

On this vote, the Senator from Illinois (Mr. Percy) is paired with the Senator from Texas (Mr. Tower). If present and voting, the Senator from Illinois would vote "yea" and the Senator from Texas would vote "nay."

On this vote, the Senator from Alaska (Mr. Gravel) is paired with the Senator from South Dakota (Mr. Mundt). If present and voting, the Senator from Alaska would vote "yea" and the Senator from South Dakota would vote "nay."

The result was announced—yeas 40, nays 44, as follows:

[No. 11 Leg.]

YEAS—40

Allen
Anderson
Bayh
Brooke
Burdick
Byrd, Va.
Case
Church
Cook
Cooper
Cranston
Eagleton
Eastland
Ervin
Fulbright
Goodell
Gore
Harris
Hart
Holland
Hollings
Hughes
Inouye
Kennedy
McCarthy
McGee
Metcalf
Mondale
Moss
Muskie
Nelson
Pell
Proxmire
Randolph
Ribicoff
Sparkman
Stennis
Symington
Williams, N.J.
Young, Ohio

NAYS—44

Aiken
Allott
Baker
Bellmon
Bennett
Bible
Boggs
Byrd, W. Va.
Cannon
Cotton
Curtis
Dodd
Dole
Ellender
Fannin
Fong
Griffin
Gurney
Hansen
Hatfield
Hruska
Jackson
Jordan, Idaho
Long
Magnuson
McClellan
McIntyre
Miller
Montoya
Murphy
Pastore
Pearson
Russell
Saxbe
Schweiker
Scott
Smith, Maine
Smith, Ill.
Spong
Talmadge
Thurmond
Tydings
Williams, Del.
Young, N. Dak.

PRESENT AND GIVING A LIVE PAIR, AS PREVIOUSLY RECORDED—1

Mansfield, against.

NOT VOTING—15

Dominick
Goldwater
Gravel
Hartke
Javits
Jordan, N.C.
Mathias
McGovern
Mundt
Packwood
Percy
Prouty
Stevens
Tower
Yarborough

So Mr. Ervin's motion to lay Mr. Griffin's amendment on the table was rejected.

The PRESIDING OFFICER. The question recurs on agreeing to the amendment offered by the Senator from Michigan (Mr. Griffin).

Mr. ERVIN. Mr. President, I ask unanimous consent that I may proceed for 2 minutes.

Mr. BYRD of West Virginia. Mr. President, will the Senator yield?

Mr. ERVIN. I yield.

Mr. BYRD of West Virginia. Will the Presiding Officer instruct the Sergeant at Arms to see that attachés take seats in the rear of the Chamber or leave the Chamber or lobby. And those attachés who are not here on the immediate business of their Senators, I hope that the Presiding Officer will ask them to leave the Chamber and to leave the lobby for the rest of the afternoon.

The PRESIDING OFFICER. The Sergeant at Arms is so instructed.

Mr. ERVIN. Mr. President, all time has expired.

The PRESIDING OFFICER. The Senator is correct.

Mr. ERVIN. Mr. President, I wish to call up a perfecting amendment to the Griffin amendment. And I ask unanimous consent that I be recognized for 1 minute to explain the amendment.

UNANIMOUS-CONSENT AGREEMENT

Mr. MANSFIELD. Mr. President, I ask unanimous consent that there be a time limitation of 5 minutes, the time to be equally divided between the Senator from North Carolina (Mr. Ervin) and the Senator from Michigan (Mr. Griffin).

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ERVIN. I send to the desk a perfecting amendment to the Griffin amendment and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

> On pages 1 and 2 of the Griffin amendment (No. 457) strike out everything from the word "may" on line 4 on page 1 through the word "premises" on line 10 on page 2, and insert in place thereof the following: "shall, except as hereinafter provided, give notice of his presence, purpose, and authority to those within the house described in the warrant and demand of them admittance to it

XUM

> before entering it. Such notice need not be given and such demand need not be made if at the time he undertakes to execute the warrant the officer has probable cause to believe (1) that those within the house already know of his presence, purpose, and authority, or (2) that those within the house are attempting to escape or to destroy or otherwise dispose of the things sought to be seized under the warrant, or (3) that the notice and demand will place him or someone within the building in imminent peril of bodily harm."

Mr. ERVIN. Mr. President, as I have made manifest, I do not believe we ought to have any Federal no-knock statute, because they are subject to gross abuse.

I do not believe that in a free society an officer should have the right to break into a man's house in the same manner that a burglar does.

I offer this amendment because if we are going to have a no-knock statute, let us have one which complies with what eight Supreme Court justices said in the only Supreme Court decision dealing with this particular matter, one that meets the requirements of the courts.

Under the general rule, the fourth amendment requires that an officer apprise the inhabitants of the house of his presence and his intention to enter the house before he attempts to enter the house.

The amendment is carefully drawn. It specifies the exact circumstances in which the officer can enter without announcing his purpose and his authority.

If we are going to have a bad statute, let us have a bad statute which is constitutional and which makes the right of an officer dependent upon the search warrant, as the Supreme Court in the Ker case says, and not on what some judge says who is hours and miles away.

Mr. President, if we are going to have a bad statute let us have a constitutional amendment. I urge Senators to agree to my perfecting amendment.

Mr. GRIFFIN. Mr. President, I believe that Senators have before them a copy of the amendment which has been proposed by the Senator from North Carolina. The Senator's amendment states:

> Such notice need not be given and such demand need not be made if at the time he undertakes to execute the warrant the officer has probable cause to believe . . .

On its face, this language would do more damage to the right of privacy than either the committee language or my substitute amendment.

Under my amendment to the committee bill, the decision to enter without giving notice is not left up to the officer at the door. Under my amendment, if a law officer is going to enter without notice, he must go to a magistrate or judge and satisfy that magistrate or judge that there is a probable cause to believe that this is necessary. Most importantly, this decision is made by the judge or magistrate in a court not by an officer under stress at a door.

I would have great difficulty, as a matter of public policy, voting for the Ervin amendment.

Mr. PASTORE. The Senator from North Carolina said this is in conformity with the Supreme Court opinion. Will the Senator make an observation on that point?

Mr. GRIFFIN. It may be. As I indicated earlier, in Ker against California, the Supreme Court approved a no-knock entry, even where a search warrant had not been issued.

It is important to remember that in this bill, the Senate would obviously not be going to the very limit of constitutionality. In fact, the Senate is really restricting the present law by saying that an officer cannot enter without notice unless he first obtains a warrant specifically authorizing such entry.

Mr. President, I yield to the Senator from Maryland for a comment.

Mr. TYDINGS. Mr. President, reluctantly I am going to oppose the amendment of the Senator from North Carolina for the following reasons. It does comply with the Supreme Court's decision in Ker against California, but Ker against California also related to what a police officer might do.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. TYDINGS. Mr. President, I ask unanimous consent that I may speak for 2 additional minutes.

Mr. MANSFIELD. One minute, and that is the limit. The manager of the bill has not had an opportunity to speak. One minute apiece.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. TYDINGS. The issue here is whether or not under the Ervin amendment the Senate wants the police officer to have the authority to make that decision at the time he is going to execute the warrant or whether or not the Senate wants that authority exercised by a court of law prior to that time, under the same circumstances under which search warrants are normally issued. The court has passed on this matter once before in connection with the D.C. bill. We went along with Tripiano against United States, in that we would rather have a judge exercising that authority than police officers in the late hours of the night.

Mr. DODD. Mr. President, I do not have much more to add. Many of us are concerned about this matter.

This amendment would go back and give the cop the right to determine whether or not he would smash in the door. We say, "No, he has to go to a judge or magistrate to get permission."

Mr. President, this would be retrogression and it would not be an advancement at all.

The PRESIDING OFFICER. All time has expired.

Mr. BAYH. Mr. President, I ask unanimous consent that the Senator from North Carolina be given another minute to deal with questions that have been raised.

Several Senators addressed the Chair.

Mr. ERVIN. Mr. President, I ask for the yeas and nays on the amendment.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the perfecting amendment of the Senator from North Carolina (Mr. ERVIN) to the amendment of the Senator from Michigan (Mr. GRIFFIN). On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. KENNEDY. I announce that the Senator from Alaska (Mr. GRAVEL), the Senator from Indiana (Mr. HARTKE), the Senator from North Carolina (Mr. JORDAN), the Senator from South Dakota (Mr. McGOVERN), and the Senator from Texas (Mr. YARBOROUGH), are necessarily absent.

On this vote, the Senator from Texas (Mr. YARBOROUGH) is paired with the Senator from Illinois (Mr. PERCY).

If present and voting, the Senator from Texas would vote "yea" and the Senator from Illinois would vote "nay."

On this vote, the Senator from North Carolina (Mr. JORDAN) is paired with the Senator from Texas (Mr. TOWER).

If present and voting, the Senator from North Carolina would vote "yea" and the Senator from Texas would vote "nay."

On this vote, the Senator from Alaska (Mr. GRAVEL) is paired with the Senator from South Dakota (Mr. MUNDT).

If present and voting, the Senator from Alaska would vote "yea" and the Senator from South Dakota would vote "nay."

Mr. GRIFFIN. I announce that the Senator from Colorado (Mr. DOMINICK), the Senator from Arizona (Mr. GOLDWATER), the Senator from Oregon (Mr. PACKWOOD), the Senator from Vermont (Mr. PROUTY), the Senator from Alaska (Mr. STEVENS), and the Senator from Texas (Mr. TOWER) are necessarily absent.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

The Senator from New York (Mr. JAVITS), the Senator from Maryland (Mr. MATHIAS), and the Senator from Illinois (Mr. PERCY) are absent on official business.

On this vote, the Senator from Maryland (Mr. MATHIAS) is paired with the Senator from Colorado (Mr. DOMINICK). If present and voting, the Senator from Maryland would vote "yea" and the Senator from Colorado would vote "nay."

On this vote, the Senator from Texas (Mr. YARBOROUGH) is paired with the Senator from Illinois (Mr. PERCY). If present and voting, the Senator from Texas would vote "yea" and the Senator from Illinois would vote "nay."

On this vote, the Senator from North Carolina (Mr. JORDAN) is paired with the Senator from Texas (Mr. TOWER). If present and voting, the Senator from North Carolina would vote "yea" and the Senator from Texas would vote "nay."

On this vote, the Senator from Alaska (Mr. GRAVEL) is paired with the Senator from South Dakota (Mr. MUNDT). If present and voting, the Senator from Alaska would vote "yea" and the Senator from South Dakota would vote "nay."

The result was announced—yeas 35, nays 50, as follows:

[No. 12 Leg.]

YEAS—35

Allen
Burdick
Byrd, Va.
Case
Cooper
Cranston
Eastland
Ervin
Gore

XUM

Harris
Hart
Holland
Hollings
Hughes
Inouye
Kennedy
Mansfield
McCarthy
McGee
Metcalf
Mondale
Moss
Muskie
Nelson
Pastore
Pell
Proxmire
Randolph
Ribicoff
Sparkman
Spong
Stennis
Talmadge
Williams, N.J.
Young, Ohio

NAYS—50

Aiken
Allott
Anderson
Baker
Bayh
Bellmon
Bennett
Bible
Boggs
Brooke
Byrd, W. Va.
Cannon
Church
Cook
Cotton
Curtis
Dodd
Dole
Eagleton
Ellender
Fannin
Fong
Fulbright
Goodell
Griffin
Gurney
Hansen
Hatfield
Hruska
Jackson
Jordan, Idaho
Long
Magnuson
McClellan
McIntyre
Miller
Montoya
Murphy
Pearson
Russell
Saxbe
Schweiker
Scott
Smith, Maine
Smith, Ill.
Symington
Thurmond
Tydings
Williams, Del.
Young, N. Dak.

NOT VOTING—15

Dominick
Goldwater
Gravel
Hartke
Javits
Jordan, N.C.
Mathias
McGovern
Mundt
Packwood
Percy
Prouty
Stevens
Tower
Yarborough

So Mr. Ervin's amendment to Mr. Griffin's amendment was rejected.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Michigan. The yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. MANSFIELD (after having voted in the affirmative). Mr. President, on this vote I have a pair with the senior Senator from Texas (Mr. Yarborough). If he were present and voting, he would vote "nay." If I were permitted to vote, I would vote "yea." Therefore, I withdraw my vote.

Mr. KENNEDY. I announce that the Senator from Alaska (Mr. Gravel), the Senator from North Carolina (Mr. Jordan), the Senator from South Dakota (Mr. McGovern), and the Senator from Texas (Mr. Yarborough) are necessarily absent.

On this vote, the Senator from North Carolina (Mr. Jordan) is paired with the Senator from Texas (Mr. Tower).

If present and voting, the Senator from North Carolina would vote "nay" and the Senator from Texas would vote "yea."

I further announce that, if present and voting, the Senator from Alaska (Mr. Gravel) would vote "nay."

Mr. GRIFFIN. I announce that the Senator from Colorado (Mr. Dominick), the Senator from Arizona (Mr. Goldwater), the Senator from Oregon (Mr. Packwood), the Senator from Vermont (Mr. Prouty), the Senator from Alaska (Mr. Stevens), and the Senator from Texas (Mr. Tower) are necessarily absent.

The Senator from South Dakota (Mr. Mundt) is absent because of illness.

The Senator from New York (Mr. Javits), the Senator from Maryland (Mr. Mathias), and the Senator from Illinois (Mr. Percy) are absent on official business.

If present and voting, the Senator from Colorado (Mr. Dominick), the Senator from Maryland (Mr. Mathias), the Senator from South Dakota (Mr. Mundt), and the Senator from Illinois (Mr. Percy) would each vote "yea."

On this vote, the Senator from Texas (Mr. Tower) is paired with the Senator from North Carolina (Mr. Jordan).

If present and voting, the Senator from Texas would vote "yea" and the Senator from North Carolina would vote "nay."

The result was announced—yeas 70, nays 15, as follows:

[No. 13 Leg.]

YEAS—70

Aiken
Allott
Anderson
Baker
Bayh
Bellmon
Bennett
Bible
Boggs
Brooke
Burdick
Byrd, Va.
Byrd, W. Va.
Cannon
Church
Cotton
Curtis
Dodd
Dole
Eagleton
Ellender
Fannin
Fong
Fulbright
Gore
Griffin
Gurney
Hansen
Harris
Hart
Hartke
Hatfield
Holland
Hollings
Hruska
Hughes
Inouye
Jackson
Jordan, Idaho
Long
Magnuson
McCarthy
McClellan
McGee
McIntyre
Miller
Mondale
Montoya
Murphy
Muskie
Pastore
Pearson
Pell
Proxmire
Randolph
Russell
Saxbe
Schweiker
Scott
Smith, Maine
Smith, Ill.
Sparkman
Spong
Symington
Talmadge
Thurmond
Tydings
Williams, N.J.
Williams, Del.
Young, N. Dak.

NAYS—15

Allen
Case
Cook
Cooper
Cranston
Eastland
Ervin
Goodell
Kennedy
Metcalf
Moss
Nelson
Ribicoff
Stennis
Young, Ohio

PRESENT AND GIVING A LIVE PAIR, AS PREVIOUSLY RECORDED—1

Mr. Mansfield, for.

NOT VOTING—14

Dominick
Goldwater
Gravel
Javits
Jordan, N.C.
Mathias
McGovern
Mundt
Packwood
Percy
Prouty
Stevens
Tower
Yarborough

So Mr. Griffin's amendment was agreed to.

Mr. HRUSKA. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. GRIFFIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

NO FURTHER DELAY ON DRUG CONTROL

Mr. MONTOYA. Mr. President, the Senate has before it the Controlled Dangerous Substances Act, an omnibus drug control measure. It codifies a mass of drug laws, provides new tools for the Justice Department to use against the drug traffic and brings tranquilizers under dangerous drug laws for the first time.

I believe that we have very little time left before the drug problem across the entire Nation is totally out of hand. Every State and city has some horror story or another to relate because of this poison and the people who peddle it. This traffic and those who indulge in it are literally a cancer in the body politic of our land.

Only the National Government is able to set an example in combating this menace. We have here an opportunity to throw a net of control over a vast traffic that is ruining tens of thousands of lives daily. I feel this measure would supply a significant portion of the answer we are so ardently searching for.

It will establish a unified approach to Federal enforcement of narcotics and dangerous drug laws by combining diverse drug control and enforcement laws in one piece of legislation. Under this proposed law, responsibility and authority with respect to narcotics and dangerous drug control are vested with the Attorney General.

In line with this, the bill will reassess and improve the administration and regulation of the manufacture, distribution, importation, and export of controlled drugs. This in turn will help reduce present diversion of drugs into illegal channels, which is a common occurrence today. Further, it will inhibit production of drugs in underground laboratories operated by criminal elements. Also, it will crimp severely the illegal traffic in both medical and nonmedical controlled drugs.

It will classify all drugs subject to control into four separate schedules, according to chemical properties, psychological and physical effects, and abuse potential. Such schedules will correspond to penalties applicable to violations involving the four different categories of drugs. For the first time several tranquilizers with significant abuse potential will be covered; librium, valium, and meprobamate.

The measure will also overhaul the terribly archaic penalty structure we now use for drug law violations. It will eliminate mandatory minimum sentences for all drug offenses except for a special class of professional criminals. Under its terms, judges would be able to utilize personal discretion in imposing sentences on heroin pushers and traffickers, and lesser penalties for marihuana and other less dangerous drugs.

Judges would also have placed in their hands probation, parole, and suspended sentences as valuable tools for rehabilitation. We must sort out the peddlers of hard drugs and crack down on them mercilessly. Yet simultaneously we must segregate them from youngsters who experiment on a one-time basis with marihuana. The latter must be saved. The former must be eliminated.

This measure will also create a commission to study marihuana, the most widely utilized drug used by young people. It accounts for the great majority of narcotics arrests of persons under age 21. It is a controversial drug, and its full effects have yet to be determined.

Mr. President, I shall support this bill because it seems to be the type of all-inclusive legislation we have been searching for. It segregates drugs and types of offenders. Above all, it launches us into an all-out war against this traffic, which I feel must be halted before it destroys the very fabric of our Nation.

I am troubled by some aspects of the measure, but nonetheless will support it. We must make a substantial beginning, and cease wringing our hands over the problem. This measure seems to have the tools in it with which to do the job. Let us get cracking.

Mr. McCLELLAN and Mr. HUGHES addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Iowa.

XUM

AMENDMENT NO. 451

Mr. HUGHES. Mr. President, I call up my amendment No. 451 and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

On page 64, beginning with line 8, delete all through line 20 and insert in lieu thereof the following:

"SEC. 602. (a) The Attorney General is authorized and directed to carry out educational and research programs directly related to enforcement of the control provisions set forth in this Act. Such programs may include—

"(1) educational and training programs on dangerous substance law enforcement for local, State, and Federal personnel;

"(2) studies or special projects designed to compare the deterrent effects of various enforcement strategies on drug use and abuse;

"(3) studies or special projects designed to assess and detect accurately the presence of controlled dangerous substances in the human body, including the development of rapid field identification methods which would enable agents to detect micro-quantities of such substances;

"(4) studies or special projects designed to evaluate the nature and sources of the supply of illegal drugs throughout the country;

"(5) studies or special projects to develop more effective methods of manufacture or distribution to prevent diversion of controlled dangerous substances into illegal channels.".

On page 64, line 22, immediately before "educational", insert "such".

Mr. HUGHES. Mr. President, I ask unanimous consent that, without losing my right to the floor, I may yield to the Senator from Arkansas.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. McCLELLAN. I thank the distinguished Senator.

May I say to the distinguished Senator from Iowa that I have two amendments, and his amendment would have to be withdrawn temporarily in order for me to offer these. I understand that my amendments are not controversial—at least, so far as the manager of the bill is concerned.

Mr. DODD. That is correct.

Mr. McCLELLAN. I think we could dispose of these amendments quickly. If they result in any controversy, I will agree to withdraw them temporarily and let the Senator from Iowa have the floor.

Mr. DODD. I think these are good amendments. They will strengthen the bill. So far as I am concerned, I am happy to accept them.

Mr. HUGHES. Mr. President, I ask unanimous consent, without losing my right to the floor, temporarily to withdraw amendment No. 451.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. McCLELLAN. I thank the Senator.

I ask unanimous consent that immediately upon the conclusion of this business that the Senator from Iowa have the right to the floor to renew his amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. McCLELLAN. Mr. President, the amendment to S. 3246 that I now send to the desk would accomplish three minor clarifications or changes in its provisions that deal with sentencing. As the Judiciary Committee report on the bill makes clear—report No. 91–613 at 28—its sentencing provisions "are modeled on title X of the Organized Crime Control Act of 1969" which the Senate passed last Friday. The purposes of my amendment would be to clarify somewhat the intent of the specal offender sentencing provisions of both bills and to make the provisions of S. 3246 more closely parallel those of S. 30.

The first aspect of the amendment would insure that sentences under the Controlled Dangerous Substances Act, like those under title X of S. 30 and in other Federal criminal cases, are imposed by the judge after proceedings before the court alone.

Mr. President, I ask unanimous consent to have printed at this point in the RECORD a brief statement in support of this aspect of the amendment, collecting a number of authorities for the wisdom and constitutionality of sentencing by judges both in ordinary and in special sentencing cases.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT IN SUPPORT OF COURT HEARING ON SENTENCE

The American Law Institute has expressly rejected the suggestion that the findings underlying special offender sentencing must be or should be made by a jury. Model Penal Code § 7.03 (Proposed Official Draft, 1962); Model Penal Code, Comment at 42 (Draft No. 2, 1954). Similarly, the habitual offender laws of some eight states entrust all relevant fact finding to a judge rather than a jury. See *Yates* v. *State,* 245 Ala. 490, 17 So. 2d 777 (1944); Kan. Gen. Stat. Ann. § 21–107a; La. Rev. Stat. Ann. § 15:529.1; Minn. Stat. Ann. § 609.16; Mo. Ann. Stat. § 556.280(2); Neb. Rev. Stat. §29.2221(2); Nev. Rev. Stat. § 207.010; Ore. Rev. Stat. § 168.065; *accord,* Advisory Council of Judges, National Council on Crime and Delinquency, *Model Sentencing Act* §§ 5, 6, 12 (1963). The American Bar Association endorses the same approach, for both ordinary and special offender cases, largely because of "the need for the development of an expertise beyond that which can be expected of the average lay jury," because sentencing in both types of cases depends heavily upon fact determinations, and because jury sentencing "invites a procedure too cumbersome to justify its recommendation." Advisory Committee on Sentencing and Review, ABA Project on Minimum Standards for Criminal Justice, *Standards Relating to Sentencing Alternatives and Procedures* § 1.1, pp. 3, 262 (Tentative Draft December 1967). That approach does not impair the constitutional right to trial by jury. *State* v. *Losieau,* 184 Neb. 178, 166 N.W. 2d 406 (1969). *But cf. Duncan* v. *Louisiana,* 391 U.S. 145 (1968).

Mr. McCLELLAN. Mr. President, the second aspect of the amendment deals with a question which has arisen whether the intent of the special sentencing provisions of both S. 30 and S. 3246 is that the right of appellate review of sentences shall extend to review of the correction or reduction of a sentence as well as to its original imposition. The intent was that appellate review should apply to review of imposition as well as correction and, since the question has arisen. I consider adoption of this clarifying amendment desirable.

The phrase "sentence imposed" in S. 3246, page 62, line 8, and in S. 30, page 96, line 5, was intended to include sentences corrected or reduced, and the amendment adds those terms to S. 3246 to clarify that intent. The amendment uses the words "correction" and "reduction" in the narrow sense in which they are used in rule 35 of the Federal Rules of Criminal Procedure. Those terms are distinguished from the word "imposition," used in the amendment to refer to the fixing or changing of a sentence by the sentencing court or court of appeals under authority other than rule 35 of the Federal Rules of Criminal Procedure. Similarly, it was intended that the prohibition against increase of a sentence where the Government had not taken review would be applied, in the context of review of correction or reduction of a sentence after the Government had failed to take review of the original sentence, to prohibit increase of the sentence above its original level. The amendment makes that application more explicit.

Finally, the amendment would strike the word "act" and insert the word "section" in section 507(b) of the statute. I regard this as just a technical amendment. Subsection (b), in its present form, is an amendment that I offered in committee, modeled on section 6 of S. 2677, the Student Disturbances Act of 1969. We must not only visit severe punishment on those who traffic in drugs, but we must also give the first offender an opportunity to reform himself. The inclusion of the phrase "act" in subsection (b) is apparently a printing error. My original amendment read "section."

Mr. President, I have discussed these amendments with the distinguished Senator from Connecticut, the manager of the bill. He and his staff have had the benefit of these amendments for several days. They have studied the amendments, and I understand that they are acceptable. As he indicated earlier, I believe they will strengthen the bill and will correct one or two technical defects in it.

Mr. DODD. I reiterate what I said a few moments ago. I think it is correct to say that. I thank the Senator for these amendments.

Mr. McCLELLAN. I thank the Senator. I told him a few days ago that it was not to cripple the bill, but to try to strengthen it that these amendments were prepared.

I ask that the amendments be stated.

The PRESIDING OFFICER. Does the Senator from Arkansas desire that the amendments be considered en bloc?

Mr. McCLELLAN. I ask unanimous consent that the amendments be considered en bloc.

The PRESIDING OFFICER. Without objection is it so ordered.

The amendments will be stated.

The legislative clerk proceeded to read the amendments.

Mr. McCLELLAN. Mr. President, I ask unanimous consent that further reading of the amendments be dispensed with.

XUM

The PRESIDING OFFICER. Without objection, it is so ordered, and the amendments will be printed in the Record.

The amendments offered by the Senator from Arkansas (Mr. McClellan) are as follows:

On page 56, line 13, strike "Act" and insert "section".

On page 58, line 6, strike "a trial before a jury" and insert "a hearing before the court".

On page 58, line 8, strike "the jury" and insert "the court".

On page 62, strike lines 8 through 25 and insert the following:

"(h) With respect to the imposition, correction or reduction of a sentence after proceedings under this section, a review may be taken by the defendant or the United States to a court of appeals. Any review by the United States shall be taken at least five days before expiration of the time for taking a review or appeal by the defendant and shall be diligently prosecuted. The sentencing court may, with or without motion and notice, extend the time for taking a review for a period not to exceed thirty days from the expiration of the time otherwise prescribed by law. The court shall not extend the time for taking a review by the United States after the time has expired. A court extending the time for taking a review by the United States shall extend the time for taking a review or appeal by the defendant for the same period. The court of appeals may, after considering the record, including the presentence report, information submitted during the trial of such felony and the sentencing hearing, and the findings and reasons of the sentencing court, affirm the sentence, impose or direct the imposition of any sentence which the sentencing court could originally have imposed, or remand for further sentencing proceedings and imposition of sentence, except that a sentence may be made more severe only on review taken by the United States and after hearing. Failure of the United States to take a review of the imposition of a sentence shall, upon review taken by the United States of the correction or reduction of the sentence, foreclose imposition of a sentence more severe than that previously imposed. Upon any withdrawal of review taken by the United States, a sentence less severe than that reviewed may be imposed but one more severe may not be imposed. Any review taken by the United States may be dismissed on a showing of abuse of the right of the United States to take such review."

On page 63, strike lines 1 through 11.

Mr. HRUSKA. Mr. President, I wish to concur in what was expressed in regard to these amendments by the Senator from Connecticut. This is material which had been considered in connection in part, the organized crime bill. I agree with the Senator from Arkansas that it will strengthen the bill and will clarify, in the places where clarifying language is sought, the language of the bill. It will be to the betterment of the legislation that these amendments be agreed to.

Mr. McCLELLAN. I thank the Senator from Nebraska.

The PRESIDING OFFICER. The question is on agreeing to the amendments en bloc.

The amendments were agreed to en bloc.

Mr. McCLELLAN. Mr. President, the next amendment to S. 3246 that I now send to the desk would substitute for the immunity provisions now found in section 707, new language patterned on S. 30, the Organized Crime Control Act of 1969, which the Senate passed Friday by a record vote of 73 to 1. This language reflects the recommendations of the National Commission on Reform of Federal Criminal Law and the President in his message on April 23 on "Organized Crime." It substitutes "use" immunity for "transaction" immunity in line with recent Supreme Court cases. See *Murphy* v. *Waterfront Commission*, 378 U.S. 52 (1964): S. Rep. No. 91-617 at 51-56 (1969).

Mr. President, this matter was taken up with the Senator from Connecticut a few days ago. Its purpose is to try to keep the various laws in this field uniform. It would make applicable to drugs the same language that was used in the organized crime bill. I believe that we should try to keep provisions of law uniform, unless there are circumstances or conditions that dictate a difference, and then they should be treated differently. But I see no reason for any difference here. Therefore, I hope that my good friend from Connecticut will accept the amendment in order to make the immunity provisions of the bill uniform with the organized crime control bill, which passed the Senate a few days ago.

Mr. DODD. Mr. President, I am glad to say that I completely agree with the amendment. We have examined it. I have told the Senator that we will accept it. I believe that the Senator from Nebraska (Mr. Hruska) is also of the same view.

Mr. HRUSKA. Mr. President, I fully agree with the explanation and am in support of the amendment. In addition to its having been considered and incorporated into the organized crime bill, it has been, as the Senator from Arkansas noted, the subject of discussion by the Commission on the Revision of Federal Criminal Laws. It is in this direction that the Commission has decided to go, focusing not on the individual's complete immunity, but rather upon the evidence he gives and any evidence that is derived from such evidence.

I, therefore, urge adoption of the amendment.

Mr. McCLELLAN. Mr. President, I ask that the amendments be stated.

The PRESIDING OFFICER. The amendments will be stated.

The legislative clerk proceeded to read the amendments.

Mr. McCLELLAN. I ask unanimous consent that further reading of the amendments be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered, and the amendments will be printed in the Record.

The amendments offered by the Senator from Arkansas are as follows:

On page 84, line 13, strike out all after "Sec. 707".

On page 84, strike out lines 14 through 25 and insert the following:

"(a) Whenever a witness refuses, on the basis of his privilege against self-incrimination, to testify or provide other information in a proceeding before a court or grand jury of the United States, involving a violation of this Act, and the person presiding over the proceeding communicates to the witness an order issued under this section, the witness may not refuse to comply with the order on the basis of his privilege against self-incrimination. But no testimony or other information compelled under the order issued under subsection (b) of this section or any information obtained by the exploitation of such testimony or other information, may be used against the witness in any criminal case, except a prosecution for perjury, giving a false statement, or otherwise failing to comply with the order.

"(b) In the case of any individual who has been or may be called to testify or provide other information at any proceeding before a court or grand jury of the United States, the United States district court for the judicial district in which the proceeding is or may be held shall issue, upon the request of the United States attorney for such district, an order requiring such individual to give any testimony or provide any other information which he refuses to give or provide on the basis of his privilege against self-incrimination.

"(c) A United States attorney may, with the approval of the Attorney General or the Deputy Attorney General, or any Assistant Attorney General, designated by the Attorney General, request an order under subsection (b) when in his judgment—

"(1) the testimony or other information from such individual may be necessary to the public interest; and

"(2) such individual has refused or is likely to refuse to testify or provide other information on the basis of his privilege against self-incrimination."

On page 85, strike out lines 1 through 11.

The PRESIDING OFFICER. The question is on agreeing to the amendments of the Senator from Arkansas.

The amendments were agreed to.

Mr. McCLELLAN. Mr. President, I wish to thank the distinguished Senator from Iowa (Mr. Hughes) for yielding to me at this time. I hope that we have not trespassed upon the courtesy that he has extended to us. We have tried to operate with expedition here, and I appreciate it very much, because I understood that possibly it would take sometime to dispose of the amendment which the Senator from Iowa has proposed.

I thank the Senator from Iowa very much again for his courtesy to me.

AMENDMENT NO. 451

Mr. HUGHES. Mr. President, I call up again my amendment No. 451 and ask the clerk to report it.

The PRESIDING OFFICER. The clerk will report the amendment.

The bill clerk proceeded to read the amendment.

Mr. HUGHES. Mr. President, I ask unanmious consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered; and the amendment will be printed in the Record at this point.

Amendment No. 451, as offered by the Senator from Iowa, is as follows:

Amendment No. 451

On page 64, beginning with line 8, delete all through line 20 and insert in lieu thereof the following:

"Sec. 602. (a) The Attorney General is authorized and directed to carry out educational and research programs directly related to enforcement of the control provisions set forth in this Act. Such programs may include—

"(1) educational and training programs on dangerous substance law enforcement for local, State, and Federal personnel;

"(2) studies or special projects designed to compare the deterrent effects of various enforcement strategies on drug use and abuse;

"(3) studies or special projects designed to assess and detect accurately the presence of controlled dangerous substances in the human body, including the development of rapid field identification methods which would enable agents to detect micro-quantities of such substances;

"(4) studies or special projects designed to evaluate the nature and sources of the supply of illegal drugs throughout the country;

"(5) studies or special projects to develop more effective methods of manufacture or distribution to prevent diversion of controlled dangerous substances into illegal channels."

On page 64, line 22, immediately before "educational", insert "such".

Mr. HUGHES. Mr. President, section 602 of S. 3246 authorizes and directs the Attorney General "to carry out educational and research programs necessary for the effective enforcement of this Act." Because of the broad scope of this legislation, it is extremely unclear whether this language provides for any effective limitation at all upon the Attorney General's authority in research and educational areas. It authorizes a broad charter to undertake programs designed to establish and carry out methods of assessing the effects of controlled dangerous substances and of identifying and characterizing controlled dangerous substances with a potential for abuse—functions more properly committed to the department of the Government charged with the conduct of medical research and medical education.

Language in subsection (a) of section 602 gives the Attorney General broad authority to "enter into contracts with public agencies, institutions of higher education, and private organizations or individuals for the purpose of conducting research, or special projects which bear directly on misuse and abuse of controlled dangerous substances." Again, his authority to enter into such contracts is not limited to projects directly related to law enforcement.

Mr. President, I do not think that anyone here disagrees with what section 602 was intended to do. Attorney General Mitchell, testifying before the Juvenile Delinquency Subcommittee of the Judiciary Committee, on September 15, 1969, stated:

> In this legislation . . . we have not sought to incorporate all of the Government's research and educational efforts, but only those which relate to the functions of the Department of Justice. Crucial areas, such as the provision for treatment and rehabilitation of addicts and abusers, have not been included. It is believed that these are subjects which should be handled as separate and distinct legislative efforts.

Mr. Creed Black, Assistant Secretary for Legislation, Department of Health, Education, and Welfare, testifying before the special Senate Subcommittee on Alcoholism and Narcotics, which I chair, stated:

> The Department of Health, Education, and Welfare has the primary responsibility to develop research in drug abuse; to train the skilled manpower necessary to operate effective treatment and rehabilitation programs; and to support educational efforts at all levels of our society on the specific risks and dangers of illicit drugs.

No one here, including myself, wants to tie the hands of reasonable and effective law enforcement. The amendment which I propose should in no way affect the Attorney General's ability to enforce the act in the manner he has requested. It would prevent duplication of already scarce health, educational, and scientific expertise; and it would assure the retention of the primary burden of our educational and research effort in the Department of Health, Education, and Welfare.

The amendment would strike subsection (a) of section 602 and would substitute a new subsection authorizing and directing the Attorney General to carry out educational and research programs, but more specifically limiting his charter to those programs directly related to enforcement of the control provisions of the act. Subject to this minor limitation, the authority granted by the substitute subsection is quite broad. It would authorize the Attorney General to undertake all of the following:

First, educational and training programs on dangerous substances law enforcement for local, State, and Federal personnel;

Second, studies or special projects designed to compare the deterrent effects of various enforcement strategies on drug use and abuse;

Third, studies or special projects designed to assess and detect accurately the presence of controlled dangerous substances in the human body, including the development of rapid field identification methods which would enable agents to detect microquantities of such substances;

Fourth, studies or special projects designed to evaluate the nature and sources of supply of illegal drugs throughout the country; and

Fifth, studies or special projects to develop more effective methods of distribution to prevent diversion of controlled dangerous substances into illegal channels.

Mr. President, I am not proposing to hamper in any way the provisions in the bill giving the Attorney General the primary assignment for the education and training of law enforcement personnel and for conducting research projects that deal primarily with that area. However, at the same time my amendment would preserve the jurisdiction of the Secretary of the Health, Education, and Welfare in the areas of educational and research programs.

I think that the testimony, at least before my subcommittee, indicates that this is where this type of expertise should remain.

I think the testimony of the Attorney General himself indicates that it was not the intent of the Department of Justice in any way to get into these other fields that concern me.

All I am trying to do is to assure in this particular piece of legislation that we implement the intent apparently expressed before both of the subcommittees and in a colloquy had last week among the Senator from Nebraska, the Senator from Connecticut, and me.

Mr. President, I do not intend to belabor the amendments I will propose. I intend to call up as rapidly as possible and call for a rollcall vote on each one. I express that for the benefit of the Senators present.

Mr. President, I ask for the yeas and nays.

The yeas and nays were not ordered.

Mr. HUGHES. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. HUGHES. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HUGHES. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. DODD. Mr. President, will the Senator yield?

Mr. HUGHES. I yield.

Mr. DODD. Mr. President, I wonder if we could possibly get an agreement on time.

Mr. HUGHES. I am finished on this amendment.

Mr. DODD. I did not understand that the Senator was through.

Mr. HUGHES. Mr. President, I yield the floor.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

Mr. DODD. Mr. President, did the Senator from Nebraska wish to be heard? I have some brief comments to make, but I had understood that the Senator from Nebraska also wanted to be heard.

Mr. HRUSKA. I do wish to be heard. I will speak in due time. Does the Senator wish to precede me?

Mr. DODD. Either way.

Mr. HRUSKA. The Senator may go ahead.

Mr. DODD. Mr. President, I have talked with the Senator from Iowa about this and his other amendments. I wish that I could agree to accept this one as one of those responsible for the pending bill. However, I cannot do so.

The Senator from Nebraska and I both agree that we would like to do this. But this amendment actually will strike at the heart of the bill, and I want to explain why.

The amendment would divest the Attorney General of authority to conduct programs assessing the effects of controlled dangerous substances, identifying those substances having a potential for abuse.

This authority is an important aspect of the Attorney General's work. The amendment would further limit the Attorney General's educational and research activities to special projects directly related to the control provisions of the act, such as training programs, detection methods, better prevention of diversion, and comparisons of the deterrent effects of different law enforcement strategies.

An additional provision would limit the Attorney General's authority to enter into research contracts to only those activities authorized in subsection 602(a).

It is absolutely essential, I believe, that the Attorney General be authorized to carry out research on the effects of these controlled dangerous substances and to identify those substances having a potential for abuse since he has the primary responsibility of determining whether or not a drug shall be brought under control. He is the person under the law who must make that decision.

If we deny him this authority, it would, in effect, be compelling him to make a determination without having the facts available concerning the drug in question. In addition, it would significantly slow down the control procedure if all information must be culled from other sources.

This amendment would frustrate our purpose here, which is to control a drug before widespread use occurs, not after.

Last April when I introduced a bill I had prepared, it contained several provisions having to do with items similar to this amendment. Those provisions were all eliminated, and the Senator from Nebraska and I, with others, worked on this matter for a long time.

We tried to delete from that bill that which realistically belonged in the Department of Health, Education, and Welfare or in any other agency. But we are of the opinion that one person, the Attorney General, has to be in charge of enforcing the Federal narcotics law.

The Department of Health, Education, and Welfare voiced no objection to the original subsection 604(a) and, in fact, agreed to it as written.

This is an enforcement bill. It is neither a rehabilitation bill nor a research bill. This is a law enforcement bill. That is what I intended when I drafted and perfected it and I am sure that is what the Senator from Nebraska intended when he worked on it. That is what all of us had in mind. Let us give the Attorney General those tools he needs so that he can crack down on the drug peddlers and pushers in this country, those people who make addicts out of others with drugs imported from abroad.

Therefore, with all respect to the distinguished Senator from Iowa, I say this amendment would gut this bill and impair the Attorney General in his execution of his duties and responsibilities under it.

I ask the Senator from Iowa, who knows so much about this general subject, to wait until we can get to his necessary next piece of legislation which will have to do with drug rehabilitation and prevention; but for now, let us stay with the law enforcement aspect of the problem.

Mr. President, I should point out that the powers which the Attorney General would have under this bill are powers which are already reposed in the Bureau of Narcotics and Dangerous Drugs under his direction. They are part of the Federal law now, and that must be so. I have here the organizational chart of the aforementioned Bureau under the direction of Mr. John Ingersoll. Included thereon is an Office of Science and Education. The Director of that office is responsible for educational and science work. There is an Educational Programs Division, a Laboratory Operations Division, and a Drug Sciences Division. This education and research effort goes on all the time and they deal most particularly in the area of narcotics. It is all a part of the task of law enforcement. That is why I plead with the Senator that he not press his amendment. Finally, I think it goes without saying we would not have effective law enforcement if the authority were divided.

I ask that we give the Attorney General the tools and say to him, "Mr. Attorney General, here are your tools. Here is everything you need to work with. You make the decisions. It is your responsibility. You do not have to rely on anyone else." I believe this is the way it should be done.

Mr. MONTOYA. Mr. President, will the Senator yield?

Mr. DODD. I yield.

Mr. MONTOYA. Would the Senator note the line of demarcation between the amendment offered by the Senator from Iowa and the provisions in the bill? In other words, is the amendment offered by the Senator from Iowa complementary to the enforcement provisions of the bill by providing rehabilitative action and education, or is the amendment derogatory to the enforcement provisions of the bill? I would like to know.

Mr. DODD. Mr. President, the way in which the Senator frames the question makes it difficult to answer precisely. However, I shall attempt to answer factually and accurately. It is true that the amendment would complement the bill if it added to it; however, it limits the authority of the Attorney General with respect to research and education.

I would not say it is derogatory, but it represents impairment when the authority is taken from the law enforcement officer and placed in the hands of the Secretary of Health, Education, and Welfare, his qualifications and expertise notwithstanding.

Mr. MONTOYA. Is this not strictly for rehabilitative or educational purposes?

Mr. DODD. I am sorry, will the Senator repeat his question?

Mr. MONTOYA. The vesting in the Secretary of Health, Education, and Welfare is only confined to rehabilitative and educational action which is triggered by the Hughes amendment. Is that not correct?

Mr. DODD. It would not give authority to anybody, really. It would divest from the Attorney General his authority to a great degree.

Mr. MONTOYA. Is there anything in the Hughes amendment that would inhibit or disrupt or break down any part of the enforcement functions delegated to the Attorney General by the Senator's proposal?

Mr. DODD. Yes.

Mr. MONTOYA. I would like to have the specifics in that regard.

Mr. DODD. I do not think the Senator was in the Chamber when I tried to explain the ongoing functions of the Attorney General in the area of narcotics enforcement, education, and research. The organization chart of the Bureau of Narcotics and Dangerous Drugs is rather detailed and specific in this regard. These research and education efforts are historically the task of law enforcement, and it is a job they have long carried out.

Mr. MONTOYA. Is there anything in the Hughes amendment that would take that away from the Attorney General?

Mr. DODD. Yes.

Mr. MONTOYA. What is it?

Mr. DODD. The authority to conduct many of these programs would be divested. It would place them in another department. That would be an impairment of his law enforcement responsibility.

Mr. MONTOYA. Can he continue to do the same things?

Mr. DODD. I would say he could not if this amendment were agreed to.

Mr. HRUSKA. Mr. President, will the Senator yield?

Mr. DODD. I yield.

Mr. HRUSKA. Is it not true that section 602(a) as it exists in the bill is present law?

Mr. DODD. The Senator is correct.

Mr. HRUSKA. It is a restatement of present law and it furnishes a basis for the Attorney General to determine the problems that relate to enforcement of the law and control of drugs deemed harmful which should be subject to sanctions if they are used or trafficked in.

Mr. DODD. That is correct.

Mr. HRUSKA. The amendment of the Senator from Iowa would repeal that and strike it.

Mr. DODD. The Senator is correct.

Mr. HRUSKA. Here would be a man charged with enforcement of the law, and he would be deprived of the right and statutory basis for enabling him to inquire or make inquiry into such scientific data that he needs to form a good evaluation of these drugs.

Mr. MONTOYA. That is the line of demarcation I am trying to develop in order to make up my mind. I want to know what effect the Hughes amendment has on the bill.

Mr. DODD. I believe the Senator from Nebraska has helped me clarify it. It is existing law and it has been so for a long time. Now, if this amendment were agreed to, it would take authority from the Attorney General that he now has and repose it somewhere else.

Mr. HUGHES. Mr. President, will the Senator yield?

The PRESIDING OFFICER (Mr. HOLLINGS in the chair). Does the Senator yield?

Mr. DODD. I yield.

Mr. HUGHES. Mr. President, would the Senator explain what this would take away from the Attorney General that he already has? What could he not do under this amendment that he does today?

Mr. DODD. I will tell the Senator what it would do. It would take away authority to conduct these programs.

Mr. HUGHES. What programs?

Mr. DODD. It would divest authority to undertake programs assessing the effects of these drugs. We have scientists and well informed people working in this field. They do scientific work on substances and advise the Attorney General of the effect of the substances; they identify them and they can determine what the potential abuse factor is. He has to know all these things to enforce this act.

MESSAGE FROM THE PRESIDENT

Messages in writing from the President of the United States, were communicated to the Senate by Mr. Geisler, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session, the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the appropriate committees.

(For nominations this day received, see the end of Senate proceedings.)

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Hackney, one of its reading clerks, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 15149) making appropriations for Foreign Assistance and related programs for the fiscal year ending June 30, 1970, and for other purposes; that the House recede from its disagreement to the amendment of the Senate numbered 6 to the bill and concurred therein; that the House receded from its disagreement to the amendments of the Senate numbered 8 and 31 to the bill and concurred therein, each with an amendment, in which it requested the concurrence of the Senate.

XUM

CONTROLLED DANGEROUS SUBSTANCES ACT OF 1969

The Senate continued with the consideration of the bill (S. 3246) to protect the public health and safety by amending the narcotic, depressant, stimulant, and hallucinogenic drug laws, and for other purposes.

Mr. HUGHES. Mr. President, will the Senator yield?

Mr. DODD. I yield. May I make my answer to the Senator's question more complete?

Mr. HUGHES. Surely.

Mr. DODD. I said this in this Chamber last Saturday morning: The effective enforcement of this act requires knowledge of the effects of drugs as they apply to the operation of enforcement. That is true. And the effective enforcement of this act requires education and training of enforcement officers. I said it also involves education of the public regarding the law enforcement process in the drug field. I said these are research and educational activities that have been recognized as essential for the operation of any law enforcement agency in the country. They do not in any way infringe on the basic research, education, and treatment responsibilities of the Department of Health, Education, and Welfare. They are staff functions that are a recognized and necessary part of any administrative organization of the Department of Justice in this case.

I say to the Senator from Iowa that it is in the nature of assessing the effectiveness of the act and improving the execution of it. These really are the basic reasons.

Mr. HUGHES. Could the Senator from Connecticut explain to the Senator from Iowa how this amendment, No. 451, restricts the Department of Justice from performing those acts of education and research for the sufficiency of law enforcement that the Senator just described?

Mr. HRUSKA. Mr. President, will the Senator yield?

Mr. DODD. I yield.

Mr. HRUSKA.The answer is plain. For some time the Bureau of Narcotics and Dangerous Drugs, and its predecessor bureaus, have exercised authority such as included in section 602(b) in the bill. Subparagraph (1) thereof is particularly important because it bears upon the Attorney General being in a position, by virtue of the authority conferred therein, where he can determine the necessity to control certain drugs. This is the way he goes about it. The Attorney General must retain absolute decisional authority in this instance. It is not a scientific question. It is not a medical question. It is a law-enforcement question plain and simple.

I grant that, in the making of decisions, scientific findings and judgments may enter into the matter. Also, medical judgments enter into it. But the control of the developing law and having those procedures and processes are necessary because it is the Attorney General that is charged by the law with enforcing this particular statute.

Mr. HUGHES. Mr. President, will the Senator yield?

Mr. HRUSKA. This necessary authority would be repealed by amendment 451 and in its place would be a very innocuous recital of many words, which would not get to the core of the problem. We cannot afford to let this bill be emasculated, not only by this amendment, but by the whole package of amendments which the Senator from Iowa will propose in due time. If those amendments were approved, they would have an effect and an outcome upon this bill which I do not think they should have.

Mr. HUGHES. Mr. President, will the Senator yield?

Mr. DODD. May I respond, first of all, to the Senator from Nebraska, that he has put it very well. I quite agree with the Senator from Nebraska. The Senator from Iowa asked me how the amendment takes away anything. If the Senator will turn his attention to that part of the bill which he seeks to amend, he will see it just about wipes out everything in education and research that is available and should be available to the Attorney General.

Mr. MONTOYA. Mr. President, will the Senator yield at this point?

Mr. DODD. I yield.

Mr. MONTOYA. As I understand the tenor of the amendment offered by the Senator from Iowa, it strikes and deletes everything from line 8 through line 20 on page 64.

Mr. DODD. That is right.

Mr. MONTOYA. Let us go into it section by section. The bill, beginning on line 8 of page 64, reads as follows:

> SEC. 602. (a) The Attorney General is authorized and directed to carry out educational and research programs necessary for the effective enforcement of this Act.

Mr. DODD. Yes.

Mr. MONTOYA. Let us look at the corresponding part of the amendment of the Senator from Iowa. It reads:

> SEC. 602. (a) The Attorney General is authorized and directed to carry out educational and research programs directly related to enforcement of the control provisions set forth in this Act.

Mr. DODD. That is quite a difference.

Mr. MONTOYA. I would like to go further and analyze the other three provisions, if the Senator will yield to me.

Mr. DODD. I am listening.

Mr. MONTOYA. Subparagraph (1) reads:

> Establish methods to assess accurately the effects of controlled dangerous substances and to identify and characterize controlled dangerous substances with potential for abuse.

Would not the Senator say that subparagraph (3) of the amendment of the Senator from Iowa would correspond materially or substantially with the subparagraph (1) which I have read? The latter reads as follows:

> Studies or special projects designed to assess and detect accurately the presence of controlled dangerous substances in the human body, including the development of rapid field identification methods which would enable agents to detect micro-quantities of such substances.

Mr. DODD. The Senator skipped over subsections (1) and (2).

Mr. MONTOYA. Yes.

Mr. DODD. That is all a part of it.

Mr. MONTOYA. The reason why I skipped it——

Mr. DODD. What does the Senator say about (1)? That is a vast change. That is a gut change in this bill.

Mr. MONTOYA. The reason why I skipped over subsections (1) and (2) was that I think they are complementary to the Senator's bill, and not derogatory. Perhaps I am wrong in that assumption.

Mr. DODD. I am certain the Senator is wrong in that assumption.

Mr. MONTOYA. Subparagraph (2) of the Senator's bill reads that in connection with such programs, he—that is, the Attorney General—is authorized to:

> Enter into contracts with public agencies, institutions of higher education, and private organizations or individuals for the purpose of conducting research, or special projects which bear directly on misuse and abuse of controlled dangerous substances.

Mr. DODD. Let me say to the Senator that unfortunately the substance of these amendments is intended to limit or restrict the authority of the Attorney General.

Mr. MONTOYA. The point I am trying to make is that as I read the amendments offered by the Senator from Iowa and as I read the contents of the original text of the bill to which the amendments are directed, I fail to find any departure which breaks down any material provision in section 602 of the bill.

Mr. DODD. Then why change it?

Mr. HRUSKA. Mr. President, will the Senator yield?

Mr. MONTOYA. But I find analysis that the Hughes amendment complements the particular section 602——

Mr. DODD. Let me ask what it does. Does it add more? Does it give the Attorney General more authority? Does it take something away from the Attorney General? Is it the same? We ought to know what we are really trying to do here.

Mr. MONTOYA. I am asking the Senator from Connecticut to be a little more explicit because I fail to find that this amendment breaks down any particular provision in section 602.

Mr. HRUSKA. Mr. President, will the Senator yield?

Mr. DODD. I yield.

Mr. HRUSKA. Mr. President, subsection (1) of section 602, as it is found in the bill, would be completely repealed and there is no recurrence of it in the material which the Senator from Iowa seeks to put in by way of his amendment. It is the very crux of the thing.

Now, if the Senator from New Mexico wants to talk in terms of supplementing, here is what we should do. We should allow section 602(a), as it is in the bill, to remain, and then add to it the material found in the amendment of the Senator from Iowa. That would be perfectly all right. Of course, I speak only for myself in that connection. This would be true supplementation.

But we do not have that situation here. The material now section 602(a) is stricken, and in its place there would be five subparagraphs, none of which contains the authorizing language to establish methods to accurately assess the effects of these dangerous drugs, and to identify and characterize controlled dangerous substances with potential for abuse. That is not to be found in the amendment that is proposed by the Senator from Iowa. It is just not there. Section 602(a) provides the means to get the information that the Attorney General needs in order to determine whether or not these substances should be put in a category that will be controlled. In this bill we charge the Attorney General with certain duties. We ought to give him the tools he needs to discharge this duty. We must not deprive him of these tools by placing innocuous language in here which gives him nothing that he does not already have.

It is just that simple, Mr. President.

Mr. MONTOYA. Mr. President, will the Senator from Connecticut yield?

Mr. DODD. I yield.

Mr. MONTOYA. I am inclined to agree with the Senator from Nebraska. I think he has put his finger on the crux of this controversy.

I think we are all agreed that it is not the intention of the Hughes amendment to run counter to any particular provision in section 602 of the original text of the bill, unless the Senator indicates otherwise.

Mr. DODD. But it does.

Mr. HRUSKA. It does, the way it is written now.

Mr. MONTOYA. That being the case, and I assume that it is, then there should be no inhibition against writing complementary legislation incorporating the Hughes amendment, which would not be detractive of the material provisions and the prime thrust of the original section 602 of the bill.

Mr. DODD. When I set out to complement something, I add something, I do not knock out something, if I understand the word "complementary." If the Senator wishes to offer this amendment to add to the language now in the bill, he might have a better case, I say most respectfully. But I cannot understand for the life of me why he is trying to do this. Is the Senator afraid of the Attorney General? Is he afraid of the law-enforcement people? He does not want them to do educational work, nor research work. How can the Attorney General find out what he needs to know unless he can go to a university or a laboratory and enter into contracts with them? He is going to have this problem, and I do not know how he can divest himself of it.

Mr. HUGHES. Mr. President, will the Senator yield?

Mr. DODD. Surely.

Mr. HUGHES. I ask the Senator if he is under the impression that my amendment prohibits research projects?

Mr. DODD. Yes; I think it impairs the necessary research function of the Attorney General.

Mr. HUGHES. Does it prohibit it in relation to law enforcement?

Mr. DODD. Not altogether, but it restricts him, so that he will not be able to carry it out as he needs to. I do not say it wipes him out altogether, but why should he be restricted? Unless the Senator has something in mind, what is wrong with the way it is written?

Mr. HRUSKA. Mr. President, will the Senator yield.

Mr. DODD. I yield.

Mr. HRUSKA. Is it not true that under the legislative history, if the committee measure is enacted into law, we will start out with the proposition that the Attorney General has those research powers that are granted to him by subparagraph (1)?

Mr. DODD. That is right.

Mr. HRUSKA. If it is deleted and in its place in certain other subparagraphs are substituted five in number, it would be construed, that the Attorney General would be foreclosed from utilizing the methods that are now in the law, would it not? He would be limited to subparagraphs (1) to (5) in the proposed amendment, and in that sense there would be a prohibition of the Attorney General from engaging in that type of research?

Mr. DODD. Yes, of course.

Mr. HRUSKA. As outlined in subparagraph (1) of the present law?

Mr. DODD. There is no doubt about it. It must be understood that way. It does not make sense otherwise to strike out these sections and insert something else.

I keep asking, what is the reason, and I do not get an answer. I ask the Senator from Iowa, why does he want to do this? I know how earnestly he feels about the matter.

Mr. HUGHES. I say to the distinguished Senator from Connecticut that the reasons for doing this are obvious: to retain in the department that has the basic responsibility for medical science and research activities authority for research and scientific investigation relating to other than law enforcement education and procedures.

When the distinguished Senator from Connecticut mentioned education earlier and talked about the necessity of the Justice Department carrying out educational programs for the general public, I tried to get the floor to discuss it. I would like for him to describe for me the intent of the bill. What is he talking about, in regard to educational programs?

Mr. DODD. Oh, it is a very important part of law enforcement. I do not know of any law enforcement agency in this land that does not have an educational program—any good one, anyway. Even the smallest police departments do. It is an aspect of law enforcement, to influence the public about crime problems, about the laws which are in effect, about the dangers of innocent people becoming victims of criminals, and to talk about how the government, under the law, proceeds to run down criminal offenders, and how the public can help in enforcing the law.

Mr. HUGHES. If I understand the Senator correctly, then, if he will yield further——

Mr. DODD. I yield.

Mr. HUGHES. It is the intent of the education programs he is talking about that the Justice Department, by their own educational programs, assist local and State law enforcement agencies to educate the general public basically on recognition of crime, on how the law operates in these fields, and on how the public can cooperate with it?

Mr. DODD. We do it now.

Mr. HUGHES. I am not questioning that it is done now. I am asking if that is the intent of this provision.

Mr. DODD. Surely that is the intent. I do not know how to make it more explicit.

But I do know, and I ask the Senator to think about this, that as a matter of law enforcement, a law enforcement officer finds what is called education a very important arm of his law enforcement arsenal.

First, you have to have a willingness of people to cooperate in enforcement of the law. This is why we had the disaster with the prohibition law: The people did not believe in it. So education about the law is important in the enforcement of the law. It is intended to get people to accept it, and to want to work with it. That is what I mean.

Mr. HUGHES. Mr. President, I have asked the distinguished Senator from Connecticut to yield so that I might ask for a time limitation on this debate. What would be a suitable time limitation?

Mr. HRUSKA. Mr. President, reserving the right to object, and I intend to object. If this request was based on this amendment alone I would not be disposed to object, but it is not. What we are confronted with here, Mr. President, is a series of amendments, some five or

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six in number, the adoption of which would serve to emasculate this bill. The adoption would change its thrust, its philosophy, and its rationale from one of law enforcement to one which provides diluted powers to law enforcement agencies which must be shared with sociologists, the scientists, and the medical men in the Department of Health, Education, and Welfare.

Mr. President, we have covered this before. We have covered it in a White House Leadership Conference. We covered it in the committee. We covered it in colloquy here Friday afternoon, and again on Saturday; and now we get into it all over again.

Of course, there is overlapping. There will be overlapping but the Attorney General, in making his decisions, turns to the scientists and the medical men in HEW, in the Advisory Council, and elsewhere to get his information which he needs to make the decisions.

I should like to discuss in a little while, this larger question, so that we can all understand the impact of these amendments. I do not feel free to consent to a limitation of debate, because we have not explored the larger picture sufficiently.

Earlier this afternoon I believe that violence was done to the proper consideration of the no-knock provision, both as proposed by the Senator from North Carolina and the one that ultimately was adopted. Had we not had a unanimous-consent limitation, I could well envision a different disposition of that matter. I do not know whether or not it would have been wiser, but I am confident that it would have been different.

At this point it would be highly premature to impose a time limit and allow this good bill to be eroded bit by bit. I believe that is imperative that the Members, of this body, are presented with the whole picture so that they can arrive at the appropriate decisions.

Mr. DODD. I understand the Senator's concern. Perhaps later, as we move along, we can reach some agreement. I will not belabor that matter any longer.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. BELLMON in the chair). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DODD. Mr. President, I would like to have the attention of the Senator from Iowa. I may be able to clarify the situation somewhat. There is an unnecessary controversy surrounding the question of who shall decide what drugs are to be controlled and how they are to be controlled.

If the Attorney General is to be held responsible—and he is responsible under the existing law—for controlling our drug problem, which is a terrible problem in this country, he must have the necessary authority to establish control measures.

It could be very strange indeed if we held the Attorney General accountable for drug law enforcement on the one hand and asked the Secretary of Health, Education, and Welfare to determine how that enforcement is to be carried out on the other.

It is important that we call to the attenion of all Senators the fact that this is the thrust of certain of the amendments before us. Yet, it is a position that has been rejected by the very Cabinet department that would be affected—the Department of Health, Education, and Welfare.

I neglected to mention this fact earlier. In the course of our hearings, Dr. Roger O. Egeberg, the Chief Medical Officer of that department, testified before us in public hearings. He said that the authority that is now at issue should be left with the Attorney General. I will read his testimony. He said:

> The hazard to society and to an individual posed by abuse of a drug must be assessed in the light of sound scientific information on the nature of a given drug, its physiological and psychological effects, trends in its use among various segments of the population, and other factors that are largely the province of the health sciences.
>
> But we must recognize that determination as to which drugs are to be brought under Federal control and in what manner are an essential element of the regulatory process and thus should logically be made by the agency responsible for such control.
>
> We think it is highly appropriate, indeed essential, that the Attorney General in the exercise of his control authority, be guided by the best available scienific information, and we fully support the provisions of S. 2637, requiring him to seek in writing the advice of this Department and a committee of scientists.
>
> I would remind the committee that Attorney General Mitchell, in his testimony before you on September 15 stated that he would exercise his authority to schedule controlled substances only "upon the advice in writing of a Scientific Advisory Committee and of the Secretary of the Department of Health, Education, and Welfare."

Mr. President, that in capsule form is the testimony that led to the reporting of the pending bill.

Not only do we have the support of the Attorney General and other officials of the Department of Justice, but also of the Secretary of Health, Education, and Welfare and that of its chief medical officer. That is the testimony on this question of authority.

The bill states that in adding, deleting, or rescheduling a substance as a controlled drug substance, the Attorney General shall request in writing the advice in writing of the Secretary of Health, Education, and Welfare and the Scientific Advisory Committee.

I do not know what more we could ask. Before he makes a decision, he must seek advice.

The Secretary of Health, Education, and Welfare does not have or want this authority.

We must have scientific determination as a part of the overall control function, and the Attorney General wants this advice. We do not have a man who says, "I am the only one who knows. I do not want any kind of advice."

We do not have that kind of an Attorney General. I think all who attended that hearing and heard him would agree to that. He said, "I want this advice. I am glad you are writing this into the bill." And the Secretary of Health, Education, and Welfare said he does not want it, that it belongs with the Attorney General.

The Attorney General said, "If I have the authority, I want the advice of a scientific committee."

That is why the provision was so written. I say that we are debating something about which we should not be troubled. I do not think there is any real issue. I wonder whether the Senator from Iowa would reconsider urging his amendment, since the Secretary of Health, Education, and Welfare does not want it, and the Attorney General needs it.

We must first address ourselves to the narcotics enforcement problem. Then the Senator from Iowa can come in with a bill for research, scientific endeavor, rehabilitation, and other related concepts that need to be enacted into law. We will be with him. We will be at his side, not only voting with him, but also helping in every way in the matter.

Let us get this done. Let us enact this law enforcement measure and then turn to the committee of the Senator from Iowa and say, "Give us a program for better reform, and better education."

We realize that this is a major problem in law enforcement. We have to rehabilitate narcotic addicts, not punish them. This is what we should be doing.

It is not that we are not sympathetic with these problems or that we think them unimportant. We believe it is of the greatest importance, but not in this measure. Let us have the law enforcement provision and then let us turn to the Senator's proposal as the next thing to do. I wish we could take up these matters simultaneously. In my judgment they are of equal importance, but we have to have priorities. Let us enact this law enforcement bill so that we can reach the peddlers who are molesting our people, making addicts of them, and violating the law almost with immunity.

That is what this law is all about.

I make a personal plea to my friend, the Senator from Iowa. Let us get through with this bill and then proceed to the Senator's proposal, which is a good suggestion.

Mr. HUGHES. Mr. President, will the Senator yield?

Mr. DODD. I yield.

Mr. HUGHES. Mr. President, I appreciate the Senator's offer of support for legislation in fields of health, education, welfare, and in prevention of narcotic addiction and drug abuse. As the Senator knows, we have talked about this matter many times, and we have had colloquy on the floor of the Senate about it. We are in general agreement in the entire field. However, when the Senator says that people are violating the law "almost with immunity," I had understood him to say that the existing law had been written into this bill. If that is so, why should they be violating the law almost with immunity?

Mr. DODD. My answer is that part of our narcotic laws have been rendered useless by court decision. However, we have added new features to the bill which would make it possible for us to do a much better job in connection with law enforcement in the narcotics field.

Mr. HUGHES. Mr. President, will the Senator yield further?

Mr. DODD. I yield.

Mr. HUGHES. Mr. President, I do not disagree totally with the thought that the Attorney General needs extensive research capabilities. He needs research into detection and identification of microscopic particles, and he needs to know whether people may or may not be supplying narcotic drugs that are illegally in their possession.

I abhor the actions of those who are pushing and selling these illegal drugs. We all recognize the fact that this is one of the greatest problems pervading the social structure of this Nation. We could go on at length about the insidious effect on almost every school and almost every prison in the country. I know the Senator from Connecticut has done a great deal of research in connection with prisons in this country. We all concur and agree with that.

However, where we disagree on this particular matter is the fact that the distinguished Senator from Connecticut and apparently the Committee on the Judiciary feel that these things should be directly under the control of the Attorney General, whereas I feel, and I am sure many of my colleagues on the Committee on Labor and Public Welfare feel, that the research and scientific investigation should be done under the Department of Health, Education, and Welfare and made available to the Attorney General at his request. The only technical difference is whose payroll the scientists and researchers are on at the time they do the work.

Mr. HRUSKA. Mr. President, will the Senator yield?

Mr. HUGHES. I yield.

Mr. HRUSKA. The suggestion is made that there should not be a bar to consulting with HEW on these things. There is no bar present in the committee bill but one would be created by adopting amendment 451. Mr. President the amendment of the Senator from Iowa would take away the power of decision from the Attorney General, who is charged with enforcement of this bill and transfer it to the Secretary of Health, Education, and Welfare. The area affected is not educational or scientific. It is a law enforcement tool which would be taken.

Mr. HUGHES. Mr. President, will the Senator yield on that point?

Mr. HRUSKA. I yield.

Mr. HUGHES. What determines whether a drug should be controlled or not?

Mr. HRUSKA. The sum total of medical and scientific data, which must be related to law enforcement, if they are to be subject to controls.

Mr. HUGHES. After the research and a host of medical data is available, the law-enforcement agent makes a decision about control?

Mr. HRUSKA. Exactly, and that is what the committee decided. Let us go back a little bit. There is in this bill a delegation of legislative power. It is proposed there be delegated to the Attorney General certain powers to designate certain substances as dangerous. Normally we would prohibit use or control use by statute. We could do it in this case. We named dangerous substances by the dozens. We also delegate to the Attorney General the power to make decisions in the future with respect to drugs. He can shift the drugs from one schedule to another and introduce new substances into a schedule. He cannot delete them from the bill without following very precisely defined administrative procedures. These are some of the powers which we have delegated to the Attorney General.

Now, we are confronted with an effort to shift that power from the Attorney General to the Secretary of Health, Education, and Welfare. We have traveled that road before. We went through that in 1968 in connection with Reorganization Plan No. 1 of President Johnson when HEW jurisdiction over dangerous substances was taken out of HEW and placed in the Department of Justice. Also the Bureau of Narcotics was taken out of the Treasury Department and placed in the Department of Justice. That was done for a number of sound reasons, not the least of which was the recognition that drug-abuse control is primarily a law-enforcement matter and as such should be handled by the Attorney General.

Now, after all that reorganization and codification of certain parts of that reorganization into this bill, we are now confronted with a series of amendments which say, "Let us not delegate to the Attorney General, the law-enforcement officer of America; let us rather delegate to HEW decision as to whether certain drugs or substances should be prohibited or controlled." It simply does not make sense.

Mr. DODD. Mr. President, I am glad the Senator referred to the reorganization plan.

Mr. HUGHES. Mr. President, may I ask who has the floor?

Mr. HRUSKA. The Senator from Connecticut has the floor.

Mr. DODD. Mr. President, I would be glad to yield to the Senator from Iowa, if he desires. I shall be finished in just a moment. I was going to suggest that we place this Reorganization Plan No. 1 of 1968 in the Record.

Under that plan what we are talking about here today has already been accomplished. It states, "The Attorney General will have full authority and responsibility for enforcing the Federal laws relating to narcotics and dangerous drugs." It goes on to say what he will do. I will place this in the Record but it states he has to "conduct an extensive campaign of research and a nationwide public education program on drug abuse and its tragic effects." It is spelled out in the plan. Actually, that is the law now.

I ask unanimous consent that Reorganization Plan No. 1 of 1968 be printed at this point in the Record.

There being no objection, the document referred to was ordered to be printed in the Record, and is as follows:

Reorganization Plan No. 1 of 1968—Creating a New Bureau of Narcotics and Dangerous Drugs

(Message from the President of the United States transmitting message on reorganization plan No. 1 of 1968 for creating a new Bureau of Narcotics and Dangerous Drugs, February 7, 1968)

To the Congress of the United States:

In my first Reorganization Plan of 1968, I call for the creation of a new and powerful Bureau of Narcotics and Dangerous Drugs.

With this action, America will serve notice to the pusher and the peddler that their criminal acts must stop.

No matter how well organized they are, we will be better organized. No matter how well they have concealed their activities, we will root them out.

Today, Federal investigation and enforcement of our narcotics laws are fragmented. One major element—the Bureau of Narcotics—is in the Treasury Department and responsible for the control of marihuana and narcotics such as heroin. Another—the Bureau of Drug Abuse Control—is in the Department of Health, Education, and Welfare, and is responsible for the control of dangerous drugs including depressants, stimulants, and hallucinogens such as LSD.

Neither is located in the agency which is primarily concerned with Federal law enforcement—the Department of Justice.

This separation of responsibilities—despite the relentless and dedicated efforts of the agents of each Bureau—has complicated and hindered our response to a national menace.

For example, more than nine out of ten seizures of LSD made by the Bureau of Drug Abuse Control have also turned up marihuana—but that Bureau has no jurisdiction over marihuana.

In many instances, we are confronted by well organized, disciplined and resourceful criminals who reap huge profits at the expense of their unfortunate victims.

The response of the Federal Government must be unified. And it must be total.

Today, in my Message on Crime, I recommended strong new laws to control dangerous drugs. I also recommended an increase of more than thirty percent in the number of Federal agents enforcing the narcotic and dangerous drug laws.

I now propose that a single Bureau of Narcotics and Dangerous Drugs be established in the Department of Justice to administer those laws and to bring to the American people the most efficient and effective Federal enforcement machinery we can devise.

Under this Reorganization Plan the Attorney General will have full authority and responsibility for enforcing the Federal laws relating to narcotics and dangerous drugs. The new Bureau of Narcotics and Dangerous Drugs, to be headed by a Director appointed by the Attorney General, will:

Consolidate the authority and preserve the experience and manpower of the Bureau of Narcotics and the Bureau of Drug Abuse Control.

Work with states and local governments in their crackdown on illegal trade in drugs and narcotics, and help to train local agents and investigators.

Maintain worldwide operations, working closely with other nations, to suppress the trade in illicit narcotics and marihuana.

Conduct an extensive campaign of research and a nationwide public education program on drug abuse and its tragic effects.

The Plan I forward today moves in the direction recommended by two distinguished groups:

The 1949 Hoover Commission.

The 1963 Presidential Advisory Commission on Narcotic and Drug Abuse.

This Administration and this Congress have the will and the determination to stop the illicit traffic in drugs.

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But we need more than the will and the determination. We need a modern and efficient instrument of Government to transform our plans into action. That is what this Reorganization Plan calls for.

The Plan has been prepared in accordance with chapter 9 of title 5 of the United States Code.

I have found, after investigation, that each reorganization included in the plan is necessary to accomplish one or more of the purposes set forth in section 901(a) of title 5 of the United States Code.

I have also found that, by reason of these reorganizations, it is necessary to include in the accompanying plan provisions for the appointment and compensation of the five new positions as specified in section 3 of the plan. The rates of compensation fixed for these new positions are those which I have found to prevail in respect of comparable positions in the Executive Branch of the Government.

Should the reorganization I propose take effect, they will make possible more effective and efficient administration of Federal law enforcement functions. It is not practicable at this time, however, to itemize the reduction in expenditures which may result.

I recommend that the Congress allow this urgently needed and important Reorganization Plan to become effective.

LYNDON B. JOHNSON.

THE WHITE HOUSE, *February 7, 1968.*

REORGANIZATION PLAN No. 1 OF 1968

Prepared by the President and transmitted to the Senate and the House of Representatives in Congress assembled, February 7, 1968, pursuant to the provisions of chapter 9 of title 5 of the United States Code

NARCOTICS; DRUG ABUSE CONTROL

SECTION 1. *Transfer of functions from Treasury Department.* There are hereby transferred to the Attorney General:

(a) Those functions of the Secretary of the Treasury which are administered through or with respect to the Bureau of Narcotics.

(b) All functions of the Bureau of Narcotics, of the Commissioner of Narcotics, and of all other officers, employees and agencies of the Bureau of Narcotics.

(c) So much of other functions or parts of functions of the Secretary of the Treasury and the Department of the Treasury as is incidental to or necessary for the performance of the functions transferred by paragraphs (a) and (b) of this section.

SEC. 2. *Transfer of functions from the Department of Health, Education, and Welfare.* There are hereby transferred to the Attorney General:

(a) The functions of the Secretary of Health, Education, and Welfare under the Drug Abuse Control Amendments of 1965 (Public Law 89–74; 79 Stat. 226), except the function of regulating the counterfeiting of those drugs which are not controlled "depressant or stimulant" drugs.

(b) So much of other functions or parts of functions of the Secretary of Health, Education, and Welfare, and of the Department of Health, Education, and Welfare, as is incidental to or necessary for the performance of the functions transferred by paragraph (a) of this section.

SEC. 3. *Bureau of Narcotics and Dangerous Drugs.*

(a) There is established in the Department of Justice an agency which shall be known as the Bureau of Narcotics and Dangerous Drugs. The Bureau shall be headed by a Director who shall be appointed by the Attorney General to a position in the competitive service. The Director shall perform such duties as the Attorney General shall prescribe, and shall receive compensation at the rate now or hereafter provided for Level V of the Executive Schedule Pay Rates (5 U.S.C. 5316).

(b) There are hereby established in the Department of Justice, in addition to the positions transferred to that Department by this Plan, four new positions, appointment to which shall be made by the Attorney General in the competitive service. Two of those positions shall have compensation at the rate now or hereafter provided for GS–18 positions of the General Schedule and the other two shall have compensation at the rate now or hereafter provided for GS–16 positions of the General Schedule (5 U.S.C. 5332). Each such position shall have such title and duties as the Attorney General shall prescribe.

SEC. 4. *Abolition.* The Bureau of Narcotics in the Department of the Treasury, including the office of Commissioner of Narcotics (21 U.S.C. 161), is hereby abolished. The Secretary of the Treasury shall make such provision as he may deem necessary with respect to terminating those affairs of the Bureau of Narcotics not otherwise provided for in this reorganization plan.

SEC. 5. *Performance of transferred functions.* The Attorney General may from time to time make such provisions as he shall deem appropriate authorizing the performance of any of the functions transferred to him by the provisions of this reorganization plan by any officer, employee, or organizational entity of the Department of Justice.

SEC. 6. *Incidental transfers.* (a) There are hereby transferred to the Department of Justice all of the positions, personnel, property, records, and unexpended balances of appropriations, allocations, and other funds, available or to be made available, (1) of the Bureau of Narcotics, and (2) of the Bureau of Drug Abuse Control of the Department of Health, Education, and Welfare.

(b) There shall be transferred to the Department of Justice, at such time or times as the Director of the Bureau of the Budget shall direct, so much as the Director shall determine of other positions, personnel, property, records and unexpended balances of appropriations, allocations, and other funds of the Department of the Treasury and of the Department of Health, Education, and Welfare employed, used, held, available or to made available in connection with functions transferred by the provisions of this reorganization plan.

(c) Such further measures and dispositions as the Director of the Bureau of the Budget shall deem to be necessary in order to effectuate the transfers provided in this section shall be carried out in such manner as he may direct and by such agencies as he shall designate.

Mr. HRUSKA. Mr. President, I would like to give my version of the impact of amendment 451 on this bill and then go to the major proposition which I think the Senate is confronted with.

Amendment 451 is a good example of what will be done.

I ask unanimous consent that section 602(a) of the bill be printed in the RECORD at this point. That section is on page 64 of the bill, lines 8 through 20.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

EDUCATION AND RESEARCH

SEC. 602. (a) The Attorney General is authorized and directed to carry out educational and research programs necessary for the effective enforcement of this Act. In connection with such programs he is authorized to—

(1) establish methods to assess accurately the effects of controlled dangerous substances and to identify and characterize controlled dangerous substances with potential for abuse;

(2) enter into contracts with public agencies, institutions of higher education, and private organizations or individuals for the purpose of conducting research, or special projects which bear directly on misuse and abuse of controlled dangerous substances.

Mr. HRUSKA. Mr. President, I ask unanimous consent that there be printed in the RECORD at this point the text of the amendment proposed by the Senator from Iowa, consisting of the material to be designated by reason of that amendment as section 602(a), subparagraph 1 through 5 inclusive.

There being no objection, the amendment was ordered to be printed in the RECORD, as follows:

AMENDMENT No. 451

On page 64, beginning with line 8, delete all through line 20 and insert in lieu thereof the following:

"SEC. 602. (a) The Attorney General is authorized and directed to carry out educational and research programs directly related to enforcement of the control provisions set forth in this Act. Such programs may include—

"(1) educational and training programs on dangerous substance law enforcement for local, State, and Federal personnel;

"(2) studies or special projects designed to compare the deterrent effects of various enforcement strategies on drug use and abuse;

"(3) studies or special projects designed to assess and detect accurately the presence of controlled dangerous substances in the human body, including the development of rapid field identification methods which would enable agents to detect micro-quantities of such substances;

"(4) studies or special projects designed to evaluate the nature and sources of the supply of illegal drugs throughout the country;

"(5) studies or special projects to develop more effective methods of manufacture or distribution to prevent diversion of controlled dangerous substances into illegal channels.".

Mr. HRUSKA. Mr. President, with this matter before us, we can see that the Attorney General is being deprived of the statutory authority which he now has and which he should have. The text of section 602(a) to, "Establish methods to assess accurately the effects of control over dangerous substances and to identify and characterize control over dangerous substances with potential for abuse," is completely left out of the proposed amendment. In my mind, with this legislative history, it would be prohibitive to him to engage in that kind of research and effort.

The Attorney General is charged with certain adjustments between schedules. There are four schedules of narcotics or dangerous substances. He is charged with adjusting among those schedules. He cannot delete any without congressional action or without following very precisely prescribed procedures. He can also add to them.

It is for the purpose of making these decisions that he is given power to devise methods of assessing accurately the effects of controlled dangerous substances and to identify and characterize controlled dangerous substances with potential for abuse.

We would be charging him with that duty and we would be taking away the tool. Where does the tool go? That tool

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goes to the Department of Health, Education, and Welfare.

A while ago I suggested this constitutes in some measure a delegation of legislative authority by way of administrative action of the Attorney General. So it does. We have devoted pages to the different laws with respect to narcotics, derivatives, and dangerous substances, but we cannot cover them all. Future decisions will have to be made concerning other substances not included in this bill.

We delegate to the Attorney General the authority to constantly canvass this field, to find new substances as they appear, and put them in if they have potential for abuse and have no medical purpose or use.

It seems to me that when we, in this kind of delegation we now face in an amendment, say, "Oh, no, we do not mean the law enforcement officer." We want to put that delegation in a different agency, created and operated from a totally different point of orientation. It does not make good legislative sense.

I have every confidence that if that proposal had been made in committee, it would have been summarily rejected, because it runs counter to President Johnson's Reorganization Act No. 1 of 1968. It runs counter to the President's Crime Commission and to the Hoover Commission. It just does not make sense.

Law enforcement should stay in the Department of Justice. All of the necessary tools that he needs to clear the deck and line things up so that he can effectively enforce this bill, when enacted into law, should remain in it.

This amendment would divest the Attorney General of authority to conduct and establish methods to assess accurately the effects of controlled dangerous substances and to identify and characterize those controlled dangerous substances with potential for abuse. The substitute provision would transfer from the Attorney General the educational and research activities and special authority related to the control provisions, such as a program for detection methods, better prevention of diversions of substances, effects of different law enforcement techniques, and so forth. The substitute provision would limit the Attorney General's authority to enter into research contracts.

It is necessary for the Attorney General to be authorized to carry out research on the effects of controlled dangerous substances and to identify controlled dangerous substances with a potential for abuse, since he is primarily responsible for the determination of whether or not a drug should be brought under control.

The amendment proposed would deny him such authority, but would compel him to make a control determination without having all the facts available concerning the drug in question. It will significantly slow down the control procedures if all the information must be gleaned from other sources. This would defeat our purpose, which is to control a drug before we decide on abuse controls, and not after.

The Department of Health, Education, and Welfare voiced no objection to the original section 604(a), and, in fact, agreed with the proposition.

Mr. President, referring to the subject at hand, the Senator from Nebraska has never been an obstructionist on the matter of obtaining unanimous consent agreements to limit debate where such consent was in order, but here we have a series of five or six amendments, and all of them, with the exception of those dealing with penalties, are calculated to dilute some of the powers and rights and duties enjoined upon the Attorney General.

That is their impact. They would change the bill from a bill which has its thrust in law enforcement to a bill which has orientation in the realm and jurisdiction of health, education, and welfare.

The case has been made, and I think every Senator in this body is convinced, that one of the most pressing problems in crime legislation is a modernized and effective act to deal with drug abuse and drug traffic. That would be diluted by this amendment and the bill's main thrust changed to something else. That should not be allowed to happen.

I do not know that it would serve any purpose to go into the matter any further in this regard, but it would not be my intention to agree to a unanimous-consent limitation until I was sure that all of the Members of this body were fully aware of the real significance of adoption of this amendment. This amendment would destroy the effectiveness of this bill. That is what is involved.

The education and research goals vested in the Department of Justice do not conflict with those in the rightful realm of the Department of Health, Education, and Welfare. The goals of the Department of Justice are clearly defined, within the act itself, to highlight the importance of this area in the overall law enforcement service and law enforcement efforts.

The bill in no way detracts from the predominant role of the Department of Health, Education, and Welfare in the areas of education and research. The bill allows the Department of Justice to contract for specific research projects relating directly to drug abuse and the enforcement of the act; and that is the way it should be.

It would be a grave mistake to depart from that concept in favor of these amendments.

I suggest that we consider S. 3246 as a law enforcement measure, because that is what it is. It is badly needed. It is long overdue. Rehabilitation and other health factors are outside the scope of this legislation.

Health factors relating to drugs should be and are considered by the Committee on Labor and Public Welfare as separate legislation. The Department of Justice is a law enforcement agency. Therefore, the complete responsibility for all facets of this law enforcement bill should be exercised by the chief law enforcement officer.

Drug control is basically a law enforcement matter and it has been recognized as such for years.

Starting in 1949, for instance, the Hoover Commission, appointed by President Truman, recommended that the functions of drug control be transferred to the Department of Justice. That was 21 years ago. That idea is something that has been kicking around here for all that time. It is of age this year—21 years later.

The recommendations of the Hoover Commission, the President's Advisory Commission on Narcotics and Drug Abuse, the President's Crime Commission, and also his reorganization plan, all of them—all of them with no exception—say that this is the road to travel. This is the highway to follow. Notwithstanding the recommendations of these commissions we are now faced with these amendments which say, "Oh, no, we really did not need this. What we want to do is separate, fragmentize, and compartmentalize the law enforcement functions, with a veto in another department."

I believe that would be a grave mistake, Mr. President, and I believe that the Senate will reject it.

I might say that when we got into the reorganization plan that was considered in March of 1968, here are some of the witnesses who appeared and testified in favor of this concept:

Ramsey Clark, as Attorney General.

John H. Finlaytor, Director, Bureau of Drug Abuse Control.

Henry L. Giordano, who for years was Commissioner of the Bureau of Narcotics.

Phillip Hughes, the Deputy Director of the Bureau of the Budget.

Dr. Phillip Lee, Assistant Secretary of HEW for Health and Scientific Affairs.

Secretary of Health, Education, and Welfare Wilbur Cohen was quoted on the House floor as wholeheartedly supporting the plan.

The continuation of overall Justice Department jurisdiction over the drug abuse field has the complete support of the present administration.

Neither President Johnson's plan nor S. 3246 preempt the drug field. There is room for rehabilitation and health-oriented legislation and, of course, some is needed. In fact, Mr. Ingersoll stated at the White House Conference that the administration recognizes" the need for better rehabilitation techniques, and at the present time we are reviewing the Narcotics Addict Rehabilitation Act with the view in mind of perhaps recommending in the near future some amendments."

Mr. President, I would suggest that we take all these things into consideration with reference to this entire block of amendments. I think the suggestion of the Senator from Connecticut is good, that we ought to lay these amendments aside and proceed to enact this bill quickly. It is well processed, it is well reasoned out, and we should leave these other facets and these other features to another bill at another time.

Mr. HUGHES. Mr. President, I think the point has been very clearly identified here today, and I thank the distinguished Senator from Nebraska for eloquently stating the position of the Department of Justice and the committee and describing very aptly the point of contention and disagreement on this

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amendment. He has, indeed, with great eloquence described the need for this particular law enforcement package, which I intend to support wholeheartedly; but I think the points of dispute need to be clarified.

I think it is quite evident that this debate is important to the American public. I think the fact that the chief law enforcement agent of this country has a determining authority over what affects the general health of the people of this country in the way of a narcotic or a drug is the wrong approach. Although he does have, and should have, the right of research and development in the areas that are related directly to law enforcement, it would be better to leave the determining of dangerous substances and changing in schedules of classification up to the Department of Health, Education, and Welfare.

I agree with the distinguished Senator from Nebraska that this scene is rapidly changing, that what the major problem is this year may be a different problem next year. We all saw the rise and decline of LSD, and now the gradual rise in the consumption of it again. We have watched the change in the appeal of the amphetamines—the "uppers" and the "downers." We are familiar with the fact that the drug scene does change rapidly.

But this does not impede the Attorney General in getting all of the scientific information that he needs, and having it readily available to him when he wants it. All the expertise of medical science and research is available to him from the Secretary of Health, Education, and Welfare; and there, in determining and protecting the public health of the citizens of this country, is precisely where it should be reposited.

Certainly all of us support law enforcement, and I know—as all these distinguished gentlemen have stated here today, on Saturday and yesterday—that it is their intention to support legislation in the fields of narcotics education, prevention, rehabilitation when it comes before the Senate. But I cannot agree that this is not a proper place to debate whether the repository of this scientific research and advisory capacity should be in one department or the other. And regardless of the testimony the departments have given, I think it is for the representatives of the people here in the U.S. Senate to reach a decision on where this authority should lie and where this basic thrust should be.

It was not my intention, as I have stated repeatedly, to hamper in any way the efficiency of the Attorney General or the Department of Justice. It was only my intention to more clearly define what I thought the Department of Justice was seeking to do, and on that basis I think the distinguished Members of this body, Mr. President, should be informed. I think the debate here this afternoon, regardless of how it comes out, should be very informative, not only to the Members of this body, but to the American public; and I believe, for that matter, that the question that lies before us is one of major importance. That is the reason I have pursued it.

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Mr. President, I should like to ask that the subject matter of this amendment be considered en bloc.

The PRESIDING OFFICER. Does the Senator request unanimous consent?

Mr. HUGHES. I ask unanimous consent.

The PRESIDING OFFICER. Is there objection?

Mr. HRUSKA. Mr. President, a point of information. Is that amendment 451?

Mr. HUGHES. Yes.

Mr. DODD. I have no objection.

Mr. MANSFIELD. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. MANSFIELD. How was the amendment presented in the first place?

The PRESIDING OFFICER. It was presented in two parts. It amends page 64 in two different places.

Is there objection to the request of the Senator from Iowa? The Chair hears none, and it is so ordered?

Mr. HUGHES. Mr. President, I am ready for the vote.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Iowa. On this question, the yeas and nays have been ordered, and the clerk will call the roll.

Mr. HRUSKA. Mr. President, a point of order. There is a request for recognition on the part of the Senator from Connecticut, and I have a request of similar nature in due time.

Mr. DODD. Mr. President, I can get through in 1 minute.

The fact of the matter is that what we are discussing here is presently the law of the land. It was put into effect in 1968 by an Executive Order of President Johnson. All these things we are discussing the Attorney General needs to carry out his enforcement function. The Secretary of Health, Education, and Welfare has not objected to this. The chief medical officer of that department came before us in a public hearing and supported these provisions in S. 3246. The Attorney General says he wants to consult with the Department of Health, Education, and Welfare, and with a scientific advisory committee, and he will do so.

We say give him the authority. He will consult with all these people. Let him enforce the law. I hope the amendment will be rejected.

Mr. HRUSKA. Mr. President, no one would quarrel with the general proposition that public health is the function of the Department of Health, Education, and Welfare. No one would quarrel with that. But there is a mistaken opinion here that the control of dangerous drugs under this bill is purely a scientific and medical determination. There is involved the decision as to whether and to what extent control of dangerous drugs should be exercised, and this is not a question purely scientific and medical in nature.

In addition to the report of the scientific advisory committee, knowledge of actual street abuse of the drugs in question comes from agent investigations which are conducted and carried out by the Bureau of Narcotics and Dangerous Drugs of the Justice Department. In short, all the basic information, medical, scientific, and actual abuse flows to the commitee from many diverse sources.

The committee itself, as an independent body, makes its recommendations. Once such recommendations are made, it is a policy determination as to whether or not a drug should be controlled. At that point in time, since the control of the drug will require enforcement, it is necessary to evaluate that recommendation, along with practical problems of enforcement, to determine whether the drug should be placed under control. This is not something that the Secretary of Health, Education, and Welfare is as qualified to perform as is the Attorney General. As the Senator from Connecticut observed, the Department of Health, Education, and Welfare testified that they did not want that responsibility. We should not engage in a process of giving them something they do not want.

The Department of Health, Education, and Welfare is not enforcement oriented, as has been clearly pointed out in the staff papers. Yet the control of a dangerous drug is an enforcement matter since such control results in investigations and regulations to insure against illicit diversion and illicit trafficking. The control of a particular drug also can raise antitrust considerations, as well as international questions. All these factors must be brought together and decided upon. The Attorney General is best able to make such a judgment and in point of fact, has been doing so at the present time.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Iowa (Mr. HUGHES).

On this question the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. KENNEDY. I announce that the Senator from Louisiana (Mr. ELLENDER), the Senator from Alaska (Mr. GRAVEL), the Senator from North Carolina (Mr. JORDAN), the Senator from Minnesota (Mr. MCCARTHY), the Senator from South Dakota (Mr. MCGOVERN), and the Senator from Texas (Mr. YARBOROUGH) are necessarily absent.

On this vote, the Senator from Texas (Mr. YARBOROUGH) is paired with the Senator from Louisiana (Mr. ELLENDER).

If present and voting, the Senator from Texas would vote "yea" and the Senator from Louisiana would vote "nay."

I further announce that, if present and voting, the Senator from Alaska (Mr. GRAVEL), the Senator from North Carolina (Mr. JORDAN), and the Senator from Minnesota (Mr. MCCARTHY) would each vote "yea."

Mr. GRIFFIN. I announce that the Senator from Colorado (Mr. DOMINICK), the Senator from Arizona (Mr. GOLDWATER), the Senator from Oregon (Mr. PACKWOOD), the Senator from Vermont (Mr. PROUTY), the Senator from Alaska (Mr. STEVENS) and the Senator from Texas (Mr. TOWER) are necessarily absent.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

The Senator from New York (Mr.

JAVITS), the Senator from Maryland (Mr. MATHIAS) and the Senator from Illinois (Mr. PERCY) are absent on official business.

The Senator from Arizona (Mr. FANNIN) is detained on official business.

If present and voting, the Senator from South Dakota (Mr. MUNDT), would vote "nay."

On this vote, the Senator from Illinois (Mr. PERCY) is paired with the Senator from Arizona (Mr. FANNIN). If present and voting, the Senator from Illinois would vote "yea" and the Senator from Arizona would vote "nay."

On this vote, the Senator from Colorado (Mr. DOMINICK) is paired with the Senator from Texas (Mr. TOWER). If present and voting, the Senator from Colorado would vote "yea" and the Senator from Texas would vote "nay."

The result was announced—yeas 42, nays 41, as follows:

[No. 14 Leg.]

YEAS—42

Anderson
Bayh
Brooke
Burdick
Byrd, W. Va.
Case
Church
Cooper
Cranston
Eagleton
Ervin
Fulbright
Goodell
Gore
Harris
Hart
Hartke
Hughes
Inouye
Jackson
Kennedy
Long
Mansfield
McGee
McIntyre
Metcalf
Miller
Mondale
Montoya
Moss
Muskie
Nelson
Proxmire
Randolph
Ribicoff
Russell
Spong
Stennis
Symington
Tydings
Williams, N.J.
Young, Ohio

NAYS—41

Aiken
Allen
Allott
Baker
Bellmon
Bennett
Bible
Boggs
Byrd, Va.
Cannon
Cook
Cotton
Curtis
Dodd
Dole
Eastland
Fong
Griffin
Gurney
Hansen
Hatfield
Holland
Hollings
Hruska
Jordan, Idaho
Magnuson
McClellan
Murphy
Pastore
Pearson
Pell
Saxbe
Schweiker
Scott
Smith, Maine
Smith, Ill.
Sparkman
Talmadge
Thurmond
Williams, Del.
Young, N. Dak.

NOT VOTING—17

Dominick
Ellender
Fannin
Goldwater
Gravel
Javits
Jordan, N.C.
Mathias
McCarthy
McGovern
Mundt
Packwood
Percy
Prouty
Stevens
Tower
Yarborough

So Mr. HUGHES' amendment was agreed to.

Mr. DODD. Mr. President, I move to reconsider——

The PRESIDING OFFICER. The Senator did not vote with the prevailing side and therefore is ineligible to make that motion.

Mr. HRUSKA. Mr. President, what is the pending business?

The PRESIDING OFFICER. The bill is open to further amendment.

Mr. HUGHES. Mr. President, I send to the desk an amendment——

Mr. McCLELLAN. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator from Arkansas will state it.

Mr. McCLELLAN. I thought I heard a motion to reconsider.

Mr. METCALF. Mr. President, I move to reconsider the vote——

Mr. YOUNG of Ohio. Mr. President, a point of order. It is too late because the matter of the pending business has——

Mr. McCLELLAN. We can do it some other time, if we do not wish to do it now. We have the whole day to do it in, if we do not want to do it now.

Mr. METCALF. Mr. President, I voted on the majority side and I move to reconsider——

Mr. YOUNG of Ohio. Mr. President, a point of order.

Mr. MOSS. Mr. President, I move that the motion to reconsider be laid on the table.

Mr. DODD. Mr. President, I ask for the yeas and nays.

Mr. HRUSKA. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator from Nebraska will state it.

Mr. HRUSKA. Will the Chair please state the question?

The PRESIDING OFFICER. The question is on the motion to table the motion to reconsider.

Mr. HRUSKA. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. SYMINGTON. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator from Missouri will state it.

Mr. SYMINGTON. As I understand it, on a motion to table a motion to reconsider, would not a vote of "yea" be in favor of the Hughes amendment, or would it not?

The PRESIDING OFFICER. A vote of "yea" on the motion to table the motion to reconsider would have the effect of keeping the amendment in the bill.

Mr. SYMINGTON. I thank the Chair.

The PRESIDING OFFICER. The question is on agreeing to the motion to table the motion to reconsider.

Mr. DODD. Mr. President, would not a "nay" vote be for reconsideration of the vote?

The PRESIDING OFFICER. That is correct.

Mr. HRUSKA. Mr. President, would not a "no" vote be to sustain the committee in its text of the bill?

Mr. McCLELLAN. No, no, Mr. President. Am I not correct that a "no" vote only brings about a reconsideration? It does not sustain or reject the committee. We would have to have another vote on that. Am I not correct?

The PRESIDING OFFICER. The Senator is correct.

The question is on agreeing to the motion to table the motion to reconsider.

On this question the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. KENNEDY. I announce that the Senator from Alaska (Mr. GRAVEL), the Senator from Oklahoma (Mr. HARRIS), the Senator from North Carolina (Mr. JORDAN), the Senator from South Dakota (Mr. McGOVERN), and the Senator from Texas (Mr. YARBOROUGH) are necessarily absent.

I further announce that, if present and voting, the Senator from Alaska (Mr. GRAVEL), the Senator from Oklahoma (Mr. HARRIS), the Senator from North Carolina (Mr. JORDAN) and the Senator from Texas (Mr. YARBOROUGH) would each vote "yea."

Mr. GRIFFIN. I announce that the Senator from Colorado (Mr. DOMINICK), the Senator from Arizona (Mr. GOLDWATER), the Senator from Oregon (Mr. PACKWOOD), the Senator from Vermont (Mr. PROUTY), the Senator from Alaska (Mr. STEVENS) and the Senator from Texas (Mr. TOWER) are necessarily absent.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

The Senator from New York (Mr. JAVITS), the Senator from Maryland (Mr. MATHIAS) and the Senator from Illinois (Mr. PERCY) are absent on official business.

The Senator from Arizona (Mr. FANNIN) is detained on official business.

If present and voting, the Senator from South Dakota (Mr. MUNDT) would vote "nay."

On this vote, the Senator from Illinois (Mr. PERCY) is paired with the Senator from Arizona (Mr. FANNIN). If present and voting, the Senator from Illinois would vote "yea" and the Senator from Arizona would vote "nay."

On this vote, the Senator from Colorado (Mr. DOMINICK) is paired with the Senator from Texas (Mr. TOWER). If present and voting, the Senator from Colorado would vote "yea" and the Senator from Texas would vote "nay."

The result was announced—yeas 38, nays 46, as follows:

[No. 15 Leg.]

YEAS—38

Bayh
Brooke
Burdick
Byrd, W. Va.
Case
Church
Cooper
Cranston
Eagleton
Ervin
Fulbright
Goodell
Gore
Hart
Hartke
Hughes
Inouye
Jackson
Kennedy
Mansfield
McCarthy
McGee
McIntyre
Mondale
Montoya
Moss
Muskie
Nelson
Proxmire
Randolph
Ribicoff
Russell
Spong
Stennis
Symington
Tydings
Williams, N.J.
Young, Ohio

NAYS—46

Aiken
Allen
Allott
Anderson
Baker
Bellmon
Bennett
Bible
Boggs
Byrd, Va.
Cannon
Cook
Cotton
Curtis
Dodd
Dole
Eastland
Ellender
Fong
Griffin
Gurney
Hansen
Hatfield
Holland
Hollings
Hruska
Jordan, Idaho
Long
Magnuson
McClellan
Metcalf
Miller
Murphy
Pastore
Pearson
Pell
Saxbe
Schweiker
Scott
Smith, Maine
Smith, Ill.
Sparkman
Talmadge
Thurmond
Williams, Del.
Young, N. Dak.

NOT VOTING—16

Dominick
Fannin
Goldwater
Gravel
Harris
Javits
Jordan, N.C.
Mathias
McGovern
Mundt
Packwood
Percy
Prouty
Stevens
Tower
Yarborough

So the motion to lay on the table the motion to reconsider was rejected.

The PRESIDING OFFICER. The question recurs on the motion to reconsider.

Mr. DODD. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second. The clerk will call the roll.

The legislative clerk called the roll.

Mr. KENNEDY. I announce that the

Senator from Alaska (Mr. GRAVEL), the Senator from North Carolina (Mr. JORDAN), the Senator from South Dakota (Mr. MCGOVERN), the Senator from Georgia (Mr. RUSSELL), and the Senator from Texas (Mr. YARBOROUGH), are necessarily absent.

I further announce that, if present and voting, the Senator from Alaska (Mr. GRAVEL), the Senator from North Carolina (Mr. JORDAN), the Senator from Texas (Mr. YARBOROUGH), and the Senator from Georgia (Mr. RUSSELL), would each vote "nay."

Mr. GRIFFIN. I announce that the Senator from Colorado (Mr. DOMINICK), the Senator from Arizona (Mr. GOLDWATER), the Senator from Oregon (Mr. PACKWOOD), the Senator from Vermont (Mr. PROUTY), the Senator from Alaska (Mr. STEVENS), and the Senator from Texas (Mr. TOWER) are necessarily absent.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

The Senator from New York (Mr. JAVITS), the Senator from Maryland (Mr. MATHIAS), and the Senator from Illinois (Mr. PERCY) are absent on official business.

On this vote, the Senator from South Dakota (Mr. MUNDT) is paired with the Senator from Illinois (Mr. PERCY). If present and voting, the Senator from South Dakota would vote "yea" and the Senator from Illinois would vote "nay."

On this vote, the Senator from Texas (Mr. TOWER) is paired with the Senator from Colorado (Mr. DOMINICK). If present and voting, the Senator from Texas would vote "yea" and the Senator from Colorado would vote "nay."

The result was announced—yeas 47, nays 38, as follows:

[No. 16 Leg.]

YEAS—47

Aiken
Allen
Allott
Anderson
Baker
Bellmon
Bennett
Bible
Boggs
Byrd, Va.
Cannon
Cook
Cotton
Curtis
Dodd
Dole
Eastland
Ellender
Fannin
Fong
Griffin
Gurney
Hansen
Hatfield
Holland
Hollings
Hruska
Jordan, Idaho
Long
Magnuson
McClellan
Metcalf
Miller
Murphy
Pastore
Pearson
Pell
Saxbe
Schweiker
Scott
Smith, Maine
Smith, Ill.
Sparkman
Talmadge
Thurmond
Williams, Del.
Young, N. Dak.

NAYS—38

Bayh
Brooke
Burdick
Byrd, W. Va.
Case
Church
Cooper
Cranston
Eagleton
Ervin
Fulbright
Goodell
Gore
Harris
Hart
Hartke
Hughes
Inouye
Jackson
Kennedy
Mansfield
McCarthy
McGee
McIntyre
Mondale
Montoya
Moss
Muskie
Nelson
Proxmire
Randolph
Ribicoff
Spong
Stennis
Symington
Tydings
Williams, N.J.
Young, Ohio

NOT VOTING—15

Dominick
Goldwater
Gravel
Javits
Jordan, N.C.
Mathias
McGovern
Mundt
Packwood
Percy
Prouty
Russell
Stevens
Tower
Yarborough

So the motion to reconsider was agreed to.

The **PRESIDING OFFICER.** The vote will now recur on the adoption of the amendment of the Senator from Iowa.

Mr. HRUSKA. Mr. President, I ask for the yeas and nays.

The **PRESIDING OFFICER.** The yeas and nays are automatic. The clerk will call the roll.

The legislative clerk called the roll.

Mr. KENNEDY. I announce that the Senator from New Mexico (Mr. ANDERSON), the Senator from California (Mr. CRANSTON), the Senator from Arkansas (Mr. FULBRIGHT), the Senator from Alaska (Mr. GRAVEL), the Senator from North Carolina (Mr. JORDAN), the Senator from South Dakota (Mr. MCGOVERN), the Senator from Georgia (Mr. RUSSELL), and the Senator from Texas (Mr. YARBOROUGH) are necessarily absent.

I further announce that, if present and voting, the Senator from New Mexico (Mr. ANDERSON), the Senator from California (Mr. CRANSTON), the Senator from Arkansas (Mr. FULBRIGHT), the Senator from Alaska (Mr. GRAVEL), the Senator from North Carolina (Mr. JORDAN), the Senator from Georgia (Mr. RUSSELL), and the Senator from Texas (Mr. YARBOROUGH) would each vote "yea."

Mr. GRIFFIN. I announce that the Senator from Colorado (Mr. DOMINICK), the Senator from Arizona (Mr. GOLDWATER), the Senator from Oregon (Mr. PACKWOOD), the Senator from Vermont (Mr. PROUTY), the Senator from Alaska (Mr. STEVENS) and the Senator from Texas (Mr. TOWER) are necessarily absent.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

The Senator from New York (Mr. JAVITS), the Senator from Maryland (Mr. MATHIAS) and the Senator from Illinois (Mr. PERCY) are absent on official business.

On this vote, the Senator from Colorado (Mr. DOMINICK) is paired with the Senator from Texas (Mr. TOWER). If present and voting, the Senator from Colorado would vote "yea" and the Senator from Texas would vote "nay."

On this vote, the Senator from Illinois (Mr. PERCY) is paired with the Senator from South Dakota (Mr. MUNDT). If present and voting, the Senator from Illinois would vote "yea" and the Senator from South Dakota would vote "nay."

The result was announced—yeas 36, nays 46, as follows:

[No. 17 Leg.]

YEAS—36

Bayh
Brooke
Burdick
Byrd, W. Va.
Case
Church
Cooper
Eagleton
Ervin
Goodell
Gore
Harris
Hart
Hartke
Hughes
Inouye
Jackson
Kennedy
Mansfield
McCarthy
McGee
McIntyre
Mondale
Montoya
Moss
Muskie
Nelson
Proxmire
Randolph
Ribicoff
Spong
Stennis
Symington
Tydings
Williams, N.J.
Young, Ohio

NAYS—46

Aiken
Allen
Allott
Baker
Bellmon
Bennett
Bible
Boggs
Byrd, Va.
Cannon
Cook
Cotton
Curtis
Dodd
Dole
Eastland
Ellender
Fannin
Fong
Griffin
Gurney
Hansen
Hatfield
Holland
Hollings
Hruska
Jordan, Idaho
Long
Magnuson
McClellan
Metcalf
Miller
Murphy
Pastore
Pearson
Pell
Saxbe
Schweiker
Scott
Smith, Maine
Smith, Ill.
Sparkman
Talmadge
Thurmond
Williams, Del.
Young, N. Dak.

NOT VOTING—18

Anderson
Cranston
Dominick
Fulbright
Goldwater
Gravel
Javits
Jordan, N.C.
Mathias
McGovern
Mundt
Packwood
Percy
Prouty
Russell
Stevens
Tower
Yarborough

So Mr. HUGHES' amendment was rejected.

The **PRESIDING OFFICER.** The bill is open to further amendment.

AMENDMENT NO. 453

Mr. HUGHES. Mr. President, I call up my amendment No. 543.

The **PRESIDING OFFICER.** The amendment will be stated.

The LEGISLATIVE CLERK. The Senator from Iowa (Mr. HUGHES) proposes amendment No. 453, as follows:

> On page 66, line 20, immediately before the period, insert a comma and the following: "*Provided,* That no such agency or instrumentality shall be required to furnish the name or other identifying information about a patient or a research subject whose identity it has undertaken to keep confidential".

Mr. HUGHES. Mr. President, may we have order?

The **PRESIDING OFFICER.** The Senate will be in order.

Mr. HUGHES. Mr. President, section 603(b) of S. 3246 provides that, when requested by the Attorney General, "it shall be the duty of any agency or instrumentality of the Federal Government to furnish assistance, including technical advice, to him for carrying out the purposes of this act." The bill imposes no limit on the information which the Attorney General may demand and which the agency would then be required by law to provide.

This amendment, which is intended to insure the confidentiality of certain types of patient records, would add a qualification to this section to the effect that no agency shall be required to furnish the name or other identifying information about a patient or a research subject whose identity it has undertaken to keep confidential.

Mr. President, I do not think that there will be much argument against this limitation. Without it, data collected for legitimate medical and scientific purposes could be demanded by the Department of Justice for use in connection with criminal prosecutions. Even the possibility of such use would seriously inhibit, if not prevent, doctors and hospitals from providing such information, which is privileged by law.

I should point out that the amendment would not prevent the Department of Justice from obtaining such information by other means. It would only permit a Government agency to withhold a patient's name or identifying information in those instances where it had agreed to do so as a condition of obtaining the data in the first place.

Mr. President, I think it is vitally important to preserve the confidentiality of

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information that arises in and continuing research projects, out of patient-doctor relationships. This is so essential if we are to obtain an adequate amount of information in any of the areas with which we are coping.

I think all of us have recognized the need, as we have heard it stated here time and time again, for research in all these areas. We have even been debating, in connection with the last amendment that I offered, some restrictions on the amount of research and identifying the areas of research that the Justice Department could engage in.

Mr. President, I think it is imperative that if we are to be able to continue this medical and scientific research, if we are to be able to involve the people we need to involve, for purposes of determining factors relating to the various drugs and narcotics that are on these schedules and for the purposes of enforcement of the law—we have to preserve the confidentiality of the patients or the people being used as research subjects. The purpose of this amendment is thrust to that point.

I do not wish to belabor the point. I simply wish to point out what I think is basically an accepted medical and research fact—that confidentiality should be protected. I cannot see this as any hindrance whatever to the Justice Department or the Attorney General, in the enforcement of this act.

I ask the Senator from Connecticut, who is managing the bill, if this particular amendment adversely affects the enforcement of this act.

Mr. DODD. Mr. President, my disposition is to accept this amendment.

The thrust of the amendment is to protect the integrity of scientific research and is obviously directed toward protecting research conducted by NIH.

Limited grants of immunity from prosecution and disclosure are the function and responsibility of the Attorney General. Any research conducted by the Federal Government itself should be available to the Attorney General unless agreement is reached in advance as to nondisclosure. This should be done on a case-by-case basis.

As to research grants and studies paid for by the Federal Government but done by outside investigators, such immunity can be obtained under the bill in section 602 (c) and (d). Once again, this is on a case-by-case basis. The Department of Justice has for years objected to any form of blanket immunity provisions relating to potential prosecutions or disclosure.

However, I do not feel this particular amendment adversely affects the enforcement of the act and for that reason, I think we ought to accept this amendment.

Mr. HUGHES. The Senator is willing to accept this amendment?

Mr. DODD. Yes.

Th PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Iowa.

The amendment was agreed to.

Mr. HUGHES. Mr. President, I sent to the desk earlier an amendment which I would like to call up and explain. I do not have the identifying number of it.

The PRESIDING OFFICER. The amendment has no number.

Mr. HUGHES. I ask that the clerk state the amendment.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

AMENDMENT NO. 464

On page 12, line 8, delete "upon his own motion" and insert in lieu thereof the following: "upon the recommendation of the Secretary of Health, Education, and Welfare, or the Scientific Advisory Committee established in title VI of this Act.".

On page 12, line 12, delete "Before so doing, the Attorney General" and insert in lieu thereof the following: "If the Attorney General acts pursuant to the petition of an interested party, before so doing, he".

On page 14, beginning with line 7, strike out all through line 10.

On page 35, line 20, immediately after "determine", insert a comma and the following: "after requesting and considering the technical advice of the Secretary of Health, Education, and Welfare,".

On page 41, line 19, immediately after the word "finds", insert a comma and the following: "after requesting and considering the technical advice of the Secretary of Health, Education, and Welfare,".

On page 41, line 23, immediately after the word "finds", insert a comma and the following: "after requesting and considering the technical advice of the Secretary of Health, Education, and Welfare,".

Mr. MANSFIELD. Mr. President, will the Senator yield, without losing his right to the floor?

Mr. HUGHES. I yield.

The PRESIDING OFFICER. Does the Senator ask unanimous consent that the amendments be considered en bloc?

Mr. HUGHES. I make such a request.

Mr. HRUSKA. Mr. President, reserving the right to object, the amendments are not printed. The membership of this body will not be able to follow their content without their being printed. To allow the consideration of the amendments en bloc is a little difficult for this Senator to understand.

The PRESIDING OFFICER. Is there objection?

Mr. HRUSKA. Mr. President, I suggest the absence of a quorum.

Mr. MANSFIELD. Without the Senator from Iowa losing his right to the floor.

The PRESIDING OFFICER. Does the Senator yield for this purpose?

Mr. HUGHES. I yield.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MANSFIELD. Mr. President, will the distinguished Senator from Iowa, who has the floor, yield to me briefly?

Mr. HUGHES. I am happy to yield to the distinguished majority leader.

Mr. MANSFIELD. Mr. President, I understand that this amendment will take some time to consider. It is the pending business.

ORDER FOR ADJOURNMENT TO 10:30 A.M. TOMORROW

Mr. MANSFIELD. Mr. President, in view of the fact that this has been a long day, I ask unanimous consent that when the Senate completes its business this evening, it stand in adjournment until 10:30 tomorrow morning.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER OF RECOGNITION OF SENATOR HANSEN TOMORROW

Mr. MANSFIELD. Mr. President, I ask unanimous consent that at 10:30 tomorrow morning, the distinguished Senator from Wyoming (Mr. HANSEN) be recognized for not to exceed one-half hour.

The PRESIDING OFFICER. Without objection, it is so ordered.

TRANSACTION OF ROUTINE MORNING BUSINESS TOMORROW

Mr. MANSFIELD. Mr. President, I ask unanimous consent that following the speech by the distinguished Senator from Wyoming tomorrow, there be a period for the transaction of routine morning business, with a time limitation of 3 minutes therein.

The PRESIDING OFFICER. Without objection, it is so ordered.

AGREEMENT WITH CANADA RELATING TO THE OPERATION OF RADIOTELEPHONE STATIONS—REMOVAL OF INJUNCTION OF SECRECY

Mr. MANSFIELD. Mr. President, as in executive session, I ask unanimous consent that the injunction of secrecy be removed from executive A, 91st Congress, second session, an agreement with Canada on operation of radiotelephone stations, signed November 19, 1969, transmitted to the Senate today by the President of the United States, and that the agreement, together with the President's message, be referred to the Committee on Foreign Relations and ordered to be printed, and the President's message be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The message from the President is as follows:

To the Senate of the United States:

With a view to receiving the advice and consent of the Senate to ratification, I transmit herewith an agreement between the Government of the United States of America and the Government of Canada relating to the operation of radiotelephone stations, signed at Ottawa on November 19, 1969.

It is provided in the agreement that it will enter into force upon the exchange of instruments of ratification.

Upon entry into force of the agreement, a person holding a valid license issued by the Canadian Department of Communications for a station in the General Radio Service may be authorized by the Federal Communications Commission to operate that station in the United States. Reciprocally, a person holding a valid license issued by the Federal Communications Commission for a Class D station in the Citizens Radio Service may be authorized by the Canadian Department of Communications to

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operate that station in Canada. The primary object of the agreement is to facilitate emergency assistance and road service communications while traveling on highways of the two countries.

I also transmit for the information of the Senate a report by the Secretary of State relating to the background and purpose of the agreement.

I urge that the Senate give early and favorable consideration to the agreement.

RICHARD NIXON.

THE WHITE HOUSE, *January 27, 1970.*

SENATOR MURPHY SUPPORTS THE DRUG CONTROL BILL

Mr. MURPHY. Mr. President, last week the Senate acted on the administration's Organized Crime Control Act, a bill designed to accelerate the Nation's battle against organized crime.

Today, Mr. President, we have before us another important administration bill to deal with a problem which I have said has reached epidemic proportions both in California and in the country. I am speaking, of course, of the drug problem.

This measure seeks to control drug abuses and I am sure it will be welcomed by all of our citizens. National statistics show:

That the narcotics and marihuana arrests have risen an astronomical 322 percent in the decade of the 1960's;

That arrests in 1968 were 64 percent greater than 1967, primarily involving marihuana;

That marihuana arrests nearly doubled in the last 2 years according to the FBI;

That there are between 100,000 and 125,000 narcotic abusers and an estimated 12 million citizens have tried marihuana;

That 50 percent of the more than 8 billion amphetamine pills produced annually are diverted to illegal traffic;

That as high as 50 percent of the students in some areas have had some experience with marihuana according to an NIH survey.

In California the magnitude of the drug problem can be seen by the following drug arrests statistics which show:

That in 1968, 6,400 adults were arrested, a figure representing a 65 percent increase over 1967 and a 200 percent increase over 1960;

That juvenile arrests total 29,947 in 1968, a figure representing a 115 percent increase over 1967 and a 2,000 percent increase over 1960;

That in 1967 there were over two thousand more arrests for marihuana violations than in the previous 6 years combined.

These State and National statistics dramatically demonstrate that the drug problem has reached the crisis stage and that action such as S. 3246 is needed. Particularly alarming is the fact that the average median age for drug arrests keeps getting lower and lower.

At one time marihuana was a phenomenon of citizens in slum areas and certain jazz musicians. More recently there has been a growing concern over drug abuse with our college students. As bad as this was and is, we know now that drug use is spreading to our high schools and junior high schools. Testimony has been received indicating that the problem has even reached the elementary grade level. Confirming this frightening development, in my testimony in Los Angeles on September 27, 1969, before the Special Subcommittee on Alcoholism and Narcotics of the Labor and Public Welfare Committee, I quoted from a letter from the coordinator of a drug abuse information center in Fresno, Calif., saying:

> I can assure you that drug abuse has not decreased at our high schools—it has increased tremendously at junior high levels—and has extended into the fifth and sixth grades.

In my testimony previously referred to, I made various recommendations, including acceleration of research, particularly in the marihuana area, a stepped-up education campaign designed to make drugs the "out" thing rather than the "in" thing, the enactment of legislation to protect the general public and our young citizens from the illicit diversion of drugs from legitimate channels, and to make certain that there is a greater accountability of drugs from the Nation's pharmaceutical companies. Also I recommended that our approach to criminal activity with respect to marihuana should be the same as that used in connection with other crimes; that is, an increase in the severity of the law as the severity of the offense increases.

In addition, I urged the creation of an International Drug Commission as embodied in Senate Joint Resolution 142, which I introduced. Further, I praised the administration's determined effort to crack down on drug abuse, a pledge made by candidate Nixon on September 16, 1968, in Anaheim, Calif. Operation Intercept, now Operation Cooperation, and the bill before us today indicate that the administration means business in its crackdown on drug abuse.

I am pleased to strongly support the measure before the Senate today which would: First, coordinate and codify our present fragmented drug laws into one comprehensive legislative package; second, deal with the serious problem of the legal drug traffic being channeled into illegal channels through a greater accountability of regulations of the manufacture, distribution, importation, and exportation of these drugs; third, classify the drugs subject to the bill's provisions into four schedules according to their chemical properties, psychological and physical effects, and their abuse potential; fourth, establish a more realistic penalty structure, making a more rational relationship between the offense committed and the penalties imposed—for the pushers and those who traffick in drugs, the bill would allow more severe sentences; for mere possession the bill gives judges and law-enforcement officers the needed flexibility—fifth, create a committee, which would be required to report its findings and recommendations within 2 years to both the Congress and the President, to study all aspects of marihuana.

Mr. President, on July 17 of last year, the San Diego Union in a lead editorial pointed out the need for action now in the drug battle. The cartoon on the editorial page depicted the drug and dope problem as "the fifth horseman" galloping destructively across our country with a hypodermic gun labeled "dope." This is an apt description as evidenced by the frightening possibilities raised in the editorial's conclusion, which states:

> Time as well as vigor is of the essence. Unless something is done quickly, parents may not be able to send their children to the playground without exposing them to narcotics.

Time is running out and Congress must respond to the challenge of drug abuse in our country now.

While this will not be the only measure needed, this is an important step if we are to reverse these statistics.

Mr. President, I ask unanimous consent that the text of my testimony before this special subcommittee of the Senate Labor Committee on September 27 of last year, be printed in the RECORD. In addition, I ask unanimous consent that a copy of my statement made on the introduction of Senate Joint Resolution 142 be made part of the RECORD.

Finally, I ask unanimous consent that responses I made to a survey conducted by the Los Angeles Times dealing with marihuana be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From CONGRESSIONAL RECORD, Sept. 30, 1969]

SENATOR MURPHY SAYS DRUG ABUSE REPRESENTS CLEAR AND PRESENT DANGER TO COUNTRY

Mr. MURPHY. Mr. President, at my request the Special Subcommittee on Alcoholism and Narcotics of the Committee on Labor and Public Welfare held hearings in California on the drug-abuse problem, which has reached epidemic proportions. The hearings were held on September 27 in Los Angeles.

I ask unanimous consent that testimony I gave be printed in the RECORD.

There being no objection, the testimony was ordered to be printed in the RECORD, as follows:

"Mr. Chairman, first I want to welcome the Subcommittee to California. Earlier this year—I wrote to Senator Yarborough—the Chairman of the Senate Labor and Public Welfare Committee—and after the new Special Subcommittee on Alcoholism and Narcotics was created—to Senator Hughes urging that hearings be held in California on the drug problem. I therefore appreciate very much the Subcommittee coming to California.

"The hearing today focuses on a subject which has reached epidemic proportions and which is foremost on the minds of Californians—the growing use and abuse of drugs. Frankly, Californians are deeply alarmed and—rightfully angry—over this problem.

"In California the magnitude of the drug problem can be seen by the growing number of drug arrests.

"In 1968—6,400 adults were arrested—a figure representing a 65 per cent increase over 1967—and a two hundred per cent increase over 1960.

"Juvenile arrests totaled 29,947 in 1968—a figure representing a 115 per cent increase over 1967 and a two thousand per cent increase over 1960.

"In California in 1967—there were over two thousand more arrests for marihuana violations than in the previous six years combined.

"These statistics dramatically demonstrate the drug problem has reached the crisis stage. Even more alarming than the numbers is the fact that the average median age for drug arrests keeps getting lower and lower.

"At one time, marihuana, for example, was a phenomenon of citizens in the ghetto areas and certain jazz musicians. More recently, there has been a growing concern in California and in the country over drug abuse by our college students. As bad as this was—and is—we now know that drug use is spreading to our high schools and junior high schools. This Special Subcommittee has heard testimony that the drug problem has reached the elementary grade levels. Recently reported in the press was a story claiming that a third grader made $40,000 trafficking in drugs. That drugs have reached the elementary level is frightening—but correspondence that I have received confirms this invasion. For example, I received a letter from Mr. Arthur H. Suddjian—Coordinator—Drug Abuse Information Center of the Fresno Unified School District—and I quote: 'I can assure you that drug abuse has not decreased in our high schools—it has increased tremendously at junior high levels—and has extended into the fifth and sixth grades.'

"On July 17—the *San Diego Union* in a lead editorial pointed out the need for action *now* in the drug battle. The cartoon on the editorial page for the same day depicted the drug and dope problem as 'The Fifth Horseman' galloping destructively across our country with a hypodermic gun labeled 'Dope'. This is an apt description as evidenced by the frightening possibilities raised in the editorial's conclusion which states: 'Time as well as vigor is of the essence. Unless something is done quickly parents may not be able to send their children to playgrounds without exposing them to narcotics'.

"On September 16, 1968—then Presidential candidate Richard Nixon made an important speech to the American people in Anaheim, California. In this speech—Mr. Nixon made a pledge to the American people that he—if elected—would act on the urgent national drug abuse problem. President Nixon did act—appointing in February—a Special Presidential Task Force on Narcotics—Marihuana—and Dangerous Drugs. The Task Force began its work in March and on June 6, the Task Force report was sent to the President. On September 1, 1969, the first implementation of President Nixon's Task Force took place under the name 'Operation Intercept'. The FAA regulations were amended to provide, among other things, that all flights from Mexico into the United States must henceforth be made on a flight-plan basis. The regulations further provided for revocation of the license of any pilot convicted of a drug abuse offense and—where a private aircraft is used to smuggle drugs into the United States—the certificate of airworthiness for the plane may be revoked so that the plane may no longer be legally flown by anyone.

"So less than a year after he took office, President Nixon launched what I called D-day in the nation's war against illegal drugs and narcotics.

"A study of this Task Force report reveals that it represents a virtual battle plan of sweeping proportions. The entire US-Mexico border is under surveillance in an effort to cut off and control illicit narcotic and drug traffic. Mexico is estimated to supply about 85 to 90 per cent of marihuana in the United States and is also a source of a substantial amount of other drugs. President Nixon thus has launched the crackdown of drugs and narcotics that he promised he would do in Anaheim, California, in 1968. Certainly 'Operation Intercept' will have the overwelming support of the American people.

"I was pleased that many of the recommendations in the Task Force report followed recommendations and suggestions that I have submitted to the President and to the Administration. I do wish to comment on some areas that seem to me most pressing.

"I believe it is essential that we increase research in the whole drug and—particularly—the marihuana area for it's quite clear that although—for example—we have known of marihuana for some time—we have in the words of the President's Task Force 'comparatively little sound research on the drug.' Therefore, I believe that research is necessary to provide us with the soundest possible facts on the causes and effects of marihuana.

"In addition, we must step up our education programs and give our citizens and our young people scientifically accurate information regarding the dangers of drugs. A crash anti-drug program comparable to the anti-smoking campaign should be undertaken. In addition—we must work within the schools and the communities to make drugs the 'out thing' rather than the 'in thing.'

"We must enact legislation as proposed by the Administration to protect the general public from the illicit diversion of drugs from legitimate channels and to make certain that there is a greater accountability of drugs from the nation's pharmaceutical companies. The President's Task Force report and testimony before committees of Congress have indicated that there are considerable quantities of drugs being legally manufactured in the United States—sold and exported to Mexico—and then smuggled back to this country. Action in this area is particularly critical for the 1968 report of the Justice Department of the State of California shows a decrease in the percentage of drug arrests for marihuana in both the adult and juvenile categories—but an increase in the percentage of dangerous drug use. Therefore, I strongly urge that the Administration's recommendations to curb and regulate dangerous drugs be acted upon immediately.

"No one likes the situation resulting from the border checks. It is harmful to business on both sides of the border—inconveniences the tourist and our citizens—and it is potentially harmful to the good relationship enjoyed by our governments and our peoples.

"I have introduced in the Senate S.J. Res. 142, which urges the creation of an International Drug Commission to get international coordination, cooperation and unified action with respect to the drug problem. In the past, the Mexican government has resisted such an international body, but I still believe that we should keep working and pushing the Mexican government on this.

"We have often said that our young people represent the nation's greatest national resource. This expression may be trite—but it is nevertheless true. I strongly believe it. Therefore, we are not about to allow drugs to continue their insidious endangering of the mental and physical health of our young people and the undermining of the moral fibre of this great nation.

"In short—the American people are angry over the drug problem and are demanding that action be taken to stop the drug traffic which only profits those who don't care how they make a buck.

"This rightful anger and demand for action can be seen in the approximately one hundred cities in California who passed resolutions urging the closing of the Mexico-US border to minors unless accompanied by their parents.

"This rightful anger and demand for action can be seen by the action of the California State Legislature in enacting legislation restricting the border-crossing of resident minors to occasions when they are accompanied by a parent, have parental written consent or have a passport.

"This rightful anger and demand for action can be seen in New York where in a study this week by the *New York Times* it was reported that addict victims were turning vigilante and that residents in areas with large numbers of addicts now 'regard retribution preferable to promises of protection and plans for therapeutic programs never seem big enough, prompt enough or workable.' This disturbing article went on to estimate that there are one hundred thousand heroin users in New York and that they figure the addicts might be stealing as much as $2.6 billion a year in property to support their habits. The article also told of the United States Post Office paying $360,000.00 in overtime pay just to provide additional postmen for safety reasons in some of the heavy drug areas. It seems these added postmen are needed twice a month when welfare checks are mailed since narcotics addicts have come to regard these checks as a potential source of money with which to buy heroin.

"In conclusion, Mr. Chairman, I believe the drug problem represents a clear and present danger to our citizens and our country and I certainly am pleased that you have come to California. I am hopeful that as a result of these hearings and as a result of the vigorous action taken and recommendations made by the Administration, we might begin to put an end to this terrible problem."

[From the Congressional Record, July 28, 1969]

Senate Joint Resolution 142—Introduction of a Joint Resolution To Establish a Drug Commission Between the United States, Mexico, and Canada

Mr. **Murphy**. Mr. President, I introduce a joint resolution which urges the President to seek and work for the establishment of a permanent International Drug Commission between the United States, Mexico, and Canada.

The drug problem is a clear and present danger to the health and morals of our Nation and our people.

President Nixon recognized this grave danger and has sent to the Congress a strong cure for this national menace. Along with Congressman Bob Wilson, Don Clausen, and Bob Mathias of California, I wrote President Nixon making various recommendations for action in this field. I ask unanimous consent that our letter to the President be printed in full at the conclusion of my remarks. Naturally, I was pleased that the administration's recommended legislation incorporates some of the suggestions that we made.

Prior to that time I had also written to Assistant Secretary Charles A. Meyer, who also serves as a chairman and U.S. representative on the United States-Mexico Commission for Border Development and Friendship, after I discovered, upon reviewing the brochure of the Border Commission, that the drug problem was not even on the agenda of the U.S.-Mexico Border Commission. In my June 26 letter to Mr. Meyer, I urged not only that the drug problem be placed on the agenda, but that it be placed in a priority position.

On July 9, Secretary Meyer wrote to me saying that he had decided against my suggestion. I ask unanimous consent that my letter to Secretary Meyer and his response be printed at this point in the Record.

There being no objection, the letters were ordered to be printed in the Record, as follows:

"June 26, 1969.

"Hon. Charles A. Meyers,
"*Assistant Secretary for Inter-American Affairs, Department of State, Washington, D.C.*

"Dear Mr. Secretary: I am writing you because of your chairmanship of the U.S.-Mexico Commission for Border Development and Friendship. I was pleased that Mr. Frank B. Dean stopped by my office to discuss Senate Joint Resolution 119, which would authorize an appropriation for expenses of the Commission.

"Naturally as a representative of a state which shares a border with Mexico, I will be pleased to support the resolution. Certainly I

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applaud joint efforts to foster friendship and improve relations between our countries and our people.

"In examining your brochure, 'A New Pattern for Borderland Development,' I observed that after studies and conferences, the Commission decided to work in the following eleven areas: housing, manpower, community centers and services, libraries, industrial and economic development, health and sanitation, transportation, recreation, planning and technical assistance, education and point disaster relief. I was, however, concerned with what I regard as a most serious omission. I am referring to the fact that the drug problem does not appear to be on the agenda.

"The drug problem, as you well know, is already serious and seems to be growing daily. This year, the Senate Health Subcommittee, on which I serve, heard testimony that the drug problem was spreading to the elementary school. Frankly, citizens in my state as well as in other parts of the country are rightfully getting angry over the continuous and apparently growing quantities of drugs coming into the United States. There is a feeling that Mexico is not doing everything it can to prevent the illicit and illegal traffic in drugs. Indicative of this feeling is the fact that over one hundred cities in my state have separately passed resolutions urging Congress to close the border to minors unless they are accompanied by a parent or a responsible audit. I have urged the Senate Labor and Public Welfare Committee to hold hearings in Southern California to examine the drug abuse problem in general and the border question in particular, and I am hopeful that the Committee will be coming to California in the near future.

"In summary, the alarming increase in drug traffic and drug use is not only harmful to its victims, but it also is harmful to the good relations between Mexico and the United States, I would, therefore, urge that drugs be added to your agenda and that it be a first order of business of this most important Commission.

"With best wishes, I am,

"Sincerely,

"GEORGE MURPHY."

"UNITED STATES-MEXICO COMMISSION FOR BORDER DEVELOPMENT AND FRIENDSHIP,
"Washington, D.C., July 9, 1969.

"Hon. GEORGE MURPHY,
"U.S. Senate,
"Washington, D.C.

"DEAR SENATOR MURPHY: Thank you for your letter of June 26, 1969 concerning the role of the U.S.-Mexico Commission for Border Development and Friendship. I am delighted that we can count on your support of Senate Joint Resolution 119 which would authorize an appropriation for the Commission.

"In your letter you outline your great concern about the increasing problem of narcotics, dangerous drugs and marihuana trafficking, and you urge that this problem be added to the agenda of the Commission. I have given full consideration to this proposal and have decided against it, for three reasons:

"First, we are attempting to limit the scope of the Commission to problems within the immediate geographic area of the border. The narcotics problem transcends such a geographic area, and as such, lends itself more readily to treatment through regular diplomatic channels, as well as through the arrangement of informal cooperation which already exists between the enforcement authorities of both countries.

"Second, the Mexican Government has on repeated occasions resisted suggestions to have narcotics enforcement problems placed under a joint U.S.-Mexico commission. We estimate that a proposal to place narcotics problems on the CODAF agenda would be opposed by the Mexican Government.

"Third, narcotics enforcement in Mexico is highly centralized under the Federal police. One of the principal aims of the Commission is to stimulate action on the local level in border communities. There appears to be little likelihood that meaninful local action on narcotics enforcement in Mexico is possible under present conditions.

While I oppose the inclusion of the narcotics problem as a separate item on the agenda of CODAF. I most certainly feel that it can and should be a part of certain other activities conducted by CODAF. For example, educational programs developed for primary and secondary-level schools should include information on narcotics and drug abuse. Similarly, there may be good possibilities of including rehabilitation of drug users and traffickers in certain community action programs. In any case, you may be assured that we will be alert to exploit any appropriate opportunity to emphasize to our Mexican counterparts our deep interest in eliminating the narcotics, dangerous drugs and marihuana problem from our border area.

"In the meantime, I can assure you that efforts to solicit more effective Mexican assistance on enforcement are not being overlooked. A high level meeting of enforcement officials of both countries was held in June, and we are very hopeful this will be the basis of greatly increased cooperation in combatting the present situation.

"I appreciate your taking the time to write to me on this matter, and I hope that I will continue to receive your guidance and suggestions whenever you deem it appropriate.

"Sincerely yours,

"CHARLES A. MEYER,
"Chairman."

Mr. MURPHY. Mr. President, for some time, I have been deeply concerned about the drug problem, and in my capacity as a member of the Subcommittee on Health I supported last year, the Drug Abuse and Control Act. In addition to making the possession of stimulant, depressant, or hallucinogenic drugs a crime, the bill also increased the penalties for those who push and traffic in illegal drugs. Yet it is obvious, Mr. President, that additional steps are needed and new strategies need to be devised to deal with the alarming use of drugs. For, as President Nixon warned—

"It is doubtful that an American parent can send a son or daughter to college without exposing the young man or woman to drug abuse."

The National Institute of Mental Health estimated that one-third of our college and high school students have used marihuana or dangerous drugs. Surgeon General Williams Stewart told the Subcommittee on Health that drug use has spread to the elementary grades.

On July 17, the San Diego Union in a lead editorial pointed out the need for action now in the drug battle. The cartoon on the editorial page depicts the drug and dope problem as "the fifth horseman" galloping destructively across our country with a hypodermic gun labeled "dope." This is an apt description as evidenced by the frightening possibility raised in the editorial's conclusion which states:

"And time as well as vigor is of the essence. Unless something is done quickly parents may not be able to send their children to playgrounds without exposing them to narcotics."

I ask unanimous consent that the editorial be printed at the end of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. MURPHY. Mr. President, during the past 6 years, customs officials have increased the seizure of drugs by 2000 percent. While undoubtedly these increased seizures result from increased surveillance and controls, they also, I am certain, result from increased traffic in drugs. For drugs seized might be compared with the tip of the iceberg, allowing us to see the dangers, but not its size, real danger, or magnitude.

Mr. President, there is no doubt about it. The production of drugs in Mexico has become big business, and we must do all we can to stem this flood of narcotics which is entering our country To be successful, we must have greater cooperation with the Mexican Government. For that reason, I am today submitting a resolution which urges the President of the United States to "seek of the President of Mexico and the Prime Minister of Canada the formation of a permanent commission to investigate ways and means of reducing the illicit traffic of narcotics and dangerous drugs within and between the United States, Mexico and Canada." Representative GONZALES, of Texas, introduced this measure on the House side on July 23.

Although in the past, there have been indications that the Mexican Government has not been receptive to this approach, I believe that the growing concern in both countries and the great danger posed by the alarming drug increase will result in the Mexican Government being more agreeable to cooperative action. In any event, it is incumbent upon this Nation to emphasize to Mexico the growing concern in the Nation about the rising use of drugs. The drug problem clearly has the potential of harming the good relationships we have enjoyed with our neighbors. This can be seen from the fact that over one hundred cities in California have passed resolutions urging Congress to close the United States-Mexican border to minors unless accompanied by an adult.

In short, Americans are rightfully angry over the problem and are demanding that action be taken to stop the big drug business and traffic which is big profit to those who do not care how they make a buck.

I ask unanimous consent that an article written by veteran correspondent Francis B. Kent, published in last Sunday's Los Angeles Times, be printed in the RECORD.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

"[From the San Diego Union, July 17, 1969]

"PRESIDENT WRITES PRESCRIPTION: DRUG ABUSE NEEDS LEGAL CURE

"The most sobering part of President Nixon's message which urged a massive, concerted attack on the runaway narcotics problem in the United States of America was the paragraph relating to youth.

" 'It is doubtful,' Mr. Nixon said, 'that an American parent can send a son or daughter to college today without exposing the young man or woman to drug abuse.'

"Reams of statistics are available to support the President's inference that the national drug problem already has a strong grip on the emerging generation.

"The National Institute of Mental Health estimates that more than one-third of all college and high school students today have used marijuana or a dangerous drug. It is estimated the number will nearly double before this decade ends.

"Clearly this is a menace that will require a strong prescription. The days of mollycoddling an overt danger and exploring its social implications instead of taking strong legal cures must end. Otherwise the problem will be so immense that it may not be susceptible to either doses of law or of reason.

"Mr. Nixon's prescription for control of the narcotics problem is both strong and timely medicine.

"He recommends for approval of Congress a comprehensive program that will bring together for the first time all federal and state laws dealing with sale, possession, manufacturing and distribution of narcotics.

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"Especially pertinent, Mr. Nixon classes marijuana in the same general category as LSD, cocaine or heroin—which is realistic. The comprehensive approach should focus the energies of the federal establishment against the narcotics cancer which is eroding individual character and the national moral fiber.

"Certainly the President's clear labeling of marijuana as a great danger should serve to halt a swelling attitude of permissiveness to this insidious threat.

"It is ironic, but essential, that part of the fight against dangerous drugs has to be directed against decisions of the Supreme Court, which struck down sections of registration acts last year. Mr. Nixon's proposal to pattern laws requiring licensing and registration of persons possessing dangerous drugs is patterned after New York State law and should serve this purpose.

"But implicit throughout the President's vigorous attack upon the dangerous drugs is the thought that it is a road that the federal government should not travel alone.

"The visible part of the narcotics cancer is but a fraction of the total. The problem is so immense that it will require the full effort and cooperation of the federal government, states, institutions and families.

"And time as well as vigor is of the essence. Unless something is done quickly parents may not be able to send their children to playgrounds without exposing them to narcotics."

"[From the Los Angeles Times, July 27, 1969]

"Drugs Seized at Border Up 2,000 Percent in 6 Years; Rise Reflects Not Only Tighter Controls but More Demand for Mexico's Narcotics

"(By Francis B. Kent)

"Mexico City.—The body in the coffin looked ordinary enough but there was something about the men accompanying it across the border into the United States that bothered the customs agents.

"An informal autopsy revealed extraordinary contents: a fortune in heroin.

"Not everyone connected with the illicit drug traffic goes to such bizarre lengths. Simpler techniques have been far more successful. Yet the incident serves to illustrate what U.S. customs men are up against and their task gets more difficult all the time.

"In the past six years, according to customs officials in Washington, the quantity of narcotic drugs seized at border points has increased by 2,000%. Joseph Jenkins, the Customs Bureau's director of investigations, said this increase reflects not only intensified control efforts but a sharp rise in the dope traffic as well.

"As a result of the growing demand among U.S. users, the production of illicit drugs has become a big business in Mexico. Just how big, no one knows, but the figures are sizable.

"CUSTOMS AGENTS

"For example, U.S. customs agents along the 1,500 miles of border between Mexico and California, Arizona, New Mexico and Texas seized more than 32 tons of marijuana last year, plus more than 50 pounds of heroin, morphine and cocaine.

"Mexican authorities, meanwhile, destroyed more than 7,500 fields of poppies, the source of opium and its derivatives, and burned off hundreds of acres of marijuana.

"How much managed to get across the border and into the hands of users is anybody's guess. The consensus: considerable:

"Illicit drugs cross the border in every conceivable manner. The young, long-haired marijuana smoker may smuggle it over concealed in his surfboard. The professionals are more likely to use trucks with false bottoms, boats or airplanes. Unpoliced coastal landings and airstrips proliferate on both sides of the border.

"Arrests and stiff prison sentences appear to be no more than a minor factor in slowing the traffic. Border arrests for trafficking in marijuana alone numbered 945 in 1965, and by last year had risen to 2,273. Conviction, under the Narcotics Control Act of 1956, brings a mandatory 5- to 20-year prison sentence with no hope of probation or parole. A second offense means 10 to 40 years.

"On the Mexican side the law is even tougher and Mexican jails are not renowned for their luxurious facilities.

"Until relatively recently, narcotics had not been much of a criminal problem in Mexico. Indians had smoked what is now called marijuana and munched on hallucinatory mushrooms long before the Spanish arrived in the early 16th Century. Marijuana came into more popular usage about 100 years ago when the peasant took it up to ease his hunger pangs.

"Now its use has been noted among secondary-school students, and an occasional homicide has been attributed to organized crime's efforts to control distribution, not only of marijuana but the so-called hard narcotics such as heroin as well.

"Just one thing keeps the international traffic alive: money. And, according to agents of the U.S. Treasury Department's Bureau of Narcotics, not all of it flows into the hands of that sinister organization known as the Mafia.

"'Dope smuggling,' one agent told The Times, 'is about as exclusive as betting on the ponies.'

"LARGE PROFITS

"Profits are enormous. The 2-pound brick of marijuana that nets its grower about $4 in Mexico sells for as much as $300 in the United States. The usual price in, say, Los Angeles or New York, is $150. Much more profitable are the hard drugs: morphine, heroin, cocaine. They come in smaller quantities and provide vastly more effective results.

"Calculating the profit margin on hard drugs is next to impossible, since they are invariably diluted at every stage of processing and handling and the price varies not only geographically but according to the balance between supply and demand. Almost any illicit narcotic, though, is worth at least twice as much on the U.S. side of the border.

"Controlling the production and processing of drugs in Mexico is no easy task. Much of the interior is virtually inaccessible except by Jeep or burro. Yet the authorities here have mounted what is generally considered to be the most effective grassroots campaign in Latin America.

"Under the supervision of Asst. Atty. Gen. David Franco Rodriguez, federal agents work closely with the army and with local and state police departments. Each spring, when the opium poppy is ripe for milking, mixed teams move out into the eight-state area where cultivation of the poppy is concentrated. Traveling by whatever means is necessary, often on foot, they descend on illegal plantations that have been spotted from the air, destroy the growth and arrest the grower.

"Equally tough measures are directed against those in Mexico who serve as links in the narcotics traffic that originates in South America, the Middle East and the Orient. The South American countries of Bolivia and Peru are a major source of cocaine, a derivative of the cocoa leaf that is chewed by Indians. The Mideast and the Far East produce heroin.

"TURKISH HEROIN

"Heroin is a particularly nettlesome problem because it is manufactured legally, under government license, in Turkey and India. U.S. officials estimate that up to 15% of the Turkish heroin finds its way into the contraband market.

"Getting narcotics across the border into the United States, despite increasingly strict controls, presents no great challenge. Literally millions of U.S. and Mexican nationals cross the border every year and to search every one would be physically impossible.

"'If we did,' a customs agent observed, 'cars would be lined up for miles and the congestion at airports would be outrageous.'

"Still, the number of U.S. agents along the border has almost doubled, to a total of 92 since 1965, and the combined efforts of U.S. and Mexican authorities have produced results, as can be seen by the increase in seizures and arrests.

"MEETINGS HELPFUL

"Jenkins, the bureau's investigations chief, is convinced that further cooperation will pay even greater dividends in the future. Joint meetings such as the recent roundtable conducted here between U.S. and Mexican experts have been particularly helpful, he said.

"What the authorities on both sides hope for and expect is a change of attitude on the part of young people, especially in the United States, where marijuana has acquired widespread acceptance.

"Medically, according to a Narcotics Bureau agent, it has yet to be established that marijuana is harmless or not habit-forming, and the evidence indicates that its use often leads to hard narcotics.

"'About 80% of our confirmed addicts,' he said, 'started with marijuana.'

"Jenkins, who was with the Customs Bureau in Los Angeles for 10 years before his transfer to Washington in January, recalls a grim courtroom scene in which a 37-year-old offender had just been sentenced to 40 years in prison.

"'I don't think I'm going to make it,' the defendant said.

"'Son, you just do the best you can,' the judge replied.

"July 10, 1969.

"The President,
"*The White House*

"Dear Mr. President: We, the undersigned, members of the California Congressional Delegation, having read the news accounts appearing in yesterday's Washington Post, wish to compliment and commend you for your bold and forthright proposals with regard to combatting the nation's drug problem.

"Of particular significance, we believe, are the reported measures calling for stiffer penalties for habitual offenders and those involved in the illegal traffic and sale of drugs; and tighter restrictions, to include Federal licensing, of U.S. manufacturers of drugs, stimulants, and depressants.

"As Californians, each of us has been actively involved for some time in trying to find a solution to our State's common and unique problems of drug abuse. As such, we wish to bring to your attention and urge you to consider the following additional recommendations which we believe should be included in the Administration's position on this critical subject:

"1. *Border Surveillance:* As you know, California and other states bordering on Mexico have a unique and compelling narcotics problem as it applies to the illegal traffic in dangerous drugs and narcotics into and out of Mexico. We believe a concerted effort must be made to expand and strengthen our border surveillance activities so that a more effective program of 'reducing the supply' can be waged.

"2. *Relations with Mexico:* Since full cooperation and continued friendship between the U.S. and Mexico is seriously affected by the situation which exists, we urge that our mutual narcotics problems be included as a priority item of discusson at the up-coming meetings of the U.S.-Mexico Border Commission for Friendship and Development. At present, it is our understanding that this

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matter is not included on the proposed agenda for these meetings.

"3. *Drug Abuse Education:* It is our common view, as well as your own, that any all-out effort to combat the spreading menace of drug addiction and 'experimentation' cannot rely on law enforcement alone. Therefore, we strongly support and join you in emphasizing the dire national need for more effective drug abuse education. The 1962 White House Conference on Narcotics and Drug Abuse reported the 'failure of schools to recognize the problem and provide instruction of equal quantity and quality as that provided for other health hazards'. In our collective judgment, no significant or meaningful role has been assumed by the Federal Government to assist our schools in providing effective drug abuse education and the need for such education for students and adults alike has now become acute.

"Please be assured, Mr. President, that we speak for a vast majority of the Members of Congress in saying that we stand ready and willing to assist you and your Administration in any way possible in helping combat this growing menace to the young people of America, their parents, and to the very moral fiber of our society.

"Respectfully,
"George Murphy,
"U.S. Senator, California.
"Robert B. Mathias,
"18th Congressional District, California.
"Bob Wilson,
"36th Congressional District, California.
"Don H. Clausen,
1st Congressional District, California."

Mr. Murphy. Mr. President, I ask unanimous consent that the text of the joint resolution be printed in the Record.

The Presiding Officer. The joint resolution will be received and appropriately referred and, without objection, the joint resolution will be printed in the Record.

The joint resolution (S.J. Res. 142) for the establishment of a Drug Commission between the United States, Mexico, and Canada, introduced by Mr. Murphy, was received, read twice by its title, referred to the Committee on Foreign Relations, and ordered to be printed in the Record, as follows:

"S.J. Res. 142

"Whereas the illicit traffic in narcotics and dangerous drugs exists; and

"Whereas this problem is of international consequence; and

"Whereas despite the border efforts of the United States, Mexico, and Canada the flow of the illicit drug traffic continues at a dangerously high rate; and

"Whereas this illicit traffic adversely affects the lives of young people who use barbiturates, marihuana and other dangerous drugs: Now, therefore, be it

"Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the President of the United States is authorized, requested, and directed to seek with the President of Mexico and the Prime Minister of Canada the formation of a permanent commission to investigate ways and means of reducing the illicit traffic in narcotics and dangerous drugs within and between the United States, Mexico, and Canada."

Response of Senator George Murphy (R-Calif.) to Survey of Los Angeles Times on Marijuana

Q. Because of the dramatic rise in the use of marijuana in all levels of society, would it be wise to legalize the sale of marijuana, perhaps with controls similar to those applying to liquor?

A. I strongly oppose legalizing the sale of marijuana. The nation has witnessed a dramatic increase in the use of marijuaua and legislation legalizing this drug would tend to encourage its further use, thus aggravating what the Presidential Task Force report on Narcotics, Marijuana and Dangerous Drugs called a "significant mental health problem." The task force report further stated "There is no known beneficial result from the use of marijuana; there are, on the other hand, definite detrimental effects." We must remember that marijuana is really a phenomenon of the young and the very young, for whom a responsible Government must take a protective posture.

Q. If not, do you still feel the present marijuana laws should be changed? For instance, to take marijuana out of the dangerous drug category? Or to make the use or sale of marijuana a misdemeanor instead of a felony?

A. There is no single "marijuana law". There are separate laws in 50 states and the Federal Government. There is ample evidence to support the designation of marijuana as a dangerous drug which is, in fact, the position of the American Medical Association. Our approach to criminal activity in respect to marijuana should be the same as that used in connection with other crimes, that is, an increase in severity of the law as the severity of the offense increases. For example, I would distinguish between the mere possession of a small amount of marijuana for personal consumption and the possession of a large amount for the purpose of sale or disseminating to others. It seems logical, also, to distinguish between the sale of marijuana to an adult and someone under 21. The simple possession of marijuana, I believe, in small quantities for personal use might well be treated as a misdemeanor, and unquestionably the sale of it to a minor should be treated as a serious felony.

Q. Is the widespread use of marijuana in your view a more dangerous social and medical problem than the widespread use of alcohol?

A. The use of marijuana today does not even approach the degree of the use of alcohol in the United States. I believe that if it did, it would be a far more dangerous social and medical problem. There are some very important distinctions between the use of the two: Although there is a substantial number of alcoholics in the United States, the vast majority of persons who use alcohol do not intend by the taking of a drink to intoxicate themselves. On the other hand, marijuana is nearly always used for the express purpose of obtaining a "high", a disorienting intoxication. As the Special Presidential Task Force on Narcotics, Marijuana and Dangerous Drugs points out: "While alcoholism constitutes a major social problem, surely it is not valid to justify the adoption of a new abuse on the basis that it is no worse than a presently existing one. The result could only be added social damage from a new source." Again, I want to emphasize the involvement of young people in the use of marijuana. Adolescence is a difficult time of life in which the child should be learning to cope with life's stresses. If, instead of learning to face up to and overcome the problems of everyday life, a child substitutes the warding off of reality through the use of marijuana or other drugs, his future ability to cope with the demands of life in a complex society become seriously compromised, if not crippled entirely.

Q. Have you noticed in recent years a change in the attitude among your constituents about marijuana? If so, how has it changed?

A. Yes. The concern of Californians, particularly parents, has increased with the growing use of marijuana. They are rightfully angry and demand action to stop the drug traffic which only profits those who do not care how they make a buck. I am pleased that the Administration has launched a campaign to stop this traffic.

Q. Has marijuana traffic and consumption increased significantly in your district?

A. Yes. Traffic in and consumption of marijuana has now reached epidemic proportions. 1968 juvenile drug arrests for marijuana in California show an increase of more than two thousand per cent since 1960.

PROGRAM TOMORROW

Mr. MANSFIELD. Mr. President, for the information of the Senate, the Senate will resume with the consideration of the pending amendment to the drug control bill sometime tomorrow morning or afternoon, but it is the intention of the leadership—and this has been discussed with the other side of the aisle—that some time around noon, or shortly thereafter, the conference report on the foreign aid bill will be taken up.

ORDER OF BUSINESS

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRESIDENT NIXON'S ADDRESS REGARDING VETO OF LABOR-HEW APPROPRIATIONS BILL

Mr. GRIFFIN. Mr. President, in an address to the Nation carried over radio and television last night, President Nixon spelled out clearly and convincingly why he has vetoed the Labor-HEW appropriations bill.

I ask unanimous consent that the text of the President's address be printed in the Record.

There being no objection, the address was ordered to be printed in the Record, as follows:

Remarks of the President in a Radio and Television Address Regarding Veto of the Labor-HEW-OEO Appropriations Bill

Good evening, my fellow Americans.

I would like to share with you tonight a decision that is one of the most difficult decisions I have made since I assumed the office of the Presidency a year ago.

I have here on my desk a bill, a bill which been passed by the Congress and sent to me for signature. For the first time, I am exercising tonight the Constitutional power of the President to veto a bill and send it back to the Congress for further consideration.

This decision is particularly difficult because this bill provides funds for the Department of Health, Education and Welfare.

Now let us clearly understand the issues. The issue is not whether some of us are for education and health and others are against it.

There are no goals which I consider more important for this nation than to improve education and to provide better health care for the American people.

The question is: how much can the Federal Government afford to spend on these programs this year?

In April I asked the Congress to appropriate more for the Department of Health, Education and Welfare than it has ever appro-

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priated before. This means that this year the Federal Government will spend 13 percent more on programs for health, education and welfare than it spent last year. For Federal programs that affect education, we will spend over $10 billion. Now in this bill that I have before me, the Congress has increased the amount that I recommended by a billion-two-hundred and sixty million dollars. Over one billion of this increase is in the field of education.

Now, why, in an election year, particularly, would a President hesitate for one moment to sign a bill providing for such politically popular causes as this one? For the reason is this: The President of the United States has an obligation to consider all the worthy causes that come before him and he is to consider them having in mind only one principle: What is best for all the people of the United States?

I believe that the increase over the amount that I recommended, the increase which is contained in this bill passed by the Congress, is not in the best interests of all the American people, because it is in the wrong amount for the wrong purposes and at the wrong time.

Let me address myself first to the questions of the amount of spending involved.

This nation faces a crisis which directly affects every family in America—the continuing rise in the cost of living. From 1960 to 1970, the cost of living went up 25 percent in this country. Now, for the average family of four in America that meant an increase of $2400 a year in the items that go into your cost of living—your grocery bills, your housing, your transportation, your medical costs.

A major reason for this increase in the cost of living is that in that same ten-year period from 1960 to 1970, the Federal Government spent $57 billion more than it took in in taxes.

I think this was wrong. That is why as your President I intend to do everything that I can to see that the Federal Government spends less in Washington so that you can have more to spend at home. If we are to stop the rise in the cost of living which is putting such a strain on the family budgets of millions of Americans, we have to cut the Federal budget.

That is why I ordered cuts of $7 billion in Federal spending in 1970. That is why, for example, the budget I will submit to Congress for 1971 will call for a smaller percentage of Federal spending for defense than in any year since 1950.

For the first time in 20 years the budget will provide more funds for human resources than for defense.

Now, if I approved the increased spending contained in this bill, I would win the approval of many fine people who are demanding more spending by the Federal Government for education and health. But I would be surrendering in the battle to stop the rise in the cost of living, a battle we must fight and win for the benefit of every family in this nation.

A second reason I am vetoing this bill is that I believe that it increases spending for the wrong purposes. The increased spending ordered by Congress for the most part simply provides more dollars for the same old programs without making the urgent new reforms that are needed if we are to improve the quality of education and health care in America.

I believe that when we consider how much we are putting into education in the United States that we are entitled to get more out in terms of better quality of education. That is why in my education message which I shortly will be submitting to the Congress I will propose a new and searching look at our American school system. In this examination we will look at such basic questions as to why millions of our children in school are unable to read adequately; we will put emphasis on improving the quality of education for every child in America.

An example of the unfairness of this bill is the Impacted Aid Program which is supposed to help areas which need assistance because of the presence of Federal installations. The bill provides $6 million for the one-half million people who live in the richest county in the United States, and only $3 million for the three million people that live in the 100 poorest counties in the United States.

President Eisenhower, President Kennedy, President Johnson all criticized this program as being unfair. And yet the Congress in this bill not only perpetuates this unfair program, it adds money to it.

The third reason I am vetoing this bill is because it requires the money to be spent at the wrong time. We are now nearly three-quarters of the way through the school year. This bill forces us to spend the money it appropriates—and we would have to spend it all before June 30.

When money is spent in a hurry, a great deal is wasted. There is no good time to waste the taxpayers' money, but there is no worse time to waste it than today.

The Congress will determine on Wednesday whether it will sustain or override my veto of this legislation. If the veto is sustained, I will immediately seek appropriations which will assure the funds necessary to provide for the needs of the nation in education and health.

You can be sure that no school will need to be closed. No school child will be denied an education as a result of the action I take tonight. I will work with the Congress in developing a law that will ease the transition to education reform and do so without inflation.

I realize that a number of Congressmen and Senators, as well as many who are members of what is called the education lobby, disagree with the views I have expressed tonight. I respect their different viewpoint. I deeply share the concerns of those who want more funds for education, and for health and for other worthy causes in this country.

But it is my duty to act on behalf of the millions of Americans, including teachers and students, as well as patients in our hospitals, who will pay far more in the rise in the cost of living than they will receive from the increased spending provided for in this bill.

We spend more for health and education than any nation in the world. We are able to do this, and I hope we can continue to do so in the future, because we have the great good fortune to be the richest nation by far in the whole history of the world.

But we can spend ourselves poor. That is why no matter how popular a spending program is, if I determine that its enactment will have the effect of raising your prices or raising your taxes—I will not approve that program.

Now, for these reasons, for the first time, tonight, instead of signing a bill which has been sent to me by the Congress, I am signing this veto message. My fellow Americans, I believe this action is in the long range interests of better education and improved health care. But most important, I believe that this action that I have just taken is in the vital interests of all Americans in stopping the rise in the cost of living.

Thank you, and good night.

MARIHUANA RESEARCH

Mr. MOSS. Mr. President, Congress has been talking and legislating too long about marihuana without knowing very much about it. Some young people believe marihuana is practically harmless while many of us fear that its use can lead to tragic consequences. But neither side of the marihuana controversy has conclusive evidence.

Last week I learned firsthand from the marihuana experts of this basic lack of information. I attended a conference on marihuana at the Salk Institute in La Jolla, Calif., where the medical experts readily admitted that their research thus far has been very primitive.

The results of more sophisticated research are now beginning to come in. What we now need is a careful evaluation of this information which will soon become available. I am very pleased to see that included in the pending bill is my proposal for a Committee on Marihuana. It is my hope that the committee will come up with an authoritative report that will help to resolve this controversy. We cannot go on with this two-sided credibility gap much longer.

THE BLAME FOR INFLATION

Mr. ALLOTT. Mr. President, I was interested to hear my colleagues from the other side of the aisle discussing with such vigor the problems of inflation.

It was intriguing to hear them place the blame for today's inflation on the President of the United States who now occupies the White House. I suppose I cannot blame them—as much as I disagree with them. After all, it is so much simpler to blame the administration now in power on the old theory that the best defense is a good offense.

Or, to be a bit more blunt—when you have made a complete mess of things, attack the guy trying to clean up after you.

Yes, my Democratic colleagues have 8 years of performance which they hope to conceal by attacking the person who inherited the whirlwind they sowed.

Mr. President, you will recall that in 1960 the Democrats rode to power in the presidential election on the slogan: "Let's Get America Moving Again." In an effort to make good on that promise the administration in 1961 launched itself on a deliberate policy on two fronts.

First, they decided that a little inflation is good for the American people. And so they set out deliberately to foster inflation at the rate of about 2 or 3 percent a year.

And, second, they set out on a policy of getting the United States more deeply involved in the affairs of South Vietnam—and the fantastic war which followed.

Both of these policies bore fruit.

It is with that bitter fruit we are attempting to deal today.

Let us examine first the fallacies of that policy of inflation.

In the early 1960's it was decided that the only way to get the American economy steamed up was by adopting a policy of inflation. To do this, the Democratic administration set about making money easy to come by. They set out to overspend the Federal budget—to create continuing deficits. They got through Congress a tax bill permitting tax incentives and credits for businessmen who wanted to expand their capital equipment. They

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adopted a tax policy of lowering tax rates for individuals to increase the flow of money into the consumer markets.

Voluntary wage and price guidelines were adopted which they claimed would permit a "controlled" spiral of prices and wages. It was determined that a couple of percentage points a year of inflation were good for America. It was further decided that inflation could be controlled without any real effort at discipline.

Now, Mr. President, let me observe here that having a little inflation is just like being a little bit pregnant. There just "ain't" no such thing.

Once the pot began to bubble it inevitably came to a boil. There was no other course open.

When the spiral of inflation took hold, it was inevitable that it should grow and burgeon into the awful monster that today grips the American economy.

There was no other course it could follow.

Now, Mr. President, this engulfing inflation could have been brought under control with comparatively little hardship several years ago. Except for one thing.

And that one thing is the war in Vietnam.

For too many years the Johnson administration treated the war in Vietnam as though it were something separate from the rest of America.

During 1965 and 1966 and 1967, the Johnson administration did not even attempt to give the Congress and the American people an estimate of what the war in Vietnam was costing when the budget was submitted. It was not until the fiscal 1969 budget came to Congress that an effort in this direction was made—and then the President said the war would cost us about $25 billion per year. Actually, it cost a whole lot closer to $35 billion than $25 billion. But at least by 1968 the administration was willing to admit that there was a war going on, that it was costing money, and that the money had to come from somewhere.

But even so, the Johnson administration—the Democratic administration—refused to go directly to the American people and get the money for Vietnam in the form of higher taxes. Nor was the Johnson administration willing to discipline its own spending excesses in the slightest bit to help pay for the Vietnam war.

Perhaps this was all due to the fact that the previous administration in the White House had sort of inched its way into the Vietnam morass. Under President Kennedy and then President Johnson we got a little further involved with each passing month. First, a little in 1961. When our men in Vietnam stopped being trainers and technicians and began to be field advisers to the South Vietnamese Army. Then in 1962 we got in a little deeper as more Americans were being shot at and killed—and we needed more troops in Vietnam to protect those we already had there. And then in 1963 we found ourselves with 16,000 Americans in Vietnam and 78 dead.

By 1964, we still had only 23,000 troops in Vietnam. At this point, let me remind the Senate that it was in that year of 1964—which also happened to be an election year—that the President actually submitted a proposed cut in the defense budget. I am not saying that the forthcoming elections of that year actually had anything to do with the President's decision, but the coincidence seems mighty strong.

By 1965 the war was beginning to be an American war in Vietnam. We had nearly 200,000 troops committed. We had started spending money at the rate of nearly $2 billion a month.

But still the war was treated almost as if it existed on another planet in another time. It was not allowed to interfere with the domestic policies of the Johnson administration.

The Democratic Congress continued to spend money for the domestic programs that the Democratic administration kept demanding. With every new appropriation bill that was passed there came a need to find the money somewhere because the administration still refused to go directly to the American people.

So it was that the Democratic administration of Lyndon B. Johnson began more and more to finance its fantastic spending programs by going to the money market.

The idea was to spend and borrow. To borrow and spend.

No thought was given to the morrow.

No effort was made to impose self-control and self-discipline.

By this policy of borrowing, the Great Society forced up the interest rates. The law of supply and demand worked in the money market and when the Federal Government was in that market with both feet—borrowing some $30 billion over the past half decade, the cost of money could do only one thing—go up.

And it has gone up. And up. And up.

Mr. President, my colleagues have made much over the President's threats to veto the tax bill and some of the more irresponsible spending bills that Congress has approved.

Let me say this, plainly and flatly—medicine is never very pleasant, but economic medicine is perhaps the least pleasant of all because it applies to all of us.

The dreadful disease of inflation was allowed to go unchecked and rampant throughout the decade of the 1960's by the Johnson administration, and the Kennedy administration before that. Now the medicine has to be applied. It has to be swallowed. And, as bitter as that medicine tastes, we must face up to its need.

In another sense, this business of trying to control inflation is somewhat like trying to rear a child. It is possible, without too much fuss and feathers, to discipline the child when he is young. It gets more and more difficult—if the child is allowed to have his own way at all times and in everything—to discipline him as he grows. Finally, when the undisciplined child reaches the age of manhood, it takes the severest kind of measures to curb his behavior.

Had the Kennedy administration acted with restraint some eight years ago, the problem could have been easily curbed at that time.

Had the Johnson administration acted to curb inflation just 5 years ago, it would have been a little uncomfortable for the American people, but the job could have been accomplished with a modicum of pain.

But neither President Kennedy nor President Johnson chose to act.

Now, after 8 years of unbridled inflation, President Nixon is facing up squarely to his responsbility to the American people. He is trying to bring inflation back under control. And it is painful.

As I said, Mr. President, I do not blame my colleagues for wanting to place the blame for the present situation on someone else. I just want to set the record straight and place the full responsibility where it belongs; and that is on the shoulders of the Democratic Party which had complete control of all three branches of Government, the White House, the Congress and the courts, from 1961 through to January of this last year—all through the decade of the sixties.

In closing, I should like to recall a Latin proverb which goes: "Serpens nisi cum nederit serpentent non sic Draco."

Translated it means a serpent, until he has eaten another serpent, cannot become a dragon.

Likewise, until inflation feeds upon itself it cannot become a dragon.

The food for this dragon was supplied by the two Democratic administrations that ruled America in the sixties.

THE MIDDLE EAST

Mr. HART. Mr. President, I rise to speak very briefly and not from a text.

Yesterday I was visited by a delegation of distinguished leaders of the Jewish community from Michigan. They had joined other similar groups from across the country in assembling in Washington in the past few days.

The assembly was a result of the continuing concern and unease that the U.S. policy with respect to Israel and the negotiations seeking to bring peace to the Middle East had been changed, changed not only to the disadvantage of Israel, but also, as they fear, to the disadvantage of the United States.

Since that visit, and partly as a result of the concerns voiced to me by those distinguished Michigan citizens, I have again reviewed the sequence of events.

I share their concern and rise to state that it would serve poorly the interest of America, the interest of Israel, and, indeed, the interest of the Arab states if our country sought in collaboration with the Soviet Union to impose or to indicate specific settlement conditions that should attach to the resolution of the current troubles in that area of turmoil.

Our national interests have dictated in the past—and I insist they continue to dictate—that we stand firm behind the principle of direct negotiations between Israel and the Arab Governments, negotiations in which all major issues are decided.

This has long been the policy of this

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country. Indeed, one of the bitter lessons we learned in the middle fifties after the Suez campaign was the inappropriateness of a settlement that would be imposed by our country and the Soviet Union as a substitute to direct negotiations between the parties immediately concerned.

Then in June 1967, after the 6-day war between Israel and her Arab neighbors, we made it very clear that our official U.S. position on the Middle East peace settlement was based on the principle that a lasting settlement could only be achieved through direct negotiations between Israel and the Arab Governments on all matters of substance.

The concern that somehow or other we are turning away from that position was the result of statements made in December by our Department of State. Our Secretary of State confirmed reports that there were several proposals made by us to the Soviet Union suggesting terms for an Israeli-Egyptian and Israeli-Jordanian settlement.

As I understand it, our Secretary of State indicated that these proposals did exist and they bore on such basic questions as permanent boundaries, status of Jerusalem, and refugee resettlement.

That indeed would be a turnaround in our policy, and an unwise one. And difficult as the search for peace in that troubled area of the world is, peace will not be found until all of the parties to that conflict want peace.

The Israelis are quite correct when they insist that willingness to negotiate directly is a test of commitment to a peaceful resolution of the differences. In the meantime, until that permanent peace for which all pray is at hand, it is essential that the United States make available to Israel the means, economic and military, which might be required to permit its survival. Our objective should be not just the survival of Israel, but its success to the degree that we can properly contribute to it. It rubs shoulder to shoulder with many Middle East governments. It is a free land, much in our own tradition, the success of which will contribute to our best interests as well as the interests of the Israeli citizens; and in the long haul will be of benefit to those Arab neighbors who, seeing the effectiveness of modern technology in a free land may then persuade their own governments to move them in the same direction.

I would state for the record that as a result of the concerned voices raised by my friends who visited me here yesterday from Michigan, it would be desirable that our Government reaffirm its support for direct negotiations between Israel and the Arab Governments, and that nothing could serve better the interests of peace at this moment.

Mr. President, I ask unanimous consent to have printed in the Record a resolution adopted by the delegates to the National Emergency Conference on Peace in the Middle East, which had assembled in Washington the past few days.

There being no objection, the resolution was ordered to be printed in the Record, as follows:

A RESOLUTION (REVISED)

Adopted by delegates to the National Emergency Conference on Peace in the Middle East, convened by the Conference of Presidents of Major American Jewish Organizations, January 25–26, 1970, at the Statler-Hilton Hotel, Washington, D.C.

The leadership of the American Jewish community, gathered in our nation's capital, expresses its deep anxiety over the direction of United States policy in the Middle East.

We do so as Americans profoundly concerned for our country's national interests; as Jews with a strong sense of kinship with our fellow Jews; as people who share all mankind's yearning for peace.

Since the founding of the State of Israel in 1948 the people and government of the United States have consistently affirmed that it is in America's national interest to support the sovereignty and security of Israel. We are truly gratified that we have received this day from President Richard M. Nixon a clear re-affirmation of this Administration's friendship, understanding and support for Israel. The President stated that "the United States does not intend to negotiate the terms of peace." Earlier, he made clear his belief that the Four Powers "cannot dictate a settlement in the Middle East."

We believe that the attempts of the Four Powers to draft the framework for a settlement have in fact impeded the progress toward a genuine peace.

We believe that the recent specific proposals submitted by our State Department to the Two Power and Four Power talks—which suggest: pre-determined Egypt-Israel and Jordan-Israel borders; that Jordan share in the administration of Jerusalem; and that the Arab refugees be repatriated under a formula that would flood Israel with those bent upon its destruction—endanger the security of Israel and imperil the cause of a just and lasting peace in the Middle East. These proposals should be withdrawn forthwith so that the Arab-Israeli negotiations which President Nixon has called for will indeed be undertaken without preconditions.

Peace in the Middle East can be attained only if Israel is recognized by her Arab neighbors as a sovereign state with mutually agreed upon secure borders; only if the nations which fought the war make the peace, negotiating freely; only if the Arab lust for vengeance is abandoned.

In light of the massive arms shipments to Arab states by the Soviet Union, France and other countries, it is imperative that the United States continue to support the security of Israel with the military equipment she so urgently requires.

We believe that the role of America in the Middle East is to bring the parties together in direct negotiations; to stand firm against Soviet pressure, and above all to provide Israel with sufficient economic and military strength to deter any Arab ruler from aggression.

We dedicate ourselves to the achievement of a just and lasting peace, fulfilling the divine promise spoken by the immortal prophet of Israel: Nation shall not lift up sword against nation, neither shall they learn war any more.

Mr. HART. Mr. President, I ask unanimous consent to have printed in the Record an editorial entitled "Our Even-handed Policy Could Lose the Middle East," published on January 12, 1970, in the Detroit Free Press.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

OUR EVEN-HANDED POLICY COULD LOSE THE MIDEAST

President Nixon's long-heralded "more even-handed policy" in the Middle East is sinking like a freighter in the Suez Canal, torpedoed from without and scuttled from within.

The policy was announced a month ago by Secretary of State Rogers. What he proposed was the return of nearly all the Arab territory occupied in the Six Day War of 1967; virtual internationalization of Jerusalem; return of an unspecified number of Arab Palestinian refugees, many of whom fled Israel 20 years ago in a combined military-political maneuver, and a binding peace accord between Israel and the major Arab states.

On paper, the policy might make theoretical sense. As in Vietnam and throughout Asia, Mr. Nixon wants a lowered U.S. profile in international affairs. He wants to move back from the brink of confrontation and limit U.S. intervention only to those areas of prime importance to our own security.

Further, Mr. Rogers was apparently hoping to force the Arabs and Israelis to the peace table by making Israel a little less militant. And he was holding out a bit of honey to Russia in an attempt to get Russia to sit down with us, Britain and France and work out a settlement, as well as to lower the level of Russian and French arms flows to the Arabs.

Those hopes were torpedoed for good this week when France confirmed it was negotiating an arms sales to Libya, newly rich off oil and newly militant. France switched sides under de Gaulle for economic reasons. It wants the Libyan oil.

The Nixon policy had been torpedoed earlier, in less militaristic stands, when it was rejected by Israel, Egypt and Jordan.

Mrs. Golda Meir, the Israeli premier, called it "appeasement," which might not have been diplomatically correct but was close to the mark. The Arab states rejected it because they have no intentions of signing binding agreements at all, and certainly no intentions of doing anything peaceful until Israel gives up the occupied land. So long as Russia picks up the bill they can afford that stance.

At home, it has brought the Nixon administration the wrath of the Jewish community—which can swing elections in several states—and of non-Jews who see, as the Miami Herald said, that the "security of Israel as it involves the national interests of the United States is an issue 10 times clearer than Vietnam."

The issue has even caused a break in diplomatic relations between the huge Chase Manhattan Bank and the Tensor Corp. In an ad in Thursday's New York Times, Jay Monroe, the president of Tensor, announced he is closing his firm's account at Chase Manhattan because the bank's president, David Rockefeller, warned the President last month of declining U.S. influence in the Arab world. Mr. Rockefeller's family is interested in oil and, said Mr. Monroe, Mr. Rockefeller has decided "to put his mouth where his money is."

The Tensor action, Mr. Monroe said, was a protest against "a dollar diplomacy based on oil interests," and he hoped that "our former friends at Chase Manhattan may learn that free men do not live by oil alone."

The simple fact is that Israel is the only friend the United States has in the Middle East and Mr. Rogers' policy statement seemed almost designed to lose that friendship.

Israel, as is well known, has shown a talent for neutralizing growing Arab strength. The great gunboat caper eluded the French embargo on military sales to Israel. During that same week, the Israelis made a daring raid across the Suez and literally hijacked a brand-new seven-ton Russian radar installation. The Israelis airlifted it out in pieces, and even took along the four Egyptian technicians.

But this, coupled with the growing intensity of border raids conducted by both sides, brings renewed war, not peace, closer

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by the day. And the United States, by being "even-handed" when no one else is, makes another Israeli victory that much more uncertain.

Israel, unlike Egypt or the other Arab nations, cannot afford a defeat. If it loses a war it loses its nation, and no good intentions of the UN or the U.S. could then restore it.

As Mrs. Meir said in her criticism of Mr. Rogers' policy, it misses the main point. "There's no recognition of statehood in these documents."

That is the whole key. Egypt's Nasser and the Jordanian commandos are both still vowing to destroy Israel and drive the Israelis into the sea. Until the Arabs are convinced that they can't do it and will only lose by trying, no peaceful settlement can be obtained. No outside force can impose a lasting peace, and no armed occupation can end the hatred.

The United States, by drawing back, serves neither its own interests nor the cause of peace.

ADJOURNMENT UNTIL 10:30 A.M. TOMORROW

Mr. BYRD of West Virginia. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the previous order, that the Senate stand in adjournment until 10:30 tomorrow morning.

The motion was agreed to; and (at 5 o'clock and 24 minutes p.m.) the Senate adjourned until Wednesday, January 28, 1970, at 10:30 a.m.

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NOMINATIONS

Executive nominations received by the Senate, January 27, 1970:

IN THE COAST GUARD

The following-named officers of the Coast Guard for promotion to the grade of rear admirals:

James A. Palmer
Edward D. Scheiderer
Ellis L. Perry
Albert A. Neckman
John F. Thompson, Jr.

The following-named officers to be a member of the permanent commissioned teaching staff of the Coast Guard Academy as a professor in the grade of captain:

Otto E. Graham, Jr.

IN THE ARMY

I nominate the following-named officers for appointment in the Regular Army of the United States to the grade indicated under the provisions of title 10, United States Code, sections 3284 and 3307:

To be major generals

Maj. Gen. George Edward Pickett, 577-54-0390, Army of the United States (brigadier general, U.S. Army).

Maj. Gen. Roger Merrill Lilly, 176-32-2881, Army of the United States (brigadier general, U.S. Army).

Maj. Gen. Woodrow Wilson Vaughan, 444-40-8227, Army of the United States (brigadier general, U.S. Army).

Maj. Gen. Gilbert Hume Woodward, 224-52-6485, Army of the United States (brigadier general, U.S. Army).

Maj. Gen. Glenn David Walker, 425-07-7949, Army of the United States (brigadier general, U.S. Army).

Lt. Gen. Melvin Zais, 016-14-9359, Army of the United States (brigadier general, U.S. Army).

Maj. Gen. William Charles Gribble, Junior, 574-12-9564, Army of the United States (brigadier general, U.S.. Army).

Maj. Gen. Edward Leon Rowny, 219-18-9284, Army of the United States (brigadier general, U.S. Army).

Maj. Gen. John Norton, 421-52-8670, Army of the United States (brigadier general, U.S. Army).

Maj. Gen. Walter James Woolwine, 704-12-6183, Army of the United States (brigadier general, U.S. Army).

Maj. Gen. James William Sutherland, Junior, 432-01-3212, Army of the United States (brigadier general, U.S. Army).

Maj. Gen. Elmer Hugo Almquist, Junior, 224-52-8768, Army of the United States (brigadier general, U.S. Army).

Maj. Gen. Leo Bond Jones, 484-05-2930, Army of the United States (brigadier general, U.S. Army).

Maj. Gen. William Albert Becker, 452-14-2696, Army of the United States (brigadier general, U.S. Army).

Lt. Gen. Frederick Carlton Weyand, 565-01-7616, Army of the United States (brigadier general, U.S. Army).

Lt. Gen. George Irvin Forsythe, 517-17-9904, Army of the United States (brigadier general, U.S. Army).

Maj. Gen. Orwin Clark Talbott, 572-03-9875, Army of the United States (brigadier general, U.S. Army).

Maj. Gen. Walter Philip Leber, 499-01-2011, Army of the United States (brigadier general, U.S. Army).

Maj. Gen. John Hancock Hay, Junior, 517-05-6304, Army of the United States (brigadier general, U.S. Army).

Maj. Gen. Richard Joe Seitz, 514-03-9046, Army of the United States (brigadier general, U.S. Army).

Maj. Gen. Clarence Joseph Lang, 480-09-6322, Army of the United States (brigadier general, U.S. Army).

Maj. Gen. Ellis Warner Williamson, 238-22-3130, Army of the United States (brigadier general, U.S. Army).

Lt. Gen. William Eugene DePuy, 503-16-0459, Army of the United States (brigadier general, U.S. Army).

Maj. Gen. Richard Thomas Knowles, 340-10-3134, Army of the United States (brigadier general, U.S. Army).

Maj. Gen. John Russell Deane, Jr., 460-64-0004, Army of the United States (brigadier general, U.S. Army).

IN THE MARINE CORPS RESERVE

The following-named officer of the Marine Corps Reserve for temporary appointment to the grade of major general:

John R. Blandford.

The following-named officers of the Marine Corps Reserve for temporary appointment to the grade of brigadier general:

Louis Conti.
Verne C. Kennedy, Jr.

HOUSE OF REPRESENTATIVES—*Tuesday, January 27, 1970*

The House met at 12 o'clock noon.

Rev. Myroslow J. Lubachivsky, of the Immaculate Conception Ukrainian Catholic Cathedral, Philadelphia, Pa., offered the following prayer:

O God and Heavenly Father of us all, the Creator of the entire universe, turn Your merciful eyes upon this earth and upon us, Your unworthy children. We dare to call upon You, our loving Father, asking humbly that You grant us, and the entire world, lasting peace and freedom.

Bless, all-powerful Creator, these United States of America, which so willingly opened its heart to so many persecuted refugees. Advise, infinitely wise Father, the Government, enlighten the minds of the leaders that they may always make the right decisions; help them to find the best ways to overcome all difficulties, so they may further enhance the well-being of this entire Nation.

Thanking You for the freedom and liberty we enjoy in this country, we pray to You for all the enslaved peoples and nations. We implore You today, on this, the 52d anniversary of the independence of Ukraine, to turn Your benevolent eyes upon our enslaved and suffering people, and help them to carry their heavy cross of bondage. Comfort them, give them strength, and permit that their Golgotha may finally come to an end, so that they may soon rise as a sovereign nation among the free nations of this world. Amen.

THE JOURNAL

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate had passed a bill of the following title, in which the concurrence of the House is requested:

S. 1653. An act to amend the Interstate Commerce Act, with respect to recovery of a reasonable attorney's fee in case of successful maintenance of an action for recovery of damages sustained in transportation of property.

THE LATE HONORABLE HARVE TIBBOTT

(Mr. SAYLOR asked and was given permission to address the House for 1 minute, and to revise and extend his remarks.)

Mr. SAYLOR. Mr. Speaker, on the last day of 1969, my predecessor who served the people of Armstrong, Cambria, and Indiana Counties in the old 27th District of Pennsylvania, passed away quietly at his home in Ebensburg. He was 84. Former Representative Harve Tibbott served in the 76th and four succeeding Congresses from January 1939 to December 1948, and was a member on the Interstate Commerce, Flood Control, and Appropriations Committees.

In addition to serving as an elder, trustee, and president of the official board of the First Christian Church, Harve served as chairman of the Cambria County chapter of the American Red Cross and as president of the Ebensburg YMCA and Kiwanis Club of Ebensburg. He was illustrious potentate of Jaffa Shrine Temple of Altoona, and was elected president of the Pennsylvania

Shrine Association, receiving an emblem for 50 years of Masonic service in October 1957. He had been elevated to the 33d degree, the highest level bestowed in the Masons, and in 1955 became a Knight of the Red Cross of Constantine in the Scottish Rite Masonry.

Congressman Tibbott attended the public schools in Pennsylvania and was a graduate of the School of Pharmacy of the University of Pittsburgh. He received an honorary doctor of laws degree from St. Francis College of Loretto in 1967.

Engaged in the retail drug business and as a pharmacist, he established what is now Tibbott's Corner Drugstore in his hometown. He was elected a director of the First National Bank of Ebensburg and became president in 1938. At the time of his death, he was still active as the bank's chairman and was a director of the Cambria Thrift Corp. Mr. Tibbott also served as treasurer of the William Penn Highway Association and as treasurer of Cambria County.

Harve was famous throughout the district for a booming baritone voice that is now stilled. But, the memory of the man and his good works for all people will never be forgotten. He was a source of inspiration to Republicans, his constituents, and myself. Whether in Congress or out, he was extremely close to and always interested in the problems and the concerns of the people. We will all miss him.

Mr. ARENDS. Mr. Speaker, will the gentleman yield?

Mr. SAYLOR. I yield to the distinguished gentleman from Illinois.

Mr. ARENDS. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, I am sorry to learn of the death of our former colleague, Harve Tibbott. During the many years he spent here he was one of my close personal friends. He was not only a great legislator; he was an outstanding American citizen, a man of exemplary character and of moral stature. I was proud to call him my friend.

Mr. Speaker, one of my fondest memories of Harve Tibbott was his fondness of music. He loved to sing and was one of the finest singers I have known, certainly one of the finest that ever came to this Congress. At one time, we had on this side of the aisle what we called a Republican quartet, and they had a Democrat quartet under the leadership of Percy Priest of Tennessee on the other side of the aisle. We had some great times together in competitive fun. On occasion we appeared publicly, although we did not win prizes, nor did we try for any. Nothing pleased Harve Tibbott more than to be involved in music, in which he excelled. This in itself bespeaks the character of the man.

Mr. Speaker, I am very sorry to learn of Harve's death. He was indeed a great American, and everyone will miss him.

Mr. MAHON. Mr. Speaker, will the gentleman yield?

Mr. SAYLOR. I yield to the gentleman from Texas.

Mr. MAHON. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, I join in paying tribute to the memory of this distinguished American, our late departed friend and former colleague, with whom many of us served here in the House of Representatives for a number of years.

Harve Tibbott was a gentleman to the core. He went about his way quietly but effectively. He was a good man.

In his 10 years in the service of the House, half of which was as a member of the Committee on Appropriations, Harve Tibbott assumed committee responsibilities in a number of important fields. He was a diligent legislator. He wrote a record that did honor to himself, his constituents, and to his country. He was truly one of the great characters in the House of Representatives.

May God bless his memory and give comfort to his family and friends.

GENERAL LEAVE

Mr. SAYLOR. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks on the late Honorable Harve Tibbott.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

PRESIDENT NIXON WILLING TO SAY "NO" TO THE SCHOOLCHILDREN; BUT NOT TO THE BANKERS

(Mr. PATMAN asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. PATMAN. Mr. Speaker, it is a national disgrace for a President to go on network television and claim that the education of our children is inflationary. The Republicans have always had a fetish about budgets, but never did I realize that they would mortgage the future—the youth of this Nation—to promote a cheap public relations pitch to prove their great concern about "inflation."

We are all against inflation, Democrats and Republicans alike. The difference: the Democrats are willing to do something about it.

On December 19, this House of Representatives passed H.R. 15091—Public Law 91–151—which gave the President the broadest powers possible to control interest rates, inflation and the excessive use of credit in the inflationary areas of the economy. These anti-inflationary powers can be triggered at a moment's notice by the President.

The President has done nothing despite the fact that this law gives him full authority to roll back interest rates and to control the inflationary use of credit. In other words, he could effectively roll back the prime lending rate which was raised by Bankers Trust Company of New York last June 9 from 7½ percent to 8½ percent. However, to activate these controls, President Nixon would be required to step on the toes of the big bankers and big business. That is something that a Republican Chief Executive never does.

President Nixon is willing to say "no" to the Nation's schoolchildren. He is unwilling to say "no" to the bankers.

A rollback of interest rates could reduce the Federal budget by billions of dollars—more than enough to cover the entire appropriations for education.

INFLATION

(Mr. GERALD R. FORD asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GERALD R. FORD. Mr. Speaker, one cannot help but be a bit amused by the distinguished chairman of the Committee on Banking and Currency.

I do not recall that he made such comparable demands of previous Presidents when the inflation problems of the country were really getting out of hand. As a matter of fact, the tendency on the part of the gentleman from Texas has been to add to the fuels of inflation rather than to moderate them.

I must say I am a little surprised that the gentleman from Texas would make such comments concerning the President's message to the American people last night—which was an effective way and a dramatic way to point out the problems of inflation and the need and necessity for affirmative action, constructive action, rather than the irresponsible kind of action heretofore taken by the gentleman from Texas.

Mr. Speaker, I am sure that all of us here listened to the President talk on television last night with consuming interest. It was a forthright and convincing speech and the American people will support it. It was a speech which recognized the value and the need not only for educational programs and for other social programs as well—it was a speech that also made absolutely clear what the real issue is—and what it is not.

Certainly, the issue is not a debate on the merits of education or whether Federal funds should be spent on education. The issue is not one of whether or not we should have an impacted aid program—although I think the record is replete with previous messages by President Eisenhower, President Kennedy, President Johnson, as well as President Nixon, that the program needs extensive reform.

The issue was, very simply, inflation. The duty of the President of the United States as the national leader is to use every weapon at his control to do something about it.

In the President's mind, and I am sure in the minds of most of us here, inflation is an overriding domestic problem and issue at this time. This being so, the President recognized that it is his duty and his obligation to take the necessary steps, every single one of them, to bring it under control.

One of those steps is to keep Federal spending under Federal income and, this, too, the President is determined to do. That is why we have a balanced budget this year and why we will have one next year.

Frankly, the problem is that we must control inflation. The veto of this appropriation bill was a very valid exercise of his prerogative to fight the battle of

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inflation from beginning to end. That is why those of us who recognize the overriding need to control inflation will vote to sustain the veto.

PRESIDENTIAL RESPONSIBILITY FOR INFLATION

(Mr. ALBERT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ALBERT. Mr. Speaker, the statement of my distinguished colleague, the minority leader, to the contrary notwithstanding, the question before the House—and it will be before the House tomorrow—is who is going to have to assume the burden of controlling inflation? Is it, as my distinguished friend from Texas said, going to be the corporations, or is it going to be the poor, the sick, and the children?

Last night the President sought to justify his veto of the Labor-HEW appropriation bill on the ground that it was inflationary. He has exercised the privilege of veto to deny the nondeferrable health and education needs of the American people. You cannot defer education any more than you can defer nutrition for children, if you are going to give children the benefit of a complete program to meet their needs.

Should the President's veto be sustained, the American children will suffer a loss of mental enrichment which can never be replaced. They will bear the scars of the President's shortsighted action into adulthood. The veto would also assure less hospital construction, less research on cancer, and less research on heart disease—but assure more air pollution.

The President, of course, denies that he is opposed to health or education, but says he must veto the Labor-HEW bill because Congress in acting to increase his appropriation request by $1.260 billion has been inflationary.

Mr. Speaker, I am convinced that the President's veto is the opening gun in a campaign on his part designed to place the blame for our almost unprecedented inflation upon the Congress. Nothing could be further from the truth. Congressional action produced a budget surplus of approximately $3 billion in the fiscal year 1969. Latest estimates project a surplus in the neighborhood of $5.9 billion for 1970. We reduced the President's overall appropriation request by some $5.6 billion. Tax provisions of the tax reform bill, a product exclusively of congressional initiative, will bring in $6.4 billion more during the calendar year 1970 than in 1969. A prudent fiscal policy on the part of the Congress is obviously no guarantee against inflation.

Abdication of Presidential responsibility, Mr. Speaker, is the paramount cause of current inflation. Had President Nixon utilized the great symbolic and moral power of the Presidency, as did his predecessors, John F. Kennedy and Lyndon B. Johnson, to dissuade those gigantic corporations which dominate our economy from raising prices, the Nation's economy would be in an immeasurably healthier and more stable position today.

The President's refusal to intervene in the price decisionmaking process to protect the consumer stems from an oversimplistic view as to how large corporations in this year 1970 determine prices. He sees the facts of economic life through a prism, the product of outmoded copy book maxims about the law of supply and demand, and imagines a world described by Adam Smith in the 18th century, where many small producers compete for buyers and prices are set in the marketplace. Such a picture bears no resemblance to the real economic world in which we find ourselves. Without exception, every major segment of the American economy is now dominated by a handful of giant, in many cases supergiant, corporations.

The prices which they set for their products are all but impervious to traditional marketplace forces. Their prices are set to maximize their profits. And maximize them, they certainly have. Corporate profits are still running at an all-time high.

Mr. Speaker, Congress could refuse to vote a single dime for health or education and it would not affect the administered prices of our large semimonopolistic corporations one iota.

The President is the people's major shield against price exploitation. Presidents Kennedy and Johnson acted as the people's advocate against the forces of naked economic greed. President Nixon disdains this role and thus leaves the consumer defenseless.

The evidence is clear. Prices have skyrocketed during the first year of the Nixon administration. The Wholesale Price Index compiled by the Bureau of Labor Statistics, for example, shows that metals and metal products increased by 9.8 percent in 1969 as against a 1.3 percent increase in 1968. In 1968 steel mill products increased by 2.2 percent, in 1969 by 6.7 percent. Nonferrous metals which skyrocketed by 21.5 percent in 1969, had actually decreased by 1.8 percent in 1968. Aluminum ingot was up 8.7 percent last year, as against a 3-percent rise in 1968. For 8 years, 1961 through 1968, this item actually declined by 1 percent. Copper wire was up by 24.3 percent during the past year. Lead decreased by 7.1 percent in 1968, only to rise by 23.1 percent in 1969. Zinc rose by 14.3 percent in 1969, in the 8 previous years it rose by but 7.6 percent. Nonferrous scrap down 4.3 percent in the last Johnson year, was up by 40.9 percent in the first Nixon year.

The effect of the rise in these basic industrial prices is all pervasive throughout our economy, affecting virtually everything which you or I as consumers purchase.

Mr. Speaker, I call upon the President to utilize the awesome power of his office, not against the children, the sick, the aged, and the poor of this Nation, but rather against the giant monopolies which are the true culprits causing inflation.

HEW BILL IS POOR SYMBOL FOR VETO

(Mr. McCORMACK asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. McCORMACK. Mr. Speaker, I listened, as we all did, to the television broadcast last night, and after the President's remarks to the people of America, I listened to my friend, the gentleman from Minnesota (Mr. QUIE), in a colloquy with the gentleman from Indiana (Mr. BRADEMAS), refer to the veto as a "symbol veto."

It seems to me and the impression in my mind is that the HEW bill certainly is a very poor symbol for veto in connection with inflation. There are so many other bills, if the President wanted to use, that he would have had more of a case on than simply using the HEW bill as a symbol in connection with the fight against inflation.

The gentleman from Oklahoma has well stated the case, so I will not repeat it.

There is one brief observation I want to make. I, for one, have profound respect for the President, and I can disagree with him but never question the motive of any President. At the outset the President stated that it was a most difficult question for him to decide. Then he repeated it again, emphasizing how difficult the question was for him to decide. When he made those statements, I stated, "Well, Mr. President, if it is a difficult decision for you to decide, when you still have 3 years in office, how much more difficult it is for the 86 Republicans who voted for the conference report to decide, when they are coming up for election next fall?"

VETO PRIORITIES

(Mr. HAYS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HAYS. Mr. Speaker, we hear a lot in the news media these days about priorities.

I was a little bit amused, shall we say, by the President's sorting out of priorities in vetoing the HEW bill. He said it was inflationary because the Congress added a billion dollars. I assume somebody told the President that the Congress took a billion dollars out of his foreign aid request. As far as I am concerned, that could be the same billion dollars we put in the HEW bill, for a far better purpose.

As one who has lived with foreign aid for 21 years, I could suggest to the President that if he vetoed the whole ball of wax he would have another billion and a half dollars that would have been fighting inflation, and foreign aid would go merrily on its way, because, according to the figures of the gentleman from Louisiana, if I am quoting correctly, there is $11 billion in the various pipelines that can still be used for foreign aid.

So if the President really wants to fight inflation I suggest that he take a look at his foreign aid request from here on and pare it down substantially, perhaps to under a billion dollars.

ECONOMIC AID AS A MEANS OF FIGHTING CRIME

(Mr. CAREY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CAREY. Mr. Speaker, as a New Yorker, the senior member of the Education and Labor Committee, I cannot resist the opportunity to say just a word on the President's veto of last evening. I very much regret his action. I believe the President is badly mistaken.

He did not veto the Labor-HEW economic opportunity bill; the President mistakenly vetoed the crime bill. As a big city resident, I can say the best weapons we have, the most effective instrument we have against continuing crime, continuing delinquency, continuing rending of the fabric of our society, are the aids we have gotten from the Federal Government in fighting poverty, fighting deprivation, fighting lack of education, fighting the breakdown of our society. This bill would step up their fight against drug addiction, alcoholism, disease, and ignorance—but Mr. Nixon wants us to step back.

I must say that the President is sadly mistaken also when he looks upon this as a symbol of inflation, as the Speaker has just suggested.

Does anyone familiar with our educational finance patterns in this country doubt that someone is going to have to spend more money, anyway? The Governor of my State, of the same party as the President, Governor Rockefeller, has indicated that if the Federal Government does not send the money into the cities and suburban areas to assist in relieving the overcrowding of schools, the double sessions, the breakdown of classes, then the individual community must ante up the money. The money will be spent by those least able to bear increased taxes and to meet the demands on them. These demands will fall in middle income families, on taxpayers who are already overburdened with high taxes. The answer to this situation is that the President, if he wants to select priority items to veto, already has an item veto before him—he has an item veto power in his hands. He can select those items that we do not need now and those items which we do not need tomorrow. I do not want to bear down on the SST or the ABM or the expansion of various other programs which call for technological advances to be made for 50 years from now, but we have had some experience with these technological advances which are to be made 50 years from now. The Government is wasting money in airplane overruns and overkills to ward off specters of tomorrow. But problems with our children are here now, facing us now and they deserve positive action now, not a veto.

Mr. Speaker, the President talks about the impacted area part of the bill. He did not say one word about the new advances among handicapped children, which was also something that he vetoed. This is the highest commitment that we have ever made, $100 million, and still it is a minimal one. In this portion of the bill which was passed by the House and the Senate without dissent, everyone agreed that we needed this money for mental retardation and for advances among the deaf, dumb, and blind. He vetoed that part of the bill, also.

So, Mr. Speaker, I submit that the President made a big error in vetoing this bill. He is calling for a war across the board against crime, and in vetoing this bill he vetoed the crime bill last night. You know, sometime ago I recall in the history of our President as a Congressman and a Senator when he said he thought it was wise to vote against the Murray-Metcalf bill. The President, who voted against the Murray-Metcalf bill, voted against the biggest school bill that we ever had in our history last night, one which we needed very badly. He cast a vote which I think was reminiscent of those speeches that we used to hear when we heard that the Democrats wanted to help the people in this country to go from the cradle to the grave. We are spending a lot of money in this country in creating new graves all over the world. Last night the President decided that it was more important to keep on paying for graves than for the children in the cradles.

FOREIGN ASSISTANCE

(Mr. ROONEY of New York asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. ROONEY of New York. Mr. Speaker, in a short while, the distinguished gentleman from Louisiana (Mr. PASSMAN) will call up for consideration the conference report on the bill H.R. 15149, making appropriations for foreign assistance and related programs for the fiscal year ending June 30, 1970, and for other purposes. I wish to take this means of thanking my fellow colleagues of the committee of conference on behalf of both the House and the other body for including the amount of $650,000 for the hospital and home for the aged, Zichron-Yaakov, Israel.

There are many, many people residing in the Williamsburg section of Brooklyn who are very much interested in this appropriation. It will immensely help deserving people who greatly need help at their time of life.

PERMISSION FOR COMMITTEE ON RULES TO FILE CERTAIN PRIVILEGED REPORTS

Mr. COLMER. Mr. Speaker, I ask unanimous consent that the Committee on Rules may have until midnight tonight to file certain privileged reports.

The SPEAKER. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

THE ALL-AMERICAN, TERRY BRADSHAW

(Mr. WAGGONNER asked and was given permission to address the House for 1 minute, and to revise and extend his remarks.)

Mr. WAGGONNER. Mr. Speaker, I suppose it is about time to change the tempo because we all have concerns about whether the President's veto should be sustained or overridden.

However, I want to talk to the Members about another matter that perhaps a few of you are interested in.

For all intents and purposes, Mr. Speaker, the 1969 football season is over, but the last shot has not yet been fired. The all-conference teams have been named, the all-American teams have been chosen, and special award winners such as the Heiseman Trophy winner have been named.

Mr. Speaker, the national news media, the Associated Press, the United Press, and the coaches have all picked their all-Americans. The Super Bowl is over and done with.

A number of Members of Congress have stood in this well in recent weeks and bragged about their team being No. 1. The President even has chosen his No. 1 team. However, today, when the real pros, the coaches and owners, sat down to draft future pros, Pittsburgh had the No. 1 pro draft choice as the result of a flip of the coin, and Pittsburgh in its wisdom I believe saw fit to pick a relatively unknown boy as the best pro prospect in America, a young all-American boy 6-foot, 3 inches tall and weighing 215 pounds, all man, by the name of Terry Bradshaw from Shreveport in my District and from my school, Louisiana Tech, as the best pro prospect in America today. Many of you will recall my prediction last fall that he would be No. 1.

If you read this morning's paper you have read already that 16 pro teams are already trying to trade Pittsburgh out of him. However, I would say that if the people of Pittsburgh cannot trade him for a full football club, they should keep him because he will get rid of the smog for them and they will be able to see the sun for a change. Brighter days are coming.

Now, you do not have to take my word for it because I admit I am a Bradshaw fan and I am more than partial to this boy. But I am, with justifiable reason.

Gil Brandt, the director of player personnel for the Dallas Cowboys, has said that Terry is the best college quarterback prospect since Joe Namath. And there are men who know Terry as I do who will tell you that he is better than Namath. Certainly you could not find a cleaner all-American boy than Bradshaw. He is the kind of youth who addresses a church congregation and says:

> I am known as a football player who is also a Christian, but I would rather be known as a Christian who is also a football player.

This is my kind of man.

Who else says Bradshaw is the greatest thing since the invention of metal tips on shoe laces? Well, Jim Lee Howell, personnel director of the New York Giants for another. Howell says Bradshaw is a big Sammy Baugh; the best quarterback he has seen in a long while. He added:

> You just don't see these kids around any more.

That is the way we grow 'em in Louisiana, gentlemen.

VETO ON HEW BILL

(Mr. PUCINSKI asked and was given permission to address the House for 1 minute.)

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Mr. **PUCINSKI**. Mr. Speaker, the President yesterday received some unexpected support in his veto action from two national columnists, Mr. Frank Mankiewicz and Mr. Tom Braden, who in this morning's Post went into considerable ecstacy about the President's action, and among other things said:

> A truly scandalous increase is $200 million in funds for vocational education.

They said further:

> A sounder move would have been to strike out the more than $200 million already in the bill.

And to compound their illogic, they added:

> The vocational education program is the most entrenched of the school lobbies, dating back to the early years of the century, and consists largely of the purchase of shop equipment and the training of students for long-vanished jobs.

It is ironic that these two national correspondents know so little about the Nation's vocational education program and the changes that have been enacted both in 1963 and 1968 to bring vocational education up to the requirements of the 1970's.

I would like to remind this House that by his action yesterday, Mr. Nixon has thrown the whole vocational education program in America into turmoil. This House, on both sides of the aisle, by unanimous vote, adopted in 1968 amendments to the Vocational Education Act which require mandatory set-asides of 15 percent of Federal aid to States for disadvantaged communities; 15 percent for vocational education in community colleges, junior colleges, and an additional 10 percent for the handicapped.

All over this country, time is running out on vocational educators who must between now and June start scuttling a whole series of ongoing vocational education programs in order to meet the set-aside requirements of the law that you wrote in 1968.

In my own city, it is entirely possible that School Superintendent Redmon will have to shut down part of the Washburn Trade School and other vocational schools because he has to meet the mandatory requirement to redirect Federal funds to be used within the formula of the 1968 amendments. So I suggest that Mr. Nixon realize the turmoil he has created by his veto in the vocational educational circles of this country.

PRESIDENT'S VETO OF HEW APPROPRIATION BILL

(Mr. **DERWINSKI** asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. **DERWINSKI**. Mr. Speaker, I have a statement that I have prepared which sets forth the reasons I will support the President in his veto of the HEW appropriation bill.

But in addition, I should like to say something that I think is necessary. There will be a good deal of political "hot air" involved in this discussion in the next 24 hours, and I only regret the fact that the distinguished Members on the majority side whom I respect for their ability, energy, integrity, and many other virtues, did not have the occasion in the 8 years of the administrations that preceded Mr. Nixon to rise above political prejudice and occasionally challenge a Presidential veto.

Mr. Speaker, I have no difficulty in supporting the President's veto of the HEW appropriations bill. This decision might be more difficult if the President's commitment to the ultimate objectives of the HEW mission were not so well known: his 1970 HEW budget exceeded the 1969 budget by more than a billion dollars, and his 1971 budget will show an additional increase.

But because HEW's total spending is so large and because it has such an impact on the economy, in times of economic unrest and uncertainty, its budget must be carefully arrived at. In my view, the President's HEW budget took us close to the brink of inflationary waters, without getting us wet. But the additional $1.3 billion added to it by the Congress would certainly inundate us.

It is the judgment of the President that the additional money makes this budget clearly inflationary. This being so, those to whom HEW owes its ultimate allegiance—the 25 million persons on social security, the 9 million persons receiving public assistance, and the aged and the poor who are dependent on medicare and medicaid—stand to suffer more from the inflationary pressures which would result from an increase in the HEW budget, than will be gained by those—mostly in the educational system—who might benefit from the increase.

But, inflation is not my only reason for supporting the veto.

Late as it is in the fiscal and school year, the money is very likely to be hastily misspent. Many officials have questioned the wisdom of huge spending programs, especially in the field of education, forced on Government bureaus and local school boards before they are ready for them, before the essential planning has been done. I doubt that the 3 or 4 months which will be left in the fiscal year—and less than that in the school year—when this budget is passed is time enough to spend this money judiciously.

Let us instead strike a blow against inflation by supporting the President's veto—and then get on with consideration of the 1971 budget and pass it in time to give Government and school board officials adequate time to prepare for their new funds.

PRESIDENT'S VETO OF HEW APPROPRIATION BILL

(Mr. **ANDERSON** of Illinois asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. **ANDERSON** of Illinois. Mr. Speaker, my distinguished colleague, the gentleman from Illinois, has already referred to some of the thermal updrafts that we have felt here in the Chamber this morning on the subject of the President's veto.

We have listened to the gentleman from Texas lament, as he just did, about the fact that we have high interest rates in this country. Then in the very next breath he completely renounces the responsible use of fiscal policy as a tool to restrain inflation so that we do not have to rely exclusively on monetary policy and see interest rates continue to rise.

We have heard the President of the United States excoriated for an abdication of Presidential leadership in one breath and as being responsible for inflation, although one has yet to prove what responsibility there could be for the $25 billion deficit in fiscal 1968. But in the next breath, after accusing him of an abdication of leadership, we hear the charge made that in vetoing the bill last night, he acted irresponsibly, although he demonstrated an act of courage, an act that did require political courage, that did assert the prestige, the majesty, and the leadership of his office.

Finally, we have an attack on the giant corporations of this country. They are the ones, we are told, who are responsible. Well, as to that argument, I would say that the responsibility begins here at home. It begins in the Congress. And maybe if we practiced some restraint, maybe if we set the example, we would then be in a far better position to tell both labor and management to use some restraint in the conduct of their affairs.

Mr. Speaker, I want to go on record today as one who supports the President's veto of the HEW appropriations bill.

Like the President, I believe that providing education to American children is a very high priority.

But, also like the President, I believe the overriding priority today is halting inflation so that we can truly afford to provide adequate Federal funds for our educational system. This is the real villain in the piece, but my Democratic friends seem obvious to the danger.

There is ample proof that the entire educational system of our Nation is one of the chief victims of inflation. Studies show that school districts are not receiving enough funds from all sources to keep up; that their only hope is an end to rising costs.

Yet there are those who would go blithely on saying the answer to inflation is to spend more and more of cheaper and cheaper dollars.

Mr. Speaker, that is the wrong answer, wrong for education, wrong for our Nation. The right answer is taking the tough, hard steps now to end the inflation.

The President is willing to do this. There are some here who will oppose him for political reasons, there are others willing to sacrifice him for political expediency. But I am sure most of those who look at the long-range good of all the people will certainly vote to support him.

THE PRESIDENT'S VETO OF THE HEW APPROPRIATIONS BILL

(Mr. **HALL** asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HALL. Mr. Speaker, one of the big arguments being thrown at us to override the President's veto of the HEW appropriations bill is that the Congress cut $7½ billion from the President's budget, so it is all right to add another $1.26 billion.

Of course, this is nonsense.

There is not time in a 1-minute speech to go into the details of what the Congress actually did with the President's budget, but let me advise my colleagues, "not to be taken in."

The Bureau of the Budget says bluntly:

> Our tabulations show that Congressional actions actually added $4.4 billion in budget authority and $3.5 billion in outlays to what President Nixon proposed for the 1970 budget. The Congress actually added to spending in its actions thus far on the fiscal 1970 budget.

Certainly, there is more for all involved this year, than in last year's actual appropriation.

Mr. Speaker, juggling figures is an art and the artists in Washington who practice it have no equal.

But no amount of juggling can change the fact that we have an inflation gnawing away at the cost of living and that tough decisions must be made if that inflation is to be stopped.

The President has made one of those decisions in vetoing the fiscal year 1970 Labor-HEW appropriations bill. He has responsibly decided between expediency and responsibility. I intend to support him in that decision.

VETO OF UNBUDGETED $1.3 BILLION

(Mr. DEVINE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DEVINE. Mr. Speaker, President Nixon's veto of the HEW appropriation bill compels me to point out several items which must be considered in this most important area.

First of all, it must be obvious that the easiest course—and most politically expedient—would be to vote for every cent requested by all educators and school administrators. Believe me, it is not easy to "be responsible" and thus pull back over a billion dollars that is unbudgeted and that we simply do not have.

But, let us look at the facts: No school will be closed because of the veto; no child will be denied an education due to the veto; a billion dollars poured into the same old programs will not improve the quality of education; it is unfair and compounding gross inequity to provide $6 million for a half million children in the richest county of America, such as Montgomery County, Md., while we provide only $3 million for 3 million children in the 100 poorest counties.

The veto, contrary to some wild claims by some of the more enthusiastic lobbyists, will not shut off all funds for education. The continuing resolution is still operative and funding will continue. Keep in mind, Mr. Speaker, only 5 months remain in this fiscal year, and without the $1.260 billion budget-buster, 13 percent more was programed for HEW in 1970 than in 1969.

Finally, Mr. Speaker, educators and all Americans from other walks of life, suffering from inflation, cannot afford to have the flames doused with the "gasoline" of the additional $1,260,000,000. As the President pointed out, from 1960 to 1970 our Government spent $57 billion more than it received in taxes. The increased cost to the average family of four is $2,400 per annum. This trend must be reversed.

In my opinion, the President exercised the only responsible and statesmanlike option available; he vetoed the bill, and I intend to support his position and vote to sustain the veto.

A VOTE TO KEEP DOWN THE COST OF LIVING

(Mr. KING asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KING. Mr. Speaker, when I go home to my district the next time, certain narrow interests will attempt to make much of the fact that I voted to sustain the President's veto of the HEW appropriations bill.

For that is what I intend to do.

But, Mr. Speaker, my response will be that while I did not vote to make the education lobby rich, I did vote to keep down the cost of living for all Americans, whether they are teachers, parents or schoolchildren or the elderly and the infirm who live on fixed incomes.

I will tell them that I have a greater constituency than the education lobby and that I have responsibilities that go beyond excess Federal spending for education.

I, like all of us, have a constituency that already has been terribly hurt by the rapid increase in the cost of living, brought on by too much Federal spending.

I have an obligation to these people—all of them—an obligation to vote against inflation, to vote against the special interests.

When I go home, Mr. Speaker, I will have met that obligation and I will be able to tell all the people of my district, whether or not they are educators, whether or not they are students, whether or not they are lobbyists, that I have voted in their best interests.

I wonder if those who vote for inflation will be able to say the same.

EDUCATION REFORM WITHOUT INFLATION

(Mr. SCHERLE asked and was given permission to address the House for 1 minute.)

Mr. SCHERLE. Mr. Speaker, I would like to take a moment to call to the attention of the members of the education lobby who have been tromping the Halls this week some remarks from the President's veto talk of last night.

I think they are important to those who have panicked over illusionary dangers to education.

The President said:

> You can be sure that no school will need to be closed. No school child need be denied an education as a result of the action I take tonight. I will work with the Congress in developing a law that will ease the transition to education reform and do so without inflation.

Mr. Speaker, those are not the words of a President who is callous to needs of education or to the values of education.

Indeed, they are the words of a man who is concerned for education, and who intends to see that the needs—perhaps not the desires, but certainly the needs—of education shall be met in our land even during a time of inflation.

Mr. Speaker, I share the President's concern for education. But I also share his concern about what a continuing inflation will do not only to education, but also to all America. I urge my colleagues to support the President in that overriding concern, as I intend to do.

CONGRESSIONAL CONTACT PROCEDURE

(Mr. AYRES asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. AYRES. Mr. Speaker, I was shocked to read the instruction yellow sheet to participants in Operation Override. This sheet includes instructions to the educators, librarians, parents, taxpayers, and businessmen who profit from education, and all of those concerned, in the trip to Washington.

I am not going to argue the merits. I am going to vote to sustain the President because I think he is right.

But in my almost 20 years in the Congress, never have I seen anything as brazen by any group coming here trying to influence legislation, and if we bow to pressure, if we bow to these threats, God help this legislative body.

Three things on the list I would like to mention. No. 9 on the yellow sheet states as follows:

> If he is unable to make a favorable commitment, ask if he will commit himself to be absent during this vote.

In other words, abdicate your responsibility, take a powder, duck it.

Item No. 10:

> Tell him that you plan to be in the gallery throughout the debate and the voting on the veto override.

In other words, Big Brother will be watching.

Then, No. 11:

> Thank him for taking the time in his busy schedule to see you and (if the visit has been favorable) tell him that you and your associates will do everything you can to assist him locally.

In other words, in his next election. By inference, if you do not vote with them, you know what they are going to try to do. I think this is a disgrace to the good name of education.

The instruction sheet referred to follows:

INSTRUCTIONS TO PARTICIPANTS IN "OPERATION OVERRIDE," WASHINGTON, D.C., JANUARY 1970

Educators, school board members, librarians, parents, taxpayers and businessmen and all others concerned with the future of American education are encouraged to come to Washington for the fight to override President Nixon's anticipated veto of H.R. 13111, the HEW-Labor appropriations bill for 1970. The presence of substantial numbers of con-

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cerned individuals in Washington during the veto fight is critically important.

When to come: Plan to arrive in Washington on Sunday, January 25 and to stay through January 30, if necessary.

What to do upon arrival: After checking in to your hotel, go to the offices of the Emergency Committee for Full Funding of Education Programs in Suite 302 of the Congressional Hotel, New Jersey Avenue and C Streets, S.E., Washington (Telephone 202/547–8383). There you should register, and receive instructions about the briefing schedule and other matters. If possible, try to check in at the Emergency Committee office by 4:30 P.M., Sunday, January 25.

Hotel reservations: The Congressional Hotel is sold out beginning January 25. Other Washington hotels generally have space available during the period. The other two hotels which are located closest to the House of Representatives are the Skyline Inn, 10 I Street, S.W., Washington, D.C., Telephone 202/547–7500 and the Capitol Hill Hotel, 301 First Street, N.E., Washington, D.C., Telephone 202/543–3140.

Daily briefings: Briefings will be held twice a day, beginning at 5:30 P.M., Sunday, January 25. A complete schedule of the briefings, with times and locations, will be provided to you when you check in at the Emergency Committee office on arrival. Be sure to attend each of these briefings; only in this way can you be fully informed and in position to participate effectively.

State-by-state meetings: State-by-state meetings of persons present in Washington from the various states will be held throughout the day on Monday, January 26. At these meetings, the positions of individual members of the state delegations will be reviewed and additional contacts and activities agreed upon. A schedule of these meetings will be provided to each participant upon arrival.

Payment of expenses: This entire operation is on a "dutch treat" basis. Neither the Emergency Committee nor its constituent organizations are in a position to pay the expenses of participants.

Instructions for contacting members of Congress: On your way to Washington, please review the instructions for contacting members. These instructions appear on the reverse side of this sheet.

CONGRESSIONAL CONTACT PROCEDURE

1. To locate a Member's office, ask the guard inside the door of any of the three House office buildings. 3-digit room numbers are in the Cannon Building; 4-digit numbers beginning with 1 are in the Longworth Building; 4-digit numbers beginning with 2 are in the Rayburn Building.

2. It is a good idea to telephone for an appointment before you go to the Congressional office. Call CApitol 4–3121 and ask for the Member's office.

3. You should make it clear that you want to see the Member himself and that you are entirely willing to wait, to come back, or to go to see him on the House floor, if necessary.

4. In your interview with the Member, be sure to express appreciation for his support of education legislation in the past.

5. Then tell him that you are concerned about the President's impending veto of H.R. 13111, the Labor-HEW appropriations bill. Ask him to vote to override the President's veto.

6. Give him any special local reasons why he should vote to override—shortages of school funds, etc. *This is important.*

7. *Ask him for a commitment as to how he will vote.* Try to avoid accepting noncommittal wording such as a promise to "consider the matter"; tell him that you need to know what he will do.

8. If he is unable to make a favorable commitment in the first visit, ask him if there is any information you can obtain for him and tell him you would like to come back and discuss the matter with him again prior to the vote.

9. If he is unable to make a favorable commitment, ask if he will commit himself to be *absent* during this vote.

10. *Tell him that you plan to be in the gallery throughout the debate and the voting on the veto override.*

11. Thank him for taking the time in his busy schedule to see you and (if the visit has been favorable) tell him that you and your associates will do everything you can to assist him locally.

12. Fill out a Congressional Contact Report and turn it in at the office of the Emergency Committee, Suite 302 in the Congressional Hotel. This is very important.

THE 50TH ANNIVERSARY OF THE JUNIOR CHAMBER OF COMMERCE

(Mr. **SIKES** asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. **SIKES**. Mr. Speaker, the 50th anniversary of the Junior Chamber of Commerce is an occasion well worth remembering: I take great pride in adding my voice to those of others in marking this date.

The Jaycees are one of the most effective contributors to the development of good citizenship among our Nation's young men—citizenship which encompasses social, civic, economic, and political activities. The Jaycees stand foremost in promoting the traditional American ideals of free enterprise, democratic government, and individual human worth.

The ancient Greeks knew that the city, the State, the Nation, cannot function—indeed has no real meaning—without the concerned involvement of its members. The Jaycees seek to perpetuate this knowledge as the only way toward assuring the survival of the American Republic and the truths in which it was conceived and upon which it was established.

Though we have seen it before, I think the Jaycee creed worth repeating—so simply and yet with such strength does it summarize not only the goals of the Junior Chamber of Commerce but all of conscientious, dedicated Americans:

> We believe that faith in God gives meaning and purpose to human life;
>
> That the brotherhood of man transcends the sovereignty of nations;
>
> That economic justice can best be won by free men through free enterprise;
>
> That government should be of laws rather than of men;
>
> That earth's great treasure lies in human personality,
>
> And that service to humanity is the best work of life.

I think there is no finer code by which to live and to work; and I wish to offer my prayer for the continued success of the Junior Chamber of Commerce in the years ahead—a success, may we all hope, as truly meaningful as that achieved in years past.

PERMISSION FOR COMMITTEE ON MERCHANT MARINE AND FISHERIES TO FILE REPORT ON H.R. 1049, ANADROMOUS FISH CONSERVATION ACT

Mr. **ALBERT**. Mr. Speaker, I ask unanimous consent that the Committee on Merchant Marine and Fisheries may have until midnight tonight to file a report on H.R. 1049, to amend the Anadromous Fish Conservation Act of October 30, 1965, relating to the conservation and enhancement of the Nation's anadromous fishing resources, to encourage joint research and development projects, and for other purposes.

The **SPEAKER**. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

CONFERENCE REPORT ON H.R. 15149, FOREIGN ASSISTANCE AND RELATED AGENCIES APPROPRIATIONS, 1970

Mr. **PASSMAN** submitted the following conference report and statement on the bill (H.R. 15149) making appropriations for foreign assistance and related programs for the fiscal year ending June 30, 1970, and for other purposes:

CONFERENCE REPORT (H. REPT. No. 91–800)

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 15149) making appropriations for foreign assistance and related programs for the fiscal year ending June 30, 1970, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 7, 10, 14, 29, 30, and 42.

That the House recede from its disagreement to the amendments of the Senate numbered 9, 12, 20, 23, 24, 25, 26, 27, 32, 33, 34, 35, 36, 37, 38, 39, 40, and 41; and agree to the same.

Amendment numbered 1: That the House recede from its disagreement to the amendment of the Senate numbered 1, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$353,250,000"; and the Senate agree to the same.

Amendment numbered 2: That the House recede from its disagreement to the amendment of the Senate numbered 2, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$166,750,000"; and the Senate agree to the same.

Amendment numbered 3: That the House recede from its disagreement to the amendment of the Senate numbered 3, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$81,500,000"; and the Senate agree to the same.

Amendment numbered 4: That the House recede from its disagreement to the amendment of the Senate numbered 4, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$105,000,000"; and the Senate agree to the same.

Amendment numbered 5: That the House recede from its disagreement to the amendment of the Senate numbered 5, and agree to the same with an amendment, as follows: In lieu of the sum named in said amendment insert: "$13,000,000"; and the Senate agree to the same.

Amendment numbered 11: That the House recede from its disagreement to the amendment of the Senate numbered 11, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$4,850,000"; and the Senate agree to the same.

Amendment numbered 13: That the House recede from its disagreement to the amendment of the Senate numbered 13, and agree to the same with an amendment, as follows: In lieu of the matter proposed by said amendment insert:

"American schools and hospitals abroad (special foreign currency program): For assistance authorized by the Foreign Assistance Act of 1961, as amended, $3,000,000 for the University of North Africa, Tangier, Morocco, in foreign currencies which the Treasury Department determines to be excess to the normal requirements of the United States."; and the Senate agree to the same.

Amendment numbered 15: That the House recede from its disagreement to the amendment of the Senate numbered 15, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$395,000,000"; and the Senate agree to the same.

Amendment numbered 16: That the House recede from its disagreement to the amendment of the Senate numbered 16, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$12,500,000"; and the Senate agree to the same.

Amendment numbered 17: That the House recede from its disagreement to the amendment of the Senate numbered 17, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$255,000,000"; and the Senate agree to the same.

Amendment numbered 18: That the House recede from its disagreement to the amendment of the Senate numbered 18, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$300,000,000"; and the Senate agree to the same.

Amendment numbered 19: That the House recede from its disagreement to the amendment of the Senate numbered 19, and agree to the same with an amendment, as follows: In lieu of the sum named in said amendment insert: "$37,500,000"; and the Senate agree to the same.

Amendment numbered 21: That the House recede from its disagreement to the amendment of the Senate numbered 21, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$51,000,000"; and the Senate agree to the same.

Amendment numbered 22: That the House recede from its disagreement to the amendment of the Senate numbered 22, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$3,700,000"; and the Senate agree to the same.

Amendment numbered 28: That the House recede from its disagreement to the amendment of the Senate numbered 28, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$9,000,000"; and the Senate agree to the same.

The committee of conference report in disagreement amendments numbered 6, 8, and 31.

OTTO E. PASSMAN,
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FRANK T. BOW,
Managers on the Part of the House.
GALE W. MCGEE,
ALLEN J. ELLENDER,
SPESSARD L. HOLLAND,
JOSEPH MONTOYA,
HIRAM L. FONG,
NORRIS COTTON,
JAMES B. PEARSON.
Managers on the Part of the Senate.

STATEMENT

The managers on the part of the House at the further conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 15149) making appropriations for foreign assistance and related programs for the fiscal year ending June 30, 1970, and for other purposes, submit the following statement in explanation of the effect of the action agreed upon and recommended in the accompanying conference report as to each of such amendments, namely:

TITLE I—FOREIGN ASSISTANCE ACT ACTIVITIES

Funds appropriated to the President

Economic Assistance

In complying with the Senate instructions to rewrite the legislation in compliance with the authorization bill, the conferees are in no way conceding that their prior action was not legal and valid based on precedent. But in an effort to expedite the business of the Congress, the Committee of Conference has made every effort to conform this bill to the Foreign Assistance Act of 1969, which was enacted subsequent to action by the House and Senate on the appropriation bill.

Amendment No. 1—*Technical assistance:* Appropriates $353,250,000 for Technical Assistance instead of $313,800,000 as proposed by the House and $396,870,000 as proposed by the Senate. This amount will be distributed as indicated in amendment numbers 2, 3 and 4 below.

Amendment No. 2—Appropriates $166,750,000 for Worldwide Technical assistance instead of $150,000,000 as proposed by the House and $183,500,000 as proposed by the Senate.

Amendment No. 3—Appropriates $81,500,000 for Alliance for Progress technical assistance instead of $75,000,000 as proposed by the House and $90,750,000 as proposed by the Senate.

Amendment No. 4—Appropriates $105,000,000 for Multilateral organization technical assistance instead of $88,800,000 as proposed by the House and $122,620,000 as proposed by the Senate.

Amendment No. 5—Provides that not less than $13,000,000 of the appropriation for Multilateral organization technical assistance shall be available only for the United Nation's Children's Fund instead of $14,000,000 as proposed by the Senate.

Amendment No. 6—Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the Senate amendment which permits the initiation of unjustified projects or activities relating to the reduction of population growth.

Amendment No. 7—Restores limitation proposed by the House and deleted by the Senate to preclude the transfer of funds among the three technical assistance appropriations contained in amendments 2, 3 and 4 above.

Amendment No. 8—*American schools and hospitals abroad:* Reported in technical disagreement. The managers on the part of the House will offer a motion to appropriate $25,900,000 instead of $24,050,000 as proposed by the House and $24,550,000 as proposed by the Senate. The increase of $1,350,000 above the appropriation recommended by the Senate is the result of the conference agreement on Amendments Nos. 9, 10, 11, 12, and 13.

The Committee of Conference agrees that if the Agency for International Development (A.I.D.) ascertains that any institution contained in these amendments has received funds previously under this bill under another name, it shall not be eligible to receive the funds provided by this appropriation.

In addition, the Committee of Conference agrees that the appropriations for the various institutions for which the Executive did not request funds are of a "one-shot" nature and are not to be considered as continuing annual appropriations by the institutions concerned. It is further recommended that the Appropriations Committees not approve funds for any institution under this program unless a budget estimate has been submitted by the Executive for that purpose or unless the Committees involved decide in their wisdom that such a project is sufficiently meritorious to justify an exception to the above recommendation.

Amendment No. 9—Appropriates $2,500,000 for the Weizmann Institute as proposed by the Senate instead of $3,000,000 as proposed by the House.

Amendment No. 10—Appropriates $1,900,000 for Merkaz Lechinuch Ichud as proposed by the House instead of $1,400,000 as proposed by the Senate.

Amendment No. 11—Appropriates $4,850,000 for Hadassah (expansion of medical facilities in Israel) instead of $5,000,000 as proposed by the House and $4,000,000 as proposed by the Senate.

Amendment No. 12—Appropriates $1,200,000 for Beth Yaacov Avat Girls School; $800,000 for the Educational Center of Galilee; and $500,000 for a hospital in Chemke, Nigeria, as proposed by the Senate.

Amendment No. 13—*American schools and hospitals abroad (special foreign currency program):* Appropriates $3,000,000 in excess foreign currencies for the University of North Africa, Tangier, Morocco. The Committee of Conference deleted the appropriation of excess local currencies for the following institutions: $1,000,000 for the Vocational School for the Underprivileged in Israel; $500,000 for the Weizmann Institute, Israel; $500,000 for the Merkaz Lechinuch Ichud, Israel; and $1,000,000 for Hadassah (expansion of medical facilities in Israel) as proposed by the Senate due to the lack of authorization for this purpose.

Amendment No. 14—*Prototype desalting plant:* Restores the appropriation of $20,000,000 as proposed by the House and deleted by the Senate, to finance planning, design, and specifications only of a prototype desalting plant in Israel. No part of the recommended appropriation is to be used for construction until the proposed project has been reviewed by the appropriate committees of the Congress.

Amendment No. 15—*Supporting assistance:* Appropriates $395,000,000 instead of $300,000,000 as proposed by the House and $414,600,000 as proposed by the Senate.

Amendment No. 16—*Contingency fund:* Appropriates $12,500,000 instead of $10,000,000 as proposed by the House and $15,000,000 as proposed by the Senate.

Amendment No. 17—*Alliance for Progress, development loans:* Appropriates $255,000,000 instead of $200,000,000 as proposed by the House and $337,500,000 as proposed by the Senate.

Amendment No. 18—*Development loans:* Appropriates $300,000,000 instead of $265,000,000 as proposed by the House and $350,000,000 as proposed by the Senate.

Amendment No. 19—*Overseas Private Investment Corporation, reserves:* Appropriates $37,500,000 to the insurance and guaranty fund of the new corporation instead of $75,000,000 as proposed by the Senate.

Amendment No. 20—*Overseas Private Investment Corporation, capital:* Authorizes the use of development loan fund receipts (estimated to be $20,000,000 in fiscal year 1970) for the establishment of a Direct Investment Fund for use by the Corporation to make loans to firms privately owned or of mixed private and public ownership for development projects in the developing countries as proposed by the Senate.

Amendment No. 21—*Administrative expenses, A.I.D.:* Appropriates $51,000,000 instead of $50,000,000 as proposed by the House and $51,125,000 as proposed by the Senate.

Amendment No. 22.—*Administrative ex-*

penses, State Department: Appropriates $3,700,000 instead of $3,500,000 as proposed by the House and $3,730,000 as proposed by the Senate.

Military Assistance

Amendments Nos. 23, 24, 25, and 26—*Military assistance:* Insert appropriate section numbers; appropriate $350,000,000 as proposed by the Senate instead of $454,500,000 as proposed by the House; delete House language earmarking $54,500,000 for the Republic of China as proposed by the Senate; and insert clarifying language proposed by the Senate with reference to the earmarking of funds for Korea.

In view of the reduced authorization for the military assistance program for fiscal year 1970 ($75,000,000 below the budget estimate), the Committee of Conference directs that, with the exception of the $50,000,000 earmarked for Korea, the remaining $300,000,000 shall be allocated by the administrators of the program according to priority and need. Such action is in keeping with the concept that the military assistance program is presented to the Congress on an "illustrative" basis.

General Provisions

Amendment No. 27.—*Sec. 107 (b)*: Deletes language proposed by the House and deleted by the Senate prohibiting the furnishing of economic assistance to any country which provides economic assistance to Communist China.

Amendment No. 28.—*Sec. 113*: Makes available not to exceed $9,000,000 for research under Sec. 205(a) of the Foreign Assistance Act of 1961, as amended, instead of $8,000,000 as proposed by the House and $10,000,000 as proposed by the Senate.

Amendment No. 29.—*Sec. 119*: Restore language proposed by the House and deleted by the Senate directing the withholding of economic assistance in an amount equivalent to the amount spent by any underdeveloped country for the purchase of sophisticated weapons systems.

Amendment No. 30.—*Sec. 120*: Conforms section number.

Amendment No. 31.—*Sec. 121*: Reported in technical disagreement. The managers on the part of the House will offer a motion to restore the language proposed by the House and deleted by the Senate precluding the transfer of development loan funds to international lending institutions, with an amendment conforming certain section numbers in this bill to appropriate section numbers in the Foreign Assistance Act of 1969.

TITLE II—FOREIGN MILITARY CREDIT SALES

Amendment No. 32.—Deletes language proposed by the House appropriating $275,000,000 to carry out the provisions of the Foreign Military Sales Act. Due to the lack of authorization for this program for fiscal year 1970, the Committee of Conference reluctantly agrees to the Senate proposal to delete without prejudice this item from the bill.

TITLE III—FOREIGN ASSISTANCE (OTHER)

Amendment No. 33.—Conforms title number.

Funds appropriated to the President

Peace Corps

Amendment No. 34.—Appropriates $98,450,000 as proposed by the Senate instead of $95,000,000 as proposed by the House.

Department of the Army—Civil Functions
Ryukyu Islands, Army, Administration

Amendment No. 35.—Appropriates $18,790,000 as proposed by the Senate instead of $14,000,000 as proposed by the House.

Amendment No. 36.—Makes available $3,151,000 for administrative and information expenses as proposed by the Senate instead of $3,100,000 as proposed by the House.

TITLE IV—EXPORT-IMPORT BANK OF THE UNITED STATES

Amendment No. 37.—Conforms title number.

Amendment No. 38.—*Limitation on program activity:* Makes available $3,427,413,000 for the program of the Bank in fiscal year 1970 as proposed by the Senate instead of $2,537,343,000 as proposed by the House.

Amendment No. 39.—Makes available $2,420,000,000 of the Bank's program activity (amendment number 38) for equipment and services loans as proposed by the Senate instead of $1,972,200,000 as proposed by the House.

Amendment No. 40.—*Administrative expenses:* Makes available $5,548,000 for administrative expenses of the Bank as proposed by the Senate instead of $5,280,000 as proposed by the House.

TITLE V—GENERAL PROVISIONS

Amendment No. 41.—Conforms title number.

Amendment No. 42.—Deletes language proposed by the Senate prohibiting the expenditure of any funds in excess of those authorized to be appropriated for the fiscal year 1970.

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CHARLOTTE T. REID,
DONALD W. RIEGEL, Jr.,
FRANK T. BOW,
Managers on the Part of he House.

Mr. PASSMAN. Mr. Speaker, I ask unanimous consent for the immediate consideration of the conference report on the bill (H.R. 15149) making appropriations for foreign assistance and related programs for the fiscal year ending June 30, 1970, and for other purposes.

The SPEAKER. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

Mr. PASSMAN. Mr. Speaker, I ask unanimous consent that the statement be read in lieu of the report.

The SPEAKER. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

The Clerk read the statement.

Mr. GROSS (during the reading). Mr. Speaker, I ask unanimous consent that further reading of the statement be dispensed with.

The SPEAKER. Is there objection to the request of the gentleman from Iowa?

There was no objection.

Mr. PASSMAN. Mr. Speaker, at this time we are crossing over the same bridge we crossed on December 20, when the House conferees brought back a conference report on the foreign aid appropriation bill, but so that it may be in the RECORD at this point, I should like to read some statistics that may be of interest to the Members of the House, and in the extension of my remarks I shall insert a table on the conference action on the various items in the bill:

FOREIGN ASSISTANCE AND RELATED PROGRAMS APPROPRIATION BILL, FISCAL YEAR 1970 (H.R. 15149)—CONFERENCE SUMMARY

TITLE I—FOREIGN ASSISTANCE

Agency and item	New budget (obligational) authority, 1969	Budget estimates of new (obligational) authority, 1970	New budget (obligational) authority recommended in House bill	New budget (obligational) authority recommended in Senate bill	New budget (obligational) authority recommended by conference action	Conference action compared with—			
						New budget (obligational) authority, 1969	Budget estimates of new (obligational) authority, 1970	New budget (obligational) authority recommended in House bill	New budget (obligational) authority recommended in Senate bill
FUNDS APPROPRIATED TO THE PRESIDENT									
Economic assistance									
Technical assistance	$337,300,000	[1] $463,120,000	$313,800,000	$396,870,000	$353,250,000	+$15,950,000	−$109,870,000	+$39,450,000	−$43,620,000
Worldwide	(167,000,000)	(224,500,000)	(150,000,000)	(183,500,000)	(166,750,000)	(−250,000)	(−57,750,000)	(+16,750,000)	(−16,750,000)
Alliance for progress	(81,500,000)	(116,000,000)	(75,000,000)	(90,750,000)	(81,500,000)		(−34,500,000)	(+6,500,000)	(−9,250,000)
Multilateral organizations	(88,800,000)	(122,620,000)	(88,800,000)	(122,620,000)	(105,000,000)	(+16,200,000)	(−17,620,000)	(+16,200,000)	(−17,620,000)
American schools and hospitals abroad	14,600,000	[2] 12,900,000	24,050,000	24,550,000	25,900,000	+11,300,000	+13,000,000	+1,850,000	+1,350,000
Special foreign currency program	(5,100,000)			(6,000,000)	(3,000,000)	(−2,100,000)	(+3,000,000)	(+3,000,000)	(−3,000,000)
Indus Basin Development Fund, grants	17,600,000	[3] 7,530,000	7,530,000	7,530,000	7,530,000	−10,070,000			
Indus Basin Development Fund, loans	12,000,000	[4] 820,000				−12,000,000	−820,000		
Supporting assistance	365,000,000	[5] 514,600,000	300,000,000	414,600,000	395,000,000	+30,000,000	−119,600,000	+95,000,000	−19,600,000
Multilateral organizations	19,600,000					−19,600,000			
Prototype desalting plant			20,000,000		20,000,000	+20,000,000	+20,000,000		+20,000,000
UNRWA (Arab refugees)			1,000,000	1,000,000	1,000,000	+1,000,000	+1,000,000		
Contingency fund	5,000,000	[6] 40,000,000	10,000,000	15,000,000	12,500,000	+7,500,000	−27,500,000	+2,500,000	−2,500,000
Alliance for Progress, Development loans	255,000,000	[7] 437,500,000	200,000,000	337,500,000	255,000,000		−182,500,000	+55,000,000	−82,500,000
Development loans	300,000,000	[8] 675,500,000	265,000,000	350,000,000	300,000,000		−375,500,000	+35,000,000	−50,000,000

Footnotes at end of table.

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FOREIGN ASSISTANCE AND RELATED PROGRAMS APPROPRIATION BILL, FISCAL YEAR 1970 (H.R. 15149)—CONFERENCE SUMMARY—Continued

TITLE I—FOREIGN ASSISTANCE—Continued

Agency and item	New budget (obligational) authority, 1969	Budget estimates of new (obligational) authority, 1970	New budget (obligational) authority recommended in House bill	New budget (obligational) authority recommended in Senate bill	New budget (obligational) authority recommended by conference action	Conference action compared with— New budget (obligational) authority, 1969	Conference action compared with— Budget estimates of new (obligational) authority, 1970	Conference action compared with— New budget (obligational) authority recommended in House bill	Conference action compared with— New budget (obligational) authority recommended in Senate bill
FUNDS APPROPRIATED TO THE PRESIDENT—Con.									
Economic assistance									
Overseas private investment corporation		[9] $75,000,000		$75,000,000	$37,500,000	+$37,500,000	−$37,500,000	+$37,500,000	−$37,500,000
Administrative expenses:									
Aid	51,000,000	54,250,000	$50,000,000	51,125,000	51,000,000		−3,250,000	+1,000,000	−125,000
State	3,500,000	3,800,000	3,500,000	3,730,000	3,700,000	+200,000	−100,000	+200,000	−30,000
Subtotal, economic assistance	1,380,600,000	2,285,020,000	1,194,880,000	1,676,905,000	1,462,380,000	+81,780,000	−822,640,000	+267,500,000	−214,525,000
Military assistance	375,000,000	[10] [11] 425,000,000	454,500,000	350,000,000	350,000,000	−25,000,000	−75,000,000	−104,500,000	
Sec. 504(e)—China			(54,500,000)					(−54,500,000)	
Sec. 504(d)—Korea			(50,000,000)	(50,000,000)	(50,000,000)	(+50,000,000)	(+50,000,000)		
Total, title I, new budget (obligational) authority, foreign assistance	[12] 1,755,600,000	2,710,020,000	[13] 1,649,380,000	2,026,905,000	1,812,380,000	+56,780,000	−897,640,000	+163,000,000	−214,525,000
TITLE II—FOREIGN MILITARY CREDIT SALES									
Military credit sales	296,000,000	275,000,000	275,000,000			−296,000,000	−275,000,000	−275,000,000	
TITLE III—FOREIGN ASSISTANCE (OTHER)									
FUNDS APPROPRIATED TO THE PRESIDENT									
Peace Corps	102,000,000	[14] 101,100,000	95,000,000	98,450,000	98,450,000	3,550,000	−2,650,000	+3,450,000	
Limitation on administrative expenses	(29,500,000)	[15] (30,600,000)	(30,100,000)	(30,100,000)	(30,100,000)	(+600,000)	(−500,000)		
DEPARTMENT OF THE ARMY—CIVIL FUNCTIONS									
Ryukyu Islands, Army, administration	20,772,000	20,651,000	14,000,000	18,790,000	18,790,000	−1,982,000	−1,861,000	+4,790,000	
Reappropriation of unobligated balances			1,847,000	1,847,000	1,847,000	+1,847,000	+1,847,000		
DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE									
Assistance to refugees in the United States	69,774,000	87,282,000	87,282,000	87,282,000	87,282,000	+17,508,000			
DEPARTMENT OF STATE									
Migration and refugee assistance	5,511,000	5,511,000	5,511,000	5,511,000	5,511,000				
FUNDS APPROPRIATED TO THE PRESIDENT									
Asian Development Bank	20,000,000	20,000,000	20,000,000	20,000,000	20,000,000				
Inter-American Development Bank	505,880,000	300,000,000	300,000,000	300,000,000	300,000,000	− 205,880,000			
International Development Association	160,000,000	[16] 160,000,000	160,000,000	160,000,000	160,000,000				
Total, title III, new budget (obligational) authority, foreign assistance (other)	883,937,000	694,544,000	683,640,000	691,880,000	691,880,000	−192,057,000	− 2,664,000	+ 8,240,000	
TITLE IV—EXPORT-IMPORT BANK OF THE UNITED STATES									
Limitation on program activity	(2,552,050,000)	[17] (3,427,413,000)	(2,537,343,000)	(3,427,413,000)	(3,427,413,000)	(+875,363,000)		(+890,070,000)	
Limitation on administrative expenses	(4,932,000)	[18] (5,548,000)	(5,280,000)	(5,548,000)	(5,548,000)	(+616,000)		(+268,000)	
Total, title IV, Export-Import Bank	(2,556,982,000)	(3,432,961,000)	(2,542,623,000)	(3,432,961,000)	(3,432,961,000)	(+875,979,000)		(+890,338,000)	
Grand total, new budget (obligational) authority, all titles of bill	2,935,537,000	3,679,564,000	2,608,020,000	2,718,785,000	2,504,260,000	−431,277,000	−1,175,304,000	−103,760,000	−$214,525,000
Consisting of:									
Definite appropriations	2,935,537,000	3,679,564,000	2,606,173,000	2,716,938,000	2,502,413,000	−433,124,000	−1,177,151,000	−103,760,000	−214,525,000
Reappropriation of unobligated balances			1,847,000	1,847,000	1,847,000	+1,847,000	+1,847,000		

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[1] Includes $238,620,000 requested in H. Doc. 91-132.
[2] Includes reduction of $2,500,000 requested in H. Doc. 91-132.
[3] Includes reduction of $134,820,000 requested in H. Doc. 91-132.
[4] Includes reduction of $18,180,000 requested in H. Doc. 91-132.
[5] Includes reduction of $400,000 requested in H. Doc. 91-132.
[6] Includes reduction of $10,000,000 requested in H. Doc. 91-132.
[7] Includes reduction of $52,500,000 requested in H. Doc. 91-132.
[8] Includes reduction of $44,500,000 requested in H. Doc. 91-132.
[9] Estimate requested in H. Doc. 91-132.
[10] Estimates for programs in Vietnam, Laos, Thailand, free world forces in Vietnam, NATO infrastructure, and International Military Headquarters are now contained in Defense Department estimates.
[11] Includes $50,000,000 requested in H. Doc. 91-140.
[12] Unobligated balances as of June 30, 1968, reappropriated.
[13] Unobligated balances reappropriated.
[14] Includes reduction of $8,700,000 requested in H. Doc. 91-100.
[15] Includes reduction of $300,000 requested in H. Doc. 91-100.
[16] Estimate requested in H. Doc. 91-117.
[17] Includes $890,070,000 requested in S. Doc. 91-43.
[18] Includes $268,000 requested in S. Doc. 91-43.

Title I of the conference bill—the so-called foreign aid program—is $56,780,000 above the appropriation for fiscal year 1969. However, there are several items in title I of the bill this year that were not in the bill last year, such as the new Overseas Private Investment Corporation, the prototype desalting plant, and several schools in Israel that are being funded for the first time by this bill. So by any true comparison, title I of the bill is lower than the appropriation for the same purposes for fiscal year 1969.

In comparison to the budget request for title I, the conference report now before the House is $897,640,000 below the budget estimates—one of the larger reductions made in the so-called foreign aid program since its inception.

Contrary to the belief of some Members, we have upheld our record this year by not yielding as much money to the Senate as they yielded to the House. Title I of the conference bill is $163 million above the House bill, but it is $214,525,000 below the Senate bill.

Mr. Speaker, I believe it is necessary to explain again to the Members of the House that it was not the fault of the Committee on Appropriations that we are now considering the foreign aid appropriation bill for fiscal 1970, 7 months after the fiscal year started.

The Appropriations Committee waited patiently for many long, long months for the legislative committees to act.

We waited until December 8 and then it became necessary for the Committee on Appropriations to go before the Rules Committee to ask for a rule waiving points of order so we could bring this appropriation bill to the floor before the first session of the 91st adjourned sine die.

The authorization bill was then going through the Congress but final action on that bill was subsequent to the passage of the House resolution waiving points of order on the appropriation bill. The Senate passed the appropriation bill on December 18. We went to conference on December 19 and after we had reached a complete and fair agreement with the Senate conferees—and I believe they were unanimous in accepting the conference agreement—we brought the conference bill back to the House. The House approved the action of its conferees but the other body turned down the recommendation of their conferees. It was not necessarily because of any controversial item in this bill which prompted that action, even though the other body used that as an excuse to some extent in turning down the bill. In my opinion it was simply because of their inaction on the authorization bill, which forced us to take action earlier than the normal legislative process.

What is the point? We realized we could not legislate on two bills and that we should either move on the House appropriation bill which passed with a rule waiving points of order, or we should move on the authorization bill that was signed into law subsequent to our departure for home on sine die adjournment on December 23.

Realizing we should expedite the business of the Congress, I went back into conference with our great House conferees. We were unanimous that we must make some compromise if we were to have this bill enacted into law before the end of this fiscal year. We took two exceptions to the conference bill which was before the House last December. One was that we reduced the military assistance program appropriation by $54.5 million—to $350 million—so as to bring it into compliance with the authorization bill. In making that reduction we also deleted the language which earmarked the $54.5 million for the Republic of China.

I believe it is fair to say that never in the history of the Congress can I find any record where the legislative bodies, as well as the subcommittee, the full Committee on Appropriations, and the conference committee had 10 separate and distinct votes supporting the earmarking of $54.5 million for the Republic of China. Each time this item was singled out the vote was about 2 to 1. In the House subcommittee the vote was 2 to 1 to keep the money for China in the bill.

It was the same vote to keep funds for the Republic of Korea out of the bill. We moved to the full committee and the vote again was 2 to 1 to keep the funds for China in the bill, and the same vote to keep funds for Korea out of the bill. A motion to recommit the first conference report on December 20 was soundly defeated. However, the House conferees, were willing to make a compromise, and the conference report before you reflects that compromise—the earmarking of $54.5 million for the Republic of China is not in the bill.

I am inserting a table which reflects the 10 separate votes concerning the earmarking of funds for our great ally, the Republic of China:

HISTORY OF FUNDS FOR REPUBLIC OF CHINA IN HOUSE OF REPRESENTATIVES

	Yeas	Nays
Authorization bill (H.R. 14580):		
Nov. 20, 1969—Adopted Sikes amendment to include $54,500,000,000 for China	176	170
Nov. 20, 1969—Final passage, including China funds	176	163
Appropriations bill (H.R. 15149):		
Dec. 3, 1969—Subcommittee—Motion to include $54,500,000,000 for China	8	4
Dec. 8, 1969—Full committee—Motion to delete China funds	11	21
Dec. 9, 1969:		
House floor—Motion to retain $54,500,000,000 for China (Broomfield substitute for Conte motion to delete)	250	142
Final passage, including China funds	200	195
Dec. 19, 1969—Conference action—agreement to retain China funds:		
House conferees	9	3
Senate conferees	8	0
Dec. 20, 1969—House action on conference report:		
Conte motion to recommit deleting China funds	136	220
House adopted conference report including China funds	181	174

I believe the Republic of China is one of our strongest allies. The President of the Republic of China is one of our great world leaders and has done much for the cause of freedom. Nationalist China is becoming very important to the security of the United States because of its location in the Far East. In my opinion it is very important that we give as much assistance as we can to one of our staunchest friends to help them help themselves.

Another compromise we made, Mr. Speaker, was on funds for some schools in Israel. Both the House and Senate appropriation bills contained funds for schools in Israel—generally speaking, pursuant to what the authorization bill of each body recommended. To get this matter under control, when we went to our second conference on this bill, we reluctantly agreed to strike out all schools in Israel that were not authorized. The schools that were authorized are properly funded.

Mr. Speaker, we also insisted on preserving the integrity of the House. The conference report before us today contains the following statement:

> In complying with Senate instructions to rewrite the legislation in compliance with the authorization bill, the conferees are in no way conceding that their prior action was not legal and valid, based on precedent. But in an effort to expedite the business of Congress, the Committee of Conference has made every effort to conform this bill to the Foreign Assistance Act of 1969, which was enacted subsequent to the action by the House and Senate on the appropriation bill.

I believe this is as good a conference report as we could possibly bring back to you, Mr. Speaker. Certainly I hope it will be adopted by both bodies so that it can be signed into law and we can commence our hearings on the fiscal year 1971 appropriation report.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. PASSMAN. I am happy to yield to the distinguished gentleman from Iowa.

Mr. GROSS. I thank the gentleman for yielding.

I only want to say in connection with this conference report that I am thankful for small favors. I realize that the legislative committee of which I am a member did a poor job on this bill insofar as cutting it down is concerned with respect to the needs of this country, and the financial crisis it faces. In the short time that I have had to look at this conference report, I note that apparently the House knuckled under to the Senate about 14 times and the Senate knuckled under to the House about once. I note that the gentleman previously stated this conference report provides about $56 million more than was appropriated last year instead of a cut in foreign aid.

Thus, instead of cutting foreign aid this year, an action which the country needed so badly, this bill is $56 million higher than last year, for a total of more than $1.8 billion. Again I say that I am thankful for small favors—that the foreign handout program was not increased even more, but I most certainly will vote against the conference report.

I thank the gentleman for yielding to me.

Mr. PASSMAN. Mr. Speaker, I want to thank the distinguished gentleman from Iowa.

At the risk of being repetitious, I can say that there are several items in this year's bill that were not in last year's bill. For example, $37.5 million for OPIC, funds for schools in Israel, the prototype desalting plant, and so on, which is why this year's bill is higher than last year's.

XUM

I might say to the distinguished gentleman from Iowa that if I had my way the bill would have been lower, but, of course, I am only one of the 12 members of the House conferees and we do have to compromise.

However, I can say to the gentleman that since I have been a Member of the House I have never voted for a foreign aid authorization bill which the Congress, in its wisdom, passes each year authorizing and establishing a foreign aid program funding ceiling.

Due to this fact and because I am a member of the Appropriations Committee and chairman of the Foreign Operations Subcommittee, it is necessary for me to spend many hours looking for areas to reduce the amounts authorized by law. But I must recognize the fact that with the privilege of serving as chairman comes the responsibility of doing a good job. During my tenure as chairman of the Foreign Operations Subcommittee, the aggregate reduction below the budget requests for foreign aid has been approximately $12 billion. However, I must also give credit to other committees and to other Members of Congress for their contribution to this reduction.

As I stated earlier, I would have voted for a lower bill. One of the reasons is due to the large amount of foreign aid authorizations and appropriations requests for the current fiscal year that the Executive requested. The bill before you is only one "spigot" of the total, as can be seen in the table below:

New budgetary requests for authorization and appropriation for selected programs of foreign assistance

Foreign assistance (mutual security)	$2,710,020,000
Receipts and recoveries from previous programs	274,785,000
Military assistance (in Defense budget)	2,230,900,000
Economic assistance (in Defense budget)	76,600,000
Foreign military credit sales fund	275,000,000
MAAG's, missions, and milgroups	168,800,000
Export-Import Bank:	
Long-term credits	[1] 1,872,200,000
Regular operations	570,423,000
Export expansions program	100,000,000
Public Law 480 (agricultural commodities)	986,600,000
Inter-American Development Bank (FSO)	300,000,000
International Development Association:	
1. Regular	160,000,000
2. Supplemental	160,000,000
Asian Development Bank:	
Regular contribution	20,000,000
Special funds	25,000,000
Peace Corps	101,100,000
Permanent military construction—Foreign nations	255,300,000
Contributions to international organizations	130,187,000
Educational (foreign and other students)	43,614,000
Ryukyu Islands	20,651,000
Migrants and refugees	5,511,000
Trust Territories of the Pacific Islands	41,612,000
Total new requests for foreign assistance	10,528,303,000

[1] S. Doc. No. 91–43, dated Nov. 24, 1969, increased the total amount requested for the Bank by an additional $890,338,000.

Before yielding to the distinguished gentleman from Kansas (Mr. SHRIVER) I want to say that we have a very wonderful subcommittee. Each one is a hard worker. Occasionally we disagree, but we do so without being disagreeable. I want to thank the distinguished gentleman from Kansas (Mr. SHRIVER), the ranking minority member, for the wonderful cooperation he has given to me in handling this very complex and controversial bill.

On the majority side I want to thank the gentleman from New York (Mr. ROONEY), who has been a stanch supporter of the program. The gentlewoman from Washington (Mrs. HANSEN), the gentleman from California (Mr. COHELAN), the gentleman from Maryland (Mr. LONG), and the gentleman from California (Mr. MCFALL), each in his own way, has been of material help to me and cooperative in our endeavors to write a good piece of appropriation legislation.

I want to thank the gentleman from Massachusetts (Mr. CONTE), who evidently understands this legislation as well as any other Member of this House. It would appear occasionally we have disagreements. He is a very hard worker and able Congressman. I want to thank him for his cooperation.

I want to also thank the gentlewoman from Illinois (Mrs. REID), and the gentleman from Michigan (Mr. RIEGLE), who have been very cooperative and have made my job a lot easier.

Mr. SHRIVER. Mr. Speaker, will the gentleman yield?

Mr. PASSMAN. I am glad to yield to the distinguished gentleman.

Mr. SHRIVER. Mr. Speaker, I want to express my appreciation to our chairman, who has been hardworking and diligent throughout the year on this bill. He, too, is very wise and familiar with all of the provisions contained in the bill.

I rise to concur in the statement made by the chairman concerning this conference report.

Mr. Speaker, I do not intend to take much time, because it would be a replay of what was said in December when this conference report was before this body.

The main change from the prior conference report on this bill is that the House recedes relative to military assistance for jets for Taiwan. This is in keeping with a very decisive vote on this matter in the other body. And I might add that in my judgment this is a good compromise, and I urge all of you to support the conference report.

Before we vote on the conference report I would remind you of other items than economic assistance and military assistance which are contained in this bill and which in my opinion are important to this country.

With reference to a question just asked of the chairman by the distinguished gentleman from Iowa (Mr. GROSS) relative to reductions and increases, I might say that one increase was for supporting assistance. I think this is important, particularly in connection with the Vietnamization of the war in Vietnam. The sum of $395 million is appropriated here for Vietnamizing the war in Vietnam and directed toward assisting the President in connection with the culmination of that war.

I would also remind the Members that when we voted for some of these specific items contained in this bill they were passed by overwhelming votes on the authorization acts. For instance, with reference to the Peace Corps, when we voted on this item the vote was 282 to 52; for the Ryukyu Islands, 284 to 80; for the Cuban refugee program, that was adopted on a voice vote; for the migrants and refugees, that was adopted on a voice vote; for the Asian Development Bank the vote was 293 to 80; for the Inter-American Development Bank the vote was 275 to 122; for the International Development Association the vote was 247 to 150; and for the Export-Import Bank the vote was 376 to 19.

Mr. Speaker, there are a lot of other things contained in the bill besides military assistance and economic assistance in connection with foreign operations.

I urge the adoption of the conference report.

Mr. CONTE. Mr. Speaker, will the gentleman yield?

Mr. PASSMAN. I am happy to yield to the distinguished gentleman from Massachusetts.

Mr. CONTE. At the outset, Mr. Speaker, I want to thank the distinguished and honorable chairman, the gentleman from Louisiana (Mr. PASSMAN), for his kind remarks. We have worked together for 12 years now on one of the most difficult bills that any committee has to bring before the House. Not only is it one of the most vexing bills, but it is also one of the most unpopular bills.

Mr. Speaker, I am very pleased with this conference report. I know that a lot of my colleagues on both sides of the aisle voted against the one that we considered in December 1969. This conference report is, however, different, and for this reason I urge them to vote for it. The bill before us now for consideration is much better than the one we debated in December. It no longer contains the earmarking of $54.5 million for Phantom jets for the Republic of China.

The military assistance appropriation has been reduced from the earlier House-passed level of $454.5 million to $350 million.

We fought hard to delete the money for those jets to China. It was a good victory for the American taxpayer and for the appropriation process itself.

I argued over and over again that these planes were never officially requested. Therefore, I maintained that we should wait for such a request and then hold hearings on it.

Moreover, in the meantime it was disclosed that Taiwan was scheduled to receive a squadron of older F–104 Starfighter jets this year. The F–104 is a jet interceptor, which is a defensive aircraft, and this seems logical because the argument for the Phantoms was that they were needed as a defense against a possible attack from Red China. The Phantoms, however, were fighter-bombers, or offensive aircraft, so I failed to see why they were needed.

Mr. Speaker, I want to add a personal comment. Last time we considered this bill, I voted against it for the first time in my 12 years in this body and on the Foreign Operations Subcommittee. I did so because I strongly objected to the procedures employed in getting the jet planes in the bill.

I am going to vote for this bill now, but in so doing, I think a few things should be said about foreign aid generally.

Last year saw the famous Pearson Commission report and the Jackson report. This year will see the Peterson report. I am encouraged by the efforts that have been, and are being, put into such reports because the time for a new approach to foreign aid is here.

One such approach would be to minimize the political friction that can exist between donor and donee when we have aid on a bilateral basis.

A broader approach that would also minimize this friction would be to emphasize multilateral rather than bilateral aid. This is something that I have argued for for many years. I think this is an essential step to a more effectively run aid program.

Another approach concerns military aid. I have long believed that economic assistance should take priority over military assistance. The problem with the foreign aid bill as we have known it over the years is that it greatly underplays the real extent of military assistance. The scales of aid are lopsided in favor of the military program, and this has meant, in many cases, reductions in economic programs.

To be more specific, the bill for fiscal 1970 contains $1.4 billion in economic assistance under title I. Military assistance totals $350 million in title I. But when you add the nearly $2.5 billion that is funded by Department of Defense appropriations, you come close to $3 billion in military assistance, or about twice the money set aside for economic assistance.

I think we should give serious thought to handling the military assistance program in a new way. Perhaps, it should be lumped together with all the other military assistance programs. It could then be looked over with a fine-tooth comb in connection with a reappraisal of total U.S. commitments abroad.

The point, Mr. Speaker, is that it is high time for new ideas and new thinking in our foreign aid program.

The Pearson Commission noted that we are at a turning point in the drive for economic development. Let us turn in the right direction and keep the lights burning for the developing world.

Mr. **PASSMAN**. Mr. Speaker, I move the previous question on the conference report.

The previous question was ordered.

The **SPEAKER**. The question is on the conference report.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. **HALL**. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The **SPEAKER**. Evidently a quorum is not present.

The Doorkeeper will close the doors, the Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 202, nays 162, not voting 68, as follows:

[Roll No. 4]

YEAS—202

Adams
Addabbo
Albert
Alexander
Anderson, Calif.
Anderson, Ill.
Andrews, N. Dak.
Annunzio
Arends
Ashley
Aspinall
Ayres
Barrett
Beall, Md.
Belcher
Bell, Calif.
Biaggi
Biester
Bingham
Blatnik
Boggs
Bolling
Bow
Brademas
Brasco
Brooks
Broomfield
Brotzman
Brown, Mich.
Buchanan
Burke, Mass.
Burton, Calif.
Bush
Button
Byrne, Pa.
Byrnes, Wis.
Carey
Cederberg
Celler
Chisholm
Clark
Clay
Cohelan
Conable
Conte
Corbett
Coughlin
Culver
Daddario
Daniels, N.J.
Davis, Wis.
Delaney
Dellenback
Dennis
Diggs
Donohue
Dulski
Edmondson
Edwards, La.
Eilberg
Erlenborn
Esch
Evans, Colo.
Fallon
Fascell
Feighan
Findley
Fish
Foley
Ford, Gerald R.
Ford, William D.
Friedel
Fulton, Pa.
Gallagher
Garmatz
Giaimo
Gibbons
Gilbert
Gray
Green, Oreg.
Green, Pa.
Gubser
Gude
Halpern
Hamilton
Hanley
Hanna
Hansen, Idaho
Hansen, Wash.
Hastings
Hathaway
Helstoski
Hicks
Hogan
Horton
Howard
Jacobs
Johnson, Calif.
Jones, Ala.
Karth
Kastenmeier
Kee
Keith
King
Kluczynski
Koch
Kuykendall
Kyros
Leggett
McCarthy
McCloskey
McDade
McEwen
McKneally
Macdonald, Mass.
MacGregor
Madden
Mahon
Mathias
Matsunaga
May
Mayne
Meeds
Mikva
Miller, Calif.
Minish
Mink
Moorhead
Morse
Morton
Mosher
Murphy, Ill.
Murphy, N.Y.
Nedzi
Nelsen
Nix
O'Hara
Ottinger
Passman
Patten
Pelly
Perkins
Philbin
Pike
Pirnie
Podell
Powell
Preyer, N.C.
Price, Ill.
Pryor, Ark.
Pucinski
Quie
Railsback
Reid, Ill.
Reid, N.Y.
Reuss
Rhodes
Riegle
Rivers
Robison
Rodino
Rogers, Colo.
Rooney, N.Y.
Rooney, Pa.
Rosenthal
Roth
Roybal
Ruppe
Ryan
St Germain
St. Onge
Sandman
Schneebeli
Schwengel
Shriver
Sisk
Smith, Iowa
Springer
Stafford
Stanton
Steiger, Wis.
Stokes
Sullivan
Taft
Talcott
Thompson, N.J.
Thomson, Wis.
Tiernan
Udall
Vigorito
Weicker
Whalen
White
Widnall
Wiggins
Wold
Wright
Wydler
Yates
Yatron
Zablocki
Zwach

NAYS—162

Abernethy
Anderson, Tenn.
Andrews, Ala.
Baring
Bennett
Betts
Bevill
Blanton
Bray
Brinkley
Brock
Brown, Calif.
Broyhill, Va.
Burleson, Tex.
Burlison, Mo.
Burton, Utah
Caffery
Camp
Carter
Casey
Chamberlain
Chappell
Clancy
Clausen, Don H.
Clawson, Del
Cleveland
Collier
Collins
Colmer
Conyers
Cowger
Crane
Daniel, Va.
Davis, Ga.
de la Garza
Denney
Derwinski
Devine
Dickinson
Dingell
Dorn
Dowdy
Downing
Duncan
Edwards, Ala.
Fisher
Flowers
Flynt
Foreman
Fountain
Frey
Fuqua
Galifianakis
Gaydos
Gettys
Goldwater
Gonzalez
Goodling
Griffin
Gross
Grover
Hagan
Haley
Hall
Hammerschmidt
Harsha
Harvey
Hechler, W. Va.
Henderson
Hull
Hungate
Hunt
Hutchinson
Ichord
Jarman
Johnson, Pa.
Jonas
Jones, N.C.
Jones, Tenn.
Kazen
Kleppe
Kyl
Landgrebe
Landrum
Langen
Latta
Lennon
Long, La.
Long, Md.
Lowenstein
Lujan
Lukens
McClory
McClure
McDonald, Mich.
Marsh
Martin
Meskill
Michel
Miller, Ohio
Mills
Minshall
Mize
Mizell
Mollohan
Montgomery
Myers
Natcher
Obey
O'Konski
Olsen
O'Neal, Ga.
Pickle
Poage
Poff
Pollock
Purcell
Quillen
Randall
Roberts
Roe
Rogers, Fla.
Roudebush
Ruth
Satterfield
Saylor
Schadeberg
Scherle
Scott
Sebelius
Shipley
Sikes
Skubitz
Slack
Smith, Calif.
Snyder
Staggers
Steed
Steiger, Ariz.
Stephens
Stubblefield
Stuckey
Taylor
Thompson, Ga.
Utt
Waggonner
Waldie
Wampler
Watkins
Watson
Watts
Whalley
Whitehurst
Whitten
Williams
Wilson, Bob
Winn
Wyatt
Wylie
Wyman
Young
Zion

NOT VOTING—68

Abbitt
Adair
Ashbrook
Berry
Blackburn
Boland
Brown, Ohio
Broyhill, N.C.
Burke, Fla.
Cabell
Corman
Cramer
Cunningham
Dawson
Dent
Dwyer
Eckhardt
Edwards, Calif.
Eshleman
Evins, Tenn.
Farbstein
Flood
Fraser
Frelinghuysen
Fulton, Tenn.
Griffiths
Harrington
Hawkins
Hays
Hébert
Heckler, Mass.
Holifield
Hosmer
Kirwan
Lipscomb
Lloyd
McCulloch
McFall
McMillan
Mailliard
Mann
Melcher
Monagan
Morgan
Moss
Nichols
O'Neill, Mass.
Patman
Pepper
Pettis
Price, Tex.
Rarick
Rees
Reifel
Rostenkowski
Scheuer
Smith, N.Y.
Stratton
Symington
Teague, Calif.
Teague, Tex.
Tunney
Ullman
Van Deerlin
Vander Jagt
Vanik
Wilson, Charles H.
Wolff

So the conference report was agreed to.

The Clerk announced the following pairs:

On this vote:

Mr. O'Neill of Massachusetts for, with Mr. Ashbrook against.

Mr. Hébert for, with Mr. Berry against.

Mr. Morgan for, with Mr. Adair against.

Mrs. Hechler of Massachusetts for, with Mr. Price of Texas against.

Mr. Frelinghuysen for, with Mr. Cramer against.

Mr. Boland for, with Mr. Clancy against.

Mr. Cabell for, with Mr. Vander Jagt against.

Mr. Corman for, with Mr. Reifel against.

Mr. Dent for, with Mr. Lipscomb against.

Mr. Evins of Tennessee for, with Mr. Burke of Florida against.

Mr. Farbstein for, with Mr. Eschleman against.

Mr. Rostenkowski for, with Mr. Pettis against.

Mr. Flood for, with Mr. Blackburn against.

Mr. Holifield for, with Mr. Broyhill of North Carolina against.

Mr. Stratton for, with Mr. Abbitt against.

Mr. Harrington for, with Mr. McMillan against.

Mr. Charles H. Wilson for, with Mr. Vanik against.

Mr. Wolff for, with Mr. Nichols against.

Mr. McFall for, with Mr. Rarick against.

Mr. Pepper for, with Mr. Van Deerlin against.

Mr. Patman for, with Mr. Hawkins against.

Mr. Monagan for, with Mr. Fraser against.

Mr. Moss for, with Mr. Ullman against.

Until further notice:

Mr. Hays with Mr. Brown of Ohio.
Mr. Kirwan with Mr. Cunningham.
Mrs. Griffiths with Mrs. Dwyer.
Mr. Fulton of Tennessee with Mr. Teague of California.
Mr. Mann with Mr. Smith of New York.
Mr. Melcher with Mr. Mailliard.
Mr. Tunney with Mr. McCulloch.
Mr. Symington with Mr. Lloyd.
Mr. Rees with Mr. Hosmer.
Mr. Dawson with Mr. Scheuer.
Mr. Eckhardt with Mr. Edwards of California.

Mr. **WILLIAM D. FORD** changed his vote from "nay" to "yea."

Messrs. **LONG** of Maryland and **SAYLOR** changed their votes from "yea" to "nay."

The result of the vote was announced as above recorded.

The doors were opened.

AMENDMENTS IN DISAGREEMENT

The **SPEAKER**. The Clerk will report the first amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 6: Page 2, line 20 insert the following: ", except projects or activities relating to the reduction of population growth:"

MOTION OFFERED BY MR. PASSMAN

Mr. **PASSMAN**. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. PASSMAN moves that the House recede from its disagreement to the amendment of the Senate numbered 6 and concur therein.

The motion was agreed to.

The **SPEAKER**. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 8: On page 3, line 7 strike out "$24,050,000" and insert "$24,550,000."

MOTION OFFERED BY MR. PASSMAN

Mr. **PASSMAN**. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. PASSMAN moves that the House recede from its disagreement 8 to the amendment of the Senate numbered 8 and concur therein with an amendment, as follows: In lieu of the sum proposed by said amendment, insert "$25,900,000".

The motion was agreed to.

The **SPEAKER**. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 31: On page 16 strike out lines 21 through 23.

MOTION OFFERED BY MR. PASSMAN

Mr. **PASSMAN**. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. PASSMAN moves that the House recede from its disagreement to the amendment of the Senate numbered 31 and concur therein with an amendment, as follows: Restore the matter stricken, amended to read as follows:

"SEC. 121. None of the funds contained in title I of this Act may be used to carry out the provisions of section 401(a)(2) of the Foreign Assistance Act of 1969.

"Sections of this title which refer to authorizing legislation are hereby amended to conform to the appropriate sections of the Foreign Assistance Act of 1969."

The motion was agreed to.

A motion to reconsider the votes by which action was taken on the conference report and on the several motions was laid on the table.

GENERAL LEAVE

Mr. **PASSMAN**. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days during which to extend their remarks on the conference report just adopted.

The **SPEAKER**. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

EMPLOYER CONTRIBUTIONS FOR JOINT INDUSTRY PROMOTION OF PRODUCTS

Mr. **ANDERSON** of Tennessee. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 791 and ask for its immediate consideration.

The Clerk read the resolution as follows:

H. RES. 791

Resolved, That, upon the adoption of this resolution, it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 860) to amend section 302(c) of the Labor-Management Relations Act, 1947, to permit employer contributions for joint industry promotion of products in certain instances. After general debate, which shall be confined to the bill and shall continue not to exceed one hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Education and Labor, the bill shall be read for amendment under the five-minute rule. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except on motion to recommit.

The **SPEAKER**. The gentleman from Tennessee (Mr. ANDERSON) is recognized for 1 hour.

Mr. **ANDERSON** of Tennessee. Mr. Speaker, I yield 30 minutes to the gentleman from Illinois (Mr. ANDERSON), pending which I yield myself such time as I may consume.

Mr. Speaker, House Resolution 791 provides an open rule with 1 hour of general debate for consideration of H.R. 860 to amend section 302(c) of the Labor-Management Relations Act, 1947, to permit employer contributions for joint industry promotion of products in certain instances.

H.R. 860 would authorize a trust to consist of equal numbers of representatives of employers and employees whose sole purpose would be to finance the promotion of products used in the construction industry in such areas as public relations, research and development, market development, and publication of technical information about the product.

It would be financed by employers through contributions arrived at by mutually agreeable labor and management collective bargaining agreements on an agreed upon "cents per hour, per employee" basis. Bargaining over the establishment of such a fund would be permissive for both labor and management. Refusal to bargain would not be an unfair labor practice violation.

The language in H.R. 860 and the requirements of the Welfare and Pension Plans Disclosure Act guarantee fiscal integrity of such trust funds.

Similar legislation passed the House in 1965 and 1968, but has never been acted upon by the other body.

Mr. Speaker, I urge the adoption of House Resolution 791 in order that H.R. 860 may be considered.

Mr. **ANDERSON** of Illinois. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I have no opposition to the rule which would make in order the bill, H.R. 860, which would amend the present section 302 of the Labor Management Relations Act. However, I take this time to express my very fundamental opposition to this legislation, as I did in 1965, and as I did in 1968, I believe, which was the last time this bill was before us—and I do so again today. Because I think it would be highly unfortunate if the House would act on this legislation without having a full appreciation of what the significance and what the consequences of the passage of this bill would be.

I have outlined my views in a letter which I have addressed to all of my colleagues and which I believe you received on your desks this morning. In that letter I drew your attention to the position taken by the administration, by the Nixon administration, through Labor Secretary George P. Shultz.

Mr. Shultz in his statement, I think, very wisely counseled that we postpone action on this bill until an in-depth study has been made of all types of funds which are of joint concern to management and labor.

I would certainly agree with the distinguished Secretary of Labor. This legislation today represents merely a piecemeal approach to the overall problems of the administration of joint funds, and it would be very unwise to proceed with the passage of this bill until we have had the kind of in-depth study that Secretary Shultz recommends.

Let me quote from his letter to the House Subcommittee on Labor:

> However, we know little of the financing, administration, objectives, accounting and reporting practices, or size of such funds. Under these circumstances, we are unable to predict the likelihood of abuses or the additional protections which may be necessary.

Let me quote one additional statement from the Assistant Secretary of Labor W. J. Usery, Jr. He said this:

> Although industry promotion is clearly a laudable purpose, considerable opposition to joint management of such funds has been expressed primarily because of a fear that unions might prevent desirable improvements in construction methods and materials and that jurisdictional disputes would be increased.

I would suggest, Mr. Speaker, that at the very time when we are trying to concentrate all of our efforts in meeting our housing goals, and we are trying to do that through the introduction of new methods and new technologies, that we can ill afford to pass a bill that might have the effect of frustrating that very purpose.

Last year under the housing amendments of 1969, I sponsored what you will

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recall was Operation Breakthrough which called on Secretary Romney, Secretary of Housing and Urban Development, to eliminate restraints against the use of new technologies and materials in producing low cost housing.

I find it of singular interest, and I think it is of some significance, that the very same people who fought me on that simple amendment—the very same people who filtered through the corridors around this Chamber inciting opposition to that amendment against restraints on new technologies—are the people today who are circulating letters in opposition to my position on this bill and saying that we should forthwith give our approval to the bill, H.R. 860.

This, I think, adds considerable substance to the argument I have just made that if we pass this legislation, we may well be giving a toehold to the very groups in our society today who are foot dragging in this business of introducing new technologies and new methods.

I could quote to you, if you need any more proof, a statement that was in the 1968 hearings on a virtually identical measure by Mr. David Barr, counsel to the Brotherhood of Painters. Here is what he told the House Committee on Labor at that time—that his membership was concerned about "anticipated advances in prefabrication and technology."

He went on to explain, and I quote:

> Advances in prefabrication and technology have and will continue to have severe adverse impacts on this affiliate. We feel strongly that this threatened attrition can be warded off, at least in part, by an effective promotion program.

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That is not the purpose of an industry promotion program at all. It is not supposed to be there to ward off the introduction of new, cheaper, and better methods. But that is the purpose to which this particular union would like to see this bill placed.

Let me call your attention very briefly to another example that came to my attention only within the last day or two in one area of our country where there was a requirement that there be lead stubs in connection with the installation of plumbing fixtures. The mechanical contractors in that particular area saw that this was a wasteful practice, that it was an expensive practice, so they were able to go in and get the building code changed, to get the code changed and eliminate a requirement for the use of these lead stubs in the installation of plumbing fixtures. As a result, they were able to reduce the cost of construction. Do you want to know what happened? The union in that area became so incensed over what had been done by management in this regard that they torpedoed the negotiations that were then going on for a new contract, and they insisted that before they would sign a labor agreement, a contract with the mechanical contractors in that area, that there be included a provision that if this bill, H.R. 860, passes, should that bill pass, then that industry promotion fund that had been set up previously in this area had to be jointly administered by labor and management.

Do not tell me, do not stand on the floor of this House, anyone, today and tell me that there is not a very sinister and insidious purpose behind the passage of this legislation, and it is to give this kind of wedge, this opening wedge, this kind of bargaining tool to those unions who for selfish reasons want to preserve the narrow craft jurisdiction of their members quite irrespective of what impact this attitude would have on the overriding public interest of meeting our housing goals.

If I thought for 1 minute that this was necessary to keep men from being unemployed, I would be willing to support them. But when I got the figures that we had here on the floor last year that we need something like 120,000 or 130,000 new skilled tradesmen a year to meet the pent-up housing demand of this country, and that we are training something like 20,000 or 25,000, I think it shows how ridiculous and how out of date and how completely unreasonable are the fears of those who see the bogy man of being put out of work because of new methods and new technology, and so they very jealously hang onto the existing jurisdiction of their particular craft. I submit that we are doing no favor at all to those people, that as we broaden the opportunities for construction of housing, we open up new jobs that these people can step into at very high-paying wages. So I would certainly hope in our consideration of this legislation—and it is a very innocent sounding little bill—that we would have some appreciation of what kind of circumstances we are setting in motion here and what this kind of legislation can lead to, as far as the efforts that we are now making to get better methods and get cheaper housing and better housing constructed for the people of our country.

Let me say this: The argument is that the proposed legislation is permissive. It is permissive, and is not a mandatory item of bargaining. Therefore, why worry that you give the unions the right to go in and bargain for joint management of an industry promotion fund? Anyone who has even a scintilla of knowledge about the bargaining process knows that you can easily offset the mandatory demands that you are entitled to make under the statute against the so-called permissive demands that you can make. You can trade off one against another in order to get your way to do, as this particular union did, in connection with the issue of lead stubs for plumbing fixtures, to say, "We will not give in on these negotiations unless you write in here language that we are to jointly control the use of these funds"—funds to which management alone contributes, funds that are used for product promotion, which I think is inherently a prerogative of management.

I had no objection to Mr. Thompson's bill last year. He came to me and said, "Won't you agree that we ought to carve out an amount under section 102 of the joint management funds set up for educational scholarships for the children of workers?" I say I agree. I think this is a legitimate issue. It ought to be bargained over. I think there ought to be joint administration of a fund set up to provide scholarships for the children of workers. But when you talk about product promotion, you are talking about something, I repeat, that is inherently within the jurisdiction of management.

I saw a labor agreement the other day that provided that management should deduct 1 percent of a man's salary if he belonged to the union and pay that money over into a plumbers' and steamfitters' building fund. I think that is all right. That is a perfectly acceptable thing to be in a collective bargaining agreement. I do not suggest to this House that management then should have a right to say they want to be a coadministrator of that fund and say what kind of building ought to be put up with this building fund to which the people are contributing. That is a matter that ought to be and should remain within the sole discretion of the bargaining unit of the labor union. Management does not have and should not have anything to do with that.

By the same token, when we talk about a product promotion fund, I think this is something labor has no right to insist on as being within its boundaries or jurisdiction with respect to its administration.

First of all, because this represents an unwise way to legislate piecemeal on a very important matter that is fraught with consequences we cannot possibly appreciate under this kind of segmented approach and, second, because of the impact this would have on the housing industry, that it could have in possibly restraining the introduction of those new methods we desperately need if we are to fulfill our housing goals, I would submit this is a bad bill. It has been before the Congress since 1962, and it has never passed the Congress. It dies every time. It ought to die this time, and I hope Members will join me in voting against it.

Mr. ANDERSON of Tennessee. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

Mr. PERKINS. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 860) to amend section 302(c) of the Labor-Management Relations Act, 1947, to permit employer contributions for joint industry promotion of products in certain instances.

The SPEAKER. The question is on the motion offered by the gentleman from Kentucky.

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill H.R. 860, with Mr. Smith of Iowa in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

The CHAIRMAN. Under the rule, the gentleman from Kentucky (Mr. Perkins) will be recognized for 30 minutes, and the gentleman from Ohio (Mr. AYRES) will be recognized for 30 minutes.

The Chair recognizes the gentleman from Kentucky.

Mr. PERKINS. Mr. Chairman, I yield myself 6 minutes.

Mr. Chairman, I rise to urge the passage of H.R. 860, an amendment to section 302(c) of the Labor-Management Relations Act. The bill would permit employer contributions to jointly administered trust funds for industry promotion of products or their application in the building and construction industry.

Joint administration of collectively bargained programs is nothing new and is in wide use today where permitted by law. Indeed, this Congress gave its approval to this common practice when it approved joint administration of programs involving school scholarships and child care centers—Public Law 91–86. The principle involved there and here is identical: that as long as appropriate safeguards exist to protect against diversion of the funds, labor and management should be left free from Government interference in their private negotiations to establish mutually desirable methods of administering programs having perfectly lawful objectives.

The House has passed this legislation on two previous occasions: in 1965—H.R. 1153—and again in 1968—H.R. 15198. Each time, however, the other body failed to complete action on the legislation before adjournment. I note that the Senate Labor Committee recently voted overwhelmingly to report their bill, S. 1369, a companion bill to H.R. 860, so the other body should shortly be considering it as well.

The only major difference between H.R. 860 and the bills previously passed by the House in 1965 and 1968 is the committee amendment defining the word "product."

The word "product" as used in the bill was the subject of a colloquy on the House floor between the distinguished gentleman from New Jersey (Mr. THOMPSON) and the able gentleman from Wisconsin (Mr. STEIGER) during the debate on this legislation in 1968.

The contractors specifically wanted the definition of "product" set forth in the bill rather than in the legislative history. Our committee agreed and H.R. 860, as amended meets the questions raised by my distinguished colleague, the gentleman from Wisconsin (Mr. STEIGER), in 1968.

H.R. 860 and its predecessors have received the wholehearted support not just of the construction unions but of many contractors and contractors' organizations. A list of these organizations appears at pages 4 and 5 of the committee report. These management organizations have stated that the participation of labor is desirable and necessary if the vitally important educational and promotional programs are to be effectively fulfilled. They have described the highly successful experiences with jointly administered promotion programs for a number of years in their industries prior to the time the courts started applying section 302 to prohibit them.

By way of example, the organized painting industry is now awaiting the passage of this legislation to effectuate an already prepared product promotion joint trust fund on a national level. The industry—management and labor—hopes thereby to encourage the use of the safest and most technologically advanced products and their application. And the following is what the representative of several plastering and lathing management associations has had to say about the 10-year—1952–62—experience with joint administration by the Southern California Plastering Institute:

> We opened up, I think, one of the most enlightened experiences that I have ever had in the entire field of public relations. There was an expression of interest here on the part of labor that it is pretty hard to describe unless you were close to it. There was an awakening of the fact that there was a direct relationship between the job opportunity and the man, the mechanic, and the employment opportunity of the employer.
>
> And all of these things were linked to the need for satisfying an end customer—architects and homebuilders and public agents who specify building materials in their construction projects, developed a confidence in the industry because they began to feel that labor was as much concerned with the ultimate outcome of the performance of the product as the contractor was who was selling it.
>
> We had the introduction of mechanized and automated equipment accepted without question on the part of labor because it would serve the purpose of reducing the end price of the product and make it more competitive and, believe me, at this time of spiraling construction costs, this can become an important thing. (Hearings on H.R. 1153 Before the Subcommittee on Labor of the Senate Labor and Public Welfare Committee, 89th Congress, 2d Session. 31 (1966).)

It should be emphasized that the joint administration of industry promotion funds has not been proscribed as a matter of public policy. Rather, it has been held by courts to be illegal because of the method chosen by the draftsmen of section 302 of the Labor-Management Relations Act, which failed to specifically exempt joint industry promotion programs from the general prohibition of the act. In my opinion, this was an oversight and not the intent of Congress. This method of drafting necessitated a 1959 amendment to section 302(c) to permit jointly administered funds for apprenticeship training programs, and for pooled vacation, holiday and severance benefits. Last year's further amendment has already been mentioned.

It should also be emphasized that thousands of promotion programs are in existence and operation today and are perfectly lawful. Although these programs are part of a collective bargaining agreement, they are unilaterally administered by the employers. The collective bargaining agreement provides that the employers contribute a certain number of cents per employee hour worked, and the payments are usually treated by employers, for tax purposes, as a deductible "labor" cost of doing business. How can it be contended that labor should be prohibited from participating when the existing programs are themselves the product of the collective bargaining process and the payments to these programs are an integral part of wages? Furthermore, as the National Labor Relations Board recognized in the case of *Detroit Resilient Flood Decorators* (136 NLRB 769, 771, enforced, 317 F. 2d 269 (7th Cir.)):

> The ability of an employer or an industry to meet changing conditions may . . . affect employees' opportunities in the long run, and labor organizations are understandably concerned with the future of the industries from which their members derive their livelihood.

The bill is replete with important and adequate safeguards, including reporting requirements which do not presently exist in the unilateral administration area though abuses are also conceptually possible there. I would specifically point out that language has been included to insure that joint administration will be permitted only when management agrees. Management may not be forced by labor to even discuss the issue. In other words, the subject is a nonmandatory subject of bargaining in keeping with the Detroit Resilient case just mentioned. And contrary to some who say that the unions can easily circumvent this rule by conditioning the disposition of truly mandatory subjects on the disposition of this issue, the labor law decisions clearly render such attempts at evasion as unfair labor practices.

For the foregoing reason, H.R. 860 clearly deserves your support.

(Mr. PERKINS asked and was given permission to revise and extend his remarks.)

Mr. AYRES. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, the gentleman from Kentucky, the chairman of the Committee on Education and Labor, has mentioned the major details contained in this legislation. As most of us know who were here in the previous Congress, this bill formerly passed the House. Now, there have been several statements made regarding the legislation, one by the gentleman from Illinois (Mr. ANDERSON), in speaking on the rule, that the passage of this bill, in all probability, would bring about problems even to the point, as he said in his remarks, of slowing down homebuilding and making less houses available for our people. He failed to mention, however, the main thing holding back home construction today is not the shortage of skilled employees, not the shortage of brickmasons or the shortage of plumbers, but the shortage of moneys to finance the homes. It very well could be that under the promotional provisions of this bill there would be ways and means found through promotion to use some of the products that are more easily assembled for less money. This bill does not go as far as some would like to have it go and it goes farther than others would like to have it go.

The minority views in the report are very complete of those who object to the passage of the bill. It came out of the committee overwhelmingly, and when it passed the House previously the same arguments that are being used against the bill today were used then. I hope the bill passes.

I reserve the balance of my time.

Mr. PERKINS. Mr. Chairman, I yield

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the distinguished chairman of the subcommittee, the gentleman from New Jersey (Mr. THOMPSON), 8 minutes.

The CHAIRMAN. The Committee will rise informally in order that the House may receive a message.

The SPEAKER resumed the chair.

The SPEAKER. The Chair will receive a message.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Geisler, one of his secretaries.

The SPEAKER. The Committee will resume its sitting.

EMPLOYER CONTRIBUTIONS FOR JOINT INDUSTRY PROMOTION OF PRODUCTS

The Committee resumed its sitting.

Mr. THOMPSON of New Jersey. Mr. Chairman, there has been a great deal of misunderstanding about the purpose of this legislation, and in my opinion a lot of heat generated unnecessarily by some of its opponents. It seems to me they want to read something very sinister, as my friend, the gentleman from Illinois (Mr. ANDERSON) said a few minutes ago, into something which is really very simple.

H.R. 860 amends section 302 of the Labor-Management Relations Act to permit employer contributions for joint industry promotion of products. It applies only to employers of the construction industry.

H.R. 860 merely states the principle that if both labor and management of a construction industry unit agree that it is in their mutual best interest to set up a joint trust fund to be administered by representatives of both for the purpose of financing the promotion of products used in that particular industry—in such a situation as just described—labor and management may not be prohibited by law from entering into such a collective-bargaining agreement.

Why should Government prohibit the establishment of such jointly administered programs if both labor and management agree that they are beneficial in the promotion of their legitimate economic interests?

The original prohibition provisions of section 302 of the Labor-Management Relations Act had as their purpose the elimination of bribery, extortion, "sweetheart contracts," and other corrupt practices made possible by employer payments to employee representatives. However, Congress included five exceptions in the original language of section 302(c).

A sixth exception dealing with pooled vacations, holiday, severance, apprenticeship, and training programs was added in 1959 and last year we enacted Public Law 91–86, adding a seventh exception to permit employer contributions to joint trust funds providing scholarships or day care centers for dependents of employees. That was the one to which the gentleman from Illinois referred earlier.

The exception provided here in H.R. 860 as well as the two previous exceptions added by Congress to section 302(c) have been made necessary by court decisions holding that, however laudable the objectives of such joint trust funds, they must be specifically authorized by Congress because of the restrictive wording of the original section 302 of the act. In Cement Masons against Paramount Plastering, the court of appeals for the ninth circuit stated with respect to these joint funds:

> We do not quarrel in the slightest with the laudable objectives of the trust amicably created by labor and management to solve a vexing industry problem. . . .
>
> But like so many of our present-day problems, our duty is to rule in accordance with that which the Congress has seen fit to enact . . . the relief sought by appellants herein must be found in congressional and not judicial action. (310 F.2d at p. 191.)

Mr. Chairman, again, I stress that the provisions of this legislation are permissive. If either side did not desire to bargain on the establishment of such a joint trust fund for product promotion, its refusal to bargain would not be considered an unfair labor practice.

Mr. Chairman, I also point out that we have taken great care to provide for adequate safeguards to preserve the fiscal integrity of such trust funds, is established by mutual agreement. H.R. 860 specifically sets forth these safeguards:

First. Payments must go into a separate trust.

Second. The funds may be used only for the authorized purposes.

Third. Funds cannot be commingled with any other funds.

Fourth. Funds cannot be used for programs that are employer or management functions or labor organization functions.

Fifth. Applicable requirements of the Welfare and Pension Plans Disclosure Act also apply to these trust funds.

Sixth. The provision of section 302(d) also applies:

> Any person who willfully violates any of the provisions of this section shall, upon conviction thereof, be guilty of a misdemeanor and be subject to a fine of not more than $10,000 or to imprisonment for not more than 1 year, or both.

That would seem to me to destroy the assertion that this is sinister and that there will be mishandling of these funds.

I would like to make one last point, Mr. Chairman. We have included in H.R. 860 a definition of the word "product" to meet certain objections raised during the debate in the last Congress and by some of the witnesses.

To make certain that the precise purpose of this legislation can leave no room for doubt, our subcommittee wrote into the bill a definition of the word "product," as used in H.R. 860 in lines 11 to 14 of the bill as follows:

> The word "product", as used herein, means tangible building materials or substances physically incorporated in buildings or other facilities, or the application of such materials as in plastering, lathing, painting, or decorating.

Mr. Chairman, the interest of the employer and the union in such products promotion appears clear to me if an industry successfully promotes the use of its products.

If the industry successfully promotes the use of its products—and incidentally its objective in promoting the use of its products has implicit in it that it will obviously build in the course of promoting the use of its products. It cannot promote them if they are not building. The essential element, of course, is that they want to build. They want their products, plaster rather than drywall, or drywall rather than plaster, paint rather than aluminum siding or aluminum siding rather than paint, but the objective is to build and to sell the products that they are jointly sponsoring.

How conceivably this could slow down the housing industry I do not know.

It is customary with most bills relating to labor and management that there have been claims that I would like to address myself to in conclusion. First, this bill cannot possibly and will not increase labor strife in the construction industry. It has no bearing on the secondary boycott. The jurisdictional dispute, to which the gentleman from Illinois alluded is in another part of the act, and other unfair labor practices, all of which are under section 8 of the act, which is untouched by this.

I really would be persuaded, I suppose, if it were not for the long history of this bill, by the plea from the Secretary's office that it be the subject of further study.

As the gentleman from Illinois said earlier in the debate on the rule, this bill has been before the Congress since 1962. Now, it might well be that the writers of those two letters pleading for further study do not know what it is all about, but the Congress does, and we do. The record is replete with every minute ramification of this. I am sorry that the Under Secretary has not read those things, or if he has I am sorry that he has read them and has not understood them. Given an opportunity, I would be glad to explain this uncomplicated thing to him.

This bill does not intrude on labor management functions. There is specific language which protects against such intrusion. The bill will not require any employer to contribute to one of these funds, nor will it require any employer to agree to set one up.

The CHAIRMAN. The time of the gentleman has expired.

Mr. PERKINS. Mr. Chairman, I yield 3 additional minutes to the gentleman from New Jersey.

Mr. THOMPSON of New Jersey. Mr. Chairman, it will not require employers to change their current unilateral programs, nor prohibit their expansion in the future. It specifically provides the establishment of the use of funds as a permissive subject in the collective bargaining process.

In sum, H.R. 860 would amend section 302 of the Labor-Management Relations Act to permit employer contributions to jointly administered trust funds. That is all it does. It would permit such voluntary labor-management cooperation, but would not require it. It would put the decision of whether to establish such funds where it belongs—not with the Federal law, but with the private parties operating within the well-tested procedures of free collective bargaining.

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Some employers and some unions want to set up these programs, some do not. There is no sound policy reason why the law should continue to inhibit them from doing so.

During the debate in the last Congress, the gentleman from Wisconsin (Mr. STEIGER) and the gentleman from Illinois (Mr. ANDERSON) raised a number of questions as to the scope of the exceptions to section 302(c). I assured them, as I do now, that it deals only with the validation of product promotion plans administered jointly by labor and management, and does not affect the so-called industry advancement programs that are unilaterally administered by management, nor would it impede their operation in any way.

During the colloquy on the previous bill on August 25, 1968, the gentleman from Illinois (Mr. ANDERSON) complained that the term "product" was not defined in the bill. It later was in the form of a colloquy.

He was presumably unwilling to rely on the legislative history that clearly sets forth many instances of the specific limitation of the bill to joint industry product promotion programs.

To make certain that the precise purpose of the legislation may leave no room for doubt, the subcommittee wrote into the bill a definition of the word "product" which is in the bill, H.R. 860, lines 11 to 14, and the language is as follows:

> The word "product", as used herein, means tangible building materials or substances physically incorporated in buildings or other facilities, or the application of such materials as in plastering, lathing, painting, or decorating:

Mr. STEIGER of Wisconsin. Mr. Chairman, will the gentleman yield?

Mr. THOMPSON of New Jersey. I yield to the gentleman.

Mr. STEIGER of Wisconsin. Mr. Chairman, I want to compliment the gentleman from New Jersey. I think this point is important, the language contained in the bill in the amendment that was agreed to by the subcommittee and reported by the full committee certainly, I think, goes a long way toward clearing up any possible misunderstanding.

I am correct; am I not too, that when the definition of the word "product" is contained in the legislation as it is here, we can further state that those who have been concerned about industry advancement funds as they were in 1968 ought now to be even more reassured than they were when we had the colloquy 2 years ago about what it is that is intended by this bill.

I commend the gentleman for having gone the route of placing the language, a definition of the word "product," in the legislation so that there can be no question.

Mr. THOMPSON of New Jersey. I thank the gentleman. The gentleman is exactly correct. The unilateral programs carried on by the manufacturers, the products used in building such as various types of wallboards and materials such as tile, clay pipe, plumbing fixtures, and so on, will continue absolutely untouched by this.

Mr. STEIGER of Wisconsin. There is one other point on which I would like to have the gentleman's comment, and that relates to the letter of the Secretary of Labor which is to be found on page 72 of the hearing record.

I noted with some interest that the Secretary did not oppose the bill, but he simply said that it ought to be studied further.

But in that letter he went on to say:

> However, if action is taken, we recommend that additional safeguards * * * be contained in the legislation.

Now my question to the gentleman from New Jersey would be, Am I correct that the Pension and Welfare Disclosure Act, the Landrum-Griffith Act, and the Taft-Hartley Act that relate to control are all also applicable so far as possible to this joint promotion fund, if it is agreed to in the collective bargaining process?

Mr. THOMPSON of New Jersey. The gentleman is exactly correct. Section 302(d) of the act applies—and I quoted that earlier, as the Pension and Welfare Disclosure Act—as do other applicable sections of the act which this does not touch.

Every safeguard requested or suggested by the Secretary is incorporated in the language of the existing law and in this legislation.

Mr. STEIGER of Wisconsin. I thank the gentleman for further clarifying that point and urge adoption of this bill.

Mr. THOMPSON of New Jersey. In sum, Mr. Chairman, I think every possible study that can be useful has been made. This has a long history. Every safeguard requested is contained in the legislation and the bill has been very narrowly defined, particularly as it relates to the definition of "product" and I urge its passage.

Mr. AYRES. Mr. Chairman, I yield 3 minutes to the gentleman from Kansas (Mr. WINN).

Mr. WINN. Mr. Chairman, I would like to ask the chairman, if I might get his attention, what is to keep this bill or this philosophy, so to speak, from becoming a part of labor negotiations?

Mr. THOMPSON of New Jersey. Nothing would keep it from becoming a part of labor negotiations if this legislation were passed and if labor and management want it to do it.

If, however, either labor or management did not want to do it, it could not be a part of their collective-bargaining agreement.

Mr. WINN. Let us say that one of the two parties did not want to do it but the other one did. Then it certainly would become a part of the labor negotiations?

Mr. THOMPSON of New Jersey. No; it would not.

Mr. WINN. I think the gentleman is kidding himself——

Mr. THOMPSON of New Jersey. The gentleman is not kidding himself. The gentleman has studied this law, and prides himself at least on understanding what this bill provides.

Mr. WINN. The gentleman from Illinois (Mr. ANDERSON) referred to remarks by Assistant Secretary W. J. Usery, Jr., in which he said that unions might prevent desirable improvements in construction methods and material. I wondered if the gentleman is aware of the case decided by the State of Missouri Supreme Court where the Plumbers and Pipefitters Unions would not use, and refused to use plastic pipes and they were taken to court. The Builder's Association and the Home Builders Association and the unions spent a great deal of money in going to the Supreme Court to get the decision that plastic pipe was an acceptable new method of technology in the building field.

Mr. THOMPSON of New Jersey. Yes, I am familiar with that case, and the Court decided against the union. The law exists now which can prohibit such activities. This would not change it in the slightest. All this would allow would be for the development; if the gentleman will yield, all this would do would be to allow the workers in the plastic pipe industry, with their employers, as part of the collective-bargaining process, to establish a trust fund so that they could advertise their product as being better than some other product.

Mr. WINN. I think it is a little obvious that in this case the unions did not want to do that and did everything possible to obstruct the new technology. I hope the gentleman is aware of the housing program called Operation Breakthrough, in which the whole philosophy is to have new technologies and new techniques to streamline the construction industry.

Mr. THOMPSON of New Jersey. The gentleman is very much aware of it, and the gentleman considers and is convinced that the adoption of this legislation would go very far toward promoting a new and innovative means of construction and advertising.

Mr. WINN. Could the gentleman advise me, then, if this is going to accomplish everything that he says it is going to accomplish, why the other body has not taken it up over the periods of time indicated?

Mr. THOMPSON of New Jersey. You know, the gentleman from New Jersey is extremely confused by the action and lack of action in many instances in the other body, but I can assure the gentleman that the appropriate subcommittee of the other body only last week reported this out, as did the full committee in the other body.

Mr. WINN. Will the gentleman advise me, then, what his own personal feelings, might be if possible, in relation to having both the unions and management contribute equally to this promotion fund?

Mr. THOMPSON of New Jersey. They will.

Mr. WINN. May I ask the gentleman how he figures that they will?

Mr. THOMPSON of New Jersey. Yes, in this sense: To use an analogy that would be familiar, industry's part would be reflected in the cost taken from the dividends to the stockholders. The union's part would be reflected in the moneys taken from their pay envelopes for their contribution.

Mr. WINN. This would enter into labor negotiations again because it goes back to the original process of labor negotiations. Is not that the point?

XUM

Mr. THOMPSON of New Jersey. That is exactly what we are trying to do. We are trying to make this a permissive subject of collective bargaining, not a mandatory subject.

Mr. WINN. I yield back the remainder of my time.

Mr. AYRES. Mr. Chairman, I yield 3 minutes to the gentleman from Texas (Mr. COLLINS), a member of the committee.

Mr. COLLINS. Mr. Chairman, one of the most important phases of this bill is the jurisdictional situation and what this bill might lead into. I do not think it has been fully discussed or fully evaluated. As we know, in the construction trade we have some very strong unions and some very proud unions. As negotiations would develop, and during open negotiations, we would have these unions trying to strengthen their own position.

This could inevitably lead to more strikes and more litigation and to higher costs of construction. That would, in turn, mean favoritism to one union or another. If we adopt this bill, we are going to have more jurisdictional strikes, which are the worst types of strikes, and we will have more union problems, which will be multiplied and tripled.

Those who are friends of labor and want to keep labor differences to a minimum and want unions to develop and solve their own problems will be opposed to this bill.

There is one other thing I do not understand. This is an advertising fund. As an advertising or promotional fund, whatever we call it, it should be a management fund. Management should look after advertising. It seems no more consistent that we would bring in employees to become half of such a committee, than it would be consistent on matters that relate to union labor relations to have half the committee made up of employers. What concerns employees should be handled by the employee representatives, and what is the prerogative of management should be handled by the employers. As long as we have that, we will have good labor-management relations.

Mr. MIKVA. Mr. Chairman, I will vote against the bill H.R. 860. I would like to take a few moments to explain why.

The stated purpose of this bill is to amend the Taft-Hartley Act by authorizing employer contributions to trust funds created for the promotion of products in the building and construction industry. On the surface, this appears to be a harmless enough provision. But the real significance of this proposal can be evaluated only in light of the history of labor-management relations in the United States and the original purposes behind the prohibition on joint labor-management funds which is now sought to be modified.

The reason the Taft-Hartley Act prohibited joint funds and activities among employers and employees is precisely because it was too difficult to separate the legitimate, beneficial activities from those in which payoffs, kickbacks, and other underhanded dealing were involved. I do not charge that the purpose of this bill is to encourage such activities detrimental to employees, but I fear that such might be the bill's effect.

Promotion of an industry's products is so clearly the responsibility of management that it is difficult for me to justify a bill which would allow—and by repealing an existing prohibition actually encourage—employee contributions to industry promotion efforts. Advertising and sales promotion is management's responsibility. I do not believe that we should make employees liable to assessments for such activities, nor do I think we should authorize union leaders to make their members so liable.

I have practiced labor law in Chicago for many years, and I am a longtime friend of the labor movement. I believe that the union leaders in my State of Illinois will certify my credentials in that respect. Based on my experience in the labor field, I believe that this bill will create more problems for union members than it will solve, and that it will subject thousands of union members to assessment for promotional efforts which are really the responsibility of their employers.

At the very least, we should wait—as the Department of Labor has recommended—until the comprehensive study of joint labor-management funds now underway is completed. That study might well provide recommendations for safeguards which would make the kind of joint funds proposed in H.R. 860 less objectionable than in the present bill. Without such safeguards, I must vote "No."

Mr. AYRES. Mr. Chairman, we have no further requests for time.

Mr. PERKINS. Mr. Chairman, we have no further requests for time.

The CHAIRMAN. There being no further requests for time, the Clerk will read.

The Clerk read as follows:

H.R. 860

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 302(c) of the Labor-Management Relations Act, 1947, is amended by striking out "or (6)" and inserting in lieu thereof "(6)", and by adding immediately before the period at the end thereof the following: "; or (7) with respect to money or other thing of value paid by any employer of the construction industry to a trust fund established by such representative for the purpose of a joint industry promotional program: *Provided,* That (a) in relation to a joint industry promotional program such payments as are intended to be used for defraying the cost and expenses thereof are made to a separate trust which provides that the funds held therein cannot be used for any purpose other than for product and product application research and development, product and product application market development, promotion of product and product application with architects, engineers, and Government contracting officials, product and product application public relations, publication of product and product application technical information and data: *Provided,* That no labor organization or employer shall be required to bargain on the establishment of any such program, and refusal to do so shall not constitute an unfair labor practice. (b) Such funds shall not be commingled with any other funds or used in any manner to share expenses or otherwise defray the cost of programs that are employer or management functions or labor organization functions, and that the requirements of clause (B) of the proviso to clause (5) of this subsection shall apply to such trust fund as well as the requirements of the Welfare and Pension Plans Disclosure Act (except any which the Secretary determines are not applicable to trust funds of the type to which this clause applies)."

Mr. PERKINS (during the reading). Mr. Speaker, I ask unanimous consent that further reading of the bill be dispensed with and that it be printed in the RECORD and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

COMMITTEE AMENDMENTS

The CHAIRMAN. The Clerk will report the committee amendments.

The Clerk read as follows:

Committee amendments: On page 1, lines 4 and 5, substitute (7) for (6) and in line 6, substitute (8) for (7).

On page 2, line 11, after the word "data", insert the following:

"The word 'product', as used herein, means tangible building materials or substances physically incorporated in buildings or other facilities, or the application of such materials as in plastering, lathing, painting, or decorating:".

The committee amendments were agreed to.

AMENDMENT OFFERED BY MR. THOMPSON OF GEORGIA

Mr. THOMPSON of Georgia. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. THOMPSON of Georgia: Page 1, strike out lines 7 and 8, and insert in lieu thereof "(8) with respect to money paid jointly in equal parts by any employer in the construction industry and its employees or employees' union to a trust fund".

Mr. THOMPSON of Georgia. Mr. Chairman, I would also like to serve notice at this time that should this amendment be agreed to and should the bill pass, I will have an amendment to offer to the title which will simply be a conforming amendment in view of this amendment.

Mr. Chairman, the purpose of this amendment is simply to provide a little bit of equity in this bill. There is an old saying that he who pays the fiddler shall call the tune. I think that is perfectly proper, and I think sometimes it may well be that the interests of management and labor and the means by which these funds may be used may be diverse.

This obviously may be true if we get into more of the prefabricated products, particularly in the construction field. I think perhaps all Members may recall the Philadelphia door case which may be one of the better known cases.

If we are to solve the housing problems in America, we are going to have to adopt innovations and change our laws and building codes throughout the country. In many areas this is going to be resisted by forces that prefer the status quo. But we have a tremendous housing problem in America which is going to require new laws and new codes,

XUM

and many of the people who have these particular funds would like to use these in order to promote the changes which would promote the conditions for mass construction of housing.

All this does is simply to state that if there is to be a joint administration of the fund then there shall be joint funding of the fund in coequal parts by the management and by the union. If the union is to have an equal voice then they should have an equal opportunity to participate in funding the fund. It is that simple. I believe perhaps it needs no further explanation.

Mr. THOMPSON of New Jersey. Mr. Chairman, I rise in opposition to the amendment.

Here again, Mr. Chairman, we are operating on familiar ground. This amendment is almost precisely that offered by my distinguished colleague and friend from Ohio (Mr. ASHBROOK) in 1968. The answer is the same.

It should be pointed out that the amendment really goes against the basic thrust of the Federal labor law, which establishes a legal framework under which private parties can work out their own agreements.

I would point out, under existing law, if the parties so agree in the collective bargaining process—and they do not have to—there is nothing to prohibit a union from contributing to the fund. This legislation simply puts the decision on whether to establish these funds where it belongs, with the parties at the bargaining table.

The effect of such an agreement, I might point out to my friend from Georgia, assuming that there is an agreement by an employer and an employee to negotiate for the establishment of one of these funds, is that it amounts to a fringe benefit for the working people, and a part of their total pay will be deducted because it will be excluded from their compensation.

Mr. THOMPSON of Georgia. Mr. Chairman, will the gentleman yield on that point?

Mr. THOMPSON of New Jersey. I yield to the gentleman from Georgia.

Mr. THOMPSON of Georgia. If this is a fringe benefit, would not the union receive a direct benefit by being able to direct that these funds be paid? Therefore, they would be contributing, so they would have a voice in how it is to be paid.

Mr. THOMPSON of New Jersey. The gentleman is making my argument. Of course if they enter into such an agreement they will be paid. One would be totally naive to think that to establish——

Mr. THOMPSON of Georgia. I cannot understand the gentleman's objection to making this a joint participation.

Mr. THOMPSON of New Jersey. Because it is unnecessary.

Mr. THOMPSON of Georgia. If it is unnecessary perhaps the gentleman would accept the amendment, since it is just a matter of form.

Mr. THOMPSON of New Jersey. The gentleman is rather proud of, shall we say, the words of art in legislation. This would be redundant and offensive to my sense of draftsmanship.

Mr. O'HARA. Mr. Chairman, I move to strike the last word.

I do not believe it is necessary to gild the lily and to add a great deal to what the gentleman from New Jersey has said about this amendment, but let me point out the nature of the section we are amending.

Section 302(c) sets up a list of exemptions from the provisions of section 302. Section 302 punishes payments to employees, members of a labor organization or officers of a labor organization and so forth, and section 302(c) sets up the circumstances under which such payments are permitted. It says such payments may be made if they are compensation for services rendered, if they are payment for goods purchased at the regular market value in the course of business, if they are payments for a welfare and pension plan, and so forth.

In none of these exemptions do we say the payment for one of these permitted purposes shall be valid only if matched by a payment of a certain equivalent amount out of the employees' wages.

We leave that question to the collective bargaining process. For instance, we do not validate only pension and welfare funds in to which there are payments from both the employer and the employee. If it is a legal welfare and pension plan, payments to that plan by the employer are permitted whether or not its payments from employee's wages are also made to the plan.

The proposed new exemption is a valid addition to the list of exemptions now found in the law. All section 302 was intended to do was to prevent the payment of bribes. If an employer is paying into a joint industry promotion fund, this is not a bribery situation and therefore it should not be prohibited, and we are right to include it in section 302(c).

The CHAIRMAN. The question is on the amendment offered by the gentleman from Georgia (Mr. THOMPSON).

The question was taken; and on a division (demanded by Mr. THOMPSON of Georgia) there were—ayes 15, noes 18.

So the amendment was rejected.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. SMITH of Iowa, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 860) to amend section 302(c) of the Labor-Management Relations Act, 1947, to permit employer contributions for joint industry promotion of products in certain instances, pursuant to House Resolution 791, he reported the bill back to the House with sundry amendments adopted by the Committee of the Whole.

The SPEAKER. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment? If not, the Chair will put them en gros.

The amendments were agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT

Mr. SCHERLE. Mr. Speaker, I offer a motion to recommit.

The SPEAKER. Is the gentleman opposed to the bill?

Mr. SCHERLE. I am in its present form, Mr. Speaker.

The SPEAKER. The Clerk will report the motion to recommit.

The Clerk read as follows:

> Mr. SCHERLE moves to recommit the bill H.R. 860 to the Committee on Education and Labor.

The SPEAKER. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER. The question is on the motion to recommit.

The motion to recommit was rejected.

The SPEAKER. The question is on the passage of the bill.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. SCHERLE. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Doorkeeper will close the doors, the Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 190, nays 186, not voting 56, as follows:

[Roll No. 5]

YEAS—190

Addabbo
Albert
Anderson, Calif.
Anderson, Tenn.
Annunzio
Ashley
Aspinall
Ayres
Barrett
Beall, Md.
Bennett
Bevill
Biaggi
Biester
Bingham
Blanton
Blatnik
Boggs
Bolling
Brademas
Brasco
Brooks
Brown, Calif.
Burke, Mass.
Burlison, Mo.
Burton, Calif.
Button
Byrne, Pa.
Carey
Celler
Chisholm
Clark
Clay
Cleveland
Cohelan
Conte
Conyers
Corbett
Culver
Daddario
Daniels, N.J.
de la Garza
Delaney
Dellenback
Diggs
Dingell
Donohue
Eckhardt
Edmondson
Eilberg
Erlenborn
Esch
Fallon
Fascell
Feighan
Findley
Ford, William D.
Fraser
Friedel
Fulton, Pa.
Garmatz
Gaydos
Giaimo
Gilbert
Gonzalez
Gray
Green, Oreg.
Green, Pa.
Grover
Gubser
Halpern
Hamilton
Hanley
Hansen, Wash.
Hastings
Hathaway
Hays
Hechler, W. Va.
Helstoski
Hogan
Holifield
Howard
Hungate
Ichord
Jacobs
Johnson, Calif.
Jones, Ala.
Jones, Tenn.
Karth
Kastenmeier
Kazen
Kee
Kluczynski
Koch
Kyros
Long, Md.
Lowenstein
Lujan
McCarthy
McDade
McEwen
McKneally
Macdonald, Mass.
MacGregor
Madden
Matsunaga
Meeds
Melcher
Miller, Calif.
Mills
Minish
Mink
Mollohan
Moorhead
Morgan
Morse
Murphy, Ill.
Murphy, N.Y
Natcher
Nedzi
Nix
Obey
O'Hara
O'Konski
Olsen
O'Neill, Mass.
Ottinger
Patman
Patten
Pelly
Perkins
Philbin
Pickle
Pike
Pirnie
Podell
Powell
Price, Ill.

Pryor, Ark.
Pucinski
Quie
Railsback
Randall
Rees
Reid, N.Y.
Reuss
Riegle
Rivers
Rodino
Roe
Rogers, Colo.
Rooney, N.Y.
Rooney, Pa.
Rosenthal
Roudebush
Roybal
Ryan
St Germain
St. Onge
Saylor
Shipley
Sisk
Skubitz
Slack
Smith, Iowa
Smith, N.Y.
Stafford
Staggers
Steed
Steiger, Wis.
Stokes
Stubblefield
Sullivan
Thompson, N.J.
Tiernan
Udall
Ullman
Vigorito
Whalen
White
Widnall
Wilson, Charles H.
Wright
Wydler
Wyman
Yates
Yatron
Young
Zablocki
Zwach

NAYS—186

Abernethy
Adair
Alexander
Anderson, Ill.
Andrews, Ala.
Andrews, N. Dak.
Arends
Baring
Belcher
Bell, Calif.
Betts
Bray
Brinkley
Brock
Broomfield
Brotzman
Brown, Mich.
Broyhill, Va.
Buchanan
Burleson, Tex.
Burton, Utah
Bush
Byrnes, Wis.
Caffery
Camp
Carter
Casey
Cederberg
Chamberlain
Chappell
Clancy
Clausen, Don H.
Clawson, Del
Collier
Collins
Colmer
Conable
Coughlin
Cowger
Crane
Daniel, Va.
Davis, Ga.
Davis, Wis.
Denney
Dennis
Derwinski
Devine
Dickinson
Dorn
Dowdy
Downing
Duncan
Edwards, Ala.
Edwards, La.
Evans, Colo.
Fish
Fisher
Flowers
Flynt
Foley
Ford, Gerald R.
Foreman
Fountain
Frey
Fuqua
Galifianakis
Gettys
Gibbons
Goldwater
Goodling
Griffin
Gross
Gude
Hagan
Haley
Hall
Hammerschmidt
Hanna
Hansen, Idaho
Harsha
Harvey
Henderson
Hicks
Horton
Hosmer
Hull
Hunt
Hutchinson
Jarman
Johnson, Pa.
Jonas
Jones, N.C.
Keith
King
Kleppe
Kuykendall
Kyl
Landgrebe
Langen
Latta
Lennon
Long, La.
Lukens
McClory
McCloskey
McClure
McDonald, Mich.
McMillan
Mahon
Marsh
Martin
Mathias
May
Mayne
Meskill
Michel
Mikva
Miller, Ohio
Minshall
Mize
Mizell
Montgomery
Morton
Mosher
Myers
Nelsen
O'Neal, Ga.
Passman
Pettis
Poage
Poff
Pollock
Preyer, N.C.
Purcell
Quillen
Reid, Ill.
Reifel
Rhodes
Roberts
Robison
Rogers, Fla.
Roth
Ruppe
Ruth
Sandman
Satterfield
Schadeberg
Scherle
Schneebeli
Schwengel
Scott
Sebelius
Shriver
Sikes
Smith, Calif.
Snyder
Springer
Stanton
Steiger, Ariz.
Stephens
Stuckey
Symington
Taft
Talcott
Taylor
Teague, Tex.
Thompson, Ga.
Thomson, Wis.
Utt
Waggonner
Waldie
Wampler
Watkins
Watson
Watts
Weicker
Whalley
Whitehurst
Whitten
Wiggins
Williams
Wilson, Bob
Winn
Wold
Wylie
Zion

NOT VOTING—56

Abbitt
Adams
Ashbrook
Berry
Blackburn
Boland
Bow
Brown, Ohio
Broyhill, N.C.
Burke, Fla.
Cabell
Corman
Cramer
Cunningham
Dawson
Dent
Dulski
Dwyer
Edwards, Calif.
Eshleman
Evins, Tenn.
Farbstein
Flood
Frelinghuysen
Fulton, Tenn.
Gallagher
Griffiths
Harrington
Hawkins
Hébert
Heckler, Mass.
Kirwan
Landrum
Leggett
Lipscomb
Lloyd
McCulloch
McFall
Mailliard
Mann
Monagan
Moss
Nichols
Pepper
Price, Tex.
Rarick
Rostenkowski
Scheuer
Stratton
Teague, Calif.
Tunney
Van Deerlin
Vander Jagt
Vanik
Wolff
Wyatt

So the bill was passed.

The Clerk announced the following pairs:

On this vote:

Mr. Hébert for, with Mr. Mann against.

Mr. Dent for, with Mr. Rarick against.

Mr. Wolff for, with Mr. Moss against.

Mrs. Dwyer for, with Mr. Cramer against.

Mr. Frelinghuysen for, with Mr. Ashbrook against.

Mrs. Heckler for, with Mr. Price of Texas against.

Mr. Hawkins for, with Mr. Vander Jagt against.

Mr. Farbstein for, with Mr. Burke of Florida against.

Mr. Monagan for, with Mr. Lipscomb against.

Mr. Flood for, with Mr. Berry against.

Mr. Gallagher for, with Mr. Abbitt against.

Mr. Rostenkowski for, with Mr. Nichols against.

Mr. McFall for, with Mr. Cabell against.

Mr. Corman for, with Mr. Blackburn against.

Mr. Dulski for, with Mr. Brown of Ohio against.

Mr. Adams for, with Mr. Leggett against.

Until further notice:

Mr. Kirwan with Mr. Bow.

Mr. Evins of Tennessee with Mr. Lloyd.

Mr. Van Deerlin with Mr. Mailliard.

Mr. Alexander with Mr. Broyhill of North Carolina.

Mr. Harrington with Mr. Teague of California.

Mr. Boland with Mr. Cunningham.

Mr. Fulton of Tennessee with Mr. McCulloch.

Mr. Pepper with Mr. Wyatt.

Mr. Tunney with Mr. Eshleman.

Mr. Landrum with Mr. Stratton.

Mrs. Griffiths with Mr. Dawson.

Messrs. EDWARDS of Louisiana, BELL of California, SPRINGER, BROTZMAN, and STANTON changed their votes from "yea" to "nay."

The result of the vote was announced as above recorded.

The doors were opened.

A motion to reconsider was laid on the table.

DEMOCRATIC STEERING COMMITTEE VERSUS PRESIDENTIAL VETO

(Mr. MADDEN asked and was given permission to address the House for 1 minute, to revise and extend his remarks and to include extraneous material.)

Mr. MADDEN. Mr. Speaker, the Democratic steering committee met this afternoon, and the following resolution was unanimously adopted by the Democratic steering committee.

The resolution is as follows:

Whereas the President has vetoed the Labor-HEW appropriations bill on grounds that it is $1.26 billion above his budget request;

Whereas Congress has acted responsibly in the fight against inflation by reducing the Administration's appropriations budget for Fiscal 1970 by $5.6 billion;

Whereas the President has refused to utilize the new anti-inflationary authority provided by Congress last session;

Whereas adequate funding of programs to meet our nation's pressing education and health needs must be given top priority;

Whereas a majority of Republicans as well as four out of five Democratic Members recognized the priority needs of education and health by voting in support of the increased funds disapproved by the President;

Whereas a reduction in these funds would be especially detrimental to the educational needs of American children, college students, health research and would also necessitate school closings or local property tax increases in many jurisdictions; therefore be it

Resolved, That the Democratic steering committee strongly urges that the veto of the President be overridden.

RAY J. MADDEN,
Chairman, Democratic Steering Committee.

I might add, Mr. Speaker, that this resolution was passed unanimously by the Democratic steering committee.

PERSONAL EXPLANATION

Mr. BEVILL. Mr. Speaker, on November 24, 1969, on rollcall No. 288, on the Gross amendment to delete authorization for study of extending District of Columbia rapid transit to Dulles Airport, I was in my district on official business and missed the vote. Had I been present I would have voted "no."

Also, on this same date, on rollcall No. 289, on passage of the bill to authorize a Federal contribution for the effectuation of a transit development program for the National Capital region, I would have voted "yes."

Also on November 24, on rollcall No. 290, on passage of the bill making appropriations for the District of Columbia, I would have voted "yes."

And further, Mr. Speaker, I was absent on December 20 and December 22 for the purpose of returning to Alabama to attend the funeral of Mrs. Carlton Betenbaugh, wife of my longtime friend and staff member.

On December 20, on rollcall No. 345, on the Conte motion to recommit the conference report on H.R. 15149 with instructions to delete funds for supplying Nationalist China with a squadron of fighter planes, I would have voted "no."

On December 22, on rollcall No. 350, on the adoption of the conference report on the fiscal 1970 Labor-HEW appropriations bill, I would have voted "yes."

DEPARTMENTS OF LABOR, AND HEALTH, EDUCATION, AND WELFARE AND RELATED AGENCIES APPROPRIATIONS, 1970—VETO MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 91-216)

The SPEAKER pro tempore (Mr. ALBERT) laid before the House the following veto message from the President of the United States:

To the House of Representatives:

I return herewith, without my approval, H.R. 13111, an Act, "Making Appropriations for the Departments of Labor, and Health, Education, and Welfare and Related Agencies for the Fiscal Year Ending June 30, 1970, and for Other Purposes."

The issue is not whether some of us are for education and health programs and others against.

There are no goals which I consider more important for this nation than to improve education and to provide better health care for the American people.

XUM

The question is how much can the Federal Government afford to spend on those programs this year?

The enrolled bill is $1.3 billion over my budget request for the Department of Health, Education, and Welfare (HEW).

It is the largest increase over my budget recommendations of any appropriations bill for 1970.

It is the largest excess over a Presidential request ever provided by the Congress for the Department of Health, Education, and Welfare.

I have taken this action for four reasons:

One, these increases are excessive in a period of serious inflationary pressures. We must draw the line and stick to it if we are to stabilize the economy.

Two, nearly nine-tenths of these increases is for *mandatory* programs which leave the Executive Branch no discretion whatever either as to the level or the purpose of the added expenditures. This fact sharply differentiates this appropriation from other inflated measures that I have approved.

Three, the added funds are largely for lower priority programs.

Four, because of the lateness in the fiscal year, increases of this magnitude cannot be used effectively in many cases.

DEFICITS FEED INFLATION

The inflation we have at the start of the Seventies was caused by heavy deficit spending in the Sixties. In the past decade, the Federal Government spent more than it took in—$57 billion more. These deficits caused prices to rise 25% in a decade.

That is why I ordered Federal spending cut this year.

In April 1969, I reduced the 1970 budget proposed by President Johnson by $4 billion. In July, I cut another $3.5 billion. Seventy-five percent of new direct Federal construction projects were deferred.

But Congress increased other spending by three and a half billion dollars.

PRIORITIES HAVE BEEN REASSESSED

Of the $7.5 billion reduction I proposed for 1970, $4.1 billion was in defense spending. We are reducing defense spending to the minimum consistent with our national security. Defense spending went *down* from 1969 to 1970. It will go *down again* in 1971.

HEW spending is rising. Outlays for the Department are presently estimated to increase in fiscal 1970 by $6.1 billion above 1969, a 13% rise. They will increase further in 1971.

For the first time in twenty years, next year's budget will provide more funds for human resources than for defense.

THE FISCAL 1970 BUDGET

For the Congress and the Nation to understand my decision on the HEW appropriations, I must report today on current budget estimates for fiscal year 1970.

There are essentially two kinds of Federal Government spending:

- —*uncontrollables*, which are already committed either because a program is automatic or because contracts were let before the fiscal year began and now payment is due; and
- —*controllables*, where budget decisions can be made to have programs reduced or eliminated to hold spending down.

Although we made deep cuts in "controllables" in 1970, the overruns in "uncontrollables" have fully absorbed these cuts and now *far* exceed them.

The original spending ceiling set by the Congress in July was $191.9 billion, plus $2 billion allowance for designated uncontrollables. Actions taken by the Congress since then, and those now anticipated, would increase the ceiling another $1.8 billion. The result is an automatically revised Congressional ceiling of *$195.7 billion*.

It is the "uncontrollable" outlays—driven upward by the very inflationary forces we were trying to contain—that have frustrated the efforts of both the Executive and the Congress to hold down spending.

Since I submitted my budget estimates in April, interest on the public debt has increased $1.5 billion. Spending for health insurance has increased $.7 billion, in large part because inflation requires us to pay higher hospital and doctor bills for the senior citizens entitled to care.

Taking into account all the changes which we can presently assess, we now estimate 1970 outlays at close to *$198 billion*, more than $2 billion in excess of the ceiling. All of this overrun is attributable to "uncontrollables."

We faced these difficult budgetary facts of life in preparing the 1971 budget which I will send to the Congress on February 2. I will submit a budget for fiscal 1971 which will sharply reduce "spending momentum," evidence of my determination to restore price stability.

THE DECISION ON H.R. 13111

Confronted with these budget overruns in 1970, I reached my decision in December to veto the HEW appropriation unless it was reduced by the Congress, and publicly stated my position.

Over four-fifths of the increase in H.R. 13111 is for education. Even without this large increase in education funds, the Federal Government in 1970 will spend over $10 billion for education—the most in our history. We care deeply about the need to improve our Nation's schools. But we must ask two questions:

First, will the $1.1 billion which the Congress added for education go to those who need it most?

Second, will it increase the quality of American education? This is the appropriate role of the Federal Government in a system in which Federal aid for public schools is 8% of the $40 billion total spent by State and local governments.

My answer is that these congressional increases do not target the scarce resources of the Federal Government in ways I can accept in this period of budget stringency. I must veto H.R. 13111.

Schools have as much at stake as anyone in our efforts to curb inflation. As an official of a major school system recently wrote: "the Cost-of-Education Index makes it abundantly clear that inflation itself is far more damaging than any of the attempts to bring it under control."

Another 6% rise in prices this year would add more than $2¼ billion to the costs of public schools without any improvements in either quality or quantity. Twice as much as the $1.1 billion in increases for education proposed by the Congress will be swept away if we do not hold firm in our resolve to curb inflation.

IMPACTED AREAS AID

Nearly $400 million of the HEW increase would be for grants to schools in federally-impacted areas. In 1968, this program paid $5.8 million to the Nation's richest county (which had a population of 500,000) and a total of $3.2 million to the 100 poorest counties (with a combined population of over 3 million).

For many school districts, these payments exceed the cost to local schools of educating the children of Federal employees. Often, the program enables wealthy districts to exert a lower tax effort than other districts in the same State.

Four successive Presidents have tried to reduce or reorient this program. Yet the Congress in this bill not only perpetuates this unfair program, it adds money to it. It is wrong to sharply increase the impacted school aid program in the face of the need to make long-overdue reforms in this law. The Administration will make recommendations for reform of this program based on a study requested by the Congress. I will submit these recommendations shortly.

EXCESSIVE INCREASES

The Conference Bill would increase the 1970 budget by $575 million for vocational education, equipment and other categorical education grants, and for Title I of the Elementary and Secondary Education Act.

This is a 34% increase over the 1969 appropriations for these programs. In 1970, these increases—some for worthy programs—are just too large. Moreover, they come at a critical time in the development of education policy. The present system of Federal aid to education is much too inflexible; it frustrates planning by local officials and the development of creative new programs. Results—in terms of improved student performance—have fallen far short of our expectations.

That is why in my education message which I will shortly be submitting to the Congress I will propose a new and searching look at our American school system.

We are placing new and strong emphasis on experimentation and evaluation to learn about more effective approaches to education. We have undertaken a thorough review of the Title I program for disadvantaged children to repair its deficiencies. I have proposed consolidation of grant authorizations to give States and localities more flexibility and responsibility for action. I will recommend other actions in the coming weeks.

INEFFICIENT USE OF LIMITED FEDERAL RESOURCES

The Conference Bill provides $100 million in Federal appropriations for college construction grants and capital contributions for National Defense Stu-

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dent Loan funds above my request. For both construction and college student aid, the Congress has already authorized Federal interest subsidies for loans by private lenders. This is a much more efficient method of financing, which takes advantage of the loan placement and collection machinery of private lending institutions, while reserving Federal appropriations for other purposes where loans cannot be used.

FAILURE TO RECOGNIZE PRIORITIES

At the same time that the Congress was adding large amounts to these existing education support programs, it refused to vote the $25 million I requested for innovation in elementary and secondary education. These funds would have been used to develop and test promising approaches for improving student achievement—such as new ways to teach reading and the use of older children to teach younger children.

The refusal to grant these modest research and development funds comes at a time when the Nation is devoting less than one-half of one percent of its total investment in education to research. We do not know enough about how to get more for our education dollars; we must intensify our efforts to find out.

THE PROBLEM OF CONGRESSIONAL DELAY

The lateness of congressional action on the appropriations for HEW creates serious problems.

School budgets are prepared in the early months of a calendar year. Teachers are customarily employed in the Spring and early Summer before academic sessions begin in September. Large, unplanned Federal grants coming only a few months before the close of the year will, if experience is a guide, be used disproportionately to substitute for other school revenues and to make hasty purchases, not essential for school improvement.

The Nation has had bitter experience with the waste of large amounts allocated to education late in the school year. This was particularly true in the first year of funding for Title I. Money to help educate poor children went—not for teachers and well-planned programs—but often for unneeded equipment. A pattern of spending was established that has plagued this program ever since, creating management and operational problems that are still unsolved.

Not only does late funding result in waste when a full year's appropriation is crammed into three or four months, it also creates a spending rate bulge. This is the kind of "on-again, off-again" relationship with States and localities that we are trying to avoid, because it hampers intelligent community planning.

MISDIRECTED HEALTH FUNDS

For HEW in 1970, the Congress also added $104 million above my request to the Hill-Burton appropriation for grants to build and modernize community hospitals. This increase was voted despite the growing awareness that a more pressing need is to fund ambulatory care facilities which offer an alternative to expensive hospital care. This is what was proposed to the Congress last April. While this point is recognized in the report of the Senate Appropriations Committee, the appropriation bill itself allocates most of the increased funds to grants for lower priority purposes rather than for needed out-patient facilities.

For hospital construction, the Administration has recommended legislation authorizing guaranteed loans, which would create a program much more responsive to today's needs. Combined with the reimbursement formulas for construction under Medicare and Medicaid, this approach is efficient and equitable, and avoids having the Federal Government pay twice for hospital beds.

The amounts added by the Congress for health research represent less than one-half of 1% of the total appropriation. Taken separately, I would not have vetoed these increases. On the contrary, when the budget for 1971 is submitted to the Congress it will make a strongly increased commitment for health research, where advances can be made to serve the health needs of the Nation—cancer, heart disease, population research and environmental health.

FORCED SPENDING

Nearly nine-tenths of this congressional increase—about $1.1 billion—is for *mandator* programs. The Executive Branch would have no control over these appropriations once H.R. 13111 was signed into law.

Left without any latitude in these areas, we may be faced with the need to make offsetting and disproportionate reductions in high-priority programs. Because so much of the budget at this time of the year is already committed, the areas remaining where offsetting reductions can be made are limited. To a disturbing degree, they consist of health service programs, scientific research, manpower training, food and nutrition, and other programs that continue to be identified by the Administration and the Congress as vital to the Nation's needs.

OFFICE OF ECONOMIC OPPORTUNITY EARMARKING

One issue remains to be dealt with that has arisen since my decision of last December to veto H.R. 13111. I am very concerned about a provision which was struck from the bill last week. The effect of this action would be to require the Executive to allocate funds for the Office of Economic Opportunity (OEO) according to specific earmarks.

The amount available for OEO programs is *not* at issue. Rather, the issue is the effective use of resources.

To set requirements upon the use of OEO funds with less than 5 months of the fiscal year left will disrupt many of its programs. We will be forced to increase some programs well beyond planned spending levels and to make damaging reductions in others, particularly Head Start, Legal Services, VISTA, JOBS, and programs for migrants and senior citizens.

I ask the Congress to reconsider its action, and restore the flexibility necessary to enable OEO to use its funds to the best advantage of the poor. The Congress will shortly begin its review of my 1971 budget recommendations. This will provide an opportunity for a timely and orderly examination of the objectives of OEO, its performance and program levels.

WHAT NEXT?

I have vetoed this bill because the increases for HEW voted by the Congress are mandatory, and because in the context of present efforts to curb inflation they are misdirected and excessive.

If the veto is sustained, I will immediately seek appropriations which will assure the funds necessary to provide for the needs of the nation in education and health. No school will need to be closed, no child need have his education interrupted or impaired as a result of this veto action.

Another approach to a solution would be for the Congress to remove the requirement in the law that all formula grant funds must be spent, leaving it to the Executive Branch to take the necessary action. (In its actions setting ceilings on obligations and expenditures for fiscal years 1968 and 1969, the Congress provided such flexibility.)

Provision must also be made so that impacted area aid funds are not cut off for hardship-case school districts. Until we come to agreement on a basic reform of this program, I believe we should work out a temporary solution which involves full funding for children whose parents live and work on Federal installations and partial funding for children whose parents do not live on Federal installations. In addition, I favor a specific "No Hardship Clause" which will guarantee that no school district will, as a result of these changes in the impacted school aid program, have a school budget less than 95% of what it had in 1969.

In working together to resolve this appropriations problem, care must be taken to avoid the extreme rhetoric which freezes positions. All Americans are "for schools" and "against inflation." The suggestions which I have made will do much to meet both objectives.

I believe this action is in the long-range interests of better programs for education and health. Above all, it is in the vital interests of all Americans in stopping the rise in the cost of living.

RICHARD NIXON.

THE WHITE HOUSE, *January 26, 1970.*

The **SPEAKER** pro tempore. The objections of the President will be spread at large upon the Journal, and the message and bill will be printed as a House document.

The question is: Will the House, on reconsideration, pass the bill H.R. 13111, the objections of the President to the contrary notwithstanding?

The **SPEAKER**. The Chair recognizes the gentleman from Texas (Mr. MAHON).

MOTION OFFERED BY MR. MAHON

Mr. **MAHON**. Mr. Speaker, I move that further consideration of the veto message from the President be postponed until tomorrow.

The **SPEAKER** pro tempore. The gentleman from Texas (Mr. MAHON) is recognized on his motion.

Mr. **MAHON**. Mr. Speaker, I have made this motion to postpone after consultation with the leadership of both sides of the aisle.

This is a matter of great importance to the country and to all Members. Deferral

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of action on the veto message until tomorrow will give Members the opportunity to study closely the veto message of the President.

Mr. GERALD R. FORD. Mr. Speaker, will the gentleman yield?

Mr. MAHON. I yield to the gentleman from Michigan.

Mr. GERALD R. FORD. Speaking for our side of the aisle, the gentleman is accurate. We are in full concurrence with the motion made by the gentleman from Texas.

I should like to ask this: Is our understanding correct that this will be the first order of business tomorrow?

Mr. MAHON. That is my understanding.

The SPEAKER pro tempore. The Chair will state, this is highly privileged business and it will be the first order of legislative business tomorrow.

Mr. MAHON. Mr. Speaker, I assume that on tomorrow there will be 1 hour of discussion on the veto message.

Mr. GERALD R. FORD. And is it the intention of the distinguished gentleman to, as nearly equitably as possible, divide the time?

Mr. MAHON. An effort will be made to be fair with all Members in the division of time.

Mr. GERALD R. FORD. I thank the gentleman.

Mr. MAHON. Mr. Speaker, I move the previous question on the motion.

The previous question was ordered.

The motion was agreed to.

A motion to reconsider was laid on the table.

FEDERAL GRAND JURY TO RECEIVE EVIDENCE OF ALLEGED POSTAL FRAUD INVOLVING PUBLISHERS OF LOOK

(Mr. ROONEY of Pennsylvania asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. ROONEY of Pennsylvania. Mr. Speaker, I am pleased to call the attention of my colleagues to a grand jury investigation scheduled to begin in Des Moines, Iowa, on February 17, 1970. On that date, the U.S. postal inspection service, in concert with the Justice Department's Criminal Division, will begin to present evidence and testimony relating to allegations of postal fraud involving magazine subscription sales agencies wholly owned by Cowles Communications, Inc., publishers of Look magazine.

The grand jury will examine sales practices of five subscription agencies, all owned by Cowles, whose selling practices I have criticized throughout the past year. At issue in the investigation are hundreds of millions of dollars worth of magazine subscription contracts sold by the five Cowles subsidiaries over a period of years.

I expect that the grand jury will be asked to return indictments of key corporate officials on criminal charges of postal fraud. I am pleased that a substantial portion of the information which will be presented to this grand jury has derived from an investigation carried out in my congressional office within the past 12 months.

This postal fraud investigation is part of a two-prong Federal crackdown on unscrupulous practices in magazine subscription sales. Never, until now, has the industry been subjected to such an in-depth examination of its modus operandi. This type of investigation was long overdue and I am pleased that my own inquiry could provide the spark that set the fire.

Many examples of consumer trickery which exist today in magazine selling have been industry hallmarks for more than 30 years. Millions of American consumers have been victimized, often without ever discovering that they were.

Deception and fraud have become so commonplace in magazine selling that many industry personnel have begun to question whether magazine selling in some of its forms can survive. I am concerned in only one respect—if the industry is to survive, honesty must replace trickery as the magazine sales industry's hallmark.

Mr. Speaker, I wish to include in the RECORD a letter from Chief Postal Inspector W. J. Cotter relating to this matter. Because certain statements require confidential treatment, I have deleted one sentence and part of another.

The letter follows:

POST OFFICE DEPARTMENT,
Washington, D.C., December 8, 1969.

Hon. FRED B. ROONEY,
House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN ROONEY: Thank you for your letter of November 26, 1969, concerning our investigation of Cowles Communications, Inc., Des Moines, Iowa (our file 242-82003-F).

I want you to know that I appreciate very much your interest and cooperation in this investigation and the assistance rendered Postal Inspector G. L. Ludtke. He has told me of the valuable information made available by your staff. I appreciate also your generous remarks regarding the Inspector's attention to this very complex and involved investigation.

As you are no doubt aware, Inspector Ludtke visited Headquarters this week and briefed us on his investigation to date, preparatory to interviews with certain magazine dealers to be conducted in your office. During his visit, arrangements were also made for a conference with officials in the Criminal Division, Department of Justice, so that all phases of the investigative and prosecutive processes might be coordinated.

Inspector Ludtke has had this matter under investigation for some time and made an initial formal presentation of the facts and evidence to the U.S. Attorney at Des Moines on May 20, 1969. Additional reports have subsequently been furnished, based on further evidence developed during the investigation.

As you suggest, we have no control over the scheduling of Grand Jury hearings or other steps in prosecutive proceedings, this being a prerogative of the U.S. Attorney. However, because of . . . the extensive testimony that may well be required, Grand Jury presentation will prove a formidable and time-consuming task.

These and other factors were discussed in our conference at the Department of Justice and we have been assured that all possible assistance will be rendered Mr. Donelson.

Sincerely,

W. J. COTTER,
Chief Postal Inspector.

AMENDMENT OF SHIPPING ACT AND INTERCOASTAL SHIPPING ACT TO CONVERT CRIMINAL PENALTIES TO CIVIL PENALTIES

(Mr. GARMATZ asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. GARMATZ. Mr. Speaker, at the request of the Chairman of the Federal Maritime Commission, I have today introduced a bill "to amend the Shipping Act, 1916, and the Intercoastal Shipping Act, 1933, to convert criminal penalties to civil penalties in certain instances, and for other purposes." For the information of the Members of the House, I insert at this point in the RECORD a statement of purposes and need for this bill as submitted by the Commission Chairman:

STATEMENT OF PURPOSES AND NEED FOR THE BILL TO AMEND THE SHIPPING ACT, 1916, AND THE INTERCOASTAL SHIPPING ACT, 1933, TO CHANGE CERTAIN CRIMINAL PENALTIES TO CIVIL PENALTIES, AND AUTHORIZE THE COMMISSION TO ASSESS CIVIL PENALTIES

The bill would change the penalties of section 16 (except for paragraphs First and Third) of the Act from criminal penalties to civil penalties, with the money amounts of the penalties to remain unchanged. It also changes the general penalty provision of section 32 of the Act by making all violations of sections under the jurisdiction of the Federal Maritime Commission, for which no penalty is specifically provided, civil instead of criminal. Authority would be vested in the Commission to fix the amount of civil penalties for violations of sections subject to its jurisdiction. Penalties assessed by the Commission would be remitted or mitigated by it under appropriate circumstances pursuant to the Federal Claims Collection Act of 1966, 31 U.S.C. 951–953, and regulations promulgated thereunder. Since the bill would authorize the Commission to assess civil penalties, sections 15 and 18(b)(6) would be amended to eliminate the words "to be recovered by the United States in a civil action."

As the Act now stands, civil penalties are imposed for violations of section 15, which requires the filing for approval of agreements restricting competition, and of section 18(b), which requires the filing of tariffs. However, the penalties of section 14, which prohibits deferred rebates and other unfair practices, and section 16, which prohibits false billing and undue preferences, are criminal.

The Commission believes that better administration of the Act will be derived from making certain of the penalties under section 16 and penalties under section 32 civil and empowering the Commission to determine and adjudge such penalties. The Commission determinations under these sections are subject to judicial review in a United States Court of Appeals under the Review Act of 1950 (28 U.S.C. 2341 *et seq.*). This would eliminate the necessity of a *de novo* district court penalty suit as is presently required and would enable the Commission to relate the amount of the penalty directly to the nature and circumstances of the violation. Such a procedure should, in many instances, reduce the total litigation expenses to both the government and private parties while at the same time retaining the safeguards of justice through the reviewability of Commission decisions in U.S. Courts of Appeals.

Section 2 of the bill would give the Commission authority to assess the civil penalties presently provided for violations of the Intercoastal Shipping Act, 1933.

TECHNOLOGY AND POPULATION CONTROL

(Mr. FOLEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. FOLEY. Mr. Speaker, the problem of insuring that the basic necessities of life—including a healthy environment—will be adequate to meet the needs of the population of the world in the years ahead is one of the central issues of our time. It is particularly crucial that we not be misled by proposed technological panaceas from confronting the environmental challenge while there is still time for an effective response.

The December 1969 issue of BioScience carried an exceptionally perceptive article on this subject by Paul R. Ehrlich and John P. Holdren, both scientists at Stanford University. Titled "Population and Panaceas: A Technological Perspective," this study argues convincingly that technological advancements will not be able to provide an adequate supply of food and water for the people of the world in view of current rates of population growth.

The authors conclude that we must place greater emphasis upon programs of population control now, if we are to avoid disastrous shortages in human needs within a few decades.

The article follows:

POPULATION AND PANACEAS: A TECHNOLOGICAL PERSPECTIVE

(By Paul R. Ehrlich and John P. Holdren*)

Today more than one billion human beings are either undernourished or malnourished and the human population is growing at a rate of 2% per year. The existing and impending crises in human nutrition and living conditions are well-documented but not widely understood. In particular, there is a tendency among the public, nurtured on Sunday-supplement conceptions of technology, to believe that science has the situation well in hand—that farming the sea and the tropics, irrigating the deserts, and generating cheap nuclear power in abundance hold the key to swift and certain solution of the problem. To espouse this belief is to misjudge the present severity of the situation, the disparate time scales on which technological progress and population growth operate, and the vast complexity of the problems beyond mere food production posed by population pressures. Unfortunately, scientists and engineers have themselves often added to the confusion by failing to distinguish between that which is merely theoretically feasible, and that which is economically and logistically practical.

As we will show here, man's present technology is inadequate to the task of maintaining the world's burgeoning billions, even under the most optimistic assumptions. Furthermore, technology is likely to remain inadequate until such time as the population growth rate is drastically reduced. This is not to assert that present efforts to "revolutionize" tropical agriculture, increased yields of fisheries, desalt water for irrigation, exploit new power sources, and implement related projects are not worthwhile. They may be. They could also easily produce the ultimate disaster for mankind if they are not applied with careful attention to their effects on the ecological systems necessary for our survival (Woodwell, 1967; Cole, 1968). And even if such projects are initiated with unprecedented levels of staffing and expenditures, without population control they are doomed to fall far short. No effort to expand the carrying capacity of the Earth can keep pace with unbridled population growth.

To support these contentions, we summarize briefly the present lopsided balance sheet in the population/food accounting. We then examine the logistics, economics, and possible consequences of some technological schemes which have been proposed to help restore the balance, or, more ambitiously, to permit the maintenance of human populations much larger than today's. The most pertinent aspects of the balance are:

(1) The world population reached 3.5 billion in mid-1968, with an annual increment of approximately 70 millilon people (itself increasing) and a doubling time on the order of 35 years (Population Reference Bureau, 1968).

(2) Of this number of people, at least one-half billion are undernourished (deficient in calories or, more succinctly, slowly starving), and approximately an additional billion are malnourished (deficient in particular nutrients, mostly protein) (Borgstrom, 1965; Sukhatme, 1966). Estimates of the number actually perishing annually from starvation begin at 4 million and go up (Ehrlich, 1968) and depend in part on official definitions of starvation which conceal the true magnitude of hunger's contribution to the death rate (Lelyveld, 1968).

(3) Merely to maintain present inadequate nutrition levels, the food requirements of Asia, Africa, and Latin America will, conservatively, increase by 26% in the 10-year period measured from 1965 to 1975 (Paddock and Paddock, 1967). World food production must double in the period if 1965–2000 to stay even; it must triple if nutrition is to be brought up to minimum requirements.

FOOD PRODUCTION

That there is insufficient additional, good quality agricultural land available in the world to meet these needs is so well documented (Borgstrom, 1965) that we will not belabor the point here. What hope there is must rest with increasing yields on land presently cultivated, bringing marginal land into production, more efficiently exploiting the sea, and bringing less conventional methods of food production to fruition. In all these areas, science and technology play a dominant role. While space does not permit even a cursory look at all the proposals on these topics which have been advanced in recent years, a few representative examples illustrate our points.

Conventional Agriculture. Probably the most widely recommended means of increasing agricultural yields is through the more intensive use of fertilizers. Their production is a straightforward, and a good deal is known about their effective application, although, as with many technologies we consider here, the environmental consequences of heavy fertilizer use are ill understood and potentially dangerous[1] (Wadleigh, 1968). But even ignoring such problems, we find staggering difficulties barring the implementation of fertilizer technology on the scale required. In this regard the accomplishments of countries such as Japan and the Netherlands are often cited as offering hope to the underdeveolped world. Some perspective on this point is afforded by noting that if India were to apply fertilizer at the per capita level employed by the Netherlands, her fertilizer needs would be nearly half the present world output (United Nations, 1968).

On a more realistic plane, we note that although the goal for nitrogen fertilizer production in 1971 under India's fourth 5-year plan is 2.4 million metric tons (Anonymous, 1968a), Raymond Ewell (who has served as fertilizer production adviser to the Indian government for the past 12 years) suggests that less than 1.1 million metric tons is a more probable figure for that date.[2] Ewell cites poor plant maintenance, raw materials shortages, and power and transportation breakdowns as contributing to continued low production by existing Indian plants. Moreover, even when fertilizer is available, increases in productivity do not necessarily follow. In parts of the underdeveloped world lack of farm credit is limiting fertilizer distribution; elsewhere, internal transportation systems are inadequate to the task. Nor can the problem of educating farmers on the advantages and techniques of fertilizer use be ignored. A recent study (Parikh et al., 1968) of the Intensive Agriculture District Program in the Surat district of Gujarat, India (in which scientific fertilizer use was to have been a major ingredient) notes that "on the whole, the performance of adjoining districts which have similar climate but did not enjoy relative preference of input supply was as good as, if not better than, the programme district. . . . A particularly disheartening feature is that the farm production plans, as yet, do not carry any educative value and have largely failed to convince farmers to use improved practices in their proper combinations."

As a second example of a panacea in the realm of conventional agriculture, mention must be given to the development of new high-yield or high-protein strains of food crops. That such strains have the potential of making a major contribution to the food supply of the world is beyond doubt, but this potential is limited in contrast to the potential for population growth, and will be realized too slowly to have anything but a small impact on the immediate crisis. There are major difficulties impeding the widespread use of new high-yield grain varieties. Typically, the new grains require high fertilizer inputs to realize their full potential, and thus are subject to all the difficulties mentioned above. Some other problems were identified in a recent address by Lester R. Brown, administrator of th International Agricultural Development Service: the limited amount of irrigated land suitable for the new varieties, the fact that a farmer's willingness to innovate fluctuates with the market prices (which may be driven down by high-yield crops), and the possibility of tieups at market facilities inadequate for handling increased yields.[3]

Perhaps even more important, the new grain varieties are being rushed into production without adequate field testing, so that we are unsure of how resistant they will be to the attacks of insects and plant diseases. William Paddock has presented a plant pathologist's view of the crash programs to shift to new varieties (Paddock, 1967). He describes India's dramatic program of planting improved Mexican wheat, and continues: "Such a rapid switch to a new variety is clearly understandable in a country that tottered on the brink of famine. Yet with such limited testing, one wonders what unknown pathogens await a climate change which will give the environmental conditions needed for their growth." Introduction of the new varieties creates enlarged monocultures of plants with essentially unknown levels of resistance to disaster. Clearly, one of the prices that is paid for higher yield is a higher risk of widespread catastrophe. And the risks are far from local: since the new varieties require more "input" of pesticides (with all their deleterious ecological side effects), these crops may ultimately contribute to the defeat of other environment-related panaceas, such as extracting larger amounts of food from the sea.

A final problem must be mentioned in connection with these strains of food crops. In general, the hungriest people in the world are also those with the most conservative food habits. Even rather minor changes, such as that from a rice variety in which the cooked grains stick together to one in which the grains fall apart, may make new foods unacceptable. It seems to be an unhappy

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Footnotes at end of article.

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fact of human existence that people would rather starve than eat a nutritious substance which they do not recognize as food.[4]

Beyond the economic, ecological, and sociological problems already mentioned in connection with high-yield agriculture, there is the overall problem of time. We need time to breed the desired characteristics of yield and hardiness into a vast array of new strains (a tedious process indeed), time to convince farmers that it is necessary that they change their time-honored ways of cultivation, and time to convince hungry people to change the staples of their diet. The Paddocks give 20 years as the "rule of thumb" for a new technique or plant variety to progress from conception to substantial impact on farming (Paddock and Paddock, 1967). They write: "It is true that a *massive* research attack on the problem could bring some striking results in less than 20 years. But I do not find such an attack remotely contemplated in the thinking of those officials capable of initiating it." Promising as high-yield agriculture may be, the funds, the personnel, the ecological expertise, and the necessary years are unfortunately not at our disposal. Fulfillment of the promise will come too late for many of the world's starving millions, if it comes at all.

Bringing More Land Under Cultivation. The most frequently mentioned means of bringing new land into agricultural production are farming the tropics and irrigating arid and semiarid regions. The former, although widely discussed in optimistic terms, has been tried for years with incredibly poor results, and even recent experiments have not been encouraging. One essential difficulty is the unsuitability of tropical soils for supporting typical foodstuffs instead of jungles (McNeil, 1964; Paddock and Paddock, 1964). Also, "the tropics" are a biologically more diverse area than the temperate zones, so that farming technology developed for one area will all too often prove useless in others. We shall see that irrigating the deserts, while more promising, has serious limitations in terms of scale, cost, and lead time.

The feasible approaches to irrigation of arid lands appear to be limited to large-scale water projects involving dams and transport in canals, and desalination of ocean and brackish water. Supplies of usable ground water are already badly depleted in most areas where they are accessible, and natural recharge is low enough in most arid regions that such supplies do not offer a long-term solution in any case. Some recent statistics will give perspective to the discussion of water projects and desalting which follows. In 1966, the United States was using about 300 billion gal of water per day, of which 135 billion gal were consumed by agriculture and 165 billion gal by municipal and industrial users (Sporn, 1966). The bulk of the agricultural water cost the farmer from 5 to 10 cents/1000 gal; the highest price paid for agricultural water was 15 cents/1000 gal. For small industrial and municipal supplies, prices as high as 50 to 70 cents/1000 gal were prevalent in the U.S. arid regions, and some communities in the Southwest were paying on the order of $1.00/1000 gal for "project" water. The extremely high cost of the latter stems largely from transportation costs, which have been estimated at 5 to 15 cents/1000 gal per 100 miles (International Atomic Energy Agency, 1964).

We now examine briefly the implications of such numbers in considering the irrigation of the deserts. The most ambitious water project yet conceived in this country is the North American Water and Power Alliance, which proposes to distribute water from the great rivers of Canada to thirsty locations all over the United States. Formidable political problems aside (some based on the certainty that in the face of expanding populations, demands for water will eventually arise at the source), this project would involve the expenditure of $100 billion in construction costs over a 20-year completion period. At the end of this time, the yield to the United States would be 69 million acre feet of water annually (Kelly, 1966), or 63 billion gal per day. If past experience with massive water projects is any guide, these figures are overoptimistic; but if we assume they are not, it is instructive to note that this monumental undertaking would provide for an increase of only 21% in the water consumption of the United States, during a period in which the population is expected to increase by between 25 and 43% (U.S. Dept. of Commerce, 1966). To assess the possible contribution to the *world* food situation, we assume that all this water could be devoted to agriculture, although extrapolation of present consumption patterns indicates that only about one-half would be. Then using the rather optimistic figure of 500 gal per day to grow the food to feed one person, we find that this project could feed 126 million additional people. Since this is less than 8% of the projected world population growth during the construction period (say 1970 to 1990), it should be clear that even the most massive water projects can make but a token contribution to the solution of the world food problem in the long term. And in the crucial short term—the years preceding 1980—*no* additional people will be fed by projects still on the drawing board today.

In summary, the cost is staggering, the scale insufficient, and the lead time too long. Nor need we resort to such speculation about the future for proof of the failure of technological "solutions" in the absence of population control. The highly touted and very expensive Aswan Dam project now nearing completion, will ultimately supply food (at the present miserable diet level) for less than Egypt's population growth during the time of construction (Borgstrom, 1965; Cole, 1968). Furthermore, its effect on the fertility of the Nile Delta may be disastrous, and, as with all water projects of this nature, silting of the reservoir will destroy the gains in the long term (perhaps in 100 years).

Desalting for irrigation suffers somewhat similar limitations. The desalting plants operational in the world today produce water at individual rates of 7.5 million gal/day and less, at a cost of 75 cents/1000 gal and up, the cost increasing as the plant size decreases (Bender, 1969). The most optimistic firm proposal which anyone seems to have made for desalting with present or soon-to-be available technology is a 150 million gal per day nuclear-powered installation studied by the Bechtel Corp. for the Los Angeles Metropolitan Water District. Bechtel's early figures indicated that water from this complex would be available at the site for 27-28 cents/1000 gal (Galstann and Currier, 1967). However, skepticism regarding the economic assumptions leading to these figures (Milliman, 1966) has since proven justified—the project was shelved after spiralling construction cost estimates indicated an actual water cost of 40–50 cents/1000 gal. Use of even the original figures, however, bears out our contention that the *most* optimistic assumptions do not alter the verdict that technology is losing the food/population battle. For 28 cents/1000 gal is still approximately twice the cost which farmers have hitherto been willing or able to pay for irrigation water. If the Bechtel plant had been intended to supply agricultural needs, which it was not, one would have had to add to an already unacceptable price the very substantial cost of transporting the water inland.

Significantly, studies have shown that the economies of scale in the distillation process are essentially exhausted by a 150 million gal per day plant (International Atomic Energy Agency, 1964). Hence, merely increasing desalting capacity further will not substantially lower the cost of the water. On purely economic grounds, then, it is unlikely that desalting will play a major role in food production by conventional agriculture in the short term.[5] Technological "break-throughs" will presumably improve this outlook with the passage of time, but world population growth will not wait.

Desalting becomes more promising if the high cost of the water can be offset by increased agricultural yields per gallon and, perhaps, use of a single nuclear installation to provide power for both the desalting and profitable on-site industrial processes. This prospect has been investigated in a thorough and well-documented study headed by E. S. Mason (Oak Ridge National Laboratory, 1968). The result is a set of preliminary figures and recommendations regarding nuclear powered "agro-industrial complexes" for arid and semiarid regions, in which desalted water and fertilizer would be produced for use on an adjacent, highly efficient farm. In underdeveloped countries incapable of using the full excess power output of the reactor, this energy would be consumed in on-site production of industrial materials for sale on the world market. Both near-term (10 years hence) and far-term (20 years hence) technologies are considered, as are various mixes of farm and industrial products. The representative near-term case for which a detailed cost breakdown is given involves a seaside facility with a desalting capacity of 1 billion gal/day, a farm size of 320,000 acres, and an industrial electric power consumption of 1585 Mw. The initial investment for this complex is estimated at $1.8 billion, and annual operating costs at $236 million. If both the food and the industrial materials produced were sold (as opposed to giving the food, at least, to those in need who could not pay),[6] estimated profit for such a complex, before subtracting financing costs, would be 14.6%.

The authors of the study are commendably cautious in outlining the assumptions and uncertainties upon which these figures rest. The key assumption is that 200 gal/day of water will grow the 2500 calories required to feed one person. Water/calorie ratios of this order or less have been achieved by the top 20% of farmers specializing in such crops as wheat, potatoes, and tomatoes; but more water is required for needed protein-rich crops such as peanuts and soybeans. The authors identify the uncertainty that crops usually raised separately can be grown together in tight rotation on the same piece of land. Problems of water storage between periods of peak irrigation demand, optimal patterns of crop rotation, and seasonal acreage variations are also mentioned. These "ifs" and assumptions, and those associated with the other technologies involved, are unfortunately often omitted when the results of such painstaking studies are summarized for more popular consumption (Anonymous, 1968b, 1968c). The result is the perpetuation of the public's tendency to confuse feasible and available, to see panaceas where scientists in the field concerned see only potential, realizable with massive infusions of time and money.

It is instructive, nevertheless, to examine the impact on the world food problem which the Oak Ridge complexes might have if construction were to begin today, and if all the assumptions about technology 10 years hence were valid *now*. At the industrial-agricultural mix pertinent to the sample case described above, the food produced would be adequate for just under 3 million people. This means that 23 such plants per year, at a cost of $41 billion, would have to be put in operation merely to keep pace with world population growth, to say nothing of improving the substandard diets of between one and two billion members of the present population. (Fertilizer production beyond that required for the on-site farm is of course a contribution in the latter regard, but the substantial additional costs of transporting

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it to where it is needed must then be accounted for.) Since approximately 5 years from the start of construction would be required to put such a complex into operation, we should commence work on at least 125 units post-haste, and begin at least 25 per year thereafter. If the technology *were* available now, the investment in construction over the next 5 years, prior to operation of the first plants, would be $315 billion—about 20 times the total U.S. foreign aid expenditure during the past 5 years. By the time the technology *is* available the bill will be much higher, if famine has not "solved" the problem for us.

This example again illustrates that scale, time, and cost are all working against technology in the short term. And if population growth is not decelerated, the increasing severity of population-related crises will surely neutralize the technological improvements of the middle and long terms.

Other Food Panaceas. "Food from the sea" is the most prevalent "answer" to the world food shortage in the view of the general public. This is not surprising, since estimates of the theoretical fisheries productivity of the sea run up to some 50–100 times current yields (Schmitt, 1965; Christy and Scott, 1965). Many practical and economic difficulties, however, make it clear that such a figure will never be reached, and that it will not even be approached in the foreseeable future. In 1966, the annual fisheries harvest was some 57 million metric tons (United Nations, 1968). A careful analysis (Meseck, 1961) indicates that this might be increased to a world production of 70 million metric tons by 1980. If this gain were realized, it would represent (assuming no violent change in population growth patterns) a small per capita *loss* in fisheries yield.

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Both the short- and long-term outlooks for taking food from the sea are clouded by the problems of overexploitation, pollution (which is generally ignored by those calculating potential yields), and economics. Solving these problems will require more than technological legerdemain; it will also require unprecedented changes in human behavior, especially in the area of international cooperation. The unlikelihood that such cooperation will come about is reflected in the recent news (Anonymous, 1968d) that Norway has dropped out of the whaling industry because overfishing has depleted the stock below the level at which it may economically be harvested. In that industry, international controls were tried—and failed. The sea is, unfortunately, a "commons" (Hardin, 1968), and the resultant management problems exacerbate the biological and technical problems of greatly increasing our "take." One suspects that the return per dollar poured into the sea will be much less than the corresponding return from the land for many years, and the return from the land has already been found wanting.

Synthetic foods, protein culture with petroleum, saline agriculture, and weather modification all may hold promise for the future, but all are at present expensive and available only on an extremely limited scale. The research to improve this situation will also be expensive, and, of course, time-consuming. In the absence of funding, it will not occur at all, a fact which occasionally eludes the public and the Congress.

DOMESTIC AND INDUSTRIAL WATER SUPPLIES

The world has water problems, even exclusive of the situation in agriculture. Although total precipitation should in theory be adequate in quantity for several further doublings of population, serious shortages arising from problems of quality, irregularity, and distribution already plague much of the world. Underdeveloped countries will find the water needs of industrialization staggering: 240,000 gal of water are required to produce a ton of newsprint; 650,000 gal, to produce a ton of steel (International Atomic Energy Agency, 1964). Since maximum acceptable water costs for domestic and industrial use are higher than for agriculture, those who can afford it are or soon will be using desalination (40–100+cents/1000 gal) and used-water renovation (54–57 cents/1000 gal [Ennis, 1967]). Those who cannot afford it are faced with allocating existing supplies between industry and agriculture, and as we have seen, they must choose the latter. In this circumstance, the standard of living remains pitifully low. Technology's only present answer is massive externally-financed complexes of the sort considered above, and we have already suggested there the improbability that we are prepared to pay the bill rung up by present population growth.

The widespread use of desalted water by those who *can* afford it brings up another problem only rarely mentioned to date, the disposal of the salts. The product of the distillation processes in present use is a hot brine with salt concentration several times that of seawater. Both the temperature and the salinity of this effluent will prove fatal to local marine life if it is simply exhausted to the ocean. The most optimistic statement we have seen on this problem is that *"smaller plants* (our emphasis) at seaside locations may return the concentrated brine to the ocean if proper attention is paid to the design of the outfall, and to the effect on the local marine ecology." (McIlhenny, 1966) The same writer identifies the major economic uncertainties connected with extracting the salts for sale (to do so is straightforward, but often not profitable). Nor can one simply evaporate the brine and leave the residue in a pile—the 150 million gal/day plant mentioned above would produce brine bearing 90 million lb. of salts daily (based on figures by Parker, 1966). This amount of salt would cover over 15 acres to a depth of one foot. Thus, every year a plant of the billion gallon per day, agro-industrial complex size would produce a pile of salt over 52 ft deep and covering a square mile. The high winds typical of coastal deserts would seriously aggravate the associated soil contamination problem.

ENERGY

Man's problems with energy supply are more subtle than those with food and water: we are not yet running out of energy, but we are being forced to use it faster than is probably healthy. The rapacious depletion of our fossil fuels is already forcing us to consider more expensive mining techniques to gain access to lower-grade deposits, such as the oil shales, and even the status of our high-grade uranium ore reserves is not clear-cut (Anonymous, 1968e).

A widely held misconception in this connection is that nuclear power is "dirt cheap," and as such represents a panacea for developed and underdeveloped nations alike. To the contrary, the largest nuclear-generating stations now in operation are just competitive with or marginally superior to modern coal-fired plants of comparable size (where coal is not scarce); at best, both produce power for on the order of 4-5 mills (tenths of a cent) per kilowatt-hour. Smaller nuclear units remain less economical than their fossil-fueled counterparts. Underdeveloped countries can rarely use the power of the larger plants. Simply speaking, there are not enough industries, appliances, and light bulbs to absorb the output, and the cost of industrialization and modernization exceeds the cost of the power required to sustain it by orders of magnitude, regardless of the source of the power. (For example, one study noted that the capital requirement to consume the output of a 70,000 kilowatt plant—about $1.2 million worth of electricity per year at 40% utilization and 5 mills/kwh—is $111 million per year if the power is consumed by metals industries, $270 million per year for petroleum product industries [E. A. Mason, 1957].) Hence, at least at present, only those underdeveloped countries which are short of fossil fuels or inexpensive means to transport them are in particular need of nuclear power.

Prospects for major reductions in the cost of nuclear power in the future hinge on the long-awaited breeder reactor and the still further distant thermonuclear reactor. In neither case is the time scale or the ultimate cost of energy a matter of any certainty. The breeder reactor, which converts more nonfissile uranium (^{238}U) or torium to fissionable material than it consumes as fuel for itself, effectively extends our nuclear fuel supply by a factor of approximately 400 (Cloud, 1968). It is not expected to become competitive economically with conventional reactors until the 1980's (Bump, 1967). Reductions in the unit energy cost beyond this date are not guaranteed, due both to the probable continued high capital cost of breeder reactors and to increasing costs for the ore which the breeders will convert to fuel. In the latter regard, we mention that although crushing granite for its few parts per million of uranium and thorium is possible in theory, the problem and cost of doing so are far from resolved.[7] It is too soon to predict the costs associated with a fusion reactor (few who work in the field will predict whether such a device will work at all within the next 15–20 years). One guess puts the unit energy cost at something over half that for a coal or fission power station of comparable size (Mills, 1967), but this is pure speculation. Quite possibly the major benefit of controlled fusion will again be to extend the energy supply rather than to cheapen it.

A second misconception about nuclear power is that it can reduce our dependence on fossil fuels to zero as soon as that becomes necessary or desirable. In fact, nuclear power plants contribute only to the electrical portion of the energy budget; and in 1960 in the United States, for example, electrical energy comprised only 19% of the total energy consumed (Sporn, 1963). The degree to which nuclear fuels can postpone the exhaustion of our coal and oil depends on the extent to which that 19% is enlarged. The task is far from a trivial one, and will involve transitions to electric or fuel-cell powered transportation, electric heating, and electrically powered industries. It will be extremely expensive.

Nuclear energy, then, is a panacea neither for us nor for the underdeveloped world. It relieves, but does not remove, the pressure on fossil fuel supplies; it provides reasonably-priced power where these fuels are not abundant; it has substantial (but expensive) potential in intelligent applications such as that suggested in the Oak Ridge study discussed above; and it shares the propensity of fast-growing technology to unpleasant side effects (Novick, 1969). We mention in the last connection that, while nuclear power stations do not produce conventional air pollutants, their radioactive waste problems may in the long run prove a poor trade. Although the AEC seems to have made a good case for solidification and storage in salt mines of the bulk of the radioactive fission products (Blanko et al., 1967), a number of radioactive isotopes are released to the air, and in some areas such isotopes have already turned up in potentially harmful concentrations (Curtis and Hogan, 1969). Projected order of magnitude increases in nuclear power generation will seriously aggravate this situation. Although it has frequently been stated that the eventual advent of fusion reactors will free us from such difficulties, at least one authority, F. L. Parker, takes a more cautious view. He contends that losses of radioactive tritium from fusion power plants may prove even more hazard-

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ous than the analogous problems of fission reactors (Parker, 1968).

A more easily evaluated problem is the tremendous quantity of waste heat generated at nuclear installations (to say nothing of the usable power output, which, as with power from whatever source, must also ultimately be dissipated as heat). Both have potentially disastrous effects on the local and world ecological and climatological balance. There is no simple solution to this problem, for, in general, "cooling" only moves heat; it does not *remove* it from the environment viewed as a whole. Moreover, the Second Law of Thermodynamics puts a ceiling on the efficiency with which we can do even this much, i.e., concentrate and transport heat. In effect, the Second Law condemns us to aggravate the total problem by generating still *more* heat in any machinery we devise for local cooling (consider, for example, refrigerators and air conditioners).

The only heat which actually leaves the whole system, the Earth, is that which can be radiated back into space. This amount steadily is being diminished as combustion of hydrocarbon fuels increases the atmospheric percentage of CO_2 which has strong absorption bands in the infrared spectrum of the outbound heat energy. (Hubbert, 1962, puts the increase in the CO_2 content of the atmosphere at 10% since 1900.) There is, of course, a competing effect in the Earth's energy balance, which is the increased reflectivity of the upper atmosphere to incoming sunlight due to other forms of air pollution. It has been estimated, ignoring both these effects, that man risks drastic (and perhaps catastrophic) climatological change if the amount of heat he dissipates in the environment on a global scale reaches 1% of the incident solar energy at the Earth's surface (Rose and Clark, 1961). At the present 5% rate of increase in world energy consumption,[8] this level will be reached in less than a century, and in the immediate future the direct contribution of man's power consumption will create serious local problems. If we may safely rule out circumvention of the Second Law or the divorce of energy requirements from population size, this suggests that, whatever science and the technology may accomplish, population growth must be stopped.

TRANSPORTATION

We would be remiss in our offer of a technological perspective on population problems without some mention of the difficulties associated with transporting large quantities of food, material, or people across the face of the Earth. While our grain exports have not begun to satisfy the hunger of the underdeveloped world, they already have taxed our ability to transport food in bulk over large distances. The total amount of goods of *all* kinds loaded at U.S. ports for external trade was 158 million metric tons in 1965 (United Nations, 1968). This is coincidentally the approximate amount of grain which would have been required to make up the dietary shortages of the underdeveloped world in the same year (Sukhatme, 1966). Thus, if the United States *had* such an amount of grain to ship, it could be handled only by displacing the entirety of our export trade. In a similar vein, the gross weight of the fertilizer, in excess of present consumption, required in the underdeveloped world to feed the additional population there in 1980 will amount to approximately the same figure—150 million metric tons (Sukhatme, 1966). Assuming that a substantial fraction of this fertilizer, should it be available at all, will have to be shipped about, we had best start building freighters! These problems, and the even more discouraging one of internal transportation in the hungry countries, coupled with the complexities of international finance and marketing which have hobbled even present aid programs, complete a dismal picture of the prospects for "external" solutions to ballooning food requirements in much of the world.

Those who envision migration as a solution to problems of food, land, and water distribution not only ignore the fact that the world has no promising place to put more people, they simply have not looked at the numbers of the transportation game. Neglecting the fact that migration and relocation costs would probably amount to a minimum of several thousand dollars per person, we find, for example, that the entire long-range jet transport fleet of the United States (about 600 planes [Molloy, 1968] with an average capacity of 150), averaging two round trips per week, could transport only about 9 million people per year from India to the United States. This amounts to about 75% of that country's annual population *growth* (Population Reference Bureau, 1968). Ocean liners and transports, while larger, are less numerous and much slower, and over long distances could not do as well. Does anyone believe, then, that we are going to compensate for the world's population growth by sending the excess to the planets? If there were a place to go on Earth, financially and logistically we could not send our surplus there.

CONCLUSION

We have not attempted to be comprehensive in our treatment of population pressures and the prospects of coping with them technologically; rather, we hope simply to have given enough illustrations to make plausible our contention that technology, without population control, cannot meet the challenge. It may be argued that we have shown only that any one technological scheme taken individually is insufficient to the task at hand, whereas *all* such schemes applied in parallel might well be enough. We would reply that neither the commitment nor the resources to implement them all exists, and indeed that many may prove mutually exclusive (e.g., harvesting algae may diminish fish production).

Certainly, an optimum combination of efforts exists in theory, but we assert that no organized attempt to find it is being made, and that our examination of its probable eventual constituents permits little hope that even the optimum will suffice. Indeed, after a far more thorough survey of the prospects than we have attempted here, the President's Science Advisory Committee Panel on the world food supply concluded (PSAC, 1967): "The solution of the problem that will exist after about 1985 *demands* that programs of population control be initiated now." We most emphatically agree, noting that "now" was 2 years ago!

Of the problems arising out of population growth in the short, middle, and long terms, we have emphasized the first group. For mankind must pass the first hurdles—food and water for the next 20 years—to be granted the privilege of confronting such dilemmas as the exhaustion of mineral resources and physical space later.[9] Furthermore, we have not conveyed the extent of our concern for the environmental deterioration which has accompanied the population explosion, and for the catastrophic ecological consequences which would attend many of the proposed technological "solutions" to the population/food crisis. Nor have we treated the point that "development" of the rest of the world to the standards of the West probably would be lethal ecologically (Ehrlich and Ehrlich, 1970). For even if such grim prospects are ignored, it is abundantly clear that in terms of cost, lead time, and implementation on the scale required, technology without population control will be too little and too late.

What hope there is lies not, of course, in abandoning attempts at technological solutions; on the contrary, they must be pursued at unprecedented levels, with unprecedented judgment, and above all with unprecedented attention to their ecological consequences. We need dramatic programs now to find ways of ameliorating the food crisis—to buy time for humanity until the inevitable delay accompanying population control efforts has passed. But it cannot be emphasized enough that if the population control measures are *not* initiated immediately and effectively, all the technology man can bring to bear will not fend off the misery to come.[10] Therefore, confronted as we are with limited resources of time and money, we must consider carefully what fraction of our effort should be applied to the cure of the disease itself instead of to the temporary relief of the symptoms. We should ask, for example, how many vasectomies could be performed by a program funded with the 1.8 billion dollars required to build a single nuclear agro-industrial complex, and what the relative impact on the problem would be in both the short and long terms.

The decision for population control will be opposed by growth-minded economists and businessmen, by nationalistic statesmen, by zealous religious leaders, and by the myopic and well-fed of every description. It is therefore incumbent on all who sense the limitations of technology and the fragility of the environmental balance to make themselves heard above the hollow, optimistic chorus—to convince society and its leaders that there is no alternative but the cessation of our irresponsible, all-demanding, and all-consuming population growth.

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FOOTNOTES

[*] The co-authors are affiliated, respectively, with the department of biological sciences, and with the Institute for Plasma Research and department of aeronautics and astronautics, Stanford University.

[1] Barry Commoner, address to 135th Meeting of the AAAS, Dallas, Texas (28 December 1968).

[2] Raymond Ewell, private communication (1 December 1968).

[3] Lester R. Brown, address to the Second International Conference on the War on Hunger, Washington, D.C. (February 1968).

[4] For a more detailed discussion of the psychological problems in persuading people to change their dietary habits, see McKenzie, 1968.

[5] An identical conclusion was reached in a recent study (Clawson et al., 1969) in which the foregoing points and numerous other aspects of desalting were treated in far more detail than was possible here.

[6] Confusing statements often are made about the possibility that food supply will outrun food demand in the future. In these statements, "demand" is used in the economic sense, and in this context many millions of starving people may generate no demand whatsoever. Indeed, one concern of those engaged in increasing food production is to find ways of increasing demand.

[7] A general discussion of extracting metals from common rock is given by Cloud, 1968.

[8] The rate of growth of world energy consumption fluctuates strongly about some mean on a time scale of only a few years, and the figures are not known with great accuracy in any case. A discussion of predicting the mean and a defense of the figure of 5% are given in Gúcron et al., 1957.

[9] Since the first draft of this article was written, the authors have seen the manuscript of a timely and pertinent forthcoming book, *Resources and Man*, written under the auspices of the National Academy of Sciences and edited by Preston E. Cloud. The book reinforces many of our own conclusions in such areas as agriculture and fisheries and, in addition, treats both short- and long-term prospects in such areas as mineral resources and fossil fuels in great detail.

[10] This conclusion has also been reached within the specific context of aid to underdeveloped countries in a Ph.D. thesis by Douglas Daetz: "Energy Utilization and Aid Effectiveness in Nonmechanized Agriculture: A Computer Simulation of a Socioeconomic System" (University of California, Berkeley, May 1968).

JUDGE CARSWELL

(Mr. MIKVA asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. MIKVA. Mr. Speaker, much is being said about the unimportance of a speech that Judge Carswell made when he was 28 years old. It is said that the speech, in which he declared his eternal commitment to racism, was made in the heat of political battle, and therefore is to be ignored. As one who makes a lot of speeches in the heat of political battle and serves in a body where many speeches are made in the heat of political battle, I deeply resent the notion that some special set of morals or mores govern this kind of speechmaking. To defend Judge Carswell by giving politics or political speeches a bad name, is a pretty poor defense indeed.

Or it is said that the speech should be condoned because he was only 28 years old when he made it. What an ingenious way to exacerbate the generation gap to assume that everyone under 30 makes foolish statements and therefore should not be taken seriously. And what a marvelous way to make sure that more people under 30 make foolish statements since the new standard of morality will wipe the slate clean on any speeches that are made before 30. Or is the age 35 or 40 or 45? Maybe everyone in public life ought to be given a period of absolution in which they can wipe the slate clean of all the things about which they wish they had not bared their soul.

There is more merit to the argument that a man in public life should not be judged on the basis of one speech or one public utterance. One speech can be a very small part of a man who, active in public life and in the affairs of his community and nation, can sketch his philosophy and character in the other things he says and does. And here is the real tragedy of the proposed Supreme Court appointee. If he is not a bigot and a racist, as the speech so clearly suggests, then there must be other actions, opinions, and speeches which sketch the real Judge Carswell.

As a member of the judiciary for over 11 years, as a candidate for the State legislature in his home State of Georgia, as a man of affairs and of prominence in his community, surely this man by action, deed, and word can give the lie to the charge that he is a bigot or racist. Other southerners have, other southern conservatives have, other southern conservative Republicans have, other strict constructionist, southern conservative Republicans have. Alas, the record is bare.

And so, as a former law clerk to one of the Justices of the Supreme Court of the United States, and as a member of the Supreme Court bar who recalls that such distinguished jurists as Oliver Wendell Holmes and Louis B. Brandeis held the seat which Judge Carswell proposes to fill, I can only sadly conclude that if the proposed nominee is not guilty of racism, it can only be shown by proving that he is guilty of cipherism.

CONCERNING THE NOMINATION OF JUDGE HARROLD CARSWELL

(Mr. McCARTHY asked and was given permission to address the House for

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1 minute and to revise and extend his remarks.)

Mr. McCARTHY. Mr. Speaker, today the Senate Judiciary Committee begins hearings on the nomination of Judge Harrold Carswell of the U.S. Court of Appeals for the Fifth Circuit to the Supreme Court of the United States. President Nixon has submitted his name to the U.S. Senate for confirmation.

As one of three coequal bodies of our Government under our Constitution, the Supreme Court is the highest judicial body in our land. It is the Supreme Court that is called upon to be the final arbiter of our laws. It is as much to the Court that a citizen can turn for redress as to his elected representative. The Supreme Court is the bastion of our concept of a government of laws. Therefore, the membership of the Court is of the greatest consequence to the people of our country.

Unlike the Presidency or the Congress, we do not elect the members of the Supreme Court. Each President nominates candidates for vacancies that occur on the Court, subject to confirmation by the U.S. Senate. Although appointees are not subject to popular vote, their qualifications are subject to the scrutiny of the U.S. Senate. With some exceptions, appointments to the Court have been considered in a bipartisan manner. The Senate has generally not rejected an appointee because his views are those of the opposition party. The central question is whether the appointee is qualified for the position. It is to this question that I would like to speak today.

What are the qualifications required of appointees to the Court today. There are the obvious qualifications of honesty and integrity. One can also except that the nominee will have shown more than ordinary competence as a lawyer or judge. But even more important is the depth of understanding of the problems that face our society today. We need only to look at the names of the great Justices who have sat on the Court to recognize that they have seen beyond the immediate, beyond the obvious and have helped lead in the emergence of a fair society. Our great Justices have been men of vision, men more able than others to take the unpopular stand when everyone else believes differently under the pressures of the moment. In one sense it is impossible to know how any man will measure up when put to the task. But it seems to me that we must ask just this question when we consider an appointee to the Supreme Court.

There is no more important question facing our society today than that of race. Report after report has confirmed that the division between black and white threatens the very fabric of our Nation. All the legislation and all the court cases have failed in the task of insuring equality of opportunity to all our citizens. The Negro still faces a much higher probability of unemployment, a lower standard of health and fewer opportunities for advancement. Even more disturbing has been the trend in recent years that has seen more rather than less conflict between the races. If we are to realize the promise of American life for every citizen we must cope more effectively with the problem of relations between the races than we have done so far. Central to this process is the role of the Supreme Court. It is to the Court that the citizen turns for redress. It is to the Court that the responsible citizen looks for guidance rather than to those who advocate violence as the solution to our ills.

When I turn to measure Judge Carswell against this most pressing crisis, I do not find a record of one who has shown insight and distinction in dealing with the problems of racial relations in the past. We learn that as late as 1948 he made the statement:

> I believe that segregation of the races is proper and the only practical and correct way of life in our states. I have always so believed, and I shall always so act. I shall be the last to submit to any attempt on the part of anyone to break down and to weaken this firmly established policy of our people.

Judge Carswell has said this week that he repudiates that statement, that he had made that statement as a young man, and that he no longer believes in the philosophy expressed.

But today we learn that in 1956, while serving as a U.S. attorney, Judge Carswell joined others in Tallahassee, Fla., in incorporating a public golf course as a private club so that blacks could be excluded. Once again Judge Carswell demonstrated what can only be termed an insensitivity to the most pressing problem of our day.

What is even more surprising about the appointment of Judge Carswell is the standard against which he is measured. President Nixon has said that he holds Justices Brandeis, Cardozo, and Holmes as the ideal against which Court appointments should be made. Yet we learn today that Prof. William Van Alstyne of Duke University Law School, who had previously supported Judge Haynesworth, does not believe that Judge Carswell is qualified to be appointed to the Court. In the opinion of many, Judge Carswell is not a distinguished jurist.

As the Representative of the 39th District in the State of New York I believe that it is my duty to speak out on the appointment of Judge Carswell. Only this last November the people of the city of Buffalo soundly defeated a candidate for the office of mayor who had a reputation as a racist. Buffalo has long been a city of many different ethnic, religious, and racial backgrounds. Although we have suffered many of the problems of modern American society we have prided ourselves on the basically good relations between blacks and whites, between Catholic and Protestant.

In this spirit, the people of my district look to the Court for the maturity of judgment, the insight so necessary to the evolution of a just American society. I do not believe that we will find that judgment in Judge Carswell.

An appointment of a racist and a judge of undistinguished background to the Supreme Court in this day and age is unconscionable. President Nixon has the responsibility to every citizen to withdraw this nomination and to submit the name of a candidate more in keeping with the national goals to which we aspire.

I was surprised to learn that Senator GOODELL, as a representative of the citizens of New York State, can accept Judge Carswell's denial of racial bias in light of his public record. Senator GOODELL has been quoted as saying:

> As one individual in public life who has been accused of having changed himself, it would be inconsistent not to allow for the possibility of change in another.

Yet Judge Carswell's statements and actions indicate that he lacks the depth of intellect and character to hold a seat on the Court.

I have written to Senators JAVITS and GOODELL, New York State's Senators to urge them to vote against the confirmation of Judge Carswell.

RENO, NEV., VETERANS' ADMINISTRATION HOSPITAL

(Mr. BARING asked and was given permission to extend his remarks in the body of the RECORD.)

Mr. BARING. Mr. Speaker, I am becoming increasingly alarmed about the quality of medical care which Nevada veterans are receiving from the Reno Veterans' Administration hospital.

From preliminary information which I have been able to obtain, I understand that the Reno hospital is about $110,000 short of funds for fiscal year 1970 and that they may be forced to close down an entire 38-bed physical medicine and rehabilitation ward sometime this year if they do not receive additional funds immediately.

It has been reported to me, Mr. Speaker, that according to the standards established by the Veterans' Administration the Reno hospital nursing service is understaffed by 24 positions—yet this hospital apparently is not receiving sufficient funds from its central office to support the minimum standards which they set, even though there are applicants available for the positions. It also appears that the intensive care unit is not fully operational because the hospital needs 10 additional positions to staff it which would cost about $83,000 annually for proper operation. The alcoholic rehabilitation program needs over $35,000 annually for proper operation. I have also been advised that almost $57,000 may have to be diverted from much needed equipment and maintenance and repair funds to support salaries and medical supplies and services to keep the hospital in operation even at a substandard level.

There may be a number of other deficiencies at this hospital which I have not yet uncovered, but I want to assure Nevada's veterans that I will continue with my efforts to determine where other problem areas may be.

Mr. Speaker, I deplore the second-rate conditions which our ex-servicemen are having to accept in order to receive the treatment which is due them, and as a member of the Veterans' Affairs Subcommittee on Hospitals I fully support the decision of the distinguished chairman of the Veterans' Affairs Committee, the

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gentleman from Texas, the Honorable OLIN E. TEAGUE, to fully investigate the operations of all VA hopsitals to determine if they are being permitted to serve our veterans promptly and in the manner intended by Congress.

ATTACK ON POLLUTION

(Mr. WHITEHURST asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WHITEHURST. Mr. Speaker, the attack on pollution is being supported by the public as well as its elected officials, but the effort and funds expended may be unnecessarily wasted. There is no doubt that pollution abatement is needed. The natural wealth and beauty of this great land has been squandered by past generations, and the burgeoning growth of our cities and industrial plants have forced us to finally direct our attention to the need to control our wastes.

Many articles have been written about the needed "war on pollution." The broadcast media have given time to the subject, pointing out the need, and calling for action. Congress and the public are primed for action. But what direction shall we take? We all know the end result we want: Clean air, clean water, clean landscape, control of our wastes, and a substantial reduction of all pollutants. But where is the machinery to direct the attack? Who will head the army in the war? Will the agencies responsible for pollution control be scattered across the Government departments?

In this time of inflation, high taxes and tight spending, every dollar must accomplish the absolute maximum. This calls for leadership, planning, and coordination. But more than just an eye on expenditures is needed. The need is for a central controlling agency to oversee the development of the attack and to maintain efficiency in the field operations.

I propose combining all the existing pollution control bureaus, agencies, and departments under one independent Government agency. Such a National Environment Control Agency is contained in the Pollution Abatement Act I am introducing.

The Agency is to have full powers to fund research in the form of grants, loans, and pilot projects, to approve and inspect pollution abatement equipment, and to establish standards. It will be given full enforcement powers to coordinate and promulgate all actions involved in the attack on pollution, and incorporate all future programs dealing with pollution. The Agency will have a board of seven Commissioners, one of which shall be Chairman.

A full attack on pollution, such as that called for by the President and demanded by the people, can be effective only when such a National Environment Control Agency is established with full power to act, unencumbered by political influences. How far would we have come in the development of orderly commerce if a central agency, such as the Interstate Commerce Commission, had not provided a channel for growth? The Nation's resources of radio and television frequencies would have remained a hopeless mess without an agency such as the Federal Communications Commission to approve and inspect the equipment involved and supervise its use.

For these reasons I have requested the Legislative Counsel Office in the House of Representatives to draw up the final papers in order that I may introduce my bill, the Pollution Abatement Act, at the earliest opportunity.

CREATING SELECT COMMITTEE TO INVESTIGATE AND STUDY NATIONAL COLLEGIATE ATHLETIC ASSOCIATION

(Mr. MICHEL asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. MICHEL. Mr. Speaker, on Monday, January 19, I had some remarks to make in the well of this House with respect to the longstanding feud between the NCAA and the AAU and more particularly the completely inconsistent position taken by the NCAA in enforcing their rules, regulations, and the degree of sanctions and punishment doled out to the athletes and universities participating in intercollegiate sports today.

Now, there is no question in my mind that we need an organization to prescribe rules, regulations, scheduling of tournaments, and general policing of intercollegiate sports, but there is so little known about the inner workings of the NCAA and so many complaints raised over the past few years that I think the Congress itself has a legitimate right of inquiry into this organization. I am therefore this day introducing with our colleague, the gentleman from Connecticut (Mr. GIAIMO) a resolution calling for just such a broad, sweeping investigation. A number of other Members have already expressed an interest in cosponsoring the resolution and we will be circulating the membership later today for their affirmative responses.

I would also like to renew our appeal to the college and university presidents and administrators around the country to take a more active interest in their relationship with the NCAA and to favor us with information that might be helpful in assisting us.

Mr. Speaker, I include the full text of our resolution to be printed at this point in the RECORD:

H. RES. 802

Resolution Creating a Select Committee To Conduct an Investigation and Study of the National Collegiate Athletic Association

Resolved, That there is hereby created a select committee to be composed of five Members of the House of Representatives to be appointed by the Speaker, one of whom he shall designate as chairman. Any vacancy occuring in the membership of the committee shall be filled in the same manner in which the orginal appointment was made.

The committee is authorized and directed to conduct a full and complete investigation and study of the National Collegiate Athletic Association, including a study of its sources of financial support and the authority under which it operates.

For the purpose of carrying out this regulation the committee, or any subcommittee thereof authorized by the committee to hold hearings, is authorized to sit and act during the present Congress at such times and places within the United States, including any Commonwealth or possession thereof, whether the House is in session, has recessed, or has adjourned, to hold such hearings, and to require, by subpena or otherwise, the attendance and testimony of such witnesses and the production of such books, records, correspondence, memorandums, papers, and documents, as it deems necessary; except that neither the committee nor any subcommittee thereof may sit while the House is meeting unless special leave to sit shall have been obtained from the House. Subpenas may be issued under the signature of the chairman of the committee or any member of the committee designated by him, and may be served by any other person designated by such chairman or member.

The committee shall report to the House as soon as practicable during the present Congress the results of its investigation and study, together with such recommendations as it deems advisable. Any such report which is made when the House is not in session shall be filed with the Clerk of the House.

FORTHRIGHT RESPONSE OF PRESIDENT TO THE ISSUE OF AMERICAN MIDDLE EAST RELATIONS

(Mr. CRANE asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. CRANE. Mr. Speaker, I am extremely pleased to call the attention of this House to the forthright response by President Nixon to the issue of American Middle East relations that is the subject of a resolution jointly offered by the gentleman from Alabama (Mr. BUCHANAN), the gentleman from Illinois (Mr. DERWINSKI), and myself. I am today able to report that 85 Members have now indicated support for this resolution which addresses itself to the need for direct, fact-to-face negotiations between Israel and the Arab States if a real peace is to be achieved.

President Nixon, in a message to a national emergency conference on the Middle East held here this week by citizens from throughout the Nation, has done much to clarify American policy. Rejecting any notion of the Soviet Union or the Arabs that a so-called settlement can be imposed upon Israel by the superpowers, the United States included, the President voiced the spirit and essence of our resolution. He said this country believes "that peace can be based only on agreement between the parties and that agreement can be achieved only through negotiations between them."

The President added:

> We do not see any substitute for such negotiations if peace and security arrangements acceptable to the parties are to be worked out.

The President has voiced a new guideline that will reassure our friends and serve notice upon our foes. The response of the Israel Government, expressed by Prime Minister Golda Meir, is gratifying. I feel that the President's statement gives new thrust and meaning to our resolution and that a consensus is emerging on this vital policy matter.

The text of the President's message follows:

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Message of President Nixon to the National Emergency Conference on Peace in the Middle East, Washington, D.C.

I am aware of your deep concern that Israel may become increasingly isolated. This is not true as far as the United States is concerned.

The United States stands by its friends. Israel is one of its friends.

The United States is deeply engaged in trying to help the people of the Middle East find peace. In this effort, we are consulting fully with all those most concerned.

The United States believes that peace can be based only on agreement between the parties and that agreement can be achieved only through negotiations between them. We do not see any substitute for such negotiations if peace and security arrangements acceptable to the parties are to be worked out.

The United States does not intend to negotiate the terms of peace. It will not impose the terms of peace. We believe a durable peace agreement is one that is not one-sided and is one that all sides have a vested interest in maintaining. The United Nations resolution of November 1967, described the principles of such a peace.

We are convinced that the prospects for peace are enhanced as the governments in the area are confident that their borders and their people are secure.

The United States is prepared to supply military equipment necessary to support the efforts of friendly governments, like Israel's, to defend the safety of their people. We would prefer restraint in the shipment of arms to this area. But we are maintaining a careful watch on the relative strength of the forces there, and we will not hesitate to provide arms to friendly states as the need arises.

The United States has as its objective helping the people of the Middle East build a peaceful and productive future. I believe that all Americans can unite for that goal.

THE PRESIDENT'S VETO

(Mr. EDWARDS of Alabama asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. EDWARDS of Alabama. Mr. Speaker, during the 1968 campaign there was much talk about the need to set national priorities and to stick to them once they were established. President Nixon's action in vetoing the inflationary 1970 Labor and HEW appropriations bill clearly demonstrated his commitment to stick to the No. 1 national priority: Stop inflation.

The inflationary picture has not improved in the past year, but signs are begining to indicate that we may stop the upward spiral in prices soon. But if this is to come about we must put the brakes on all unnecessary spending where ever possible. This appropriations measure at this time is downright inflationary and must be stopped.

There is no question that everyone wants to see better schools for our children and better health services for our aged and infirmed, but that is not the issue here. The sick and the young will not be helped if the extra benefits received now are quickly eaten up by ever increasing inflation. In the end they will suffer, and all others will suffer, a marked decline in just what their dollar will purchase.

In taking up the question of reversing the presidential veto in this body, we must weigh heavily the problem of inflation. There is no other real consideration at hand at this point. The fiscal picture has deteriorated greatly since last September when a $5.8 billion surplus was predicted for this current fiscal year. Now it appears we will just be able to break even. I cannot vote for any measure that is likely to contribute to a Federal budget deficit as I believe the passage of this appropriations bill will do. Nor can I vote for an increase in taxes to finance such a deficit. The taxpayer has taken it in the neck too long.

I sincerely hope, Mr. Speaker, that my colleagues will not let false issues cloud the issue. It is time for this body to go on record as being against any inflationary measures. I will vote to sustain the veto.

BLACK PILOTS TRAINING ACADEMY

(Mr. TIERNAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TIERNAN. Mr. Speaker, last month it was my privilege and pleasure to attend a briefing and reception sponsored by the Black Pilots Training Academy Foundation of Marshfield, Mass. It was an evening that gave me new insight into the problems that continually plague minority groups in our country.

In March 1961 President John F. Kennedy signed an Executive order banning discrimination in the air transportation industry. Since that time, however, only a few black pilots have been signed on by the airlines.

Recently, F. Lee Bailey, the well known trial lawyer, decided to do something about the lack of qualified black pilots. He initiated the Black Pilots Training Academy and began to develop and implement a comprehensive plan to train a new and virtually untapped supply of commercial aviators.

Those of us in the Congress who serve on the Commerce Committees should be particularly interested in the progress of this new flight school. It should be encouraging to us that there is private initiative and capital being utilized not only to insure the addition of new pilots but to help break through another barrier of minority exclusion.

Mr. Speaker, without objection I place in the Record a news release and information sheet describing the new Black Pilots Training Academy in Marshfield, Mass.:

News Release

Young black men who dream of jet-age careers are for the first time being sought across the U.S. for commercial and air transport training.

The concept of a black pilot training academy has been initiated by F. Lee Bailey, prominent trial attorney and private pilot.

Minority candidates who complete the flying program would be immediately available—through a pool of pilots—for commercial aviation and airline jobs.

This opportunity to train for pilot careers is the first ever established in the nation according to Bailey. He is president of Marshfield Aviation, Inc., near Boston, Massachusetts, where the black flying school will be located.

"The contributions of the very few black pilots currently flying hundreds, thousands, and millions of air miles are tremendous. The potential, however, of more trained black pilots, adding to this country's greatness—and writing a dramatic new chapter in American Negro history—is overwhelming," declared Bailey.

"I'm positive," he explained, "that there are literally hundreds and hundreds of qualified, young black men who can substantially contribute to their country if afforded the opportunity.

"The general avation industry needs to keep pace with the progress being made by the black man in other endeavors. This program, I genuinely feel, is a direct means of providing the Negro with a chance to prove himself and simultaneously, provide himself with a place in the swiftly-growing industry," Bailey stated.

A study completed by Bailey's company reveals that relatively few of the pilots flying America's jetliners and commercial aircraft are Negroes.

Although exact statistics are unavailable, approximately 50 Negroes are serving as pilots with first-level certificated air carriers.

Under Bailey's plan, young blacks who are U.S. citizens, at least 21 years of age, with a keen interest in aviation as their lifetime goal, will be accepted for the proposed black pilot training program.

It covers an intensive six-to-nine-month period with successful trainees receiving commercial, instrument and multi-engine ratings. Each also would log at least 200 hours of actual flight time.

The training curriculum would include: 140 hours in Cessna 150 Trainer; 20 hours in GAT-1 simulators; 20 hours in Cessna 182 or larger instrumental single-engine aircraft, and 20 hours in multi-engine aircraft.

In addition, each trainee pilot would complete a comprehensive ground school.

S. David Bailey (no relation to Attorney Bailey), chief pilot for Marshfield Aviation, Inc., directs the program which is attracting a great deal of attention in aviation channels. He is assisted by Edward A. Gibbs, a former fixed base operator from Wilmington, North Carolina, and currently president of the Black Airmen's Association.

Negroes interested in applying to the flight training school are invited to write for further information to the following address: Mr. S. David Bailey, Director of Training, Marshfield Aviation, Inc., Marshfield, Massachusetts.

Bailey reported most major airlines have offered a great deal of encouragement for his concept of a black pilots training school. Some offer technical assistance with a training curriculum and aid in inspection and monitoring of the project. A large share also expressed a willingness to interview graduates of the black pilot training school with an eye toward employment.

The flight school, Bailey reported, would accept trainees under the Veterans' Administration fight training school provisions through government-financed student loans and other scholarships made available to the school.

Black Pilots Training Academy Foundation, Marshfield Aviation, Inc., Marshfield, Mass.

INFORMATION SHEET

The European air battles were still ugly, vivid memories for the all-Negro Fighter Squadron and 332nd Fighter group pilots when the guns of World War II were stilled.

For the all-black 477th Bombardment Squadron, busy flying tough daily schedules in the States prior to combat assignment, the Axis surrender was a permanent reprieve from the chances of high-altitude death and the contrasts of torture and boredom of prisoner-of-war camps.

The war was over.

These highly-trained combat pilots, plus their competent ground crews, were disbanded along with millions of other soldiers and sailors, and returned to the civilian world.

Jobs in the post-war airline industry, expanding without wartime restrictions, were just not available to the daring pilots and mechanics whose skins were black.

Instead, they accepted jobs as sky caps, postmen, day laborers and other tasks totally unrelated to the ABC's of flying and maintenance of aircraft . . . and trained at a high investment of tax dollars.

Their skills were deemed worthless in an America filled with disinterest and prejudice.

They were, literally, forgotten men.

In March 1961, President John F. Kennedy signed an Executive Order, banning such discrimination. There were no black men among the 20,000 pilots and perhaps 20,000 stewardesses then serving with America's air carriers. There probably were not more than a mere handful of topflight Negro mechanics holding jobs with airlines. There were relatively few black ticket reservation agents or counter personnel.

In late 1962, intermittent pressure on the industry led to tokenism. It replaced exclusion. The first black pilot sat in the "front office" and the first charming black stewardess walked the aisles to help passengers aboard the domestic-routed airliners.

Since that time, not too much more has really happened. There are more black pilots, yes, and stewardesses and mechanics and counter people. But there are a lot more sky caps, cleaners and ramp service workers who are black.

Today, those brave men of the 99th Fighter Squadron, the 332nd Fighter Group and the 477th Bombardment Squadron are overage and have lost their skills. Their talents obviously are lost to the industry.

The military is reluctant to reveal how few black pilots they now have on duty status and in training, and that's the source of half of all pilots. So, black pilots are rare, indeed.

In slow fashion, that sad plight of the black man . . . with his heart set on a career in today's sophisticated aircraft . . . is changing.

F. Lee Bailey, brilliant lawyer and private pilot, is helping to accomplish this move. He has shaped a new training program to speed up the supply of pilots for today's commercial and airline transport industry. This plan would provide comprehensive flight training to qualified young, black men who seek a career in the sky.

A Black Pilots Training Academy—based in Marshfield, Massachusetts, and commencing January 1, 1970, is a program carefully planned by Bailey and top figures in U.S. aviation.

For flight students returning from military service, V.A. training will be available, helping to eliminate financial burdens. Others will be assisted through a loan program, guaranteed by a trust committee, with repayment based on future income, similar to loans established for college students.

THE 52D ANNIVERSARY OF UKRAINE'S INDEPENDENCE

The SPEAKER pro tempore. Under previous order of the House, the gentleman from Pennsylvania (Mr. FLOOD) is recognized for 60 minutes.

Mr. FLOOD. Mr. Speaker, with the passing of each year the annual observance of Ukraine's Independence becomes increasingly more significant and relevant. The reason for this is to be found in the highly important developments that are taking place in captive Ukraine and among the non-Russian nations in the Soviet Union. On this memorable occasion of the 52d Anniversary of Ukraine's Independence, I need only point to three of these dominant developments.

One is the persistent and invincible drive on the part of 47 million Ukrainians for greater liberty and freedom as provided for in the U.S.S.R. Constitution. Although Ukraine has a long and impressive record of national struggle for regained independence, it has been in the past 5 years that this ferment for constitutional rights has emerged and expanded to this very date, with arrests of intellectuals and leaders mounting by the month.

The second important development is the prospective admission by Russian Moscow that over half of the 240 million population in the U.S.S.R. is non-Russian. With Ukraine being the largest non-Russian nation not only in the U.S.S.R. but also in Eastern Europe, this "new" fact on the non-Russian majority in the Soviet Union places Ukraine in a new light of growing importance throughout this whole region. It is a fact that calls for some imaginative and skillful thinking on the part of our Government.

And, third, as indicated a moment ago, Moscow has taken again to repressive actions and slave labor camps to meet these and other developments. If we had a Special Committee on the Captive Nations today, it would productively be focusing attention today on this ominous reality. Let me just cite a few instances:

First. A group of young Ukrainians from Dnipropetrovsk has written an open letter to the Chairman of the Council of Ministers of the Ukr. S.S.R., V. Shcherbytskyi, the candidate to the Politburo of the Central Committee of the Communist Party of Ukraine, F. Ovcharenko and the Secretary of Writers' Union of Ukraine D. Pavlyshko.

The letter provides tens of examples of acts of repression against Dnipropetrovsk residents because they bravely opposed the reprisals against Sobor, a novel by Oles Honchar, which in the spring and summer of 1968 were inspired by the KGB organs. Those who protested against this campaign were being fired from work, thrown out of the party, accused of "nationalistic" propaganda and so forth.

Second. In spite of terror and persecution, the young people in Ukraine are continuing their struggle against the Russian occupation. This is proved by the fact that as far back as 1967 the KGB organs conducted numerous arrests among students and cultural leaders of Western Ukraine, accusing them of the fact that in 1964 they organized a political group "Ukrainian National Front," which had as its aim to fight for the independence of Ukraine. This underground organization published a magazine entitled "Fatherland and Freedom," of which a score or two appeared.

Third. The West German Catholic news agency, reports that Archbishop Vasyl Velychkovskyi of the underground Ukrainian Catholic Church was arrested in Lviv on January 27, 1969, on his way to hear the confession of a sick man. The MGB men followed the archbishop to his house, arrested him and searched his apartment thoroughly. Arresting Archbishop Vasyl they told those present:

> You will never see him again.

Fourth. On November 5, 1968, Vasyl Makukh burned himself in Kyiv while crowds watched. Setting fire to himself he cried out: "Long live free Ukraine!" Makukh who spent long years in Russian concentration camps, left two children.

Fifth. The New York Times of February 20, 1969, carried an article by Peter Grose entitled: Archive Fires in Ukraine Stirring Suspicions of a Plot. The author writes:

> There was an explosion, and then a fire. Historic collections of Ukrainian and Jewish archives were destroyed as the blaze swept through a 17th century monastery library in Kyiv, the capital of Ukraine. An obscure paragraph in a local Kyiv newspaper "Kyivaska Pravda," reported the destruction last November of the Church of St. George in the Vydubetskyi Monastery, along with its priceless Slavic and Hebraic manuscripts. Strange coincidences attach to this event, which otherwise could have been only a tragic but routine incident. The same night, Nov. 26, 1968, another mysterious fire was reported to have destroyed the Great Synagogue in the Ukrainian port of Odessa, destroying a library of Jewish documents.

Sixth. An organ of the British Communist Party recently published an extensive article which starts as follows:

> Hundreds of families are going East this spring, through Siberia for settlement in fertile regions around Lake Khanka, located 150 miles north of Vladivostok.

It is evident from the article that among those "hundreds of families" there are also Ukrainians. This is also confirmed by news from Ukraine about the fact that the Russians are continuing to deport the Ukrainian population to the far-eastern regions of Asia.

Seventh. In the spring the people of Lviv have demonstrated their opposition to the Russian occupation of Ukraine by mass demonstrations at the grave site of General Tarnavskyi, former commander-in-chief of UHA—Ukrainian Army of Halychyna. The Russian occupation of C.S.S.R. has given rise to a number of protests in Ukraine. Among other things, a protest letter in connection with C.S.S.R. was signed by the rector of Kyiv University for which he was removed from his post.

Eighth. In Kyiv a trial of A. Nazarenko, a worker at the Kyiv Hydro-electric Station, was held. He and two other defendants, Kondryukov and Karpenko, were tried for conducting antistate propaganda and agitation. The indictment stated that they sent through the mail illegal leaflets, which condemned Ukraine's Russification by the Russian invaders. Nazarenko was sentenced to 5 years, Kondryukov to 3 years, and Karpenko to 13 months of imprisonment under harsh conditions.

Ninth. On May 28, 1969, the Russians tried Mykola Boryslavskyi of Berdyansk, Zaporizhe oblast, for "antistate action." The trial was held behind closed doors. At the beginning of this year—February 10—Boryslavskyi, 45, a teacher and father of three children, and a former inmate of the Russian concentration camps, has put up placards in the vicinity

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of the university, condemning the Russification policies of the Russian occupation regime in Ukraine. Thereafter he attempted to commit suicide. But passersby and the militia prevented this and he was arrested. As the result of this "trial" which the public was not permitted to attend, the Russians sentenced the defendant to 2½ years of hard labor in a concentration camp.

Mr. Speaker, in further elaboration of some of my points on this notable observance, I wish to append to my remarks the thought-provoking presidential address by Dr. Lev E. Dobriansky, of Georgetown University, to the 10th Triennial Congress of Americans of Ukrainian Ancestry, two items on Ukrainian political prisoners which appeared in the December 1969 issue of the Ukrainian Bulletin, and a copy of my bill, House Resolution 102, cosponsored by Members from both sides of the aisle, to establish a Special House Committee on the Captive Nations.

Aforementioned material follows:

UCCA Faces the 70's

(By Dr. Lev E. Dobriansky)

Mr. Chairman, Delegates, Observers and Guests, on this memorable "10th" in our triennial succession of conventions it is again my pleasure and privilege to keynote the deliberations of our Congress and to define the course of our progress for the future. The progress achieved these past three years is a phasal continuation of the program most of us determined and set upon on the eve of this decade in our Congress in Washington, back in 1959. And as we convene again on the eve of another decade, our combined accomplishments of the 60's have placed us in a position where it can be truthfully maintained that with solid unity, fixed and principled conviction, and with hopeful outlook and challenge, UCCA faces the 70's.

A DEDICATED CONGRESS

This Congress, as I proposed several months ago, is fervently dedicated in tribute to the name and works of the late Dr. Roman Smal-Stocki. The noble cause of a free Ukraine—indeed, the cause of freedom generally—lost a powerful advocate and intrepid son in the untimely death of Professor Smal-Stocki. We in UCCA have suffered deeply by this vicissitude, and only in time will the bountiful measure of his contributions and wisdom be fully appreciated by all. It is but a token of this heartfelt appreciation that we perform this unusual dedication on our "10th," and proceed with our work and obligations in the spirit that he would have deemed respectful and necessary—the spirit of free Americans bespeaking the hearts and minds of unfree Ukrainians and all captive nations as now, without our venerable colleague, UCCA faces the 70's.

A GENERATION OF SERVICE

My friends, for me this 10th Congress also bears special personal significance. It symbolizes the completion of a generation of service in behalf of the ideals you and I mutually share. It was in the fall of 1949, at our Congress in Washington, that I was elected to the presidency of UCCA, significantly on the eve of another decade; and as I sometimes look back over these twenty years, I cannot but feel humble and enriched by the diverse experiences, associations, and challenges that this responsibility made possible. This seemingly long period was not devoid of numerous stormy episodes, both internal and external, but in the end it has provided an experimental basis for reflections and advice, for a necessary reassertion of fundamental guidelines and a flexible course of action as, today, UCCA faces the 70's.

SEVERAL "FIRSTS" IN PAST ADMINISTRATION

It is clearly unnecessary to recount the record and highlights of this past Administration which, I repeat, is another successive phase in the cumulative evolution of our policy and progress over the past twenty years. A large part of this record on our national and international planes has been methodically set forth in the UCCA Washington News which is regularly published by a couple of our papers. A week doesn't go by without several UCCA involvements, whether in the form of continuing projects, representations, meetings, testimonies, speeches, lectures, various types of writing, and planning. As our scope of operations has expanded year by year, increasing pressures of time and economy have demanded a more selective allocation of resources among these various forms of activity, without in the least losing sight of our main thrust and goals.

However, in this respect allow me to mention several new "firsts" of this past UCCA Administration. For the first time we've laid the groundwork for a firm commitment of UCCA in Asian affairs by bringing it closer in an organizational link with the World Anti-Communist League. Needless to say, Asia is fraught with immense possibilities for our cause. Also for the first time we waged a continuous battle and successfully managed to obtain open Senate Foreign Relations hearings on the Consular Convention at the beginning of 1967. Though powerful political forces prevented us from realizing our ultimate goal, our position is inscribed in the national record and history alone will attest to its merits.

A third "first" brought largely through the efforts of UCCA colleagues was the formation of the impressive World Ukrainian Congress at the end of 1967. The fruits of this achievement will unquestionably ripen with time. Fourthly, for the first time we were compelled to openly oppose a Presidential nomination before the Senate Foreign Relations Committee toward the close of 1968. The record of the nominee, who as former editor of The Washington Post waged a scurrilous attack against the Shevchenko project, was not to be left unstained. And lastly, another "first" for us was consummated just this past month, specifically on September 24, when the U.S. House of Representatives passed H. Res. 368, providing for the publication of an anthology of Captive Nations Week. Though it consumed six months to obtain this legislation—the third in a decade—the book will be available soon and will become a part of our official national heritage. Added to those of each previous Administration, these "firsts" we can indeed be proud of, and there is every reason for us to look forward to more incisive "firsts" as UCCA faces the 70's.

THE ISSUES AHEAD

My friends, as you well know, our policy has never been to rest on past laurels and accomplishments but rather to look ahead and build on both the past and the opportunities that the unfolding future provides. Sometimes these opportunities are long in coming, now and then reversals set in and a retreat is called for, but so long as we know where we're going and motivate ourselves with fixed purpose and enthusiasm, only balanced progress and fulfillment can result. At our last Congress, I spelled out the real meaning of UCCA by keynoting the theme "Unite, Conserve, Construct, and Advance." In spirit, in activity, in reality that theme existed for us many years before it was so uttered, and it runs through our veins today as UCCA faces the 70's.

We have always been, are, and will continue to be concerned essentially with issues and not petty bickerings, group strife, and personal frustrations that don themselves with the euphemistic cover of some loyal opposition. And the issues ahead are numerous and demanding in terms of rational objectivity, resources and talent. Let me recite just a few of them as you and I together face the 70's: (1) the realization of a more realistic U.S. foreign policy toward the USSR, which one internationally renowned reviewer of my book on The Vulnerable Russians called a truly Copernican course in U.S. foreign policy; (2) the establishment of a Special House Committee on the Captive Nations, which one legislator recently told me requires only a bold and courageous stroke by the present Administration; (3) a more propaganda-oriented Voice of America and Radio Liberty, which, it is expertly observed, should be interesting in light of Brezhnev's promise to launch a skillful, propaganda barrage against the U.S. in the 70's; (4) the issue of a Freedom Academy, which we have long sought and now is being discussed as guerrilla warfare emerges even in our country; (5) the ratification of the Genocide Convention, which we pioneered for twenty years ago and is beginning now to see the light of day again.

To stop here would be enough, to say the least, for the next Administration of UCCA. But as far as we can look ahead, barring both the normal unexpected and contingent factors, reality poses further issues and projects, such as: (6) the creation of a Ukrainian Catholic Patriarchate, which UCCA formally resolved as far back as the spring of 1963; (7) the growing understanding on the part of our people and the expansion of the Captive Nations Week movement, which is crucial to the cause of the captive non-Russian nations, and particularly Ukraine, in the USSR; (8) early planning for a mammoth 10th anniversary of the Shevchenko statue unveiling in 1974, which can serve as the first concrete step in our participation in the American Revolution Bicentennial in 1976; (9) positive countercation next year to Moscow's Lenin Centennial, which in reality will be a forced birthday party to the purveyor of Red Russian Machiavellianism that has wrought the destruction of national states and over 80 million human lives; and (10) serious thought and planned action concerning the Sino-Russian conflict, which, if it ever explodes, will have convulsive effects in Asia, Eastern Europe and here. There are other important issues, such as the Shevchenko freedom stamp, but this being the 10th Congress, I'll cease at the number 10. These ten issues spell out in part what you and I are concretely concerned with as UCCA faces the 70's.

ONLY A RESOLUTE COURSE

With all this said, now what is the course for us to follow? As in the past decade, so in the coming decade, the only course for us is a resolute one, a course girded to fundamental principles, prudently flexible enough to accommodate significant changes, and intelligible and realistic enough to attract supporters, particularly our youth. In the short-run of passing fancies and even illusions held by our fellow citizens, there is always a price to pay for this course of action; in the long-run, nurtured by patience, alertness and unrelenting educational effort, it reaps the richest and maximum dividends in results and accomplishments. For in this balanced dimension there can be no doubt that time works with us in attaining our goals for a secure and strengthened America, the defeat of Soviet Russian imperio-colonialism, an independent and free Ukraine, and the liberation and freedom of all the captive nations.

To delineate all the essential aspects of this winning course, I could keep you here all this morning and into the afternoon. Yet the description can be capsuled in the fashion of projecting certain guidelines for our successful pursuit of this winning course:

First, despite scathing criticisms in The Washington Post and other media and at

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the risk of standing firmly alone, we should never let up in our enunciation of the basic truth that the issues which faced the Free World on the eve of the 60's and on the eve of the 50's, are very much the same issues facing it on this eve of the 70's. Succinctly, the captive nations in Central Europe, the USSR, and Asia still are very much captive; the chief and prime enemy of the Free World, namely Soviet Russian imperio-colonialism, still is very much at work; the Russian goal of world domination still is very much real; Soviet Russian totalitarianism still is very much active in a new wave of tyranny, repressions and slave labor concentration; and dominant Moscow techniques of deceptive "peaceful coexistence," subversion by proxy, and support of spurious "wars of national liberation" still are very much in practical exercise on all continents. For those who were misguided by the many illusions of the 60's and refused to face these unshakeable truths, the Russian rape of Czecho-Slovakia sobered them up somewhat, and the Brezhnev doctrine should sober them up more as we transit into the 70's;

Second, for many obvious and effective reasons, it is imperative for each of us to understand and transmit among our fellow citizens the structure of thought which emphasizes the unique, strategic importance of Ukraine not only in the USSR, not only in Europe, but in the world and particularly for the security of our United States. The ramifications of this are both logical and incisive. I hoped that my new book Russia, USSR and U.S., which UCCA is sponsoring, would be made available to you at this Congress. Unforunately, this was not possible. I believe in it you will find a structure of thought that enables us to speak with facility and meaning about Ukraine in any significant environment, and most important in our Nation which, since World War II, still is the last formidable bastion of freedom and peace in the world;

Third, equipped in these ways, we must continue to resist the wave of psychological inwardness and neo-isolationism that has emerged here in the 60's and work steadfastly for the necessary transition "From the Inward 60's to the Outward 70's," which unpredictable events themselves will guarantee. Anyone with insight into world developments cannot but arrive at the clear conclusion that any semi-triumph of implosive, neo-isolationism in this country will inevitably lead to a hot World War III. Instead, the indomitable forces of nationalism in the Red Empire, and in the Soviet Union in particular, will magnetize American interest and involvement as we ourselves prepare to venerate the principles and truths of the American Revolution on its 200th anniversary. Despite the current aberrations in this country, the vast majority of our fellow citizens would never tolerate any grave dishonor upon the traditions and principles that have made this Nation the greatest spiritual and material power in the world. They will be found most receptive and supporting as UCCA, with courage and conviction, faces the 70's;

All of which, finally, leads to some practical notes for this course of action. Make no mistake about it, the program we advocate is very well known at the very top of our Government. One high official quipped to me recently, "Lev. when they become disenchanted with Russian word-juggling, they'll then turn to your alternative." Actually, the two courses are not exclusive, and could be pursued concurrently. Whatever the time element, it behooves us (1) to carry our programs among our fellow citizens, for as you and I know it is an unprofitable activity for us just to talk among ourselves (2) to advance further our publications in local libraries, newspapers, TV and radio media, as some of our branches will do (3) to promote discussion groups in different citizens' associations and to encourage political involvement in the major parties (4) to provide UCCA with an increased, funded budget so it can extend its international as well as national projects (5) to complete our building program so that a more facilitative headquarters be established here in New York and (6) and most important, to enlist the energies of our youth for the concretization of our program; it is no doubt appealing to the millions of captive youth in the Red Empire and should be of prime appeal to our youth, i.e. if we capably explain to them what our course is in the fundamental and harmonious interests of a secure America and a free Ukraine, as well as the freedom of all the captive nations.

If we fail in this, then don't blame our youth who have more than enough distractions to cope with. Yet the opportunity is there for them to share with the captive youth of the Red Empire in the pursuit of the noblest ideals—national and personal freedoms—and to challenge the energies of all other American youth on the scale of highest values and standards.

Millions, who have never really understood the Cold War, have deluded themselves with the thought that the Cold War between Soviet Russian imperio-colonialism and free civilization is on the wane or, for some, even over. This is a plus for Moscow's strategy of "peaceful coexistence." From this you would not know about Moscow's role in Vietnam, behind North Korea, in the Middle East, in Cuba and even here in the United States. By experience and knowledge, we know all too well that the present quiescent stage is only another phase of the Cold War, to be followed by some degree of freezing toward U.S. Paper treaties of sub-marginal worth cannot obfuscate the reality of the captive nations in toto or of the long-run designs of imperialist Moscow. With certitude, knowledge, conviction, unwavering principle, and a patient and courageous course of resolute action, you and I cannot but look forward with the greatest hope and enthusiasm to the next decade as UCCA faces the 70's.

UKRAINIAN CONGRESS SUPPORTS PETITIONS OF UKRAINIAN AND RUSSIAN POLITICAL PRISONERS

NEW YORK, N.Y.—The Ukranian Congress Committee of America, representing over 2 million American citizens of Ukrainian origin, voiced its unstinted support to the petitions, submitted recently to the U.N. Commission on Human Rights by a group of Ukrainian and Russian political prisoners, held in slave labor camps in the USSR.

Dr. Lev E. Dobriansky of Georgetown University who is President of the Ukrainian Congress Committee of America, dispatched a letter to U.N. Secretary U Thant, urging him to put the petitions on the agenda of the U.N. Human Rights Commissions.

"These petitions stress the crass violations of human rights, denial of personal and national liberty, suppression of religious freedom and curtailment of other rights inherent to every citizen and individual regardless of race, religion and national origins," Dr. Dobriansky stated.

"As you know, the Soviet Union is a signatory to the U.N. *Universal Declaration of Human Rights* and makes much of this fact in its massive propaganda drives outside the USSR. But within its own jurisdiction the Soviet government has been ruthless in eradicating the Ukrainian Catholic Church and the Ukrainian Autocephalic Orthodox Church; it harasses and persecutes the Protestant denominations as well as the Judaic and Moslem religions—all in violation of Art. 18 of the Declaration, Dr. Dobriansky continued.

"We cannot believe that the United Nations can remain indifferent to the persecution and oppression of whole segments of the citizenry not only in Ukraine, but in other republics of the USSR," he concluded.

TEXT OF LETTER TO SECRETARY GENERAL U THANT

YOUR EXCELLENCY: On behalf of the Ukrainian Congress Committee of America which represents over 2 million American citizens of Ukranian descent and origin, I have the honor of writing you this letter in support of the petitions which were reportedly submitted to you recently by groups of Ukrainian and Russian nationals in the USSR. These petitions stress the crass violations of human rights, denial of personal and national liberty, suppression of religious freedom and curtailment of other rights inherent to every citizen and individual regardless of race, religion or national origins.

We particularly call your attention, Your Excellency, to the petition of three Ukrainian political prisoners—Mykhailo Horyn, Ivan Kandyba and Lev Lukyanenko, who are incarcerated in the notorious labor camp in the Mordovian ASSR, which petition was submitted on their behalf by Amnesty International. In the petition they charge that the Soviet police and camp administration has been injecting poison into their food, thus harming them physically and mentally. These Ukrainian political prisoners are guilty of no crimes; whatever they were accused of was consistent with the Soviet constitution and the U.N. Declaration of Human Rights. Specifically, they demanded improvement in working conditions, and defended the rights relating to the Ukrainian language, education and culture.

It is to be recalled that the petitioners are only a handful of the hundreds of Ukrainian political prisoners who have been arrested in the last five years and sentenced under articles of the Soviet criminal code, calling for severe punishment for "anti-Soviet propaganda and agitation."

Equally, we fully support another petition, signed by 46 Russian citizens who reportedly sent a petition to you, Your Excellency, asking that "violation of human rights" in the Soviet Union be discussed in the U.N. Commission on Human Rights. The group, including such known persons as Gen. Peter Grigorenko and his wife, Zanaida, Peter Yakir, son of Gen. Ion E. Yakir who was executed by Stalin in 1937 during the Red Army "purges," and several other persons, are part of the Initiative Group for the Defense of Civil Rights in the USSR.

We recall also that in January, 1969 the Soviet security police arrested in the Ukrainian city of Lviv a high-ranking Ukrainian Catholic prelate, namely, the late Archbishop Vasyl Welychkovsky and a number of Ukrainian Catholic priests, all of whom were charged with practicing secretly their religion. (The Archbishop was reported to have died in a Soviet jail subsequent to his arrest.)

As you know, the Soviet Union is a signatory to the U.N. Universal Declaration of Human Rights and makes much of this fact in its massive propaganda drives outside the USSR. But within its own jurisdiction the Soviet government has been ruthless in eradicating the Ukrainian Catholic Church and the Ukrainian Autocephalic Orthodox Church; it harasses and persecutes the Protestant denominations as well as the Judaic and Moslem religions—all in violation of Art. 18 of the Declaration, which states:

"Everyone has the right to freedom of thought, conscience and religion; this right includes freedom to change his religion or belief, and freedom, either alone or in community with others and in public or private, to manifest his religion or belief in teaching, practice, worship and observance."

In conclusion, Sir, we cannot believe that the United Nations can remain indifferent to the persecution and oppression of whole segments of the citizenry not only in Ukraine, but in other republics of the USSR.

We, therefore, respectfully suggest that these petitions of Ukrainian and Russian political prisoners be given full consideration at special discussions at the U.N. Commission on Human Rights.

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UKRAINIAN POLITICAL PRISONERS PETITION TO THE UNITED NATIONS

UNITED NATIONS, N.Y.—Amnesty International disclosed here yesterday that it had forwarded to the U.N. a petition from three jailed Ukrainians that charged that the "food of political prisoners is poisoned."

A U.N. spokesman confirmed here that a petition had been received here on behalf of three Ukrainian political prisoners.

The spokesman said that the petition had been delivered by a special messenger for Amnesty International, and was left with the guard stationed at the office of Secretary General U Thant. He added that this morning U Thant had found the petition on his desk.

Copies of the appeal were circulated among the news media at the U.N.

Officials of this London-based, non-profit organization explained that they were not at this time involved in transmitting a petition by 46 Soviet intellectuals asking U Thant to place their human rights complaint on the agenda of the Human Rights Commission.

The names of the three Ukrainian petitioners were listed as *Mykhailo Horyn, Ivan Kandyba* and *Lev Lukyanenko*. They claimed to have been arrested for demanding improvements in the conditions of Ukrainian workers, and for defending rights relating to Ukrainian language, education and culture.

They further alleged that prisoners in Vladimir Prison were receiving food with toxic additives eventually leading to "unbearable headaches."

TEXT OF UKRAINIAN POLITICAL PRISONERS' PETITION TO U.N.

"We, the Ukrainian Political Prisoners, address ourselves to you, the highest organ for protection of human rights.

"We were arrested for demanding improvements in the conditions of Ukrainian workers, and for defending the rights of the Ukrainian language, education and culture. Insofar as such demands are permitted by the Soviet constitution, we continue to uphold them. Having failed to break us morally, the KGB organs (secret police) are trying to transform us biologically from intellectuals into primitives.

"Last year Lukyanenko was taken to Vladimir Prison on March 3, and kept there until September. (In this prison) poisonous substances were added to his food. He was given to know that prolonged injection of these toxic substances causes the human organism to deteriorate.

"Poison is also added to the food in the camp. We have made a number of tests and have proved this to be true. The symptoms of poisoning are as follow: Slight pressure in the temples is felt 10–15 minutes after eating; this eventually develops into an unbearable headache. Concentration becomes difficult, even for something like writing a letter home. When reading, one forgets what was written at the beginning of a paragraph by the time one reaches the end. In order to return to a normal state, it is necessary to fast 24 hours. Therefore, we alternate days of fasting with days of the poisoned food.

"Food packages from home are even more heavily poisoned, so that we have been forced to throw them away altogether, although we are allowed to receive them only twice a year. Nutrition in the camp consists of 2,000 calories per day.

"Last year (the situation was) the same as this year. The symptoms of poisoning were somewhat different; 10–15 minutes after eating one experienced a mild intoxication, followed by severe pain in the center of the head, trembling of the hands, inability to concentrate. Headaches lasted for days.

"When we complained to the camp authorities that we were being poisoned, we were transferred to separate cells with windows covered with frost and which, in addition to having bars, have screens and blinds which shut out all daylight; we live under electric lights all day with the exception of one hour each day when we walk outside. This is the manner in which Russian officials of the KGB treat Ukrainian patriots and honest citizens.

"Honored Commission! If you consider that such methods of reeducating human beings are incompatible with the laws of humanity, we ask that you raise your voice in protest.

Signed: Mykhailo Horyn, Ivan Kandyba, Lev Lukyanenko, June, 1969."

BACKGROUND

In 1961, seven Ukrainians, ranging in age from 32 to 44, were arrested and tried *in camera* in Lviv for allegedly conspiring to form an underground organization intended to effect the seccession of Ukraine from the Soviet Union. Four were members of the Communist Party, one was a graduate of the Party higher school, one was a militia member, and three were lawyers. They called their small group the "Ukrainian Workers and Peasants Union," under the leadership of Lev Lukyanenko, and drafted a preliminary program. The aims of the group were to solicit additional members, to work for changes in the official Soviet policy concerning nationalities and particularly the policy concerning Ukraine. Also, they intended to study the feasibility of Ukrainian secession under Art. 17 of the Soviet Constitution, which provided the right of secession for Soviet republics. The KGB learned of their proposed activities and the group was arrested before they could hold a second meeting. Lukianenko received a death sentence, later commuted to 15 years at hard labor; other members were sentenced from ten to fifteen years at hard labor.

Three members of the group Lukyanenko, Ivan O. Kandyba and Stepan Virun, have written appeals from camp to the First Secretary of the Ukrainian Communist Party in which they quote at length the text of their verdicts, provide detailed information of the personalities in the case, present their own version of the group's proposed program, aims, and activities, and describe conditions in the labor camps where they are held. These appeals found their way out of the Soviet Union and were published in Ukrainian in a book, Ukrainian Lawyers on Trial, by Suchasnist Publishers, Munich, 1968.

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Whereas on the all-important issue of colonialism the blatant hypocrisy of imperialist Moscow has not been adequately exposed by us in the United Nations and elsewhere; and

Whereas Presidential proclamations designating Captive Nations Week summon the American people "to study the plight of the Soviet-dominated nations and to recommit themselves to the support of the just aspirations of the people of those captive nations"; and

Whereas the nationwide observances in the nine anniversaries of Captive Nations Week have clearly demonstrated the enthusiastic response of major sections of our society to this Presidential call; and

Whereas following the passage of the Captive Nations Week resolution in 1959 by the Congress of the United States and again during the annual observances of Captive Nations Week, Moscow has consistently displayed to the world its profound fear of growing free world knowledge of and interest in all of the captive nations, and particularly the occupied non-Russian colonies within the Soviet Union; and

Whereas the indispensable advancement of such basic knowledge and interest alone can serve to explode current myths on Soviet unity, Soviet national economy and monolithic military prowess and openly to expose the depths of imperialist totalitarianism and economic colonialism throughout the Red Russian Empire, especially inside the so-called Union of Soviet Socialist Republics; and

Whereas, for example, it was not generally recognized, and thus not advantageously made use of, that in point of geography, history, and demography, the now famous U–2 plane flew mostly over captive non-Russian territories in the Soviet Union; and

Whereas in the fundamental conviction that the central issue of our times is imperialist totalitarian slavery versus democratic national freedom, we commence to win the psychopolitical cold war by assembling and forthrightly utilizing all the truths and facts pertaining to the enslaved condition of the peoples of Poland, Hungary, Lithuania, Ukraine, Czechoslovakia, Latvia, Estonia, White Ruthenia, Rumania, East Germany, Bulgaria, mainland China, Armenia, Azerbaijan, Georgia, North Korea, Albania, Idel-Ural, Tibet, Cossackia, Turkestan, North Vietnam, Cuba, and other subjugated nations; and

Whereas the enlightening forces generated by such knowledge and understanding of the fate of these occupied and captive non-Russian nations would also give encouragement to latent liberal elements in the Russian Soviet Federative Socialist Republic—which contains Russia itself—and would help bring to the oppressed Russian people their overdue independence from centuries-long authoritarian rule and tyranny; and

Whereas these weapons of truth, fact, and ideas would counter effectively and overwhelm and defeat Moscow's worldwide propaganda campaign in Asia, Africa, the Middle East, Latin America, and specifically among the newly independent and underdeveloped nations and states; and

Whereas it is incumbent upon us as free citizens to appreciatively recognize that the captive nations in the aggregate constitute not only a primary deterrent against a hot global war and further overt aggression by Moscow's totalitarian imperialism, but also a prime positive means for the advance of world freedom in a struggle which in totalistic form is psychopolitical; and

Whereas in pursuit of a diplomacy of truth we cannot for long avoid bringing into question Moscow's legalistic pretensions of "noninterference in the internal affairs of states" and other contrivances which are acutely subject to examination under the light of morally founded legal principles and political, economic, and historic evidence; and

Whereas in the implementing spirit of our own congressional Capitive Nations Week resolution and the eight Presidential proclamations it is in our own strategic interest and that of the nontotalitarian free world to undertake a continuous and unremitting study of the captive nations for the purpose of developing new approaches and fresh ideas for victory in the psychopolitical cold war: Now, therefore, be it

Resolved, That there is hereby established a nonpermanent committee which shall be known as the Special Committee on the Captive Nations. The committee shall be composed of ten Members of the House, of whom not more than six shall be members of the same political party, to be appointed by the Speaker of the House of Representatives.

SEC. 2. (a) Vacancies in the membership of the committee shall not affect the power of the remaining members to execute the functions of the committee, and shall be filled in the same manner as in the case of the original selection.

(b) The committee shall select a chairman and a vice chairman from among its members. In the absence of the chairman, the vice chairman shall act as chairman.

(c) A majority of the committee shall constitute a quorum except that a lesser number, to be fixed by the committee, shall constitute a quorum for the purpose of administering oaths and taking sworn testimony.

SEC. 3. (a) The committee shall conduct

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an inquiry into and a study of all the captive non-Russian nations, which includes those in the Soviet Union and Asia, and also of the Russian people, with particular reference to the moral and legal status of Red totalitarian control over them, facts concerning conditions existing in these nations, and means by which the United States can assist them by peaceful processes in their present plight and in their aspiration to regain their national and individual freedoms.

(b) The committee shall make such interim reports to the House of Representatives as it deems proper, and shall make its first comprehensive report of the results of its inquiry and study, together with its recommendations, not later than January 31, 1969.

SEC. 4. The committee, or any duly authorized subcommittee thereof, is authorized to sit and act at such places and times within or outside the United States to hold such hearings, to require by subpena or otherwise the attendance of such witnesses and the production of such books, papers, and documents, to administer such oaths, and to take such testimony as it deems advisable.

SEC. 5. The committee may employ and fix the compensation of such experts, consultants, and other employees as it deems necessary in the performance of its duties.

SEC. 6. The committee shall enjoy a nonstanding status, performing its duties in the course of the Ninety-first Congress and subject to renewal only as determined by needs in the completion of its work and further purposes of the House of Representatives.

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UKRAINIAN INDEPENDENCE DAY

The SPEAKER pro tempore. Under a previous order of the House the gentleman from Illinois (Mr. DERWINSKI) is recognized for 60 minutes.

Mr. DERWINSKI. Mr. Speaker, I am pleased to join the distinguished gentleman from Pennsylvania in commemorating today the 52d anniversary of Ukrainian Independence Day.

For over 300 years, the people of the Ukraine suffered as a divided nation under the rule of Russian czars. When the czarist regime crumbled during 1917, the long-awaited opportunity for independence came. A group of Ukrainian patriots declared their intention to seek independence in December 1917, and declared it achieved on January 22, 1918. The newly independent Ukraine was a war-torn country, surrounded by aggressive and feuding neighbors. The preservation of independence was to prove impossible. The Red army invaded the Ukraine in the spring of 1920. In 1923, the Ukraine was made a constituent republic of the Soviet Union, making the Ukrainians among the first victims of a new imperialism.

The Ukraine experienced no respite during World War II. The country again became a battlefield for the contending forces of East and West. The Soviets withdrew only to be replaced by other cruel masters—the Nazis. Following World War II Soviet authority was reasserted, and tightened. Cruelest of ironies, the Ukrainians, on Soviet insistence, were given a delegation to the United Nations. But this delegation is a sham. The facade of independence cannot disguise the ugly fact of subservience.

With a population of more than 45 million, the Ukraine has a territory which exceeds in area that of several Western European nations combined. The Ukraine is rich in human and material resources, its history and culture are more than a thousand years old. In an era which has seen the rise of many new nations, some of them throwing off colonial bonds after long periods of subjugation, is it not a singular injustice that the Ukrainians, along with their neighbors in Eastern Europe, continue to be subject to exploitation by the worst colonial system of modern times?

Today, as we fight in Southeast Asia on behalf of a small, brave people striving to maintain its freedom and independence, let us not forget that there are many areas of the world where the cause of liberty has yet to prevail, and that we must not relax our vigilance or abandon our struggle until that cause has prevailed.

Mr. Speaker, on this occasion of the 52d anniversary of Ukraine's independence, I would like to conclude my remarks with a comprehensive article which was recently written in tribute to the life and works of the late Dr. Roman Smal-Stocki. As many Members know, Dr. Smal-Stocki was a well-known authority on Ukraine, the U.S.S.R., and world communism. As an American patriot, he was also a strong advocate of the independence of Ukraine ana all the captive non-Russian nations in the Soviet Union. This is a most appropriate occasion to include the article on "A Man and Patriot," written by Dr. Lev E. Dobriansky of Georgetown University and published in the autumn 1969, issue of the internationally authoritative journal of East European and Asian Affairs, the Ukrainian quarterly.

The article follows:

A MAN AND PATRIOT

(By Lev E. Dobriansky)

"For Ukrainians in particular, but for all free men in general, the death of Dr. Smal-Stocki is a grave loss to the ceaseless cause of freedom. It is truly the grave loss of a patriot, Christian and scholar."[1] These words in my eulogy of the man and patriot, as published in the *Congressional Record*, project no exaggeration of the man and his works, which is oftentimes the case in moments of bereavement. I have no doubt that relatively few, even in the Ukrainian communities of America, really understand the loss sustained by this untimely death. Equally, I have no doubt that in time they will. For as in everything else, whether freedom, genuine friendship or love, it is rarely appreciated enough until we're deprived of it.

Within the span of an article, it is not easy to do adequate justice to the character and stature of Dr. Roman Smal-Stocki in his dimensions as a man and patriot. A personality such as his was too delicately interwoven, rich in quality and characteristics, deep in wisdom and thought, suffused with devotion and love and compassion, to be sufficiently portrayed in an article or an issue or in a volume. In every respect, his was a unique personality, and as I have already observed and think it quite fitting to repeat here, the man, selflessly and with unparalleled devotion, dedicated his entire and long adult life to the cause of a free and independent Ukraine and later, through it, to the preservation of the freedom and security of his America. This pronounced dedication is crucial to an understanding of Smal-Stocki as a man and as a patriot; indeed, it is the very basis of the man and of the patriot. As I pointed out before, "personal glory, money, even the advantages of a marital existence were alien considerations to his unique and priceless dedication."

It is thus in this and no other way that one can properly and objectively understand this former scholar and leader as both a man and patriot. My close association with him for over two decades probably exceeds that of any other in terms of scholarly exchange, political confidence, and frequency of contact. In view of this long association and respectful friendship, his death was a profound, personal loss to me. I came to know and esteem the man through numerous mutual activities. To reflect accurately and objectively the man and the patriot, perhaps the best approach is to recount some of my outstanding experiences with Smal-Stocki in an organized pattern of successive activities, covering the political, the religious, communications, the scholarly, and public representations. In these five spheres of activity and their experimental highlights the full measure of the man and the patriot can be appreciatively understood.

THE PATRIOT IN POLITICAL EDUCATION

Roman Smal-Stocki was a scholar, an educator, a professor and a writer; yet all these dimensions of his being, taken individually or collectively, cannot convey and characterize his total being. In his dynamic self he was far more than any or all of these vocational designations suggest. To describe his full being, one would have to intermix a bit of Aristotelianism and ingredients of Augustinianism, a truly political man, viewing himself as a necessary cognitive member of society, and consistently possessed with an activism to translate ideas into action. Smal-Stocki was contemplative, but he was also the inveterate doer; he was a profound thinker, but he was also a witty, engaging and humorous conversationalist; he was by heritage a Ukrainian, but he was also an American patriot who valued and advanced the revolutionary traditions of the United States. He was a dynamic American patriot of Ukrainian ancestry and yet, without contradiction in any respect, he was a free, cosmopolitan man of the world which he sought to become increasingly free in an ordered and responsible existence.

On countless occasions it was my enduring and memorable privilege to discuss and argue about the world situation with him. Sometimes his reflections appeared somewhat askewed to me, and no doubt mine to him, but always in these instances respectful disagreement and considerate passion prevailed. The man had not only a probing and penetrating brain, but also a warm and genuinely live heart. I shall never forget one of the latest episodes of our thriving relationship. It occurred in the late fall of 1968, when I was invited to attend the Second Conference of the World Anti-Communist League in Saigon, South Vietnam. In seemingly endless telephonic conversations, in open forum, and in social setting Roman endeavored desperately to dissuade me from participating in this conference. He sincerely felt the risks were too great and inordinate, that this anticommunist conference would be a prime target for the Viet Cong and the Hanoi aggressors. It is difficult to put into words the depth of feeling and moving passion with which he argued his case. But here was a consuming part of the man that few could perceive without the benefit of a rich and close association.

Actually, thanks to the direct security provided by the free Vietnamese government and indirecty that of our American forces, the risks proved to be minimal. Two delegates were assassinated, but this was because they had gone somewhat astray of the set ground rules for our stay in this war-torn area. I clearly understood Smal-Stocki's heartfelt motivations, but there was also

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reflected in his logical argumentation an understandable bias toward Eastern Europe as against Asia. In one framework of reference his position was irrefutable; in another, as typified by Leninist thought on the strategic importance of the less developed areas, it was hardly valid *in toto*. Nevertheless, the episode showed the man in total behavior, both mind and heart at work in what he believed was right and good.

Regarding Smal-Stocki's patriotic devotion to his America, not the slightest indication ever existed as to what might be called a devotional schizophrenia based on a divided background. The greater part of the scholar's life was spent in Europe, particularly the eastern half, and his dedication was directed solely toward the freedom and independence of his beloved Ukraine. Upon his arrival here at the end of the 40's, he quickly recognized that in the present world context this objective could not be realized without a strong and leading America. But he also leaped beyond pragmatic considerations to grasp and value the uniqueness of America in the world community of nations. This vital cultural recognition enabled him to easily reconcile his steadfast devotion to a free Ukraine and his new patriotic dedication to a country he volitionally adopted and loved to the last breath of his life. In fact, his formula of spontaneous adjustment was simple and yet powerfully true: the more he loved and worked for America and its revolutionary tradition, the more he felt he was contributing to the freedom of Ukraine and of all the captive non-Russian nations in the USSR. In short, his devotion as a patriot was unitary and yet allowed for the widest and most flexible efforts aimed at the liberation of all the captive nations in the Red Empire; and this, without contradiction, conflict or insular resistance to harmonizing adjustment.

The consistent and normal behavioral orientation all this led to was his complete and uncompromising dedication of personal resources and talents to America's growing knowledge of the enemy seeking in time to destroy this country. This in essence was Smal-Stocki's life for the past two decades, that of a self-made patriot deeply engaged in political education concerning the basic issues of mythological communism, the real enemy of Soviet Russian imperiocolonialism, the strategic position of Ukraine, and the reality and significance of the captive nations in the aggregate. All as concerns primarily the national security of his America and through it the freedom of his ancestral Ukraine and that of all the captive nations. The expressions and manifestations of this driving bent were too numerous to recount here, but throughout this piece select examples of this all-important point will be given.

One, for instance, was the valuable contribution the good Doctor made in the trial of International Communism at the beginning of 1968. The trial was held at Georgetown University with the aim of offsetting in part the spurious propaganda spewed by Moscow in its celebration of the 50th anniversary of the Russian Bolshevik revolution and also the thoroughly nonsensical accommodation of this propaganda by our communications media. The method was simply by presenting objectively and honestly the facts of Soviet Russian colonialist exploitation, genocide, and aggression. As reported in the summary of this unique trial, "Dr. Smal-Stocki told the Court that as late as 1966 the Communist Congress of the Soviets was still urging a merger of the cultures and languages and that 'the Soviets are using murder as a system both inside and outside the Soviet Union' in order to suppress and totally liquidate non-Russian cultures." [2] The trial received world-wide coverage and, of course, a scathing retort from Moscow and its dependent associates.

As in all of these cases, Roman and I exchanged notes on how best to maximize the effects of our presentations, one supplementing the other, both avoiding useless duplication and repetition. In the above case, I preceded Roman and covered the whole sweep of Soviet Russian imperio-colonialism. The following day, January 21, 1968, he followed with a superb and more specialized testimony on Russian linguocide, genocide, and anti-Semitism. It was always a joy to cooperate with him and, as will be seen, this close and harmonious cooperation extended back to the early 50's. As in all human relationships, the basic reason for this harmony was a mutual objectivity, a give-and-take sublimated by a higher goal than the individual and oft-times selfish interests of either person could possibly achieve. There never was any petty nonsense, foolish political play or personal jealousy and envy. The dominating passion was always how to advance best and most efficiently the cause both he and I represent. And with it there was also, too, a relaxing amount of humor and healthy outlook. Roman's varied and hard experiences in life taught him long ago that our mundane existence is never all black or all white. Nor is the pursuit of a noble cause such as ours.

These qualities were totally blazing again when we plunged into the battle against the ratification of the Consular Convention with the USSR. You will recall that after the treaty was signed in 1964, it had to be ratified by the United States Senate. Senator W. J. Fulbright, the chairman of the Committee on Foreign Relations, sought to railroad this treaty through the Senate. He had a second thought about this in June of that year when both the Ukrainian Congress Committee of America and the National Captive Nations Committee indicated they would throw their opposition against the treaty into the Presidential campaign of that year, and at that on a clearly bipartisan basis since numerous Democrats as well as Republicans were opposed to ratification. This Fulbright decision to delay helped us enormously in view of our complete absorption with plans and preparations for the unveiling of the Shevchenko Monument in Washington at that time. I recall how overjoyed Roman was with this turn of events because he felt his energy was not adequate for two major undertakings at one period of time.

As it developed, nearly three years of maneuver and counter-maneuver transpired before Senator Fulbright abandoned his scheme to railroad the treaty without open public hearings. We won out on this, though we eventually lost on the ratification itself, largely because of a political deal beyond our control. Smal-Stocki and I had already worked out our approach to the hearings. On February 17, 1967, I appeared before the Senate Foreign Relations Committee to testify against the treaty's ratification. I was on the stand for two hours. Smal-Stocki supplemented my testimony with a written one that he submitted to the committee. His statement ably covered ground and provided perspectives which my testimony could not incorporate.[3] Armed with a wealth of facts and insights, he presented a statement which supporters praised highly and opponents could hardly refute. This was consistently the case with Smal-Stocki who was always prepared and ready to educate on political issues of basic import to Free World security.

Before we conclude this phrase, it should be pointed out that the Consular Convention subject is not a closed chapter. To gain his vote and several others for ratification, the Johnson Administration agreed to a condition set forth by Senator Everett M. Dirksen of Illinois. The agreement was that when the time arrived for it the Department of State would consult with Congress and local communities before any Russian consulate is established in any of our cities. I recall how Roman reacted to this when I informed him of it. "We must continue to fight on this basis," he shouted. Well, we have within the format of the Captive Nations Week. Mayor Daley of Chicago has already announced that his city is opposed to having a Russian consulate; so has the Mayor of Buffalo. The reason why this action hasn't been pressed forward at this time is because the Department of State hasn't as yet responded to the preliminary Russian request for consulates in New York and San Francisco.

Of course, this was not the first time that Smal-Stocki lent his heavy support in a high-level Congressional hearing. I've testified practically every year since 1950 on some particular issue in the U.S. Congress, and over the years he offered both solicited and unsolicited advice and recommendations. Whether accepted or not, his advice was always graciously and willingly given in order that the best possible results could be obtained for all concerned. This was completely in line with the superlative character of the man. Objectivity, factual accuracy, and courage of thought and conviction were his consistent standards.

In the late 40's and early 50's we disagreed by 180 degrees on the issue of the Genocide Convention and its ratification by the U.S. Senate. In an informative article on the subject the Professor argued against ratification, fearing that the Russians would also ratify the convention and thus make mockery of the whole subject.[4] At the time I was working closely with the originator of the term "genocide" and prime sponsor of the convention, Dr. Raphael Lemkin. A brilliant international lawyer, Dr. Lemkin taught me all the subtle points of this treaty which, significantly, to this very day resides in the Senate Foreign Relations Committee and still has to be acted upon, as indeed it will be. It was our considered thought that with U.S. Senate ratification our Government would be placed in the best possible position to show to the world the evidence of unsurpassed Soviet Russian genocide, far exceeding that of the Nazi Germans, and to easily demonstrate the pure hypocrisy of Moscow's ratification.

As it turned out, the Ukrainian Congress Committee of America was committed to the position of ratification. I testified in behalf of this position, and with Dr. Lemkin we reaped considerable mileage on the subject. The towering stature of Smal-Stocki, who was teaching then at Marquette University in Milwaukee, Wisconsin, revealed itself in full proportion. Despite his disagreement on policy, he threw in his lot wholeheartedly, furnishing all the data on Russian genocide that he had in his possession and, within the established policy framework, offering every bit of advice he could. Selfless, cooperative and all-giving, the man felt that it was his dutiful obligation to render every measure of service and assistance in an effort which he later conceded would conduce to the strengthened position of the United States. This was the predominant mark of both the man and the patriot.

Several years later the witty professor participated directly in another Congressional hearing that, on hindsight, seemed to be twenty years before its time. This hearing in 1953, before a special subcommittee in the House of Representatives, dealt with the issue of direct U.S. diplomatic relations with the Republics of Ukraine and Byelorussia in the USSR. Thanks to his excellent testimony and to several others, a committee that originally was noncommittal and even opposed to the measure, unanimously voted for it in the end.[5] Similar to other cases, when we had the opportunity to present our position logically and rationally, the outcome was inevitably one of active or passive agreement. Adventitious factors, such as sudden political deals, a time-delaying plea by the De-

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partment of State to study an issue, or deaths, as in the case of Senator Brian McMahon of Connecticut who was converted into supporting the Genocide Convention, have somehow intervened to obstruct our advance. In the case of this issue, it was the untimely death of Congressman Lawrence H. Smith of Wisconsin that sidetracked the measure in the following Congress.

Congressman Smith and Smal-Stocki were close friends. Their friendship grew from Roman's expanding reputation in the Midwest and Smith's admiration for the professor's views and authority. Obviously reflective of his qualities both as a man and patriot, Smal-Stocki's persistent bent was the non-Ukrainian American forum. Though the Ukrainian American community is basic and essential, he rightly viewed this as the source, not the objective, of our efforts. Plainly, as he often observed, "It does no good to talk simply to ourselves." Not to mention countless others, the former Wisconsin Congressman Charles J. Kersten also became a long and loyal friend of the Doctor. And the role played by the Doctor in the Kersten hearings on Communist aggression in 1953–54 was monumental. As stated earlier, activism, firm conviction, and an informed bearing are the hallmarks of the Stocki legacy.

Finally, of these few select experiences in the area of political education on our American terrain is the truly remarkable one leading to the erection of the Shevchenko statue in the Nation's capital. This is a long story that could fill more than one book. An outline of it appears in my own current work.[6] Here it is sufficient to point out that from the very beginning of the project and to its very end Smal-Stocki played a major role, which meant a free endowment of his intellectual resources, his valuable time and judgments, and his cultured buoyance that brought relief and encouragement in tight situations; and there were many of these over a five-year period. Again, in the nature of the man and patriot, no personal or political pettiness, no shrinking from loyal obligation, no difficulty in the pursuit of constructive work. We had more than our share of these "negatives" from other quarters.

In the long process of this monumental project, Roman joined in the House hearings on the statue. Entirely true to form, his testimony was authoritative, impressive, and convincing. It contributed heavily to the successful launching of H.J. Res. 311 into Public Law 86–749 in September, 1960. On points of comparison between the aspirations of the Ukrainian people as so eloquently expressed by Shevchenko and the revolutionary tradition of America, the Professor was incomparable. His piece on "Shevchenko and the Jews," which proved to be so valuable later against the vicious attacks of *The Washington Post,* formed a scholarly part of the House biographical document on Shevchenko.[7]

When, at the end of August in 1960, I received word at the Georgetown University Hospital of the Congressional passage of the Shevchenko resolution, my first request of the UCCA Executive Board was to form a special Shevchenko Memorial Committee with Dr. Roman Smal-Stocki as President. This request was honored without any objection. At the time I knew of no finer tribute we all could pay to the man and patriot, and for his lifetime works than this. He performed as expected, with refined dignity, moderate leadership, and deep humanism. His strength showed in the fall of 1963 when we ran into unexpected trouble with *The Washington Post*. Following the groundbreaking ceremonies in September, this powerful organ unleashed an editorial campaign against the erection of the statue that continued almost weekly into the next year. This factually packed story has been recorded in a *Congressional Record* reprint. In it you'll find the lengthy letters written by Smal-Stocki as President of both the Memorial Committee and of the Shevchenko Scientific Society.[8] Again, true to form, they are factual, incisive, and logically invulnerable. Needless to say, the Washington organ displayed its total weakness by refusing to publish these excellent letters. What was disconcerting at the time was the dearth of similar letters from the so-called Ukrainian literati, many of which seemed to hope that the project would fail. The power, sagacity, and drive of one Smal-Stocki were, thankfully, equivalent to hundreds that they could possibly provide in any such venture. In brief, it was all as God seemed to warrant.

FOR GOD, COUNTRY AND PEOPLE

The above rich experiences hardly exhaust the wealth of relationship I was privileged to enjoy with Dr. Smal-Stocki. As the remainder of this article will show, our relationship extended beyond the field of political education as covered in part above. It was also projected into the area of religious affairs, TV and radio, scholarly forums, and public representations exclusive of Congressional and general governmental undertakings. But the Stocki spirit was always the same regardless of the sphere of activity. With unparalleled maturity, generosity, kindness, warmth, considerate objectivity and his other sterling qualities consistently shone through. One need only read his article, written in Ukrainian, in the official book of the Shevchenko statue unveiling.[9] You will find an interpretation of Shevchenko in relation to Washington filled with wholesome emotion of political spirit based on religious fervour and faith in ultimate goodness, truth, and moral rectitude. For the man and patriot the moral order of principle and ethical good formed the order framework of his political thought. It is because of this that he was able with ease and intellectual agility to incorporate into numerous of his themes the names of Shevchenko, Jefferson, Washington, Lincoln, Wilson and others, all whose political thought and behavior were founded on determining religious ideas and motivations.

For God, country, and people was the Stocki standard. He had an enormous respect for tradition and the cumulative wisdom and experience of mankind. He was a deeply religious man, not necessarily in terms of institutional ritual and prescription but in fundamental terms of a profound faith in God and His Christocentric immanence in the world. This fixed and unwavering faith was the source of his indefatigable power, his unyielding convictions, and his eternal hope. The goodness of our Creator he saw in the rightness of our cause. The ideals of a developing, more democratic, more just and preserved America, of expanding freedom in the world at large, of a free and independent Ukraine, and of the end of all empires constitute the rightness which cannot but be rationally in accord with divine goodness. To view the strength of the man and the patriot even in weakened, terminal physical circumstances, one would have had to be at his side during those last moments in April 1969 when the spiritual and and intellectual lights dimmed and were finally extinguished by physical demise.

In numerous concrete ways the Doctor displayed his keen religious interest and bearing. I shall never forget his inspiring eulogy at the grave of our dear friend John Duzansky in Chicago, in the spring of 1963. His words brought spiritual refreshment and relief to all the bereaved. As a devout Catholic, Roman was constantly immersed in religious affairs. He was chosen as one of the principal speakers at the 25th Anniversary Observance of Metropolitan Senyshyn's consecration in Philadelphia, in December 1967. Later, both in July and August of 1968, he played an important role in two outstanding events surrounding the presence of His Eminence Joseph Cardinal Slipy in our country. Respectively, in Philadelphia he met with the Cardinal and was one of the most warmly received at the reception and banquet. In Washington, the Doctor was one of the leading lights in the reception given to the Cardinal at the Catholic University where Stocki taught. Roman's many lectures and articles on Russian genocide of the Ukrainian Catholic and Orthodox Churches, the Russian Orthodox Church as a tool of the Kremlin, and the persecution of the Moslems, Jews and other religious bodies in the USSR give more than adequate evidence of the interlocking religious and political factors in his total thinking. In short, the man and the patriot couldn't possibly have been detached from God.

ABOUT THE COMMUNICATIONS MEDIA

Many who can write, teach and lecture to a given group, have for some reason a paralyzing incapacity when it comes to a TV camera or a radio mike. This was not so with our man and patriot. On the contrary, he seemed to be at his zenith best. With his arsenal of knowledge and argumentative points, as well as a natural liking of people, Smal-Stocki always exuded a complete air of self-confidence and personal certitude. In fact, over these media he proved to be a delightful and perfectly sincere showman, being quite serious when the moment demanded it, interjecting appropriate humor and jokes when called for, and an overall basis lending productive worth to the given program. I point this out because it also indicates the full and buoyant personality that made up the man and the patriot.

Regardless of a slight but advantageous accent, Roman was always able to hold his own in any public situation. He became a star in his own right in the Midwest area, appearing frequently on TV and radio programs dealing with the Soviet Union and the communist question. My experiences with him covered so many of these programs that I can't recall the number, all the subjects, and the places. Quite often we appeared together on the award-winning Georgetown University TV and Radio Forum. For example, on July 14, 1968 along with Dr. Herminio Portell-Vila, a former University of Havana professor who flunked Fidel Castro in history, we discussed the intriguing subject "Are Captive Nations Still Captive?" Smal-Stocki not only convincingly answered this in the affirmative but also went on to show the new potential captive nations that exist in the world, such as South Vietnam, Egypt, and Brazil. Earlier, on April 17 we were on a three-hour program over TV station WFAN in Washington, D.C., discussing "US-USSR Relations." On this program, called *Controversy,* he not only delivered a remarkable analysis of the Czecho-Slovak crisis in relation to the topic but also predicted Russian intervention, which followed in August. His many years in Prague between the two World Wars equipped him with insights that sheer logic cannot provide.

Constructive criticism also was a standard part of his armor. For instance, at the end of November, 1967 Smal-Stocki appeared with me and Raymond McHugh, chief of the Washington Bureau of the Copley News Service, to discuss my work on *The Vulnerable Russians* over the Georgetown University Forum.[10] Although his attitude toward the work was generally favorable, he nevertheless felt that in the light of prudence I was too specific in naming names and events at this stage of development. As he remarked then, "Truth can be described in many and various ways." By no means did he suggest that the truth be tarnished or concealed. Rather, he was so concerned about both my prospects and safety that he sincerely thought a more generalized account concern-

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ing the captive nations episode and the "Shevchenko affair" would have been in order. He expressed himself as he saw fit; the air of intellectual freedom was always about him. But a freedom with a thriving sense of responsibility and rational restraint.

In another Georgetown program, staged on May 24, 1964 and devoted to the subject "Shevchenko: Freedom's Symbol," Smal-Stocki found his opportunity to let loose on *The Washington Post*, which months before suppressed his informative letters-to-the-editor. Congressman Edward J. Derwinski and I were the other panelists. Those who knew the man and patriot, always admired his gentility and fairness. He displayed these dominant qualities on this occasion. Without rancor and insult he logically refuted the *Post's* mythical arguments about Shevchenko's alleged anti-Semitism, the opposition of other American groups of East European stock, and Moscow's interest in the statue. It was done superbly, humbly, and graciously.

One can go on and on recounting similar experiences of this nature. In 1958, I was privileged to join Dr. Smal-Stocki in an important "Hammer and Sickle" TV series, sponsored jointly by WXIX in Milwaukee, which is part of the CBS network, and Marquette University. The program covered the plight of the non-Russian nations in the past Russian Czarist Empire and in the present USSR. Smal-Stocki's detailed knowledge of this plight was such that the series truly vibrated with factual and interpretative pungency, and the viewing audience grew by the week in the area. Earlier that year he participated with me in a similar series on "The Captive non-Russian Nations in the USSR" over the Georgetown University Forum. The five programs were transcribed and published as a Congressional reprint. Thousands of copies were distributed in high quarters throughout the Middle East and South Asia. His solid contribution was acknowledged by all, and largely because it was characteristically couched in specific facts and data that he consistently had on his finger tips. This came natural to him when one considers his extensive scholarship.

SOME SCHOLARLY NOTES

The intellectual forte of the man and patriot was indubitably his extensive scholarship. Most leaders possess intellectual competence in varying degrees but few, because of time, background and cognate reasons, have the scholarly foundations that formed the solid basis of Stocki's activism. His uninterrupted scholarly activity actually provided the fuel and food of thought for his other interrelated activities, all in the consummate direction pointed out earlier. This structured the man's fruitful life and made him the highly principled and challenging patriot that in the right and moderate sense of the word he was.

Far be it from me to describe here the scope and depth of Stocki's scholarly activity. This is a subject in and of itself; its relevancy here pertains to its subordinate and serving role for the total man and patriot. The exactitude, precision and balance of thought that the Doctor sought and applied in his philological and historical studies were aptly transferred to his political activity in the Aristotelian sense. I recall, for example, the tremendous impact of his lecture on "Russian Imperialism and the Middle East" at Fort Meade, Maryland.[11] I directed that seminar in July of 1966, with 250 high officers attending and lecturers drawn from government, the diplomatic colony, and our universities. With typical thoroughness, Smal-Stocki portrayed the evolution of Russian imperialist interest in the Middle East and equipped the officers with a pattern of analysis that no one else was able to do. His presentation moved the audience so, that the question-and-answer period was extended a full hour beyond regulation time.

No matter where, the performance and effects were invariably of the highest order. His origination and management of the Slavic Institute at Marquette University, his literary output for the Institute of Ethnic Studies at Georgetown University, his lectures at the 1967 Captive Nations Conference in Washington, and his guidance over the Institute of Ukrainian Studies at St. Josaphat's Seminary, Catholic University—all showed brilliantly the marks of excellence and superlative competence. On three occasions, in the successive years of 1966–1968, it was my pleasure to lecture at St. Josaphat's on a variety of subjects dealing with Ukraine, and each time I left with a profound sense of satisfaction and accomplishment, mainly because of the orderly and masterly manner they were conducted by the director, our venerable Smal-Stocki. Here was culture personified in all its beauty and charm.

In the two general spheres of his composite activity, namely the Shevchenko Scientific Society and the Ukrainian Congress Committee of America, Stocki's scholarly bent led him to virtually specialize in a rigorous surveillance of the proceedings and undertakings of UNESCO. It was this surveillance that enabled us to keep a close tab on the output of UNESCO, such as the scandalous Russian-written book back in 1962 on races, nations, and peoples in the USSR. Under the inspiration of Smal-Stocki, UCCA strongly attacked the fallaciously contrived contents of this fraudulent work. Published in Europe, copies of the book were inaccessible in this country and, strangely enough, we managed to obtain one long before our Ambassador to the U.N., Adlai E. Stevenson, acquired one.

As indicated, the writings of Smal-Stocki are numerous and varied. I always considered it a privileged honor to have been chosen by him to write the forewords to two of his most successful works. In an early one of his scholarly works I emphasized, "It is with this balancing orientation that the distinguished and scholarly author of this work advances the content and results of his investigation of certain paramount issues pertaining to Soviet thought and practice."[12] This treatise caused quite a stir of reexamination of views in many governmental and academic circles. In a later work on the captive nations I wrote with all sincerity and deep feeling, "Professor Smal-Stocki's life has been dedicated to the defense of the right of self-determination by all the non-Russian nations and peoples in the Soviet Union."[13] And indeed it was. Both he and I fully understood that these nations not only had this right but also had exercised it for independence and national freedom.

On the matter of public representations over and beyond the areas noted here, the good Doctor was about the most congenial, witty and social being you could find anywhere. Reflecting his total personality as man and patriot, his constant behavior may be verily characterized as that of a roving ambassador representing the noblest of causes. Whether in the public forum, at a diplomatic cocktail reception, at a group dinner and similar functions, he invariably was the center of social delight, a source of endless witticism which guaranteed the success and pleasantness of any function. This was only natural. His remarkable character as shown by all the qualities depicted here could have led to nothing else. The man was truly a civilized man of the highest standing and status.

IN ETERNAL TRIBUTE

As I conclude, my true feeling is one of inadequacy and imperfection. The words written here I know do not adequately describe the man and the patriot. I doubt that any eloquent combination of words can. However, no matter how imperfect and insufficient they are, they flow from the heart of one who enjoyed the privilege and pleasure in life to know a person with extraordinary qualities and culture. A friendship such as this is redemption enough for one's faith in civilized man.

Words and acts are the best means to pay eternal tribute to a man and patriot of the stature of Dr. Roman Smal-Stocki. Happily, the Tenth Congress of Americans of Ukrainian Descent in New York, in October 1969, has been dedicated to the everlasting memory of the man and patriot. Also, my forthcoming book on *Russia, USSR and U.S.* is likewise dedicated to him. Doubtless, as time passes and his real and profound value is perceived and understood by more of our citizens, even greater tributes will be recorded. But having known the man and patriot, who was perpetually given to genuine simplicity and the basic, real and enduring values of life, the highest and lasting tribute he would want is to carry on the good fight as portrayed in these pages—the good fight for national independence, freedom, democracy and decency of which he was an integral part and which his works served to perpetuate, intensify and strengthen to the benefit of all of us.

FOOTNOTES

[1] "Dr. Roman Smal-Stocki: Dedicated American Patriot of Ukrainian Ancestry." *Congressional Record*, June 26, 1969, p. 17596.

[2] "Highlights of International Communism On Trial," Washington, D.C., February 19–21, 1968, p. 19.

[3] *Consular Convention With The Soviet Union*, Hearings, United States Senate, U.S. GPO, 1967, pp. 264–267.

[4] Roman Smal-Stocki, "The Genocide Convention," *The Ukrainian Quarterly*, Spring, 1949, pp. 144–163.

[5] *Favoring Extension of Diplomatic Relations With The Republics of Ukraine and Byelorussia*, Hearing, Committee on Foreign Affairs, House of Representatives, U.S. GPO, 1953, pp. 10–17.

[6] *The Vulnerable Russians*, New York, 1967, pp. 343–374.

[7] *Europe's Freedom Fighter*, House of Representatives, Document No. 445, U.S. GPO, Washington, 1960, pp. 30–32.

[8] E. g. in *Shevchenko, A Monument to the Liberation, Freedom and Independence of All Captive Nations*, U.S. GPO, Washington, 1964, pp. 49–54.

[9] Roman Smal-Stocki, "The Road of Shevchenko to Washington, Capital of America," *Taras Shevchenko Memorial Book*, Washington, DC., 1964, pp. 9–12.

[10] "The Vulnerable Russians—Subject of Roundtable Discussion on Georgetown University TV Forum," *The Ukrainian Bulletin*, November 1–15, 1967, p. 94.

[11] "U.S. Army Seminar On Middle East," *The Ukrainian Bulletin*, October–November 1966, p. 110.

[12] Roman Smal-Stocki, *The Nationality Problem of the Soviet Union and Russian Communist Imperialism*, Milwaukee, 1952, p. vii.

[13] Roman Smal-Stocki, *The Captive Nations*, New York 1960, p. 11.

Mr. **GERALD R. FORD**. Mr. Speaker, each year we mark the anniversary of Ukrainian Independence by recounting the unfortunate history of that brave people under Soviet domination.

Rather than to recall the past, it might be more appropriate on this 52d anniversary for all Americans to reflect on their own good fortune and to imagine for a few moments what it would be like, for example, to trade places with a Ukrainian, a Czech, or an East German.

Of course, all three have certain things in common. They are denied freedom of speech and political expression; their travel to other nations is restricted, there is censorship of what they can see, hear, read, or publish; their frontiers are patrolled, barbed wire is erected or a wall is constructed to keep them in; and most importantly the Soviet presence to protect them from fellow citizens who seek greater political and cultural freedom.

Such a thought should remind us all of what a privilege it is to be an American. While we can all hope that the Soviet Union will someday become more democratic, we had best be more pragmatic about the aims of Soviet policy.

In recent years the Soviet Union has attempted to convey a more humane and rational approach in its dealings with the West. We all welcome this. However, it is well to remember that rhetoric costs little, while actions more clearly reflect the true character of a nation.

The brutal Soviet repression of Czechoslovakia is a grim reminder of what can be expected when the vital interests of the Soviet Union are at stake.

The world is very different now than it was when Hungary was brought to its knees by Soviet armor. I believe the Soviet Union will live to regret the course it followed in Czechoslovakia.

The resentment that followed, not only from the Czech people, but from world public opinion, has severely damaged the image and credibility of the Soviet Union.

While we seek ways to lessen tensions and to negotiate our differences, we should always stand ready to speak out when the Soviet Union disregards the rights of the individual for the omnipotence of the state.

Mr. Speaker, our goal must be to achieve a more open society within the Soviet bloc. For if they truly believe that their system is superior, they should not fear the exposure of their citizens to ours. If we are successful, the ultimate result would undoubtedly be greater freedom for the people of the Ukraine and of Eastern Europe.

Mr. BUCHANAN. Mr. Speaker, it is a privilege to join my distinguished colleagues in commemorating the 52d anniversary of the independence of the Ukraine. In doing so, I wish to highly commend the Ukrainian Congress Committee of America for bringing to the attention of the American people the repressions suffered by the 47 million captive people in Ukraine and exposing to public view the total disregard for human freedoms within the U.S.S.R. On October 25 of last year it was my great privilege to attend and address the 10th Congress of Americans of Ukrainian Descent in New York. The outstanding work of this organization in the cause of human freedom is certainly due in large part to the leadership of such persons as Dr. Lev E. Dobriansky, professor of economics at Georgetown University, and Dr. Walter Dushnyck, editor of the Ukrainian Quarterly. Freedom-loving people everywhere are indebted to the devoted work of these brilliant and highly informed authorities on communism and the peoples of the captive nations, including those within the Soviet Union.

As the world daily becomes smaller through the rapid advancements of communication, transportation, and technology; and as the tremendous power held by both the United States and the Soviet Union necessitates increased communication between these two nations; it seems particularly appropriate that we increase and express our awareness of and personal indignation for the repressive treatment of citizens in the captive non-Russian nations in the U.S.S.R. It makes little sense to me to commit our Nation's most precious resource, the lives of its young people, to the cause of freedom and self-determination in Southeast Asia and to be unaware or unconcerned about these human rights elsewhere in the world. In commemorating the historic struggle of the freedom-loving people of Ukraine for their independence, we reiterate our deep concern for the millions who live in captivity under the tyranny of Communist rule.

Fifty-two years ago, on January 23, 1918, Ukraine declared its full independence and obtained recognition as the Ukrainian National Republic from a number of European states, including Soviet Russia. Immediately thereafter, however, this independent state met with the armed intervention of the Soviet Government and after more than 3 years of courageous resistance its government was destroyed by the Bolsheviks. Ukraine was made an unwilling member of the Soviet Union in 1923.

As we join today in observing the Ukrainians' valiant fight for freedom, the inspirational words on this subject of the late Gen. Dwight Eisenhower are called to mind. In the 1964 dedication of a monument to the Ukrainian poet-patriot, Taras Shevchenko, General Eisenhower called for a "new world movement" to work for "the independence and freedom of all captive nations" under Communist control. It is through such a commitment that the hopes of freedom-loving people everywhere can remain alive. It is particularly significant, furthermore, that that monument to the patriot, Taras Shevchenko, who remains as a symbol of the persistent determination of his people to fight for freedom, stands in the capital of the greatest free nation of the world. As an eloquent spokesman for Ukrainian independence from Russian colonial rule, Shevchenko endangered his own liberty and was banished into exile for speaking out against substantially the same conditions which exist in his beloved nation today. Just as the spirit of Shevchenko lives on in the hearts of his countrymen today, so does his statue here in Washington, D.C., serve as a constant reminder to us that the freedom for which he fought is still denied to millions of persons behind the Iron Curtain.

Mr. PATTEN. Mr. Speaker, we are here today to commemorate the 52d anniversary of Ukrainian Independence. Celebrations will be forthcoming all across this Nation, yet in the Ukraine itself there will be no joy. As a captive nation held by the authoritarian power of the Soviet Union, the Ukraine can remember this day only in the innermost hearts of her people. It is therefore fitting, Mr. Speaker, that our words here today ring out twice as loud and twice as strong than ever before.

The Ukrainians are a proud and wonderful people. Proud certainly of a history which dates back to the days when Kiev was the center of Russian activity. Proud of their resources which could allow them to be self-sufficient. Proud of their ranking as the fifth largest European member of the United Nations. These very facts, however, cause the chain of captivity to be held all the more tightly around the 47 million inhabitants of the Ukraine.

The Soviet Union is now embarking on its first census in many years. Experts tell us that this census will result in one glaring fact—the minority groups in Russia will outnumber the Russians. The time is certainly coming when the Soviet Union must listen to the pleas of its minority groups. Now as these groups come into their own, they need the support of the nations of the free world all the more. We must show them that their plight is a matter of great concern to us, that their pleas do not fall on deaf ears.

The Ukrainian people have known the taste of freedom, the responsibility of leadership, the joy of peace, and their right to justice. Let me urge my colleagues to speak out that we may in our lifetime see the Ukrainian people enjoy the celebrations of independence in their homeland once again.

Mr. BYRNE of Pennsylvania. Mr. Speaker, acknowledging the busy schedule which faces this body, nevertheless I ask my colleagues to pause for a brief moment today to note Ukrainian Independence Day.

Throughout the free world, Ukrainians and those of Ukrainian descent marked the 52d anniversary on January 22 of the independent Ukrainian Republic. Needless to say, there were no open celebrations within Ukrainia itself; where the gallant Ukrainian people live under the yoke of the Soviet Union.

Actually, an independent Ukrainian state dates back to the ninth century, and although the culture, the language, the literature, and the ethos of Ukrainian people have been constant, there have been only short periods when they have been able to live as a national state on their fertile and productive land.

It has been this very fertility which has been the Ukrainian blessing and curse at the same time. This fine soil, tilled productively and diligently by the Ukrainian people, has been coveted by powerful neighbors since the dawn of recorded history. Time after time, these people have been brutally conquered.

But their soul and spirit were never subdued. To this day, they look for and work for a free, independent, and democratic nation.

I feel it is unfortunate that our school history texts concentrate so thoroughly on world powers to the exclusion of historical references to other peoples and nations.

Historically, Ukrainia became a political entity in the ninth century. A subsequent ruler was St. Vladimir, who accepted Christianity from Byzantium in 933. This state, with Kiev as its capital, prospered until destruction by the Tatar invasion of 1237–41.

Subsequently, the Ukraine became victim to the rapidly expanding Poland and

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Lithuania. The Ukrainian people never lost their fighting spirit and desire for independence. Rebellions were numerous.

An insurrection led by Bogdan Khmelnitsky—Chmielnicki—defeated the Poles in 1648 and again the following year. However, a military defeat in 1651 led to call for aid to Czar Aleksey Mikhailovich.

On October 11, 1653, Moscow declared war on Poland. Two Russo-Polish wars followed, ending on January 31, 1667, with the Treaty of Andruszow, partitioning between Poland and Russia.

In December 1668, Sultan Mohammed IV took the Ukraine under his protection, and 1672, a Turkish army marched against Poland imposing the peace of Buczacz, which gave the Ottoman Empire control of "Polish Ukraine." Turkish control continued until 1684 when John III Sobieski drove out the Turks.

In "Russian Ukraine," an alliance was concluded with King Charles XII of Sweden to re-create an independent Ukraine, but Czar Peter I's victory over the Swedes at Poltava on June 27, 1709, ended this dream.

With the second partition of Poland in 1793, the Ukraine was once again a reunited entity—but under Russian control. Its political autonomy, and even its name, disappeared.

Ukrainian nationalism was reborn in 1846 by the formation of the secret Brotherhood of St. Cyril and St. Methodius in Kiev by about 30 Ukrainian patriots.

With the discovery of the society the following year, the members were either arrested or deported by the Russians, but the spirit of nationalism lived on.

In 1876, the Czarist government forbade the use of Ukrainian in schools and in books and journals.

With the revolution in Russia during World War I, Ukrainian patriots again saw a chance for independence. A National Ukrainian Congress was held in Kiev in April 1917, and elected a rada—a central council.

On June 23 the rada proclaimed an autonomous Ukrainian republic. On July 16 a government was formed. On Nov. 20 the rada announced the convocation of a freely elected constituent assembly, and on Jan. 22, 1918, proclaimed a "free and sovereign" Ukrainian Republic.

German and Austrian armies occupied the Ukraine and found the rada too democratic for their standards. They executed a coup d'etat and established a puppet regime.

With the defeat of the Central Powers, Simon Petlyura, who had been war minister in the rada-sponsored government, assumed power in Kiev as commander-in-chief.

Ukrainian forces were subsequently defeated by the Red army and by the end of 1919, the free republic of Ukrainia ceased to exist.

During World War II, the Ukraine was occupied by the German army, which exploited its resources for the benefit of the Germans.

Ukrainia has suffered much through the centuries and under the heel of the Communists; but never in its long history have its people ever forgotten their short-lived freedom; and never have they ceased yearning for independence and democracy.

At this time, let us take a moment to recognize their plight and patriotism; and pray that some day this dream will be realized.

Mr. YATRON. Mr. Speaker, Thursday, January 22, marked the 52d anniversary of the Ukraine's independence.

On that historic day in 1918, a national council at Kiev declared the Ukraine a free and independent republic. In their Act of Union, these patriots set forth an inspiring and immortal credo of freedom, a portion of which follows:

> From today on there shall be only one independent Ukrainian National Republic. From today on the Ukrainian people, freed by the mighty upsurge of their own strength, have the opportunity to unite all endeavors of their sons for the creation of an indivisible, independent Ukrainian State for the good and the welfare of the working people.

Although this vision was soon obscured by the relentless tide of Russian imperialism, neither military force nor political repression nor religious persecution have succeeded in destroying the Ukrainian dream of self-government. Many Ukrainians fled their homeland to start anew, but each carried with him a fervent nationalism and a passion for freedom. Despite a half century of Soviet domination, the idea of Ukrainian self-determination has survived and flourished.

Today I am privileged to join my colleagues, my fellow Americans and freedom-loving people throughout the world, in commemorating this anniversary of Ukrainian independence. As we Americans prepare to celebrate our bicentennial, let us never forget the sacrifices these brave men have made for the cause of freedom. And let us always remember that so long as some men are enslaved none of us is truly free.

Mr. Speaker, to document the vitality of Ukrainian nationalism today, I commend to my colleagues an article entitled "The Not-So-Silent Majority," which appeared in the January 12 issue of Newsweek magazine, and I insert it in the Record at this point:

Soviet Union: Not-So-Silent Majority

Next week, one of the world's most ambitious door-to-door canvasses will get under way when the Soviet Union embarks on its first national census in more than a decade. During its initial stage, 550,000 census-takers will go into every home in that vast country to register an estimated 240 million citizens. The raw data they gather will then be spot-checked by 100,000 controllers and fed into a central computer bank in Moscow to emerge as columns of statistics for the use of Soviet planners. But in all that jumble of information, one fact is likely to stand out dramatically: for the first time since the formation of the Soviet Union, Great Russians will find themselves a minority in their own country.

The political implications of this demographic fact are worrisome indeed to Soviet leaders. For there are unmistakable signs that the national consciousness of the Soviet Union's non-Russian majority is increasing at least as fast as its numbers. In the past few years, Crimean Tartars and Ukrainians have openly protested against the denial of their ethnic rights. And it is estimated that half the political prisoners detained in Soviet labor camps fall under the category of "bourgeois nationalists." Moreover, many observers of the Soviet scene think the intensification of ethnic conflict will be the Soviet Union's most pressing domestic problem in the remaining years of this century. "It is not inconceivable," writes Columbia University's Prof. Zbigniew Brzezinski, "that in the next several decades the nationality problem will become politically more important in the Soviet Union than the racial issue has become in the United States."

FAULT

If Brzezinski's forecast is borne out, the fault will not lie entirely with Soviet leaders—past or present. For when they carried out their revolution, the Bolsheviks inherited from Czarist Russia an unwieldy hodgepodge of 130 separate racial, ethnic and national groups, many with their own language, culture and degree of economic development. But it is also true that during their 52 years in power, Soviet leaders have only managed to make a bad situation worse through a confused series of nationality policies, which have ranged from Lenin's relative tolerance toward separate ethnic development to Stalin's ruthless practice of Russification. Even today, the Kremlin permits non-Russians little direct political expression. Those few members of the eleven-man Soviet Politburo who are non-Russian tend to be Uncle Toms. And in most of the country's fifteen republics, Great Russians wield the real power.

In theory, the Soviet Union was founded on the concept of national pluralism. Soviet propaganda continually portrays a colorful pageant of almond-eyed Tartars, fair-haired Estonians, olive-skinned Azerbaijanis and ruddy-faced Russians all walking arm in arm toward the Communist millennium. In practice, of course, the various nationality groups are proceeding at vastly different paces. During the first half of 1969, only seven of the fifteen Soviet republics matched the national increase in gross industrial production. And only four of them recorded a per capita income higher than the nationwide mean of 1,070 rubles ($1,188). Moreover, there is frequently a direct correlation between economic performance and the grievances of ethnic minorities. One reason why industries east of the Urals fulfilled only 65 per cent of their quotas last year seems to be the resentment of local workers toward "imported" managers and technicians.

The Great Russians, for their part, make no effort to hide their scorn for the non-Russian peoples of the Soviet Union. From *khokhol* (topknot) for a Ukrainian to *chernozadyi* (black bottom) for an Azerbaijani and *yoldashy* (yellow men) for Central Asians, they have a pejorative nickname for each group. Then, too, most Russians are convinced that the national minorities either live better or work less than they do. Georgian farmers are resented for flying their tomatoes and peaches to Russian markets to take advantage of higher prices; Central Asians are reputed to be getting the lion's share of new investment projects; Ukrainians are charged with grabbing too much political power in Moscow. To find out how the national minorities, in turn, view their Russian compatriots, Newsweek's Moscow bureau chief John Dornberg recently took an extensive tour of the Soviet Union. Dornberg's report:

Last week Soviet Deputy Foreign Minister Vasily Kuznetzov arrived back in Peking to continue the Sino-Soviet border talks after a three-week interruption. One of the principal sources of contention at the talks is Peking's claim that vast areas of Soviet Asia are now under Moscow's control because of "unequal treaties" imposed on China by the Russian czars in the nineteenth century. But the Soviets are not about to give up any of the disputed territory—if only because

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they have poured billions of rubles into Soviet Asia in order to make it a showplace for the accomplishments of Communism. Indeed, Kazakhstan now ranks third in industrial production among all Soviet republics, and Uzbekistan annually produces almost a million tons of steel.

Feudal nomads only 50 years ago, the Moslem peoples of Central Asia are now almost completely literate and the younger ones, at least, are often better versed in Russian culture than in their own. Among the older generation, however, I frequently encountered bitter resentment at the decline of ancient ways and the contempt which resident Russians display for the local populace. "When you are in the bazaar," said an Uzbek farmer who rushed to my defense as soon as an inebriated Russian tried to prevent me from taking photos, "you are *our* guests."

If Russians visit Central Asia for a whiff of the Orient, they travel to the three Baltic republics for a breath of the West. Independent from 1918 to 1940, the Baltic republics are still among the least Russified areas in the Soviet Union. In the Estonian capital of Tallin, "Finnish antennas" provide a TV peephole to the West, while in Riga, the capital of Latvia, art galleries display paintings far beyond the limits of socialist realism. Economically, too, the Baltic republics are advanced and specialize in the production of sophisticated industrial machinery as well as such consumer items as cars, radios, TV sets and washing machines. But even though Soviet statistics claim that industrial output has increased twentyfold since "the socialist revolution of 1940," nationalists in the Baltic republics believe they would be even better off free from Moscow's control. "We could still be socialist," one young man in Tallin told me, "but if we were not part of the Soviet Union, we'd be as rich as the Swedes."

SIZE

Despite the attachment of the Baltic republics to the West, if a confrontation ever develops between the Great Russians and a resurgent nationalist minority group, it may be most likely in the Ukraine. In part, this is due to the sheer size and population of the Ukraine. With 47 million inhabitants and a territory of 232,000 square miles. The Ukrainian Soviet Socialist Republic ranks as the fifth largest European member of the United Nations, where it has held a separate seat since the world organization was founded. But the Ukrainians' intense nationalism is also firmly rooted in cultural and economic achievements. Kiev was the center of medieval Russian civilization and Ukrainians are also the heirs to a highly refined literary culture developed in the nineteenth century. Economically, moreover, the Ukraine is self-sufficient. Besides being one of Europe's principal granaries, it is rich to the point of abundance in iron, coal, oil, manganese and titanium.

Though on paper all fifteen of the Soviet Union's republics enjoy the constitutional right of secession, the Ukraine would doubtless be the most capable of standing on its own feet as an independent nation. Perhaps it is the consciousness of this fact which makes Ukrainian nationalists so intransigent—and the Soviet authorities so quick to stymie their activities. Basically, Ukrainian nationalists object to the official distortion of the Ukraine's history and the de-emphasis of its language in urban schools—as well as the economic directives from Moscow which force the republic to concentrate on heavy industries to the neglect of the more profitable production of consumer goods. But they are not so much in favor of complete independence for their republic as a relaxation of centralized control. "We do not want separatism," one Ukrainian nationalist told me recently. "What we are looking for is greater autonomy within the union."

That, however, is something which the present crop of Soviet leaders is unlikely to grant. For in an age in which demands for separate nationalist expression are heard around the world, the Kremlin has steadfastly kept a tight lid on its own minority groups. The Soviet leaders are painfully aware, of course, that by opening avenues for legitimate ethnic expression they would court the risk of undermining the very authoritarian system on which their nation is run. Yet, by failing to heed the demands of their increasingly restive nationality groups, the men in the Kremlin are courting the equally grave risk of an eventual political explosion.

Mr. KLEPPE. Mr. Speaker, I join with many of my colleagues and with the free people of the Ukraine and their descendants in the United States and other nations, in marking the 52d anniversary of the proclamation of independence of the Ukrainian National Republic and the 51st anniversary of the act of union under which all Ukrainian lands were united into one independent and sovereign nation. The independence and the act of union were proclaimed in Kiev, capital of the Ukraine, on January 22, 1918 and 1919, respectively.

It is now more than 75 years since the first Ukrainians came to the State of North Dakota and they were followed in later years by refugees from Soviet oppression. These industrious, gallant, and patriotic people have, through the many years, made a great contribution to our State and Nation. We have no finer group of citizens.

Dr. Anthony Zukowsky of Steele, N. Dak., president of the State branch of the Ukrainian Congress Committee of America, Inc., has long been a leader in the fight for Ukrainian independence. I am indebted to him for the following comments on the history of the Ukrainian fight for freedom:

JANUARY 12, 1970.

Hon. TOM KLEPPE,
U.S. Congressman,
Washington, D.C.

DEAR CONGRESSMAN KLEPPE: January 22nd will mark the 52nd Anniversary of Proclamation of Independence of Ukrainian National Republic and 51st anniversary of the Act of Union, whereby all Ukrainian lands were united into one independent and sovereign Nation. The Independence and the Act of Union were proclaimed in Kiev, Capital of Ukraine on January 22, 1918 and 1919, respectively.

The Ukrainian National Republic was recognized by a number of foreign governments including that of Soviet Russia. The latter, however, almost simultaneously with recognition declared war and began invasion of Ukraine. For almost 3½ years Ukrainian people waged a gallant struggle in defense of their country, alone and unaided. The free Ukraine was subdued to a puppet regime of Soviet-Socialistic Republic.

The freedom loving people of Ukraine have not accepted Soviet-Russian domination and regardless of harsh persecutions, artificial famine and genocide Russian policy have been fighting for reestablishment of their Independence by all means accessible to them for the last 50 years. During World War II the Ukrainian people organized a powerful underground Ukrainian Partisan Army (U.P.A.), which fought against Nazi regime and against the Soviets as well.

Stalin and Khrushchev unleashed bloody persecutions and reprisals against the Ukrainian people in late 1940's.

Relentless and severe persecutions of Ukrainians continued after the death of Stalin and after the ouster of Khrushchev from the top leadership in the Kremlin. Brezhnev-Kosygin leadership is bent on keeping the Soviet-Russian empire intact by persecutions and deportations of Ukrainian youth, students, scientists and Ukrainian intellectuals.

Recently the international press has been providing a vast amount of documentation of the suppression of Ukrainian culture.

Briefly, the Kremlin rule in Ukraine can be described as follows: Exploitation of Ukraine's economic resources for the benefit of Moscow and its imperialistic ventures in Asia, Middle-East, Africa, and Latin America. Genocide and systematic deportation of Ukrainians to central Asia. Arrest and trials of Ukrainian patriots including Ukrainian Communists defending freedom of their country.

Persecutions of all religions in Ukraine and enforced Russification aiming at the cultural and linguistic genocide of the Ukrainian people.

All the available evidence of the western observers shows that the ever-increasing tempo of repression has failed to intimidate the Ukrainian people; therefore, the Russian leadership in Kremlin took brutal measure against liberal movement in Czechoslovakia. Since Kremlin leaders were convinced the liberal ideas of Czechoslovakia would help Ukrainian liberals and other captive Nations.

Both the U.S. Congress and the President of the United States have expressed their concern over captive non-Russian nations in the USSR by enacting the "Captive Nations Week Resolution" in July 1959.

The American-Ukrainian community in our State and in the Whole United States will observe the forthcoming 52nd Anniversary of Ukrainian Independence and 51st anniversary of the Act of Union in fitting celebration.

Mr. HOWARD. Mr. Speaker, 52 years ago, on January 23, 1918, a land became free, and a magnificent people rejoiced that dreams harbored for hundreds of years had been realized. That land was the beautiful Ukraine, beloved homeland of more than 40 million people. Today we observe the anniversary of a glorious day in their history.

The independence celebrated so proudly on that January day proved fleeting, for the Ukraine was soon set upon from all directions by those covetous of her abundant natural resources and strategic geographic location. Germany and Austria-Hungary were among the first to invade, installing a puppet ruler to oversee the land. After defeat in the war, Germany and Austria-Hungary withdrew, leaving a power vacuum at once filled by France. Poland invaded in an attempt to annex Ukrainian land west of the Dneiper River. White Russians and Bolsheviks turned the lovely little land into a bloody battlefield. Finally, in November 1922, the Ukrainians witnessed the sad ending to a chapter in their heroic struggle for national independence. Only a few short years after their magnificent triumph, they were forced to bow to Russian tyranny.

Yet, through all the dark years of foreign subjugation, the Ukrainian people have carefully preserved their national heritage. They have never forgotten that wonderful, yet fleeting moment of independence. They have never ceased to

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revere the words of the poet laureate of the Ukraine, Taras Shevchenko, who pled for a Ukrainian national leader to arise, who, as the American leader George Washington, would bring his people out of bondage:

> When will we receive our Washington, with a new and righteous law? And receive him we will some day!

We then may all take inspiration from the wonderful example of the Ukrainian people, who never flinch in the face of adversity, who triumph over hardship, and who have never lost their undying will to be free. On this, their anniversary of independence, we salute them and join with them in the prayer that they may soon realize their goal of freedom.

Mr. COLLIER. Mr. Speaker, I thank the gentleman from Illinois and the gentleman from Pennsylvania for this opportunity to protest against Communist imperialism and the suppression of God-given human rights throughout the Soviet Empire.

During the quarter century that has elapsed since World War II, more than 60 nations secured their independence as the British, French, Dutch, and Belgian empires disintegrated. Unfortunately, the hypocritical Soviet Union which, along with its tools and dupes in our own country, has so much to say about colonialism, has not joined with its European neighbors in releasing subject peoples from the yoke of imperialism.

While hundreds of millions of Africans and Asians have been released from bondage, the nearly 50 million people of Ukraine continue to suffer under the tyranny of communism. This reign of terror, which began under Lenin and continued unabated under Stalin and Khrushchev, is as oppressive as ever under the present Soviet leadership.

Until such time as the Kremlin removes the shackles from the Ukrainians, Lithuanians, Letts, Esthonians, and other victims of Soviet aggression, we ought to turn deaf ears to prattle about the mellowing Communists.

Mr. Speaker, for a nation which fought against German national socialism, Italian fascism, Japanese imperialism to directly cooperate in any way with international communism is the most absurd sort of inconsistency.

Let us hope and pray that the people of Ukraine, along with their fellow colonialists, will soon join the ranks of free and independent peoples.

Mr. MURPHY of Illinois. Mr. Speaker, January 22 marked the 52d anniversary of the independence of the Ukraine. It is appropriate that on this occasion every year we take time to pay tribute to this country which represents freedom-loving people throughout the world.

Ukraine's experience as a free, self-determining country from 1918 to 1920 instilled in the Ukrainian people a dedication to the ideals of freedom and a deep desire for independence that has persisted. The spirit of the Ukrainians should be an inspiration to us and a reminder of the struggle that other countries are enduring to achieve the liberty that we have possessed for so long.

On the anniversary of Ukrainian independence, we wish to convey to the Ukrainian people our concern for their welfare and our respect for their many years of patient efforts to restore their independence.

Mr. ST GERMAIN. Mr. Speaker, the Ukrainians are one of the oldest and largest of the Slavic peoples. They are known also as one of the most industrious and peace-loving peoples in Eastern Europe, even though they have not been allowed to live in peace. The reason for this misfortune is that, except for the happy but very brief period of independence in 1918–20, they have been suffering under the alien and oppressive Russian yoke for more than three centuries.

Up to the middle of the 17th century the Ukrainians were able to maintain their freedom and independence against the onslaughts of invading Asiatic hordes. Then in the year 1654 the Ukrainian leaders signed a treaty with the czar of Russia by which they meant to unite the two countries. Soon these leaders found out that they had been tricked by the Russian czar; the wily autocrat succeeded in nullifying the terms of the compact and put an end to the Ukraine's independence. Nearly all of Ukraine's subsequent misfortunes seem to have stemmed from the twisted terms of that compact.

Under the czars the Ukrainians were expected to abandon their traditional beliefs and national aspirations and to lose their identity in a merger with the more numerous Russian people. The czarist government set out to Russianize, by compulsion if necessary, all Ukrainians. Imperial decrees banned the use of Ukrainian as an official language; in schools the teaching of that language was not permitted; and the whole country was treated as a colonial adjunct of imperial Russia.

During more than two centuries, however, Russians could not eradicate Ukrainian nationalist feelings. The more oppressive the hand of the Government, the more the Ukrainians resented and rebelled against their overlords. As a result, Ukrainian nationalism was kept alive and became a powerful force in the country. The idea of freedom was carefully nurtured in the people's hearts. Finally, some 250 years later when the Ukrainians had the chance to regain their freedom, they seized upon it and proclaimed their national independence on January 22, 1918. That day has become a momentous landmark in modern Ukrainian history, and since then it has been celebrated as a Ukrainian national holiday.

The republic which the Ukrainian leaders founded 52 years ago was a frail and fragile one and beyond the reach of aid from sympathetic friends and well-wishers. It was surrounded by powerful and dangerous foes, all anxious to pounce upon the new state and put an end to its existence. The inevitable took place in 1920; the country was invaded and overrun by the Red Army, and its independence once again shattered. Thereupon the Ukraine became a de facto part of the Soviet Union, and so it remains to this day.

Communist totalitarianism has turned Ukraine into a vast prison camp in which more than 45,000,000 freedom-loving and hard-working Ukrainians are being held by the Kremlin. There being no real freedom, the people are not even allowed to observe their independence day. But the irrepressible spirit of the Ukrainian people refused to be chained and muffled; the people retain their national ideals and their aspirations to regain national independence.

On the 52d anniversary observance of their independence day, I wish the gallant people of the Ukraine peace, but also fortitude and hope.

Mr. FEIGHAN. Mr. Speaker, the 22d of this month marked the 52d anniversary of the independence of the Ukraine. That day is particularly meaningful to those Americans of Ukrainian descent who aspire to see freedom and national independence returned to the land of their origin. It is fitting, therefore, that we in the Congress join in tribute to the 47 million people now living in the Ukraine.

The Ukrainian people have enjoyed only brief periods of independence while enduring centuries of struggle against Russian tyranny, both czarist and Communist. The period 1917–18, which we commemorate today, marked a break in the Russian stranglehold and the rebirth of the Ukraine. The Ukraine, as well as other non-Russian territories, established independent governments following the fall of the czarist empire. The Bolsheviks, however, moved quickly to seize control of those areas and the Ukraine, along with the others, fell under Communist domination. The Ukraine withstood military pressure from the Red Army for 3½ years, but could not stand alone. On the heels of the victorious Red Army followed an indiscriminate reign of terror.

The agony of the Ukrainian people under Soviet rule reached its zenith during the period of Stalin's forced collectivization. When it became evident that the Ukrainian peasants could not be induced to abandon their farms and enter the collectives by means of persuasion, Stalin resorted to mass starvation. In 1932, the entire year's grain reserve of the Ukraine was removed from the country by Red convoys. It is estimated that 6 million Ukrainians died in the famine that resulted. Political terror accompanied the famine and 80 percent of all the Ukrainian intellectuals were liquidated under Stalin's purge.

Even today Ukrainians are denied free choice of their institutions and governing bodies. The people of all non-Russian territories are permitted little political expression, even though they constitute the majority of the population.

National consciousness, however, is increasing in these territories and is particularly evident in the Ukraine. Ukrainians known that there territory is economically self-sufficient. They are intensely aware of their distinguished cultural heritage. They object to Russification and economic edicts from Moscow. The result is a resurgence of a nationalism that has always burned beneath the surface of Ukrainian life.

I join with all Ukrainians in this hope that their country will once again regain its rightful place among the family of nations.

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Mr. ZABLOCKI. Mr. Speaker, it is a pleasure to join with my distinguished and esteemed colleague from Pennsylvania, the Honorable DANIEL J. FLOOD, in commemorating the 52d anniversary of Ukrainian Independence Day.

Unfortunately, as my colleagues know, this independence was short lived. Shortly after Ukraine's declaration of sovereignty the Soviet Union crushed the free Ukrainian nation and reduced it to a constituent State of the U.S.S.R.

This denial of the right to self-determination, exemplifying as it did the Soviet policy of imperial-colonialism, shocked the world. It is a deed which still causes burning indignation in the hearts of all freedom-loving peoples, particularly the loyal sons of the Ukraine.

There have been other instances of Soviet imperialism in the years since the fall of the Ukraine, most recently the invasion of Czechoslovakia. We have all commiserated with the people of Czechoslovakia as the reforms which they won under the enlightened regime of Alexander Dubcek were undermined and elimínted. Seeing what has happened in this instance has demonstrated to us once again what the people of the Ukraine have suffered for 52 years.

Yet, we can take heart in reports from the Ukraine of people speaking out against the Soviet totalitarian regime. The desire for freedom remains strong and vibrant. The refusal to be silent puppets is a constant threat to the Soviet "masters."

Thus, though it is discouraging for the loyal sons of the Ukraine to see the Soviet Union continue its totalitarian control, they do not give up hope. They hold firm to their vision of a homeland free and independent.

At the same time, we must not be blinded by the actions of the Soviet Union. We must not fail to see that the people of the Ukraine and the other captive nations hopefully benefit most from a continued thaw in relations between the United States and the Soviet Union. Continued belligerence will beget nothing more than continued belligerence.

It was this belief which stimulated the Johnson administration to begin its policy of "building bridges" to the people of Eastern Europe. The same belief, I am sure, has led the new administration to continue and even enlarge upon this policy.

I firmly believe, Mr. Speaker, that our Government and its principle of individual dignity represents an attractive and revolutionary idea to the oppressed peoples of the world. We can and must communicate this idea to peoples everywhere.

To accomplish this, it is essential that we nurture the channels of dialog which we have already opened and continue to develop new ones, such as the strategic arms limitation talks now underway.

Individual freedom is such that once it has been tasted, a craving for it develops and spreads—a truth which the people of Czechoslovakia are demonstrating to their Soviet-dominated leaders.

The fact that 52 years has not erased the memory of and the thirst for independence in the people of the Ukraine bears further witness to the potency of these freedoms.

Thus, I submit that we must not place limits on the avenues of approach to the peoples of Eastern Europe. We must consistently apply our creative energies to developing and expanding our points of contact with those forced to live under communism.

The ultimate result will eventually be a greater freedom for the people of the Ukraine and the other national groups of Eastern Europe. This is the goal to which we must earnestly dedicate ourselves upon this anniversary of Ukrainian independence.

Mr. STRATTON. Mr. Speaker, I welcome this opportunity to join in marking the 52d anniversary of the declaration of independence of the Ukraine. The years of independence were much too brief and have been followed by too many years of oppression and captivity.

Americans of Ukrainian descent and those Ukrainians still held captive continue to nourish the will for an independent Ukraine. The dream of 1918 is still alive, both here and in the homeland, but our support in this House can help that dream to flourish and grow until the day when the dream becomes reality. This is the occasion when those of us who have spoken and acted in the past for a free Ukraine can renew our resolve, and those who are new to the struggle may join the forces of liberty.

We have seen ample evidence in the last few years that those who believe communism is mellowing and that the system, of its own volition, would slowly relax the bonds on the captive nations are mislead. It has become abundantly clear that communism and the basic human freedoms cannot co-exist in the half of the world dominated and controlled by the Communist masters, simply because exercise of these freedoms destroys the control necessary for the continued existence of a Communist government. The rechaining of Czechoslovakia stifled the hopes that Communist Russia would voluntarily permit a gradual resurgence of free speech and dissenting opinion.

But hope of another sort is still alive in the captive nations—the hope that the spark of freedom from within fed by the support of this country and the other free nations will light the way to true independence from the Communist masters.

This support is our charge and one which we in the House should meet.

Last October I was deeply honored to receive the Shevchenko Freedom Award from the 10th annual Congress of Americans of Ukrainian Descent in recognition of my efforts in the cause of Ukraine's freedom. I was proud and grateful that I had been selected to receive this honor, for my past efforts, but as we observe the 52d anniversary of the declaration of the independence of the Ukraine, I would like to look forward to the time when my efforts and those of the other Members of the House will have helped restore freedom to the people of the Ukraine.

When human rights are restored to the Ukraine, when the people are once again free to determine their own government, and when all the captive nations of Europe and Asia are once again unfettered, then we can all take greatest pride that free men, having continued to struggle against oppression, have prevailed. Then honors, with their finest flavor, honors for successful striving will go to all who fought for freedom.

Mr. DINGELL. Mr. Speaker, the Ukrainians are one of the oldest, most numerous and most gifted national groups in Eastern Europe. They have been among the bravest who have fought for their individual and national freedom. For centuries they have suffered hardships under alien regimes, yet they have never abandoned their aspirations to be free and independent. Under the ruthless, callous, and almost inhuman Austrian and Russian autocracies, they managed to maintain their spirit of independence and many of their cherished national and cultural traits. They never gave up the struggle to free themselves from the grip of foreign regimes.

For centuries their sole national goal had been to attain national political independence. And in 1918 they had the chance. When the Russian autocracy was overthrown and the Austrian monarchy was about to share a similar fate, the Ukrainians felt free to declare their independence. This they did on January 22, 1918, and established the Ukrainian Republic. But valiant as they were, they were not fortunate and powerful enough to preserve it. Before they had a chance to enjoy the fruits of freedom, they found themselves fighting on several fronts—against the Poles and Czechs, and of course against the deadly Russian Communists. At last overwhelmed, they surrendered their independence and their country to the Red army in November 1920. That was the untimely end of the Ukrainian Republic.

Since then some 45,000,000 Ukrainians have been living under Communist totalitarian tyranny. Their beloved homeland has become a vast prison camp where they have not much more freedom than people in prison. But these sturdy and stout-hearted people have not given up their hope for freedom and independence, and on this observance of their independence day, let us all hope that they attain their goal in their homeland.

Mr. ANNUNZIO. Mr. Speaker, I am glad to join my colleagues in saluting the courageous people of the Ukraine whose 52d anniversary of independence occurred on January 22, 1970.

The State of Illinois is particularly fortunate to have among her citizens a sizable number of Ukrainian-Americans who have contributed so much to the advancement of our democratic ideals and our American way of life.

I am proud to say that many of the outstanding Ukrainian-American organizations which we have in the Chicago area are headquartered in the Seventh Congressional District of Illinois which I have the honor to represent. These include:

Ukrainian-American Civic Center, Inc., 845 North Western Avenue;

Ukrainian-American Club, 2234 West Chicago Avenue;

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Ukrainian-American Publishing & Printing Co., 2315 West Chicago Avenue.

Ukrainian-American Social Club of UNA, 2345 West Chicago Avenue;

Ukrainian Congress Committee of America, 841 North Western Avenue;

Ukrainian National Association—Lions, 2353 West Chicago Avenue;

Ukrainian Youth Camping Organization, Inc., 2116 West Chicago Avenue;

Ukrainian Book Store, 2315 West Chicago Avenue; and

Ukrainian National Museum, 2453 West Chicago Avenue.

Over the years I have had the opportunity to observe firsthand the various activities conducted under the auspices of these organizations and I am tremendously impressed with their significant contributions to the civic, social, educational, and cultural life of our community. I know that in the years ahead they shall continue to make meaningful contributions to the well-being of all of the people in our community.

Mr. Speaker, it is entirely fitting, therefore, that we observe here in the Congress the 52d anniversary of that eventful day in 1918 when the brave Ukrainians declared their independence from their oppressors. In the face of the dark cloud of communism and overwhelming military opposition by the Red Army, the valiant Ukrainians fought for their country and their culture. Through their unrelenting and tireless efforts and their devotion to the sacred cause of liberty, the Ukrainian independence endured for more than 3 years. However, deprived of all military, economic, and diplomatic assistance on the part of the Western powers, the Ukrainian people unfortunately succumbed to the numerically superior forces of Soviet Russia.

Today, communistic totalitarianism reigns in the Ukraine but the dauntless Ukrainian people still cling to their national ideals, confident that one day they will attain their goal of freedom, self-determination, and national independence.

On this important occasion I want to congratulate the Ukrainians for their steadfast efforts to regain their freedom. I also want to join my colleagues in reaffirming our belief in America's historic commitment to the principles of freedom and self-determination and in expressing our hope for the eventual peaceful liberation of the Ukrainian people.

Mr. MINISH. Mr. Speaker, on January 22, the 52d anniversary of the proclamation of the Ukrainian National Republic was commemorated. At the same time, the 50th anniversary of the proclamation of the Act of Union was marked, wherein Western Ukraine united with the Ukrainian National Republic into one independent republic of the Ukrainian people.

These anniversaries are important as symbols of individualism and independence to all people suffering under repressive governments. Here is an ethnic group, the largest in Russia, who have borne much suffering and oppression for the last half century. Nonetheless, they remain a singular people, noted for their literary, cultural, and individualistic traditions. Although they have undergone Russification and centralization, they yet retain their distinctive character.

The freedom and liberty we sometimes take for granted is most hard won elsewhere. As we experience it, freedom is not mere liberation from slavery or imprisonment. It is quite more, and is characterized by a feeling of freedom from restraint.

The Ukrainian people have not enjoyed a similar privilege. It is therefore incumbent on us to appreciate the unusual benefits we enjoy, when we understand that others just as worthy are less favored. Only by appreciating and utilizing our privileges can we continue to possess them. Like the Ukrainians, we must take stock of our heritage in order to retain it. This is the lesson we can learn from a proud people who will not yield up their individuality, even in the face of overwhelming odds. Their example is inspiring, and behooves us to wish them eventual success in their striving for the dignity and liberation they so richly deserve.

Mr. RHODES. Mr. Speaker, January 22 marked the 52d anniversary of the independence of the Ukraine. It should be inspiring to all freedom-loving people to see the unswerving faith and hope of the Ukrainian people. Even though they are today bound by the shackles of godless oppressors, the Ukrainians bravely commemorate the day they finally realized their dream of independence in 1918. Today, they dream and pray that they shall again, some day, know the joy of freedom. I join with my colleagues in commending all Ukrainians for their undying desire for freedom to live and worship in their own way.

Mr. EILBERG. Mr. Speaker, we are all familiar with the tragic history of the Ukraine's short-lived independence. It was torn and divided by Austrian, Polish, and Russian interests through much of the 19th century, the collapse of Europe's old order at the conclusion of the First World War gave the Ukrainians a chance to seize their liberty.

But these aspirations were quickly crushed. As the Ukrainians moved to form a government, the Bolsheviks' Red Army occupied Kiev. The Rada had proclaimed "a free and sovereign" Ukrainian Republic on January 22, 1918. Two years later this dream had been shattered.

So today as the House of Representatives pauses to mark the 52d anniversary of Ukrainian independence, we can be certain no similar ceremony is being observed by the Soviet Parliament. This ancient people which traces its history as a nation back to the ninth century does not itself have the privilege of marking its glorious history.

The Russians would have us believe that all is well with their captive nations. These Soviet masters would say that the freedom-loving Ukrainians thrive and grow strong under their domination. Well I have just returned from behind the Iron Curtain and a brief visit to the Ukraine and I can say with authority this is not so.

The Ukrainian people are not content under the jackboot of their Russian master and the Russians know this, suspect and watch everyone.

I spent 2 days in the Ukraine in late November as part of a longer week's visit to Russia. I went behind the Iron Curtain to prepare myself for the 31st meeting of the Council of the Intergovernmental Committee for European Migration at Geneva, where I was the majority representative of a House Judiciary Committee delegation.

Suffice it to say that the pressure to leave Eastern Europe remains high. People are eager to migrate to the West and all one needs see to confirm this for himself are the emigrant camps and lodges around Vienna, which I also visited. Peoples happy with their lot and their governments do not flee their homelands. It is now nearly two decades since the great post World War European migrations and people continue to flock to the West whenever they can.

In Russia, there was little official enthusiasm for my visit to the Ukraine. After getting the grudging consent of the bureaucrats and after spending most of Thanksgiving Day in the Moscow Airport, I finally enplaned for Kiev. In Kiev, the marshmallow wall went up again. My intourist guide and most officials were not eager for me to talk with the people of the Ukraine. They prefer Western visitors to spend their time in museums and staring at monuments. Human contact was discouraged. Clear efforts were made to keep me from seeing living institutions and how people lived.

In Kiev, I managed to visit two typical apartments. Both were small and their floor plans were identical. One apartment was occupied by four persons. Finally, I also was able to convince my Russian hosts to permit me a day's outing to Uman, some 132 miles south of Kiev. At first I was told that the roads were impassable.

The roads, of course, were not impassable. The highway is a fine concrete ribbon, which passes through some of the most primitive hamlets an industrialized society could produce. The hamlets are without electricity, rudimentary plumbing, paved streets, and the like.

The point is simply that the Russians have not allowed the Ukrainians full parity in the economic life of the U.S.S.R. and that was obviously what the apparatchiks were eager to conceal.

A State Department officer tells of being approached in Kiev by a Ukrainian interested only finally in a brief conversation about the officer's camera. When the Ukrainian left he was followed by two men, almost certainly from the Russian Secret Service. The most innocent conversation on a public street is suspect. The Russians obviously do not trust the Ukrainians—and probably for good reason.

The lessons of Hungary and Czechoslovakia are clear. The Russian world is not monolithic. The Soviets cannot dominate foreign peoples with their own national traditions and cultures indefinitely.

Each man must be his own master. It is 52 years since the Ukrainians declared their independence and some 50 years since it was stolen from them. This is a mere trace in the history of man. The Russians know and fear this and the

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Ukrainians wait and watch for their chance to seize their independence once again.

ADDITIONAL RESPONSES TO EDUCATIONAL QUESTIONNAIRES

The **SPEAKER** pro tempore. Under previous order of the House, the gentleman from **Kentucky** (Mr. PERKINS) is recognized for 30 minutes.

Mr. **PERKINS**. Mr. Speaker, in each of the four proceeding legislative days, I placed in the CONGRESSIONAL RECORD responses from local school officials to a questionnaire on title I of the Elementary and Secondary Education Act. These statements and responses appear on the following pages of the RECORD: beginning on page 284, January 20; page 644, January 21; page 761, January 22; and page 1033, January 26.

I wish at this time to extend my deep appreciation to all the school superintendents and administrators at the local level for their cooperation in this survey. The rate of return has been far beyond what was expected, and what is usually the case with surveys such as this. The number of responses, and the speed with which they were returned, indicate emphatically the urgency with which local school officials regard the subject of the survey—that is, their evaluation, substantiated with hard fact and statistics, of the effectiveness of title I of ESEA, and their plea for more adequate and timely funding.

Today I will include in the RECORD additional responses received between noon yesterday and today. As I have mentioned in the past, this information, which is being received on a daily basis, is the most current information on title I programs upon which an evaluation can be made.

As we near the vote on the veto action by the President, perhaps it would be helpful to review the results and findings of the questionnaire. When one rereads the hundreds of responses we have received, it becomes abundantly clear that title I funds are effectively and dramatically being employed to make significant improvements in the achievement of educationally disadvantaged children.

The response which I will include from the school superintendent of the Long Beach, Calif., Unified School District, exmplifies a sentiment being expressed almost universally:

> We regard our present Title I programs as very effective. Each year, as we have gained additional know-how in education, our programs have become more effective and our evaluation results clearly show this.

Last week, some concern was expressed that the returning questionnaires did not contain statistical data to document the favorable evaluations by local school officials of title I activities. It is my considered judgment that these evaluations have now been fully documented and justified by the statements and information received from State departments of education within the last day or two, information containing hard statistical evidence of improvement in basic skills, such as reading and math.

A telegram received from the Minnesota State Department of Education was not received in time to be included in yesterday's insert. The telegram contained data from a random sampling of the 350 Minnesota school districts serving title I children in reading projects. The results, which are still tentative, show that out of the 12,237 students tested, 1.7 percent, or 207 students, gained 2 years or more in reading; 22.9 percent, that is close to 3,000 students, showed gains from 1 to 2 years; and 5,885, or 48.1 percent, students fell into the category of gaining between 6 and 9 months.

Or let us review information just brought to my attention regarding the effectiveness of title I in the District of Columbia Schools. A survey was made of title I schools with both fourth and sixth grades. There were 12 such schools involved in the study. A study of the fourth grade reading scores in the school year 1966–67 showed that one school was above the national norm, four were near or at the national norm, and seven were below the national norm. A survey 2 years later, in the academic year 1968–69, of the same students when they were in the sixth grade, shows a significant shift upward. While in 1966–67, seven schools registered below the national norm, in 1968–69, only two schools fell into this category. Ten in 1968–69, as compared to four in 1966–67, were near or at the national norm level.

A summary of instructional activity in Kentucky under title I was just received this morning, and I should like to share with my colleagues certain of the results reported.

In one program, out of 243 students tested in grades 1–6, 57 pupils gained an average of 1.6 years in reading achievement, 31 average 2.2 years. Average daily attendance increase by 4 percent for target groups.

In another program, 424 students in grades 3–12 showed an average gain of 1.1 years in reading activity; teacher-parent-pupil surveys indicate positive attitudes.

Out of 164 students in grades 3–7 in still another program, 94 scored above the average expected gain.

Out of 895 students in grades 1–12, part of another activity, 456 students gained an average of .1 year above expectations; 220 gained .2 year more than was expected; 150 gained an average of .3 years above expectations. The group attendance increased by 2.6 percent.

In another school, the report states that 339 of 505 students tested achieved above average expectations. The number of pupils in target groups behind 1 year in reading was reduced by 31, and the number 2 years behind reduced by 78.

With these reports, it is clear that, in conjunction with the statements of 89 percent or more of all the respondents to the questionnaire, title I is effective in meeting the needs of educationally disadvantaged students.

My inquiries disclose almost without exception that the only serious problem related to program effectiveness is that of funding. There is widespread and deep concern registered over the timing and level of financing. Such statements as: "inadequate funding is the cost of limited effectiveness in this district," "inadequate funding is the greatest obstacle in reaching more disadvantaged students and reaching them more emphatically," "any limited effectiveness is due to insufficient funding," "inadequate funding is the greatest obstacle in the path of more effectively reaching the disadvantaged," "adequate funding is essential to provide comprehensive and quality programs," "inadequate funding has been a real problem because we lose key people in any cutback," are the types of statements which appear on virtually every questionnaire.

Today and tomorrow, as we give final consideration to our action regarding the Presidential veto, we must recognize that H.R. 13111 will not permit any great forward movement in title I but it will simply restore programs to their operating levels of 1968.

I sincerely wish we were going to have an opportunity tomorrow to cast a vote on a proposal which calls for investing billions of dollars in education to assist in meeting the still unmet needs in urban and rural education. Clearly this is not the case, Mr. Speaker. Positive action tomorrow, regrettably will not result in the investment in education which is obviously needed. Positive action tomorrow does mean, however, that Yakima, Wash., may be able to carry out their planned summer program for migrant and other disadvantaged children which they say in their questionnaire is now pigeonholed, because of a lack of funds; or it may mean the restoration of two title I programs which the Corning, N.Y., school system reports they had to terminate in fiscal year 1960; one an elementary home school counselor program and the second, a program of special help in math and reading at the elementary school level.

RESPONSE OF WILLARD A. CANODE, YUMA UNION HIGH SCHOOL DISTRICT, YUMA, ARIZ.

How many children in your district are benefitting from education programs funded under Title I of ESEA?

Answer. 620.

What is the ADA in your school district grades 9–12?

Answer. 3049.

What was the amount of your ESEA Title I grant in each of the following fiscal years?

Answer: 1968 27,031, 1969 25,934, 1970 22,727.

What additional funds, if any, could you effectively apply to your Title I programs in fiscal year 1970 over and above the present level of funding? In fiscal year 1971?

Answer: 1970 $6000, 1971 $6000.

In your judgement, do you believe that the Title I programs are needed to meet the special needs of educationally disadvantaged children?

Answer: Programs can be developed which perhaps determine whether these students remain in school or not.

Do you regard your present Title I programs as effective in meeting special education needs of educationally disadvantaged children?

Answer: Yes.

Recent hearings in Washington disclosed that inadequate funding was the greatest obstacle in the path of more effectively reaching the disadvantaged. Others now contend that we cannot effectively utilize extra

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funds contained in the HEW Appropriation Bill because the funds are being misdirected and are not reaching the disadvantaged contemplated under Title I ESEA. Your brief comments on these contentions would be appreciated.

Comment:

YUMA HIGH SCHOOL,
Yuma, Ariz., January 21, 1970.

Mr. CARL D. PERKINS,
Chairman, Committee on Education and Labor.

DEAR MR. PERKINS: Attempting to establish program requirements which are intended to regulate the funding of Title I projects cannot be done on a nation wide basis. Providing for the needs, the problems, or the desires of the Negro or Mexican child in New York City cannot be handled in the same manner as for the Negro or Mexican student in Yuma, Arizona. I have worked for the past four years as director of summer school for the Yuma Union High School District; eighty to eighty-five per cent of the costs have been met by our Title I allocation. There has been no construction or capital outlay from these funds; money has been used for salaries, supplies, and transportation. If the Yuma Union High School District were to receive added funds, these funds would be used to increase the course offering and to hold down the class load in hopes that more might be accomplished. Our opportunity to enroll the disadvantaged student and to work on his attitude toward school and himself is much greater than it would be in a large community. Placing the same restriction or regulations on both groups would certainly handicap one.

I have read several articles which have been critical of the extravagant use of Title I funds. The men in Congress must have received a great deal of mail challenging what John Q. Public might call Federal waste. Any program as extensive as Title I, will encounter problems from time to time. Not every State agency will have the same kind of problems to solve. If the members of the Committee on Education and Labor had the time to visit in the outlying areas and to observe successful programs in operation, I am sure they would be proud of the accomplishments. One failure doesn't make a catastrophe—one success doesn't make a bonanza. Our project in Yuma, Arizona has grown each year; more of the students that we really need to reach are becoming a part of the program. I am unable to estimate the number of students who have remained in school until graduation as a result of our summer school offering. At the end of each summer school from eight to fifteen students have received their diplomas. I am quite sure that none of these students would have returned to high school for a full semester had this opportunity been unavailable. I can not even estimate the number of students who have been able to graduate with their class as a result of having made up required credits through this summer school program. At Yuma High School we feel the dollar and cents value of the money spent has been redeemed a hundred times over by those who have participated in our summer program.

Sincerely,

WARREN P. CONRAD,
Assistant Principal.

RESPONSE OF W. ODIE WRIGHT, SUPERINTENDENT OF SCHOOLS, LONG BEACH, CALIF.

How many children in your district are benefitting from education programs funded under Title I of ESEA?

Answer: 3,118.

What is the ADA in your school district grades K–12?

Answer: 71,591.

What was the amount of your ESEA Title I grant in each of the following fiscal years?

Answer: 1968 $1,363,356, 1969 $1,087,437, 1970 $745,275.

What additional funds, if any, could you effectively apply to your Title I programs in fiscal year 1970 over and above the present level of funding? In fiscal year 1971?

Answer: 1970 $298,110, 1971 $1,254,725.

In your judgment, do you believe that the Title I programs are needed to meet the special needs of educationally disadvantaged children?

Answer: See attached letter.

Do you regard your present Title I programs as effective in meeting special education needs of educationally disadvantaged children?

Answer: See attached letter.

Recent hearings in Washington disclosed that inadequate funding was the greatest obstacle in the path or more effectively reaching the disadvantaged. Others now contend that we cannot effectively utilize extra funds contained in the HEW Appropriation Bill because the funds are being misdirected and are not reaching the disadvantaged contemplated under Title I ESEA. Your brief comments on these contentions would be appreciated.

Comment: See attached letter.

LONG BEACH UNIFIED SCHOOL DISTRICT, OFFICE OF THE SUPERINTENDENT,
Long Beach, Calif., January 23, 1970.

Hon. CARL D. PERKINS,
Chairman, House Committee on Education and Labor, Rayburn House Office Building, Washington, D.C.

DEAR SIR: Thank you for your questionnaire concerning Title I ESEA funds. We welcome this opportunity to respond. We have answered the first four questions on the form and will address ourselves to each of the remaining ones in order below.

We emphatically believe that Title I programs are needed to meet the special needs of educationally disadvantaged children. Such programs are essential if we are to bring these children up to a level where they can compete with their peers who come from more advantaged homes. Compensatory education requires extra materials and personnel to provide the individualized instruction required.

We regard our present Title I programs as very effective. Each year as we have gained additional "know how" in educating disadvantaged pupils, our programs have become more effective, and our evaluation results clearly show this. Our greatest handicap has been the continual annual reductions in funds we have suffered.

There is no doubt that lack of funding is our greatest obstacle to more effective education for disadvantaged pupils. *All* of the funds in Long Beach Unified School District are going for educational programs for disadvantaged pupils. Minimal amounts of Title I funds are assigned to administrative costs, and substantial district effort is helping to support necessary indirect costs. We believe that there is some misdirection of funds at the state level in terms of formulas used. It seems to us that with our large urban area problems we are being assigned too small an amount to carry on an adequate program. For example, our AFDC count is low as presently figured, but we have many low income and poverty level children not reached by any program. Extra funds passed now in the HEW Appropriations Bill can be effectively used for summer programs and the employment of additional teacher aides for more individualized instruction. Of course, we would have to say that the earlier we get funds the more effective our programs can be.

Again, many thanks for this opportunity to express our thoughts. We are appreciative of the continued interest and effort that you have devoted to public education. If we can be of further help, please do not hesitate to let us know.

Sincerely yours,

W. ODIE WRIGHT,
Superintendent of Schools.

RESPONSE OF LARRY J. SISUNG, DIRECTOR OF SPECIAL PROJECTS, JEFFERSON PARISH, GRETNA, LA.

How many children in your district are benefitting from education programs funded under Title I of ESEA?

Answer: 2,502.

What is the ADA in your school district grades K–12?

Answer: 63,210.

What was the amount of your ESEA Title I grant in each of the following fiscal years?

Answer: 1968, $810,447.62; 1969, $732,817.64; 1970, $584,006.00.

What additional funds, if any, could you effectively apply to your Title I programs in fiscal year 1970 over and above the present level of funding? In fiscal year 1971?

Answer: 1970, $1 million; 1971, $2 million.

I feel that you should be aware of the following discrepancy in Title I funding: Title I funds are allocated on the number of disadvantaged students residing in a school district during the year 1960.

Jefferson Parish which is a part of the Greater New Orleans Metropolitan Area is experiencing a tremendous population growth. From 1960 to 1968 our population has increased from 208,769 to 314,900; a gain of 50.8% and this growth is continuing.

The following data indicates our school growth since 1960:

	1960	1969	Increase
White	24,525	50,010	25,485
Negro	7,120	13,200	[1] 6,080
Total	31,645	[2] 63,210	31,565

[1] These students are enrolled in 51 of the 70 schools.

[2] These students are enrolled in 70 schools.

In addition to the above data, there are approximately thirty thousand students in our private and parochial schools and approximately ten thousand educables not enrolled in any school. Thus our total school district student population is approximately one hundred and five thousand.

The Jefferson Parish School System is completely desegregated. As a matter of fact, we have gone beyond the court's ruling in order to maintain stability.

Since 1965 when the Elementary and Secondary Education Act was approved by Congress, our Title I allocation has continuously decreased while our student population has continuously increased. The low-income people who lived in the rural counties or parishes in the late fifties, have since moved to the Metropolitan areas. Yet, the rural areas continue to receive the monies for students they no longer have. For your personal edification, there are some parishes in Louisiana whose total school population is less than the enrollment of our minority group; yet, they continue to receive more Title I funds than we do. I consider this to be a gross inequity.

Each year we are advised by H.E.W. officials to concentrate our efforts and provide services to fewer children. This means that many of our (public) deprived students even though their needs are the same never receive services. I feel that this is not a fair and democratic procedure to follow, especially when we are required to provide services to the parochial and private school students regardless of their family income.

In your judgment, do you believe that the Title I programs are needed to meet the special needs of educationally disadvantaged children?

Answer: Title I programs are definitely needed to meet the special needs of the educationally disadvantaged students. Since our school system, as well as many others in the nation, is suffering from financial difficulties, we cannot afford the special programs required to meet the needs of the educationally disadvantaged. Our system has recognized the special needs of these students and have supported all programs in Title I which seek to meet these needs; however, we would be unable to fund these projects without the additional monies provided by ESEA Title I.

Do you regard your present Title I programs as effective in meeting special education needs of educationally disadvantaged children?

Answer: Emphatically yes—with the small appropriations which we now receive, we can prove that our programs have been effective in enhancing the educational opportunity of deprived children. This proof is evident in our Title I evaluation. However, you must realize that we are dealing with children who are not only educationally disadvantaged but also culturally disadvantaged. Thus, there are both tangible and intangible, easily measured and not so easily measured, factors which must be considered and reconciled. This reconciliation requires time and patience; therefore, judgments cannot be made in brief time spans.

Recent hearings in Washington disclosed that inadequate funding was the greatest obstacle in the path of more effectively reaching the disadvantaged. Others now contend that we cannot effectively utilize extra funds contained in the HEW Appropriation Bill because the funds are being misdirected and are not reaching the disadvantaged contemplated under Title I ESEA. Your brief comments on these contentions would be appreciated.

Comment: We agree with the disclosure that inadequate funding is the greatest obstacle in the path of more effectively reaching the disadvantaged. As we have pointed out, our Title I allocations have decreased yearly while our student population has increased yearly. Therefore, we cannot reach all disadvantaged children as long as this inequitable policy continues.

As for the contention that some funds are being misdirected, I would suggest that you request from the individuals complaining that they point out the school districts which are misusing the funds and that these individuals be advised that unless they comply, there funds will be discontinued. I do not feel that it is just to penalize all school districts because possibly one or two school systems are not complying with the guidelines as set down by the Elementary and Secondary Education Act. This follows the pedagogical theory that you do not punish the entire class because one student misbehaves. I feel that this theory is apropos.

Response of Robert R. Wheeler, Assistant Superintendent, School District of Kansas City, Mo., January 27, 1970

How many children in your district are benefitting from education programs funded under Title I of ESEA?

Answer: 9,955.

What is the ADA in your school district grades K–12?

Answer: 63,728.

What was the amount of your ESEA Title I grant in each of the following fiscal years?

Answer: 1968 $1,927,025, 1969 $1,750,566, 1970 $1,577,988.

What additional funds, if any, could you effectively apply to your Title I programs in fiscal year 1970 over and above the present level of funding? In fiscal year 1971?

Answer: 1970 none, 1971 none. If the present trend is continued, there will probably be a lower level of funding.

In your judgment, do you believe that the Title I programs are needed to meet the special needs of educationally disadvantaged children?

Answer: Yes, although the level of present support is too small to support programs which will meet major needs with the degree of intensity required.

Do you regard your present Title I programs as effective in meeting special education needs of educationally disadvantaged children?

Answer: Only partially, because the funding is too small to effectively treat all needs.

Recent hearings in Washington disclosed that inadequate funding was the greatest obstacle in the path of more effectively reaching the disadvantaged. Others now contend that we cannot effectively utilize extra funds contained in the HEW Appropriation Bill because the funds are being misdirected and are not reaching the disadvantaged contemplated under Title I ESEA. Your brief comments on these contentions would be appreciated.

Comment: There may be some instances of the misdirection of funds. By and large, however, the money does reach the children for whom it is intended. It may be beneficial, though, to put heavier emphasis on direct instructional measures.

Response of W. J. DeFelice, Superintendent, Lafourche Parish School Board, Thibodaux, La., January 27, 1970

How many children in your district are benefitting from education programs funded under Title I of ESEA?

Answer: 660 children. (Only 3.14% of 21,024 ADM in the district.)

What is the ADA in your school district grades K–12?

Answer: ADA 20,078 (17,829 public; and 2,249 parochial.) ADA 95.5% of 21,024 ADM.

What was the amount of your ESEA Title I grant in each of the following fiscal years?

Answer: 1968 $430,734, 1969 $388,072, 1970 $315,232.

What additional funds, if any, could you effectively apply to your Title I programs in fiscal year 1970 over and above the present level of funding? In fiscal year 1971?

Answer: 1970 $185,000 (limited because half the fiscal year passed), 1971 $385,000 (if we could know and plan in advance).

In your judgment, do you believe that the Title I programs are needed to meet the special needs of educationally disadvantaged children?

Answer: Yes. The disadvantaged need more individualized instruction in smaller groups, and this is too expensive for local educational agencies alone.

Do you regard your present Title I programs as effective in meeting special education needs of educationally disadvantaged children?

Answer: Yes, for the 660 children now benefitting from our Title I program. With more funds, we could help many more disadvantaged children who need special help.

Recent hearings in Washington disclosed that inadequate funding was the greatest obstacle in the path of more effectively reaching the disadvantaged. Others now contend that we cannot effectively utilize extra funds contained in the HEW Appropriation Bill because the funds are being misdirected and are not reaching the disadvantaged contemplated under Title I ESEA. Your brief comments on these contentions would be appreciated.

Comment: Eighty per cent (80%) of our 1970 ESEA Title I grant is being used to employ 35 additional teachers who provide remedial instruction for 660 educationally deprived children in 14 target area public schools and in 3 parochial schools. This only helps about half of the disadvantaged who need special educational programs. If our grant was increased to $700,000, we could use the additional funds effectively in instructional programs for a larger number of disadvantaged children.

Response of Melvin O'Connell, Supervising Principal, Ashley-Sugar Notch Schools, Ashley-Sugar Notch, High School Building, Ashley, Pa., January 27, 1970

How many children in your district are benefitting from education programs funded under Title I of ESEA?

Answer: 325.

What is the ADA in your school district grades K–12?

Answer: 694.

What was the amount of your ESEA Title I grant in each of the following fiscal years?

Answer: 1968 $30,000, 1969, $26,000, 1970 $22,000.

What additional funds, if any, could you effectively apply to your Title I programs in fiscal year 1970 over and above the present level of funding? In fiscal year 1971?

Answer: 1970 $10,000, 1971, $10,000.

In your judgment, do you believe that the Title I programs are needed to meet the special needs of educationally disadvantaged children?

Answer: Yes.

Do you regard your present Title I programs as effective in meeting special education needs of educationally disadvantaged children?

Answer: Limited effectiveness. Need more money.

Recent hearings in Washintgon disclosed that inadequate funding was the greatest obstacle in the path of more effectively reaching the disadvantaged. Others now contend that we cannot effectively utilize extra funds contained in the HEW Appropriation Bill because the funds are being misdirected and are not reaching the disadvantaged contemplated under Title I ESEA. Your brief comments on these contentions would be appreciated.

Comment: Inadequate funding is the cause of the limited effectiveness in this district.

Response of Lamar Public Schools, Re 2, Lamar, Colo., January 27, 1970

How many children in your district are benefitting from education programs funded under Title I of ESEA?

Answer: 345.

What is the ADA in your school district grades K–12?

Answer: 2228.8.

What was the amount of your ESEA Title I grant in each of the following fiscal years?

Answer: 1968 $65,930, 1969, $62,729, 1970 $51,508.

What additional funds, if any, could you effectively apply to your Title I programs in fiscal year 1970 over and above the present level of funding? In fiscal year 1971?

Answer: 1970 $10,500, 1971 $20,500.

In your judgment, do you believe that the Title I programs are needed to meet the special needs of educationally disadvantaged children?

Answer: Yes, because guidelines are set forth for the use of Title I grants and the money cannot be absorbed in general fund expenditures of the school district but must be used for the purpose intended.

Do you regard your present Title I programs as effective in meeting special education needs of educationally disadvantaged children?

Answer: Our Title I programs are quite effective in meeting the special educational needs. As our grants are reduced so do the number of students who can be helped, also the number of special classes and materials in which we can help the educationally disadvantaged children.

Recent hearings in Washington disclosed that inadequate funding was the greatest obstacle in the path of more effectively reaching the disadvantaged. Others now contend that we cannot effectively utilize extra funds contained in the HEW Appropriation Bill because the funds are being misdirected and are not reaching the disadvantaged contemplated under Title I ESEA. Your brief comments on these contentions would be appreciated.

Comment: Inadequate funding is the greatest obstacle in reaching more disadvantaged students and reaching them more effectively.

XUM

Response of V. Wertschnig, Director, Government Relations, Milwaukee, Wis., January 27, 1970

How many children in your district are benefitting from education programs funded under Title I of ESEA?

Answer: 15,000.

What is the ADA in your school district grades K–12?

Answer: 129,300.

What was the amount of your ESEA Title I grant in each of the following fiscal years?

Answer: 1968 $2,816,000, 1969 $2,796,000, 1970 allocation unknown; operating on 90% of 1969 allocation.

What additional funds, if any, could you effectively apply to your Title I programs in fiscal year 1970 over and above the present level of funding? In fiscal year 1971?

Answer: 1970 $3,600,000, 1971 $4,000,000.

In your judgment, do you believe that the Title I programs are needed to meet the special needs of educationally disadvantaged children?

Answer: Yes! Their categorical nature has highlighted the needs of the disadvantaged.

Do you regard your present Title I programs as effective in meeting special education needs of educationally disadvantaged children?

Answer: Yes! But more funds are needed. Title I funds thus far have only aided the "top of the iceberg"—we need to help the ⅘ below the surface.

Recent hearings in Washington disclosed that inadequate funding was the greatest obstacle in the path of more effectively reaching the disadvantaged. Others now contend that we cannot effectively utilize extra funds contained in the HEW Appropriation Bill because the funds are being misdirected and are not reaching the disadvantaged contemplated under Title I ESEA. Your brief comments on these contentions would be appreciated.

Comment: Every Title I dollar is being spent on educational programs for the disadvantaged. Any limited effectiveness is due to insufficient funds and a limited experience in the field. Full-funding and more time are crucial.

Reponse of Robert J. Nearine, Hartford Board of Education, Hartford, Conn., January 27, 1970

How many children in your district are benefitting from education programs funded under Title I of ESEA?

Answer: 4,300.

What is the ADA in your school district grades K–12?

Answer: 4,416,334—aggregate days attendance.

What was the amount of your ESEA Title I grant in each of the following fiscal years?

Answer: 1968 $1,412,505, 1969 $1,389,585, 1970 $1,263,414.

What additional funds, if any, could you effectively apply to your Title I programs in fiscal year 1970 over and above the present level of funding? In fiscal year 1971?

Answer: 1970 $1,368,635—JADC, 1971 $1,300,000—approximately.

In your judgment, do you believe that the Title I programs are needed to meet the special needs of educationally disadvantaged children?

Answer: Yes.

Do you regard your present Title I programs as effective in meeting special education needs of educationally disadvantaged children?

Answer: Several of our programs have been selected as exemplary in this regard. We recognize, however, that city youngsters are in a large measure disadvantaged. Hence more freedom to apply programs to needs is indicated.

Recent hearings in Washington disclosed that inadequate funding was the greatest obstacle in the path of more effectively reachings the disadvantaged. Others now contend that we cannot effectively utilize extra funds contained in the HEW Appropriation Bill because the funds are being misdirected and are not reaching the disadvantaged contemplated under Title ESEA. Your brief comments on these contentions would be appreciated.

Comment: Again, the population of a city requires more categorical aid to fully serve the disadvantaged. Mobility, immigrations, and our population of over 28,000 youngsters mandate that we get away from the target school concept if service is to be rendered. Neither does the target school concept add to *our* concept of equality of integrated education; operationally, the two concepts are somewhat incompatible.

Response of Leroy J. Casagranda, Federal Education Programs Director, One, Butte, Mont., January 27, 1970

How many children in your district are benefitting from education programs funded under Title I of ESEA?

Answer: 534.

What is the ADA in your school district grades K–12?

Answer: $511.

What was the amount of your ESEA Title I grant in each of the following fiscal years?

Answer: 1968, $208,812; 1969, $175,668, 1970 (total has not been determined).

What additional funds, if any, could you effectively apply to your Title I programs in fiscal year 1970 over and above the present level of funding? In fiscal year 1971?

Answer: 1970, $30,000; 1971, $———.

In your judgment, do you believe that the Title I programs are needed to meet the special needs of educationally disadvantaged children?

Answer: Yes.

Do you regard your present Title I programs as effective in meeting special education needs of educationally disadvantaged children?

Answer: Yes.

Recent hearings in Washington disclosed that inadequate funding was the greatest obstacle in the path of more effectively reaching the disadvantaged. Others now contend that we cannot effectively utilize extra funds contained in the HEW Appropriation Bill because the funds are being misdirected and are not reaching the disadvantaged contemplated under Title I ESEA. Your brief comments on these contentions would be appreciated.

Comment: Title I has been very beneficial to needy students in Butte. The span of programs include remedial work, kindergarten, programs for school dropouts, summer session and guidance counseling programs.

Response of Dr. Clyde Muse, Superintendent, Hinds County, Jackson, Miss., January 27, 1970

How many children in your district are benefiting from education programs funded under Title I of ESEA?

Answer: 2,800.

What is the ADA in your school district grades K–12?

Answer: 12,796.

What was the amount of your ESEA Title I grant in each of the following fiscal years?

Answer: 1968 $952,083, 1969 $880,181, 1970 $621,139.

What additional funds, if any, could you effectively apply to your Title I programs in fiscal year 1970 over and above the present level of funding? In fiscal year 1971?

Answer: 1970 $0. Too late in the school year to efficiently plan for effective use of any additional funds. 1971 $400,000.

In your judgment, do you believe that the Title I programs are needed to meet the special needs of educationally disadvantaged children?

Answer: Yes.

Do you regard your present Title I programs as effective in meeting special education needs of educationally disadvantaged children?

Answer: Yes. We are constantly upgrading procedures of teaching as we become more aware of effective ways to meet the special needs of the disadvantaged.

Recent hearings in Washington disclosed that inadequate funding was the greatest obstacle in the path of more effectively reaching the disadvantaged. Others now contend that we cannot effectively utilize extra funds contained in the HEW Appropriation Bill because the funds are being misdirected and are not reaching the disadvantaged contemplated under Title I ESEA. Your brief comments on these contentions would be appreciated.

Comment: Nearly all the complaints we receive pertain to the lack of welfare programs for the poor financed by Title I. Very rarely have educational programs been mentioned. None of the people who have contended that monies were being misdirected have offered any proof that the entire total of our grants were being spent in a manner which was not in keeping with existing regulations. All funds are directed toward helping the educationally disadvantaged in the most critical areas.

Response of George Belbusti, Board of Education, West Haven, Conn., January 27, 1970

How many children in your district are benefiting from education programs funded under Title I of ESEA?

Answer: 300.

What is the ADA in your school district grades K–12?

Answer: 10,800.

What was the amount of your ESEA Title I grant in each of the following fiscal years?

Answer: 1968, $115,847; 1969, $97,395; 1970, $99,165.

What additional funds, if any, could you effectively apply to your Title I programs in fiscal year 1970 over and above the present level of funding? In fiscal year 1971?

Answer: 1970, $25,000; 1971, $45,000.

In your judgment, do you believe that the Title I programs are needed to meet the special needs of educationally disadvantaged children?

Answer: Yes.

Do you regard your present Title I programs as effective in meeting special education needs of educationally disadvantaged children?

Answer: Yes.

Recent hearings in Washington disclosed that inadequate funding was the greatest obstacle in the path of more effectively reaching the disadvantaged. Others now contend that we cannot effectively utilize extra funds contained in the HEW Appropriation Bill because the funds are being misdirected and are not reaching the disadvantaged contemplated under Title I ESEA. Your brief comments on these contentions would be appreciated.

Comment: Present Title I ESEA programs can be more effective with additional funds, we are recognizing "crisis" areas in the education of disadvantaged youth, e.g., preschool, but cannot reach out from our basic thrust. The misdirection of funds reflects a lack of pupil identification, a lack of need identification, and inadequate planning. More money *is* needed.

Response of Mr. A. J. Henriquez, Superintendent, Monroe, Key West, Fla., January 27, 1970

How many children in your district are benefitting from education programs funded under Title I ESEA?

Answer: 530.

What is the ADA in your school district grades K–12?

XUM

Answer: 9,642.

What was the amount of your ESEA Title I grant in each of the following fiscal years?

Answer: 1968 $160,609, 1969 $146,095, 1970 $123,260 initial project funding.

What additional funds, if any, could you effectively apply to your Title I programs in fiscal year 1970 over and above the present level of funding? In fiscal year 1971?

Answer: 1970 $23,000, 1971 $40,000.

In your judgment, do you believe that the Title I programs are needed to meet the special needs of educationally disadvantaged children?

Answer: Yes, Title I programs serve a vital function in meeting the special education needs.

Do you regard your present Title I programs as effective in meeting special education needs of educationally disadvantaged children?

Answer: Yes, program design to meet special educational needs and services. Could not be continued under local and state funding.

Recent hearings in Washington disclosed that inadequate funding was the greatest obstacle in the path of more effectively reaching the disadvantaged. Others now contend that we cannot effectively utilize extra funds contained in the HEW Appropriation Bill because the funds are being misdirected and are not reaching the disadvantaged contemplated under Title I ESEA. Your brief comments on these contentions would be appreciated.

Comment: Adequate funding essential to provide comprehensive and concentrated quality programs to meet special education needs of educationally disadvantaged children.

Response of Mr. Robert L. Kalapos, Project Director, Regional Resource Center, King of Prussia, Pa., January 27, 1970

How many children in your district are benefitting from education programs funded under Title I of ESEA?

Answer: 3,818. Under Title I, 89–313, funding provides services to handicapped children in state-operated and state-aided schools and institutions.

What is the ADA in your school district grades K–12?

Answer: Does not apply.

What was the amount of your ESEA Title I grant in each of the following fiscal years?

Answer: 1969 $25,000, 1970 $25,000.

What additional funds, if any, could you effectively apply to your Title I programs in fiscal year 1970 over and above the present level of funding? In fiscal year 1971?

Answer: 1970 $25,000, 1971 $25,000.

In your judgment, do you believe that the Title I programs are needed to meet the special needs of educationally disadvantaged children?

Answer: Yes. Teacher responses indicate our services to be beneficial to the handicapped children they serve.

Do you regard your present Title I programs as effective in meeting special education needs of educationally disadvantaged children?

Answer: Yes. The provision for information and instructional materials services is a function not being met elsewhere.

Recent hearings in Washington disclosed that inadequate funding was the greatest obstacle in the path of more effectively reaching the disadvantaged. Others now contend that we cannot effectively utilize extra funds contained in the HEW Appropriation Bill because the funds are being misdirected and are not reaching the disadvantaged contemplated under Title I ESEA. Your brief comments on these contentions would be appreciated.

Comment: Evidence is accruing that the unique services offered by our special education resource center are making a significant contribution in the education of the handicapped. Further, we feel that Title I funds should provide services to all handicapped, disadvantaged children.

Response of Norman E. Anderson, Powder River County District High School, Broadus, Mont., January 27, 1970

How many children in your district are benefitting from education programs funded under Title I of ESEA?

Answer: 40.

What is the ADA in your school district grades K–12?

Answer: 580.

What was the amount of your ESEA Title I grant in each of the following fiscal years?

Answer: 1968 $16,948, 1969 $15,081, 1970 $11,997.

What additional funds, if any, could you effectively apply to your Title I programs in fiscal year 1970 over and above the present level of funding? In fiscal year 1971?

Answer: 1970 $5,000, 1971 $7,000.

In your judgment, do you believe that the Title I programs are needed to meet the special needs of educationally disadvantaged children?

Answer: Yes.

Do you regard your present Title I programs as effective in meeting special education needs of educationally disadvantaged children?

Answer: Yes.

Recent hearings in Washington disclosed that inadequate funding was the greatest obstacle in the path of more effectively reaching the disadvantaged. Others now contend that we cannot effectively utilize extra funds contained in the HEW Appropriation Bill because the funds are being misdirected and are not reaching the disadvantaged contemplated under Title I ESEA. Your brief comments on these contentions would be appreciated.

No comment.

Response of Lawrence Robinson, Federal Projects Associate, Joliet Public Schools, District 86, Joliet, Ill., January 27, 1970

How many children in your district are benefitting from education programs funded under Title I of ESEA?

Answer: 850.

What is the ADA in your school district grades K–12?

Answer: District 86 is K–8 only. ADA is 10,440.

What was the amount of your ESEA Title I grant in each of the following fiscal years?

Answer: 1968 $248,411.68, 1969 $212,130.25, 1970 $164,667.

What additional funds, if any, could you effectively apply to your Title I programs in fiscal year 1970 over and above the present level of funding? In fiscal year 1971?

Answer: 1970 $38,000, 1971 $70,000.

In your judgment, do you believe that the Title I programs are needed to meet the special needs of educationally disadvantaged children?

Answer: Yes.

Do you regard your present Title I programs as effective in meeting special education needs of educationally disadvantaged children?

Answer: Yes, in the areas that we can finance with Title I funds available.

Recent hearings in Washington disclosed that inadequate funding was the greatest obstacle in the path of more effectively reaching the disadvantaged. Others now contend that we cannot effectively utilize extra funds contained in the HEW Appropriation Bill because the funds are being misdirected and are not reaching the disadvantaged contemplated under Title I ESEA. Your brief comments on these contentions would be appreciated.

Comment: Our funds are spent only in those schools where surveys show a greater proportion of disadvantaged children. We are certain that we are meeting needs of a large proportion of these children.

Response of Calumet Public Schools, No. 132, Calumet Park, Ill., January 27, 1970

How many children in your district are benefitting from education programs funded under Title I of ESEA?

Answer: 53.

What is the ADA in your school district grades K–8?

Answer: 1,224.

What was the amount of your ESEA Title I grant in each of the following fiscal years?

Answer: 1968 $7,912.81, 1969 $9,094.75, 1970 $6,943.

What additional funds, if any, could you effectively apply to your Title I programs in fiscal year 1970 over and above the present level of funding? In fiscal year 1971?

Answer: 1970 $4,000, 1971 $11,000.

In your judgment, do you believe that the Title I programs are needed to meet the special needs of educationally disadvantaged children?

Answer: Yes.

Do you regard your present Title I programs as effective in meeting special education needs of educationally disadvantaged children?

Answer: Definitely.

Recent hearings in Washington disclosed that inadequate funding was the greatest obstacle in the path of more effectively reaching the disadvantaged. Others now contend that we cannot effectively utilize extra funds contained in the HEW Appropriation Bill because the funds are being misdirected and are not reaching the disadvantaged contemplated under Title I ESEA. Your brief comments on these contentions would be appreciated.

Comment: I am sure one could find reasons or excuses of almost any nature, for not meeting the needs of educationally disadvantaged students, if one were to argue and point out examples. However, the purpose for the programs currently in progress is to ameliorate some area or areas of learning; and for one to say that because "funds are being misdirected in some established programs, consequently everyone will have to take a cut" is not only a poor excuse but unfair and unrealistic for our country's children.

Response of R. Kingston, Director of Special Projects, Ypsilanti Public Schools, Ypsilanti, Mich., January 27, 1970

How many children in your district are benefitting from education programs funded under Title I of ESEA?

Answer: Approximately 400 pupils directly; and about twice this number indirectly.

What is the ADA in your school district grades K–12?

Answer: 93.97%.

What was the amount of your ESEA Title I grant in each of the following years?

Answer: 1968 $110,785, 1969 $111,870, 1970 $98,194.

What additional funds, if any, could you effectively apply to your Title I programs in fiscal year 1970 over and above the present level of funding? In fiscal year 1971?

Answer: 1970 $22,000, 1971 $42,000.

In your judgment, do you believe that the Title I programs are needed to meet the special needs of educationally disadvantaged children?

Answer: Yes, but money must be provided for evaluation and coordination.

Do you regard your present Title I programs as effective in meeting special education needs of educationally disadvantaged children?

Answer: Other sources of money are available for Special Education. Title I monies should not be diverted to Special Education.

XUM

Recent hearings in Washington disclosed that inadequate funding was the greatest obstacle in the path of more effectively reaching the disadvantaged. Others now contend that we cannot effectively utilize extra funds contained in the HEW Appropriation Bill because the funds are being misdirected and are not reaching the disadvantaged contemplated under Title I ESEA. Your brief comments on these contentions would be appreciated.

Comment: Inadequate funding has been a real problem, because we lose key personnel in every cutback. Timing has been poor because many of our best people are already committed to other positions. It is true that other pupils benefit from Title I funds because we do not separate the so-called disadvantaged pupils from their classmates, except in tutoring situations.

RESPONSE OF GEORGE J. MCINTOSH, SUPERINTENDENT, NEWPORT NEWS PUBLIC SCHOOLS, NEWPORT NEWS, VA., JANUARY 27, 1970

How many children in your district are benefitting from education programs funded under Title I of ESEA?

Answer: 3,654.

What is the ADA in your school district grades 1–12?

Answer: 28,592.

What was the amount of your ESEA Title I grant in each of the following fiscal years?

Answer: 1968 $552,151.35, 1969 $529,418.12, 1970 $460,726.31. (This amount reflects funding to date, does not include summer programs.)

What additional funds, if any, could you effectively apply to your Title I programs in fiscal year 1970 over and above the present level of funding? In fiscal year 1971?

Answer: 1970 Funding at 1969 level plus at least a 10% increase to take care of summer programs, increase in salaries, cost of living, etc. 1971 funding at the level specified for 1970 plus an additional 10% for reasons previously stated.

In your judgment, do you believe that the Title I programs are needed to meet the special needs of educationally disadvantaged children?

Answer: Yes. Educationally disadvantaged children are behind in many respects. Local school budgets cannot stretch to cover needed compensatory programs.

Do you regard your present Title I programs as effective in meeting special education needs of educationally disadvantaged children?

Answer: Yes, Within the existing funding limitations.

Recent hearings in Washington disclosed that inadequate funding was the greatest obstacle in the path of more effectively reaching the disadvantaged. Others now contend that we cannot effectively utilize extra funds contained in the HEW Appropriation Bill because the funds are being misdirected and are not reaching the disadvantaged contemplated under Title I ESEA. Your brief comments on these contentions would be appreciated.

Comment: Evidence of misdirected funds should not penalize the majority of school divisions whose programs reflect the spirit and intent of Title I.

RESPONSE OF WILLIAM BRANDON BELL, COORDINATOR OF TITLE I, QUITMAN CONSOLIDATED, QUITMAN, MISS.

How many children in your district are benefitting from education programs funded under Title I of ESEA?

Answer: 630.

What is the ADA in your school district grades K–12?

Answer: 2,857.

What was the amount of your ESEA Title I grant in each of the following fiscal years?

Answer: 1968, $263,820.00; 1969, $247,314,000; 1970, $173,014.00.

What additional funds, if any, could you effectively apply to your Title I programs in fiscal year 1970 over and above the present level of funding? In fiscal year 1971?

Answer: 1970, $70,000; 1971, $50,000.

In your judgment, do you believe that the Title I programs are needed to meet the special needs of educationally disadvantaged children?

Answer: Yes—These children need special individual attention.

Do you regard your present Title I programs as effective in meeting special education needs of educationally disadvantaged children?

Answer: Yes—We need more qualified teachers who understand the problems of disadvantaged children.

Recent hearings in Washington disclosed that inadequate funding was the greatest obstacle in the path of more effectively reaching the disadvantaged. Others now contend that we cannot effectively utilize extra funds contained in the HEW Appropriation Bill because the funds are being misdirected and are not reaching the disadvantaged contemplated under Title I ESEA. Your brief comments on these contentions would be appreciated.

Comment: Some funds may have been misdirected at the beginning of the Title I Programs due to the short time allowed for the obligation of these funds. Since we now have time to develop long range plans, the money should be used wisely.

The parents and guardians of the disadvantaged need some kind of compulsory education program. The extra funds could be effectively and wisely used to train parents to help meet the needs of these children.

RESPONSE OF ARTHUR W. MEEK, FEDERAL COORDINATOR, INKSTER PUBLIC SCHOOLS, INKSTER, MISS.

How many children in your district are benefiting from education programs funded under Title I of ESEA?

Answer: 250.

What is the ADA in your school district grades K–12?

Answer: 4,800.

What was the amount of your ESEA Title I grant in each of the following fiscal years?

Answer: 1968, $108,823; 1969, $118,377; 1970, $124,974.

What additional funds, if any, could you effectively apply to your Title I programs in fiscal year 1970 over and above the present level of funding? In fiscal year 1971?

Answer: 1970, $75,000; 1971, $100,000.

In your judgment, do you believe that the Title I programs are needed to meet the special needs of educationally disadvantaged children?

Answer: Yes.

Do you regard your present Title I programs as effective in meeting special education needs of educationally disadvantaged children?

Answer: Yes.

Recent hearings in Washington disclosed that inadequate funding was the greatest obstacle in the path of more effectively reaching the disadvantaged. Others now contend that we cannot effectively utilize extra funds contained in the HEW Appropriation Bill because the funds are being misdirected and are not reaching the disadvantaged contemplated under Title ESEA. Your brief comments on these contentions would be appreciated.

Comment: We have endeavored to make the best use of our funds. We have not created any new administrative positions. We perform the extra duties in addition to our regular duties. The continuance of Title I funds is imperative in a disadvantaged area like ours. In addition, our district is a financially depressed area with no major industry.

Sincerely,

CARL D. PERKINS, *Chairman.*

RESPONSE OF A. W. ALLEN, SUPERINTENDENT, INTERMEDIATE SCHOOL DISTRICT NO. 105, YAKIMA, WASH.

JANUARY 23, 1970.

Hon. CARL D. PERKINS,
U.S. House of Representatives, Committee on Education and Labor, Rayburn House Office Building, Washington, D.C.

DEAR MR. PERKINS: Your questionnaire has been referred to me for comment.

Intermediate School District No. 105 is a service organization serving 22 school districts in a two and one half county area. Members of our staff are continuously in the classroom and administrative offices of these 22 districts. There are approximately 37,500 students enrolled in these school districts. There is a high percentage of disadvantaged youngsters from all ethnic groups attending these schools.

The amount of Title I ESEA funds that have been received by these districts are as follows:

Fiscal 1968:	
Title I	$1,322,131
Title I migrant	358,994
Total	1,681,125
Fiscal 1969:	
Title I	1,226,772
Title I migrant	412,468
Total	1,639,240
Fiscal 1970:	
Title I	1,099,582
Title I migrant	436,772
Total	1,536,354

Many of the districts have already planned a summer program for migrant and other disadvantaged youngsters, however, at present these programs have been pigeon-holed because of no funds available for the summer program. We can not give an accurate dollar figure needed for these programs as we only collect the statistics after programs have been funded.

In my judgment, ESEA funds are definitely needed to meet the needs of disadvantaged children in Intermediate School District No. 105. Many fine educational programs have been started as a result of ESEA funds. These programs have been designed to meet the needs of disadvantaged children and occasionally errors in judgment have been made, which has resulted in an ineffective program. However, in my opinion this is to be expected when experimenting with new methods of instruction.

Delayed funding and decreased funds in my opinion are two of the greatest handicaps that our school district experiences in attempting to serve the needs of the disadvantaged children. People (Teachers and Aides) are probably the most important single factor in serving the educational needs of disadvantaged children. When funds are delayed, people can not be contracted in time to insure the high quality of people which are needed to make a program a success. Secondly without knowledge of funds it is very difficult to get people very enthusiastic about planning. Therefore, advance funding and knowledge of the amount available is extremely important in the development of an educational program to help the disadvantaged children of the Intermediate School District No. 105 in the State of Washington.

Sincerely,

CARL ULRICH,
Federal Programs Coordinator.

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Response of William J. Barrett, Coordinator of Special Projects, Corning City School District, Corning, N.Y.

How many children in your district are benefitting from education programs funded under Title I of ESEA?

Answer: 350 educationally disadvantaged children.

What is the ADA in your school district grades K–12?

Answer: No answer.

What was the amount of your ESEA Title I grant in each of the following fiscal years?

Answer: 1968, $123,472; 1969, $92,747; 1970, $106,569.

What additional funds, if any, could you effectively apply to your Title I programs in fiscal year 1970 over and above the present level of funding? In fiscal year 1971?

Answer: 1970 none; 1971, none. We have no local funds. Last year we were forced to cut driver ed, denta' hygiene, and summer school. We would restore 2 programs that were cut in FY 1969—one an elementary home-school counselor and a program of special help in math and reading at the elementary levels if we had more Federal funds.

In your judgment, do you believe that the Title I programs are needed to meet the special needs of educationally disadvantaged children?

Answer: Yes. Educationally disadvantaged children presently receive the services of 2 home school counselors, a school psychologist and 3 special librarians.

Do you regard your present Title I programs as effective in meeting special education needs of educationally disadvantaged children?

Answer: Yes. We have performed several local evaluations that seem to indicate the value of these programs. We will send evalution on request.

Recent hearings in Washington disclosed that inadequate funding was the greatest obstacle in the path of more effectively reaching the disadvantaged. Others now contend that we cannot effectively utilize extra funds contained in the HEW Appropriation Bill because the funds are being misdirected and are not reaching the disadvantaged contemplated under Title I ESEA. Your brief comments on these contentions would be appreciated.

Comment: Our funds go 100% to personnel wages and fringe. These people work directly with educationally disadvantaged children and there is no slippage of funds. No equipment or supplies are furnished with federal money—only service.

Response of Karl R. Kalp, Association Superintendent, Indianapolis Public Schools, Education Center, Indianapolis, Ind.

How many children in your district are benefitting from education programs funded under Title I of ESEA?

Answer: 11,500.

What is the ADA in your school district grades K–12?

Answer: 97,097.8.

What was the amount of your ESEA Title I grant in each of the following fiscal years?

Answer: 1968, $1,591,285; 1969, $1,499,822; 1970, $1,350,080.

What additional funds, if any, could you effectively apply to your Title I programs in fiscal year 1970 over and above the present level of funding? In fiscal year 1971?

Answer: 1970, $300,000; 1971, $450,000.

In your judgment, do you believe that the Title I programs are needed to meet the special needs of educationally disadvantaged children?

Answer: Yes. With the school education budget being sorely tested to meet the conventional needs the Title I funds allows the supplemental and auxiliary funds needed to operate innovative and dynamic programs for disadvantaged children.

Do you regard your present Title I programs as effective in meeting special education needs of educationally disadvantaged children?

Answer: Both objective and subjective evaluations have shown that the children in this program have been affected in a positive way by Title I projects.

Recent hearings in Washington disclosed that inadequate funding was the greatest obstacle in the path of more effectively reaching the disadvantaged. Others now contend that we cannot effectively utilize extra funds contained in the HEW Appropriation Bill because the funds are being misdirected and are not reaching the disadvantaged contemplated under Title I ESEA. Your brief comments on these contentions would be appreciated.

Comment: In order to really make an impact on the education of disadvantaged children, this agency established a priority involving half of the disadvantaged children. To reach all disadvantaged children would require double our present funding.

Response of Rochester Public School, Independent School District No. 535, Rochester, Minn.

How many children in your district are benefitting from education programs funded under Title I of ESEA?

Answer: 375.

What is the ADA in your school district grades K–12?

Answer: 15,038.

What was the amount of your ESEA Title I grant in each of the following fiscal years?

Answer: 1968, $103,850; 1969, $107,075; 1970, $110,084.

What additional funds, if any, could you effectively apply to your Title I programs in fiscal year 1970 over and above the present level of funding? In fiscal year 1971?

Answer: 1970 $35,000 to $50,000 additional funds are needed this year; 1971 $225,000. (We could install a more effective program if our amount were doubled.)

In your judgment, do you believe that the Title I programs are needed to meet the special needs of educationally disadvantaged children?

Answer: Yes, definitely. We believe that more elementary age children would become contributing members of society if we had adequate financing of education.

Do you regard your present Title I programs as effective in meeting special education needs of educationally disadvantaged children?

Answer: Yes, we are being effective when we teach them in small groups or on an individual basis. (This depends upon amount of remediation needed.)

Recent hearings in Washington disclosed that inadequate funding was the greatest obstacle in the path of more effectively reaching the disadvantaged. Others now contend that we cannot effectively utilize extra funds contained in the HEW Appropriation Bill because the funds are being misdirected and are not reaching the disadvantaged contemplated under Title I ESEA. Your brief comments on these contentions would be appreciated.

Comment: We can speak only for our own situation but we have been very insistent that the most severely disadvantaged are our top priority.

Response of R. S. Hein, Wanhesha, Wis.

How many children in your district are benefitting from education programs funded under Title I of ESEA?

Answer: 385.

What is the ADA in your school district grades K–12?

Answer: 1968–1969—10,626.4.

What was the amount of your ESEA Title I grant in each of the following fiscal years?

Answer: 1968, $17,000; 1969, $52,000; 1970, $49,000.

What additional funds, if any, could you effectively apply to your Title I programs in fiscal year 1970 over and above the present level of funding? In fiscal year 1971?

Answer: 1970, $10,000; 1971, $12,000.

In your judgement, do you believe that the Title I programs are needed to meet the special needs of educationally disadvantaged children?

Answer:

Do you regard your present Title I programs as effective in meeting special education needs of educationally disadvantaged children?

Answer: yes.

Recent hearings in Washington disclosed that inadequate funding was the greatest obstacle in the path of more effectively reaching the disadvantaged. Others now contend that we cannot effectively utilize extra funds contained in the HEW Appropriation Bill because the funds are being misdirected and are not reaching the disadvantaged contemplated under Title I ESEA. Your brief comments on these contentions would be appreciated.

Response of Tom O. Matlock, Caddo Parish, Shreveport, La.

How many children in your district are benefitting from education program funded under Title I of ESEA?

Answer: 6,110.

What is the ADA in your school district grades K–12?

Answer: 51,052.9 (does not include kindergarten).

What was the amount of your ESEA Title I grant in each of the following fiscal years?

Answer: 1968, $1,965,552.40; 1969, $1,526,607.50; 1970, $1,396,212.

What additional funs if any, could you effectively apply to your title I programs in fiscal year 1970 over and above the present level of funding? In fiscal year 1971?

Answer: Unknown.

In your judgment, do you believe that the Title I programs are needed to meet the special needs of educationally disadvantaged children?

Answer: Yes.

Do you regard your present title I programs as effective in meeting special education needs of educationally disadvantaged children?

Answer: Yes.

Recent hearings in Washington disclosed that inadequate funding was the greatest obstacle in the path of more effectively reaching the disadvantaged. Others now contend that we cannot effectively utilize extra funds contained in the HEW Appropriation Bill because the funds are being misdirected and are not reaching the disadvantaged contemplated under Title I ESEA. Your brief comments on these contentions would be appreciated.

Comment: Additional funds which could be advantageously used in the Title I program for 1971 could not be determined at this time because of shifting school population brought about by court order.

Mr. HALL. Mr. Speaker, will the gentleman yield?

Mr. PERKINS. I shall be glad to yield to the distinguished gentleman from Missouri.

Mr. HALL. Mr. Speaker, I appreciate the gentleman yielding. I simply wanted to query him as to whether or not he was going to have further responses of those whom he has queried printed in the CONGRESSIONAL RECORD today or not and, if so, if perhaps, since the vote is coming tomorrow, this will be the last day that we print this rather voluminous number of responses?

Mr. PERKINS. I agree with the distinguished gentleman from Missouri (Mr. HALL) that the questionnaires do

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take up numerous pages in the Record and that it is expensive.

Recognizing the expense, I have never made it a practice to place in the Record irrelevant or untimely materials. In this case, however, I felt that the data contained in the questionnaires was so current and so related to the vote scheduled for tomorrow that it was important to share it with my colleagues. In addition it was necessary to share information on the effectiveness of title I because of the recent allegations that funds have been misdirected. I will state to the distinguished gentleman from Missouri that this will be the last day I will place returns of the questionnaire in the Record.

Mr. HALL. Mr. Speaker, if the gentleman will yield further, I am most delighted to have that information. I do not rise to question the gentleman's opinion as to the value of these questionnaires. But I simply want to point out the fact that we are sorely missing one of our former Members who was on the House Committee on Printing but who is no longer with us, the gentleman from Missouri, Mr. Jones, but who through his own volition used to ride herd on these matters of printing. According to my recollection he pointed out the fact that it cost about $136 a page to print any page of the Congressional Record. I have made a rough compilation of the last 4 days and at the rate of $1,600 a day for the insertions made by our distinguished chairman of the Committee on Education and Labor, this gets to be right costly. So I am delighted with the gentleman's decision to cease and desist after today and, certainly, after the vote tomorrow.

I appreciate the gentleman yielding.

Mr. PERKINS. I certainly do not question the figures to which my distinguished colleague from Missouri makes reference. And I am in accord with his viewpoint that there is a certain time for everything. That is precisely why I felt it imperative to share with my colleagues the information local school officials provided, because of its relevance to the decision we must make tomorrow. I agree with my colleague that after tomorrow, there will be no necessity for placing any additional questionnaires in the Record.

(Mr. PERKINS asked and was given permission to revise and extend his remarks and to include extraneous matter.)

PRESIDENT AND MRS. NIXON WILL SERVE AS HONORARY COCHAIRMEN OF THE EVERETT McKINLEY DIRKSEN LIBRARY FUND DINNER

The SPEAKER pro tempore (Mr. Ashley). Under a previous order of the House the gentleman from Illinois (Mr. Michel) is recognized for 5 minutes.

Mr. MICHEL. Mr. Speaker, it is my privilege to announce that on Friday, February 27, President and Mrs. Nixon will serve as honorary cochairmen of the Everett McKinley Dirksen Library Fund Dinner which will be held at the Washington Hilton Hotel.

This fund-raising dinner will help make possible the Everett McKinley Dirksen Congressional Leadership Research Center. The center will be a part of the Pekin City Library and will hold the Senator's papers as well as microfilm copies of other congressional leaders' papers.

Hopefully, according to K. T. Karabatsos, who is general chairman of the Washington dinner, sufficient funds will be raised to make possible grants to outstanding students and professors who are concerned that the legislative arm of our Government maintain the balance that our Founding Fathers sought to have.

It was my pleasure and privilege to call Senator Dirksen my constituent. He loved the Congress in which he served—first as a Representative of the district I now represent from 1932 through 1948, and after a 2-year absence, the Senate—1950 until his death.

The library and research center is a most appropriate tribute to this man. He loved history and cherished education with a passion. The Halls of Congress were his true home and outside his family, his love was for the legislative arena.

All Members will soon receive an invitation to the February 27 event, and it is my earnest hope that a large delegation from the Congress will attend as an expression of support for this most worthwhile project.

The national chairman of the fund is Mr. James S. Kemper, Jr., of Chicago, New York cochairmen are Mr. and Mrs. Ben Regan, Washington co-chairmen—Mr. and Mrs. Kim T. Karabatsos.

Directors of the endowment fund are: the Honorable William Waldmeier, mayor of Pekin; William D. McNaughton, publisher of the Pekin Times; Arthur W. Ehrlicher, Herget National Bank; John E. Velde, Jr., the president of the Pekin Library Board; Walter V. McAdoo, retired, of Peoria; Samuel Rothberg, director of American Distilling Co.; William L. Nauman, executive vice president of Caterpillar Tractor Co.; and Harold E. Rainville, formerly special assistant to Senator Dirksen.

The organizing committee includes Benjamin Gingiss, Sam Dean, E. Stanley Enlund, Ronald J. Chinnock, Newton C. Farr, and Joseph Rogenstein.

THE PRESIDENT'S STATE OF THE UNION MESSAGE

The SPEAKER pro tempore. Under a previous order of the House the gentleman from Texas (Mr. Price) is recognized for 15 minutes.

Mr. PRICE of Texas. Mr. Speaker, I heartily commend President Nixon on his recent state of the Union message. In my view, his remarks constituted a clear and comprehensive survey of the state of the Union as we enter the 1970's.

Forming the cornerstone of the message were three dominant themes: austerity, prosperity, and peace. By making austerity budget cuts designed to bring our runaway economy back into line, the President squarely faced the problem of mounting inflation and announced his intention to meet it head on. The President also announced his intention to attack inflation by making a balanced Federal budget a high-priority goal. In this connection, he observed:

> In the decade of the 60s, the Federal Government spent $57 billion more than it took in in taxes. In that same decade, the American people paid the bill for that deficit in price increases which raised the cost of living for the average family of four by $200 per month.

In his remarks, the President indicated, and I agree with him, that difficult and sometimes politically unpopular decisions must be made regarding Federal spending patterns. If this responsibility is not fully met, and complex budget decisions are made on a shotgun basis or determined by special interest groups, the fiscal results compound rather than reduce the inflationary forces at work in the economy.

In my view, the goals of the administration's austerity programs are simple. They are designed to eliminate short-run inflation and encourage long-run prosperity. On this subject the President predicted that we will see an amount of growth in the next 10 years larger than experienced by our country from the years 1790 to 1950. This predicted growth will be a monument to American genius and ingenuity operating in our free enterprise system. In this regard, the President raised the basic question of how this growth would take place. He asked the Congress and the American people to begin to make the basic decisions that would, in large measure, determine the quality as well as the quantity of our national growth in the 1970's.

The President already has made one of the key decisions which will effect the nature of the American experience in the coming decade. He has set as a first priority, the achievement of peace for America and the world. In an effort to make this possibility a reality for our generation, he has set in motion new forces and new policies based on an evaluation of the world as it exists today. These policies are designed to create an environment in which the cause of peace can be materially advanced throughout the troubled portions of the world. Evidences of these new initiatives may presently be seen in Vietnam, Europe, the Mideast, and our latest policy expressions in the Orient and Southeast Asia.

I believe the President put the philosophy of his foreign policy in apt perspective when he declared:

> Today the great industrial nations of Europe, as well as Japan, have regained their economic strength, and the nations of Latin America—and many of the nations that acquired their freedom from colonialism after World War II in Asia and Africa—have a new sense of pride and dignity, and a determination to assume the responsibility for their own defense . . . Neither the defense nor the development of other nations can be exclusively or primarily an American undertaking . . . We shall be faithful to our treaty commitments, but we shall reduce our involvement and our presence in other nations affairs.

Mr. Speaker, I would also like to call the attention of my colleagues to another central portion of the President's remarks, the environment. Obviously, all of our actions as a nation and as people

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will be of no avail if we render our environment uninhabitable through our negligence and our misaction. With this thought in mind, President Nixon framed what he termed "the great question of the 1970's" when he asked:

> Shall we surrender our surroundings, or shall we make our peace with nature and begin to make reparations for the damage we have done to our air, our land and our water.

He challenged the Congress, the far-flung reaches of the Federal Government, the target authority of State and local governments, the enlightened concern of the business community, and the self-interest of Americans everywhere, by raising the problem of environmental pollution to a prime level of national priority, and calling for a collective solution.

When the President declared that each individual has a fundamental right to the enjoyment of his surroundings in their natural state, he defined the problem of pollution in the same clear and basic terms as did the Founding Fathers when they focused upon the issues of free speech and free press. In so doing, he set the stage for a full-scale attack on this growing menace to the very existence of mankind.

Finally, Mr. Speaker, I would like to comment on still another vital aspect of the President's first state of the Union message; namely, crime control. I believe that the President rightfully and realistically focused the primary responsibility for solving most crimes and enforcing most laws with State and local governments rather than with the Federal Government. The Federal Government has no police force as such. Neither, in my view, should one be created; for, I believe the problem of law enforcement should be handled for individuals by their State and local governments. There is, however, one area of crime which by its very nature requires Federal involvement and Federal solutions; and that is the area of organized crime, narcotics, and pornography. Last year the new administration sent 13 different legislative proposals dealing with these three issues to the Congress. To date, not one of these proposals has been passed, and not one measure to attack organized crime, narcotics, or pornography has been laid before the President for signature.

I urge my colleagues to promptly and responsibly act on the President's proposals in this area, as these are target measures designed to remedy specific social ills. In a larger perspective, I urge my colleagues to read and reread the President's state of the Union message and take his words to heart. For in this message lies the seeds of even greater glories and successes for our country.

HALPERN URGES INCREASED FEDERAL AID TO RELIEVE MASS TRANSIT CRISIS

The SPEAKER pro tempore. Under a previous order of the House the gentleman from New York (Mr. HALPERN) is recognized for 5 minutes.

Mr. HALPERN. Mr. Speaker, after decades of neglect, the Nation's urban mass transit system—aged, overcrowded, and in debt—has reached a point of crisis which demands congressional action on H.R. 7006, the proposal creating an urban mass transportation trust fund to funnel desperately needed money into inner city subway and suburban commuter train lines.

Only about $132 million annually in Federal aid has gone to mass transit in the last 6 years, which is less than New York alone spends, suggesting how massive are the Nation's transit money problems. As a member of the Housing Subcommittee of the House Banking and Currency Committee, I am appealing to the subcommittee chairman, the distinguished gentleman from Pennsylvania, Representative WILLIAM A. BARRETT, to start hearings immediately on the transit proposal I cosponsored last spring, which provides $10 billion in trust fund aid for 5 years, funded through use of present automobile excise taxes.

Embittered subway riders and suburban commuters in New York and other cities are fed up paying higher fares for poorer service. Trains are breaking down every day, or they are canceled, overcrowded, or filthy or dangerous, but nobody has enough money to solve the crisis.

An administration proposal with a different funding scheme was recently compromised in the Senate, providing that $3.1 billion be obligated initially in a 5-year program that permits long-range planning. Commendable as this is, I still think we should be spending a billion dollars a year on trains, buses, and commuter lines.

I think trust fund revenue provides year-to-year dependability, assuring a large, continuous flow of funds. This would be similar to the highway trust fund, which by 1974 yielded $60 billion for roads.

The bill I cosponsored along with the gentleman from New York, Representative ED KOCH, also removes the present 12½-percent restriction which limits the amount which may be spent in any one State on mass transit. This allows the needs of larger urban regions to be given special attention.

For instance, the Federal money available to New York in 1970 is barely sufficient to buy 100 city subway cars—half the number that is replaced each year, and does not help with any other improvements.

The cities and States cannot foot the cost themselves, New York's latest 50-percent fare increase to 30 cents is the fourth since 1948 when it was only a nickel.

Fares alone, though, do not even cover operating expenses. The New York metropolitan area needs $2.1 billion in the next few years to provide decent service on commuter and train lines. The New York City Transit Authority alone has a $488 million annual operating budget, which is now being supplemented by the city's share of a $2.5 billion transportation bond issue approved by State voters in 1967.

But other cities also have massive needs—that is, Chicago needs $1.5 billion in the next decade and Washington, D.C., $2.5 billion—that will not be met unless the Federal Government commits itself to a huge investment.

With so many domestic needs crying for money priority, tapping the auto excise tax for funding a transit trust program is appropriate, because today mass transit and auto transportation complement each other as part of a properly balanced system.

The flight to the suburbs demands more highways, but suburbanites also expect efficient commuter service—which they are not getting. There has not been a major commuter innovation since 1929, yet this year the Federal Government will spend $5.1 billion for highway construction, almost 30 times the amount appropriated for mass transportation.

TAKE PRIDE IN AMERICA

The SPEAKER pro tempore. Under a previous order of the House the gentleman from Ohio (Mr. MILLER) is recognized for 5 minutes.

Mr. MILLER of Ohio. Mr. Speaker, in 1967 U.S. exports were valued at $31,243,000,000, about half again as much as the second ranking country.

HEW-LABOR APPROPRIATIONS BILL

The SPEAKER pro tempore. Under a previous order of the House the gentleman from California (Mr. COHELAN) is recognized for 10 minutes.

Mr. COHELAN. Mr. Speaker, I was terribly disappointed to learn last evening of the President's decision to veto the HEW-Labor appropriations bill. The President's failure to sign this major piece of legislation means no more to me than his failure to face squarely the need for reordering our national priorities.

No one is more concerned about inflation than myself. My record speaks for that. But at the same time I can no longer ignore the education crisis in this country today. I am convinced that the only cure, the only hope to rid society of poverty, disease, deprivation, prejudice, and hate is through education. We must provide all of our children with the very best in education and educational resources.

We have been through these arguments many times before. It is now some 6 months since we began consideration of this matter. It is already well into the 1969–70 school year and the Office of Education is still waiting for its money. Who is to pay for this gesture of thrift on the part of the administration? Our children? And the future direction of our society?

When the President announced his budget last March, we warned the Congress about the effect of the more than $174 billion of uncontrollable items in a Federal budget of $192.9 billion. His budget insured having to cut in the so-called controllable areas. This simply does not make sense and we protested it at that time and we protest it now. If cuts are to be made let them be in those areas such as defense manpower, military construction, exotic weapon systems, and stretched out technological programs. Let us not take it out of the school districts of America, who in turn must tax the property owners of their communities who are already overburdened.

Moreover, the committees of Congress, after long and thorough hearings have made it abundantly clear that education and other urgent needs of our cities are to be given the highest priority.

Since the President claims to be concerned about inflation, one wonders why he has abandoned any references to controlling prices, profits, and credit through tools that he readily has available to him and which were put at his disposal by the Congress.

Mr. Speaker, I intend to continue to support full funding for education. Tomorrow, I will ask all of my colleagues, on both sides of the aisle to reflect carefully on the urgent needs of our city schools. A vote to override the President's veto is simply a vote to let the Executive and the world know our commitment to improvement of public education is the very highest domestic priority.

Mr. Speaker, in anticipation of the legislative action tomorrow, I am including the figures for impact aid in all congressional districts. I know that impact aid has been made the "whipping boy" for this veto, but I want each Member to realize what the impact of sustaining the Presidential veto will mean in their own district. Each Member must realize that the revenues for impact aid, if the veto is sustained, will have to come from State and local taxes. I submit if any Member feels that there are "inadequacies" in the impact aid program they should look to a legislative solution and not cut off those funds. Enclosed is a table which shows the allocation by congressional district.

	SAFA, fiscal year 1969		
State	Congressional District	Net entitlement, 100 percent	Prorated entitlement, 91 percent
Alabama	1	760, 373	691, 939. 43
Do	2	1, 163, 537	1, 058, 818. 67
Do	3	1, 698, 011	1, 545, 190. 01
Do	4	1, 178, 574	1, 072, 502. 34
Do	5	133, 451	121, 440. 41
Do	7	269, 454	245, 203. 64
Do	8	3, 431, 129	3, 122, 324. 39
Do	97	188, 215	171, 276. 65
State total		8, 822, 744	8, 028, 696. 04
Alaska	99	16, 083, 952	14, 636, 396. 32
Arizona	1	914, 969	832, 622. 79
Do	2	4, 357, 075	3, 964, 930. 26
Do	3	3, 805, 618	3, 463, 112. 98
Do	78	954, 801	868, 868. 91
State total		10, 032, 463	9, 129, 541. 83
Arkansas	1	395, 660	360, 059. 89
Do	2	1, 495. 565	1, 360, 964. 45
Do	3	520, 591	473, 737. 81
Do	4	581, 150	528, 846. 60
State total		2, 992, 966	2, 723, 599. 06
California	1	2, 273, 077	2, 068, 500. 07
Do	2	2, 522, 384	2, 295, 369. 44
Do	3	6, 020, 220	5, 478, 400. 20
Do	4	5, 078, 161	4, 621, 126. 51
Do	7	270, 240	245, 918. 40
Do	8	1, 346, 033	1, 224, 890. 03
Do	9	1, 245, 486	1, 133, 392. 26
Do	10	1, 636, 745	1, 489, 437. 95
Do	11	713, 624	649, 397. 84
Do	12	4, 217, 125	3, 837, 588. 75
Do	13	7, 138, 139	6, 495, 706. 49
Do	14	2, 005, 260	1, 824, 786. 60
Do	15	1, 378, 655	1, 254, 576. 05
Do	16	897, 809	817, 006. 19
Do	17	37, 611	34, 226. 01
Do	18	2, 783, 420	2, 532, 912. 20
Do	19	322, 144	293, 151. 04
Do	20	76, 927	69, 430. 87
Do	23	675, 259	614, 485. 69
Do	24	473, 527	430, 900. 57
Do	25	319, 140	290, 417. 40
Do	27	1, 311, 992	1, 193, 912. 72
Do	28	374, 103	340, 433. 73
Do	31	80, 403	73, 166. 73
Do	32	1, 766, 985	1, 617, 056. 35
Do	33	4, 993, 025	4, 543, 652. 75
Do	34	1, 666, 988	1, 516, 959. 08
Do	35	6, 398, 488	5, 822, 624. 08
Do	36	1, 001, 814	911, 650. 74
Do	37	3, 102, 518	2, 823, 291. 38
Do	38	2, 453, 191	2, 232, 403. 81
Do	48	323, 965	294, 808. 15
Do	60	29, 227	26, 596. 57
Do	62	4, 333, 900	3, 943, 849. 00
Do	64	397, 403	361, 636. 73
Do	71	252, 836	230, 080. 76
Do	81	1, 840, 380	1, 674, 745. 80
Do	83	19, 242	17, 510. 22
Do	84	6, 558, 636	5, 968, 358. 76
Do	85	383, 302	348, 804. 82
Do	87	108, 650	98, 871. 50
Do	90	42, 276	38, 471. 16
Do	92	36, 007	32, 760. 37
Do	94	298, 615	271, 739. 65
Do	95	1, 301, 207	1, 184, 098. 37
Do	96	1, 330, 100	1, 210, 391. 00
State total		81, 845, 609	74, 479, 504. 19
Colorado	2	4, 308, 820	3, 921, 026. 20
Do	3	8, 176, 344	7, 440, 473. 04
Do	4	1, 628, 333	1, 481, 783. 03
State total		14, 113, 497	12, 843, 282. 27
Connecticut	1	183, 372	166, 868. 52
Do	2	2, 170, 577	1, 975, 226. 07
Do	3	598, 861	544, 963. 51
Do	4	183, 308	166, 810. 28
Do	5	237, 981	216, 562. 71
Do	6	191, 535	174, 296. 85
State total		3, 565, 634	3, 244, 726. 94
Delaware	99	801, 610	729, 466. 10
District of Columbia	99	5, 933, 208	5, 399, 219. 28
Florida	1	5, 109, 230	4, 649, 399. 30
Do	2	717, 388	652, 823. 08
Do	3	2, 088, 736	1, 900, 740. 76
Do	4	513, 674	467, 443. 34
Do	5	6, 185, 634	5, 628, 926. 94
Do	6	1, 069, 895	973, 604. 45
Do	8	562, 004	511, 423. 64
Do	9	39, 367	35, 823. 97
Do	10	80, 127	72, 915. 57
Do	12	934, 401	850, 304. 91
Do	82	1, 352, 149	1, 230, 455. 59
State total		18, 652, 605	16, 973, 870. 55
Georgia	1	963, 678	876, 946. 98
Do	2	863, 326	785, 626. 66
Do	3	3, 653. 852	3, 325, 005. 32
Do	4	557, 273	507, 113. 43
Do	6	1, 270, 628	1, 156, 270. 48
Do	7	2, 251, 768	2, 049, 108. 88
Do	8	699, 008	636, 097. 28
Do	9	184, 736	168, 100. 76
Do	10	1, 677, 644	1, 526, 674. 24
Do	75	1, 304, 990	1, 187, 540. 90
State total		13, 426, 923	12, 218, 499. 93
Hawaii	99	10, 396, 414	9, 460, 736. 74
Idaho	1	1, 692, 082	1, 539, 794. 62
Do	2	1, 264, 981	1, 151, 132. 71
State total		2, 957, 063	2, 690, 927. 33
Illinois	4	95, 149	86, 585. 59
Do	10	193, 521	176, 104. 11
Do	12	2, 690, 034	2, 447, 930. 94
Do	13	3, 623, 607	3, 297, 482. 37
Do	14	601, 694	547, 541. 54
Do	15	151, 088	137, 490. 08
Do	16	139, 039	126, 525. 49
Do	17	829, 485	754, 831. 35
Do	18	6, 054	5, 509. 14
Do	19	550, 217	500, 697. 47
Do	20	58, 920	53, 617. 20
Do	21	250, 745	228, 177. 95
Do	22	1, 800, 085	1, 638, 077. 35
Do	23	190, 656	173, 496. 96
Do	24	2, 264, 227	2, 060, 446. 57
Do	58	611, 446	556, 415. 86
State total		14, 055, 967	12, 790, 929. 27
Indiana	5	930, 751	846, 983. 41
Do	6	307, 507	279, 831. 37
Do	7	400, 354	364, 322. 14
Do	8	322, 034	293, 050. 94
Do	9	1, 489, 093	1, 355, 074. 63
Do	11	1, 092, 319	994, 010. 29
State total		4, 542, 058	4, 133, 272. 78
Iowa	1	1, 159, 298	1, 054, 961. 18
Do	2	21, 472	19, 539. 52
Do	3	33, 774	30, 734. 34
Do	4	753, 557	685, 736. 87
Do	5	419, 215	381, 485. 65
Do	6	257, 001	233, 870. 91
Do	7	200, 188	182, 171. 08
State total		2, 844, 505	2, 588, 499. 55

XUM

State	SAFA, fiscal year 1969		
	Congressional district	Net entitlement, 100 percent	Prorated entitlement, 91 percent
Kansas	1	68, 212	62, 072. 92
Do	2	4, 399, 032	4, 003, 119. 12
Do	3	1, 144, 231	1, 041, 250. 21
Do	4	1, 626, 992	1, 480, 562. 72
Do	5	2, 207, 117	2, 008, 476. 47
State total		9, 445, 584	8, 595, 431. 44
Kentucky	1	804, 428	732, 029. 48
Do	2	886, 694	806, 891. 64
Do	3	1, 757, 098	1. 598, 959. 18
Do	4	53, 277	48, 432. 07
Do	5	176, 156	160, 301. 96
Do	6	630, 580	573, 827. 80
Do	7	5, 981	5, 442. 21
State total		4, 314, 214	3, 925, 934. 34
Louisiana	1	82, 492	75, 067. 72
Do	2	268, 343	244, 192. 13
Do	4	1, 424, 068	1. 295, 901. 88
Do	6	272, 794	248, 242. 54
Do	8	1, 032, 056	939, 170. 96
Do	9	536, 964	488, 637. 24
State total		3, 616, 717	3, 291, 212. 47
Maine	1	1. 291, 931	1. 175, 657. 21
Do	2	1, 541, 245	1, 402, 532. 95
State total		2, 833, 176	2, 578, 190. 16
Maryland	1	1, 451, 725	1, 321, 069. 75
Do	2	1, 649, 924	1, 501, 430. 84
Do	5	11, 511, 797	10, 475, 735. 27
Do	6	1, 237, 580	1, 126, 197. 80
Do	8	6, 636, 130	6, 038, 878. 80
Do	76	465, 589	423, 685. 99
Do	77	2, 575, 398	2, 343, 612. 18
Do	78	2, 719, 805	2, 475, 022. 55
State total		28, 247, 948	25, 705, 632. 68
Massachusetts	1	951, 170	865, 564. 70
Do	2	2, 093, 368	1, 904, 964. 88
Do	3	2, 017, 714	1, 836, 119. 74
Do	4	683, 739	622, 202. 46
Do	5	1, 719, 196	1, 564, 468. 39
Do	6	784, 277	713, 692. 07
Do	7	973, 946	886, 290. 86
Do	8	253, 448	230, 637. 68
Do	10	389, 069	354, 052. 79
Do	11	919, 848	837, 051. 68
Do	12	2, 612, 580	2, 377, 447. 80
Do	46	56, 410	51, 333. 10
Do	61	643, 820	585, 876, 20
Do	73	4, 776	4, 346. 16
Do	75	31, 061	28, 265. 51
Do	79	4, 755	4, 327. 05
State total		14, 139, 177	12, 866, 651. 07
Michigan	2	21, 160	19, 258. 60
Do	3	529, 306	481, 668. 46
Do	8	37, 483	34, 100. 53
Do	9	69, 676	63, 405. 16
Do	10	766, 080	697, 132. 80
Do	11	1, 790, 928	1, 629, 744. 48
Do	12	986, 116	897, 365. 56
Do	16	20, 189	18, 371. 99
Do	52	748, 042	680, 718. 22
State total		4, 968, 980	4, 521, 771. 80
Minnesota	1	112, 682	102, 540. 62
Do	2	10, 372	9, 438. 52
Do	3	808, 021	735, 299. 11
Do	4	856, 675	779, 574. 25
Do	5	433, 603	394, 578. 73
Do	6	179, 317	163, 178. 47
Do	7	542, 038	493, 254. 58
Do	8	746, 659	679, 459. 69
State total		3, 689, 367	3, 357, 323. 97
Mississippi	1	438, 499	399, 034. 09
Do	3	109, 896	100, 005. 36
Do	4	208, 108	189, 378. 28
Do	5	2, 075, 505	1, 888, 709. 55
State total		2, 832, 008	2, 577, 127. 28
Missouri	1	111, 509	101, 478. 49
Do	2	945, 614	860, 501. 74
Do	4	4, 115. 072	3, 744, 715. 52
Do	5	402, 749	366, 501. 69
Do	6	415, 201	377, 832. 91
Do	7	360, 670	328, 209. 70
Do	8	1, 506, 760	1, 371, 151. 60
Do	9	230, 012	209, 310. 92
Do	10	63, 276	57, 581. 16
Do	45	146, 356	133, 183. 96
Do	78	874, 089	795, 420. 99
State total		9, 171, 308	8, 345, 890. 28
Montana	1	1, 970, 903	1, 793, 521. 73
Do	2	2, 620, 530	2, 384, 682. 30
State total		4, 591, 433	4, 178, 204. 03
Nebraska	1	512, 150	466, 056. 50
Do	2	3, 725, 773	3, 390, 453. 43
Do	3	812, 038	738, 954. 58
State total		5, 049, 961	4, 595, 454. 51
Nevada	99	3, 881, 318	3, 531, 999. 38
New Hampshire	1	2, 000, 317	1, 820, 288. 47
Do	2	255, 505	232, 509. 55
State total		2, 255, 822	2, 052, 798. 02
New Jersey	1	1, 073, 481	976, 867. 71
Do	2	527, 228	479, 777. 48
Do	3	2, 965, 978	2, 699, 039. 98
Do	4	591, 965	538, 688. 15
Do	5	695, 512	632, 915. 92
Do	6	5, 088, 639	4, 630, 661. 49
Do	13	107, 331	97, 671. 21
Do	43	29, 414	26, 766. 74
Do	48	54, 114	49, 243. 74
Do	51	130, 757	118, 988. 87
State total		11, 264, 419	10, 250, 621. 29
New Mexico	1	4, 500, 061	4, 095, 055. 51
Do	2	5, 820, 213	5, 296, 393. 83
Do	99	839, 527	763, 969. 57
State total		11, 159, 801	10, 155, 418. 91
New York	1	2, 241, 619	2, 039, 873. 29
Do	2	466, 233	424, 272. 03
Do	4	355, 354	323, 372. 14
Do	5	72, 329	65, 819. 39
Do	25	50, 877	46, 298. 07
Do	27	1, 336, 279	1, 216, 013. 89
Do	28	57, 197	52, 049. 27
Do	29	1, 148, 331	1, 044, 981. 21
Do	30	535, 316	487, 137. 56
Do	31	1, 259, 058	1, 145, 742. 78
Do	32	1, 829, 462	1, 664, 810. 42
Do	33	472, 321	429, 812. 11
Do	34	269, 732	245, 456. 12
Do	35	370, 323	336, 993. 93
Do	38	120, 360	109, 527. 60
Do	40	331, 257	301, 443. 87
Do	42	153, 732	139, 896. 12
Do	49	28, 524	25, 956. 84
Do	54	155, 102	141, 142. 82
Do	69	5, 210, 737	4, 741, 770. 67
Do	79	734, 738	668, 611. 58
State total		17, 198, 881	15, 650, 981. 71
North Carolina	1	1, 270, 068	1, 155, 761. 88
Do	3	2, 318, 682	2, 110, 000. 62
Do	5	85, 830	78, 105. 30
Do	7	2, 892, 511	2, 632, 185. 01
Do	8	198, 526	180, 658. 66
Do	11	298, 275	271, 430. 25
State total		7, 063, 892	6, 428, 141. 72
North Dakota	1	1, 581, 948	1, 439, 572. 68
Do	2	1, 322, 689	1, 203, 646. 99
State total		2, 904, 637	2, 643, 219. 67
Ohio	1	13, 365	12, 162. 15
Do	2	59, 278	53, 942. 98
Do	3	2, 773, 517	2, 523, 900. 47
Do	4	42, 577	38, 745. 07
Do	5	25, 474	23, 181. 34
Do	6	469, 479	427, 225. 89
Do	7	1, 863, 105	1, 695, 425. 55
Do	8	62, 013	56, 431. 83
Do	10	327, 869	298, 360. 79
Do	11	124, 027	112, 864. 57
Do	12	504, 733	459, 307. 03
Do	13	116, 415	105, 937. 65
Do	14	255, 108	232, 148. 28
Do	15	258, 054	234, 829. 14
Do	17	503, 723	458, 387. 93
Do	19	24, 647	22, 423. 77
Do	23	739, 497	672, 942. 27
Do	24	795, 700	724, 087. 00
Do	59	292, 793	266, 441. 63
Do	68	2, 332, 125	2, 122, 233. 75
Do	79	123, 215	112, 125. 65
State total		11, 706, 714	10, 653, 109. 74
Oklahoma	1	1, 636, 444	1, 489, 164. 04
Do	2	1, 384, 193	1, 259, 615. 63
Do	3	937, 205	852, 856. 55
Do	4	4, 323, 995	3, 934, 835. 45
Do	5	2, 496, 561	2, 271, 870. 51
Do	6	1, 084, 605	986, 990. 55
Do	75	1, 895, 741	1, 725, 124. 31
State total		13, 758, 744	12, 520, 457. 04

XUM

State	SAFA, fiscal year 1969		
	Congressional district	Net entitlement, 100 percent	Prorated entitlement, 91 percent
Oregon	1	438,211	398,772.01
Do	2	1,752,522	1,594,795.02
Do	3	560,386	509,951.26
Do	4	803,081	730,803.51
State total		3,554,200	3,234,322.00
Pennsylvania	6	52,632	47,895.12
Do	7	387,573	352,691.43
Do	8	810,292	737,365.72
Do	9	180,151	163,937.41
Do	10	310,826	282,851.06
Do	11	228,230	207,689.30
Do	12	748,792	681,400.72
Do	13	229,091	208,472.81
Do	15	150,968	137,380.88
Do	16	420,705	382,841.55
Do	17	364,591	331,777.81
Do	18	29,698	27,025.18
Do	19	874,082	795,414.62
Do	23	30,126	27,414.66
Do	26	22,238	20,236.58
Do	27	222,649	202,610.59
Do	57	676,027	615,184.57
Do	63	69,740	63,463.40
Do	66	3,747,282	3,410,026.62
Do	67	39,750	36,172.50
State total		9,595,443	8,731,853.13
Rhode Island	1	1,739,990	1,583,390.90
Do	2	1,816,806	1,653,293.46
Do	79	214,703	195,370.73
State total		3,771,499	3,432,064.09
South Carolina	1	4,572,543	4,161,014.13
Do	2	1,931,397	1,757,571.27
Do	3	91,340	83,119.40
Do	4	80,266	73,042.06
Do	5	542,111	493,321.01
Do	6	159,837	145,451.67
State total		7,377,494	6,713,519.54
South Dakota	1	510,791	464,819.81
Do	2	3,217,324	2,927,764.84
State total		3,728,115	3,392,584.65
Tennessee	1	582,729	530,281.39
Do	2	1,090,479	992,335.89
Do	3	429,568	390,906.88
Do	4	1,504,187	1,368,810.57
Do	5	368,972	333,944.52
Do	6	1,092,205	993,906.55
Do	7	258,621	235,345.11
Do	8	445,425	405,336.75
Do	9	775,955	706,119.05
Do	6	839,389	763,843.99
State total		7,385,530	6,720,832.80
Texas	1	1,658,263	1,509,019.33
Do	2	72,349	65,837.69
Do	3	543,223	494,332.93
Do	4	530,891	483,110.81
Do	5	90,976	82,788.16
Do	6	277,167	252,221.97
Do	7	2,754	2,581.14
Texas—(continued)	8	20,170	18,354.70
Do	9	789,307	718,269.37
Do	10	1,020,505	928,659.55
Do	11	2,911,885	2,649,815.35
Do	12	3,999,821	3,639,837.11
Do	13	1,454,793	1,323,861.63
Do	14	1,160,452	1,056,011.32
Do	15	228,145	207,611.95
Do	16	3,616,378	3,290,903.98
Do	17	1,618,956	1,473,249.96
Do	18	523,276	476,181.16
Do	19	324,542	295,333.22
Do	20	1,201,770	1,093,610.70
Do	21	883,823	804,271.93
Do	22	544,058	495,092.78
Do	23	1,134,432	1,032,333.12
Do	53	493,005	448,634.55
Do	56	444,178	404,201.98
Do	86	7,442,354	6,772,542.14
State total		32,987,473	30,018,600.43
Utah	1	5,639,088	5,131,570.08
Do	2	2,080,663	1,893,403.33
State total		7,719,751	7,024,973.41
Vermont	99	148,581	135,208.71
Virginia	1	7,421,079	6,753,181.89
Do	2	5,259,805	4,786,422.55
Do	3	882,435	803,015.85
Do	4	2,138,811	1,946,318.01
Do	5	65,520	59,623.20
Do	6	632,584	575,651.44
Do	7	67,884	61,774.44
Do	8	2,383,830	2,169,285.30
Do	9	451,827	411,162.57
Do	10	16,539,525	15,050,967.75
State total		35,843,300	32,617,403.00
Washington	1	910,736	828,769.76
Do	2	1,759,223	1,600,892.93
Do	3	857,593	780,409.63
Do	4	1,977,639	1,799,654.49
Do	5	1,539,277	1,409,842.07
Do	6	5,767,644	5,248,556.04
Do	7	606,229	551,668.39
State total		13,428,341	12,219,790.31
West Virginia	2	338,171	307,735.61
Do	3	75,258	68,484.78
Do	4	155,107	141,147.37
State total		568,536	517,367.76
Wisconsin	2	574,067	522,400.97
Do	3	820,931	747,047.21
Do	7	120,864	109,986.24
Do	8	115,550	105,150.50
Do	10	243,191	221,303.81
Do	55	414,217	376,937.47
State total		2,288,820	2,082,826.20
Wyoming	99	1,852,602	1,685,867.82
Guam	99	2,194,727	1,997,201.57
Puerto Rico	99	329,912	300,219.92
Virgin Islands	99	26,675	24,274.25
Grand total		517,962,318	471,345,709.38

REPRESENTATIVE ROONEY OF PENNSYLVANIA TO VOTE TO OVERRIDE PRESIDENTIAL VETO OF THE APPROPRIATION BILL FOR THE DEPARTMENTS OF LABOR, AND HEALTH, EDUCATION, AND WELFARE

The SPEAKER pro tempore. Under a previous order of the House the gentleman from Pennsylvania (Mr. ROONEY) is recognized for 10 minutes.

Mr. ROONEY of Pennsylvania. Mr. Speaker, I stated several weeks ago that if President Nixon vetoed the appropriation bill for the Departments of Labor, and Health, Education, and Welfare, I would vote to override that veto. I certainly intend to do so.

The measure the President has selected as the target for an anti-inflation campaign happens to represent the financial support for many of the most important domestic programs our Nation has undertaken.

The Congress already has reduced administration budget proposals by $6 billion in areas I believe were fair targets for such reductions.

However, public health and public education are not fair game in the budget-cutting process. When we at the national level reduce support for health programs, and for education, we are not fighting inflation—we are feeding it. Withdrawal of Federal support does not erase the need in our States and local communities. It merely shifts the tax burden to maintain such programs from the Federal Government to local governments where the burden already is too great.

When supersonic transports and unsafe Safeguard anti-ballistic-missile systems take precedence over schools and medical research, as examples, there is something radically wrong with this administration's domestic priorities.

And if Vice President AGNEW feels the "silent majority" wants health and education to be shortchanged, I am afraid he is due for a rude awakening.

Mr. Speaker, I should also like to include in the RECORD a letter I have just received from one of my constituents, who currently serves as president of the Pennsylvania State Education Association. He represents teachers—the individuals who devote their lifetimes to the education of America's young people. His comments are pertinent and most appropriate.

XUM

Pennsylvania State
Education Association,
Harrisburg, Pa., January 23, 1970.
Hon. Fred B. Rooney,
House Office Building,
Washington, D.C.

Dear Congressman Rooney: I realize that this letter isn't really necessary to urge your continued support of the federal appropriations for education as passed by the Congress, in the event that the President carries through with his threatened veto of the total measure in which it was included. But this will demonstrate support for your position and perhaps give you needed ammunition in persuading enough of your colleagues, if necessary.

We share the President's concern over inflation but are also aware that the Congress has cut a net total of some $6 billion from his original budget proposal. If he did not regard that as inflationary, surely a final product reduced by such an amount is even less so. And nothing is more inflationary, if this is really the standard being applied, than military expenditures, where money is poured into the economy without a corresponding increase in the production of goods and services for which that money can be spent.

We remember, even if the President has forgotten, his statements on the campaign trail in 1968. "We call on every citizen to join with us in an action program for education", he said. Or, "Education is the area in which we must keep doing everything that is necessary to help achieve the American dream." And, most relevant of all, "When we talk about cutting the expenses of government—either Federal, State, or Local—the one area we can't shortchange is education."

All we ask is that promises be kept.

Sincerely,

David W. Kirkpatrick,
President, PSEA.

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HIGH INTEREST RATES MAKE HIGHER HEW APPROPRIATION MANDATORY

(Mr. PATMAN asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. PATMAN. Mr. Speaker, President Nixon's use of the veto power is highly selective.

It applies to schoolchildren; not the banks.

In June I asked President Nixon to veto the big banks' increase in the prime lending rate—an action many times more inflationary than providing education for children.

President Nixon refused to even utter the most mild of complaints against the banks' interest rate increase which raised the price of everything in the economy. When it comes to vetoing health, education, and welfare, the President is not so timid.

Where was Mr. Nixon's "veto courage" last June?

The additional appropriations voted by the Congress for HEW will not begin to repair the damage that the Nixon high interest rates have done to America's school system. All over the country, high interest rates are blocking badly needed schoolroom construction and threatening the very existence of some school systems.

School districts simply cannot market bond issues at the high interest rates prevailing under the Nixon administration. Bond elections are being canceled and other districts cannot raise sufficient taxes to meet the interest payments under the present monetary conditions.

Much of the HEW appropriation might not be necessary if local school districts could sell their bonds and raise their own funds. But the high interest rates have blocked this avenue and they have to turn to the Federal Government or face a serious cutback in educational programs.

Earlier this month, the Daily Bond Buyer reported that high interest rates had stalled new school construction in California. The publication said that more than 100,000 elementary and high school students in California will be without adequate classroom space this year because of rising interest rates. This same situation exists in other districts across the Nation.

The Nixon administration should do something about this deplorable situation rather than spending its time and energy with vetoes for the educational needs of the Nation.

A rollback of interest rates would disturb the banker friends of this administration. President Nixon finds it easier to threaten the welfare of millions of schoolchildren than to disturb the comfort of his banker friends, both inside, and outside of the administration.

The President has plenty of power to control inflation; he does not have to use the schoolchildren of this Nation.

URGENT NEED EXISTS FOR IMMEDIATE PASSAGE OF ANNUNZIO INNER-CITY INSURANCE BILL

(Mr. ANNUNZIO asked and was given permission to extend his remarks at this point in the Record, and to include extraneous matter.)

Mr. ANNUNZIO. Mr. Speaker, yesterday I called to the attention of my colleagues the urgent need for insurance for property owners and small businessmen in the inner cities of America and emphasized the responsibility of our government to make this insurance available at reasonable rates.

Today, I am inserting an article into the Congressional Record from the January 26 issue of the U.S. News & World Report which gives a realistic appraisal of the problems presently confronting the inner cities of Philadelphia, Cleveland, Chicago, Gary, New York, and in fact, all of the major cities of the North and South.

There are literally hundreds and thousands of buildings in the inner cities of America that are being abandoned by their owners because they are not able to keep up with necessary repairs and they are not able to purchase insurance. Consequently, thousands of small businessmen are being forced out of business and hundreds of thousands of inner city residents are being forced to look elsewhere for adequate housing.

Today, interest rates are higher than ever before and housing starts are less than ever before in the history of our country. Now is the appropriate time for the House Banking and Currency Committee and especially the Housing Subcommittee, working in conjunction with the officials of the Department of Housing and Urban Development, to hold hearings on my bill, H.R. 13666, which was cosponsored by over 100 Members of this House.

I know of the deep interest and concern of my distinguished colleague from Pennsylvania, the Honorable William Barrett, who is chairman of the Housing Subcommittee. He has extended to me all of the resources of his subcommittee and we have already held hearings in Chicago on the insurance problem. As a result of these hearings, we have established both the need for action and the responsibility of the Congress to provide a solution to this crucial problem facing the inner city small businessmen and property owners of America.

The article follows:

[From the U.S. News & World Report, Jan. 26, 1970]

In the Inner Cities: Acres of Abandoned Buildings

At a time when the U.S. is suffering a housing shortage that gets worse by the month, officials in many cities face this puzzling fact—

Houses and apartments in the inner cities by the hundreds are being abandoned by their owners, deserted and boarded up, left to the ravages of vandals and criminals. The number is growing rapidly.

If the pace continues, entire sections of major cities could become ghost towns in the next five years, says James C. Downs, Jr., chairman of the Real Estate Research Corporation, Chicago. Other experts say some cities already have reached this point.

In New York City, in three years enough homes were abandoned to house more than a quarter of a million people.

The good go with the bad. "It is no longer just the poor buildings that are going," says Dr. George Sternlieb, director of the Urban Studies Center of Rutgers University. "In New York, when bad buildings are abandoned, good houses nearby are abandoned, too."

Dr. Sternlieb says most of an estimated 5,000 buildings now vacant in New York City are in Brooklyn's Brownsville-East New York section, or in Williamsburg and Bedford-Stuyvesant. There are a growing number in Harlem, too.

"Many of the blocks are littered with the wreckage of broken and abandoned buildings," he says. "Some streets look as if they had been bombed by B–52s."

Buildings are being abandoned in Detroit at the rate of 10 a week. Officials estimate there are about 2,500 vacant buildings in the central city area.

In Cleveland, officials say 800 houses and apartment buildings are abandoned each year. This is enough housing for 2,400 families.

Philadelphia reports about 25,000 houses, mostly two-story and three-story brick row houses, now stand empty.

The Chicago buildings department figures that nearly 150 structures are abandoned each month, most of them residential and many apartment buildings.

The city of Chicago will spend over 1 million dollars this year just to tear down dangerous and abandoned buildings. In 1960, it had to demolish only 143. Last year, the figure had risen to 2,160 residential buildings.

In Baltimore, an estimated 4,000 to 4,400 houses stand empty; in Boston, more than 1,000. Mayor George G. Seibels, Jr., of Birmingham says 800 vacant buildings have been torn down in his city in recent years, and 2,300 more are scheduled to be demolished.

The housing paradox. Why is housing, some of it in good shape, being abandoned when there is a growing shortage in the nation?

A study of inner-study dwellings in Baltimore was made jointly by the Institute for Environmental Studies of the University of Pennsylvania, and the Urban Studies Institute of Morgan State College. It reports that the inner-city housing market "is in a state of complete and utter collapse." Prices are declining, and a large percentage of the structures are losing money.

"Investors want out because of declining prices, negative cash flows, fear of collecting rents, and vandalism," the study explains. "Not over 10 per cent of the tenants could be described as problems in the sense of abusing property, but these few, plus vandalism of temporarily vacant buildings, are enough to seriously impair cash flows and cause abandonments.

"All of this, as well as the underlying factors, results in housing that is worse than the people actually can afford and in abandonments and boarding up, even of basically good structures. You have a combination of low vacancies and high abandonments."

"Militant" tenants. Says Mr. Downs of Chicago:

"The incidence of abandoned buildings is growing because the structures grow older. Tenants are becoming more militant about demanding repairs which landlords say they cannot afford, and courts more and more often refuse to evict families—especially those on welfare with children—for nonpayment of rent in their disputed cases."

Landlords calculate that operating costs have gone up 30 to 40 per cent in the past five years, while rents have moved up far less. Insurance rates have doubled and tripled in some riot areas. When a city inspector uncovers building-code violations, landlords say it usually is a losing proposition to make repairs.

A vacant building in the inner city most often is stripped quickly of everything of resale value—plumbing fixtures, piping, wiring, ornamental objects, sometimes even the bricks. Officials say this can happen when a house or an apartment is vacant only a few days between occupants. Once this occurs, the cost of putting the building into usable condition skyrockets.

As a result, says Dr. Sternlieb, "You are finding landlords don't press hard for rent any more in some areas, and are very slow to evict unless there is a new tenant ready. They would rather have the house not producing rent, or producing only part of the rent, than have it empty for the scavengers to strip."

The abandoned house is a natural attraction for undesirable activities—everything from rats or street gangs to dope addicts, sex perverts and the like. It is likely to be a hazardous place for children.

"Going downhill." Says Ivan B. Gluckman, Philadelphia's assistant housing director:

"There is no question that a vacant house is part of the crime problem, too. Even if it isn't as bad as the community around the house thinks it is, just the fact that it is vacant makes it harder to keep the rest of the neighborhood stable. Once a house in the block is vacant, it becomes harder for the others to get insurance. The whole block starts going downhill."

Behind it all is one clear factor: Both landlords and tenants, black and white, are moving out of the inner city as fast as they can—the landlord because he no longer sees a profit there, and the tenant because he feels it no longer is a safe place to live.

"Real estate investors take a long-range look at things," explains Dr. Sternlieb. "They have simply lost faith in the future of the inner city. We used to complain about the slumlords, the big businessmen and others who made an unfair profit while providing unfit housing. The real tragedy is that none of them are in there any more. There isn't anybody in there with enough money or influence to keep the whole thing going."

Says Robert Embry, Baltimore's housing commissioner:

"I know Negro families are moving out in droves in some areas. They may have lived all their lives up until now in that neighborhood, but now they are leaving. They are leaving because the situation with regard to crime has changed dramatically. The schools are much worse than they were. They don't feel safe any longer. There has been a massive influx of immigrants from the South in these neighborhoods—of people not ready for city living—that has broken down the fabric of the neighborhoods."

The absent owners. Landlords who are unable to sell often decide to get all the money they can out of a building before abandonment. They stop repairs, stop paying taxes. In most cities, rent can be collected three or four years before the city takes over for unpaid taxes.

Sometimes tenants are left high and dry when the owner walks out. The water, heat and electricity may be turned off with people still living there.

Mr. Downs, who also is president of the Chicago Dwellings Association, a nonprofit group that rehabilitates old buildings, says one big job of the association is providing heat for tenants of abandoned buildings until they can move somewhere else.

Mr. Downs says the association has been offered many abandoned or about-to-be-abandoned apartment buildings free if it will repair them, but most are too far gone for repair.

What can be done with such places?

First effort in most cities when a building has substantial code violations is to try to force the owner to fix it. If this fails, some cities—San Francisco, for one—have authority to rehabilitate the property and send the bill to the owner, or they may take over rents from tenants for this purpose.

A number of cities have laws which permit demolishing the building, with the cost charged to the owner.

One problem with both of these approaches is that, once an owner decides to abandon a building, he often transfers title to someone who obviously can't pay for repairs or demolition, sometimes just a bum on skid row.

Tearing a building down may be a poor solution. Frequently, the lots stand vacant for years, collecting rats and trash. As a result, most cities are now trying rehabilitation. Philadelphia is something of a leader in this effort. At the last count, 73 developers were rehabilitating old houses at a rate of about 2,000 a year in that city. In all, over 5,000 empty houses have been refurbished, mostly for rental to public-housing tenants.

The Philadelphia program began nearly a decade ago when officals took a close look at the abandoned-building problem. The city's assistant housing director, Mr. Gluckman, says:

"We decided these houses could be either a terrible liability or an asset. Finally, we realized this was one way to develop new public housing without having to displace anybody. It was empty already and we could help stabilize neighborhoods. To a large extent we have succeeded in doing this."

How does Philadelphia do this? It guarantees that the city will buy a house at a fixed price, if not sold to a private buyer, once it has been reconditioned to standards set by the Philadelphia Housing Authority.

Originally, developers were permitted to assemble their own groups of houses for rehabilitation. Many developers jumped in and began bidding up the prices of the empty houses. Now, the city assembles the properties. It pays a maximum of $1,600 per house, takes over many for unpaid taxes, receives some as gifts from owners who take a tax benefit.

Average cost to rehabilitate a three-bedroom house: $13,200.

The Government's part. Officials are now trying to sell more of the refurbished houses to people in the neighborhood under new federal subsidy programs.

Baltimore is starting a program to rehabilitate 1,400 abandoned houses in an 18-month period under a 20-million-dollar grant from the Department of Housing and Urban Development. The houses will be sold to low-income families with assistance of a federal subsidy.

"We have had this problem of vacant houses for a number of years," says Housing Commissioner Robert Embry. "We didn't have the money to do anything about it. We couldn't force private investors to do it. They would lose money."

The federal program is to be expanded and applied to other cities after it has been tested in Baltimore and, possibly, Philadelphia.

Even in Philadelphia, where large scale rehabilitation already has taken place, abandoned buildings continue to be a major problem. Experts predict it is a problem that will get worse in most cities until some way is found to draw people of all income levels back into the inner city.

GROUND RULES FOR AN INTERNATIONAL SYMPOSIUM TITLED "LABOR, GOVERNMENT, THE CARRIER AND THE USER DISCUSS THE CONTAINER"

(Mr. ANNUNZIO asked and was given permission to extend his remarks at this point in the Record, and to include extraneous matter.)

Mr. ANNUNZIO. Mr. Speaker, on December 2 it was my privilege to host a luncheon in the Rayburn Building out of which came several determinations that could have both lasting and worldwide impact on the shipping industry.

Present at that luncheon were prominent representatives of the Federal Government, of organized labor, of the shipping industry, and the management of major corporations involved in the shipment of goods.

Purpose of the luncheon was to discuss a grand design and the ground rules for an international symposium titled, "Labor, Government, the Carrier and the User Discuss the Container," to be held April 14 to 17 in conjunction with the Fifth International Container Services and Equipment Exposition at the International Amphitheatre in Chicago.

Containerization is that system of handling freight whereby a group of items are packed in a container at the point of origin, the container is sealed and carried as a sealed unit to its destination, regardless of how many different modes of transportation are used.

The objective of the symposium is to open new avenues to more cooperative relations between labor and management away from the pressures of the bargaining table.

On the premise that advance knowledge of needs and problems of all concerned parties is the best way to encourage more responsible labor-management relations, distinguished groups from labor, management, shippers, and Government will at that time come together for the express purpose of fully acquainting each other with their respective needs and problems.

Among those at the planning luncheon who spoke and discussed the significance of the upcoming event were: The Honorable George P. Shultz, Secretary of Labor; Thomas W. Gleason, president of the International Longshoremen's Association; Gen. Frank Besson, Jr., Joint Logistics Review Board, Office of the Secretary of Defense; Robert J. Blackwell, Deputy Maritime Administrator; Michael R. McEvoy, president, Sea-Land Service, Inc.; Helen Delich Bentley, Chairman, Federal Maritime Commission; Robert M. O'Mahoney, Commissioner, Transportation and Communications Service, General Services Administration; Edwin F. Mundy, vice president—traffic, National Biscuit Co.; and Congressman EDWARD A. GARMATZ, Committee on Merchant Marine and Fisheries.

Also present at the luncheon were the catalysts for the exposition and symposium next spring. They are representatives of Mack-Brooks Associates, an international firm of exposition and conference managers. The company was represented by two executives of its Baltimore office, Mrs. LoRee Rommel and Mr. Frank Silloway, who bear the responsibility for putting on the symposium and, simultaneously, the major containerization show that is planned. Through the Mack-Brooks organization, they successfully operated a similar exposition in Baltimore in 1968, although the magnitude of the Chicago show is expected to exceed that.

As many as 15,000 persons are expected to attend in Chicago. The containerization show will be the largest display of products and services related to containerization which ever has been assembled. There will be visitors, exhibitors, and registrants from all over the free world. Trade missions are being organized in several European and Latin American countries for the express purpose of visiting the show and the symposium.

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The symposium workshop will be divided into four sessions, each running from 8:30 a.m. to 1 p.m., Tuesday through Friday. On the first day, chaired by Thomas W. Gleason, labor will present its side of the picture. As an integral part of this, all registrants will tour the exhibits for the express purpose of learning the current state of the art of containerization as well as what is in prospect in the near future. Mr. Gleason's speakers will include Charles Byth, secretary general of International Transport Workers' Federation; and Floyd Smith, president of International Association of Machinists; Thomas Flynn of the Teamsters; Jesse Calhoun, M.E.B.A.; Charlie Luna of Railroad Brotherhoods; and Captain O'Calahan of Masters, Mates & Pilots.

On the second day, under the chairmanship of Andrew E. Gibson, the Maritime Administrator, the view and plans of the Government will be presented. Government is vital to the effort not only as a referee, but as both a regulatory and taxing agency, and is the central public body concerned with the promotion of the American economy. Mr. Gibson's speakers will include Helen Delich Bentley, Chairman, Federal Maritime Commission; Gen. Frank S. Besson, Chairman, Joint Logistics Review Board, Office of the Secretary of Defense; and similar representatives of the Interstate Commerce Commission and Civil Aeronautics Board.

The third day, Thursday, chaired by Edwin F. Mundy, vice president for traffic of the National Biscuit Co., the shippers will have their say. The shippers are the customers who use containers. The other participants handle, transport, regulate, tax, and promote, but the shipper has a vital interest in the economics arising out of the use of containers. Mr. Mundy's speakers will include Commissioner O'Mahoney; Lee Cisneros, director of traffic, Firestone Tire & Rubber; Sheldon R. Lewis, manager, traffic operations, General Electric Co.; Bernard J. Hale, director, physical distribution, Mattel, Inc.

On the final day, the carriers will present their case under the chairmanship of Michael McEvoy. Although industrial strife caused by containerization has so far been primarily limited to ports and the shipping industry, other modes of transportation are involved. For this reason, although there will be heavy emphasis on the sea transport and dockworker's aspect, the problem of other modes of transportation will receive coverage. Speakers on this day will include O. I. M. Porton, president U.S.A., Atlantic Container Line; D. J. Talbot, president, International Terminal Operators; Howard Pack, president, Seatrain Lines; Capt. J. W. Clark, president, Delta Steamship Lines; and Spyros Skouras, president, Prudential Lines.

At the conclusion of the carriers' presentation, each of the four chairmen will summarize the results of the 4 days' discussion from the viewpoint of their respective areas of interest. The wrap-up luncheon Friday afternoon will feature Secretary of Labor George P. Shultz as the principal speaker.

Secretary Shultz set the tone for the symposium at our luncheon last week, and I would ask that his remarks be entered in the RECORD:

> A fundamental of our free enterprise system is that maximum progress is made when labor and management work together to avoid unnecessary industrial strife. This is particularly true during periods of rapid technological change such as is occurring in the airline, railroad, shipping and trucking industries. During these periods it is vital to maintain clear lines of communication between employers and representatives of their employees.
>
> The hardware, systems and services to be exhibited at the Fifth International Container Services & Equipment Exposition will provide visible evidence of the developments taking place in the transportation industries. With full knowledge of the technology in use and on the drawing boards, it is hoped that this Symposium/Workshop will provide a forum for an exchange of ideas between labor and management away from the pressures of the collective bargaining table.
>
> Our aim is to help labor and management recognize each other's needs and problems. By participating in the forum we hope to achieve a higher level of understanding and more cooperative labor management relations.

THE BANNING OF CHEMICAL AND BIOLOGICAL WARFARE: OR ALL IS NOT FAIR IN WAR

(Mr. PODELL asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. PODELL. Mr. Speaker, this country has finally taken a step toward the modification of the age old adage, "All is fair in war."

In 1928, this Nation tried to outlaw war as an instrument of national policy. The United States then went on to fight one World War and two prolonged conflicts in Asia. Does this necessarily point up the follies of our endeavors in 1928?

Perhaps we and the world were overanxious or unrealistic in our approach. The outlawing of war may be an incremental process. We may have to outlaw the weapons of war until there is no means with which to wage it.

Americans took two important steps in 1969 toward this end. Last year saw the beginnings of the Strategic Arms Limitation—SALT—Talks in Helsinki, and the banning of the development and use of biological weapons.

Americans had finally awakened to the very real danger that chemical and biological warfare posed—generations of deformed individuals, danger to civilians, including women and children. We have come to realize that there are some legitimate and some illegitimate means of defense.

Chemical and biological weapons are not weapons in the traditional sense of the term. For example, there is no limiting the target. The use of such weapons is a menace to everyone concerned—those who initiate and those who are the recipients of the attack. Like Frankenstein, they can turn around and destroy their creator. When weaponry is used, all men become its victims.

With such thoughts in everyone's mind, I am pleased to say that we have taken some action on the matter of chemical and biological warfare. Yet my praise must be tempered by some important qualifications; significant loopholes exist in the present regulations. Biological warfare is dangerous; but chemical warfare is equally dangerous. Can we give reasons for outlawing one without using the same reasons for the outlawing of the other?

Toxins provide a case in point. Toxins are discussed as if they were a scientist's no man's land; they are the organic product of living beings. Warfare using toxins can be as deadly as biological warfare. New strains of toxins can be produced with deadly results. I strongly urge that we act immediately to outlaw these substances.

Further investigation of our use of chemical warfare is a necessity. It is true that the classification of chemical weapons into such categories as lethal and dehabilitating leave many questions unanswered and many problems unsolved. The effects of some of these chemicals remain largely unknown. The use of tear gas to disperse a large riotous crowd is one thing; the use of such gas to disperse that crowd so that it can be systematically killed or injured is quite another. Two of the defoliants used in Vietnam 2,4,5,-D and 2,4,-D, may be responsible for birth defects and malformations in developing embryos.

I would recommend that further investigation be forthcoming and that guidelines be set up. Such weapons can be a threat to the ultimate well-being of mankind. To pollute the planet with noxious and lethal weapons is a direct assault on human life. I hope that the United States will not be guilty of such contamination in the years ahead.

SOCIAL SECURITY TAX PENALIZES WORKERS OVER AGE 65

(Mr. BYRNES of Wisconsin asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. BYRNES of Wisconsin. Mr. Speaker, due to the urgent need for an immediate across-the-board benefit increase before Congress adjourned last year, it was necessary to defer action on many worthwhile social security amendments until this year. One of the areas that deserves careful attention during the committee's current consideration of improvements in the social security program concerns providing greater equity to individuals who continue to work—either full or part time—after they reach retirement age. In order to emphasize the need to act and to provide a basis for the committee's impending consideration of this problem, I am today introducing a bill that provides greater equity under our social security program to individuals who continue to work after they attain age 65.

Under present law, the retirement test prevents many individuals who continue to work after age 65 from drawing any social security benefits and substantially reduces the benefits of an even greater number. It is true that an individual who continues to work might increase the benefits he will ultimately draw by substituting higher earnings in a year after age 65 for lower earnings in an earlier year. But in most cases, earnings capacity declines as an individual becomes older, and post-65 earnings will not increase their benefits.

The typical individual who reaches age 65 and continues to work, not only is either unable to receive benefits or eligible only for substantially reduced benefits, but is required to continue to pay the social security tax. Additionally, the individual who works past age 65 will generally draw less social security benefits, since his life expectancy is somewhat shorter when he fully retires. Although the individual cannot draw benefits and will ultimately receive less in total retirement benefits over his shorter retirement years, he must continue to pay the social security tax.

This is a real inequity. Our working citizens age 65 and over not only are unable to draw the benefits that their fully retired colleagues are receiving, but their earnings are actually taxed to provide these benefits.

Mr. Speaker, this is an injustice that must be corrected. My bill takes a long step in this direction. It provides that individuals who work after age 65 will no longer be liable for the OASDHI tax that is imposed on employees. Although the tax would be withheld from their wages by their employer, they would be entitled to credit this amount against any income tax they owed when they filed their income tax return. If they do not owe any income tax, they can claim a refund. An equivalent exemption is provided for self-employed individuals.

Although individuals 65 and over will not be required to pay the OASDHI tax, their wages in covered employment will be credited for benefit computation purposes. Since there are some individuals whose benefits may be increased by including earnings in years after they attain age 65, and since the employer's share of the social security tax will continue to be paid on their behalf, this is only fair.

Individuals continuing at their regular work after 65 are right in objecting to the present law. By enacting my bill, Congress would be relieving them of the obligation to pay taxes. In effect, we would be providing them with a "paid-up" social security account at age 65.

Removing this inequity would be of substantial benefit to the number of our senior citizens who continue to work past 65. After this year, the combined OASDHI tax rate will be 5.2 percent of a tax base which goes up to $7,800. For an individual who is being taxed at the maximum wage base—$7,800—this would amount to $405.60. For an individual earning $6,000, this would amount to $301.20, and for an individual earning $5,000, this would amount to $251. With the increasing expenses that often attend old age, as well as the increasing taxes at all levels of Government which make it very difficult for our elderly citizens to maintain their standard of living and remain in their own home, this assistance will be extremely helpful.

I do not feel it is appropriate to introduce a bill without mentioning the costs. The Chief Actuary of Social Security tells me that my proposal would cost approximately .10 percent of payroll and involve first year costs of around $400 million. In view of the need to provide greater equity to individuals who work after age 65, this is money well spent.

An analysis of the bill follows:

SECTION-BY-SECTION ANALYSIS OF H.R. 15537

A bill providing for an exemption from the employees' tax under the Federal Insurance Contribution Act, and an equivalent reduction in the self-employment tax, in the case of individuals who have attained age 65

SECTION 1

Adds a new subsection (c) to Section 1401 of the Internal Revenue Code. Subsection (c) (1) (A) provides that, in the case of individuals who attained age 65 before the taxable year involved, the self-employment tax for OASDI will be reduced by two-thirds. This reduction is equal to the amount of OASDI tax that an employee—but for the provisions of this bill—would pay in comparable years, and will provide a self-employed individual 65 and over with the same reduction in taxes an employee is provided by a later section of the bill (section two).

Self-employed individuals pay OASDI rates equal to 150 percent of the individual rate, the additional 50 percent being analogous to the employer's contribution. After enactment of this provision, self-employed individuals age 65 and over would pay only the additional 50 percent that is analogous to the employer's contribution.

Subsection (c) (1) (B) provides that the hospital insurance tax applicable to the self-employed age 65 and over before the taxable year involved will be zero. The self-employed pay the same hospital insurance tax rate under present law as employees.

Subsection (c) (2) deals with the problem arising when a self-employed individual reaches age 65 during his taxable year. In this case, the present tax rates will apply to that portion of self-employed income that, under regulations of the Secretary or his delegate, are allowable to the month prior to attaining age 65. The remaining self-employment income for the taxable year will be taxed at the reduced rates provided by this bill.

SECTION 2

Section two adds a new subsection (c) to Section 3101 of the Internal Revenue Code. New subsection (c) relieves the employee for any liability for the employee's share of the OASDHI tax for the month in which the employee attains age 65 and all subsequent months. (A refund or credit is provided under subsection 6413(d) as amended by Section three of this bill.) The employer will, in computing the OASDHI excise tax applicable to his covered payroll, continue to include wages paid to individuals 65 and over. Additionally, the employee will, to the extent he works in covered employment, continue to receive wage credits that may be used for benefit computation purposes.

SECTION 3

Section 3(a) (1) redesignates Section 6413 (d) of the Internal Revenue Code as subsection (3), and adds a new subsection (d). The new subsection (d) permits an employee who pays the employee payroll tax for months in which he is age 65 to claim a credit or refund for the tax paid. Section 3(b), by an amendment to Section 31(b) of the Internal Revenue Code, enables the employee to credit the amount withheld against any income tax liability that he owes when he files his income tax refund, or if no income tax is owed, to claim a refund.

Section 3(a) (2) amends Section 6413(c) of the Code to insure that the new refund provisions, when combined with refund provisions currently applicable where an employee works for multiple employers, will not result in a duplicate refund of taxes paid.

SECTION 4

Section four (a) amends the Social Security Act to provide that where refunds are paid to individuals age 65 and over, the managing trustee of the OASDI and of the HI trust funds will reimburse the Treasury.

SECTION 5

Section five prescribes the effective dates of the bill. The reductions in taxes applicable to self-employed individuals age 65 and over is made effective with respect to taxable years beginning after December 31, 1969. The provision relieving employees 65 years of age and over from liability for the OASDHI taxes and providing for refunds is made effective with respect to wages received after December 31, 1969.

BUREAU OF THE CENSUS

(Mr. O'NEILL of Massachusetts asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. O'NEILL of Massachusetts. Mr. Speaker, it is our constitutional obligation to provide for the conducting of the decennial census. We are also obliged to see that the census is conducted in such a way that it will be accurate and complete.

I am greatly disturbed by certain plans of the Bureau of the Census with regard to the 1970 counting of the American people. We need to know the number of people in the United States, not only for purposes of congressional representation, but for social and economic pro-

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grams based on numbers and the needs of certain areas of the country. If we do not have an accurate picture of the distribution of our population, the best formulated plans and the most ambitious programs will accomplish little. We will not be reaching the people we want to reach, we will not be helping those people who need help the most and we will not be providing for orderly transition in our society.

In the past there has been vast underenumeration of certain minority groups in the census. Unfortunately, the program for the 1970 census differs so little from that of the past that underenumeration will again occur. The Census Bureau, itself, acknowledges that underenumeration in 1960 was more than 3 percent. Of the total underenumeration 38 percent was nonwhite. A total of 5.7 million Americans were not counted, and for all practical purposes of Government assistance and representation, were invisible. If we realize that those people who are not counted are usually those living in crowded cities and desolate rural areas, in other words, those people who live in the worse conditions in either crowded tenements or lonely and isolated tar-paper shacks, we can see that it is of the utmost importance that they are counted in 1970.

In the decennial counting of our population, those people most likely to be missed are those people whose presence is often not noticed, who live two, three or four families in a small apartment, those people who are suspicious of strangers and will not let a census taker inside the house, those people with poor educations who cannot answer a mailed questionnaire, non-English speaking people who cannot read English and those that have little or no contact with the Federal Government or with strangers of any type.

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I have corresponded several times with the Director of the Bureau of the Census. He recognizes the problem of underenumeration and the need to know exactly how many people live in each area of the country, in each portion of our cities, and to know what the needs of our population are. I am impressed with his sincerity in attempting to solve the problem of under-enumeration, but I am very much disappointed in the lack of significant procedural changes that would accomplish the most nearly perfect census.

Several of these procedures must be examined carefully:

First. Census taking in densely populated urban areas will rely primarily on mailings. Even with the updated lists described to me by Mr. George H. Brown, Director of the Bureau of the Census, and the precanvassing slated to begin in February, the basis for the census will still be housing units and not people. The number of living quarters cannot be equated with the number of families, for in poor areas in particular, and where there are high concentrations of minority citizens, there is a great likelihood that individual apartments may be multiple family dwellings without being registered as such or known as such by any authorities. The Census Bureau now has provisions for following through on incomplete or unanswered questionnaires. However, if no questionnaires are directed to three or four families living in one residence, there will be no follow through and again these people will not be counted.

Second. The census form and instruction sheets are printed only in English. Leaflets, I understand, will be available in both Spanish and Chinese, explaining the questions and procedures for filling out the questionnaire. However, one cannot be sure that the right people will have these leaflets made available to them or that many almost illiterate English-speaking persons will be able to answer the questionnaire. This problem is compounded by the fact that there is no requirement that census takers in bilingual areas be bilingual; although it is certainly desired by the Census Bureau, it is not a requirement.

Third. The poor pay and the piecework basis of payment to enumerators precludes the hiring of more qualified bilingual or trained enumerators. The Census Bureau contends that piece rates are set so that the average enumerator working in a central city area will earn approximately $2.50 per hour. It seems to me that this is a very optimistic estimate. In many cases, it is quite conceivable that 15 to 20 minutes will be spent trying to gain entrance to talk to the head of a household and that a great deal of time must be spent when the person being questioned is either non-English speaking or is unfamiliar with questionnaires and forms.

Fourth. The consultant staff and community liaison services are extraordinarily weak and incomplete. Mr. Brown has informed me that each of the major regional offices of the Bureau has at least one staff member who has been devoting full time to community education. This is admirable, I am sure, but definitely inadequate.

It seems to me that the deficiencies in procedure that have produced underenumeration in the past are not being corrected in time for the 1970 census. Although Mr. Brown seems extremely well-intentioned and is taking some steps, these steps ignore once again those people who have not been reached in the past. By working through community groups, television, radio, and national organizations, some people may be informed about the census that have previously not been. Others who would have received a questionnaire anyhow will better understand the purpose of the questionnaire and the procedure for filling it out. But those people who are hidden from statistics, the invisible Americans, that have not been reached by previous censuses, are the same people that will not be reached by the usual means of television and radio and the usual community groups.

Therefore, it is of utmost importance that trained enumerators working with community people canvass neighborhoods on a door-to-door basis to ascertain the number of families, not the number of dwellings in their neighborhood. It is imperative that bilingual enumerators canvass neighborhoods where English is not spoken. Community education must be much more extensive and comprehensive and official assistance and information centers must be readily available to all neighborhoods.

I believe that it is imperative that these changes be made before the 1970 census. It would be beneficial if these changes were made before the precanvassing of February. If we are not to discount a great number of Americans, we must improve the 1970 census so that it reflects the true complexion and population density of the Nation.

THE TEACHER CORPS

(Mr. PERKINS asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. PERKINS. Mr. Speaker, I am greatly pleased to be able to vote to fund programs vitally essential to the health and well-being of many millions of our citizens. I would like, however, to mention one program with which I am familiar, which has suffered inordinately in this appropriations measure. I am speaking of the Teacher Corps, which has proven extraordinarily able to help universities and school systems improve the quality of education offered to poor children. This has certainly been so in my district, where the University of Kentucky has been working harmoniously and fruitfully with the Breathitt County schools in the training and service of Teacher Corps interns.

The Teacher Corps, which we had hoped would become a nationwide program, receives in this appropriations bill only $21.7 million, a sum which provides support for considerably fewer new corps members than last year's appropriation. Therefore, I want to state at this time that I will be among those actively supporting the Teacher Corps' budget request for fiscal year 1971, for these are funds that the Teacher Corps must have if it is to continue to work effectively in the Nation's school districts where the need is greatest.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

Mr. Perkins, for 30 minutes, today; to revise and extend his remarks and include extraneous matter.

Mr. Michel, for 5 minutes today, and to include extraneous material.

(The following Members (at the request of Mr. Scherle) and to revise and extend their remarks and include extraneous matter:)

Mr. Derwinski, for 60 minutes, today.

Mr. Price of Texas, for 15 minutes, today.

Mr. Halpern, for 5 minutes, today.

Mr. Miller of Ohio, for 5 minutes, today.

(The following Members (at the request of Mr. Jones of Tennessee) and to revise and extend their remarks and include extraneous matter:)

Mr. Gonzalez for 10 minutes, today.

Mr. Cohelan, for 10 minutes, today.

Mr. Rooney of Pennsylvania, for 10 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. Michel and to include extraneous matter.

Mr. Hall and to include extraneous material.

Mr. Sikes in five instances and to include extraneous matter.

Mr. Passman, his remarks during consideration of the conference report on the Foreign Assistance Act today.

Mr. O'Neill of Massachusetts in five instances.

Mr. Flood (at the request of Mr. Jones of Tennessee) was granted unanimous consent to allow all Members to have 5 legislative days in which to extend their remarks and include extraneous matter on his special order today.

(The following Members (at the request of Mr. Scherle) and to include extraneous matter:)

Mr. Bush in three instances.
Mr. Derwinski in two instances.
Mr. Findley.
Mr. Steiger of Wisconsin in two instances.
Mr. Smith of California.
Mr. Rhodes in five instances.
Mr. Carter in two instances.
Mr. Dellenback in four instances.
Mr. Hunt.
Mr. McClory.
Mr. Chamberlain.
Mr. Stafford.
Mr. Schwengel.
Mr. Scherle in two instances.
Mr. Williams.
Mr. Ashbrook in two instances.
Mr. Kuykendall.
Mr. Wyman in two instances.
Mr. Minshall in two instances.
Mr. Reid of New York in two instances.
Mr. Wold.
Mr. Davis of Wisconsin in two instances.
Mr. Mizell in five instances.
Mr. Langen.
Mr. Pettis.
Mr. Snyder in five instances.

(The following Members (at the request of Mr. Jones of Tennessee), and to include extraneous matter:)

Mr. Rodino.
Mr. Jacobs.
Mr. Jones of Alabama.
Mr. Howard.
Mr. Matsunaga.
Mr. Yatron.
Mr. Pucinski in six instances.
Mr. Mikva in six instances.
Mr. Eilberg in two instances.
Mr. Evins of Tennessee in two instances.
Mr. Friedel in two instances.
Mr. Reuss in six instances.
Mr. Ottinger in three instances.
Mr. O'Neill of Massachusetts in five instances.
Mr. de la Garza in six instances.
Mr. Fallon in two instances.
Mr. Bennett.
Mr. McCarthy in 10 instances.
Mr. Gonzalez in two instances.
Mr. Downing in two instances.
Mr. Pryor of Arkansas.
Mr. Teague of Texas in eight instances.
Mr. Pike in two instances.
Mr. Farbstein.
Mr. Gallagher.
Mr. Moorhead.
Mr. Flowers in five instances.
Mr. Patten.
Mr. Podell in two instances.
Mr. Cohelan in three instances.
Mr. Eckhardt in two instances.

SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 1653. An act to amend the Interstate Commerce Act, with respect to recovery of a reasonable attorney's fee in case of successful maintenance of an action for recovery of damages sustained in transpotration of property; to the Committee on Interstate and Foreign Commerce.

BILL PRESENTED TO THE PRESIDENT

Mr. FRIEDEL, from the Committee on House Administration, reported that that committee did on January 26 present to the President, for his approval, a bill of the House of the following title:

H.R. 13111. An act making appropriations for the Departments of Labor, and Health, Education, and Welfare, and related agencies, for the fiscal year ending June 30, 1970, and for other purposes.

ADJOURNMENT

Mr. JONES of Tennessee. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock and 4 minutes p.m.), the House adjourned until tomorrow, Wednesday, January 28, 1970, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1547. A letter from the National Quartermaster-Adjutant, Veterans of World War I of the U.S.A., Inc., transmitting the proceedings of the national convention held September 27–October 1, 1969 at Milwaukee, Wis. including the proceedings of the Veterans of World War I of the U.S.A. for the year ending September 30, 1969 and a report of its receipts and expenditures, pursuant to the provisions of Public Laws 88–105 and 85–830 (H. Doc. No. 91–215); to the Committee on the Judiciary and ordered to be printed, with illustrations.

1548. A letter from the Deputy Administrator, Veterans' Administration, transmitting a report on a violation of section 3679 of the Revised Statutes, as amended, pursuant to the provisions of 31 U.S.C. 665(1)(2); to the Committee on Appropriations.

1549. A letter from the Secretary of the Air Force, transmitting a report of the number of officers assigned or detailed to permanent duty in the executive part of the Department, pursuant to the provisions of section 8031(c), title 10, U.S.C.; to the Committee on Armed Services.

1550. A letter from the Acting Secretary of the Navy, transmitting a draft of proposed legislation to amend title 10, United States Code, to broaden the authority of the Secretaries of the military departments to settle certain admiralty claims administratively, and for other purposes; to the Committee on the Judiciary.

1551. A letter from the Commissioner, Immigration and Naturalization Service, U.S. Department of Justice, transmitting copies of detailed reports on aliens who conditionally entered the United States pursuant to section 203(a)(7) of the Immigration and Nationality Act; to the Committee on the Judiciary.

1552. A letter from the Secretary of Defense, transmitting a report setting forth the financial condition and operating results of working capital funds as of June 30, 1969, pursuant to the provisions of section 405(c) of the National Security Act of 1947, as amended; to the Committee on Armed Services.

1553. A letter from the Secretary of Health, Education, and Welfare, transmitting the final report on school assistance in federally affected areas, pursuant to Public Law 90–557; to the Committee on Education and Labor.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. SISK: Committee on Rules. H. Res. 799. Resolution for consideration of H.R. 12025, a bill to provide for the more efficient development and improved management of national forest commercial forest land, to establish a high-timber yield fund, and for other purposes (Rept. No. 91–798). Referred to the House Calendar.

Mr. CELLER: Committee on the Judiciary. H.R. 14116. A bill to increase criminal penalties under the Sherman Antitrust Act, without amendment (Rept. No. 91–799). Referred to the House Calendar.

Mr. PASSMAN: Committee of Conference. Conference report on H.R. 15149 (Rept. No. 91–800). Ordered to be printed.

Mr. POAGE: Committee on Agriculture. S. 2214. An act to exempt potatoes for processing from marketing orders; without amendment (Rept. No. 91–802). Referred to the Committee of the Whole House on the State of the Union.

Mr. POAGE: Committee on Agriculture. H.R. 14810. A bill to amend section 602(3) and section 608c(6)(I) of the Agricultural Marketing Agreement Act of 1937, as amended, so as to authorize production research under marketing agreement and order programs; without amendment (Rept. No. 91–803). Referred to the Committee of the Whole House on the State of the Union.

Mr. GARMATZ: Committee on Merchant Marine and Fisheries. H.R. 1049. A bill to amend the Anadromous Fish Conservation Act of October 30, 1965, relating to the conservation and enhancement of the Nation's anadromous fishing resources, to encourage certain joint research and development projects, and for other purposes; with amendments (Rept. No. 91–808). Referred to the Committee of the Whole House on the State of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. POAGE: Committee on Agriculture: S. 55. An act for the relief of Leonard N. Rogers, John P. Corcoran, Mrs. Charles W. (Ethel J.) Pensinger, Marion M. Lee, and Arthur N. Lee; without amendment (Rept. No. 91–801). Referred to the Committee of the Whole House.

Mr. FEIGHAN: Committee on the Judiciary, S. 495. An act for the relief of Marie-Louise (Mary Louise) Pierce; with an amendment (Rept. No. 91–804). Referred to the Committee of the Whole House.

Mr. MESKILL: Committee on the Judiciary. H.R. 12037. A bill for the relief of Ali Somay; with an amendment (Rept. No. 91–805). Referred to the Committee of the Whole House.

Mr. EILBERG: Committee on the Judiciary. H.R. 6125. A bill for the relief of Anne Reale Pietrandrea; with an amendment (Rept. No. 91–806). Referred to the Committee of the Whole House.

Mr. RODINO: Committee on the Judiciary. H.R. 1951. A bill to confer U.S. citizenship posthumously upon SP4C. Aaron Tawil; with an amendment (Rept. No. 91–807). Referred to the Committee of the Whole House.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. BYRNES of Wisconsin:

H.R. 15537. A bill to amend the Internal Revenue Code of 1954 and title II of the Social Security Act to provide a full exemption (through credit or refund) from the employees' tax under the Federal Insurance Contributions Act, and an equivalent reduction in the self-employment tax, in the case of individuals who have attained age 65; to the Committee on Ways and Means.

By Mr. ABBITT:

H.R. 15538. A bill to amend title 38 of the United States Code to provide veterans' benefits to individuals who served as contract surgeons with the Armed Forces during World War II; to the Committee on Veterans' Affairs.

By Mr. ADAMS:

H.R. 15539. A bill to amend title I of the Omnibus Crime Control and Safe Streets Act of 1968 to authorize appropriations for law enforcement assistance programs for fiscal year 1971 and succeeding fiscal years; to the Committee on the Judiciary.

By Mr. BENNETT:

H.R. 15540. A bill to authorize a study to determine the feasibility of developing a small boat channel in the Mill Cove area of Jacksonville, Fla.; to the Committee on Public Works.

By Mr. COLLIER:

H.R. 15541. A bill to amend section 203(a)(7) of the Immigration and Nationality Act to make available annually an additional 10,200 conditional entries for certain refugees; to the Committee on the Judiciary.

By Mr. CULVER:

H.R. 15542. A bill to authorize the Smithsonian Institution to promote the development of living historical farms in the United States; to the Committee on House Administration.

H.R. 15543. A bill to amend the Federal Trade Commission Act to extend protection against fraudulent or deceptive practices, condemned by that act to consumers through civil actions, and to provide for class actions for acts in defraud of consumers; to the Committee on Interstate and Foreign Commerce.

By Mr. DELLENBACK:

H.R. 15544. A bill to end discrimination in the availability of Federal crop insurance and to authorize the appropriation of additional funds for the administration of the Federal crop insurance program; to the Committee on Agriculture.

H.R. 15545. A bill to establish a Joint Committee on Environmental Quality; to the Committee on Rules.

By Mr. DENNEY:

H.R. 15546. A bill to amend the Internal Revenue Code with respect to excise taxes on small utility vehicles and parts for such vehicles; to the Committee on Ways and Means.

By Mr. FALLON:

H.R. 15547. A bill to amend title 23 of the United States Code to authorize the United States to cooperate in the construction of the Darien Gap Highway to connect the Inter-American Highway with the Pan American Highway System of South America; to the Committee on Public Works.

By Mr. GARMATZ:

H.R. 15548. A bill to amend the Shipping Act, 1916, and the Intercoastal Shipping Act, 1933, to convert criminal penalties to civil penalties in certain instances and for other purposes; to the Committee on Merchant Marine and Fisheries.

By Mr. GARMATZ (by request):

H.R. 15549. A bill to further the effectiveness of shipment of goods and supplies in foreign commerce by promoting the welfare of U.S. merchant seamen through cooperation with the United Seamen's Service, and for other purposes; to the Committee on Merchant Marine and Fisheries.

By Mr. HALEY (for himself and Mr. Duncan):

H.R. 15550. A bill to increase the number of nursing home beds operated by the Veterans' Administration; to the Committee on Veterans' Affairs.

By Mr. HALEY (for himself and Mr. Duncan):

H.R. 15551. A bill to authorize outpatient care for veterans of World War I; to the Committee on Veterans' Affairs.

By Mr. KEE (for himself and Mr. Slack):

H.R. 15552. A bill to authorize a survey of the Gauley River and tributaries in West Virginia, in the interest of flood control, water supply, recreation, and allied purposes; to the Committee on Public Works.

By Mr. KLUCZYNSKI (for himself, Mr. Gray, Mr. Dawson, Mr. Mikva, Mr. Murphy of Illinois, Mr. Annunzio, Mr. Rostenkowski, Mr. Yates, Mr. Pucinski, Mr. Shipley, and Mr. Price of Illinois):

H.R. 15553. A bill to provide that the Federal Office Building and U.S. Courthouse in Chicago, Ill., shall be named the "Everett McKinley Dirksen Building East" and that the Federal office building to be constructed in Chicago, Ill., shall be named the "Everett McKinley Dirksen Building West" in memory of the late Everett McKinley Dirksen, a Member of Congress of the United States from the State of Illinois from 1933 to 1969; to the Committee on Public Works.

By Mr. LATTA:

H.R. 15554. A bill to amend title 18 and title 28 of the United States Code with respect to the trial and review of criminal actions involving obscenity, and for other purposes; to the Committee on the Judiciary.

By Mr. McMILLAN (for himself, Mr. Broyhill of Virginia, and Mr. Dowdy):

H.R. 15555. A bill to abolish the Commission on Revision of the Criminal Laws of the District of Columbia and to direct the Committees on the District of Columbia of the Senate and House of Representatives to perform the functions of that Commission; to the Committee on the District of Columbia.

By Mr. MIKVA (for himself, Mr. Brademas, Mr. Harrington, Mr. Wright, and Mr. Yates):

H.R. 15556. A bill to amend title 18 of the United States Code by adding a new chapter 404 to establish an Institute for Continuing Studies of Juvenile Justice; to the Committee on the Judiciary.

By Mr. MOORHEAD (for himself, Mr. Ashley, Mr. Barrett, Mr. Bevill, Mr. Halpern, Mr. Harrington, Mr. Minish, Mr. Rees, and Mr. St Germain):

H.R. 15557. A bill to create a Federal Insurance Guarantee Corporation to protect the American public against certain insurance company insolvencies; to the Committee on Banking and Currency.

By Mr. OLSEN (for himself and Mr. Caffery):

H.R. 15558. A bill to amend title 23 of the United States Code to authorize the United States to cooperate in the construction of the Darien Gap Highway to connect the Inter-American Highway with the Pan American Highway System of South America; to the Committee on Public Works.

By Mr. OTTINGER:

H.R. 15559. A bill to amend title 18, United States Code, to prohibit the establishment of emergency detention camps and to provide that no citizen of the United States shall be committed for detention or imprisonment in any facility of the U.S. Government except in conformity with the provisions of title 18; to the Committee on the Judiciary.

By Mr. POAGE:

H.R. 15560. A bill to amend the Federal Insecticide, Fungicide, Rodenticide Act, as amended (7 U.S.C. 135–135k), to prohibit the importation of certain agricultural commodities to which economic poisons have been applied, and for other purposes; to the Committee on Agriculture.

By Mr. REID of New York:

H.R. 15561. A bill to amend the Watershed Protection and Flood Prevention Act of 1954, as amended; to the Committee on Agriculture.

H.R. 15562. A bill to amend the Fish and Wildlife Act of 1956 to provide a criminal penalty for shooting at certain birds, fish, and other animals from an aircraft; to the Committee on Merchant Marine and Fisheries.

By Mr. ROGERS of Florida:

H.R. 15563. A bill to amend the Railroad Retirement Act of 1937 to provide a 15 percent increase in annuities; to the Committee on Interstate and Foreign Commerce.

By Mr. ROSENTHAL:

H.R. 15564. A bill to amend the National Housing Act and the Federal Reserve Act to help meet the national housing goals, including the goals for low- and moderate-income families through the purchase of mortgages with private pension fund and Federal Reserve assets; to the Committee on Banking and Currency.

By Mr. RUPPE:

H.R. 15565. A bill to direct the Interstate Commerce Commission to make regulations that certain railroad vehicles be equipped with reflectors or luminous material so that they can be readily seen at night; to the Committee on Interstate and Foreign Commerce.

H.R. 15566. A bill to amend the Federal Water Pollution Control Act to protect the navigable waters of the United States from further pollution by requiring that synthetic petroleum-based detergents manufactured in the United States or imported into the United States be free of phosphorus; to the Committee on Public Works.

H.R. 15567. A bill to amend the Social Security Act to provide increases in benefits under the old-age, survivors, and disability insurance program, to provide health insur-

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ance benefits for the disabled, and for other purposes; to the Committee on Ways and Means.

H.R. 15568. A bill to amend title II of the Social Security Act to eliminate the reduction in disability benefits which is presently required in the case of an individual receiving workmen's compensation benefits; to the Committee on Ways and Means.

By Mr. SCHWENGEL:

H.R. 15569. A bill to amend section 105(e) of the Agricultural Act of 1949 to require the Secretary of Agriculture to make certain payments in advance of determination of performance; to the Committee on Agriculture.

By Mr. STEIGER of Wisconsin:

H.R. 15570. A bill to establish a Joint Committee on Environmental Quality; to the Committee on Rules.

By Mr. TEAGUE of Texas:

H.R. 15571. A bill to amend title 38 of the United States Code in order to establish a national cemetery system within the Veterans' Administration, and for other purposes; to the Committee on Veterans' Affairs.

H.R. 15572. A bill to amend title 38 of the United States Code in order to provide for the payment of an additional amount of up to $150 for the acquisition of a burial plot for the burial of certain veterans; to the Committee on Veterans' Affairs.

H.R. 15573. A bill to amend title 38, United States Code, to authorize payment of dependency and indemnity compensation to certain widows, children, and parents of veterans who died after April 30, 1957 and prior to July 1, 1971, with an inservice waiver of insurance premiums in effect, and to discontinue inservice waivers of premiums effective July 1, 1971; to the Committee on Veterans' Affairs.

By Mr. TEAGUE of Texas (by request):

H.R. 15574. A bill to amend section 632(e) title 38, United States Code, so as to provide that the Veterans' Memorial Hospital in the Philippine Islands will receive $100,000 per year for 6 years for medical research and training; to the Committee on Veterans' Affairs.

H.R. 15575. A bill to amend chapter 35 of title 38, United States Code, so as to provide educational assistance at secondary school level to eligible widows and wives, without charge to any period of entitlement earned pursuant to sections 1710 and 1711 of this chapter; to the Committee on Veterans' Affairs.

By Mr. CHARLES H. WILSON:

H.R. 15576. A bill to amend title 39, United States Code to provide for the mailing of first-class letter mail to Senators and Representatives in Congress at no cost to the sender, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. DINGELL:

H.R. 15577. A bill to amend section 108 of the Clean Air Act to authorize the establishment of emission standards; to the Committee on Interstate and Foreign Commerce.

By Mr. DINGELL (for himself, Mr. Moss, Mr. Reuss, Mr. Waldie, and Mr. Mikva):

H.R. 15578. A bill to amend the National Environmental Policy Act of 1969 to provide for class actions in the U.S. district courts against persons responsible for creating certain environmental hazards; to the Committee on Merchant Marine and Fisheries.

By Mr. HAGAN:

H.R. 15579. A bill to extend for 2 years the programs of Federal assistance to federally impacted areas; to the Committee on Education and Labor.

H.R. 15580. A bill to amend the Communications Act of 1934 to establish orderly procedure for the consideration of applications for renewal of broadcast licenses; to the Committee on Interstate and Foreign Commerce.

H.R. 15581. A bill to amend the Civil Rights Act of 1964 by adding a new title, which restores to local school boards their constitutional power to administer the public schools committed to their charge, confers on parents the right to choose the public schools their children attend, secures to children the right to attend the public schools chosen by their parents, and makes effective the right of public school administrators and teachers to serve in the schools in which they contract to serve; to the Committee on the Judiciary.

H.R. 15582. A bill to define the application and effective date of court orders effecting desegregation of faculty and students in public school systems; to the Committee on the Judiciary.

By Mr. HAMILTON:

H.R. 15583. A bill to provide a program of pollution control in selected river basins and waterways of the United States through comprehensive planning and financial assistance to municipalities and regional management associations for the construction of waste treatment facilities; to the Committee on Public Works.

By Mr. HAWKINS:

H.R 15584. A bill to amend the provisions of law providing compensation for work injuries suffered by Federal employees with respect to the entitlement of firefighters in certain cases; to the Committee on Education and Labor.

By Mr. HENDERSON (for himself, Mr. Jones of North Carolina, Mr. Fountain, and Mr. Preyer of North Carolina):

H.R 15585. A bill to encourage the growth of international trade on a fair and equitable basis; to the Committee on Ways and Means.

By Mr. LATTA:

H.R. 15586. A bill to amend the Internal Revenue Code of 1954 to provide that a surviving spouse will continue to receive the full income-splitting benefits available to married couples so long as such spouse supports a dependent child in his or her household; to the Committee on Ways and Means.

By Mr. McMILLAN (for himself, Mr. Dowdy, Mr. Fuqua, Mr. Nelsen, and Mr. Broyhill of Virginia):

H.R. 15587. A bill to amend the District of Columbia Redevelopment Act of 1945 by directing the establishment of orderly procedures for the modification of an urban renewal plan and requiring adherence thereto by the District of Columbia Redevelopment Land Agency, by requiring that provision be made in each redevelopment contract for timely construction of public streets and facilities; to the Committee on the District of Columbia.

By Mr. FALLON:

H.J. Res. 1065. Joint resolution proposing an amendment to the Constitution of the United States to permit the use of prayer in public schools; to the Committee on the Judiciary.

By Mr. PASSMAN:

H.J. Res. 1066. Joint resolution proposing an amendment to the Constitution of the United States relating to powers reserved to the several States; to the Committee on the Judiciary.

By Mr. SKUBITZ (for himself and Mr. Sebelius):

H.J. Res. 1067. Joint resolution to require the continuation of payments for the 1970 crop of feed grain; to the Committee on Agriculture.

By Mr. OTTINGER:

H.J. Res. 1068. Joint resolution to repeal legislation relating to the use of the Armed Forces of the United States in certain areas outside the United States and to express the sense of the Congress on certain matters relating to the war in Vietnam, and for other purposes; to the Committee on Foreign Affairs.

By Mr. DINGELL:

H. Con. Res. 489. Concurrent resolution to establish a Joint Committee on Environmental Quality; to the Committee on Rules.

By Mr. PODELL:

H. Con. Res. 490. Concurrent resolution to express the sense of the House with respect to peace in the Middle East; to the Committee on Foreign Affairs.

By Mr. RARICK:

H. Con. Res. 491. Concurrent resolution expressing the sense of the Congress that the President, acting through the U.S. Ambassador to the United Nations Organization, take such steps as may be necessary to place the question of Human Rights violations in the Soviet-occupied Ukraine on the agenda of the United Nations Organization; to the Committee on Foreign Affairs.

By Mr. REUSS:

H. Con. Res. 492. Concurrent resolution to establish a Joint Committee on Environmental Quality; to the Committee on Rules.

By Mr. BROTZMAN:

H. Res. 800. Resolution to express the sense of the House of Representatives with respect to peace in the Middle East; to the Committee on Foreign Affairs.

By Mr. FALLON:

H. Res. 801. Resolution to provide funds for the further expenses of the studies, investigations, and inquiries authorized by House Resolution 189; to the Committee on House Administration.

By Mr. MICHEL (for himself and Mr. Giaimo):

H. Res. 802. Resolution creating a select committee to conduct an investigation and study of the National Collegiate Athletic Association; to the Committee on Rules.

By Mr. PRICE of Texas:

H. Res. 803. Resolution to amend the Rules of the House of Representatives to create a standing committee to be known as the Committee on the Environment; to the Committee on Rules.

By Mr. SCHADEBERG (for himself, Mr. Wyman, Mr. Schneebeli, Mr. Wylie, Mr. Alexander, Mr. Horton, Mr. McKneally, Mr. Dent, Mr. McClory, Mr. Carter, Mr. Whalley, Mr. Roe, and Mr. Casey):

H. Res. 804. Resolution to create a Select Committee on the Investigation of Pornographic Enterprises; to the Committee on Rules.

By Mr. STEIGER of Wisconsin:

H. Res. 805. Resolution to amend the Rules of the House of Representatives to create a standing committee to be known as the Committee on the Environment; to the Committee on Rules.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. CORBETT:

H.R. 15588. A bill for the relief of Mrs. Tong-guat Huang; to the Committee on the Judiciary.

By Mr. FISHER:

H.R. 15589. A bill for the relief of Donald F. Wood and Alton S. Rhodes; to the Committee on the Judiciary.

H.R. 15590. A bill for the relief of Mrs. Elmira F. Tanner; t othe Committee on the Judiciary.

By Mr. MORSE:

H.R. 15591. A bill for the relief of Con- Elmira F. Tanner; to the Committee on the Judiciary.

By Mr. POLLOCK:

H.R. 15592. A bill for the relief of Bitten Stripp; to the Committee on the Judiciary.

EXTENSIONS OF REMARKS

EVALUATION OF OPERATIONS OF EMBASSIES

HON. MARGARET CHASE SMITH

OF MAINE

IN THE SENATE OF THE UNITED STATES

Tuesday, January 27, 1970

Mrs. SMITH of Maine. Mr. President, a distinguished journalist from the State of Maine, William J. Caldwell, editor of the Maine Sunday Telegram, recently completed an assignment as a member of the USIA's overseas inspection team.

He has written two very perceptive and informative articles evaluating the operations of our embassies overseas. What he has found is most encouraging.

Because of the extremely valuable nature of his articles, I ask unanimous consent that they be placed in the Extensions of Remarks.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

HOW GOOD ARE U.S. DIPLOMATS?

(By Bill Caldwell)

PART 1—"THE BOUQUETS"

(NOTE.—In a two-part article, the author, just back from a round-the-world trip, reports his assessment of the U.S. Foreign Service.)

"What's wrong with our Embassies?"

This loaded question is often fired at me by American taxpayers when they learn I am home from a 30,000 mile trip around the world, and that part of my business on that trip was to inspect certain operations in American Embassies.

My answer surprises most Americans.

For my answer is; "The career officer in the American Foreign Service is, man for man, the best-qualified, hardest-working diplomat in the world."

This favorable appraisal gets a mixed reaction.

Taxpayers are glad to hear someone say they are getting their money's worth out of the Foreign Service. But on the other hand, taxpayers do not like someone to praise their favorite whipping boy. And the State Department is, always has been, and always will be the favorite whipping boy of John Q. Public and most of the Congress and press. This is a strange but true fact. Strange, because America itself is the most polyglot of all nations. The recent roots of the majority of our citizens reach into foreign soil. And for 25 years the United States has been the greatest of all international powers in the world, be it reluctantly.

Nevertheless, Americans are suspicious of "foreign policy"; and especially suspicious of the home-grown diplomats who make a career out of Foreign Service.

All-in-all, most citizens feel that "foreign policy" is a necessary evil at best, an expensive rat-hole at worst; and if there could be less of it, the nation and the taxpayer would be better off. This attitude is understandable.

Since World War II the American taxpayer has been paying through the nose to foot enormous bills incurred by "foreign policy". He has paid out staggering billions of dollars to provide economic aid and technical assistance and military hardware to scores of nations. He has seen sons drafted into military service to protect, to fight for, and die for the defense of faraway countries. He has seen nations eagerly accept generous help from us then turn their backs, either in enmity or ingratitude upon the United States. Yet despite all this vast expenditure of money and manpower for 25 years, the American taxpayer sees his country up to its neck still in trouble, in wars, and threats of wars and in expensive commitments, all across the globe.

Understandably therefore American taxpayers ask "What's wrong with our Embassies? Why can't they solve foreign policy problems?"

To this question, most Americans expect one of two answers. Either they expect to hear that American diplomats are novices in international intrigue compared to the wily British, French or Russians; or they expect to hear the old canard that the American diplomatic corps is an ivy-league coterie of striped-pants snobs, or political fatcats, who do not earn their expensive keep.

But, after two months of seeing our Foreign Service in action in Rome and in Athens, in Algeria and Morocco, in Israel and Lebanon, in India and Thailand, in Hong Kong and Japan, my conclusions are quite the opposite.

"Man for man" I tell questioners, "we probably get better value for our tax dollar from the U.S. Foreign Service than we do from the Pentagon, the Department of Agriculture or any other government agency. Don't believe talk that British or French or Russians play the diplomatic game better than Americans. In most countries I visited, the British and the French embassies there admit, (privately at least) that the American Embassy knows more about what is going on below the surface than they do!"

If the U.S. Foreign Service corps is so good, then what makes it so excellent? And why is it so little known to the American public? One reason, the Foreign Service is so good is that it is a small, elite corps. In any given Embassy staff, less than half of all Americans on duty there are Foreign Service Officers. The rest fall into a variety of different categories which, at best, make them sort of 'associate members' of the hand picked, professional, career Foreign Service corps.

Another reason for its excellence is that officers for the Foreign Service are recruited, on a very selective basis, from the cream of their class on college campuses. Thereafter, in Washington, these recruits are put through rigorous school-room training. They must pass tough screening exams even before they move along into on-the-job training in the State Department and overseas.

Then, while they are serving in junior, or reserve, status, they take further exams and a series of individual evaluation interviews. Finally, a limited number are admitted into the Foreign Service, whose total number is rigidly limited. The letters "F.S.O." are a mark of distinction.

Out of the 24,433 persons employed by the State Department at home and abroad, only 3,204 carry the classification "F. S. O."—Foreign Service Officer.

As part of his contractual agreement, a Foreign Service Officer must agree to serve anywhere in the world. For junior officers, "anywhere" often means hardship posts in the remote hinterlands of African and Asian countries.

After a stint of apprenticeship in vice-consular and related fields, a young Foreign Service officer may choose (or be chosen for) various language or technical specialties. He may specialize in Africa or the Middle East or Asia or Latin America or in European nations, or in Eastern European nations. He may specialize in political or economic, cultural or information-propaganda affairs, or in trade and commercial relations, or in intelligence and evaluation work.

As he climbs the promotion ladder, he and his family are transferred every few years to new posts in different countries. They grow expert at acclimatizing themselves quickly to new geographical, new language, new religious and cultural and political environments. They must with each move learn to develop valuable new contacts with new "opposite numbers" in new host governments and in other embassies. They must learn to work in harness with a whole new set of colleagues within their own embassy. Depending on the post, their living quarters may be a rundown old palace, a modern apartment, a luxurious villa or a make shift quonset hut. Whatever it is, they must adjust to it.

Foreign Service officers must learn to take whatever is dished up; and like it. From time to time they will be sent Stateside to undergo more intensive training in specialized, high pressure schools in U.S. university graduate schools or attend the War College.

As a Foreign Service Officer progresses up the promotion ladder, he also must prove more than his professional ability. He must also prove his personal ability to get along well with every type of person from visiting Congressmen, to foreign princelings, to oil wildcatters, to nosey journalists, to globe trotting Americans in trouble with the local law, to Heads of State and even to getting along with the President on an inspection trip. He must also regularly pass written exams and an unceasing set of "personal evaluation" reports, which delve into everything from the way he writes dispatches, to the length he wears his hair, to the way he hosts a dinner party, to every detail of how he performs his duties and even into how he spends his off duty hours.

A. U.S. Foreign Service Officer is, in the last instance, the personal and privileged personal representative of the President of the United States. The prestige and reputation of his country can hinge upon his professional ability and his personal conduct. He is always under the microscope.

Thus, there are a number of resignations along the way.

To keep one Foreign Service officer at his post can cost the taxpayers as much as $40,000 or $50,000 per man per year.

First there is the salary of the Foreign Service officer, which, in the middle senior grades amounts to $15,000 to $22,000 a year. In hardship posts, this pay will be increased by 25 per cent.

To this must be added the high costs of transporting him, his wife and his family and his furniture and his car half way around the world. And then of bringing him and his family back on home leave to the United States every two years or so. To this must be added the costs of his housing overseas, and his entertainment and travel allowance, and the schooling costs of his children. Finally, to all this can be added the expensive business of encoding, decoding and transmitting all his cables and secret dispatches back to his bosses in Washington, millions of words every month.

Is the Foreign Service a good career?

This is another question often asked by parents and by college students.

Perhaps the best answer I can give is this. I have found fewer unhappy or maladjusted men and women in the Foreign Services overseas than I find among their counterparts in jobs back home. Perhaps this is due to the careful selection and screening process they go through. But it is a fact that

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most foreign services officers are deeply and personally involved in satisfying work. Their personal libraries are filled with books of every kind on the countries in which they serve. The arts from those countries is eagerly collected by many. Many spend holidays and weekends traveling away from the capital cities in which they are stationed, and venturing into the hinterlands and villages, getting to know the people of the nations in which they work. Many study the history, culture and language of each nation where they serve.

The wives of foreign service officers are more important to their husbands' work than are wives in the U.S. These young American girls may have more servants than they would ever have at home, larger houses, do more lavish entertaining. But the best of them are a vital and ingrained part of the total U.S. Embassy team. They too involve themselves deeply in the life of the country where they are stationed; they teach school, work in hospitals, help run out-patient clinics. Extremely few are captive of the "tea-and-bridge" clans, into which the wives of many other embassies fall.

Yet, at the end of the line, less than one in a hundred capable Foreign Service officers ever reach the peak of the career ladder and become an Ambassador—even Ambassador to a minor nation. A few, through apple-polishing, political patronage, or family friendships, may cling to high positions overseas. But man for man, the unknown U.S. Foreign Service officer, whose name is never known to the public, matches and excels his counterpart in the diplomatic service of any other nation.

PART 2—THE BRICKBATS

"The Bouquets" was the title of the Focus article last Sunday, in which I highly praised the career officers in the U.S. Foreign Service.

I called them "The best-qualified, hardest-working diplomats in the world." And this conclusion is based on hundreds of first-hand contacts with them recently on a 37,000 mile, round-the-world, mission.

Today's contrasting article is titled "The Brickbats". And in it, I intend to be as plain-spoken about the faults I saw in American operations overseas as I was in praising the good which I saw.

Bigness—bloated Size—is the worst single fault in "the American Presence" overseas.

Our diplomatic, military, technical and economic assistance programs and our information programs in many countries are over-stuffed with people and with money. This single fact more than any other often triggers hostile demonstrations outside our Embassies and our U.S. Information Service libraries and cultural centers.

There are other dangers to "Bigness" overseas. As the result of it, our Embassies are sending more information to Washington than we can possibly digest. As the result of it, we have started more economic development and technical assistance programs than the host government we are trying to help, can digest, or we can ever complete.

As the result of the size and multitude of our undertakings abroad, some programs have developed so much momentum and so much life of their own, that they are almost impossible to stop. They go on, even when they no longer help achieve our 'foreign policy' goals. Today certain long-established American programs, paid for with American dollars and staffed with American experts, even seem to operate in contradiction to the foreign policy being enunciated by President Nixon and Secretary of State Rogers. Yet it is almost impossible to lop these programs off. Ambassadors who cut back never last long.

Cutting back the American Presence overseas is more difficult than it was to build it up. We've got so much rope out now, that we are tripping over it, if not in danger of hanging ourselves on our own rope.

How did our Foreign Operations get so big, so fast?

Within three lifetimes, the State Department has grown from a boss and 8 clerks to almost 25,000 people.

When Thomas Jefferson became the first Secretary of State in 1790, he had 8 people on his staff in Washington.

Even after World War I, in 1920, there were only 400 people working for the Department of State. But since World War II, the U.S. Department has mushroomed into the biggest Foreign Office in world history.

In 1970, there are 24,438 people working for State, at home and abroad. We have 117 Embassies overseas, 68 Consulate Generals, 67 Consulates and nine missions.

Last week in Part One of this article, we threw merited bouquets at the Foreign Service, as an elite, highly professional corps, we called them the heart of the State Department, the best informed diplomatic corps in the world.

But this Foreign Service Corps numbers only 3204 officers; and of these, only 1850 are serving in embassies overseas.

In fact, out of the 24,438 people in State, only 17,431 are overseas, while the other 7007 are at home.

And out of the 17,431 State department employees overseas, only 6,451 are Americans. The remaining 10,980 are foreign nationals working for the State Department.

The cost of operating the State Department is $404 millions this year.

What does this multitude do?

The biggest single job of these 24,438 State Department employees revolves around paper work—the gathering, writing, transmitting and reading of cables and dispatches, memos and "policy papers" and "position reports".

The message traffic between the State Department and its overseas posts amounts to 10,000 cables, reports and memoranda each day.

In a single day, the number of words passed between State and its diplomatic posts amounts to more than the entire daily report of the Associated Press and United Press International.

These two news services supply almost all U.S. newspapers and news magazines with the full story of what is happening everywhere on earth.

But the words in and out of our State Department each day exceeds the total output of these wire services combined.

Can such a torrent of words ever be put to useful purposes in advancing American Foreign policy?

Or is this Niagara of words drowning our State Department in a sea of paper?

Has State's reporting process taken on a life and momentum of its own, so that its prime function is to keep certain hundreds of people busy writing, other hundreds busy encoding, transmitting, decoding and other hundreds busy reading and filing?

Are we busy finding out more and more about facts and suppositions which mean less and less to the conduct of a realistic foreign policy?

Many high officials in State fear death by drowning-from-a-torrent-of-words, but they seem unable to turn off the spigot.

Big as State is, State Department people are only a drop in the bucket among all the other "official Americans" overseas.

State has 6,451 Americans on its overseas rolls (only one-third of them are Foreign Service officers).

The US military of course has millions of men abroad.

The Agency for International Development (A.I.D.) has 4100 of its own American staff overseas, plus another 2300 American employees under contract, for a total of 6400 Americans abroad. (In addition A.I.D. employs 7800 local nationals overseas; and has 3100 Americans manning the desks at home in Washington). A.I.D.'s budget is big—$1.6 billions.

The United States Information Agency (USIA), which handles Information and Cultural Affairs overseas, has a total of 4700 Americans and 5500 local nationals on its payrolls, in 200 different locations. Out of the 4700 Americans in USIA, 1400 serve overseas. This agency's budget is $174 millions for this year. Noting that USIA must carry the whole load of telling the American side of the story around the world in 200 different posts, one USIA official says that USIA's $174 million budget to do this job is 25 per cent less than the budget of the University of California.

U.S. Embassies are so large because all the thousands of A.I.D. and U.S.I.A. staffs are attached to the Embassy in the country where they serve. In addition, the Embassy has military advisors attached to it, plus innumerable "specialists" sent out by Agriculture, Labor, Treasury and CIA. Even the Bureau of Fisheries, the Bureau of Narcotics, and other Washington departments feel they must have their own experts to represent their interests abroad. No Ambassador enjoys the situation.

"I must give house-room to hordes of people" one U.S. Ambassador recently told me "over whom I have no final control. They report back to their own bosses in Washington, and get paid by a different agency than State. If I tried to send them home as unneeded, I would start an inter-agency feud in Washington. And get no thanks from State for throwing them into a free-for-all fight with other government departments."

Another Ambassador was annoyed at the size of the number of "military advisors" inside his Embassy. "I wanted one well qualified expert to advise me on certain military affairs. The Pentagon had just the right man. He was a Colonel. But the Pentagon cannot send out a full Colonel unless he has a Deputy, and the Deputy has an Administrative officer; and they all have secretaries. And cars and drivers. Now, instead of the one Colonel I asked for, I have eight from the Pentagon!"

A third Ambassador talked about the hundreds (literally) of A.I.D. technical experts under his wing. "Take the alfala expert. A good man. Found out more about growing that crop than anyone ever knew here. Up went production. And soon he discovered that some insect was infesting the harvest. Out came a specialist in killing that insect. Now that expert has discovered something else in the pest line. So another expert is coming to fight that. They are all doing a "bang-up job" the Ambassador said. "But I worry about the question "Are they advancing U.S. foreign policy?" I wonder if some of the health and housing, education and Peace Corps experts working out here are not needed more back home!"

Here, in summary, are the "brickbats" I would throw at our Embassies overseas.

1. They send too many reports back to Washington—often at Washington's request. And too much of this paper work has no real bearing on the conduct of U.S. foreign policy.

2. Ambassadors—and not Washington officials—must have the final authority over the number of official Americans assigned to their country. Each Ambassador should be "captain of his own ship," with complete authority to send any crew member home at any time, and to refuse any additional ones, if only because he feels his ship is too crowded.

3. Every program in every country should be assessed in a hard-nose fashion by the Ambassador on the scene. His yardstick should not be "Is this a good program?" For the answer is usually "yes". His yardstick instead should be "If this program were stopped

now, would the U.S. be any worse off five years hence?" Using this yardstick, scores of programs and people could be cut out. And American foreign policy could concentrate on the essentials.

4. Many programs, started when the world revolved around a U.S.-Soviet confrontation, or when we felt Red China was an immediate threat, still are going full blast today. Meanwhile U.S. policy has changed. But the programs, with a life and momentum of their own, have not changed. The reason for many programs has vanished; but the programs go on, nevertheless.

5. U.S. business is expanding fast in many nations, becoming an integral part of that nation and of the overall America presence there. As this private U.S. representation increases, the number of Official Americans might well decrease, especially when relations between the Embassy and the U.S. business community are effectively maintained. Too often there is a gulf between the "business" Americans and the "diplomatic" Americans at the working level.

Quality and quantity seldom go hand-in-hand, especially in the field of foreign policy. If the Quality of U.S. presence overseas is to be kept high, then the Quantity must be reduced.

Today our conduct of Foreign policy is suffering from the "production line" syndrome, that the more of everything the better. It is suffering from the shibboleth that a mass of information, or a mass of activity, are by themselves virtues.

They are not.

A Maine lobsterman in Ile au Haut summed it up well last summer when he described to me an M.I.T. professor who summered on the island.

"That man" said the lobsterman "knows everything. But he don't understand a damn thing!"

There is a mass of knowledge in our State Department today. But there is too little understanding of what, precisely, we are trying to accomplish in our foreign policy.

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DOES THE ADMINISTRATION SUPPORT ISRAEL?

HON. JEROME R. WALDIE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, January 26, 1970

Mr. WALDIE. Mr. Speaker, the President recently addressed the National Emergency Conference on Peace in the Middle East in an effort to allay the fears and criticisms that had been occasioned by the peculiar mechinations of Secretary of State Rogers, in his purported efforts to assuage the tempers of the Arab States at the expense of Israel.

The immediate reaction to the President's message would seem to indicate that he had succeeded in providing comfort to those who attended that conference.

I do not share their enthusiasm, nor their belief that the President clarified his administration's policy toward Israel in any great degree. In that connection, I wrote the President asking several questions concerning his speech and accompany my remarks, both with the text of the President's speech as well as my letter of inquiry to him in that regard.

The materials follow:

National Emergency Conference on Peace in the Middle East, Statler Hilton Hotel, Washington, D.C.

Washington, January 25.—The following is text of President Nixon's message presented this afternoon to the National Emergency Conference on Peace in the Middle East at the Statler Hilton Hotel. It was delivered by Max Fisher of Detroit (Mr. Fisher is chairman of the Council of Jewish Federations and Welfare Funds, chairman of the United Israel Appeal and former chairman of the United Jewish Appeal), and is a special consultant to the President.

I am aware of your deep concern that Israel may become increasingly isolated. This is not true as far as the United States is concerned.

The United States stands by its friends. Israel is one of its friends.

The United States is deeply engaged in trying to help the people of the Middle East find peace. In this effort, we are consulting fully with all those most concerned.

The United States believes that peace can be based only on agreement between the parties and that agreement can be achieved only through negotiations between them. We do not see any substitute for such negotiations if peace and security arrangements acceptable to the parties are to be worked out.

The United States does not intend to negotiate the terms of peace. It will not impose the terms of peace. We believe a durable peace agreement is one that is not one-sided and is one that all sides have a vested interest in maintaining. The United Nations resolution of November 1967 describes the principles of such a peace.

We are convinced that the prospects for peace are enhanced as the governments in the area are confident that their borders and their people are secure. The United States is prepared to supply military equipment necessary to support the efforts of friendly governments, like Israel's, to defend the safety of their people. We would prefer restraint in the shipment of arms to this area. But we are maintaining a careful watch on the relative strength of the forces there, and we will not hesitate to provide arms to friendly states as the need arises.

The United States has as its objective helping the people of the Middle East build a peaceful and productive future. I believe that all Americans can unite for that goal.

Congress of the United States,
Washington, D.C., January 26, 1970.

The President,
The White House,
Washington, D.C.

Dear Mr. President: I have before me your message of January 25th to the National Emergency Conference on Peace in the Middle East.

I was particularly intrigued and confused with the statement contained in your text "the United States is prepared to supply military equipment necessary to support the efforts of friendly governments, like Israel's, to defend the safety of their people."

I am led to believe by the careful phrasing of that statement that you construe other governments in the Mid-East to be "friendly governments" who may require military equipment "to defend the safety of their people."

Please advise what other countries in the Mid-East, other than Israel, that you believe to be "friendly governments" and from what sources the threats to the "safety of their people" emanate?

Very frankly, Mr. President, it appears to me that the text of your address was designed to accord some hope to those who believe the efforts of Secretary Rogers have been detrimental to the position of Israel, and at the same time, designed to offer considerable hope to the Arab nations as to the ambivalence of this Nation's policy in the Middle East.

In that regard, this message appears to me to be much in the same mold of your November 3rd speech on Vietnam, where you were seeking by less than careful delineation of policy to allay criticism.

One other portion of your statement that concerns me is your suggestion that if there is an imbalance in the "relative strength of the forces" in the Middle East, that our Country "will not hesitate to provide arms to friendly states as the need arises."

In that regard, if an imbalance in arms exists between Israel and Jordan, would it be our policy to provide arms to Jordan to redress that balance?

Respectfully yours,
Jerome R. Waldie,
Member of Congress.

COMMENT ON PRESIDENT'S STATE OF THE UNION MESSAGE

HON. HUGH SCOTT

OF PENNSYLVANIA

IN THE SENATE OF THE UNITED STATES

Tuesday, January 27, 1970

Mr. SCOTT. Mr. President, James Reston, of the New York Times, has written a most provocative article on the President's state of the Union message and his efforts to reform welfare, foreign policy, industrial pollution, Federal-State-local relations and many other spheres of domestic problems. I commend this article to the attention of our Nation's legislators and ask unanimous consent that it be printed in the Extensions of Remarks.

There being no objection, the article was ordered to be printed in the Record, as follows:

[From the New York Times, Jan. 23, 1970]

Washington: President Nixon and the New Age of Reform

(By James Reston)

Washington.—President Nixon is bringing the ship of state back home for repairs. It will be a long, slow voyage, but he seemed to be saying in his State of the Union Message that the old girl had been battered in stormy foreign waters too long, and needed to be tidied up, scraped, painted and remodeled for her 200th anniversary in 1976.

It was a magnificent speech; we will find out later whether it is a policy and who will pick up the tab. But not since Teddy Roosevelt have we heard a Republican President talk so much about reform. Welfare, industry, the police, and the Federal, state and local governments are all to be transformed into a more peaceful, secure, fair, and prosperous society.

ZIGZAG TO THE LEFT

There was always a question about whether Mr. Nixon would go to the right or the left once he was well-established in office. But he has now at least charted his course and defined his destination. He will zigzag to avoid the torpedoes and take advantage of the wind, but his destination is to preside over the great festival of freedom in 1976, and to get there from here he must eventually go to the left.

The surge of reform in America, as Richard Hofstadter has reminded us, was not always directed by the Democrats. Though turned back temporarily in the twenties, it included the Administrations of Teddy Roosevelt and even Dwight Eisenhower and has "set the tone of American politics for the greater part of the twentieth century." What Richard Nixon did in his address to the Congress was to stake out a place for himself alongside his two Republican heroes, and try to take over most of the Democratic issues in the process.

THE DEMOCRATIC PLIGHT

On the political point, he has clearly made progress in his first year. He has retained control of the crime issue. He has blunted the peace issue. He has taken the lead in reforming the welfare program, and he is clearly trying to pin the inflation tail on the donkey.

Moreover, he shored up his position with the young and the cities in this speech by trying to take over the pollution issue, while reassuring the Republicans by promising to redirect more power to the state and local governments.

Hubert Humphrey says Mr. Nixon is not "an artist in politics" but this is a fairly artful if not artistic performance. The Democrats have been talking for years about "reordering the nation's priorities" and "reallocating its resources," and now the President has challenged them and his own party to do just that.

This, of course, is only the rhetorical part of the voyage, and Mr. Nixon's utopian aims occasionally sounded a little like a tour-director's dream, but there is clearly nothing wrong with his objectives that couldn't be cured by another $10-billion cut in the Pentagon budget plus a good hefty tax rise.

His remarks on the plight of the Negroes were not exactly an exhaustive account of the problem; but perhaps the weakest part of his address was on foreign affairs, which he will deal with later. He did talk about the nations of the non-Communist world having acquired a new "determination to assume responsibility for their own defense," but with one or two notable exceptions, this phenomenon has escaped almost everybody's else's notice.

Also, he claimed that the result of his new foreign policy has not been to weaken our alliances but to give them new life, new strength, and a new sense of comon purpose. Again, if this has been the general reaction to the President's decision to cut his involvement in foreign nations, it has certainly not received the attention it deserves.

CONSERVATIONIST NIXON

The main thing about the State of the Union speech, however, is probably what it tells us about the state of the President. He is clearly broadening and deepening his philosophy. All the old emphasis is there on crime, inflation and a balanced budget—and these gotta bigger hand in the House than anything else—but he is now thinking in longer terms about the condition of life in America.

In fact, he denied industry's right to pollute the air and waters of the Republic and threatened them with new regulations and penalties if they did. More surprising, he even dared to suggest that wealth was not the same thing as happiness, and in the Republican liturgy of the past, this is heresy.

WHAT'S RIGHT WITH AMERICA

HON. CHARLES E. CHAMBERLAIN

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 27, 1970

Mr. CHAMBERLAIN. Mr. Speaker, over the years, I have made many requests to extend remarks and include extraneous material in the CONGRESSIONAL RECORD. However, I cannot recall an occasion when I have ever before requested permission to include the text of an advertisement, but I am doing so today.

The current issue of U.S. News & World Report, February 2, 1970, contains a full page ad sponsored by Warner & Swasey, manufacturers of productivity equipment and systems of Cleveland, Ohio, with a message that appeals to me. The Warner-Swasey people seek to call attention to what is right about America, rather than what is wrong about America. This theme is one all of us would do well to emphasize.

Under unanimous consent I submit the text of this advertisement, for inclusion in the RECORD, as follows:

WHAT'S RIGHT WITH AMERICA

Yes, there are dirty plays, but not one has even approached the performance record of homey "Oklahoma" or "Fiddler on the Roof".

Foreigners are scornful of our ghettos. Yet tens of millions are being spent by *businesses* to rebuild slums with modern homes, and the median Negro family income has risen to $5360 a year and the number earning $7000 has doubled in ten years.

45 percent of Americans attend church and 70 percent consider religion *very important*.

More Americans finish high school than is true of any other nation, and we're getting ready to improve that even more by special programs (developed in America) for preschool children. And the number of American adults who continue their schooling even into old age is the wonder of the world.

Book buying has doubled in 10 years—*good* books.

50 million Americans donate time and 14 billion dollars every year to charity.

And you can add paragraphs of what else is good from your own experience.

All of which makes a pretty good national anthem, doesn't it—a lot healthier than the sorry blues which too many love to sing.

WARNER & SWASEY.

CLEVELAND.

IN RECOGNITION OF MARTIN LUTHER KING, JR.

HON. EDWARD W. BROOKE

OF MASSACHUSETTS

IN THE SENATE OF THE UNITED STATES

Tuesday, January 27, 1970

Mr. BROOKE. Mr. President, I recently received eloquent testimony to the fact that Americans of all backgrounds are willing and anxious that due recognition be given to the remarkable goals and achievements of the late Dr. Martin Luther King.

Anthony Cama is a schoolteacher in Lynn, Mass. He also serves on the Committee of Italian Culture for the Order of the Sons of Italy in America. He has recognized and nobly advanced the universal values which Dr. King sought to realize.

Recently I received from Mr. Cama a letter enclosing a poem which he had written and distributed to Sons of Italy chapters throughout the Nation, and offering his support for a resolution which I have submitted declaring the birthday of Dr. Martin Luther King a national day of recognition. I ask unanimous consent that this most moving tribute be printed in the RECORD.

There being no objection, the poem was ordered to be printed in the RECORD, as follows:

IMMORTAL TITAN

This eulogy and poetic tribute to martyred Dr. Martin Luther King, Jr., one of America's greatest apostles of brotherhood and symbol of the American Negro's struggle for justice and dignity, was composed for the Sunday Post by a Lynn school teacher, Anthony Cama, who called the Christian leader "an immortal Titan in the fight for civil rights in America."

BLACK ETERNAL FLAME

(By Anthony Cama)

Black is the mourning flag that shrouds this land,
The torch of freedom lifts its anguished cry,
For Martin Luther King is still of voice and hand
And storms of sorrow cloud the starlit sky!
Within this nation's heart our millions weep,
For Martin Luther King, a man of fate,
And few shall be the spirits who will sleep
Until each slave has marched through freedom's gate!
Let every native son stand up and sing,
America . . . America . . . O, land of liberty.
Let every churchbell raise its voice and ring . . .
That God bade every man to stand erect and free.
For Martin Luther King, a black eternal flame,
Cried out to all the world, be free at last.
Thank God, almighty! Blessed be God's name . . .
We shall overcome . . . We are free at last!

MODIFYING EXISTING MANAGEMENT SYSTEMS FOR USE IN EDUCATIONAL AGENCIES, OR HOW TO EAT AN ELEPHANT

HON. DURWARD G. HALL

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 27, 1970

Mr. HALL. Mr. Speaker, last November Dr. Bruce Monroe spoke before the "Systems 70 Conference" of the North American Rockwell Corp.

Dr. Monroe's paper, "Modifying Existing Management Systems for Use in Educational Agencies," presents an interesting point of view toward solving some of the problems confronting educators today.

Dr. Monroe points out that systems analysis in the area of transportation, housing and law enforcement, to name just a few, has resulted in increased efficiency, while at the same time providing savings in time and money.

To all who are interested in education, and its need for new ideas, I recommend the reading of Dr. Bruce Monroe's paper.

The paper follows:

MODIFYING EXISTING MANAGEMENT SYSTEMS FOR USE IN EDUCATIONAL AGENCIES OF HOW TO EAT AN ELEPHANT

In keeping with the theme of this conference; "management system requirements and systems solutions for the next decade;" in order to analyze requirements of educational systems, it would be appropriate first to attempt to predict the nature of society during the coming decade in order to predict the type of individual the schools and colleges of this nation will need to be producing to further develop that society. Analysis of the types of educational programs needed to produce those individuals would then follow. Finally, the management needs of those programs would be determined. Since the first two steps have already been done in other publications I won't attempt to repeat them here, but will concentrate on the last two, educational program development, and management systems. Also in order to provide a context in which to organize these remarks and recommendations, I would like to state five assumptions about public and private education, educational systems and the management of educational systems. Following these, the specification of educational management system requirements, educational program areas needing improvement and finally two proposed procedures will be described.

FIVE ASSUMPTIONS

1. The first assumption concerns the purpose of an educational system. The Constitution delegates to the States, responsibility for an educational program to guide and support regional and local efforts in providing schools to maximize the development of the individuals experiencing the school's programs. Development of the individual includes attitudinal, emotional and interpersonal development as well as intellectual skills and the physical well-being of the student. Schools exist to produce rationale, responsible, effective citizens. A recent emphasis has been to plan educational programs in such a way that *every* student, regardless of his so-called ability, interest, background, home or income, succeeds in his school experience.

2. A second assumption is that the educational programs of the 50 States, our protectorates and territories are amenable to improvement. By their own statements and by review of students' reactions to school, it is clear that there are changes to be made. 750,000 youths a year drop out. Suicide among students is twice that of out of school youth of the same age and similar in other respects. Forty types of educational malpractice have been documented and suits have been filed for damages by parents. Manpower training programs this year found 30,000 functional illiterates with high school diplomas in one review. In a society in which the knowledge explosion has exceeded the ability to keep enough factual information in his head, to perform successfully in our society, the traditional school program based on "telling" and "remembering" is no longer relevant.

The two social institutions most like schools are monasteries and penal institutions. The monastary, penal institution model previously appropriate is no longer functional. Schoolmen talk about developing new types of school programs, new schedules, new staffing patterns and new ways of teaching.

3. A third assumption is that the local and state educational programs (for many reasons) are unusually complex enterprises (as are other forms of public service). Providing successful, worthwhile experiences for millions of children from all walks of life for up to nine hours a day, 200 days a year is a large-scale, complex, expensive operation.

4. Another assumption. Although statewide, regional and local programs are called "systems," they operate (for the most part) in nonsystematic fashion. Their management is too often responsive to public pressure and daily problems, rather than being forward looking and comprehensive. They have outmoded organizational plans. Little in the way of modern management systems has been applied to operation of the state educational efforts and the local districts programs.

In the last ten years however, some attempts have been made to apply systems management techniques to public and private educational efforts. In November, 1967, the United States Office of Education called the first national conference on System Analysis in The Educational Environment. Since that time approximately five hundred education projects around the country have attempted (in one aspect of operation or another) to apply system analysis, operations research and system development techniques. However, in no case to dote has this been done in a comprehensive, wide-scale, thorough fashion across an entire educational endeavor, as has been recommended by system analysts.

In other forms of public service; (transportation, housing, law enforcement, public health and welfare) experience indicates that operations research, system analysis and development and research and development techniques (as a system approach is variously called) have been applied with benefits to public service enterprises. Savings in time, money and increases in efficiency and satisfaction have been documented in instances where system analysis has been applied.

To quote Dr. Leon Lessinger, Associate Commissioner of the U.S. Office of Education, "In the same way that planning, market studies, research and development, and performance warranties determine industrial production and its worth to consumers, so should we be able to engineer, organize, refine, and manage the educational system to prepare students to contribute to the most complex and exciting country on earth."

5. A final assumption is that an investment in educational system analysis and development would bring a guaranteed return to tax payers. Documentation of the United States Chamber of Commerce cites an annual loss of over $600 million dollars to personal income and the gross national product as the result of the lost earning power of ¾ of a million dropouts.

To apply system management practices and system analysis and development techniques to education; nationwide, statewide and regionally is an enterprise of a large order of magnitude, to use an analogy, approximately equal to eating an elephant single-handedly. However, what evidence there is indicates it would be justified (in terms of the returns to the individual and the economy), to invest up to 600 million dollars a year in this effort. One percent of the yearly budget for education equals $500 million, and any corporate board of directors would recommend an investment in research and development of over 1 percent.

The final assumption, in summary is that the educational enterprise needs to begin investing more heavily in applying system analysis and development procedures and particularly management systems.

What then would be the requirements of such educational management systems?

REQUIREMENTS FOR AN EDUCATIONAL MANAGEMENT SYSTEM

To be of maximum usefullness and adaptable to the wide variations of practice in educational agencies, an educational management system must at least:

Insure an adequate flow of information to the learner as well as to decisionmakers affecting what the learner will experience.

Increase the visibility of learning progress to the learner, parents and school staff,

Heighten the shared accountability for learning progress among parents, the learner and the school staff,

Have minimum response times between learner diagnosis and the learning prescription,

Make cost-effectiveness proposals about alternative courses of action,

Interface approximately twelve other public information systems including the local library, the Department of Labor job bank, the Educational Research Information Centers, the Instructional Objectives Exchange and others,

Facilities individualization of the curriculum and instruction,

Speak a language that young children can understand,

Make multi-variate probability statements about alternative courses of action for the learner,

Be at least regional in scope to allow regional program emphasis to be modified,

Account for the influence of home, peer group and other social agencies on learning progress,

Be sufficiently standardized in language to allow transfer of learners from school to school and region to region,

Emphasize problem solving skills and learning ability not the acquisition of factual information.

Now then, to what areas of educational programs could these educational management systems be most profitably applied?

Like any complex endeavor, certain aspects of the operation of an educational program are more efficient than others. Below are two lists indicating well managed and less well managed program functions:

TYPICALLY EFFICIENTLY MANAGED

Ensuring physical welfare and safety of student.

Transporting students.

Attendance accounting.

Scheduling students and teachers for group activities.

Dispensing instructional information.

Maintaining facilities.

Recording and reporting operational information.

Fiscal accounting and payroll.

Purchasing and warehousing.

Devoting personal staff time.

NEEDING MANAGEMENT IMPROVEMENT

Comprehensive planning.

Specifying student and program performance objectives.

Routine, thorough diagnosis of student.

Measuring student and program accomplishments.

Reallocating budgets by program.

Comparing cost/effectiveness.

Monitoring and evaluating staff productivity.

Individualizing or modifying curriculum and instruction.

Ensuring quality of product.

Analyzing wider range of program alternatives.

Assessing student data profiles.

Allocating appropriate resources in instruction.

Matching student schedule to needs.

Providing relevant parent and public information.

It is recommended that educators responsible for the above needy functions capitalize upon management systems developed in the operational programs and the research and development procedures of the aerospace, communication and other scientific industries.

Existing systems and procedures would then be adapted to the unique requirements of educational programs.

The obvious next question then is, "How do you proceed to eat an elephant?" A friend tells me you do it by, "taking one bite at a time."

The remaining remarks will describe two procedures, (one short term and one long term) which I propose as a *reasonable first bite* and *long term procedure for eating the whole elephant*. What I will propose first is rigorous application (on a national, state, regional and local basis) of management systems technology, and eventually a system analysis and development of the national educational enterprise at a cost of approximately 60 million dollars of investment per year for the next ten years.

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TAKING THE FIRST BITE; A SHORT-TERM APPROACH TO REDEVELOPING EDUCATIONAL SYSTEMS: ADAPTING EXISTING MANAGEMENT SYSTEMS TO EDUCATIONAL SYSTEMS

The following steps represent the major milestones in a procedure to adapt an existing management system (of the appropriate scope and complexity) to an educational program.

1. Review the long range and intermediate objectives of the program in operational terms.
2. Analyze functions and tasks required to accomplish the objectives.
3. Separate management functions from total functions.
4. Rank order management functions in terms of complexity and difficulty to perform.
5. Review management procedures now in use or available for use.
6. Assess and allocate internal capability to carry out selected management functions.
7. Locate additional capability, contract for services as required.
8. Vary selected parameters of existing systems to accommodate the specific management functions.
9. Create new procedures as appropriate.
10. Plan phased change-over from existing procedures.
11. Assess system and sub system functions and modify as necessary to point of diminished return.

A word of caution, however, about the above procedure. As experienced educators are painfully aware, the commitment to invest in a change process must permeate the entire environment before the change process can hope to succeed.

A LONG TERM APPLICATION OF OPERATIONS RESEARCH, SYSTEM ANALYSIS AND SYSTEM DEVELOPMENT TO THE DEVELOPMENT OF NATIONAL, STATE AND LOCAL EDUCATION SYSTEMS

In the last three years a national program has come into existence as a result of the funding of Congress and foundations interested in education. The project is entitled CAPE, the Committee on Assessing the Progress of Education and has recently has been absorbed as a project by the Educational Commission of the States (the ECS). The ECS is a non-profit organization with 43 member states with a membership of governors, chief state school officers, legislators and others concerned about education. The current budget of CAPE is 2½ million dollars and the 1970 budget is projected at $4 million. The procedure for assessing the progress of education in the United States consists of sampling students from 700 schools chosen to be representative of all the schools in the United States. Using samples of students of approximately 20 to 30 thousand, student achievement is measured in the areas of citizenship, science, writing, math, music, literature, etc. in three year cycles. The results of student achievement are summarized regionally (rather than by state or local districts) so that there can be no comparisons possible between specific district or schools. Pre-school and out of school youth are assessed as well as in-school age youth.

The proposal herein suggested that this information be used as background information to begin a *national systems analysis* of selected areas of school functioning, those that CAPE finds to be less successful.

Since the CAPE project is currently being carried on by the Educational Commission of the States, it might well be appropriate to organize through that agency eight regional analyses of educational needs. If that organization found it inappropriate, another suitable pseudo-governmental, non-profit public agency would be utilized to act as policy maker and program manager of this effort, much as NASA coordinates the Space Program.

How the program might proceed would be as follows. As CAPE indicates regional variations in the effectiveness of school programs to teach certain subject matter, those programs that are found to be least successful in any region would be the target of comprehensive system analysis within that region. Assuming there was some persistent problem areas (for instance, reading) in several regions; a cooperative task force made up of system analysts from several regions could analyze and suggest modifications in reading practices within that total area. In time, by pooling the results of these system analyses (conducted in the separate regions) a comprehensive analysis of the entire educational effort in the Nation and the States would be accomplished. This could be done in approximately a three to four year time period.

REGIONAL DEVELOPMENT OF EDUCATION SOLUTIONS

Assuming a thorough-going system analysis of the sort that made the Moon Program successful, a concentrated development phase would then be appropriate. Utilizing the existing (or certain of the existing) regional educational laboratories and bolstering their capability with additional resources from foundations, private industry, the arts and sciences; educational systems would be evolved, developed, field tested, implemented broadly, monitored and improved over time. Such a development phase could reasonably require several years and hundreds of millions of dollars.

The model for system development within the regional efforts would follow a typical system analysis and development model of the sort attached.

Concern obviously needs to be given (at all points in this process) to ensure that local districts not lose autonomy and were given opportunity to modify the basic program to meet local requirements. What is *not* being proposed is a national curriculum with a standardized educational program such as is typical in certain European countries; rather a national effort in system analysis and development which would make available a range of alternatives a highly reliable, educational system among which local and regional programs would originally choose and subsequently modify. Using the elephant analogy again, there are lots of ways to eat an elephant and local districts would be encouraged to choose those ways which are most comfortable, with proviso that they eat the entire elephant and within a reasonable period of time.

The mass media today is full of pronouncements by educators and others concerned with education about the need for accountability and guaranteed performance in education. It is reasonable to assume that while education can become accountable to the same extent that other public service agencies are accountable, it is also reasonable to offer them the experience and services of other large complex organizations that have been over similar ground previously to help avoid reinventing the wheel. It is in that frame of reference that these proposals are offered. Private industry, foundation-supported research and development and other public service agencies have proven their ability to perform successfully in equally large, complex, problematic enterprises. As consumer of the educational product of the national educational effort and as tax payers who support it (if not as parents, uncles, grandparents and neighbors)—we have a responsibility and a right to demand sound educational management.

INFLATIONARY TRENDS

HON. HUGH SCOTT

OF PENNSYLVANIA

IN THE SENATE OF THE UNITED STATES

Tuesday, January 27, 1970

Mr. SCOTT. Mr. President, the Pittsburgh Post-Gazette recently published a most informative and interesting editorial on administration attempts to curb spiralling inflationary trends. I commend this to the attention of the Senate and ask unanimous consent that it be printed in the Extensions of Remarks.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

A SHOWDOWN ON SPENDING

Senate approval of an appropriations bill $1.3 billion above Mr. Nixon's request for the Health, Education and Welfare Department defies a promised presidential veto and creates a major political issue for this year's congressional elections.

President Nixon objects to the additional spending on the ground that it obstructs his efforts to reduce federal spending to control inflation. Congressional opponents argue that they are trying to "reorder priorities"; that is, to transfer to domestic needs some of the money cut out of the defense budget.

Actually the issue isn't that simple. It would be perhaps if the President had attempted to cut back on HEW spending, particularly for education. The fact is, however, that the President's requests for HEW are 700 million higher than President Johnson's budget called for and $2.1 billion higher than spending last year.

So it isn't as if the President were trying to get inflation under control at the expense of domestic programs. He just isn't willing to spend as much as a high-powered education lobby has pressured Congress into.

In order to make the increased education spending attractive to congressmen, lobbyists urged that it be sweetened by boosting to $585 million the amount to be spent on the so-called "federally impacted" school districts, which are scattered over 355 congressional districts.

Although Democratic and Republican administrations have attempted to curb or end this program as an indefensible boondoggle, it is now so thoroughly woven into the fabric of federal aid to education as to be inextricable. Under this unconscionable grab, the nation's richest county, Montgomery, Maryland, where many congressmen live, got $5.7 million in 1968 while the 100 poorest counties in the program got $3.2 million.

The irony of this program lies in the fact that communities vie endlessly for federal installations to boost their local economies and once the installation is obtained, then claim federal school subsidies because they have to educate the children of the federal employes who move in. That way, they have their cake and eat it, too.

Not all of the increased funds Congress has voted for HEW go into the federally impacted program, of course, but the Nixon administration voiced defensible objections in each category of spending.

That will make little difference because of the emotions aroused by the issue. President Nixon has chosen a politically unpopular issue for a showdown with Congress. Seeming to be against federal aid to health, education and welfare (while actually only disagreeing over the amounts involved), is like being for sin or against motherhood.

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For that reason, we would not be surprised to see Congress override the President's expected veto. Members of his own party are keenly aware of the political implications in an election year and he can anticipate some GOP defections.

Even so, we think the issue should be clearly understood. If it is, we believe many Americans will give the President high marks for courage and integrity in trying to bring inflation under control by restricting federal spending.

FREEDOM IN DEED

HON. JOHN WOLD

OF WYOMING

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 27, 1970

Mr. WOLD. Mr. Speaker, in 1880, a band of men, women, and children, seeking to exercise their right to follow the religious creed of their choice, left the security of their homes and followed in the track of the Mormon pioneers. Rather than continuing to Utah, they decided to make their homes and rear their families in the beautiful mountain enclosed Star Valley of western Wyoming.

They named their new settlement Freedom, in frank recognition of the fundamental value they cherished and for which they cut their old ties and roots to move to a rugged new land.

For 90 years they have labored to make their home a productive and secure place where they could exercise their beliefs secure in the knowledge they could pass on their values to their children. In five wars their young men journeyed far from the mountains and valleys of home to defend the liberties they loved so well and knew so intimately. Today many of their sons are engaged in the struggle in Vietnam.

Throughout the Nation there is dissent over the whys and wherefores of Vietnam, but the citizens of Freedom accept the task as another responsibility of liberty. They are matter-of-fact about their support for the policies of our President.

Therefore, you can imagine their dismay when they learned that their home was to be the site of a tri-State moratorium rally that would denounce America and her policies.

Despite their dismay they did not react with violence or anger, more with sorrow. They would not deny their fellow Americans the opportunity to express dissent even if it was shame they felt about the actions of the dissenters.

Said the citizens of Freedom:

> Such a moratorium as you plan to hold and has been held in the past we feel will only give aid and comfort to the enemy.

The statement noted that the town of Freedom is "not in sympathy with you in this action. We will not support it, and to be very frank with you, we do not want it in our town."

Darrell Jenkins, a Freedom resident said:

> We recognize the right of people to dissent and to demonstrate but let them do it somewhere else, where the people want them to.

In short, their actions have been in the best traditions of the values on which this Nation was founded. I believe their behavior to be a valuable object lesson for my fellow Members and the citizens of America.

Accordingly, I ask that an article about Freedom from the Casper Star-Tribune of January 13, 1970, be printed in the RECORD:

"LET THEM DISSENT SOMEWHERE ELSE": FREEDOM

(By Jeanes Wagner)

LOVELL.—Which was to Freedom?

The people of Freedom, Wyoming located in Star Valley, have reason to wonder.

On Christmas Day, they learned that their town had been selected for a tri-state moratorium rally on Feb. 15 by the Vietnam War Moratorium Committee at the University of Wyoming.

No one in Freedom had been notified of the plans at that time and still have not, they claim.

"We support the President of the United States in his efforts to end this war by honorable means and in such a way that the sacrifices that have been made by our American boys shall not have been made in vain," Freedom residents notified the committee.

"Such a moratorium as you plan to hold and has been held in the past we feel will only give aid and comfort to the enemy."

The statement noted that the town of Freedom is "not in sympathy with you in this action. We will not support it, and to be very frank with you, we do not want it in our town."

Darrell Jenkins, a Freedom resident said, "We recognize the right of people to dissent and to demonstrate but let them do it somewhere else, where the people want them to."

Jenkins, who has a son in Vietnam with five months to serve, said, "I would like very much to see him home as well as all the other boys, but I feel that unless it is done in an orderly manner all the lives lost so far will have been lost in vain."

In the Star-Valley Independent the day that Freedom got the news about the moratorium, a letter from a GI in Vietnam was printed. It came from SP—Phil Hurd and said in part, "I'd like to say thank you to the fine people in Star Valley for not supporting the protests that are constantly in the news. That can cut a man's morale quicker than anything, to think we have to be over here, and not have your support."

"The statement we have drawn up has been signed by almost all the adult members of the town and many of the teenagers, including nearly all of the boys who are in, or will be in the draft age the next two years," Jenkins said.

"We have absolutely nothing to offer anyone planning a gathering of this nature," Jenkins said. "Our business district consists of one service station. At one time we had in our town a bank, two or three grocery stores, a hardware store, a blacksmith shop, garage, barbershop, pool hall, motel, cafe and liquor store. Now we are down to the service station, the last grocery store having closed its doors this past summer. Freedom is a rural town that fell victim to modern highways and highspeed travel," he said.

Jenkins added that the only place a meeting can be held indoors is in the LDS Church house and since the moratorium is scheduled for a Sunday, that building will be in use.

Freedom, he said, isn't ideal for outdoor meetings, either, as the temperatures have been down around 30 degrees below zero already this year and often during February the area is subject to severe blizzards.

To further complicate matters, snowmobile races are being held in Star Valley the same day as the planned moratorium and all the motels in the area are already booked solid, he said.

Freedom was started in 1880 by Mormon pioneers.

"It is proud that it has managed to survive at all in the face of economic difficulty. It is proud of its citizens who have served their country in wars past and who are now serving in Vietnam," Jenkins said.

"If there were any legal way to stop the rally we would," Jenkins said. "As it is, we don't intend to support it. The position is that this is a free country and the highways are public and there is nothing we can do. We don't seem to have any rights when it comes to our feelings.

THE NEED FOR A DEFINITION OF "DISADVANTAGED"

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 27, 1970

Mr. DERWINSKI. Mr. Speaker, a very fascinating and penetrating editorial commentary in the Des Plaines, Ill., Valley News, of Thursday, January 15, has just come to my attention.

The editorial discussing the definition of a "disadvantaged" person was by the publication's editor, Harry Sklenar, and his commentary, I believe, is a positive contribution to a discussion of current events. The editorial follows:

WHO IS "DISADVANTAGED"?

It has become increasingly apparent that a concise definition is needed as to who and how to classify a "disadvantaged" person.

In the most popular definition, that of economic level, the government criteria is that the "disadvantaged" person is one whose income is about $3,000 to $3,500 annually.

In the labor market, the "disadvantaged" are those who lack the knowledge of reading and writing and the ability to understand. Now it is possible that a foreigner well able to earn above the government disadvantaged level can remain disadvantaged economically on the labor level due to language problems.

The person that is classified as "disadvantaged" in one community area on the basis of income level could well be somewhat affluent in another type of community; say a laborer able to earn more than the $3,000 or $3,500 annually by cutting grass, washing cars, or other such tasks in one type of neighborhood, while this same individual would be unable to make a living doing these same chores in another area such as the coal mining region due to the fact that the people there do this work themselves or cannot afford to pay others to do this for them.

In another definition, the "disadvantaged" are persons who are handicapped, such as blind, deaf, crippled, or otherwise unable to do tasks that normal individuals can be assigned.

Readers may be aware that the minority races such as the Negro, the Mexican, and the Indian are rated as "disadvantaged" due to racial basis. However, the Irish, the Greek, and other foreign nationalities faced similar problems on arrival in the United States. Currently, the Czechs are complaining that the U.S. Immigration Department is limiting the quota for Czechs. Thus Czechs can claim being "disadvantaged" in not being given equal quotas. The Chinese and Japanese, or other Orientals could make a similar claim.

The question to be studied is if the label is a deterent to personal advancement, a condition of society, or simply a state of mind. More important, though, a definition is needed of just who is "disadvantaged" and on what basis is one rated.

XUM

"TELLING IT LIKE IT IS"

HON. ROBERT T. STAFFORD

OF VERMONT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 27, 1970

Mr. STAFFORD. Mr. Speaker, these days we hear a great deal about lack of communication between the young people and their elders and we hear claims that our young citizens are all against the so-called establishment.

On Monday of this week, Vermont's distinguished senior Senator, the Honorable GEORGE D. AIKEN, spoke to a group of young Americans who had been chosen to participate in the U.S. Senate youth program by the William Randolph Hearst Foundation. It is my understanding that following the speech, Senator AIKEN, who has always been known in Vermont for "telling it like it is," was given a rousing ovation by the students. The Senator's message is just as appropriate for all generations, however, and I am pleased to bring it to the attention of my colleagues:

SPEECH BY SENATOR GEORGE D. AIKEN, TO THE U.S. SENATE YOUTH PROGRAM, SPONSORED BY THE WILLIAM RANDOLPH HEARST FOUNDATION, WASHINGTON, D.C., JANUARY 26, 1970

I am very proud that I have been invited to meet with you young people who have been chosen to represent your states.

I know that Mr. Hearst and his associates are proud to have sponsored and assembled such an outstanding group here in the Nation's Capitol.

While you are in Washington, you are expected to learn all you can about the actual operations of your government—Legislative—Executive—and Judicial.

I put the Legislative Branch first because it is elected directly by the people and without its advice and consent (and, of course—appropriations) the other two Branches could not function.

I am not going to spend time explaining the operations of the Congress or any other special part of our government.

You have school books and you will be furnished plenty of material while you are here to tell you all that.

And, above all else, you have eyes and ears. Besides, learning for yourself is the best way anyway.

Unless I am mistaken, you alerady know that the United States is the most powerful—the most representative—the most envied and the most legitimate country in the world today.

Our country has done more in the last twenty years to raise living standards and improve the lot of people the world over than has been done by any nation in any similar era in history.

Yet, in spite of this, we are at times censured and condemned by half the nations of earth.

Just what is this government of ours anyway?

It is important that we understand ourselves before we try to change the existing order.

Our government is the oldest continuing government on earth barring perhaps the British government and the scholars even argue that one.

Those who preach revolution or yearn for "charisma" (a very popular word these days) in their political leaders have to put up with this fact, and it is a formidable one.

Now, I hope it will not come as a shock when I tell you that our government is a government of "Special Interests".

To young people the term "Special Interests", indeed any kind of self-interest, often smacks of evil—or conspiracy.

A nation that is no more than the sum total of its special interests seems to be insufficiently inspiring, insufficiently dedicated to cope with the vital problems of today.

But when I refer to "Special Interests", I am not thinking of powerful groups of industrialists or bankers or utilities or anything of that sort—powerful as such groups may be.

I am thinking of a thousand and one special interests which are represented in one degree or another in each of our major political parties.

I am thinking not only of business, but of economic—racial—labor — religious — agricultural—aesthetic and all the hundreds of other special interests including yours and mine.

Included in any list we will find political divisions at all levels of government—community—city—county and state.

Our real job in politics is to keep these special interests, including yours and mine, honest while providing equal opportunity and justice for all.

That is why we have laws and regulations which are supported by traditions and customs.

This task is not easy and from time to time it appears that one or more special interests may be achieving supremacy over all the others.

The urge for monopoly is strong in the human breast.

It is an urge which is responsible for much of our human progress, but which if uncontrolled is a sure formula for disaster.

The seeming domination of one group over all others, however, is never absolute or lasting, a fact to which the downfall of mighty nations of the past bears testimony.

The special interests which make up our two political parties are almost by definition provincial interests.

Our country is too big for any one of them to dominate because our adherence to democracy is too dedicated.

When the people and their elected representative keep our special interests within bounds, the result is a kind of provincial patriotism that helps keep the peace both at home and abroad.

Even special interests want to survive, just as you and I do—just as most people in the world do.

It is only when politicians feel they have to exhibit their emotions in public, only when they feel they have to be dramatic, entertaining or demonstrate their power that we get into trouble.

I fear that is how we got into trouble in Viet Nam.

We committed a kind of moral aggression in Viet Nam under the guise of preserving self-determination.

But the weight of our intervention made self-determination impossible.

That is history and I do not want to dwell on it here.

Nations, like people, have their own special interests.

A nation must understand its real interests or it gets into trouble.

But, we have to be honest about our real interests.

We cannot afford to clothe them in moralisms, as we have so tragically done.

I realize that to young people this way of thinking may seem very dull, but the message I am trying to convey is very important even if not dramatic or entertaining.

A few moments ago, I referred to the fact that some young people seem to want "charisma" in their political leaders.

The use of this word may make one appear quite intellectual, but as a matter of fact the user probably does not know its origin or even what it means.

I asked a member of my staff to find out for me the origin of this word.

It was coined by a German Sociologist, Max Weber, less than a hundred years ago.

Actually, the word itself was invented by the Greeks.

It literally means "gift of God."

Weber used the word to describe the revolutionary leader who grabs power by illegitimate means—by overriding both traditional and constitutional processes alike.

This fellow, Weber, had the courage to be dull for he never did take a stand approving or disapproving "charismatic" leaders.

He did acknowledge that such leaders could sometimes open the way to revolutionary change.

But his definition rested on the word "illegitimate."

He certainly didn't think of "charismatic" leaders as just colorful fellows with entertaining personalities.

I am sure Weber would have scoffed at the modern usage of "charisma" as applying to a person who has some kind of personal magic or star quality.

As so often happens with many of our words today, the original meaning of "charisma" has been changed and almost lost.

So from now on when you hear the word "charisma," I hope you will remember Professor Webers original definition.

This country was founded as the result of a revolution.

Maybe we will need another in the near or distant future, but before tossing "charisma" around, let's be sure that we want to go illegitimate.

With all its faults, no government in the world today is as legitimate as ours.

Our tradition is the tradition of keeping special interests within the law.

We reward their achievements with money rather than political power because we think it is safer that way.

Real political power rests with people, most of whom do not want their private problems made into Federal cases—people who may work for special interests but vote for themselves.

It is by working to keep our special interests honest and law abiding that we have been able to sustain a tradition of continuous social change.

When political leadership gets lax, others step in to arouse the social consciousness of the country.

Often it has been the special interest of young people to act as the Nation's social conscience.

It is true today that *your* direct special interest is to keep our traditions honest.

What should concern all of us is that our traditions are apparently not adequately understood or taught in many of our schools today.

It is so much easier to demonstrate—or to serve up opinions with commercial or "charismatic" sauce than to try to understand our traditions or the issues of the day.

Words like "charisma" are often just emotions unaccompanied by appropriate ideas—words that tend to excite without carrying the burden of thought.

One of the worst examples of this current nonsense is the slogan of that rather popular philosopher: "The medium is the message."

Better had he said that "the media has triumphed over matter".

As far as I am concerned, what is said is far more important than the style in which it is delivered.

The problems of dealing with special interests have even robbed a great many young people of a sense of humor.

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Their self-appointed spokesmen want to be taken seriously—but to be taken seriously you have to know how to laugh.

Laugh more at the pretensions of special interests and you will better shame them into curbing their greed.

More important, however, is the fact that a sense of humor is first cousin to a sense of forgiveness, a quality badly needed in the world today.

A nation that cannot admit and forgive its own mistakes has nowhere to go but to the psychiatrist's couch.

A nation consumed with guilt feelings is a grave danger, not only to itself, but to the peace of the world.

There is, of course, such a thing as historical guilt and nations have committed grievous errors that have served only to bring out the worst in man.

The recent history of the world is no exception.

Individuals who identify themselves too closely with historical guilt are often sick people—people who cannot even forgive themselves.

A nation led by such people would be a menace to itself and to the peace of the world.

Young Americans should always indulge their social consciousness since it is their duty and indeed their special interest.

The quacks and experts alike will want to make Federal cases out of your private problems.

I hope you will give these self-promoters the ridicule they deserve.

But, if perchance you should be tempted to batter down the doors of our traditions, be sure you understand them.

If I may quote an adage so old that I can't recall its origin: "Look before you leap."

Be sure you can replace these traditions with something better lest we suffer the fate of other nations of the past where "charisma" rather than reason was the motivation.

The substance is still more important than the form—or "image" as they say these days.

It is important for nations and people to understand their real interests.

So as young people if you should run out of patience and become sorely tempted be sure you really want to weaken the oldest functioning political system on earth rather than deciding to strengthen it by working within our tradition of keeping the special interests honest.

Traditions are the inhibitors of society.

Some are good, others need modernizing, while still others need to be discarded.

Remove all traditions at once and anarchy results, just as madness often results when an individual loses all his inhibitions.

I am not trying to dissuade you from questioning the established order or from trying to make desirable changes.

Your special interests is to serve as the Inquisitor of the Establishment.

The special interest of the older generation, however, is not to recant on bended knee all of our traditions just because they are under fire.

The demands of youth should be respected, but at the same time the older folks should be able and willing to explain the reason for a particular tradition or custom.

It is also the job of all people to be prepared to accept the loss of a particular interest or tradition if this action will benefit the community as a whole.

This is what is meant by progress—strengthening the established order with reason.

All of us have a role in keeping the special interests honest.

This natural system of checks and balances should guide all of our activities.

There are inevitable changes with each generation and there always will be.

In fact, there had better be or we will become a sterile society.

One thing I know is that if each of us works to keep all special interests honest—or perhaps just has the courage to be a little dull and practical—we can go a long way in improving the relations between all people.

Now, one final word.

I believe all of you expect to finish high school this year.

Most of you will go on with your formal education.

In a few short years, you will take your places in all walks of life—in all of our States—probably in all continents.

You will have high ambitions—you will have your own special interests, which will likely change as time goes on.

I hope you all realize that the most important special interest of all is the community—your community.

Without the community, the county, the state and the Nation cannot succeed.

For here is the bedrock of all good governments and the community is what you make it.

The fact that you have been selected for the William Randolph Hearst Youth Program indicates that you are already in training for better service to your communities.

From here on you will be stepping up the ladder of good citizenship and good government.

I have been honored by being asked to speak to you again—and I am sure you understand the message I have tried to convey.

LEGISLATION TO PROTECT THE DELICATE ECOLOGY OF OUR STREAMS

HON. OGDEN R. REID

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 27, 1970

Mr. REID of New York. Mr. Speaker, I am introducing today a bill which would provide for some limitation of channelization projects conducted by the Soil Conservation Service which may endanger the deliciate ecology of our streams.

While some of the projects which have been completed under the Watershed Protection and Flood Control Act of 1954 have had beneficial results in flood control and land reclamation, they have too often been accomplished at the expense not only of the natural beauty of the streams affected but of the wildlife inhabiting those streams. In one instance, a stream which had an average of 240 pounds of game fish per acre before channelization averaged only 5 pounds of small fish an acre afterward. The drop in the water table which has accompanied channelization in some instances has had a devastating effect on the wildlife, trees, and plants living in the surrounding area. Serious erosion of the banks has also occurred as a result of the channelization of some streams resulting in considerable land loss and the muddying of previously clear water.

The bill which I am introducing would not interfere with channelization where it is justifiable but it would provide a mechanism to prevent projects which might cause irreparable damage to the environment in the name of conservation.

HILL DEBATE OVER VETO SHOULD FOCUS ON HEW BILL'S WASTEFUL DEFECTS

HON. JOHN E. HUNT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 27, 1970

Mr. HUNT. Mr. Speaker, the most conservative columnists in Washington are not Frank Mankiewicz and Tom Braden. Mr. Mankiewicz was press secretary to Senator Robert Kennedy. Mr. Braden is a former liberal member of the California State Board of Education and a one-time Democratic candidate for Lieutenant Governor of California.

So I, and I am sure a lot of my colleagues, were agreeably surprised this morning to see their column in the Washington Post supporting the President's veto of the HEW appropriations bill.

Let us see for a moment, what their reasoning is. They sum it up this way:

> The extra education money, in short, reinforces existing inadequacies in public education, fattens needless programs to appease powerful lobbies, acts as a bonanza to upper middle-class property taxpayers and will be sold somehow as an "investment in America" by the people who otherwise think it wrong to waste public funds.

Mr. Speaker, Mr. Braden comes from California, that State that stands to gain the most from this pork barrel. I commend his column in its entirety to all my colleagues. For their convenience, I hereby insert it in the RECORD:

HILL DEBATE OVER VETO SHOULD FOCUS ON HEW BILL'S WASTEFUL DEFECTS

(By Frank Mankiewicz and Tom Braden)

It will be unfortunate if the debate over President Nixon's veto of the Health, Education and Welfare appropriation turns only on the issue of inflation. High HEW officials are anxious that the occasion be used to strike a major blow at what is wrong with our schools.

The President's veto is courageous, since it pits him against one of the nation's most powerful lobbies, and is risking the chance that he will be called "anti-education" by his own Silent Majority. But it will be even more courageous if Mr. Nixon chooses to tell the truth about this bill, which is that like much of the money we spend on education, it allocates resources to the wrong places and does little or nothing for our children, the quality of whose education seems to deteriorate in direct proportion to the money spent on it.

The HEW bill, asking for one billion more educational dollars than the President budgeted, is only part of what the government spends on education, but it reflects What is wrong with the whole.

$400 million extra goes to so-called "impacted areas." These are school districts with a high percentage of Federal employees. But only those who actually live on federal land penalize the local schools (they don't pay property taxes)—and they are too few to justify the windfall.

Thus in Fairfax County, Virginia, a booming Washington bedroom community, $229,000 will go to school districts in lieu of taxes for federal employees who live on federal installations. But more than $10 million will be paid for "off base" children, whose parents own property, pay taxes and contribute to the general business expansion.

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A truly scandalous increase is $200 million in funds for vocational education. A sounder move would have been to strike out the more than $200 million already in the bill.

The vocational education program is the most entrenched of the school lobbies, dating back to the early years of the century, and consists largely of the purchase of shop equipment and the training of students for long-vanished jobs.

The increase in Title I funds is at least arguable, but even here, the President has sound reasons for a veto based on educational grounds. Title I money is supposed to be spent on the direct benefit of poor children. But in the South as well as the North, educational administrators have swindled the Congress and the taxpayers by withholding from these children ordinary expenditures that would otherwise be made. The result is that poor children get Title I money, middle class children in the same districts get the major share of funds raised by local taxes, and the only beneficiary is the property taxpayer.

Finally, liberals hot to override the Nixon veto will have to answer the argument that these extra funds are for the fiscal year that ends July 1. Thus they would have to be spent in three or four months. It is in order to prevent the inevitable mountain of slide projectors and band uniforms, that HEW officials support the veto and ask for an orderly study of how these funds could be profitably spent over twelve months instead.

But a measure of the pressures at work lies in a little-noticed cut put through by Congressmen who fear being savaged by the education complex. HEW had asked for $25 million, to test whether intelligent people who knew their subject could teach their subject, without having to go through the dreary years of teacher education. This picks at the iron lock held by teachers colleges on the profession. The appropriation went out—fast.

The extra education money, in short, reinforces existing inadequacies in public education, fattens needless programs to appease powerful lobbies, acts as a bonanza to upper middle-class property taxpayers, and will be sold somehow as an "investment in America" by the people who otherwise think it wrong to waste public funds.

INTERSTATE COMMERCE COMMISSION

HON. H. ALLEN SMITH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 27, 1970

Mr. SMITH of California. Mr. Speaker, criticism is occasionally directed toward commissions and departments, so it is nice when commendatory comments are received. The following is a resolution passed unanimously by the executive committee of the American Trucking Association in Washington, D.C., January 22, 1970:

> With increasing frequency, there are intimations in Federal executive policy statements, direct and indirect, to the effect that the regulation of freight transportation should be greatly altered or substantially abandoned.
>
> Some of these statements assert, usually by innuendo rather than directly and specifically, that the Interstate Commerce Commission has failed over its nearly a century of service, to serve the interests of shippers and the public.
>
> The trucking industry has had its differences with the Commission, and doubtless will continue to do so. These differences sometimes extend to the statutes also. But the record is clear that this country has enjoyed, under its laws and successive Commissions, service and equity in transportation that are unsurpassed.
>
> The present system of transportation has been developed under a system of regulation that has been proven to be in the public interest. The growth and prosperity of the national economy confirm this.
>
> The rampant discrimination and intolerable favoritisms and exploitations in transport early in this nation's history, before Federal regulation was established and strengthened, prove the preponderant wisdom of the Congress on this subject since 1887.
>
> We deplore the disregard of history and of the basic facts of transportation economics, as evidenced in the statements to which we object. We deplore the apparent reckless spirit of experimentation, with which some recurrent proposals, such as those for unlimited railroad ownership of truck lines, for unqualified entry into for-hire trucking, and for withdrawal of freight rate regulation are voiced. We believe these and similar proposals threaten the welfare of industry, agriculture and general business, as well as that of our own enterprises. Consumers would suffer.
>
> We reject the notion that the principles that have permitted and fostered the country's independent motor carrier industry have changed, or that what was right earlier has now become somehow wrong, in total.
>
> We unanimously reaffirm our support of independent ownership of the modes of transportation and continued regulation of transportation in the public interest, as embodied in law, and as administered. We will oppose by every proper means all attempts to eliminate or weaken these.

COMMITTEE ON PORNOGRAPHY

HON. ODIN LANGEN

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 27, 1970

Mr. LANGEN. Mr. Speaker, Congress has the opportunity this year to respond to the needs of America. Not only do we have the opportunity, we have the responsibility to act to end those blemishes on our social structure. This responsibility cannot be neglected longer. America is crying out loud to this Congress for leadership.

When one small, insignificant segment of America seeks personal financial gain by exploiting the fears, suspicions and baser instincts of our people, Congress and the House of Representatives in particular, have an obligation to step forward with new laws or regulations to free our people from the threat to our general welfare.

The smut peddlers, the sex salesmen and the filth distributors have flourished undisturbed for many years. These masters of horror have used the tiny vestiges of precivilized man to their infamous advantage. They have, through their unrestricted distribution systems, found their way into the lives of millions of American homes and have often left their dirty fingerprints on the minds of young people. They have hidden behind what they call freedom of the press in order to build upon their hideous foundation of social misfits and mentally unstable people.

Mr. Speaker, to continue to allow the unnatural abuse of the constitutional guarantee of freedom of information through the press is to invite further tests of the national health. While I have a great faith in America, I am unwilling to have her social institutions strained unendingly. I reject the claim that pornography is protected under freedom of the press and I reject the argument that if pornography is not wanted, it will not be produced.

I call for an end to the unrestricted national distribution of trash to homes where small children can easily become exposed to it and to public distribution centers where decent citizens are likely to be present.

I support the concept expressed by my colleague, the gentleman from Wisconsin (Mr. SCHADEBERG). Mr. SCHADEBERG has called for a special House committee to probe this growing national problem. The opportunity to be of service to America rests with you, Mr. Speaker. It will be your responsibility to acknowledge the threat to decency and to respond positively to this threat.

ADVANCE FEED GRAIN PAYMENTS, 1970

HON. WILLIAM J. SCHERLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 27, 1970

Mr. SCHERLE. Mr. Speaker, in Iowa, representatives of the four major farm organizations—Farm Bureau, Farmers' Union, Grange and National Farmers Organization—have jointly agreed to a resolution which supports the concept of my bill, House Joint Resolution 1058, concerning mandatory advance payment in the 1970 feed grains program.

This united approach is unique among farm organizations. It shows the seriousness of the concern by farmers and other members of the agribusiness community and that immediate steps be taken to pass legislation that would require the Secretary of Agriculture to make such advance payments this spring.

The letter and statement follow:

NATIONAL CATHOLIC RURAL LIFE CONFERENCE,
Des Moines, Iowa, January 23, 1970.

HON. WILLIAM J. SCHERLE,
House Office Building,
Washington, D.C.

DEAR MR. SCHERLE: On agricultural policy one often hears the cry, "If only farm organizations could get together and agree on what they want, it would be a great help." I think you will agree with the statement and also that many areas of agreement among farm organizations and commodity organizations can be found, if the effort is made.

I am happy to inform you that such an effort is being made in Iowa. Representatives from the four major farm organizations—Farm Bureau, Grange, Farmers' Union and NFO—some commodity organizations and rural oriented church organizations are meeting about once a month to discuss and prepare statements on topics on

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which all agree. We are not a formal organization nor a lobbying group. Our intent is to merely make known the areas and topics of agreement among these various organizations.

Attached is our statement on advance payments! Please give it your consideration.

Wishing you many joys in the new year, I am

Sincerely yours,
(Rev.) John Geo. Weber,
Chairman.

Iowa Farm and Commodity Organizations' (IFCO) Statement on the 1970 Feed Grain Program

With wheat and feed grains in surplus supply; with available credit "tight"; and with interest rates at an all time high; the Iowa Farm and Commodity Organizations (IFCO), meeting in Des Moines, Iowa, January 12, 1970, urges the United States Department of Agriculture to reconsider its ruling of no advance payments and to restore the diversion payments to the 1969 level.

Unless such action is taken, less than adequate participation in the 1970 Feed Grain Program may jeopardize its success and further worsen the situation on the nation's farms.

PETTIS WOULD VOTE NAY ON FOREIGN AID

HON. JERRY L. PETTIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 27, 1970

Mr. PETTIS. Mr. Speaker, since I was serving as a host at a panel on science and technology, sponsored by the Science and Astronautics Committee, I was unfortunately too late in responding to the rollcall vote on the conference report on H.R. 15149, the foreign aid bill. However, I would like the Record to show that had I been present, I would have cast a "nay" vote, because the legislation is no more palatable to me today than it was the day it was approved by this body—an occasion when I also voted "nay." At that time I pointed out, and the objection bears repeating again, that our foreign aid program has become absolutely excessive and unreasonable. When foreign aid was first instituted on a large scale as the Marshall plan back in 1946, it served a valuable purpose in restoring the economic health of Western Europe after the devastation of World War II. But now it is largely a dreadful farce that nets us nothing but trouble, resentment, and uncollectable debts.

My objection also is based on the sad economic picture I see here at home. Federal taxes are at their highest level ever; State and local taxes are continually rising, and yet most of our own people are hard pressed to borrow money at even 10 percent to buy a decent home, at the same time that we are lending money to foreign nations at 2 and 3 percent so they can loan it back to us at 6-percent interest.

If the President is looking for ways to cut Federal spending and curbing inflation, then this bill—and not health and education funds—was the place to wield the scalpel. In approving a $2 billion-plus foreign aid bill and vetoing the money for the Nation's health and educational needs, the administration has demonstrated that its priorities are in sad disarray.

ROAD GANG'S ANNUAL MEETING

HON. GEORGE H. FALLON

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 27, 1970

Mr. FALLON. Mr. Speaker, on January 15, the distinguished chairman of the House Subcommittee on Roads, the Honorable John C. Kluczynski, made an outstanding address concerning the future of the highway program and the Highway Trust Fund at the annual meeting of the Road Gang.

Mr. Kluczynski has again demonstrated his complete grasp of the highway transportation problem. I am most gratified that our highway legislative program is under his able guidance.

In his address, Mr. Kluczynski makes an important statement with regard to broadening the purposes of the Highway Trust Fund and the tax base supporting it.

Mr. Kluczynski is forthright and steadfast in his position that trust fund moneys must not be diverted to nonhighway purposes.

I would hope that every Member will take time to read this important address:

Road Gang's Annual Meeting

You have been kind enough to invite me to talk at your meetings several times in the past, and for one reason or another, we have never been able to work it out until now. I must admit I have somewhat mixed feelings about appearing before you in this year's climate. It certainly would have been a lot simpler to have done it a few years ago, before the preservationists decided that highways have replaced money as the root of all evil, and before the social scientists decided that highway taxes are the bottomless pitcher from which can pour forth an endless stream of dollars to solve all of the Nation's manifold troubles. But I didn't make it back then, so now I guess I'll travel the rougher route.

The preservationists are wrong, of course. Neither automobiles nor highways are the root of all evil. And all the purple prose about which one generates more of the other is a slick way of avoiding the real source of problems. It's a lot harder to deal effectively with that. The problems arise, first, because we have so many more people than we thought we'd have, and second because most of the people of this country still believe they're supporting a form of government that guarantees them a high degree of individual freedom. I'm not qualified to comment on what you do about steadily increasing population, but I assure you I strongly support that maximum degree of individual freedom which is the basis upon which the country was founded and upon which I am convinced its continued existence depends.

One of the unique things about the people of the United States is that we still retain the right to live and work and go where we want to, in pretty much the manner we want to, within the limits of our income or our credit rating. And this, I think, is what the so-called experts who have so harshly attacked the highway program in recent years have either forgotten or are prepared to abandon. I'm willing to forgive if it's a case of having forgotten, but on the other alternative I don't see any choice but to stand up and fight.

And that, my friends, is the meat of what I have to say to you today. I expect to cover a few other related subjects, but the one point I would like to make loud and clear is that the difference between 1956 and 1970 is a lot more than just 14 years. We've had the Highway Trust Fund for these 14 years, and I'm afraid a lot of people have come to take it for granted. I've probably contributed my share to that error, because I am rather well known for my assertion that nobody is going to raid it. We've been building the roads that the people of this country needed and wanted, and still need and still want, and we've tended to shrug off that highly vocal minority who are shouting "no more".

Well, we can't do that any longer. Everybody who has any genuine interest in the transportation system of this country, in industry and in government at every level, is going to have to accept responsibility for speaking up, because you, and we, are in fact the spokesmen for the vast majority of Americans who value their freedom of mobility and expect to keep it. Without enough highways, and good highways, they aren't going to keep it. So it's up to us, individually and collectively, to get off the defensive and start stating the facts—that the American people prefer to travel by automobile and need highways on which to do it.

What's more, we need to put some glamour, if you will, into the economic facts of life of this country. The commerce and prosperity of this Nation are absolutely dependent upon transportation, and the largest share of that transportation is on wheels. The opponents keep writing pretty stories about how other countries don't have to spend their money on miles and miles of highway, and don't have bumper-to-bumper traffic jams, and don't have to worry about air pollution from automobiles, and on and on and on. What they don't bother to tell their readers, and what we had better start getting across in some of this country's publications and on speaking platforms, is that in most of those countries you can get from border to border (assuming you're allowed to travel from border to border) in less time than it takes to cross a single State in this country. They also don't bother to point out that our standard of living makes it possible for a much greater percentage of our people to own and operate automobiles, and that a staggering degree of that standard of living derives from industrial and individual mobility.

Every State in this country is facing a substantial demand for more highway construction. The extent to which the States have been considering additional construction through toll financing is in itself a clear indication that, magnificent as the progress in the past 14 years has been, it isn't enough.

During the months ahead, we are going to have to start laying out the Federal aid highway program of the future. We are going to have to have the highway trust fund to finance it. There are a lot of serious proposals around to make the highway trust fund a transportation trust fund, with the money available for any form of transportation the current authorities think is desirable. I don't think that's the way for the Federal Government to operate. I think that when the Federal Government levies taxes, it ought to be prepared to tell the taxpayers what they're paying for.

And now I may surprise you. I think the trust fund should be expanded. I think we

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should recognize, first, that the taxes going into it now are inadequate for future highway requirements, and that those funds should be increased. I also think that specific funds should be added to the trust fund for the specific purpose of financing mass transportation, both highway based and rapid rail. I also believe that specific funds should be added to the trust fund to finance highway safety. I am prepared to propose that kind of a program, provided we clearly estimate what each program is going to require and assign a statutory percentage of trust fund moneys to each of these categories.

Let me make it clear that in proposing this kind of program, I would intend that new money be added to the trust fund to cover these new programs administered from it. The present taxes going into the trust fund, and hopefully additional ones, would still be committed to the highway program.

I don't believe mass rail transit is going to solve all the social ills of the Nation's cities, as so many of its advocates would have the public believe. But I do believe that in selected very large cities, it is an essential development, and I don't believe that any of the legislative proposals that have been seriously advanced up to now is going to do the job simply because it isn't going to be possible for cities to sell bonds or otherwise finance their share of a capital program of this kind without an absolute commitment from the Federal Government as to the Federal share. Nothing short of a guaranteed arrangement like the trust fund can do that.

A lot of dedicated and hard-working people have given a lot of time and thought to the mass transportation problem, and I don't hold myself out as the fountain of wisdom, but I think to a considerable extent the effort has been misdirected, primarily because so far it has been too broad-brush. In addition, little or no thought has been given to integrating rapid rail system with related bus transportation. No rapid rail system is going to succeed unless means are planned and provided so that the customers can get from the transit system stations to where they are going. There are areas in which highly generalized legislation, which leaves the lion's share of decisionmaking to regulation rather than to law, is not sound, and I believe this is one of them.

Most of you are already well aware of several of the problems we will be considering in the Congress this session—the highway authorization bill, the groundwork for the future highway program, including decisions as to matching ratios and on what kinds of roads we will put the most emphasis, so I'm not going to take up a lot of time talking about those points. I do hope we will have the benefit of your thinking when we get into the hearings. It does seem to me a lot more of you should be knocking at the door to be heard instead of waiting to be asked to come in.

It would be extremely helpful, for example, in considering where to place highway emphasis, to have your thoughts on how we can use highways to relieve the population pressure on existing cities, by creating new cities of more manageable size across the enormous unpopulated breadth of this land. That, it seems to me, is a genuine challenge to new horizons for transportation, and particularly for highway transportation.

I think a lot of highway people have not been taking seriously enough the need for broadening the horizons, and if I can get that message across I will consider this time well spent, because unless we are prepared to do that, we may very well find ourselves in a fight for survival, not just the survival of highways, but the survival, ultimately, of the right not to have the Government telling us when and how to go, and from there to what to do and when and how and where to do it.

CBW TREATY

HON. JOHN DELLENBACK

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 27, 1970

Mr. DELLENBACK. Mr. Speaker, the President has indicated his intention to submit for the consideration of the Senate the Geneva Protocol of 1925 which prohibits the first use of chemical and biological weapons. The 16 of us who, on November 3, presented to the House a study entitled CBW and National Security are heartened by the President's action.

The concern about CBW is not confined to the Congress, but has also been expressed by respected civic organizations. In October, the League of Women Voters of the United States began to prepare an article on CBW for its newsletter, The National Voter. This publication, released December 15, with a circulation of over 160,000, advocates ratification of the Geneva Protocol. I would like to bring the perspectives set forth by the League of Women Voters to the attention of my colleagues.

The article follows:

CHEMICAL AND BIOLOGICAL WEAPONS—PRESSURE INTENSIFIES TO BAN THEIR USE OR MANUFACTURE, AND TO ABOLISH ALL STOCKPILES

There is a chance that 1970 will be the year the US joins some 65 other countries that have ratified the 1925 Geneva Protocol, which prohibits the first use in war of chemical and biological weapons. Ironically, although the US proposed and signed the Protocol—and in 1966 co-sponsored a UN resolution calling for the strict observance of its principles and objectives—the Senate has never ratified it. The US is the only nuclear power—and except for Japan, the only major industrial nation—that has not.

Concern about CBW has grown in the US during the past two years as the extent of CBW research and development has become known. Because the C and B arsenal includes mass-destruction weapons of a particularly insidious nature, other countries throughout the world are deeply disturbed by present C and B practices. The issue is expected by some to dominate the disarmament talks in Geneva this year, and it has high priority in administration and congressional circles. Hearings in the House Subcommittee on National Security Policy began on Nov. 18.

SCIENTIFIC REPORTS SEEM UNREAL

There is an air of unreality about CBW—"an eerie, creepy feeling," as Sen. Gale McGee said during Senate Foreign Relations Committee hearings in April. To understand the distinctions between the two classes of weapons and the nature of CBW risks, it is necessary to overcome reactions of horror evoked by scientific reports.

By definition, chemical warfare uses toxic chemical agents—gas, liquid, or solid—to affect humans, animals, or plants. Chemical agents include nerve gases which are lethal, quick-acting, and hard to detect and may be dispensed in spray or liquid forms—a tiny drop of one type on the skin will cause death. This was the agent that killed 6000 sheep in Utah in 1968. There are also blister gases, such as the mustard gas of World War I, which generally incapacitate rather than kill; temporarily incapacitating agents which interfere with normal mental processes; and so-called riot-control agents. These include ordinary tear gas, "super tear gas" (causes nausea as well as irritation to eyes, nose, lungs and throat), and even stronger riot-control agents—all of which may be lethal under certain conditions. Chemical agents are considered to be tactical weapons, especially for nuclear powers, because of their instantaneous effect on victims.

Biological weapons differ in several ways from chemical weapons. They employ living organisms and their toxic products to kill, damage, or incapacitate through disease. B weapons weigh less than C weapons and may be delivered over a wider area. While much specific information about B weapons is classified, the general principles of how they operate are known. Effective means of controlling and treating large-scale disease spread by them is not known. B weapons are considered to be strategic weapons because of the delay between application and effect—that is, because there is an incubation period before disease appears.

C and B weapons are unpredictable, unreliable and difficult to control. This is particularly true of biological aerosol-type weapons because their effectiveness—and the ability to control them—is affected by poorly understood factors of resistance to infection as well as uncertainties of meteorological and atmospheric conditions. The fact that some bacteriological agents can be carried by travelers, migratory birds or animals over great distances adds to the uncertainties about their use.

CBW can't destroy a factory

Unlike other agents of mass-destruction, C and B weapons attack only living matter; their ultimate targets are people. They cannot be used to destroy a factory or a missile, but they can conceivably affect the balance of nature in an irreparable way. Their chief human victims are likely to be civilians, who would not be provided with protective devices given to military forces.

For these and other reasons the value of C and B weapons as a deterrent—one of the arguments advanced in their favor—has been questioned. Since they would leave a nuclear retaliatory capability intact, they would be highly inappropriate, if not useless, as a major strategic threat among nuclear powers, for whom they would be an added expense and hazard. For non-nuclear nations, however, they have some appeal as strategic weapons despite the fact that C and B proliferation would inevitably reduce general security for all.

One argument that has been advanced by some who favor the use of C and B weapons is that they will make war more humane. This is a matter that has been debated by technical experts. Dr. Matthew Meselson, Harvard professor of biology and consultant to the US Arms Control and Disarmament Agency, refuted this claim in his testimony before the Senate Foreign Relations Committee last April. He contended instead that they risk making war more savage.

In the first place, he said, it is naive to think that only non-lethal agents would be used. Moreover, he asserted, non-lethal chemical weapons would be used to enhance the lethal capabilities of other weapons—a charge that has been made concerning the use of tear gas in the Vietnam war as well as in World War I. Above all, he is convinced that the use of non-lethal weapons would set the stage for—and probably trigger—the use in war of more deadly chemical and biological weapons, and therefore urged that all such agents be banned.

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EXPERTS REPORT TO UN

A similar conclusion was reached by the international group of experts which—with US participation—prepared a report for UN Secretary-General U Thant in accordance with a General Assembly resolution of 1968. The UN report, issued in July 1969, called for "the earliest effective elimination of chemical and bacteriological (biological) weapons." Accordingly, when he issued the report the Secretary-General urged, 1) a renewal of the appeal to all states to accede to the 1925 Geneva Protocol; 2) an affirmation that *all* chemical and biological agents be prohibited; and 3) agreement by all countries to halt the development, production and stockpiling of all chemical and biological agents for purposes of war, and to eliminate them from the arsenal of weapons.

US policy on chemical and biological weapons was somewhat ambiguous in the 1950's and 1960's, and the use of chemical agents in Vietnam has increased the inconsistencies. In June, 1969, President Nixon appointed a special study group to undertake the most comprehensive review that has ever been made of this country's CBW policies. The urgency of the need for review was highlighted by congressional and other public inquiries following several accidents and alarms related to C and B research, development and training.

PRESIDENT NIXON'S STATEMENT

On the basis of the study group's recommendations, the President said on November 25.

"As to our chemical warfare program, the United States: Reaffirms its oft-repeated renunciation of the first use of lethal chemical weapons; extends this renunciation to the first use of incapacitating chemicals. . . .

"The US shall [also] renounce the use of lethal biological agents and weapons, and all methods of biological warfare. The US will confine its biological research to defensive measures such as immunization and safety measures. The DOD [Department of Defense] has been asked to make recommendations as to the disposal of existing stocks of bacteriological weapons."

A massive effort to inform the public and promote discussion on CBW matters is required after the years of secrecy that have shrouded the subject. The reported change by Secretary of Defense Laird from a position defending the value of both C and B deterrents to one which favors eliminating the production of biological agents will carry weight. It may also open the way to orderly debate of comprehensive CBW controls.

It is important that the US be able to present its new CBW position when the question comes up for discussion again in the UN. The debate will be shaped by earlier treaties, resolutions and working papers dating back to the Hague Gas Declaration of 1899 and including, of course, the 1925 Protocol and the Secretary-General's 1969 report.

Several new proposals have recently been offered. They are working papers only, representing negotiating positions which will probably be modified in the treaty-making process. Among the more recent international proposals is a British draft treaty aimed at "reinforcing" the 1925 Geneva Protocol by prohibiting biological methods of warfare and the production for hostile use of biological agents.

There is a Swedish proposal to declare that CBW is contrary to international law, and Canada has recommended further study of the subject as well as commendation for previous UN stands. The USSR has proposed a ban on development, production, and stockpiling of C and B weapons, but—like the British—the Soviets leave unsolved the problem of inspection. The British draft treaty has raised other objections based on the fear that by separating the B-war and C-war issues it may strengthen the potential use of C weapons. The Canadian resolution does little substantially to advance CBW control and the Swedish proposal introduces legal complexities about the force of customary law.

INTERNATIONAL CONTROL IS THE GOAL

Ratification of the Geneva Protocol is felt by legal and scientific experts to be the minimum and necessary first step for the US in moving toward international control of CBW. Then it can join other nations in considering the merits and weaknesses of other proposals, and in studying whatever technical and legal problems must be overcome.

William Foster, former director of the Arms Control and Disarmament Agency, has urged US ratification as "the next logical step for us to take," and calls as well for full US support of the British proposal. This, he says, "would enable us to divest ourselves of a useless and pernicious liability." These are essential steps, in his view, to limiting the deadlines of the arsenals of the world.

VETERANS' ADMINSTRATION MEDICAL CARE FACING CRISIS

HON. OLIN E. TEAGUE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 27, 1970

Mr. TEAGUE of Texas. Mr. Speaker, one of the most important matters which must receive priority attention during this session of Congress is the growing crisis facing our Veterans' Administration hospitals. Present funding and staffing policies, if allowed to stand, will wreck the VA hospital program.

Mr. Speaker, the Veterans' Affairs Committee is making an indepth study of these problems and the committee will soon begin hearings to determine if our Nation's veterans are, in fact, receiving prompt and proper medical care.

On Christmas Day 1969, there appeared in the Washington Post an article by Stuart Auerbach which pinpointed some of the problem areas in the VA hospital program. I believe this will be of interest to Members who are receiving complaints regarding VA hospitals in their areas. The article follows:

GI MEDICAL CARE COMPLAINTS RISE UNDER BUDGET SQUEEZE

(By Stuart Auerbach)

A doctor who specializes in the care of paraplegics says the Veterans Administration treated patients paralyzed by spinal cord injuries better in 1946 than it does now.

In Miami, young doctors at the VA hospital charge that veterans suffer a "tragic lack of care" there because the hospital is "grossly understaffed."

Psychiatric services at many VA hospitals, once considered very good, "have been falling steadily behind what is available elsewhere in the community," says Dr. Louis Jolyon West, chairman of the department of psychiatry at the University of California at Los Angeles and a VA consultant.

The statements reflect a growing concern in Congress, veterans' organizations and among doctors that the nation's 166 VA hospitals are so underfinanced that the quality of medical care will begin slipping very shortly—if the slide has not already started.

DOOM FORESEEN

"I don't think we could last over a year" as a top-quality hospital without more money for staff and innovative new medical programs, says Dr. Arthur J. Klippen, director of the VA Hospital in Minenapolis, one of the best in the country.

A long-time doctor at his hospital, Dr. Lesley Zieve, says "we'll be doomed" if the budget squeeze continues next year.

"There is real danger that the Administration and Congress are about to see veterans' hospitals revert to the mediocre status of the 1920s and the 1930s, when tired physicians and political job holders provided the care for the defenders of our country," warns Dr. Stewart Wolf, a professor of medicine at the University of Oklahoma.

While admitting the VA hospitals could use more money, Donald E. Johnson, the Nixon appointee who heads the VA, insists that veterans still receive top quality care—"care second to none."

"They receive good care, compassionate care and good service. The doctors and nurses they have are top flight. We can handle the mission," says Johnson.

Rep. Olin E. Teague (D-Tex.), chairman of the House Veterans Affairs Commitee, disagrees. He accuses the Nixon Administration of reducing the medical care in VA hospitals "to a second class status." He asked for a meeting with President Nixon to discuss the VA hospitals.

Interviews and congressional testimony indicate that there is little wrong with the VA hospitals that more money wouldn't cure. The budget for VA hospitals is currently $1.9 billion.

Dr. Ernest H. J. Bors, who is about to retire as head of the spinal cord injury center at the VA Hospital in Long Beach, Calif., blames lack of people for the deterioration over the past 20 years in the care of paraplegics.

MATTER OF BUDGET

"We don't have the hands to do the job," he says. "It boils down to a matter of the budget."

He calls the 1940s—after World War II—"the honeymoon time" because there were enough trained people to give patients physical therapy two or three times a day if needed. There were enough nurses to spend hours at the bedside providing tender loving care—"a sweetheart or mother image at the bedside."

Now, he says, patients get physical therapy once a day and nurses are too swamped to spend much time talking to patients. He estimates his center needs twice as many therapists and nurses "to get back to the good old days."

Dr. Douglas J. Stewart, a second year resident at Miami's VA hospital, says staff shortages there mean that patients with bleeding ulcers wait hours to get needed blood transfusions.

"It's a risk," he says. "You are walking a thin line."

He also says that expensive sophisticated lifesaving equipment bought for the year-old, $22 million hospital is unused because there are not enough trained staff members available. Only 688 of the 1,020 beds in the hospital are currently open for use.

But Miami isn't in any worse shape than other VA hospitals scattered around the country. It has about 1.56 staff members for each patient—right about at the National average for VA hospitals.

This compares to the average of 2.72 employes for each patient in the Nation's community hospitals and three employes per patient in university and teaching hospitals.

Rep. Teague wants to increase the staff

patient ratio to two-to-one. This means adding 28,000 more employes at an annual cost of $240 million.

"If we had a 2-to-1 ratio, I think we could compete in the quality of medical care with any hospital in the area, even though they have three or four employes for every patient," says Dr. R. M. Kaplan, chief of staff at the VA Hospital in Washington.

The VA hospitals have been hit by a triple financial crunch. The yearly increases in their budgets haven't kept up with either the Nation's inflationary trend or the rising cost of medical care—which leads the cost-of-living index.

COSTS SURGE

With 80 per cent of the budget going for salaries, the increases have barely matched four raises that Congress has voted for federal workers, says Oliver E. Meadows, the staff director of the House Veterans Affairs Committee.

And, with the cost of medical care in the private sector rising so high, more and more veterans are forced to go to VA hospitals because they can't afford to get treatment on the outside.

Added to all that, the Nixon Administration trimmed the budget for hospitals by $70 million this year as part of its fight against inflation.

Congress, however, returned half of that to the VA and indications are that the Bureau of the Budget will allow that money to be spent. VA officials are counting on that money to open $20 million in unused facilities in hospitals across the country.

Surprisingly, the Vietnam war with its 132,000 hospitalized casualties has had little effect on the VA hospitals.

About 5 per cent of the VA's 800,000 patients last year were Vietnam veterans. The number is growing, though; this year the VA expects to treat more than 60,000 Vietnam veterans.

Many of the Vietnam wounded never get to VA hospitals. They are treated and discharged directly from military hospitals. When casualties are high, however, the military moves patients out to the VA in order to open beds for newly wounded servicemen.

The Vietnam veterans are causing a special problem for the VA. They are young, impatient and demand speedy treatment. Capt. Max Cleland, a Silver Star winner who lost his right arm and both legs in Vietnam, complained that it took him twice as long as it should have to get artificial limbs.

Dr. Bors notes that paraplegics from Vietnam are rehabilitated in about half the time of his other patients.

This is important because as Sen. Alan Cranston (D-Calif.) points out Vietnam is the most crippling war America has fought.

Testimony before Cranston's Senate veterans affairs subcommittee shows that servicemen are being crippled in Vietnam at twice the rate of the Korean War and three times the rate of World War II.

Started after World War I to care for the war wounds of veterans, the VA hospitals' mission has gradually been increased until today only one-third of their patients suffer from service connected ailments.

MORE TRAINING URGED

Any veteran can be admitted to a VA hospital if he cannot afford medical care elsewhere—with the highest priority going to service connected cases.

The VA hospitals also play a large part in medical research and training. More than 90 of the hospitals are affiliated with medical schools and half the doctors in the country received some part of their training in VA hospitals.

Teague feels that the training element of the VA should be expanded—especially in the field of paramedical personnel who could help ease the nationwide shortage of doctors and nurses.

Drs. Philip Lee and Roger O. Egeberg, the past and present assistant secretaries of Health, Education and Welfare for health and scientific affairs agree. They both told Cranston's committee that the training potential of the VA should be increased.

All this, the experts say, requires money.

Johnson, the VA administrator, says that it appears as if the veterans' hospitals will receive a hefty increase in the 1971 budget, currently in preparation.

"If the funds are low, the quality of medical care goes down," says Dr. Kaplan of Washington's VA Hospital. "That affects recruitment. It's a vicious cycle."

CONGRESSMAN OTIS G. PIKE REPORTS TO HIS CONSTITUENTS ON FIRST SESSION, 91st CONGRESS

HON. OTIS G. PIKE

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 27, 1970

Mr. PIKE. Mr. Speaker, because of the lateness of the adjournment of the first session of the 91st Congress I did not attempt to file my ninth annual report to my constituents of the First Congressional District of the State of New York at that time. With Christmas and New Year's preparations and celebration they had far better things to do than read about the activities of the first session of the 91st Congress.

The most prestigious and objective analyst of congressional affairs, the Congressional Quarterly, described it thus:

> The First Session of the 91st Congress, the sixth longest in history, adjourned with the lowest legislative output in 36 years.

To put it more tersely, it was one of the biggest but not one of the best.

The Congress convened on January 3, 1969, and adjourned on December 23, 1969. The Senate was in session 176 days, the House 186 days, the Senate for 927 hours, the House for 747 hours, which demonstrates, if nothing else, that 100 Senators can talk longer than 435 Representatives can. The Congressional Record for the year contained 30,927 pages of proceedings and 11,295 pages of extensions of remarks, which boil down to 190 new public laws, most of them minor, and 75 private bills enacted into law, all of them minor.

It is not particularly constructive to seek to find scapegoats for either the unnecessarily long session or the inexcusably low output. The Republican President will with some justification blame it on the Democratic Congress, and the Democratic Congress will with some justification blame it on the Republican President. There were, in fact, many requests from the President for legislation, which requests were delayed far beyond any reasonable submission date if it were really intended that Congress enact them last year. There were, on the other hand, other vital things which Congress could have been doing during the wasted time and did not. With this rather dour preamble, let us look at what the state of the Nation was, what Congress was asked to do to improve the state of the Nation, and what it actually did.

For the first time in several years another issue equaled the war in Vietnam as perhaps the major issue in the Nation, and that issue was our economy and inflation. To a certain extent it was itself a part of the war in Vietnam as the expenses of that war—usually estimated at approximately $30 billion a year—had made it very difficult for either the executive branch or the Congress to cut Government spending as an anti-inflation device, or to divert additional sums to other pressing domestic problems.

Nevertheless, the Congress and the President did try. On January 15, 1969, the outgoing Johnson administration submitted to the Congress a budget for fiscal 1970 calling for receipts of $198,686,000,000 and outlays of $195,272,000,000, with a projected surplus of $3,414,000,000. On April 15 the Nixon administration, which had taken office on January 20, submitted a revised budget showing the same receipts but a cut of over $2 billion in expenditures to $192,899,000,000 and a projected surplus of $5,787,090,000. It was on this budget that the Congress worked.

Much of the budget is not subject to congressional votes. Social security payments and the Federal highway system funds, for example, come out of trust funds on which Congress does not vote unless changes are required. Of the total budget set forth above Congress was asked by the President to vote on 14 bills appropriating a total of $135 billion, 190 million. From this amount the Congress cut $5 billion, 594 million. The House cut more than the Senate, almost $9 billion, the Senate less than $5 billion, and almost $6 billion was the final figure.

On the other hand, Congress took other actions outside of those appropriations bills which either increased spending or lowered revenues. The social security increases and increases in veterans' benefits did the former, the tax bill did the latter. Finally, by not passing certain new revenue proposals made by the President—such as another postal rate increase and complete extension of the surtax—the Congress reduced revenues by failing to act.

The net result of all the cutting, adding, acting, and not acting by Congress was to leave the total budget picture almost exactly where President Nixon had placed it on April 15. The largest increase voted by the Congress was in social security benefits, the largest decrease was in defense spending.

The general concern over the economy and over the whole problem of national priorities, that is, where we should concentrate both our cutting and our spending, produced many close votes and some interesting fights in an otherwise dull session. In June, by the narrow margin of 210 to 205, the first major revenue bill of the year repealed the investment tax credit, continued the tax surcharge at a reduced rate, and continued certain excise taxes. The next close issue came on an effort to limit agricultural price supports to $20,000 which lost on a procedural motion by a vote of 181 to 177 in October.

As the year drew to an end the close controversial votes on money bills became more frequent. On November 20, by a 6-vote margin, the House agreed to add $54.5 million dollars to the foreign aid bill for military assistance to the Republic of China, and by a 13-vote margin authorized $2.194 billion in both military and economic foreign aid. This narrow margin was reduced to only five votes—200 to 195—when the final appropriation was voted.

There were other close votes on controversial issues which had nothing to do with money, for example, changing the Voting Rights Act, which passed by a vote of 208 to 203, but most of the close votes came on spending issues.

The Congress and the Nation did see, in 1969, a real change in the direction our Nation was taking. For the first time in a decade we reduced our military spending somewhat and begin taking substantial steps toward cleaning up our polluted environment. Most of our time, however, was occupied with matters less than earthshaking. We had 177 record votes in the House, of which 31 passed with 10 Members or less voting nay, 11 passed unanimously.

The state of the Nation was quite accurately reflected in the state of our own district. With one great exception we are quite representative of all America. We have high density population areas which share to some degree the problems of our urban centers. We have farms which share the problems of American agriculture. We have problems with crime and drugs—but less than most areas—and we have problems with mass transit—more than most areas. When defense spending is cut and when the space program is slowed down our industry is hurt by it; when more money is spent for education and health our schools and hospitals are benefited by it.

The one respect in which we differ greatly from most of America is our tremendously rapid rate of growth. Our congressional district had a population of 393,585 in 1960. Its population today is approximately 700,000. This means many different things. It means that one of our largest industries is the housing construction industry and when that industry is hurt by lack of mortgage money and high interest rates—as it has been—we are hurt more than the rest of the country. It means we live with high school taxes, as we must continually pay, not only for the operation and maintenance of our schools, but for the construction of new ones. It means perhaps most of all, that we must wage a continual battle against the pollution of the air we must breathe and the water we drink and use for recreation and which are in critical danger of becoming unfit to breathe and drink and use. All of these major local concerns were affected to some degree by legislation in the Congress.

The Congressman's job is by no means limited to legislation. The workload of ordinary problems affecting ordinary people in all sorts of relations with the Federal Government has increased as the population of the district has increased. An outstanding staff of six full-time secretaries in Washington and Riverhead plus three part-time assistants in Islip, Mr. Aaron Donner; Smithtown, Mr. Joseph Quinn; and Brookhaven, Mr. Robert Waldbauer, has handled approximately 200 letters, postcards, phone calls, telegrams, and visits a day. The problems range from grave ones like obtaining information on a son wounded in Vietnam through serious ones like a missing social security check for an elderly couple to incredible ones like being asked to find a parking place for a student attending college in Queens. Sometimes we can help, sometimes we cannot, but if it has to do with the Federal Government—we try.

The Congressman was as active as ever in his work in committee and more active in debate on the floor. Our Committee on Armed Services was deeply involved with overall questions involving defense strategy and defense spending, the draft, and many other issues concerning all Americans. Both in committee and in debate on the floor the Congressman worked to trim what he considered to be unjustified and wasteful amounts from the military procurement and military construction bills, and to reform the draft. At the same time he has spoken and voted for military programs which were necessary. His appointment as chairman of a subcommittee which investigated the loss of the *Pueblo* and the EC–121 aircraft to North Korea resulted in hearings which lasted 22 sessions, occupied 541 pages of hearings, and provided a scathing 77-page report which absolutely no one has called a whitewash.

On a more personal level, he continued to work hard and enjoy his work. Of the 177 record votes taken in the House last year, he missed only three—the best record of New York's 41 Congressmen. This requires not only interest in the job, but also health, with which he was blessed.

No one will agree with all of the positions he took, but he hopes the majority will agree with most of them. In any event, for the RECORD and for either brickbats or bouquets, praises or criticisms, here are the most important ones—he would be happy to hear your views on this record:

1969	Issue	Pike vote
Jan. 3	Election of Speaker (McCormack 241; Ford 187)	McCormack
	Seat Adam Clayton Powell, fine him $25,000, and strip him of seniority (yea 254; nay 158)	Yea
Mar. 12	Increase U.S. participation in International Development Association (yea 247; nay 150)	Yea
19	Increase permanent debt ceiling (yea 313; nay 93)	Yea
Apr. 1	Provide $400,000 for House Internal Security Committee (yea 305; nay 51)	Yea
16	Authorize $348,000,000 for water pollution control and quality research grants (yea 392; nay 1)	Yea
23	Extend Elementary and Secondary Education Act programs through fiscal year 1972 (yea 400; nay 17)	Yea
May 6	Expand and make permanent special milk program for children (yea 384; nay 2)	Yea
21	Prohibit use of fiscal year 1969 funds for construction loan subsidies to colleges which had failed to cut off Federal aid to student rioters (yea 329; nay 61)	Yea
	Provide $3,800,000,000 in supplementary appropriations for fiscal year 1969 and limit Federal spending in fiscal year 1970 to $192,900,000,000 (yea 348; nay 40)	Yea
27	Appropriate $6,800,000,000 for Department of Agriculture (yea 322; nay 50)	Nay
June 2	Provide improved benefits for veterans and their widows (yea 302; nay 3)	Yea
4	Authorize $937,000,000 in grants for hospital construction over a 3-year period (yea 351; nay 0)	Yea
11	Prohibit camping, sit-ins, etc., on public property in District of Columbia (yea 327; nay 51)	Yea
18	Recommit (kill) bill which prohibited for 6 more years restrictions on cigarette advertising (yea 138; nay 252)	Yea
24	Appropriate $14,909,809,000 for independent offices and Department of Housing and Urban Development (yea 388; nay 6)	Yea
25	Provide additional clerk for House Members (yea 204; nay 195)	Nay
	Establish uniform standards on power of States to tax small out-of-State firms doing business within their boundaries (yea 311; nay 87)	Yea
27	Repeal freeze on aid to families with dependent children (yea 269; nay 65)	Yea
30	Continue income tax surcharge and excise taxes on automobiles and communication services for temporary periods, terminate investment credit, and provide low-income allowance for individuals (yea 210; nay 205).	Yea
July 9	Appropriate $4,352,357,644 in fiscal year 1969 supplementary appropriations and impose limit of $191,900,000,000 on Federal expenditures for fiscal year 1970 (yea 348; nay 49).	Yea
15	Authorize $250,000,000 for Appalachian Regional Commission and $225,000,000 for 5 other regional commissions (yea 273; nay 103)	Nay
17	Permit States to tax national banks at same rate levied against State banks (yea 343; nay 4)	Yea
21	Provide additional $100,000,000 for meals for needy schoolchildren (yea 352; nay 5)	Yea
23	Improve financing of Civil Service Retirement and Disability Fund (yea 358; nay 48)	Yea
24	Appropriate $2,300,000,000 for Departments of State, Justice, and Commerce, the Judiciary, and 13 related agencies (yea 366; nay 31)	Yea
31	Add $894,547,000 to Office of Education programs (yea 294; nay 119)	Yea
	Appropriate $17,600,000,000 for Departments of Labor and Health, Education, and Welfare (yea 393; nay 16)	Yea
Aug. 4	Extend 10-percent surtax through Dec. 31 (yea 237; nay 170)	Yea
	Authorize funds for President's Council on Youth Opportunity (yea 396; nay 7)	Yea
	Establish National Center on Educational Media and Materials for the Handicapped (yea 365; nay 22)	Yea
5	Recommit (kill) military construction authorization with instructions to strike section on preventing picketing at Pentagon (yea 87; nay 323)	Yea
	Authorize $1,500,000,000 for military construction (yea 376; nay 30)	Nay
7	Approve Tax Reform Act of 1969 (yea 394; nay 30)	Yea
12	Authorize 15 members of House Post Office and Civil Service Committee to travel abroad (yea 196; nay 132)	Nay
Sept. 3	Authorize funds for 3 years for motor vehicle and tire safety programs (yea 322; nay 0)	Yea
4	Amend Federal Hazardous Substances Act to protect children from toys and other articles hazardous to their safety (yea 327; nay 0)	Yea
	Amend Clean Air Act to extend fuel and vehicle research program (yea 322; nay 0)	Yea
8	Recommit (kill) Peace Corps Act with instructions to reduce funding by $11,100,000 (yea 144; nay 186)	Nay
	Extend Peace Corps Act (yea 282; nay 52)	Yea
15	Amend Higher Education Act of 1965 to provide emergency student loan guarantees (yea 322; nay 60)	Yea

XUM

1969	Issue	Pike vote
Sept. 18	Recommit (kill) Electoral Reform bill with instructions to incorporate district plan whereby electors would be chosen in same manner as Representatives and Senators (yea 162; nay 246)	Yea
	Amend Constitution by abolishing electoral college and electing President and Vice President by direct popular election (yea 338; nay 70)	Yea
19	Appropriate $284,871,057 for legislative branch activities (yea 178; nay 94)	Nay
23	Establish 5-member Council on Environmental Quality (yea 372; nay 15)	Yea
29	Extend for 2 additional years authority of Veterans' Administration to set interest rate necessary to meet the mortgage market for guaranteed and insured home loans to veterans (yea 340; nay 21)	Yea
	Amend National Labor Relations Act of 1947 to permit employer contributions to trust funds for scholarships and child-care centers for dependents of employees (yea 341; nay 1)	Yea
30	Amend Railroad Retirement Act of 1937 and Railroad Tax Act to provide mandatory retirement by Jan. 1, 1976, of all railroad employees at age 65; and extend certain retirement benefits for railroad employees (yea 372; nay 17).	Yea
Oct. 1	Limit debate on Defense Procurement Authorization to 4 hours (yea 324; nay 61)	Nay
	Authorize $21,300,000,000 for defense procurement (yea 311; nay 44)	Nay
6	Accept recommendations Joint Commission on Coinage to mint nonsilver Eisenhower dollar coins, eliminate silver content from Kennedy half-dollars, and sell $2,900,000 in rare silver dollars remaining in Treasury (yea 206; nay 148).	Nay
	Approve educational aid to programs for gifted and talented children (yea 353; nay 0)	Yea
	Approve educational assistance for programs for children with learning difficulties (yea 352; nay 0)	Yea
8	Appropriate $4,500,000,000 for Public Works-Atomic Energy Commission (yea 396; nay 3)	Yea
9	Table motion to instruct House conferees on the Department of Agriculture appropriations bill to insist on a $20,000 ceiling on individual farm subsidy payments (yea 181; nay 177)	Nay
	Authorize $15,000,000 annually in fiscal year 1971 through 1973 for construction of noncommercial radio and television stations and $20,000,000 for Corporation for Public Broadcasting (yea 279; nay 21).	Yea
14	Establish procedure for annual Federal salary comparability review (yea 310; nay 52)	Yea
	Support motion to adjourn, thereby terminating evening floor debate on Vietnam moratorium (yea 99; nay 210)	Nay
16	Adopt emergency student loan conference report to raise effective interest ceiling on guaranteed student loans to 10 percent (yea 326; nay 10)	Yea
	Extend Export Control Act (yea 272; nay 7)	Yea
23	Extend housing and urban programs for 1 year through fiscal year 1971 and authorize $4,900,000,000 for Housing and Urban Development (yea 399; nay 9)	Yea
30	Amend Selective Service Act to give President authority to institute a lottery system of selecting persons for induction into Armed Forces (yea 383; nay 12)	Yea
	Authorize Secretary of Health, Education, and Welfare to provide education programs on drug use (yea 294; nay 0)	Yea
Nov. 5	Amend Bank Holding Company Act to require 1-bank holding companies to sell either their banks or their nonrelated businesses (yea 352; nay 24)	Yea
6	Provide Federal assistance for airports and airways of $2,500,000,000 a year for each for 10 years (yea 337; nay 6)	Yea
12	Establish potato research and promotion program upon approval of two-thirds of the producers (yea 171; nay 198)	Nay
13	Appropriate $1,450,559,000 for military construction (yea 343; nay 32)	Yea
	Extend and improve Federal-State unemployment compensation system to cover an additional 4,500,000 workers and provide a system of compensation for periods of extended high unemployment (yea 337; nay 8)	Yea
17	Authorize $300,000 for National Council on Indian Opportunity (yea 317; nay 31)	Yea
18	Appropriate $2,095,019,630 for Department of Transportation and related agencies (yea 362; nay 25)	Yea
19	Accept conference report on agricultural appropriations of $7,488,903,150 (yea 214; nay 172)	Nay
	Extend Interest Equalization Tax and repeal registration requirement of 1968 Gun Control Act on sales of shotgun and rifle ammunition (yea 334; nay 47)	Yea
20	Add $54,500,000 for military assistance to Republic of China to foreign aid (yea 175; nay 169)	Nay
	Authorize $2,194,000,000 in foreign aid (yea 176; nay 163)	Yea
Nov. 24	Authorize $1,100,000,000 for District of Columbia rapid transit system (yea 286; nay 23)	Yea
Dec. 1	Adopt resolution supporting the President's efforts to bring a just peace to Vietnam (yea 334; nay 55)	Yea
	Amend resolution to request the President to continue to press the Government of North Vietnam to abide by the Geneva Convention of 1949 in treatment of prisoners of war (yea 392; nay 0).	Yea
8	Appropriate $69,960,048,000 for Department of Defense (yea 330; nay 33)	Yea
9	Appropriate $1,194,000,000 for foreign economic assistance, $454,500,000 for military assistance; $95,000,000 for Peace Corps; $480,000,000 for International Development Banks, $275,000,000 for Foreign Military Credit Sales (yea 200; nay 195).	Yea
10	Replace existing Export Control Act with new legislation (yea 157; nay 238)	Yea
11	Amend Voting Rights Act by replacing it with new version (yea 208; nay 203)	Nay
	Adopt new version Voting Rights Act (yea 234; nay 179)	Nay
12	Recommit (kill) Office of Economic Opportunity authorization with instructions to report a substitute bill making program in effect State-controlled (yea 163; nay 231)	Nay
15	Increase social security benefit payments by 15 percent (yea 399; nay 0)	Yea
	Consent to Connecticut-New York railroad passenger transportation compact (yea 352; nay 49)	Nay
	Adopt resolution calling for humane treatment and release of American prisoners of war held by North Vietnam and the National Liberation Front (yea 405; nay 0)	Yea
16	Establish Cabinet Committee on Opportunities for Spanish-speaking people (yea 315; nay 81)	Yea
17	Adopt mortgage credit bill to lower interest rates and to fight inflation, to help housing, small business and employment (yea 260; nay 136)	Yea
	Authorize Education and Labor Committee to travel abroad to conduct certain studies and investigations (yea 224; nay 153)	Nay

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COLONEL CESSFORD ON VETERANS DAY

HON. PHILIP J. PHILBIN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 27, 1970

Mr. PHILBIN. Mr. Speaker, under unanimous consent to revise and extend my remarks in the RECORD, I include therein a very interesting speech that was delivered on Veterans Day, November 11, 1969, by a distinguished friend and constituent, Lt. Col. William E. Cessford, USAFR, Liaison Officer Candidate Advisory Service, U.S. Air Force Academy.

Colonel Cessford's remarks are very timely, well presented, and forceful and I believe they will be read appreciatively by many of the large number of people who regularly read the RECORD.

The speech follows:

VETERANS DAY

Veterans Day is a day for all Americans.

It is a day to pause—to acknowledge the respect and admiration we have for our veterans. It is a day to honor those veterans who died in struggle. It is a day to respect those who survive.

In a proclamation urging all Americans to join in commemorating today as Veterans Day, President Richard Nixon reminds us that "From Valley Forge to Vietnam, American servicemen have responded to their nation's call to duty.

"That call has often led to loneliness, hardship, danger—and, for some, death. In response to that call, American servicemen have acted with unsurpassed valor and devotion and have demonstrated to enemies of freedom all over the world that free men and women will defend the principles of a free society.

"After each war or conflict, these dedicated Americans who performed so valiantly as servicemen have returned to build a stronger country. . . . Their contribution to our nation, in war and peace, has been invaluable."

There are today some twenty-seven million living American veterans. We carry in our memory about ten million more now resting in peace, more than a million of whom had their lives cut short while in military service.

We assemble, then, to honor forty-one million Americans—men and women of the Army, Air Force, Navy and Marine Corps—living and dead—who have borne arms in defense of freedom.

Nearly five million Americans participated in World War One, "The War to End All Wars." Fighting ended at 11 a.m. on November 11, 1918, under an armistice signed between the Allies and Germany.

Two years later, France and England chose November 11, then known generally as Armistice Day, as the time for placing an unknown soldier of World War One in each Nation's highest place of honor. France chose the Arc de Triomphe. England selected Westminster Abbey. The next year, on November 11, 1921, an American soldier whose name was "known only to God" was buried at Arlington National Cemetery.

Until 1954 Armistice Day was the occasion for tribute only to the dead of World War One. On June 1, 1954, Congress changed Armistice Day to "Veterans Day." Since then it has been a time for honoring the service of all veterans of all wars.

Significantly, in 1958, two more unidentified American war dead were brought to Arlington Cemetery from overseas and interred beside the World War One soldier. One was killed in World War Two, the other in Korea. To honor the three, symbolic of all Americans who gave their lives, an Army honor guard keeps day and night vigil.

We profit immediately from our observation that the common quality which led our veterans to the battlefield and which unites them today is patriotism, for there are influences in our society today which tend to erode that fundamental value, or civic virtue. Our veterans were motivated by patriotism: by a love of their country and a consequent desire to fulfill their duty to it. We must remember that they rendered their service for that reason, and not to enjoy the rewards and praises which their countrymen would later bestow.

They represent a cross section of the nation, in that they are found in all walks of life. They are American servicemen who served honorably and well, but who cannot consider their duty done. Some are still in active service, some are members of our reserve components; many, while pursuing their civilian employments, are active in our many fine veterans organizations. All of these organizations demonstrate that our servicemen do not shed their patriotism with their uniform—that patriotism is nothing less than good citizenship. Such organizations give vigorous support to the task of keeping America strong. Their actions, in concert with the continuing support of other conscientious citizens across the nation, reflect the national will to maintain and defend our way of life.

In addition to his primary mission of being ready to fight, the American soldier of today is frequently required to be a teacher, a humanitarian, a linguist, and a diplomat. He must understand the people among whom he lives around the world and must study their problems—especially in underdeveloped nations. He is required to perform service in all sorts of civic action programs, from assistance in agriculture and public health to riot control and flood relief. He must provide the people of those nations with an intelligent understanding of our way of life and of the reasons for our presence among them. He must be a worthy representative of our nation. And he is.

General Westmoreland says of the soldier:

"I can confidently predict that from his ranks in the years ahead will come the confident, alert, intelligent citizens and leaders who will make this nation's future greater than its past. I say this, first of all, because I sincerely believe he will be much more willing and able to assume his role in his community than when he left."

No soldier in history has ever been given a more comprehensive and exacting mission than has the American soldier of today. By his resourcefulness, versatility, and courage, he continues to reflect the heritage of 194 years of service—a heritage that grows brighter each year. The men and women who are carrying the responsibility of military service today draw inspiration from the record of all Americans who have served our country before them—a record to which the veterans here today, and those who have died on a hundred battlefields, have made such a distinguished contribution.

It is therefore proper that we honor the veterans who have done so much to preserve our nation and to uphold her ideals. In doing so, we rightly express our appreciation for the great achievements of the past; but, moreover, we rededicate ourselves and renew our strength to meet successfully the responsibilities and dangers which lie before us.

We make this Veterans Day, then, a commemoration of the past, and acknowledgement of the present, and a pledge for the future, as we work together for world peace.

JAYCEES CONTRIBUTE MUCH TO NATION

HON. LAWRENCE G. WILLIAMS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 27, 1970

Mr. WILLIAMS. Mr. Speaker, U.S. Jaycees are celebrating their 50th anniversary this week.

I hasten to pay tribute to this outstanding organization of true "young men of action" and to their great ideals and dedication thereto.

Not only do these young men of high character and determined activity give much of themselves to the betterment of their community and their country but, by their personal example, they inspire other young men to do the same.

I recognize that some of my distinguished colleagues and members of their staffs have moved to their positions of public service via service with the Jaycees.

To Jaycees everywhere, "Happy 50th anniversary, and many happy returns for many more half centuries to come."

HEW APPROPRIATION BILL

HON. BOB ECKHARDT

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 27, 1970

Mr. ECKHARDT. Mr. Speaker, the administration has offered several rationalizations for a vote to sustain the President's veto of the HEW appropriations bill. They are all specious. I would like to set out for the record the administration's rationalizations and respond to each of them:

ISSUE: INFLATION

ADMINISTRATION POSITION

"The bill would increase inflationary pressures by adding almost $1.3 billion to the HEW budget proposed by President Nixon."

REBUTTAL

Although the bill would add some $1.3 billion to the Health and Education budgets proposed by the President, that increase should not be taken in a vacuum. The whole truth is that Congress, overall, has reduced the Administration's budget for 1970 by $5.6 billion. In other words, Congress has taken the initiative and gone *beyond* the Administration's requests for fiscal restraint. In cutting the Administration's budget, however, the Congress has exercised its own sense of priorities, excising some defense and foreign aid fat and stressing health and education.

As indicated in the Life-Harris poll, education spending by the Federal government enjoys the highest priority of any Federal investment. This means that if the President is successful in having his veto sustained, state and localities will, to the extent permitted by law, tax themselves to take up the slack. The suggestion, then, that this veto will help the fight against inflation is spurious: money is going to be provided for education, and it is difficult to understand the President's implicit logic that state and local dollars are less inflationary than Federal dollars.

The Administration's major argument to support a veto of the Labor-HEW appropriations bill, H.R. 13111, is that the $1.3 billion which the bill would provide for health and education in excess of the President's budget requests would be inflationary.

In this context the remarks of Dr. Herbert Stein, a member of President Nixon's Council of Economic Advisors, are most appropriate. On November 21, 1969, Dr. Stein spoke to the Tax Institute of America Symposium at the Princeton Inn, Princeton, New Jersey. He stated:

> I have the impression that many people now see a magical significance in a shift of a few billion dollars in the budget position, especially if the shift crosses the line between surplus and deficit. In a trillion dollar economy this is hard to understand, especially after our recent experience with the limited significance of the budget shift between a $25 billion deficit in fiscal 1968 and a $3 billion surplus in fiscal 1969. Preoccupation with small changes in the budget position leads to bad forecasts by the private economy and bad policy by the government.

Dr. Stein's observations have interesting ramifications:

1. It is extremely doubtful that a $1.3 billion difference in government expenditures can have any significant economic impact in an economy with a trillion dollar GNP and a $200 billion budget.

2. This "inflationary" $1.3 billion is approximately only one-tenth of one per cent of a trillion dollar GNP.

3. $1.3 billion is about one-half of one per cent of the $200 billion budget.

Inflation is a big and serious problem. But sacrificing educational opportunities is not the way to fight it. There are other ways and the President has steadfastly refused to exercise them:

1. Seven days after his inauguration, Nixon announced that his Administration would not intervene in pricing and wage determinations.

2. The President has refused to use moral suasion and the great powers of the Presidency (including purchasing policies, stockpiles, etc.), to stop price increases.

3. By passing P.L. 91–151, the Congress gave the President credit control authority to help stem inflation, slow interest rates and help homebuilders and small builders and small business. The President signed the bill but announced he will not use the authority granted him.

In sum, then, the President's justification for his attack on education in the name of inflation is fallacious.

Priorities

"Some in Congress . . . say that by making reductions in Defense and other appropriations, they have merely restructured budget priorities.

"This is simply not accurate. The facts are that all actions by the first session of the 91st Congress, when combined with the rapid rise in uncontrollable costs of government, have had the effect of increasing total Federal spending, not decreasing it."

One of the "uncontrollable" costs, cited by Presidential Counselor Bryce Harlow, is the $800 million increase on interest on the public debt. The $800 million increase is "a direct result of the high interest rate policy of the Administration."

Further, whether Congress had cut the $5.6 billion from the Administration budget or not, the "uncontrollable" is "uncontrollable" by definition. Thus, *absent* the Congressional budget cutting the Administration would have been in even *worse* shape than it now depicts itself as suffering. But, to make a token increase for health and education programs a scapegoat for inflation is to work a deception on the Congress and the public. The fault lies with the Administration, both for fiscal mismanagement and for poor judgment as to the needs of the American people.

Additional funding comes too late to use

"By the time action is finally taken on the bill, there will be only three or four months left in the fiscal year, which ends June 30. It will be too late to hire teachers for the present term or to affect teaching programs in effective and preferred ways."

This argument is specious in four respects:

1. Like the Federal government school districts have to prepare their budgets in advance and make plans thereon. One factor which schools need to include in their budgets is a reasonable anticipation of Federal funds. Based on good faith judgments, in reliance on past performance of the Federal government, these budgets commit local school districts to a level of expenditure prior to final Congressional action. As a result, commitments for expenditure of anticipated Federal funds have already been made; schools in many instances are operating in the red. Programs are underway.

2. Title I of the Elementary and Secondary Education Act, a $1.2 billion program as budgeted by the Administration (and $1.4 billion as budgeted by the Congress) accounts for some $200 million of the education increase. This program is permitted to

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expend funds for summer programs through August—two months beyond the end of the fiscal year.

3. Following the Administration argument leads to the unsupportable conclusion that no funds should be appropriated—even those requested by the Administration; to argue to the contrary would be to say that, for instance, schools can spend $1.2 billion for Title I ESEA, but cannot spend $1.4 billion, or that although as in years past, this year they have budgeted funds for purchase of library books and films, they cannot purchase them now.

4. For the last three years, appropriations have come nearly as late as this year's:

Fiscal year ending June 30, 1967, Bureau of the Budget released education funds to the Office of Education the last week in December 1966.

Fiscal year ending June 30, 1968, Bureau of the Budget released education funds to the Office of Education on January 16, 1968.

Fiscal year ending June 30, 1969, Bureau of the Budget released education funds to the Office of Education on October 30, 1968.

OVERRIDE THE VETO

HON. THADDEUS J. DULSKI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 27, 1970

Mr. **DULSKI**. Mr. Speaker, the House of Representatives is scheduled to consider Wednesday Nixon's veto of the Labor-HEW apporpriations bill for fiscal 1970.

I shall vote to override the veto.

I believe that the President has made a mistake in imposing this additional delay on the funding of these two major departments.

The President's action is political—not practical.

He implied in his veto message that he would have to spend all of the allocated funds by June 30. This, of course, is not true. Indeed, it is the President who has full authority and responsibility for the expenditure of funds appropriated by Congress, a function he exercises through his Bureau of the Budget.

What the President has done by this veto—in addition to a dramatic display of television penmanship—is to penalize two areas of our economy which can least afford penalties. These are the areas of healthcare and education.

I do not for a minute contend that the finalized Labor-HEW money bill is perfect. Rarely is any compromise measure perfect. But it was good enough to justify presidential signature so the two departments could get about their business in an orderly fashion.

My feeling and conviction is that the President's reasoning to justify a veto was pretty weak and impractical.

I hope sincerely that the Congress will vote to override his veto.

Mr. Speaker, I include with my remarks an editorial from the Buffalo, N.Y., Courier-Express of January 25:

HEW BUDGET IS POLITICAL FOOTBALL

By its approval of the $19.7-billion appropriation for the Department of Health, Education and Welfare, the U.S. Senate threw down the gauntlet to President Nixon who had threatened, before the 91st Congress recessed, to veto the measure if passed. That threat was recently repeated by the president on the grounds that the bill was inflationary.

It's probably true that the HEW projects which the money would finance contain inflationary factors but those factors are present in most segments of the economy and have been for months. It's also true that the administration's anticipated $1.8-billion increment in spending for the anti-ballistic missile project could add to the inflationary spiral, too. One might ask why Mr. Nixon made no mention of vetoing that item.

Reportedly, his specific objection to the HEW bill is that it contains $1-billion more for education purposes than he requested. And that brings up the issue of national priorities again. Sen. Mike Mansfield, Democratic leader in the Senate, made the point well when he said that Senate Democrats were going to insist that the Republican administration strike a better balance among urgent needs at home and the unending demands made in the name of military security.

If the president were to veto the bill, it could place him in a most untenable situation for it is generally admitted that health research and education programs are in serious straits. But it is also unfortunate that the HEW bill has become a political football, that it is being used as a vehicle for campaign politics in a congressional election year.

Although the Senate vote—74-17, indicates that a veto could be overridden in that body, the House, which gets first crack at a possible conference committee version because of an amendment dealing with Office of Economic Opportunity programs, certainly might sustain the veto and thus kill the measure. It seems regrettable that the hopes and fears of millions of persons depending on HEW grants are being alternately raised and chilled by the present political power struggle.

MESSAGE OF PEACE IS HOPE FOR BETTER WORLD

HON. DAN KUYKENDALL

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 27, 1970

Mr. **KUYKENDALL**. Mr. Speaker, although the Christmas season and its great spiritual message is now a month behind us, I recall the spirit of the season at this time to call attention to an editorial comment telecast over WMC-TV in Memphis on Christmas Eve last. The comment, the Norman Brewer Report, is a regular telecast of Norman Brewer, newsman and commentator for that station.

I insert this editorial at this time because the message is so clearly put and so vital to building the better world for which all of us strive. Perhaps, by extending our thinking about Christmas for an extra month, it will help many of us to make greater effort to apply these deep seated principles throughout the year and thus truly bring to full realization the hope that was brought to the world so long ago, and there will be peace for all men of good will everywhere.

Mr. Brewer's editorial follows:

THE NORMAN BREWER REPORT

Most of the guns of most of the armies of most of this world have fallen silent now, and Christmas Eve is again a night of uncommon peace. It will last at least for Christmas Day, but somehow this night has always had its own special quality. Christmas Eve even more than Christmas Day has always seemed to work a kind of magic on people; or perhaps it is that people work a magic on Christmas Eve. In either event, it is a phenomenon peculiar to that annual period between sunset on December 24th and sunrise on December 25th. It is as though—in those dark and quiet hours—something steals into the human spirit; heals it, warms it, makes it whole and one. It could be that Dickens had it right when those ghosts came calling on Ebenezer Scrooge.

Fortunately, we have not been so frighteningly transformed, but transformed we are nevertheless. How else can we account for the cheer and goodwill with which we suddenly greet each other; the real charity that pours from us; the love that is re-kindled in us; the world peace we are able to impose for just a few hours. If it is not by some seasonal osmosis—if it is not by holiday magic—then could it be that we are capable of all this, all of the time? Could it be that Christmas Eve is the fulfillment of the human id—that cheer and goodwill and charity and love and peace are our instinctual needs, surfacing tonight because it is expected of us tonight? I don't know. Maybe we are all just pretending. But it is comforting to pause and to think that we are all really as we seem to be tonight—and to hope that someday we will build a world in that image.

THE COST TO EACH CONGRESSIONAL DISTRICT FOR SUPPORTING THE PRESIDENT'S VETO OF EDUCATIONAL FUNDS

HON. ROMAN C. PUCINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 27, 1970

Mr. **PUCINSKI**. Mr. Speaker, as we prepare to vote to sustain or override President Nixon's veto of the education bill, I would like to call my colleagues attention to how much money their respective congressional districts would lose in impact funds if the veto is sustained.

The chart which I am inserting in the RECORD today shows how much money each congressional district received under the federally impacted areas law in fiscal 1968.

If members vote to sustain the President's veto, they will be voting to deprive the schools in their districts of the amounts of money listed as "B" money. This loss would occur because the President has only requested funding for "A" category children in his budget request.

In his veto message, President Nixon severely criticized expenditures for category "B" so it is highly unlikely he would sign any future continuing resolution to include category "B" even if Congress should vote such a resolution if the veto is sustained.

Let me remind the House that the existing continuing resolution which includes expenditures for category "B" students expires at the end of this month. The chairman of the appropriations committee in the other body said he would not permit continued funding of category "B" through any further continuing resolutions when this one expires.

I would urge my colleagues who are

considering voting against these funds to examine the losses which their congressional districts will suffer and ask themselves if they can inflict this crisis on their financially beleagured school districts. And I would caution those who believe they can vote to sustain the veto and then turn around and vote an increase solely for impacted areas that they are mistaken if they believe such a maneuver will succeed.

The tables follow:

CHILDREN AND PAYMENTS UNDER PUBLIC LAW NO. 874, FISCAL YEAR 1968 DATA AS OF JUNE 30, 1968

State and congressional district numbers	Number of "A" children	Number of "B" children	"A" amount	"B" amount	"A"+"B" amount	Number of district schools
Alabama:						
1	234	5, 179	$59, 853	$662, 342	$722, 195	4
2	516	7, 543	131, 982	964, 674	1, 096, 657	6
3	730	10, 468	186, 719	1, 338, 753	1, 525, 472	12
4	329	7, 634	84, 152	976, 312	1, 060, 464	12
5	25	1, 035	6, 395	132, 366	138, 761	3
7		2, 126		271, 894	271, 894	3
8	802	23, 784	205, 136	3, 041, 736	3, 246, 871	15
4 and 6 (Birmingham)		1, 236		158, 072	158, 072	2
All	2, 636	59, 005	674, 236	7, 546, 149	8, 220, 386	57
Alaska: At large	15, 240	14, 304	10, 386, 230	2, 805, 128	13, 191, 378	23
Arizona:						
1	808	4, 463	253, 217	644, 748	897, 965	12
2	5, 144	15, 968	1, 465, 351	2, 563, 003	4, 028, 355	47
3	10, 354	3, 566	2, 769, 995	501, 154	3, 280, 149	52
1 and 3 (Phoenix)	1, 495	3, 280	386, 443	497, 190	883, 632	18
All	17, 801	27, 277	4, 875, 006	4, 215, 095	9, 090, 102	129
Arkansas:						
1	1, 029	689	263, 198	88, 116	351, 314	2
2	1, 804	7, 579	461, 427	969, 278	1, 430, 705	13
3	20	2, 439	5, 116	311, 924	317, 039	28
4	45	4, 049	11, 510	517, 827	529, 337	14
All	2, 898	14, 756	741, 250	1, 887, 145	2, 628, 395	57
California:						
1	2, 644	10, 385	832, 685	1, 701, 343	2, 534, 028	31
2	1, 145	5, 538	398, 880	943, 519	1, 342, 399	63
3	2, 716	31, 471	824, 451	5, 138, 340	5, 962, 790	15
4	7, 735	18, 794	2, 449, 964	3, 007, 474	5, 457, 438	21
7		1, 857		292, 505	292, 505	3
8	1, 494	4, 058	471, 242	678, 963	1, 150, 205	4
9	32	7, 090	10, 112	1, 164, 858	1, 174, 970	12
10	152	8, 759	45, 115	1, 430, 040	1, 475, 155	16
11	4	4, 437	1, 470	698, 488	699, 957	12
12	5, 454	9, 406	1, 723, 471	1, 513, 311	3, 236, 782	18
13	6, 528	24, 311	2, 045, 580	3, 955, 919	6, 001, 499	34
14	229	10, 885	72, 142	1, 749, 706	1, 821, 848	14
15	87	7, 988	27, 408	1, 300, 464	1, 327, 871	18
16	1, 144	4, 707	350, 812	757, 200	1, 108, 012	16
17		370		51, 393	51, 393	1
18	8, 516	3, 767	2, 721, 284	605, 988	3, 327, 271	20
19		1, 773		279, 274	279, 274	2
20		467		73, 560	73, 560	1
23		3, 836		611, 941	611, 941	5
24		2, 653		417, 887	417, 887	3
25	6	1, 613	2, 595	289, 685	292, 280	5
27	66	8, 025	22, 002	1, 359, 061	1, 381, 063	11
28	8	2, 238	2, 520	361, 100	363, 621	6
31	2	396	556	80, 573	81, 128	2
32	1, 616	7, 342	509, 088	1, 156, 475	1, 665, 564	1
33	3, 976	21, 007	1, 236, 558	3, 363, 425	4, 599, 982	28
34		9, 559		1, 482, 427	1, 482, 427	13
35	4, 706	20, 846	1, 425, 672	3, 621, 179	5, 046, 852	40
36	686	4, 778	215, 813	718, 868	934, 681	5
37	41	18, 898	14, 069	2, 971, 763	2, 985, 832	7
38	1, 829	8, 862	574, 111	1, 412, 858	1, 986, 969	19
35-37 (San Diego)	7	48	3, 142	10, 773	13, 915	1
17, 19-22, 24, 26-32 (San Diego)	1, 175	22, 598	370, 160	3, 559, 524	2, 929, 684	1
7-9		2, 466		388, 432	388, 432	2
5 and 6 (San Francisco)	2, 034	6, 950	640, 771	1, 094, 729	1, 735, 500	1
9 and 10		94		13, 057	13, 057	1
36 and 37 (San Diego)	5, 587	26, 430	1, 760, 073	4, 163, 121	5, 923, 194	1
34 and 35		2, 354		370, 790	370, 799	1
19 and 20	19	601	5, 986	94, 667	100, 652	1
17, 21, 23, and 32 (Los Angeles)		301		41, 809	41, 809	1
17 and 31		314		43, 614	43, 614	1
28 and 17		2, 000		315, 030	315, 030	1
8 and 9	3	7, 975	945	1, 256, 182	1, 257, 127	2
7 and 8	162	7, 999	51, 035	1, 259, 962	1, 310, 997	1
All	59, 803	346, 246	18, 809, 711	55, 801, 277	74, 610, 988	461
Colorado:						
2	317	19, 326	116, 287	3, 847, 371	3, 963, 658	14
3	4, 669	29, 308	1, 902, 913	5, 662, 301	7, 565, 214	28
4	931	5, 854	366, 115	1, 070, 934	1, 437, 049	31
All	5, 917	54, 488	2, 385, 314	10, 580, 607	12, 965, 921	73
Connecticut:						
1		368		78, 890	78, 890	2
2	2, 515	5, 354	1, 116, 319	1, 007, 239	2, 123, 558	23
3	41	2, 444	14, 476	482, 188	496, 663	4
4		989		169, 361	169, 361	1
5		1, 078		199, 967	199, 967	4
6		1, 348		284, 998	284, 998	6
All	2, 556	11, 581	1, 130, 794	2, 222, 643	3, 353, 437	40
Delaware: At large	25	4, 406	$7, 874	$693, 857	$701, 731	11
District of Columbia: At large	973	37, 321	299, 217	5, 738, 477	6, 037, 694	1
Florida:						
1	3, 764	25, 797	962, 756	3, 299, 178	4, 261, 934	6
2	256	4, 054	65, 480	518, 466	583, 946	5
3	1, 227	12, 471	313, 842	1, 594, 916	1, 908, 758	1
4	10	4, 681	2, 558	598, 653	601, 211	3
5	3, 055	32, 912	781, 408	4, 209, 116	4, 990, 524	2
6	982	5, 084	251, 176	650, 193	901, 369	1
8	5	3, 876	1, 279	495, 702	496, 981	1
9	96	81	24, 555	10, 359	34, 914	2
10		501		64, 073	64, 073	1
12	1, 944	1, 939	497, 236	247, 979	745, 215	1
11 and 12	1, 664	6, 521	425, 618	833, 971	1, 259, 589	1
All	13, 003	97, 917	3, 325, 907	12, 522, 605	15, 848, 512	24
Georgia:						
1	659	5, 140	168, 559	657, 355	825, 914	8
2	1, 000	3, 773	255, 780	482, 529	738, 309	6
3	622	24, 521	159, 095	3, 135, 991	3, 295, 086	13
4		3, 995		510, 921	510, 921	2
6	178	9, 190	45, 529	1, 175, 309	1, 220, 838	6
7	33	15, 778	8, 441	2, 017, 848	2, 026, 289	11
8	575	4, 257	147, 074	544, 428	691, 501	10
9		1, 211		154, 875	154, 875	4
10	468	12, 068	119, 705	1, 543, 377	1, 663, 082	6
4 and 5 (Atlanta)	117	9, 057	29, 926	1, 158, 300	1, 188, 226	2
All	3, 652	88, 990	934, 109	11, 380, 931	12, 315, 000	68
Hawaii: At large	15, 964	34, 788	4, 296, 232	4, 681, 073	8, 977, 305	1
Idaho:						
1	384	5, 272	149, 342	808, 391	957, 733	35
2	2, 026	8, 335	640, 857	1, 119, 846	1, 760, 703	23
All	2, 410	13, 607	790, 199	1, 928, 237	2, 718, 436	58
Illinois:						
4		488		95, 627	95, 627	4
6	5	258	2, 038	52, 589	54, 628	1
10	4	280	3, 017	105, 591	108, 608	1
12	2, 931	5, 200	1, 424, 337	1, 217, 513	2, 641, 850	30
13	339	13, 904	171, 280	2, 925, 714	3, 096, 993	3
14	73	5, 590	27, 503	1, 207, 643	1, 235, 146	31
15		568		89, 183	89, 183	8
16	34	683	11, 894	107, 826	119, 721	5
17	9	2, 401	2, 546	445, 073	447, 620	19
18	20	3	5, 659	424	6, 083	1
19	11	2, 968	3, 779	527, 299	531, 078	13
20		158		33, 783	33, 783	3
21	50	1, 293	14, 147	184, 188	198, 334	11
22	2, 418	3, 329	1, 002, 278	706, 337	1, 708, 616	9
23		832		133, 700	133, 700	9
24	1, 887	7, 481	632, 036	1, 251, 141	1, 883, 176	31
14 and 17		206		29, 142	29, 142	3
All	7, 731	45, 593	3, 300, 514	9, 112, 774	12, 413, 288	182
Indiana:						
2		162		24, 439	24, 439	1
5	1, 494	1, 953	563, 626	309, 658	873, 283	6
6	9	1, 700	2, 309	218, 042	220, 351	16
7	5	2, 202	1, 283	291, 704	292, 987	18
8	157	2, 754	40, 274	353, 228	393, 502	13
9	87	7, 741	24, 339	1, 029, 123	1, 053, 463	44
10		301		39, 631	39, 631	3
11	432	6, 531	105, 525	1, 252, 243	1, 357, 768	5
All	2, 094	23, 344	737, 355	3, 518, 067	4, 255, 422	106
Iowa:						
1	80	4, 637	32, 682	947, 177	979, 859	16
2	4	97	1, 634	19, 814	21, 448	2
3	36	54	14, 707	11, 030	25, 737	1
4	62	3, 058	25, 329	624, 642	649, 971	9
5		1, 612		315, 680	315, 680	10
6	396	938	161, 778	191, 601	353, 378	3
7		909		185, 677	185, 677	2
All	578	11, 305	236, 130	2, 295, 621	2, 531, 752	43
Kansas:						
1	24	272	7, 208	40, 845	48, 053	7
2	5, 705	8, 774	1, 732, 354	1, 326, 576	3, 058, 930	29
2	140	6, 814	42, 046	1, 023, 224	1, 065, 271	23
4	800	14, 575	240, 264	2, 188, 655	2, 428, 919	14
5	1, 483	4, 930	445, 389	740, 314	1, 185, 703	41
All	8, 152	35, 365	2, 467, 261	5, 319, 614	7, 786, 875	114

CHILDREN AND PAYMENTS UNDER PUBLIC LAW NO. 874, FISCAL YEAR 1968 DATA AS OF JUNE 30, 1968—Continued

State and congressional district numbers	Number of "A" children	Numder of "B" children	"A" amount	"B" amount	"A"+"B" amount	Number of district schools
Kentucky:						
1	126	4, 855	$32, 228	$620, 906	$653, 134	17
2	24	5, 876	6, 139	751, 482	757, 620	12
3	13	11, 516	3, 325	1, 472, 781	1, 476, 016	3
4		87		11, 126	11, 126	2
5	1	826	256	105, 637	105, 893	6
6	42	4, 562	10, 743	583, 434	594, 177	12
7	7	31	1, 790	3, 965	5, 755	1
12		256		32, 740	32, 740	1
All	213	28, 009	54, 481	3, 582, 071	3, 636, 552	54
Louisiana:						
1		520		66, 503	66, 503	1
2		1, 765		225, 726	225, 726	1
4	1, 329	6, 433	339, 932	822, 716	1, 162, 648	2
6	17	2, 446	4, 348	312, 819	317, 167	2
8	246	7, 156	62, 922	915, 181	978, 103	4
1 2	123	3, 718	31, 461	475, 495	506, 956	1
All	1, 715	22, 038	438, 663	2, 818, 440	3, 257, 103	11
Maine:						
1	1, 061	5, 468	367, 113	885, 183	1, 252, 296	36
2	3, 537	2, 927	1, 295, 046	440, 073	1, 735, 119	38
All	4, 598	8, 395	1, 662, 159	1, 325, 256	2, 987, 415	74
Maryland:						
1	1, 334	5, 994	450, 895	1, 010, 938	1, 461, 833	4
2	1, 531	7, 269	539, 586	1, 280, 943	1, 820, 529	1
5	1, 418	49, 850	499, 760	8, 784, 567	9, 284, 327	2
6	619	6, 152	202, 213	998, 669	1, 200, 882	4
8	169	32, 368	59, 562	5, 703, 889	5, 763, 451	1
6 and 8		1, 905		335, 699	335, 699	1
3, 4, and 7 (Baltimore)	111	12, 814	38, 851	2, 119, 604	2, 158, 455	2
1 and 3	2, 769	11, 223	753, 279	1, 526, 552	2, 279, 831	1
All	7, 951	127, 575	2, 544, 146	21, 760, 861	24, 305, 007	16
Massachusetts:						
1	15	3, 916	6, 914	943, 733	950, 647	24
2	2, 239	4, 139	1, 056, 379	993, 977	2, 050, 356	9
3	2, 007	3, 456	1, 137, 180	850, 427	1, 987, 607	33
4	15	2, 992	9, 888	780, 145	790, 033	14
5	216	6, 894	149, 496	1, 778, 118	1, 927, 614	21
6	36	2, 989	18, 355	711, 927	730, 282	22
7	17	3, 793	8, 219	994, 250	1, 002, 469	11
8	58	942	38, 741	254, 025	292, 765	3
10	63	1, 828	26, 479	478, 661	505, 140	10
11	227	3, 645	114, 321	815, 910	930, 731	11
12	2, 121	5, 687	1, 209, 820	1, 428, 076	2, 637, 895	40
8, 9, 11 (Boston)	13	3, 069	6, 778	800, 012	806, 789	1
3 and 10		16		6, 400	6, 400	1
4 and 5	2	80	1, 598	31, 970	33, 568	1
All	7, 029	43, 446	3, 784, 668	10, 867, 629	14, 652, 297	201
Michigan:						
2	27	488	7, 249	65, 512	72, 761	2
3	382	3, 090	102, 563	414 817	517, 380	7
8	12	251	3, 222	33, 696	36, 917	4
9	17	345	4, 564	46, 315	50, 879	3
10	1, 794	1, 019	481, 671	136, 796	618, 467	3
11	4, 037	2, 905	1, 083, 894	389, 982	1, 473, 876	24
12	1, 475	3, 340	396, 023	448, 378	844, 401	11
15		380		51, 013	51, 013	2
16	33	44	8, 860	5, 907	14, 767	1
1, 12-14, 16 and 17 (Detroit)		4, 832		648, 672	648, 672	1
All	7, 777	16, 694	2, 088, 047	2, 241, 086	4, 329, 133	58
Minnesota:						
1		616		87, 835	87, 835	4
2	24	15	6, 844	2, 139	8, 983	1
3	121	4, 073	34, 507	580, 769	615, 276	9
4		4, 460		635, 951	635, 951	5
5		2, 520		359, 327	359, 327	1
6	98	30	27, 948	4, 278	32, 225	2
7	1, 072	963	305, 713	137, 314	443, 027	18
8	950	2, 391	270, 921	340, 933	611, 854	15
All	2, 265	15, 068	645, 933	2, 148, 546	2, 794, 479	55
Mississippi:						
1	910	976	232, 760	124, 821	357, 580	2
3	8	757	2, 046	96, 813	98, 859	1
4	269	623	68, 805	79, 675	148, 480	2
5	1, 993	11, 282	509, 770	1, 442, 855	1, 952, 625	13
All	3, 180	13, 638	813, 380	1, 744, 164	2, 557, 644	18
Missouri:						
1		937		140, 414	140, 414	3
2	30	5, 314	8, 659	797, 293	805, 952	10
3	89	418	26, 751	62, 819	89, 570	1
4	2, 440	17, 917	733, 391	2, 840, 484	3, 573, 875	40
5		656		98, 587	98, 587	1
6	2	2, 525	601	378, 731	379, 332	14
7	11	1, 692	2, 814	216, 390	219, 303	17
8	2, 891	4, 657	868, 365	625, 414	1, 493, 779	29
9	23	1, 376	5, 883	199, 559	205, 442	11
10	11	35	2, 814	4, 476	7, 290	1

State and congressional district numbers	Number of "A" children	Number of "B" children	"A" amount	"B" amount	"A"+"B" amount	Number of district schools
Missouri (continued):						
11		101		$12, 917	$12, 917	1
1 and 3	15	4, 680	$4, 509	846, 921	851, 430	2
All	5, 152	40, 308	1, 753, 786	6, 224, 005	7, 877, 791	130
Montana:						
1	1, 695	4, 577	874, 010	791, 861	1, 665, 872	64
2	6, 079	5, 353	2, 100, 117	797, 953	2, 898, 070	46
All	7, 774	9, 930	2, 974, 128	1, 589, 814	4, 563, 942	110
Nebraska:						
1	408	1, 336	162, 543	266, 125	428, 668	8
2	3, 523	7, 420	1, 408, 528	1, 478, 027	2, 881, 555	8
3	354	3, 147	136, 467	626, 867	763, 333	34
All	4, 285	11, 903	1, 702, 538	2, 371, 018	4, 073, 556	50
Nevada: At large	3, 841	17, 336	1, 055, 276	2, 381, 446	3, 436, 723	13
New Hampshire:						
1	1, 560	5, 783	678, 110	1, 211, 364	1, 889, 475	35
2	5	685	2, 225	161, 461	163, 685	7
3		68		10, 180	10, 180	1
13		49		9, 786	9, 786	1
All	1, 565	6, 585	680, 335	1, 392, 790	2, 073, 125	44
New Jersey:						
1	35	5, 700	14, 025	1, 375, 228	1, 389, 253	44
2	30	2, 185	12, 055	504, 330	516, 384	20
3	1, 676	11, 050	740, 228	2, 686, 546	3, 426, 774	49
4	1, 970	2, 721	633, 966	636, 310	1, 270, 276	19
5	124	3, 100	55, 063	752, 677	807, 740	18
6	3, 124	9, 282	1, 651, 918	2, 268, 089	3, 920, 006	37
13	125	305	62, 073	76, 728	137, 801	1
10 and 11		759		188, 452	188, 452	1
All	7, 174	35, 102	3, 169, 327	8, 487, 360	11, 656, 686	189
New Mexico:						
1	5, 502	24, 024	1, 407, 302	3, 072, 429	4, 479, 731	12
2	3, 719	10, 529	951, 246	1, 346, 554	2, 297, 800	13
At large	9, 103	6, 620	2, 328, 365	846, 632	3, 174, 997	14
All	18, 324	41, 173	4, 686, 913	5, 265, 615	9, 952, 528	39
New York:						
1	542	9, 491	370, 783	2, 161, 843	2, 532, 626	44
2		1, 838		428, 365	428, 365	9
3		603		144, 031	144, 031	2
4	791	381	374, 002	89, 951	463, 953	2
5		245		57, 851	57, 851	1
25	8	143	5, 617	50, 484	56, 100	2
27	1, 059	3, 273	441, 285	681, 930	1, 123, 215	6
28	3	301	1, 250	62, 713	63, 963	3
29	101	4, 815	42, 289	1, 077, 560	1, 119, 849	20
30	1, 717	2, 081	715, 474	43, 576	1, 149, 050	19
31	163	1, 072	67, 922	223, 351	291, 273	7
32	1, 213	5, 406	505, 457	1, 126, 340	1, 631, 797	16
33		1, 710		356, 279	356, 279	6
34	136	735	56, 671	153, 137	209, 808	2
35	155	1, 467	64, 589	305, 649	370, 238	10
38		497		103, 550	103, 550	5
40	498	399	207, 517	83, 132	290, 648	3
54		1, 363		283, 981	283, 981	1
6-24 (New York City)	1, 250	16, 800	726, 538	4, 882, 332	5, 608, 870	1
1 and 2 (New York City)		528		150, 690	150, 690	2
All	7, 636	53, 148	3, 579, 393	12, 856, 745	16, 436, 138	161
North Carolina:						
1	1, 858	5, 326	475, 239	681, 142	1, 156, 381	10
3	1, 743	12, 708	445, 825	1, 625, 226	2, 071, 051	8
4	5	350	1, 279	44, 762	46, 040	1
7	494	18, 862	126, 355	2, 412, 261	2, 538, 617	7
9	2	771	512	98, 603	99, 115	2
11	294	982	75, 199	125, 588	200, 787	4
All	4, 396	38, 999	1, 124, 409	4, 987, 582	6, 111, 991	32
North Dakota:						
1	3, 221	1, 605	969, 682	241, 231	1, 210, 913	20
2	3, 415	1, 237	1, 050, 315	187, 163	1, 237, 478	24
All	6, 636	2, 842	2, 019, 997	428, 394	2, 448, 390	44
Ohio:						
1		63		12, 163	12, 163	1
2		949		147, 112	147, 112	5
3	1, 830	10, 973	468, 077	1, 829, 256	2, 297, 333	12
4		310		43, 203	43, 203	2
5		217		37, 594	37, 594	2
6	40	3, 286	10, 231	495, 328	505, 559	23
7	162	12, 988	41, 436	1, 809, 638	1, 851, 074	20
8		235		30, 054	30, 054	2
9		490		94, 602	94, 602	1
10	3	1, 282	767	183, 573	184, 340	11
11						2
12	10	2, 908	2, 558	371, 904	374, 462	5
13		1, 060		176, 558	176, 558	9
14	24	799	6, 139	134, 576	140, 715	4
15		672		119, 312	119, 312	3
17		3, 084		441, 813	441, 813	11
23		3, 767		727, 276	727, 276	10

State and congressional district numbers	Number of "A" children	Number of "B" children	"A" amount	"B" amount	"A"+"B" amount	Number of district schools
Ohio (continued):						
24		2,685		$454,508	$454,508	6
20-22 (Cleveland)		1,655		319,523	319,523	1
12-15 (Columbus)	1,368	11,219	$355,512	2,092,023	2,447,535	7
1 and 2		499		96,339	96,339	2
All	3,437	59,141	884,721	9,616,354	10,501,075	139
Oklahoma:						
1	500	7,426	163,494	1,230,050	1,393,543	32
2	1,810	4,419	468,678	575,812	1,044,490	38
3	209	3,829	54,985	493,891	548,876	56
4	710	4,636	195,361	607,937	803,299	73
5	208	18,259	65,186	2,643,224	2,708,410	32
6	6,180	14,820	1,645,180	1,961,670	3,606,850	69
4 and 5	408	8,867	138,418	1,504,109	1,642,527	1
All	10,025	62,256	2,731,202	9,016,693	11,747,995	351
Oregon:						
1	401	566	156,492	114,334	270,826	7
2	634	4,016	263,862	816,998	1,080,860	40
3	40	2,796	27,332	545,877	573,209	4
4	185	2,505	80,215	520,860	601,076	17
All	1,260	9,883	527,901	1,998,069	2,525,970	68
Pennsylvania:						
6		340		45,693	45,693	2
7		1,866		394,277	394,277	11
8	13	2,554	3,673	441,134	444,807	6
9		967		168,504	168,504	3
10		1,893		254,400	254,400	8
11		1,230		173,274	173,274	6
12		5,330		716,299	716,299	12
13		947		239,432	239,432	4
15	131	332	58,346	73,935	132,281	1
16	63	2,557	16,933	365,500	382,433	12
17		1,856		267,810	267,810	4
18	53	98	21,389	19,774	41,163	1
19	124	5,283	33,426	739,706	773,132	16
23						1
26		110		17,365	17,365	1
27		745		128,960	123,960	4
14, 20 and 27 (Pittsburgh)		2,720		491,811	491,811	4
8 and 13		348		63,045	63,045	1
1-5 (Philadelphia)	506	15,681	205,611	2,848,218	3,053,829	1
16 and 17 (Harrisburg)	80	648	24,112	94,473	118,585	4
All	1,030	45,505	363,490	7,538,610	7,902,101	102
Rhode Island.						
1	1,823	4,982	723,673	1,053,742	1,777,416	8
2	1,212	5,193	495,104	1,044,242	1,539,346	15
142	1	875	448	195,934	196,382	1
All	3,036	11,050	1,219,225	2,293,919	3,513,144	24
South Carolina.						
1	3,984	24,218	1,019,028	3,097,240	4,116,268	16
2	233	15,019	59,597	1,920,780	1,980,377	13
3	39	379	9,975	48,470	58,446	3
4		638		81,594	81,594	1
5	938	1,605	255,258	206,263	460,532	1
6	123	790	31,461	101,033	132,494	1
All	5,377	42,649	1,375,329	5,454,,381	6,829,710	35
South Dakota:						
1	480	1,688	165,965	291,821	457,786	21
2	5,556	4,690	1,921,043	809,952	2,730,995	47
All	6,036	6,378	2,037,007	1,101,774	3,188,781	68
Tennessee:						
1	36	4,359	9,208	557,473	566,681	8
2	25	8,814	6,395	1,127,222	1,133,617	9
3	5	3,532	1,279	451,707	452,986	10
4	896	8,767	229,179	1,121,212	1,350,391	16
5		2,522		322,539	322,539	1
6		5,420		693,164	693,164	7
7		1,464		187,231	187,231	9
8	36	2,105	9,208	269,208	278,417	6
9	1,029	3,513	263,198	449,278	712,475	1
7 and 8		6,000		767,340	767,340	1
All	2,027	46,496	518,466	5,946,373	6,464,840	68
Texas:						
1	84	10,613	$21,486	$1,357,297	$1,378,782	36
2		261		33,379	33,379	4
3	5	2,107	1,279	269,464	270,743	2
4	332	3,069	84,919	392,494	477,413	14
5	11	1,732	2,814	221,505	224,319	6
6		1,116		142,850	142,850	13
7						2
8	20	2,916	5,116	372,927	378,043	3
9	4	4,709	1,023	602,234	603,257	7
10	877	4,721	224,319	603,769	828,088	10
11	3,610	13,446	923,366	1,719,609	2,642,975	37
12	986	24,629	252,199	3,149,803	3,402,002	16
13	1,417	7,423	362,440	949,327	1,311,768	20
14	325	6,233	83,129	797,138	880,267	5
15	251	1,497	64,201	191,451	255,652	5
16	3,339	20,440	861,348	2,604,980	3,466,328	12
17	1,945	7,916	497,492	1,012,377	1,509,869	24
18	682	2,905	174,710	371,520	546,230	8
19	403	1,730	103,079	221,250	324,329	4
20	838	45,142	214,344	5,773,210	5,987,554	11
21	691	4,756	176,744	608,245	784,989	13
22		659		84,208	84,280	2
23	296	7,158	75,711	915,437	991,148	18
3, 5, 6, and 13 (Dallas)	16	3,300	4,092	422,037	426,129	1
7, 8, and 22 (Houston)	2	2,754	512	352,209	352,721	1
20, 21, and 23 (San Antonio)	3,621	988	1,712,733	146,448	1,859,181	4
All	19,755	182,220	5,487,054	23,315,242	29,162,296	278
Utah:						
1	2,329	33,617	595,712	4,299,278	4,894,990	18
2	788	13,114	201,555	1,677,149	1,878,704	10
All	3,117	46,731	797,266	5,976,428	6,773,694	28
Vermont: At large	11	626	3,219	98,558	101,778	14
Virginia:						
1	4,791	38,849	1,332,491	5,126,733	6,459,225	10
2	3,269	24,985	1,017,709	3,714,117	4,731,826	3
3		4,499		662,101	662,101	3
4	1,478	13,677	378,043	1,761,813	2,139,855	9
5	4	445	1,023	56,911	57,934	1
6	31	3,838	7,929	527,049	534,978	6
7		133		17,009	17,009	1
8	207	14,590	55,183	2,215,710	2,270,893	12
9		3,021		386,356	386,356	7
10	739	64,964	291,271	13,006,663	13,297,934	5
All	10,519	169,100	3,083,650	27,474,462	30,558,111	57
Washington:						
1	190	6,132	53,916	870,039	923,955	6
2	2,162	7,768	614,319	1,103,174	1,717,493	30
3	367	4,538	119,988	648,311	768,299	32
4	1,634	10,466	464,287	1,502,354	1,966,641	46
5	2,575	4,305	734,043	612,331	1,346,375	32
6	5,654	26,944	1,604,436	3,822,950	5,427,385	18
7	175	3,877	49,376	550,088	599,464	11
All	12,756	64,030	3,640,365	9,109,246	12,749,612	175
West Virginia:						
2	50	1,770	12,789	226,365	239,154	6
3		590		75,455	75,455	1
4	1	714	256	91,313	91,569	1
All	51	3,074	13,045	393,134	406,179	8
Wisconsin:						
2	555	2,187	160,020	402,414	562,435	8
3	80	4,014	29,943	740,205	770,148	21
7	124	188	46,412	35,183	81,595	5
8	29	522	10,854	97,690	108,544	3
10	373	521	144,303	101,395	245,698	9
4, 5, and 9 (Milwaukee)	41	2,374	15,346	444,282	459,628	1
All	1,202	9,806	406,879	1,821,169	2,228,048	47
Wyoming: At large	2,113	4,142	1,016,467	641,865	1,658,333	24
Guam: At large	3,647	5,977	932,830	764,399	1,697,228	1
Virgin Islands: At large		330		42,204	42,204	1
Total, all	348,703	2,221,876	115,523,133	347,325,001	462,848,135	4,235

THE JAYCEES HALF CENTURY OF SERVICE

HON. SAMUEL N. FRIEDEL

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 27, 1970

Mr. FRIEDEL. Mr. Speaker, we, here in the Congress of the United States, are pleased to note that this year of 1970, the Jaycees are celebrating their one-half century of dedicated services. It was during 1920, when a group of young men under the inspired leadership of Mr. Henry Giesenbier met and formed the first chapter of the Junior Association of Commerce, popularly known as the Jaycees.

Dedicated to leadership training, youth welfare, and community service, it has grown to include over 300,000 young men between the ages of 21 and 36. It has concerned itself particularly with community betterment programs. The local District of Columbia chapter chooses, annually, 10 outstanding young men in government and operate the Governmental Affairs Leadership Seminar which brings men from all over the Nation to Washington to study the workings of government.

Chambers of commerce are found throughout the world and are strongly entrenched in American life at many levels. It may be of interest that the first chamber of commerce was organized in New York City in 1768 with the purpose of encouraging commerce, supporting industry, adjusting disputes relative to trade and navigation, and proposing such laws and regulations as may be found necessary for the benefit of trade in general. The national chamber has a membership of over 3 million firms and individuals and is a vital factor in keeping America the great Nation it is.

Today's youth are tomorrow's men and women who will inherit the present and become tomorrow's leaders in business, the professions, industry, and Government. The Jaycees are a great factor in guiding and inspiring the youth of our land to truly become worthy citizens, patriotic and devoted to the highest ideals of service. May their second half century prove as successful as the first and I wish them the very best in the years ahead.

FIRST SESSION, 91ST CONGRESS NEWSLETTER TO CONSTITUENTS

HON. EDWARD J. PATTEN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 27, 1970

Mr. PATTEN. Mr. Speaker, periodically, I send a newsletter to some of my constituents in order to help them keep abreast of my congressional activities.

The contents of my January, 1970, newsletter, follow:

TAX REFORM-RELIEF BILL GREATEST IN HISTORY

The most comprehensive tax reform-relief program in the Nation's history highlighted the legislative achievements of the first session of the 91st Congress. It was the most significant accomplishment of all, for it will benefit virtually every taxpayer in the Nation.

I was pleased to be one of the sponsors of tax reform-relief legislation, because of the imperative need for revamping our antiquated and unfair system. Hundreds of my constituents also wrote to me, citing the importance of improving our inequitable system. The bill passed by Congress and signed by President Nixon was so broad and sweeping (the conference report was 346 pages long), it could not be covered in this newsletter. However, some of the provisions will:

Increase the personal exemption for each dependent from the present $600 to $750 over a 3-year period.

Increase by 1973 the present deduction from 10% of income, or $1,000, whichever is lower, to 15%, or $2,000. (Designed to help lower and middle income groups).

Eliminate 5.5 million poor from the tax rolls.

Tax those with "tax-free" income exceeding $30,000 with a new "minimum tax" of at least 10%.

Decrease the oil depletion allowance from the present 27½%, to 22%.

Levy a 4% tax on foundation for the first time.

Increase Social Security benefits by 15% across-the-board.

OTHER IMPORTANT LEGISLATION PASSED

Among other important legislation approved by the House of Representatives, were (not all was approved by the Senate as this newsletter was printed): A draft lottery that will eliminate some of the inequities of the present system . . . extension of Federal, aid to elementary and secondary schools . . . the Insured Student Loan Emergency Act to assist college students in obtaining loans . . . water pollution control to attack one of the Nation's most challenging natural resource problems . . . extension of the anti-poverty program to provide victims of deprivation with help and hope . . . amending the Clean Air Act to broaden the battle against air pollution . . . extension of the Mental Health Centers Act in the fight to cure the mentally ill by treating them with new and more effective techniques, instead of dooming patients in custodial isolation . . . the Drug Abuse Education Act, which would educate students on the dangers and effects of drug abuse . . . a strong coal mine safety program to protect those who work in that hazardous occupation . . . a school lunch program to help needy children get the nutrition they require . . . electoral college reform that would abolish the present electoral method and have the President and Vice President elected by a direct popular vote . . . and many other progressive measures.

MEDICAL RESEARCH CUT DEPLORED

There were also disappointments in some of the House votes, the keenest being the one that reduced appropriations in the critical area of medical research. As one of the sponsors of the program to launch a massive attack against heart disease, cancer and stroke, I was especially disappointed in the Administration's recommendation that U.S. funds be cut from the budget on cancer research.

More than 325,000 Americans are expected to die of cancer this year and 35 million people now living and in good health, will eventually die of this disease. Although I realize what a difficult position the President is in due to mounting inflation, I firmly believe that medical research should have been spared from the cuts. Nothing is more precious than good health, so it was shocking to me that reductions were requested and made in medical research, which is mankind's hope for both better health, and longer life.

INFLATION A MAJOR DOMESTIC PROBLEM

Inflation continues to be a very serious domestic problem, hurting every person in the country. The increase in the 1969 cost of living (through November), was the highest since 1951. Despite the Administration's anti-inflation policies—lower Federal spending, high interest rates that have severely tightened the money supply, and extension of the income surtax—inflation keeps growing at an alarming rate. As your Congressman, I will continue to do what I can to curb inflation. The Appropriations Committee, on which I serve, cut the military budget by $5.6 billion, and I want to assure my constituents that I am deeply concerned about inflation, and that I will vote to reduce non-essential items whenever possible.

THE 60'S—THE VIOLENT DECADE

The 60's were years of almost unbelievable violence and conflict. A popular and admired President, John F. Kennedy, was assassinated by a fanatic, depriving America and other free nations of the world of a leader with the promise of greatness. Two other talented and respected leaders were also victims of violence—the Rev. Dr. Martin Luther King, Jr., and U.S. Sen. Robert F. Kennedy. Ironically, all three leaders were men who were dedicated to peace and justice.

Wide disturbances took place in several major cities and not even colleges and universities were spared. The war in Vietnam—extremely costly in both manpower and funds—divided the Nation with a bitterness that stunned the world. And another conflict—between the Arabs and Israelis—is not only a threat to the Middle East, but to peace in the world—a powderkeg that could cause the explosion of another world war—one that would be so terrifying and destructive, it would be impossible to believe or survive.

THE 70'S—THE PEACEFUL DECADE?

However, there are also encouraging and gratifying signs. At Helsinki, the United States and Russia agreed to start and continue full-scale strategic arms limitation talks . . . President Nixon announced that development of chemical and biological warfare weapons will be banned by America . . . By April 15, 1970, an estimated 115,000 American troops are scheduled to be withdrawn from Vietnam, with the ultimate hope that only some American support and training personnel will be there . . . Dramatic advances are being made in science: Philip Blaiberg survived 19 months with another person's heart, giving encouragement to thousands of persons . . . The gene—the element that transmits man's hereditary characteristics—was isolated . . . and the greatest scientific achievement in man's long struggle for knowledge and progress—landing man on the moon and returning him safely to earth—opened the most fascinating frontier of all.

The tragedy of modern man is that even though he has accomplished scientific and technological miracles, advances in the vital field of "human engineering" have been slight. Clearly, the compassion of the human heart has failed to keep abreast with the brilliance of the mind. In the areas of brotherhood and understanding, progress seems to be notoriously slow. Yet, despite our serious domestic and foreign problems, the spirit of man is still unconquerable. Perhaps that is his greatest justification for hope.

LIVING AND WORKING TOGETHER IN PEACE

One day before his death—4 months before the first atomic bomb was exploded in war—President Franklin D. Roosevelt warned America and the world that, "Today we are faced with the preeminent fact that if civilization is to survive, we must cultivate the science of human relationships—the ability of all peoples, of all kinds, to live together and work together, in the same world, at peace." Since then, his admonition has taken on much greater meaning, because of the awesome power of modern military weapons.

The 60's are being called The Violent Decade—and it was far from a peaceful one—but let us all hope that in this decade, man finally acquires the wisdom and courage to ". . . live together and work together . . . in peace," so that future historians will label the 70's, The Peaceful Decade.

Man's quest for peace has always been the most elusive of all, but it is a goal worth striving for—his ultimate triumph. So let us hope that all Nations and their people begin that striving in 1970 with renewed fervency, remembering the exhortation of the prophet, "Come, now, let us reason together," for when Nations and people "reason together," peace not only prevails, it endures.

WORDS TO REMEMBER AND THINK ABOUT

"I look forward to a great future for America, a future in which our country will match its military strength with our moral restraint, its wealth with our wisdom, its power with our purpose. And I look forward to an America which commands respect throughout the world not only for its strength, but for its civilization as well."—Pres. John F. Kennedy, 10–26–63)

MAJORITY OF PUBLIC SUPPORTS VOLUNTEER ARMY

HON. WILLIAM A. STEIGER

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 27, 1970

Mr. STEIGER of Wisconsin. Mr. Speaker, some of my colleagues may have missed the results of a recent Harris survey published in the Washington Post, January 26. The survey reveals that 52 percent of the American public would like to see our present draft system abolished and replaced with a volunteer Army. I think it is particularly interesting to note that there does not appear to be a generation gap on this issue. While 54 percent of the young people under 30 favor a volunteer Armed Force, 51 percent of the 31-to-49 age group and 50 percent of those over 50 also favor the idea.

In addition, the argument that a volunteer force would create a threat in a democracy and would destroy the American tradition of civilians defending the country in time of war was strongly rejected by the public.

I urge my colleagues to study the results of the survey carefully, and include it at this point in my remarks along with a recent Christian Science Monitor editorial which speculates on the Gates Commission report:

FIFTY-TWO PERCENT FAVOR VOLUNTEER ARMY PLAN

(By Louis Harris)

Although three out of every four support the recent draft lottery plan instituted by the Nixon administration, by 52 to 38 per cent the public would like to see the entire draft system scrapped and a volunteer army substituted for it.

Easily the most appealing argument made in behalf of a volunteer army is that then "only young men who want to serve in the armed forces will have to." This argument receives the support of 67 per cent of the American people.

Recently, a cross section of 1,625 households was asked:

"Would you favor a volunteer army as a substitute for the present draft lottery system or would you favor keeping the present draft sytsem?"

VOLUNTEER ARMY

[In percent]

	Favor	Oppose	Not sure
Nationwide	52	38	10
By age:			
Under 30	54	37	9
31 to 49	51	41	9
50 plus	50	38	12
By education:			
Grade school or less	47	37	16
High school	49	41	10
College	59	34	7

Younger people, especially those subject to the draft, and the more affluent favor the volunteer army idea most. They most often observed that the trouble with the present system is that it compelled many young men not in sympathy with the war effort to be subject to the draft. They frequently volunteered that even the lottery was an improvement, the most equitable system would be to make the armed forces entirely voluntary.

The survey said to the cross section:

"Let me read you some statements which have been made about a volunteer army. For each, tell me if you tend to agree or disagree."

STATEMENTS ABOUT VOLUNTEER ARMY

[In percent]

	Agree	Disagree	Not sure
Positive:			
A volunteer army is good because only young men who want to serve will be in it	67	23	10
A volunteer army would make it easier for the United States to fight a war such as Vietnam, and that is good	42	40	18
Negative:			
A volunteer army would destroy the American tradition of civilians defending the country in time of war	29	56	15
A volunteer army would create a professional military force that would be a real threat in a democracy	24	55	21

Clearly, the appeal of a volunteer army is that it satisfies those who dislike military service as well as those who would like to see a professional army. Today, both groups make up a majority of the American public.

TOWARD A VOLUNTEER ARMY

The United States is inching toward reliance on an all-volunteer professional army. When the Vietnam war with its heavy manpower demands is finished, there is no compelling reason why the American armed forces, which are now more enlisted than drafted except in low echelons, should not be entirely volunteer.

A presidential commission headed by former Defense Secretary Thomas Gates has concluded that the armed forces can and should be all-volunteer. It estimates the additional cost—due mainly to making army pay more attractive—would run from $2 to $4 billion extra per year. Earlier estimates had put the additional expense at from $7 to $17 billion; total costs may need further scrutiny.

There are, of course, arguments against the volunteer concept: That it would produce a professional force, militaristic in concept, unleavened by an annual influx of ordinary civilians. That the concept of universal service, with everyone summoned to the defense of his country, would be gone. And that a volunteer army, attracting the underprivileged by reason of its pay scales and equality of treatment, would be composed largely of blacks.

There are answers to these objections. The presidential commission finds in its surveys (their procedure not yet disclosed) that the volunteer army would not attract more blacks than are now in the armed forces. The "civilian" leavening is held by some experts to be overrated; the Navy and Air Force are almost entirely volunteer and they don't suggest a "German general staff" mentality.

And as for the concept of universal obligation to one's country, this could still be maintained by a new kind of draft for nonmilitary service—every young American summoned, except for valid excuse, to one or two year's service in such activities as conservation, slum clearance, child care, education—areas where needs are great and organizations are short staffed.

President Nixon endorsed the all-volunteer force in his election campaign. Now if a presidential commission which includes Negroes, NATO commanders, members of Congress, and the business community gives the proposal its full endorsement, the concept will be moved closer to enactment, once the Vietnam drain is ended. And one more step will have been taken which should help cool the college campuses—and, incidentally, ease the tensions between Mr. Nixon and American youth.

THE POPULATION BOMB

HON. GEORGE BUSH

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 27, 1970

Mr. BUSH. Mr. Speaker, over the past year, the House Republican Task Force on Earth Resources and Population, of which I am chairman, has been studying the effects of population growth. Through our research, we have become aware of the impending international population crisis, and the serious domestic implications of continuing population growth. This research led to the formation of our report on family planning that was released on December 22, 1969.

Recently, a series of four articles by Mr. Kemper Diehl appeared in the San Antonio Evening News concerning the population problem. These excellent articles clearly and cogently explain the facets of this problem, and I include them in the RECORD for the benefit of my colleagues:

[From the San Antonio Evening News, Dec. 27, 1969]

SAN ANTONIO FUTURE THREATENED

(By Kemper Diehl)

In 1968 Mrs. S., a black housewife in the Lincoln Courts area, had her 10th child. Mrs. S. was 41, the wife of a $60-a-week janitor. She had never heard about family planning or birth control—much less population control.

In June, 1969, a young black social worker of Planned Parenthood of San Antonio met Mrs. S. during a house-to-house canvass of the neighborhood. Now Mrs. S. is on "The Pill". She definitely does not want any more children and the odds are good that she won't have them.

Instead of having a baby this winter she is earning $30 a week, thus raising the family income 50 per cent.

Planned Parenthood reached Mrs. S. through a special Poverty War program, but it was too late to spare her family from the cycle of want.

Grim statistics disclose that the odds are nearly 50–50 that a family with six or more children will fall into the grip of poverty. The S. family is one which, not surprisingly, is far from the bright side of the poverty line.

Demographers—those students of population trends—are interested in more than the poverty of the S. family. They know that had Mrs. S. had a choice she probably would have limited her family to three children—the number viewed as ideal by the typical urban Negro woman.

Mrs. S. will hardly be missed at the R. B. Green Hospital, however. Through 11 months of 1969, physicians there delivered 3,327 babies and the Green may well eclipse the record of 3,645 infants delivered in 1962.

But it will be a new record filled with heartaches and feelings of guilt.

Reporting on a study of new mothers at the Green, Dr. Joseph Seitchik, chairman of obstetrics of the University of Texas Medical School, reveals that 18 per cent are identified as "unmarried." And he exclaims:

"The vast majority of our patients are having pregnancies they did not want."

A telltale record of pregnancies which have been cut short suggests the pervasiveness of a problem which San Antonians have long been reluctant to confront.

Seitchik reports bluntly that physicians at the Green each month complete 10 to 12

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abortions "clearly identified as being induced."

The medical school physicians, of course, are dealing primarily with the poor.

But at what might be considered the opposite end of the scale of wealth and sophistication, the University of Texas Student Health Service in Austin reports it is seeing an "alarming number" of students who have experienced "a poor abortion."

Here in the world's most affluent and educated nation . . . during the second decade of "The Pill" which was supposed to emancipate women . . . in the enlightened age of the "New Morality" . . . clearly something is going wrong.

Statistical reports from the city, state and nation have begun to form a disturbing pattern:

The rate of illegitimate births in the United States, in Texas and in Bexar County has more than doubled in the past 15 years. In 1968, no less than 9.4 per cent of live births in Bexar County were illegitimate—or nearly one of every 10. And the sharp rise has been experienced within every segment of the population.

Last year 304 youngsters left junior high school or senior high school in the San Antonio Independent School District for reasons of illegitimate pregnancy or youthful marriage.

In 1967 a total of 671 illegitimate babies were born to girls under the age of 21 in Bexar County. Of these eight were born to children 13 years of age or younger. There were 17 mothers of illegitimate children who were only 14 years old. When one 19-year-old girl gave birth to an illegitimate child it marked her ninth pregnancy.

During the past decade there has been a resurgence of venereal disease in San Antonio and figures for gonorrhea and syphilis are appallingly high.

After bottoming-out for four years, the number of births recorded by the Metropolitan Health District is rising by 6 percent this year—as the "cohort" of girls born during the great postwar population surge reaches its decade of maximum fertility.

Yet a nationwide survey for the Office of Economic Opportunity has disclosed that—as of 1968—5.3 million medically indigent women were in need of family planning services and that 86 per cent, or about 4.6 million, were not being served. Within this picture, Bexar County ranked seventh in the U.S. in the number of indigent women not receiving service—28.081 out of 32.430 who were in need of family planning assistance.

And perhaps saddest of all, experts in the Office of Population Research at Princeton University have calculated that roughly between 750,000 and a million births in the U.S. each year are "unwanted"—and that this "unwanted fertility" accounts for between 35 and 45 per cent of the recent "natural increase" in population.

Some of the personal disasters viewed by doctors in emergency rooms can be traced to the effects of a time of revolutionary change—to the new hedonism, the crumbling of traditional controls.

But the tide they sense most clearly is the first wave of what has been aptly termed "The Population Bomb"—the great worldwide surge in human numbers which threatens to engulf civilization as we know it—and which lies at the heart of the much-discussed "Environmental Crisis" in the United States.

What has triggered this population bomb after centuries of underpopulation in some parts of the world?

The Agency for International Development points out that it took all of history up to the year 1830 for the world to reach a population of one billion.

Then, as public sanitation spread and scientific medicine developed, the world reached its second billion in only an additional 100 years—in 1930.

With rapid medical advances—including the widespread use of antibiotics and new malaria control programs—the third billion was reached in a space of only 30 years—1960.

And at present rates of growth the fourth billion will have taken only 15 years when it is reached in 1975.

Today, in 1969, the world's population is about 3.5 billion. If present fertility rates cannot be reduced, the world's population will double to over 7 billion by the year 2000—and at the end of the century a 1-billion leap to 7 million will take only five years.

It is this prospect which has caused Dr. Philip Handler, president of the National Academy of Sciences, to say:

"The greatest threat to the human race is man's own procreation. Hunger; pollution; crime; overlarge, dirty cities—even the seething unrest that leads to international conflict and war—all derive from the unbridled growth of human populations. . . . As we look toward the end of this century, we get closer to the time when the total food supply becomes limiting. If we do not provide more food, we face worldwide famine."

The impact of high birth rates combined with lowered death rates can be devastating on the less-developed countries, especially when the rate of population growth approaches the rate of growth to the economy.

Much of the increased population in such countries consists of dependent children. Their topheavy numbers unbalance the economic system with growing demands for schools and health care, while they are unable to contribute to the gross national product.

It is estimated that in some countries with a swift population growth, fully two-thirds of U.S. aid is consumed simply in keeping up with needs of these additional human beings.

As the Queen said to Alice: "It takes all the running you can do to keep in the same place. If you want to get somewhere else, you must run at least twice as fast as that."

The impact of the population explosion on the United States is different in degree and much more complicated—and it also poses critical problems.

Recently Dr. Roger O. Egeberg, assistant secretary for health and scientific affairs, told the Republican task Force on Earth Resources and Population, headed by U.S. Rep. George Bush of Houston, that if he were "starting from scratch" he would have to list population as the most important health problem of today.

In a thoughtful message to Congress in July President Nixon assessed the U.S. situation. He noted that the nation gained its first 100 million people over a period of three centuries of growth ending in 1917. The second 100 million took only 50 years—to 1967.

The third 100 million, he related, will be added in roughly a 30-year period ending in the year 2000.

The President suggested that many of the nation's present social problems have resulted from the difficulty of absorbing 100 million people into the mainstream of society in 50 years, and he turned to the growth of the next 30 years with the warning:

"We can be sure that society will not be ready for this growth unless it begins planning immediately."

The President listed questions that have been haunting demographers: Where will the next 100 million Americans live? How will we house them? How will we educate and employ such a large number of people? Many of our institutions are already under tremendous strain, he warned, adding, "Will they be swamped by a growing flood of people in the next 30 years?"

Brought to a local level, the 30-year growth problem may come in sharper focus.

In Washington a subcommittee on urban growth of the House Banking Committee has already begun grappling with some of the problems that lie ahead.

In hearings last summer Dr. Jerome P. Pickard, director of the program analysis and evaluation staff of the Department of Housing and Urban Development, outlined a probable population distribution based on a projection of a population of 304 million in the conterminous United States in the year 2000 (this is the first 48 states and District of Columbia).

He made these projections regarding the large urban regions of Texas:

Houston-Galveston: A year 2000 population of 4.4 million—up from 2.1 million in 1970.

North Central Texas (Dallas-Fort Worth): A year 2000 population of 4.2 million—up from 22 million in 1970.

San Antonio: A year 2000 population of 1.7 million—up from 900,000 in 1970.

One hope of demographers is that a healthy percentage of the new population can be centered in "new communities".

Pickard expressed belief that 30 per cent of the new growth could go to such towns and he pinpointed 12 for Texas alone. He unveiled this possible "model":

Two new towns of 100,000 and four of 75,000 in the central Gulf Coast area (Houston).

Two towns of 150,000 and two of 100,000 in the North Central Texas area.

One town of 100,000 and one of 75,000 in the South Central Texas (San Antonio-Austin) region.

The problems of health, housing, schooling, transportation, water supply, utility services—and rewarding employment—facing San Antonio and the other urban complexes of Texas are truly staggering.

And President Nixon in his message to Congress also asked what to many Americans is the most crucial question of all:

"What of our natural resources and the quality of our environment?"

This is the issue—"The Environmental Crisis" or the "Ecological Crisis"—that many close observers believe is already replacing the war in Vietnam as the major issue of concerns for college students.

Typical of the new students movement was a University of Colorado geology major who told the New York Times recently: "I think environment is a bigger issue than the war, and I think people are beginning to sense its urgency."

An ecology student at the University of Minnesota told the Times: "Pollution and over population are like a web and pollution is just the sympton."

Observers of the mounting campus concern with environment feel that the recent demonstration at the University of Texas over the removal of oak trees to make way for expansion of the UT stadium was an example of this reaction against the pressure of an exploding student body.

At the Austin campus there are at least six environmental groups with interests ranging from water pollution to conservation law.

It's a movement that cuts across party lines and differing life styles. And the students of the conservation movement are in accord with the thinking of some of the highest officials of government, both in the administration and in Congress.

Dr. Lee DuBridge, science advisor to President Nixon, recently spoke on public policy aspects of "environmental movement" to the American Chemical Society.

Noting that the earth has provided "a very unusual environment" which has made possible human life, he added that "it now seems probable that it is the only planet in the solar system which can support life."

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DuBridge warned that the number of living things has multiplied so rapidly that "it seems as though life itself is destined to despoil or render unusable the very things in the environment that have made life possible."

He then declared:

"Clearly, the human being is the one form of life that is making the greatest inroads on the environment. In the industrial society which man has built he uses the natural resources of the earth at a colossal rate, and to a large extent converts these resources to unusable forms, thus producing vast quantities of waste materials . . . .

"In recent years the people of America have become keenly and somewhat belatedly aware of the inroads which our kind of living makes upon our environment.

"As we breathe polluted air, as we observe and use polluted water, as we observe colossal mountains of junk and waste, and as we see the rapid disappearance of open spaces and recreational areas, we have realized that the earth's environmental resources are limited, and that further deterioration of the environment must be brought to a halt."

As Dr. DuBridge suggests, the population problem is not centered with the poor alone. And Dr. Jean Mayer, the noted Harvard nutritionist who is a special advisor to the president, has observed that as disposable incomes increase, people consume more, and take up more space. He added:

"With increasing income people stop drinking water as much. As a result we spread 48 billion (rust proof) cans and 20 million (nondegradable) bottles over our landscape every year.

"We produce 800 million pounds of trash a day, a great deal of which ends up in our fields, or parks, and our forests. . . . Nine million cars, trucks and buses are abandoned every year. . . ."

The monumental job facing those attempting pollution control during the next 30 years can be measured on the local level by a single pertinent forecast: The San Antonio River Authority last week revealed that the flow of sewage effluent from metropolitan San Antonio which was at about 65,000 acre feet per year in 1960 has risen to 90,000 acre feet per year at present.

It will leap to about 210,000 acre feet per year in the year 2000.

Perhaps the most sobering statistic of all was hammered home by Dr. Paul R. Ehrlich, the Stanford University professor who coined the phrase 'Population Bomb', when he appeared before the Bush Committee.

Dr. Ehrlich explained that the government must realize that all of our environmental problems are directly related to population growth and urged that the U.S. authorities clearly "relate the national situation to the world situation." His warning:

That in the year 2000, the United States will constitute 6 per cent of the world's population, but will be using at least one-half of the world's unrenewable resources!

Another eloquent crusader, Dr. Durward L. Allen, Purdue University Anthropologist, warned in the August publication of the Population Reference Bureau that "Americans would do well to reconsider their national obsession with growth."

In this he was anticipating the dash of cold water tossed at the San Antonio Chamber of Commerce Monday night at it annual meeting by none other than Jenkin Lloyd Jones, the Tulsa editor who is president of the Chamber of Commerce of the United States.

As the local Chamber officials celebrated the city's booming growth, Jones, in his own words, "toted in a coffin."

"To make San Antonio bigger in the next decade is going to be a cinch," he warned. "The crunch will be to keep this city human."

And Jones went on to warn of the alienation that infects many elements of a society grown too big. "When man grows to where he is overwhelmed by his own kind, he becomes callous of his own kind," he said.

Warning against the "more-the-merrier" synadrome, Jones asserted: "Man is drowning in his own proliferation."

Can man meet the problems of proliferation and mass urbanization? In his article, Allen takes a gloomy view.

He cites scholarly studies which explore the geometrical increase in the complexity of individual relationships that results as more numbers are added. And he sums up:

"It seems evident that concentrations of people and, more generally, the growth of nations, produce great complexity that expands in geometric proportion in the buildup of population density."

He goes on to say that the uninitiated might think that a doubling of world (or local) population by the year 2000 would simply mean a doubling of the problems of government and society.

But this, he argues, would "fall far short of reality."

And he quotes a presidential commission on recreation as reporting:

"No major urban center in the world has yet demonstrated satisfactory ways to accommodate growth. In many areas, expanding population is outrunning the readily available supply of food, water, and other basic resources and threatens to aggravate beyond solution the staggering problems of the new urban society."

Too few political leaders, mourns Allen, have yet heard "the tramp of approaching millions."

Actually, the "tramp" is now being heard by many. One of them is Bush who spoke for a large group of congressional leaders recently in reporting on his task force hearings:

"The fact that at present growth rates we can expect another 100 million people in the next 30 years is certainly a shocker . . .

"In 22 hearings, we have learned that the deterioration of our physical environment as well as our social environment is a result of this fantastic rate of population growth.

"No one can yet honestly say how many people this earth of ours can accommodate. However, we do know that our inability to manage up to now has been our lack in understanding the significance of the population growth rate and the distribution of the population.

"We do need to act intelligently. We do need to rally public awareness so that government controls can be avoided."

Bush has also warned: "What we need in the next decade is some new thinking about our prevailing attitudes toward marriage and children. How we address ourselves to this problem is going to take an honest national debate. . . . I am confident that once the acts are well understood, the young people of the world, particularly here in America, will voluntarily contain the size of their famllics . . ."

As yet there has been little discussion of what lies beyond the year 2000—when at present growth rates population will double in shorter and shorter periods of time. But the National Academy of Sciences has summed up the issue briefly:

"Either the birth rate of the world must come down or the death rate must go back up."

[From the San Antonio Evening News, Dec. 28, 1969]

Illegitimacy in a Sex-Saturated World

(By Kemper Diehl)

These were the observations last week of two distinguished physicians who have been viewing from sharply contrasting vantage points an alarming rise in the number of illegitimate babies being born in the United States.

The first was Dr. Joseph Seitchik, chairman of the Department of Obstetrics of the University of Texas Medical School in San San Antonio, and he was speaking of teenage mothers from poverty areas whose illegitimate babies are delivered at the R. B. Green Hospital.

The second was Dr. Paul Trickett, director of the Student Health Center of the University of Texas at Austin, and he was speaking of typical middle class coeds who visit the center and find that they are pregnant, though unmarried.

The statistics which spell out soaring illegitimacy rates in the county, state and nation can only be described as appalling. Here is the picture in brief:

In the United States the illegitimacy rate per 1,000 live births rose from 39.9 in 1950 to 52.7 in 1960 and to 90.3 in 1967.

During the same 17-year span the illegitimacy rate for white infants rose from 17.5 per 1,000 live births in 1950 to 48.7 in 1967. The rate for black infants rose from 180.4 in 1950 to 293.8 in 1967.

In Texas the illegitimacy rate rose from 29.6 per 1,000 live births in 1940 to 35.2 in 1950 and to 52.2 in 1960. By 1968 it had soared to 87.9 per 1,000 live births. Between 1940 and 1968 the rate for white babies rose from 16.2 to 48.7. For black infants the jump was from 124.6 to 296.0.

In San Antonio the 1956 rate was 45.1 per 1,000 births. By 1968 it had jumped to 94.0 in Bexar County. Within the county last year one of every 13 babies of Spanish-speaking mothers was illegitimate. Nearly one of every 10 babies of the "other white" category was illegitimate and nearly one of every four black babies was illegitimate.

By 1967 there were approximately 4.5 million children under the age of 18 in the U.S. who were illegitimate and the national cost of 1.1 million illegitimate children on Aid for Dependent Children rolls was $48,730,000 a year.

A 1967 survey disclosed that 41 per cent of the mothers of 1,298 illegitimate babies born in San Antonio that year were teen-agers.

It is clear that the growing problem of unwed mothers cuts across every stratum of modern society. Perhaps most significant is the effect of what has been called "the sexual revolution" on the nation's campuses.

Despite the fact that knowledge and use of "The Pill"—the most convenient contraceptive in human history—has been common for at least a decade, an increasing number of highly intelligent and educated young women are having babies out of wedlock.

Dr. Trickett, a calm and perceptive obstetrician, has spent 10 years in college health work, including assignments at the University of Michigan and Tulane University. He is well aware of the threat of unwanted pregnancy to the 13,743 coeds on the Austin campus.

"This situation has affected all colleges and universities," he observed recently, "and we are aware of a good number of pregnancies because we're tuned in to it."

He paused and then reported:

"We diagnose approximately one unmarried pregnancy per day."

Trickett pointed out that unmarried pregnancy has been a long-standing problem on college campuses, but added soberly:

"It's difficult to understand the increase when birth control pills are readily available and there are other methods available."

The campus health chief then underlined two problems of an increasingly serious nature:

The health center is seeing "a marked increase of venereal disease" and "if other colleges say they are not, they just aren't looking for it." The rise in VD can only be seen as a by-product of increased sexual activity and promiscuity.

The health center is seeing a "good number" of coeds who are coming back from experiences with illegal abortions to "see if they are all right."

Dr. Trickett reported:

"We see an alarming number who have had a poor abortion and are infected. If they come in here and have been poorly aborted, that's a medical problem."

Where do coeds obtain the ever-increasing number of abortions which are suggested by various indices? Trickett reported:

"There's a nurse in San Antonio who does a pretty lousy job . . . and some go to Mexico. They go all over."

Trickett made it clear that the college physicians have no specific idea where coeds have obtained abortions, but only see the results.

The Student Health Center has no written policy on "The Pill" or other birth control methods. Students who have prescriptions may obtain pills at the center pharmacy.

"I don't believe I should dictate to our physicians," Trickett related. "I'm certain some physicians do prescribe pills for unmarried coeds when they feel they are on a collision course."

At the same time Trickett is equally certain that other physicians at the center do not believe in "The Pill" on medical or religious grounds and do not prescribe the contraceptive.

What happens when a coed is found to be pregnant, though unmarried?

"We try to counsel the young ladies and see if there is a good solution," Trickett reported.

The young women receive not only medical counseling, but also the assistance of psychiatric social workers.

"We will, if they want us to, get hold of their parents," the physician related, adding:

"Many times—though the kids don't realize it—their parents are their best friends. But we don't seem to get this across to the kids."

At the same time Trickett has found disturbing instances which suggest the role played by the "generation gap" in some unmarried pregnancies.

All too often he reported, the first reaction of a girl in her pregnancy is to exclaim: "Oh how this will disappoint mom and dad!"

And a disturbingly familiar parental reaction is: "What will this do to my reputation?"

Trickett observed: "It kind of gives you insight into the difficulties these kids have with their parents."

The rise in the incidence of pre-marital sex activity among college youngsters is a trend that reaches far beyond a single campus. It is a national or even international development.

Results of a poll undertaken by Social Critic Vance Packard which were announced last year disclosed that college males are currently only slightly more sexually experienced than those interviewed by the Kinsey group in the 1940s.

However, the survey found that 43 per cent of the 21-year-old coeds in the sample were sexually experienced as contrasted to only 27 per cent during the Kinsey era—a 60 per cent increase.

While these results supported the contentions of those who say the level of sexual activity is rising on campuses, Packard pointed out that they did not show activity to be as rampant as claimed by some observers.

The study disclosed that girls in universities in Norway, Germany and England were all more experienced than their U.S. counterparts with, surprisingly, the most permissive attitudes reported in England.

Writing of the rising incidence of sexual activity among young people and its often tragic consequences, Dr. Mary Calderone, a specialist in public health, has observed:

"The difficulty is of our own making. In the last 15 years we have lifted all forms of discipline and control and substituted nothing for them.

"We have given our children keys to cars, and money they can use to go to motels. Meanwhile, mother and father are off working or golfing or playing bridge. Few are the rules about anything, including sex."

Other authorities have warned against the crude and all-pervading eroticism with which the young are assaulted by various media of communication.

Dr. Trickett noted that many of the grandmothers of today's coeds were married by the time they were the age of the college students of 1969. He observed:

"We're asking these healthy females to wait . . . because we need them in college or in graduate school. We've given to wait or take a chance. But they are normal healthy individuals with normal drives."

Changes in the moral climate of society are also having considerable effect.

"The old ethic was that sex is so good that it should be waited for and experienced in the proper context," he observed.

This ethic, however, has been undermined by the "buy-now, pay-later credit card society," he explained.

The influence of the new hedonistic philosophy being promoted in many quarters has increased the impact of ever-present sexual stimuli in modern advertising.

Young people, Dr. Trickett warned, are "getting all mixed up between sex and love . . . and some of them are missing the part that love plays in this."

He worried:

"I feel we're going to have a bunch of sexual neurotics if we're not careful."

Pondering the rising trend of illegitimacy among young women in the San Antonio poverty areas, Dr. Seitchik explained recently:

"There is a biological phenomenon that people have to understand—it is that both boys and girls are coming into physical sexual maturity far earlier."

Seitchik reported that the girl of today reaches physical maturity two years earlier than did the girl of 40 years ago. A typical young lady now matures at 12.

The 16-year-old girl of 1969 is as physically mature as was her grandmother when she was 18 (and probably married).

At the same time Seitchik continued, the extended education system of 1969 delays the time when a boy "comes to grips with getting a job." He asserted:

"We have social and educational maturity later and physical maturity earlier and we're not facing up to this."

Putting it another way, Seitchik argued that 40 years ago a girl faced only about a four-year gap between menstruation and marriage, while today that gap often has been extended to 10 years or more.

Noting the heavy incidence of illegitimacy among babies born to teen-agers, Dr. Seitchik exclaimed:

"It isn't at all planned. They're ignorant . . . and even if they had information (about birth control) and wanted to plan, they can't get services.

"Because you have to have parental consent, I can't even do pelvic examinations in this state except in an emergency. And I can't prescribe drugs . . ."

Dr. C. E. Gibbs of the University of Texas Medical School has been in close touch with the problems of unwed mothers who are patients of the Green.

He is conducting a scientific survey of mothers of new babies at the hospital.

Though the survey will not be completed until next spring, early results indicate that 18 per cent of the mothers of infants born at the Green are unmarried.

Gibbs has already noted some unhappy patterns emerging in the study.

For example, it appears that a number of the unwed mothers avoided pre-natal care services because they were hiding their pregnancy.

Most physicians consider adequate prenatal care to be five or more visits, with the first visit in the first half of the pregnancy.

"One of the really costly features of the illegitimacy problem is the dropout," Gibbs related recently. "By and large when a girl's pregnancy becomes known she is asked to leave school."

All too many do not return.

Records of the San Antonio Independent School District indicate that last year 64 girls dropped out of school because of pregnancy, while another 240 students (both boys and girls) dropped out because of early marriage.

Emphasizing a need for girls to continue their education, Gibbs counseled:

"It has been shown that if such girls have good educational care and good medical care, they can have a bright future. But without support, a girl who is pregnant and doesn't marry has a high rate of repetition.

One alternative for an unwed mother is to seek the help of a "home" such as the Methodist Mission Home of Texas on Whitby Road or the Salvation Army Home and Hospital.

At the Methodist home, supported by the Methodist Conferences of Texas and New Mexico, girls generally stay from three to four months. Their babies are delivered at Southwest Texas Methodist Hospital.

Most give their babies up for adoption, but a few choose to take them home. The infants remain in the Methodist Hospital nursery until the day they are placed for adoption or until the girl takes her baby home. Last year 322 girls came to the home and only 19 kept their babies.

"Our most frequent age of mothers is between 15 and 19," reported Dr. Spencer L. Stockwell, administrator, recently. "But we have had them as young as 9 and as old as 40."

Of the nine-year-old, he exclaimed:

"Can you imagine? She had her 10th birthday before she delivered. That was just three years ago."

Most of the girls at the Methodist Home are from middle class families and Stockwell's analysis of their problems is similar to those of Dr. Trickett and other authorities.

There is the mood of permissiveness throughout society and other influences and pressures are also at work.

"We're asking kids to postpone giving vent to their sex urges for a longer period than ever before," he declared. "But we're not getting them prepared for responsible marriage."

He continued:

"The pressures they are under today are almost unbelievable. There's the overemphasis on sexuality of a brash type and they are led to believe that it is unhealthy not to express oneself sexually as soon as possible—that's tommyrot."

Declaring there is a "large amount of downright ignorance on the part of youngsters as to their sexuality," he argued that parents, schools and churches are falling down in meeting the need to talk to youngsters frankly and help them understand basic values.

Statistical studies assign from 41 to 44 per cent of illegitimate births to teen-age mothers and their plight has caused some of those close to the poverty scene to call for legalization of abortion on a broad basis.

In 43 states abortion is permitted only if the pregnancy threatens the mother's life. The other seven states and the District of Columbia are somewhat more permissive. In 1967 and 1968 five states adopted liberalized laws.

In a frank statement to the Republican Task Force on Earth Resources and Population, U.S. Rep. Shirley Chisholm, the New York Democrat who was the first black woman elected to Congress, proposed outright "repeal" of abortion laws.

Speaking of the situation in one state, she declared:

"Nearly half of those seeking abortions are unmarried girls. Unless these girls have the $600 or $700 it takes to get a therapeutic abortion and are willing to swear to two psychiatrists that they are going to jump off a ledge, the only solution is to have the child.

"Society's attitude seems to be 'You've had your pleasure, now pay the price.' What is more immoral, granting an abortion or forcing a young girl—some of them as young as 14 and 15—to assume the responsibilities of an adult while she is still a child?

"What are we doing to the mother? What are we doing to the child?

"If a white girl gives up her child for adoption there is a pretty good chance that the child will be adopted. This is not the case for black and other minority group children. They spend their lives in orphanages and foster homes.

"This is one of the prime reasons why so many black girls keep their babies . . .

"Is it more humane for these children to grow up unwanted and unloved?"

Hitting at another aspect of the problem, she testified:

"By forcing a young girl to have an unwanted child, we are assigning her to society's trash heap. Young, confused, usually without skills or training, she will be cut off from avenues of opportunity. Widows and divorcees have a rough time in the marriage market. Unwed mothers have it even rougher.

"By punishing her to have the baby, have we solved any problems? I think not—I think we have created some."

In Texas no public official and few others who grapple with the problem of illegitimacy have so far indulged in such frank talk.

At the University of Texas, Dr. Trickett made the position of the Student Health Center clear:

"We don't do abortions and we don't recommend them."

But those charged with the health of students are not brushing the problem of illegitimacy aside.

"We're doing some informal health education on the campus," said Trickett, "and we've had some gratifying results."

Physicians and counselors of the health service have given a series of lectures to students and have reached around 4,000 coeds in class and groups usually ranging from 50 to 250.

"I gave a talk to some 750 kids a couple of weeks ago on birth control," reported Trickett with satisfaction.

The lack of knowledge about ways to control the size of families and the avenues open to those who seek help is not confined to youngsters.

Studies at the Green have shown that up to 80 per cent of all mothers of babies being delivered there are interested in finding some way of limiting their families.

In view of well-established links between family size and incidence of poverty, the provision of birth control services for women in poverty areas has become a major weapon in the War on Poverty.

[From the San Antonio Evening News, Dec. 29, 1969]

POPULATION BOMB

(By Kemper Diehl)

A Christmas tree blinked merrily in the background in the waiting room of a Planned Parenthood Clinic deep in San Antonio's "poverty area" one day last week as a tired-looking woman discussed her haunting fears with a social work aide.

The interview was taking place at the Wesley Community Center No. 2 at 1406 Fitch St. and the woman's fears concerned the possibility she might have another baby—or another miscarriage.

At 36 she had already borne eight living children and had suffered four miscarriages.

Some two hours later she left the clinic after having received a thorough physical examination. She had gained a month's supply of "The Pill" and a sense of relief that she needn't have any more children.

On that same afternoon, the physician attending the Planned Parenthood clinic at Wesley center saw 10 other women, including four other new patients.

At 23 years of age one other newcomer already had a houseful of children—six.

Even if these two new patients with large families never have another child, their chances of rearing their families outside of the poverty cycle are not bright.

Careful nationwide studies have disclosed that 42.1 per cent of families with six or more children fall into the poverty category—and the figures include such large, but wealthy families as the Kennedys.

A better economic chance can be expected by another of last week's clinic visitors. She was a 32-year-old housewife who was coming in for an annual physical examination after participating in the family planning program for 12 months.

She has had four children and probably won't have any more.

The Planned Parenthood Center at Wesley is currently reaching some 633 active patients and is a link in one of the most successful anti-poverty programs yet initiated by the Office of Economic Opportunity.

It is interesting to note that OEO entered the area of family planning with considerable trepidation with a small $8,000 grant to Corpus Christi in 1964.

Gary D. Londou, until recently the director of health services in OEO's Community Action Program, recently recalled:

"Many people in the federal government were worried about possible repercussions. The only thing that happened, however, was that the local family planning program was swamped with eager applicants for service.

"OEO had to double its grant within the first year in an attempt to keep up with that demand, and we found that this was one of OEO's most popular programs among the poor."

A top OEO research official, Joseph A. Kershaw, has reported:

"We looked into the family planning with some care and were amazed to discover that here is probably the single most cost-effective antipoverty measure."

As public opinion moved into support of family planning, Congress emphasized its priority by designating it as a "national emphasis" program.

Detailed studies on the link between family size and poverty in San Antonio are not easily available but there are strong indications that the national trend holds good here. Samples:

In several of the hard-core poverty tracts of the Model Cities area ongoing birth rates appear to be running above 40 per 1,000 population—a figure comparable to parts of Asia and Latin America where poverty is endemic.

A recent study of families within the Model Cities area delved into their money problems. More than 60 per cent of heads of households of more than six persons reported they couldn't make ends meet. A majority of those with smaller households reported they could break even and in many cases have money left for small luxuries or savings.

Studies of the poor have given clear answers to the popularity of the family planning program.

Arthur A. Campbell of the National Institute of Child Health and Human Development and a former chief of birth statistics of the U.S. Public Health Service, has summed up these findings this way:

"It is evident that most Americans, regardless of color or socio-economic status, share a common preference for an average of three children.

"The major exceptions are Catholic wives (who want an average of four children), better educated non-white wives (who tend to want fewer than three children) and a small group of non-white wives living on farms in the South (who want between four and five children)."

However, Campbell has found that the difference between actual fertility of the poor and near poor and the fertility of the non-poor is striking. There are 55 more births per year per 1,000 women (between the ages of 15 and 44) among the poorer group than among the non-poor.

Such "excess fertility" or "unwanted fertility" has had a major impact on population growth in the United States as well as upon poverty problems.

A close student of unwanted fertility is Dr. Charles F. Westoff of the Princeton University Office of Population Research.

He recently reported these findings after a detailed review of data in a 1965 national fertility study:

17 per cent of births to the non-poor were unwanted, while 26 per cent of births among the near-poor were unwanted and 42 per cent of births among the poor were unwanted.

For the six years from 1960 through 1965 there were between 4.7 million and 5.9 million unwanted births in all socio-economic groups.

Of these the poor and near-poor had between 2.2 and 2.7 million unwanted births, while the non-poor had between 2.5 and 3.2 million unwanted births.

For the nine years from 1960 through 1968, it was estimated that between 35 and 45 per cent of the natural population increase in the U.S. could be attributed to unwanted fertility.

At the Robert B. Green Hospital which is the prime vehicle for delivering hospital care to mothers from the San Antonio poverty area, Dr. Joseph Seitchik, chairman of the Department of Obstetrics of the University of Texas Medical School in San Antonio, reported recently:

"The vast majority of our patients are having pregnancies they did not want."

Seitchik noted that family planning information is currently being provided mothers of new babies at the Green through a cooperative program with Planned Parenthood. He commented:

"When our survey shows 80 per cent of our patients express an interest in planning I say the question is, 'Are we going to fulfill a patient need?' "

The need is demonstrably large.

A comprehensive study done for OEO in 1968 disclosed that approximately 5.4 million "medically indigent" women in the United States were in need of subsidized family planning services.

Of these, 773,000 were reported to be patients of public or private sector health agencies which offered family planning. In short, 85 per cent were not receiving help.

The OEO study was carried to a community level and found that there were 32,430 indigent women between the ages of 15 and 44 in the San Antonio area who needed family planning assistance. Of these, 4,349 were receiving service.

The San Antonio area ranked seventh in the United States in the number of women not receiving planning help—ahead of such major urban areas as Dallas, St. Louis, New Orleans, Baltimore, Milwaukee and Pittsburgh.

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The San Antonio area "fertility rate," based on births per 1,000 women in the 15–44 year age bracket, was 101 in 1966 as opposed to a national average of 91.

Also disclosed by the study was the fact that 21 per cent of births in the San Antonio area in 1966 were "fifth or higher" births as opposed to a national figure of 15 per cent.

Seitchik has stressed the link between poverty, large families, failure to obtain sufficient pre-natal care, and infant mortality.

This was dramatized by an OEO finding that between 1961 and 1965 there was an "excess" of 770 infant deaths in the San Antonio area. This represents the difference between the actual number of deaths during the period and the number which could have been expected if an achievable death rate of 17.8 per 1,000 live births had been attained.

In its total of "excess" infant deaths, the San Antonio area ranked twenty-first in the nation.

Despite the generally wide acceptance of family planning by poverty area couples, there have been complaints by black militants—and in some cases "Chicano" militants—that the program amounts to "genocide" of an ethnic or racial minority.

London has answered that the actual OEO family planning programs have shown "this charge to be utterly without foundation." Emphasizing the voluntary nature of the involvement of the poor in family planning and its support among them, he reported:

"When a small extremist group tried to shut down the OEO family planning centers in Pittsburgh's black neighborhoods, black community mothers led the successful battle for their retention."

Last month U.S. Rep. Shirley Chisholm, a black woman who is the Democratic congresswoman from the Bedford-Stuyvesant ghetto in Brooklyn, testified frankly regarding the "genocide" theory before a Republican Task Force on Earth Resources and Population headed by Houston's Rep. George Bush.

She declared:

"One hears talk about 'genocide' from black militants. I think the principal things in operation here are the feeling of blacks that they want to control their lives and of the black man's pride and ego. Most of those who raise the genocide issue are black men not black women."

Mrs. Chisholm went on to point out that "a significantly higher percentage of nonwhites prefer a family of two children or less as opposed to the white desire for three children. This I think relates to an awareness of the connection between poverty and the number of children one can afford to support."

Why aren't more women in poverty areas being reached by the San Antonio program?

An ongoing survey by Dr. C. E. Gibbs of the University of Texas Medical School among mothers of babies at the Green Hospital indicates that the prime obstacles are ignorance of the possibility of family planning and difficulty of reaching family planning clinics.

Working to overcome such problems is the Planned Parenthood Center of San Antonio which has operated its own program for 31 years and which now operates an additional 12 OEO funded clinics plus the information center at the Green.

The program has come a long way in a relatively brief time in San Antonio. Mrs. Sarah Prero, director of Planned Parenthood here, recently recalled:

"When we started the poverty program in 1967 we had 828 patients funded by OEO. As of now we have 7,714 patients in the poverty areas.

"In this past year it really has been snowballing. We have been getting an average increase of 250 patients monthly. In fact, that's one of the problems facing Planned Parenthood throughout the country. It is now snowballing so fast that we can't keep up with it in terms of funds."

The local program has been receiving $142,588 per year from OEO and is now seeking an additional $33,985 for the final four months of the current program year as well as an additional $76,390 for the next program year.

It is hoped that five new poverty area clinics can be added to the existing 12.

In addition, the center is seeking a smaller grant from the Department of Health, Education and Welfare to fund a follow-up program for mothers of infants born at the Green and for a mobile unit to offer services to migrants.

There is a great need for additional clinics, Mrs. Prero related, pointing out:

"It is very difficult to get a patient to take two or three buses in order to get a supply of pills."

Planned Parenthood, she emphasized, looks upon its job as "first one of education—to let people know what planning is and that it is available at a low cost or nothing at all."

She stressed once again the fact that under the OEO and Planned Parenthood programs "there is no coercion," and she underlined the fact that the concern of Planned Parenthood is not limited to the poor. Mrs. Prero declared:

"We are just as concerned with the number of children affluent people have. The overpopulation problem is also related to affluence."

Those in higher income brackets, she pointed out, are likely to consume more products that lead to pollution and waste.

But Mrs. Prero emphasized that progress in meeting the goals of family planning is slow. Since the OEO study of the number of women in need of help in the San Antonio area, the great wave of postwar babies has begun to move into the most fertile child-bearing years.

In addition, local Planned Parenthood officials believe the original OEO estimates were conservative.

"We feel," said Mrs. Prero, "that there are many women who don't fall strictly within the poverty level, but who still can't afford to go to a private physician for family planning help."

Mrs. Prero has set the target population for subsidized family planning locally at 40,000 women and reports that "we are currently reaching about 10,000—that includes those at the OEO clinics and those visiting our downtown clinic which is not included in the poverty programs."

[From the San Antonio Evening News, Dec. 30, 1969]

POPULATION BOMB

(By Kemper Diehl)

During the next 30 years the population of the world will double, leaping from a present 3.5 billion to 7 billion at the turn of the century; the population of the United States will rise from 200 million to 300 million by the year 2000.

Unless this growth rate moderates, world population will multiply ever more swiftly—reaching 14 billion by 2015.

These geometrical surges in numbers will load inhuman strains on government, society and our total environment.

Already problems of overcrowding, strife and pollution have raised storm signals. How is the United States moving to meet this unprecedented challenge?

A part of the answer came this week from U.S. Rep. George Bush of Houston who has become one of the handful of Congressional experts on the threat posed by the "population explosion."

Back in Texas for the holiday recess, he appraised the progress that an alliance of concerned Republicans and Democrats, conservatives and liberals has made in recent months.

"We're beginning to get the problem in focus," he said. "For a change, people have stopped whispering about it."

Open discussion about the population problem has been traditionally shunned in the political world. The solution to the threat of what has been called "The Population Bomb" is, of course, the stabilization of population growth at a manageable or even "zero" level. This clearly calls for family planning on a broad scale and most politicians have feared to talk about birth control.

However, 1969 proved to be a year in which members of the academic community, medical authorities and public officials began to speak out with blunt frankness about such subjects as "unwanted pregnancies," the links between poverty and large families, and the direct connection between population growth and the deterioration of the environment.

Congressional interest in the growing problem has centered around such leaders as Bush, Rep. Robert Taft, Rep. Ogden Reid and Sen. Cliff Hansen on the Republican side and Sen. Joseph Tydings and Reps. Shirley Chisholm, Jim Scheuer and Mo Udall on the Democratic side.

Appraising the changing tide of public opinion, Bush declared:

"When I go to the universities I find students are vitally interested. Older politicians say we can't talk about it, but the whole idea of population control, family planning and the unwanted child is very much 'au courant.'

"People are darned interested and want to do something about it."

The growing momentum for population study was underlined dramatically on July 18 when President Nixon sent a landmark message to Congress on "population and family planning."

In his message the president established this national goal:

"The provision of adequate family planning services within the next five years to all those who want them but cannot afford them."

A Republican task force headed by Bush reported last week that only 700,000 women out of 5.3 million who need subsidized family planning assistance are now receiving effective help.

The president also proposed the creation of a Commission on Population Growth and the American Future to inquire into the patterns which may emerge from the expected swift increase in U.S. population.

And he urged increased research into birth control methods and the effects of population growth on our environment.

A eminent authority, Director Joe Stycos of Cornell University's Population Program, has asserted that major social changes pass through four stages: "No Talk-No Do; Talk-No Do; Talk-Do, and No Talk-Do."

It has been agreed by those close to the population problem that the United States is at the close of Stage II and nearing Stage III.

Recent months have developed increasing public debate as the Bush committee held 23 public hearings and Sen. Joseph Tydings (D-Md.) developed outspoken testimony for his bill to create a National Center for Population and Family Planning in the Department of Health, Education and Welfare (Bush has introduced a companion bill in the House).

Typical of the new "Talk" stage was a statement by Bush as he and members of his task force introduced a bill requiring the federal government to use space age systems techniques to solve problems of environmental pollution, natural resource development and population. He declared:

"The federal government can no longer blind itself to the reality that our crucial problems of environment, resources and population are closely related and therefore require concerted, coordinated and systematic approaches to their solution . . . Any attempt to deal with our resources and environment as well as problems of crime, urban blight, transportation, education, unemployment, and all others, without dealing with the population factor, is simply unrealistic."

Still, there is evidence of resistance to change by powerful Congressional elements. None of several bills which would move the federal government into a coordinated attack on population and environmental problems has yet passed—including the bill to create the president's widely-praised Population Commission.

"It never got out on the floor," remarked Bush. "It was on the special consent calendar but then was mysteriously taken off of the calendar."

Washington Columnists Novak and Evans last week blamed the blocking of the Population Commission on Speaker John McCormack and other big city Democrats with conservative views in the area of population planning.

In spite of set backs there is evidence that the federal government will soon be taking a much more expansive role in the area of family planning. A series of recommendations released last week by the Bush task force point to probable administration aims. These include:

Proposals for increasing HEW's family planning grants from a present level of $30 million a year to $150 million annually by 1975.

A proposal to increase grants for contraceptive research from $30 million a year to $100 million a year within five years.

Encouragement of the states to develop improved "delivery systems" for family planning programs.

Massive dollar support of family planning programs of the Agency for International Development and fiscal support for the United Nations Trust Fund for Population Activities.

Family planning is similarly moving from talk to action in San Antonio and Texas.

In Houston, the city health department last year received $248,500 from HEW for a family planning project and in Dallas the University of Texas Southwestern Medical School received a similar grant of $236,000.

In San Antonio, acceptance of OEO-financed clinics operated by Planned Parenthood in the poverty area has been so great that the organization has asked for a grant of $33,985 to add to its OEO budget of $142,588 to meet the patient explosion during the final four months of its project year. It will need an additional $76,390 next year.

Planned Parenthood has undergone a 168 per cent increase in its poverty clinic patient load over last year, Mrs. Sarah Prero, director, reported.

In 1967 the program served only 828 patients. "Now, we're up to about 8,000 and have an average of 250 new patients each month," she exclaimed.

Pondering the acceptance of the poverty area family planning clinics as well as the discovery by Planned Parenthood workers at the R. B. Green Hospital that 80 per cent of new mothers are interested in birth control, Dr. Joseph Seitchik, chairman of the Department of Obstetrics of the University of Texas Medical School, observed recently:

"You have census tracts here with birth rates above 40 (comparable to India or Latin American). It's just incredible.

"Maybe TV does a lot of bad things, but in this case it has done good things, too.

"People in the poverty area watch TV and they find out you can have money and don't have to have nine or ten kids."

As on the national level, the local movement toward family planning has met setbacks, despite the Nixon Administration's priority on attempting to reach all women in need of planning assistance.

The Office of Economic Opportunity last year calculated that there were 28,000 medically indigent women in San Antonio poverty pockets who were in need of subsidized family planning service and not receiving it.

The need in San Antonio was calculated to be the seventh largest of any U.S. community.

In view of this, Seitchik has been disappointed at the failure of local leaders to work out a plan for inclusion of family planning among first year priority items of San Antonio's Model Cities program

Despite city council interest and recommendations of the Model Cities staff, the Model Cities citizens committee has twice sidetracked a $143,000 family planning proposal submitted by Planned Parenthood.

Seitchik is inclined to believe that the Model Cities proposal should be taken over by the Metropolitan Health District since it could be integrated with existing pre-natal and post-natal care clinics.

But he is most concerned that the opportunity not be lost, since he feels it offers a chance for the massive expansion of family planning activity.

He explained:

"HEW will match $3 for every local dollar and we can use the Model Cities money as local money. We could have a half million dollars in San Antonio for family planning if we could get this Model Cities Money."

Ultimately the decision may come down to the city council which alone has the power to overrride the Model Cities citizens committee and which could give a definite green light to the Metropolitan Health District to move into family planning.

Seitchik has emphasized that provision of family planning services is only part of the answer to problems facing the U.S. in the area of population growth.

Turning to fertility charts, he noted recently that the average US. family has had 3.1 children since the first quarter of the century. He added:

"The one great problem we have to come to grips with is that to maintain a constant population you need only 2.2 children per family. There's no reason to believe that the kids of today are going to do anything differently.

"I don't see any trend to smaller families and, assuming this is the way it is, then there are just going to be more births."

On the national level, scientific spokesmen have recently taken a more urgent note in their discussion of the population problem.

At a meeting of the United Nations Educational, Scientific and Cultural organization last month, Dr. Lee DuBridge, President Nixon's chief science advisor, went beyond the president's population message.

In his keynote address, DuBridge termed the reduction of the earth's population growth rate to zero as "the first great challenge in our time."

He challenged:

"Can we not invent a way to reduce our population growth rate to zero? Every human institution—school, university, church, family, government and international agencies such as Unesco—should set this as their prime task."

The need for Americans to examine openly all aspects of the population problem was eloquently expressed earlier this year by Robert McNamara, president of the World Bank, upon receiving an honorary degree from the University of Notre Dame.

In a message that spoke the concern of those who have grappled with "The Population Bomb," McNamara compared its threat to that of nuclear war. And he warned:

"Human dignity is severely threatened by the population explosion—more severely, more completely, more certainly threatened than it has been by any catastrophe the world has yet endured."

He concluded:

"Providence has placed you and me—and all of us—at that fulcrum-point in history where a rational, responsible, moral solution to the population problem must be found.

"You and I—and all of us—share the responsibility to find and apply that solution.

"If we shirk that responsibility, we will have committed the crime.

"But it will be those who come after us who will pay the undeserved . . . and the unspeakable . . . penalties."

INTRODUCTION OF SCHOOL CONSTRUCTION ACT OF 1970

HON. JOSHUA EILBERG

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 27, 1970

Mr. EILBERG. Mr. Speaker, today I have sponsored the School Construction Act of 1970. This bill will, over the next 3 school years, provide almost $12 billion for the construction of elementary and secondary school classrooms. This bill provides a two-pronged approach to meeting the enormous classroom backlog which school districts across the Nation are facing. First, it would initiate a program of direct loans by the Federal Government to local school districts at low rates of interest. The amount provided by my bill for this program is $750 million for 3 years, or $2.25 billion. Second, my bill provides for a federally-financed program of interest subsidy grants to local school districts, for school construction. As you all know, the interest subsidy approach allows us to utilize the private sector lending institutions with the Federal Government helping the local school districts lower their interest charges on loans. The amount provided in the School Construction Act of 1970 for this program is $750 million for 3 years and it is estimated that the $2.25 billion in Federal dollars spent on this program would allow school districts to borrow up to $9 billion for school construction from local banks.

Years ago, the cry we all heard was, "Johnny can't read or Johnny can't write." Now that we have educated Johnny and graduated him with honors and without rioting, Johnny Jr. threatens to become the newest addition to the Johnny series. Unless a major effort such as that proposed by the School Construction Act of 1970 is implemented, and soon, the next cry we can expect to hear is, "Johnny Jr. can't find a seat; Johnny Jr. can't find a schoolroom."

In 1966 the backlog of classrooms needed versus classrooms constructed was 193,500. Despite the fact that local school districts are building classrooms at the rate of 70,000 per year, it is estimated that there will still be a 163,000 backlog in 1975. Yet, it is in 1975 when the next substantial crunch of new elementary school students is expected and it is a simple fact of economic life that most school districts will find it difficult to build their share of the 70,000 room per year estimate unless the tight money situation is alleviated and local residents get some tax relief.

XUM

The school district of Philadelphia estimates that it costs about $2 million to build a 25-classroom school. Taking into consideration the fact that building and material costs are higher in the Philadelphia area than they are in other sections of the Nation, the money which the School Construction Act of 1970 provides would be enough to build almost 6,000 new 25-room schools; and this would add more than 150,000 new classrooms to our public school system nationally.

In addition to the classroom shortage we face in this Nation, we have another related problem which is best dramatized by the fact that three out of every four elementary and secondary school students are now receiving their educations in buildings with at least two of nine building deficiencies. The nine most prevalent types of building deficiencies found in schools across the country and more particularly in the large cities of the Nation are: first, structural defects; second, inadequate heating; third, inaudible fire alarms; fourth, nonfire resistive stairways; fifth, nonenclosed stairways; sixth, insufficient exits; seventh, no sprinkler or fire detection systems; eighth, insufficient electrical service; and ninth, lighting below 30 foot-candles.

In the city of Philadelphia, part of which I represent, there are at least 818 classrooms which are not fire resistant and this means that over 20,000 schoolchildren in the city are going to school everyday in unsafe classrooms. In northeast Philadelphia, which I represent, there are some 45 nonfire resistant classrooms.

In addition to increased enrollments and unsafe classrooms there are other forces which will over the next several years make the classroom shortage faced by the local school districts of the Nation more severe. There are an enormous number of temporary classrooms especially in the urban fringe areas of this Nation which should be replaced with permanent classrooms; and, in most of our larger cities and their suburbs, pupil-teacher ratios are way above the national average and far above the optimum level of one teacher for every 25 elementary schoolchildren and one for every 20 secondary schoolchildren. The present national average of teachers to pupils is over 27 pupils per teacher in elementary school classes and also over 27 per secondary school classroom.

The northeast Philadelphia area, which I represent, is what I would characterize as the urban fringe of the city. Here we have a situation where the elementary school population has increased by some 51 percent since 1961, the junior high enrollment by some 19 percent, and the senior enrollment by 52 percent. The overall increase has been 44 percent.

As a result of these dramatic pupil enrollment increases in the northeast, there has been and continues to be a crying need for more classrooms. This need has not been met. The northeast has over 50 percent of all rented classrooms in the city and the churches and synagogues being used as classrooms have created physical problems for both pupils and teachers. These facilities are often makeshift and parents often cannot rely on older children to take younger ones to school because of the different locations. Financially this rented space is very expensive, and, according to the Philadelphia Federation of Teachers, the rents which the city school district pays for these rented facilities are exorbitant. Often, in addition to these exorbitant rents, the Philadelphia School District has been forced to make a considerable investment in repairs to make the rented space habitable.

Pupil-teacher ratios in most major cities are nowhere near the national average and the city of Philadelphia is no exception to that rule. While the optimum pupil-teacher ratio for elementary schools is 25 pupils per teacher, the national average is over 27 pupils per teacher and in Philadelphia the average is over 31 students per teacher. In the northeast, the situation is even worse with an elementary school pupil-teacher ratio of over 32 students per teacher. While the optimum pupil-teacher ratio for secondary schools is 20 students per teacher, the national average is over 27. In Philadelphia the ratio is about 30–31 and in the northeast a little more than that. Based upon these figures alone, the need for additional Federal assistance to help local school districts build classrooms is evident.

The present situation faced by our school districts nationally is bad enough, but there are other factors which will contribute to making the classroom shortage even more acute. There are, for instance, increased demands for specialized programs and, if the city of Philadelphia is any indication of a national trend, urban fringe schools such as those located in my district in northeast Philadelphia are being shortchanged. The facts speak for themselves. In the city there are some 157 special classrooms and not one of these is located in the northeast. This situation coupled with the increased demands for programs to keep our youngsters in school will make the classroom shortage more acute than current estimates indicate.

It is my feeling that pupil-teacher ratio figures are false and misleading, and that if the truth were known national figures would be higher than the 27-pupil-per-teacher ratio which is now the norm. In Philadelphia, where the pupil-teacher ratio is much higher than the national average, by law there cannot be more than 24 pupils in any shop and home economics classes and as a result other classes are excessively large to make up the difference.

The need is there and the fact that school districts and local governments have had an increasingly difficult time getting voters to approve increased taxes for school construction makes passage of the School Facilities Construction Act all the more necessary. The two-pronged approach which my bill takes to alleviating the classroom backlog follows:

First, my bill provides for a program of direct low-interest Federal loans to local school districts for the construction of elementary and secondary school classrooms. These loans would be for up to 50 years and, over the life of the bill, over $2.25 billion could be loaned at interest rates of just under 6 percent. My bill provides that the interest rates on these loans would be not less than 1 percent above the rate on all interest-bearing obligations of the United States forming a part of the national debt as computed at the end of the preceeding fiscal year. The only stipulations which the bill makes with respect to the eligibility of school districts to receive the loans is that they must be unable to get such loans at comparable rates from private sources and that one-fourth of the development money for the project must come from local funds.

Second, my bill provides for a program of annual interest subsidy grants to local school districts so that they can borrow the funds they need from commercial banking outlets. My bill provides $2.25 billion over 3 years for this program and this means that over $9 billion of loans could be secured by local school districts for school facility construction during this period.

I believe you all will agree that the need for this bill is evident. In closing let me quote you from a letter I received a short time ago from Michael P. Marcase, associate superintendent of the Philadelphia School District:

> One big problem is that the school district has been unable to borrow money at reasonable rates of interest. The present limit is 6% interest on bonds. Because of this limit, the school district has been unable to sell bonds. The General Assembly has before it a bill which would raise the limit to 7%. Even at this increased limit, it is doubtful that the school district will be able to sell their bonds. The School District of Philadelphia, as well as other large metropolitan school districts, needs assistance from the Federal Government in the form of either outright loans of construction funds at low interest rates or subsidizing the present interest rates which are over legal limitations.

WHAT'S RIGHT WITH AMERICA

HON. LOUIS C. WYMAN

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 27, 1970

Mr. WYMAN. Mr. Speaker, every once in a while it is nice to hear some of the things that are right with America. This is especially so when the media report in a way as to emphasize the disobedient, the anarchists, the violent, and the malcontents. Perhaps this is not the fault of the media as much as that of analyses of public interest which seems always to stress the sensational.

It is still news when citizens break the rules or disregard the precepts of our society. Nevertheless most citizens favor these precepts and yearn for an orderly life with protection for themselves, their families, and their property.

The Warner & Swasey Co. performs a useful public service by advertisements such as the following which appeared recently in an issue of U.S. News & World Report:

XUM

WHAT'S RIGHT WITH AMERICA

Yes, there are dirty plays, but not one has even approached the performance record of homey "Oklahoma" or "Fiddler on the Roof."

Foreigners are scornful of our ghettos. Yet tens of millions are being spent by *businesses* to rebuild slums with modern homes, and the median Negro family income has risen to $5360 a year and the number earning $7000 has doubled in ten years.

45 percent of Americans attend church and 70 percent consider religion *very important*.

More Americans finish high school than is true of any other nation, and we're getting ready to improve that even more by special programs (developed in America) for preschool children. And the number of American adults who continue their schooling even into old age is the wonder of the world.

Book buying has doubled in 10 years—*good* books.

50 million Americans donate time and 14 billion dollars every year to charity.

And you can add paragraphs of what else is good from your own experience.

All of which makes a pretty good national anthem, doesn't it—a lot healthier than the sorry blues which too many love to sing.

SEX ENLIGHTENMENT

HON. TIM LEE CARTER

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 27, 1970

XUM

Mr. CARTER. Mr. Speaker, the recent editorial on sex education in the school, which appeared in the Christian Science Monitor on Saturday, January 24, 1970, is extremely well written. This problem is causing heated discussion in many cities and towns in the Fifth Congressional District of Kentucky, which I represent.

It is my feeling that the editorial takes the correct attitude. I submit it for your perusal:

SEX EDUCATION IN SCHOOL

Sex has been described as being, at one and the same time, the most personal and the most explosive force in the world. For as far back into recorded history as we can go, mankind has always shown great care about approaching this matter. There are few societies of any distinction which did not early recognize the need to surround this force with both legal and moral curbs for humanity's own protection and highest good. The need for such care is as great today as it ever was.

Because this issue is so deep and so emotionally charged, the United States today sees an increasingly bitter and divisive debate over the question of sex education in the schools, a debate whose many pros and cons will be disscused in a series of weekly articles beginning in today's issue of this newspaper. For the country is being called upon to decide whether explicit sex education should be part of a school curriculum and, if so, under what circumstances and under what limitations.

Those advocating such education say that information on sex is too important to the individual and to society to be left to haphazard knowledge. They say that parents neglect giving adequate instruction and that children therefore encounter problems and crises ill-informed. This results in rising crime, illegitimacy, veneral infection divorce rates, and maladjusted people.

Against these arguments are marshaled the charges that the too-graphic teaching tends to stimulate the children physically, makes them preoccupied with sex, and weakens acceptance of that fact upon which orderly society is based—that sexual relations belong within marriage. There is also rising criticism of the failure of much such education to emphasize the moral aspects of sex. Finally, many parents have been horrified not only at the unabashed literalness of much of the teaching but at the startlingly low age (sometimes at no more than five years) at which such instruction begins.

The single great question to be answered is in which direction does sex education lead the young. Does it encourage a more reasoned outlook, better self-control, a stronger moral sense, all elements essential to the progress and preservation of a worthwhile society? Or does it bring about the opposite qualities with their great and ever-present threat to both society and the individual?

We strongly believe that the best place for sex enlightenment is in the home and at the hands of parents. Nothing can be an adequate substitute, and the theory that parents on the whole are inadequate to the task is scholastic arrogance. Yet, where parents do not meet this obligation, there may be limited room for sex education of the right kind in schools. But the excesses in such education must be removed. Such instruction must not begin at ages which are patently ridiculous. Furthermore, sex education must be related to the great ethical truths without which life, in any of its aspects, is little more than an animal existence. And, finally, sex education in the schools makes it doubly important for parents to develop that rapport with their children which makes communicating on moral and spiritual matters an easy and natural family affair.

POLITICS, SCHOOLS, AND INFLATION

HON. ROBERT H. MICHEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 27, 1970

Mr. MICHEL. Mr. Speaker, the Nation's press, which does not always agree with the President, is overwhelmingly in his corner in the matter of the HEW veto.

Newspapers, like the rest of us, have a vested interest in teaching Johnny to read. But they also have a vital interest in the cost of living and the cost of doing business.

Under policies adopted by the previous administration, inflation has sent those costs soaring.

President Nixon has reversed those policies and is fighting valiantly to reverse the cost of living spiral.

If he succeeds all of us will benefit. If he fails even those who vote for inflation will suffer.

Mr. Speaker, the Chicago Sun-Times recently ran an editorial supporting the President's stand.

I insert it in the RECORD for the edification of my colleagues:

POLITICS, SCHOOLS AND INFLATION

There's a good deal of politics involved in the argument over the health and education appropriations bill that Congress has passed and that President Nixon has said that he will veto.

The bill is $1.26 billion higher than the $18.14 billion that the White House proposed be spent by the Department of Health, Education and Welfare and other agencies. The increase is largely for aid to local schools and for other educational and health projects. When the President vetoes the bill the Democrats will say he's against health and educational programs; this could furnish them with an effective election-year issue.

In politics issues are usually presented in black or white, good or bad. There are many gray areas, however, that bear examination and the HEW budget is one of these.

Mr. Nixon is opposed to the excessive spending proposals because he is trying to keep his budget tight in order to fight inflation. If he cannot hold the line on this big item, he may find his budget riddled on other matters and his efforts to fight the rising cost of living could be seriously handicapped.

If the line against inflation cannot be strengthened, all costs—including those of all schools and health services—will go higher, burdening the taxpayers and the medical profession still more. Mr. Nixon has attempted to set up some priorities; if, for example, increased spending on education and hospital construction is mandatory, as it is under the bill, less can be spent on such programs as medical research and pollution.

Moreover, the White House questions the wisdom and efficacy of some of the programs for which more money would be spent. The largest increase is for aid for school districts that have high concentrations of persons living or working on federal property. The current figure would be upped from $202,000,000 to $600,000,000.

In some districts, according to a White House statement, federal payments exceed actual needs. As a consequence, some wealthy districts operate at a lower cost to local taxpayers than poorer districts. Montgomery County, Md., next to the capital, is the nation's richest in per capita income. Yet its schools draw $5,800,000 in federal aid while the 100 poorest counties got $3,200,000.

When Mr. Nixon vetoes the bill we expect that he will delineate his reasons. He is well aware that he will be subject to political charges that he is undermining education and health. But we hope congressmen of both parties and the general public will look below these election-year generalities and support him in his battle against inflation which, if lost, will cost far more than the expenditures at issue.

JAYCEE WEEK

HON. JOE L. EVINS

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 27, 1970

Mr. EVINS of Tennessee. Mr. Speaker, I take this opportunity to commend and congratulate the United States Junior Chamber of Commerce during, this, their 50th anniversary.

Jaycee week has been proclaimed for January 18 to 24 and it is fitting and proper that we in the House of Representatives take time to recognize this great service organization and its more than 300,000 members.

I particularly want to pay tribute to the hundreds of Jaycee members in my district, the Fourth Congressional District of Tennessee. I have followed their work closely throughout the years and they have demonstrated great leadership and civic performance.

The Jaycees and their program of leadership training, youth welfare, and community service have indeed benefited us all.

I wish them well on their 50th birthday and look forward to their continued public service.

REPORT FROM WASHINGTON

HON. EDWARD R. ROYBAL

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 27, 1970

Mr. ROYBAL. Mr. Speaker, I am happy to include in the RECORD the text of my 21st report from Washington to the residents of California's 30th Congressional District, highlighting some of the major accomplishments and significant legislative issues considered by Congress during 1969.

In addition to this series of regular reports, I have also sent out 14 special reports to cover topics and events in the Nation's Capital of particular interest to the citizens of our Metropolitan Los Angeles area.

The report follows:

CONGRESSMAN ED ROYBAL REPORTS FROM WASHINGTON

THE 91ST CONGRESS—FIRST SESSION

I am happy to send you this Report from Washington, highlighting some of the major accomplishments and significant legislative issues considered by Congress during 1969—which are of particular interest to citizens of our Metropolitan Los Angeles area.

TAX CUT

I voted for the landmark Tax Reform Act of 1969, the most far-reaching and comprehensive revision in the 56-year history of the U.S. income tax law, providing substantial across-the-board rate reductions for all individual taxpayers, while making a start toward closing some of the major loopholes which allow special interests and the wealthy to avoid paying their fair share of the nation's tax burden.

Although it falls short of doing all that needs to be done, both in terms of easing the overall tax load, and in making the tax system more equitable, the Tax Reform Act is a good beginning, and for this reason I supported it—especially after the measure was amended to assure a tax cut for all taxpayers.

While reducing the financial burden for everyone, the legislation concentrates its relief provisions to benefit the average middle and lower income taxpayer, removes completely from the tax rolls millions of poverty-level wage earners, and greatly reduces tax liability for other low-income families.

Other sections of the Act increase both the personal exemption and the standard deduction; attempt to plug loopholes and generally tighten-up provisions relating to the oil and gas depletion allowance, capital gains, tax-exempt foundations, charitable contributions, the business investment tax credit; as well as adopt a new "minimum tax" to make sure that, regardless of any tax breaks still in the law, every citizen who is able bears at least some share of the country's tax load.

SOCIAL SECURITY INCREASE

Spurred by a rampant inflation that has raised prices nearly 10% since the last increase in Social Security benefits, Congress approved a 15% across-the-board hike in retirement income for the nation's 25 million elderly citizens—including over 2 million California residents.

In addition to higher monthly benefits for Social Security recipients, however, I believe the program must be revised to assure more realistic minimum payments, as well as providing a built-in system of automatic benefit increases—tied to the consumer price index—to reflect and keep pace with the rising cost-of-living.

Such fiscally sound Social Security expansion—plus long overdue improvements and reforms in broadening the taxable wage base, increasing the amount a retiree may earn without a cut in benefits, permitting earlier retirement, and extending wider health care coverage for both older and disabled persons—will go a long way toward offering an adequate level of economic protection for our senior citizens, disabled workers, widows, children and other dependents—worthy of a dynamic, confident America capable of providing for at least the basic needs of all members of society.

EDUCATION APPROPRIATION

Congress also assumed a leadership role in beginning the process of re-ordering our national priorities by adopting an appropriation measure for public education and health care programs that would mean more than $150 million in urgently needed additional funds for the State of California alone.

Our financially hard-pressed Los Angeles Unified School District would also benefit from some $15 million included in this Congressional appropriation—a real help to the overburdened property taxpayers of the community.

I intend to continue this legislative effort to obtain adequate federal assistance to meet the growing domestic needs of 20th Century Urban America.

CABINET COMMITTEE

Congressional enactment of my bill to establish a Cabinet Committee on Opportunities for Spanish-Speaking People shows the nationwide support we have been able to achieve for the goal of increased jobs, better housing, improved health care, and wider educational opportunities for America's 10 million Spanish-speaking citizens.

As the original sponsor of this measure in the House of Representatives, I was, of course, extremely pleased at the overwhelming 314–81 bipartisan vote of approval we received and I was delighted at the Senate's prompt action in accepting the House version of the bill without further delay—sending it directly to the President for signature into law.

The proposal's resounding endorsement from such a broad cross-section of the Congress is certainly an encouraging indication of a desire for stronger federal leadership in identifying and meeting the unique needs of the country's second largest minority group.

Spanish-surnamed Americans, along with all other citizens, must be offered a real chance to enter into the mainstream of every aspect of our nation's life—to obtain a full share of the great economic, social, and educational benefits of this land.

By establishing a statutory Committee on Opportunities for Spanish-Speaking People as a Cabinet-level voice within the Executive Branch—designed specifically to represent this significant segment of the population in the highest government councils—we are going a long way toward realizing these worthwhile goals.

EMERGENCY DETENTION ACT REPEAL

Prospects for enactment of my bill, H.R. 12609, to repeal the Emergency Detention Act—Title II of the Internal Security Act of 1950—have significantly improved due to the Justice Department's recent indication that it no longer opposes the measure, and Senate passage of a similar bill just prior to adjournment.

There has been an increased recognition throughout the country that this 20-year-old provision of law—which authorizes the government to put suspected subversies in detention camps, without due process of law, and for an indefinite period of time—is clearly contrary to every principle of traditional American justice and constitutional rights.

Originally passed over President Truman's veto, this so-called "concentration camp" law provides that upon the President's declaration that a state of "internal security emergency" exists, the Attorney General may apprehend and detain any person as to whom "there is a reasonable ground to believe that such person probably will engage in, or probably will conspire with others to engage in, acts of espionage and sabotage."

Though the law has never been used, and camps initially established to detain subversives have long since been closed, it is uncomfortably reminiscent of the notorious era of massive "relocations" of persons of Japanese ancestry during World War II. And, the very fact that the law and the camps exist, has lent credence to the charge that they may someday be used for members of minority groups or for those who hold unpopular beliefs.

I have now been assured of early House Committee hearings, and with bi-partisan support now growing for repeal of the Emergency Detention Act, I am hopeful of obtaining favorable action on this legislation.

"SESAME STREET" SWINGS

An impromptu street dance begins on the set of the newest educational TV series, "Sesame Street", designed to help prepare some 12 million pre-school children between the ages of 3 and 5 for formal classroom work in elementary school.

Funded by the U.S. Office of Education and Project Head Start, in cooperation with the Ford Foundation and the Carnegie Corporation, "Sesame Street" is a 26-week series of daily hour-long color programs carried on the nation's 170 public TV stations (including KCET, Channel 28 in Los Angeles), and has been described as perhaps the most ambitious single effort ever attempted to employ television as an educational tool for the benefit of smaller children.

This unique project, by teaching youngsters in an entertaining fashion, sustaining their interest by utilizing many popular elements from commercial children's television—puppets, animated cartoons, live-action films, other children, and appearances by guest celebrities—illustrates an imaginative combination of government and private funds to use the tremendous potential of modern communications techniques for worthwhile educational purposes.

ANTISMOG CAMPAIGN

California advanced design engineer Howard Wilcox demonstrates a new, nearly smog-free experimental automobile developed in the Golden State under a federal research grant from the U.S. Department of Transportation.

Much more needs to be done in this critical area, because of the urgent public health and environmental dangers posed by continued pollution of our atmosphere by deadly automobile exhaust fumes—particularly in America's major metropolitan centers like Los Angeles.

On the legal front, I was successful in organizing a group of 46 members of Congress, representing more than 20,000,000 citizens across the country, in filing suit in U.S. District Court in Los Angeles opposing the federal government's out-of-court settlement offer in the recent anti-trust conspiracy case against the Big 4 automakers and the Automobile Manufacturers Association.

Though we were deeply disappointed that the Court approved the proposed consent decree, we are continuing our legal efforts in conjunction with Los Angeles County and California State officials.

DRUG ABUSE EDUCATION ACT

Drug abuse is acknowledged to be the No. 1 public health problem in the United States today.

By conservative estimate, 8 million Americans have experimented with some form of illegal drug, including about a third of the present college generation, and 16 percent of the high school population.

Congressional testimony taken during consideration of my bill, H.R. 13330, the Drug Abuse Education Act, indicates that the use of marijuana, hallucinogens, barbiturates and amphetamines by persons of all ages and economic and social backgrounds—but especially by young people—has reached "epidemic" proportions in many parts of the country.

In Los Angeles County, statistics show a more than 500 percent increase in drug offenses in the last few years—and experts predict that some 18 percent—or roughly 1 in 6—of the initial offenders will ultimately be arrested for hard core narcotic use in the future.

Such a national problem urgently demands a comprehensive, nationwide program, enlisting the support of all of us—private citizens, public officials, parents, teachers, students, community organizations, and local, state, and federal governments—in a determined effort to understand the nature and seriousness of drug abuse, and deal effectively with this threat which the President has warned is endangering the spirit of America.

So, I was naturally delighted when the House unanimously approved the Drug Abuse Education Act, and sent it on for action in the Senate, where favorable consideration is virtually assured by the Administration's recent endorsement of the educational approach to combating drug abuse.

DIRECT POPULAR ELECTION OF THE PRESIDENT

One of the most historic measures passed by the House this session is the proposed constitutional amendment to abolish the present electoral college system and provide for direct popular election of the President and Vice President.

As the co-sponsor of this one-man-one-vote national election plan, I was greatly encouraged by the overwhelming 339–70 House vote of approval, and am hopeful that the Senate will take similar affirmative action in the near future. Before becoming the law of the land, of course, it must be ratified by three-fourths of the states.

The proposal would provide simply that the candidate getting the most popular votes throughout the country would be elected President, as long as he had at least 40% of the vote. If no candidate received 40% of the vote, a runoff election between the two leading candidates would be held.

By recognizing the basic justice of assuring that each citizen's choice is given equal weight, and the candidate with the most popular votes wins the election, I believe we will be adopting a long overdue reform in America's electoral system, and at the same time guaranteeing that every member of our society will have a full opportunity to participate directly and personally in the selection of our national leadership.

LAW ENFORCEMENT CAREERS

The Latin American Law Enforcement Association informs me that there is an urgent need for qualified men to fill the ranks of our local police forces.

For a rewarding and satisfying career opportunity they ask interested persons to contact the Los Angeles Police Department at 624–5211, ext. 4051, or the Los Angeles Sheriff's Department at 624–9511, ext. 8–2846. There are immediate openings.

SUMMER INTERN PROGRAM

University students Jesse Arenas, Mary Grove, and Jaime Cagigas from Los Angeles—plus Pete Piness, not shown in photo—spent part of the summer in our Washington office as Congressional Interns (Jaime, a recent Vietnam veteran, is now my appointee working as a Capitol policeman while continuing his undergraduate education full-time under the GI Bill).

1969 is the seventh year in a row I have participated in the College Intern Program, which I believe is extremely valuable as a fascinating way for young people to gain a personal understanding of how their government operates.

Students interested in coming to Washington in future years, should contact their school's intern director for information on this excellent program.

DRAFT REFORM

Congress has also taken a first step toward meaningful reform of our national selective service system, by authorizing a more equitable, random-selection draft lottery, with the prospect that an individual's period of vulnerability for induction will be reduced to one year under the "youngest-first" procedure to be started by 1971.

While I joined in supporting this worthwhile legislation, I firmly believe that Congress has a responsibility to make a much more comprehensive review of the entire draft law, including such topics as the composition and reorganization of local draft boards, continuation of student and occupational deferments, establishment of uniform national guidelines for administering the draft, provision of due process for potential inductees, revision and clarification of the conscientious objector system, consideration of the possibility of national service alternatives, and a thorough-going exploration of the concept of an all-volunteer army.

The 1970 session of Congress should bring a long-needed and in-depth review of our nation's selective service machinery, and a fundamental reform of the many inequities that have grown up over the years.

BANNING GAS AND GERM WARFARE

As co-author of House Resolution 490 which urged the President to resubmit for ratification the Geneva Protocol of 1925 banning the first use of gas and bacteriological warfare, as well as a member of the Foreign Affairs Committee which held extensive hearings on the Resolution earlier this year, I was pleased with the President's announcement responding to our Congressional initiative in a positive way.

The historic decision to renounce germ warfare, destroy our present stockpiles of biological weapons, pledge never to be the first to use chemical weapons, and request prompt Senate ratification of the 44-year-old Geneva Protocol, represents a major step forward in reducing the threat posed by these lethal and potentially uncontrollable agents of modern warfare.

While in no way adversely affecting America's military defense capability, this new arms control initiative may encourage the world to turn away from at least one avenue of future annihilation, and help make the earth a little safer place in which to live.

I agree with the President that, "Mankind already carries in its own hands too many of the seeds of its own destruction."

LOS ANGELES COUNTY YOUTH CAMP

I was happy to announce federal approval of a plan for conversion of the former Angeles National Forest Job Corps Center at Fenner Canyon into a multi-purpose juvenile rehabilitation facility to be operated by the Los Angeles County Probation Department.

County and federal officials are currently working out detailed arrangements for use of this now de-activated, but virtually new, $2 million camp to provide a 24-hour-a-day, 7-day-a-week residential training program for 16- to 17-year-old youths—to help solve one of Los Angeles' most pressing problems: an acute shortage of adequate space and properly equipped facilities to handle the County's rapidly rising juvenile delinquency case load.

Expected to phase into full operation by late 1970, the 40-acre San Gabriel Mountain site will accommodate some 100 youths, on a year-round basis, with the rehabilitation program's emphasis on remedial education, vocational training, forest conservation work, camp maintenance, individual and group couseling, and job placement after release.

YOUTHFUL CITY HERO SAVES FOUR CHILDREN

HON. PAUL FINDLEY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 27, 1970

Mr. FINDLEY. Mr. Speaker, I am pleased to call to the attention of the Congress the heroism of a young man in my district who on Saturday, January 3, saved the lives of four children when a Christmas tree fire at the home in which he was babysitting endangered the youngsters. All too often today we hear of the undesirable acts attributed to our young people. Lost in the clamor are the good deeds of our Nation's fine younger citizens.

Albert Estock, age 15, of 500 South 18th Street, in Springfield, was babysitting at the home of Mr. and Mrs. Ernest L. Hart in Springfield. At 11:30 p.m. he went into the living room and discovered the Christmas tree ablaze and fire rapidly spreading across the ceiling. He immediately thought to awaken the kids and get them out of the house. Young Estock rushed into the bedroom and roused the Hart children; Amy, 12; Michael, 10; Bradley, 8; and Tracy, 3; and escorted them from the smoke-filled house. He then ran back into the house and called the Springfield Fire Department and returned outside to the children. After a few moments passed, one of the children remembered the family dog, "Toby" was locked in the basement. Estock tried to open the back door and finding it locked, smashed the glass and broke it open. He entered the blazing home again and came out with the dog. The boy sustained a gash to his left wrist while breaking in the door but otherwise sustained no serious injury.

This fine young man is a sophomore at Southeast High School in Springfield, Ill., and is the son of Mr. and Mrs. George Estock. Albert is a good student at his school and has already demonstrated those qualities which will, I am sure, make him a leader in that generation which will soon be assuming the responsibilities of adulthood. Albert has already shown those qualities.

I know that the Congress of the United States joins with me and the city of Springfield, Ill., in congratulating Albert Estock on his fast thinking and bravery which saved the lives of these four children and their family dog.

XUM

A BOLD NEW PLAN FOR NATIONAL DEFENSE

HON. CHARLES E. BENNETT

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 27, 1970

Mr. BENNETT. Mr. Speaker, in the October 1969 issue of Reader's Digest there appeared an article entitled, "A Bold New Plan for National Defense." This article sets forth the conception of plans for increased use of the seas in our strategic offense and our strategic defense.

At a time when the plans for our national security are undergoing such close scrutiny we should pay special attention to the concepts that can provide increased security for our country while taking the front line for any future wars away from our land and our skies.

The ideas formulated by Rear Adm. George H. Miller and advocated by Adm. Thomas H. Moorer merit strong congressional support. I call attention to paragraphs 603, 604, and 605 of the report by the Seapower Subcommittee of last March 19 entitled "Status of Naval Ships" which says:

> The U.S. Navy can make a greater contribution toward security from nuclear attack, and from surprise attack, by more utilization of the seas of the world for the dispersal of nuclear weapons. More missiles at sea, utilizing missile-age geography, would place additional and expenseve burdens upon the Soviet Union's effort to cope with our retaliatory force. The survivability of sea-based systems greatly inhibits the will to strike and the feasibility of striking first in a surprise nuclear attack upon the United States. Thus it can be one of the greatest opportunities we have to deter attack and to secure and maintain world peace.
>
> A decision to put greater emphasis on sea-environment weapons, after a judicious reallocation of national resources to implement it, might be less expensive in the long run and more effective than present approaches to strategic problems. It has the element in it of being more likely to secure peace because the ability to move about at sea with weaponry capable of attacking major land targets makes it extremely difficult for any potential aggressor to win.
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> Concurrently, by emphasizing the coordinated use of all elements of seapower in support of foreign policy in peace and war, the United States may be able to enhance its position as a world power. Without a strong and modern Navy, which permits many additional choices in international affairs, the United States could find itself in a position of being unable to carry out commitments or of paying too high a price to do so.

Mr. Speaker, at this point I insert in the RECORD the full story from the Reader's Digest:

A BOLD NEW PLAN FOR NATIONAL DEFENSE—U.S. NAVY STRATEGISTS HAVE DEVELOPED A CONCEPT THAT COULD STREGTHEN OUR HAND AGAINST ANY ENEMY—AND AT THE SAME TIME REMOVE OUR CITIES AND MILITARY INSTALLATIONS FROM THE LINE OF NUCLEAR FIRE

(By John G. Hubbell)

In the prolonged national debate over the best way to defend this country and prevent nuclear war, a bold new plan has taken shape.

The proposal has been evolving for more than two years in the U.S. Navy's Office of Strategic Offensive and Defensive Systems under Rear Adm. George H. Miller. It has been advocated strongly before Congress by the Chief of Naval Operations, Adm. Thomas H. Moorer. Unfortunately, in the often emotional furor surrounding the issue of national defense, the Navy's plan has gone largely unnoticed.

The proposal, simply put, is that the continental United States be removed from the Soviet Union's line of fire. Russia's prime targets in the United States are our ICBM (Intercontinental Ballistic Missile) sites, which the Kremlin planners know they must first destroy if they are to mount a successful attack.

Remove these targets, says the Navy. Put at least 75 percent of our nuclear striking power out to sea, and there will be no payoff for a nuclear attack on this country. The enemy would still know that our retaliatory power was intact and that a nuclear move against this country would result in the certain destruction of the Soviet Union. But our cities and military installations would no longer be prime targets.

At present, the United States has 25 of its 41 nuclear-powered Polaris submarines at sea at all times (of the total fleet, 16 are usually in port for refitting). Each submarine carries 16 nuclear missiles—for a total of 400 at sea. (Six Polaris missiles represent as much destructive power as all the bombs dropped by the United States in World War II, the Korean War and in Vietnam to date.)

The Navy calculates that with 600 more missiles at sea, aboard widely dispersed, constantly moving ships, the United States would be in the strongest possible position to deter nuclear war. The additional missiles, of the Poseidon or Minuteman type, would be installed aboard 20 to 30 surface warships, which would have the outward dimensions of Naval auxiliary or modern merchant-ship types.* They could sail with or without protective escorts, depending on how noticeable or unobtrusive the diplomacy of the moment required them to be. They would roam distant seas, scattered widely over the world's oceans within striking range of prime enemy targets.

Think of the problems such a force would impose on an aggressor! Before deciding to deliver a surprise nuclear attack, an enemy must be certain that he can destroy a huge proportion of our retaliatory nuclear firepower with his first blows. Otherwise he would be inviting his own destruction. The most searching analysis shows that a global missile-ship force could not be put out of action in less than eight to ten hours. In fact, significant numbers of ships would survive for days, weeks or even months. Facing such a prospect, an aggressor would have to conclude that a first strike on his part would lead to national suicide.

Putting our missiles out to sea would also complicate the enemy's defensive problem. At present, the Soviets know that the major weight of a retaliatory strike from the United States must come through a narrow northern corridor that forms an arc of 32 degrees—*only nine percent of their total defense perimeter*. They can thus concentrate their ABMs and other defensive systems against a relatively limited sector. A full-fledged American nuclear-armed sea force would require the Soviets to distribute their defenses and attention around the full 360 degrees of the compass.

The Navy plan calls for no expensive, time-consuming research and development. The technologies for building such ships have long been in hand, and the Polaris and Poseidon missiles, developed for undersea launch, are readily fired from the surface. In fact, test-firings are frequently made from surface ships. Thus, the Navy affirms that missile ships could be at sea about four years after the go-ahead decision.

CREATING CREDIBILITY

Effective as a strategic sea force would be, it also would be unprovocative militarily. The Soviet strategist now sees in the continental United States the majority of the nuclear firepower in the world that can hurt his country. Most of it is on a 15-minute, "cocked-pistol" alert. Hence, the Soviet planner pays little attention to our pledge never to strike first. He is required to fear that someday, either by design or accident, the American nuclear pistol will be fired. He cannot tolerate this situation forever, so he develops the means for pouring nuclear firepower into the United States, and begins thinking in terms of striking first himself.

Thus, we are witnessing in the Soviet Union today the most enormous nuclear-arms buildup in history, employing a wide spectrum of weaponry, ranging from space to the depths of the sea. The primary target of such weapons is the nuclear firepower based in this country.

Move the majority of our nuclear firepower to sea, however, where the Kremlin planner knows he cannot destroy it with a surprise attack; where he knows its survivability would be measured in hours or days instead of minutes—and our pledge not to strike first becomes credible.

A flexible striking force would thus enable us to step down from the unstable, cocked-pistol alert. Under such conditions, we have no reason to strike first, because we know that our ability to retaliate would survive any first strike. The Soviet planner knows this, too, and this mutual awareness is the basis for a true balance of power. Ultimately, if he is rational, the Soviet planner's mind is eased, and the climate for reduction of tension and worthwhile arms-control measures is brightened.

HIDE AND SEEK

The major objection to the Navy's dramatic idea has been that surface ships can be found and attacked—by space satellites, aircraft, other surface ships and submarines. But how much easier to target and destroy fixed, land-based missiles—in the kind of attack that would take many millions of American lives. Further, the Navy has analyzed the survivability aspect of missile ships to the hilt. The conclusions of its studies, and of similar ones conducted under the Secretary of Defense and the Joint Chiefs of Staff, are unanimous: a surface-ship force dispersed at sea, even with no defense save its own mobility, would be expected to remain effective over many hours—certainly long enough to perform its task. It has been found that no significant portion of such a force could be destroyed immediately in a first strike.

For one thing, there are many ways to prevent or deal with detection. Space satellites, of course, could not know what kinds of ships they were looking at, or even whose ships they were. The missile ships could hide themselves among the many other ships that ply the regular traffic lanes, or they could hide alone in fog, under thick cloud cover, in darkness, in heavy seas and in the inlets, bays and coves of remote, uninhabited islands. If enemy naval elements were known to be nearby, a missile ship could keep radio and electronic silence, leaving open only the receiving circuits on which the President would transmit the go-to-war code. The numbers of missiles the ships carried could be varied, so that the enemy never would know which ships packed the most nuclear wallop, hence required his most intensive tracking efforts. And the enemy's targeting problem could be compounded to the point of insolubility by the addition of decoy ballistic-missile ships, roaming the seas without missiles. The problem would then be like that faced by regular army forces in tracking down guerrillas—each guerrilla in the field requires the attention of many regulars; depending on circumstances, the ratio can vary from four to as many as one hundred to one. In short, it is always much easier to hide than to seek. The most exacting studies show that a ballistic-missile-ship fleet would be second in survivability only to a submerged submarine force.

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*The Navy estimates that such ships, with their missiles, could be bought for little more than half the cost and produced in less time than either a submarine-based or land-based ICBM force of equivalent firepower.

TIME OF DANGER

There is nothing really new about the Navy's proposal. Our defense planners long ago recognized the sea's value as a strategic base. Thus, the Polaris missile-firing-submarine concept was developed, and air-deliverable nuclear weapons were developed for aircraft carriers.

Nevertheless, early in this decade, our heaviest investment was made in a force of slightly more than 1000 land-based ICBMs, which were "hardened"—encased in underground steel and concrete silos—to the point where it would take a near-direct nuclear hit to destroy one. The reasoning behind this decision was that land-based missile technology was well advanced, and that the Soviets did not have the numbers of missiles they would need even to consider attacking. Furthermore, their missiles were not accurate enough to do the job, and it would be many years before they seriously could threaten our land-based ICBM force. Meanwhile, they might be induced to enter into effective arms-control agreements.

Nearly ten years have passed. There have been no worthwhile arms-control agreements. The Soviet Union now confronts the United States with a fast-growing military threat of unprecedented magnitude. The Soviets are expected to exceed us this year in numbers of ICBMs, and their big SS–9 missiles pack substantially greater megatonnage than ours. The power and accuracy of their missiles have made our big, land-based ICBM force increasingly vulnerable.

We need not and should not tolerate this any longer. Our ICBM force as it is now deployed has served its purpose; it has deterred nuclear war. But now this force should be phased down to perhaps a quarter of its present size and dispersed more widely. The Minuteman missiles we remove need not be made into an expensive scrap heap; it would be technically feasible to adapt them for sea duty and place them aboard ships. And there is plenty of unpopulated land away from the continental United States, where we could deploy the remainder.

There is probably no final answer to our defense problems. Military technology and strategy are evolutionary, and our survival dictates that we evolve. Combined with our Polaris-Poseidon submarines, our strategic bombers and our scaled-down land-based ICBM forces, a missile-ship force would provide us with effective defenses for years to come.

We should of course also embark on development of other effective defenses without further delay. For example, we need 20 to 40 additional missile-carrying submarines of the most modern design; we need a new, advanced manned bomber, capable of penetrating the Soviets' formidable air defenses. And we should be looking hard at what can be done militarily in space, as the Soviets are doing. But new submarines, aircraft and space systems will take years to fund, develop and make operational.

Meanwhile, a time of danger is upon us. It can be met most quickly and effectively by putting our missile force at sea, far from the heartland of America.

"The most effective military strategy is the one which convinces all enemies that they cannot successfully commit aggressions against this nation or its allies, that all such aggressions will be defeated. The adoption by the United States of the nuclear strategy outlined in this article might convincingly offset the Soviets' prodigious and threatening nuclear buildup."

SPEECH BY SENATOR HARRY F. BYRD

HON. THOMAS N. DOWNING

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 27, 1970

Mr. DOWNING. Mr. Speaker, the senior Senator from Virginia, the Honorable HARRY F. BYRD, JR., spoke in my district last week and delivered a most timely address. He recently expressed his views on a variety of major issues across the State. I am happy to include in the RECORD the text of his remarks in my district, and brief accounts of several of the others:

SPEECH BY U.S. SENATOR HARRY F. BYRD, JR., DEMOCRAT, OF VIRGINIA, BEFORE PENINSULA ASSOCIATION OF THE U.S. ARMY, FORT EUSTIS, VA., JANUARY 23, 1970

Gentlemen, none of you needs to be told that the role of the military in our society is today the subject of intense debate. You need only open your morning newspaper to be aware of that.

Unfortunately, one extreme position in this debate gets disproportionate attention. Sometimes it is difficult for those who hold a sensible, moderate position to be heard.

Time and again we are told that the military establishment is run by bloodthirsty generals, backed by some insidious conspiracy called the military-industrial complex. This extreme view has wide acceptance in the ranks of New Left militants.

To refute it, one need only look at the careers of such military men as George C. Marshall or Dwight D. Eisenhower.

No, the military establishment is not a conspiracy of warmongers.

Our armed services are the indispensable guardian of our liberties, and for the most part, the men and women who serve their country in uniform are a dedicated and selfless group. They deserve the highest praise.

But one should not react to the currently fashionable criticism by flying to the opposite extreme and claim that the military is above criticism.

On the contrary, *responsible* criticism of the military—and more particularly, military *policy*—is both healthy and democratic. I support such criticism. I like to think that I engage in it.

This nation cannot afford blank checks for *any* agency of the government. The Defense Department must be subject to the same close scrutiny that should be given to civilian departments.

But in making reductions in the military budget, we must take care not to jeopardize security. We must seek to cut the fat, and not the muscle.

Some of my colleagues in the Senate want to carry military reductions too far. Last year, they sought to eliminate the purely defensive Safeguard antiballistic missile system, a much-needed nuclear aircraft carrier, a Navy fighter plane and a number of other essential items.

I do not go so far as to say that the advocates of these drastic cuts favor unilateral disarmament.

I fear, however, that they make a basic mistake in their estimate of the world situation. They place entirely too much faith in the good intentions of the Soviet Union.

I do not trust the men in the Kremlin. They have a long track record of aggression and broken promises. In 1962, they put offensive missiles into Cuba and precipitated a grave crisis; since 1965, they have been the chief suppliers of war materials to North Vietnam; in 1967, they encouraged Arab adventurism that led to war in the Middle East; and in 1968, they crushed freedom in Czechoslovakia with a brutal invasion.

It would be foolish to trust the Soviet Union. That would be misplaced faith.

But it would also be an error to accept all the recommendations for weapons systems and other military hardware that come from the Pentagon.

What is needed is a balanced view—skepticism without hostility, loyalty without blindness.

Going beyond the military budget, to the broadest horizons of national policy, I find much to criticize in the present posture of the United States.

In the bluntest terms, this country is overcommitted. We have mutual defense agreements with 44 different nations.

A re-evaluation of our foreign policy is much in order. The United States simply cannot be expected to fulfill indefinitely all the obligations it has undertaken.

There must be limitations on our commitments. One way to impose reasonable limitations is for the United States Senate to reassert its traditional and constitutional role in foreign policy.

I wholeheartedly supported a resolution recently passed by the Senate which was aimed at curbing the commitment of American troops by unilateral executive action.

And in November, the Senate overwhelmingly approved a resolution I offered that would require approval by the Senate before any change is made in the status of the island of Okinawa.

In 1968, the Senate failed to take action when the Bonin Islands reverted to Japanese control by executive agreement.

This inaction set a bad precedent. I feel that the Senate must reassert its historic and constitutional role in foreign policy.

That is one main reason why I proposed—and the Senate agreed—to insist that it be consulted on the proposed reversion of Okinawa.

The case of Okinawa offers an excellent illustration of the difficulties we face overseas today.

Following conversations with Japanese Premier Sato, President Nixon indicated that actions will go forward toward turning over Okinawa to the administrative control of Japan.

Okinawa is our most important single military base complex in the Western Pacific. It is vital to our commitments to Australia, New Zealand, Japan itself, Korea, Taiwan, Vietnam and the SEATO countries. I do not quarrel with the fact that Okinawa will ultimately revert to the Japanese, but that should not happen so long as we have these extensive commitments.

The situation in the Western Pacific points up one of the real difficulties we face in our effort to reduce the commitments we have with other nations. That is, powerful nations that are our allies fail to carry their share of the burden of defense in their own regions of the world.

The Japanese have the third strongest economy in the world, behind only the United States and the Soviet Union. Yet, Japan spends less than 1% of its Gross National Product on defense.

The Japanese seem to regard the defense of East Asia and the Western Pacific as just a problem for America. The fact is that Japan depends for its prosperity—and in fact its very existence—upon a strong defense in its part of the world.

XUM

So far, America has provided all of that defense. It is time for Japan to pick up some of the burden.

Our Mutual Security Treaty with Japan comes up for renewal this year. It would be well for this country to look carefully at the existing arrangements—under which the United States is almost the sole guardian of freedom in the West Pacific—before automatically renewing this agreement.

I think we must make it clear to our Asian friends that there must be a limit to our involvement on that continent.

A simple extension of all our commitments would be unwise. More than that, it could be basically dishonest, for I seriously doubt that American public opinion would tolerate another Vietnam.

There must be no repetition of the tragic error of judgment that plunged us into a land war in Asia—a seemingly interminable one.

I emphasize that we must support the men who are fighting in Vietnam today—nearly a half million of them—and we must bring this war to an honorable end.

Recently, we have witnessed a great deal of protest against our policies in Vietnam.

The protesters were within their rights. So long as the protests remain peaceful, those who express their opposition to the war have a right to do so.

But I think that public disunity in time of war is ill-advised.

The Communists in Vietnam are determined to win an all-out political victory over the United States.

Disunity at home adds encouragement and determination to North Vietnam and the Viet Cong.

I think that demonstrations in this country have the effect of encouraging Hanoi to prolong the war. I do not say this effect is intended. But I think that a prolonging of the war is the likely result of this kind of demonstration.

If we believe that President Nixon wants to end the war, and I do believe that he does, then we should give him our support in his efforts to end it.

I have said *often* that our commitment of troops to a ground war in Asia was a grave error of judgment.

But those who march in opposition to the war do not rectify the error.

I believe they compound it, by encouraging Hanoi to believe it can win a victory by default.

Along with the right of criticism, which is guaranteed under our Constitution, there goes a responsibility.

Criticism should be responsible and constructive. Criticism which undermines the position of the United States, is neither responsible nor constructive.

But while I urge support for the Commander-in-Chief in his efforts to bring the war to an end, I recognize that we must not repeat the errors that placed us in our present predicament in Southeast Asia.

For this reason, our position throughout Asia must be carefully examined.

And this kind of examination ought not to be limited to Asia. The whole structure of our foreign policy and commitments needs restudy in the light of the *real interests* of the United States.

I do not suggest a retreat to the old isolationism. The United States *does* have real interests overseas, and they must be defended.

But we must be realistic—both as to what is vital to this nation, and as to what the nation can reasonably be expected to accomplish.

A new, realistic foreign policy can do great things for this country.

For one thing, it can lessen an immense drain on our resources.

For another, it can reduce the risk of unwanted military involvements abroad.

And most importantly, it can bring a rebirth of national unity and patriotic spirit.

These things will not come to pass tomorrow, or the day after. But I believe they will come—if we have the courage and good sense to adhere to principles that will stand the test of time.

Views—In Brief

SAYING "NO"

Richmond.—Congress and the President "must be willing to say 'no'—the most under-utilized word in the political dictionary" if inflation is to be curbed, Senator Byrd said in an address at the annual banquet of the Richmond Chamber of Commerce.

The Senator said the nation's budgetary outlook is not encouraging, with spending predicted to climb above the $200 billion mark even without new programs.

"My concern with government fiscal affairs," he said, "is dictated not so much by a bookkeeper's wish for a neat set of figures as it is with what government spending means to the average American citizen.

"Vast, unchecked spending programs feed the inflation that deducts from the paycheck of every American worker."

JUDGE HAYNSWORTH

Staunton.—Senator Byrd deplored Senate rejection of Judge Clement Haynsworth as a Supreme Court Justice in a December speech to the Staunton Kiwanis Club.

Thorough investigation of Haynsworth uncovered no evidence that the judge sought to advance his own interest, Byrd said.

"Balance needs to be restored to the Court," Byrd said, and voiced the hope that the next nominee to the Supreme Court would be a man who shares Judge Haynsworth's philosophy—"one who will interpret the Constitution, and not attempt to rewrite it."

DRUG ABUSE

Arlington.—A program to combat drug abuse must include prevention, rehabilitation and law enforcement, Senator Byrd declared at the graduation banquet of the Northern Virginia Police Academy here.

Authorities have learned that "drug traffic does not confine itself to the inner city poor," he said, noting that recent studies have shown an "alarming" spread of drug abuse to suburban high schools.

The Senator endorsed a new rehabilitation and education program for youths in the Virginia and Maryland suburbs of Washington.

TAX BURDEN

Pulaski.—The nation cannot go on forever increasing the tax burden of its citizens, Senator Byrd said to the Pulaski Jaycees.

"Thirty-six cents of every dollar earned by American workers now goes into federal, state and local taxes," he pointed out.

Federal taxes alone are 29 times as large as they were in 1939 and now take one fourth of all income earned in the nation, he said.

PEACE PROTESTS

Fort Myer.—Public disunity in time of war is ill-advised, Senator Byrd said in a speech at this Northern Virginia Army post.

He spoke at a dinner honoring the commander of the U.S. Army Reserve School.

Participants in recent demonstrations against U.S. policy in Vietnam were "within their rights," the Senator said, so long as the protests remained peaceful.

But he added that demonstrations in this country encourage Hanoi to prolong the war and urged support for President Nixon's efforts to end it.

SALT TALKS

Richmond.—The United States must proceed with caution in arms limitation talks with the Soviet Union, Senator Byrd told the West End Jaycees here at their annual banquet.

The Senator recently was named to a special subcommittee of the Senate Armed Services Committee, which is to monitor the progress of the strategic arms limitation negotiations—the so-called SALT talks.

Byrd pointed to the Russian record of "aggression and broken promises" and to the recent buildup by the Soviets in strategic arms.

He pointed out that "nothing of substance" was decided in recent talks at Helsinki and said later negotiations in Vienna will indicate if there can be effective control of the arms race.

"I favor the SALT talks," he said, "but I want to be certain that our nation does not make concessions that will jeopardize our security."

CONSUMER BILLS

Norfolk.—The label of "consumer legislation" doesn't make a bill either good or bad, Senator Byrd told the Tidewater Better Business Bureau at its annual luncheon here.

Each issue should be judged on its own merits, he said, adding that federal legislation is justified "where there is clear evidence of fraud or hazard to life and limb" and interstate commerce is involved. Other problems should be handled in the private sector or at the state or local level.

Byrd pointed out he has supported most major consumer legislation to date.

AVIATION PROBLEMS

Culpeper.—The rapid growth of aviation has created severe congestion problems, Senator Byrd said at the dedication of the new Culpeper Airport.

The airlines lose about $50 million a year because of airports delays, and losses by airline users are "immeasurable," the Senator declared.

But the most important problem in aviation is safety, he said. He cited the good safety record of aviation, but warned that "we must face the fact that danger exists in overcrowded skies."

CRIME WAR

Fredericksburg.—Soaring crime rates in the nation's capital show that the federal government is not equipped to take over the war on crime, Senator Byrd said at the annual Awards Banquet of the Fredericksburg Jaycees.

"The crime problem in Washington is a national scandal," the Senator declared.

LEGISLATION TO PROTECT PLACES OF REFUGE FOR ANIMALS

HON. OGDEN R. REID

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 27, 1970

Mr. REID of New York. Mr. Speaker, I am introducing today a bill which would provide a penalty for the shooting from aircraft of wildlife on land or water which is under the jurisdiction of the U.S. Government. The public outcry which resulted from a recently televised film showing wolves being hunted from planes demonstrates the depth of concern evoked by revelation that our wildlife population is being decimated by relentless "sportsmen." Aircraft have enormous usefulness in the study and preservation of our wildlife population but we must not allow this important function to be distorted into too-easy pursuit for sport. Civilization has made much of this continent uninhabitable for the animals that preceded us here; we must protect the places where they have found refuge from merciless exposure from the air.

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THE HONOLULU ADVERTISER SUPPORTS TITLE II REPEAL LEGISLATION

HON. SPARK M. MATSUNAGA

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 27, 1970

Mr. MATSUNAGA. Mr. Speaker, the effort now being made in Congress to repeal the infamous Emergency Detention Act of 1950, continues to gain wide support. A most noteworthy endorsement of the repeal legislation appeared by way of an incisive editorial in the Honolulu Advertiser of December 27, 1969.

The editorial recounts the shameful World War II episode involving 110,000 persons of Japanese ancestry who, despite the U.S. citizenship of about 70,000 of them and the absence of any grounds other than fear and hysteria, were herded out of the Pacific Coast States and into so-called relocation centers, complete with barbed wire and armed guards, in the hinterland.

The prospect of a repeat performance involving some other minority group, this time under the aegis of a Federal law, is indeed a frightening one for citizens in the greatest democratic nation in the world.

That we are one step closer to erasing this repugnant law from our statute books, as evidenced by Senate passage on December 22, 1969, of legislation calling for the repeal of the Emergency Detention Act, is most heartening.

Mr. Speaker, it is also gratifying to note that the House Committee on Internal Security plans to hold hearings on title II repeal bills commencing on March 16, 1970.

In order that my colleagues may have the opportunity to read the Honolulu Advertiser editorial on the repeal of the concentration camp authorization law, I insert it at this point in the RECORD:

ERASING A SHAME

The Senate has unanimously passed a bill sponsored by Sen. Daniel K. Inouye and 25 others, including Sen. Hiram L. Fong, to repeal an infamous section of the Internal Security Act of 1950.

That section, Title 2, permits the Federal government to establish detention camps during periods of a declared threat to a national security.

Known also as the "concentration camp" provision, this section of the Internal Security law is responsible for widely circulated rumors among minority groups, mostly militant blacks, that there is a move afoot to intern them.

In the hopes of scotching such fears, Senator Inouye and his associates introduced their repealer. No doubt, the legislators also were moved by memory of what happened to 110,000 Americans of Japanese ancestry on the Mainland during World War II.

Despite their citizenship and the absence of any grounds other than fear and hysteria, these men, women and children were herded out of the western states to relocation camps in the interior.

Ironically, part of the impetus for this mass relocation was a belief in official circles on the Mainland that the Dec. 7, 1941, attack on Pearl Harbor had been accompanied by acts of sabotage by Japanese-Americans living in Honolulu.

Statements from the Justice Department, the Honolulu Police Department and the local Army command that the sabotage reports were unfounded had no deterring effect.

One of those who endured relocation was Seattle-born Bill Hosokawa, now associate editor of The Denver Post, who has written a book about it, "Nisei." Here's how Hosokawa describes the mass relocation:

"One day these Japanese-Americans were free citizens and residents of communities, law-abiding, productive, proud. The next, they were inmates of cramped, crowded, American-style concentration camps, under armed guard, fed like prisoners in mess hall lines, deprived of privacy and dignity, shorn of their rights."

The relocation, in short, was nothing less than a major and shameful violation of the Constitution by the Federal government itself.

This blot on our history reveals dramatically the truth of the old saying that eternal vigilance is the price of liberty—and that vigilance must be practiced within as well as toward possible external aggressors.

Lest anyone believe that the relocation of Japanese-Americans during World War II was an isolated, unprecedented act, Hosokawa points out that a similar relocation occurred in 1863.

In that year, Brig. General James Carleton decided that the Navajo Indians constituted a security threat to the Western frontier of the U.S.

General Carleton ordered 9,000 Navajos relocated from their homes in what is now Arizona, southern Utah and western New Mexico to southern New Mexico. Many were mistreated; many contracted disease; many died.

We are heartened that the U.S. Senate has stricken the "detention camp" provision from the Internal Security law and proud that Hawaii's Senator Inouye played a leading role.

Now the focus shifts to the House where Hawaii's Rep. Spark Matsunaga has introduced a similar repealer, with more than a quarter of the membership co-sponsoring. Matsunaga expects hearings early in the new year.

We are confident of success in the House, and it is fitting that Hawaii legislators are making such a distinguished contribution to the preservation of freedom in the U.S.

PRIVATE GHEE, 20, WOUNDED, DIES IN SAIGON HOSPITAL

HON. CLARENCE D. LONG

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 27, 1970

Mr. LONG of Maryland. Mr. Speaker, Pfc. James F. Ghee, a fine young man from Maryland, was killed recently in Vietnam. I wish to commend his courage and to honor his memory, by including the following article in the RECORD:

PRIVATE GHEE, 20, WOUNDED, DIES IN A SAIGON HOSPITAL

Pfc. James F. Ghee, 20, of 1118 Montpelier street, died December 10 in a Saigon hospital of wounds received when he stepped on a booby trap three days earlier in Vietnam, the Defense Department announced yesterday.

The young man, a paratrooper with the 173d Airborne Brigade, had been in Vietnam less than one month, after enlisting in May, 1969.

Mr. Ghee was a native of Baltimore, and was graduated from City College in 1969. His hobbies included football and the tape recording of music.

He is survived by his mother, Mrs. Thelma Ghee; four sisters, Mrs. Norma Allen, Misses Trudy, Karen and Phyllis Ghee, and two brothers, Keith and Angelo Ghee, all of Baltimore.

RETIRED NAVY CHAPLAIN COMMENTS ON MYLAI

HON. ROBERT McCLORY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 27, 1970

Mr. McCLORY. Mr. Speaker, my longtime friend, the Reverend Robert Gardner Andrus, formerly minister of the Presbyterian Church in Lake Forest, Ill., who is now a resident of Princeton, N.J., has composed a significant letter to the editor which appeared in the January 22, 1970, issue of the New York Times. Reverend Andrus' letter, together with the one to which it is responsive, are as follows:

ASSESSING BLAME IN MASSACRES

To the EDITOR:

In our revulsion from the massacre of Mylai we are in danger of learning the wrong lesson and wrongly assessing the blame.

The lesson to be learned from Mylai—which is the Vietnam war in microcosm—is not that war is hell, nor that a venturesome foreign policy is dangerous, nor even that we should not have intervened in Vietnam. Some or all of these propositions may be true, but the lesson of Mylai is the old one that war is too important to be left to the generals.

For without depriving the individual participants of their individual responsibility, it must be said that the strategic principles adopted and stubbornly clung to by our military leaders have made this sort of horror inevitable.

Captain Medina says there was no massacre, but he also says that at Mylai he saw something move out of the corner of his eye and shot, and later found that he'd killed an unarmed woman. It was, let us say, fear for his life that made him do it. Why was he in such fear? Because he didn't know friend from foe. And he didn't know friend from foe, not because Vietnamese look alike (all WASP's do, too), but because there was no place his friends could go to demonstrate their friendship.

UNSUITABLE STRATEGY

The search-and-destroy strategy is not interested in places, and so cannot be interested in the people who live in places, and so is peculiarly unsuited to a war said to be fought to establish a democratic government, that is, one of, by, and for the people.

Even if this not remarkably subtle point was too difficult for our military leaders to grasp in principle, the practice of a few months' fruitless searching and destroying should have taught them that something was wrong with their strategy. But these generals seem incapable of learning. And the air generals are no better, for bombing is only another form of searching and destroying—with the added contraindication that the destruction you can wreak on a largely undeveloped country is not much.

The stupidity of these generals has caused thousands of unnecessary deaths among the people we came to help and among our own troops. They have managed to lose a war and to waste the goodwill we had earned among men.

Would it not be wisdom now to retire them? We need soldiers, and we need officers to command them; but generals so

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demonstrably incompetent we could do much better without.

GEORGE P. BROCKWAY.

NEW YORK, *January 8, 1970.*

MEANING OF MYLAI

To the EDITOR:

The Jan. 15 letter of George P. Brockway showed the communication problem of the American people.

First of all, he refers to "the massacre of Mylai." Until the books are closed, it is an alleged massacre. There is much to indicate it wasn't a massacre at all, if it occurred.

A "massacre" is an indiscriminate slaughter of people. If the alleged Mylai incident took place as a search-and-destroy operation, it was the selective wiping out of a Vietcong nest. So many people seem to forget that the term "Vietcong" includes women, children and old men. Their villages are targets, unfortunately.

As to generals, I for one much prefer them (and admirals) to a committee of Mr. Brockways. "Shoot it if it moves" is an order as old as warfare. A young Marine lieutenant I baptized was shot because he moved. Fortunately, he wasn't killed.

"Search-and-destroy" by bombing, to which Mr. Brockway refers, was a daily occurrence in World War II. Perhaps Mr. Brockway isn't old enough to remember this. As a matter of fact, one trouble today is that there is very small percentage of Americans who know what it is to be under fire.

He writes of "losing the war." That is news to the American people and to the world. Perhaps President Nixon and the 400,000 G.I.'s in Vietnam should get the word.

Instead of retiring the generals, perhaps Mr. Brockway should retire from writing letters to the editor.

ROBERT G. ANDRUS,
Lieutenant Commander, Chaplains Corps., U.N.R. (Retired).

PRINCETON, N.J., *January 16, 1970.*

FEDERAL REGULATION OF THE INSURANCE INDUSTRY

HON. WILLIAM S. MOORHEAD

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 27, 1970

Mr. MOORHEAD. Mr. Speaker, earlier today, I introduced a bill for myself and eight other members of the House Banking and Currency Committee. The bill would establish a Federal Insurance Guaranty Corporation, which would function similarly to the Federal Deposit Insurance Corporation, but in this case apply to insolvent insurance companies.

The problem of insurance company insolvencies, and their accompanying loss to their claimants and the general public, is widespread and troublesome. In my State of Pennsylvania alone, 19 property and casualty insurance companies, which dealt heavily in auto insurance, have gone under in the past 10 years.

This not only leaves their clients without coverage but also offers those who have claims against the company little chance to recover anything near their just due.

The Federal Government in recent years has shown increasing interest in the insurance industry and the method of State regulation which allows many of these injustices to occur.

In connection with this subject, I would like to introduce into the RECORD an article which appeared in the New York Times, Tuesday, January 26. This well written article by the Times' Wallace Turner discusses the question of Federal regulation of the insurance industry and some of the attitudes in connection with this critical subject.

The article follows:

REGULATION OF INSURANCE INDUSTRY BY UNITED STATES IS PRESSED IN CONGRESS—MEASURE TO PROTECT CLAIMANTS AGAINST INSOLVENT COMPANIES WOULD REPLACE STATE CONTROLS WITH FEDERAL SETUP

(By Wallace Turner)

SAN FRANCISCO, January 25.—There are growing signs that the Federal Government may be ready to move into regulation of insurance companies, which in time could radically change the insurance business.

The move, which would end the state monopoly in insurance regulation, would be through the creation of a Federal Insurance Guaranty Corporation intended to do for claimants against insolvent insurance corporations what the Federal Deposit Insurance Corporation does for depositors in insolvent banks.

The bill is now before the Senate Commerce Committee. It has been gaining support in the Senate and House despite intense lobbying against it. Public dissatisfaction with automobile insurance has provided the political support that makes the bill's passage seem certain. However, it will cover other insurance lines as well.

The proposed law would create a system of Federal examinations to supplement those traditionally made by the states. It would also set up a contingency fund, built on money taxed from insurance companies, and use it to pay claims against companies that went broke. Senator Warren G. Magnuson, Democrat of Washington, introduced the bill.

INDUSTRY REACTION MIXED

Industry reaction is mixed. The American Mutual insurance Alliance and the National Association of independent Insurors oppose it. The American Insurance Association, whose members write about 30 per cent of all automobile insurance, supports it.

The A.I.A. also wants to abandon the "tort" system, under which blame is placed on a motorist and then his insurance company becomes responsible for paying the claim. It would go to a "no fault" system, under which each motorist's insurance would cover his own medical bills and repair costs, thus eliminating court action and the need to place blame.

The state regulators, organized as the National Association of Insurance Commissioners, oppose any Federal regulation.

"I think it stinks," said Richards Barger, the California Commissioner. "We don't need the Federal Government to tell us how to run our insurance companies."

Richard E. Stewart, the New York Superintendent of Insurance, argued that the Federal bill would remove the states' incentive to do a good job, that it would blur their responsibility, and that New York already provided the insolvency protection the bill offers.

STUDY IN NEW YORK

(The New York Insurance Department has almost finished a special study of automobile insurance for a report to Governor Rockefeller. Superintendent Stewart would not discuss what his report will say. Qualified sources expect that the report will direct harsh criticism at automobile insurance practices and set out recommendations for sweeping reforms.)

The lengthening string of failures of automobile insurance companies is the chief reason that the bill has gained support in the Senate. The story has been presented at hearings over the last four years and is based on the tenacious research of Dean E. Sharp, an assistant counsel of the Senate Anti-Trust and Monopoly Subcommittee headed by Senator Philip E. Hart of Michigan, also a backer of the bill.

The Commerce Committee now has a resident insurance expert, S. L. Sutcliffe, who also supports the insurance legislation. A recent survey report by industry sources states that 135 property and casualty insurance companies failed in the last 12 years for a total loss to policy holders and claimants of $135-million.

Automobile insurance company failures have caused much financial hardship to claimants and have thus created political pressures. The insurance companies have used various devices to try to meet these complaints, the most recent the "post insolvency assessment plan."

The insolvency assessment plan has been adopted by the National Association of Insurance Commissioners as an answer to the pending Federal legislation.

GUARANTY ASSOCIATIONS

It envisions the creation of 50 state insurance guaranty associations. The members of the associations would be the companies licensed to sell insurance in the state. The companies would select the directors of the association.

The association would add up the claims against an insolvent company, and would then make levies against the remaining companies to pay off claims.

But because the bill includes a provision that the fund will not pay the first $100 of loss, the guarantee fund (and the companies who must finance it) save many thousands of dollars at the expense of claimants.

Even so, the companies are alarmed by the post insolvency assessment concept. In such states as Illinois, where insurance company failures have caused enormous losses to the public, the companies are hesitant to support the plan.

It is an open secret in Illinois insurance circles that one company is being kept alive in the hope that it does not founder until a post insolvency assessment law can be passed. The company is said to be more than $10-million in the hole.

"There are a lot of other ladies in waiting," said one insurance association executive. Another source estimated potential automobile insurance failures in Illinois as being worth as much as $100-million.

"This and the Magnuson bill both miss the main point," said Vestal Lemmon, president of the National Association of Independent Insurors. "What's needed is to prevent insolvencies. This idea [the assessment plan] just gives incentive to the regulator to ride along until things get worse."

The companies expect to report heavy underwriting losses from last year to add to the $1.7-billion that their books show they paid out in claims over premiums collected from 1959 through 1968.

The National Association of Independent Insurors has campaigned for changes in automobile design to cut repair costs. The association's counsel, Arthur C. Mertz, testified at a Washington hearing that a 1969 Chevrolet Impala, listed at $3,500, would cost $7,500 for the individual parts and another $7,500 to assemble it, or a total of $15,000, if bought one piece at a time.

The American Mutual Insurance Alliance has a film of tests it had made showing how a new car is damaged by the impact of collision with a stone wall at the speed of five miles an hour (a man walking moderately fast) and 10 miles an hour (a man walking rapidly).

REGULATORS' PROBLEMS

At five miles an hour the damage ranged from $134 to $305, and at 10 miles an hour,

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the damage was from $485 to $814. The point is made that automobiles are improperly designed when damage from such minor impact costs so much to repair and thus increases insurance charges.

But in addition to those points, the backers of Federal regulation point to the problems of some of the state regulators. For example, last summer the chief executive of a defunct Florida insurance company refused to say whether he had given or lent money to anyone in the Florida insurance department.

The Florida commissioner, Broward William, was criticized by the state legislature for not having closed three companies as soon as their impaired position became known.

The Missouri insurance superintendent, Robert D. Scharz, was one of the state officials criticized for riding in an airplane owned by an insurance company that was taken over by the Oklahoma insurance department in an investigation of Mafia infiltration of business.

In Hinds County, Miss., a grand jury that reported in December said that it was almost impossible for a state to regulate insurance companies since most operate in many states. The Mississippi grand jurors asserted:

"We believe that insurance companies which do business across state lines should be subject to Federal regulations in the same manner as any other corporation or business which serves the public and operates across state lines."

TEXAS A. & I.

HON. ELIGIO de la GARZA

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 27, 1970

Mr. DE LA GARZA. Mr. Speaker, before the deadline is reached for writing the history of college football during the 1969 season, I wish to call to the attention of Members of this body the fact that for the second time an outstanding educational institution in the 15th District of Texas, Texas A. & I. University of Kingsville, won the National Association of Intercollegiate Athletics' championship.

In scoring a 32-to-7 victory over Concordia College of Minnesota on last December 13, Texas A. & I. became the National champion of small colleges and universities. The A. & I. team, the Javelinas, compiled an 11–1–0 record during the season.

Fifteen different members of this national champion football team have been named to postseason "all" units. A majority of these honorees were first-team selections. Eight of the Javelina players have been on all-America teams.

Mr. Speaker, all of us in south Texas are proud of this No. 1 team—proud of each member of it and of the entire A. & I. student body.

In fact, Mr. Speaker, the Concordia College people—after being defeated by A. & I.—wrote back and just thanked the whole area enthusiastically for the fine time they had being there. They had never seen such total hospitality—they sounded as though being beaten was made easy by the unique friendliness and good neighborliness shown by the Kingsville people. We are proud of that type reputation, Mr. Speaker.

And we are proud of the Javelinas' head football coach, Gil Steinke, who holds the distinction of being Texas' winningest college coach. He ended the 1969 campaign with a 118–44–4 record for his 18 years at his alma mater.

South Texas grows real men, Mr. Speaker.

GAS UTILITIES BASK IN THE CURRENT COLD

HON. GEORGE BUSH

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 27, 1970

Mr. BUSH. Mr. Speaker, the cold wave the United States has been experiencing these past weeks has led some of us to wonder if Thornton Wilder may have been looking into a crystal ball when he wrote of the return of a glacial epoch in "Skin of our Teeth." These extremely low temperatures have brought home to many people in this country the meaning of the decline in gas reserve-to-consumption ratios.

Friday, January 23, 1970, the Wall Street Journal carried an article "Gas Utilities Bask in the Current Cold; It Gives Warmth to the Profit Outlook" that emphasized the increased consumption caused by declining temperatures. In Jackson, Mich., for example, consumption has increased by 18.5 percent. The article further states that—

> So sharp has been the rise in gas demand that many utilities have been forced to curtail shipments to some industrial customers to conserve fuel for heating homes. So-called "interruptible" service contracts with large industrial customers allow the utilities to make the diversion.
>
> General Motors Corp. says it has been forced to lay off 15,500 workers in Ohio because of the gas curtailment. Ford Motor Co. has told more than 9,000 of its workers, also in Ohio, to stay out until Monday. In Seneca Falls, N.Y., Sylvania Electric Products Inc., a unit of General Telephone & Electronics Corp., has closed a color television picture tube plant that employs about 1,600 persons.
>
> U.S. Steel Corp., Jones & Laughlin Steel Corp. and Armco Steel Corp. also have reduced operations because they can't get the gas they need.

These facts should make every one of us stop for a moment to reflect upon the importance of strong oil and gas reserves and the importance of increased domestic exploration and development. All the experts agree we are facing a critical gas shortage. This article points out the effects a shortage can produce. It seems to me that we should be trying to find ways to increase oil and gas—and they are inseparable—exploration and drilling rather than trying to clobber the domestic industry as it is now so fashionable to do politically.

At this time, Mr. Speaker, I would like to have the entire article printed in the RECORD:

GAS UTILITIES BASK IN THE CURRENT COLD; IT GIVES WARMTH TO THE PROFIT OUTLOOK

The cold weather that is sweeping over much of the nation is warming the profit outlook for many of the utilities that supply heating gas.

"We're running like a car with the pedal to the floorboard," exults a spokesman for East Ohio Gas Co. in Cleveland. When the utility runs that near capacity, he says, "the profitability really goes up."

"If the weather is just normal from here out," gloats an executive of Northern Natural Gas Co. in Omaha, "we'll add at least several cents a share to first quarter earnings."

"This is the coldest January we've ever had," says the weather bureau in Pittsburgh. Daily temperatures there have been averaging 12 degrees below normal.

In Minneapolis-St. Paul, the thermometer didn't climb above zero for almost a week. In Chicago, temperatures this month are running 14 degrees below normal. Detroit officials say this will be the coldest January in half a century if the latest forecasts hold true.

In eastern Ohio, weather observers proclaim this the coldest January since 1918. In St. Louis, wind gusts of up to 34 miles an hour recently combined with readings of five below zero to drop the Weather Bureau's "chill factor" to a bone-chilling 56 degrees below.

As the readings have tumbled gas consumption has soared, sometimes 10% to 15% or more ahead of the year-earlier pace.

DELIVERIES UP IN MICHIGAN

Consumers Power Co. in Jackson, Mich., says it sent out 32 billion cubic feet of gas in the first 20 days of January, fully 18.5% ahead of the year before. Michigan Consolidated Gas Co., which is controlled by American Natural Gas Co., says in Detroit its deliveries in the period mounted 15%.

In St. Louis, Laclede Gas Co. shipments are running 17.8% ahead of the 1969 level, with a record one billion cubic feet dispatched on Jan. 9.

Northern States Power Co., which serves parts of Wisconsin, Minnesota and the Dakotas, says its shipments in the first three days of the week soared to a record average of about 350 million cubic feet a day, well above the previous 24-hour mark of 300 million cubic feet set last year.

In New York City, Brooklyn Union Gas Co. reports its sales this month are running one billion cubic feet ahead of last year. Peoples Gas Light & Coke Co., the Chicago retail gas subsidiary of Peoples Gas Co., reports its deliveries are running 16% ahead. Both the Providence (R.I.) Gas Co. and Connecticut Natural Gas Co., Hartford, say they set one-day delivery records this week.

INDUSTRIAL SHIPMENTS CUT

So sharp has been the rise in gas demand that many utilities have been forced to curtail shipments to some industrial customers to conserve fuel for heating homes. So-called "interruptible" service contracts with large industrial customers allow the utilities to make the diversion.

Such switches can mean substantial revenue gains for the utilities involved. Brooklyn Union Gas, for instance, charges American Sugar Co. and Procter & Gamble Co. as little as 34 cents a thousand cubic feet for gas supplied under an interruptible contract. Residential users typically pay $2.40 for the same amount of gas.

South Jersey Gas Co., which also has set a one-day distribution mark this month, says in Atlantic City, N.J., that the cold wave "will bring in 10% to 15% in added revenues for our retail sales."

At many of the utilities, the added revenue will be reflected in earnings. "Inflation and billing lags make it difficult to tell just how much we'll benefit this quarter, but obviously we aren't unhappy." declares James Purcell, a vice president of Northern Indiana Public Service Co. in Hammond, Ind.

SOME DISSIDENTS

A number of other utilities, however, moan that extra costs are more than eating up the increased revenue from cold-weather sales. "You want to do me a favor, pray for warm weather," pleads an executive at Alabama Gas Corp. in Birmingham. "I can't visualize how the cold could help our earnings. And if we get another cold snap, it could have a very serious impact."

Alabama Gas is posting record deliveries this month, just as many other utilities, the spokesman says. To get the gas, though, it has been forced to pay a "penalty" price to its pipeline supplier to secure extra quantities. And it has had to buy higher priced propane, the liquid that is produced along with natural gas; it is normally stripped out of the gas in an extraction plant and sold as a consumer fuel in pressurized tanks.

Philadelphia Gas Works, a utility owned by the city of Philadelphia but operated by UGI Corp., estimates it costs the company $1.25 to supply a thousand cubic feet of gas during normal times. In cold snaps, however, when the utility has to buy supplementary supplies at premium prices or pay overtime to its crews to make gas from fuel oil or coal, the cost for a thousand cubic feet jumps to between $2 and $2.25.

Washington Gas Light Co. says in Washington the gas it buys for supplemental use "costs up to three times as much as our natural gas."

Hurt, too, by the cold are hundreds of industrial companies that have been placed on short supplies by utilities rationing fuel for home use.

GENERAL MOTORS LAYOFFS

General Motors Corp. says it has been forced to lay off 15,500 workers in Ohio because of the gas curtailment. Ford Motor Co. has told more than 9,000 of its workers, also in Ohio, to stay out until Monday. In Seneca Falls, N.Y., Sylvania Electric Products Inc., a unit of General Telephone & Electronics Corp., has closed a color television picture tube plant that employs about 1,600 persons.

U.S. Steel Corp., Jones & Laughlin Steel Corp. and Armco Steel Corp. also have reduced operations because they can't get the gas they need.

At suppliers and transporters of propane gas and fuel oils, by contrast, business has soared as both utilities and major plants scurried to supplement skimpy natural gas supplies.

"I think we'll set a record this month," says Robert E. Thomas, persident of Mapco Inc., a Tulsa-based producer, transporter and marketer of liquefied petroleum gas, including propane. Deliveries of propane this month, he states, are up more than 15%. "This is bound to help profits, at least for January. It's a nice pleasant way to start a year."

Another major supplier predicts propane shortages may lie ahead. "The big problem," he explains, "is that the gas companies, with their interruptible contracts, attempt to rely on propane for two weeks out of the year." A producer, he says, can't afford to spend what it would cost to increase propane supplies just for the "snowbirds" who "turn up only when the snow is flying."

A spokesman for Phillips Petroleum Co. said, "Propane supplies in all areas east of the Rockies are being prorated (to customers). The extremely cold weather that has covered most of the country for the past several weeks has caused tremendous demand for propane. Transportation limitations which have resulted in curtailment of deliveries are due to such demand being in excess of present pipeline capacities as well as effects of weather on rail and trucking facilities."

Humble Oil & Refining Co., the chief domestic subsidiary of Standard Oil Co. (New Jersey) said that in the Southeast there is a shortage of propane due to the prolonged bad weather. Humble is a major propane supplier and one of 13 companies owning the Dixie Pipeline which transports propane to the Southeastern states.

Sales are also climbing for propane sold in tanks as "bottled gas." Suburban Propane Gas Corp., which services 33 states, says in Whippany, N.J., its volume is running 10% ahead of last year.

Major oil companies say demand for fuel oils has climbed just about as much as temperatures have fallen.

In New England, which consumes 22% of the nation's fuel oil, though it has only 6% of the population, one distributor says his volume is running 22% ahead of the 1969 pace. "Barring unseasonably warm weather in February and March, this should be an excellent season for us," he says.

Despite the propane shortage, Humble Oil asserts it isn't having any difficulty meeting the greatly increased demand for home fuels.

NO TROUBLE FOR HUMBLE

Humble Oil & Refining Co., the chief domestic subsidiary of Standard Oil Co. (New Jersey), asserts it isn't having any difficulty meeting the greatly increased demand for home fuels.

Humble says, however, that supplies of heavy industrial fuel oils are very limited because of the cold. The company is still making deliveries to its industrial customers, but it complains of "trying conditions." It is refusing to take on any new accounts.

To speed the delivery time, Humble says, some trucks in the New York area are bypassing local terminals and going directly to the refinery in Bayonne, N.J., to pick up supplies.

Some prices have climbed with the increased demand. One marketer says quotes for home heating oils have risen one-half cent a gallon to homeowners in the past two weeks. Prices currently stand about one-quarter cent higher than last year in the East and a full cent higher in the Midwest.

NIXON SHOWS STATURE AS A TRUE STATESMAN

HON. WILLIAM E. MINSHALL

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 27, 1970

Mr. MINSHALL. Mr. Speaker, my very good friend, the chief of the Washington bureau of the Plain Dealer, John P. Leacacos, has given a standing ovation to President Nixon's splendid state of the Union address.

Jack Leacacos has observed a good many administrations at work during his years of reporting and commenting on the Washington scene. His Sunday column in the Plain Dealer has a wide and respectful audience in the greater Cleveland area, readers who rely on Jack for a candid analysis of happenings in the Nation's Capital. Jack is one of the Nation's most respected political observers, as well as an author of great merit. The sincerity of his appreciation for the President's address is enhanced by this distinguished background.

In his commentary, Jack also shares with his readers the intimate glimpse he had into the creation of the speech. His excellent column follows:

[From the Cleveland (Ohio) Plain Dealer, Jan. 26, 1970]

NIXON SHOWS STATURE AS A TRUE STATESMAN

(By John P. Leacacos)

WASHINGTON.—President Richard Nixon did a superb job in his first State of the Union speech. He began to show stature as a true statesman, viz., a leader who can combine the arts of politics to encompass the objectives of a nation.

The President's White House intimates in the several days preceding the address, which has been months in gestation, dropped the word that the speech was one of the great challenges that Nixon faced in his career, and that the President so regarded it himself. And it is only fair to add that the hints of the contents of the speech as given to me personally at least two weeks ago were actually borne out by the actual delivery, which, of course speaks well for the candor of the informants.

This reporter by pure chance had a further enlightening contact with the creation-in-process of the speech several days previously when I was sitting in the office of Henry A. Kissinger, the President's assistant for national security affairs.

Kissinger had read various drafts of the speech and he was perusing the latest version of the moment. He marked those pages he liked with a check mark, those he did not care for particularly with an x, and left unmarked those he was neutral about. Kissinger and I then resumed our conversation.

Some minutes later the phone rang and I was asked to step out of the room; the President was on the phone. Naturally I know nothing of what was talked about, but I do know the main topic at the White House for many days was the speech and I would guess that the President was asking Kissinger about points that the latter had made.

The impression I would like to stress in general is the President's sensitivity to responsible comment and his open-mindedness about revising his own views in the significant nuances that count. In that sense, the speech was a total administration effort, but above all, it was a reflection of everybody to the guidelines laid down by the President's own directions and instincts.

In the liberal rhetoric and conservative anchors of the Nixon proposals could also be seen the fine Irish hand of "Pat" Moynihan, the lone Democrat in the highest echelons of the presidential circles. This does not mean that Democrat Moynihan sold the President a bill of goods, but that the President's vision and needs made use of Moynihan.

All this is prefatory to a series of points the President made which were in the nature of the fine print, but highly illuminating nevertheless. Let us recall several phrases between the declarative sentences. For instance: "harnessing the vast energies . . . new beginnings and explorations . . . unfinished business . . . challenge of perfecting . . . the world as it is (as basis for policies) . . . how to use that growth . . . the effectiveness of government . . . reform of the institutions of U.S. government . . . re-direct growth . . . national growth policy (as a national plan)."

In brief, the President in his report to the Congress exemplified the two aspects of a President's function that often are overlooked in the purely partisan political analysis. One of the visions he disclosed in his capacity as the leader of all the people, irrespective of party. The other—and the phrases quoted above are directly pertinent—have to do with managing and administering the affairs of the American society in the most efficacious manner so that desired objectives can be achieved in reality.

It is perhaps in this aspect of tidying up the messes of the past where 400 urban programs went off in almost as many directions; where billions were frittered away with no

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overall goal of coordinating vast and contradictory approaches; where no concepts of how to do the job were developed, that President Nixon might leave his permanent mark, among others.

Problems have been left to molder for close to 100 years. Programs have been left in abeyance like a pier in the midst of nowhere. Self-interests have never been evaluated and arranged. Priorities and systems have never been organized.

As a noted publisher remarked the other day, "If Nixon can bring modern management to the art of governments as Alfred Sloan did for the General Motors, the greatest exemplar of modern capitalism, he will build the base and machinery with which we can truly create a new nation for the next centuries."

PANAMA CANAL

HON. JOHN DELLENBACK

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 27, 1970

Mr. DELLENBACK. Mr. Speaker, recently I received a letter from Mr. Carl Svarverud of Eugene, Oreg., pertaining to the future progress of interoceanic canal construction in Central America. I would like to bring this analysis to the attention of my colleagues:

EUGENE, OREG.,
November 19, 1969.

Hon. JOHN DELLENBACK,
House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN: Oregon's 4th Congressional District, which you so ably represent, leads the world in the production and export of lumber products.

This District and the State of Oregon have always been deeply concerned with isthmian interoceanic canal projects and problems. The Oregon State Legislature in 1895 passed a resolution petitioning the Government of the United States to build the Nicaragua Canal.

As a member of the House Merchant Marine and Fisheries Committee, I hope you find the following statement of interest:

The Japanese government, six years ago, appointed a representative of the Japanese Iron and Steel industry to go to Washington to inquire what the intentions of the American government were in regard to constructing an isthmian interoceanic waterway that would accommodate the supersized carriers.

The Japanese not only lead the world in shipbuilding, but also in the importation of coal and iron ore. The annual shipping charges on that imported coal and iron ore would be more than $100 million less if transported in 100,000 to 200,000 ton ships rather than in 60,000 ton carriers, the limit size that can transit the Panama Canal.

The restrictions on import and export to and from the United States due to the limitation of the Panama Canal locks are emphasized by two shipments of coal from Virginia ports to Japan this year. A 130,000 ton Norwegian freighter could only load out an 80% load—95,000 tons—of coal from Hampton Roads because of draft limitations of 46 feet—about seven feet over the Panama Canal draft allowance.

The Norwegian freighter with a beam width of 113 feet—three feet wider than the locks of Panama—had to deliver the coal to Japan by way of the Cape of Good Hope, an extra 13 days in sailing time over the Panama route. The extra cost was more than double the amount of tolls it would have paid at Panama if it could have transited the Panama Canal.

The Panama Canal company magazine "Spillway", October 10, 1969, shows a picture of the 70,000 ton Norwegian carrier "Rinda" in a tight fit at Miraflores lock. The 106′ wide ship had only an 80 per cent load of 56,000 tons of Virginia coal, due to draft limitations at the Panama Canal. The coal cargo was bound for Japan.

The negative results of Japanese inquiries in Washington as to what the United States government planned for the immediate future in regard to building expanded isthmian interocean waterway facilities was reflected by the negotiation the past two years by Japanese steel interests for the purchase of some $2 billion of Alberta Canadian coal to be delivered over the next 13 years. These Japanese-Canadian coal contracts represent a loss of $2 billion in foreign exchange to the United States and the U.S. coal industry. Those contracts were made possible by the British Columbia government building a new $50 million, 62-feet deep port at Roberts Bank, some 25 miles south of Vancouver, B.C.

This harbor, which will be deeper than any port in the United States outside of Puget Sound, will accommodate ships up to 200,000 tons. Although the Canadian coal is of inferior quality to West Virginia coal and the Canadian Railroad haul to port is twice that of the Virginia coal, the saving in shipping in 200,000-ton ships over 56,000-ton size—Panama Canal limit—made possible the Canadian coal sales. The Canadian coal would not have been competitive with West Virginia coal if the latter could have been transported to Japan via an American isthmian canal that could accommodate 200,000-ton carriers, including payment of canal tolls.

Tonnage through the Panama Canal has increased approximately 50 per cent in the past five years. Whatever urgency there may have been when Public Law 88–609 was enacted, the isthmian canal problem is obviously far more critical today.

It is evident, however, from an analysis of the fifth annual report issued July 31, 1969, by the Atlantic-Pacific Inter-oceanic Canal Study Commission, which was set up under the provisions of Public Law 88–609, the Commission has not come up with or can it now be expected to come up with a viable solution for the increasingly critical and vexing problem of the Panama Canal.

Two factors have been mainly responsible for the all but ineluctable dilemma it finds itsef in. One of these factors is directly attributable to the Canal Study Commission's incredible error in accepting claims and assurances that nuclear explosives could be used to excavate an inter-oceanic sea level canal legally, with security, expeditiously and at a cost of about one-sixth that for conventional construction. On every point they were wrong. The Canal Study Commission consistently and stubbornly rejected all information that questioned the legality, security, economy and technical ability to successfully excavate an inter-oceanic sea level canal with nuclear explosives.

After having been granted an extension of two years and five months above the four years provided in Pubic Law 88–609, and additional fund authorization of $6.5 million above the original $17.5 million to carry on their studies the Atlantic-Pacific Inter-Oceanic Canal Study Commission tacitly admits in their 5th Annual Report issued July 31, 1969, that they may have had false hopes in selecting two so-called nuclear routes as preferred sites for the construction of a new sea level canal. The Canal Study Commission allotted 94 per cent of their $24 million funds to studies of the so-called nuclear routes #17 and #25. (H.R. Hearings May 9, 1967, page 40.)

The Canal Study Commission frankly, but belatedly, now admits its earlier cost estimate of $770 million for nuclear construction of route #17 was approximately 67 per cent below their present estimate, which they state is comparable to conventional construction costs of routes 10 and 14—Chorrera-Lagorto—and the Panama Canal sea level conversion which have had cost estimates of $3 billion and $2¼ to $2.5 billion respectively (see page 5, 5th Annual Report of Canal Study Commission).

That proponents of nuclear excavation of a sea level canal quoted cost estimates as much as 67% off on the low side is not only evident, but now admitted. There is equally factual available evidence that they also used cost estimates for conventional canal construction as much as 200% too high on some particular routes—particularly the Nicaragua-Costa Rica border route #8.

The Canal Study Commission quotes conventional construction costs for routes #17 and #25 at approximately $2.70 per cubic yard, overall cost. At that excavation cost, the Atrato #25 in Colombia, the Sassardi-Marti #17 in Panama and the Nicaragua-Costa Rica #8 and the Tuyra-Atrato route proposed jointly by the governments of Panama and Colombia would have price tags of over $5 billion. However, excavation costs of $2.70 per cubic yard, *six* times that of the last work in 1963–64 on the Gaillard cut widening project in the Panama Canal as reported in the 1964 Annual Report of the Panama Canal Company. That report said that the costs on that project had been successively lowered between 1959 and 1964 from $1.03 to $0.44½ per cubic yard.

The joint venture contractors on the $80 million Oroville Dam in California, completed two years ago, report a cost of 20 cents a yard for material placement in the dam after excavation and a 14-mile railroad and belt conveyor haul.

These two concrete examples of current excavation costs demonstrate strikingly how misleading and highly exaggerated are cost estimates of $2.70 per cubic yard for canal construction by conventional methods. This accounts for the attempt by the Canal Study Commission to place the Nicaragua-Costa Rica border route out of contention, although that route has been historically recognized to offer the best route for intercoastal and inter-oceanic shipping.

The 1947 isthmian canal studies showed that for the 10 major world trade routes that use the Panama Canal, there would be a net mileage saving by the use of the Nicaragua route averaging 185 miles. Ton mileage costs were figured at approximately 2 mills a ton mile.

These figures would indicate that if the Nicaragua route had been adopted rather than the Panama route as unanimously recommended by the Isthmian Canal Commission, November 16, 1901, the 424,000 ship transits through the canal on which 1,970,000,000 tons have been paid tolls since the canal's opening in August 1914 to date, there would have been a net saving to shippers of approximately $730 million (185 x 2 mills x 1,970,000,000).

The U.S. Department of Transportation's recent Isthmian Canal Demand Forecast gives an estimated annual increase of isthmian canal traffic for the next 70 years averaging approximately 4 per cent. This shows an annual average tonnage for the period from 1980 to 2030 of a little over 470 million tons.

A sea level canal between Nicaragua and Costa Rica with a 185-mile advantage over the Panama or Southern canal routes at 2 mills a ton mile for 470 million tons annually would give approximately $140 million annual savings by use of the Nicaragua route over the Panama or southern canal routes, or a saving of $7 billion. This sum is approximately double the true cost of construction of a sea level canal on the Nicaragua-Costa Rica border.

The other principal factor that has in-

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hibited the Canal Study Commission from determining a viable solution for the dilemma at Panama is the frustrated attempt by the chairman of the Canal Study Commission and the diplomatic officials of the United States to negotiate canal construction treaties with either Panama or Colombia. In view of this impasse in canal treaty negotiations, the comment in the 5th Annual Report of the Canal Study Commission is of great significance: "The treaty terms for the construction, operation, and defense of a new sea level canal will be of major importance in the determination of the feasibility of its construction by the United States. Therefore, for each of the routes under consideration, the Commission will take cognizance of possible terms in formulating its final recommendations."

No information has ever been made public that any canal construction treaty negotiation has even been initiated by the United States with Colombia. Prolonged negotiations have been carried on since 1962 between the United States and Panama concerning the present Panama Canal and new canal construction. The results of those negotiations have been negative.

The Hay-Bunau Varilla canal treaty, signed November 18, 1903, gave the United States the rights to build, operate, maintain and sanitize a ship canal across Panama in perpetuity and de facto sovereignty over a ten-mile wide strip of territory across Panama. That treaty has been considered by all elements of society in Panama as a cancer ever since its signing. They claim it was an imposed treaty not negotiated or signed by any Panamanian, but by a French citizen.

Panama has insisted since 1962 that the 1903 treaty be revised. Both President Kennedy and President Johnson named envoys to meet with Panamanian officials to work out a revision of the 1903 canal treaty. Tentative agreement was reached by the representatives of Panama and the United States in July 1967, but when the treaty drafts were published in the United States such adamant opposition immediately developed in both countries that the treaties were never formally signed or presented for ratification to the respective governments.

Any hopes of eventual success in negotiating treaties with either or both Panama and Colombia that would give the United States government full or partial ownership, management and protective rights over a new sea level canal in either Panama or Colombia were definitely laid to rest by the announcement in Panama City, September 15, 1969 that the two foreign ministers representing the governments of Panama and Colombia had signed an accord for a joint inter-oceanic canal venture. The projected sea-level canal would run from the Bay of San Miguel on the Pacific in Panama up the Tuyra River, crossing the 350-foot high Continental Divide into the Atrato Basin and coming out at the mouth of the Atrato in Colombia on the Atlantic. The canal would be about 125 miles in length.

This Tuyra-Atrato route would be from 70 to 570 miles longer than any other potential isthmian canal route between New York and San Francisco, California. Panama announced that they accepted the policy statement enunciated by the President of Colombia: "The canal would have to be Colombian property (any canal in Colombia), administered and guarded by our government and our own forces. We do not exclude, of course, foreign financial and technical cooperation.

It was the Spooner Act of June 28, 1902 that empowered the United States to buy out the French interests and complete the construction of the Panama Canal. The directive in Section 4 of the Spooner Act was injudiciously ignored by the President of the United States. In order to circumvent the directive in Section 4, the United States government saw fit to aid and abet a conspiracy engineered and financed by Bunau Varilla to support Dr. Amador and associates in Panama to carry out a revolt in that Colombian province.

That conspiracy and revolt engendered a heritage of enmity in Colombia and Panama against the United States that is now endemic in both countries.

The United States government can control and operate the Panama Canal as long as this government is able and willing to use superior military forces to do so, but those same superior forces will not secure new canal treaties for the United States in either Panama or Colombia today.

The formal declaration by the two governments of Panama and Colombia, September 15, 1969, leaves the United States with a viable and most attractive alternative. That is to proceed literally in accordance with the stipulations of Section 4 of the Spooner Act of June 28, 1902, which states: "Should the President be unable—to obtain control of the necessary territory from the Republic of Colombia, then the President after obtaining necessary rights from Costa Rica and Nicaragua shall through the Isthmian Canal Commission cause to be excavated and constructed a ship canal and waterway across what is known as the Nicaragua Canal Route."

Sincerely,

CARL SVARVERUD.

G. O. WESSENAUER, OUTSTANDING PUBLIC SERVANT

HON. ROBERT E. JONES

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 27, 1970

Mr. JONES of Alabama. Mr. Speaker, one of the most capable and dedicated public servants has retired this month after 35 years of distinguished service with the Tennessee Valley Authority.

On January 9, G. O. Wessenauer retired after heading the TVA power operations for 26 years as manager of power. He had started work with TVA in 1935 as a hydraulic engineer.

As a resident of north Alabama, I have seen the profound changes which this man's efforts have helped bring about in the life of the people. When I was growing up, few farms had the advantage of electric service; residents of towns had to pay high rates for the electricity they did receive; and industries were small and contributed relatively little to the economy of the area.

Now all this has changed. Today it would be difficult to find a farm in north Alabama that is not hooked up to the electric system; residential customers pay less than 1 cent for each kilowatt-hour of electricity used, and large power-using industries abound in the region.

As a Congressman from north Alabama, I have been fortunate in having the type of personal contact with Mr. Wessenauer that leads to an appreciation of the key role he has played in achieving these results. His knowledge and dedication are readily apparent when he explains the role that low-cost power plays in developing a region. His grasp of the intricacies of power system management becomes evident when he discusses the financial needs of an agency meeting the electric needs of an 80,000-square-mile area.

His work has received recognition throughout the country. In 1963, he received the Rockefeller Public Service Award which is reserved for outstanding civil servants. In 1965, the Federal Power Commission sought him as a consultant in the investigation of the Northeast power failure. He has been elected to the National Academy of Engineering and received a life membership in the American Public Power Association.

Mr. Wessenauer's achievements could also be measured in the growth of the TVA power system while he was manager of power. When he was appointed to that position in 1944, TVA served slightly over 500,000 customers; today it serves more than 2 million. An average home in the TVA area used 1,700 kilowatt hours of electricity a year in 1944, while today the average annual residential use is 13,600 kilowatt hours. Commercial and industrial use has increased from 7 billion to more than 57 billion kilowatt hours a year. Finally, the investment in power facilities during Mr. Wessenauer's service as manager of power has increased from $360 million to $2.5 billion.

Despite these impressive statistics, and the high honors that "Wes" has received through the years, I think that the most significant monument to his efforts may well be a simple electric light in an isolated farmhouse window. Such a light is proof that G. O. Wessenauer's efforts have helped to bring the benefits of low-cost electricity to places that were previously dark.

I salute him on his retirement for a job well done. He has my best wishes for every success and enjoyment in his future endeavors.

A HUMAN SECURITY PLAN

HON. ABNER J. MIKVA

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 27, 1970

Mr. MIKVA. Mr. Speaker, there has been some discussion in recent days on Senator McGovern's human security plan.

I think it is in the interest of House discussion that the Senator's speech itself be placed in the Record. It is an important document and is worthy of the attention of my colleagues.

The speech, delivered to the Citizens' Committee for Children in New York City January 20, is as follows:

A Human Security Plan

For a quarter of a century now the Citizens' Committee for Children has sought to combine compassion and technical expertise in effective pursuit of one overriding goal: to help every American child achieve his full potential. This goal, set 25 years ago by your distinguished founding members, can never be improved. You have resolved, also, "that in all your work for children, your paramount concern shall be America's 'major unfinished business'—the elimination of poverty and racism from the lives of her children."

I count it a great honor to have been asked to share with you my thoughts as to

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how that resolution might best be implemented.

In a speech delivered before the National Press Club last week, Secretary Finch spoke of the President's Family Assistance Program. That program, he said, "is the most revolutionary social proposal since the 30's . . . yet here we are coming down to the crunch in the Ways and Means Committee—and we haven't even begun to hear the kind of national debate on welfare reform we must have if any proposal is to succeed."

"We think," the Secretary continued, "it would be in the interest of welfare reform if there were some Democratic alternative on the table so that the cause of welfare reform need not be identified solely with a Republican President."

I agree with Secretary Finch. There *is* a fundamental alternative to the President's Family Assistance proposal—an alternative whose potential as an anti-poverty strategy far exceeds the poor people's approach of the President—A Human Security Plan which looks toward insuring each of our citizens against the risk of poverty and doing so simply because we believe that this kind of minimal financial security should be a right of citizenship in our country.

I share with you the common belief that our nation is approaching a pivotal moment of decision concerning her children. We must soon decide whether we are willing to commit our full energies to ending the hopeless poverty which enfolds the lives of 13 million American children. Unless we act now, these 13 million will take the place of their fathers and their fathers before them—they will become America's new generation of poor.

But the question before us tonight is not whether this would be an unspeakable tragedy—it would. The issue is how best to avert that tragedy. It is on this issue that I must dissent from the central thrust of the Nixon Family Assistance Plan.

Let me explain. The history of programs marked "for poor people only," has not been a happy one in this country. The reason is not hard to find—it is the "myth of the idle poor."

All of us have heard some version of that myth. The poor, it is said, are lazy. They have no pride. They drink too much. They drive fancy cars and own color television sets.

It makes little difference that this myth is a lie. Myths always resist facts.

As leaders, we must continue to talk facts. We must put on the record the truth that of America's 40 million poorest citizens, thirty million live in the home of a worker. Of 9 million welfare recipients, only 80,000 are able-bodied men who could work if there were jobs for them—more than four million unemployed Americans could work and want to work, but there are no jobs for which they are trained. These are the facts.

Over the past ten years we have sought to end poverty with programs which have driven wedges of misunderstanding between our people. In our anxiety to put a quick end to the suffering of the poor, we have pursued the gods of "efficiency" and "poverty-effectiveness." In order to partake of our paternalistic programs, we have required that men humble themselves in proof that they are destitute and "worthy." Our programs have been efficient—deadly efficient. You recognize the programs to which I refer—medical care in public clinics, public assistance, and public housing. All were started by reformers with high hopes. All have turned out badly. As a Health Center physician in the South Bronx said the other day: "Care for the poor inevitably becomes poor care." It is a hard lesson—but it is true. These programs have efficiently demeaned the poor. They have efficiently alienated the non-poor. They have reinforced the mythology of poverty, fostered racial prejudice and earned us the title "limousine liberal."

One would think that we might have learned from the experience. Yet, now we rush to embrace as new, radical, and a departure for the 70's, a Family Assistance Program which simply isolates the poor and their supporters more efficiently.

The Family Assistance Program is the poor people's program par excellence. Both in its actual provisions and in the long-term strategy which it suggests, its central principle is that of making payments to people because they are poor.

Backers of the plan make no bones about this. The purpose of their plan, they say, is to expand welfare—someday to an adequate income level—and rationalize the existing system in order to remove extraneous obstacles to paying people because they are poor.

Of course, the actual Family Assistance Plan makes some very serious compromises with this basic principle. It does not begin to adequately support anyone or even talk of a day when this will be done. It does not standardize payments across state lines. It grossly penalizes states and cities like New York which have conscientiously tried to meet the standard of need. And it fails to remove the privilege of welfare administration from local authorities in many states who have proven themselves amply worthy of losing that privilege.

Still, these inadequacies aside, the logical extension of the President's proposal remains a fully federalized guaranteed income plan which dispenses a uniform national payment generous enough to lift every poor family out of poverty within a very few years. Amendments designed to extend the Family Assistance Program in these directions will be offered in Congress this year. I will support them. In particular I will support federal assumption of all responsibility for the administration and cost of public assistance. I will offer an amendment to raise the payment level substantially above $1,600 dollars.

Certainly, all of us who are concerned with putting a quick end to poverty must hope that when we open the door recommended by the Administration, we will find that it leads to an exit from poverty. But I fear this door will lead us into a tiny closet in which we will be confined by the same suspicion and mistrust of the poor that has trapped us in the past.

We will find ourselves pursuing that impossible dream of an efficiently operated, nondemeaning, generously funded program which benefits only poor people and does so only because they are poor. Such a program is a contradiction in terms. It is impossible.

When we pursue this dream—when we follow this strategy—we are ignoring the record. Worse, we are ignoring the fact that poor people's needs are no different than those of the rest of us. We are forgetting that our sacred poverty line is nothing more than a ridiculously low, arbitrary income standard. Instead of identifying those needs which the poor share in common with every American citizen—instead of offering assistance directed toward meeting those common needs of every citizen—we are branding the poor as different—dividing them from their fellows—stripping them of the political support which they need—and furthering the explosive divisions which threaten to tear our nation apart.

What is so painful about this spectacle is that there already exists in this country most of the major elements of a far different strategy of poverty prevention. Instead of waiting until people are already stigmatized—until they are poor and in despair—and then helping them half way out of poverty, this strategy seeks to identify those who are most likely to fall into poverty and to help them avoid that fate.

What I am proposing to you tonight is that we finish the job of securing our citizens against the risk of poverty. What I propose is a Human Security Plan the benefits of which would go to each of our citizens as their basic human right.

What would a system of this kind look like?

It would comprise four major components—components which would protect each of us against the four major causes of poverty in America. *First,* it would include a Children's Allowance to secure the future of our children. *Second,* it would guarantee a job at a decent wage for every able-bodied working age citizen. *Third,* it would improve Social Security for the elderly and disabled. *Finally,* it would provide a small, federally administered special Public Assistance plan to protect the few who would remain in need of additional income maintenance.

First the Children's Allowance—its purpose would be to secure our people against what, incredibly, is the most frequent incidence of poverty in America—childhood. Over and over again, until it is almost intolerable, we hear of America's supposed commitment to her children. We hear that our children are the future of the nation. We hear of a commitment to the first five years of life. We hear that saving our children is the key to interrupting the poverty cycle. These are the things we hear.

What we see is something entirely different. We see that no single factor correlates so highly with poverty as does the number of children in a family. We see that only one of every eight families with a single child is poor—while one out of every two families with six children is poor. We see that two-thirds of the children in large female headed families are poor. We see 5 million children being brought up in poverty even though their father or mother—or both—works full time. And when we add all these figures together, we find that we have consigned 13 million of our children to poverty.

Nor is it just families labeled as poor who are unable to give their children the opportunities they need. Millions of young, middle class families who one day will earn eight to ten, even twelve thousand dollars a year, have much less than they need during their critical first years of childrearing. These are families who are appalled by the concept of welfare, and wouldn't accept it for themselves or for others. Yet they are also the forgotten young families whose children Dr. Milton Senn recently found to be raised under culturally impoverished conditions—often without even the simplest creative toys.

I submit to you tonight that these conditions—this yawning gap between what we claim to want for the children of America and what we actually deliver to them—is intolerable. The first and most important objective of any income transfer systems must be to close this gap, to close it for all our citizens, and to close it with dignity.

I am therefore preparing for submission to Congress early this year a program of Children's Allowances. While the details of my plan are not yet complete, it would provide, when fully implemented, a substantial allowance—50 to 65 dollars a month—for every child in this country.

Like the other parts of the Human Security Plan which I propose, the Children's Allowance would not be a pauper's program. It would go simply and automatically to every family with dependent children. Yet—though not a poverty program—the Children's Allowance would prevent a great deal of poverty simply because so many children are poor. It would, in fact, very nearly wipe out poverty among most families with children. It would also provide a critical boost in the incomes of those young middle American families of whom I have spoken. Not until family income reached well into the $25,000 plus brackets would the benefits of my plan be cancelled out by loss of the existing income tax exemption which it would replace.

Mention of the income tax exemption points up the fact that we have actually had a Children's Allowance for years—the familiar 600 dollar, soon to be 750 dollar, exemption for children.

But what a curious Children's Allowance that exemption has been. For the rich man—the family earning $50 thousand a year—it has returned a benefit of over 300 dollars per child. For the average American who takes home about $10 thousand a year it has returned an actual benefit of less than 150 dollars per child. For our poorest citizens—those most in need of help in lifting their children from poverty—it has meant an actual dollar benefit of zero and a life on the dole.

My plan would reverse this curious schedule and provide a substantial cash increase for every family whose income is less than $25,000 per year—the poorer the family the larger the increase.

The United States stands alone among advanced nations in its failure to provide its people with a progressively taxed system of Children's Allowances. The benefits which would accrue to our nation if we reverse this failure and enact a Children's Allowance are many.

Some I have already indicated. But let me point out, in concrete terms, a few of the others.

First, for the supposedly standard poor family of four whose head is a working man but earns only $2,400 per year, a Children's Allowance would provide at least the additional $1,200 a year needed to escape poverty. It would do this with no trace of the work incentive problem that plagues welfare schemes. It would do it without submitting the father to the degradation of proving pauperism and without submitting his children to the taunts of their more fortunate playmates.

Second, for the welfare family headed by a woman with five young children, my plan would mean at least $3,000 per year. If she were able to work, and chose to take on that extra burden, she would keep all, not 50% of what she earned. But, if she judged it more important to stay home with her family, her payments could be raised provided we are willing to enact a plan with more adequate levels of assistance than those the President has proposed.

Third, for the typical young middle American family having three children and earning $6 to $8 thousand per year, my allowance would provide a net cash benefit—after taxes and loss of the present tax exemption—of about $1,000 to $1,500 per year. With medical care, property taxes, and the cost of education skyrocketing, this modest sum could mean a college education, a decent home, or an annual medical checkup for millions of American children.

Finally, for the older business executive or the doctor whose income is in five or six figures, a taxable Children's Allowance would mean a loss of a few hundred dollars per year. They can afford this loss. From what I know of our professionals and business executives I believe that they will see this loss as a valuable investment in their country.

The Children's Allowance also deals effectively with the troublesome relationship between wages and poverty. At the present minimum wage of $1.60 per hour, a man who works full time can support only two children. If he has more he is poor. The Family Assistance Plan tries to deal with this problem by permitting the wage earner to keep only half of his salary. Another way of meeting the problem would be to raise the minimum wage. But if we were to raise the minimum wage to the point where it would eliminate poverty among working families, we would find ourselves demanding a four or five dollar minimum wage. The result would be to eliminate millions of jobs—hardly a favor to the marginal worker.

The Children's Allowance approach would permit realistic increases in the minimum wage and would permit workers to keep all—not just half—of those increases. The result would be to virtually eliminate poverty among working families with children while retaining a 100% incentive to work and not jeopardizing the marginal jobs on which many of our working men must depend for their livelihood.

Inevitably there will be a number of arguments made against the Children's Allowance. One in particular should be mentioned. It will surely be said that this kind of allowance will convince families to have more children. There are many reasons for which familes have children. But all of the available evidence shows that a small payment for each child has not been one of those reasons in any of the many countries where it has been tried. In Sweden, in Canada, and in France the birth rate has not been affected at all by payments for children. Nor has it been affected by our AFDC program which already offers an increased payment for each child.

Since careful studies tell us that the relatively high birthrate in poor families comes about despite the fact that these families want to have exactly the same number of children as their wealthier countrymen, it would seem that if we wish to deal with our population problem, planned parenthood will be much more effective than planned starvation. There is even evidence that as families are stabilized and lifted out of poverty by the Children's Allowance, their birth rate may reflect the well documented rule "the higher the income the lower the birth rate."

These, then, are the arguments for Children's Allowances. They are badly needed to fill our supposed commitment to our children. They require no humiliating proof of poverty, yet will lift most children out of poverty. They recognize our poverty line for the ridiculously low, arbitrary measure that it is by helping children on both sides of the line. And they reverse the inequity of our present tax structure as it affects families with children.

I believe deeply, as I know the Citizens' Committee does also, that these are worthy objectives. I solicit your support in commending them to the President, to Secretary Finch and to the American people.

I have dwelt at length on the Children's Allowance because it is our children who are most in need, and perhaps most deserving, of protection against poverty. But just as children are not the only Americans whose needs must be secured, a Children's Allowance is not the only part of a fully adequate alternative to the President's Family Assistance Program.

The second most common cause of poverty in the United States is unemployment. The Human Security Plan which I propose would recognize that virtually every American wants very badly to be able to support his own family. It would secure this basic human right to work by guaranteeing a job to any person able to take one.

These jobs would not be make work jobs. They would be jobs in the private sector for which men need only to be trained. They would be new jobs created by an expanding economy. And, where necessary, they would be public service jobs created to help fill the crying need for housing, schools, libraries, parks, and hospitals all across our land. It has been estimated that meeting our country's needs in these areas will require the creation of as many as four or five million jobs.

Like the Children's Allowance, this right to work program would be open to all of our citizens. It would identify a part of the population—those who are having trouble finding a job—as a group that is likely to face poverty. It would not say to these people—wait until you are poor and we will give you a handout. It would not stop with offering training for jobs that do not exist. Instead, it would say, "you want to work. We need your work. Start today."

The third part of a system designed to secure Americans against the danger of poverty must meet the needs of those for whom neither work nor a Children's Allowance is adequate—the elderly and disabled. For them an end to poverty requires nothing more than a modest upgrading and expansion of Social Security coverage.

Specifically:

We must reintroduce and pass the minimum payment of $100 per month for retired social security beneficiaries which was dropped last month in a misguided economy move demanded by the White House.

We must blanket into the Social Security System the one million aged individuals who are now excluded because they lack the necessary quarters of covered employment.

And we must broaden disability coverage to include those who have been disabled since childhood or are excluded because of the unduly rigid definition of disability which is written into the existing law.

I shall support, or introduce, legislation to accomplish each of these objectives.

Finally, we may always need a small program that provides money on the basis of a demonstration of poverty—that is, a welfare-type program. Under the Human Security Plan this special assistance would be a cushion, a flexible federal program to provide fully adequate income support for those few, perhaps 4 or 5 million Americans, whose special human needs may not be covered by the other parts of the system. Perhaps with such a small program we will finally learn to operate public assistance humanely.

If the Human Security Plan which I have outlined tonight sounds like something for everyone—it is. It is a program to meet this nation's unmet human needs—needs which are shared by all of us.

If you think that I have been putting something off, you are also right—I have. What will it all cost?

Here the time comes for some straight talk. It is time for this nation to stop fooling itself. For years we have been expecting million dollar results from penny ante programs and feigning surprise when these programs have failed.

Let me set it out for you. If we are to begin to phase in the Children's Allowance plan which I have outlined, it will cost us ten billion dollars the first year. This cost will rise each year until it reaches a level close to that of our existing Social Security System.

Nor will an adequate Social Security System and the creation of employment opportunities be cheap. These programs, together with a fully implemented Children's Allowance could reach close to 35 billion dollars per year by 1976.

These figures may seem fanciful when compared to the 4 billion dollars allocated by the Administration for its Family Assistance Program. But the two are not comparable. If the President really intends to expand his system to eliminate poverty and to provide jobs, training and day care—as the Human Security Plan would—he will find that it will also cost him 35 billion dollars per year. He will find too that in order to preserve the 50% work incentive in his Family Assistance Plan, he will be saddled with a program which imposes a poverty test on its recipients yet delivers only about 35% of its benefits to those who would otherwise be poor. This 35% ratio does not compare favorably with the ratio which would occur under the system

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of non-demeaning poverty prevention which I have proposed.

Perhaps the sums I am suggesting still seem fanciful to you—particularly since I was among those who voted for what has come to be known as the Christmas Tree tax cut of 1969. I also voted for a number of substantial revenue raising tax reforms which were defeated—but that is not the point.

The point is that we are a nation with a one trillion dollar economy. We are a nation whose existing system of taxes and subsidies presently transfers from one hand to another over 100 billion dollars every year. We are a nation—and I want you to know that I mean this—we are a nation which can fully implement the Human Security Plan which I have proposed before our two hundredth birthday in 1976 and can do so without raising taxes.

How?

By 1976 our government will be taking in an estimated 50–75 billion real dollars more than it now does—and will take in these dollars without raising taxes. This is the so-called growth dividend.

Yesterday, before the National Press Club, I suggested that we could cut our present war budget by 50 billion in the next 3 years without any real loss in security. This would free another forty billion dollars.

I submit that the question before us tonight is not whether forty or fifty billion dollars will be available to meet our human needs by 1976. The question is whether we can convince the American people that meeting these needs is more important to our national security than a new generation of missiles or a new round of tax cuts.

I submit to you that those of us who call ourselves leaders should be realistic enough to know that we can never convince the American people of these facts if we persist in the delusion that only poor people or black people have unmet human needs.

We have been fighting with both hands tied behind our back and a blindfold on. We have been trying to convince middle America of a palpable absurdity—that in this day of the $2,000 dollar a year college tuition only people who earn less than $3,600 dollars a year have unmet human needs. And we do this in full knowledge that the Bureau of Labor Statistics says it costs over $10,000 per year to live in New York City on a budget that allows a family the great luxury of a 2 year old used car and one new suit every 4 years.

This kind of argument is political suicide, and if we think that by committing political suicide we are helping to solve the problems of the poor and the blacks—or the cities or the farmer—we had better think again.

If the President wants to submit a plan whose great virtue is that it gives money only to the poor and only because they are poor, that is his problem. But if we rush to support that program as the push button answer to poverty, we are wrapping our hopes for those 10% of our citizens who are poor up in a neat little package addressing the package to Strom Thurmond and hoping that he will deliver it to the needy.

What I would suggest to you in closing tonight is that it is time that we stopped offering such a convenient target to the knee-jerk reactionaries. There is not the slightest reason why we should neatly label our proposals "for poor people only" and charge into battle supported only by that tenth of our people who know from personal experience what it means to be poor. This kind of strategy is a prescription for disaster. It is stupid. It seldom passes legislation, and when it does, it earns us only welfare freezes, mandatory work requirements and man in the house rules.

Our country lacks neither the means nor the will to meet the human needs of all of its citizens. What it lacks is leadership.

It is time to tell it like it is. I invite you to join me in that exciting task. I thank you.

EFFECTIVE ACTION BY ICC

HON. GLENN R. DAVIS

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 27, 1970

Mr. DAVIS of Wisconsin. Mr. Speaker, for some time now, most of the Nation, particularly that portion west of the Mississippi River, has been plagued by a very serious railroad freight car shortage. This has been of concern to all of us and to the Interstate Commerce Commission, which has been actively seeking ways to remedy the situation.

While the Commission very naturally must direct its efforts in search of a long-range solution to the problem, there are times when it is called on for a more immediate response to correct a temporary deficiency. When this occurs, the Commission can and does employ all of its professional resources to avert what can develop into a critical or even tragic situation.

Very recently, such a condition arose at the University of Wisconsin at Madison, where, because of a shortage of coal cars, the university was faced with a shortage of coal needed to keep its heating plant in operation.

As a result of a direct appeal from the university, and through the combined efforts of the Commission's Bureau of Operations in Washington and its field offices in the affected area, the Commission was able to arrange for concentrated deliveries of cars in order to return coal reserves to their normal supply levels.

Mr. Speaker, I think the Commission should be commended for its effective action in this area and for its continuing efforts to encourage the railroad industry to maintain a viable freight car supply.

The effectiveness of the Commission's action in connection wtih the coal supply emergency at the University of Wisconsin is attested to by the following letter:

THE UNIVERSITY OF WISCONSIN,
PHYSICAL PLANT DIVISION,
Madison, Wis., December 24, 1969.

Re emergency coal supply.
Mr. R. D. PFAHLER,
Chairman, Railroad Service Board, Interstate Commerce Commission, Washington, D.C.

DEAR MR. PFAHLER: The help of you and your organization in efforts to relieve the emergency coal situation in Madison has been productive.

The emergency coal situation has been relieved by concentrated deliveries in the last several days. We now have what is considered to be a normal coal reserve supply. Routine weekly deliveries, in accordance with existing contracts, will now allow us to operate in a normal manner.

Many thanks to you and your people for your help in this matter.

Sincerely,

FRANK RICE, Jr.,
Director.

MR. PRESIDENT: CAPT. JEREMIAH DENTON, U.S. NAVY, REMAINS A PRISONER OF WAR IN NORTH VIETNAM

HON. PAUL G. ROGERS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 27, 1970

Mr. ROGERS of Florida. Mr. Speaker, since July 1965, U.S. Navy Capt. Jeremiah Denton, whose brother Peyton is a resident of West Palm Beach, Fla., has been a prisoner of war in North Vietnam.

Nine months after his capture, Captain Denton was seen by millions of Americans as a Communist-made film was shown on U.S. television depicting Captain Denton and other captured American servicemen in their restrained quarters.

Captain Denton appeared drugged, undernourished, and fatigued, testifying to the fact that the North Vietnamese do not recognize the requirements of the Geneva Convention relative to the treatment of prisoners of war. Yet, in the face of this treatment, Capt. Jeremiah Denton reaffirmed his faith in the policy of the U.S. Government.

Captain Denton's wife likewise supports her Government's policy in Vietnam but she would like reassurance that priority is being given to securing the proper treatment of these prisoners and their eventual release. One of Captain Denton's sons is presently serving in South Vietnam as a helicopter pilot.

Dr. Peyton Denton, brother of Captain Denton, addressed a letter to President Nixon expressing the concern of Captain Denton's wife and I would like to insert the text of that letter at this point in the RECORD for the benefit of my colleagues:

WEST PALM BEACH, FLA.,
December 17, 1969.

Mr. RICHARD M. NIXON,
President of the United States,
The White House,
Washington, D.C.

DEAR MR. PRESIDENT: Thank you very much for your personal reply acknowledging my support of your Administration and expressing your concern for my brother's welfare (Capt. Jerry Denton, US Navy).

Your recent meeting with a group of wives of the prisoners of war was again indicative of the major priority you give the prisoner situation in the Vietnam policy.

Our family is most disappointed that my brother's wife was not selected by the Navy Department to be present during this interview. My brother's wife, Jane, has maintained an attitude of loyalty and support for the Government. Her husband, Capt. Denton, has been a prisoner of war in Hanoi since July of 1965. Nine months after his capture, on a nationally televised interview with Japanese Communist reporters, he appeared apparently drugged and extremely fatigued. He knew nothing at the time of the war situation (probably because of solitary confinement) but when asked struggled to say that whatever our Government's policy was he supported it and would as long as he lived. This was hailed in the House of Representatives as being tantamount to the heroism of Nathan Hale. Getting back to Jerry's wife, her 7th eldest son is serving now in Vietnam as a helicopter pilot. On two previous occasions, Mrs. Denton has requested audiences with you, Mr. President, and these interviews

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were not granted due to your busy schedule. Although disappointed, she never complained and understood perfectly. In brief, I cannot think of any other POW's wife who has suffered more and given more in the course of this war than my brother's wife and why she was not granted the opportunity to receive personal reassurance at this recent meeting is incomprehensible to me.

I realize that you had nothing to do with selection of the group interviewed, but I wanted you to know that a very heroic, gallant lady was omitted from that list. I pray to God that in some way and at some time in the future you will be able to personally reassure her in whatever way you can. She is under extreme strain and I am afraid that this matter has not helped her morale.

Respectfully,

PEYTON S. DENTON, M.D.

I have joined with many of my colleagues in the House in sponsoring a resolution calling upon the President, the Department of State, the Department of Defense, and all other concerned departments or agencies of the U.S. Government, the United Nations, and the peoples of the world to appeal to North Vietnam and the National Liberation Front of South Vietnam to comply with the requirements of the Geneva Convention relative to the treatment of prisoners of war and to take such steps as may be appropriate to obtain the humane treatment and prompt release of all members of the Armed Forces of the United States so held as prisoners of war.

This resolution should be passed without further delay.

WEST VIRGINIA ASSISTS 5,814 IN TRAINING SETUP

HON. ROBERT H. MOLLOHAN

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 27, 1970

Mr. MOLLOHAN. Mr. Speaker, when President Nixon vetoed the Labor-HEW appropriations bill he took $8.9 million away from West Virginia.

What does that mean?

It means that one of the foremost vocational rehabilitation programs in the Nation, a program which has returned 5,814 persons to a useful and self-supporting life, will no longer receive assistance from the special needs vocational education program.

It means that $2.9 million will be lost in Federal aid to educationally deprived children and $1.5 million in aid to vocational education.

These losses are especially hard on West Virginia because of its high poverty and unemployment rates.

It means that fully seven specialized programs, which would have received Federal backing under the amended bill, will now go without Federal assistance.

These programs, and the funds they would have received if the President had signed the bill, include instructional equipment, $850,000; students with special needs, $500,000; grants to schools for library materials, $400,000; educational research, $400,000; construction for undergraduate facilities, $300,000; construction of public libraries, $130,000; and guidance counseling, $150,000.

West Virginia has long been recognized as the Nation's leader in the percentage of people rehabilitated. The State's division of vocational rehabilitation annually averages 323 rehabilitations per 100,000 population, a truly outstanding record.

These are persons who have such physical or mental disabilities they have been unable to properly function in society. They have been given training and have reentered society as a new person, no longer wanting to live off welfare.

Larry Nicely, the "Rehabilitant of the Year" who is described in the following Wheeling News Register story by Monroe Worthington, is the type of person who will be hurt by the President's veto of the bill.

The President's veto affected West Virginia most adversely. It took away $8.9 million which Congress had added to the original proposal.

Among the greater losses the State can ill afford are $1.5 million in vocational education basic grants, $630,000 in national defense student loans, $400,000 in supplementary educational centers and services, and $175,000 in grants for public library services.

I urge you to read the following article. It will show the fallacy and danger of vetoing a bill for its so-called inflationary aspects:

STATE SETTING RECORDS—WEST VIRGINIA ASSISTS 5,814 IN TRAINING SETUP

(By Monroe Worthington)

The story of how the State of West Virginia's Division of Vocational Rehabilitation has restored—or is restoring—5,814 people to useful, self-supporting life is told in a 16 page report, printed and bound by the handicapped students themselves.

West Virginia has long held the national record for the percentage of people who have been rehabilitated, although it occasionally drops to second place. The Division averages 323 rehabilitations per 100,000 population per year.

Those who have benefitted from its services include people who are blind or have impaired vision, 699; speech or hearing impairments, 340; amputations or other defects of limbs, 993; mentally retarded, 350; mental or personality disorders, 579; cancer, diabetes and other organic disorders, 201; epilepsy and other disorders of nervous system, 132; heart and circulatory condition, 262; respiratory diseases, 102; digestive system disorders, 1469; and others, 687.

Sixty-seven had never completed even one grade; 1449 had completed one to seven grades; 1244 had completed the eighth grade; 1500 had gone to high school; 1337 had graduated from high school; 159 had gone to but not graduated from college; 36 were college graduates.

Some 2,826 were married; 536 were widowed; 485 were divorced; 316 were separated; and 1,651 had never been married.

Of the total number receiving training 82 were from Brooke County; 77 from Hancock; 267 from Marshall; 253 from Ohio; 42 from Tyler; and 75 from Wetzel County.

"Larry Nicely", whose tale is told as "the Rehabilitant of the Year" is described as "overcoming almost insurmountable obstacles. He has an IQ of 47—and has the nickname "Happy."

"Larry Nicely, of Huntington, was born 25 years ago with three strikes against him—mental retardation, cleft palate and speech impediment. Larry was placed in a foster home at the age of nine months. Through the services of the West Virginia Department of Welfare, he stayed in foster homes until he was nine years old. It had become evident that Larry was mentally retarded and could not attend public school like other boys his age. So at the age of nine he was admitted to the West Virginia Training School (now the Colin Anderson Center) at St. Marys. For over 10 years this was his home.

"During his teen-age years, Larry grew to love the institution. He became quite attached to the supervisor and the other children. Larry learned to read and write at Colin Anderson and it was felt that he had the potential to leave the institution.

"The road to employment and self support was to be a long uphill struggle. . ."

The story tells this in full, and continues "Seven years of rehabilitation work finally paid off. Larry was placed as a janitor at Ted & Ed's Pro Bowl—a bowling lane in Huntington where he has been employed for 10 months at a salary of $55 per week. During that time Larry has not missed a day's work.

"Larry has managed to save over $2,000 and he plans to buy a mobile home." (The story does not explain the arithmetic.)

The State's expenditure this first year for rehabilitation was $2,053,215, or $353 per person treated. But the federal government has provided enough funds to bring the total to $9,520,983, or $1,637 per person.

The size of staff and facilities were doubled at the Division's rehabilitation unit at the West Virginia penitentiary.

Plans were developed for two new projects in Wheeling; one was an innovation, to rehabilitate young persons with behavioral problems; the other was to demonstrate a school rehabilitation program and a juvenile offender program.

Offices are maintained, also, at New Martinsville; Weirton, Wellsburg and many other cities over the state. There is a Wheeling special school program, at Lincoln School, P. O. Box 6054, Wheeling.

AID TO LOW- AND MIDDLE-INCOME HOUSING

HON. BENJAMIN S. ROSENTHAL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 27, 1970

Mr. ROSENTHAL. Mr. Speaker, I have today introduced a bill which will help alleviate the difficulty experienced by low- and middle-income families in locating adequate housing.

This bill, which follows the leadership of the distinguished chairman of the Committee on Banking and Currency, the gentleman from Texas (Mr. PATMAN), would encourage private pension funds to invest in federally guaranteed mortgages.

The bill operates in the following manner: The Secretary of Housing and Urban Development is directed to estimate the total amount of mortgage investment required in order to meet the Nation's goals for low- and middle-income housing during a specified period. He is also directed to estimate the total amount of actual investment in this type of mortgage to be expected during this same period. The Secretary is then required to request private pension funds possessing adequate assets for mortgage investment to invest an amount sufficient to eliminate any difference between the amount of investment required and the amount of expected actual investment. Any pension fund which fails to invest its share of the amount directed by the Secretary will be taxed 100 percent of the difference between its actual investment and the amount of its share.

The need for this bill is clear. The Department of Housing and Urban Development and the Veterans' Administration have recently increased the interest rates for FHA and veteran's home mortgages to 8½ percent. These actions further jeopardize the ability of low- and moderate-income families to locate adequate housing. If this situation is to be remedied and if the Nation is to meet the housing goals established by Congress, additional amounts of mortgage funds on reasonable terms must be made available immediately.

Private funds, which are among the largest institutional investors in the stock market, represent a source of the requisite mortgage funds. Presently, only a small portion of the assets possessed by these funds are invested in mortgages. My bill would rectify this situation by increasing private pension fund investment in mortgages without risk or sacrifice of an adequate return.

Mr. Speaker, low- and middle-income families face a continuing housing crisis. If we are to end this crisis, we must utilize all the wisdom, energy, and creativity we can command.

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THE CASE FOR PRAYER

HON. LOUIS C. WYMAN

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 27, 1970

Mr. WYMAN. Mr. Speaker, the case for prayer has rarely been stated more forcefully than in the story in the Manchester, N.H., Union Leader of Mrs. Julia Carter. It is shocking that the Congress has not proposed a constitutional amendment to permit voluntary prayer in the public schools of our land.

Lower courts are obliged to follow the decisions of the Supreme Court of the United States. It is not their fault that Mrs. Carter and others are appalled as the right to pray voluntarily in public assembly is limited by judicial decision. But now there is in process a recomposition of the U.S. Supreme Court.

Millions of Americans hope and pray that the new Burger court will redress their lack of communication with God, or perhaps better said, God's grievances with a blind, materialistic element in America that seems bent on self-destruction. We are not so big and prosperous that we can afford to ignore our dependence on Almighty God—or allow our children to become indifferent to man's need for spiritual guidance.

I commend the story of Julia Carter to the thoughtful consideration of all Americans, as follows:

"THERE IS NOTHING MORE POWERFUL"—JULIA CARTER: A CASE FOR PRAYER

(By Gerald Stiles)

MILFORD.—To be condemned to die is a terrible fate.

To be granted life after such condemnation; then only to see your benefactor struck down, is probably the most unbearable blow of all.

Such is the general feeling of Julia Carter of Milford, a gentle lady who lives an uncluttered life of solitude in a neat mobile home on the east side of town. Now, an undercurrent of turbulence has come along to ripple this solitude and leave Mrs. Carter a woman of some worry.

Julia Carter is not out to change the world singlehandedly, but she does have a story to tell. It is the reader's right, of course, to take it or leave it; but at least, hear it first.

The year is 1928 and the scene is a Franciscan convent in Allegheny, New York. There, a novice barely 18 years old is told by the mother superior and a group of doctors that she is suffering from incurable tuberculosis. This novice, now Julia Carter, is only four scant months from taking her vows when she is told that she will soon lose two lives, both physical and spiritual—the latter finality so near, yet so horribly far away.

That was the condemnation to die. Too soon.

Then followed several months of bedridden sickness, attended by a nurse night and day. Finally, it was to a farm on the West End of Boston where Julia, presumably, was to live out her last days. During all this time, there was prayer. "My sister and all my relatives," said Mrs. Carter, "all prayed for me. These weren't just Catholics, but Protestants as well."

Something, somewhere, somehow happened. One morning, after a hemorrhage that must have resembled the end, Julia announced she was going to walk to the mailbox, a distance of one-half mile. This was the same Julia who hadn't been out of the house in months, the same Julia who had lain diseased and ravaged beyond repair. This Julia walked to the mailbox and back, intercepting a frightened relative who was in the process of hitching a wagon to come after the girl.

This was the return to life.

Mrs. Carter tells of the Jewish doctor at St. Elizabeth Hospital in Brighton, Mass., who examined her shortly after and declared her cured of TB. "He called it a miracle." This "miracle" later married and led a full life.

Now Mrs. Carter watches in unbelieving awe as court after court throughout the land strikes down the right to pray. Her voice is low and concerned as she says, "We've got to wake up. Wake up and not let anyone stop us from praying where and when we want to. I know for a definite fact that there is nothing more powerful than prayer. I also know that He died for us all, both black and white."

As stated before, Julia Carter is not trying to reform the world singlehandedly. But she does want to try in any way possible to make contact with those who formulate and administer the law of the land. "I know," says she, "that there will be plenty of those who doubt my story. But the entire case is a matter of record both at the convent in Allegheny, N.Y., and at the hospital in Brighton. To those who want proof, it is available, and perhaps will be helpful to them in their thinking on the subject of prayer."

Though Julia Carter is a gentle woman, she also speaks words of dire warning. "I hope the judges and other big shots read this. Someday, they may just try to raise their own voice to be heard, and not be able to do so."

That is the story of Mrs. Julia Carter. It may not change anyone one way or another, but it may cause some thought. That, in itself, is a gigantic step.

ALL WILL NOT BE SOLVED BY BALANCED BUDGET

HON. AL ULLMAN

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 27, 1970

Mr. ULLMAN. Mr. Speaker, the President's promise in his state of the Union message last week of a balanced budget for fiscal 1971 is encouraging. But as the only solution put forward in connection with the Nation's problem of inflation, it falls short of expectations.

Hobart Rowen, writing in the Washington Post this week observes that balancing the budget may be sound doctrine, "but it isn't likely to do much about 1970's inflation."

He adds that "the President's anti-inflation program" is based on the "classic Republican belief that all will be solved by balancing the budget."

This could be tragic if it is true. Certainly the Federal Government must develop a greater sense of fiscal responsibility if the economy is to stabilize.

But the Government cannot ignore any longer what is happening in prices and wages if inflation is to be curbed.

Rowen comments that—

> Mr. Nixon refuses to recognize that in the absence of any pressures from the White House on what Arthur Okun calls "responsive" industries, prices shoot higher than they otherwise would.

He reports that Dr. Okun, the distinguished Chairman of President Johnson's Council of Economic Advisers, believes Government intervention in the price-wage spiral can pay off, and he has the evidence to prove it.

In 1968, Dr. Okun says, industries that were restrained by administration efforts boosted prices only 1 percent, while other prices rose an average 2.9 percent. He also notes that between 5 and 1 percent of extra inflation in the wholesale index can be attributed to President Nixon's announced intention not to attempt to influence price and wage actions.

Rowen's conclusion is thought provoking:

> If the President's anti-inflation program for 1970 is nothing more than contained in the State of the Union message, 1970 is likely to be just as troubled a year as 1969. It could, in fact, be worse: at least, in 1969, there was not recession.

I commend the article to the attention of my colleagues:

ALL WILL NOT BE SOLVED BY BALANCED BUDGET

(By Hobart Rowen)

This time, President Nixon came down hard on the problem of inflation; a year ago (and this is admitted privately in high administration councils) the problem was vastly underestimated.

For a while, it may be recalled, the President wasn't sure that the income tax surcharge needed to be extended. And it wasn't until early March, 1969, that the administration understood the extent of the business investment boom.

But now, says the President, he can think of no action more important than "for the Congress to join this administration in the battle to stop the rise in the cost of living."

The pity of it, however, is that the President seems just as determined this year as he was last to give labor and management a free hand to get whatever the traffic will bear in wages and prices.

We may—hopefully—learn more from the Economic Report due to go to Congress shortly. But the President's entire anti-inflation program is based on the classic Republican belief that all will be solved by balancing the budget.

Excessive federal expenditures, uncompensated by a sensible tax policy, have doubtless contributed to inflation. But the federal government has been running a surplus for a more than a year, in company with a monetary policy so tight that interest rates are the highest in more than 100 years.

Still, prices move up. Even as the economy failed to show real growth in the fourth quarter, the consumer price index was rising at a faster rate than when Mr. Nixon took over.

There is always a lag, we have been assured, between the imposition of a policy of restraint and actual results in terms of lesser rates of inflation. But the time has dragged on, and some administration insiders confess that there should have been results long ago.

Last year's rate of inflation—6.1 per cent of the consumer index—cannot be sustained. Yet, even the most opimistic administration men warn that there cannot be much progress this year.

Many business leaders would be willing to gamble on a temporary resort to wage and price controls, along the lines recently suggested by former Treasury Under Secretary Robert V. Roosa. This was openly espoused last week by many builders and money-market men at the National Association of Home Builders convention in Houston. Even more of them urge selective controls on credit by the Federal Reserve.

But the President seems determined to rely on expenditure control—and on that alone.

Perhaps the most significant phrase in the speech was this: "It is time to quit putting good money into bad programs; otherwise, we will end up with bad money and bad programs."

This reflects the urging of Arthur F. Burns that more attention be paid to "zero-base budgeting"—the requirement that an agency justify each year the case for its entire appropriation, not just the increase over a previous year's.

No doubt, this is sound doctrine. It could lead to elimination of much bureaucratic federal waste. But it isn't likely to do much about 1970's inflation.

The President properly assigns a good share of the blame for inflation to his Democratic predecessors. But he is stuck with his own record for 1969—and not the least of administration failures has been its own inability to limit expenditures, as it promised to do.

Beyond that, however, Mr. Nixon refuses to recognize that in the absence of any pressures from the White House on what Arthur Okun calls "responsive" industries, prices shoot up higher than they otherwise would.

There is more than just politics in this charge. Okun, who was Lyndon Johnson's Economic Council chairman, recently revealed that LBJ's jawboning was far more extensive than publicly reported. And it paid off.

In 1968, for example, those industries that were pressured to minimize their price hikes boosted prices an average of 1 per cent, while all other commodities on the industrial wholesale commodity index (including those that rejected LBJ's urgings) rose 2.9 cent.

But last year, after Mr. Nixon made it clear that jawboning was out, the "responsive" group rose 6 per cent, while all others moved up 3.5 per cent.

Okun's data makes clear that there is a wide area of price discretion in some segments of American industry. This has been amply documented over the years by Gardiner Means and Adolph Berle; and in a recent study of 1969, Means suggests that a realistic inflation-control policy must deal directly with corporations and unions who have a unique power to generate a part of the inflation.

For example, can the administration continue to ignore the spectacle of sharply rising steel prices at a time when steel production, if not actually down, is barely stable?

If the President's anti-inflation program for 1970 is nothing more than contained in the State of the Union message, 1970 is likely to be just as troubled a year as 1969. It could, in fact, be worse; at least, in 1969, there was no recession.

CHANGES IN PRICES OF SELECTED COMMODITIES, 1963 COMPARED WITH PRIOR PERIODS

	Relative importance [1] (percent)	Annual rate, percent change [2]					
		1969	1966-68	1968	1967	1966	1961-65
Selected petroleum products:							
Gasoline	2.772	3.5	−0.6	−0.9	−3.6	2.8	−0.9
Crude	.843	4.8	1.0	.7	.9	1.2	−.1
Middle distillate	1.053	3.7	2.0	−1.3	5.9	1.6	.4
Sulfur products:							
Sulfur	.104	−33.3	18.1	7.7	39.3	9.8	1.6
Sulfuric acid	.085	0	9.9	3.7	21.0	6.0	1.7
Tires and tubes	1.221	2.2	3.0	1.7	4.2	3.1	−.2
Paperboard	.669	5.0	−1.8	−2.8	−3.3	.7	−.1
Glass containers	.375	5.3	3.3	9.1	0	1.1	.6
Cigarettes	.890	6.6	3.6	1.6	5.0	4.2	.8
Newsprint, standard	.426	3.3	2.2	0	2.1	4.6	−.3
Photographic supplies	.346	3.4	2.2	2.0	5.1	−.5	.8
Passenger cars	5.818	1.9	1.2	1.2	1.9	.3	−.7
Tin cans	.301	2.7	2.3	3.0	4.1	0	2.3
Laundry equipment	.242	1.2	1.7	2.4	2.8	−.1	−1.3
Selected steel products:							
Finished	4.247	6.8	1.6	2.2	1.3	1.3	.4
Semifinished	.272	5.7	1.4	.3	2.9	1.0	.3
Selected nonferrous metals:							
Aluminum ingot	.143	8.7	1.7	3.0	2.0	0	−1.2
Aluminum ingot, alloyed	.058	7.2	2.5	4.6	1.9	1.0	
Aluminum shapes	.660	6.7	1.2	2.4	1.1	.2	−2.5
Copper wirebar	.386	24.3	5.3	10.2	5.9	0	3.7
Copper and brass shapes	.743	27.9	4.1	−4.2	5.7	11.5	3.6
Wire and cable	.809	22.2	1.7	−3.8	2.3	7.0	−3.5
Listed items	22.463	6.0	1.7	1.0	1.9	2.1	.1
All other (nonlisted) industrials	77.537	3.5	2.3	2.9	1.9	2.3	.5
All industrials	100.0	4.0	2.2	2.5	1.9	2.2	.4

[1] Fraction of industrial wholesale price index in December 1968 accounted for by commodity.

[2] Year figure represents change during year—e.g., 1969 is period from December 1968 to December 1969. 1966-68 is thus December 1965 to December 1968.

Extra inflation?—The above table, compiled by Dr. Arthur M. Okun, shows components of the wholesale price index he believes responded to the administration pressure from 1966 to 1969. He concludes that somewhere between ½ and 1 per cent of extra inflation in the wholesale index can be attributed to President Nixon's announced intention not to attempt to influence price and wage actions.

CAPTIVE NATIONS

HON. WILLIAM E. MINSHALL

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 27, 1970

Mr. MINSHALL. Mr. Speaker, I am proud to join today in this observance of the anniversary of the Ukraine's independence and in the sentiments expressed on the floor that freedom will one day be a reality for the 47 million captive people in the Ukraine. I fail to see why there are no demonstrations in this country protesting what is happening to these repressed people under the Soviet regime.

But, I also fail to understand the continued refusal of the Congress of the United States to take action on the resolutions so many of us have introduced to give the words we speak some meaning. I refer specifically to my legislation—House Resolution 77 and House Concurrent Resolution 59, the first of which would establish a Special Committee on the Captive Nations, the second of which calls upon the President to support actions taken by the U.S. Ambassador to the United Nations in the interest of self-determination and political independence of captive nations. The resolution has been before the House Committee on Rules since January 3, 1969, and the concurrent resolution before the House Committee on Foreign Affairs for the same length of time.

I am at a loss as to why these measures have not received any action whatsoever in view of the lipservice we always give the captive nations on the House floor. For the benefit of colleagues who may wish to join me in actively urging enactment of these resolutions, I wish now to include them as a part of these remarks. I hope that this will encourage sufficient cosponsors among the membership to activate the committees.

The resolutions follows:

H. Res. 77

Whereas, on the issue of colonialism, the blatant hypocrisy of imperialist Moscow has not been adequately exposed by us in the United Nations and elsewhere; and

Whereas two Presidential proclamations designating Captive Nations Week summon the American people "to study the plight of the Soviet-dominated nations and to recommit themselves to the support of the just

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aspirations of the people of those captive nations"; and

Whereas the nationwide observances in the first anniversary of Captive Nations Week clearly demonstrated the enthusiastic response of major sections of our society to this Presidential call; and

Whereas following the passage of the Captive Nations Week resolution in 1959 by the Congress of the United States and again during the annual observances of Captive Nations Week, Moscow has consistently displayed to the world its profound fear of growing free world knowledge of and interest in all of the captive nations, and particularly the occupied non-Russian colonies within the Soviet Union; and

Whereas the indispensable advancement of such basic knowledge and interest alone can serve to explode current myths on Soviet unity, Soviet national economy, and monolithic military prowess and openly to expose the depths of imperialist totalitarianism and economic colonialism throughout the Red Russian Empire, especially inside the so-called Union of Soviet Socialist Republics; and

Whereas, for example, it was not generally recognized, and thus not advantageously made use of, that in point of geography, history, and demography, the now famous U-2 plane flew mostly over captive non-Russian territories in the Soviet Union; and

Whereas in the fundamental conviction that the central issue of our times is imperialist totalitarian slavery versus democratic national freedom, we commence to win the psychopolitical cold war by assembling and forthrightly utilizing all the truths and facts pertaining to the enslaved condition of the peoples of Poland, Hungary, Lithuania, Ukraine, Czechoslovakia, Latvia, Estonia, White Ruthenia, Rumania, East Germany, Bulgaria, mainland China, Armenia, Azerbaijan, Georgia, North Korea, Albania, Idel-Ural, Tibet, Cossackia, Turkestan, North Vietnam, Cuba, and other subjugated nations; and

Whereas the enlightening forces generated by such knowledge and understanding of the fate of these occupied and captive non-Russian nations would also give encouragement to latent liberal elements in the Russian Soviet Federative Socialist Republic—which contains Russia itself—and would help bring to the oppressed Russian people their overdue independence from centuries-long authoritarian rule and tyranny; and

Whereas these weapons of truth, fact, and ideas would counter effectively and overwhelm and defeat Moscow's worldwide propaganda campaign in Asia, Africa, the Middle East, Latin America, and specifically among the newly independent and underdeveloped nations and states; and

Whereas it is incumbent upon us as free citizens to appreciatively recognize that the captive nations in the aggregate constitute not only a primary deterrent against a hot global war and further overt aggression by Moscow's totaliarian imperialism, but also a prime positive means for the advance of world freedom in a struggle which in totalistic form is psychopolitical; and

Whereas in pursuit of a diplomacy of truth we cannot for long avoid bringing into question Moscow's legalistic pretensions of "noninterference in the internal affairs of states" and other contrivances which are acutely subject to examination under the light of morally founded legal principles and political, economic, and historical evidence; and

Whereas, in the implementing spirit of our own congressional Captive Nations Week resolution and the four Presidential proclamations, it is our own strategic interest and that of the nontotalitarian free world to undertake a continuous and unremitting study of all the captive nations for the purpose of developing new approaches and fresh ideas for victory in the psychopolitical cold war: Now, therefore, be it

Resolved, That there is hereby established a committee which shall be known as the Special Committee on the Captive Nations. The committee shall be composed of ten Members of the House, of whom not more than six shall be members of the same political party, to be appointed by the Speaker of the House of Representatives.

SEC. 2. (a) Vacancies in the membership of the committee shall not affect the power of the remaining members to execute the functions of the committee, and shall be filled in the same manner as in the case of the original selection.

(b) The committee shall select a chairman and a vice chairman from among its members. In the absence of the chairman, the vice chairman shall act as chairman.

(c) A majority of the committee shall constitute a quorum except that a lesser number, to be fixed by the committee, shall constitute a quorum for the purpose of administering oaths and taking sworn testimony.

SEC. 3. (a) The committee shall conduct an inquiry into and a study of all the captive non-Russian nations, which includes those in the Soviet Union and Asia, and also of the Russian people, with particular reference to the moral and legal status of Red totalitarian control over them, facts concerning conditions existing in these nations, and means by which the United States can assist them by peaceful processes in their present plight and in their aspiration to regain their national and individual freedoms.

(b) The committee shall make such interim reports to the House of Representatives as it deems proper, and shall make its first comprehensive report of the results of its inquiry and study, together with its recommendations, not later than January 31, 1966.

SEC. 4. The committee, or any duly authorized subcommittee thereof, is authorized to sit and act at such places and times within or outside the United States to hold such hearings, to require by subpena or otherwise the attendance of such witnesses and the production of such books, papers, and documents, to administer such oaths, and to take such testimony as it deems advisable.

SEC. 5. The committee may employ and fix the compensation of such experts, consultants, and other employees as it deems necessary in the performance of its duties.

H. CON. RES. 59

Whereas the United States of America was founded upon and long cherished the principles of self-determination and freedom; and

Whereas these principles, expressed in the sovereign quality of nations, are the very reason for the existence of the United Nations, as set forth in the charter of that world organization; and

Whereas the United States and all other members of the United Nations have solemnly pledged themselves to make these principles universal and to extend their benefits to all peoples; and

Whereas on December 10, 1948, the General Assembly of the United Nations passed the Universal Declaration of Human Rights which was accepted both by the United States and the Union of Soviet Socialist Republics, defining said rights as relating to citizens of all member states; and

Whereas since 1918 Soviet communism has, through the most brutal aggression and force, deprived millions of formerly free peoples of their right to self-determination; and

Whereas the Congress of the United States has unanimously expressed in Public Law 86-90, approved July 17, 1959, its revulsion at the continued enslavement of the peoples of Eastern and East Central Europe who were described by the said public law as captive nations; and

Whereas the Hungarian, Polish, Czech, Slovak, Carpatho-Ruthenian, Latvian, Lithuanian, Estonian, East German, Rumanian, Bulgarian, Albanian, Ukrainian, and White Ruthenian peoples may only look to the United States and the United Nations for the restoration of their national self-determination and political independence; and

Whereas the member nations of the United Nations have failed to bring before the General Assembly for successful discussion the problem of self-determination and political independence of the peoples of Eastern Europe; and

Whereas despite the numerous resolutions passed by the United Nation General Assembly, Russian occupation troops are still maintained in Hungary and the issue of their removal has not come up for discussion in the Assembly since 1962; and

Whereas it is vital to the national security of the United States and to the perpetuation of free civilization that the nations of the world act in concert through the forum of the United Nations in demanding national self-determination and political independence for the peoples enslaved by Communist governments; and

Whereas the Constitution of the United States of America, in article II, section 2, vests in the President of the United States the power, by and with the advice of the Senate, to make treaties and to appoint Ambassadors: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That the President of the United States is hereby authorized and requested to instruct the United States Ambassador to the United Nations to request at the 1968 session, that (1) the United Nations insist upon the fulfillment of its charter provisions based on self-determination of all peoples in the form of the sovereign equality of states and condemnation of colonial rule; and (2) the Soviet Union be asked to abide by its United Nations membership obligations concerning colonialism and interference with the sovereignty of other nations through the withdrawal of all Soviet Russia troops and agents from other nations now under Communist rule and through returning to their respective homelands all political prisoners now in prison and labor camps; be it further

Resolved, That the President of the United States is further authorized and requested to use all diplomatic, treaty-making, and appointive powers vested in him by the Constitution of the United States to agument and support actions taken by the United States Ambassador to the United Nations in the interest of self-determination and political independence of these nations.

MAN'S INHUMANITY TO MAN—HOW LONG?

HON. WILLIAM J. SCHERLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 27, 1970

Mr. SCHERLE. Mr. Speaker, a child asks: "Where is daddy?" A mother asks: "How is my son?" A wife asks: "Is my husband alive or dead?"

Communist North Vietnam is sadistically practicing spiritual and mental genocide on over 1,400 American prisoners of war and their families.

How long?

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THE SUPREME COURT—IS IT REALLY SUPREME?

HON. M. G. (GENE) SNYDER

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 27, 1970

Mr. SNYDER. Mr. Speaker, the Supreme Court of the United States has been the subject of much controversy in recent years. The issue of judicial ethics aside, it is incumbent upon all Americans to acquaint themselves with the changing character of the Court as an institution vis-a-vis the two—supposedly coequal—sister branches: Congress and the executive. Has the Court in truth usurped the prerogatives of both executive and legislative? Of the constitutionally—guaranteed inviolability of the separate States? Has the hegemony of the Court been allowed to extend itself so as to create for itself a first-among-equals status which is inimical to the American concept of separation of powers—and thus become destructive of American freedom?

For all Americans this question is of more than evanescent significance. For some who tend toward agreement with the recent decisions of the Court, it is more difficult to violently disagree with this obvious usurpation, but we must all remember that the power of the institutional qua institution grows irrespective of the human constituency of the institution at any particular time and that the future holds a great potential of disaster for America—no longer depending upon the restraint of the institutions, but on the tenuous restraint of the individual composing it.

In light of what I consider to be one of the more serious problems facing America in the coming decade, I enclose the following article from the October 26, 1969 issue of Twin Circle, the National Catholic Press, entitled "The Supreme Court—Is It Really Supreme?" The article is written by Clarence Manion, for 25 years a professor of constitutional law and dean emeritus of the University of Notre Dame Law School. It is my hope that through making the views of this distinguished scholar more readily available to my colleagues and to the American people, we can begin the long road back to reassertion of the prerogatives of the people and their representatives against the ever-increasing powers of the Court. The article follows:

THE SUPREME COURT—IS IT REALLY SUPREME?

(By Clarence Manion)

How supreme is the Supreme Court of the United States? A learned lawyer writes:

"In recent years, popular opinion has accorded to the Court a quality of supremacy that goes far beyond the express directives of the Constitution."

But is that surprising? "Handsome is as handsome does," said the poet Goldsmith, and the Supreme Court does "supremely" well these days to say the least. For instance, it tells the children in our public schools that they may not say in class together:

"Almighty God, we acknowledge our dependence upon Thee, and we beg Thy blessings upon us, our parents, our teachers and our country."

The Supreme Court tells the children not to say that prayer—Why? (370 U.S. 421) Because the First Amendment of the Constitution says:

"Congress [sic] shall make no law respecting an establishment of religion or prohibiting the free exercise hereof."

Now that language has been in the Constitution since 1790 and nobody has ever before been "supreme" enough to tell our public school children that it prevented them from saying such a prayer. So a Court that can now suddenly start telling the children not to say a prayer sounds, well, pretty "supreme" wouldn't you say.

CHANGED MIND

And now let's take another look at that same school. There is a Communist teaching there now in spite of the fact that the state law provides that no Communist may teach in a public school in that state. Why, then, doesn't the state enforce the law and throw the Communist teacher out? As a matter of fact, the state did just that about 17 years ago and the Supreme Court said that the state did the right thing (342 U.S. 485–1952). But "in recent years," the Supreme Court changed its mind and ordered the state to put the Communist teacher back into the school. Why did the Court do that "in recent years"? It did it because that same First Amendment of the Constitution also says:

"Congress shall make no law . . . abridging the freedom of speech."

"In recent years," the Supreme Court has been holding that this Amendment protects everybody's "freedom of association" which, says the Court, includes the right, among other things, to join the Communist Party But didn't the Supreme Court know about that when it made its first decision seventeen years ago? Yes, 17 years ago the Court said that neither the First Amendment nor any other provision of the Constitution prevents the state from "screening" its teachers for loyalty and in doing so, to consider the teachers' association with Communists as a disqualification for teaching children. However, "in recent years," the Court has changed its mind. It now says that "pertinent Constitutional doctrines have since (1952) rejected the premises upon which the previous decision rested." And so it told the State that it had to employ the Communist now regardless of the previous decision of the Supreme Court. Well, that too sounds pretty "supreme," wouldn't you say?

RESTRICTION ON STATES

How does it happen that a Constitutional prohibition upon "Congress" ("Congress shall make no law," etc.) turns out to be a restriction upon state action? Well, here again, "in recent years," the Supreme Court suddenly said, and it says it now, over and over again, that "the First Amendment is 'presently' a part of the Fourteenth Amendment" and since the Fourteenth Amendment is a restriction upon State action, all of the language of the First Amendment is now, likewise, a restriction upon all State Action. The Court "in recent years" has gone beyond that to say that the language of all the First Eight Amendments is now a part of the Fourteenth Amendment. Yes, that is what the Supreme Court has been saying "in recent years" and that is why the Court has been sitting in judgment on State obscenity laws, for instance, clearing the way for the sale and showing of "hard-core" pornographic moving pictures, books and magazines by freeing hard core pornographers who have been convicted by juries after fair trials in State courts. Now I submit that a Court that can suddenly say that the language of one part of the Constitution shall hereafter be considered the language of another part of the Constitution, and proceed to enforce it as such, well, that Court is pretty supreme, wouldn't you agree?

Where does the Supreme Court get all of this supreme authority including the power to force the re-districting of state legislatures on its one-man one-vote principle, and to revise and relax state criminal law enforcement procedures, etc., etc.? Like the powers of the legislative and of the executive branches of our Federal Government, the power of the Supreme Court comes from and through the provisions of the Constitution of the United States. The Constitution says:

Article III: "The judicial power of the United States shall be vested in one Supreme Court, and in such inferior [Federal] courts as the Congress may from time to time ordain and establish. . . ."

Section 2: "In all cases affecting ambassadors, other public ministers and consuls and those [cases] in which a State shall be a party, the Supreme Court shall have original jurisdiction. In all other cases . . . the Supreme Court shall have appellate jurisdiction both as to law and fact, with such exceptions and under such regulations as the Congress shall make."

The Supreme Court itself has held many times that this language vests an unrestrained power and discretion in Congress to curtail and even abolish the appellate jurisdiction of the Supreme Court and to prescribe the rules and forms in which appellate jurisdiction when granted, may be exercised. This appellate jurisdiction of the Supreme Court consists of all of the cases that are appealed to it for decision from lower Federal courts and state courts. Without the consent of Congress, the Supreme Court could not consider any of these appeals.

Of and by itself, without the assistance of Congress the Supreme Court would have nothing to do, no "power" at all except to hear cases involving "ambassadors, public ministers and consuls" and those in which a State is either the plaintiff or the defendant. Thus all of the prayer cases, obscenity cases, criminal cases, one-man-one vote cases, Communist cases, segregation and civil rights cases, among others, that the Supreme Court has decided "in recent years" have come to it in the discretion and by the direction of Congress.

ABOLISHES POWERS

When, in the course of hearing and deciding these appeals, the Supreme Court invades the legislative domain of Congress or abolishes the reserved Constitutional powers of the states by gratuitously merging the first eight Amendments with the Fourteenth, or otherwise, Congress has the Constitutional power and duty to correct the Court's presumptuous and unconstitutional intrusions by withdrawing from the Supreme Court its appellate jurisdiction to hear cases in each or all of the offended areas. Congress has done this many times in the past. It can and should do so now. Thus, Congress could and should restore power to the public schools simply by withdrawing from the Supreme Court its jurisdiction to hear appeals in prayer cases.

The late Senator Dirksen introduced and left a bill now pending in the Senate which would withdraw from the Supreme Court all jurisdiction to hear appeals from jury convictions in State or Federal courts for the violation of state or Federal obscenity laws. Tell your Senators that the Dirksen bill should be revived now and passed as a first step in the curtailment of the Supreme Court's unwarranted assumption of unlimited supremacy "in recent years".

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MADISON COUNTY, IND., GRAND JURY

HON. ANDREW JACOBS, JR.

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 27, 1970

Mr. JACOBS. Mr. Speaker, I insert the findings of the Madison County, Ind., grand jury upon the completion of their investigation of the shootings at the Indiana State Reformatory on September 26, 1969:

ANDERSON, IND.,
December 11, 1969.

HON. CARL T. SMITH,
Judge, Madison Circuit Court,
Madison County, Ind.

DEAR SIR: The Grand Jury has completed an intensive investigation regarding the incident that took place at the Indiana State Reformatory, located at Pendleton, Indiana, on September 26, 1969, in which an inmate by the name of James E. Durr died, and a number of other inmates were wounded.

We feel this is a problem of the general public, legislature, and the Governor of the State of Indiana. They all should know of the findings of the investigation of the Indiana Reformatory by this Madison County Grand Jury.

After considering the evidence that was presented, including the testimony of 79 witnesses, the Grand Jury has determined that in the early afternoon of September 26, 1969, approximately 300 to 400 inmates congregated in the area within the walls known as the basketball and volleyball court; that a number of the group broke away from their group and followed Captain Jason Huckeby to the building called the "D.O."; and that the captain was hit either by a flying object thrown by one of the inmates or was struck by an inmate or inmates and almost knocked to the ground.

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It was further determined by the Grand Jury that a warning shot was fired by the guard at Tower No. 6; that after this the inmates went back toward the area from which they had come; that about this time fires were started in Furniture Factory No. 4 by an inmate or inmates, the identity of whom has not been determined.

Also it was determined that 12 reformatory personnel were lined on two sides of the area (11 of the reformatory personnel were custodial officers and one a vocational officer) where the inmates were congregated; that there was fencing, primarily a chain-link fence, between the inmates and the reformatory personnel, except that Captain Huckeby stood to the west of the area where the inmates were congregated and was inside the fencing; and that all, except Captain Huckeby, were armed with shotguns loaded with .00 (double ought) shot.

The Grand Jury findings show that the inmates were instructed to leave; that some left voluntarily, leaving slightly over 200 inmates still in the area; that Captain Huckeby then gave the inmates five minutes to disperse; that during said period some of the inmates involved yelled threatening, traducing and provocative statements to the reformatory personnel who were in the area; that some inmates hurled objects at the reformatory personnel.

The Grand Jury also found that after instructions were given by Captain Huckeby, shots were fired into the air, then into the earth and pavement in the area, causing shots to ricochet and to strike a number of inmates who were all, except one, lying or sitting down on the basketball and volleyball court area; that all shots that were removed from the bodies of the inmates and which were submitted to the Grand Jury (except three which were so badly mutilated that no determination could be made) hit intermediate objects before striking individuals; that the shot which struck James E. Durr, the decedent, had debris embedded in it which indicated that this shot had struck pavement before striking the decedent; and that it could not be determined how many shots were actually fired since the testimony submitted varied from estimates of fifteen to slightly over ninety shots.

It was further determined that a short time after the shooting had stopped, the inmates decided to disperse, and those who had participated and were not injured were placed in isolation for a short period of time and then placed in administrative segregation where they remained until shortly prior to the submission of this report; and that the injured depending upon the degree of injury involved, were taken to St. John's Hospital at Anderson, Indiana, Robert Long Hospital at Indianapolis, Indiana, and the Reformatory Hospital.

Finally the Grand Jury observed that the film identified by Gary L. Dortch as the film used by him in taking pictures of the scene at the time of the incident, was of no value to the Grand Jury since the negative was not of sufficient quality from which pictures could be made.

From all the evidence submitted, the Grand Jury has concluded that the guards were in the performance of their duties at the time of the incident; therefore, there is insufficient evidence to place criminal responsibility on any of the reformatory personnel involved.

Further, there was no evidence showing the identity of the person or persons who set fire to the furniture factory, causing damage to State property.

We, the members of the Grand Jury, feel that we would be remiss in our duties if we did not comment on our observations, and we feel that we should make certain recommendations to those responsible for the use tax money in handling those persons who have run afoul of the law.

Since we have not visited other penal institutions, we have no criterion by which to judge whether this institution is among the best or the worst of the institutions of this type; however, even to unskilled eyes certain shortcomings and problems can readily be seen.

Although it is conceded that it was possible that another method or other methods, could have and should have been used to disperse the inmates involved, this was a judgment call. Possibly, this was the best judgment that could be made at that time in light of the fact that the training was inadequate for an incident of this type. There had been no unit training, nor had there been a predetermined plan of action to handle such a situation.

There had been plans to train a unit, but there was an insufficient number of custodial personnel to man the posts, and no custodial officers could be spared to train as a unit. The problem of the shortage of custodial personnel, now understaffed and short 39 men, has been further aggravated by the present governor's cutback order.

It is the opinion of the Grand Jury that there should be immediate training of a sufficient number of custodial officers to handle such situations, and that regular practice sessions and refresher courses should be required in order to keep the men prepared. Recently a training officer was placed in a part-time job at the institution. It is the feeling of the Grand Jury that there should be a full-time training officer who would be responsible for adequate training of the custodial officers. Such a program is necessary if the Correction Department personnel, inmates and State property are to be protected at the institution.

The institution, which was designed for 1200 to 1300 people, presently has a population of approximately 2300 inmates, who are generally from the age of 15 years to 30 years. The fact that there is an overcrowding of youthful offenders sets the scene for a very volatile situation. Rehabilitation programs for those who can be rehabilitated are definitely hampered. Younger inmates may become prey of the older inmates in homosexual activities. Older inmates may influence the younger ones and teach them to be more efficient at crime once they are released from custody.

It is apparent that our law should not arbitrarily state that younger inmates should be committed to the same institution as the older and more hardened inmates. There should be definite plans made and implemented at the earliest possible date to alleviate the overcrowding and to give, by legislative change, the Department of Corrections more latitude as to where an inmate should be committed.

There are many important factors which should be taken into consideration in determining where a convicted felon should be committed. Presently the sentencing of an inmate to the Indiana Reformatory is primarily dependent upon his age being between 15 and 30, and his being convicted of a felony. It is not realistic to make the age of the felon the determining factor. Our present law dealing with sentencing is antiquated and should be changed.

The Grand Jury was further concerned that certain personnel at the reformatory, and particularly custodial personnel, do not have a pay scale commensurate with their jobs. There are many dedicated State employees at the Indiana Reformatory who for years have had a pay scale which is much lower than the average pay scale of men and women who work at our local factories. In many instances, this has led to employees taking a second job to support themselves and their families. It is difficult to see how the State has been able to keep some of the employees under these conditions.

The staff must be composed of stable and well-adjusted people who are able to cope with the many difficult problems of their jobs and to justly, intelligently and authoritatively deal with the inmates. It is imperative that an adequate raise be made in the pay scale so that the most able personnel available are hired in each job; and that an incentive be given to encourage good personnel to stay in their jobs.

Evidence submitted indicated that the communication system used at the reformatory is inadequate for emergency situations. At the time of the incident, a guard who was aware of impending trouble was unable to reach either the "Wheelhouse" or "High Tower" because the telephone facilities were inadequate. Communication should be remedied at the earliest time so warnings of trouble can be given instantaneously to authorities in charge. If this dangerous condition is allowed to exist, the security of the institution and the safety of the personnel and inmates may be jeopardized.

Food, its preparation and its distribution, is an important factor to any person, whether an inmate at the institution or a person on the "street". It would appear that the raw products used are as good as any that can be found; however, because of lack of trained personnel, the proper facilities and atmosphere, the present food facilities leave much to be desired. For example, there are not adequate steam tables to keep the food warm for the last of the inmates to be served.

Many of the problems regarding the food, its preparation and distribution, have been brought about by the lack of interest of the Legislature in providing sufficient funds for the administration of the reformatory for the repairs, replacement and renovation of the present unclean, unsanitary and aged facilities and equipment.

The problems relating to food have led to discontent among the inmates. It was noted that all persons who testified concerning the conditions at the reformatory, agreed that many changes should be made, and that they should be made as soon as possible in the areas of food storage, food preparation, food distribution and the equipment involved.

Since 1963 there have been six superintendents at the reformatory. This is unconscionable in that a lack of continuity of leadership vitally affects the morale and security of both the employees and the inmates. It is inconceivable to anyone that any organization could be efficient and effectively operated under leadership which is often changing.

The Grand Jury learned that the personnel and inmates would just begin to get accustomed to the ideas and directions of one superintendent when another would be brought in for one reason or another. The lack of continuity in leadership obviously lends itself to discord and strife between many of the employees, and in turn the inmates are given an opportunity to exploit the situation.

It was apparent that partisan politics have played, and continue to play a part in the departure of various administrators, and more particularly the superintendents of the institution.

It would be highly desirable that standards be established for each of the administrators, and that leadership be of a stable, continuing nature. Further, that from the superintendent to the lowest paid employee there should be no political interference as is presently the case, so that advancement of personnel will be based on ability, not political allegiance.

It is our belief that all personnel in the Corrections Department should be absolved from political designation and political pressure. This would undoubtedly make for a better Corrections Department.

Legislation should be enacted to set standards for all administrators, and to set up a bi-partisan board selected by the Governor to name the Commissioner of the Department of Corrections. Legislation was not passed.

The present vocational training seems to be very good and to be carried out by able personnel; however, it would appear that only a small number of inmates are able to avail themselves of such training. There is a need to add new subjects in vocational training which would necessitate the hiring of more personnel, and also the providing of larger vocational shop facilities.

Definite rules and regulations should be established for the inmates. It was noted that there are no published rules, and that various officers in charge require the inmates to observe the rules as these officers make them. This leads to confusion as far as the inmates are concerned, and discipline is not uniform.

It is suggested that rules and regulations be established now, and be published and given to each inmate as he comes into the institution. Once the rules have been published, they then should be strictly enforced by the officials of the Reformatory.

Counseling by well-trained and experienced counseors has long been accepted as a necessary element in the scheme of rehabilitation of the inmates. Younger inmates, such as those housed at the Indiana Reformatory, must have some personal outlet since they are cut off from many of the things which are commonplace to us.

The counselors have a very important place in the penal system. We have found from our investigation that because of the heavy caseload for each counselor, there is very little time for him to properly carry out his job of counseling. Instead, the counselors are covered up with routine paper work and are not able to make use of their talents and training for which they were hired.

It appears that there should be more counselors added so that individual caseloads can be lowered. In addition, the Grand Jury found that their salaries are not adequate. Low salaries, heavy caseloads, the instability of the administration, and generally the lack of time to counsel according to their training, cause most of the counselors to move on to "greener pastures" after they have gained experience.

It is noted that there are several able counselors at the Reformatory, and it is imperative that the conditions be changed so that they will stay and make a career of their jobs with the Indiana Corrections system.

During the course of this investigation, the Grand Jury was made aware of the fact that the expenses of the prosecution of all criminal violations that take place at the Indiana State Reformatory are borne solely by the taxpayers of Madison County. This particular information does not directly pertain to the incident that took place at the Indiana Reformatory, but the Grand Jury feels that it is apropos and should be included in this report.

The expenses paid by the taxpayers of Madison County include the furnishing of an attorney, the paying of jurors, the paying of expert witnesses, and the paying for transcript costs in those cases where appeals are taken. These are only a few random costs incurred by the County. Even the expense of this Grand Jury investigation falls upon the taxpayers of this County.

Inmates at the reformatory come from all over the State of Indiana, and fewer than 5% of the inmates presently incarcerated at the Reformatory have been committed to the reformatory from Madison County. It appears patently unfair that the taxpayers of Madison County should have to stand all the expenses of criminal prosecution, and the members of this Grand Jury feel that all taxpayers of the State of Indiana are liable, not the taxpayers of Madison County alone.

The 1969 Legislature passed legislation which would have taken the burden off the taxpayers of this County and placed the expense where it should be, on all taxpayers of this State. This legislation was vetoed by the present Governor. It is suggested by the Grand Jury that the Legislature again pass similar legislation to become law.

In summary, the Grand Jury recommends to the Governor, to the members of the Legislature, and to the Commissioner of the Indiana Department of Corrections that the following recommendations be implemented at the earliest possible date:

1. Provide an adequate number of personnel to properly supervise the inmates:

(a) There is a special need for more and better qualified custodial officers and more counselors.

2. Provide appropriate extensive mandatory training for all custodial personnel to better prepare them for their jobs, with frequent refresher courses given on a regularly scheduled basis:

(a) Establish a full time training officer to accomplish this recommendation.

(b) Should include the training of an emergency unit well versed in various methods of handling situations such as happened at the reformatory on September 26, 1969.

(c) Should include a course on human relations.

3. Remove partisan politics from all departments of the Indiana Department of Corrections, from the Commissioner to the lowest level employee:

(a) Establish a bi-partisan board, named by the Governor, for the appointment of the Commissioner of the Department of Corrections.

(b) That the jobs be on a merit basis and administrators be removed for cause, only after a hearing has been held.

4. Establish standards for all administrative officers of the Corrections Department.

5. Raise the pay of the custodial officers and counselors.

(a) This is especially true of custodial officers who have a sub-standard pay scale.

6. Alleviate the overcrowding at the Indiana Reformatory.

7. Revision by Legislation the manner of sentencing so that the Corrections Department would have more control on the amount of time an inmate would serve:

(a) This is required so that the present inequities caused by the fact that the present discretionary power of the prosecutors and the judges throughout the State does not lend to uniformity of sentencing for various types of crimes.

(b) Sentencing by a court should be made to the Department of Corrections, which in turn can screen each inmate and place said inmate at the institution which will be most advantageous to the inmate and to the public.

8. Enact new legislation which would change our present law that causes young inmates to be placed in the same institution as older, hardened inmates:

(a) Factors other than mere age should be considered.

9. Prepare, publish and provide to each inmate, written rules of conduct for the guidance of the inmates at the Indiana Reformatory; after these rules have been given to the inmates they should be strictly but fairly enforced by the reformatory officials.

10. Require custodial personnel to follow manual establishing their duties for each individual job.

11. Completely renovate the present unclean and unsanitary food facilities and replace the antiquated equipment now used.

12. Establish an adequate communication system, so that communications can be instantaneous in an emergency situation.

13. Provide adequate trained and qualified personnel to supervise food preparation.

14. Increase the present vocational training system to include more subjects of vocational training and to increase vocational shop facilities so that more inmates can be given the opportunity to participate in the vocational training.

15. To remove troublesome, hostile, hardcore criminals from the Indiana Reformatory and away from the inmates that do have a rehabilitation potential.

16. Work towards making the Indiana Reformatory a place for the rehabilitation of inmates to carry out the purpose for which it was constructed.

It is not the intent of the Grand Jury in writing this report to indicate that the inmates should be coddled and that they should not be punished for the crimes which they have committed. However, it is important that the inmates be treated like human beings and that a great deal more emphasis be placed upon rehabilitation.

The average stay of an inmate at the Reformatory is approximately 22 months. It is not a savings of tax money to fail to provide an adequate number of qualified personnel, adequate pay for personnel, and adequate vocational training for inmates. In so doing, we fail to improve the inmate's talents, his attitudes, and his incentive to discontinue a life of crime when he is released. We would be naive to think that all inmates desire to be rehabilitated, or can be rehabilitated. The type of inmate that can be rehabilitated should be moved away from those inmates who cannot be rehabilitated. Such a program will require adequately trained personnel to properly screen inmates. The inmates that cannot be rehabilitated and those that are hostile to society can be separated from the younger inmates if proper screening and adequate facilities were made available.

The Grand Jury is aware that there have been many reports and investigations made recently regarding the Indiana Department of Corrections and/or the Indiana Reformatory, one of which was reported to have cost the taxpayers of this State, $50,000. It would appear that there have been a sufficient number of investigations and reports, and *now* is the time to implement many of the suggestions and recommendations that have been made, including the recommendations made in this report.

It has been the intent of this Grand Jury to touch only on those matters which were pertinent to the incident that took place on the volleyball and basketball court, and this report is not intended to be a complete and comprehensive study of the Indiana Reformatory.

It certainly will be discouraging to this panel of the Grand Jurors, if nothing, in fact, is done by the administration to launch a program to better use the tax money allocated, and to insist upon more money to carry out a program whereby more effort is made to rehabilitate the inmates who are receptive, so that they will not be turned loose to prey again upon the persons and property of the citizens of this State.

Members of this Grand Jury unanimously feel that it is urgent that the above recommendations should be implemented as soon as possible. It is suggested that if the much rumored special session of the Indiana Legislature is called, that the Governor and the Legislature work co-operatively in enacting legislation to carry out the recommendations where new legislation is needed.

The taxpayers of this State, contrary to popular belief, have a great deal at stake and should get interested and insist upon the reforms that are urged in this report.

This Grand Jury in its investigation has considered all demonstrative evidence available, as well as all witnesses who had pertinent information to the incident, namely: several inmates, including many that were involved in the incident; reformatory personnel, including administrators, teachers, custodial officers involved, and counselors; Indiana State Police investigators and firearms expert, social workers, former personnel of the Indiana Reformatory, a prison reform expert, assistant commissioner of the Department of Corrections; training officer for the Department of Corrections, and citizens who requested to appear. The last witness appearing to be heard on this matter was on December 8, 1969.

The Grand Jury visited the institution.

This Grand Jury requests that this report be made public immediately, with copies afforded to the various news media. It is our desire that a copy of this report be sent immediately to the Governor, the commissioner of the Department of Corrections, superintendent of the Indiana Reformatory, and the State Legislative Committee on Benevolent and Penal Institutions.

Further, that as soon as it is possible, a copy of this report is to be sent to each member of the present Indiana Legislature so that they will be informed of the conditions we found at the Indiana Reformatory, and the recommendations we have made.

We submit this as our report on the Indiana Reformatory and will submit a final report at a later date.

Respectfully submitted,

FREDERICK J. BELL,
EDWARD GILLESPIE,
CAROLYN CARMANY,
FRANCES L. DUNHAM,
LILLY L. COX,
JACK E. GUARD.

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RESOLUTION FOR PEACE SETTLEMENT IN MIDDLE EAST

HON. THOMAS P. O'NEILL, JR.

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 27, 1970

Mr. O'NEILL of Massachusetts. Mr. Speaker, on January 21, I cosponsored a resolution introduced by my good friend and colleague, the gentleman from Florida. This is a simple and straightforward resolution reaffirming the support of the Congress for a negotiated peace settlement in the Middle East.

Secretary of State, William Rogers' statement of December 9 and reports of the October 28 proposals, indicate that the Nixon administration has not only reversed the policy of previous administrations but abandoned its own policy of endorsing face-to-face negotiations between the parties as the only realistic and lasting solution to the conflict. This resolution restates the position of two-thirds of the Members of the Congress that only an agreed-upon settlement will be a lasting settlement; that only a peace in which all sides have a stake will be a meaningful peace. An imposed settlement can easily be broken and indeed the temptation to break it would be great for the Arab nations.

Israel is our one true and tested friend in the Middle East. Her preservation and security are in our vital national interest. So long as she remains free and independent, we do not have to directly face the Soviet Union in the Middle East. All of those qualities we, the American people, so deeply cherish—freedom, liberty, democracy—are what Israel stands for. Would we abandon her to win the favor of authoritarian governments, of undemocratic nations, who care little for their own people? Would we abandon our good friend and trusted ally for a meager chance of having a share in the Arab oil already pawned like a birthright to the Soviet Union?

There are many ethical and humanitarian reasons for supporting Israel, but there are also very selfish reasons. Our national security and our national interest lie with her continued sovereignty, unthreatened by the states around her borders who call for her total and immediate destruction.

On January 9, I wrote to Secretary of State Rogers objecting to his apparent change in policy with regard to the Middle East. I have not yet received a reply. I am encolsing a copy of that letter for the benefit of my colleagues. I would also like to include a statement by His Emminence, Richard Cardinal Cushing, Archbishop of Boston, and articles from the Boston Globe and Boston Herald-Traveler with regard to the conflict in the Middle East. I think Secretary Rogers and all of us should heed the Cardinal's words. It would be a blot on the history of the United States if we abandoned this noble nation in her time of need.

The material follows:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, D.C., January 9, 1970.

Hon. WILLIAM P. ROGERS,
Secretary of State,
Department of State,
Washington, D.C.

DEAR MR. SECRETARY: Since Israel's creation in 1948, when we were the first world power to give her diplomatic recognition, the fundamental issue between Israel and the Arab states has been the right of Israel to exist as a sovereign nation.

Overwhelming American opinion has firmly and wholeheartedly supported Israel's right to exist and the right of Jewish refugees from Europe, Asia, North Africa and the Middle East to have a secure home where their lives are not dependent on the whims of ruling cliques; and every American President to date has accepted this as the basic premise of our Mid-East policy. Unfortunately, the Arab nations and their allies affirm the exact opposite premise. It is imperative to mention this in the light of your statement of December 9—for you discuss the Middle East problem as though the Arab States and their allies were anxious to come to an agreement with Israel and have peace in the Middle East. You surely know that the Arabs in word and deed have called for an end to Israel—for a blood bath that would destroy the Nation and drive the Israelis into the sea. And you surely know our own self-interest cannot allow this. For it is Israel's strength, her tenacity and her will to live that has averted a direct military confrontation between us and Russia in the Middle East.

Your proposal regarding the Arab-Israeli conflict is incredible and insupportable in the light of recent history. In 1956, upon guarantees from the major powers, Israel withdrew from captured territory and granted concessions to the intransigent Arab states. She would be foolish and suicidal to do so again. Each withdrawal has granted to the Arabs what they could not win on the battlefield. The major powers have encouraged the Arabs belief that war is more profitable than peace. No Nation will keep a peace if it believes it can gain more through war. It is imperative that the Arabs and Israelis in face to face negotiations settle this conflict and bring an end to the aftermath of the 1967 War.

You have said that there should be no aggrandizement through conquest. But in your statement, you honor the gains made by the Arabs in 1948—you call for Israeli withdrawal to pre-existing boundaries—but these were only cease-fire lines and were supposedly temporary and subject to change. You must realize if Israel followed your proposal her enemy would be occupying fortified hills with artillery trained on Israel's civilian population. Mr. Secretary, you must realize that your proposal will only continue a tragic condition of Israel suffering through a major war every ten years and being subjected to terroristic attacks almost daily.

If we have learned nothing from the wars of 1948, 1956 and 1967, then let us look to a much more impressive lesson which you now fail to heed. Munich, in a word, characterizes the beginning of the Second World War—only because the West thought it could appease a madman and prevent war through major concessions at the expense of smaller nations. That was a tragic lesson for us—never to be repeated.

Your position of appeasement makes war profitable for the Arab states and allows the Soviet Union to use the Arabs as tools in its plan to take over the Middle East. Enough of our unilateral concessions to the Soviet Union.

These are not only my sentiments but represents the overwhelming feeling of my constituents. I await your reply.

With every good wish,

Sincerely,

THOMAS P. O'NEILL, Jr.,
Member of Congress.

[From the Boston (Mass.) Globe, Dec. 2, 1969]

Cardinal Criticizes Nixon on Mideast: Fears Calamity for Israel in Big 4 Talks—Sees U.S. Shift From "Face-to-Face" Talks

(By George M. Collins)

The Roman Catholic Archbishop of Boston criticized the Nixon administration yesterday because of what the archbishop deems to be a switch in United States policy toward Israel in the continuing conflict with the Arab states.

In a brief statement, Richard Cardinal Cushing called for a return to the previous policy which called for "face-to-face negotiations" between the Mideast antagonists.

The prelate, a longtime supporter of Israeli statehood, voiced fears that efforts of the U.S., in concert with the Soviet Union, Great Britain and France, to impose a settlement in the Mideast "may end in calamity for Israel."

The Cardinal's statement came as Israel rejected as "appeasement of the Arabs" U.S. proposals for peace between Israel and Egypt and between Israel and Jordan.

A communique issued after a special, three-hour cabinet session in Jerusalem said Israel "views with concern the disquieting initiatives of the United States at the four power talks."

The cardinal's statement follows:

"In this season of rejoicing I am mindful of strife among the peoples in and near the Holy Land. It grieves me to see peace still unrealized between Arabs and Jews and my prayer is that the grave differences will be settled soon . . . very soon . . . by the parties to the dispute.

"The proposals made in Washington within the past few days seem to me to reflect a departure from a previous well-established determination on the part of the United States to insist on direct negotiations between Israel and the Arab states. Efforts by our government and the governments of the Soviet Union, England and France to impose peace terms may end in calamity for Israel, which needs so desperately to be secure, to be free to help remake the lives of thousands driven out of Europe by harsh oppressors.

"Let me say again that the return of the Jews to the Promised Land constitutes the answer to the prayers of generations of people. Israel must be assured a permanent place among the family of nations. I ask all men of good will to join me in urging our statesmen to cling fast to the policy rooted in the realization that lasting peace in the Middle East is achievable only by face-to-face negotiations between the Arab states and Israel."

[From the Boston (Mass.) Globe, Dec. 23, 1969]

Hub Jewish Leaders Hail Cardinal for Hitting U.S. Plans on Mideast

(By George M. Collins)

The leaders of Boston's Jewish Community Council today acclaimed Richard Cardinal Cushing for his statement yesterday calling for the United States to return to a hands-off policy in the settlement of the Arab-Israeli dispute.

The cardinal decried the apparent switch in United States Mideast maneuvering in aligning with Russia, Great Britain and France in attempting to impose demands on Israel.

Robert M. Segal, president, and Robert E. Segal, executive director, of the Jewish Community Council of Metropolitan Boston, hailed the cardinal's comments as highly significant.

"For all who have the long-time interest of the United States at heart and thus understand the critical need for a just and lasting peace in the Middle East, Cardinal Cushing's forthright statement is most encouraging and significant," they said.

"The conflict in the Middle East means many things to many people," they continued. "To Soviet Russia it is an opportunity to extend the power of Communism. To those who think primarily in materialistic terms it is a battlefield for the possession of oil. To those who remember history and grasp the meaning of the persecution of the Jewish people, a deep moral issue is paramount.

"The Jewish Community of Greater Boston is eternally grateful to Cardinal Cushing for speaking out as he has in a spirit of brotherhood and the great magnanimity," they concluded.

The cardinal in his statement warned that "efforts by our government and the government of the Soviet Union, Great Britain and France to impose peace terms may end in calamity for Israel. . . ."

He called for all "men of good will to join" him in "urging our statesmen to cling fast to the policy rooted in the realization that lasting peace in the Middle East is achievable only by face-to-face negotiations between the Arab states and Israel."

[From the Boston (Mass.) Herald-Traveler, Dec. 24, 1969]

Group Here in Plea for Israel—Asks Nixon Avoid "Another Munich" in Mideast

A plea to leaders in Washington to halt "one-sided concessions . . . to the Soviet Union and her client Arab states," was made yesterday by a group of Boston clergymen, educators, civic leaders and labor representatives.

Direct negotiations between Arabs and Israelis, the group maintained, can best serve America's interest in a just and lasting peace in the Middle East. They appealed for the avoidance of "another Munich in the Middle East."

The appeal was made by Bishop John M. Burgess of the Episcopal Diocese of Massachusetts; Salvators Camello, President, Massachusetts State Labor Council AFL–CIO; Rev. Msgr. George Casey, Lexington; Rev. Robert F. Drinan, S.J., Dean, Boston College Law School; Rev. Myron W. Fowell, Program Director, Churchmen's League for Civil Welfare; Judge J. John Fox, Judge Lewis Goldberg, Superior Court; Prof. Paul Kootner, Massachusetts Institute of Technology; Philip Kramer, Vice President, Amalgamated Clothing Workers of America; Prof. Gordon A. Martin, Jr., Northeastern University Law School; Stephen Mugar, Star Market Corporation; Thomas A. Pappas; Paul Parks, Director, Model Cities Program.

Also, David R. Pokross, President, Combined Jewish Philanthropies; Rev. Robert F. Quinn, CSP, Director, Paulist Fathers Center; Prof. John Roche, Brandeis University; Rabbi Murray I. Rothman, President, Massachusetts Board of Rabbis; Joseph Salerna, Vice President, Amalgamated Clothing Workers of America; Robert M. Segal, President Jewish Community Council of Metropolitan Boston; Rev. Samuel Tyler, Trinity Episcopal Church; Rabbi Charles Weinberg, former President, Rabbinical Council of America; Prof. Harold Weisberg, Brandeis University.

Following is the text of the plea:

"We are urgently compelled to speak out against the dangerous onesided concessions now being offered by our government to the Soviet Union and her client Arab states at the four-power talks. These concessions represent a direct and immediate threat both to Israel's vital security and to our own long-term national interest.

"It is particularly reprehensible that Israel's fate should be 'negotiated' with Moscow—a declared enemy of Israel, which is carrying on a shamelessly anti-Semitic campaign against its own Jewish citizens, has again equipped Nasser's forces, and is training and guiding them in the field.

"Our clear national interest in a just and lasting peace in the Middle East would have been and still can be far best served by insisting that the states directly involved in the conflict be themselves directly involved in negotiating a mutally-agreed peace settlement. Is it unreasonable or unfair to insist that the parties to a conflict meet to resolve the conflict?

"The present cease-fire lines in the Middle East are a standing reminder to Moscow's Arab clients that the U.S.S.R., whose incitement and fabrications in May, 1967, plunged them into catastrophe, has not been able to make good their subsequent losses in territory and prestige. In what way is it compatible with America's interests to rescue Moscow from this self-inflicted impasse?

"We must remember, as the Israelis remember, that when Israel was menaced in 1948 and 1967, no foreign power lifted a finger on her behalf. The peril was hers alone, and so was her astounding victory. Threatened with annihilation, Israel drove the menancing Arab armies away from the outskirts of her cities to relatively defensible lines.

"Now, at the precise moment when Nasser—twice rescued by the Great Powers from self-inflicted disaster—again calls for 'a sea of blood . . . under a horizon blazing with fire,' " the Great Powers undertake to do what he remains incapable of doing, by 'persuading' Israel again to forgo an agreed and binding peace settlement and to retreat to the mortally vulnerable lines of May, 1967—in contradiction even of the November, 1967, U.N. resolution which calls for secure and agreed frontiers.

"What purpose does it serve to offer concessions that * * * undermining the vital interest * * * of the only free, democratic and reliable friend America has in the Middle East—in a futile effort to appease regimes which, even aside from Israel, offer no significant hope for peace or progress to the exploited people of that tragic region?

"In the true interest of world peace, the U.S. cannot afford, and the majority of Americans will not permit, another Munich in the Middle East.

"We respectfully call upon the President, who expressed understanding for Israel's plight during Israel Premier Golda Meir's visit and who properly has stressed that America does not abandon her friends, to reject the shortsighted, self-defeating maneuvers that are seriously undermining the vital interests of the U.S., as well as the security of Israel.

"America's interests and the interests of Israel are the same. We call upon thoughtful Americans to support, by telegrams and letters to the President and the Congress, a firm, determined stand by our government against appeasement and against any imposed 'solutions' in the Middle East.

"There must not be another Munich in the Middle East."

ALL SQUARES PLEASE STAND

HON. GLENN R. DAVIS

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 27, 1970

Mr. DAVIS of Wisconsin. Mr. Speaker, I would like to include in the RECORD

the following editorial which I noted in the Wauwatosa News-Times a few days ago while I was back home in Wisconsin's Ninth District:

ALL SQUARES PLEASE STAND

"Square," another of the good old words, has gone the way of "love" and "modesty" and "patriotism." Something to be snickered over or outright laughed at.

Once there was no higher compliment you could pay a man than to call him a "square-shooter." The adman's promise of a "square deal" was as binding as an oath on a Bible. One of those admen, Charles Browner, says he's fed up with this beat generation distorting and corrupting our time-honored vocabulary. He said most of this first, but we second the motion:

Today's "square" volunteers when he doesn't have to.

He's a guy who gets his kicks from trying to do a job better than anyone else.

He's a boob who gets so lost in his work he has to be reminded to go home.

He hasn't learned to cut corners or goof off.

This creep we call a "square" gets all choked up when he hears children singing, "My country, 'tis of thee . . ."

He even believes in God and says so—in public!

A square lives within his means whether the Joneses do or not, and thinks his Uncle Sam should, too.

A square is likely to save some of his own money for a rainy day, rather than count on using yours.

A square gets his books out of the library instead of the drugstore.

He tells his son it's most important to play fair than to win. Imagine!!

A square reads scripture when nobody's watching, prays when nobody's listening.

A guy who thinks Christmas trees should be green and Christmas gifts should be hand-picked.

And he wants to see America first—in everything.

He believes in honoring father and mother and "do unto others," and that kind of stuff.

He thinks he knows more than his teenager about cars, freedom, and curfew.

Will all gooney-birds answering this description please stand up. You misfits in this brave new age, you dismally disorganized, improperly apologetic ghosts of the past, stand up: Stand up and be counted! You squares . . . who turn the wheels and dig the fields and move mountains and put rivets in our dreams. You squares . . . who dignify the human race . . . You squares who hold the thankless world in place.

"THE PEOPLE" FINDS A PLACE IN HIS HEART

HON. THOMAS P. O'NEILL, JR.

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 27, 1970

Mr. O'NEILL of Massachusetts. Mr. Speaker, the following article came to my attention during the recent adjournment, and I would like to take this opportunity to share it with my colleagues. The young man, who is the subject of the article, is Fred Toomey. I am proud to say that he is a Bostonian, and like many of his fellow volunteers is doing an excellent job in the Peace Corps. Fred is stationed in Kirin County, Korea, where he lives and works among Korean villagers. Due to his genuine interest and concern for people, Fred has succeeded in becoming a beloved and integral part of the community.

The Peace Corps has always stood for optimism, energy, and a willingness to help. Fred Toomey personifies these attributes. He represents, like many of his generation, the best of the Amercian spirit that has upheld us in the past, and the central core of our hope for the future. Since the beginning of the Peace Corps in the early part of the decade, the CONGRESSIONAL RECORD has frequently contained similar accounts of dedicated men and women. I have found such stories to be a constant source of inspiration and a valid means of demonstrating the inherent good of this organization. Let us hope that their work will continue.

The article follows:

[From the Pacific Stars & Stripes, Dec. 6, 1969]

"THE PEOPLE" FIND A PLACE IN HIS HEART

(By Pfc. Rick Goetz)

HYUN, KOREA.—Fred Toomey's adam's apple was judged the ugliest thing in his room by a group of his young Korean neighbors. And as Fred tells the story, "It even won out over my waste basket and my nose."

Toomey, the man with the ugly adam's apple, is one of some 200 Peace Corps volunteers working in the Republic of Korea, one of 104 working in the field of public health. The others work in English-language education, teaching in ROK universities.

This is the second time Toomey has lived in Korea. In 1956, during his Army time, the young Bostonian served both with the 24th Inf. Div. and the Joint Security Force at Panmunjom.

"While at Panmunjom, I traveled only once or twice to Seoul—it was a rough trip. As far as language, I only learned the usual phrases that most GIs pick up," he said.

But today, Fred Toomey speaks fairly fluent Korean as he nears the end of his two-year stay in "the land of the morning calm." "Actually, I have one of the lesser speaking abilities of the Peace Corps workers here," the 34-year-old volunteer said.

But in the field of public health, Fred Toomey is quite conversant. Like other Corps public health workers here, Fred works in the tuberculosis-control program, started by the ROK Ministry of Health-Social Affairs.

Originally, all public health volunteers were to work in the rural health sub-centers in the myuns (districts) like Toomey. But that program proved too ambitious, and a lack of equipment, doctors and supervisors forced the Peace Corps to turn to the TB program.

The Corps staff gave the volunteers a choice of changing from the outlying subcenters to the county health centers, where supervisors and equipment would be more readily available—but Fred Toomey stayed in "his" village of Hyun to work among the some 12,000 residents of Kirin County.

Located about 80 miles northeast of Seoul, Hyun is nestled in the mountains of Kangwon Province. A crystal-clear mountain stream flows nearby. On clear nights, millions of stars weave a soft canopy of subtle light, challenged only by the glow of an occasional kerosene lamp. Here, Korea is almost as it was a thousand years ago.

Toomey lives in a single room, across a walkway from the three-room health subcenter. The room is large compared to the normal-sized Korean room, but fits the lanky Toomey like a too-small overcoat.

The walls are lined with boxes, a miniature bookcase, a large black trunk and a low Oriental table. In one corner is a small hot plate. Hanging on two walls are bright crayon drawings, renderings of the village children. In the center of the floor is a pillow.

Although crowded, the room many times at night seems somehow to expand kindly to encompass the village children who drop by. "I really love these kids. They're probably one of the main things that have kept me here," he said.

Down the street from Toomey's room is the "corner drug store." "We don't have a doctor here so the man who runs the drug store gives some medical help. I do some emergency first aid, but nothing more."

The nearest doctor is at Inje, which is about an hour-and-a-half ride on a crowded bus over a rocky, jarring road. "The bus schedule isn't always dependable, and many times, especially in the winter, the road is impassable for as long as two weeks at a time," Toomey said.

There is a single phone in the village, in the post office. Nearby calls only take a few minutes. A call to Seoul usually takes hours, if it gets through at all.

The village market place, quiet and bare on normal days, becomes a colorful array of activity on market day, every fifth day. Makeshift tents are set up, and brightly-colored clothes mix with the sparkle of fresh fruits and vegetables.

And market day is also a "special" day for Toomey and his co-workers at the health subcenter. "We always make sure that all or at least one of us is here on market day, when our TB patients come to pick up their medicine or get some information."

Toomey's two "fellow health workers" are Miss Lee Jung Ok and Miss Meng Bun Ok, both 23-year-olds. "These kids put in a hard day, and are paid about a dollar a day," Toomey said.

Obviously enjoying being "one of the gang," Fred knows everyone in the village, and immediately picks out any transients that happen through.

"The people here must be the friendliest in the world. Whenever you knock at a door, you're never turned away. Of course everyone knows me now, but even in the beginning I didn't have to use any 'stick your foot in the door' tactics."

When Toomey sets out to visit the tiny villages nestled in the hills of the country, he never takes food along. "If you're there when mealtime comes, you'll always have something to eat."

The main mode of transportation for Toomey is walking. "And I'm just not a hiker," the lanky Easterner quipped. Sometimes he is able to get around by bicycle, but because his two coworkers cannot ride a bike, and because the conditions of the roads are constantly changing, he is usually forced to walk.

"There are small villages scattered all throughout the district and some are almost completely hidden." Standing in front of the Hyun post office, Toomey pointed out an almost unnoticeable identation in the hillside towering over the village. "I was here a year before I discovered that path led to a village of almost a thousand people," he said.

Toomey, before joining the Peace Corps, had no background in public health or social work. On returning to the States he plans to get his master's degree in social work.

One of the warmest aspects of the work in the republic, said Toomey, is the freedom and individuality the Corps volunteers find. "The freedom we have must be unique for any organization."

The workers are pretty much on their own, and want it that way. "There were a few in the beginning who set up their operations together, but they found that it formed too much of a clique, and kept them from really getting out. So they disbanded and live on an individual basis, like me."

The Republic of Korea is one of only a few countries where the Corps allows the volunteers to set up their own individual budgets.

"We tell the Corps how much money we think we'll need for a month and they give it to us. The budgets range anywhere from 11,000 won to 20,000 won ($38 to $70), and sometimes more than that depending on the situation and location."

So obviously, after two years in the republic, it won't be the money that Fred Toomey will remember. He'll remember the many hours hiking through the hillsides visiting patients; the rides on jam-packed buses over rocky roads, or the times he enjoyed heady gulps of makkoli with some of the farmers in the field. But what will always come first in his memory, he says, will be "the people."

GALLAGHER CONTINUES COMPUTERIZED INFORMATION SYSTEMS INVESTIGATION WITH LETTER TO SECRETARY RESOR ON ALLEGATIONS OF AN ARMY DOMESTIC SURVEILLANCE DATA BANK

HON. CORNELIUS E. GALLAGHER

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 27, 1970

Mr. GALLAGHER. Mr. Speaker, for the past 4 years I have been conducting a careful study of the implications of computerized information systems. In 1966, my Special Subcommittee on Invasion of Privacy held what could accurately be described as a "technology assessment" on the Bureau of the Budget's proposal for a National Data Bank. We found that the threats to a dynamic and creative America outweighed the promised benefits of the system's efficiency and economy and that our knowledge of the computer, especially of ways to guarantee the integrity of data within the system, was not sufficiently advanced to allow such a Mount Everest to be constructed on the plain of data processing.

While we were successful in halting the National Data Bank, however, many slightly less ambitious versions have been proposed and implemented. Allegations contained in the January 1970 issue of the Washington Monthly charge that the Department of the Army is erecting a nationwide data bank of information about the constitutionally protected protest and dissent activities of many American organizations.

Mr. Speaker, I have, therefore, written to Army Secretary Stanley Resor and given him the opportunity to respond to charges which are, in my judgment, extremely serious. I insert the text of that letter into the RECORD at this point:

JANUARY 26, 1970.

DEAR MR. SECRETARY: The most recent issue of *The Washington Monthly* contains allegations which are very disturbing to me. In an article entitled "CONUS Intelligence: The Army Watches Cilivian Politics," by Christopher Pyle, it is charged that the Department of the Army is collecting dossiers on individuals who engage in legal protests around the United States or who are connected with activist groups. Among the organizations whose members are mentioned for inclusion in the Army's intelligence reports are the National Association for the Advancement of Colored People and the American Civil Liberties Union.

While many questions come to my mind about the Department of the Army maintaining such surveillance over the domestic affairs of our Nation, a source of particular concern is that this information is to be stored in, and disseminated from, a computerized data bank at Fort Holabird, Baltimore, Maryland. It appears that, should Mr. Pyle's article be totally factual, a nationwide data bank of extremely sensitive personality reports is being constructed at the Investigative Records Repository.

As Chairman of the Special Subcommittee on Invasion of Privacy, I conducted hearings on a suggested National Data Bank advanced by the Bureau of the Budget in 1966. Based upon my investigation, the Committee on Government Operations issued in August 1968 "Privacy and the National Data Bank Concept." As part of my continuing studies on that issue, I received a letter dated March 21, 1968, from the then Director of the Bureau of the Budget, Charles Zwick. The letter contained the following relevant comments:

"We will prepare a specific concrete plan which could be exposed to the critical review of a group representing the broad variety of interests in the matter. Only after that would we consider that we have a proposal for appropriate consideration by the Congress."

On January 15, 1970, Lawrence Speiser, Director of the Washington Office of the American Civil Liberties Union wrote to you on the issue of the computerized Investigative Records Repository. He referred to my agreement with the Bureau of the Budget and to the intense Congressional concern over computerized data banks:

"Their concern was responsible for the review and reconsideration of plans for a national federal data center and the promise by the Bureau of the Budget that none would be created without prior Congressional approval. Also it was clearly understood that under no circumstances would raw investigative data ever be fed into any computer bank."

Mr. Speiser accurately reflects the understandings reached with the Bureau of the Budget about a National Data Bank. Yet, it would seem from Mr. Pyle's article that precisely the proscribed information is to be fed into what if it is not formally a National Data Bank, is, at the very least, a nationwide data bank.

I clearly recognize, Mr. Secretary, the necessity for some data to be at the disposal of the Department of the Army in order to meet its responsibilities to quell civil disorders and I would not quarrel with an attempt to isolate trouble spots around the country. However, I am deeply concerned about the implications of collecting dossiers on Americans who are pursuing constitutionally protected activities, especially when they are to be inextricably embedded in immediately available form in a computerized data system. I would, therefore, ask the following questions:

1. Is the article sufficiently substantive to describe the current data collection procedures and the eventual construction of a computerized data bank at Fort Holabird? If it is, have you discussed the National Data Bank implications with the Bureau of the Budget or with any group concerned about the constitutional questions such a compilation and centralization of data would raise?

2. Is there any plan for the individual to be informed of the range of information on him in the bank and does he have the possibility to file mitigating or ameliorating rebuttals? I note that Mr. Pyle indicates that at least some of the information in the Investigative Records Repository is based on newspaper stories and conjectural information which has not been subjected to judicial review for its accuracy or completeness.

3. Mr. Pyle states "The personality files are likely to be made available to any federal agency that issues security clearances, conducts investigations, or enforces laws." Should that sentence reflect current operating procedure, may I have your assurance that you are taking steps to make such interagency transfer unlikely, if not impossible?

4. What is the specific source of funds under which the Department of the Army is constructing this alleged nationwide data bank? How is it connected to the mission of the Department of the Army to collect and store such sensitive information in a computerized data bank which, according to Mr. Pyle ". . . will specialize in files devoted exclusively to descriptions of the *lawful* political activity of civilians." (Emphasis in Original)

It is entirely possible, Mr. Secretary, that Mr. Pyle's article is an inflated estimate of what is being collected, what will be contained in the nationwide computerized information system, and who will have access. I would hope that you could report to me that that is true, for it would represent an unconscionable and unconstitutional threat to the privacy and spontaneity of Americans if *The Washington Monthly* has accurately described the Investigative Records Repository at Fort Holabird. I anticipate your prompt reply to the questions contained in this letter.

With continued best wishes,

Sincerely,

CORNELIUS E. GALLAGHER,
Member of Congress.

THANKS FROM A VIETNAM VETERAN

HON. PAUL G. ROGERS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 27, 1970

Mr. ROGERS of Florida. Mr. Speaker, I have had the privilege and honor of assisting many constituents with various problems during my years in the Congress and I am always encouraged by the faith, energy, and dedication of so many who are burdened.

Of particular encouragement to me are the young men who have returned from Vietnam, many of them bearing the scars of that difficult war, and yet they are not bitter and they do not seek sympathy but only the opportunity to pick up their lives again and to be good Americans.

I would like to insert at this point in the RECORD for the benefit of my colleagues a letter that I have received from Mr. William F. Mitchum, Jr., which, I believe, exemplifies the attitude of this country's young men:

DEAR MR. ROGERS: I don't know what to say to show my appreciation for what you have done for me. The only words I can think of is "Thank you Mr. Rogers," you and your office staff for taking your valuable time to help me again.

It makes me real proud to know that we have a man like yourself in Washington never too busy to help a veteran out when he needs help. I feel that my humble effort to fight for our country and all free people has been well spent.

I don't mind the limp I have in my walk or the scars I carry on my body, not even the hurt I have in my back, because I'm proud to have served my country when it needed me. If this is what it takes to keep men like

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yourself in our government and our country free, then I would gladly do it over and over again.

I only regret I got wounded as soon as I did and can no longer serve in our armed forces, but at least I can now be a good and active citizen and serve my country in this way.

I don't have a recent photo of myself so I have enclosed a write-up done by Westinghouse Elec. company where my father works showing a picture of myself not long before I went to Vietnam.

Maybe someday I will have the opportunity to meet you in person and thank you personally for your help. So, along with my parents and my sister, we all say again, Thank you Mr. Rogers, may God bless you.

Sincerely yours,

William F. Mitchum, Jr.

Fort Lauderdale, Fla.

CAREER EDUCATION FOR THE AEROSPACE AGE

HON. ROMAN C. PUCINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 27, 1970

Mr. PUCINSKI. Mr. Speaker, following are remarks that I delivered before the 1970 National Laboratory for the Advancement of Education, sponsored by the Aerospace Education Foundation, Washington Hilton Hotel, Washington, D.C., January 27, 1970.

Career Education for the Aerospace Age

In this Aerospace Decade of the Seventies, I feel privileged to be part of such an unusual concentration of talented people—educators, corporation executives, government leaders, Air Force officials, and concerned citizens—all gathered here to ponder the problem of "Education for the World of Work."

Over the past 10 years, the Aerospace Education Foundation has emerged as a vital catalytic force in education. Each year the Foundation's education conference has provided a forward thrust. It has served as a vanguard of new practices and programs—disseminating innovative ideas widely throughout the United States.

"Education for the World of Work" is the single most important theme you could have chosen for this year's aerospace colloquim. For we are approaching a trillion dollar economy in this decade—which will grow to $2 trillion in the 1980's, $4 trillion in the 1990's.

With an anticipated work force of 200 million by the 21st century, this decade truly belongs to the vocational, the career educators. No longer will vocation training be reserved for education's castaways—for those whom educators have labeled "dum-dums" and "ding-a-lings."

Under the Vocational Education Amendments of 1968, the Congress authorized more than $858 million for Fiscal 1970. However, the Administration has requested only $279 million for vocational education, but the appropriations bill passed recently by the House and Senate raised that amount to $489 million.

We hope and pray this sum can survive the veto tomorrow. And it will, if you lend your support to those of us in the Congress who are committed to a maximum level of Federal investment in vocational education.

I am especially pleased to be a part of these deliberations today, at the 1970 National Laboratory for the Advancement of Education. With the assistance of private business and industry in the sixties, the educators began to borrow freely from the rich legacy of aerospace training and education concepts developed by the military.

For example, from systems analysis—once solely a Department of Defense management technique, educators have learned how to be more precise in their thinking and planning, how to state their goals more exactly. And they have begun to utilize feedback about their performance to improve the quality of their learning output.

From the practice of performance contracting in the military—guaranteeing, for example, that 90 percent of a training class can successfully perform certain specified functions—there has developed the new practice of contracting for educational products and services with private enterprise, and paying according to their results. This approach, already available to consumers for a fee in many parts of the country, is now being tested by the U.S. Office of Education in the Texarkana project—and we in the Congress will await the results with keen interest.

Drawing on the Air Force work in programmed instruction, which began in 1947, educators have designed whole systems of individualized learning for millions of American students.

From the Army's experience with Project 100,000, educators have discovered that persons with low scores on intelligence tests are, indeed, educable—provided they have proper support and appropriate opportunities for tutoring.

And finally, educators are still learning from the Air Force—which operates the *largest single* vocational education system in the country. The Air Force can take great pride in its vocational programs. For many years now, its training courses have paralleled those of industry—and the Air Force annually sends 85 percent of men who leave the service *directly* to jobs in the private sector.

I am personally pleased with the aggressive entry of America's industry into educational technology. There is a $55 billion dollar education market out there and industry has a right to go after it.

Following this gathering, I understand that you will be assembling in more than 30 workshops to consider issues relevant to the subject of education for the world of work. Therefore, I want to spend the remainder of my time this morning suggesting what I hope will become priority areas for your discussions in the next two days. Let me enumerate them briefly for you.

First, the entire education curriculum should be centered around preparation for the world of work.

An effort of this magnitude will require unique vision and perspective, reaching into the rest of the 20th century and even beyond to the 21st. That is why I speak of "career education"—which encompasses not only the teaching of specific vocational skills but also a comprehensive orientation to the challenges of working in the adult world.

Existing programs in our present institutions have tended to overlook these broadly-based needs. Instead, such concerns have been reserved to vocational education departments and guidance counselors—while the rest of the academic community has become sidetracked by the college prep syndrome.

At the elementary level, the subject of career is either ignored or treated unrealistically through stereotypes of such roles as policeman, fireman, farmer, engineer, through the old "Dick and Jane"-type readers.

Consequently, our young people face the future with apprehension, misinformation, and confusion. And one message of the contemporary youth rebellion seems clear—our students have been given no real understanding of the meaning of adulthood. They find their classes ivory-towerish, superficial, misleading, and—above all—disillusioning. This is hardly surprising, given that our schools have not begun to struggle with the question of preparation of students for the world of work.

To a large extent, a person's life is fashioned—even governed—by his job. His geographical location, standard of living, available leisure time, modes of commutation, style of dress, even his relationship with his wife and family are influenced—if not determined—by his occupation.

An individual translates his sense of self in his work—and his level of personal fulfillment and happiness is shaped by his work situation.

Therefore, it seems astonishing that our schools have virtually ignored these phenomena.

All of our young people will face a number of crucial career decisions—even career crises—in their working lives. The first one comes, in fact, with the first job. Yet, society provides no vehicle for helping them face important job choices—no direction for helping them increase their capacity to cope with change, to become more flexible and adaptable.

Most students will spend at least part of their time in some type of corporate or bureaucratic environment. But their education does not enable them to develop sensitivity toward the systems in whilch they will be forced to operate.

Our young people have no chain to grow as persons—to gain insight into themselves and other human beings—to engage in a type of "humanistic" or group process education to help them cope with their feelings or sharpen their skills in working with others.

Second, education for the world of work should be construed as a lifetime experience—practically from birth to death.

Perhaps a book like The Peter Principle—which says that people eventually rise to their level of incompetence in their jobs—would not have been necessary, had we begun earlier to think about lifetime career education.

We must create an educational system that serves all Americans, throughout their lives—one which offers training and retraining for the rapidly shifting occupational spectrum.

Today's student, in his working lifetime, can anticipate changing jobs at least three times, and probably more. A man like Robert McNamara, for example, has moved from industry to government and then to international finance in less than 10 years. Even if a person remains with one company or job situation, he can still expect to shift roles a number of times.

All of this requires re-education. Nevertheless, our society has no institutional mechanisms to help adults adjust to the changing job market. If a man loses his job, we literally leave him on the street—no matter what his skills, intelligence, training, or experience may be.

We should begin by guaranteeing every student a marketable skill before he leaves high school. With 12 percent of America's teenage population, ages 16 to 19, unemployed—and with about 50 percent of those who enter college not finishing—this is an absolute necessity.

The New York Public Schools have already taken the first step in this direction. They have abolished their track system and every student is now required to complete a vocational education course in order to graduate from high school.

We must also begin to expand our community college system—so that every adult at any stage in his career development can return for additional training and education.

Third, the concept of education for women must be vastly expanded and modernized.

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With more than 31 million women currently in the work force, we must place a new and more vigorous emphasis on preparing women for the dual roles of homemaker and breadwinner.

The Vocational Education Amendments authorize $25 million for home economics in Fiscal 1970, and the Congress has appropriated $20 million in the recent bill. Hopefully, these funds will stimulate home economics educators to revise their traditional courses to give much greater emphasis to such timely areas as consumer education, home management and finance, and child rearing.

In addition, our educational programs must help *both* men and women understand the changing role of the female in the working world. With growing opportunities for women in education and various occupations, the 19th century and pre-World War II stereotypes of the American female no longer apply—and we must encourage young people to develop more realistic expectations about the place of American women in occupations and in the contemporary family.

Finally, we must move to eliminate the credentialing system which prevents young people from their maximum potential.

For too long we have placed disproportionate value on the college diploma. Consequently, we now find ourselves in what I call the "diploma dilemma." In place of this credential, we must develop a democratic system of assessment that opens the doors of personnel offices to everyone with talent, whether or not he possesses the proper piece of paper.

Realization of these objectives will require determination and courage from all citizens—the more than 61 million Americans who are full-time teachers, administrators, or students in the nation's educational enterprise; the more than 132,000 who are trustees of local school systems, state boards of education, or institutions of higher learning; and parents throughout the nation. The courage to change constitutes a vital ingredient in the process of revitalizing our institutions—and it must become the driving force of the seventies in American education.

In this room we have the men and women who can reshape American education. I tell you that I am absolutely convinced vocational education—total education for the world of work—is the last home of America's public educational system.

Vocational education is our last hope in the decade of the 70's. If it fails, we all fail.

What a tragedy of our time that a nation which has reached man's highest dream of technological achievement; a nation that has carved for its people the highest standard of living ever contemplated by man; a nation that is now charting a course for the entire world in human relations and equal opportunity for all—a nation that is reaching for man's highest pinnacle in industrial growth—still continues to treat occupational education as a stepchild. God grant this inspiring conference can change that course.

THE ENVIRONMENT

HON. WILLIAM A. STEIGER

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 27, 1970

Mr. STEIGER of Wisconsin. Mr. Speaker, it is no secret that the environment has become the political issue. Everyone is hastening to get into the act. Those who have been expressing concern over a number of years are accusing others of being Johnny-come-latelys. Industry is being blamed, government is being blamed, institutions are being blamed, people are being blamed. When all is said and done, however, we still must face the challenge of saving and renewing our environment. How we go about this task will really determine how much we care and are willing to do to solve our environment problems.

Think of some of the issues of the 1960's—civil rights, poverty, urban decay, hunger. They are still with us—perhaps on their way to solutions, but greatly diminished as political issues in the minds of most Americans. Why is this? Long before we have solved the problem we saturate ourselves with concern, outrage, exposés, promises, plans, words. We become so saturated we do not want to hear any more; we do not want to see any more, and we do not feel any more. We start new programs. We invest large sums of money. We are long on concern and short on foresight. We grow impatient and less concerned, and finally, we embark on another crusade.

What has been lacking in our approach to these issues is a plan—where we are going and how we are going to get there. We look for easy solutions, declare war on a problem, hastily enact programs and expect immediate results.

Will we follow the same course in our pursuit of a renewed environment?

Congress, perhaps more than any other body, can immediately determine the answer to this question. We enact the laws and set the Nation on a course of action. The President has called for an all-out effort to renew the environment. He has made some proposals, and will be recommending additional legislation. In order to help him in his task, Congress created a Council on Environment Quality mandating that it provide "a broad and independent overview of current and long-term trends in the quality of our national environment, to advise the President, and through him the Congress and the American people on steps which may and should be taken to improve the quality of that environment." The President may recommend the consolidation of environment programs into a single agency, perhaps creating a new Department of Natural Resources.

Will the Congress be equipped to fulfill its obligation? The executive branch through President Nixon can provide the leadership and coordination of Government machinery. But right now there are 23 committees, subcommittees, and a joint committee with jurisdiction over matters affecting the environment. According to an article in Business Week magazine, in the last session of Congress more than 1,200 bills affecting water resources alone were introduced and referred to 13 committees in the House, and 11 in the Senate. Are we to allow the same fate that has befallen other issues, competing legislation, private interests, jealous committees, legislative-executive bickering defeat our environmental struggle before we have begun? A sizable number of our colleagues have said no. Congressmen DON BROTZMAN and PETE BIESTER have introduced legislation to create a House Committee on the Environment, and Congressman JOHN DINGELL has proposed a Joint Committee on Environmental Quality. The Democratic leadership has assured us that a joint committee will be created. This is one promise that I hope to help them make good on. Today, I am introducing both of these proposals. I believe they supplement one another. We need legislative oversight and long-range planning. We also need a unified legislative approach to solving these problems.

Certainly, the 91st Congress and each Member of it will rate more than its share of credit if it is the Congress that puts us on the road toward solving our environmental problems. We can all introduce competing legislation, each subcommittee can hold hearings and recommend programs in a piecemeal fashion. We have done it before—in day care, in manpower, in education, and we have failed to achieve our objective. I hope we will not fail again.

OIL AND GAS OR WATER

HON. RICHARD D. McCARTHY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 27, 1970

Mr. McCARTHY. Mr. Speaker, New York State is currently considering whether it should permit industry to drill for oil and gas in the State's part of Lake Erie bottom. The oil and gas division estimates that New York State will earn about $1 million each year from drilling leases for the lake. The division believes that the probabilities of finding oil rather than natural gas are quite low; but they do admit that it is a possibility.

Most recently the International Joint Commission, a body of United States and Canadian representatives, has been considering whether or not it should approve drilling in Lake Erie. I submitted testimony to the IJC opposing such a move.

I oppose the granting of licenses for oil and gas drilling because I do not believe that the risks justify the possible returns. The relatively small size of the natural gas reserves under the lake bottom mean that we will not see a decrease in fuel prices even if the drilling is successful. The oil potential is small enough to be almost nonexistent when compared with the recent discoveries on the North Slope of Alaska.

In contrast to the limited economic benefits that might be gained from drilling in Lake Erie is the specter of a pollution disaster. A recent report has indicated that we may have as many as three oil drilling accidents a year as we expand our underwater explorations. In such a situation a Santa Barbara incident would become the rule rather than the exception. The consequences of such an accidental spill in a lake that many communities use for drinking water are all too obvious. Brine that is often found in conjunction with oil and gas deposits may leak into the lake. Drilling chemicals are bound to get into the lake. There are already $2 billion in claims for damages filed as a result of the Santa Barbara spill. The cost would certainly be higher if it occurred in Lake Erie.

Fortunately, many public officials have opposed any further drilling in Lake Erie. The Governors of all the Great Lake States except New York and Pennsylvania have signed a resolution urging the Department of Interior to ban further drilling in the lakes. The legislative bodies of the communities along the New York State shore have opposed the drilling. The State of Ohio bans all drilling today. Pennsylvania has no active drilling or proposals to do so. It is only in New York State that we find Governor Rockefeller willing to hazard this danger to our precious water resources.

I have made my opposition to further drilling clear. I will do what I can to see that neither the Interior Department nor the Corps of Engineers grant permission for drilling in the lakes.

I am inserting in the RECORD an article by David Bird in the January 25, 1970, issue of the New York Times describing some of the problems involved in Lake Erie. I am also inserting an article by Gladwin Hill in the January 25, 1970, issue of the New York Times describing the continuing pollution in the Santa Barbara Channel. Finally, I am inserting an article appearing in yesterday's edition of the Washington Post concerning an oil spill on the Louisiana shoreline. These articles point up the need to effectively regulate oil and gas drilling in our coastal and inland waters.

The articles follow:

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[From the New York Times, Jan. 25, 1970]

UNITED STATES AND CANADA IN CONFLICT ON DRILLING IN LAKE ERIE

(By David Bird)

PORT COLBORNE, ONTARIO.—The United States and Canada are in growing disagreement over drilling for gas beneath Lake Erie.

Canada, which controls half of the lake, believes that drilling for gas—and someday for oil—is merely tapping a valuable natural resource. The United States, which controls the other half, believes that drilling holds the threat of further pollution disaster for the lake, which is already in extremely poor condition.

Drilling is allowed now only on the Canadian side. On the American side there has been next to no drilling and all plans have been held off as a result of the disastrous blowout from a drilling rig off Santa Barbara a year ago that spread oil onto miles of California beach.

Asked why the Canadians are apparently less worried about the dangers, an American, Dr. Gordon Everett of the Department of the Interior, suggested that there were different priorities in Canada, a thinly populated land of cold temperatures that needs fuel.

NOT AS EXCITABLE

The Canadian attitude was reflected by H. W. Thompson, an engineering adviser to the Canadian Government, who said, "We're not as excitable a people."

Additionally, when Canadians are challenged by Americans about pollution, they tend to point at the much more heavily populated United States side of the lake, which produces far larger volumes of the sewage and industrial waste that, in the view of experts, has been hastening the death of the lake.

For example, the International Joint Commission, the body that handles problems between the United States and Canada, has just been told by a Canadian official that it needs more power to control pollution.

D. S. Caverly, general manager of the Ontario Water Resources Commission, said at a hearing of the commission at the University of Western Ontario that such control required "more teeth to put the bite on some states or provinces." He was especially critical of what he termed a lack of pollution control at Cleveland and at Niagara Falls, N.Y.

HIGH-SPEED RIGS USED

The dispute about pollution of Lake Erie has intensified with the introduction of high-speed drilling rigs like one called the Mr. Neil, which is tied up in this port for the winter, its twin hulls jacked high above the icy water.

The Mr. Neil and similar rigs that work around the clock when weather permits are operated by Consumers Gas Company, a Toronto-based utility that is by far the largest prospector on the lake. Consumers Gas holds exploration rights to more than 1.4 million acres, on 47 per cent of the bottom that is in Canadian waters.

Consumers Gas denies that its operations could contribute any significant pollution, and, indeed, contends that the gas it gets is helping to control contamination on shore.

Brian J. Wallace, superintendent for production for the utility, said that pollution was caused by the burning of "dirty fuel like coal" and that if gas or oil could be substituted, there would be less pollution.

Opponents of the drilling fear that brine associated with petroleum deposits or oil will leak out of the gas wells, from which no oil may be produced now. Public concern arose in 1959 when oil blew out of a well being drilled in western Lake Erie and washed up near Colchester, Ontario.

The spill was soon checked, but Mr. Wallace said people "got so concerned about the five barrels that spilled" that they began to have what he terms excessive fears about the drilling.

Lake Erie's gas is needed, Mr. Wallace said, because the Ontario region is energy-poor. Most of the gas for the Great Lakes area comes from vast resources in western Canada or from the Texas Panhandle.

Lake Erie is a relatively small field, but the gas is no cheaper from larger fields farther away. The production is justified on the ground that every source needs to be tapped to satisfy growing demand for natural gas.

NO SERIOUS INCIDENT SINCE 1913

The expectation of continued drilling is reflected in a recent report by the Ontario oil industry to the International Joint Commission.

The report, by the Lake Erie Committee of the Ontario Petroleum Institute, said that "oil and gas explorations have been conducted on Lake Erie since 1913 without serious pollution incident" but it added: "It is recognized, however, that if drilling is extensive, accidents may result."

It is the expanded drilling that is worrying conservationists.

From 1913 through 1955 just 38 wells were put down in Lake Erie. Drilling activity has increased sharply since then, with the total now up to 600 and increasing rapidly.

The drilling has led the prospectors to eye the undeveloped lake bottom on the American side, and Consumers Gas approached New York State officials for permission to drill in the eastern part of the lake. The State Conservation Department looked on the idea favorably until strong objections were voiced by the public and Federal officials.

Kenneth Biglane of the Federal Water Pollution Control Administration, speaking at a hearing of the International Joint Commission, said:

"Many will argue that the odds are small that oil would escape because of drilling and/or production activity. They may be right, but we cannot afford to gamble on these kinds of odds when Lake Erie water supplies are at stake. We cannot be overly cautious in this kind of situation."

Public hearings on the state's proposal to lease the underwater land for drilling drew strong opposition last summer.

Stanley P. Spisiak, a conservationist from Buffalo, received loud cheers when he testified in Dunkirk that "there's going to be a revolution in conservation if you jam this down the throats of people."

At the same hearing Dr. Robert Sweeney, director of the Great Lakes Laboratory of the State University at Buffalo, speaking against the drilling, said, "I have never seen what I would term a 'pollution-free' operation." He cautioned that drilling might cause a brine leak that could destroy life in the fresh-water lake.

Last September New York State officials declared a moratorium on drilling.

Michigan, which borders the westernmost part of the lake, has expressed the strongest opposition. Gov. William G. Milliken has said that "technical knowledge to date does not provide enough safeguards from possible damage."

He has called on the Department of the Interior to "prohibit any drilling for gas and oil in the Great Lakes." The Federal power to do this is less than certain, however, because the land is actually owned by the states.

Governor Milliken also has called on Canada to stop all drilling in the sections of the lakes under her control.

Ohio, which has the longest Lake Erie shore on the American side, has a policy that "no drilling for the production of oil and gas be permitted in Lake Erie until such time as the hazards, possible safeguards and the need for utilizing potential gas reserves under the lake are adequately studied."

The only drilling on the American side has been in small sections off Pennsylvania, and that is now in abeyance.

Despite the opposition Canadian drillers are confident.

"Eventually the furor is going to die down and we're not going to waste time waiting," says Harold Townsend, who is chairman of the Lake Erie Committee of the Ontario Petroleum Institute and assistant superintendent of production for Consumers Gas.

[From the New York Times, Jan. 25, 1970]

ONE YEAR LATER, IMPACT OF GREAT OIL SLICK IS STILL FELT

(By Gladwin Hill)

SANTA BARBARA, CALIF., January 24.—One year after the great offshore oil well blow-out here, the leakage of gummy petroleum has largely been stemmed and the beaches are generally clean. But repercussions from the ecological "shot heard 'round the world" continue.

As a dozen oil companies pursue sharply limited operations in the Santa Barbara channel, local residents do not consider the situation stabilized at all.

"Everybody's waiting for the other shoe to drop—another blowout, an earthquake, who knows?" remarked one citizen.

The channel is a geologically unstable area, full of faults and fissures of the sort that caused the original leakage in a deposit five miles offshore. Small earthquakes are frequent—there have been several perceptible ones in the last two months.

And since the big leak of one year ago next Wednesday in which perhaps several million gallons of oil were loosed, there have been periodic lesser recurrences. The latest of them came Christmas week, when a pipeline to the mainland broke and caused a new slick.

NIXON INTERVENTION ASKED

Leading California newspapers are calling for immediate intervention by President Nixon to stop the channel oil activity, and Santa Barbarans are militant about removing the operations from the area entirely.

The drilling companies bring little money into the community, and even without the goo, the drilling platforms marring the Azure channel view and the bustle of oil activities along the resort city's waterfront are unwelcome to residents.

But Santa Barbara's only recourse is the Federal Government, which in 1968 auctioned off nearly 600 square miles of channel leases for $603-million, the prelude to the trouble.

Leaders of the community's protest organization. Get Oil Out, even with the backing of such national conservation organizations as the Sierra Club, have made little headway in Washington.

Secretary of the Interior Walter J. Hickel listens sympathetically to their complaints and offers suggestions for palliative measures. But he points that the leases were something he inherited, and that to revoke them now would be a billion-dollar matter fraught with complications.

A POSITIVE ASPECT FOUND

But while Santa Barbarans, and many Federal officials as well, agonize over the situation, environmental observers have found many a positive aspect to it.

At a critical time when environmental degradation was reaching crisis proportions, they say, Santa Barbara dramatized for millions the dangers of unbridled technology.

And public attention swung to a dozen other environmental problem areas, from air pollution to food additives, compounding the concern that moved President Nixon to place improved quality of life at the head of national agenda for the new decade.

After initially shutting down oil operations in the channel, Secretary Hickel has gradually authorized some resumption of activities. Several syndicates are doing exploratory drilling at points distant from the ill-starred "Block 402" where the big leak erupted.

There the Union Oil Company, in partnership with the Texaco, Gulf and Mobil companies, today has two platforms in the 200-foot-deep water, from which stem 35 wells producing 30,000 barrels of oil a day, with an approximate value of $90,000.

RELIEF OF PRESSURES URGED

Continued extraction of the oil was recommended last June by a Presidential scientific panel to relieve the oil-sand pressures that, after last January's drilling, caused oil to squirt from a number of cracks in the ocean bottom. The daily production now goes through underwater pipes to storage centers near Ventura down the coast.

Expert estimates of how much oil has escaped range up to several million gallons. The United States Geological Survey, which oversees the oil operations, says that leakage around Block 402 has now been reduced to only eight barrels a day (336 gallons). It says that about a quarter of this being recovered, and that the total is overshadowed by the historic natural leakage from "Coal Oil Point," just west of Santa Barbara, which is estimated as high as 50 to 70 barrels a day.

But Santa Barbarans note that there is almost a chronic, if small, oil slick around the drilling area in the channel, subject to winds that may blow patches ashore without warning.

The oil companies have not disclosed how much they have spent on clean-up operations since the big spill, but an informed source has estimated the figures at $5-million.

There are some $2-billion in lawsuits pending against Union Oil and its partners and the Government for damages.

The United States District Court in Los Angeles has appointed a panel of three special masters to rule on damages in one $1.3-billion "class action" by Santa Barbara residents in which there may be as many as 17,000 claimants.

Local business sources estimates that Santa Barbara lost at least $1-million in tourist expenditures last year as a result of the oil slick publicity.

Thousands of birds were killed by the oil slick, but up to now there has been no comprehensive assessment of the overall ecological damage to the area.

Federal experts who studied the effects of the Torrey Canyon tanker spill off England and France in 1967 have predicted that the disruption of marine life at Santa Barbara would be slight. But some local naturalists disagree.

Senator Alan Cranston, a Democrat, and Representative Charles Teague, Republican, both of California, have bills in Congress to stop the oil operations. But they have conceded that as things stand now, the chances of passage do not seem bright.

ANNIVERSARY CONFERENCE

Muskie, Democrat of Maine and a leader in environment legislation, joined the battle yesterday, urging that the Federal Government revoke the leases, compensate the lessees, and make a national oil reserve to be tapped only in an emergency.

A Federal maritime oil spill measure now before a Senate-House conference committee would penalize offenders as much as $125 a ton, up to $14-million, with unlimited liability in case of negligence.

Last February by Administrative order, Secretary Hickel made oil companies responsible for cleaning up any pollution they cause, even in the absence of any proof that they were at fault.

Santa Barbara community and conservation organizations have joined in a "Jan. 28 Committee" to mark the anniversary on a big scale next week with a daylong national conference on environmental problems.

Among the scheduled participants are several members of Congress, a number of National conservation leaders and former Interior Secretary Stewart L. Udall, who has called the oil lease of 1968 his own "Bay of Pigs."

[From the Washington (D.C.) Post, Jan. 26, 1970]

A 15-Mile Oil Slick Smears Louisiana Beach, Kills Wildlife

Grand Isle, La., January 25.—An oil slick 15 miles long and about 20 feet wide oozed ashore early today and completely covered the beaches of Grand Isle, a small island off the South Louisiana coast in the Gulf of Mexico, killing sea birds and fish.

"It's every bit as bad as Santa Barbara," said Mrs. Jan Sebastian, a conservationist and island resident who reported the spill today.

Ed Cocke, a New Orleans journalist who went to Grand Isle today, said the slick was "15 miles long and covers the entire Grand Isle beach.

"It's crude oil that showed up sometime during the night," Cocke said. "Same act as Santa Barbara—killing sea birds and fish."

Cocke said the two major oil companies drilling in the area, Humble Oil and Refining Co., and Continental Atlantic Getty Co., both denied any knowledge of the slick's source.

"There are dead birds and fish all along the beach," said Mrs. Sebastian. "It's terrible, unbelievable."

Mrs. Sebastian, who lives by the beach near the center of the island, said, "It apparently came up during the night. It wasn't on the beach yesterday."

A Coast Guard spokesman said oil appeared Friday off Timbalier Bay west of here and a shifting of the winds Saturday night could have caused the slick to move toward Grand Isle. He said he did not know the source of the oil.

FOOT-IN-THE-DOOR WELFARE PLAN

HON. JOHN M. ASHBROOK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 27, 1970

Mr. ASHBROOK. Mr. Speaker, the administration's welfare reform package promises to generate much heat in the coming weeks and months, much of which might well be justified if a current article from the newsweekly Human Events evaluates HEW's position correctly. As some of us fear, initial appropriations are gaged for the time being at a comparatively modest level, with the really serious spending called for once the program has been established. The article raises some serious questions about the "workfare" proposal which should be borne in mind as the welfare debate heats us.

The article, "Foot-in-the-Door Welfare Plan," appeared in the January 31, 1970, issue of Human Events provides much food for thought on the advisability of the administration's welfare recommendations. I insert it in the Record at this point:

Foot-in-the-Door Welfare Plan

Just days before President Nixon was touting his No. 1 legislative priority—welfare reform—in his State of the Union message, a key Administration official revealed to a pro-welfare group in New York the truly revolutionary nature of the program. Moreover, this same official indicated it would not only be extremely costly to the taxpayer, but that its passage would probably be the first step toward an even greater outpouring of lavish welfare benefits—an outpouring that the Nixon Administration appears to actually welcome.

Though this official didn't exactly say so, the thrust of his remarks suggests the Nixon package is designed to clear the way for a complete federal takeover of welfare and the start of a guaranteed annual income for every person that falls below the upward spiraling "poverty line."

Speaking to a meeting of the Catholic Charities of the Archdiocese of New York, Robert E. Patricelli, Deputy Assistant Secretary of Health, Education and Welfare and the Administration's chief lobbyist for the measure, frankly acknowledged the mammoth size of the "reform" package.

"The total cost in *new* federal dollars of the proposal," he stated—and some think vastly understated—"is $4.4 billion per year, and the coverage under the Family Assistance portion of the program will be some 25 million people—up from the present 10 million recipients (emphasis ours)."

While the common conception is that the federal government will provide only $1,600 yearly to a family of four, Patricelli pointed out that to "that $1,600 base must also be added the expanded food stamp subsidies which the President has proposed and which the Administration has already moved to implement as much as possible by administrative action. Under that program, a family of four receiving $1,600 in Family Assistance benefits would also receive about $860 in food stamp subsidies for a total package of $2,460 in federal income maintenance payments." And all this, of course, is to be supplemented by state payments.

Yet suggested Patricelli, this was just the beginning. "First and quite properly," he remarked, "our critics point out that the Family Assistance Plan is not universal in its coverage. It does not provide federal assistance to non-aged childless couples or single persons. But that omission in the plan traces not to any disagreement in principle with the need to cover such persons, but rather to the need to accommodate to what we hope will be short-term budgetary limitations.

"Within the $4.4 billion available, we chose to place our emphasis upon families with children, but there is no disagreement in principle that the system should be made universal when resources permit."

Second, said Patricelli, "critics point out that $1,600 for a family of four is far from adequate. That, too, is certainly the case and we have never suggested that the Family Assistance Plan provides a guaranteed *adequate* income. It does, however, when combined with food stamps, provide over two-thirds of the amount up to the poverty line. . . . Again, when and if the budgetary situation improves, we might look toward increases in the federal base payment"

Thus, even before the legislation is launched, Administration spokesmen are selling the program to welfare pressure groups—those that can effectively lobby Congress—by stressing that the Nixon welfare package is just a foot-in-the-door proposal.

Contrary to initial impressions conveyed by the Nixon Administration, furthermore, the new welfare program is a giant leap away from the President's concept of a "New Federalism" that would return powers to the states. Patricelli himself thinks the welfare system "should ultimately be fully administered by the federal government and financed wholly or in major part by that level of government." Financial "incentives" in the Nixon proposal, in fact, would help "persuade" the state governments to turn over their own welfare programs to the federal Social Security Administration.

"This would be," said Patricelli, "to my knowledge, an unprecedented arrangement in federal-state relations—an upstream delegation by the states to the federal government for the administration of a wholly state-financed program."

Nor does this exhaust the astonishing aspects of this proposal. A central feature of the President's initiative that had a certain appeal to the public was the "workfare" formula requiring all able-bodied welfare recipients (excepting mothers of pre-school children) to accept either training of suitable jobs so they could work themselves off welfare.

Yet this ingredient is far less revolutionary than originally believed, for a similar "workfare" formula is contained in the current welfare program, the Aid to Families with Dependent Children (AFDC).

Under 1967 amendments to the Social Security Act, mothers in the AFDC program were to seek work training. The legislation provides that an attempt be made to find jobs for those who are employable and that those in need of training be trained and given $30 a month as incentive payment. Those who refuse to accept work or undertake training are to lose their welfare benefits. The legislation also provides 80 per cent federal matching funds for the cost of the work training program and day-care centers for pre-school children of mothers in training or on jobs.

Despite these supposed "workfare" provisions, however, the number of persons on AFDC has increased substantially and the federal contribution has soared more than $500 million. Patricelli himself told *Human Events* that these provisions "hadn't worked as well as anybody wanted them to work. . . ."

The Administration proposal, nevertheless, is deliberately designed to weaken the existing welfare formula. Many people, says Patricelli, have criticized the inclusion in the Nixon welfare plan of the "work requirement which they feel is regressive and punitive." In fact, says Patricelli, "President Nixon's work requirement does represent a significant liberalization of the similar requirement found in the present law, for it does exempt women with children under six from its operation, and it does require that jobs provided be 'suitable' under guidelines to be established by the secretary of labor."

As Patricelli suggests, then, the Nixon "workfare" proposal, under the guidance of a secretary of labor and a juggling of the word "suitable," will actually make it less compelling for a welfare recpient to take a job and more easy for him to take welfare than the current law provides—even though the current law has also failed to prevent the mushrooming of welfare rolls.

In short, President Nixon appears intent on fastening upon the nation and his party one of the costliest welfare programs ever devised. Thus, *Human Events* readers are advised to write their congressmen and tell them they are opposed to this "welfare reform" package. Do the Republicans, it should be asked, wish to be known as the "welfare" party, the party that added 15 million people to the relief rolls?

UNJUST, ARBITRARY, AND CAPRICIOUS COURT ORDERS

HON. WALTER FLOWERS

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 27, 1970

Mr. FLOWERS. Mr. Speaker, I am handing in for enclosure in the RECORD a press account of the activities of the Federal Court and Federal marshals in Oklahoma City, Okla.:

OKLAHOMA CITY.—Ray York, 14, who wants to attend his neighborhood school instead of his assigned one, spent Monday in U.S. marshal's office instead of the classrom.

And the marshal's office has a court order to place York in custody every school day until he agrees to attend Harding Junior High.

Ray York was taken into custody by U.S. Deputy Marshal Richard F. Moerck when he arrived at Taft Junior High School, his neighborhood school.

A court order—effective Monday—prohibits Ray from attending Taft and orders him to start attending Harding provided he wishes to remain in public schools. U.S. Dist. Court Judge Luther Bohanon issued the order last week, saying Ray's attendance at Taft was disrupting efforts to integrate Oklahoma City schools.

The confrontation Monday took place before about 25 supporters and newsmen in 9-degree weather and was without incident.

CROWD SHOUTS

"Son, you'll have to go with me," Moerck told Ray as the youngster and his mother, Mrs. Raymond York, approached the school. The crowd began to shout, "What's he charged with? What's the boy charged with?" as the marshal and the boy walked away.

Ray was taken to the marshal's office, where he spent the day reading magazines and drinking hot chocolate. Bohanon had ordered the youth held until the end of the school day each day he shows up at Taft. He was to be released to his parents' custody at the close of each school day.

"They'd just better bring him back the way they took him," Mrs. York said after her son was taken into custody. "I don't like the way he was pulled from me. I had wanted a last word with him and they just pulled him on away."

The marshal's office said Ray had not been arrested, that he was merely taken into custody. Asked the difference, a spokesman said: "Technically, there isn't any."

Mrs. York said she asked the marshal if he was arresting her and "he said no, he was not arresting me but he was going to take my child.

He volunteered to let me go baby sit but little do any of you realize, I have two other children I have to take care of and I am fighting for them and for the rest of the children in Oklahoma City.

Mr. Speaker, unjust arbitrary, and capricious court orders are not new and novel to those of us who live in the South. We are particularly able to sympathize with the situation confronting young Ray York and his parents. The courts are no longer governed by facts, logic, reason, and law. Justice once came from the "mind" and the "heart." We have suspected for quite some time that the "mind" was gone and we know now it appears the "heart" has left as well.

EL SALVADOR-HONDURAS CONFLICT

HON. DONALD M. FRASER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 27, 1970

Mr. FRASER. Mr. Speaker, I have previously introduced into the RECORD reports of the tragic results of the July fighting between Honduras and El Salvador. I include at the end of these remarks a news story appearing today in the Wall Street Journal. The article relates more sad consequences of that conflict:

CENTRAL AMERICAN ROADBLOCK—HONDURAS-EL SALVADOR TENSION CONTINUES TO HOLD UP ECONOMIC GROWTH IN THE AREA

(By Norman Pearlstine)

SAN SALVADOR, EL SALVADOR.—Six months after a cease-fire halted the brief but torrid war between Honduras and El Salvador, hatreds fanned by the hostilities still continue to block economic progress within Central America.

"We don't sell Salvadoran products. To do so would be traitorous," proclaims a sign in a shop window in Tegucigalpa, the Honduran capital. Indeed, the Honduran government has barred all trade with El Salvador. Honduras refused to even take the field for a baseball game with its former war foe.

Far more damaging economically, however, Honduras has closed its 65-mile stretch of the Pan American Highway to all traffic to and from El Salvador. This has effectively crippled Salvadoran land commerce with Nicaragua and Costa Rica, its two major trading partners to the south.

The result is economic deterioration in both El Salvador and Honduras. And it has meant markedly slower growth for the Central American Common Market, to which both countries belong, along with Guatemala, Nicaragua and Costa Rica.

"The Central American Common Market is far from dead," observes Richard J. Aberson, an official at First National City Bank's branch here. "But this," he says, "will be a rough year for it."

CONTINUED EFFORTS

Common Market leaders still are pushing efforts to resolve the conflict. Foreign ministers of the five member countries, including the two belligerents, agreed recently to

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arrange direct talks between El Salvador and Honduras. They agreed, also, to a massive reorganization of the trade group's basic operating plan. The meeting, says Alberto Fuentes Mohr, Guatemala's foreign minister, was "proof of the Common Market's resiliency and gives hope for continued economic development throughout the area."

To end the conflict, however, the negotiators will have to resolve differences that have been smoldering for years. Honduras and El Salvador can't agree on their common border, and some Hondurans protest that El Salvador is trying to establish an economic suzerainty over their land. Hondurans, furthermore, have become increasingly bitter about the 300,000 or so Salvadorans who have fled the tight labor conditions in their home country to seek new opportunities in far-larger but less-developed Honduras.

It was a three-match World Soccer Cup competition, however, that sparked the tinder box into an open war. When Honduras won the first contest in its own field on June 8, rioting erupted in the streets of Tegucigalpa. And the violence flared anew the following week in San Salvador when El Salvador won the second game on its home field. (El Salvador won the third game in neutral Mexico).

Each country accused the other of brutality. The charge led to border clashes, then air raids and, ultimately, a Salvadoran invasion of Honduras on July 14. The assault continued for five days before both sides—their war materiel largely depleted—agreed to a cease-fire arranged by the Organization of American States.

The cease-fire, however, did little to ease the economic impact of the war, either on the hostile countries, or on their trade with other members of the Common Market.

"Our sales dropped 30% in the months directly following the fighting," complains Carlos Weissenberg, general administrator of a Goodyear Tire & Rubber Co. subsidiary in Guatemala, to the north of the belligerents. In Nicaragua, to the south, Peter Sengelmann, sales manager of Cia Automotriz & Equipos Industrialese Nicaragua, an auto distributor and equipment maker, says, "We lost an $800,000 paper-bag contract in El Salvador because we couldn't get goods across Honduras."

Within Honduras, U.S. businessmen talk darkly of closing their subsidiaries rather than contend with the Honduran restrictions on trade.

In El Salvador, the more economically advanced of the two countries though only one-fifth as big as Honduras, the war's cost is running especially high.

An $8 million oil refinery, knocked out of operation by Honduran bombers during the war, managed to restore only 50% of its operations by last December. And the unit, 65%-owned by Standard Oil Co. (New Jersey) and 35%-owned by the Royal Dutch-Shell Group, doesn't expect to return to full production until May.

HIGHWAY BLOCKADE

Those Salvadoran plants that emerged unscathed from the fighting have had to contend with the blockade of the Pan American Highway where it snakes through Honduras. El Salvador since September has turned to air freight and ocean barges to get some of the traffic through, but analysts estimate the trade flow still creeps at less than half its prewar pace.

"It is crucial for us that the highway be reopened soon," declares Carlos Jiminez, general manager of Ideal Standard of Central America, an American Standard Inc. subsidiary that exports air conditioners to Nicaragua. The company, he says, has been forced to lay off 30% of its workers, and still its inventory is twice the level of a year ago, because it can't move its products out.

Roberto Freund, president of Sherwin-Williams of Central America S.A., a Sherwin-Williams Co. licensee, protests that the company is losing a substantial part of its business because of the closing of the Pan American Highway. "Half of our products were exported to the rest of Central America before the war," he says. "Honduras was 20% of our market and we lost all that. And we are having tremendous problems servicing Nicaragua and Costa Rica."

"Without the highway," asserts Mr. Aberson of First National City Bank, "Salvadoran trade can't be normalized."

Neither can it be normalized without free access to Honduras. Roberto Salazar, a Salvadoran builder who used to buy lumber from Honduras, says his wood costs have skyrocketed 50% because he has been forced to seek wood elsewhere. Other Salvadorans bemoan that Honduras has frozen some $40 million of accounts receivables that are due to them.

SALVADORAN REFUGEES

Returning refugees complicate El Salvador's economic recovery, aggravating an already-serious unemployment problem. As many as 70,000 Salvadorans have returned home from Honduras where they had gone, some of them decades ago, in search of land and better work opportunities.

To many Hondurans, the Salvadorans were unwelcome intruders. Many aggressively won jobs that might have gone to local workers. Many squatted on government land.

Last year, in a move that undoubtedly fired up emotions in the soccer riots, the Honduran government started clearing some of the Salvadorans from the public lands. And that was only the beginning of what, since the war, has intensified into unrelenting pressure on Salvadorans to leave Honduran soil. Honduran labor unions have forced companies to fire all Salvadoran workers and hire Hondurans instead. Salvadoran shops have been boycotted. A rooming house in Tegucigalpa posts a sign advising prospective tenants, "No dogs, cats or Salvadorans" allowed.

Some of the returning refugees have been able to find work harvesting coffee, El Salvador's principal export product. But that work ends in March, and then those workers, too, will be forced onto El Salvador's already-swollen jobless rolls.

Understandably, refugee bitterness runs high against both Honduras and El Salvador.

Consider Louis Godinez, a 46-year-old Salvadoran who had lived in Honduras for 14 years, married a Honduran woman and raised seven children there. He had been earning $7 a day in Honduras working for a U.S.-owned lumber company until a Honduran labor union forced him out of his job. Now, back in El Salvador with his family, he can manage to earn no more than $1.80 a day by scurrying after odd jobs. "The Hondurans made it rough for us," he confides bitterly, "but life isn't any better here in El Salvador."

Ironically, El Salvador's assistance to its refugees is compounding the government's problems. To finance the refugee and other postwar programs, including military refurbishment, El Salvador has imposed a $3.8 million emergency tax surcharge and has authorized two bond issues totaling $12 million. As some business critics note, however, both measures take money from the private sector at a time when it also has pressing needs.

WHITHER THE TRADE BLOC

Officials within the five-nation Common Market do, nonetheless, see some good emerging from the turmoil. "The war has brought home to us in stark terms that the Common Market wasn't perfect," declares a Costa Rican with the trade group.

That's a far different assessment of the regional association than the one voiced when the trade bloc was founded in December 1960.

To supporters in the U.S. and elsewhere, the Common Market was the one best hope for economic progress in this poor and politically unstable region of 15 million persons. As envisioned by the planners, the Common Market would prod growth by eliminating tariffs on most goods traded between the member countries and imposing a high tariff wall against goods from the outside. In theory, such a tariff structure would prompt more outside companies to set up manufacturing facilities in one of the member countries to serve customers in all five.

Trade among the five members did, indeed, spiral under Common Market aegis. It jumped from $327 million, or 7% of their total exports, in 1960 to $259.2 million, or about 25% of exports, in 1968.

Emboldened by the success, the Common Market also set up regional institutions for finance, education, investment and research. Some leaders even talked glowingly of a return to a single political unit, or "patria grande," similar to the unified Central America that existed briefly before independence from Spain in 1821.

But the progress hasn't been shared by all. El Salvador and Guatemala, as the two most advanced countries, have attracted most of the new industry, and they have been posting huge trade surpluses with the other member lands.

THE HAVE-NOTS

Honduras and Nicaragua continue as have-nots, with new complaints. Government officials protest that the tariff-free entry of goods from other Common Market members is depriving them of sorely needed customs revenues. Business leaders gripe that the higher external tariffs are forcing them to shun quality goods made outside Central America for inferior merchandise made in El Salvador, Guatemala or Cost Rica.

"Honduras has feared domination by El Salvador for a long time," says one U.S. businessman in the Honduran capital of the tensions that led to the war. "The trade balance between the two countries added significantly to that fear," he explains.

Common Market officials hope that a major overhaul of the group's machinery will resolve the difficulties that culminated in the fighting. One possibility might be special incentives to spur development in Honduras and Nicaragua.

If an agreement can't be reached, however, "Honduras may decide to leave the Common Market," warns Roncoco Murillo, an official of the Honduran economics ministry.

That could signal the end of Central America's bold reach for success.

MR. NIXON'S CHALLENGE

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 27, 1970

Mr. DERWINSKI. Mr. Speaker, the President's state of the Union message was an impressive statement and, I believe, an objective report to the Nation.

The Chicago Sun-Times in its lead editorial of Friday, January 23, labeled the address as "President Nixon's Challenge" and in its editorial commentary carefully analyzed the President's theme. The editorial follows:

MR. NIXON'S CHALLENGE

President Nixon's first State of the Union address contained specific proposals. A $10 billion program for cleaning up the nation's water was one. A plan for increased spending on law enforcement was another. He

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touched on the urgent need for welfare reform and for a national growth policy.

Yet, beyond the obvious significance of specific subjects, the most impressive aspect of the address may well have been its tone. For it was a speech not unlike the counsel a father might give to a family facing familiar but nonetheless baffling and burdensome crises.

Mr. Nixon has a vision of America as it should be. He wants peace abroad and an end to crime at home. He wants a balanced budget and he wants a clean and tidy environment. He knows that this is also the sort of country other Americans overwhelmingly want. So on Thursday he asked these other Americans, as a father might ask his family, to join him in perfecting what is now an "unfinished land."

To get where Mr. Nixon would go, of course, will require more than a knapsack and willingness. It will require some governmental trail-blazing. This was apparent in Mr. Nixon's emphasis on the need for reform of governmental institutions.

This reference, obviously, allowed him to mildly scold Congress for sitting on administration legislative proposals. But Mr. Nixon's remarks were very much to the contemporary point when he said that "we must adopt reforms which will expand the range of opportunities for all Americans."

"We can fulfill the American dream only when each person has a fair chance to fulfill his own dreams," the President said. "This means equal voting rights, equal employment opportunity and new opportunity for expanded ownership. In order to be secure in their human rights, people need access to property rights."

Mr. Nixon underscored also the urgency of improving the quality of national life. In addition to the water cleanup measure. Mr. Nixon promised to set aside more parkland, and to clear away some of the spewings of the ubiquitous autos. On crime, he said that law enforcement "is one area where I have ordered an increase rather than a cut" in the budget.

Mr. Nixon, of course, can carry America nowhere without the cooperation of Congress. Certainly, in the fight against inflation and for a balanced budget, he will need the help of Congress. As he pointed out, there will be a vastly increasing Gross National Product for congressional log-rollers to play with. The GNP, in fact, will go up by $500 billion in the next 10 years, the President said—an amount greater than the entire growth of economy from 1790 to 1950.

As for the abiding, nagging, overriding American issue, the war in Vietnam, the President cited progress toward peace. But most significantly, he asked for a relationship between the Congress and the executive that would bar partisanship where matters of peace and security are concerned.

All in all, the President gave a balanced address. He noted the problems, and asked Americans to join in attacking them—to help, as he said, to perfect the unfinished land. It is a sound challenge.

POLLUTION REDUCTION

HON. GEORGE BUSH

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 27, 1970

Mr. BUSH. Mr. Speaker, the House Republican Task Force on Earth Resources and Population of which I am chairman, is acutely aware of the need to obviate the insidious problem of environmental pollution. The task force's hearings have convinced me that this problem can be dealt with only through the joint and cooperative efforts of both Government and the private sector. I, therefore, want to commend the latest combined effort of the Nixon administration and the major airline companies to abate air pollution.

On January 20, at a meeting called by the Health, Education, and Welfare Department, and the Transportation Department, officials of 31 airlines met with members of the Nixon administration. At this meeting, the carriers agreed that within 90 days they would begin installing 50 new air-pollution reducing devices a month on the widely used JT8D jet engines. This is the Pratt & Whitney engine used to power the Boeing 727's and 737's and the McDonnell Douglas DC–9's.

By the end of the year, the agreement calls for the installation of the pollution reducing devices at a rate of 200 per month. The Honorable Robert Finch, Secretary of the Department of Health, Education, and Welfare, and the Honorable John Volpe, Secretary of Department of Transportation, announced that the plan, which involves about 3,000 engines, would be substantially completed by late 1972. This is the same target date set by Secretary Finch at a Government-industry meeting last August 28. At that time, the airlines proposed the end of 1974 as their estimated date of completion. Not until yesterday's meeting was the earlier 1972 date agreed upon as a deadline for completion.

These JT8D engines account for about 70 percent of smoke pollution from jet airlines. The new pollution reducing devices, according to Mr. George Warde of American Airlines, will almost completely eliminate smoke pollution emanating from these engines. Mr. Warde also mentioned that so far his company had no plans to pass on the costs to passengers. This voluntary agreement is a propitious sign that not only the administration is actively moving ahead to ameliorate the pollution problem, but that airline companies are eager to accept their responsibility in the environmental spectrum.

I include the articles from the January 21 New York Times and Wall Street Journal which discuss this advance against air pollution to be printed in the RECORD.

THE AIRLINES ACCEPT POLLUTION DEADLINE

(By E. W. Kenworthy)

WASHINGTON.—The nation's major airlines agreed today to meet the three-year deadline proposed by the Nixon Administration for eliminating most of the smoke pollution from jet aircraft.

After a two-hour meeting with representatives of 31 carriers, it was announced by Robert H. Finch, Secretary of Transportation, that the carriers would begin within 90 days to install 50 new-design fuel burners a month on the Pratt & Whitney JT8D engines that power the Boeing 727's and 737's and the McDonnell Douglas DC–9's.

By the end of this year, the plan calls for installation of the new burners at the rate of 200 a month. The two Secretaries said that, "depending upon the availability of the devices," the program—involving about 3,000 engines on nearly 900 planes—would be "substantially completed by late 1972."

This was the target date proposed by Secretary Finch at a Government-industry meeting last Aug. 28. At that time the airlines, with the Air Transport Association as their spokesman, proposed completing the installation by the end of 1974. Until today they had stuck by that counterproposal.

The two Secretaries emphasized that new jet engines in aircraft now under construction were designed to be "virtually smokeless."

The Pratt & Whitney engines of the short-haul aircraft account for about 70 per cent of smoke pollution from jet airliners.

There is little doubt that the needed new burners, or combustors, will be available for the installations, scheduled to take place when the engines are "down" for routine overhaul after an average 5,000 hours of flying time. Pratt & Whitney has been waiting for firm orders to step up the production of the new combustors, which has been running about 50 a month. By the end of this year, Secretaries Finch and Volpe said, production will reach 200 a month.

CAUSE OF SMOKE

The smoke trailing from the jet engines is caused by incomplete burning of fuel in the present combustors. The new combustors, according to George Warde, American Airlines' senior vice president for operations, have undergone 100,000 hours of test time and almost completely eliminate smoke plumes.

Mr. Warde put the total cost of the new burners at $13-million to $15-million. This has been the estimate used by the Department of Health, Education and Welfare. Earlier the Air Transport Association had put the cost at $30-million.

Mr. Warde said that he could not say whether the costs would "show up in the ticket fares," but that so far his company had no plans to pass on the costs to passengers. "We feel we must be good neighbors," he said.

The Air Transport Association and John H. Shaffer, head of the Federal Aviation Administration, have emphasized that only 1 per cent of the nation's air pollution is caused by jet aircraft.

However, officials in H.E.W.'s National Air Pollution Control Administration and Senator Edmund S. Muskie of Maine, chairman of the Senate Subcommittee on Air and Water Pollution, have countered that the jet plane pollution considerably exceeds 1 per cent in areas near big airports.

SENATOR CITED NEW YORK

Senator Muskie said last Dec. 10, when he introduced a bill to give the Secretary of Health, Education and Welfare the authority to set emission standards for aircraft, that in New York "planes dump one and one-half tons of pollutions per day"; that Los Angeles "gets almost one ton per day"; and that Washington gets 1,200 pounds. Nationally, he said 78 million pounds a year are emitted from jet engines.

The voluntary agreement represents a victory for Secretary Finch, who is responsible for air pollution controls and who has been holding firm for the 1972 target. Last December Mr. Volpe and Mr. Shaffer announced that the Federal Aviation Administration would soon issue regulations for jet aircraft emissions. The airlines favored action by the F.A.A. in the hope that its regulations would give them more time.

At that time Mr. Shaffer said that jet aircraft pollution "is one environmental problem that's not as bad as it is obvious" and that "jet exhausts are almost entirely nontoxic."

The industry acceptance of the H.E.W. deadline was attributed by officials here to three things: mounting public pressure for action on pollution; the threat of Federal legislation setting standards and penalties for violation, and, perhaps most important, two suits filed under recent laws passed by the Illinois and New Jersey legislatures.

The airlines, officials said, are worried lest other states enact similar legislation.

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Last July Illinois passed a law providing a $5,000 fine for a company whose planes violate smoke pollution standards, and a $200 fine for each landing by a plane emitting smoke. New Jersey's earlier law provides a $2,000 fine a day for each plane violating its regulations.

New Jersey last August filed suit against seven airlines using Newark Airport. Since then, two other lines have been combined in the suit. In November, Illinois filed suit against 23 carriers.

Attorney General William J. Scott of Illinois and Deputy Attorney General Theodore A. Schwartz of New Jersey were present at today's meeting.

At a news conference later, both said they thought the December, 1972, deadline was realistic and would be acceptable to their states.

At the same time, they said their states would not withdraw their suits because they would like to have the date nailed down by court order and not simply left to a voluntary agreement with the Federal Government.

[From the Wall Street Journal, Jan. 21, 1970]

Administration Persuades Airlines to Speed Installation of Air Pollution-Reducing Gear

WASHINGTON.—The Nixon Administration arm-twisted the nation's airlines into undertaking a speeded-up program to reduce air pollution produced by jet aircraft.

At a meeting yesterday called by the Health, Education and Welfare Department and the Transportation Department, officials of 31 carriers agreed to begin within 90 days installation of air-pollution reducing devices on the widely used JT8D jet engines and complete most of the job by late 1972.

The airlines earlier had volunteered to finish the task by late 1974, but Administration officials made it clear that unless the companies acted with greater speed they would face the prospect of legislation to force them to complete the modifications more quickly.

The engine is made by United Aircraft Corp.'s Pratt & Whitney division and is used to power Boeing Co.'s 727 and 737 jet aircraft and McDonnell Douglas Corp.'s DC9.

"We are pleased at this step in the public interest that is being taken by the airlines," said HEW Secretary Finch and Transportation Secretary Volpe in a joint statement. "We are moving ahead to improve the quality of the environment, and this is an important task towards cleaner air."

The antipollution step involves installing a new combuster, the chamber in which fuel is ignited, in about 3,000 JT8D engines in use on short-term and medium-haul aircraft. The installation will be made as the engines undergo an overhaul after an average 5,000 flying hours each. The airlines said this schedule will permit them to "substantially" complete the job in late 1972.

HEW officials said they believe that 80% to 90% of the engines would be equipped with the new combusters by then and that all engines would be converted by mid-1973. The department said the limiting factor is the rate at which Pratt & Whitney can produce the new combusters. The company promises to turn them out at a pace of 50 a month starting in February, and to increase the rate to 200 a month in less than a year.

Government officials said that if this timetable can be met by industry, there won't be any need for legislation empowering HEW to set restrictive standards for jet-produced pollution. Democrats on Capitol Hill are pushing such proposals, however, and may continue with their campaign despite the industry's concessions to HEW.

An Air Transport Association official said the agreement announced yesterday "doesn't differ greatly" from the timetable indicated by the airlines in the recent letter from the association to the Federal Aviation Administration. The letter gave late 1974 as the earliest possible date for all carriers to complete the job. The spokesman said that plan recognized that the bulk of the airlines would finish installing the new equipment by the end of 1972, but some didn't want to be committed to doing the job until sometime in 1973.

"Substantially all" the lines could complete the work by the end of 1972, if no serious problems occur, he said, but there's no assurance that difficulties wouldn't crop up.

An airline-industry source concedes, however, that there's "a little bit of crash program" involved in the agreement. The leeway for resolving snags has been removed under Government pressure, he says, and while many lines will finish the job by the end of 1972, he wouldn't want to promise that the task would be "substantially" finished by then, because of possible problems.

Government air-pollution experts estimate that the JT8D engine accounts for an estimated 70% of jet-engine pollution. Although the total of all jet pollution amounts only to 1% of the nation's air pollution, HEW experts say the problem is extremely severe in and around jet airports.

Government and industry sources put the cost of modifying the engines in the range of $13 million to $15 million.

THE COMMUTER RAIL CRISIS

HON. RICHARD L. OTTINGER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 27, 1970

Mr. OTTINGER. Mr. Speaker, the shocking and dangerous deterioration of service and safety on the Penn-Central's commuter lines in the New York area has long been a matter of grave concern to me. Until very recently neither Penn-Central's management nor the New York State government has seen fit to assure commuter services that would be up to modern standards and expectations. This has engendered feelings of frustration and desperation among commuters and public officials alike, but the outlook for positive action is still cloudy at best.

An editorial in the White Plains Reporter Dispatch of January 17, 1970, indicates the depth of feeling of this issue and because the New York situation has implications of a nationwide character, I present the editorial for inclusion in the RECORD:

Frustration Over the Rails

The apparent deterioration of passenger service on the Penn Central commuter lines in the county has residents who depend on that service worried, angry, bitter and frustrated, to judge by their many complaints and anxious but accurate detailing of their woes.

What is indicative of the problem, more than anything else, is the number of commuters who have stoically borne with occasional inconveniences over the years and who now have, as we hear many times over, "had it." When the citizen who has always understood the burdens of running a railroad and the factors beyond its control—when this citizen finally feels the border has been passed between acceptance of and rebellion against his fate, the time has come for all of us to do a little worrying ourselves.

For Westchester and rail transportation grew up together and if the railroads come close to hopeless inefficiency and intolerable inconvenience, the county must suffer, too.

Our commuters are relatively well-to-do people. They are mobile. They can conceivably move from Westchester in droves, back to New York City or even to Long Island—where the charge (at least) has been that the state is giving favorite treatment to the Long Island Rail Road. Or they can continue to switch to automotive transportation, which will put an increasing burden on our highways and aggravate the parking problem at home

Or the flight of business from New York City can accelerate. If this business goes elsewhere it can take its executives with it, away from Westchester. If it tries to move to Westchester and is willing to pay high prices for land and building here it could well set off a speculative rush and an explosive urbanization here that could spoil our best laid plans for orderly planning and growth.

A third possible effect of continued deterioration of the Penn Central could be an overall adverse effect on values of land of the suburban type. Assuming New York City remains a hub of commerce, families coming to the New York area from elsewhere in the nation may shun Westchester, despite its many other advantages, because of the bad reputation of its mass transit.

These dismal predictions may never come about, but they are being talked about and they should not be dismissed out of hand. Neither should we, or our legislators, be lulled by the probable infusing of new leadership and money to be provided by and through the Metropolitan Transportation Authority.

The old story that it is the squeaky wheel that gets the grease may be a cynical way of approaching the problem, but some Westchester legislators have at least gotten the message or reached their own parallel conclusion. The other day they raised the specter among their Republican colleagues in Albany that they might withhold their votes from a GOP-sponsored congressional reapportionment plan if the county's transportation problems are not given prompt and constructive attention.

They are well-advised to do so, as are all of our disgruntled commuters well-advised to keep up their bombardment of their own Albany representatives. Regardless of what may come at some future time in transportation aid for the county, every day that passes with the miserable commutation conditions we are forced to endure means that much less of a good place Westchester becomes to live in, and that much more disillusionment among the citizens of our community who are the lief-blood of our good living.

THE SCHOOL CRISIS—NATIONWIDE THREAT

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 27, 1970

Mr. RARICK. Mr. Speaker, the destruction of public education in the South has been all but completed, and the same result is but a short time away in virtually all of the heavily populated areas of the country.

The forced integration of schoolchildren is totally illegal. It is manifestly undemocratic. It has proven conclusively that it harms the children of both races. It creates situations which make education impossible.

The people know this—the people of both races. And they are insisting on

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their right to freedom of choice—the people of both races.

If parents, children, educators, and responsible local citizens—of both races—all oppose forced mixing of the children, then it is fair to wonder just who it is that wants this done? And why?

When the American people arrive at the answers to these questions, they will solve their school problems directly and emphatically. And make no mistake—they will deal appropriately with those who have, for their own purposes, destroyed public education and endangered the Nation's children.

I include news clippings indicative of the disorders, crime, vandalism, and other unrest within the destroyed schools, together with letters to newspaper editors in my remarks:

[From the Fort Myers (Fla.) News-Press, Jan. 20, 1970]

EXTORTION LAID TO PUPILS HERE

Two Dunbar South seventh grade students have been charged on juvenile citations with extorting money from other students. Charged are Elaine E. Kent, 12, of Harlem Lake and Leroy Thompson, 13, of 2743 Lafayette Street.

Both were released to the custody of their parents.

Sheriff's Capt. Al Senftleber said the girl is accused of trying to extort money from another girl by threatening her and the boy is accused of threatening a boy to obtain money.

Senftleber said the extortion seems to have been done on an individual basis and not as part of an organized plan. "It's the type of thing where one bully sees another do it and tries the same thing. It's a nckel and dime operation—the top is a dollar or two," he said.

Investigator Frank Wanicka said "We have information about other cases, but in a lot of cases, the victims are too scared to make a complaint or testify," he said.

A total of nine eighth and ninth grade Negro students were arrested last week at Cypress Lake Junior High School on similar charges in what was described as a loose-organized ring which had been operating for several months.

Senftleber said the extortion was discovered during the investigation of a break-in at Dunbar South sometime over the weekend in which nothing was taken but rooms were ransacked and windows broken causing an estimated $200 damage.

[From the Fort Myers (Fla.) News-Press, Jan. 19, 1970]

DAMAGE IN MILLIONS—SCHOOLS HARD HIT BY VANDAL LOSSES

WASHINGTON.—Reacting to a wave of vandalism, burglaries and arson, many of the nation's public schools are becoming scholastic fortresses.

A national survey indicates that some of the largest school systems have turned to barbed wire, floodlights, police dogs, heavy iron grills, plastic windows, and an array of alarms and electronic surveillance systems to cut the cost of vandalism, now estimated in scores of millions of dollars each year.

The survey, conducted last year by the Baltimore public school system and released by a U.S. Senate juvenile delinquency subcommittee, said the 36 school system answering a questionnaire reported a $6.5 million vandalism and arson loss in the 1967-68 school year.

"The Baltimore study reads like something out of a World War II movie," a Senate aide said. "It is one of the firmest indications we have had that the problems of school vandalism and violence are getting out of hand."

Orlando F. Furno, an assistant Baltimore school superintendent and head of his system's research and development office, said he believes the vandalism study, which is now being updated with statistics and new prevention techniques from the 1968–69 school year, is one of the few ever attempted in the United States.

Recommending that state school departments begin collecting such data, Furno said Baltimore undertook the survey to give its schools the benefit of the experience other school systems have had with combating vandalism.

"There's no panacea, I can tell you that," Furno said in an interview. "The problem is simply too widespread and too complex."

The survey reports that in the 1967–68 school year alone, New York City schools suffered 243,652 broken windows with a replacement cost of $1.21 million.

In the same period that city reported 2,757 school larcenies which cost it $1,219,912. There were 196 school fires blamed on arson which did $278,585 in damage.

Los Angeles reported 5,183 incidents which cost it $940,124; Baltimore reported 747 incidents of vandalism costing $716,602; Milwaukee 11,060 incidents costing $406,699; Washington, D.C., 43,728 incidents costing $[illegible]10,463 and Newark, N.J., 27,457 reports of vandalism at a cost of $346,391.

Most of the schools responding to the Baltimore questionnaire placed emphasis on school-community relations programs designed to ease misunderstanding and local tensions and, hopefully, cut the vandalism rate.

But most of the school systems also said they have taken concrete steps as well.

Furno said some schools report they have installed closed circuit television systems to scan approaches to schools and certain inside areas. He said also some schools are experimenting with the use of police dogs inside the schools after closing time.

[From the Evening Star, Jan. 27, 1970]

POLICE PATROL ANNAPOLIS HIGH AFTER ATTACKS

(By William Taaffe)

ANNAPOLIS.—Two uniformed policemen patrolled the halls of Annapolis High School yesterday after reports that "outsiders" have intimidated teachers and students there in recent weeks.

Anne Arundel Schools Supt. Edward Anderson said the policemen would remain indefinitely, paid for extra duty by the school board. "I'm not going to let the school be overrun by outsiders, period," he declared.

School Principal Albert W. Fowble said he requested the police about two weeks ago after one teacher and a number of children were struck by outsiders.

An increasing number of non-students, some in their 20s, have harassed teachers and students lately, Anderson said, with some arrested for disorderly conduct.

For months, two policemen in civilian clothes have patrolled the school's grounds and parking lot, where nonstudents were "coming in with their cars, drinking—this type of thing," he said.

Anderson was sharply criticized yesterday by an NAACP official, Walter Blasingame, for the timing of the deployment. About 200 Negro students walked out of a class meeting Friday, demanding black studies.

Blasingame, chairman of an NAACP state education task force, was quoted as saying police were sent "to intimidate black students into submitting to a school system that is not sensitive to their needs, wishes or opinions."

However, he withdrew his remarks after conferring with Anderson, saying he was unaware Fowble had asked for police two weeks ago.

Annapolis High has about 1,800 students, Anderson said, about 20 to 25 percent of whom are Negro.

[From the Fort Myers (Fla.) News-Press, Jan. 21, 1970]

SERIES OF FIGHTS—RACIAL RIFTS CLOSE LONG ISLAND SCHOOL

BELLPORT, N.Y.—A black student calls the town racist; a white girl says, "The blacks are trying to take over." Neither is going to class this week because racial tensions have closed the high school and disrupted life in this Long Island community.

Tensions came to a head last Thursday over a memorial program for Dr. Martin Luther King Jr., and erupted Friday morning in a series of fights between black and white students. Administrators ordered the school closed.

Since then the school's 72 teachers have announced seven demands they say must be met before they return; white students have posted three demands, and a public meeting on the situation was interrupted by a brief scuffle.

In response the school board has named a new acting principal, begun an administrative shakeup, ordered split sessions and called for "emergency measures" to deal with "those who disrupt the educational process."

No date has been set for the reopening. Meanwhile the question remains: What has caused the tensions that have crippled the 1,100-student school?

Board President Charles Gould said he feels "there is a small group of disruptive students who wish to see the school closed. I feel they play on the prejudices of conflicts of the others to inflame whatever hostility exists."

Gould said he first thought it was a communications problem, but "after four months of unrewarding attempts to establish a dialogue, I think everybody is now talking too much and not thinking enough."

Michael Friedman, director of the Bellport-Neighborhood Opportunity Center, believes the underlying causes are attitudes in the adult community and "lack of communication" on the student level.

"The blacks think the whites are getting everything, the whites think the blacks are," he said. "No one's really getting anything from anybody."

[From the Fort Myers (Fla.) News-Press, Jan. 14, 1970]

TELEGRAMS RAP SCHOOL MIXING

JACKSONVILLE.—Hundreds of telegrams protesting an anticipated Supreme Court order directing immediate desegregation of public schools in five Southern states were sent from Florida Sunday.

Mainly they were addressed to members of Florida's congressional delegation, but some also went to the court and to the White House, Western Union spokesmen said.

In Jacksonville more than 1,000 telegrams had been processed for customers saying they were upset by the desegregation movement. Offices in Tallahassee and Orlando handled similar telegrams.

The Supreme Court Monday is expected to order immediate desegregation in districts serving 300,000 white and black children in Alabama, Florida, Georgia, Louisiana and Mississippi.

Some public schools in Florida were expected to be among those involved.

[From the Fort Myers (Fla.) News-Press, Jan. 15, 1970]

SHOOT TRAITORS

EDITOR, NEWS-PRESS:

It now is a known fact that the Communist party through the Black Panthers, hippies, SDC are here to overthrow this country. These groups are hired, encouraged by the Communist party to get a revolution here in U.S.

The Black Panthers or Apes are daily trying to kill and ambush any officer who tries to stop them. In Chicago the police killed

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a couple of them and now they are trying to convict the police who killed them. My blood run cold when I read about these law officers going to trial for doing their job. They should all get medals. These dirty traitors and slackers use the war in Vietnam and also equal rights as an excuse for their riots, robbery and murder.

Director of the FBI after a careful investigation stated that we were in trouble within our country and if it does not stop we are bound to face serious trouble. Ever since Chief Justice Warren handed down decision after decision in favor of the Communists in 1954 the trouble is worse year after year. There are one man who rules Cuba, a handful of men rule 600 million people in China, another handful of men rule 200 million people in Russia and nine old Washington men rule 200 million people in U.S.

They control us the same as they do in all the Communist countries. These old codgers gave orders for and are responsible for deserters, slackers, cowards, traitors, rioters, robbers, war dodgers, deserters and killers to run loose in U.S. while our boys are being killed in Vietnam.

Now this church organization wants to send money to Canada and Sweden to bring these traitors, deserters and cowards home. They should all be shot, like they did in the Revolution War, Civil War and W.W. I.

GEORGE C. ANDERSON.

NORTH FORT MYERS.

[From the Fort Myers (Fla.) News-Press, Jan. 20, 1970]

ANSWER NO

EDITOR, NEWS-PRESS:

On Jan. 13 I read in the News-Press an article about the Supreme Court trying to decide whether or not to allow Communist agents to practice law or take public office. Is there any doubt in anyone's mind as to a question like this?

I, as a man of 15 years service with the United States Army, dedicated to the freedom of this country, say no. There is little doubt in my mind, or in the minds of thousands of others like me, who through patriotism or dedication, my answer is no. These people have no place in public office, or practicing law in our United States, to where they can influence others.

There are those who have given their lives for our cause and now the Supreme Court wants to say is in effect that it was all for nothing. That 70,000 young men died for nothing, fighting to keep our country free from communism.

Are we, the people, going to let this thing happen? The answer is yours.

GEORGE A. OSTRANDER.

[From the Fort Myers (Fla.) News-Press, Jan. 18, 1970]

WRITE CONGRESSMAN

EDITOR, NEWS-PRESS:

The editorial about the Supreme Court and the Congress was encouraging. We need more of them; stronger ones.

We can be thankful there is still left enough freedom of speech to allow an opinion against the Supreme Court; and editorials reminding us that the power in this nation resides with the people if they will only use it.

If each voter who complaints would write one letter each, just one letter each week, to his congressman and one of his two senators, we could get our country back from the liberals, the Communists and the Mafia. We could get the U.S. out of the U.N. and the U.N. out of the U.S. We could get the school problems back into the hands of the states, where the Constitution placed them. We could get the power to coin and regulate money back into the hands of Congress; out of the hands of the private bankers who own the Federal Reserve System and its phony money.

For example: one of my recent letters, a very short one to Congressman Ford of Michigan, resulted in a serious and considered reply from Congressman Ford, who is working on a program to rid us of Supreme Court Justice Douglas. The letter contained this paragraph: "Now that a decision has been made on Judge Haynsworth, our investigation of Justice Douglas will be continued. New information which appears to be significant has come to our attention."

Let's all write, right now. Anybody 14 years old and who has a pencil can do it.

JAMES O. EVANS Sr.

[From the Fort Myers (Fla.) News-Press, Jan. 14, 1970]

RESTORE RIGHTS

EDITOR, NEWS-PRESS:

States' rights must be returned to the state by the federal government who are penalize we taxpayers in the matter of segregation of our schools and under the ruling that we can not receive federal aid for our schools unless we do completely integrate and yet the federal aid to our school system by the federal government is our very own money and not that of the federal government which we pay through federal income taxes.

That civil rights have been declared unconstitutional even in the first Civil Rights Act of 1866 and also down through the year, that civil rights must be earned by these seeking civil rights as we do by all immigrants who seek entrance into this nation.

That this is the one freedom we fought for down through the years and unless we fight for that freedom, we shall soon be a victim of the federal government, that no government, no president of these United States, no public official has the right to tell us where we shall send our children to school or to bus them from one geographical location to another to balance interracial balance.

That even the President so stated in his application for election and after election that this would not be perpetrated against a free people, that our wishes will be so recognized for under the Civil Rights Act, while not intentional, it has placed the minority ruling the majority and the stupid part is that it was for more votes, whereas with over 43,000 registered voters in our county alone less than 6 per cent represent the minority or only 2,800 registers and even less voted and we want voters who know what they are voting for and why and it takes intelligence to vote and it must be for the majority and not the politicians who have placed us in this position.

H. KENNETH SHUTTS.

[From the Miami Herald, Jan. 19, 1970]

BASIC RIGHTS FOR LIBERALS ONLY?

I wonder if liberal-thinking people really believe in what they preach. They always refer to the Bill of Rights, the Constitution or the Civil Rights Act to justify their position on, for example, Allen Ginsberg's rights to use four-letter words in a public place or Rap Brown's right to speak of overthrowing the government, or some protesters' right to burn the American flag or Judge Atkins' ruling on Dade's school integration, while in the next breath they knock a parents' right to decide the education his child will receive or Spiro Agnew's right to speak about slanting of the news.

They speak with sarcasm when someone talks about love of God, flag or country. It seems the Constitution can be held up to support their liberal point of view, but don't let someone who disagrees with them try holding up the same document. This is the way the SDS works on college campuses. In the name of the "right to protest" they deny others their right to an education.

I can imagine the howling if the federal government came to the news media and said "since radio and TV use the air ways, which are controlled by the government, and since the newspapers are transported between the states, they come under our control, so now say you will print and say thus and so."

To cite an example closer to home, Dade's teachers, and in the near future, students, will be transferred around the county strictly on the basis of color. A black teacher will be moved because he is black. A white teacher will be moved because he is white.

If this is not a classic case of racial discrimination, I don't know what is.

I don't see our more liberal newspaper writers, such as Larry King, protesting. I don't see Tobias Simon or the ACLU jumping into action to challenge this overt act of discrimination. Where are the Fulbrights, Kennedys' McGoverns and McCarthys? I don't see the New Party of Florida protesting in the streets.

I suspect the answer goes something like this: "In order to accomplish what we call integration, we will have to practice some discrimination, but in this case the ends justify the means."

If we are to have one set of laws for all people and all situations, as the liberals so often say, then let's start practicing what we claim to believe.

JAMES A. BURNS.

WHAT HAPPENED TO DEMOCRACY?

Fifty years ago, people were begging to come to America, the land of freedom and democracy. What happened to this free country? What happened to this democracy?

Is it a democracy when the government tells you that your child must be bused to a school five miles away, when your neighborhood school is just around the corner?

One of the main reasons we chose our home was because it was close to school. Since we have eight children this was very important. Now the government is saying my children might have to go to a school in a neighborhood where even the police are hesitant to enter.

MRS. A. CAPRIO.

PEMBROKE PINES.

MR. NIXON RAISES SIGHTS

HON. TIM LEE CARTER

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 27, 1970

Mr. CARTER. Mr. Speaker, I include the following editorial from the Christian Science Monitor of Saturday, January 24, 1970, for the perusal of the Members of this body. It is my feeling that it deserves your attention. The editorial follows:

MR. NIXON RAISES SIGHTS

President Nixon's State of the Union message has been as uplifting to the hearts and aims of Americans as it was politically astute. For he has issued that call for rehabilitating the nation's physical environment which everyone wanted to hear and in which each citizen knows he has personal responsibility. And he has urged the harnessing of the United States' cast energies and abundance—a gross national product colossally increasing by $50 billion in the next 10 years—to creating a richer and deeper life, a sounder reflection "of the goodness and grace of the American spirit."

The President is correct, surely, in seeing inflation, crime and pollution as three central perils to the American dream as the nation approaches its 200th anniversary in 1976. And he is right in stressing the simple truism that national wealth will not bring national happiness—that there needs to be a moral and spiritual idealism, even the inspired outlook for service and wider horizons which will, for instance, bring to youth a sense of excitement and to all a feel of national destiny.

Foreign policy was left by the President largely to a later "State of the World" message. But the President won the applause of the assembled Congress by forecasting, once Vietnam is wound down, a decade of uninterrupted peace for this country, by stressing reduced foreign commitments, and by noting his efforts toward meaningful arms talks with the Soviets and new dialogue with China.

With so very much needing to be done to enhance the quality of life, President Nixon has singled out, as Republican priorities: total welfare reform, a "new federalism" which returns some responsibilities to the state, and an expanded range of opportunities for "all Americans" including equal voting rights, employment opportunities and ownership prospects.

Democrats will accuse the President of stealing their policies. His program has a very wide reach and, as he frankly remarked, this is an election year. The Democrats have developed antipollution measures and have aimed to tackle hunger and poverty. The President's contentions is that he has submitted two score bills dealing with welfare, crime and other major issues—on which the Democrat-controlled Congress has yet to act decisively.

Realistically, the biggest menace to ordered American progress is inflation. President Nixon sees the chief cause as government overspending—$57 billion more outgo than income since 1960. This lays the ground for the argument that a Congress which ups health and education expenditures well beyond the Nixon budget is still dabbling dangerously in inflation. The Democrats' reply no doubt would be that more economies could be found over at the Pentagon.

But there was a helpful, unifying thrust to Mr. Nixon's address, especially in its antipollution launch. His aim to return population and dynamism to rural communities is challenging.

Basically, the next decade, in the President's view, is a time to redirect energies, growth and attitudes into higher visions and more practical approaches. He now has set a hopeful course. And that is the first necessary step.

TRIBUTE TO OUR JAPANESE-AMERICAN CITIZENS

HON. DAVID PRYOR

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 27, 1970

Mr. PRYOR of Arkansas. Mr. Speaker, on November 29 and 30, 1969, the State of Arkansas paid tribute to the gallantry of Japanese-American troops who served in both the European and Pacific areas in World War II. A flag raising ceremony was held at Rohwer, Ark., to mark the rededication of two cemetery monuments where the Rohwer War Relocation Camp once stood. More than 500 persons turned out for the dedication ceremony at this little community where 10,000 Japanese Americans were interned during World War II.

The monuments honor the men who came from behind the barbed wire to fight and die with the famed 442d Infantry Battalion in Italy and France and the aged Nisei who died and were buried on this lonely prairie during the dark days of the war.

Arkansas is the first State to officially honor Japanese Americans. I was gratified that one of my colleagues in the Congress, the Honorable BILL ALEXANDER, joined me in participating in this dedication ceremony in my congressional district.

Our State was especially pleased to honor the presence and contributions made during these ceremonies of Minister Bunrokv Yoshino of the Japanese Embassy. The Honorable Mike Masaoka delivered two brilliant and heart-stirring messages during this 2-day event. Mr. Masaoka is president of the Japanese-American Citizens League.

I would, also, like to take this opportunity to pay special tribute to Green Thumb workers who were responsible for cleaning up the cemetery and carrying out a special beautification program at the site. Here is an instance of an important part of Arkansas' history that would have gone unhonored had it not been for Green Thumb. Indeed Arkansas should be proud of this organization. Under the able leadership of Mr. Lewis Johnson, Jr., it has executed many worthwhile projects in our State. This is certainly a government program where the taxpayers are getting a dollar's worth of return for every dollar invested, by encouraging productivity among our older citizens.

Mr. Speaker, I include in the RECORD at this point a feature story on the Rohwer Concentration Camp that appeared in the November 30, 1969, edition of the Pine Bluff Commercial and a news article on the dedication ceremonies featured in the December 12, 1969, edition of the Pacific Citizen, which is published weekly by the Japanese-American Citizens League in Los Angeles, Calif.:

"THEY PLAYED A LOT OF CHECKERS"—JAPANESE HAD GRIM EXISTENCE AT ROHWER

(By Kathy Gosnell)

("Rumors had been spread among the evacuees when we left California for Arkansas two years ago, which said: 'Down in Arkansas there are multitude of mosquitos about the size of dragonfly which flies around the camp and get a pint of blood a bite; the giant river Mississippi will flood all over the camp and it will make houses afloat like boats down into a rough current.' Such rumors made all of us scared. But when we first saw Dr. Hunter in the center on the next day of our arrival October 2nd, 1942, all of these rumors flew away, because Dr. Hunter, our big brother and friend, was with us in the camp."—K. T. Khiraishi, Rohwer Relocation Center, 1944.)

ROHWER.—The town of Rohwer, 13 miles northeast of McGehee, listed a population of 86 in the last census. But it once had a population of 8,500.

The inhabitants were Issei, Japanese immigrants to the United States, and Nisei, their American-born children who were United States citizens.

And Caucasions to guard them—nearly 50 in all.

A medium-sized city of tarpaper surrounded by barbed wire and guard houses was located near here on some swampy land owned by the federal government in the summer of 1942, under the direction of the War Relocation Authority.

(At 1 p.m. today, state officials, Nisei veterans and representatives of the Japanese Embassy will attend ceremonies to dedicate the cemetery at Rohwer.)

The inhabitants of the camp at Rohwer began to arrive in September, 1942.

They were escorted to the city, called Rohwer Relocation Center, by soldiers.

Most of them, according to a former center assistant project director, Dr. Joseph B. Hunter of Little Rock, came from the Los Angeles area and Stockton, California.

The Issei and Nisei faced all the usual problems involved in making a new collection of people function effectively as parts of a city, Hunter said.

As the assistant "in charge of the people," he said, he was most concerned with problems of city administration—government, sanitation system, medical facilities, schools and roads.

There were other problems, too, Hunter said.

The people had no money and it was almost impossible to earn any.

"We ran a 1,000-acre farm," Hunter said, "but we were not able to sell anything. That would compete with the regular markets."

So they raised their own food.

The center administrators hired some inhabitants to staff the hospital and dental clinics set up in the camp. But the top salary they could pay was $19 a month.

Others could be paid no more than $8 a month, Hunter said.

The living quarters were, at best, grim.

"It was a regular Army camp," Hunter said. "There were regular barracks in sections. They had 250 in squares with a central laundry and washhouse and mess hall."

"We lived in one big room and then our daughter came and we got another one," Hunter said.

"Built-in beds were the only furniture," he added.

The first project of most families at the camp was making furniture from scrap lumber, Hunter said.

Hunter lived at the camp with his wife, Mary, his teen-age daughter, Betty, and, for a short while, his son, Robert. Robert was away most of the time attending Harvard University at Cambridge, Massachusetts.

The inhabitants kept busy, Hunter said, even though there was little for them to do.

"A lot of old men had their first vacation," Hunter said. "They played a lot of checkers."

The center quickly acquired the civic organizations of other cities—Boy Scouts, a church with Sunday School classes, a YWCA.

A few differences persisted, though.

"They wouldn't let the women do Red Cross work, such as making bandages," Mrs. Hunter said.

"We had the best schools in the state," Hunter said. "All the teachers were federal civil service employees."

This meant they received top salaries, he said.

The superintendent of the school was Dr. John A. Trice, who later was superintendent of the Pine Bluff School District from 1957 until his death in 1967.

"There were a lot of marriages," Hunter reminisced. "There were so many young people and the boys were going off to war."

Nisei were first barred from service, but later were allowed to enlist and serve in Europe.

Many times, Hunter said, young women from the camp would travel to Camp Shelby, Mississippi, to attend the USO functions for Nisei soldiers. Some of the soldiers came from Rohwer and Jerome, he said.

These were members of the famed 442 Regiment, the "Go-For-Broke" unit composed entirely of Nisei, which won numerous honors for courage in the process of proving their loyalty to the United States.

A concrete monument, the replica of an

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Army tank, stands in the cemetery at the center. It was erected in 1945, is memory of the 30 Rohwer soldiers of the regiment who died overseas.

Another concrete monument was also erected at the cemetery, in memory of the 24 center residents who died there.

These Japanese civilians also had difficulty proving their loyalty. They lived behind barbed wire, forbidden to make any contribution to the war effort.

At first, there was a lot of ill will in McGehee and other cities in Southeast Arkansas against the Issei and Nisei, Hunter said.

One Japanese was shot at while surveying part of the center property, he said. A camp guard was killed by a shot from a troop train passing on the railroad next to the camp. Apparently, Hunter said, some soldier thought he was firing at a Japanese.

Rumors of ill treatment reached Japan, Hunter said, and diplomatic officials asked the Spanish Consul at New Orleans to visit the Jerome and Rohwer camps to investigate.

Packages of tea were sent to the center residents from Japan.

Later, the people opened their homes to the Japanese, he said, as they got acquainted with them and as profits flowed from the center into their businesses.

Hunter, a Methodist missionary, came to work at the center at the request of a parishioner, E. B. Whittaker of Los Angeles.

He had just returned from six years in Japan, spent in Tokyo and Akita, in northern Japan.

Whittaker, who was director over both the centers at Rohwer and Jerome, hired Ray D. Johnston of Dyess to run the Rohwer camp.

Besides Hunter, there was an assistant director in charge of the farm, James F. Raines, and an assistant in charge of fiscal affairs, Francis Manghan, an employee of the Soil Conservation Service.

Hunter condemns the government action to evacuate all persons of Japanese ancestry from the West Coast.

"They had the evacuation because of pressure from businessmen taking advantage of the fear," Hunter said.

The business leaders used "propaganda" to whip up feeling against the Japanese in order to get rid of "competitors," he said.

The military decision to evacuate the Japanese and their American-born children was rather slow in coming.

Through December and January, the West Coast was described as calm, and few incidents occurred between the Japanese communities and the white residents.

However, the funds and credit of Japanese aliens were frozen by government order, and many families had to subsist on the cash in their pockets.

No disloyal act or espionage or sabotage was ever proven against the Japanese, despite widespread rumors, pronouncements from public officials and news accounts to the contrary.

However, the clamor from public officials and businessmen increased. The attorney general of California, Earl Warren, who later was Chief Justice of the United States Supreme Court, went on record urging the evacuation of all Japanese. Groups such as the Associated Farmers also issued statements requesting the evacuation.

Despite the reports from the FBI and the Justice Department, which found no evidence of treason among the Japanese, alien or citizen, Army officials in charge of West Coast security acceded to pressure and ordered the evacuation.

More than 100,000 people of Japanese ancestry were sent inland to live in 10 relocation centers. About 8,500 were sent to Jerome and a similar number were sent to Rohwer.

They remained until they could find jobs elsewhere, until those of college age could find a college that would take them, or until the camps were closed.

The Jerome center was abandoned in June, 1944, and Rohwer closed its doors in November, 1945.

ARKANSAS HONORS NISEI AT ROHWER

ROHWER, ARK.—The melancholy strains of "Taps", played by a high school bugler and echoed by a bandsmate, in the bottomlands of southeastern Arkansas at the site of the cemetery of the former War Relocation Authority camp at Rohwer, on Sunday afternoon, Nov. 30, climaxed two days of activities marking Japanese American Memorial Days.

The commemorative events began on Saturday noon, at a luncheon at the Marion Hotel in Little Rock, the capital of Arkansas, when Lt. Gov. Maurice Britt, who won the Congressional Medal of Honor while fighting alongside the 442d in Italy, read a proclamation setting forth Nov. 29 and 30 as Japanese American Memorial Days. He was acting on behalf of Governor Winthrop Rockefeller, who was unable to participate because of the death in California of his mother-in-law.

PROCLAMATION

The official proclamation noted:

After the attack on Pearl Harbor on Dec. 7, 1941, two War Relocation Centers were established in Arkansas . . .

Many of these Japanese Americans demonstrated their loyalty to the American cause by volunteering to join the war effort as members of a special combat team . . .

This effort resulted in the death from combat of more than 40 men from the two Arkansas Relocation Centers, and . . .

These Japanese Americans confirmed the faith and trust placed in them with unparalleled records and gallantry in all branches of the military services and in all theaters of war (and called upon) each and every citizen (to) join with me (Gov. Rockefeller) in paying homage to these Americans who, under great duress, exhibited their patriotism not as a matter of race or ancestry, but as a matter of the mind and the heart.

Gov. Britt, who lost an arm in the action that earned him the nation's highest military award, presented a copy of the Proclamation to Mike Masaoka, Washington Representative of the Japanese American Citizens League.

Then, following a luncheon address by Minister Extraordinary and Plenipotentiary Bunroku Yoshino of the Japanese Embassy in Washington, both the Japanese Government official and JACL Representative Masaoka were conferred certificates by Arkansas Secretary of State Kelly Bryant naming them as "Arkansas Travelers".

DUMAS BANQUET

Saturday evening, at the Pickens Country Club in Dumas, a small farming community 110 miles southeast of Little Rock about 20 miles from Rohwer, a commemorative banquet was held before a sell-out crowd of more than 250.

State Senator M. Gilbert and Mayor Billy Free were in charge of the banquet. Among the invited guests were Minister Yoshino, Governor Britt, Secretary of State Bryant, Attorney General Joseph Purcell, New Orleans Japanese Consul General Chikatoro Hashida, and a delegation from the Chicago Nisei American Legion Post No. 1183, led by Post Commander Tio Fujiwara. The others, all past post commanders, were Joe Sagami, Harry Yamamoto, Tak Hirai, Nick Nishibayashi, Kaz Hori, Carl Ogawa, Richard Hikawa, and Larry Oshima, the only one who volunteered from Rohwer itself.

Gov. Britt paid high tribute to the gallantry of the 442nd, noting that they were volunteers for combat duty and that they earned the respect of all other combat infantrymen in Italy and France.

He declared that in times like these, when so many are questioning whether they should serve their country in the armed services, it might be well to remember that the Nisei of the 442nd had more to question about their country than most of today's youth, and yet they volunteered from American-style concentration camps to prove their faith in the ultimate justice and the opportunity of the American way.

Minister Yoshino recalled for the audience that a week before an historic event had taken place in Washington, when the President of the United States and the Prime Minister of Japan agreed to the reversion of Okinawa. He noted that such a return of occupied territory by the victorious nation to the defeated country through peaceful negotiation was a rare occurrence and that it might well set a precedent for future international relations within the community of nations.

Yoshino declared that this agreement concerning Okinawa marked the end of World War II defeat insofar as the Japanese were concerned and signalled the beginning of a new Pacific age where there would be greater political, cultural, and trade cooperation between the two countries of this new Pacific era. He saw the commemorative services in Arkansas as an indication of the continuing good relations between the United States and Japan.

PRINCIPAL SPEAKER

JACL spokesman Masaoka was the principal speaker, recalling the days of hysteria and suspicion that followed the attack on Pearl Harbor and of the arbitrary evacuation orders and American-style concentration camps called relocation centers.

While conceding that they were quite different from the Nazi camps for the extermination of Jews, he argued that in a nation with America's tradition these WRA camps were even more intolerable and dangerous in terms of their implications.

At the same time, Masaoka declared that the wartime and postwar treatment of Japanese Americans demonstrated that, though democracy sometimes resulted in abuses and excesses, it also had within its system the capacity to right wrongs and correct abuses.

He also stressed that, while the Japanese American experience did not necessarily point the only way to the resolution of racial tensions, it might well suggest that reliance to legislatures and courts of law were not outmoded even today in the context of the problems of the discontented, the disadvantaged, and the questioners.

He closed by reading the Japanese American Creed, which he said helped sustain Japanese American leaders in the time of their greatest travail and inspired their postwar efforts to gain acceptance and equality of opportunity.

DESHA HIGH SCHOOL SERVICES

Following Sunday morning brunch at the Delta Country Club in McGehee, which is about ten miles from Rohwer, at which Masaoka was again called upon to speak, the special Japanese American Memorial Services were held at the Desha Central High School in Rohwer.

Among the honored guests were Gov. Britt, Secretary of State Bryant, Attorney General Purcell, Chief Justice of the Arkansas Supreme Court Carlton Harris, Speaker of the Arkansas House of Representatives Hays McCurken, local community officers, Chamber of Commerce officials from Dumas and McGehee, and American Legionnaires from nearby posts.

Lewis Johnson, Jr., state director of the Green Thumb program of the Farmers' Union, who was personally responsible for developing the two-day testimonial project to Japanese Americans, introduced Congressman David Pryor of the Fourth Congressional District, in which Rohwer is located, as the master of ceremonies for the memorial services.

Congressman Pryor noted the significance of these special events, declaring that these Japanese Americans who volunteered to "fight and if necessary to die" to prove their loyalty to their country "marched for us" in helping to defend democracy in World War II.

He recalled that the number of volunteers from the Rohwer camp was among the highest of all the ten WRA centers and he explained the meaning of the 442nd's slogan "Go For Broke" in the context of what the Nisei volunteers were fighting for.

Pryor summarized the record of the 442nd in combat and stressed that all Americans today might well ponder the significance of what they had accomplished for their group under the most difficult and trying of circumstances.

Then, the Chicago Nisei American Legion Post color guard posted the Flag, and the Desha High School band played the National Anthem.

Sheriff Robert Moore, who was in charge of security at the Rohwer center, in a moving invocation said, "We pray for forgiveness for any wrongs we have done them." and Governor Britt called the wartime evacuation "a blot on the history of this country" and cited the rededication of the monuments at the Rohwer cemetery as an example of the new relationship not only between Japanese Americans and other Americans but also Japan and the United States.

CHICAGO COMMANDER

Commander Fujiwara of the Chicago Nisei Post, in an emotion-packed speech, recalled that in 1961 he and some of his fellow Legionnaires had driven down and participated in the dedication ceremonies. He remembered how a few of the local Legionnaires had discovered the weed-covered cemetery with its crumbling monuments and had cleaned and repaired the area. He also paid tribute to the Green Thumb organization that had beautified the plot and to the State of Arkansas for designating the region as an historical site. He said that these demonstrations of goodwill proved the friendship and humanity of the people of the Rowher area and of the State of Arkansas.

Congressman Bill Alexander, representing the neighboring counties to the north, commented on the Evacuation experience as one that few Americans were familiar with, but one which all should know to appreciate what the Japanese Americans had to overcome in their own country. He declared that their story was one that would give renewed faith in America.

Minister Yoshino noted that only a quarter of a century ago Japan and the United States were mortal enemies, but now both were staunch allies joined in cooperative efforts of mutual benefits to both nations. He said that the Japanese could take pride in the fact that Japanese Americans proved to be such loyal Americans in World War II and that they contributed so much to the present high status of United States-Japan friendship.

He expressed the fervent hope that both countries would provide leadership for peace and prosperity in the Pacific, citing the Okinawa reversion agreement as another and latest example of how friendly nations could work together for the common good of both countries and for all mankind.

HODDING CARTER II

JACL Representative Masaoka began his main address by presenting Hodding Carter III of Greenville, Miss., who accepted on behalf of his father, the famous Pulitzer Prize winning journalist whose wartime editorials calling for fair play for Japanese Americans set the pace for subsequent editorials in the nation's press and who is currently in a New Orleans hospital, a bronze medallion commemorating the centennial of Japanese immigration and Bill Hosokawa's book, "Nisei: The Quiet Americans".

He said that Hodding Carter II was typical of those few Americans who had the courage of their convictions and faith in American principles and were willing to speak out when it was not popular for fair play and justice for suspect Americans.

Masaoka added that he hoped Japanese Americans would vindicate that faith by now speaking out on behalf of fair play and justice for less fortunate Americans.

He spoke briefly of the Japanese Immigration Centennial, noting that what was inscribed on the monument at the Rohwer cemetery to those Issei who died while in camp was symbolic of the early Japanese immigrants.

"To him who sleeps eternally here. A descendant of glorious Yamato. Who came in his prime. With hopes and ambitions. Heroic to battle. The fortunes of life. Peace and bliss be yours. 1944."

Masaoka then paid tribute to the Nisei who volunteered in spite of their mistreatment, noting that as many served in the Pacific as served in Europe. He emphasized that he was proudest of the fact that many, if not most, of the combat decorations won by the Nisei GI, whether in Europe or in the Pacific, were for saving the lives of other men, and not for killing the enemy.

NISEI HEROISM

He retold the epic story of the rescue of the Lost Texas Battalion in the Vosges Mountains of northeastern France and matched that with the heroic sacrifice made by G–2 Sergeant Hachiya who was killed by American troops while trying to return to the landing forces on the island of Leyte in the Philippines.

He read the inscriptions on the cement monument to the Nisei war dead of the 442nd who volunteered from Rohwer, saying it expresses the hopes and aspirations of all Japanese Americans then. "In memory of our sons, who sacrificed their lives, in the service of their country. They fought for freedom. They died that the world might live in peace. October 20, 1945".

And by request, he re-read the Japanese American Creed.

Rev. J. B. Hunter, a former missionary in Japan and an assistant WRA director at Rohwer, gave the benediction, recalling the suffering and the sacrifices made by the Japanese American evacuees to prove what no American should have been required to prove—his loyalty to his country. He asked that there be no such repetition of that wartime treatment and called for vigilance to guard against a similar tragedy.

CEMETERY SERVICES

After the indoor services, the more than 500 Arkansans who attended, as well as some few Issei who had come down from southeastern Missouri to participate in tributes to their former friends and neighbors in the Rohwer camp, moved on by private cars and busses a mile to the cemetery site.

A dirt road led off the paved highway to a small lot, lined by trees and cleared of all weeds. There, within an enclosure bounded by a simple log fence, are the individual markers of more than 40 Rohwer residents who died while in the center. Each had a small wreath. In front of the small plot are two obelisk-like monuments, one topped by a star being in honor of the Nisei volunteer dead and the other topped by an American eagle in flight being in honor of the Issei dead.

Lewis Johnson, Jr., officiating, the simple but eloquent services were quickly concluded. First, as the Desha High School band played appropriate music, Governor Britt and Minister Yoshino placed floral wreaths in tribute at the monuments to the Nisei war dead and the Issei dead, respectively, followed by Consul General Hashida and H. Okada and Jim Yenari, both evacuees now living in New Orleans and formerly from Gardena and Los Angeles, respectively, and by Commander Fujiwara and JACL Representative Masaoka.

FLAG PRESENTED

Commander Fujiwara then presented an American Flag that had flown over the Capitol of the United States to Gov. Britt, who accepted it on behalf of the State. The color guard of the Nisei Post then "ran the Flag up the post and then halfway down in official mourning," as martial music was played. Meanwhile, it was announced that Congressman Pryor was going to present another Flag that will fly over the United States Capitol in Washington to the Nisei Post.

An honor firing squad composed of Legionnaires from local posts fired three volleys in salute to their departed comrades. Masaoka read the JACL Hymn, and "Taps" was played, with an echoing strain, as the two-day memorial honors to Japanese Americans ended.

Thus did a State of the Old Confederacy become the first in the nation to pay such official homage to the wartime experiences of Japanese Americans and demonstrate that, in spite of the passage of some 25 years, its citizens remember the WRA camps and its implications for all Americans today.

DAVID O. McKAY

HON. DEL CLAWSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, January 26, 1970

Mr. DEL CLAWSON. Mr. Speaker, it was my personal privilege to join with several other Members of the House of Representatives in a resolution expressing our sympathy and condolences to the David O. McKay family on the death of this religious leader, the president of the Church of Jesus Christ of Latter-day Saints.

As a youth of 17 I first met David O. McKay who was then an apostle of the church. During all of the intervening years he has maintained that first impression in my mind as a man of God, and in the church over which he presided he was revered as a prophet, seer, and revelator. Perhaps a more appropriate memorial to him on this occasion would be quotations from his pronouncements and views on the home, church, and state.

The importance of the home:

> The safety, the perpetuity of our government, or of any republican form of government, depends upon the safety and permanency of the home. Herein we get a glimpse of one thing in which this people may be the saviors, in a way, of this great nation. The home is the place where the perpetuation of the principles of liberty as well as the instructions in the gospel of Jesus Christ should be given to the children. When the home breaks up, the children begin to wander off into sin. Then the law must reach out to bring them back and try to teach them principles of service and of true government; but, oh, how helpless, how helpless the state when the home has failed.
>
> No success, however great, can compensate for failure in the home.

His witness for Christ:

> Easter should be a day of thanksgiving and divine worship. It is not a day for rejoicing because of the opening of springtime, not merely an opportunity to display beautiful

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hats and fine clothing—it is an occasion for the expression of gratitude to God for having sent His only begotten Son into the world, to be "the way, the truth, the life," to declare the eternal truth that "Whosoever believeth in him should not perish but have everlasting life."

When Christians throughout the world have this faith coursing in their blood, when they feel a loyalty in their hearts to the resurrected Christ, and to the principles connoted thereby, mankind will have taken the first great step toward the perpetual peace for which we daily are praying. Reject him and the world will be filled with hatred, and drenched in blood by recurring wars.

As Christ lived after death so shall all men, each taking his place in the next world for which he has best fitted himself. The message of the resurrection, therefore, is the most comforting, the most glorious ever given to man, for when death takes a loved one from us, our sorrowing hearts are assuaged by the hope and the divine assurance expressed in the words:

"He is not here: he is risen." Because our Redeemer lives, so shall we. *I bear you witness that he does live.* May each recurring Easter emphasize this truth, and fill our souls with the divine assurance that Christ is truly arisen, and through Him man's immortality secured, and may the day soon dawn upon the world when the manifestations of brute force and the false ideal that might makes right be supplanted by the charitable, peace-loving spirit of the Risen Lord.

His reverence for the Constitution and its guarantees of liberty:

Education for citizenship requires more emphasis upon the advantages and blessings of the American Way of Life. Next to life itself freedom is man's most cherished possession. . . .

Communism is antagonistic to the American Way of Life. Its avowed purpose is to destroy belief in God and free enterprise. In education for citizenship, therefore, why should we not see to it that every child in America is taught the superiority of our way of life, of our Constitution and the sacredness of the freedom of the individual. Such definite instruction is not in violation of either the federal or the state constitution.

Teach that free enterprise is the right to open a gas station or a grocery store, or to buy a farm if you want to be your own boss, or to change your job if you do not like the man for whom you work. Under Communism you work where you are told, and you live and die bossed by hardfisted bureaucrats who tell you every move you dare make. Free enterprise is the right to lock your door at night. In Communist countries the dread secret police can break it down any time they like. . . .

Education for citizenship demands more emphasis upon moral and spiritual values. Our government was founded on faith in a Supreme Being as evidenced by the Mayflower Compact, the Declaration of Independence, by George Washington and Benjamin Franklin in the Constitutional Convention, and by a hundred other incidents prior to, during, and following the birth of this Republic. Said the Father of our Country. "We have raised a standard to which the good and wise can repair; the event is in the hands of God."

God and individual freedom are fundamental principles in our glorious Republic, and our obligation is to keep in our schools a reverence for Deity and respect for the dignity of the individual man.

I love the Stars and Stripes, and the American Way of Life. I have faith in the Constitution of the United States. I believe that only through a truly educated citizenry can the ideals that inspired the Founding Fathers of our Nation be preserved and perpetuated.

I believe that four fundamental elements in such an education are:

1. The basic essentials of oral and written composition—arithmetic, social studies and science.
2. Loyal leadership as found in men who "cannot be bought or sold, men who will scorn to violate truth, genuine gold."
3. Open and forcible teaching of facts regarding communism as an enemy to God and to individual freedom.
4. More emphasis on moral and spiritual values.

MARTIN LUTHER KING—TRUTH REMAINS SUPPRESSED

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 27, 1970

Mr. RARICK. Mr. Speaker, in the past I have called on the Department of Justice to make available to the American people the evidence concerning the activities and associates of Martin Luther King. Former Attorney General Ramsey Clark now joins in the call inferentially, asking that the Department admit that certain officials and other private individuals have been permitted to sample the evidence.

A former Government official, who claims to have had access to the material in his official capacity, launched an attack on FBI Director J. Edgar Hoover, suggesting that tape recordings of bedroom conversations should not be permitted to exist, presumably because of a violation of privacy or of privilege.

It is appropriate to remark, as all lawyers know, that there is no privilege in bedroom conversations when the parties are not married to one another. And it is appropriate to note that there is a true public interest in the true facts of the life and activities of a Communist dupe and tool whom the Red-black machinery is attempting to fashion into a national and international hero.

A letter to the editor of a Florida newspaper last week indicates that the people will not be fooled.

And the current presence of Ralph Abernathy in Stockholm to receive more money from the notorious Gunnar Myrdal, who was the purported author of the Communist-prepared propaganda sheet on which the Supreme Court based its infamous Black Monday ruling in 1954, makes the argument for full disclosure compelling. The left obviously would not wish to conceal good news, and should not be permitted to conceal or destroy adverse evidence.

I include pertinent clippings in my remarks:

[From the Washington (D.C.) Evening Star, Jan. 27, 1970]

CLARK RAPS FBI ROLE IN PROBING KING

NEW YORK.—Former Atty. Gen. Ramsey Clark says the government should say if it's true that FBI tapes from listening devices installed in the late Dr. Martin Luther King's hotel rooms were played to publishers, senators, and others.

In an article in the current issue of McCall's magazine, Clark said: "Since his murder, rumors have spread that tapes from bugs, secretly installed in hotel rooms used by Dr. King were played to publishers, senators and others.

"The people of the United States should know whether this is true. Their government should tell them.

"The motives for such acts by the FBI, if true, are terribly dangerous. The purpose could only be to destroy a great leader and as a consequence to divide the nation."

Last year, Clark suggested that FBI Director J. Edgar Hoover retire after it was disclosed that the FBI had tapped King's phones. Hoover had explained that former Atty. Gen. Robert F. Kennedy had proposed it.

Clark said that when he was attorney general, Hoover repeatedly asked for authorization to tap King's phones. He said he refused all such requests, including one two days before King's assassination.

[From the Washington (D.C.) Evening Star, Jan. 27, 1970]

ABERNATHY RECEIVES $50,000 IN SWEDEN

STOCKHOLM, SWEDEN.—The Rev. Ralph David Abernathy, successor to Dr. Martin Luther King Jr. as head of the Southern Christian Leadership Conference, has received a check for $50,000 from Swedish donors to the organization.

The check was handed to Abernathy yesterday by Prof. Gunnar Myrdal, chairman of the Swedish Martin Luther King Foundation. Abernathy will lecture at Gothenburg and Lund before leaving for Atlanta, Ga., Saturday.

[From the Fort Myers (Fla.) News-Press, Jan. 21, 1970]

HOMAGE TO KING

EDITOR, NEWS-PRESS:

To pay homage to Martin Luther King in any laudatory form is an absolute contradiction to the tenets of dignity, respect and humility inculcated in the Constitution of these United States and in those persons who live under it, for it and honor it.

If honor is due to be bestowed on any man of African descent, the choice of Booker T. Washington or that eminent and self-effacing scientist Dr. Carver would be so correctly representative of greatness that Martin Luther King would be relegated to the historical niche he so appropriately qualifies—that of a sanctimonious loudmouth; a rabble rouser, a jailbird, a desecrator of established law, a leader of people (under the guise of non-violence) who became violently riotous and destructive, without any semblance of sanity or reason.

The Department of Justice, alarmed by this controversial pseudo-divinity, saw fit to keep him under surveillance for several years. A transcript of his contacts with unsavory and subversive characters would be a chapter of interesting revelations.

Under the spell of tribal instincts and the exhortations of this word-weaving mystic, the colored segment (along with some namby-pamby whites, who too neither spin nor weave) have been mesmerized into a labyrinthine maze of unqualified demands, of unwarranted hatreds and of specious expectations for a complete welfare state, borne by the white man, to perpetuate slothfulness, illegitimacy and disregard for the attributes of decency.

You and I, black and white, who have loved and respected this America find it now in the throes of emasculation of its past virtues and glory. The sufferance of conniving political regimes and the treacherous departures of the Supreme Court outside of its prescribed constitutional authority indeed lessens our comprehension of what we have gone to war for over these many years.

JAMES F. PIERCE.

CAPE CORAL.

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FIRES IN THE LIVING ROOM

HON. JOSHUA EILBERG

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 27, 1970

Mr. EILBERG. Mr. Speaker, on October 31, 1969, the National Commission on Product Safety released the alarming information that TV sets are responsible for 10,000 fires a year.

At that time I commended the commission on "its continuing excellent service to the public." The commission, an independent investigatory body without enforcement powers, provided the inspiration for passage in the first session of this Congress of the Child Protection Act, of which I was proud to be a sponsor. We also voted to extend the life of the commission in the first session.

Our faith in the continuing high quality work of this body is well justified. On Monday, January 26, the commission released the results of its independent survey of hazardous television receivers.

This information should be made available to the widest spectrum of consumers and in this interest, with the unanimous consent of my colleagues, I submit for the RECORD the commission's release, and two newspaper accounts of the commission's findings as published this morning in the Philadelphia Inquirer and the Wall Street Journal:

COMMISSION RELEASES INFORMATION ON COLOR TV HAZARDS

The National Commission on Product Safety today released the brand names and model numbers of color television receivers which it said exceeded the industry average for fire hazards.

At the same time the Commission, a fact-finding and study panel lacking regulatory agency powers, wrote involved manufacturers urging them to take steps to rectify potential hazards in any of the listed sets and citing recall, repair or replacement of faulty components as appropriate actions.

The letters to the electronic firms acknowledge that publication of model numbers would burden servicing facilities and that some of the listed models might not have defective components.

"Nevertheless," wrote Chairman Arnold B. Elkind, "we believe it essential that this information be furnished to the public and that appropriate action be taken . . . rather than risk the consequences of fires in color television receivers."

Approximately 22 million color TV sets are in use today. The smoke and fire incident ratio for color versus black and white TV is about 40 to 1.

The industry average of 0.120 incidents per thousand color sets was developed from information submitted to the Commission by manufacturers on the number of smoke and fire claims reported to them involving their products.

John I. Thompson and Co., technical engineers, were employed by the Commission to analyze the data. The firm ascertained the industry mean by dividing the number of fire incidents reported by the number of sets sold.

The Thompson Co. then advised the Commission that the following manufacturers, in descending order, exceeded the industry average: Lear Siegler (Olympic), Packard Bell, Magnavox, Sylvania, Philco-Ford and RCA.

Other manufacturers also reported incidents, but their aggregate incident rate was below the industry average. These were in descending order: General Electric; Admiral; Motorola; Emerson; Warwick (Sears); and Zenith.

The following is a list of 122 models which have had 3 or more incidents per 10,000 sets sold—more than twice the industry average.

Admiral—Models AK5598; C5311.

Emerson—Model 21T01.

General Electric—Models M902; M900; M961; M960; M280; M912; M258; M946; M920.

Lear Siegler (Olympic)—Models CK5413; CK5374; CK5368; CC3352; CC326; CC5359; CC5355; CC3345; CC3337.

Magnavox—Models U554; U504; T542; T540; T560; T539; U556; U546; U553; T541; T549; T543; T508; T538; T537; T507; T557; T558; T547; T534; T561; T562; T544; T568; U532; T566; T509; U524; T514; T552; U506; U505; T550; T548.

Motorola—Models 23RL325; 23CL328BS; CL803CS; WL851; CU610CW; CU612; 23CL325.

Packard Bell—Models CSW504; CSW402; CSW804; CSW500; CSW501; 25CD2; CSW702; CSW606; CSW602; CSW502.

Philco-Ford—Models Q5528; P6000; P5230; P6404; R5652; R5609; R6520; Q6420; Q5488; R6508.

RCA—Models GG739; HH864; HG885; HL850; HG889; GL736; GF731; GL748; GG721; HH844; HL872; JH640; GG607; GF753; GG643; GG661; GG733; GF636; FF555; GG667; GG843.

Warwick (Sears Roebuck)—Models 3123; 41912; 4190; 41952.

Sylvania—Models 25LC47; 25LC24PW; 25HC83; 25LC46; 25LC122B; 25HC71; 25LC19; 25LC113; 21LC36; CF481; 25LC114C; 21LC21; 25LC10; 21LC35.

The Commission's suggested recall involves more models of Magnavox than of any other manufacturer, but that company advised the Commission that each of its identified models was made during 1964 and 1965 and that "it has had no reports of comparable problems for later models."

Seventeen manufacturers representing more than 95 percent of the TV industry submitted information to the Commission during its fire hazard survey. The study was undertaken last October following consumer complaints, newspaper reports and Congressional inquiries. Since data submitted by four Japanese manufacturers were not comparable to that of U.S. manufacturers, Japanese brands were not included in the Commission survey. Industry-wide lack of uniform record-keeping prompted the Commission to suggest and the industry to agree to a more uniform system of recording information.

A Commission staff spot-check of major city fire departments which ascertain specific categories of causes of fires revealed varying numbers attributed to TV sets: 361 in New York in 1968; 215 in Chicago in 1969 (including radios); 13 in Houston since October 1967; an estimated 60 in Omaha in 1968; 43 in Denver in 1968; 131 in San Francisco since 1967; 112 in suburban Los Angeles in 1968. The Commission says that a conservative estimate relates about 10,000 fires each year to TV sets.

At a meeting between the Commission and TV industry representatives October 31, manufacturers agreed to assign top technical experts to a crash program to develop maximum safety standards aimed at preventing fires in color receivers.

Meantime, the Commission had pinpointed such TV component parts as flyback transformers, switches and yokes as possible causes of smoke and fire hazards in color sets.

When the industry presented the Commission with its proposed standards to minimize fire hazards in color sets, the Commission sent the proposals to an independent engineering firm—Tracor, Inc. of Austin, Texas—for evaluation.

Tracor advised the Commission that even further improvements should be made to the proposed upgraded standards, particularly in three fire-prone areas—flyback transformers, capacitors and yokes.

The Commission commended the industry for its efforts and urged that the additional proposals be taken under consideration.

[From the Philadelphia Inquirer, Jan. 27, 1970]

U.S. PANEL LISTS COLOR TV SETS AS FIRE RISKS

WASHINGTON, January 26.—The National Commission on Product Safety identified Monday 122 models of color television sets which have been exploding or catching fire at an above-average rate.

The Electronic Industries Association immediately accused the commission of creating an unfair competitive advantage for some manufacturers by releasing the information.

The commission, which has been conferring with the industry for three months and recently chided manufacturers for not moving fast enough said the nation's 22 million color sets have been igniting at the rate of 12 per 100,000.

FIRMS NAMED

The commission said the sets it identified were catching fire at the rate of 30 per 100,000.

The commission said Olympic television sets manufactured by Lear Siegler Corp., averaged the highest rate in the industry. Nine of the firm's models were identified as potential hazards.

The other firms identified as exceeding the industry average were, in descending order: Packard Bell, Magnavox, Sylvania, Philco-Ford and RCA.

Five firms were identified as having an incidence rate below the industry average, even though certain models caught fire at the 30-per-100,000 rate Those firms were, in descending order: General Electric, Admiral, Motorola, Emerson, and Warwick (Sears).

QUALIFIES LISTINGS

At the same time the commission released the names of the sets, it dispatched letters asking the manufacturers to recall, repair, or replace faulty sets.

Commission chairman Arnold B. Elkind noted that some sets on the commission list might not be fire hazards.

"Nevertheless, we believe it essential that this information be furnished to the public and that appropriate action be taken . . . rather than risk the consequence of fires in color television receivers," Elkind said.

The television industry had undertaken what it called a crash program after the commission estimated in October that as many as 10,000 color sets were catching fire every year, some even while turned off.

The commission and industry pinpointed the causes of the fires. The industry proposed protection standards which the commission said last month did not go far enough.

Tracor, Inc., an engineering firm hired by the commission, complained that the industry's new standards still permit temperatures hot enough to initiate combustion and materials to support combustion.

U.S. SETS ONLY

The commission said its survey of fire hazards covered 17 manufacturers representing 95 percent of the industry. The commission did not analyze data submitted by Japanese manufacturers, the commission said.

In assailing the commission's action, Jack Wyman, staff vice president of the electronics association, said in a statement:

"This data was not furnished in order to permit the commission to assign ratings, by name, to the various companies about relative frequency of alleged incidents."

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UNDUE ALARM

"Television sets are safe products," said Wyman, calling the problem of fires infinitesimal compared to the number of sets in American homes.

The commission report "will result in unduly alarming the public about the relatively limited problem," he said.

List of manufacturers and model numbers of the television sets identified by the commission as catching fire at an above-average rate:

Admiral—AK5598, C5311.

Emerson—21T01.

General Electric—M902, M961, M901, M960, M280, M912, M258, M946, M920.

Lear Siegler (Olympic)—5413, CK5374, CK5368, CC3352, CC326, CC5359, CC5255, CC3345, CC3337.

Magnovox—U554, U504, T542, T540, T560, T539, U556, U546, U553, T541, T549, T543, T508, T538, T537, T507, T558, T547, T543, T561, T562, T54, T568, U532, T566, T509, U524, T514, T552, U506, U505, T550, T548.

Motorola—23RL325, 23CL328BS, CL8030CS, WL851, CU610CW, CU612, 23CL325.

Packard Bell—CSW504, CSW402, CSW804, CSW500, CSW501, 25CD2, CSW702, CSW606, CSW602, CSW502.

Philco-Ford—Q5528, P6000, P5230, P6404, R6552 R5609, R6520, Q6420, Q5488, R6508.

RCA—GG739, HH864, HG885, HL850, HK-889, GL736, GF731, GL748, GG721, HH844, HL872, JH640, GL607, GF753, GG643, GG661, GG733, GF636, FF555, GG667, GG843.

Warwick (Sears Roebuck)—3123, 41912, 4190, 4195.

Sylvania—25LC47, 25LC24PW, 25HC83, 25-LC46, 25LC122B, 25HC71, 25LC19, 25LC113, 21LC36, CF481, 25LC114C, 21LC21, 25LC10, 21LC35.

[From the Wall Street Journal, Jan. 27, 1970]

PRODUCT SAFETY BOARD URGES 11 TV MAKERS TO RECALL 122 MODELS—U.S. GROUP INVESTIGATING FIRES IN UNITS SAYS SIX CONCERNS' COLOR SETS TOPPED INDUSTRY AVERAGE

WASHINGTON.—The National Commission on Product Safety urged 11 major television-set makers to recall 122 specific color models to check for potential fire hazards.

A commission spokesman estimated that the proposed recall would involve "several hundred thousand" sets, although an exact figure was unavailable. There are currently 22 million color TV sets in the U.S.

The Government commission, which has been studying color TV-set fires, also reported that sets made by six of the manufacturers generally exceeded an industry average of 0.120 fire or smoke incidents per 1,000 color sets sold.

The six companies whose sets exceeded the industry average were said to be, in descending order: Lear Siegler Inc., maker of Olympic sets; Packard-Bell Electronics Corp., a subsidiary of Teledyne Inc; Magnavox Co.; the Sylvania subsidiary of General Telephone & Electronics Corp.; the Philco-Ford subsidiary of Ford Motor Co., and RCA Corp.

The commission also said six other companies reported TV-set fire incidents at rates below the industry average. The lowest rate was reported by Zenith Radio Corp., followed in order by Warwick Electronics Corp., maker of Silvertone brand sets sold by Sears, Roebuck & Co.; National Union Electric Corp., maker of Emerson Sets; Motorola Inc., Admiral Corp., and General Electric Co.

The 122 models the safety commission asked to be recalled were those which data indicated have averaged three or more fire incidents per 10,000 sets sold—more than twice the industry average. Except for Zenith, the list included at least one set made by each of the manufacturers reporting fires. The list included 34 Magnavox models, 21 RCA models, 14 Sylvania models and lesser numbers of models made by the other companies.

The commission said it had been advised by Magnavox that each of its listed models was made during 1964 and 1965 and that the company hasn't had any reports of comparable problems for later models.

JAPANESE MAKERS OMITTED

Data submitted by four Japanese manufacturers wasn't included in the study because the information wasn't comparable to that provided by U.S. companies, the commission said.

The Electronic Industries Association, a Washington-based trade group, immediately issued a statement sharply criticizing the commission's report as misleading and unfair.

"Television sets are safe products," said Jack Wayman, a staff vice president of the association. "We regret that the commission has persisted in its decision to point the finger at particular manufacturers in this highly competitive business" and to initiate publicity "which will result in unduly alarming the public about this relatively limited problem," Mr. Wayman said.

The association didn't respond to the commission's proposal that the specified TV sets be checked and, if necessary, repaired.

In New York, a Sylvania spokesman said the company hadn't any comment on the specific point of recalling color sets. Sylvania issued a statement saying that four of five hazardous incidents involving its products occurred in sets made before 1966, "the early era of color TV." Since then, the manufacturer stated, it has used more sophisticated components with the result that the incidence of fires "diminished almost to the vanishing point."

"In the report submitted by Sylvania, there were only two incidents for sets produced in 1968, and none for sets produced in 1969," the company continued. It said it had reported in full its records of such incidents and that they represented fewer than three sets of every 10,000 sold since the beginning of 1965. Servicemen have been authorized to replace components that don't meet "our high standards of safety," Sylvania said.

ADMIRAL QUESTIONS STUDY

Admiral Corp. said it hadn't seen the commission's announcement and declined to say whether it will recall the models cited by the commission. However, in a prepared statement it did say, "The models mentioned specifically by the commission were produced in 1966 and 1967. Many of the alleged incidents haven't been confirmed, and some were found not to have been caused by our product. We question the method of computation used in preparing the analysis data provided by television manufacturers and believe the interpretation of it is misleading."

An RCA spokesman said in New York, "RCA will evaluate promptly and thoroughly the findings of the commission and immediately take whatever action is appropriate.

A spokesman for Philco-Ford said, through the commission attributes the problem to specific components, the data the company submitted "reveals we don't have any specific problems with any of our components." In five years, he said, only 16 liability claims have been made against Philco-Ford color TV sets in connection with fire or smoke. Some have been dismissed, and others are still in litigation, he added, The spokesman said the concern had presented its position to the commission in a letter.

At Lear Siegler, Bill Roach, assistant to the vice president of the commercial products group, said the concern hadn't seen the commission's release yet. "We don't believe the sets are dangerous or harmful at all," he also said.

Sears-Roebuck, which purchases most of the color sets made by Warwick Electronics, said, "We feel many, if not most of these (faulty sets) have already been inspected and repaired. We are following through on the others." A spokesman said the basic problem was with a faulty on-off switch bought from a subsupplier. Warwick is 59%-controlled by Whirlpool Corp.

Here is a list of 122 color-TV models, which the National Product Safety Commission reported as having had three or more fire incidents per 10,000 sets sold:

Admiral—Model AK5598, C5311.

Emerson—Model 21T01.

General Electric—Models M902, M900, M961, M901, M960, M280, M912, M258, M946, M920.

Lear Siegler (Olympic)—Models CK5413, CK5374, CK5638, CC3532, CC326, CC5359, C5355, C3345, CC3337.

Magnavox—Models U554, U504, T542, T540, T560, T539, U556, U546, U553, T541, T549, T543, T508, T538, T537, T507, T557, T558, T547, T534, T561, T562, T544, T568, U32, T566, T509, U524, T514, T552, U506, U505, T550, T548.

Motorola—Models 23RL325, 23CL328BS, CL803CS, WL851, CU610CW, CU612, 23CL325.

Packard Bell—Models CSW504, CSW402, CSW804, CSW 500, CSW501, 25CD2, CSW702, CSW606, CSW602, CSW502.

Philco-Ford—Models Q5528, P6000, P5230, P6404, R5652, R5609, R6520, Q6420, Q5488, R6508.

RCA—Models GG739, HH864, HG885, HL-850, HG889, GL736, GF731, GL748, GG721, HH844, HL872, JH640, GG607, GF753, GG643, GG661, G733, F636, FF555, GG667, GG843.

Warwick (Sears-Roebuck)—Models 3123, 41912, 4190, 41952.

Sylvania—Models 25LC47, 25LC24PW, 25HC83, 25LC46, 25LC122B, 25HC71, 25LC19, 25LC113, 21LC36, CF481, 25LC114C, 21LC21, 25LC10, 21LC35 .

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